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HOUSE OF REPRESENTATIVES—*Tuesday, June 27, 1972*

The House met at 11 o'clock a.m.

Rev. Lowell S. Garland, the United Methodist Church, La Vale, Md., offered the following prayer:

Almighty God, we come in gratitude today for the gift of life, for the blessings of home and family, and for the opportunity that is ours to serve our Nation and mankind. We thank You in this moment that You have not left us alone, but that You do govern with authority in the affairs of men.

We confess that our greatest need as individuals and as a nation is for Your help. When we rely upon our own wisdom we are given to despair. We find ourselves divided by our own partial interests, and our most cherished projects are confounded.

Come into our hearts, O Lord. Come with divine guidance and bless all the deliberations in this Chamber of Government today. Give these Your servants a vision of the needs of Your people, and then use them as instruments of Your holy will and purpose.

In the name of our Lord, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. LOWELL S. GARLAND

(Mr. BYRON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRON. Mr. Speaker, we are honored today to have as our guest chaplain the Reverend Lowell S. Garland of the La Vale United Methodist Church in La Vale, Md. I am delighted Reverend Garland could be here with us today in the House of Representatives, and I hope he can return again.

Reverend Garland is a graduate in psychology of the American University in Washington, D.C. He followed his studies there at the Wesley Theological Seminary also here in Washington. He is married to the former Eula Ann Stone, and they have two children, Linda Sue Garland and Edward L. Garland. He has previously served in New Market, Md., Wytheville, Va., Brookville, Md., Chevy Chase, Md., and has been at his present pastorate since 1969, where he is a much-respected community leader.

I welcome Rev. Lowell S. Garland to the House of Representatives and thank him for his stirring prayer to open today's session of the House. I hope he and his family and friends will come back often to be with us.

APPOINTMENT OF CONFEREES ON S. 635, AMENDING MINING AND MINERAL POLICY ACT OF 1970

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, with the House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, EDMONDSON, BARING, SAYLOR, and MCCLURE.

APPOINTMENT OF CONFEREES ON S. 3284, MISSOURI RIVER BASIN AUTHORIZATION INCREASE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, with the House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, JOHNSON of California, HOSMER, and CAMP.

APPOINTMENT OF CONFEREES ON H.R. 13435, UPPER COLORADO RIVER BASIN AUTHORIZATION INCREASE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13435) to increase the authorization for appropriation for continuing works in the Upper Colorado River Basin by the Secretary of the Interior, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, JOHNSON of California, HOSMER, and LLOYD.

ANSWERS OF CONSTITUENTS TO QUESTIONNAIRE

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I felt that Members of the House would be interested in a personally conducted survey in my district; the people questioned were both apartment dwellers and homeowners. A total of 283 persons were interviewed.

We asked the following questions with results as indicated:

1. There is a limit on how much a person can earn after age 65 without losing his Social Security benefits. Presently, the limit is $1680. Congressman Peyser has proposed legislation increasing this to $3600. Would you support this legislation? Yes 280; no 3.

2. Congressman Peyser has testified before the Price Commission complaining about the increase in food prices over the past six months. He has suggested that, if food prices do not drop in the immediate future, controls be placed on food prices. Would you support this legislation? Yes 235; no 46.

3. Do you agree with Congressman Peyser's position that money should not be spent to bus our children for racial balance, but rather should be spent to improve the quality of education? Yes 195; no 88.

THE LATE HONORABLE CARL W. RICH, FORMER MEMBER OF THE HOUSE

(Mr. KEATING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEATING. Mr. Speaker, at this time I would like to bring to the attention of my colleagues in the House the fact that a former Member from my district has died, Mr. Carl Rich. He was formerly mayor of the city of Cincinnati, formerly councilman, and formerly a judge of the court of common pleas. He died yesterday at the age of 73 at Cincinnati, Ohio. He served in this House from the First District of Ohio from 1962 to 1964.

I had the privilege of serving as a judge on the same court on which Carl Rich served. DONALD CLANCY, Congressman from the Second District, succeeded Carl

Rich as mayor of the city of Cincinnati, and those were probably the two most popular mayors who ever served in that category in the city of Cincinnati for many, many years.

It is therefore with deep regret that I have to report to the Congress the death of our former colleague, Carl W. Rich, who served with distinction in this House from the First District of Ohio.

Most of you know the outstanding record he performed while serving in the Congress.

But it is in our community of Cincinnati where Carl Rich made his imprint as a community leader, attorney, mayor, and businessman.

His unselfish dedication to those he served and to those who knew him and worked with him clearly made Carl Rich a man we all admired.

After a long and outstanding record as a judge, Carl Rich resigned from the bench to seek election for the congressional seat in my district, the First District, in 1962.

Born in Cincinnati, September 12, 1898, Carl Rich attended Avondale Public School and was graduated from Walnut Hills High School. His first business venture was selling newspapers at Reading Road and Rockdale Avenue. In 1922 he won his A.B. degree, in 1924 his law degree from the University of Cincinnati which also conferred an honorary LL.D. degree in 1939. He received the University of Cincinnati Distinguished Alumni Award in 1966.

In his early years of law practice, Carl Rich served on the faculties at the University of Cincinnati and other area schools, teaching oratory, public speaking, and commercial law.

He served in World War I with distinction, entering the army as a private and being discharged as a second lieutenant. He also served in World War II as a lieutenant in the infantry and was separated as a lieutenant colonel after 3 years with the chemical warfare division.

He first entered public service when he served as assistant city solicitor in 1925.

In 1930 he was elected to a short term in common pleas court but resigned to accept the position of county prosecutor. He was reelected to that post in 1940 and again in 1944, resigning to fill a vacancy on the Cincinnati City Council. He was named mayor on March 5, 1947.

In 1957, Carl Rich was elected to the court of domestic relations where he served until he resigned his judgeship to run for Congress.

Carl Rich formerly was president and chairman of the board of the Cincinnati Royals basketball team and also was an officer and director of many building and loan institutions in the Cincinnati area including the Kennedy Savings & Loan Co., the Central Hyde Park Savings & Loan Co., the First National Bank of Morrow, the Grand Central Savings & Loan Co., the Home State Savings & Loan Co., and the Hamilton Mutual Insurance Co.

He was a 33d degree Mason and a Shriner, a member of the Moose and Eagles and the Hyde Park Community Church.

A widower, his wife, Frances Ivins Rich died in 1965. They had no children.

Mr. Speaker, truly our community will be saddened by the loss of Carl Rich. We all will miss him.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. KEATING. I yield to the distinguished minority whip.

Mr. ARENDS. I was sorry to learn of the passing of this good and fine man, Mr. Rich. I had the privilege and opportunity of serving with him during the time he was a Member of this body. He was a delightful individual, the type of person one enjoys visiting with, and working with. He was very diligent during the time he was in the Congress of the United States, dedicated to the service of this Nation, his State, and his country.

Those of us who were privileged to know him, we considered him one of the finest gentlemen who ever came to this body. I am indeed sorry to learn of his passing, and I extend to his family my deepest and sincere sympathy.

Mr. KEATING. I thank the gentleman from Illinois for his gracious comments.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Ohio.

Mr. DEVINE. I wish to commend the gentleman from Cincinnati for taking this time to commemorate the passing of our great former colleague, Carl Rich of Cincinnati. He was probably one of the most friendly, most cordial Members of Congress during the time I have had the honor to serve here. I recall that very frequently Carl Rich would take constituents to lunch, and it did not make any difference whether they were from his district or from the district of some other Member. If they were from Ohio, he was glad to accommodate them. He was a dedicated, hard-working man who served his Nation with honor and his city with distinction, not only as mayor but also as a judge and as a colleague.

Mr. KEATING. I thank the gentleman for his kind remarks.

INCREASE IN RETAIL SALES

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, the Department of Commerce reported recently that retail sales increased sharply during May. The volume was a seasonally adjusted $36.79 billion, up 2.3 percent from April and 9.8 percent above May 1971. Total retail sales, as seasonally adjusted, for the first 5 months of this year are 8.4 percent above the comparable period in 1971. In the important durable goods category, sales last month totaled an adjusted $12.22 billion, 3.3 percent above April and 15.5 percent above May 1971. Total durable goods sales, as adjusted, for the first 5 months of this year are 13.1 percent above sales in the comparable period last year.

Shortly after releasing the May retail sales figures, the Department of Commerce reported that last month industrial output also continued its recent strong growth. During May industrial production rose 0.5 percent to a seasonally adjusted 111.6 percent of the 1967 average. During the 9 months since the President introduced his new economic policy, the Index has risen from 105.3 to 111.6, an annual rate of increase of almost 8 percent. This compares to an increase in the 9 months preceding August 1971 from 102.6 to 105.3, an annual rate of increase of 3.5 percent.

Mr. Speaker, this strong industrial production, accompanied by the rapidly rising consumer demand reflected in the retail sales figures, is still further evidence that our economy is continuing to surge ahead.

MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15495, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before rising on yesterday, it had been agreed that title I, on page 2, through line 23 would be considered as read, printed in the RECORD, and open to amendment at any point.

Are there any amendments to be proposed to title I?

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like, if I may, to take this time simply to emphasize some of the salient points made in my speech yesterday.

In the first place, in all our defense planning our objective is not to make war. It is to deter war. We do not seek military superiority in any one category of weapons or on an overall basis. We seek a well-balanced defense, no more, and no less than is sufficient to our national safety and to deter aggression.

In determining what is sufficient we must necessarily take into account what our adversaries, real, and potential, have on hand and on order, and what we and our allies have on hand and on order.

And it is well to bear in mind that what is sufficient today may not be sufficient tomorrow. We must plan now for the distant tomorrow, several years hence.

The bill our committee presents to you today is based on these general premises: What is sufficient under all the circumstances as we look to the future?

Our committee made a total of $1.5 billion reductions in preparing this bill. This is the largest cut our committee has ever made in a defense bill. Part of this cut—$582 million—was the result of SALT. And independent of SALT our committee made reductions of almost a billion dollars—$981 million, to be exact.

The reduction made by our committee belies the allegations that there is really no saving from SALT, that the money would be spent on new strategic weapons. Obviously, this is not the case. But I must say that if SALT is not ratified there will have to be a supplemental. There would be no alternative.

In this connection, Mr. Chairman, I should like to say a word or two about some of this nonsense that has been circulated about military spending. Of course our defense budget is huge, and it may be politically popular to attack it. But we should make certain that the American people have the facts.

Our defense budget is huge, but it is not excessive. As a matter of fact, the new budget allocates more money to the Department of Health, Education, and Welfare than to the Department of Defense.

As far as the trend of spending for procurement of weapons is concerned, it has been downward for several years. In real terms—that is after inflation is taken into account—procurement outlays have dropped almost every year since 1967.

In 1971 weapons procurement expenditures were only about 70 percent of the 1967 level.

Those who contend that our defense budget could be reduced by $10, $20, $30 billion or more should be reminded that 57 percent of our defense budget is for personnel and personnel-related costs. This is true even though President Nixon has been able to reduce the Armed Forces by 1 million men and has reduced defense civilian employment by several hundred thousand. The major reason why our personnel costs are so high is that the Congress insisted that we establish an all-vounteer force and to this end, substantially raised all military pay, particularly at the lower levels.

With 57 percent of our defense budget going for personnel and personnel-related costs, where are the billions to be found in weapons procurement when it is already at a low level?

There is one final point, Mr. Chairman, that I should like to emphasize and which I developed in my speech of yesterday: The offensive strategic weapons—the B–1 bombers to replace the B–52, and the Trident to replace the Polaris submarines included in this bill were requested prior to SALT. These are follow-on items to replace those that will be over 20 years old by the time these items, now to be authorized, are deployed. Our committee would have sought their authorization whether or not there was a SALT agreement. They are necessary if we are to continue to have a balanced national defense sufficient to deter aggression.

The SALT treaties address themselves to quantities but not to quality. It is to quality that we are addressing ourselves in the authorization bill. It is for this reason that the only increase in this bill over fiscal 1972 is for R.D.T. & E. funds. We are determined that we shall maintain our technological advantage. The SALT was only the beginning in our negotiations for a mutual reduction in military weapons. If we are able to be successful in our further negotiations with Russia, we must maintain a position of strength.

I hope this measure will receive the full support of the House. No item is entitled to a higher priority than our national safety. As President Nixon said in his state of the Union address:

> Strong military defenses are not the enemies of peace. They are the guardians of peace.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Pike: Page 2, line 14, strike out "$3,201,300" and insert "$2,954,300 none of which shall be used for the authorization of additional ships or the procurement of long lead time items for additional ships of the DD 963 class.

Mr. PIKE. Mr. Chairman, the gentleman who preceded me in the well asked that in the debate on this bill we address ourselves to the facts and oh, man, would I love to. The problem is that most of the facts have been taken out of the hearings. Most of the facts have been classified.

We cannot find, reading the record, how bad the performance has been on the LHA contract, because it has been deleted. The only thing we will find, on page 10567, was that the original cost of one of the ships was supposed to be $43 million, and the current estimate is $183 million. From $43 million to $183 million per ship.

This amendment strikes out $347 million for the follow-on ship to be built at the same yard.

One cannot address himself to the facts on this one either, because again all of those facts have been taken out of the hearings. If one reads the testimony regarding the LHA contract and the DD 963 contract it is just replete with the word "deleted." One cannot find out how much the cost has escalated.

One cannot find out how much the time has been delayed, because that has all been deleted.

And then the gentleman from Illinois says, "Please address yourselves to the facts." I would dearly love to. I know how much they have been delayed, and I know how much the cost has grown, and there are a few indications in here.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I have only 5 minutes, and I would say to the gentleman I would rather he got his own time on this particular amendment.

The gentleman declines to yield.

Mr. LEGGETT. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. I wish to point up the absence of a quorum, Mr. Chairman. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 230]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Baring
Blanton
Blatnik
Boggs
Brinkley
Broomfield
Burke, Fla.
Burton
Caffery
Celler
Chisholm
Clark
Clay
Conyers
Culver
Davis, S.C.
Dent
Dickinson
Dowdy
Edwards, Calif.
Erlenborn
Esch
Findley
Fish
Flood
Ford, Gerald R.
Ford, William D.
Fulton
Gallagher
Goodling
Gray
Griffin
Griffiths
Hagan
Hall
Hawkins
Heckler, Mass.
Holifield
Johnson, Pa.
Kastenmeier
Kee
Kyl
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Metcalfe
Minshall
Mollohan
Morgan
Mosher
Moss
Pepper
Pucinski
Rarick
Reid
Rosenthal
Scheuer
Schneebeli
Schwengel
Scott
Teague, Tex.
Terry
Ware
Whalley
Wiggins
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15495, and finding itself without a quorum, he had directed the roll to be called, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New York (Mr. Pike) had 2 minutes remaining in support of his amendment.

Mr. PIKE. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Chairman, I find that, being a little old country boy, I left three zeros off my amendment on both the total amount and the amount to be stricken, so I ask unanimous consent that the amendment may be corrected and reread.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk reread the amendment as follows:

> Amendment offered by Mr. Pike: Page 2, line 4, strike out $3,201,300,000" and insert "$2,954,300,000 none of which shall be used for the authorization of additional ships or the procurement of long leadtime items for additional ships of the DD–963 class."

The CHAIRMAN. The gentleman from New York has 7 minutes in support of his amendment.

Mr. PIKE. Mr. Chairman, this amendment strikes $247 million. The $247 million is designated at the moment to go to pay for the purchase of long leadtime items for ships Nos. 17 through 23 of the DD-963 class.

In other words, we have already authorized 16 DD-963's and we have not laid the keel for No. 1 yet and here we are going ahead with money for 17 through 23.

Now, why should we stop it? At the moment the same shipyard which has the contract to produce these ships is working on another ship called the LHA and on that contract they are 400 percent over cost and 2 years behind schedule.

Now, that contract—and you can elicit a few things from the hearings on this—has at the end of 40 months a very major clause in it and the clause simply says that when that contract is 40 months old they go from the procedure of payments as money is expended to payments as progress is made; and the fact of the matter is that when we reach that point the Government is not going to owe the contractor any money, the contractor is going to owe the Government money because the contractor has already been paid for more work than he has done on the ships.

I do not think there is any member of the committee who really believes that this contractor can produce these DD-963's for the scheduled cost and within the scheduled time period. I do not think the Navy believes this. I do not think the chairman of our committee believes this and I guarantee you I do not believe this. It is absolutely impossible for them to do it.

The testimony shows that as to their manpower requirements—and I call your attention to page 10589 of the hearings:

> Admiral GOODING. The projection is even with their current hiring rate, they will be 2,000 men short by the end of the calendar year.
>
> The CHAIRMAN. 2,000 men short by the end of the calendar year. What is their retention rate?
>
> Admiral GOODING. About 50 percent, sir.
>
> The CHAIRMAN. About 50 percent is the retention.
>
> Admiral GOODING. Yes, sir.

So they are having a 50-percent turnover in personnel, they are 2,000 men short, this despite the fact that they are paying $1,000 bonuses to get people to come work there. They are not only paying $1,000 bonuses to get people to come work there, their rate of pay for production workers in the last year has gone from $3.60 an hour to $4.80 an hour. The production work on the prior contract, the LHA contract, in April when we were talking about this, was only 2 percent done, 2 percent of the production work had been done.

Now, there is just no way on earth that this contractor can perform this contract.

What I am asking is that we stop this thing right here, right now, with the 16 which have already been authorized, see how badly it turns out, and it has got to turn out badly, but see how badly it turns out.

You are going to hear a lot of talk from the other side—that if we cancel the contract, there are going to be all these penalty payments due to the contractor.

Well, I guarantee you that penalty payments due are going to be nothing compared to the cost overruns if we do not stop the contract.

As I say, they are at 400 percent overcost on the ships which they are building right now. They are short of manpower. Their wage rates have increased by 33⅓ percent by last year and the most reasonable thing we can do on this contract is to call a halt to it right now.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I could not agree more on some of the things that the gentleman from New York has said in connection with this contract. I do not believe that any one contract or any one subject matter which we have discussed and considered in committee caused more anguish and more agonizing moments than did this particular contract.

We recognized immediately the shortcomings based on the past performance of this particular shipyard. But I think what it does show demonstrated the alertness of the committee as a result of this strong investigation and in-depth study of the situation as it related to the seven DD-963 destroyers, which at no time did the chairman after knowing the facts of the case, intend to ask the committee to authorize. Nor did I believe the committee would authorize these seven extra destroyers, in view of the performance of this particular shipyard in the past.

However, there was an obligation on the part of the committee to keep the subcontractor line open if at all possible, within reason, to be assured that the Government would get its product within reasonable cost parameter.

Now the gentleman from New York has described the LHA contract. This has absolutely nothing to do with the DD-963 contract.

So do not become confused.

The committee, the gentleman from Illinois (Mr. ARENDS) and Mr. Slatinshek and Mr. Norris and I went down and made a special personal investigation on the site of this shipyard.

We came away, after looking at what is the most magnificent shipyard that I think I have ever seen, with a new understanding of ship production line techniques, but with the realization that the LHA ships had not yet been produced in accordance with the requirements of the LHA contract.

Keep in mind now what we are talking about is that this shipyard has met every obligation under the contract on the 16 destroyers. The gentleman from New York has said that the keel has not been laid. I inform him that the keel was just recently laid 6 months ahead of time. Under the contract, the first keel was not to be laid until January. The metal has been cut 6 months ahead of time.

The eagerness of the company to produce is quite evident.

The gentleman from New York (Mr. PIKE) has said they are paying $1,000 bonus to hire people. We examined that thoroughly in committee, and I was much disturbed about it and I learned on our visit down there afterwards, that this practice has not been indulged in in over a year.

They seem to be on their way, and I think in fairness, we should give them every opportunity to perform on this contract.

Now in order to protect ourselves and to protect the Government, we have arranged through the cooperation of the Navy and the contractor to have a 1-year slip in which we then will give $247 million, the amount which the gentleman from New York wants to cut out, to purchase long-lead items. But this in no way authorizes seven new destroyers.

If you will read the report on pages 15 to 18, you will see the exchange of correspondence and there is spelled out in full detail the arrangements that have been made. The money expended on these long-lead items in the event the options are not taken up a year from now, will not be lost since much of this equipment will be usable on other shipbuilding programs.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(Mr. HÉBERT asked and was given permission to proceed for 2 additional minutes.)

Mr. HÉBERT. In other words, if the option is not picked up by the Navy or by the Government or by the Departmet of Defense, these long lead items in great part can be used in other vessels that are now under construction or will be under construction, so the Goverment loses nothing in the long lead items because they can be utilized in future construction.

At the same time we maintain our option; at the same time we give this yard an opportunity to perform; and I have every hope that it will perform.

I do not defend the LHA contract at all, but that is not before us today. I do not defend its past performance; it is terrible in my book; and that caused the committee to go into the proposition. Of further interest to the House is that, as a result of going into this contract, the committee included in this bill a provision which prohibits future multiyear contracts. The provision strikes at the very basis of this particular trouble in which we find ourselves. The committee vote, in support of this provision on multiyear procurement was as I recall a unanimous voice vote. The committee has been concerned with this contrasting problem but deleting $247 million is not the way to solve it. I certainly urge rejection of the amendmnt.

Mr. HATHAWAY. I rise in support of the amendment.

Mr. Chairman, I think it is obvious from the statement made by the gentleman from New York (Mr. PIKE) and the testimony adduced at the hearings that Litton Industries will not be able to perform under this contract, and that the House would be wise in not expending any more money for the purpose of allowing Litton to build the remainder of the ships. Actually I think that any contracts for any remaining ships should be put out for rebid to give other yards in this country an opportunity to finish the job. I know there are other yards, including the Bath Iron Works in Maine, that would be equipped to finish the contract and do it on time.

Litton's history of schedule delays, cost overruns, and manpower shortages provide eloquent testimony in support of the gentleman's amendment. Secretary Laird has admitted the Pascagoula yard is significantly behind on the LHA contract; a GAO study has concluded that a significant delay in the production of the LHA ships would "have a material effect on the DD-963 contract." Authorizing more money for Litton under this destroyer contract is like pouring money into an empty hull. We have an obligation to the taxpayers of this country to demand more in terms of cost control and onschedule delivery than Litton can provide.

Mr. PIKE. Will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from New York.

Mr. PIKE. My distinguished chairman has stated that he heard or he was advised that the first keel had in fact been land on the DD-963 contract 6 months ahead of time. I simply say I do not know what he has heard. There is absolutely nothing in the record which indicates that. In fact, the testimony of the Navy in this regard is:

> The major problem is that the latest delay in LHA results in LHA construction being superimposed on the scheduled DD-963 construction. It is feasible to expand the facilities of the shipyard to accommodate construction of both programs simultaneously. The concurrent manpower expansion necessary is a more difficult problem. Without knowing the success Litton will have in solving this problem, predictions of DD-963 delivery schedules are only guesses.

If we are being asked to authorize money for ships 17 through 23 where they can only guess as to the delivery of ships 1 and 2, I think it is a very sad state of affairs.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield to me?

Mr. PIKE. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I thank the gentleman for yielding to me. Here is how you get confused in a lot of mumbo-jumbo. The testimony which the gentleman from New York has just read, of course, is accurate. That is when it took place. This is what sparked the alertness and the investigation of the committee, which was its duty and its responsibility. I am sure if one had read the weather bulletins back in January he would have found no indication of the Hurricane Agnes, but it did occur. At the time it was accurate. It was our duty then to correct the shortcomings, which we have.

The keel has been laid. We have been informed formally that the keel has been laid, and there is not one iota of authorization in this bill for the continuation of this contract. We are not authorizing seven new destroyers. We are only authorizing the long-lead items.

If the ship construction company can produce, they will get their authorization from Congress. If they cannot produce, they do not get their authorization. It is as simple as that. The Government is protected, the committee is protected, the Defense Department is protected, and the taxpayers are protected—all through the operation.

Mr. HATHAWAY. I reiterate my remarks, that I do not think the DD-963 contract can be performed by Litton. I think the amendment is fully justified. I hope the Members will support it.

Mr. HICKS of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from New York and others will offer a number of amendments today, some of which I will support—enough of them to make my chairman unhappy, I am sure—but this is not one I intend to support.

There is no talk by the gentleman from New York about whether the Navy needs the destroyers or not. Our Navy is in a rather sad shape at the present time as far as the age of our ships and the number of our ships. We have gone from a 900-plus Navy down to a 600-ship Navy, and we are going to be going down to about a 542-ship Navy, and the ships have got to be replaced.

The money authorized today, that which the gentleman from New York would strike, the $247 million, as has been pointed out, but which should be reemphasized, is for long-lead time items for needed destoyers. We are going to need the destroyers.

This is not to say the seven ships ought to go to the present shipyard that is building them, the Litton shipyard. If they get themselves straightened out, they ought to have the contract. If not, the contract should go some place else. I think it will go some place else in that event. But the $247 million are needed to keep the program going.

We talk about delays, but the delay is going to be that many more years down the road if we adopt this amendment, so I would urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LEGGETT: Title I, page 2, line 10, under "MISSILES": Delete $888,400,000." Insert in its place, "$538,400,-000".

Mr. LEGGETT. Mr. Chairman, I offer this amendment to the Safeguard missile system. I am not trying to cut out the system. We are still going to be spending, with the cut of $350 million, on deployment a total of $443 million on the Safeguard anti-ballistic-missile system in 1973.

I have a package of amendments. Unfortunately, I cannot offer them all simultaneously, but they total $1.489 billion. One might ask the general question, why do we need to cut $1.4 billion-plus out of the defense bill? I think the answer is relatively simple. We are spending ourselves to death. We need to reorient national priorities. I think if we take the President's budget document and analyze what the United States has spent for national defense over the past 10 years, we will find 95 percent of all the individual income taxes collected have been directly cookie-jarred into national defense—that is $762 billion out of $772 billion collected.

In addition to that, of course, we have a major source of income from corporate taxes, but the corporate income taxes are needed to pay for what we call the past war debt. This year $12 billion for veterans' benefits will be paid as compared to $6 billion when I came to the Congress. There is $22.5 billion interest on past war debts, a debt that has accelerated while I have been in Congress from something like $280 billion to now $480 billion, all concurrent with the war. All of our national debts have been concurrent with war. All of the interest for the national debt is concurrent with and is needed to pay for past war debts.

All of our corporate income tax is needed to pay for the interest on the debt plus the veterans benefits which we are obligated to pay. Therein lies the need to reorient some of our national priorities.

One can say that we are spending 50 percent in the domestic sector, or perhaps a little more, and 50 percent or less on defense, but we all have to recognize this money in the domestic sector is being spent directly in the trust fund "cookie jar" for social security, unemployment insurance, highway trust funds and things of that nature.

The amendment I am now offering is the amendment for the primary reduction in the procurement title, $350 million out of a total of $486 million for procurement. I mention again we have $305 million left for research and development plus $8 million left for construction.

You know, we bury our errors every year in national defense. Sometimes we get a Jack Anderson or a Bernie Nossiter or somebody to talk about some of the errors we have made, and they are pretty well explained. The gentleman from New York (Mr. PIKE) tried to explain something that is going on in the LHA program which promises to be scandalous. There is no way to avoid that. I just personally do not believe it has much to do with the construction of the DD-963.

I believe we have to recognize that we have probably spent for the Safeguard system, to make it a very substantial bargaining chip at SALT, an extra $2 billion. Nobody has mentioned how much we have wasted at the Malmstrom site, now being abated, which will be dismantled over the next several months. Nobody has mentioned how much we have wasted on research and development.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for an additional 5 minutes.)

Mr. LEGGETT. Mr. Chairman, nobody has mentioned how much we have wasted on the full 12 site deployment program, which is clearly banned by the SALT agreement.

I am sure there is nobody in this room who doubts that the SALT Treaty is going to be approved, and also the law which has to be enacted by this House and by the other body respecting the limitation on offensive weapons.

So far as the Safeguard system is concerned, our whole effort in building the program around Malmstrom and Grand Forks was to guarantee that we would have a retaliatory force that would be invulnerable to a first strike by the Soviet Union. So therein lies the reason why we were stampeding ahead to build at this billion dollar rate.

We have to recognize that as a result of the SALT agreements and our ability to monitor from very high altitude there will be no ability on behalf of the Soviet Union to effectively make a first strike. Therefore, we have no reason to protect the Minuteman missile sites.

I believe we should go ahead and perhaps complete them, but why, I say, at this scandalously high rate of acceleration, in view of the fact that we have probably wasted in excess of $2 billion making this a bargaining chip? We can go ahead to proceed at the $403 million rate rather than the $700 million-plus rate and still complete Grand Forks, and study whether or not we need a Minuteman site at what we call the National Command Center, which now is Washington.

I always thought that our National Command Center was in a rock hole at Colorado Springs, but now it is Washington.

I know we have hard sited the Pentagon and hard sited the CIA. I say that if the National Command Center in the White House, why, the President is only there about one-third of the time, and we ought to be spending at least two-thirds of this money at Key Biscayne or at San Clemente.

I do not mean to be facetious, but we are really stampeding ahead trying to meet the Soviet Union because they have the Golosh system around Moscow. I believe the record shows that as the result of the deployment of the mechanical and rather obsolete Golosh system around Moscow, according to some of our experts, including Secretary Laird, Moscow is less secure today than it was before the deployment of the Golosh system.

Now, if we want to make Washington less secure, all we have to do is go ahead and stampede forward and put the 100 ABM sites around the city. That means, instead of just targeting two or three ICBM's for the Capital, we will be targeting about 102 or 103.

My God! I hope that ABM system works. Otherwise we are really in worse shape, because if we have only a 75-percent effectiveness rate out of it, we have multiplied the missiles that will be knocking out the Capital by several thousand percent. So I think we can really slow down in this program.

The President has said as he signed the SALT agreements that we want to stop the arms race. Secretary Laird has said, let us stop the arms race, but we have to accelerate these other programs and be ready in 5 or 10 years when the 5-year agreement on offensive missiles expires.

I do not think we ought to accelerate under the SALT umbrella. That is the fundamental question that has to be decided by this Congress. I will ask for a record vote on this amendment. I think we have to either take the President at his word that he wants to deescalate the arms race, or else we are going to be spending all our money for these quality accelerations under the terms of the agreement. I think we can well afford to cut out at least $350 million from this item without degrading our defense one iota, but merely looking forward to not having quite so expensive bargaining chips as we have had in the past.

Mr. ARENDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to have the attention of the gentleman who just preceded me, the gentleman from California.

I thought you were doing pretty well until you mentioned Bob McNamara. Then you lost me.

Mr. Chairman, as a result of reductions made by SALT, the bill reduces the Safeguard ABM authorization $582 million below the original request.

The amendment of the gentleman from California would delete an additional $350 million from the Safeguard program.

The gentleman's amendment would result in eventually raising the cost of the system. The components of the Safeguard's complex system are procured over a period of years but the amendment would cut so deeply that it would interrupt the pipeline and force a reduction in the production process.

The site at Grand Forks, N. Dak., is 90 percent completed. Dr. Kissinger has told us very clearly that this was one of the big incentives in getting the Russians to agree to sign an arms limitation agreement. To fail to complete the deployment now would be sheer folly. It would either mean that eventual completion of the system would be more expensive or it would mean failure to complete the system which would take away the incentive for the Russians to continue further arms negotiations.

Some of the materials on order for Malmstrom, Whiteman, and Warren, the discontinued sites, can be used at the Washington, D.C., site. But the gentleman's amendment would cut so deep that it would prevent continued orderly procurement of materials and probably eventually raise the cost of that site.

I earnestly urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. LEGGETT. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from California withdraws his point of order.

TELLER VOTE WITH CLERKS

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. LEGGETT. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers: Messrs. Leggett, Arends, Pike, and Bray.

The Committee divided, and the tellers reported that there were—ayes 116, noes 258, not voting 58, as follows:

[Roll No. 231]

[Recorded Teller Vote]

AYES—116

Abzug
Adams
Addabbo
Anderson, Calif.
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biester
Bingham
Boland
Bolling
Brademas
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney
Celler
Clay
Collins, Ill.
Conte
Conyers
Corman
Curlin
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Foley
Forsythe
Fraser
Gaydos
Giaimo
Gibbons
Green, Pa.
Gude
Halpern
Hanna
Hansen, Wash.
Harrington
Hathaway
Hechler, W. Va.
Heinz
Helstoski
Hicks, Wash.
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
Lujan
McCloskey
McCormack
Madden
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Mink
Mitchell
Moorhead
Nedzi
Nix
Obey
O'Hara
O'Neill
Pike
Podell
Pryor, Ark.
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Seiberling
Smith, Iowa
Stanton, James V.
Stokes
Symington
Thompson, N.J.
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Wolff
Yates
Yatron
Zwach

NOES—258

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Blackburn
Bow
Brasco
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Gross
Grover
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating

Keith
Kemp
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
McClory
McClure
McCollister
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mizell
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—58

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Baring
Blanton
Blatnik
Boggs
Brinkley
Broomfield
Burke, Fla.
Caffery
Chisholm
Clark
Culver
Davis, Ga.
Davis, S.C.
Dent
Dickinson
Dowdy
Erlenborn
Esch
Findley
Ford, Gerald R.
Ford, William D.
Fulton
Gallagher
Gray
Griffin
Griffiths
Gubser
Hagan
Hall
Hawkins
Heckler, Mass.
Holifield
Howard
Jonas
Kee
Kyl
McCulloch
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Mann
Minshall
Mollohan
Mosher
Moss
Rarick
Scheuer
Schneebeli
Schwengel
Scott
Springer
Stuckey
Tiernan

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LEGGETT: Title I, page 2, line 14, under "NAVAL VESSELS": Delete "$3,201,300,000" and insert in its place "$2,902,300,000"

Mr. LEGGETT. Mr. Chairman, the Members are not cooperating very well. Really, if we are going to pick up the $5.2 billion we spent out of the deficit the other day, that I helped contribute to, for revenue sharing, we are going to have to pick up the money someplace. This year we have a deficit of more than $34 billion, even with the revised statement put out by the President the other day. For fiscal year 1973 it is $38 billion, assuming we spend the money we authorized and appropriated here the other day. This is going to be almost the last chance to save any substantial amount of money.

This particular amendment is one of the items in my $1.44 billion package. And those of the Members here who are for economy in Government and cutting down on the national debt and cutting down on the deficit ought to pay a little bit of attention.

On the carrier—we decided that issue last year, when the Navy said on the CVAN-70—which is the nuclear carrier—and we all like these carriers. I think these nuclear carriers are really wonderful vehicles. The Navy said if we did not buy the carrier last year for $750 million, it was going to cost us $1 billion this year. This House, and our committee, chose not to put the $750 million in on advance procurement money, and the Senate likewise took the same action. As a result, we did not start the CVAN-70—and notice, it is CVAN-70 and not CVAN-72.

The *Essex* class during World War II used to cost $1.5 million, and the *Enterprise* class cost $200 million-plus, and the ones we are finishing now in the *Nimitz* class are going to cost a half billion, but this carrier is $1 billion.

The amount we have in this bill, that my amendment relates to, is $299 million. It is kind of an illusory amount, because this is probably only about one-quarter of what this carrier is going to totally cost when it is all done. We give these contracts to the Newport News yard, and they are the only shipyard in the country that can build these. They are the best shipyard in the country, and I admit that, representing one of the best public naval shipyards in the country. There is only one place that can build the carrier. They will have a work force of 6,800 men, and $1 billion worth of airplanes on it, and it is going to have to be defended by a $1 billion support force, which means we are going to have $3 billion all tied to these vulnerable carrier decks.

The carrier is vulnerable. Witness the fact that when we are in jeopardy overseas, we keep as many airplanes as we can in the sky. Everything takes off from the carrier deck. Why? Because we do not want to trap those airplanes in the carrier's depths. But understand we can park a carrier out in the Gulf of Tonkin and the carrier very effectively raids out there with their new laser smart bomb capability. But we really cannot plan on this kind of warfare for the indefinite future.

I believe with the 34,000 men we have in the Pacific, as part of the 7th Fleet, we have enough capability out there. Everybody admits the Mediterranean Fleet is really too small for a carrier force. We have two carriers. The total 6th Fleet depends on the survivability of those two carrier decks.

In the event that a war were to break out, either one ASROC or one SUBROC—one tactical nuclear weapon—would be sufficient to put our $3 billion carrier task force out of action.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for an additional 2 minutes.)

Mr. LEGGETT. These missiles were carried from the fantail of our old "tin cans," or could be carried in our new nuclear submarines. They have been there for better than 10 years, and they can take out the carrier decks.

I assume that the Soviets are going to have a laser. That is not banned by the SALT agreements. If anyone has a laser he has the capability for a "smart bomb" and has the capacity to take out a command center of a carrier with only one bomb.

We do not have good capability to defend against even the Styx missile, which either can be nuclear or nonnuclear.

I say if we are interested in moving to a modern Navy we should do so. I believe that we ought to be moving to the patrol hydrofoil missile ships. We are building two. We ought to be building 20. I rode a hydrofoil the other day, and I talked with a young lieutenant, who told me that he could take out any fleet in the world with only few bombs if he had those hydrofoil ships.

We have to recognize that we have an old Navy working for old-style ships, keeping a big budget for old ships, competing with the new, young people trying to spend the money for a new, viable Navy.

I am not going to ask for a record vote on this amendment, but if the Members want to save some money they will vote for it. If the vote sounds close I will ask for a standing vote. I believe it is an opportunity to save $299 million, and we can reprogram this into some more productive line of activity.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it would be hard to pick the most ill-advised amendment to put on this bill. But if I were going to pick one I would pick this one, I believe, as possibly the most ill-advised amendment, and this is because the one place where the United States has clear and real superiority over the Russians at the present time is in the field of carriers and we must maintain that advantage.

It would be foolish for us to build an old-fashioned carrier. We certainly need new carriers at this point, because our carrier fleet is becoming antique and overage. This particular nuclear carrier has the advantage of being in the long run cheaper, because it delivers so much more.

Actually, a nuclear carrier today is about twice as effective, as far as striking power is concerned, as some of our older carriers. It provides air superiority, which is needed, and it can get to where it is needed at the time it is needed. It does not have to worry about having a followup oil situation. So when it is needed it can go where we need carriers, into the area immediately, and it does not have to worry about using up its oil too fast or whether it has enough oil to make the trip.

It has adequate space for a large berthing of personnel. It saves so much space from not having to carry its own oil, because it does not need oil, that this fact gives it a much greater striking force. Many more planes can be on it. The fuel situation for the planes can be taken care of because of the space made available on it but not present on an oil-burning carrier.

This carrier has been constructed so that it is the safest vessel ever built. It is so strong, as a matter of fact, that it can withstand a near hit of a nuclear nature. Some people say that one could knock out a carrier, and I guess one could, with a well placed adequate nuclear weapon. One could also knock out this city of Washington with one such weapon or could knock out New York City with one such weapon.

The difference, however, is that the carrier target is not there continuously at the same place. In other words, New York City is going to stay where it is. So is Washington, D.C. The carrier, though, by the device of navigation, can be put in a spot that no enemy can know precisely where it is.

Besides that, we have a supporting force with this, to protect it.

The really important aspect of this, which I should like to reemphasize, is the fact that this really is the most credible war deterrent we have. This new carrier gives us an additional strength and credibility in the war for peace, if we want to call it that, as we are trying to cool things throughout the world.

It is the one thing we have which is greatly superior to that of the Russians, adds greatly to our capabilities and is a great thrust toward maintaining peace in the world.

Mr. DOWNING. Will the gentleman yield?

Mr. BENNETT. I yield to the gentleman.

Mr. DOWNING. I want to commend the gentleman for his statement. I think he is completely right. This amendment should not be adopted.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California.

The gentleman says that the proposed carrier is vulnerable to attack. Of course, it is, but no weapon system, no base, sea or land, is invulnerable. I say to you that this moving sea base is less vulnerable than any other major weapons system yet devised. We have waited long enough for this carrier. It is essential to maintain our national defense and each year of delay increases the cost by millions of dollars.

We are gradually losing our military bases on foreign soil. We can no longer depend on these bases as a part of our overall defense system. With an adequate number of nuclear carriers strategically stationed at various points in the world, we will not have to depend on these foreign bases.

The *Enterprise* has proven beyond doubt, the need for nuclear carriers. That great ship was commissioned in 1961 and is now 11 years old. The *Nimitz* funded in 1969 will be delivered in 1973. The *Eisenhower*, funded in 1970, will be ready in 1975. The CVN-70, included in this authorization, will not be available to the fleet until 1980.

We must get on with the job right now if we are to have two nuclear carriers in the Pacific and two in the Atlantic by 1980.

I am completely convinced that nuclear aircraft carriers are vital to our national defense and I hope the amendment will be soundly defeated.

Mr. DOW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must emphatically protest the construction of this aircraft carrier, the CVN-70.

This carrier is going to cost $1 billion. Think of that. I suspect it is the first vessel ever built in the world that cost $1 billion. Consider how much good that money could do if it were spent to help the kids in our cities.

I had a group of youngsters from Poughkeepsie down talking to me today, and they wanted to know is there more money for the Youth Corps. Also, $1 billion could provide tremendous benefits for older people in this country and countless others who are suffering and in need.

Further than that, let us take note that we have about 15 aircraft carriers already, Mr. Chairman. These aircraft carriers cost billions of dollars just to run, to say nothing of construction. They are draining our resources day after day and night after night.

This new aircraft carrier is a big one. Like most aircraft carriers, as we found in World War II, these vessels are vulnerable. They are easy targets. Nobody can say a Russian rocket, if we are ever at war with Russia, could not hit and destroy this $1 billion in a few seconds.

The Russians have no fighter aircraft carriers. Why, indeed, do we need to have 15 aircraft carriers, if you please, and another one built at a cost of $1 billion, when any potential enemy has none whatsoever?

In my judgment, Mr. Chairman, this aircraft carrier is intended to carry out the nefarious and cruel work of empire-building that we are conducting out in Vietnam. This aircraft carrier is designed for more Vietnams. I do not think it is directed against Russia or China, because they do not have aircraft carriers. It is not that kind of a war we would be waging with them if, God forbid, we ever wage such wars. But this carrier is to carry out more Vietnams on the beachheads of poor, downtrodden, poverty-stricken nations in other parts of the world who refuse to do our bidding.

Mr. Chairman, I often read about the fliers out there on the aircraft carriers off Vietnam. It is very tragic to read about them, because a newspaper or press man will speak to the pilots on the aircraft carriers and say, "What do you think about this work you are doing? Do you ever wonder about the women and children down below you in Vietnam who are being destroyed and burned and hurt by your bombing?" They say, "Well, no, we do not think about that. We just have a job to do."

This aircraft carrier puts another juggernaut in the hands of our young men to dull their finer sensibilities, to corrupt their morality, and to provide mechanisms whereby they can go ahead and carry out a policy that this House and this Government should be ashamed to authorize, in a world where there should be some humanity in our relations with other countries, particularly the poor and poverty stricken and downtrodden nations like the people in Vietnam.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

Mr. LEGGETT. Mr. Chairman, I have certain reservations about this bill as I have had, and so indicated, in previous years. However, I voted for the bill in committee and it is my intention to vote for its passage by the House.

Apart from the reservations that I feel, and which are by now well known, I would like to make a few remarks about one aspect of the bill which has my unqualified and complete support.

I am referreing to the decision of the committee to continue certain aircraft production lines which would otherwise close down in the near future. The committee added authority that these lines are kept open while at the same time obtaining for our forces aircraft that are well supported from the standpoint of need.

As the committee report indicates, there was thought in the committee of adding $30 million to insure the continued production of the F-111 on very much the same basis as authority was added for the C-130, the A-7, and the F-5. This action was not taken by the committee on the basis that there is still some time within which appropriate arrangements can be made for the continued production of the F-111.

Failure to insure the continued availability of this aircraft would be, to my mind, a very serious matter indeed. As the report indicates, the F-111 is, in its most literal sense, a unique fighter-bomber. The Air Force itself concedes that its deep penetration capability is not even approached by any aircraft in the world. Many other uses for this aircraft are being studied at this time within the Air Force although, paradoxically the Air Force appears to be making no very specific plans to continue production of the aircraft.

Like in the case of nuclear submarines a number of years ago, the situation with respect to the F-111 presents an occasion where it is clearly incumbent upon the Congress to exercise its own responsibility by insuring that this magnificently performing fighter-bomber continues to be available to our forces.

In support of my views in this respect, I insert as part of my remarks at this point in the RECORD the three pertinent pages of the committee report dealing with the high advisability of keeping certain existing aircraft production lines open, and including references in this respect to the F-111.

Aircraft production lines: C-130, A-7, F-5B

During the hearings on the bill, a number of members raised questions concerning continuing in operation some aircraft production lines scheduled to be stopped in the relatively near future. The Committee was troubled by the short-sighted economy of closing down production lines in cases where continued future requirements could be foreseen. Four aircraft with valid additional requirements beyond the numbers presently planned were identified: the C-130, the A-7, and F-5B and the F-111. The replacement of normal attrition losses alone over the years would create requirements not allowed for in present programs, the Committee found. Air Force Secretary Seamans testified that the Air Force recognized that a production line is a national asset and that once a production line is stopped it is very difficult and very costly to restart. He further testified that each of the aircraft programs mentioned above was discussed in detail within OSD and the Air Force, and each one of them on its merits, in the final analysis, was not included in the budget because it was felt that they would not have sufficiently high priority with respect to the other items in the aircraft budget.

Subsequent information furnished to the Committee indicates that "the FY 73 Budget as submitted to the Congress will result in two major aircraft production lines, the C-130 and A-7D, closing in December 1973 and the F-111 line one year later in December 1974. The F-5B line will complete production early in 1973.

Further, the Committee was told that to restart the C-130 line after closure would cost between $125 and $175 million. To restart the F-111 production line would cost between $150 and $200 million; to restart the A-7D production line would cost between $38 and $40 million; to restart the F-5B production line would cost approximately $15 million.

The Committee, therefore, had indicated its intention to consider additional funds for such production lines during its markup of the bill.

Subsequent to completion of the Committee's hearings, the Chairman of the Committee received a communication dated April 27, 1972, from the Secretary of Defense indicating that the Senate Armed Services Committee had likewise deleted procurement authorization for the AWACS but had added $83 million in RDT&E, Air Force, for AWACS. The net reduction of $226.9 million was termed acceptable by the Secretary.

His letter continued:

"During the course of my testimony before your Committee, a concern was expressed that production for the A-7, C-130, and F-5B aircraft would be terminated after the FY 1972 buys. It was emphasized that in the event of additional requirements for these aircraft, it would be extremely costly to restart the lines that as a matter of prudence small quantities of these aircraft could be procured to sustain a production base at reasonable costs. Additionally, it was pointed out that there is a current requirement for the aircraft, but as a consequence of priority considerations, they could not be included within the budget totals. The current invasion of South Vietnam has increased aircraft losses and emphasized the need for continued production, particularly in the case of the C-130 and the F-5B. In fact, the F-5B aircraft are needed for training for the South Vietnamese Air Force.

"Following my appearance before your Committee, I concluded that as a prudent measure we should release the $5.8 million of A-7 advance procurement funds added by the Congress to the FY 1972 DoD budget request. It is now recommended that a portion of the authorization which would otherwise have been required for the FY 1973 AWACS Program be applied to the procurement of 24 A-7s, 12 C-130s and 7 F-5Bs. An amount of $50 million would be required for the C-130s, $12 million for the F-5Bs, and $90 million for the A-7s. The latter amount is to cover the amount of aircraft procurement plus squadron equipage. The total of $152 million can be partially offset by an amount of $60 million in savings from prior year A-7 programs. These savings in the Fiscal Year 1971 and prior Aircraft Procurement, Air Force appropriation could be transferred to the FY 1973 account. Thus authorization for new appropriation in the net amount of $92 million would be required.

"This request has been cleared with the Office of Management and Budget.

"Sincerely,

"MELVIN R. LAIRD."

The Committee, therefore, has approved the $92 million to extend the life of the production lines for the C-130, A-7D and F-5B until December 1974.

F-111

The bill contains $160.3 million, the amount requested, for the procurement of 12 additional F-111 aircraft.

The Committee, as indicated above, initially considered adding another $30 million to the bill to keep the production line for the F-111 aircraft open beyond its presently scheduled termination. The Committee, as Members of the House will recall, in last year's legislation added authorization for the continued procurement of the F-111 and the Committee's judgment on the need for this unique, outstanding aircraft was confirmed by the subsequent action of the Appropriations Committee and the Armed Services and Appropriations Committees of the Senate and was concurred in by the Department of Defense.

The Committee feels that its judgment was further confirmed by the fact that the Department itself requested funds this year for the procurement of another 12 aircraft.

The F-111 is a long-range, twin-engine, all-weather, attack aircraft which provides a capability existing in no other aircraft in our inventory or anywhere else in the world.

The Committee would like to make crystal clear that it supports the continued production of the F-111 and recognizes that requirements will exist beyond the presently programed buy.

It will be noticed, however, that the additional authorizations provided for the C-130, the A-7D and the F-5B aircraft will continue their production lines to the same point in time as that now contemplated for the F-111; namely, until December 1974. Investigation by the Committee disclosed that the purchase of long-leadtime items for the F-111 consistent with the extension of its production lines beyond the end of 1974 will not be necessary until February or March of 1973.

The Committee directs that the Department of Defense restudy the requirement for the F-111 with a view to taking steps as necessary to assure appropriate follow-on procurement, whether by reprograming or other means.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 2, line 7, strike "$3,101,600,000" and insert in lieu thereof "$2,618,100,000."

Mr. BINGHAM. Mr. Chairman, as the chairman and the members of the committee know, I have been a longtime critic of the F-14 program and I rise again today as I have in the past to propose that the procurement funds for the F-14 be deleted and that is what this amendment would do.

I must say I offer this amendment with some diffidence today because I do not see how the money proposed here is ever going to be spent, if I read correctly the report and the remarks of the chairman in the RECORD yesterday. The committee proposes to authorize $407 million for procurement of F-14A aircraft on the condition that this sum will provide at least 48 such aircraft.

I am suggesting, Mr. Chairman, that the $407 million which is mentioned at the bottom of page 27 of the committee report for the procurement of 48 F-14A aircraft will in fact probably not be spent because it is inconceivable that the condition laid down by the committee that this money must produce at least 48 aircraft could be met. That figures out at an average unit cost of $8.5 million. The committee report indicates that the cost per unit may well run as high as $16.5 million, according to the December report, and it is known that the contractor is requesting at least an additional $2 million per aircraft.

In his remarks in the general debate yesterday, the chairman repeated the statement in the report that the authorization on the premise that "not more than $407.8 million shall be available only for the procurement of not less than 48 F-14 aircraft." And then the chairman went on to say. "This means that the contractor must deliver on the basis of the terms in the existing contract without a $2 million increase in unit price as he has requested."

If that means what it says, then I do not believe that my amendment is very necessary because I do not think the funds will be spent.

Mr. HÉBERT. Mr. Chairman, if the gentleman will yield, the gentleman from New York (Mr. BINGHAM) has answered his own question. It means exactly what it says and the amendment is not necessary.

Mr. BINGHAM. Mr. Chairman, I do not understand why, if we have the opportunity to cut out $407 million in funds because the money is not going to be spent, and since we are all interested in making a reduction at this time, why do we not do it.

Mr. HÉBERT. If the gentleman will yield further, we are giving the contractor the opportunity to perform on his contract, and the committee is insisting that he bite the bullet and perform under the contract. We are holding his feet to the fire. I believe that language is quite clear, I know the language is very clear and in my unsophisticated way I understand it. The gentleman has read it correctly, the gentleman has observed correctly and the gentleman has argued the fact that we do not need his amendment.

Mr. BINGHAM. May I ask the chairman of the committee this question: If in fact the contractor says he cannot perform on the contract, what will then be the situation? Will the committee come back with a proposed new authorization for a higher unit price for the F-14?

The CHAIRMAN. We do not have that problem at all.

Mr. BINGHAM. Then that would terminate the production or procurement of the F-14 planes; is that correct?

Mr. HÉBERT. That is correct.

Mr. BINGHAM. Mr. Chairman, on that understanding, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, line 8, strike out "$2,508,600,000" and insert "$2,348,300,000".

Mr. GROSS. Mr. Chairman, this amendment is a simple one. It would simply take out of this bill $160,300,000 for a continuation of the production of McNamara's "Flying Edsel," otherwise known as the F–111, the plane that does not seem to be able to stay in the air.

You will probably hear someone who has ridden in one on a flight or two try to defend this appropriation for the production of a dozen more of these planes that were grounded again last week. From one source I hear that was the eighth time all of them have been grounded. Another source says it is the 22d time they have been grounded.

The story of the F–111 is a long and sordid one. I could not begin in 5 minutes to retrace the history but it began back in the early sixties under the administration of one, Lyndon Johnson—and come hell or high water, the contract for the F–111 had to go to Texas. We have had nothing but trouble with it ever since.

At one time, perhaps 3 or 4 years ago—the late Mendel Rivers, chairman of the Armed Services Committee told the House, and I happened to have had the pleasure of questioning him about the F–111—that its day had come and gone; that the committee was going to wind down the F–111 program, and quit buying them.

But somewhere, somehow, somebody got busy and the F–111 has been resurrected. Somehow or other it was brought to life again. I cannot forget the days when Fred Korth and McNamara were busy getting the F–111 contract—not to Boeing—at millions upon millions of dollars of saving. Oh, no, the contract could not be awarded to Boeing. It had to go to General Dynamics at Fort Worth, Tex.

When the General Accounting Office sought to find out the basis for the figures that went into the evaluation of the contract—when they went to McNamara, he said he was carrying the figures in his head.

That is testimony under oath before the McClellan committee in the Senate in its investigation of the sordid history of the F–111 contract.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. LEGGETT. Mr. Chairman, I think the gentleman's criticism might be a little bit intemperate.

Mr. GROSS. In what way is it intemperate?

Mr. LEGGETT. Let me ask you this—the F–111 as I recall was the 111–B and the 111–A and through about the 111–K.

Mr. GROSS. Yes, and the contract went to General Dynamics on the basis that it would be a dual purpose plane—land-based and carrier-based.

Mr. LEGGETT. Yes.

Mr. GROSS. The gentleman knows that, and he knows that General Dynamics could not cut the weight sufficiently to land on carrier decks. And the costs of production became astronomical.

The Navy never bought a single copy of this plane.

Mr. LEGGETT. That is right. Then, of course, the Navy took the contract out of the Fort Worth plant, which is not in my district, and moved it up to New York. Then you got involved in this debacle that was just explained on the floor here between the chairman and the gentleman from New York (Mr. BINGHAM)—where now we have $400 million in this bill for all 48 airplanes and the contractor says he cannot complete it—the plane is too heavy. It has an engine with less than 1-to-1 thrust and it is a kind of bum airplane.

Mr. GROSS. Why do you want to make 12 more of these planes? Why do not we get out of the business of making military aircraft that are constantly being grounded?

Mr. LEGGETT. As an alternative to making 12 more planes, would the gentleman want to commit us now to spend $70 million each for 277?

Mr. GROSS. I certainly would like to have in service a plane that will stay in the air. These planes will not stay in the air, and the gentleman knows it.

Mr. FISHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is a very real and pressing need for more lightning and less thunder as applied to the F–111. We have heard it bandied around and kicked around here for years. More misinformation has been applied toward the F–111 than probably toward any other aircraft that was ever built. We hear talk about accidents. Let us look at the record very briefly.

As to the recent F–111 accidents, I will say that the F–111 has had eight accidents in the last 2½ years—only eight. From Air Force figures that I have here I see that our best known fighter bomber had had 81 aircraft lost in accidents. I see also that another aircraft has had 42 major accidents.

If we are going to start eliminating airplanes just because they have accidents, then let us forget about the U.S. Air Force. They all have accidents.

I have similarly dramatic figures for the Navy aircraft. And I will merely note at this time that as against the eight F–111 accidents in the last 2 years the Navy had 63 with one of its major aircraft, 64 with another, and 48 with a third.

Incidentally, to my friend from Iowa I might say that as of last Monday all F–111's were in the air back flying again. The F–111 has had accidents, and the F–111 may continue to have accidents, and the same statement can be made about all of our high-performance combat aircraft. That is the name of the game. It happens, unfortunately.

The big difference that I find between F–111 accidents and the accidents of our other high-performance aircraft is that we all get to know both immediately and with great fanfare when an F–111 has an accident, but we never seem to hear very much at all about the accidents to other important aircraft. Perhaps now is the time and this is the place for a very brief review of accidents to our combat aircraft and the subsequent groundings or nongroundings of the important part of our defense structure.

Another important Air Force fighter bomber that I have referred to suffered 42 accidents in the past 2½ years. The F–111 suffered eight. By any comparison, hours flown in the air, or any other, the F–111 is the safest airplane of its type that has ever been built, and the records show that.

In the Navy one of our newest fighter bombers has suffered 64 accidents since July 1, 1970, until today. Another important naval aircraft has suffered 41 accidents, and another, 48, and still another, 22, but we have heard very, very little, if anything, about these accidents.

Why are not efforts being made here to strike out money for continuation of these programs? Why pick on the safest airplane of its type that has ever been built—the F–111—and I have the records here to confirm that fact.

In any event, as important as it is in itself, it is not the safety record itself that I am trying to emphasize here as much as the fact that nobody knows about the other aircraft accidents and everybody seems to know about the F–111 accidents.

Lest I be misunderstood, I want to point out most emphatically that I am not attempting to support one aircraft by exploiting the shortcomings or deficiencies of another aircraft, but let us get our facts straight, let us put the whole matter in a fair and proper context, and let us remember that, as one old and experienced combat pilot put it:

> The only way to stop accidents in high-performance combat aircraft is to stop flying them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. FISHER was allowed to proceed for 3 additional minutes.)

Mr. FISHER. Mr. Chairman, I am inserting in the RECORD at this point a listing of some eight of the principal airplanes now flying, including the F–111, giving the record of their accident incidents which have occurred during the past 2 or 3 years:

AIRCRAFT ACCIDENTS

[Jan. 1, 1970, through June 1, 1972 (2½ years)]

	1970	1971	1972 (June 1)	Total
Air Force:				
F–4	41	26	14	81
F–100	27	13	2	42
F–101	3	7	3	13
F–102	3	6	3	12
F–105	8	5	5	18
F–106	6	7	0	13
F–111	1	3	4	8
A–7	1	3	2	6
Total				193

AIRCRAFT ACCIDENTS—Continued

[July 1, 1970 through June 1, 1972 (2 years)]

	July 1, 1970 to June 30, 1971	July 1, 1971 to June 1, 1972	Total
Navy:			
F-4	39	24	63
A-7	30	34	64
F-8	29	12	41
A-6	14	8	22
A-4	25	23	48
Total			238

Notes: Air Force accident records are kept on a calendar year basis; Navy records are kept on a fiscal year basis.

Mr. Chairman, the F-111 is a fighter bomber whose performance is well known in the flying world, and any man who has ever flown one and who is familiar with its operation will tell the Members, as they have told this committee for years, that it is undoubtedly the greatest plane of its kind that ever has been built. The old B-52's could be classified as being an endangered species. They have been going a long time, and they have performed magnificently, but their days are numbered. The successor, the B-1, will not be along until the end of the decade. The F-111 is the only plane of its capacity to fill this interim demand, fill this vacuum during a critical time in our history and in the operation of our Defense Department, during the years between now and the time the B-1 is in action; and we do not know for sure, judging by the opposition we hear, what may happen.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I commend the gentleman from Texas for his remarks. He has made a very good point. In fact, the FB-111, the advanced bomber version of the F-111, is already flying out of Plattsburg Air Force Base in upstate New York, and has not been subject to any of the accidents in recent days that the gentleman from Iowa has referred to. This plane is our interim bomber force. It would be a serious mistake to cut it out.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, if it is such a good airplane, why is the committee asking for only 12 copies of it?

Mr. FISHER. We had 12 in the program last year, and 12 additional this year. I hope the gentleman will support us when we attempt to put in 12 next year.

Mr. GROSS. I will be right here, I hope—trying to knock them out.

Mr. HICKS of Washington. Mr. Chairman. I move to strike the last word.

Mr. Chairman, I have about as much business down here in the well taking on the gentleman from Iowa (Mr. GROSS), as I would have taking on the gentleman from Ohio (Mr. HAYS) but the situation is the gentleman from Iowa is just wrong in this case.

I have some knowledge of Boeing Aircraft Co., I think, and I agree with the gentleman 100 percent, that the Boeing Co. should have built this airplane. It would have been built a lot cheaper and I think it would have been maybe a little better airplane. But I came to the Congress with that fixed view that the F-111 was a lousy airplane. I was on a subcommittee that investigated the airplane some years ago. Every time the Air Force has appeared before our committee I have taken the occasion to question General Ryan, or whoever happened to be representing the Air Force, about the airplane. The gentleman from Texas (Mr. FISHER) is exactly right when he says one cannot talk to a pilot who flies this airplane who will not say that it is the best airplane in the world. General Ryan tells us it is the best airplane in the world for the purpose for which it was designed.

The gentleman from Iowa (Mr. GROSS) asked the question why is the Air Force not buying more? I will tell the gentleman it is because they are so hung up on the B-1 that they are afraid to come and ask for any more money for the F-111, because they are afraid it might jeopardize the B-1. It would probably not hurt to jeopardize the B-1 a little. What we are trying to do by putting in money for the F-111 is to keep the line open, thus, in the event anything happens to the B-1, if we do not go into production of the B-1, we will have at least an airplane line in production which could be changed to produce FB-111 if necessary.

The F-111 is a marvelous airplane. It is not a fighter. It is an attack airplane and the FB-111 serves as an interim bomber. I think the amendment of the gentleman should be rejected.

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. PRICE of Texas. Mr. Chairman, the gentleman from Iowa (Mr. GROSS) is a man whom I have respected for a long time as being for a strong defense in this country, as his record shows. I suppose he was referring to the fact that I am one of those who have checked out in this aircraft, some time ago. With 2,000 to 3,000 jet hours in single-engine, twin-engine, and prop-driven aircraft, I would not be up here pumping for an aircraft that I did not feel was vital to the defense of this country. There is no other aircraft in our inventory which has the capability of this aircraft today.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Because of my great admiration for the gentleman from Texas (Mr. PRICE), I am more than pleased that in his testing of the F-111 he did not lose his life as a number of others have in these planes that will not stay in the air.

Mr. PRICE of Texas. Mr. Chairman, I should like to continue with my defense of this aircraft, which I consider to be a very fine flying machine.

This bill contains $160.3 million, the amount requested for the procurement of an additional 12 F-111 aircraft. If we stop this production line on this aircraft, which is the only one capable of reaching the interior of Russia in our inventory today, just to restart the production line would cost between $150 million and $200 million.

So, Mr. Chairman, I support H.R. 15495, the bill to authorize appropriations for fiscal year 1973 for military procurement, research and development, certain construction, and for other purposes.

I am sure the Committee on Armed Services worked hard on this bill and presented to the House a measure that provides an adequate defense so far as fiscal year 1973 is concerned. It is a good bill and a strong bill.

I made particular note of the fact that, at the request of the Department of Defense, authority was added to the bill toward the end of its consideration for C-130, A-7, and F-5 aircraft. All of these aircraft are urgently needed in our inventory, and very importantly the lines that produce them must be kept going by this authority in order that their production can proceed in an orderly and fiscally responsible fashion.

The committee in its report on page 30 was told that to restart the C-130 line after closure would cost between $125 million and $175 million. To restart the F-111 production line, as I said, would cost between $150 million and $200 million.

The document that made the request that these aircraft be added to the bill had in it, until the last moment, a request for authority for $30 million for long-lead items for the F-111. In other words the long-lead items for this great aircraft would have joined the three aircraft that were added to the bill.

I am not aware of the exact circumstances that dictated the withdrawal of this $30 million at the last moment by the Department of Defense, and I regret that this was done. This is a regret that I know is shared by many other Members of the Congress because we have found in the F-111 the greatest deep-penetration aircraft in the inventories of any nation in the world. Its record is superb and its performance leaves virtually nothing to be desired.

It is my earnest hope that some action can be taken in the next several months to assure that the F-111 line is also kept going in the same fashion as the lines of the other important aircraft that have been added to the bill. We can find no better insurance policy than low-level production of the F-111 as a hedge against a future that none of us can predict.

Now we get into the facts here, I say to the gentleman from Iowa (Mr. GROSS) on the grounding of the F-111's.

Two F-111's were recently lost in accidents on June 15 and June 18. The accidents were totally unrelated. The first, an F-111F, occurred during a routine training flight after the aircraft had been airborne for some time. The second, an F-111A, occurred shortly after takeoff and ground witnesses stated the airplane appeared to be on fire prior to crew ejection. Both accidents are under investigation and conclusions cannot be drawn at this time.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PRICE of Texas was allowed to proceed for 3 additional minutes.)

Mr. PRICE of Texas. Now the safety record. The accidents of the F–111 are such that it has a safety record which continues to be unmatched when compared with all other Century series Air Force aircraft. The two airplanes with the next best safety records are the F–106 and the A–7. At 150,000 hours, the F–106 suffered 40 accidents while the A–7 experienced 51 accidents. This compares with the F–111 at 180,000 flight hours with 26 accidents. All other contemporary aircraft, such as the F–4, the F–105, the F–102, and the F–101 have safety records which are significantly worse.

Recent records show there was an order to suspend the training flights on the Tactical Air Command F–111 fleet as a precautionary measure, and corrective measures have been taken. This is standard practice. For example, the A–7 fleet was grounded twice in the 6 months during the last year while these accidents were being investigated. The F–111 domestic TAC fleet is again flying, and the SAC F–111's in the United States and the TAC F–111's in Europe have not been suspended in their flying.

Mr. Chairman, I would like to refer to the record of aircraft accidents in comparison to the F–4, the F–100, the F–101, F–102, the F–105, the F–111, and the A–7. All of them have many more accidents than the F–111.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I want to congratulate the gentleman on an excellent presentation. I think he has made a fine contribution to the understanding of the House of the performance record of this airplane. The personal experience which he has brought to the attention of the House and the flight experience he has had in this airplane are indeed significant. I am sure his experience and that of the gentleman from Texas (Mr. WRIGHT), who is also an experienced pilot, will carry a great deal of weight in the House when we evaluate this particular item in the budget.

Mr. PRICE of Texas. I thank the gentleman.

I would like to say in conclusion, recently at the invitation of the Secretary of the Air Force I flew the XR–71 at 80,000 feet at a speed of 2,200 miles an hour to evaluate its capabilities. It is a great airplane. I would not be up here pumping the F–111 if we did not need it for our defense, because we do not have any other aircraft at the present time with the ability to penetrate into Russia should it come to a confrontation with them in the future.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS).

This is not the first time such an amendment has been offered on the floor of this House. It will not be the first time for such an amendment to be resoundingly defeated, as this one deserves to be and I earnestly trust that it will be.

The gentleman from Iowa acknowledged in his remarks that he has had a sort of personal vendetta against this aircraft since long before the first one was built. Conversely, I have a natural interest in the aircraft—a recognizable and probably understandable parochial interest—since it is built in my district. Because of this fact, I have gained considerable familiarity with the F–111 program.

Setting aside personal vendettas and parochial interests, I should think the House would be interested in three basic factors regarding this remarkable aircraft. These factors are safety, capability, and cost. It is to them, therefore, that I shall address my remarks.

SAFETY

First, Mr. Chairman, the F–111 is demonstrably the safest modern aircraft in the military inventory. This fact no doubt would come as a surprise to many whose only familiarity with military aircraft is through the newspapers. Every accident of the F–111, because of the controversy that attended the initial contract award in 1962, has been front page news.

But let us briefly compare accident rates. During the past 2½ years, there have been some 450 accidents in Air Force and Navy craft. Only eight of these involved the F–111. News accounts have blown these eight far out of proportion. We have hardly heard about the others.

During this period when the F–111 has experienced eight accidents, there were 81 accidents in Air Force F–4's and 63 in Navy F–4's, 64 in A–7's, 42 in F–100's, 48 in A–4's and 41 in F–8's. Only eight, as I say, involved F–111's.

For a more precise comparison, let us talk in terms of the number of accidents per hours flown. Here again the F–111 has a highly superior safety record.

During 180,000 hours of flight there have been only 26 accidents in F–111's. At 150,000 hours of flight the A–7 experienced 51 accidents and F–106 suffered 40. These two aircraft, against which I intend no criticism, are in fact the next best to the F–111 among all the 13 aircraft in the Century series in regard to their safety records.

All of this adds up indisputably to the fact that the F–111 is, on balance, the safest airplane in the military inventory.

CAPABILITY

In regard to capability, it must be pointed out that the F–111 is the only low-level, all-weather plane in the inventory which is capable of penetrating the Soviet defenses.

It is the only plane we have which is capable of continuing bombing missions at night and in very bad weather. This is true because of the unique terrain avoidance system which is built into the F–111. It can fly in under the enemy radar at night or in inclement weather, and not be detected. We have no other aircraft which can perform this mission.

The committee report on page 31, in reference to this performance characteristic, declares that:

> The F–111 provides a capability existing in no other aircraft in our inventory or anywhere else in the world.

This additional comment from the report of our Armed Services Committee is worth noting:

> The Committee would like to make crystal clear that it supports the continued production of the F–111 and recognizes that requirements will exist beyond the presently programed buy.

It is apparent that the Soviet Union is impressed with the performance characteristics of the F–111. This is evident in the fact that the Russians have mentioned this specific plane on several occasions in the SALT talks, in their efforts to gain some agreement from us that it would not be deployed in Europe.

The aircraft is deployed in England and those who operate it are highly impressed with its capability. Every pilot who has flown the aircraft is enthusiastic about its performance.

COST

In connection with cost, Mr. Chairman, relatively little would be saved in the overall proportions of this bill if the amendment by the gentleman from Iowa were adopted.

The bill provides only some $160 million for the procurement of 12 additional aircraft this year. It is clear that the purpose of the committee in building this number is to keep the production line alive and active, as further amplifed in the comments of the gentleman from Texas (Mr. FISHER) that the committee will expect to come back next year and ask for sufficient appropriations for 12 more of this aircraft.

This is the cheapest way I can imagine for us to have an aircraft for long-range penetration in these critical years while the old subsonic B–52's are being phased out and before the B–1 becomes operational.

Nobody expects us to have B–1's in operational numbers before 1980 at the earliest. Meanwhile, if we are to maintain a viable defense throughout the remainder of this decade obviously we need to continue producing F–111's.

For each of these reasons and for all of them together, I ask that we vote no on the amendment.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Texas.

Mr. FISHER. The gentleman will recall that the Government of Australia a couple of years ago bought, I believe it was, 32 of the F–111's.

Mr. WRIGHT. That is correct.

Mr. FISHER. I had the occasion to talk with the Australian Ambassador when he was on Capitol Hill last week. He brought the subject up. I did not. But he made the statement that the Australians and the Australian Air Force are highly pleased and greatly elated over the performance of the F–111's and they are mighty glad that they bought them.

Mr. WRIGHT. I thank the gentleman from Texas for that comment and I think it reflects the feelings of those who have had some familiarity with the plane, with its performance, its capability and with its safety record.

Mr. Chairman, I urge a vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harrington: Page 2, line 12, strike out the period and insert the following ": *Provided,* That a sum not to exceed $2,983,500,000 is authorized to be appropriated for the procurement of missiles for the Army, Navy, Marine Corps and Air Force during fiscal year 1973"

Mr. HARRINGTON. Mr. Chairman, this is part of a continuing problem I have had as a newer member of the committee, and maybe something that the House has become inured to over the years.

The sum that I am talking of here is the sum of $468.9 million. Even that figure is supposed to be secret. The sum involves moneys that apparently in general have not been made known to the Armed Services Committee, but which are included in this year's authorization bill. It follows a practice that has only been narrowly expanded—a practice which has been followed for years—that only the chairman and the ranking minority member of the General Services Committee are apprised of the use of substantial sums of money and the fact that despite the extensive classified briefings and secret meetings of the committee the majority of the committee was not allowed to know what the money was for.

My purpose in offering this amendment is to apprise the House of the fact that we have a total of approximately $830 million of the $21.5 billion that members of the Armed Services Committee know nothing about. Some of the members of the Armed Services Committee, including the gentleman from New York (Mr. Stratton) and myself have asked for and been refused information, and that strikes me as not being productive of a well-informed branch of the Government.

I do not know what the money is for. I cannot comment on the mischief that may be turned loose by our inability to know or what we may find ourselves committed to as a result of the expenditure of these funds.

It seems to me, if there is going to be any credibility attached to the legislative process that we are a part of—if we are going to be asked to act both in good faith and in a well-informed fashion—we should have the benefit in sessions that are closed to the public, if there is a sensitive matter before us, to be told as a committee, what this money is for.

I think the history of this country in the last 20 years is rife with examples of moneys being appropriated, particularly to the CIA which end up causing us a lot more grief than the momentary benefit of keeping it secret.

It is for this reason that I come here this afternoon offering this and other amendments which will total approximately $830 million to apprise Members of the House who are concerned about this problem of the fact that the Committee on Armed Services, Republicans and Democrats alike, do not know what this money is for and have been refused information about it.

I think the time has come, if we are going to be responsible at all in carrying out our obligation to the public and to ourselves that we be given enough information to know it is a worthwhile expenditure of public funds.

Mr. Chairman, I urge that the particular sum be stricken from the budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Harrington).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,997,332,200, of which amount not more than $174,658,000 is authorized to be appropriated for the military sciences budget activity;

For the Navy (including the Marine Corps), $2,661,533,250, of which amount not more than $131,022,400 is authorized to be appropriated for the military sciences budget activity;

For the Air Force, $3,168,940,150, of which amount not more than $124,338,000 is authorized to be appropriated for the military sciences budget activity; and

For the Defense Agencies, $494,082,650.

Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1973 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

Mr. HÉBERT (during the reading.) Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pike: On page 3, line 4, after "Air Force" strike out "$3,168,940,150" and insert "$2,723,940,150 none of which shall be authorized for the B–1 program and".

Mr. PIKE. Mr. Chairman, this amendment strikes $445 million which is the total amount in this bill authorized for the further development of the B–1 bomber.

Two years ago in our committee report, we said that prototypes of the B–1 bomber were going to cost about $450 million each. Today, only 2 years later, we are told that prototypes of the B–1 bomber are going to cost $873 million each.

We are going to build three prototypes of that B–1 bomber and the R. & D. program for these three prototypes is currently estimated at $2,618,000,000.

Now, obviously, the cost in the last 2 years has escalated like crazy and we are only just beginning. The program is only 2 years old. There was $100 million in the budget for it 2 years ago. There was $370 million in the budget for it last year. There is $445 million in the budget for this year.

All that you are talking about here is the beginning of the cost of building the bomber. This does not include the cost of missiles which are going to be put on the bomber. The missiles are going to cost about $7 million per bomber.

That is only the beginning on the missiles because that cost does not include the warhead on the missiles that go on the bomber, so we have not really begun to talk about what this program is going to cost.

The Air Force alleges that although it is going to cost $873 million each to build the three prototypes, they can build the production models for $35 million each—less than 5 percent of what the prototypes are going to cost. I frankly find that prediction to be incredible. Even if it were credible, and even forgetting the missiles that you are going to put on the bombers, and even forgetting the warheads that you are going to put on the missiles that you are going to put on the bombers—none of which are in this cost here—if we build the 241 of these aircraft that we say we are going to build, and if all of their predictions, which have been so wrong in the past, are true, you are talking about a program with a cost of $11,113,000,000.

I do not know really how far down the road we have got to go in the capability of blowing other nations to smithereens. Obviously we have got the power to blow the Soviets to smithereens. All we are talking about here is how fine a powder we deem it to be necessary to grind the other peoples of this earth into, and we are talking about also, of course, about how fine a powder we ourselves are willing to be ground into if we continue this kind of inflation of an arms race.

Do you really believe that we could build 241 bombers without the Russians wanting to build more bombers? They are going to say, "Well, we have got to have this for a bargaining chip." What did we get out of our bargaining chips? We got a SALT agreement which has resulted in a request for a higher authorization bill than we had last year.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment, mainly because I think it is time that the United States developed a new long-range strategic bomber. This is one weapon system which is not exactly the original idea of the Air Force or the Department of Defense. For 15 years, to my knowledge, the Congress through the House Armed Services Committee has been talking about a follow-on long-range bomber. Everyone who has been a member of the committee for any length of time recognizes the word "AMSA," the advanced manned strategic aircraft, and it is about time that we built it.

The most advanced modification of the B-52 will, at the time this aircraft comes into being, be over 20 years old. The gentleman who preceded me said we would cause the Russians to build more bombers. I think he should be aware of the fact that they are already developing more modern bombers than we are. They could well be ahead of us in the development of a strategic aircraft. I think it would be foolhardy on the part of this House to stop the development of an advanced manned strategic aircraft. It is a weapon of conventional war, as well as being useful in the event that we do have a nuclear attack.

I urge my colleagues in the House to soundly reject the amendment offered by the gentleman from New York.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. CHARLES H. WILSON. Mr. Chairman, I commend the gentleman for his statement in opposition to this amendment.

The gentleman from New York yesterday, when we were in general debate on the subject, mentioned the B-70 as one of the reasons why we should, perhaps, not proceed with the B-1 program. I would just like to say had we proceeded with the B-70 in the early sixties we, perhaps, would not have to be doing this at this time. In my opinion, the Secretary of Defense in the early sixties is the one who made the great mistake in not proceeding with the manned bomber at that time.

IMPACT OF B-1 FUNDING REDUCTION

Mr. Chairman, this year's B-1 funding request of $444.5 million is required to insure that this vital development program will move forward in a sound and efficient businesslike manner. The program as currently structured will provide the best product at the lowest cost to the Government and the taxpayer.

It is important that we recognize that this year's funding requirement of $444.5 million is $286 million less than the original plan which called for $750.5 million this year. In other words, the compromise for B-1 funding this year has already been made.

A further reduction at this stage on top of the reductions that have already been made would have a devastating effect upon the orderly progress of the program and would be penny wise and dollar foolish. Fiscal year 1973 is a near peak funding year in the development program. Hiring is generally complete at both the prime contractors and their subcontractors. Design is being translated into hardware, and near-term hardware is now undergoing design verification testing, with substantial effort being expended on actual flying details and components. Air vehicle subsystems are well into qualification testing.

On a nationwide level, by the end of this calendar year alone, more than 25,000 people will be gainfully employed on the program if we include the air vehicle and engine prime contractors and their vast network of subcontractors and suppliers. This in turn is now creating or supporting more than 43,000 additional nonaerospace jobs—the butcher and baker—nationwide.

The disruptive effects of the orderly progression of the program, whether at the prime contractor or at the multitude of the subcontractors, is difficult to even imagine. A reduction in this year's funding could jeopardize over 33,000 new aerospace and nonaerospace jobs that are now being added to the Nation's work force at a time of need in calendar year 1972 alone. This is the work force that could become tax users instead of taxpayers capable of supporting our domestic peacetime priorities.

Even more serious, the B-1 first flight, IOC and buildup of the SAC force structure could be delayed by at least 1 year. This will result in a reduction and subsequent reactivation of SAC bases, manpower and support equipment associated with the strategic heavy bomber inventory. The cost increases attendant to the disruptive effects, the stretchout and inflationary effects could exceed many tens of millions later in the program.

In summary, the B-1 development program is growing to maturity in fiscal year 1973. It is staffed and moving in an exemplary manner toward the development of the much needed quantum improvement in the SAC bomber force. A reduction in funding would result in near disastrous program consequences and would burden our already high unemployment roles. To cut back the Nation's expanding economy and a growing work force would be like trying to stuff the eagle back into its egg. Starting and stopping, cutbacks, indecisiveness, and stretchouts not only increase the ultimate costs, but prove wasteful of the Nation's resources and risk product obsolescence with the resulting jeopardy to our national security.

Mr. PRICE of Illinois. Mr. Chairman, I would say to the gentleman from California, all the effort and money we put into the B-70 was not exactly wasted. Much of the development of commercial aircraft since that day and supersonic aircraft for our military has been the result of the effort we put into the B-70.

Mr. PRICE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to appear to be a know-it-all as I am not a member of this committee. However, I do feel that experience in this field allows me to speak on this subject.

During the fiscal year 1973 the budget includes $445 million to continue engineering development of the B-1 intercontinental bomber, intended to replace the aging B-52 fleet. The B-1 is being designed to improve capabilities over the B-52 through faster reaction, increased resistance to nuclear effects, shorter escape times, longer range, greater payload, higher speeds at both high and low altitudes, reduced infrared signatures, decreased radar cross sections and greatly increased electronic countermeasure capabilities. These increased capabilities should enhance prelaunch survivability and penetration capabilities of the manned bomber force for the post-1980 time period.

Mr. Chairman, I would like to ask the gentleman whether he can make a statement as to what he has in mind to replace or to use between the period of the B-52 and the time in which this bomber will be in production.

The development program includes the design of the aircraft as well as fabrication, and then there will be testing of three flight vehicles and one fatigue airframe. We do not develop these aircraft overnight. They have to be designed. New materials have to be created.

Of course, the first flight of the B-1 is planned for April 1974. This will be followed by a full year of testing before a production decision is made. The program is on schedule and within the cost estimates.

The Committee on Armed Services continues to strongly support the need for manned strategic aircraft and the modernization of our existing capabilities. The last B-52 bomber was produced in 1962, 10 years ago. If the B-1 is produced and introduced into the Air Force inventory, it will be another decade before we have this follow-on bomber in significant numbers. At that time the newest B-52H will be 20 years old.

I would like to ask the gentleman who introduced the amendment, the gentleman from New York (Mr. PIKE) what he has in mind in this interim period, between now and the time this aircraft could be in production and in place.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman from New York.

Mr. PIKE. Mr. Chairman, I would simply say to the gentleman, I listened to all of the eloquent arguments they made on behalf of the FB-111 and the F-111 a while back, and I would swear I heard people say the FB-111 had the low attack capability, and all these powers, and I was terribly impressed by all the arguments people made on the subject of the FB-111. It was a very compelling argument. I voted for continuation of that line. That is, indeed, one of the routes we can go.

I think if all of us who happen to have been in the service and have done some action stand up as experts, we are going to have nothing but experts around here.

My own feeling, frankly, is that tactical aircraft with bombs that can hit things are far more effective than either the B-52's which have been spraying them all over Vietnam without hitting anything for 5 years——

Mr. PRICE of Texas. South Vietnam.

Mr. PIKE. Or the B-1's, which are

going to be standing off at a range of 200 miles and firing the SRAM missiles.

I happen to believe very strongly that the way to have an effective Air Force is to have an Air Force that can hit something. This is something we have not seen with the strategic bombers of today.

Mr. PRICE of Texas. That is very true. The B-52 cannot, as a rule, go over North Vietnam at the present time because of the Sam missile. It can knock them down like flies. They are hitting along the edges.

But this aircraft is designed to deliver nuclear weapons. We can put a nuclear weapon on a B-52 now, and go within 200 miles of the target, but it would be shot down before it got there.

We must look 10 years ahead. We cannot all of a sudden crank out bombers overnight. The gentleman knows that, and I know that.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, President Nixon recently returned from an historic mission to Russia.

Since his return there has been great debate and discussion whether the United States was sold down the river and thus jeopardizing the security of this Nation and her allies, or whether in fact the SALT agreements were significant steps toward peace. We cannot resolve this question here today. We do not possess the crystal ball that will tell us whether this was good or bad. The future is unpredictable and our judgment is not absolute. This question can only be answered through time, and through the record that history makes. We have an opportunity, however, to shape the destiny of this history that is being written. We have an opportunity to determine the eventual outcome of this historic agreement. In my opinion, these SALT agreements will be recorded as a significant first step in man's quest for peace only if we are willing to make the sacrifice to maintain a strong national defense; and only if we are willing to continue development of modern weapons prior to the second round of talks. Neither security nor peace can be found in hiding from reality. We would be naive if we came under the illusion that the Russians will not continue the development of military hardware not covered by the SALT agreements. We would be kidding ourselves if we assumed the false notion that the SALT agreements are an absolute solution for all the ills of the world. Only by maintaining a strong defense will we maintain our bargaining position among the world powers.

Those who scoff at balance-of-power diplomacy should recognize that the only alternative to a balance of power is an imbalance of power, and history shows that nothing so drastically accentuates the danger of war as an imbalance. We must constantly remind ourselves that among the great powers only the strong will survive, and as we look to the future it is essential that our potential adversaries retain the respect for American strength. This reality is sufficient reason to continue the development of modern weapons such as the B-1 bomber, which is now in question.

The pros and cons of the usefulness and timeliness of the bomber in today's modern warfare I will leave to the experts. Suffice it to say, that in an all-out atomic war, it would be difficult to claim that any weapon system is not vulnerable. However, too often we have found ourselves in the past, and perhaps in the future, involved in limited wars such as Korea and Vietnam. Under the Nixon doctrine perhaps these skirmishes are a thing of the past. However, I would hate to leave this question to mere speculation. Being prepared however, is far better than relying upon hopes, wishes, and mere speculation. It is a fact that the B-52, which will be 15 to 20 years old has been playing a vital role in Southeast Asia. The destructive capabilities of this giant of the air has had a significant impact on the ability of the South Vietnamese to continue in their quest for self-determination and peaceful existence. The bomber has proven itself time and time again. The B-52 however is old. It is worn out and it is behind the times as far as modern weaponry. A new bomber is desperately needed if we are to have this continued capability. The B-1 bomber is a replacement for the B-52.

I represent an area of southern California where the B-1 bomber is being built and have thus followed its development with great concern. I support the manned bomber concept, and I am firmly convinced the Department of Defense is taking the proper steps to acquire a replacement for the B-52. It has now been 2 years since the contract for engineering development of the B-1 was awarded. In any major program the initial years are by far the most important. Those first years are the foundation for the program, and the success or failure in meeting performance goals, schedules and cost targets invariably can be attributed to early ear performances.

The first 2 years for the B-1 can be held up as a model for future defense programs. Schedules are being met, milestones reached and passed, and most importantly, the program is within the cost. The B-1 today is no longer a paper airplane on a draftsman's table. It is being cast in aluminum, titanium, and steel. Major tests are being done on full-size flight aircraft hardware, and the results have been outstanding in some of the most critical structural areas on the new aircraft.

One further note, with the cutbacks in Federal spending and the subsequent unemployment, I remind Congress that the B-1 bomber provides nearly 70,000 jobs nationally just in this R. & D. stage. If we were to turn away from our position as a world leader, if we were to lay down our world responsibilities, if we were to isolate ourselves from the turbulent arena of world affairs then we can be very certain the vacuum we left would rapidly be filled by others. We could also be certain that such a world would be less safe for America, less safe for democracy, and less safe for mankind.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not planned to speak on this amendment until the gentleman from California who preceded me made comment about the SALT agreement. That made me think that I should take the time to emphasize that if the SALT agreement is ratified we should take a careful look at what we have given up and what we have left that we can do under the agreement to strengthen our defense.

With the foregoing as a preface let me emphasize that the very heart of this procurement bill before us today, and without any question the most important part of it, is title II—which contains authorizations for research and development.

Secretary Laird and Admiral Moorer came before the House Armed Services Committee to explain the limitation agreement. We are indebted to our staff because they have summarized those hearings in booklet form. Any Member can get from the staff table what we call a sanitized version of Secretary Laird's presentation. Those Members who may have doubts or misgivings about whether we have given away too much to the Russians and whether we any longer enjoy what is called sufficiency should take a look at the Secretary's testimony at page 12098.19 of that record. While portions have been deleted there is enough left to make the point.

One of the members of the committee suggested we are at a disadvantage because the Russians can go ahead with MIRV and some other qualitative improvements which means we will be placed at a disadvantage. Here is the answer of the Secretary:

> The reason that we are not at a disadvantage is that the United States at the present time has, I believe, a technological lead over the Soviet Union, perhaps about two years in the case of MIRV's, for example, and it is important for us to keep that lead.

Those were the words of Secretary Laird.

And then over on the next page is another reference where one of our other members asked:

> In other words, we are going to have to be two years ahead, or some degree ahead of them all the way down the pike or we are going to be in danger?

Then the Secretary came back, and made reference to what was referred to yesterday as phase II. First we are going to try to get the present agreement ratified but we are even now in the bargaining process on further negotiations beyond the present agreement. These will go on during the 5-year period of the current agreement. Listen to the words of Secretary Laird on page 12098.20 of the unclassified report of the hearings when he said:

> If we stand still during this 5-year period, not only is the safety and security of the United States open to question, but so are the opportunities for a follow-on success in the Strategic Arms Talks, which are now going to start—as soon as the Moscow Agreements are ratified we open discussions with the Soviet Union on the follow-on arrangements for offensive weapons.

That is why, Mr. Chairman, it is important that we defeat this amendment and any other that would reduce research and development. Continuation of R. & D. at an accelerated pace is vital to our defense posture. We are ahead and we must say ahead. Once lead time is lost there is no way it can be regained. I urge that we vote down this amendment and any other amendments that would reduce funding for research, development, testing, and evaluation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

TELLER VOTE WITH CLERKS

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PIKE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. PIKE, BRAY, PRICE of Illinois, and LEGGETT.

The Committee divided, and the tellers reported that there were—ayes 94, noes 279, not voting 59, as follows:

[Roll No. 232]

[Recorded Teller Vote]

AYES—94

Abzug
Addabbo
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Bingham
Bolling
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Celler
Clay
Collins, Ill.
Corman
Culver
Dellums
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Ford, William D.
Forsythe
Fraser
Gaydos
Gibbons
Green, Oreg.
Green, Pa.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Long, Md.
McClory
McCormack
Macdonald, Mass.
Mazzoli
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Nedzi
Nix
Obey
O'Hara
Pike
Podell
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Rooney, Pa.
Rosenthal
Roy
Roybal
Ryan
Sarbanes
Scheuer
Seiberling
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates
Yatron

NOES—279

Abbitt
Adams
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biester
Blackburn
Boland
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Eshleman
Fish
Fisher
Flood
Flowers
Flynt
Foley
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Long, La.
Lujan
McCloskey
McClure
McCollister
McEwen
McKay
McKevitt
McMillan
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Ruth
St Germain
Sandman
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Van Deerlin
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—59

Abernethy
Abourezk
Alexander
Anderson, Ill.
Anderson, Tenn.
Baring
Blanton
Blatnik
Boggs
Broomfield
Broyhill, Va.
Burke, Fla.
Caffery
Chisholm
Clark
Conyers
Davis, S.C.
Dent
Dickinson
Dowdy
Downing
Dwyer
Erlenborn
Esch
Evins, Tenn.
Findley
Ford, Gerald R.
Fulton
Gallagher
Gray
Griffin
Griffiths
Hagan
Halpern
Hays
Heckler, Mass.
Holifield
Howard
Kee
Kyl
Lent
McCulloch
McDade
McDonald, Mich.
McFall
McKinney
Mollohan
Mosher
Moss
Passman
Poff
Pryor, Ark.
Pucinski
Satterfield
Schneebeli
Schwengel
Stephens
Widnall
Wiggins

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: Page 3, line 7: Delete "$1,997,332,200." Insert in its place, "$1,140,332,200."

Page 3, lines 10 and 11: Delete "2,661,533,250;" insert in its place $1,961,533,250."

Mr. LEGGETT. Mr. Chairman, we have opportunities to effect economies this afternoon in our national budget, but we are fortunate we still have just a few opportunities left. I would say again the amendment we are offering here, while rather obscure in terminology, is relatively simple. If the Members will refer to the report which accompanies the bill, on page 95 we talk about the $1.489 billion in cuts. Items 1 and 2 are concerned with this amendment.

Primarily it refers to the hard site ABM development program. In order to save time, I have combined that with a cut in the ULMS program, which is the Trident program, which is the 22 nuclear submarines program. Very simply, both these programs, I feel, are antagonistic to the SALT agreement. We have been limited under the SALT agreements with respect to the antiballistic missile program, to 100 missiles at Grand Forks, which is almost completed, and another site at the National Command Center, and nothing else. Why, then, do we need to spend the $140 million that I referred to in item 1, known as the hard site defense system?

This is one of those little obscure small items we have in the $8 billion research budget that goes in without even a line item, and all of a sudden a few years later, it balloons totally out of proportion. Fortunately, the SALT agreement and the antiballistic missile limitation are going to keep this particular item from ballooning out of proportion. It is never going to be able to be spent, so I ask, why spend the $140 million for this hard site defense program at all?

We are limited to the 100 missiles at Grand Forks to protect the 60 Minuteman field, and 100 missiles at the National Command Center. I say there is no reason whatsoever to get involved in this program.

This program originally started out as an Air Force program. The Air Force did not really rely or was not able to rely on and put its faith in the Army to protect their missile sites, so they decided they would develop their own program for defending their Minuteman sites.

I was briefed on this program the year before last, and the Air Force indicated it would cost-total-on this non-nuclear defense program known as hard site, $1 billion to $3 billion, depending on whether they developed new missiles or used some improved Hawks in the inventory. They got into an inter-service battle between the Army and the Air Force. The Army took over the program and translated it from a nonnuclear to a nuclear program.

They planned to spend in this program, we ascertained in the research and development committee, a total of $25 billion on the hard site program alone, in addition to the $12 or $16 billion that would normally be spent under the full-blown Safeguard missile program.

Restated, we would be spending about $41 billion for the hard site and ABM defense in order to protect about $11 billion worth of missiles.

This is a lot of numbers we are talking about, but the sense is obvious. We are obviously accelerating in this program under the SALT umbrella.

I do not believe this kind of research is required. I do not believe this kind of research is good.

The second part of the amendment addresses itself to ULMS. That is the Trident: the new submarine.

Members might wonder why we are accelerating the ULMS submarine system.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for an additional 5 minutes.)

Mr. LEGGETT. Mr. Chairman, I do intend to accelerate the argument on this.

The ULMS program involves the construction of a 24-tube submarine that is much, much larger than our existing Polaris-Poseidons. It has a range of perhaps two times the range of the existing Polaris-Poseidons.

But the President, after the submission of the budget on this item, which was in excess of some $800 million, went to Moscow, and he brought back a strategic arms limitation agreement, and the agreement said that we can deploy in the water 710 submerged missile tubes. We have deployed in the water today 656 missile tubes.

The program was that we would allow for the conversion of our 54 obsolete heavy megatonnage Titans to sea-based water.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I will yield to the gentleman in a minute, after I make this next point.

I just do not believe it makes an awful lot of sense to accelerate from $120 million spent on the ULMS system last year to the $977 million level of development this year when we are looking toward making this Trident-ULMS system a bargaining chip for 1977.

If we are spending $977 million this year, one can bet his tintype we will be spending over a billion dollars next year, and a billion dollars the following year, until we have spent, by 1977 probably $5 billion or $6 billion. Then we will have a treaty canceling it.

Mr. LONG of Maryland. I wonder if the gentleman would explain why he has coupled these two amendments together. That is to say, I voted for his first amendment. I voted for the Pike amendment. I am opposed to the ABM thing. I believe one of them is enough. I believe two is either too many or too few.

I have long felt that the ABM is simply inadequate. The Trident, on the other hand, the ULMS, strikes me as being a very important part of the whole strategic deterrent, or secondary strike force, and I favor that.

The gentleman makes it impossible for me to support his amendment by coupling the two things together.

Mr. LEGGETT. I understand that. I appreciate the gentleman's point. I am sure three or four others in the House share his view.

But I believe by and large either one is for the Arms Limitation Agreement, or perhaps for acceleration under it. I believe that this limitation would preclude acceleration under the agreement. I do not believe we need this particular system this rapidly.

My amendment does not strike out the ULMS. It leaves $277 million in the program.

I think, if you want to save money, the place to save it this year in the defense bill is in the ULMS-Trident system. We can save $700 million in the second part of my amendment and $140 million in the first part. The total amendment involves $840 million. They both relate to items barred by the agreements that are going to be ratified by this House and the Senate. Why we need to accelerate like this in the development of barred systems is very, very, very confusing to me.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

In the first place, as the distinguished gentleman from Maryland (Mr. LONG) just pointed out, the gentleman from California (Mr. LEGGETT) is mixing oranges and apples. He has two different things in here, and it is very confusing for the Members to know exactly what they are confronted with. Some people, like the gentleman from Maryland, may be interested in the ULMS but not interested in the ABM.

Second, the gentleman from California apparently has not read the committee report very carefully. He said he is moving to strike out $700 million in research and development funds for the Trident submarine, but on page 22 of the report the R.D.T. & E. money is only $555.4 million. So the gentleman's amendment is not really relevant to this particular title in that particular amount.

Finally, although we have had many opponents of the Trident submarine, or the ULMS submarine as it was originally known, this is the first time I have ever heard of anybody suggesting that we should strike out the research and development money for this new system.

The gentleman from California is being holier than the Pope, because even the distinguished Senator from Wisconsin in the other body (Mr. PROXMIRE) has said he does not disapprove of research and development funds in an effort to improve our submarine force; he is opposed to the advanced procurement items.

But those procurement funds were contained in title I of the bill, and we are already beyond that title, and the gentleman from California offered no opposition to advanced leadtime procurement for Trident at that time.

Mr. PRICE of Illinois. Will the gentleman yield?

Mr. STRATTON. Yes. I am glad to yield to the gentleman.

Mr. PRICE of Illinois. He is not only taking out more money than is actually in the R.D.T. & E. program for the Trident, but also he made the statement that this program was barred by the SALT agreement. The gentleman in the well and the gentleman from California have voted for that. Do you recall any information that was contained in that agreement that said it was barred?

Mr. STRATTON. No. The distinguished gentleman from Illinois, who is a real expert in the nuclear field, is absolutely right. Far from being barred, this improvement in our underwater Polaris submarine fleet is one of the areas in which we have specific authority to advance under the Moscow agreements.

I would point out to members of the committee that under the SALT agreement the Soviets could have as many as 62 Polaris submarines, compared to a top limit of 44 for us. So it behooves us, it seems to me, if we are going to continue to maintain a balance of forces with the Soviets, we ought to continue research and development to improve our own deterrent submarine force.

Mr. HÉBERT. Will the gentleman yield to me?

Mr. STRATTON. I am glad to yield to the distinguished chairman.

Mr. HÉBERT. I thank the gentleman from New York for yielding to me.

Members of the House, I think this brings into sharp focus exactly what we are confronted with in the irresponsibility of some of these amendments being offered and the time of the House being taken up.

As an example, the gentleman from California wanted to strike out the so-called hard site program. Mind you how irresponsible this is—$857 million. He said he is going to save $857 million. There is only $140 million in the bill, but he wants to strike out $857 million.

Mr. LEGGETT. Will the gentleman yield?

Mr. HÉBERT. I will after I get to the next one.

There is something that has added to the irresponsibility. In the ULMS program, the so-called Trident program, he wants to strike out $700 million when there is only $554 million in it.

Now, certainly, I will yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield to me for a point of personal privilege?

Mr. HÉBERT. I do not know where the personal privilege comes in, but I will yield to the gentleman.

The CHAIRMAN. The Chair will state that the gentleman from New York (Mr. STRATTON) has control of the time.

Mr. LEGGETT. Mr. Chairman, I wonder if the gentleman from New York would yield to me to clarify the record at this point.

Mr. STRATTON. I would decline to yield to the gentleman until the gentleman from Louisiana has concluded his statement.

Mr. LEGGETT. Will the gentleman from Louisiana yield to me?

Mr. STRATTON. I have control of the time.

Mr. HÉBERT. This is a further demonstration of the futility of trying to legislate in this manner.

Mr. STEELE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Connecticut.

Mr. STEELE. Mr. Chairman, I wish to compliment the gentleman from New York in his opposition to cutting the funds from the Trident and ULMS system.

Mr. Chairman, I rise in opposition to the amendment and in support of the proposed ULMS/Trident program. Trident will eventually replace our present Polaris/Poseidon missile firing submarines. Our sea-based deterrent has the best prospects of all strategic offensive systems for long-term survivability and, therefore, for preserving the strategic balance of power and with it peace in the world.

I, therefore, urge my colleagues to support the $926 million authorization for the ULMS/Trident program contained in H.R. 15495 and to reject the proposed amendment, which by cutting funds would severely delay and damage our efforts to preserve the strength and survivability of our sea-based deterrent forces.

While the majority of the Members of this body support the Polaris/Poseidon improvement program, there are some Members who do not support the schedule proposed for ULMS by the administration. They allege that the relative superiority and invulnerability of our existing submarines, sufficiency of existing weapons in destructive capability against the Soviet Union, lack of need for replacement of existing submarines, and the unpredictable nature of the future threats to our systems preclude the necessity of proceeding on the schedule proposed by President Nixon. They also argue that the administration's program increases schedule risk and precludes examination of alternatives.

I am pleased that even many of these Members have expressed their views on the importance of maintaining a highly survivable sea-based strategic deterrent force, for the reasons cited. Their major question seems to be "Why build ULMS submarines now?" rather than "Why ULMS?"

THE BROAD ISSUE

The basic objective of our strategic policy is to preserve the sufficiency of our deterrent, to make nuclear attack unattractive. That sufficiency is placed in serious doubt by Soviet momentum in building up their already powerful strategic forces, particularly their sea-based forces. This momentum promises to be only partially arrested by the recently concluded SALT agreements. I believe it is imperative that this country have a credible and logical means of insuring that the Soviets do not gain a position of nuclear superiority. The Trident program is part of that credible and logical means.

This new system should be capable of either replacing in part or augmenting existing systems and should be least vulnerable to the broadest spectrum of credible future threats to its survivability and operability. I believe that of the great number of options we have, the best action to take now to preserve nuclear sufficiency is an acceleration of the Trident submarine program.

The Trident program provides for a new, longer range Trident I missile which can be used in existing Poseidon submarines as well as a new Trident submarine. It also provides the option for a follow-on larger and even longer range Trident II missile for later use in the Trident submarine.

In the late 1970's the Trident I missile will provide for a great enlargement of the operating area of all of our SSBN's. When sufficient Trident submarines are available in the 1980's to warrant it, deployment of a Trident II missile will permit a further expansion of the operating area of the Trident submarines to a major part of the world's oceans. The effort behind this program is directed toward a system with a high level of survivability throughout the remainder of this century. There is no known or postulated credible antisubmarine warfare threat that is not considerably blunted by a greatly expanded operating area.

Both the Trident I and the potential Trident II missiles will permit cost effective operating of our Trident submarines from the continental United States which can lead to, among other benefits, a major improvement in the command and control of our SSBN's.

The Trident submarines could replace our older SSBN's in the early 1980's—the first 10 start reaching 20 years of age in 1979 and lack adaptability for cost effective retrofit from Polaris to Poseidon and to needed quieting modifications. With a schedule acceleration the Trident submarines can provide an option to augment our strategic forces.

The proposed acceleration of the Trident submarine program would commence design, development and construction of the Trident submarine now rather than waiting another year or two and would provide the first operational Trident submarine in late 1978, approximately 3 years earlier than in the previous development schedule. This acceleration does not compress the overall program into a "crash" basis, but simply provides for commencement, earlier than originally planned, of a logical, orderly phase of the program—that is, the submarine development.

OBSOLESCENCE BY AGE AND TECHNOLOGY

Our present SSBN's were all deployed in the 7-year period between 1960 and 1967. Some are nearly a dozen years old today. At the peak of the Polaris building program 12 submarines appeared in 1 year. These first submarines represented an accelerated effort to attain a sea-based deterrent rapidly. Smaller attack submarines under construction were literally cut in half to allow insertion of a missile compartment to provide for earliest introduction. Subsequent classes improved in quieting, depth capability, and habitability, but the basic ship technology was otherwise not greatly changed.

Because of our lead in nuclear submarines, the U.S. Navy has been able for some years to maintain a position of superiority in sea-based deterrent systems in the absence of an extensive antisubmarine warfare challenge and Soviet accomplishments in that field. The Polaris/Poseidon program has unquestionably been successful. But the oldest Polaris submarines now show the effects of age. From the nature of their continuous operations, with two different crews rotating to keep the submarines on station, wear and tear on SSBN's exceeds that of most other ships. While it may be probable that these SSBN's will provide safe and economic operation for 25 to 30 years, and our maintenance efforts are geared to provide as long a life as possible, such life is not guaranteed. Our oldest SSBN's displayed many problems at the point of their first shipyard overhaul. It should be borne in mind that the specifications in effect at the time these ships were designed assumed a nominal ship life of 20 years.

There are absolute limits as to improvements which can be made in the present ships. Growth potential provides only for modest improvements in quieting, sonar, or missiles. It is not economically realistic to convert the first 10 SSBN's to Poseidon, for example, and introduction of the Trident I missile in the remaining 31 ships would use all of their missile growth potential. Only a few noise reduction improvements are feasible in the existing ships. Significant noise reduction of a nature to assume maintaining a lead against anticipated acoustic technology requires the radically different and quiet propulsion plant planned for the Trident submarines; this cannot be backfitted in existing SSBN's.

In short, the existing Polaris/Poseidon SSBN's do not have an indefinite life, and do not represent current technical capability in areas important to future sea-based strategic forces.

THE STRATEGIC BALANCE—TECHNICAL CONSIDERATIONS

I have noted that some Members have expressed their belief that stable nuclear deterrence requires that neither side gain the ability to inflict considerably greater urban/industrial damage on the other. They cited the existing imbalance with increasing introduction of MIRV and SRAM and U.S. bombers as offsetting the numerical missile superiority of the Soviet land-based missiles. Some have also cited the U.S. Poseidon lead in MIRV, submarine platform superiority, geographical considerations, U.S. ASW superiority, and superior U.S. missile range as factors which tilted the sea-based balance towards the United States until at least 1980 even if the Soviet SSN-X-8 were MIRVed and installed in all Yankee submarines.

First, we know the SSN-X-8 missile has been tested. While we do not know whether this larger missile can be used in a Yankee submarine, the Soviet Union should be able to modify such a platform to carry the missile without greatly reducing the high speed capability of the Yankee, which assists it against antisubmarine warfare threats. Furthermore, the long range would permit a submarine to target the United States from closer to its home waters and permit the Soviets to patrol millions of square miles of ocean area while targeting geographically one-half of the United States. If they desire, they need not, with this missile, come into waters where we logically can concentrate ASW efforts. As range aspects of the missile are examined, it becomes obvious that any geographical advantages the United States might now hold would shrink.

The Soviet Union, in the same examination, presents a more difficult problem with its greater land mass and surrounding countries, which act as buffers. When equipped with the new missile they need not, if they choose, have long transit periods which decrease the percentage of time when "on target." It is reasonable and logical that it will be employed in new SSBN's and possibly backfitted into older Yankee's. This new missile and other technically feasible programs will give their submarines the capability to strike us from points only a few days from Soviet bases. These developments increase the threat to our land-based strategic forces and increase the reliance we must place on our less vulnerable sea-based strategic deterrent.

Poseidon MIRV does provide the United States with a numerical advantage at perhaps a very opportune time. Successful development and deployment perhaps in itself have caused the Soviets to consider deployment of an effective ABM economically prohibitive and have undoubtedly been instrumental in leading to the recent SALT agreements. At this point, however, it should be acknowledged that in the absence of an ABM, superiority does not necessarily go hand in hand with numbers of warheads when considering relative effectiveness in inflicting urban/industrial damage. The superior numbers and overwhelmingly superior payloads of Soviet land-based missiles create a disparity in damage effectiveness due to the larger warhead yields.

TRIDENT SIZE AND DESIGN STUDIES

It has been said that Trident may be a risk of premature commitment to an ill-advised design and suggestions are made that the Department of Defense and the Congress should conduct an in-depth review of alternative new submarine designs.

The Department of Defense has conducted such a review, and has reviewed other alternatives related to our strategic forces, in its development of the recommended Trident program. At this point, well over 100 design variations have been studied. These include ships with various numbers of missile tubes, various maximum speeds and depths, a number of hull shapes and arrangements, and options for decreasing observables by means of which the submarine might become vulnerable. A number of these candidates have been examined in detail by the Navy, by the Office of the Secretary of Defense, and by scientific groups within and without the Navy. The selection of the current design was made by the Secretary of Defense after consideration of the Trident candidates as well as a number of options for modernizing our present SSBN's.

The displacement of the submarine is, to a very large extent, determined by the total missile tube volume since it is necessary for the submarine to support the weight of the tubes with missiles and with an equal weight of water when the missiles have been launched. As the missile volume is decreased, dependence on the advanced technology to achieve the range and payload goals increases, and the technological risk and development cost increases. The size of the proposed Trident design is actually the result of a compromise between these factors.

There is also incorporated in the design a propulsion plant of such power and with improved quieting features to provide reasonable safety and some improvement in assurance of countering threats of the future which might be forecast during the operational life of the Trident submarine.

COST OF TRIDENT

We have all heard reports referring to a $30 billion acquisition expenditure for Trident. However, examination of the cost projections included indicates that these costs provide for a force of 31 Poseidon submarines with Trident I missiles and 30 Trident submarines with the larger Trident II missiles. No commitment has as yet been made to the acquisition of this number of Trident and converted Poseidon submarines. Current projections are for 10 Trident submarines equipped with Trident II missiles in combination with a force of 15 to 16 Poseidon submarines equipped with Trident I missiles. Such a mix would cost approximately $15 billion.

It has also been suggested that a $100 million expenditure by the Soviets for their 42d Yankee submarine is propelling us into a $30 billion expenditure. This is not so. Our very deliberate approach is based more upon the appearance of a new, large, and increasing Soviet SLBM force, in conjunction with an expanding program of technological development or deployment in all fields of strategic systems. Moreover, the $100 million expenditure for a Soviet submarine complete with missiles may not be a valid cost. For example, our costs for a duplicate SSBN-640 class, commissioned in 1967, would be estimated at between $220 to $230 million, without missiles, today.

It should be noted further that even assuming the $100 million cost for the Y-class Soviet SSBN, it is not this cost alone which is of concern. Rather, it is the total cost of Soviet strategic forces—past, present, and projected—including R. & D. and investment, and what this investment represents in developing and deployed systems, that is of concern to us. One opposition group does not note, for example, the disparity in expenditures—favoring the Soviets—between United States and Soviet Union strategic forces which has existed for some time.

MOBILITY

In considering the propulsion power or speed required for Trident, an important factor is the need for mobility—the ability to use the open ocean.

While a long range missile can increase the operating area theoretically available, the area patrolled is limited by the patrol radius; that is, average speed and time on patrol. If the patrol radius is short the submarine is localized almost as effectively as if there were geographical limits on the patrol area. Personnel endurance determines to a large extent the limits to which the patrol time can be extended; therefore, further increases must come from increased speed. The improvements that are needed and planned for Trident cannot be backfitted into the present size SSBN because of the physical limitation of these older hulls. To be survivable the submarine must be free to use the environment to best advantage. This can only be done if mobility has been built into the platform.

SEA-BASED FORCE SURVIVABILITY

The problem of prelaunch survivability has undergone an evolutionary process. It is conceivable that some counteraction would be possible against our SSBN's had the United States continued to rely on its early missile technology. Increasing the range of the submarine launched Polaris missiles, that is, A-1, A-2, A-3, brought about considerable growth in sea room available to our SSBN's. The effect was an extensive dilution of whatever ASW capability the Soviets possess. Since it is axiomatic that detection techniques will continue to improve, and increased effort cannot be dismissed, the United States has continued to develop its technology, both in missiles and in SSBN engineering capabilities. The planned ranges in the Trident I provide more dilution of Soviet ASW and the projected Trident II would provide a vast increase in available operating areas.

Dilution of Soviet ASW effort is not accomplished by increased operating area alone. Improved quieting techniques have been incorporated in each new class employed since the initial deployment of the earliest SSBN's, and some quieting improvements have been backfitted in the earlier classes. However, the significant improved quieting features planned for Trident can only be provided on new design submarines.

The United States is now well into an era in which the advantages of the sea-based deterrent, in terms of long term survivability and the attendant stabilizing effect which accrues therefrom is generally accepted. However, we must recognize that the Soviets will continue to place major effort on trying to neutralize or counter our sea-based deterrent.

The Soviets continue to improve and expand their antisubmarine capability. They are building improved nuclear attack submarines—one of their best ASW weapons. Also, we know the Soviets are attempting to establish an area antisubmarine surveillance system. This is presumably aimed at locating our Polaris/Poseidon submarines. While we know of no definite threat to our existing Polaris/Poseidon submarine, the Soviets have made great strides in naval capability which may, in the future, pose a threat to these submarines. Development of such systems as the Moskva class helicopter equipped ASW ships, submarine and surface ship sonars, and improvements in their naval air arm indicate increasing efforts in all aspects of ASW technology.

While we are not able to predict the exact form of future ASW threat, there is a limit to the number of possible observables, and the physical laws which govern them are fairly well known. Our ability to make improvements in existing ships is limited by the space available and the cost to completely redo some features of these ships to incorporate design changes. Continued research in programs such as SSBN defense identify the areas which offer the greatest potential for exploitation and conversely the areas requiring attention to insure that the detectability of the submarine is minimized. Significant reductions in observables, however, will be needed for survivability as processing and sensor technology advances.

The increased SLBM ranges and the engineering improvements have both contributed significantly to the long-term survivability of the U.S. sea-based deterrent. The Soviets have recognized this by their extensive Yankee SSBN building programs which now include 25 in operation with work underway on the 42d ship of this class. Although the SALT agreements limit the Soviets to 62 modern ballistic missile submarines their present construction rate could allow them to reach that limit by 1975 and thereby provide them with a substantial lead over the United States by that time.

SOVIET ACTION ASSESSMENTS

The case for Poseidon with its MIRV capability was made on the basis of a Soviet ABM threat. The fact that the threat has not developed does not mean that MIRV was not necessary. Rather the MIRV development made evident the enormous problem which would confront even an extensive ABM deployment. In a similar way, improvements in missile capability and in SSBN platform performance would demonstrate the massive effort required to achieve a significant degree of ASW effectiveness.

The implication is clear. Technological improvements to our sea-based deterrent forces could serve to forestall the Soviet threat. The administration's proposed Trident program supports this pattern of forestalling the threat.

The combination of providing the Trident submarine with a very large patrol area, coupled with a quieter submarine with characteristics which provide a higher measure of survivability, can place the ASW counter to Trident in a category which is economically prohibitive. Such a condition of survivability is stabilizing in that a counter is not invited.

THE IMPORTANCE OF TIME

It is extremely important that this country have at a reasonably early date a credible and logical means of moving forward with effective measures to preserve its deterrent sufficiency in light of the following facts:

Soviet land-based ICBM's outnumber ours by nearly 500.

Soviet strategic momentum includes programs for new or modified missiles and solid propellant missiles.

Soviets already have greater payload, megatonnage, and equivalent megatonnage in their strategic missile forces.

Soviets have developed a new sea-based missile which is larger than our Poseidon and with a greater range capability.

Soviets are rapidly closing the technology gap in antisubmarine warfare.

Minor imbalance is not the concern. What is of concern is the fact that a crossover point to a major imbalance could occur in the mid-1970's.

OTHER IMPORTANT FACTORS

Five to seven years to design, develop and deploy new SSBN in an orderly manner.

With a building rate of three ships per year, it would be the end of 1981 before 10 Trident submarines would be operational.

Cannot regain lost leadtime if we fail to make a positive decision now and find ourselves in an even greater dilemma later.

Important to quickly reduce the leadtime required to exercise an option for deployment.

Delivery dates can be modified in future years as needed, including the initial delivery date.

SALT AGREEMENTS

Acceleration of the Trident program in no way conflicts with the recently signed Strategic Arms Limitation Agreements with the Soviet Union. On the contrary, the controlled modernization of our strategic deterrent forces is essential if we are to make further progress in the next round of strategic arms talks with the Russians. The Trident program is the keystone to such modernization, and as such deserves full support.

SUMMARY

In essence, it all boils down to a simple matter: Should this Nation, in light of the strategic reality today, proceed with development of the next generation strategic missile system now, thereby providing for continued effectiveness of our deterrent forces for the future, or should it follow a "wait and see" approach, postponing such a decision to some indefinite time in the future? This year the Nixon administration has deemed it absolutely essential to make the "hard decision" on Trident. I submit that the Trident acceleration is a carefully considered, well developed program which is essential at this time, and I urge my colleagues to support the full authorization for an accelerated program.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, unfortunately we have a clerical error on this amendment. I think it is an important amendment and one that should not have a clerical error involved in it. Unfortunately my staff work was rather hurried this morning, and we do have a difficult time getting minority staff assistance on the committee since we really have a bipartisan-type committee. But in my amendment, the first part of the amendment, I would ask unanimous consent that the figures be revised not to show the $800 million-plus reduction, but to show only a $140 million reduction.

And the second item, where we ask for a reduction of $700 million, I would reiterate that while $555 million appears in the bill under the ULMS R.D.T. & E. for the ULMS, which were reported to our committee, that were requested, that are not included in other procurement, they must be in the R.D.T. & E. Therefore my amendment is in good form so that the $700 million-plus and the $840 million can be effectively stricken from the bill under my unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. PRICE of Illinois. Mr. Chairman, reserving the right to object, the gentleman from California is entirely wrong when he says that there is an amount for R.D.T. & E.

Mr. LEGGETT. As I understand the additions, it has advance procurement of some $300 million-plus for submarines.

Mr. PRICE of Illinois. They are not R.D.T. & E. funds.

Mr. LEGGETT. As I understand, these are R.D.T. & E. funds and I would challenge the gentleman from Illinois on that because I have discussed this with counsel for the committee.

Mr. PRICE of Illinois. They are procurement funds.

Mr. LEGGETT. I have been advised that these are not procurement funds; these are for R.D.T. & E. for the advanced submarine.

Mr. PRICE of Illinois. I would suggest that the gentleman check his addition with the same people who gave him the original figures.

Mr. LEGGETT. The addition was done by my personal staff but the other advice was given by the committee staff.

Mr. PRICE of Illinois. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HARRINGTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: On page 3, line 7, delete "$1,997,332,000" and substitute "$1,937,332,300".

And on page 3, lines 10 and 11, delete "$2,661,533,250" and substitute "$2,641,533,250".

And on page 3, line 14, delete "$3,168,940,150" and substitute "$3,138,940,150".

Mr. HARRINGTON. Mr. Chairman, the ink is hardly dry on what I think has to be historically the most important achievement of the Nixon administration, and one that I support without reservation and one which I think will be judged as a significant turning point in this country's foreign relations since the end of World War II. I am referring to the SALT agreements.

Yet the Secretary of Defense appeared before the various congressional committees and asked us to take it upon ourselves to commit ourselves, before we even acted on this year's spending proposals, to spend something in the vicinity of $1.3 billion toward an additional weapons system or the acceleration of existing systems to insure the superiority of our current capacity and bargaining position with respect to Russia.

My point in coming here this afternoon is not to attempt in any way to argue about the merits of any one of the systems that have been benefited by the increment provided in this bill.

I am, however, asking that the $110 million, which is the total requested by the administration through the Secretary of Defense, immediately after the SALT agreement, be struck from the bill at this time. I make the request really to enable us to demonstrate to an increasingly skeptical world and to demonstrate to an increasingly skeptical population in this country that we have a degree of trust and confidence in the agreements reached in Moscow.

I do not think our experience in Southeast Asia has won us a continuation of that trust and confidence.

I think it is a serious disservice both to the present generation of this country and to the world as a whole to show such a lack of confidence in the agreement that we rush—thoughtlessly—to spend money on alternate systems.

I ask that we strike from the bill those moneys which were asked for after the SALT talks were completed and that we give the agreements a period of time in which to settle and in that way attempt to build a system of mutual confidence and trust, and that we demonstrate a degree of patience and I suppose restraint when it comes to appropriating any more funds.

I sat through most of the committee hearings on this bill listening to $2 billion plus being sought for procurement appropriations and I got the distinct impression from administration witnesses such as John Foster and the Secretary of Defense Melvin R. Laird and others that they were satisfied that the money they were asking previous to the SALT agreement was a sufficient deterrent to meet any challenge that we had in the fiscal year ahead.

I see no reason, frankly, in view of the fact that we negotiated the first step toward arms control to feel less than satisfied with the earlier assessment by the administration.

I think it would be tragic, and certainly shortsighted, with the very brief time that has elapsed since the agreement to develop an accelerated arms activity which could lead very much to the breakdown of the very purpose of this agreement.

Last but not least, let me address myself to the bewildered taxpayer that we are all going to be confronted by in November of this year, who I think by the President's own remarks has been given a sense of expectation that somehow he might be paying less rather than more for his defense bill.

The illogic of suggesting at this point in time that, as a result of arms limitation, the taxpayer may somehow expect to have a higher defense bill in the immediate future defies my ability to provide an adequate explanation.

I criticize the frame of mind which wants to continue unabated a policy and attitude which I think has had a profound negative effect on this country for the last generation. We are once again being asked to forgo giving full support to the agreement which has for its purpose to determine whether or not we can trust the Russians, or perhaps as the Soviets view it—they can trust us—before we start on the next phase of arming ourselves to the point where we will have lost even the momentary benefits of this agreement.

Let me speak now to the specific items which have been increased.

This amendment would cut the $20-million add-on for the submarine-launched cruise missile—SLCM. The Pentagon's request represents the so-called bargaining chip approach run wild. This system, originally abandoned many years ago, is far inferior to our present Polaris/Poseidon submarines. It is conceived as a means to stress Soviet air defenses, but since the effectiveness of the Polaris/Poseidon system has been guaranteed by SALT limits on ABM, this costly program is unneeded.

I would also cut the $60 million of additional funds for site defense research and development. This new ABM system will be very costly to develop and, because of the ABM treaty, could be deployed only at one ICBM site protecting a small portion of our deterrent. When the Soviets acquire MIRV, as Secretary Laird predicts they will in 18 to 24 months, such a site defense system could be easily overcome by 10 to 20 SS-9's. In any case, it should be obvious that the SALT agreements have not made it necessary to accelerate spending on ABM technology. In cutting $60 million from site defense there would still be $80 million left to continue research.

The purpose of the extra $20 million requested by the Pentagon to develop improved reentry vehicles for ICBM's is somewhat baffling. It could involve work toward either improved missile accuracy or better ABM penetration. The President, however, has banned developments toward improved accuracy, and the limit on ABM makes additional improved penetration systems less needed than before SALT. There is no logical reason to support these funds.

There is an additional $10 million for command, control, and communications that my amendment would cut. I see nothing in the SALT accords that increases the demands placed on our command, control, and communications facilities and, therefore, there is no reason for the Pentagon to try to wring still more funds out of Congress for these purposes as a result of SALT.

The cuts I propose are small and will not in any way jeopardize the bargaining position of the United States in SALT II. These cuts do not impair our security, as the programs involved are already funded at a high level and are, in some cases, ineffective and wasteful. The Armed Services Committee has not given them the scrutiny they deserve. And, it may be noted, there is no printed record of the committee's brief examination of the Pentagon's SALT add-ons available so that other Members of Congress may try to acquaint themselves with the details.

I would hope that my colleagues will support this small but symbolically important effort to show that the Congress will not tolerate use of the vital SALT agreements as an excuse for more military spending.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment goes to the very heart of the SALT agreements, and the hoped-for follow-on agreements.

It would cut $110 million from R. & D. to maintain our technological lead in the field of nuclear armaments.

I think that any objective analysis of the recent treaty and the executive agreement signed by the President leads to the conclusion that the United States was exceedingly generous in the agreements and in the treaty. The Soviets, by the agreements, are permitted 1,618 ICBM's. We are permitted 1,054.

In the field of submarine missiles the Soviets are permitted 740 missiles. We are limited to 656 with the agreement of course, for substitution.

It is true that the United States has more warheads, but the Soviets have a 2-to-1 advantage in megatons. The Soviets thus have numerical superiority, while we are left with our technological lead which, by the best estimate, appears to be 2 years. I think that the treaty and the interim agreement are in the interest of the ultimate security of the United States and of world peace, particularly when you consider the ongoing of the Soviets that would have given the Soviets superiority within the 5-year term of the agreement. We do not have such programs in being.

I agree with the President: No one lost and no one gained in the treaty and in the agreement, but future generations will rue the day, I say, Mr. Chairman, that the administration entered into the agreements and this body ratified the agreements, if we do not maintain our technological superiority. If we do not continue our technological advancement, the interim agreement will be the vehicle through which the Soviet Union will be permitted to attain strategic superiority.

I also agree with Secretary Laird that if we are not determined to maintain our technological lead, the frozen-in supremacy of the Soviets in numbers should call for the scrapping of the agreement and of the treaty.

Mr. Chairman, the United States has been generous in the interim agreement limiting offensive weapons. Now is the time to be strong with this body expressing a determination to maintain our technological lead. The amendment should be defeated.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

At the request of the Department of Defense the committee made reductions totaling $692.4 million in the authorization bill based on the initial SALT agreements. These reductions are partially offset by an additional $110 million in research and development.

The net reduction of $582.4 million is arrived at by reducing Army missiles procurement by $265 million; by reducing the Army R. & D. effort related to Safeguard by $34 million; and by reducing military construction for Safeguard by $393.4 million.

I think it is important that the committee understand the reason that this $110 million which the gentleman from Massachusetts seeks to strike from the bill is in the bill. It is definitely a result of the negotiations at Moscow in connection with the SALT agreement. Both sides understand the situation. Both sides understand that there are certain defense measures and programs that they are developing, and that they think at the present time, and until further understandings are reached in the future, are necessary to continue. The $110 million was definitely requested by the administration.

The reason for it: The SALT agreement itself limits the quantity of our strategic missile system. It will be necessary to improve the quality of this system, and this is vice versa with both sides. To accomplish this objective, the Secretary of Defense requested add-on totaling the $110 million in research and development. These add-ons are for this purpose: $60 million for Minuteman site defense to improve the radars in the Minuteman field. The objective is to develop a radar which is both reliable and less expensive than the Safeguard radars.

Another add-on was $20 million for submarine-launched cruise missiles. This is an area where we have no capability whereas the Russians have considerable capability. Also the cruise missiles are not limited under the SALT agreement.

Another add-on was to improve the accuracy and penetration capability of our reentry vehicles for our ICBM's and Poseidon missiles, $20 million.

The last increase is for $10 million to improve the reliability and capability of our Communications Command and Control Network related to our strategic systems.

The SALT agreement is supported by the members of the Joint Chiefs of Staff on the basis that additional effort will be made in research and development on these systems or programs mentioned.

It is a vice versa situation. The other side is doing the same thing in areas comparable to these. I urge the defeat of the amendment.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

I would like to state that again the question is whether or not we abide by the spirit of the SALT agreements or whether or not we accelerate under the SALT umbrella. I think that is essentially the issue.

There have been some statements made that we are going to exceed the Soviets under the agreement in warheads, but not megatonnage. I asked Dr. Foster about this, and his answer appears on page 22443 in the Record of June 26, 1972.

By the end of this year, the Soviets will have 2,600 warheads as opposed to 5,600 warheads of the United States. In megatonnage we will have 4.6 million versus 4 million megatons for the Soviet Union. So by the end of this year, with the agreement we will still exceed the Soviet Union in megatonnage and will have a 2 to 1 warhead capability superiority over them.

I think I can best use the balance of my time in reading some remarks I had inserted in the Record yesterday, by the columnist Art Hoppe:

THE GREAT ROCK RACE

(By Art Hoppe)

June 25, 1984—As church bells chimed and people throughout the world danced in the streets, the United Nations today realized an age-old dream of mankind by ratifying a Universal Disarmament Pact.

Under terms of the widely hailed treaty, all Nations agreed to destroy immediately every single weapon in their arsenals—from missiles to billy clubs, from jet bombers to bows and arrows.

"At last man now enters a golden age of permanent peace," a jubilant President told the U.S. people in a nationwide telecast. "At last we can divert our $200 billion defense budget to better the lot of every American. For man will war no more. "After all," he said with a smile, "The only thing man can now hurl at his brother is a handy rock."

June 26, 1984—Defense Secretary Melvin Ludd appeared before a joint Congressional committee today to ask for $1.5 billion research funds to develop a "prototype rock."

Ludd pointed out that rocks, being indigenous to every nation's environment, were not banned by the treaty. "We can be sure," and the Chinese are secretly at work on an advanced rock that could make America a second-rate power."

April 8, 1985—The Army today unveiled its new M-16 anti-personnel rock designed to fragment on impact.

Developed at a cost of $43.6 billion, it will replace the now-obsolete 125-pound M-15 rock, which failed in extensive tests to get off the ground. Some of the obsolete M-15s will be mothballed for emergencies, the Army said, while the remainder will be sold to "our friendly neighbors in Latin America" for 3 cents on the dollar.

The Army purchased one million of the new H-16 rocks for $1.39 each. The rest of the $43.6 billion went for new M-16 mobile rock haulers with white sidewall tires, new individual M-16 rock carriers with chromium handles.

November 3, 1985—Secretary Ludd asked Congress today for $64.5 million to develop an Anti-Rock Rock, (ARR) plus another $82.7 billion to construct an Anti-Rock Early Defense Line (ARED).

He cited CIA reports that the Chinese were working on an Inter-Continental Ballistic Rock launched by a giant Chinese firecracker.

He said the proposed ARED, a mile-high net along the Canadian border, would intercept most Chinese ICBR's, while the new ARRs, sent aloft by mile-long rubber bands, would shoot down the rest.

November 7, 1985—A worried President today signed the Universal Draft Law requiring all Americans over age five to work on the Nation's rockpiles.

"Our freedom will never be secure," he said, "until we have the world's largest rockpile stockpile."

July 4, 1986—The people of the world, fed up with working day and night on their national rockpile stockpiles, revolted today.

Chanting the stirring slogan, "We need rocks like holes in our heads," they marched on the U.N. and demanded an entirely new treaty. This one banned not weapons, but all Generals in general and all Defense Secretaries in particular.

And so church bells are chiming and people throughout the world are dancing in the streets tonight—confident that they have at last found the key to a golden age of permanent peace.

Mr. Chairman, it is obvious that we have completely burlesqued the SALT agreements out of all proportion by having the Secretary of Defense come to Congress and ask for acceleration of the items the gentleman from Massachusetts (Mr. Harrington) is now trying to strike out with this amendment. They are totally unwise. The White House apparently concurred, in mildly censuring the Department of Defense, and I hope all here will join those of us who are going to be supporting this amendment.

Mr. HUNT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have been listening now for about 40 minutes to a discussion in regard to the merits of whether we will or whether we will not remove from this authorization $110 million earmarked for research and development.

The red herring has been thrown out that this will in many ways usurp or obstruct the present SALT talks.

Nothing is further from the truth than the fact that this would stop or usurp or in any way damage the SALT talks.

The same gentlemen who have been up here making all the remarks and trying to strike down this defense project, which is a matter of finding a better way of defending our country, are the same gentlemen who have steadfastly defended 50,000 grants to 69 universities which are studying the ecology of the blackbird and the sweat glands of the Gibraltar ape.

What a strange coincidence we have in this House today.

The only thing this committee seeks to do in the propagation of this bill is to support the way of life of the American people, to obtain better ways of defense, to make sure that everything we stand for and want can be perpetuated, and preserved for our Nation.

It is a matter of research and development on those items which are not affected by the direct talks in Moscow.

Do not be lulled to sleep by the so-called SALT talks. The Russians have not changed their ideology. They still maintain their same belief that they will some day rule the world.

It behooves you and me, as members of this committee, to stand fast and to find out bigger and better ways that we may combat the ways they have, by better research and development.

That is exactly what this $110 million will do, which my friend from Massachusetts seeks to destroy.

The other gentleman from California who so eloquently read his remarks from the Record, I believe must have run out of gas today. Someone made the remark awhile ago, "When does he stop?" I said, "He will stop when he comes to the point where he has nothing more to project, and then he will start reading from the RECORD."

This goes on every year when this bill comes up, but I never hear this gentleman read one word into that RECORD which would strike any portion of the appropriation or the authorization for a submarine building base at Vallejo, Calif.

Mr. Chairman, I will yield back the balance of my time. Let us get on with the bill. We have other work to do. Let us get on with it.

Let us vote down this amendment without any equivocation.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, apparently the gentleman from California does not read the paper very carefully, because if he did he would find out how completely out of tune he is with what the thinking of the American people happens to be at this particular time.

I am not a great one to believe in polls, but I was rather attracted this morning by the Harris poll, just made, relative to the President's summit trip. I believe this reflects exactly what is going on in this country today as to the thinking of the American people:

> By a massive 82 to 11 percent the American people viewed with approval President Nixon's summit trip to the Soviet Union, and by an almost identical 80 to 12 percent margin, the public gives its stamp of approval on the agreement to limit the manufacture of nuclear defensive (ABM) missiles.
>
> In fact, all of the agreements reached at the summit meetings in Moscow receive at least 80 percent or better endorsement from the American people in a special Harris Survey among 1,401 households conducted June 7–12.

I would simply say that while we do not have to believe every poll, to be completely and wholly accurate, this is a clear indication of the thinking of the American people today.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield to me?

Mr. ARENDS. I yield to the gentleman.

Mr. LEGGETT. I agree with you. It is completely accurate; 80 percent of the American people certainly support the President in going over to Moscow and making these agreements, and I hope 80 percent of the Congress will ratify the agreement. But I also think 80 percent of the American people will expect, as a result of this agreement, that we will be making some kind of reduction in defense expenditures and will not be accelerating under the SALT umbrella. That is exactly what the amendment of the gentleman from Massachusetts (Mr. HARRINGTON) does. It applauds the President for what he has done and says, let us not do anything inconsistent therewith.

Mr. ARENDS. Mr. Chairman, I ask the Committee to vote down overwhelmingly the amendment offered by the gentleman from Massachusetts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HARRINGTON. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, each component of the Armed Forces is authorized a maximum end strength for active duty personnel as follows:

(1) The Army, 841,190;
(2) The Navy, 601,672;
(3) The Marine Corps, 197,965;
(4) The Air Force, 717,210;

except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: On page 4, line 6, strike "841,190" and insert "794,167".

On page 4, line 7, strike "601,672" and insert "526,524".

On page 4, line 8, strike "197,965" and insert "187,242".

On page 4, line 9, strike "717,210" and insert "535,458".

Mr. HARRINGTON. Mr. Chairman, I suppose borne by the success by my efforts today I should make this briefer than 5 minutes, but let me, if I can, have one more go at it.

I read with interest the speech given in the late fall of last year by the chairman on the Senate Committee on Armed Services, JOHN STENNIS, certainly no apostate of doing without a strong military effort. He pleaded the same philosophy that characterized his December speech when in January or February of this year he raised two serious questions about whether or not spending between 55 and 60 percent of our total annual military effort for both active and retired personnel does not mean that we are pricing ourselves out of the market on adequate defense.

I had at the same time some comments made to me by the head of the Selective Service System, Mr. Tarr, last year in testifying before my committee where he had some serious reservations as to whether we could sustain a purely volunteer army, which would exceed 2 million people.

This amendment of mine to lower troop strength levels aims at those concerns. It does not have any magic attached to the numbers in it, but it is just raising for the Congress and the public again the question as to whether or not we need 2.3 million-plus men in 3,000 locations.

I want to say that I read in the Washington Post today an article about one of our adversaries, the Premier of North Korea, suggesting that it might be desirable to begin a bilateral reduction of our men and theirs. If this man can make such a suggestion, I wonder at our inability to even raise the question of lowering our force levels.

I think the time has come as the Senate majority leader (Mr. MANSFIELD) has indicated to reexamine the basis of some of our troop presences in various parts of the world; and I would certainly cite as an example of this the presence of 300,000-plus men in Western Europe more than a quarter century after the conclusion of World War II. I would also cite the numbers game being played on the American public in Southeast Asia where the last troop withdrawal there consisted of only 6,600 men many of whom were transferred to Thailand, Guam, or onto the large number of ships off the coast of Southeast Asia, creating in effect an additional 150,000 to 175,000 U.S. military personnel in Southeast Asia. And than I look at the number of other foreign policy obligations inherited from our efforts during the Dulles era which seem to have persisted into the sixties and even into the seventies and on these outmoded commitments make me wonder whether on talking about weapons systems as we did in the early part of this bill or in talking about the Active Force level contained in this bill this body should not begin to reexamine whether an adequate defense costs 60 percent of our money in terms of troop personnel floating all over the world, and whether in fact an analysis of this would not result in an effective decrease in troop strength levels.

Mr. Chairman, I do not expect this amendment will pass, but I would hope that the Congress and this country and the Armed Services Committee would do something more than simply OK the DOD's manpower ceiling without examining the rationale for that level.

My amendment cuts our troop strength levels to 2,043,391,000 men. I offer this amendment for a variety of reasons which I should like now to explain.

Our ratio of support to combat troops is the largest in the world.

Our standing Army is one of the largest in the world.

Our costs are the highest in the world.

How can we cut this unwieldly and unnecessary size?

Obviously we cannot cut the core strength of the Armed Forces.

This core strength consists of the following numbers of personnel:

Service	Number in major mission and support	Number in combat skills
Army	461,064	208,784
Navy	282,556	66,130
Marine Corps	107,131	55,549
Air Force	232,643	36,351
Total	1,083,394	366,814

According to the Department of Defense, these figures include trainees, transient, and so forth.

Out of the remainder, I am proposing to cut out the personnel included in what DoD calls "productivity factors" and what is in reality planned personnel excess. These personnel do not contribute to combat effectiveness, provide no support for combat forces, and are not even on leave, liberty, sick, taking care of personal functions or included in other necessary manpower losses.

The noncore personnel amount to the following—and these are the numbers I am proposing to cut:

In the Army: 47,023.
In the Navy: 75,148.
In the Marine Corps: 10,723.
In the Air Force: 181,752.

Over the past few years, the armed services have developed very elaborate and exact personnel accounting systems. For this they are to be commended. They now know the exact amount of time it takes to perform the functions of the armed services. They know how much personnel time is consumed in performing personal functions such as eating, taking care of paperwork and other personal matters. They know how much time is lost due to personnel in transit, sick, injured, AWOL, and in confinement. All of these legitimate factors are added together to make up a large part of the personnel authorization request which is included in this bill.

The legitimate personnel authorization for the armed services is:

For the Army: 822,909.
For the Navy: 526,036.
For the Marine Corps: 187,668.
For the Air Force: 545,258.

These were not the levels requested. There was another factor added in. The Department of Defense calls it a "productivity factor." What this means is, when experience and the personnel accounting systems show that 100 man hours are required to do a job, 111 to 140 man-hours will be allotted to it depending on the service. In other words, 111 to 140 people will be assigned to do the job of 100.

To put it more concretely, it takes 94 men to maintain a squadron of 12 F–4's. Additional men are added to allow for personal functions, sickness, leave, and so on. Then, an additional 10 to 38 people are added for the productivity factor. Unfortunately, there is only work space for 94. The others, if they try to work on the aircraft only get in the way.

Therefore, they do nothing which contributes to national security. There is nothing they can do. They can only get bored, frustrated, disillusioned, and in trouble. In Vietnam they might get stoned on marihuana.

This is one reason why the U.S. Air Force had 132 men per aircraft while the Israeli Air Force, with similar equipment and an enviable combat record, has but 23.

This is one reason why personnel costs are by far the largest portion of our defense budget.

This is one reason why Lt. Gen. George L. Forsythe, Special Assistant for the Modern Volunteer Army, noted this March:

> According to Opinion Research, 88 percent of enlistment candidates list interesting and challenging work as the most important aspect of a job, and less than one-half believe the Army offers such work.

If this amendment is accepted, we can have a leaner, tougher, better equipped armed force with higher morale and at less cost to the taxpayers. Not one person who contributed to national security will be cut. Not one unit will be cut. Not one fighting man will be cut. Not one program will be cut. All that will be cut is waste, and we cannot afford not to cut every element of waste in anything as vital as our national defense.

Last year the House voted to extend the draft for 2 years and implicit in that vote was the idea that a volunteer army would be established in July 1973. The current troop strength level is a rationalization for extending the draft those additional 2 years. If we lower the troop levels there will be no more need for a draft. In addition, even with the artificially high troop levels in this year's bill, the Defense Department is still having difficulty in making sense of the draft.

In order to be able to draft 25,800 people in fiscal year 1972, the armed forces have had to do a lot of work.

In order to draft 25,800 people, they have had to release over 140,000 military personnel before their service was up.

In order to draft 25,800 people, they have had to deny reenlistments to many who, in good faith, have planned to pursue a military career. They have juggled the mental, educational and physical standards in order to deny formerly qualified volunteers the chance to enter the armed forces. They are still liable to be drafted, though.

I will not offer an amendment today to end the draft only because such an amendment is not germane to this bill. It is logically and morally germane but the rules of the House are such that logic often does not prevail.

However, if the amendment before you does pass and we do reduce our troop levels to the 2,043,000,000 men, I am suggesting we will not need a draft and the DOD will no longer be able to maintain the draft.

The question of our troop level strength is one which the Congress should face more often. It is one which should be discussed fully in the committee, rather than the nodding acquiescence which has characterized the committee's acceptance of the Defense Department's request in this and other areas. It is a question which embodies the entire discussion of national priorities and foreign policy. The $3.5 billion which could be saved by passing this amendment could create a comprehensive day-care system, or a catastrophic health insurance program. It could allow the mentally retarded and mentally ill in State institutions to be covered by medicaid, and leave $2.5 billion to help control drugs or revitalize our cities. The list could go on forever.

Let us act today to make our Army stronger, better and yes, indeed, smaller. Let us use these funds for the urgent domestic problems we are facing. We require a good defense. We do not need an unwieldly and grossly inflated defense system which denies us a decent life in this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 402,333;
(2) The Army Reserve, 261,300;
(3) The Naval Reserve, 129,000;
(4) The Marine Corps Reserve, 45,016;
(5) The Air National Guard of the United States, 87,614;
(6) The Air Force Reserve, 51,296;
(7) The Coast Guard Reserve, 11,800.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to title IV? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—ANTIBALLISTIC MISSILE CONSTRUCTION AUTHORIZATION

SEC. 501. (a) Military construction for the Safeguard antiballistic missile system is authorized for the Department of the Army as follows:

Grand Forks Safeguard site, North Dakota, military family housing, 218 units, $6,000,000.

(b) Section 403(a) of Public Law 92–156 (85 Stat. 423, 426) is hereby repealed.

(c) Authorization contained in this section shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1973, in the same manner as if such authorizations had been included in that Act.

Mr. **HÉBERT** (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. PIKE

Mr. **PIKE**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE: Page 6, lines 3 and 4, strike out lines 3 and 4 and re-letter the following paragraph accordingly.

Mr. **PIKE**. Mr. Chairman, it will please the membership to know that this is the last amendment I am going to offer today, and it may please them even more that I am not going to ask for a record vote on this amendment.

The point I want to make, however, is how very silly we have gotten with our ABM system money.

What these particular two lines in this bill do is to repeal a law which this Congress passed last year. The law that this Congress passed last year said that we are not going to build an ABM site to defend Washington, D.C. That is what the Congress said.

So we agreed that we were going to build one at Grand Forks and one at Malmstrom and one somewhere else and one somewhere else. But we were not going to build one at Washington, D.C.

The reason we are not going to build one at Washington, D.C., was because the whole theory of our ABM system was to protect our deterrent force—that is, our missiles. We were going to defend our missiles. This is how the ABM got sold to the American people.

Well, what happened? They went over to SALT and made an agreement. The only reason we are building this ABM site or talking about building this ABM site in Washington, D.C., is because it is the only site that the Russians will let us build. This is not the ABM site that we wanted. This is the ABM site that the Russians said we could build. They said we could build this site because they already had one, and I expect theirs is not going to work very well, and they know it is not, so they do not mind very much if we have one too, to defend Washington, D.C.

This is not a site which defends any missiles. This is not a site which defends the President because the President is not here better than half the time. It might defend the politicians.

But to those of you who think it is going to protect or provide some protection for you, I just suggest that this is going to be a pretty sporty course, this ABM system. Because they say they are not sure how they are going to design it yet. But they are going to design it to defend against the Cruise missiles. The Cruise missiles are going to come in at about 300 feet off the ground and we are going to knock them down with nuclear weapons. That is the system we are talking about.

We are going to use the Sprint missile to shoot down the Cruise missiles which are cruising 300 feet off the ground.

If I were a Russian, I would lob some decoys in there and let America blow itself up. Because this is about the amount of sense there is in using an ABM site in Washington, D.C., to fire Sprint missiles against low flying Cruise missiles.

I think that we ought to stick with the language of the law as it exists today which just says that we are not even going to try to build this ABM system to defend the politicians. If we cannot defend the people back home, let us not pretend that we can defend Washington, D.C., particularly by firing nuclear weapons at incoming missiles that are flying 300 feet above the ground.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

The question was taken; and on a division (demanded by Mr. PIKE) there were—ayes 37, noes 54.

TELLER VOTE WITH CLERKS

Mr. **LEGGETT**. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. **LEGGETT**. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. PIKE, HUNT, LEGGETT, and FISHER.

The Committee divided, and the tellers reported that there were—ayes 128, noes 261, not voting 43, as follows:

[Roll No. 233]

[Recorded Teller Vote]

AYES—128

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Aspin
Badillo
Barrett
Begich
Bergland
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Burke, Mass.
Burton
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Dellenback
Dellums
Denholm
Dingell
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Foley
Ford, William D.
Fraser
Frenzel
Gaydos
Giaimo
Gibbons
Grasso
Green, Pa.
Gross
Gude
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Wash.
Howard
Hungate
Jacobs
Jones, Ala.
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
Lujan
McCloskey
McCormack
Macdonald, Mass.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Mink
Mitchell
Moorhead
Nedzi
Obey
O'Neill
Pike
Podell
Pucinski
Quie
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ruppe
Ryan
Sarbanes
Scheuer
Seiberling
Smith, Iowa
Smith, N.Y.
Stanton, James V.
Stokes
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
Whalen
Widnall
Wolff
Yates
Yatron

NOES—261

Abbitt
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Blackburn
Bow
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Coughlin
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Diggs
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Eshleman
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gettys
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Grover
Gubser
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Long, La.
McClory
McClure
McCollister
McCulloch
McEwen
McFall
McKay
McKevitt
McMillan
Madden
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Rostenkowski
Rousselot
Ruth
St Germain
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—43

Abernethy
Abourezk
Anderson, Tenn.
Baring
Blanton
Boggs
Broomfield
Broyhill, Va.
Burke, Fla.
Caffery
Clark
Collins, Ill.
Davis, S.C.
Dent
Dickinson
Dowdy
Erlenborn
Esch
Findley
Ford, Gerald R.
Fulton
Gallagher
Garmatz
Griffin
Griffiths
Hagan
Haley
Holifield
Kee
Kyl
McDade
McDonald, Mich.
McKinney
Mann
Mollohan
Mosher
Moss
O'Hara
Runnels
Schneebeli
Schwengel
Smith, Calif.
Terry

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. (a) Subsection (a)(1) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in his section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of the United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

(b) Effective April 1, 1972, (1) subsection (a)(1) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended by section 501 of Public Law 92-156 (85 Stat. 427), is hereby amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof and (2) section 738(a) of Public Law 92-204 (85 Stat. 716, 734) is amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof.

SEC. 602. No part of the funds appropriated pursuant to this Act or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution or if that institution of higher learning is observing a policy which directed the disestablishment of Reserve Officer Training Corps units at the institution despite the continuing desire of the Armed Forces to continue such training at the institution; except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

The prohibition made by this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort.

The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.

SEC. 603. Subsection (d) of section 412 of Public Law 86-149, as added by section 509 of Public Law 91-441 (84 Stat. 913), is amended to read as follows:

"(d)(1) Beginning with the fiscal year which begins July 1, 1972, and for each fiscal year thereafter, the Congress shall authorize the maximum end strength as of the end of each fiscal year for active duty personnel for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the maximum end strength for active duty personnel of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1972, the President shall submit to the Congress a written report not later than January 31 of each fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time."

SEC. 604. None of the funds authorized for appropriation to the Department of Defense pursuant to this or any other Act shall be obligated under a contract entered into after the date of enactment of this Act under any multiyear procurement as defined in section 1-322 of the Armed Services Procurement Regulations where the cancellation ceiling for such procurement is in excess of $1,000,000.

SEC. 605. Section 412 of Public Law 86-149, as amended, is further amended by adding the following new subsection:

"(e) No funds may be appropriated after December 31, 1972, to or for the use of any Armed Force of the United States for the training or education of military personnel unless the appropriation for such funds has been authorized by legislation enacted after such date."

SEC. 606. The Secretary of the Navy shall assign to naval shipyards for construction a number of the naval vessels, for which appropriations are authorized by this Act or by the Military Procurement Authorization Act for fiscal year 1974, that he shall determine to be sufficient to maintain a Navy shipbuilding capacity adequate to the needs of national defense, in terms of preservation of an effective construction work force and the ability to respond immediately to emergent demands for naval vessel repairs. The Secretary of the Navy shall report to the Congress not later than December 31, 1972, on the Navy's plans for maintaining the naval shipyards in the future and in carrying out the terms of this section.

Mr. HÉBERT (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: On page 6, strike out line 10 and all that follows thereafter through line 24 on page 7.

Mr. HARRINGTON. Mr. Chairman, this is a perennial effort on my part.

It deals with military assistance to our allies in Southeast Asia. We, in this particular bill this year, in addition to the $2.5 billion asked for by the Department of Defense and the executive branch, are authorizing an additional $200 million for fiscal year 1972. This increase is a direct result of the costs incurred by the escalation of the Vietnam war.

First of all, without getting into the merits of this money, which I will do in a moment, this is a matter that deserves to be before the Committee on Foreign Affairs and not before the Committee on Armed Services. It was treated that way until 1967, and I can see no reason why it should not be under the jurisdiction of foreign affairs.

Since the administration is apparently content to leave the request for military assistance before the Armed Services Committee, feeling quite properly that it might receive somewhat kinder treatment before my committee than before the Committee on Foreign Affairs, we ought to go into the merits of the bill and raise some questions.

Mr. Chairman, I would like to commend to the attention of those who have not had a chance to do so the volume of hearings conducted by the Committee on Armed Services this year, particularly the statement which appears on page 10269 by the Secretary of Defense for International Security Affairs, Mr. Warren Nutter. Mr. Nutter appeared before the committee this year in the usual closed session and described at great length the success of Vietnamization and the program we have been able to conduct which he said guaranteed that large areas of Vietnam are safe. In general, he extolled the virtues of this money being used in a proper fashion over the course of the last year.

This is an example of self-delusion of the highest order.

In offering this amendment I hope we would consider that we have already expended some $20 billion to $30 billion in this fashion in giving assistance to people who are told on an annual basis—and we are told on an annual basis, also—that they have the capacity to defend themselves and that this money is only to insure that this capacity is improved each year.

I would say the disarray which exists in Southeast Asia, wherever one looks, assisted with massive doses of American air and naval power, indicates the incredible failure of this and other policies along the same line. It is my feeling that if we persist in expecting somehow that our allies do not have the capacity or the will to fight themselves, but somehow they will be given another $2.7 billion, I feel we are throwing good money after bad and at the same time are deluding ourselves and the American people.

This matter should be before the Committee on Foreign Affairs and they should certainly have a chance to approve or reject it out of hand. I ask that the House do that this afternoon.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: "SEC. 607. Subject to an agreement with respect to the release of all American Prisoners of War and an accounting of Americans Missing in Action, no funds authorized to be appropriated pursuant to this Act may be expended after September 1, 1972, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos or in or over the territorial waters of any such nations."

Mr. HARRINGTON. Mr. Chairman and Members of the House, we come once again to what I suppose is the most significant effort that the House has concerned itself with over the last 2 years, the question of whether we are going to act to in any way limit or end our involvement in Southeast Asia. The bill this year affords us the first chance to participate in a direct way—with the rules of the House being somewhat more restrictive than those of the Senate—to face this issue once again.

The language that you have before you—and all of you have had it delivered to your offices in the last few days—is similar to the language we had last year on a variety of occasions.

Simply stated it says in effect that if an agreement is reached involving the release of prisoners of war and an accounting of those missing in action no money under this bill will be allowed to be used for U.S. military personnel or military American presence and the American activity in Southeast Asia operations in or over North Vietnam, South Vietnam, Cambodia, or Laos or in or over their territorial waters. The effective date would be September 1. In effect the amendment would prohibit ground combat, bombing, naval operations, mining—all war actions by U.S. troops.

This amendment provides a chance for the House to demonstrate to an increasingly skeptical public, and one that has long since looked to the executive branch and the judiciary for a resolution of the problems, that it has the capacity and the will, if it chooses to use it, to begin to do something about ending what has been the most serious and debilitating military arrangement in American history, and the greatest error in American foreign policy. We have seen many deaths and many have been permanently wounded, and the costs of this unfortunate military action have been astronomical.

All of us are familiar with the problems that have resulted.

All of us have been provided with the figures and are familiar with the fact that we now are reducing our presence. Yet the fact of the matter is, as I stand here today on the 27th of June, and despite all these concerns, we will still have something under 50,000 troops left in Southeast Asia or South Vietnam in a military sense. We have, at the same time, seen two additional air bases opened in Thailand over the course of the last 10 weeks with all of the increase in manpower and planes that that requires, and we have seen the presence of between 55 and 65 naval vessels off the coastline of Southeast Asia.

As I say, we have all heard the figures given us on a regular basis to this effect through the media and they show a marked diminution of our presence in South Vietnam over the last 3½ years. But we have not seen the same kind of effort to tell the American public about the marked buildup in Thailand and off the coastline of Southeast Asia of our naval vessels which brings our ability in that area to wage war from air and sea to a point that exceeds our ability in 1968.

We have also seen evidence of the fact despite the professed concern about a withdrawal jeopardizing the release of our prisoners of war, we have added more prisoners of war in the course of the last 10 or 12 weeks than the preceding 15 months before the invasion occurred or before the hostilities broke out in a more prominent way in April of this year. Expanded war brings nothing but more death and destruction and leaves us daily further from our goal.

Despite some feeling that the issue has been brought before us again and again, and that the membership is not going to change dramatically in its viewpoint, the House, which is on the verge of seeking re-election in 1972, is obligated to vote again on this war. Peace initiatives elsewhere are marred by the continuation of all hostilities in Vietnam, particularly to the levels that they have existed for the last 2 months in Southeast Asia.

Frankly, I hope this body that has been more willing to deal with form rather than substance will come to grips with assuming some responsibility for the conduct of a war which has torn apart an entire area and which has displaced hundreds of thousands of people and which has seen literally hundreds of thousands of additional people, combatants and noncombatants, killed in the course of the last 15 years, a war which has brought us throughout the world the suspicion and opprobrium of people who have historically been alined with us. I think it is time for us to do something in a positive way to face this issue once again, to give it a chance for serious consideration, and I hope the positive treatment that it deserves.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take your time to discuss this matter. It has been discussed and rediscussed—and has been digested and redigested over the last 2 years.

Anything I will say will not change your mind and I do not think anything that anybody else would say would possibly change your mind.

We have plowed this ground and replowed it. We have stated our position and restated our position, and I think further discussion would be of no avail and would be an exercise in futility.

Therefore, I ask the Members to vote the amendment down.

Mr. LEGGETT. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I would state this, if I had my preference, I would offer an amendment that I had printed in the RECORD at page 99:

It is the sense of Congress that the President negotiate a reasonable termination of U.S. involvement in the undeclared war in South Viet Nam and a return of American Prisoners of War and accounting for those American defense personnel missing in action. It is the further sense of Congress that if possible the President first negotiate for a total cessation of hostilities in this war theater by all parties including return of all Prisoners of War; second, that the President negotiate for a total termination of U.S. involvement including a return of American Prisoners of War without passively or actively undermining the South Vietnamese Government looking toward a complete Vietnamization at the earliest possible date of the land, sea, and air forces; third, *that should the President be unable to successfully negotiate either of the foregoing options that it is therefore the sense of Congress that the U.S. having a continued interest in the return of American Prisoners of War and accounting for those missing in action and an interest in a stable balance of power in Southeast Asia, that the United States unilaterally and preferably over a six month period of time reduce its military active and support role in relation to the government of South Viet Nam, Cambodia, Laos and Thailand only sufficient to provide an equal and reciprocal counterpart to roles of support, including logistics and advisory, played by China and the Soviet Union in relation to the Communist movements in North and South Viet Nam, Cambodia, Laos and Thailand.*

But I think we should have only one vote on Vietnam, for this reason.

I think the amendment offered by the gentleman from Massachusetts should take precedence. I hope that we could have a record vote on this amendment to indicate it is the intent of this Congress and the intent of the American people to sell this war back to the Vietnamese and to let them solve their own problems—perhaps with some of our support, but not with our military men and not with our military operation.

I do not think there is anything magic about the date. The gentleman chooses September 1. I think we should call it as we see it. I do not think we are going to succeed, but I do believe at this point in history this Congress should go on record.

Mr. CAREY of New York. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I rise to express my respect for this great committee. I agree with the Chairman—the ground has been ployed and we have been over this issue many, many times. But it cannot be too many times while thousands die and suffer and napalm falls on screaming children.

Mr. Chairman, I rise in support of the amendment now because I think it is our last opportunity to speak on the eve of the conventions of the two great parties of this country. Both seem to be conjoined in a desire to end this war and to take the war out of politics and to take politics out of the war.

As I read the Harrington amendment, in a real sense it supports in major part the President's recent statement when he made what I consider to be a reasonable and generous offer to the North Vietnamese to end the war, based upon a cease fire.

I ask a single question—When can a cease fire begin if we do not end our massive and obliteration bombing of all of Vietnam. That is the kind of suspension of operations that the gentleman from Massachusetts is seeking by his amendment.

The kind of suspension of operations that the gentleman is seeking is the real beginning of the cease fire which the President requested.

This is our opportunity as a House to speak with reason and decision and to say that we are going to support this military procurement authorization as amended and we are going to support the President's effort in Peking and Moscow to grind down the cold war, to end hostilities all over the world. We seek to do it in such a way that we will be well armed for any eventually, but will end the imbalance and the disequilibrium of military postures which this war has forced upon us.

We are using up inventory. We are using up billions of dollars that should be obligated to sensible defense. We are using our substances in an endless pursuit and aimless quest. Our efforts are in vain because peace is not there as long as we continue massive escalation of bombing and a utilization of inhumane methods to end this senseless war.

I think this House can support, and I should like to vote for this military authorization bill if we aim the bill and all the things in it at the total defense of our country on a balanced basis around the world. There are danger points and peril points that menace our way of life and we must be prepared to forefend aggression west and east.

Vietnam is not a danger to us any longer. It is not the reason for this bill. If we support the Harrington amendment, many of us could vote for the bill and support a military authorization program which would really round out our defense against future enemies. But end the senseless use of weaponry in a ravaged country, in a land where we do not belong. I say this is in support of the Nixon program to end the war. It is in aid of Dr. Kissinger's mission around the world to end the war. If a cease-fire is what we are aiming for, then all we are saying in the amendment and what the gentleman from Massachusetts is saying in the amendment is that we are going to keep our country strong. We are not going to kick the weak. Why keep booting around this hapless enemy who cannot end the war? If he goes back to his own land and ends his senseless aggression below the DMZ, he will be in worse danger in North Vietnam, where we are bombing civilians and whatever else is left to bomb in North Vietnam.

I think we should now say, "Mr. President, we are giving you a bill to arm this country. We are supporting peace in Vietnam, but please, Mr. President, begin the cease-fire by suspending military operations in North Vietnam and let us get back to the peace table."

Mr. ARENDS. Mr. Chairman, I move to strike out the last word.

The **CHAIRMAN.** The gentleman from Illinois is recognized.

Mr. ARENDS. Mr. Chairman, I want to add my word to those of the chairman of the committee, who has urged defeat of this particular amendment. I would like to say to the proponents of the amendment that at this period of time in history we should let things be as they presently are. Our President—and he is President of all of us—has made recent trips to China and Russia for one single and sole purpose; namely, to see if peace cannot possibly be brought to all the nations of the world. At this particular time, I repeat, all we would be doing through adoption of this amendment would be to disrupt and discourage further action, and negotiations between nations leading toward a lasting peace throughout the world. I feel it would be a terrible mistake on the part of the House to take any such action at this time, and I urge that the amendment be roundly defeated.

Mr. O'NEILL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts. I am no stranger in this well when it comes to opposing this war. I have been doing so since 1967, at least a half dozen times a year. I can recall early in April of this year when I went to one of those Wednesday briefings. The Assistant Secretary of State was there, and he was asked why Hanoi was not bombed and why Haiphong was not mined. It was at the time the offensive had taken place.

His answer and reason was that the North Vietnamese had all the supplies they needed, and there was no sense in mining Haiphong or bombing Hanoi.

Within a matter of days, on April 17, to be exact, the day after Easter Sunday, the bombing started and notice was given that we were mining Haiphong Harbor. The Democrats were going to meet in caucus on that day, Wednesday, April 19th. We all received telegrams stating that William Rogers, Secretary of State, would be at the Wednesday morning briefing, and would we be there. How well I remember.

He reminded me of the briefing I went to after the Cuban crisis, the invasion that resulted from an utter failure. Adlai Stevenson was trying to apologize. At that time, the Secretary was saying that he knew the bombing of Hanoi and the mining of Haiphong Harbor was going to be of no avail. What does it all mean? It is a calculated risk. This could have been done 5 years ago.

But we are not going to bomb them into submission. We are going to have to invade the country with infantry if we are going to win this war.

This could have been done 5 years ago, but we are not going to bomb them into submission. We are going to have to invade with infantry if we are going to win this war. Believe me, we are going to have to invade with infantry, and the day we invade with infantry is the day World War III happens, and we are on the brink of a calculated risk.

What has the bombing done? What has the bombing proven? It has proven nothing to me as far as I can see. It admits failure, on our part, of our Vietnamization program. It has made a deeper involvement for us. It is buying time? Buying time for what?

Victory has been an illusion, unattainable for anyone. What has it meant to us at home here? A division among our people, some 60,000 killed, hundreds of thousands of people wounded, division in our country, our not being able to go after the priorities we want and that we need for this country.

Some sit here in the back and talk about our party disintegrating. Why is it disintegrating? Because we have not been able to go forward with the priorities that face this Nation. And over here, are these Members to go meekly along and talk how in their hearts they are opposed to war, but a twist of the wrist from the White House will make them change their minds and their sentiments?

I think this is a fair and honorable resolution. I hope the resolution is adopted, and I hope the men will have the courage to move through the aisle with a green card.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would speak to what I believe to be a defect in the amendment itself, a gap between its intent and what it will accomplish concerning prisoners of war. The amendment states:

> Subject to an agreement with respect to the release of all American Prisoners of War and an accounting of Americans Missing in Action, no funds authorized to be appropriated pursuant to this Act may be expended after September 1, 1972. . . .

The language of the resolution which was passed by the House Foreign Affairs Committee last week which reflected the peace initiatives voiced by the President in his May 8 address to the Nation had in it:

> Subject to the return of American prisoners of war.

In Korea, we had an agreement for release, but as I recall, there were a number of men that they claimed to have released, and some of them ended up in Red China and did not ever get back. This language, "subject to an agreement concerning the release of," offers no real protection to American prisoners of war. I want to nail down that fact. We do not even require that they be released, much less returned. We just have to have some understanding at the time we cut off everything. I think that is no protection for American prisoners of war.

Now, may I speak to the amendment and its intent.

I would welcome a vote by this committee and this House in opposition to the amendment in its substance. We can take a stand here today in support of our fighting men and in support of our Commander in Chief in his effort toward peace and in his effort to win peace with honor and permanent peace in our time. I believe in a political year, when it will take statesmanship to do so, that this would be a right stand for this committee if we would vote no on the substance of this amendment.

We can win an honorable peace. We here have opportunity to strengthen the hand of our Commander in Chief. Democrat and Republican, regardless of our differences, I urge this House to take a stand now in opposition to this amendment and its substance.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that this amendment, if it has been dubbed an "end the war" amendment—and I have heard it so designated—is clearly misnamed. This is a "continue the war" amendment, and let me tell the Members why.

This is an authorization bill. We must not lose sight of that. The pending amendment places a limitation upon the funds authorized in this bill. What is authorized? A B-1—it would not even be in inventory until at least the year 1980. An ABM system—it would not be in inventory for heaven knows how long. The ships, the missiles, the aircraft, the tracked vehicles authorized—they are for procurement in the future. Nothing I know of which is authorized in this bill will be in inventory for at least 2 years.

As the gentleman from Illinois (Mr. ARENDS) has said so often, there is no pancake so thin it does not have two sides. I want Members to look at the other side of this amendment. Instead of an amendment to end the war, this says on the other side of the pancake that the President can continue the war provided he uses weapons and equipment which are either now in inventory or are on order from prior years' authorizations and appropriations.

Voting to limit this bill does not do a thing to end the war; it only adds to the authorization of the President of the United States to continue it.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, for 7 long and bloody years, this Nation has fed the fires of war in Indochina.

The price for this tragic venture has been incalculably high—in terms of lives lost and blood shed; in terms of opportunities wasted and treasure squandered; in terms of our standing in the world community and the health of our own society.

In the name of peace, we have brought only death and destruction.

In the name of democracy, we have helped only enslave the people of South Vietnam to a corrupt military dictatorship that depends on war for its survival.

For the supposed sake of honor, we have trampled on our principles.

Yet, as each day goes by, the war drags on, following the same litany of disaster that was heard time and time again during the Johnson years. I opposed that policy then and I oppose it now.

After so many years, after so many lives, you would think that this administration would have learned that military venturism is not the path to peace. You would think that it would have learned that bombing will not halt the killing. You would think that it would realize that the corrupt military dictatorship of General Thieu does not promote the self-determination of the Vietnamese people. You would think that it would learn that the only course for this Nation to take is to extricate itself entirely from the conflict.

But the President—rather than learning from the mistakes of the past—is intent on repeating them. Despite the fact that we are now in the seventh year since the first vote in the House of Representatives on appropriations for the war in Vietnam, the policy remains the same.

But there is one difference. On that day in May of 1965 only seven of us in the House voted "no" to war. Now the vast majority of the American people are with us in our quest for peace.

Time and time again the people of this Nation have demonstrated their steadfast opposition to this ghastly war—in the voting booths, in the public opinion polls, in the streets. Yet, this administration—as deaf as its so-called majority is silent—has ignored the voices of the people and has fueled the fires of war. Not only in direct opposition to the will of the people, but in direct opposition to the law of the land as well.

Section 601 of the Military Procurement Act of 1971 (Public Law 91-156) declared it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina and to provide for the withdrawal of all U.S. military forces at a date certain subject to the release of all American prisoners of war.

Yet the war continues, with the President following a policy that can only lead to further devastation, further slaughter, further misery.

This policy must stop.

And it is the Congress that must stop it.

For far too long this House has closed its eyes to its responsibilities to the Constitution and to the people of this land. The Congress—and only the Congress—has the power over war and peace. Yet time and time again it has abdicated its responsibilities. No more. This House cannot turn its back on ending this war any longer.

We have before us today an amendment which can bring an end to the killing, which can bring our troops home, which can reassert the responsibility of the Congress. This amendment—which I support—provides that:

> Subject to an agreement with respect to the release of all American prisoners of war and an accounting of Americans missing in action, no funds authorized pursuant to this Act may be expended after September 1, 1972, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia or Laos or in or over the territorial waters of any such nations.

Personally, this amendment is not as strong as I would like. I for one do not believe that this war should be allowed to go on for one more moment—let alone until September. But it is a start. It would constitute a mandate of the Congress to bring the war to an end. It would replace the vagueness which accompanied section 601 of the Military Procurement Act of 1971, vagueness, which the President has used as a way of avoiding the policy set forth in that provision.

This House can no longer shirk its responsibilities. No longer can it be allowed to close its eyes to a war which has drained our resources and stained our conscience. No longer can it be allowed to close its eyes to a war which has sacrificed the lives of thousands of our most precious possessions—our young men. No longer can it be allowed to close its eyes to a war which has warped our priorities, brought the twin plagues of unemployment and inflation to our economy, and created bitterness and division among our people.

It's time for the House to assume its constitutional responsibility for war and peace. It has been clear for a long time that Congress must exercise its power of the purse and cut off funds for the war—if the war is to end. Let us delay no longer.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

My colleagues in the House know there are few Members who have supported the South Vietnam effort more than the gentleman addressing this House now. From the beginning I strongly believed we had a role in Vietnam and we had a commitment to the people of Vietnam. I supported this effort when it was obvious the alternative would have thrown Southeast Asia into Communist hands.

Had we permitted South Vietnam to fall into Communist hands, surely the old domino theory would have applied, and all of Southeast Asia would now be under Communist control.

I have made many speeches here in support of our participation in Vietnam, because during those early years I believed we had an obligation. But I just as strongly believe today that our mission, the U.S. mission, has been long ago concluded. Whatever obligations we had to the people of South Vietnam have long ago been fulfilled.

This amendment does not in any way interfere with the plans of South Vietnam to continue the struggle for her survival and her freedom. Nor does it in any way restrict America from helping South Vietnam to continue the struggle with her own resources.

But there has to be a time when we Americans cut the umbilical cord. The American people have been more than generous; they have given more than 55,000 lives, 300,000 casualties, and $100 billion in expenditures. We have been more generous in helping these people struggle for independence than any other nation in the world.

What we are saying here in this resolution is that the time has come for South Vietnam to carry its own load. I believe it can carry its own load. I believe that South Vietnam, with a 1.5 million-man army, fully trained and fully equipped, with an air force of 1,300 aircraft, can carry on the defense of that country.

Our mission is concluded, and we ought to bring our troops home and get ourselves out of this tragic conflict.

I do not agree with those of my colleagues who say Vietnam was a mistake. No, it was not. The American people had an obligation to fulfill, and they fulfilled that obligation. Now the time has come for us to say, as of September 1, contingent on the release of our prisoners of war and the accounting for our missing in action, our involvement has come to an end and the South Vietnamese will have to carry the battle themselves.

Can they do this? I believe they can. There will be some setbacks. Things looked very grim a few weeks ago in South Vietnam, but the heroic South Vietnamese armies have come back. They are holding their own. This battle is going to seesaw back and forth for a long time to come, but I have confidence that in the final analysis, the South Vietnamese are going to win the struggle, because the American people have given them the time to develop their own defense capability.

America's foreign policy ought to be to help an ally until that ally is capable of helping herself. That is what we are saying here today. In our judgment September 1, 1972, marks that point when the South Vietnamese take this struggle over within their own resources.

I am perfectly willing to help them with everything we have, but they have to carry the battle. This battle could last another 20 years, and I do not believe anyone in this Chamber is going to tolerate it for that long.

If you really want to get our prisoners of war back and an accounting of our missing in action, you will support the resolution.

What we are saying to Hanoi is: if you want us to stop bombing your cities and if you want us to disengage, you can make that decrease by giving us our POW's. The next move is up to Hanoi if we accept this amendment.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Harrington amendment to bring the war in Vietnam to an end. I do not agree with the argument of the chairman of the Armed Forces Committee that this issue has been debated, redebated and debated even more and that therefore, there is nothing more to debate. Mr. Chairman, as long as the war goes on, as long as our troops are being killed and wounded, as long as bombs are being dropped on hopeless civilians and installations needed for communities are being destroyed, the issue is an open, burning one. One fact is clear: We should not be in Vietnam today. We ought to gather our armed personnel and our equipment and bring them home.

This amendment can lead to peace. It is a valid, significant step toward the agreement sought by the President in his speech in which he initiated the present wave of bombing by our aircraft. It establishes a fixed date for withdrawal of our Armed Forces, subject to the return of our troops who are prisoners of war and the missing in action.

The gentleman from Illinois (Mr. ARENDS), urges that we take no action at this critical point in time. That argument has been heard as often in the years the war has been going on. Let the President do it. But the President has not done it although there have been a number of opportunities presented not only to President Nixon, but to his predecessor as well. I say let Congress take action now to initiate a peace settlement that will bring this war to an end.

I support the amendment and urge its passage.

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment offered by Mr. HARRINGTON, my colleague from Massachusetts. The provisions of this amendment—they are subject, of course, to the freeing of all American Prisoners of War and an accounting for all Missing In Action—call for an end to the U.S. war effort throughout Indochina by September 1.

For many of us, Mr. Chairman, the debate over this amendment is a distressing déjà vu phenomenon. Time and time again, year after year, amendments kindred to this one have come before the House. Yet, all of them—with the solitary exception of the Mansfield amendment and this only after it was emasculated by its opponents—have perished on this floor. The frustration many of us feel, vexing as it is, is not limited to the legislative process alone. The administration, still loftily aloof to any counsel from Capitol Hill continues to press the war in Vietnam without even consulting us. President Nixon's unsettling decision to mine the Port of Haiphong and accelerate the bombing, for example, was made almost wholly in vacuo. We, in the Congress, the elected representatives of the people, learned of the decision only after it had been already made.

As strongly as I can, Mr. Chairman, I urge adoption of the amendment now before us.

Doggedly defying solution for more than 10 years, the Vietnam war will continue to take American lives and continue to drain away American capital unless the Congress acts to end it. The devastation of Vietnam, North and South alike, has not slackened since the early 1960's. Much of its terrain, if not most of it, has been pummeled past recognition—entire forests stripped clean, croplands wasted, cities left in rubble, villages blown off the face of the earth. Millions of people live in terror every day of their lives. And the United States, the Nation that entered this conflict, like a messiah, has not yet wrought the miracles nor brought the salvation that Americans had once expected. And it is plain—in fact, obvious beyond dispute—that the United States never will. The war simply will not yield to American might.

Mr. Chairman, I am willing to concede, quite freely, that the bombing of North Vietnam and the mining of the Port of Haiphong have slowed the forces of North Vietnam and the Vietcong. But, Mr. Chairman, it will not end the war itself. North Vietnam and the Vietcong, just as they have for generations will continue to fight. And Americans will continue to die.

How much longer can we endure this?

How much longer can we sacrifice American lives and American treasure?

Mr. Chairman, I say we must get out now.

We have already done everything that could be reasonably expected of us—quite literally everything—to honor any commitment we might have had to South Vietnam.

Mr. BURKE of Massachusetts. Mr. Chairman, the sad part of today's exercise is that we have been over this ground so many times before. I do not know how many more times I am going to be in the position of making the same opening remarks. Once again, this House, this Congress, and this Nation are being asked to underwrite to the tune of more billions support of the war in Southeast Asia for yet another fiscal year. As a matter of fact, all the occasion seems to serve is an opportunity for more speeches and more promises. Yet, in spite of the rhetoric on all sides, in spite of the promises from the administration, the war goes on. Troops which used to be stationed in Vietnam are now stationed in Thailand. Bombers are more active than any of our fighting divisions ever were at any point in the war. Each time a move is made to fix a date certain or to put a stop on the expenditure of moneys, we are told that to do so would be to rob the administration of vital time and diplomatic maneuvering necessary to bring the war to a conclusion. We have heard this same plea now going on 4 years. It is high time that the conduct of this war was based on past record instead of future promises. Is it little wonder that we despair of a future perfect when the only example we have before us is such a past imperfect?

The truth of the matter is there is nothing more to be said that has not been said before. The only opportunity this House will have in the foreseeable future to reassert its constitutional authority and reflect the wishes of the people is to vote today on a definite date after which no funds will be appropriated—September 1, 1972—subject only to an agreement with respect to the release of all American prisoners of war and an accounting of Americans missing in action. Continuing funds for this war for another fiscal year will not make this war more moral. Continuing funding for this immoral war for another fiscal year will not make victory ours. To continue funding this immoral, impractical war for another fiscal year will not bring our troops home and bring us any closer to solving the agonizing prisoners of war and missing in action's problem than we were a year ago.

To continue funding this immoral, impractical, agonizing war for another fiscal year, however, holds every likelihood of further dividing a nation already rent with discontent, of further delaying our full attention to the problems facing our cities and our towns, and guaranteeing the alienation of a whole generation of young men and women on whose shoulders the burden falls most heavily. What this Nation needs now are more bills like the one passed just last week, which was so appropriately termed by the Boston Globe as the first real indication of a conversion from wartime psychology to peacetime hopes. Instead of throwing more good money after bad in the conduct of war in Southeast Asia, it is high time this country concentrated spending on reconstructing mid-20th century America. When I think of the legislation before my committee alone on a whole range of vital matters running from a program of national health insurance to genuine welfare reform, a substantial improvement in the lot of our senior citizens and a reformed pension system, is it any wonder that today's authorization for more money for this war can only appear to be a sorry example of misplaced priorities? If we are going to spend money for defense, and I have never been against a strong national defense, then it is time that we at least concentrated on those areas of vital interest to this Nation such as the Middle East and Europe and get out, lock, stock, and barrel from the quagmire that is Southeast Asia. Mr. Chairman, I urge the support of this committee for the Harrington amendment.

Mr. McCLORY. Mr. Chairman, it is clear that all of us in this Chamber yearn for an end to the war in Vietnam. The amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON) is deficient in several respects. It does not provide for an ending of the war. It does not provide for a cease-fire. It does not assure the return of our prisoners of war, or men missing in action.

Mr. Chairman, an effective end-the-war amendment would include such vital elements as I have mentioned and which are included in the proposal advanced by the President.

Mr. Chairman, those who today oppose the terms set forth in the President's proposal—and in my opinion, weakening our bargaining position at the peace conference in Paris—and delaying the day when we can achieve an agreement for peace.

Mr. Chairman, I will support an end-the-war resolution which includes a supervised cease-fire, and which contains assurances—not just a bare agreement—for the return of our prisoners and men missing in action. The President supports such a move for peace. Furthermore, he is working unceasingly for peace—now—and for a full generation of peace—in the world. For these reasons, I oppose the amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the Harrington end of the war amendment. I am proud to be a cosponsor and one who helped draft the language of that amendment. It is a simple statement. It says that:

> Subject to an agreement with respect to the release of all American Prisoners of War and an accounting of Americans Missing in Action, no funds authorized to be appropriated pursuant to this Act may be expended after September 1, 1972, to support the deployment of United States military operations in or over South Vietnam, North Vietnam, Cambodia or Laos or in or over the territorial waters of any such nations.

There are no ambiguities in the legislation. It calls for doing what I believe the people of the United States want done and I hope it will receive the support of this House.

Mr. BADILLO. Mr. Chairman, I rise in opposition to the measure pending before us and associate myself with the views expressed by our very able colleague from Massachusetts (Mr. HARRINGTON). Although I firmly believe that we must have an adequate military capability to properly protect and defend our country, we simply have no need for the excessive defense structure and clearly unnecessary military hardware called for by this legislation. H.R. 15495 does nothing more than authorize the expenditure of funds which could be much better used in meeting our urban crisis in providing increased and improved health-care programs, educational programs, job training and placement, urgently needed housing, and the myriad of other essential domestic needs. The military procurement bill simply perpetuates our grossly distorted national priorities and further involves this country in an illegal, immoral, astronomically expensive and bloody military misadventure in Southeast Asia.

One of the particularly disturbing features of this bill is the vast sums authorized for weapons systems whose necessity is highly questionable, both fiscally and militarily. The measure seems to authorize nothing more than playthings for a group of generals and admirals and to serve the ends of various narrow special interests. For example, even though the Armed Services Committee did not approve the request to construct an additional seven DD–963 type destroyers, it has provided almost $300 million to help bail out the prime contractor, Litton Industries. It should be observed that the company is faced with a serious financial crisis because of enormous cost overruns on previous DD–963 class destroyers and a smaller number of LHA amphibious assault ships, on which Litton is 2 years behind schedule.

As another prime example of the ill-conceived programs authorized by this legislation is funds for the CVAN–70 nuclear carrier. We are being asked to authorize the expenditure of almost $300 million for long leadtime items for this vessel even though full authorization for the ship will not be requested until fiscal year 1974. The current estimate for the complete carrier is $951 million—not including the approximately 90 aircraft or four nuclear missile-equipped destroyers and attack submarine escorts. Taking into consideration a certain level of inflation and usual construction delays, it is not inconceivable that this carrier will end up costing over $1 billion. In addition to the question of economics, a vessel of this size will be highly vulnerable to a concentrated attack by sophisticated land-based aircraft or submarines and the increasing improvement in surface-to-surface missiles will further restrict carrier operations. Furthermore, the CVAN–70 will be of questionable utility and many of the jobs envisioned for it can easily be accomplished by other, far less expensive ships. Finally, as our distinguished colleague from California (Mr. LEGGETT) has aptly observed in his dissenting views, the present force of 15 attack carriers is more than sufficient to meet projected military requirements and the need for nuclear propulsion is only marginal. Certainly we should fully support Mr. LEGGETT's amendment to delete the $299 million requested for the procurement of long-leadtime items for the CVAN–70.

This legislation contains a wide variety of other highly disturbing provisions and authorizations which are too numerous to mention. However, one especially repressive provision—section 602 which prohibits the expenditure of Defense funds at colleges and universities which either bar military recruiters or have phased out ROTC programs—deserves special mention. This myopic, illconsidered and narrow provision is nothing more than an attempt to punish those schools which have decided that military training is no longer an appropriate component of their curriculums and to intimidate other schools who may be contemplating similar action. This punitive section is a blatant denial of academic freedom and does not take into consideration the many amicable agreements which have been reached over the past several years between the military services and institutions of higher learning. Not only will it deny active-duty military personnel the opportunity to secure quality educational and academic advancement at many schools but this shortsighted and petulant attitude will prevent important and strategic work directly related to our basic defense posture from being performed. The research and development conducted on college campuses has always been important and, in many instances, has provided a much needed breath of fresh air in the otherwise regimented and confining atmosphere of the Armed Forces. We must not allow this situation to end, regardless as to whether or not a school will allow its students to receive academic credit for military, air, or naval science or to listen to military recruiters.

Mr. Chairman, in addition to the fact that many of the weapons systems proposed in this measure are inconsistent with the letter and spirit of the SALT agreements and the interim agreement on offensive weapons systems as well as the fact that the vast sums authorized by H.R. 15495 sink us deeper into debt and prohibit the implementation of many highly necessary and desperately required domestic programs, the legislation before us continues to involve us in this tragic war in Southeast Asia. Over the past 10 years we have spent some $150 billion at a cost of 50,000 lives and 300,000 wounded. Yet, we are now being asked to authorize an additional $2.7 billion in military assistance, not to mention the utilization of other programs authorized by this legislation in the war zone. This insane attitude and essentially regressive course must be halted. The Congress must exercise its constitutionally guaranteed prerogatives and refrain from simply rubberstamping the requests made by the military brass and their civilian servants. The legislative branch must take the initiative in bringing a halt to this irresponsible spending and must take affirmative action to redirect the course of this Nation before we are allowed to plunge further into one military fiasco after another. The level of military personnel called for in this measure is wholly unnecessary and by bringing active duty troop ceilings more into line we can save well over $3 billion. By exercising our authority we can save additional billions by terminating useless and costly weapons systems and poorly planned, poorly implemented procurement programs. Finally, we can take the long overdue step of bringing this senseless war to an end by supporting Mr. HARRINGTON's proposed amendment to terminate funds under this measure on September 1 of this year conditional upon the release of American prisoners of war. It has been accurately noted by a number of our colleagues that even though certain administration officials claim that the Vietnamization program is successful, military expenditures for Vietnam are continuing to rise. Contrary to administration claims, an end does not appear to be in sight and troops are simply being shifted from one battle zone to another in a macabre game of military hopscotch in Southeast Asia. By discontinuing the availability of funds we can effectively end this tragic and dark chapter of American history. I urge our colleagues to fully support this important amendment.

Mr. ASHLEY. Mr. Chairman, on May 9 I stated my support of a resolution, then under consideration by the House Committee on Foreign Affairs, to set a date to terminate U.S. military involvement in Indochina, subject only to obtaining the release of our prisoners of war and all available information on the missing in action.

It is still my firm intention to carry out this pledge. I will not, however, vote for the amendment of the gentleman from Massachusetts (Mr. HARRINGTON) because in my view it is faulty in several respects.

It is my understanding that a majority of the House Democrats on the House Committee on Foreign Affairs, to whom was delegated responsibility for drafting the resolution mandated by the Democratic Caucus, insisted that the resolution make provision for the safe withdrawal from Vietnam of all U.S. military personnel. The amendment before us contains no such provision and this in my view is a fatal defect.

Furthermore, the amendment before us calls only for an agreement with respect to the release of prisoners of war as distinct from the actual exchange of prisoners, as provided for in the resolution of the House Foreign Affairs Committee.

Finally, Mr. Chairman, it is my personal view that 60 days is an unrealistic time frame for the cessation of U.S. involvement in Vietnam and the removal of all of our forces from Indochina.

It is therefore with reluctance that I must cast my vote against the pending amendment and I do so only because I am assured that the resolution directed by the Democratic Caucus will soon be before this body for consideration and vote.

Mr. MONAGAN. Mr. Chairman, I oppose this amendment because it does not require as a precondition the release of our prisoners of war.

Both the resolution of the Democratic Caucus concerning this problem and the resolution approved by a majority of the Democratic members of the House Committee on Foreign Affairs required obtaining the release of our prisoners of war.

The present resolution refers simply to an agreement and not to actual release. I see no reason to go beyond the language which has been accepted by our party caucus and by the Democratic members of the committee concerned with this matter in a substantive way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The question was taken, and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. HARRINGTON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HARRINGTON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HARRINGTON, GUBSER, LEGGETT, and FISHER.

The Committee divided, and the tellers reported that there were—ayes 152, noes 244, not voting 36, as follows:

[Roll No. 234]

[Recorded Teller Vote]

AYES—152

Abzug
Adams
Addabbo
Alexander
Anderson,
  Calif.
Annunzio
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Burke, Mass.
Burton
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Ford,
  William D.
Fraser
Frenzel
Galifianakis
Gaydos
Giaimo
Gibbons
Grasso
Gray
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
McCloskey
McCormack
McKay
Macdonald,
  Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Smith, Iowa
Snyder
Staggers
Stanton,
  James V.
Steele
Stokes
Sullivan
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates
Yatron

NOES—244

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews,
  N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Bevill
Blackburn
Bolling
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen,
  Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dorn
Downing
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Eshleman
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Foley
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Green, Oreg.
Gross
Grover
Gubser
Haley
Hall
Halpern
Hammer-
  schmidt
Hansen, Idaho
Harsha
Hastings
Hays
Hébert
Henderson
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McClure
McCollister
McCulloch
McEwen
McFall
McKevitt
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mcnagan
Montgomery
Murphy, N.Y.
Myers
Nelsen
Nichols
O'Konski
Passman
Patman
Pelly
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Spence
Springer
Stanton,
  J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
  Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—36

Abernethy
Abourezk
Anderson,
  Tenn.
Baring
Blanton
Boggs
Broomfield
Burke, Fla.
Caffery
Clark
Davis, S.C.
Dent
Dickinson
Dowdy
Erlenborn
Esch
Flynt
Ford, Gerald R.
Fulton
Gallagher
Griffin
Hagan
Holifield
Kee
Kyl
Landrum

McDade
McDonald, Mich.
McKinney
Mollohan
Morgan
Mosher
Moss
Rousselot
Schneebeli
Schwengel

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: At page 10 of H.R. 15495, following line 14, add the following new section:

"SEC. 606. No funds authorized to be appropriated pursuant to this Act may be expended for the bombing or the destruction of the dams, dikes or hydraulic systems of North Vietnam."

Mr. MIKVA. Mr. Chairman, this last week in the Washington area and throughout the east coast we became aware of the kind of damage to life and property that floods can cause. This was a natural disaster here in the United States. There was not much that we could do about it before it happened. We are aware that millions of people painstakingly are going to have to put together their lives and their property, they have suffered incredible tragedy.

It is in the context of that natural calamity that I offer this amendment to put the Congress on record as saying that we do not wish to have an unnatural calamity of that sort in Vietnam.

I refer to the question of whether or not we ought to bomb the dikes and dams of North Vietnam. Mr. Chairman, those are not military targets. Mr. Chairman, what turns on this amendment is the well-being and the lives of the civilian population of North Vietnam.

It is estimated that millions of lives could be lost if we bombed those dikes. We could wipe out the entire food supply of North Vietnam. We could destroy their homes. We could destroy any possibility of their having a sanctuary.

Mr. Chairman, in 1967 and in 1965 the former Secretary of Defense resisted the temptation when others proposed the bombing of these dikes by saying, and I am quoting: "There may be a limit beyond which many Americans and much of the world will not permit the United States to go."

I would suggest that the Congress of the United States ought to see to it that the United States does not go beyond that limit. Some day we are going to have to reckon with ourselves, with our own opinion of ourselves and with world opinion, in relation to the things that we did or did not do in Vietnam. I should hate to see this further escalation on the conscience of this country and on the conscience of the Congress.

What the amendment provides is that no funds be spent for the purpose of bombing the dikes or dams. Those are civilian targets. There are no military targets involved in those dikes and dams. Unless we are interested in causing civilian casualties and deaths and starvation on a mass scale, we ought to adopt this amendment. If in fact it is not the policy of this country to do so, then it will be gentle surplusage on which some of us can salve our consciences after the war is over. If there are any who are thinking that we are going to engage in such an escalation of the war, then the Congress ought to prevent it. I urge the amendment be adopted.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to my colleague from California.

Mr. EDWARDS of California. I certainly compliment the gentleman for proposing this amendment. As I recall, both President Johnson and President Nixon have from time to time, or at one time or another, said that they would not do such a horrible thing as to bomb the dikes; am I not correct?

Mr. MIKVA. That is correct.

Mr. EDWARDS of California. So what we are doing here, if we support this amendment, would be to establish the policy of both sides of the aisle as far as the war is concerned.

Mr. MIKVA. That is correct.

Mr. EDWARDS of California. I really think that the vote should be unanimous, because I do not think any American would want that kind of an action on his conscience.

Mr. MIKVA. I thank the gentleman.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentlewoman from New York.

Mrs. ABZUG. I wish to compliment the gentleman from Illinois for having offered the amendment which is before us. I believe the real issue here is: when will the time come when we will assert congressional effort and influence on the policies of government?

I have been in this House for about a year and a half. I thought that today this House would assert its constitutional power to influence the policy in getting us out of Vietnam. Having failed to do that, we should at least assert our power to prevent the President from bombing the dikes.

I do not believe that any stretch of the imagination could permit these dikes to be categorized as military targets. They are the factor which makes the marshy delta region into a habitable area; without them, it would be completely flooded, and no one could live there. We are now at the time of the year when the water behind the dikes is at its highest point. As Anthony Lewis wrote in yesterday's New York Times—

> No one should be in any doubt about what systematic destruction of the dikes at this time might mean. It would bring into play, justifiably for once, that much-abused word genocide.
>
> Fifteen million people live on the Tonkin plain, one of the more densely populated areas of the word. Some would drown in floods if the dikes failed; many more would be in danger of starvation after flooding of the rice paddies.

Is this the means by which this nation intends to assure democracy for the people of Vietnam? Is this the way we intend to bring about peace?

We face the fact that most of the people in this House and in this country believe this war should be ended. I would hope Members of this House could act in support of this amendment. I think it is within the rights and responsibilities of this Congress to deal with it, so that we do not continue this cruel effort in Vietnam.

Mr. ROBERTS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman on his statement. I cannot think of anything that would be more helpful to the Communists than to say we would not knock out those powerplants and those dams. If we want to help the Communists, all we have to do is support that amendment.

Since I want to help our troops and our country I urge my colleagues to vote "No."

Mr. HEBERT. Mr. Chairman, I rise in opposition to the amendment and to point out the fact that the amendment is really not applicable to this bill at all, because there is no money in this bill for any bombs which could be used in such bombing.

Also I want to direct the attention of the House to the fact that not until the unrestrained bombing became effective in North Vietnam did the North Vietnamese show an inclination to come to the peace table.

I suggest that this amendment is certainly not in order and should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 11, after line 4, add:

"SEC. 607. No part of the funds authorized by this Act shall be used to purchase goods or services from a supplier which compensates any officer or employee at a rate in excess of level II of the Executive Schedule under section 5313 of title 5, United States Code, and which, in the aggregate, derives more than one-half of its gross income from the Federal Government."

Mr. JACOBS. Mr. Chairman, I hate to be a pessimist, but this amendment will not pass, and the reason it will not pass is that it is a conforming amendment to the amendment that was accepted by the House on June 1 of this year. Perhaps Members will recall that an amendment was offered to limit salaries paid by the Public Broadcasting Corporation to its employees. The limit was set at the legal salaries paid to Members of Congress, $42,500 a year.

Not only do I predict that this amendment, which does the same thing with regard to defense corporations who do more than 50 percent of their business with the Federal Government, will not pass, but I also predict that generally speaking the people who voted for the Public Broadcasting amendment will vote against this one, even though the Government buys from both kinds of corporations—public entertainment and information from the one and war implements from the other.

The first question which came up in the case of the public broadcasting amendment was, How can we control the salaries that a corporation pays to its employees?

My good friend from Louisiana (Mr. WAGGONNER) provided the answer to that question. He said:

> No, we cannot limit what a private corporation pays its employees, but we can limit what we give in grants to that private corporation if they pay what we consider to be excessive salaries to those employees, and that is what we are attempting to do.

It has been suggested that the difference between the corporations involved is that the corporations involved here are profit corporations, and that is right. I might add that their profits, according to Government contracts, are dependent upon a percentage of their costs—in other words a no-risk taxpayer guaranteed profit.

Mr. LONG of Maryland. Mr. Chairman, will the the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I just wanted to ask the gentleman what makes him think that the salary of $42,500 paid to a Congressman is so excessive.

Mr. JACOBS. I offer no judgment about that here.

I can only answer the gentleman by saying I am just curious to see if the House will do the same thing with these military contractors that it did with the public broadcasting contractors.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I believe if the gentleman will look at the record that amendment did not pass, on the public broadcasting. The one he refers to applied only to the officers of the corporation, but not to any officials of industry.

Mr. JACOBS. That is correct.

Mr. STAGGERS. The amendment referring to industry was defeated.

Mr. JACOBS. I am referring to the employees of the Public Broadcasting Corp., which directly receives income from the U.S. Government.

Now about the Lockheed Corp., which receives God knows what percentage of its income from the Federal Government, but certainly more than 50 percent. Last year the Congress voted to take the risk not only out of doing business with the Government for the Lockheed Corp., but also the risk of just plain existing. And shortly after that, less than a year later, the Lockheed Corp. voted to increase its retirement benefits for corporate executives from $40,000 a year to $65,000 a year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

Mr. BOB WILSON. Mr. Chairman, I wish to state that I give my wholehearted support to the passage of H.R. 15495, the military procurement, research and development and personnel strength authorization for fiscal year 1973. At this juncture in world affairs there is no more important bill for the Congress to consider, at least no more important from the standpoint of preserving this country in the forefront of the nations of the world from a defense standpoint.

The bill has been carefully studied, worked over in most meticulous fashion and deserves the support of every Member of the House.

While my interest of course extends to every aspect of the bill I would like to draw particular attention to pages 29, 30, 31, and 44 of the fine committee report that accompanies this legislation.

In those pages the matter of certain urgent aircraft procurement is dealt with in a manner that will be rewarding for all Members to read. Included in this important part of the report are a number of important references to the F-111 fighter bomber which is being procured in very small numbers to fill out a fourth wing of these magnificent aircraft.

The F-111 line will continue to run until the latter part of calendar year 1974 but I think it a matter for our most serious consideration that this line should be continued beyond that time. The F-111 has proved itself in every respect. It has won bombing competitions against very much more experienced crews in other types of aircraft in our own inventory and, in at least one instance, the aircraft and the crews of Great Britain.

The price of this aircraft is known and that in itself is an unusual matter today. Its performance is known to all those responsible for our defense in the Department of the Air Force. It is my understanding, and I certainly hope that I am correct in my understanding, that plans are being formulated to continue the F-111 beyond the time that is now being thought of for its closing. I certainly lend my support to maintaining this line at its present level of production until we have a very much more certain picture of our future defense needs. The F-111 is, quite literally, a hedge against the future and against contingencies that may face us from a defense standpoint in that future.

Mr. DRINAN. Mr. Chairman, since February 21, 1972, when I first brought to the attention of our colleagues a most distressing situation—blacklisting by the military services of universities which had phased out their ROTC programs—I have on four other occasions inserted into the RECORD statements deploring this illogical, unsound, and punitive policy which is a threat to the academic freedom of this Nation, and to the basic strength and intelligence of our officer corps.

Many of my colleagues joined with me in expressing their indignation at this action and I have received letters of protest and outrage with respect to this policy. Yet, the Armed Services Committee has reported to this House legislation, H.R. 15495, the Military Procurement Authorization bill, before us today, which contains language in section 602 prohibiting the granting of funds to institutions of higher learning which have disestablished Reserve Officers Training Corps units or have prevented military personnel from recruiting on their campuses.

According to the latest list issued by the Pentagon to the chairman of the Armed Services Committee, 14 colleges and universities would be injured by this provision. Based on estimates released by the Defense Department for fiscal 1972, this could mean a loss of $772,000 in research and development contracts to four universities in Massachusetts alone—Boston College, Boston University, Harvard University, and Tufts University. That sum is more than 4 percent of the total estimated expenditure of $18,000,000 for fiscal 1972 in research and development contracts to institutions of higher learning, and does not include other funds granted to universities under this bill.

According to figures released by the Department of Defense, the total DOD obligation to institutions of higher learning in fiscal 1971 including research and development contracts and other grants, was $248,000,000. Of that sum, 11 of the 14 universities affected by the disqualifying provision in this bill received a total of $24,305,000, or nearly 10 percent of the total DOD obligation—three of the schools which have disestablished ROTC units on their campuses received no DOD grants or contracts in fiscal 1971.

The universities which will lose sorely needed funds under this bill include some of the most distinguished institutions of higher learning in our Nation. In my judgment, Mr. Chairman, the propriety of allowing or disallowing recruiters or ROTC units on campuses is a policy matter which should reside in the universities themselves—universities which in a free society must remain free to make this determination and to define their own relationship with the military.

The thought of blacklisting universities because they elected to exercise their undeniable right to no longer participate in ROTC programs should be repugnant to the military and to all fair-minded individuals. This type of pressure and blacklisting introduces government pressure for military objectives in an unprecedented way into the academic life of this Nation. I deplore it.

Mr. Chairman, as my colleague, Congressman O'NEILL has stated on this subject:

> The universities of this Nation cannot long remain free and independent if pressure from military quarters is to govern their behavior.

Mr. HARRINGTON. Mr. Chairman, I wish to take this opportunity to express my opposition to section 602 of the military procurement bill which prohibits all defense grants in contracts and scholarships to universities which have forbidden ROTC on their campuses.

It is remarkable that a provision, at best a shortsighted and punitive reaction and one which does nothing to promote the welfare of the military and academic communities, should come before this floor.

The House Armed Services Committee action is a classic case of cutting off one's nose in spite of one's face, the notion being that the universities are of little or no use to Government and thus should be cut off. In truth, punishing the universities will mean tremendous losses to the United States.

Historically, the isolation of one group from another has brought misunderstanding, fear, and alienation. Isolation of military and civilian persons is a limitation on both military and civilian learning experiences which may result in officer demoralization, institutional mismanagement and alienation between academic and military persons. In these times of change, it is vital to the better management of all institutions that we, as Members of Congress, support the interchange of political questions. It would be most unfortunate when considerable misunderstanding already exists between the military and academic communities, for Members of this Congress to place additional obstacles in the way of reconciliation. Assistant Secretary for Manpower and Reserve Affairs Roger T. Kelley made this point to Committee Chairman HÉBERT last September, but, as we can see, the section was retained.

The most serious implication of section 602, however, is the loss of vital research which has played a crucial role in the development of national security thinking. Of the contributions from the 15 schools affected by this legislation, the following projects at Harvard University, Brown and Princeton Universities are just a few of those to be terminated pending final decision by the Secretary of Defense:

A 20-year, $2 million project toward the development of electronic devices, for example, the maser amplifier, which has made possible the DEW radar line, Telstar communication, and deep-space tracking networks.

The development of antennaes and indicators used in submarines, aircraft, rockets, and land-based command and control with our Polaris/Poseidon submarine fleet.

The development of heart pacesetters and stimulators which have helped to keep millions alive.

The development of two master navigation systems used worldwide for rapid location of ships in distress and precision navigation.

The development of the automatic piloting device on the LEM module which revolutionized our landing on the moon—employing some 37 faculty members and supported by the Navy, Army, and Air Force. The same concepts of flight control have been used for drug control, inflationary problems, all types of transportation, and biomedicine.

The development of theories of continental drift, guidance systems using natural phenomenon, and world renowned studies in sonar research and polymers.

The impact of these changes are yet to be determined. Hopefully, we will never know that reality.

Finally, it seems especially peculiar that the House Armed Services Committee would retain section 602 in view of the Defense Department's opposition to it and the attempts made from 1970 through 1971 on the part of the universities and DOD to reconcile their differences.

On September 20, 1971, Assistant Secretary Kelley wrote committee chairman, HÉBERT, of recommended changes of ROTC legislation incorporated within a national education association report representing virtually all higher education institutions which would:

First. Change the name, ROTC to Officer Education Program.

Second. Specify that the curriculum be jointly developed by the school and the military.

Third. Provide equal status but not professorial rank for ROTC educators.

Assistant Secretary Kelley said of the report:

> The report adopted by the six national associations is a significant representation of the policy of almost all institutions hosting ROTC units. We feel that this has been an honest effort on the part of the universities to effect changes that they believe would strengthen ROTC and facilitate its continuance on the campus. It is our hope that this dialogue between the universities and the Congress will continue. It reflects a high degree of interest in helping to get the job done.

As late as February 11, 1972, Secretary of the Navy Chafee wrote to Congressman DRINAN, who was notified by an officer that a list of 15 prohibited schools had already been distributed:

> I share with your concern for the loss to the Navy and the nation of the excellent relationships previously experienced with these institutions.

Clearly, this section, which precludes any negotiations between the military and the university is not only oppressive but in truth, dictatorial. The armed services are opposed to it, the universities and education associations are opposed to it, and military officers are opposed to it. Nevertheless, the Armed Services Committee presents this section before us.

To be sure, if this section is enacted, the House Armed Services Committee would violate the timeworn, historic, and celebrated traditions of academic freedom. The logical extension of this high-handed intrusion into the university domain is that the Government shall, whenever it does not like what the university does, take action against them. Three centuries ago, Charles II, acting on political fears, ordered the burning of books at Oxford. Surely, this Congress does not want to go down in history as a body that followed autocratic practices.

Mrs. ABZUG. Mr. Chairman, I rise to express my strong opposition to this bill and my support of the end-the-war amendment. When I first came to Congress, I stated that I would never vote for any military authorization or appropriation so long as our troops remained in Indochina and so long as our dollars were being spent to wreak destruction there. There are still thousands of young American ground troops there, apt to be killed even though not actively involved in the ground fighting. Every minute, tons of high explosives—napalm, antipersonnel weapons, bombs that devastate the people and the countryside—are being dropped on Indochina.

Richard Nixon promised to end this terrible war. Richard Nixon said that he had a plan. Richard Nixon did not tell us the truth.

The killing goes on.

The bombing goes on—even more than it did when Lyndon Johnson was in power.

The shattering spectacle of the most powerful nation on earth literally wiping out one of the smallest nations on earth, cratering its every square foot of land, turning its lush greenery to dead shades of gray and black, goes on.

We must withdraw immediately from Indochina, from its air and water as well as from its land. In addition, we must withdraw all military support from the puppet government of President Thieu, instead of allowing our desire to keep him in power to keep us involved in Indochina. This last aspect is a crucial one, for we cannot do right by the people of Vietnam unless we withdraw our money and our hardware as well as our men.

Even if Vietnam were no longer an issue, I could not vote in favor of the committee bill. In line with our misplaced priorities, it earmarks far too much of our budget for weapons. In addition, it violates the spirit of the SALT agreements by seeking to stuff with funding the loopholes which the Pentagon has been able to find in those agreements. I commend the gentleman from Massachusetts (Mr. HARRINGTON) for his amendment to delete the $110 million provided in the bill to upgrade weapons programs not covered by the literal wording of the SALT pacts.

When the SALT agreements were signed, Mr. Nixon claimed that they represented progress in slowing the arms race; in fact, all they seem to mean is that the Defense Department must shift its ever-swelling funding to different weapons. It is time for Congress to reassert its constitutional repsonsibilities and to make the cuts in the war budget which are being presented today as amendments.

This House must exert its constitutional power to end our involvement in Vietnam, and to end it now. Today is our last opportunity to stop this madness before we leave for the Democratic Convention break. Many thousands of innocent people may die before we have another opportunity of this sort. I urge the adoption of the end-the-war amendment.

Mr. VANIK. Mr. Chairman, I must object to many of the provisions of the $21,318,000,000 Department of Defense procurement authorization bill. Several extremely expensive programs included in this bill are totally unnecessary, particularly in light of the recent SALT agreements, and others would contribute to the continuation of our disastrous policy in Southeast Asia.

The promise of the SALT agreements was a reduction in the number of costly weapons systems which the American taxpayer would have to pay for, but this promise has been destroyed by the Secretary of Defense's recent call for increased arms expenditures. Instead of pursuing the philosophy of nuclear parity and sufficiency on which the agreements were based, Mr. Laird has proposed that we continue "full speed ahead" to build new and more costly weapons systems. That these new programs will contribute to a new weapons arms race between the Soviet Union and the United States has been the sad and costly lesson of the last two decades.

It seems to me, Mr. Chairman, that at this moment in time we have a rare opportunity to really slow down the arms race. The recent SALT agreements were an important first step in the right direction, and perhaps now is the time to demonstrate our good faith on arms limitations to the Russians by foregoing the procurement of this arsenal of new offensive weapons. If such a procurement freeze on offensive strategic weapons were pursued, the atmosphere at the SALT talks might be most conducive to the consumation of a really comprehensive arms limitation agreement; after all, a similar policy of restraint in the early 1960's led to the Nuclear Test Ban Agreement.

The administration's policy of building new weapons as "bargaining chips" is a dangerous and wasteful policy; its effect at the SALT bargaining table is dubious, but its cost for the American taxpayer is very real. In fact, it is quite likely that as we make new and more important technical advances in the weapons area, the Russians may well refue to reach an agreement until they possess the same technology. Thus, if the President feels that it is absolutely necessary for Congress to demonstrate its resolve, would it not be far wiser to appropriate these funds on a contingent basis?

Even if there were no arms limitations talks going on, several of the weapons systems included in this procurement authorization bill are of questionable value, and perhaps the most questionable of all is the CVAN–70 nuclear aircraft carrier. Mr. Chairman, aircraft carriers have been proven to be among the most vulnerable ships in our naval armada. In 1967, one 5-inch rocket accidentally fired from a plane on its flight deck put the USS *Forrestal* out of action for months at a cost of 134 men killed and 62 injured, 26 planes destroyed and 31 damaged, and $100,000,000 in repairs. At the present time, the Soviets have 65 submarines equipped with advanced antishipping cruise missiles similar to the type of missile which sunk the Israeli destroyer *Elath* in 1967. One expert on the subject, Gerald W. Johnson, has written:

> In recognition of their extreme vulnerability (of the U.S. carrier), over the past few years the Soviets have built and deployed long range homing missile systems equipped with 1-ton warheads based on submarines (some nuclear powered), aircraft, and surface ships. Such systems will have no trouble taking out carriers and, if necessary, their escorts as well.

To build another billion-dollar nuclear carrier under these conditions would be an act of folly.

The proposal to continue with the B–1 bomber also merits close scrutiny. Although there are certain advantages in having a mixed strategic weapons force, it must be kept in mind that our land and sea based missiles are now and will continue to be capable of inflicting unacceptable damage upon the Soviet Union. Missiles are also far more cost-effective than bombers, and they are not subject to the relatively effective air defenses which bombers must face. Thus, although the value of the B–1 is debatable, its cost would be enormous, perhaps as high as $47 billion if, as is probable, a new tanker is needed to replace the KC–135. Because the present supporting B–52 force is not deteriorating very quickly, I believe that a far more prudent course would be to consider further both the need for a strategic bomber force and the composition of that force, if needed. Perhaps a modernization of the B–52 force in the late 1970's would be more cost-effective than the development of the B–1.

Finally, I am not convinced of the need to begin a crash construction program of the Trident submarine. When the Poseidon missile program is completed in 1976, the U.S. submarine force will be able to launch 5,440 warheads. This arsenal of nuclear weapons will be capable of overwhelming even a "thick" ABM system, even though the Russians have shown no intention of building such a system, and it seems most unlikely that the Russians will be able to threaten this submarine force within the foreseeable future. In addition, one of the major advantages of the Trident, the longer range of the ULMS–I missile, could be built into the present Polaris submarine because the ULMS–I missile will be compatible with the Polaris launching tubes. Thus, although a system like the Trident may be needed in the future, progressing beyond the research and development stage would be premature at this time.

Mr. Chairman, I also cannot approve of this bill, because of the funds it contains for the perpetuation of the tragic war in Vietnam. On November 17, 1971, the President approved the Military Authorization Act for fiscal year 1972, Public Law 92–156, a law which declared it to be—

> The policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

Despite this law and despite the wish of the American people to terminate this war, the present administration has actually escalated the war by the greatest aerial bombardment in the history of man upon the people of Indochina. This war never has been and never will be vital to America's national interests. Yet, in order to camouflage the complete failure of this Vietnamization program, the President has decided, at a tremendous cost in American prestige throughout the world, to settle the question of who shall govern South Vietnam by physically destroying South Vietnam. In my opinion, the horrors which have resulted from this policy cannot be justified by this President's desire to "save face." Therefore, Mr. Chairman, because the courts have ruled that congressional approval of military appropriations and military authorizations is tantamount to "congressional support" for this war, I cannot vote for this bill.

I believe that this country needs a strong military and that this country must defend its vital interests abroad, but I cannot vote for a bill which contains incredibly costly weapons programs which will do little to improve our military posture and which have the potential to do much to stimulate a costly arms race and other programs which will prolong an unnecessary and divisive war. I believe that our national security consists of more than stockpiles of weapons—it also includes our national morale and the economic well being of our people. Instead of pouring billions and billions of dollars into unneeded military hardware and instead of continuing a senseless and tremendously costly war, we must turn to the difficult tasks of getting our economy on its feet again and of patching up the differences which have resulted from too many years of war. Only in this way can we really enhance our national security.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 15495, the bill to authorize appropriations for the Department of Defense for fiscal year 1973. This measure which have considered today provides for the procurement of aircraft, naval vessels, tracked vehicles, missiles, and other weapons, but equally and perhaps more important for research, development, test and evaluation of weapons for the Armed Forces.

The grand total authorized is $21.3 billion, with a breakdown substantially as follows: aircraft for the Army, Navy, Marine Corps, and Air Force, $5.7 billion; missiles for the four services, $3.4 billion; naval vessels, $3.2 billion; tracked vehicles, $251.3 million; Navy torpedos, $194.2 million. The very important research, development, test, and evaluation for all four services total $8.3 billion.

Now, Mr. Chairman, quite a lot has been written and said recently about the fact that the SALT agreement constitutes a good beginning, but also an expensive beginning. I know that those who make these charges are speaking sincerely, but anyone who indicates that because of the SALT agreement or otherwise this authorization bill has been upped or increased, is speaking without any respect for the facts. Before they speak again they should look at the committee report accompanying H.R. 15495.

The truth of the matter is that the House Committee on Armed Services brought to the floor a $21.3 billion bill, which was over $1.5 billion below the amount requested by the Department of Defense. The true facts are that the Department of Defense request was for $22.8 billion, which our committee cut to $21.3 billion or a $1.5 billion reduction.

The committee accomplished changes or departures from the request of the Department of Defense by reducing research, development, test, and evaluation funds about $323 million. Another $309 million was denied for the Air Force's Airborne Warning and Control System—AWACS. The request for the Navy's DD–963 destroyer was reduced $363 million. Then, in line with the treaty on the limitation of anti-ballistic-missile systems and the interim agreement on offensive weapons systems, the authorization request for the Safeguard ABM system was reduced $692 million, which, of course, was based upon the presumption of constitutional approval of the treaties.

It should be interesting to note that there were some really good nondollar modifications. Public Law 91-441 required prior authorization for personnel strength for each component of the Armed Forces as a condition precedent to the appropriation of funds for this purpose. This measure conforms to that law as we provide the strengths for the different components of the military services. Another nondollar modification is the prohibition of multiyear procurement contracts for weapons systems where the cancellation ceiling for procurement is in excess of $1 million.

The committee in the judgment of several of its members took a step in the right direction when it established the requirement for authorization prior to appropriation for the training and education of military personnel. This requirement will take effect after the close of the current calendar year. Another good move was to direct the Secretary of the Navy to assign some construction of naval vessels to naval shipyards, rather than to perform all of this work in private shipyards using the naval shipyards only for repair and construction, as at the present time. Along with other members of the committee, I was pleased to see that this bill prohibits the expenditure of any funds to institutions of higher learning where recruiting personnel of the Armed Forces are barred by policy or where the institution has required the involuntary disestablishment of ROTC.

On the subject of personnel costs, we should not forget that the efforts of the Congress to achieve all-volunteer force which was approved last year has, when coupled with inflation, meant that an ever increasing percentage of the military budget is required to meet personnel costs. In 1968 it was 42 percent of the total. In 1972 it had risen to 53 percent. In fiscal year 1973 manpower costs will account for 57 percent of the total defense budget.

Your committee has done its best to wrestle with the problem of cost escalation. We must take into account the realistic expectations with regard to inflation, and the attendant increases in wage scales. But the committee did make a careful review of the defense posture, and the committee wants every Member of the Congress to know, if they have any desire to understand present legislation, that defense spending has increased by a much more modest rate than spending for other public programs. There is no way to conceal the fact that present defense expenditures have reversed somewhat the downward trend of the last 4 years, because the new obligational authority totaling $83.4 billion is about $6.3 billion above last year's request, but the great bulk of this or approximately $4.1 billion is accounted for solely and only in the increases in the cost of military pay and pay of civilians working on military installations.

In the consideration of this bill before us today, it would be well for us to look at the comparison of United States and Soviet military capability, as well as to compare defense efforts of the two countries and the spending levels of the two countries. The first fact we should note is that the Soviets have almost four million men in uniform, and we have two and a half million. While the Soviets do not tell us much about their defense budget, we do know that the annual defense effort of the Soviet Union has been continuing to grow while ours has been shrinking. Their buildup has not come cheaply. The fact that the Soviets are willing, with an economy much smaller than ours and more backward, to support a defense effort as large as the United States, bears testimony to the importance they attach to defense.

Before I conclude these remarks, there are some observations which I believe should be recited for the record. We are in a world of change, where our own survival should always be a goal of primary national interest. I suppose even the critics of defense spending do not question this basic goal. They simply attack the size of the budget. It seems to me that these critics should take into account the unhappy fact that this legislation today is really a bill for survival, and like the bills that must be shouldered by any private business or the bills that must be paid by the head of any household, it has been increasing rather rapidly.

Critics of defense spending always seem to advance an appealing idea that we should divert enough money from the defense budget—which should be called a survival budget—to give more money to our schools, to rebuild the cities, and to provide more money for welfare programs. This kind of appeal, in my judgment, is illusory. If we are really interested in survival, our strength must be sufficient to deter any venture against us by a potential enemy. Arms expenditures almost certainly will remain high. But even if we reduce the manpower, and make our forces smaller, then they would have to be placed on better readiness and with more technological excellence. Even if we have a smaller standing force under arms, it must remain credible to a potential enemy. Who can forget back in 1962 at the time of the Cuban missile crisis that our defense was strong enough to convince our enemies? Then if there had been any doubt about the strength of our defense, the enemy would have run the risk of battle and all of our deterrents would have failed.

The dollar amount in this bill is large. This is because of wage-price inflation; the rapid technological advances requiring newer and newer military hardware all of the time; and then while not in this bill there are the high manpower costs, which are the highest ever presented in any annual Department of Defense budget.

When I suggested that the committee had done a commendable job by reducing the dollar amount in this bill by $1.5 billion, I did not mean to leave the suggestion that we cannot do better. We must improve on our weapons acquisition process. We must not rush into the production of weapons before they have been fully developed. We must avoid oversophistication of weapons. Overly complex weapons are expensive to maintain and may even be unreliable. In the future we must make an effort not to load down every weapons system with nonessential complex features, and that is why I think we should make a broader use of prototypes in furtherance of the slogan, "fly before you buy."

None of these problems have simple answers. Nuclear powered aircraft carriers are very expensive. The new generation of ballistic missile firing nuclear submarines will also be very expensive. It is no longer possible to argue whether a rich nation can afford both guns and butter no matter what quantities are needed. Even though defense costs are today taking a smaller portion of our national budget, that is no reason we should not continue to apply such restraints as to plan better, shop better, and get more value for our dollars.

We can call this a procurement bill or we may call it a survival bill. Let us never indulge in the illusion that we can enjoy cut rate defense. There is just no way to buy survival at a discount store. It is for this reason that I support this procurement bill, because it contains what is essential for national security in terms of modern weapons. I will continue to try to see that these essentials are provided, but only the essentials. No more.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. ROSTENKOWSKI) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 1025, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 59, answered "present" 1, not voting 38, as follows:

[Roll No. 235]

YEAS—334

Abbitt
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boland
Bow
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.

Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen,
  Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford,
  William D.
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Haley
Hall
Halpern
Hamilton
Hammer-
  schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway

Hays
Hébert
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald,
  Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Poff
Powell
Preyer, N.C.

Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton,
  J. William
Stanton,
  James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson,
  Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—59

Abzug
Aspin
Badillo
Bingham
Bolling
Brasco
Burton
Carey, N.Y.
Celler
Chisholm
Clay
Collins, Ill.
Conyers
Culver
Curlin
Dellenback
Dellums
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Forsythe
Fraser

Green, Pa.
Gude
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Hungate
Kastenmeier
Koch
Link
Metcalfe
Mikva
Mitchell
Nedzi
Nix
Obey
Pike
Podell

Rangel
Rees
Reid
Reuss
Rosenthal
Roybal
Ryan
Scheuer
Seiberling
Stokes
Thompson, N.J.
Vanik
Waldie
Whalen
Wolff
Yates
Zwach

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—38

Abernethy
Abourezk
Anderson,
  Tenn.
Baring
Blanton
Boggs
Broomfield
Burke, Fla.
Caffery
Clark
Davis, S.C.
Dent
Dickinson

Dowdy
Erlenborn
Esch
Ford, Gerald R.
Fulton
Gallagher
Griffin
Hagan
Holifield
Kee
Kyl
McDade
McDonald,
  Mich.

McKinney
Mizell
Mollohan
Mosher
Moss
O'Hara
Pirnie
Rooney, N.Y.
St Germain
Sarbanes
Schneebeli
Schwengel

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Moss against.

Until further notice:

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Holifield with Mr. Broomfield.

Mr. O'Hara with Mr. McDonald of Michigan.

Mr. Dent with Mr. Mosher.

Mr. Fulton with Mr. Esch.

Mr. Blanton with Mr. Burke of Florida.

Mr. Mollohan with Mr. Erlenborn.

Mr. St Germain with Mr. McKinney.

Mr. Kee with Mr. Kyl.

Mr. Clark with Mr. McDade.

Mr. Caffery with Mr. Dickinson.

Mr. Griffin with Mr. Mizell.

Mr. Abernethy with Mr. Pirnie.

Mr. Davis of South Carolina with Mr. Schwengel.

Mr. Baring with Mr. Schneebeli.

Mr. Anderson of Tennessee with Mr. Abourezk.

Mr. Hagan with Mr. Sarbanes.

Mr. Dowdy with Mr. Gallagher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment bills of the House of the following titles:

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen; and

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

HR. 14108. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) entitled "An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) entitled "An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2) entitled "An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Harry F. Byrd, Jr., Mr. Jackson, Mr. Bentsen, Mr. Stennis, Mr. Dominick, Mr. Saxbe, and Mrs. Smith to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 910. An act for the relief of Dennis Keith Stanley.

A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations.

Washington, D.C., *June 21, 1972.*

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

My Dear Mr. Speaker: Pursuant to the provisions of section 201 of Public Law 89-298, the Committee on Public Works of the House of Representatives on June 14, 1972, adopted Committee resolutions authorizing the following water resources development projects: Mississippi River at Moline, Ill.; and Panama City Harbor, Fla.

With kindest personal regards.

Sincerely,

John A. Blatnik,
Chairman, Committee on Public Works.

A COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and referred to the Committee on Appropriations:

Washington, D.C.,
June 22, 1972.

Hon. Carl Albert,
The Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Pursuant to the provisions of Section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are the following:

STATE, PROJECT, EXECUTIVE COMMUNICATION, AND APPROVAL DATE

Nebraska, Tekemah-Mud Creek, 1741, June 14, 1972.

New Hampshire, Sugar River, 1741, June 14, 1972.

South Carolina, Eighteen Mile Creek, 1741, June 14, 1972.

Sincerely,

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 14108, NATIONAL SCIENCE FOUNDATION AUTHORIZATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes, within Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. MILLER of California, DAVIS of Georgia, CABELL, BELL, and ESCH.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15259, DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 1187)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15259) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 10, 19, 20, 24, 31, 37, 38, 39, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 11, 12, 15, 16, 17, 22, 23, 25, 28, 29, 33, 35, 36, 40, 45, and 53, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$130,819,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,968,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,706,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,933,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,000,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$179,607,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,136,900"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$94,281,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,200,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,629,500"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 7; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 9; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 10; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 12; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 13; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 14; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 15; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the section number proposed in said amendment insert 16; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 13, 18, 21, 26, 41, 43, 48, 54, 56, and 57.

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Managers on the Part of the House.

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MARK O. HATFIELD,
TED STEVENS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1—Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $181,500,000 to the general fund instead of $185,000,000 as proposed by the House and $183,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

Amendments Nos. 2, 3, 4, 5, and 6.—Appropriate $130,819,000 instead of $143,232,000 as proposed by the House and $126,632,000 as proposed by the Senate of which $90,968,000 shall be payable to the general fund instead of $103,070,000 as proposed by the House and $90,070,000 as proposed by the Senate, $16,706,000 to the highway fund instead of $16,750,000 as proposed by the House and $13,750,000 as proposed by the Senate, $2,933,000 to the water fund instead of $3,000,000 as proposed by the House and $2,600,000 as proposed by the Senate, and $13,960,000 to the sanitary sewage works fund as proposed by the Senate instead of $14,160,000 as proposed by the House.

GENERAL OPERATING EXPENSES

Amendment No. 7.—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate $63,187,000 instead of $65,029,000 as proposed by the House and $63,242,600 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Managers agree that the Senate reduction in salary for the Director of the Office of Planning and Management should be reinstated. In doing so, however, the Managers also agree that the job description of this position should be reviewed by the appropriate Civil Service officials. The Managers therefore direct the Mayor-Commissioner to have this position reevaluated at the earliest possible date and adjusted accordingly.

Amendment No. 8.—Restores limitation of $7,500 for test borings and soils investigations proposed by the House and stricken by the Senate.

Amendment No. 9.—Provides that $2,000,000 shall be available for District of Columbia employees' disability compensation instead of $2,500,000 as proposed by the House and $1,000,000 as proposed by the Senate.

Amendment No. 10.—Provides that not to exceed $100,000 shall be available for the settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each as proposed by the House and stricken by the Senate.

Amendment No. 11.—Deletes provision, proposed by the House and stricken by the Senate, that not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies.

PUBLIC SAFETY

Amendment No. 12.—Provides cash gratuities of not to exceed $75 to each released prisoner as proposed by the Senate.

Amendment No. 13.—Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $181,119,000 instead of $181,700,000 as proposed by the House and $181,513,900 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

EDUCATION

Amendment No. 14.—Appropriates $179,607,000 instead of $179,526,000 as proposed by the House and $179,907,300 as proposed by the Senate.

The Managers agree that the time for consolidation of the D.C. Teachers College and the Federal City College is overdue and suggest that merger plans be formulated by the Board of Higher Education and the District of Columbia Board of Education without further delay. The legislative history surrounding the passage of the District of Columbia Public Education Act (Public Law 89–791, dated November 7, 1966) clearly anticipates this action and recent Congressional efforts to accelerate a decision have been ineffective.

The Managers further direct that the fiscal year 1974 budget requests for these two institutions be combined as the first step toward consolidating these institutions.

Amendment No. 15.—Provides that $9,561,300 of the appropriation for education shall be for special education as proposed by the Senate.

Amendment No. 16.—Deletes provision of unvouchered allowances of $1,000 each for the Superintendent of Schools, the President of the Federal City College, the President of the Washington Technical Institute, and the President of the District of Columbia Teachers College proposed by the House and stricken by the Senate.

Amendment No. 17.—Deletes provision exempting teachers from the dual compensation laws proposed by the House and stricken by the Senate.

RECREATION

Amendment No. 18.—Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $13,829,000 instead of $13,860,000 as proposed by the House and $13,843,500 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

HUMAN RESOURCES

Amendments Nos. 19 and 20.—Delete word authorized proposed by the Senate and restore words including those under sectarian control proposed by the House and stricken by the Senate. These amendments relate to care and treatment of indigent patients in contract hospitals.

Amendment No. 21.—Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $207,587,000 instead of $208,709,000 as proposed by the House and $209,915,800 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 22.—Deletes residency requirement for medical assistance to the aged and the needy proposed by the House and stricken by the Senate.

Amendment No. 23.—Deletes authority to make training payments or stipends to the patients of the public health and vocational rehabilitation programs of the Department of Human Resources proposed by the House and stricken by the Senate.

HIGHWAYS AND TRAFFIC

Amendment No. 24.—Provides $166,700 for traffic safety education as proposed by the House instead of $182,300 as proposed by the Senate.

Amendment No. 25.—Deletes words without reference to any other law proposed by the House and stricken by the Senate.

Amendment No. 26.—Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $21,814,000 instead of $21,711,000 as proposed by the House and $21,372,400 as proposed by the Senate. The managers on the part of the Senate will offer a motion do concur in the amendment of the House to the amendment of the Senate.

Amendment No. 27.—Provides $20,136,900 shall be payable from the highway fund instead of $20,042,300 as proposed by the House and $20,950,500 as proposed by the Senate.

The Managers note with dismay that, as the fiscal year comes to a close, there is a tendency on the part of Department heads and administrators to spend any funds that might be over and above their requirements for the fiscal year. We believe that this practice, while in keeping with the letter of the law, is not in keeping with the spirit of the law. The Managers would like to stress that, where programs can be carried out within the available funding, the excess should be carried forward rather than spent just to meet the budget. An example of how this has backfired in fiscal year 1972 is the overspending in the Department of Highways and Traffic with regard to snow removal. Excess funds in this case were spent to "stockpile" materials for next year and for this reason the Senate reduced the amount it appropriated for this purpose. With the recent flood, these funds are now needed. Had the 1972 funding not been expended in this manner, part of the waste created by the flood could have been avoided.

ENVIRONMENTAL SERVICES

Amendments Nos. 28 and 29.—Appropriate $44,309,800 of which $13,646,100 shall be payable from the sanitary sewage works fund as proposed by the Senate, instead of $44,710,000 of which $13,846,100 shall be payable from the sanitary sewage works fund as proposed by the House.

CAPITAL OUTLAY

Amendments Nos. 30, 31, 32, and 33.—Appropriate $94,281,000 instead of $131,394,000 as proposed by the House and $81,754,100 as proposed by the Senate, of which $12,227,700 shall be payable from the highway fund, $2,200,000 from the water fund, and $1,020,000 from the sanitary sewage works fund, instead of $12,227,700 from the highway fund, $2,420,000 from the water fund, $1,760,000 from the sanitary sewage works fund as proposed by the House and $3,360,000 from the highway fund, $1,200,000 from the water fund, $1,020,000 from the sanitary sewage works fund as proposed by the Senate.

The following projects are included in the bill as agreed to in conference:

Project title	*Amount*
District of Columbia Obligations	$1,051,600
Public Schools:	
Anacostia Senior High School addition	1,000,000
Shaw Junior High School replacement	235,000
New elementary and junior high school, Oxon Run Pkwy. SE	16,380,500
New elementary school, 31st and Erie Sts. SE	6,983,000
Dunbar Senior High school replacement	13,181,000
Federal City College:	
Renovation of Old Central Library	550,000
District of Columbia Teachers College:	
Unused space in the Miner Building	135,000
Demountable classrooms	10,000
Department of Human Resources:	
Air condition remaining buildings (patient), District of Columbia General Hospital	1,778,000
New morgue building, District of Columbia General Hospital	150,000
Department of Highways and Traffic:	
Street lighting and communication extensions	431,000
Street improvements and extensions	2,960,000
Highway planning, programming, and research	400,000
Potomac River Freeway	2,345,000
H Street NE., grade separation	302,700
South Capitol Street Bridge	2,000,000
Cover on Federal aid streets	615,000
Heater on Federal aid streets	418,000
Metro betterment	880,000

Benning Road Bridge over Anacostia River	$90,000
Connecticut Avenue Bridge over Klingle Valley	400,000
Southern Avenue SE	970,000
Chain Bridge	33,000
Northbound 14th Street Bridge deck repair	101,000
Anacostia Freeway Bridge over Oxon Run	250,000
Anacostia Freeway, Kenilworth Avenue safety improvements	169,000
Benning Road pedestrian overpass	29,000
Suitland Parkway pedestrian overpass	88,000
South Capitol Street	80,000
Bridge railing improvement program	37,000
Channelization on Federal aid streets	50,000
Emergency communications system	10,000
Department of Environmental Services:	
Advance of paving	2,950,000
Sewer separation	500,000
Service sewer extensions	1,020,000
Service extension and hydrants	1,200,000
Washington Metropolitan Area Transit Authority:	
Capital contribution for construction—Regional Rapid Rail Transit System	33,498,000
Washington Aqueduct:	
Water treatment plant, improvements and extensions, Dalecarlia and McMillan	870,000
Plant major replacements and rehabilitation, Dalecarlia and McMillan	130,000
Total	94,280,800

Amendment No. 34.—Provides $2,629,500 shall be available for construction services instead of $4,332,000 as proposed by the House and $2,516,500 as proposed by the Senate.

Amendment No. 35.—Deletes limitation on availability of capital outlay funds previously appropriated to 2 years from the date that the language was first inserted as proposed by the House and stricken by the Senate.

GENERAL PROVISIONS

Amendment No. 36.—Deletes words without counter signature with reference to issuance of checks by designated disbursing officials proposed by the House and stricken by the Senate.

Amendment No. 37.—Restores provision relating to availability of appropriations for privately owned automobiles used for the performance of official duties proposed by the House and stricken by the Senate.

Amendments Nos. 38 and 39.—Changes section numbers.

Amendment No. 40.—Deletes provision authorizing the advance of funds to officials proposed by the House and stricken by the Senate.

Amendment No. 41.—Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the provision relating to the installation of meters in taxicabs proposed by the House and stricken by the Senate and to change the section number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 42.—Changes section number.

Amendment No. 43.—Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the provision relating to the operation and utilization of motor vehicles proposed by the House and stricken by the Senate and to change the section number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 44.—Changes section number.

Amendment No. 45.—Deletes provision relating to the furnishing of uniforms proposed by the House and stricken by the Senate.

Amendment No. 46.—Changes section number.

Amendment No. 47.—Deletes provision relating to the allocation for construction services proposed by the Senate.

Amendment No. 48.—Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the provision that the limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961 shall be applicable during the current fiscal year, including a 10 per centum limitation for construction services, a $200,000 limitation on the confidential fund for the Chief of Police and an exception to a limitation with respect to Sanitary Engineering, proposed by the House and stricken by the Senate, and changes the section number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

It is the opinion of the Managers that while the present bill contains many legislative items, some of which are by reference to the 1961 Appropriation Act, the 1974 budget request should be purged of all legislative language. In order for this to be possible, the Managers recognize there must be Congressional action. Since the Senate has already passed S. 2204, which eliminates much of the legislation in this year's bill, the Managers urge that the House take such action as may be necessary to act on this pending legislation. The Managers also urge both the House and Senate to act expeditiously to eliminate other legislative items that this pending legislation does not provide for and which will affect the operation of the Government of the District of Columbia in fiscal 1974.

Amendment No. 49.—Changes section number.

Amendment No. 50.—Changes section numbers.

Amendment No. 51.—Changes section number.

Amendment No. 52.—Changes section number.

Amendment No. 53.—Provides not to exceed 4½ per centum of total of all funds appropriated for personnel compensation may be used for overtime or temporary positions as proposed by the Senate instead of 5 per centum as proposed by the House.

Amendment No. 54.—Reported in technical disagreement. The Managers on the part of the House will offer a motion to delete the words *budget classification 01* proposed by the House and stricken by the Senate, and insert an exception to the limitation in amendment numbered 53 for temporary employees provided for the Courts and Department of Corrections. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 55.—Changes section number.

Amendment No. 56.—Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the provision restricting employment in the government of the District of Columbia proposed by the House and stricken by the Senate with an exception to certain temporary employees for the Courts and Department of Corrections. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 57.—Reported in technical disagreement. The managers on the part of the House will offer a motion to restore the prohibition on the use of educational appropriations to permit, encourage, facilitate or further partisan political activities proposed by the House and stricken by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

It is the intent of the Managers that none of the funds appropriated for educational operations would be used in connection with partisan political activities. This restriction is to insure that the schoolchildren of the District of Columbia are not used as pawns or tools to encourage political action for or against any particular legislation. This is not intended to prevent the use of available school buildings by any community group during non-school hours.

CONFERENCE TOTAL—WITH COMPARISONS

Federal funds

New budget (obligational) authority, fiscal year 1972	$280,251,000
Budget estimates of new (obligational) authority, fiscal year 1973	343,306,000
House bill, fiscal year 1973	332,306,000
Senate bill, fiscal year 1973	313,706,000
Conference agreement	[1] 316,393,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	+36,142,000
Budget estimates of new (obligational) authority, fiscal year 1973	−26,913,000
House bill, fiscal year 1973	−15,913,000
Senate bill, fiscal year 1973	+2,687,000

District of Columbia funds

New budget (obligational) authority, fiscal year 1972	$1,014,230,700
Budget estimates of new (obligational) authority, fiscal year 1973	900,888,000
House bill, fiscal year 1973	875,662,000
Senate bill, fiscal year 1973	824,882,400
Conference agreement	[1] 834,756,800
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1972	−179,473,900
Budget estimates of new (obligational) authority, fiscal year 1973	−66,131,200
House bill, fiscal year 1973	−40,905,200
Senate bill, fiscal year 1973	+9,874,400

[1] Includes amounts in amendments reported in technical disagreement.

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MARK O. HATFIELD,
TED STEVENS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

REQUEST TO CONSIDER S. 3715, TO AMEND AND EXTEND DEFENSE PRODUCTION ACT OF 1950

Mr. PATMAN. Mr. Speaker, by unanimous vote of the Committee on Banking and Currency, I was instructed to ask unanimous consent for the consideration of the bill (S. 3715) to amend and extend the Defense Production Act of 1950.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, I object.

REQUEST TO CONSIDER H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, I object.

PROVIDING FOR CONSIDERATION OF H.R. 14455, COMMUNICABLE DISEASE PREVENTION AND CONTROL

Mr. O'NEILL, from the Committee on Rules, reported the following privileged resolution (H. Res. 1026, Rept. No. 92-1181), which was referred to the House Calendar and ordered to be printed:

H. RES. 1026

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14455) to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 14455, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3442, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14455 as passed by the House.

PROVIDING FOR CONSIDERATION OF H.R. 15081, NATIONAL HEART AND LUNG INSTITUTE

Mr. O'NEILL, from the Committee on Rules, reported the following privileged resolution (H. Res. 1027, Rept. No. 92-1182), which was referred to the House Calendar and ordered to be printed:

H. RES. 1027

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15081) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15081, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3323, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15081 as passed the House.

PROVIDING FOR CONSIDERATION OF H.R. 15587, EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. O'NEILL, from the Committee on Rules, reported the following privileged resolution (H. Res. 1028, Rept. No. 92-1183), which was referred to the House Calendar and ordered to be printed:

H. RES. 1028

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of Rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15587) to provide for a six-month extension of the emergency unemployment compensation program, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments recommended by the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

PUBLIC DEBT LIMITATION

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1021 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1021

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15390) to provide for a four-month extension of the present temporary level in the public debt limitation, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this is the debt limitation legislation and there will be no hurry on it because haste makes waste, apparently, and I have enough requests from my side of the aisle to use the entire 30 minutes that will be requested.

When I move the previous question I know that there are those who are going to ask that the previous question be defeated in order that they may offer amendments concerning various tax loopholes.

Mr. Speaker, House Resolution 1021 provides a closed rule with 2 hours of general debate for consideration of H.R. 15390, the public debt limitation legislation. No amendments shall be in order except those offered at the direction of the Committee on Ways and Means and all points of order against the bill are waived. The reason for the waiver is that the initial Liberty Loan Act provided for an appropriation of the moneys involved in the payment of interest on securities that the act itself permitted the Secretary of the Treasury to issue. Since this is an amendment to the act which required a waiver initially, it also needs one.

The purpose of H.R. 15390 is merely to extend the present temporary debt limit to October 31, 1972, which otherwise would expire on June 30.

The permanent debt limit under present law is $400 billion and the temporary additional limit is $50 billion. This legislation is merely an extension; it does not increase the limit.

Enactment of the legislation will not

result in additional cost to the Government.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 15390 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1021 does provide for 2 hours to consider the bill H.R. 15390, the public debt limitation bill. It waives points of order and it is a closed rule.

The administration originally requested an extension of the permanent and temporary debt to a total of $465 billion through February of 1973.

The majority of the members of the Committee on Ways and Means decided they would keep the permanent $400 billion ceiling and the $50 billion temporary additional, making a total of $450 billion through October 31, 1972.

So this is an extension from June 30, 1972, through October 31, 1972. We will have to have an increase prior to October 31, 1972.

The distinguished chairman of the Committee on Ways and Means testified that he felt we needed a little additional information as to what the excessive spending might be and what the revenue would be prior to a further increase, and preferred to keep this ceiling until October 31.

The distinguished ranking minority member of the Committee on Ways and Means, the gentleman from Wisconsin (Mr. BYRNES) indicated before the Committee on Rules that he did not think we would have any more information between now and October 31 than we presently have. But he did feel that we probably would know who the Democratic nominees for President and Vice President would be at that time and as long as the majority members of the committee had the votes there was not much the minority could do except to relax and enjoy it.

I am not convinced in my own mind why points of order are waived and the rule is closed. I do not know how many times I have presented the rule on a debt ceiling increase, but I never really have understood why we have a closed rule and why we waive points of order.

I guess I will have to present a similar rule once more before October 31—maybe I will find out by then.

I have been told that the original Liberty Loan Act had an appropriation in it, and was considered under a closed rule and waived points of order whereby—a rule subsequent thereto has to also waive points of order, and be closed.

Maybe that is so—I do not know. But in any event, there is nothing in the bill that has to do with changing the Internal Revenue Code.

If the rule is voted down and it is amended to include at least two different provisions, one I think is the accelerated depreciation and the other is the minimum 10-percent tax then, of course, it will have to do with the Internal Revenue Code.

I understand, and I have read, and I think I have heard the chairman of the committee who indicated some 52 or 54 different provisions of the Revenue Code will probably be studied and I think these two are included in those 52 or 54 provisions.

As to a closed rule, I cannot figure out why we have a closed rule as we have always had. There is nothing amending the revenue code.

The only purpose of a closed rule is simply to prohibit amendments so that it can be passed as is.

But, as I say, I have often wondered about that and maybe between now and October 31, I will be able to find out so I can give you a good answer in my swan song on presenting my last debt limit rule prior to my retirement.

Mr. Speaker, I urge that the previous question not be voted down.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, the gentleman says we will have to go back to a debt ceiling increase on or before October 31; is that correct?

Mr. SMITH of California. That is my understanding—if the amount of the debt is over $450 billion by that time, we will have to have an increase. The administration estimates $465 billion will take it through February, 1973.

Mr. GROSS. What does that mean? We have not always met the expiration date; have we? Has there not been a time when in an extension of the debt ceiling, we have run over the expiration date?

Mr. SMITH of California. I remember at least one time. I do not know whether we have done it more than once, but I do remember once.

Mr. GROSS. In the gentleman's opinion, is this date of October 31, 1972, a built-in gimmick to provide for a lame duck session of the Congress? It is pretty obvious, it seems to me, that the Congress will not be in session on October 31 and probably not for 2 or 3 weeks before that, hopefully a month before the election. But is this a built-in gimmick to produce a lame duck session of the Congress?

Mr. SMITH of California. I could not comment on that, but I will say that prior to October 31, 1972, the debt will have to be increased above the $450 billion ceiling which is in the bill we are considering here today.

Mr. GROSS. I am unable to understand why, if there has to be an increase in the debt ceiling that there should not be a realistic increase in the debt ceiling and one that would take the ceiling up to the point of, let us say, next January or February, or late in January or February of next year.

I should think that those, including the chairman of the House Committee on Ways and Means, who engineered the bill through here only a couple of days ago to provide for revenue sharing to the tune of over $5 billion for the year would have some idea of what it is going to take to meet a debt ceiling in the future and the requirement for a debt ceiling in the future.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman from Iowa raises a question about whether we should not have had a realistic increase in the debt ceiling. I think the gentleman would like to know that initially the administration asked for an increase. I moved for that increase in the committee, and the administration later changed their mind and said that they were satisfied with this, and would rather have this than some of the alternatives that were proposed.

Mr. GROSS. Will the gentleman yield?

Mr. SMITH of California, I yield further to the gentleman.

Mr. GROSS. Let nothing I have said be construed as indicating that I am going to vote for a debt ceiling increase either now or later.

Mr. SMITH of California. That is my understanding.

Mr. O'NEILL. I yield 5 minutes to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, on this debt which is now about $400 billion, the objective of the bill is to raise it to $450 billion temporarily. I testified before the Ways and Means Committee, and I asked them not to raise it because the Federal Reserve had already paid $70 billion for the purchase of U.S. Government, interest-bearing bonds, and this amount could be stricken from the debt.

Being the fiscal agents of the United States, the Federal Reserve is privileged to do that. They have taken our money and bought our bonds, but do not cancel the bonds. They have been drawing $4 billion a year interest on those bonds, and both the money that paid for them and the bonds are still outstanding. One cannot conceive of anything more inflationary than that, but the bad thing is that the bonds have been paid for by good U.S. credit and currency, that says on its face, this currency is good for all debts, public and private, and if you offer these notes, the currency that you have in your pocket, in payment of a debt, and the person to whom you owe the debt refuses to accept that money, the debt is paid. You can keep your money and the debt is paid. The money is just that good.

In this case the money has been spent for the bonds—the $70 billion—but the bonds are still outstanding.

It is customary with a lot of fine, religious denominations when they go into debt and they pay off bonds over a long period of time, and pay the interest on them, that when they pay those bonds off, they have a bond-burning. It is one of the greatest events of a decade or a generation, sometimes a century. They have liquidated their debts; they have paid them off; and they have a bond-burning.

If we would do the same thing, this debt would be reduced $70 billion, and we would not have to be here today. We would not have to extend it. Is there anything wrong with that? It has been paid for. It is paid for by the fiscal agent of the United States, the Federal Reserve, paid for with U.S. money.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman asked a tempting question. He asked whether there was anything wrong with it. Would he mind telling the House what there would be in support of and in back of our money, if we do as he suggests?

Mr. PATMAN. Certainly.

Mr. WAGGONNER. Is it not so that there would be no other backing then?

Mr. PATMAN. No; you are mistaken. It is orthodox. It is absolutely orthodox. There is no way that anyone can deny it is orthodox.

Mr. WAGGONNER. Would it not be necessary to turn around and rebuy those bonds?

Mr. PATMAN. We would not have to at all.

Mr. WAGGONNER. It would be, if we had anything in support of or in back of our money.

Mr. PATMAN. I have only a limited time. These bonds are paid for once. We do not pay for bonds twice, but in this system they are paying for them two or three and four times.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, is it not true the only effect of canceling these bonds would be to make the Federal Reserve System come to the Congress for an appropriation every year?

Mr. PATMAN. That is correct in part.

Mr. GIBBONS. They do not want to come to Congress for that appropriation.

Mr. PATMAN. They spend these funds without any congressional authority. It is something that every Member should have an answer for, or should vote to have an audit of the Federal Reserve and require them to come to Congress for their funds. If we had an audit of them, this would have been disclosed several years ago.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, is it not within the prerogative of the gentleman's committee, the House Committee on Banking and Currency, to produce such legislation if he really wants it?

Mr. PATMAN. Yes, sir.

Mr. WAGGONNER. Then, why does the gentleman not bring that legislation to the floor, I might ask?

Mr. PATMAN. I do not have the votes. Remember this, the Ways and Means Committee, the Democratic Members put the members on our committee. We just do not have the votes. The Ways and Means Committee could do it. They have concurrent jurisdiction, but they refuse to do it, too.

The truth is that the big banks of this country have built-in intimidation against every Member of the U.S. Congress and every member of the legislatures of the 50 States. The ordinary Member who has not studied this question will not dare buck the big banks of this country. They have too much power. It is built-in power. It is intimidation. The Members will not dare, in other words, to cross the banks and oppose them, because it is too dangerous. They can cause the defeat of Congressmen and all kinds of trouble and everything else. That is the reason we cannot get a vote.

Mr. WAGGONNER. If the gentleman will yield further, I am afraid the gentleman is going to have to speak for himself when he says the bankers of this country have built-in intimidation for every Member of this Congress. He can speak for himself.

Mr. PATMAN. The gentleman is not quoting me correctly.

Mr. WAGGONNER. I did not know the gentleman could be intimidated.

Mr. PATMAN. I said the big bankers of this country, like Wall Street, the 50 banks that own over half the resources of this country.

Mr. WAGGONNER. The gentleman did say for every Member there is built-in intimidation; did he not?

Mr. PATMAN. It is built-in intimidation.

Mr. WAGGONNER. I am surprised the gentleman can be intimidated after all these years.

Mr. PATMAN. It is intimidation against every Member of this Congress and against every member of the legislatures of the 50 States.

Mr. WAGGONNER. The gentleman should be ashamed to be intimidated.

Mr. PATMAN. All right, the gentleman can count on one hand the Members who are willing to take opposite sides from the big banks in this country.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, does the gentleman in the well or the chairman of the Ways and Means Committee have any information about reports circulating about this Capitol very persistently that the President intends to do precisely what the gentleman is saying and propose some time during July, after we have voted on this increase in the debt limit a substantial cut in the deficit by rearranging the bookkeeping. Does the gentleman know whether there is such a plan in the Treasury Department?

Mr. PATMAN. Of course, they have in mind the national debt, and everybody will be paying interest on it. They are paying this on Government money. They are creating money, which they have a right to do. Nobody objects to that if it is done in the public interest, but this is not done in the public interest.

Mr. PUCINSKI. If the gentleman will yield further, I do not know if there is any truth to it, because I do not have access obviously to the President's thinking, but there are persistent reports that the President does intend to make a spectacular announcement on this some time in July to show how he is reducing the national debt. I wonder if the distinguished Chairman has any knowledge of any such plans?

Mr. PATMAN. May I suggest one time in July 1932, after the Congress adjourned, the military ran the Veterans of World War I, 20,000 of them, out of the Capital City on the theory they were lobbying, but the military did not touch the lobbyists in the Mayflower Hotel or the big hotels of this town, but they ran those poor, ragged, hungry veterans out by force and guns.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, one of the few virtues that I see in this perennial exercise which is now before us of increasing the public debt ceiling is that it seems to be about the only time in the course of a year when this body deals even in a peripheral after-the-fact way with management of the Federal budget. It comes, of course, at the wrong end of the string, after the contracts have been made, the checks written, and the obligations assumed, so there really is not much we can do about the question but to authorize the increase in the public debt.

It does provoke some discussion about revenue and the relationship to expenditures, and I believe that is good.

I was gratified a few days ago to have the support of the gentleman from Wisconsin (Mr. REUSS), two distinguished Members of the Ways and Means Committee, two Members of the Appropriations Committee, and several other Members of this body in cosponsoring a bill which would alter the rules of the House of Representatives and require that the House adopt a comprehensive Federal budget before it could consider any appropriation bill.

This would involve, of course, the question of the public debt level. If the anticipated expenditures exceeded revenues, then the resolution would have to deal with the knotty question of what to do about the difference, to recommend higher taxes or to recommend higher public debt, or both.

Well, today we have the question after the fact, at the wrong end of the string. That I regret. I hope next year the House will alter the rules to provide for the adoption of a resolution on a Federal budget before any appropriation bills can be considered.

Meanwhile, judging by the mail I get, we do have the opportunity today to consider something that does go to the heart of the same question; that is the possibility of additional revenue at this stage in order to counterbalance a part of the debt that seems in prospect. I suggest it is not inappropriate for us to consider this question.

We have already this year adopted one bill to increase the public debt ceiling. We are in the process today of doing the same thing. The comment of the gentleman from California suggests that before the year is over we will do it again, perhaps by November 1 or thereabouts.

What could be more rational than for us to consider at this stage some measures to increase revenue? I believe it would be heartening to the American people if they got the word that here, in the midst of an election year, this body, which has the special responsibility under the Constitution to deal with the purse strings of Government, saw fit to consider revenue measures even as it was considering the question of the public debt.

So I hope the members of the Ways and Means Committee who may be present and able to participate in the discussion here today will deal seriously with the proposal I understand the gentleman from Wisconsin (Mr. RUESS) will make, which will open up the possibility of considering at least two minor but I think progressive measures to increase revenue in this difficult year in which a very heavy deficit is in prospect.

Mr. O'NEILL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BARRETT).

(By unanimous consent, Mr. BARRETT was allowed to speak out of order.)

INTEREST RATES ON SBA DISASTER LOANS

Mr. BARRETT. Mr. Speaker, this morning the Banking and Currency Committee ordered reported H.R. 15692, with amendments, which is intended to reduce the interest rate on SBA disaster loans. These are the kinds of loans that are to be made to the hundreds of thousands of people who have suffered severe damages and great losses within the past week as a result of tropical storm Agnes and the rains that followed. Many of these people have lost their homes and all of their possessions. A lifetime of effort, earnings and savings have been wiped out as businesses have been ruined and destroyed.

Today's newspaper indicates that 95 areas in five eastern States have been declared eligible for low-interest flood aid. My State of Pennsylvania was probably the hardest hit. Damages have been initially estimated at about $1 billion. Figures for the five States indicate that damages may run to $3 billion or more.

Governor Shapp of Pennsylvania met today with the Pennsylvania congressional delegation and outlined the situation in my State. It is a very dismal picture. Only 31 counties have been declared disaster areas so far by the administration, while the State is working in 61 of the 67 counties in the State. The initial indications of financial aid from the Federal Government are far from sufficient to meet the needs of the people from the current disaster. Needless to say our Governor views this with alarm and skepticism particularly when one realizes that funds have been withheld for the flood damage to parts of eastern Pennsylvania last year. Prompt collection and use of funds for last year's damage has been impossible because of the reams of paperwork and redtape; hardly a sign of good faith effort and humanitarian concern on the part of the administration.

The Governor reported that 40 to 50,000 homes in the State are under water; that many major industries have been ruined which means great industrial losses and many people unemployed; that $50 million are needed for schools which have been damaged or destroyed; approximately $550 million are needed for repair to roads and bridges. The plight of the railroads, which suffered $50 to $60 million in damages, is particularly acute since all of them are in financial trouble, even before the storm.

The plight of the homeowner and small businessman is particularly acute. He must of necessity turn to the Federal Government for assistance and the Federal Government has a responsibility and a duty to help these of its people. The bill reported by the committee this morning is designed for this purpose; it would change and reduce the interest rate on these disaster loans. Present interest is determined by the price the Treasury pays for money in the market, with the Secretary of the Treasury authorized to reduce this by as much as 2 percent. These rates change monthly; the present formula rate is 5⅛ percent after the allowed reduction.

The bill would change this formula and establish a legislative formula of 1 percent, or 3 percent with a forgiveness feature equal to 25 percent of the principle of the loan with a maximum of $2,500 to be forgiven. In addition, the program would be tightened up administratively, so as to prevent diverting the use of the funds from the intended purpose.

Mr. Speaker, this is much needed legislation. It is urgently needed and the administration has done nothing to support this effort to assist our people who have been so hard hit by the recent storm.

In fact, there are signs that it is impeding consideration of the bill. The committee chairman, my friend from Texas (Mr. PATMAN) has sought cooperation from the minority side in the House, our colleagues across the aisle without success. I sincerely hope that this delay is only temporary and that we can act before recessing at the end of this week.

Mr. O'NEILL. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I urge that the previous question, when it is offered by the gentleman from Massachusetts (Mr. O'NEILL) be voted down so that I may be permitted to offer an amended rule, not a totally open rule but an amended rule, which is printed in yesterday's RECORD at page 22467, which would permit two tax reform amendments. These are known as the fiscal responsibility amendments. I should like to describe wherein they do the job.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield briefly to the gentleman from Texas.

Mr. PATMAN. I thank the gentleman. Does the gentleman not believe it would be a good idea to vote down the previous question on this rule? Then we could bring up this $70 billion.

And we could bring up what the gentleman has in mind and we will actually be Members of Congress doing something meaningful on the floor of the House where we are elected to serve.

Mr. REUSS. Yes; I do. And the reason why I feel that way is this: The debt ceiling legislation is made necessary because back to back for the 3 fiscal years now before us we are running deficits, any way you figure them, on the order of $110 billion. For the fiscal year 1973, which starts in 3 days, while the administration estimates a deficit of $27 billion, I find the estimate of the distinguished chairman of the Committee on Ways and Means (Mr. MILLS) that that deficit will be closer to $33 billion or $35 billion, much more in line with reality.

What a deficit of that size means is that we are going to be at least $5 billion or $6 billion into a "deficit on a deficit"—an extra deficit over the so-called full employment mythological deficit. Such fiscal irresponsibility will lead again inevitably to inflation here at home. It is already leading to tight money here at home with the increase in the prime rate that we saw only yesterday. Abroad, the dollar is once again under pressure. The main reason why it is under pressure is that foreign financial experts, looking at the absolutely unconscionable fiscal mess we are in, conclude that we are not very interested in preserving a sound dollar.

Thus today offers us a particularly good opportunity to strike a blow for fiscal responsibility, right at the start of fiscal 1973.

Now, what can you do about it? There are only two ways to lessen deficits. One is to cut spending. The other is to raise revenues.

I would have supported, and would support, a spending limitation in this bill. The administration before the Committee on Ways and Means opposed it. What I offer instead, by a modified rule, is an opportunity to vote to plug two tax loopholes which I shall describe in a minute, which, if plugged, would yield the very $5 billion or $6 billion a year which is necessary in order to get rid of the excess "deficit on a deficit."

Mr. BYRNES of Wisconsin. Will the gentleman yield?

Mr. REUSS. I will yield in just 1 minute to my friend, Mr. BYRNES. I wanted to describe exactly what it is I am doing.

Mr. BYRNES of Wisconsin. I make reference to your statement that the administration opposed a spending ceiling. They have asked for the spending ceiling; they have not opposed it at all.

Mr. REUSS. I am glad the gentleman has given me an opportunity to clarify my statement. The administration does support a spending ceiling. However, when Mr. Stein, the administration's witness, the chief of the Council of Economic Advisers, testified before the House Committee on Ways and Means he stated—and I am not sure the gentleman from Wisconsin was in the room at the time——

Mr. BYRNES of Wisconsin. Yes, I was.

Mr. REUSS. That the administration did not want a spending ceiling attached to this debt ceiling bill, and that is what I had reference to.

Mr. BYRNES of Wisconsin. And he gave the reason, which I think the gentleman ought to state.

Mr. REUSS. He was interested in a clean bill.

Mr. BYRNES of Wisconsin. The reason was a conflict in jurisdiction between committees, and this was such an important matter that they did not want to have it postponed by a jurisdictional fight between two committees, and the gentleman knows it.

Mr. REUSS. In a veritable frenzy of cleanliness, the administration witness asked for a clean bill. The thought crossed my mind that maybe the administration did not want the kind of loophole plugging amendment that I now propose.

Be that as it may, they may not want my limitation, but I am perfectly ready to accept their limitation.

Let us look at why loophole plugging is an exercise worthy of our endeavors this afternoon. Despite the 1969 minimum income tax, in 1970, the last year for which we have figures, 394 taxpayers with $100,000 or more of loophole income paid not one penny of Federal income tax.

Eighteen thousand taxpayers who are affected by the minimum income tax paid an average of 4 percent, which is about one-third of what a wage earner has to pay.

If my amended rule is adopted, and it would take a voting down of the previous question to do this, we would get a chance to vote on two loopholes, each of them worth from $2 billion to $3 billion under a plugging of the loopholes. One would tighten up the minimum tax, raise the tax from 10 percent to 20 percent, which would simply mean that someone with $100,000 worth of income would still be paying less than the average wage earner. The other loophole for which we seek plugging is the so-called asset depreciation range, which departs from the principle of useful life and instead grants an entirely mythological 20 percent extra depreciation, thus losing from the revenues $3 billion a year.

A recent McGraw-Hill survey shows that only about 10 percent of that $3 billion ever comes back in increased investment. So I would hope that the previous question would be voted down, and then that the amended rule would be adopted.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

The SPEAKER. The Chair will state that the time of the gentleman from Wisconsin has expired.

Mr. SMITH of California. Mr. Speaker, I will grant the gentleman from Wisconsin an additional minute in order that he may answer a question posed by the gentleman from Iowa (Mr. GROSS). Is that agreeable to the gentleman?

Mr. REUSS. It is, Mr. Speaker.

Mr. SMITH of California. Mr. Speaker, I yield 1 additional minute to the gentleman from Wisconsin (Mr. REUSS).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

If the previous question is voted down the House would not be limited to the gentleman's amendment, would it?

Mr. REUSS. It would not. I believe that under the rules the Speaker might be inclined to recognize me as the principal opponent of the closed rule. And I say right now that I would be receptive to other amendments that Members may propose having to do with fiscal responsibility. Specifically if somebody wants to offer a spending limitation amendment, I would want that to be included. And if someone, rather than plugging loopholes wants to tax the poor an additional $6 billion, he should be entitled to offer that amendment.

Mr. GROSS. If the gentleman will yield further, I would like to offer as a part of the gentleman's amendment the text of the bill H.R. 144 which provides for a mandatory balanced budget and annual payments on the Federal debt. I cannot think of anything more fiscally responsible than that.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I am not particularly enamored of the amendments that my friend, the gentleman from Wisconsin, has indicated he would like to offer. I think it is inevitable that we are going to have to raise taxes but whether this is the way to raise them or not I am not at all sure and I would certainly prefer to have hearings. I do not think I would support either one of these amendments today. But I do think the gentleman has the right to offer them, even so.

Mr. Speaker, I rise against the rule not because I am interested in the gentleman's proposed amendments but because I detest these closed rules. I think they are antithetical to the real basis of representative government. My friend, the gentleman from Wisconsin (Mr. REUSS), wants to offer an amendment, and good or bad, I think that is his privilege as a Member of this House.

I think it is my privilege as a Member of this House, and I think it is your privilege as a Member of this House, and I think the people we represent are entitled to have us rise here and speak for them.

There is no reason for closing this rule. We had a gag rule here last week on another bill. I was against that and I am against this one.

I am not in favor of my friend's proposed tax amendments but I will not help them close this rule.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. FINDLEY. I wonder if the gentleman from Wisconsin could clarify this point.

As I understand the gentleman's intention, if the previous question is voted down and he has time thereby, he will be willing to yield time for the purpose of another Member offering a revenue-producing amendment; am I correct on that?

Mr. REUSS. You are entirely correct in that. I would, I believe, under the rules have an hour's time, and I will try to allot the time as fairly as the controller of the time on this rule has done. I would say I would be prepared to yield not only for a revenue-sharing amendment, but for an expenditure-limiting amendment, because I think that Members have a right to work on both sides of the equation.

Mr. FINDLEY. In other words, it is not your intention to limit consideration to only the two amendments you have in mind?

Mr. REUSS. It is not.

Mr. O'NEILL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I do not envy the job of the Ways and Means Committee. I think they have probably the roughest job in this Congress.

But I would like to give you just one reason why I would like to open up this rule.

I sit on the Committee on Appropriations. That committee is affectionately known around here as the Freddie Flintheart Club. We are told day after day by Members of this House that we do not spend enough money for water pollution cleanup and we do not spend enough money for education and we do not spend enough money for health and that we do not spend enough money for a dozen other items.

Yet, a good many of the people who tell us that are the same people who on two occasions since I have been a Member of this House have supported actions which have, in fact, reduced the total revenue pot available to this Congress and to the Appropriations Committee to fund those programs that many of us have expressed concern about.

I am reminded of when I was in the legislature back in 1965 in Wisconsin. At that time the Governor of the State and a good many people in the legislature told the people of the State that we had a balanced budget without a tax increase. There were some of us in the legislature who were warning that after the election the people would find out that the budget was not so balanced after all and, in fact, we would be faced with a very large tax increase—and they were. That increase came after the election and not before.

It seems to me we are in the same position here today. I think most of the people in this House recognize that a lot of our constituents are being lulled into an unawareness of what is waiting for them right around the corner. After election, I do not think there is much doubt about it, they are going to be faced with suggestions for a national sales tax—a value-added tax—or some other kind of tax unless the fiscal situation changes remarkably from what it is today.

The amendment the gentleman from Wisconsin is offering—and I am joining with him, assuming we open up the rule—that amendment would help us by giving us an opportunity to at least reduce the shock of what is in fact waiting for the people right around the corner by eliminating at least $6 billion in special tax privileges.

I would urge you to support the opening up of the rule.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker and Members of the House, I rise in support of House Resolution 1021 which would provide a closed rule for the consideration of this legislation to continue the debt ceiling.

When my friend, the gentleman from Indiana (Mr. DENNIS) addressed the House a minute ago, I think he said that he was not particularly enamored of the amendments that the gentleman from Wisconsin (Mr. REUSS) proposed to offer if this rule is, in fact, voted down and he is recognized and permitted to open it up.

Well, that is putting it mildly so far as I am concerned. I am not only enamored of the gentleman's amendment, but I think they would be about as ill advised and as destructive of our hopes of building a sound, stable and noninflationary economy as I can possibly think of.

All of us profess to be greatly interested in productivity and in increasing the productivity of our country so that we can do something about the fact that last year for the first time since 1893 we enjoyed a deficit in our balance of trade.

As a matter of fact, we have seen a serious decline in our historic rate of increase in productivity in the period between 1967 and 1971. We have seen the historic average increase in productivity slip and slip very badly from more than 3 percent to an average of only 1.9 percent and this has cost us very dearly because as a result of that, we have seen unit labor costs in this country increase by more than 5.5 percent annually and we have thereby been rendered that much less competitive in the world markets.

So we need to be concerned about productivity and I will point out that if we could succeed in increasing our productivity—and I am not making these figures up—this is from the National Commission on Productivity—if we could increase our productivity by only one-tenth of 1 percent a year, that would translate itself into $60 million of added production over the next decade.

If we could increase that figure to four-tenths of 1 percent, we would have more than $250 billion in additional GNP over the decade of the 1970's. What would this mean? This would mean the kind of revenues that we need to finance some of the badly needed programs for the cities and the rural areas of our country. This would mean increases in real income for all Americans, and I submit we ought to be concentrating on increasing national productivity, not coming up here and mislabeling the asset depreciation range system as a tax loophole. It is not a tax loophole at all. It is something that is clearly designed to do something about the slipping position that we have suffered in this whole area.

Let me very quickly, in the brief time I have left, point out that if you look at a table which I have before me of representative depreciation allowances and compare what we do in this country with some of our principal competitors in the western world, you will find that after the first 3 taxable years, the representative depreciation allowances in Japan, for example, enable them to recover 56.9 percent of the cost of the depreciable asset. In Western Germany it is 49.6 percent as against 33.9 percent in the United States.

Let me also very quickly before I conclude point out that we have one of the lowest rates of reinvestment as far as our GNP is concerned. We reinvest annually only 16.6 percent of our GNP in fixed assets; that is, in new machinery and equipment. Look at what they do in Japan today—34 percent, more than double the reinvestment rate of the United States; West Germany, 23 percent. When I look at figures like that, I do not have very much patience with the gentleman from Wisconsin when he stands before this House this late in the afternoon and suggests that we ought to open up this rule so that he can offer an amendment to take away one thing that may give us the chance to recover our position as far as our balance of payments is concerned and as far as productivity is concerned.

I would suggest this is a good reason to adopt the rule to cut off that kind of proposed amendment.

Mr. O'NEILL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I wish to take this opportunity to join in the proposal of my colleague the gentleman from Wisconsin (Mr. REUSS). The thrust of his proposal is to give this House a chance to vote down the closed rule and permit an amendment to strike out the asset depreciation range, which is costing the Treasury of the United States over $3 billion a year.

It has not been proven that the asset depreciation range has produced anything like the increased productivity that the preceding speaker suggested. As a matter of fact, what happens is that the asset depreciation range has increased corporate cash flow, one of those things that does not appear clearly in the financial reports. Where has this cash flow gone, and where is it going? Under the price control regulations, dividends are limited, so that the cash flow is moving into foreign investments, creating jobs in other places to produce goods for the American market. That is where a good part of it is going.

There is some talk that it might increase the possibility of corporate dividends, but I believe that when the records are brought to light, we will be amazed to discover how little dividend income pays in Federal income taxes. I think that when the records are disclosed for this period in our history, they are going to prove that a great part of the dividend income has escaped the normal taxation that most people pay on their ordinary incomes.

I support the proposal of the gentleman from Wisconsin. I hope that this House will vote down the previous question and permit this amendment.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, I think we should understand what is proposed by the gentleman from Wisconsin (Mr. REUSS) as far as this rule is concerned. He is not suggesting this should be an open rule or a limited open rule. What he is suggesting is a rule which will make in order nongermane amendments to the debt ceiling legislation. He has just gone one step further than anybody talks about when they talk about an open rule. He wants a closed rule which will permit specific amendments which otherwise would not be in order.

Let us understand the situation. The amendment which the gentleman from Wisconsin is proposing and suggesting he would like to add onto this bill was proposed in the Ways and Means Committee. It was necessary for the chairman of our committee to rule that it was out of order as being nongermane.

It was done, I am sure, on good authority. If it was nongermane in the committee, it would be nongermane on this floor, so I take this time, Mr. Speaker, only to make clear that this is not just a matter of the normal open rule that the gentleman from Wisconsin is suggesting. He is suggesting we have a closed rule but that we permit specified nongermane amendments, and I suppose if he is going to let other people add amendments to his proposal that we could cover almost anything under the sun on this particular piece of legislation that does require expeditious action.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, all the remarks directed to the Reuss amendment indicate that the distinguished Speaker would recognize the gentleman from Wisconsin to offer an amendment if the previous question is voted down. I know of no reason why the Speaker should. He might surprise everybody and recognize the gentleman from Iowa to offer his amendment to provide for mandatory balanced budgets and annual payments on the debt each year. I am sure the gentleman from Illinois would welcome that amendment, which is certainly germane to this bill for that would be financial responsibility at its best to again have balanced budgets and annual payments on the huge debt. That is the only way we are ever going to stop increases in the debt ceiling. I am sure the gentleman from Illinois would want to support that kind of amendment to this bill, and I would hope he would vote to defeat the previous question so the bill could be opened up and permit the Speaker to recognize me to offer an amendment to do something worthwhile about the serious financial situation in which we find ourselves.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, perhaps the Speaker might recognize someone to offer an amendment to take care of the very tragic questions the gentleman brought to the House when he says he is disturbed about the low rate of reinvestment. Certainly there is a low rate of reinvestment in America, because there is a large exporting of investments and jobs overseas. Perhaps if the previous question is voted down, the Speaker would recognize somebody to offer that amendment.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, I am refering to rule VIII, pertinent to the duties of Members, clause 657, which involves personal interest, stating in part: "Unless he has a direct personal or pecuniary interest in the event of such question."

Furthermore, Mr. Speaker, leading up to the parliamentary inquiry, section 659 says:

> It is a principle of "immemorial observance" that a Member should withdraw when a question concerning himself arises . . .

Now, Mr. Speaker, my parliamentary inquiry is, in view of the Reorganization Act of 1970, and even prior to that, the establishment of the Standing Committee on the Conduct and Standards of Ethics of Members, inasmuch as it has become common knowledge as the result of reportorial objective enterprise that there are over 190 Members, including the gentleman from Missouri, that have pecuniary interest in banks and monetary exchange, would it be the intention of the Speaker to see that rule VIII applies in the vote on the previous question?

The SPEAKER. The Chair will state to the gentleman that the precedents under the rule to which the gentleman makes reference are clear that the Speaker has usually held that the Member himself should determine the question. It is a question for the conscience of the Member.

Mr. HALL. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HALL. Unless a point of order were made based on this rule it would not be the intention of the Chair to direct the Members that they should as a matter of conscience assess their own pecuniary interest in voting on such a matter?

The SPEAKER. The Chair would leave the matter of conscience to each Member's own judgment.

Mr. HALL. I thank the Chair. I shall not raise such a point of order.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. REUSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 205, nays 181, answered "present" 1, not voting 44, as follows:

[Roll No. 236]

YEAS—205

Abbitt
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspinall
Baker
Barrett
Belcher
Bell
Betts
Biester
Blackburn
Bolling
Bow
Bray
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Collier
Collins, Tex.
Conable
Conover
Conte
Corman
Coughlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Eshleman
Fish
Fisher
Flowers
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Garmatz
Gettys
Goldwater
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hillis
Hogan
Hosmer
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Landrum
Latta
Lent
Lloyd
Long, La.
McClory
McCloskey
McCollister
McCulloch
McEwen
McFall
McKevitt
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Monagan
Montgomery
Moorhead
Morgan
Nelsen
O'Konski
O'Neill
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Ruppe
Ruth
Sandman
Scott
Sebelius
Shoup
Shriver
Sisk
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalen
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Young, Tex.
Zion

NAYS—180

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Begich
Bennett
Bergland
Bevill
Biaggi
Bingham
Blatnik
Boland
Brademas
Brasco
Brinkley
Burlison, Mo.
Burton
Byrne, Pa.
Carney
Clancy
Clawson, Del
Clay
Cleveland
Collins, Ill.
Conyers
Cotter
Crane
Culver
Daniels, N.J.
Danielson
Dellums
Denholm
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Findley
Flood
Flynt
Foley
Fraser
Galifianakis
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Green, Pa.
Gross
Gude
Haley
Hamilton
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Koch
Kyros
Landgrebe
Leggett
Lennon
Link
Long, Md.
Lujan
McClure
McCormack
McKay
Madden
Mann
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
Patman
Patten
Pike
Poage
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rodino
Roe
Rogers
Roncalio
Rosenthal
Roush
Rousselot
Roy
Roybal
Ryan
St Germain
Saylor
Scherle
Scheuer
Schmitz
Seiberling
Shipley
Sikes
Slack
Smith, Iowa
Snyder
Spence
Staggers
Steele
Stokes
Stuckey
Sullivan
Symington
Terry
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
White
Wilson, Charles H.
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zwach

ANSWERED "PRESENT"—1

Hall

NOT VOTING—44

Abernethy
Abourezk
Anderson, Tenn.
Baring
Blanton
Boggs
Broomfield
Burke, Fla.
Caffery
Celler
Chisholm
Clark
Colmer
Curlin
Davis, S.C.
Dent
Dickinson
Dowdy
Edmondson
Erlenborn
Esch
Evins, Tenn.
Ford, Gerald R.
Ford, William D.
Fulton
Gallagher
Griffin
Hagan
Hébert
Holifield
Karth
Kee
Kyl
McDade
McDonald, Mich.
McKinney
Mizell
Mollohan
Mosher
Moss
Pirnie
Sarbanes
Satterfield
Schneebeli
Schwengel

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs for, with Mr. Celler against.

Mr. Gerald R. Ford for, with Mr. Abernethy against.

Mr. Fulton for, with Mr. Abourezk against.

Mr. Davis of South Carolina for, with Mr. Dent against.

Mr. Mollohan for, with Mr. Clark against.

Mr. Moss for, with Mr. Hagan against.

Mr. Blanton for, with Mr. Baring against.

Mr. Edmondson for, with Mr. Colmer against.

Mr. Evins of Tennessee for, with Mrs. Chisholm against.

Mr. Hébert for, with Mr. William D. Ford against.

Mr. Holifield for, with Mr. Griffin against.

Mr. Karth for, with Mr. Sarbanes against.

Mr. Kee for, with Mr. Satterfield against.

Mr. Anderson of Tennessee for, with Mr. Dowdy against.

Mr. Gallagher for, with Mr. Burke of Florida against.

Mr. Pirnie for, with Mr. Mizell against.

Mr. Schneebeli for, with Mr. Dickinson against.

Mr. Erlenborn for, with Mr. Mosher against.

Mr. Broomfield for, with Mr. Schwengel against.

Mr. McDonald of Michigan for, with Mr. Kyl against.

Until further notice:

Mr. Caffery with Mr. Esch.

Mr. Curlin with Mr. McDade.

Mrs. GREEN of Oregon and Mr. RUNNELS changed their votes from "nay" to "yea."

Messrs. PODELL, DONOHUE, and CONYERS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. MILLS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15390, with Mr. HUNGATE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 1 hour.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the action we are requesting on the debt limitation at this time does not represent any increase in the debt limitation at all. Instead, we are asking only that the present debt limitation of $450 billion, which now applies through June 30, 1972, be extended for an additional 4 months, or through October 31, 1972. Otherwise, the limit reverts to $400 billion on July 1. Since this limit only applies through October of this year, this means, of course, that it will be necessary for the Congress to consider the question of the debt limitation once more this fall. However, I want to emphasize that we, at this time, are not requesting any increase in the present debt limitation. Whatever increase subsequently proves to be necessary will be considered the next time Congress has this topic under consideration.

As the Members of the House know, this is the second time this year that we have taken up the public debt limitation and the provisions of this bill will make it necessary that we act once more on this subject this year. This, of course, is not the first time that we have dealt with the debt limitation more than once during a year. In 1963, for example, the limit was raised three times, and since 1954 this is the fourth year in which the Congress has been called upon to raise the debt limit more than once during the year.

By the action we are taking in this bill, we essentially are postponing consideration of any increase which may be required in the debt limitation until toward the end of this session of Congress. We are recommending this to the Congress because we are not satisfied that the information we have before us now is adequate to make a determination of the minimal increase in the debt limitation which may be required for the remainder of this year.

Last February when the administration first asked us for a higher debt limitation for this year, the budget which had just previously been submitted to the Congress by the President provided for a unified budget deficit of $38.8 billion and a Federal funds deficit of $44.7 billion. It also estimated the deficit for the fiscal year 1973 on a unified budget basis at $25.5 billion and on a Federal funds basis at $36.2 billion. Based on these data, the administration asked for a $480 billion public debt limitation to carry it through February of 1973.

We did not believe that the information available to use then was adequate to make a responsible determination of the debt limit required. For that reason, we requested instead a debt limitation of $450 billion to carry us through June 30, 1972. Evidence to date certainly has justified the skepticism we expressed last February. The administration currently estimates for the fiscal year 1972 a unified budget deficit of $26 billion and a Federal funds deficit of $32.2 billion. This means that the current unified budget estimate is $12.8 billion less than the figure the administration gave us to work with this last February. My own view is that the deficit for 1972 actually will be still smaller than that now estimated by the administration.

On the other hand, the administration now estimates a unified budget deficit for the fiscal year 1973 at $1.5 billion above the $25.5 billion estimated last January, or at a level of $27 billion. The Federal funds deficit which corresponds to this is $37.8 billion. Frankly, I believe that this too is likely to be substantially in error. In this case, however, I expect the deficit for the fiscal year 1973 to be substantially above the level the administration has now given us.

In my view, the estimates of budget outlays recently presented to the Congress by the administration represent an inadequate review of the budget. They take into account only two types of changes: namely, budget outlays the administration planned for fiscal year 1972 which are now expected to occur in fiscal year 1973 and congressional action on outlays with respect to the 1973 budget which has already been completed. In this last category, for example, is the increase in outlays by $1 billion in the benefits provided to coal miners under the "black lung" bill.

The revised estimates are inadequate, however, because they make no attempt to reflect probable congressional action unless it has already become law or unless the legislation was included in the President's initial budget. As a result, the outlay estimates do not include, for example, any of the effects of the water pollution control bill which is now in conference nor the five bills providing various improved benefits and services to veterans, including substantial veterans' educational benefits. These programs alone could raise outlays by $1 to $2 billion, and I am sure there are other cases where spending which did not occur in the fiscal year 1972 will occur in the fiscal year 1973.

Still another possible area of budgetary discrepancy is in the estimates of receipts. Here the estimates for the fiscal year 1972 were substantially off because the administration did not anticipate that individuals would not elect to increase withholding allowances under the new system and, therefore, had substantial overwithholding in the fiscal year 1972. Unless taxpayers desire to continue this substantial overwithholding in fiscal year 1973, however, there could well be a significant drop in receipts below the estimates of the administration early next year.

Because of the many uncertainties which still exist with respect to the budget for the fiscal year 1973, the Ways and Means Committee concluded that it was not appropriate at this time to make a final determination as to the debt limit required by the fiscal year 1973. As a result, instead of providing the $465 billion limitation which the administration now asks for through February of the next year, the committee's bill continues the present $450 billion limit through October of this year. The administration has indicated that it believes it can operate satisfactorily with this limit through October. Before that time, the Committee on Ways and Means will report a debt limitation bill based on more adequate experience which will be sufficient to carry the Government through the remainder of this fiscal year and at least through part of the next year.

I also want to remind my colleagues that there is a very narrow margin of time available between our action today on the debt limit and the expiration date on the present limitation, this Friday night.

Actually we are not increasing the debt but merely continuing for these 4 additional months the $50 billion temporary addition to the public debt ceiling that would otherwise expire on June 30 next, which is only 3 days from now. The ceiling on the debt would revert to the permanent limit of $400 billion on July 1. The actual debt outstanding in all probability will be in excess of $425 billion. The Secretary of the Treasury will have some cash on hand at the end of the fiscal year. It is my information that he would have enough cash on hand to pay bills for about 6 days because we are now paying those accumulated bills at an all-time high per week.

Delay in extending the debt limit will reflect adversely upon the ability of our Government to meet its financial obligations and will simultaneously cause financial distress to contractors and their suppliers and employees, and Federal employees and the retired as well as the poor who rely upon the Federal Government for regular benefit payments. The outstanding Federal debt on June 30 will not be affected, but no new issues may replace those expiring.

The greatest burdens will be borne by those whose vulnerability is reflected in their reliance upon periodic checks from the Treasury. The dangers to them and others from the financial brinksmanship we engage in with last minute delays in extending the debt limit are not worth it.

While we fully intend to provide for the pressing needs of the Government, we are most anxious not to provide too generous an allowance under the debt limitation for the period immediately ahead. I say this because of our interest in bringing every possible pressure to bear on holding down expenditures.

I have been trying as hard as I could to get the Congress to adopt a spending ceiling in keeping with the recommendation of the administration and in keeping with the record of what we accomplished during the calendar year 1968 when we imposed a ceiling for the fiscal year 1969 under the Johnson administration. We required him at that time to reduce his planned spending, except for those items that were noncontrollable items.

Actually, we said that $6 billion must be saved; $8.3 billion was saved under that ceiling. We made the mistake, however, of allowing so many items to be free of the ceiling that those items, uncontrolled as they turned out to be, went up $6 billion more than had been originally budgeted.

So we came out with actual savings that year of $8.3 billion minus the $6 billion—or $2.3 billion. It was our fault. The administration did better than we had asked it to do on the controllable items—to the extent of $2.3 billion.

I think the Congress should regain its constitutional prerogative of saying what is going to be spent in a fiscal year, and not leave it to some budget director or to a President or to anyone else downtown who is not given that authority under the Constitution.

As you know, each year we go through the process of creating additional budgetary authority for somebody to spend—$276 billion of it in 1973 according to the mid-session review, when this is added to what is already in the pipeline, they will have available for spending downtown in the fiscal year 1973 and later years $566 billion.

It just happens that nobody can find the ways and means in 1973 of spending that kind of money, or enough contractors to absorb it.

The President says he only wants to spend out of that amount $250 billion, and he is asking us to put him in a straitjacket so that he cannot exceed that figure.

Look at the past record. Every year—year after year, and not just in the last 3 or 4 years but over a long period of years—we apparently are ending up spending much more than it was originally estimated would be the case. If we put the ceiling on the spending level, we will at least avoid those increases that have occurred in the past. But we are not going to do it—apparently there is some objection to it.

In the absence of an expenditure limitation we are doing the best we can to use the debt limitation as a substitute for such an expenditure ceiling. It is, of course, a poor substitute, but it is the best that we can offer until the Congress provides for the ceiling on expenditures which I believe it should provide in this session of Congress.

I asked the committee not to go along with the request for the $15 billion increase we were told would take us some time into February 1973. When we increase this limit in September or in October, or whenever we take action on it again, I want it to be only for the amount of money that is required in addition to our tax revenues to finance the Government for the fiscal year 1973.

I cannot tell now how much that additional amount will be. Maybe we cannot tell as accurately as I would like by waiting until September or October, but certainly we should have a better idea of how much we have increased or decreased the spending level through our own action here.

I also believe we will have a better idea of what our receipts will really be by that time. We will know this because we will have a better idea of where the economy is headed, and what the gross national product may be for the calendar year 1972.

All of these factors lead me to conclude, as they did other members of the committee, that we should take another look at the debt ceiling this fall—so we can draw a hard line with the debt ceiling this time for the fiscal year 1973.

Maybe, as weak a tool as it is, it will help the President to accomplish the objective of a spending limitation.

The debt limitation may not be a good way of controlling expenditures, but to the extent that it will work, I want to see us use it because, Mr. Chairman, I think we have come to the day of reality in this country.

I have heard for a long time about what we should do, and what we must do. I think we are in the stage in our history, on the fiscal side of government, where we must recognize that really the question should be, "What can we do?" What can we do with the resources we have, with priorities established, as they, of course, will be, as a result of political considerations? I still think we are going to have to stop this business of borrowing $30 to $40 billion a year in addition to what we can raise in taxes.

You know and I know that if the Ways and Means Committee should bring a bill to the floor of the House—yes, it could raise some revenue. But the only way in the world we are going to get the amounts of money we want to take care of the problems of the elderly, the sick, the aged, the cities, and all of the other problems we have, is through greater economies in government spending—through control of our Government spending—and at the same time through the generation of greater productivity on the part of the private sector of this great system of ours.

Do you know that jobs have been going up in the government sector for the last 12 months at a faster rate than they have in the private sector? Jobs in government, which are dependent upon the revenues produced by those who work in the private sector, are going up at a faster rate. Yes, we have got to get this economy moving at a much, much faster pace than it is if we are going to solve all of the many problems we have in this country. We must be realistic. Until we get the economy back to a full employment level, when revenues will be materially larger, we must control our spending.

That is why I think it is so important right now for us to utilize this debt limitation as effectively as we can in the absence of a spending limitation—to see what we can do to hold down on what is spent by the administration.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding.

I am aware of the President's request that we impose an expenditure ceiling on ourselves and on him, and, as I remember, it was for some $250 billion this year. Is there any way we can find out from the executive branch where they anticipate cutting? We all know there are some areas that cannot be cut.

Mr. MILLS of Arkansas. That is true.

Mr. CORMAN. We have appropriated more than the $250 billion this year.

Mr. MILLS of Arkansas. If the gentleman will pardon me, my friend from California knows that we do not appropriate dollars in the sense that he is talking about. We create in the hands of somebody downtown budget authority to employ additional personnel or to enter into additional contracts.

Mr. CORMAN. Will the gentleman yield further?

Mr. MILLS of Arkansas. I yield to the gentleman from California.

Mr. CORMAN. As I understand, the President wanted to hold both himself and us to his budget expenditures. We have run over those. Education, water pollution, and black lung are the three I remember offhand.

Is there a way we can find out from the President before we impose an expenditure ceiling where he anticipates the cuts might be so he will comply with the expenditure ceiling?

Mr. MILLS of Arkansas. I notice there are those who say that the Department of Defense can be cut 10 or 12 percent. I have heard studies along that line. I have heard candidates for certain high offices say they can be cut that much. I do not know whether they can or not, but I dare say that most other agencies of the Government could be cut that much and still nobody would be deprived of any real services they are now receiving.

Mr. CORMAN. We are not aware of the plans of the President as to where he is going to cut.

Mr. MILLS of Arkansas. I understand that. I do not know whether you can find that out or not, but if we are going to save this country from fiscal bankruptcy, we had better start thinking in terms of curbing the appetites of all of us.

The CHAIRMAN. The gentleman from Arkansas has consumed 13 minutes.

Mr. MILLS of Arkansas. Mr. Chairman, I yield to the gentleman from Texas (Mr. PATMAN) 5 minutes.

Mr. PATMAN. Mr. Chairman, the vote was the closest vote that has ever been recorded in the House of Representatives, to my knowledge, solely on the question of a gag rule. With a change of 14 votes, the gag rule would have been defeated. I think we should get ready now for September when this bill comes up again. When it comes up again, it will have the same thing in it, $70 billion, part of the national debt that has been paid for once, but not canceled. It is costing us $4 billion a year to pay interest on paid-for bonds. It is just not right. It is against conscience.

TIME OF GAG RULE LIMITED

Mr. Chairman, Congress is responsible, and this House has its responsibility. I predict that the time of the gag rule is limited. The gag rule is on the way out. This vote demonstrates it. Why have a gag rule? Why should a few Members be allowed to gag others that are elected just as all other Members are?

Every Member of this House that has ever served here came here as one elected by his constituents, and not one has ever been appointed. The House of Representatives is from the people. The people have charge of the purse strings by having charge of the House of Representatives. Every 2 years, if there is a bad performance, the people can change that trend by electing a new House of Representatives.

Also, certain bills, such as appropriations and revenue and tax bills, can only be introduced in this body. They can be introduced only in this body, and they cannot be introduced in the other body.

Members of this body are elected only for 2 years, they have a tenure of only 2 years, and then the people can ask their Representatives to do their duty and assume their responsibility.

When we vote for a bill that we know has in it $70 billion, that we know has been paid for once, that is not a responsible action. It is an irresponsible action. Nobody can deny that. It is documented. It is known. We are voting for it today. It is $70 billion to pay for that twice. It has been paid for once. In September they will expect us to do it again. Vote to pay for it, and then, of course, just have a gag rule, if that is what Members want but I am going to start now, and I believe other Members will, to try to stop this gag rule business.

If the question ever reaches the Supreme Court of the United States—it will be very difficult to get it there, because the rules are so strict and rigid we can hardly bring a case so the Supreme Court can pass on it—but if it every gets there, I predict it will be unanimously held unconstitutional. For 434 Members to vote to gag one Member the other of the 435, a Member who is elected and sent here to have a voice and do something meaningful in the proceedings is certainly wrong and unconstitutional. If he is gagged, he can do nothing meaningful. He cannot offer an amendment, he cannot talk about an amendment, he cannot talk about the bill under a gag rule, unless he is given the time, as my friend, the gentleman from Arkansas (Mr. MILLS) gave me 5 minutes—but that is all. It is not a fair break, and it is not a fair way for the representative government to be conducted.

The people of this Nation are screaming for one thing, for a fair and equitable tax reform law. We will never get it under a gag rule, but when we get the gag rule disposed of, and we have 14 more votes on a vote like this, we will get rid of that gag rule and we will get rid of some of the tax loopholes that are making the rich richer and the poor poorer.

The poor man does not have the benefit of a tax loophole. He does not have earnings that permit him to take advantage of it. The rich people do.

We have to get to this tax reform bill. The people are crying out for it. They want it. They feel they are being imposed upon. Some of them actually say they are being cheated. I know they are not being treated right. They are being treated wrong.

This House of Representatives, a part of the U.S. Congress, has great responsibility, and should assume that responsibility and commence now to vote against the gag rule, in September, when this same bill will come up.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me just emphasize the point made by the gentleman from Arkansas, the chairman of the Ways and Means Committee. Really in this operation today we are not raising the debt ceiling or the borrowing authority of the Government. That is currently authorized at a level of $450 billion. On June 30, however, that figure will drop, unless action is taken here, to $400 billion.

What is proposed here is that we continue the $450 billion on through October 31. Let us make it perfectly understood that also means the Congress is going to have to act again before we finally adjourn or recess for the November election. We are going to have to do something about it sometime between now and October 31.

But, so far as the action here today is concerned, all we are doing, really, is continuing the current level of authority to borrow.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. We will, however, have equaled the record, will we not, on voting on debt ceilings, since it will be mandatory that we vote again in October?

Mr. BYRNES of Wisconsin. Or September.

Mr. GROSS. Or September. Hopefully it will be in September, so that we can get away to do a few days of campaigning in October.

We will have equaled the record of having voted three times in 1 year on the issue of a debt ceiling.

Mr. BYRNES of Wisconsin. I do not know that that will break a record. Perhaps it will. We have had other years, I know, when we have done it at least twice.

The CHAIRMAN. The time yielded by the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 additional minutes.

I guess in one other year we have done it three times.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. We are just tying the record.

Mr. BYRNES of Wisconsin. That is what I thought; we are just tying the record.

I will say to the gentleman, frankly, I am not sympathetic with the idea of just waiting until September. I believe we know as much now as we will in September.

As I suggested before the Rules Committee, that is the position taken by the majority of the Ways and Means Committee. That is as far as they wanted to go.

We have to do something between now and July 3 or 4, at least. When one is faced with the proposition that this is all one can have, this is all they are willing to do, one had better go along with it if one has to have it.

Mr. GROSS. The newspapers said we had to wait to get an opportunity to vote on the revenue bill until the Governor of New York and the gentleman from Arkansas (Mr. MILLS) decided they had the votes to pass it. I just wondered whether we would be caught in some kind of a situation like that later on this fall, in voting on a real lifting of the ceiling.

Mr. BYRNES of Wisconsin. All I can suggest to the gentleman is we would be in an intolerable bind if we did not ask today to keep the level at $450 billion after June 30, which is next Friday.

As the chairman suggested, I think you could run the affairs of Government for 3 or 4 or 5 days after that with the cash that exists, but you have to recognize that there are bonds people want to cash in, people with savings bonds, and you have to pay them off, and there are roll-over notes, which I will go into in more detail in the statement I am putting into the RECORD. However, we can probably last for 3 or 4 days into next week, and that is it, and then the Government would stop as far as paying any bills or redeeming bonds are concerned. We would be in that same situation if we do not then act again before next October 31. These are just the facts as we find them.

Mr. GROSS. At least by next September we will know the identity of the Democrat Presidential candidate.

Mr. BYRNES of Wisconsin. That is what I suggested to the Committee on Rules, but what else we will know I do not know. I do not know whether we will know more about our fiscal situation.

Mr. Chairman, the present debt ceiling is $450 billion, consisting of a $400 billion permanent ceiling, and $50 billion in temporary borrowing authority through June 30 of this year. This means that 3 days—Friday of this week—the debt limit will revert to the permanent ceiling of $400 billion. The bill before the House would extend the present additional $50 billion in temporary borrowing authority through October 31 of this year.

The debt subject to limit on June 20 stood at $427.5 billion, far in excess of the $400 billion permanent ceiling that will prevail after this Friday unless legislation is enacted this week amending the existing law.

It is therefore imperative that we act promptly on this bill.

Failure to act will preclude the Treasury from refinancing or rolling over maturing issues after Friday, many of which become due on a weekly basis.

Additionally, it would not be possible to issue any new debt obligations to finance the ongoing costs of Government. Payroll savings plans would cease to operate, creating disruptions to a program that has long served the needs of our people and their Government. The Treasury's cash balance would soon be exhausted and the Government would begin defaulting on its obligations. The chaotic conditions that would prevail would undoubtedly entail extensive additional costs to the Treasury as a result of stop-gap measures designed to meet the crisis, threatened potentially higher borrowing costs to the Government in the future, could undermine the dollar and economic stability, and impair the fiscal credibility of the U.S. Government.

For these reasons, I have always recognized the necessity of providing appropriate increases in the debt limit to meet the Government's borrowing needs. Since an appropriate debt ceiling is one tool—admittedly crude, but nevertheless important—for encouraging fiscal responsibility, I have, on occasion, opposed increases of too great an amount or for too long a period to provide meaningful restraint. But, I have always recognized that fiscal responsibility requires prompt and timely action to provide needed borrowing latitude consistent with fiscal responsibility.

This bill clearly meets that criteria. The bimonthly estimates in the committee report project a debt level of $446.4 billion on September 15 of this year, assuming a 6 billion cash balance—a little more than our weekly spending rate. On October 30, the debt will be $497.3 on the same basis. The debt limit will again revert to the permanent ceiling of $400 billion on October 31 insuring that the entire matter of an appropriate debt limit must again be reviewed in a little more than 3 months. I do not believe we could responsibly recommend a tighter ceiling—either as to amount or duration. Frankly, I personally have some reservations about the wisdom of establishing a time framework that requires this Congress to go into the entire matter again in the very near future. But, it is clear that the ceiling estimated by this bill is a tight one in every respect.

It is particularly ironic, Mr. Chairman, that we must extend the Government's borrowing authority the very next week after voting for a $30 billion program—retroactive to January 1 of this year—to share "individual income tax revenues" with our States and localities. One thing is made crystal clear by this sequence of events—we are simply borrowing additional money at the Federal level to make it available to States and local officials. I hope all of those who voted for revenue sharing will now vote for the necessary borrowing authority to finance the program.

Mr. Chairman, when the House debated H.R. 4690 to raise the debt ceiling in March 1971, I stated:

> I think it is time that we all—not just we politicians in the Congress of the United States, in state houses, in the county courthouses, or in the city halls—but all of our people come to a recognition that we are asking our government to provide services in excess of what we are willing to pay for on a reasonably current basis. *This is the kind of environment that can lead only to fiscal trouble.*

This admonition cannot be repeated often enough until it becomes part of our public policy. Until it does, we will be confronted with the unpleasant task of periodically increasing the public debt limit.

That is the task we face today. It is unpleasant, but we cannot avoid the obligation to act. I urge all my colleagues to join me in supporting H.R. 15390.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield back the balance of my time.

Mr. MILLS of Arkansas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

H.R. 15390

A bill to provide for a four-month extension of the present temporary level in the public debt limitation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 92-250 and section 2(a) of Public Law 92-5 are each amended by striking out "June 30, 1972," and inserting in lieu thereof "October 31, 1972,".

The CHAIRMAN. Under the rule, no amendments are in order to the bill except those offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS of Arkansas. There are none, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HUNGATE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation, pursuant to House Resolution 1021, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GROSS moves to recommit the bill H.R. 15390 to the Committee on Ways and Means.

Mr. MILLS of Arkansas. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS of Arkansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 168, not voting 53, as follows:

[Roll No. 237]

YEAS—211

Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Barrett
Belcher
Bell
Bergland
Biester
Blatnik
Boland
Bolling
Bow
Brasco
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Collier
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dennis
Derwinski
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Findley
Fish
Flood
Foley
Forsythe
Frelinghuysen
Frenzel
Garmatz
Gettys
Giaimo
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hays
Heckler, Mass.
Heinz
Hicks, Mass.
Hicks, Wash.
Hillis
Horton
Hosmer
Howard
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Kazen
Keating
Keith
Kemp
Kluczynski
Landrum
Latta
Lent
Lloyd
McClory
McCloskey
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Monagan
Moorhead
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
O'Hara
O'Neill
Passman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Rhodes
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
St Germain
Sandman
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wydler
Yates
Young, Tex.
Zablocki

NAYS—168

Abbitt
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, Ala.
Acher
Ashbrook

Aspin
Aspinall
Badillo
Baker
Begich
Bennett
Bevill
Biaggi
Bingham
Blackburn
Brademas
Brinkley
Brooks
Broyhill, N.C.
Burlison, Mo.
Burton
Byron
Cabell
Camp
Carney
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conyers
Crane
Daniel, Va.
de la Garza
Dellenback
Dellums
Denholm
Devine
Diggs
Dingell
Dow
Drinan
Edwards, Calif.
Fascell
Fisher
Flowers
Flynt
Fountain
Fraser
Frey
Fuqua
Galifianakis
Gaydos
Gibbons
Goldwater
Gonzalez
Goodling
Gross
Grover
Haley
Hall
Harrington
Harsha
Hechler, W. Va.
Helstoski
Henderson
Hogan
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jones, N.C.
Jones, Tenn.
Kastenmeier
King
Koch
Kyros
Landgrebe
Leggett
Lennon
Link
Long, La.
Long, Md.
Lujan
McClure
McCollister
McCormack
Madden
Mathis, Ga.
Metcalfe
Mikva
Miller, Ohio
Mitchell
Montgomery
Morgan
Myers
Natcher
Nichols
Nix
Obey
O'Konski
Patman
Patten
Pike
Poage
Powell
Price, Tex.
Quillen
Rangel
Rarick
Reuss
Riegle
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Rosenthal
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Scott
Sebelius
Seiberling
Shipley
Shoup
Sikes
Slack
Smith, Calif.
Snyder
Spence
Steele
Steiger, Ariz.
Stokes
Symington
Taylor
Terry
Thompson, Ga.
Thompson, N.J.
Vanik
Waldie
Wampler
White
Whitten
Williams
Wolff
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Zion
Zwach

NOT VOTING—53

Abernethy
Abourezk
Anderson, Tenn.
Baring
Betts
Blanton
Boggs
Broomfield
Broyhill, Va.
Burke, Fla.
Caffery
Chisholm
Clark
Curlin
Davis, S.C.
Dent
Dickinson
Dowdy
Dwyer
Erlenborn
Esch
Evins, Tenn.
Ford, Gerald R.
Ford, William D.
Fulton
Gallagher
Griffin
Hagan
Hawkins
Hébert
Holifield
Karth
Kee
Kuykendall
Kyl
McCulloch
McDade
McDonald, Mich.
McKinney
McMillan
Miller, Calif.
Mizell
Mollohan
Mosher
Moss
Pirnie
Pryor, Ark.
Reid
Sarbanes
Schneebeli
Schwengel
Sullivan
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Abernethy against.

Mr. Boggs for, with Mr. Abourezk against.

Mr. Gerald R. Ford for, with Mr. Dent against.

Mr. Fulton for, with Mr. Clark against.

Mr. Davis of South Carolina for, with Mr. Hogan against.

Mr. Kee for, with Mr. Baring against.

Mr. Holifield for, with Mrs. Chisholm against.

Mr. Karth for, with Mr. William D. Ford against.

Mr. Moss for, with Mr. Griffin against.

Mr. Mollohan for, with Mr. Sarbanes against.

Mr. Blanton for, with Mr. Dowdy against.

Mr. Anderson of Tennessee for, with Mr. Dickinson against.

Mr. Schneebeli for, with Mrs. Sullivan against.

Mr. Broomfield for, with Mr. Caffery against.

Mr. McDade for, with Mr. Burke of Florida against.

Mr. McDonald of Michigan for, with Mr. Mizell against.

Mr. Broyhill of Virginia for, with Mr. Mosher against.

Mr. McKinney for, with Mr. Schwengel against.

Mr. Bob Wilson for, with Mr. Kyl against.

Mr. Evins of Tennessee for, with Mr. Gallagher against.

Until further notice:

Mr. Curlin with Mr. Betts.

Mr. Miller of California with Mr. Erlenborn.

Mr. McMillan with Mr. Esch.

Mr. Reid with Mrs. Dwyer.

Mr. Kuykendall with Mr. McCulloch.

Mr. Hawkins with Mr. Pirnie.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONTINUING APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of Thursday last, I call up the joint resolution (H.J. Res. 1234) making continuing appropriations for the fiscal year 1973, and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1234

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1973, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1972 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1973:

District of Columbia Appropriation Act;

Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Department of Transportation and Related Agencies Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act;

Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act;

Treasury, Postal Service, and General Government Appropriation Act; and

Agriculture-Environmental and Consumer Protection Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That no provision in any Appropriation Act for the fiscal year 1973, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in an Appropriation Act enumerated in this subsection but which was not included in the applicable Appropriation Act for 1972, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1972 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1972: *Provided,* That none of the funds made available by this joint resolution shall be used for Exercise Reforger or Exercise Crested Cap or similar dual base exercises;

activities for which provision was made in the Military Construction Appropriation Act, 1972;

activities for which provision was made in the Foreign Assistance and Related Programs Appropriation Act, 1972, notwithstanding section 10 of Public Law 91–672, and section 655(c) of the Foreign Assistance Act of 1961, as amended;

activities for which provision was made in the National Traffic and Motor Vehicle Safety Act of 1966, as amended;

activities for continuation of high-speed ground transportation research and development;

activities under the Economic Opportunity Act of 1964, as amended, for which provision was made in the Supplemental Appropriations Act, 1972; the Office of Education and Related Agencies Appropriation Act, 1972;

and the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1972;

activities for higher education, library resources and educational renewal, for which provision was made in the Office of Education and Related Agencies Appropriation Act, 1972;

activities for social and rehabilitation services, the Office of Child Development, and maternal and child health project grants, for which provision was made in the Department of Health, Education, and Welfare Appropriation Act, 1972, and the Supplemental Appropriations Act, 1972;

activities for work incentives for which provision was made in the Department of Health, Education, and Welfare Appropriation Act, 1972;

activities of the American Revolution Bicentennnial Commission;

activities of the Corporation for Public Broadcasting;

activities in support of Free Europe, Incorporated, and Radio Liberty, Incorporated, pursuant to authority contained in the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1477), notwithstanding Section 703 of that Act; and

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1972, for the National Industrial Reserve established by the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462).

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1973.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities for (1) civil rights education, for which provision was made in the Supplemental Appropriations Act, 1972; (2) emergency school assistance activities for which provision was made in the Joint Resolution of July 1, 1971 (Public Law 92–38); (3) youth development and delinquency prevention for which provision was made in the Department of Health, Education, and Welfare Appropriation Act, 1972; (4) aid to land-grant colleges, grants for construction of undergraduate facilities, undergraduate instructional equipment, equipment and minor remodeling, and research and development for which provision was made in the Office of Education Appropriation Act, 1972; and (5) functions transferred to the Action agency by Reorganization Plan Numbered 1 of 1971 and Executive Order 11603 approved July 1, 1971.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable Appropriation Act by both Houses without any provision for such project or activity, or (c) August 18, 1972, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1972.

SEC. 107. Any appropriation for the fiscal year 1973 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is the continuing resolution which will enable the Government to continue to operate after next Friday, June 30. The outside effective date of the resolution is August 18, 1972. Of course, appropriation bills that become the law in the meantime will be the controlling element in the spending of the various departments covered by the particular bill.

STATUS OF THE APPROPRIATION BILLS

Mr. Speaker, when we pass the agricultural appropriation bill on Thursday, the House will have passed 10 of the 13 regular annual appropriation bills for fiscal 1973, which begins next Saturday.

The Senate by the end of this week will, it is expected, have passed nine of the fiscal 1973 appropriation bills.

Three of the annual appropriation bills will hopefully go to the President this week—the District of Columbia appropriation bill, the legislative appropriation bill, and the Treasury—Postal Service—General Government appropriation bill. Conference reports have been filed on them and if they all clear Congress this week, they should shortly become law.

The remaining appropriation bills which we will have to report to the House when we come back on July 17 will be the military construction appropriation bill, the defense appropriation bill, and the foreign assistance appropriation bill.

Certain actions will have to be taken otherwise. For example, we will, I believe, have to provide an appropriation—probably this week—to take care of an addition to the disaster relief fund. The President is today urgently recommending $100 million additional for disaster relief, because of recent disasters in various parts of the country.

RATES FOR OPERATIONS

The pending resolution is the standard, garden variety continuing resolution which continues all the agencies and departments of Government, and they are continued at certain specified rates.

For example, on the three bills which will not have passed the House or the Senate, the general ground rule during this interim as to the rate for operations will be the budget request for 1973 or last year's appropriation, that is, fiscal 1972, whichever is the lower. That is standard.

Then, as to any bill which has passed the House, but not passed the Senate, the House figure or last year's appropriation, whichever is lower, will be the general ground rule.

As to the appropriation bills—and we expect there will be nine of them—that have passed both the House and the Senate, the lower of the applicable figures as between the two Houses will be controlling until the expiration of this continuing resolution or, of course, until they are signed into law.

FREE WORLD FORCES IN SOUTHEAST ASIA

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Illinois.

Mr. YATES. In the military authorization bill last year, in the military appropriations bill for the current year, there was a ceiling of $2.5 billion imposed on expenditures by the Government for activity in Vietnam.

In the authorization bill passed by the House earlier today, that ceiling is sought to be raised to $2.7 billion.

The SPEAKER. The time of the gentleman from Texas has expired.

(Mr. MAHON asked and was given permission to proceed for an additional 5 minutes.)

Mr. YATES. In the bill that was passed by the House today, that ceiling was raised to $2.7 billion because the administration, I understand, has exceeded the limitation on spending in Vietnam that was imposed by the Congress.

Will the continuing resolution continue our spending at the level imposed by the Congress in last year's bills at $2.5 billion or at the level of the bill that was passed by the House today at $2.7 billion?

Mr. MAHON. The continuing resolution will provide for expenditures for free world forces in Southeast Asia at the rate of the existing law, which is $2.5 billion.

Mr. YATES. I thank the gentleman.

Mr. BOW. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I yield back the balance of my time.

CONTINGENCY PROVISIONS

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I note this language on page 3 of the bill as follows:

> *Provided*, That no provision in any Appropriation Act for the fiscal year 1973, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

Then turning to page 7 of the resolution, section 102(c) reads or provides:

August 18, 1972, whichever first occurs.

Will the gentleman explain the meaning of that to the House?

Mr. MAHON. The House passed several

appropriation bills containing items where there was no related legislative authorization enacted into law as to fiscal year 1973. For example, the authorization had passed the House with reference to the National Science Foundation and the Coast Guard and some other activities.

The appropriation bills containing such items went to the other body. In passing the bills, the other body added the proviso in various places, providing that those funds should not become available until the related authorization had been enacted into law.

Well, many of the authorizations involved have not become law and will not become law by next Saturday, July 1, when the continuing resolution takes effect. So, if the bill has passed the House and passed the Senate, then according to the yardstick the basis upon which the department or agency will operate is the House or the Senate figure, whichever is the lower. The Senate figure, with the proviso saying that the amount is not going to be effective until the related authorization is passed—the Senate figure in those instances will be zero, so a number of agencies would come to a screeching halt next Saturday unless we add the proviso to which the gentleman makes reference.

EXPIRATION DATE OF CONTINUING RESOLUTION

Mr. GROSS. I am still not clear as to the meaning of August 18, 1972, the date predicated.

Mr. MAHON. The expiration date of the whole continuing resolution is August 18, the date when it is planned to recess for the Republican National Convention. We will have to pass another continuing resolution if we do not get the appropriation business completed by the 18th day of August.

Mr. GROSS. That is what the August 18 date means?

Mr. MAHON. Oh, yes.

Mr. GROSS. Contingent upon the adjournment for the Republican Convention until after Labor Day?

Mr. MAHON. I would hope that we would get the appropriation bills completed by August 18. Ten bills will have passed the House by this weekend. Nine bills, I believe, will have passed the Senate by this weekend. Only three bills remain to be reported to the House, and they are held up because of lack of legislative authorizations. We passed the Defense authorization bill in the House today. I would think we could complete the appropriation business by August 18. We would be doing quite well if we did so, but it is an objective devoutly to be sought.

May I add that we should be able to bring in conference reports on the seven bills that will be in conference after we come back on July 17. We will have a month to work on them and to process the three bills yet to be reported to the House. As I mentioned earlier, three conference reports are filed and we hope the House and Senate can clear them to the President this week.

Mr. MAHON. Mr. Speaker, under leave to extend, I include excerpts from the report of the Committee on Appropriations on the pending resolution. It explains the resolution in considerable detail and contains a table on the appropriations bills for fiscal 1973 and certain other pertinent information:

DETAILS ABOUT THE RESOLUTION

Comporting with continuing resolutions over a period of many years, the emphasis in the resolution is on the *continuation of existing projects and activities* at the lowest of one of three rates, namely, the current (fiscal year 1972) rate; the budget request for 1973, where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses. The whole thrust of the resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined open.

For many years, it has been necessary to provide some stopgap appropriations through continuing resolutions. Officials having responsibility for managing programs during such interim periods are not—certainly should not be—unaware of the fact that the whole thrust behind these measures is to do *only* the minimum necessary for orderly continuation of activities, preserving to the maximum extent reasonably possible the flexibility of Congress in arriving at final decisions in the regular annual bills. Recognizing the almost countless differing situations involved in operating the far-flung activities of government, continuing resolutions have by design always been drawn rather broadly, counting heavily on administrators to follow a prudent and cautious course in respect to a particular program encompassed within an overall appropriation item.

Without laying down any hard and fast rules and short of encumbering, administrative processes with detailed fiscal controls, the Committee nonetheless thinks that to the extent reasonably possible, departments, and agencies should avoid the obligation of funds for specific budget line items or program allocations, on which congressional committees may have expressed strong criticism, at rates which unduly impinge upon discretionary decisions otherwise available to the Congress.

The general basis of operation is this:

If the applicable 1973 appropriations bill has passed both Houses but has not cleared conference, and the particular amount or authority therein differs, the pertinent project or activity continues under the lesser of the two amounts and under the more restrictive authority. Section 101(a)(3) deals with this.

In that connection, there is a new proviso added to the usual wording of section 101 (a)(3), as follows: Provided, That no provision in any appropriation Act for the fiscal year 1973, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

In several of the appropriation bills for 1973 the Senate has attached provisions to a number of appropriations, making their availability contingent on enactment of authorization legislation. Thus, in these instances the effective Senate-passed amounts are zero and if the provisions are operative as of July 1, under the standard applications of the section 101(a)(3) groundrule they would be without funds come July 1. Pending disposition of the provisions and the authorizations to which they refer, the above-quoted provision in the accompanying continuing resolution is necessary to avoid what would in its absence be the case; namely, an abrupt cutoff of funds for many important on-going programs and agencies come midnight, June 30.

Where a bill has passed only one House, or where an appropriation for a project or activity is included in only one version of a bill as passed by both Houses, the pertinent project or activity continues under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current fiscal year 1972 rate or the rate permitted by the one House, whichever is the lower. Section 101(a)(4) deals with this.

Where neither House has passed the applicable appropriation bill for the fiscal year 1973—and that will, as things now look, be the case for 3 of the 13 scheduled annual bills for 1973—appropriations are provided for continuing projects or activities conducted during fiscal year 1972 at the current rate or the rate provided for in the budget estimate for 1973. whichever is lower, and under the more restrictive authority. Section 101(b) deals with this. And there is an exception in respect to the Department of Defense relating to certain training exercises.

The Committee has included a provision which prohibits the Department of Defense from obligating funds under this resolution for carrying out the Reforger IV exercise of the Army and the Crested Cap exercise of the Air Force. In these exercises United States forces are transported to Europe for coordinated training with other NATO forces. The purpose of this limiting proviso is to carry out the intent of the conferees on the Department of Defense Appropriation Bill for fiscal year 1972. The conference report (House Report 92-754 of December 14, 1971) discusses the conduct of these exercises on page 6 and states in part that:

"The objective of the conferees is to prevent any further obligations for these exercises through the use of funds provided in this bill, and to prohibit the use of funds made available through Continuing Resolutions for similar Reforger and Crested Cap exercises during fiscal year 1973."

If there is no budget estimate or if the budget request has been deferred for later consideration, special provision is made for continuation until the question is disposed of in the course of processing the applicable regular bill. Section 101(d) deals with this.

The resolution does not in any way augment the appropriation for a given project or activity in the regular bills for the fiscal year 1973. In the words of section 105 of the resolution itself:

"SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law."

In other words, while this resolution—as in the case of similar resolutions of previous years—does not enumerate *specific* amounts that may be obligated and expended for the countless activities of government during the period of the resolution (or such shorter period as the resolution may operate as to particular departments or agencies), the controlling factor, known to all who have any responsibility for the management of the programs or the obligation of the funds, is that whatever is used during this interim must be taken out of, or charged against, whatever amount is finally appropriated, or otherwise made available, for the whole year.

Section 101(a) and following subsections of that section of the resolution are drawn along conventional lines of similar past resolutions, except as noted above, and deal with appropriation bills that, according to the present schedule, will have passed at least one House before July 1.

Section 101(b) and following subsections of that section of the resolution are drawn along the conventional lines of similar past resolutions, except as noted above, and, generally, encompass those activities to be considered in connection with appropriation bills not yet reported fom the Committee on Appropriations or which are otherwise not presently included in a bill.

Section 101(c) relates to Senate housekeeping operations and is identical in substance to previous resolutions.

Section 101(d), also drawn along conventional lines, generally deals with activities being conducted in the fiscal year 1972 for which at the moment there is no fiscal 1973 budget estimate or authorizing legislation, and such items are not effectively covered by previous subsections of Section 101.

Section 102 provides that the resolution ceases to apply to an agency or activity concurrent with approval by the President of the applicable appropriation bill in which effective provision for such agency or activity is made. Thus *the scope of the continuing resolution constricts as each bill is enacted; the resolution will be wholly inoperative after the last bill for 1973 is approved, or August 18, whichever first occurs.* Any bills not legislatively finalized by August 18 will have to be covered by another continuing resolution.

Section 103 is standard, and obviates a lot of unproductive paperwork that would otherwise be necessary.

Section 104 is standard in continuing resolutions, and is self-explanatory.

Section 105 is also standard and self-explanatory.

Section 106 is also standard in continuing resolutions, *forbidding* the use of funds provided in the joint resolution to *initiate any new project or activity or to resume any which was not being conducted in fiscal 1972.*

Section 107 is a standard-type provision made necessary when general civilian or military pay raises, which are mandatory insofar as administrative discretion is concerned have not been specifically appropriated for or were not in effect for the full period of the prior fiscal year but which by their operation will be annualized in the fiscal year to which the resolution relates. The going salary rates authorized by any pay raise legislation must be continued uninterrupted at the higher rates even though the related specific appropriation increases have not been enacted.

THE APPROPRIATIONS BUSINESS OF THE SESSION

Fiscal year 1972

In this session, Congress has processed three appropriation measures relating to the current fiscal year 1972, namely, an urgent supplemental bill; the Second Supplemental bill; and a special resolution relating to gold revaluation.

In summary, budget requests for new budget (obligational) authority considered in these measures totaled $7,423,419,448. Amounts enacted totaled $6,905,174,329, for a net reduction of $518,245,119.

Fiscal year 1973

The following table on bills relating to the fiscal year 1973 shows the latest situation:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS FOR 1973 (AS OF JUNE 26, 1972)

[Note.—As to fiscal year 1973 amounts only]

Bill	Budget request considered	Approved	Change, (+) or (−)
In the House:			
1. Legislative	$433,627,004	$427,604,764	−$6,022,240
2. State-Justice-Commerce-Judiciary	4,687,988,600	4,587,104,350	−100,884,250
3. HUD-Space-Science-Veterans	20,173,185,000	19,718,490,000	−454,695,000
4. Transportation	2,909,181,095	2,791,614,095	−117,567,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
5. District of Columbia (Federal funds)	343,306,000	332,306,000	−11,000,000
6. Labor-HEW	27,327,323,500	28,603,179,500	+1,275,856,000
7. Interior	2,520,340,000	2,529,558,200	+9,218,200
8. Treasury-Postal Service-General Government	5,066,603,000	5,057,145,000	−9,458,000
9. Public Works—AEC	5,489,058,000	5,437,727,000	−51,331,000
10. Agriculture—Environmental and Consumer Protection	12,952,177,400	[1] 12,897,010,900	−55,166,500
11. Foreign Assistance	(5,163,024,000)		
12. Defense	(76,986,184,000)		
13. Military construction	(3,017,800,000)		
14. Supplemental, 1973			
Total, House bills	81,902,789,599	82,381,739,809	+478,950,210
In the Senate:			
1. Legislative	519,347,899	514,722,880	−4,625,019
2. HUD-Space-Science-Veterans	20,258,183,000	20,583,370,000	+325,187,000
3. District of Columbia (Federal funds)	$343,306,000	$313,706,000	−$29,600,000
4. State-Justice-Commerce-Judiciary	4,704,326,600	4,820,717,769	+116,391,169
5. Transportation	2,909,181,095	2,906,994,095	−2,187,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
6. Treasury-Postal Service-General Government	5,066,603,000	5,057,186,000	−9,417,000
7. Labor-HEW	(27,416,788,500)	([1] 29,464,035,500)	(+2,047,247,000)
8. Interior			
9. Agriculture—Environmental and Consumer Protection			
10. Public Works-AEC			
Total, bills cleared Senate	33,800,947,594	34,196,696,744	+395,749,150
Enacted:			
1. Legislative	519,347,899	[2] 513,787,980	−5,559,919
Total, bills enacted	519,347,899	[2] 513,787,980	−5,559,919

Note.—2 other reports filed June 26 and June 27 (D.C. bill and TR.–P.S.–G.G. Bill).

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[1] As reported.

[2] Conference report as filed.

The foregoing table relates only to the regular annual appropriation bills.

COMPREHENSIVE BUDGET SCOREKEEPING

For general reference purposes of Members and others, it may be of interest to again call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reducation of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on).

Several such reports have been issued this year—the latest one as of June 16—and another is due shortly. Copies are sent to the office of each Member.

Mr. GROSS. I must say to the gentleman that I fear the worst.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks in the RECORD, and that I be permitted to revise and extend my remarks and insert certain tables and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. PRICE of Texas. Mr. Speaker, because of a meeting with a group of my constituents on May 11, 1972, I was unable to be present for rollcall No. 145. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 14896, THE SCHOOL LUNCH BILL, ON THURSDAY, JUNE 29, UNDER SUSPENSION OF THE RULES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that after all other legislative business on Thursday it may be in order to call up for consideration the bill H.R. 14896, the school lunch bill, under suspension of the rules.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask what the request would involve? Namely, would it involve a violation of the Reorganization Act of 1970 insofar as the 3-day rule and the rules of the House are concerned?

Second, would it invoke the two-thirds

vote requirement as under any suspended rule?

Mr. PERKINS. First, let me say to the distinguished gentleman from Missouri that, in my judgment, it would not violate the rules of the House. The report has been printed. It was printed yesterday. The bill was reported unanimously out of the committee last week. We complied with the rules of the committee, and I think we complied with the rules of the House.

In answer to the second part of the gentleman's question, I should think it would require a two-thirds vote.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. Gonzalez). The gentleman will state it.

Mr. HALL. Would the Chair confirm that if the unanimous-consent request is granted that the rules for suspension would be in effect and a two-thirds vote would be required to suspend the rules and pass the bill?

The SPEAKER pro tempore. Under the gentleman's unanimous-consent request it would require a two-thirds vote to suspend the rules and pass the bill.

Mr. HALL. I thank the Chair. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

QUALITY OF EDUCATION OF AMERICAN CHILDREN

The SPEAKER pro tempore (Mr. Gonzalez). Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 60 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, there are few things with higher priority on the national agenda than the quality of education of American children.

That fact has prompted the Congress to enact and fund the Elementary and Secondary Education Act and other legislation, all designed to provide this issue with care and attention commensurate with its importance.

Even so, the American system of public education is still experiencing financial problems. State and local tax rates, which support the system, continue to rise toward the critical level, adding dangerous weight to the taxpayers' burden and giving rise to talk of even greater Federal assistance.

Because of its concern for the minds and characters of young Americans, the Congress is going to respond to this problem to whatever extent is necessary. It should and it will.

An integral part of the American education system—almost since the founding of the Republic—has been the nonpublic elementary and secondary schools which have produced many millions of conscientious, productive citizens.

This other system of education, representing the best of America's pluralism, is likewise experiencing financial difficulties. Higher costs have seriously depleted their resources, shortages of teachers have thinned their ranks. A great part of America is dying.

To cite an example, some 1,300 Catholic parochial schools have closed their doors in the past 5 years. This has added nearly half a million pupils to the public schools. In the diocese of Fall River in my congressional district, 19 schools have closed during this period, moving 5,000 children into public schools.

The seriousness of that situation was brought home to me at a meeting recently in Fall River with the Reverend Patrick O'Neill, superintendent of schools for the diocese, attended by clergy and laity.

I will soon meet with Msgr. John Boyd of St. Patrick's in Fall River and with other concerned persons, Catholic and non-Catholic, on the problem.

This same situation is being duplicated among other nonpublic schools in every part of the country.

Currently, there are about 4.5 million students in more than 13,000 nonpublic school systems in the United States. Of these, 85 percent are Catholic, 7 percent are nonsectarian, 3 percent are Jewish, and 5 percent include various other types and denominations.

The best estimates are that if all or most of these pupils had to be absorbed into the public school systems of this Nation, it would cost local taxpayers in the neighborhood of $10 billion, to say nothing of the Nation as a whole in terms of increased Federal assistance. Of that amount, approximately $3 billion would be an annual cost increase and the rest over various time periods for capital expenditures.

In my own congressional district, Mr. Speaker, if all the nonpublic schools were to close, it would increase local tax rates in varying amounts. The real property tax rate in the city of Fall River is expected to be about $190 per $1,000 assessed valuation this year. Closing the nonpublic schools would make that tax rate $236.20, an increase of $46.20, to give an example of the impact this would have in a specific instance.

Other examples of tax rate increases would be in the city of Attleboro, Mass., an increase of $6.40 per thousand; in the city of Taunton, an increase of $39.70 per $1,000; in the town of Somerset, $9.20; Swansea, $34.60; and Westport, $26.90.

It makes sense that if the public school system as it is today is experiencing financial problems which cry for solution, the swelling of the system by another 4.5 million children would make the problem a national crisis.

Financial problems aside, such an influx of youngsters would seriously hamper the quality of public education itself by overcrowding facilities and severely straining existing resources.

To head off such a catastrophe, I and several other Members have introduced legislation to provide tax relief to the parents of children attending private, nonprofit elementary and secondary schools.

Their Federal income tax bill would be reduced by half the total annual tuition they must pay, or by $400, whichever is less. For those earning more than $25,000 a year, the tax relief would be proportionately reduced.

We also have word, Mr. Speaker, that the President is going to include a similar proposal in the tax reform package he is preparing to present to the Congress.

That is welcome news, indeed, although I almost wish we do not have to wait that long, because this situation is so critical, it cannot wait for the torturous voyage of a tax reform package through the House and the other body. I would like to see the tax credit legislation separated and proceed on its own.

I have taken this special order today, Mr. Speaker, to point out the seriousness of the situation confronting us and to propose a reasonable solution. I am grateful to those other Members that join me in underlining the critical nature of the problem.

The tax relief I am proposing would cost the Treasury an estimated $508 million annually. Mr. Speaker, I think that compares favorably with the $3 billion or more it would cost the taxpayers if these schools were shut down.

I am grateful to the distinguished chairman of the Committee on Ways and Means (Mr. Mills) and to the ranking Member of the minority (Mr. Byrnes) who have also sponsored this legislation.

I believe this legislation is in the national interest and is needed now. Its passage should be a high priority in this Congress.

Mr. KEATING. Mr. Speaker, will the gentlewoman yield?

Mrs. HECKLER of Massachusetts. I yield to the gentleman from Ohio (Mr. Keating).

Mr. KEATING. Mr. Speaker, I congratulate the gentlewoman for obtaining this time for the purpose of speaking about aid for nonpublic schools, which is one of the chief areas of concern in education across the land today.

Mr. KEMP. Mr. Speaker, I wish to commend our colleague, Mrs. Heckler, for her recognition of the crisis in private education and to thank her for arranging this opportunity for those of us who share her concern to participate in this discussion.

The private and parochial elementary and secondary schools of America make an essential contribution to pluralism in our society and provide an alternate and vital choice in our system of education. Private schools of various kinds are able to draw upon financial resources not available to public institutions—and which would not otherwise be available to education. They provide diversity, choice, and healthy competition to traditionally public education and serve the public purpose by providing the means for a substantial group of Americans to express themselves socially, ethnically, culturally, and religiously through education institutions. Our private and parochial schools and colleges add a dimension of spiritual value to education which is invaluable to the moral fiber of the Nation itself; and in my view, it would be a tragedy of the first magnitude if tax-supported State schools were to drive private institutions out of existence.

Many public school systems are currently in the throes of a financial crisis stemming principally from the fact that local and State revenues have not kept pace with spiraling costs. To the extent that financial difficulties have affected most school systems in recent years, they have affected private schools—which have no tax base—even more. Total private school enrollment exceeds 5.2 million, or approximately 10 percent of our schools, and it has been estimated that if most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970's would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities.

Without weakening our commitment to public education, I believe that Congress must protect and encourage the private option. The private option should not be available only to the wealthy. That is not the American way. And America is richer for the diversity of those groups which prefer a distinctive schooling.

Without question, respect for the doctrine of church-state separation and restraints placed on private school aid by court decisions in interpreting provisions of the Constitution have greatly limited available options. However, the first amendment to the Constitution, which enjoins the separation of church and state, also specifies that nobody shall be prevented from exercising his right to freedom of religion. Forcing a parent to take his child out of a private school because he cannot afford to support two separate school systems is an obvious infringement of the right to religious protection under the first amendment itself. I feel it is essential that we maintain the integrity of the doctrine of church and state and that the state should be neutral in its dealing with religion, but, nonetheless the doctrine of separation does not require that the state be hostile to religion.

I have cosponsored legislation for an income tax credit plan which would allow parents of a nonpublic schoolchild to deduct from their final tax liability an amount equal to one-half of the tuition paid up to an overall limit of $500 per dependent. By providing assistance directly to the parents of schoolchildren and not the schools, I believe that this tax credit concept is consistent with constitutional criteria.

I hope that the chairman of the Ways and Means Committee will soon see fit to bring these tax credit measures up for consideration so that we may get on with the challenge of rescuing our hard-pressed private schools.

Mrs. HICKS of Massachusetts. Mr. Speaker, on January 25, 1972, I introduced H.R. 12611 which would amend the Internal Revenue Code of 1954 to allow a Federal tax credit to an individual in an amount equal to 50 percent of any amounts paid by him during the taxable year as tuition for the education of any dependent—for whom he is entitled a personal exemption—in a private nonprofit elementary or secondary school.

The maximum credit allowed a taxpayer for the education of any dependent may not exceed $500 in any taxable year. The credit allowed for these tuition expenses cannot exceed the taxpayer's tax liability.

The need for this legislation is becoming increasingly urgent. Today, American education, public and nonpublic, is in a state of crisis. There is a widespread unwillingness on the part of the Nation's taxpayers to incur the increases in taxes, especially property taxes, necessary to provide adequate financing for public schools. This situation has been aggravated by recent Federal and State court decisions which have held that existing systems of public school financing are discriminatory and unconstitutional because of the disparities in spending among school districts.

Nonpublic schools are also having serious financial problems. Low- to middle-income parents are having a hard time meeting the tuition costs of nonpublic schools as high taxes and inflation continue to make inroads in their earnings. Enrollment in nonpublic elementary and secondary schools has been declining steadily over the past several years—from 6.3 million in 1965 to 5.7 million in 1969. The Office of Education estimates that the total enrollment in nonpublic elementary and secondary schools will decline to 5.4 million in 1972. Roman Catholic schools, which comprise the bulk of nonpublic schools, have been forced to close hundreds of schools in the face of increasing costs. One of their major problems has been their inability to compete with public schools in meeting the salary demands of lay teachers, as the number of members of religious orders engaged in teaching steadily decreases.

It is in our national interest that our dual system of public and private elementary and secondary schools continue to survive. The final report of the President's Commission on School Finance states:

> One significant way in which nonpublic schools serve the public purpose is that they provide diversity, choice and healthy competition to traditional public education . . . nonpublic schools serve the public purposes by providing the means for a substantial group of Americans to express themselves socially, ethnically, culturally, and religiously through educational institutions.

Parents who want their children to have the benefit of religious instruction as well as academic instruction have the double burden of supporting public schools through property taxes in addition to paying tuition expenses at nonpublic schools. I think it is only fair to grant some small tax benefit to the parents of these children.

When parents send their children to nonpublic schools, the public burden to be borne by taxes is reduced substantially. If the over 5 million children now in nonpublic schools suddenly applied for admission in the public school system, the full extent of this tax saving to the general public would be readily apparent.

Under present tax law, persons who pay taxes to a State or local government for various purposes are allowed to deduct these taxes in computing taxable income on their Federal returns. Payments made by parents to support nonpublic schools are entitled to similar recognition, since the additional taxes that would be required to finance the education of their children if enrolled in public schools would be deductible in computing Federal income taxes.

If my bill is enacted, most of the children presently enrolled in nonpublic schools will be able to stay. In addition, more parents will be able to send their children to such schools, and the problems of financing public schools will be lessened.

I have chosen a tax credit for inclusion in my proposal because it will be of particular advantage to the low- and middle-income taxpayer. A tax credit, which is a direct deduction from income tax liability, provides a greater benefit than an itemized tax deduction. A deduction benefits higher income groups more than the lower income groups. For example, a $100 deduction benefits a taxpayer in the 14-percent tax bracket only $14; whereas a taxpayer in the 70-percent tax bracket would derive a tax benefit of $70 for a $100 deduction. In contrast, a tax credit reduces the taxpayer's tax liability $1 for each $1 of tax credit, regardless of his tax bracket.

A tax credit would also enable those taxpayers who do not itemize their deductions to obtain the deduction since it would be subtracted from final tax liability.

Also, there are judicial and constitutional limitations on providing public funds to nonpublic schools. My proposal to provide tax credits for the expenses of tuition would, I believe, be wholly permissible. In fact, the President's Commission on School Finance recommended the use of tax credits in addition to other forms of assistance to solve the financial crisis of nonpublic schools.

We cannot permit our nonpublic school system to die. Monopoly in education stifles innovation and creativity. We must reverse the current trend. Enactment of my proposal will be a giant step toward achieving this objective.

Mrs. GRASSO. Mr. Speaker, it is my belief that Federal tax relief should be provided for parents of students attending nonpublic elementary and secondary schools. For this reason, I introduced H.R. 15069, a bill that would amend the Internal Revenue Code of 1954. This legislation would allow a credit against the individual income tax for tuition paid for the elementary and secondary education of dependents.

The recent financial crisis which has prompted the closing of many nonpublic elementary and secondary schools, and threatens the existence of many more, presents a double jeopardy to our Nation.

First, the already overburdened public school system is unable to absorb a substantial increase of students and still remain an effective educational institution.

Second, the closing of nonpublic schools, which could add up to 5 million children to public school classrooms, would mean a financial burden of between $4 and $5 billion to be borne by the taxpayers. At a time when we are making every effort to relieve the plight of the taxpayer in many areas, it would be counterproductive to allow such an increase in taxes.

One of the greatest strengths of the American educational system has always been the deeply imbedded tradition of diversity. I think every parent must have the opportunity to choose the type of elementary and secondary schooling he wants his child to have. At the same time, it is the responsibility of Congress to assure that adequate options are available to the parent. We take diversity for granted in scholarship, politics and business. Why should we settle for a single choice in education?

Mr. Speaker, income tax credits would assist low- and middle-income families who are too often deprived of freedom of choice by economic necessity. At the same time, the public schools would continue to receive necessary funds, and no additional administrative burden would be placed on them. It is my view that passage of a bill authorizing Federal income tax credit for tuition payments to nonpublic elementary or secondary schools would be a great service to both education and the public good.

Mr. VANDER JAGT. Mr. Speaker, as a sponsor of legislation to provide a tax credit for tuition payments to private elementary and secondary schools, I am pleased to participate in the current discussion. Private schools in my congressional district fulfill a vital role in the region's total educational resources. But rising costs have placed an increasingly heavy financial burden upon parents of these pupils, and, accordingly, upon the institutions themselves. Recognition of the importance of private schools and their economic needs leads me to support tax relief of the type proposed.

I was especially pleased to read in this morning's Washington Post a news story suggesting that President Nixon has decided to include a tax credit proposal in the comprehensive tax reform legislation which he expects to submit to Congress next year. This encouraging news follows the release of a report of the Presidential Panel on Nonpublic Education, which advocated a tax program of this type. It also brings to mind an important address which the President made in April, in which he expressed his concern over the results which total collapse of nonpublic schools would have on our educational system. He stated:

> The disappearance of all nonpublic schools in this country would saddle the American taxpayers with an additional $3 billion annually in operating costs, plus as much as $10 billion in new school construction. Seventy percent of that burden would fall upon seven States: California, New York, Illinois, Ohio, New Jersey, Michigan, and Pennsylvania.

I urge my colleagues on the Committee on Ways and Means and in the House of Representatives to give serious consideration to this legislation.

Mr. ZABLOCKI. Mr. Speaker, at the outset I wish to commend our colleague, the Honorable Mrs. HECKLER, for taking this special order on a very important subject. I welcome the opportunity to express my concern about the grave problems presented by the closing and consolidations of private schools coupled with the rapidly increasing costs of public education. Obviously it is necessary to relieve the parents of children in private schools from the dual burden of supporting both the private and public school systems as well as to encourage more efficient utilization of existing school facilities and thereby to reduce the pupil load on public schools. In March of this year I introduced legislation to provide a Federal tax credit for up to 50 percent of tuition paid, or a maximum of $400, for dependents who attend a private nonprofit elementary or secondary school.

More than 5 million pupils attend our Nation's nonpublic schools. However, this number has declined by 1.4 million in the past few years, from a figure of more than 6.5 million students in the nonpublic schools in 1963. Rising tuition costs are a major reason why parents are forced to take their children out of nonpublic schools. Often their children must be placed into overcrowded, larger classes in public facilities. Quality education for increasing numbers of students is in jeopardy.

In the city of Milwaukee students in the parochial school system account for nearly 80 percent of students in nonpublic schools in the city. In the last 5 years the number of pupils in these schools has declined from 47,900 to 28,000, and 21 parochial schools have closed their doors completely. At the same time, the cost of educating a child in the public school system in Milwaukee has increased from $496 in 1966 to $837 in 1971—an average increase of 14 percent in the last 5 years.

The President's Commission on School Finance, in a study dealing with the financial implications of changing patterns of nonpublic schools in major midwestern cities, estimated that if all of Milwaukee's nonpublic schools were to close, Milwaukee taxpayers would have to provide an additional $47.8 million to educate these children, and $28.7 million in additional State aid would be needed in Milwaukee. The national percentages are similar. The President's Commission on Nonpublic Education has termed the decline in private school education a "crushing burden" on our public school systems.

A Federal tax credit to parents for half of the tuition they pay for the education of their children in nonpublic schools up to a maximum of $400 per dependent will save money for all American taxpayers, and for all levels of government—Federal, State, and local. This measure will enhance the heritage of diversity which has always characterized our national school system by allowing parents to have freedom of choice in determining the kind of education their children will receive. Finally, the measure will reverse the increasing financial burden which elementary and secondary education costs have placed on all taxpayers, particularly the local property taxpayer.

Mr. THONE. Mr. Speaker, I rise in support of legislation to provide a tax credit for tuition for nonpublic education. I shall be very brief.

We all know the traditional arguments in favor of assisting nonpublic education, and are well aware of the additional difficulties that would arise in the public education system if many of our nonpublic schools were to fail to reopen in the fall. Quality education would surely and certainly be the loser. These are not the only reasons to maintain the nonpublic school system, however.

In every facet of our day-to-day life we have a choice. A choice of where to live, a choice of where and how to shop, a choice in politics. Having these choices has contributed so much to making ours the great Nation that it is.

Having a choice in educational institutions strengthens our system of education and gives us a graduating class each year that has had the benefit of a more diversified system than could possibly be attained with a single education system. These young men and women will take advantage of this diversification to carry our country forward in every field of endeavor.

This freedom of choice has contributed greatly in the past, and can continue to do so in the future. But that future rests here, and it is now the responsibility of the Congress to provide for its continuation.

I just noticed a pertinent Associated Press story on the cloak room ticker off the House floor and it is as follows:

> WASHINGTON.—President Nixon favors a tax credit of up to $200 per child as the principal way to aid non-profit private schools, primarily parochial schools, against rising economic difficulties, the Director of the Office of Management and Budget has told Congress.
>
> In a letter to Rep. Wilbur Mills, Chairman of the House Ways and Means Committee, Caspar W. Weinberger said Congress also should consider granting tax credit for fees paid to public schools.
>
> A measure pending in Congress would grant a credit of 50 per cent, up to $400 per child per year. The administration favors a credit of 100 per cent, up to $200 per child.
>
> Weinberger said the $400 proposal would induce private schools to raise tuition in order to increase revenues by capturing the credit.
>
> "In so doing, the schools would reduce the number of low and moderate income families who could afford to send their children to nonpublic schools," he said.
>
> The cutoff for the credit should be $18,000 in annual income, Weinberger said, because most taxpayers whose children attend nonpublic schools have incomes below $18,000.
>
> Allowing the credit for parents of children in public schools, he would "limit inequitable dual burdens as far as possible.
>
> And he asked the committee to consider ways in which the benefits of the credit "might be available to families who pay no income tax."

Mr. CLANCY. Mr. Speaker, nonpublic schools across the country are facing the prospect of closing their doors against students forever. Most of these schools simply are receiving inadequate revenues to pay for the services they have been providing for millions of youths every year.

Their difficulties in most instances are traceable to the financial bind in which most parents of those children are finding themselves. More and more parents are unable to pay both their taxes for public schools and the tuition and costs of private schools.

Several bills have been offered to this Congress to relieve this problem. I have introduced a bill which would provide $125 credit on Federal income tax returns of parents and guardians for each child in an elementary or secondary nonpublic school. It would give $600 tax credit for youths attending college.

Most other bills offer similar relief to parents or guardians who have borne the burden, in effect, of supporting two school systems. Last April 6, President Nixon told Catholic educators in Philadelphia that some assistance should probably be given to Catholic schools. Soon after, the Panel on Non-Public Education presented a 58-page report to the President, recommending income tax credits for low- and middle-income parents of children in nonpublic schools.

Quality education and assuring that it continues and improves is probably the most important commodity that we can pass on to the next American generation. It seems certain that education quality would be impaired if nonpublic schools are forced to close their doors forever. America's public schools do not have enough room or enough faculty and administrators to educate both public and nonpublic students.

I do not propose that we should provide total inducement for continuing nonpublic educational facilities—nor do most of the other proposals. What I do suggest is that some assistance be given so that enough school doors, both public and nonpublic, remain open that our children and their children receive a quality education.

GENERAL LEAVE

Mrs. HECKLER of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

CONTROVERSY SURROUNDING PROFESSIONAL SPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the Senate Commerce Committee hearings on "The Federal Sports Act of 1972" have helped make it clear that a great deal of the controversy surrounding professional sports operations in this country today is based on hearsay and emotion rather than on the facts. To the end that more Members of Congress have the facts as well as the perspective of a Commissioner who has helped guide pro football through difficult times to unprecedented growth and popularity, I think it is appropriate that NFL Commissioner Pete Rozelle's testimony before the Commerce Committee be included in the Record.

Commissioner Rozelle's testimony, I believe, very effectively defuses some of the faulty premises upon which those supporting Federal regulated pro football base their positions. He answers the misconception that professional football is not now regulated, the myth that all professional sports are homogeneous by nature, and the fallacy that vital interests are not adequately represented.

My opposition to the bill is based on 13 years of pro football experience, as past president and cofounder of the AFL Player's Association, and my experience as a first term Congressman who has seen the chaos that can be inflicted on the private enterprise sector by unnecessary Federal intervention. It is my conviction that the interests of all parties—fans, players, and owners, and whatever problems now existing can best be reconciled and resolved through the recognition of a mutuality of interest and the willingness to pursue the collective bargaining process of which I am a strong advocate.

I insert Commissioner Rozelle's testimony in the Record.

Statement of Pete Rozelle Before the Committe on Commerce, U.S. Senate

Your committee was good enough to invite me to comment on S. 3445, and I am pleased to accept that invitation. I have with me my counsel, Hamilton Carothers.

I think I understand the sentiments which have encouraged you, Mr. Chairman, to believe that a federal agency dealing with professional sports is desirable. The National Football League wishes there were fewer disputes and less controversy in professional sports. We look forward to a time when the sports pages will be devoted more to athletic achievements and team play and less to strikes, litigation developments, contract negotiations, and the business aspects of sports.

But I don't believe that a federal sports commission is the answer—for a great many reasons. In my view, proposals such as S. 3445 are based on a number of premises which are not supported by the facts.

In the first place, it is simply not true that professional sports are "Big Business." The reality is that professional sports are, in economic terms, very small business indeed. There has not, for example, been a year in the history of pro football when the gross income of all twenty-six NFL clubs in the aggregate amounted to the gross income of a department store like Woodward & Lothrop's here in Washington. I don't want to overdo this point—and I know it is not the total answer to the concept of a federal sports commission—but it is quite likely that professional football, one of the more successful professional sports, ranks somewhere behind the shoelace industry in economic terms. This at least raises the question whether the creation and staffing of an agency to deal with professional sports represents a sound expenditure of taxpayers money. The Federal Communications Commission, for example, has an annual budget of about $32 million and the Federal Power Commission spends about $22 million annually.

Secondly, it is a mistake to consider professional sports, simply because they are professional sports, as having any essential elements in common. In terms of their needs, their income sources, their contract requirements, and their business practices, one professional sport bears about as much relationship to another as the movie business does to the television business. In all of their fundamental aspects, they differ from one another as much as a hockey puck or a baseball does from a football. It would simply not be possible to establish rules which could be applied fairly and reasonably to sports in general. And anyone who tried to deal authoritatively with the particular and individual problems of each sport would have to have the knowledge of the Almighty, the judgment of Solomon, and the vision of Joan of Arc. I don't find these qualities available in anybody—not even in Howard Cosell.

Thirdly, I cannot accept the premise that professional sports are today inadequately regulated. Indeed, I have concluded that professional football is the most over-supervised, over-examined, and over-regulated business in America today.

The National Football League and its member clubs currently operate under the federal antitrust laws, the National Labor Relations Act, the Federal Trade Commission Act, the Equal Employment Opportunity Act, the Federal Communications Act, the Federal Securities Laws, the rules and regulations of the Price Commission and of the Pay Board, and under a number of federal acts dealing with professional sports in particular. Each member club is also subject to the standard array of laws applicable to local business, such as the laws of workmen's compensation, local safety and health codes, and local tax laws.

In the twelve years I have been commissioner, the Antitrust Division has conducted detailed investigations of NFL affairs on eight separate occasions—once in court, once through an eighteen-month grand jury proceeding, once pursuant to a civil investigative demand, and on five occasions through informal requests for documents. The NFL's television practices have twice been investigated by the Federal Communications Commission. Member club endorsement and licensing practices have twice been investigated by the Federal Trade Commission. The League's tax practices have been exhaustively reviewed by the IRS on two different occasions and the Equal Employment Opportunity Commission has made a half-dozen investigations of league and member club employment practices. The league and its member clubs have been involved in four separate proceedings before the National Labor Relations Board. I have personally participated in as many as twenty different appearances before congressional committees over this period which have examined substantially every phase of NFL affairs. Six different congressional committees have taken or are about to take testimony on various aspects of NFL operations during the current session of Congress. Professional football may well be the most regulated and supervised business in America today.

I am personally persuaded that most if not all of the so-called problems and issues which arise in professional sports would be more expeditiously and more amicably resolved to the interests of all concerned, including, fans, players, and owners alike, if there were not this continuing resort to outside influence as a method of obtaining support for particular positions.

It should also be noted that S. 3445 is not intended to be a substitute for these confusing and often conflicting patterns of supervision and regulation. The bill would expressly preserve the application of all present laws and regulations as well as any future laws which Congress may choose to enact. Thus NFL players and owners would still have their collective bargaining rights under the supervision of the National Labor Relations Board, the courts would still continue to apply the antitrust laws to one phase or another of sports affairs, and all other federal and state regulatory requirements would still have to be met. The federal sports commission would just be another layer of regulation on top of the court, agency, and congressional decisions which seem to emerge almost weekly in the field of sports.

Lastly, I think it misguided to conclude that a federal sports agency will somehow make whatever problems exist in professional sports simply go away. For one thing, many of the so-called issues of NFL operations are, in my view, based more on popular misunderstanding than on analysis and knowledge of the facts. I don't hesitate to include within that comment the current criticism of the NFL's so-called "Blackout" practices. We have had on many occasions the experience of finding that third parties, when they had the opportunity to become fully acquainted with the facts, were willing to acknowledge that a supposed remedy for a particular "problem" was totally impracticable or that there was not anything realistic about which to complain. We even had the experience of being sued in court only to have the litigant discover in his trial preparation that the facts were not as had been represented to him.

In major part, this may be due to the fact that everyone believes he understands about professional sports but very few people actually do. This may explain why many sports critics often are inconsistent in their criticisms and objectives. Some of the most vociferous critics of the Washington Senators' move from Washington, for example, would heartily endorse regulatory principles which would require Bob Short to remain in Washington while they would equally endorse regulatory principles which would permit any or all of his players to leave the team and move to Texas.

In brief, I do not believe that the problem of reconciling the interests of fans, stadium authorities, players, owners, TV viewers, networks, and amateur athletes is going to be effectively resolved by waiving the magic wand of federal supervision. If a sport cannot accomplish this itself, through a fair accommodation of the interests of each, the sport itself will bear the penalty.

END OF U.S. GROUND COMBAT ROLE IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, on June 19, 1972, the United States began to withdraw its last combat infantry brigade from South Vietnam. The departure of the 3d Brigade of the 1st Air Cavalry Division officially ends our ground combat role.

After the Communist invasion of South Vietnam through the DMZ by 12 divisions on March 30, President Nixon's response in calling for U.S. air and naval attacks against Communist military targets was an inevitable decision. However, President Nixon has continued to withdraw American ground forces from South Vietnam. Our U.S. troop strength is now below 49,000 men and this reduction will be continued. President Nixon has withdrawn more than 500,000 American ground troops since he was elected to the White House less than 4 years ago.

Over 100,000 South Vietnamese have been driven from their homes by this invasion. They all have fled south—away from the Communist invaders. Political factions which were previously hostile to President Thieu have put aside political differences in condemning the invaders. Yet, there are some Americans who have condemned President Nixon, not the invading Communists, for the terror inflicted on these people. Some U.S. political figures use the word "immoral" every time they speak of our efforts to help the South Vietnamese defend themselves, but they do not call this massive invasion of South Vietnam "immoral."

President Nixon's visits to Moscow and Peking, Russian President Podgorny's recent visit to Hanoi, and Dr. Kissinger's recent visit to Peking indicate that strong efforts are underway to obtain a negotiated peace. It is possible that these efforts, initiated by the United States, will be successful and peace will come to Southeast Asia in a manner that will not have appeased Communist aggression.

TINICUM MARSH

When the Senate passed H.R. 7088, which establishes the Tinicum National Environmental Center, it added an amendment requiring the General Accounting Office to audit the use of Federal funds for the acquisition and restoration of the Tinicum Marsh. On Tuesday, June 20, 1972, the House concurred with this amendment. This action cleared the way for President Nixon to sign H.R. 7088 into public law, and then the Department of the Interior can start acquisition on privately owned sections of the land to be included in this, the first National Environmental Center in America.

BUSINESS EXECUTIVES

A group called the Business Executives Move for Vietnam Peace and New National Priorities—BEM—has announced its opposition to my reelection to the House of Representatives. The following information about this group will be of interest to you.

Last year when the National Peace Action Coalition—NPAC—announced its intention to shut down the Government of the United States in a massive "May-Day" demonstration in Washington, the BEM announced its solidarity with the NPAC. The 1971 annual report of the House Committee on Internal Security states that the NPAC is dominated by the Socialist Workers Party, whose members are dedicated to the violent overthrow of our system of government.

Only one of the former Government officials and diplomats listed as sponsors of the BEM is not a Democrat. Why did these men not cry out against this war when Democratic administrations were sending more than half a million Americans to fight in Vietnam? I also question why the Democratic Governor of Pennsylvania, who is also a BEM sponsor, is listed only as Milton J. Shapp, president of the Shapp Corp. of Philadelphia?

Obviously, the BEM will not stand close scrutiny. Of the 10 House votes on which BEM decided to oppose my reelection, only two votes were close. The others had up to 278 Congressmen voting for them, clearly indicating a wide bipartisan support.

REVENUE SHARING

With my support, on June 22, 1972, the House has passed the revenue sharing bill H.R. 14370. This legislation will give fiscal assistance to State and local governments from Federal revenues. For the first time we will take money from the Federal bureaucracy where, far too frequently, it is wasted, and give it to State and local governments which will put the money to work immediately. Many of us feel that, by distributing the funds to local governments, the people will be able to have better control of where the money is spent, and that it is spent wisely and properly.

Because the distribution formulas contained in the bill are not equitable, and will unfairly distribute the available funds, I voted against barring amendments on an early unsuccessful procedural question. To illustrate this point, compare per capita funds given to Pennsylvania and to New York. The Commonwealth of Pennsylvania will receive $8.28, while New York gets more than twice as much at $17.23 per capita. The combined State and local government receipts are also inequitable. In Pennsylvania, the combined per capita receipt will be $25.33, while New York will receive almost $10 more at $35.29.

The original administration's general revenue sharing bill provided for a more equitable distribution of revenue sharing money to the States. However, Chairman WILBUR MILLS and the predominately Democratic House Ways and Means Committee decided on a vague formula for the distribution of this money; it even includes something called urbanization. I will work next year to introduce amendments to the law to insure a more equitable distribution in the future.

Every municipality in the Seventh Congressional District of Pennsylvania will receive revenue sharing funds for the calendar year 1972, if the Senate passes this bill.

STRATEGIC ARMS LIMITATION

President Nixon is continuing his efforts to guarantee us a generation of peace. His latest success was the strategic arms limitation agreement worked out during his recent Moscow visit. The President has urged the Congress to approve the agreements by September 1, so that the second round of the strategic arms limitation talks—SALT—can begin in October.

The President has said that he wants the Congress to make a very searching inquiry into the agreements so that we can be totally convinced that they are in the interest of the country and world peace. However, the President has pointed out that it is important for America to go forward with building up our offensive weapons systems to the extent permitted under the accords. For the United States to unilaterally reduce its offensive programs would mean that the Soviets would lose any incentive to negotiate the followon agreement.

RETARDED CHILDREN

As the result of a recent civil case in the U.S. District Court, the Commonwealth of Pennsylvania is attempting to locate thousands of mentally retarded children, many of whom would be able to make great progress in overcoming their handicaps, but who are not receiving all of the educational benefits to which they are entitled. If a parent or guardian of a retarded child would like additional information, they should contact their local school district. If contact at the local school district cannot be made, please call, collect, the Office of Right to Education, in Harrisburg, Pennsylvania. The number is 717-787-3990.

CHILDREN'S CHOIR

My wife and I talked to Mrs. Julie Nixon Eisenhower at a conference of the Northeastern U.S. Republican Women at the Bellevue-Stratford Hotel where the All-City Elementary Choir from the

Chester School District entertained the group by singing at the banquet. Julie was so impressed with the children's performance that she asked to be escorted to the stage to thank them personally. We are all proud of Mrs. Roberts, supervisor of music, and Mrs. Rudnick, choir director, and the children for their excellent performance.

MAGNA CARTA—COMMEMORATION OF ITS 757TH ANNIVERSARY, IN PHILADELPHIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, my native State, the Commonwealth of Pennsylvania, is rich in our American history. The fundamental act of union for the formation of the United States was the Declaration of Independence in 1776 by the Continental Congress, then sitting at Independence Hall in Philadelphia. It was the Convention of 1787 at the same place that framed our Constitution. Although the first Congress of the United States met in New York in 1789, in 1790 it chose Philadelphia as the temporary seat of the new Government when Washington was President.

As students of history know, the Constitution was not a suddenly devised framework of government but the culmination of experience dating back to the Magna Carta of 1215 when 25 barons of England united to force King John to sign and observe it.

The Baronial Order of Magna Carta, composed of men who are lineal descendants of these 25 barons of England, and of which William Hannis Perot of Philadelphia is Marshal, customarily commemorates the signing of the Magna Carta on the Sunday nearest June 15 of each year at historic Christ Church in Philadelphia, the church attended by Washington. Most of the members of the order live in the Philadelphia region; some in the Washington, D.C. area. This order through the years has been a highly effective patriotic group in keeping alive the memories of the Magna Carta as a vital landmark in the development of constitutional liberty.

On June 11, 1972, at this church, the Barons celebrated the 757th anniversary of the ensealing of the Magna Carta in an impressive program led by the rector, the Reverend Ernest A. Harding, D.D., in which a member of the order, the Honorable Maurice H. Thatcher, distinguished former Member of the Congress from Kentucky, and the sole surviving member of the Isthmian Canal Commission that supervised the construction of the Panama Canal, made the address for the occasion and received the Annual Award of the Order, which reads as follows:

The Baronial Order of Magna Carta presents its Magna Carta Day Award to Governor Maurice Hudson Thatcher in recognition of his service to humanity:

Particularly is this made for his championing the Freedom of the Individual, furthering the significant tradition begun in 1215 by the Barons of England.

(Panama Canal Seal.)

(Kentucky Seal.)

(Picture—ship in Panama Canal.)

Christ Church in Philadelphia.

Magna Carta Sunday, June 11, 1972.

William Hannis Perot,
Marshal.

Henry Pichon Krogstad,
Keeper of the Signet.

(Note.—Framed with White House Timber.)

During the program, Governor Thatcher, together with Marshal Perot, former Marshal Charles Edgar Hires, Capt. Miles P. DuVal, Jr., also a member of the order, and Gilbert H. Dehnel of Washington, D.C., sat in the George Washington pew.

So that the indicated address may be suitably recorded in the annals of the Congress for the benefit of present and future readers, I include herewith the indicated address as part of my remarks:

Address of Maurice H. Thatcher

To the Members of the Baronial Order of Magna Carta and their families; friends and neighbors from Washington, D.C., Philadelphia, and other points; Rev. Doctor Harding and the membership of this historic Church, I must extend my deepest thanks and most grateful appreciation for their presence on this occasion.

I also wish to thank with like appreciation, Baron and Mrs. Ross Porter Skillern for the gracious courtesies accorded myself and my traveling companion, Mr. Gilbert Dehnel of Washington, D.C. as guests in their charming home. Also, my thanks to others.

Then, I wish to give assurance of my most grateful acknowledgment for the outstanding honor that was voted to me by the Baronial Order last fall, and now awarded.

When I recall that men of such eminence as Generals MacArthur and Bradley; Chief Justice Bell, and certain outstanding members of the Baronial Order have been recipients of this Award, I am indeed, humbly grateful that I am now thus honored.

I know of no region more historic than that of Philadelphia, and its environs. Independence Hall and the Liberty Bell have their significance and memories.

Great appreciation is due the Welsh and Swedes, as well as the English, Scotch and others. William Penn and his Quakers structured a lasting monument. Here Benjamin Franklin grew into the vast proportions of a practical idealist, statesman, scientist, and successful civic and Revolutionary leader.

This Commonwealth itself is a beautiful domain. Its great rivers, its mountains and valleys—together with its farming areas—present an unexcelled panorama of beauty. Valley Forge and Gettysburg—and the Gettysburg Address—speak for themselves.

Its historic worth is beyond all measurement.

Besides the Commonwealth of Pennsylvania there are three other Commonwealths in our American Union, namely, Massachusetts, Virginia and Kentucky.

My own Commonwealth of Kentucky—with the aid of Daniel Boone, himself a native of Pennsylvania, led the effort for the early settlement of Kentucky; and in time's course, there were born in Kentucky, the respective leaders of the North and South in the Civil War era, Lincoln and Davis.

During my service in the Congress as Representative of the Louisville and Jefferson County, Kentucky District (1923–33), I had pleasant relationships, on both sides of the aisle, with Pennsylvania members of the House. I make special reference to Doctor Henry W. Temple of the Washington District, J. Banks Kurtz, of the Altoona District, and Thomas Butler of West Chester.

Dr. Temple, as a member of the House Foreign Affairs Committee, and on special National Park assignments, occupied posts where he was able to serve my efforts—and did serve them—to obtain enactment of Bills I sponsored. They were important measures, and became laws—such as the Acts creating the National Cave Mammoth Park in Kentucky, and the Gorgas Memorial Laboratory in the City of Panama, an institution dedicated to research touching the cause and prevention of tropical diseases, both human and veterinary.

The Laboratory, starting with an annual authorization of $50,000, now has an annual budget of a million dollars; and Congress also has authorized and appropriated several millions for expansion of the Laboratory activities, made necessary by the great functions it has been called upon to serve.

Indeed, its achievements have been of such character as to make of it the outstanding institution of its kind in all the world. Panama is an ideal spot for such activity.

For more than 40 years, I served as the Vice President and General Counsel of the parent institute; and am yet filling the post of General Counsel; and am now the Honorary Life President of the Institute. All these services, I may say, have been rendered without compensation.

Some of you will recall that I was a Member of the Isthmian Canal Commission under appointment of President Taft, in April 1910. I served until August 1913—all during the construction era.

My identification with the great enterprise throughout my tenure was also that of Civil Governor of the Canal Zone. Colonel William C. Gorgas of Yellow Fever fame, was also a Member of the Commission; and we had our official headquarters in the same building.

I was charged with certain duties which supported him in his important health and sanitary work; and it has given me great pleasure, in and out of Congress, in the years that followed, to have the opportunity to further provide for expansion of tropical research:

The Republic of Panama ceded to our Institute, for the purposes of a laboratory, important lands and buildings in the City of Panama, and we have erected additional structures with Congressional funds.

On an occasion of this character, it is expected, I believe, that the Awardee should submit some remarks dealing with matters of current concern.

This is the Age of Violence. Never in human history has there been such brutal conduct by people in the world, as is now taking place.

Under science the miracle of today becomes the commonplace of tomorrow.

The great achievements of science have been, in large measure, utilized by evilminded individuals for the most wicked deeds which mankind has ever conceived.

Communism—the deadliest of evils, is busy as never before. We must wisely deal with these conditions, else they will destroy us. For this reason I speak of them.

Assassinations, murders, thefts, robberies, holding for ransom, hijacking, guerrilla monstrosities; slaying by wholesale of the innocent and defenseless, and degeneracies, have become the order of the day. No depraved or cruel act is missing.

The news media, in every category, in large measure, are being prostituted; and the old Commandments, containing the essence of life experience; and the noble instructions of the Sermon on the Mount, are being discarded in the world-at-large, and held in contempt.

We canonize our criminals. They get the publicity, the sympathy, and the eulogies, and the acquittals. Our virtues are kept under the bushel, and fail in inspirational value. The red-carpet treatment has all too often been accorded by naive courts, juries, and others charged with the responsibilities affecting the social structure. Shrewd, bold, conscienceless members of my own profession, often go beyond all decent bounds, and defy the courts, and enable the worst criminals to escape the whips of justice, and repeat their offenses.

The TV and radio, and other media with certain exceptions, which so often have instructed and inspired, and with so much potential for good, have all too oft become sewers of filth and degeneracy. In large measure, the children are neglected, and left to establish their own associations and considerations—with the inevitable results.

No further enumeration is required. However, we cannot ignore what is so patent; such things bring disaster. I am a firm believer in the divine mission of Man; but I can have, of course, no conception as to the time he must live and struggle before he scales the peaks of lasting good. He has come far, but yet has far to go. Meantime, we must may seem to be.

Also, it is fortunate that most of our humankind are optimists, rather than pessimists. They are moved by the consideration that the glass is half-full, rather than half empty. Only virtue makes for lasting peace and happiness. War is monstrous, yet, it has always obtained. Thus, the race muddles on.

In our own country, we stand in greatei need of what we call conscience. Order is Heaven's first law; the Universe, with the infinity of celestial bodies, is regulated by law and maintained in order. The human creature on our own planet—as well as those which may inhabit any like orbs—is endowed with the faculty of reason; with faith, that is to say, reasoned hope; with the belief of the pure in heart that the soul shall have immortal being.

"Hats off to the past, and coats off to the future," must yet be the homely slogan.

I believe that mirth and music are material gifts from Heaven to Man, in compensation for the tragedies of life. Good thought and conduct constitute good morals. Evil is the exact opposite. If we transgress, we are punished, in one way or another.

All the qualities of humanity that are possessed of hope, faith, courage, diligence, reason, love of home and country, vision and noble ideals, must be exercised as indispensable labors in humanity's forward march. Apropos, the spirit of reverence and the Church must perform their necessary roles.

These observations are indeed trite. The multiplication table is trite, but reliance on the mathematics of Newton took the Astronauts to the moon, and thru the voids of space.

Our Baronial Order—whose members are decendants of sureties of A.D. 1215, has great opportunity for noble and patriotic service. It has also great responsibility, and, I believe, is meeting its obligations with fine dispatch.

The Magna Charta is a lengthy instrument of 61 articles. On June 12, 1215, it was adopted to hold in restraint, a cruel, despotic King John of England. Twenty-five sureties were named from the roster of Barons, to require the arbitrary King to pay allegiance to the Great Charter, which relates to benefits and property and other rights to the Barons, as well as the people in general.

Under the benefits conferred by Magna Charta, England, and the course of civil and religious liberty made lasting progress.

The next great document of liberty was the Mayflower Compact, adopted in November 1620 by the Pilgrims in Cape Cod Harbor. It was brief, but of essential character. It provided, in simple words, a comprehensive, organic and formal instrument enabling the establishment of Plimoth Plantation—on the Plymouth Rock site, binding equally on all; and assuring total equality, and to make all needed laws. Under it, the Pilgrims lived and prospered, with complete civil and religious liberty.

This modest compact proved to be the acorn which rooted and grew to the great oak of our Constitutional government, which we must uphold and sustain.

In conclusion, let me say, as did Tiny Tim in the immortal Christmas Story of Dickens, "Lord bless us all, each and everyone!"

CIA SMUGGLES OPIUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am releasing today substantial new evidence that indicates U.S. pilots flying CIA operated helicopters have been smuggling opium inside Laos.

What this new evidence indicates is that U.S. pilots using U.S.-owned planes are illegally smuggling opium in Laos, some of which has almost certainly been sold to U.S. GI's in Southeast Asia and some of which has almost certainly been smuggled into illicit U.S. drug markets.

I am releasing today a letter which I have received from Alfred McCoy, author of a forthcoming book on heroin traffic in Southeast Asia, which details the allegation of United States and CIA complicity in drug traffic. If these allegations are true, then the CIA is implicated in fostering the drug traffic that ruins the lives of tens of thousands of Americans.

According to the information Mr. McCoy has given me, a Laotian district chief and other officials have told him that American helicopters flew Meo officers into Laotian villages where they purchased opium. The opium was also transported out by American pilots and planes to Long Tieng, the CIA headquarters in Northern Laos where it was allegedly refined into morphine and eventually heroin.

The Meo tribesmen, as many of my colleagues know, had been recruited by the CIA and form a mercenary army which fights the Pathet Lao Communist guerrillas. For the Meo, opium is considered an important cash crop.

Mr. Speaker, I have asked CIA Director Richard Helms to thoroughly investigate Mr. McCoy's allegations. Since Mr. McCoy obtained his information late last summer it is imperative to determine whether this kind of drug trafficking is still going on. A principal, unanswered question which the CIA must resolve is "At what level in the CIA were officials aware of this illicit drug traffic?"

It is also becoming increasingly clear, Mr. Speaker, that the Nixon administration is covering up and contradicting itself about the importance of heroin traffic in Southeast Asia. After Mr. McCoy testified before a Senate committee last month the State Department termed his charges about the involvement of Government officials in Southeast Asia as "unsubstantiated." However, the U.S. Army Provost Marshal reported in 1971 that high ranking members of the South Vietnamese Government were in the top "zone" of the four-tiered heroin traffic pyramid.

Mr. McCoy, quite rightly, also disputes the State Department's claim that "Southeast Asia is not a major source of heroin on our market." This statement by the State Department directly contradicts a General Accounting Office report which states that:

> The Far East is the second principal source of heroin entering the U.S.

Mr. Speaker, it is imperative to determine whether the CIA is still involved in opium traffic and who was responsible for the alleged involvement of the CIA with the opium growers of Laos.

My letter to Mr. Helms follows:

House of Representatives,
Washington, D.C., June 27, 1972.

Mr. Richard Helms,
Director, Central Intelligence Agency,
Washington, D.C.

Dear Mr. Helms: I am publicly releasing today substantial new evidence that indicates that U.S. pilots flying CIA-operated helicopters have been smuggling opium inside Laos. These allegations are contained in a letter and additional information that I have received from Mr. Alfred McCoy, author of a forthcoming book on heroin traffic in Southeast Asia. If these allegations are true, then the CIA is implicated in fostering the drug traffic that ruins the lives of tens of thousands of Americans.

I am writing to you today to request that you thoroughly investigate Mr. McCoy's allegations. Since Mr. McCoy obtained his information last summer, it is imperative to determine whether this kind of drug trafficking is still going on. A principal unanswered question which the CIA must resolve is: "At what level in the CIA were officials aware of this illicit drug traffic?".

I hope that you will report to me in full the results of your investigation.

Thank you for your cooperation.

Sincerely,

Les Aspin,
Member of Congress.

ROONEY REQUESTS HALF BILLION FOR RELIEF OF FLOOD RAVAGED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, in the wake of probably the most destructive flood in America's history I have today announced that I will request an additional half billion dollars in Federal funds for relief in the five States which have been declared disaster areas by President Nixon.

The $92.5 million now available to the States in the President's disaster relief fund will not begin to compensate the losses suffered by the five States. If Pennsylvania were to receive the entire $92.5 million it would cover only about 10 percent of the cost of putting the State back together.

I have introduced legislation to provide relief funds in the amount of one-half billion dollars to the States which have been declared disaster areas by the President. This money would be disbursed by the Office of Emergency Preparedness whose primary function is the administration of the President's disaster relief fund. In past crises involving disaster areas in several States OEP has apportioned financial aid to the States according to the amount of damage sustained in the respective States. This is the only fair and realistic method of tackling the massive cleanup job ahead.

Pennsylvania, hardest hit by the flooding by a wide margin, would receive the lion's share of the supplemental appropriation, and Florida, having the least amount of damage of the five States, would receive the smallest portion. The remaining money would be distributed by OEP to Virginia, Maryland, and New York.

Other Members and I of the Pennsylvania delegation will meet with Governor Shapp today to discuss the crippling effects of the flood.

I hope to explore all avenues of Federal assistance with the Governor and arrive at some concrete goals with regard to the needs of the stricken Pennsylvania communities.

BEEF PRODUCERS GET SHORT END OF STICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Skubitz) is recognized for 10 minutes.

Mr. SKUBITZ. Mr. Speaker, in my opinion the action the President took on Monday of this week in lifting completely all restrictions on the imports of foreign-produced meats may be the lesser of two evils. It will not accomplish the effects desired. Indeed the President himself warned that it may be many months before prices will be affected in this country.

Meat prices, and particularly beef prices, have been the subject of controversy and sharp debate for some months. The record shows that beef prices at the slaughter level are today about the same as they were 20 years ago. Of what other foodstuff may the same be said?

Of course, beef prices at retail have been up and remain high. We have shown that unlike the slaughter price, today's retail beef prices are from 40 to 100 percent higher than they were 20 years ago. It is, therefore, fairly obvious that the spread margin goes to the wholesaler and retailer and not to the beef grower.

I have opposed increasing meat import quotas and my position on this point has not altered. However, I am well aware of the dilemma in which the administration finds itself—it seems to feel that lifting the meat quota is more acceptable than clapping price controls on all raw agricultural products, including meat. Remembering the effect of price controls on meat some years ago, I shudder at such a prospect. Obviously, increasing meat imports is the lesser of two evils.

In my judgment, price controls on farm products will not materially affect or halt increases in food prices. The problem is not at the farm. Prices at the farm level for raw agricultural products are not greatly different than they were 20 years ago, as the case of beef. In the interim, labor costs on the farm have risen steeply and all other costs of farm production from machinery to pitchforks have jumped from 50 to 15 percent.

Price controls on raw agricultural products would bring about a freeze but the ultimate result must be sharp shortages in all foodstuff supplies. The farmer simply cannot be expected to accept being made the sacrificial goat.

INDEPENDENCE DAY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Independence Day, July 4, is the most meaningful day in American history. The countless celebrations and parades are mere demonstrations of the affection and dedication the American people feel for their country. Perhaps an even more accurate measure of the Nation's pride in its history and traditions may be found in our literature. The beautiful art of poetry is often used as a vehicle to express one's loyalty and devotion to all of the good things America has stood for over the years. Recently, two short poems were presented to me by Dr. Frances Clark Handler, who is the national director of the National Poetry Day Committee, Inc., and the Florida State Poetry Society, Inc. These poems express very ably the sentiments of millions of Americans, and I commend them to my colleagues:

Glory-Glory

(By Dr. Frances Clark Handler (1969))

There flies the FLAG
Of this Freedom-land!
Here comes the marchers
Beating the band.
Skip a heart-beat thrill
Start stamping your feet
For a glorious FLAG
Never downed in defeat!
Hum all the tunes as . . . .
They pass in review . . . . .
Carrying OUR FLAG
With the red-white and blue.
Nothing compares with this
Wonderful thrill . . . .
At the sight of our Banner
As our eyes tear-fill!

Fourth of July

(By Dr. Frances Clark Handler (1967))

Can anyone see the Flag go by
Without a tear come to the eye
Tears for the many young and brave
Tears for lives they willingly gave
Never questioning duty right
For ideals we all must fight
So . . . our American Flag . . . . be
Symbol . . . . of . . . . our . . . . Democracy!

TRAVEL INDUSTRY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, having the honor as well as the good fortune to represent the congressional district which includes as one of its key areas, the city of Miami Beach, America's best known travel resort, I have a deep awareness of the benefits the travel industry creates for this country, both as a growth industry and as an instrument through which Americans traveling in the United States are made more aware of their own heritage, and as a means by which visitors from other nations in increasing numbers are learning more about our country.

I am pleased that the platform committee of the 1972 Democratic National Convention extended an invitation to the Miami Beach Tourist Development Authority, an official government agency of the city of Miami Beach, to appear before it at its meeting held on June 9 in Atlanta, Ga., for the purpose of properly urging that the 1972 Democratic Party platform include a statement emphasizing the importance of both national and international travel in and to the United States, and that the platform also contain a commitment to broaden the scope and responsibility of the U.S. Travel Service in this regard.

The statement made by the Tourist Development Authority before the platform committee most clearly and admirably illustrates why the promotion of travel, and especially foreign travel to the United States from abroad, should receive the attention of the Congress, and I include this statement in the Congressional Record at this time:

Statement of Jack D. Gordon, Chairman, Miami Beach Tourist Development Authority

The Miami Beach Tourist Development Authority is the official agency of the City of Miami Beach for the promotion of tourism. The Authority's activities are supported by the revenues provided by a 2% Resort Tax applying to the purchase of lodgings, food and beverages within the city limits of Miami Beach as authorized by the legislature of the State of Florida. Under the terms of the city ordinance establishing the Tourist Development Authority, and by virtue of the Enabling Act passed by the 1967 session of the Florida Legislature, the sole purpose of the Tourist Development Authority is the promotion and enhancement of tourism in and to the City of Miami Beach.

The Tourist Development Authority of the City of Miami Beach wishes to thank the Platform Committee of the 1972 Democratic National Convention for the opportuntiy of making this statement relative to the importance of the emphasis it believes tourism to the United States from foreign countries should receive in the 1972 Democratic Platform. For your consideration in this regard, we respectfully submit the following:

1. The movement of U.S. citizens overseas as visitors to foreign countries is increasing rather than diminishing, despite a series of governmental efforts to induce American citizens to spend vacations in the U.S.A. The campaign urging Americans to vacation in the U.S. had its origin in the Federal government's obvious desire to avoid adding to the balance of payments deficit. It has now become evident that the only way in which travel and tourism as an industry can be helpful in this regard is to atract more and more foreign nationals to become visitors to the United States. It is estimated that the net outflow of dollars due to foreign travel by Americans approximates $5.5 billion. The inflow from foreign visitors to America is only $2.9 billion.

2. The Federal government agency responsible for overseas tourism to the United

States, which includes cooperation and coordination with state and local tourist promotion agencies and groups, is the United States Travel Service. U.S.T.S. operates under the aegis of the United States Department of Commerce, and its director has the title of Assistant Secretary of Commerce. The history of the United States Travel Service is one of broad concepts and well-intentioned programs, both of which have consistently fallen victim to severe under-funding in the Federal budget. This has come about not because any echelon of the Federal government has denigrated the importance of bringing increasing numbers of foreign nationals to the United States, but rather because other priorities have been set by the Federal government in the past decade.

3. Local and state agencies and groups involved in the promotion of tourism are usually themselves the victim of under-funding, and are generally ill-equipped to undertake any independent effort in areas outside of the United States and Canada to promote tourism to their cities and states. The result has been that the build-up of overseas tourism to the United States has suffered from a lack of coordination and direction at the Federal level, due in the main to under-funding, and a generally feeble effort at local and state levels due to a combination of under-funding and a lack of knowledge and personnel.

4. The Tourist Development Authority of the City of Miami Beach, recognizing the need to attract overseas visitors, has used its funds to open an office for the promotion of tourism to Miami Beach and to Florida, in London, England. This office is still new and in the process of becoming established as an effective instrument, but during its brief life, the Tourist Development Authority has been impressed both by the willingness of U.S.T.S. to assist, and the high caliber of the limited assistance it has been able to provide. In addition to cooperating with the Tourist Development Authority in the promotion of travel from the United Kingdom and from Europe, U.S.T.S. has engaged in cooperative promotion with the Miami Beach Tourist Development Authority in Canada, and has evinced a desire to undertake a cooperative Latin American promotion.

5. The effective promotion of overseas tourism to all areas of the United States depends upon a broad understanding of the needs and desires of visitors coming to this country from overseas, and the ability to create and carry out group travel, promotion, and arrangements in conjunction with carriers and destinations. To do these things effectively requires a major commitment at the Federal level to develop increased knowledge and capability for the attraction and handling of overseas visitors within the United States, and for the undertaking of effective group travel promotions and arrangements from abroad.

6. It should be significant to the Federal government to understand that all of the combined budgets of the United States Travel Service and of state and local promotional agencies are significantly out-spent by competitive overseas destinations, the promotion of all of which are either direct government expenditures or government subsidized expenditures. These competitive overseas destinations appears to be out-spending the United States, purely on the basis of actual government expenditures, in the ratio of 20 to 1. U.S. tourism, therefore, finds itself in the position of being a major industry and one which can be of significant benefit in reducing the balance of payments deficit through attracting overseas visitors to the United States, especially from the viewpoint of a benefit-to-cost ratio insofar as promotional expenditures versus dollar return are concerned, while at the same time it is an industry faced with major government-subsidized competition from abroad. It is also an industry for which there is no help to be found in tariffs or quotas, but which is dependent on the Federal level upon the funds allocated for the activities of the United States Travel Service.

7. Beyond the need to attract overseas visitors to the United States purely from the point of view of dollar earnings, there is probably no more significant activity to be undertaken in terms of building good will and understanding of this country among citizens of other nations, than through the purposeful increase in travel to the United States by citizens of other nations. This includes all categories of travel—holiday travel, trade groups, professional and study groups, students, etc. This means that every dollar devoted by the Federal government for the promotion of tourism cannot only be justified by the dollar results it will achieve; it can be justified to even a greater extent on the basis of the very evident need for building up increased understanding and good will on the part of citizens of foreign countries for the United States.

The Tourist Development Authority of the City of Miami Beach, therefore, respectfully urges that the Platform Committee of the 1972 Democratic National Convention favorably consider in the 1972 Platform of the Democratic Party a strong commitment to expand the scope of the responsibility and activity of the United States Travel Service, including the capability of promoting domestic travel and resort areas within the United States to citizens of the United States as a means of providing reinforced domestic competition to overseas destinations, and to provide the requisite Federal funds to accomplish this. We firmly believe that this is not only called for because of the reasons cited above, but that the investment of funds is exceedingly well-justified by the excellent record of accomplishment of this agency of the Federal government, which has been achieved despite a consistent lack of adequate appropriations.

The Tourist Development Authority of the City of Miami Beach expresses its appreciation to the Platform Committee for the opportunity of making this statement, which it hopes will receive favorable consideration by the Committee in its formulation of the 1972 Platform.

THE MEAT IMPORT ACTION IS A STRIKEOUT

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, when the mighty Casey came to bat all Mudville said, "Hurrah!" and when Casey struck out there were only tears and muttering in Mudville.

And it is like that on yesterday's Executive order to lift meat import quotas. Consumers are supposed to hurrah because they are told beef will get cheaper.

If that is what is supposed to happen because of the Executive order suspending import quotas, someone just struck out because housewives making their meat purchases for their families are not helped in any way by this maneuver affecting import quotas for beef and mutton.

First, much of the imported meat comes from dirty plants in the various 40 countries that ship meat to the United States. Second, the quota of beef is almost all boned out meat that is not cheap. It goes into hamburger or hot dogs or stew or sausage meats and wholesales at about 70 cents a pound. At retail meat counters it costs about 85 cents a pound as hamburger. There are virtually no steaks, roasts or other cuts in the import package.

As to the dirty part of it, the General Accounting Office study in 1971 of 80 meatpacking plants in four different countries was a documentary describing in detail the actual shortcomings and sloppy contamination of meat in a large number of the foreign plants inspected. By accepting meat from almost 1,000 foreign plants licensed to sell in the United States we sacrifice wholesomeness and as a result we are getting meat products from plants which do not meet the high standards required by our law.

In Australia, out of 30 plants inspected by the General Accounting Office, 10 had to be delisted; that is, their license to sell meat in the United States was canceled, because they were dirty plants and the meat produced was unsanitary.

Had all of the nearly 1,000 foreign plants licensed to sell here been inspected by the General Accounting Office we would have probably cut the list substantially. There is every indication from the GAO report on those plants they did inspect that all foreign licensed plants should be promptly reviewed to ascertain how many of them are actually meeting our standards.

Our total imports of beef last year under quota were about 1.2 billion pounds. It is likely most Americans ate some of this beef, mostly without being aware of it as the imports are mixed in with domestically produced beef. Our inspection of imported meat here in this country is done on a random selection basis devised by statisticians. Less than 1 percent of the imported meat in a shipment is actually inspected. Even that amount is inspected under a system prescribed by the Department of Agriculture which permits the acceptance of a certain amount of dirt, blood clots, cysts, manure, hair, or several other objectionable features which departmental jargon records simply as defects. Their theory is that a little bit of any of these defects mixed in with a lot of meat is nonharmful.

I am sure housewives, and for that matter their husbands and all the rest of the family would find it quite unappetizing to be told that the hamburger or hot dogs they are eating could be made from meat products which, while statistically acceptable to the Department of Agriculture, contain many instances of the above unwholesome defects.

I have known of the shortcomings of the inspection of imported meats for some time and have drawn the attention of the House to the needs for reform of the inspection procedures as they affect imported meat. The Department of Agriculture is not entirely aloof to these suggestions. It made plans for some changes last year and I am told as a result of the General Accounting Office report that they have made some other changes to make their inspection of foreign plants more effective.

However, they are way behind in adopting all of the needed reforms. There should be complete inspection in the United States of all of the frozen meat that is slaughtered 4 to 8 weeks prior to the time it arrives in this country. It should be thawed out and inspected piece by piece before it is ground into hamburger or put into weiners where it is impossible to ascertain whether it was completely sanitary, wholesome or fresh.

It is next to impossible to determine if the meat had any blood clots or cysts, or was mixed in with manure, dirt, hair, or any of the objectional defects for which our meat inspectors routinely examine, after it is ground up or flaked.

By increasing quotas for meat imports we are encouraging greater shipments of meats from foreign plants to this country and these will very likely be a scraping of the bottom of the barrel concerning the quality and wholesomeness of the additional meat that our offshore suppliers will attempt to stir into the trade channels of this country. There will be pressure to find new sources of meat from additional unqualified plants in the countries we are already dealing with, and to encourage other countries, notably the small have-not nations, such as many in Latin America, that have not been selling us meat in any quantity, to step up their shipments to us. We are already burdened with the system of faulty inspections, incomplete examination of imported meats for wholesomeness and a sort of diplomatic immunity to foreign meat packing plants which undermine our high domestic standards on meat sanitation. The General Accounting Office report attests to all that. Now we are going to have them scraping the packinghouse floors for more meat to let in.

So that is why I say someone instrumental in drafting the Executive order has struck out. Strike one is that it will not mean consumer bargains. Manufacturers or processors and hamburger chains get most of it, and the price is at our U.S. price levels. Strike two is that if the supply is increased in appreciable quantity, we will further aggravate the situation as to wholesomeness and unsanitary meat. The deeper we go in scraping the bottom of the world barrel of meats the worse condition we are going to find the meat scraps in. It is already bad enough now and reform is desperately needed on our inspection system of imported meats.

Strike three is that the ineffectiveness and the dangers of this ploy to appear as a friend of the consumer will soon become as apparent as the absence, when this Executive order was being floated, of the Secretary of Agriculture who promised farmers he would fight all moves to put a ceiling on livestock prices "like a wounded steer."

And it was after Casey's strike three that all Mudville knew the ball game was over and we had lost.

CARL RICH: A LOYAL SERVANT, A BELOVED FRIEND

(Mr. CLANCY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLANCY. Mr. Speaker, members of this body who knew him mourn the passing of Carl W. Rich, a lifelong resident and public servant of Cincinnati.

Carl died unexpectedly Monday in the city which had been his home since birth, September 12, 1898. It was there that he became a favorite alumnus of Walnut Hills High School. It was there that he obtained three degrees, including an honorary L.L.D., from the University of Cincinnati.

He was later an instructor on the university's faculty and then he served his city and Hamilton County as assistant city solicitor, assistant prosecutor, prosecuting attorney, city councilman, mayor, and common pleas court judge. He was elected by his townsmen in 1962 to the 88th U.S. Congress where he served until 1965.

Carl Rich was president and chairman of the board of the Cincinnati Royals Professional Basketball Team. Many people referred to him, because of his many civic endeavors, as Mr. Cincinnati. It was a most appropriate title.

In addition to being a Member of Congress, Carl served his country on two other occasions. He entered the Army as a private in World War I and was separated as a second lieutenant. The year following Pearl Harbor, he resumed Army duty as a lieutenant in the infantry reserve and served with the Chemical Warfare Division. He came out 3 years later with the rank of lieutenant colonel.

There were few, if any, civic organizations in Cincinnati that Carl was not a member of, or had not served in some official capacity. He received the national distinguished service award of Tau Kappa Alpha, a forensic honor group, in 1961, and was a 33d degree Mason and Shriner. He was a member of the Hyde Park Community Methodist Church.

Cincinnati lost a valued citizen and servant in Carl Rich's passing. And, I lost a very personal friend. Carl Rich was one of the finest people I ever met. I was indebted to his guidance and counsel through the years. It is with deepest sympathy that I extend condolences to his family. He was a dear friend.

TEMPORARY REMOVAL OF MEAT IMPORTS A STEP IN RIGHT DIRECTION; COMPLETE REPEAL OF MEAT IMPORT QUOTA LAW STILL NEEDED

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, the decision announced by the President yesterday to suspend meat import restrictions during the rest of this year is a step in the right direction. But if the long-range food needs of this Nation are to be met, if meat is to be available on the American dinner table at stable prices, then complete repeal of the Meat Import Quota Act of 1964 is imperative.

While suspension of import restrictions for the rest of the year will let some extra supplies in and will help to hold price speculation, it is unrealistic to expect the exporting countries to disrupt their traditional marketing patterns for a 6-month gain. Only repeal of the Meat Import Quota Act will assure these Nations that the American market is worthwhile. They will then be able to plan their herd developments so as to begin to meet the continuing long-range needs of the American shopper.

Some 50 Members of the House have sponsored legislation which I have introduced which would repeal the meat import quota law. The President has admitted that it is an anticonsumer piece of legislation. Now is the time to repeal this law—once and for all.

During the coming weeks, I will be seeking additional cosponsors to this repeal legislation. I hope that all the Members of this body will support this effort to bring greater price stability to the American marketplace.

MONTAN WAX

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, for many years it has been my belief that many inequities exist in the trade relations among nations and firms within those nations. One of these inequities has been brought to my attention on numerous occasions. This inequity may appear to be insignificant when weighed against the massive importance attributed to many larger issues of international trade. This issue deals with one item, montan wax, within the tariff schedules of the United States. It is my belief that an inequity in international production costs of montan wax could be remedied by the following bill, which is offered for that purpose.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That item 494.20 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "Free" in column 2 thereof and inserting in lieu thereof "100% ad val.".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after date of the enactment of this Act.

The effect of this bill would be to stimulate production of montan wax in the United States. This stimulation of production would occur by enhancing the competitiveness of American firms with respect to the firms of column 2 nations. These nations have consistently been able to undersell American firms due to lower costs of production. Consequently the production capabilities of montan wax in the United States have been inhibited. This bill should be considered for the following reasons:

First. It is in the best interests of the United States to enhance her internal montan wax productivity. Montan, bareco, and carnauba hard waxes are used in the production of carbon paper. Carbon paper, though perhaps not essential to our national security, is nonetheless of moderate importance in the running of our Government as well as most businesses. I will not overemphasize this importance; however, each of you may look at the uses your respective offices make of carbon paper to determine its relative importance.

Second, montan wax, being one of the three hard waxes which go into the manufacture of carbon paper, is produced, for the purposes of U.S. consumption, in the United States and East Germany. We annually consume approximately 8 million pounds of this wax per year in the production of carbon paper. We have the internal capability of meeting this demand but our primary producers of these hard waxes are unable to produce at anywhere near their full capability due to their inability to compete with the lower production costs and therefore prices of East Germany wax.

Third. By putting a 100-percent ad valorem on East Germany produced wax we will raise their costs of supplying montan wax so as to stimulate our internal production of this wax. It has been said that this will only cause East Germany to export their unrefined wax to West Germany who will, in turn, upon refining the wax, export it to the United States under the auspices of their favored nation status. This would have a twofold impact. First of all, very generally, it would aid in stimulating trade between West Germany and East Germany which is, in my estimation, in our best interest. Second, it would add a step in the production cycle of montan wax produced in Germany which, in turn, would cause their production costs to rise. This rise in German production costs would, in turn, enhance the competitive propensity of our Nation's producers of hard waxes, particularly montan wax.

In sum, Mr. Speaker, this bill would promote our internal productivity of montan wax. It might also very well, as I have pointed out, serve to stimulate a facet of trade and hence cooperation between East and West Germany.

A NEW MONETARY CRISIS

(Mr. GONZALEZ asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, last Friday, Britain floated the pound, and thus became the first major country to break the Smithsonian Agreement on exchange rates. The immediate cause of the action was speculation against the pound, but the result of the action was consternation in the major capitals of the world. Germany and France, and all the other members of the Common Market, were faced with a problem of what to do with their own exchange rates—hold them or set them free—and what to do in case of a speculative run against the dollar—which is almost certain to come. Indeed, the German Central Bank had to absorb almost a billion dollars in the last hour of trading on Friday. Currency exchanges are closed today, but when they reopen tomorrow the surge of speculation will begin with new fervor.

Chances are that Germany and France, and other nations as well, will try to stanch the flow of dollars by imposing exchange restrictions. They may also elect to float their currencies.

Whatever may happen, one thing is clear: Only 6 months after the Smithsonian Agreement, the world is in the midst of its third major currency crisis in less than a year.

There is no sign of real progress toward the monetary reforms that would end these crises; there is no real agreement on even what should be negotiated in reform discussions.

There are signs of emerging trading blocs, which would trade heavily among themselves, but restrict trade between the blocs. Europe would be one such bloc, the United States and a few other countries another; and Japan and other countries the third. This would create a difficult world for all of us, and might signal the end of any hopes for a truly liberalized world trade policy—a policy which in recent years has brought unprecedented growth and prosperity to the nations of the world.

I believe it is urgent for monetary reform to take place at an early date. There is no assurance now that any further devaluation of the dollar can be avoided; there is no assurance now that the world will not break itself up into gigantic trading blocs; there is no assurance now that the world can avoid competitive devaluations and all the economic chaos that this could bring about.

I want my colleagues to be aware of the issues, and aware of what is at stake. With that in mind, last Thursday my Subcommittee on International Finance subject of monetary reforms. I think that you will find instructive the statements submitted by our distinguished witnesses—only hours before the onset of the present crisis.

I will continue to inform the House of matters in the subcommittee's jurisdiction which are of concern to us all; I hope that our efforts thus far will prove as enlightening to my colleagues as it has to me.

Mr. Speaker, I make a part of the Record at this point the statements made by myself, Under Secretary of the Treasury Volcker, and Mr. Lawrence Krause at our hearings last Thursday:

Opening Statement of U.S. Representative Henry B. Gonzalez, at Subcommittee's Hearing on International Monetary Reform Thursday, June 22, 1972

I am going to ask your indulgence for a few prefatory remarks.

Exactly one year and three weeks ago I suggested the type of hearing for this subcommittee we have called for today. You will recall that at that time our country and Europe were still reacting to the May 1971 crisis. After some consideration, the leadership and I agreed to suggest that the Joint Economic Committee delve into the subject matter, and this it did. However, I still believed this subcommittee, unlike the Joint Economic Subcommittee, be a legislative body, had an inescapable responsibility.

Yet, I felt the more pressing duty was to expedite, the substantive legislation having to do with the International Financial Institution, Inter Development Bank, Asian Development Bank, and International Development Association, even though there again some pressure was felt to temporize and let the Senate act first. All during the while, I must say I still felt this subcommittee should have had the type of groundwork hearings we commence today.

But the recess in August, the Presidential Pronouncements that same month, Phase II, and so forth intervened.

I am happy we finally begin today.

Ten months ago the President announced his new economic policy in response to growing economic problems here at home and abroad. In its international aspects, the program aimed at an immediate devaluation of the dollar and reform of the international monetary system. The devaluation was intended to make U.S. products more competitive in the world markets, and reorganization of the world monetary system was designed to achieve reforms and changes in world trading arrangements.

The new economic policy launched the nation on a new course, but our destination seems unknown, or at best obscure.

Today, the dollar has been devalued, but no one is really certain that another devaluation can be avoided, as speculators continue to make runs on various markets, and governments abroad have been forced time and again to intervene in order to keep the dollar from plunging below the floor set at the Smithsonian meeting just last December.

There has not been much visible progress toward reforming world trading arrangements, though negotiations seem to be underway constantly.

Finally, we have yet to define the objectives we are seeking in a reformed monetary system.

All of this has caused some anxiety; even the chairman of the Federal Reserve Board has felt impelled to set out his ideas for a revised monetary system, and call for action at an early date.

There are many unanswered questions: Will the United States want a flexible or fixed exchange system? Will we ever reopen the gold window? Will we insist that the role of SDR's widen, or will we call for creation of a wholly new international asset against which to peg currencies? Do we want a dollar standard, or will we settle for a Eurocurrency system of some kind?

I believe that by now the United States should have at least outlined its objectives for a revitalized international monetary system. We should have by now been able to define what we hope to achieve, and what steps we have taken or propose to take toward our objective. I do not believe that we can continue this uncertainty forever without causing considerable damage to ourselves and to the rest of the world; without some kind of progress there seems to me to be a danger that not only ourselves but the rest of the world might be unable to sustain growth and prosperity—and in our case, to fully restore our economic well-being.

The purpose of our hearing today is to hear a distinguished expert tell us what he believes ought to be happening in the area of reform, and a distinguished Treasury representative tell us what is taking place. At a later time I would like to have additional sessions to consider some additional proposals and continue to explore what our alternatives may be. I would like to continue hearing from academic experts, and of course from such government agencies as the Federal Reserve Board, which has direct responsibility for implementing a good part of any new monetary policy this nation adopts.

Our first witness is Lawrence B. Krause, senior fellow at the Brookings Institution. Mr. Krause was a senior staff member of the Council of Economic Advisers from 1967–69; he is presently a lecturer at the Johns Hopkins University School for Advanced International Studies, in addition to his Brookings fellowship. Mr. Krause is author of a number of important studies, and most recently "Sequel to Bretton Woods," a Brookings paper which traces the postwar monetary development, and outlines a course for reform of the Bretton Woods institutions.

Mr. Krause.

Our next witness is the Honorable Paul Volcker, Undersecretary of the Treasury for Monetary Affairs. Mr. Volcker is a man of wide knowledge and experience, and bears great responsibility for managing our monetary policies in these difficult times. During the various crises of the past year or two, he has done a considerable amount of traveling and negotiating, and may be nearly as well traveled as Henry Kissinger.

Mr. Volcker, welcome.

The International Monetary Situation: 6 Months After the Smithsonian Agreement

(By Lawrence B. Krause)[1]

It is a great pleasure for me to be able to accept your invitation to appear before this Committee. I commend the Committee for maintaining interest in what may appear to be an esoteric subject, particularly in this election year. The subject is technical and difficult, but also of substantial importance for the well-being of the United States.

A phase of the international monetary crisis was settled on December 18, 1971 when the major industrial countries at the Smithsonian agreed to realign their exchange rates. The new pattern of exchange rates is quite sensible; remembering, of course, that no structure of exchange rate parities can remain fixed for very long in a world in which countries have the right to determine their own economic policies. But it is clear that the agreement did not settle all of the problems bedeviling the international monetary system. The Bretton Woods arrangements need some fundamental changes. This was recognized by the Group of Ten when they agreed to temporarily suspend the requirement that spot exchange rates be constrained within a 1% deviation from established parities (or central rates) in favor of a 2¼% permitted deviation, and more explicitly by a commitment to seek reform of the system.

During the six months since the Smithsonian agreement, some progress has been made toward reform. First, participants in foreign exchange markets have learned how to cope with the wider bands for spot exchange rates. During the early months of 1972, some market upset did occur because there was not a massive reflow of funds back to the United States as has been anticipated. Since wider bands are designed to discourage short term capital movements among countries, massive flows should not have been expected. Subsequently, however, foreign exchange markets have quieted down indicating that the lesson has been learned, (and also helped along by higher rates in the United States relative to other advanced countries). Foreign exchange markets now operate in a responsible fashion proving the usefulness of the wider bands and strongly supporting the inclusion of wider bands within a permanent reform of the system.

Second, some progress has been made on deciding on the forum in which negotiations for the reform will be held. The organizational issue contains two substantive questions; which countries are to have a say in the negotiations and whether or not the monetary issue will be linked in some way with trade or other issues. Clearly all member countries of the IMF have an interest in the negotiations, yet it would be impossible to negotiate a useful agreement with all members taking part. The proposed solution of a new Group of Twenty that would mirror the Executive Board of the IMF seems like a sensible compromise to the representational issue. All countries can have their views presented for consideration even if they themselves do not have a place at the negotiating table. The linking or non-linking of issues relates to the mandate of the new group. Apparently the Group of Twenty will have a rather broad mandate to consider non-monetary issues, if that should be necessary or desirable. While having a broad mandate should not be bothersome in itself, the desirability of actually linking issues in negotiations needs careful examination.

In a fundamental sense, all economic and political issues involving international relations are linked together. Many potentially contentions issues arise among countries. The resolution of any particular problem does affect how others will be treated. Obviously a virulent trade war will prevent countries from reaching a monetary agreement, but this does not imply the desirability of joint negotiations. As a general rule, complicated issues should be separated so that they can be negotiated in their own terms. There are some areas of overlap that cannot be avoided; for instance the question of whether trade restrictions should be permitted for balance of payments maladjustments. However, these are relatively few and easy to handle. In my view linking trade issues to the international monetary reform would be a mistake. Achieving a monetary reform is immeasurably more important to the United States than progress on the trade front. Since the trade negotiations will likely be much more difficult, linking the two will stand in the way of the monetary reform. Furthermore, different specialists are involved, different methods of negotiations are utilized, and different considerations are paramount which all speaks for separated negotiations.

Progress toward the international monetary reform can also be seen in the preparations some governments are making for the start of the formal negotiation. The British Government for one, is reported to have pushed along their investigations on reform. Hints of our own government's preparations have been made public through speeches of various officials. But I must say that I have noticed that progress has not been made. I had hoped that by now an outline of a U.S. plan for reform would be public so that other governments and interested parties could be studying it; but this is not the case. I feel the negotiations cannot really get started until the U.S. makes its views known and, as far as I know, we have not yet make up our minds as to what we desire.

Clearly the place to start is to decide what we want the revised international monetary system to do for the United States. A number of worthy goals might be mentioned such as the promotion of unrestricted and non-discriminatory international trade and payments and the minimizing of currency crises. In my view, however, the primary goal of the reform should be the establishment of a system which permits the United States and other countries to achieve equilibrium in their international transactions without forcing us or them to forgo basic domestic economic objectives such as full employment and reasonable price stability. In other words, international monetary arrangements should permit countries to have economic independence to the degree they desire it and to the extent they can reasonably utilize independence. Thus I see the adjustment mechanism as the most important subject for negotiation and decision.

An examination of postwar monetary history demonstrates that the only successful methods of correcting balance-of-payments disequiliberia is through exchange rate changes. Neither German border taxes and rebates, French trade restrictions, British stop-go budgets, nor American capital controls has proven effective. Thus the essence of reform in my view is more flexibility of exchange rates than existed under the old Bretton Woods arrangements, and this flexibility should be available to all countries, including the United States. Under the old system, the United States could not initiate a change in the exchange value of the dollar without a major crisis; under a reformed system it should not be much more difficult for the United States to initiate a change than for any other major country.

I will not bore this Committee with my ideas as to how to achieve this result. I have already written them in my publication, *Sequel to Bretton Woods*. Since the completion of that study I have done some more work on the details, but I have not changed my mind on any of the essential features of the proposal.

There are two areas of the reform, however, that need to be highlighted because they are particularly dependent on U.S. decisions. The first relates to the question of what role the dollar should play in the reformed system. The second concerns how much authority member countries and the United States in particular should be willing to delegate to the International Monetary Fund.

It is my belief that the United States will not be able to alter its exchange rate at our initiative as long as the dollar is the primary reserve asset in the international monetary system. Thus I think the United States should declare that we do not want the dollar to maintain its reserve currency role and should endorse one of several methods for replacing it. Being able to issue a reserve currency yielded very few benefits to the United States in the past and imposed certain costs. In the future, the benefits would be reduced and the costs could become very burdensome indeed. Instead, the United States should push for the replacement of the dollar by SDRs with a permanent funding of outstanding official dollar balances. After this happens, the dollar can be made convertible again into established reserve assets. At the same time, the United States should rid itself of all its monetary gold so as to end the tie between a devaluation of the dollar and a rise in the price of gold. It would also be desirable if the Congress would delegate to the President the right to change the value of the dollar within prescribed limits and subject to legislative review. In this way the political constraints on changing the external value of the dollar could be lessened. These steps along with other technical improvements could give the dollar enough flexibility so that we would not have to "shock" the whole world to restore balance-of-payments equilibrium.

The monetary system will work best if all exchange rate parities are only changed by small amounts—say by 1% or less—and if need be rather frequently. This means that countries cannot wait until they are certain that a devaluation is necessary; they must act on presumptive evidence. Such evidence should primarily consist of observations of the exchange markets themselves (both spot and forward). For the United States, this would mean that when there is a clustering of currencies of major countries at their ceilings relative to the dollar, and this situation persists for a number of months, then the dollar should be devalued. For instance, under the present situation a 1% devaluation of the dollar would seem in order. If future developments proved it to be unnecessary, it could then be reversed. Better to make a mistake and reverse it than let a disequilibrium cumulate through inaction.

We must also recognize that if the international monetary system is going to have some degree of fixity of exchange rates and still maintain its cooperative character, then some form of central direction will be required. The United States performed this function in the postwar period just as Britain did in an earlier era. The United States is no longer strong enough to accept the responsibility of maintaining the viability of the system by itself. Since no other country is stronger than the United States, the responsibility for directing the system must be exercised collectively through an international organization—namely the International Monetary Fund. This means that the United States like other countries, will have to vest certain powers with the Fund. The IMF should be constantly evaluating the external position of all countries to determine whether a change in exchange rates is required. In that way they can pressure all countries to take part in the adjustment process. I do not think that the Fund should have the power to tell a country which policy to adopt, but they should have the right to tell the country that they must do something to correct its external imbalance. This is what collective responsibility means.

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[1] The views are those of the author and should not be attributed to other staff members, officers, or trustees of the Brookings Institution.

The proposal that I have put forward, I think, arises primarily from the logic of the situation in which the world now finds itself. The world is still too fragmented for a really fixed exchange rate system, but too integrated to easily tolerate truly flexible rates. My proposal is a compromise between the two that can evolve in either direction.

In closing, let me say a few words about the importance of immediate action. It is all too easy to accept the current state of affairs as being reasonably satisfactory. The exchange markets are calm—at least with respect to the dollar. European countries don't seem to be very worried with present arrangements, so why should the United States feel any sense of urgency? It is my belief that the Smithsonian Agreement is nothing more than a useful stopgap, and that present arrangements are essentially unstable. As disequilibria develop among countries, as they certainly will, the lack of an effective adjustment mechanism will become all too painful. Restrictions and controls will proliferate and exchange crises will be formented. This need not happen if we act in time. The United States should lead the way toward reform by putting forward its own proposal to get the negotiations started.

STATEMENT OF THE HONORABLE PAUL A. VOLCKER

Mr. Chairman, as you made clear in calling these hearings, there is an intense interest in international monetary reform, and an understandable restiveness to see practical results from this important work. The Administration fully shares that concern. It is in no one's interest to procrastinate. Equally, it is crucially important that the job be done right.

My intention today is to provide a brief "status report," to outline our broad approach toward the task ahead, and to respond to the question that you may have.

Movement toward international monetary reform was launched by the forthright actions announced by President Nixon last August 15. In essence, those actions recognized that whatever the accomplishments of the existing system—and they were very substantial—some of the basic premises that underlay that system were no longer valid. Fundamental changes would be necessary to meet the problems and circumstances of the 1970's and beyond. Those changes must entail not just the mechanics of the monetary system, but new ways of approaching problems that will fairly reflect the existing balance of world economic power and will result in a fair distribution of responsibilities among nations.

Secretary Shultz has asked me to emphasize particularly to the Subcommittee that the change in leadership at the Treasury has in no way changed our goal, our basic approach, or our resolve in seeking those changes.

The first few months after August 15 were necessarily devoted to immediate and urgent problems of achieving needed exchange rate changes and resolving other short-range problems essential to viable interim arrangements—in the process setting the stage for consideration of longer range reform.

By March, we could point to a series of concrete accomplishments:

A major and unprecedented exchange rate realignment had been negotiated in the Smithsonian Agreement, and legislative action to modify the dollar's par value had been completed.

Trade liberalization steps of tangible value had been concluded with the EC and Japan on certain short-term problems, achieving in the process greater recognition that the problems of the monetary system are paralleled by problems of the trading order.

Agreement was reached on wider bands of fluctuation for market exchange rates about the officially stated exchange rates—a potentially important ingredient in any more permanent system as well as a means of facilitating the exchange rate realignment.

Understandings were reached not only to proceed with monetary reform discussions, but to undertake broad trade negotiations with the objective of supporting the goal of an open, liberally-oriented world economy.

It is natural that some time was needed for the Smithsonian Agreement and related arrangements to be digested and fully understood, and for the dollar exchange markets to settle down. By Spring, however, such understanding—and particularly the recognition that we and other nations wholeheartedly accepted and supported that Agreement—had been achieved. We naturally welcome the fact that the dollar has not, for some time, been under pressure in exchange markets, and believe a foundation has been established for dealing in an orderly way with the difficult problems of long-term reform of the trade and payments system.

One element in the more realistic appraisal of the outlook is that it is now widely recognized that exchange rate changes have perverse initial effects and may require two years or so before yielding their full benefit toward balance of payments adjustment. Thus, U.S. trade and basic payments deficits for a transitional period are understandable. Indeed, in recent months, the continuing deficit in our underlying accounts has been covered by a substantial reflux of short-term capital, perhaps in part an unwinding of the so-called "leads and lags" in payments that swung heavily adverse in 1971.

I would be the first to emphasize these developments do not, by any means, assure long-run stability. We continue to face a major challenge in achieving and maintaining a substantially stronger trade position—which, in turn, must be the foundation for lasting equilibrium in our international payments as a whole. The Smithsonian Agreement provides a basic point of departure so far as exchange rates are concerned. But we cannot neglect the task of reinforcing the competitive capabilities and opportunities of our industry in other directions—not least by maintaining better wage and price stability at home. This effort is absolutely fundamental, not just to us but to the world trading community in general. The stability of the international monetary system cannot be achieved without a stable dollar.

These sensible and effective first steps that have been taken are in no way cast in doubt by the erratic fluctuation in the private market for gold—influenced by a combination of self-serving rumors and reduced sales by South Africa, the main producer. These fluctuations in price have had no significant main lesson to be drawn, in my judgment, is the fact that this commodity—characterized by almost fixed production and increasing industrial use, and more than most subject to speculative whims—cannot provide a sensible or lasting foundation for an international monetary system.

With the shift of attention from the immediate issues to long-term reform of the system, we must face the difficult task of transferring agreement on the need for reform in the abstract to hard agreement on specifics. In approaching this task, we have felt it essential to ask fundamental questions about the kind of world we have and want. Monetary issues cannot be considered in a vacuum, without taking full account of the interrelationships with trading rules and practices, the character and magnitude of capital flows, and other questions of international economic policy.

Considering the range and complexity of the issues, no one should be surprised that monetary reform will take time, even among the most reasonable of men. Monetary reform is not a matter of finding an answer in the sense that one discovers a unique solution to a puzzle or works out a mathematical problem. There is recognition that all will benefit from a well functioning system, but that generality cannot disguise the fact that vital national interests are at stake, that perceptions of these interest differ and that, in the end, they must be resolved in a realistic manner. International cooperation involves hard decisions and compromise.

As you know, we have at this stage of discussion presented no monetary blueprint for resolving and reconciling the questions. The problems of technique and mechanism—such as the composition, volume and use of reserves; the international role of the dollar; the nature of the exchange rate regime itself; methods of influencing capital flows, and the like—are important and difficult. They will not be adequately resolved, in our judgment, without an adequate conception of objectives and the nature of the underlying problems—and I would be less than frank if I did not confess that much of the discussion to which I have been exposed seems to slide past these fundamental points.

For instance, we know that the so-called "adjustment process"—the process by which surpluses or deficits are corrected—has not been working well. Indeed, this is the key reason the system broke down. We suspect one of the main factors behind this inadequate adjustment is the fact that most advanced countries, for quite natural reasons, like to run surpluses. Over the years, they have acted relatively quickly (and often are forced to act) to correct their deficits. There is no similar compulsion to correct surpluses. Yet, one country's surplus is another's deficit—and for too many years the United States had provided the residual deficit. Yet, our own efforts to correct that deficit, as so vividly revealed last Autumn, may, be strongly resisted, since those efforts unavoidably impinge on others.

A persistent residual deficit for the U.S. was not consistent, in the end, with the kind of monetary arrangements we had. Many proposals for a new system would require much more effective and rapid elimination of imbalances. In view of our accumulated deficits and the erosion in our reserves, we would need to look forward to a massive strengthening of our reserve position, the prospect of a period of surpluses in our payments, and to longer-term equilibrium. The other side of this coin is that others could not, on the average over the years, continue their accustomed surpluses.

This seems to us to imply the need for strong incentives or penalties for corrective action by surplus countries as well as by deficit countries if this balance is to be achieved. How willing are countries to accept such strong international "disciplines?" If there is no such willingess, then monetary systems that depend for their functioning on quick and effective adjustment simply will not work.

A related question is how the adjustment should be made. For both practical and philosophical reasons, we seek a balance of payments equilibrium that can be maintained without reliance on controls; indeed, the very word equilibrium implies as much. We believe in present and foreseeable circumstances, sustainable balance in our accounts will require a strong trade and current account position. Yet, some others seem to be saying that somehow we are not entitled to such a surplus, that capital outflows lie at the heart of our problem, and that they (and we) should force "equilibrium" by the indefinite use of controls on investment; or, perhaps, by commitments to raise our domestic interest rates to levels equal to or above those prevailing abroad. Obviously, this issue needs airing.

It is related to the degree of independence that countries—not just the U.S., but virtually every country—seeks to maintain for domestic policy. None of us can live in isolation, and proceed oblivious of the efforts of our actions on others. But if we build a system which unrealistically presumes domestic policies can practicably be tuned to each twist and turn in external circumstances, the system would not, in my judgment, work for long.

Some countries with particularly close trading and political links—such as the European Community—may well perceive a greater potential for coordination of internal and external policies among them. This issue is plainly posed by the drive for greater monetary unit within Europe.

I believe we are only beginning to understand the implication of economic and monetary union in Europe for the world economy. From a world standpoint, there seem to be both dangers and potential advantages. An aggressively expanding preferential trading area with highly protectionist policies in key sectors directly affects our trading capabilities, and has broad implications for the world trading order and the adjustment process. On the other hand, success in achieving monetary unity in Europe could help deal with one source of monetary instability in the past, and permit Europe to cooperate more effectively in building an effective world monetary system. In both aspects, trade and money, the European Community is a phenomenon that cries out for more thought as to how it can be fit into arrangements consistent with the broader world interests.

This listing of issues is hardly exhaustive, but it is suggestive. Without discussion and some common appreciation of these basic problems, our examination of techniques will hardly be fruitful. Again and again, we find these are the issues that lurk behind much of the controversy on mechanics.

Out of these discussions, some fundamental points of convergence are already emerging.

On the question of the *scope* of the reform, I think there is now almost general acceptance of the need for a wide agenda—for extending the dimensions of the examination to include related issues of trading rules, investment and development. There is greater recognition that the review must be deep—that fundamental reform is required rather than a patch-up of Bretton Woods, that new thinking and new concepts are required to meet today's needs.

The question of finding the most appropriate and effective *forums* for reform negotiations has been the subject of considerable discussion in recent months. I confess these decisions have not been reached as rapidly as I expected and wished—they have taken time precisely because they are not an idle debate over the "shape of the table," but because real issues are involved. There is genuine and legitimate concern over the *size* of the table, for effective negotiation requires that the number of voices be limited. There is concern over *who sits around* the table, for membership must be balanced, representative, and at a senior level of political authority. And there is concern over *what gets placed* on the table, in that the negotiators must be given a broad competence to consider all relevant aspects of the operation of the trading order and monetary structure in their search for solutions.

I can report that progress has been made. Nations are in substantial agreement on the formation of limited but representative group, a "Committee of Twenty," under the general auspices of the International Monetary Fund. We have insisted that the mandate extend beyond narrow monetary questions to related trade questions and other related issues, and that the Committee be willing and able to draw on the resources of competent persons and groups in a position to assist even though they may be outside the regular fabric of the IMF.

We envisage that this Group of Twenty will be the main negotiating forum, but we also hope and expect such other bodies as the OECD will participate in the effort. I should note as a point of some importance that we do not believe either the Group of Twenty or the OECD should attempt to negotiate specific trade barriers. That kind of bargaining over specific trade measures—tariffs, quotas, and the like—lies properly in the framework of GATT or other forums.

Finally, there seems to be widespread agreement that, whatever the particulars of the exchange rate regime, in concept it must provide for greater flexibility than in the past—greater and smoother adaptability to changing economic circumstances. The issue, as I see it, is not stability versus instability for the monetary system, but rather how more flexibility in exchange rate practices in the shorter run might contribute to the larger stability of the system as a whole.

Obviously, translating even these broad principles into a specific operational system will take time and, as I have suggested, there are other points on which profound differences remain to be resolved. We have a lengthy agenda.

If that agenda is to be attacked successfully, the United States must unquestionably play a leading role in this effort. We accept that challenge willingly. But, in doing so, there must be a realization that the nature of our leadership must change as economic circumstances have changed. Leadership can no longer be equated with magnanimously accepting disproportionate burdens, acquiescing in discriminatory arrangements, or granting one-sided privileges, in the thought our strength is impregnable and others are weak. Leadership no longer can mean, if it ever did, that the world is waiting for us to impose a "Made in the U.S." label on the monetary order. Leadership does mean using the full measure of our influence and our strength to insist that the monetary and trading system—its burdens, its responsibilities and its opportunities—fairly reflects today's balance of economic and political capacities.

We take pride in the record of our leadership since last August 15. We recognized the need for fundamental change. We took the painful measures needed to restore the domestic and international strength of the U.S. economy which must underlie any reformed monetary system. We reached agreement on moves which will yield major support to our balance of payments in the course of 1972 and 1973 after the present period of initial perverse effects ends. We encouraged recognition of the need for reform, and the breadth of reform. We pressed for the formation of institutional arrangements in the Group of Twenty and the OECD to facilitate the negotiation. And we helped to develop the consensus, to the extent it has emerged, on the nature and direction of the reform.

We want to move ahead with monetary reform as rapidly as we can, and—this is critical—as rapidly as other nations will move. We also want to build a monetary structure which will last for a generation. It would be foolish to idle away our chances for a new and better system. But it would be criminal to accept an unsatisfactory agreement for the sake of a prompt agreement.

Our efforts will be aimed at building a sound and enduring system. The stakes are large, and recognized as such. We approach the task in the conviction that failure is not tolerable; that, with persistence and resolve success will be achieved.

THE WEST FRONT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to speak today on the proposed plans for the extension of the west wing of the Capitol and the legislative challenge it poses for Congress. Presently, we must deal with the Senate amendment No. 36 to the legislative appropriations for fiscal year 1973 which states that—

> No funds may be used for the preparation of the final plans or initiation of construction of said (west front extension) project until specifically approved and appropriated therefor by the Congress.

The House managers have requested that we oppose the amendment. It is my opinion that this move would be a mistake. Let us examine the facts.

The Commission for the Extension of the U.S. Capitol was created by an act of Congress in 1955 and given the responsibility to direct government construction on Capitol Hill. The idea of extending the west front was initially introduced by the late Capitol Architect J. George Stewart; under whose guidance the east front of the Capitol was extended between 1958 and 1962. The original argument for the extension of the west front was Stewart's announcement in 1963 that it was about to collapse.

In 1969 the Commission recommended the extension of the west front and $2 million was appropriated for the final planning. At that time preservationists urged that the Commission consider the alternative of restoration, instead of extension; that the preservation of a focal point of our history and its beauty be chosen over functional additions that would destroy the historic character and spirit of the building. Consequently the $2 million in funds were impounded, pending the results of a study on the feasibility of restoration. The Nation's most qualified structural engineering firm, Praeger, Kavanaugh, and Waterbury, of New York, was employed to conduct this study. It was guided by five specific stipulations originally set by the Commission. Briefly these conditions included:

First, that restoration could be undertaken without creating unsafe conditions and that it would be durable and beautiful for the foreseeable future;

Second, that restoration would not cause any more vacation of existing space than extension;

Third, that the plans for restoration would be adequate for competitive lump sum bidding for the final project;

Fourth, that the cost of restoration would not exceed $15 million; and

Fifth, that the time for restoration activity would not exceed the time necessary for extension.

The results of the Praeger study came out in January of 1971. The engineers concluded that the Capitol was far from iminent collapse, that restoration would be simpler than extension and that restoration could be accomplished at less than $15 million. In short, all five guidelines could be satisfied by a restoration project.

At their own initiative, the AIA appointed a task force on the west front to review the Praeger report. The AIA Task Force concurred with the Praeger-researched conclusions. And yet, the Commission for the Extension of the U.S. Capitol unanimously voted to go ahead with plans for extension. One can only speculate why the Commission chose to ignore the opinions of acknowledged experts. The Commission's plans presently include keeping the old sandstone walls intact, and yet, they will be obscured from the outside by the erection of a new marble facade. The Capitol's central section, completed in the 1820's, would be moved forward 44 feet; the old House and Senate wing, built about 1817, would be extended 88 feet and small connecting corridors would be extended 66 feet. This extension of some 163,000 square feet would be accomplished at a cost of $368 per square foot—or a total estimated cost of $45 to $60 million, quite a sum compared to the more modest $15 million projected for a restoration solution.

While the Congress should not be placing itself in the position of expending such sums on a project whose objectives can be accomplished at much less cost, the greatest mistake of the proposed extension would be the desecration of a building that is a keystone in our history. The Historic Site Act of 1935 states that—

> It is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States.

It is important that we uphold esthetic virtues in an age in which they are too often ignored in the interest of pragmatism and utility. Because it has been irrefutably demonstrated that the west front can be restored, the Commission is now arguing that the added office space afforded by the extension is needed. An argument can always be made that more spaced is needed—Parkinson's law insures that—but we will not always have an opportunity to preserve a structure that is so historically important as the west front of the Capitol. More office space can be built elsewhere, perhaps on top of the Rayburn Annex garages and at much less cost than the $368 square feet estimated for the extension project.

May I say in conclusion that I feel that from an economic, esthetic and pragmatic point of view the Commission's extension project should be reversed.

THE U.S. CAPITOL HAS HISTORIC MEANING FOR AMERICANS ALL ACROSS OUR COUNTRY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the proposal to extend the west front of the Capitol, an issue on which Members of the House will have a chance to vote either tomorrow or Thursday, has become an issue of concern to all Americans who look upon the Capitol as not only the symbol of democracy, but as a link to the history of their Nation.

The meaning which the Capitol holds, not only for the people here in the Washington area, but for Americans all across the country, many of whom have never seen the Capitol in person, is evidenced by editorials and articles that have appeared in hometown newspapers.

These articles are unanimous in their view that the American people do not want $70 million of their tax money spent to cover up the last remaining historic portion of the original U.S. Capitol and turn a historic monument into a 1972 office building.

Under leave to extend my remarks, I include some of these articles and editorials, which have appeared in papers from Charlotte, N.C., to Minot, N. Dak., and I hope Members will keep this grassroots sentiment clearly in mind when the Capitol extension project comes up later this week.

[From the Charlotte News, Apr. 3, 1972]

PRESERVE THE CAPITOL

The Commission for Extension of the United States Capitol, which was established in 1955 to consider changes in the Capitol's East Front, has now given the go-ahead for final planning of a 160,000-square-foot extension of the West Front. At a total estimated cost of $60 million, that comes to about $375 a square foot, which is somewhat above the market price for office space.

Some of the cost, we're sure, is accounted for by the special nature of the project. After all, one can't just use aluminum siding in adding on to one of the nation's most historic buildings. And there is sure to be a certain amount of costly renovation involved as well. For example, simply restoring the West Front to its former soundness and splendor would cost up to $15 million. Deducting the renovation estimate, however, still leaves the square-foot cost pushing $280.

That's high, even by Washington standards. The mammoth and roundly criticized Rayburn House Office Building, for example, was built for less than a third of that square-foot cost.

But cost is not the prime objection. The real issue is whether a national treasure will be tampered with for no compelling reasons. Even if the addition won't really, in the words of S. C. Sen. Fritz Hollings, make the Capitol into "Disneyland, D.C.," the change is akin to painting a mustache on the Mona Lisa. While it's true that the Capitol has been changed over the years, that's all the more reason to call a halt now while there is something "original" left.

If Congress were so squeezed for space that it faced a choice of altering the Capitol or moving out altogether, the situation might be different. But that isn't the case. Both houses have other plans for providing additional office space, and the New Senate Office Building, completed in 1958, was specifically sited and designed with expansion in mind. If the 285 offices and crannies—an unmarked hideaway is apparently a status symbol in Congress—are really needed, they should be provided elsewhere on the Hill.

As for the Capitol itself, Congress ought to follow the recommendation of the American Institute of Architects and adopt a "permanent policy prohibiting any further major alteration to the Capitol."

[From the Dayton (Ohio) Daily News, Apr. 4, 1972]

DEFACING HISTORY

Congress has voted to convenience itself at the cost of $60 million and at the incalculable cost of defacing the U.S. Capitol.

Congress tried that in 1969, then second-thought itself into a compromise. Members decided that instead of smashing the building's west face they would repair it if it could be renovated safely and conveniently and if the job could be done for $15 million or less. A study supported by a task force of the *American Institute of Architects* concluded that both conditions could be met.

No matter. Unwilling to let facts, good taste or common sense get in the way of a dear opinion, Congress decided last month to proceed with the demolition and extension anyway. For the moment, dissenting Sen. Ernest Hollings has managed to snag the appropriation in his subcommittee.

There it should stay. Lost with the historic outline of the Capitol would be the graceful terraces created by Frederick Law Olmsted, one of the nation's great landscape designers. The Congress that so loves to prattle on behalf of the national heritage would have caused the diminution of that heritage.

The congressmen say they need more offices, more restaurants, more toilets and another barbershop. They probably do, and a grateful republic should be pleased to provide the facilities. Probably Howard Johnson or the Holiday Inn folks could whip up something for them in the neighborhood at a fraction of the cost and with considerably more sensitivity than Congress so far has shown.

[From the Minot (N. Dak.) News, Apr. 5, 1972]

CHANGING HISTORY

Congress is again determined to change the historic facade of the nation's Capitol by proceeding with a 33-foot marble extension at a cost of about $50,000,000.

The west front's sandstone is crumbling and must be rebuilt, but in order to get additional rooms and working space Congress would extend the building, thus destroying its original proportions. More space could be added to the present congressional office buildings, far less beautiful and historic than the Capitol.

The American Institute of Architects has proposed that the west front simply be restored, at less than one third of the cost, without defacing it or destroying its historic authenticity.

Of course Congress knows better and has not listened to such advice. Funds have not yet been appropriated, but unless the people object, they soon will be. Then future generations will see not the original capitol, but a 1970 version.—Mandan Pioneer

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[From the St. Louis Post-Dispatch, Mar. 10, 1972]

REFACING THE CAPITOL

Viewed from the Mall in Washington, the nation's Capitol presents an inspiring sight, especially near sunset. Then the great West front designed largely by the famous Charles Bulfinch glows softly, and its high columns loom from the recess of the wings.

But the West front's sandstone is crumbling, and now the way is open, not to rebuild the historic facade, but to replace it. The Commission for the Extension of the Capitol has voted unanimously to proceed with a 33-foot marble extension, at a cost now put at $50,000,000. The cost was estimated at only $30 million two years ago, and no doubt will be much higher by the time the work is finished, for that is the record on governmental building.

It is a poor time to spend all this money on a project that is unnecessary, for the main argument for it seems to be Congress's desire to get more rooms and working space. That could be provided by extending the present congressional office buildings, where extensions would do no harm to architecture that is almost beyond esthetic injury. Or an entirely new building might be constructed.

But it is the Capitol, the architectural symbol of American government, that Congress is toying with, and it is a great symbol as well. The front will be drastically changed if Congress now appropriates funds; the columns will protrude instead of being framed in the wings, and the symmetry will be reduced from gracefulness to blunt solidity. That is why officials of the American Institute of Architects objected. They proposed that the west front simply be restored, at less than one third of the cost of refacing or defacing it.

Congress has not listened to such advice. Perhaps it would only heed the people and, if so, now is the time to speak out. For the people own the Capitol, and revere it, if Congress does not.

[From the Des Moines Register, Mar. 20, 1972]

Workings of an Idle Mind

(By Donald Kaul)

They're going to tear down the last remaining wall of the original Capitol in Washington. What they say they're doing is "extending the west front" by 88 feet.

What it amounts to, is tearing down the wall, the one that looks out onto the Mall, and building an addition, thereby destroying that glorious sweep of the steps from the street to the Capitol on its hill.

That poor old building has been attacked by more barbarians than the Great Wall of China, all of them wearing business suits.

The problem is that your average congressman or senator is, architectually speaking, a clod. Show him the cathedral at Chartres and a concrete pillbox, ask him which one he likes better, and he'll say:

"Which one has a bigger office for me?"

The American Institute of Architects has protested the extension, preferring instead a "restoration."

But, considering the fact that until a few years ago the Capitol architect wasn't even an architect, you can imagine how much weight that protest carries.

You know, we were horrified last year when somebody set off a bomb in the Capitol. An atrocious act of mindless destruction, we called it.

And so it was. But compared to the mindful acts of destruction of our Congress, it was as nothing, a mere firecracker.

If we cared more, they wouldn't do stuff like that.

[From the Florida Times-Union, Jacksonville, Fla., Mar. 11, 1972]

Another Capitol Hill Boondoggle

Hardly to be considered surprising is the finding of the Commission for Extension of the United States Capitol that Congress should authorize an early start on a multimillion dollar extension of the West Front of the historic building dominating the Washington skyline.

No precise figures have yet been divulged as to costs, but the job has been estimated at "more than $60-million." If it follows the pattern of most other Capitol Hill building projects in recent years, however, the final tally will more nearly double any such estimates.

The commission's recommendations fall into the "ho-hum" category, since the commission was created by Congress and made up entirely of members who, whatever their personal inclinations, are fully aware of their colleagues' propensity for spending public money.

Lacking any evidence that the costly addition could be justified on the basis of the relatively small amount of additional working space it would provide, backers of the West Front expansion anchored their hopes in carefully nurtured fears that the 143-year-old face—the only remaining part of the original structure visible from the outside—was beginning to crumble, and was therefore unsafe and could some day precipitate a major disaster.

The finding blithely overrode the recommendations of the commission's own advisors, a distinguished engineering and architectural firm of New York, which reported more than a year ago that the West Wall was in no danger of crumbling, and that it could be fully restored without impairing its inherent beauty.

Four years ago, on the basis of such warnings, Congress appropriated nearly $150,000 to install heavy flying braces and take other steps to shore up the old sandstone walls. Warnings that any substantial shock could still cause the wall, and perhaps the dome itself, to collapse, were somewhat discounted, however, when terrorists succeeded in exploding a large bomb in the critical area. Although damage was extensive, there was no threat of a building collapse.

The projected West Front extension would largely duplicate the "face-lifting" job done of the East Front, begun in 1958 and completed in 1962, in which the old sandstone front was faithfully reproduced in marble, 32½ feet east of the old front, at an "authorized" cost in those days of $24 million.

The space thus created, in addition to providing a few more committee rooms and private office hideaways, also gives members an exclusive passageway between the House and Senate wings through which they can walk without fear of encountering irate taxpayers.

Tentative plans for the comparable extension on the West Front calls for similar additional facilities, as well as another private dining room for members where they can consume subsidized meals without drawing too heavily on their $42,500 a year salaries.

The project still has substantial opposition, even though their combined voices may be ineffective against the will of Congress members to serve a selfish interest.

Leading the list is the American Institute of Architects, which claims the old wall can be safely repaired and strengthened. Many individual architects, artists and historians have strongly protested at every step of the way everything done so far to destroy the magnificent lines of the original building, and which if continued unchecked could create an aesthetic monstrosity.

Perhaps least effective of all are the pathetic cries of taxpayers who must foot the bill for such creature comforts for their elected representatives which they can only dream about for themselves.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Sullivan, for Tuesday, June 27, 1972, after 6 p.m., on account of official business.

Mr. Pirnie (at the request of Mr. Arends), for today after 4 p.m., and balance of week, on account of official business.

Mr. Baring (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Mizell (at the request of Mr. Arends), from 4 p.m., and balance of the day, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, on Wednesday, June 28; and to include extraneous material.

(The following Members (at the request of Mr. Young of Florida) to revise and extend their remarks and include extraneous matter:)

Mr. Kemp, for 15 minutes, today.
Mr. Williams, for 15 minutes, today.
Mr. Keith, for 30 minutes, on June 28.
Mr. Skubitz, for 5 minutes, on June 28.
Mr. Hogan, for 5 minutes, today.
Mr. Skubitz, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.
Mr. Aspin, for 5 minutes, today.
Mr. Rooney of Pennsylvania, for 5 minutes, today.
Mr. Flood, for 15 minutes, today.
Mr. Fuqua, for 60 minutes, on June 28.
Mr. Abbitt, for 60 minutes, on July 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members to extend their remarks preceding the vote on Mr. Harrington's Vietnam amendment: Messrs. McClory, Monagan, Mikva, Burke of Massachusetts, Boland, Koch, Matsunaga, Mrs. Abzug, and Mr. Drinan.

Mr. Gonzalez, notwithstanding a cost of $525, to revise and extend his remarks in the Record, and to include extraneous matter.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. Miller of Ohio in six instances.
Mr. Wyman in two instances.
Mr. Belcher.
Mr. Esch.
Mr. Keating in two instances.
Mr. Derwinski in two instances.
Mr. Schmitz in five instances.
Mr. Anderson of Illinois in three instances.
Mr. Kemp in two instances.
Mr. Peyser in five instances.
Mr. Crane in five instances.
Mr. Steiger of Arizona.
Mr. Bell.
Mr. Zwach.
Mr. Broomfield in two instances.
Mr. Cleveland.
Mr. Hastings.
Mr. Zion.

Mr. Conte in two instances.

Mrs. Heckler of Massachusetts.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Teague of Texas in 11 instances.

Mr. Rosenthal in five instances.

Mr. Tiernan.

Mrs. Hansen of Washington.

Mr. Rodino in two instances.

Mr. Karth.

Mr. Mikva in eight instances.

Mr. Fuqua.

Mr. Addabbo in two instances.

Mr. Johnson of California in two instances.

Mr. Reuss in two instances.

Mr. Hathaway in three instances.

Mr. Rogers in five instances.

Mr. Hungate in three instances.

Mr. Hagan in three instances.

Mr. Badillo in two instances.

Mr. Jones of Tennessee.

Mr. James V. Stanton.

Mr. Symington in six instances.

Mr. Dorn in two instances.

Mr. Waldie in two instances.

Mr. Jones of North Carolina.

Mr. Daniel of Virginia in three instances.

Mr. Mathis of Georgia.

Mr. Mahon.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 910. An act for the relief of Dennis Keith Stanley; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 28, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2115. A communication from the President of the United States, transmitting an urgent proposed supplemental appropriation for fiscal year 1972 for disaster relief (H. Doc. No. 92–316); to the Committee on Appropriations and ordered to be printed.

RECEIVED FROM THE COMPTROLLER GENERAL

2116. A letter from the Comptroller General of the United States, transmitting a report on enforcement of housing codes by the Department of Housing and Urban Development and how it can help to achieve the Nation's housing goal; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FISHER: Committee on Armed Services. H.R. 15641. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 92–1179). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15580. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes (Rept. No. 92–1180). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15474. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and, research in, Cooley's anemia, (Rept No. 92–1184). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15475. A bill to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis (Rept. No. 92–1185). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 15692. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans with amendments (Rept. No. 92–1186). Referred to the Committee of the Whole House on the State of the Union.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1026. Resolution providing for the consideration of H.R. 14455, a bill to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases (Rept. No. 92–1181). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1027. Resolution providing for the consideration of H.R. 15081, a bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes; with amendment (Rept. No. 92–1182). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1028. Resolution providing for the consideration of H.R. 15587, a bill to provide for a 6-month extension of the emergency unemployment compensation program; with amendment (Rept. No. 92–1183). Referred to the House Calendar.

Mr. NATCHER: Committee of conference. Conference report on H.R. 15259 (Rept. No. 92–1187). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN:

H.R. 15695. A bill to amend title 10, United States Code, to establish the authorized strength of the Naval Reserve in officers in the Judge Advocate General's Corps in the grade of rear admiral, and for other purposes; to the Committee on Armed Services.

By Mr. EILBERG:

H.R. 15696. A bill to amend title 18 of the United States Code to provide a misdemeanor penalty for a first offense involving the possession of counterfeit currency of a face value of $100 or less; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 15697. A bill to amend the Federal Aid Highway Act (23 U.S.C. 110, 138) to clarify the law relating to what constitutes a formal contract between the Secretary of Transportation and a State highway department and stating further circumstances by which a State highway department will be permitted to refuse said aid; to the Committee on Public Works.

By Mrs. GRASSO:

H.R. 15698. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the annual registration and inspection of food manufacturers and processors; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ:

H.R. 15699. A bill to reduce interest rates on Small Business Administration disaster loans; to the Committee on Banking and Currency.

By Mr. HELSTOSKI:

H.R. 15700. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

H.R. 15701. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

H.R. 15702. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN (by request):

H.R. 15703. A bill to provide for the establishment of residential treatment centers for emotionally disturbed children in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PEYSER:

H.R. 15704. A bill to amend the Internal Revenue Code of 1954 to provide for a refund of the manufacturers excise tax on certain tires, tubes, and tread rubber used by local transit systems furnishing commuter service; to the Committee on Ways and Means.

H.R. 15705. A bill to amend the Internal Revenue Code of 1954 to increase the amount of refund payable with respect to fuels used by local transit systems for commuter service; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Yatron, and Mr. Thompson of New Jersey):

H.R. 15706. A bill making additional appropriations to provide relief and assistance in the States of Pennsylvania, Virginia, Maryland, New York, and Florida following the recent major flood disaster; to the Committee on Appropriations.

By Mr. SHIPLEY:

H.R. 15707. A bill to amend the black lung benefit provisions of the Federal Coal Mine Health and Safety Act of 1969 to delete the provisions for offset of black lung benefits against State workmen's compensation, unemployment compensation, and disability insurance benefits; to the Committee on Education and Labor.

By Mr. SLACK:

H.R. 15708. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. WYMAN (for himself Mr. Lloyd, Mr. Ware, Mr. Vander Jagt, Mr. Steiger of Arizona, Mr. Baring, Mr. McKinney, Mr. Derwinski, Mr. Fish, Mr. Kemp, Mr. Cleveland, Mr. Lujan, Mr. Crane, Mr. Fisher, Mr. Teague of California, Mr. Brown of Michigan, Mr. Sebelius, Mr. Gibbons, Mr. Broomfield, Mr. Blackburn, Mr. Conover, and Mr. Slack):

H.R. 15709. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

By Mr. ASHLEY:

H.R. 15710. A bill to amend section 401(a) (8) of the Internal Revenue Code of 1954 to allow multiple employer jointly trusteed plans to allocate forfeitures; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15711. A bill to amend title 5, United States Code, to correct certain inequities in the prohibition on the concurrent payment of compensation for disablity because of a civilian work injury and of reduced retired or retirement pay based on service in the U.S. Armed Forces, and for other purpose; to the Committee on Post Office and Civil Service.

By Mr. HULL:

H.R. 15712. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 15713. A bill to impose a duty on imported montan wax if a product of any Communist country; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Clark, Mr. Collins of Illinois, Mr. Corman, Mr. Denholm, Mr. Dow, Mr. Halpern, Mr. Helstoski, Mr. Leggett, Mr. Mitchell, Mr. Rosenthal, and Mr. Scheuer):

H.R. 15714. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation and conservation management, and for other purposes; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Clark, Mr. Collins of Illinois, Mr. Conyers, Mr. Dow, Mr. Halpern, Mr. Helstoski, Mr. Leggett, Mr. Mitchell, Mr. Rosenthal, and Mr. Scheuer):

H.R. 15715. A bill to establish a National Human Resources Conservation Corps to rehabilitate persons convicted of violating certain narcotic drug laws and persons who volunteer for membership in such Corps and to improve the quality of the environment; to the Committee on Education and Labor.

Mr. McKay (for himself and Mr. Lloyd):

H.R. 15716. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H.R. 15717. A bill to improve judicial machinery by providing benefits for survivors of Federal judges comparable to benefits received by survivors of Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PELLY:

H.R. 15718. A bill to amend the Sockeye Salmon Fisheries Act of 1947 to authorize the restoration and extension of the Sockeye and Pink Salmon Stocks of the Fraser River system, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEYSER (by request):

H.R. 15719. A bill to authorize the hiring of employees of detective agencies for other than investigative services; to the Committee on Post Office and Civil Service.

By Mr. RHODES:

H.R. 15720. A bill to provide a practicable precipitation management program for the Nation; to the Committee on Interior and Insular Affairs.

By Mr. WARE (for himself, Mr. Coughlin, Mr. Eshleman, Mr. Frey, Mr. Goodling, Mr. Johnson of Pennsylvania, Mr. Rooney of Pennsylvania, Mr. Biester, Mr. Heinz, Mr. Kemp, Mr. Horton, Mr. Barrett, Mr. Gaydos, Mr. Daniel of Virginia, Mr. Scott, Mr. Morgan, Mr. Hogan, Mr. Hastings, Mr. Mills of Maryland, Mr. Moorhead, Mr. Nix, Mr. Byrne of Pennsylvania, Mr. Yatron, and Mr. Flood):

H.R. 15721. A bill to amend the Disaster Relief Act of 1970 to increase the forgiveness advantage contained in sections 231 and 232 of such act; to the Committee on Public Works.

By Mr. MAHON:

H.J. Res. 1236. Joint resolution making a supplemental appropriation for disaster relief; to the Committee on Appropriations.

By Mr. MORGAN (for himself, Mr. Saylor, Mr. Flood, Mr. Gaydos, Mr. Nix, Mr. Biester, Mr. Vigorito, Mr. Eshleman, Mr. Conover, Mr. Rooney of Pennsylvania, Mr. Green of Pennsylvania, Mr. Coughlin, Mr. Dent, Mr. Moorhead, Mr. Williams, Mr. Goodling, Mr. Heinz, Mr. Johnson of Pennsylvania, Mr. Yatron, Mr. Eilberg, Mr. Ware, Mr. Schneebeli, Mr. Barrett, Mr. McDade, and Mr. Byrne of Pennsylvania):

H.J. Res. 1237. Joint resolution making certain urgent supplemental appropriations for disaster relief, and for other purposes; to the Committee on Appropriations.

By Mr. CONYERS (for himself, Mr. Clay, Mr. Dellums, Mr. Fauntroy, and Mr. Stokes):

H. Con. Res. 636. Concurrent resolution to create a joint congressional committee for the purpose of conducting an investigation of the Federal Bureau of Investigation; to the Committee on Rules.

By Mr. DELLENBACK (for himself, Mr. Runnels, Mr. Donohue, Mr. Young of Florida, Mr. Forsythe, Mr. Sebelius, Mr. Long of Maryland, Mr. Bob Wilson, Mr. Frenzel, Mr. Rhodes, Mr. Brown of Michigan, Mr. Quie, Mr. Wyman, Mr. Archer, Mr. Collins of Texas, Mr. Peyser, Mr. du Pont, Mrs. Grasso, Mr. Anderson of Illinois, and Mr. Smith of New York:

H. Con. Res. 637. Concurrent resolution calling upon all parties to the 1949 Geneva Convention Relative to the Treatment of prisoners of War to insure respect for that Convention by persuading North Vietnam to fulfill its obligations under the Convention; to the Committee on Foreign Affairs.

By Mr. DELLENBACK (for himself, Mr. Wyatt, Mrs. Green of Oregon, Mr. Fish, Mr. Andrews of North Dakota, Mr. Stuckey, Mr. Satterfield, Mr. Hansen of Idaho, Mr. Winn, Mr. Davis of Wisconsin, Mr. Helstoski, Mr. Schwengel, Mr. Wydler, Mr. Symington, Mr. Jones of North Carolina, Mr. Halpern, Mr. J. William Stanton, Mr. Hastings, Mr. Dingell, Mr. Clark, Mr. Derwinski, Mr. Steiger of Wisconsin, Mr. Hosmer, Mr. Eilberg, and Mr. Erlenborn):

H. Con. Res. 638. Concurrent resolution calling upon all parties to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War to insure respect for that Convention by persuading North Vietnam to fulfill its obligations under the Convention; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. Halpern):

H. Con. Res. 639. Concurrent resolution urging establishment of a United Nations Voluntary Fund for the Environment; to the Committee on Foreign Affairs.

By Mr. McKinney:

H. Res. 1029. Resolution amending the rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 15722. A bill for the relief of David H. Stoll; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15723. A bill for the relief of Jane M. Vida; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 15724. A bill for the relief of Mr. Abedin Sulejmani; to the Committee in the Judiciary.

By Mr. EDMONDSON:

H.R. 15725. A bill for the relief of Dr. Julio De La Fuente and his wife, Berta Leticia De La Fuente; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 15726. A bill for the relief of David C. Y. Huang; to the Committee on the Judiciary.

SENATE—*Tuesday, June 27, 1972*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, DD., offered the following prayer:

Lord God of Hosts, who has watched over this Nation from the beginning even until now, we thank Thee for mighty men of lofty vision, high idealism, and mature wisdom who have arisen in every generation to serve the common good. We pray that Thou wilt bless our present leadership with grace and strength for their days. Prosper the deliberations of Thy servants in this Chamber to the end that they may legislate wisely and, in concert with their colleagues elsewhere, ameliorate the ills which beset us and so enlarge the opportunities of the people that we may have prosperity and justice at home and a secure and permanent peace abroad. Guide the Members of this body through the labor of this day until the evening comes, then in Thy mercy give them a peaceful rest and renewal of body and soul.

We pray in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assisitant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, D.C., June 27, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 26, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MRS. FERNANDE M. ALLEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the construction of Calendar No. 861, H.R. 5318.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 5318, for the relief of Mrs. Fernande M. Allen.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–901), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

The facts of this case, as contained in House Report 92–90, are as follows:

Mrs. Fernande M. Allen is the widow of James F. Allen, a veteran, who served in World War II, died on January 3, 1954. On August 20, 1954, the widow, Fernande M. Allen, was advised that her claim for service-connected death compensation, filed May 10, 1954, was denied because the accidental death of the veteran was not due to service. She was also advised that she was not eligible for non-service-connected death pension because the veteran did not at death have a disability due to service. At that time, a service-connected disability was required for payment of non-service-connected death pension based on World War II service.

Effective July 1, 1960, the law was liberalized to authorize payment of pension without regard to existence of a service-connected disability at death. As is noted in the Veterans' Administration report, pursuant to an application filed in the Veterans' Administration on June 8, 1962, death pension was awarded to Mrs. Allen effective that date, and is currenty being paid to her at the rate of $70 per month.

This bill would make it possible for Mrs. Allen to receive an amount equal to the benefits she would have received as the widow of a veteran of World War II on the basis of an application made on October 1, 1960. Mrs. Allen states that she was not aware of the change in the law which made her eligible for widows benefits until October 1960. She then sought the assistance of Alpena County Counsel of Veterans' Affairs, Mr. William A. McNeil, in connection with an application for those benefits. An affidavit by Mr. McNeil has been filed with the committee. He states that in November of 1960 he processed an application for death pension benefits on behalf of Mrs. Fernande M. Allen of Alpena, Mich. Upon completion of the application, Mr. McNeil states that she forwarded it to the Veterans' Administration regional office in Detroit, Mich. Mrs. Allen stated that after many inquiries concerning the delay, Mr. McNeil had her execute a new application in May of 1962. She has stated that the new application was in the nature of a reminder to the Veterans' Administration, and she would receive retroactive benefits. As is noted in the Veterans' Administration report, she made a request for such retroactive benefits on the basis of the earlier application. However, a comprehensive search of the records of the regional office failed to reveal any evidence of receipt of a claim on behalf of Mrs. Allen in 1960, or any time thereafter prior to June 8, 1962. The Veterans' Administration took the position that the identified county official was not an agent of the Veterans' Administration and any application filed with him could not be considered as having been received by that agency. Consequently, the widow's request for retroactive benefits was denied.

The governing law (old 38 U.S.C. 3004(a); current 38 U.S.C. 3010(a)) provides in substance that the effective date of an award of pension based upon a claim reopened after final adjudication shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the latter application. Two applications were recognized by the Veterans' Administration as received in this case. Inasmuch as the first application (May 10, 1954) was properly disallowed, the action awarding pension effective on the date of the second application (June 8, 1962) was correct. There exists no legal basis for payment of pension for any prior period. This evaluation of course ignores the application by Mrs. Allen filed in the fall of 1960. There appears to be no question concerning Mrs. Allen's status as a widow eligible for benefits under the law as of that date. Obviously she was included within the statutory categories of persons meant to be benefited by the provisions for the widows of veterans. Even with the enactment of this bill, a determination by the Veterans' Administration would be required as to whether Mrs. Allen met the income and corpus of estate (net worth) requirements of the pension law during the pertinent period. If it were ascertained that her net worth was not such as to bar benefits, and that her annual countable income did not exceed $1,800, additional pension would be payable under the bill. The monthly rate to be so paid from October 1960 through June 7, 1962, would be $60, $45, or $25 as related to statutory income brackets of $0 to $600; $601 to $1,200; $1,201 to $1,800.

Notwithstanding the adverse position of the Veterans' Administration on this bill, the committee has found that this case merits relief. The facts attested to by Mr. McNeil and by Mrs. Allen herself established that an application was in fact executed by Mrs. Allen in 1960. While it is impossible to ascertain how the application was lost or failed to be processed by the Veterans' Administration, it seems unfair to penalize the veterans' widow under these circumstances. It is recommended that the bill be considered favorably.

The committee believes that Mr. William A. McNeil's statement that he did in fact file an application is more persuasive that it was in fact filed, than is the statement that a search of the records of the regional office of the Veterans' Administration has failed to find an application is that it was not in fact filed.

ORDER TO LAY BEFORE THE SENATE TOMORROW THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following disposition of the amendment of the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Pennsylvania (Mr. SCOTT), the Senate proceed to the consideration of the Economic Opportunity Amendments of 1972 and that the unfinished business be temporarily laid aside and remain temporarily laid aside until that bill is disposed of, or until the close of business on tomorrow, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CALENDAR NO. 805, S. 1861, TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938, UPON RECONVENING OF THE SENATE ON JULY 17, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to proceed, at any time following the Senate's return, this session, on July 17, 1972, to the consideration of Calendar No. 805, S. 1861, to amend the Fair Labor Standards Act of 1938.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished acting Republican leader desire recognition at this time?

Mr. BOGGS. Not at this time.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 789 (S. 3390), a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION ON FRIDAY OF PUBLIC WORKS-AEC APPROPRIATIONS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, June 30, immediately after the two leaders or their designees have been recognized under the standing order, the Senate proceed to the consideration of H.R. 15586, the Public Works-AEC appropriations bill, and that the unfinished business remain in a temporarily laid-aside status until the disposition of the Public Works-AEC appropriations bill or until the close of business on Friday, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Is there morning business to be transacted at this time?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks that Mr. ERVIN made at this point when he introduced S. 3750, dealing with surveillance on civilians by the Armed Forces, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PUBLICATION ENTITLED "WORLD POWER DATA, 1969"

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "World Power Data, 1969" (with an accompanying document); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Enforcement of Housing Codes: How It Can Help To Achieve Nation's Housing Goal", Department of Housing and Urban Development, dated June 26, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT ON BLACK LUNG BENEFITS PROGRAM

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the administration of Part B of Title IV of the Federal Coal Mine Health and Safety Act of 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION No. 10

"Whereas, Congressman Alphonzo Bell has introduced a bill in the Congress of the United States to create a national park in the Santa Monica area of Los Angeles County; and

"Whereas, The inclusion in this park of a system of parkways would enhance its value and utility; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California jointly*, That the Legislature of the State of California respectfully requests Congressman Bell to amend his bill to include in it provisions for parkways; and be it further

"*Resolved*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact Congressman Bell's park bill; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Veterans' Affairs:

"ASSEMBLY JOINT RESOLUTION No. 29

"Relative to a veterans hospital for northern California

"Whereas, At the present time veterans living in the northern part of this state must travel at great inconvenience to San Francisco to receive hospital treatment; and

"Whereas, The northern counties of California have a large and increasing number of veterans, many of whom are disabled and suffer great hardship in being forced to travel great distances for treatment; and

"Whereas, The nearest Veterans Administration hospital facility for veterans residing in the 16 northern counties of this state involves a distance of between 200 and 400 miles of travel each way; and

"Whereas, The need for a Veterans Administration hospital to service this great area has been clearly demonstrated, and, in addition, such a facility would serve much of southern Oregon as well as northern California; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to undertake a study of the feasibility of constructing a Veterans' Administration hospital in the vicinity of the City of Redding to serve the needs of veterans in northern California and southern Oregon; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION No. 9

"A concurrent resolution to urge, encourage and request the Louisiana Delegation in Congress to introduce and sponsor and the Congress of the United States to enact legislation providing the coastal states a 37½ per cent share of the revenue from offshore mineral deposits outside of state boundaries

"Whereas, Louisiana and the other coastal states are required to provide roads, education, police and fire protection and other costly necessary services for residents who supervise and work in offshore drilling and producing operations and for members of their families, and

"Whereas, for Louisiana alone, it is estimated that during 1970 education, health, police, recreation, library and other services were provided to 67,644 persons employed to make productive the offshore fields, and to members of their families, at a cost to the state and its subdivisions of some $79.7 million, and

"Whereas, the coastal parishes of Louisiana are required to provide roads, education, police and fire protection, recreational facilities, sewerage and other sanitary services, capital expenditures for additional public buildings, and other costly necessary services to residents who supervise and work in offshore drilling and producing operations and for members of their families, and the revenues of these coastal parishes are being severely strained, and

"Whereas, in addition to expenditures of state and local funds for these services, Louisiana and other coastal states have made capital expenditures of many millions of dollars to provide highways, marinas and other facilities without which the offshore oil fields could not be worked, a particular instance, in the case of Louisiana, of such capital expenditures being a four lane highway constructed by the governing authority of the parish of Plaquemines at a cost of more than $48 million from Belle Chasse to Venice, at the head of the passes, the major use of which is in transport of men and supplies needed in offshore work, and

"Whereas, according to figures obtained from the Bureau of Land Management of the United States Department of Interior, mineral production from the outer continental shelf placed in the federal treasury in the fiscal year 1970 more than $1.272 billion, and

"Whereas, the federal government could not have realized this income unless the coastal states had rendered the essential government services for the men and women who work in offshore mineral production and their families and provided capital expenditures in roads and other facilities essential to such production, and

"Whereas, interior states receive a substantial share of the revenues produced from inshore federal lands within their borders, and

"Whereas, the injustice done to coastal states from the burdens imposed upon them by the offshore minerals production and the inequity between the coastal and interior states as to the sharing of revenue from federal lands can be alleviated by prompt and simple action by the Congress of the United States.

"Now, therefore, be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, does hereby respectfully urge, encourage and request the Louisiana Congressional delegation to introduce and sponsor and the Congress of the United States to enact legislation which will allocate to the coastal states a share of the revenues derived from offshore mineral deposits outside of state boundaries in the amount of 37½ per centum of such revenues.

"Be it further resolved that a certified copy of this resolution shall be transmitted by the Clerk of the House of Representatives to the presiding officers of the Senate and House of Representatives of the United States Congress, to each member of the Louisiana Delegation in the Congress and to the governor of each of the coastal states of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Appropriations, with amendments:

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–923).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

H.R. 9936. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes (Rept. No. 92–924).

By Mr. INOUYE, from the Committee on Commerce, with an amendment:

S. 2577. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry (Rept. No. 92–925) (Together with supplemental views).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

H.R. 6479. A bill to provide for the licensing of personnel on certain vessels (Rept. No. 92–926).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Hiram H. Ward, of North Carolina, to be a U.S. district judge for the middle district of North Carolina;

J. Clifford Wallace, of California, to be a U.S. circuit judge, ninth circuit;

Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims;

Samuel P. King, of Hawaii, to be a U.S. district judge for the district of Hawaii;

Thomas E. Kauper, of Michigan, to be an Assistant Attorney General;

A. William Olson, Jr., of California, to be an Assistant Attorney General; and

Harlington Wood, Jr., of Illinois, to be an Assistant Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ERVIN:

S. 3750. A bill to prohibit any civil or military officer of the United States using the land or naval forces of the United States or the militia of any State to execute civil laws against civilians or to exercise surveillance of civilians except where such forces or militia are actually engaged in repelling invasion or suppressing rebellion, insurrection, or domestic violence pursuant to the Constitution or laws of the United States. Referred, by unanimous consent, to the Committee on the Judiciary; and, if and when reported by the Committee on the Judiciary, to the Committee on Armed Services.

By Mr. BENTSEN (for himself and Mr. Tower):

S. 3751. A bill to amend the Federal Aid Highway Act (23 U.S.C. 110, 138) to clarify the law relating to what constitutes a formal contract between the Secretary of Transportation and a State highway department and stating further circumstances by which a State highway department will be permitted to refuse said aid. Referred to the Committee on Public Works.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Cranston, Mr. Dominick, Mr. Hughes, Mr. Javits, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Stevenson, and Mr. Taft):

S. 3752. A bill to extend programs for assistance to medical libraries. Referred to the Committee on Labor and Public Welfare.

By Mr. GOLDWATER:

S. 3753. A bill for the relief of Jack and Barbara Collins. Referred to the Committee on Finance.

By Mr. METCALF (for himself and Mr. Bellmon):

S. 3754. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands. Referred to the Committee on Finance.

By Mr. CANNON (for himself and Mr. Magnuson):

S. 3755. A bill to amend the Airport and Airway Development Act of 1970 to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes. Referred to the Committee on Commerce.

By Mr. HRUSKA:

S. 3756. A bill for the relief of Frank P. Muto, Alphonso A. Muto, Arthur E. Scott, and F. Clyde Wilkinson. Referred to the Committee on Post Office and Civil Service.

By Mr. MATHIAS:

S. 3757. A bill for the relief of Jorge N. Birnios. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ERVIN:

S. 3750. A bill to prohibit any civil or military officer of the United States using the land or naval forces of the United States or the militia of any State to execute civil laws against civilians or to exercise surveillance of civilians except where such forces or militia are actually engaged in repelling invasion or suppressing rebellion, insurrection, or domestic violence pursuant to the Constitution or laws of the United States. Referred, by unanimous consent, to the Committee on the Judiciary; and, if and when reported by the Committee on the Judiciary, to the Committee on Armed Services.

PROHIBITION OF THE ARMED FORCES FROM COLLECTING INFORMATION OR CONDUCTING SURVEILLANCE ON CIVILIANS

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill to protect the constitutional rights of American citizens by prohibiting the Armed Forces from collecting information or conducting surveillance on persons unaffiliated with the Armed Forces.

The introduction of this legislation has become necessary at this time by the decision of the Supreme Court in the case of Tatum against Laird, just decided. In that case, the Court unwisely and wrongly ignored the very serious harm that military surveillance has caused and continues to cause to the liberties of Americans. The decision is a most disappointing one not only because it leaves Americans unprotected when they seek to vindicate these rights in the courts, but also because the Supreme Court did not explain or justify the basis for its decision in any convincing way. Unfortunately, the opinion, in almost as many words, says merely that the plaintiffs have suffered no legal harm of which the Court can take cognizance. But it makes this declaration by ignoring the complaint which alleges that plaintiffs have indeed suffered such harm. In my opinion, the plaintiffs and the Justices in dissent have made very clear the legal harm involved, and the firm line of precedents supporting their position. Even more essential, the plaintiffs have made clear the constitutional harms to themselves, to the American people and to the Bill of Rights. The opinion is just not persuasive.

The weight of the opinion is also weakened because the Court by no means has decided that military surveillance is constitutional. It has merely ruled that this case does not qualify as one which properly presents the issue to the Court. Finally, of course, the decision is by a narrow 5-to-4 vote.

Although in my judgment the opinions of Judge Wilkey in the Court of Appeals and by Justice Douglas in dissent are by far the more consonant with the Constitution and with our traditions of liberty, there is one thing upon which the majority opinion and I agree. The Chief Justice says that this is a situation which Congress can and should resolve by legislative means. It is appropriate that Congress fulfill its responsibility to the people under the Constitution by enacting legislation to insure that this sort of surveillance by the military never again happens. It is for that reason that I introduce such legislation at this time.

That Congress has this responsibility does not mean that the Court has none. The Court does have a special obligation to defend citizens against harm to their first amendment rights which is caused by unlawful governmental action. That is why I argued this case before the Supreme Court on behalf of a number of religious associations. While the courts do not have an obligation to act as "virtually continuing monitors of the wisdom and soundness of executive action," to cite the Chief Justice's words, they do have the obligation to protect citizens against unconstitutional and unauthorized action by the executive which infringes upon the first amendment. That the Supreme Court has failed to do in this case. It is now the responsibility of the Congress to act.

The Constitutional Rights Subcommittee, which has been investigating this surveillance for 2½ years, is prepared to act expeditiously on this legislation and I hope that the bill will be referred to the Judiciary Committee for that reason.

Mr. President, so that the actions of the Supreme Court on this matter will be familiar to the Senate and the American people, I ask unanimous consent that the opinions in the Tatum case both in the Supreme Court and in the Court of Appeals be printed in the Record together with the text of the bill.

There being no objection, the bill and opinions were ordered to be printed in the Record, as follows:

S. 3750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. As used in this statute, the following terms have the following meanings:

(a) The term "land forces of the United States" includes the Army, the Air Force, and their respective reserve components;

(b) The term "naval forces of the United States" includes the Navy, the Marine Corps, and their respective reserve components;

(c) The term "State" includes any State, district, territory, commonwealth, or possession of the United States;

(d) The term "militia of a State" includes the National Guard and any other State military forces, which the President is empowered to call forth to execute the laws of the United States, or to suppress insurrections, or to repel invasions, and,

(e) The term "defense facility" includes any area, structure, ship, aircraft, or other place or instrumentality where persons are employed to discover, design, test, manufacture, maintain, or store weapons or munitions of any kind for the United States or any nation which procures weapons or munitions from the United States.

Sec. 2. Except to the extent specified in the next succeeding section of this statute, no civil or military officer of the United States shall use the land or naval forces of the United States or the militia of any State to execute the civil laws of the United States or any State against civilians or to exercise surveillance, either covert or overt, of civilians. Any civil or military officer of the United States who willfully violates this statute shall be imprisoned not more than two years, or fined not more than $10,000, or both.

Sec. 3. Notwithstanding the provisions of the preceding section of this statute, it shall not be unlawful to use the land or naval forces of the United States or the militia of a State (a) to do anything necessary or appropriate to enable such forces or militia to accomplish their mission after they have been actually and publicly assigned by the President to the task of repelling invasion or suppressing rebellion, insurrection, or domestic violence pursuant to the Constitution or Section 331, Section 332, or Section 333 of title 10 of the United States Code, or (b) to protect real or personal property committed to the custody of the land or naval forces of the United States or the militia of any State from destruction, damage, theft, unlawful seizure, or trespass, or (c) to determine whether the employment or retention in employment of any individual seeking or enjoying employment by the land or naval forces of the United States or the militia of any State or in any defense facility is consistent with the interests of national security.

Sec. 4. Nothing in this statute shall apply (a) to the militia of any State while it is under the command or control of the Governor or other authorities of the State; or (b) to impair the authority of the President to obtain by command or request any information or intelligence gathered by the Federal Bureau of Investigation or any other civil investigatory agency of the United States or any law-enforcement agency of any State, which he deems necessary or appropriate to enable him to determine whether invasion, rebellion, insurrection, or domestic violence of the nature described in the Constitution or the aforesaid statutes of the United States is likely to occur.

[Supreme Court of the United States, Syllabus]

LAIRD, SECRETARY OF DEFENSE, ET AL. v. TATUM ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 71-288. Argued March 27, 1972—Decided June 26, 1972.

Prior to its being called upon in 1967 to assist local authorities in quelling civil disorders in Detroit, Michigan, the Department of the Army had devleoped only a general contingency plan in connection with its limited domestic mission under 10 U. S. C. § 331. In response to the Army's experience in the various civil disorders it was called upon to help control during 1967 and 1968, Army Intelligence established a data-gathering system which respondents describe as involving the "surveillance of lawful civilian political activity." *Held:* Respondents' claim that their First Amendment rights are chilled, due to the mere existence of this data-gathering system, does not constitute a justiciable controversy on the basis of the record in this case, disclosing as it does no showing of objective harm or threat of specific future harm. Pp. —— ——.

444F. 2d 947, reversed.

Burger, C. J., delivered the opinion of the Court, in which White, Blackmun, Powell, and Rehnquist, JJ., joined. Douglas, J., filed a dissenting opinion in which Marshall, J., joined. Brennan, J., filed a dissenting opinion in which Stewart and Marshall, JJ., joined.

[Supreme Court of the United States, No. 71-288, June 26, 1972]

MELVIN R. LAIRD, SECRETARY OF DEFENSE, ET AL., PETITIONERS, v. ARLO TATUM ET AL.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

Mr. Chief Justice Burger delivered the opinion of the Court.

Respondents brought this class action in the District Court seeking declaratory and injunctive relief on their claim that their rights were being invaded by the Army's alleged "surveillance of lawful civilian political activity." The petititoners in response describe the activity as "gathering by lawful means, . . . [and] maintaining and using in their intelligence activities, . . . information relating to potential or actual civil disturbances [or] street demonstrations." In connection with respondents' motion for a preliminary injunction and petitioners' motion to dismiss the complaint, both parties filed a number of affidavits with the District Court and presented their oral arguments at a hearing on the two motions. On the basis of the pleadings,[1] the affidavits before the court, and the oral arguments advanced at the hearing, the District Court granted petitioners' motion to dismiss, holding that there was no justiciable claim for relief.

On appeal, a divided Court of Appeals reversed and ordered the case remanded for further proceedings. We granted certiorari to consider whether, as the Court of Appeals held, respondents presented a justiciable controversy in complaining of a "chilling" effect on the exercise of their First Amendment rights where such effect is allegedly caused, not by any "specific action of the Army against them, [but] only [by] the existence and operation of the intelligence gathering and distributing system, which is confined to the Army and related civilian investigative agencies." 444 F. 2d 947, 953. We reverse.

(1)

There is in the record a considerable amount of background information regarding the activities of which respondents complained; this information is set out primarily in the affidavits that were filed by the parties in connection with the District Court's consideration of respondents' motion for a preliminary injunction and petitioners' motion to dismiss. See Rule 12(b), Fed. Rules Civ. Proc. A brief review of that information is helpful to an understanding of the issues.

The President is authorized by 10 U.S.C. § 331[2] to make use of the armed forces to quell insurrection and other domestic violence if and when the conditions described in that section obtain within one of the States. Pursuant to those provisions, President Johnson ordered federal troops to assist local authorities at the time of the civil disorders in Detroit, Michigan, in the summer of 1967 and during the disturbances that followed the assassination of Dr. Martin Luther King. Prior to the Detroit disorders, the Army had a general contingency plan for providing such assistance to local authorities, but the 1967 experience led Army authorities to believe that more attention should be given to such preparatory planning. The data-gathering system here involved is said to have been established in connection with the development of more detailed and specific contingency planning designed to permit the Army when called upon to assist local authorities, to be able to respond effectively with a minimum of force. As the Court of Appeals observed,

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Footnotes at end of article.

"In performing this type function the Army is essentially a police force or the back-up of a local police force. To quell disturbances or to prevent fuurther disturbances the Army needs the same tools and, most importantly, the same information to which local police forces have access. Since the Army is sent into territory almost invariably unfamiliar to most soldiers and their commanders, their need for information is likely to be greater than that of the hometown policeman.

"No logical argument can be made for compelling the military to use *blind* force. When force is employed it should be intelligently directed, and this depends upon having reliable information—in time. As Chief Justice John Marshall said of Washington, 'A general must be governed by his intelligence and must regulate his measures by his information. . . .' So we take it as undeniable that the military, i.e., the Army, need a certain amount of information in order to perform their constitutional and statutory missions." 444 F. 2d, at 953 (footnotes omitted).

The system put into operation as a result of the Army's 1967 experience consisted essentially of the collection of information about public activities that were thought to have at least some potential for civil disorder, the reporting of that information to Army Intelligence headquarters at Fort Holabird, Maryland, the dissemination of these reports from headquarters to major Army posts around the country, and the storage of the reported information in a computer data bank located at Fort Holabird. The information itself was collected by a variety of means, but it is significant that the principal sources of information were the news media and publications in general circulation. Some of the information came from Army Intelligence agents who attended meetings that were open to the public and who wrote field reports describing the meetings, giving such data as the name of the sponsoring organization, the identity of speakers, the approximate number of persons in attendance, and an indication of whether any disorder occurred. And still other information was provided to the Army by civilian law enforcement agencies.

The material filed by the Government in the District Court reveals that Army Intelligence has field offices in various parts of the country; these offices are staffed in the aggregate with approximately 1,000 agents, 94% of whose time[3] is devoted to the organization's principal mission,[4] which is unrelated to the domestic surveillance system here involved.

By early 1970 Congress became concerned with the scope of the Army's domestic surveillance system; hearings on the matter were held before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary. Meanwhile, the Army, in the course of a review of the system, ordered a significant reduction in its scope. For example, information referred to in the complaint as the "blacklist" and the records in the computer data bank at Fort Holabird were found unnecessary and were destroyed, along with other related records. One copy of all the material relevant to the instant suit was retained, however, because of the pendency of this litigation. The review leading to the destruction of these records was said at the time the District Court ruled on petitioners' motion to dismiss to be a "continuing" one (App., at 82), and the Army's policies at that time were represented as follows in a letter from the Under Secretary of the Army to Senator Sam J. Ervin, Chairman of the Senate Subcommittee on Constitutional Rights:

"[R]eports concerning civil disturbances will be limited to matters of immediate concern to the Army—that is, reports concerning outbreaks of violence or incidents with a high potential for violence beyond the capability of state and local police and the National Guard to control. These reports will be collected by liaison with other Government agencies and reported by teletype to the Intelligence Command. They will not be placed in a computer. . . . These reports are destroyed 60 days after publication or 60 days after the end of the disturbance. This limited reporting system will ensure that the Army is prepared to respond to whatever directions the President may issue in civil disturbance situations and without watching lawful activities of civilians." (App., at 80.)

In briefs for petitioners filed with this Court, the Solicitor General has called our attention to certain directives issued by the Army and the Department of Defense subsequent to the District Court's dismissal of the action; these directives indicate that the Army's review of the needs of its domestic intelligence activities has indeed been a continuing one and that those activities have since been significantly reduced.

The District Court held a combined hearing on respondents' motion for a preliminary injunction and petitioners' motion for dismissal and thereafter announced its holding that respondents had failed to state a claim upon which relief could be granted. It was the view of the District Court that respondents failed to allege any action on the part of the Army that was unlawful in itself and further failed to allege any injury or any realistic threats to their rights growing out of the Army's actions.[5]

In reversing, the court of Appeals noted that respondents "have some difficulty in establishing visible injury." They "freely admit that they complain of no specific action of the Army against them. . . . There is no evidence of illegal or unlawful surveillance activities. We are not cited to any clandestine intrusion by a military agent. So far as is yet shown, the information gathered is nothing more than a good newspaper reporter would be able to gather by attendance at public meetings and the clipping of articles from publications available on any newsstand." 444 F. 2d, at 953.

The court took note of petitioners' argument "that nothing [detrimental to respondents] had been done, that nothing is contemplated to be done, and even if some action by the Army against [respondents] were possibly foreseeable, such would not present a presently justiciable controversy." With respect to this argument, the Court of Appeals had this to say:

"This position of the appellees [petitioners] does not accord full measure to the rather unique argument advanced by appellants [respondents]. While appellants do indeed argue that in the future it is possible that information relating to matters far beyond the responsibilities of the military may be misused by the military to the detriment of these civilian appellants, yet appellants do not attempt to establish this as a definitely foreseeable event, or to base their complaint on this ground. Rather, appellants contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on appellants and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights. . . ." 444 F. 2d, at 954. (Emphasis in original.)

Our examination of the record satisfies us that the Court of Appeals properly identified the issue presented, namely, whether the jurisdiction of a federal court may be invoked by a complainant who alleges that the exercise of his First Amendment rights is being chilled by the mere existence, without more, of a governmental investigative and data-gathering activity that is alleged to be broader in scope than is reasonably necessary for the accomplishment of a valid governmental purpose. We conclude, however, that having properly identified the issue, the Court of Appeals decided that issue incorrectly.[6]

In recent years this Court has found in a number of cases that constitutional violations may arise from the deterrent, or "chilling," effect of governmental regulations that fall short of a direct prohibition against the exercise of First Amendment rights. *E.g., Baird* v. *State Bar of Arizona,* 401 U. S. 1 (1971); *Keyishian* v. *Board of Regents,* 385 U. S. 589 (1967); *Lamont* v. *Postmaster General,* 381 U. S. 301 (1965); *Baggett* v. *Bullitt,* 377 U. S. 360 (1964). In none of these cases, however, did the chilling effect arise merely from the individual's knowledge that a governmental agency was engaged in certain activities or from the individual's concomitant fear that, armed with the fruits of those activities, the agency might in the future take some *other* and additional action detrimental to that individual. Rather, in each of these cases, the challenged exercise of governmental power was regulatory, proscriptive, or compulsory in nature, and the complainant was either presently or prospectively subject to the regulations, proscriptions, or compulsions that he was challenging.

For example, the petitioner in *Baird* v. *State Bar of Arizona* had been denied admission to the bar solely because of her refusal to answer a question regarding the organizations with which she had been associated in the past. In announcing the judgment of the Court, Mr. Justice Black said that "a State may not inquire about a man's views or associations solely for the purpose of withholding a right or benefit because of what he believes." 401 U. S., at 7. Some of the teachers who were the complainants in *Keyishian* v. *Board of Regents* had been discharged from employment by the State, and the others were threatened with such discharge, because of their political acts or associations. The Court concluded that the State's "complicated and intricate scheme" of laws and regulations relating to teacher loyalty could not withstand constitutional scrutiny; it was not permissible to inhibit First Amendment expression by forcing a teacher to "guess what conduct or utterances" might be in violation of that complex regulatory scheme and might thereby "lose him his position." 385 U. S., at 604. *Lamont* v. *Postmaster General* dealt with a governmental regulation requiring private individuals to make a special written request to the Post Office for delivery of each individual mailing of certain kinds of political literature addressed to them. In declaring the regulation invalid, the Court said: "The addressee carries an affirmative obligation which we do not think the Government may impose on him." 381 U. S., at 307. *Baggett* v. *Bullitt* dealt with a requirement that an oath of vague and uncertain meaning be taken as a condition of employment by a governmental agency. The Court said: "Those with a conscientious regard for what they solemnly swear or affirm, sensitive to the perils posed by the oath's indefinite language, avoid the risk of loss of employment, and perhaps profession, only by restricting their conduct to that which is unquestionably safe. Free speech may not be so inhibited." 377 U. S., at 372.

The decisions in these cases fully recognize that governmental action may be subject to constitutional challenge even though it has only an indirect effect on the exercise of First Amendment rights. At the same time, however, these decisions have in no way eroded the "established principle that to entitle a private individual to invoke the judicial power to determine the validity of executive or legislative action he must show that he has sustained or is immediately in danger of sustaining a direct injury as the result of that action. . . ." *Ex parte Levitt,* 302 U.S. 633, 634 (1937).

Footnotes at end of article.

The respondents do not meet this test; their claim, simply stated, is that they disagree with the judgments made by the Executive Branch with respect to the type and amount of information the Army needs and that the very existence of the Army's data-gathering system produces a constitutionally impermissible chilling effect upon the exercise of their First Amendment rights. That alleged "chilling" effect may perhaps be seen as arising from respondents' very perception of the system as inappropriate to the Army's role under our form of government, or as arising from respondents' beliefs that it is inherently dangerous for the military to be concerned with activities in the civilian sector, or as arising from respondents' less generalized yet speculative apprehensiveness that the Army may at some future date misuse the information in some way that would cause direct harm to respondents.[7] Allegations of a subjective "chill" are not an adequate substitute for a claim of specific present objective harm or a threat of specific future harms; "the federal courts established pursuant to Article III of the Constitution do not render advisory opinions." *United Public Works* v. *Mitchell*, 330 U.S. 75, 89 (1947).

Stripped to its essentials, what respondents appear to be seeking is a broad scale investigation, conducted by themselves as private parties armed with the subpoena power of a federal district court and the power of cross-examination to probe into the Army's intelligence-gathering activities, with the district court determining at the conclusion of that investigation the extent to which those activities may or may not be appropriate to the Army's mission. The following excerpt from the opinion of the Court of Appeals suggests the broad sweep implicit in its holding:

"Apparently in the judgment of the civilian head of the Army not everything being done in the operation of this intelligence system was necessary to the performance of the military mission. *If the Secretary of the Army can formulate and implement such judgment based on facts within his Departmental knowledge, the United States District Court can hear evidence, ascertain the facts and decide what, if any, further restrictions on the complained-of activities are called for* to confine the military to their legitimate sphere of activity and to protect appellants' allegedly infringed constitutional rights." 444 F. 2d 947, 958. (Emphasis added.)

Carried to its logical end, this approach would have the federal courts as virtually continuing monitors of the wisdom and soundness of Executive action; such a role is appropriate for the Congress acting through its committees and the "power of the purse"; it is not the role of the judiciary, absent actual present or immediately threatened injury resulting from unlawful governmental action.

We, of course, intimate no view with respect to the propriety or desirability, from a policy standpoint, of the challenged activities of the Department of the Army; our conclusion is a narrow one, namely, that on this record the respondents have not presented a case for resolution by the courts.

The concerns of the Executive and Legislative Branches in response to disclosure of the Army surveillance activities—and indeed the claims alleged in the complaint—reflect a traditional and strong resistance of Americans to any military intrusion into civilian affairs. That tradition has deep roots in our history and found early expression, for example, in the Third Amendment's explicit prohibition against quartering soldiers in private homes without consent and in the constitutional provisions for civilian control of the military. Those prohibitions are not directly presently by this case, but their philosophical underpinnings explain our traditional insistence on limitations on military operations in peacetime. Indeed, when presented with claims of judicially cognizable injury resulting from military intrusion into the civilian sector, federal courts are fully empowered to consider claims of those asserting such injury; there is nothing in our Nation's history or in this Court's decided cases, including our holding today, that can properly be seen as giving any indication that actual or threatened injury by reason of unlawful activities of the military would go unnoticed or unremedied.

Reversed.

FOOTNOTES

[1] The complaint filed in the District Court candidly asserted that its factual allegations were based on a magazine article: "The information contained in the foregoing paragraphs numbered five through thirteen [of the complaint] was published in the January 1970 issue of the magazine *The Washington Monthly . . . .*"

[2] "Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, and use such of the armed forces, as he considers necessary to suppress the insurrection."

The constitutionality of this statute is not at issue here; the specific authorization of such use of federal armed forces, in addition to state militia, appears to have been enacted pursuant to Art. IV, § 4, of the Constitution, which provides that "[t]he United States . . . shall protect each of [the individual States] . . . on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

In describing the requirement of 10 U.S.C. § 331 for the use of federal troops to quell domestic disorders, Attorney General Ramsey Clark made the following statements in a letter sent to all state governors on August 7, 1967:

"There are three basic prerequisites to the use of Federal troops in a state in the event of domestic violence:

"(1) That a situation of serious 'domestic violence' exists within the state. While this conclusion should be supported with a statement of factual details to the extent feasible under the circumstances, there is no prescribed wording.

"(2) That such violence cannot be brought under control by the law enforcement resources available to the governor, including local and State police forces and the National Guard. The judgment required here is that there is a definite need for the assistance of Federal troops, taking into account the remaining time needed to move them into action at the scene of violence.

"(3) That the legislature or the governor requests the President to employ the armed forces to bring the violence under control. The element of request by the governor of a State is essential if the legislature cannot be convened. It may be difficult in the context of urban rioting, such as we have seen this summer, to convene the legislature.

"These elements should be expressed in a written communication to the President, which of course may be a telegram, to support his issuance of a proclamation under 10 U.S.C. § 334 and commitment of troops to action. In case of extreme emergency, receipt of a written request will not be a prerequisite to Presidential action. However, since it takes several hours to alert and move Federal troops, the few minutes needed to write and dispatch a telegram are not likely to cause any delay.

"Upon receiving the request from a governor, the President, under the terms of the statute and the historic practice, must exercise his own judgment as to whether Federal troops will be sent, and as to such questions as timing, size of the force, and federalization of the National Guard.

"Preliminary steps, such as altering the troops, can be taken by the Federal government upon oral communications and prior to the governor's determination that the violence cannot be brought under control without the aid of Federal forces. Even such preliminary steps, however, represent a most serious departure from our traditions of local responsibility for law enforcement. They should not be requested until there is a substantial likelihood that the federal forces will be needed."

This analysis of Attorney General Clark suggests the importance of the need for information to guide the intelligent use of military forces and to avoid "overkill."

[3] Translated in terms of personnel, this percentage figure suggests that the total intelligence operation concerned with potential civil disorders hardly merits description as "massive," as one of the dissents characterizes it.

[4] That principal mission was described in one of the documents filed with the District Court as the conducting of "investigations to determine whether uniformed members of the Army, civilian employees [of the Army] and contractors' employees should be granted access to classified information." (App., at 76–77.)

[5] In the course of the oral argument, the District Judge sought clarification from respondents' counsel as to the nature of the threats perceived by respondents; he asked what exactly it was in the Army's activities that tended to chill respondents and others in the exercise of their constitutional rights. Counsel responded that it was "precisely the threat in this case that *in some future civil disorder* of some kind, the Army is going to come in with its list of troublemakers . . . and go rounding up people and putting them in military prisons somewhere." (Emphasis added.) To this the court responded that "we still sit here with the writ of habeas corpus." At another point, counsel for respondents took a somewhat different approach in arguing that *"we're not quite sure exactly what they have in mind* and that is precisely what causes the chill, the chilling effect." (Emphasis added.)

[6] Indeed, the Court of Appeals noted that it had reached a different conclusion when presented with a virtually identical issue in another of its recently decided cases, *Davis* v. *Ichord*, 422 F. 2d 1207 (CADC 1970). The plaintiffs in *Davis* were attacking the constitutionality of the House of Representatives Rule under which the House Committee on Internal Security conducts investigations and maintains files described by the plaintiffs as a "political blacklist." The court noted that any chilling effect to which the plaintiffs were subject arose from the mere existence of the Committee and its files and the mere possibility of the misuse of those files. In affirming the dismissal of the complaint, the court concluded that allegations of such a chilling effect could not be elevated to a justiciable claim merely by alleging as well that the challenged House Rule was overly broad and vague.

In deciding the case presently under review, the Court of Appeals distinguished *Davis* on the ground that the difference in the source of the chill in the two cases—a House Committee in *Davis* and the Army in the instant case—was controlling. We cannot agree that the jurisdictional question with which we are here concerned is to be resolved on the basis of the identity of the parties named as defendants in the complaint.

[7] Not only have respondents left somewhat unclear the precise connection between the mere existence of the challenged system and their own alleged chill, but they have

also cast considerable doubt on whether they themselves are in fact suffering from any such chill. Judge MacKinnon took cogent note of this difficulty in dissenting from the Court of Appeals' judgment, rendered as it was "on the facts of the case which emerge from the pleadings, affidavits and the admissions made to the trial court." 444 F. 2d, at 959. At the oral argument before the District Court, counsel for respondents admitted that his clients were "not people, obviously, who are cowed and chilled"; indeed, they were quite willing "to open themselves up to public investigation and public scrutiny." But, counsel argued, these respondents must "represent millions of American not nearly as forward [and] courageous" as themselves. It was Judge MacKinnon's view that this concession "constitutes a basic denial of practically their whole case." *Ibid.* Even assuming a justiciable controversy, if respondents themselves are not chilled, but seek only to represent those "millions" whom they believe are so chilled, respondents clearly lack that "personal stake in the outcome of the controversy" essential to standing. *Baker* v. *Carr*, 369 U.S. 186, 204 (1962). As the Court recently observed in *Moose Lodge No. 107* v. *Irvis*,——U.S.——, a litigant "has standing to seek redress for injuries done to him, but may not seek redress for injuries done to others."

Supreme Court of the United States

No. 71-288

Melvin R. Laird, Secretary of Defense, et al., Petitioners, versus Arlo Tatum et al., on Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 26, 1972]

Mr. Justice Douglas, with whom Mr. Justice Marshall concurs, dissenting.

I

If Congress had passed a law authorizing the armed services to establish surveillance over the civilian population, a most serious constitutional problem would be presented. There is, however, no law authorizing surveillance over civilians, which in this case the Pentagon concededly had undertaken. The question is whether such authority may be implied. One can search the Constitution in vain for any such authority.

The start of the problem is the constitutional distinction between the "militia" and the Armed Forces. By Art. I, § 7, of the Constitution the militia is specifically confined to precise duties: "to execute the laws of the union, suppress insurrections and repel invasions."

This obviously means that the "militia" cannot be sent overseas to fight wars. They are purely a domestic arm of the governors of the several States,[1] save as they may be called under Art. I § 8, of the Constitution into the federal service. Whether the "militia" could be given powers comparable to those granted the FBI is a question not now raised. For we deal here not with the "militia" but with "armies." The Army, Navy, and Air Force are comprehended in the constitutional term "armies." Art. I, § 7, provides that Congress may "raise and support armies," and "provide and maintain a navy," and make "rules for the government and regulation of the land and naval forces." And the Fifth Amendment excepts from the requirement of a presentment or indictment of a grand jury "cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger."

Acting under that authority, Congress has provided a code governing the Armed Services. That code sets the procedural standards for the Government and regulation of the land and naval forces. It is difficult to imagine how those powers can be extended to military surveillance over civilian affairs.[2]

The most pointed and relevant decisions of the Court on the limitation of military authority concern the attempt of the military to try civilians. The first leading case was *Ex parte Milligan*, 4 Wall. 2, 124, where the Court noted that the conflict between "civil liberty" and "martial law" is "irreconcilable." The Court which made that announcement would have been horrified at the prospect of the military—absent a regime of martial law—establishing a regime of surveillance over civilians. The power of the military to establish such a system is obviously less than the power of Congress to authorize such surveillance. For the authority of Congress is restricted by its power to "raise" armies, Art. I, § 7; and, to repeat, its authority over the Armed Forces is stated in these terms, "To make rules for the government and regulations of the land and naval forces."

The Constitution contains many provisions guaranteeing rights to persons. Those include the right to indictment by a grand jury and the right to trial by a jury of one's peers. It includes the procedural safeguards of the Sixth Amendment in criminal prosecutions; the protection against double jeopardy, cruel and unusual punishments—and of course the First Amendment. The alarm was sounded in the Constitutional Convention about the dangers of the armed services. Luther Martin of Maryland said, ". . . when a government wishes to deprive its citizens of freedom and reduce them to slavery, it generally makes use of a standing army."[3] That danger, we have held, exists not only in bold acts of usurpation of power, but in gradual encroachments. We held that court-martial jurisdiction cannot be extended to reach any person not a member of the Armed Forces at the times both of the offense and of the trial, which eliminates discharged soldiers. *Toth* v. *Quarles*, 350 U.S. 11. Neither civilian employees of the Armed Forces overseas, *McElroy* v. *Guagliardo*, 361 U.S. 281; *Grisham* v. *Hajan*, 361 U.S. 278, nor civilian dependents of military personnel accompany them overseas, *Kinsella* v. *Singleton*, 361 U.S. 234; *Reid* v. *Covert*, 354 U.S. 1, may be tried by court martial. And even as respects those in the Armed Forces we have held that an offense must be "service connected" to be tried by court-martial rather than by civilian tribunals. *O'Callhan* v. *Parker*, 395 U.S. 258, 272.

The upshot is that the Armed Services—as distinguished from the "militia"—are not regulatory agencies or bureaus that may be created as Congress desires and granted such powers that seem necessary and proper. The authority to provide rules "governing" the Armed Services means the grant of authority to the Armed Services to govern themselves, not the authority to govern civilians. Even when "martial law" is declared, as it often has been, its appropriateness is subject to judicial review, *Sterling* v. *Constantin*, 287 U.S. 378, 401, 403–404.[4]

Our tradition reflects a desire for civilian supremacy and subordination of military power. The tradition goes back to the Declaration of Independence in which it was recited that the King "has affected to render the military independent of and superior to the civil power." Thus we have the "militia" restricted to domestic use, the restriction of appropriations to the "armies" to two years, Art. I, § 7, and the grant of command over the armies and the militia when called into actual service of the United States to the President, our chief civilian officer. The tradition of civilian control over the Armed Forces was stated by Chief Justice Warren: [5]

"The military establishment is, of course, a necessary organ of government; but the reach of its power must be carefully limited lest the delicate balance between freedom and order be upset. The maintenance of the balance is made more difficult by the fact that while the military services the vital function of preserving the existence of the nation, it is, at the same time, the one element of government that exercises a type of authority not easily assimilated in a free society . . .

"In times of peace, the factors leading to an extraordinary deference to claims of military necessity have naturally not been as weighty. This has been true even in the all too imperfect peace that has been our lot for the past fifteen years—and quite rightly so, in my judgment. It is instructive to recall that our Nation at the time of the Constitutional Convention was also faced with formidable problems. The English, the French, the Spanish, and various tribes of hostile Indians were all ready and eager to subvert or occupy the fledgling Republic. Nevertheless, in that environment, our Founding Fathers conceived a Constitution and Bill of Rights replete with provisions indicating that determination to protect human rights. There was no call for a garrison state in those times of precarious peace. We should heed no such call now. If we were to fail in these days to enforce the freedom that until now has been the American citizen's birthright, we would be abandoning for the foreseeable future the constitutional balance of powers and rights in whose name we arm."

Thus, we have until today consistently adhered to the belief that

"[i]t is an unbending rule of law, that the exercise of military power, where the rights of the citizen are concerned, shall never be pushed beyond what the exigency requires." *Raymond* v. *Thomas*, 91 U.S. 712, 716.

It was in that tradition that *Youngstown Sheet and Tube Co.* v. *Sawyer*, 343 U.S. 579, was decided in which President Truman's seizures of the steel mills in the so-called Korean War was held unconstitutional. As stated by Justice Black:

"The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though 'theater of war' be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities." *Id.*, 587.

Madison expressed the fear of military dominance: [6]

"The veteran legions of Rome were an overmatch for the undisciplined valor of all other nations, and rendered her the mistress of the world.

"Not the less true is it, that the liberties of Rome proved the final victim to her military triumphs; and that the liberties of Europe, as far as they ever existed, have, with few exceptions, been the price of her military establishments. A standing force, therefore, is a dangerous, at the same time that it may be a necessary, provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale it is an object of laudable circumspection and precaution. A wise nation will combine all these considerations; and whilst it does not rashly preclude itself from any resource which may become essential to its safety, will exert all its prudence in diminishing both the necessity and the danger of resorting to one which may be inauspicious to its liberties.

"The clearest marks of this prudence are stamped on the proposed Constitution. The

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Footnotes at end of article.

Union itself, which it cements and secures, destroys every pretext for a military establishment which could be dangerous. America united, with a handful of troops, or without a single soldier, exhibits a more forbidding posture to foreign ambition than America disunited, with a hundred thousand veterans ready for combat."

As Chief Justice Warren has observed, the safeguards in the main body of the Constitution did not satisfy the people on their fear and concern of military dominance:[7]

"They were reluctant to ratify the Constitution without further assurances, and thus we find in the Bill of Rights Amendments 2 and 3, specifically authorizing a decentralized militia, guaranteeing the right of the people to keep and bear arms, and prohibiting the quartering of troops in any house in time of peace without the consent of the owner. Other Amendments guarantee the right of the people to assemble, to be secure in their homes against unreasonable searches and seizures, and in criminal cases to be accorded a speedy and public trial by an impartial jury after indictment in the district and state wherein the crime was committed. The only exceptions made to these civilian trial procedures are for cases arising in the land and naval forces. Although there is undoubtedly room for argument based on the frequently conflicting sources of history, it is not unreasonable to believe that our Founders' determination to guarantee the preeminence of civil over military power was an important element that prompted adoption of the Constitutional Amendments we call the Bill of Rights."

The action in turning the "armies" loose on surveillance of civilians was a gross repudiation of our traditions. The military, though important to us, is subservient and restricted purely to military missions. It even took an Act of Congress to allow a member of the Joint Chiefs of Staff to address the Congress;[8] and that small step did not go unnoticed but was in fact viewed with alarm by those respectful of the civilian tradition. Walter Lippman has written that during World War II, he was asked to convey a message to Winston Churchill, while the latter was in Washington together with his chiefs of staff. It was desired that Churchill should permit his chiefs of staff to testify before Congress as to the proper strategy for waging the war. Lippmann explains, however, that he "never finished the message. For the old lion let out a roar demanding to know why I was so ignorant of the British way of doing things that I could dare to suggest that a British general should address a parliamentary body.

"As I remember it, what he said was 'I am the Minister of Defense and I, not the generals, will state the policy of His Majesty's government.'" Lippmann, The Intervention of the General, Washington Post, April 27, 1967.[9]

The act of turning the military loose on civilians even if sanctioned by an Act of Congress, which it has not been, would raise serious and profound constitutional questions. Standing as it does only on brute power and Pentagon policy, it must be repudiated as a usurpation dangerous to the civil liberties on which free men are dependent. For, as Senator Sam Ervin has said, "this claim of an inherent executive branch power of investigation and surveillance on the basis of people's beliefs and attitudes may be more of a threat to our internal security than any enemies beyond our borders." Ervin, Privacy and Government Investigations, 1971 U. Ill. L. F. 137, 153 (1971).

II

The claim that respondents have no standing to challenge the Army's surveillance of them and the other members of the class they seek to represent is too transparent for serious argument. The surveillance of the Army over the civilian sector—a part of society hitherto immune from their control—is a serious charge. It is alleged that the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country, including groups like the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, The American Civil Liberties Union, Womens Strike for Peace, and the National Association for the Advancement of Colored People. The Army uses undercover agents to infiltrate these civilian groups and to reach into confidential files of students and other groups. The Army moves as a secret group among civilian audiences, using cameras and an electronic ear for surveillance. The data it collects are distributed to civilian officials in state, federal, and local governments and to each military intelligence unit and troop command under the Army's jurisdiction (both here and abroad); and these data are stored in one or more data banks.

Those are the allegations; and the charge is that the purpose and effect of the system of surveillance is to harass and intimidate the respondents and to deter them from exercising their rights of political expression, protest, and dissent "by invading their privacy, damaging their reputations, adversely affecting their employment and their opportunities for employment and in other ways." Their fear is that "permanent reports of their activities will be maintained in the Army's data bank, and their 'profiles' will appear in the so-called 'Blacklist' and that all of this information will be released to numerous federal and state agencies upon request."

Judge Wilkey, speaking for the Court of Appeals, properly held that this Army surveillance "exercises a present inhibiting effect on their full expression and utilization of their First Amendment rights." 444 F. 2d, at ——. That is the test. The "deterrent effect" on First Amendment rights by government oversight marks an unconstitutional intrusion, *Lamont* v. *Postmaster General,* 381 U. S. 301, 307. Or as stated by Mr. Justice Brennan, "inhibition as well as prohibition against the exercise of precious First Amendment rights is a power denied to government." *Id.,* at 309. When refusal of the Court to pass on the constitutionality of an Act under the normal consideration of forbearance "would itself have an inhibitory effect on freedom of speech" then the Court will act. *United Staes* v. *Raines,* 362 U. S. 17 32.

As stated by the Supreme Court of New Jersey, "there is good reason to permit the strong to speak for the weak or the timid in First Amendment matters." *Anderson* v. *Sills,* 56 N.J. 210, 220 (1970).

One need not wait to sue until he loses his job or until his reputation is defamed. To withhold standing to sue until that time arrives would in practical effect immunize from judicial scrutiny all surveillance activities regardless of their misuse and their deterrent effect. As stated in *Flast* v. *Cohen,* 392 U.S. 83, 101, ". . . in terms of Article III limitations on federal court jurisdiction, the question of standing is related only to whether the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution." Or as we put it in *Baker* v. *Carr,* 369 U.S. 186, 204, the gist of the standing issue is whether the party seeking relief has "alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions."

The present controversy is not a remote, imaginary conflict. Respondents were targets of the Army's surveillance. First, the surveillance was not casual but massive and comprehensive. Second, the intelligence reports were regularly and widely circulated and were exchanged with reports of the FBI, state and municipal police departments, and the CIA. Third, the Army's surveillance was not collecting material in public records but staking-out teams of agents, infiltrating undercover agents, creating command posts inside meetings, posing as press photographers and newsmen, posing as TV newsmen, posing as students, shadowing public figures.

Finally, we know from the hearings conducted by Senator Ervin that the Army has misused or abused its reporting functions. Thus Senator Ervin concludes that reports of the Army have been "taken from the Intelligence Command's highly inaccurate civil disturbance teletype and filed in Army dossiers on persons who have held, or were being considered for, security clearances, thus contaminating what are supposed to be investigative reports with unverified gossip and rumor. This practice directly jeopardized the employment and employment opportunities of persons seeking sensitive positions with the federal government or defense industry."[10]

Surveillance of civilians is none of the Army's constitutional business and Congress has not undertaken to entrust it with any such function. The fact that since this litigation started the Army's surveillance may have been cut back is not an end of the matter. Whether there has been an actual cutback or whether the announcements are merely a ruse can be determined only after a hearing in the District Court. We are advised by an *amicus* brief filed by a group of former Army Intelligence Agents that Army surveillance of civilians is rooted in secret programs of long standing.

"Army intelligence has been maintaining an unauthorized watch over civilian political activity for nearly 30 years. Nor is this the first time that Army intelligence has, without notice to its civilian superiors, overstepped its mission. From 1917 to 1924, the Corps of Intelligence Police maintained a massive surveillance of civilian political activity which involved the use of hundreds of civilian informants, the infiltration of civilian organizations and the seizure of dissenters and unionists, sometimes without charges. That activity was opposed—then as now—by civilian officials on those occasions when they found out about it, but it continued unabated until post-war disarmament and economies finally eliminated the bureaucracy that conducted it."

This case is a cancer in our body politic. It is a measure of the disease which afflicts us. Army surveillance, like Army regimentation, is at war with the principles of the First Amendment. Those who already walk submissively will say there is no cause for alarm. But submissiveness is not our heritage. The First Amendment was designed to allow rebellion to remain as our heritage. The Constitution was designed to keep government off the backs of the people. The Bill of Rights was added to keep the precincts of belief and expression, of the press, of political and social activities free from surveillance. The Bill of Rights was designed to keep agents of government and official eavesdroppers away from assemblies of people. The aim was to allow men to be free and independent and to assert their rights against government. There can be no influence more paralyzing of that objective than Army surveillance. When an Intelligence Officer looks over every nonconformist's shoulder in the library or walks invisibly by his side in a picket line or infiltrates his club, the America once extolled as the voice of liberty heard around the world no longer is cast in the image which Jefferson and Madison designed, but more in the Russian image, depicted in Appendix III to this opinion.

Footnotes at end of article.

APPENDIX I

The narrowly circumscribed domestic role which Congress has by statute authorized the Army to play is clearly an insufficient basis for the wholesale civilian surveillance of which respondents complain. The entire domestic mission of the armed services is delimited by nine statutes.

Four define the Army's narrow role as a back-up for civilian authority where the latter has proved insufficient to cope with insurrection:

10 U.S.C. § 331:

"Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection."

10 U.S.C. § 332:

"Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion."

10 U.S.C. § 333:

"The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

"(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution."

10 U.S.C. § 334:

"Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents to disperse and retire peaceably to their abodes within a limited time."

Two statutes, passed as a result of Reconstruction Era military abuses, prohibit military interference in civilian elections:

18 U.S.C. § 592:

"Whoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

"This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote."

18 U.S.C. § 593:

"Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

"Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

"Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

"Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

"Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

"This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district."

Another Reconstruction Era statute forbids the use of military troops as a posse comitatus:

18 U.S.C. § 1385:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than $10,000 or imprisoned not more than two years, or both."

Finally, there are two specialized statutes. It was thought necessary to pass an Act of Congress to give the armed services some limited power to control prostitution near military bases, and an Act of Congress was required to enable a member of the Joint Chiefs of Staff to testify before Congress:

18 U.S.C. § 1384:

"Within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or any two or all of them shall determine to be needful to the efficiency, health, and welfare of the Army, the Navy, or the Air Force, and shall designate and publish in general orders or bulletins, whoever engages in prostitution or aids or abets prostitution or procures or solicits for purposes of prostitution, or keeps or sets up a house of ill fame, brothel, or bawdy house, or receives any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or permits any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or leases or rents or contracts to lease or rent any vehicle, conveyance, place, structure or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"The Secretaries of the Army, Navy, and Air Force and the Federal Security Administrator shall take such steps as they deem necessary to suppress and prevent such violations thereof, and shall accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purpose of this section.

"This section shall not be construed as conferring on the personnel of the Departments of the Army, Navy, or Air Force or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section."

10 U.S.C. § 141(e):

"After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate."

APPENDIX II

Walter Lippmann gave the following account of his conversation with Churchill:

"The President's bringing General Westmoreland home in order to explain the war reminds me of an instructive afternoon spent during the Second World War. The country and the Congress were divided on the question of whether to strike first against Hitler or first against Japan. Churchill and Roosevelt had agreed on the policy of Hitler first. But there were large and powerful groups in the country, many of them former isolationists in the sense that they were anti-European, who wanted to concentrate American forces on winning the war against Japan. Even the American chiefs of staff were divided on this question of high strategy.

"Churchill had come to Washington accompanied by the British chiefs of staff, to work out with President Roosevelt and the Administration, the general plan of the global war. One morning I had a telephone call from Sen. Austin, who was a strong believer in the Churchill-Roosevelt line. He said in effect, 'I know you are seeing the Prime Minister this afternoon and I wish you would ask him to tell his chiefs of staff to come to Congress and testify in favor of our strategical policy.' Quite innocently I said I would do this, and when Churchill received me that afternoon I began by saying that I had a message from Sen. Austin. 'Would the Prime Minister instruct his chiefs of staff to go to the Senate Foreign Relations Committee. . . .' I never finished the message. For the old lion let out a roar demanding to know why I was so ignorant of the British way of doing things that I could dare to suggest that a British general should address a parliamentary body.

"As I remember it, what he said was, 'I am the Minister of Defense and I, not the generals, will state the policy of His Majesty's government.'

"No one who ever aroused the wrath of Churchill is likely to forget it. I certainly have not forgotten it. I learned an indelible lesson about one of the elementary principles of democratic government. And therefore, I take a very sour view of a field commander being brought home by the President to educate the Congress and the American people."

Our military added political departments to their staffs. A Deputy Chief of Naval Operations, Military Policy Division, was first established in the Department of the Navy by Truman in 1945. In the Office of Secretary of Defense that was done by Truman in 1947, the appointee eventually becoming Assistant Secretary for International Security Affairs. A like office was established in 1961 in the Department of the Army by Kennedy and another for the Air Force in 1957 by Eisenhower. Thus when the Pentagon entered a Washington, D.C., conference, its four Secretaries of State faced the real Secretary of State and more frequently than not talked or stared him down. The Pentagon's secretaries of state usually spoke in unison; they were clear and decisive with no ifs, ands, and buts, and in policy conferences usually carried the day.

By 1968 the Pentagon was spending $34 million a year on non-military social and behavorial science research both at home and abroad. One related to "witchcraft, sorcery, magic and other psychological phenomenon" in the Congo. Another concerned the "political influence of university students in Latin America." Other projects related to the skill of Korean women as divers, snake venoms in the Middle East, and the like. Research projects were going on for the Pentagon in 40 countries in sociology, psychology and behavorial sciences.

The department became so powerful that no President would dare crack down on it and try to regulate it.

The military approach to world affairs conditioned our thinking and our planning after World War II.

We did not realize that to millions of these people the difference between Communist dictatorship and the dictatorship under which they presently lived was one. We did not realize that in some regions of Asia it was the Communist party that identified itself with the so-called reform programs, the other parties being mere instruments for keeping a ruling class in power. We did not realize that in the eyes of millions of illiterates the choice between democracy and communism was not the critical choice it would be for us.

We talked about "saving democracy." But the real question in Asia, the Middle East, Africa, and Latin America was whether democracy would ever be born.

We forgot that democracy in most lands is an empty word. We asked illiterate people living at the subsistence level to furnish staging grounds for a military operation whose outcome, in their eyes, had no relation to their own welfare. Those who rejected our overtures must be communists, we said. Those who did not approve our military plans must be secretly aligning with Russia, we thought.

So it was that in underdeveloped areas we became identified not with ideas of freedom, but with bombs, planes, and tanks. We thought less and less in terms of defeating communism with programs of political action, more and more in terms of defeating communism with military might. Our foreign aid mounted; but nearly 70% of it was military aid.

Our fears mounted as the cold war increased in intensity. These fears had many manifestations. The communist threat inside the country was magnified and exalted far beyond its realities. Irresponsible talk fanned the flames. Accusations were loosely made. Character assassinations were common. Suspicion took the place of goodwill. We needed to debate with impunity and explore to the edges of problems. We needed to search to the horizon for answers to perplexing problems. We needed confidence in each other. But in the 40's, 50's, and 60's suspicions grew. Innocent acts became telltale marks of disloyalty. The coincidence that an idea paralleled Soviet Russia's policy for a moment of time settled an aura of doubt around a person.

APPENDIX III

Alexander I. Solzhenitsyn, the noted Soviet author, made the following statement March 30, 1972, concerning surveillance of him and his family (reported in the Washington Post, April 3, 1972):

> . . . A kind of forbidden, contaminated zone has been created around my family, and to this day, there are people in Ryazan (where Solzhenitsyn used to live) who were dismissed from their jobs for having visited my house a few years ago. A corresponding member of the Academy of Sciences, T. Timofeyev, who is director of a Moscow institute, became so scared when he found out that a mathematician working under him was my wife that he dismissed her with unseemly haste, although this was just after she had given birth and contrary to all laws. . . .
>
> It happens that an informant [for his new book on the history of prerevolutionary Russia] may meet with me. We work an hour or two and as soon as he leaves my house, he will be closely followed, as if he were a state criminal, and they will investigate his background, and then go on to find out who this man meets, and then, in turn, who that [next] person is meeting.
>
> Of course they cannot do this with everyone. The state security people have their schedule, and their own profound reasoning. On some days, there is no surveillance at all, or only superficial surveillance. On other days they hang around, for example when Heinrich Boll came to see me [he is a German writer who recently visited Moscow]. They will put a car in front of each of the two approaches [to the courtyard of the apartment house where he stays in Moscow] with three men in each car—and they don't work only one shift. Then off they go after my visitors, or they trail people who leave on foot.
>
> And if you consider that they listen around the clock to telephone conversations and conversations in my home, they analyze recording tapes and all correspondence, and then collect and compare all these data in some vast premises—and these people are not underlings—you cannot but be amazed that so many idlers in the prime of life and strength, who could be better occupied with productive work for the benefit of the fatherland, are busy with my friends and me, and keep inventing enemies.

FOOTNOTES

[1] I have expressed my doubts whether the "militia" loses its constitutional role by an Act of Congress which incorporates it in the armed services. *Drifka* v. *Brainard*, 89 Sup. Ct. Rep. 434.

[2] See Appendix I to this opinion.

[3] Farrand, Records of the Constitutional Convention (1911), p. 209.

[4] Even some actions of the Armed Services in regulating their own conduct may be properly subjected to judicial scrutiny. Those who are not yet in the Armed Services have the protection of the full panoply of the laws governing admission procedures, see, *e. g., McKart* v. *United States*, 395 U.S. 185; *Oestereich* v. *Selective Service Board*, 393 U.S. 233. Those in the service may use habeas corpus to test the jurisdiction of the Armed Services to try or detain them, see *e.g., Parisi* v. *Davidson*, 405 U.S. 34; *Noyd* v. *Bond*, 395 U.S. 683, 696 n. 8; *Reid* v. *Covert*, 354 U.S. 1; *Billings* v. *Truesdell*, 321 U.S. 542. And, those in the Armed Service may seek the protection of civilian, rather than military courts when charged with crimes not service-connected, *O'Callahan* v. *Parker*, 395 U.S. 258.

[5] The Bill of Rights and the Military, 37 N.Y.U.L. Rev. 181, 182, 193 (1962).

[6] The Federalist No. 41.

[7] Op. cit. n.5, *supra*, at 185.

[8] The Act of August 10, 1949, provides in § 202(c) (6):

"No provision of this Act shall be so construed as to prevent a Secretary of a military department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his own initiative, after first so informing the Secretary of Defense, any recommendation relating to the Department of Defense that he may deem proper." See H. R. Rep. No. 1142, 81st Cong., 1st Sess., p. 18. This provision is now codified as 10 U.S.C. § 141(e).

[9] The full account is contained in Appendix II.

[10] Hearings, Subcommittee on Constitutional Rights, Sen. Jud. Committee, 92d Cong., 1st Sess., Feb. 23–25, March 2–4, 9–11, 15, 17 (1971).

[SUPREME COURT OF THE UNITED STATES, No. 71–288]

MELVIN R. LAIRD, SECRETARY OF DEFENSE, ET AL., PETITIONERS, V. ARLO TATUM ET AL.

On writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

[June 26, 1972]

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

The Court of Appeals held that a justiciable controversy exists and that respondents have stated a claim upon which relief could be granted. 444 F. 2d 947, 958 (CADC 1971). I agree with Judge Wilkey, writing for the Court of Appeals, that this conclusion is compelled for the following reasons stated by him:

"[Respondents] contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on [respondents] and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights of free speech, etc. The baleful effect, if there is one, is thus a present inhibition of lawful behavior and of First Amendment rights.

"Under this view of [respondents'] allegations, under justiciability standards it is the operation of the system itself which is the breach of the Army's duty toward [respondents] and other civilians. The case is therefore ripe for adjudication. Because the evil alleged in the Army intelligence system is that of overbreadth, *i. e.*, the collection of information not reasonably relevant to the Army's mission to suppress civil disorder, and because there is no indication that a better opportunity will later arise to test the constitutionality of the Army's action, the issue can be considered justiciable at this time." *Id.*, at 954–956 (emphasis in original) (footnotes omitted).

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"To the extent that the Army's argument against justiciability here includes the claim that [respondents] lack standing to bring this action, we cannot agree. If the Army's system does indeed derogate First Amendment values, the [respondents] are persons who are sufficiently affected to permit their complaint to be heard. The record shows that most if not all of the [respondents] and/or the organizations of which they are members have been the subject of Army surveillance reports and their names have appeared in the Army's records. Since this is precisely the injury of which [respondents] complain, they have standing to seek redress for that alleged injury in court and will provide the necessary adversary interest that is required by the standing doctrine, on the issue of whether the actions complained of do in fact inhibit the exercise of First Amendment rights. Nor should the fact that these particular persons are sufficiently uninhibited to bring this suit be any ground for objecting to their standing." *Id.*, at 954, n. 17.

Respondents may or may not be able to prove the case they allege. But I agree with the Court of Appeals that they are entitled to try. I would therefore affirm the remand to the District Court for a trial and determination of the issues specified by the Court of Appeals.

[U.S. Court of Appeals for the District of Columbia Circuit, No. 24,203]

ARLO TATUM, CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS, ET AL., APPELLANTS *v.* MELVIN R. LAIRD, SECRETARY OF DEFENSE, ET AL.

444 F.2d 947.

Appeal from the United States District Court for the District of Columbia.

Decided April 27, 1971.

Mr. Frank Askin, of the bar of the Supreme Court of New Jersey, *pro hac vice*, by special leave of Court, with whom *Messrs. Melvin L. Wulf* and *Lawrence Speiser* were on the brief, for appellants. *Mrs. Hope Beth Eastman* also entered an appearance for appellants.

Mr. Robert L. Keuch, Attorney, Department of Justice, with whom *Messrs. J. Walter Yeagley,* Assistant Attorney General at the time the brief was filed, *Kevin T. Maroney* and *George W. Calhoun,* Attorneys, Department of Justice, were on the brief, for appellees. *Mr. Benjamin Flannagan,* Attorney, Department of Justice, also entered an appearance for appellees.

Before Tamm, MacKinnon and Wilkey, *Circuit Judges.*

Opinion filed by Wilkey, *Circuit Judge.*

Opinion filed by MacKinnon, *Circuit Judge,* concurring in part and dissenting in part.

Wilkey, *Circuit Judge*: On 17 February 1970 appellants, on behalf of themselves and others similarly situated, filed suit challenging the legality of what appellants term "surveillance of lawful civilian political activity by the U.S. Army," which appellees describe as "gathering by lawful means, . . . maintaining and using in their intelligence activities, any information relating to potential or actual civil disturbances [or] street demonstrations." Appellants sought a declaratory judgment that the Army's present conduct is unconstitutional or otherwise illegal, concomitantly an injunction forbidding future similar activity, and the destruction of all such data hitherto illegally obtained. The United States District Court denied the requested relief and granted appellees' motion to dismiss on the basis of pleadings, affidavits, and oral argument, without testimony of witnesses.

Appellants claim that the Army's intelligence work involves undercover operations by military agents within the civilian community and organizations, maintenance of records at over a dozen regional and national record centers, and distribution to military units and to criminal investigative agencies of lists describing individuals and organizations who have publicly objected to governmental policies. Appellants claim that these domestic activities of the Army go far beyond any legitimate military need, exceed the Army's statutory authority, inhibit political participation and debate, and deprive appellants and others similarly situated of the constitutional rights guaranteed by the First, Fourth, Fifth and Ninth Amendments, *i.e.,* the right to free speech and association, and the right to petition the government for redress of grievances, and the right of privacy.

Appellees assert the constitutional and statutory authority and duty of the President to use such of the Armed Forces as he deems necessary to suppress any insurrection or domestic violence, and point to Defense Department directives regarding the planning for and employment of military resources in the event of civil disturbances, under which one of the responsibilities of the Army is to provide "essential planning, operational and intelligence data to the national military command center and to military service command centers on a timely basis to insure that the national command authorities and appropriate military service command authorities are adequately informed."

For reasons stated hereafter, we find that this court and the District Court have jurisdiction, that there is a justiciable controversy, and that appellants have stated a claim in relation thereto. We therefore remand the case to the District Court for ascertaining essential relevant facts and the determination thereupon of whether any rights of the appellants have been infringed by any actions of the appellees which may be proved.

I. JURISDICTION

Appellants' complaint in the District Court alleged jurisdiction to be based upon the existence of a federal question as contemplated by 28 U.S.C. § 1331 and the requisite $10,000 in controversy. On this appeal [1] the Government contests the allegation of jurisdictional amount, contending that:

"There is no evidence in the record that any of the plaintiffs have a claim in fact for any amount of money, much less a claim for an amount in excess of $10,000."

In response to this argument, appellants in essence admit that their claim is not capable of valuation in monetary terms, but argue essentially that where a challenge to a claimed deprivation of fundamental constitutional rights of intangible value is involved, the purposes for the jurisdictional amount requirement [2] are inapplicable and that such requirement should therefore not be applied to defeat federal jurisdiction. While there have been mounting expressions of judicial concern over this seeming gap, caused by the jurisdictional amount requirement, in the power of the federal courts to entertain federal question cases of this nature, we find it unnecessary to reach this question in the instant case.[3]

As we recently held in *Peoples* v. *United States Department of Agriculture:* [4]

"The District Court for the District of Columbia has an independent source of jurisdiction in the legislation, passed by Congress, and codified in the District of Columbia Code, 11 D.C. Code 521, which gives that court general equity jurisdiction, and venue where either party is a resident or found within the District of Columbia. This permits actions for declaratory judgment as well as injunction to be maintained against those whose office in the Federal Government establishes their official residence in the District. *Stark* v. *Wickard,* 321 U.S. 288, 64 S.Ct. 559, 88 L. Ed. 733 (1944); *Nestor* v. *Hershey,* 425 F.2d 504, at 521–523 (Dec. 16, 1969)." [5]

Furthermore, we note that since the Government did not contest the existence of the alleged jurisdictional amount in the District Court, appellants had no opportunity to attempt to sustain their allegation that $10,000 was in controversy, an endeavor at which they might well be successful under the doctrine that, particularly where purely injunctive relief is sought, the amount in controversy may be measured by either "the value of the right sought to be gained by the plaintiff. . . . [or] the cost [of enforcing that right] to the defendant. . . ." [6] In the instant case, it seems likely that if all the relief sought by appellants were granted, including enjoining the operation of the Army's civilian intelligence system and the production and destruction of all records pertaining thereto "maintained by any and all military agencies within the United States and overseas," the cost to the Army of complying with such a decree might well exceed $10,000.

Thus even apart from the applicability of 11 D.C. Code § 521, since we have found as detailed subsequently that appellants have otherwise stated an adequate and justiciable claim for relief, we would be constrained to permit appellants on remand the opportunity to meet their burden of satisfying the District Court that the requisite amount is in controversy.[7]

For the foregoing reasons we reject the Government's claim that the dismissal should be affirmed for lack of subject matter jurisdiction.[8]

II. JUSTICIABLE CONTROVERSY

In recent years the Army and the National Guard have been called upon to act to preserve domestic peace against violent protests leading to civil disorders, a role for the military which was not unforeseen in our Constitution.[9] Many violent protests were aimed directly at military functions and installations themselves, as in ransacking Selective Service offices, barring troop and supply trains by prostrate bodies on the tracks, unlawful attempts to enter military bases or demonstrations thereon and harassment of defense-oriented businesses. In executing other missions the Army confronted riotous mobs protesting matters unrelated to military operations, for example, the tragic riots in Detroit, Newark, and other of our large cities. During the period 1967–68 the National Guard was called upon eighty-three times and the Army four times to quell cases of civil disorder.

While these statistics relate to the period of civil disorders during which the Army operated the intelligence system which appellants complain violated their rights, we also note that in the period beginning with the use of the Army paratroops at Little Rock in 1957 the Army has been called upon under related constitutional and statutory provisions to preserve civil peace in order that certain groups might exercise their constitutional rights. The moral of this is that no matter who the persons or groups are giving voice to their protests against the established order, civil disturbance of one kind or another is likely to ensue; and irrespective of the content or cause of the protest, the military need certain intelligence information to perform their mission "to enforce the laws of the United States" or "suppress . . . insurrection." [10]

In performing this type function the Army is essentially a police force or the back-up of a local police force. To quell disturbances or to prevent further disturbances the Army needs the same tools and, most importantly, the same information to which local police forces have access. Since the Army is sent into territory almost invariably unfamiliar to most soldiers and their commanders, their need for information is likely to be greater than that of the hometown policeman.

No logical argument can be made for compelling the military to use *blind* force. When force is employed it should be intelligently directed, and this depends upon having reliable information—in time. As Chief Justice John Marshall said of Washington, "A general must be governed by his intelligence and must regulate his measures by his information. It is his duty to obtain correct information; . . ." [11] So we take it as undeniable that the military, *i.e.,* the Army, need a certain amount of information in order to perform their constitutional and statutory missions.[12] The questions are what type of information the military need, how they should go about obtaining it, when they need it, and whether what the Army has done here has infringed any of appellants' rights.

So much for the military's mission and intelligence necessity. As for appellants' contention that their rights, constitutional or otherwise, have been infringed, they have some difficulty in establishing visible injury, at least on this incomplete record. Appellants freely admit that they complain of no specific action of the Army against them, only the existence and operation of the intelligence gathering and distributing system, which is confined to the Army and related civilian investigative agencies. There is no evidence of illegal or unlawful surveillance activities. We are not cited to any clandestine intrusion by a military agent. So far as is yet shown, the information gathered is nothing more than a good newspaper reporter would be able to gather by attendance at public meetings and the clipping of articles from publications available on any newsstand.

Thus the instant case, at this juncture, involves no concrete, identifiable sanctions, no compelled self-identification (except to the extent that the Army may attend meetings thought to be for a faithful few), and no threat of publication. Turning to the authorities claimed to be relevant here, virtually all of the First Amendment cases cited where government activity was enjoined or struck down fall into one of three categories:

(1) Cases where some legal or criminal

Footnotes at end of article.

sanction was imposed or threatened to be imposed on persons who exercised their First Amendment rights.[13]

(2) Cases involving some element of government compulsion, either to testify regarding one's political ideas or beliefs, or to identify oneself in order to exercise First Amendment rights.[14]

(3) Situations where the Government threatens to publicize the names of allegedly politically controversial persons for the purpose of inhibiting the exercise of their first Amendment rights.[15]

In view of the distinctions in this case from prior decisions, appellees argue that no justiciable controversy exists, *i.e.*, that nothing has been done, that nothing is contemplated to be done, and even if some action by the Army against appellants were possibly foreseeable, such would not present a presently justiciable controversy.

This position of the appellees does not accord full measure to the rather unique argument advanced by appellants. While appellants do indeed argue that in the future it is possible that information relating to matters far beyond the responsibilities of the military may be misused by the military to the detriment of these civilian appellants, yet appellants do not attempt to establish this as a definitely foreseeable event, or to base their complaint on this ground. Rather, appellants contend that the *present existence of this system* of gathering and distributing information, allegedly far beyond the mission requirements of the Army, constitutes an impermissible burden on appellants and other persons similarly situated which exercises a *present inhibiting effect* on their full expression and utilization of their First Amendment rights of free speech, etc. The baleful effect, if there is one, is thus a present inhibition of lawful behavior and of First Amendment rights.[16]

Under this view of appellant's allegations, under justiciability standards[17] it is the operation of the system itself which is the breach of the Army's duty toward appellants and other civilians.[18] The case is therefore ripe for adjudication. Because the evil alleged in the Army intelligence system is that of overbreadth, *i.e.*, the collection of information not reasonably relevant to the Army's mission to suppress civil disorder,[19] and because there is no indication that a better opportunity will later arise to test the constitutionality of the Army's action, the issue can be considered justiciable at this time.

Only recently this court decided *Davis* v. *Ichord*, in which an attack was made on the maintenance and potential use of files on political dissenters by the House Internal Security Committee. This court there held that no case or controversy was presented because the appellants had failed to establish standing to attack the present use of the files and did not show any concrete indication that the Committee's files would be used against anyone in the future. Nevertheless, this court in *Davis* did indicate that "among the considerations pertinent to determining the existence of a chilling effect upon the exercise of First Amendment rights which give rise to a case or controversy are the *source of the chill*, the extent to which it focuses upon the conduct of those who allege it, and the likelihood that it will affect that conduct." The court in *Davis* was concerned with the "source of the chill" in order to determine whether the threat of *future* injury was sufficiently substantial to provide the necessary ripeness to the controversy.

Nevertheless, in view of this country's long-established tradition against military involvement in civilian politics, we think it significant that here the "source of the chill" is the Army, as opposed to the situation in *Davis* where the House Committee could point to a legal basis for the collection of such files pursuant to its designated function to investigate propaganda. We think the Army has a legal basis for the collection of intelligence information relevant to its constitutional and statutory mission, but on the record before us we cannot say that the intelligence system as designed and operated does not go beyond that which would be justified by the Army's mission. The Army system here is apparently of a much broader scope than the files involved in *Davis*, and we held in *National Student Association* v. *Hershey*[20] that "the severity and scope of the alleged chilling effect on First Amendment freedoms" is a factor to be considered in determining justiciability. It is arguable that the existence of a system with the broad scope as alleged by appellants would affect the conduct of persons in the class that appellants claim to represent.[21]

Footnotes at end of article.

Referring to our holding in *Davis* that the "source of the chill" is important in determining whether there is any inhibiting effect on the exercise of First Amendment rights, we think that there is a significant difference between investigative actions taken by a military agency in reference to civilians and similar investigative actions taken by a regular investigative agency of a civilian branch of the Government.[22]

One of the functions of a civilian investigative agency, such as the Federal Bureau of Investigation, is to compile information on law violators; agitators of violence, and possible subversives. It has always been recognized that this is a delicate function, and it is exercised under the direction of the Attorney General. Investigation is performed by men a majority of whom are lawyers or who have had considerable legal training, under the direction of lawyers in the Justice Department, and the information compiled is only usable and effective through court action. The FBI is powerless to imprison anyone or to affect his liberty in any way except through the action of the courts.

The Army or other military, in contrast, are not concerned with law violations. And, in sharp distinction to the FBI and other investigative agencies, they definitely command their own force to exercise at the will of their own commanders. The military are not accustomed to effecting their will through courts and legal processes. Indeed, the employment of military personnel in civil disorders itself implies at least a partial breakdown of law and order, a breakdown of normal processes of law through courts.

The compilation of data by a civilian investigative agency is thus not the threat to civil liberties or the deterrent on the exercise of the constitutional right of free speech that such action by the military is, because a civil investigative agency has no inherent power to act against an individual, that power always being subject to the well-defined restrictions of law and the approval of the courts. The military have no such restrictions; they have their own force (of incomparable power), they have their own commanders trained as soldiers not lawyers, the military's vast size may make civilian control of individual or small unit actions more theoretical than actual, and the military is not accustomed to operating within the restrictions of law and the processes of courts.[23]

It is highly important for the safety of the country that to the extent consonant with the performance of the military's mission a separation of sensitive information and military power be maintained, as a separation of match and powder. In an emergency or anticipation of an emergency the military power can be supplied the necessary information from civilian investigative agencies; these two ingredients, potentially dangerous when combined, can be put together by a responsible President and his Cabinet officers as the emergency demands. But to permit the military to exercise a totally unrestricted investigative function in regard to civilians, divorced from the normal restrictions of legal process and the courts, and necessarily coupling sensitive information with military power, could create a dangerous situation in the Republic.

The appellants have not had an opportunity to establish (and may never establish) their far-sweeping claims as to the character of the information gathered and the operation of the system established by the Army. We were informed by appellees' counsel on oral argument that on 6 March 1970 the Secretary of the Army by directive to the Chief of Staff limited the intelligence activities here complained of and directed the personnel responsible to concentrate on the more important and likely sources and locales of violence. Apparently in the judgment of the civilian head of the Army not everything being done in the operation of this intelligence system was necessary to the performance of the military mission. If the Secretary of the Army can formulate and implement such judgment based on facts within his Departmental knowledge, the United States District Court can hear evidence, ascertain the facts, and decide what, if any, further restrictions on the complained-of activities are called for to confine the military to their legitimate sphere of activity and to protect appellants' allegedly infringed constitutional rights. Appellants have, therefore, stated a claim upon which relief can be granted.

III. REMAND

Having found that this court and the District Court have jurisdiction, that a justiciable controversy exists, and that appellants have stated a claim upon which relief could be granted, we think the record now before us is much too incomplete for a court to determine the ultimate questions of whether the Army has infringed any rights of the appellants and whether appellants are entitled to any injunctive relief. We therefore remand the case to the District Court for the determination of the following principal (and any related) points:

1. The nature of the Army domestic intelligence system made the subject of appellants' complaint, specifically the extent of the system, the methods of gathering the information, its content and substance, the methods of retention and distribution, and the recipients of the information.
2. What part, if any, of the Army domestic intelligence gathering system is unrelated to or not reasonably necessary to the performance of the mission as defined by the Constitution, statutes, military regulations, and as interpreted by actions under those written definitions of the mission.[24]
3. Whether the existence of any overbroad aspects of the intelligence gathering system, as determined above, has or might have an inhibiting effect on appellants or others similarly situated.
4. Such relief as called for in accordance with the above established law and facts.

Reversed and Remanded.

FOOTNOTES

[1] No claim of lack of subject matter jurisdiction was raised in the Government's motion to dismiss in the District Court. This, of course, is no bar to the raising of the issue on appeal. *Louisville & Nashville R.R.* v. *Mottley*, 211 U.S. 149 (1908).

[2] The purposes of the jurisdictional amount requirement are, appellants assert, twofold: first, the promotion of federalism by confining federal courts strictly within the limits of their jurisdiction as prescribed by Congress; and, second, the avoidance of consuming the resources of the federal courts in the resolving of "petty" controversies. *See Healy* v. *Ratta*, 292 U.S. 263 (1934), and S. Rep. No. 1830, 85th Cong., 2d Sess. (1958). Neither of these purposes, appellants insist, would be served by denying jurisdiction in the instant case.

[3] *See Wolff* v. *Selective Service Local Board No. 16,* 372 F.2d 817, 826 (2d Cir. 1967); *Fein v. Selective Service System Local Board No. 7,* 430 F.2d 376, 380 (2d Cir. 1970) (dissenting opinion); *Giancana* v. *Johnson,* 335 F. 2d 366, 371 (7th Cir. 1965) (dissenting opinion); *Murray* v. *Vaughn,* 300 F. Supp. 688 (D.R.I. 1969); *Boyd* v. *Clark,* 287 F. Supp. 561, 567 (S.D.N.Y. 1968) (dissenting opinion). The American Law Institute has recommended the abolition of the amount in controversy requirement in federal question cases precisely because:

> The few cases there are . . . that must satisfy the § 1331 requirement are likely to involve matters particularly deserving of a federal forum. . . . Cases in which the plaintiff claims violation of his constitutional rights by action of a federal official warrant federal cognizance without the need of demonstrating that the requisite amount is in controversy.

ALI, Study of the Division of Jurisdiction Between State and Federal Courts, 172 (1969). *See also* C. WRIGHT, FEDERAL COURTS, § 32 at 110 (1969); Currie, *The Federal Courts and the American Law Institute* (Part II), 36 U. CHI. L. REV. 268, 292 (1969).

[4] 138 U.S. App. D.C. 291, 294, 427, F. 2d 561, 564 (1970).

[5] Where a suit seeks equitable relief, and no claim involving personal property, or for debt or damages is made, the District Court for the District of Columbia has "original jurisdiction" without regard for the amount in controversy. See *Norden* v. *Royall,* 90 F. Supp. 834, 835 (D.D.C. 1949); *Paton* v. *District of Columbia,* 180 A. 2d 844 (D.C. Mun. App. 1962); *Friedman* v. *District of Columbia,* 155 A. 2d 521 (D.C. Mun. App. 1959); Byse & Fiocca, *"Nonstatutory" Judicial Revenue of Federal Administrative Action,* 81 HARV. L. REV. 308, 325 (1967); 11 D.C. Code §§ 521, 961. Of course, when the District Court entertains such a suit it is exercising powers analogous to those of a state court of general jurisdiction. *Western Urn Mfg. Co.* v. *American Pipe and Steel Corp.,* 109 U.S. App. D.C. 145, 284 F. 2d 279 (1960); *King* v. *Wall & Beaver Street Corp.,* 79 U.S. App. D.C. 234, 145 F. 2d 377 (1944); *Boardman* v. *Martocchia,* 216 F. Supp. 830 (D.D.C. 1963). And it is unclear whether such a state court would have the power to issue an injunction against a federal officer. *See Arnold, The Power of State Court to Enjoin Federal Officers,* 73 YALE L. J. 1385, 1964). Nevertheless, it is clear that the reasons creating the doubt as to state courts' power in this respect, stemming from considerations of federal supremacy, do not apply to the District Court for the District of Columbia, which is itself a constitutionally based Article III federal court, albeit one additionally endowed with unique general powers, pursuant to Article I, § 8. *See O'Donoghue* v. *United States,* 289 U.S. 516 (1933).

The foregoing analysis is not affected by the enactment of the District of Columbia Court Reform and Criminal Procedure Act of 1970, Pub. L. No. 91–358 (29 July 1970) 84 Stat. 473, Title I of which establishes the new Superior Court of the District of Columbia as a court of general jurisdiction equivalent to a state court of similar powers. The instant suit was filed before the 1 February 1971 effective date of the new Act, and therefore properly remains within the jurisdiction of the United States District Court as provided by prior law. District of Columbia Court Reorganization Act of 1970, § 111, 84 Stat. 476, to be codified as D.C. *Code Ann* § 11–501 (1). *See Williams, District of Columbia Court Reorganization, 1970,* 59 GEO., L. J. 483, 540–542 (1971).

[6] *Hedberg* v. *State Farm Mutual Automobile Ins. Co.,* 350 F. 2d 924 (8th Cir. 1965) (Blackmun, J.) (dictum). A succinct and oft-quoted statement of this doctrine was put forth by the 10th Circuit in *Ronzio* v. *Denver & R. G. W. R.R.,* 116 F.2d 604, 606 (10th Cir. 1940), as follows:

"In determining the matter in controversy, we may look to the object sought to be accomplished by the plaintiffs' complaint; the test for determining the amount in controversy is the pecuniary result to either party which the judgment would directly produce."

See Hatridge v. *Aetna Casualty & Surety Co.,* 415 F.2d 809, 814–16 (8th Cir. 1969). *Compare* C. WRIGHT, FEDERAL COURTS, § 34, 117–19 (1969), where the rule allowing the cost to the defendant to be considered is stated to be the "desirable" one, *with* J. MOORE, FEDERAL PRACTICE ¶ 0.91[1] (2d ed, 1964), where the rule is characterized as "contrary" to the prevailing view. While the Supreme Court has never directly passed on this question, *compare St. Paul Indemnity Co.* v. *Red Cab Co.,* 303 U.S. 283 (1938), *with Horton* v. *Liberty Mutual Ins. Co.,* 367 U.S. 348 (1961), a number of lower federal courts have permitted the cost to the defendant to control the jurisdictional amount issue, *see* cases cited in WRIGHT and MOORE, *supra.* And the Supreme Court's willingness to entertain, without discussion of the jurisdictional basis, the appeal of a federal taxpayer seeking to enjoin the operation of portions of the federal Elementary and Secondary Education Act of 1965 as violating the Establishment and Free Exercise Clauses of the First Amendment, *Flast* v. *Cohen,* 392 U.S. 83 (1968), may well be indicative of the Court's view that jurisdictional amount may appropriately be established from the defendant's viewpoint in certain cases. The Court in *Flast,* in its discussion of the standing issue, noted that "the challenged program involves a substantial expenditure of federal tax funds," 392 U.S. at 103, while nowhere mentioning any alleged monetary value of the plaintiff's claim.

[7] *McNutt* v. *General Motors Acceptance Corp.,* 298 U.S. 178 (1935). In establishing that the amount in controversy exceeds $10,000, "[a]bsolute certainty . . . is not essential. . . . Present probability that [the cost to the defendant] will exceed that sum is enough." *Friedman* v. *International Association of Machinists,* 95 U.S. App. D.C. 128, 220 F.2d 808 (1955).

[8] Appellants' complaint did not refer to 11 D.C. CODE § 521 as a basis for jurisdiction of their claim. However, at argument, appellants moved pursuant to 28 U.S.C. § 1653 to amend their complaint to include § 521 in their jurisdictional allegations. Section 1653 provides as follows: "Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts." Under this section, "either this Court or the District Court on remand, has power to permit amendment to avoid dismissal under jurisdictional grounds." *Jones* v. *Freeman,* 400 F.2d 383, 387 (8th Cir. 1968). The statute is to be construed liberally in accordance with the congressional intent to provide a means for avoiding the dismissal of suits on technical grounds, *John Birch Society* v. *National Broadcasting Co.,* 377 F.2d 194 (2d Cir. 1967); *Moore* v. *Coats Co.,* 270 F.2d 410 (3rd Cir. 1959). Accordingly, we direct that upon remand of this action appellants be permitted to amend their complaint to allege jurisdiction resting upon 11 D.C. Code § 521.

[9] U.S. CONST. art. I, § 8, cl. 14, 15, 16; art II, § 2, cl. 1; art. 4, § 4. Article I, § 8 assigns the Power to Congress to define the role of the military in national affairs. The military must therefore confine its activities to those necessary to carry out its functions provided by statute.

[10] 10 U.S.C. §§ 331, 332, 333 (1964). We note, however, that the operation of the intelligence system challenged herein is not sought to be justified by any need to obtain information for the use of the National Guard. At oral argument appellees admitted that no such information has been provided to the Guard on the occasions of its deployment during 1967–68, and would not be provided unless the Guard were called into federal service. With respect to the use of the Guard in Federal service, article 1, § 8, cl. 15 of the Constitution empowers Congress "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions."

[11] Foreword, U.S. ARMY BASIC FIELD MANUAL, Vol. X, circa 1938.

[12] The President's National Advisory Commission on Civil Disorders recommended:

> Intelligence—The absence of accurate information both before and during a disorder has created special control problems for police. Police departments must develop means to obtain adequate intelligence for planning purposes, as well as on-the-scene information for use in police operations during a disorder.

[13] *E.g., United States* v. *Robel,* 389 U.S. 258 (1967) (criminal prosecution or loss of employment); *Dombrowski* v. *Pfister,* 380 U.S. 479 (1965) (criminal prosecution); *NAACP* v. *Button,* 371 U.S. 415 (1963) (criminal prosecution, disbarment); *National Student Association* v. *Hershey,* 134 U.S. App. D.C. 56, 412 F. 2d 1103 (1969) (draft reclassification).

[14] *E.g., Lamont* v. *Postmaster General,* 381 U.S. 301 (1965) (compelling affirmative act of requesting delivery of mail thought by the Post Office to be communist propaganda); *Talley* v. *California,* 362 U.S. 60 (1960) (requiring identity on political handbill); *NAACP* v. *Alabama,* 357 U.S. 449 (1958) (requiring filing of membership lists); *Sweezy* v. *New Hampshire,* 354 U.S. 234 (1957), and *Watkins* v. *United States,* 354 U.S. 178 (1957) (compelling testimony).

[15] *Hentoff* v. *Ichord,* 318 F. Supp. 1175 (D.D.C. 1970).

[16] "The peculiar feature of suits alleging a First Amendment chilling effect . . . is that if the allegation is correct, immediate and real injury is done to the plaintiff's interest if he *does not* speak or act as he says he wants to." *National Student Association* v. *Hershey,* 134 U.S. App. D.C. 56, 64, 412 F. 2d 1103, 1111 (1969). If the Army's intelligence system causes such injury it may be enjoined if the system in operation exceeds the authority granted by Congress, *see Kent v. Dulles,* 357 U.S. 116 (1958) and notes 9 and 10, *supra,* or, if within its statutory authority, it nevertheless creates more than an "incidental" burden on First Amendment Rights, and thus violates the Constitution. *See United States v. O'Brien,* 391 U.S. 367, 376 (1968).

[17] To "allege the sort of 'case' or 'controversy' referred to in Article III of the Constitution, the source of jurisdiction of the federal courts, . . . the complaint must show that there exists a controversy between the parties with such immediacy and presently adversary character as to require its adjudication." *Davis* v. *Ichord,* No. 23,426 (D.C. Cir. 20 Aug. 1970).

To the extent that the Army's argument against justiciability here includes the claim that appellants lack standing to bring this action, we cannot agree. If the Army's system does indeed derogate First Amendment values, the appellants are persons who are sufficiently affected to permit their complaint to be heard. The record shows that most if not all of the appellants and/or the organizations of which they are members have been the subject of Army surveillance reports and their names have appeared in the Army's records. Since this is precisely the injury of which appellants complain, they have standing to seek redress for that alleged injury in court and will provide the necessary adversary interest that is required by the standing doctrine, on the issue of whether the actions complained of do in fact inhibit the exercise of First Amendment rights. Nor should the fact that these particular persons are sufficiently uninhibited to bring this suit be any ground for objecting to their standing. *See*

N.A.A.C.P. v. Alabama, 357 U.S. 449, 459 (1958); *Anderson* v. *Sills,* 56 N.J. 210, 265 A.2d 678, 684 (1970).

Nor does the recent group of Supreme Court decisions limiting the situations in which federal courts may enjoin court criminal proceedings require a different result. *See Younger* v. *Harris,* —— U.S. —— (1971) (39 U.S.L.W. 4201), *Boyle* v. *Landry,* —— U.S. —— (1971) (39 U.S.L.W. 4207) (23 Feb. 1971), and related cases decided the same day. Those cases rest firmly on concepts of Federalism and comity not present in the instant appeal. In *Younger* where certain of the plaintiffs sought standing to attack alleged unconstitutional state statutes on First Amendment grounds, because they claimed to "feel inhibited" by the existence of such laws, the Court stated:

"We do not think this allegation, even if true, is sufficient to bring the equitable jurisdiction of the federal courts into play to *enjoin a pending state prosecution.* A federal lawsuit to stop a prosecution in a state court is a serious matter. And persons having no fears of state prosecution except those that are imaginary or speculative, are not to be accepted as appropriate plaintiffs *in such cases.*" (Emphasis added.)

The Court went on to hold that even one who has been indicted under a constitutionally suspect state law may not ordinarily seek federal injunctive relief because of the "long standing public policy against federal court interference with state court proceedings . . . ." And in *Boyle,* where "[n]ot a single one of the citizens who brought [the] action had ever been prosecuted, charged, or even arrested under the particular . . . statute which the court below held unconstitutional," the Supreme Court relied on its discussion of the requirements of Federalism in *Younger* to conclude that—

"The normal course of state criminal prosecutions cannot be disrupted or blocked on the basis of charges which in the last analysis amount to nothing more than speculation about the future. *The policy of a century and a half against interference by the federal courts with state law enforcement* is not to be set aside on such flimsey allegations as those relied upon here." (Emphasis added.)

Aside from the fact that, as we have related *supra,* appellants here complain of present injury and not merely speculative future injury, we are not faced in this case with any considerations similar to the policy against federal interference in state court actions which the Supreme Court found controlling in *Younger* and *Boyle.* Furthermore, and highly important here, appellants do not have the "adequate remedy at law" available to the plaintiffs in *Younger* and *Boyle,* in the form of the opportunity to present their constitutional claims to the state court, which the Supreme Court also relied on as a basis for restricting the exercise of federal equitable jurisdiction in such cases.

[18] The analysis of justiciability questions in terms of whether there has been a breach of a judicially identifiable "duty" stems from the Supreme Court's discussion in *Baker* v. *Carr,* 369 U.S. 186, 198 (1962), and *Powell* v. *McCormack,* 395 U.S. 486, 517 (1969). In the latter case the Court, quoting in part from *Baker,* said:

"In deciding whether a claim is justiciable, a court must determine whether 'the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right asserted can be judicially molded.'"

The Army has both a duty not to exceed its statutory authority and not to infringe first Amendment rights. Appellants claim the Army is doing both; their claim is therefore now justiciable, since "the facts alleged, under all the circumstances, show that there is a substantial controversy, between parties having adverse legal interests of sufficient immediacy and reality to warrant" judicial resolution. *Golden* v. *Zwickler,* 394 U.S. 103, 108 (1969), quoting from *Maryland Casualty Co.* v. *Pacific Oil Co.,* 312 U.S. 270, 273 (1941). That the Army has a legitimate need for certain information need not be denied. The claim here is that in the operation of its intelligence system the Army has gone beyond any legitimate need for information, and in doing so has created a present chilling effect on the "transcendent" values enshrined in the First Amendment. *Dombrowski* v. *Pfister,* 380 U.S. 479, 486 (1965). *See* note, *The Chilling Effect in Constitutional Law,* 69 Colum. L. Rev. 808, 809 (1969) for a discussion of the "substantive" significance of the chilling effect doctrine as relied upon by appellants here. The "judicial determination" of this alleged breach of duty is attainable by identifying those areas in which the Army's activity goes beyond that reasonably relevant to its statutory mission requirements, assuming, of course, that limitation of the Army's system to the extent found reasonably relevant to its civil disorder mission would not itself represent a significant intrusion into the protected First Amendment area. *Cf. United States* v. *O'Brien,* 391 U.S. 367, 376 (1968). That this latter assumption is likely to be valid is seen from documents in this record indicating that the Army may have modified its policy and now views its information requirements as limited to "reports concerning outbreaks of violence or incidents with a high potential for violence beyond the capability of state and local police and the National Guard to control." Letter from Under Secretary of the Army Thaddeus R. Beal to Senator Sam J. Ervin, 20 March 1970 (App. 84, 88). In spite of this recent self-limitation, however, appellants have alleged the actual operation of a system of much broader scope and, further, that previously collected information is still retained in various Army files. We therefore think that the appellants should be allowed to develop fully their contention that the Army collects and maintains information on civilian political activity in excess of its mission requirements, and the Army should have the opportunity to show the relevance of its intelligence data to its civil disorder mission.

[19] "The free exercise of First Amendment rights is perhaps more readily inhibited by a [policy] justifiably suspect as vague or overbroad, because of the uncertainty of its application. . . ." *Davis* v. *Ichord,* No. 23,426 (D.C. Cir. 20 Aug. 1970) (slip op., at 14).

[20] 134 U.S. App. D.C. 56, 68, 412 F.2d 1103, 1115 (1969).

[21] The dissent suggests that the instant suit may not be appropriate for treatment as a class action under Rule 23, Fed. R. Civ. P. While we recognize that the nature of the appellants' claims and the potentially large number of persons they propose to represent pose difficult questions as to the amenability of their claims to Rule 23 treatment, this question was not considered by the trial court, has not been argued by the parties, and is not presented in the instant appeal. We therefore do not pass on it here. On remand, the trial court will have the opportunity, illuminated by the arguments of the parties, to determine to what extent the class treatment of appellants' claims is appropriate. In this connection we note the considerable flexibility afforded the trial judge under Rule 23 to treat the suit as a partial class action (Rule 23(c)(4)(A)), establish subclasses (Rule 23(c)(4)(B)), and to defer final decision on class action issues until after discovery or further development of the factual bases for the claims alleged. *See* 3B J. Moore, Federal Practice, ¶ 23.45[1] at 23–707 (1969). This latter course would seem particularly appropriate here, where because of the very nature of the system alleged to be the cause of the complained of injury, the full facts with respect to the scope of its operation and the numbers of persons affected thereby, are, at the present state of the proceedings, primarily within the exclusive knowledge of the defendants.

We further note, in response to the concerns expressed by the dissent, that the fact that a proposed class contains a great number of members does not itself necessarily preclude class action treatment, *Eisen v. Carlisle & Jacquelin,* 391 F.2d 555 (2d Cir. 1968), nor, in suits seeking injunctive or declaratory relief, is the court necessarily required to look into the particular circumstances of each member of the proposed class in determining whether class action treatment is appropriate. *Norwalk CORE v. Norwalk Redevelopment Agency,* 395 F.2d 920, 937 (2d Cir. 1968).

[22] On oral argument counsel for appellants admitted that there is a material difference in the impact of the same intelligence gathering and distribution, depending on whether it is performed by the military or by civilian investigative agencies such as the FBI. Counsel was unwilling to concede that, as to content, any of the information complained of could be compiled by either type agency, not even to the extent of compiling a list of previously convicted fomenters of civil disturbance; and as to time, counsel asserted that such information as was compiled should be given on the spot to the military force by a civilian agency. So extreme a limitation on the gathering and timely dissemination of any information would render it useless.

[23] *Cf. National Student Association* v. *Hershey,* 134 U.S. App. D.C. 56, 71, 412 F.2d 1103, 1118 (1969), where, in a suit challenging a Selective Service policy as inhibitive of First Amendment rights we said:

"It is no reflection on the competence or integrity of selective service personnel to observe that they are ill-equipped to determine questions of law as delicate and complex as those commonly raised by anti-war protest activity. Draft boards do not employ judicial procedures, and their members often have no legal training. Rightly or not, registrants are also likely to have less confidence in the constitutional sensitivity of their draft board, especially in the area of war dissent, than in that of the prosecutor and the courts."

[24] *Cf. Anderson* v. *Sills,* 56 N.J. 210, 265 A.2d 678, 689 (1970), where the New Jersey Supreme Court reversed a lower court decision enjoining the statewide operation of a civil disorder intelligence system by the New Jersey State Police. The court there held that the operation of the intelligence system was at least partly pursuant to a valid governmental interest and should not have been enjoined by the trial court in a summary judgment proceeding. Rather, the court held that a full hearing should be conducted to determine whether the scope of the challenged intelligence system was overbroad in view of both the legitimate state interest in collecting information for planning for and preventing civil disorders and the possible burden on the exercise of First Amendment freedoms involved. With regard to its remand order, the court stated:

"In short, if it should be found that the police are gathering information which they could not reasonably believe to be relevant to the police function . . . and that circumstances warrant judicial intervention on that account, the injunctive order must be precisely limited to the offending material or practice. The order must not interfere with police activity that is proper, either in direct terms or because of the vagueness of the restraint."

A similar evaluation must be made in the instant case, with due account given to the differences in function and role between the police and the Army, in dealing with and seeking to prevent civil disorder, and relief, if any, should be appropriately tailored so as not to interfere with legitimate Army activity.

MacKinnon, *Circuit Judge*, concurring in part and dissenting in part: While I concur in many of the pronouncements in the majority opinion I respectfully dissent from the result. My opinion is based on the facts of the case which emerge from the pleadings, affidavits and the admissions made to the trial court. In the hearing before the trial judge, counsel admitted that in the facts upon which they based their complaint the named plaintiffs were not aggrieved by acts of the appelles:

> "Our Plaintiffs this morning, for example, are *not people, obviously, who are cowed and chilled;* they've come into Court, but they have to represent millions of Americans not nearly as forward, as courageous, as willing as them to open themselves up to public investigation and public scrutiny. We're not—you know, every citizen is not a Tom Payne; they're few and far between."

Tr. 17 (emphasis added).

This admission that the governmental activities they attack did not cause any substantial infringement of their constitutional rights constitutes a basic denial of practically their whole case. There still remains the allegation that the existence of the files and information operates to deny them their constitutional right of association with others who are chilled, but the chill to this amorphous group in turn is grounded in the unrealistic and speculative fear that the Government will improperly use the information against them.[1] The critical information relates to reports of public activities of individuals who *publicly* participate in gatherings and demonstrations which tend to civil disorders and in related activities.[2] Appellees gathered this information from public sources and open meetings in much the same manner that newspapers cull information. However, there is one difference, *i.e.*, the newspapers publish much of the information they obtain, whereas the Army merely retains it for possible use by it in the future and this may not necessarily include any publication of the information. Such information is intended to be used to help suppress civil disorders in the event the military are called out in conformance with statute[3] for that purpose. Other obvious proper uses by the Army for such information may be judically noticed from public incidents of the period and would include helping prevent and solve crimes involving destruction, threat of destruction, or theft of military draft records, military supplies, military research and other Government property and facilities at draft centers, armories, military bases, forts, arsenals, military training centers and military suppliers and research centers operating under military contract.

In the instant complaint there are no allegations or claims that any of the information gathered by the Army has been used in a manner that has injured plaintiffs or imposed on them any penalty attributable to their exercise of their First Amendment rights. In fact, appellants acknowledge in their brief that the uses to which the collected information might be put by the Army are *unknown*:

> "In the case at bar there is something more subtle at stake than the threat of prosecution and criminal sanctions present in *Dombrowski, supra*. There is a threat of *unknown* surveillance, *unknown* purpose, and *unknown* future use of the information gathered and recorded in connection with the defendants' civilian intelligence network. *This creates a substantial chilling effect upon the free and uninhibited exercise of First Amendment rights.*"

(Emphasis added) (App. br. p. 40).

Such indefinite and abstract assertions of amorphous fears do not present a case involving facts of a concrete nature. Appellants' admission, *supra*, that the "threat" of which they complain is "unknown," as the latter word is used by appellants, means that the threat is

> "Not knowable . . . cannot be comprehended . . . beyond the limits of human experience, or of human powers of apprehension or understanding." *Webster's International Dictionary* (2d ed.)

Footnotes at end of article.

Such indefinite claims of highly visionary apprehensions that are admittedly based in abstractions which cannot be comprehended, or are beyond human experience or understanding, do not present a case involving facts of sufficient realism and definiteness to confer jurisdiction on the court to make a sweeping constitutional decision affecting important activities of the federal Government. There is nothing more here than a highly abstract claim based on an imaginary fear that governmental power to collect information for a valid purpose will be misused for an *improper* purpose. Similar fears might exist with respect to any governmental power. All power is susceptible of misuse, but that truism when coupled with unfounded fear alone is not sufficient to make out a case for judicial jurisdiction. What is necessary before a court is authorized to assume jurisdiction is some allegation from which it can be concluded that the apprehension of the misuse of governmental power is a realistic possibility. Because of the absence of any such allegation here it is my view that a proper case or controversy does not exist. *Davis* v. *Ichord*, ——— U.S.App. D.C. ——, —— F.2d ——, (Nos. 23426 & 23427, Aug. 20, 1970); *Golden* v. *Zwickler*, 394 U.S. 103, 108, 110 (1969).

Since the claim of the named plaintiffs does not present a case or controversy, nothing is added by the fact that it has been framed as a class action. *Davis* v. *Ichord*, *supra*, slip op. at 16 n.19. *See generally* 2 Barron & Holtzoff, Federal Practice and Procedure § 567 at 308 (Wright rev. 1961); 3 J. Moore, Federal Practice ¶ 24.04 (1969). As Judge Johnsen remarked in *Kansas City, Mo.* v. *Williams*, 205 F.2d 47, 51 (8th Cir.), *cert. denied*, 346 U.S. 826 (1953):

> "It is of course necessary generally that a plaintiff be able to show injury to himself in order to entitle him to seek judicial relief. He cannot be a mere volunteer and ask judicial intervention simply "because someone else may be hurt", but he "must present facts sufficient to show that his individual need requires the remedy for which he asks." *McCabe* v. *Atchison, T. & S. F. Ry. Co.*, 235 U.S. 151, 162, 164, 35 S. Ct. 69, 71, 59 L.Ed. 169.

Moreover, even if I were to agree with the majority that appellants' claim was ripe, I would seriously question whether the action was an appropriate class action. When one considers the great number of people that the named plaintiffs seek to represent, their highly varied backgrounds and activities, and that it is the constitutional right of the individual that is sought to be protected, it is obvious that a great many highly individualized quesions would be presented. The record of each protestor, and each protest activity, might have to be considered separately and might necessarily result in different determinations as to whether the Army was justified in making a record of his public activities for possible future reference. Under such circumstances there is a serious question whether the complaint presents "questions of law or fact common to the class." Fed. R. Civ. P. 23(a)(2).[4] *See generally Green* v. *Wolf Corp.*, 406 F.2d 291 (2d Cir. 1968), *cert. denied*, 395 U.S. 977 (1969). The importance of this requirement is heightened by recognition of the vast numbers of people appellants seek to have rise *or fall* on the strength of the showing they make in this suit. *See* Fed. R. Civ. P. 23(c)(3).

It should also be noted that it is Congress that is empowered by the Constitution "to make rules for the Government and regulation of the land and Naval forces" (U.S. Const. Art. I, § 8, cl. 14) and judicial notice may be taken that Congress is presently conducting public hearings upon the policy questions involved in this very area where the named plaintiffs here seek judicial intrusion.[5]

Finally, the trial court here concluded:

> "The Court holds that what in effect the plaintiffs are complaining of here is that the Army is keeping the type of information that is available to all news media in this country, covered by all news media in this country, and which is in the morgues of the newspapers in this country and magazines,[6] and the Court holds that they state no cause of action; they show no unconstitutional action on the part of the Army; they show no threats to their rights. And I will sustain the motion to dismiss and I will deny the preliminary injunction . . . .

"It is my view that we should affirm the action of the trial court and wait until a case appears involving some person who alleges a more tangible basis for the claimed threat to his rights. Certainly since these investigative activities began in 1965, if they were the great peril to the populace that appellants argue, there must be one individual who can be found to complain of an injury caused by a concrete threat of the *actual misuse* of such information. To the extent indicated above, I respectfully dissent."

FOOTNOTES

[1] As the majority points out, appellants vigorously assert that they are not here attacking the legality of the many uses the Army might make of the information it is presently gathering; they are not basing their complaint on the possibility of future injury. Rather they assert that the present inhibitory effect of the Army's surveillance system is the only injury about which they complain; the nature of the sanctions which might be imposed on them at some future time is to them here irrelevant.

To my mind, this attempted distinction is untenable. Any present inhibition which they suffer must be based wholly on a fear, specific or general, of future consequences stemming from use of the Army's information. At the same time, they have alleged no present use, preparation for use or selectivity in gathering information by the Army which would reasonably justify such fears. This is not a situation comparable to the one facing the Court in *Lamont* v. *Postmaster General*, 381 U.S. 301 (1965), where, in order to receive certain mail, a person was required to tell the Government that he desired to receive "communist propaganda" or in *Shelton* v. *Tucker*, 364 U.S. 479, 486 & n.7 (1960) where there was a realistic fear that information gathered from individuals would be misused. Any inhibition which appellants in this case suffer is attributable, not to what the Army is presently doing, but to their own imagination as to what it might do at some unknown time in the future. Therefore, it is inaccurate to contend that the Army's present surveillance activity is the source of the inhibitions which appellants allege. *Compare Bee See Books, Inc.* v. *Leary*, 291 F. Supp. 622 (S.D.N.Y. 1968).

[2] There are no allegations that the Army has conducted surveillance of wholly private activity and at oral argument appellants indicated, in effect, that they did not have any witnesses who would testify that the Army had engaged in such activity. *Compare Local 309, United Furniture Workers of America* v. *Gates*, 75 F. Supp. 620 (N.D. Ind. 1948).

[3] Statutory authority for the Army's activity in relation to civil disorders is contained in 10 U.S.C. §§ 331–33 (1964):

> Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the num-

ber requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

10 U.S.C. § 331.

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

10 U.S.C. § 332.

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

10 U.S.C. § 333.

[4] Fed. R. Civ. P. 23(a) provides:

Prerequisites to a Class Action. One or more members of a class may sue or be sued as representative parties on behalf of all only if(1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

[5] Congressional Record, vol. 117, pt. 24, page 2024, reports the announcement by Senator Ervin that the Senate Judiciary Subcommittee on Constitutional Rights had scheduled hearings on Computers, Data Banks and the Bill of Rights. On September 8, 1970, Senator Ervin outlined the purpose and scope of the study. In this regard, it is well to note that the issues appellants seek to have litigated in this suit are tremendously complex, involving broad questions of both law and policy. Recognition of this complexity, recognition of the fact that courts generally become less and less able to deal competently with controversies the farther removed they are from the "impact of actuality" and recognition of the "legitimating function" of a judicial decree, *see* A. Bickel, The Least Dangerous Branch 30–31 (1962), all counsel against finding the present controversy ripe too early. In my view, resolution of the issues presented by appellants is much better undertaken, at this juncture, by the Congress than it is by this court.

[6] There was a great deal of material in which the Army had an obviously legitimate interest stemming from the following factual situation, as outlined in the brief of appellee:

[O]ur Nation, during the Summer of 1967, witnessed the tragic riots in Detroit and Newark and, for the first time in 25 years, the Army was called in to assist the local civilian authorities in quelling the Detroit disturbances. During the period 1967–68, the National Guard was called upon 83 times and the Army four times to quell cases of civil disorder. The March on the Pentagon, the disturbances at the Democratic Convention, and the rioting in the Nation's Capital, which left large areas of the City leveled, all required the use of the armed forces to bring order out of the chaos. It has been reported that during the month of April 1968 alone, there were 237 civil disorders, 27,000 arrests, 43 deaths, over 58 million dollars in property damages, and over 58,000 National Guard and Army troops had to be used 25 times to quell the civil disturbances. *U.S. News and World Report*, September 2, 1968. See also the Brandeis University Lemberg Center for Study of Violence Reports; *Disorders—1968*, by the General Adjustment Bureau, Inc.; *Riot and/or Civil Commotion Report* by the American Insurance Association.

Mr. ERVIN subsequently said: Mr. President, this morning I introduced a bill entitled "A bill to prohibit any civil or military officer of the United States using the land or naval forces of the United States or the militia of any State to execute civil laws against civilians or to exercise surveillance of civilians except where such forces or militia are actually engaged in repelling invasion or suppressing rebellion, insurrection, or domestic violence pursuant to the Constitution or laws of the United States."

I ask unanimous consent that this bill be referred to the Judiciary Committee, with the understanding that after that committee completes its work on the bill, it will be submitted to the Armed Services Committee.

I might state, that I have consulted with the distinguished Senator from Mississippi (Mr. Stennis), chairman of the Armed Services Committee, and he is entirely satisfied with this unanimous-consent request.

Mr. GRIFFIN. Mr. President, what is the request?

The PRESIDING OFFICER (Mr. Hart). The request is that the bill the Senator from North Carolina introduced this morning be referred first to the Judiciary Committee, it being understood that it will then be referred to the Armed Services Committee.

Mr. GRIFFIN. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BENTSEN (for himself and Mr. Tower):

S. 3751. A bill to amend the Federal Aid Highway Act (23 U.S.C. 110, 138) to clarify the law relating to what constitutes a formal contract between the Secretary of Transportation and a State highway department and stating further circumstances by which a State highway department will be permitted to refuse said aid. Referred to the Committee on Public Works.

Mr. BENTSEN. Mr. President, today I introduce an amendment to the Federal Aid Highway Act to clarify the relationship between the Federal Government and States accepting aid under that act. It is my belief that the adoption of this amendment would not alter existing law but would rather define for the judicial system what the Congress has always intended, that the Federal Aid Highway Act is not a regulatory statute but a grant-in-aid statute.

Each year the State highway department of my State submits highway projects to the Department of Transportation for possible Federal participation. The number of such submissions is usually in excess of the number of projects for which Federal funds are available. This amendment makes clear that should a State at some subsequent time wish to complete the project within a 100 percent State financing it may do so and that such completion would be subject only to the laws of that State.

In Texas at the present time we have an intercity expressway for which planning was begun in the early 1960's. Between that time and the present there have been a number of substantive and procedural changes in Federal law. The result of which is, that despite a willingness of the State to bear 100 percent of the cost, the desire of the majority of the local citizens for completion of the expressway and the willingness of the Secretary of Transportation to allow such completion, construction has been halted by court action due to failure to comply with Federal procedures. I am advised that this unfortunate situation is not unique. My amendment would prevent such unreasonable results now and in the future.

This amendment would not frustrate the Federal highway scheme, because it applies only to primary, secondary, or urban highway programs—not to interstate projects. The amendment does not remove the control of the Secretary of Transportation over a project in which there has been Federal involvement because termination of Federal aid will still require approval by the Secretary. This amendment will provide increased local control over local roads.

Mr. President, I urge prompt consideration of this amendment.

Mr. TOWER. Mr. President, I am pleased to join my colleague from Texas (Mr. Bentsen) in introducing today legislation which should greatly clarify the contractual relationships which exist between the Department of Transportation and State highway departments relative to the use of Federal moneys in the construction of primary and secondary highways.

The instance in which a State highway department is free to proceed in the construction of a highway without Federal funds is greatly in need of clarification. Recent judicial decisions, rather than adding clarity, have compounded the existing confusion and uncertainty. The courts have on several occasions interpreted the Federal-Aid Highway Act in a manner not intended by Congress and certainly not contemplated by the States in their dealings with the Federal Government.

Mr. President, this legislation should provide the necessary clarification of congressional intent, the critical delineation of the respective rights of State and Federal parties, and the needed means for removal of the jurisdictional impasse which has arisen through judicial edict.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Cranston, Mr. Dominick, Mr. Hughes, Mr. Javits, Mr. Mondale, Mr. Pell, Mr. Randolph, Mr. Schweiker, Mr. Stevenson, and Mr. Taft):

S. 3752. A bill to extend programs for assistance to medical libraries. Referred to the Committee on Labor and Public Welfare.

THE MEDICAL LIBRARIES ACT OF 1972

Mr. KENNEDY. Mr. President, today I am introducing a bill, the "Medical Libraries Act of 1972," which is designed to extend and improve the expiring authorization within the PHS Act in this regard.

The National Library of Medicine is responsible for acquiring, organizing, and disseminating informational materials in the health sciences. The library has acquired the most important collection of biomedical literature ever assembled, now numbering over 1,300,000 items. But the National Library of Medicine is today far more than merely a repository of documents. It is truly a national center for biomedical communications. Through its extramural programs, it has built a network of regional medical libraries; it has helped to strengthen the Nation's biomedical libraries; it has supported the training not only of librarians but biomedical communication specialists as well; and it has assisted in the preparation and publication of a variety of materials in the biomedical disciplines. I will highlight these activities in greater detail in a moment, but first I would like to emphasize the overall role of the National Library of Medicine.

As you know, Mr. President, the National Library of Medicine was created under the leadership of my distinguished predecessor as chairman of the Senate Health Subcommittee, Senator Lister Hill, in 1956. The additional authority which permits the library to support research and training programs throughout the United States was added in 1965. Under that authority a comprehensive program to upgrade this Nation's biomedical library has been begun. For example, Mr. President, including the NLM, 11 regional medical libraries have been established across America. They are located in Boston, New York, Philadelphia, Detroit, Atlanta, Chicago, Omaha, Dallas, Seattle, and Los Angeles. Mr. President, we all know that this Nation is preeminent in the area of biomedical research. Yet, we are also in the depths of a profound health care crisis. Clearly we need to do a far better job of applying the vast amount of biomedical knowledge this Nation has to the great problems of delivering high quality health care to all Americans. I believe the NLM can and should become a catalytic agent in that process.

NLM has several components, only one of which has to do with classic, well-known library functions. For example, the Lister Hill National Center for Biomedical Communications designed, supported, and directed a satellite communication project that has been found to be most useful in improving medical communications to remote villages in Alaska. On at least two occasions it provided information which proved to be lifesaving. It has served to bring medical assistance to persons who previously could not be reached by telephone or radio communications. It has helped physicians determine when patients need to be evacuated to district or regional hospitals for emergency care.

Mr. President, I was pleased to note that the recent report of the Appropriations Committee in the fiscal year 1973 budget for HEW included a directive to HEW to get on with the planning for the construction of the Lister Hill National Center for Biomedical Communications. I fully support this worthwhile effort. And I share the disappointment of the Appropriations Committee that funds made available 3 years ago for the architectural and engineering studies to construct the Center have not yet been obligated.

Another component is the National Medical Audiovisual Center currently located in Atlanta, Ga., which serves American medicine by acquiring, producing, cataloging, and distributing audiovisual materials used in the teaching and practice of medicine, dentistry, and the allied health professions. The Center also conducts highly successful workshops through which it teaches the fundamentals of audiovisual technology and its utilization.

Another important part of the library is the toxicology information program which collaborates with other Federal agencies, such as the Food and Drug Administration and the Environmental Protection Agency, to collect, organize, and automate toxicology data. An on-line toxicology information system has been developed and is being expanded with more terminals and the creation of additional data bases. This system provides the most rapid means for the dissemination of toxicology information.

About 100 years ago, Dr. John Shaw Billings became director of the Surgeon General's library, the predecessor of the NLM. During his remarkable 30-year tenure he produced the first continuing compilation of current medical periodical literature, "Index Medicus." It has been used throughout the world for almost a century. Some 15 years ago, the size of the medical literature made production of the index most difficult. Accordingly, the National Library of Medicine introduced new computer technology and created what has come to be known as medlars. Now an additional step has been taken. The information of medlars has been placed on line and is thus called medline. Terminals with which to access medline are being placed in approximately 200 institutions around the country and overseas as well. In short, vital biomedical information is being made easily available and, most importantly, without delay, delay that could mean the difference between life and death.

The Medical Library Assistance Act was first passed in 1965. It authorized seven distinct extramural programs for the National Library of Medicine. These are, first, construction of library facilities; second, training of medical librarians and other information specialists in the health sciences; third, special fellowships for the creation of written matter to facilitate distribution of biomedical information; fourth, research in the field of medical library science; fifth, improvement of the basic resources of medical libraries; sixth, regional medical libraries; and seventh, support to biomedical scientific publications. The act authorized these programs for a period of 5 years. In 1970, the act was extended for an additional 3 years. That extension terminates June 30, 1973.

Although a total of $40 million—$10 million each year for 4 years—was authorized under the 1965 law for the construction of new or the rehabilitation of existing medical library facilities, only $11.25 million has been appropriated. This amount was used to assist in the construction of 11 new libraries, all connected with schools of the health sciences. Regrettably, the President's budget did not request any funds for fiscal year 1973. Some medical schools and other schools of the health sciences have recourse to other agencies for assistance in the construction of library facilities. However, the majority of the approximately 7,800 health care institutions in this Nation do not have other programs to which they can turn for this assistance.

For training, the act, through its 8-year period, authorized $10.25 million, of which about $8.2 million will have been appropriated. Using these funds, the National Library of Medicine has supported programs in which 580 individuals have been trained as medical librarians, as information specialists, and as medical historians. When the act was first considered, there was ample evidence of the need for additional medical librarians. Primarily because of these training programs, much of the need has been met but the program needs to be continued for several reasons. First, medical libraries throughout the country, just like the National Library of Medicine, are becoming complex communication centers. Second, as we escalate our attack on cancer, heart disease, and other major killers, all types of library services must be improved.

The fellowship program of the NLM, known as special scientific projects, is unique. This is a mechanism designed to support distinguished scientists so that they may be freed from usual academic obligations for a year or two. Science must be identified, evaluated, and then synthesized into fundamental concepts. For the laboratory investigator as well as the busy practitioner, this process is essential if he is to stay on the cutting edge of the ever expanding frontier of biomedical knowledge.

The original act and its 1970 extension authorized $24 million for research, and Congress will have appropriated $8 million over the 8 years. This program needs to be upgraded.

Under the 5-year authority of the Medical Library Assistance Extension Act of 1965, $15 million was authorized and $11.8 appropriated for the purpose of improving and expanding the resources—primarily books, journals, and other informational materials—of the Nation's health science libraries. The sums expended could not and were not intended to remedy the total resource deficit of our medical libraries since, in 1965, the immediate need in this area was identified as being in excess of $100 million, and this need was growing exponentially during the 5 years of the programs operation.

The appropriations for this section of the act did serve the purpose, however, of focusing the attention of the health community on the invaluable services rendered by these libraries. The 402 grants made to date represent support to less than 10 percent of the total number of medical libraries.

Having established this base in 1966–70, the Medical Library Assistance Extension Act of 1970 sought to capitalize on the accomplishments by providing assistance for the improvement of services to users. In 1971 and 1972, 222 grants for a total of $672,000 were made to assist in the establishment of basic collections in our country's primary libraries, those in health care institutions. Sixty-nine awards for $1,273,000 were made to the secondary libraries for projects designed to improve the quality and quantity of services to users.

Funds are also authorized under the publications program to assist in the preparation and also the publication of the important scientific findings. Through the first 8 years of this program $8.0 million were authorized and $3.9 million will have been appropriated. Over 65 grants have been made.

In summary, the Medical Library Assistance Act terminates on June 30, 1973. The National Library of Medicine has operated under the extension of this act for 2 fiscal years. No major operational problems have been experienced. It has been a most successful program.

Mr. President, this bill, which I am introducing today with bipartisan cosponsorship, is a 1-year extension. A 1-year extension in no way implies any concern on my part with respect to the functioning of the NLM. In fact, just the opposite is the case. However, with the enormous flow of legislation through the Senate Health Subcommittee, I have determined that it is essential that the committee consider these legislative authorities in a more orderly and systematic fashion. Accordingly, I hope to stage the extensions of future PHS authorities in such a manner so as to make it possible for the committee to consider the programs which support research and education at the same time. And since the comprehensive manpower and nurse training programs, which were enacted last year, expire June 30, 1974, it is necessary to extend the medical libraries authority for 1 year at this time.

The legislation proposed will amend title III, part J, of the PHS act to provide:

First. Fifteen million dollars for medical library facility construction assistance;

Second. For assistance in the training of medical librarians and other information specialists in the health sciences: $4 million in 1974;

Third. Five hundred thousand dollars for assistance for compilations of writings concerning advances in science related to health.

Fourth. Five million dollars for assistance for research and development in medical science libraries and other fields;

Fifth. Six million dollars for assistance to improve, establish, or expand basic medical library resources;

Sixth. Five million dollars for assistance in development of a national system of regional medical libraries; and

Seventh. Such sums as may be necessary, but not to exceed $1 million per year for assistance for biomedical scientific publications.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the text of the bill be printed in full in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medical Libraries Act of 1972."

EXTENSION OF ASSISTANCE TO MEDICAL LIBRARIES

Sec. 2. (a) Section 393(h) of the Public Health Service Act is amended to read as follows:

"(h) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $13,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for the fiscal year ending June 30, 1974."

(b) The first sentence of section 394(a) of such Act is amended to read as follows:

"In order to enable the Secretary to carry out the purposes of section 390(b)(2) of this Act, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973 and $4,000,000 for the fiscal year ending June 30, 1974."

(c)(1) Section 395(a) of such Act is amended by striking "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(2) Section 395(b) of such Act is amended by striking "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

(d) Section 396(a) of such Act is amended to read as follows:

"Sec. 396. (a) In order to enable the Secretary to carry out the purposes of section 390(b)(5), there are authorized to be appropriated $4,500,000 for the fiscal year ending June 30, 1973 and $6,000,000 for the fiscal year ending June 30, 1974."

(e) The first sentence of section 397(a) is amended to read as follows:

"In order to enable the Secretary to carry out the purposes of section 390(b)(6) there are authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1973 and $5,000,000 for the fiscal year ending June 30, 1974."

(f) The first sentence of section 398(a) of such Act is amended to read as follows:

"In order to enable the Secretary to carry out the purposes of section 390(b)(7), there are authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1973 and $5,000,000 for the fiscal year ending June 30, 1974."

By Mr. CANNON (for himself and Mr. Magnuson):

S. 3755. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes. Referred to the Committee on Commerce.

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1972

Mr. CANNON. Mr. President, I am introducing a bill today to be known as the Airport Development Acceleration Act of 1972.

In the view of myself and the cosponsors, the bill represents our current thinking of how best to improve the landmark 1970 legislation known as the Airport and Airway Development Act. As my colleagues know, that act has been of immeasurable assistance in assisting local communities in meeting the ever increasing aviation needs required to support the U.S. air transportation system. The act provides for massive Federal assistance to local governments by providing nearly $300 million a year in Federal grants to local airport sponsors, which, in most cases, are counties and municipalities. Like most comprehensive programs the Airport and Airway Development Act, because of its size and scope, requires continued changes and updating to make certain that it continues to meet the needs for aviation development in the United States. This spring, the Subcommittee on Aviation, which I chair, held hearings on airport development problems and proposals to update the 1970 law to make it more responsive to local aviation needs.

The bill I am introducing today expresses my commitment to provide a better program to assist local communities in developing airport facilities.

Basically, Mr. President, the bill has seven provisions amending the Airport and Airway Development Act and one which amends the Federal Aviation Act of 1958.

First, and most important, the bill would provide increased Federal participation in airport development projects at about 3,400 publicly owned airports throughout the United States, its territories and possessions. Presently, Federal participation by grants is limited to 50 percent Federal funds and 50 percent local. This amendment will increase the Federal ratio to almost all airports to 75 percent. The largest 60 airports in the United States, the so-called large and medium hubs, such as New York, Los Angeles, Seattle, Las Vegas, Tampa, and others will continue to be eligible for only 50 percent Federal participation. Testimony before my committee has indicated that the communities in which these airports are located have had little or no difficulty providing 50 percent matching money to meet the requirements or the 50–50 ratio. On the other hand, the small communities in the United States, such as Charleston, W. Va., Burlington, Vt., Fort Wayne, Ind., Saginaw, Mich., and Great Falls, Mont., have had great difficulty in finding local matching funds to meet the 50–50 requirement. As a result many of these communities have been unable to proceed with aviation development despite pressing local needs and despite the 1970 act.

My bill will provide significant financial relief to such communities.

Second, this bill will remedy a defect in the 1970 law by providing that the terminal areas of the Nation's airports will be eligible for Federal assistance insofar as the development is directly related to the movement of passengers and their baggage through the airport. At present, no Federal funds may be used for terminal area development despite the fact that the Senate approved such a provision in 1970. The provision was not enacted into law as a result of action by House conferees on the final bill.

Under the terms of the bill that I introduce today, some portion of terminal areas of airports will be eligible, on a 50–50 basis, for Federal participation.

Third, the bill provides that construction and equipment requirements to provide airport security as presently required by regulations of the Federal Aviation Administration shall be eligible for Federal participation in the amount of 82 percent of the project cost. New regulations designed to meet the threats of hijacking and extortion have imposed a tremendous new financial burden on airport operators and in my view should be funded at the same level of Federal participation as are landing and safety aids such as approach lighting and so forth.

Fourth, the bill increases the minimum amount available each year for airport development grants from the present $280 million to $420 million. This increase will permit the same level of total airport development to proceed even though the level of Federal participation has generally been raised. The funds necessary to finance this increase are available and will be available in the airport and airway trust fund and will come from receipts of the 1970 taxes Congress levied on passengers, shippers, airlines, and private aircraft operators.

Fifth, the bill provides provisions which will enable airport sponsors to obtain 100 percent Federal financing for the acquisition of land needed for future airport development. This is, in essence, a land bank program and will encourage airports to begin long-range aviation planning and land acquisition to meet the needs of the 1980's and 1990's and will give them the financial capability to buy land at today's prices and preserve it for future airport development and protect it from being used for other purposes. The provisions will require that at some point in the future, after the airport development is accomplished, the sponsor will be required to repay to the airport and airway trust fund the local portion together with interest so as to comply with the Federal-local funding ratio.

Sixth, the bill provides that military airports which permit civil use may be eligible for airport development grants to the extent that development is strictly related to the needs of civil aviation and not military aviation. Presently, many military airports in the United States are used by civil aviation but under the present act no airport trust fund revenues may be used for improvements or civil related development at these airports.

Seventh, the bill extends the present multiyear contract authority contained in the 1970 act for another 2 years through 1975. The contract authority allows the Secretary to enter into multiyear grant agreements with airport sponsors which assure the local airport operators that Federal funds will be available in more than a single year. Under the present act, contract authority expires at the end of fiscal year 1973. The Senate bill of 1970 provided a full 5-year contracting authority but, as in the case of terminal development, that provision was modified by the Senate-House conferees.

Finally, my bill prohibits State and local taxation on airline passengers or on the airlines themselves, but does not prohibit airport operators from levying and collecting other reasonable user charges such as landing fees, rental charges, and so forth. The provision will prohibit a new, inequitable, and potentially chaotic burden of taxation on the nearly 200 million air travelers in this country. The legislation would prohibit the levying of State or local head taxes, fees, or charges either on passengers or on the carriage of such passengers in interstate commerce. The bill is in response to a situation which has been brought about by a recent Supreme Court decision upholding passenger head taxes enacted by New Hampshire and by Evansville, Ind., for "aviation-related purposes." While this decision has invited State and local governments to enact head taxes or fees on air travelers, the Court decision does not provide adequate safeguards to prevent undue or discriminatory taxation.

In the wake of this decision, a rash of proposals varying widely in rate, scope and applicability, has broken out throughout the Nation. It is significant that revenues from some of these head taxes would not be used to provide funds for airport construction or operation, but would be used to nourish general fund coffers. For example, Philadelphia has levied a tax of $2 per passenger on passengers both arriving in and departing from that city.

The revenues will accrue to the city's general fund not the Philadelphia airport. Other cities as well have leveled their sights at air travelers who are convenient, vulnerable and captive targets. Certainly we can anticipate the proliferation of such action.

Mr. President, Congress must act to protect the American air travel consumer from such discriminatory taxation, in observance of an old axiom that "In levying taxes and in shearing sheep, it is well to stop when you get down to the skin." The Nation's air travelers are already being heavily taxed to pay for airport facilities and airways modernization. As a result of the 1970 act every passenger in air transportation pays an 8-percent excise tax on the price of his ticket to support these developments. Total user tax revenues will reach about $693 million this year. Since this tax money is earmarked for airport and airway improvements, there is no need to add an additional burden of taxation on these travelers or on the carriers and in fact, it would be a breach of faith for Congress to stand idly by while this is done by other units of government.

Mr. President, at the present time the average value of a round trip airline ticket in the United States is about $85. Therefore, the average traveler today pays a Federal tax of $6.80, the revenues from which are reserved for aviation facilities development. In 1970, while the Committee on Commerce and the Committee on Finance were considering this legislation, it was our firm intent that the Federal excise tax be the only tax on passengers in air transportation. While the Supreme Court has said that Congress did not preempt this field in 1970, it was certainly our intention, in my opinion, to do so. At that time several States and local government had attempted to levy head taxes on passengers in air transportation and it was widely assumed because of lower court decisions and qualified legal opinion that such taxes were unconstitutional as an undue burden on interstate commerce.

Despite the views we heard in 1969 and 1970 and despite the fact that the Federal Government presently taxes passengers at the rate of 8-percent on airline tickets, the High Court has opened the door wide to multiple passenger taxation.

Something must be done, and it is fitting that the Nation's air travelers look to us for decisive action. In its decision, the Supreme Court seemed to invite congressional action for the Court pointed out that—

> At least until Congress chooses to enact a nationwide rule, the power will not be denied to the States.

The legislation introduced today, provides the vehicle for Congress to make it clear that it will not allow indiscriminate levying of burdensome head taxes on citizens traveling in interstate commerce. Nor will we allow the growth of our national air transportation system to be impeded by abandoning it to the chaos of discriminatory taxation on air travelers.

Mr. President, this bill will be considered by the Commerce Committee in executive session shortly and hopefully favorably reported.

I hope that it will have the enthusiastic support of all the members of the Senate as it provides great new sources of Federal assistance and cooperation in assisting local communities in meeting the aviation needs of the future.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

At the request of Mr. Beall, the Senator from Georgia (Mr. Gambrell) was added as a cosponsor of S. 325, to establish a survivor annuity program for widows of military personnel.

S. 3449

At the request of Mr. Bible, the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 3449, a bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof.

S. 3604

At the request of Mr. Brock, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 3604, a bill to provide for the establishment of safety standards for mobile homes in interstate commerce.

S. 3643

At the request of Mr. Bennett, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 3643, the Allied Services Act of 1972.

S. 3659

At the request of Mr. Williams, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 3659, a bill to establish a commission to develop a plan leading to the conquest of multiple sclerosis.

S. 3704 AND 3705

At the request of Mr. Magnuson, the Senator from Michigan (Mr. Hart), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of S. 3704, a bill to provide for a 6-month extension of the emergency unemployment compensation program; and S. 3705, a bill to amend section 203(2) of the Federal-State Extended Unemployment Compensation Act of 1970.

SENATE CONCURRENT RESOLUTION 86—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING THE UNIVERSALITY OF THE UNITED NATIONS

(Refered to the Committee on Foreign Relations.)

DIVIDED NATIONS AND THE U.N.

Mr. GRAVEL. Mr. President, I believe that the achievement of universality in membership of the United Nations would not only enhance the ability of that body to preserve international peace and to carry out its other responsibilities for promoting and maintaining world cooperation as set forth in the United Nations Charter, it would also positively serve two major U.S. foreign policy objectives. First, achievement of universality would help generally to assure peace in the world, and second, it would reduce the possibility of a unified Communist bloc—a goal which the Soviets continue to reaffirm. It is therefore in our larger interest that the national governments in question enlarge their international roles in world decisionmaking, and improve their possibility of self-determination.

For the United States, to support through its foreign policy the admission to membership in the United Nations the divided States of the Federal Republic of Germany and the German Democratic Republic; the Republic of Korea and the Peoples Democratic Republic of Korea; the Republic of Vietnam and the Democratic Republic of Vietnam would serve the interests of world peace by normalizing the relationships of these countries with the rest of the world. This action would give the countries the opportunity to engage in a global airing of grievances and offers the possibility of their peaceful resolution rather than resorting to the battlefield in order to get the world to listen.

Mr. President, in October of 1971 during the debate on the Foreign Assistance Act of 1971 I proposed an amendment which was similar to what I am proposing today. During the floor debate the distinguished chairman of the Foreign Relations Committee asked that I withhold calling the amendment to a vote and promised hearings before his committee on the matter. I appreciated his suggestion and followed his advice.

Admittance of these states named in my resolution would have a dual effect in helping to assure world peace. If admitted to the U.N. these countries would be able to draw on the negotiating abilities and good offices of the most powerful world leaders in the resolution of their differences rather than being left "outside" to solve their differences.

In another sense—and almost contradictorily—the right of countries to determine their own future would be served by the admission to the U.N. that I propose. By strengthening the national and international positions of these countries their dependency upon superpower fiscal and physical support could be lessened. The trends we see in all countries toward increasingly strong nationalistic attitudes and their desire to be recognized as autonomous countries in their international dealings would be strengthened by a seat in the United Nations.

The easing of tensions between East and West Germany we have recently experienced in their landmark treaty would be accelerated by their membership in the United Nations and the establishment of the apparatus through which negotiations may be carried on at any time.

As a maturing world body the United Nations today represents a major hope for the establishment and maintenance of world peace. The United States should continue to support the efforts of this body, and as its richest member in economic and political resources attempt constantly to aid it in the accomplishment of its mission of world peace. We in the U.S. Congress must always be mindful that the United Nations was not established as an extension of our State Department and that what is in our best interests may not necessarily be in the best interests of a majority of member nations. We should not allow our national prejudices to unduly interfere with what is best for the rest of the world community when dealing with the United Nations.

I realize that the issue of universality in the United Nations extends beyond the countries encompassed by this resolution. Some will say, "What about all those little countries you didn't mention?" I am aware of the complications inherent in this situation. However, until further hearings are scheduled regarding this resolution, and all of the issues involved are examined in full detail, I would think that the smaller states should be placed in some kind of an associate status so that they may be heard as well. I think some distinctions like this can usefully be made.

Mr. President, I am pleased to offer this concurrent resolution seeking the admission of the two Germanys, the two Koreas, and the two Vietnams to the United Nations and ask that it be referred to the appropriate committee.

The concurrent resolution reads as follows:

S. Con. Res. 86

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby finds that to achieve universality of membership in the United Nations would significantly enhance the ability of that body to preserve international peace and to carry out its other responsibilities for promoting and maintaining world cooperation as set forth in the United Nations Charter. Therefore, to that end, it is the sense of the Congress that it should be the policy of the United States actively to support the admission to membership in the United Nations of the Federal Republic of Germany, the German Democratic Republic, the Republic of Korea, the People's Democratic Republic of Korea, the Republic of Vietnam, and the Democratic Republic of Vietnam.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT—AMENDMENT

AMENDMENT NO. 1301

(Ordered to be printed and to lie on the table.)

Mr. MAGNUSON submitted an amendment intended to be proposed by him to the bill (S. 945) to require no-fault motor vehicle insurance as a condition precedent to operating a motor vehicle on streets, roads, and highways or other lands open to automobile use by the public in order to promote and regulate interstate commerce.

MARINE MAMMAL PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1302

(Ordered to be printed and to lie on the table.)

Mr. HART, for himself, Mr. Case, Mr. Cranston, Mr. Griffin, and Mr. Spong, submitted an amendment intended to be proposed by them jointly to the bill (S. 2871) to protect marine mammals, to establish a Marine Mammal Commission, and for other purposes.

Mr. HART. Mr. President, for myself, Mr. Case, Mr. Cranston, Mr. Griffin, and Mr. Spong, I send to the desk an amendment intended to be proposed to S. 2871, the ocean mammals protection bill. I ask unanimous consent that it be printed and lie on the table, and that it be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 1302

On page 26, beginning with line 14, strike out all through line 23 and insert in lieu thereof the following:

"(10) The term 'Secretary' means the Secretary of the Interior."

On page 28, between lines 2 and 3, insert the following:

"(16) The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration."

On page 54, beginning with line 24, strike out all through line 2 on page 55 and insert in lieu thereof "shall not exceed $3,000,000.".

On page 55, beginning with line 5, strike out all through line 6 and insert in lieu thereof the following:

"Sec. 111. (a) (1) The Administrator is hereby author—".

On page 55, strike out line 21 and insert in lieu thereof the following:

"(2) The Secretary, after consultation with the Administrator and with the Ma-".

On page 56, line 4, strike out "Administrator" and insert in lieu thereof "Secretary, after consultation with the Administrator,".

On page 56, line 9, strike out "Administrator" and insert in lieu thereof "Secretary, the Administrator,".

On page 56, line 15, strike out "Administrator" and insert in lieu thereof "Secretary, the Administrator,".

On page 56, line 23, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 57, line 6, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 57, line 10, strike out "Administrator" and insert in lieu thereof "Secretary or the Administrator".

On page 63, line 24, beginning with the figure "$2,000,000", strike out all through line 9 on page 64 and insert in lieu thereof "$2,700,000 for the fiscal year ending June 30, 1973, and not to exceed $2,525,000 for each of the four next following fiscal years to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this title.".

On page 64, strike out lines 19 and 20 and insert in lieu thereof "Quality, the Secretary, the Administrator, and".

On page 67, line 20, strike out "of the Interior".

EXTENSION OF PRESENT PUBLIC DEBT LIMITATION—AMENDMENT

AMENDMENT NO. 1303

(Ordered to be printed and to lie on the table.)

Mr. MONDALE submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973—NOTICE OF MOTION TO SUSPEND THE RULE

AMENDMENT NO. 1304

Mr. ROBERT C. BYRD submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15586) making appropriations for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 7, before the period insert the following: ": *Provided further,* That the exception in section 224 of the Flood Control Act of 1970, relating to certain approval, shall not apply to amounts in this appropriation".

Mr. ROBERT C. BYRD submitted the amendment (No. 1304) intended to be proposed by him to the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes, which was ordered to be printed and to lie on the table.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1305

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1273

At the request of Mr. CASE, the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. CRANSTON), the Senator from Oregon (Mr. PACKWOOD), the Senator from New York (Mr. JAVITS), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Amendment No. 1273, intended to be proposed to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973.

ADDITIONAL STATEMENTS

THE NSF AUTHORIZATION—EARTHQUAKE RESEARCH AND RESEARCH ON UNCONVENTIONAL ENERGY SOURCES

Mr. EAGLETON. Mr. President, I wish to speak on the authorization bill for the National Science Foundation which the Senate passed on Friday. At the outset, I want to express my personal appreciation to the chairman of the Special Subcommittee on the National Science Foundation, the distinguished Senator from Massachusetts (Mr. KENNEDY), for his work on the bill. It reflects his appreciation of the need of American science, and it provides for those needs. It also reflects his sensitivity to the needs of the American people and the important role which science can play in serving those needs.

My remarks concern two provisions in the bill which lay the groundwork for scientific efforts of potentially immense significance to human needs—the provisions dealing with the prevention and reduction of earthquake damage and research on unconventional energy sources.

The devastating California earthquakes of last year focused public attention on the urgent need to develop reliable methods of predicting earthquakes and preventing loss of human life and avoidable damage to property. Serious as these quakes were, California is not the only part of the United States which is threatened. In the southeastern part of my own State, which is not generally recognized as an earthquake-prone area, serious earthquakes have occurred and likely will occur in the future. The threat of loss of life and property damage from earthquakes poses a threat to all citizens of this area and retards economic progress by discouraging new investment in plants and facilities which are sorely needed by the citizens of the area. The authorization passed last Friday broadens the capacity of NSF to fund research on earthquakes and means for anticipating them and reducing the threat they pose to life and property.

I also invite attention to the provisions in the bill which authorize increased funding for research on unconventional energy sources. By now, the energy shortage in the United States has touched virtually every American household. Energy often isn't available to new customers, and even when it is available, the prices it commands are increasing at a steady rate. Competing demands for energy and for environmental protection pose real challenges. They challenge our ingenuity and test our commitment to achieve both adequate energy supplies and a level of environmental protection which is responsive to our needs for healthful, livable natural surroundings. The research program on unconventional energy sources authorized by the bill comes at a critical time. The work which it will make possible will be of lasting significance to the American people.

Again, Mr. President, I offer my thanks to the distinguished chairman of the subcommittee and the chairman of the full Committee on Labor and Public Welfare, the distinguished Senator from New Jersey (Mr. WILLIAMS), for their commitment to the work the bill makes possible.

FAILURE OF COMPENSATOR EDUCATION

Mr. HANSEN. Mr. President, too often we tend to believe that with enough money poured into several Federal programs, social problems will be solved through ultimately changing people—their attitudes, aspirations, and motivation.

Amitai Etzioni, the renowned sociologist at Columbia University and the director of the Center for Policy Research, has stated that such an approach is apparently unproductive, and that one would do better to accept people as they are and change their circumstances instead.

Professor Etzioni makes the point that compensatory education has failed to bridge the gaps between the educational achievements of disadvantaged and other children because we expect it to be the sole, most effective tool for personal growth and societal change. We expect to change the individual through the educationalist-enlightenment approach which places an unduly strenuous burden of expectation on our educational systems.

I ask unanimous consent that Professor Etzioni's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMAN BEINGS ARE NOT VERY EASY TO CHANGE AFTER ALL—AN UNJOYFUL MESSAGE AND ITS IMPLICATIONS FOR SOCIAL PROGRAMS

(By Amitai Etzioni)

A while back there was a severe shortage of electricity in New York City, and Columbia University tried to help out in two ways: A card reading "Save a watt" was placed on everyone's desk, and janitors removed some light bulbs from university corridors. The ways in which this shortage was made up for illustrate two major approaches to social problem solving. One approach is based on the assumption that people can be taught to change their habits, that they can learn to remember to switch off unused lights. The second approach assumes that people need not, or will not, change and instead alter their environment so that, even if they leave light switches on, watts are saved.

The prevalent approach in the treatment of our numerous and still-multiplying social problems is the first. Imbedded in the programs of the federal, state, and city governments and embraced almost instinctively by many citizens, especially liberal ones, is the assumption that, if you go out there and get the message across—persuade, propagandize, explain, campaign—people will change, that human beings are, ultimately, quite pliable. Both political leaders and the general public believe that advertising is powerful, that information campaigns work, and that an army of educators, counselors, or rehabilitation workers can achieve almost everything if they are sufficiently numerous, well trained, and richly endowed.

But can they? We have come of late to the realization that the pace of achievement in domestic programs ranges chiefly from the slow to the crablike—two steps backward for every one forward—and the suspicion is growing that there is something basically wrong with most of these programs. A nagging feeling persists that maybe something even more basic than the lack of funds or will is at stake. Consequently, social scientists like myself have begun to re-examine our core assumption that man can be taught almost anything and quite readily. We are now confronting the uncomfortable possibility that human beings are not very easily changed after all.

Take smoking, for instance. Since 1964, when the surgeon general began calling attention to the dangers of cigarettes, a vast and expensive campaign has been waged, involving press releases, lectures, television advertisements, pamphlets, and notations on the cigarette package. The positive result of all this activity, however, has been slight. At first there was no effect at all; actual cigarette smoking continued to rise until 1967. Then it dropped from 11.73 cigarettes per day per person aged eighteen years and over to 10.94 in 1969. More recently the level has risen again.

The moral? If you spend $27 million, you may get enough people to switch from Camels to Kools to make the investment worthwhile for the Kool manufacturers. However, if the same $27 million is used to make nonsmokers out of smokers—that is, to try to change a basic habit—no significant effect is to be expected. Advertising molds or teases our appetites, but it doesn't change basic tastes, values, or preferences. Try to advertise desegregation to racists, world government to chauvinists, temperance to alcoholics, or—as we still do at the cost of $16 million a year—drug abstention to addicts, and see how far you get.

In fact, the mass media in general have proved to be ineffectual as tools for profoundly converting people. Studies have shown that persons are more likely to heed spouses, relatives, friends, and "opinion leaders" than broadcasted or printed words when it comes to deep concerns.

Another area in which efforts to remake people have proved glaringly inefficient is that of the rehabilitation of criminals. We rely heavily on re-educational programs for prisoners. But it is a matter of record that out of every two inmates released, one will be rearrested and returned to prison in short order. Of the 151,355 inmates in state prisons on December 31, 1960, there were 74,138, or 49 per cent, who had been committed at least once to adult penal institutions. Reformatories come off no better. A study of 694 offenders released by one well-known institution reports 58.4 per cent returned within five years. The study concludes self-assuringly: "But this is no worse than the national average."

What about longer, more sustained educational efforts? Mature people can be taught many things—speed reading, belly dancing, Serbo-Croatian—usually with much more pain, sweat, cost, time, and energy than most beginning pupils suspect. When we turn, though, to the modification of ingrown habits, of basic values, of personality traits, or of other deep-seated matters, the impact is usually much less noticeable.

What is becoming increasingly apparent is that to solve social problems by changing people is more expensive and usually less productive than approaches that accept people as they are and seek to mend not them but the circumstances around them. Just such a conclusion was implicit, for instance, in an important but widely ignored study of automobile safety done by the Department of Health, Education, and Welfare.

Applying cost-effectiveness measurements to efforts to cut down the horrendous toll on American highways—59,220 Americans were killed in 1970—the HEW study noted that driver education saves lives at the cost of $88,000 per life. New automobile accessories, as simple as seat belts, proved more than a thousand times as effective; saving a life this way, it was computed, costs a mere $87. Yet we continue to stress driver education as the chief preventive measure; the laws regarding the redesign of autos are moderate in their requirements and are poorly enforced. Similarly, we exhort people not to drive while under the influence of liquor, even not to drink in excess to begin with. But these are rather monumental, perhaps impossible, educational missions. However, a simple device that measures the level of intoxication by breath analysis and that is widely used by highway patrols in Great Britain has tended to scare drunken drivers off the roads in that country. It could be applied to a rapid reduction of traffic fatalities in this country. Educate drinkers later.

The problem of educating against drug addiction in general offers parallel lessons. Acting on the belief that personality predispositions yield fairly rapidly to such approaches, we have tried a variety of informational, persuasive, personal, and group-therapeautic techniques in the battle against addiction. However, these approaches have rehabilitated only a few addicts. Much more promising are counterdrugs. For example, Antabuse, which if taken makes a person feel quite uncomfortable when he drinks, is more effective than psychotherapy in dealing with alcoholics. It takes so much less effort to decide each day to take medication than to decide, all the time, to refrain from drinking. True, Antabuse so far is a little-known remedy, and many who do know of it are skeptical, because early experiments in which a high dosage was administered seem to have resulted in some fatalities. Now, though, smaller dosages are being given, and Antabuse is slowly regaining serious consideration.

The failure of educational and therapeutic approaches to help most heroin addicts has led, finally, to the wide use of a substitute, methadone, which is usually referred to as a blocking drug because it is said to curb the craving for heroin. Let's not ask here if methadone is the most suitable drug for the purpose, to what extent it is different from heroin, or even if it actually blocks out heroin. For our purpose, it is sufficient to say that, unlike the educational and therapeutic approaches to heroin addiction, methadone is effective. That is, people taking methadone work, study, are satisfied, function as human beings and citizens, and have a much lower criminality record. Thus, of a group of 990 men carefully examined, those employed or attending school rose from 27 per cent at admission to the methadone program to 65 per cent after one year on the program, to 77 percent after two years, and to 92 per cent in the third year. A report by the director of the District of Columbia narcotics treatment division shows that as the number of addicts on methadone increased, the level of crimes that addicts tended to commit fell almost proportionally. Thus, with about 20 per cent of the addicts on such treatments, robberies in Washington, D.C., fell from 12,432 in 1969 to 11,222 in 1971. There is no evidence that any educational program has ever had such an effect.

Though there seem to be no similarly effective drugs to help food addicts (or persons afflicted with obesity), we have recently been informed by medical researchers that serious weight problems seem to arise, not from faulty will power, character, or motivation—qualities subject to educability—but from different rates of metabolism and divergent nutritional pathways. These pathways are established early in childhood and may be either set for life or altered by medication, but exhortation or other educational efforts can alter them little.

Again medication has proved to be more promising than education in dealing with mental patients. After year upon year of increase, the number of patients in mental hospitals declined sharply in 1956. This turning point came about, not because therapy was expanded or intensified or a new procedure found, but because tranquilizers were widely introduced. Most of those discharged now live on medications at home.

Technological devices and medication are not the sole approaches we may rely upon more heavily once we understand the limits of adult educability and allow ourselves to see the full extent and implications of these limits. Improved matching of persons and jobs may go a long way toward reducing the need for job training. Here the two alternative assumptions about the pliability and perfectibility of human nature come into sharp focus. Few educators are quite willing to assume, as it was once put rather extremely, that "given time and resources, we can make a piano player out of anybody." Yet whole job-training programs are still based on such an assumption. For instance, the scores of training programs for the unemployed or the to-be-employed that are run or supported by the Department of Labor assume that people can be changed, and quite fundamentally.

The Department of Labor stresses, in its discussion of "social-psychological barriers" to employment, the need to modify "attitudes, aspirations, motivation (especially achievement motivation), ability or willingness to defer gratification, and self-image." And the 1968 Manpower Report suggests "the necessity of direct efforts to modify the attitudes of the disadvantaged before introducing them to job situations." One major training program aims at providing "needed communication skills, grooming and personal hygiene, the standards of behavior and performance generally expected by employers."

In a study I conducted with three of my colleagues for the Center for Policy Research, we found that persons have deep-seated preferences in their work behavior that are very difficult to change, and we concluded that it may be unethical to try to change them. Thus, if a person prefers to engage in non-routine work of the more creative type, at an irregular pace, training him or her to be a "good" assembly-line worker—which entails teaching not only how to turn bolts but also how to be a more "uptight" person—may be both ineffective and morally dubious, especially if we are correct in suggesting that people's existing preferences can be readily analyzed so that they can be helped to choose jobs compatible with their personalities. It is also much less costly to test and assist people than it is to train and mold them. If we run out of compatible jobs, jobs may be changed to suit people rather than people to suit jobs.

One of the few effective and efficient ways in which people can be basically remade lies in a total and voluntary reconstruction of their social environment. Thus, when students withdraw from the campus into a rural commune, or Jews emigrate from the U.S.S.R. and Eastern Europe to found a new Israeli kibbutz, life can be deeply recast. The creation of a whole new environment for addicts—indeed, a new social community—on a voluntary basis, as achieved by Synanon, is highly effective, and Alcoholics Anonymous seems to provide a cure as effective as or better than Antabuse. Many alcoholics and mental patients who are integrated into therapeutic communities are reported to recover well.

This total-change approach is very appealing to a radical New Left perspective, which suggests that new persons cannot evolve except in a new society and that a new society will emerge only from the deep efforts of people in the crisis of reshaping their world. At the same time one must note that effective total-change groups work only for those who join voluntarily. Most addicts, mental patients, prison inmates, and others in need of change don't volunteer to join. Hence, the total-change approach is considerably less applicable to social problems than some would have it be.

Much of what I have said is primarily concerned with adult educability. It also holds true, albeit to a lesser degree, for children. While children, especially younger ones, are more educable than adults—who must often first be disabused of the education they have acquired as youngsters—most Americans, both the general public and the policy-makers, still enormously overestimate what the education of children can achieve.

The schools, which are still the main institutions of education for children aged six through eighteen, cannot carry out many of the missions assigned to them. Most schools do not build character, open the mind, implant an appreciation of beauty, or otherwise serve as the greater humanizer or the social equalizer as educators would wish them to do. In desperation it is suggested now that the schools concentrate on teaching the three Rs, and it is common knowledge that they have a hard time doing even that.

Probably the greatest disappointment educators have encountered in recent years, and have not quite come to terms with, is the failure of intensive educational campaigns to help children from disadvantaged backgrounds catch up with their more advantaged peers. As has already been widely reported, virtually all of the 150-odd compensatory education schemes that have been tried either have not worked at all or have worked only marginally or only for a small proportion of the student population. The Coleman Report makes this point, and the same conclusion comes from another source. Professor Jesse Burkhead of Syracuse University found that differences in the achievements of high school students in large-city schools are almost completely conditioned by the students' social backgrounds and environments, including the incomes and occupations of the parents (class), housing conditions, and ethnicity.

The reasons for this inability to bridge the distance between the educational achievements of disadvantaged and better off children are hotly debated. It seems to me that the key reason for the failure of compensatory education lies in the fact that the disadvantaged children are locked into total environments, which include home, neighborhood, parental poverty, discrimination, and inhibiting models of behavior. We cannot hope to change one without changing the others. Education will become more effective when it works together with other societal changes—which, of course, means that, by itself, it is not half so powerful as we often assume.

The contention that personal growth and societal changes are much harder to come by than we had assumed, especially via one version or another of the educationalist-enlightenment approach, is not a joyful message, but one whose full implications we must learn to accept social programs. Once we cease turning to ads, leaflets, counselors, or teachers for salvation, we may realize that more can be achieved by engineers, doctors, social movements, and public-interest groups; and the educators will find new and much needed allies.

LETTER TO SECRETARY LAIRD—ARE NORTH VIETNAM DIKES BEING BOMBED?

Mr. PROXMIRE. Mr. President, I am today releasing a letter to Secretary of Defense Melvin Laird concerning charges that the United States is bombing the dikes in North Vietnam. In the letter I said:

> I am writing to you to ask for a specific, straightforward, unhedged, and unqualified statement by you as to the facts. Has the U.S. bombed any of the dikes? Is the U.S. systematically bombing the dikes?
>
> I would appreciate an immediate reply. If we are bombing, Congress and the U.S. public need to know it. If we are not, that should be made public in order to forestall charges which have no basis in fact.

I wrote that in a New York Times article by Anthony Lewis of June 26, 1972, Mr. Lewis cites—

> A number of specific public statements, two of them by non-Vietnam sources asserting that the dikes have been bombed. One charged that "One of the dikes was completely cut" and another asserted that "Without doubt there is now systematic bombing of the dikes."
>
> Mr. Lewis states that no one should doubt what bombing the dikes might mean. "It would bring into play, justifiably for once, that much abused word genocide."
>
> If we are not bombing the dikes, would you cite the specific detailed orders which were given not to bomb them. If we are bombing the dikes, would you cite the specific authority under which you or the President specifically authorized the bombing. We need an explicit statement of the facts and our policy now.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 27, 1972.

The Honorable MELVIN LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: The *New York Times* for June 26, 1972 carries a piece by Anthony Lewis raising the question of whether or not the United States is now bombing the dikes in North Vietnam.

Mr. Lewis cites the President's statement in April saying that it was something he wanted to avoid and that it was not needed.

He also cites a number of specific public statements, two of them by non-Vietnam sources asserting that the dikes have been bombed. One charged that "one of the dikes was completely cut" and another asserted that "Without doubt there is now systematic bombing of the dikes."

Mr. Lewis states that no one should doubt what bombing the dikes might mean. "It would bring into play, justifiably for once, that much abused word genocide."

I am writing to you to ask for a specific, straightforward, unhedged, and unqualified statement by you as to the facts.

Has the U.S. bombed any of the dikes?

Is the U.S. systematically bombing the dikes?

If we are not bombing the dikes, would you cite the specific detailed orders which were given not to bomb them.

If we are bombing the dikes would you cite the specific authority under which you or the President specifically authorized the bombing.

We need an explicit statement of the facts and our policy *now*.

I would appreciate an immediate reply. If we are bombing, Congress and the U.S. public need to know it. If we are not, that should be made public in order to forestall charges which have no basis in fact.

I am enclosing Mr. Lewis' article.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate.

DIRE NEED FOR ALASKA PIPELINE

Mr. HANSEN. Mr. President, last week I and other Senators testified before the Joint Economic Committee on the urgent need for a trans-Alaska pipeline at the earliest possible time to help alleviate an impending oil and gas shortage in the United States, particularly the west coast.

Also in support of the trans-Alaska pipeline that should have been underway by now rather than still under debate, was Mr. Thornton F. Bradshaw, president of Atlantic Richfield Co., one of the discoverers of the great Prudhoe Bay oilfield some 3 years ago.

Mr. Bradshaw emphasized the real economic need of the trans-Alaska route and the further delay and uncertainties involved in an alternate route across Canada.

Mr. President, Mr. Bradshaw in a letter to Senator WILLIAM PROXMIRE, chairman of the Joint Economic Committee, corrected the many misconceptions that have been advanced about the proposed trans-Alaska and trans-Canada pipelines. I believe other Senators will be interested in the testimony of a man who heads a company that has risked and invested many millions of dollars and the efforts and expertise of hundreds of highly skilled and technical people in a successful enterprise to help solve the Nation's energy problems. The movement of this oil and the gas that will be associated with its production have already been delayed too long.

Mr. President, I ask unanimous consent that Mr. Bradshaw's letter be printed in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

ATLANTIC RICHFIELD CO.,
New York, N.Y., June 22, 1972.

Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: I have read the testimony given to your committee on June 9th by critics of the proposed Trans Alaska Pipeline System. While I note that you have asked the Secretary of Interior to appear in response to some of the questions raised, it seems appropriate for me to provide a few comments on the critical testimony. I hope that you will include these comments in the record of the hearing.

As you know, Atlantic Richfield made the initial discovery of oil in the Prudhoe Bay oil field on the North Slope of Alaska in January 1968. Other companies have made subsequent discoveries, and the total proved reserves in that field are about 9.6 billion barrels. Transportation of this oil was a major undertaking which none of the companies individually could finance and construct. All interested parties sought to develop together the quickest, the most reliable and the most economically efficient transportation system. We considered and tested an all-sea route, using ice-breaking tankers; we considered the trans-Canada land alternatives; we considered various trans-Alaskan alternatives. As reflected in the Environmental Impact Statement prepared by the Department of Interior, efforts resulted in a project by seven companies to build a pipeline across Alaska to the port of Valdez.

An application to the Department of Interior for a permit to build the line was filed in June 1969. The National Environmental Policy Act became effective in January 1970, and the preparation of an environmental impact statement required by the Act took over two years. Litigation challenging the validity of the Secretary's decision will probably not be concluded before mid-1973, which will be four years from the original application.

When constructed, the trans-Alaska line will be by far the best engineered and safest oil pipeline in the world. The technical and environmental stipulations established by the Department of Interior must be met and every stage of construction and operation will be under governmental supervision.

Nevertheless, during the past sixteen months there has been an intensified effort to convince the Congress, the Administration and the American people that Alaskan oil should be brought to the lower 48 States through a trans-Canada pipeline.

I believe that the real purpose of some of the Canadian interests who oppose the trans-Alaskan line is to obtain an oil pipeline for Canadian oil, financed by the United States' companies.

Although a good neighbor, Canada is a separate sovereign nation with separate national aspirations. The Canadian economic interest is not necessarily always compatible with the interests of the American companies who would have to pay for and operate a trans-Canada oil pipeline, or, more importantly, for United States public policy makers, with the public interest of the United States.

Atlantic Richfield Company submitted a full discussion of this issue to the Department of the Interior in September 1971. It is referenced in the Department's Environmental Impact Statement and relevant portions are attached as Appendix A. A supplementary summary statement was filed in May 1972. A copy of relevant portions are attached as Appendix B.

It is important to remember that the Canadian Government is not alone in pressing construction of the trans-Canada line. Although private Canadian oil companies have maintained a low profile, they need the trans-Canada line to assist them in exploration for and development of oil resources believed to exist in Canada's far Northwest territory, including the Arctic Islands. To this extent, their interests and the interests of the Canadian Government are identical.

In early March 1971 the Honorable J. C. Chretien, the Canadian Minister of Indian Affairs and Northern Development, said to the Society of Petroleum Engineers at Dallas, Texas:

"At the present time, we have insufficient reserves in the Canadian north to warrant a natural gas pipeline to southern markets. However, if we maintain our discovery success in the Arctic Islands we may have enough gas in the near future to make it feasible to construct a pipeline due south from this region.

"To develop the great potential of the North, to overcome the great technical challenge of exploration, production, and transportation, we are going to need help, we are going to need skills, we are going to need capital.

"Such projects (a gas and oil pipeline) would have great benefits for Canada. We will benefit from the construction phase; we will benefit from the manner in which it will help to open up our north; we will benefit from the job opportunities that will be made available to northern peoples; we will benefit from the further incentive pipelines running through our territory will give to the exploration for gas and oil."

At the same time, Mr. Chretien expressed confidence that a Canadian oil line would eventually be built in addition to a trans-Alaskan line. He said:

"In my judgment, however, it was advisable to let Canadians and Americans know "that the north is there." Pipelines will be built. If the Americans do not build a pipeline from Alaska I will not be too upset, because I know that we will find enough oil in the future in Canada to justify an oil pipeline. Perhaps it will take two or three years more, but there will be an oil pipeline."

Cost estimates for a trans-Canada pipeline demonstrate why the Canadians need United States capital. Mr. Chretien is reported to have estimated the cost of an oil and gas pipeline system at 8 billion dollars in 1971. This estimate is only a guess; there can be no hard estimates because of the effect of inflation due to delay and the unknown cost of environmental features which Canada may demand. But debates covering the Canadian oil pipeline in the House of Commons on March 12, 1971, recognize that the sum seems beyond Canadian resources. Member of the House Mr. Woolliams said:

"The Minister admits we do not have enough money in Canada to finance these pipeline projects. I agree, and I am glad to hear him say this. I am glad there is one Minister in the cabinet who tells the truth. The truth is, we have no choice but to tell the Americans and other foreigners that we need their capital."

As shown by Appendix A, Canadian laws, regulations and policy would require that a trans-Canadian line from Alaska must be subject to Canadian control and subject to an option allowing Canadian oil companies to insert Canadian oil in that line. These are reflected by the statements of the Canadian Minister of Energy, Mines and Resources to the Canadian House of Commons in March 1971.

"Most important of all will be the right of entry to Canadian resources into this pipeline. It is not good enough that this be merely a bridge to transport United States resources to United States markets and that we have the boom that would go with construction, but no downstream benefit.

"So the most important guideline, under the conditions referred to, is that Canadian resources must have a right of entry into that method of transportation."

These policies were clearly repeated in conversations between representatives of the Canadian Government and United States oil companies. In March 1971 Secretary Morton suggested that representatives of the companies owning Alyeska meet with appropriate Canadian officials to explore the feasibility of a trans-Canada pipeline to transport Alaskan oil to the United States. He suggested that such discussions were appropriate because the companies, not the United States Government, would have to obtain permits for, finance and construct any trans-Canada line. The discussions were, however, relevant to his consideration of our application for permits to construct a pipeline across Alaska from Prudhoe Bay to Valdez. The Secretary requested a report to him after the discussions were held.

A meeting was held by representatives of five owner companies with Ministers Greene, Sharp, Chretien and others in March 1971. This was after the debates in the Canadian House of Commons and other statements which I have quoted above. The Canadian views expressed at our discussions were wholly consistent with the previous official expressions to which I have referred. In summary, they were as follows:

"The line would have to be a joint project between United States companies and Canada investors, probably with substantial amount of eventual Canadian ownership.

"The right of entry into the pipeline for a significant amount of Canadian oil on a priority basis would be a *sine qua non* for a permit.

"Construction of an oil pipeline would require modification of United States-Canadian trade agreements respecting oil imports from Canada.

"Negotiations prior to construction would require as much as two years. Construction would probably take a year or eighteen months longer than the three-year estimated construction time for the trans-Alaskan line.

"The cost would be four or five billion.

"The necessary Canadian ecological studies had not been made.

"Construction would have to utilize maximum possible Canadian material and labor."

We reported these discussions to the Secretary of Interior with our view that:

"The time estimates indicated by the Canadians for solution of international problems, ecological studies, permits, financing and construction were optimistic.

"The Canadian cost estimates were too low. Real costs would present impossible financing requirements for our owner companies.

"It was highly undesirable to build a line subject to Canadian control, with priority for Canadian input."

In late April 1971, I held another meeting with a different group of Canadian representatives, including the Chairman, National Energy Board, and the Deputy Minister, Indian Affairs and Northern Development.

The Canadian suggestions concentrated on the economics and timing respecting a joint-interest Canadian oil pipeline.

Positions in general developed as follows:

"There was strong Canadian interest in the availability to Canada of United States ecological and environmental information which would be useful respecting a Canadian line.

"As of this time Canadian environmental standards had not been developed and no one would predict when they would be.

"A Canadian corporation would be required to operate a trans-Canada line, although it was suggested that since there was no immediate supply of Canadian oil, the Canadian interest might be in the form of an option to enter at a later date."

In turn, our views were that:

"We were willing to exchange environmental information with Canada. The complete technical and environmental description of our proposed trans-Alaskan line was made available to the Canadians in July 1971. I should note that we have received no such information from the Canadian Government although they have advised us it would be made available when fully developed.

"At the present discovery rate in the Prudhoe Bay area, there is no need for a Canadian line, since all Prudhoe Bay oil is needed on the United States West Coast.

"The Canadian proposal that United States Companies build a trans-Canada line with options to Canada for later acquisition of interest and throughput could not be financed. It would backout United States oil and provide uncertainties not compatible with financing.

"United States companies could not provide initial financing for a Canadian line in any event, because the cost would be too great. For example, ARCO interest alone would require over $1.5 billion, which is far beyond our resources."

After these discussions, it was and still is quite plain that the present Canadian interest is not consistent with our present obligations as responsible Company executives. Nor do I think it is compatible with the public interest of the United States.

Construction of a pipeline to transport Alaskan oil across Canada at the present time could create needless points of conflict between the United States and Canadian economic interests. It would also create delays and problems of unknown but certainly serious magnitude. Routing through Canada would delay even further the advent of North Slope oil and gas needed to reduce the critical United States energy shortage. All projection indicates the United States needs Alaskan energy sources as soon as they can be made available, consistent with sound environmental safeguards.

Direct and immediate economic conflicts with Canada have arisen in the past and could arise in the future in such matters as preliminary trade negotiations, especially over oil import quotas. The question of Canadian oil displacing American oil in the pipeline could be a subject of continued bargaining, affected by the rate of discovery of oil and gas reserves in the Canadian and Alaskan Arctic regions. Also, the presence of the pipeline in Canada will constitute a potential pressure point in many unrelated questions of international concern. To some extent this is exemplified by Mr. David Anderson's testimony before your Committee. He sought very clearly to convince the Committee that unless the United States oil pipeline was constructed across Canada, the Canadian Government would not approve a projected gas line across Canada to provide badly needed gas supply to the mid-continent United States. While he hastened to say that this was not a threat, it seemed clearly so intended. In my view, it is fortunate that he does not speak for the Canadian Government.

Actually, if it is in the economic interest of Canada to have a gas pipeline across Canada, then Canada will welcome its construction, and since a gas line will assist development of Canadian gas resources, there is no question that Canada will want it to be built regardless of the trans-Alaska oil pipeline.

The uncertainties respecting construction of a Canadian oil line are quite real, and the uninformed speculation on this subject by several witnesses before your Committee should not be taken seriously. As stated to the Secretary of Interior, an oil line through Canada could not be financed by the companies involved. Even if some alternative form of financing were available, the relocation of the proposed trans-Alaskan line would involve a reorganization of the group of participating owner companies before an application could be filed. Also as a preliminary each participating United States company would have to arrange financing, and this could not be done until terms of Canadian control, participation and oil input options had been settled. These uncertainties could not be settled short of many months.

Canadian regulations require that an application be accompanied by an extensive analysis outlining financial, technical and ecological aspects of the project. The time needed to comply with this requirement is wholly unknown. It took three years to develop the material for the Project Description of the trans-Alaskan line for the Secretary of Interior, and some argue that even this voluminous study is inadequate.

After an application is filed, Canadian due process provides that the National Energy Board provide notices, hold hearings, and consider the objections of interested parties. As reflected by the attached Appendix A (page 33), a number of existing Canadian environmental Acts must be complied with and other broader environmental legislation is pending in Parliament. While one witness glibly stated that Canada does not have a National Environmental Policy Act, it should be remembered that there was no such Act in the United States until after application for a permit for the trans-Alaskan line had been filed. Canadian environmentalists are becoming very active, and opposition to a trans-Canada oil line is already being organized. There is no basis for prediction that litigation will not delay construction of a Canadian line, or the duration of such a delay. Canada's Northern Natives are seeking to establish their rights to land, and a key element of this drive is opposition to Government approval of a Mackenzie Valley pipeline. They have now raised land right issues that the United States has taken 15 years to resolve.

Against these obstacles, it is in my judgment utter folly to predict that a Canadian oil pipeline could be completed within two years of the projected completion for the trans-Alaskan line. I do not know how much longer would be required, and neither does anyone else. But a five-year estimate is more likely to prove correct than two; and since the production of gas on the North Slope cannot begin until after the start of oil production, this could mean a 7-year delay in production and delivery of gas to United States consumers from the Alaskan North Slope.

While arguments are being advanced that the tanker leg of the trans-Alaskan pipeline system will result in oil spills and consequent damage to the coast of British Columbia, it is clear that those who make such arguments do not have the same ecological concern when Canadian rather than American economic interests are involved. Oil refineries have been constructed on Canada's West Coast, at Vancouver, from which oil is transported every day by tanker. Canada has licensed exploration for offshore oil on its East and West Coasts, refining and tanker facilities in Nova Scotia, New Brunswick, Newfoundland and Quebec which are rapidly expanding. Plans for a wholly new refinery and port facility project in Quebec bordering the United States, costing between $500 and $700 million, have just been reported. It would be owned and operated by a Quebec Government Corporation and designed to accommodate super tankers. Thus, Canada is quite willing to accept risks of oil operations when its own interests benefit.

Moreover, Americans are accepting the risk of oil tanker operations on the coast of Maine to provide Venezuelan and Mideastern crude oil for the pipeline which runs from Portland to Montreal. In 1970 this risk involved delivery of approximately 150 million barrels of oil to Canada through Portland in 886 tankers, as against 80 tankers per year forecast for delivery of Alaskan oil to Puget Sound.

I should add that the 80 tankers per year for the Puget Sound refinery are not dependent upon construction of the Alaska pipeline. The need of the citizens of the Pacific Northwest for this oil exists and must be met. It is being partially supplied by tankers now, and the issue is whether tankers continue to carry foreign oil or will in the future carry Alaskan oil. Alaskan oil will be carried by United States ships with attendant environmental and economic benefits.

Member of Parliament David Anderson asserted to your Committee that Atlantic Richfield "deliberately chose a site (for its refinery at Cherry Point in the State of Washington) in which currents would take the oil northward out of American jurisdiction where presumably political criticism and comment would be less damaging to their interests." This we believe is a wholly unsupportable and irresponsible statement. Such statements do not aid in rational determination of the trans-Alaskan pipeline problem. I suggest Mr. Anderson knows little about the reasons for the location of this refinery. A great variety of considerations entered into the choice of the site, but the one he suggests was not among them.

Attempts made by Mr. Anderson, and others, to portray a decision not to build a United States line for United States oil across Canada as an implication of an unfriendly attitude toward Canada seems a gross disservice to American-Canadian relations. The United States and Canada have always enjoyed friendly relations, and an unnecessary point of international economic conflict and pressure, which a trans-Canada line for Alaskan oil at this time might well be, should not be created. The international disagreements which have arisen throughout the world respecting oil pipelines are too numerous to be ignored, and the continuation of such disagreements is too probable to be discounted. The decision of Secretary Morton on this point is a wise one.

Much of the critical testimony before your Committee is largely a repetition of views previously expressed during the past year, which have been answered repeatedly and which are based upon unsupportable assumptions respecting United States demand, United States and world oil prices, and pipeline construction costs and time schedules. The Department of Interior's Environmental Impact Statement clearly shows that the views of Mr. Cicchetti for example received thorough consideration. They were not ignored; they were considered unsound.

His suggestion to your Committee that the oil companies involved in the trans-Alaskan pipeline project, including Atlantic Richfield, intend to sell Alaskan oil abroad rather than on the U.S. West Coast is demonstrative of uninformed speculation. Speaking for my Company, I can categorically state that we have every intention of using our full share of the total Alaskan oil, on the U.S. West Coast and that we have no intention whatsoever of selling any of it in foreign markets.

While Alaskan oil could be used in the Midwest, it is clear from our estimates and those of the Department of Interior that it is needed on the West Coast. In this circumstance simple logic seems to indicate that we avoid the political problems which a trans-Canada line will generate by building the first transportation system for United States owned oil from the Arctic as a wholly United States owned and United States controlled system.

Logic similarly indicates that if, as the Canadians hope, adequate additional reserves are discovered in Canada or in Alaska, or in both, to justify a second pipeline, then great consideration must be given to a trans-Canada pipeline to the U.S. Midwest. I do not subscribe to any suggestion that all Arctic gas and oil should be moved through a common land corridor across Canada. As a United States citizen, as well as the President of Atlantic Richfield, I would regard any such decision as a serious mistake.

Very truly yours,

THORNTON F. BRADSHAW.

INDUSTRY'S EFFORTS TO MAKE A CLEAN CAR

Mr. EAGLETON. Mr. President, the St. Louis Post-Dispatch recently completed a three-part series on automobile pollution and how the automobile industry has responded to demands for a clean car.

There has been a great deal of public discussion—some of it acrimonious—about the Clean Air Act's requirement that automobiles be made 90 percent cleaner by 1975 than they were in 1970.

Elliot F. Porter, Jr.'s series of articles, published in the Post-Dispatch of June 11, 12, and 13, offers some badly needed historical perspective to the debate over cleaning up the automobile. I think that it makes a significant contribution to the public discourse on this important issue. I ask unanimous consent that the three articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DETROIT BUILDS A RECORD OF EVASION ON POLLUTION—I

(By E. F. Porter, Jr.)

During debate on the Clean Air Act of 1971, Senator Edmund S. Muskie, sponsor of the bill, issued a warning to the nation's powerful, 50-billion-dollar-a-year automobile industry.

"Detroit has told the nation that Americans cannot live without the automobile," he said. "This legislation would tell Detroit that if that is the case, they must make an auto with which Americans can live."

There were reasons for the Maine Democrat's tone of impatience. For nearly two decades, critics charge, the behavior of the auto industry has been characterized by procrastination, evasions and even conspiracy to delay a solution to what has become the nation's No. 1 pollution problem.

The story began 21 years ago at the California Institute of Technology in the laboratory of a chemist named Arie J. Haagen-Smit. Haagen-Smit pumped automobile exhaust fumes into a chamber. He added oxides of nitrogen and ozone, which occur naturally in the atmosphere. Then he bathed the mixture in artificial sunlight from an ultraviolet lamp.

The result was a brownish-blue haze, irritating to the eyes and throat and fatal to some forms of plant life. Haagen-Smit had synthesized smog—and had established the automobile as the culprit.

Early the following year, Kenneth Hahn, a member of the board of supervisors of Los Angeles County, wrote to Henry Ford II, then the president of the industrial imperium that his grandfather had founded. What, Hahn politely asked, can be done about the smog problem in Los Angeles? Did Ford know of any device to reduce such pollution? If not, was Ford working on anything?

The reply came not from Ford himself but from Dan J. Chabek of the company's engineering division. It was four sentences long.

"The Ford engineering staff," wrote Chabek, "feels these waste vapors are dissipated in the atmosphere quickly and do not present an air pollution problem. Therefore, our research department has not conducted any experimental work aimed at totally eliminating these gases.

"The fine automotive power plants which modern-day engineers design do not smoke. To date, the need for a device which will more effectively reduce exhaust vapors has not been established."

In October 1954, Hahn wrote to H. H. Curtice, then the president of General Motors Corp. Hahn told Curtice that autos pumped 1000 tons of hydrocarbons into the air over Los Angeles each day.

"It is my opinion that the automotive industry must assume the responsibility of rapidly finding a solution to this important problem," Hahn said.

The letter was answered by Charles A. Chayne, GM vice president for engineering.

"While I can assure you that we are moving forward," Chayne said, "I would be less than candid if I failed to point out that we believe these changes . . . will have a very limited effect on the total smog problem in Los Angeles."

Meanwhile, photochemical smog began appearing elsewhere—in San Francisco, Denver, St. Louis and New York.

Today, automobiles account for 65 per cent of all the carbon monoxide, 46 per cent of all the hydrocarbons and 37 per cent of all the oxides of nitrogen emitted in the U.S.

In areas in which other forms of air pollution have been curbed, cars account for as much as 90 per cent of the carbon monoxide, more than 80 per cent of the hydrocarbons and more than 70 per cent of the oxides of nitrogen.

Smog traceable to the Los Angeles area has spread eastward as far as Las Vegas and westward out to sea as far as 300 miles.

In 1955 the auto makers responded to the problem by agreeing through their trade association, the Automobile Manufacturers Association, not to compete in developing a low-emission vehicle.

They agreed, furthermore, to share all patents, licenses and discoveries relating to smog control, to pay identical royalties for inventions offered from outside the industry and to co-ordinate all publicity so that no company would gain a competitive advantage.

The effect of the agreements, according to a federal grand jury in Los Angeles that in 1967 investigated allegations of collusion among the auto makers, was to slow the development of emission controls.

The grand jury found that the agreements were policed by the engineering advisory committee of the manufacturers, association, which frequently used the phrase "industry solidarity" in its inside correspondence.

In 1963, the engineering committee asked each auto maker to supply technical information showing that a proposed California requirement for closed crankcase ventilation systems on new cars would be impractical.

This case was not an easy one for the auto makers to make. Testimony before the grand jury later disclosed that closed crankcase systems had been developed before World War II for military vehicles and were standard equipment on Willys Jeeps in the 1950s.

Throughout the grand jury's investigation, experts from companies close to the auto industry provided some of the most pointed testimony.

One of them, Dr. R. Diggs of Dupont, recalled a conversation with a Chrysler official concerning Chrysler's private contention that it could build a clean car.

"He was very forceful in telling me that if this were done, Chrysler would be severely chastised by the rest of the industry," Diggs said. "He indicated that Ford and GM were calling the shots, and that Chayne (the GM vice president) was the industry mastermind."

But Chrysler broke ranks anyway in October 1963 and told California officials that it could equip its 1964-model cars with a clean air package. The package was primitive by today's standards. But in 1963 it was considered a major breakthrough, and the Los Angeles County government responded by announcing that it would buy Chrysler products whenever possible.

But Chrysler's nonconformity lasted barely three months. In early 1964, the company joined its competitors in a resolution calling for more product engineering—and more delay—at least until the 1967 model year.

The prodigal's return was described by R. A. Pittman of Ford in a memo recounting a conversation with Robert Sorenson, an executive of Chrysler. The memo, dated February 1964, is part of the grand jury records.

"Chrysler management is sorry that things have progressed to the extent they have in Los Angeles County, and they have been trying to determine how they can back off," Pittman wrote.

Arjay Miller, then Ford's president, remained suspicious. In a memo dated Feb. 18, 1964, he said, "I think Chrysler is playing us for suckers. They get all the favorable publicity and the car sales while giving us nothing."

If the auto makers occasionally had trouble controlling their own members, they had even less clout with independent supplies such as TRW, American Machine and Foundry and Chromally American.

These companies and several others forced the issue in 1964 by presenting California authorities with test models of smog control systems designed for 1965-model cars. The systems were certified as workable by California. And under the state's pioneering antipollution law, the certification meant that henceforth, such systems would be required on all new cars sold in the state.

Even so, the parts makers never cashed in on their inventions. As soon as their smog control systems were certified, the auto makers began producing their own.

The grand jury inquiry lasted nearly 18 months. At its conclusion, lawyers from the Department of Justice privately recommended criminal prosecution of the auto makers under the Sherman Antitrust Act.

About a year later, in the last days of President Lyndon B. Johnson's Administration, Attorney General Ramsey Clark brought a civil antitrust suit against Ford, General Motors, American Motors and the manufacturers' association.

But Clark's successor, John N. Mitchell, regarded the case as an illegitimate baby left on his doorstep by the outgoing Administration. After nine months of private negotiations, the case was settled without going to trial.

The auto makers agreed to dissolve their collusive compact and to do nothing further to impede the development of emission controls. But they made no admission of guilt that could be used against them in later lawsuits.

Furthermore, the settlement did not require the manufacturers to pay for damages to crops and lungs. It did nothing to bar the auto makers from destroying any incriminating records (except those that were part of the grand jury record), and it did not call for periodic reports to the Justice Department.

The settlement brought howls of protest from smog-ridden cities and states, from environmental, consumer and health organizations and from members of Congress. Dozens of individual lawsuits—including one from the New York Heart Association asking for 575 trillion dollars in damages—were filed.

California, Illinois, New York and New Jersey are the leading plaintiffs in a suit pending in U.S. District Court in Los Angeles. Another suit was filed by 18 states, including Missouri and Illinois.

The plaintiffs in both are asking the courts to order the automobile industry to install effective smog controls on all the cars, new and used.

At the rate of $200 for each of the 110,000,-

000 vehicles in use, the total bill could exceed 20 billions.

Veterans of the smog war have no illusions about the industry's influence in Washington, where three times in two decades motor company presidents have been chosen to fill Cabinet posts. Only the courts can cure the problem, says Hahn of Los Angeles.

More for Styling Than Smog Curbs—II

(By E. F. Porter, Jr.)

America's automobile industry, while facing a deadline it claims it cannot meet for producing a low-pollution vehicle, continues to spend more on model and styling changes than it does on smog control.

When Detroit's big three went before the federal Environmental Protection Agency several weeks ago to plead for more time to meet the 1975 federal emission standards, their representatives testified under oath that no adequate technological solution to the pollution problem had been developed and, if there were such a solution, not enough time was left to tool up to apply it.

Yet according to its annual report, General Motors Corp., the biggest of the big three, took in more than 28 billion dollars last year, and spent nearly one billion dollars of it for what the report calls amortization of special tools. That is a catchall term for fast write-off of machinery and equipment rendered obsolete by styling and model change unrelated to making an engine run clean.

General Motors spent more last year on research and development of pollution controls than ever before. But even the company's figure—fattened with administrative costs, overhead and depreciation of plant, buildings and equipment assigned to the anti-smog program—showed that the total outlay for clean-car development came to less than one-fifth what GM spent for throwaway machinery. Clean air spending amounted to less than 1 per cent of all GM took in.

Ford Motor Company's effort was even less. Its spending for smog control (including overhead and depreciation) was three-quarters of 1 per cent of gross income and one-third of its fast writeoff of special tools.

Chrysler, the industry's number three, spent one-fourth of 1 per cent of its income on the smog problem. It spent 12 times as much on fast writeoff of disposable tools.

To many persons concerned about the environment, including associates of consumer advocate Ralph Nader, Detroit's performance is an indication that the automakers still do not take seriously the congressional mandate written into the Clean Air Act of 1970: Produce low emission vehicles for the 1975 model year, or shut down.

The automakers may believe, the critics say, that with their 800,000 employees and 50-billion-dollar annual contribution to the economy, no government would dare to close them down.

A preview of the confrontation to come may be provided this summer. Ford recently confessed that its technicians cheated on 50,000-mile durability tests of smog control devices supposed to meet 1973 standards. The Environmental Protection Agency, to avoid a shutdown of Ford assembly plants, authorized a quickie interim test, to be used until the durability test could be redone.

Despite protestations that the clean air standards are impossible to meet, Detroit has shown it can perform industrial miracles. Ford, for example, was turning out four-engine B–24 bombers at the rate of one every hour at the Government-built Willow Run plant 14 months after ground breaking.

(After the war, Willow Run reverted to the government. Recently a small corner of it was set aside to house the federal automotive emissions testing laboratory.)

Nor are rapid development efforts a wartime peculiarity. In recounting the development of the Mustang in "Business Success," a collection of articles on industrial triumphs, Ford's president, Lee A. Iacocco, wrote:

"It was agreed that styling director Gene Bordinat should try for a crash solution. On Friday, July 27 (1962), he summoned three of his styling executives into his office . . .

"Bordinat made his announcement. He was asking each of the three studios to engage in an unprecedented open competition . . .

"The three men charged out of his office like football captains leading their teams onto the field. The idea of interstudio competition was novel. Developing a clay (model) within two weeks was unheard of. And the kind of car they were being asked to dream up was exciting . . . a classless classic . . . that would do one-armed handstands and whistle at pedestrians . . . for under $3000."

On Sept. 10 the design was approved and 572 days later, on March 9, 1964, the first Mustang rolled off the production line. Iacocco did not disclose the cost of the effort.

Costs—or alleged costs—figured prominently at the hearings before the environmental agency on the auto makers' requests for more time to meet the 1975 clean air standards. General Motors representatives said the company was trying to solve the smog problem with a device called a catalytic converter. It looks like a muffler and is installed on the exhaust pipe. The converter contains a metallic catalyst to facilitate the low-temperature breakdown of the pollutants.

General Motors said it planned to use a "base" (or cheap) metal catalyst. Outside experts testified that "noble" metal catalysts, such as those composed of platinum, were more effective.

Chrysler rejected catalytic devices as too costly. Ford representatives estimated that converters would add about $290 to the cost of the car.

On the other hand, the producers of chemical catalysts testified that the entire smog control system, including the catalyst and its canister-like container, could be mass produced for about $50.

Spokesmen for the catalyst industry told how they had received no assistance from the auto makers, no promises of long-term contracts and not even much technical information on the results when various converters were tested.

V. W. Makin, president of Matthey-Bishop, Inc., the world's largest refiner of platinum, but a midget beside the big three auto makers, told the environmental agency that his firm had spent $700,000 a year experimenting with catalytic converters and that all it ever got from Detroit were four vehicles for use in testing.

Makin said he sent samples of catalysts to the auto manufacturers, but has never been paid for them.

One reason often cited for the apparent reluctance of the auto makers to install new pollution controls is evidence that the systems tend to impair the performance of the vehicle. Performance historically has been a major selling point with Detroit.

Philip Handler, president of the National Academy of Sciences, has warned that impaired performance constituted a more serious danger in terms of the public interest than air pollution.

"The decrease in driveability is no trivial matter, this thing which on TV they call hesitation, which almost killed me twice last summer," Handler said. "The fact that a car will not accelerate when you tramp down on it suddenly and tends to stall—that is a very dangerous fact indeed."

Auto makers have warned that emission control systems effective enough to meet the 1974 requirements will cut gasoline mileage by as much as 30 per cent.

Makin of Matthey-Bishop said that his firm's own tests showed the fuel penalty would be no greater than 5 per cent and that the reduction in performance would be imperceptible.

Perhaps the sharpest attack on the automakers' credibility was by Fred C. Hart, director of the New York City clean air program.

New York installed catalytic afterburners and made minor engine modifications on five police cruisers that previously had been driven from 10,000 to 20,000 miles, Hart said. The cars were turned back to the police department and put in normal police service for another 15,000 miles.

Emissions tests at the end of the period showed pollutant discharges from 60 to 70 per cent better than 1973 standards call for and almost as low as required in 1975, Hart reported.

The cars were driven as roughly as all the other vehicles in the police fleet. There was no excess fuel consumption, no record of excess fuel consumption, no record of excess breakdown and no complaints of impaired driveability, Hart said. The entire experiment, using custom-made apparatus, had cost $10,000.

Said Hart: "The abvious conclusion is that if New York City can accomplish as much as it has, the auto manufacturers, with much greater resources, should be able to do much better.

"Our program provides a yardstick by which the EPA can measure the good faith commitment of the auto manufacturers."

Auto Industry Slow To Try New Engines—III

(By E. F. Porter, Jr.)

In a handsomely designed, dignified booklet on its efforts to produce a smogless vehicle, General Motors Corp. describes its experiences with an experimental steam engine.

"General Motors is not optimistic regarding this type of powerplant for passenger car use," the booklet states. "Complexity, cost, water freezing and lubrication are additional problems and, most discouraging of all, the steam engine does not prove to be a low emission engine."

To George Hatsopoulos, president of Thermo Electron, a small engineering firm in Waltham, Mass., GM's statement is "one of the most revolting frauds I've ever seen."

"GM is setting up a straw man and then knocking it over," Hatsopoulos said. "If you try hard enough you can make a steam engine pollute and that is what they did. They built a monstrosity to demonstrate it wouldn't work."

Thermo Electron is developing a Rankine cycle engine that is an engine that operates on the principal of a steam engine but which would use fluorocarbon instead of water as the pressure fluid. Fluorocarbon, Hatsopoulos noted, will not freeze at earthly temperatures.

Hatsopoulos's reaction to GM's statement may partly reflect the fact that Thermo Electron has a contract with Ford Motor Co., and that Ford owns 9 per cent of its stock. Nevertheless, the attitude of GM typifies the reaction of the major auto makers toward any unconventional alternative to the tried-and-true, gasoline-powered, spark-ignited, reciprocal internal combustion engine which supplies the motive force for all but a tiny fraction of the nation's 90,000,000 passenger cars.

Although each of the big three automakers claims to be considering alternative engines, financial statements filed with the federal Environmental Protection Agency in support of requests for extension of the 1975 deadline show that only General Motors spent as much as 17 cents of its clean car research dollar on alternatives to the internal combustion engine. Ford spent about 10 cents and Chrysler spent a cent and a half.

The American automobile industry has an immense vested interest in the ICE, the acronym it applies to the internal combustion engine. The invention of a nineteenth century German engineer named Nikolaus August Otto—it is sometimes termed the Otto engine—the ICE began early in this century to exhibit a flexibility, compactness, reliability and capacity for rapid acceleration that outshone steam and electricity.

The unfortunate paradox of the ICE, is that the factors responsible for its versatility and range of power are the causes of pollution. The internal temperatures and pressures developed in the rapid succession of explosions marking every firing of every cylinder result in the marriage of nitrogen and oxygen, two of the normally independent ingredients of natural atmosphere, into nitrogen oxide, an ingredient of smog.

The higher the compression and the flashier the performance of the engine, the more it will produce oxides of nitrogen—and smog.

The sudden extravagant injections of vaporized gasoline from the carburetor, which occur every time the driver steps on the accelerator and which stimulate the ICE's bursts of speed, result in waste through the tailpipe of unburned fractions of fuel, generally termed hydrocarbons, which are components of smog.

Engines can be designed for more complete combustion and hence lower discharges of hydrocarbons and carbon monoxide, but this leads to a second paradox that engineers call the seesaw effect. More complete combustion requires higher internal temperatures, which causes more discharges of oxides of nitrogen. The lower the internal temperatures, the fewer the oxides of nitrogen, but the greater the emissions of hydrocarbons and carbon monoxide.

Steam engines and, to a lesser extent, gas turbine engines and diesel engines, by virtue of the fact that their inner fires are steadier, often cooler, have lower performance, and lower emissions. Electric cars would have no emissions at all; the discharges would occur at the powerplant where the electricity originated.

Yet the auto industry has accorded only token attention to developments of so-called unconventional engines, and has almost ignored such recent developments as:

(1) The disclosure by representatives of Daimler-Benz AG of Germany that it could achieve stringent federal clean air standards for 1975 cars with its 2.2 liter Mercedes Benz diesel engine.

(2) The testimony last month of officials of Toyo Kogyo Ltd. of Japan that their firm could meet the 1975 standards with the Mazda compact sedan that is powered by a Wankel rotary engine. The Wankel, a German invention that operates something like a cross between a conventional piston engine and a turbine, is inherently dirty, but it is so compact that it leaves room for elaborate emission control equipment under the hood.

(3) The work of William P. Lear, who became famous with his eight-passenger executive jet aircraft, who has been struggling for several years to develop a steam turbine car.

(4) The work done by Wallace Minto, head of a tiny research firm in Sarasota, Fla., called Kinetics, Inc. which is trying to develop a Rankine cycle vehicle. Minto said he has received no encouragement from any motor firm except Nissan of Japan, makers of the Datsun.

Minto testified before the Senate pollution subcommittee this year that after signing an agreement with Nissan he conferred with General Motors and Ford to see if either firm was willing to buy patent licenses.

"Shortly thereafter, we got a curt note from General Motors telling us to get lost," Minto said. "We corresponded with Ford somewhat longer, until we refused their request for complete detailed plans . . . which we were asked to provide without any obligation whatsoever on Ford's part. . . .

"We did not consider it an ethical or sensible business practice to make Ford a gift of that for which Nissan had paid," he said.

Minto added that the engineers at Kinetics had a favorite toy: a 1919 Stanley Steamer. Its emissions are far below the limits of the 1975 federal standards, he said.

Detroit has been equally chilly to other unconventional power systems including electric motors, gas turbines and the so-called hybrids—that is, systems which operate with two power systems like diesel locomotives in which the diesel engine generates electricity and electric motors drive the wheels.

Most experts now agree that the most promising method of reducing emissions from the ICE—and saving it from extinction as an environmental outlaw—are add-on gadgets such as afterburners or catalyst-packed converter canisters installed on the exhaust pipe to incinerate the emissions.

To cope with the seesaw effect will require two such devices, one to oxidize the hydrocarbons and carbon monoxide, the other to reduce the oxides of nitrogen.

Industry sources concede the devices will be cantankerous and require periodic servicing or replacement. Impatient motorists will find them a nuisance. Some auto mechanics in California are beginning to specialize in removing them.

Why has Detroit been so reluctant to explore alternatives to the ICE?

Part of the problem is time. Even if a new kind of engine had been developed, field-tested and found satisfactory, at least a year would be needed for the heroic task of refitting the industry to meet the production demands of 10,000,000 new engines a year. Automotive experts are virtually unanimous that insufficient time is left for such a monumental changeover before the 1975 deadline.

Hatsopoulos estimated that design and testing of Thermo Electron's Rankine cycle engine would not be complete before 1974.

"We are talking about a more or less peaceful schedule, not a crash effort," he said. "We'll need at least one year for field testing and redesign. If we start talking about the 1978 model year, I think it is entirely possible.

"If we had started three or four years earlier, we would have a solution now and an attractive one. Not only would the Rankine cycle engine meet the pollution requirements, but it will meet them with systems that are more efficient and will help the energy crisis."

Another factor in industry indifference to novel engines is cost. Experts say steam, electric or turbine engines would be no more expensive to mass produce than the internal combustion engine. Still the cheapest short term solution to the smog problem is to add on devices to existing power plants. Even this is being resisted by the auto makers.

Perhaps the fundamental factor is Detroit's conviction that the American consumer is so accustomed to the flexibility and performance that only the conventional internal combustion engine affords that he will accept nothing less. No other power system, of comparable size, weight and shape yet devised, responds so quickly and powerfully to the turn of a key, or the touch of a toe.

Steam engines, by the most optimistic estimates of their partisans, need at least 45 seconds to fire up. Battery driven cars, although they hold some promise for short-range city driving, suffer from notoriously short cruising ranges and low power.

"With the electric car, you take your choice," a General Motors engineer said. "Three jackrabbit starts, or 50 miles before you have to stop and recharge."

Questioned about Hatsopoulos's charge that its assessment of steam cars was a fraud, General Motors spokesmen acknowledged that the steam engine the company had tested was built to satisfy the demanding criteria applicable to gasoline engines. It was souped up to perform like a conventional engine, and it was scaled down to fit under a hood, they said.

This required extremely high temperatures under the boiler, and consequently, high emissions of oxides of nitrogen, they said.

In its efforts to salvage internal combustion engines, Detroit has tried altering ignition systems and doctoring carburetors, techniques which have resulted in poor performance and increased gas consumption.

But some experts, including representatives of New York City's pollution control division who testified before the EPA, maintain that excessive fuel consumption is not a necessary adjunct to low emissions.

It results, they said, when Detroit's engineers attempt the low-cost, corner-cutting solution instead of employing the more effective catalytic converters.

But to steam devotees, all add-on remedies are too gothic to survive.

"An internal combustion engine with a chemical plant at the end of the exhaust pipe will be totally unacceptable," said Hatsopoulos. "The internal combustion engine has served its purpose and served it well. It's now obsolete."

PEER REVIEW IN GOVERNMENT-SUPPORTED MEDICAL CARE PROGRAMS

Mr. TALMADGE. Mr. President, there has been much debate and considerable misunderstanding regarding the merits of peer review in Government-supported medical care programs. I am very proud to report to the Senate that peer review has been eminently successful in the State of Georgia, and has resulted in the savings of tremendous sums of tax dollars.

Basically, peer review, as it applies to Federal medical care programs, involves the formation of organizations by practicing physicians who assume responsibility for reviewing the care and services provided under medicare and medicaid in order to assure that such services are medically necessary and that they meet proper quality standards.

The physicians themselves, rather than Government agencies and insurance companies, decide whether the care in question and its cost are necessary and of adequate quality.

The Georgia Medical Care Foundation, established by the Medical Association of Georgia, has formed an organization which conducts peer review of payment claims for medical service, hospitalization, and nursing home care under the medicaid program. According to a release issued recently by the foundation, the program in Georgia has been a remarkable success.

In my State alone, it has saved the taxpayers more than a million dollars, and the overall medicaid budget has been reduced by almost $16 million since the new system was initiated a year ago. It is fair to say that if some form of peer review were extended to all Federal-State medicaid and Federal medicare programs, the taxpayers could be saved more than a billion dollars.

On the Senate Finance Committee, it has been my privilege to work side by side with the distinguished ranking minority leader of the Committee on Finance (Mr. BENNETT) who has long urged such an approach. His amendment establishing peer review in both the medicaid and medicare programs has been incorporated in H.R. 1, the Social Security Amendments of 1971.

This action came in large part as a result of the very fine testimony before our committee of Dr. F. William Dowda, president of the Georgia Medical Care Foundation, who attested to the success and effectiveness of the peer review program in Georgia. Dr. Dowda is certainly to be commended for his outstanding leadership in this area, and it is my earnest hope that the Georgia program can become a model for other States and their medical associations to follow.

Mr. President, I bring to the attention of the Senate a news release issued by the Georgia Medical Foundation which outlines the success of peer review in Georgia over the past year, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

GEORGIA MEDICAL CARE FOUNDATION

Georgia Medicaid claims have been cut more than $1 million, and the overall Medicaid budget has been reduced some $15.7 million since the state initiated a new system for reviewing claims a year ago.

Dr. F. W. Dowda, president of the Georgia Medical Care Foundation, Inc., which conducts "peer review" of payment claims for medical service, hospitalization and nursing home care, said Thursday the situation as fiscal 1972 nears its end is a dramatic contrast to the end of fiscal 1971.

Last June saw threats of drastic curtailment of Medicaid services and a scramble for additional funds, as Medicaid costs soared some 76 percent over the year before.

Dr. Dowda anticipated the increase for the year ending June 30 will be less than 13 percent.

"We believe the 'peer review' system has proven to be eminently successful and has resulted in substantial savings in tax dollars without impairment of health services to Medicaid participants," he said.

Medicaid is a state-federal program providing free medical care, hospitalization, nursing home service and prescription drugs for persons on welfare and approximately 15,000 other low-income individuals. Georgia started Medicaid in October, 1967; and the state's financial share under the current formula is 30.33 percent. As of May 1, 471,000 Georgians were eligible for Medicaid.

Dr. Dowda said credit for holding down costs should be shared by the Georgia Legislature, the Health Division of the State Department of Human Resources, the Division of Family and Children's Services, the Foundation and the providers of health services—physicians, hospital administrators, nursing home operators and pharmacists.

Anticipating more efficient use of state and federal Medicaid funds after only seven months of the "peer review" program, the General Assembly in February reduced the fiscal 1972 Medicaid budget from $157.4 million to $141.7 million; but Dr. Dowda said 11-month figures indicate payments for the full fiscal year ending June 30 likely will be even less than that.

"The legislators seem to have been farsighted when they gave approval to the 'peer review' program and later when they reduced the budget," Dr. Dowda said.

He said the review of an average of some 15,000 medical, hospital and nursing home claims each month through May has resulted in a total of $1,032,000 in specific reduced or disallowed claims.

He estimated that at least another $10 million in Medicaid costs had been saved as a result of awareness by doctors and administrators of the new claim review mechanisms and guidelines that are a part of "peer review." These guidelines screen the number of monthly doctor visits and prescriptions and the length of hospital stays for various illnesses. They also provide a better insight into the level of nursing home care needed.

"The deterrent impact of the 'peer review' program is obviously greater than the dollars saved in reduced claims," Dr. Dowda said.

"Not only has the awareness of the Foundation's 'peer review' program increased the self-disciplining of providers, but also it has encouraged physicians to demonstrate to their patients that high quality medical care can be provided in a non-institutional setting at less cost to everyone."

The Foundation president noted that, while total fiscal 1972 payments will be above the $124 million of 1971, the increase is substantially below what might have been expected with the number of persons on welfare—and therefore eligible for Medicaid—going up steadily throughout the year.

The average number of persons on welfare rolls for the first 10 months of fiscal 1972 was 442,000—an increase of 49,000 over the 1971 monthly average of 393,000. In the 12 months prior to May 1, 1972, the actual number of persons on welfare increased by 39,200 (9.42 percent) to a total of 456,000.

Dr. Dowda is the current president of the Medical Association of Georgia which created the medical foundation.

Under a contract with the Health Division effective last July 1, the Foundation is paid $15,000 per month, one-half of which is federal funds.

Through May there had been a total of 1,685,000 physician, hospital, and nursing home Medicaid transactions, of which a vast majority were unchallenged. The Health Division sent 165,000 to the Foundation for review.

All new nursing home claims and all hospital claims which exceed the Foundation's length-of-stay guidelines are reviewed, and there is a continuous sampling of nursing home patients whose stays exceed 30 days, to see if a lesser level of care is appropriate to the patient's needs.

The Foundation reviews some 10,000 physician claims each month in accordance with a list of review guidelines established by the Foundation and the Health Division.

All recommendations for reduction or denial of claims are made by Foundation consultants, all of whom are physicians in the active practice of medicine in Georgia. Their recommendations may be appealed either to the board of the Foundation, to the state medical association, or to the Health Division. There are 200 Foundation consultants located throughout the state. Thirteen doctors comprise the Foundation's "peer review" committee.

Through May some four percent of hospital claims totaling $481,000 had been reduced or disallowed, and some three percent of physician claims had been cut $304,000. Reduction of three percent of nursing home claims resulted in savings of $247,000.

Mr. Dowda said projection of the nursing home savings over two and one-half years, which is the average length of a nursing home stay, would mean a saving of another million dollars just on the nursing home cases reviewed this year.

Dr. Dowda said that, although the "peer review" program has been successful in its initial year, the Foundation sees several ways its work can be improved with substantial additional savings to the taxpayers in future years. Specifically he cited the need for changes in the hospital review procedure, team visits to nursing homes, and setting up a means of handling prescription claims.

He said five hospitals are currently cooperating with the Foundation in a test program of new procedures.

MEDICAID PAYMENTS BY CATEGORIES, JULY 1 TO MAY 31, 1972

Type of service	Number of transactions	Cash disbursements
Inpatient hospital	89,900	$30,000,000
Outpatient hospital	302,400	4,740,900
Physicians and other	1,090,200	22,530,500
Nursing home	203,200	48,000,000
Prescribed drugs	3,163,400	13,300,000
Medicare premium payments		6,240,300
Total	4,849,100	124,811,700
Less Federal share		86,414,500
State funds		38,397,200

LIFE IN MARYLAND TO BE FEATURED ON THE MALL THIS WEEKEND

Mr. MATHIAS. Mr. President, I am pleased to extend an invitation to all Senators and to the public at large to visit the Smithsonian Institution's annual American Folklife Festival starting Friday on the mall and running through the Independence Day weekend.

We in Maryland are particularly pleased that the Smithsonian has chosen to feature our State in this year's festival. There will be exhibits and demonstrations of Maryland life, representative both of the present and of the State's proud, 338-year history.

Skipjacks, the famed workboats unique to Chesapeake Bay, will be brought up the Potomac River to anchor at Maine Avenue, just a few blocks from the main exhibit site on the mall.

There will be exhibits of Maryland arts and crafts which have been carefully prepared to reflect the interests of Marylanders over the years. There will be an exhibit which reflects Maryland's established reputation as a center for horse breeding and racing. There will be exhibits reflecting the distinctive customs of Maryland's diverse regions, from the rugged mountains of Appalachia to the water-oriented communities of the shore.

The Smithsonian, under the leadership of Dr. S. Dillon Ripley, is to be commended for its effort to provide a living presentation of America's folk culture in this annual festival. We in Maryland are honored to be featured in this year's festival and are pleased to join the Smithsonian in inviting everyone to come, meet us and learn more about us this weekend.

Mr. President, I ask unanimous consent to have printed in the RECORD an article describing plans for the festival in greater detail, published in Sunday's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARYLAND FOLKLORE'S FESTIVAL YEAR

(By William Niederkorn)

"The sea was running 'bout four-foot high and there was 'bout a 30-mile breeze. The boat lift up and upset the gasoline in the hold and set her on fire. We had five men on board and no boat within half a mile of us or more and we saved every one of them. That was in '37."

The speaker is Zak Taylor, captain of a skipjack for 55 years and one of five skipjack captains who will anchor at Hains Point on June 30 for the sixth annual Festival of American Folklife.

The great oyster fleet—the last commercial one left in American waters—will be a center for such sailing stories told in the rich argot of Maryland's watermen by the men themselves, the men who lived—or wove—the latter-day legends themselves.

It is Maryland's year to star in the sixth annual Smithsonian Festival of American Folklife. And the skipjacks—the only off-the-mall features of the festival—will co-star with horses, crafts, ethnic cooking, Maryland beer and perhaps a joust or two.

Four trade unions and Indians of the Southwest round out the festival which opens Friday and closes July 4. Everything but the vessels will be on the Mall, including a shuttle to and from the five sailing ships.

In a carnival atmosphere:

The International Ladies' Garment workers will make a lady's garment every day—from pattern to placket.

A Baltimore-style Greek coffee house will serve Marylandized versions of ethnic dishes.

Prize examples of a dozen breeds of Maryland's world-renowned horses and ponies will be shown (and curried and pampered and fed) by a bevy of horse-wise Maryland teenagers.

Indians will counter handicraft displays and dances in full regalia with daily consciousness-raising sessions on Indian problems and the identity crisis of the American Indian.

And there will also be: A carpenter's contest, nightly (union band) blues concert, a fiddler's convention.

Meanwhile, back at the skipjacks, will be workshop in the skills of net making, boatbuilding, sail making, cooperage, waterfowling and fur trapping. Tale swappers will gather at the water area daily for an hour or two of casual story telling. A folk art older than Homer, it should prove to be one of the most interesting aspects of a festival taking place in the age of the written word.

Musical events always seem to draw the biggest sit-down crowds at festivals and Maryland's contribution to song and dance includes Greek, Turkish and Italian music as well as country, blues, and square dancing.

"Go get a paper stretcher," lithographers used to tell their apprentices as part of their introductory hazing. As elusive—and as real—as the countries snipes hunted vainly by countless little boys away to camp for the first time, the paper stretcher never existed.

Only now it does and one of the recent miracles of modern science has destroyed an age-old practical joke.

That's part of the lore and "folklife" of American trade unionism.

Like the lithographers, the other three unions participating have methods of hazing apprentices. Carpenters tell their new workers to find a board stretcher. Molders ask for a mold stretcher, while members of the International Ladies' Garment Workers Union (ILGWU) send their apprentices after a bucket of steam.

However, the major point of interest in the union exhibitions will be the skills of the seasoned craftsman.

Tommy Cummings, a master printer from Toronto will pull lithographs from a manual hand press. An art no longer practiced in America, it requires the use of a litho-stone quarried only in Bavaria.

While the representatives of the ILGWU will demonstrate the complete process of garment making from design to buttonhole, apprentice carpenters will stage a contest in building cabinets. A gas furnace, aluminum ingots and squeezer molds, the tools of the molders' crafts, will be in operation producing aluminum frying pans.

Tribes from 19 New Mexico pueblos including the Taos, Santa Clara, Zuni and Hopi tribes as well as the White Mountain Apaches, the Pimas and the Papagos will present ceremonial dances. Some of the dances simulate the action of animals such as the Eagle dance of the Laguna Hopi and Taos tribes and the Butterfly dance of the Hopi tribe.

Visitors to the Indian area will see rabbit skin rugs woven by Taos Puelos. Navajo rugs will be woven on the site as well as mantas, a part of the Hopi ceremonial dress.

The panel discussion on "Women in the Indian Community", by the Southwest Indians, probably will get the greater interest of festival visitors. The topic of greater importance to the Indians, however, is "Water Rights." Rerouted and dammed rivers have created major problems for Indian communities in the past and threaten to continue to do so.

During the past five festivals attendance has increased every year by about 100,000, from 1967 when over 400,000 visitors attended to 1971 with more than 800,000. The close proximity of the featured state gives expectation of another such attendance surge.

Films relating to the festival will be shown in the auditorium of the Natural History Museum daily.

A program schedule of the exact times and places of the numerous workshops, demonstrations and concerts (as well as detailed articles on aspects of the cultures represented) will be available at festival for 25 cents.

RATIFICATION WILL NOT MEAN SUBJUGATION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention maintain that ratification of the treaty would result in subjugation of U.S. laws and courts by an international law code and court system. My attention has been called to an article written by Robert Morris and published in the Wanderer of July 1, 1972. Mr. Morris states:

> The treaty creates a whole new supranational crime. If you commit an act of violence—or attempt such an act—to an individual on the basis of race, religion or nationality, you have committed "genocide." You also commit genocide if you "attempt" "mental harm" to an "individual" on these grounds. . . . Can you imagine the multiplicity of litigation, both criminal (and consequent civil) that such a law would encourage in today's racially and religiously charged society.

Nothing could be further from the truth. In the first place, an act, or attempted act of violence against an "individual" does not constitute genocide. Article II of the Genocide Convention, and the recommended Senate understanding of that article clearly state that genocide is an act committed with "intent to destroy, in whole or part, a national, ethnical, racial, or religious group." An act of violence against a single individual thus cannot possibly be construed as genocide.

Second, although the treaty provides for the prosecution of genocide cases by "such international penal tribunal as may have jurisdiction," no such tribunal has been established, and there are no present plans to do so. In addition, one of the Senate understandings of the treaty clearly states that it "shall in no way affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State."

It is obvious from these facts that ratification of the treaty would in no way result in subjugation of U.S. laws or courts. I, therefore, urge that immediate action be taken on this matter.

NEED FOR PRESERVATION OF RURAL AREAS

Mr. TAFT. Mr. President, when the day comes when America's picturesque, historic, and rural areas are overrun with shopping centers, housing subdivisions, industrial parks, and expressways, we will be poorer for it in many ways. Much of the richness of this country lies in the natural beauty of our farmlands as well as our wilderness areas.

Just as it is important for us to reserve places such as Nantucket Island from the blight of urban sprawl so it is important that we retain the natural heritage of some of our rural areas. This is particularly true with respect to the Shenandoah Valley, which has such an important place in the history of our country. Tragically, this area is coming under the sights of developers. In my own mind I am not sure that the destruction of forests and farms is progress, when the end result is an extension of urban and suburban sprawl.

Perhaps the time has come for us to ask whether certain rural parts of our country should not be preserved for future generations. This is particularly true as to areas having unique historic significance and natural beauty, such as parts of Vermont and parts of the Shenandoah Valley.

Once these areas are "developed" we can never restore their beauty.

I ask unanimous consent to have printed in the RECORD an article entitled "The Battle for Massanutten," published in the Washington Post of June 19, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BATTLE FOR MASSANUTTEN—RESORT AND HOMESITE BOOM PERILS SCENIC AREA

(By Bart Barnes)

WATERLICK, VA.—Forests and wildlife of the Massanutten Mountain, a 45-mile-long ridge cropping up from the floor of Virginia's Shenandoah Valley, are being threatened by a boom in the development of second home resorts, environmentalists have charged.

At least 60 projects in the immediate area of the Massanutten, covering between 40,000 and 50,000 acres 80 miles west of Washington, are in the process of being subdivided into smaller lots and sold as vacation and retirement homesites.

The Massanutten, which includes about 75,000 acres of the George Washington National Forest, extends through four Virginia counties, all of which have differing regulations regarding land use and subdivision development.

Environmentalists contend that planning for orderly growth is all but nonexistent in the area and they charge that the natural values of the Massanutten gradually are being destroyed.

William E. Shands, executive director of the Central Atlantic Environment Service, says the development pressures in the Massanutten area "are a miscrocosm of what's going on all over Virginia and Maryland . . . in fact anywhere in the country now where you've got a scenic area near a metropolitan center."

Rising sharply from the Shenandoah floor, the Massanutten is bounded by the north and south forks of the Shenandoah River. At the northern end, the mountain divides and the two ridges encompass Fort Valley, an area of farms and pastures.

The Massanutten's forests contain more than 150 species of birds including wild turkeys and game birds, more than 100 species of animals and a wide variety of trees, shrubs and plants.

George Washington was said to have done much surveying in the area and it was Fort Valley, the area encompassed by the two northern prongs of the mountain, where Washington had planned to hold out against the British during the American Revolution should his armies be routed.

Strategically located between Gettysburg and Appomattox, the area was the site of Union and Confederate troop movements during the Civil War. Both sides used Signal Knob at the northern entrance to the mountain as an observation point to spy on troop movements in the valleys and along the Shenandoah River.

Camp Roosevelt, the location of the first Civilian Conservation Corps camp in the depression of the 1930s is part of the Massanutten.

The Massanutten was described by the late Justus H. Cline, Virginia's state geologist, as one of the "most exciting geological areas in the United States."

Its birth was recorded in rock formations beginning about 500 million years ago when most of eastern North America was a coastal plain. Some time about 200 million years ago, its rock strata was strongly compressed, buckled and raised high above sea level.

Much of the Massanutten area now is capped with a sandstone layer with limestone beneath it and is a well known region for limestone caves and caverns.

With the development of the interstate highway system the Massanutten also is increasingly accessible. The U.S. Forest Service estimates now that it is within two to three hours drive of 6 million people and within a seven- to eight-hour drive of 56 million people.

Two major interstate highways, 66 running east to west from Washington and 81 running north to south from Pennsylvania, will connect with a few miles of the mountain.

William Leichter, one of the forest rangers assigned to the George Washington National Forest, predicts that "eventually this is going to be no more than a suburb of Washington."

"Golly, they'll be out here in no time at all, once they finish I–66," Leichter said. The Massanutten already is feeling the pinch of the population explosion and intensive development, he says.

The national forest is laced with camp grounds, picnic grounds, nature trails, fishing streams and hunting areas, but in recent years there has been more and more vandalism, trash dumping and people who ignore regulations.

On the Memorial Day weekend, Leichter said, "I was cussed out more than ever in my life" when he went around the forest grounds enforcing such rules as where fires are allowed or prohibited and where cars may be driven.

One man had driven his car over a small rock barrier intended to separate the parking lot from a camping area.

When he spoke to him about it. Leichter recalled, "the man just couldn't understand there would be any reason why he shouldn't be allowed to drive his car wherever he pleased."

There have been several recent incidents, Leichter recalled, in which vandals have smashed up exhibits along nature trails and last spring someone broke into Camp Roosevelt with a gun and shot up a number of the buildings.

Many of the persons who have purchased second home or retirement lots, he said, visit them on weekends and by the end of the weekend "have accumulated a certain amount of trash."

"They don't have any place to put it. We sometimes find it thrown over the side of a hill or at the edge of a roadside," Leichter said.

The second-home subdivisions range from 50-acre farms that are being subdivided and sold in one-half acre lots to the giant $50 million, 5,300 acre Del Webb recreational development at the southern tip of the Massanutten near Harrisonburg.

Many border on land owned by the Forest Service and one is completely surrounded by the national forest.

The Del Webb development, which is named Massanutten, eventually will have 16 ski slopes, tennis courts, a golf course, a ski lodge, swimming pools, birdie trails and stables according to its developers. The Del Webb company is the firm that built the new Madison Square Garden in New York and Sun City in Phoenix.

"I don't think the scars on the landscape are all that bad. And besides, this is progress," said Ken Brown, a spokesman for the Del Webb development.

"Sure, we're cutting down some trees. You can't have 16 ski slopes and a golf course without that. But people are yelling about saving an area for the half-dozen families that come here for Sunday picnics."

Mine Mountain Estates is the development that is surrounded on all sides by the national forest, located near the northern end of the Massanutten on the western ridge of the mountain.

There, bulldozers have carved out giant sections of the woods where the developers plan to make lakes. Driving along a dirt road up the mountain side one notices "sold" signs tacked on to trees.

A small trout stream runs through the area and down the mountainside and Leichter and others fear that silt and erosion from the development plus sewage will pollute and destroy the stream.

According to officials of the U.S. Soil Conservation Service in the area, water and sewage disposal constitute some of the major difficulties that accompany development of the second home lots.

"You get too many lots in too small an area. The soil's not right for septic tanks and water's not available and you've got some problems," said Paul Swecker the U.S. Soil Conservation Service officer in Shenandoah County.

Swecker said most of the subdivisions in the area sell half-acre lots at prices averaging between $3,000 and $3,500. Ten or 15 years ago, before the land boom, he said, good farm land went for $100 an acre while mountain property would bring no more than $10 an acre.

"Practically all the land that's sold down here now is being sold to people from the metropolitan area," Swecker said. "The local people can't afford it."

John Crist, Swecker's counterpart with the Soil Conservation Service in Page and Warren counties, predicts that the haphazard development of recreational subdivisions near the Massanutten eventually will be disastrous.

Of the four counties through whose territory the Massanutten extends, Page County has no land-use ordinance at all, Rockingham County has a subdivision ordinance and a zoning ordinance, and Warren and Shenandoah counties have subdivision ordinances with Warren County's probably being the more stringent.

"Page County is fiddling while Rome is burning," says Crist, adding that there appears to be no group of citizens in his area particularly concerned about what may be the consequences of all the new subdivisions in the vicinity.

Roy W. Comer, chairman of the Page County Board of Supervisors, said the county currently is in the process of enacting a subdivision ordinance.

"There is no control right now. We've got to have some control to protect the county and to protect the people buying the lots," Comer said.

Comer added that it "would be a help on the tax base if these subdivisions develop in an orderly fashion."

Shands, of the Central Atlantic Environment Service, said the plethora of vacation subdivisions in a previously undeveloped and natural area will do one of two things:

"On the one hand they over-civilize a place in a way that destroys the naturalness of it; on the other hand they create instant slums."

In an article in its May edition, the Central Atlantic Environment News charged that the Massanutten "is being subjected to systematic despoilation by developers of second home resorts. . . . The growing population draws on an already overburdened water supply. Unregulated waste disposal raises the threat of water pollution. Power lines, pipe lines, communications lines and roadways must be provided but their rights-of-way, if unregulated, affect soil stability and promote soil erosion and sediment pollution of the waters. The large acreage clearing required for building sites poses the same problems, particularly on the more precipitous slopes being developed.

"Building on flood plains aggravates flood dangers and accelerates soil erosion. Beyond these problems, the overall degradation of scenic values, the impact on animal and plant life must be considered as well."

The article was based on a six months' study of land-use regulation in the Massanutten area by David T. Deal for George Washington University's Environmental Law Program.

Leichter, of the Forest Service, says the biggest problem "is the problem of local people waking up to the fact that there is a problem and it's going to get bigger."

He added that many local officials see the new subdivisions and vacation homes as welcome sources of an increased tax base while land owners see them as increasing the value of their own property.

At a recent hearing into the subject of whether or not land-use regulation should be tightened, he recalled, "the only people who showed up were the real estate people and the developers and they were all against it."

Lena Artz, who retired in 1947 as a botany teacher at Arlington's Washington-Lee High School and moved to a small cabin on the slopes of the Massanutten, says the area now "is just simply being wrecked.

"I'm not opposed to skiing where they have snow," she said, commenting on the Del Webb ski resort and on another nearby. "But here they have to use electricity to make snow. Now does that make any sense? Especially when we're told there's an electrical shortage."

"I was spoiled because when I came down here I was alone and I felt like this whole mountain belonged to me. Now I just hate to see it mutilated and torn to pieces."

FORCED SCHOOL BUSING IS A BAD POLICY

Mr. TALMADGE. Mr. President, as we have gotten deeper into the presidential campaign, and especially when national polls and the primaries have shown busing to be a matter of grave concern, I have heard a number of statements issued by the candidates to the effect that forced school busing is a bad policy. But there have been no real proposals for action by any of the leading candidates.

Recently, the President once again expressed disagreement with forced busing. As he signed the Higher Education Act, the President said he was disappointed in the weakness of the antibusing provisions of the act.

Although he had exerted no executive influence over the fate of stronger versions, he blamed Congress for the failure to pass them. He hinted at the possibility of backing a constitutional amendment to outlaw busing. I certainly hope he will. This is action I have urged from the very beginning.

We must do away with busing now. It has nothing to do with quality education. To the contrary, it is doing inestimable damage to both the educational process and to children who must participate in it. Busing comes to us in the guise of civil rights. Instead, it denies one of the most fundamental principles of the American free society: the right and duty of parents to insure quality education for their children, and to look after their health and safety.

A constitutional amendment is the safest and surest route to the end of this intolerable situation. It is high time the Federal Government quit interfering in matters of purely local concern. Education is one such matter. Polls show that the overwhelming majority of all Americans oppose busing simply to achieve a racial balance. Yet, Federal courts and the bureaucracy persist in forcing it upon the American people.

The busing issue is an outstanding example—though not the only one—of dwindling responsiveness of the Government to the will of the people. This problem is very forcefully illuminated in a column by Stuart Alsop, published in Newsweek for June 26, which I commend to the attention of the Senate. Mr. Alsop laments an increasing failure of the Government to apply its laws equally to all, and to go against the wishes of the people and against what is in their best interest.

Mr. Alsop points out that it is right for our Government to demand sacrifice of its citizens—but only when the same sacrifice is demanded of all. This is a basic principle which applies to busing, as well as taxation and military conscription.

Ours has become a system of privileges. The sophisticated rich take advantage of loopholes in the tax structure. Along with these tax dodgers, we have draft dodgers among the more privileged. And now we see a new class of "bus dodgers" among people who can afford private schools and who, therefore, are still able to exercise their right as parents to guarantee quality education for their children.

I share Mr. Alsop's concern, and I ask unanimous consent that his column be printed in the Congressional Record.

There being no objection the column was ordered to be printed in the Record, as follows:

THE FLOUTED PRINCIPLE

(By Stewart Alsop)

Washington.—It is sometimes useful to forget about primaries, delegate counts and the like, and try to think about what this campaign is all about. One of the things it seems to be about is an old principle of American democracy, which might be stated about as follows:

The American Government has a right to demand sacrifice of the citizen in the national interest, but only if that sacrifice is universally and fairly shared.

To most people, this principle would seem obvious to the point of banality. And yet it seems to account in large part for the two major surprises of this election year—the meteoric rise of George McGovern and the astonishing primary showing of George Wallace.

For a lot of ordinary citizens have suddenly realized that in the relationship between the government and the citizen, the principle of equal sacrifice has been outrageously flouted. It is outrageous, obviously, that a lot of rich people pay less than their fair share of taxes, and that some pay none at all—an issue that both McGovern and Wallace have ridden hard and high.

But there are two other ways in which the principle of equal sacrifice has been outrageously flouted. In both these ways, there has been as much discrimination in favor of the prosperous, the influential, and the sophisticated as in the matter of taxes. And in both ways what is at stake is not the citizen's money, but his children.

A BUSING ORDER

For the first way, consider the case of Carl E. Merchant, of Pontiac, Mich., a 34-year-old $8,000-a-year autoworker. Last year, Mr. Merchant bought a house in a predominantly white, middle-class area of Pontiac, so that his 13-year-old daughter, Cari, could go to a junior high school in walking distance of the house. But under last September's court-ordered Pontiac integration plan, Mr. Merchant was told that Cari had to be bused crosstown to the city's black southwest side.

Mr. Merchant said he would rather go to jail. "It's a high-crime area," he said. "I have the right of a parent to look out for the safety of my child." Mr. Merchant was promptly put on trial on a charge of "child neglect." A policeman, testifying at his trial, said that the southwest was indeed "an unsafe area," in which the police always patrolled in pairs. In the end, in a bizarre, Solomonic decision, the court ordered Mr. Merchant to send his daughter to live with her grandparents, in a suburb outside Pontiac, where Cari now goes to an all-white school.

Thus, Mr. Merchant paid for his fears for Cari's safety by having her removed from his home by judicial fiat—an outrage by every standard of America's past. Moreover, his fears were by no means mere racist imaginings. A depth study for The New York Times has reported "conditions of paralyzing anarchy" and much violence and disorder in big-city schools nationwide "with substantial Negro enrollments."

SACRIFICES

These conditions no doubt have their roots in the racial injustices of the past. The fact remains that to ask Mr. Merchant, and thousands of parents like him, to send their children to such schools in the name of racial balance is to ask them to make a very great sacrifice. It is smarmy hypocrisy to repeat that children have always been bused to school. To the parent, and the child, the question is: To what school? And for what purpose?

The affluent do not have to worry about those questions. They can afford to send their children to private schools. Or they can move out to the all-white suburbs, like the suburb where Cari's grandparents live. But people like Mr. Merchant, with around $8,000 a year, do have to worry about them. Last week, for example, a Federal judge ordered the forced busing of 310,000 children in Detroit and its suburbs, and in cities all over the nation parents like Mr. Merchant fear similar court orders.

There are sensible people who doubt that busing for racial balance is in the national interest, or even in the interest of the black children it is supposed to benefit. They range from students of the subject like Harvard's Prof. David Armor to many black leaders. But suppose it is finally decided that busing is indeed essential in the national interest. Then the principle of shared sacrifice comes—or ought to come—into play.

Under that principle, *everybody's* children—George McGovern's, Tom Wicker's, Spiro Agnew's, Stewart Alsop's—must be bused, or must have an equal chance of being bused. Otherwise, busing is as class-discriminatory as the tax system—more so, because it entails not money but children.

There is another area in which the relationship of government and governed is outrageously class-discriminatory. This is the American system of military recruitment—not just the draft, the whole system. Our system is more class-discriminatory than the British system in the days when petty thieves and the drunken poor were impressed into the service and forced to take the King's shilling. At least the younger sons of the upper class who commanded these poor soldiers also risked their own lives in combat.

Our system, even when draft calls were high and we had half a million men in Vietnam, offered the sophisticated children of the affluent every opportunity to escape the draft entirely, and in the unlikely event of being drafted, to take cushy noncombat jobs. The ridiculously small proportion of Ivy League graduates who saw combat in Vietnam has been documented in this space. It would be interesting to know what proportion of the young antiwar activists who have helped to run George McGovern's campaign have seen combat. Under our system, the young men who end up getting shot at are the sons of people like Mr. Merchant. That would be true—only more so—of a "voluntary" army.

TAKING ADVANTAGE

The sophisticated young are not to be blamed for taking advantage of the draft system, any more than the sophisticated rich are to be blamed for taking advantage of the tax system. The fact remains that in the ways described here, and in other ways, too, the relationship between the American Government and the citizenry is based on blatant class discrimination. It is because the Mr. Merchants for the first time sense that this is so that this election is different from other elections.

But a system of privilege creates its own constituencies—the tax-dodging rich for the Republicans and the oil-state Democrats, the draft-dodging young and the Litchfield liberals who don't worry about busing for the liberal Democrats. So it remains to be seen whether, after all the campaign oratory, anything much will change.

SALUTE TO EDUCATION

Mr. TAFT. Mr. President, our Nation's system of education is today faced with several challenges. The country is continually changing, growing, diversifying, and so must education. Today I want to discuss with you two of these challenges which, I believe, deserve a high priority in our community, State, and Federal efforts. First, we must shift the emphasis of education to vocational and technical areas where skills are now needed. Second, many of our Nation's elementary and secondary school systems are today faced with severe financial problems. This crisis in education arises in large part from the inability of many States and localities to generate sufficient revenues to provide top quality instruction, equipment, and facilities.

There persists in this country a brand of intellectual snobbery. The idea that the only good education is one in a 4-year-college degree program is simply misguided and false. The pooh-poohing of vocational and technical training programs in our high schools and in our communities is damaging, not only to our young people, but also to the current employment crisis. We must insure that educational programs are responsive in matching the vocational needs of our Nation with the real talents and interests of young people. The push of our high school students toward liberal arts training in recent years has produced an overabundance of academic generalists, many of them, upon graduation, finding themselves in the ranks of the unemployed. We must correct this imbalance by encouraging students to pursue and develop needed skills in the vocation of their choice, and by expanding and improving vocational and technical programs in our schools.

The second challenge is that of financing education. The President's Commission on School Finance, in its report issued on March 3, pointed out that—

> The relationship between cost and quality is exceedingly complex and difficult to document * * * The truth is that most educational research is only beginning to come to grips with the complexity of the total teaching and learning process.

The President's proposal for education revenue sharing would consolidate many categorical aid programs and provide flexibility in the State and local planning and administration of programs more closely attuned to the special needs of each community. This proposal also includes the provision of additional Federal funds. I look forward to a thorough consideration of this and many other such concepts by the Congress.

It is with great pleasure that I take this opportunity to salute education in America. We must all join in meeting the challenges of providing quality and responsive education.

NEW NATIONAL RECORD FOR GERMAN BROWN TROUT ESTABLISHED IN ARKANSAS

Mr. FULBRIGHT. Mr. President, Arkansas abounds with lakes and rivers offering outstanding fishing and recreational possibilities.

Recently, on the upper White River near the Bull Shoals Dam, Mr. Troy Lackey of Lakeview, Ark., landed a 31-pound, 8-ounce German brown trout, establishing a new national record for this particular fish.

This catch will give the Bull Shoals area three brown trout world records on spinning gear. The fact that three such record catches could have been made in this small area certainly testifies to the outstanding fishing available in the Bull Shoals region and in Arkansas.

Mr. President, I ask unanimous consent that a letter to me from Mr. Phil Cullen of the Imperial Resort Motel at Bull Shoals describing Mr. Lackey's record catch and the other records be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Imperial Resort Motel,
and Bull Shoals Trout Dock,
Bull Shoals, Ark., May 25, 1972.

Hon. J. W. Fulbright,
New Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: German Brown Trout records fell yesterday when Troy Lackey, a guide working for the Imperial Resort In Bull Shoals, Arkansas hooked, fought and landed a whopping 31 lb. 8 oz. lunker which should establish itself as the new national champion. The old record of 29 lb., 9 oz. was short lived, lasting only a year to the day when Mr. Lackey made his catch. The old record was established in Lake Superior on May 24, 1971.

Mr. Lackey, as stated previously, was guiding a party on a White River float trip in the Ozarks and was using spinning equipment with Crawfish for bait on a 12 lb. test line. He lucked into the monster ½ mile below Bull Shoals Dam and battled it for over an hour before bringing it to net. Since his guests were ladies and neither could assist for fear of losing the catch it was necessary for Lackey to handle the boat, rod and net in his efforts to boat the catch.

This catch will also be the New World Record for German Brown Trout on 12 lb. test line on spinning equipment. This will give the upper White River (Bull Shoals Area) three Brown Trout World Records on spinning gear, 6 lb. test line with a catch of 19 lb., 15 oz. John Lanza of Lakeview, Ark., 8 lb. test line with a catch of 28 lb., 3 oz., Dr. Louis McFarland of Hot Springs, Arkansas and now 12 lb. test line 31 lb., 8 oz., Troy Lackey of Lakeview, Arkansas.

It is believed that this is the only area in the world that can boast of three world records in such a small area.

Yours truly,

Phil Cullen.

Imperial Resort Motel
& Bull Shoals Trout Dock,
Bull Shoals, Ark., June 1, 1972.

Hon. J. W. Fulbright,
New Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: We are proud of our area in Bull Shoals, Arkansas and do like to boast about our great fishing on the White River. News such as our "World's Catch German Brown Trout," we feel, will not only bring more tourists into our area, but will bring more tourists into the entire state of Arkansas, which we are all proud of. We all know that many who have come here on vacation have decided to make it their home and all of this helps Arkansas to grow.

I am sure you have been to the "Ozarks," but we would like to extend to you, "Our Hospitality" at your convenience. If you have never been on a float trip in this area, we would like to be the people to take you, or if you have been, we would still enjoy having you float with us and be our guest at our resort.

However, we cannot promise you the world's record, but do promise you one of the most enjoyable float trip's in the "Arkansas Ozark's." We have extended to you, our invitation and sincerely hope you will accept.

We look forward to your answer with great anticipation.

Sincerely yours,

Phil Cullen.

SGT. JAMES R. OSTER, LORAIN COUNTY, OHIO, POLICEMAN OF THE YEAR

Mr. TAFT. Mr. President, on May 17, 1972, an exceptional citizen was honored as Lorain County's "Policeman of the Year." The award was based on Sgt. James R. Oster's "professional competence, achievement, contribution to community, and personal life style."

His profesional competence as a dedicated and worthy police officer, his achievement in establishing the Elyria safety town program, from which more than 6,000 preschoolers have learned safety, and his contribution to his community with the PTA, and the Boy Scouts, have all been exemplary of this man's life. For it is organizations such as these and the leadership of the caliber of Sergeant Oster's which are the influence that mold today's young people.

Sergeant Oster is to be truly commended as not only an outstanding example of service and concern for his fellow man, but a remarkable citizen of the United States as well.

I ask unanimous consent that two articles from the Chronicle Telegram of May 18, 1972, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Elyria's James Oster Honored as "Police Officer of the Year"

(By Roger Turner)

Sgt. James R. Oster, winner of numerous laurels as an Elyria policeman and citizen, won perhaps his biggest honor to date last night when he was named recipient of the "Police Officer of the Year Award."

The 45-year-old officer received the countywide award during the annual meeting of the Advisory Council on Sheriff's Affairs at the Holiday Inn.

The award was presented by Ohio Supreme Court Justice Louis J. Schneider Jr. and drew praise and acknowledgement from local, state and national leaders, including President Richard M. Nixon.

Completely surprised by his latest honor, Sgt. Oster was almost rendered speechless at the event.

"Two weeks ago, I was told to be here because I had a job to do," he said. "I thought I was supposed to be looking for hippies."

Continuing, he told the audience of about 300 his 21 years as a policeman have been unusually satisfying.

"The only reason I have done the job I've done is because there's nothing more rewarding to me than working with children and the public," he said. "I just want to say thanks for being a part of this tonight."

His wife, Carolyn, and their sons, James Mark, 19, and Jeffrey Richard, 15, were ushered in shortly before the awards presentation. Mrs. Oster said Elyria Police Chief Maurice C. Flood told her about her husband's honor three weeks ago.

It was based on Sgt. Oster's "professional competence, achievement, contribution to community and personal life style," according to guidelines used by the council's screening committee.

Sgt. Oster's latest honor earned him awards of commendation from President Nixon, Mayor Leonard P. Reichlin and Ohio Attorney

General William J. Brown on behalf of Gov. John A. Gilligan.

Letters with similar acknowledgements were sent from the Ohio Senate, the Ohio Supreme Court Chief Justice, U.S. Rep. Charles A. Mosher, U.S. Sens. William Saxbe and Robert Taft Jr., Acting U.S. Attorney General Richard D. Kleindienst and the late J. Edgar Hoover.

All this Sgt. Oster accepted calmly.

"I'll treasure that one from Mr. Hoover," he remarked quietly following the presentation.

Sgt. Oster, 1731 Lake Ave., was director of Elyria's Safety Town program for 14 years until last August. From the time the program began under his direction in 1958, more than 6,000 pre-schoolers benefited from the program.

His work with young people earned him the distinction of becoming the first policeman to win the Elyria Jaycee's distinguished service award in 1962.

In 1969, he was honored for his more than 20 years involvement in Boy Scout activities. That year he won the St. George Award for his contributions as a scout leader. It was the highest such award presented to Catholic lay leaders in scouting.

Three weeks ago, he was awarded an honorary state PTA life membership from the Elyria Council of PTA.

Following the presentation of his award last night, a speech was delivered by Dr. Kenneth McFarland, guest lecturer of General Motors Corp.

Sheriff Vernon M. Smith concluded the talks, urging support of a 1-mill levy which is to appear on the November ballot to raise funds for a new jail.

The council approved a motion pledging support of the levy.

As We See It: Well Done, Sergeant Oster

There is little to add to the tributes already paid to Sgt. James R. Oster of the Elyria Police Department, recipient of this year's countywide "Police Officer of the Year Award," other than to say all of them are deserved.

Dedicated police work always is worthy of recognition, and too often goes unrecognized. Sgt. Oster is more than a dedicated policeman; he is an outstanding community citizen and has worked ceaselessly with young people.

"There's nothing more rewarding to me than working with children and the public," he said as he accepted the unexpected award. We would add that his work is equally rewarding to the children and the public whom he serves.

More than 20 years ago, even before he had sons of his own, Sgt. Oster began working for and with young people as a Boy Scout leader, and 14 years ago was responsible for establishing the Elyria Safety Town program for children which has won wide recognition.

Thousands of young adults who have profited by their contacts with him share with us the privilege of joining President Nixon, the late J. Edgar Hoover and many others in saying well done, Sgt. Oster.

We believe the community also owes a word of appreciation to the Advisory Council of Sheriff's Affairs which has inspired the annual recognition of a policeman of the year, and also has spearheaded formation of Lorain County's Bluecoats, Inc., which is gradually building a trust fund for the benefit of wives and families of police officers and firefighters killed or injured in the line of duty.

The Council gives citizens of Lorain County opportunities to express appreciation for those who protect and serve us at a time when a vocal minority is so violently critical of them.

THE ARMY'S SAM–D PROGRAM: A U.S. VIOLATION OF THE SALT PACT?

Mr. PROXMIRE. Mr. President, further testing or deployment of the Army's SAM–D air defense system could constitute a United States violation of the recently concluded ABM Treaty with the Soviet Union.

SAM–D is a mobile surface-to-air missile development project for use in protecting NATO countries and the continental United States against enemy aircraft attack. Estimated costs for the controversial project have more than doubled in the past three years, from $2.5 to $5.2 billion.

Although enemy aircraft are the primary threat against which SAM–D has been designed, numerous Pentagon witnesses have told Congress in recent years that it will have a capability also against tactical and strategic ballistic missiles.

The new ABM Treaty specifically prohibits mobile land-based ABM systems and it also prohibits the testing or deployment of non-ABM systems with ABM capabilities.

A close reading of the Treaty and the supporting documents submitted to Congress convinces me that the Army may never be able to test or deploy SAM–D without violating the treaty, as the United States interprets it.

Accordingly, I have written today to both Secretary Rogers and Secretary Laird for an explanation as to why SAM–D has not been canceled along with prohibited portions of the Safeguard ABM system.

Actually, its huge cost overruns and the extent to which its primary mission duplicates the missions of the F–15 and smaller SAM systems are grounds in themselves for cancellation.

THE LEGAL ISSUES

These are the reasons why I believe that further testing or deployment of SAM–D might violate the ABM Treaty.

First, article II(1) of the treaty defines an ABM system as any "system to counter strategic ballistic missiles" which includes interceptor missiles or radars "constructed and deployed for an ABM role, or of a type tested in an ABM mode."

SAM–D's ability to counter strategic ballistic missiles, however limited, appears to bring it within the treaty's definition of an ABM system. If it is such a system, several things follow.

Its further development, testing, or deployment would be in violation of article V(1)'s prohibition against mobile land-based ABM systems.

Its deployment in a nationwide bomber defense network would be a violation of article I(2)'s prohibition against the deployment of or laying a base for a nationwide ABM system.

Its deployment in defense of NATO would be a violation of article IX's prohibition against the transfer to other countries or the deployment outside the United States of ABM systems or their components.

Second, even if SAM–D is not in fact covered by article II(i)'s definition of an ABM system, it may be affected by article VI of the treaty.

Under provision (A) of article VI, the United States undertakes not to give non-ABM interceptor missiles or radars any ABM capabilities and not to test such missiles or radars in an ABM mode. It would appear that this provision was included in the treaty specifically to forestall argument that a system like SAM–D was not a true ABM system.

This interpretation is strengthened by Secretary of State Rogers' statement, in the official United States interpretation of the treaty, that this undertaking "would, for example, prohibit the modification of air defense missiles—SAM's—to give them a capability against strategic ballistic missiles."

Finally, deployment of SAM–D and its phased-array radar in Europe would appear to violate article VI's prohibition against the deployment of radars for early warning of strategic ballistic missile attack anywhere but on the borders of one's own nation.

It is difficult to believe that SAM–D and its limited capabilities against ballistic missiles were not specifically considered by both sides during the recent SALT negotiations. If SAM–D was considered, however, and a decision made to permit its deployment, this is not made clear anywhere either in the treaty or its supporting documents.

It is therefore essential that we should act now—before Congress ratifies the treaty—by either canceling SAM–D or clearly demonstrating its compatibility with the treaty's terms. A failure to do so could spark controversy later and complicate the second round of the SALT negotiations.

NO CLEAR MILITARY NEED

I have long been opposed to development of SAM–D on purely military grounds.

Deployed in Europe in its conventional warfare role, its primary antiaircraft mission seems to duplicate the missions both of existing SAM missiles and the Air Force F–15 fighter.

Its role in the defense of the United States against Soviet bomber attacks seems even more dubious. What is the point of a defense against Soviet bombers when we have already decided not to construct a defense against the much more powerful Soviet strategic missile force?

SAM–D's apparent inconsistency with the terms of the ABM Treaty is just one additional justification for its immediate cancellation.

CONGRESSIONAL TESTIMONY

Though more detailed statements about SAM–D's capabilities against tactical and strategic ballistic missiles have been made in classified information furnished the Congress, the following are among the statements avaliable on the public record:

First. Testimony of Lt. Gen. A. W. Betts, Army Chief of Research and Development, to the Senate Armed Services Committee, March 5, 1970:

> SAM–D would be capable of defending tactical ballistic missiles with ranges less than

(deleted), air to surface missiles, and sub-launched cruise missiles. This system represents a radically new approach to . . . air defense . . . The application of the latest advances in miniaturized electronic circuitry, computer technology, radio data link techniques, and the phased array radar concept will give the system a mobility and multimission capability never before achieved in an air defense system.

Second. Question by Senator JOHN STENNIS and answer by Director of Defense Research and Engineering Dr. John S. Foster, Jr., before the Senate Armed Services Committee, February 26, 1970:

QUESTION. What capability will the SAM–D have against a CONUS SLBM and ICBM threat?

ANSWER. Based on the results of studies completed to date, the SAM–D system used as a defense against strategic ballistic missiles (even if SAM–D is modified) would be critically sensitive to variations in a number of threat parameters. To obtain a capability against a reasonable range of possible threat characteristics would probably require SAM–D to be supported by the SAFEGUARD Missile Site Radars. Therefore, SAM–D may be useful as a possible future augmentation to SAFEGUARD should the need arise, but it does not appear by itself to provide a variable defense system.

TREATY TEXT

The following is the text of treaty provisions relevant to the SAM–D issue:

ARTICLE II(1)

For the purpose of this treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(A) ABM inceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(B) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(C) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

ARTICLE V(1)

Each party undertakes not to develop, test or deploy ABM systems or components which are sea-based, air-based, or mobile land-based.

ARTICLE I(2)

Each party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this treaty.

ARTICLE IX

To assure the viability and effectiveness of this treaty, each party undertakes not to transfer to other states, and not to deploy outside of its national territory, ABM systems or their components limited by this treaty.

ARTICLE VI

To enhance assurance of the effectiveness of the limitation on ABM systems and their components provided by this treaty, each party undertakes:

(A) Not to give missiles, launchers or radars, other than ABM interceptor missiles, ABM launchers, or AMB radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode, and

(B) Not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

SUPPORTING DOCUMENTS

Finally, the following are two passages from the supporting documents which bear upon the issue:

First, initialed statement D of the agreed interpretations:

The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

Second, unilateral statement E by the United States:

E. TESTED IN ABM MODE

On April 7, 1972, the U.S. Delegation made the following statement: "Article II of the Joint Draft Text uses the term 'tested in an ABM mode,' in defining ABM components, and Article VI includes certain obligations concerning such testing. We believe that the sides should have a common understanding of this phrase. First, we would note that the testing provisions of the ABM Treaty are intended to apply to testing which occurs after the date of signature of the Treaty, and not to any testing which may have occurred in the past. Next, we would amplify the remarks we have made on this subject during the previous Helsinki phase by setting forth the objectives which govern the U.S. view on the subject, namely, while prohibiting testing of non-ABM components for ABM purposes: not to prevent testing of ABM components, and not to prevent testing of non-ABM components for non-ABM purposes. To clarify our interpretation of 'tested in an ABM mode,' we note that we would consider a launcher, missile or radar to be 'tested in an ABM mode' if, for example, any of the following events occur: (1) a launcher is used to launch an ABM interceptor missile, (2) an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategic ballistic missile flight trajectory or is flight tested in conjuncton with the test of an ABM interceptor missile or an ABM radar at the same test range, or is flight tested to altitude inconsistent with interception of targets against which air defenses are deployed, (3) a radar makes measurements on a cooperative target vehicle of the kind referred to in item (2) above during the reentry portion of its trajectory or makes measurements in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range. Radars used for purposes such as range safety or instrumentation would be exempt from application of these criteria."

Mr. President, I ask unanimous consent to have printed in the RECORD a letter on the SAM–D issue which I wrote today to Secretary of State Rogers and Secretary of Defense Laird.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOINT ECONOMIC COMMITTEE,
Washington, D.C., June 26, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: One purpose of the recently concluded ABM Treaty with the Soviet Union was to place clear restrictions not only on ABM systems as commonly understood, but also on other systems, such as air defense systems, which could be made to perform an ABM role. On several occasions during the past few years, Administration spokesmen have expressed concern that the Soviet's Talinn Line air defense system might be upgraded for just such a role.

My purpose in writing today is to inquire as to the compatability of a new United States air defense system—the Army's SAM–D program—with the terms of the recently concluded Treaty.

Several Defense Department witnesses have told Congress in recent years that SAM–D will have some capability not only against aircraft, but also against tactical and strategic ballistic missiles. The following are two examples of the testimony in this regard which has appeared on the public record:

(1) "SAM–D would be capable of defeating tactical ballistic missiles with ranges less than (deleted), air to surface missiles, and sub-launched cruise missiles. This system represent a radically new approach to . . . air defense. The application of the latest advances in miniaturized electronic circuitry, computer technology, radio data link techniques, and the phased array radar concept will give the system a mobility and multimission capability never before achieved in an air defense system." Lt. Gen. A. W. Betts, Army Chief of Research and Development, to the Senate Armed Services Committee, March 5, 1970.

(2) QUESTION. "What capability will the SAM–D have against a CONUS SLBM and ICBM threat?"

Answer. "Based on the results of studies completed to date, the SAM–D system used as a defense against strategic ballistic missiles (even if SAM–D is modified) would be critically sensitive to variations in a number of threat parameters. To obtain a capability against a reasonable range of possible threat characteristics would probably require SAM–D to be supported by the SAFEGUARD Missile Site Radars. Therefore, SAM–D may be useful as a possible future augmentation to SAFEGUARD should the need arise, but it does not appear by itself to provide a viable defense system."

Question by Senator John C. Stennis, and reply by Director of Defense Research and Engineering, Dr. John S. Foster, Jr., before the Senate Armed Services Committee, February 26, 1970.

In light of these acknowledged capabilities, it appears to me that continued development, testing, or deployment of SAM–D could violate the ABM Treaty. Here are the reasons why.

First, Article II(1) of the Treaty defines an ABM system as any "system to counter strategic ballistic missiles" which includes interceptor missiles or radars "constructed and deployed for an ABM role, or of a type tested in an ABM mode."

It would seem to me that a system with any capability against strategic ballistic missiles, however limited, would be covered by this definition. And if SAM–D is an ABM system within the meaning of the Treaty, several things follow.

Its deployment in a nation-wide bomber defense network would be a violation of Article I(2)'s prohibition against the deployment of, or laying a base for, a nation-wide ABM system.

Its further development, testing, or deployment would be in violation of Article V(1)'s prohibition against mobile land-based ABM systems.

And its deployment in defense of NATO would be a violation of Article IX's prohibition against the transfer to other countries or the deployment outside the United States of ABM systems or their components.

Second, even if SAM–D is not covered by Article II(1)'s definition of an ABM system, it would appear covered by Article VI of the Treaty. Under Article VI, the United States undertakes not to give non-ABM interceptor missiles or radars any ABM capabilities and not to test such missiles or radars in an ABM mode.

It would appear that this provision—the language of which closely parallels that of Article II(1)—was included in the Treaty specifically to forestall arguments that a system like SAM–D was not a true ABM system. This impression is strengthened by your statement, in the State Department interpretation of the Treaty submitted to the President on June 10, 1972, that this undertaking "would, for example, prohibit the modification of air defense missiles (SAMs) to give them a capability against strategic ballistic missiles."

Finally, it appears that deployment of SAM–D and its phased-array radar in Europe might violate Article VI's prohibition against the deployment of radars for early warning of strategic ballistic missile attack anywhere but on the borders of one's own nation.

It is difficult to believe that SAM–D and its limited capabilities against ballistic missiles were not specifically considered by both sides during the recent SALT negotiations. If SAM–D was considered, however, and a decision made to permit its deployment, this is not made clear anywhere in the Treasury or its supporting documents.

I have tried nonetheless to anticipate the arguments which might be made in support of a contention that SAM–D was not covered by the Treaty. Unfortunately, I find such arguments quite unpersuasive.

It might be argued, for example, that while SAM–D has a capability against ballistic missiles, its capability is against tactical ballistic missiles only and does not extend to strategic ballistic missiles as the latter term is used in the Treaty's Article II(1) definition of an ABM system.

But no definition of strategic ballistic missile is actually given in the ABM Treaty itself, and it is difficult to believe that anyone would subscribe to a definition which excluded the CONUS SLBM and ICBM threat against which, according to Dr. Foster, SAM–D would have at least a limited capability.

Moreover, the United States has made the unilateral statement that the phrase "tested in an ABM mode" covers the situation when "an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategc ballistic missile flight trajectory." It seems arguable to me that the flight trajectories of "tactical" and "strategic" ballistic missiles are sufficiently alike in their characteristics as to be covered by this statement.

Turning to another point, one might argue that Agreed Understanding D is, in any event, sufficient evidence that SAM–D's deployment in Europe would not violate Article VI's prohibition against the deployment of radars for early warning attack outside one's own borders.

Agreed Understanding D does constitute a commitment that the Parties will not deploy phased-array radars having a potential exceeding "three million watts" except under certain conditions. It is also true that SAM–D's phased-array radar does have a potential well within that limit. But Agreed Understanding D does not specifically state that all phased-array radars within that limit are automatically in compliance with the early warning limitation of Article VI.

I believe it is important to clarify the question of SAM–D's compatibility with the ABM Treaty prior to congressional ratification. A failure to do so could spark controversy later and complicate the second round of the SALT negotiations.

Accordingly, I would appreciate it if you would address yourself to the issues raised by this letter, with particular attention to the following questions:

(1) Does SAM–D's capability against ballistic missiles bring it within the scope either of Article II(1)'s definition of an ABM system or provision (A) of Article VI, as interpreted by the United States?

(2) If SAM–D is within the scope of Article II(1) or provision (A) of Article VI as interpreted by the United States, have any plans been made for termination of the program, and if not, why not?

(3) Would it be feasible to develop SAM–D in such a way that its capability against ballistic missiles was deleted? If so, what consideration is being given to this approach, and what are the arguments against it?

(4) If SAM–D's capability against ballistic missiles does not bring it within the scope of Articles II(1) or provision (A) of Article VI as interpreted by the United States, what is the reasoning by which this conclusion is reached?

(5) As interpreted by the United States, what is the meaning of the term "strategic ballistic missiles" as used in Article II(1), and if the term is meant to exclude "tactical" ballistic missiles, which of the following classes of Soviet missiles is, in fact, excluded—SRBMs? MRBMs? IRBMs? ICBMs? SLBMs? Is it true that SAM–D would have no capability whasoever to intercept "strategic ballistic missiles" as so defined?

(6) What is the meaning of the phrase "flight trajectory with characteristics of a strategic ballistic missile flight trajectory" as used in the unilateral statement of the United States as to the meaning of the phrase "tested in an ABM mode?"

(7) Would deployment of SAM–D in Europe violate Article VI's prohibition against deployment of radars for early warning of strategic ballistic missile attack outside national boundaries, as interpreted by the United States? Why or why not?

(8) Was SAM–D specifically discussed during negotiating sessions with the Soviets? What certainty do we have that the Soviets' interpretation of its compatibility with the ABM Treaty is identical to ours?

I apologize for the length of this letter and the detailed nature of the questions raised. I think it important, however, that considerable additional light be shed on this very complex subject. I would very much appreciate a reply to my questions prior to the start of Senate floor debate on the ABM Treaty?

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

A DIFFERENT PERSPECTIVE

Mr. BROCK. Mr. President, in a letter to the London Times, Lord Stamp, at member of the House of Lords in Great Britain, sought to give his countrymen a different perspective on the recent developments in Southeast Asia.

At a time when all the dictates of political expediency make total and unconditional withdrawal from our commitments in Vietnam so attractive, President Nixon has acted to prevent a reoccurrence of the anachronism which results from ignorance of the past—the desperation for peace which lays the seeds for new conflicts.

History is the touchstone for progress. As a deterrent to past mistakes and encouragement to seek new goals, it must be mastered to give discipline to current events. I believe President Nixon has achieved this mastery and that his insight has caused him to take the steps he has and is taking in Vietnam.

In his letter, Lord Stamp illustrates the tenet that a move to isolationism in reaction to overinvolvement inevitably results in a future and often greater conflict. The question is left: Will we make the same mistakes we made prior to World Wars I and II, or will we seek an alternative which will inhibit new conflicts?

Mr. President, the American people know the President's dilemma with Vietnam. They are pleased with the progress he has made to date, and I believe that despite what some say, the American peoples' faith in the sincerity and wisdom of the President's actions is unshaken.

I ask unanimous consent that the complete text of Lord Stamp's article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON VIETNAM POLICY HEEDS LESSONS OF PAST

President Nixon's latest action over Vietnam as predictably been met everywhere with a storm of criticism and protest, particularly violent among the young.

Many in this country cannot remember the thirties—Hitler's claim that all he wanted was the unification of the German people, just as now it is the Vietnamese who must be reunited. They cannot remember the wishful thinking—that Hitler meant what he said—indulged in by so many until it was too late, and the desperate fight against all odds that followed as a result to preserve among other things the right of future generations to demonstrate as they are doing now.

Many in the United States also cannot remember the results of their country's policy of noninvolvement in foreign wars, based on the view that Europe and Asia were far away and their affairs were of no concern to them, a belief which was dramatically brought to an end by Pearl Harbor.

But most of them can, or should, remember Hungary and Czechoslovakia where the voice of freedom that they take for granted has been silenced.

There can be no one who is not appalled at the suffering in Vietnam, but is the natural reaction to bring it to an end, even, if this were to mean allowing military aggression over internationally recognized boundaries to succeed, really the answer?

It may be that the policy of successive presidents, both Republican and Democrat, of which the latest decision is a logical consequence, will fail, not so much for military reasons but because of opposition to it in the United States and elsewhere.

If so, apart from the loss of freedom of yet another people to decide their own destiny, the humiliation inflicted on the United States—that bastion of the free world—would be only too likely to result in a return to the isolationism that contributed so much to the inevitability and prolongation of two world wars.

All the lessons of the past shriek that if the horrors of Vietnam were to be terminated in this way, they would be followed sooner or later by the infinitely greater catastrophe of a third world war.

Will the young people of this generation, with their abhorrence of war, make the same mistake that their fathers and grandfathers did, with even more disastrous results?

ACTS OF DEFIANCE BY PRESIDENT AND EXECUTIVE BRANCH

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a petition that Congress exercise its constitutional authority concerning the involvement of the United States in Indochina.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION

It is a Constitutional right of the people to "petition the Government for a redress of grievances."

We are exercising that right of petition because we are angered and frightened by the lawlessness of the President and the Executive branch of our Government. We submit that they have defied the Congressional repeal of the Gulf of Tonkin Resolution; defied the Military Authorization Procurement Act which insists that the war be ended as quickly as possible; defied accepted international law against aggressive war, blockade and mining, indiscriminate bombing, and population removal; and created a Constitutional crisis in the United States.

They have spent the taxes, emotions and resources of the people on mass murder and destruction as American society and its public services decay. They have brought unrest to our cities and institutions, besmirched the flag with American and Indochinese blood, and brought shame upon our country.

We petition the Congress to reaffirm that we are citizens and not hostages to usurpers of power and authority.

We petition the Congress to exercise its Constitutional authority of control over the armed forces by voting an immediate cessation of all air, ground, and naval operations in Indochina, and by ending all military and economic appropriations for a war the Congress did not vote for and the American people do not want.

SENATOR MONDALE QUESTIONS PROPOSED CHANGES IN EXCESS PROPERTY REGULATIONS

Mr. MONDALE. Mr. President, I am deeply concerned about the administration's proposal to withdraw eligibility for excess property from a numger of educational and other public service organizations in Minnesota and throughout the country.

In the Federal Register of Thursday, June 1, 1972, the General Services Administration issued a notice of proposed rule changes concerning excess property which I fear is not in the best interest of educational and other nonprofit, public service agencies.

I have received a great deal of correspondence from colleges and vocational technical schools in Minnesota expressing their concerns about the proposed change and the impact it would have on their efforts to deliver high quality education at the lowest possible cost.

Robert P. Van Tries, assistant commissioner, Division of Vocational Technical Education in the Minnesota State Department of Education has notified me of the detrimental effects this regulation would have on vocational technical education in our State. He indicates that:

> Our State vocational technical programs through participation in the excess property program wtih direct and defined procurement through GSA has secured valuable and useful properties from many generating agencies.

Mr. Van Tries points out that since the inception of the excess property utilization program in August 1971, vocational technical schools have acquired, at a very small cost, computers, machine tools, office equipment, welding and other equipment which had an original acquisition cost of $8 million. In addition, he points out that they have acquired $1½ million worth of excess property from overseas installations for a reimbursement cost of only $83,566.50.

I have received similar correspondence from Malcolm Moos, president of the University of Minnesota. He writes that if the revised GSA rules go nito effect it will cause a "very substantial detriment to many types of federal grantees."

President Moos writes:

> During the fiscal year 1971, for instance, the University of Minnesota received $6,038,659.91 worth of Federal excess property. Our most recent information is that the fiscal year 1972 figure will be approximately the same. Only a small portion of this property is used within Federal contracts to the University, which are still eligible under the proposed rules, so we stand to lose most of the support we have been receiving through this program. Such a loss would have a major impact upon our program, and, accordingly, on the taxpayer.
>
> In many cases we would have to make up the loss of this support through increased grant costs or through increased direct appropriations. In others, where the costs would be too high for other sources of support, we would simply not be able to acquire the equipment, supplies, or materials, and the quality of the program would have to suffer.

His concerns are echoed in a letter I received from Frank R. Barth, president of Gustavus Adolphus College. He protests the proposed GSA change because it would remove privileges of excess property acquisition from the National Science Foundation grantees. President Barth writes that:

> As a grantee, we are firmly convinced of the importance of continuing this program. Many of the programs and research in education would not have been possible had it not been for the facilities and equipment acquired with the Excess Property Program.

Since I learned of this proposal, I asked my staff to obtain from GSA an explanation of the rationale behind this change and an estimate of its potential impact both nationally and in Minnesota. GSA was either unable or unwilling to supply that information. So on June 15, I wrote Mr. Rod Kreger Acting Administrator of GSA, requesting this information on Tuesday, June 20. I have still not received the answers to my inquiries despite attempts of my staff to follow up on this letter, and I want to express my disappointment and disturbance at the apparent run-around we are receiving.

Mr. President, I am deeply concerned about the possible impact of this revised rule and I am prepared to protest it. I have sought, however, to obtain from GSA their justification and their estimate of this impact before filing a formal protest. I am still hopeful that the information I have been trying to obtain will be released next week. At this point, however, I want to announce my intentions to pursue this matter until it is reconciled in a fashion that does not penalize the excellent vocational education, higher education, and other public service programs in Minnesota and throughout the Nation.

I ask unanimous consent that my letter to Mr. Kreger and a sample of correspondence I have received be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
St. Paul, Minn., June 9, 1972.

Commissioner M. S. MEEKER,
Federal Supply Service, General Services Administration, Washington, D.C.

DEAR MR. MEEKER: Reference is made to Federal Register Vol. 37, No. 106, Thursday, June 1, 1972, page 10959, Use of Government Supply Sources By Grantees—Notice of Proposed Rule Making.

It is contended that the Proposed Rule Making—Federal Register Vol. 37, No. 106—Thursday, June 1, 1972—Subpart 101-43.3—Utilization of Excess as amended is a discriminatory action resulting from complaints to GSA on "Grantee" procuring supplies from the General Supply Fund as provided for in Federal Property and Administrative Services Act of 1949 as amended section 109(f), "Subject to the requirements of subsections (a) to (e), inclusive, of this section, the General Supply Fund also may be used for the procurement of supplies and non-personal services authorized to be acquired by mixed-ownership Government corporations, or by the municipal government of the District of Columbia, or by a requisitioning non-Federal agency when the function of a Federal agency authorized to procure for it is transferred to the General Service Administration" and such directed and discriminatory action resulting from such proposed regulation should be directed at regulatory procedures of the Act on authorized users of the General Supply Fund and not the authorized users of Excess Property as provided by stated Act and regulations developed and promulgated by GSA in utilization of excess property to the fullest extent for benefit of the public interest.

Your considerate analysis of the impact and effect such proposed change will have on the "eligible educational" agencies participation with GSA's utilization program warrants your immediate attention.

Yours very truly,
ROBERT P. VAN TRIES,
Assistant Commissioner, Division of Vocational Technical Education.

STATE OF MINNESOTA,
St. Paul, Minn.

To: Commissioner and State Board of Education.
From: Robert P. Van Tries, Assistant Commissioner.
Date: May 5, 1972.
Subject: Excess Property Utilization Report and Summary.

Since the inception of the excess property utilization program in August 1971, 434 SF-122's have been processed by our office. The original acquisition cost of these applications total $7,861,241.70. The type and kind of property reported in these applications included high government acquisition costs for computers, electronics, as well as machine tools, office equipment, commissary type equipment, welding, heavy operating equipment and the generous representation of basic metal materials, hardware and common use items. This equipment has served such program operations as industrial electricity, graphic arts, machine shops, welding, office education, drafting, auto mechanics, landscaping, machine trades, electronics, foods and health occupations, data processing, heavy equipment, optical technology, diesel mechanics, instrumentation, building maintenance, sheet metal, medical lab assistant, linemen technician, auto mechanics, information systems program, power linemen, carpentry, photo technology, supermarket management, auto/truck mechanic, specialty crops, irrigation technology, sales management, airframe and power plant, fluid power mechanics, air traffic control, chemical laboratories, forestry harvesting, baking, plastic technology, fluidics, small engines, plumbing, radio and TV repair.

The procurement of this property has been varied as reported by the following generating agencies locations: Scott AFB; Granite City Army Depot; Airway Facilities, Minneapolis; Control Data, Minneapolis; Univac, Minneapolis; Honeywall, New Brighton; Univac, St. Paul; Army Ammo Plant, Burlington, Iowa; Argonne National Lab, Argonne, Illinois; Joliet Illinois Army Plant; Honeywall, St. Louis Park; Isabella Minnesota Job Corp; Schjeldahl, Northfield, Minnesota; Camp McCoy, Wisconsin; Rock Island Illinois Arsenaled Gould Incorporated, St. Paul.

Raven Industries, Sioux Falls; Duluth AFB; Fort Leonard, Missouri; Grissom AFB; Grand Forks AFB; Nebraska Cornhusker Army Plant; Utah Hill AFB; Michigan Wurtsmith AFB; Chicago Naval Ord.; Wichita AFB; Wisconsin Badger Ord.; Kansas Fort Riley; Monsanto Research, Miamisburg; G. E. Evendale, Ohio; Ohio Wright Patterson AFB; Ohio Mound Lab.; Omaha Offut AFB; Twin City Army Ammo Plant; U. S. Army Tank, Command, Michigan; Fort Benjamin Harrison, Indiana; Jefferson Proving Ground, Madison, Indiana; Winneloe AFB, Missouri; Kansas City Bendix Corporation; Sharpe Army Depot, California; Michigan Sawyer AFB; G. E. Company, Albuquerque, New Mexico; Tinker AFB, Oklahoma; Aero Space, Fairmount, Minnesota; Defense Electronics Supply, Ohio; Lexington Army Depot, Kentucky; Zenith Radio Corporation, Chicago; Lake City Army Ammo, Missouri; Warner Robins AMC, Georgia; Kansas City AEC; Corpus Christi, Texas; V.A. Hospital, Grand Island, Nebraska; FAA, Oklahoma; and White Sands Missile Range.

Active participation in home run overseas excess property reflects procurement from the following ports of entry: Stockton, California; Baton Rouge, Louisiana; Fort Worth, Texas. The total original government acquisition cost of this participation is in the amount of $1,588,675.97 with reimbursement for overseas cost at $83,566.50.

A number of intra-agency transfers have been accomplished of excess property being transferred within our state from schools operating MDT programs to VTE programs, as well as a Control Data 160A digital computer system with associated peripheral gear from the DHEW National Institute of Health located at the State University of New York, Upstate Medical Center, with an original government acquisition cost of $339,237 and a current estimated fair market value of $15,000.

Our requests for excess property have included equipment and materials for cannibalization and secondary utilization. Our vocational-technical schools had the experience through surplus property and have the know how of property utilization on secondary utilization in an effort to enhance and broaden their training opportunities. Also included is a considerable amount of common use "expendable and/or consumable" property that is normally "used up" in the ongoing programs and in many instances is a real dollar saver in programs that consume considerable amounts of costly basic metals, hardware, electronics, and so forth.

Gustavus Adolphus College,
Saint Peter, Minn., June 14, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: As indicated by the enclosed letter, I am writing in reference to the proposed rule change in the Federal Property Management Regulations which would deny excess property acquisitions from the General Services Administration to grantees of the National Science Foundation.

As Director of our COSIP Program, I am particularly aware of the invaluable benefits which this program has contributed to our research and educational programs. The thousands of dollars of equipment has allowed a much more intense development of educational facilities and curriculum.

I join with our President and faculty members in asking for your support in urging the defeat of this proposal. It is my understanding that the Director of the Office of Management and Budget has directed the General Services Administration to make this change in ruling.

Thank you for your consideration and support.

Sincerely,

John S. Kendall,
Director, COSIP.

Gustavus Adolphus College,
Saint Peter, Minn., June 14, 1972.

The Commissioner,
Federal Supply Service, General Services Administration, Washington, D.C.

Dear Sir: As Project Director for our National Science Foundation COSIP grant, I am writing in reference to the proposed change in Federal Property Management Regulation support 101–26, 101–33, and 101–43.1 published as General Services Administration Notice of a Proposed Rule Making in the *Federal Register* Vol. 37, No. 106, Thursday, June 1, 1972.

I know that you will be hearing from our President and several participating faculty members as well. As COSIP Director, I am particularly aware of the benefits which the Excess Property Program has given to our educational and research programs. These benefits amount to thousands of dollars and have been invaluable. The loss of this program would greatly jeopardize the development and continuation of our educational programs.

Considering the Excess Property Program as vital to our research and educational programs, I strongly urge that the proposal be reconsidered and defeated.

Sincerely,

John S. Kendall,
Director, COSIP.

University of Minnesota,
Minneapolis, Minn., June 15, 1972.

Senator Walter F. Mondale,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Mondale: There is a change by G.S.A. in the rule which permits distribution of excess Government property to University Laboratories like mine. A copy of a letter explaining my position is enclosed. I would appreciate any help you can give towards voiding the proposed rule change. The property coming to the St. Anthony Falls Hydraulic Laboratory alone saves the State of Minnesota and the University several thousand dollars each year and I understand that for the University as a whole it runs to several million.

Sincerely,

Edward Silberman, *Director.*

University of Minnesota,
Minneapolis, Minn., June 15, 1972.

The Commissioner,
Federal Supply Service, General Services Administration, Washington, D.C.

Dear Sir: I have read the proposed rule change regarding excess property published in the Federal Register, Vol. 37, No. 106, Thursday, June 1, 1972.

I am the Director of a University Laboratory which has received considerable material under the existing rule and I would like to argue against the change. The Laboratory conducts applied research that has benefited water resources projects all over the United States. The excess property that we received—machines, machine tools, pumps, blowers, and electronic devices—have reduced the costs to the sponsors, including such Federal agencies as the Office of Water Resources Research, on most of the research we have conducted. Whether the sponsor be a governmental agency directly or a private consultant, the saving has eventually been passed on to taxpayers somewhere in the country. Assuming the property was truly excess, which I believe it was, it makes a great deal more sense to reuse it in useful projects than to let it sit idle and waste away in storage.

There is another minor aspect of this use of excess property. If new items have to be manufactured while similar items lie idle, we are going against the current trend of conserving our resources. We should be making more effort to fully utilize what we have rather than placing obstacles in the path of reuse.

I will sincerely appreciate your reconsideration of the proposed rule change.

Sincerely,

Edward Silberman, *Director.*

Gustavus Adolphus College,
Saint Peter, Minn., June 14, 1972.

Re Federal Property Management Regulation support 101–26, 101–33, and 101–43.1; General Services Administration Notice of a proposed Rule Making, *Federal Register*, Vol. 37, No. 106, Thursday, June 1, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I am writing to you out of strong concern over a proposed rule change governing the disposal of excess government properties under the Excess Proper Acquisition Program for recipients of Federal grants. Passage of this proposed change would prohibit such recipients from acquiring excess properties.

Gustavus Adolphus College is a National Science Foundation grantee. Through the Program we have been able to acquire much-needed equipment for the operation of several academic programs in nearly every eligible department. Because of this we have been able to enhance our educational offerings while effectively keeping the costs of these offerings lower for the students and their parents.

Discontinuation of the Excess Property Acquisition Program would negatively affect not only our students, but also our ability to offer a first-rate educational program for a school of our type and size. Discontinuation of the Program would produce only losers and no winners.

I strongly urge that you support the reconsideration and ultimate defeat of the proposed rule change. Please help us to keep the cost of quality private higher education within the reaches of your constituents.

Thank you for your consideration and support.

Sincerely yours,

John W. Prehn,
Associate Professor and Chairman.

Gustavus Adolphus College,
Saint Peter, Minn., June 14, 1972.

Re Federal Property Management Regulation support 101–26, 101–33, 101–43.1; General Services Administration Notice of a Proposed Rule Making, *Federal Register*, Vol. 37, No. 106, Thursday, June 1, 1972.

Mr. M. S. Meeker,
Federal Supply Service, General Services Administration, Washington, D.C.

Dear Mr. Meeker: Gustavus College is a recipient of a National Science Foundation grant which makes it eligible for the Excess Property Acquisition Program. By virtue of this, the Department of Sociology and Anthropology also is a beneficiary of the program.

Should the program be discontinued, our ability to channel capital funds into educational programming will be hampered. In short, our department is now better able to plan capital expenditures around educational needs because of reduced financial outlays for equipment such as has been obtained through the Excess Property Program.

The existing program has made it possible for us to progress remarkably in educational planning even during periods of general economic distress. Consequently, we have enjoyed a distinct educational advantage as a direct result of this program. We do not wish to lose this advantage.

Too many American colleges and universities as well as the American public are suffering because of the increasing cost of higher education. This program has helped greatly in keeping that cost down. Discontinuation of the program will most certainly act to further increase the cost of higher education. This is something we do not wish to see happen.

I strongly urge the reconsideration of the proposed rule change and its ultimate defeat.

Sincerely yours,

John W. Prehn,
Associate Professor and Chairman.

June 16, 1972.

Hon. Walter Mondale,
U.S. Senate, Old Senate Office Building, Washington, D.C.

Dear Senator Mondale: On June 12, 1972, I became aware that Mr. M. S. Meeker, Commissioner of the Federal Supply Service, General Services Administration, Washington, D.C., is considering the adoption of revised rules prohibiting the use of G.S.A. and other government sources of supply by recipients of Federal grants. For the sake of clarity, I am enclosing a copy of the proposal (rule making) that could be detrimental to any present or future plans we in this area and others may have in regards to furnishing Senior Citizen Centers, Youth Centers, Head Start schools, Indian Agency Centers, Halfway House Centers, Outreach Offices, Neighborhood Centers, Work Training Programs, Mainstream and other potential future programs that no doubt will be developed to cope with the ever mounting unemployment problems nationwide. With the emphasis on both ends of the life cycle spectrum, namely youth, senior citizens and low-income people of all ages, this is hardly the proper time to deprive American citizens of anything they rightfully own lock-stock-and-barrel. They paid for the merchandise that the Office of Management and Budget plans to deprive them of at a time it is needed to carry on with projects beneficial to hordes of American citizens.

Distress knows no boundaries, therefore, representatives of the public in all levels of government should question those in charge of the Office of Management and Budget to see if a way can be found to utilize G.S.A. materials more directly, to help alleviate the load of mass unemployment throughout the nation. As things now stand, one can see quite plainly there is room for improvement in the disposition of G.S.A. materials that could result in jobs for the unemployed in recycling centers. Numerous items could be given to undeveloped countries all repaired and refinished ready for use. Perhaps the taxpayers could create a saving for themselves by this means. In any event, this is a consoling thought.

Anything that can be done in the few remaining days of June, 1972 to forestall the Office of Management and Budget plans to deny American citizens of a full disclosure of why they are not entitled to receive G.S.A. materials needed to supplement meager incomes or no incomes, by using the facilities of the offices and services of agencies mentioned in this letter that are with few exceptions furnished by G.S.A. materials of all descriptions. You can rest assured many, many good citizens of this country will be grateful. Thank you.

Sincerely,

Edward McCutcheon.

General Services Administration

(41 CFR Parts 101-26, 101-33, 101-43)

USE OF GOVERNMENT SUPPLY SOURCES BY GRANTEES

Notice of Proposed Rule Making.

Notice is hereby given that the General Services Administration (GSA) is considering the adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants.

The Office of Management and Budget has directed GSA to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources. Therefore, appropriate amendments to the Federal Property Management Regulations to accomplish this have been developed. However, cost-reimbursement type contractors will continue to be permitted to use GSA supply sources under the provisions of Subparts 1-5.5 and 1-5.9 of the Federal Procurement Regulations.

This notice is published pursuant to section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Interested persons are invited to submit written data, views, or arguments regarding the proposed revision to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Dated: May 31, 1972.

M. S. Meeker, *Commissioner.*

State of Minnesota,
Windom, Minn., June 14, 1972.

Hon. Walter F. Mondale,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: I have received a copy of a letter sent to state directors of vocational education, which is causing great concern amongst our vocational education people.

According to the letter, there is a proposal, dealing with a HEW regulation, which would declare state grant-in-aid programs in vocational technical education ineligible for federal excess property. I believe this would deal a severe blow to the progress in vocational education. As you know, Senator, vocational education is performing great services in our nation. Federal excess property has proven to be a tremendous asset in helping to implement vocational education programs. I do hope your office can lend assistance in defeating this proposal.

Sincerely yours,

George Mann,
State Representative.

Technical Education Center,
Anoka, Minn., June 13, 1972.

Hon. Walter Mondale,
U.S. Senate,
Washington, D.C.:

We have been informed by Mr. R. D. Anderson, Executive Secretary of the National Association of State Directors for Vocational Education, that there is a proposal in HEW—Office of Education—to amend regulations that will declare state grant and aid programs in Vocational-Technical Education *ineligible for Federal Excess Property.*

Our local Vocational-Technical Education Center has acquired, since last August, valuable and usable properties through direct and defined procurement from GSA. These properties have been, and are being, used to upgrade present vocational programs. Without this type of aid the burden on the taxpayer becomes excessive. We are not only concerned about the welfare of the taxpayer but moreso concerned about the impact the proposal, if passed, will have on vocational programs, returning veterans and their training.

It is difficult to comprehend the logic, or lack of it, that would eliminate vocational education from benefiting from excess property through the elimination of a single word "grantee" in Subchapter 11—Utilization and Disposal Part 101-43—Utilization of Personal Property—amended Thursday June 1, 1972—Federal Register, Vol. 37—No. 106, page 10960.

We respectfully request your assistance in determining whether the information regarding this proposal is correct, and if so, what changes are being contemplated, and on what basis are changes being proposed.

Please find enclosed a copy of *Proposed* Rule Making dated May 31, 1972, and a copy of the article written by Jack Anderson published in the St. Paul Sunday Pioneer Press dated May 28, 1972.

Respectfully requested,

Albert T. Roehl,
Supervisor, Trade & Industrial Division.

June 14, 1972.

Mr. Rod Kreger,
Acting Administrator, General Services Administration, Washington, D.C.

Dear Mr. Kreger: It has recently come to my attention that GSA is considering the adoption of revised rules prohibiting the use of GSA and other government sources of supply by recipients of Federal grants.

I am most distressed to hear that such a policy change is under consideration. It is apparent that a wide variety of institutions in Minnesota, including vocational and technical schools and the University would be adversely affected by the proposed change.

To my knowledge these institutions have received no explanation from GSA of the reasons for the proposed change. My staff has secured a copy of the letter from Frank Carlucci, Associate Director of the Office of Management and Budget notifying you of the proposed change in regulations. This letter states that existing policy is "not consistent with the purpose of the Administration policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. This letter offers no documentation of the so-called "administration policy" referred to.

In addition, my staff has been unable to secure from your agency an explanation of the potential impact of the policy change either nationally or in Minnesota.

I am very concerned about the possible effects of a change in the regulation on the quality of educational and other human service programs in Minnesota. But it is impossible for me to address the substance of this issue without adequate information. For this reason, I request that complete answers to the following questions be forwarded to my office by the close of business on Tuesday, June 20th:

1. Please list all Minnesota institutions which received excess property in FY 1971 and 1972 and the value of the property acquired.

2. Please indicate the dollar value of excess and surplus property received by Minnesota institutions in each of the last five years.

3. Please list the dollar value of excess property disposed of throughout the United States in FY 1971 and 1972.

4. Please explain the difference between excess property and surplus property.

5. What agencies or other recipients will acquire or be eligible for acquisition of the excess property that would be unavailable to grantees under the proposed rule change? Please provide a general answer on the national situation and the specific list of eligible recipients in Minnesota.

6. Please explain in full "the Administration policy of reliance on the private enter-

prise system" with documentation of its origin and existence.

7. Please explain Mr. Carlucci's assertion that "the burden of GSA competition falls more heavily on small businesses throughout the country."

I am looking forward to your speedy reply.

Sincerely,

Walter F. Mondale.

University of Minnesota,
Minneapolis, Minn., June 15, 1972.

Hon. Walter Mondale,
Old Senate Building,
Washington, D.C.

Dear Fritz: The General Services Administration has proposed a revision of its rules which, if enacted, would make recipients of Federal grants ineligible to use G.S.A. supply sources under the provisions of Subpart 101–43.320 of the Federal Procurement Regulations. Unless there is a decision to change this proposal before July 1, 1972, the revised rules will go into effect, to the very substantial detriment of many types of Federal grantees.

During the fiscal year 1971, for instance, the University of Minnesota received $6,038,650.91 worth of Federal excess property. Our most recent information is that the fiscal year 1972 figure will be approximately the same. Only a small portion of this property is used within Federal contracts to the University, which are still eligible under the proposed rules, so we stand to lose most of the support we have been receiving through this program. Such a loss would have a major impact upon our programs and, accordingly, on the taxpayer. In many cases we would have to make up the loss of this support through increased grant costs or through increased direct appropriations. In others, where the costs would be too high for other sources of support, we would simply not be able to acquire the equipment, supplies, or materials, and the quality of the program would have to suffer.

We understand that at least part of the reasoning behind the proposed changes is that grantees have abused privileges of using local G.S.A. stores to buy regular supplies that most institutions, including the University of Minnesota, should expect to purchase from normal commercial sources. Through G.S.A. stores, for example, it is sometimes possible to buy paper, pencils, tires, and the like. We generally use G.S.A. stores only for a source of Federal forms, not for normal expendable supplies. To the extent that the proposed revisions are an attempt to avoid this kind of abuse, we have no disagreement, but the proposed changes go so much further than that, and we have heard no justification from either the G.S.A. or the Office of Management and Budget, which directed G.S.A. to propose the revisions, for changes as drastic or far-reaching as those proposed.

The proposed changes were published in the June 1 Federal Register, pages 10959–60, and they may have gone unnoticed by many of the Federal grantees who would be affected. We know, however, that the Minnesota State Colleges and the Area Vocational-Technical Schools are most concerned and will be submitting argument to Mr. Meeker, Commissioner of the Federal Supply Service.

We will, of course, join them in responding, but we believe it is essential that you be informed of changes which would have this much impact upon Minnesota institutions and projects. Without knowing the reasons why G.S.A. or O.M.B. want a change of this magnitude, we feel more than a little helpless, and we would like to have some way of stating our case other than writing to the Federal Supply Service and the simply waiting for their determination by July 1. It seems to us that this issue is important enough to warrant an open discussion of the problems, the arguments, and the solutions. Any assistance you can render in promoting an airing of these issues would be most appreciated.

We understand that Ellen Hoffman will be in Minneapolis later this week on another matter, and we have contacted her about setting up a discussion of this issue while she is in town.

Sincerely yours,

Malcolm Moos, *President.*

University of Minnesota,
Minneapolis, Minn., June 15, 1972.

Mr. M. S. Meeker,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

Dear Comissioner Meeker: The proposed revisions of the Federal Procurement Regulations, Subpart 101–43.320, would be highly detrimental to the University of Minnesota and other institutions of post-secondary education. For this reason, we urge a public and well publicized review of the proposal before any action is taken.

According to our records, the value of Federal excess property we received in fiscal year 1971 was $6,038,650.91, with a similar amount projected for fiscal year 1972. Since only a small portion of this property relates to Federal contracts, we would lose the authorization to use your sources for the greatest share of this support. As you can see from the dollar figures, such purchases are important to the maintenance of our instructional and research programs.

At this point in time, we are requested to submit data, views, or arguments to you, but this is difficult to do until we know why the Office of Management and Budget wants these changes. Furthermore, we do not know what process will be used in making this decision. For the record, based on the information available to us, we oppose these revisions strenuously. At a time when we are faced with severe budgetary restraints, changes like these would have a most serious effect on us and, as a direct consequence, on the taxpayers that support us and the programs they support.

If we had information more extensive than a one-page notice in the *Federal Register,* we could respond more specifically. We have invested considerable time and energy in legislative issues which have far less ultimate effect upon our programs than a rule change of the magnitude proposed, and we earnestly request that any changes in the excess property rules be delayed until a full airing of the issues can be accomplished.

Sincerely yours,

Malcolm Moos, *President.*

Minnesota Private
College Council,
St. Paul, Minn., June 20, 1972.

Hon. Walter F. Mondale,
U.S. Senator, New Senate
Office Building,
Washington, D.C.

Dear Senator Mondale. Government surplus property programs, making surplus and excess property available to educational institutions, have been of immense benefit to the private colleges. After World War II they enabled the colleges to make rapid adjustments in both plant and equipment to care for returning veterans. All the years since, these programs have been the vehicles through which property already paid for by the taxpayer, has been channeled into a genuine public service. We are indebted to the members of Congress and the administrators who have developed guidelines sufficiently comprehensive to include the private colleges and their needs.

We are now informed that a change has been proposed by the Office of Management and Budget according to which the authorization permitting Federal grantees to use Federal supply sources would be discontinued. Such a change is contemplated as of July 1. Apparently the primary purpose of this change would be to prevent institutions and agencies from ordering materials under GSA billing which is not already declared surplus, thus preventing the use of GSA as a general purchasing agent for institutions and agencies. It is not clear why it is necessary to include excess property under the same restriction.

Anything which you can do to insure the continuance of the Excess Property program and the eligibility of educational institutions for it will be appreciated. The National Science Foundation reports that about a quarter billion dollars worth of excess property has been acquired by its grantees during the past five years. If the NSF program is of value to the nation, and if dollars are scarce, it would appear to be counter-productive to place restrictions on that program of the sort which is being proposed. Why not utilize the immense amount of government property declared excess or surplus to help in the immense job of training the veteran, and his brothers and sisters, to help improve their contribution both to society and to the economy?

Sincerely yours,

Edgar M. Carlson,
Executive Director.

Saint Mary's College,
Winona, Minn., June 22, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I am disturbed to hear of a recent action initiated by the OMB to kill Federal grantee eligibility to receive excess property from GSA.

Most institutions of higher education are as concerned about their budgets as the OMB is about theirs. The availability of excess property is one means of maintaining and developing programs at reduced cost to both the institution and to the Federal agencies whose principal obligation is to assist educational programs and institutions.

During the past 12 months, Saint Mary's College has acquired equipment, the acquisition cost of which equipment to the government totaled $38,569. Naturally, market value at the time the college received the property was very much less. Nevertheless, the equipment did fill an authenticated college need justified in terms of the college's contract with the National Science Foundation. In nearly every case, the equipment acquired would not have been acquired if it had not been available through GSA.

The arguments for continuation of the excess property program seem to me to be overriding, especially in view of the fact that the property in question has already been paid for. Since Federal agencies already have the right of first refusal of the property, there appear to be only two alternatives to giving it to non-profit organizations: stock-piling it till it must be thrown away, or selling it, thereby requiring taxpayers to pay again for the same equipment.

I hope you will see the impropriety of this proposed action and the negative effect it will have on higher education at a time when the Congress has moved so dramatically to assist higher education at a time of crisis. And I hope you will act against the proposed change.

Sincerely,

Brother George Pahl, F.S.C., *President.*

Otter Tail-Wadena,
Community Action Council, Inc.,
New York Mills, Minn., June 22, 1972.

Hon. Walter F. Mondale,
Senate Office Building
Washington, D.C.

Dear Sir: I am writing regarding a memo that we recently received from the State Office of Economic Opportunity stating that Community Action agencies will no longer be able to purchase GSA supplies or to obtain Federal excess property.

If this comes into effect, the budgets of our programs will be greatly affected. As a result, the low-income people will suffer because their benefits will be limited. We are presently operating on very tight budgets and being able to purchase our supplies at a GSA store and obtaining GSA excess property has really helped. We have as much as a 50–60% saving. Therefore, we have been able to assist more low-income people and carry out our activities more efficiently, which is the primary goal of our agency.

Therefore, we would like to request your concern and assistance in this matter. We would appreciate your support in continuing the present procedure of obtaining GSA supplies and excess property for Community Action agencies.

Thank you for your cooperation and assistance.

Sincerely,
Delano Perala,
Assistant Director.

Community Action Program,
White Earth, Minn., June 20, 1972.

Mr. M. S. Meeker,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

Dear Sir: It has come to our attention that the Office of Management and Budget has requested that agencies such as ours no longer be allowed to purchase or receive supplies and surplus goods from GSA. We would like to request that this action not be implemented as the ability to purchase from GSA has saved the American taxpayer at least $38,917.00 from this one comparatively small agency, alone.

This amount represents the value of goods purchased or received since we began operating in mid-1965. If we had been required to purchase them at retail they would have cost, at a very minimum, at least double that.

Therefore, we would appreciate having proposed ruling carefully reconsidered.

Sincerely yours,
Warren W. Heisler, *Director.*

South Central Community
Action Council, Inc.,
Jackson, Minn., June 21, 1972.

Senator Walter F. Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: It has come to my attention that final approval is pending on the amendemnt to the Federal Register pertaining to the use of GSA by recipients of federal grants such as community action agencies (41 CFR 101–26, 101–33, 141–43).

I would like to take this opportunity to make a few statements concerning this amendment. As the Executive Director of the South Central Community Action Council, I find that I often travel to the Twin Cities for the purpose of attending meetings, conferences, etc.; and at the same time I can make a trip to GSA and purchase office supplies for the agency. This results in enormous savings to the CAA; and since funding to CAA's is being continually cut, this is a most important savings.

The privilege of being able to obtain federal excess property is also a very valuable one to CAA's.

I am certain that you realize the importance of this service to community action agencies and I would implore you to vote against the proposed amendment to prohibit the use of GSA by recipients of federal grants.

Thank you for your consideration of this matter. I will look forward to the results of the vote on the aforementioned subject.

Cordially,
Fred D. Huemoeller,
Executive Director.

Mahube Community Council,
Detroit Lakes, Minn., June 21, 1972.

Hon. Walter F. Mondale,
Senate Office Building,
Washington, D.C.

Dear Mr. Mondale: We received the enclosed information relative to the decision to take away the federally funded activities' access to GSA.

This would have a crippling effect on our activities. We hope you will see fit to oppose this action proposed to take effect June 30, this year.

Sincerely,
Delmoure H. Hultgren,
Executive Director.

Bi-County Community
Action Council,
Bemidji, Minn., June 21, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Mr. Mondale: Since our Community Action Agency has been in existence we have been able to purchase supplies through G.S.A. (General Services Administration). We have received notification that on June 1, 1972, an amendment to the Federal Register took effect which prohibits the use of G.S.A. by recipients of federal grants.

Our supply budget for our Program Administration Program is $400 for a twelve month period. We will be unable to purchase supplies locally for our program with our limited budget.

We hope that you will be able to help us. Thank you.

Sincerely,
(Mrs.) Lucille A. Moe,
Administrative Assistant.

Law Offices of
Legal Services Project,
Cass Lake, Minn., June 21, 1972.

Senator Walter Mondale,
Senate Office Building,
Washington, D.C.

Dear Senator Mondale: On the Federal Register for Thursday, June 1, 1972 we noticed that the government Services Administration is proposing to change so as to prohibit the use of GSA and other government sources of supply by recipients of federal grants. As an OEO grantee we have been allowed, and encouraged, even urged, to use GSA sources of supply. We have done so and have noted that there is a considerable savings by purchasing our supply from GSA. Now we learned that GSA is attempting to remove this economical source of supply from us, and reverse what seems to have been a general policy of the executive branch to promote the use of GSA by grantees. The inevitable result will be to shrink the amount of funds available for operations of grantee agencies since it is highly unlikely that agency budgets will be increased by an amount to off set the increase costs of supplies procurement through private sources. I wonder how much of this move is actually sparked and motivated by private companies or retailer in the business of selling office supplies and equipment who are outraged by the prospect of grantee agencies administrating federal money being able to avoid the 25 to 40% markup which we have to pay when we buy locally from retailers.

At a time when inflation slowly but surely eats into the dollar value of operational funds in the hands of the grantee agencies, and administrative resistance to any increase of budgets is general, such a move is proposed by GSA can only have regressive impact. Any information you can find as to why GSA proposes the revision of rules, any thing you can do to block it will be very sincerely appreciated.

Yours very truly,
Patrick J. Moriarty.

Meeker-Wright
Community Action, Inc.,
Waverly, Minn., June 23, 1972.

Mr. Walter F. Mondale,
U.S. Senator, Old Senate Office Building, Washington, D.C.

Dear Mr. Mondale: In regards to the June 1, 1972 Amendment to the Federal Register prohibiting the use of G. S. A. privileges for federal excess property.

If the Commissioner Mr. M. S. Meeker would check closely on this directive, I believe he would rescind it immediately.

We as a poverty agency are already working under hardships, as far as funds go, to assist those who are trying to get out of the grasp of poverty. This restriction would just handicap our efforts further.

Please help us in our appeal to have Mr. Meeker change his mind on the amendment.

Meeker-Wright Staff.

Northwest Community
Action, Inc.,
Badger, Minn., June 23, 1972.

Hon. Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Dear Senator Mondale: I would like to comment on some pending legislation and enlist your support in defeating it. I understand that the Office of Management and Budget has directed the General Services Administration to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources.

If this legislation is passed, it could very seriously hamper the operations of this Community Action Agency. We have been able to secure excess Federal Property at the Grand Forks Air Base that has assisted us in operating a number of our programs at a considerable savings. It appears to me that big business is trying to get bigger by passing legislation that would make Federal grantees ineligible for excess property and other Federal supplies.

Your support in turning down this legislation will be greatly appreciated.

Very truly yours,
Dwayne S. Otterson,
Executive Director.

SANTA BARBARA CHANNEL OIL DRILLING

Mr. TUNNEY. Mr. President, once again California citizens must watch with anger and frustration as the matchless Santa Barbara coastline is threatened with further desecration by oil drilling in the channel.

Offshore oil drilling in the channel continues to be one of the gravest threats to the California environment. Even the infamous blowout of February 1969 which did incalculable damage to marine life and beach property did not serve as strong enough evidence to nudge a reluctant Congress into action.

Finally, last April, Secretary Rogers Morton suspended operations on 35 leases in order to give Congress a chance to consider the legislative solution to the continuing problem of oil drilling in the channel. But on June 20, 1972, a U.S. district court ruled that the Secretary did not have the authority to take that action.

The citizens of Santa Barbara are understandably disappointed with that decision. I have been in touch with spokesmen for the Santa Barbara community who feel that the case must be appealed. I agree with them completely.

Immediately after I learned of the decision my office contacted the Department of the Interior. Senator CRANSTON and I jointly sent a personal letter to Secretary Morton urging that the Department file an appeal. That same day, I also spoke with Dr. Russell Train, Chairman of the President's Council on Environmental Quality who assured me of his personal concern and interest in the appeal, and that the Council would be following the situation closely.

Mr. President, the point is this: the Interior Department must appeal that decision and appeal it with every effort it can. To fail in filing the strongest appeal possible would be an open admission by the administration that the public interest be damned.

There is no question in my mind that we have long passed the point where we can take a "no action" stand on Santa Barbara. I will be following developments closely and have offered my help to the Interior Department in its consideration of the appeal.

Should we reach the unfortunate result that the issuance of permits on the 11 leases are considered, it is absolutely essential that the environmental impact on the channel of each individual lease be thoroughly and exhaustively evaluated.

SENATOR HUBERT H. HUMPHREY ADDRESSES NATIONAL NEWSPAPER PUBLISHERS

Mr. HUMPHREY. Mr. Presdent, it was my privilege to be asked to address the National Newspaper Publishers Association at its convention in Miami, Fla. The NNPA represents the leading black newspapers of America and their publishers. The present president is Mr. Garth Reeves, publisher and editor of the Miami Times, a highly respected and distinguished citizen of Florida. The president-elect is Dr. Carlton Goodlett, editor and publisher of the San Francisco Sun Reporter. I was presented to the distinguished audience by Dr. Frank Stanley, of Louisville, Ky. Dr. Stanley is the editor and publisher of the Louisville Defender.

One of my distinguished friends is the editor and publisher of the Minneapolis Spokesman, Mr. Cecil Newman. Mr. Newman, like the others that I have mentioned, has brought distinction and honor not only to himself but to his paper and to his people. He is truly a fine citizen of Minneapolis, Minn., and one of our outstanding civic leaders. I mention him because of his great help to me over the years and his many unselfish and meaningful contributions to the black community and to our Nation.

I ask unanimous consent that excerpts from my address to the National Newspaper Publishers Association be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

I appreciate having this opportunity to meet with my good friends of the black press for a number of reasons.

I want you to know how deeply grateful I am for your many years of confidence and loyal support. You have been among my most reliable friends.

I remember meeting with you in Philadelphia in 1966. On that occasion I was privileged to receive the highly respected Russwurm Award. This is an honor that I cherish to this day.

At that time I suggested that NNPA establish a governmental affairs committee for the purpose of periodic briefings by top officials of the government.

That NNPA Governmental Affairs Committee was very active in '67 and '68 and the heads of the agencies were advised by you on those problems crucial to the interests of black people.

In particular, I received a report on your meeting with Secretary McNamara of the Defense Department, on how several members of NNPA, including Carlton Goodlett, challenged Mr. McNamara on the lack of black generals. And I think it was Mr. Goodlett who said that up to now the two black generals had been members of the Davis family and that black Americans could not afford to wait for the Davises to have more children in order for there to be additional black generals.

That was a highly productive meeting. Secretary McNamara committed himself to do something about the problem. And the fact that five black generals were named last week can be attributed to the efforts of the black editors and publishers in the fall of 1967.

In my recent campaign to win the Democratic nomination, many of you have been very kind and helpful to me.

Regardless of what happens in this city three weeks from now, I want you to know how grateful I am to each of you for your wonderful friendship and support over the years.

The next important thing I want to do is clarify some highly inaccurate press reports regarding the prospects of a Humphrey-Wallace ticket. Let me set the record straight. I never altered my frequently repeated statement that such a ticket is unrealistic. It is the product of an over-eager, story-hungry reporter—I have never suggested such a ticket. There are no deals—nor will there be any. All of this talk is sheer journalistic fiction.

All of my public life I have championed the cause of full and equal opportunity. I have been and shall continue to be in the forefront of the civil rights movement. I was there when the issue of civil rights was unpopular and politically hazardous. I want you to know that Hubert Humphrey, your friend, is not, at this point in his life, going to sacrifice his principles for political expediency.

What I believe in is a legacy of my father . . . and I have not and shall not betray that legacy, through any type of political deals or back-tracking. Nor can there be any sell-out on the part of the Democratic Party in this critical area of civil and human rights.

There has been too much back-tracking already by the Nixon Administration. By his acts and deeds, President Nixon has set the cause of civil rights back 25 years although he tries to hide this fact with fancy press agentry and T.V. prime time political soft soap stories.

But I can think of no segment of the newspaper business less fooled by White House policies today than the people in the National Newspaper Publishers Association.

The Labor Department claims rises in employment and the leveling off of unemployment.

You know that of your male readers, as many as 10 percent are officially listed as unemployed with the actual figures going as high as 40 or 50 percent in some cities.

And you know that the teenage sons and daughters of your readers are unemployed officially at the rate of nearly 40 percent.

The Nixon Department of Housing and Urban Development officially talks of progress made in housing starts.

But you know that few of your readers can afford to buy a new house.

The Nixon Department of Health, Education, and Welfare issues reports of improving national health care.

But you know that your readers receive blatantly inadequate health care, have a life expectancy below that of white Americans and are often forgotten when it comes to the provision of good health care.

The Nixon Justice Department boasts proudly of decreasing crime rates in this Nation.

But you know that your readers are the most often hurt by the intolerable incidence of crime? Blacks suffer 4 times as much robbery as whites, 2 times as much aggravated assault, 3 times as much rape and 2 times as much burglary.

The President himself promised quality education as the other part of his marginally constitutional policy against implementing court decisions for busing.

But you know that all but a handful of your young readers go to poor schools in deteriorating neighborhoods.

I believe there should be Black statistics coming from the White House.

If there is 6 percent unemployment, as many as 30 percent of black male and 50 percent of black women are without jobs

If there are, generally, children suffering for lack of excellence in the arts, mathematics, science because of high education costs, there are a majority of black children suffering for lack of adequate diets and all too many who remain illiterate beyond the fourth grade.

If one in every five white teenagers faces a drug threat, every black child does.

If prosperity is just round the corner for white American families, it is a long way off for black America. Or, to put it another way, when white America has a recession, black America has a depression.

The sad fact is that too many black Americans—even in 1972—cannot follow their white brother into church, into the neighborhood, into the school, into the club, into work, play or home.

The battle we started many years ago to end racism once and for all is not over. It remains where we left it. And in many ways, we are falling back every day.

What we started to do is everywhere undone by an Administration that has a poor record and a half hearted commitment to the provision of social and economic justice to all Americans.

My job is not done. The job we started together is unfinished. I need your help in seeking the presidency. I need your help in guaranteeing that the word "brotherhood" has meaning in this land.

I have an action agenda for black America that I would like to outline today.

It is a program in four basic areas that I will fight for and follow whether I am the President or Senator from Minnesota. I seek to eliminate the social pollution.

I want to guarantee the right to a job for every American—regardless of race, age or sex. This is not a visionary goal. It is embodied in a law which the Congress passed in 1946.

The nation must enforce this law.

We must also embark on an immediate program of public service employment to create jobs tomorrow where they are needed most—in the rebuilding of urban America and in the revitalization of rural America.

The Humphrey Employment Opportunities Act is now pending before the Congress. I urge you to support it because it holds out the hope of 1 million public service jobs now.

It also attacks the number one problem of black youth—unemployment. The legislation enlarges the Neighborhood Youth Corps fivefold and will provide an additional 250,000 jobs for young people in the cities of America.

Any job program would be inadequate without an upgrading of the Equal Employment Opportunities Commission which would include giving the EEOC the power to issue cease and desist orders and providing them with adequate funding and staff to fight discrimination and meet the complaint backlog.

Jobs are one ingredient for decency and dignity, but a job program must also be accompanied with a program of community self-development which includes vastly increased amounts of minority enterprise aid, and technical assistance.

I am committed to giving black and other minority Americans an important share of Small Business Administration dollars. Without capital, black America will continue to be left behind.

Economic development is one key to opening the door of blocked opportunity.

There are others. Another important one is education.

Second class education is too often the rule for black children. We can never expect to close the economic and social gaps between white and black Americans until we can provide all of our children with decent education.

This takes money—not promises. This takes commitment—not TV or press releases.

In order to get the dollars we need for the immediate upgrading of education for our children, I am in favor of having the Federal Government pay up to one-third of the cost of public education. And this money should be placed in a special Education Trust Fund where it can be protected against those who turn to education when they want to cut government budgets.

And make no mistake about it, busing must be one of several tools we employ to eliminate discrepancies between white and black education.

Open neighborhoods, school district rezoning, new school construction programs are the other tools which local governments must also employ to provide equal educational opportunities.

Jobs, business opportunity and better education are all part of the process of providing all Americans with decent, productive and fulfilling lives.

To this list, we must also add housing and health care.

Poor housing in deteriorating neighborhoods is the story of most black housing in America. We must do better if we are to meet the challenge of preventing complete residential segregation in this nation.

Here are a couple of goals we must meet in the area of housing:

We must catch up in our effort of producing 2.6 million housing units a year;

Interest rates and closing costs for homeownership should be lowered through government control;

There must be full appropriations for federally subsidized housing programs including rent supplements;

Federal financial assistance is necessary to provide incentives to cities and towns so that they can adopt tax reforms geared to the rehabilitation of depressed areas;

The Federal Government should move quickly to provide direct assistance to communities for the cost of public housing and to establish a Federal program of housing management to combat the problem of housing abandonment; and

Lastly, we must embark on a program of special housing for our elderly with at least 125,000 new units a year.

Health care remains the last great frontier of need which this Nation must develop.

The cost of getting sick for white and black Americans has become prohibitive. Good health care in America has become a luxury to be afforded only by persons of wealth.

This is wrong. Today, over 30 million Americans are without health insurance and are open to financial ruin and unbearable hardship. The majority of these people are poor whites, poor blacks, and poor Mexican-Americans.

The house you live in, the job you hold, the quality of education you receive make little difference if you are sick and you do not receive adequate health care.

To change this, I am committed to a program of national health insurance for all Americans that will reduce drastically the cost of health care and improve substantially the quality of health care for all Americans.

Along with a program of national health insurance, we must provide special health programs of Kiddicare, special home health care for elderly persons and a national commitment to cure cancer and improve the ways we deal with heart disease and stroke.

We've all heard the expression: "It's not the man, it's the plan. It's not the rap, it's the map."

Ossie Davis gave us this phrase:

I think it's of special importance today. Plans and maps are what we need if we are to begin to chart a path of progress beyond laws and rules to make our society the land of true equal opportunity for black Americans.

Americans must confront the problems of job discrimination, inferior schools, bad housing and inadequate health care. To say that racial prejudice is not a part of these problems is to ignore one of their root causes.

In this city, in a little less than three weeks, I again would like to lead my party in its struggle to bring this Nation out of the shadow of prejudice and into the sunlight of human rights.

This Nation must march again to end once and for all every last vestiges of racism and hate that pervades American life.

The challenge to the next President of the United States is to achieve a spirit of fellowship and trust in the American community. The erosion of confidence and the lack of trust spells trouble for America. The binding substance of free representative government is that feeling or sense of trust and fellowship amongst all people. This is what we mean when we speak of government of the people, by the people, and for the people. But our noblest aims and fondest dreams will never be realized without strong and persevering leadership.

Three words indicate the dimensions of the task before us—reconciliation, rebuilding, and reaffirmation.

The reconciliation of the differences between our people, learning how to live together and demonstrating the willingness to respect each human being with dignity and acceptance.

Rebuilding our cities and our countryside. We must make America what we often say to be in that famous song "America the Beautiful." This means making our cities livable; cleaning out the obsolescence; the slums and the ghettoes; building the schools and the homes and the parks and those other facilities and services so essential to good neighborhoods and good living.

And finally, we must reaffirm the purpose of this Nation. That purpose is expressed in a most clear and meaningful way in our Pledge of Allegiance when we say, ". . . . one nation, under God, indivisible, with liberty and justice for all." That is the challenge. That is the American dream.

WE ARE PLAYING A DANGEROUS GAME WITH JAPAN

Mr. HUMPHREY. Mr. President, we in the Congress and the American public are all impressed with the success of President Nixon's recent visits to China and the Soviet Union. Nevertheless, I am concerned with what I fear may be the unraveling of the relationship we once had with Japan and the consequences which may ensue. I have cautioned repeatedly against moving abruptly and with only superficial regard for the concerns of Japan. While President Nixon's announced visit to China was a most welcome initiative, we all know that it caused great consternation in the Japanese Government. When the President disclosed his plans for a visit to Peking, I urged him to stop on his way in Tokyo, because I thought it was essential to explain to our Japanese friends the reasons for the abrupt shift in our foreign policy toward China. Sensitive to the anxieties and perspective of the Japanese people, I thought it very ill advised to brush Japan aside in the manner this administration did.

The Japanese were stunned by the sudden change in our policy.

The Nixon doctrine has often been quoted by its apostles as the doctrine of self-reliance. In the case of Japan, the exact formula is unclear. Secretary Laird, during his visit to Japan, led many Japanese to believe the doctrine meant designing a system of defense which went way beyond any requirements for territorial self-defense to include the possibility of Japan's joining the nuclear club. In a letter which I have already made public, I asked Secretary Laird to clarify his statements to the press in Japan. I never received a reply from the Secretary, only polite denials from lesser officials.

Are we then to equate self-reliance with Japan joining the nuclear club and thereby pulling the tension wires throughout Asia?

Another part of the Nixon doctrine is balancing powers. President Nixon's vision of the end of the cold war is ending the chances for bipolar confrontation and increasing the chances for multipolar—five unequal powers to be exact—confrontations. Each power will be kept at bay by a delicate balancing mechanism, the fulcrum being the titan shoulders of the United States.

In a very fine article for the Sunday New York Times, of June 25, the Honorable George Ball discusses the Nixon administration's view of the world, particularly as it affects Japan. He tests the understanding of Japan and her history. His conclusions are anything but comforting.

Mr. Ball displays a keen sense of the dangers of the present direction in our foreign policy toward Japan. He is not any more convinced than I am that Prime Minister Sato's brief stop in San

Clemente or Mr. Kissinger's hastily arranged trip to Japan can resolve the misunderstandings or provide Japan with the kind of assurances she is seeking from the United States. These steps are only palliatives. What remains is the increasing isolation of Japan, the undermining of a developing friendship with the United States. Should this trend not be reversed—and it will not be if the President remains captivated by his grand design—we should not expect the same constructive relationship we had with Japan in the 1970's that we had in the 1960's.

Mr. Ball makes this point very effectively when he says:

> The Japanese and informed Europeans interpret the President's concept of five balancing powers to mean only that the United States has abandoned a strategy based on alliances in favor of a strategy of maneuver and independent action.

That may be suitable for Europe, but the same, Mr. Ball notes, is not true for Japan:

> Japan is a different matter. Ties across the Pacific are of brief duration and dangerously fragile, and we face enormous problems in trying to understand one another. Nor could a Japan alienated from America and left to her own devices avail herself of anything resembling the kind of constructive alternative that the Europeans can find by unifying; her only realistic alternative would be nationalism.

George Ball is a man of great experience in the field of foreign affairs. His evaluation of what may be in store for a world of five balancing powers, for an alienated Japan, and for a United States under the Nixon doctrine is instructive. I commend it to the attention of all Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

We Are Playing a Dangerous Game With Japan

(By George W. Ball)

Although a year ago Americans would have thought the idea preposterous, some strangely prescient Japanese have long been haunted by the fear that the United States might sometime arrange a rapprochement with China without their intermediation or even their knowledge, leaving them isolated. Last July 15 they saw that nightmare beginning to come true.

The surprise announcement that President Nixon would visit China was particularly awkward for Prime Minister Eisaku Sato's Government, for in response to Washington's heavy hand, he and his predecessors had been holding back mounting pressure from Japanese intellectuals, from the left-wing parties and even from significant elements of the ruling Liberal Democratic party to move independently towards the "normalization" of Japanese relations with Peking.

Thus it was only natural that the announcement should stir bitter resentment. Those who had sturdily supported America's leadership felt betrayed; others less friendly hailed the President's action as a "liberation"—an excuse for the Japanese to pursue autonomous lines of policy, to break free at long last from Washington's guiding hand.

But whether betrayal or liberation, the effect was the same. The pressures for an independent course of action toward China have now become irresistible because the insensitive handling of the President's China visit has impaired, if not destroyed, that mutual trust which holds alliances together.

If anything, Japanese suspicions have been intensified by further actions taken since Mr. Nixon's surprise announcement of his China trip. One month later, by an abrupt ukase, the Japanese were informed of the President's new economic policy, which was overtly designed to reduce Japan's trade advantage. Then Tokyo was enlisted in a kamikaze effort to block China's entry into the United Nations, which our Government foredomed to defeat by its own activities.

In less obvious ways, the Nixon Administration has also signaled to the Japanese that their friendship is low on our list of priorities. Disregarding their expressed desire that we send as Ambassador to Tokyo an experienced diplomat with whom they could carry on a dialogue in depth, the President instead appointed Robert S. Ingersoll, a businessman with no prior diplomatic experience. To reassure the Japanese, Henry Kissinger traveled to Tokyo two weeks ago and consulted with Premier Sato. But the belated completion of the twice-postponed trip seemed a grudging afterthought.

Even more important, some of President Nixon's recent statements have flatly negated the alliance relationship that Tokyo has long assumed under the Mutual Security Treaty with the United States. Those comments, which disclose a basic obscurity in the Administration's policy formulations, deserve the most careful scrutiny, since the Japanese may well be more alert than Americans in detecting the drastic change that has occurred in our basic position.

For many years the United States has rested the security of Europe primarily on the Western Alliance (NATO); equally central to the defense of the Far East have been our alliances with Japan, Taiwan and Korea. So long as China remained introverted and discussions with the Soviet Union were concentrated on other parts of the world, there seemed little reason to involve Japan in the diplomacy of the giants in the same way that the United States has closely involved its Western allies in policy decisions affecting security of the Atlantic area.

Nonetheless, most Japanese took it for granted that we would fully consult their Government in advance of any superpower talks that affected Asian power relationships —in other words, that we would treat Japan as a full-fledged ally.

Yet faith in that assumption, already severely shaken by the announcement of the China trip, was further undermined when President Nixon, in an interview reported in Time last Jan. 3, disclosed his ideas of grand strategy. His point of departure was a concept of "five superpowers" which he had first mentioned six months before in a media conference in Kansas City. "We must remember," the President told the Time correspondent, that "the only time in the history of the world that we have had any extended periods of peace is when there has been a balance of power. It is when one nation becomes infinitely more powerful in relation to its potential competitor that the danger of war arises. So I believe in a world in which the United States is powerful. I think it would be a safer world and a better world if we have a strong, healthy United States, Europe, Soviet Union, China and Japan, each balancing the other, not playing one against the other, an even balance."

It was these last words that the Japanese read with astonishment and anxiety, for the idea of five powers "each balancing the other" seemed clearly to confirm that American policy had fundamentally shifted. In announcing his trip to China without consulting Tokyo, the President had clearly not treated Japan as an ally; now, in his conception of the five balancing powers, he had made explicit—or so it seemed to the Japanese—that he had no intention of doing so.

It is therefore easy to understand why many Japanese are now convinced that, during the 15 hours of formal talks the President held with Chou En-lai and the much longer periods Henry Kissinger spent with Chou on his two earlier trips, the Americans almost certainly reached understandings with the Chinese that could threaten Japanese interests. They find it absurd to think that the President would fly 5,000 miles to China and stay eight days merely to move the ambassadorial talks from Warsaw to Paris, make arrangements for tourists to visit the Great Wall, and trade musk oxen for pandas.

The deep suspicions—amounting to mistrust—resulting from all this have created corrosive doubts about the durability of the American security commitment to Japan at the same time as they have pushed the Japanese toward "normalizing" relations with Peking. That Japan feels toward China deep cultural affinity—almost an obligation—seems clear enough. Though the old comparison of Japan as the Rome to China's Greece is far from the mark, the Japanese still feel a sober respect for the depth and richness of China's civilization. Today one even detects a certain pride in the achievements of the People's Republic in turning vast, sprawling China into an orderly, if regimented, nation-state. Added to this is a feeling of guilt. Beginning toward the end of the last century, Japan participated in the sordid rape of China by the great powers; from the invasion of Manchuria in 1931 through the Second World War, Japan was responsible for perhaps as many as 15 million Chinese deaths.

Yet pride and guilt do not tell the whole story. In addition, it is becoming fashionable in sophisticated Japanese circles to express regret that Japan betrayed her Asian heritage when she opted 10 years ago to follow Western patterns in her economic and political development. As a result some thoughtful Japanese now suggest that if their nation's modern industrial society seems empty and insipid, it is because Japan turned her back on the cultural riches of her spiritual fatherland without receiving enough of value from the West. Even at this late date should not the Japanese again try to tap the abundant wellsprings of Chinese culture and wisdom?

Little wonder that this strange chemistry of history and nostalgia has loosed an explosive political force that seems destined to drive any post-Sato Government toward Peking. Nor should one expect resistance from the more materialistic elements in Japanese society, since—though reality may give the lie to hope—most Japanese businessmen see China as a source of needed raw materials and a potential market of almost unlimited dimensions as the mass of the Chinese people gradually achieve incomes above the subsistence level.

The Administration does not yet seem to have considered that Japan's intense compulsion to make her peace with Peking will encourage the Chinese leaders to exact a very high price—and that we have lost any leverage to moderate the result of negotiations between the two nations. China's approach to this game is generally predictable: Though the Chinese Government received President Nixon without a prior resolution of the Taiwan problem, it has made clear to Tokyo that no normalization discussions can even begin until Japan recognizes Peking as the sole legal government of the Chinese people, acknowledges that Taiwan is a part of China, and abrogates its peace treaty with the Chinese Nationalist Government.

The stiffness of these preconditions suggests that the negotiation itself will be rough, protracted and primarily political. Though there were mutterings in the past that Peking's reparations claims might run as high as $50 billion—a figure manifestly absurd—the People's Republic has lately seemed to play this down. More likely, it will seek payment in psychic and political terms, insisting on humiliating apologies and on conditions that could profoundly affect the American military position in the whole Far East.

Under current arrangements, our air bases in Japan—including, since the coming into effect of the Reversion Treaty, our bases on Okinawa—can be used only for purposes to which the Japanese Government agrees. Nevertheless, our strategic planners have assumed that such agreement would be forthcoming if the United States were ever called upon to defend either Taiwan or South Korea.

Today that is no longer a safe assumption, since it seems unlikely that Peking would settle by having Japan tear up her peace treaty with Taiwan but permit Tokyo to allow us continued use of Japanese bases to defend Taiwan. By itself the denial of such bases might not be of great practical importance, particularly if—as most Japanese firmly believe—the President obtained Peking's commitment that the People's Republic would not use force against Taiwan. But there is reason to believe that the Chinese might also feel required to look out for Kim II Sung's interests. They have made clear that they are eager to expel all great powers from the Asian mainland, and though it is possible that they might not push too hard so long as the Russian bear continues to prowl the neighborhood, the dynamics of the Communist world would very likely compel them to insist that Japanese bases not be used for the defense of South Korea.

Yet for the Japanese to acquiesce in such demands would strike at the heart of our whole Far Eastern security system. It is no answer that the United States might be able to mobilize substantial sea power to defend both South Korea and Taiwan without using Japanese bases; the costs would probably be prohibitive.

We must therefore face the hard reality that the forces we have unleashed in Japan may well produce a crisis in our Far Eastern relations. If the Government in Tokyo should restrict itself from providing even the passive cooperation needed to enable our aircraft to carry out our Pacific commitments, it would certainly reduce American enthusiasm for the Mutual Security Treaty—which could in turn start the unraveling of our whole relationship.

Yet that is only one aspect of a process. In addition, we must ask ourselves what the forces now in motion may ultimately mean for the higher geometry of Far Eastern *Realpolitik*.

To answer that question one must take account of the striking fact that Japanese history has never been charted by the same kind of wavering curve that has marked the progress of other countries; instead it resembles more a succession of straight lines, broken periodically by sharp angles as the whole nation, moving full speed ahead, has suddenly wheeled like a well-drilled army corps to follow a new course.

There is nothing in all human experience to match it. From the seventh to the ninth centuries, Japan borrowed and assimilated the culture and administrative apparatus of China, creating an eclectic but distinctive civilization of her own; then in 1638, fearing the infection of Western ideas, she abruptly seceded from the world, sealing herself off in almost total isolation for more than two centuries. Not until a hundred years ago did the Japanese once again sharply alter direction as a new generation perceived that, to cope with the Western barbarians at the gates, they must borrow not only their technology—which they mastered—but political institutions alien to their traditions—which they only partially understood. In retrospect it was a fateful decision. To acquire Western weapons while retaining a warrior tradition sent Japan down a dark imperialist road—a road that led to Korea, Port Arthur, Manchuria, Pearl Harbor and Hiroshima until final and total surrender on the battleship Missouri.

Once humiliating defeat had been followed by occupation, there came still another turn of the rudder, revealing a resilience that deceived the experts. Bereft of faith in her prewar institutions and blocked off from China by Mao Tse-tung's takeover, Japan turned for guidance to the America that had defeated her, sublimating her power drive in spectacular industrial achievement. Nor has Japan wavered during the past two decades. As a rising industrial nation, she has fixed her eyes steadily on the West, stubbornly repressing the atavistic pull of the mainland.

Yet it has been a strangely unsatisfying time. Though the Japanese have more than proved their superb competence in the commercial and industrial arena of Western business, they have never felt a full member of the club. For once, to use an obnoxious cliche where it has real meaning, Japan has become a nation in search of an identity.

Where that search will lead—what sharp new turns of the rudder it may produce—cannot be foretold with certainty. Obviously a move toward China rules out anything resembling an alliance with the Soviet Union. But that was never a serious possibility, since dislike of the Russians has strong roots in Japanese history. The Russo-Japanese War at the turn of the century left a bitter memory of diplomatic frustration, while 40 years later, as the Japanese saw it, the Russians stabbed them in the back at Yalta, tearing up their treaty of neutrality in a sordid rush to grab a share of the spoils. Undoubtedly, economic interest provides some countervailing attraction, but though Japan would like to take the lead in exploiting the natural resources of Siberia—including both oil and gas—it is hardly likely to give economic hostages to the one country that might pose a serious military threat.

None of these problems exists with regard to China, and the time seems ripe for a reconciliation. President Nixon's decision to go to Peking was, in Japanese eyes, a clear indication that the United States no longer considers China an expansionist power. At long last the Pentagon's frantic insistence that China must be "contained"—which reached peak intensity in 1965 following the publication of Lin Piao's famous dissertation on "Wars Of National Liberation"—has yielded to the reassuring belief that China's primary interest is in buffer areas and the integrity of her borders. It is hardly surprising that that Japanese have welcomed this analysis as giving legitimacy to their own views, for though wary of the Soviet Union's expanding naval ambitions, they feel no imminent threat from a China with vast internal problems, an unusable nuclear arsenal, little air capability and no navy beyond that needed for coastal defense.

How then are Sino-Japanese relations likely to develop? Once haggling over the conditions of "normalization" has been completed—and it will take a long time—a kind of honeymoon period might ensue: Japan would pay for "normal" relations with what amounts to neutralism, while China would seek to exploit Japan's potential as a source of technology and capital. But it is hard to envisage much survival value in such a marriage; the inherent contradictions in the relations of a backward China and an industrially striving Japan are almost certain to lead to rivalry for hegemonic primacy in the Far East—a rivalry that will pit the magnetic pull of China's vast population against Japan's increasing economic leverage over the whole of Asia.

Two such proud and regionally dominant nations cannot avoid competition. China is far too determined to control her own economic development to accept more than minimum dependence on a Japan she basically mistrusts, and already there is the foreshadowing of a bitter struggle for raw materals—oil under the China Sea, for example—that will inevitably lead to serious dissension .

Not that such dissension is likely to involve military force; yet as the interests of Japan and China clash in more and more sectors, as Tokyo's faith in America's security commitments grows gradually dimmer and as the Soviet Union seeks to fill more and more of the vacuums created by a diminishing United States presence, it would be quite unrealistic to expect Japan forever to refrain from translating her extraordinary industrial competence into the traditional muscle of military strength.

Without doubt, a Japanese decision to build a full-scale military force would encounter formidable domestic resistance, but one institutional obstacle to re-militarization has already lost much of its potency. Only seven years after Gen. Douglas MacArthur insisted on writing into Article IX of the Japanese Constitution the flat promise never to maintain "land, sea, and air forces," this self-denying ordinance was interpreted to permit the maintenance of a modest defense capability.

Today, as Japan's prosperity coincides with our new isolationism, American resentment at Japan's "free ride" on our security commitment has become increasingly vocal—to the point where we now seem to be urging the Japanese to do what we had once demanded they should never do. Particularly since the enunciation of the Nixon Doctrine our sotto voce suggestions that they should shoulder a large share of the defense burden have given way to more strident exhortations, with the result that Japan is not at all sure what America expects of her.

Nor does she any longer take at face value formal statements by the Nixon Administration suggesting that Japan increase her military establishment only enough to protect the Japanese islands from external aggression. Secretary of Defense Laird, presumably expressing the Pentagon view—and speaking almost as a separate sovereign—recently indicated that Japan might need to send a fleet as far afield as the Indian Ocean in order to defend her long sea lanes from the Persian Gulf, while mutterings from the Secretary's staff suggested that a nuclearized Japan might even be necessary.

Though this latter idea was subsequently denied it gained a kind of tentative credence in Japan because our Government has recently appeared to change its position—or at least its tactics—with respect to the Nuclear Nonproliferation Treaty. We no longer urge Japan to ratify the treaty but insist instead that it is an issue Tokyo must decide for itself. Correct as this position may be in traditional dipomatic terms, it contrasts so sharply with the Administration's blunt manners in bilateral economic discussions that many Japanese believe the United States no longer cares about limiting the number of nuclear powers.

All this deepens Japan's nuclear quandary. Sentiment against becoming a nuclear power is still a powerful force in public opinion and one should not underestimate the internal political agony Japan would face in revising her Constitution so as to go down the nuclear road. Yet pressure is mounting in that direction, especially as China moves to develop operational ICBM's capable of reaching North American targets. "Who is foolish enough to believe that America would jeopardize her homeland by firing nuclear weapons in Japan's defense?" the skeptics will ask. It is de Gaulle's old question, but it may find a special echo in Japan.

Still, the greatest pressure on Japan to become a nuclear power is less likely to stem from anxieties over security than from a desire for political status. Alert Japanese are impressed by the fact that with the admission of Peking to the United Nations the five permanent members of the Security Council are precisely those powers that have nuclear weapons, and they have noted the implications of President Nixon's statement that his China trip was necessary because of the "great danger of the most populous nation in the world becoming a major nuclear power" 15 or 20 years from now.

Clearly there is no problem of capability. Apart from the social and political upheaval that might be involved in opting to be a nuclear power, Japan unquestionably has the scientific competence and industrial might to build a modest nuclear arsenal within a remarkably short time. The working principle is generally recognized as the goal of "N–2," which means that she will keep her technology constantly up to date so as to be able to produce operational nuclear weapons within two years after a decision to proceed.

Such a principle is, of course, welcomed by Japanese businessmen who believe that nuclear weapons technology would offer valuable spin-offs to private industry. As one might expect in the highly involuted algebra that shapes Japanese policy, the managers of heavy industry provide a key element of pressure for re-militarization—and to an extent we strengthen their hand when we continue to push Japan to increase expenditures for her military establishment. From experience in our own country we should know enough not to expect that a highly industrialized nation such as Japan will long continue to buy from us the military hardware her own enterprises can produce quite as well. And we should never lose sight of the fact that the uniquely intimate structure of Japanese business and government relationships is tailor-made for the emergence of a "military-industrial complex."

If the Japanese do decide to become a nuclear power, what of it? To the abstract question, the answer may be that it would not much matter—which is a view that may well prevail in the top reaches of the Administration. Why should we worry if there is one more nation with a nuclear arsenal? After all, there are five already, and the nuclear stalemate still seems to work.

Like all issues in international politics, however, the question will not arise as a sterile academic problem but in a context providing special color and meaning. Thus it seems clear from the circumstances I have described that the Japanese will go down the nuclear road only if they feel alienated from the West and strongly nationalistic—and these are the very conditions that might render Japan's nuclear power disruptive and dangerous.

It is this that makes our recent conduct particularly reckless. It is one thing to envisage a nuclearized Japan tied closely to the West and quite another to have to cope with an alienated nationalistic Japan armed with nuclear weapons. A great nation such as Japan, rootless and turned in on itself, could be an unpredictable force in world politics, threatening the stability of the Far East like a loose cannon on a ship in high seas. If that is so, why have we let the genie out of the bottle?

One reason we have failed to recognize the future importance of Japan in international politics is that the Japanese most Americans now encounter appear as narrowly focused economic men. It is their misfortune that they often seem to caricature the notorious American qualities of thinking in short time spans and carrying pragmatism altogether too far.

Yet in regarding the Japanese too narrowly in economic terms we Americans disclose an ideological bias that has frequently led us astray—our tendency to swallow the Marxist myth that all nations (except, of course, the United States) shape their foreign policy in slavish conformity to their presumed economic advantage, despite the fact that history is filled with situations where the opposite occurred. Thus we are tempted to take it for granted that because the United States is currently the most important single outlet for Japanese goods, we can behave pretty much as we wish toward Tokyo "because the Japanese have nowhere else to go."

But pride, nationalism and often downright irrationality are more likely to shape Japan's political relations than any informed calculation of economic interest. In spite of the current vogue for "linkage," we will never persuade Japan to adopt a political course at odds with her popular consensus, whether by threats of protectionism or commercial policy concessions. Let us not forget that when we sought to discourage Japan's expansionism in 1940 by cutting off her petroleum supplies, we did not stop her from going to war; we merely speeded her timing.

Nor should we draw false conclusions from a mistaken conception of her economy. Japan is not a Hong Kong that lives by importing raw materials, transforming them and selling them on the markets of the world: She is first and foremost a vast and burgeoning internal market. In contrast to a nation such as West Germany, whose exports total almost a fourth of her gross national product, Japan's exports and imports each constitute not much more than 10 per cent—or considerably less than one year's annual growth. Certainly Japan is dependent on imported raw materials, but most of these are obtainable from the so-called Third World, including China, and if Japan should find herself increasingly excluded from Western markets—or if she should find her major political interests jeopardized or disregarded by the West—she is far more likely to seek a privileged position with such developing countries than to bend her political policies to appease or mollify the United States or Western Europe.

This by no means suggests that the problem posed by aggressive Japanese competition is unimportant or that it does not demand intense and careful attention. Within the past few years, as our own external trade balance has deteriorated, many Americans in both business and government have felt angered and frustrated by Japan's behavior in international trade, and though they sometimes overstate the problem, they unquestionably have a legitimate complaint.

Unhappily our reaction has been uninformed by a coherent policy. Under pressure of the individual complaints of particular industries, we have resorted to restrictionist improvisations worked out through bilateral discussions. We have ignored the point that Japanese industry has its own special history, structure, institutions and relationships; to bring it into a trading system constructed largely in response to Western institutions and habits of thought is an intricate task that cannot be accomplished by America alone, but only by a common effort of all the industrial trading nations.

But if preoccupation with Japan as an industrial competitor has led us to overlook her political significance, that only partially explains our aberrant actions during the past year. Fully as important as our preoccupation with Japan as an industrial competitor has been the lack of professionalism that has increasingly marred the execution of policy ever since the White House opted to become its own foreign office—or, more accurately, sought to get along without one.

Troublesome as this problem has been for our relations with other parts of the world, in regard to Japan it has got completely out of hand. It is significant that there is no Japanese expert among the 165 members of Mr. Kissinger's White House staff; and since the State Department's own experts are no longer consulted, it is easy to understand why we have disastrously underestimated Japan's capacities for good or evil.

Still, it would be oversimplifying the problem to attribute Japan's threatened estrangement merely to the obtuseness of a White House too egocentric to delegate, for it has also reflected a self-conscious decision by the Administration to regard the reactions of Japan as of only secondary interest.

And this brings us back to the President's image of five balancing powers, which deserves a closer second look. In terms of present-day realities it would be fanciful to speak of "an even balance" among entities of such disparate size and weight as the United States, Western Europe, Russia, China and Japan. Two have massive nuclear arsenals, two have relatively puny nuclear capabilities, and one has no nuclear weapons at all; two have world-circling political interests and activities while the political interests and activities of the other three are merely regional in scope; four are major industrial powers while one is a vast underdeveloped country.

Even if Europe someday achieves real political unity and Japan becomes a world political force, the conditions would not exist for a static equipoise of five equidistant powers. Something of that kind was possible among the Italian city-states of the 15th century and later among the sovereigns of Europe; in those cases the political units shared a common intellectual and social heritage. But historical, social, ideological and economic differences could not be more profound than among the five powers the President says he would like to see in even balance. Thus the conditions clearly do not exist for a static equipoise, nor can one envisage a balance of power in the 19th-century pattern, with alliances reversing and coalitions shifting to prevent any one nation from gaining a position of hegemony over the others.

For one thing, there is no pivotal power to "hold" the balance—a role that Great Britain played by throwing its weight with whichever seemed the weaker side. And given the fundamental ideological cleavages both between the Communist powers and in the rest of the world, it is bizarre to think of the United States combining with China against Japan or Western Europe, just as it is difficult to believe that Japan might combine either with the Soviet Union or China against Western Europe or the United States. Thus the Japanese and informed Europeans interpret the President's concept of five balancing powers to mean only that the United States has abandoned a strategy based on alliances in favor of a strategy of maneuver and independent action.

Certainly that is the game the White House seems to be playing today, dealing bilaterally with Moscow and Peking, trying to play one off against the other, while we let our allies—particularly Japan—shift for themselves. In the case of Europe this may do little harm, provided it does not inspire a flurry of bilateral diplomacy with each small European state trying to make its own separate deal with the Russians and thus producing a weak and fragmented West. An optimist might even hope, on the contrary, that a lone-wolf American policy could speed Europe toward unity—which would clearly be a good thing. With a shared heritage of institutions and ideas and a settled habit of talking easily with one another, the Atlantic nations are quite unlikely to work at cross-purposes, whether or not our alliance relations are institutionalized.

But Japan as a different matter. Ties across the Pacific are of brief duration and dangerously fragile, and we face enormous problems in trying to understand one another. Nor could a Japan alienated from America and left to her own devices avail herself of anything resembling the kind of constructive alternative that the Europeans can find by unifying; her only realistic alternative would be nationalism.

That is why many of us have contended for many years that America should take the lead in building a coalition of major non-Communist industrialized nations by Mutual Security Treaty into a mature coalition, then progressively integrating that relationship into an expanded Atlantic partnership that would include in its purview the Far East as well as the West.

The assumption underlying this proposal was that over the years ahead Europe would slowly expand its political horizons to resume an interest in Far Eastern affairs, while Japan would, along with its global industrial role, extend its political interests on a worldwide basis. Thus by bringing Japan into existing Atlantic economic institutions and developing political institutions to include the Far East, we might in the long run be able to build a broad and solid base from which a reconciliation could gradually be worked out with the Soviet Union and China.

It was a bright vision but it is rapidly fading, and if we persist in our present course of action, it will fade irrevocably. Perhaps it has already during this past traumatic year.

CED REPORT ON CRIMINAL JUSTICE

Mr. PERCY. Mr. President, I congratulate the Committee for Economic Development upon its issuance of a most significant document entitled "Reducing Crime and Assuring Justice."

CED is a group of businessmen and academicians who study some of the more pressing problems that face our society, and recommend ways to deal effectively with these problems. Although its primary concern is, as its name implies, economics, its latest report deals with the problem of criminal justice. The product of its 2 years of in-depth study is an example of what some of the best minds in this country feel that we, as a nation, must do.

Crime is not just something that preys upon the weak and the poor, although they are most often the victims of violent crime. Crime is also a very expensive societal illness. CED estimates that crime costs the business community at least $16 billion a year. The overall cost of crime to society has been estimated at $51 billion per year. The CED report recognizes the enormous drain on both our economy and our national spirit produced by crime.

The most interesting aspect of the CED report is its focus on the need for a coordinated, unified, systematic approach to the problems of crime control. Too often, we see piecemeal efforts by the Congress dealing with a particular aspect of crime. But, as the CED points out—

> Piecemeal efforts to reform the highly fragmented, patchwork structure of criminal justice will inevitably fail.

It goes on to say that—

> The problem is deeper. The committee believes that the ineffectiveness of the present structure is rooted in the organizational and administrative chaos that characterizes the Nation's uncoordinated system of criminal justice, and in the management weaknesses prevailing in agencies at all levels. The committee therefore proposes a complete overhaul of the criminal justice system and a redistribution of responsibilities, functions and financial support among the various levels of government.

It is interesting to note that if the CED's proposals had been implemented in Illinois in 1970, local governments would have saved an estimated $165 million.

This is not the radical conclusion of wildeyed idealists. This is the conclusion of 2 years of concentrated study by hardheaded businessmen. It is their conclusion that the criminal justice system is a complete failure. As I have stated repeatedly, the criminal justice system bears little, if any, relation to anything even vaguely resembling a system. Instead, it is a loosely connected string of uncoordinated agencies, moving around blindly, presuming to do a job they are unable to do.

As a former businessman, I concur in this assesment. In fact, I have introduced S. 3185 as an attempt to reorganize the Federal system of justice. S. 3185 is a recognition of the need to approach the problem of crime on a systematic basis, not with just piecemeal solutions.

It is always heartening when different people independently evaluate the same problem and arrive at a similar solution. A complete reorganization of the criminal justice system is needed to end the increasing spiral of crime, and return this society to a state of quiet respect for the law founded on a solid belief in justice.

Mr. President, I welcome this newest, imaginative, and in-depth report by the CED, and I recommend it very highly to all Senators. The report marks a turning point in insuring that the issue of crime control is not just the concern of the police or the courts. It is the vital interest of every citizen, and every citizen must become involved in the process of coming to grips with the problem of crime in a free society. It is only with the enlightened and concerned support of the citizenry that we in the Congress can go ahead in this most necessary struggle. The CED has been most helpful in putting this information before the public.

THE PRESIDENT'S ORDER ON MEAT IMPORTS

Mr. METCALF. Mr. President, an Assiniboine leader of the Fort Peck Reservation in Montana telephoned me today to suggest that in view of the President's order eliminating restrictions on meat imports, perhaps the Indians should consider going back into the buffalo business.

Buffalo meat grown on our plains and subject to U.S. standards of wholesomeness is one thing. Quite another is increasing the amounts of meat imported from abroad that is not as rigidly inspected as our own domestically produced meat and that has been proven too often to be contaminated.

My disappointment in Mr. Nixon's action is total. It is a move to put a ceiling on a raw farm commodity price before it has even reached 100 percent parity, though in World War II and the Korean war, Congress prohibited farm price ceilings at any level less than 110 percent of parity.

It is true that cattle prices are at 91 percent of parity when last calculated on May 15 and that they have even risen a little since then. But they have not gone to a 100 percent level nor approached the 110 percent figure that was considered fair to farmers in previous price control periods.

The action has one mysterious aspect and that is the whereabouts of the holder of the Wounded Steer Award given by the Newspaper Farm Editor's Association. Many Senators will recall that the Secretary of Agriculture, the honored recipient, vowed publicly at many farm meetings that he would fight price controls on livestock price and other farm commodities like a "wounded steer." Strangely, there has been no news report whatever that Mr. Butz was in or around the White House prior to the lifting of the import quotas or that the wounded steer has even bellowed one bellow before or after the event.

TO COMBAT THE SPREAD OF POVERTY IN AMERICA

Mr. HUMPHREY. Mr. President, I strongly urge the Senate to adopt the Economic Opportunity Amendments of 1972, S. 3010, as reported by the Senate Committee on Labor and Public Welfare.

I found it incredible that the President, last December, would veto original legislation authorizing an intensified war on poverty that was strongly supported by Congress. For the first time in a decade, we have witnessed a serious increase in the number of people living in poverty, to over 25 million, after a steady annual decline. We know that this has been primarily the consequence of an administration-engineered recession, with unemployment remaining at a crisis level for months on end. But what we may not readily recognize is that these misdirected policies have also resulted in 22 million more people now being classified as near-poor.

The time has come for decisive action to combat this extensive degradation and despair of human life. We must launch a major program of balanced urban and rural development to restore hope, confidence, and choice in job and living opportunities to the American people. In addition to enacting emergency unemployment compensation assistance, we must take legislative action to establish extensive public service job opportunities in work that is vitally needed by our communities. Federal fiscal assistance should be immediately channeled to our cities and States where it is absolutely required for the maintenance and long-overdue development of public facilities and services. We must bring essential relief to lower- and middle-income families bearing a disproportionate share of the tax burden and to elderly couples struggling to meet the rising cost of living on fixed and limited incomes—measures which can also go far toward strengthening the consumer purchasing power that is the foundation of a growing national economy. And, in addition to reforming public assistance programs to achieve a national program of effective help to families in need, we must now focus national priorities and spending on the critical needs of people for jobs, decent housing, quality health care, full educational opportunities, a clean environment, and essential social welfare services.

But a key element in a comprehensive national program designed to meet the rightful expectations of our citizens for a better America in the decade of the 1970's, must be an intensified war on the human deprivations of hard-core poverty. The lessons learned from the operation of economic opportunity programs over 8 years since the enactment of the original and historic antipoverty law focus on the necessity for the concentrating forces and establishing priority objectives in this new offensive against poverty. This is why I strongly support the specified authorizations provided under the present legislation for four programs: local initiative; legal services; emergency food and medical services; and alcoholic counseling and recovery. The amounts earmarked for these programs constitute the bare minimum allocations that are absolutely required. I also believe it is essential to prohibit the delegation of further Office of Economic Opportunity programs to other agencies in at least two instances, as provided in this bill: local initiative, the network of 930 community action agencies assuring a local impact and innovative experimentation in the antipoverty program; and the new community economic development program, focusing more sharply on both rural and urban community-based, economic self-development corporations, providing essential grants as well as loans to low-income farm families and rural cooperatives, and providing technical assistance and long-term loan funds for urban and rural areas.

Designating the retention of such programs in the Office of Economic Opportunity is crucial to the continued and strengthened existence of CEO itself as the only Federal agency with a primary mission of eliminating the paradox of poverty in the midst of plenty—the one tangible symbol of the Federal Government's commitment to the war on poverty; and the key focal point where the poor can make their voices be heard.

I am also deeply gratified that this legislation responds to my strong plea for a major expansion of the Neighborhood Youth Corps manpower program to combat the crisis of extensive youth unemployment. The committee report notes my testimony of April 1971 calling for a new program focused on community improvement job opportunities for youth, coupled with the provision of extensive opportunities for young men and women to continue their education. And, in contrast to reductions made by the present administration in Neighborhood Youth Corps out-of-school program enrollment slots, the present bill calls for an additional special authorization of $500 million to create 100,000 more work and training opportunities. I also fully support a new, year-round youth recreation and sports program for disadvantaged and poor youth, authorized under this bill, and building upon successful demonstration programs.

There are further program authorizations that make it vitally important that this legislation be enacted without delay:

A new program of assistance to low-income residents of urban and rural poverty areas to affectively participate in the planning and development of the physical environment of their communities;

A more realistic and equitable method for determining eligibility for participation in economic opportunity programs;

An additional authorization of $50 million for projects to help the elderly poor, who too often are not served under present antipoverty programs;

The strict requirement that 10 percent of all nationwide enrollment opportunities in the Headstart program be made available for handicapped children, with the provision of services to meet their special needs;

The addition of two new special emphasis programs, to provide job opportunities for low-income people in Environmental Action, and to combat the acute rural problem of inadequate housing through experimental projects on home rehabilitation and repair, in addition to present housing assistance programs;

And the funding, on a permanent basis, of OEO demonstration programs to provide vitally needed assistance to lower income consumers through consumer cooperatives, credit unions, and education and complaint-response programs—self-help projects to combat consumer exploitation, one of the most vicious dimensions of poverty, but projects that are being defunded under OEO under a totally incorrect assumption that other financial resources are available and that consumer problems should not be a priority concern of the Agency.

These vital new directions in an expanded war on poverty, authorized in the Economic Opportunity Amendments of 1972, must not be overlooked in the Senate debate on the provisions in this legislation to establish an independent and long overdue National Legal Services Corporation. I fully endorse the creation of this private, nonprofit corporation to provide comprehensive legal services and assistance to low-income persons.

The denial of the equal protection of the laws is the harsh reality of poverty. It is the height of hyprocisy to counsel a poor family that ours is a government of laws when, under those laws, they find no recourse in the face of an eviction notice, or outright fraud, or unexpected interest charges that make it impossible to meet loan payments, or a civil or criminal action without adequate defense counsel. Respect for the law demands effective recourse to legitimate systems of settling disputes. Equality before the law means that low-income persons must have the same access to justice as do more affluent Americans.

The time has come, therefore, to raise OEO's Legal Services program to the status of an independent institution, accountable to Congress, the Executive, and the professional bar, but substantially free from political and bureaucratic interference. Only in this way can the scales of justice be truly balanced, providing effective advocacy on behalf of poor families and individuals to achieve the resolution of grievances through the legal system.

I believe the present legislation effectively meets the President's objections to administrative provisions in the original bill for the establishment of a National Legal Services Corporation—provisions relating to the constitution of the Corporation's board of directors, to the transition process, and to activities by Corporation personnel in accord with their professional responsibilities. And I fully support the earmarking of $71.5 million of Economic Opportunity Act appropriations over 2 fiscal years and an additional authorization of $100 million, to provide the essential resources for effective Corporation activities.

I urge the Senate to approve the establishment of the National Legal Services Corporation to give millions of poor Americans the greater access to legal services that is demanded if we are to bring into reality the promise of equal justice and opportunity.

EXTENSION OF WEST FRONT OF CAPITOL

Mr. HOLLINGS. Mr. President, because of the imminent debate on the legislative appropriations bill of 1972, I want Senators to have access to information that I think is relevant to the study of this bill. The disagreement in conference resulted from the longstanding argument on the extension of the west front of the Capitol. My rider would prohibit the expenditure of any money for final planning or actual construction of the extension without a vote of Congress. Therefore, a vote for my rider does not mean that Senators are in favor of extension or restoration, but that they feel the future of the Capitol is worthy of congressional consideration. The conference stalemate allows both House and Senate conferees to go back and inform their colleagues of the issues, so that instructions can be given their conferees.

Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks "The Fact Sheet on the West Front of the U.S. Capitol Building." This sheet gives some background information on the controversy. I would also suggest that Senators refer to the March 20, 1972, CONGRESSIONAL RECORD and read the entire text of the Praeger report. The Senator from Wisconsin (Mr. PROXMIRE) had the text of this congressionally commissioned report printed on pages 9040 to 9046.

I also ask unanimous consent for the printing of the American Institute of Architects "Task Force Report on the West Front of the United States Capitol." This report was in response to a request from the Architect of the Capitol, George M. White, "to have the AIA review the information and circumstances involved in the proposed extension of the west front." The task force reviewed the information provided by the Praeger report and found that they unanimously endorsed the findings and conclusions of Praeger-Kavanaugh-Waterbury.

Mr. President, I am greatly concerned that we cannot reach an agreement on the issue of restoration. The five conditions set by Congress were met easily by the Praeger report and were backed up by the AIA. I only hope that Senators will study this information as carefully as I have. Once that is done I am sure they will decide that the extension of the west front is not only a waste of $60 million, but also a meaningless alteration of our greatest national monument.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FACT SHEET—WEST FRONT OF THE U.S. CAPITOL BUILDING

For more than a decade the controversy on the future of the West Front of the U.S. Capitol Building has been raging.

Some officials desire extension in order to create more facilities for tourists and more office space and meeting rooms for Members of Congress. Others, including The American Institute of Architects and The National Trust for Historic Preservation, favor restoration in order to retain the last remaining visible facade of the main Capitol Building and avoid undertaking a major project on Capitol Hill without comprehensive planning. (The AIA firmly believes that the present perimeter of the Capitol Building should be declared inviolable so that future generations of Americans will be able to read the heritage of our country in the face of our Capitol. AIA feels that the original 172 year-old sandstone walls of the West Front—that some propose be buried behind a cold Twentieth Century marble extension—must remain visible forever as living history.) In addition, the proposed extension would result in the world's most expensive office space, $375.00 per net square foot, according to the latest estimates.

In 1969, Congress commissioned a study to determine the feasibility of restoring the West Front. The results of the study were to be used by the Commission for Extension of the U.S. Capitol in reaching a decision on whether to restore or extend the West Front. The members of the Commission include Vice President Agnew, House Speaker Carl Albert, Senate Majority Leader Mike Mansfield, Senate Minority Leader Hugh Scott, House Majority Leader Hale Boggs, House Minority Leader Gerald Ford, and Architect of the Capitol George White.

At the same time, Congress approved $2 million to be used for the preparation of plans for extension if the Commission was satisfied that five specific conditions relating to restoration were not fulfilled:

(1) That restoration could be undertaken without creating unsafe conditions and that it would be durable and beautiful for the foreseeable future;

(2) That restoration would not cause any more vacation of existing space than extension;

(3) That the plans for restoration would be adequate for competitive lump sum bidding for the final project;

(4) That the cost of restoration would not exceed $15 million; and

(5) That the time for restoration activity would not exceed the time necessary for extension.

The feasibility report done by the Praeger-Kavanagh-Waterbury engineering/architectural firm was completed in December, 1970 and concluded that all five conditions for restoration could be met.

Following the release of the Praeger report, the AIA appointed a Task Force on the West Front, which reviewed the report and concurred in its findings. Anticipating that cost would be an important element in any decision by Congress, the AIA Task Force stressed that the Praeger report's methods and budget allowed adequate contingency for restoration costs. In September, 1971, the Institute's Board of Directors accepted and endorsed the Task Force's findings as a reaffirmation of the Institute's long standing position supporting restoration of the West Front. The Task Force members included Milton L. Grigg, FAIA, William W. Caudill, FAIA, Leon Chatelain, FAIA, F. Donald Lethbridge, FAIA, and Harry Weese, FAIA.

Early this year (March 8) the Commission for Extension of the U.S. Capitol voted unanimously to proceed with the preparation of plans for extension, apparently rejecting the findings of the Praeger report. It is believed that the Commission reached its decision due to increased pressures for additional office space and uncertainty that restoration could be accomplished for $15 million, despite the findings of the Praeger report and the endorsement of the AIA.

The Commission's action made the $2 million previously approved available for the Capitol Architect for the preparation of plans for the proposed extension.

REPORT OF THE 1971 AMERICAN INSTITUTE OF ARCHITECTS TASK FORCE ON THE WEST FRONT OF THE U.S. CAPITOL, SEPTEMBER 1, 1971

In response to a request from George M. White, FAIA, Architect of the Capitol . . . "to have The American Institute of Architects review the information and circumstances involved in the proposed extension of the West Front of the United States Capitol", the President of The American Institute of Architects, Robert F. Hastings, FAIA, appointed a review Task Force.

The AIA members appointed by President Hastings to this Task Force were: Milton L. Grigg, FAIA, Chairman; William W. Caudill, FAIA; Leon Chatelain, Jr., FAIA; Francis D. Lethbridge, FAIA; Harry M. Weese, FAIA; and Maurice Payne, AIA, Staff.

They were directed by President Hastings, "to examine AIA's position on the West Front of the Capitol now that the engineering report (the Praeger Report) has been submitted."

The full Task Force met at AIA Headquarters in Washington, D.C. on May 26 & 27, 1971, to review background material previously distributed including the Praeger-Kavanaugh-Waterbury report on "Feasibility and Cost Study for Restoration of the West Central Front of the United States Capitol". Architect White, Assistant Architect of the Capitol Mario E. Campioli, AIA, and Philip L. Roof, Executive Assistant to the Capitol Architect, met for a period of time with the Task Force and were the gracious hosts for a general tour of the Capitol building by the Task Force on the afternoon of May 26th.

Subsequent detailed inspections of the Capitol and informal meetings with the Capitol Architect were held.

THE WEST FRONT OF THE U.S. CAPITOL, TASK FORCE REPORT—RESTORE THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

Having studied and analyzed the report by Praeger-Kavanaugh-Waterbury on "Feasibility and Cost Study—Restoration of the West Central Front—United States Capitol—January 1971", the AIA Task Force is unanimous in endorsement of the method of analysis, the general findings and the conclusions of the report. It offers conclusive evidence to sustain the Institute's resolution for, and belief in the practicality of restoration of the West Front in situ.

It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. That restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

3. The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

This Task Force recommends that the present perimeter facades of the Capitol building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also should be declared inviolable and sub-surface development be encouraged but confined to areas now either in grass, paving or shubbery.

PREPARE A COMPREHENSIVE PLAN FOR LONG RANGE DEVELOPMENT OF THE PROPERTIES UNDER THE JURISDICTION OF THE ARCHITECT OF THE CAPITOL AND THE SURROUNDING AREAS

The Task Force observed, that the present space usage in the Capitol is crowded, misused or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives especially space adjacent to the House Chamber.

Present preliminary findings of the Architect of the Capitol following a space need study of the House of Representatives would seem to indicate that any proposed future extension of the Capitol will not begin to meet present least of all projected space needs.

The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided. This planning should include (1) an inventory space utilization of present buildings; (2) an analysis of floor area ration within the confines of the present Capitol area; (3) a study of possible new land acquisitions; (4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding grounds cleared of all but official business cars. New system of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent service between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected.

Task Force Observations on the Praeger Report

SETTLEMENT

(1) Soil pressures are such that there is a 2-to-1 factor of safety.

(2) Further settlement can be expected over the next 150 years, but in order of the ½ inch of the past, which occurred at the outset.

(3) There has been no evidence of differential settlement.

CRACKING

(1) Thermal movement and frost action over the years, as between the interior rubble wall and the sandstone face, has caused local failure of cut stone creating a natural pattern of vertical cracks from top to bottom approximately 30 feet apart. This is a natural phenomenon which designed control joints obviate. The report recommends making control joints of the existing pattern of cracks. There is no reporting of settlement cracking nor out-of-plumb walls.

EROSION AND SPALLING

(1) Sandstone weathers well when laid on bed faces for natural drainage of trapped moisture from within the wall. Improper stone cutting in some cases, but more important, the use of oil paint over the years, has trapped moisture and contributed to surface spalling. The effect is superficial and akin to accelerated weathering. Modern paints which allow the wall to breathe obviate this. The aesthetic effect is that of time making its mark. No attempt should be made to deny these minor inroads of time.

(2) Significant deterioration was noted on marble surfaces on the Olmsted terraces—a condition that should "flash a warning" whenever future consideration is given to wearability of various stone surfaces.

LOOSE OR CRACKED STONES

(1) Certain stones, voussoris, flat arches, quois, and cornice members are in need of affixing to the backup masonry. They are visible and can be treated with modern rock bolting techniques and post tensioning.

WALL STRENGTH

(1) The facing stone is bonded to the rubble wall with alternate courses, making a physical bond uniting the wall in a series of vertical shafts separated by the aforementioned natural control joints. These walls are over 4 feet thick at the foundations. They are not overstressed, taking 236 p.s.i. maximum loading with the stone itself capable of 6000 in the case of sandstone and 14,000 for rubble fieldstone. The lime mortar is the limiting factor, but there is no reporting of vertical displacement or cracking of interior walls. It is proposed that a grout injection to fill voids in the mortar matrix and bond the exterior wall to the interior would add strength.

After paint removal and patching and further measurements, it may prove that grout injection could be limited to the lowest story or localized or could be eliminated altogether. It is not clear that so-called solidification of the wall is called for, but this task force defers to the judgement of the Praeger report.

(2) On page 10, near the conclusion of the portion of the report on the experimental wall grouting, amplification and clarification would seem desirable. The type of epoxy as a final bonding material is questioned and should be clarified to the extent that description is not found with respect to the viscosity of the material proposed. Elsewhere, it is reported that various formulations seem to be identified. Furthermore, experience elsewhere indicates that ferrous metals and certain epoxy compounds are not mutually compatable and that deterioration may occur in both materials through chemical action; hence, use of iron reinforcing rods should be evaluated.

(3) There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation.

It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall.

MOISTURE

(1) It is difficult to accept the categorical statement that "condensation in the wall will not occur during the summer". The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation.

(2) The Praeger Report does not contain a bibliography, therefore the following paper may have been available to the authors. Reference is made to *Consolidation des Monuments D'Architecture par injection dans les Maconneries,* Moscau N. Zvorikine. From this, it is seen that the Russian experiences indicate that the epoxy infilling should not be impermeable to moisture; therefore, the formulation of the material ultimately used should be investigated in light of these reported results.

It was found that the dilution of the epoxy with a solvent helped to provide better penetration and greater adhesion and, at the same time, did not produce a mass incapable of "breathing".

In the same connection, we were informed by Dr. R. M. Organ, Chief, Conservation—Analytical Laboratory, Smithsonian Institution, that Savestone is an excellent material, particularly if the manufacturers are at this time employing the Lewin Sayre patents. Acrylic plastic compounds have elsewhere been found to be very deleterious in these uses and should be avoided.

The Report suggests quite discouraging results from the several experimental methods of removing the old paint from the stone. From other sources, it has been found that the Methylene Chloride paint remover which was used, while not formulated for removal from stone surfaces, actually can be made very effective when combined with a neutral jelly to create an emulsion, keeping the mixture moist for a longer period. (Actually, in the results cited, the coated stone surfaces were covered with aluminum foil to prevent accelerated evaporation.) The latter expedient might increase the effectiveness of the gel remover reported.

In this connection, it is somewhat surprising to find that the report does not cover the matter of vapor transmission more positively. It would seem desirable to investigate the advantages of providing a vapor barrier back of the plaster on exterior wall surfaces. It is possible that this will alleviate the tendency for plaster fatigue through thermal and moisture changes as well as more effectively stabilizing the moisture content of the interior of the interior of the wall volume. This vapor barrier, if found to be necessary, could be of the framed-in-place variety, thus avoiding extensive replastering.

(3) Apparently, the authors of the Report have not found conditions to indicate the desirability of horizontal moisture barriers in the base of the walls to offset the capillary action often found in walls of this mass and porous character.

PERFORMANCE DESIGN

(1) The Praeger Report analyzes the structure and loadings of the West Front portion of the Capitol building and proves they are within the parameters of sound practice. The effects of static and dynamic loadings and soil pressures due to dead load, live load, wind and seismic forces, and sonic booms have been given complete attention and analysis.

PAINTING

(1) The continued use of oil paint in many applications 15 to 105 mils thick has caused accelerated but not severe weathering. Modern breathing paints will obviate this difficulty.

The Capitol is made of three materials: yellowish sandstone (original wings), Walters' marble House and Senate extended wings, marble East Front extension and the cast iron dome. White paint on the sandstone and dome is used to unify the ensemble. This has been the style for more than 100 years. The White House is painted stone. London abounds in painted stone. The tradition of painting should continue.

EXTENSION OF WEST FRONT OF CAPITOL—EDITORIAL FROM THE WASHINGTON POST

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the Congressional Record the editorial entitled "It's Up to the Senate To Save the West Front," that appeared in the Washington Post on June 26, 1972.

The editorial makes the point that I have been making over and over; that is, that the future of the west front of the Capitol is being made by the Commission for the Extension of the Capitol, a group composed of the leaders of Congress. This group meets in closed sessions to make final decisions that could change the facade of the Capitol without congressional consideration.

The Washington Post is doing its job in educating the public that their greatest national shrine is in danger of being "stampeded into destruction." Now it is time for Congress to decide whether it is going to save the Capitol or sit by while the Commission for Extension decides on extension.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

It's Up to the Senate To Save the West Front

It is ironic that the House of Representatives, or rather its conferees, should suddenly be so eager to restore the old Senate and Supreme Court chambers and yet stubbornly insist on the extension of the West Front of the Capitol. Restoring the old chamber nestled within the central building is a nice, sentimental thing to do. Before the Senate moved into its present wing in 1859, this semi-circular, domed hall resounded to the orations of Calhoun, Clay and Webster. Thereafter it served the Supreme Court for 75 years until the court's own building was completed in 1935. Since then the old chamber has been closed to the public and fallen into disuse, save for an occasional committee meeting or conference. The proposed $1.5

million restoration is essentially a reconstruction of the historic Williamsburg kind. The galleries, which have once been described as "stuffy" and which have long been removed, are to be put back again and some of the original Senate furnishings are to be reproduced from old pictures and paintings. It will make a fine museum for tourists to admire. The extension, on the other hand, would do the exact opposite on a much larger and, we think, tragic scale. It would obliterate the genuine article—the last remainder of William Thornton's original Capitol building which George Washington praised for its "grandeur, simplicity and convenience." What is more, it would completely alter the magnificent terraces designed by our greatest landscape architect, Frederick Law Olmsted. And that is another irony.

The genius of Olmsted is just being fully recognized as we celebrate his 150th anniversary of his birth this year. There are celebrations all over the country and this fall the National Gallery of Art will mount a special exhibition of his work, including, of course, the Capitol Terraces.

All practical, technical arguments for this destruction have now been dealt with and to our mind, refuted. Competent engineers have established that the historic sandstone facade is safe and sound and therefore need not be replaced by a new, marble one some 80 feet further out. A new visitors' center has been approved at nearby Union Station, so there is no need for more tourist facilities, cafeterias and such within the Capitol. New offices for both the Senate and the House can be provided by adding to the New Senate Office Building and on the vacant Providence Hospital site, so there is no need to alter a national shrine for that reason either. The argument thus now boils down to the simple question of whether Congress wants to respect this country's first and most cherished building or irretrievably tamper with it.

Senator Ernest F. Hollings (D.-S.C.) believes this important question ought to be put to a vote by the entire Congress. The Senate Appropriation Committee has supported him on this. Rep. Bob Casey (D.-Tex.), his counterpart in the House, believes there is no need for a vote because the Commission for the Extension of the Capitol, composed of the leaders of Congress has decided in closed session last March to go ahead with its 17-year-old scheme. The issue is now at a stalemate in conference. We fervently hope the Senate side holds out. The Senate conferees have agreed to the restoration of the Old Senate Chamber. It would be a contradiction were they now to agree to let Congress and the American people be stampeded into the destruction of the old West Front and its terraces.

FORTHCOMING RETIREMENT OF GEN. WILLIAM C. WESTMORELAND

Mr. HOLLINGS. Mr. President, one of South Carolina's most distinguished sons is preparing to retire. I refer, of course, to our Army Chief of Staff, Gen. William C. Westmoreland.

It has been my privilege and pleasure to know General Westmoreland for many years. He has always been a soldier's soldier and a patriot's patriot. He has dedicated his energy and efforts to the Armed Forces ever since he entered The Citadel in 1931. And the years between have been filled with great event upon great event, and with honor upon honor. A man trained in the strategies and tactics of war, he has always been deeply committed to the ideals of peace. He has won the respect of several Presidents, world statesmen, and those of us who serve in the Congress. He has won the esteem of Americans everywhere for his selfless dedication to duty under the most trying of circumstances and limitations of his superiors' policy. And he has always had the respect and devotion of the men serving under his commands. General Westmoreland understood full well that the battle is not just strategy and tactics and logistics—more than anything else it is human beings—human beings under fire, being asked to make their ultimate commitment on the field of war. That care and humanity toward his fellow soldiers was always uppermost in General Westmoreland's mind.

This past Sunday, June 25, there appeared in the New York Times, a statement, a valedictory, written by the General. It is an eloquent and moving piece. In it we find old and honorable values alive and well. We find love of country, concern for one's fellows and pride in belonging to the country's Armed Forces.

This statement deserves to be read by as wide an audience as possible. Therefore, Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A SOLDIER LOOKS BACK

(By W. C. Westmoreland)

WASHINGTON.—I will put away my uniform on the first of July, 36 years after pinning on the bars of a second lieutenant. This leads me to reflect, not without some nostalgia, upon the Army I have known and served. In so doing, I find certain constants—truths and principles which have determined the character of the United States Army throughout its proud history. I also find marked evidence of change as the Army responded over the years to the changes in our society and the challenges to our national security. Both—the immutable character, and the change and growth—have opened the way to far greater opportunities for young men entering the Army today than were open to me long ago.

If there was ever doubt, one simple truth has been reaffirmed beyond question during the time I have been a soldier: the United States must have an Army if it is to remain free and great. A healthy skepticism of all things military has been woven into the fabric of our nation since its birth, but no reasoning person can proceed from this skepticism to a conclusion that we do not need armed forces. In a world peopled with imperfect human beings, a world forever in ferment and often threatening, our armed forces are indispensable to our freedom and, indeed, to human progress.

There is another constant etched indelibly in the character of the Army, and that is the code of ethics by which the American soldier lives, works, and fights if need be. The code is best expressed in the credo of West Point: Duty, Honor, Country." In reflecting on the long reach of American history, I am deeply impressed by the way the Army as a whole has lived up to this code—as an institution, and man by man.

Related to the foregoing, one other constant which I would emphasize is the total loyalty which the American Army has given to the nation and the society it serves. This willing and proper subordination of military force to the leaders, principles and purposes of our civilian society is in itself one of the greatest successes achieved by those who charted our original course nearly 200 years ago.

On the other hand, the Army is a dynamic organization that has changed dramatically during my term of service. Its size has ranged from a Depression level of 165,000 men to a World War II peak of nearly six million. Even at this moment, we are contending once again with the turbulence and manifold difficulties of reducing the Army in size by nearly a half, all the while being required to remain vigiliant and competent to carry out our missions.

The changes in Army equipment have been equally striking. The technological revolution has provided materiel far more effective than that with which the Army of the thirties was equipped. The horse and the mule have entered history's stables, to be supplanted by the jeep, the tank and the helicopter. Electronic miracles are commonplace. And of critical importance, the gear of the soldier himself has been markedly improved.

Some other changes come to mind. On a personal note, my monthly base pay as a second lieutenant was $125, which itself was generous indeed compared to the $21 a month paid to a new private. The Depression-era civilian populace, resentful of even the imprudently inadequate military budgets of those days, had little use for the man in uniform and virtually no use for spending money on him. In those days, the very word "soldiering" was a demeaning term implying that someone was slacking on his job. Along with this, troop units were so short of money and equipment that they often were able to do little more than go through the motions of drill without any sense of real purpose or achievement.

Fortunately for the Army and the nation, there were corps of officers and noncommissioned officers in that long-ago Army who understood why they existed, and who had such a sense of mission that they used the time available to prepare themselves professionally for the challenges which came. They understood—in peacetime—the need for an Army. Since their time, neither the nation nor its armed forces have been free to idle in the backwaters again.

The Army to which young men come in 1972 offers certain enduring opportunities: first of all, the opportunity to belong to an institution which remains essential to our survival and well-being and has as its first mission the preservation of peace through preparedness; and secondly, the opportunity to work at something which puts duty, honor and country above self—a chance to serve other men.

Along wtih these, there are other circumstances far more attractive than those I remember when I first took my oath. The base pay of a recruit has advanced more than fifteenfold since 1936, with N.C.O. and officer salaries now competitive in most cases with those found in industry. Given the time, the resources and public support, the Army will soon be able to offer young men adequate housing, exceptional training facilities, and almost unparalleled chances for men of all ranks to advance themselves vocationally and academically. Many strides have already been taken in these directions.

There is room within the Army of today for men of many backgrounds, talents, skills and interests. There is equal opportunity to advance on merit. There is interest and meaning in what they do. There are open doors through which they can communicate ideas aimed at improving the Army's effectiveness. And with all this, there remain the mental and physical challenges to the modern soldier.

A look back, then, confirms for me the enduring truths and principles on which the United States Army is based. It reaffirms for me the great pride I have always taken in wearing the khaki and the Army green. It puts in astonishing perspective the strides which have been taken by the Army during my lifetime and the challenging opportunities—personal and professional—which lie before the soldiers of today and tomorrow. If I were able to stand on the Plain at West Point once again and take the same oath, I would do so with equal pride, and even more anticipation.

AIR FARES FOR ALASKA

Mr. GRAVEL. Mr. President, Alaskans and people wishing to visit our beautiful State are extremely dependent on air transportation. To drive to Alaska requires traveling over 1,000 miles of gravel roads through Canada. It is impossible for the average family from the continental United States to drive up the highway on a 2-week vacation, as the driving time alone is a week each way. Only our sister State of Hawaii is as dependent on the airlines for interstate travel. Yet I find that people flying to—and within—Alaska are being discriminated against in the sense that certain preferential and promotional air fares that apply on many routes around the United States do not apply widely to Alaska.

For example, if I wished to fly to California, Hawaii, or Florida tomorrow, I could take a 7- to 21-day excursion for a fare substantially below the CAB regulated coach rate. Were I to take my family with me for a vacation this summer, we could go together at a special family rate. But I am unable to obtain these special fares on flights to Alaska.

Only in the winter can I fly on a family rate and then on only three of the four interstate airlines serving Alaska. Night coach fares are available on only two of these four carriers. Only one of our airlines publishes so-called tour-basing fares—reduced rates which apply when the passenger purchases some lodging and/or ground transportation—and these only over certain routes at certain seasons. None of the four carriers have interstate excursion fares, though Western Airlines does have a triangle fare to Hawaii.

Despite the great distances and heavy dependence on air travel around the State of Alaska the intrastate picture is also pretty bleak with no family fares, no nightcoach fares, and no youth fares.

The tradition of thinking of travel to and from Alaska as really an international flight with the higher international rate structure built into our air fares has long been a great hindrance to us in getting travel expenses down.

Some time ago I wrote to the CAB outlining my feelings about the relative lack of reduced fares for people flying to and from Alaska. In reply I was told that it is up to the airlines to set the discount fares and not the CAB. Upon further investigation I found that the month of February 1972, around 40 percent of the passenger revenue miles flown by coach passengers of major airlines—Eastern, National, American, United—were at a discount rate. This indicates the importance of these promotional fare to airline receipts and that they surely are applying them elsewhere. Discount fares are particularly prevalent on routes of 1,500 miles or more connecting major cities and tourists areas—routes which are similar to the ones that Alaskans fly when coming "outside." But as I mentioned earlier there are no excursion fares to Alaska, nor are there family fares in the summer, nor is there an abundance of tour-base fares like the ones that fill the pages of the Washington Post announcing special fares to all sorts of places.

Mr. President, the basic aim of our regulatory system in the field of air transportation should be equitable service at fair rates for all travelers. In this instance, I do not feel that the principles of equity and fairness characterize the rates, routes, and service available to Alaska. I intend to pursue this matter further in an attempt to secure Alaskans and visitors the opportunities and advantages offered to other travelers on comparable air routes. I hope others will join me in this pursuit.

If there are valid reasons that stand up to analysis as to why this discrepancy exists, then we should all know about them. In no case should there be any trace of the philosophy that Alaskans will put up with inferior service and inequitable treatment. That may be a vestige of some other Alaska at some other day. It surely has no place in anyone's thinking today.

COOKWARE AT THE AMERICAN FOLKLIFE FESTIVAL

Mr. HARTKE. Mr. President, I invite the attention of the Senate to an important part of the Festival of American Folklore, to take place at the Smithsonian Institution from June 30 through July 4. The Cookware Group of General Housewives Corp., which is located in Terre Haute, Ind., will give live demonstrations of the process of manually casting metal in sand molds.

I ask unanimous consent that a news release explaining this demonstration be printed in the Record .

There being no objection, the release was ordered to be printed in the Record, as follows:

Manual Sand-Casting Process Featured at the American Folklife Festival at the Smithsonian

The age-old process of manually casting metal in sand molds will be featured at the sixth annual Festival of American Folklife at the Smithsonian Institution, June 30, 1972, to July 4, 1972, according to an announcement made today by J. Carroll Fletcher, President of the Cookware Group of General Housewares Corporation.

This molding process will be demonstrated live four times daily by Sylvester Hoying, Plant Superintendent of the Wagner Division of General Housewares Corporation which is located in Sidney, Ohio. This foundry manufactures cookware in both iron and aluminum, using the most modern methods and equipment. To illustrate the contrast in these methods, the exhibit will include a motion picture film furnished by the American Foundries Society.

In the live demonstration, Hoying will show how a sand mold is compacted around a pattern in two halves, the pattern removed, and the mold assembled to receive the molten metal. Molten aluminum will be supplied by a small electric furnace which is included in the exhibit.

"We are extremely proud to have our products used in this Festival, and we plan to donate the products to the Institution upon completion of the Festival," stated Fletcher. Last year over 800,000 persons attended the four day Festival.

FOREIGN TRADE AND INVESTMENT ACT OF 1972

Mr. HARTKE. Mr. President, to save American jobs and to preserve the diversified industrial base that has made America the most prosperous of nations, I introduced my Foreign Trade and Investment Act of 1972.

Again and again, I have pointed out that we are confronting a radically different world from that with which we dealt in the 1950's and early 1960's. Large trading blocs have been formed, prosperous European and Asian economies compete as equals in the world marketplace, and the transnational corporation has emerged as a major force in world commerce.

New worlds need new solutions, and I have promised just that in the Hartke-Burke bill. It would bring rampant imports under reasonable constraint and place the American transnationals back under democratic control.

Nat Goldfinger, research director of the AFL–CIO, has been among the first to identify the characteristics of the new world economy. He has been a leader in seeking new ways to preserve America's economic strength.

In a recent article in the Washington Post, Mr. Goldfinger clearly pinpoints the continuing problems in foreign trade and the role of the Hartke-Burke bill in their solution.

Mr. President, because of the importance of this issue to every American, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Imports Undermine American Industry

(By Nat Goldfinger)

The American economy is in trouble at home and abroad. The deterioration of the American position in international trade resulted in the net loss of about 900,000 job opportunities from 1966 to 1971. The situation is worsening at present. The industrial base of the American economy is being undermined and narrowed.

Merchandise imports were $2.9 billion greater than exports in 1971, according to the Commerce Department's official accounting—the first reported trade deficit since 1893. This deficit jumped to a yearly rate of $6.5 billion in the January–March quarter of 1972. Many more jobs are being wiped out by the rising tide of imports than are involved in exports.

Between 1965 and 1970, there was a loss of 122,500 jobs in radio, TV and electronic component production, according to the industry association. Scores of thousands of additional jobs have been wiped out in a rapidly spreading number of industries. Communities throughout the country are adversely affected.

Estimates indicate that, last year, imports of autos were about 20 per cent of the U.S. market, TV receivers more than 30 per cent, radios and tape recorders more than 90 per cent, sewing machines and calculating machines nearly 60 per cent, cassettes 100 per cent and baseball mitts about 90 per cent. Similarly, large proportions of U.S. production of other industries are being displaced—typewriters and shirts, industrial equipment and knit goods, pianos and steel, tires and work clothes, shoes, textiles and glassware.

This process, which displaces U.S. production and employment, often results in very little, if any, price benefit to the consumer, who is also a wage or salary earner. Imports are sold at the American price or close to it. So the economy loses a growing part of its productive base, workers lose their jobs, while the benefits go to profits. Moreover, the recent devaluation of the American dollar—which was loudly advertised as the solution to these problems—has actually contributed to the continuing inflation that plagues the American people. And the U.S. position in the world economy continues to get worse.

This deterioration has been accelerating in the past decade. Imports of manufactured products more than quadrupled between 1960 and 1971—from $6.9 billion to $30.4 billion. In the January-March quarter of 1972, manufactured imports were up to a yearly rate of $35.9 billion. Moreover, in 1960, such imports were only about half the level of manufactured exports; by the first quarter of this year, the United States imported a greater volume of manufactured goods than it exported. The major causes of this deterioration are the following:

In the world of the 1970s, nations manage their economies. Other countries have direct and indirect subsidies for their exports plus direct and indirect barriers to imports. The result is that foreign products surge into the huge American market, while U.S. exports are often blocked or their expansion is retarded.

The export of American technology has been reducing or eliminating America's technology and productivity leadership in many industries and product lines. U.S. firms have transferred American technology and know-how to their foreign subsidiary plants. And there have been additional technology transfers through patent agreements and licensing arrangements of U.S. firms with foreign companies.

As a result, foreign plants, operating with American technology, probably are nearly as efficient as similar factories in the U.S. But employment costs frequently are 50 to 90 per cent lower, and there may be the additional advantages of lower taxes and operating in markets protected by foreign governments.

Sharply rising investments of U.S. companies in foreign subsidiaries have been key factors in the export of American technology and the loss of American jobs. Direct investments of U.S. firms in foreign facilities shot up from $3.8 billion in 1960 to about $15 billion in 1971. The book value of such investments in foreign facilities rose from almost $32 billion in 1960 to more than $78 billion in 1971.

Although an estimated 25,000 foreign affiliates are controlled by about 3,500 U.S. corporations, the bulk of these foreign operations is highly concentrated among the corporate giants. Prof. Peggy Musgrave of Northeastern University reports that, in 1966, "Over 80 per cent of taxable income which U.S. corporations received from foreign sources . . . went to 430 corporations with asset size in excess of $250 million."

The Chase Manhattan Bank's newsletter reported last year that "foreign sales of U.S. affiliates in manufacturing alone totalled almost $60 billion in 1968 and are estimated at between $70 and $75 billion in 1970." That is more than twice the volume of exports of manufactured goods from the U.S.

The mushrooming growth of multinational corporations, most of them U.S.-based, is a new factor in the accelerating deterioration of the American position in the world economy.

A U.S.-based multinational corporation can produce components in widely separated plants in Korea, Taiwan and the U.S., assemble the product in Mexico and sell the item in the U.S. at American prices, possibly with an American-brand name. Or the item is produced and sold in foreign markets, in competition with U.S.-made products.

U.S. Rep. James Burke and Sen. Vance Hartke have introduced the Foreign Trade and Investment Act of 1972, which is aimed specifically at dealing with these basic causes of America's deteriorating position in the world economy.

The bill, for example, would remove the tax subsidies and other incentives that encourage U.S. companies to establish foreign subsidiary operations. It would provide government regulation of the export of American technology and capital. It would also set up a "sliding door" limitation on most imports, related to the level of American production—annual import quotas, based on the number of items imported into the U.S. in 1965–1969, as a percentage of U.S. output. In that way, imports would be permitted to increase as U.S. production rises.

The Burke-Hartke bill's restraints on imports and on the outflows of technology and capital are tailored to meet America's needs in a world of managed national economies and multinational corporations. The bill represents a practical way of dealing with a serious economic and social problem.

ELECTRICITY—THE SOLUTION, NOT THE PROBLEM

Mr. ERVIN. Mr. President, it is no secret that our Nation is faced with the prospect of a serious energy crisis. Congress has been aware of this problem for some time. The Senate Interior and Insular Affairs Committee has been holding hearings on Senate Resolution 45, a measure providing for an energy policy study. A number of other congressional committees are looking into various aspects of the energy crisis.

The matter does not rest with the Congress alone. Those who supply us with electricity are also exploring ways and means of insuring that Americans will continue to have adequate power when they need it. Shearon Harris, president of the Carolina Power & Light Co. of Raleigh, N.C., has served with distinction for the past year as the chairman of the Edison Electric Institute, an organization of 183 investor-owned electric utilities. On June 5, 1972, he reported to the members of that institute at its 40th annual convention held in San Diego, Calif. Giving an account of his stewardship, Mr. Harris pointed out some of the challenges which face our investor-owned utilities as they seek to provide clean and safe energy today and in the years to come.

I ask unanimous consent that Mr. Harris' remarks entitled "Electricity—The Solution, Not the Problem," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ELECTRICITY—THE SOLUTION, NOT THE PROBLEM

(By Shearon Harris, chairman, Edison Electric Institute)

It has become traditional that your Chairman at this time renders a report on his stewardship. I would like to acknowledge the great experience that it has been for me to serve in this capacity. Between the Cleveland and San Diego Conventions, I have devoted 106 days away from the Carolina Power & Light Company system to industry matters, or about 40 percent of the working days in that period, and have traveled over 65,000 miles in the performance of these duties. While it has been a strenuous year in some respects, it has been a tremendous learning experience for me and one which has been most gratifying because of the very high degree of cooperation I have enjoyed from everyone.

I should like to acknowledge my gratitude to our Company's Board of Directors for encouraging me to arrange our Company affairs so as to serve the industry and my gratitude to my associates in our Company for their extra devotion to duty while I was busy with industry matters. The Edison Electric Institute is most fortunate, indeed, to enjoy the services of a highly competent and thoroughly dedicated professional staff. I should like to acknowledge my personal appreciation for the very splendid way that every member of the Edison Electric Institute staff has performed his responsibilities during the past year. I should like to pay a special tribute to Don Crawford and to emphasize the good fortune that our industry enjoys in having him as the President of the Institute. Finally, I want to express a word of appreciation to the member companies for the grand spirit of dedication to the industry's commitments manifested during the past year.

It is no news to anyone in this room that there is a real possibility of a power supply problem, which might begin this month. It *could* happen, unless court rulings concerned with the implementation of the National Environmental Policy Act are modified promptly by appropriate legislation to avoid further delays in the installation and operation of vitally needed generating plants.

Delays could result from the Calvert Cliffs, Quad Cities, and 1899 Refuse act decisions of last year.

Keep in mind that this summer there will continue to be some areas in which power supply reserve margins are less than desirable. But, on a national basis, generating capacity as planned and scheduled, would be adequate—if it can come on the line.

Last spring at this time, we predicted a summer margin for 1971 of 18.3 percent. As you know, it actually turned out to be 19.9 percent. We are basically conservative in our forecasts—but, of course, much depends, too, on how hot a summer we experience.

Our forecasts for this summer of 22 percent and for succeeding summers are all above the 20 percent reserve which the Federal Power Commission states is essential to insure adequate and reliable electric power supply. But—and this is a big "but" indeed—we cannot expect to attain these margins nationwide unless we are able to install and get into operation the facilities we have planned and are building. We hope that timely and effective legislation will be passed to assist us in achieving these results.

Looking further to the future, the total electric utility industry will about double its generating capability from 1970 to 1980. At the end of 1971, capability was about 364 million kilowatts. By the end of 1975 this will have increased to more than 531 million kilowatts, and by 1980 to more than 600 million kilowatts.

Our best estimate for electric utility generation by 1975 is 2.138 trillion kilowatt-hours, and for 1980 about 2.795 trillion kilowatt-hours. This compares with the 1.614 trillion kilowatt-hours generated in 1971.

We continue to hew closely to the trend line established in the EEI forecast made 13 years ago, indicating electric utility generation in the vicinity of 9.5 trillion kilowatt-hours by the year 2000. The forecast, through 1971, has a cumulative error of about 8/10ths of 1 percent.

Last year, the investor-owned companies spent a record $11.9 billion for new construction of electric plant, or 14.6 percent of the new construction expenditures by all

American industry. This year, new construction expenditures will total about $13 billion.

The total investment of the companies in electric plant and equipment reached about $104.5 billion at the end of 1971, and we estimate this will reach about $116.4 billion by the end of this year. The investor-owned electric utility industry continues to be the nation's largest industry from the standpoint of investment.

There has been growing recognition by the regulatory commissions of the need for rate increases to enable the electric utility companies to carry out their responsibilities in the face of higher costs all along the line. During 1971, it was reported to EEI that 107 investor-owned electric utility rate increases were granted for a total of $826 million, and at the end of the year there were 99 applications pending for increases totaling $1,157 million. During the first quarter of 1972, it was reported that 35 rate increases were granted, totaling $304 million. This compares with 25 increases totaling $177 million during the first quarter of last year.

There are indications, despite the variety of challenges we are facing, that our position with the public has improved somewhat over the already good esteem in which we have been held. A nationwide survey of urban customers of investor-owned electric utility companies was taken early this year by Central Surveys for PIP—our industry's public information program. It shows that 91 percent of those questioned feel that electric service is as reliable and dependable as it should be—up from the 88 percent reading in 1971. Only 8 percent felt service should be better.

Here is another question of interest: "If you had a choice, would you rather receive electricity from the company that serves you now, or would you rather have the electric system owned by the city, the state or the Federal government?" Seventy-six percent said they preferred company ownership; 15 percent preferred government ownership; and 9 percent had no preference. This is reassuring, but I would not suggest that we be complacent about it.

Turning to the environment, there is evidence that people feel that air and water pollution is of less concern this year. Forty-one percent say that air pollution is a serious problem, compared to 52 percent last year, and 55 percent in 1970. Water pollution is deemed a serious problem by 63 percent in 1972, compared with 69 percent in 1971 and 63 percent in 1970.

Keeping this in mind, consider the responses to the next three propositions. First, "Air and water pollution present a serious danger to human health and safety in many parts of the United States." Ninety-three percent agree with this—most of them strongly.

The response to the next statement will not give aid and comfort to extreme environmentalists. Electric company customers were asked to give their opinion on this: "The only way to clean up the environment is to drastically reduce the use of energy and fuels of all types and return to the way of life of 30 or 40 years ago." Only 15 percent agreed with this position. Eighty-two percent disagreed—most of them strongly.

Finally, this statement was presented: "The science and technology that have created problems of air and water pollution can also solve those same problems." Ninety-one percent agreed—most of them strongly.

More directly to the matter of electric energy consumption, 83 percent of those asked felt that household use of electricity should *not* be restricted to help reduce the need for new power plants. Seventy-five percent said that businesses and industries should *not* be restricted in their use of electric power. With regard to that last question, when it was pointed out that such restrictions might mean a loss of jobs in the area, 11 percent changed their vote, so that the grand total shows 86 percent against restrictions on business and industry.

This should give us some encouragement as we work to demonstrate that electricity is indeed the solution, not the problem. While our customers generally are more realistic on these matters than are some of the more vocal proponents of energy restrictions, while our customers do not make headlines or attention-getting statements of dubious validity, they do appear to be exercising their common sense. We need to keep them adequately informed so that their views can be effectively expressed.

One very strong impression has lingered with me from the past year's experience as I moved about over the country and talked with industry leaders from nearly every member company. It was most heartening to observe the degree to which so many companies view their position as a part of the total industry. There was repeatedly manifested a willingness to think in terms of the total industry as distinguished from the impact in a given situation upon an individual company. We have made a lot of progress along this line in system and regional planning through the work of the reliability councils. Continued progress has been observed in the pursuit of our common interests in the field of public affairs. Our almost amazing response in support of the Liquid Metal Fast Breeder Reactor Demonstration project is further evidence of our advanced thinking as a total industry.

Perhaps the sharpest disappointment with which I was poignantly stricken during this period of service was the significant number of companies that in some instances looked at themselves individually as a total end within themselves. The challenges that face this industry in the years ahead require us to find ways in some instances to subordinate personal views and short-range advantages to the common welfare of the industry as a whole. We have said to ourselves and to each other that the great diversity of our industry is one of its great strengths. While we need diverse ideas in finding the solutions to our problems, it is my personal conviction that we need to develop a higher sense of value for and a stronger sense of commitment to the industry-determined solutions to our problems. I suppose that what I am trying to convey is simply that we need to take another step—a rather large step—in the direction of thinking more like one whole industry and less like 183 separate companies that belong to the same trade association.

In my remarks at Cleveland last year in accepting the chairmanship, I said: "I have concluded that the mission of my leadership period should be an attempt to lift the perspective of our industry in the field of research and development." Most of you are familiar with the emphasis that I have put on R&D during the year and it is not necessary for me to review that effort. The address of the Honorable Joseph C. Swidler on Wednesday will be devoted to that subject.

We have seen the endorsement of the R&D Goals Task Force Report to the Electric Research Council as an EEI objective. We have seen the Executive Committee of the National Association of Regulatory Utility Commissioners endorse our industry's program with some appropriate conditions attached. In the NARUC report is the statement: "We should add that the utilities do not have much time to demonstrate their will and capability to tackle the R&D job."

In March of this year the Senate Commerce Committee held hearings on Senator Magnuson's bill to levy a tax on electric service to support R&D and to create a government agency to conduct the program. In my appearance before the Senate Commerce Committee, I told your story of what you have done, what you are doing and what I believed you would do. Under hard questioning as to whether our industry would really perform in a reasonable period of time, I asked the Senate Commerce Committee to suspend consideration of that bill and take a reading on our progress in March 1973. The NARUC statement that "the utilities do not have much time" became a reality in those Senate Commerce hearings.

The investor-owned electric utility industry today stands at the most important fork in the road since it survived the battle of nationalization in the 30's. It may mount and implement a really creditable research and development effort in the next few months or it may fumble its great opportunity. It is unthinkable that we would choose either deliberately or by failure to act the road to failure in this great opportunity. To travel the road of success will call for a considerable amount of courage and faith. It is going to take a lot of courage to commit the financial support that our R&D program requires and to seek the needed revenues either by rate adjustments or by rate surcharges at a time when so many of us are so sorely pressed by revenue requirements. It is going to take a lot of faith in our industry leadership to develop a program that all of us must support with a lot of money, but which cannot possibly accommodate the individual ideas of all of the financial supporters.

I believe that you already appreciate the great opportunity that is ours, that you already possess the courage to take the needed action and that you already have the faith in your industry colleagues to do a reasonable and constructive job of implementing the R&D program; therefore, I predict that this industry will choose the road to success which will lead our industry to newer and higher levels of service, to a greater appreciation from our public for that service and to a substantial contribution to the preservation of our industry's existence as a viable component of the American investor-owned free-enterprise system.

For the privileged of being your servant and for the patient and courteous attention you have extended to me here, I am deeply grateful.

RENEWED NERVE GAS TESTING

Mr. GRAVEL. Mr. President, on June 14 the Army held its first briefing in 17 years at the Dugway Proving Grounds, where a nerve gas accident killed more than 4,000 sheep in 1968. According to the Salt Lake City Tribune June 15, the Commanding Officer of the Army's Utah CBW test facility said that the Army is now preparing an impact statement prerequisite to resumption of open-air testing of lethal chemical weapons. To continue to experiment with new kinds of lethal chemical weapons would be inconsistent with our proclaimed concern for strengthening international safeguards against precisely these weapons. Further testing can only contribute to an escalatory spiral, thus weakening international restraints against the use of chemical and biological weapons. I hope that the Army will decide not to conduct further open-air tests with these much-abjured weapons. I ask unanimous consent to have printed in the RECORD a news dispatch on this subject entitled "Army May Resume Nerve Gas Testing in Utah, "written by Dr. Richard A. Fineberg.

There being no objection the dispatch was ordered to be printed in the RECORD, as follows:

ARMY MAY RESUME NERVE GAS TESTING IN UTAH

(By Richard A. Fineberg)

(NOTE.—Richard A. Fineberg, a Washington-based Dispatch correspondent, has written extensively on chemical-biological warfare and other politico-military affairs.)

WASHINGTON, D.C.—Nerve gas testing may be resumed at Dugway Proving Grounds, the Army's vast Utah test facility where an errant aerial test of the lethal chemical warfare agent killed more than 4,000 sheep in 1968.

Brigadier General Max Etkin, commanding officer at the Deseret Test Center, the Salt Lake City administrative center for the proving grounds, told reporters at Dugway's first press briefing in 17 years that nerve gas tests are presently being conducted in controlled laboratory experiments. "We'll do everything we can short of field tests to get what we need," Etkin said, "but there will come a time when we'll have to fire the agent."

Etkin was referring to the Army's latest innovation in chemical warfare, known as the binary weapons system, in which two harmless chemicals in separate cylinders are mixed on firing to form a lethal compound. According to DMS, a McGraw-Hill subsidiary that charts trends and provides information for defense contractors, the binary system "is expected to replace existing chemical stockpiles, since it eliminates almost all of the presently-feared handling and storage hazards."

President Nixon renounced the first use of chemical weapons in November 1969, but the Army continues to develop its chemical arsenal for possible retaliatory use. Nerve gas weapons are still deployed on a global scale from Johnston Island, a tiny Pacific atoll on the Asian perimeter, to West Germany.

The briefing at Dugway June 14th was held "to foil apprehensions about activities at the test facility, which is larger than the state of Rhode Island, according to Army Test and Evaluation Command Information Officer August T. McColgan. McColgan said that reporters toured chemical, biological, meteorological and photographic facilities in unclassified areas of Dugway, but they were not shown the still-secret chemical facility, where laboratory nerve gas testing is presumably conducted, or the biological laboratories deep within the sprawling test center.

In the wake of the 1968 test accident at Dugway, Congress stipulated that prior to open-air testing of lethal chemical or biological agents the Secretary of Defense must seek recommendations from public health officials and must notify Congress and the governor of the states involved in the test activity. The President can over-ride these procedures in the interest of national security.

In addition, Etkin noted, the Army must clear an environmental impact study with state and federal agencies. According to the Salt Lake City Tribune, Etkin told reporters that the Army has begun preparing the impact study prerequisite to resumed nerve gas testing, but the Army subsequently denied this report.

In his 1969 statement, the President also renounced biological warfare and limited research on biological weapons to "defensive measures." Because it is difficult to distinguish offensive from defensive research, some observers have questioned whether this limitation is meaningful.

THE FCC SATELLITE DECISION

Mr. GRAVEL. Mr. President, the recent FCC decision on who can operate communications satellites and under what conditions was a welcome and good one. The national and even international implications of the policy and guidelines set out in the June 16 decision are wide ranging and substantial.

And so are the regional implications for Alaska. It is, of course, too early to know all the implications for Alaska communications, but several outlines and directions are clear. Through a rather heavy correspondence and frequent contacts with FCC, Comsat, and other parties I have kept in close touch with what became FCC Docket 16495. I commend the agency for its landmark actions in this case.

What is it, then, that we seem to have won? The FCC stated a domestic satellite policy in favor of multiple entry, of active competition among the carriers. It placed needed and significant constraints on A.T. & T.'s and Comsat's behavior in the long distance communications field. It rightfully encouraged applicants like General Telephone and Electronics and Hughes Aircraft to come forward with service proposals which would "tend to lessen A.T. & T.'s dominance and economic influence in the domestic communications field."

Of great importance to Alaska is the kind and amount of attention the FCC devoted to our State in rendering its decision. Two extremely important rulings were made which I have personally been fighting for for a long time.

One is that the establishment of domestic satellite service would require submission of proposals for the integration of Alaska into the rate scheme for the rest of the United States. In other words our rates would be averaged over the nationwide system instead of standing alone for Alaska. This should, of course, mean lower rates and better communication service—the twin goals of any communications policy for Alaska.

In striking this public interest blow in favor of system averaging the FCC recognized that one of the principal virtues of satellite technology is that costs as a function of distance are deemphasized, thus largely eliminating one of the most punitive factors in ratemaking for Alaska. Henceforth, the old vestiges of treating Alaska as a foreign entity are over and domestic levels of charges and rate patterns will be prescribed as policy.

Second, the FCC explicitly recognized Alaska's urgent needs for improved intrastate communications and the possible role satellites may play in meeting those needs. A detailed plan will be required of RCA or any other applicant proposing earth stations in Alaska for intrastate service, and A.T. & T. or any other wholesale carrier will have to allow access to their system capacity for the purpose of intrastate Alaska service.

Mr. President, there is at least one other implication in this FCC decision specific to Alaska. Senators will recall that when the Congress authorized the sale of the Alaska communication system a few years ago a very important device was written into that law; namely, that bidding by interested buyers was to be mainly on the question of levels of rates and promised capital improvements and only secondarily on exceeding an upset price established by the Air Force as seller.

The sale was consummated with RCA, and that company subsequently embarked on its required modernization program for Alaska communications. Now halfway through the 3-year time frame for modernization RCA is substantially less than halfway through its capital improvements. Undoubtedly the uncertainty surrounding the outcome of the whole domestic communications satellite issue which was before the FCC was a legitimate factor in slowing RCA's progress. Corporate investment decisions in plant and equipment are understandably hard to make not knowing what, if any, role the whole satellite technology might be able to play when the FCC decision finally came.

Now, however, that is behind us and considerable uncertainty has been removed. Accordingly I believe that the Congress, the Air Force, the Alaska Public Service Commission, and the Alaska public at large should now be able to look forward to RCA completing its required modernization program over the coming year and a half. We will keep closely abreast of their progress and the evolving communications proposals and prospects in the wake of the FCC's milestone decision of June 16.

All this is not to say that I am without misgivings and some disappointment over the decision. Many hard decisions were avoided by the FCC, and the companies were sent back to the drawing board on quite a few of these areas. I would not want to have the upshot of this be a delay in the timetable for implementation of improved commercial satellite communications in Alaska. Guidelines are important to lay down, but hard decisions of investment and service offerings are still better. We, in Alaska, look forward to these.

SENATOR PERCY GIVEN AWARD OF MERIT BY NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. BROOKE. Mr. President, on June 9, the National Council of Senior Citizens—one of the largest and most effective advocates of the rights of senior citizens—awarded to Senator PERCY its award of merit.

Each year, the award of merit is given to one Senator and to one Member of the House of Representatives for outstanding work in behalf of elderly citizens.

As a fellow member of the Senate Special Committee on Aging, and a past recipient of this citation, I can confirm that Senator PERCY has taken a deep interest in the problems of the elderly and worked very hard in this area.

Mr. President, I ask unanimous consent that both the citation given by the National Council and the Senator's speech on that occasion be printed in the RECORD.

There being no objection, the citation and speech were ordered to be printed in the RECORD, as follows:

AWARD OF MERIT CITATION TO CHARLES H. PERCY

Exceptional concern for the welfare of the nation's older generation has marked the career of Senator Charles H. Percy (R., Ill.) since the 52-year-old lawmaker entered public life in 1966.

Senator Percy is a co-sponsor of Amendment 999 to House Resolution One (H.R. 1), the House-passed Social Security and welfare bill. The amendment would raise from 5 to 20 per cent the amount of Social Security increase incorporated in H.R. 1.

Percy has been tireless in his efforts to make life better for the elderly. Thus, from March through June, 1971, Percy was occupied on a daily basis with appeals to fellow lawmakers to promote support for a year's extension of 28 nutrition projects funded by the U.S. Administration on Aging under the Older Americans Act. The projects, which had proved so beneficial to the elderly, were due to expire June 30, 1971.

The Senator's campaign proved successful. The Nixon Administration re-programmed cash necessary to keep the projects going pending passage of S–1163, a bill to expand the elderly nutrition program.

Percy has energetically sought to raise standards of care in nursing homes receiving Federal funds and last year told a meeting of the Metropolitan Chicago Nursing Home Association to raise standards in their establishments or get out of business.

Percy is author of legislation to provide more Federally funded job opportunities for the low income elderly, to provide better transportation services for them, to boost Social Security benefits for widows and dependent widowers and otherwise improve the Social Security Act.

Percy, whose home is Wilmette, Illinois, has a brilliant record in both public and private life. At age 29, he became president and chief executive officer of a major corporation (Bell & Howell, camera manufacturers). He left this post in 1966, the year he was elected U.S. Senator. He is a four-year Navy veteran of World War II.

The nation's elderly have no more zealous advocate in Congress than Senator Charles H. Percy to whom this award is made.

REMARKS OF SENATOR CHARLES PERCY

Lades and Gentlemen:

It is a great honor to accept the National Council's Award of Merit, and I do so with a tremendous amount of pride and humility.

At the outset, let me acknowledge the persistent and vigorous efforts made by Nelson Cruikshank and Bill Hutton, and the National Council as a whole, in their campaign to improve the lot of our elderly citizens. The Council has worked extremely hard and aggressively to bring about improvements in the lives of our older people. Let me also offer my warm congratulations to Congressman Brademas, Charles Killinger, Mrs. Pemberton, Mr. Newburgher, and Assemblyman McCarthy for their awards.

I have often said that I believe elderly Americans have been the most callously ignored minority group in the country for many, many years. For a public official to receive such an award for service to America's elderly is a tribute to be treasured. But if this award marks how far we have come in alleviating the problems facing the elderly it surely marks how much further we have to go.

As we meet today, one in every four elderly Americans is living on a poverty income. Moreover, the post-65 generation is the only age group in which poverty is actually increasing. Today over one million elderly Americans are living in nursing homes, although less than half of the homes are served by skilled nursing help.

But rather than dwell on statistics and paint a bleak picture of elderly incomes, health services, transportation needs, and the need for programs to combat loneliness, I want to emphasize what we are trying to accomplish. Frankly, I am encouraged because I think our efforts now have the support of public officials at all levels of government, from both political parties. Even more important they have the support of the American people.

As you know, important legislation is likely to pass the Congress soon. Of particular importance are the amendments to the Social Security Act. Among them we will hopefully pass an immediate, 20 percent across-the-board increase in Social Security benefits and provide automatic cost-of-living increases thereafter. We are also likely to pass legislation that will guarantee full benefits to widows.

I have had people come to me and say that these measures and others which I have sponsored in the Congress are too expensive. They say, for example, that it would cost too much to include all costs of prescription drugs under Medicare. It would be too expensive to permit the deduction of all medical expenses for taxpayers over 65. Their complaints sometimes include proposals to improve nursing homes, to guarantee nutritious meals to the needy elderly and to construct community centers.

To those who raise such complaints I say "hogwash." We could totally abolish poverty among the elderly for what it costs us to run the war in Vietnam for three months. We could broaden medicare coverage to include all out-of-hospital prescription drugs for what we spend for one aircraft carrier. We could establish a comprehensive older Americans manpower program for what we spend for one submarine. The costs for these programs for the elderly are small compared to other government investment of funds, and for my part, I think they deserve just as high a priority.

This can be a crucial year in our efforts to see that these programs get the attention they deserve. With the elections just five months away, nearly every candidate for public office is beginning to devote considerable rhetoric to the problems of the elderly. I urge you and all your friends to encourage candidates in 1972 to do more than talk. I urge you to demand to know which proposals a candidate supports, what constructive alternatives to existing proposals he or she favors and how they intend to implement their recommendations. If we can mobilize enough Americans to raise the issues, to review the various proposals and lobby for passage of those they support, we will make important headway. I want you all to know that my office stands ready to assist you in whatever way we can.

KENNEDY CORRESPONDENCE ON WARRANTLESS WIRETAPPING

Mr. KENNEDY. Mr. President, yesterday I announced that the Subcommittee on Administrative Practice and Procedure will hold a hearing this week on the implications of the Supreme Court's June 19th decision regarding warrantless electronic surveillance. The subcommittee, during the year 1971, had the benefit of a lengthy exchange of correspondence which I had with the Department of Justice on this subject. This correspondence was also referred to in the argument in the Keith case and in the opinion of one of the Justices. So that this material may be made available generally at this time, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF LETTER BY SENATOR EDWARD M. KENNEDY, CHAIRMAN, TO MEMBERS OF ADMINISTRATIVE PRACTICE SUBCOMMITTEE REGARDING NONCOURT ORDERED ELECTRONIC SURVEILLANCE, DECEMBER 17, 1971

DEAR SENATORS: As you may have noticed in two recent speeches and at Judiciary Committee hearings a few weeks ago. I referred to the fact that there has been three to nine times as much federal listening going on as a result of warrantless electronic surveillances as there has been on devices operated under judicial authorization.

Some of the members of the Subcommittee have asked for the factual data underlying my statements on this subject, and I thought I would take this occasion to forward to all of the members copies of the correspondence I have had with the Justice Department which gave rise to these observations. I would also like to share with you some other preliminary conclusions I have reached about issues raised in this correspondence in keeping with the significant oversight this Subcommittee has exercised with respect to the subject of electronic surveillance in the past.

Briefly stated, study of the correspondence and related public materials suggest that: 1) the number of federal wiretapping and bugging devices installed without court authorization is substantially greater than the Executive Branch has led the public to believe; 2) the average duration of such devices is many times longer than the average duration of court-approved devices; 3) as a result, the total amount of federal electronic eavesdropping without court permission far exceeds the eavesdropping with judicial approval; 4) there is strong reason to doubt the validity of the repeated public assurances by the Justice Department that it fully complies with the 1968 Congressional standards before installing any tap or bug without a court order; and 5) despite the Department's assertions to the contrary there is an absence of well-defined procedures which would promote compliance with the statutory standards and permit meaningful Congressional scrutiny of this extraordinary Executive activity.

I am sure you are aware of the fact that numerous public statements have been made by high federal officials during the past year suggesting that there is a comparatively limited amount of federal electronic surveillance operated without court orders.

For example in April President Nixon told the annual convention of the American Society of Newspaper Editors:

> Now in the 2 years that we have been in office—now get this number—the total number of taps for national security purposes by the FBI, and I know because I look not at the information but at the decisions that are made—the total number of taps is less, has been less than 50 a year.

And, just three months ago the Solicitor General told the Supreme Court in a brief filed in the *Keith* case (the case still pending on the constitutionality of warrantless electronic surveillance) that only 36 warrantless telephone surveillances were operated in 1970.

The above figures are flatly contradicted by Assistant Attorney General Mardian's March 1 letter to me, in which he reveals that a total of 97 warrantless telephone taps were operated in 1970—almost double the President's figure and almost triple the Solicitor General's figure. (This ratio excludes the 16 microphone installations in 1970, which neither the President nor the Solicitor General took note of.)

Further, the repeated references by Government officials to the limited number of warrantless devices ignore the far more significant question of the duration and total usage of these surveillances. I am extremely concerned about the fact that in 1970 there were from 3.4 to 9.6 times as many days of federal listening on warrantless devices as there were on devices installed under judicial authorization. To assist you in your assessment of this problem I am attaching a chart which reflects the figures upon which these ratios are based. You will note that the calculations we have made also reflect that for the two-year period 1969–1970, warrantless devices accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order. Duration figures for non-court ordered devices are given in terms of maximum and minimum levels because the information provided is in terms of duration ranges. See pages 1, 2, 3 of March 1 letter.

In short, Mr. Mardian's March 1 reply poses the frightening possibility that the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time. The figures certainly seem to suggest that the Attorney General was being less than accurate last April when he said on the David Frost Show that these Executive-ordered devices "relate to particular subject matters at a particular time", if he meant to imply that such devices were installed only briefly and only to enable the Government to prevent specific acts threatening immediate peril to the security of the nation.

Apart from the indication that these surveillances are apparently far more pervasive than any of us had ever realized, the correspondence raises the recurring problem of whether any standards and guidelines are being followed in the employment of these techniques. As you will recall, in enacting the Safe Streets Act of 1968, Congress described five categories of danger to the Nation for which warrantless devices might be utilized if they were constitutionally permissible at all, namely: (1) to protect the Nation against actual or potential attack or other hostile acts of a foreign power; (2) to obtain foreign intelligence information; (3) to protect national security information against foreign intelligence activities; (4) to protect against the overthrow of the government by force or other unlawful means and (5) to protect against other clear and present danger to the structure or existence of Government. Of course, there is a substantial issue, now before the Supreme Court, as to whether any such warrantless electronic surveillances are permissible under the Fourth Amendment, but on the assumption that some are, the Justice Department has repeatedly assured the courts that it is operating under procedures and standards which assure strict control and complete adherence to the statutory categories.

For example, briefs and memoranda filed by the Department in several cases in support of this claim that warrantless electronic surveillances are lawful contain the following unequivocal assertions:

> Another restraint on the exercise of the power is the existence of strict standards, recognized by the Congress which are met before the President or the Attorney General acts. Additionally, there exists a compelling wisdom in the policy of having one official, the Attorney General acting for the President, to authorize such a surveillance in accordance with the standards set forth in the Omnibus Crime Controls and Safe Streets Act of 1968, in order that such policy will provide a uniformity in the application of those standards . . . [See, e.g., Memorandum in *U.S.* v *Bieber*, 71 CR. 479, E.D.N.Y]

Indeed, the Solicitor General's most recent brief on the subject, which was filed in the Supreme Court in the *Keith* case just three months ago, contained the assurance that:

> The standard of the national security that the Attorney General applies in authorizing electronic surveillance without a warrant is the same standard that Congress provided in the Omnibus Crime Control and Safe Streets Act of 1968.

The brief then refers to the five statutory categories described above and says: "Three of these categories relate to the hostile acts of a foreign power and to foreign intelligence activities and are not directly involved here." It continues: "The two other categories are 'to protect the United States against the overthrow of the Government by force or violence or by other unlawful means, or against any other clear and present danger to the structure or existence of Government,'" citing the 1968 statute. It concludes: "These were the grounds upon which the Attorney General authorized the surveillance in the present case."

Obviously this officially asserted Executive compliance with Congressional standards is vital in an activity which lies in the grayest possible area of Constitutional law. Certainly Congress expected that well-defined procedures would be established to guarantee that each warrantless surveillance would clearly meet one or more of those categories when installed, and the public has the right to assume that these limits on electronic surveillance are being assiduously applied in every instance. Moreover, precise prior categorization of such surveillances is necessarily central to Congressional review of the implementation of the 1968 law, and is essential to a full understanding of the overall figures, discussed above, relating to the amount and duration of bugging and tapping on the sole discretion of the Executive Branch. For example, if it were true that 95% of the total number of installations were initiated for the sole purpose of obtaining foreign intelligence information from aliens, and only 5% for the purpose of surveilling domestic dissidents whom the Attorney General genuinely considered to be a clear and present danger to the existence of the Government, the meaning of the statistics might be quite different from the meaning if the percentages were reversed. Indeed, if the "clear and present danger" category were being used at all regularly, the Congress would certainly want to hear more about the nature of that danger.

It was with these considerations in mind that my original letter asked the Attorney General to provide a breakdown of the Executive-ordered surveillances by statutory category. I was therefore disappointed when Mr. Mardian's first reply failed to provide such a breakdown, allegedly because the "installations cannot be categorized exclusively under a single criterion," although he did assure me that each installation met one or more of the statutory criteria.

I thereupon indicated that the breakdown could be made in terms of more than one category. This time I was surprised and dismayed to receive a response which said not only that the subject matter "is such as to preclude categorization under a single criterion," "but also that no such categorization exists."

I next requested merely that the Department provide the number of installations which fell into either of the categories which the Department itself had spelled out in its court submissions, namely those employed to gather "foreign intelligence information" and those employed to gather "intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of Government," the latter of which, I should point out, is not one of the statutory categories. Mr. Mardian's response to this request was absolutely shocking, in view of the position of the Department in the Courts. "The Department," he said, "has never attempted such a categorization."

Thus, despite the litigative positions taken by the Department and the assurance by Mr. Mardian, in his March 1 letter to me, that the Attorney General's discretionary wiretaps and bugs all fall within the statutory categories, the Department now admits in essence that it actually does not know—and thus presumably does not care—which installations fall into which categories. It seems clear from the correspondence that when the Attorney General is asked to authorize a warrantless electronic surveillance, he is not told what category or categories justify its use, nor how the statutory elements for the category or categories are met by specific facts; for if he were, the Department would have had no difficulty at all providing the statistical breakdown I requested.

This conclusion is strengthened by the Department's response to my effort to determine the precise nature "of the administrative practices and procedures which culminate in a determination whether (the statutory) criteria have been met." In court, of course the Department has consistently asserted that in applying the statutory categories, "there exist adequate procedures to insure that the standards are met." (See, e.g. Memorandum in *U.S.* v. *Hoffman*, CR. No. 973–71, D.C.) But in his answer to my inquiry, Mr. Mardian, on behalf of the Attorney General, was "unable to supply" any information on those procedures, other than to say that applications for electronic surveillances to be ordered by the Attorney General "have come from the Director of the Federal Bureau of Investigation personally," and "are handled exclusively by the Attorney General acting for the President."

Apart from the fairly explicit admission, once again, that there really are no procedures to assure adherence in advance to the statutory standards, the response raises new questions of who is doing what and why. For in June, on the one hand the Attorney General, in a speech in Roanoke, Virginia, was stating flatly that "only the President is in a position to evaluate adequately" the kinds of sensitive information relevant to so-called "national security" surveillances, because only the President is familiar with "the various intelligence data submitted by the independent agencies within the intelligence community." On the other hand, the Deputy Attorney General the same month was arguing (on the Liz Drew Show) that the requisite judgements should be made in the Executive Branch because of the presence there of "professional career people" who "understand" sensitive materials. Yet if Mr. Mardian's response is accurate, it is neither Presidential expertise nor career expertise that is being applied but the lone judgement of the Attorney General based on each separate submission to him by the investigators who wish to do the surveilling, and without specific focus on the statutory criteria.

The answer to this seeming inconsistency, and to other issues raised in the correspondence, such as whether federal dissemination of information from warrantless taps and bugs—not identified as such—to state law enforcement agencies may be tainting many local cases across the nation, will have to await the Subcommittee's further pursuit of these matters next year, but I wanted to bring you up to date in view of the inquiries from some Subcommittee members, as well as from the academic and legal communities and the press.

At the very least, the correspondence demonstrates that any reliance on Congressional scrutiny as a continuing constraint on Executive abuse of "national security" eavesdropping is misplaced. The Deputy Attorney General has specifically suggested (on the Liz Drew Show) that "Congress . . . is informed regularly" with respect to the "categories" of such surveillance. According to the Department's brief in Keith placing sole responsibility in the Attorney General permits "greater control over use of this technique by facilitating close Congressional oversight of the Executive's action." The correspondence, however, shows plainly that the Department has no procedures or recordkeeping practices which allow, let alone facilitate, any meaningful Congressional review of the purposes for which warrantless taps and bugs are being used, or the way in which the statutory criteria are being met.

The copy of the correspondence I am enclosing is unedited, but the Justice Department has requested that the specific surveillance duration figures not be released, and the copies made publicly available will have those figures excised. I believe that you will find the enclosed chart, which is derived from these figures but does not disclose them, adequate for any public discussion of this material.

I look forward to working with you on these and other subjects of mutual interest during the coming year, and I thank you for your assistance and participation during 1971.

With best holiday wishes.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure.

FEDERAL WIRETAPPING AND BUGGING, 1969-70

	Court-ordered devices		Executive-ordered devices			Ratio of days used: Executive ordered, court ordered		Average days in use per device		
				Days in use				Court-ordered devices	Executive-ordered devices	
	Number	Days in use	Number	Minimum (rounded)	Maximum (rounded)	Minimum	Maximum		Minimum	Maximum
1969	30	462	94	8,100	20,800	[1] 17.5	[1] 45.0	15.4	86.2	221.3
1970	180	2,363	113	8,100	22,600	3.4	9.6	13.1	71.7	200.0
Total 1969-70	210	2,825	207	16,200	43,400	5.7	15.4	13.5	78.3	209.7

[1] Ratios for 1969 are less meaningful than those for 1970, since court-ordered surveillance program was in its initial stage in 1969.

Source: (1) Letter from Assistant Attorney General Robert Mardian to Senator Edward M. Kennedy, Mar. 1, 1971. Source figures withheld at request of Justice Department. (2) 1969 and 1970 reports of Administrative Office of U.S. Courts.

U.S. SENATE,
Washington, D.C., February 5, 1971.

Hon. JOHN MITCHELL,
Office of the Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know, the Subcommittee on Administrative Practice and Procedure has in recent years been extremely interested in the subject of electronic surveillance, both in connection with its continuing study of practices of federal agencies and others that may constitute invasions of privacy and its role in the development and processing of the legislation which eventually became Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Both of your immediate predecessors and other Department officials appeared before the Subcommittee and their assistance was extremely valuable in our work. I know that your knowledge and interest in this area will also prove helpful to us, and we look forward to working closely with you and your staff.

There has been increasing concern in the Congress and in the Nation in regard to the current practices of the Federal government in the utilization of electronic surveillance. You yourself have announced a six-fold rise in the number of court-ordered wiretaps and microphone eavesdrop installations between calendar 1969 and calendar 1970, and there have been a growing number of court cases involving surveillances initiated by the Federal government without court orders. You have offered detailed and impressive defenses of the increase in installations under court order, and, of course, we will be assisted in reaching our own conclusions as to that type by the annual reports of the Department on its applications to the courts for wiretap and eavesdrop orders.

In the case of electronic surveillance installations made without court orders, the public impression is that such installations are not only being made more frequently, but also that they are being used in a growing spectrum of types of cases. Many citizens fear that installations without court order are being used to avoid the requirements governing court-ordered installations, and especially the necessity for the government to prove probable cause as to commission of specified criminal offenses to obtain a court order. They reason that if there were facts to establish that such criminal offenses were involved in a given case, the government would proceed by court order, and that the increasing avoidance of this procedure reflects increasing surveillance of individuals and groups whose only offense is disagreement with government policies, personal eccentricity, outspokenness, or participation in lawful activities of organized dissent, or a combination of these.

The problem for those of us who must assess these concerns is that in the field of purely Executive wiretapping and eavesdropping, as opposed to Executive tapping and bugging under Judicial authority, we have scant information on which to base our judgments. The Director of the Federal Bureau of Investigation has annually testified as to the number of "national security" installation, and other Department officials including the Attorney General have from time to time also referred to such a figure in Congressional testimony or correspondence. I believe that the most recent such report referred to 36 wiretaps and 2 microphones.

In view of your own statements as to the increased number of non-court-ordered installations, the growing public concern, the need of the Congress and the public for more information from which to determine whether and how the limitations on such installations in Section 2511(3) of Title III are being adhered to, Constitutional questions aside, I am confident that you will agree that this would be an opportune time to shed some light on Federal practices in this area.

Would you, therefore, kindly provide the following information as soon as possible, sending us immediately those items of information which are readily available, and the remainder when obtained. I recognize the fact that some of the statistics requested will be based on documents which are classified, but the requests have been phrased so as to admit of answers which should be able to be unclassified. However, if you see a need to classify any particular answer, please provide it separately, and it will be handled on a classified basis.

A. For the period June 19, 1968 to December 31, 1968, for calendar 1969, and for calendar 1970, please provide:

1. The number of electronic surveillance installations placed in operation or continuing in operation at any time during the period, counting each device, connection, or other unit as a separate installation where more than one installation was utilized to surveil the same subject or group of subjects.

2. Of these, for each period the number of each type of installation, i.e., wire communication intercepts, oral communication intercepts, combination intercepts, or other.

3. For each period, the number of installations in each of the following categories: under 1 week, 1 week to 1 month, 1 month to six months, over six months.

4. For each period, the number of installations in each use category itemized in Section 2511(3) of Title 18, U.S. Code, as added by Title III of P.L. 90-351, i.e.

a. to protect the Nation against actual or potential attack or other hostile acts of a foreign power,

b. to obtain foreign intelligence information,

c. to protect national security information against foreign intelligence activities.

d. to protect against the overthrow of the government by force or other unlawful means,

e. to protect against other clear and present danger to the structure or existence of government (for this category, describe general nature of danger).

5. For each period, the number of installations the dissemination of whose product fell in each of the following categories.

a. Disseminated only to 5 or fewer persons within the Federal government,

b. Disseminated only to 5 to 50 persons within the Federal government,

c. Disseminated to over 50 persons in the Federal government only,

d. Dissemination total unknown but available on request to properly cleared Federal employees only,

e. Disseminated to state, local, or private agencies.

B. In the light of the recent conflict among the Federal courts as to the Constitutional and statutory limits of the government's power to initiate electronic surveillance without judicial authority, what interim standards and procedures has the Department adopted pending ultimate determination of these limits on a nation-wide basis?

I appreciate your assistance and look forward to your reply.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure.

DEPARTMENT OF JUSTICE,
Washington, D.C.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Attorney General has asked me to respond to your inquiry of February 5, 1971, with respect to administrative practices and procedures relative to electronic surveillance.

In accordance with your suggestion, we would ask that the breakdowns furnished with respect to the duration of surveillance be treated as confidential since an examination of the breakdown might indicate a fixed number of permanent surveillances.

With respect to your questions A1, A2, and A3, we submit the following:

June 19 to December 31, 1968; Telephone Surveillances.
In operation less than one week
In operation 1 week to 1 month
In operation 1 to 6 months
In operation more than 6 months
Total, 50.
Microphone Surveillances.
In operation less than one week
In operation 1 week to 1 month
In operation 1 to 6 months
In operation more than 6 months
Total, 6.

Calendar Year 1969, Telephone Surveillances.
In operation less than 1 week
In operation 1 week to 1 month
In operation 1 to 6 months
In operation more than 6 months
Total, 81.
Microphone Surveillances.
In operation less than 1 week
In operation 1 week to 1 month
In operation 1 to 6 months
In operation more than 6 months
Total, 13.

Calendar Year 1970, Telephone Surveillances.
In operation less than 1 week
In operation 1 week to 1 month
In operation 1 to 6 months
In operation more than 6 months
Total, 97.
Microphone Surveillances.
In operation less than 1 week
In operation 1 week to 1 month
In operation 1 to 6 months
In operation more than 6 months
Total, 16.

The annual totals set forth above can be misleading in that they reflect the total installations authorized or in place during the periods described. The total maximum number of surveillances in operation at any one time during the periods described are as follows:

June 19 to December 31, 1968
Telephone Surveillances, 45.
Microphone Surveillances, 6.
Calendar Year 1969
Telephone Surveillances, 59.
Microphone Surveillances, 5.
Calendar Year 1970
Telephone Surveillances, 56.
Microphone Surveillances, 6.

With respect to your question A4, the installations cannot be categorized exclusively under a single criterion; however, each installation meets one or more of the criteria itemized in Section 2511(3) under Title 18 of the United States Code.

Departmental records do not, as a practical matter, permit us to answer question A5 with the specificity you request. However, Departmental policy limits dissemination of information of the nature inquired of to persons on an actual "need to know" basis. Appropriate security classifications and control markings are imposed on such information. None of this information is disseminated to state or local governments or agencies except in rare instances in order to prevent the commission of a serious felonious act. In such instances, the source of the information is not divulged.

In response to question B, we would advise that since the *Katz* decision in 1967, the Department has operated under the more restrictive guidelines dictated by that decision and the standards enunciated in the Omnibus Crime Control and Safe Streets Act of **1968**, which codified the parameters of the "national security" exception. No changes in Department practices or procedures have been initiated by reason of the conflict in the recent district court decisions to which you refer.

Sincerely yours,
ROBERT C. MARDIAN,
Assistant Attorney General.

U.S. SENATE,
Washington, D.C., March 12, 1971.
Mr. ROBERT C. MARDIAN,
Assistant Attorney General, Department of Justice, Constitution Avenue and Tenth Street, NW., Washington, D.C.

DEAR MR. MARDIAN: Thank you for your letter of March 1 replying to some of my inquiries relating to electronic surveillance.

Although I can appreciate that each of the surveillances operated without court order may not necessarily be susceptible of categorization exclusively under any single criterion enumerated in Section 2511(3) of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, we would nevertheless like to have a numerical break-down by category or categories of the installations described in your letter. In this regard, we would also appreciate your supplying us with a detailed description of the administrative practices and procedures of your Department which culminate in a determination whether Section 2511(3) criteria have been met and whether a recommended surveillance should be approved.

I appreciate your assistance.

Sincerely,
EDWARD M. KENNEDY.

DEPARTMENT OF JUSTICE,
Washington, D.C., March 23, 1971.
Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As indicated to you in my letter of March 1, 1971, the subject matter of question A–4 is such as to preclude categorization under a single criterion and no such categorization exists.

I am unable to supply you with a "detailed description of the administrative practices and procedures" you request, other than to say that all requests for telephonic and microphonic surveillances, at least since January 20, 1969, to the Attorney General have come from the Director of the Federal Bureau of Investigation personally. Such requests are handled exclusively by the Attorney General acting for the President of the United States.

This Department has heretofore publicly set forth the considerations involved in making such determinations and the reasons for refusing to disclose the bases for the Executive's decision. In the brief of the United States filed recently in the Ninth Circuit Court of Appeals we said:

"In authorizing the use of electronic surveillance, the President through the Attorney General must weigh many factors, not all of a purely factual nature, which he cannot, and should not be required to, produce before a magistrate. Moreover, in making such a decision the President must rely upon the entire spectrum of information available only to him, much of which is derived from sources which, by their nature, are secret. Such information, more often than not, involves both the Nation's foreign and domestic affairs inextricably intertwined. Any attempt to legally distinguish the impact of foreign affairs matters from internal subversive activities or to isolate one particular factor upon which an eventual decision is based, is an exercise in futility and eloquently demonstrates the wisdom of leaving these decisions to the Chief Executive who alone is in a position to make such a judgment and who is answerable to the people from whom the power is derived.

Another weighty factor bearing upon this issue is the fact that disclosure of the bases for the Attorney General's decision or the fact that such a surveillance is to be conducted may in itself prejudice the national interest."

We hope the foregoing will be of assistance to you.

Very truly yours,
ROBERT C. MARDIAN,
Assistant Attorney General.

APRIL 1, 1971.
Mr. ROBERT C. MARDIAN,
Assistant Attorney General, Internal Security Division, Department of Justice, Washington, D.C.

DEAR MR. MARDIAN: I am writing with reference to your letter of March 23 advising that there is no categorization of the surveillances operated without court order under the criteria enumerated in Section 2511 (3) of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

In view of the position taken by your Department in the courts that certain of such surveillances are employed for the purpose of gathering "foreign intelligence information," and that other of such surveillances are employed for the purpose of gathering "intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government", would you please provide us with a numerical break-down of the installations described in your March 1 letter under these two classifications.

I appreciate your assistance.

Sincerely,
EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure.

DEPARTMENT OF JUSTICE,
Washington, D.C., April 23, 1971.
Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your most recent letter of April 1, 1971, in which you request a numerical breakdown of those surveillances operated without court order, which are employed for the purpose of gathering "foreign intelligence information" and those which are employed for the purpose of gathering "intelligence information deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the government." You indicate that these two categories are derived from the position recently taken in the courts by the Department of Justice.

The position taken by the Department in the courts has drawn a distinction between two separate but closely related powers of the President, pursuant to which he may constitutionally authorize electronic surveillance to gather intelligence information without securing a prior warrant. In the brief of the United States filed recently in the Ninth Circuit Court of Appeals we said:

In *United States* v. *Belmont*, 301 U.S. 324, 328 (1937), the Court recognized the existence and extent of one of these inherent Presidential powers when it held that "the conduct of foreign relations was committed by the Constitution to the political departments of the government, and the propriety of what may be done in the exercise of this power [is] not subject to judicial inquiry or decision." . . . the President, in his dual role as Commander in Chief of the armed forces and Chief Executive, possesses another serious power and responsibility—that of safeguarding the security of the Nation against those who would subvert the Government by unlawful means. (Brief, pages 2–3).

As we have indicated, the inherent powers of the Chief Executive to conduct foreign affairs and to protect the national security, while somewhat related, are separate and distinct. The Congress itself recognized the distinction in the Omnibus Crime Control and Safe Streets Act of 1968. (Brief, pages 17–18).

This position was not intended to imply that any single surveillance could be considered as being employed solely pursuant to either one of the aforementioned powers. As I have indicated previously, the decision to employ such surveillance is based on a consideration of information involving "both the Nation's foreign and domestic affairs inextricably intertwined." Accordingly, the Department has never attempted such a categorization.

We hope the foregoing will be of some assistance.

Sincerely,

ROBERT C. MARDIAN,
Assistant Attorney General.

GENERAL AMNESTY VERSUS SELECTIVE AMNESTY

Mr. MILLER. Mr. President, the May issue of the American Legion magazine contains a timely and informative article entitled "The Amnesty Question for Draft Evaders: Are They All the Same?"

I have publicly stated my opposition to general amnesty and my support of a program of selective amnesty following the return of our troops and prisoners from Southeast Asia. The evidence cited in this article reinforces my belief in the correctness and justice of my position.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AMNESTY QUESTION FOR DRAFT EVADERS: ARE THEY ALL THE SAME?

(By Leavitt A. Knight, Jr.)

Today, some sort of blanket amnesty for those who illegally evaded the draft or deserted from the military during the Vietnam war is being widely debated, discussed, aired, promoted and opposed.

In all this discussion there has so far been a good deal of silence on what is most certainly the central question. The key word is not "amnesty," it is "blanket."

Without exception, the proposals for amnesty for Vietnam war draft evaders and deserters that are now being debated would either treat them all as one group, or divide them into large classes (such as between draft dodgers and deserters). Every such proposal is a proposal to avoid examining individual cases, to offer forgiveness to 70,000 John Doe's if we offer it to one John Doe.

The assumption behind all blanket amnesty proposals is that all draft evaders and/or deserters are the same, so one judgment will do for all. Very often the case of one or two men with a sympathetic ring is cited to support amnesty for 70,000.

But they are not all the same, and the whole debate, as it gets to the public, stands on a false assumption.

There are John A. Doe's who were too illiterate or mentally retarded to understand their draft boards' instructions. There are John Z. Doe's who were wanted for murder, and avoided registering for the draft to keep justice from catching up with them.

In between is a whole alphabet of John Doe's. Some stood on private conviction against all war, knew that what they were doing was illegal, and chose to take the consequences. Others were not actually against the Vietnam war as they claimed. They were in it on the side of the enemy, with whom they conspired (sometimes openly) not to stop the war but to assure a victory for Hanoi.

The actual motives of many draft evaders cannot be determined from what they *said* their motives were. What they said was often ground out on mimeo machines and printing presses by others and handed to them to be cited as their own statements. Some draft evaders openly refused to register or report. Others never openly resisted the draft, but cheated by feigning mental or physical disabilities or making false claims for exemptions. As we all know, a whole business grew up "educating" draft-eligibles on ways to disqualify themselves by lying.

It is entirely possible to carry out any sort of justice the nation decides it wants to render, be it stern or lenient, by pursuing a policy which is applied to each case according to the facts of the case.

It is impossible to render any sort of justice by enacting a blanket amnesty which closes its eyes to what it is doing in each case.

If we take the sternest approach, and punish all who even technically avoided the draft, we will hurt many relatively innocent men who might be shown to be victims of draft board error or overzealousness. If we only exact some mild sort of penance from every draft dodger, such as Sen. Robert Taft's proposal to let them work for three years in government service in some agency, we will require too much of men who are victims of error. You cannot find error if you do not look at each case.

In WW2, a few overzealous draft boards instituted charges of draft dodging against Japanese-Americans who had been relocated from the West Coast as "undesirable citizens." And technically, they had dodged the draft by failing to register. But when President Truman's Amnesty Board (*which looked at each case*) caught up with these charges they were dismissed out of hand. And so should any similar purely technical charges be dismissed today, instead of offering the accused a chance to buy a pardon with a three-year tour of government duty.

Most appeals for blanket amnesty today state that *all* draft evaders and/or deserters were acting on high principles which are grounds enough for granting amnesty to all of them. It is irrelevant to debate at this point whether or not it is "high principle" to avoid service—sometimes by lying—under conditions that require that another man go in one's place. A blanket amnesty would let all the so-called "high-principled" off, and with them it would let off all the "low-principled"—the stickup men and wanted murderers who failed to register in order to flee justice.

One thing is clear. *Blanket* amnesty is wrong no matter what amnesty might be right, if any. The experience of the WW2 Amnesty Board is enlightening on this point.

In 1946, President Harry S. Truman appointed a three-man Amnesty Board to recommend Presidential clemency for WW2 draft evaders. He named to it then-recently-retired Associate Justice of the Supreme Court Owen J. Roberts (chairman); Willis Smith, then President of the American Bar Association and later U.S. Senator from North Carolina, and James F. O'Neil, who had been a special assistant to the Secretary of the Navy in WW2 and is presently the publisher of this magazine.

Justice Roberts was highly in favor of blanket amnesty when the board began its work. In fact, his name appeared on the letterhead of the Fellowship for Reconciliation, a pacifist organization. His initial proposal to the whole board was to treat all of the draft evaders the same—to recommend executive clemency for all of them to President Truman. Smith and O'Neil proposed to review the cases individually, and persuaded Justice Roberts to review a sample and see if he still wanted blanket amnesty. After he reviewed a few, he agreed that each of 15,805 cases should be reviewed. It took a year, with help from the Justice Department staff. In the end, the Board recommended executive clemency for 1,523 cases. President Truman had earlier arranged for pardons for another 1,518. In all, out of 15,085, pardons were granted to 3,041. As he handed the Board's report to the President, Justice Roberts said that the review of each case had saved him from a great mistake, for he "never realized how many were not entitled to amnesty."

Here is one quotation from the unanimous report of the Roberts Board:

"Examination of the large number of cases at the outset convinced us that to do justice to each individual as well as the nation, it would be necessary to review each case upon its merit with the view of recommending individual pardons, and that no group would be granted amnesty as such."

Two further passages indicating what examination of each case revealed are also enlightening:

"In perhaps one half of the cases considered, the files reflected a prior record of one or more serious criminal offenses. The Board would have failed in its duty to society and to the memory of the men who fought and died to protect it, had amnesty been recommended in these cases. Nor could the Board have justified its existence, had a policy been adopted of refusing pardon to all. . . ."

"Many of the wilful violators were men with criminal records; many whose record included murder, rape, burglary, larceny, robbery, larceny, of Government property, fraudulent enlistment, conspiracy to rob, arson, violations of the narcotics law, violations of the immigration laws, counterfeiting, desertion from the U.S. Armed Forces, embezzlement, breaking and entering, bigamy, drinking benzedrine to deceive medical examiners, felonious assault, violations of National Motor Vehicle Theft Act, extortion, blackmail, impersonation, insurance frauds, bribery, black market operations and other offenses of equally serious nature; men who were seeking to escape detection for crimes committed; fugitives from justice; wife deserters, and others who had ulterior motives for escaping the draft. . . ."

There were just about 7,500 such cases, and there's no reason to believe that an examination of Vietnam military evaders would not show similar numbers.

The WW2 Board, by looking at each case, found all sorts of other people who could hardly be classed as being all the same or reasonably subject to the same consideration. On their records they deserved anything from extreme leniency to the sternest punishment. Today, because no such close look is being taken, the draft evaders and deserters are being lumped together under all sorts of misnomers.

A recent headline in the New York Times is typically foggy. It reads: "Amnesty is Asked for All War Foes." Here, the Times headline writer represents everyone who is opposed to war as one in need of amnesty. The use of such language is a smoke screen of the kind we need less of in airing public questions.

It's a fair presumption that everyone in the United States is opposed to war. It is certainly no crime and nobody needs amnesty for abhorring war. Of course, the story under the headline was not about "all war foes." It reported a petition circulated by 16 people to grant total amnesty to all Vietnam draft evaders and deserters—that is, lawbreakers. As usual, the petition stated that all 70,000 or so of them had ducked the draft or deserted for the same reasons, which seemed honorable to the 16 petitioners.

Now, it is a fair bet that virtually every man who served in Vietnam or any other of our wars hated every bit of it. In short, millions of war foes registered for the draft and served. It is certainly kidding the public to give the distinction of war-hater uniquely to those men who illegally avoided war service. Yet both the Times and these 16 petitioners did exactly that, and they are not alone in such gross misidentification in today's amnesty debate. I don't object to these folks having and sticking to their opinions. But I most certainly object to the sand they throw in other people's eyes, and to their representing their wildest and most undemonstrable beliefs as fact.

The petitioners, in this case, claimed it as a fact that the deserters and draft dodgers "wherever they are, are already concerned with the making of a better America." All of them. Justice Roberts, pacifist though he was, would roll over in his grave at the suggestion that these petitioners could possibly know what they were talking about. Of course, the way to find out is to examine every case, as Justice Roberts and his colleagues did. But it is exactly the point of all such petitioners that every case should *not* be examined.

One error leads to another, or rather scores of others. Legionnaire Benjamin Truskoski, of Bristol, Conn., pointed out in a letter to a Congressman that Senator Taft's proposal to give amnesty to any draft evaders who would serve for three years in a government agency—such as VISTA, the VA hospitals, etc.—is loaded with pitfalls and injustices. Senator Taft seems to view government service as a sort of punishment. To some it *would* be punishment. Just what will happen to the quality of service in VA hospitals and other agencies that load themselves up with sullen men who look upon their jobs as punishment, and who have a record of breaking the law when it doesn't appeal to them, is quite a question. The government service, Truskoski noted, has a hard enough time without taking on thousands of such. The WW2 Roberts Commission found that some of the draft evaders were mentally unstable. That Senator Taft would view government employment as a penance is itself a little eyebrow-raising. Another side of the question is that government jobs are *sought after* by many. There are loads of Vietnam veterans who are walking the streets looking for jobs, while scores of volunteers and organizations are trying to help them. What an irony, said Truskoski, to offer 70,000 federal posts to draft evaders, while any men who didn't evade it go unemployed after having fought the war!

I don't mean to beat Senator Taft over the head. He is probably as much a victim of fog as everyone else. The hidden evils in his proposal are the sort of things that follow basing a whole public debate on false premises. Once you start pretending that all draft evaders are the same—once you decide not to look at their records one by one—it follows that whatever you propose to do will be full of mischief because it stands on the false ground that they can be treated justly as a class.

All we need, after the Vietnam war is over, is for some board or agency to do for the President what President Truman's Amnesty Board did for him. The President has full powers to grant executive clemency, and justice can only be served by basing it on the facts of each case. If I'm wrong on that, our whole concept of justice has been wrong since we established our courts, our appeals courts and the pardoning power. Until now, we always thought it was a virtue of our system that every accused man should have his day in court. If we don't stay with that, we can't avoid being too soft on some and too hard on others.

One argument that has been widely publicized in favor of a blanket amnesty should be taken very seriously if it is found to hold water. It states that the draft evaders are such a large and important part of our population that—quite apart from the justice or injustice of forgiving them en masse—we must accommodate them in some special way in "order to cement a divided nation back into one piece."

If the facts are correct, this is not a specious argument. After the Civil War, when half the nation had fought the other half and the Confederate Army had actually taken up arms against the victorious Union, the wisest leaders recognized that the nation could ill afford to subject everyone in the Confederate cause to prosecution as a lawbreaker. Lincoln instituted a policy of blanket amnesty in his instructions to Grant who, at the surrender of Lee's army at Appomattox Court House, told Lee to send his men home with their horses for the next plowing. Every one of them was technically subject to prosecution as one who'd taken up arms against the United States.

With the assassination of Lincoln, and the Northern cry for vengeance, his amnesty policy was the subject of bitter recrimination and turmoil for years. (Which illustrates that the amnesty did not cement the nation but continued to divide it.) In fact, Congress passed a law to wipe out a later amnesty granted by President Andrew Johnson (which Johnson ignored).

The question then was not a question of either justice or injustice. It was a statistical question. The nation could not afford to prosecute close to half its citizens, and the enormity of that conflict dictated Lincoln's policy to "bind up the nation's wounds." Since the question is based on statistics, and not on justice, its relevance today stands on the question of numbers, as it did in the Civil War.

Are the Vietnam draft evaders and deserters such a significant part of the population that the nation cannot afford to give them even justice but must try to deal with them as a class, as Lincoln proposed to do for the South?

Statistically, it would be more important to forgive our other lawbreakers as a class, if the nation stands in danger of alienating large classes of citizens by prosecuting them evenhandedly. In 1969, more than five million people stood accused of serious crimes in the United States for which they were arrested. Auto thieves alone came to over 870,000. Most unofficial guesses estimate the accumulation of Vietnam draft evaders and deserters since 1964 or thereabouts at about 70,000. They are a small fraction of lawbreakers (less than 1 in 500 over an eight-year period). They are a small number compared to those who did serve in the military, and in fact they are not a fifth as numerous as those who were killed, wounded or reported missing in Vietnam. They are a tiny part of the total population—averaging out to the population of one small hamlet of 1,400 people in each state.

Thus the statistical approach claiming that we can ill afford to give them the same sort of justice we give everyone else because they are so important a segment of the nation is only empty verbiage. Put them in the Los Angeles Coliseum and there would be 6,000 empty seats, if the 70,000 figure is correct. However, both the Justice and Defense Departments have testified in the Senate that the total number who could face prosecution is much smaller than 70,000.

This review of the insignificance of their numbers in the nation is not said for or against the draft evaders, but only to reveal what an attempt at hoodwinking the public is involved in the claim that they are too important a part of the nation to be dealt with like everyone else who stand accused of lawbreaking. Fog and sand-in-the-eyes are found everywhere on the amnesty question.

The "blanket" question has created more fog than that. It has generated an illusion that anyone who is opposed to *blanket* amnesty is opposed to all amnesty, and another illusion that those who may deserve amnesty on the merits of their cases won't get it unless some blanket amnesty is provided. Of course, there was no blanket amnesty after WW2, yet Truman—under existing powers of the President—gave it to more than 3,000 men, including everyone whom the extremely liberal Justice Roberts thought was entitled to it. What blanket amnesty does, by contrast, is to assure that those who are not entitled to it also get it.

National Commander John H. Geiger, of The American Legion, testified on the amnesty question before a Senate subcommittee on March 1 of this year. Let's close this by quoting liberally from the meatier parts of his testimony. It seems to be right on the ball, and also lets readers of this magazine see what their organization said most recently on the subject. Said Commander Geiger:

"Today my appearance and the position I take on amnesty are based upon Resolution 207 adopted at our 1971 National Convention. . . . The delegates who unanimously adopted Resolution 207 represented every one of the 50 states and the District of Columbia. They were all honorably discharged veterans of wartime service, and represented a cross section of American ethnic, cultural, political and economic life. Resolution 207 also has the unanimous support of The American Legion Auxiliary whose nearly one million members are the wives, mothers, sisters and daughters of men who served their nation.

"Like you, we Legionnaires are deeply concerned over the complex problems presented by the issue of amnesty. It is an emotional problem with overtones of justice tempered with mercy and understanding. Amnesty is particularly difficult to consider today because of the profound and bitter division in our land over the Vietnam conflict—our longest war and—like the Revolutionary, Mexican and Civil Wars—a bitterly divisive one. A large number of our young men are involved in the amnesty question—though far more were involved in this question in the Civil War.

"Today, our Vietnam casualties far outnumber our draft evaders. Over 70,000 by unofficial estimate are either military deserters or selective service evaders. For many, their excuse is the 'immorality' of the participation of the United States in the conflict in Vietnam. Canada, Sweden, and, to a much lesser extent, other countries have given some of these young men asylum. Their cause is now being popularized and propagandized by many and diverse groups in the United States and abroad—including several candidates for high public office in our own country. Let us hope that as a result of these hearings, earnest and full consideration will be given to all facets of the issue of executive clemency so that we shall be able to discover and follow that difficult line between the dictates of the law and the charity our moral heritage demands.

"The American Legion has an intense and direct interest in amnesty because of the fact that its members all were subject to the laws, regulations, pressures and responsibilities of military service in defense of the United States and most also were subject to the operation of the Selective Service System. . . .

"Proponents of amnesty at the present time fall into two categories. One group advocates unconditional amnesty for all military deserters and draft evaders. This group reasons that the Vietnam conflict is an 'immoral' war for the United States; that those who recognized this and followed their conscience ought not suffer any legal penalties for 'being right while their country was wrong'; and, therefore, amnesty should be a blanket recognition of this.

"Some spokesmen for this view go so far

as to advocate full veterans rights and pensions for deserters and draft evaders for their *sufferings* in Canada, Sweden and elsewhere. The second group of proponents offer amnesty to draft evaders but not to military deserters, provided that draft evaders prove their sincerity by performing alternate service for their country.

"The American Legion believes that most draft evaders and deserters consciously decided to refuse to accept their responsibilities by fluoting our laws and legal remedies rather than by going through the available, legal channels of redress; that their actions in declining to obey certain laws distasteful to them is contrary to sound legal and moral standards; and that the obligations of citizenship cannot be applied to some and evaded by others.

"The American Legion resolved that: 'We go on record as opposing any attempt to grant amnesty or freedom from prosecution to those men who either by *illegally* avoiding the draft or desertion from the armed forces failed to fulfill their military obligation to the United States.'

"In other words, we of The American Legion firmly believe that giving any wholesale amnesty—whether conditional or unconditional—would make a mockery of the sacrifices of those men who did their duty, assumed their responsibilities in time of conflict, and—in many cases—were killed, seriously wounded, or now lie in a prison camp somewhere in Indochina. Over 50,000 men have paid the supreme price of patriotism and citizenship. Another 302,602 have been wounded or injured. Over 1,600 are prisoners or missing in action in Vietnam, or Cambodia. And the casualties have not ended.

"How can any general amnesty be explained to these men? How can amnesty be explained to parents, wives, children—all those who have lost a son, husband or a father in their country's service? How can we excuse ourselves to the prisoners of war, the missing in action, or to their suffering families for offering amnesty?

"Furthermore, what would be the effect on the morale of our Armed Forces if amnesty were granted to those who have violated the law and their oath of service by turning their backs and fleeing their country? In our opinion, it could only badly undermine that morale and cheapen the value of honorable service to one's country—at the very moment these values are most in need of strengthening. . . .

"It is clear from the Legion's resolution that our official opposition to amnesty is not a total opposition to it, but an opposition to any sort of amnesty (with or without conditions) all draft evaders *as a class*. Our resolution asks that all draft evaders be prosecuted. This means that we would like each case to be heard in court, and tried on its merits. The courts can deal with the particulars of each case, and exercise leniency or sterness, based on the actual facts brought out in hearing about each particular draft evader. Surely the courts will find those who are innocent, and who should be excused without any further conditions.

"It is also implicit in our resolution that those found guilty would still have open to them the right of appeal. Should appeal fail they would have recourse to the President's pardoning power, if, on review of the facts in each case, he wishes to extend additional leniency beyond what the courts may extend. This is implicit in our resolution, because any request for prosecution implies not only the possible finding of guilt but the finding of innocence, and the avenues for redress, appeal and pardon that are available to all persons who are prosecuted.

"Our request that draft evaders be prosecuted does not deny to them their full rights under the law, or the opportunity for executive clemency. Our resolution, in effect, opposes any form of blanket amnesty, and asks that each case be considered on its merits. The only other example in our history of amnesty for wartime draft evaders certainly bears out the wisdom of this approach and, of course, it is consistent with the whole American system of justice, which is based on hearing the charges and the facts of each case.

"After WW2, the Roberts Board tried to treat all 15,805 WW2 draft evaders the same, as all proposals for blanket amnesty do. The Board threw up its hands at the injustice of any such operation. It found sinners of all degrees, as well as innocent men, among the WW2 draft evaders. In the end, with the aid of the Justice Department staff, it reviewed each case. That was not the easy way out, but the Roberts Board shouldered the huge job of review rather than accept the onus of dispensing justice by the shovelful.

"There are some in this country who would create the illusion that every Vietnam draft dodger was acting on high principle out of deep-seated convictions against war. When all cases were judged individually by the Roberts Board after WW2, nearly half were found to have been men wanted for murder, robbery, desertion of their families and other serious crimes.

"On the other hand, others were found to have been legally exempt from military service, or they fell afoul of the law through ignorance or illiteracy. President Truman gave a complete pardon to 1,523 and a conditional one to 1,518, while more than 12,000 did not merit such treatment.

"If the Vietnam draft evaders are all prosecuted, courts will be able to judge each case on its merits. They will again find a mixture of victims of error, deliberate conspirators and professional criminals. The President could then have them screened and consider recommendations for clemency in each case.

"An act of Congress to provide an across-the-board three-year stint of government service in exchange for amnesty would offer that penance to some for whom it is too heavy a penalty and to others for whom it is too mild a punishment. The most flagrant offenders will get the best break and the least offenders the worst.

"This is hardly equal justice under the law. At least ten Presidents, from Washington to Truman, have handled the amnesty question under existing machinery. An act of Congress that decides all cases without a hearing is neither necessary nor desirable.

"There was no amnesty granted after the Korean War. It is therefore clear that amnesty has not been lightly given by our modern American Presidents. And it has been granted only after the shooting has stopped and the war is over.

"Lastly, an argument much used by advocates of unconditional general amnesty is that the Vietnam conflict is 'immoral,' therefore no American should be prosecuted or punished for refusing to take part in any direct or indirect way in an 'immoral' war. I am not aware of the precise moral standards used by those who would label our military assistance to the Republic of Vietnam 'immoral.' It is rarely defined.

"And the assumption that the Vietnam conflict is now, or was from the beginning, an immoral war is much in dispute. We Legionnaires reject the simplistic labeling of our effort in Vietnam as immoral.

"We reject it on the grounds that such allegations are patently false. The United States commitment to the government and people of South Vietnam is just and moral—we are committed to providing south Vietnam the means whereby it can defend its independence and its right of self-determination.

"The Viet Cong were committing genocide in South Vietnam at the time we became heavily involved in that conflict—systematically slaughtering innocent civilians wholesale as a means to gaining political control. We knew this then, we know it now. Everyone within sound of my words knows it. But when discussion of the morality of the Vietnam war arises today, the fact that we intervened against genocide, when the United Nations would not, is simply omitted from the discussion. One cannot admit it and still define our role in Vietnam as immoral. We hope and believe that the Congress will not decide such a moral question by closing its eyes to genocide.

"We cannot believe that the Congress will ever decide that those who violated the law have the superior moral position to the President, the Congress and to the men who served.

"If Congress should decide that they *do*, we wonder who next will take up the pretext and use the precedent to claim a moral superiority over some fresh enactments of the Congress.

"We wonder what future legal dilemmas will be in store for us if we create such an extraordinary precedent as the Congress assenting to the right of citizens to determine unilaterally which laws they will obey.

"Any determination of amnesty based on the moral superiority of draft law violators is contrary to our concept of justice.

"Historically, the Congress, the President and the Judiciary have struggled to determine the extent of power of each. Should we now add a new dimension to this three-sided struggle—namely any citizen who claims that his unilateral view of morality is superior to the Congress, the courts and the President alike? If we establish this as a correct view, the day will arrive when there will be little further use for the Presidents, the courts or the Congress.

Our involvement in Vietnam was authorized under proper Constitutional procedures and was sustained by the Congress.

"In summary, The American Legion's position on amnesty is:

"1) We oppose any attempt to grant amnesty now.

"2) After the conflict ends, peace is established, and our prisoners of war and missing in action have been repatriated or accounted for, each case should be reviewed under existing procedures available to the courts and the President."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now return to the consideration of the unfinished business (S. 3390), which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

A 15-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 15 minutes.

The motion was agreed to; and at 9:30 a.m. the Senate took a recess for 15 minutes.

The Senate reassembled at 9:45 a.m., when called to order by the Acting President pro tempore (Mr. ALLEN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME LIMITATION ON TUNNEY AMENDMENT TO S. 3390

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as an amendment to be proposed by the distinguished Senator from California (Mr. Tunney) to the unfinished business, S. 3390, is called up and made the pending question before the Senate, there be a time limitation thereon of 40 minutes, to be equally divided between and controlled by the distinguished Senator from California (Mr. Tunney) and the distinguished manager of the bill (Mr. Sparkman) or his designee; that the time on any amendments to the amendment, debatable motion, or appeal in relation thereto be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, Mr. Sparkman, or his designee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. TUNNEY. Is it the intention of the leadership to have a vote at 12 noon on my amendment, or is that not part of the unanimous-consent request?

Mr. ROBERT C. BYRD. No; that would not be part of the unanimous-consent request at this time. It has not been determined as yet as to whether or not the Senate will be ready to proceed to the consideration of the amendment by Mr. Tunney this morning. That knowledge should be available shortly. If it is possible to proceed with the amendment this morning, we would then seek to get consent to vote at a certain time today, to protect members of committees who are presently at the White House for discussions there.

Mr. TUNNEY. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MR. HARRY F. BYRD, JR., ON FRIDAY, JUNE 30

Mr. ROBERT C. BYRD. Mr. President, a little earlier today, I received unanimous consent on Friday next to proceed to the consideration of the bill making appropriations for Public Works, immediately after the two leaders and their designees had been recognized.

I had forgotten that the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) is to be recognized, under a previous order, for not to exceed 15 minutes, following the recognition of the two leaders.

I therefore ask unanimous consent that the public works appropriation bill be laid before the Senate on Friday following the remarks of the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) on Friday next, and any other Senators for whom 15-minute orders have previously been entered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Pastore). Without objection, it is ordered.

ORDER FOR CONSIDERATION OF TUNNEY AMENDMENT THIS MORNING

Mr. ROBERT C. BYRD. Mr. President, I shall shortly move to recess for 5 minutes.

I ask unanimous consent that following the recess the distinguished Senator from California (Mr. Tunney) be recognized for the purpose of calling up his amendment on which there is a time limitation.

I further ask unanimous consent that a vote occur on the Tunney amendment at 12 noon today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

A 5-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 5 minutes.

The motion was agreed to; and at 10:15 a.m. the Senate took a recess for 5 minutes.

The Senate reassembled at 10:20 a.m., when called to order by the Presiding Officer (Mr. Pastore).

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me briefly?

Mr. TUNNEY. I yield.

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished Senator from Arkansas (Mr. Fulbright), acting as Senator Sparkman's designee, to yield back his time on the amendment, and I now, therefore, yield back that time.

Mr. President, I ask unanimous consent that upon the expiration of the time allotted to Mr. Tunney, under the order previously entered, the Senate temporarily lay aside the pending amendment and the unfinished business and proceed at that time to the consideration of the bill making appropriations for the Department of Labor and HEW.

Mr. TUNNEY. Mr. President, reserving the right to object, and I shall not object, I wonder if the distinguished Senator from West Virginia would be prepared to save 5 minutes of the time for the committee because I have received word that another Senator wants to come to the Chamber and speak on this matter. My remarks will take between 15 and 20 minutes so, if we could, I would ask that we reserve 5 minutes of the committee time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from California may be allotted 25 minutes, rather than the 20 minutes previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 9, line 7, strike out "subsection" and insert in lieu thereof "subsections".

On page 9, line 14, strike out the end quotation marks.

On page 9, between lines 14 and 15, insert the following:

"(y) No military assistance shall be furnished under this or any other Act, and no sales shall be made under the Foreign Military Sales Act, to Brazil until such time as the President reports to the Congress that the Inter-American Commission on Human Rights has determined that the Government of Brazil is not engaging in the torture of political prisoners."

Mr. TUNNEY. Mr. President, on behalf of Senators Cranston, Hart, McGovern, Proxmire, Ribicoff, Kennedy and myself, I am pleased to call up this amendment to S. 3390. Our amendment would deny any military assistance to Brazil so long as the Brazilian Government is engaged in the torture of political prisoners.

Mr. President, I would think that it would be a universal proposition that the United States should not support with military assistance any government which is using torture as an instrument of national policy.

I can think of nothing in the American tradition which would justify our providing military assistance to a regime which tortures its own citizens. I cannot understand the rationale which would support the contention that torture should be overlooked by American policymakers; that the United States should continue to provide military support to a government which, using the excuse of anticommunism, abuses, mistreats, and represses its own citizens.

In fiscal 1973 our proposed military assistance to Brazil totals $15,988,000—$988,000 in military grants and $5,000,000 in military credit sales. None of those funds will be spent in the interests of the national security of the United States. In fact, none of them are necessary even to the national security of Brazil. Instead, they provide an indication that, in spite of international protest and overwhelming condemnation, the U.S. Government continues to support and sustain a repressive military dictatorship which has engaged in the most horrendous of practices.

Last month, Mr. President, the Inter-American Commission on Human Rights, an organ of the Organization of American States, approved a resolution which contained the following language:

> Because of the difficulties that have hindered the carrying out of the examination of this case, it has not been possible to obtain absolutely conclusive proof of the truth or untruth of the acts reported in the denunciations. However, the evidence collected in this case leads to the persuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.

The Brazilian military government has refused to allow the Commission to send an observer to the country to investigate the charges of alleged maltreatment of political prisoners.

Various religious groups have been prominent and vociferous in attributing torture of political prisoners to the Brazilian regime. In 1970, the Brazilian Conference of Bishops stated·

> . . . It is a well known fact . . . that there exists among our own people, as well as among other peoples throughout the world, the firm conviction that there are repeated cases of torture in Brazil.

The Latin American Department of the National Council of Churches has stated officially that "accounts of the most brutal and humiliating tortures have been filtering out of—Brazil—since the fall of 1969." Some have argued in the recent past that the situation has improved, that the torture has been decreased. In fact, the situation does not appear improved one bit.

On March 22, 1972, the U.S. Catholic Conference, Division for Latin America, petitioned the President of Brazil "to allow an international team of impartial observers to investigate the longstanding and widespread charges of systematic repression, torture, and violation of basic human rights."

Last month, on May 1, 1972, two prominent Brazilian clergymen stated that:

> In our city, disappearances, abductions and arrests are steadily increasing . . . As Pastors responsible before God, before our own conscience, and before the people who place their trust in us, we declare that the infliction of incredible physical and moral tortures is becoming the order of the day.

Only 2 weeks ago, on June 12, 1972, the Brazilian Conference of Bishops accused Brazilian authorities of torturing prisoners physically, mentally, and morally to the point of ill health and even death.

On October 29, 1971, our distinguished colleague from Idaho, Mr. Church, provided us with a careful and constructive evaluation of our foreign assistance efforts during the decade of the sixties. He made the following statement:

> "Looking back on the sixties, no one can deny that we were indeed "the greatest power in the world" and that we surely did "behave like it"—if throwing our might and money around is the correct measure of "behaving like it." Nonetheless, we not only failed to accomplish what we set out to accomplish ten years ago; we have been thrown for losses across the board; in the name of preserving peace, we have waged an endless war; in the guise of serving as sentinel for the "free world," we have stood watch while free governments gave way to military dictatorship in country after country, from one end of our vast hegemony to the other. Today, confidence in American leadership abroad is as gravely shaken as is confidence in the American dollar.

It is self-deceiving to believe that American support, even if it is only tacit, for repression, or for cruelty, is in any way whatever in the best interest of the United States. It is shortsighted to accept the rationale that an unacceptable and immoral means is somehow justified by a noble end. To tolerate torture and to enable its proponents to pursue their policies without American opposition is not in the interests of the United States of America.

Some will say that this measure is directed against Brazil. Nothing could be further from the truth. I have long supported a close partnership between the United States and her neighbors to the south. I have long believed that economic and social assistance is essential to the peoples of South America. I have long admired and respected the people of Brazil and of the other Latin American countries.

My amendment is consistent with that view. It is unproductive and irresponsible to provide assistance which will enable a repressive government to continue to torture its citizens. It is anti-Brazilian to support such repression. For only in the openness of the political marketplace of ideas, only in the fresh air of free expression, will progress be achieved in Latin America.

To accept the view that the United States must support repression to resist communism, or that the United States must support dictatorial policies in order to show friendship for Latin America, is foolish.

For in the long run, the strength and vitality for our policies in Latin America must rest upon the foundation of popular support. Tacit North American complicity in the repression of Brazilian citizens will only inure to the detriment of the United States.

There is no doubt that Brazil is, potentially, the most powerful nation in Latin America. Thus, U.S. policy toward Brazil will command the attention of the Americans in a way that our relations with a small nation will not.

Given the political nature of foreign aid as an instrument of foreign policy and recognizing that aid is influence, whether given or withheld, the United States is in position to demonstrate its concern for the emergence in all of the developing third world, of a community of nations that seek to insure a better way of life for their peoples.

Our foreign aid must certainly respect the diversity of cultural and historical traditions in Brazil, but the Brazilian Government must indicate, which it has failed to do, its concern for its own people and for the emergence of a strong, representative, pluralist society.

My amendment does not permanently cut off aid to Brazil. It falls far short of that. First, it deals only with military aid. It does not affect our economic assistance programs. Furthermore, my amendment does not permanently cut off even the military assistance. It merely cuts it off until it is found that Brazil is not torturing her political prisoners.

Mr. President, I do not believe in putting strings on American aid and I do not believe in U.S. intervention in the domestic affairs of another nation.

I have never accepted the view that our aid policies should have any influence upon the nature of the government we assist. I have disagreed with those who accept the view that American intervention should be used to strengthen one faction against another or that the United States can tell another nation how it should be ruled. The strength of any nation will be determined by its own domestic circumstances.

But I do believe that certain minimum conditions must be observed by a nation if it is to receive American assistance. I cannot accept a policy which will grant funds to another nation while that nation tortures its own citizens. I cannot accept a policy in which the United States is viewed abroad as an instrument of repression because of the notoriety of the acts of torture practiced by a government. I cannot support a program which forces the United States into the position of being viewed as an accomplice to torture.

Mr. President, arguments have been made against my amendment, and I would like to discuss a few of them. One of the arguments that is made is that the U.S. views are well known. Some people contend that the United States, through the Department of State, has, on a number of occasions, expressed concern with regard to the treatment of prisoners in Brazil. It is argued that the subject was thoroughly aired by Senator Church's subcommittee of the Foreign Relations Committee and that there is some evidence that the situation is improving.

Well, to begin with, I think that the quotations I have presented to the Senate from the Inter-American Commission on human rights and from the Brazilian Conference of Bishops indicate very clearly that there is substantial evidence of ongoing torture, and that there does not appear to be any amelioration of those practices by the Brazilian Government. But further, and to me quite disturbing, is the assertion that the U.S. Government has made its viewpoint in condemnation of torture well known throughout Latin America and throughout the world.

I would like to quote from a colloquy that occurred before Senator Church's subcommittee of the Foreign Relations Committee. Senator Church was holding hearings in the Subcommittee on Western Hemisphere Affairs on May 4, and I would like to quote from the record of the hearings dated May 4, 1971:

Senator Church. Do you think that the Brazilian police are today known for their restraint and humane methods in dealing with Brazilian people?

Mr. Brown. ——

Mr. Brown is Theodore D. Brown, Chief Public Safety Adviser, U.S. AID, Brazil, testifying on U.S. AID policy in Brazil. Mr. Brown replied to Senator Church:

Well, they certainly advocate this and through training at their academy, through inservice training, through the mobile training courses. This is one of our principal thrusts.

Senator Church. In light of the many reports that we hear of torture in Brazil, do you think you have been successful in inculcating humane methods in restraint?

Mr. Brown. Yes, sir; I do, Senator.

Senator Church. You do. You think our program has been successful in Brazil in achieving its objectives?

Mr. Brown. Yes, sir.

Senator Church. You really believe that?

Mr. Brown. Yes, sir.

It is not necessary to belabor this point. Suffice it to say first, that the testimony of high U.S. officials before the Senate subcommittee continue consistently in that line; and, second, that the reports of torture continue.

Finally, I do not believe that our State Department or our executive branch has made it clear to the people of Brazil and of Latin America that the United States condemns the practices of torture by the Brazilian Government.

I am not trying to condemn the State Department, nor am I trying to condemn American policy toward Brazil. I understand the problem that the State Department has. They feel that they have to maintain good relations with the Brazilian Government so that they can negotiate accords on areas of mutual interest. But that does not mean that the Congress of the United States must vote taxpayers' dollars for military assistance to a government that is utilizing torture as a standard domestic policy.

I cannot accept that policy. I think that it ought to be made clear to the Brazilian Government, and perhaps more importantly to the Brazilian people and the other people of Latin America, that the United States is not going to continue giving military aid to a government that has been condemned internationally for utilizing torture against its own citizens.

In my trips to Latin America, one of the standard refrains from many people, not officials of Government but citizens of many different countries, has been, "When is the United States going to stop supplying oppressive governments with military equipment, which equipment is used against their own people?"

If I felt that there was any international threat to the security of Brazil I might view this matter somewhat differently. That would require a weighing of other values. But weighing the values, as I have to, on the facts as they have been presented to the Senate and to Congress, I just cannot support any longer the giving of military aid to Brazil, when they have the kind of public record of torturing political prisoners that they have. The time has come to say no. The time has come to say that we are not going to continue any longer these policies, which are bankrupt in the extreme.

I hope that the Senate will stand on principle and support this amendment, to make it very clear not only to the people of Brazil but to the people of all Latin America and to our own citizens, that the concepts of human dignity and human justice are pervasive aspects of our foreign aid policy.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 additional minutes.

Mr. TUNNEY. Mr. President, I do not have any other speakers on this side, and am prepared to yield back the remainder of my time. Is my understanding correct that the vote on this amendment will take place at 12 o'clock?

The ACTING PRESIDENT pro tempore. Yes; 12 o'clock noon; the Senator is correct.

Mr. ROBERT C. BYRD. May I ask the distinguished Senator a question before he yields back the remainder of his time? Is it the Senator's wish to have a rollcall vote on this amendment?

Mr. TUNNEY. Yes, it is.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. TUNNEY. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I join with the Senator from California (Mr. Tunney) in offering this amendment to provide for a halt in all military aid to Brazil until we can be assured that political torture no longer is a part of the tools of governance in that nation.

As one of many nations of the Western Hemisphere, pledged to abstain from interference in the internal affairs of another nation, we can only comment on the actions of another sovereign government.

But, at the same time, we not only can but must determine whether military assistance to a government which engages in the torture of political prisoners can be in either the short-term or long-range interests of the United States.

In the case of Brazil, we have heard a continuing outcry from within that nation and from international forums charging the government with condoning and permitting the use of torture. A Library of Congress study cites reports that go back to 1969, reports:

> That authorities were using brutal torture on anyone suspected of knowledge of guerrilla activities.

I ask unanimous consent that the portion of the Library of Congress report prepared by Rieck B. Hannifin be published at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Reports of Tortures; Catholic Church Condemnation

Following Ambassador Elbrick's kidnapping, the triumvirate mounted a vigorous campaign to stamp out terrorism, and General Médici continued the effort. As more and more people were detained for questioning, reports began to circulate by word of mouth that authorities were using brutal torture on anyone suspected of knowledge of guerrilla activities.

In September 1969, the Central Commission of the National Conference of Bishops of Brazil expressed concern over the "ideological conflict spreading through the entire Brazilian society," and condemned terrorism of the right and left as well as "jailing and prison tortures" by the regime.[1] The 25 bishops and 2 cardinals also declared: "We consider it indispensable that Brazil return to juridical normality."[2]

On November 4, 1969, the police announced that revolutionary leader Carlos Marighela had been killed in a gun battle with police in São Paulo. At the same time, authorities revealed that they had learned of the elusive Marighela's whereabouts from a Dominican friar who had been picked up for questioning. Subsequent arrests of other members of the Dominican order led to speculation that the regime was trying to discredit the Dominican order, which had been the most vociferous of the church groups opposing the policies of Brazil's military governments.

Marighela's capture was welcomed by all but the most radicalized Brazilians, who are a very small minority. Nevertheless, the event did not ease public disquiet. Instead, reports that the Dominican friar had been tortured to secure information about Marighela intensified antagonism between the Catholic Church and the Brazilian Government. On November 14, the Archbishop of Ribeirão, Msgr. Felicio Vasconcelos, excommunicated the local chief of police and his assistant on the grounds that they had used torture to obtain information from political prisoners, including the Mother Superior of a local convent and a dozen priests. On December 13, 1969, a military tribunal in São Paulo sentenced 21 persons, 11 of them priests, to preventive detention for allegedly aiding Carlos Marighela and his subversive group.

In December 1969 the Pontifical Commission on Justice and Peace at the Vatican was presented a lengthy dossier, endorsed by 61 prominent European Roman Catholics with the urgent request that it be transmitted to Pope Paul VI, containing broad charges of murder and torture by Brazilian authorities and some documented allegations. A similar document was sent to the Pontiff from the Papal Nuncio in Brazil. The reports alleged that suspected terrorists and political prisoners have been subjected to electric shocks, beaten, and hung by their knees and that women prisoners have been raped while their husbands or boyfriends were compelled to watch.

Pope Paul IV deplored reports of tortures in a public audience during Easter Week in March 1970. Although he did not single out Brazil, and mentioned other evils such as drug trafficking and racism, his statement on torture was widely assumed to refer to Brazil, the largest Catholic nation in the world.

The mounting outcries led the Brazilian government to issue a statement on May 8, 1970, categorically denying the charges of torture. The frequent reports, the Brazilian government contended, are "prompted by international agents of subversion and harbored by a morbid and sensationalist sector of the foreign press." According to the government: "There is no torture in our prisons, nor do we have people confined merely because of their political beliefs. In Brazil, no one is deprived of liberty simply for diverging from the democratic orientation defended by the Government." Those in prison, the statement continues, are "terrorists, detained while undergoing regular trial for crimes they committed assaulting defenseless persons, holding up banks and individuals and kidnapping diplomats to negotiate their exchange for prisoners."[3] As proof that torture is not practiced, the statement points out that "following the exchange of the diplomats for the delinquents, none of the latter, who had been expressly indicated by the terrorists, were found to bear any signs of violence or torture whatsoever."

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[1] National Catholic News Service Brazilian Bishops Support Torture Investigations, 3/12/70.

[2] Deadline Data, *op. cit.*, p. 77.

Despite the Brazilian government's denial, on May 27, 1970, the Brazilian Bishop's Conference issued the firmest official condemnation yet to emerge from the Catholic Church. While denouncing the "attacks, kidnappings, killings and other means of spreading terror," the Bishops' statement continued:[4]

"It would be an evasion of our duty . . . if we failed to voice our views regarding certain basic aspects of our present situation as they affect the human person.

"We mention first of all the administration of justice, which is indeed regulated and protected by our laws, but which we sincerely feel is frequently ignored. It is ignored in the case of trials conducted in an illegal and dangerous manner, of arrests based only on suspicion or baseless accusations, of investigations which drag on for months, of jailing men incommunicado, and of the total lack, in many instances, of the basic right of defense.

"Again it is a well known fact, in spite of all denials, that there exists among our own people, as well as among other peoples throughout the world, the firm conviction that there are repeated cases of torture in Brazil.

"It is beyond our competence to check legally the truth of the charges in such cases, which are publicized here and abroad, and which of course come to our attention. It is the duty of the government itself to make a serious investigation of this problem for the sake of Brazil's good name, so that it may do away with the shadow the charges cast on the nation in the eyes of the world, and so that it may bring peace to the Brazilian family. We are sure that should these accusations be found true, they would run counter to the official position of the government, which we feel is strong enough to put an end to torture and, in the name of the national conscience, firmly punish those guilty of it.

" It is certainly the obligation of the public authorities to promote and protect the common good and the social order. Outbursts of violence by persons seeking to subvert that order can never be approved or tolerated. It is necessary at the same time not to allow violence to be met by violence, for when this happens there is an escalation of domestic conflict, whose main victim is the people. The people are then caught in a web of insecurity, distrust and confusion."

The bishops' declaration goes on to credit the government for its "outstanding effort of development with tangible results, particularly in the financial and economic fields, in administration, transportation, electric power, communications and housing," then makes the following appeal to the regime to distinguish between democratic dissent and subversion:

"One of the basic tasks, which calls for a common effort by everyone in building this nation, is to contribute constructively to the social, civic and moral growth of our people, so that more and more Brazilians can participate maturely and practically in the country's political, economic and social life, thus giving to private initiative its proper role.

"Such an effort presupposes a constructive and truthful expression of opinion, including the opinion of whose who disagree with present official policies so that they can achieve the status of a serious opposition, as befits a nation which claims it has reached maturity.

"It is of capital importance for us to make a distinction between the kind of opposition that aims at undermining peace and social life through the systematic use of violence, and the kind of opposition that is based on differing viewpoints and principles. The latter is an indispensable factor of the criticism all human institutions need in order to strive for perfection.

"The first kind of opposition can be called supervision. But the second kind, precisely for reasons of the common good and the social order, must be given a free means of expression so that it can freely voice its positions and its reasons for them."

In this latter sense, the Church in Brazil acknowledges on the one hand the undeniable and worthwhile achievements of the government. But on the other hand it asserts with dignity and loyalty its right to dissent in regard to some policies of that same government.

We are fully aware that certain individuals and groups, whose intentions we are not bound to judge, have made choices that have thwarted the position of the Church. There are those who reject, implicitly or overtly, important and weighty documents issued with responsibility and serious intentions by the Church, such as the decrees of the Second Vatican Council or the directives of the second general assembly of the Latin American bishops at Bedellin.

In rejecting these documents dissenters seek to force the Church to retreat from positions of renewal and thus widen the gap between itself and the world in which it lives.

There are also those who radically seek to carry out the principles of these documents in an extreme way. They base their efforts on their own interpretation of the position of the Church and they too thwart its legitimate concern for human rights, for the social function of private property and for the need to revise labor-management relations. They try to make it appear that the church agrees with their own ideological positions, even with positions that are in obvious contrast to the basic inspiration and continuing orientation of the Church.

We utterly reject, firmly and clearly, the general accusation that the Church in Brazil is the bulwark of those who have an insensitive attitude toward the world's problems. We also reject the accusation that the Church is inciting people to subversion.

We want to give a word of encouragement to all those who by their sacrifices, in spite of misunderstanding inside or outside the Church, resist pressures from both of these extremes and sincerely try to serve God and country in accordance with the basic aspirations of the average Brazilian and the teachings of the Church.

Mr. KENNEDY. Mr. President, those denunciations came from the Roman Catholic hierarchy of Brazil, from other international religious associations, and from the International Commission of Jurists.

And on May 3, 1972, the Inter-American Commission on Human Rights of the Organization of American States decided:

> The evidence collected in this case leads to the persuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.

The Commission made that finding on the basis of information presented to it and after the Government of Brazil had refused to permit the Commission to enter that country to make on-the-scene inquiries.

The Commission also requested the Government of Brazil, once it concluded an investigation into the matter, to—

> Punish, to the full extent of the law, those persons that the evidence proves to have been responsible for violations of human rights.

The Commission recommendation was followed this month by a further statement in Brazil by Roman Catholic Bishops that torture continues within that nation.

Mr. President, it seems clear that despite its major economic advances, the current military regime in Brazil has permitted torture and official repression to constitute its answer to the political terrorism of those who oppose the regime.

And as the Washington Post stated in an article on this subject last year:

> By invoking torture, a government reveals its doubts of its own competence . . . no outsider could render as scathing a judgment that, by resorting to torture, they have pronounced upon themselves.

It is within that context that the U.S. Senate must determine whether it should continue to militarily endorse the Government of Brazil and inevitably therefore, the repressive policies of that government.

Perhaps the clearest evidence of the link that inevitably occurs between U.S. military aid and the Brazilian Government's policies was disclosed during hearings held last year by the Subcommittee on Western Hemisphere Affairs.

The committee heard testimony that when Brazilian police entered the University of Brazilia to put down a disturbance, they carried gas masks with a U.S.A. insignia emblazoned on the side.

And since military personnel occupy the major posts of authority within the various Brazilian police forces, it is evident that little distinction can be made between police and military activities. If we support one, we are supporting the other.

And so I opposed continued police assistance to Brazil last year and I oppose the $16 million in military assistance within this bill.

As the amendment states, at such time as an international body such as the Inter-American Commission ón Human Rights concludes that torture no longer is a part of political life in Brazil, then I believe this prohibition should be altered.

Therefore, Mr. President, I stand in strong support of the amendment now before the Senate.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS ACT, 1973

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the unfinished business will be laid aside and the Chair lays before the Senate H.R. 15417, the Labor-HEW Appropriation bill, which the clerk will state.

The assistant legislative clerk read as follows:

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[3] Brazilian Embassy, Washington. News From Brazil.

[4] U.S. Catholic Conference, Documentary Service. Brazil Bishops on Torture, June 12, 1970.

A bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The ACTING PRESIDENT pro tempore. Debate on this measure is under a time limitation of 5 hours on the bill. Who yields time?

Mr. MAGNUSON. Mr. President, I make the usual unanimous-consent request that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 13, after the word "amended", insert a comma and "and sections 326 and 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1951 and 1961)"; and, in line 16, after "1974", insert a colon and "*Provided,* That the amounts appropriated herein for title II, parts A and B of the Manpower Development and Training Act of 1962, as amended, for expenses of the Private Sector On-the-Job Training and the Special Targeting programs authorized under that title shall not be subject to the apportionment of benefits provisions of Section 301 of the Manpower Development and Training Act."

On page 6, line 6, after the word "rendered", strike out "$48,889,000" and insert "$49,889,000".

On page 7, line 18, after the word "Administration", strike out "$69,207,000" and insert "$80,000,000".

On page 7, after line 18, strike out:

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing 25 persons or less for compliance with the Occupational Safety and Health Act of 1970.

On page 8, at the beginning of line 6, strike out "$44,784,000" and insert "$45,240,000"; and, in the same line, after the word "which", strike out "$9,760,000" and insert "$10,216,000".

On page 8, line 14, after the word "and", strike out "$850,000" and insert "$890,000"; and, in line 15, after the word "Handicapped", strike out "$24,156,000" and insert "$24,196,000".

On page 8, line 23, after the word "law", strike out "$100,000" and insert "$309,000".

On page 9, line 23, after "1438", insert a comma and "and the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–255)"; in line 24, after the amendment just above stated, strike out "$743,823,000" and insert "$851,525,000"; and, on page 10, line 1, after the word "which", strike out "$181,491,000" and insert "$75,000,000".

On page 10, line 18, after the word "Act", strike out "$462,073,000" and insert "$510,573,000".

On page 11, line 8, after the word "Act", strike out "$751,295,000" and insert "$843,297,000"; and, on page 12, line 3, after the word "appropriation", insert a colon and "*Provided further,* That funds contained herein for project grants under title V of the Social Security Act and $19,000,000 of funds under title X of the Public Health Service Act shall be available for obligation only upon enactment into law of authorizing legislation."

On page 12, line 14, after "1969", strike out "(except title IV)," and insert "as amended"; and, in line 20, after the word "aircraft", strike out "$159,872,000" and insert "$223,872,000: *Provided,* That funds contained herein in excess of current authorization for infectious diseases, for rodent control, and for lead-based paint poisoning projects shall be available only upon enactment into law of authorizing legislation".

On page 14, line 21, after "part B", insert "and title XI"; and, in line 22, after the word "Act", strike out "$300,000,000" and insert "$350,000,000".

On page 14, line 25, after the word "Act", strike out "$46,991,000" and insert "$54,000,000".

On page 15, line 5, after the word "diseases", strike out "$167,316,000" and insert "and digestive diseases, $182,000,000, of which not to exceed $320,000 shall be available for 20 additional positions".

On page 15, line 12, after the word "stroke", strike out "$130,672,000" and insert "$145,000,000".

On page 15, line 18, after the word "diseases", strike out "$113,414,000" and insert "$135,000,000".

On page 15, line 25, after the word "research", strike out "$183,171,000" and insert "$206,000,000".

On page 16, line 5, after the word "development", strike out "$130,429,000" and insert "$160,000,000".

On page 16, line 10, after the word "disorders", strike out "$38,562,000" and insert "$45,000,000".

On page 16, line 15, after the word "sciences", strike out "$30,956,000" and insert "$32,000,000".

On page 16, line 20, after the word "resources", strike out "$75,073,000" and insert "$83,000,000".

On page 16, line 24, after the word "Sciences", strike out "$4,666,000" and insert "$600,000,000"; and, in line 25, after the word "which", insert "not to exceed $80,000 shall be available for four additional positions and".

On page 17, line 9, after the word "Act", strike out "$738,628,000" and insert "$897,178,000"; in line 12, after "VIII", strike out "$100,000,000" and insert "$150,000,000"; in line 13, after the word "including", strike out "$20,000,000" and insert "$30,000,000"; at the beginning of line 15, insert "$2,000,000 shall be for grants for construction of facilities under part G of title VII"; in line 16, after the word "and", strike out "$20,000,000" and insert "$30,000,000"; and, in line 19, after "B", insert "and G".

On page 18, line 14, after the word "Act", strike out "$28,568,000" and insert "$29,068,000".

On page 18, line 20, after the word "provided", strike out "$8,500,000" and insert "$33,480,000".

On page 18, line 24, after the word "Health", strike out "$12,042,000" and insert "$13,042,000, of which $1,000,000 shall be advanced to the National Institutes of Health management fund for not to exceed 100 additional positions in the central-service activities financed through that fund".

On page 21, after line 9, strike out:

OFFICE OF EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title III ($171,393,000), and title V, parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000. For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $671,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 303(1)(C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $25,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950. For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85-905, $143,609,000. For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($444,682,000), D, F ($28,322,000), G ($19,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241 1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($75,000,000), $643,460,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $18,000,000 for research and training under part C of said 1963 Act. For carrying out, to the extent not otherwise provided, titles I ($62,000,000), II, and III ($7,530,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); and title II ($100,000,000) of the Elementary and Secondary Education Act; $184,500,000, of which $15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

On page 22, after line 22, insert:

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,634,000,000), title III ($171,393,000), and title V, parts A and C ($55,000,000), of the Elementary and Secondary Education Act, $1,860,393,000: *Provided,* That the aggregate amounts made available to each State under title I–A for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972: *Provided further,* That the requirements of section 307(e) of Public Law 89–10 as amended shall be satisfied when the combined fiscal effort of the local education agency and the State for the preceding fiscal year was not less than such combined fiscal effort in the second preceding fiscal year.

On page 23, after line 11, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $661,405,000, of which $615,495,000, including $41,450,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $45,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14 (a) and 14(b) of said Act of September 23, 1950: *Provided,* That none of the funds contained herein shall be available to pay any local educational agency in excess of 73 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

On page 24, after line 9, insert:

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85-905, $181,859,000.

On page 24, after line 13, insert:

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided section 102(b) ($29,898,000), parts B and C ($454,682,000), D, F ($38,322,000), G ($29,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($75,000,000), $674,768,000, including $24,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $28,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

On page 25, after line 6, insert:

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($62,000,000), II, and III ($7,500,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II ($100,000,000) of the Elementary and Secondary Education Act; title III–A ($75,000,000) of the National Defense Education Act of 1958; and title VI ($15,000,000) of the Higher Education Act; $274,500,000, of which $15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act: *Provided*, That the funds for the purposes of title III–A of the National Defense Education Act of 1958 and title VI of the Higher Education Act shall be available only upon the enactment into law of the Education Amendments of 1972.

On page 26, line 7, after the word "Act", strike out "$219,190,000" and insert "$259,240,000"; in line 8, after the word "which", strike out "$13,000,000" and insert "$25,000,000"; and, in line 10, after the word "expended", insert a colon and "*Provided*, That funds contained herein in excess of current authorization shall be available only upon enactment into law of authorizing legislation".

On page 26, line 18, after the word "law", strike out "$3,000,000" and insert "$5,000,000".

On page 27, line 2, after the word "expenses", strike out "$68,360,000" and insert "$69,360,000".

On page 28, line 22, after the word "year", insert a colon and "*Provided*, That none of the funds contained herein shall be used for making payments to States for services under titles I, IV (Part A), X, XIV, and XVI of the Social Security Act that in the aggregate exceed $2,500,000,000".

On page 29, after line 2, insert:

GRANTS FOR CONSTRUCTION AND STAFFING OF REHABILITATION FACILITIES

For carrying out, to the extent not otherwise provided, section 12 of the Vocational Rehabilitation Act, $20,000,000, to remain available until June 30, 1975: *Provided*, That these funds shall be available only upon enactment into law of authorizing legislation.

On page 29, after line 9, insert:

GRANTS FOR THE DEVELOPMENTALLY DISABLED

For carrying out, except as otherwise provided, section 301 and 303 of the Public Health Service Act, parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act and the Vocational Rehabilitation Act contingent upon enactment into law of authorizing legislation $67,825,000, of which $30,000,000 shall be for grants under part C of the Developmental Disabilities Services and Facilities Construction Act, to remain available until June 30, 1975: *Provided*, That grants made from these funds after June 30, 1973, will be for construction only as specified in section 132(a)(3) of such Act; $14,250,000 for grants under part B of the Developmental Disabilities Services and Facilities Construction Act, to remain available until expended: *Provided further*, That there may be transferred to this appropriation from the appropriation "Mental Health" an amount not to exceed the sum of the allotment adjustment, made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act.

On page 34, line 16, after "(68 Stat. 265)", strike out "$14,446,000" and insert "$15,082,000".

On page 37, line 10, after the word "College", insert "shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom".

At the top of page 40, insert a new section, as follows:

SEC. 210. The Secretary of Health, Education, and Welfare may transfer up to 5 per centum of the amount of any appropriation made to the Department of Health, Education, and Welfare in this Act to any other such appropriation, but no appropriation may thereby be increased by more than 10 per centum: *Provided*, That this section shall not apply to appropriations for salaries and expenses of the Social Security Administration, for payments to the Social Security trust funds, or for mandatory expenditures.

On page 40, line 18, after the word "Americans", strike out "$1,260,000" and insert "$1,000,000".

On page 42, line 1, after "(Public Law 92–13)", strike out "$1,440,000" and insert "$1,140,000".

On page 43, line 21, after the word "fund", strike out "$11,596,000" and insert "$12,591,000".

On page 44, line 6, after the word "fund", strike out "$244,000" and insert "$2,114,000".

On page 44, after line 7, insert:

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

To enable the Department of Health, Education, and Welfare to make payment to the Corporation for Public Broadcasting, as authorized by section 396(k)(2) of the Communications Act of 1934, as amended, for expenses of the Corporation, $65,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

PRIVILEGE OF THE FLOOR

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from New Hampshire (Mr. COTTON) and I be permitted to have our staff members present during the consideration of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. MAGNUSON. Mr. President, the bill now before the Senate covers the majority of the programs for the Departments of Labor, and Health, Education, and Welfare and the related agencies.

The committee has not considered all Labor-HEW programs in this bill. Several large appropriations such as higher education, social and rehabilitation services, and the Office of Economic Opportunity were not considered by the House because of the lack of authorizing legislation.

The committee has followed the House in this regard because we think the proper course is to get the authorizing legislation enacted, allow the appropriate agencies an opportunity to submit budget requests based upon such legislation, examine an amended budget request in some detail, hold our hearings, and then consider these items in an early supplemental.

ADMINISTRATION'S BUDGET

For the last several years, the committee has expressed its concern about the downgrading of health and education as reflected by the administration's budget request. This trend became apparent as early as 1970. That year the administration sent to the Congress a budget which included less money than the previous year for the programs administered by the Health Service and Mental Health Administration, the National Institutes of Health, and the Office of Education.

In a time of inflation this request can only be interpreted as an administration recommendation that Congress cooperate in taking what I consider a step backward in programs relating to better health and education of our citizens, or that we balance the budget at the sacrifice of health and education programs.

It appears that Congress has not and will not continue to accept those recommendations. When the administration submitted the 1971 health and education budgets and recommended cuts, the Senate disagreed and provided an increase of $500 million for health and $80 million for education. Seventy percent of those increases were included in the final House-Senate compromise bill that was enacted into law—which we think will provide better health and expanded educational programs for the American people.

This year the adminstration not only continues to follow that same distressing trend but also has accelerated its demands for decreases in vital health and education programs.

For fiscal year 1973 the administration has actually recommended to Congress that we provide $300 million less than last year for health and education programs.

Within that total decrease recommended by the administration our committee was distressed to see that even in those programs that are assigned the highest priority by the administration, the budget requested inadequate amounts. For example, the administration has been talking of late about a new initiative in cancer research—yet the administration's budget request was only 15 percent higher than last year's level of expenditures. By comparison, in 1971, before all the talk—and that included us, too—of a "cancer initiative," Congress provided a 20-percent increase for cancer research. Consequently, both the House and the Senate Appropriations Committees agreed this year that the National Cancer Institute could effectively use an additional $60 million in its war against this dread disease over and above the budget request and the additional amount has been included in the bill.

The inadequacy of the cancer research budget is no exception. The budget sent to the Congress included cuts of over $400 million in the area of construction for medical schools, hospitals, and other health service and training facilities.

Almost $200 million was cut in educational aid to local school districts. Cuts were also made in training of psychiatrists and other mental health workers; in neighborhood health centers that provide health and dental services to the poor; in the National Health Service Corps program which helps to bring physicians to areas where there are none; and in programs that provide educational equipment to the Nation's schools, colleges, and libraries.

In each case, the administration's rationale appears to the committee to be no more than an excuse for spending less funds on necessary domestic programs in this field.

CONGRESSIONAL LEADERSHIP

Health problems and the problems of ignorance still beset the American people, and this must be recognized as a serious threat to our society.

It is the committee's belief that Congress must once again assert its leadership in the fields of health and education.

The House, in its action on this budget, recognized this principle and added approximately $1.2 billion over the budget request to take care of some of the most glaring deficiencies.

The House bill, when compared with the budget request or last years' level of funding, may on the surface appear to contain a large increase in funds. But this is more apparent than real.

What the House has really done in its bill, in large measure, is merely to restore cuts made by the administration, to include the necessary mandatory Federal matching funds, and to provide a slight cost-of-living increase for some of the other programs—but not for all programs.

SENATE COMMITTEE ACTION

It is against this background that the Senate committee has recommended amounts to restore the budget to last year's operating levels and to recommend modest increases in the areas of highest priority to the Nation's health and education.

The committee recognizes that increased funding alone is not the sole answer to providing adequate levels of health care for all people. But the committee is equally persuaded that this budget, which, with a few exceptions, shows a year-to-year decline in real dollars and levels of effort, fails to deal effectively with the magnitude of the problem.

Before making its recommendations on this bill, the committee carefully considered more than 100 line items which make up this appropriation, and reviewed all of the individual programs and activities within these line items.

The committee heard testimony from hundreds of witnesses over a period of 3 months, including those from the executive departments and agencies, many interested Members of Congress, State and local officials, and concerned citizens.

The committee has recommended approximately $29.5 billion, which is approximately $860 million over the House-passed bill, $2 billion over the budget estimates, and $2.3 billion over last year's appropriations.

Although that is a very significant sum, it should not be termed "inflationary." It should be carefully noted that only about one-third of the Senate increase over the budget estimates would actually be expended in fiscal year 1973, with the remaining two-thirds being expended in subsequent years.

This is not extraordinary, but rather reflects the necessary time lag between appropriations and expenditures. The point to be made here is that the expenditure increases over the budget request—not the appropriation figures—are the amounts that affect the anticipated fiscal year 1973 budget deficit which has been brought on by continued problems and constant unemployment in the economy.

Furthermore, the administration has recently announced that it has revised downward the January budget estimate for expenditures for certain programs at the Departments of Labor, Health, Education, and Welfare by $230 million.

Thus, the bill before us will increase the January budget expenditures by about $500 million for these programs. When compared to a trillion dollar economy and a plus $250 billion Federal budget, $500 million hardly seems too high a price to pay or too large an investment to make, in the health and well-being of the American people.

Certainly a nation as wealthy as ours—with a trillion dollar gross national product—can afford the increase in this bill. In fact—and this is a pertinent example—our ranking as 13th in the key indicator of health—infant mortality rates—strongly suggests that we are not investing enough in health.

It is the belief of this committee that the citizens of the United States, with its great abundance, should have the best health care and the lowest infant death rate. Being 13th in the world is not something to be proud of.

This committee shares that expectation and has recommended a bill that will take us one step closer to that goal.

KEY ITEMS IN THE BILL

Mr. President, let me touch briefly on the key increases recommended in the Senate bill over the level recommended by the House—which also was over the level recommended by the budget.

Occupational safety and health is a comparatively new activity passed by the Senate and House in the last session of Congress. It is a program designed to assist—although some amendments were passed in this session already—employers to provide better health and safety conditions for their employees. The committee added $10 million over the budget and the House, in order to allow the Department of Labor to make a maximum effort to extend occupational health and safety standards to all our workers.

The committee expects the Department to give special help to small businesses and unorganized employees as they cope with new developments in this field.

Mental health—this program deals with the prevention and the treatment of those of our citizens suffering from mental illness and, particular emphasis is placed on the mental health of children.

The Senate bill, in addition to restoring the budget cuts, focuses increased efforts on the prevention and treatment of narcotic addiction, drug abuse, and alcoholism.

The extent of alcoholism and drug abuse in our society is growing—not shrinking—and the costs to our society too great for any to ignore—and the committee believes that the maximum amount of funds should be made available for research and treatment of these two disease problems—I underline the word "disease"—which already affect the lives—directly or indirectly—of over 35 million Americans.

The committee has also included funds to accelerate the establishment of more community mental health centers.

This community-based approach is a more effective, humane, and less costly method of treatment for many citizens with mental disorders—and stands in stark contrast to the infamous approach that was so prevalent in State mental institutions only a few decades ago.

The advent of the community-based approach to the treatment of mental illness has been accompanied by a steady decline in the total number of residents in State mental hospitals.

However, as I mentioned just briefly before, in recent years the number of children in these institutions has been rising.

In response to this, the committee has included additional funds for the mental health of children—a program initiated only last year.

Regional medical programs—the committee believes that these programs are the most successful Federal effort to get the results of medical research and other innovations in medical care out to the people suffering from heart disease, cancer, stroke, and related diseases.

Nevertheless, the administration, for some unaccountable reason, continually holds up on funding of regional medical programs or freezes the funds once they are appropriated by the Congress.

This year, the committee has recommended additional funds to mount a new and major 5-year program for the prevention, public education, and ultimately the treatment of all treatable patients with end-stage kidney failure.

This is a program that has given serious concern to the committee. The distinguished Senator from New Hampshire has been a leader in this field. We feel that anyone who has a treatable kidney disease, and is in need of kidney machines, or transplants, should be able to avail themselves of this opportunity.

We have come a long way since only a few years ago, when we had to draw names out of a fishbowl to see who was going to live and who was going to die in relation to the use of a kidney machine. Thus, the committee has recommended this new and major 5-year program.

I might say that research into kidney transplants has come a long way. There is a great deal of hope for this phase of treatment for kidney diseases.

The committee has also provided a major increase for the construction of a regional children's health center and for the funding of several children's pulmonary or lung disease centers around the country.

It was amazing for the Senator from New Jersey, the Senator from New Hampshire, and the rest of us on the committee to find how many asthmatic children there are in the United States who can be treated. They run to double or almost triple the numbers we had believed to be involved. Thus, we hope that the Senate will approve this increase.

The majority of the increase is provided to set up heart disease, cancer, and stroke control programs to be operated in tandem with the research institutes at the National Institutes of Health.

Hill-Burton hospital construction—this program, which by law provides grants to construct hospitals and related facilities, was again cut by the budget request. In several categories the request was zero.

I am sure that the present occupant of the chair, the distinguished Senator from Alabama (Mr. ALLEN), and the former Senator from Alabama, Lister Hill, would deplore this, because it has been a long-time successful program; but, for some reason, we ran into a conflict with the administration. The budget request was zero and we put some funds in for this particular program.

If some people do not like the Hill-Burton program, then their approach is to repeal the law. We have not seen any suggested legislation yet to that effect.

At a time when hospital costs are skyrocketing, Federal assistance for the construction of these facilities is needed more than ever by the financially hard-pressed hospitals. These, of course, are nonprofit institutions. We must keep moving. Therefore, the committee has agreed with the House—which upped these amounts—and restored the cuts.

Health services delivery—I think that all of us have come to the conclusion—and I want to put this into my statement here as strongly as I can urge it—that medical research in this country is the finest in the world. If there is any problem in health in this country, it is in the delivery of health services to our people. That is the crisis we must solve.

The committee has included substantial increases in those health delivery programs with special emphasis on the elderly, and mothers, and newborn infants. So that we can look proudly to the fact that we want to be first in the world with the lowest infant mortality rate.

One of the reasons why this Nation's infant mortality rate is so high when compared with other highly developed nations is the lack of care for mothers and infants who are from medically underserved areas.

And, of course, the maladjustment geographically of health delivery personnel is one of the problems we attempted to take a look at in the Appropriations Committee.

The committee has included substantial increases to initiate 25 new centers which will provide intensive care for newborn infants, we hope, in the places where they are most needed.

The increases will also provide dental and health care to over 100,000 children and mothers and care for 75,000—and it should be more—crippled children, all who would not otherwise receive such care.

The committee has also included funds to support additional neighborhood health centers which will provide health care—according to the best figures we can get—to an additional 250,000 to 350,000 persons, especially the elderly, in medically underserved areas.

The National Health Service Corps is another program cut by the administration, a program which the Senator from Washington and the Senator from New Hampshire were particularly interested in because we coauthored the bill to establish this. However, this program was cut.

This program would send doctors into areas that do not presently have doctors and would give these people a chance to do some of the things in the Health Service Corps that they want to do in the way of public service. The committee has placed a great deal of emphasis, and has also done so in the report, on rural areas where there are no doctors, and has placed emphasis on care for the elderly and people in the ghettoes and urban areas.

The Senate increase will provide for an additional 550 doctors and nurses to be placed in about 140 small and isolated communities which are not now served by a physician.

Additional funds have also been included to cover hospitalization costs for migratory agricultural workers who are excluded from medicaid coverage in some States. I call to the attention of the Senate the fact that the Senator from New Jersey, along with all of us on the committee, has pressed this program because thousands of migratory workers do not come under medicaid. The Senator from New Jersey pointed that out to us very vividly.

Communicable diseases—the Senate has added $8 million for control of TB—which is of interest to the Senator from Alabama—which will extend and expand 18 TB grants which expire this month if we do not do anything and start up 21 additional TB control projects in areas of acute need.

An additional $6 million increase is included in the bill to immunize an additional one million children against rubella, measles, and polio. Rubela is a serious problem. Looking down the road, according to all of the experts, we want to have enough in the bill to immunize these additional one million children.

The committee has included another $6 million over the budget to step up the fight against venereal disease—which is rising in this country—including the testing of 500,000 additional women for gonorrhea.

Additional funds will be used to initiate a communicable disease health education program aimed at various populations of high risk—for example, mothers of infants in need of immunization.

An additional $4 million, for a total of $16 million, is included to fund projects for the prevention of lead-based paint poisoning in children in 55 cities. The problem of lead-paint poisoning is a preventable health problem. It is the intent of the committee to provide or help to provide the resources which—when added to State, local, and private efforts—will eliminate this health problem from our society.

I personally call upon these cities to initiate stricter enforcement of the building code laws which need not cost any money but would help to prevent this problem.

The committee has included an additional $35 million for the National Institute of Occupational Safety and Health.

Twenty million dollars will be used for the establishment and upgrading of 60 facilities for the examination and treatment of pulmonary impairments and for research in the detection and treatment of "black-lung" diseases.

The committee has included $15 million for early detection of asbestos related diseases and for the research and training involved in the establishment of additional occupational safety and health standards. There is other money in the bill to allow the Department of Labor to hire a number of additional inspectors in this field, and improve the levels of training for such personnel.

NIH RESEARCH INSTITUTES

The research institutes at NIH represent the best hope for the prevention of disease and better health for all the American people. Nevertheless, the training of the vitally needed manpower required to conduct biomedical research has been systematically reduced by the administration budget since 1969.

I want to say in all fairness that most budgets in recent years have done the same thing. And it has been up to Congress to increase these amounts.

Consequently the committee has called a halt to this erosion of vitally needed health manpower and included in the bill sufficient funds—not all we might like, but we are working within other factors in this field—to restore the NIH training programs to the level of effort this Nation enjoyed in 1969—before these systematic budget cuts began.

Diseases of the heart, lung, and blood account for more than one-half of all deaths in the United States each year. Consequently, the committee has included a $50 million increase over the House allowance—and the House was over the budget—for the budget of the Heart and Lung Institute.

The committee seriously questions the wisdom of the administration in presenting a budget that contains not even an increase sufficient to keep up with the increased cost of conducting research on such debilitating diseases as arthritis, cystic fibrosis, diabetes, kidney disease, and malnutrition.

In fact, the budget as presented included virtually no increase at all in the area of stroke, epilepsy, Parkinsonism, spinal cord injury, multiple sclerosis, cerebral palsy, sudden infant death, and certain other diseases—which in view of the inflation in the economy is really a step backward from what was done last year. And I think we have taken care of this to the best of our ability in the pending bill.

Faced with the inadequacies of the budget, the underfunding of crucial health research programs which pay enormous dividends and benefit all Americans, the committee has included $127 million to restore the level of effort of these programs to last year's level, and in some cases provided increases that in the long run should save the American people billions of dollars—and prevent untold human suffering and agony.

Two examples of the type of activities that will be funded with the increased funds relate to centers for epilepsy and research on blindness related to diabetes and vascular disorders of the eye.

The committee has been impressed by the recommendations of the House that part of the proposed increase in the budget for the National Institute of Neurological Diseases and Stroke would be devoted to centers for epilepsy. Considering the number of persons afflicted with this disease it would certainly be in their best interest for NIH to set up such centers with a view towards integrating the medical, social, and employment problems so as to allow these individuals to be useful members of society. It is the committee's understanding that $3 million would be required to carry this project forward in an orderly and efficient manner. The committee has included the funds in the budget of the National Institute of Neurological Diseases and Stroke so that the NINDS can give immediate attention to the funding of such centers.

Vascular diseases of the eye, of which diabetes-related blindness is one of the most prevalent, are the leading causes of new adult blindness in the United States.

In order to allow the National Eye Institute to develop a combined and integrated approach to the solution of these closely related diseases, the committee has included an additional $4 million for an accelerated research program.

The committee also provided increases in such areas as sickle cell anemia, sudden infant death, population research, child health, aging, tooth decay, arthritis, cystic fibrosis, malnutrition, stroke, Parkinsonism, spinal cord injury, multiple sclerosis, cerebral palsy, hepatitis, allergic disease, and mental retardation.

NIH EDUCATION OF MEDICAL PERSONNEL

The President signed into law the new health manpower legislation last November. At that time he said:

> These new programs must now be adequately funded.

Apparently, the accountants at the Budget did not get the word because the 1973 budget request for the health manpower programs is $533 million—$140 million less than last year's level.

The committee has restored the budget cuts in this appropriation and recommended increases in "capitation" grants in medical, nursing, and related schools.

In addition, the committee has recommended increases in the scholarship programs in order to allow those bright students from poor families an opportunity to go to medical and nursing schools.

Both the House and Senate committees agreed upon a 200-percent increase for the training of doctors who will specialize in the family practice of medicine.

OFFICE OF EDUCATION

Elementary and secondary education, title I, is designed to provide compensatory education and help disadvantaged children learn at a rate that is at the national norm or better.

The committee has proposed appropriation language and an additional $36.5 million over the budget estimate to assure that no State receives any less in 1973 than it did in 1972.

Without this language, it would take almost $400 million in additional funds to assure that no State would receive less under the allocation formula for title I.

Now, we come to a controversial section of the bill, impacted area aid—a program the budget has consistently tried to cut.

Impacted area aid—This program provides financial assistance to local school districts in which enrollments are affected by Federal activities. The committee recommendation includes appropriation language which will provide the same percentage of entitlements as used in the 1972 appropriation bill. The committee also added $20 million for construction of schools in local districts eligible under these public laws.

Education of the handicapped—This State grant program is designed to assist in the initiation and expansion of programs for the education of handicapped children at the preschool through high school levels.

The committee added $30 million which will allow an additional 150,000 school aged handicapped children to receive special educational attention.

Vocational and adult education—Funds added by the committee would expand programs that combine formal education with on-the-job work experience, programs that develop model vocational educational programs, and grants to States for vocational educational research.

Public libraries—The committee restored the budget cuts and provided a modest increase for programs relating to the educational/instructional equipment for elementary and secondary schools and colleges.

Educational renewal—The committee provided increases in bilingual education programs which are designed to operate pilot projects in schools where children have only limited English-speaking abilities.

Other increases provided by the committee relate to the construction of educational television facilities and the "right to read" program which is designed to end illiteracy in Americans by 1980.

WELFARE PROGRAMS AND COSTS

Limitation on welfare administrative costs—In the past, this committee has been unsuccessful in its attempts to close the open end on welfare administrative costs—I underline welfare administrative costs, not the direct payments to people entitled to them—by setting a limitation on the year-to-year increase that any State might receive.

This year, the committee has proposed a new approach for the Senate to consider.

We tried a percentage approach two or three times and the Senate did not accept it. This year the committee included in the bill a dollar limitation of $2.5 billion for grants to States for welfare administrative costs. Again, I underline the words "administrative costs."

States currently estimate that they will need $2.1 billion for this purpose in fiscal year 1973.

This has gone up considerably. The States submit their estimates and under the way the law is now we have little chance to control them. These costs are skyrocketing and the committee wants some limitation on these administrative costs. I think this is a good thing because then the Congress will have a good chance of getting payments down to the people we are all trying to help.

The committee's proposed limitation for fiscal year 1973 of $2.5 billion is over $350 million higher than the amount requested by the States for fiscal year 1973. They should be able to live within this figure.

In other words, every State will receive at least the amount they have estimated as required—and in most cases this requirement includes a significant increase in Federal funds for each State. Our reason for establishing a ceiling that is significantly higher than the amounts the States estimate they need, is to take into consideration the possibility that some States may have submitted—and this is true—faulty estimates or have underestimated their genuine requirements. But I must say in some cases they have overestimated. On the other hand, this committee believes that it is its responsibility to prevent the continuing uncontrolled and open-ended Federal liability for this program until the Congress has been convinced that these funds are being spent prudently and effectively.

Social and rehabilitation services—This is a large item in the bill. The principal item of increase proposed by the committee relates to grants for the developmentally disabled.

In this area, the committee included substantial increases for State grants and grants to university affiliated facilities, and restored the cut in service projects.

TRANSFER AUTHORITY

Section 210—The committee has also included a language item that was proposed by the administration which would allow the Secretary of Health, Education, and Welfare limited authority to move funds around to meet unanticipated budget requirements.

I think that is wise.

The authority to shift the funds would be contingent upon approval by the House and Senate appropriations committees. This seems like a reasonable request and the committee has included the proposal this year on a trial basis.

Mr. President, the committee believes wholeheartedly in these recommendations. They are sound recommendations, and they are reasonable. We can defend them in conference. We think we can legitimately request that the President sign the bill.

Therefore, the committee is hopeful that additional amendments will not be loaded upon this bill, making this bill seem unreasonable in size—difficult to get through conference and difficult to acquire a presidential signature.

Mr. President, all of these programs are important to our Nation, to every citizen, and to every family in America.

They are important to the well-being of our society.

They assist those who are often unable to assist themselves, especially the young and the aged.

They will help to build much needed medical facilities.

They will help reduce unemployment.

They will help to train countless men and women who are not available today to help deliver adequate health care to our people.

They will help to bring about much needed improvements in the health care delivery systems of our Nation.

They will help to solve some of the mysteries of diseases and sicknesses that plague all mankind.

In response to encouragement by the chairman of the full committee, and other members of the Appropriations Committee who are not on the subcommittee.

We have brought this bill to the floor at a much earlier date than has been the experience in the recent past. We are anxious to move forward to a conference and get the bill to the President for his signature at an early date.

This is particularly true of the education part of the bill, because many of the education officials in this country must start thinking about their next year's budget at this time and know what they are going to get in this bill.

The funds included in this bill, together with State and local matching contributions can enable this Nation to take a strong stride toward a better America.

This is a good bill, and I sincerely hope my colleagues will support its passage.

Mr. President, the hundreds of individual programs within this bill affect every household, every family in our Nation. It would be almost impossible for me to detail every one of these in the fields of health and education, but a number of these programs and the recommendations the Senate is about to approve should be explained more fully and compared with the House allowance and budget request.

All of the recommended increases before the Senate today are in the health and education fields. Of these increases over the budget submitted to the Congress in January, some $1,337,558,000 are in the health field. Almost all of that large amount is in the Department of Health, Education, and Welfare.

Under the Department of Labor, our committee is recommending an additional $10,793,000 for the Occupational Safety and Health Administration and related programs with a direct bearing upon the health of our Nation's workers. These are relatively new programs and the committee has directed the bulk of the increase for personnel. The committee has also directed the Department of Labor to improve the training of enforcement personnel and curb the overly zealous enforcement officers from dealing with employers in an unreasonable and unfair manner.

During our committee hearings, we received a number of complaints from small businesses concerning their inability to cope with new standards and other developments in the occupational safety and health field. The committee has directed the Department to assist in every way possible so as to minimize these valid complaints.

Within the Department of Health, Education, and Welfare, increases over the budget total over $1,326 million and directly involve health services, the training of personnel to deliver health services, the construction of health facilities, and programs of research into the diseases that afflict men, women, and children throughout our Nation and the world. With the indulgence of the Senate, I will highlight those increases.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

The total of $2.5 billion for the Health Services and Mental Health Administration represents an increase of 94 percent over 1970 levels of funding. We have recommended program increases of $575,840,000 in specific areas of mental health, training of psychiatrists, staffing of community mental health centers and their construction or remodeling, narcotic addiction and drug abuse control, alcoholism prevention and control, venereal and other communicable disease control, occupational health and community environmental management, comprehensive health centers, hospital construction under Hill-Burton, the regional medical programs, migrant health program grants, the National Health Service Corps, maternal and child health, and the prevention of lead-based paint poisoning.

MENTAL HEALTH

The total of $851,520,000 is $237,702,000 over the budget request and $107,702,000 above the House allowance. This total for 1973 is an increase of 136 percent over funding levels in fiscal 1970. Major increases in mental health programs before the Senate include:

RESEARCH GRANTS

An increase of $6 million primarily for research programs into the nature of alcoholism and its causes, and other priority areas such as mental health of children, narcotic addiction and drug abuse, minority mental health problems, and crime and delinquency.

PSYCHIATRIC TRAINING

An increase over the budget of $27 million will restore a planned curtailment of special psychiatric residency training programs, undergraduate training in this field, and restore these training grant programs to the 1969 levels of support. Our committee will expect emphasis in these programs to be placed on new and emerging priorities, such as the mental health of children.

COMMUNITY MENTAL HEALTH CENTERS

The increase for these community based programs provides $50 million more for staffing and personnel, and $20 million for construction and remodeling of such facilities. This will allow for expansion of existing centers and establishment of new centers so that a total of 562 mental health centers will be operational by the end of 1973. This represents an increase of one-third over the number of these community resources that are meeting the needs of so many of our citizens near their homes and families.

NARCOTIC ADDICTION AND DRUG ABUSE

An increase of $28,702,000 allocates $20 million to initiate a program of State grants in this important field, with the balance added to special project grants which support the on-going narcotic addiction community assistance programs. There are at least 515,000 narcotic addicts and an additional 400,000 abusers of nonnarcotic drugs in our Nation today. The special project grant programs have been helping to meet the problems presented by these statistics, but the States must be assisted so that they can develop plans for the coordination and establishment of prevention and rehabilitation programs tailored to their special needs.

ALCOHOLISM PREVENTION AND CONTROL

Our committee's recommendations would more than double the current program support in this field, and we provide increases of $45 million in grants to States and $35 million for special project grants. There are more than 9 million alcoholics in the United States today, and with their families, some 35 million of our fellow citizens are adversely affected by this problem. We were encouraged that in many States the responsibility for the treatment of alcoholism has been transferred from criminal justice to health-care systems and the total of $75 million for grants to States contrasts with only $30 million available in fiscal 1972. Because we feel the long-range success of the alcoholism program is dependent to a significant degree upon prevention programs, we added special funds for these purposes. Project grants are targeted for local communities that have established successful programs to treat and control alcoholism.

MENTAL HEALTH OF CHILDREN

The Senate provided the initial funding of $10 million for this special program last year and although the Budget for 1973 approved our action, no increase was requested. While there has been a steady decline in the total number of residents in the Nation's State mental hospitals, we find it disturbing to see that in recent years the child resident population has increased in these hospitals. With this trend in mind, we have recommended the Senate approve an increase of $20 million for special programs dealing with the mental health of children.

HEALTH SERVICES PLANNING AND DEVELOPMENT

The total of $510,573,000 consists of an increase over the Budget of $180,386,000 and only $42,717,000 more than provided in fiscal 1972. In essence, this provides a maintenance of effort in most areas with a modest increase provided for the regional medical programs.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

Our recommended increase of $2 million will assist the National Center for Health Service Research and Development to focus on national priority problems in health services such as rising costs of medical care, unequal distribution and utilization of health services, inadequate methods for health services planning and decisionmaking at local and national levels, and shortages of professional personnel.

REGIONAL MEDICAL PROGRAMS

There are 56 separate and distinct RMP programs that cover the United States and that have brought together the public and private providers of health care to develop highly successful programs that address the specific needs of the regions involved. The addition of $54,186,000 recommended by our committee will allow a 50-percent increase in RMP activities. We have specifically directed that greater attention be given to control activities for heart, cancer, stroke, kidney, and chronic pulmonary diseases; the development of more emergency medical systems, like mobile acute coronary care units; and the establishment of pediatric pulmonary care centers.

MEDICAL FACILITIES CONSTRUCTION

Once again the budget requests would have greatly curtailed the highly successful Hill-Burton hospital construction program. The addition recommended by our committee of $112,200,000 will restore the grant programs to their 1972 level for the modernization and construction of long-term care facilities, hospitals, and public health centers. Our committee has recommended a special grant of $12 million to complete an experimental hospital now under construction at the Children's Hospital Medical Center in the District of Columbia.

HEALTH SERVICES DELIVERY

The total recommended of $843,297,000 will provide an increase over 1972 of $176,291,000 of which $92,002,000 are additional funds our committee has recommended over the budget request. These increases recommended to the Senate are in the following programs:

COMPREHENSIVE HEALTH SERVICES

The $54 million increase would be distributed with $30 million for additional support of Neighborhood Health Centers, $20 million in formula grants to States for health services, and $4 million for the special program of health services for migrant workers. Approximately 850,000 people who would not otherwise receive health care were served through the Neighborhood Health Centers and these highly successful operations must not only be adequately supported, but expanded to reach additional citizens with unmet health care needs. Increased grants to the States will allow public health programs at the State and local levels to expand.

MATERNAL AND CHILD HEALTH

The additional $27 million recommended above the budget is divided between project grants and grants to States. The new total in State formula grants assures that approximately 440,000 women will receive prenatal and postpartum care in maternity clinics and 1,600,000 children will attend well-baby clinics in 1973. With an increase of $10 million recommended for the crippled children's program, a total of over 575,000 children will receive early detection and treatment of crippling conditions, and over 90,000 children will obtain hospital care.

The $12 million increase in special project grants will make it possible for over 570,000 children of low-income families to receive comprehensive care that will meet their medical, dental, physical, and emotional health needs.

These neighborhood health centers have dramatically demonstrated that child health services which emphasize prevention are effective, as the number of children requiring hospitalization has decreased by 50 percent since this program began in 1964. These programs also serve elderly citizens and with the increase recommended by the committee, an additional 250,000 to 350,000 citizens in medically underserved areas will benefit from this program—a program that is truly an investment that will reduce more costly expenditures of public funds.

NATIONAL HEALTH SERVICE CORPS

Although just initiated last year this highly popular program helps to provide the delivery of health care to smaller, and often rural, communities with an average population around 8,500. A total of $20 million for this program includes an increase of $11,002,000 which will provide for an additional 550 health service personnel, physicians, and nurses, to help meet critical health manpower shortages in areas across the Nation.

PREVENTIVE HEALTH SERVICES

A total of $213,872,000 will allow program increases in this area of some $68,768,000 over 1972, of which $66,500,000 are increases over the budget requests. These increases are all in the areas of disease control, occupational health, and community environmental management.

DISEASE CONTROL

Infectious diseases, such as rubella, measles, polio, syphilis, and gonorrhea have been on the increase and our committee has recommended an additional $25 million for special projects at the community level which will help prevent these diseases. Of that increase, $5 million will initiate a comprehensive communicable disease health education program designed to make the general population active participants in the prevention of communicable diseases on both an individual and community basis.

COMMUNITY ENVIRONMENTAL MANAGEMENT

The additional $6.5 million above the budget requests will assist States and local communities in applying a systematic management approach for identifying environmental health hazards, setting priorities, developing and implementing plans for the solution of health problems, motivating and securing the support of community residents and coordinating community services, and the programs of other Federal agencies for effective local action.

OCCUPATIONAL HEALTH

Our committee has recommended a $35 million increase that will more than double the support for these activities in 1973. The bulk of this increase is slated for the construction, purchase, and operation of fixed-site and mobile clinical facilities for; the analysis, examination, and treatment of respiratory and pulmonary impairment in active and inactive coal miners and to accelerate the research on pneumoconiosis and other respiratory diseases authorized by the Coal Mine Health and Safety Act of 1969. The committee provided $11 million for the acceleration of the present rate of occupational standards setting and $3 million to restore a budget cut in training programs and to provide a very modest increase for these special health manpower programs.

NATIONAL INSTITUTES OF HEALTH

The total for all activities administered by the National Institutes of Health would be $2,902,120,000 under the recommendations of our committee that are now before the Senate. Contrasted with 1972, this would provide an increase of $683.7 million. The budget requests were a reduction from 1972 support levels, and we have recommended an increase of $709,565,000 above that budget request.

The NIH is the cutting edge of Federal support for biomedical research and approximately half of the increase recommended by the committee is for the support of the research institutes and their programs. A total of just under $1.9 billion would be available to the research institutes of NIH during 1973 which represents an increase over 1969 of about 85 percent, or almost $800 million, which does not take into account the high costs of inflation in such activities.

Specific increases for the various NIH institutes include:

Cancer—$60 million for a new total of $492.2 million. This provides a 30 percent increase over 1972 and over twice the $230.5 million available in 1971. These additional funds will support expanded research efforts into immunology that will permit scientists to begin to map the features of cell surfaces and the significant differences between cells that are being discovered; the treatment of cancers by drugs; and the role of viruses in cancers. Our committee has recommended increasing the number of special cancer research centers and directed a $30 million increase in cancer control activities that is designed to insure more rapid and effective communication of research results to medical practitioners and, as appropriate, to the general public.

Heart and lung—$94,720,000 for a new total of $350 million. Diseases of the heart, lungs and blood are the major killers in our Nation today. The economic losses are staggering. Our committee recommendations include additional funds that would be targeted to support of pediatric pulmonary disease centers; increased research on hypertension, including a stepped-up antihypertensive therapy program; the establishment of up to 20 cardiovascular disease prevention clinics; expanded efforts in bioengineering that ultimately will result in an implantable artificial heart; an additional $10 million to make a total of $25 million available for a balanced program of research and community service on sickle cell disease; and for a more intensive program of public information and education, in cooperation with the current programs of voluntary agencies and professional groups.

Dental research—$9,585,000 for a new total of $54 million. The national dental care program is giving greater momentum to research on tooth decay. The search for more effective and restorative treatment and, ultimately, the prevention of tooth decay is both of humanitarian and economic importance. This Institute is also responsible for progress against cleft lip and palate, though chiefly by improving the rehabilitation of the victims of this second most common congenital malformation.

Arthritis, metabolism and digestive diseases—$28,675,000 for a new total of $182 million. The committee increases would expand research on numerous arthritic disorders; errors of metabolism, such as diabetes; a variety of digestive diseases, such as hepatitis, peptic ulcer, cirrhosis of the liver and gallstones; blood, bone, urological and kidney diseases; and in fields such as endocrinology, dematology, orthopedic surgery, nutrition, and others. Again the committee has provided funds for bioengineering efforts that will improve artificial kidneys, but basic research on kidney disease itself is the surest means toward preventing and controlling these serious disorders.

Neurological diseases and stroke—$28,278,000 for new total of $145 million. Stroke continues to be a principal cause of death and disability in America and many other nations. The committee recommendations would more adequately support the 17 clinical research centers, over 60 research projects, and further the Institute's plans for stroke acute-care research units. At least four acute spinal cord injury clinical research centers will be established in 1973. Expanded research on sclerosing disorders, Parkinsonism, epilepsy, chronic degenerative disorders, hearing and speech disabilities, and violent behavior related to brain disease will be possible under these recommendations. Three million dollars are earmarked for centers for epilepsy.

Allergy and infectious diseases—$22,351,000 for a new total of $135 million. Immunology is the allergist's basic scientific discipline and is known to be involved in many other disease areas, such as those in pediatrics and metabolic disease, and the committee recommendations include $6 million to expand research on immunology. A similar amount is designated for research on allergies. Special emphasis will be increased on influenza research to hopefully head off the toll of an expected major epidemic within the next 5 years and equal attention will be focused on the current epidemic of venereal diseases, and to develop new measures against both infectious and serum hepatitis.

General medical sciences—$30,040,000 for a new total of $206 million. With responsibilities to conduct research and research training in sciences basic to medicine and in the various clinical sciences, this Institute contributes to the solution of nationally important health problems not under the purview of the other categorical institutes. A major effort in the study of genetics and the genetics of disease will be more adequately supported; research and training in the fields of trauma, anesthesiology, diagnostic radiology, pharmacology, and toxicology will be expanded; and the work of biomedical engineering centers will also be expanded, along with the automated clinical laboratories. A special effort to attract and more adequately prepare minority students for a greater role in the Nation's health science programs will also receive additional funding.

Child health and human development—$32,756,000 for a new total of $160 million. Three areas of special concern in this Institute and to the committee share in the bulk of the increase recommended: Population, $13 million, child health, $8 million, and the aging, $5 million.

Of very special concern to the committee is the lack of research on the sudden infant death syndrome—SIDS—which is also known as crib death and a major contributor to the 68,000 infant deaths in 1971. The development of neonatal intensive care nurseries as a part of medical centers is considered essential to effectively reducing morbidity and mortality in this age period, and expanded training programs in this specialty field will be supported.

Elsewhere in the NIH appropriation, the committee added $20.9 million for the construction of the research facility for this Institute. Planning funds were appropriated in fiscal year 1966; lack of adequate space and facilities is now seriously hampering the orderly growth of the intramural research of this unit that was established in 1963; and the committee is convinced this long delayed construction project must proceed forthwith.

Eye Institute—$7,868,000 for a new total of $45 million. Established in 1968, the committee recommendation would result in an increase of 50 percent over the level appropriated to the Eye Institute for 1971. The increase provided this year will launch a research program on retinal and choroidal disorders; expand the search for a nonsurgical means of treating cataracts; target funds for corneal disorders so the Institute can effectively develop improved diagnostic and therapeutic methods to aid those affected by this group of disorders; and carry forward a comprehensive research program directed toward the prevention and control of a leading cause of blindness, glaucoma. Four million dollars altogether has beeen added by the committee for diabetic retinopathy and closely related vascular diseases of the eye.

Environmental health sciences—$2,987,000 for a new total of $32 million. Established 5 years ago and the only Institute not on the NIH campus at Bethesda, this unit is concerned with the way in which man's health is adversely affected by his environment. Much of their work is basic, but as each year brings an increasing number of new and different chemical compounds and substances into our environment a major responsibility of this Institute is the development of reliable testing equipment and procedures for such compounds that will reduce the time, complexity and costs associated with such evaluation programs.

Research resources—$7,991,000 for a new total of $83 million. This unit at NIH provides resource grants that help support institutional or regional centers concerned with human clinical investigation, biotechnology development and application, and animal care and research. A major portion of the increase recommended by the committee will help to support primate research centers and assist other facilities to bring their animal care programs into compliance with the Animal Welfare Act of 1970, and to cover the increased cost of medical care related to the general clinical research centers program.

Fogarty International Center, $1,455,000 for a new total of $6 million. The committee has recommended an additional $900,000 to initiate a comprehensive program that will assist the career development of faculty members of U.S. schools of medicine, osteopathy, dentistry, and public health, and the faculty and students in the health professions and allied health fields, including nursing, pharmacy, podiatry, optometry, and veterinary medicine by granting selected personnel fellowships that will allow study or research in foreign medical centers or health related institutions. A highly successful program at the center has allowed over 1,200 foreign nationals such opportunities during the past 14 years, and the committee is convinced this program should become a two-way street that U.S. citizens will now be able to travel.

TRAINING GRANTS AND FELLOWSHIPS

All of the foregoing institutes help to meet the continuing needs for highly trained and dedicated individuals who will be engaged in all types of biomedical research in the future. Due to arbitrary budget and apportionment restrictions, the number of NIH post-doctoral fellowships—which not only support advanced research training, but also yield useful research results—declined from 5,250 in 1969 to only 3,099 in 1972. Training grants similarly declined from 2,400 in 1969 to 2,087 in 1972.

This committee has opposed such actions with limited success in the past, and this attrition can not be allowed to continue if the research manpower is to be available to sustain the expanded research efforts on cancer, heart, lung diseases, and all the other research frontiers that offer opportunities for renewed and more vigorous attacks. The time has come, if indeed it is not past due, to restore the research fellowship and training programs to the level at which they were before that subtle policy of attrition was put into effect.

The committee has, therefore, recommended the addition of $46,782,000 in this bill which, together with the House increases for these programs, will restore all of them in the several Institutes to their fiscal year 1969 level and provide a reasonable base for their future growth.

HEALTH MANPOWER

The committee recommendation would provide a total of $897,178,000 which represents an increase of $158,550,000 above the House allowances, $363,550,000 above the budget requests, and $223,616,000 over the fiscal year 1972 level of funding.

The Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, signed into law in mid-November of last year, did not merely continue the then existing programs launched under earlier health manpower legislation, but were designed to increase significantly the future supply of health manpower, to develop new types of personnel and modes of practice to make competent health care more readily and more uniformly available, and to establish a coherent and explicit Federal role in the support of the educational system that prepares all types of health manpower.

The major health manpower training legislation must be funded at a level that will have a significant effect on the production of health professionals and other health personnel. The administration's request simply did not cope with the problems faced by the Nation's health training institutions. The budget was totally inadequate to meet obvious health manpower needs. A far greater effort is necessary than that envisioned in the administration's budget. All of the increases the committee recommend will help to stimulate the production and improve the training of needed health professionals as well as to strengthen the operation of training institutions for the long haul.

Congress intended, as the American people have requested, to take effective measures to change the pattern of shortage and maldistribution which has plagued the Nation's health care delivery picture for too many years. To do this, the committee has recommended significant increases in the appropriation for health manpower training programs.

The training programs, administered by the Bureau of Health Manpower Education, in the National Institutes of Health provide financial assistance to the schools of the health professions—medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, veterinary medicine—and the schools of public health, nursing, and allied health, provide construction grants for new or renovated facilities, funds for special projects, financial distress grants, assistance to new schools or 2-year schools converting to degree granting institutions; scholarships and loans to students in schools of the health professions and nursing; training in family medicine, health manpower education initiative awards, and for a variety of programs to improve the number, quality, and distribution of manpower.

The Congress authorized a strong financial floor of support to the schools of the health professions and nursing when they enacted the mechanism of capitation payments. Although these capitation payments have not been funded at their full authorization levels, the eligible schools and colleges have all been required to meet stringent guidelines and requirements for enrollment increases. We have every indication that the incentives provided through this mechanism will result in increased numbers of first year places in all of the health professions and nursing. Quality in such training programs must not be sacrificed for quantity. It is equally clear that such schools and colleges must receive funds under this new program at least equal to the amount of support they received from institutional support and special project grants under previous legislation.

The committee recommendations include increases over the Budget requests of $246,900,000 more for the medical, dental, and related professions; $90,500,000 more for nursing; $17,290,000 more for allied health; $4,460,000 more for public health; and $2 million more for dental health.

Of the increases over the budget recommended by the committee $182 million is for construction grants that will help meet the enormous need for more facilities where such health manpower training programs can take place. The administration requests contained no such grant requests for fiscal year 1973 and the total now recommended by the committee is only $23,015,000 above the amounts provided in the 1972 budget. If the Congress agrees to these recommendations and the President approves this measure, the committee has also directed that these funds be obligated during fiscal year 1973.

The specific details of these health manpower recommendations can be found on pages 75–77 of the committee report and they are also contained within the comparative statement of new budget authority for 1972 and budget estimates and amounts recommended in the bill for 1973 that was made a part of the RECORD a few minutes ago.

BUILDING AND FACILITIES

The committee recommendation contains an increase of $24,980,000 above the House allowance and the budget requests. The bulk of this amount, $20.9 million is for the long-delayed facility for the Child Health and Human Development Institute discussed previously. The balance is for planning funds for a major addition to the Clinical Center at NIH, that will primarily expand their ambulatory care capabilities. Not only is ambulatory care equally satisfactory—and sometimes even better—from a research point of view, but is much less expensive, more acceptable to the patient, and more convenient for his family. The growing need for several of the institutes for better ambulatory care facilities in the Clinical Center has now been brought to a head by the urgent need for the Cancer Institute for such space.

These additional funds will be used to plan such an addition, and also two attendant parking facilities to meet the needs of patients and staff for such space and to replace parking lots that will be lost due to construction of the addition to the Clinical Center, and the modification and modernization of space in the existing Clinical Center required by the construction of the new wing.

OFFICE OF THE DIRECTOR

The committee has recommended an increase over the budget estimate and House allowance of $1 million to cover the cost of an additional 80 positions in the Clinical Center that are needed to open more nursing units for the Cancer Institute.

A TIME FOR ACCOUNTABILITY IN BIOMEDICAL RESEARCH

One of the most significant actions taken by the committee in relation to NIH and perhaps all Federal support of biomedical research was the direction given to all of the research institutes to initiate formal procedures that will more readily and graphically reveal the full thrust of efforts, ultimate goals, and immediate objectives across the broad spectrum of their responsibilities. The time for such an accounting in research expenditures is perhaps long overdue.

No one can say that this committee has been parsimonious about meeting the requests for support of biomedical research or the needs for the training of health manpower. This committee has been responsive to the demands of our citizens for greater attention to the scourge of dread diseases within the research clinics and laboratories of our Nation, and the National Institutes of Health have been the cutting edge of this magnificent effort. But this committee is equally concerned with results that might be achieved from the investment of these tax dollars, and a time for greater accountability is somewhat overdue.

The direction of biomedical research programs is one of the most difficult subjects presented to the Congress. In the field of health, both in the delivery of services and in the quest for answers about diseases, too often decisions might be based upon intuition or emotion, rather than empirical evidence.

It would appear that in some areas an imbalance exists between programs where the goals are the acquisition of more basic knowledge and the application of know-how to very specific problems. Human health is too important to be left to chance or fleeting bursts of attention.

This committee is convinced that the time has come when the health research resources of our Nation must be better organized and address themselves to problems at hand in a more systematic manner. Within a $2.9 billion enterprise, the NIH must make a more determined effort to attain a proper balance between applied and basic research in biomedicine.

In appearances before the committee this year, NIH officials presented testimony about 60 priority areas of special concern, where the numbers of citizens afflicted with disease is significant where the life expectancy or years of life lost due to disease is appreciable, where the loss to the economy and the actual dollar burden upon public agencies is phenomenal, and where the best professional judgment dictated the investment of additional funds.

Greater accountability is possible in the field of health, and the committee will expect all of the NIH to formulate "blueprints" or health research strategies, that will take into account those aforementioned factors. The individual institutes should direct their resources to those disease problems that are most important and widespread, where effective means for dealing with the problems are available, where new opportunities have emerged, and where the likely benefits justify the expected costs.

The National Cancer Institute has already started to formulate such a blueprint and others should follow. The NIH should call upon their own professional competence in formulating such blueprints for better health, and they should not hesitate to call upon any resource outside of Government, or the primary health-biomedical community, which can help determine these needs and the directions that should be followed.

This committee will expect the NIH to present such blueprints for better health during hearings on the 1974 budget, and will call upon other divisions and agencies within the Department to formulate similar strategies in the delivery of health services and training programs for health manpower.

The use of modest amounts from within the funds available to the several institutes and divisions of NIH to arrive at such strategies and blueprints would not be questioned by this committee, nor do we believe the public would begrudge such expenditures. On the contrary, we believe the taxpayers deserve such professional judgments and information, and that continued support of these efforts by the Congress requires it.

OFFICE OF EDUCATION

The recommendations of this committee relative to the Office of Education budget must be seen as constituting only a part of the Federal Government's support of all educational institutions and programs. In total, the 1973 budget requested $16.7 billion in new budget authority for education, of which only $6.1 billion is associated with Office of Education programs, or only one-third of all Federal support.

Other parts of HEW account for about 20 percent—primarily for medical education and research programs that are conducted at colleges and universities—and the remainder is distributed among 28 Federal agencies, principally the Department of Defense, the Veterans' Administration, the Department of Agriculture, and the National Science Foundation.

The Office of Education estimate actually considered by the committee totals only $3.3 billion since over 45 percent of the dollars included in the budget lacked legislative authorization. The programs lacking authorization include a number of existing authorities in the area of higher education and education professions development as well as the Follow Through program under the Economic Opportunity Act. Several new programs for which requests have yet to be transmitted include aid for desegregating school districts, the establishment of a research-oriented National Institute of Education, and a program for supporting innovation and reform in higher education.

These programs—and numerous others—are included in the Education Amendments of 1972. The conference report on this bill was adopted by the Senate on May 24 and the House on June 8. In view of the lateness of this legislation, the committee was not able to consider most of the $2.6 billion in estimates associated with it.

That measure did not become law until just last Friday, June 23, when the President announced that he signed it reluctantly.

The committee anticipates that the administration will now revise the various estimates involved under the Education Amendments Act of 1972 and submit a supplemental request at an early date. The committee will review any such request with utmost care and act as expeditiously as possible so that both institutions and students anxiously awaiting the implementation of those new programs can make their plans accordingly.

The committee did, however, include funds in this bill for the purchase of educational equipment under title III of the National Defense Education Act and instructional equipment under title VI of the Higher Education Act—both of which were then unauthorized. Since these items are contained in the "library resources" appropriation, for which this bill otherwise contains funds, and since the Education Amendments of 1972 provide for a simple extension of the present authorities, the committee has included amounts that were contingent upon enactment of the basic legislation.

TITLE 1

With the increase over the budget estimate of $36,500,000 and the special language provided in the actual bill, the committee has assured the fact that no State will receive less under this appropriation from these funds which assist educationally deprived children than such States received under last year's bill. This title is the major source of Federal assistance to local educational agencies and due to the vagaries of the distribution formula such reductions could have occurred without these additional funds and the special provision.

Supplementary services: An additional $25 million is provided over the budget requests and the amounts available in 1972. This increase will expand support of guidance and counseling programs, with particular emphasis on programs aimed at reassuring that the right to read shall be a reality for all children.

Strengthening State departments of education: An additional $12 million over the budget requests was provided by the committee that will allow State and local educational agencies increased resources for the planning and evaluation of elementary and secondary education programs. The committee expects that at least $1,750,000 of the increase will be used by State departments of education to establish and strengthen programs serving gifted and talented children.

School assistance in federally affected areas: The committee recommendations include $230,495,000 more than requested in the budget and $49,525,000 more than was available in 1972 for the Public Law 874–815 programs, popularly known as the impacted aid funds. These amounts, together with special provisions in the bill will retain the same levels of support for eligible children in local school districts as provided in last year's appropriation. Without such provisions, many school districts with the greatest percentages of such children, would receive proportionately less.

The committee recommendations would also increase funds available under Public Law 815 by $20 million for construction projects. The committee has directed that such funds be used to meet the most pressing construction needs for school facilities for Indian children and for children living on military installations, particularly in cases where the schools themselves are located on Federal property, but operated by local educational authorities.

Education for the handicapped: Of the total increase of $50,750,000 in this appropriation item recommended by the committee over the budget request, the bulk or $42,500,000 is slated for State grant programs and would more than double the amount allocated for that account. This would provide direct services for about 400,000 handicapped children in 1973 contrasted to services for 180,000 eligible children in 1972. Such an increase is more than justified and warranted.

The committee has also recommended additional funds for research and demonstration of educational programs for the handicapped which will allow the funding of 105 such special projects next year as opposed to some 55 projects in 1972.

An additional $4 million has been provided by this committee over the budget request and the House allowance for special education and manpower development activities. This increase should help to further narrow the gap between the need for teachers of the handicapped and the number of such teachers currently available.

Another increase recommended by this committee over the budget and the House allowance is $1,750,000 for children with specific learning disabilities. This amount will support about 10 more new projects during 1973 and bring the total amount dedicated to these purposes to double the amount available during 1972.

The committee has also approved increased support levels over 1972 for the deaf-blind centers, early childhood projects, regional resource centers, physical education and recreation research, and the media services and captioned film programs that serve special needs in education for the handicapped.

Vocational and adult education: The total increase of $132,641,000 approved by the committee over the budget estimates and last year's level of support, again includes a substantial portion, $50 million, for an increase in the basic grants to States. These are matching grant funds on a dollar-for-dollar basis that is oversubscribed by the States and that includes setasides for special purposes: 15 percent for the disadvantaged, 15 percent for postsecondary programs, and 10 percent for the handicapped. The committee has included language in the bill which will insure that no State will receive less in 1973 than in 1972.

Additional increases in grants to States for vocational education over the budget estimates and last year's levels of support have been approved for programs for students with special needs, $9.9 million; consumer and homemaking education, $12.7 million; cooperative education, $10 million; work-study programs, $4.5 million; and the State advisory councils for vocational education, $1.7 million.

For research in vocational education an additional $20 million is recommended by the committee above the Budget estimates and the House allowances. Half of the increase would be in grants to the States for research, with an additional $8 million in special grants to develop, establish, and operate exemplary and innovative occupational education programs designed to serve as models for use in vocational education programs. The remaining increase of $2 million would double the total amount available in 1972 to develop curriculums for new and changing occupations.

For adult education the committee recommendation would allow $23.7 million more to be available through grants to States, and help to provide basic educational programs for over 1 million adults. Again, the committee has include language in the bill which will assure that no State will receive less in 1973 than in 1972.

All of these vocational and adult education programs are among the most beneficial to our Nation and truly represent "investments" that this committee strongly supports.

Library resources: The committee recommendations include $90 million for programs not considered by the House and would provide $151,770,000 more than the budget estimates. An increase of $75 million over the budget and House allowance is recommended for audiovisual equipment and materials under NDEA title III and a similar recommendation of $15 million to fund the purchase of like materials and equipment for colleges, especially community colleges, under HEW title VI. These funds are matched by eligible educational insituations, which include both public and private schools, and to the knowledge of this committee have consistently been oversubscribed in past years and contributed immeasurably to the improvement of instructional programs.

Additional increases over the budget requests were approved by this committee along with the House, for public library services, $36.8 million; public library construction, $15 million; and elementary and secondary school library resources, $10 million. These funds will support the purchase of at least 3,200,000 additional books in the public libraries of the Nation and better assist in meeting the needs of library resources in the public and private elementary-sceondary schools that serve over 48 million students.

Every year, the committee has been faced by budget requests that would curtail these assistance programs to public libraries. Few programs within OE serve a higher proportion of all the citizens in our Nation, and these rather limited funds have a great multiplier effect throughout almost every community in our land. In some cases, these funds are helping to support programs that would otherwise leave unmet needs among many of our people.

In my own State, the Seattle Public Library provides library service to the blind and the handicapped throughout the State of Washington. It has been title 1, LSCA funds that have helped to make this service possible and because the Seattle Public Library has coordinated this effort that service is made available to the blind and handicapped in the State at a much lower unit cost than would be the case where other communities duplicated the program.

These funds have helped bring about other improvements in library services in the State of Washington, and I know other States are also doing these things, such as: Increased sharing of resources among and between public and private libraries; the use of modern technology in an appropriate, economic manner to facilitate the sharing of resources; and expanded availabilty of special library materials located in specific libraries to every resident of the State.

Since these LSCA titles were enacted in 1956, over 92 library construction projects have been funded in the State of Washington. In just the last 3 years, 20-size public libraries have been built, expanded or moved into larger quarters, and at least a dozen similar building projects are now underway or in the planning stages. Again, I am sure other Senators can testify to similar programs in their States that are resulting in better library services to all their residents. And I would stress, these are matching money programs and almost without exception the local contributions have exceeded the Federal funds available.

Bilingual education: The committee recommendation of $18,870,000 more than the budget request and $15 million more than the House allowance will provide 150 new programs as well as the continuation of some 203 ongoing programs designed to meet the special needs of children—such as Mexican Americans and American Indians—who come from environments where the dominant language is other than English. The committee increase provides for a preschool and early elementary educational television program for Spanish-speaking children. The committee has also emphasized the need to adequately train special teachers of bilingual education programs so that they are able to speak fluently, as well as write, in the native language of the children severed.

Educational technology: An increase recommended by the committee of $12 million over the budget request and House allowance will support promising new projects in educational television that could not otherwise be funded within the budget estimate. This could include demonstrations of the "open university" concept, the use of new technology in the area of adult basic education, and the use of television to help the parents of preschool children.

Right to read: An increase recommended by the committee over the budget request and House allowance of $10 million will assist in achieving one of the major goals of the educational system to reduce illiteracy in our Nation.

Drug abuse education: An increase of $1,800,000 recommended by the committee over the budget request and House allowance is slated for community based drug education projects. Such projects do not require an expensive staff or physical plant, and have proven highly successful at reaching many young people at the community level. In the light of increasing evidence of the magnitude of the drug abuse problem in our Nation the committee was distressed to learn that the Office of Education planned to cut back Federal support by as much as 50 percent in many of these ongoing projects. The committee allowance directly to this program for 1973 would help continue support for these community based projects.

Environmental education: An increase of $820,000 would be allowed under the committee recommendations and House allowances and provide for expanding special projects with national significance. About half the increase will expand two or three successful existing local projects into national demonstrations to train educational personnel. Another $200,000 will provide field agents to disseminate curriculum and assist new projects. The remaining $200,000 will fund a survey of the state of the Nation's understanding of the environment.

Other priority programs: The committee wishes to draw attention to the District of Columbia school project that is funded under this program. The imaginative expenditure of these funds by this local school system could facilitate District-wide opportunities for upgrading the qualifications and the quality of professional educational personnel and of programs for the community as a whole. The committee endorses this project and hopes that it will provide a model for the Nation, both in educational content and in the wise and economical use of Federal funds. The committee notes that requests for appropriations for these purposes will henceforth be made by the new National Institute of Education. Where appropriate, the Institute should draw on the expertise of the Office of Education to assure the necessary continuity of effort.

Salaries and expenses: The committee recommendations include an increase of $1 million over the budget requests and House allowance that will fund approximately 75 additional positions in the Office of Education. The committee is convinced such action is necessary to improve overall management of OE; that not enough resources have been allocated to controlling the default situation in the guaranteed student loan and the national defense student loan programs; and that delays in the announcement of awards under title I, ESEA and under the educational opportunity grant and college work-study programs frustrate the efforts of the Congress to make funds available on a timely basis through early appropriations.

The committee is persuaded that, while more efficient management in these areas is both desirable and necessary, there is also a genuine need for additional manpower. The report of the committee details the distribution of the additional personnel now authorized and provided for.

SOCIAL AND REHABILITATION SERVICES

Within the Social and Rehabilitation Services a number of important programs remained unauthorized for fiscal year 1973 when final committee action was taken. These included rehabilitation services and facilities, special programs for the aging, youth development and delinquency prevention, research, and training.

In the past, this committee has been most responsive to meeting the needs of these programs and anticipates an opportunity, at an early date, to offer recommendations to the Senate for these programs during fiscal year 1973 once the necessary authorizing legislation has passed the Congress and been approved by the President.

Two line items of special concern to the committee have been recommended in this bill, under SRS, with increases:

Vocational rehabilitation facilities: The $20 million recommended by the committee is above the budget and House allowance and $16,949,000 more than was available in 1972. The committee has been convinced of the need for additional regional vocational rehabilitation centers of excellence and this amount could establish four or five such centers that would serve 9,000 severely disabled persons. Such facilities are particularly critical in meeting the vocational rehabilitation needs of the severely disabled and especially in view of the larger numbers of disabled Vietnam veterans.

Developmental disabilities: The recommendation of $67,825,000 by this committee is $23,360,000 above that requested in the budget and this item was not considered by the House. Additional amounts are provided in the formula grants to States, service projects and for the support of University affiliated facilities where demonstration projects are conducted and highly skilled personnel are trained for service in public and private programs. The developmental disabilities program provides for treatment and care of the mentally retarded and persons with epilepsy, cerebral palsy, and other neurological conditions. The committee addition will help provide these services to 12,000 more persons under the State formula grant program and support approximately 175 new service projects serving an additional 5,200 individuals. The committee is convinced these funds will materially assist the Federal effort to improve the services and facilities for developmentally disabled individuals.

SPECIAL INSTITUTIONS

Gallaudet College: An increase of $5,596,000 over the budget and $636,000 over the House allowance is recommended by the committee. This amount will provide $4,960,000 for the Gallaudet and Kendall School share of the food and health facilities, utilities, and central receiving plant now being constructed jointly with the Model Secondary School for the Deaf on the campus of Gallaudet. The specific increase by this committee will allow for preventive maintenance at the college of exterior painting of some 20 buildings, exterior roof and masonry work on 24 buildings, and other urgent exterior and interior maintenance work.

RELATED AGENCIES

Corporation for Public Broadcasting: The committee recommendation of $65 million is $20 million above the budget request and $30 million more than was available in 1972. The House did not consider this item. The Corporation helps support quality broadcasting on both public television and public radio and such programs as "Sesame Street," "The Electric Company," and "Mister Rogers Neighborhood." The Corporation also makes grants to public radio and television stations throughout the country for the production of programs for national, regional, or local use and provides financial support for national interconnection systems serving such television and radio stations.

Mr. President, I yield the floor.

Mr. COTTON. Mr. President, as the senior minority member of the subcommittee handling this bill, I rise very briefly to commend the leadership of our chairman, the distinguished Senator from Washington, who, as always, has labored long and hard and has conscientiously examined, with the assistance of the very able staff, every aspect and every phase of this measure. He has listened with courtesy and patience to innumerable witnesses interested in innumerable phases of the vast number of subjects covered by this bill that encompasses health, education, and welfare.

He has been fair, he has been considerate, and he has been courageous in his conduct of the long, drawn-out labor of carrying this measure forward.

On the whole, I think that the subcommittee is practically unanimous in supporting the result of these labors. There are some items that have been touched on by the distinguished Senator from Washington, in his very fine and lucid summary of the bill, as to which I have reservations, I suppose there are some items to which other members of the subcommittee on both sides of the aisle may have reservations, but they are comparatively minor in their significance.

I join the distinguished chairman in expressing the hope to the Senate that we will expedite action on the bill. This, I hope the Senate will understand, is not said arrogantly or with any desire to choke off the sincere and valid amendments that deeply dedicated and interested Members of the Senate will offer to this measure. But almost every phase of this extensive bill vitally affects the health, welfare, and education of our people. It is an extremely sensitive subject. There is hardly an item in the bill that we could not all wholeheartedly wish to have increased. However, I think it should be borne in mind—and I am sure it will be borne in mind by all Members of the Senate, for all Members of the Senate, in my opinion, desire to be fair and reasonable—that, not counting the trust funds for social security, which although they are raised by a particular form of tax upon a particular group of people, are still taken from the pockets of our citizenry, not counting the funds raised to cover expended unemployment benefits, the bare bones of the bill amount to $29,464,035,500—almost $29½ billion.

It is $2 billion more than was appropriated in the last fiscal year. In addition to that, certain important items had not, at the time we had to report the bill to the Senate, been authorized. We have waiting for us in the wings, for the supplemental bill, budget requests not yet authorized amounting to almost $5 billion more.

Bearing these facts in mind, I also note that the bill came out of the House committee to the floor of the House $912 million in excess of the budget recommendation—which is almost $1 billion. Additions were made on the House floor mostly under the so-called Hathaway amendment, amounting to $363,833,000 more, which is more than a third of a billion dollars. So this bill came from the House to the Senate increased by $1.25 billion over the budget.

The Senate committee increased it by $860,856,000 more, which is more than three-quarters of a billion dollars. So the total additions already in this bill, excluding the items that cannot be in this bill because they have not yet been authorized, amount to $2 billion-plus over the Bureau of the Budget recommendations.

I mention those figures, not because it inspires anyone to listen to statistics, but so that the Senate may fully realize that the House committee, the House of Representatives itself, the Senate subcommittee, and the Senate full committee have strained every nerve to cover these matters as adequately as is possible under the circumstances that we face today, with a terrific deficit facing us at the end of the fiscal year.

The committee has been, I think I can say without fear of intelligent contradiction, very generous.

During the years that some of us have served on the Appropriations Committee, we found that the military budget was by far the largest slice of the total appropriations. In 1971, for the first time, appropriations for humanitarian purposes, including this bill and some others, appropriations for the health, the education, and the welfare of our people, exceeded our appropriations for defense and for weapons. That differential increased in fiscal 1972, and while, of course, the final decision has not yet been made, either on this bill or on the military appropriation, the gap has widened, so that this bill, dedicated to the health and welfare of our people, the education of our youth and the care of our aged, has become the top priority, the largest of all the appropriation bills that will come before this Congress.

That is the situation we face and in view of that fact, I join my chairman in expressing the hope that Members of the Senate will be as restrained as possible, though again I know they have deep convictions on various items in this bill, against further blowing up this measure, because we might reach too far and too fast.

I am quite sure that that will be the case. Speaking as one member of the committee, though I think other members of the committee share my feeling, we are trying to ask Senators not to amend the bill. We are prepared to listen carefully, with sympathy and the understanding that has come from the long hours and days we have sat in hearings on this bill, to the contentions of any Member of this body as to either increases or decreases, though I do not anticipate many amendments seeking decreases. But at the same time, we will be reluctant to go to conference with this bill weighted much more heavily. I think that is a fair statement of our attitude, and I shall not take any more time, or refer further to any of the many individual items that were so well covered by our chairman.

FOREIGN ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment offered by the Senator from California (Mr. TUNNEY) to the unfinished business.

The PRESIDING OFFICER. Is there objection?

Mr. CASE. Mr. President, reserving the right to object, will the Senator repeat his request and state its significance?

Mr. ROBERT C. BYRD. Yes. The amendment by Mr. TUNNEY, by previous order, is to be voted on at 12 noon today, and it is his request that we get the yeas and nays thereon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The yeas and nays were ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. COOK. Mr. President, I was delighted to learn yesterday that $5,000,000 is included in the Health, Education, and Welfare fiscal 1973 budget as start-up funds for a program introduced by myself and cosponsored by Senators PASTORE, BELLMON, ANDERSON, HOLLINGS, STEVENS, MCGOVERN, HUMPHREY, MCGEE, WILLIAMS, DOLE, MATHIAS, HARRIS, and BURDICK. This action will have a profound impact on a heinous disease—kidney disease.

The acceptance of this proposal to "control the ravages of kidney disease" was certainly accelerated by the personal interests and efforts of the distinguished chairman of the HEW Appropriations Subcommittee, Senator MAGNUSON, and the distinguished ranking minority member of the subcommittee, Senator COTTON.

This health initiative is a 5-year program totaling $80,000,000 of new investments that will provide a major thrust at prevention, public education, research and development for patients with kidney disease. The treatment phase would assure that an adequate number of tertiary renal treatment centers would be developed to provide the resources for treatment of all patients with end-stage renal disease who were medically suitable as candidates for therapy.

The rationale for Government initiative in the area of kidney treatment delivery has been so sufficiently documented that any further identification of statistics and figures is unnecessary at this time. However, it is commendable that the Senate Appropriations Committee recognized the seriousness of these figures and recommended this straightforward program as their resolution.

Let me add, that nowhere in the health care industry does the same gap exist between technology and delivery as in the area of treatment of patients with end-stage renal disease. Techniques or organ harvesting, preservation, and transplantation have made renal homotransplantation a service entity and no longer a research tool. However, the funding mechanism to develop the resources and provide patient care reimbursement have lagged far behind. A plan of this nature to prevent duplication, establish a nationwide network, assure a high quality, and assure access for all is absolutely necessary. After careful study, I hope the entire Senate will come to the same conclusion.

Again, I would like to thank all concerned for their support. I am convinced that this is an admirable program and I am confident that its support will render the desired results—the elimination of kidney disease as the fourth greatest cause of death in the United States.

Mr. KENNEDY. Mr. President, I am pleased, as chairman of the Subcommittee on Health, to speak on behalf of the appropriations bill for 1973 for the Departments of Labor, and Health, Education, and Welfare and related agencies. After reviewing the bill quite carefully, I must commend the Appropriations Subcommittee for its masterful synthesis of the many expert views presented during very extensive hearings. I wish to congratulate both the chairman (Mr. MAGNUSON) and his colleague, the senior Republican member of the committee (Mr. COTTON) for their joint efforts for the betterment of our Nation's health. The resolution of many of the hard choices that must be made in the compilation of such a bill can be attributed directly to the statesmanship of these two fine men.

Senate bill, H.R. 15417, reports an appropriation of $29,464,035,500. This represents $2,047,247,000 over the budget estimates submitted by the administration.

The Health Subcommittee agrees with the concerns of the Appropriations Committee regarding the downgrading of health by the administration as reflected in its budget requests for the past several years. Despite what the administration itself calls a health care crisis, the administration continues to submit to Congress a "business as usual" budget. In short, the administration has shown little leadership, and less sensitivity to the unmet health needs of our Nation during this very critical period.

More tragically, of the increases asked by the administration, 60 percent are attributable to "uncontrollables"—namely, rising costs in medicaid, medicare, and other Federal insurance programs. The truth of the matter is that these funds each year are able to buy less and less in a health care system which is a seller's market. To compound the problem, the President's budget tries to hold the line, and in many instances, threatens the very existence of programs geared to improve and develop the resources for a health care system.

This bill wisely chose to avert such false economies. Although the committee was well aware of the spiraling inflation taking place today, the committee nonetheless also clearly saw its responsibilities in making major adjustments in our health care delivery system through priorities reflected in this bill. In its exceptionally lucid committee report, it underlined its point by stating:

> For example, the inflationary fires in the health care industry will continue to burn

until there is an adequate supply of health manpower—reduction in health services, health research and training, in order to control inflation, is tantamount to balancing the Federal budget by the sacrifice of human lives.

Mr. President, I submit, as I did last year, that the goal of better health care at a reasonable cost can only be attained through the systematic development of improved methods for the delivery of health care.

On May 23, the committee was kind enough to allow me to testify as chairman of the Health Subcommittee. At that time I stated that we saw three major priorities: First, health care organization and delivery; second, health manpower training and development, and third, health research. Under each of these priorities, I stated specific recommendations.

HEALTH CARE ORGANIZATION AND DELIVERY

No priority is more central to curbing the inflationary trend in health care than the matter of health care organization and delivery. Unless we are willing to invest in the building of better resources, the increasing of efficiency, the expanding of the capacity to deliver care, there can be no escape from the treadmill of higher and higher costs.

Therefore, I congratulate the committee on the decisions made on Hill-Burton, largely restoring the drastic cuts made to that program by the administration. We are delighted with the appropriations made to neighborhod health centers, which for many communities offer the only health services made available for the poor. We are happy that the regional medical program was shephered safely through this budget cycle despite the administration's watered down support of this program. We approve of and compliment the committee for its sustained support of the community mental health centers, communicable disease and the national health services corps.

I am particularly encouraged by the Appropriations Committee's decision to delay appropriations of Federal funds for health maintenance organizations until legislation is passed authorizing such expenditures. The Subcommittee on Health is truly appreciative of the cooperative effort on the part of this committee to postpone appropriations until there has been the opportunity to produce meaningful legislation necessary to insure the responsible use of public funds. This type of teamwork results in a clarification of congressional intent and dissolves the ambiguity of overly broad interpretations. I am happy to report that S. 3327, "The Health Maintenance Organization and Resources Development Act of 1972" has been reported out of the Committee on Labor and Public Welfare. When this bill is passed and funds appropriated, the Senate will be assured that every dollar spent for health maintenance organizations will be spent within delivery systems with a prescribed scope of services, an assurance of quality care, reasonable costs, and provisions for developing services in rural as well as urban areas.

MANPOWER DEVELOPMENT AND TRAINING

In manpower development and training, I would like to state my overall satisfaction with the general determinations made by the committee. These funds will indeed allow a more meaningful implementation in fiscal year 1973 of the landmark manpower and nursing legislation passed last year. I am sure that the restorations made, particularly to the allied health manpower budgets, will be of special welcome to the many young people, especially those from lower income families, who would like to embark on a health career. I am happy to see that the construction funds which were literally wiped out in these programs by the administration, were restored by this committee.

3. HEALTH RESEARCH

In the area of health research, the committee's stewardship of NIH research activities deserves highest compliments. Throughout the National Institutes of Health, the committee has wisely restored the research fellowship and training programs to the level they achieved in 1969.

Once more we applaud the committee for its tenacious commitment to heart disease and cancer research. It has been estimated that the average American's life expectancy could be increased by 11 years if cardiovascular diseases were eliminated as causes for disability and deaths. That is why my committee recently reported comprehensive legislation in respect to heart and lung disease. The bill passed the Senate overwhelmingly and is now pending in the House.

We would like to make special note of the committee's earmarking of funds for sudden infant deaths. This cruel phenomenon must be researched now so that parents will no longer be haunted by the fear of its tragedy.

One sad note I must make is the obvious absence in this entire bill of an adequate dental health program, particularly for our children. We, in the subcommittee, hope Senator MAGNUSON's dental health service bill will receive the attention and action necessary in the House to assure its funding at the earliest possible date.

In closing, I cannot compliment the committee enough for the superbly structured budget it has presented us. I believe this bill will help to turn around the inflationary trend in health care by investing in resources, manpower, and health care delivery systems that ultimately will give us more for our money than we are now getting. I believe that the Committee on Appropriations through courage, judgment, and leadership has provided us with a responsible bill for the health concerns of all Americans.

Mr. BOGGS. Mr. President, service on the Labor-HEW appropriations bill is among the most satisfying and important work which it is my privilege to do in the Senate. The health of the people of our Nation is of paramount interest to the Congress as well as to the administration.

President Nixon, indeed, gave top priority to health and medical research in his state of the Union message.

The Appropriations Committee has provided in this bill funds for medical care for those who need it, and for research to help solve the complex problems of disease.

The distinguished Senator from Washington (Mr. MAGNUSON) and the equally distinguished Senator from New Hampshire (Mr. COTTON) are to be commended for their leadership and hard work on this most important bill. Likewise, other members of the subcommittee and the staff deserve praise.

Of course, each of the health items in this bill is important. It would be an impossible task to try to separate these items into those most important and those least important. Of interest to me specifically, however, are the amounts we have appropriated for nursing training, Hill-Burton funds for medical facilities construction, and the National Institutes of Health.

During my service on the Committee on Appropriations, funding for the Nurses Training Act has been of particular importance to me because I am familiar with the wonderful work of the School of Nursing at the University of Delaware. I am happy that our committee and the House have recognized again the need for nurses' training.

Hill-Burton, Mr. President, has been one of the most valuable programs in medical and health care which has been devised by the Congress. Hospital and medical facilities construction is the basis for the fact that this Nation has the most complete and effective health care of any nation on earth. We need to continue this program, and I am very happy that we have done so in this bill.

Mr. President, there is a program which is funded under this HEW bill in which I have a very special interest. I refer to the standard reference materials for clinical analysis which is prepared under the auspices of the National Institute of General Medicine Sciences and the National Bureau of Standards.

Based upon this very productive effort, there are now 14 different standard reference materials being produced and distributed by the National Bureau of Standards. Four of them have been completed during the past year. Several additional ones will be completed during the next year.

The importance of this effort can be appreciated by the following example: NIGMS and NBS have developed two national standards that have greatly improved the accuracy and reliability of determinations of triglycerides and cholesterol in blood. These determinations are used to make diagnostic and therapeutic decisions in cases concerning heart and blood vessel diseases.

In the middle of 1970, NBS put together a network of experts from the professional societies—American Association of Clinical Chemists—eight cooperating clinical laboratories, and a team of NBS scientists and statisticians to start the development of a referee method for determining calcium in serum with better accuracy than ever before. This effort was to be based on the NIGM–NBS developed Standard Reference Material for Calcium. Accurate—true—measurements of calcium are important in the diagnosis of parathyroid tumors because the medical decision to operate or not is determined to a large extent by the reported concentration of calcium. The surgeon must know this value to within 3 or 4 percent.

After 2 years of effort, NBS in cooperation with the clinical experts and the cooperating laboratories has developed a refere method of analysis that assures that the calcium value can now be determined to within 2 percent of the true value.

In addition, NBS has been working closely with the Center for Disease Control to keep them abreast of the results of the NIGMS–NBS effort. Based on this information, CDC plans to use the new calcium referee method, along with the calcium standard reference material, in its proficiency testing of approximately 700 labs involved in the medicare-medicaid program. Rapid improvements in the accuracy of this particular analysis in practicing clinical laboratories should follow. NBS has started a similar project for a referee method to determine lead in blood.

It should be pointed out that the standard reference materials and clinical referee methods of analysis produced and developed through this joint NIGMS–NBS program will have far-reaching effects in the field of clinical chemistry as it relates to diagnostic and preventive medicine. At a time when the trend in most hospital and commercial clinical laboratories is toward automation, computerization, and mechanization, many more analyses can be performed in a given time than in the past. It is estimated that last year approximately 1 billion clinical analyses were made in the United States. The ability to substantially increase productivity in the clinical laboratories of the Nation offers the opportunity to lower the unit cost of such services to the patient. With the soaring cost of medical care in general, it has been an identified national goal to lower, or at least to avoid, further increases in cost to the patient.

Another crucial aspect of the NIGMS–NBS effort is the strong emphasis on standardization and accurate measurement. Clinical laboratories throughout the country need to be able to calibrate their instruments and procedures using a national standard so that there is an accepted benchmark with which to compare their results. Furthermore, the fact that an automated clinical laboratory can double the number of analyses it performs in a working day is of no real benefit unless we are assured that the results of these analyses are accurate. The program I have described is designed to provide such assurance.

It is particularly gratifying to cite an example of two Federal agencies, each in a different department, that are able to work across organizational lines to provide our citizens with an important service in such a vital area as health.

Two other health programs, Mr. President, are of special importance to me, and I was pleased that the committee made increases in each of them.

The first of these is the support for Children's Hospital here in Washington, which was offered by the distinguished Senator from Massachusetts (Mr. BROOKE). I was very happy to support him in that effort.

The other program which comes immediately to mind is the physicians scholarship program, of which I am a cosponsor with the distinguished Senator from Maryland (Mr. BEALL). I do not think there is a single profession in this country that is in need of more support than the scholarships we can provide for promising young men who want to become doctors.

There is a related program which I also would like to mention. This is construction under health manpower. The committee has seen fit to fund this at the level of $150 million.

This is a most important program and I would urge the administration to use these funds in their entirety. I would also urge that the Department give special funding consideration to previously awarded grants and loan guarantees to projects whose costs have exceeded estimates for reasons beyond the control of the grantee.

Of particular interest and importance to me is the Children's Hospital of Philadelphia, which is an excellent institution serving all the children of the Delaware Valley. The Children's Hospital is building a new and modern facility despite limited Federal assistance and most serious complications in funding. The administrators of the hospital are to be congratulated for their fine efforts, but it would be my wish that the Federal Government were more fully involved in the project.

Mr. President, I ask unanimous consent that at the end of my remarks there be printed a chronology of the project's funding difficulties prepared by the administrators of the hospital.

I turn now, briefly, to the education portions of this appropriation bill. It was my privilege to offer an amendment in committee which would increase the appropriation for administrative work of the State Vocational Education Advisory Councils. The distinguished senior Senator from New Jersey (Mr. CASE), cosponsored this amendment with me and added additional funds to it for the operation of the National Advisory Council on Vocational Education in order that the very good work of the Vocational Education Council members might continue.

I have long been of the opinion that we do far too little in the area of vocational education. Especially is this so in view of the fact that a very great majority of our student population does not go on to the colleges and universities. Vocational education, it seems to me, is the answer for these young people. They have a very great claim to additional funds for vocational education.

Finally, Mr. President, I want to discuss for just a minute the appropriations for libraries. It has always been my concern to see that there are adequate appropriations for libraries and library services to our people. Libraries are the very basis of American education. Without our libraries our schools on any level simply cannot educate our young people. Thus, again this year, we made the effort to see that our library programs, both the public libraries under the Library Services Construction Act and the NDEA and ESEA programs for libraries in schools, are adequately funded. That has been done, and I commend every member of the committee for the fine work which has been done in the Committee on Appropriations in each of these areas.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

NEW CHILDREN'S HOSPITAL AND CHILD GUIDANCE CENTER, PHILADELPHIA, PA.

I. GRANT APPLICATIONS AND AWARDS

1. (a) February 1966. Research Facilities application filed in amount of $2,738,000. This was aproved promptly with high priority, but notification was withheld, awaiting action on another grant application (for Education Facilities) that was soon to be filed.

(b) On 12/4/68 award of Research Facilities grant in amount of $2,387,000 was publicly announced (see below).

2. (a) Application for Educational Facilities, referred to above, initially filed November 1966. On recommendation of USPHS staff, it was withdrawn and, with that staff's guidance, was restructured and resubmitted July 1967 in amount of $7,481,000. In February 1968 we were notified by USPHS of Council's favorable action on this application, recommending award of grant "up to $4 million."

(b) On June 6, 1968, Dr. Frank W. McKee, Director, Division of Physician Manpower, Department of HEW, PHS, wrote: "As a consequence of the fiscal situation it is felt that your institution would be ill advised to proceed with the proposed construction schedule on the premise that Federal funds would be available within any given time. Inasmuch as our present policy, as noted above, does not permit participation in construction expenditures prior to Grant Award, it is suggested that you reconsider the proposed schedule if you anticipate full utilization of the Federal monies approved for your project." The monies to which he refers are the "up to $4,000,000" approved by Council for construction of teaching facilities.

(c) The above letter prompted RDW's 7/20/68 letter to Dr. Philip Lee, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education and Welfare.

(d) On 12/4/68 award of Education Facilities grant in amount of $4 million was publicly announced.

II. CONSTRUCTION ESTIMATES, BIDS AND CONTRACTS

1. Phase I—demolition, excavation and foundation work.

(a) Bids invited 1/9/69; bids opened 2/4/69; contract let 2/5/69 in amount of $2,477,000 (34% under estimate).

2. Phase II—purchase, fabrication and erection of steel.

(a) Bids invited 8/11/69; bids opened 10/7/69; contract let 11/6/69 in amount of $3,986,000 (10% under estimate).

3. Phase III—to include all remaining general construction.

(a) Bids invited 8/30/70; bids opened 9/29/70. Bid opening date was deliberately delayed to allow Council to review our amended application for additional funds for Educational Facilities, at their November

18, 1970 meeting. On 10/26/70 we were informed that that meeting had been postponed to Nov. 30–Dec. 1. This required obtaining extensions from contractors from 11/27/70 to 12/7/70, when Phase III contracts must be signed.

(b) Phase III bids were 30% higher than a current cost estimate. Low bids for Phase III were:

General Construction (not including fixed Laboratory Equipment)	$29,882,000
Plumbing	5,680,000
Heating, air cond., vent	10,540,000
Electrical	5,976,000
Total	52,078,000

III. THE NATURE AND STATUS OF OUR AMENDED APPLICATION

1. Our amended application, dated 10/26/70, for $11.8 million in additional funds for educational facilities was pronounced as being clear, complete and proper in all respects by Dr. Harry W. Bruce, Director, Division of Educational and Research Facilities, Bureau of Health Professions Education and Manpower Training, National Institutes of Health, in a meeting in his office November 23, 1970. We interpreted Dr. Bruce's approbation to mean that he agrees that $11.8 million in additional funds is a proper projection of our eligibility for these educational facilities funds based on actual construction costs as reflected by the Phases I and II contracts and Phase III bids.

2. Notwithstanding the propriety of the substance and form of our application, Dr. Bruce, on 11/23/70, indicated it represented a low priority according to the guidelines he had been given and that, whether or not Council acts favorably on it on November 30, it was almost certain that no grant would be awarded.

3. Dr. Bruce reported that he held approved applications totaling several hundred million dollars with far less than that amount (variously reported as $20 million, $24 million, $50 million and $100 million) available for funding of those applications

4. In response to questions, Dr. Bruce reported that, of all above-mentioned projects with approved applications, only five had proceeded with construction to the point of structural steel erection—and only one (ours) had reached that stage and, because of conditions beyond the project's control, was unable to proceed with construction without receiving the additional funds for educational facilities for which it was applying and for which it was eligible—namely, $11.8 million.

5. On November 30, 1970 we were notified that Council had not recommended favorable action on our amended application, because our project was evaluated as being of insufficiently high priority. Letter dated 2/4/71 from USPHS Bureau of Health Manpower Education states in part: "The actual eligible costs exceed the estimated costs on which the grant was based. However, supplemental funding was not approved so the grant amounts will remain as awarded."

IV. THE FEDERAL GOVERNMENT'S SHARE

1. The Federal Government's share in the support of the construction of the project, as represented by the applications for grants for research and educational facilities, was 34% of the total. (Applications filed in 1966–67 were: Research $2.7 million; Education $7.5 million. Total project cost: $30 million.)

2. The Federal Government's share is now 8% of the total. (Actual awards: Research $2.4 million; Education $4 million. Total project cost: $75.9 million.)

3. If our amended application had been approved, the Federal Government's share would have been restored to 24% of the total.

V. BANK LOAN—FIVE PHILADELPHIA BANKS

"An additional grant of $13.2 million from the Commonwealth of Pennsylvania and a $20 million loan from five Philadelphia banks for the purpose of construction resulted today in the signing of contracts marking the final phase of construction of the new Children's Hospital and Child Guidance Center." (12–7–70 news release)

The $20 million construction loan was approved for a period of three years.

LABOR-HEW APPROPRIATIONS BILL HELPS WISCONSIN LIBRARIES

Mr. PROXMIRE. Mr. President, I support the Appropriations Committee's recommendations for the funding of library programs authorized under the Library Services and Construction Act and title II of the Elementary and Secondary Education Act. In the State of Wisconsin, we are developing innovative library programs to serve our American Indian population. Community outlets and small library stations have been established with the held of LSCA title I to serve Wisconsin's rural population, both children and adults. Much-needed library service to the homebound, continuing education to support Wisconsin's open school concept, and strengthening metropolitan public libraries serving as regional centers are three examples of pressing needs in my State which will be at least partially alleviated with fiscal year 1973 funding of LSCA at the level recommended by the committee.

Wisconsin has three library construction projects slated for fiscal year 1973: a remodeling project for the Milwaukee central library and new main library buildings in Algoma and Kewaunee. State and local matching funds are available, and the fiscal year 1973 LSCA title II appropriation recommended by the committee should enable these projects to get underway.

In recent years title III of LSCA has enabled the States to undertake preliminary planning and initial development of library networks. We have started a knowledge network of Wisconsin, and we have a cooperative library project. As access to information becomes increasingly important in today's complex economy, the development of more sophisticated library and information networks becomes imperative.

I support the committee's recommendation for LSCA title III and hope that we can increase funding for this title in future years. With proper funding of this title, I am confident that our Nation's library system, composed of all our State, public, school, college, research, and specialized libraries, will be able to demonstrate the effectiveness of library networks in bringing to all Americans the knowledge that they need when they need it.

I support also the committee's recommendation for school library resources authorized under title II of the Elementary and Secondary Education Act. In the State of Wisconsin, the Department of Public Instruction has published just this year a set of standards for school library/media programs for the years 1972 to 1975. This publication brings together for the first time in Wisconsin standards for instructional materials centers and audiovisual programs. Instructional Materials Center—IMC—is the modern concept of a school library. The term designates a centralized collection of materials with a staff of professional and clerical personnel providing media services to students, teachers, administrators, and the community. We believe in Wisconsin that every student should have access to the services of a good school library and to the services of a planned audiovisual program throughout the school. We are working toward that goal and we are making progress. ESEA II funded at the level recommended by the committee for fiscal year 1973 will help us substantially to achieve our goal.

Mr. FANNIN. Mr. President, I want to commend the decision of the Labor-HEW Subcommittee to increase the funding of the Public Law 815 school construction program. This recognition by the committee of the vital needs of those schools located in impacted areas marks an important step in rescuing Public Law 815 from insufficient funding. The funding levels for this essential program during the last 4 years have been inadequate with the result that many schools have had to make decisions to limit some of their educational endeavors. However, by approving a $45 million appropriation, the committee has given hope to many schools that their educational programs will not have to be sacrificed because of limited facilities. This decision is particularly important to my own State of Arizona where many schools, especially those serving reservation Indian children, have been in need of assistance for some time while experiencing continued increases in enrollment.

The resulting pressures have caused these schools great difficulties but the action of the committee to increase Public Law 815 funding could immeasurably improve the chances of these schools, as well as others, to acquire the financial resources to alleviate these pressures.

Mr. President, I want to make it abundantly clear that the minimal funding in the past has proven inconsequential and has shortchanged those schools affected by Federal activities. I consider, then, the decision by the committee to increase funding to be of considerable significance and I hope that this decision will be sustained by the conference.

There are a number of documents pertaining to Public Law 815 which I would like to share with my colleagues. First, my statement to the Appropriations Committee outlining the case for increased funding. Second, letters from various school superintendents in Arizona who are affected by Public Law 815. And, third, a copy of an economic impact study prepared by Arizona State University to demonstrate the contribution, economically, that increased funding of Public Law 815 could provide to Arizona.

Mr. President, I ask unanimous consent that these materials be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD as follows:

TESTIMONY BY SENATOR PAUL J. FANNIN

Mr. Chairman: I appreciate very much your providing me with this opportunity to testify before your Committee.

In appearing here, I am not unmindful of the difficulties you face in funding a multitude of Federal programs. The fiscal challenges we face as a nation are of major importance to me, a view which I know you share. In this respect, then, my testimony today, which is primarily directed toward Federal school construction programs, takes into account the continuing budget restraints and the need for fiscal responsibility. But I must add that budget pressures can be somewhat ameliorated by a strong economy; and the proposals which I am offering today constitute a plan to stimulate the economy within a context of sound fiscal policy.

My purpose is to make a case for the increased funding of the P.L. 815 school construction program.

P.L. 815 and its companion measure, P.L. 874, known more popularly as the "impacted aids" measures, constitute a Federal policy for assisting school districts financially burdened as a result of new or expanded Federal activities. Specifically, P.L. 815 authorizes Federal financial assistance for construction by local education agencies of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. Assistance is also authorized for construction of minimum school facilities by local educational agencies for pupils residing on Indian lands and by the Federal government on Federal property (such as Army, Navy, and Air Force installations) when no state or local education agency can legally do so.

Since its enactment in 1951, Congress has appropriated well over a billion dollars for support of the P.L. 815 Program. The result has been the construction of 76,000 classrooms serving some 2,201,140 students throughout the fifty states, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and Wake Island. P.L. 815 has contributed much, and Congress can be justifiably proud of its significant accomplishments.

Yet, while P.L. 815 has realized some important educational needs in the past, funding levels for the last four years have been insufficient to meet the requirements of the program. As a result, there are pending at this time 555 applications totalling $261,633,676 against a budget request of $15 million. Obviously, it would be unrealistic and fiscally irresponsible to fund all present applications in one fiscal year; but the present budget request is inadequate and deserves reconsideration by this Committee.

In my opinion, a reasonable increase in appropriations for this vital program can be justified.

PUBLIC LAW 815: PROBLEMS OF FUNDING

The reduced funding levels which the P. L. 815 Program has experienced during recent years is due to a number of decisions which have effectively limited not only P. L. 815, but other Federal construction programs as well.

Beginning in 1967 the Congress passed, and the President approved, P. L. 90–218, which directed that Federal obligations and expenditures in controllable programs for fiscal year 1968 be substantially reduced. This was followed in 1968 by enactment of the Revenue and Expenditure Act, which had a similar effect on available funds and expenditures in fiscal year 1969.

Then in 1969 the President, through the President's Construction Reduction Plan, ordered a 75 percent reduction in direct construction obligations. This Presidential order had the effect of permitting only two construction contracts to be let in fiscal year 1970. The result of these actions was to significantly reduce actual appropriations for P. L. 815 for 1968, 1969, and 1970.

Public Law 815—Appropriations as percent of authorizations, 1968, 1969, 1970

[In thousands of dollars]

1968:	
Authorizations	$80,000
Appropriations	$22,937
Percent of authorization	28.7
1969:	
Authorization	$79,162
Appropriation	$15,153
Percent of authorization	19.1
1970:	
Authorization	$79,347
Appropriation	$15,167
Percent of authorization	19.1

Moreover, the effect of these actions continued into the 1971–72 fiscal year with appropriations remaining at the same level.

The rationale for limiting construction activities was based on the desire to reduce Federal expenditures and the fear that construction activities would significantly contribute to inflationary pressures. This rationale is understandable and given the historical context, justifiable. However, the circumstances which originally supported this view are changing; and it would seem appropriate, at this time, to review this policy. In addition, there are factors which not only support a review but provide attractive reasons for increased funding of school construction projects.

PUBLIC LAW 815: THE CASE FOR INCREASED FUNDING

There are a number of reasons which can be cited to support the view that P.L. 815 should be funded at substantially higher levels.

First, P.L. 815 is national in scope. As of March, 1972, the Office of Education had on file 555 approved applications from 45 states, Puerto Rico, and Guam.

Second, the 555 applications, now pending, represent estimated entitlements totalling $261 million. This constitutes a program of important dimensions.

Third, by providing Federal assistance through P.L. 815 for the construction of needed school facilities, the Federal government can contribute to the easing of the ever increasing financial pressures which schools affected by Federal impact activities are currently experiencing.

Without sufficient assistance from P.L. 815, these schools will have to resort to other financial approaches which may not be sound or operate needed educational programs at near or below minimal levels. These represent the basic issues in school financing, but P.L. 815, if adequately funded, could help to overcome the difficulties which many schools are facing in providing quality educational services.

Fourth, Congress, through P.L. 815, has declared it to be the policy of the United States to provide for the construction of needed school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. This is a commitment relied upon heavily by those affected school districts; and, in addition, it is a priority program for many schools and the communities which they serve. In this spirit, then, Congress should renew its commitment to P.L. 815 by funding it in a manner which substantially serves its objectives.

Fifth, the need of many schools for additional facilities, due to Federal activities, is increasing, while funding for P.L. 815 has declined.

With limited funds, only a few projects can be supported; and the result is that a large number of projects must be deferred. In some cases, projects must wait two or three years or longer to be funded while the needs which triggered the application continue, and even increase. In fact, no funds have appropriated for Section 5 for nearly five years. In my estimation, by insufficiently funding P.L. 815, existing problems remain unsolved and additional ones are created.

In my own State of Arizona, for example, the lack of funds to adequately support P. L. 815 is causing considerable difficulties, especially in those public schools educating Indian children who live on the reservations. These schools have experienced substantial increases in Indian student enrollment during the last few years, a trend which I expect will continue. Yet, the facilities which were designed originally to handle fewer students are now hopelessly inadequate. These schools sought assistance for constructing the critically needed facilities under Sections 14a and 14b but learned that the funds allocated to these sections were insufficient to meet their needs at that time.

This resulted in many of these schools having to acquire temporary facilities (some of which considered sub-standard), adjust their programs, initiate double sessions, and make other arrangements. Together, these decisions are defeating the superb efforts of these schools to provide a quality educational program for our Indian children.

This situation is made doubly critical by the fact that these schools, because of insufficient P. L. 815 funding, are having to make other financial arrangements to acquire the money for providing or constructing additional facilities. This has proved difficult because these schools have a limited tax base and their bonding capacity is statutorily restricted. Moreover, some schools, after exhausting these two approaches, have had to divert portions of their operating budgets to acquire or rent temporary facilities. The result, in some cases, has been the shrinking of funds budgeted for operating expenses.

More importantly, however, the diversion of operating expenses affects the quality of the educational program, and I am sure you will agree that this situation makes it all the more critical that funds for P. L. 815 be increased.

The outlook, however, is not promising. At the present time, there are 46 approved applications under sections 14a and 14b with estimated entitlements of $43 million. Yet, the 1972–73 budget proposes that only $5 million be appropriated. This troubles me because Arizona alone, having the largest concentration of reservation Indians, needs $23 million, nearly 50 percent of the total, to realize the physical plant objectives of its reservation public schools.

The continued minimal funding of this vital program will undoubtedly postpone the realization of a quality educational program for our reservation Indians.

This is not only my concern—the Senate Special Subcommittee on Indian Education, of which I was a member, recommended in November 1969 that "P. L. 815 be more fully funded." The final report of the Subcommittee, *Indian Education: A National Tragedy—A National Challenge,* argued that "it is imperative that more attention be given to funding this legislation particularly for those sections under which disadvantaged students, such as Indians, are suffering with inadequate facilities. It is difficult enough to teach children with special needs, without having to face the added difficulty of inadequate facilities." To achieve a quality Indian education program, P. L. 815 needs to be sufficiently funded.

Yet, the needs of 14a and 14b are only one part of the total picture. By highlighting these needs, however, we are making the case for the needs of *all* schools which have made application under P.L. 815.

Sixth, the P.L. 815 program offers a unique opportunity to serve the objectives of recently enacted Congressional policies for rural economic development.

Interestingly enough, 410, or 74 percent of the pending 815 applications with estimated entitlements totalling $129 million are located in rural areas. Senator Ellender has expressed the need for "a national program to stay and reverse the heavy flow of people who are migrating into our cities if we are ever to obliterate poverty, revitalize our countryside and provide opportunities for those tens of millions who will soon join us on this earth. I believe that the sprawling, haphazard and unmanageable urbanization of our country can only be halted by encouraging a reversal of migration trends through inducements to remain in rural areas. The Federal government can and should do more to provide jobs, better economic opportunities and a more attractive, decent and healthful living environment in the less populated areas of our Nation."

P.L. 815 can play a major role in realizing the worthwhile objectives that Senator Ellender has enunciated. Funding the P.L. 815 program can create jobs, develop economic opportunities and, through the provision of a quality educational program, provide an attractive living environment.

More importantly, however, by fostering rural economic development through P.L. 815, a significant resident benefit could accrue to the educational system of rural school districts.

In a recent study prepared by the Library of Congress, which sampled selected rural school districts applying for P.L. 815 support, it was determined that the adjusted gross income per pupil within those school districts was below the state average. For applications under Sections 5, 9, and 14c of the Act, 28 out of the 40 districts sampled were below the average. And for applications under Sections 14a and 14b, all the sampled districts were below the state average.

Obviously, then, by promoting construction activity in rural areas it may be possible, with the assistance of other Federal policies, to raise income levels and thus provide greater revenues for educational activities. In addition, increased funds for educational endeavors could help to ease the financial pressures which so many schools are currently facing.

Seventh, P.L. 815 could serve to reduce unemployment. A recent study prepared by my staff indicates that a definite correlation exists between the location of P.L. 815 applicant schools and the presence of areas of unemployment as designated by the Department of Labor.

It is my argument that in areas of high unemployment especially in skills related to the building trades, Federal expenditures, in this case the P.L. 815 program, would not tend to be inflationary, but in fact would actually promote the economic improvement of the areas.

While I have not as yet exhausted the data to permit a completely valid national generalization, I have sampled enough states to support the correlation.

For example, in five Western states—New Mexico, Arizona, California, Washington, and Montana—there are 174 applications with estimated entitlements totalling $84 million, of which 121 applications totalling $59 million are in areas described by the Department of Labor as being economically depressed. In addition, of those 121 applications, 75 are in rural areas. Thus, by funding P.L. 815 school construction projects in these areas, unemployment could be eased and rural economic development fostered.

In summary, P.L. 815 would not only serve to realize educational objectives, it could solve some important economic problems as well.

PUBLIC LAW 815: INFLATIONARY IMPACT

Mr. Chairman, whether one chooses economic or educational reasons for funding P.L. 815, the question of inflationary impact must be faced.

It has been argued that by funding Federal construction projects, including P.L. 815, serious economic consequences would surely follow in the form of strong inflationary pressures. It is my contention, however, that funding P.L. 815 would not result in unmanageable economic problems.

To support this contention, I would cite as reasons the rural orientation of present P.L. 815 applications and the relationship of some of these applications to areas of unemployment.

First, 410 or 74 percent, of the total applications now pending are located in rural school districts. Since Arizona's applications are predominantly rural, I asked Arizona State University and its College of Business Administration to detemine the extent of inflationary impact if its applications were funded. They reported that, "Since $24.2 million of the unfunded P.L. 815 applications in the state are in the non-SMSA counties (only $5.2 million in SMSA counties), it is certainly feasible that some local labor, possibly now unemployed, could be utilized with little inflationary impact. Of further interest in this regard is the fact that roughly 87 percent of all contract construction work within the state does occur in Maricopa and Pima Counties. This may indicate that additional construction expenditures directed towards the more rural areas (e.g., Indian reservations) could result in little or no increase in construction costs because of the absence of high demand for such activities in those areas."

The Arizona State study concludes by arguing that "problems of inflation, albeit construction prices, services costs, etc. have been more noticeable in metropolitan areas. If inflation is expected to be a continuing problem (clearly a separate question) then it will likely continue to be more noticeable in metropolitan areas."

I realize, of course, that these generalizations may not be entirely valid for all areas since local conditions will vary, but I am convinced that funded P.L. 815 applications in rural areas will not result in serious inflationary consequences.

Second, I am also convinced that school construction projects located in areas of unemployment will not create significant inflationary pressures.

In summary, Mr. Chairman, it would appear that inflationary consequences would be minimal if the P.L. 815 program were funded. More importantly, however, funding P.L. 815 at this time could result in some significant economic benefits which would more than outweigh any inflationary consequences. In this respect, P.L. 815 presents an opportunity for stimulating economic growth without serious inflationary impact.

P.L. 815: RECOMMENDATIONS

Mr. Chairman, in reviewing the evidence, there is no doubt that a case for funding P.L. 815 at substantially higher levels exists.

I, therefore, recommend the following for your consideration:

First, that the Committee approve the language in the Administration's budget for restricting funding to Sections 14a and 14b and Section 5.

Second, I urge the Committee to increase the budget amount from $15 million to $45 million to be divided as follows: one-third to Sections 14a and 14b and two-thirds to Section 5.

CONCLUSION

Mr. Chairman, I believe we have demonstrated a need and a rationale for funding P.L. 815, and I earnestly hope that Congress will now find it possible to increase its commitments to this vital program.

Sacaton School District No. 18,
Sacaton, Ariz., April 14, 1972.

Senator Paul Fannin,
U.S. Senate,
Committee on Finance,
Washington, D.C.

Dear Senator Fannin: Presently we have four applications on file. Since none have been funded, we are housing students in two substandard classrooms that the Board of Trustees passed a Resolution to discontinue the use of these substandard buildings, we are using six trailers for classrooms, five metal buildings that are classified as portable which I feel are substandard to permanent buildings. This gives us a total of thirteen buildings that are substandard or temporary which creates an extreme hardship on our maintenance budget in terms of repair, cooling, heating and all portable and trailers must be purchased from our operating budget which necessitates taking funds from our operating budget which should be utilized for additional programs and improvements of our present educational programs.

In the past three years, we have spent $218,567.00 for trailers and portable buildings. In my opinion the funding of Public Law 815 should have an extremely high priority. We feel with our continued growth it will be a necessity to have at least two additional classrooms which will be purchased from our operational budget, therefore, penalizing our educational program once again.

I wish to thank you for your interest and any assistance you may give in funding Public Law 815.

In the last five years, our enrollment has gone from 156 to 842 showing the dire need for permanent facilities.

Sincerely,

Wallace L. Burgess,
Superintendent.

Sacaton School District No. 18,
Sacaton, Ariz., April 12, 1972.

Senator Paul Fannin,
U.S. Senate,
Committee on Finance,
Washington, D.C.

Dear Senator Fannin: In the Regular Meeting held Wednesday, April 12, 1972 the Sacaton Public School Board of Trustees expressed their desire to endorse the Superintendent's statement to request assistance in having Public Law 815 funded as soon as possible because the District lacks permanent facilities to operate a well rounded educational program.

Dana Nelson,
President.
Peggy Jackson,
Clerk.
Edmund L. Thompson,
Member.

Whiteriver Elementary School,
Whiteriver, Ariz., April 10, 1972.

Hon. Paul Fannin,
U.S. Senate,
Washington, D.C.

Dear Senator Fannin: As you know I have written you and your Arizona colleagues many times in reference to P.L. 815 funding.

Alchesay High School District and the Whiteriver Elementary District are located within the confines of the Ft. Apache Indian Reservation. Eighty percent of our high school students and ninety percent of our Elementary students are White Mountain Apaches.

The districts assessed valuations are $772,285.00. Our ability to bond for new construction is negligible and there is a legal question pertaining to the purchase of bonds.

The districts have filed applications for 1968–70, 71, 72, 73 respectively equal to: Elementary—$2,480,400.00, High—$2,569,069.00. If a 1972 application were approved today it probably would not be ready for occupancy until the 1974–75 school year.

Our estimated memberships for 1974–75 school year are: Elementary 1480, High 410. The present facilities are built for: Elementary—1010, High—250. I realize some districts on the reservations are considerably worse off than we are. This really isn't the question—Who is or who isn't in a bigger dilemma in terms of housing students and teachers? The real question is the education of the Indian children.

They are being short-changed due to lack of proper facilities when one compares these reservation districts with districts off the reservation, even in our rural area. Many of our local public schools off the reservations have proper physical education and athletic facilities. They have single purpose auditoriums and swimming pools.

We were fortunate to obtain a vocational shop funded by Economic Development Administration and the White Mountain Apache Tribe, although we pay rental to the tribe for their share. The U.S. Office of Education had no part in this facility.

Educationally our applications if funded would enable us to develop needed programs such as:

ELEMENTARY

1. Improve teacher-student ratios.
2. Improve learning and educational opportunities for grades 7–8 through development of materials center.
3. Improve language—arts, including reading, by having needed facilities.
4. Improve science courses grades 7–8 through proper science facilities.
5. Improve homemaking courses grades 7–8 through proper homemaking facilities.
6. Improve health and physical education programs through proper facilities.
7. Improve Arts and Crafts programs through proper facilities.

HIGH SCHOOL

1. The proper number of teaching stations would aid us in improving the number of courses offered and would reduce class sizes.

2. Our recent *North Central Evaluation* rated us low in terms of physical education, vocational, drama, arts, music, and regular classroom facilities.

We have no gymnasium facilities. We have no auditorium for dramatics and community programs. We have no facilities for swimming, wrestling, etc.

3. We are second rate if we compare our facilities with adjacent school districts in terms of what they have constructed in the past few years. The facilities we have are excellent but we have not kept up with our educational needs.

The majority of these children need the best educational opportunities available. They need experiences of all types to better equip them to succeed in the outside world.

4. Proper facilities will enable us to attain recommended educational goals in developing a complete well rounded curriculum for our students.

As you well know, Senator Fannin, I have been disturbed, and angry, and blunt, the past couple of years in terms of 815 funding. My letters to you and your colleagues have not always been complimentary. I sincerely hope your efforts will produce additional funding.

Sincerely yours,

FRED R. LEWIS,
Superintendent.

TUCSON PUBLIC SCHOOLS,
Tucson, Ariz., April 11, 1972.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: Formal application for P.L. 815 funds, Section 5, were submitted on December 22, 1971.

On January 11, 1972 Mr. Gerald Cherry, Director of Federally Affected Areas, notified us that our application had been approved by the State of Arizona and had been given application number Ariz–73–C–25, and that the official filing date was December 23, 1971.

Our application was for the amount of $378,000 to build a ten classroom addition and library at the Lowell Smith Elementary School located on Davis-Monthan Air Force Base. The construction is felt to be necessary because of the Wherry Housing Project of 300 living units plus trailer spaces for at least 50 trailers now underway on the Base.

At the time of the application, 100 families who would be living in the project were sampled. These 100 families had 97 elementary school age children. This apparently was a low figure because Smith School is registering more than one child per dwelling unit as they open.

Our educational objective at Smith School is the same as in all schools in the district, namely, to help each child achieve the best that lies within him. However, another prime objective is to house the elementary children who reside on Davis-Monthan Air Force Base in a non-crowded school offering facilities equal to those of other schools in our district.

The children moving into the new housing on the Base have not freed classrooms in any schools as they have been scattered throughout the whole community of 61 elementary schools and the other school districts in the Tucson area. Since our eastside schools are all crowded, it is not practical to bus to relieve the crowding at Smith School. If the growth at Smith proceeds as expected, the only solution will be overlapping or double sessions.

It is for these reasons that I am hopeful that full funding of the P.L. 815 program can be obtained. I appreciate very much your efforts in this connection.

Sincerely,

THOMAS L. LEE,
Superintendent.

TEMPE SCHOOL DISTRICT NO. 3,
Tempe, Ariz., May 25, 1972.

Hon. PAUL J. FANNIN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR FANNIN: The members of the Board of Trustees, Tempe Elementary Schools, wish to request your assistance in adequately financing the FY 1973 appropriations for the support of educational programs administered by the Office of Education.

We are very interested in the "Impact Aid" legislation embodied in P.L. 874 and P.L. 815. We urge your support for an appropriation to fund all approved P.L. 815 applications with priority of 0.1 and above. Our district has an approved proposal on file since June 24, 1968, with a priority index of 13.7 assigned on February 20, 1970. Subsequent appropriations have never been large enough for this district to have received any benefit from this legislation.

We have a severe shortage of classroom space, and we have remained close to the 10% bonding limit capacity for the last few years. We are accommodating approximately 1,000 students in portable and temporary buildings. Tempe is one of the fastest growing cities in the country today, with the current estimated population at 83,000. We have been showing an annual enrollment gain of 5% for the past few years. We need one additional 600 capacity building immediately, and this doesn't consider the students in temporary buildings. As a consequence of the mechanics of the property valuation process, school districts can't realize benefits from gain in valuation for approximately a year after the increase. We are perpetually behind the demand for housing.

In the event our application is funded next year, it would provide for the immediate anticipated growth, and allow approximately a year to reduce bonded debt. It would in this way allow for the accumulation of additional bonding capacity for the continuing big building push.

In regard to P.L. 874 the Tempe Elementary Schools qualifies for a substantial annual payment since Federal activities located in the area do bring substantial numbers of people to Tempe. During the current year, this district has claimed 542 students under P.L. 874. A 100% full payment of entitlement would result in a $104,329.58 payment to the operating account of our district. However, the present appropriation allows only for an approximate 73% payment. This results in a payment of $76,160.59. The difference between the two amounts equals $28,168.99 which represents money not received to help in the financing of education. The $28,168.99 not received can be expressed as an amount equal to 3.5¢ on the tax rate. When dealing with local property taxes this is a significant tax rate to the local property owner. We can also say the full entitlement, if it was paid out in full represents over 10¢ on the tax rate, a not inconsiderable sum. Over a period of years this district has benefited from this law, it would be difficult to explain to the property owner any additional rate which may occur if this act isn't funded.

We sincerely hope you will see fit to give support to full funding for P.L. 815 and 874. It is the kind of aid this district welcomes since it resembles revenue sharing without strings. Our Board and residents will appreciate your help in this effort.

Sincerely,

KENNETH FULLER,
President, Board of Trustees.

TEMPE SCHOOL DISTRICT NO. 3,
Tempe, Ariz., April 10, 1972.

Hon. PAUL J. FANNIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FANNIN: It is a pleasure to acknowledge receipt of your letter of April 4, in which you express interest in this district's application for construction assistance under P.L. 815. I wish to express my appreciation for your efforts on behalf of the supplemental appropriations bill in the last session of Congress.

The Tempe Elementary School District submitted a proposal, under P.L. 81–815 as amended, on June 24, 1968. Notice was received from the Office of Education on February 20, 1970 that the proposal was approved. A priority index of 13.7 was assigned. However, subsequent appropriations were never large enough to fund the vast majority of the approved proposals, and this district along with many others have never realized a benefit from this legislation.

The proposed administration budget for FY–73 provides no encouragement, since it asks for $3,390,000.00 less than the amount appropriated last year. The Tempe Elementary School District attaches greater importance to this particular Federal program than to any other current program. Tempe is one of the fastest growing cities in the United States. As a consequence of this, the elementary school district cannot raise enough tax receipts to meet the demand for adequate school housing. The bonding capacity of a school district in Arizona is limited to 10% of assessed valuation. For the past several years the Tempe district has been straining against this barrier. We are always behind the demand, and seem to be losing ground in meeting the increasing demand for classroom space. The need for space always precedes the increased valuation by at least a year. This fact is simply a consequence of the property valuation process. At least another year is required to build classroom space to accommodate the children in attendance two years earlier.

The following figures will indicate the gravity of school housing problems for the Tempe Elementary Schools.

Enrollment, March 9, 1972, equals 11,787 students.

Available building capacity, March 9, 1972, equals 11,796 students.

Enrollment records for the last several years indicate an approximate 5% gain for students each year.

Projecting 5% for 1972–1973 school year using March 9, 1972 enrollment.

Projected increased enrollment school year 1972–1973 equals 590 students.

Building needs to accommodate enrollment gain is projected as:

	Students
1 Kindergarten	70
18 Classrooms	540
1 Library	
1 Multipurpose room	
Total	610

Important facts to note are the following:

There are presently being utilized 33 portable classrooms rated at 30 students per room.

There are presently being utilized 2 portable classrooms rated at 10 students per room.

33 times 30 equals 990 and 2 times 10 equals 20.

Total equals 1,010 students accommodated in temporary classroom buildings.

There are 1,010 to 1,050 students currently housed in temporary portable buildings. This number represents almost two complete elementary schools having a capacity of 600 each. A 600 student capacity elementary school is thought to be an ideal maximum capacity for such buildings.

In summary it can be said the immediate building needs required to eliminate temporary housing and to provide for enrollment growth would represent the equivalent of three elementary schools each having a student capacity of 600. In each case land acquisition costs must also be computed. Land costs are extremely high in this area. It would be a reasonable cost projection to indicate an appraised $10,000–$12,000 per acre cost. Using the figure 1.5 acre for each 100 students, the minimum size site would be 8 acres. This cost can be projected at $12,000 per acre, or $96,000 per school site. School construction costs can be estimated at approximately $1,000 per student. The total cost for construction and site acquisition would be approximately $2,088,000.00. Approximately $696,000 would be required to acquire a new site and building for the projected growth to June 30, 1973. The remainder of the money would be required to replace temporary portable buildings.

It can be readily seen from the above, we have an extremely grave situation which could be substantially relieved with the funding of our approved P.L. 815 application. It would provide for the immediate anticipated growth, and allow approximately a year to reduce bonded indebtedness and create additional bonding capacity for the next big building push. A side effect would be the employment of many persons in the building trades. Such employment would be a boon to the employment problem in the valley. Further, the bonding capacity of the district has been reached, and without capacity to bond, money cannot be raised to build additional classrooms. We are in a serious situation in this district.

We solicit your support as an influential member of the Senate to aid in achieving a level of appropriation for funding P.L. 815 sufficient to fund this district's application.

Your continuing interest in the Tempe Elementary Schools is greatly appreciated. I look forward to a continuation of our mutual efforts to provide quality education to the boys and girls of this school district.

Sincerely,

O. S. FEES,
Superintendent.

LITCHFIELD SCHOOL DISTRICT NO. 79,
Litchfield Park, Ariz., April 7, 1972.

HON. PAUL FANNIN,
U.S. Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: Since my earlier communication with you regarding support for PL–815 funding, and my application to HEW, I have spent numerous hours with other school administrators, citizen groups, and concerned people in attempts to fathom the predicament faced by those people responsible for the education of youth under present federal support programs.

In our particular situation, our financial limits have been reached. The Litchfield Elementary School District bonded itself to the statutory limit in order to provide new facilities to serve 354 new students from a new housing project at Luke Air Force Base. This does not include an additional 209 students from families living off base.

The Average Daily Membership of the school district is 1,192 and of this amount, approximately 563 students, or 47% are militarily connected.

Present facilities would have been adequate for the district to meet the anticipated growth of the community. Bonding capacity would have been available for growth purposes. As things now stand, we will be facing a facility shortage because of anticipated growth in the immediate future and no bonding capacity.

The district is further restricted by the fact that it does not presently own property to build its next facility.

Let me further state, that our district is a "bedroom community" without a broad tax base, thus providing less ability to meet the state average per pupil expenditure.

There are other concerns for which I feel the Congress must support full funding of P.L. 874 and P.L. 815. First, is the fact that we need to make it possible for military families to settle in communities knowing that their presence does not create liabilities. I am not saying that in fact this is true, but that citizens often refer to it as such. The morale of military families must be considered. Full funding will help to make them more fully a part of the school community. This will help all; students, educators and parents.

Secondly, there is a need to develop a military dependent voucher system. Hopefully, the money will follow the child. The present system forces school districts to provide services now and justify all claims later.

It is poor reasoning, considering the present cry for accountability, to think that educators can teach and children can benefit educationally in cases where the financial support and resources arrive after the need. Federal and State accountability in the use of financial resources is thus questionable.

Full funding of our current application for P.L. 815 monies would make it possible for the patrons of my school district to serve and be served with an educational program entirely within their means. A new facility will avoid double sessions for an extended period. Approval of our application will provide relief at a time when the inevitable seems almost certain.

I ask for your full support of all legislation, expecially P.L. 815, which will help all school districts faced with similar situations.

Thank you for this opportunity.

Sincerely,

CHARLES R. MEDEIROS,
Superintendent.

CONTINENTAL SCHOOL,
Amado, Ariz., May 15, 1972.

HON. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: This is in reply to your letter of April 4 regarding our application for funding under P.L. 815.

Continental School District #39 covers 147 square miles. More than half of this area is made up of federal and state land. Most of the federal land is in the Coronado National Forest.

The district also contains a large retirement community, Green Valley, which makes up the bulk of our population.

Continental School has an average daily attendance of 140. An additional 50 students from Continental attend high school in a neighboring district. Because of the small number of students our tax rate is not too high, but it could change rapidly with an influx of student population. Any increase in taxes will surely create problems for those retired persons who are on a fixed income.

Our present physical plant at Continental consists of a main building which contains 4 classrooms; two of these rooms were built in 1916. One room was added in 1950 and another was added in 1960. In addition we have 2 double wide trailers which contain 4 classrooms. The school office is a 10 x 50 trailer and the library is housed in a 12 x 55 trailer. These buildings are situated on approximately 1½ acres of land. Our need for a new school should be apparent from the foregoing description.

On April 25, the Citizens of Continental School District voted in favor of a $325,000.00 bond issue with which to build minimum facilities for the school. I should like to reiterate the burden of additional taxation to some of our senior citizens. With these facts in mind I hope that Congress will see fit to appropriate funds and that the Office of Education will be able to approve the P.L. 815 application which we have submitted.

Respectfully yours,

WRIGHT P. THOMAS,
Principal.

AGUA FRIA UNION HIGH SCHOOL,
Avondale, Ariz., April 17, 1972.

HON. PAUL FANNIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FANNIN: I was pleased to get your letter of April 4 regarding funding for Public Law 815. In the Agua Fria Union High School District, which is located 16 miles west of Phoenix, 150 military units were constructed in our district in the spring of 1971. Therefore, over the summer our small high school of approximately 1,050 students was increased by the addition of 90 students from this military housing. As you can readily see, this is a very large increase for a small school district to absorb in over a three-month's period of time.

In addition to the difficulty in housing that many additional students, the district was faced with a transportation problem. The new Luke area housing is located on the very extreme north end of the district approximately 15 miles from the high school site. This necessitated adding two additional buses to our present fleet of six.

However, it is not the increase in the operational expense caused by the addition of these students, or even the capital outlay expenditure for buses, that is of most concern to me. The greatest concern is to continue to provide adequate facilities when our school district is hit with impact such as the one which I have just described. At the present time, the Agua Fria Union High School District is bonded to over nine percent of the assessed valuation. As you know, in Arizona, school districts cannot legally bond themselves to over ten percent of their assessed valuation. Therefore, regardless of any increase in military housing, it would not be possible for the residents of the district to add additional facilities because they simply do not have adequate bonding capacity.

I sincerely appreciate your concern and others in Congress who have a concern for those school districts who are faced with military impact. I hope that your efforts are successful in securing additional funding for this very important measure.

Sincerely,

HAROLD W. PORTER,
Superintendent.

SCHOOL DISTRICT
ADMINISTRATIVE OFFICES,
Sierra Vista, Ariz., April 18, 1972.

Hon. PAUL FANNIN,
U.S. Senator,
U.S. Senate, Washington, D.C.

DEAR SENATOR FANNIN: The Sierra Vista School System is adjacent to Fort Huachuca. The enrollment of our schools is 4000 elementary and high school students and of these, 366 are High School students whose parents live on the Post and are active military families. Since 1969, the total enrollment has increased 1158 of which 537 are High School students. We also have 599 High School students whose parents live in the community and work on the Post.

Due to this growth, the School District passed a two and a half million dollar bond issue. However, the assessed valuation will allow only small portions of this to be spent. Ft. Huachuca students are using local tax supported facilities but the local tax and the community cannot contribute any further. Presently, an elementary school is being constructed. We are building only a portion of the school due to lack of bond funds. The school will have no library, fine arts or special education rooms and will have one-half the classrooms needed.

Our Junior High School is in desperate straits. Built for 750 students, it now houses 1100. It doesn't have labs and no space for fine arts. It is crowded beyond belief.

The High School is completely inadequate. Lab space is our prime shortage. There are 1,200 students using one biology classroom with 20 students per period. Also, there is one physics-chemistry combination for the school. Classes in programing, key-punching and data processing which teach hundreds of youngsters are housed in a storeroom. The School District is committed to a program for the handicapped and there is no adequate facility for this education. Trainable children between the ages of 5 and 12 are housed in a twenty-year old frame house at Ft. Huachuca. These children can be helped far more than we are able to accomplish in this facility. Space for auto mechanics at the High School is being used from 7:00 to 4:30 p.m. Many youngsters are not receiving this and other courses we offer because of the crowded conditions. Support facilities in all schools are inadequate and there is not an auditorium in any school.

The intent of the PL 815 funds is to construct facilities for impact areas. With the coming of the Strategic Communications Command and the Army Intelligence School, the population of our High School and Junior High School has increased approximately 15% annually. The present population on the Post is 14,831. Of the 4000 civilians assigned to Ft. Huachuca, 2300 live in Sierra Vista. There are presently 1756 sets of quarters on Post and in mid-1972, there will be 1956. Seven hundred more sets of quarters are now needed. Every indicator suggests that there will be additional personnel assigned to Ft. Huachuca living on and off Post. Presently, there is no other industry in the city. Certainly, Sierra Vista is an impact area in the sense that the Congress initiated the PL 815 bill.

The voters in our community have supported our last two bond elections by a margin of three to one and five to one. However, with the dubious distinction of the highest tax rate in the County and nearly the highest tax rate in the State and with our bonding capacity as described in the foregoing, quality education no longer can be afforded.

Your interest in our problems is appreciated. Please call upon me if I can be of further assistance.

Sincerely,

LUTHER FLICK,
Superintendent.

INDIAN OASIS SCHOOL DISTRICT NO. 40,
Sells, Ariz., April 20, 1972.

Senator PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I am sorry it has taken me so long to answer your letter concerning our application for Public Law 815 funds. I think it deserves careful consideration and that is what I have attempted to do.

First of all, may I explain that we have two Public Law 815 applications in. One was submitted in May of 1969 in the amount of $2,296,800 to add to our combine junior-senior high school facilities. This application was finally given a priority of 51.8, which means we are almost half way down the line before we will be funded. Our second application was submitted in June of 1970 in the amount of $1,557,000 to increase our elementary facilities at Topawa. No priority has been given us on this request. Then in June of 1970 we made a revision of our application of May 26, 1969, requesting $3,071,890. Because of the change since we had submitted the other application we thought that this would give us a higher priority. We have received no indication as to a change of priority yet.

Last year we finished building a combined junior-senior high school facility which had been planned for 175 students. Last fall when we started school we had a total of about 500 students in our junior-senior high school classes. In other words, before we even started school in our new high school facilities we had to rent 10 additional classrooms to take care of the students that the new junior-senior high school had been planned for.

The outlay of money for the rental for these facilities amounts to $60,000 per year. This is about 7% of our maintenance and operating budget.

If we had the facilities we have requested, this $60,000 would allow us to add approximately seven more teachers to the staff, with which, of course, we could develop better educational programs.

We have some statistics that indicated with the building of this high school facilities on the Papago Reservation the dropout rate of high school students has dropped significantly. In 1969–70 we had a dropout rate of 10.4%. In 1970–71 this decreased to 7.5% dropout rate, and this year (the first year in the new high school plant) our dropout rate has plummeted to 3.7%. I am sure any educator will tell you that that is an outstanding record.

As I remember it, the dropout rate of the Papago students from the Bureau of Indian Affairs high schools off the reservation is between 11 and 13% of their enrollment.

Another significant bit of statistics is the number of students returning to our high school facilities from off reservation schools after Christmas vacation, most of these are from B.I.A., boarding schools. In 1969–70 we had an increase to our student body caused by these returning students of 3.4%. In 1970–71 it was 6.6% and in 1971–72 it was 10.5%. I might explain that 1969–70 was the first year that we had a 12th grade graduating class.

I think that you can see from this data that we have an educational program that is meeting the needs of people here on the reservation. We could definitely do a better job with the facilities that are needed and if we did not have to use so much of our maintenance and operating money for the rental of classrooms.

In spite of the limitations that we have because of buildings we have been able to develop many programs in the vocational and career education areas and sincerely invite you to come and inspect our facilities and our programs to obtain a full realization of our extreme need for the money to build the needed facilities.

I appreciate, the opportunity of submitting this letter to you and of course, stand ready to assist in any other way possible.

Sincerely yours,

DON L. PETERSON,
Superintendent of Schools.

SCHOOL DISTRICT NO. ONE,
Yuma, Ariz., May 15, 1972.

Hon. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: Following months of planning and compiling of needed data, this district submitted an application to the Director of Financial Assistance to Federally Affected Areas, P.L. 815, for federal funds to assist us in our efforts to build an urgently needed school.

The application showed the need for the new school was due to rapid expansion of programs at Marine Corps Air Station, Yuma, and the Army's less accelerated, but gradual growth at Yuma Proving Ground, Test and Evaluation Complex. It was shown that during the four year period of growth covered in the application, federally connected students in the 3(a) category increased from 210 in April, 1966 to 700 in April, 1970. The rise in 3(b) category students increased in number from 1,040 in April, 1966 to 1,250 in April, 1970, a gain of 210 students. The "actual count" gain for the two categories amounted to some 700 students new in the community, due to federal activity. This figure is more significant when compared to the growth of non-federally connected students during the same four years. The non-federal count in April of 1966 was 4,542; in April of 1970 the figure was 4,553, a total increase of 11 students.

The average elementary school in this district serves between 400 to 600 students. The "actual count" increase of 700 students new to this district, combined with contracts for additional on base family housing, with a completion date of June, 1971, forced this district to build one additional elementary school.

At our urging, the Regional H.E.W., P.L. 815 representative from San Francisco conducted an on site review of all aspects of our application, including meeting with the base commanders and housing officers. He agreed that existing school facilities were overcrowded, and that one additional school plant was needed due to realized and projected growth through June of 1972. His estimation of this district's entitlement was between three quarters and a million dollars.

To answer your question—"If funded what educational objectives could be realized?"—I think the answer would be: Had the funds this district is entitled to, been made available when they were so urgently needed, a school would have been built. This is exactly what the law provides for.

I ask you Senator Fannin, to please impress your colleagues with how terribly frustrating it becomes at the local district level to work within the guidelines of this law over many months and then to receive a brief notice from Mr. Gerald Cherry, Director of Federal Assistance in Federally Affected Areas, that:

"The application has been processed and found eligible under Section 5, Public Law 815, a priority index has been established of 11.9, the estimated number of unhoused pupils as of the end of second year following increase period is 1,041, there are no funds presently available for your project."

I suppose that under the circumstances, this district fared better than others around the country; because a local bond issue passed, the property taxes increased, the school has been built and will open in September of 1972, and the children will be educated.

I feel that those eligible school districts, which have been forced to turn to local funds to construct needed schools, should be reimbursed.

Your continuing efforts to achieve a more realistic funding level for applications found eligible under P.L. 815 are greatly appreciated by those of us in this community and others across the country faced with the same problem.

I apologize for the delay in replying to your letter.

Hoping this proves satisfactory.

Sincerely,

PETE WOODARD,
Superintendent.

SCHOOL DISTRICT 27,
Kayenta, Ariz., April 13, 1972.

In re Kayenta Elementary School and Monument Valley High School.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I am writing in regards to Public Law 815 and this District's need for construction funds.

When school starts next fall our elementary school will be using thirty-three temporary classrooms and two multi-purpose rooms, some of which are very substandard facilities. This has come about because of inadequate construction funds during the past several years, and the fact the U.S.O.E. does not allow a District to estimate ahead of the date funds become available.

The public schools of Arizona on Indian reservations have been drastically curtailed in building funds while the B.I.A. building program has been funded to the point that it has several schools with many vacancies or not even being operated.

We have presently an application file for the construction of a junior high school here in Kayenta; however, by the time it is funded and completed, it will be inadequate.

We need additional funding to replace all thirty-three temporary rooms and to provide space so we may offer other courses that are offered off the reservation. Though we need some $2,000,000 for elementary construction, the District has recently bonded itself to the 10% limit to construct a cafeteria because the present one was designed to take care of three hundred, and we are presently serving over a thousand lunches in addition to a breakfast program. The building is so small that it cannot function in any of the ways for which it was designed.

Monument Valley High School was designed to handle 175 students, and we expect approximately 500 next year. Last year we had 60 students to graduate from the eighth grade and 120 students enrolled as freshmen this year.

We will be using eight temporary classrooms next year and some of the rooms are very substandard. The U.S.O.E. has never seen fit to allow a band room, auditorium, specialized shop areas, trade areas, and many of the other facilities that are considered normal in a regular building in the Phoenix area.

Sometimes it seems that Congress is really interested in keeping the Indian from making any progress though there is a great deal of talk as to what is being done. Maybe in the press of business one loses sight that education is the key to the problem Indians have in this country.

We would certainly urge that you look into other ways of obtaining construction funds other than through P.L. 815. Several years ago, I believe Senator Montoya introduced a bill which would have provided states with building funds for Indian students through, I believe, the Johnson-O'Malley Act. This has merit in that a great deal of time could be saved if something along this line could be done, in the face of so many defeats to obtain adequate support for these funds under P.L. 815.

Because temporary classrooms are purchased from the budget, it has caused the per capita cost of the education to be high in Arizona; but, more important, the need to purchase temporary facilities has caused a drain from our regular programs, and, has, therefore, hurt the Indian student and the educational programs.

I believe that the present financial problems that we are now facing are caused because there has not been funds for construction. As a result of this lack of funding, our District needs approximately three million dollars to replace the temporary facilities.

Sincerely yours,

JACK WILSON,
Superintendent.

YUMA COUNTY SCHOOL DISTRICT NO. 27,
Parker, Ariz., April 11, 1972.

The Honorable PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I am writing this letter in an effort to make you and other members of Congress aware of the need for full funding of P.L. 815 and continued funding of P.L. 874 at or above its present level.

Parker Elementary School District is comprised of an area of approximately six hundred sixty-two square miles. Of this area, fifty-two percent, or three hundred forty-four plus square miles, is Indian Reservation, and forty-three percent, or two hundred eighty-five square miles, is State or other Federal lands. The remaining area of approximately fourteen square miles represents the total amount of taxable area within the District.

The voters of the local school district have bonded themselves to the legal ten percent limit in order to provide housing for the students. However, approximately thirty-eight percent (four hundred fifty-two students) is presently attending school in buildings that are substandard and have been condemned by the U.S. Office of Education as being unfit for educational purposes. These buildings, located at the LePera School on the Colorado River Indian Reservation, were constructed by the Japanese who were interred there during World War II.

The children attending LePera School come, for the most part, from disadvantaged minority groups—forty-two percent Indian and thirty-nine percent Mexican-American. These children deserve at least an equal educational break with other children, and with the existing physical plant, this equality is not possible.

The Congress of the United States has recognized their obligation to these children by declaring them eligible to receive Federal funds under Public Laws 815 and 874, yet they have steadfastly refused to meet this obligation by denying the allocation of sufficient funds under P.L. 815 to provide monies for suitable housing for these deprived and poorly housed children. Any reduction in P.L. 874 funds would also seriously hamper the education of these same children and necessitate an additional and unjust burden on the already over-taxed people of this district.

Any support you are able to lend to P.L. 815 and P.L. 874 will be greatly appreciated by this and many other worthy school districts.

Sincerely yours,

FRANCIS E. BLAKE, *Superintendent.*

SUNNYSIDE SCHOOLS, DISTRICT NO. 12,
Tucson, Ariz., April 18, 1972.

The Honorable PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: This letter is in support of full funding for P.L. 815. Our school district population has increased at the rate of one classroom per month this current school year. We now have two elementary schools on double sessions. Our plans are to open two "satellite" modular school sites for the 1972–73 school year to alleviate over-crowding to some extent. We also will open a new school in September. Even with these extra classrooms, we are anticipating double sessions for primary grades and extended sessions for the junior high school level.

On our last Federal Survey under P.L. 874, we recorded 1286 federally connected pupils. Of this number 525 were uniformed services or approximately 41%.

I sincerely urge the appropriations committee to secure funding for all categories at least on a level as high as this year.

Our district is bonded to its fullest indebtedness. We have the highest school tax rate in Pima County. Our district patrons have a higher unemployment rate than the rate recorded for the greater Tucson area. We also have a higher percentage of ethnic minority groups than the county as a whole. We certainly qualify for as much federal funding as can be allocated to us.

Sincerely,

GLENN R. MAURER,
Coordinator of Federal Programs.

SNOWFLAKE UNION HIGH SCHOOL,
Snowflake, Ariz., April 26, 1972.

The Honorable PAUL FANNIN,
U.S. Senator,
Washington, D.C.

DEAR SENATOR FANNIN: Your recent letter to Mr. L. Dee Johnson, Snowflake High School Principal, has been referred to me. We appreciate your interest in advancing our application for funds under P.L. 815.

Monies received as a result of this application will be used to inaugurate a career education program in the district. Programs providing instruction in technological skills are most expensive. Our district is committed to meet the needs of students; however, the capital costs of facilities for technical, vocational and career education have forced us to delay these programs for the time being. Virtually all the aid we would receive under P.L. 815 would go to provide buildings to house programs in these areas.

The specific objective is to provide each high school graduate with a salable skill that he or she may become a productive member of society.

Again our thanks to you for your support. Call upon us if we may provide any other information.

Sincerely,

RAYMOND S. KELLIS, *Superintendent.*

PAGE PUBLIC SCHOOLS,
Page, Ariz., April 13, 1972.

Hon. PAUL J. FANNIN,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FANNIN: This is a respectful request urging your full support of "full funding" of Public Law 815 assisting with construction of school facilities in "Federal impact areas."

Of our present enrollment of 1645 pupils, 950 students are in permanent facilities, 590 are in those temporary facilities used during the construction of Glen Canyon Dam, and 105 are unhoused. The influx of workers on the Navajo Generating Plant will increase our enrollment to a peak of 2350 students within 12 months. Needless to say, we are presently on double sessions in our first 3 grades and if additional class space is not available or cannot be located the double session schedule will be expanded in the Fall.

Our statutory bonding capacity in the elementary and high school districts is $1,800,000.00 and our construction cost is $2,253,000.00. Our application under Public Law 815 is for the difference. The application we have filed is to help house the influx of 900 "temporary construction" students, and the 600 Navajo pupils from the surrounding Navajo Reservation.

Favorable action on our P.L. 815 application would eliminate our presently expanding "double session" school program and greatly enhance the prospects for a more adequate education program for our youngsters.

Sincerely,

Ray J. Bradshaw,
Superintendent.

Palominas Elementary School,
Hereford, Ariz., May 12, 1972.

Senator Paul Fannin,
U.S. Senate,
Washington, D.C.

Dear Senator Fannin: In answer to your letter concerning our P.L. 815 applications and needs, I am listing the following information:

1. We have applied for P.L. 815 money over the years with no results.
2. For the 1971-72 year 49% of our students were federally connected. We were told we qualified for funds, but could expect no help as P.L. 815 funds were limited.
3. With the continued growth of our school, largely federally connected students from Ft. Huachuca, we now have one bond on top of another.
4. We are completing in July our second building in 3½ years. This new building will only accommodate those students we now have in membership.
5. If Ft. Huachuca and Sierra Vista growth continues at its present rate, we are in serious trouble. Our last bond issue in November of 1971 was approved by only 16 votes.

Hope this information will help in some way.

Sincerely,

Gene Brust, *Principal.*

Alpine Elementary Schools,
District 7,
Alpine, Ariz., May 12, 1972.

Re Your letter of May 8, 1972

Senator Paul J. Fannin,
U.S. Senator from Arizona, Finance Committee, U.S. Senate, Washington, D.C.

Dear Senator Fannin: If I haven't written to you in reply to your letter of April 4 regarding our application under P. L. 815, I'm sorry. I do not find your letter, and I can't remember what it was about.

Our anticipated enrollment will be in line with the projection we gave in our application, or nearly so. Last year we had 32 students, ADA. This year our ADA for the first 6 months was 42,785, and our projected enrollment for 1972–73 is 55–60 students. On our last count, 66⅔% of these students were federally-connected, and it would indicate that the 1972–73 school population would be proportionately distributed.

In April of this year a man from San Francisco, California, came in regard to our PL 815 application. He measured the building, took pictures, and asked to see our records for the last several years. We complied with his wishes. He made no comment pro or con, except to say, "You really need a new plant don't you?"

If I can be of any further assistance please feel free to call me at 339–4570 anytime during the day, 339–4305 after school is out (Area code 602, Alpine, Arizona), or send me another copy of your April 4th communique and let me know what I can do to help you.

We certainly do appreciate the work you are doing on our behalf.

Sincerely,

Marvin R. O'Bryan, *Head Teacher.*

Rice School District No. 20,
San Carlos, Ariz., May 18, 1972.

Hon. Paul J. Fannin,
U.S. Senate,
Washington, D.C.

Dear Sir: Rice School District No. 20 respectfully request your assistance in obtaining additional Funds for our P.L. 815 Project No. Ariz–68–C–1102 A18.

Unavoidable delays in funding and approval of this Project, for a period of approximately five years, we believe are the basic causes for the deficit of Two Hundred and Three Thousand Dollars that now exist between the allocated Funds and the minimum Bid received to construct the school facilities needed.

The location of our District, on the San Carlos Indian Reservation and our growing school population, compounds our difficulties in meeting the Educational needs of this area.

We would thank you in advance for any assistance you can give us in this matter.

Sincerely yours,

Max E. Oliger, *Fiscal Agent.*

Statement on Public Law 815 (Arizona Applications)

(Prepared by Arizona State University—College of Business Administration)

The proposed expenditures for the expansion of educational capital facilities provided for under P.L. 815 would have a significant positive impact on state-wide economic activity. Contract construction exerts a much greater impact on the Arizona economy than it does in the United States as a whole. For example, in 1971 the proportion of contract construction jobs to total non-farm jobs was about 60 percent higher in Arizona than the national average. Recent estimates for 1972 contract construction in Arizona indicate a projected decline from the 1971 peak of $1,410,000. As a result, additional expenditures for educational capital facilities would cushion this anticipated decline, and permit income and employment levels to be maintained. Furthermore, because a contract construction job is estimated to create 1–1½ additional jobs elsewhere in the economy, it is of great importance to maintain the jobs and incomes of the 45,700 contract construction workers within the State.

It is also important to emphasize the benefits to the State that result from the improved educational facilities that would be constructed. Conversations with representatives of the State Department of Revenue and the State Office of Education have revealed that several of the urban school districts are unable to provide needed capital facilities because of the statutory limits placed on their bonded indebtedness. For example, in communities such as Tempe, the population increases by more than 1,000 persons per month with even *higher* than proportionate increase in school enrollments. Because the assessed valuation of property within the school districts does not increase in proportion, the debt ceiling limit of 10 percent of the assessed value of property within the district does not permit the expansion of capital facilities that are urgently needed.

In the lower income areas of the urban centers, low assessed valuations of property within the school districts is also a problem. Furthermore, if these assessed values were increased there is some question as to whether the higher tax payments could be afforded by persons living in these areas.

In the rural areas, and specifically on the reservations, the great proportion of federal lands within the school districts seriously reduces the tax base because these lands are not subject to assessment and taxation by the school districts. Hence, the bond potential of several of the rural school districts is greatly restricted.

These limits that are placed on the ability of local school districts to raise the funds for needed educational capital facilities, combined with the fact that state aid for education is available to local school districts for operations budgets only, strongly suggests that the additional facilities that could be made available through P.L. 815 are urgently needed within Arizona.

Although the potential benefits are substantial, purported negative economic impact seems to center on the possibility that such federal construction projects might create inflationary pressures. There are, however, several reasons why little inflationary potential may emanate from such projects.

First, with the current Administration policies and the resultant success that has been achieved in holding price level increases to publically acceptable levels, there is reason to expect that the same success will continue to be registered. If this assumption is correct, and the period of unacceptable inflation is over, it is time for economically-beneficial and high-priority governmental projects to be removed from the "back-burner" status.

Second, although inflation has been a national problem, it has not had a universal impact throughout the United States. Available data on cost-of-living increases in Arizona show that living costs for a family of four in the Phoenix Metropolitan area have increased at a lesser rate than for the U.S. Metropolitan average. Moreover, these same data indicate that medical costs and personal care services have been large contributors to the Arizona cost-of-living increases.

Although construction costs—wages and materials—have added to the past inflation problem, the effects have not been uniform throughout the country. As a result, it would be an inappropriate economic decision to curtail necessary construction projects on a uniform basis throughout the country as a means of addressing an inflation problem with a nonuniform impact.

Third, there is supportive evidence that part of construction costs (labor costs) have been lower in Arizona than in other major areas (see Attachment 1). Inasmuch as several of the recommended projects for Arizona are in the more rural areas of the state, it is quite possible that an even lower wage rate might prevail. If not, however, it is certain that a rate no higher than the Phoenix area rate would prevail.*

As mentioned above, if the forecast downturn in contract construction materializes in 1972, both the expected surplus capacity and the comparative hourly wage rates suggested that the potential for cost-generated inflationary pressures from P.L. 815 projects in Arizona would be small.

Fourth, Arizona has a good overall unemployment index. Yet when the SMSA areas are excluded, the unemployment index for the remainder of the state significantly increases if due consideration is given to those persons in the rural areas who withdraw from the labor force because of the lack of suitable work and those persons who are unemployed but do not file for unemployment benefits. Since $24.2 million of the unfunded P.L. 815 applications in the state are in the non-SMSA counties (only $5.2 million in SMSA countries), it is certainly feasible that some local labor, possibly new unemployed, could be utilized with little inflationary impact. Of further interest in this regard is the fact that roughly 87 percent of all contract construction work within the state does occur in Maricopa and Pima counties. This may indicate that additional construction expenditures directed towards the more rural areas (e.g., Indian Reservations) could result in little or no increase in construction costs because of the absence of high demand for such activities in those areas.

Finally, most studies show that problems of inflation, albeit construction prices, services costs, etc., have been more noticeable in metropolitan rather than non-metropolitan areas. If inflation is expected to be a continuing problem (clearly a separate question) then it will likely continue to be more noticeable in metropolitan areas.

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* This is in accordance with the provisions of the Davis-Bacon Act.

Since the Arizona applications for P.L. 815 funding are on an approximate 5:1 ratio (metropolitan-non-metropolitan), it is unlikely that any appreciable inflationary pressures would result therefrom.

ATTACHMENT 1.—COMPARATIVE CONTRACT CONSTRUCTION HOURLY WAGE RATES

	Cities					
Year	Phoenix	Los Angeles	Chicago	San Francisco	Cleveland	Cincinnati
1965	$4.30	$4.87	$4.55	$5.11	$4.52	$3.87
1966	4.43	5.13	4.82	5.38	4.80	4.17
1967	4.59	5.41	5.06	5.77	5.17	4.51
1968	4.90	5.66	5.41	6.14	6.07	4.89
1969	5.29	6.00	5.92	6.64	5.99	5.68
1970	5.83	6.44	6.52	7.16	6.06	6.44

Source: Handbook of Labor Statistics, 1971, U.S. Department of Labor, Bureau of Labor Statistics.

Mr. FANNIN. In conclusion, Mr. President I want to assure the Senate that these funds will meet real needs and contribute much to the continued development and maintenance of a quality educational program in our Nation's schools.

FUNDING FOR AGING PROGRAMS

Mr. PERCY. Mr. President, I wish to commend the Senate Appropriations Committee, its distinguished chairman (Mr. MAGNUSON) and the ranking minority member, Mr. COTTON, for their work in the Labor-HEW appropriations bill. I also want to comment on three items which are of special interest to me. Those three items all affect the elderly.

The first item is the $100 million allocated for the nutrition programs for the elderly. This item interests me because I was a cosponsor of the legislation authorizing this program. I am referring, of course, to Public Law 92-258, whose chief author was Senator KENNEDY. It is noteworthy that the administration requested, and the committee approved, the full amount authorized under Public Law 92-258. This means that approximately 400,000 elderly persons will now be able to receive low cost, nutritionally balanced meals on a daily basis.

The second item is the $1 million earmarked in the section on Employment Standards Administration for increased enforcement actions provided in the Age Discrimination in Employment Act. This act is intended to protect workers between the ages of 40 and 65 against age discrimination, but the Department of Labor has lacked sufficient funds to enforce this law adequately.

According to last year's annual report by the Special Committee on Aging, on which I serve:

> More than 2,500 violations were found under the ADE Act for fiscal 1971, for a 14 percent jump (over the previous year). In practically every category, the number of reported violations increased. And these figures probably represent only a portion of the infractions under the law, since many illegal practices go unreported. Yet, only 80 suits have been filed under the Act, despite the prevalence of job bias because of age.

The report goes on to recommend that Congress increase funding for the act to provide additional personnel to enforce the act more forcefully.

It is commonly recognized that more and more companies discriminate against middle-aged and older workers. There is a definite trend toward hiring younger and younger people, and toward easing the older workers out of their jobs at an earlier age. I view this trend as most disconcerting, and I believe it is imperative that we protect the older worker.

Unemployment for any worker is serious, but for an older person it can be tragic. One of the most serious consequences of unemployment for the older worker is a reduced or lost income during his years of retirement. Because of serious deficiencies in many private pension plans, the end of one's job may also mean the end of one's pension coverage—even though an individual may have contributed hundreds or thousands of dollars over the years toward his pension account. The end of one's job may mean the total or near-total erosion of his lifetime savings. Even if the older worker manages to escape the total loss of private pension coverage or his lifetime savings, he may not escape suffering from reduced social security benefits caused by unemployment during his later working years. The reason for this is that social security benefits are based on a person's lifetime earning record.

It is of great importance, therefore, that the Age Discrimination Act be adequately enforced. I would like to commend the distinguished chairman of the Senate Aging Committee, Mr. CHURCH, for recommending to the Appropriations Committee that $1 million be allocated for enforcement of the ADE Act.

Finally, I wish to make special note of the $5 million earmarked for research on aging in the National Institute of Child Health and Human Development.

The implications of a rapidly aging population—and by that I mean a population in which the percentage of older persons is increasing far more rapidly than that of the general population—are quite serious yet little understood. The number of people over age 65 has been increasing at a rate of three times that of our general population. The fastest growing of all population groups is the over-75 group. By the year 2030, the elderly population is projected to rise from 20 to 48 million, out of which 16 million will have reached age 75.

Astounding medical advancements have been made in recent years to enable people to live longer, but relatively little progress has been made toward understanding the aging process itself and the full implications of a rapidly aging society. One may legitimately wonder whether we are doing ourselves a service or a disservice when we increase longevity without improving the quality of our longer lives.

This appropriations bill should help us to improve and expand programs affecting our older citizens, and once again I wish to commend the Senate Appropriations Committee, its chairman and members for their work on this important legislation.

Mr. HART. Mr. President, once again we are involved in what has become an annual effort to honor commitments Congress has made in the past to provide funds for educational, health, and rehabilitation programs.

In a very real sense the HEW appropriations bill is on the cutting edge of the debate over reordering national spending priorities.

It is on this bill that Congress makes an important part of its decision on how Federal dollars will be spent. While we should be mindful of the possibility of a Presidential veto if budget requests are greatly increased, Congress, as an equal branch of our Government, should not let that possibility overrule what it thinks are the proper levels of funding for the programs covered by this bill.

Because of the need to compromise in any bill as massive in scope of the HEW appropriations bill, efforts to increase recommendations made by the Senate Appropriations Committee should not be considered as criticism. To the contrary, Senator MAGNUSON and the HEW Subcommittee have demonstrated again their responsiveness to the needs of people who are served by the programs funded by this bill.

Also, I join others in complimenting Senator MAGNUSON and the entire Senate Appropriations Committee for the prompt manner in which this bill was handled. Too often in the past, local school officials have had to draw up their budgets without knowing the level of support their districts would receive from the Federal Government.

In keeping with the tone of those general remarks, I would like to state my positions on several items included in this bill.

TITLE I

The Senate committee recommends an appropriation of $1.6 million for educationally deprived children under title I of the Elementary and Secondary Education Act. That figure, while larger than requested by the administration, is $176 million less than approved by the House.

The Senate should restore the figure voted by the House.

The fact is that title I payments have not kept pace with increases in the cost of education nor with increases in the number of children eligible to receive assistance under this program.

From 1968 to 1971, per-pupil expenditures in Michigan increased from $715 to $1,148. From 1966 to 1971, the number of children receiving welfare aid in Michigan rose from 145,700 to 281,000—an increase of more than 90 percent.

Over the 3-year span ending in 1971, title I payments to Michigan went up by only 35 percent—from $30.6 to $41.3 million.

As a result, a growing tax burden has too often fallen on the communities which have high education costs but declining tax bases.

Under the House figure, Michigan would receive $64.2 million; under the Senate amount, $57.8 million, and slightly less under the administration's request.

To a State whose largest city—Detroit—faces a $40 million deficit in its school budget, an increase of $6.4 million becomes critically important.

IMPACT AID

The Senate Appropriations Committee and the House have adopted different formulas for the allocation of Public Law 874 funds which leave many of us with something of a bitter choice.

Under the House version of granting 84 percent of entitlements for both A and B students, cities such as Detroit, which have mainly B students, would be favored.

Under the Senate Appropriations Committee's entitlement proposal of 90 percent for A students and 73 percent for B students, a number of smaller districts in Michigan would fare better.

While there have been many complaints about the way impact aid flows to wealthy and poor school districts alike, it does provide needed Federal support for education and should not be phased out unless replaced by an adequate program.

For that reason I believe we should increase the Public Law 874 appropriation to permit payment of 84 percent of B student entitlements while retaining the 90 percent payments for A students.

AID FOR PUBLIC HOUSING CHILDREN

For several years efforts, which I have supported, have been made to provide impact aid for children living in public housing.

Happily, this year the House approved $10 million in impact aid for these children. The Senate should at least match that figure.

As a cosponsor of Senator CASE'S amendment, I urge that the Senate go beyond $10 million and approve $60 million. Under that amendment, Michigan's entitlement for C students would be $1.4 million, compared to $221,000 under the House figure.

PUBLIC LAW 815 FUNDS

I am particularly pleased that the Senate committee recommends an increase of from $15 million, sought by the administration, to $45 million for the Public Law 815 program.

There are several school districts in Michigan in critical need of Public Law 815 funds to construct new facilities. I urge that the Senate strongly support the committee's recommendation, both on the floor and in conference so that at least some of the many pending Public Law 815 applications will be funded this year.

SOCIAL AND REHABILITATION SERVICE GRANTS

The Senate Appropriations Committee recommends the inclusion of language in the HEW appropriation bill which would limit expenditures for six titles of the Social Security Act to $2.5 billion.

Among the programs covered by this limitation would be old age assistance, aid to the blind, aid to families with dependent children, and aid to the totally and permanently disabled.

While I think there is general consensus on the need for if not on the shape of welfare reform, the proper way to reform these programs is through new legislation and not through spending limits in an appropriation bill.

One aim of reform is to insure that those qualified receive adequate assistance. A spending limit would insure neither.

For that reason, I have cosponsored Senator CHILES' amendment to strike the limitation language from the bill.

OCCUPATIONAL SAFETY FOR ALL

In approving this bill, the House added language prohibiting salary payments to any Federal inspector, working under the Occupational Safety and Health Act, who investigates shops employing 25 or less.

Even if this provision had been passed after serious consideration by the proper House committee, which it was not, I would strongly oppose it.

It makes no sense to say that employees of small firms do not have the same claim to safe working conditions as do the employees of large firms.

Any attempt to add such language in the Senate should be defeated, and I compliment the Senate Appropriations Committee for striking the provision from the bill.

Mr. WILLIAMS. Mr. President, I wish to commend the Appropriations Committee for the bill that they have reported to the Senate for fiscal 1973 appropriations for the Departments of Labor, and Health, Education, and Welfare and related agencies. As chairman of the Labor and Public Welfare Committee, I am impressed with the thorough and responsible work they have completed on funds for important labor, health, education, and welfare programs, and with the sensitive report that they have made to the Senate.

While I do not believe that the funding provided in several important programs such as title I, ESEA, Public Law 874, and the Developmental Disabilities Act is adequate to support these programs and the critical services they provide for fiscal 1973, I would hope that the Senate will recommend the appropriate increases in these categories.

I would like, however, to make particular note of the outstanding job that this committee has done in providing funds for programs which support services to the handicapped. In testimony I made to the committee in its consideration of fiscal 1973 appropriations, I urged that committee to insure that programs which support education, health, research, and training for the handicapped be increased over the President's budget request in order to enable the States, the Federal Government, and localities to provide the comprehensive services the handicapped have a right to. In reviewing the report and the recommendations that the Appropriations Committee has made, I have found that the committee provided important increases in all these areas.

The committee has increased funding under title VI(B) for State formula grants which will enable many States to increase the number of children to whom it provides educational programs, will support valuable research and demonstration in education for the handicapped, will increase the support for education of children with learning disabilities, and will enable our institutions of higher education to train personnel for educating handicapped children. I believe that it is appropriate that some of this increase in training funds be used to train paraprofessionals, and would hope that this will be done. Furthermore, it is particularly appropriate that the Senate committee increase funding for educational services for the handicapped in light of recent court decisions directing the States to educate all handicapped children. Senator MAGNUSON, Senator RANDOLPH, and I have introduced S. 3614 which would provide increased funding to the States to insure that handicapped children receive appropriate educational services, and I believe that an increase under title VI(B) is the important first step.

The committee has increased funding for research into disabling conditions and methods of amelioration by providing increased funding for the National Institute of Neurological Disorders and Stroke, the National Institute of Child Health and Human Development, and the National Eye Institute. There is no question that more emphasis needs to be placed on the causes, cures, prevention, and amelioration of handicapping conditions, and through the appropriations for these institutes the Senate committee has provided that commitment and emphasis. In addition, I note that funding has been increased under maternal and child health programs for early diagnosis and treatment of handicapping conditions, and under environmental management programs for the treatment and elimination of lead based paint poisoning.

Mr. President, I realize full well the pressures under which the Appropriations Committee operates, and I know how difficult it is to make decisions in many of these sensitive areas. I believe that it is a great tribute to the Appropriations Committee, to the Senate and to the Nation that we have made this commitment to the more than 40 million handicapped Americans. I would like to express my own personal appreciation to the distinguished chairman of the Labor-HEW subcommittee (Mr. MAGNUSON), to the ranking member of that subcommittee (Mr. ROBERT C. BYRD), to the ranking minority member of that subcommittee (Mr. COTTON), and to the distinguished chairman of the full committee (Mr. ELLENDER) for reviewing with such sensitivity recommendations for the handicapped, and for making very clear the commitment they and the Senate is making to the handicapped. I believe that this is a strong commitment of which we can be very proud and which I urge the committee to stress in the conference with the House of Representatives.

Mr. President, the work of Senator MAGNUSON'S subcommittee on health appropriations for fiscal 1973 is commendable throughout, but I would focus the Senate's attention for a moment on the excellent recommendations for health manpower programs. Obviously, the Nation cannot improve health care significantly unless it ensures a growing supply of trained health personnel.

The Appropriations Committee recommends a budget of $897.2 million for health manpower in the coming year. This amount is $363.6 million more than the administration's request and $158.6 million more than the recommendation of the other body. The increase is substantial, but it is fully justified.

Most of the appropriation would carry out necessary programs of the Comprehensive Health Manpower Training Act of 1971 and the Nurse Training Act of 1971, both signed by the President scarcely 7 months ago. Funding of $190 million for the health professions and $62.5 million for nursing would bring capitation levels for both manpower programs to 76 percent of the authorized amount. I would like to point out that capitation grants are available to all schools that increase their enrollments in accordance with the authorizing legislation.

Schools of the health professions—medicine, osteopathy, dentistry, optometry, pharmacy, podiatry, and veterinary medicine—would receive $10.3 million over the House allowance for special project grants and an additional $25 million for direct scholarship grants, according to the committee's recommendations. The physician shortage area scholarship program would be increased by $2 million. To provide more nurses, the committee recommends total appropriations of $30 million for scholarships and $15 million for traineeships.

The administration, incredibly enough, requested that no money be appropriated in fiscal 1973 for construction of the teaching facilities called for in last year's legislation. The committee recommends $150 million for construction grants to schools of the health professions and $30 million to schools of nursing. I would like to point out that the authorized levels for these construction grants are $250 million and $40 million, respectively.

The committee properly restored substantial funds that had been denied manpower programs of the allied health professions, bringing that total to nearly $53 million. Schools of public health would receive a total of $14 million in institutional support and $11 million for traineeships.

Mr. President, I believe all these increases for health manpower programs are important. I urge Senators to support them, now, with their votes on the floor of the Senate and later in conference.

The PRESIDING OFFICER (Mr. BIBLE). Who yields time?

Mr. PASTORE. Is the bill open to amendment?

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 1288

Mr. PASTORE. Mr. President, I have two amendments that I think can be disposed of very quickly.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. PASTORE. Whatever I need.

The PRESIDING OFFICER. Will the Senator send his amendments to the desk?

Mr. PASTORE. The amendments are at the desk. I call up first my amendment No. 1288.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 22, line 25, strike out "$1,634,000,000" and insert in lieu thereof "$1,810,000,000".

On page 23, line 2, strike out "$1,860,393,000" and insert in lieu thereof "$2,036,393,000".

Mr. PASTORE. Mr. President, first of all I want to pay my deepest respects and commendations to both the Senator from Washington and the Senator from New Hampshire for their splendid achievement in this very involved and complex bill. I must say at this moment that their performance with respect to the health section of the bill was superb.

On the matter of title I, which is the educational section of the bill, certain things happened in the House of Representatives and in the Senate which I think compel us, at this juncture, to make specific increases to express the spirit and achieve the intent of both the House and the Senate with respect to the formula for aid to impacted areas. That is what this amendment is all about.

Mr. President, the proposed amendment would add $176 million to the committee recommendation of $1,634 million for title I of the Elementary and Secondary Education Act. This would provide a total of $1,810 million for title I, the same amount as included in the House bill as part of the Hathaway amendment. This increase of $212,500,000 over the 1972 appropriations will benefit over 8 million disadvantaged children and will permit raising the per pupil expenditure so that title I services will have greater educational impact.

Mr. President, the distinguished chairman of the Labor-HEW subcommittee of the Senate Appropriations Committee and his colleagues have brought to us, in the Senate version of H.R. 15417, a major improvement over both the budget estimates and, with all due respect, the House version of the bill. We can all applaud, I am sure, the increases the committee has made in the health areas, and, with but a few exceptions, in the funding provided for the Office of Education.

I feel that the subcommittee members on both sides of the aisle, their hardworking chairman and the diligent and able senior Senator from New Hampshire, the ranking minority member, are deserving of high commendation for the work they have done.

There are two areas in the bill however, wherein, it is my hope that their work can be perfected. The first is in the funding level provided for title I of the Elementary and Secondary Education Act, and the second is concerned with funding of the provisions of Public Law 874.

My reasons for following this course of action are based upon the parliamentary fact that the House, in its action on the bill, demonstrated by a bipartisan vote most conclusively, with a 49-vote margin, that the funding of $1.81 billion for title I ESEA was, in their eyes, amply justified. Thus every dollar more we put into the bill in the title I area, up to $176 million of my amendment, is certain to emerge approved from conference and to be applied to providing compensatory education to children attending schools with high concentrations of educationally deprived children.

Mr. President, I ask unanimous consent that a table setting forth on a State-by-State basis the effect of this part of my amendment be printed in the RECORD at this point. It demonstrates the effect of the $176 million addition of the amendment. I would re-emphasize that due to the parliamentary situation, these additions for title I ESEA are real dollar additions since—if my amendment is adopted—the $1,810 million total for title I is locked in and is not subject under conference rules to being cut.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In thousands]

	Proposed amendment to H.R. 15417 for title I ESEA	Senate committee recommendations title I	Net loss from Senate committee recommendations
Alabama	$43,644	$42,103	$1,541
Alaska	2,569	2,392	177
Arizona	12,699	11,740	959
Arkansas	27,543	26,235	1,308
California	152,461	141,735	10,726
Colorado	14,563	13,460	1,103
Connecticut	16,153	14,610	1,543
Delaware	3,745	3,487	258
Florida	40,720	37,844	2,876
Georgia	43,039	41,681	1,358
Hawaii	4,279	3,814	465
Idaho	4,348	4,032	316
Illinois	75,299	68,663	6,636
Indiana	22,750	20,997	1,753
Iowa	18,588	16,581	2,007
Kansas	13,727	12,687	1,040
Kentucky	39,382	38,084	1,298
Louisiana	39,452	37,177	2,275
Maine	7,223	6,686	538
Maryland	24,196	22,262	1,934
Massachusetts	31,003	28,425	2,578
Michigan	64,234	57,849	6,385
Minnesota	25,585	22,935	2,650
Mississippi	45,310	43,902	1,408
Missouri	30,736	28,205	2,531
Montana	4,769	4,420	349
Nebraska	9,450	8,739	711
Nevada	1,426	1,335	91
New Hampshire	2,608	2,509	99
New Jersey	58,170	53,599	4,571
New Mexico	11,026	11,026	0
New York	239,537	216,991	22,546
North Carolina	64,813	60,833	3,980
North Dakota	6,131	5,677	454
Ohio	50,639	46,730	3,909
Oklahoma	21,521	19,820	1,701
Oregon	13,600	12,267	1,333
Pennsylvania	82,806	73,924	8,882
Rhode Island	6,614	5,845	769
South Carolina	38,172	36,356	1,816
South Dakota	7,269	6,682	587
Tennessee	39,882	38,262	1,620
Texas	102,301	94,425	7,876
Utah	4,953	4,591	362
Vermont	2,956	2,747	209
Virginia	39,281	36,127	3,154
Washington	17,603	15,952	1,651
West Virginia	21,957	21,493	464
Wisconsin	20,902	19,327	1,575
Wyoming	1,908	1,810	98
District of Columbia	11,230	9,731	1,499

Mr. PASTORE. Mr. President, in this discussion I have concentrated on the parliamentary and practical aspects of obtaining by our action, concrete gains for the title I programs. In addition to all of these arguments, and basic to my support of these additions, is my belief that the action is justified on substantive grounds. First, we know that educational costs have risen and are rising. To hold a program such as this one to last year's funding level is to agree to a 10 percent cut in the educational goods and services purchased with the funds or to give tacit approval to a reduction by a 10 percent factor in the number of children for whom these programs are designed.

I urge the committee to accept the amendment, and I solicit the support of all Senators for the amendment.

This amendment has been discussed with both the Senator from Washington, who is the manager of the bill, and the ranking Republican—not that I talked personally to the ranking Republican, but I understand that the matter was taken up with him. This step makes an adjustment with which I think, when they go to conference, they both can complement the point of view of the House and of the Senate.

I hope this amendment will be taken to conference.

Mr. MAGNUSON. Mr. President, as the Senator from Rhode Island has well stated, this amendment brings the title I funds up to what the House put in the bill. The committee discussed that matter at some length, and I think it was sympathetic to the proposal. I have talked with the Senator from New Hampshire and others, and I am perfectly willing to accept this amendment and take it to conference with the House.

Mr. PASTORE. What will happen here will be a justification of the formula as adjusted by the Senate and as adjusted by the House, where each will make sense.

What happened was that the House cut down in one category and raised in another, and the Senate took the opposite view and changed the formula. By putting the money in, I think the formula will be adjusted where it belongs.

Mr. MAGNUSON. I am talking about the Senator's first amendment—elementary and secondary education—which brings the amount up to the House figure, which I am glad to accept. The other amendment is a little more complicated.

Mr. PASTORE. That is correct.

Mr. MAGNUSON. That deals with impacted area funds.

Mr. PASTORE. That is correct.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PASTORE. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

AMENDMENT NO. 1289

Mr. PASTORE. Mr. President, I call up my next amendment, No. 1289.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 23, lines 15 and 16, strike out "$661,405,000, of which $615,495,000" and insert in lieu thereof "$719,955,000, of which $674,045,000".

On page 23, line 17, after "section 6" add "and $10,000,000 for complying with section 303(1)(C)".

On page 25, line 18, strike out "73" and insert in lieu thereof "84".

The PRESIDING OFFICER. How much does the Senator yield?

Mr. PASTORE. Whatever time is necessary.

Mr. President, the proposed amendment would add $48,550,000 for "B" students under Public Law 874 to raise the percentage of entitlement which could be paid "B" students from 73 percent—last year's percentage—to 84 percent—the percentage included in the House bill as part of the Hathaway amendment.

The proposed amendment would also add $10 million for "C" students under the public housing provisions of Public Law 874. This would be sufficient to pay approximately 3 percent of the estimated entitlement, the same amount and percentage as included in the House bill as part of the Hathaway amendment.

As amended by this amendment, the Senate bill would provide for paying the following estimated entitlements:

"A" students in "heavily impacted" school districts—100 percent.

Other "A" students—90 percent.

"B" students—84 percent.

"C" students—3 percent.

Mr. President, as Senators recall, Public Law 874 payments of local educational agencies are computed on the basis of providing for the "A" pupil counted, an amount equal to the per pupil expenditure of the school district he attends or an amount equal to the national average per pupil expenditure. The "A" pupil is one whose parent both lives and works on the Federal property. In the computation of the entitlement of the school district, in a similar manner, provision is made for an amount for each "B" pupil at 50 percent of the "A" pupil rate. The "B" pupil is one whose parent either lives on or works on Federal property.

The payment is an entitlement based on the fact that since the Federal Government is a sovereign, it does not pay the types and kinds of local taxes that a private employer would be subject to in a community as his fair share of the costs of educating the children of that community. In order to help to meet the school costs of communities with Federal installations in 1950, this "in lieu of taxes" route was adopted by the 81st Congress. Public Law 874 payments, therefore, have been made since that time over the objection of every President since Franklin Delano Roosevelt; and he made similar payments under the Lanham Act, which was passed in World War II to deal with the impact of the influx of children brought about by the employment patterns consequent upon production for World War II requirements.

My amendment simply holds the "B" pupil reimbursement, as in the House version of H.R. 15417, at a level of 84 percent of what, frankly, is owed by the Federal Government, while holding the reimbursement of the "A" pupil count to 90 percent of what is owed, while funding at the 100 percent authorization level for "A's" only those school districts with a heavy concentration of "A's" amounting to 25 percent of their total enrollment

I do this knowing that the administration is opposed to the program; but I do it on the basis that the Appropriations Committee ought not be expected to pull the chestnuts out of the fire through the appropriations process for any administration that cannot get its will through the regular channels of amending or repealing the authorizing statute.

Public Law 874 is on the books. It has yet to be demonstrated to the Congress, by this or any predecessor administration, that the public interest would be served by its abolition and, therefore, I believe it ought to be funded at the highest level that can obtain congressional consent. Other programs in education may be more important in the eyes of the Office of Management and Budget and the White House, but I feel that the Senate has an obligation to carry out the will of the 81st Congress and of each and every Congress since that time.

Stripped to its essentials, that will of the Congress can be stated: "School districts which have acted in good faith and are using the money derived from this program for the operation and maintenance of their schools, for the activities decided upon by their local school boards and their superintendents as being most needed in that system—whether they be buildings and grounds maintenance, remedial reading programs, supplies or special education for handicapped children, or whatever—are entitled to receive funding until the basic law is repealed or modified."

The 84-percent limitation for the "B" payment is the percent of full entitlement that my dollar amount would fund. It is the same level for "B" children payment by the dollar amounts in the House bill provided for that category. Under the House version, the amounts provided for "A" children payment equal only 84 percent of entitlement. The additional funding provided by my amendment is designed to assure that no district will receive less in fiscal year 1973 for its "A" reimbursements than it received in fiscal year 1972, thus eliminating what I feel most of us would regard as an inequity, and forestalling actions in the heavily impacted schools which would be necessary if their funding dropped below the fiscal year 1972 floor.

We would not be helping the children in those schools, if through our action, we failed to provide the money to keep these schools open for the full academic year. "A" children payments under my amendment are the same as last year; namely, 90 percent of entitlement for all "A's" except those most heavily impacted school districts which receive 100 percent of their entitlement.

The remaining portion of my amendment deals with a section of the act that has never previously been funded. In 1970 a definitional change in the authorizing statute became effective. It provided for the purpose of determining the amount of money that a school district could receive for operation and maintenance purposes that a count of children be made which would generate additional funds. The children counted under this provision are those whose parents reside in public housing units.

Decisions as to where public housing is to be located have obvious impact upon school systems, because the schools have to be put in areas where there are children to be served. Many of these children need more attention in the way of sound educational programs which fit their needs than it is possible to provide, given the limited finances available to the schools. So it is a sound program to put money where the human need is greatest. This aspect of my amendment is one which I know will be developed in greater detail by my colleagues on both sides of the aisle who have a special interest in the program, and a wealth of knowledge about it.

The Senate, in previous years, has overwhelmingly approved both the basic authorization and the financing levels which we have heretofore been unable to hold in conference. I am most pleased that the parliamentary situation that prevails with respect to this bill, is such that every dollar we put into it up to $10 million, will be locked in at conference and the program will be started, if my amendment is agreed to.

Mr. President, I hope that the committee can accept the amendment. It is one which is defensible in conference. It is my belief that the House version which provides 84 percent of entitlement for all categories can be most harmful to many school districts, it can adversely affect more than 300,000 "A" students through a curtailment of programs now financed from Public Law 874 sources. The amendment would correct that situation, and do it without detriment to the more than 2 million "B" students.

The 84-percent floor entitlement in the House version for both "A" and "B" is matched by my explicit 84-percent limitation of "B" payments, and I would expect that since both provisions reach the same end—insofar as the "B" category is concerned—that the acceptance of the conference committee of that premise would leave us merely with arguing the equitable relief for the "A" category situation. Here there are strong and compelling arguments, and for that reason I urge support for the amendment.

Mr. President, I think this amendment is absolutely essential. This is the figure that was voted by the House. Here, again, I have discussed the matter with the manager of the bill, and I understand that he has taken it up with the ranking Republican. I hope this amendment can be taken to conference.

Mr. CASE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CASE. I have a suggestion for the Senator. I think there is a typographical error in line 6 of his amendment. The reference to page 25, I think, should be page 23. I think that the line reference should be 25 instead of 18.

Mr. PASTORE. I thought that had been changed by the staff, but I am perfectly willing to accept the modification.

Mr. CASE. I assume the Senator will want to do that.

Mr. PASTORE. Yes.

Mr. CASE. I have an amendment to the Senator's amendment, which I will offer when I am recognized.

Mr. PASTORE. Referring back to the Senator's suggested correction I understand that the Senator is working from a different paper, I am told by the staff. My amendment at the desk is in proper order.

Mr. CASE. So long as we understand what we are doing. The Senator is changing the percentage, and he wants to change it wherever it is located.

Mr. PASTORE. That is correct.

Mr. COTTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. I have an amendment to the amendment.

Mr. MAGNUSON. Mr. President, I yield the Senator from New Hampshire such time as he desires. We have discussed the Pastore amendment, which would bring the amount up to the House percentage.

Mr. PASTORE. The House figure.

Mr. MAGNUSON. It would also include the $10 million that the House put in as to C students.

I am willing to accept this amendment, but I certainly would oppose—and the Senator from New Hampshire would join me—any further money for C students in this bill. I accept the Senator from Rhode Island's amendment, but I understand that the Senator from New Jersey has an amendment to it.

Mr. CASE. That is correct.

Mr. MAGNUSON. The Senator should present it, then.

Mr. CASE. I will do it on my own time.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. Before the Senator from New Jersey presents his amendment to the amendment of the Senator from Rhode Island, I just want to make my position clear.

I am perfectly willing to go along with my chairman, as we discussed, with respect to the understanding we had with the distinguished Senator from Rhode Island.

This amendment of the Senator from Rhode Island, if adopted, would leave the whole question of the percentages and the various classes open to conference. If the chairman is willing to take it to conference, I am willing to go along and take it to conference. But, in fairness, although I shall not oppose the amendment, I want to say that I do not agree to the increase of percentage in B class or to any appropriation for C students. Having expressed that on the floor, I will not be deceiving anybody when we take this bill to conference.

Mr. PASTORE. I realize that.

The irony of this is that last year the Senate put it in and the conference knocked it out. Now the House put it in, and we knocked it out. I think it ought to be resolved at this point.

If any attempt is made to raise the figure above the House figure, as an amendment to my amendment, I shall resist it, because I think it will jeopardize the bill. If we go above the House figure, I think we are in trouble. All I am asking is to go back to the House figure.

Mr. COTTON. I think that the purpose and the effect of the amendment by the Senator from Rhode Island is completely practical, and I am perfectly willing that it be adopted. I go along with the chairman in agreeing to its adoption. I merely wanted to make plain that I have two reservations, so that I would not be hypocritical about the thing when we get to conference.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. CASE. Mr. President, I offer an amendment to the amendment of the Senator from Rhode Island——

The PRESIDING OFFICER (Mr. Moss). Does the Senator from Washington yield back his time?

Mr. MAGNUSON. Yes, Mr. President, I yield back the remainder of my time.

Mr. CASE. Mr. President, I have an amendment to the amendment of the Senator from Rhode Island. I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 23, lines 15 and 16, strike out "$661,405,000, of which $615,495,000" and insert in lieu thereof "$769,955,000, of which $724,045,000".

On page 23, line 17, after "section 6" add "and $60,000,000 for complying with section 303(1)(C)".

On page 23, line 25, strike out ""73" and insert in lieu thereof "84".

The PRESIDING OFFICER. The hour of 12 noon having arrived——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment by the Senator from California (Mr. TUNNEY) to the Foreign Assistance Act be delayed 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. MAGNUSON. I would ask the Senator from New Jersey: There are three places in his amendment which would add $50 million; is that not correct?

Mr. CASE. The Senator is absolutely right.

Mr. MAGNUSON. I thank the Senator. That is what I wanted to clear up.

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes before——

Mr. CASE. Mr. President, a parliamentary inquiry—how much time do I have?

The PRESIDING OFFICER. Thirty minutes are allotted to the pending amendment, 15 minutes to a side. Fifteen minutes are under the control of the Senator from New Jersey.

Mr. CASE. I assume that the Senator from Rhode Island has 15 minutes, then, to speak in opposition.

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. Mr. President, I should like to inform the distinguished Senator from New Jersey at this juncture that I am going to move to lay his amendment on the table, so as not to destroy my own amendment and the possibility of mine not passing.

Mr. CASE. I understand the argument. We can make that same argument on any amendment that we have here which the Senator happens not to want. But I appreciate his giving me notice that he will move to lay my amendment to his amendment on the table.

Mr. PASTORE. That is right.

Mr. CASE. Mr. President, I assume that I have the floor now; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. That is right.

Mr. CASE. That means, until the time for discussion of this amendment has expired, the Senator's motion will not be made.

Mr. PASTORE. That is right.

Mr. CASE. Mr. President, I think we all understand what we are doing. In 1969, Congress passed an amendment to the impacted aid program providing for, not $5 million, not $10 million, not $60 million, but $300 million a year, to be allocated under the impacted aid program on the basis of public housing in the several school districts of this country.

I call attention to the figure of $300 million.

I do not understand any argument that we are going to run into any trouble by attempting to add one-fifth of the amount of the authorized program to this bill.

It is ironic in the history of this program—it is ironic, indeed, that up until this year, the House Appropriations Committee, which has always violently opposed this program in its entirety, knocked out any provision for it in the appropriation bill. I think it is fair to say that the budget never requested any appropriation for it, either. So, the House Appropriations Committee and the administration both, it seems to me, have taken the same position.

A number of us on the committee in the Senate have been interested in trying to get some funding here. The Senator from New York (Mr. JAVITS) is a cosponsor of this amendment with me, as well as the Senator from Missouri (Mr. EAGLETON), the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. COOK), and many other Senators who have endeavored to get this funding. We succeeded.

Now, I do not want to make any unnecessary unpleasantness about it, but it is an extraordinary thing that we had no trouble in the committee or in the Senate getting this appropriation into the bill as long as the members of the Appropriations Committee in the Senate and perhaps of the Senate itself knew that the House would knock it out, but since——

The PRESIDING OFFICER (Mr. MOSS). If the Senator will suspend, the hour of——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment of the Senator from California (Mr. TUNNEY) be delayed for——

Mr. CASE. Mr. President, it might be in order, since we have a time limitation on this amendment, to—how much time is left on both sides of this amendment?

Mr. PASTORE. Why do we not set the hour at 12:30 today and we would be safe, I think.

Mr. CASE. That is what I am trying to find out, if we could finish discussion of this amendment before the Tunney vote. I think it would be convenient——

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. CASE. Mr. President, I ask unanimous consent that the time for this discussion now not come out of the time on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, reserving the right to object, some of us who have definite feelings about this matter, who are under a time allotment or no time at all, we feel so strongly that we feel there should be a vote not only on the intended motion to lay on the table by the Senator from Rhode Island but also the subsequent amendment. It is my intention to ask for rollcall votes on these. So I guess I will have to object to the unanimous-consent request. Unless we can have a rollcall vote, I would suggest that we handle it some other way, have it taken up later in the day, because I certainly want rollcall votes and will request a rollcall vote on both these motions to lay on the table and the amendment of the Senator from Rhode Island.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment by the Senator from California (Mr. TUNNEY) be delayed until 12:30 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. CASE. Mr. President, might I suggest perhaps that we should have the vote now? We have been interrupted in this discussion once and I do not think we should be interrupted twice. The reason I object, and that we should have the vote now, is that we have been interrupted on the discussion of this amendment once and it would be unfortunate to interrupt it twice.

The PRESIDING OFFICER. Objection is heard. Therefore, the Senate will now proceed to vote on the amendment of the Senator from California (Mr. TUNNEY).

FOREIGN ASSISTANCE ACT OF 1972

The Senate resumed the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (Mr. TUNNEY). On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. JAVITS. Mr. President——

Mr. ROBERT C. BYRD. Mr. President, when the order was entered providing for a vote on the amendment by the Senator from California (Mr. TUNNEY) at 12 noon today, I inadvertently asked unanimous consent that the vote occur on that amendment at 12 noon, thus ruling out a motion to table, which is the right of any Senator.

It was not my intention to rule that motion out. It was not the intention of the Senator from California (Mr. TUNNEY) that such a motion be ruled out.

I therefore ask unanimous consent that it may be in order for any Senator to move to table the amendment by the Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia (Mr. ROBERT C. BYRD)? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, I move that the amendment offered by the Senator from California (Mr. TUNNEY) be laid on the table.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment of the Senator from California (Mr. TUNNEY).

This question is not debatable. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) and the Senator from Rhode Island (Mr. PELL) would each vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from South Dakota (Mr. MCGOVERN). If present and voting, the Senator from Georgia would vote "yea" and the Senator from South Dakota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is detained on official business.

The result was announced—yeas 60, nays 30, as follows:

[No. 248 Leg.]

YEAS—60

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McIntyre
Miller
Montoya
Moss
Packwood
Pearson
Percy
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Young

NAYS—30

Anderson
Bayh
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Church
Cranston
Eagleton
Fulbright
Hart
Hartke
Hughes
Humphrey
Inouye
Kennedy
Magnuson
Metcalf
Mondale
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Spong
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—10

Gambrell
Gravel
Harris
Mansfield
McGee
McGovern
Mundt
Muskie
Pell
Saxbe

So Mr. SPARKMAN's motion to lay Mr. TUNNEY's amendment on the table was agreed to.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate resumed the consideration of the bill (H.R. 15417) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. MAGNUSON. Mr. President, on my time I wish to state that the Senate should be informed that we set aside the HEW appropriation bill in order to take the last vote. Now, we are back on the Labor-HEW bill.

Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senator will please use his microphone.

The Senator may proceed.

Mr. MAGNUSON. Mr. President, the Senator from Rhode Island had offered two amendments which the Senator from New Hampshire and I agreed to take to conference. The Senator from New Jersey offered an amendment to one of the amendments offered by the Senator from Rhode Island which increased the amount of approximately $10 million for class C students, which is in the House bill that we have now accepted to $60 million for class C students. We are now beginning discussion of that amendment.

The PRESIDING OFFICER. The Senator from New Jersey has utilized 5 minutes and the Senator from New Jersey seeks recognition now. The Senator is recognized.

Mr. CASE. Mr. President, the distinguished Senator from Washington has correctly stated the situation. When we interrupted to vote on the tabling motion to the Tunney amendment on the other bill I had just made the point that as long as the House was adamant against including anything for this program, the Senate appeared to be going along in connection with this matter. My amendment would provide for $60 million. This year, faced with the House having overruled its own committee on the floor and adopting the $10 million figure, the only way Senate opponents of impacted aid assistance for public housing students could succeed was by knocking it out entirely. This reverses the position the committee had taken in previous years. They knocked out all provision for category C in the committee.

The Senator from Rhode Island, in increasing two parts of this, suggested we restore $10 million of the House figure. I now suggest that figure be $60 million or 20 percent of the authorized program.

The elementary and secondary education amendments approved by Congress in 1969 amended Public Law 874, the impacted areas aid program, to provide a new category of Federal assistance to school districts. For the first time, this amendment authorized payments to school districts based on the number of pupils in the district who were living in low rent public housing.

Twice since then, the Senate Appropriations Committee has approved motions that I made to provide funds to get this program started. In both cases, the Senate approved this appropriation but the Senate allotment was eliminated in conference committee with the House.

This year for the first time, the House approved funding for the program. The House bill contains provision for $10 million. Unfortunately, this would cover only 3 percent of the authorized level of funding.

The amendment I am offering would include in the bill $60 million for the public housing impact program, 20 percent of the authorized level of funding. There is nothing in the bill at this time since the Appropriations Committee, contrary to its actions in the past years, rejected even the $10 million in the House bill. Even the $60 million requested in my amendment is far short of the need in this area but it is enough to get the program off to a fair start.

By approving Federal assistance for school districts that educate children living in low income public housing, Congress recognized that these federally funded housing projects impose a special burden on the schools in much the same way that military bases and other Federal installations do. Like military bases and other Federal installations, public housing projects pay no local property taxes for the support of schools. At the same time, they attract to the districts large numbers of youngsters.

There are small payments made in lieu of taxes by housing authorities but these payments average less than $15 per child. The cost of providing an education for a child ranges from about $700 to upwards of $2,000 in my own State of New Jersey, for example.

As a result, the resources of the district are stretched extremely thin. The education of children from public housing suffers from the impact and so does that of those from nonpublic housing. The extra burden on the taxpayers is obvious.

This inequity is particularly difficult to bear since many of the districts that have heavy concentrations of public housing already are among the poorest districts in the Nation.

The aid provided to these districts under my amendment would be especially valuable since it is not earmarked for any special educational program but could be used in the area of greatest need in each school system. The districts will have the same control over the use of this money that they have over locally collected taxes.

In my view, this type of impacted areas aid, called category C, is one of the most meritorious and one related most directly to identifiable public economic need.

This is not only a big city program. Over 3,000 communities in all 50 States have public housing and statistics provided by the Department of Housing and Urban Development indicate the program will continue to grow.

More than 60 New Jersey communities have public housing and would benefit from the category C program. Under my amendment, New Jersey school districts would receive a total of almost $3.6 million to assist in the education of 56,080 children whose parents live in public housing.

For some States with smaller entitlements, the significance of the Federal assistance that would be provided under this program may not be readily apparent. But the impact becomes easier to see if you compare full funding of category C with full funding of category B of impacted areas aid—which provides aid to school districts that educate children whose parents work on Government installations.

Under my amendment, for example, Connecticut would receive about $1.5 million for category C aid. Under full funding of the program, Connecticut would receive twice as much as it would receive under full funding of category B.

Other States in which category C compares favorably with category B under full funding for both programs are Arkansas, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, and Wisconsin.

A similar comparison could be made with category A of impacted areas aid—which provides aid to school districts educating children whose parents live and work on Federal installations—and the names of additional States would appear.

But this is not to suggest that the program would be unimportant in even States which receive such large amounts of category A or B aid that category C could not match it. Nor does it suggest that category C should be considered as an alternative to any other part of the impacted areas aid program.

The public housing program under impacted areas aid is funded separately from the rest of the impacted areas aid programs. This is required by the authorizing legislation. This means category C will not diminish funding of the other programs, nor will it rely on those programs for its justification.

In my view, impacted areas aid for public housing is a program that should be considered separately on its own merits. As such, I believe it is one of the most worthwhile parts of the impacted areas aid program.

And yet, we are funding other parts of the impacted areas program at 84 percent, 90 percent, and even 100 percent of entitlement. Compared with this, the 3-percent funding for category C provided by the House bill is sorry indeed. Even the 20-percent funding provided by my amendment is dwarfed by the funding provided for categories A and B. But it provides enough to give the program a fair start.

Therefore, I urge adoption of this amendment.

Mr. JAVITS. Mr. President, I rise in support of amendment No. 1273 introduced by the gentleman from New Jersey (Mr. CASE) of which I am a cosponsor, which would provide $60 million for part C of Public Law 874, the impact aid law. Part C, as has been pointed out, would pay school districts funds for the education of children living in low-rent public housing.

The Congress included part C of Public Law 874 in 1970 as part of Public Law 91–230. At that time the Congress was much impressed with the fact that the "in lieu of taxes" payments made under the Public Housing Act to local governments for low-rent housing bear little relationship to the cost of providing education for the children residing in them. While these local educational agencies were receiving only about $11 per child of such "in lieu of taxes" payments, the cost of educating each such child ranged from $700 to $1,200 a year. This amount is grossly inadequate to offset the revenue loss by exempting public housing from local and State taxation.

The more than 1.5 million schoolchildren living in eligible public housing are spread throughout 3,000 communities in every State in the Nation; a fourth of them are located in the Nation's 14 largest cities. The continued financial burden of bearing the total cost of educating the concentrations of public housing children, many of whom require special educational services, is a major factor in the financial crisis which is rapidly developing for the central city school systems.

It is vital that this amendment be adopted to fulfill this need and the obligation of the Federal Government to those school districts bearing the additional financial burden of educating children living in tax-free public housing.

We are indebted to the Senator from New Jersey for offering this proposal. I feel we are also indebted to the Senator from Rhode Island (Mr. PASTORE) for opening up the question, as he always does so courageously. But the $60 million is totally inadequate in terms of a fair share, honest division, equal justice—any standard you make. I hope the Senate will allow at least this elemental change.

Mr. CASE. I thank the Senator.

I yield to the Senator from Illinois (Mr. PERCY) 1 minute.

Mr. PERCY. I thank the Senator.

Mr. President, I do not have to remind members of the Appropriations Committee that this is a subject on which I have felt very deeply. We have fought a very hard battle. The Senate has supported this effort in the last year or two. We just have been rebuffed by the House. We have made tremendous progress now in that they have accepted $10 million. I think we ought to go back to the Senate-passed amount of $60 million.

For my colleagues on the other side, I may say that Mayor Daley considers this the No. 1 priority for Chicago schools and the 60,000 children there in public housing.

We closed our schools in Chicago early this year because we ran out of money. We have a fiscal crisis there. There are over 80,000 children who would benefit by this proposal in school systems over the entire State.

If we are going to go into revenue sharing, this is an area into which we would move most urgently and in which funds are most needed.

Mr. President, I am pleased to join with the distinguished Senator from New Jersey (Mr. CASE) in cosponsoring his amendment which will add $60,000,000 to the Labor-HEW appropriations bill for category C funding of the impacted aid program. While there are many very fine features of the bill—more than $661,405,000 was approved for categories A and B meet the needs of school districts which of the impacted aid program—it fails to have public housing students. This, in my view, is a very important and serious shortcoming of the bill.

My colleagues will recall that last year when we considered the fiscal year 1972 appropriations bill for the Office of Education, the Senate approved $60 million for category C. It was only the failure of the House to agree in conference that the funds for this program were lost. The Senate has made a firm and repeated commitment to funding category C, and I do not believe we should lessen or drop that support now. We must reiterate to the House the view that assistance to school districts with public housing students is necessary to remove much of the financial uncertainty these districts now face.

Illinois public schools are undergoing a tremendous financial crisis. This month, Chicago schools were forced to close early because of budgetary deficits. Because the Chicago school system relies solely on local property taxes for its local share of revenues for public education, it is fairly obvious that where there are significant numbers of federally assisted public housing units in the city local taxes are reduced, eroding essential support for public education. The denial of category C funding means that not only will the city and State be forced to help support the public education costs of the more than 62,000 public housing children in Chicago and 81,000 children statewide, but also this action will result in a decreased per pupil expenditure for all children in the school district.

Mr. President, I believe the logic behind the category C program is sound. Few individuals can deny that housing for the poor is a federally impacted area. No reasonable parent, educator, or elected official should advocate a denial of impacted aid funds at the expense of a marginal education for all public schoolchildren. Furthermore, there will be no substantial improvement in the lives of children in public housing unless they are given a better education.

Congress failure to appropriate funds for impacted aid is irresponsible and unacceptable. The precarious condition of our public schools is in large part the responsibility of the Federal Government as long as we continue to leave the category C portion of impacted aid to education unfunded. We are not asking for more money to build additional schools, increase teachers' salaries, or supply special equipment or libraries. We are merely seeking funds to keep the schools open—to compensate school districts for the loss they encounter in local tax revenues resulting from the presence of Federal public housing projects. It is clearly our responsibility and one that we must not ignore.

I urge the Senate to approve this amendment and press the House conferees for acceptance of fiscal year 1973 funding for category C.

Mr. CASE. Mr. President, I yield 1 minute to the Senator from Missouri (Mr. EAGLETON).

Mr. EAGLETON. Mr. President, I rise in support of the amendment to provide an additional $50 million in impact aid funds for category C children, those residing in low-income public housing. Public housing impact aid was initially authorized in 1970, the result of a bill I introduced in the Senate. In enacting my proposal, Congress recognized that the financial burden placed on the school districts to educate children living in tax-free public housing is as great as that arising from the education of children connected with military bases.

The cost of educating children in our cities—including children who live in public housing—continues to mount rapidly. Public housing is exempt from local property taxes, and while a small portion of the rents paid by the families who live there is paid in lieu of taxes by the Federal Government to the local government, the amount does not nearly cover the costs of services, including education, which are provided. The balance is made up, for the most part, from taxes on local property owners. Federally assisted public housing, as a result, has become an increasingly difficult burden for the communities where it is located.

The initial imbalance between local needs and available resources is not static. Rather, it has tended to escalate. Federal public housing policy—like many other Federal welfare policies—lures the rural poor to cities. At the same time, medium- and high-income taxpayers, along with more and more industry and businesses, are moving out of the central cities. The result is that more and more cities have fewer and fewer resources to deal with the human problem of poverty whichever more urgently demands solution.

An excellent education is the one opportunity most likely to save this generation of public housing children from becoming the parents of the next. They need it most, and they are not getting it in large part because school districts in which the Federal Government has chosen to locate its public housing projects cannot afford to provide it.

Testimony presented to the House of Representatives when the authorization for category C of impact aid was considered indicated that enrollment in certain surveyed areas doubled with the construction of federally financed housing. But no one offered to pick up the tab for doubling the number of classrooms.

Children from nonpublic housing in a school district containing public housing can suffer as well. They attend the same crowded and financially overburdened schools. Their parents are forced to bear a heavier tax burden for education, receive less for their money, and look for ways to escape to the suburbs.

The giant school districts of this country that have a large number of students residing in public housing have abundant need for the kind of help coming from the $60 million appropriation recommended in this amendment. Funding at the $60 million level would result in payments of approximately $1 million to school districts in Missouri. Of this amount, nearly $540,000 would go to St. Louis and about $150,000 to the Kansas City School District, reflecting the relatively large numbers of public housing units in these cities.

Mr. President, I ask unanimous consent that a table containing the estimated amounts each State would receive were this amendment adopted be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

	Housing units under management, Dec. 31, 1971	Estimated number of pupils	Full entitlement	Estimated entitlement at $60,000,000	Estimated entitlement at $10,000,000
Alabama	37,038	60,742	$15,489,210	$2,212,744	$387,230
Alaska	945	1,550	395,250	56,464	9,881
Arizona	4,845	7,946	2,026,230	289,461	50,655
Arkansas	10,944	17,944	4,575,720	653,674	114,393
California	57,704	94,635	23,931,925	3,418,846	598,298
Colorado	5,729	9,396	2,395,890	342,283	59,899
Connecticut	15,565	25,527	6,509,385	929,912	162,735
Delaware	2,232	3,660	933,300	133,328	23,333
Florida	31,367	51,442	13,117,710	1,873,958	327,943
Georgia	45,500	74,620	19,028,100	2,718,300	475,703
Hawaii	4,636	7,583	1,933,665	276,238	48,342
Idaho	765	1,255	320,025	45,717	8,001
District of Columbia	11,819	19,383	4,942,665	706,095	123,567
Illinois	67,853	106,289	27,103,695	3,871,956	677,592
Indiana	13,034	21,376	5,450,880	778,697	136,272
Iowa	2,268	3,720	948,600	135,514	23,715
Kansas	5,081	8,333	2,124,915	303,559	53,123
Kentucky	19,031	31,211	7,958,805	1,136,972	198,970
Louisiana	26,566	43,568	11,009,840	1,572,834	275,246
Maine	2,065	3,387	863,685	123,383	21,592
Maryland	17,002	27,883	7,110,165	1,015,738	177,754
Massachusetts	32,225	52,849	13,476,495	1,925,213	336,912
Michigan	22,328	36,618	9,337,590	1,333,941	233,440
Minnesota	17,637	28,925	7,375,875	1,053,696	184,397
Mississippi	8,668	14,216	3,625,080	517,868	90,627
Missouri	18,115	29,709	7,575,795	1,082,256	189,395
Montana	1,587	2,603	663,765	94,823	16,594
Nebraska	8,074	13,241	3,376,455	482,350	84,411
Nevada	2,787	4,571	$1,165,605	$166,515	$29,140
New Hampshire	3,276	5,363	1,370,115	195,730	34,253
New Jersey	44,109	72,339	18,336,445	2,619,492	458,411
New Mexico	3,767	6,178	1,575,390	225,055	39,385
New York	102,448	168,015	42,843,825	6,120,546	1,071,096
North Carolina	26,008	42,653	10,876,515	1,553,787	271,913
North Dakota	1,634	2,680	683,400	97,628	17,085
Ohio	43,259	70,945	18,090,975	2,584,425	452,274
Oklahoma	10,466	17,164	4,376,820	625,260	109,421
Oregon	7,543	12,371	3,154,605	450,657	78,865
Pennsylvania	63,728	104,514	26,651,070	3,807,295	666,277
Rhode Island	9,317	15,280	3,896,400	556,628	97,410
South Carolina	9,035	14,817	3,778,335	539,762	94,458
South Dakota	1,911	3,134	799,170	144,167	19,979
Tennessee	33,017	54,148	13,807,740	1,972,534	345,194
Texas	46,444	76,168	19,422,840	2,774,691	485,571
Utah	149	244	62,220	8,888	1,556
Vermont	1,481	2,429	619,395	88,485	15,485
Virginia	16,063	26,343	6,717,465	959,638	167,937
Washington	15,197	24,923	6,355,365	907,909	158,884
West Virginia	4,080	6,727	1,715,385	245,055	42,885
Wisconsin	9,542	15,649	3,990,495	570,070	99,762
Wyoming	293	481	122,655	17,522	3,066
Guam	250	410	104,550	14,936	2,614
Puerto Rico	43,416	71,202	18,156,510	2,593,787	453,913
Virgin Islands	2,896	4,749	1,210,995	172,999	30,275
Total	992,739	....	413,485,090	59,069,298	10,277,230

Mr. EAGLETON. Mr. President, it is particularly important that the Senate show its support for this program at this time—in the final year of its authorization. Since the enactment of the program, it has never been funded. In the education appropriations bill for fiscal year 1972, the Senate included $60 million for public housing impact aid. Regrettably, that amount was lost in conference. This year, for the first time, the House of Representatives has demonstrated its belief in the worth of the program by providing $10 million for public housing impact aid. It is imperative that we send a mandate to the House that $10 million is not sufficient to get the program off the ground. The $60 million which this amendment would provide would more nearly meet the needs of the school districts.

I strongly urge that this amendment be adopted. It is time for the Federal Government to meet its obligation—to step in and rescue these children and these school districts—unless we are prepared to pay a terrible cost in idleness, welfare, and waste for generations to come.

Mr. STEVENSON. Mr. President, the amendment the Senate is now considering would provide $60 million for distribution among those school districts with students living in public housing, including $4,500,000 for the financially desperate Chicago school system. I believe the rationale for this amendment is irrefutable, and I am an enthusiastic cosponsor.

Many of our large city school districts are facing a severe fiscal crisis. In Chicago, the board of education ran a $22 million deficit in its calendar year 1971 budget of $646 million. The projected deficit for calendar year 1972 was $100 million before 630 teachers were dismissed and programs canceled for health, adult education, and intensive reading for inner city students. Now the deficit is $68 million, and the Chicago Board of Education is considering canceling music, art, and physical education classes this fall because they see no prospects for making up the difference.

Chicago's financial straits are due to a large extent to an inadequate tax base. Local revenues for public education are generated almost completely from the property tax, and yet public housing is tax-exempt. Despite the fact that the cost of education is often higher for the high concentration of educationally disadvantaged children living in public housing, the school district is actually financially penalized by accepting public housing.

The Federal impact aid program was designed to provide assistance to school districts financially impacted because of Federal action. Categories A and B—which covers families living on or working on federally owned installations—have long received substantial funding. Category C—which covers families living in federally subsidized but not owned public housing—has never been funded even though the impact on school districts is precisely the same. They are unable to collect local property taxes from the buildings.

Most public housing units are located in our major urban areas. It makes no sense to continue to penalize these already fiscally bankrupt cities, particularly when their fiscal problems are partly a result of their acceptance of responsibility for housing low-income people.

Last year the Senate Labor-HEW Appropriations Committee reported out a bill recommending $60 million for category C impact aid. The Senate accepted the committee's recommendation in full, but the House refused to provide any money for the program. Unfortunately the House prevailed in conference. This year the House, for the first time has provided funds for category C—only $10 million, but it is still a first. In view of this it is unfortunate that the Senate committee now refuses to recommend any funding. Nothing has changed since last year to justify the committee's change of recommendation from a $60 million appropriation for category C to no appropriation. If anything the need for funding category C is clearer.

I urge the Senate to do what it did last year—to provide $60 million in funds for school districts impacted by public housing.

Mr. CRANSTON. Mr. President, I support the amendment offered by the distinguished Senator from New Jersey (Mr. Case). I am a cosponsor of the amendment because I believe we have a distinct Federal obligation to help those school districts which serve the children of public housing complexes—complexes that are clearly in the public interest but which provide no direct revenues to the school districts that assume the responsibility of educating the children who reside there. The authorizing legislation for Federal payments to these school districts has been in effect for several years, but each time funds were provided by the Senate, they were lost in conference with the House.

This year, however, our House colleagues provided $10 million in their bill for this important Public Law 81-874, part C, authorization. Although this represents an advance, we simply must provide more.

I urge Senators to vote for this amendment which would increase the appropriation for the impact aid/public housing program to $60 million.

Mr. PASTORE. Mr. President, I do not know who said it, but whoever said it was a very wise man—that politics is the art of the possible.

The reason I was going to move to lay this proposal on the table was not with the intent to shutoff debate—I shall not make my motion until all time is consumed. The fact that faces us is that history of this whole project has not been a very happy one. I voted for the amendment proposed by the Senator from Missouri. I think he was the father of the act to include the new philosophy of giving impacted aid to help a school where there is a public housing project. It makes a lot of sense, because often we want to get public housing projects out of the slums. Where do we send them? We send them to the suburbs. When we do that we not only cut down on delinquency but we promote good citizenship in those children when they grow up. I agree with that 100 percent.

But what is happening here this afternoon, my colleagues, is that what is proposed here is a gamble between $60 million and nothing. This is the first time we have been able to get the House to come along in this area. What did the Senate committee do? It cut the $10 million provided by the House. So at the moment we have nothing appropriated by the Senate. The House appropriated $10 million. The present motion on the floor is, "Let us make it $60 million." By that we are opening up a legislative wound that I hoped had been healed.

Let us face the facts. If we pursue it the way we are, by adopting the amendment of the Senator from New Jersey—though I doubt very much that the Senate will adopt it—we are jeopardizing the whole program. At least the $10 million means a foot in the door. This is the first time we can get this school aid off the ground. That is why I said let us put in the House figure. That is the reason for it.

The reason I am going to move to lay it on the table is not that I am opposed to greater generosity, but that it is legislatively ill timed. We would be taking a chance of destroying the whole thing, and I think that would be regrettable.

Mr. CASE. Mr. President, I yield 1 minute to the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, all I can say to the Senator from Rhode Island is, if injustice is being done to communities in the United States, if in fact we have a record of schools closing in the entire Nation, at least we can prove to the House that the Senate understands the problem even if the House does not.

The Senator can say, "We have to make a deal with the House." We always make a deal with the House and people in the United States suffer and impacted areas throughout the United States suffer and school systems throughout the United States suffer. Because there is public housing and we did not do the whole job of making up the inequities that are going to be created in all the fields, do we have to say now, "Let us not do something about it"?

All I can say to the Senate is that $60 million is a drop in the bucket. The sum of $60 million will do very little for the problems of those children. Why does not the Senate take a position and stick to it in relation to the House? That is the only point I wish to make.

Mr. PASTORE. Mr. President, I do not have anything further to say. I repeat to the Senator from Kentucky, however, I know the merits of the proposal and the good intentions of the proponents. I would like to see the $60 million appropriated, if we could get away with it in conference. I do not think that is going to happen. It is not a question of being brave or tough. It is a question of being practical. It is a question of coming back with something, and, as far as the Senator from Rhode Island is concerned, I like results.

The PRESIDING OFFICER. Do Senators wish to use the rest of their time?

Mr. PASTORE. No; I yield it back.

Mr. CASE. Mr. Presiednt, I will use just a couple of the minutes remaining.

Let us look at the risk we are running here. The sum of $10 million spread over this country is not worth anything. It is truly much too little. Those who believe in this program do not have to yield. We cannot lose in conference. The House has provided $10 million. The big block in the past has been the House's obduracy—that is, not the House, but the Appropriations Committee of the House. They were overridden, and so we have an absolute rock-bottom figure, as far as the conference goes, of $10 million.

Why should we, on our own motion, go down to that figure? The only thing we are risking is that Members of the Senate will change their votes from the position they have taken in the past; and will they do that? I do not think so. We are taking no risk whatever in insisting upon a measly 20 percent instead of an incredible 3 percent of the authorized program.

I yield back the remainder of my time.

Mr. PERCY. Mr. President, will the Senator yield me 1 minute?

Mr. PASTORE. I yield 1 minute to the Senator.

Mr. PERCY. Mr. President, we spent months arguing the busing problem. I cannot blame a community, when the people see public housing coming in and know that it is going to lower the quality of education of all the other children. I can understand their insisting on public housing not coming in. We know that scattered public housing is going to be the wave of the future. Why not have the community open its arms to public housing as long as they know it is not going to hurt education for their children?

The sum of $60 million is a pittance, but it will help communities open their arms to public housing rather than close their eyes to the idea of integrating their communities at all and at the same time lowering the quality of education for all children.

Mr. PASTORE. Mr. President, it is regrettable that Senators thinking of a $60 million figure were not on the floor when a very strong appeal was made by the Senator from New Hampshire that this bill has been increased almost $1 billion by the House and $1 billion by the Senate, which means a $2 billion increase. Now we have a President who sometimes vetoes some of these bills. I remember one time when we had a measure providing $500 million for sewers. I managed that bill on the floor. It was a sound bill—a health bill. The President of the United States vetoed it. I see no measure more important than that to preserve the health of our people, because some of our ground is being infested with sewage. That is that.

The fact remains here that we have to look at this problem practically and realistically. We have been admonished not to raise the amount in the bill today. I had high hopes that I was going to get approved a proposal for $58 million this afternoon. Do my collegaues know what they are doing to me? They are killing that, too.

You are killing that, too, because I am telling you the $60 million is in jeopardy on the floor of the Senate. I would like to see it pass, but I do not think it is going to pass. I hope I am wrong in this. And once the $60 million is killed, maybe the $10 million will also die.

I yield back the remainder of my time, and I move to lay on the table the amendment of the Senator from New Jersey.

Mr. CASE. Does the Senator request the yeas and nays?

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Moss). All remaining time having been yielded back, the question is on the motion to lay on the table the amendment of the Senator from New Jersey (Mr. Case). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Rhode Island (Mr. Pell), are necessarily absent.

Mr. SCOTT. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Michigan (Mr. Griffin) is detained on official business.

The result was announced—yeas 51, nays 41, as follows:

[No. 249 Leg.]

YEAS—51

Allen
Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gurney
Hansen
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Montoya
Pastore
Proxmire
Randolph
Roth
Scott
Sparkman
Spong
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Young

NAYS—41

Aiken
Baker
Bayh
Beall
Brooke
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Gravel
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Javits
Kennedy
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Ribicoff
Saxbe
Schweiker
Smith
Stafford
Stevens
Stevenson
Tunney
Weicker
Williams

NOT VOTING—8

Gambrell
Griffin
Harris
Mansfield
McGee
McGovern
Mundt
Pell

So Mr. Pastore's motion to lay Mr. Case's amendment on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Rhode Island.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. This amendment is in two parts, and we did not ask that they be voted on en bloc. Could we separate them at this time and take a vote on the first part, as to A and B pupils, and then vote as to the C pupils?

The PRESIDING OFFICER. Does the Senator make that unanimous-consent request?

Mr. PASTORE. Mr. President, I ask unanimous consent that we be allowed to do that. We could have a division vote on it.

Mr. CASE. Mr. President, reserving the right to object—and I do not intend to object—if this suggestion is accepted and the first part is adopted, then the second part will be open to amendment, and each amendment that is offered will be allowed a half hour. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. I ask that that be done.

The PRESIDING OFFICER. Without objection, the parts will be separated and will be treated separately.

Mr. PASTORE. Mr. President, I ask for a division vote on the first part.

The PRESIDING OFFICER. A division is requested. Senators in favor of the first part of the amendment, which consists of the first three lines, will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, the first part of the amendment was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the vote on the second part of the Pastore amendment, which is now pending, be postponed for a period of time and that we proceed with some other amendments, until we can see whether we can work out this matter. We are not ready to move at this time on the second half.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ROBERT C. BYRD. Would the Senator state the time exactly to which he would like to have the vote postponed?

Mr. MAGNUSON. I would like to have at least an hour, because I have to discuss this matter with some other people.

Mr. CASE. Mr. President, will the Senator yield, so that I understand what the request is?

Mr. MAGNUSON. The request is that we postpone consideration of the second part of the Pastore amendment for at least an hour.

The PRESIDING OFFICER (Mr. Hart). Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

Who yields time?

The bill is now open to further amendment.

Mr. KENNEDY. Mr. President, I will not take a great deal of time. First, in my official capacity as chairman of the Health Subcommittee, I want to commend the Appropriations Committee for what it has done in a wide variety of different health areas, particularly the health manpower legislation which passed last year.

This legislation involves incentives to encourage medical, dental, and other schools to expand their enrollments and at the same time provides a stick if they fail to do so.

Last year there were not adequate funds under the administration request, and as a result, 18 medical schools have actually received less funds under the new legislation than they did under the old law. Much of this will be remedied by this bill.

I want to say, as one who has been very much involved in developing authorizations in a number of health programs, that the Appropriations Committee has recognized that health is one of the most important and fundamental matters before the country today. I think the committee has responded in an admirable way to the needs of the American people in the health area.

So I want, at the outset, to commend the chairman, the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. Cotton), and the membership on both sides of the Appropriations Committee, for the efforts which they have made to insure that there are adequate funds for the various health programs.

There are just two areas I should like to address myself to now. One is a procedural matter and one is a question of funding.

Mr. President, at this time I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

> On page 40, line 1, insert the following: After "Sec. 210.", and before "The Secretary . . .", insert the following: "Where the Act authorizing such appropriations expressly allows a transfer of appropriated funds,"

Mr. KENNEDY. Mr. President, this section of the appropriations bill allows the Secretary of HEW to transfer up to 5 percent of the amount of any appropriation to any other appropriation under the act provided that the transfer does not increase the appropriation by more than 10 percent.

I do not believe that this provision as currently drafted is in the best interest of the Congress. Now certainly, it is understandable that the Secretary would desire flexibility to transfer funds among appropriations to cover unexpected and unplanned exigencies. It is also understandable that the Appropriations Committee would wish to grant this flexibility to the Secretary in the interest of good management facilities. Indeed, the prospective budgeting process that we go through in Congress implies long-range planning and estimating which invariably involve a margin of error. From a management standpoint, therefore, I can understand why the Appropriations Committee and the executive branch can agree as to the need for this provision.

However, I am concerned that the executive branch might use this provision as justification for circumventing the intent of Congress on key programs where the Congress and executive branch find themselves in sharp disagreement. You do not have to look far to find examples of such attempts, even without this new authority for transfer of funds.

First, the Health Subcommittee and full Labor and Public Welfare Committee have for over a year been involved in extensive consideration of a health maintenance organization bill. One of the bills under consideration is the administration's own bill. Yet during this time, the administration has set up programs under existing authorities to start health maintenance organizations using earmarks of existing appropriations, and requesting transfers from other authorities. I am pleased that the Senate and House Appropriations Committee have denied these transfers. I would point out that if the HEW had the authority granted in section 210, they could have transferred some funds without congressional approval, and they undoubtedly would have done so.

Second. For years Congress has pressed the Secretary of HEW to agressively implement regional medical programs across the country. Yet, the Department of Health, Education, and Welfare has for years refused to spend the dollars appropriated for this program, and has used every possible device to retard the program's growth. We have every reason to expect that the Secretary will use the authority given him under section 210 to cut 5 percent out of the RMP budget for use in other programs which he finds more agreeable.

Third. But perhaps the most glaring example of all is DHEW's use of section 314(e) of the Public Health Service Act to sidestep the intent of Congress. Past experience indicates that this is where the Secretary will pour the additional dollars which he can transfer under the authority of section 210. Under this broad 314(e) authority, aimed originally at comprehensive health services, the Secretary has funded a variety of categorical programs for lead-based paint poisoning, rat control, and communicable disease control. This year he has set up by regulation a restrictive program of health maintenance organizations, called family health centers, with provisions lifted from several bills currently pending before Congress. Obviously, this section enables the Secretary to carry out programs as yet unapproved by Congress, and to fund other programs which Congress has authorized under separate legislation without meeting the specific requirements of that separate legislation.

Mr. President, this 314(e) authority expires in June of 1973, and my Health Subcommittee will be reviewing it very closely because of this history of abuse.

The lesson implicit in the 314(e) examples, as well as the HMO and RMP examples, however, is not that the authorities are wrong, but that the executive branch can and has abused these authorities pursuant to its own agenda. I do not believe, given this history of abuse, that we should equip them with yet another weapon to use in subverting the intent of Congress.

Mr. President, I call on the Members of this body to amend this section 210 to allow the Secretary to transfer funds only on those programs where the authorizing legislation specifically permits it. This amendment preserevs the notion of management flexibility, but limits the exercise of this flexibility to the programs Congress selects. I urge the Senate to accept this amendment.

Mr. President, under section 210 of the bill as currently formulated, the bill provides the Secretary the flexibility, if he deems it necessary, to move up to 5 percent of an appropriation from one program to another.

In the past we have seen the frustration of some of the programs which we in Congress have targeted and feel are important in order to expand programs which the administration feels are important.

What we are attempting to do with this amendment is to limit the 5-percent transfer authority to the programs whose authorizing legislation expressly authorize the transfer of funds.

We want to be responsible for the proper use of the funds we authorize and appropriate. That is our function as legislators. My amendment limits the opportunity for the Secretary to make 5-percent transfers, only to those programs whose legislation actually authorizes the transfer of the funds. I think this makes the whole legislative process tighter and assures responsibility for congressional action.

I would hope that the chairman would take this amendment. We are not eliminating completely the opportunity to transfer. We are only limiting it to the programs which permit such flexibility.

There is reason for flexibility under some circumstances. What we should do, if we want to provide that degree of flexibility, is to authorize it in the legislation. I know that this is something the chairman of the committee has thought about, and I would hope it would be something he could take.

Mr. JAVITS. Mr. President, I hope that the Senator from Massachusetts will allow me to join him, as I have joined him in the necessary letter to the chairman of the subcommittee supporting this position, as ranking minority member of the Committee on Labor and Public Welfare.

Mr. MAGNUSON. Mr. President, I see the point of the Senator from Massachusetts and the Senator from New York in regard to what we are trying to do. There is no one more distressed than the Senator from Washington when the administration freezes funds which the Congress has appropriated for programs that it considers to be mandatory.

Mr. KENNEDY. That is right.

Mr. MAGNUSON. Mr. President, I would suggest that the Senator is proposing—I talked to the Senator and looked at his amendment—that the authority to make judgments on transfer of the nonmandatory funds be subject to the approval of the legislative committee.

As a member of the Appropriations Committee, I do not think we can accept that. We appropriate the funds. We have the oversight on them. After that, it would not bother me particularly if a transfer that involved a legislative issue had the approval of both our committees, but this amendment is taking away from the Appropriations Committee the right to determine whether appropriated funds are being expended right or not. We have that responsibility. We have enough trouble with legislative committees now without taking their authority away. It seems to me what the Senator is trying to get at is, when we pass a bill, that we intend the money we appropriate to be spent for that purpose.

Mr. KENNEDY. The Senator has stated it with great clarity.

Mr. MAGNUSON. We expect it to be spent for that purpose, too. I would have to——

Mr. KENNEDY. That is correct. The Senator has explained it correctly. If there is any confusion, I will take the Senator's explanation. What we want to do is to make sure that the money appropriated by the committee is used for the purposes appropriated for. The Senator has stated it accurately. But what we do not want to do is to see funds shifted from one program to another, without concern for the authorizing legislation.

Mr. MAGNUSON. I understand that, but we can be better policemen of that than a legislative committee, because they have to come to us again later for something, or they are back and forth down there all the time. We do have some oversight, although the Senator's Health Committee and the Senate Committee on Labor and Public Welfare have done a marvelous job in hammering away at them, along with us, to expend the money that the legislation intended, up to the amounts we appropriated.

I could not agree to an amendment that would strip the Appropriations Committee of that function. We do it all the time in the transfer of funds. The Defense Department is allowed a certain amount of transfer. But they have to clear it with the chairmen of the two Appropriations Committees. They are the ones that appropriate the funds. And we do it also in public works appropriations, as I recall it. And we can do the same thing here and accomplish the Senator's purpose if we have the language the way the Senator suggested. The Senator's amendment does not provide that they come back, or does that language provide that they come back to the legislative committee?

Mr. KENNEDY. That is quite clearly not the intent. We want to be sure that when the Appropriations Committee appropriates funds, they are expended for the purposes appropriated. And if for some particular reason, and maybe a justifiable reason, the Secretary desires to have some flexibility for the transfer of funds, that should be indicated in the authorizing legislation. We do not want to find money that has been appropriated for hospitals used for communicable diseases, or money set up for regional medical programs used for comprehensive health projects or for the development of HMO's.

We have seen the establishment of health maintenance organizations under section 314(e) of the Public Health Service Act. But even while our committee has been holding a series of hearings on HMO authorizing legislation.

I do not think that we have any disagreement on this. We want to make sure that funds will be expended for the purposes they were appropriated for, and that the legislative intent not be circumvented.

Mr. MAGNUSON. Mr. President, the Senator would have to have that flexibility provided for in the legislative act. We do it all the time on appropriations, but only on those matters in which there is no mandatory provision.

This is a little different bill than the rest of them. I agree on that. However, I would say that almost 85 percent of the funds provided in the pending bill are mandatory.

The Senator from New Hampshire and I do not wish to have the Appropriations Committee cut out of that. Within appropriations, if they want to transfer funds in the programs that are flexible, they now have the authority to transfer them subject to our approval. We do not want to cut the Appropriations Committee out of that, because that has been our historic mission—to review such proposals.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. Mr. President, I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, I am thoroughly in sympathy with the objective that the distinguished Senator from Massachusetts seeks to attain. I understand that his amendment only affects the health part of the HEW bill. I think the Senator is completely right. And I think that the feeling of the Appropriations Committee is that we would be very, very careful not to sanction the transfer of funds, even up to 5 percent, at the will and pleasure of the department downtown, from one purpose to another, that is not consistent with the authorizing legislation as well as the appropriations.

What happens—and we have discussed this with the other members of the Appropriations Committee, and they have had the same experience—is that in the first place very happily—and I am sure that the Senator from Massachusetts shares that feeling with us—these appropriations are growing and growing fast. Earlier in the day I called to the attention of the Senate that, thank God, we are now outstripping our military expenditures by our humanitarian expenditures. And they have grown very fast in the health department.

Usually the only difficulty we have is that when there are so many programs that are growing so fast, they have been unable to properly begin the activity. They have to get sufficient seasoned and experienced people. So, appropriations lapse and sometimes are unused when a certain amount of them could be very badly needed and would be very helpful in some other very worthwhile program. This is due to the fact that we are stuffing money in so fast that, in between the time they get the money and the end of the fiscal year, they have been unable to secure proper personnel, and for other reasons could not spend it wisely and intelligently.

Under those circumstances if they care to, and show that fact to the Appropriations Committee, I would think that we would be justified in saying that it is all right to use 5 percent for another purpose, because it cannot be used intelligently in view of the time factor. It is not the purpose, as I understand it, of this provision to start juggling money back and forth between the programs that have been carefully thought out and legislated and authorized by the committees and then carefully studied and appropriated for. It is just in those cases where money would be wasted when it could be used so advantageously in another program.

I agree with the chairman that the Appropriations Committee has never—and we cannot—fully funded all of the authorizations. If we were to do that, we would probably bankrupt the Treasury in a year. However, I think that we have consistently performed and have never failed to follow in our appropriations process the purposes and the limitations and the directions laid down in the authorization.

Mr. KENNEDY. Mr. President, I appreciate the remarks of the Senator from New Hampshire.

I would like to ask both the Senator from Washington and the Senator from New Hampshire, given the transfer authority as proposed, would it not be possible for either an administration that is not sympathetic with, say, the regional medical programs to take 5 percent of those funds and put them into any other health programs and violate thereby the expressed wishes of both the Appropriations Committee and the legislative committee.

Mr. MAGNUSON. Well, it is possible, and it has been done, but we can always include in an appropriation bill, and we sometimes do, that none of the money shall be transferred without consent of the House and Senate Committees on Appropriations, which usually takes the form of a letter to the chairman. They say, "We are about to recommend transfer of something to something else," and they give the reasons. We can put that in any bill now, so that even though your committee authorizes a transfer we could stop that by putting a limitation on the funds.

Mr. KENNEDY. If the Senator would consider a program such as the regional medical program which has been in effect for a number of years. It seems to me there might have been some justification, when that program was first developed, for keeping some flexibility for the Secretary to move funds from that program to, say, health planning programs. But after a program such as RMP has been in effect for a period of time, and we understand the need for those funds, to continue to allow the Secretary to transfer funds authorized and appropriated by Congress seems to me to run contrary to the express wishes of both appropriating committees and the legislative committees.

Does the Senator from Washington agree?

Mr. MAGNUSON. Yes and no. If we appropriate x number of dollars, even though the legislative committee said this money is under an authorization of the legislative committee, we appropriate so many dollars for that general purpose. But suppose we find out the transfer is something that should be made. We have the right to say, "All right, you can use this money the way you want." I think we run counter to one another because we would say, "None of these funds shall be used for this purpose." That has been done many times. I do not recommend that, but that can be done.

I do not understand what the legislative committee wants to do here.

Mr. KENNEDY. We want to make sure when we authorize, when we set some priorities, that they will be expended for that purpose; and if the administration, as it has been doing, does not support a regional medical program, as does Congress, that the moneys will not be used for some other program which has not been authorized.

Now, if the administration wants flexibility let them come to the legislative committee and indicate that. If they want, they should request that portions of section 314 of the Public Health Service Ac might be used for some related purpose. They might well have found new and closely related needs. But I do not understand the willingness of the Committee on Appropriations to allow that moneys authorized to build the hospitals be spent on communicable diseases.

Mr. MAGNUSON. I have been one who felt that the Health Institutes should have a flexible fund because sometimes in the middle of January of a fiscal year we might find something exciting that is going on in one biomedical field and want to take some money to get at it instead of waiting.

I am pointing out I do not want to give away any authority of the Committee on Appropriations to either approve a transfer or, second, to say they should not be transferred.

Mr. KENNEDY. Would the Senator be willing to strike the section permitting the transfer?

Mr. MAGNUSON. We would be glad to do that.

Mr. KENNEDY. That is fine.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. I would appreciate the reaction of the Senator from New York who has been very interested in this process.

Mr. JAVITS. I agree.

Mr. KENNEDY. Does the Senator think it would be appropriate to delete lines 1 through 9 on page 40 of the bill?

Mr. JAVITS. That is right. It can be stricken and then it comes back to legislative authorization.

Mr. KENNEDY. That would achieve the purpose.

Mr. MAGNUSON. All right.

Mr. KENNEDY. I move——

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. KENNEDY. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The Senator may now make his motion to strike.

Mr. KENNEDY. I move to strike lines 1 through 9 on page 40 of the bill.

The PRESIDING OFFICER. On the motion to strike, those in favor——

Mr. MAGNUSON. Mr. President, before we get to that, this whole problem has to be resolved one of these days and it might be in a legislative way. I do not know but my problem has been that original biomedical research organizations which I helped to institute will appropriate x dollars and they do not spend it. They freeze it. They have the biggest icebox in town down there. They released a little this year because it is 1972; but otherwise they freeze the money and manipulate the programs. They transfer it or just do not spend it.

Mr. KENNEDY. If the Senator would put in language similar to the Hill-Burton language that requires the expenditure, I would support that.

Mr. MAGNUSON. This is something they just do not do. If someone does not like the program they just do not spend the money.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Does time have to be yielded further?

The PRESIDING OFFICER. The time must be used or yielded back.

If there is no further discussion, is all time yielded back?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to strike (putting the question).

The motion was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield to me briefly on the bill?

Mr. MAGNUSON. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, as the ranking Republican member of the Committee on Labor and Public Welfare which had responsibility for the development of the authorizing legislation for vital health programs—the education of health manpower; the conduct and support of medical research; mental health programs with its full range of professional training programs and services, including alcoholism, narcotics addiction and drug abuse; comprehensive health planning and services; regional medical programs; and medical facilities construction—I am grateful to Senator MAGNUSON and Senator COTTON for seeing Senate action through to a reasonable conclusion.

HEALTH MANPOWER

The authorizing legislation, Public Law 92–157 and Public Law 92–158, was a bold new approach to dramatically increase our desperately needed physicians, dentists, nurses, and health professionals. At the same time, the legislation was designed to permit our schools to develop new programs responsive to national need in every area, from developing more physicians and dental assistants and nurse practitioners; to emphasis on family medicine; to increased professional training in the diagnosis, treatment, and rehabilitation of alcoholism and drug abuse; to greater development of computer technology, which I believe portends the greatest potential for overcoming many of our health care problems.

The appropriations levels provided for in this bill by the Senate will go a long way toward implementing the comprehensive authorizing legislation for health manpower.

Without the level of support provided by the Senate we will face severe difficulties in seeking to overcome the severe shortage and maldistribution of health manpower and to bring more physicians and other health professionals into our rural and inner-city areas.

Mr. President, if our goals are to be realized, we must put our appropriations where our authorization promises are; rhetoric must become reality; and this, the Senate Appropriations Committee has sought to accomplish.

The $24,100,000 increase for capitation payments to schools of the health professions will bring the total appropriation to $190,000,000, or 76 percent of the amount authorized. This should allow the institutions to operate on a firmer financial footing in the future, a footing made even more secure if mandated increased enrollment provided in the authorizing legislation were interpreted—as I have urged the Secretary—to be keyed at the same percentage relationship as appropriations bear to authorizations. I believe mandated increased enrollment was always contemplated by the Labor and Public Welfare Committee in terms of full funding of authorizations.

I applaud the $150,000,000 increase over the administration's request for no funds. Although the approved but unfunded construction grant applications of $840,000,000 were voided with enactment of Public Law 92–157 and Public Law 92–158, the urgent need is more real than ever if we are to have required increased training places for qualified, well-trained health manpower. The need for new medical school places is so urgent that I have joined Senator TUNNEY in an amendment to increase construction appropriations to $180,000,000.

NURSING

As they have done for our medical, dental and other health profession schools, the Senate Appropriations Committee, under the leadership of Senators MAGNUSON and COTTON, have recognized the severe financial problems of our nursing schools and increased capitation support by $29,000,000 over the administration's request to $62,500,000 or 76 percent of the authorization. In addition, I am grateful that the financial distress grants to schools of nursing are funded at their full authorization, $10,000,000.

ALLIED HEALTH

There is great potential to be realized through the development of allied health manpower and I believe the Senate Appropriations Committee has shown great wisdom in that $17,290,000 total increase over the administration's request for institutional support, traineeships, special projects, construction, and student assistance programs.

HEALTH MANPOWER/NURSING STUDENT ASSISTANCE

No young person should be denied an opportunity to pursue a career in the rewarding health professions field because of financial need. I highly commend the Senate Appropriations Committee for its $45,430,000 increase over the administration's request for student assistance programs including scholarships, loans and traineeships to a total of $149,000,000 for health manpower and nursing student assistance.

BIOMEDICAL RESEARCH

There is no quick and easy cure for cancer. There is a long and costly road ahead for the conquest of cancer and every promising lead to the solution of the complex cancer problem and should be followed.

The Senate Appropriations Committee has again seen Senate action—the National Cancer Act of 1971—Public Law 92–218—in which I was much involved—through to a reasonable conclusion by a $60,000,000 increase over the administration's request to $492,205,000 almost at the $500,000,000 authorization.

Diseases of the heart, lungs, and blood are the main killers in the United States—half of all deaths are due to cardiovascular diseases—and I commend the Senate Appropriations Committee for its $350,000,000 appropriation recommendation and an increased $94,720,000 over the budget estimate.

I am gratified that under the leadership of Senator MAGNUSON and Senator COTTON an additional $10,000,000 has been provided to implement the recently enacted sickle cell legislation—Public Law 92–294—above the $15,000,000 budget estimate.

There has been recognition of the vital role of the NIH in research across the entire disease spectrum; as well as the critical NIH role through fellowships and training grants in each Institute for all NIH activities exclusive of health manpower, the Senate bill provides an additional total $319,535,000 over 1973 budget estimates or a total budget of $1,899,733,000.

I have been concerned by the lack of funding for the Laboratory for Experimental Medicine and Surgery in Primates—LEMSIP—which has been operating productively since 1965 as a truly interinstitutional regional resource—an arm of the Associated Medical Schools of New York and New Jersey under the administration of New York University Medical Center—and the first medical laboratory in the United States to function successfully as an interuniversity facility and an indispensable resource for medical research. It is a primate laboratory which was created by the medical community without significant Federal funding.

Increased operational costs, termination of U.S. Air Force support because of congressional action, and so forth, have placed the laboratory's continuance in jeopardy and I have urged its financial support through NIH but, unfortunately, there was no funding available.

The NIH research resources $83,000,000 appropriation, an increase of $8,019,000 over the amount presently available will, I believe, in the animal resources program, make it possible for LEMSIP to be assisted by NIH and provide the resources to LEMSIP which it requires for medical research.

Although LEMSIP is not one of the seven private primate centers previously supported, I am confident its eligibility for funding support will be enhanced by this increased appropriation.

MENTAL HEALTH

I have long been deeply concerned about the need for adequate funding of mental health programs and last year fought for the release and expenditure of appropriations for community mental health center staffing grants, psychiatric training grants, and children's mental health program grants.

I commend the House and the Senate Appropriations Committees, efforts to again restore psychiatric residency training grants to $7,000,000, with additional undergraduate program funding support. We have a considerable demand for more mental health personnel, and we are far from having the number of training psychiatrists required to meet national needs.

Its work to provide the required appropriations on behalf of community mental staffing through a $50,000,000 increased appropriation is most meritorious. The $20,000,000 increased appropriation for mental health of children will be vital to overcome the trend of increased child resident population in State mental hospitals.

The urgent need for adequate funding of the Developmental Disabilities Act—which I will respond to on behalf of the mentally retarded by the introduction tomorrow of a "bill of rights for the mentally retarded"—has caused me to join with Senator KENNEDY in an amendment to increase the recommended appropriation by $35,000,000.

ALCOHOLISM

I have taken a strong position with Senator Hughes, of Iowa, in the effort to establish a national commitment to combat one of the world's most serious health problems, alcoholism, and was proud of my effort with Senator Hughes to achieve the enactment into law of Public Law 91-616, the Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act which we authored and sponsored in the Senate.

We must have a massive attack of the alcoholism problem and I strongly support the $85,193,000 appropriation for project grants—a $35,000,000 increase over the budget request—and the $75,000,000 for State formula grants—$45,000,000 increase over the budget request, which would have continued at the 1972 level.

NARCOTIC ADDICTION AND DRUG ABUSE

Although I am convinced that the $120,000,000 appropriation for these vital activities—and which I am pleased the Senate Appropriations Committee made possible through a $28,702,000 increase over the budget request—is not sufficient, I will at this time yield to the expertise of Dr. Jerome Jaffee, the recently appointed Director of the Special Action Office for Drug Abuse Prevention, in whom I place great confidence, for determining accurate funding levels and pulling together of resources for combating the narcotic addiction and drug abuse epidemic, of which unfortunately my own New York endures half the burden. I will be reviewing these items between now and the first supplemental.

The Senate's $20,000,000 increase is to fund a program of formula grants to States—which provision in Public Law 92-255 I authored—and I am grateful once more to Senators Magnuson and Cotton for their leadership in implementing this program, designed to enable States to begin to develop plans for the coordination and establishment of prevention and rehabilitation programs. I applaud the committee for stating in reference to Public Law 92-255:

> The Committee believes this is only a start in the implementation of the new legislation and will look favorably on a supplemental budget request to fully implement this program.

In closing on the narcotic addiction and drug abuse problem, let me make the final ironic point that, despite recommendations for stepped-up efforts in the addiction field itself, we cannot end drug abuse without a thorough regard for the context in which it takes root. Drug abuse symbolizes hopelessness and frustration. Drugs are a survival issue. The soaring budget is a perverse indicator of national health. Young people are saying we do not care about living in the world we see in front of us. The Nation, therefore, cannot end drug abuse without rebuilding our cities and without developing a set of worthy goals for our society. While concerned with the need for additional Federal help to cope with New York's tremendous addiction problem, I am also calling for national leadership on these much broader issues as well.

The increases the Senate Appropriations Committee has recommended in the budget not only reflect their deep concern with America's health care, but their understanding of how the authorizing legislation seeks to meet the basic needs.

CONCLUSION

I strongly support H.R. 15417 and I urge my colleagues in the Senate to give their fullest support to Senators Magnuson and Cotton and arm them with our strong endorsement of their appropriations recommendations when they go to conference. I am confident Senators Magnuson and Cotton and the other Senate conferees will do everything in their power to represent the Senate's interest in conference with the House, They should be assured of our complete support to assure that the appropriations conference report funding levels are sufficient to carry out the purposes of the authorizing legislation.

And now, Mr. President, I should like to direct my remarks to several significant parts of H.R. 15417 dealing with education.

BILINGUAL EDUCATION

I am particularly pleased that the committee provided $60 million for bilingual education. This is an increase of $18.87 million over the budget request, $15 million over the amount approved by the House and $25 million over the 1972 appropriation. It will provide for 150 new programs as well as 203 continuing programs in fiscal year 1973. While this amount still falls short of the authorization of $135 million, it is nevertheless a marked improvement over last year's appropriation and the budget figure and goes far toward meeting the need of educating the some 5 million school-age children who need the program.

The Congress in 1968 added the Bilingual Education Act as a new title to the Elementary and Secondary Education Act—ESEA—authorizing grants to local educational agencies to develop, establish and operate programs of bilingual education as well as provide preservice training and inservice training for professional personnel participating in such programs. I was privileged to have been a cosponsor of this effort and thus find it especially pleasing now to support the committee's suggested figure.

It is also interesting to note that title VII of ESEA—the bilingual education title—has stimulated interest and support where it heretofore has not existed and has prompted state and local action in an area of education heretofore sadly ignored in many quarters. This is perhaps the best test of the success of a Federal education program—that it has stimulated constructive education innovation. In this connection, I ask unanimous consent to include as a part of my remarks the article appearing in the May 1972 issue of Inside Education, published by the New York State Department of Education, and entitled "Bilingual Story—Concern Mounts, Funds Step Up."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

ADULT EDUCATION

Mr. JAVITS. Mr. President, the last Congress, through title III of Public Law 91-230, of which I was the author, expanded the Adult Education Act to include secondary level education for adults who have not completed high school and increased authorizations to reflect the expanded scope of this new high school equivalency program. Some 56 million adult Americans are short of the goal of a minimum high school education and less than a dozen States provide funds for high school education of adults—the need for Federal stimulation is pressing.

I am, therefore, particularly pleased to note that the committee has provided $75 million for adult education, an increase of $23.7 million over the budget estimate; this is identical with the House allowance. While this figure still falls short of the authorization of $225 million and the amount necessary for all needed high school equivalency programs, it nevertheless is a welcome improvement over the funding included in the budget and I should like to commend the committee for its inclusion.

HANDICAPPED

Commissioner of Education Sidney Marland has called for development of a national goal of education for all handicapped children by 1980. Today only an estimated 40 percent of the Nation's 6 million school-age and 1 million preschool handicapped children are benefiting from the programs they require.

The funds included in the committee bill will go far toward meeting this goal. The committee has recommended $181,859,000, an increase of $38,250,000 over the House allowance, $50,750,000 over the budget estimate, and $71,769,000 over last year's appropriation.

In addition, the committee has directed the Department of Health, Education, and Welfare to undertake a national survey of how many handicapped children need additional services. This should prove most helpful in preparing future authorization legislation and future benefits in this vital area.

MISCELLANEOUS

I would also like to commend the committee for the increases given to other important programs, particularly vocational education, including vocational research, library resources, right-to-read, educational broadcasting facilities and drug abuse education.

Finally, Mr. President, I feel certain that the committee will give careful attention to the appropriation request for the higher education items which were not included in this bill because of a delay in authorization which have now been authorized by the Education Amendments of 1972, Public Law 92-318, which was signed into law by the President on Friday. Now that this landmark legislation has been signed into law, I hope that expeditious consideration will be given to funding both the new programs it authorizes and existing programs which it continues.

EXHIBIT 1

BILINGUAL STORY—CONCERN MOUNTS, FUNDS STEP UP

Concern is growing about the adequacy of school programs for children of little or no English-speaking ability.

In the past few years there have been dramatic increases in the number of foreign-language-speaking children in schools in New York City, Nassau and Westchester Counties and in upstate places like Beacon, Newburgh, Amsterdam, Rochester and Buffalo. Changes in immigration laws and the greater mobility of Puerto Ricans, the largest group of newcomers, are key factors in the increase.

In New York City, 290,000 public school pupils are Spanish-surnamed and 135,000 of these are severely limited in ability to speak English, cites the state's Fleischmann Commission report in its Volume 1. Another 18,000 children of Chinese, Italian, French and other backgrounds also cannot speak English, said this report. However, bilingual education programs in New York City reach only 4,000 children.

"It is no wonder that Puerto Rican children are scoring poorly on standardized tests, dropping out of school at an extraordinary rate (52 percent between tenth and twelfth grades), failing to take advantage of post-secondary school opportunities, and finding it very difficult to compete in the job market," reported the commission.

A large influx of Haitian, Italian and Israeli children into the Brooklyn schools has also been noted by school officials there.

Outside of New York City, New Rochelle has an expanding Italian community, and Spring Valley a colony of Hasidic Jews. Brentwood, Patchogue, Center Moriches and Bellport on Long Island have large settlements of Puerto Ricans, and Lackawanna has a share of Arab families. Mineola now has a Puerto Rican club and Port Washington schools note that 22 different languages have been represented in its English as a Second Language classes.

Amsterdam's East Main Street School has about one-third of its 300 students coming from Spanish-speaking families, most with little or no familiarity with English. Fifty of these pupils receive classes in Spanish two hours a week in a cooperative program with the State University at Albany. Under a federal grant, Puerto Rican teachers take graduate courses at the university, intern in Amsterdam schools, and receive other educational assistance.

New York City schools, meanwhile, have a program for Greek-speaking children. There is a proliferation of schools teaching Chinese language and culture after school and on weekends there. Adult Chinese also receive basic English instruction and consumer training in classes at the Chinatown English Language Center in Manhattan.

While these are individual cases, the signs are that more federal funding is being directed to bilingual and English as a Second Language programs and more school districts are showing interest in receiving grants for these purposes, said Carlos V. Perez, supervisor in the Bilingual Education Unit of the State Education Department.

Local school districts sent in 43 proposals for some of the $3 million in Title VII—Bilingual Education Act—funds this year, far above last year's levels. The State Education Department has screened and forwarded proposals it recommends to the federal government.

Grants awarded under the Bilingual Education Act now go to 29 projects in 23 districts in the state, Perez noted. The latest to receive them are three high schools and seven community districts in New York City (5, 8, 12, 16, 17, 20 and 24), and Beacon city schools. These programs concentrate on simultaneous development of both Spanish and English in the classroom so that pupils who are dominant in one tongue may fortify these learnings while advancing in the other tongue.

Also, schools are making wider use of federal ESEA Title I funds to help non-English-speaking students, and they have had the opportunity to obtain ESEA Title III innovation and demonstration grants for similar purposes for the first time this year, Perez pointed out. There are about 70 projects in the state where these Title I funds are being used as compared to nine only three years ago.

Several other projects aimed at the non-English-speaking children are funded under state Urban Education Act funds, local funds or a combination of sources.

But only a small percentage of the Urban Education and Title I funds spent in New York State go for bilingual programs, despite the need, Perez asserted. The decision to spend these funds in each community is made by local advisory committees. He hoped more districts would become interested.

Mr. PERCY. I wish to commend the Senate Appropriations Committee for increasing title VII bilingual education appropriations from $35 million in fiscal year 1972 to $60 million for this fiscal year. For the first time in its history, title VII appropriations have risen above a third of its authorization.

This increase in appropriations is urgently needed. Although approximately 5 million children in this country are in need of bilingual-bicultural educational services, title VII reaches only about 100,000 of these children. Last year the Office of Education was able to approve only about 26 percent of the total applications it received for new programs. Illinois submitted a total of 17 proposals, and only three were funded. With a $60 million appropriation, the Office of Education estimates that 110 new projects can be initiated and approximately 90,000 more children served.

With this increased funding and ability to provide services, I hope that the Office of Education will, finally, begin to take the necessary steps to correct the current uneven distribution of bilingual-bicultural funds that are available. For example, in fiscal year 1970, California received $7.2 million from title VII; Texas $4.7 million; New York State $1.5 million; and Illinois $220,000.

The inequity in these allocations can be seen by examining the Spanish-surnamed public school enrollments in these States: California enrolled about 646,000 Spanish-surnamed children; Texas 505,000; New York State 264,000; and Illinois 69,000. On a per capita basis, California received almost four times as much, Texas three times as much, and New York State almost twice as much as Illinois. This deplorable situation had not improved much in fiscal year 1972 when California received almost $8.5 million, Texas $6.1 million, New York State $2.9 million, and Illinois $545,000.

I have protested long enough against what I consider to be outright discrimination against the Spanish-speaking people of Illinois. I sincerely hope that this is the last time.

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of myself and Senators WILLIAMS, JAVITS, CRANSTON, HUGHES, MONDALE, PELL, TAFT, and TOWER.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 29, line 16, strike: "$67,825,000, of which $30,000,000," and insert in lieu thereof, "$102,825,000, of which $65,000,000".

Mr. President, the appropriation bill contains $30 million for grants under part C of the Developmental Disabilities Services and Facilities Construction Act. This compares to a 1972 appropriation of $21,715,000. This may sound like an impressive increase to the Senate, but in fact, an appropriation level of $30 million will not even scratch the need in our Nation for these funds. Moreover, it is only a fraction of the $130 million authorized for these purposes by the legislation.

For the last 3 years, this program has competed unfavorably for Federal funds. Each year the appropriation level has fallen further and further behind the level of authorizations. As a result, treatment facilities for the mentally retarded have been starved throughout the Nation and hundreds of worthy projects have gone unfunded. In my own State of Massachusetts, the fiscal year 1971 appropriation allowed only $246,000 for these purposes. In that same year, the State received $6 million in requests for Federal assistance. In New York, the Federal Government in fiscal year 1972 provided $1.4 million, but the State received requests for no less than $17 million. In Oregon, the Federal Government provided $100,000 against $1.5 million in requests in fiscal year 1971. The story is the same in every State.

In some cases, one out of four applications can be funded from Federal support. In others, merely one out of every 25. Surveys of need in most every State indicate that, in fact, the applications received in the State represent only a portion of what needs to be done.

Mr. President, there are over 7 million school-age and preschool-age children in this country who have developmental disabilities. Grants under the developmental disabilities services facilities and construction act are the prime source of Federal support for these children. For 3 years, this program has been funded at a fraction of its authorization level and has almost withered while other important health programs have moved ahead. This act expires with this fiscal year. I believe it is important for the Congress to affirm its strong support for these programs in order to establish a solid foundation for the extension of the programs in the coming years. More importantly, it is time for the Congress and the American people to face up to the terrible needs of Americans with developmental disabilities, and to offer an effective level of Federal support. My amendment will raise the appropriation for these purposes to $65 million. The best advice that we can obtain indicates this level of funding will allow a meaningful advance in this program. The funds would be used to provide services to persons with developmental disabilities, as well as to plan future services, train specialized personnel to supply services, improved techniques for providing serv- and to develop and demonstrate new and ices to the developmentally disabled. All of these funds are awarded to the States based on their population, the need for services, and their financial need.

I urge the Congress to approve this amendment.

Mr. KENNEDY. Mr. President, this amendment is directed toward increasing the amounts that have been appropriated for part C of the developmental disability provisions of the bill. This, in effect, is the area which provides for Federal assistance for mental retardation, cerebral palsy, and other disabilities.

This program started in the early part of the 1960's, and in spite of the very significant authorization, is probably one of the most oversubscribed programs, in terms of the Federal funds which are available, of any of the health programs.

What we are trying to do here is add on to the very significant advance that was made by the Appropriations Committee over last year. In fiscal 1972 some $21 million was appropriated, and the Senate bill for 1973 recommends $30 million. There is no money in the House bill. The amendment I have offered would increase the $30 million to $65 million.

I may at the outset just mention what some of the State requests have been and what some of the appropriations have been in the area of caring for 7 million mentally retarded or otherwise disabled children in this country.

For example, New Jersey received $304,000, even though its request was $1,600,000.

Illinois received $447,000, with a $2 million State request.

The State of Oregon received $100,000, when the State requested $1.5 million.

That does not include States like New York, which had a Federal allotment of $1,400,000 and $17 million in requests.

My own State received $225,000 against $6 million in requests.

I would hope the committee would take this amendment to conference. The committee in the past has shown sensitivity in this particular field, and is well aware of the needs. As I mentioned before, it has performed nobly in allocating the resources of this Nation to the areas of health. It seems to me this is one area of particular concern and interest, and I would hope the committee could take this amendment to conference. It has the support of the Association of State Officers who administer the provisions of the bill, and of voluntary associations that have studied the need. Even the Department of Health, Education, and Welfare has statistics which show the States have greater need than the $65 million would actually cover.

I know there are other needs before us, but certainly the retarded and disabled children of this country are entitled to the benefits of this proposal.

The legislation has been on the books for several years. The difficulties have been worked out of it. Most States have developed the kind of infrastructure which would permit the dollars appropriated to actually be used to help the children, unlike many other programs for which there must be the expenditure of many thousands of dollars in order to develop an administrative setup.

I would hope the committee would take the amendment to conference and that the committee would do everything it could to retain adequate funds for this purpose.

Mr. MAGNUSON. Mr. President, on my own time on the bill, and before we get to the matter the Senator is now proposing, I would like to know if the Senator would agree to having the other amendment reconsidered, because the Senator from New Hampshire was not present.

The point he would like to make—and I would agree with him—is that what the Senator is trying to do is make this matter apply to health, and when we knock out section 210 we are knocking out the whole thing. There are many other items where there must be transfers that the Senator and I would not worry about, and the Senator wanted it to apply only to the health items.

Mr. KENNEDY. That is correct. I would like to see it apply to the others, but I would agree to apply it to health only.

Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The appropriate procedure would be, the Chair is advised, to ask unanimous consent that the action on that motion be reconsidered.

Mr. KENNEDY. Mr. President, I make such a request. It was the desire of the Senator from New Hampshire to be heard. I think he is entitled to be heard.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to reconsider the vote on the adoption of the motion of the Senator from Massachusetts (Mr. KENNEDY) to strike lines 1 through 9 on page 40. The Chair hears none, and it is so ordered.

Mr. COTTON. Mr. President, I yield myself some time on the bill.

First, I appreciate the courtesy of the distinguished Senator from Massachusetts in reopening the matter and allowing me to be heard, because I was called into the policy committee on another matter and I had to leave for a few moments.

As far as the health portion of this bill is concerned, I would cheerfully and gladly agree to cutting out the entire section and have section 210 not apply to the health portion, but when it comes to the educational provisions, that is something different. As the Senator from Massachusetts said earlier, these health programs are now going programs.

Mr. KENNEDY. Yes.

Mr. COTTON. As to the education section of the HEW bill, as the Senator knows, we have just passed an authorization bill authorizing some $21 billion over the next 3 years. We are having some innovations, and I am glad that we are. The Office of Education will come in with some entirely new projects. So we are not dealing with going concerns; we are dealing with concerns that have not started. Sometimes in the past appropriations were not fully obligated because they could not get the properly experienced and seasoned people, and during that time they could be transferred, so that the funds could be useful and helpful.

If the Senator would consider having section 210 not apply to the health provisions of the bill, I would gladly agree to that.

Mr. KENNEDY. That would be fine, then, Mr. President.

I send to the desk an amendment that would provide, after section 210, the words "except for appropriations made under authorities of the Public Health Service Act, and the Mental Retardation Facilities, and Community Mental Health Centers Act," which would limit it and make it in accordance with what the Senator from New Hampshire stated.

I send to the desk that amendment.

Mr. MAGNUSON. I thank the Senator. That will take care of it.

The PRESIDING OFFICER. Will the Senator ask unanimous consent to temporarily lay aside the pending amendment?

Mr. KENNEDY. Mr. President, I ask unanimous consent to lay aside temporarily the other amendment that would increase funds for developmental disabilities, and I ask unanimous consent for the immediate consideration of this amendment, which I will ask the Chair to have the clerk read for the benefit of the Senate, so we will know the matter before us.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 40, line 1, insert the following: After "SEC. 210.", and before "The Secretary . . . ", insert the following:

Except for appropriations made under authorities of the Public Health Service Act, Mental Retardation Facilities and Community Mental Health Centers Act.

The PRESIDING OFFICER. Without objection, the earlier Kennedy amendment will be temporarily laid aside and the Senate will proceed to the consideration of the amendment just stated.

Mr. KENNEDY. I thank the Senator from New Hampshire for his comments. I know of his concern in this matter, and I appreciate it.

Mr. President, is it appropriate for the Senate to consider at this time the other amendment? Can I call up the other amendment?

Mr. MAGNUSON. We should have a vote on this one.

The PRESIDING OFFICER (Mr. HART). The first action must be on the amendment just stated. Do Senators yield back their time?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be shown as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I support the Kennedy-Javits amendment, for it would insure the expedient and adequate funding of the Developmental Disabilities Service Act.

The purpose of this legislation is to provide comprehensive community services for individuals who have been neurologically handicapped since childhood, including those individuals suffering from mental retardation, cerebral palsy, and epilepsy. This act is a model for future legislative endeavors which would seek to consolidate fragmented programs in an effort to provide integrated care, training and services for the handicapped, and to reduce the number of handicapped individuals who are institutionalized.

I was pleased when the Senate Appropriations Committee judiciously acted to correct an omission in the appropriations bill of the House by providing $30,000,000 for the State formula grant program, $23,575,000 for service projects with emphasis upon rehabilitation of the developmentally disabled, and $14,250,000 for administering and operating demonstration and training programs at university affiliated facilities. The Senate action has prevented a delay in funding which is unnecessary and would jeopardize the past accomplishments and the future growth of these programs.

However, I do feel that the funding level of title I, of the Developmental Disabilities Services Act, should be increased $35 million for the State formula grants. Only an adequate funding level will allow this program to grow—to provide better services to more individuals sooner.

Mr. DOLE. Mr. President, I wish to express my concern that Congress provide appropriations to continue funding programs authorized under the 1970 Developmental Disabilities Act. These developmental disabilities programs have been extremely effective in assisting States in establishing comprehensive care programs for the disabled. Their initial accomplishments have only revealed the potential benefits which can accrue to the disabled if these programs were to be expanded. Their success illustrates a need for expanded funding, and I feel it calls for a general commitment by the Congress to improve the lives of the handicapped.

In the State of Kansas, title I developmental disability funds are being used to expand services in three crucial areas: day care programs for school age and preschool disabled children, adult rehabilitation service, and institutional services. But to expand these programs and services to more effectively meet the existing need, additional funds are required. It has been estimated that Kansas would require 10 times the funds now available to the State if it were to extend its priority programs to all the disabled of the State. Though an immediate increase of this size is not feasible, we should keep these needs in mind as we consider funding for the coming fiscal year.

Title II of the Developmental Disabilities Act authorizes grants to university affiliated facilities. The gradual assumption of regional responsibility by the 28 existing university affiliated facilities has built a network of interdisciplinary centers which provide research and diagnostic services and manpower training to supplement State rehabilitation programs. These centers are affiliated with universities and call upon the expertise from the various disciplines of the university community to provide comprehensive training and diagnostic services for the disabled.

The University of Kansas affiliated mental retardation center recently was dedicated and became operational. The center was created to train individuals who work with the disabled, provide advisory and technical service to statewide programs, and provide diagnostic services through new patterns of delivery. The university affiliated center depends on multiple funding sources to carry on its program. Title II is a vital element of this funding program for the operation of this center which means so much to the disabled of Kansas.

Mr. President, I have outlined the need for substantial increases in developmental disability funds in Kansas. I am sure that other Senators can testify to a comparable need in their States, so I respectfully urge that these needs be kept foremost in mind during our deliberation on fiscal year 1973 appropriations for the developmental disabilities program.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield back my time.

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts last stated.

The amendment was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed.

Mr. COTTON. Mr. President, I thank the Senator from Massachusetts. He is always most fair, and he is always intelligently and ably pursuing the purposes of these bills. I have never had him appear before our committee when he did not appear for very worthy causes. He has my support, to the best of my ability, and I appreciate his courtesy on this matter.

Mr. KENNEDY. I thank the Senator from New Hampshire. The respect is mutual.

The PRESIDING OFFICER. The question now recurs on the pending Kennedy amendment.

Mr. MAGNUSON. Now, reverting back to the Senator's amendment on——

Mr. KENNEDY. Developmental disabilities, part (C).

Mr. MAGNUSON. On (C). I am willing to accept that.

Mr. COTTON. Mr. President, the distinguished Senator from Massachusetts laid before us some facts here that were very pertinent, and I am willing, along with the chairman, to accept this amendment.

Mr. KENNEDY. I thank the Senator from New Hampshire and the Senator from Washington.

Mr. JAVITS. I wish to join in that.

Mr. MAGNUSON. All right, the Senator is on it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MAGNUSON. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1289

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the second part of the amendment (No. 1289) of the Senator from Rhode Island.

Mr. PERCY. Mr. President, I send to the desk an amendment to the second part of the Pastore amendment No. 1289.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 23, line 17, after "section 6" add "and $40,000,000 for complying with section 303(1)(C)".
>
> On page 23, line 25, strike out "73" and insert in lieu thereof "84".

Mr. PERCY. Mr. President, I yield myself such time as I may require. Mr. President, I ask unanimous consent that the Senator from New Jersey (Mr. CASE), the Senator from California (Mr. CRANSTON) and the Senator from New York (Mr. JAVITS) be added as cosponsors of the amendment. In presenting this amendment, I wish to pay great tribute to the Senator from New Jersey (Mr. CASE), who, through the years, has provided leadership in attempting to have category C funded. It has been authorized for many years, but never funded by Congress, though last year the Senate Appropriations Committee voted to fund $60 million for this purpose.

It is my understanding that there is an agreement and understanding now that the Senate should certainly not reverse the position that it has taken before, that we recognize that in conference, with the House of Representatives appropriating only $10 million, it would probably be unrealistic to expect the full funding of the $60 million we have gone on record before in requesting for this very important area.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. It is my understanding now that $40 million would be acceptable, and it would be my hope when this is taken to conference that we can fight very hard for full funding of the $40 million.

Take the State of Washington, for example. A $40 million funding level for this program would not provide for all of the needs in a State with needs as high as they are there, but it would provide about $500,000 for the State of Washington, which would be of assistance certainly, for the 16,810 children who are in public housing projects, for whom there is really no tax money that ever goes to the school system.

I should like to commend at this time, as I shall in the general remarks that I put into the RECORD on the entire bill, the tremendous leadership provided by our distinguished chairman of the Appropriations Subcommittee (Mr. MAGNUSON) and the ranking minority member (Mr. COTTON), and the support they have provided in these vital areas of human needs through the years. I consider this a magnificent bill.

Mr. PERCY. Mr. President, I support Senator PASTORE's amendment to restore the $176 million in title I, ESEA—disadvantaged children—appropriations cut from House recommendations. The restoration of this $176 million does not add any frills. In fact, it does not even keep pace with Illinois' growing needs for title I, ESEA funds. In one year, the number of children needing title I, ESEA services in Illinois increased from 368,234 in fiscal year 1972 to 426,911 in fiscal year 1973, an increase of almost 16 percent. In contrast, raising title I, ESEA appropriations from 1.6 billion to 1.8 billion means only about a 11-percent increase in funds.

I know that title I, ESEA, has not been entirely successful. I know that its programs have sometimes been mismanaged and its funds sometimes misused. I also recognize that title I, ESEA is an exceptionally complex program and very difficult to administer.

With all its imperfections title I, ESEA is still a remarkable piece of legislation. It represented the Federal Government's first recognition that poor children have special education needs and need special educational assistance. Since its passage in 1965, no one has offered a more viable alternative to compensatory education. Until there is such an alternative, it would be unconscionable for me to deprive our most needy children of the necessary funds to have an education that might equip them with the wherewithal to survive and compete in life.

Mr. HRUSKA. Mr. President, the Nation has been aroused in recent months by landmark court decisions on school finance. These decisions have found that unequal property tax bases can lead to denials of equal educational opportunity.

It is indeed ironic that despite this national awareness of great inequities in school finance, I must rise again to make the annual plea for adequate impact aid for school districts adjacent to large military installations. These school districts tax themselves to the hilt against manifestly inadequate property tax bases.

The President's budget for fiscal year 1973 boldly proposed that impact aid for school operations and maintenance authorized by Public Law 874 be aimed only at military dependents, American Indians, and geographically isolated situations where the Federal Government must provide schools.

The House Appropriations Committee set aside this proposal in light of authorization renewals which will be required during the first session of the 93d Congress. Instead, the House committee recommended maintaining the priorities approved for the just completed 1971–72 school year, and also applied in the 1969–70 school year. This approach would prevent any disruption in the finances of eligible school districts between the past school year and the one beginning this September.

The bill passed by the House eliminated most of the impact aid priority recommendations of that body's Appropriations Committee. The House bill takes no account of whether a student's home is on or off base, nor of whether his Federal connection is civilian or military. The House bill provides a flat 84 percent of entitlement.

Mr. President, the Senate should understand clearly what a flat 84 percent of entitlement means.

A school district under the House-passed bill will get only 84 percent of entitlement for each student whose parents live and work on Federal property. During the past school year, these on-base or section 3(a) students received 100 percent or 90 percent of entitlement, depending upon whether their school districts had above or below 25 percent impaction. These 16 and 6 percentage point reductions will cut most heavily into the already critical school budgets of communities close to large military installations.

But Mr. President, the financial losses of these heavily impacted districts will be offset by gains for others. This is the pernicious feature of the House bill. For each section 3(b) student whose parents worked on Federal property and resided in the local community—and who last year received 73 percent of entitlement—the school district will now receive 84 percent of entitlement.

Mr. President, in a year when calls for wealth redistribution and tax reform resound throughout the land, we should look with more than usual interest at measures which would take Federal funds from one area and bestow them on another. We should ask: "Who will benefit most from the 11 percentage point increase between 73 percent and 84 percent of entitlement for section 3(b) off-base children?" It should come as no surprise to veteran observers of this issue that windfall gains will accrue to such severely deprived areas as Montgomery County, Md., and Fairfax County, Va.

In short, Mr. President, the House bill would take critically needed dollars from overtaxed school districts suffering from severe Federal impact, and give those dollars to areas for which Federal impact has been an economic boon.

The question before us is one of setting just impact aid priorities for the fiscal year 1973. That we need a permanent solution to the problem of Federal impaction is obvious. For years, I have been in the forefront of those calling for reform. But we cannot avoid the fact that in less than 3 months the school doors will again open. What we decide on this question of priorities will determine whether or not some school districts can operate next September without having to impose draconian measures to curtail planned expenditures.

The House bill suggests that justice will be served by not setting priorities for operations and maintenance except for those few remote areas with federally operated schools. This posture would be credible had the House voted sufficient funds to assure 100 percent of entitlement for all eligible children—both the section 3(a) and section 3(b) students. It did not. It knew that the increase over fiscal year 1972 woud be astronomical and leave the President with no choice but to veto the bill.

The Senate Appropriations Committee has recommended restoring the section 3(a) and 3(b) priorities applied during fiscal years 1971 and 1972. I wholeheartedly support this recommendation. Mr. President, I urge that the Senate support it as a matter of simple justice.

The impact aid situation facing the Bellevue, Nebr., School District should dispell any doubts about how critical these priorities are for districts impacted by large military installations.

The Bellevue School District is one of the most highly federally impacted school districts in the Nation. Four out of every five students enrolled in school are dependents of Federal employees. These employees are almost wholly made up of military personnel stationed at Offutt Air Force Base and the headquarters of the Strategic Air Command.

Of the total Bellevue enrollment of approximately 11,000 students, 80 percent or 8,800 are eligible for impact aid. Of these 8,800 eligibles, 53 percent or 4,620 are in the on-base 3(a) category. Forty-seven percent or 4,180 are in the off-base 3(b) category. All but 835 of the eligibles are military connected.

Over the past several years, the severe prorations of Public Law 874 operations and maintenance funds, and the lack of construction funding under Public Law 815, have forced heavy reductions in program under extremely crowded conditions. Furthermore, these pressures have caused the levy for school operations and construction to increase from $41 per $1,000 of assessed valuation in 1965 to $61.40 per $1,000 in assessed valuation in 1972. The tax rate is one of the highest rates in the State of Nebraska and is approximately twice the average levy in the State. The assessed valuation per pupil is the lowest in the State. Expenditure per pupil is the lowest of neighboring schools, excepting that of Papillion, Nebr., another impacted school district.

The provision during the past 2 fiscal years for full funding for section 3(a) pupils when impaction exceeds 25 percent has allowed Bellevue to survive with an absolute minimal program.

The full entitlement for the coming year is projected at approximately $3,865,000. The appropriation recommended in the President's budget with priority of funding for military dependents would have provided approximately $3,683,000, still $182,000 short of full entitlement. In local taxes, the only available source for increasing revenues, this amount represents 4.5 mills or $45 per $1,000 of assessed valuation.

The recommendation of the Senate Appropriations Committee of 100 percent of entitlement for 3(a) when 25 percent impacted with 3(a)'s; of 90 percent of entitlement for other 3(a) impaction situations; and of 73 percent for 3(b)'s, would provide approximately $3,550,000 for Bellevue. This is a barely tolerable $315,000 below full entitlement. This amount represents almost eight mills or

$80.00 per $1,000 of assessed valuation in local taxes.

An 84 percent proration over sections 3(a) and 3(b), as required by the House bill, would provide the Bellevue School District with approximately $3,247,000, which is an unconscionable $618,000 short of full entitlement. This amount represents more than 15 mills or $150 per $1,000 of assessed valuation in local taxes. It also represents approximately 8 percent of the total budget for next year which could only be raised by a 25 percent increase in local taxes.

It should be noted that State laws regarding teacher employment require that contracts for any one year be made for returning staff members by April of the preceding year. Thus, the professional staff were guaranteed employment last April and budget commitments for 1972-73 are already made.

With respect to school construction funds under Public Law 815, 300 additional Capehart Housing units and 148 Department of Housing and Urban Development units with priority for military families have already been authorized for construction within the school district. The several hundred additional pupils who will move into these units will add another $1,000,000 to the District's approximately $3,000,000 of approved but unfunded Public Law 815 construction and renovation applications for unhoused pupils.

The priority of operations and maintenance funding for districts such as Bellevue, as recommended by the Committee, is desperately needed to offer an adequate educational program. There is no way that such an inadequate tax base can absorb the 84 percent operations and maintenance proration required by the House bill.

The committee's recommendation of $45.9 million for construction will not be adequate to reach Bellevue on the current priority list in fiscal year 1973. It does, however, offer prospects of relief by fiscal year 1974, when the full impact of new military housing will be felt.

Mr. President, the Bellevue School District is but one of a large number of heavily impacted districts scattered over 22 States. Each will suffer if the Senate fails to heed the Committee's recommendation.

The maintenance and operations priorities applied during the past 2 fiscal years are no substitute for urgently needed impact aid reform.

The $49.5 million recommended for construction, however generous compared with the appropriations of recent years, falls far short of meeting critical and long accumulated needs.

But at least, Mr. President, will not retreat any further from honoring a clear Federal commitment to the local communities concerned.

Mr. PERCY. I yield to my distinguished colleagues for comments on category C.

Mr. COTTON. Mr. President, will the Senator yield to me.

Mr. MAGNUSON. Mr. President, I hope the Senator from New Hampshire will join me in accepting the amendment. I do this for only one reason, other than my friendship for the Senator from Illinois. We have always put this in on the Senate floor, and the House never had it. This time the House has established the principle by putting in the $10 million. They have opened up the C student category. They opened it up for the first time.

I know how the Senate feels about it, and I am willing to go to conference backing up the position of the Senate, but I still feel and I always will feel that if we open up this C student category, there will be no end to it. I also understand there are some serious problem areas in the Nation, and I know that some of my school boards may not agree with me, but I do think they should try to get along, because there would be no end to this. Then we have the problem where some of our public housing projects just have not turned out. That is the sad part of it.

So now that the House of Representatives has established the principle, I will see what we can do in conference, and the Senator may be assured that the Senator from New Hampshire and I will accept the amendment of the Senator from Illinois.

Mr. COTTON. I would like to make this statement for the Record: I will go along with the distinguished chairman of the committee, and I do so because I know that the distinguished Senator from Illinois is dedicated to this cause, and I admire the fight he has put up through the years for it. He deserves great credit, and I want to be helpful.

I want, however, to comment on sailing under false colors and holding out false hopes. My distinguished chairman just said the House had now opened it up. The House committee did not. It was a part of the Hathaway amendment passed on the floor of the House.

I am sure that the Senator from Illinois, who served very ably and usefully on the Appropriations Committee, and has been in conference, knows the chairman of the House Committee was not for the Hathaway amendment. So we will have our difficulties; but I will sincerely and honestly do the best I can, even though I, too, have mental reservations about opening up this section.

Mr. PERCY. I thank my distinguished colleague.

I should like to comment on only one phase of this matter. The question of public housing has been raised. We know that public housing has been a horrible example of the benevolence of the Federal Government, building high-rise public housing, congesting all these low-income people in one area.

I can point out, for instance, the Robert Taylor Homes in Chicago, where the chance of a family to be raped, robbed, or murdered is 40 times higher in Federal public housing than it is any other place in any urban area in America. That is what we have done to the people we have congregated there.

At least, now, as we move into an advanced program of scattering public housing in low-rise—and fortunately we have made it illegal in the 1968 law ever to build high-rise public housing for families with children—this funding of category C will enable us to take funds for education along with housing; and it would mean that there would not be the resistance there has been to that type of scattered housing. We will not be imposing a great deal of housing on a city and then saying, "You have the job to educate the children. There are no tax moneys available for that purpose."

I think we have taken a great step. I am delighted that we have been joined on the floor by Senator Case. As I said in my introductory remarks, I really put this in his name, because he has fought the battle so long. Though we are both disappointed not to have $60 million, we are gratified that we have at least four times as much as the House has put in, and I hope we will fight for every penny in conference.

Mr. CASE. I thank the Senator.

I think that his help and his initiative over the years in this field have been absolutely indispensable to getting any kind of movement. We have some movement now. Forty is better than 10 by 4 times, and it is an enormously important step.

I agree with him that the important thing now is not just to take it to conference but to hold it in conference, and I think we have a good chance to get a substantial amount.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. Percy) to the second part of the Pastore amendment.

The amendment to the second part of the Pastore amendment was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment to the second part of the Pastore amendment was agreed to.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the second part of the Pastore amendment, as amended.

The second part of the Pastore amendment, as amended, was agreed to.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BEALL. Mr. President, I rise in support of the Labor-HEW appropriations measure. This bill funds many programs, including vital education and health programs which are of utmost importance and interest to my State.

As usual, I want to congratulate the distinguished chairman of the subcommittee, Senator Magnuson, and the ranking minority member, Senator Cotton, for the outstanding work they did on this measure. I am particularly grateful for the committee's adding $2 million to fund the physician shortage area scholarship program, which was authored by me and incorporated into Public Law 92-157. This proposal basically provides scholarships to young men and women who agree to practice in physician shortage areas. Priority is given to students from the area and to lower-income individuals. One year of commitment is required for each year of the scholarship and if the student fails to carry out his commitment, the scholarship is converted to a loan. Thus, if the student carries out his commitment, he will be helping to solve the physician shortage problem and if he does not, the Government will not lose a cent.

The committee last year funded this program, but unfortunately this was deleted in conference. I strongly urge the Senate to remain firm in conference and make certain that this program is funded.

Again, I thank the chairman and ranking minority member for their courtesies during my testimony before them and their funding of this program. I ask unanimous consent that my testimony before the subcommittee be printed in the Record.

There being no objection, the testimoney was ordered to be printed in the Record, as follows:

Statement of Senator J. Glenn Beall, Jr., Before the Senate Appropriations Committee Urging the Funding of the "Physicians Shortage Area Scholarship Program," May 23, 1972

Mr. Chairman, I appreciate this opportunity to testify today. I appear to strongly urge the appropriations of $2 million for the "Physician Shortage Area Scholarship Program" which was proposed by me and cosponsored by approximately one-quarter of the Members of the Senate. This program was enacted as part of Public Law 92–157, the "Comprehensive Health Manpower Training Act of 1971".

The physician shortage problem is one of the most critical health problems facing countless counties and communities in the country today. I am certain that members of this Subcommittee have either heard directly from communities in their States or read of efforts by communities to secure a physician through road sign advertisements, pleas to medical societies and to the Federal Government. It is often said that there is a need in the Nation for an additional 50,000 physicians. A 1970 study by the American Medical Association identified 134 counties in the country without a single physician. This is an increase of 36 since 1963.

There are many more communities without a single physician or without an adequate number of doctors. Maryland illustrates this point. While I am pleased that my State's counties are not on the AMA's list, there is no doubt that many Maryland communities are in dire need of physicians. For example, in 1970, an article in Public Health report focused on the situation in Baltimore. This article identified 16 census tracks with a population of 174,000 primarily disadvantaged citizens, in the inner-city as well as some outlining areas, which were totally lacking in primary care physicians.

To help meet the needs of physician shortage areas, I introduced S. 790, last year and as I previously indicated, the measure was incorporated in the overall health manpower legislation. Basically, this program provides for scholarships of up to $5,000 annually for a man or woman who agrees to practice primary care in physician shortage areas. A physician shortage area may be a rural community, an inner-city area, or among the nation's migrant farm workers. One year of service is required for each year of the scholarship. If an individual does his residency or intership in a physician shortage area and the training or experience received is designed to prepare him to engage in the practice of primary care, then the service commitment is reduced by one year.

A unique system of priority in awarding the scholarships is established which I believe significantly increases the probability that this program will work. Essentially this system gives priority to individuals from physician shortage areas under the theory that such individuals are not only more likely to return to such shortage areas, but also because they are more likely to remain and continue to serve the citizens of their "home" areas. Since a secondary purpose of the program is to increase the opportunity to lower-income students to attend medical school, priority is also granted to such individuals. Specifically, the priority system for awarding the scholarships is as follows:

The first priority is granted to individuals from lower income families who live in a physician-shortage area and who agree to return and practice in such area.

The second priority goes to individuals, regardless of income, who reside in a physician shortage area who agrees to return and practice in such area.

The third priority is allocated to individuals from lower income families, who although reside in an area where there is not a physician shortage, agree to practice in any physician shortage area.

The final priority would go to individuals, regardless of income, who do not come from an area of physician shortages, but who agree to practice in any physician shortage area.

There are two primary purposes for the system of priorities for selecting eligible students for scholarships and fellowships under the bill. First, the evidence supports, what commonsense tells us, the hypothesis that persons from physician-shortage areas are more likely to return and to remain in such areas and practice medicine.

The results of an American Medical Association's survey questioning physicians on the factors that influence their decision to practice in a certain area gives support to the bill's priorities. This survey found that over 45 percent of the physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size.

This AMA survey confirmed previous studies which had indicated that "physicians who practice in small towns are more likely to have a rural than urban background".

The AMA study concluded that "physicians recruitment for rural areas would be enhanced if more young men and women with rural backgrounds were encouraged to enter the medical profession".

Continuing, the report had this to say about the influence of a doctor's origins on his place of practice, "Physicians who practice in small towns are more likely to have a rural rather than urban backgrounds. . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth".

If we can persuade young men and women to practice in physician shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that "once a physician establishes a practice he is not likely to move". Their survey found: "At least 63 percent of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in nonmetropolitan areas had practiced twenty years or more in the same place". This measure is then drafted to give priorities to lower income and other individuals from physician-shortage areas because it is felt that these individuals are more likely to return and remain in the areas in which they were reared.

The second advantage of the priorities established by the bill would be that it would have the effect of attracting and making it possible for more minority and lower income individuals to go to medical school. Across the country there has been a concern over the poor representation of the minority groups in our medical schools.

Another important feature of the legislation is that it would encourage students to enter family medicine. In 1931, 3 out of 4 of the Nation's doctors were engaged in family practice. In 1967, only 1 out of 5 doctors were in general practice. In Baltimore City only 9 percent of the practicing physicians are in the family practice. Indications are that this trend toward specialization and away from general practice is continuing. I believe we need more family physicians. My bill would encourage this.

Mr. Chairman, the overall health manpower legislation enacted last year includes various provisions directed toward the maldistribution problem. The loan forgiveness program under which loans are forgiven for practice in physician shortage areas was liberalized from the former law's 10% to 15% annual forgiveness up to a maximum of 50% for practice in physician shortage areas to 60% forgiveness over a two year period plus additional 25% for third year for a total forgiveness of 85%. In addition, the Congress has enacted Chairman Magnuson's "National Health Service Corps". These are important programs and they have my unqualified support.

But I believe the physician shortage problem is so critical, that it is literally a matter of life or death for some communities and citizens in those communities, that various approaches are desirable.

I naturally hope the loan forgiveness program will work, but the evidence to date makes one skeptical as only a few students have taken advantage of the loan forgiveness program since its enactment.

Finally, I want to emphasize the features of my program which I believe increase the probability of its success.

First, an individual would make commitment to serve in a physician shortage area prior to entering medical school rather than as an afterthought to unload a large indebtedness.

Secondly, the program attempts to attract individuals from physician shortage areas. Common sense, as well as the evidence I cited, supports the premise that such students are more likely to return and remain in shortage areas.

Thirdly, the scholarship program is particularly important to lower-income individuals. Many Deans advise me that lower-income students are very reluctant to assume indebtedness of the magnitude necessary to complete medical school.

Fourth, the scholarships are only for primary care practice and this will have the desirable effect of encouraging more family physicians which are desperately needed.

Finally, I would point out that if an individual does not carry out the commitment, the scholarship in effect, is converted to a loan which must be repaid with interest within three years.

Thus, if the program is successful, I believe the Committee will agree that it has been a good investment. On the other hand, if it does not work, it will not cost the government a single cent. It is my understanding that one of the reasons we lost the funding last year was that the House was reluctant to increase scholarship programs. I suspect that there was not a full understanding of the operations of this program and the fact the scholarship is converted to a loan if the student reneges on his commitment. I hope that this will not occur again this year.

Mr. Chairman, I come from an area that

frequently experiences physician shortage problems. I am convinced that there are talented and qualified men and women in my home area and other similar areas who will jump at the chance to participate in this program and that these individuals, following graduation, will return to practice medicine and to serve among their friends and neighbors. The Physician Shortage Scholarship Program has been endorsed by the American Academy of General Practitioners, the Deans of various medical schools, and the National Medical Association.

I strongly hope that the Subcommittee will fund this program and hold firm in Conference for I am convinced that this program does hold out a considerable amount of hope for physician shortage communities throughout the country.

Mr. TUNNEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 17, line 9, strike out "$897,178,000" and insert in lieu thereof "$927,178,000"; and on page 17, line 12, strike out "$150,000,000" and insert in lieu thereof "$180,000,000".

Mr. TUNNEY. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TUNNEY. Mr. President, the amendment I have offered is a simple, but most important one. It would add $30 million for health professions school construction grants.

As the Appropriations Committee report on this bill states, these facilities are needed now more than ever. Yet, the administration requested not one dime of the $250 million authorized despite the fact that there existed a backlog of $840 million in approved but unfunded construction grant applications before the expiration of the law last year. When that law expired, it voided those $840 million existing applications. But, as the Senate report succinctly puts it:

> Voiding the applications does not void the need for these facilities.

This year, under the Comprehensive Health Manpower Training Act, the House provided $100 million for construction grants. Through the able leadership of this Senator from Washington, the chairman of the HEW Subcommittee, the Appropriations Committee has increased the funds for construction grants by $50 million to a total of $150 million.

Yet, in the face of the tremendous need throughout the country I believe an additional increase is most necessary. For example, in the State of Washington the $8.1 million in grant applications approved remain unfunded. In Massachusetts, last year's figure was $32.7 million. In South Carolina, it was $27 million and in California, $94.1 million. I might add, Mr. President, that of that amount, more than $15 million in California is at the stage where construction can begin immediately.

Similar examples can be given from throughout the country.

Mr. President, I have prepared a list showing 27 States which have major construction grant applications pending. Included in the list are the names of the colleges and universiites affected. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STATES WHICH HAVE MAJOR CONSTRUCTION GRANT APPLICATIONS PENDING

1. Alabama—South Alabama.
2. California—U. of Calif., Davis, Irvine, San Francisco, San Diego.
3. Colorado—U. of Colorado, Colorado State.
4. Florida—South Florida, College of Medicine.
5. Georgia—Emory University.
6. Illinois—Rush Medical College—U. of Illinois, South Illinois.
7. Indiana—U. of Indiana.
8. Iowa—Iowa State, U. of Iowa.
9. Kansas—Kansas State.
10. Kentucky—U. of Louisville.
11. Louisiana—LSU—Shreveport.
12. Maryland—U. of Maryland.
13. Massachusetts—U. of Massachusetts—Worcester.
14. Michigan—Michigan State—East Lansing.
15. Minnesota—U. of Minnesota—Duluth.
16. Missouri—U. of Missouri—Kansas City.
17. Nevada—U. of Nevada.
18. New Jersey—NJ College of Medicine and Dentistry.
19. New Mexico—U. of New Mexico.
20. New York—SUNY—Stoneybrook.
21. North Carolina—U. of North Carolina.
22. Ohio—U. of Toledo.
23. Oklahoma—U. of Oklahoma—OSU.
24. South Carolina—U. of South Carolina.
25. Texas—University of Texas—Houston, San Antonio—Texas Tech. Lubbock.
26. Washington—U. of Washington.
27. Wisconsin—U. of Wisconsin—Marquette.

Mr. TUNNEY. Mr. President, in a number of States, including New Jersey and Texas, for example, new medical schools are planned merely awaiting the availability of construction funds.

Mr. President, the entire thrust of the 1971 Comprehensive Act was to accelerate increases in health professions personnel—doctors, nurses, dentists, optometrists, and other health professionals. But if medical schools are to increase their enrollments as the Congress envisioned they must be able to expand and improve their existing facilities.

I can cite some rather concrete examples from my home State.

The University of California operates five medical schools in California at its San Francisco, Los Angeles, San Diego, Irvine, and Davis campuses. The latter three medical schools were founded in the early 1960's and operate primarily out of temporary facilities—in many cases in what amounts to mobile home-type facilities. The University of California Davis Medical School graduated its first class of doctors this month, without a single permanent building of any kind. The University of California Irvine Medical School similarly has no permanent buildings. And the University of California San Diego Medical School cannot increase its output of doctors without a building which has been ready to go to bid for 2 years.

The university at present trains about 3,900 medical students at the undergraduate and graduate levels. Yet, despite the critical need for adequate, permanent facilities to provide that training, the University of California has received virtually no Federal money for construction for over 3 years.

Mr. President, although few people realize it, that situation is not just a problem for California, it is a problem for the rest of the Nation as well, because at the present time California imports 70 percent of its physicians from outside the State. In other words, unless California begins to train enough doctors to handle its own needs, the efforts of other States to increase their own medical personnel will continue to be handicapped. While I know we in California welcome young doctors who wish to practice there, I am sure you can see the thrust of what I am saying. By assisting California to develop its own medical schools, the Federal Government would also be assisting the rest of the Nation.

This year California is taking a major step toward fulfilling its own responsibilities to its citizens. The legislature has placed on the ballot a $155 million bond issue as part of a $300 million program to meet the State's needs for health personnel.

As part of that program the University of California's medical schools will increase their enrollment by 3,100 students, almost double the present enrollment of 3,900. This action will go a long way toward ending a shortage of physicians in that State and end the drain on the resources of other States.

But, essential components of that effort are the Federal matching funds which will be needed to make it work.

Similar situations exist in many of the other States which have applications pending.

Mr. President, we are all aware of the need for adequate health care for all our citizens. We are all aware that an essential part of assuring that adequate care is training more doctors and other health professionals. And I am sure that we are all aware of the high priority which the people of this country place upon training those professionals and providing that care.

But I think an additional point which we seldom think about is this: construction costs have increased in this country in the past few years at the astounding rate of 10 percent per year. Thus we can talk on and on about the need for saving Federal tax dollars, but the fact remains that during the years in which inadequate funding has delayed construction, the costs of that construction has continued to increase. And unlike other areas where an unspent dollar may never be spent, the need for additional training facilities is not going to fade away. It is going to remain there next year, and each year thereafter until we provide those facilities—only it is going to cost us more for every year we wait.

Mr. President, I ask unanimous consent that my distinguished senior colleague from California (Mr. CRANSTON) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask

unanimous consent that my testimony last month before the Appropriations Subcommittee in support of this increased funding be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman, I appreciate very much the opportunity to testify before you today to testify on health appropriations. I have been here before and I know how deeply committed you and the other members of this subcommittee are to the cause of adequate health care for every citizen. Your task is a difficult one because the needs are so many and so great. I would like to talk principally about three areas of special concern to me: sickle cell anemia, mental health, and education of health professionals.

I. SICKLE CELL ANEMIA

Mr. Chairman, there is a blood disease in this country that kills half of its victims before the age of twenty.

Few survive beyond the age of forty and most are crippled long before death.

It was found to be a deadly killer more than sixty years ago.

It is called sickle-cell anemia and it strikes approximately one of every 500 black persons in this country.

Medical researchers estimate that over 2 million Americans carry the so-called sickle-cell trait. And yet the vast majority of Americans have no idea what sickle-cell anemia is; they have never heard of it.

The people who suffer most from this disease do not live in the suburbs; they do not belong to country clubs; they do not go to private schools; many of them do not have family doctors; many of them never receive any adequate health care. They are black, and until very recently they have been ignored.

In October of last year thirty Senators joined me in taking a first step toward ending that neglect, the introduction of S. 2676, the National Sickle Cell Anemia Control Act. During the next few weeks, the first hearings ever held in Congress on sickle cell anemia were held by two Senate subcommittees and on December 8, 1971, the Senate voted 81 to 0 to approve it. Similar unanimous action was taken in the House and on May 16, 1972, just last week, the President signed it into law as P.L. 92–294.

As the author of that legislation, I am particularly gratified by the swiftness with which the Congress acted in passing that legislation.

Now we must move with equal speed to provide the full funds needed to implement that law. The suffering and despair of the victims of sickle cell anemia, compounded by tragic ignorance of the disease by many Americans, demands that we fulfill the promises contained in this new law.

Mr. Chairman, during the past year and a half since we began working on this legislation, the public has finally begun to learn some of the facts about this tragic disease. Newspapers, magazines, radio and television programs have begun to focus increasing attention on the nature of sickle cell anemia and the great need for support to combat it.

It has been a long process. You will recall, I am sure, that just one year ago, under the leadership of Senator Kennedy, the Senate attempted to increase funds for sickle cell research only to lose that increase in conference with the House.

Happily, that situation has now changed, I think. In voting 391–0 in favor of the National Sickle Cell Anemia Control Act, the House made it clear, I believe, that sickle cell anemia at last occupies the priority in the Congress that it has long deserved.

And for that reason, I believe we must provide adequate funding for this new law. Its passage has given new hope to the thousands of sickle cell victims throughout the nation. Let us not be a party to dashing those hopes by failing to provide the money to implement that law.

Mr. Chairman, it is clear in my mind that if we had a disease that affected one out of every 500 white children, and that if fifty percent of those children died at about the age twenty and almost all of them died before the age of forty, with the kind of excruciating pain and complications that occurs with sickle cell anemia, we would have had a massive reasearch effort long, long before this.

Let me give you some examples of the need for funding.

Dr. Roland Scott of Howard University, a man who has dedicated his life for over twenty years to combatting this disease, described the efforts at Howard's Center for Sickle Cell Anemia in hearings which I held as chairman of the public health subcommittee of the District of Columbia Committee. Dr. Scott is chairman of the Department of Pediatrics and Child Health at Howard. I might add that at the present time Howard University is responsible for training nearly half of all the black physicians in the United States.

Dr. Scott estimated that the cost of establishing and supporting a full scale program at Howard would cost $4.4 million initially and approximately $2 million thereafter. Last year Howard University spent $200,000 for sickle cell research. *Less than one percent* of that money came from the federal government.

Take another example. The Director of the District of Columbia Health Services Administration testified before my subcommittee that he could not even get $15,000 from NIH last year to piggyback a sickle cell test on an existing program testing children in Washington for lead paint poisoning. All he wanted to do was include a very simple test that would have reached thousands of children for almost no additional cost. But he was told there was no money.

Mr. Chairman, these examples demonstrate two things. First, there is a tremendous need for funds, but secondly, there is a particular need here in the District of Columbia. I can think of no more appropriate place to begin the fight against sickle cell than here in the Nation's capital, the city with the largest percentage of black population of any city in the country.

But the need is national as well. Dr. Elmer Anderson, Chairman of the Research Foundation for Sickle Cell Anemia in Los Angeles, has testified about the efforts of that foundation in the Los Angeles area. In 1970, he said, the total income for the foundation was $6,000. That amount was equal to the hospitalization cost of just two sickle cell crises for a single patient. Dr. Anderson put it most eloquently:

"So what we are emphasizing, gentlemen, is not the idea that we are asking for $25 million for programs for testing, research, and education; but a chance to get this disease in its right perspective so that we can save lives. We are very late in finally now becoming aware of what we should be doing. I think that this stage of the game it would benefit us all to appreciate the fact that we should stop politicking and devote our energies toward creating centers where these people can go for screening and good definitive treatment and research facilities where they can do research specifically for sickle cell anemia and not as an afterthought while considering another project to work on."

Similarly, Dr. Robert Rhodes of Meharry Medical College in Nashville, Tennessee, a school that has graduated approximately 43 percent of the black physicians practicing in the United States, has summarized the need for full funding in this way:

"In summary, for all too long, sickle cell anemia has been virtually ignored as an important disease among a major segment of this Nation's population. The victim, maligned and used in many instances as only a 'good source of interesting research material.' The time certainly has come to give adequate support to such programs as will provide both care for the victim and continue to expand our knowledge of this patient and his disease. It is hoped that the current spurt of interest in sickle cell disease will remain high and provide the victim with support so long denied."

Dr. Rhodes went on to cite a World Health Organization estimate that sickle cell anemia kills over 80,000 children annually worldwide

Mr. Chairman, all of those witnesses spoke from sad experience of the need for adequate funds for research, for screening, for counselling, for treatment and for public education. But perhaps the most eloquent statement of the reasons why this Committee should provide full funding for this program was by the mother of a child with sickle cell anemia who testified before the Health Subcommittee:

"Kaaren must have been about eight months old when she had trouble with her elbows swelling . . .

"Shortly after that, Kaaren began to have bronchial infections, which would develop into pneumonia. One night she actually went into a coma.

"We struggled along with this, off and on, for two and a half years, thinking that the child would grow out of it. We had no idea of anything, except that she was weak.

"This is what the doctor said, she was just a weak child.

"In 1947 my husband and I moved to Magnolia, Arkansas . . .

"Kaaren's health began to deteriorate. She was sick most of the time and had to have a blood transfusion about every six to nine weeks.

"She would perk up immediately after the blood transfusion, and then go back down again, so that in approximately two months, she would return to the hospital for another transfusion.

"At this point no one said anything about sickle cell anemia.

"The doctor said he thought she had rheumatic fever. He changed it and said it was malaria . . .

"When we moved to Tyler, she became desperately ill, and we knew no doctor. A friend of mine suggested I use her doctor, who incidentally was an internist. I did not know what that meant at the time. It turned out that this man, a Jewish doctor, diagnosed sickle cell anemia. That was the first time we had ever heard of it . . .

He admitted he knew very little about it. He sat down with us in his office with a textbook, and read maybe ten lines, and that was it . . .

"In 1958, the pediatrician we used tested everyone, all six of us. This is when we learned that I have a trait, my husband has a trait, Kaaren, the oldest child, has the disease, the second child has nothing, the third child has the disease, and the youngest child has a trait . . .

"We were informed she would never live to see womanhood; that if she did, very shortly thereafter she would die, and that there was nothing anyone could do, so you know, get yourselves together, and get ready to face it . . ."

Mr. Chairman, the bottom line is this. The Administration has proposed $15 million for sickle cell anemia for FY 1973. Of that amount, $6 million is to be used for research and $9 million for services, presumably for screening, counselling, public education, and clinical programs. Those amounts are clearly inadequate.

They might be adequate for a token effort, but they fall far short of a national commitment to combat sickle cell anemia. The Congress has called for that national commitment unanimously in both Senate and House It is now time for us to match the words in the new law with the money to make it work.

Furthermore, despite the clearest possible need for action, the vast majority of the funds appropriated for the current fiscal year have not yet been spent. The latest word I have is that possibly as much as 80 percent of the 1972 funding for sickle cell anemia will not be committed until next month, the last month of the fiscal year. So we have already lost almost a full year in the battle.

Frankly, Mr. Chairman, I would like to see this new law funded at the maximum level. I know the realities in which you operate, and I therefore would ask you simply to do the best possible job. However, I would urge that at a minimum the committee add an additional $10 million to the President's request: $5 million for additional research as provided in Section 1102 of the Act and $5 million for screening, counselling, and public education under Section 1101.

Although far less than the full amount authorized under the Act, these additions would bring the total amount allocated next year for sickle cell anemia to $25 million. Such an addition would in no way be excessive and would go a long way toward fulfilling our commitment to the victims of sickle cell anemia and their families.

II. MENTAL HEALTH FUNDING

Mr. Chairman, on July 13, 1971, I testified before this Sub-committee regarding the effects of crippling cuts in the national mental health program proposed in the Administration budget for Fiscal Year 1972. Through the wisdom of this Sub-committee and its counterpart in the House of Representatives, and with the strong support of a large number of both citizen and professional groups, these cuts were restored last year by the Congress.

In the fall of last year, despite the manifest intent of Congress, attempts were made by the Administration to restrict expenditure of these funds. Again, strong and broad-based popular support forced release of the appropriated funds and the development of the mental health program was allowed to continue.

I am before you today because the Administration's budget for Fiscal Year 1973 again imposes severe restriction on vitally needed programs of mental health research, training, and service. During the year that has passed since my last appearance before you, I have had a chance to gain some familiarity with the status of our efforts toward mental health. I have a few comments which occur to me on some of the major recent accomplishments and greatest unmet needs in our quest for better mental health for all Americans. I have divided those comments into research, training, and service. I would add, however, that these three facets are inextricably linked. To attempt to trade one off against another in some false sense of economy runs grave risks of reducing both the strength and the effectiveness of mental health programs.

Research

In research, mental health differs significantly from other health areas in that the gap between knowledge and its practical application is far less wide. This results from both the incredible complexities of the human mind and brain, and the fact that only in the past two decades has major research in mental health been undertaken. Productive interdisciplinary research teams have only relatively recently undertaken broad-gaged studies of the factors associated with major mental illness, or the contributors to such pressing social problems as drug abuse, alcoholism, and violence.

Progress has been made. In recent years the effectiveness of lithium in the treatment of the previously difficult to manage manic-depressive psychoses has been well documented by careful research, and it now appears that this drug may also be useful in treating at least some of the 300,000 Americans each year who suffer severe depression.

The use of the drug L–DOPA for relief of the previously severely crippling symptoms of Parkinson's Disease resulted from intensive research, and further studies of this chemical and its relatives promise greatly increased understanding of the basic biochemical mechanisms of the brain.

Dr. Julius Axelrod, working in the intramural laboratories of the National Institute of Mental Health and winner of the 1970 Nobel prize in medicine, has recently discovered that the human brain has the potential capacity to produce hallucinogenic substances from chemicals normally present in brain fluids. The possible role of this process in the disordered thinking of schizophrenic patients is presently under intensive study.

Methadone appears to offer at least stabilization of a significant number of the estimated 500,000 heroin addicts in the United States, while pharmacologic research holds promise for the development of long-acting true narcotic antagonists. Meanwhile, research is continuing the search for the basic factors underlying addictive behavior.

But much is still unknown. Nearly 40 percent of the hospital beds in the United States are occupied by individuals suffering from major mental illness, and it is estimated that one in ten Americans will require psychiatric hospitalization at some time during his life. There are more than five million alcoholics in our country today and an additional four to five million individuals for whom alcohol abuse is a serious problem.

Mental health problems of young people in our society are another major area. Drug abuse among teen-agers is a tragic fact of life for thousands of American families. Death due to over-dose or the physical complications of addiction has become the leading killer of young people between fifteen to twenty years of age in several of our larger cities. The upsurge of violence and crime by young people is also a sad fact. Three-quarters of those arrested for major felonies, larceny, and negligent manslaughter are less than twenty-five years old. Arrest rates are highest for those fifteen through seventeen, and next highest for ages eighteen through twenty. One need not be a psychiatrist to recognize the meaning of those statistics.

None of these problems is simple. None has an easy answer. But whether you measure the cost in either economic or human terms, continued support of both fundamental and targeted research on problems of mental health and illness is an excellent investment. The Administration proposes a budget of 144 million dollars for NIMH research support in FY 1973. This is inadequate to even cover inflationary increases over the past year and would provide no new funds for expanded research efforts. Both the National Association for Mental Health and major professional groups have urged the addition of ten to fifteen million dollars in new funds to support mental health research in the coming year. Even this modest increase would allow the beginning of nearly four hundred new research projects. This support seems to me minimal in the face of past accomplishments, great promise, and overwhelming need.

Training

The United States remains woefully short of professionally trained mental health manpower. While the number of psychiatrists, psychologists, psychiatric social workers, and mental health nurses has increased markedly since the end of World War II, the demand for skilled services has increased as well. Effective treatment programs in drug abuse, alcoholism, crisis intervention, and crime and violence, if they are to succeed, require—in fact demand—skilled professionals. In addition, we must provide mental health care to those for whom it has been only barely available—minority groups, children and adolescents, and those living in rural areas.

I strongly support these new treatment programs. But I would consider it tragic indeed if manpower shortages led to our producing yet another second-class care system for those most acutely in need. Highly trained and skilled professionals are required not only for the development of new mental health knowledge through research, but also for the application of this knowledge to new treatment programs and the complex, but vitally important function of program evaluation.

It has recently been suggested that less highly trained para-professional mental health workers can significantly replace professionals in treatment programs. The usefulness of new kinds of health workers in increasing the effectiveness of professionals has been clearly demonstrated and significant new roles for para-professionals in community mental health have evolved. I think, however, we should be wary about the concept of their fully replacing professionals in the extremely complex task of effective mental health care. The risk of producing a second-class system seems to me to be great.

The public demand for help with psychological and social problems has been demonstrated in California in the very rapid rise in various encounter and other group programs, not infrequently led by individuals with little or no professional training. Recent research has demonstrated that, contrary to popular belief, such quasi-mental health activities are not necessarily harmless, and may, in fact, delay the seeking of professional assistance for major mental disorder. Partly because of the effectiveness of past public education programs, persons in need are increasingly seeking mental health care. It is our responsibility to provide skilled professionals to help them.

As with research, despite a record of accomplishment and a clear-cut need, the Administration proposes to severely restrict the training actvities of the NIHM. In this case, a *cut* of fifteen million dollars from the appropriation for FY 1972 is requested. Of this cut, seven million dollars is removed from funds to train psychiatrists, and the intention is again made clear to eliminate the entire psychiatry training program over the next few years. The profound impact of these cuts on the manpower supply in this essential medical specialty has been pointed out in other testimony before you. I would only like to underline the particular irony that the training programs which would be most severely restricted by such cuts are those based in medical schools and major medical centers. These are precisely the programs which provide training in research, program development, and evaluation, and whose graduates are most likely to enter public service careers.

Even more short-sighted, in my view, is the proposal to cut eight million dollars from the support of mental health training in the core education of health professionals who do not plan to specialize in mental illness. The bulk of mental health care in this country, especially for less severe disorders, will likely always be provided by non-psychiatric physicians, social welfare workers, and others without primary mental health responsibilities. With proper training, these individuals can be tremendously valuable in treatment, early case finding, and effective prevention of more severe disturbances.

Mr. Chairman, there is a terrible irony in the budget cuts proposed by the President. Every member of the Congress knows how deeply every American is concerned about drug abuse. Last year we passed major new legislation designed to combat drug abuse. Yet we are now actually being asked to reduce the production of the very professionals who can provide the key manpower in that effort. I simply cannot understand that logic.

Restoration of the proposed cuts in NIMH training funds seems to me to be the bare minimum expression of our responsibility to the mentally ill of this country. The National Coalition for Mental Health Manpower, a broad consortium of citizen and professional groups, believes that an additional forty million dollars in new funds could be effectively used in the coming year, and I would support this recommendation.

Services

A final point is services. Quality mental health care is increasingly available to broad segments of the American population. The result has been a decrease in the number of patients in outmoded public mental hospitals. Three state hospitals in California have been able to close their doors in the last year as community-based services have become available. More than three hundred Community Mental Health Centers are currently in operation, offering the potential of comprehensive services to more than 25 percent of the total United States population. These centers are increasingly offering effective services for alcoholics, drug addicts, children and adolescents, and the aged.

The visionary concept of a truly comprehensive community mental health center system, developed during the Kennedy Administration, has allowed us to take major steps toward the goal of national mental health care. That the full implementation of the concept has in some instances proved difficult speaks to the complexity of the problem rather than to fundamenal flaws in concept.

In my view, the primary task of the Community Mental Health Centers in the years immediately ahead is the assurance of high quality care to all of those treated. This will require full utilization of the research and training potentials of the Centers, perhaps through closer working relationships with universities and medical centers, and particular attention to program evaluation. To provide the best care, the Centers must have a full complement of professional staff and an atmosphere conducive to open inquiry and thoughtful innovation.

With respect to budget requests for Community Mental Health Centers, it seems to me that the highest priority must be on staffing, especially the provision of adequate professional manpower for those Centers in operation or under development. $140 million should be adequate for this purpose in FY 1973. I would also strongly support a specific allocation of $2 million for evaluation, as recommended by the Council of Comprehensive Community Mental Centers.

III. CONSTRUCTION OF HEALTH EDUCATION FACILITIES

Mr. Chairman, my third topic concerns our efforts to provide the health professionals we will need if we are ever to assure adequate health care for all Americans. There has been a great deal of discussion in the past few years about a crisis in the delivery of health care. Last year, however, the Congress passed the Comprehensive Health Manpower Training Act of 1971—legislation which the President himself termed "the most comprehensive health manpower legislation in the nation's history."

Yet, the principal goal of that legislation—to overcome health personnel shortages—will be gravely undercut by the President's failure to recommend any funds for construction of medical and other health profession schools. Denial of construction funds will destroy in a single blow the attempt to provide a coordinated, interlocking federal effort to assist education of health professionals.

The entire thrust of the legislation was to accelerate increases in health professions personnel—doctors, nurses, dentists, optometrists, and other health professionals. But if medical schools are to increase their enrollments as the Congress envisioned they must be able to expand and improve their existing facilities.

Mr. Chairman, I can give you some rather concrete examples from my home state.

The University of California operates five medical schools in California at its San Francisco, Los Angeles, San Diego, Irvine and Davis campuses. The latter three medical schools were founded in the early 1960's and operate primarily out of temporary facilities—in many cases in what amounts to mobile home type facilities.

The University at present trains about 3,900 medical students at the undergraduate and graduate levels. Yet despite the critical need for adequate, permanent facilities to provide that training, the University of California has received virtually no federal money for construction for over *three* years. Yet the President comes to us this year and proposes no new funds for construction.

Mr. Chairman, although few people realize it, that situation is not just a problem for California, it is a problem for the rest of the nation as well, because at the present time California imports 70 percent of its physicians from outside the state. In other words, unless California begins to train enough doctors to handle its own needs, the efforts of other states to increase their own medical personnel will continue to be handicapped. While I know we in California welcome young doctors who wish to practice there, I am sure you can see the thrust of what I am saying. By assisting California to develop its own medical schools, the federal government would also be assisting the rest of the nation.

This year California is taking a major step toward fulfilling its own responsibilities to its citizens. The legislature has placed on the ballot a $155 million bond issue as part of a $300 million program to meet the State's needs for health personnel.

As part of that program, the University of California's medical schools will increase their enrollment by 3,100 students, almost double the present enrollment of 3,900. This action will go a long way toward ending a shortage of physicians in that state and end the drain on the resources of other states.

But, an essential component of that effort is $97 million in federal matching funds which will be needed to make it work.

Mr. Chairman, I recall your fine work last year in providing additional construction money, particularly your gracious assistance when I offered a successful amendment to the Supplemental Appropriations bill last fall to increase funding by $20 million. I know you are aware of the needs in my state and the other states across the country. I would, therefore, ask only that you and the other members of the subcommittee be as diligent as you can in providing the maximum possible for construction grants.

The Coalition for Health Funding has recommended $250 million for such grants and I endorse that recommendation.

IV. MIGRANT AND RURAL HEALTH CARE

Mr. Chairman, there are a number of other areas in the health budget which need strengthening. I know you are aware of them and I know that other witnesses before you have made and will make the case for many of them. I know that the Committee's time is limited and so I will only touch upon them briefly. The Maternal and Child Health Services, the National Health Service Corps, and Migrant Health programs are all programs which I believe have critical importance, particularly in rural areas and areas suffering from severe economic distress. I know that I do not need to catalog for you the ways in which these programs affect directly the amount and quality of health care that is available to millions of Americans who can least afford such care.

Migrant health is a good example. In California during the peak harvest season there may be up to 100,000 migrant workers. Many counties in California remain without any migrant health services. Other large counties like Riverside and Fresno have very limited facilities to cover wide geographic areas or large numbers of migrants. The President has budgeted $23.7 million for migrant health. I would urge you to increase it to $30 million.

Similarly, funding for the National Health Service Corps should be increased substantially. Rural and inner city areas suffer critical shortages of health care workers. This program can have a major effect on that maldistribution of health services. Let me give you an example of why this program is so important. Mono County, California is a remote rural county on the east slope of the Sierras. It covers 3,028 square miles but has an average population density of only 1.3 persons per square mile. Its altitude ranges from 6,400 to 14,242 feet. On weekends the population is increased by about ten times by vacationers. Yet the county has only one hospital and that hospital recently learned that it would no longer have any physician available. Faced with this crisis the county sought help from the National Health Service Corps, and I am happy to report that as of July 1, 1972, they will have two doctors through the Corps.

Mr. Chairman, that is the kind of aid which can be provided through this program and I think it should be supported to the full extent possible.

Mr. CASE. Mr. President, will the distinguished Senator from New Hampshire yield so that I may have a short colloquy with the Senator from Washington (Mr. MAGNUSON)?

Mr. COTTON. I yield.

Mr. CASE. I wish to inquire of the Senator from Washington as to the precise disposition of the funds allotted under title V ESEA. There has been some discussion as to the specific appropriation of funds added on the House floor which were not included in the House committee report. What is the Senator's understanding of the House action and what is the intention of the committee with regard to amounts added above the budget request for title V?

Mr. MAGNUSON. The Senator is correct that there has been some question about the figures on title V. It is my understanding now that the House action really intended that an additional $10 million was to be added to the budget figure for part A of title V ESEA, making the House action on title V total $43 million in part A, title V, and $10 million in part C, title V ESEA, for a total of $53 million.

Mr. CASE. It is my understanding this action was intended to compensate State education agencies for the loss of funds formerly available on a flat grant basis under section 402 of the General Education Provisions Act. Because of the matching requirements and population formula of part C of title V ESEA, 32 State education agencies would have received less money in fiscal year 1973 under the President's budget.

Mr. MAGNUSON. I assume the Senator is correct. It is the intention of the Senate committee that the Senate accept the increase of $10 million for part A of title V ESEA added by the House, and add an additional $2 million, to make the total of part A, title V ESEA $45 million, and accept the House figure of $10 million for part C. Since this is just an adjustment of figures within the total of title V ESEA, I am confident we can work this out with the House in conference.

Mr. CASE. I thank the Senator from Washington.

To further clarify the record on this matter, I ask unanimous consent to have printed in the Record a copy of a letter from Representative William Hathaway, the author of the amendment adopted by the House to the distinguished Senator from Delaware (Mr. Boggs), in which he states his intention in regard to title V of the Elementary and Secondary Education Act in offering his amendment.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 22, 1972.

Hon. J. Caleb Boggs,
New Senate Office Building,
Washington, D.C.

Dear Senator Boggs: I am writing to you because I know of your interest in adequate funding for state education agencies under Title V Part A of the Elementary and Secondary Education Act. It has come to my attention that in the transmission of the appropriations figures from the House Appropriations Committee to the Senate, an error was made. My amendment offered on the floor of the House 15 June, 1972 and adopted, stated that the funding for Title V ESEA was intended to be $53 million. It was my intention that this increase of $10m above the administration budget was to be an increase to Part A of Title V ESEA. The administration budget contained a figure of $10 million for Part C of Title V, and the Hathaway Amendment intended no increase to that figure. Part C of Title V has not been funded in past years, and the $10 million figure provides an adequate beginning for that program.

Part A monies under Title V must be increased this year to compensate state education agencies for the loss of funds previously available to those agencies for planning and evaluation under Section 402 of the General Education Provisions Act. These Section 402 funds are not available to state education agencies after the end of fiscal year 1972. Because of the difference in formula application of the monies for Section 402 as opposed to Part A of Title V, it was my intention that Part A of Title V be increased by $10 million to a level of $43 million for fiscal year 1973, to compensate state education agencies for the loss of Section 402 funds. Part C monies under Title V do not provide this compensation because of the requirement that the funds be shared between local and state education agencies, and also because Part C requires a 25% matching contribution on the part of the states. Under the President's budget, 32 state education agencies would lose money unless Part A of Title V was substantially increased.

I hope this analysis clarifies any ambiguity which may have arisen as to the action taken by the House in adopting the Hathaway Amendment.

Sincerely yours,

William Hathaway.

Mr. CASE. I thank my colleague from New Hampshire for yielding me this time.

Mr. MAGNUSON. Mr. President, if I may have the attention of the Senator from California (Mr. Tunney), is my understanding correct that his amendment provides for the adding of $30 million for health manpower construction grants?

Mr. TUNNEY. The Senator is correct.

Mr. MAGNUSON. I am perfectly willing, and so is the Senator from New Hampshire (Mr. Cotton), to take this amendment to conference and see what we can do with the conferees.

I do not believe there was a man on the Appropriations Committee on either side of the aisle that did not feel we should add more money for health professions construction, as well as for the construction of nursing facilities, and for allied health schools. The situation is bad in California. It is also bad in my State—especially in Seattle at the University of Washington. This money will be helpful in providing some really high priority items. It will provide a substantial contribution to some of the local institutions.

Mr. TUNNEY. It certainly will. I want to thank the distinguished chairman, because I know of the great work that he has done, as well as the Senator from New Hampshire (Mr. Cotton), in making it possible for the Senate to appropriate the kind of funds so desperately needed, if we are going to be able to construct the facilities which are needed to train those who will provide professional health care for the people of this country with its rapidly expanding population.

I thank the Senators from Washington and New Hampshire once more, and I want them to know that I believe this amendment demonstrates the great concern of the Senate that we do get an adequate sum of money in conference to build the kind of training facilities we so desperately need in all parts of the country, not just in California. But California is very hard hit with its lack of adequate funding for its medical schools and the practical result is that we raid other States for physicians. That situation must stop and the people of California through the legislature and the bond initiative are moving to resolve it.

Mr. COTTON. I did not hear all of the colloquy between the chairman and the Senator from California. I want to make sure that I understand it. This amendment provides for $30 million for constructions of medical schools; is that correct?

Mr. TUNNEY. That is correct.

Mr. COTTON. This is strictly for medical schools.

Mr. TUNNEY. That is correct.

Mr. COTTON. I thank the Senator from California. I can go along with the amendment and will be very glad to accept it.

Mr. TUNNEY. I want to thank the distinguished chairman, and the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. Beall). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from California (Mr. Tunney).

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the Record at this time a floor statement on the bill by the distinguished Senator from New Mexico (Mr. Montoya) and a statement by the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. Ellender).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MONTOYA

As a member of the Subcommittee on Appropriations for the Departments of Labor and Health, Education and Welfare, I want to commend its distinguished Chairman, Mr. Magnuson, for his role in presenting to the Senate what I believe to be one of the most equitable education and health appropriation bills ever considered by the Senate.

For many weeks, the distinguished gentleman from Washington heard testimony from many witnesses, all urging their program or project be fully funded. Thanks mainly to the leadership of Senator Magnuson, all these people received funding I am sure they can live on. Let me assure this body that had we granted every increase requested, this bill would have totaled over $100 billion. Fiscal responsibility, however, dictated that we determine priorities. I only regret, Mr. President, that we do not have at our disposal enough funds to provide funding necessary for all such worthwhile projects. This Committee heard many pleas for help, and I believe we have responded to most of them.

Mr. President, it has been the practice of this Administraton to speak loudly about the health and education crisis facing the United States today. This Committee agrees and backs up such rhetoric with funds, which the Administration failed to request in the budget to meet these crises. It is true this bill is several million dollars over the budget request. However, this is due in large part to failure of the Administration to back up its words with money.

I especially want to express sincere thanks to this Committee for providing adequate funding for several programs and projects I feel will greatly benefit the Spanish-speaking people of this country.

BILINGUAL EDUCATION

$60 million were provided for this program, which has more than proven its worth. Additional funds provided in the Senate bill will allow for 150 new projects. A more rapid development of bilingual teaching materials and faster expansion of bilingual television programs will now be possible with these additional funds. Recent studies have shown conclusively that children who participate in bilingual education programs are learning faster and reading better than their peers who lack this opportunity. Bilingual education has made learning meaningful to Spanish-Americans and other minorities whose drop-out rates far exceed the national average. This increase clearly indicates that the bilingual education program is no longer an experiment.

VOCATIONAL EDUCATION

As a long-persevering proponent of vocational education, I was most pleased with the increase in funds over the budget request granted by the Committee. Had the Committee concurred with the budget request of $542 million, approximately 27 states would have received less funds for vocational education programs than they did in 1972.

Additional funds provided by the Senate Committee ensures that no state will receive funding below the 1972 level. Because of Senate action, 12,467,500 people will be able to engage in new, emerging occupations through vocational education.

Because of emphasis placed on vocational education by Congress in recent years, plus an evolving concept of career education being formulated in the U.S. Office of Education, and a fast-growing need for skilled workers in our economy, students and parents throughout the country are becoming evermore aware of opportunities available through vocational and technical education programs. If these programs are not adequately funded, they will not be able to accommodate a growing number of Americans who see in them a chance to broaden educational options and to attain skills needed to compete in our modern job market.

The bulk of our labor force occupies positions that do not require college degrees. Higher education is vital, and we certainly should not reduce our commitments to that sector of education. Yet we should also face the fact that even in the year 1980, 80% of job openings will be in positions not requiring a college degree. We have an obligation, then, to provide education that will present the kind of training needed for these jobs, both for benefit of the future labor force and society at large.

At present, the Federal Government spends $14 on higher education for every $1 it spends on vocational education. It is not the funding level for higher education that is out of line here; it is the ratio. Vocational education deserves more help from the Federal Government. The Federal-State partnership so important in education suffers if all partners do not increase efforts simultaneously. At present, only four percent of money spent for education in grades K–12 goes for vocational education.

I believe my faith in vocational education has been vindicated by success of the program to date, and I thank the Committee for backing up their faith in the program with the increase in funds provided.

IMPACT AID

Many of my colleagues have expressed concern over failure of the Federal Government to carry out its responsibility to districts heavily impacted because of Federal activities. The Congress has annually provided funds with which government could relieve economic pressure placed on school districts by the Federal presence. Government, however, refuses to spend funds provided by the Congress.

The Committee this year, after hearing desperate pleas of school officials, increased appropriations for both P.L. 815 and 874.

In recent years, the P.L. 815 program has been funded at $15 million, while a backlog of requests totalling over $200 million has developed. The Committee recognized the plight of many such school districts and directed the Office of Education to rearrange priorities and give preference to those schools on military bases and Indian reservations. The $45 million appropriated by the Senate Committee will mean Holloman Air Force Base in New Mexico will at last be able to replace facilities which at best can be described today as deplorable.

Additional funds provided for P.L. 874 will relieve some pressure on school budgets caused to a great extent by additional burdens placed on these schools by the Federal government.

All in all, Mr. President, it can readily be said that education appropriations provided by the Senate Committee shows the Committee recognizes a clear need to improve every aspect of our educational system. Further, the Committee has taken steps to ensure that every person young and old will have opportunity to obtain an education by providing adequate funding for educational programs.

HEALTH

Perhaps the most difficult task confronting the Committee was to decide which of the many worthwhile and much needed programs related to health, health delivery and health research should be given priority in funding.

Once again, fiscal responsibility dictated caution. Every witness testifying on the health budget made an excellent presentation describing the need for funding to carry out his particular program. The Committee, however, again was forced to decide priorities. To be sure, had we granted every request for additional health funds, the Committee would have been acting in a fiscally irresponsible manner, thus inviting a veto.

It should be noted, however, that the Committee did make substantial increases over the budget request. It felt that the budget requests for the health sector were unrealistic given the clearly defined existing needs.

It would seem to me that none of the special health groups should be unhappy with appropriated funds, and each should recognize realities and limitations facing the Committee.

I was personally pleased to see the Committee recognize the plight of our mentally ill, especially the young. The Committee's actions in providing funds for mental health centers and for staffing these centers clearly shows the disposition of the Committee to give priority to treatment of the mentally ill.

The Committee and its distinguished Chairman deserve commendation for providing assistance to every aspect of our health sector and still remain within the realm of fiscal responsibility.

Thank you, Mr. President.

Statement by Senator Ellender

I wish to thank Senator Magnuson and the members of the Labor-HEW subcommittee for the fine work they have done on title II of the pending bill.

The appropriations for health represent an increase over what the Administration asked for and, in some areas, an increase over the House bill, as well. Last year, the Senate Appropriations Committee raised the budget requests for health. This year, the nurses association is again recommending increases which they believe are vitally necessary.

Frankly, the association was disappointed to see the Administration's budget requests this year. As the committee report states, the association has been concerned for several years about the downgrading of health and education as reflected by budget requests. This year is no exception. Though we were told that the fiscal 1973 budget places top priority on health, in reality many important programs were cut back. Funds for health manpower education are a glaring example. The committee report notes that the budget request for health manpower was $140 million less than the amount available for fiscal 1972; there are no funds at all for construction of schools.

As it did last year, the Administration budget contains especially serious deficiencies in the area of nursing education. I am pleased to see that the subcommittee has helped to correct this. Funds for capitation, or basic support to schools of nursing, have been raised to the same percentage of authorization as for the other health professions.

Again, I think the subcommittee has done an outstanding job in this very crucial area, and I commend this report to you.

Mr. CHILES. Mr. President, I send to the desk an amendment on behalf of the Senator from Michigan (Mr. Hart) and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 28, line 22, strike the ":" and insert in lieu thereof ".".

On page 28, strike lines 23 and 24.

One page 29, strike lines 1 and 2.

Mr. CHILES. Mr. President, I am proposing an amendment to H.R. 15417, to add a period at the end of line 23, page 28, and to strike lines 24 and 25 of page 28, and lines 1 and 2 of page 29.

[Demonstration outside the Chamber.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Sergeant at Arms is directed to maintain order in the galleries and in the corridor outside the Chamber so that the Senate may conduct its business.

Mr. CHILES. Mr. President, if this language remains in the bill, it will severely limit Federal funds available to States for social services to current, former, and potential welfare recipients, to the level of $2.5 billion in fiscal year 1973 and thereafter.

Such a limitation at this time would not only be harmful to more than 4 million family—cases—now receiving such services, but would be highly inequitable to most States and inconsistent with current efforts to improve administration of these social services programs.

The present administration tried in 1970 and again in 1971 to limit the Federal expenditures under these programs to 110 or 115 percent of the previous year's level. For the past 2 years the Senate has rebuffed these efforts for two very good reasons: First, these percentages did not adequately allow for caseload increases, and therefore represented a virtual cutback in Federal effort, and second, the administration was trying to cut off by appropriation language what they have not been able to cut through authorization language. The Senator from Louisiana (Mr. Long) took strong exception to these attempts, and eloquently spoke to these points on the Senate floor.

Now, for the third year running, the administration is again trying to do the same thing through appropriation language flouting the expressed will of the Congress. This year they have written the limiting language in terms of dollars rather than percentages, but the $2.5 billion limit is roughly the same thing all over again.

It may be argued, Mr. President, that the $2.5 billion represents the States' estimates of what they will spend in fiscal year 1973. In fact, however, if they make such a case, they must be referring to estimates which are already out of date. Many States, including my own, have only very recently begun moving to expand their social services programs. The following States have State plan amendments in preparation which would expand social services in excess of the $2.5 billion level:

Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, and Nebraska.

New Hampshire, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, and Wyoming.

[Demonstration outside the Chamber.]

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Sergeant at Arms is directed to maintain order in the galleries and in the corridors so that the Senate can conduct its business.

Mr. ROBERT C. BYRD. Mr. President, it has become apparent that the noise is not coming from the Senate Chamber or from the galleries. I ask that the Presiding Officer direct attachés to take whatever action is necessary to maintain quiet in the areas surrounding the Chamber so that the Senate can conduct business with proper order and decorum.

The PRESIDING OFFICER. The Chair directs the Sergeant at Arms to see that there is proper order.

Mr. COTTON. Mr. President, the demonstrators were massed outside this door of the Chamber when I was trying to get in. I had to literally fight my way into the Chamber. Two officers were there in uniform and would not lift a finger to do anything. My picture was taken as I was literally fighting my way through this disruptive crowd and probably the Washington Post will publish it and accuse me of abusing the poor demonstrators.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time used not be charged against the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, the $2.5 billion limitation would stop short these efforts at program improvement.

Mr. ROBERT C. BYRD. Mr. President, I am sorry to again interrupt the Senator. However, would the Chair please ask Senators to take their seats?

The PRESIDING OFFICER. Will Senators please take their seats so that the Senator from Florida can continue to explain his amendment?

The Senator from Florida may proceed.

Mr. CHILES. Mr. President, it is noteworthy that the States of New York and Illinois are not in the above list. The reason is that these States have already received approval for major expansion of their social services programs. The other States are only trying to do what New York and Illinois have already done, with HEW approval. In fact, the administration has not only approved their program expansion, but has actually assisted and promoted it. In other words, while talking "limitations," the administration has been promoting expansion in certain States.

My own State of Florida has received some technical assistance from HEW for improvement of social services programs. I believe such help should be given by HEW. But it should be given equitably to all States. Instead, the administration is attempting to cut off expansion just after a few States have slipped under the wire with State plan changes. This is unfair, especially since the few States who already benefited were among the highest in per capita social services expenditures before their recent increases.

REFINANCING

One argument that has been made in favor of such limitations is that the additional Federal money is simply replacing State money rather than expanding social services in the States.

First, it is difficult to understand how an administration which has been talking "revenue sharing" for 3 years can be opposed to some fiscal relief to the States in the area of alleviating their welfare burden. This is especially true in the case of these social services programs, which offer to States some of the greatest flexibility of any Federal program.

Second, there is little evidence to support the charge of State refinancing through these programs. In my own State, the additional Federal dollars received have gone almost entirely into expanded social services, such as day care, help to mentally ill and retarded children, services to reduce juvenile delinquency, drug and alcohol abuse services, and most important services to the aged and disabled. Moreover, these social services go to the poorest of the poor, who are so often missed by other State and Federal programs aimed at these problems. The charge of refinancing is also denied by the many private and voluntary social services agencies who operate under contract with the State programs. Such public voluntary cooperation is rare in this country, but is clearly on the increase in these programs.

INCONSISTENT WITH PROPER ADMINISTRATION

Mr. President, earlier this month the Department of Health, Education, and Welfare issued a new regulation requiring States to administer these social services programs separately from the welfare cash assistance programs, effective next January. This will cause a major change in the State programs, the purpose of which is improved accountability for social services expenditures.

Our own experience in Florida, while supporting the value of this change, also proves that such separate administration involves higher initial administrative costs to the social services program.

Severe cuts in Federal funds, especially at this time, are inconsistent with this Federal regulation. Such limits will work directly against the very same accountability measures which the Department of Health, Education, and Welfare has just taken. The States will be squeezed even further than they are now, and will have no choice but to begin cutting back on important social services programs to meet the higher administrative costs.

It is very easy to confuse fiscal savings with accountability. One does not necessarily promote the other. In fact, to pursue fiscal savings without adequate accountability is, in effect, to make random cuts without knowing what is being cut off. Perhaps if HEW vigorously pursues tighter management controls than are now in effect, it will be in a better position next year to explain to Congress who would be hurt by such limitation. Certainly that information is not on the table for us now.

Mr. ROBERT C. BYRD. Mr. President, I hope the Senator from Florida will again indulge me.

I ask that the Sergeant at Arms be directed to close the south doors to the Chamber to keep out the noise that is coming from outside and creating a disturbance and interfering with and interrupting the conduct of the Senate's business.

The PRESIDING OFFICER. The Sergeant at Arms is so directed.

Mr. TOWER. Mr. President, it occurs to me that closing the south doors would disrupt our proceedings because we cannot get to the office of the minority leader. I do not see why the passageway could not be cleared of these people.

Mr. ROBERT C. BYRD. The passageway is being cleared. The police are removing the demonstrators, but only 20 can be removed at a time. The Sergeant at Arms is carrying out the previous order. In the meantime, I ask that the doors be closed.

Mr. TOWER. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the Senator from Florida for yielding.

SUMMARY

Mr. CHILES. Mr. President, the $2.5 billion ceiling is unworthy in its effects on poor people. It is inequitable in its effects on States, especially in light of recent approval of expansion in a few large States, with the help of this administration. It is inconsistent with the administration's position on increased State flexibility and with new HEW regulations for improved administration of social services programs. And it is improper as an appropriation, rather than an authorization limitation.

I wish to make it clear that I am in favor of strong accountability and reasonable allocation for social services programs. This present provision in H.R. 15417, however, is the wrong way to accomplish this, at the wrong place, and at the wrong time. And finally, it is inconsistent with the whole direction taken by Senator TALMADGE in his amendments to the work incentive program, which in fact raised the Federal matching share from 75 to 90 percent for these critical work-related social services. This change is slated to become effective July 1, or next week. I urge this limiting language be sticken from the bill.

Mr. COTTON. Mr. President, I ask the chairman to yield time to me on the amendment.

Mr. MAGNUSON. I yield time on the amendment to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have listened with great interest and frankly some little astonishment to the remarks of the distinguished Senator from Florida. I hold him in the highest regard. I have great admiration for him and I predict for him a very brilliant and useful career in this body. But he has not been here very long and before he passes judgment on a rather complex subject that some of us have been working on for 12 or 15 years, I think that he might review a little of the history and the facts.

Mr. President, this provision is a most reasonable provision. It does little but establish a ceiling. Let me suggest to the distinguished Senator from Florida and call to his attention a couple of facts that apparently he has not taken into consideration.

In the last 3 years the money used by the States in this Union in their welfare administration, just used to pay State employees, not 1 red cent of which ever goes into the hands or pockets of any needy person, has tripled, and unfortunately the law leaves it completely open ended, for whatever any State chooses to appropriate, the Federal Government must match.

Now, 2 years ago we endeavored to close that hole, leaving plenty of leeway, and we heard outcries all over the Senate, such as I have just been listening to from the Senator from Florida, and we did not succeed.

Last year we wrote into the bill a provision that no State should spend more than 120 percent of what it had spent the year before. I will tell Senators what happened. That provision would have meant that no State in this Union would have lost one nickel, except one possibility. I never in my life heard such an uproar, that far surpassed the outcries of my friend from Florida, as we heard from the great State of California, the largest State in population in the Union, a State we all admire and which we are proud. The great State of California gets the lion's share because it is so big, but it protested vigorously. The protests were nonpartisan. We had a message from Governor Reagan saying that if we put that limit of 120 percent on, it would cost his State of California $100 million that we were taking heartlessly out of the pockets of the people of Califorina.

Then, both Senators from California, as is their duty, and quite legitimately and open, proceeded to wring their hands and gnash their teeth on the floor of the Senate. Senators CRANSTON and TUNNEY alleged that their information from California indicated that a 115 percent limitation would cost the State $80 million. We had it at 115 percent and then we put it at 120 percent. But no, Governor Reagan said it would cost $100 million. We succeeded in eradicating it and opening up the doors. So what happened in California?

California had spent in fiscal 1971, under this administration, $211 million. In fiscal 1972, last year, when they got around to it, they spent $250 million. If the 115-percent lid had been on, it would have cost the great State of California just $10 million. If the 120-percent lid had been put on, which we offered to take in order to establish the principle that the States of this Union cannot simply bleed us, and be no longer powerless to do anything about it, it would not have cost the State of California one single nickel.

If the distinguished Senator, when he was walking about Florida, had noticed what I notice when I walk about New Hampshire, though my walking apparatus is no longer as good as his, he would have seen the same, ample evidence in Florida, I suspect, as I find in my State, and as every Senator will find in his State, that every single one of these States, when they make their estimates, are very sure—to make estimates big enough so that they are not going to be cheated by any other State and get their full share of the gravy. I do not blame them; it is good business; they do not want to be suckers. But when the time comes to raise their matching funds—we have gone back over the records—they do not match them.

As if that were not enough, the estimates we have now from all the States total $2.162 billion. So we put this figure at $2.5 billion to make absolutely sure that, based on their own estimates, it would not cost a single State in this Union anything. In all probability they would not get up to $2.5 billion, but it would at least establish for the future the principle that there shall be some limit.

In addition to that, the distinguished Senator from Florida said something about the administration—this emanated from downtown—is talking about tax sharing, and it is all very hypocritical and a horrible thing, what we are doing here and what the administration is doing. I would like to remind him of something. I would like to remind him that a few months ago the President sent up here a bill called the Emergency Employment Act. The Senate passed it. I was one of a few who voted against it. Why did I vote against it? I voted against it because I thought it was a thoroughly unsound bill. It provided Federal money to enable States to employ more people in the statehouses, and in the departments and counties and cities to employ more people in their administrative duties. I opposed it because I said these are not the people we want to create jobs for. This is simply creating jobs for a lot of political hangers-on and old ward heelers. It is helping build up a State bureaucracy or a city bureaucracy. And I voted against the bill.

But, as usual, I was outvoted, and so the authorization was passed; $1 billion for the first year. This year, $1.250 billion.

We have appropriated and put into the bill that is before you in the Senate today—perhaps the Senator from Florida had not noticed it—$1.250 billion for this year's expenditures for States to use in hiring people to help administer their State programs.

So in addition to the fact that our attempt was to at least put a stopper in the sink somewhere, we have not only gone so far that we have provided $2.5 billion when all the total estimates so far come to only $2.162 billion, but there is in this bill more gravy that these States are so anxious to resort to.

Mr. President, you never heard such a racket. Talk about the AFL–CIO or any other union organization in this country. They are amateurs compared with the people who have their noses in the public trough. My telephone has been ringing for 3 days, and I have talked with more social workers about the horrible provision that is in the bill. They sounded sweet and nice, and if I were 30 years younger, I would like to have had them come in and talk with me, but they do not know any more about what they are talking about than does the Senator from Florida.

They had simply had the word passed down the line to them that the Committee on Appropriations of the U.S. Senate is trying to put some limit on what the States can reach right into the Federal Treasury and take out, without any let or hindrance, to spend on administration.

The money requested by the States is increasing, and mine is one of them. I had a communication from my State government. I had a communication from my Governor. I like to take care of the interests of my State, but not like Jesse James took care of his interests. There has to be a line drawn somewhere, when you have an open sieve so that in 3 years it triples. This year it will probably quadruple. In addition, there is all this other gravy.

I think the Emergency Employment Act was one of the poorest things that this administration supported, when they provided $1 billion the first year and $1.25 billion the next year, and I do not know how much in other years, to furnish employment for those people so they can build up bigger bureaucracies.

The place where we want to put our money is into the hands of people who are hungry, into the hands of people who do not have sufficient clothing, into the hands of people who are the forgotten people in this great civilization that we brag so much about, into the hands of aged people who are living on social security or a mere pittance, into the hands of ambitious young people who want a chance to get out of their environment and make something of themselves—not into the hands—Mr. President, I repeat, not into the hands—of a bunch of politicians and do-gooders and social workers who run around poking their noses into everybody's business and asking some poor old grandfather how much he spends for his tobacco each week.

I listened to one of those interviews. She was pretty. She had just come out of Vassar, I think, or probably Yale or Harvard now. Everything has gone coed.

But she was up talking to this poor old fellow who was sitting out in front of his tar paper shack, and demanding of him to tell her how much money he used a week buying smoking tobacco for his pipe.

That is where you people want to spend your money. You do not want to send it to the people who need it. You want to help Florida, help California, help New Hampshire, help New York, and help Connecticut build up bigger organizations. It is not enough that place a limit high above the estimates that have been made by States that do not make he mistake of underestimating. It is not enough that we put in this bill $1.25 billion for the foolish notion of help for more bureaucracies in the State capitals, the county seats, and the city halls. No, no, we have to strike it all out. The Senator from Florida thinks this was too harsh, the $2.5 billion, when so far they have only suggested that they require $2.162 billion.

He could have raised the limit. Instead of $2.5 billion, make it $3 billion. But no, he wants to strike out every word, and leave it, every vestige of it. He wants to stick to the principle that Congress, once having made the mistake of authorizing a matching fund without limit, has to be henceforth at the mercy of the States, to spend and spend and spend; that we must take the taxpayers' money and help every man who is running for Governor, or wants to be Governor again, or running for Senator, or wants to be Senator again, to have plenty of jobs back in the States supervising the poor. Mr. President, the poor are getting supervised to death.

I never dreamed, I am frank to say, Mr. President, that any Senator would stand on this floor and object to this provision. And I am very frank to say we added enough to it to be certain every State was covered. The committee has tried to be as cooperative as possible. We have already, this afternoon, accepted $330 million on top of the $1 billion that we added to this bill, and on top of the $1 billion that the House added to the bill.

But I am not agreeing to any more after this one, when Senators come in and want to strip the Federal Government so it stands naked and helpless. There will be no more additions to this bill agreed to by this Senator.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. COTTON. I will yield in a moment.

No more agreed to by this Senator. The Senate can vote it, but as far as I am concerned, I am not going to indulge in any further raids on the Treasury.

Of course, if I have spoken impetuously, let me say to the Senator from Florida, as I said in the beginning, that he is a fine young man, I admire him and like him, and if he wants to come back, I yield to him.

Mr. CHILES. Mr. President, did I hear the Senator say after this he was not going to agree to any more?

Mr. COTTON. No; I am not going to agree to this. The Senate can vote it, but not with my vote.

So what? We still have the right to frankly oppose something. Whatever the Senate sees fit to add to this bill, of course, when we go to conference, we have to represent the Senate, and that I will do, but I am not going to do it without a protest. And Senators had better vote on the rest of these amendments. I hope, Mr. President, that if anyone has any regard whatsoever, not only for the future solvency of this Government but for the aim of getting our money to the people who need it, that this amendment will be rejected.

I do not think there are enough Senators in the Chamber so that I can ask for the yeas and nays.

Mr. CHILES. I join the Senator in that request.

Mr. COTTON. I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. COTTON. Mr. President, I suggest the absence of a quorum so that we can get the yeas and nays.

The PRESIDING OFFICER. On whose time?

Mr. COTTON. On my share of the time on the bill.

Mr. CHILES. Mr. President, if the Senator will yield, I join in the request for the yeas and nays. Perhaps while we are waiting, I can make some remarks.

The PRESIDING OFFICER. Will the Senator from New Hampshire renew his request?

Mr. COTTON. I renew my request for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. CHILES. Mr. President, I yield myself such time as I may need.

I want to say to the distinguished Senator from New Hampshire that I appreciate very much his kind remarks in the opening of his address. He was most kind to the junior Senator from Florida. I appreciate that very much. I stand at the feet of the distinguished Senator from New Hampshire not only on this subject, but on many others that will come before this body this session.

But despite by absence of knowledge or lack of education on this subject in the brief time in which I have been a Member of this body, I still press the amendment I am offering.

As I listened to the distinguished Senator from New Hampshire, he mentioned that this amendment will not cost any State anything, and that the bill as it is now written with a limitation will not cost any State anything. Mr. President, I do not stand here just for costs. In my amendment, I really am seeking equity. I seek equity with the great State of California, which is getting $273 million under this program, so that they can take care of their needy people, with which they can match 25 percent State funds to 75 percent Federal funds.

I seek equity with the great State of Illinois, that has now been approved for a program, and they will receive $147 million to match with 25 percent State funds.

I seek equity not only for the State of Florida, because Florida is now getting its program approved, but for the State of Georgia, for the State of Alabama, and for 28 States that are now trying to obtain some of these funds on the same basis that California, Illinois, New York, and other States are.

If there is something wrong with this program, then I urge the distinguished Senator from New Hampshire, with his great wisdom, which I respect, to do something about the program, to do something about the authorization, to do something to see that California, Florida, and New Hampshire share equally under the program, to put in some guidelines, if he wants to, to see that the money is spent properly, to see that we administer it properly, and do not just put many people out on a payroll so that they will be able to campaign for someone—to do that, but not come in on an appropriation bill and say, "We are just going to put a little ceiling on this; we are going to allow California to go forward, and have this tremendous infusion of money to take care of its people; we are going to allow Illinois to do that, and we are going to allow New York to do that, but we are going to deny Connecticut the right to be able to do that for its people."

We are going to require them to have to infuse all their State dollars. We are going to require them to tax with real property taxes and sales taxes and State income taxes and other things in their State or not have programs.

We talk about these programs. What are we talking about? We are talking about child care, in-home-child care, out-of-home child care, children's institutions. We are talking about protective services to children, to prohibit neglect, to prohibit abuse, to prohibit abandonment; house maker's services, to help aged persons be able to remain in their own homes rather than go to some institution; services to reduce drug and alcohol abuse; home management and consumer education for families.

Are these giveaway programs? The people in my State do not think so. We have been paying for them with State dollars. We would like a little help, because they are national in scope.

Family planning services—is that a giveaway program? To try to keep people from having kids they cannot support, they cannot take care of. To try to do something about drug abuse—is that a giveaway program? What is it going to cost us down the road, in institutions? What is it going to cost us in police protection down the road? These are the things that the Senator from Florida, with his absence of knowledge on this bill, seeks to address in this amendment.

Mr. President, I think the issues are clear, and the parties can determine how they want to vote on this. It has been before the Senate twice before—at one time in a 5 percent or 10 percent limitation. Now, under this kind of program, are we going to try to do it in this way, or are we going to try to get our authorization legislation and do something that is going to be fair? That is what I think we should do in addressing ourselves to this program.

Mr. President, I am ready to yield back the remainder of my time.

Mr. MAGNUSON. I yield myself such time on the bill as I may require.

Mr. President, I hope the Senator from Florida will take a look at what he just said and analyze it a little. These are not giveaway programs. These are programs on which we have been working for years and years and years, and they are good programs—every one he has mentioned.

We have constantly increased the money over the years, over objections of the budget, and many times over the objections of the House.

What we are talking about here is administrative costs, not what the people get. We want to make it more efficient, so that the people he talks about, about whom he is deeply concerned, will get more.

We have gone through this with the people involved over and over again. I hear from my Governor, and others hear from their Governors. They talk to the fellow in the welfare department, and he wants 25 new people or he cannot lose one—not one. He calls the Senators.

All we are saying is that we want to be a little prudent about administration. I think too many people are involved in administering these programs. I have had some experience. We have listened to them. For 3 years, we have been trying to get HEW to reexamine this and to reexamine the estimates that come in. Nobody underestimates this when it comes to jobs, unless something unusual comes up in the meantime. They overestimate.

I know that. I could cite chapter and verse on that.

We are trying to be a little more prudent and to have more efficient service. We never could find out from HEW what specific services are being rendered in some cases. So we said, "Evaluate it, and in the meantime we will have a ceiling that is plenty high if they need any more people, actually need them." We said that the $2.5 billion ought to suffice. We shifted from a percentage of increase figure. I always felt that a fair and equitable percentage increase ceiling—10, 15, 20, whatever it might be—would be suitable. Now we would have a dollar limitation, a ceiling upon the entire account.

You cannot define the allowable services. Anything that is needed, they are going to have. I am getting a little worried about employment funded by the Federal Government in this field. At least 614,000 people are now employed—directly or indirectly through grants and contracts—by HEW, and that is a conservative figure. They could not even figure it out at one time. Now they come up with an estimate. It is probably closer to 700,000.

We want to support these services, but we want them efficient. No one can tell me that in any State department there are not too many people in some cases. If a program calls for 20 people or 30 people for administrative assistance, and they are needed I do not say that you should make a big cut. But in other programs you might be able to get along with less people. All we are talking about is administration.

This is not any cut in the needs of people. No one can effectively suggest that the Senator from New Hampshire and I have cut the HEW appropriations. We are accused of just the opposite, and we accept that. The Senator was not here, but I get vetoed every once in a while. I am the most vetoed Member of the U.S. Senate, because we keep increasing these amounts. We are trying here to get some efficiency and control over the expenditure of public funds.

I do not want to accuse anybody, but I know of some cases where four or five people are involved and it is obvious duplication. This is even more difficult than looking at the administration of one program. Four or five people for one or two families will be involved, with different programs that overlap, and it is pretty hard for us to segregate them.

We are trying to take a look at this, and we have a limitation to take care of anything they want. We do not get much help downtown on this overlapping, administrationwise, except that they are greatly concerned about the growing cost. There has not been much evaluation of it.

We hear hundreds of witnesses in this field: Change the different programs. I suspect that the sign painter at HEW is the busiest man in town. He must work 24 hours a day, with a couple of assistants, in that big, sprawling Department.

I do not want any intimation here that we are not doing the best we can to take care of the needs of the people in these programs. I think that some of the programs are overstaffed. It is as plain as that. That has been my experience. And I would say that in my own State.

Mr. COTTON. I yield myself 2 minutes.

Mr. President, I have been over every one of the fine causes named by the Senator from Florida: Family planning, alcoholism, narcotics addiction, child care, child health. In the case of every one of them, this bill is much larger than last fiscal year. We have increased every one of them.

So that the mere fact that—I do not want to speak disparagingly of any other State, but I can certainly be permitted to say of New Hampshire—but I know many good yankees up in New Hampshire, if by spending $25 they can get $75, they are not quite so frugal or so thrifty or so careful as they would be if they had to match it dollar for dollar. That is the reason the expenses go up so fast.

I am going to leave that statement in the Record. I do not care if everyone in New Hampshire reads it, because it is true. [Laughter.]

Mr. CHILES. Mr. President, I have listened to the statements of the distinguished Senator from Washington (Mr. Magnuson) and the distinguished Senator from New Hampshire (Mr. Cotton) and I want them to understand that the junior Senator from Florida does not feel in any way they are neglectful of people programs, or programs that take care of people who cannot take care of themselves. I am mindful of the distinguished record that both Senators have made in those causes.

The one thing that I have not heard from either of them, though, is: How is it fair for California, New York, or Illinois, to be able to fund the programs for their States with 75-percent matching money from the Federal Government and only 25 percent of State funds, while they are going to prevent some 28 other States, who are now seeking to be able to implement their programs on the same basis, from doing that?

As to the eloquent argument of the Senator from Washington in regard to trying to determine what the administrative costs are, I join him in that regard to the fullest extent of my capabilities, but I do not know how this cap does that. I do not know what this cap does. How does it provide any better administration in California? How does it provide any better administration in New York, or in Illinois, or really, in any other place by virtue of this cap?

We are now talking about authorization legislation that needs to be enacted. We are talking about the oversight that needs to be handled by committees, and we are talking about a number of other things, but not something that we are going to do by putting on a cap and penalizing the States now trying to be able to do for their citizens what we are already allowing part of the States to do. We should take the freeze off and go forward with any kind of oversight and authorization legislation we can come up with that holds this department in check. It certainly does need to be checked.

Mr. COTTON. Mr. President, will the Senator from Florida yield for a question on my time?

Mr. CHILES. I yield.

Mr. COTTON. This question is not meant to be argumentative. It is really one just seeking information. The Senator mentioned 28 States which are losing by this limitation. They must have made up their minds in the past 30 days, because 1 month ago the estimates of all the States was $2,162,000,000. Now if there are 28 States that have had second thoughts, I am curious to know, because only 2 years ago $750,000,000 covered this whole thing. I am also curious to know, inasmuch as this limitation is only for this coming year, could the Senator from Florida name the sum that will cover all of the States' requirements?

Mr. CHILES. Yes, sir. The Senator from Florida made that estimate in his opening remarks, that approximately $3½ to $4 billion would be required to fund all the States on the basis that California is now being funded, and Illinois, New York, and those States authorized under the program.

I would further answer the Senator from New Hampshire by saying, as I tried to do in my rebuttal, that it is not a question of whether the States will be cut. I do not think they will be cut in the dollars they were given last year. It is a question of whether Florida is going to be able to be treated like California; whether Alabama will be treated like Illinois, or Maine like New York, and have the same kind of matching funds on the same basis, to be able to provide the same programs for their people which are already authorized in other States.

Mr. COTTON. May I suggest to the Senator, then, some kind of formula based on the population, or need, or something else, so that they can all be treated fairly, and that we may know that they will be, and that this will not be a helter-skelter, grab-bag performance.

Mr. CHILES. That is exactly what we should be talking about. We should be talking about authorizing legislation, which is open-ended legislation now, and some kind of equitable formula so that every State will be treated the same.

Mr. COTTON. By that time we will have "bought the world." Undoubtedly the Senator from Florida has given this thing great thought. Perhaps he could present a limitation that would be good for 1 year, which would put a little more fairplay into this. If we are to err on the liberal side, let us have some kind of umpire.

Mr. CHILES. The Senator from New Hampshire has already categorized the Senator from Florida that he does not know much about this subject and really would not be responsible to do anything like that on this kind of subject. We have already covered that field amply. I would therefore be hesitant to come up with a formula.

Mr. COTTON. Not at all. If I have said anything that could be interpreted that way, I withdraw it and apologize to the Senator, because I have great admiration for his ability. I hope that he would help us to devise a formula. We want to be fair.

Mr. MAGNUSON. Mr. President, in the Appropriations Committee, we do not have much to do with formulas. Your people from Florida should go to the committee which works on these bills, and take it up with them. We are not talking about grants to people. Surely the limitation on administration is fair to everyone. It will apply to the same people, overall.

If California has more projects than Florida, then go down to HEW and find out about it. I will join the Senator. But we do not do that when we appropriate money. We try to put a ceiling on, whether it is administered in Florida, in the State of Washington, New Hampshire, or in California. All of these programs are overstaffed.

Mr. CHILES. That is what we have done. We have gone down to HEW. That is where we found out about California and New York and Illinois. We have said that that looks attractive to us and we would like to be able to participate in that and do that for our citizens just as California can. We did not think it up but we would like to be able to participate.

Mr. MAGNUSON. I might like to go with the Senator down there with him some day, the next time. Maybe there is something I have missed which could help my State of Washington. But whether I have missed anything or not, whatever they have in my State or in these other States, I want to see the administrative costs held to some reasonable level, whatever the program is, whether it is here, or there, or in one section or another. That is all we are trying to do. There are many programs down there. There are over 100 line items in this bill alone—just line items.

Mr. TUNNEY. Mr. President, no one can be complacent about the phenomenal rise in Federal expenditures in this area of social services and administration of welfare programs. Even the $2.5 billion figure which we are debating represents a tripling of Federal matching funds for this purpose in 3 years.

The question we are addressing today, however, is not whether we are happy with this situation or not. It is whether the correct solution to the problem is simply to draw the line on the money which the Federal Government will appropriate for programs which it has mandated on the States. To my mind it is not.

To begin with, disconcerting as the $2.5 billion figure may be, it seems sure to be insufficient for the needs of the coming year. Since the submission of estimates on which the committee's calculations are based, almost 30 States have now either gained or are seeking approval for modified social service programs drawn up with the assistance and encouragement of the Department of Health, Education, and Welfare. These amended programs, I understand, will take the total beyond the amount in the bill before us. To deny funds for these revised programs, as would be necessary with a closed-end appropriation, would be to perpetuate an inequity between the citizens of different States. For while there is now a general effort by the States to extend their social services under the encouragement of this Federal matching program, they are at very different levels of advancement. California, for example, was the first to take considerable advantage of the matching funds offered. Illinois has followed suit more recently, and has included greatly expanded approved Federal funding in its programing for the coming year.

Citizens in these States are at a great comparative advantage over those in other States which have yet to win approval for expanded plans with improved services and markedly increased Federal funding. If we draw the line now, we effectively say that by this limited appropriation we have decided that only those States which got in early may enjoy the fruits of the programs which the legislation intended for the citizens of all States.

Nor should it be forgotten that the law mandates that the State and local governments should provide social services to all recipients of welfare, and to others as well. It encourages the development and expansion of better programs. It is founded on the belief that social services are a very necessary and appropriate instrument not only in meeting the genuine needs of the poor, but also in grappling with the welfare problem as a whole.

The law imposes on the Federal Government the duty to provide 50–50 or 75–25 matching funds for the programs it mandates upon the States. As the law now stands it is our duty to provide the matching funds for legitimate expenditures on services, at the level required by circumstances.

If it should be agreed that this program is leading to excessive costs, it is of course the prerogative of Congress to change the program. But that change should come in the authorizing legislation, not in the appropriations. The law now provides for open-ended funding to match appropriate expenditures in the States. It is quite inconsistent simply to refuse to appropriate the amount which is needed to fulfill this obligation.

Mr. President, we have been promised that welfare reform legislation will be taken up by the Senate after the coming recess. That will be the appropriate time for making necessary changes in the fundamental program, and mandating satisfactory monitoring and cost-control procedures. Until then, I believe it is our responsibility to appropriate whatever funds are necessary to assist the States as the law requires in providing the full range of social services which are necessary.

There is one further matter of concern to me. I understand from the California Department of Social Welfare that my State is not likely to go beyond the $273 million contained in the estimates on which these appropriations are based.

Yet what would happen if it should run over the mark, not through the implementation of an approved plan for expansion of services, but through greater than expected usage of services which the Federal law demands must be provided on an equal basis for present, past, and potential welfare recipients?

More importantly, what happens when it turns out that the $2.5 billion appropriation is not enough to match the State and local funds legitimately expended in providing improved services in a large number of States?

The law requires that the matching funds should be provided. But how is the cake to be divided? Will California simply have to take pot luck, without any assurance that it will get at least that $273 million on which its existing program is based? What will the other States get if they implement their new programs? How will it be decided which States are to be denied the mandatory matching for their attempt to provide services at a level now provided in such States as California?

There is no formula for handling such a situation, for the authorizing law does not envisage the creation of such a situation.

Mr. President, if we fail to provide this money, we will simply be throwing the financial burden of programs which Federal legislation both mandates and encourages onto State and local jurisdictions which do not have the capacity to bear it.

The soaring costs of services and administration is of deep concern to us all. However, simply denying funds which the authorizing legislation has promised is neither a consistent nor a responsible way of meeting the problem.

Mr. BAKER. Mr. President, I want to express at this time my support for the amendment of the Senator from Florida (Mr. CHILES) to the Labor–HEW Appropriations bill (H.R. 15417). This amendment would remove a limitation of $2.5 billion on appropriations for services under titles I, IVA, X and XIV of the Social Security Act which has been recommended by the Committee on Appropriations.

In the past, Mr. President, my own State of Tennessee has not taken full advantage of the open-ended appropriation for Federal matching funds which has been available for social services programs. Under the leadership of our able Governor Winfield Dunn, however, the State has now geared up for an ambitious and farsighted program of services to the people of Tennessee which will greatly expand its efforts in this area. If the $2.5 billion limitation on appropriations is approved by the Congress, the State will not be able to carry on their effort.

I fully understand that the purpose of the committee's recommendation is the establishment of a more prudent and responsible appropriations policy, and I will be the first to agree that we must have fiscal responsibility in the appropriations process. I do feel, however, that there are ways to achieve that goal without adopting an arbitrary limitation which will have the effect of penalizing those States, such as Tennessee, which have made a good-faith and vigorous effort to improve the services which they can render their citizens. For example, it is my understanding that the Department of Health, Education, and Welfare is preparing some guidelines which will be applicable beginning in fiscal 1973 and which will have the effect of insuring that State programs are operated responsibly and that the best possible use is being made of the funds which are available.

It is my feeling that the committee should investigate this and other possible ways of insuring that social services funds are not misused. At the present time, however, I cannot support an arbitrary limitation on appropriations which could cost the people of my State vitally needed services and programs.

Mr. President, I urge the adoption of Senator Chiles' amendment.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield back my time.

Mr. CHILES. I yield back my time.

The PRESIDING OFFICER. All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Florida (Mr. Chiles).

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Okahoma (Mr. Harris), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) is detained on official business, and if present and voting, would vote "yea."

The result was announced—yeas 39, nays 52, as follows:

[No. 250 Leg.]

YEAS—39

Allen
Bayh
Beall
Bentsen
Brock
Brooke
Case
Chiles
Church
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Hollings
Hughes
Humphrey
Javits
Jordan, N.C.
Kennedy
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Percy
Saxbe
Schweiker
Sparkman
Stevenson
Taft
Talmadge
Tower
Tunney
Weicker
Williams

NAYS—52

Aiken
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
McClellan
McIntyre
Miller
Montoya
Packwood
Pastore
Pearson
Proxmire
Randolph
Roth
Scott
Smith
Spong
Stafford
Stennis
Stevens
Symington
Thurmond
Young

NOT VOTING—9

Baker
Gambrell
Harris
Mansfield
McGee
McGovern
Mundt
Pell
Ribicoff

So Mr. Chiles' amendment was rejected.

Mr. COTTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On June 16, 1972:

S. 3607. An Act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

On June 23, 1972:

S. 659. An Act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Beall) laid before the Senate a message from the President of the United States submitting the nomination of Robert J. Blackwell, of Virginia, to be Assistant Secretary of Commerce for Maritime Affairs, which was referred to the Committee on Commerce.

PROCESSING OF APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, there was reported in the House of Representatives last evening from the Committee on Appropriations, House Joint Resolution 1234 which is a continuing resolution for the period from July 1, 1972, to August 18, 1972, and provides new budget authority for the entire Government for that period.

I have always been opposed to the concept of a continuing resolution. The Congress ought to process the authorization and appropriation bills in sufficient time so that there would be no need for a continuing resolution. The Congress this year has not processed the authorization bills. The Committee on Appropriations, of which I have the honor to serve as chairman, has reported every appropriation bill which we have received from the House of Representatives this year, and before Friday night when the Congress recesses for the convention, every bill which we have received and reported is scheduled to have passed the Senate. The only bill which we will receive which we will not have sufficient time to act upon is the agriculture bill, and I have been advised we will not receive it from the House until Friday. The remaining three appropriation bills, the Department of Defense appropriation bill, the military construction appropriation bill and the foreign assistance appropriation bill, are not scheduled to be reported until some time after the recess.

The primary reason for the delay in the appropriation bills is the delay in the authorizing process. The budget submitted by the President in January provided new obligational authority to be contained in the appropriation bills of approximately $170 billion, of which approximately $45 billion required authorizing legislation. As of the end of last week, only $11.4 billion of the $45 billion had been authorized by the Congress. Consequently, it is not possible to process these appropriation bills to final conclusion. Some of the major items pending include an amount in excess of $22 billion for procurement for the Department of Defense, over $2 billion for foreign aid, over $700 million for the Office of Economic Opportunity, and approximately $400 million for the Office of Child Development.

Mr. President, the situation could be better. The Senate Committee on Appropriations has done its very best to handle the appropriation bills, but they cannot be all processed for lack of authorizing legislation. I do hope that all authorizing committees will promptly handle the remaining authorization bills so that soon after the recess we can process the remaining appropriation bills.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I ask unanimous consent that it be in order for me to offer amendment No. 1300.

The PRESIDING OFFICER. Is there objection?

Mr. FULBRIGHT. Mr. President, reserving the right to object, what is the amendment?

Mr. SCOTT. I am about to explain it. It has to do with disaster relief on the east coast.

Mr. FULBRIGHT. Would this unanimous consent waive any points of order on nongermane amendments?

The PRESIDING OFFICER. If the unanimous consent is granted, it is not subject to a point of order.

Mr. FULBRIGHT. I do not see how we can agree to unanimous consent without knowing what the request is.

I have to reserve the right to object until the amendment is explained.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 46, following line 23, insert the following:

SEC. 409. There is hereby appropriated the sum of $200,000,000 for expenses necessary to carry out the functions of the Office of Emergency Preparedness under the Disaster Relief Act of 1970.

Mr. SCOTT. Mr. President, if I may explain the amendment at this time, this is an amendment which I offer on behalf of myself, and Senators SCHWEIKER, MATHIAS, BEALL, JAVITS, BUCKLEY, CASE, WILLIAMS, HARRY F. BYRD, JR., SPONG, RANDOLPH, ROBERT C. BYRD, and SPARKMAN.

The amendment would appropriate funds under the Disaster Relief Act, as there is now a very considerable emergency of which I think the general public is well aware. This would make additional sums of Federal money available to flood victims since the funds now available for disasters are far from adequate to meet the purpose. This measure follows meetings with the Governors of the several States involved and a meeting today with the Governor of Pennsylvania and the full Pennsylvania delegation. Not only these east coast States are involved but also I believe the State of South Dakota would qualify, along with other States.

It is our desire to have the Senate act on this amendment at this time, since further delay would certainly result in considerable tragedy and considerable deferment of any relief for the thousands of applicants involved. In Pennsylvania alone there are 200 factories which are out of commission. There are 126 bridges out. There are at least 47 dead. One-half of the highway system of the Commonwealth is affected. I would hope that the Senator would not object under the circumstances, since I have taken it up with the manager of the bill and it is my understanding he has no objection.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I would merely like to inquire if there have been any hearings. Is this an adequate amount? Is this grant money to house individuals?

Mr. SCOTT. This money will be strictly limited to the purposes of the existing Disaster Relief Act of 1970 and would be administered in accordance with those provisions. It affects the small business loans provision, for example, the $2,500 forgiveness loans, which are involved here. There is a real emergency existing. The other body is being asked to consider similar legislation. In view of the fact that we are very close to a recess——

Mr. FULBRIGHT. I certainly expect the Federal Government to do its proper part in this disaster. That is not the point. It is the procedure that is coming to bother me—that people get up on the foreign aid program and they want to offer amendments that have never been considered by any committee and nobody has any idea what is in them. It is true that in this case the Governor of Pennsylvania has said the destruction is very great in his State, and even beyond that. Suppose we had a proposal to give away $200 million, without the slightest evidence having been taken, except what one reads in the newspapers, and purely on emotional grounds. It think it is a procedure that should not be encouraged.

I raise the question only on procedural grounds. I do not know whether the chairman says it is all right to take this amendment without any hearings. It seems to me it is very unusual procedure. A committee can act on short notice. My committee has acted on short notice. But are we going to start taking additional amendments involving $200 million, or $500 million, or $900 million, without any hearings, with no evidence or testimony except what we read in the newspapers—and most people spend their time denouncing the newspapers as being inaccurate? So I only announce this as an objection to procedure. I would not object to aid on the part of the Federal Government.

What is a forgiveness loan? If it is a grant, why do we not call it a grant? It is like some of these foreign aid items, in which we have engaged in all kinds of semantics. We call them loans and they turn out to be grants. Is this a $2,500 individual grant to every citizen who has suffered any loss, or is there any evidence necessary to show that he actually suffered that loss, and how is it to be administered? The SBA makes loans. I did not know it was authorized to make grants to individuals.

Mr. SCOTT. These are small business loans authorized under the Disaster Relief Act of 1970.

Mr. FULBRIGHT. What does the Senator mean by forgiveness loans?

Mr. SCOTT. Very simply, this provision means that, if you borrow $3,000, you only pay back $500.

The Senator from Alabama asked me to yield.

Mr. SPARKMAN. Mr. President, I would like to ask this. I think it may clear it up. The Senator from Pennsylvania is not offering an amendment to change the Disaster Relief Act?

Mr. SCOTT. Not in any way.

Mr. SPARKMAN. But to make additional funds available under the terms of the existing law?

Mr. SCOTT. Yes.

Mr. SPARKMAN. While the Senator mentioned specific States, it is not limited to them. For instance, yesterday we had tornadoes in Alabama in at least three or four or five counties. They would be covered, just as well as one would be in Arkansas, or anywhere else, under the terms of the existing act.

Mr. SCOTT. Of course, if the money is not there and there was a disaster tomorrow there, or in any other particular State, the Federal Government would not have the necessary funds. The east coast has been hit by the worst disaster in modern times, particularly the Commonwealth of Pennsylvania. The people up there are not going to be impressed by the need for hearings. This is a natural disaster. We did the same thing with regard to Alaska at the time of the earthquake. It is in somewhat the same situation. But the situation, I say with all respect, differs from foreign assistance loans, because the general action of the Federal Government in responding to disasters is to act as quickly as possible.

Mr. FULBRIGHT. Nobody could act more quickly than we did on the foreign aid bill, when, without any hearings and without any evidence, we gave away $500,000.

How much money is to be made available?

Mr. SCOTT. There is only $92.5 million left in the fund. This is an attempt to build the fund up by an additional $200 million. The Commonwealth of Pennsylvania alone has sustained damage far beyond $1 billion. The other States are all eligible for it, and eligible proportionately.

Mr. FULBRIGHT. Are these loans? What is the term "foregiveness loan?"

Mr. SPARKMAN. I am not familiar with that.

Mr. MONTOYA. Mr. President, would the Senator yield on that point? I held hearings on disaster relief. That comes under the jurisdiction of the committee.

Mr. SCOTT. I am glad to yield to the Senator from New Mexico. Then I shall be glad to yield to the Senator from North Dakota.

Mr. MONTOYA. We provided this year $92 million. Usually Congress appropriates $100 million for this fund, and if there is a disaster it exhausts the particular appropriation. Then, in turn, they come in for a supplemental appropriation. We considered this matter in conference yesterday—that is, the conferees dealing with the appropriations for the Office of the President, of which this is one—and we decided that we would wait until Mr. Lincoln provides the Congress with adequate information and tells us what he needs to take care of the flood situation in the several States.

At the time of the hearings, approximately 3 weeks ago, the Disaster Relief Agency had, besides the new money, approximately $100 million in its fund. I might say that hearings are very much in order on any requests for appropriations because of the experience in California, and that experience taught us to be a little more careful with the way Federal moneys are expended. As a result of the earthquake in California, many people were just calling in saying they were in need of money, with little verification on the part of the Federal officials as to whether the damage in those homes was caused by the earthquake.

It is our intention, and the intention of the subcommittee, to prescribe guidelines so that Uncle Sam will not be taken. I am not saying this will happen in the State of Pennsylvania or any of the other States, but I am saying I think we have a responsibility to prescribe adequate guidelines so that the money is expended for and on behalf of needy people.

Now let us get into the $2,500 forgiveness loans. Under the Disaster Relief Act, a person comes in and claims certain damage to property as a result of a flood situation or any other disaster.

Mr. SCOTT. Up to $50,000 on a home, or $100,000 on personal property, or a combination of the two at $55,000. For businesses, the figure is $500,000.

Mr. MONTOYA. And a loan is made by the Small Business Administration within this program. I believe $2,500 of that is forgiven, and he has to pay the rest.

Mr. SCOTT. The figures remain the same as I just indicated.

I yield now to the Senator from North Dakota.

Mr. YOUNG. Mr. President, the provision having to do with $2,500 forgiveness is a part of the Small Business Act. There were some abuses in the early stages of the relief for the earthquake in California. For example, many got loans of $3,000, and under certain conditions, $2,500 was forgiven. But that comes under an entirely different bill than the Senator is seeking appropriations for now. That comes under the Small Business Act.

Mr. MONTOYA. Mr. President, if the Senator will yield, the small business loans are made under the Small Business Act, but they are handled by the Small Business Administration people in conjunction with the disaster relief people as part of the same program.

Mr. YOUNG. The funds that the Senator from Pennsylvania seeks, as I understand, are to provide additional funds for the Office of Emergency Preparedness.

Mr. SCOTT. Yes, for disaster relief.

Mr. YOUNG. We have had a rather common practice of not appropriating enough money for this emergency fund, and as it was depleted, we would appropriate more money. I agree with my friend from New Mexico that if time permitted, it would be better to hold hearings. But we will be going home soon for a recess, and I doubt if the Appropriations Committee could take action until sometime in the latter part of July, and the money may be needed badly before then.

Mr. MONTOYA. If the Senator will yield further——

Mr. SCOTT. Yes.

Mr. MONTOYA. All that we are waiting for is for the President to tell Congress how much is going to be needed, and then we will have hearings on the request immediately. But we want to establish certain guidelines, and get assurances from the administrators of the program that this money is not going to go out a window to every applicant.

Mr. YOUNG. If we want to provide guidelines affecting the Small Business Administration, I would think that would be legislation on an appropriation bill, because this appropriation does not affect the Small Business Administration, as I understand it. That provision comes under Small Business Administration Loans Act.

Mr. MONTOYA. Well, when we exact a certain kind of performance of an agency as to the expenditure of money, we can do that in the committee report. We do not have to do it as a part of a legislative enactment.

Mr. SPARKMAN. May I ask, is it not true that in these disaster loans, the Small Business Administration does administer the program?

Mr. MONTOYA. That is correct.

Mr. SPARKMAN. So there should not be confusion between that and the Small Business Act as such. It is true that the first disaster loan program was a Small Business Administration program, but then they came in with some massive disasters, and even there, it was provided that the Small Business Administration would administer the relief.

Mr. SCOTT. I thank the Senator. Before I yield to the Senator from West Virginia, let me say that the refugees, the people who are out of jobs, and all of the people in Pennsylvania, New Jersey, New York, Virginia, West Virginia, and South Dakota are not going to take it very kindly if we tell them that the Senate of the United States, with 4 more days to go, has adjourned for a couple of political conventions because it would rather have them relate the story of their tragedy and sufferings in a hearing, when the whole Nation knows this is one of the worst disasters this Nation has ever suffered. I sincerely hope that the Senator from New Mexico will never experience what is happening to the people of Pennsylvania right now.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I believe some background on this subject matter would be informative to my colleagues in the Senate.

I am sure Senators remember that up until 2 years ago, when a disaster of any major type—hurricane, tornado, flood, or whatever—struck a region of this country, we responded to them on an individual basis, and we asked for money to attempt to alleviate the particular situations as they arose.

That was not good legislative or appropriations procedure, because we have had these catastrophes, these disasters, these tragedies which have swept with suddenness across the country, with loss of life, loss of business and industry, and loss of homes.

The Disaster Relief Act of 1970 was an initiative within the Senate that brought into effect a massive continuing program, Senators will recall, and placed the former procedure upon the shelf. As the Senator from Kentucky, the ranking minority member of the Public Works Committee, the Senator from New Mexico (Mr. MONTOYA) and other members of the Public Works Committee well know, we took the initiative in putting together a permanent program for disaster relief. Included in it were these major forms of assistance to individuals, businesses, and communities:

Emergency food supplies and food stamps;

Temporary housing free of charge for up to 1 year;

Debris removal, on both public and private property;

Replacement of all public facilities, including roads, bridges, hospitals, schools and other public buildings, publicly owned water and sewer lines and private nonprofit medical facilities;

Low-interest, long-term loans on homes from the Small Business Administration and Farmers Home Administration. Repayment of the amount between $500 and $3,000 is forgiven, and repayment of both principal and interest can be deferred;

Long-term disaster loans to businesses by the Small Business Administration;

Loans to major sources of employment affected by disasters so they can resume operations; and

Grants to communities whose tax bases have been substantially lessened by losses to property valuations in their taxing areas;

Unemployment payments to those not covered by State programs; and

Rent and mortgage assistance.

We know that we cannot appropriate a sum large enough and set it aside to take care of these situations as they arise. We attempted to have a little in the bank, Mr. President, to take care of these matters, whether the Buffalo Creek tragedy in West Virginia, the one in Rapid City, S. Dak., or now the more recent tragedy in the five States that have been hit with very massive losses.

Ordinarily I would believe that we should have hearings—prompt hearings—on the money which will be needed. But in this instance, with the full knowledge of the background of what we did, with the tools ready to be used under coordinated effort, I believe I would agree that we cannot wait for hearings.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats, and refrain from engaging in audible conversation.

The Senator may proceed.

Mr. RANDOLPH. We cannot have such action by the Senate or the House of Representatives, for a period of perhaps 3 weeks or a month. I believe the amount of money in the fund at the present time is plainly insufficient. Without amounts considerably beyond the amount we now have—which is $92 million. We cannot cope with this problem, which is very widespread.

So I think there comes a time when we are well reasoned to do what we would not want to do otherwise, and, under the exigencies of the situation, I hope that approval can come from the Senate today.

In the first half of this year we have experienced 26 disasters. In all of 1971 we experienced 17 of these catastrophes, and the record year was 1969 when the United States recorded 29 disasters. The appropriation request for Office of Emergency Preparedness of $100 million and the appropriation of $92 million was based on what I would call normal incidence. Obviously, this is not a year of "normal incidence," and we must act accordingly. We must redeem our pledge made in the 1970 act to respond quickly and fully with the wide range of assistance I have described. We must show the people of the devastated areas that we are concerned and that we will not renege on our promise.

Mr. SCOTT. I thank the Senator, and I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from West Virginia has given a very good background on the Small Business Disaster Act.

Senators will recall that after great floods in Louisiana, Mississippi, and California we held extensive hearings, and the National Disaster Relief Act was a result of those hearings. They will recall the procedure, that the Governor of a State would ask the President to declare a State or area a national disaster area; then the provisions of the act would come into effect. The Office of Emergency Preparedness, now under the leadership of General Lincoln, would take charge of combining and coordinating together the work of the various other agencies, including the Small Business Administration.

We did provide in that act that various emergency measures could be used to provide temporary housing, of course food, and assistance to small business men who had loans with the Small Business Administration and could not repay them, who would be forgiven up to the extent of $2,500 if it was so determined by the Small Business Administrator.

In this case, the area has already been declared a national disaster area. The program cannot be changed; it has already been arranged and put into operation under the National Disaster Relief Act. The question is whether there is enough money; and I assume that is what the Senator from Pennsylvania is attempting to provide today. If there is not enough money available now in the fund, I certainly would think that some reasonable sum ought to be added to the fund to take care of the emergency.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. SCOTT. First, will the Senator permit me to ask that the amendment be formally called up?

The PRESIDING OFFICER. The amendment is before the Senate.

Mr. MONTOYA. I am not objecting. I say to the Senator from Pennsylvania that I am in great sympathy with this. In fact, I made a tour of the area last Friday and Saturday. I am in great sympathy with the people in that area who have suffered from this disaster.

When the earthquake occurred in California, we did not have any emergency appropriation for it, because additional funds were not available to start the program. The President later sent a special request to Congress for, I believe, $100 million additional. We held hearings within a day after he sent his request. The matter was presented to Congress in a supplemental appropriation, and that was approved by Congress, and the money was made available for the people in California.

What I mean to say is that we have no estimate from the President at the present time, and I am sure that they are preparing an estimate for submission to Congress. If that should come in and come within the jurisdiction of my committee, I can assure the Senator from Pennsylvania that I will hold hearings immediately. I do not think it would take us more than 2 days of hearings, and then we would report the matter to the Senate and to the House. I am sure that the House also would expedite hearings on the budget request.

In view of that, if the Senator from Pennsylvania will think this matter over and wait for the President to act, I can assure him that our committee will act as expeditiously as possible.

Mr. SCOTT. I may say to the Senator that we have a morale situation here. We are trying to get the appropriative process started, because we have scores of thousands of very worried people. Our job is people.

I am perfectly willing, at a normal time, to have hearings, and I appreciate the Senator's assurances.

We can have, and will have, further estimates from the Federal Government as to the amount necessary, but no sums will be expended unless the Federal Government through the Office of Management and Budget approves them, within the guidelines of the existing legislation. I would like the appropriation approved at this time so that it could go to conference. Even though the conference may occur at a later date, the fact that this money has been tentatively appropriated, that the Senate has gone on record as favoring it, will enable us then to work it out.

The PRESIDING OFFICER. The 30 minutes of the Senator from Pennsylvania have expired.

Mr. SCOTT. Will the Senator yield me 5 minutes on the bill?

Mr. MAGNUSON. I yield to the Senator.

Mr. SCOTT. Therefore, I would hope that at this time we could accept the amendment. We cannot explain to our people about hearings. We cannot explain that we cannot do anything for them in the Senate until we have hearings.

I am perfectly willing to have hearings conducted in the period during which this matter is pending in conference, for example; but I would like at least to have it accepted, so that the Senate goes on record as believing that there ought to be adequate funds to take care of the tragedy which has befallen these people.

Funds appropriated under this amendment could be used to make loans to industries and businesses which were a major source of employment in a disaster-stricken area and which no longer were in substantial operation. I am particularly concerned for some of our businesses in the hard-hit northeast sector of the State, from the Allentown-Bethlehem-Easton area on up to the Hazleton-Wilkes-Barre-Scranton area. These businesses are vitally dependent on the rail lines in the area which were severely damaged and rendered inoperable. The Erie-Lackawanna Railroad filed for bankruptcy yesterday because of the serious damage and the Lehigh Valley Railroad is in a similarly precarious position.

I am hopeful that these funds can be used, not only to help businesses back on their feet, but also to help the railroads which are crucial to the existence of the businesses. In this way, we can be assured that Pennsylvania's economy will return to normal as soon as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in today's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON VOWS MORE FLOOD FUNDS, ORDERS AGENCIES TO CUT RED TAPE

(By William H. Jones and Nancy Scannell)

President Nixon pledged yesterday to ask Congress for additional funds if needed to repair the massive damage inflicted by tropical storm Agnes, which caused the most destructive flooding in the nation's history last week.

As floodwaters continued to subside yesterday, uncovering more bodies and ruined buildings, officials in the nine Mid-Atlantic states hardest hit placed the death toll at 133 and damages in excess of $1.7 billion.

The announcement from the White House came amid complaints from governors of some of the affected states that the $92 million federal emergency fund granted to aid flood-ravaged areas would be grossly insufficient.

The governors also expressed fears that the federal assistance would be slowed by governmental red tape, but Press Secretary Ronald Ziegler said the President has issued "direct instructions (to federal agencies) . . . to provide all assistance necessary to cut through red tape and get the job done."

Ziegler said that Gen. George Lincoln, director of the Office of Emergency Preparedness, had assured the governors of Pennsylvania, Maryland, Virginia, New Jersey and Delaware that the federal government "is doing everything possible to provide necessary assistance."

Besides its immediate involvement in aiding flood victims of Agnes, the Department of Housing and Urban Development announced yesterday that on July 10 it will reduce by 40 per cent the cost of subsidized flood insurance in an effort to encourage wider purchases and to prod communities into implementing land use and control measures.

The reduction in flood insurance rates was coupled with a stern warning to local government officials that they should stop bowing to the demands of homebuilders and contractors who oppose changes in zoning laws that would reduce losses of life and property in future water disasters.

George K. Bernstein, federal insurance administrator in the Department of Housing and Urban Development, told a news conference that he had surveyed some of the damaged areas along the Susquehanna River and reached the conclusion that "much of the buildings that have been destroyed should not be built again."

Citing housing developments along the Florida West Coast, where builders have been fighting codes which would require first floor levels above high flood stage, and the Seneca area of Montgomery County, where rebuilding has been permitted despite repeated floods. Bernstein said: "We can't allow this to continue."

Historically, floods have been one major peril not covered in home owners or business policies written by the American insurance industry.

For example, the home owners policies of the Maryland Casualty Companies currently include the following statement:

"This policy does not insure against loss . . . caused by, resulting from, contributed to or aggravated by any of the following: (a) flood, surface water, waves, tidal water or tidal wave, overflow of streams or other bodies of water, or spray from any of the foregoing, all whether driven by wind or not; (b) water which backs up through sewers or drains; or (c) water below the surface which . . . which exerts pressure on or flows, seeps or leaks through sidewalks, driveways, foundations, walls . . ."

Those exclusions pretty well account for all the damage caused by the torrents of water associated with tropical storm Agnes, although Bernstein said many owners "erroneously believe they are covered" at present.

No private flood insurance exists anywhere in the U.S., he stated, except for a limited California veterans' program.

To alleviate the cost of repairing damage caused by flooding, Congress set up the federal flood insurance program on Aug. 1, 1968, offering protection for buildings already in use but requiring bans on construction in flood plains and tougher building codes for new developments.

Any community in the nation can apply to become eligible under the program, and to date about 1,200 counties and towns have signed up. However, only 90,000 individual policies have been sold, most of them along the Atlantic and Gulf Coasts. Most jurisdictions in metropolitan Washington are eligible, except for Montgomery County in Maryland and Prince William County in Virginia.

In the areas ravaged by Agnes, the HUD official said some 27,000 policies of flood insurance had been sold. All told, however, probably less than 10 per cent of the more than $1 billion in damage from Agnes was insured.

Under the subsidized program, Bernstein said, $10,000 worth of flood insurance on a home will be available at $25 a year starting July 10, compared to $40 previously.

Insurance may be purchased for existing buildings in amounts up to a maximum of $17,500 for single-family residences and up to $30,000 for other structures. Contents coverage is available in amounts up to $5,000 per housing unit.

Individuals may purchase the flood policies from commercial insurance firms and agents. Bernstein, who said there have been reports of insurance agents refusing to sell flood insurance, said individuals who get involved in that situation should contact their state insurance departments. Such agents, he hinted, may find themselves in legal jeopardy.

Asked about his jurisdiction's absence from the U.S. program. Montgomery County Executive James P. Gleason said that until the county's government passes legislation that would prohibit construction in any flood plain—such as the Seneca area—it is not eligible for the federal program.

A 1965 law prohibits rebuilding within 500 feet of the Potomac River, the Great and Little Seneca Creeks, Rock Creek and the Patuxent River, which Gleason announced he would enforce after flood damaged in the village of Seneca last September. However, the County Council overrode Gleason earlier this year and exempted Seneca from general flood plain construction restrictions.

A spokesman for the Prince William County government said he did not know why the county had never acted to become eligible for U.S. flood insurance. The chairman of the county's Board of Supervisors, C. Scott Winfield, could not be reached for comment. Some of the worst flooding in Northern Virginia occurred in Prince William.

Meanwhile, there were these other developments:

PENNSYLVANIA

At least 50 dead; more than 250,000 homeless; damage estimated at minimum $1.5 billion; Susquehanna River dropping rapidly, but Wilkes-Barre area seriously flooded still.

A helicopter crash near Philadelphia killed the pilot and a three-man television news team that was filming flood damage. The victims included Del Vaughn of CBS News, New York.

The Susquehanna fell from 43 to 21 feet late Sunday, but still left most of Wilkes-Barre and its surrounding towns of Kingston and Forty Fort almost completely submerged. The 145,000 homeless in that area continued to stay in emergency shelters; the 600 stranded in the city's high-lying area received food dropped from helicopters.

Water in the area is not expected to recede for a few days and residents will be permitted to return home only after houses are considered structurally safe. Water supply continued to be a serious problem and much of the area still is without electricity.

In Harrisburg, the state capital, potable water was not a problem yesterday and electricity was gradually being restored.

Roads were beginning to open up in the area and trains were expected to begin operating between Philadelphia and Lancaster, a route that includes a Harrisburg stop. In Pittsburgh, the business area was returning to normal.

NEW YORK

Twenty-three dead; 50 injured; 98,000 homeless; damage estimated in excess of $235 million; house-to-house searches for bodies in the Corning and Elmira areas upstate which were severely flooded; rivers receding.

The U.S. Department of Agriculture said it was shipping in 16 tons of surplus food to the Bath, Painted Post and Corning areas for some 15,000 homeless there.

VIRGINIA

Eighteen dead; more than 37,000 homeless; damage estimates from $165 to $300 million; 32 injured; water and electricity restored to Northern Virginia, with conservation of water still urged.

In Richmond, water service was restored but residents were urged not to use it for drinking. Electrical power was restored to almost all of the city and the James River continued to recede. There was some concern, however, about possible flooding in the Petersburg area because of expected high cresting of the Appomattox River.

MARYLAND

At least 21 dead; 2,000 homeless; damages in excess of $50 million; the Susquehanna and Potomac Rivers continuing to recede.

WEST VIRGINIA

No fatalities; damages estimated at $20 million; Ohio River beginning to recede, but posing a threat to the city of Parkersburg, and some flooding remains in Wheeling area.

NORTH CAROLINA, NEW JERSEY, DELAWARE, OHIO

Rivers receding and flooded areas returning to normal; two dead in North Carolina and one each in New Jersey and Delaware; damages estimated at $20 million in New Jersey, $1.5 million in North Carolina, $20 million in Ohio and unknown in Delaware.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. JAVITS. Mr. President, there is an added reason for acting now, which I would like to lay before the Senate.

Governor Rockefeller and I toured western New York, which has been hit very badly. I would say that the ratio to Pennsylvania is probably about 1 to 2.

Here is the situation: The banks will not lend the money to small businessmen and homeowners who need it immediately—as they go back, they need it at once—unless they have the feeling that the United States is going to come through. Therefore, there is great validity to Senator SCOTT's argument that if we demonstrate that money will be available, it will encourage bank credit.

I had meetings with mayors, local officials, and businessmen, together with Governor Rockefeller, and it was clear that the banks would come through, but they are small banks. Unless they have a feeling of confidence that these people are going to be backed up and that the Federal Government is going to respond fairly promptly, they are going to be very timid about it. I think it is an important added argument.

Mr. SCOTT. I think it is an important added argument, and it is an argument the Treasury Department is aware of, and it is the point they have made in discussing it with the banks.

Mr. MAGNUSON. Mr. President, I would be glad to lend my support, of course. I am sure the Senator from New Hampshire and other Senators want to try to do something about it. This has been a great tragedy. It was unexpected, and we never do have enough money in the fund. We keep replenishing it, but sometimes a tragedy like this hits and we run short.

I want to be helpful. However, I do want the Senate to know that if we pass this bill today or tonight—and I hope we will—I do not know whether there will be any conference with the House on a bill of this magnitude between now and Friday night. I would not want any implication that in taking this amendment, which I shall recommend, something is wrong with me or with any other Senator because we do not act on it or do not have a conference. I would be willing to have a conference with the House on this bill tomorrow morning, if we pass the bill.

A conference is going to be necessary on approximately 400 items—about 100 line items—between the House and the Senate, items that have been accepted, and that cannot be resolved in 1 or 2 days.

I understand that the House will not adjourn Friday but Thursday, and I do not know how we will get the House to have a conference in 48 hours on a bill of this magnitude.

I wanted to be sure that there was no implication that we could get this done in the HEW bill when we should get it done before we leave.

I want to make some suggestions. Only two major appropriation bills remain. One, public works, was just filed; but anyone in the Appropriation Committee will confirm that a conference on public works is never ended.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG. There is a continuing resolution.

Mr. MAGNUSON. I think we ought to work this out. There is a continuing resolution that we will have to pass, and it may be germane to put this matter in that measure, because then it would go quickly. Also, it is possible to have a joint resolution on this matter by the House and the Senate. I know that they would take it up immediately.

I will recommend taking the money in this bill, but I do think we can work something out by which we can get it done faster, with complete assurance funds would be available immediately, and that is what we all want to do.

Mr. SCOTT. The faster the better.

Will the Senator yield some time to the Senator from North Dakota?

Mr. MAGNUSON. I might say that the Interior bill is also on the calendar, but the distinguished Senator from Nevada says he has a long session ahead of him on that, too. I want to get this done and not have it tied into a bill that is not going to be out of conference quickly.

I yield to the Senator from North Dakota.

Mr. YOUNG. The point made by the Senator from Washington is well taken. We could amend the continuing resolution on the Senate side; but if it went back to the House, we would probably have trouble there. It probably would be too late to pass it on the House side. I suggest putting it in this bill and asking the House to put it in the continuing resolution. So when the continuing resolution comes to us, when that finally passes, that will be the end of it.

Mr. MAGNUSON. This bill will not get back to the House.

Mr. YOUNG. If they put the money in the continuing resolution on the House side——

Mr. MAGNUSON. And then we get it.

Mr. YOUNG. And it would not need any further amendment. We will have to work that out with the House, then, tomorrow.

Mr. SCOTT. That is right. The House Members are working on this matter now.

Mr. MAGNUSON. All right. I just want to cooperate and make these funds available quickly.

Mr. SCOTT. If the Senator will take it into the bill now, then it will help us in what we are trying to do in the House.

Mr. MAGNUSON. All right. I am glad to accept the amendment.

Mr. SCOTT. I thank the distinguished Senator.

Mr. MAGNUSON, Mr. President, I yield back the remainder of my time.

Mr. SCOTT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BEALL). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT).

The amendment was agreed to.

Mr. LONG. Mr. President, I have an amendment at the desk which I ask the clerk to state.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 29, after line 2, insert the following: "work incentives."

"For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such programs, and for related child care and other work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individuals for such program, and for related child care and other supportive services, as authorized by Section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, and $150,000 for transfer to the appropriation for "Departmental Management," $455,133,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes for the current fiscal year."

Mr. LONG. Mr. President, this amendment simply puts into the bill the amount of money that was requested by the administration in its budget message of last January for the work incentive program, plus the additional amount recommended subsequent to that time for that same program. The additional amount relates to the Talmadge amendment enacted last December to make the work incentive program effective, in order to move people off welfare and into jobs.

In my judgment, it was inexcusable, almost unpardonable, that the administration took until June 19 to even get its request in here for the amount of money to be made available to finance the Talmadge amendment.

Mr. President, this is something that we will have to do anyway. The question is whether we should appropriate the funds now or wait until some later time. The administration, I regret to say, has tarried so long that the House did not put in the bill even the amount requested in the January budget.

We need to move ahead with this work incentive program as rapidly as we can, because the experience under the work incentive program as revised and improved by the Talmadge amendment will demonstrate whether we are able to get people into jobs voluntarily, or whether we will have to create instead some sort of program where we will have to tell people that they are not eligible for welfare unless they take a job.

So it will be instructive and enlightening to see what can be done to make the work incentive program work as everybody would like to have it work, from the President on down, and as the Congress would hope it would work, so that we can see what can be achieved by the voluntary approach in trying to solve the welfare problem.

The law as it now stands, incorporates the amendment of the Senator from Georgia (Mr. TALMADGE), which passed the Senate without objection last December, and was signed into law enthusiastically by the President at that time. The question now is, Can that program as improved hope to put people to work in an effective way?

If we provide the funds sought by the President, the Labor Department estimates that they could place 75,000 people directly in jobs and about 190,000 additional people into training and manpower programs and other constructive work that will lead them into jobs.

In the hope that we can implement the program, I would hope that the committee would agree to this amendment, and that the Senate would agree to it now; otherwise we will have to act on the funding request at a later date. The longer we tarry, the more time it will take to find out whether the work incentive program can be made to work.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. TALMADGE. The distinguished Senator knows that the work incentive program originated in the House in 1967 and was written into law that year. Its operation and execution has been a miserable failure. The Department of Labor contracted with the Auerbach Corp., to ascertain why the program was not working. They looked at the program in all areas of the country and submitted a **massive report.** Unfortunately, the Department of Labor and others would not put their recommendations into effect. The matter came to the Finance Committee and the committee by a unanimous vote, on three separate occasions, approved an amendment I offered based on the recommendations in the Auerbach report. In 1970, the House refused to go to conference on the social security bill to which the amendment was attached. In 1971, the first time the Senate passed by amendment, the House, under their so-called germaneness rule, rejected the amendment on parliamentary grounds. Last December the House finally agreed to the amendments. When the President signed them into law, he submitted a glowing statement as to what they would accomplish and he praised the amendments in their entirety.

Then, unfortunately, he waited until June 19 of this year to request funding for my amendment. When the matter got to the Appropriations Committee, the committee handling the HEW appropriation made an insertion in the report that it was submitted too late for consideration and that it would be considered at another time.

But, Mr. President, time is of the essence. The law goes into effect July 1 of this year. The law requires that a minimum of 15 percent of the employable welfare recipients be referred for work or for training. So it is absolutely imperative that funds be made available so that action can begin now.

If these amendments work as they are calculated to work, the Government can only save money. A tax credit provision I proposed which was also signed into law last year, for instance, rewards employers who hire participants in the work incentive program. As the Senator knows, every time it costs the Government $1 in the tax credit, it will save $3 welfare, because someone will go off welfare and go onto a private payroll.

Funding the work incentive program offers the greatest opportunity for an impact on the massive welfare costs we now face, with 14 million people in this country on public assistance.

The Talmadge amendment will not require any mother with young children to work. If they are not able bodied, they will not be required to work. But the amendment does aim at substituting the private payroll for a dole. We thought it was better to train people for private employment and private jobs than it was to continue them, generation after generation, on the welfare rolls.

I therefore hope, Mr. President, that the Senate will accept the amendment.

Mr. LONG. Mr. President, I am satisfied that if we are going to make progress toward moving people off welfare and into employment, that is the first thing that we should be doing. We had a hearing just today with the administration about this very effort to move people under the work incentive program into jobs and they pointed out what they are doing. We had occasion to make suggestions to them and to find fault with some of their conduct. But they also could find fault with us, by asking, "Where is the money?"

We will have to appropriate the funds

if we want to make a start with the welfare problem. There is no problem with the economy involved here because what we are recommending here is to get people off welfare and into jobs.

We need to be getting on with the program so that we can see what prospect there is of moving people into jobs. I hope that the Senator from Washington will agree to this amendment.

Mr. COTTON. Will the Senator from Louisiana yield for a question?

Mr. LONG. I yield.

Mr. COTTON. What is the amount involved?

Mr. LONG. The amount involved in the amendment is approximately $455 million. Of that amount, $205 million is the initial budget request submitted in January, which the House did not include in the bill they sent over because they were, apparently, dismayed that the administration was so late in getting its request in. The other part is $250 million occasioned by the Talmadge amendment.

Please understand that this is exactly the amount requested by the President. I personally think that this is a conservative figure.

Mr. COTTON. Mr. President, I say to the Senator that I will await word from my chairman before I attempt to make a decision on this. However, I would say that for a long time I have seen all of these attempts to get people to work when they are on relief and do not want to work. And I have grown a little doubtful about the possibilities. This appears to me to be a plan for a trial run by the Committee on Finance itself. If this is workable, and it is an experiment, it ought to be tried before we plunge into an expansive program, so that we will get an idea of what it will cost us.

As far as I am concerned, speaking for the minority, but not attempting to speak for the chairman at all, I would be very happy to accept the amendment with one understanding, that some of the distinguished Members of the Senate who get down to the White House occasionally talk to the President about this. I believe that the Senator was down there this morning?

Mr. LONG. Not I, though I believe that the Republican members of the committee were there.

Mr. TALMADGE. Mr. President, we held a hearing in the Finance Committee this morning on this very matter.

Mr. COTTON. Mr. President, if we accept the $455 million, I want someone to be sure to tell the President about this. He has not called me up or I might have had an opportunity to tell him. I want someone to be sure to tell the President that, when he gets around to deciding whether he is going to sign a veto on the HEW bill, that $455 million is for him for another purpose and the money is not to be held against it. Will the Senators agree to get that message to the President?

Mr. LONG. Mr. President, if I can break the sound barrier better than the Senator from New Hampshire, I will be glad to do so.

Mr. TALMADGE. Mr. President, I might say that this is the President's budget request.

Mr. MAGNUSON. Mr. President——

Mr. JAVITS. Mr. President, I want time in opposition. I do not know who controls the time.

Mr. COTTON. Mr. President, I will yield the Senator from New York 5 minutes.

Mr. MAGNUSON. Mr. President, I thought I had the floor.

I first ask unanimous consent to have printed in the RECORD a letter received on June 19 from the Budget on this item, in the form of a letter from the President of the United States, and also a statement directed to the committee from the Department of HEW's Administrator of Social and Rehabilitation Services on work incentives, with a list of the witnesses that would testify on what this program is all about.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED AMENDMENTS TO THE 1973 BUDGET

(Communication from the President of the United States transmitting amendments to the requests for appropriations transmitted in the budget for the fiscal year 1973 involving an increase in the amount of $140,000,000 in budget authority and a decrease of $20,000,000 in proposals not affecting budget authority for the Departments of Labor and Health, Education, and Welfare)

THE WHITE HOUSE,
Washington, June 16, 1972.

The PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider amendments to the request for appropriations transmitted in the budget for the fiscal year 1973 involving an increase in the amount of $140,000,000 in budget authority and a decrease of $20,000,000 in proposals not affecting budget authority for the Departments of Labor and Health, Education, and Welfare.

These amendments do not add to the outlay totals of the budget I transmitted to the Congress in January, 1972. The details of these proposals are set forth in the enclosed letter from the Director of the Office of Management and Budget, with those comments and observations I concur.

Respectfully,

RICHARD M. NIXON.

[Estimate No. 23, 92d, Congress, Second Sess.]

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 16, 1972.

THE PRESIDENT, *The White House.*

SIR: I have the honor to submit for your consideration amendments to the requests for your appropriations transmitted in the budget for the fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare. The amendments inculde $250,000,000 in budget authority for the Work Incentive Program, designed to help welfare recipients obtain productive employment. This increase is required to carry out amendments to the Social Security Act enacted in the last session of the Congress.

Offsetting this increase in budget authority are decreases of $25,000,000 in Grants to States for Public Assistance and $85,000,000 in Manpower Training Services (inculding a $39,000,000 reduction in Manpower Development and Training Act activities), reflecting increased placements in training and public service employment under the Work Incentive Program and the Public Employment Program. The amendments also decrease the Limitation on Grants to States for Unemployment Insurance and Employment Service by $20,000,000, resulting from a re-analysis of projected workloads. The net result of these amendments is an increase in budget authority in the amount of $140,000,000 and a decrease of $20,000,000 in proposals not affecting budget authority.

In addition, the amendments, together with congressional changes and delays in enactment of administrative proposals, will result in decreases in estimates included in the January budget for items planned for separate transmittal. The effect of the decreases, together with other changes, is to offset entirely 1973 outlays expected from these budget amendments, requiring no change in the total 1973 outlay estimate.

The revised Work Incentive Program represents a large step toward the workfare provisions contained in your proposals for welfare reform. Operations under this program will be directed towards evaluation, experimentation, and otherwise preparing for the full implementation of welfare reform. Therefore, $60 million of the budget authority proposed to be transmitted after enactment of your welfare reform proposal will not now be needed.

In addition, delays in congressional enactment of adminstration legislative proposals in the areas of food, drug, and product safety and the development of health maintenance organizations have reduced the amounts the Department of Health, Education, and Welfare will be able to obligate or spend in 1973 to carry out these proposals. Congressional action on the proposal for a National Foundation for Higher Education reduced the authorized appropriation $90 million below the budget estimate.

The effect of these amendments, proposed changes, and other offsets, and the details of these amendments are set forth in the enclosures to this letter. I recommend these amendments to the budget for the fiscal year 1973 be transmitted to the Congress.

Respectfully yours,

CASPAR W. WEINBERGER,
Director.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL AND REHABILITATION SERVICE

Budget appendix page	Heading	Request in January budget	Increased pay cost (H. Doc. 92–267)	Proposed amendment	Revised request
450	Grants to States for Public Assistance......	$13, 369, 704, 000	....	—$25, 000, 000	$13, 344, 704, 000

The reduction reflects the expected decrease in cash payments to recipients to Aid to Families with Dependent Children as a result of placing additional individuals in on-the-job training and public employment under the revised Work Incentive Program.

Budget appendix page	Heading	Request in January budget	Increased pay costs (H. Doc. 92-267)	Proposed amendment	Revised request
453	Work Incentives	$205,000,000	$133,000	$250,000,000	$455,133,000
	(Delete the paragraph under the heading and insert in lieu thereof the following:) For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, including registration of individual for such program, and for related child care and other supportive services, as authorized by [part A of title IV] section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, [$259,136,000] and $150,000 for transfer to the appropriation for "Departmental management", $455,133,000, which shall be the maximum amount available for transfer to the Secretary of Labor and to which the States may become entitled pursuant to section 403(d) of such Act, for these purposes for the current fiscal year.				

The additional appropriation is needed to meet the requirements of the amendments to the Work Incentive Program enacted in the last session of the Congress, including added costs for increased Federal matching, registration of all employable recipients of Aid to Families with Dependent Children, placement of more individuals in on-the-job training and public employment, and child care and other supportive services.

DEPARTMENT OF LABOR, MANPOWER ADMINISTRATION

Budget appendix page	Heading	Request in January budget	Increased pay costs (H. Doc. 92-267)	Proposed amendment	Revised request
640	Manpower Training Services	$1,633,366,000	$1,050,000	−$85,000,000	$1,549,416,000
	(Limitation on the amount available for Manpower Development and Training Act activities)	(758,554,000)		(−39,000,000)	(719,554,000)

The reduction reflects increased training and employment under the Work Incentive Program in lieu of the training programs funded from this appropriation.

Budget appendix page	Heading	Request in January budget	Increased pay costs (H. Doc. 92-267)	Proposed amendment	Revised request
647	Limitation on Grants to States for Unemployment Insurance and Employment Services	($820,300,000)		(−$20,000,000)	($800,300,000)
	(Limitation on the amount available on a contingency basis for increased costs of administration)	(44,000,000)		(−20,000,000)	(24,000,000)

The reduction is associated with lower workloads than originally projected and improved operational effectiveness.

SUMMARY OF AMENDMENTS AND OTHER CHANGES

	Budget authority	Other proposals not changing budget authority	1973 effect
Budget amendments transmitted herewith:			
Department of Health, Education, and Welfare:			
Work Incentives	+$250,000,000		+$230,000,000
Grants to States for Public Assistance	−25,000,000		−25,000,000
Department of Labor:			
Manpower Training Services	−85,000,000		−65,000,000
(Limitation on the amount available for Manpower Development and Training Act activities)	(−39,000,000)		(−25,000,000)
Limitation on Grants to States for Unemployment Insurance and Employment Services		−$20,000,000	−20,000,000
(Limitation on the amount available on a contingency basis for increased costs of administration)		(−20,000,000)	(−20,000,000)
Proposed amendments	140,000,000	−20,000,000	120,000,000
Proposed for later transmittal:			
Department of Health, Education, and Welfare:			
Food, Drug, and Product Safety	−20,000,000		−15,000,000
Health Services Planning and Development			−18,000,000
National Foundation for Higher Education	−90,000,000		−27,000,000
Welfare Reform	−60,000,000		−50,000,000
Other offsets:			
Department of Health, Education, and Welfare:			
School Assistance in Federally Affected Areas (lapse of 1972 budget authority)			−10,000,000
Total	−30,000,000	−20,000,000	0

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL AND REHABILITATION SERVICE, WORK INCENTIVE

LIST OF WITNESSES

John D. Twiname, Administrator, Social and Rehabilitation Service accompanied by David R. Beecher, Acting Commissioner, Community Services Administration, Social and Rehabilitation Service.

Malcolm R. Lovell, Jr., Assistant Secretary for Manpower, Department of Labor.

F. D. DeGeorge, Assistant Administrator for Financial Management, Social and Rehabilitation Service.

Anna L. Perkins, Acting Director, Division of Budget, Social and Rehabilitation Service.

Charles Miller, Deputy Assistant Secretary, Budget.

STATEMENT BY ADMINISTRATOR, SOCIAL AND REHABILITATION SERVICE ON "WORK INCENTIVES"

Mr. Chairman and Members of the Committee: I appreciate this opportunity to discuss with you the 1973 program for implementing the amendments to the Social Security Act, enacted December 28, 1971 relating to the improvement of the Work-Incentive Program.

WIN is the outgrowth of a variety of approaches to enhance employability and develop employment for recipients to AFDC. Its predecessors go back at least to the Community Work and Training program of 1962 when this program was optional with the States, and no Federal funds were supplied

directly to purchase training, supervision, and equipment. It was, nevertheless, a major departure from the former detachment of the Federal Government with respect to employability problems of recipients of public assistance.

The Community Work and Training program was not sufficient, however, and the Congress added a new demonstration program under Title V of the Economic Opportunity Act. Departments of Public Welfare were the "responsible agents" in carrying out this program, which included incentives for participants and provisions for purchase of manpower services from the Department of Labor. Much closer interrelationship between manpower and welfare agencies was required upon enactment of the WIN program January 2, 1968.

The recent amendments to the Work Incentive Program emphasize a results-oriented approach to dealing with problems of dependency in the Aid to Families with Dependent Children (AFDC) Program. The WIN program has been revised to remove barriers which stand in the way of carrying out the objective of assuring, to the maximum extent possible, that employable AFDC recipients enter into the labor force and accept employment so that they will become self-sufficient.

Other major changes have been mandated by the 1971 amendments to the WIN program. Heretofore, Departments of Public Welfare screened AFDC caseloads and referred, to the Employment Service, persons deemed to be appropriate for WIN in accordance with criteria established by the State. Under the 1971 amendments, every adult and child 16 or over must register for WIN as a condition of eligibility for AFDC, unless specifically exempted by the law from registration.

A new provision requires that the welfare agency establish a separate administrative unit to perform services only in connection with the administration of the WIN program. A number of welfare agencies have previously established separate WIN units, and experience shows that the program in these States has generally operated more effectively.

A major barrier, shortage of State funds to match Federal dollars, has been removed by changing the Federal-State matching from 80%-20% to 90%-10% for training and incentives and from 75%-25% to 90%-10% for supportive social services including child care.

Provisions which guarantee the appropriate correlation of training to job markets, the provision of needed manpower, social services and child care, and development of job opportunities are an integral part of the legislation. Priorities for consideration for manpower and supportive services are spelled out in the Act.

The 1971 amendments mandate the installation of a Public Service Employment component to replace the Special Work Projects of the Original WIN program. To insure that the new component, along with on-the-job training, is adequately utilized, the 1971 amendments require that 33⅓% of WIN funds be allocated for these two components. Public Service Employment will be used for those clients who are immediately employable but for whom no job is available in the regular labor market and/or who, after a period of subsidized employment, will be able to compete successfully in the local labor market.

The 1971 amendments, together with improved operations, management, and reporting procedures will provide WIN with the means and resources to expand its operations. The registration requirement will make an estimated 1.5 million AFDC recipients available to Department of Labor local agencies for manpower services by the end of the first year of operation. The new Public Service Employment component will provide WIN with access to jobs that have heretofore been of limited availability to WIN enrollees. A standardized on-the-job training contracting procedure will increase the use of this previously under-utilized component. A provision in the Revenue Act of 1971, which provides a 20 percent tax credit to employers who hire WIN enrollees, should increase the movement of enrollees into private employment. The establishment of a separate unit in the welfare agency, to serve as a focal point for effective delivery of all social services and child care required by the WIN participant and his family, will further enhance the WIN program. Still further enhancement will result from the requirement that staff of this separate unit participate in the development of employability and operational plans.

Under the 1971 amendments to the WIN program it is anticipated that approximately 6,500,000 AFDC recipients will be processed for registration and 1,500,000 will be registered for work or training. The average enrollment level in man-years is expected to be 138,000 in the first year, of which 24,500 man-years will be devoted to on-the-job training, 8,000 man-years to public service employment, and 40,300 man-years to institutional training, with the remainder of the effort going to work experience, orientation, and other components of the program. In addition, we expect to enroll WIN clientele in other manpower programs for an equivalent of 38,800 man-years. Since many of these training activities will constitute less than one year's duration, the number of persons receiving manpower services will be considerably more than the number of man-years of effort.

Most important, we expect to place 75,000 individuals directly into employment. To support this objective, we estimate that this will require 186,000 child care man-years and 198,000 man-years of other supportive services.

TRAINING AND INCENTIVES

The 1971 amendments significantly enlarge the scope of the WIN program. Specific additional functions include registration of all employable AFDC recipients, implementation of a work test requirement, development of a new public service employment program, development of an expanded OJT program, development of a new information system, implementation of a new Federal adjudication process, and establishment of State and local labor market advisory committees. Special efforts are being directed toward developing methods and controls that will insure more effective management of the program. An increase of 140 positions is required in 1973 to carry out the responsibilities of the Department of Labor under the revised WIN Program. Of these positions, 30 would be assigned to the Central Office and 110 to regional offices and local offices.

SUPPORTIVE SERVICES

New staff requirements of 145 positions are required to carry out the responsibilities of the Department of Health, Education, and Welfare under the revised WIN Program. We intend to supplement this requirement by providing $1,500,000 of 1972 S&E funds, $2,000,000 reprogrammed funds from the 1972 child care funds, and $1,900,000 of the 1973 funds included in this request for contract support to provide the technical assistance and training necessary to implement the new amendments. This level of staffing was established on the basis of strong reliance on joint efforts with the Department of Labor to unify wherever possible all functions that can be managed jointly and on providing a major portion of the technical assistance and training through contract support.

Of the 145 positions requested, 98 would be assigned to the ten regional offices and 47 would be located in the central office. Heavy emphasis will be placed upon staff utilization for monitoring, fiscal accountability, and insuring effective coordination between the welfare agency and the manpower agency.

APPROPRIATION REQUEST

The 1973 request for the Work Incentive Program is $455,133,000, an increase of $195,935,000 over the 1972 appropriation of $259,198,000. This would provide for $249,133,000 for the Department of Labor to administer the training and incentives activity and $206,000,000 for the Department of Health, Education, and Welfare to administer the supportive services activities.

Mr. Chairman, this concludes my statement. I will be happy to answer any questions you or members of your committee might have.

Mr. MAGNUSON. Mr. President, this is not the best way for the Appropriations Committee to conduct its business. However, the Department indicates that they would send this up for consideration in the first supplemental regardless. So, we might as well take it here and see if the House wants to proceed with it.

I thought at first when the Senator from Louisiana spoke to me about it that we might put in a smaller amount to keep it moving until the supplemental got here. We could then find out a little more about their so-called new program.

I believe this will have some positive result, I say to my friend, the Senator from Louisiana. It is supposed to have. However, the record on the program has not been good. It has not been good at all. It has been another program that started out badly. There was conflicting and overlapping social work going on. Congress was not laying down legislative guidelines on what it wants them to do with respect to mothers with dependent children and other situations. The record has not been very good.

I am hopeful that if we can get this through, they will do something about all of those programs that are intended to put people to work, job training, vocational training—and there is a lot of money provided in the bill for that—and on-the-job training.

They have produced a great many enrollments, particularly in the Labor Department, for training and job programs. However, the Senator from New Hampshire and I found that they would have 2,000 enrollees in some of these programs. We would say, "Yes, but we want to know how many people finally got a job." They did not know.

Mr. COTTON. Mr. President, we found people that trained for five jobs, one after another, and never went to work.

Mr. MAGNUSON. Then they say that 25 of them or 50 got places. That would be tops, or perhaps 100 out of 1,000 enrollees.

We wanted to know how much it cost the taxpayer per capita to get a fellow a job. It is a fantastic amount of money for the American people to finance the getting of jobs for such people. I understand that there are a lot of dropouts.

Mr. TALMADGE. Mr. President, the Finance Committee was concerned with that same thing, the expenditure of money under the original work incentive program with so little results. These amendments were carefully drawn to improve the program so as to get results. If they do, the Government will save money.

Mr. MAGNUSON. Mr. President, as the Senator from New Hampshire has said, some people were in training programs for jobs one, two, three, four, and five times and never got work. People when they were trained would not try to get jobs. The amount of placements of actual people who go to work at the end of the line was pretty small and at a very high average cost, a cost of $10,000, $15,000, or $20,000 per trainee who actually got a job.

I hope that this program will do what the two Senators have suggested it would and help to solve at least part of the problem.

When we sit on the Appropriations Committee and hear the figures as to the cost, they are unbelievable. Something has got to be turned around, to coin a phrase. I hope that this will do just that.

I will welcome, along with the Senator from New Hampshire, accepting the amendment and taking it to conference.

I want to point out one thing. I do not know whether the Senator from Louisiana pointed this out or not because I was called out to the telephone for a while.

This is moneywise another $455 million appropriation to put this program into effect, the so-called new program we are talking about. There are some offsets which would be in the bill if it were not for this program. And the figures are in the budget request for the information of the Senators.

Mr. LONG. Mr. President, I thank the distinguished Senator for his statement. It is important for us to see whether these suggestions, the committee suggestions as well as the administration's suggestions, as to the most effective way of helping welfare recipients get jobs, can be made effective. It is important that we know as soon as we can the extent to which these ideas, many of which are part of the administration's suggestions under the name of welfare reform, can be made to work.

The sooner we get the funds, the sooner we will know if they will work.

Mr. MAGNUSON. Then, we tried another program. The Committee on Finance cooperated with us and you were going to give a tax exemption to somebody who would hire these people. I believe they called it job alliance. That did not work either. I will be a little charitable about that because the general economy has been down and there have not been the jobs around.

But something has to be done to get jobs for people who are able to work and those who do not want to work, to work at some kind of job.

Mr. TALMADGE. The tax credit provision just became effective at the beginning of this year. It allows a 20-percent tax credit provided somebody is employed from the work incentive program and kept employed for 2 years. That means the Government would save $3 every time it gives $1 in tax credit. We thought that was a fine investment, because it would take someone off of the welfare rolls and put him in a job and by that time he will be a productive person and become a taxpayer. We thought it good for welfare recipients and for the Government.

Mr. COTTON. Mr. President, I yield such time as he may desire to the Senator from New York on the bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, it appears that this is being rolled through here without anyone giving the other side of the coin. I have noted that this amendment is going to be accepted by the manager of the bill and by the distinguished ranking minority member, so I just wish to be recorded against it. I wish to note that I will vote "no" and to state why so that there will be some idea as to what is wrong with it.

It is said that this provision is great. It is not so great and here is why. We will be in a huge struggle with respect to welfare reform. One of the things to be used to defeat welfare reform, if it is to be defeated in this Congress, and I hope and pray it will not be defeated, is what is going on here now.

Mr. President, there is something of a program—and I will point out why I say "something of a program"—on so-called workfare, of taking people off welfare through work. It is said, "Let us see how this works for a few years. Let us take it easy."

The very distinguished Senator from Louisiana, who is nobody's fool, will be up here on the floor of the Senate, in the chair now occupied by the Senator from Washington (Mr. MAGNUSON) arguing, "You gave $450 million to try this out. Why don't you try it out and see how it works before you try welfare, and we will delay any additional welfare legislation.

The welfare reform debate is beginning. The reason for implementing this at this time in this way is to add another string to the bow to defeat welfare reform. There is nothing wrong with the Talmadge amendment standing alone. It affects a small part of the welfare program, even with $435 million. Nonetheless it is a string to the bow to defeat welfare reform.

Let us see how true welfare reform compares with the Talmadge amendment. Talmadge continues the inequitable situation which exists today where families headed by unemployed fathers are not included, and the working poor are not covered at all.

Thus they perpetuate the welfare system which gives a working or unemployed father incentives to leave his family so they can receive benefits.

The Talmadge amendments attempt to deal with the severe dual agency and multijurisdictional coordination problems of WIN by requiring joint DOL and DHEW issuance of regulations and by establishing joint committees at the State and regional levels. These requirements are not likely to solve the basic problems. The State ES agencies will continue to be dependent on the welfare agencies as their sole source of supportive services, regardless of whether or not these agencies can supply the services. Moreover, no one agency will have responsibility, and therefore be accountable for the WIN program. The diffusion of authority between the two Federal agencies and between different levels of government is likely to continue to hamper WIN performance.

The Talmadge amendments do expand the manpower services authorized or possible for DOL under the WIN program. Unlike H.R. 1, however, the amendments contain allocation formulas that are likely to restrict or constrain efficient management and prevent the placing of resources where the greatest need is.

The Talmadge amendments leave untouched the basic work incentive problems in WIN of vast variations in basic benefit levels and the limiting of earnings disregards to female heads. As a result, male heads of families in the WIN program will continue to have no monetary incentive to take full-time jobs, and the monetary incentives for female heads to go to work will continue to vary significantly between States. In States with low benefit levels, a full-time job would make a female head of a family ineligible for supplemental income benefits even at very low rates of pay, and thereby weaken the incentive to work.

The Talmadge amendments will continue to leave the application of sanctions to a number of different State, county, and city welfare agencies. In addition, the 60-day counseling provision has been left untouched. As a result, the uneven application of sanctions is still a problem with which we must deal.

The Talmadge amendments will continue the present reliance on the State welfare department as the sole delivery agency, with a resulting lack of authority for the manpower agency to secure child care directly when needed. Moreover, the Talmadge amendments make no provision for correcting the shortage of physical facilities.

I am not going to try to extend this. I know the amendment of the Senator from Louisiana (Mr. LONG) will be accepted, but I did want to spread this view on the record so that we all might be aware of the situation. This is not standing alone. The Talmadge amendment was passed and now we are funding it with a half billion dollars. But this will be used as one of the blocking agents with reference to welfare reform. I hope that we realize the problem is not being met by the Talmadge amendments. True welfare reform is eventually required by the country, and it should not be frustrated by the passage of an amendment such as this.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield 1 additional minute to the Senator, and then I ask that he yield to me.

Mr. JAVITS. Of course.

For whatever it is worth, under these circumstances I feel these arguments should stand on the record. Probably if there were no debate, no prospects, no other measure, if this were not the enormous matter it is going to be, I would go along with the committee and say nothing about it. Surely, it is something that tries to move some distance forward, but knowing what we all know and what the situation is, I felt it necessary to spread this on the record, especially inasmuch as the Senator from Connecticut (Mr. RIBICOFF) who exercised leadership in connection with this effort in the Committee on Finance, is not here to do it himself.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield in just a moment, but at least I have tried to separate some of the arguments on the matter.

Mr. TALMADGE. The amendment of the Senator from Connecticut (Mr. RIBICOFF) was being considered in the Committee on Finance at the time my amendment came up. The Senator from Connecticut (Mr. RIBICOFF) stated in executive session he thought the Talmadge amendment was superior to his amendment and he withdrew his amendment in support of the Talmadge amendment.

Mr. JAVITS. I am not challenging the privilege of the Senator from Georgia to say what happened in the Committee on Finance and I respect it, but I do not think it changes the fundamental thrust of what I have said.

Mr. COTTON. Mr. President, I think what the distinguished Senator from New York had to say makes sense. I think it is unfortunate we have to look at this piecemeal, but facts are facts. It is now the 27th of June, we are going to adjourn shortly for the Democratic Convention and then be back here for a short period, I assume, and then adjourn for the Republican Convention, and perhaps come back. H.R. 1 is the welfare bill, is it not?

Mr. JAVITS. Yes.

Mr. COTTON. It has seemed to me from the long years I have been around here that that bill involves so much and requires so much scrutiny that the chances of actually legislating H.R. 1 before next January are, indeed, very slim. That is the reason I was willing to accept this amendment.

Mr. JAVITS. Mr. President, if the Senator will yield to me for 30 seconds, I wish to state that the first thing the Senator said fully recompenses me for what I said. The Senator said he was impressed with what I had said. I have served my purpose fully if I have left so important and distinguished a Senator with the feeling that this is not just as it appears to be on the surface, and that there is much more to it.

Mr. LONG. Mr. President, I believe the Senator said the budget amendment I am offering is an effort to keep H.R. 1 from coming before this body. Nothing could be further from the truth. I have spent a great deal of time in hearings on H.R. 1. My guess is that I have spent more time this year, in open hearings and executive sessions, working on H.R. 1 than any Senator has spent on any bill. I would not want to spend that much time unless I wanted to see a bill emerge, and I think the bill put forth by the Finance Committee happens to be the best bill ever drafted by the Finance Committee in the history of the U.S. Senate. That is what I think of that bill. I think the bill is such a good bill that I shall do everything in my power to have it passed. Anyone who works 2 solid years to get a bill like that out of the Finance Committee has to be in favor of it.

When the bill gets here on the Senate floor, we will see whether Senators vote in favor of "workfare" or in favor of "loaffare." If the Senate wants to provide welfare for 100 million recipients and pay people more for loafing than for working, to make loafing more attractive than working, that is not going to make the bill attractive to some of us, and that may cause more debate than anything else.

If the Senate is in favor of making work more attractive than loafing, it may be that Mr. JAVITS and his group will not be satisfied with the way things are going and may engage in extended debate. I cannot predict that. I have seen some polls that show loafing is more attractive than working.

I want to assure the Senator that this will be a fight that is welcomed. I will be here in good shape for that fight. I urge that he get himself in shape for it, for this is going to be a knockdown, drag-out affair.

HEW earlier urged the President to veto a bill which we passed which sought to put people to work rather than spend a lifetime on welfare, but the President signed it.

I would urge, in a spirit of bipartisanship, when we are going to decide whether we are going to have a "workfare" or a "loaf-fare" bill, let us do what we have to do that provides for letting people go to work, with some training if necessary, and with some day care provided if that is keeping a mother from taking a job.

Mr. CHURCH. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, do I have time? If so, I yield to the Senator from Idaho.

Mr. MAGNUSON. Mr. President, I would like to get some action on this amendment. I want to take a minute or so. I was glad to hear the debate.

ON "PLAYING POLITICS": A REPLY TO MR. ZIEGLER

Mr. CHURCH. Mr. President, I have served notice that I intend to offer an amendment to the debt ceiling legislation to increase social security benefits by 20 percent. The support I have received for this proposal from Democrats and Republicans alike has been very gratifying.

I ask unanimous consent that the text of a letter I sent last night to my colleagues in the Senate describing the basic provisions of my amendment and asking for their cosponsorship appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 27, 1972.

DEAR COLLEAGUE: As you know, I recently announced that I intend to offer, as an amendment to the Debt Ceiling legislation, my proposed amendment to H.R. 1 to provide a 20% across the board increase in Social Security benefits. Since I made that announcement, I have conferred with Senator Long, Chairman of the Senate Finance Committee and Congressman Mills, Chairman of the House Ways and Means Committee.

I have reason to believe there is a strong possibility such a proposal can become law. The key to making the 20% increase a reality is to avoid adding other amendments to the debt ceiling bill. Therefore, I have forgone the temptation of proposing, in addition to a 20% increase, other Social Security changes which I feel are meritorious, in hopes that those changes will be made later, when H.R. 1 comes up for debate. Accordingly, my amendment to the Debt Limitation Bill will be limited to a 20% increase with cost of living adjustments and the financing needed to fund this provision.

I am advised that if this increase were to pass the Congress and be signed into law by the President before July 10, the new benefits would be reflected in Social Security checks for the month of October.

If you would like to cosponsor this amendment to the Debt Ceiling bill, please get in touch with Mike Wetherell of my staff (5-6142) or Dave Affeldt of the staff of the Senate Special Committee on Aging (5-5364).

With best wishes,

Sincerely,

FRANK CHURCH.

Mr. CHURCH. Mr. President, in this connection I am told that President Nixon's Press Secretary, Ronald Ziegler, has accused me today of "playing politics" by seeking to guarantee a 20-percent increase in social security by attaching such an amendment to the pending debt ceiling bill.

President Nixon's latest enlargement of the war alone in Vietnam will cost more than my amendment to give a little help to 20 million elderly Americans, nearly half of whom are living in poverty or next to it.

This administration never ceases to amaze me. Billions of dollars in subsidies to big business are benignly approved by the White House, but giving elderly people a boost now, when so many are in such urgent need, is "playing politics."

If that be so, then my reply to Mr. Ziegler is "make the most of it!"

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. EDMONDSON, Mr. BARING, Mr. SAYLOR, and Mr. MCCLURE were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. JOHNSON of California, Mr. HOSMER, and Mr. CAMP were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. JOHN-

SON of California, Mr. HOSMER, and Mr. LLOYD were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; and

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes; to the Committee on Appropriations.

ORDER FOR RECOGNITION OF SENATOR NELSON ON WEDNESDAY AND SENATOR METCALF ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 15 minutes, and that on Thursday, following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Montana (Mr. METCALF) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

Mr. CRANSTON. Mr. President, will the Senator from Louisiana yield me 1 minute?

Mr. LONG. I yield.

Mr. CRANSTON. Mr. President, I simply rise to compliment the Senator from Louisiana and the Senator from Georgia on the activities they have engaged in in favor of welfare. It is very obvious to me that the awesome problems of welfare require that we provide work opportunities for American citizens, many of whom are on welfare but who would like to work and who cannot find it from private industry, and who cannot find it from Government. This is not a force-work amendment. I do not favor that approach to solve the welfare problem. I think the two Senators have provided a constructive alternative to welfare which provides a real cure for that problem, and I therefore support it wholeheartedly.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I am willing to yield back my time if the other side is willing to yield back its time.

Mr. COTTON. Mr. President, this will be for just a moment, to give the chairman an opportunity to get back, but may I suggest the absence of a quorum, the time to be taken out of my time on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator yield back his time?

Mr. LONG. Mr. President, I yield back my time if the committee is ready to yield back its time.

Mr. COTTON. Yes, Mr. President. I yield back our time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. CURTIS obtained the floor.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CURTIS. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I offer an amendment. I have discussed it with the distinguished manager of the bill. This is also a budget request, one that reduces the cost of the amendment by putting into effect certain offsets also recommended by the budget. I understand the distinguished chairman of the subcommittee and the manager of the bill has offered amendments to offset much of the cost.

Mr. MAGNUSON. Mr. President, it really is a technical amendment, after we adopted the other one, to put the proper offsets in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 2, line 15, strike out "$758,554,000" and insert in lieu thereof "$719,554,000."

On page 5, line 4, strike out "$820,300,000" and insert in lieu thereof "$800,300,000."

On page 5, line 7, strike out "$44,000,000" and insert in lieu thereof "$24,000,000."

On page 27, line 22, strike out "$13,369,704,000" and insert in lieu thereof "$13,344,704,000."

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. LONG. Mr. President, I yield back my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I have an amendment at the desk, which I call up and ask that it be stated.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The assistant legislative clerk read as follows:

At the appropriate place in the bill insert the following:

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Are we operating under limited time?

The PRESIDING OFFICER. The Senator is correct. The Senator has 30 minutes.

Mr. CURTIS. I yield myself 15 minutes.

Mr. President, the House of Representatives added an amendment to this bill which denied funds for the enforcement of the Occupational Safety and Health Act as to those small businesses employing 25 persons or less. The amendment I have offered is identical with the House amendment.

The Occupational Safety and Health Act was passed in the fall of 1970. It is a very far-reaching act. It empowers an inspector to impose a fine in an individual's place of business, without ever going to court.

But that is not all. It is an act as to which it is most difficult to find out what it provides. This stack of publications on my desk represents a partial collection of the codes, standards, specifications, and other requirements which have been blanketed into the Occupational Safety and Health Act, or the regulations pertaining to it.

In other words, Mr. President, the employers of our country, down to those with one employee, must conform to a law that they have to go into a stack of documents far in excess of what I have before me on my desk to find out what the law is.

I maintain two things. First, Congress ought to take another look at this law. That, of course, is the responsibility of the legislative committee. In the meantime, this law should not be imposed upon small businesses.

On June 12, I asked the Library of Congress to provide me with a copy of every backup standard and code which the Occupational Safety and Health Act blanketed into law. On the following Wednesday, the Library advised my office that it was a monumental undertaking, which would require the cooperation of the Labor Department.

The Library asked the Department to mail it a list of the documents. On Friday, the list had still not arrived. A member of my staff called the Labor Department, and was told that the Department has a complete set of the documents, but cannot lend them to anyone, not even for an hour or so, and not even to a Member of Congress.

The Department was kind enough to send a list of the documents to my office by messenger. Mr. President, here is the list. If an employer wants to find out what the law is, he not only must read the law, but here is a list of standards, publications, building codes, inspection codes, and other things that are incorporated into the law which our people must obey.

Mr. President, this is but a partial list. The entire stack of documents makes a stack 17 feet high. It would cost between $4,000 and $6,000 to buy all of the publications that are incorporated into the law and the regulations by reference, and up to which our people must live.

Certainly, to begin with, we need an exemption for small businesses. There is nothing particularly magic about the number 25, but that is what the House has passed. We are in the closing days before a recess. So I hope this amendment providing for a similar number will be agreed to.

Mr. President, this is a serious matter, because our people back home are dealt with very harshly under this law.

One employer in the State of Nebraska was fined $36,000 by an inspector—not by a court, but an inspector. He was not small enough to come under the exemption I am talking about here, but imagine the terrors placed in the minds of the small employers. Faced with all the other problems of their busineses, they hear about this law, and that is the straw that breaks their backs.

On April 6, I wrote a letter to the Secretary of Labor saying:

> I have a request from a gentleman in a small city in western Nebraska. He is the operator of a gasoline station, and has four employees. He wants the information as to what he is required to do to be in compliance with the Occupational Safety and Health Act. Will you please send to me, so that I may forward it to him, a statement giving him the full information that he needs?

Mr. President, it took 6 weeks to get a reply. Then when I got the reply, the Secretary sent a bundle of documents like this. There is a long letter here, which in due time I shall ask unanimous consent to have printed in the RECORD, wherein an Assistant Secretary, in behalf of the Secretary, does not answer our question, does not tell the employer of four what he has to do, but sends him a bundle of documents.

You might think this was all that man had to read. Not so at all. Here is the principal document, the Federal Register, part 2, Occupational Safety and Health Act. At first it would appear to say that all the regulations for this man are in this book.

But over here on page 10578, I find this, if he has a stationary engine around his filling station:

> (11) *Stationary engines in buildings.* Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the standard for the installation and use of Staitonary Combustion Engines and Gas Turbines, NFPA 37-1970, and the appropriate provisions of paragraphs (b), (c), and (d) of this section.

Which refer to a number of books. So that poor fellow must read all of this, and then the chances are that there is not a library in the State that has all of those publications for him to find out what the law is.

Do not think that your Federal Government is generous, kind, understanding, and affectionate in its enforcement procedures. They are applying this law with the heel. They are applying it in a gestapo fashion. They fined one employer because an employee owned a tool that he was not using, but it was in his tool box. The tool was admittedly dangerous, but it was not being used. It was in his tool box, and they fined the employer.

There is another case in my State in which, within an hour after a fire, where they had exhausted the fire extinguisher, an inspector appeared and fined the employer on the spot for not having a fire extinguisher loaded there.

The record of the Department of Labor in this act is humiliating to anyone who believes in fairness and a sense of justice. It is wrong. Congress has a responsibility, and we should rework this law. In the meantime, all we are asking today is that there be an exemption such as provided by the House of Representatives, by an overwhelming vote, with respect to establishments which have 25 or fewer employees.

Mr. President, how much of my 15 minutes have I used?

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. COTTON. If the Senator needs more time, I will grant him some on the bill.

Mr. CURTIS. Mr. President, I ask unanimous consent that there be a quorum call, consuming not more than 5 minutes, and that it not be charged to my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I rise to support the Curtis amendment.

No one in this Chamber questions the need for safe working conditions for the men and women of America. This has been recommended time and again, by action at both the Federal and State level, as legislation has been enacted to establish and enforce occupational safety standards and to otherwise improve working conditions.

The Occupational Safety and Health Act of 1970 was hailed as landmark legislation in the field of worker safety. There is much in this act that is good and necessary. At the same time, certain provisions of the act, and the manner in which they are being administered, have led businessmen, farmers, and others all across the Nation to raise serious questions concerning the legislation.

The safety standards established under the act cover every conceivable situation in virtually every business establishment that employs hired help. These standards were presented to the public in 225 pages of the Federal Register, with little or no effort on the part of the Federal Government to inform those affected as to what they contained or what they must do to comply with them.

Understanding these requirements is difficult for the average small businessman and farmer even when he knows what they are. A huge corporation like United States Steel has safety engineers and other specialists to handle matters of this type. The small machine shop in North Dakota is staffed by the owner and two or three employees. Even so, both are expected to meet the requirements imposed under the act.

The amendment being offered here today would provide time for Congress to consider thoroughly the severe impact this program is having, and may have, on small business and agriculture across the country.

A great many bills have been introduced in both Houses which would amend this legislation in one way or another. Most of them are directed at providing an exemption for operations with fewer than 25 employees, just as this amendment provides.

The amendment we are now considering is necessary in order to permit Congress to review in detail the problems this program has created all across the country. Some will argue that it will dangerously weaken the act. I cannot agree with this. It is a temporary measure. Most important, small employers who would be affected by this measure work right alongside their employees. They are immediately at hand to observe working conditions and to take the steps needed to assure a safe and healthful working environment.

In the last few months, I have received hundreds of letters, telegrams, and telephone calls from concerned farmers and businessmen expressing the hope that action such as proposed here would be taken. I mentioned just a few of these during remarks on the Senate floor on April 7. I would like to cite again some of the problems illustrated in these letters.

Mr. President, these letters are directed to me at the Senate Office Building. I am going to give the date of the letter but not the name of the writer, because I do not want to get any businessman in more trouble than he is already in.

All the letters are from North Dakota. This letter was addressed to me on May 2, 1972, and reads in part:

> We do general construction and sell and erect Buildings. In the summer we employ about 10 men and have 5 steady employees.
>
> We believe in safety for employees at all times but some of the rules in the OHSA would not be economically feasible for a small business. It will cause small businesses like ours to discontinue which will make for more unemployment therefore hurting economy.

Mr. President, I have many more letters from North Dakota businessmen. Rather than read them all, I ask unanimous consent to have printed in the RECORD excerpts from other letters I have received.

There being no objection, the excerpts from the letters were ordered to be printed in the RECORD, as follows:

MARCH 21, 1972.

Senator MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

As a small business employing 12 people, we are faced with a decision to close our body shop and put two men out of employment, or to invest in a new building and equipment. At the present we are renting, and the owner will not invest any money to improve the building.

MARCH 21, 1972.

Senator MILTON YOUNG,
U.S. Capitol,
Washington, D.C.:

We are writing on this Occupational Safety and Health Act.

It is our belief that this bill law is going to make it difficult, especially us smaller firms to comply, causing many to terminate their business. This can do nothing more than add to the unemployment and welfare payments. We have always felt that the State Workmen's Compensation Bureau have done their job, why then was it necessary to have a federal bill passed?

APRIL 20, 1972.

Hon. MILTON R. YOUNG,
U.S. Senator,
Senate Office Building,
Washington, D.C.

We operate a small wash plant as part of our business. Last August a Federal representative came into our office with a very expensive and unreal list of safety precautions we would have to take. We, too, believe in safety but the list he had prepared for our business was ridiculous. We have operated the plant since 1952 with one or two very minor accidents. We closed the plant after he visited us and will not reopen it because of the expense involved in complying with the law. Unfortunately, this will eliminate some jobs in our organization.

APRIL 19, 1972.

Senator MILTON YOUNG,
U.S. Senate,
Washington, D.C.

. . . it would be nearly impossible for small operators like myself, with only one employee, to comply. The cost of compliance would be so high we would just have to do without any hired help, and that will just add to the already high unemployment. I have never had an injury claim with Workmens' Compensation in all the years I have operated, and believe we can continue this record.

APRIL 10, 1972.

Senator MILTON R. YOUNG,
Senate Office Building,
Washington, D.C.

This law surely needs to be changed as it applies to small business. I do not believe that there is any way that any small business could pass a strict inspection under this law. It is so far reaching and so complicated that you could find something wrong with even a new building constructed under ideal conditions.

We keep our stations and buildings up in good shape and have never had any kind of a serious accident. However if this law was strictly applied we would have no choice but to go out of business.

APRIL 14, 1972.

Hon. MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

As a member of the Board of the Baptist Home I am concerned about the Federal regulations that are being imposed upon the Home. I recognize that rules and regulations are necessary to maintain and protect our Senior citizens but I do feel that it is almost impossible for a Home of our size to comply with all of the regulations that came out in the book titled "29-Labor". I know that this stems from the Occupational Safety and Health Administration Act of 1970, known as the Williams-Stieger Bill.

I do feel that many of the regulations are almost impossible for us to comply with. It would be just too costly. I could wish some type of reconsideration and relief might be given.

APRIL 11, 1972.

DEAR SENATOR MILTON R. YOUNG: In the past 60 years we have owned and managed a lot of farm machinery, with only one small accident, and that is history of most of our farmers.

I have found a remedy, had to as, I was already swamped with a lot of mostly unnecessary paper work, in that I saw the danger and waste of time, so I quit hiring any farm labor at all but I don't like this remedy.

The PRESIDING OFFICER. Who yields time?

Mr. CURTIS. Mr. President, I yield 6 minutes to the distinguished Senator from Texas (Mr. TOWER).

Mr. MAGNUSON. Mr. President, if the Senator needs more time, I will be glad to give him more time on the bill from my time.

Mr. CURTIS. I thank the Senator.

Mr. President, I yield 10 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. TOWER. Mr. President, I am pleased to be a sponsor of the pending amendment and urge its adoption.

This amendment would bar the expenditure of funds to the Occupational Safety and Health Administration for enforcing the Occupational Health and Safety Act against employers who employ 25 or less employees.

This small business exemption from OSHA is of tremendous importance. The House of Representatives approved this amendment on June 15 by a solid vote of 213–154. The amendment we are now debating is intended to put the Senate on record in favor of the House provision so as to insure that it will survive the conference on the HEW appropriations bill.

On April 5, of this year I joined as a sponsor of S. 3662, the occupational safety and health amendments of 1972. One of the Amendments in S. 3262 would be to give employers with 25 or less employees an exemption from the act. The figure of 25 employees is one commonly used in Federal legislation to denote small businesses and is a reasonable one.

On May 18 I introduced S. 3630 which would require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry. Both of these bills are pending in the Senate Labor and Public Welfare Committee and to the best of my knowledge no committee action is contemplated.

There are a number of reasons why this amendment should be adopted. Unlike an authorization bill, the amendment has the effect of suspending the provisions of OSHA as they relate to small businessmen. Therefore, during the 1973 fiscal year, the Senate Labor and Public Welfare Committee will be more likely to examine the ramification of the Occupational Safety and Health Act and make the changes that many of us in the Senate feel should be made. Furthermore, enactment of this amendment will clearly convey to the Department of Labor the congressional concern on this issue. If the Congress working with the Labor Department can come up with a more equitable system of enforcement of the act, then there will be a better chance that this amendment will not need to be included in the fiscal year 1974 appropriations bill.

However, Mr. President, because of the manner in which the Occupational Safety and Health Administration has enforced the act and because no congressional action can be expected in the waning months of the 92d Congress, I feel that an amendment in the appropriations bill providing for the small business exemption is the only equitable method that can be utilized at this time.

As I am sure is the case with other Members of the Congress, I have been besieged by complaints from small businessmen concerning compliance with OSHA and the manner in which it is being enforced. Thousands of small businessmen and small farmers do not have the slightest idea what they must do to comply with the act. When they have sought advice from the Labor Department a vague and often times uncourteous reply was forthcoming. For instance, I just received a letter from a small businessman who called my attention to a meeting sponsored by a local Chamber of Commerce to better inform the small business community on how best to comply with OSHA. At the meeting a regional representative was extremely rude and even said that he was not authorized to give answers to specific questions concerning the act.

Mr. President, this is the type of attitude that has been encountered at the Occupational Safety and Health Administration. On numerous occasions my office has attempted to help employers cut through the bureaucratic maze and obtain straight answers to their questions. In response we have received vague answers and assurances that the act would be better understood in due time. When a small businessman writes to me to complain about OSHA, a response comes back from the Department of Labor 6 weeks later that includes a short form letter and a 248 page compliance book that was originally published in the Federal Register.

Mr. President, it is not in the interests of the public safety or the public welfare to treat all businesses as if they were identical. It is because OSHA considers the corner grocery store and General Motors the same, that complaints have been received by the thousands. It is unrealistic to provide the same type of standards to these types of concerns.

Mr. President, I urge prompt adoption of the amendment and commend my distinguished friend from Nebraska for his leadership in this matter.

Mr. CURTIS. Mr. President, I thank the distinguished Senator from Texas.

Mr. PEARSON. Mr. President, I support the amendment to the Labor-HEW appropriations bill providing that no funds shall be expended in carrying out inspections under the Occupational Safety and Health Act in places of employment where there are 25 or less workers.

What we seek in gaining the Senate's approval of this important amendment is not an end to the Federal Government's role in assuring the worker's right to health and safety on the job. Rather, we seek a means to provide improved methods of implementation in a manner which suggests commonsense and an effective partnership between the public and private sector.

Mr. President, over 75 bills have been offered in the House to amend OSHA, most of which would have the effect of modifying existing standards so that small businessmen and farmers could more easily comply with them. Numerous bills have been offered in the Senate. The bill I have cosponsored with my distinguished colleague from Nebraska (Mr. CURTIS) offers what I consider to be the most comprehensive and sound approach to helping the businessman or farmer achieve as safe working conditions as possible for his employees.

In some cases, the results of this congressional concern has had an effect. The Department of Labor, which is responsible for administering OSHA, has retreated from its insistence on compliance with a number of insignificant and trivial regulations, many of which have little bearing on occupational safety.

Nevertheless, Mr. President, confusion, disenchantment, and outright hostility concerning OSHA abound. An owner of an establishment, employing as few as one, part-time worker, is required to digest stacks of Government documents in search of regulations which may or may not apply to him. Employers seeking information from Department of Labor representatives are informed that if an inspector visits a worksite, he is obliged to make an inspection and note all violations of Federal regulations.

Finally, I am greatly concerned with what I understand to be a proliferation of totally false rumors and abuses which in my judgment have not been adequately dispelled by appropriate Federal officials. In many areas, particularly in Midwestern States, employers, including farmers, have been subjected to salesmen of safety equipment, some of whom I am told have resorted to overzealous and unscrupulous means to promote their wares. I have also been made aware of individuals posing as Federal inspectors who levy fines which the unsuspecting employer promptly pays, as well as other illegal or unethical plots designed to capitalize on the employer's fears and lack of knowledge concerning this act.

Mr. President, by requiring the Department of Labor to refrain from inspections of establishments employing less than 25 people for 1 year, we would, I feel, afford the Secretary adequate time to thoroughly review existing standards with an eye to providing a more commonsense approach to compliance. At the same time, a 1-year moratorium would allow those employers affected to prepare for eventual coverage under the act, without the threat of fine, intimidation, or harassment by a Federal inspector or agency.

Finally, it is hoped that approval will impress upon Congress and the bureaucracy the intensity of feeling that exists among many of the Nation's small businessmen and farmers who have been subjected to the heavy head of a far from perfect Federal standard. Mr. President, I urge the adoption of this proposal.

I am supporting this amendment because I feel that safety would be better assured under the current circumstances if small businessmen were to be given an exemption at least through the upcoming fiscal year. I support the congressional intent of the Occupational Safety and Health Act which is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions."

I strongly feel that occupational safety will be advanced if the Government would relieve the small businessman of the onerous burden placed upon him and instead concentrate upon the Nation's larger businesses. It is obvious that under current circumstances small businessmen cannot in large numbers find out what they must do to comply with the law. Furthermore, the case can be strongly made that there is broader Federal interest or at least a different Federal interest in occupational safety for larger businesses as opposed to smaller ones. Passage of this amendment would allow OSHA to place its greatest priority on larger businesses, thereby enabling the Government to increase its effort where it can have the greatest impact.

Realistically, occupational health and safety programs should have the greatest priority in the larger business and factory environment where much of the work is done with large machinery and where there is a high turnover rate in employees. Because of the overall size of the operation, employers are unable to have a close relationship with their employees.

This should be contrasted with the small business environment. In this situation there exists an everyday relationship between employer and employee. The small businessman has an interest in keeping his employee turnover at a minimum, and therefore, will go out of his way to make sure that safety conditions are adequate and remain adequate Good health and safety conditions in a small business environment work to the personal advantage of both the employer and employee since they quite frequently work side by side.

This amendment is of tremendous importance to the Nation's small farmers. Farmers have been trying to comply with regulations that are more tailored to industry and manufacturing. Furthermore, like the small businessman, the small farmer cannot be expected to face the same safety problems as those faced by the large corporation farmer. Besides being unable to comprehend many standards that are irrelevant to his small farming operation, he also cannot expected to become an instant expert on the Federal Register where the volume upon volume of OSHA regulations have been published.

Mr. President, in conclusion, I would emphasize that it simply makes no sense to continue to lump together large and small businesses under the Occupational Safety and Health Act. They simply have too many different needs and different capabilities in complying with these rules and regulations. While the large corporations have vast legal and monetary resources with which to comply with these regulations, or even fight them if they believe them to be arbitrary, the small businessmen do not. They are completely confused by the hundreds of pages of technical data that they are to understand if they are to stay in business. It is important then that a different set of standards be devised for the small businessman and farmer. This amendment will give us time to act on this matter while not putting anyone out of business in the meantime.

Mr. CURTIS. I am ready now to yield more time to further speakers, but I wonder whether those in charge of the bill would like to take some time now.

Mr. WILLIAMS. Mr. President, I wish to speak in opposition to the amendment. I have been advised by the manager of the bill that time is available, so possibly it will be best for me to take some time now, if the Senator will yield to me.

Mr. CURTIS. Mr. President, very well. I am sure that the manager of the bill will consent to the Senator's using time.

Mr. MONTOYA. Mr. President, how much time does the Senator require?

Mr. WILLIAMS. Ten minutes.

Mr. MONTOYA. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from New Jersey is recognized for 10 minutes.

Mr. WILLIAMS. Mr. President, I do not rise to defend the administration and its practices concerning enforcing the safety law. Certainly, I know of the failures of the administration and the mistakes that are being made. However, I do support the action of the Appropriations Committee in striking this provision from the bill.

The provision that the House put in that would prohibit the payment of salaries for the inspection of the business establishments employing 25 people or less. However, before I make any comments supporting the committee and opposing the amendment by the Senator from Nebraska, I would like to commend the Senator from Nebraska for the work he has done in focusing this body's attention on the failures that have occurred in the administration of a very necessary law.

There is hardly a Member here who has not recited to me experiences that have come to their attention from their States. I have the same litany from my State concerning the administration of this law. Notwithstanding that, I believe that men and women working in plants with up to 25 employees are entitled to safety and health protection. That is why I oppose the amendment.

Mr. President, while this amendment would leave smaller firms subject to the act's requirements, it would eliminate any effective way to enforce those requirements—no matter how blatantly the act might be violated or how hazardous the working conditions that might exist.

The effect would be to deny the act's protections to a substantial number of employees—30 percent of those now covered, according to Bureau of Labor Statistics estimates—and allow 90 percent of the firms to whom the act applies to ignore its provisions.

It should further be emphasized that by the end of this year most such firms will no longer be subject to any State law with respect to any hazards covered by Federal standards. In short, they will be free of any meaningful legal restraints regarding the safety of their workers.

Thus, the rider adopted by the House represents a most damaging and reckless tampering with the substantive legislation enacted by Congress, and I hope that the Senate will reject it.

Most of us, I am sure, have received complaints from small businesses with respect to the implementation of the Occupational Safety and Health Act.

It is clear from my mail and from my discussions with operators of small enterprises that one of the chief causes of their concern about the act is the lack of adequate and accurate information regarding its requirements and the regulations issued to implement it.

I am happy to note that our Appropriations Committee is aware of this, and, as stated in its report, has provided additional funds so that the Labor Department can "significantly increase its efforts to inform and assist businesses in the interpretation of standards and regulations to enable employers to determine whether their workplace is in compliance or what would be required for compliance."

I should also point out that I have previously announced that the Labor Subcommittee would shortly hold oversight hearings on the implementation of this act. These hearings are scheduled to begin on July 25, and our first area of attention will be the problems encountered by small businesses under the act.

In addition, the General Accounting Office has already begun looking at certain aspects of the administration of the act, including matters which are relevant to the small business situation.

Through these inquiries, we should be in a position to make informed judgments concerning any improvements that need to be made in the administration of this law.

I believe most strongly, however, that the meat ax approach of the House amendment represents a decidedly improper way to proceed.

It is evident that employees of small establishments have as much right to be protected from safety and health risks as do employees of larger firms, and it is this consideration that led Congress to reject the idea of any exemption for smaller employers when it passed this legislation in 1970.

It should be emphasized that when we talk of small businesses we are not just talking about mom-and-pop grocery stores. We are also talking about a great variety of high hazard activities which are very commonly performed by small firms. Included in this group are logging and sawmill operations which have accident frequency rates well over twice the national average for all manufacturing.

These are typically small employers: in fact more than 16,000 logging camps in this country have 20 or fewer employees.

Mention may be made of a host of other types of small establishments—construction firms, foundries, machine shops, print shops, electroplating shops, welding shops, stone cutting operations—where there are either above average accident rates or where the health problems are severe. Such hazards as carbon monoxide, asbestos, toxic solvents, silica epoxy and polyester resins, noise, and chromates may typically be found in one or more of these types of establishments.

In 1970, the Department of Health, Education, and Welfare conducted an extensive occupational health survey in the Chicago metropolitan area. It found that the smallest firms surveyed—those employing eight to 19 workers—had the highest percentage of employees exposed to one or more potential occupational hazards. In this group, 46.3 percent of the workers were so exposed, as against an overall average of 33.8 percent. Overall, this survey disclosed that these small firms had the highest concentration of health hazards, the fewest safeguards, and the least awareness on the part of management, of the dangers existing in the workplace.

To remove workers in these activities from the effective protection of the act would be unfair and irresponsible, and I strongly urge the Senate to reject this attempt to do so.

In closing, I would like to stress that the administration has an excellent piece of legislation to work with, and its implementation should live up to the promise of the act itself.

As President Nixon pointed out when he signed this measure into law it was "one of the most important pieces of legislation from the standpoint of the 55 million people who will be covered by it were passed by the Congress." He also described it as "a bill that represents in its culmination the American system at its best, Democrats, Republicans, the House, the Senate, the White House, business, labor, all cooperating in a common goal—the saving of lives, the avoiding of injuries, making places of work for 55 million Americans safer and more pleasant places."

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, is it true that before a man can comply with the safety law, a man who employs up to 25 people would have to read all of the books on the desk of the Senator from Nebraska?

Mr. WILLIAMS. The answer obviously is no. And yet I will say to the Senator that from what I have learned in my studies and investigation of this matter, the small employer does not have what I would call adequate information regarding what standards apply to his place of work. And this is regrettable. However, our Appropriations Committee has included money for the administrators of the law to make such information more readily available to the small employer.

Mr. PASTORE. Mr. President, in other words the whole subject will be clarified?

Mr. WILLIAMS. The Appropriations Committee has made that possible by a specific inclusion of funds for that purpose, as I understand it.

Mr. MAGNUSON. Mr. President, if the Senator will yield, I believe that we should protect workingmen, no matter whether it involves three people, 25 people, 300 people, or 35,000 people. However, what the Senator from Nebraska and the others have pointed out, as the Senator has said, is that there is a maladministration of this law. What bothers me is whether the law requires, when a Federal inspector comes in, an immediate citation.

Mr. WILLIAMS. The law says, in effect, that where a violation is found, there is no right to expect one free bite.

Mr. MAGNUSON. Well, I understand about the free bite business. However, suppose that an inspector comes in and says that the rollers on the chair that the fellow was working on are not made well and that they will have to be corrected because they are a hazard. What would happen in that case?

We have a tough State law in my State. However, they can come in and say, "We will give you a little time to fix this up, and we will come back."

The fellow may not even know he is violating any law, because sometimes there are no guidelines for them.

The point I am trying to make is that the legislative committee surely ought to see that the law gives some period of grace so that a person could take time to fix anything that might be in his plant or workshop or in his little business establishment and give him time to do it, because he may not even know he is violating a law.

Mr. WILLIAMS. I appreciate what the Senator is saying. And the law does permit in situations where there is a violation that is not of a serious nature, the inspector to say, "You had better straighten this out." And there does not have to be any penalty.

Mr. MAGNUSON. That is something that I am glad to hear. If the law does provide that, we ought to tell the Labor Department that in no uncertain terms.

Mr. President, I have one other question to ask. As I understand it, the Federal inspector can accept a State inspection if they wish.

Mr. WILLIAMS. The law does make provision for States to submit a plan for taking over all or part of the program, and if a State's program will be at least as effective as the Federal program it should be approved.

Mr. MAGNUSON. In a State where they have good laws—and my State happens to be one—they have no trouble with citations in all of these places. It might involve a cleaning establishment and they perhaps keep the gasoline in the wrong place. The inspector says, "You should be able to get this fixed up." And they do it.

This is the real problem. The Federal inspectors swarmed all over everybody in some instances when they made a citation. An inspector would show up and serve a citation and the fellow would not want to have publicity in the newspapers concerning the fact that he was being cited for having something unsafe in his plant. Then the reporters might get hold of it.

If there is some way of fixing it up, I do not think there is any problem such as that suggested by the Senator from Nebraska. There are some real problems. I want to vote to make a start because we did put some money in the bill to do something about this, and to give more training to the inspectors.

Mr. WILLIAMS. The Senator is correct.

Mr. PASTORE. Mr. President, I was the Governor of Rhode Island from 1945 to 1950. And one of the prides of my administration was the fact that we had one of the best industrial safety records in the country. Does this law supersede the law in Rhode Island?

Mr. WILLIAMS. The law provides every State an opportunity to take over the program.

I will say, however, this is just a part of that provision. It says to the States if they do not have a plan approved within 2 years of the enactment of the law, and that was in December 1970, then the Federal standards pre-empt any existing State standards. That will happen at the end of this year. That is why, as I explained to the Senator from North Dakota, there is little or no basis for agreeing to any exemption. Those people could end up in a no man's land, and not be subject to any regulation whatsoever.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, will the Senator yield to me for 5 minutes?

Mr. MAGNUSON. I yield.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. WILLIAMS. I must emphasize again that there is no latitude to have an enforcement exemption figure of less than 25, or 10, as we have done in other areas of the law, because there will be a Federal pre-emption at the end of 1972 where States have not accepted the opportunity the Federal law gives them.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. PASTORE. I was surprised in the colloquy between the Senator from New Jersey and the Senator from Washington to learn that an inspector can come in and it is his sole judgment to say whether or not there will be prosecution. It seems to me that is a tremendous police power given to one individual. Why would not the proper method be to have the inspector go in and tell the man what the safety regulations are so the man does not have to read 20 or 30 books? Let the burden be on the Government to come in and say, "Your business hires only 10 people. You have here and there some minor violations. That is wrong and that is wrong. Fix it up. I will give you 30 days to do it and if you do not we will bring an action." This procedure we have now is almost entrapment. A man is in compliance with the State law but it does not conform to the Federal law. So the man is brought into Federal court charged with a Federal offense for endangering the safety of people who work for him. It seems to me that is the wrong way to go about it.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. MONTOYA. Is it not true that even if this amendment were agreed to we would still have the rigid provisions of the law and people would still continue to violate that law irrespective of this amendment?

Mr. WILLIAMS. That is correct. This does not deal with the standards issued under the law.

Mr. MONTOYA. Any violator under the law which would remain on the statute books would be subject to criminal prosecution by the U.S. attorney's office.

Mr. WILLIAMS. To the limited extent that criminal prosecution is provided for.

Mr. MONTOYA. So the amendment in the end does not fulfill any useful purpose.

Mr. WILLIAMS. That is correct. The violations still would be violations because the amendment does not go to the standards of safety. It only withholds money with respect to the inspector going to smaller plants.

Mr. MONTOYA. So if we have any complaints about the administration, and we have many, those complaints should be directed at the legislative committee so that there will be remedial legislation to take care of this situation.

Mr. WILLIAMS. Yes. I will say that the Senator from Nebraska has talked to me and I appreciated his bringing to me examples of maladministration over the last few weeks. I made a statement we would have oversight hearings on these problems. I anticipated them before that. I do owe him an apology that we have not had them and can only plead that the committee's business just did not permit the scheduling of hearings before this time. This I regret. We do have hearings scheduled very shortly on this. They are needed. There are many things that have to be straightened out. As the Senator from New Mexico said, I do not think this is the way.

Mr. MONTOYA. As a matter of fact, the safety law is designed to save human life.

Mr. WILLIAMS. The Senator is correct.

Mr. MONTOYA. Whether those human lives work in an establishment that employs less than 25 or over 25, I think this fictitious line of demarcation removes the very objective we had in mind when the law was passed, and that is to protect human life.

Mr. WILLIAMS. I could not agree more. The Senator states it with great eloquence.

Mr. PASTORE. Mr. President, will the Senator yield? Let us get into this matter of eloquence.

Mr. WILLIAMS. I would not want it to be construed that anyone supporting this amendment has less concern for the well-being for workers in small establishments.

Mr. MONTOYA. I did not mean to imply that.

Mr. WILLIAMS. This is frustration with the administration of the law. We all are concerned with the safety of the working men and women, wherever they work.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. PASTORE. I hope we will not be misunderstood in this Chamber. No one is being asked for a sloppy safety law. We all agree that is true whether an employer hires five people or 500 people, because five lives are just as precious as 500. No one argues that this afternoon, when the Federal Government gets into some of these supervisory activities, some of the rules get misinterpreted. We have seen that time and time again. This is often because those working for the Federal Government are trained on a national level and they do not know the local problems. Sometimes administration gets overdone. So much jurisdiction could be given to the inspector with respect to whether to prosecute or not that I do not think it is a good law, it puts too much power in the hands of one man. That is a police state atmosphere.

If the Government wants to promote safety, let the Government carry the burden of instruction in telling the people what to do, let us not say to the employer that he better read all those books on the desk of the Senator from Nebraska down to the fine print to know whether he is in compliance with the law. He will miss a paragraph at his peril. Pretty soon you will have half the people of this country in jail. Then, where would you be?

Sometimes these inspectors are not reasonable. They have the idea they have the power of the Federal Government behind them and they go in and push people around.

All of us with experience in State government have had some acquaintance with overhearing individuals who overstep sensible authority and push people around.

There are pushy people in this world. We want protection without pushiness. We want safety without surliness. We can have this common quality of orderly business with a touch of commonsense.

Mr. WILLIAMS. The Senator has made that clear. The penalties in this law do not send people to jail. The law does provide for review of the decision of an inspector and there is ample opportunity to appeal. I think the procedures for a man to have a proper hearing are well provided for in the law. Notwithstanding that, we all share the frustrations of this law and certainly I would think this debate this afternoon should be ample notice where it should count in this particular part of Government, the administration of the Occupational Safety and Health Act.

Mr. CURTIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JAVITS and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington yielded to the Senator from New Jersey and he has the floor now.

Mr. MAGNUSON. Mr. President, how much time do I have remaining? I have been yielding all afternoon. How much time do I have remaining on the bill?

The PRESIDING OFFICER. Sixty-three minutes.

Mr. MAGNUSON. I am glad to yield 2 minutes to the Senator from New York on the bill.

Mr. JAVITS. Mr. President, I oppose the amendment to exempt employers with fewer than 25 employees from the Occupational Safety and Health Act of 1970. As the ranking minority member of the Labor and Public Welfare Committee, I had a great deal to do with the enactment of the law. I hope very much that the Senate will not now act to deprive 20 million workers of its protection. That is what the pending amendment would do.

Enactment of the occupational safety and health law was not a matter of legislative whimsy. It was based on our appalling record of industrial accidents and diseases which each year results in 14,000 deaths, over 2 million disabling injuries, and uncounted thousands of illnesses, and the clear showing that this record could not be expected to improve due to voluntary action by business or the States.

It bears remembering that despite the intense labor-management fight over the organizational and procedural provisions of the new Federal law, the interested parties were in complete agreement that a Federal law was necessary. It is also noteworthy that at no time during the consideration of the legislation was the suggestion made to exempt small businesses or any particular category of employment.

Now we are witnessing an effort to emasculate enforcement of the law for 20 million employees of small businesses throughout the Nation. The basis for this effort is that the act is too onerous to be applied to small businessmen. Throughout the country, what amounts to a vicious campaign based on unfounded rumors has stirred up fears of small businessmen that the new act will force them out of business. In some areas of the country petitions have even been circulated based on what amounts to a smear campaign against the new Occupational Safety and Health Administration.

The Labor Department has investigated many of these charges and the reports of their investigation demonstrate the falsity and viciousness of the campaign which has been mounted. I ask unanimous consent that at this point there be printed in the RECORD a release from the Labor Department showing the results of the investigation of occupational safety and health enforcement policies in Wyoming.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

OSHA FINDS CRITICISMS BASED LARGELY ON MISINFORMATION AND RUMORS

Criticisms against the Occupational Safety and Health Administration (OSHA) are based in large part on misinformation, unfounded rumors and misunderstanding, Assistant Secretary of Labor George C. Guenther said today.

The criticisms have dealt with allegations of harshness of OSHA's standards and its inspection for compliance with those standards, with charges of "unfairness" of the Williams-Steiger Occupational Safety and Health Act of 1970, and related comments, Guenther said.

He cited in particular criticisms in Wyoming, where he said OSHA had been accused of levying fines against ranchers and farmers, of ordering the closing of a public school, and of driving a small firm out of business because of inability to comply with safety and health standards required by the Act.

Guenther ordered a review in mid-April. An analysis by the OSHA Area Director in Billings, Mont., which area includes Wyoming, determined the allegations to be groundless. The Area Director reported:

At the time of the criticism, no farm or ranch in Wyoming had been inspected.

A furniture store that allegedly was forced out of business because it could not financially comply with OSHA requirements for separate toilet facilities had never been inspected. The owner had sold his store for other reasons and retired.

OSHA was not involved in the closing of a public elementary school in Lander, ordered because of a possible asbestos hazard to students and faculty. OSHA has no jurisdiction in schools because public employees are exempted by the Act. The school actually was closed by the Superintendent on the recommendation of the National Institute for Occupational Safety and Health, of the Department of Health, Education, and Welfare.

"Although Wyoming is not a heavily industrialized State," Guenther said, "it, too, has job-related deaths and injuries." He said the Wyoming Bureau of Compensation received 12,054 reports of injury, including 38 fatalities, and paid out $2,643,300 in claims during Fiscal Year 1971. That Bureau covers 47 percent or 69,500 of the 144,900 employees in the State.

Furthermore, Guenther said, "we know of no instance where an employer has been forced out of business by OSHA. Indeed, the Act provides for assistance by the Small Business Administration in obtaining long-term loans to help establishments make repairs or other changes to bring them into compliance with OSHA safety and health standards."

To clarify the misunderstanding, Guenther said OSHA personnel in the four States are stepping up their meetings with State and local officials, trade associations, retail groups, Chambers of Commerce, employee groups, etc., to explain the rights and responsibilities of employers and employees under the Act.

"We are doing everything possible, not only in Wyoming but in every State, to help clear up any confusion or misunderstanding," he said. "It is our hope that those affected by the Act—some 60 million employees in 5 million establishments—will understand OSHA's implementation of the Act.

Mr. JAVITS. Mr. President, I am not saying that the new law will not require changes in existing practices by many businessmen. Of course it will. Some of them will be expensive, but by and large the high cost changes will have to be made by heavy manufacturing establishments, not small businesses. Some records will have to be kept, but records have to be kept even now for purposes of workmen's compensation, and the Department of Labor has recently exempted employers with fewer than eight employees from all of the recordkeeping requirements of the act.

Furthermore, the law does provide economic assistance for small businesses through loans from the Small Business Administration. That was an amendment which I authored when the legislation was being considered by the Labor Committee, and it demonstrates the fact that we did take into consideration the fact that application of the new law would cause some small businessmen to incur additional expenses. These loan provisions have been used to good advantage by some small businesses already. I ask unanimous consent that a release from the Labor Department be printed in the RECORD at this point.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

OSHA AND SBA HELP COOPERAGE COMPANY WITH COMPLIANCE LOANS

The only industry in a small New Hampshire town and the jobs of its 70 elderly employees have been assured through the Small Business Administration loan feature of the Williams-Steiger Occupational Safety and Health Act of 1970.

The provision permits the Small Business Administration to lend money or to help obtain loan funds to finance an establishment's making repairs necessary to bring it into compliance with the Act's safety and health standards for employees, before or after an inspection.

Assistant Secretary of Labor George C. Guenther said the Act makes eligible any small business that "is likely to suffer substantial economic injury" without such assistance. The loan in this case involved the Spaulding and Frost Company, Inc., of Fremont, N.H., a barrel maker that is the only industry in the town of 800.

The firm was the third business in the nation, and the first in New England, to apply for a loan. The SBA recently made a $60,000 direct loan to bring the 101-year-old family-owned firm—the only white pine cooperage firm in the nation—into compliance with OSHA standards.

OSHA Regional Administrator Donald E. MacKenzie in Boston reported that David Forman, a young Boston management consultant, had been negotiating to acquire the company. Forman said he and the owners agreed on terms, contingent upon the availability of a loan to bring the operation into compliance with the job safety and health law.

"We had a plant facility in disrepair and the company was faced with liquidation," Forman said, adding that the employees—most of whom were in their 60s—would have lost their jobs.

He consulted with OSHA personnel in Boston and OSHA and SBA officials in Concord, N.H. OSHA arranged for the New Hampshire Department of Labor to make a "courtesy" inspection of the cooperage plant using OSHA safety and health standards. If OSHA, rather than the State, had made the inspection, the Act would have required OSHA to propose citations and possible penalties for any alleged violations uncovered.

The State inspection uncovered 137 separate areas or pieces of equipment not in compliance.

OSHA Area Director Francis R. Amirault in Concord said that although there were "unsafe working conditions," the firm had a good safety record. "This undoubtedly is accounted for by the employees themselves, who had spent most of their adult lifetimes working with this machinery and were as familiar with it as their own equipment," he said. Some of the machinery, according to Forman, dates back to the turn of the century.

He reported the modernizing will involve electrical power, grounding of equipment, electrical blowers to remove sawdust, and machinery guards.

Forman said the firm now has a backlog of more than 5,000 orders for old-type barrels and pails. Production is about 150 per day. Many of the items are used as flower planters or wine casks.

Spaulding and Frost has not heard the last of OSHA, however. "After the company makes these corrections, OSHA compliance officers will be around to inspect it," MacKenzie said. "As required by the Act when a loan has been obtained through SBA to achieve compliance, we must make certain that the funds were used properly."

Mr. JAVITS. In the last analysis, the question comes down to whether we really believe that all American workers need and deserve the protection of occupational safety and health standards. In my judgment, just to ask that question is to answer it. An employee of a small business is no less subject to occupational dangers to his health or even his life than an employee of a large business. If certain standards should be observed in order to protect a worker, there is no reason to say that they should be observed by a large employer but not a small employer. It also bears emphasis that the standards about which the small businessmen are now complaining are for the most part "national consensus" standards which have been developed with the approval and consent of the business community itself. The complaints we are now receiving about enforcement of these standards which the business community itself developed demonstrate the futility of a completely voluntary approach to health and safety problems.

Of course many—perhaps most—small businesses in this country are engaged in essentially nonhazardous activities. To the extent that this is true, small business will be less affected by the provisions of the new law than larger businesses. In addition, the Labor Department's policy of concentrating on "target industries"—those with the worst injury record—will further reduce the impact of the new law on small businesses except those that are within the target industry group. Also, since the available manpower for enforcement purposes is extremely limited—only about 800 Federal inspectors are now in the field—it is to be expected that the Labor Department would focus most of its efforts on larger businesses as the way to get the most protection for the largest number of employees utilizing existing resources.

Finally, another excellent reason why we should not enact this amendment is that under the law, at the end of this year those States which have not filed an acceptable State plan will be completely preempted by the Federal law. If this amendment is adopted, employees of small businesses in these States will have no protection whatsoever.

Mr. President, it would indeed be tragic if Congress were to act precipitately to exempt all small business from enforcement under the new occupational safety and health law. If there are problems—and of course there are problems in putting any new law such as this one into operation—they should be dealt with through the appropriate oversight hearings. Perhaps some corrective legislation is necessary, but if it is, it should be enacted in a responsible manner with a full hearing record showing what the problems are, and not on the basis of a rumor campaign. It is my understanding that the chairman of our committee, the Senator from New Jersey, does intend to hold such hearings in the near future and I also know that the staff of the committee has been looking into the problems which have arisen under the new law.

I hope the Senate will reject this amendment.

Mr. President, one point I wish to make in response to the earlier plea made by the proponents is this. We were conscious of that. When the inspector goes around he issues what is equivalent to a traffic ticket.

He serves a citation. A lot of people view it in the same way as one gets a traffic ticket. He immediately sends a check and forgets it. But it can be contested, and it is the same way with the small businessman.

In addition to that, the Review Commission has knocked down many of the fines and many of the citations.

Other than that, we ourselves, outside the law, in legislative oversight, have corrected problems of this kind if in our communities. I am sure it is true of other Senators. We get a "beef" and we correct it.

The only plea we make here is, Why jeopardize 20 million workers for things we ourselves can correct? That is the relative essence of the amendment. Why jeopardize 20 million workers for things we can correct ourselves?

On January 1, 1973, preemption will take effect. We could get into the situation where a small businessman will be employing workers who will not be under either a State law or a Federal law. If no inspectors are going into that place of employment, and no State law applies because of the preemption, it will be in a desert and we will be here wringing our hands and hearing, "What have you done to the employees?"

Mr. PASTORE. I am not in sympathy with the amendment of the Senator from Nebraska. I am directing my remarks to the fact that there has been a sloppy operation and there has been abuse after abuse, and I am wondering why. If one admits there has been abuse, it means there has been harassment of business people. That is the point I am making here this afternoon. To me, that is unpardonable. The Federal Government ought not to be mixed up in harassment.

Mr. JAVITS. May I use the word which my assistant used, and which was a very descriptive word? He called it "Mickey Mouse" operations in the department. That is what we call it.

Mr. PASTORE. Well, let us remove the rats, too.

Mr. JAVITS. I am with the Senator.

Mr. CURTIS. Mr. President, I yield myself 1 minute.

There is something to be gained by this amendment. Are we going to apply the same rules to the small businessman with a handful of drawers, as we do to General Motors? This law incorporated many things. This is an official publication of the Department of Labor, a list of various codes that must be complied with. The small businessman has no chance at all. Here is one, NFPA, 1970 standard for fire doors and windows. That is the National Fire Protection Association bulletin. This is only a partial list. The small businessman has no chance in this. They are not stupid. They are going to be safe. They are going to practice all the safety they can. Human beings cause accidents, and education prevents accidents, not a Gestapo procedure like this.

I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. COTTON. Mr. President, I yield 5 minutes on the bill to the Senator from Wyoming.

Mr. HANSEN. I thank the Senator.

Mr. President, let me say this is indeed a sloppy safety law. I do not think anyone could more articulately or accurately describe the situation than the Senator from Rhode Island has. He spoke about the good laws. I agree with him and I applaud him for his perceptiveness in seeing what the situation is.

Along with the distinguished Senator from Nebraska, we went to the staff of the distinguished Senator from New Jersey and told him about the problems several months ago and asked him if hearings could be arranged in order that this amendment might be considered. I am concerned about this amendment because what it means in Wyoming is that people actually are losing their jobs. I have letters in my office—I can show them—not from employers, but from employees, who say if this law is enforced "I am going to be out of work because my employer is not going to run the risk of Gestapo tactics"—and I underscore that word, because that is exactly what it is. It is exactly as the Senator from Rhode Island pointed out. It is a police state. These people come in. They are the inspectors They are the judge and the jury. They levy fines. If anyone thinks it is like a traffic ticket in Wyoming, that is not the way we regard it out there.

We have our publications in the newspapers showing what has been levied. They have scared the living daylights out of more businessmen than will ever be known.

I am concerned, as I was on the floor when the distinguished Senator from Washington eloquently pleaded his case to have unemployment benefits apply to the people of the State of Washington, where the unemployment rate had exceeded 11 percent. It will not take many more laws like this before there will be an 11-percent rate of unemployment in the State of Wyoming and many people will be out of work.

I am concerned about this matter and I think it is time we recognize that there is a vast difference indeed between a big employer and a small employer who does not have the faintest idea what is in any one of those books and yet is faced with the responsibility of having an inspector from the Federal Government step on his place. He cannot answer a single question. He cannot help him interpret the law. He cannot tell him anything about it. All that happens is that if he steps into that place of business and finds anything wrong, that small businessman is fined and there are citations, one after another, and the amount of the fine depends not on what a court determines, but upon the conscience of and the manner in which the inspector happens to look at the offense. That is how serious it is.

I wish we could have had the opportunity to have amended the law. That opportunity, I regret to say, was denied us. I think it is important to recognize that a lot of little employers in this country are going to close down shop, just exactly as they have done in the State of Wyoming, and we will increase unemployment and we will put people on the welfare rolls. We will deny the income that follows from productive work if we do not adopt this amendment.

I think it is very much in the public interest to take the steps that would flow from the adoption of this amendment, in concert with the House action, and then, if they can amend the law, as the Senator from Rhode Island (Mr. PASTORE) so eloquently states the case, as it should be, then they will wipe out the 25-man exemption; but until that is done, there is not one small businessman out of 1,000 who can possibly hope to understand the situation, and he will just have to run the risk of an inordinate fine or decide that it might be simpler to lay some people off and go out of business.

Mr. President, the legislation to appropriate money for administration of the Occupational Safety and Health Act presents an excellent opportunity to comment on the effect this law has had on employers and employees alike in Wyoming and in most other States.

I can truthfully say that no one issue has been more controversial in Wyoming in my years of public service than this law and the manner in which it is being administered. The Congress has said it believes the health and safety of employees must be protected, and that no worker should suffer physical harm or a diminished life expectancy as a result of his working environment. But I submit that the Congress had no idea of the problems that would develop concerning application of this law. These problems exist in every State and can be documented. It is the responsibility of Congress at this point to correct deficiencies in this law so that it is equitable to employers, as well as employees.

The issuance of standards to implement the Occupational Safety and Health Act and the enforcement of those standards has caused tremendous confusion, concern, and anger among employers and employees in the State of Wyoming. We must recognize that serious problems do exist with the present law and that it can be improved.

I do not want to mislead anyone. I support the goals of the Occupational Safety and Health Act, and voted for the bill in the Senate. But the fact that the cause is good and the intent of Congress laudable does not alter the fact that problems exist.

National consensus standards form the heart of the standards adopted by the Department of Labor under the Occupational Safety and Health Act. While these standards may be reasonable when applied to the industries for which they were intended, they become unrealistic and unworkable when applied to every employer in the United States.

The act should be amended to require the Labor Department, before assessing a penalty against an employer, to prove that the failure to meet a standard actually has created a hazard for an employee which would not have existed if the standard had been adopted in that particular instance. If the Federal Government requires employers to incur costs—which incidentally may be passed on to the consumer in many cases through higher prices—without being able to show that the cost is justified by improving employee working conditions, then it is no wonder that citizens question the reasonableness of those who passed this law and those who administer it.

For the same reason, the act should be amended to make it clear that an employer is not responsible for matters over which he has no control or for complying with standards he has never been notified he must meet.

The Labor Department is now working to rescind standards which are inapplicable in many instances and in some cases, downright ridiculous. I commend the Department for taking this corrective action. However, this process presents yet another problem for employers, because they are unaware the Labor Department has recognized it made a mistake and is in the process of dropping a particular standard. So the good, law-abiding citizen who has struggled through hundreds of pages of standards which, in many cases, require reading supplemental materials before they can be understood, goes to the expense of making changes to meet a standard that may not exist any more, and which the employer and the Government both know is foolish and unlikely to enhance safety or health for employees.

We might ask why a citizen would take such action. The Department has continually told me there is no need to worry, that penalties are not assessed for violation of these questionable standards, and that the Department is concentrating its inspections on target industries.

But, Mr. President, the people know only too well that this complicated law applies to every employer, not just to employers in target industries or to employers who get caught. People want to obey the law. They know that fines are levied without giving an employer an opportunity to correct violations of which he was unaware when they are pointed out by inspectors. Employers have done their best to inform themselves about the standards, but when reading them, they have no way of knowing that the Labor Department which wrote the standards has not decided in less than a year that some of these standards are bad.

OSHA officials have said the tremendous problems experienced in Wyoming are the result of misinformation.

I have done my best to cooperate with Federal agencies, businessmen and citizens to present facts and to see that people have access to the information they must have to comply with this law. But, if misinformation is at the heart of the problem, I ask who is responsible for the misinformation. The answer is the Federal Government.

The act is implemented by the Labor Department through adoption of hundreds of pages of standards. I have already mentioned that many of the standards are unworkable when applied to all American employers. What makes sense in terms of a large, hazardous industry is ridiculous when applied to a small, nonhazardous business. On top of this, copies of the standards and any changes that have been made in the standards are not readily available to employers, and not easily understood when they are available. I have received many complaints from employers who have tried in vain to get a copy of the standards from the Government.

Then, when a copy of the standards finally is obtained, the employer must struggle through the document or documents. Even though many of the standards do not have application to a particular business, there is no way of knowing which standards are applicable and which are not. The Department has not prepared copies of standards which apply to different kinds of businesses. So, a small businessman who does not have the resources to hire an expert to advise him on the Occupational Safety and Health Act is overwhelmed with reams of material, most of which may not even apply to him. Steps must be taken to provide information about this law and what it requires of employers in a precise and understandable form for individual employers. Too often, after reading through all of the standards, an employer learns that many are meaningless without also reading through supplementary manuals which define terms and explain equipment. Then the job is to get copies of these manuals.

Meanwhile, as the employer is trying to figure out just what the Government expects him to do, OSHA inspectors are in the field, inspecting businesses and levying fines for violation of standards which the Government has not had the ability to explain to the employers. An employer with the very best of intentions is given no opportunity to comply once the standards are explained to him. He is branded a lawbreaker and fined.

For example, Mr. President, the Labor Department has published a brochure carefully setting forth the four standards which apply to agricultural employees. Indeed, in correspondence with the Department, officials have emphasized that only four standards are being applied to agricultural employers. This sounds simple enough, and a farmer or rancher would be justified in assuming that all he must do is obtain a copy of the four standards, make certain he is complying with them, and all will be well between him and his Government. But not so, Mr. President. Buried in the text of the Department's brochure—not emphasized as are the four standards—is a paragraph mentioning the general duty of the employer. Only after questioning OSHA officials will one learn that the general duty clause, as this paragraph is called, is actually much broader in scope and applicability than are the four standards, and, indeed, an agricultural employer might be fined for violating other standards under this clause which are not defined in the brochure aimed at his industry. Therefore, an employer who has read the four agricultural standards and in good faith has complied with them, may find out later that OSHA inspections will fine him for violation of standards not specifically set forth in the brochure prepared by OSHA itself.

I can understand that the implementation of a complicated and far-reaching new law such as the Occupational Safety and Health Act is a demanding undertaking. We do not expect the Federal Government and its agencies to be letter perfect from the beginning in the administration of this law. It takes time to train new inspectors and administrators, and to get the program operating efficiently. It will take time, and certainly many mistakes already have been made by the Government.

But, Mr. President, if it will take time for the Federal Government to get its house in shape under the Occupational Safety and Health Act, I cannot understand why the Federal Government insists on demanding perfection from its citizens—especially when the Department is part of the reason for their inability to immediately comply. Why cannot citizens be given a period of grace during which to learn the law and bring their operations up to compliance? Why must they suffer the mistakes of the Government in trying to put this law into effect? Why must they be fined without being given an opportunity to comply? Of all the fines levied against Wyoming employers, only one fine was for a serious violation of this law.

It is because of the obvious inability of employers to obtain accurate and complete information about this responsibilities that I support the effort to prevent application of this law to employers with 25 or fewer employees.

The small employer does not have on his payroll an expert or a lawyer to tell him what he is supposed to do under this law, or to gather the information he needs to comply. The small employer must try to figure out for himself what is expected of him, and we have seen many examples of instances where the employer could not comply because he was unable to get copies of the standards, or because they were no longer current and complete when he did get them. So long as such problems and inequities remain with respect to this law, the least we can do is give small employers a break. The amendment does nothing to correct similar inequities which affect all employers, and it is the obligation of the Congress, as I view the situation, to see that our citizens are treated fairly. This amendment would make a small start.

The Occupational Safety and Health Act is a complicated law.

We now know what some of the problems are, and the legislation must be amended to see that the problems are corrected and that they will not recur.

I do not believe it is the intention of Congress to give employers in this country a persecution complex. But if Congress fails to act to correct inequities in this law, that is just what will result from the well intended efforts of Congress and the Labor Department.

In an attempt to bring equity to the situation, I have joined with the distinguished Senator from Nebraska (Mr. CURTIS) and other Senators in support of a 13-point amendment to this act. One provision of our amendment would call for exemptions of employers from the act who have 25 or fewer employees.

Other provisions would:

Delay for 1 year the effectiveness of the regulations for employers with more than 25 but less than 100 employees. This "phase-in" period will enable small employers to make changes to come into compliance with the law.

Require the Secretary of Labor to evaluate and differentiate between the effects of requirements on different kinds of businesses. The requirements which seem reasonable for a "hazardous" industry can be oppressive and unnecessary when applied to a nonhazardous industry.

Require the Secretary to estimate and publish the average cost to employers of compliance with regulations, so as to determine that it is actually possible for them to comply and still remain in business.

Permit compensation to employers for the cost of having to comply with regulations that are later changed, necessitating additional modifications.

Relieve employers from responsibility for noncompliance by employees who refuse to cooperate with requirements.

These are the main provisions of the Curtis bill, and I believe they would help make fair treatment for all concerned a purpose of this law.

We must make changes in this legislation in order to be fair to all concerned. The problems encountered in Wyoming are not, I am certain, peculiar to this State only, although Wyoming is not a large manufacturing or industrial area, and the act has been particularly hard on the kinds of small businesses with few employees that are common to Wyoming.

Many employers are upset by their inability to get information about their responsibilities. Others are angry about standards which are so expensive to meet and which will not improve employee health and safety in their particular circumstances. Still others resent the unfairness of being penalized and called lawbreakers even though they have not been given an opportunity to comply with the standards.

One citizen has expressed great concern about the impact OSHA will have on his program to place handicapped persons in useful jobs, noting that many employers now are afraid to hire the handicapped because of the responsibilities which OSHA places on them in terms of responsibility for the acts of their employees.

A mother with the responsibility of supporting her three sons is worried that her employer will be forced to close his business or reduce his work force because of the cost of modifications required to meet the act's standards. A few Wyoming employers have had to close their businesses or are thinking of closing because of inability to meet standards.

Mr. President, the people who have expressed concern about OSHA are genuine in their concern, and I hope the previous action by the House, the action I hope the Senate will take today, and action that may follow oversight hearings, which are soon to be held on the Senate side, will bring the necessary changes in the law and the standards developed to implement the law.

Mr. McINTYRE. Mr. President, will the Senator yield for a question?

Mr. HANSEN. I do not know that I have time.

Mr. McINTYRE. Will the manager of the bill yield me time?

Mr. MAGNUSON. Mr. President, I yield for a question.

Mr. McINTYRE. Mr. President, I want to say that beginning some time ago, the Select Committee on Small Business looked into the multitudinous of the forms that were involved, and also the OSAH problem. I was very much concerned with that, I want to say to the Senator from Wyoming.

I commend the Senator from Nebraska. I can understand his frustrations and the frustrations of the Senator from Wyoming as he relates those instances. I am on the Select Committee on Small Business, and I am chairman of the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs.

Only this morning, the Select Committee on Small Business had a gentleman who was from the National General Contractors Association. He brought up the question of bond. We showed him the books that the small businessman has to know something about. So I put the question to him, "Well, we have an amendment up today that I have been quite interested in, and that is the amendment that would, as I understand it, deny the appropriations for the enforcement of this act by the Labor Department or Labor Department appropriations with respect to small business employing 25 or under. What is your reaction?" He said, "Trouble."

He posed this question to me, and I pose it to the Senator from Nebraska and the Senator from Wyoming: "I am a general contractor. I may have 300 employees. On my job I could have five or six or seven subcontractors working, and out of those five or six or seven they may have 15 or 20 employees. I have the overall responsibility, and yet the same people working on the same job under my aegis would be free from responsibility if the amendment of the Senator from Nebraska were adopted."

He is a small businessman, too. My feeling is that, much as I would like to support the amendment and bring about an end to some of the frustrations, I do not know that it is a good amendment.

Does the Senator have a good answer, or an answer to that general contractor on a big job, we will say, with nine or 10 subs, some of them having fewer than 25 employees, while he has 200 employees?

Mr. HANSEN. Mr. President, my answer to my distinguished friend from New Hampshire is that I do not have an answer to this specific question. The Senator from Nebraska and the others who are cosponsors of this amendment had no idea, when we proposed it, that it was a panacea for all of the problems. But whatever it will do in each instance that the distinguished Senator from New Hampshire points out, I will tie to a thousand small businessmen for every one the Senator is talking about who will be benefited. And they are just as eager as anyone else to see their employees have good, safe, working conditions, and just as law abiding and concerned citizens as anyone else.

I am sorry the amendment may not reach the specific case to which the Senator refers. All I can say that is that in the State of Wyoming, if I have any understanding at all, it would be beneficial; and for each case where it would apply as the Senator posed his question, I would say there are a thousand on the other side whose problems will be resolved by this amendment.

Mr. McINTYRE. I understand and sympathize with the proposal of the Senator from Nebraska. I just do not think it would do the job.

I do not, for example, see anything sacrosanct about the figure 25. So I shall oppose the amendment.

Mr. CURTIS. Mr. President, will the Senator yield to me?

Mr. HANSEN. I yield.

Mr. CURTIS. On this proposal of 25, that number was selected because that was what was in the House bill, adopted by an overwhelming majority. I believe it would be wise to put it in here tonight, and settle the matter.

There are large employers who are also entitled to some relief under this act, and another look at it, but the line has to be drawn somewhere. Admittedly there will be awkward situations in some subcontractual relationships. But to deny this amendment means that every little shop with one, two, or a dozen employees, all of our farmers, and everyone else must live under a law whereby they are bound by a stack of books 17 feet high that they must search to find out what the law is.

The fact that this will not cure everything in the field of subcontracting is no reason for turning it down. There is need for the amendment, or there would not be so much complaint about the law.

Let us also keep in mind who is concerned about safety. The employee is, because his own life and health are involved. The employer is, because of his compensation rates, his insurance rates, and many other things.

The Government of the United States does not have to be the guardian of everybody. If we are interested in safety, why do we not have a national law on highway safety? Three times as many people are injured and killed on the highways as in industry.

This is not an issue of safety. It is an issue of imposing the same difficult law, of which you cannot find out what its provisions are, on the little employer, that we impose on the largest employees in the land.

The amendment should be agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I promised to yield to the Senator from New Hampshire. Will he permit me to yield first to the Senator from West Virginia? He has an important engagement.

Mr. McINTYRE. I am happy to yield.

Mr. MAGNUSON. I yield 5 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have been impressed with the concern of the Senator from Nebraska, an understandable concern, and I listened with interest to the eloquence of the Senator from Rhode Island as he expressed his opposition to the pressures which seem to have developed in the application of the Occupational Safety and Health Act of 1970.

I wish to address one or two questions to the able chairman of the Committee on Labor and Public Welfare, a committee on which I have the privilege and responsibility to sit.

I ask the Senator from New Jersey: Does he share the concern that has been expressed by several Senators here about the problems that are apparently inherent in the application of the act, at least at this point in time?

Mr. WILLIAMS. I certainly do. During the debate when I was speaking, I tried to make that as clear I could.

I know of the mistakes that are being made in administering this law. I am not here to defend this administration, because I know where the mistakes are being made. They have a good law to work with, which is being implemented in a way that is causing a great deal of hardship on small business people, particularly. That has to be straightened out.

Mr. RANDOLPH. Mr. President, I appreciate the response of the chairman, who of course has given much thought to this subject. He will recall when we passed, 1 year earlier than the Occupational Health and Safety Act, the Coal Mine Health and Safety Act.

Mr. WILLIAMS. I do.

Mr. RANDOLPH. The Senator will recall also that we recognized, if that act was to be successful, additional qualified inspectors would be needed. No matter how good the law was, if there were not those who could inspect for health and safety, as the miners worked under the earth bringing forth the precious fossil fuel, we could not make it work. Is that correct?

Mr. WILLIAMS. Exactly.

Mr. RANDOLPH. So, as the Senator knows, the implementation of the act took longer than we had anticipated, because of the necessity of not only securing inspectors, but frankly training them for very important work. Is that not true?

Mr. WILLIAMS. It is true.

Mr. RANDOLPH. So we witnessed delays then, because we did not actually have the trained manpower in that instance to do the job. But that was not the fault of the law itself. That was the implementation of the law, which took longer than we had anticipated. And we had oversight hearings on coal mine health and safety. Is that correct?

Mr. WILLIAMS. That is right.

Mr. RANDOLPH. So we can have committee hearings within the Committee on Labor and Public Welfare to bring out these situations that are developing under the Occupational Safety and Health Act as we did for coal mine safety. Have we had such hearings?

Mr. WILLIAMS. We have scheduled formal hearings within our committee.

I would like to go back to the coal mine safety law, which was signed into law at the end of December 1969.

There we had a different situation, and we did something most unusual. We, here in the Senate, legislated the standards.

Mr. RANDOLPH. That is right.

Mr. WILLIAMS. We legislated how much gas could be permitted in a mine, how much air had to come sweeping through and carry the gas out, and how safe the roof or walls must be to prevent cave-ins. We legislated the standards, and did a good job.

Mr. RANDOLPH. That is correct.

Mr. WILLIAMS. In dealing with all of industry, obviously we could not legislate the details of all of industry, so we legislated the authority to the Secretary of Labor to promulgate the rules and standards. And I will say that I can see where the mistakes are made, just by looking over—I can hardly see the Senator from Nebraska, because he is behind the standards that apply to business.

That is wrong. It should be in a form that could be understood. In our coal mining health and safety bill, it was. I can even remember the standards in my head. A coal mine operator knows what is expected of him. But I will say, the way this one is going, it is very difficult.

Mr. RANDOLPH. I agree with the Senator.

Mr. WILLIAMS. Let us straighten that out, rather than remove effective enforcement from the small jobs, where the people have every right, with all other workers, to a safe place to work.

Mr. RANDOLPH. Mr. President, I appreciate the response of the able chairman. It is important that we carefully monitor the implementation of the Occupational Safety and Health Act. The concerns and complaints expressed by many, many small businessmen are very real. The Congress and particularly our Committee on Labor and Public Welfare have the responsibility of insuring that this act is administered fairly and that small firms and businesses are able to cope with new standards in the occupational safety and health area.

A very large part of the problem, I believe is Government redtape. Over 1,500 years ago a man said of this aspect of government: "If all the seas were ink; if all the needs were pens; if all the skies were parchment; and if all men could write, they still could not match the redtape of this government."

That same redtape exists today.

These problems in the administration of the Occupational Safety and Health Act can be solved. The small businessman can be assisted—and should be. The smaller firms are a very vital segment of our economy. And this job can be accomplished without eliminating effective enforcement of health and safety programs for employees.

In conclusion, Mr. President, I ask the chairman—and I am a member of his committee and serve under him and with him—are we not prepared to move affirmatively in this area in an all-out effort to find solutions to the problems to which the pending amendment is directed?

Mr. WILLIAMS. The answer is unequivocally "Yea," we are prepared, and we are going to do it.

Mr. RANDOLPH. And it will be done promptly?

Mr. WILLIAMS. As promptly as we can. There is a convention coming up, and that is the only thing I can see in the way of going right to this matter.

Mr. RANDOLPH. In a reasonable time, hopefully within this month.

Mr. WILLIAMS. That is correct. It is fixed. Right after we return from the convention distractions.

Mr. McINTYRE. Mr. President, will the Senator yield to me 10 minutes?

Mr. MAGNUSON. I yield to the Senator time on the bill.

Mr. McINTYRE. Mr. President, 14,000 deaths a year and over 2 million serious injuries to workers in this country make not only a strong, but absolute, case that occupational health and safety regulations are essential. This is why I voted for the Occupational Safety and Health Act.

But problems have developed with the administration of this law. Congress has experienced this problem many times before. Well-meaning legislation embodying essential public interest goals often causes reactions which are totally unintended. The enforcement of OSHA regulations have created in some cases insurmountable problems in a crucial area of our business community—the small business sector.

When Congress established the Small Business Administration in 1953 as a permanent agency, it specifically recognized the small businessman's contribution to the free enterprise system and also recognized his precarious state vis-a-vis big business. The Occupational Safety and Health Act also made recognition of the unique status of the small businessman in providing for SBA loans to meet OSHA requirements. The problem, however, is simply not the availability of loan funds, though that is extremely important. The crucial problem, as I see it, is the recognition or lack of it—whichever the case may be—by OSHA officials that there are extreme differences between a vertically integrated conglomerate corporation and a small businessman.

While OSHA regulations may create some problems for large businesses, which I am sure they do, these corporations have the financial resources and the managerial ability to provide in plants and on work sites safety engineers whose sole function is to assure compliance with health and safety requirements. The small businessman, however, is not nearly so fortunate.

The cost of obtaining such assistance and the expertise to make practical application of health and safety technology is quite often far beyond the reach of the small businessman.

While we, in Congress, and in the executive branch have expressed alarmed concern with the state of our economy and have time and again passed legislation aimed at strengthening the American economic system, it seems that too often these measures have little or no impact on the small business sector.

A work survey by the Research Institute of America on the first quarter of 1971 clearly illustrates this point. Earnings of manufacturers with assets in excess of $1 billion increased their earnings by 18.8 percent while during the same period manufacturers with assets of less than $1 million suffered a 40.4 percent decrease in profits. This is a devastating statistic.

Congress must recognize that small businessmen in this country must overcome almost insurmountable problems to remain competitive with big business. And we must make sure that our actions do not unintentionally result in driving thousands of small businesses to the brink of bankruptcy and disaster.

This, I am afraid, may be the unintentioned result of the operation of OSHA if we are not careful. The House Select Committee on Small Business is presently holding hearings on the impact of the Occupational Safety and Health Act on small business, and the Department of Labor in testifying before that committee has stated that numerous mistakes have already been made in applying health and safety standards. But what may be statistics to the Department of Labor is cold reality to a businessman who finds himself unable to continue his business because the regulation as promulgated by OSHA was impossible for him to comply with.

The amendment that we are considering today, however, is not in my opinion the right approach. This amendment would for 1 year deny funds to the Department of Labor for enforcement of OSHA regulations on employers having 25 or fewer employees. Exemptions quite often create more problems than they resolve. One might well ask. why the number "25"? As a general rule, the Small Business Administration's size standards used to determine what constitutes a small business is $1 million gross sales a year or 500 employees. I know the argument is made that you must draw the line somewhere as even the Small Business Administration does in establishing its size standards. The SBA's size standards, however, are for eligibility for financial assistance. The size standard contained in this amendment is for an exemption to health and safety work standards. The difference between these two subjects is obvious.

I am not saying, however, that changes should not be made in the Occupational Safety and Health Act.

Discussions I have had with numerous small businessmen have indicated that substantive changes in the OSHA Act are needed. Small businessmen have told me that they find the regulations issued by OSHA extremely complex and technical in nature and that procedures should be developed to simplify the requirements in a way that small businessmen not having access to technical expertise know what is required of them.

Another complaint often made is that the small businessman in attempts to comply with OSHA requirements can receive no assurances that the safety equipment he purchases conforms to OSHA regulations. This indicates to me that possibly the Secretary of Labor could provide certification as to what equipment or action would meet his agencies health and safety requirements.

I am in the process now of drafting an amendment to the act which would establish a specific small business program which would, first, require that regulations be simplified and technical assistance offered in meeting regulations; second, require the Secretary to provide certification as to what equipment or action will meet OSHA requirements; third, require regulations be applied on an industry-by-industry basis and small business exceptions to individual regulations be granted where appropriate; fourth, maintain close surveillance of effects of regulations on competition to assure that small businessmen are not unintentionally injured economically because of regulation; fifth, require Secretary to certify that regulation can actually be complied with and a finding must be made that regulation will have a positive effect on the health and safety of employees so that needless regulations are not issued; sixth, provide small business recordkeeping procedure to cut down on required paperwork and eliminate needless redtape; seventh, distinguish between different types of business activities such as light and heavy construction; and eighth, provide small business with one onsite inspection without mandatory penalty.

The important thing is to examine the operation of the Occupational Safety and Health Act to assure that regulations and requirements issued by the Department of Labor do not unintentionally adversely affect competition and cause unneeded economic injury to the small business sector of our economy. This, in my opinion, can be done without providing specific exemptions based solely on the number of workers.

I commend my good friend the Senator from Nebraska but I urge the Senate to reject his amendment.

Mr. COTTON. Mr. President, I yield time on the bill to the distinguished Senator from Colorado.

The PRESIDING OFFICER. How much time is yielded?

Mr. COTTON. Five minutes.

Mr. MAGNUSON. I yield 5 minutes to the Senator.

Mr. ALLOTT. I have 10 minutes.

Mr. President, I join the Senator from Nebraska in support of his amendment. I am not going to say all the things that are wrong with this measure and then say I am not going to support it. I am going to support it. It is long overdue.

I think of all the legislation that this Congress has passed; this particular piece of legislation probably falls as far short of reaching its goal as any piece of legislation we have ever had.

In the first place, I have in my hand an article from Cervi's Rocky Mountain Journal in Colorado in which Mr. Guenther, Assistant Secretary of Labor, was interviewed. Here are two short quotes:

> "While these states (Colorado, Wyoming, Utah, Montana, North and South Dakota) have some work to be done, they have an excellent opportunity to assume responsibility for health and safety. This should be a state program."

And then, in another paragraph:

> Pressed on the subject of Colorado's relative freedom of occupational hazard, Mr. Guenther said that "while Colorado is one of the smaller states, it has a good basic program."

Now, Mr. President, my files are replete with objections and abuses under this program. I had a man in my office the other day who happens to be a small builder of homes, a small contractor, and he was constructing a small family residence. It was mostly complete except for the installation of the boards in the ceiling and the hot water heaters around the baseboards. While the men were installing the hot water heaters around the baseboards, and the boards in the ceiling had not yet been installed, there was no one working on the ceiling and nothing could happen up there, and while the men were working on the baseboards, the inspector came in and fined the small contractor because the men were not wearing hardhats.

Mr. President, you just simply cannot imagine such a ridiculous thing happening in the United States today, but that is what happens when Congress gets too overzealous in protecting what it thinks are the rights of the people.

We are all for safety. We are all for occupational safety. But we do not serve that cause by running small businessmen out of business.

Here is part of a letter from a sheet metal and roofing company:

> . . . when a man can come into our place of business and find equipment faulty that we have operated and used for seventeen years with no injuries, and which will cost us $3,500.00 to repair or bring up to his standards. On top of that, pay a fine or go to Court; this is ridiculous.

They go on to say:

> Also, we get cited again for not having a railing around the roof; or my roofers not wearing safety belts and ropes, and a man using my hoist as a ladder. Did you ever try and put on a build-up roof, using 400° asphalt having five ropes fastened to you and try to keep them out of the road, or keep the men from stumbling over these and burning themselves on the hot asphalt? Also, it is discriminating, because we were the last ones on the roof. Before us, there were bricklayers, electricians, carpenters, and plumbers and we were the only ones that were cited.

Mr. President, can you wonder why, in a recent survey, out of 20 occupations in this country, politicians were rated 19th insofar as popularity was concerned.

Mr. President, here is part of another letter. This is from an independent petroleum marketer:

> We might point out that the drafters of this bill took the diking requirement from the National Fire Protection Code. In the process they eliminated the final language which states that the enforcing authority will have the discretion to waive the diking requirement. As you can see, this makes the diking drainage requirement mandatory for all wholesale petroleum bulk plants. For the 30,000 small independent oil jobbers across the nation this could mean an expenditure of $300,000,000.00. In Colorado, Wyoming and New Mexico, the cost would range from $50,000.00 to $175,000.00 for each independent petroleum jobber. This will break many of our members. Incidentally, the diking and drainage of storage tanks is primarily an environmental concern and not so much an employee safety matter.

Then, reading from another letter, from a general contractor:

> I am firmly convinced that safety—*practical safety*, is a must. Also, I am as firmly convinced, that all of our resources can be expended being super careful.
>
> Thirty-five years of experience, first as journeyman carpenter, and the last twenty-five as a small contractor, indicate to me that the rules as set forth are not practical, and if not modified to meet conditions, will result in bankruptcy for those apprehended, or if a project is found that is without violations, it would have to be on a cost plus job for the Government.

Then he says something in his closing paragraph which is very significant and, Mr. President, I have had actual examples of this called to my attention in Colorado:

> Some responsibility for safety must lie with each individual, the statistics that were used to show a need for the various rules were certainly not countered by an evaluation of people not injured as per past practice.

So if the foreman goes off the job for 5 minutes and a man takes off his gloves or if he takes off his safety helmet, and then the inspector comes in and assesses a fine and the employer has nothing to do with it, the employer has—at least in our State and in most States—every incentive for safety. Under our State industrial commission and our workmen's compensation law, the man who fails to provide safety for his employees finds his premium going up at an exhorbitant rate. So from not just a monetary matter, nor a matter of humanity or morality, he has every reason to look after his employees.

I want to read from another letter, which says, in part:

> It is our understanding that bill No. H.R. 14032 will soon be introduced as an amendment to relax the strict Occupational Safety and Health Act regulations in favor of companies employing twenty-five people or less. Several businesses of this size have already been forced to close because they could not comply with these regulations.

Then, reading from the final letter I am going to quote from, he refers to the fact that the small businessman is having a lot of problems with OSHA, and says:

> It is so complex and the interpretations are so varied. I believe many of our customers will not be able to stay in business.
>
> We have tried to comply with many of these new interpretations, but some are impossible even though we have adequate finances.

Mr. President, I have another example in my mind where a small general contractor was fined by one of these so-called inspectors. He was fined after the inspector had been in that area—he had fined the man two or three times, by the way—and he finally came around after the rest of the contractors had educated the inspector and confessed that he had made a mistake and it was too bad he had not known more about that business in the first place. The trouble is we cannot get inspectors who have a wide knowledge of the occupations they are inspecting.

This act is ridiculous. I should like to call attention to one or two things in the act. First of all, I do object, constitutionally and otherwise, to the fact that any man can come out and fine another man. It is no satisfaction to me that he has an appeal to the Secretary. That does not mean a thing. If one lives within an hour or two of Washington, he can climb on a bus and for $6, the price of the busfare, may be able to defend himself. But if he lives in our area of the country, where the minimum cost to come to Washington is $400, there is darn little satisfaction to a man who is involved in trying to protect himself if he is a small businessman. That is what he has to do under section 10 of the bill, if he wants to get away from the fine.

Probably the most ridiculous part of the bill is section 17 of Public Law 91–596, which provides for a settlement. I ask unanimous consent that the entire section may be printed in the RECORD.

There being no objection, section 17 of Public Law 91–596 was ordered to be printed in the RECORD, as follows:

PENALTIES

SEC. 17. (a) Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard, rule, or order promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than $10,000 for each violation.

(b) Any employer who has received a citation for a serious violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall be assessed a civil penalty of up to $1,000 for each such violation.

(c) Any employer who has received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to $1,000 for each such violation.

(d) Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

(e) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both.

(f) Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

(g) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(h)(1) Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

(2) Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111, shall be punished by imprisonment for any term of years or for life.

(i) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $1,000 for each violation.

(j) The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(k) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(l) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

Mr. ALLOTT. There are several sections. There are seven ways in which a man may be assessed a fine.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 102 minutes remaining.

Mr. COTTON. Mr. President, I yield the Senator from Colorado such time as he requires.

Mr. ALLOTT. Mr. President, I thank the Senator.

The first section provides that anybody who willfully and repeatedly violates section 5 is subject to a civil penalty of $10,000 for each violation.

In the second section it says that anyone who receives a citation for a serious violation is subject to a $1,000 fine for each violation.

In the next section it says that if he receives a citation for a violation of a serious nature he can be fined $1,000 for each violation.

I do not know why they have two of them.

The next one says that any employer that fails to correct a violation can be fined $1,000 for each day for which such failure continues.

I will conclude by reading one of the prize things of all legislation that I have ever heard.

Subsection (f):

> Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or both.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I have in my file the copy of a letter written by the area director in the case where a small businessman wrote and asked him if he would come to his place to tell him what he should do to comply.

The area director refused to come and said, "If I come there, I will have to cite you and fine you."

That is the type of treatment the small people get under this act.

Mr. ALLOTT. Mr. President, I am sure it is.

Mr. President, I hope to God—and I mean this reverently—that this Congress never again passes a law which permits any man to go in and assess a fine. I know what we have done with the Federal Trade Commission, and God help us for what we have done. We should never have given them all the power that they have. Nor should we have given all of these people in OSHA all the powers that they have.

Last week the Supreme Court of the United States made the momentous decision that any man that is up for any misdemeanor or felony which carries with it a jail sentence or a prison sentence is entitled to a defense lawyer. The following week we are on the floor trying to defend an act which permits an inspector to come in and levy a fine against a man who may not even know he has violated the law.

I think that the Senator from Nebraska has done a great job. It may be true that in each individual case a man may not have to know what is in all of those volumes on the desk of the Senator. But how in the world is a man ever to know it?

The facts are that this thing was developed and they wanted a great many more inspectors. They cannot get the qualified inspectors because the people who ought to be doing this inspecting, if it is done, should be the very top workmen in that factory or occupation.

Something was said here during this debate with respect to OSHA that, by golly, they ought to straighten up the thing. The thing wrong is that the law is basically unsound. If we want to do something about that, what we ought to do is to sit down and rewrite the whole law and rewrite it on the basis that someone who violates it has a reasonable right to know what code he is violating and what specific things he is doing that he should not do or not doing that he ought to do. He would then have a chance to defend himself in court.

Mr. President, that is all I have to say. While I would agree that we all want to protect the health and safety of our people this amendment is a good place to start. I do think that in places of employment that have less than 25 employees, they do have the matter of personal supervision that is not prevalent in the large corporation.

The second place to start would be to rewrite the whole act and particularly take out these obnoxious and terrible provisions about an inspector being able to come in and assess a penalty when a man has conditions existing which he may not even know exist and which he may not even have the opportunity to determine.

Mr. COTTON. Mr. President, I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. Mr. President, I shall not take the entire 10 minutes. However, I do rise in support of the amendment because it is a good, sound amendment.

Mr. President, I believe that the showing made by my colleague from Nebraska was excellent. It is a sound amendment because it is in the nature of creating a temporary situation, a temporary period during which many abuses can be corrected and perfections can be made in the law, which all of us want. We do want a law which protects the safety and the health of our workers.

It has been said that the employee of a small employer—whether five, 10, 15, or 25—is just as entitled to the protection of the law as one who works for a corporation that has 5,000 or 10,000 employees.

It is not unusual for this body in the opening stages of very significant legislation to create exemptions for smaller sized employers and smaller sized factories.

We all remember when the Senator from Vermont came in here on behalf of Mrs. Murphy's boardinghouse. That had to do with the fair housing law and the civil rights law of 1964 when an exemption was carved out, for four or eight roomers in the boardinghouse. The argument was raised that if it is fair for a hotel, if it is fair for a 500-unit apartment house situation, it is fair for Mrs. Murphy.

The good sense of this body prevailed, and we supported an exception in the case of Mrs. Murphy's boardinghouse.

My mind goes back also to the exemption from the Civil Rights Act of 1964 sponsored by the senior Senator from New Hampshire when he said that the act for Equal Opportunity in Employment should not apply to employers of 25 or less employees. That was the rule for a period of time until that legislation seasoned itself to a point where it was acceptable for those who had fewer employees than 25. That was done. That is what is being done here.

There are many abuses and many features of the present law that need correction. Those abuses and those points that need correction and perfection have certainly been well documented on the floor this afternoon.

One of the things that stand out—and I think it should stand out in the mind of any fair-minded person—is that one of the basic propositions about a law, is that it must be promulgated in law in order to be effective.

How can we say that promulgation of the Occupational Safety and Health Act in such abridged form, in thousands of volumes of only those parts passed by Congress and signed by the President, when there is by reason of incorporation into that law by reference in the regulation of that law a mountainous supply of ordinances, codes, bulletins, statutes, and so forth, that are in the regulation? There is not that degree of promulgation and cannot be because some of the documents referred to have been out of print for 25 or 30 years and are not obtainable except in very few and rare places, and yet they are referred to and made a part of the regulations. The requisite proper promulgation is certainly violated.

Another topic that we like to think of in legislation is due process. How can we have due process here when there is that utter and abject lack of fairness in the administration of this law. The examples of that have been legion in the debate here this afternoon. It is traditional in our system of law that we provide a chance for cooperation and a chance for compliance. We know that to be true in cases of fire inspectors in our communities. The fire inspector does not come in and check a stack of papers near the oil burner of a home and then slap a fine on the homeowner. He goes in and explains to the homeowner the situation and the danger and then comes back the next day to find if it has been corrected. Is that not the proper way to do it?

Imposition of a penalty is not for the purpose of harassing and punishing, but it is to secure compliance. Whether it is food inspection, the building code, or even in the field of the NLRB, we have had exceptions of this kind.

Mr. President, since the commencement of the enforcement of the Occupational Safety and Health Act, hardly a day has gone by that I have not received letters of protest from small businesses in Nebraska and the surrounding States. These letters of protest have ranged in content from inquiries regarding the requirements of the act itself to statements of practices of inspectors which one might expect in a Fascist police state. This law, which received nearly unanimous support of the Senate on its initial passage, has been subverted to the point that small businessmen everywhere wonder if they are the subject of some sort of conspiracy.

What has happened to the basic purpose of the law?

I believe that our purpose in passing the Occupational Safety and Health Act was to provide a safe work place for employees. There can be no question that eminently dangerous working conditions should be abated. Many of the larger businesses in Nebraska hire trained safety advisers and engineers to provide safe working conditions for their employees. Other smaller businesses which are equally dedicated to providing a safe working place for their employees are financially not able to employ highly trained safety engineers due to their limited profit return but, nevertheless, demonstrate as actively and effectively as they can, their concern for worker safety.

My office has received numerous letters, particularly from the smaller businesses wanting to know how they can comply with the law. Under the law, there is no way for a business to invite an inspector to inspect a particular business for the purpose of being advised and counseled as to how he can make changes to be in compliance without subjecting the business to immediate citation for all noncomplying practices. Is this how we encourage compliance with our laws? The small businessman under present law as applied is in the position of being unable to unweave the nearly incomprehensible mish-mash of regulations, unable to employ economically a lawyer or safety director to tell him what he must do to comply, and is afraid of requesting information from the Department of Labor for fear that an inspector will be sent immediately to his place of business to issue fines for noncompliance with regulations which the businessman has never heard of.

Mr. President, I would like to call the Senate's attention to a sampling of the correspondence which I have been receiving over the last several months. A contractor in Nebraska stated that his compensation rating was 84 compared to the national average of 100, that he awarded $2,800 per year as safety incentive awards, that safety inspections were performed monthly, and that he had a part-time safety engineer. After passage of the OSHA law, he added a $12,000 per year safety engineer, sent the engineer to an OSHA training school at a cost of $500, required all supervisors to complete the Red Cross safety program at a cost of $1,200, and spent $37,000 for additional safety equipment. The result of this attempt to comply was that the OSHA inspectors cited this company with two fines. This man requested that his name not be used for fear that the OSHA inspectors would be sent back to finish the job of driving him out of business.

In another letter, a manager of a country grain elevator wrote:

> It is impossible to abide by all the rules in the Federal Register. What small business can afford to spend $10,000 for remodeling and changes, in order to comply. This seems rather silly when our records show there has never been a fatality or even a serious accident in the 100 year history of our business.

A small town grain dealer wrote that he was doing all he could to make his place as safe as possible, but to change all his equipment to meet the new requirements all at one time would put him into bankruptcy.

A lawyer in a medium sized Nebraska town wrote that his clients were complaining bitterly about the OSHA law and its enforcement.

He states that full compliance with the voluminous regulations would force most employers out of business. He describes the enforcer as a former labor organizer and notes that the inspector has taken the place of a judge, jury, and policeman. The law, he states, is the most vicious prostitution of our concept of due process. Another man states that compliance with this law would take months and many thousands of dollars. A rancher from western Nebraska writes:

> After reading through the booklet sent to us by the Department of Labor, we were amazed at the absolute absurdities of some of the requirements. For instance, even a SUNBURN must be reported as an injury and the penalties for violation seem extreme . . . $1,000 for each violation.
>
> Free enterprise should be valued, preserved and strengthened, not choked and harassed until all desire to try to continue is burned out.

An Omaha employer wrote:

> What kind of a monster have you legislators created? A man from OSHA walks into our plant because of an employee complaint, investigates the complaint and says that it is invalid. But while he is there, for the first time, he looks into an area with five employees and fines the company $1,260 for alleged minor violations to the Federal Standards for Health and Safety.
>
> Such unbridled power and its indiscriminate use will force many plants with excellent safety records to close their doors. Please establish control over OSHA.

A manager of a service station relates that if his employees were to comply with the OSHA regulations, it would mean that they would spend two-thirds of their working time putting on and taking off protective clothing. A plumbing and heating man cites the responsibility of the employer for violations of his employee away from immediate supervision and the necessity of passing on the additional costs of compliance as his strongest objection to the law.

And there is the man who was having union troubles which resulted in over a $36,000 fine.

I have heard from many hundreds of other Nebraskans who have voiced shock, disbelief, and amazement at this particular legislation and the Gestapo methods of enforcement. Much of this public distrust and resentment can be attributed to the morass of complicated and confusing regulations and the abandonment of any semblance of due process in the enforcement of this act.

To illustrate how zealous the OSHA inspectors are, the Department of Labor has provided me with these figures. Although field inspectors cited employers with $84,104 in penalties only $17,511 in penalties were actually imposed. This is strong evidence that either the inspectors are so unskilled in their inspections that they are issuing citations for practices which are not in fact violations, or on the other hand, the inspectors for reasons known only to themselves are intentionally harassing employers in order to frighten other employers into compliance.

It is also significant to note that the number of inspections made in Nebraska during the first three quarters of the first year of the law was 166. Of these 166 inspections, inspectors issued 239 citations. This is about three citations for every two inspections. Of the 166 inspections made, only 50 were at the request of employees.

These figures are intended to show the Senate that the issuing of fines under the OSHA law is not occasioned by the discovery of inspectors of safety hazards in some cases. The above-stated figures demonstrate that three penalty citations are issued for every two inspections made on the average.

Is it the intention of the Occupational Safety and Health Administration to issue citations to every employer in the country? It would seem to be the case as they have issued on the average of more than one penalty per inspection so far.

The State of Nebraska is not alone in sharing the frustration and exasperation with this law.

Mr. President, I would like to quote from House Report No. 92–1118, wherein the House Committee on Appropriations noted:

> The Committee recognizes that the law requires the Department to take positive action whenever it determines that a condition exists that is in violation of the law, and it expects that the law be fully enforced. However, the Committee has received many complaints of overly zealous enforcement officers, and other complaints of great difficulty in getting assistance from the Department in interpretation of the standards and regulations in order to determine whether or not a particular workplace is in compliance or what would be required to get it in compliance. The attitude of enforcement personnel is important to the proper administration of this law. The Committee will expect that this be recognized by the Department in the training of new personnel and in the supervision of the program.

Mr. President, at this time, I would like to read into the Record statements of our distinguished colleagues in the House of Representatives who gave much serious consideration and debate to these matters which we are here debating today:

Mr. Dennis. I do not think, Mr. Chairman, that in my brief time in this body I have ever received more mail objecting to an act and to the administration of that act than the Occupational Safety and Health Act has brought forth.

Because of that reaction, along with a great many other Members of this House, I have cosponsored legislation to introduce amendments designed to ameliorate the effect of this act on the small business men and on the farm.

Generally speaking, these amendments would exempt the small farmer from the effect of the act. They would exempt the employer of under 25 people from the effect of the act, and would postpone the effect of the act as to employers of less than 100 people. They would cut down on the arbitrary rulemaking authority of the administration.

I may be wrong, but so far as I can observe, the legislative committees involved are not about to do anything about holding hearings on these amendments in spite of the fact that there is a very widespread demand for them and a very widespread support for them in this House, judging by the people who have introduced legislation.

So, it seems to me that we ought to seize on the opportunity to reduce the appropriation for the enforcement of the act, because that would do several things.

In the first place, it would send a message loud and clear to the legislative committee and to the people downtown that they have got to give some relief to the farmer and to the small business man whom you and I repsent, and who is being victimized, so to speak, under the regulations and the rules of this act.

In the second place, we could save $20 million of the taxpayers' money and let it stay in their pockets, and at the same time that we are sending this message, we would also give them a little of their own money to use and we would take some of these inspectors off their backs.

If you cut it down to the appropriation last year, you would not take $20 million off this appropriation—you would take off $33 million. So I am already providing $13 million more than last year by this amendment.

I think there is a reason for that, because the two things are not quite equivalent. They do have additional duties under the new law; and I am giving them $13 million more to perform those duties under the terms of this amendment. But I do think a $20 million reduction, which would put this down to just about a $50 million appropriation instead of a $69 million appropriation would be a good and beneficial thing.

It would cut some of the fat out of this. It would make it impossible to continue hiring myriad inspectors and other bureaucrats until we find out how many we really need, and how they are going to administer this act.

It would give some relief to the small businessman and the farmer. Here is a practical thing we can do. We talk about giving these people help. We introduce bills, which nobody pays any attention to, but right here this afternoon we can take a $20 million load off the taxpayers, and I do not know how many hundreds of bureaucrats off them also, as a practical relief in their everyday business operations.

I think the people I represent and the people you represent would appreciate our doing just that. So it is a very simple amendment, easy to understand, and its purpose is clear. It provides an opportunity to strike an immediate, although modest, blow for liberty, and I urge support of my amendment.

Mr. Scherle. Heated controversy surrounded the Occupational Safety and Health Act when it was first introduced, debated and finally approved. Even before the law went into effect, its checkered legislative history gave some indication of the difficulties it would encounter after passage. The act's intentions are praiseworthy—it aims to insure a safe and healthful working environment for every employee in the country—but, as so often happens, a great gap developed between intention and execution.

Much of the problem lies with the law itself. In an effort to insure strict and swift application of safety and health standards, it adopts a punitive approach to enforcement. Considering the complexity and universal applicability of the regulations—744 columns in the Federal Register—very little time was allowed to familiarize employers with their new duties. Most small businessmen and farmers have never been subject to such regulation before. Faced with a bewildering welter of minutely prescribed safety and health standards, they are at a loss to know which ones apply to them. Big corporations employ professional staffs solely in order to analyze and apply such standards. The small businessman cannot afford to hire a lawyer to interpret the law and an accountant to keep the records it requires. The first time he is even aware of a violation may well be when a Federal inspector slaps a fine on him for noncompliance.

The inspector is not being personally arbitrary when he does this. The law makes it mandatory to impose a "first instance sanction," an automatic penalty for the first violation. This may entail a fine of $1,000, an insignificant sum for General Motors, perhaps, but a serious loss for the small machine shop operator who is subject to exactly the same rules. The law takes no cognizance of the employer's ability to pay the fine or to make the necessary changes in his operations to comply with the rules.

Realizing that the Occupational Safety and Health Act discriminates in effect if not in intention against small employers, Congress is considering a number of amendments to the law. I have introduced or cosponsored three bills exempting nonmanufacturing firms and those with no more than 25 employees, recognizing the difference between heavy and light residential construction, and proposing other changes to make the law more equitable and less onerous. These measures are designed to restore the balance between concern for employees' safety and realistic consideration for employers' problems and responsibilities.

Mr. Thone. The law provides that an OSHA inspector can walk into a place of business, decide that the agency's regulations are being violated and levy a fine up to $1,000 on the spot. He may return the next day and levy another fine. This is the most flagrant violation of the American system of due process of law ever to come to my attention.

The act is written so that every farmer or shopkeeper who hires one part-time helper comes under the same Federal requirements for safety and health as major factories.

The House Special Subcommittee on Labor has not scheduled hearings on any of the many bills introduced to amend this act. Reducing the OSHA appropriations will send a message to the subcommittee that it is time to schedule hearings.

This act is being administered poorly in my opinion. In administering OSHA, the Labor Department has issued a directive that the same regulations shall apply to the builder of one house at a time as apply to the contractor building a giant dam or a high rise office building. Commonsense dictates that they should be different standards for heavy outright construction.

In administering this act, the Labor Department has ruled that when one farmer helps another, an employer-employee relationship exists even though no money changes hands. In other words, the heavy-handed, bureaucratic regulations of OSHA are about to end the centuries-old tradition of neighbor helping neighbor.

In administering this act, the Labor Department has issued volumes of regulations, many of which have no bearing on the health or safety of employees. For example, OSHA has decreed that a toilet seat must not be a complete circle. OSHA proclaims that a toilet seat must be split in the front. Officials of the Labor Department have been unable to explain to me how this contributes to the health and safety of employees.

The Labor Department has been uncooperative in administering the Occupational Safety and Health Act. When a businessman wrote asking that someone come to his shop to explain the law, he received an answer which said that if OSHA officials came to his shop, they would make an inspection and if they found violations he would be fined.

The Labor Department has been uncooperative when Members of the House of Representatives and the Senate have pointed out OSHA regulations that are silly or of no contribution to health and safety. Reducing the OSHA appropriations will send a message to the Labor Department that it is time to revise the regulations of this act so that they make sense.

Mr. McCLURE. Many of us harbored some fears about the OSHA bill when it was before us a year-and-a-half ago, but I dare say that not in our wildest dreams did we envision it becoming the bureaucratic nightmare it is today.

When the Daniels bill was reported out of committee, it was obvious that the Federal Government was about to usurp the safety field once and for all. So, we looked for the most reasonable approach—one that not only assured the worker he was working under safe conditions, but one that assisted—rather than penalized—the businessman.

The most reasonable alternative before us appeared to be the Sikes-Steiger substitute. It has the support of the administration and the support of business. Both the U.S. Chamber of Commerce and the National Association of Manufacturers urged its adoption. A majority of the Members of this body voted to substitute it for the original bill and it was then adopted by a vote of 383 to 5.

We were then told that the conference report was also reasonable. And they said that, after all, this is a reasonable administration, so the law will be administered reasonably too.

Finally, we were told that if it does not work out as planned, Congress can always amend the law. Well, it has not worked out, and we find ourselves virtually helpless. In the intervening months, approximately 75 bills have been introduced in the House, including one of my own, to amend the law, but no action has been taken on any of them.

So my amendment is not offered merely to hamstring the Department of Labor, but rather to get the attention of the administration and to get the attention of our congressional leaders and to say to them, "This law is not working out as planned. Small businessmen are being harassed needlessly. Some are on the verge of closing down. Men will be thrown out of work and the unemployment rates increased—all in the name of safety. And it is wrong.

If the adoption of this amendment forces the administration and the Education and Labor Committee to take the coercion out of the Occupational Safety and Health program, then I say we will have put in a pretty good day's work.

I want to reiterate the fact that I am not striking the funds for the Review Commission. If there is one thing the business community needs now, it is someplace to turn to to try and repair the damage already done. In this connection, I am also introducing today a bill which would help some of these people recover the costs of taking their protests into the court. It makes the United States liable for court costs and attorney's fees to persons who prevail over the Government in actions arising out of administrative actions of Federal agencies.

You all have had the same complaints, the same pleas from small businessmen that I have had. You know something is going to have to be done. The big businessman can probably ride out this act, but the little fellow who has sunk his life's wages into his business probably cannot. There has been enough talk about OSHA. This is the one and only opportunity you are going to have this year to really do something about it. I urge you to join me in taking the first step toward correcting the outrageous administration of this law.

Excerpts from a letter dated March 1, 1972, follow:

"The initial OSHA inspection was made at our plant on December 2, 1971. At that time the federal inspector established certain deadlines to meet all necessary corrections which he felt were necessary. On his subsequent inspection on February 8, 1972, we were found to have complied with all major corrections and most of the minor corrections as identified by this federal inspector.

"On the first inspection on December 2, 1971, we were fined the sum of $500.00 for violations as identified by the federal inspector. On February 8 during his follow-up visit, he found three minor violations which since have been corrected.

"The three minor violations as identified by the federal inspector were:

"(1) One of our receivers had that day, inadvertently dropped a pallet of glue blocks in front of one of our portable fire extinguishers causing an obstruction.

"(2) We had failed to paint the weight load capability on one of our overhead crane assemblies (not that the hoist assembly was insufficient for the loads carried: but that the maximum load weight capacity was not painted in legible figures.)

"(3) We were advised to provide additional water closet facilities for the employees. This we failed to do due to a lack of communication . . . For this we assume total responsibility.

"Our concern is with the severity of the fines for the minor violations. (1) Obstruction in front of fire extinguisher $6,600.00. (2) Weight load not painted on hoist assembly $2,900.00. (3) Fined for not providing water closet facilities, for which we accept responsibility, $700.00. Total fines $10,260.00 plus a $500.00 initial fine on January 4, 1972."

This, I believe, illustrates the exact reason why there are those of us who are willing to take some very drastic steps at this point to get the message to the people who are charged with the enforcement of this act, that they are being unreasonable, arbitrary, and capricious, that their actions are confiscatory and will not result in saving lives but will result in the loss of jobs and the closing of businesses.

I believe it is high time that the Congress spoke up and made itself heard and heard in terms the people downtown can understand. This is the way it ought to be done. I know of no other way in which this message will be given to them downtown.

I have heard it said that the committee has raised some questions and has told them they ought to do better. I ask if there has been one change for the better in the administration of this act since that took place, and the answer, of course, is that there has not.

Mr. RONCALIO. While I want very much for the workers of this Nation to be protected by adequate safety and health laws, I do not believe an additional amount of money to hire more OSHA inspectors within the Department of Labor is going to contribute anything toward the promulgation and enforcement of occupational safety and health standards.

In the committee report on H.R. 15417, it states:

"The Committee has received many complaints of overly zealous enforcement officers and other complaints of great difficulty in getting assistance from the Department in interpretation of the standards and regulations in order to determine whether or not a particular workplace is in compliance or what would be required to get it in compliance."

This describes exactly the occurrences in my State of Wyoming time and time again.

It is for this very reason that I have introduced an amendment to the Occupational Safety and Health Act which would provide for a first-time, on-site inspection by Department of Labor officials for the purpose of giving advice, not fines. It is for this very reason that I have urged the leadership of the House of Representatives to hold hearings on the Occupational Safety and Health Act so that we can take a look at the difficulties faced by small businessmen, farmers, and ranchers in trying to comply with this new law. It is for this very reason that I am opposing any increased funding for the employment of additional OSHA inspectors.

All indications point to the possibility that more Department of Labor inspectors will result in one thing—more harassment for the small businessman, farmer, and rancher.

In my State of Wyoming the Occupational Safety and Health Act has caused nothing but chaos. Businessmen have been besieged with Department of Labor officials who are passing out fines even before owners and managers have received a copy of the 400-plus-page documents detailing the rules and regulations to which they must comply.

Ranchers, farmers and small businessmen are overpowered with the duty of wading through each page and trying to decide which rules apply to his own operation of the hundreds of pages of the Federal Register.

The Department of Labor is not administering the Occupational Safety and Health Act, Mr. Chairman. In addition to a reluctance to provide guidance and information, I have received reports of arbitrary fines, rudeness, and sarcasm on the part of Department of Labor inspectors. The overall effect has been to drive a serious and growing wedge between the public and the Federal Government.

Although I was not a Member of Congress when the Occupational Safety and Health Act was passed, I feel a real responsibility to putting forth my best efforts in helping to bring some justice and equity to the act.

One mistake was made when the Department of Labor was given a free rein on devising rules and regulations regarding safety and health. We would be doubling the injustice to small businessmen, ranchers and farmers if we were to call for more inspectors to cause more harassment, more rudeness, and more arbitrary penalties. Furthermore, we would be failing in our duties of listening to the citizens to whom we are responsible.

Based on past attitudes and activities, Mr. Chairman, the Department of Labor has no right to an additional penny for the promulgation and enforcement of occupational safety and health standards.

I have letters to support my position from employers in Wyoming, of 10 or 15 people or less, saying that they had written to OSHA's Denver office for guidance, but were threatened only with a fine.

This has gone on month after month, and now we expect to give the Department of Labor an additional $20 million to reward them for that type of public service, I submit, is a reflection on all of us. I submit that if Members have a conscience for their duties they will support the amendment.

The gentleman from Texas (Mr. Fisher) joins me in that support, as do the gentleman from Montana (Mr. Melcher), the gentleman from South Dakota (Mr. Denholm), the gentleman from Nebraska (Mr. Thone),

> and the gentleman from Kansas (Mr. Sebelius). We have joined four of our colleagues in the other body asking for amendments. But we get vague promises of a hearing. We are not asking that the law be repealed or that it be amended with relation to those employers who employ 25 or less. We are not trying to cut the guts out of the enforcement procedure. We believe that every employer should have safe premises for his employees regardless of size.
>
> The Department of Labor has loused this up so badly sometimes I wonder if this administration really seeks to subvert the entire OSHA program. Instead of giving attention to the places where 14,000 deaths annually occur we find the inspectors determining what kind of restrooms should be provided in barber shops, or telling an automobile dealer that he must put a restroom in his premises for his wife, even though they use the same restroom at home.
>
> Mr. MAYNE. Mr. Chairman, firms employing 25 persons or less do not require the same rigorous inspection for compliance with the Occupational Safety and Health Act of 1970 as the larger firms. I believe the Findley amendment makes good sense and is very necessary. Many of my constituents, both owners and employers of small firms and farms alike, have written my office requesting that they be relieved of the very unreasonable and burdensome regulations imposed on them under the Occupational Safety and Health Act of 1970.
>
> As is so often the case, legislation designed to correct problems prevalent in big business operations has created unreasonable and unnecessary hardships when applied indiscriminately to smaller firms and farms. This has been like trying to shoot a mouse with an elephant gun.
>
> I am deeply concerned about the continuing serious losses, both human and financial, which are occuring due to occupational related accidents, and am for any reasonable steps necessary to protect both agricultural and industrial labor. However, I would like to point to the excellent safety records which have been compiled by small business entities during the years before OSHA was in existence. It was through the application of down-to-earth commonsense, not the unreasonable OSHA regulations, that these small businesses were able to operate safely and economically."

Mr. President, the importance of the recent action of the House of Representatives in adopting an amendment to the Health, Education, and Welfare and Labor appropriations bill so as to provide that:

> None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970

It is certainly an achievement which small businessmen nationwide will be truly grateful. None of those distinguished gentlemen in the House who voted for that amendment are against providing safe and healthful working conditions for the employees of our country. They did the most reasonable thing possible under the circumstances. The House in its wisdom has decided to partially relieve small businesses of the unfair burdens of the Occupational Safety and Health Act for 1 year. This will provide their legislative committees an opportunity to reevaluate authority delegated to the Department of Labor under this act, so that the intentions and purposes of that act can be made clear to the Occupational Safety and Health Administration and to the many small businesses across our great country. This interim delay will also afford the Department of Labor ample opportunity to educate and train their inspection personnel. This last point is one which most Senators will likely agree has been brought clearly to their attention by letters from their constituents.

The Senate would be wise to follow the House leadership and adopt the position taken by the House of Representatives in this matter. This reasonable delay would afford our legislative committees sufficient time to review the many weaknesses of the present law and implement measures which would have the support of employers and employees alike, and of large and small businesses alike.

This Senator certainly does not feel that the Occupational Safety and Health Act was a step in the wrong direction. It is my opinion that the Congress, while stepping in the right direction, merely stumbled. It is now time to pick ourselves up and continue to move in the right direction toward a health and safety law which will help employees by protecting them in their work, and by helping employers by protecting their employees upon whom they depend. This can readily be done by the passage of the amending bill now under consideration.

In making its report, the Senate Committee on Appropriations included in its report the following:

> The Committee will expect the Department to significantly increase its efforts to inform and assist businesses in the interpretation of standards and regulations to enable employers to determine whether their workplace is in compliance or what would be required for compliance.
>
> The Committee has received a number of complaints from small businesses concerning their inability to cope with new standards and other developments in the occupational safety and health field. It is expected that the Department will assist in every way possible so as to minimize these complaints.

Just as the House of Representatives recognized in scrutinizing their committee's report which contained nearly identical language and then adopted an amendment from the floor to forestall the use of funds to enforce this act against small businesses until the administrative problems could be sharply reduced or eliminated by legislative amendment, so the Senate should take the caveat of our Appropriations Committee and forestall the use of these funds against small businesses until we are sure that such funds will be used wisely to effect the basic intent of the Occupational Safety and Health Act which is to provide safety and health in working conditions for employees. In this way, we can best serve evenly and fairly both employees and employers.

Mr. President, I hope that this amendment is agreed to so that we will have this breathing space in which to hold hearings. They should be extended hearings and held promptly so that we can get to the business of safety and health in the occupations that are affected rather than to have the situation of harassment, confusion, hardship, and deprivation of jobs which is now occurring.

I yield back the remainder of my time.

Mr. COTTON. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, on page 14 of the committee report it is stated:

> The Committee recommends $80,000,000, an increase of $10,793,000 over the House allowance and the budget estimate. The additional funds are to be used to employ approximately 400 additional compliance officers, to develop health and safety standards, and to help small business and unorganized employees cope with new developments and standards in the occupational safety and health field.

Mr. President, if I were a small businessman reading that language I would feel almost like the two monkeys en route in the first shot to the moon. One monkey was complaining and the other said, "It sure beats that cancer lab." That is just about the option we present to small businessmen in this country.

The thing that bothers me about the example used by the Senator from New Hampshire of the contractor who came into his office today and said he had 300 employees, and he was opposed to this amendment because he was afraid that subcontractors would be exempt and the rest of his employees would not be, is that in the first place that is not so. Subcontractors would not be exempt.

But I think the real thing that bothers me about that is the fact that the contractor is almost saying in effect, "Do not let somebody bother you. Misery loves company. I have a problem so everybody suffers as well." What he is really saying is if we pass this amendment maybe somebody will not afford him relief.

I listened to the Senator from New Jersey say that he recognized the problem. I am delighted, and I am delighted that he is going to have hearings on the problem. I was somewhat disappointed when he found the problems were all in administration and not the law. I think it is somewhat difficult to accept the premise that the Congress can pass any laws it wants to pass—bad law—and then blame the administration. This is a bad law.

Mr. President, I think you can just marvel to yourself how long Congress can continue to pass laws which delegate power which Congress does not have under the Constitution. That is a unique exercise in legislative logic. That is what we have done in this bill. We have made of these field inspection people policemen, prosecutors, judges and juries, all in the form of one man out in the field, exercising his judgment, his eminent wisdom upon small businessmen who do not know what the regulations are. This is total violation of due process. It is a presumption that small businessmen are guilty until proven innocent.

It is said they have a right to appeal to the Secretary. I say that is specious and ineffective because the Secretary hires the very people who are abusing the process. As far as I am concerned he is as guilty as they are.

The problem is that we have allocated too much power to a bipartisan bureaucracy with a degree of arrogance that seems available only to those whose powers exceed the level of competence. That is the case in this particular situation.

The thing I think most tragic about this violation of the Constitution and due process is that it strikes at such a fundamental part of our system because in our system small business is where we live or die as a society, small business is where the action is, small business is where man can take his first tenuous step in private enterprise, it is where a man can labor and step out on his own and make his own way, and make it or not based on his ability. But all of a sudden we incorporate a factor over which he has no control. We impose upon him, upon this striving young person, a man who has strived mightily and long, conditions which he does not understand and with which he cannot comply, conditions which have nothing to do with the law, which are simply subject to the whim—the arrogant whim—of a person who has been on the payroll 12 months and who has never participated in or belonged to or worked in that kind of business.

That is the kind of law Congress passed. It is not the administration of the law that bothers me—it is the law itself. It is that Congress would deem it proper or wise to pass a law which delegates that kind of authority and power.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. Mr. President, I yield 2 additional minutes to the Senator.

Mr. BROCK. Mr. President, the essence of this argument is not over due process in the bill, because that is totally lacking. What we are trying to say is, let us make one small step forward by this amendment to afford the young and the old in this country the opportunity to participate in the blessings of a free society and a free economy. Let us give them a chance to compete, to live and make of themselves what they can. Let us afford the people of this country the opportunity to practice their faith in this process of what we call a free economy and a free political system. That is all for this time. We can work on the overall due process question and the constitutional process later, but let us take one small step forward tonight to reaffirm our faith in small business as a fundamental part of a free society.

Mr. COTTON. Mr. President, I yield 10 minutes to the Senator from Colorado (Mr. Dominick).

Mr. DOMINICK. I thank the Senator.

Mr. President, I rise to cosponsor the Curtis amendment, and I most earnestly solicit my colleagues in support of it.

When the Occupational Safety Health Act was debated in the Senate originally several of my colleagues and I warned that its purposes could easily be subverted by the unrealistically broad and vague mandate to the Labor Department.

Many of you will recall that I put up an amendment which would have required the establishment of a separate board for establishing rules and regulations for specific types of businesses so that people would know exactly what they were going to be faced with. That amendment, unfortunately, was defeated by two votes on the floor of the Senate, and we went forward with it and we got ourselves into the jam that we are faced with today.

The events since the act was implemented a little over a year ago bear out the warnings we made at that time. Rather than an instrument for the noble purpose of providing a safe and healthy environment for American workers, the act has been a device for the harassment of thousands of already harried small businessmen and farmers.

Those who would disagree should read their mail a little more carefully than they have, because I have received several hundred letters from small businessmen complaining about inadequate notice of new regulations, vague standards, high-handed and arbitrary enforcement officials. I might say, in conjunction with the remarks of the Senator from Tennessee, that I agree with him that, unfortunately in the act, the officials do not have any leeway and therefore are unable to do things many persons would think they should do.

We have also had a lack of cooperation by the Occupational Safety and Health Administration in providing guidance as to compliance with the act, again largely because the administration has been overburdened by requests and the need for trying to police a whole system of business in our country, which encompasses territory all the way from Hawaii to Puerto Rico and from California to Maine to Florida.

One of my constituents, a small businessman, related how he delayed opening his new paint shop for weeks because he could not get advice from the Occupational Safety and Health Administration regarding the minimum size fan necessary to meet ventilation standards. Their only advice was: "Use your best judgment. We cannot certify you. We will decide whether you are in compliance if and when we inspect you." If such an inspection took place, the inspector could say. "You guessed wrong," disapprove the fan, and without notice or hearing, levy an immediate fine on someone who had not been able to get any guidance to begin with. That does not make any sense.

In Nation's Business there is a case which is worthwhile putting in the Record, but I will just read a part of it at this time for the benefit of Senators who are present:

Arsene (Blackie) Gadarian has been in the business, at Newport Beach, Calif., a dozen years.

He says his firm, Blackie's Boat Yard, Inc., is "a mom and pop operation."

Actually, it's a little bigger than that—he and his wife have a half-dozen employees. But it's pint-sized, as boatyards go—the smallest of six in Newport Beach.

Mostly, it overhauls yachts owned by wealthy residents of the seaside spa.

So the proprietor was quite surprised last fall when a federal inspector drove up, put on a hard hat and began to tour the yard.

Blackie felt he hardly rated this personal attention from Washington.

The inspector strolled down the pier to a small boat under repair not far from shore. He pointed to a worker crouched in the cramped bilge and asked. "Why doesn't he have a life jacket on?"

"Because," Blackie replied, "he couldn't move if he did."

"What would he do," the inspector persisted, "if he fell into the water?"

"He'd stand up," Blackie said. "The water's only two or three feet deep there."

The inspector went on inspecting.

A $1,000 FINE?

A few weeks later, the Gadarians were notified they had violated OSHA regulations—Section 1501 84. (c) (4). Offenders are subject to fines of up to $1,000.

"They said the rules were that we had to have a ladder nailed to that dock," Mrs. Gadarian says, "so an employee could climb out of the water if he fell into it.

"We wanted to comply with safety standards, and we always have. We have a good safety record. Our workmen's compensation inspector has testified to it.

"But we didn't know what the OSHA regulations were.

We asked the OSHA inspector for a copy. He said he didn't have one on him. We asked the local area office. The director said he didn't have one for us—but was working night and day to get some out.

"So we denied the violation, and asked for a hearing, partly in hope of getting a copy of the law we were accused of breaking."

After the Gadarians said they'd fight, the occupation safety agency proposed a penalty of $16—eventually reduced to $15.

Two weeks later, a 248-page document arrived covering—among other things—safety regulations for ship repairing, shipbuilding, breaking up of ships and longshoring.

"We read practically everything in it," Mrs. Gadarian says. "But it said nothing about ladders on the dock."

The Gadarians again asked the OSHA agency office for a copy of the regulation they allegedly had violated.

"About a month after we were cited," Blackie says, "it arrived." It was a 48-page booklet, a supplement to the 248-page publication they received earlier.

"We found the part about ladders in that," Mrs. Gadarian says. "But it said nothing about one being nailed to the dock. Only that you had to have one near the boat under repair."

THE FULL MAJESTY OF OSHA

Last November, the OSHA hearing was held.

"They rented a meeting room at the Newport Inn," says Mrs. Gadarian, "a very posh hotel."

President Nixon often uses it for press conferences and other meetings. It's about 20 miles from the West Coast White House at San Clemente. Japan's Premier Sata stayed there when he met with the President before Mr. Nixon went to Peking.

Seven federal officials were on hand for the hearing, which took four hours. As the Gadarians pointed out, all the OSHA regulation stipulated was that:

"In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event they fall into the water."

Keeping in mind that the water was only 2 to 3 feet deep——

The Gadarians said they had a ladder "in the vicinity" of the boat being repaired, and produced witnesses.

The OSHA inspector contradicted them. The closest ladder, he said, was 400 feet away.

The Gadarians showed that the boat yard was only 200 feet long, including their 66-foot dock. The Occupational Safety and Health Review Commission ruled for the Gadarians.

So they didn't have to pay the $15.

Why did the Gadarians fight a fine the size of a parking penalty?

"That's what a lot of people ask," Blackie says.

"They figure, if all it takes is 15 bucks to get them off your back, let's pay it. But I don t feel that way, if I'm not in the wrong.

"Besides, what about the next time?"

Mrs. Gadarian has carefully hoarded all the citations, summonses and reports, including the 19-page decision that dismissed the charges.

"Some day," she says, "I have to show them to my grandchildren so they can see how 1984 came early to our country."

This is one case. I could cite cases one after another to show the problems that people are having. But I would say that these two indicate pretty clearly why small businessmen are losing their faith in Government.

They pay taxes to establish a large bureaucracy which sets and enforces safety standards, and then they cannot get advice from the very employees whose salaries they are paying as to how they can comply with the standards promulgated. And they struggle under red tape and paper work imposed by the OSHA bureaucracy. They wonder, and I do too, whether the money to establish and enforce, against 2 to 3 employee firms, regulations doing everything from prohibiting ice in drinking water to requiring separate restrooms and split toilet seats, could not be better spent.

I certainly think it could. That is one of the reasons why I urge my colleagues to support this amendment which would prohibit, during fiscal year 1973, the use of Labor Department appropriations for enforcement of Occupational Safety and Health regulations against firms with 25 or fewer employees. This amendment, as I am sure the Record shows, passed the House by a vote of 213 to 154.

The appropriations for OSHA last year were $35.9 million. The budget request this year was $69.2 million, and the House recommends that amount. The Senate committee recommends $80 million. OSHA now has 400 and some inspectors. The Senate committee recommendation would be sufficient to more than double the number of inspectors.

I am a cosponsor of Senator Curtis' bill, S. 3262, which would, like the Equal Employment Opportunities Act, exempt firms with no more than 25 employees, and would give the Secretary more flexibility in enforcing the act. In spite of the tremendous interest expressed by constituents, we have been unable to get hearings on S. 3262. Passage of the pending amendment to the Labor-HEW appropriations bill would give small employers a 1-year moratorium, and would put the Labor and Public Welfare Committee on notice that hearings on S. 3262 are warranted.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. I yield the Senator 2 more minutes.

Mr. DOMINICK. Mr. President, all I can say at this point is, let us give a break to some of the people who have been surfeited with Government. A great friend of mine in business wrote me just the other day to say he was so busy working trying to comply with the requirements of the Government for which they were paying that he very much doubted he could get a weekend off to join us for a small vacation during the recess. This is the attitude people are having all over the country now, as this thing proliferates.

I ask unanimous consent that the full text of the article from Nation's Business, entitled "Where the Safety Law Goes Haywire," be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where the Safety Law Goes Haywire

"It was a red-letter day for us," says Robert J. Starr, president, Safety and Industrial Net Co., Colebrook, Conn.

His firm makes a patented heavy-duty net used on bridge and high-rise building construction.

Mr. Starr, 67, founded his company about nine years ago, and it prospered.

But it was after April 28, 1971, that sales really took off.

That was when the federal Occupational Safety and Health Act went into effect. It spells out a whole raft of regulations affecting every business and industry.

Its greatest impact, perhaps, has been on the construction industry. It specifies, in minute detail, how a construction job must be run—from dispensing of paper drinking cups to operation of laser beams.

One requirement is for safety nets on high-rise, skeleton steel construction, where planking or scaffolding isn't practical.

"Since then," Mr. Starr says, "our safety net sales have shot up 50 per cent."

His firm's heavy-duty, small-mesh net costs 40 cents a square foot. On a big job, that runs into money.

"Our nets are being used on the Gold Star Bridge at New London, Conn.," he says. "The bridge is about 3,000 feet long. They're using about 250,000 square feet of nets."

Or, $100,000 worth.

"His sales will go up a lot more," says Keith Nystrom, assistant safety director, Brown & Root, Inc., a big Houston, Texas, construction firm.

"Many builders still don't know that, in many cases, they must use nets.

"The nets' use on high-rise steel erection—like boiler structures for power plants—may hike costs 100 per cent or more for that part of the operation. They're expensive to buy and install. And they make it much more difficult, and costly, to hoist up building materials."

Brown & Root, he points out, is all for safety and health. So are other members of the Associated General Contractors, a group which acts as an industry spokesman.

Says AGC President James D. McClary, who is senior vice president, Morrison-Knudson Co., Inc., Boise, Idaho:

"We can't buck the objectives of the safety law. We're for one."

THE RECORD IS GOOD

But how badly does the building industry need the eagle-eyed surveillance of the new Occupational Safety and Health Administration?

Well, its safety record is pretty good.

National Safety Council statistics show it is less dangerous than these industries—coal mining, other mining, meat packing, air transport, transit, lumbering, leather, quarrying, wood products and marine transport. Its accident rate, per million man-hours of exposure, is 13.48.

Mr. McClary says a prime irritant in the many OSHA standards is that they do not fit a construction site, but are more appropriate for industrial plants.

Another prime irritant is what the Act does to costs.

"I've heard estimtes that the law will boost construction costs anywhere from 10 to 35 per cent," Mr. McClary says. "Personally, I don't think it will be as high as 35 per cent.

"But if the standards are applied as they are now, and as the OSHA agency plans to apply them, they could hike building costs 10 to 20 per cent."

Construction is a $100-billion-a-year industry.

A 10 per cent hike would add $10 billion to the price Americans pay for homes, highways, subways, officebuildings, high-rise apartments and other construction.

Waterloo, Iowa, the county seat of Black Hawk County (pop. 76,000) recently discovered what that means.

"We took bids last December on a lift station," says Mayor Lloyd Turner. "It was part of a $3.8 million sewer project. HUD paid half the cost; we paid the rest.

"Our engineer's estimate for the job was $270,000.

"It was made before OSHA became the law of the land.

"When the bids came in, they were staggering—the lowest was $485,000. We held them up several weeks for evaluation. It turned out that the lowest bid was realistic, even though far higher than we expected.

"There were other factors, but about 15 percent of the cost was attributed to OSHA by all the contractors.

"We had to sell another $100,000 worth of bonds this April to pay for the added costs."

HOW'S THAT AGAIN?

Vernie Lindstrom Jr., executive vice president, Kitchell Contractors, Inc., Phoenix, Ariz., explains why OSHA increases construction costs. "Some standards are impractical, costly and complex," he says.

As examples, contractors cite rules like these:

"A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet . . . or major fraction thereof"—even on a steel skyscraper with poured concrete floors. And "travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet."

What's a 2A fire extinguisher?

Is a 1A better—or worse? How about a 3A or a 2B?

The 70-page rule book, "Safety and Health Regulations for Construction," doesn't say.

That's spelled out in National Fire Protection Association manuals.

"To understand the ratings, you really should have two NFPA booklets," an NFPA spokesman says: "They're 'Standards for the Installation of Portable Fire Extinguishers,' 36 pages, price $1. And 'Standard on Recommended Good Practices for the Maintenance and Use of Portable Fire Extinguishers,' 33 pages, also $1."

If a builder writes NFPA, gets the booklets and reads them, he'll learn that a fire extinguisher tagged Class 1A isn't as good as one with a Class 2A rating.

But a 3A is better.

And a 2B is for a different kind of fire altogether—one involving flammable liquids and greases.

That 2A extinguisher, required even on a steel and concrete skyscraper, is for wood, paper and cloth fires. Or, OSHA says, you can substitute for it a 55-gallon drum of water with two fire pails.

"Wall openings, from which there is a drop of more than four feet, and the bottom of the opening is less than three feet above the working surface" shall be protected with a guard rail.

What does this mean in plain English? It means, contractors say, that a window with a sill less than three feet off of the floor must have a railing or other barrier across it. Apparently even after glass has been installed, including thermopane glass that's hard to fall through.

And many modern office buildings have sills lower than three feet.

No detail is too minute for OSHA's attention.

Take drinking water, for example. You can't put ice in it. It's not sanitary.

"That means," a contractor says, "that to give workmen a cool drink of water, you must have a jacketed water cooler. One that plugs into an electrical socket.

"But you don't always find those utilities everywhere on a half-built building."

LOT OF READING MATTER

To comply with the law, a builder really needs more than the 70-page "Safety and Health Regulations for Construction," which is issued by the Labor Department. For starters, he needs the Department's 248-page "Occupational Safety and Health Standards," plus the two NFPA pamphets cited above—and hundreds of other pamphlets.

When OSHA became the law of the land, it blanketed into its code a long list of guidelines drawn up earlier by private organizations like NFPA and the American National Standards Institute, and by some government agencies. For example, the list includes:

"Standards for Protection Against Radiation (10 CFR Part 20)," published by the Atomic Energy Commission.

"Threshold Limit Values of Airborne Radiation Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists.

"Z89.1–1969, Safety Requirements for Industrial Head Protection," drawn up by the American National Standards Institute.

The list could go on and on.

Sen. Carl T. Curtis (R.-Neb.) is sharply critical of the blanketing. He says:

"The Act Congress passed, in effect, made these rules the law of the land without a prior specific review . . . to see what they do how they should be applied, or whether or not they are adequate."

Sen. Curtis has introduced one of a number of bills now on Capitol Hill to modify OSHA. Among other things, his would exempt businesses with 25 or fewer employees from the Act.

A similar bill has been introduced in the House by Rep. Joe Skubitz (R.-Kans.).

The Associated General Contractors gives some idea of the size of the thicket of guidelines, standards and cross-references.

"To get all he needs to be fully informed," an AGC spokesman says, "a building contractor would have to spend about $6,000. And he'd wind up with a stack of documents 17 feet high."

Obviously, few if any builders are familiar with all these binding regulations.

"I think it's true to say they are so complicated and lengthy," says the safety director of a large Eastern construction firm, "that you can find a violation of them on almost any job."

The Occupational Safety and Health Administration's own statistics bear him out. In the first nine months of this fiscal year, its inspectors visited 20,688 places of business. Nearly eight out of 10 were found in violation of the safety law.

BATTLE OF THE BOATYARD

The inspector's word is final—unless the alleged lawbreaker requests a formal hearing. Few win the appeal. One who died was a West Coast boatyard owner.

Arsene (Blackie) Gadarian has been in the business, at Newport Beach, Calif., a dozen years.

He says his firm, Blackie's Boat Yard, Inc., is a "mom and pop operation."

Actually, it's a little bigger than that—he and his wife have a half-dozen employees. But it's pint-sized, as boatyards go—the smallest of six in Newport Beach.

Mostly, it overhauls yachts owned by wealthy residents of the seaside spa.

So the proprietor was quite surprised last fall when a federal inspector drove up, put on a hard hat and began to tour the yard.

Blackie felt he hardly rated this personal attention from Washington.

The inspector strolled down the pier to a small boat under repair not far from shore. He pointed to a worker crouched in the cramped bilge and asked. "Why doesn't he have a life jacket on?"

"Because," Blackie replied, "he couldn't move if he did."

"What would he do," the inspector persisted, "if he fell into the water?"

"He'd stand up," Blackie said. "The water's only two or three feet deep there."

The inspector went on inspecting.

A $1,000 FINE?

A few weeks later, the Gadarians were notified they had violated OSHA regulations—Section 1501 84.(c) (4). Offenders are subject to fines of up to $1,000.

"They said the rules were that we had to have a ladder nailed to that dock," Mrs. Gadarian says, "so an employee could climb out of the water if he fell into it.

"We wanted to comply with safety standards, and we always have. We have a very good safety record. Our workmen's compensation inspector has testified to it.

"But we didn't know what the OSHA regulations were.

"We asked the OSHA inspector for a copy. He said he didn't have one on him. We asked the local area office. The director said he didn't have one for us—but was working night and day to get some out.

"So we denied the violation, and asked for a hearing, partly in hope of getting a copy of the law we were accused of breaking."

After the Gadarians said they'd fight, the occupation safety agency proposed a penalty of $16—eventually reduced to $15.

Two weeks later, a 248-page document arrived covering—among other things—safety regulations for ship repairing, shipbuilding, breaking up of ships and longshoring.

"We read practically everything in it," Mrs. Gadarian says. "But it said nothing about ladders on the dock."

The Gadarians again asked the OSHA agency office for a copy of the regulation they allegedly had violated.

"About a month after we were cited," Blackie says, "it arrived." It was a 48-page booklet, a supplement to the 248-page publication they received earlier.

"We found the part about ladders in that," Mrs. Gadarian says. "But it said nothing about one being nailed to the dock. Only that you had to have one near the boat under repair."

THE FULL MAJESTY OF OSHA

Last November, the OSHA hearing was held.

"They rented a meeting room at the Newporter Inn," says Mrs. Gadarian, "a very posh hotel."

President Nixon often uses it for press conferences and other meetings. It's about 20 miles from the West Coast White House at San Clemente. Japan's Premier Sato stayed there when he met with the President before Mr. Nixon went to Peking.

Seven federal officials were on hand for the hearing, which took four hours. As the Gadarians pointed out, all the OSHA regulation stipulated was that:

"In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event they fall into the water."

The Gadarians said they had a ladder "in the vicinity" of the boat being repaired, and produced witnesses.

The OSHA inspector contradicted them. The closest ladder, he said, was 400 feet away.

The Gadarians showed that the boat yard was only 200 feet long, including their 66-foot dock. The Occupational Safety and Health Review Commission ruled for the Gadarians.

So they didn't have to pay the $15.

Why did the Gadarians fight a fine the size of a parking penalty?

"That's what a lot of people ask," Blackie says.

"They figure, if all it takes is 15 bucks to get them off your back, let's pay it. But I don't feel that way, if I'm not in the wrong.

"Besides, what about the next time?"

Mrs. Gadarian has carefully hoarded all the citations, summonses and reports, including the 19-page decision that dismissed the charges.

"Some day," she says, "I have to show them to my grandchildren so they can see how 1984 came early to our country."

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, I yield myself 2 minutes.

The committee considered this situation, and thought we would simply discuss it in conference. However, after we finished our deliberations and reported the bill, I got back to my office and reviewed my own correspondence, and was amazed and impressed to find out how many people from the small State of New Hampshire had written me agonizing letters on this subject. The only letter I shall refer to is a letter from one individual, a personal acquaintance for whose ability I have great respect, who said this was not a mere case of harassment, but the way this law is administered is a case of implacability. He went on to say, "I suppose it is useless to expect to get relief from Congress, because they will take so long to act."

In the years I have been here, I have never been too much impressed with people who ask me to vote against something I believe in today, with the promise that I will get a chance to vote for it later. Undoubtedly the basic law should be revised. But the amendment offered by the distinguished Senator from Nebraska is one way to answer the man who wrote me the letter. It is one way to do something now.

The House of Representatives has acted, and I hope the Senate will adopt the amendment.

Mr. DOLE. Mr. President, I support the amendment offered by the Senator from Nebraska (Mr. CURTIS) to prohibit the use of occupational safety and health funds appropriated in the pending bill for the inspection of businesses having fewer than 25 employees. The proposed amendment which I have cosponsored, would forestall immediate application of OSHA's arbitrary and confusing regulations against small businesses and provide a 1-year moratorium on enforcement—during which these regulations can be studied and corrected, and Congress can consider amending OSHA to insure its reasonable enforcement at all levels and thus promote the act's goal of improved job safety and health. This measure is necessary because existing OSHA regulations often have no meaningful application in the small business setting, and the only result of their enforcement will be the demise of any small enterprises.

VITAL ECONOMIC SECTOR

It has long been recognized that small businesses are the backbone of the U.S. economy. They are essential to the Nation's economic health, because their vitality can insure the increased productivity and expanded employment that must underlie the growth and stability on which our social and economic systems depends. Therefore, it seems totally wrong to impose the unrealistically heavy costs of OSHA compliance on small business, since only a doubtful connection can be demonstrated between their compliance with existing OSHA regulations and improved job safety and health for their employees.

In considering this amendment it should be remembered that small businesses are highly vulnerable to the added costs of OSHA compliance, but at the same time they also have inherent factors which promote the OSHA goal of improved safety and health protection for workers.

HEAVY FINANCIAL BURDEN

Financial strains resulting from efforts to comply with OSHA can be overwhelming for small businesses. To begin with, the massive, unindexed volumes of OSHA regulations are overbroad in scope and written in a technical jargon that the ordinary small businessman cannot possibly be expected to understand—especially when even OSHA personnel frequently cannot explain them. So for all practical purposes, the interpretation of the regulations, their application, and the associated recordkeeping requirements necessitate empoyment of additional personnel who are experienced and knowledgeable in this type of work. The resulting increase in salary expenses can be fairly easily absorbed by larger firms, but in a business with four, a dozen, or a score of empoyees, hiring an additional individual to interpret and apply OSHA regulations means a substantial increase in operating expense. This expenditure in many instances might consume a small businessman's profit margin thus converting a successful operation into a failure—and possibly ending the employer's livelihood and all the employees' jobs.

The economic effects of OSHA compliance on small businesses are extremely harsh, but provisions within the 1970 OSHA law for Small Business Administration loans to sooth compliance pains are not the solution. These provisions are for loans, not grants, and if a businessman obtains such a loan it would only mean that the cost would be spread out over a longer period of time—not reduced or eliminated.

OSHA compliance for small businesses often is not only financially unfeasible, but frequently it is also impossible. Copies of regulations are not readily accessible to those affected by them, and when obtained, they are so complicated and vague that their application in a specific situation can only be guessed at. Recognizing this fact, the Occupational Safety and Health Administration is attempting to clarify and amend its existing regulations, but these efforts, though badly needed, make compliance even more difficult and add to the general confusion; for steps that may amount to compliance 1 day may be insufficient or extravagant the next. The result is more confusion, greater cost and little if any improvement in job health and safety.

NO CONFLICT WITH OSHA GOALS

There are many detrimental factors of the OSHA regulations which justify exempting small businessmen from compliance; but we should not lose sight of the fact that OSHA has a valuable purpose: The protection of the American worker from hazardous and unhealthy job conditions. In this connection as we consider exempting small business from OSHA coverage, we should also realize that this action is not inconsistent with the goals of the act. This exemption does not reflect a belief that such employers should not be responsible for the safety and well-being of their employees. Instead, the exemption recognizes the fact that small businesses have, by their nature, built-in factors which promote safety and health protection. The close association between the small business employer and his employees fosters an understanding of mutual needs and expectations. The employer becomes directly involved with his employees as human beings rather than as only statistics on payroll and time sheets. Within this setting, the common benefits of safety and health measures become apparent to both parties, and a much more reasonable basis is established for the formulation and application of safety and health standards than when rules drawn by a bureaucracy are applied. A reliance on this close employer-employee association and upon Kansas OSHA laws has for years provided adequate and meaningful protection for Kansas workers in a framework conducive to the growth of small business. I feel that continued reliance on these proven measures to provide protection in the future to small business employees is entirely justified.

BETTER LAW REQUIRED

Passage of the pending amendment is important, but only as a stop-gap measure to prevent serious injury to a large and important class of businesses which will be most extremely effected by continued application of the existing OSHA regulations. What is needed for the long term is legislation to establish a mechanism for developing and enforcing reasonable health and safety standards; emphasize and encourage cooperation among labor, goverement, and management; and provide shared responsibility for occupational safety and health among these sectors. Such a measure has been introduced, and I would take this opportunity to call attention to S. 3262 now pending before the Committee on Labor and Public Welfare. Today's amendment will provide temporary relief from arbitrary application of OSHA regulations, but S. 3262 is needed to provide a permanent solution for the inequities of the 1970 act and to further the goal of improved occupational safety and health protection for all workers.

Mr. BOGGS. Mr. President, withholding appropriations for the inspection of firms of 25 or fewer employees would be a severe blow to the effectiveness of the Occupational Safety and Health Act.

The Williams-Steiger Act is a landmark piece of legislation. It has been in effect little more than a year. As with all comprehensive legislation—especially legislation that breaks new ground—there have been difficulties in the first year of operation.

Undoubtedly there will be modifications and adjustments in the administration of the act and in the law itself. But any modifications that are necessary in the law should come out of the regular oversight activity of the appropriate committees of the Congress. There should be an ample opportunity for extensive investigation of the operation of the act and for full public hearings. The action of making substantive changes in the administration of the law through the appropriations process subverts the legislative process.

Of course, we should be concerned with the burdens placed on small businesses. But many of the difficulties have arisen from the administration of the act, rather than from the law itself. Better inspectors and better administration will solve many of these problems. Withholding appropriations is a blunt tool that would cause more difficulties than it solves.

If this amendment is adopted, almost 90 percent of the estimated 5 million work places and 30 percent of the currently covered 60 million workers would be exempted from Federal inspection. For these 1 million working men and women, the Occupational Safety and Health Act would cease to exist.

The action of restricting appropriations could bring chaos into the administration of the act. Negligent employers would no longer have an incentive to provide a safe and healthy working environment. The Occupational Safety and Health Administration would no longer be able to bring about compliance with the law, even in very hazardous occupations.

The National Advisory Committee on Occupational Safety and Health has called this proposed action "unwarrantedly discriminatory." The National Safety Council has also opposed this action, saying that—

> Empolyees of small businesses are just as entitled to occupational safety and health protection as employees of larger enterprises.

In 1970, the last year before the passage of this act, 14,200 workers lost their lives on the job. There were 2,200,000 disabling injuries. The Congress rightly decided that this was an intolerable situation. In passing the Occupational Safety and Health Act, the Congress declared its purpose and policy to be "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions." We must not allow the difficulties of achieving that objective to undermine the objective itself.

Mr. STEVENS. Mr. President, in 1970 more than 14,000 Americans died as a result of accidents on the job. There were 2.2 million disabling injuries. In the decade preceding 1970, the accident frequency rate jumped nearly 20 percent.

In 1970, the Congress decided that this situation was unacceptable. The carnage had to be stopped. With the passage of the Williams-Steiger Occupational Safety and Health Act, the Congress made a major commitment to assure, so far as possible, every working man and woman in the Nation safe and healthful working conditions.

All of us are aware of the criticisms that have been leveled against the administration of the Occupational Safety and Health Act in its first year of operation. Large businessmen have complained.

Perhaps we have forgotten in the past year just how comprehensive and innovative this legislation is. Can anyone honestly say that there should not have been difficulties in the first year of administering such a major act? Of course, there will be adjustments in the administration in the law. Many adjustments have already been made. Undoubtedly the act itself will be improved and amended in the light of experience.

But the difficulties encountered in administering this new law are trivial in comparison to the great accomplishment of putting the force of Federal law behind the safety and health of America's workers. We must not retreat from our commitment.

Mr. President, what would happen to our commitment if this amendment is adopted? In one rash act almost 90 percent of the estimated 5 million work places now covered by the law would be placed beyond the jurisdiction of the law. Without public hearings, without even superficial investigation of the facts, 18 million workers, 30 percent of those now covered, would be denied the protection of the law.

For 18 million Americans, the law would cease to exist. We would repeal our solemn commitment to provide them with safe and healthful working conditions. Their employers would be placed beyond the pale of law. The responsibility of the employer under this act would vanish.

The implications of this precipitous action would be staggering. Employees working in hazardous industries would have no protection. The administration of the law would be thrown into chaos. The legislative process of Congress, with its provisions for public hearings and responsible legislative committees, would be cheapened.

What should we tell these 18 million Americans if this amendment is passed? Should we tell them that there have been administrative difficulties and, therefore, we have decided to deny them the equal protection of the law? Should we tell them that men and women who work for small firms are less important than men and women who work for large firms? What do we tell them when they ask why they have not been allowed to present their views at public hearings of the Congress? What should we tell these 18 million men and women when they ask to see the evidence on which such a major decision would be made? Where are the studies, the hearing records, the committee reports, the fact and figures we could supply in support of this reversal of our commitment?

It has been said that this amendment would help the small businessman. But what is a small business? The Department of Labor reports that workers in contract construction have an injury rate twice that of workers in the manufacturing field. Yet thousands of construction contractors have fewer than 25 employees. Should we tell the construction worker working for a small contractor that the Federal Government has decided that it can no longer provide him the protection of the law, because his employer would have too many forms to fill out? Mr. President, this action is ill-considered and intemperate. There are proper procedures to consider changes that might be made in this law. To bypass these procedures, to reverse a major commitment of Congress in one rash moment, would be a reckless act indeed.

Mr. COTTON. Mr. President, I have no further requests for time.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. CURTIS. I ask unanimous consent that the amendment, including the names of all the sponsors, be printed in the RECORD at this point.

There being no objection, the amendment, with list, was ordered to be printed in the RECORD, as follows:

At the appropriate place in the bill insert the following:

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970.

LIST OF SPONSORS

Mr. Curtis, Mr. Allott, Mr. Baker, Mr. Bellmon, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Fannin, Mr. Hansen, Mr. Hruska, Mr. Jordan, Mr. Pearson, Mr. Thurmond, and Mr. Tower.

Mr. ALLEN. Mr. President, acting for the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), I yield myself 5 minutes. I am instructed to say that at the conclusion of my remarks, the distinguished Senator from Washington is willing to yield back his time on the amendment.

TRIBUTE TO FORMER SENATOR LISTER HILL

Mr. President, it is a happy and beneficent coincidence that today, as the Senate is considering and will doubtless pass H.R. 15417, the Labor-HEW appropriation bill, my distinguished predecessor in the office of the U.S. Senate from Alabama, the distinguished and illustrious Senator Lister Hill is in Washington. He is to be honored tonight at a dinner of the University of Alabama Alumni Association in Washington. For many years Senator Hill was chairman of the Senate Committee on Labor and Public Welfare. Without doubt the greatest monument to the lasting fame of this great Senator is the Hill-Burton hospital program, sponsored originally by Senator Hill and championed by him for more than 20 years. Senator Hill has done more than any man in America to minister to the sick and afflicted and to alleviate pain and suffering among our peoples. His family background, his compassion, and his desire to serve his fellow man led him to his specialty in legislation in the field of medicine. Surely, he is, with every right, called "Mr. Medicine."

The Hill-Burton program lives on and will continue to live on, because it is a program of compassion and of humanitarianism and it helps fill one of the great needs of the people of America—adequate medical care.

Today the distinguished Senator from Washington (Mr. MAGNUSON) spoke of Senator Hill in the highest terms in commenting on the $197,200,000 appropriation contained in the pending appropriation bill for carrying on the Hill-Burton program.

Since the inception of the Hill-Burton hospital program in 1946 through the present fiscal year, Federal Government funds appropriated amount to $3.7 billion and the amount of non-Federal matching amounts to $7.3 billion, for a total of $11 billion for hospitals, clinics, and medical facilities, under Hill-Burton.

I might point out that this $11 billion is in 1940, 1950, and 1960 dollars, which were larger and went much farther, as we all know, than the same amount of money today.

For his great contributions in the field of medicine the name of Lister Hill will live in the minds and hearts of the people of America for generations to come.

IN SUPPORT OF TUBERCULOSIS PROJECT GRANT FUNDS IN LABOR-HEW APPROPRIATIONS BILL, FISCAL 1973

Mr. President, I want to commend the Senate Appropriations Committee and especially the chairman of the Senate Labor-HEW Appropriations Subcommittee, the distinguished senior Senator from Washington (Mr. MAGNUSON), and the equally distinguished ranking minority member, the able senior Senator from New Hampshire (Mr. COTTON) for including $8 million in this bill for the important tuberculosis control program. Like the committee, I am personally convinced that the matter of support for the tuberculosis control program is a critical matter which we must face now or later pay the consequences.

We all know that tuberculosis is no longer the scourge and dread disease it once was. Its decline from the leading cause of death in the early part of this century to its present low mortality rate is so dramatic that one can easily lose sight of the fact that this is still a very serious communicable disease problem. In 1971, 35,217 new active cases of tuberculosis were reported in the United States. Those cases are, in general, concentrated in special segments of our population—usually in the poor areas of our large cities and in specific geographical areas such as Appalachia and parts of the rural South.

The real tragedy is that any of these cases still continue to be reported, particularly in view of the highly effective drug therapy available which not only can arrest the active clinical disease process, but which also prevents infected persons from breaking down with active disease. These drugs can be used successfully on an outpatient basis although the patient must continue under supervision for some months. The committee, in its wisdom, has recognized the wastefulness of not exploiting this very valuable treatment method by including in this bill project grant funds for case finding, treatment, and investigation of contacts.

Regretfully, in fiscal 1972, the Department of Health, Education, and Welfare did not see fit to support tuberculosis control under the authority available to it in section 317 of the Communicable Disease Act. Some years ago, the Department had cut tuberculosis control off from section 314(e) project grant support under the Comprehensive Health Act, taking the attitude that section 314(d) formula grants would be sufficient to finance tuberculosis control—a naive assumption in view of the facts.

What has happened as a result of these events? During the recent floor discussion of the extension of authority of the Communicable Disease Act, the distinguished senior Senator from Texas (Mr. Tower) pointed out that lack of project grant money for tuberculosis will mean the closing of clinics in El Paso, Houston, and San Antonio, all of which are cities with considerable tuberculosis problems. Eight clinics in New York City are threatened with closure if additional funds are not forthcoming. My own State of Alabama, one of only 13 States which received funds from the $2 million appropriated in fiscal 1971, because its case rate was so high, cannot function effectively without extra funding; in fact, the need for project grant funds in Alabama has reached the critical stage.

Successful tuberculosis control, like VD control, is predicated on thorough tracing of the active case's contacts and examination of those persons found to be in close association with him. This is a time-consuming practice which demands a well-organized, trained staff. It is the type of operation which, by its very nature, demands sustained support. But the cost-benefit ratio is so tremendous and so impressive that to let these operations falter for want of support would constitute an irresponsible national policy.

The clinics financed by these project funds serve the poor who are unable to find or afford other sources of treatment. Those whose disease progresses because of neglect end up in hospitals, which is a tragedy for the patient as well as an economic hardship for the taxpayer. The tuberculosis control program officials of the Department of Health, Education, and Welfare know where the high spots of tuberculosis incidence are and where facilities are inadequate to cope with the problem. All they need to help States combat their tuberculosis problem is a modest amount of money. The funds being requested in this bill are minimal compared with the vast Federal programs being financed today—many, ironically, intended for the poor, one of whose special problems is tuberculosis.

Again, I want to commend the Senate Appropriations Committee for recommending $8 million for the tuberculosis project grants program. By this action, they have, indeed, become aware of the wastefulness of a national policy which ignores doing something about a dread disease when an ounce of prevention can be so productive.

I know that the Tuberculosis Associations from States throughout the Nation have been in contact with their respective Senators relative to the need for this money item. I have had indications of support from many Members of the Senate but would be remiss in my remarks if I did not especially mention the junior Senator from Hawaii (Mr. Inouye). It is paradoxical, perhaps, that Hawaii, the Island of Paradise, has the highest tuberculosis case rate of the several States, and I have been grateful to receive the assurances of unstinting support from Senator Inouye. The senior Senator from Massachusetts (Mr. Kennedy) and the senior Senator from Texas (Mr. Tower) and many others are also to be commended for their interest in the tuberculosis project grants program.

Let us not lose our chance to wipe out this disease. Since the Department of Health, Education, and Welfare persists in its disregard for an effective Federal effort in tuberculosis control, Congress must assume the responsibility for continuing national efforts to eradicate this terrible disease.

I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, unless there is someone else who wishes to be heard on the Curtis amendment, I am ready to yield back the remainder of my time.

Mr. CURTIS. I do not have it to yield back, but I yield mine back anyway.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. Curtis). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiania (Mr. Bayh), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from West Virginia (Mr. Randolph). If present and voting, the Senator from Georgia would vote "yea" and the Senator from West Virginia would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Baker) and the Senator from Utah (Mr. Bennett) are detained on official business.

The Senator from Arizona (Mr. Goldwater) is necessarily absent.

The result was announced—yeas 41, nays 44, as follows:

[No. 251 Leg.]

YEAS—41

Allott
Bellmon
Bentsen
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Packwood
Pearson
Roth
Saxbe
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NAYS—44

Aiken
Allen
Anderson
Beall
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Gravel
Hart
Hartke
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Percy
Proxmire
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—15

Baker
Bayh
Bennett
Gambrell
Goldwater
Harris
Humphrey
Long
Mansfield
McGee
McGovern
Mundt
Pell
Randolph
Ribicoff

So Mr. Curtis' amendment was rejected.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was rejected by reconsidered.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Eagleton). The amendment will be stated.

Mr. CURTIS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

At the appropriate place in the bill insert the following:

None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing fifteen persons or less for compliance with the Occupational Safety and Health Act of 1970.

Mr. CURTIS. Mr. President, I should like to state for the benefit of all Senators that this amendment is identical with the last one, except that the small business exemption applies to 15 persons or less instead of 25.

I am willing to yield back my time and have a rollcall vote at this time.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, inasmuch as this matter has been discussed here for some hours now, and inasmuch as the change is only from 25 to 15 persons, which I do not think changes the situation much, I yield back the remainder of my time so that we may have a rollcall vote.

Mr. CURTIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska (Mr. Curtis).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "nay."

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from West Virginia (Mr. Randolph).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The result was announced—yeas 45, nays 41, as follows:

[No. 252 Leg.]

YEAS—45

Allott
Baker
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Church
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hatfield
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
McClellan
Miller
Packwood
Pearson
Roth
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NAYS—41

Aiken
Allen
Anderson
Beall
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Cooper
Cranston
Eagleton
Gravel
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Percy
Proxmire
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—14

Bayh
Gambrell
Goldwater
Harris
Humphrey
Long
Mansfield
McGee
McGovern
Mundt
Pell
Randolph
Ribicoff
Saxbe

So Mr. Curtis' amendment was agreed to.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I call up my amendment No. 1271.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HARTKE. Mr. President, I ask unanimous consent that the amount contained in the amendment be changed to $844,797,000.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The amendment, as modified, was read as follows:

On page 11, lines 8 and 9 strike out "$843,297,000" and insert in lieu thereof "$844,797,000".

Mr. HARTKE. Mr. President, I have discussed this matter with the Senator from Washington.

Mr. MAGNUSON. Mr. President, I wish the Senator from Indiana would use the microphone and explain the amendment. I know what the amendment contains but I think other Senators would like to know.

Mr. HARTKE. Mr. President, this amendment deals with the question of providing additional assistance for migrant workers in connection with health care. At the present time many individuals are not capable of receiving medical treatment simply because they are migrant workers and they do not qualify for medicare or medicaid.

The House asked for an amount equal to $6 million and agreed to $4 million. This would add $1.5 million and it does not come up to the full amount of the authorization.

Mr. President, it is my belief that we should increase the appropriations for migrant health programs by $1.5 million.

Many of my colleagues in the Congress have shown the urgent need for adequate health care of the entire American public. Even more desperate are the health needs of the Nation's 1 million migrant workers who have too long suffered disproportionately because of our neglect. At present, the per capita health expenditure per migrant is less than $9 compared with a national average of $250 per person.

Generally, the migrant worker and his family who follow the crops rarely receive adequate health care. Seldom is the migrant worker eligible for the few local programs available. When he is, his work takes him to new or isolated areas that are without adequate facilities. In fact, most migrant workers are totally unaware of any of the handful of special programs designed for them.

Most tragically, the migrant laborer's living conditions expose him to a wider range of disease than the average American. His life expectancy is 20 years shorter than the average citizen's. His infant mortality rate is 125 percent higher than the national average while his death rate from pneumonia or flu is 200 percent higher than the national rate. His probability of suffering from tuberculosis is 17 times more probable than the average citizen's.

Because most welfare programs do not cover these people, the need for adequate funding of the Public Health Service program for migrant workers is even more desperate. Mr. President, the $1.5 million in my amendment is intended to be used primarily to provide funds to meet the costs of hospitalization of migrant and seasonal farmworkers and their families in those States where hospital services are not covered under other programs. I believe we owe this much to the migrant workers of this Nation and I urge support of my amendment.

Mr. BENTSEN. Mr. President, I commend the Senator from Indiana (Mr. Hartke) for offering this amendment increasing funding by $1.5 million under the Migrant Health Act.

As the Senator may know, I sent a letter to the Senator from Washington (Mr. Magnuson) asking for an additional $6.25 million for this act. It was signed by 21 Senators.

In that letter, I pointed out the inadequate funding for migrant health services, and, in particular, I criticized the Public Health Service for phasing out hospitalization coverage for migrant workers.

The committee bill did add some $4 million to the appropriation and suggested that the additional funds be used for hospitalization.

With the addition of another $1.5 million, as provided by the Hartke amendment, I believe we can cope more adequately with the deplorable health conditions facing migrant workers, and can channel more funds into hospitalization.

I wholeheartedly support this amendment.

Mr. MAGNUSON. Actually for migrant workers in 1972 the amount was $17,950,000. The 1973 budget was $23,750,000. The House allowed that amount, t he committee upped that by $4,000,000 and the Senator from Indiana is adding $1.5 million more.

Mr. HARTKE. The Senator is correct.

Mr. MAGNUSON. Hospitalization and other health care costs for migrants often are not covered under medicaid or other health programs. I am glad to take the amendment to conference.

Mr. HARTKE. I yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, will the Senator from Michigan yield to me for 5 minutes?

Mr. GRIFFIN. Mr. President, on behalf of the distinguished ranking minority member (Mr. COTTON), I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, it had been my intention to offer an amendment that would have granted relief to public elementary and secondary schools, and institutions of higher education that have suffered flood disaster problems from the recent tragedy that befell a number of States. I intended to put money in the pipeline so that, for example, section 16 of Public Law 81–815, would have provided for replacing school buildings. In addition, there is authority under section 7 of Public Law 81–874 for operating funds to schools in disaster areas, and authority under the new Higher Education Act, in part D of title VII, for aid to public colleges to replace or restore their buildings following a disaster.

However, in checking with the distinguished Senator from Washington, I understand that it is quite likely the money already in the pending bill would cover situations like this.

Mr. MAGNUSON. It would. There is a great deal of money in the pipeline or in reserve. There was a reluctance on the part of the Budget on school construction money, although we put it in. There is money there.

Under Public Law 81–815 there is $45 million now. I do not know whether that would be sufficient to do the things necessary in view of this disaster. We may have to find out after we have been able to assess the damage resulting from this great disaster we have had. Then we can get a little closer figure and know what we are doing. We have plenty of authorization in this field, and could handle additional appropriation needs in the first supplemental. I think the Senator would be in a better position to know then what he wants to do and what would be available for high priorities.

Mr. SCHWEIKER. I thank the Senator and inasmuch as the $45 million will be adequate for the interim period, and since the Senator has assured me it would cover flood disaster which befell a number of States, for public elementary and secondary schools, I am willing to withdraw my request and I thank the Senator.

Mr. MAGNUSON. In all these areas such as Pennsylvania, New Jersey, wherever the disaster occurred, I would welcome testimony when we get the supplemental. We would have better figures, and I am sure other members of the Committee on Appropriations would welcome testimony so that we can get into this matter. In the meantime, this should be sufficient.

Mr. SCHWEIKER. I thank the distinguished Senator. I will prepare some information, data, and specifications for the supplemental. Hopefully by that time we will have specific figures available. In view of the fact there is now money in the pipeline I am satisfied.

Mr. MAGNUSON. We have a serious problem because in the school districts that have been involved, everything else was hurt and the tax base has been eroded, to coin a phrase. So in order to get the money, you have to come down and get emergency help.

Mr. SCHWEIKER. Yes. I understand that. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. This is not an amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, I send to the desk a technical amendment which would substitute "Secretary of the Treasury" for "Department of Health, Education, and Welfare" in making payments to the Corporation for Public Broadcasting. That is the law. It is a mistake in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 44, lines 10 and 11, strike "Department of Health, Education, and Welfare", and insert in lieu thereof the following: "Secretary of the Treasury".

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. MAGNUSON. I yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 31, line 12, after "1969," insert "as amended,".

On page 31, line 15, strike out "$557,788,000" and insert in lieu thereof "$1,526,500,000, to remain available until expended".

Mr. ROBERT C. BYRD. Mr. President, I offer this amendment on behalf of myself and my colleague, Mr. RANDOLPH. The amendment would provide additional funds to carry out the provisions of Public Law 92–303, the Black Lung Benefits Act of 1972. That law, the chief sponsor of which was Senator RANDOLPH, substantially changes the eligibility requirement for black lung beneficiaries. It also makes certain changes in the method of computing the sum to be paid to beneficiaries. It grants benefits to orphans and children of miners disabled by pulmonary conditions, and brings surface miners, under certain conditions, into the program.

My amendment would include $938 million for benefits to be made in fiscal year 1973 and $30,712,000 for the administrative costs of implementing provisions of the new law.

The President has sent to Congress a budget request for this amount of money. The Office of Management and Budget has also expressed its approval of the amendment, and I am offering it now because the moneys will have to be paid in any event, and action now will save waiting until the supplemental bill comes along. Adoption of the amendment to this bill would enable the Social Security Administration to set up the administrative machinery promptly and, in that way, expedite the flow of benefits under the new law.

Mr. JAVITS. First, why did not the Appropriations Committee act on it at this time?

Mr. ROBERT C. BYRD. The Appropriations Committee did not receive this budget estimate from the President until it was too late to consider.

Mr. JAVITS. And, second, as I was so heavily engaged in negotiations on the black lung bill, does this follow exactly the terms of that bill? Are there any variances? Are there any estimates made in the figure, or is this the administration's figure for that purpose?

Mr. ROBERT C. BYRD. This is the administration's budget estimate.

Mr. JAVITS. I thank the Senator.

Mr. ROBERT C. BYRD. It is the figure that has been submitted to the President by the Office of Management and Budget and, in turn, to the Congress by the President.

Mr. JAVITS. May I say, when we submitted the legislation and the conference report, we made it clear to the Senate that this was going to be an expensive program.

Mr. ROBERT C. BYRD. Yes. I thank the able Senator.

Mr. MAGNUSON. Mr. President, I merely wanted the Senator from West Virginia to explain this amendment. This is a budget item that came to us on June 19. The President asked us to consider a request for appropriations, based on this amendment to the January budget for fiscal 1973.

The amount is large, but the Congress voted the authorizing legislation. It is a mandatory expenditure to fulfill the requirements of previously enacted law. Whether we adopt it now and take it to conference or do it later, the only difference would be that they would have to wait another 3 weeks for the supplemental bill. I would rather take it to conference. If the House will accept it, we will have it out of the way and then they can start the program, rather than wait 3 or 4 weeks for the supplemental bill.

I have discussed the amendment with the Senator from New Hampshire. With that understanding, I am willing to take it to conference. I do not profess to know what will happen to it in conference, because it is a large amount. But it is mandatory. We are going to have to do it anyway, and the quicker we do it, the better. We know what it is all about. We do not have to have hearings on the program. The law specifies what we have to do, and that is it.

I shall be glad to accept the amendment and yield back the remainder of my time.

Mr. ROBERT C. BYRD. I thank the distinguished manager of the bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I yield myself 1 minute on the bill.

I look around. If there is anybody I have not taken care of around here, I hope he will let me know. [Laughter.] But it is still a good bill. I do not make any guarantees about what may happen in conference, but it will be found that the House included some of the things the Senate included last year and that it has always wanted. So we are not too far apart in the conference. I hope when I bring it back Senators will be just as satisfied as they are now. It is a good bill. It is a tough one. I want to compliment every member of the subcommittee and the staff. We heard close to 500 witnesses. I do not know just how I will feel about it next year, but we will see what happens, if I can get through right now to third reading.

Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, the Senator knows I will not take very much time, but there are a few points I wish to cover, rather briefly, with him.

The PRESIDING OFFICER. Does the Senator from Washington yield some time to the Senator from California?

Mr. MAGNUSON. Mr. President, will the Senator state his request again?

Mr. CRANSTON. As the Senator knows, there are a few matters I wish to cover by way of colloquy with him, if he will yield me 10 minutes.

Mr. MAGNUSON. Yes.

Mr. CRANSTON. Mr. President, I congratulate Mr. ELLENDER, chairman of the Committee on Appropriations and Mr. MAGNUSON, chairman of the Subcommittee on Labor-HEW Appropriations for the most judicious and responsible bill they have reported appropriating funds for fiscal year 1973 in support of the health activities in the Department of Health, Education, and Welfare.

HEALTH

Despite the national concern over the state of the Nation's health system and our obvious inability to respond to the Nation's needs, the President's budget request presented little more than a stand pat position in committing Federal resources to resolving the problems in the health field. The Senate Appropriations Committee has met the challenge for a stepped-up national effort and has recommended realistic levels of funding which experience has demonstrated are vitally needed and can be effectively used.

I would like to point out just a few of the areas where the Senate committee has corrected a situation which would have led to serious cutbacks in health programs which are basic to maintaining our ability to cope with health issues at even less than optimal levels.

First, I am delighted with the strong support provided to training grants and fellowships funded by the National Institutes of Mental Health. The Senate committee action in appropriating $27 million over the administration request and $12 million over the House is deserving of this body's full support. The Senate committee's strong support of staffing grants for community mental health centers will ensure expansion of this critical program to new communities, rather than the minimal growth which would have been permitted under the administration's budget request.

The substantial increase in funds available to combat alcoholism made by this appropriations bill is clearly justified by the enthusiastic response which communities in the Nation have made to the relatively new Federal emphasis in this too long neglected field.

The committee's action in appropriating the full amount authorized for programs related to mental health services for children is one which I am sure all Members of the Senate will applaud and is a position I hope and urge will be sustained in conference.

The recommendation of higher levels of support for medical facilities construction, particularly the very badly needed funding for modernization of facilities, of additional funds for maternal and child health formula and project grants, and additional funding for the innovative National Health Service Corps are actions I applaud.

I am gratified to see that the Appropriations Committee has recommended support of the programs for grants and contracts for family planning services at the full amount requested by the administration.

I have not sought today to increase the level of funding for grants and contracts for the support of family planning service programs. As the Members of the Senate will recall, in April the administration sent up draft legislation recommending an increased authorization for grants and contracts for family planning services.

The Special Subcommittee on Human Resources, which I am privileged to chair, held a full day of hearings on this request and as a result of very forceful justifications presented to the committee by individuals and organizations active in the communities, the committee recommended that the administration's suggested figure be increased by an additional $15.8 million. This suggestion was included as an amendment to the Communicable Disease Act, which has passed the Senate, and is ready for conference with the House.

The appropriations bill before us now recommends a level of support for family planning services at the level recommended by the administration. This is short the $15.8 million added to the authorization by action of the Senate Labor and Public Welfare Committee, in the amendment to the Communicable Disease Act which I authored. The amount authorized by the Senate was based on the amount needed to keep the administration on target of meeting is goal of providing family planning services by 1975 to the 6.5 million women who want them but cannot afford them. This goal is based on a progression of about an additional 800,000 women reached each year, and the administration request would not have been sufficient to meet this level.

While the administration figure appears to indicate an increase of $48 million over fiscal year 1972 it really is half that amount—since it is offset by decreases in support of title V maternal and child health grants of $9 million and in OEO projects of another $9 million, and includes almost $9 million for programs other than services, $6,524,000 for training grants and contracts for education, and for research in methods of delivery-ing family planning services, plus $1,987,000 for direct operations.

Mr. President, I will not seek to increase the level of appropriations now but I would like to ask the distinguished chairman, if when the authorizing legislation is enacted, which I expect will be sometime early this summer, he will be agreeable to giving serious consideration to full funding of this program at the time the first supplemental is considered.

Of course, I am delighted with the increases recommended for the preventive health services, such as disease control, lead-base paint poisoning control programs, and occupational health programs. The committee's eloquent arguments on behalf of higher levels of support for the training and research programs of the National Institutes of Health are fully justified as are the committee recommendations for increased support for each of the Institutes.

The substantial increase recommended for the National Institute of Child Health and Human Development is of particular interest to me and covers medical areas that fully deserve this additional support—research in population, in child health, and in problems related to the aging process, all matters having direct relevance to each individual and his ability to live a healthy and happy life. I had hoped that the amount made available for the Center for Population Research would be greater; I had recommended $75 million in my testimony, but I am pleased that the committee recommended an increase of $13 million over the House figure.

The committee's action in increasing the amounts available for support of health manpower education and training programs was badly needed. Again, the administration has shown its unwillingness to aid the Nation's health education system adequately in its efforts to meet the critical need for trained professionals and paraprofessionals. The President's low recommended level of support coupled with the administration's almost total refusal to grant waivers to health education institutions who stated they would be unable to meet the stringent requirements for increased enrollments due to inadequate facilities or other relevant factors, would have had disastrous effects on many of these institutions. The Senate has recommended institutional support at 76 percent of the level of authorization, and has increased the amount available for special project grants substantially over that suggested by the administration. I believe these levels are minimal and hope we will be able to sustain this position through conference with the House.

Mr. MAGNUSON. I believe the Senator is correct in his analysis.

Mr. CRANSTON. I have a couple of more points.

Mr. President, I was happy to cosponsor with my distinguished colleague (Mr. TUNNEY) the amendment, adopted by the Senate, to increase by $30 million the amount available for construction of health professional education facilities. The Nation's health professions schools have been drastically affected by the administration's almost total cessation of support for construction programs. Many of the Nation's medical schools have, in response to legislative enactments, entered into major programs of expansion, and many States have responded by establishing new medical schools. California has three new campuses of the University of California, each of them severely hindered by lack of facilities. The medical school at Davis is graduating its first class this year, an outstanding achievement, when one realizes it has been done without a permanent facility. Instruction has been offered in trailers, and clinical experience has been gained from the county hospital in Sacramento, some 25 miles distant. This situation is being repeated across the Nation.

I would like to emphasize the statement made in the Appropriations Committee report regarding the appropriation for construction funds made for fiscal year 1972—that it was intended that these funds be expended—and not be spread over 2 years as the administration proposes—to meet a demonstrated and immediate need.

Mr. President, I have this question to ask: Am I to understand Mr. President, that the possibility of extending expenditures of the funds appropriated in fiscal year 1973 over more than a year's period is again not the intention of the Appropriations Committee; that, on the contrary, the Senate is well aware of the emergency situation affecting construction of health professions institutions and wishes to see these funds applied as quickly as possible to the obvious need of the schools?

Mr. MAGNUSON. That is what we said in the report, or words to that effect.

Mr. CRANSTON. That is fine. I appreciate that very much.

The recommendations for levels of support for scholarships and loans for students are a major improvement over the levels in the administration's budget request. I believe it is still substantially below the level needed, however, and hope that the Senate will withstand any efforts in conference to further dilute this support.

In testimony before the committee, I had recommended substantially higher appropriations for recruitment of the economically and socially disadvantaged into the nursing profession. There has been a very encouraging response to this program on the part of both the nurse training institutions and the students. I view this program as an exciting one which by making it possible for many people to enter a profession for which they have an aptitude and from which they have been barred for reasons other than ability can have a salutory effect on the understanding and responsiveness which can exist between patient and professional. Thus I am disappointed that the administration suggested figure has been accepted by both Houses of Congress.

Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment, as follows:

On page 17, line 9, delete $897,178,000 and insert in lieu thereof $900,178,000.

Mr. CRANSTON. Mr. President, I have discussed this amendment with the distinguished chairman.

Mr. President, the amendment I offer with the distinguished Senator from New Jersey (Mr. WILLIAMS) would increase the amount available for nurse training schools to recruit and retain students from economically or socially disadvantaged environments. The committee has accepted the administration suggested amount of $2 million which is the same amount as that appropriated last year. I believe the potential of programs supported under this authority is so great and can have such a beneficial effect on opening avenues to careers in the nursing profession to young people with a special aptitude for such service that every effort should be made to utilize this authority to the maximum. In addition, this authority expressly authorizes the publicizing to licensed vocational nurses and other nursing personnel, sources of financial assistance available to nursing students. These skilled individuals present an insufficiently utilized resource for building up our pool of nurses. Many of them with additional training could become nurses and need just a small amount of encouragement to continue their education.

Therefore I am offering an amendment to appropriate an additional $3 million for these purposes.

These funds to encourage students from disadvantaged backgrounds to come to nursing school can be used for:

First, special courses offering special academic assistance and basic science courses prior to entering training.

Second, waiving application fees.

Third, advertising financial assistance available to potential students.

Four, special outreach programs of recruitment in high schools, and through parents groups.

Fifth, special counseling and remedial work during training to help students overcome any social or cultural barriers.

EXAMPLES OF PROGRAMS SUPPORTED

In the southern California region, nursing schools have increased the Spanish surname enrollment of nursing students from 19 to 44 percent. Bilingual programs have been instituted seeking students in high schools and working with them individually to encourage them to pursue a nursing career. One hundred students each year have been recruited through the California State College at Los Angeles foundation.

There are 15 similar programs throughout the country.

The division of nursing has a contract with the National Student Nurse Association to organize 17 target areas to establish programs to recruit students from disadvantaged environments.

The University of Portland has a special program aimed at the northwest region to recruit Indians, blacks, chicanos, and rural students to a nursing career.

The dropout rate of students assisted under these provisions has been very low compared to the record of other students.

It is a highly successful program with a very favorable response, which could easily utilize the full amount authorized effectively. There has been an excellent response from licensed vocational nurses and nursing assistants, who have entered training programs seeking a career as registered nurses.

The PRESIDING OFFICER. Will the Senator yield? The Parliamentarian advises the Chair that the amendment is not in order because the figure has already been amended.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the amendment be considered in order.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN and other Senators objected.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, I am delighted to cosponsor with the distinguished Senator from Massachusetts (Mr. KENNEDY) the amendment to bring the appropriation for formula grants under the Developmental Disabilities Act up to $65 million—only one-half of full authorization figure. This is a figure I had recommended in testimony before the subcommittee and which is critically needed to enable State programs to begin to meet the need. The States have estimated that their actual need is almost double this amount. I feel this amendment represents a modest level of support, which hopefully will enable many of the States to explore means of providing improved services to the developmentally disabled throughout the Nation.

Mr. President, I noted with interest the committee report remarking on the special problems of the Vietnam veteran and his difficulty in adjusting to society, his sense of isolation, confusion, loneliness, and rejection. This is a matter which has been of great concern to me, and, as chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee, I have held extensive hearings and heard a great deal of testimony which eloquently supports the need for special attention to be paid to the returning veteran.

I would like to ask the chairman, if in directing the National Institutes of Mental Health, and the Social and Rehabilitation Service to take a lead in finding solutions to this problem, he did not also intend that the Veterans' Administration be deeply involved in these studies and in finding the solutions.

Mr. MAGNUSON. Yes. We certainly believe the VA should have a major role in this. The other agencies should supplement and work with the VA.

EDUCATION

Mr. President, apart from some disappointments in the areas of impact aid programs and the title I compensatory education program, I feel that the committee has done a most laudable job in attempting to meet our Federal commitments to American education.

I am particularly pleased to note that the Senate bill provides nearly $19 million over the Budget request for bilingual education, for a total appropriation of $60 million for fiscal year 1973. The importance of this appropriation cannot be overestimated. It is one more step in the direction of bringing to an end the nightmare of educational neglect we have inflicted upon the Spanish-surnamed children and other bilingual children in my State of California and across the Nation. I have urged this advance since I came to the Senate, and so I am delighted to see, in this bill, that we are moving farther and faster toward the goal of equal educational opportunity for bilingual children.

In the important area of library construction and services, the committee must be commended for putting Federal dollars in the place of administration rhetoric. For library construction grants, the Budget request was zero. The Senate bill provides $15 million for public library construction, to be matched by local and regional resources. The Budget would have cut public library services by almost $17 million. The Senate bill wisely adds over $20 million in excess of 1972 funding levels and nearly $37 million more than the President's request.

The committee has also moved ahead strongly in the area of vocational education, which I feel is a top funding priority. The Senate bill adds some $109 million, over what the President had in mind, for grants to States and for special vocational education programs. A significant increase, also recommended by the House, is in the area of consumer and homemaking education. This is an important recognition of the valuable work these skilled educators perform in the Nation's schools.

For adult education, the Senate bill provides an additional $23 million over the budget request. We are still far from meeting our national needs in this area, but the additional moneys provided in this bill are another step in the right direction.

I am especially pleased to see that the Senate bill provides nearly $20 million in over-the-budget funds for our vital ESEA title III programs in supplementary centers and services. I believe firmly that the title III programs must be continued and strengthened if we are to reach new horizons of educational change.

Mr. President, I have one final question to pose to the chairman.

On pages 25 and 26 of the Senate print, there is a section called educational renewal. As the Senator knows, this proposed program by the Office of Education was the subject of an amendment I authored to the higher education legislation, the Education Amendments of 1972, signed into law by the President last Friday. My amendment, which is now a part of the law, establishes several important considerations that must be made by the Office of Education in carrying out the mandates of education legislation.

The conferees on the higher education bill made it clear in the language of the report that insufficient authority for the renewal program exists at this time, and that no such program should be carried out without submission of new legislation and subsequent action by the authorizing committees of Congress.

It is my understanding, from reading the appropriations report language and discussions with the chairman of the subcommittee (Mr. Magnuson), that the term "educational renewal" appears in the bill only to make the bill consistent with the manner in which the administration's budget request was submitted. It is my further understanding that the subcommittee, in its consideration of this bill, in no way gave sanction to the "education renewal" program, and that the programs listed under this heading are programs under existing and unchanged authorities. Am I correct in that assumption?

Mr. MAGNUSON. The Senator is correct.

Mr. CRANSTON. I thank the Senator.

Finally, Mr. President, the Senate has now recognized the urgency of our national literacy problem by approving a $22 million funding of the "right to read" program of the U.S. Office of Education. Typically, the administration funded this program last year by pirating moneys from other deserving programs.

I sponsored and won a Senate amendment to the education amendments of 1972 which would have given "right to read" program the basis in legislation that it needs to protect it from administration whimsy. I regret very much that this language was lost in conference, when it became entangled with the controversial educational renewal program which was the real basis of my amendment.

So I am delighted, Mr. President, to see this $22 million appropriation for Right to Read.

The committee's action on this item is worthy of praise. It is also a tribute to the director of Right to Read, Dr. Ruth Love Holloway, who rescued this program from Office of Education oblivion and turned it into a model of educational achievement and unusual efficiency.

CONCLUSION

Mr. President, overall I believe the Appropriations Committee has done an outstanding job in coming up with the recommendations included in H.R. 15417. I believe they should have our full support and am confident they will, indeed, have it.

Mr. President, in my testimony before the Subcommittee on Labor-HEW appropriations I covered several of the issues in depth, and I ask unanimous consent that the full text of my testimony before that subcommittee be printed in the Record at this point.

There being no objection, the text of the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR ALAN CRANSTON REGARDING FISCAL YEAR 1973 LABOR-HEW-OEO APPROPRIATIONS BILL

Mr. Chairman, I am pleased to have this opportunity to present several recommendations to your Subcommittee on the level of appropriations for health programs of the Department of Health, Education, and Welfare.

While in general the overall request of the administration in virtually every program is well below the demonstrated need, I will concentrate on just a few areas which I feel are of critical importance.

HEALTH MANPOWER EDUCATION

One of the most serious deficiencies in the administration's budget requests is in the programs supporting the training of health care personnel. This support takes three major forms: construction grants, institutional support in the form of capitation grants and special project grants, and student support in the form of scholarships and loans.

Construction grants

To date letters of intent have indicated there will be a total of $347.7 million requested for construction grants. Of this amount, I am closely acquainted with five California projects. These projects alone total $53.1 million for the federal share. These grants would provide health science centers at three of the new campuses of the University of California at Davis, Irvine, and at San Diego, as well as providing badly needed teaching facilities for the U.C. School of Dentistry at San Francisco. Another application is pending from the California School of Podiatry, which is one of the few institutions preparing these skilled professions for that seriously short profession today. These applications will be contending for the $162 million which your committee made available for FY 1972 and succeeding years, which the administration does not seek to increase.

The Coalition for Health Funding has recommended that the full amount authorized for construction for both health professions schools and nurse training schools be appropriated. I believe this recommendation is well grounded in actual need and urge your committee to recommend the appropriation of $250 million for construction of health professions schools and $40 million for construction of nurse training schools and urge that your committee encourage the Department to move quickly in determining the allocation of these funds so that the schools may plan accordingly. In view of the two year interruption in the awarding of construction grants, I believe it would be highly justified if the bill included language mandating obligation of these funds in FY 1973.

Institutional supports

Another area of serious inadequacy in support of health manpower programs is the underfunding of institutional support—the capitation grant provisions anthorized by P.L. 92–157 and P.L. 92–158.

Considering the really heavy responsibilities we placed upon the nation's health training institutions to increase the number of students, improve curriculums, and undertake innovative programs, I believe we should provide the necessary funding support to carry out these responsibilities. I urge you to recommend capitation grants for Schools of Medicine, Osteopathy and Dentistry at $213 million, for Schools of the other health professions at $37 million, and for nurse training schools at $82 million.

Special projects

I believe it is essential that adequate support be provided our health education institutions to undertake special projects which will enable them to fulfill these requirements. The Congress authorized generous sums of money for these purposes, commensurate with its belief that many major innovations would have to be adopted by these institutions if our nation is to meet the rising expectations of its citizens for accessibility to health care, and provide the health manpower capable of providing it.

Mr. Chairman, I urge that this committee recommend the considerably higher funding for these purposes recommended by the Coalition—$13,800,000 and $38,000,000 for health professions and nursing schools respectively. These project grants will provide the impetus to the medical schools to initiate new methods of training—in many instances bringing the medical school program into the provision of health care in the community in demonstrations providing needed experience to the medical or nursing or allied health student and at the same time filling a community need. Requests in FY 1972 totalled over $120 million, double the amount available. The need in FY 1973 will be that much greater.

Another authority for support to these institutions is that of grants for financial distress. In the case of schools of nursing the administration has requested only $2 million out of an authorization of $10 million. The Coalition for Health Funding has estimated the full amount is required, and I believe the fact that 144 schools of nursing in fiscal year 1972 applied for financial distress grants totaling $14.5 million indicates the need is real. I urge your committee to recommend the appropriation of $10 million for financial distress grants for Schools of Nursing.

Student scholarships and loans

An area which is of great concern to me is that of the assistance provided our students during their years of training. Student loans and scholarships have been consistently below the need for the past several years. Your committee has each time generously appropriated sums above the administration request. However, the student is especially hard hit in these times of serious inflation and must rely heavily on loans and scholarships to complete his studies. The situation in the nation's schools of health is a very critical one. The Coalition for Health Funding has determined that there is a demonstrated need for $29 million for scholarships for students in the health professions schools and of $58 million for students of nursing. The administration has requested $15.5 million for scholarships for students of the health professions and $19.5 million for scholarships for nursing students. These requests obviously are well below the level needed. With the increased efforts health education schools are placing on recruiting students from the lower income family, the amounts available for scholarships become all the more critical. I urge you to recommend substantially higher levels of funding for scholarships for these students.

Despite the administration's professed preference for student loans as a means of assisting the health care student to complete his studies, its budget request is well below the level which was authorized and which the Coalition for Health Funding recommends.

The administration requests funding for loans at only 80% of the level authorized for health professions students and at 70% of the level authorized for nursing students. I urge, Mr. Chairman, that this committee recommend funding of the student loan program at the full level of authorization, $55 million for health professions students, and $30 million for nursing students.

Programs for the recruitment and retention of financially and socially disadvantaged students

Mr. Chairman, a component of both the Health Professions and Nurse Training Acts is a provision I authored in the Senate for the recruitment and retention of individuals with a high potential for training, who because of economic or socially disadvantaged backgrounds would not without special encouragement seek training in the health professions. The administration has budgeted $2.5 million for these purposes under the health professions legislation and $2 million of the $5 million authorized in the Nurse Training Act. Because of the lanugage earmarking funds for these purposes in the health professions legislation the amount requested by the administration will not severely limit the funds optimally available to the schools but will result in a reduction from the maximum authorized for these purposes. The Administration request for only $2 million for support of these programs in nursing schools would constitute a severe reduction which will seriously affect the nursing school's ability to carry out effective recruitment and retention programs for disadvantaged students. Obviously, the success of these minority recruitment programs cannot be achieved without strenuous efforts and a significant investment of the school's financial resources. I hope that this subcommittee will enable the Federal share of these costs to be an adequate one by recommending appropriations at the authorized level of $5 million for schools of Nursing and by increasing the appropriation recommendation for Health Manpower Education Initiative Awards.

Allied health

While I have spent some time discussing the needs of programs for the training of the traditional health professional and the nurse, there is another category of health personnel which is critically important to the provision of modern health care. That is the allied health professional. With the increasing medical knowledge and development of new techniques and of new equipment, more and more new specialized skills are required. The number of specialities is now at about 200. There is a serious shortage of clinical training facilities and of teachers for these new professions. Funding of the authorities which will provide the tools for the development of these professionals has consistently been well below the need. Two areas of support which are of critical importance to these schools are the Institutional Support Grants and the Special Projects Grants.

The Institutional Support Grants have a total authorization of $45,000,000; however, funding has been $10,000,000 or less each year. Additionally, appropriations in this category have been limited to only the Special Improvement Grant with nothing for the Basic Improvement Grant. Schools will soon be forced to abolish some of their programs in the allied health professions without some type of basic support.

The Special Improvement Grant is needed to continue the development of new and innovative programs if educational institutions are to meet the demands for training personnel for new and emerging professions resulting from new and emerging technologies. Special Improvement Grant authorization is $30,000,000 but the budget request is $14 million.

I urge your Committee, Mr. Chairman, to recommend appropriations at the level of authorization as suggested by the Coalition for Health Funding—$15 million for basic improvement grants and $30 million for special improvement grants.

A second area of critical importance is the continued funding of the Special Project Grant which again helps to develop new programs to meet new social needs. While this category has received some support in the past it never has been funded sufficiently. Authorization for the Special Project Grant is $30,000,000, of which $14,745,000 was funded last year and only $5,000,000 the previous year. I urge a recommendation of $30 million for this purpose.

An area which soon will be of critical importance is that of construction. Construction funds for allied health education have never been appropriated. Until recently there was very little need for such funds inasmuch as programs could be housed in facilities containing related health educational programs. However, the growth of these programs indicates that in the foreseeable future some construction will be needed and thoughtful consideration in this area at this point in time very well could offset some problems that are bound to arise in the next year or so should program growth continue. Authorization for construction is $40,000,000, and the Coalition for Health Funding has determined this amount can be effectively used.

Mr. Chairman, I support the Coalition's recommendation and urge your Committee to appropriate funds at the full level of authorizations.

NATIONAL INSTITUTES OF HEALTH

Since 1970, the research programs of the National Institutes of Health, have done little more than maintain their levels of support in the face of steadily rising inflation. This year, with the increased emphasis placed on research at two of the Institutes, Cancer and Heart, the overall increase in financial support of NIH programs will not enable the bulk of the Institutes to even keep pace with inflation. I certainly do not disagree with the increased support of research into Cancer and Heart Disease—I fully supported and actively participated in the development of legislation which would authorize these increases—however, I would like to see the financial support of the other Institutes increased at levels more commensurate with the need. I fully support the higher figures recommended by the Coalition for Health Funding in each instance. These recommendations were arrived at by highly knowledgeable experts in their respective fields and after cold analytic judgments were made of the potential for positive accomplishments in the specific areas. These recommendations represent an increase of $380,950,000 over the President's budget request.

To illustrate the potential that is being thwarted by the low level of support for NIH Institutes, I would like to discuss just a few areas in more detail.

Reduction in research training grants

A situation which has been of serious concern to me in the last three fiscal years has been the steady reduction in the number of research training grants supported by the National Institutes of Health.

The budget presentation for Fiscal Year 1973 indicates the number of such grants has been reduced throughout NIH by 114 since fiscal year 1971. This reduction is really much more severe than appears on the surface when one takes into account the fact that research training grants supported by the National Cancer Institute have increased from 171 to 215.

One critical decrease which has recently been brought to my attention is that of the number of training grants supported by the National Institute of Allergy and Infectious

Diseases. Of the 151 training grants supported in fiscal year 1971, 24 will be terminated in fiscal year 1972. Six of these are in allergy and immunology.

Given the prevalence of allergies in the population and the impact of the disabilities resulting from allergies on an individual's ability to follow a normal life, such severe reductions in support of training programs in this area would appear to have far-reaching effects.

Allergy-asthma is the leading cause of chronic disability in children; four percent of the U.S. population is handicapped by asthma. Twenty-three percent of the lost days from school have been attributed to absence due to asthma, and over six million work days a year are lost due to asthma.

Funding for research in allergy has expanded only minimally in the past 5 years, and training in research and care of allergic patients has remained stationary. With the annual inflationary increases in funds required to finance committed programs, both new and competitive renewal programs funding must come from an ever shrinking pool of funds—this has resulted in sharp reductions in the number of such programs. Mr. Chairman, I heartily concur in the recommendation made to your Committee that $500,000 be earmarked for this specific area of support and training programs in pediatric allergy.

A specific training program is the Pediatric Allergy Training Program at the University of California, San Francisco, Medical Center. This program is the oldest and the major NIH sponsored training program in pediatric allergy-asthma in the United States. It has produced trainees who have now instituted new pediatric allergy-asthma training programs at six medical schools. This achievement is in addition to the number of patients the training program itself is able to provide with treatment. Unfortunately, the funds allocated to the National Institute of Allergy and Infectious Disease were insufficient to provide continued support of this outstanding program. It is among the 24 which will be terminated. The immediate result will be the return of the Director of the Program, as well as the two trainees currently recruited for the program, to private practice, the abandoning of a special treatment program in San Francisco which serves 2,000 low-income children a year, and the severe reduction of the treatment program at the San Francisco U.C. Medical Center to one fourth of its current capacity to treat patients.

The efforts of the reduction in this program is symptomatic of the effects in reduction of other highly worthy training projects.

I urge that every consideration be given to halting the steady decrease in overall support of training programs by the National Institutes of Health. The failure to maintain these programs at at least current levels will have long term repercussions in terms of severely reducing the number of future faculty members capable of providing training for future health care manpower.

Need for basic research

Another area of far reaching consequences which is affected by the steady decrease in funding support is that of basic research. The Coalition for Health Funding estimates that aside from the cancer and heart disease programs, the Administration proposes only a 3.3 percent increase over fiscal year 1972 for NIH research; yet the annual inflation rate for health research is between five and six percent. This pattern has been followed over the past three years. The result has been a sharp decline in the number of research grants supported from 12,292 in 1966 to an estimated 9,915 in 1971. The percentage of NIH approved applications for research projects which were not funded rose from 28% in 1966 to an estimated 52 percent in 1971. This is an overall percentage—in some Institutes the rate of rejection is much higher. One trend which has developed which I am unable to evaluate is that fewer research applications are approved now. I am unable to judge if this is due to a poorer quality of research being suggested (which seems inconsistent with the quality of work achieved in the past) or is due to the realistic appraisal by the NIH review councils that there will be insufficient funds to fund all applications having merit and that stricter standards should be imposed on those judged to be of high priority. In any event the result of reduced support by NIH is a stifling of research endeavor.

I would like to concentrate on one small area of basic research and attempt to show the implications to all of us of our nation's failure to pursue the possibilities for basic research. This is the area of basic research in genetics, fetal growth, and development. Obviously, these areas of research have profound consequences in any effort to minimize the number of infants born that are brain damaged, have mental retardation, cerebral palsy or other disabilities.

When one looks at the statistics the importance of research in this area is overpowering. Eight percent of the infants born in the United States are judged "premature." The incidence rises to 14% among low income mothers. This is a term for those infants who are born weighing less than four and a half pounds. Basic research is needed to determine what causes the slowness in development of this fetus as well as in what causes the initiation of spontaneous premature labor in pregnant women. The child who is born under these circumstances needs special care, sometimes a special environment. This child often (about one-fourth of premature infants) suffers from a special respiratory disease affecting its lungs. In 10% of the premature infants, it results in death. Other infants suffer from a metabolic blood disorder which leads to cerebral palsy or mental retardation. Others have difficulty adjusting to changes in temperature which severely affect the circulatory system and in some instances results in death. These are problems affecting the so-called "premature" infant.

Basic research is also needed in problems relating to infancy and early childhood.

Another disease which continues to baffle science and to leave behind it not only the death of an infant, but also a severe emotional and psychological imprint on the parent is SIDS—the sudden infant death syndrome. This mysterious malady, or group of diseases, results in sudden death for an estimated 10,000 infants a year in the United States, who were apparently healthy infants before their death. Senator Mondale has taken the lead in developing national concern for this problem, and I have cosponsored with him, as you have, Mr. Chairman, legislation which will focus attention on those areas related to this syndrome in which little is known.

Another problem having fantastic implications is that of the effects of malnutrition in the mother on fetal growth and development. Just a few years ago the question was raised of the effect of maternal undernutrition on the infant of a given pregnancy and the specter of mental retardation was suggested. Recent work now suggests that maternal undernutrition may not only affect the infant of a given pregnancy, but even that of the second generation. Additional research is needed to determine what causes the damage in this second generation.

Studies have indicated that there may be a large group of congenital defects caused by environmental factors such as atmospheric carbon monoxide, lead, or other factors. The implications obviously require additional studies.

I hope these few illustrations I have used have indicated areas of basic research which should be expanded in one small part of one Institute of NIH. This is not esoteric research. It has everyday human applicability. This is representative of the type of basic research that NIH can support, and indicative of the type of research that will not be completed if NIH lacks the resources to support it.

FAMILY PLANNING SERVICES, POPULATION RESEARCH AND POPULATION EDUCATION

Another category of programs in which I am convinced this nation must place a major emphasis, is that of programs affecting our population size. The Commission on Population Growth and the American Future which has recently completed extensive studies on population dynamics and their relationship to the quality of life reached the principal conclusion that we must plan for a stabilized population in order to preserve the quality of life we cherish. The first step essential in effecting such a plan is to provide tools with which each family can choose its size. The three basic tools which would be necessary for realization of a national population policy are sufficient family planning services to all those who want them but are outside the mainstream of health care, research in population which can perfect each individual's means of governing the size of his family, and population education which can make each individual aware of the consequences of unchecked population growth.

Family planning services

Mr. Chairman, the Senate Committee on Labor and Public Welfare has ordered reported a bill which authorizes increased appropriations authorizations for Section 1001 (c) of the Public Health Service Act, authorizing grants and contracts for family planning services.

This action was taken in response to the Administration's request for increased appropriations authorizations of $21.5 million for those purposes. The Senate added increased authorities of $37.5 million, from the currently authorized level of $90,000,000 to $127,300,000 for fiscal year 1973.

The Special Subcommittee on Human Resources held a full day of hearings (April 17, 1972) on the suggested administration increase and received testimony from the Administration, from representatives of organizations coordinating family planning service programs on a nationwide basis as well as directors of programs in local communities which demonstrated that the administration's suggested increase of $21.5 million for PHS Act title X authority project grants was offset almost entirely by an $18 million decrease below Fiscal Year 1972 spending for Social Security Act title V (Maternal and Child Health Project) grants (minus $9 million) and OEO Family planning projects (minus $9 million). Testimony presented to the Subcommittee showed that the administration request was insufficient to keep the Federal programs on target to meet the announced Federal goal of providing family planning services by 1975 to the approximately 6.5 million women wanting these services but unable to afford them.

The $127,300,000 authorization which the Senate has adopted instead will enable the administration to maintain its momentum toward reaching its goal.

Mr. Chairman, I urge your Committee to recommend an appropriation of the full $127,300,000 authorized by the recent action of the Senate under section 1001 (c) authorities, and in addition to appropriate the $19 million requested by the administration for support of family planning services under title V of the Social Security Act.

Population research

The President's budget request ignores almost totally the population research authorities of the Public Health Service Act, which total some $93 million, $65 million authorized by title X of the Public Health Service Act and $28 million under NIH basic authorities. The President's budget request of $44,040,000 represents substantially less than half of the amount which is authorized and is well below the $75 million which the Department of Health, Education, and Welfare had estimated in its own projections could be effectively utilized in fiscal year 1973 for population research.

Today, there is as yet no completely safe and effective means of contraception available to any woman, rich or poor. Research is urgently required to develop a means of voluntary control of reproduction.

Dr. Richard Blandau, at the University of Washington, an eminent professor of Biological Structure, has stated: "It is not an exaggeration to state that every step in the biology and physiology of reproduction in the human needs an urgent and expanded research effort so that contraceptive methods need not be based on empirical procedures."

In addition to the need for research in the development of contraceptives and in reproduction itself, there is an urgent need for social research in the areas of population dynamics. More must be learned about the social, economic, and personal factors which influence desired family size, about the effects of increasing urbanization on our society, the potential influences on population change created unintentionally by government policies, the social and economic consequences of population change and how to plan for them.

Important to the conduct of this needed research is the development of a sufficient number of individuals trained to conduct investigations in population and related fields. The administration has requested $1,871,000, the same level of funding which was appropriated last year for training grants by the Center for Population Research. Given the increased costs due to inflation, the result will be a reduction in the numbers of training grants supported. Reduction in training programs is a particularly short-sighted approach to the development of scientific technology. For progress to be made there is a need to continuously infuse new ideas and fresh approaches to our body of knowledge. The research of the future will depend on the numbers of trained research workers who are attracted to this field today.

Earlier I expressed my hope that your Committee would recommend that the reduction in research training grants be halted. In the case of Population Research the reduction has very serious implications. I would like to mention at this point the inadequacy of the Administration's request for funds for training grants and contracts authorized by title X of the PHS Act—with $4 million authorized the Administration has requested only $3 million. I urge your Committee to recommend the full amount authorized.

No less important and vital to the development of researchers and population research itself is the establishment of population research centers. The centers accelerate research progress by providing pooled facilities to investigators, and stimulate interest and activity in all aspects of the population problem. The Center for Population Research currently supports four Population Research Centers. Dr. Kenneth Ryan, of the University of California School of Medicine at San Diego, in contributing to the document published by the Population Crisis Committee last year "Mankind's Greatest Need" estimated from 10 to 15 centers were required in the United States to foster interdisciplinary investigation of all aspects of population problems.

When the estimates of the scientific research community are pulled together, the need for population research funding varies from $75 million up to $311 million. The latter figure was recommended by the Committee on Population Research Report to the Department of Health, Education, and Welfare in 1969. The former much more modest sum was recommended by then Secretary of HEW, Robert Finch in 1969 in hearings before the Senate on the Tydings bill, and was repeated again in Departmental projections in developing the Five Year Plan for Family Planning Services and Population Research Programs.

This latter figure of $75 million for Population Research is a very realistic projection of the sum that can be targeted usefully to priority programs in Fiscal Year 1973, and one I urge your Committee to recommend.

Mr. Chairman, the Center for Population Research has mounted a highly effective research program with limited funds and limited staff. The scientific community, the Commission on Population Growth and the American Future, and the public at large have all evidenced a concern that these programs be increased. To mount the program at the level which has been recommended, additional staff will be essential for the Center. The Department's request is very deficient in this area, I would hope that with the increased appropriations recommendations I urge, from 15 to 20 additional individuals can be added to the Center's staff.

Population education

The third base on which a population policy must stand is that of population education. Although I have listed it last, that is certainly no indication of its priority. I feel a comprehensive population education program is vital to the achievement of the objectives of the Tydings bill. A small amount is authorized for these purposes in the authorities of the Public Health Service Act, but even so, the entire amount has never been appropriated, and the amount that has been appropriated has been spent basically for the distribution of family planning information. Last year I held several days of intensive hearings on the issue of population growth and population education in which it was clearly shown that there is a critical need for population education programs. The recent report of the Commission on Population Growth and the American Future certainly bears this out. I urge you to recommend appropriations for population education programs up to the full amount authorized—$1,250,000.

I believe this amount would enable the Office of the Deputy Assistant Secretary for Population Affairs to gather the staff and develop the programs essential to establish adequate population education programs. Funding at this level would also enable that Office to provide the necessary coordination of population education activities of the Office of Education, the National Center for Family Planning, the National Institute of Child Health and Human Development, and other appropriate units within H.E.W.

NATIONAL INSTITUTE OF MENTAL HEALTH

There are four major areas of the national mental health program which are of particular concern to me and to the citizens of the Nation's most populous State. These are: 1) failure to provide support for continued growth and development of the critically important *community mental health centers program* including the special program for services to meet the mental health needs of children, 2) continued efforts by the Administration to totally eliminate Federal support for the *training* of psychiatrists and, for the first time, surfacing of the Administration's intent also to eliminate mental health training programs for other physicians and for nurses, 3) total failure to support the recently-initiated efforts to finally cope with the devastating problem of *alcoholism*, and 4) freezing the NIMH program in basic and applied *research* at the level of the previous year.

Community mental health centers program

The Administration's request for the staffing of community mental health centers for FY 73 is $135.1 million—identical with the FY 72 appropriation. It is estimated that less than $8 milllon of these funds will be available for the initiation of new projects. This would mean that at the most 20 new centers could be initiated during FY 1973. If this rate of growth of the program were to continue, it would take until the year 2022 before the goal of nationwide coverage by comprehensive community mental health programs could be achieved. Clearly we should not and cannot accept this retreat from the national commitment made to this innovative program by the Congress and by previous Administrations.

Taking into account the "backlog" of approved but unfunded projects for the current fiscal year and the anticipated new projects for the next fiscal year, I would strongly urge that the Senate Appropriations Committee increase the Administration's request for this program from $135.1 million to $200.1 million.

The National Institute of Mental Health, through the actions of the Senate and House Appropriations Committee, was able this year to initiate for the first time the special program under the Community Mental Health Centers Act to provide mental health services for children. The Administration's request of $10 million for this program would allow for the initiation of only 4 new projects during FY 73. The mental health needs of children—in deprived areas as well as in suburbs—are well-known. Problems of drug abuse, of alienation, of antisocial behavior and—less dramatic, but equally important—the loss to the future of the Nation in terms of unrealized potentialities require a significant expansion of mental health programs throughout the country. The Congress, in its Amendments to the Community Mental Health Centers Act of 1970, authorized a program of specialized services for children. For FY 1973 the authorization was $30 million. This amount would permit the development of 60 new programs of mental health services for children during FY 1973. I strongly urge the Senate Appropriations Committee to authorize this full amount of $30 million.

Construction

Finally, where the Congress had authorized $100 million to provide for the construction and renovation of facilities for mental health centers, the Administration has requested no funds at all. Surveys made of the national need for the construction and renovation of community mental health facilities indicate that at a minimum 100 communities require such funds. I hope your Committee will recommend an appropriation of the full amount authorized—$100 million.

Mental health training programs

Last year the President, in his budget request for FY 72, proposed the rapid phasing out of Federal support for the training of psychiatrists. At a time when there is increasing concern about mental health and other related social problems, it appeared ludicrous to remove the major single source which has enabled medical schools throughout the country to strengthen their training programs in this important medical specialty area. Wisely the Congress restored the funds which had been eliminated in the Administration's original request. This year again the President's budget proposes a major cut of $7 million in the psychiatric training program. This cut (close to 24 percent of the total Federal support for the training of psychiatric physicians) would eliminate over 70 specialized training programs and would result, within a two-year period, in the graduation of 500 fewer psychiatrists. Clearly it is nonsensical to take such a step at this time.

Increasingly, psychiatric training programs throughout the country are preparing young men and women for work in community mental health programs and for work in the specialized areas of child mental health, drug abuse, addiction, antisocial behavior and aging. Increasingly too, the emphasis is on the preparation of psychiatrists for careers of public service. I strongly urge restoration of the $7 million cut from the NIMH psychiatric training program in the Administration's FY 73 budget request.

The President's 1973 budget request also proposes the virtual elimination of two other key mental health training programs. Through the first of these (undergraduate psychiatry) assistance is provided to medical schools throughout the country to enable them to give basic training in the general area of human growth and development, emotional disorders and psychiatry to all undergraduate physicians.

Since it is well-known that non-psychiatric physicians see many more emotionally disturbed persons than do psychiatric specialists, this training is of key importance. The NIMH undergraduate psychiatry training program thus makes it possible for medical schools to provide classroom and supervised clinical field experience for third and fourth year medical schools in the area of psychiatry.

The President's proposal also includes the elimination of a comparable—and equally important—program of support for undergraduate nurses training in the mental health area. Again this program is geared to ensuring that all undergraduate nurses have some appropriate exposure to and learning experience in working with psychiatric patients. Nurses, both in community health nursing and in hospital bedside nursing, work on a daily basis with very large numbers of patients who have emotional difficulties. Thus, it is absolutely essential that the undergraduate nurse receive some basic orientation to and training in relation to both normal and abnormal behavior.

The President's request for NIMH training programs (excluding fellowships) is $96.35 million. I strongly urge that the Senate reverse the Administration's intent of phasing out the psychiatry residency training program ($7 million) and the intent to phase out the undergraduate training programs ($8 million). In addition a minimum of $15 million is required to enable the Institute to move forward with its recently initiated training programs in the area of new careers. It is only in recent years that it has been demonstrated that a wide range of paraprofessional personnel can function effectively as part of the Nation's mental health delivery system. NIMH has taken a leadership role in this regard and the nationwide response, particularly in ghetto and Chicano areas—and through the increasing number of community junior colleges—has been dramatic. Finally, because of increasing costs of training programs, an additional $7.5 million are required to enable NIMH to continue its past activities in support of basic training in areas such as psychology, social work, and nursing.

I strongly urge the Senate to add this $37.5 million to the President's NIMH training request.

Alcoholism

It was only through the action of the last session of the Congress that any significant funds became available to implement the landmark Comprehensive Alcohol Abuse and Alcholism Prevention Treatment and Rehabilitation Act of 1970. The President's request for FY 73 for the state alcoholism formula grant is at the same level as was voted by the Congress last year—$30 million. This formula grant program has been the catalyst which has enabled many states, for the first time, to move forward in developing alcoholism programs—treatment and education as well as prevention. The Administration's request for alcoholism project grants in the alcoholism area is slightly over $48 million. While this appears to be an increase of $10 million over the FY 72 figure, actually no new projects can be initiated with these funds because the additional $10 million will be used to pay for the alcoholism projects that are transferred from the Office of Economic Opportunity. The Administration's own figures indicate that fewer than 10 new projects can be established throughout the whole country with the project grant support requested in the President's budget. All 50 states are now engaged in major planning and development activities in the field of alcoholism. I strongly urge the full Congressional authorization of $50 million for this project grant program. In addition, to provide direct assistance to communities for alcoholism treatment and rehabilitation programs. the Administration's request for grants under Section 261 of the Community Mental Health Centers Act should be increased to $80 million. These grants are available for programs to combat both narcotic and alcohol abuse. Appropriations of this amount will allow the establishment of new alcoholism programs in communities throughout the country.

Support of basic applied research

I strongly urge the Senate to add a minimum of $10 million to the NIMH budget for research grants. This would raise this item from $101.4 million to $111.4 million. These added funds would enable the Institute to support over 300 critically needed projects in key areas such as violence and antisocial behavior, child mental health (including the particularly neglected problems of autistic children), drug abuse and alcoholism, and the serious problems currently existing in the provision of preventive and rehabilitative mental health services to minority group individuals and families.

NATIONAL HEALTH SERVICE CORPS

A years ago, Mr. Chairman, I was delighted to cosponsor the Emergency Health Personnel Act, which you had so imaginatively developed. Recently you must have been as pleased as I am to see the assignment of health professionals to 142 communities as a result of this legislation. These communities had been totally lacking medical services previously. Several health professionals have been assigned to my State of California in areas desperately needing services. In each case, the community has banded together to provide the facility and the equipment in a spirit reminiscent of the pioneer days of a hundred years ago. The areas chosen are geographically isolated—one is Mono County on the back side of the Sierras, another is Siskiyou County serving an area of 5,000 people in a rural community up by the Oregon border, and the third is an agricultural community in the Sacramento Delta Region serving a predominantly low income chicano farm population.

The national response to this program has been extremely favorable. Some 700 communities have indicated an interest in participating in the program. In the short time allotted to these communities to prepare the necessary materials and documentation to be eligible for consideration, at least 400 were able to develop sound proposals. Unfortunately the funding is limited, and only a small proportion of these were assigned medical staff.

In Fiscal Year 1973, the situation will be even more restricted. The administration's request is some $4 million less than it was in fiscal year 1972. Given the initial enthusiastic response from the communities, and the short time they were given to develop proposals, the number of requests should be even greater this year. I do not believe there is any question that the full authorized amount of $30 million can be effectively used.

The Office of Management and Budget has determined that some savings should accrue from making the health professional serving in the community an income producing mechanism. In each case, OMB has directed that the community or patients being served reimburse the Public Health Service for the services provided, and estimated that approximately 50% of program costs could be met in this way. This reasoning is not based on the reality of the situation. Many of these communities are made up of primarily low-income families or of individuals not within the scope of third party coverage by medicaid or medicare or private programs. I do not believe the OMB expectations of reimbursements will be realized and that the result will be an inability to support the program at the lower level the administration has planned for.

Mr. Chairman, I feel this program can have a tremendous effect in areas of greatest need. It provides direct tangible medical care to communities which have long been outside the mainstream of health care, and which the nation's health system has been unable to provide for. I hope your committee will recommend an appropriation of $30 million, the full amount authorized.

HOSPITAL CONSTRUCTION AND MODERNIZATION

I would just like to touch upon the very important area of facility construction and modernization very briefly. While we have a great many hospital facilities, many of them are outdated by the development of new technologies, many of them have deteriorated to the point where the provision of quality care is inhibited, and many of them need to be renovated to respond to the increasing demand for outpatient and emergency services. It is estimated that the need by 1973 which must be met if we are to maintain adequate standards of health care is 175,000 beds in long term care facilities, 1,107 outpatient facilities, 897 public health centers, and 377 rehabilitation centers. This is in addition to the estimates for acute care beds and general hospitals.

The administration has quite properly requested the full amount authorized for outpatient facilities and for rehabilitation facilities, and I am delighted with this action on their part. However they have asked for absolutely nothing for experimentation and demonstration grants—critically needed today in light of our rapidly changing society, nothing for construction and modernization of medical facilities despite the rapidly deteriorating condition of many hospitals in our inner cities, nothing for public health centers and nothing for emergency room modernization and construction despite the growing demand and increased reliance of the general public on the services provided in such facilities, and nothing for emergency medical transportation services despite a growing need and demand for support. I believe these are critically needed facilities and urge your committee, Mr. Chairman to be generous in appropriating funds for these purposes.

MIGRANT HEALTH

A particularly disadvantaged group in our nation is the migrant farm worker. In recognition of the responsibility the federal government bears to their well being, Congress has long supported health programs specifically for the migrant farm worker. These programs have provided care to many who would otherwise have never been exposed to it. However, the programs have always been inadequate to meet the real need. In my state of California, the tuberculosis rate among the migrant workers is very high, malnutrition is frequent. These are illnesses and conditions which could be prevented with adequate health care and health education, they are also conditions which can be alleviated through proper health care. The administration has requested $23.75 million for support of migrant health programs, some $6.25 million short of the full amount authorized by Congress. Mr. Chairman, this amount can provide a substantial amount of care to a group which desperately needs it. I hope your Committee will recommend an appropriation of the full authorized amount of $30 million.

OCCUPATIONAL HEALTH

The rates of death and disability arising from hazards on the job are inacceptable in a society with the technology we possess. Every year almost 15,000 workers are killed on the job and over 2.2 million workers are disabled. Some 400 new substances are introduced into the work place daily. These need to be studied so that any potential hazard can be evaluated, criteria developed, and standards recommended. The training of occupational health personnel is critically needed. The AFL–CIO has recommended that the amount requested by the Administration—$28.3 million be doubled. This indicates the magnitude of the need. I hope your Committee will at least support the figure included in the administration request as recommended by the Coalition for Health Funding.

DEVELOPMENTAL DISABILITIES SERVICES

Mr. Chairman, there is one program closely related to the health programs I have been discussing, which is not organizationally a responsibility of the programs under the Assistant Secretary for Health and Scientific Affairs. These are the programs authorized by the Developmental Disabilities Act which would provide services for those suffering from mental retardation, cerebral palsy, epilepsy or other neurological conditions as determined by the Secretary. The bulk of the ongoing program is a formula grant program to the states and the administration has requested $21.7 million for this purpose in FY 1973, the same amount appropriated last year.

Estimates from the states are that this sum was totally inadequate to their needs. The States are making a strong effort to improve the programs and services for the developmentally disabled within the community and to move away from the traditional institutionalization of these individuals which has in the past resulted in so many tragic abuses. Mr. Chairman, I urge that your Committee recommend that at least $65 million be appropriated for the formula grant program. This is just one half of the amount authorized, and the need is well established.

CONCLUSION

Mr. Chairman, the programs I have concentrated on are just a few of the many vital and important programs which deserve special attention. I know you are going into all the needs in these areas intensively and that your Committee will recommend wisely and well, based on strong evidence of actual need and the ability to effectively utilize funding support.

I appreciate your giving me the opportunity to present my recommendations on some of the areas which I believe are severely underfunded.

Mr. MAGNUSON. Mr. President, one other thing. The distinguished Senator from West Virginia (Mr. RANDOLPH) is unavoidably detained. He would like for me to mention, before the bill is passed, his strong support of the bill, which I am glad to do. He has been very helpful in all of these programs thoughout the years. I imagine there will not be enough votes against the bill to bother.

Also, I think he can take great pride in what the Senate did on the matter of black lung payments, because no one, even his distinguished colleague (Mr. ROBERT C. BYRD) has done more for this. Together they have done more than any other two Senators in the United States, including others from the mining areas. Senator RANDOLPH has been a real leader in this field.

FUNDS FOR SICKLE CELL ANEMIA

Mr. TUNNEY. Mr. President, before we take final action on this appropriations bill I would like to express my appreciation to the members of the Appropriations Committee for acting favorably on my request to increase funds to combat sickle cell anemia from the $15 million proposed by the President to the full $25 million which I asked of the committee on May 23, 1972.

That action by the committee demonstrates most emphatically, I believe, the deep-felt commitment of the Members of the Senate against this tragic disease. And it builds directly upon the impressive actions by both the Senate and the House earlier this year in passing Public Law 92–294, the National Sickle Cell Anemia Control Act, which I introduced last October.

I would hope that this $10 million increase will be retained in conference with the House in order to provide adequate funds to implement this new law.

Mr. President, I ask unanimous consent that my testimony in support of this increase be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY

I. SICKLE CELL ANEMIA

Mr. Chairman, there is a blood disease in this country that kills half of its victims before the age of twenty.

Few survive beyond the age of forty and most are crippled long before death.

It was found to be a deadly killer more than sixty years ago.

It is called sickle-cell anemia and it strikes approximately one of every 500 black persons in this country.

Medical researchers estimate that over 2 million Americans carry the so-called sickle-cell trait. And yet the vast majority of Americans have no idea what sickle-cell anemia is; they have never heard of it.

The people who suffer most from this disease do not live in the suburbs; they do not belong to country clubs; they do not go to private schools; many of them do not have family doctors; many of them never receive any adequate health care. They are black and until very recently they have been ignored.

In October of last year thirty Senators joined me in taking a first step toward ending that neglect, the introduction of S. 2676, the National Sickle Cell Anemia Control Act. During the next few weeks, the first hearings ever held in Congress on sickle cell amenia were held by two Senate subcommittees and on December 8, 1971, the Senate voted 81 to 0 to approve it. Similar unanimous action was taken in the House and on May 16, 1972, just last week, the President signed it into law as P.L. 92–294.

As the author of that legislation, I am particularly gratified by the swiftness with which the Congress acted in passing that legislation.

Now we must move with equal speed to provide the full funds needed to implement that law. The suffering and despair of the victims of sickle cell anemia, compounded by tragic ignorance of the disease by many Americans, demands that we fulfill the promises contained in this new law.

Mr. Chairman, during the past year and a half since we began working on this legislation, the public has finally begun to learn some of the facts about this tragic disease. Newspapers, magazines, radio and television programs have begun to focus increasing attention on the nature of sickle cell anemia and the great need for support to combat it.

It has been a long process. You will recall, I am sure, that just one year ago, under the leadership of Senator Kennedy, the Senate attempted to increase funds for sickle cell research only to lose that increase in conference with the House.

Happily, that situation has now changed, I think. In voting 391–0 in favor of the National Sickle Cell Anemia Control Act, the House made it clear, I believe, that sickle cell anemia at last occupies the priority in the Congress that it has long deserved.

And for that reason, I believe we must provide adequate funding for this new law. Its passage has given new hope to the thousands of sickle cell victims throughout the nation. Let us not be a party to dashing those hopes by failing to provide the money to implement that law.

Mr. Chairman, it is clear in my mind that if we had a disease that affected one out of every 500 white children, and that if fifty percent of those children died at about the age of twenty and almost all of them died before the age of forty, with the kind of excruciating pain and complications that occurs with sickle cell anemia, we would have had a massive research effort long, long before this.

Let me give you some examples of the need for funding.

Dr. Roland Scott of Howard University, a man who has dedicated his life for over twenty years to combating this disease, described the efforts at Howard's Center for Sickle Cell Anemia in hearings which I held as chairman of the public health subcommittee of the District of Columbia Committee. Dr. Scott is chairman of the Department of Pediatrics and Child Health at Howard. I might add that at the present time Howard University is responsible for training nearly half of all the black physicians in the United States.

Dr. Scott estimated that the cost of establishing and supporting a full scale program at Howard would cost $4.4 million initially and approximately $2 million thereafter. Last year Howard University spent $200,000 for sickle cell research. *Less than one percent* of that money came from the federal government.

Take another example, the Director of the District of Columbia Health Services Administration testified before my subcommittee that he could not even get $15,000 from NIH last year to piggyback a sickle cell test on an existing program testing children in Washington for lead paint poisoning. All he wanted to do was include a very simple test that would have reached thousands of children for almost no additional cost. But he was told there was no money.

Mr. Chairman, these examples demonstrate two things. First, there is a tremendous need for funds, but secondly, there is a particular need here in the District of Columbia. I can think of no more appropriate place to begin the fight against sickle cell than here in the Nation's capital, the city with the largest percentage of black population of any city in the country.

But the need is national as well. Dr. Elmer Anderson, Chairman of the Research Foundation for Sickle Cell Anemia in Los Angeles, has testified about the efforts of that foundation in the Los Angeles area. In 1970, he said, the total income for the foundation was $6,000. That amount was equal to the hospitalization cost of just two sickle cell crises for a single patient. Dr. Anderson put it most eloquently:

"So what we are emphasizing, gentlemen, is not the idea that we are asking for $25 million for programs for testing, research, and education; but a chance to get this disease in its right perspective so that we can save lives. We are very late in finally now becoming aware of what we should be doing. I think at this stage of the game it would benefit us all to appreciate the fact that we should stop politicking and devote our energies toward creating centers where these people can go for screening and good definitive treatment and research facilities where they can do research specifically for sickle cell anemia and not as an afterthought while considering another project to work on."

Similarly, Dr. Robert Rhodes of Meharry Medical College in Nashville, Tennessee, a school that has graduated approximately 43 percent of the black physicians practicing in the United States, has summarized the need for full funding in this way:

"In summary, for all too long, sickle cell anemia has been virtually ignored as an important disease among a major segment of this Nation's population. The victim, maligned and used in many instances as only a 'good source of interesting research material.' The time certainly has come to give adequate support to such programs as will provide both care for the victim and continue to expand our knowledge of this patient and his disease. It is hoped that the current spurt of interest in sickle cell disease will remain high and provide the victim with support so long denied."

Dr. Rhodes went on to cite a World Health Organization estimate that sickle cell anemia kills over 80,000 children annually worldwide.

Mr. Chairman, all of those witnesses spoke from sad experience of the need for adequate funds for research, for screening, for counselling, for treatment and for public education. But perhaps the most eloquent statement of the reasons why this Committee should provide full funding for this program was by the mother of a child with sickle cell anemia who testified before the Health Subcommittee:

"Kaaren must have been about eight months old when she had trouble with her elbows swelling . . .

"Shortly after that, Kaaren began to have bronchial infections, which would develop into pneumonia. One night she actually went into a coma.

"We struggled along with this, off and on, for two and a half years, thinking that the child would grow out of it. We had no idea of anything, except that she was weak.

"This is what the doctor said, she was just a weak child.

"In 1947 my husband and I moved to Magnolia, Arkansas . . .

"Kaaren's health began to deteriorate. She was sick most of the time and had to have a blood transfusion about every six to nine weeks.

"She would perk up immediately after the blood transfusion, and then go back down again, so that in approximately two months, she would return to the hospital for another transfusion.

"At this point no one said anything about sickle cell anemia.

"The doctor said he thought she had rheumatic fever. He changed it and said it was malaria . . .

When we moved to Tyler, she became desperately ill, and we knew no doctor. A friend of mine suggested I use her doctor, who incidentally was an internist. I did not know what that meant at the time. It turned out that this man, a Jewish doctor, diagnosed sickle cell anemia. That was the first time we had ever heard of it . . .

"He admitted he knew very little about it. He sat down with us in his office with a textbook, and read maybe ten lines, and that was it . . .

"In 1958, the pediatrician we used tested everyone, all six of us. This is when we learned that I have a trait, my husband has a trait, Kaaren, the oldest child, has the disease, the second child has nothing, the third child has the disease, and the youngest child has a trait . . .

"We were informed she would never live to see womanhood; that if she did, very shortly thereafter she would die, and that there was nothing anyone could do, so, you know, get yourselves together, and ready to face it . . ."

Mr. Chairman, the bottom line is this. The Administration has proposed $15 million for sickle cell anemia for FY 1973. Of that amount, $6 million is to be used for research and $9 million for services, presumably for screening, counselling, public education, and clinical programs. Those amounts are clearly inadequate.

They might be adequate for a token effort, but they fall far short of a national commitment to combat sickle cell anemia. The Congress has called for that national commitment unanimously in both Senate and House. It is now time for us to match the words in the new law with the money to make it work.

Furthermore, despite the clearest possible need for action, the vast majority of the funds appropriated for the current fiscal year have not yet been spent. The latest word I have is that possibly as much as 80 percent of the 1972 funding for sickle cell anemia will not be committed until next month, the last month of the fiscal year. So we have already lost almost a full year in the battle.

Frankly, Mr. Chairman, I would like to see this new law funded at the maximum level. I know the realities in which you operate, and I therefore would ask you simply to do the best possible job. However, I would urge that at a minimum the committee add an additional $10 million to the President's request: $5 million for additional research as provided in Section 1102 of the Act and $5 million for screening, counselling, and public education under Section 1101.

Although far less than the full amount authorized under the Act, these additions would bring the total amount allocated next year for sickle cell anemia to $25 million. Such an addition would in no way be excessive and would go a long way toward fulfilling our commitment to the victims of sickle cell anemia and their families.

MENTAL HEALTH FUNDING

Mr. TUNNEY. Mr. President, I would like to compliment the Senator from Washington (Mr. MAGNUSON) and the other members of the Appropriations Committee for their action in restoring adequate funding for mental health in the budget of the coming year.

The committee has restored in full the funds for psychiatric training grants as I requested in testimony before the committee on May 23, 1972, and has added additional funds for restoration of the program to its 1969 level in order to emphasize new and emerging priorities such as mental health of children.

In addition, the committee has added $20 million for staffing of the community mental health centers.

I think these actions represent an important awareness of the critical need for expanded mental health resources. I hope we will continue that impressive record in years to come.

Mr. President, I ask unanimous consent that my testimony to the Appropriations Committee in support of increased funding for mental health be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MENTAL HEALTH FUNDING

Mr. Chairman, on July 13, 1971, I testified before this Sub-committee regarding the effects of crippling cuts in the national mental health program proposed in the Administration budget for Fiscal Year 1972. Through the wisdom of this Sub-committee and its counterpart in the House of Representatives, and with the strong support of a large number of both citizen and professional groups, these cuts were restored last year by the Congress.

In the fall of last year, despite the manifest intent of Congress, attempts were made by the Administration to restrict expenditure of these funds. Again, strong and broad-based popular support forced release of the appropriated funds and the development of the mental health program was allowed to continue.

I am before you today because the Administration's budget for Fiscal Year 1973 again imposes severe restriction on vitally needed programs of mental health research, training, and service. During the year that has passed since my last appearance before you, I have had a chance to gain some familiarity with the status of our efforts toward mental health. I have a few comments which occur to me on some of the major recent accomplishments and greatest unmet needs in our quest for better mental health for all Americans. I have divided those comments into research, training, and service. I would add, however, that these three facets are inextricably linked. To attempt to trade one off against another in some false sense of economy runs grave risks of reducing both the strength and the effectiveness of mental health programs.

RESEARCH

In research, mental health differs significantly from other health areas in that the gap between knowledge and its practical application is far less wide. This results from both the incredible complexities of the human mind and brain, and the fact that only in the past two decades has major research in mental health been undertaken. Productive interdisciplinary research teams have only relatively recently undertaken broadgaged studies of the factors associated with major mental illness, or the contributions to such pressing social problems as drug abuse, alcoholism, and violence.

Progress has been made. In recent years the effectiveness of lithium in the treatment of the previously difficult to manage manic-depressive psychoses has been well documented by careful research, and it now appears that this drug may also be useful in treating at least some of the 300,000 Americans each year who suffer severe depression.

The use of the drug L–DOPA for relief of the previously severely crippling symptoms of Parkinson's Disease resulted from intensive research, and further studies of this chemical and its relatives promise greatly increased understanding of the basic biochemical mechanisms of the brain.

Dr. Julius Axelrod, working in the intramural laboratories of the National Institute of Mental Health and winner of the 1970 Nobel prize in medicine, has recently discovered that the human brain has the potential capacity to produce hallucinogenic substances from chemicals normally present in brain fluids. The possible role of this process in the disordered thinking of schizophrenic patients is presently under intensive study.

Methadone appears to offer at least stabilization of a significant number of the estimated 500,000 heroin addicts in the United States, while pharmacologic research holds promise for the development of long-acting true narcotic antagonists. Meanwhile, research is continuing the search for the basic factors underlying addictive behavior.

But much is still unknown. Nearly 40 percent of the hospital beds in the United States are occupied by individuals suffering from major mental illnesses, and it is estimated that one in ten Americans will require psychiatric hospitalization at some time during his life. There are more than five million alcoholics in our country today and an additional four to five million individuals for whom alcohol abuse is a serious problem.

Mental health problems of young people in our society are another major area. Drug abuse among teen-agers is a tragic fact of life for thousands of American families. Death due to over-dose or the physical complications of addiction has become the leading killer of young people between fifteen to twenty years of age in several of our larger cities. The upsurge of violence and crime by young people is also a sad fact. Three-quarters of those arrested for major felonies, larceny, and negligent manslaughter are less than twenty-five years old. Arrest rates are highest for those fifteen through seventeen, and next highest for ages eighteen through twenty. One need not be a psychiatrist to recognize the meaning of those statistics.

None of these problems is simple. None has an easy answer. But whether you measure the cost in either economic or human terms, continued support of both fundamental and targeted research on problems of mental health and illness is an excellent investment. The Administration proposes a budget of 144 million dollars for NIMH research support in fiscal year 1973. This is inadequate to even cover inflationary increases over the past year and would provide no new funds for expanded research efforts. Both the National Association for Mental Health and major professional groups have urged the addition of ten to fifteen million dollars in new funds to support mental health research in the coming year. Even this modest increase would allow the beginning of nearly four hundred new research projects. This support seems to me minimal in the face of past accomplishments, great promise, and overwhelming need.

TRAINING

The United States remains woefully short of professionally trained mental health manpower. While the number of psychiatrists, psychologists, psychiatric social workers, and mental health nurses has increased markedly since the end of World War II, the demand for skilled services has increased as well. Effective treatment programs in drug abuse, alcoholism, crisis intervention, and crime and violence, if they are to succeed, require—in fact demand—skilled professionals. In addition, we must provide mental health care to those for whom it has been only barely available—minority groups, children and adolescents, and those living in rural areas.

I strongly support these new treatment programs. But I would consider it tragic indeed if manpower shortages led to our producing yet another second-class care system for those most acutely in need. Highly trained and skilled professionals are required not only for the development of new mental health knowledge through research, but also for the application of this knowledge to new treatment programs and the complex, but vitally important function of program evaluation.

It has recently been suggested that less highly trained para-professional mental health workers can significantly replace professionals in treatment programs. The usefulness of new kinds of health workers in increasing the effectiveness of professionals has been clearly demonstrated and significant new roles for para-professionals in community mental health have evolved. I think, however, we should be wary about the concept of their fully replacing professionals in the extremely complex task of effective mental health care. The risk of producing a second-class system seems to me to be great.

The public demand for help with psychological and social problems has been demonstrated in California in the very rapid rise in various encounter and other group programs, not infrequently led by individuals with little or no professional training. Recent research has demonstrated that, contrary to popular belief, such quasi-mental health activities are not necessarily harmless and may, in fact, delay the seeking of professional assistance for major mental disorder. Partly because of the effectiveness, of past public education programs, persons in need are increasingly seeking mental health care. It is our responsibility to provide skilled professionals to help them.

As with research, despite a record of accomplishment and a clear-cut need, the Administration proposes to severely restrict the training activities of the NIMH. In this case, a cut of fifteen million dollars from the appropriation for FY 1972 is requested. Of this cut, seven million dollars is removed from funds to train psychiatrists, and the intention is again made clear to eliminate the entire psychiatry training program over the next few years. The profound impact of these cuts on the manpower supply in this essential medical specialty has been pointed out in other testimony before you. I would only like to underline the particular irony that the training programs which would be most severely restricted by such cuts are those based in medical schools and major medical centers. These are precisely the programs which provide training in research, program development, and evaluation, and whose graduates are most likely to enter public service careers.

Even more short-sighted, in my view, is the proposal to cut eight million dollars from the support of mental health training in the core education of health professionals who do not plan to specialize in mental illness. The bulk of mental health care in this country, especially for less severe disorders, will likely always be provided by non-psychiatric physicians, social welfare workers, and others without primary mental health responsibilities. With proper training, these individuals can be tremendously valuable in treatment, early case finding, and effective prevention of more severe disturbances.

Mr. Chairman, there is a terrible irony in the budget cuts proposed by the President. Every member of the Congress knows how deeply every American is concerned about drug abuse. Last year we passed major new legislation designed to combat drug abuse. Yet we are now actually being asked to reduce the production of the very professionals who can provide the key manpower in that effort. I simply cannot understand that logic.

Restoration of the proposed cuts in the NIMH training funds seems to me to be the bare minimum expression of our responsibility to the mentally ill of this country. The National Coalition for Mental Health Manpower, a broad consortium of citizen and professional groups, believes that an additional forty million dollars in new funds could be effectively used in the coming year, and I would support this recommendation.

SERVICES

A final point is services. Quality mental health care is increasingly available to broad segments of the American population. The result has been a decrease in the number of patients in outmoded public mental hospitals. Three state hospitals in California have been able to close their doors in the last year as community-based services have become available. More than three hundred Community Mental Health Centers are currently in operation, offering the potential of comprehensive services to more than 25 percent of the total United States population. These centers are increasingly offering effective services for alcoholics, drug addicts, children and adolescents, and the aged.

The visionary concept of a truly comprehensive community mental health center system, developed during the Kennedy Administration, has allowed us to take major steps toward the goal of national mental health care. That the full implementation of the concept has in some instances proved difficult speaks to the complexity of the problem rather than to fundamental flaws in concept.

In my view, the primary task of the Community Mental Health Centers in the years immediately ahead is the assurance of high quality care to all of those treated. This will require full utilization of the research and training potentials of the Centers, perhaps through closer working relationships with universities and medical centers, and particular attention to program evaluation. To provide the best care, the Centers must have a full complement of professional staff and an atmosphere conducive to open inquiry and thoughtful innovation.

With respect to budget requests for Community Mental Health Centers, it seems to me that the highest priority must be on staffing, especially the provision of adequate professional manpower for those Centers in operation or under development. $140 million should be adequate for this purpose in FY 1973. I would also strongly support a specific allocation of $2 million for evaluation, as recommended by the Council of Comprehensive Community Mental Centers.

Mr. TOWER. Mr. President, I intend to support H.R. 15417, the 1973 Departments of Labor and Health, Education, and Welfare appropriation bill.

In a number of areas the Senate Appropriations Committee has acted responsibly in recommending appropriations for programs that truly deserve congressional support. For instance, the Congress has taken strong action concerning the appropriations for Public Law 874, the so-called impact aid program. There have been some criticism of this program. However, an alternative program has not been enacted and therefore, I believe that the Congress should continue to give strong support to it. I have spoken to many school officials from all over my State and I am convinced that none of the Texas school districts receiving impact aid funds are misusing our Federal tax dollars. In fact, the vast majority of these districts could not survive without this assistance. At a time when localities find themselves hard pressed in financing their local educational systems, I think it is incumbent upon us to adequately appropriate for the impact aid program.

As a sponsor of the Bilingual Education Act, I am pleased that the Senate committee has recommended $60 million to fund this program. There is no program in existence today that has given more hope to the Spanish-speaking population of Texas than bilingual education. All across the Southwest and in many other areas of the country, this program has assisted people in obtaining the educational tools that will better allow them to compete in our society.

I am also pleased that the Senate committee has recognized the need for increased funding of the Migrant Health Act. On May 12, I joined with a number of colleagues in soliciting support from the Senate Appropriations Committee for full funding of this act. The committee's recommendation of $27,750,000, a $4 million increase over the budget, will assist in meeting the health care needs of our migrant population. There are now 19 ongoing migrant health projects in Texas being funded by the Federal Government. Health care is probably the most serious problem facing the migrant and it is essential that these services be provided if these people are to break the migrant cycle.

Further congressional support for medical facilities construction under the Hill-Burton Act is needed to assure our citizens and communities of a modernized health care delivery system. The Hill-Burton Act has been a tremendous success in its 25-year history. Particularly important is the need for new facilities and modernization of established facilities in the rural parts of our country. Small community hospitals have played an important role in the development of our Nation's health care system. This effort must be continued and expanded.

Mr. President, while I have mentioned a number of items in the bill that I feel deserve strong support, we must keep in mind that the Senate committee bill is more than $2 billion over the budget request. I am hopeful that the conference committee on this appropriation bill will keep this in mind and make some cuts in some of the less essential items in the bill. While we would like to see these worthy programs fully funded, such cuts are necessary to insure that the inflationary spiral in our economy is not allowed to resume. Inflation is a menace that should be arrested. It causes the greatest amount of damage to those individuals in the lower income bracket. It is because of my concern that a healthy economy should be our greatest priority, that I urge the conference committee to exercise restraint on the levels of appropriations for this bill.

Mr. MOSS. Mr. President, the Senate Appropriations Committee, and its counterpart in the House, has produced a bill that provides many benefits for the citizens of our Nation. In the beginning of the budget cycle, after the President's requests were received, the picture did not look this hopeful. But we now have before us a bill that has been increased in many important areas and merits our support.

EDUCATION

The President's original budget request would have reduced impact aid for my State by 60 percent. I protested this cut at that time, and gave notice that I would propose floor amendments if these cuts were not restored by the appropriations committees. The House, responding to many similar complaints, restored the funds. The Senate, through the Pastore and Case amendments, has added even more funds for areas where the Federal presence has impacted local districts. With these increases, we can be very sure that school districts will receive at least the same level of funding in fiscal year 1973 that they received in fiscal year 1972, with the possibility of some increases, if the House-Senate conference committee allows these to stand. This will mean an increase of at least $4.2 million in impact aid for Utah.

The same sequence of events occurred in many other education appropriation items. In my statement before the Senate Labor-HEW Appropriations Subcommittee earlier this month, I asked for increases in impact aid, elementary and secondary education, vocational education, education for the handicapped, and library programs. The Senate committee provided additional funds in all these areas, which greatly improved the bill.

HEALTH

Under the increases provided by the Senate committee, regional medical programs will be allowed to develop and spread. Under the President's request, they would have been restricted. The committee has also provided $112 million in construction funds for Hill-Burton hospital programs. None had been requested. Community health centers, psychiatric training programs, neighborhood health centers, and migrant worker programs all would have been underfunded if the appropriation committees in the House and Senate had not provided additional funds. I urged this action, and am now happy to find these increases contained in the bill before us.

CONCLUSION

The bill that eventually passes the Senate will be well above the President's budget request. This is not, however, due to overspending by Congress; it is due to inadequate budget requests that would have done serious damage to the quality of education and health in this country. The bill does not contain "fat" added by Congress. It contains necessary improvements added to cover serious deficiencies, and should be supported heartily by the Senate.

Mr. SCHWEIKER. Mr. President, I want to commend the distinguished Senator from Washington (Mr. MAGNUSON), chairman of the Appropriations Subcommittee for Labor, HEW, and Related Agencies and the members of the committee for recommending the essential financial support of our Federal health programs. Senator MAGNUSON's leadership in this area is acknowledged by his colleagues and I want to add my voice to those of the other Members of the Senate who have expressed support for his efforts. Also, the distinguished Senator from New Hampshire (Mr. COTTON), the ranking Republican on the subcommittee is to be commended for his significant role in bringing this bill to the Senate.

Mr. President, the pending appropriations bill provides an increase of approximately $4 million for the National Eye Institute for diabetic retinopathy and vascular diseases of the eye. According to the Institute, the multifaceted nature of vascular diseases of the eye, of which diabetic retinopathy is one of the most prevalent, has led the Institute to take a cross-categorical approach to their eventual control and prevention. Thus, funds for research on several eye disorders will be applied to those funds specifically designated for this problem in the Institute's program for diabetic retinopathy.

Mr. President, diabetic retinopathy is one of the leading causes of blindness in the United States. It is expected in the near future to become the No. 1 cause of blindness. Based on current data, by the year 2000 the number of persons blind or severely visually impaired by this disease will be greater than the number blind from all causes today. A study prepared last year by the Harvard School of Public Health estimates that compared to the current 154,700 persons blind from diabetic retinopathy, by the year 2000 a staggering 573,000 will be blind. Unfortunately, this growing health problem is presently receiving negligible research funding.

Diabetic retinopathy is a complication of diabetes. All stages of diabetes are associated with widespread vascular abnormalities which involve capillaries and other small blood vessels throughout the body. In the retina this vascular disease is diabetic retinopathy. According to the National Eye Institute:

> The exact mechanism causing this disorder is unknown, but it is a frequent complication of long standing diabetes. An estimated 75% of all people with diabetes for 15 years or more will suffer some degree of retinopathy.
>
> Paradoxically, the increasing prevalence of diabetes is the result of medical progress, for insulin first used in the 1920's has enabled patients to survive the years necessary for the development of the retinopathy that causes blindness. Moreover, insulin has enabled diabetics to live, have children who in turn have diabetes (since diabetes is an heredity disease) and develop retinopathy. Blindness from diabetes, already a major catastrophe, may be expected to increase even more.

In a survey made from July 1964 to June 1965 the Bureau of the Census found there were then 2,385,000 people in the United States in whom a diagnosis of diabetes had been established. On the basis of a population of 200,000,000 it is estimated that in addition to 2,800,000 known diabetics there are at least 1,600,000 unknown diabetics, totaling a diabetic population of approximately 4,400,000 people.

Each year 325,000 Americans learn that they have diabetes; therefore, nearly 1 million additional diabetics are diagnosed during each 3-year period. The

Committee on Public Education and Detection of the American Diabetes Association believes these estimates are minimal.

As I have indicated, the complication of blindness in diabetes is a function of the duration of diabetes. The longer the diabetic lives the greater the chance that he will develop diabetic retinopathy. At present we can anticipate a growing number of diabetics and thus an increase in the blind population. Current figures show that the prevalence of diabetic retinopathy has increased tenfold since 1942 as insulin, good metabolic care, and antibiotics have prolonged the diabetics' life.

There is no cure for diabetic retinopathy. Current therapy must still be considered stopgap and experimental. Those involved in this health problem acknowledge that a primary objective of disease prevention remains unrealistic. All emphasis has been on maintaining good control of diabetes.

Nevertheless, the situation is not hopeless. There are several therapies and clinical methods to deal with diabetic retinopathy. However, the problem of blindness due to diabetic retinopathy must be met by a broad scale attack by many institutions, many teams. There should be more and better centers organized to diagnose and treat diabetic retinopathy. Knowledge of such therapy as is currently available should be disseminated.

It is clear that additional funds must be allocated for the training and research related to this problem. The National Eye Institute has allocated $1.28 million for the current fiscal year for this disease. In testimony before the Appropriations Subcommittee for Labor/HEW I recommended an increase in funding of $4 million.

The National Eye Institute, the Federal focus for vision research, has developed plans for an expanded program of research dealing with diabetic retinopathy. Building on research already underway, the Institute will initiate a multifaceted research program involving all aspects of the Institute's activities.

The Institute will develop and conduct a special emphasis research program in diabetic retinopathy. The program will involve the expansion of existing efforts and the initiation of new projects to add to basic knowledge and speed clinical applications. This will involve the training of additional researchers as well as the establishment of an intramural research program in Bethesda plus the utilization of grants and contracts to support fundamental and applied research studies.

Mr. President, a frightening number of Americans are threatened by blindness due to diabetic retinopathy. The numbers are growing at an alarming rate. For nearly 4 million Americans this blindness or a severe loss of seeing ability is inevitable. The increase in the funds appropriated for the National Eye Institute in order to enlarge the research effort on this disease is certainly welcome.

Inasmuch as the ultimate elimination of diabetic retinopathy will depend on our efforts to understand and prevent diabetes, it should be noted that the committee has authorized the initiation of six regional diabetes research centers throughout the Nation. Our knowledge of diabetes has been pitiful to date and the millions of people who suffer from this metabolic disorder feel neglected. They are justified. Up to now we have not had a single research center devoted to diabetes. I am pleased that we are facing up to this problem and I am hopeful that these new diabetes related research efforts can begin as soon as possible. The elimination of diabetes will mean an end to its dread complications, one of which is diabetic retinopathy.

Mr. President, I applaud the Senator from Washington, the Senator from New Hampshire, and the other members of the Appropriations Subcommittee on Labor, HEW, and Related Agencies for restoring or supplementing funds for a number of health programs that otherwise would have gone underfunded in fiscal 1973.

One example of the committee's extra attention is the National Health Service Corps, established by the Emergency Health Personnel Act of 1970. The purpose of this corps is to correct the maldistribution of health personnel by bringing professionals and services to isolated rural areas.

The administration, as well as the other body of this Congress, recommended a budget of less than $9 million for the corps, even though $30 million is authorized for fiscal 1973. The Senate committee, quite properly, added slightly more than $11 million to that request, thus raising the total to $20 million. This increase will provide for an additional 550 health personnel to be placed in approximately 140 areas having an average population of between 7,000 and 10,000. Surely this is money well spent. In Pennsylvania nine locations have been designated critical health manpower shortage areas and have been assigned medical personnel from the National Health Service Corps. However, other areas of the State are in need of the health care services provided by the corps.

There are those who feel that the National Health Service Corps should become self-supporting. The committee emphasizes, on page 32 of its report—No. 92–894—that whatever fees are collected from third parties under this program should be repaid to this program for its expansion, but that the growth of the corps should not be based on the collection of such fees. I agree with this proviso in the legislation.

Again, I commend the committee for restoring needed funds.

Mr. BENTSEN. Mr. President, I want to commend the distinguished chairman of the Labor-HEW Appropriations Committee for bringing H.R. 15417 to the floor in the present form. He has the difficult task of sifting the requests of literally hundreds of individual constituents and he must report out a bill which gives everyone concerned a reasonable slice of the available funds. I believe that he has been eminently fair.

I just want to take note of three or four items in this massive bill, items upon which I have expressed my views to the committee.

The first is funds for implementing the Migrant Health Act, the primary legislative program for health services to migrant workers. In May, I authored a letter, signed by 21 of my colleagues in the Senate urging an increase in migrant health funds over the $23.75 million requested by the administration. In that letter I pointed out that the migrant has a life expectancy 20 years less than the average American. His infant and maternal mortality rate is 125 percent higher than the national average. His death rate from influenza and pneumonia is 200 percent higher than the national rate.

In the face of these alarming statistics, the administration has taken what I consider to be an irresponsible action in phasing out hospitalization coverage for migrant workers, coverage which is specifically mentioned in the authorizing legislation. It has been claimed that inadequate funding for the program is a cause.

I was pleased to see, Mr. President, the Appropriations Committee recommend $27.75 million, a $4 million increase over the budget request. The committee report, moreover, contains this significant passage:

> It is intended that the increase be used primarily to provide costs for hospitalization and seasonal farm workers and their families in those states where hospital services are not covered under the Medicaid program.

I believe the Public Health Service should be on notice that this Congress intends to see that hospitalization funds continue to be provided under the Migrant Health Act, and I, for one, will be watching this program carefully to see that the intent of Congress is implemented.

Another item concerns funds to be used to enforce the Age Discrimination in Employment Act. Along with the distinguished Senator from Idaho (Mr. CHURCH), I urged the committee to provide an additional $1 million to enforce the Age Discrimination in Employment Act of 1967. That increase is provided for in the committee bill.

On March 9, I introduced a bill which would extend coverage of the age discrimination legislation to Federal, State, and local employees, all of whom are presently excluded from the benefits of the act. On March 23, the President, in his message on aging, made substantially the same suggestion. Yet the President failed to amend his budget request to provide for the increased caseload that these provisions would entail. In fact, the administration this year requested only $1.4 million to administer the act, roughly the same amount as last year, and this modest sum would allow an equivalent of only 69 staff positions nationwide to monitor instances of age discrimination.

In my view, the President's proposals, without adequate budget requests, constitute another instance of rhetoric without any hard commitment to the finances to make these programs work. I believe that the committee's action services notice that the Congress wants action, not merely words, to cope with discrimination in employment for America's older workers.

Another item of some significance was the committee's appropriations of $75 million under the Adult Education Act. Last year, only $51 million was appropriated under this legislation, despite authorization figure nearly five times that high. As a consequence, many programs allowing adults to continue their education past primary school were necessarily discontinued. My State of Texas and other States in my section of the country were singularly disadvantaged.

Mr. President, the importance of adult education cannot be overestimated. A recent report prepared for the Senate Select Committee on Equal Educational Opportunity noted that our failure to provide basic and advanced educational skills for older Americans is resulting in a loss to our economy of billions of dollars a year, not to mention the human tragedy of thousands of elderly individuals unable to find adequate work because they lack the skills. I believe that the committee's appropriation, while not as high as we would wish, constitutes a significant step forward in adult education.

And finally, Mr. President, there is the question of fundamental research into the aging process, a program which is currently under the control of the National Institute of Child Health and Human Development. I mentioned this as an area of critical importance in a speech to the Senate in January of this year.

A recent article in Time magazine notes that:

> The biology of aging is no better understood today than was the circulation of the blood before William Harvey.

The consequences of our relative neglect into the aging process are profound. Dr. Gerald LaVeck, Director of the National Institute of Child Health and Human Development, told Congress last year that advances in aging research could be expected to build body resistance and measurably reduce the incidence of chronic diseases such as arteriosclerosis, cancer, and arthritis.

And there are other benefits to aging research as well, most notably the opportunity our generation has to extend vigorous and productive life by an additional 15 to 20 years by studying the normal body processes that contribute to deterioration.

I noted my concern on this subject in a statement to the Appropriations Committee on March 22, and at that time I urged that funds be specifically earmarked for aging research. I was pleased to note a significant increase in appropriations for the National Institute for Child Health and Human Development and an earmarking of $5 million of that increase for aging research. Moreover, I am heartened by the following statement in the committee report:

> The committee heard testimony from experts in the field that few areas of scientific activity offers as much promise for mankind as does research on aging . . . The committee considers this area of research to be of utmost importance and directs that $5 million of the increase be devoted to research on aging.

These items, Mr. President, do not add up to much when we consider the imposing dimensions of this legislation; yet each one is of vital importance to the poor and the elderly in this Nation.

Once again, I want to congratulate Senator MAGNUSON and the members of his subcommittee for their tireless work on this bill.

I urge its passage by the Senate.

GERMAN MEASLES, MENTAL HEALTH, AND CLINICAL RESEARCH

Mr. HARTKE. Mr. President, I would like to thank the distinguished chairman of the Labor-HEW Appropriations Subcommittee (Mr. MAGNUSON) and the membership of his committee for their support for three programs whose importance, I believe, should be emphasized with increased Federal assistance.

GERMAN MEASLES

Although as many as 2,000 babies are born each year with mental and physical defects because their mothers contracted rubella during pregnancy, the administration has actually requested a decrease for immunization funds over fiscal year 1972. The level of immunization against rubella is the lowest of all communicable diseases in this Nation.

I am, therefore, pleased that the appropriation committee has accepted my proposal for additional funds for the rubella immunization program by adding $6 million to the administration request. This money should be adequate to bring the level of immunization up to close to 80 percent of all school children between the ages of 1 and 4.

MENTAL HEALTH

Nearly 5 years ago, Congress voted funds to establish university-affiliated mental health centers throughout the Nation. It was the purpose of these centers to train workers who would then go out into the community to assist in the training of mentally retarded children. Although funds for the operation were authorized at the same time, none were ever appropriated. Last year, in the face of the neglect of this program by the administration, I sponsored an amendment to the Labor-HEW bill which resulted in the appropriation of $4.25 million for the operation of university-affiliated centers.

Because the needs of the centers are so great, and because Congress originally authorized $20 million for their operation, I proposed a substantial increase in the budgeted operating funds for fiscal year 1973. In response to my proposal, the Labor-HEW Appropriations Subcommittee, recommended the $14.25 million appropriation for university-affiliated mental health centers. I believe that this level of funding will make it possible for the centers to operate more effectively and better serve the mentally retarded of this Nation.

CLINICAL RESEARCH

I am also pleased that the appropriations committee has approved my proposal for additional funds for the clinical research centers program by adding $3.6 million to the administration request. This program enables clinical investigators throughout the Nation to make use of the resources and facilities necessary for intensive clinical research. The centers focus on crippling diseases in an effort to find improved methods of treatment and cure.

Mr. President, each of these three programs has a special importance to the State of Indiana. Indiana is currently one of the five States with the lowest level of immunization protection against rubella. The additional $6 million contained in the bill before the Senate today would help to end this deplorable statistic. One of the 24 university-affiliated mental health centers in the country exists in Indiana University in Bloomington, Indiana. The additional $10 million in the Hartke amendment which was approved by the Appropriation Committee will enable this center to operate far more effectively. Approval of the Hartke proposal to add $3.6 million for clinical research means that Indiana University in Indianapolis will have an opportunity to make application for a clinical research center. I, therefore, commend the distinguished chairman of the Subcommittee (Mr. MAGNUSON) and the hard-working members of his committee for the fine work which they have done on this bill. Both I and the people of Indiana are most grateful for their support of these three vital programs.

SENATOR RANDOLPH SUPPORTS FUNDING FOR OCCUPATIONAL SAFETY AND HEALTH

Mr. RANDOLPH. Mr. President, the chairman of the Appropriations Subcommittee on Labor and Health, Education, and Welfare (Mr. MAGNUSON) and the members of the subcommittee have reported to the Senate a constructive and realistic bill, one which shows concern for the needs of people. There are many significant provisions in this measure.

I call to the attention of my colleagues two particular aspects of this appropriation bill—funding for black lung clinics and research, and funding for occupational safety and health.

On May 19, 1972, the President signed into law an historic measure for the relief of disabled coal miners, their families, and their survivors. It was my privilege to sponsor that legislation, known as the Black Lung Benefits Act of 1972, will bring urgently needed assistance to miners disabled due to pneumoconiosis, to their wives and widows, and to their children and their orphans.

I am gratified that the Appropriations Committee has acted so quickly to fund programs authorized under the Black Lung Benefits Act of 1972. Specifically, that law authorizes $10 million for each of 3 fiscal years for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in active and inactive coal miners. The measure under consideration fully funds this necessary program.

In addition the new black lung law authorizes such sums as are necessary for research, through the National Institute for Occupational Safety and Health, for the purpose of devising simple, effective tests to measure, detect, and treat coal miners' respiratory and pulmonary impairments. This appropriations bill provides $4 million for such research. It provides another $6 million for research and development and demonstration grants to develop methodology for physical rehabilitation of coal workers with respiratory diseases, emergency medical care services, and training. The committee report states that—

> This action will allow the National Institute for Occupational Safety and Health to assist, to the maximum extent possible, those presently suffering from black lung disease and to insure that no miner will be denied his deserved black lung benefits because of inconclusive diagnostic procedures.

I concur in the committee's assessment, and commend them on their decision to fully fund these provisions.

The committee also has recognized the need to accelerate the standard setting efforts of the National Institute for Occupational Safety and Health by providing an additional $11 million for this purpose. The bills adds a total of $10.8 million over the budget request for some 400 compliance officers, development of standards, and education and training.

It is my belief, Mr. President, that this funding for the National Institute for Occupational Safety and Health will provide important impetus to the development of health standards and programs to benefit our American work force.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that the House had appointed Mr. MILLER of California, Mr. DAVIS of Georgia, Mr. CABELL, Mr. BELL, and Mr. ESCH managers of the conference on the part of the House.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for a third reading and the bill to be read the third time.

The bill was read the third time.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President——

The PRESIDING OFFICER. Who yields time to the Senator from Virginia?

Mr. HARRY F. BYRD, JR. Will someone yield me 5 minutes?

Mr. MAGNUSON. I yield 5 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, may I ask the distinguished manager of the bill just what is the cost of the bill as now amended on the floor of the Senate?

Mr. MAGNUSON. The bill is not much different from the way the committee reported it except for the additional amounts added on the floor today for different programs.

Mr. HARRY F. BYRD, JR. So far as one Senator is concerned, even though it is late at night, I would like to have some figures as to how much we are voting at this point.

Mr. MAGNUSON. Well, I can figure that up very quickly, using the committee report. In arriving at the total in the bill as it stands now, with the Senate amendments—the amount of the bill passed by the House was $28,603,179,500, and the bill as reported by the committee to the Senate was $29,464,035,500, and we have added—we are adding up the Senate amendments now. The total in the bill would certainly be over $31 billion.

Mr. HARRY F. BYRD, JR. While the Senator is getting up the figures, as I understand this, the committee reported to the Senate a bill which is $2,047,000,000 over the estimates for 1973.

Mr. MAGNUSON. That is right.

Mr. HARRY F. BYRD, JR. And is $2,320,000,000 over what was spent last year.

Mr. MAGNUSON. That is right. And the Senate amendments would be added to that.

Mr. HARRY F. BYRD, JR. And the Senate added additional amounts to those figures?

Mr. MAGNUSON. They are figuring it up right now. Of course, this last amendment was for $968,712,000 but it is a budget request.

Mr. ELLENDER. We have a budget estimate for that.

Mr. HARRY F. BYRD, JR. Is there a budget estimate for that last figure?

Mr. MAGNUSON. Yes.

Mr. HARRY F. BYRD, JR. That is not over and above the budget estimate, then?

Mr. MAGNUSON. No, that is not above the budget. I have not figured them up as we went along.

Mr. HARRY F. BYRD, JR. There is so much money involved, I think it is worth while to figure it up.

Mr. MAGNUSON. With the Senate amendments, including the last one, the bill will total about $31.1 billion.

Mr. HARRY F. BYRD, JR. How much did the Senate add?

Mr. MAGNUSON. The Senate added $1.7 billion to the $29.4 billion that was reported, of which $331 million is unbudgeted. That is because the last item was a budgeted item.

Mr. HARRY F. BYRD, JR. The total, then, is $31.164 billion?

Mr. MAGNUSON. Yes, that is correct. $31.134 billion is the new total.

Mr. HARRY F. BYRD, JR. $31 billion; and that would be $4 billion over the 1972 appropriations?

Mr. MAGNUSON. It would be approximately $3.7 billion over comparable appropriations for fiscal year 1972.

Mr. HARRY F. BYRD, JR. Over comparable appropriations for 1972?

Mr. MAGNUSON. Yes.

Mr. HARRY F. BYRD, JR. But we are preparing to appropriate right now, tonight, $31 billion.

Mr. MAGNUSON. That is correct.

Mr. HARRY F. BYRD, JR. Which is $4 billion more than appropriated last year, and in spite of that, there is already a lot of money, the Senator says, in the pipeline unspent.

Mr. MAGNUSON. This being 1972, they are releasing a lot of the money now that they had frozen.

Mr. HARRY F. BYRD, JR. I notice on page 4 of the report——

Mr. ROBERT C. BYRD. Mr. President, may we have order?

Mr. PASTORE. May we have order, Mr. President? We cannot hear the Senator.

The PRESIDING OFFICER. The 5 minutes of the Senator from Virginia have expired. Who yields time?

Mr. MAGNUSON. I yield the Senator such time as he requires.

Mr. HARRY F. BYRD, JR. I thank the Senator from Washington.

In order to understand this, on page 4 of the report——

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HARRY F. BYRD, JR. As much time as the Senator from Virginia requires has been yielded to him.

On page 4 of the report, it says, "Total, budget requests not considered." What does that mean?

Mr. MAGNUSON. That means those budget estimates listed were not considered by the committee because most of them were not authorized, and the big item was higher education, $1,476,000,000, which was not considered because we had not authorized or passed the new higher education bill. That was just signed the other day, after the committee acted and reported this bill.

Mr. HARRY F. BYRD, JR. But may I ask this question: The figure of $31 billion is not all that is going to be appropriated, I assume, if we are going to come back and pick up many or all of these items mentioned on page 4. Am I correct in that assumption?

Mr. MAGNUSON. Yes, the Senator is correct in that. They will come up in a supplemental.

Mr. HARRY F. BYRD, JR. So there is approximately $5 billion——

Mr. MAGNUSON. $4.9 billion that had not been considered when the bill was reported.

Mr. HARRY F. BYRD, JR. Almost $5 billion that has not been considered?

Mr. MAGNUSON. That is correct.

Mr. HARRY F. BYRD, JR. So that when we compare this figure of $31 billion with the comparable 1972, it will be greater than before.

Mr. MAGNUSON. It will be approximately $9 billion more if we appropriate all these things that have not been considered. Pardon me, that would not be correct because——

Mr. HARRY F. BYRD, JR. It will be $9 billion more than last year.

Mr. MAGNUSON. The difference from last year's comparable appropriation is $3.7 billion—and it will be a little larger after the supplemental.

Mr. HARRY F. BYRD, JR. Mr. President, I have never voted against an appropriation bill. I was in the Virginia Senate for 18 years and never voted against one. Since I have been in the U.S. Senate I have never voted against one. I approve of most of the things in this bill. But it seems to me that this is going to an extreme. Here we are tonight, $4 billion over what was spent last year, and there is another $5 billion that has not even yet been considered.

Mr. MAGNUSON. We did not consider them because they have not been authorized.

Mr. HARRY F. BYRD, JR. I am trying to get them clear with respect to last year. They were included last year, were they not?

Mr. MAGNUSON. Yes.

Mr. HARRY F. BYRD, JR. So the figure is more than $4 billion over the comparable 1972 appropriation.

Mr. MAGNUSON. Depending upon what we consider.

Mr. HARRY F. BYRD, JR. That is correct.

Mr. PROXMIRE. If the Senator will yield, I think there is confusion here. It is not clear. Page 1 of the report shows the amount of comparable appropriations in 1972—$27 billion. So that the amount the Senator from Virginia is talking about, the additional $4.9 billion, was not included in either figure.

Mr. MAGNUSON. That is correct.

Mr. PROXMIRE. So that it is not $9 billion more. It is substantially less than that.

Mr. MAGNUSON. Yes.

Mr. PROXMIRE. My point is that while there may be $36 billion all together for 1973, the 1972 appropriations would not be $27.1. They would be substantially higher than that, so the difference would not be $9 billion but $5 billion or $6 billion.

Mr. MAGNUSON. Yes.

Mr. HARRY F. BYRD, JR. So, according to the Senator from Washington, the minimum as compared to last year is $3.7 billion over and above last year—the minimum, because that is what we are doing tonight; and according to the senior Senator from Wisconsin, it is $5 billion or $6 billion over, and it could run up well over that. Certainly, it is a tremendous increase over last year.

Are we justified in sitting here tonight, not knowing the comparable figures because no one in the Chamber seems to know the comparable figures?

Mr. MAGNUSON. I can get the Senator the information as to what we appropriated last year.

Mr. HARRY F. BYRD, JR. Let us go through this line by line and see what was in here last year and what was not.

Mr. MAGNUSON. Last year's comparable appropriation bill included $27,403,058,000.

Mr. PASTORE. Mr. President, this is an unfair comparison. The fact still remains that many of the large items included in this bill on the floor were items that ordinarily would go to the supplemental bill. The reason why they were brought up is that certain Senators—the chairman of the Committee on Finance and other chairmen—brought in these big blocks of bills that amounts to almost a billion dollars each; and they were adopted because the argument was made that unless we put it in this bill, it would go in the supplemental.

If we take all the supplemental of last year and put it with the regular bill, I think the comparison would show a fairer picture. I am not saying that it would be the same. It would not be the same, because even the administration is asking for more this year than last year; and it sent up some budget estimates recently that were included in this bill and not considered by the House that ordinarily would go in the supplemental bill.

So we begin to take the total figure of last year's bill as against this year's bill, I think it is an unfair comparison, although the bill this year is larger than last year.

Mr. HARRY F. BYRD, JR. I am reading from the official report.

Mr. MAGNUSON. There is no dispute about the fact that the bill is larger than last year, and there is no dispute about the fact that the items that we did not consider are going to be sent up in the supplemental.

Mr. HARRY F. BYRD, JR. I note that on page 1 of the report it says "amount of comparable appropriations"—plural. Does not that include the supplementals?

Mr. MAGNUSON. Generally, no.

Mr. HARRY F. BYRD, JR. The question is, How does this bill compare with last year?

Mr. MAGNUSON. It is about $3.7 billion higher for the same programs.

Mr. HARRY F. BYRD, JR. I do not want to impose on the Senator. I am trying to get it clear in my mind. This is a gigantic sum of money we are appropriating here tonight.

Mr. MAGNUSON. No one knows it better than the Senator from Washington. It is higher than last year, and the budget recommendation was up from last year—very high. The House upped the budget, and we upped the House.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. BROCK. Is it not a fact that the budget estimate was up only approximate $300 million?

Mr. MAGNUSON. $273 million is the exact figure.

Mr. BROCK. That is a 1-percent increase. The increase in this bill, as now presented to the Senate, is up a minimum of $4 billion, which means that we are increasing it more than 15 percent. The budget increase request was 1 percent.

Mr. MAGNUSON. Of course, that is not a fair comparison, either, because some of the items that were put in tonight have to be added to the original budget because the Budget asked for it.

The PRESIDING OFFICER. All time of the Senator from Washington has expired.

Mr. COTTON. All my time has not expired.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. COTTON. I yield time to the Senator from Washington.

Mr. MAGNUSON. The Budget has sent up two requests totaling—I will get the exact figures—so what the Budget has asked us to appropriate—some of the comparisons are made on the original budget which was sent up here in March. In the meantime, they have sent us other budget estimates. We have had two supplementals which the Budget has sent up—estimates—four of them in here. We adopted one to the tune of $968 million——

Mr. BROCK. That was black lung, which passed this body.

Mr. MAGNUSON. Yes. And the other one was the program that Senator LONG and Senator TALMADGE had—the work incentives program.

Mr. PASTORE. That was a quarter of a billion dollars.

Mr. MAGNUSON. Four hundred and forty-five million dollars was the budget request. So there is $1.4 billion that was up here from the budget, that is right. But we are $2.3 billion—and we will put all those figures in at the end—$2.3 billion over what the Budget estimated and has asked Congress for. They will ask—on page 4—to come up here and request another $4.9 billion—less the amounts for black lung and work incentives which we took care of today.

Mr. COTTON. But we do not know that.

Mr. MAGNUSON. That is right, we do not know that, but that is what we anticipate because they will ask for Headstart, and then they will surely ask for the $1.4 billion or thereabouts for higher education, for which there is no money in here for the new bill that we passed.

Mr. COTTON. Mr. President, the fact remains that we do not have to appropriate everything that the Budget happens to approve. On the $4,900 million, as I pointed out this morning, this is what the Budget has approved, we could not appropriate, because it has not been authorized. The authorization bill has not been passed. Since we reported the bill, or since it came from the committee to the Senate, the President has signed the higher education bill which, for a period of 3 years, covers $21 billion. The fact remains, budget or no budget, the House committee added to the recommendations of the Budget, for that portion of the budget they could recommend—a half billion dollars.

Mr. BROCK. One and five-tenths billion dollars.

Mr. COTTON. Wait—the House committee added about $1 billion—and then on the floor of the House they added nearly $400 million more. So that the House increased it nearly $1,500 million. Then the Senate committee raised almost everything by adding $860,856,000, which crowds $1 billion. Then we came on the floor, after we had appropriated all this money, and we called attention to the fact that there were items that we did not even consider, because they had not been authorized, that amounted to nearly $5 billion.

Both the chairman of the committee and the ranking minority member earnestly expressed the hope, on the floor of the Senate today, that we would go sparingly in loading up the bill. We have gone sparingly in loading up the bill, by loading it up to the tune of $1.7 billion, which is a preposterous bill. It is a good bill. Much of it is good. Thank God we are now appropriating more for human needs than for the military, and this is now the biggest money bill. Of all these slices we are now appropriating, it is far more than we are appropriating for the military, but, nevertheless, in spite of the fact that it is for humanitarian purposes, we have loaded up the bill until, in my humble opinion, it is a preposterous bill and, if not reduced substantially in conference, I would expect we would run into trouble.

I find it hard, in view of what has taken place in the Senate today, to go on record—I hate to vote against the handiwork of my own subcommittee—but I find it hard to vote for the passage of this amount of money at this time.

Mr. MAGNUSON. Mr. President, one thing I want to mention, we will put in the Record a long sheet of many pages—we always do—with the comparable amounts. We are $2.3 billion over the budget.

Mr. COTTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Williams). All time has now been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Minnesota (Mr. Humphrey), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The result was announced—yeas 72, nays 11, as follows:

[No. 253 Leg.]

YEAS—72

Aiken
Allott
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Gravel
Griffin
Gurney
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—11

Allen
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Fannin
Hansen
Miller
Roth
Thurmond

NOT VOTING—17

Anderson
Bayh
Fulbright
Gambrell
Goldwater
Harris
Hart
Humphrey
Long
Mansfield
McGee
McGovern
Mundt
Pell
Randolph
Ribicoff
Saxbe

So the bill (H.R. 15417) was passed.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COTTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate insists on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Stennis, Mr. Ellender, Mr. Bible, Mr. Robert C. Byrd, Mr. Proxmire, Mr. Montoya, Mr. Hollings, Mr. Cotton, Mr. Case, Mr. Fong, Mr. Boggs, Mr. Brooke, Mr. Stevens, and Mr. Young conferees on the part of the Senate.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 3010, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate resumed the consideration of the bill.

RESUMPTION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks announced that the House had passed the following joint resolution in which it requests the concurrence of the Senate:

H.J. Res. 1234. A joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1234) making continuing appropriations for the fiscal year 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

APPROPRIATIONS FOR DEPARTMENTS OF LABOR AND HEW

Mr. HARRY F. BYRD, JR. Mr. President, for the first time in 24 years, almost 25 years, in legislative work I have voted against an appropriations bill. Never before have I ever done that. I did it as a protest.

Mr. President, this Congress, this administration, the people in official Washington are living in a fool's paradise in regard to Government finances.

This appropriation bill is loaded down with more and more Government spending. It has gotten out of reason; it has gotten out of hand. I approve of much of what is in this bill. I voted for the authorization bill with the hope that the Congress would show some discretion in the handling of tax funds. This Senate shows no discretion in the handling of tax funds.

I notice a lot of presidential candidates running around the country saying they want reforms. The best place they could start reform is in the Congress itself, in the appropriating process.

I say this Congress needs reforming. It needs reforming in the way it handles the tax funds of the people of the United States.

There is only one place that money can come from. Congress does not realize it, the administration does not seem to realize it. But there is only one place money can come from and that is out of the pockets of the hard working wage earners of this country.

Oh, it is fine to let every pressure group come up here and then give them whatever they want.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me I yield my 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I think it is tragic what is happening to this country financially. It is tragic, because it is going to happen to the people themselves.

In 4 years, from 1970 through fiscal year 1973, this Government will have compiled a deficit of $113 billion, an unbelievable figure. Yet no one cares.

Few seem to care about what is happening to the American wage earners taxes and dollars.

The value of the dollar is declining every day. It will continue to decline.

The best way Congress can help the working people of this country is not to shovel out more money as we are doing every day through these vast bureaucracies that have gotten too big.

Washington has gotten too big. The Senate cannot control it; Congress cannot control it.

We are making it worse by these huge expenditures without any real thought at all for the people who have to pay the bill.

I say when the politicians spend, the wage earner pays, and he pay in one of two ways: Either by more taxes or by more inflation. It is as simple as that. Somebody has to pay for it.

The money has to come from someplace. Those economists, who say you can get something for nothing, those economists who say you can spend yourself rich—I do not have any confidence in that philosophy or that way of thinking.

I dislike very much to vote against this appropriation bill tonight. There are so many items in there that I approve of strongly. There are so many items in there that are important and desirable.

However, Mr. President, some way or another official Washington—meaning both the executive branch and the legislative branch—has got to come to its senses in regard to the handling of public funds. There never has been such fantastic deficits as have been run in recent years.

The only way it is going to be controlled, as I see it, is by both the Congress and the President working together and sincerely wanting to put the Government's financial house in order.

In my judgment, that is the No. 1 problem facing our Nation today, and the longer we put it off, the more bitter is going to be the pill for the average American citizen.

That is what it gets back to. He is the one who pays the bill—the average American wage earner.

There are many people running around the country saying, "Well, soak the rich. That will do it." What are the facts about that?

Anybody who will take the trouble to get the figures—and they are easy to get—will find that if the Congress and the President were to confiscate all incomes of $50,000 and over—$100,000 on joint returns—the additional revenue obtained would run the Government for exactly 5 days. It is the average citizen, the middle-income group, the lower-middle income group, who are hardest hit by taxes.

That is inevitable, because there are more of them, and they are the ones who suffer the most when inflation rages, as it is now.

It is going to continue to rage until the people of this country rise up and demand, on the part of their representatives in the Congress, in the White House, and in the executive branch, that some consideration be shown to the wage earners of our Nation, who pay the bulk of the taxes.

I say again, I regret having had to vote against this proposal, because there are so many items in it that I favor and support, but I think the Senate and the House have gone to extremes.

When the bill is analyzed, it will be found that the bill is at least $4 billion over what was spent last year. It could not be analyzed on the floor tonight. As the Senator from Washington, the chairman of the subcommittee said, he had stacks of papers and books, from which that information could be dug out, but it could not be done here in a short period of time. If you ever get to the bottom of this, you will find this bill is $6 or $8 billion over what was spent last year. The brakes must be applied.

The way Congress is going and the way official Washington is going, the American taxpayers are going to be in a very sad state, in my judgment, when the year 1973 rolls around.

In election years, everyone wants to shovel out money.

You do not raise taxes in election years, just as you do not go to war in election years. You raise taxes after the election, and you go to war after the election.

This country is in either for a smashing tax increase, or new taxes, or both, when we are shortly into the new year of 1973.

I for one feel no obligation to vote new taxes. I voted against that foolish tax reduction bill of last December. Taxes were reduced by $15 billion, hardly helping anybody. We reduced taxes by $15 billion at a time when the Government was running a deficit of $32 to $37 billion, thus adding to inflation.

Mr. President, I regret taking so much time of the Senate. I feel very keenly that something must be done about Government spending.

I cast my vote tonight as a strong protest as to the way the tax funds of the American wage earners are being thrown around by the Senate of the United States, by the House of Representatives of the United States, and by the executive branch of Government.

I say again, it is time to apply the brakes to Government spending.

Mr. THURMOND. Mr. President, I happen to be one of the 11 Senators who voted against H.R. 15417, an act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. President, I regret that I could not vote for this bill, as it contains many meritorious and worthwhile programs; but the report on this bill to the Senate shows on its face what a large deficit is created by this one piece of legislation.

The report, entitled "Calendar No. 854," shows, on the first page, amount of bill passed by House, $28,603,179,500. Amount added by Senate, $860,856,000. The total as reported to the Senate is $29,464,035,500.

This report further shows the amount of comparable appropriations for 1972, $27,143,860,000. Budget estimates, 1973, $27,416,788,500.

So, Mr. President, the bill as reported to the Senate, according to this report, was over the comparable appropriations for 1972 in the sum of $2,320,175,500, and over the estimates for 1973 in the sum of $2,047,247,000.

In addition to that, Mr. President, the Senate added about $2 billion to the bill on the floor of the Senate, which makes the first figure over $4 billion more than the comparable appropriations for 1972, and the $2 billion added to the estimates for 1973 makes that figure over $4 billion more.

Mr. President, I am deeply concerned about the spending that has taken place in this country since I have been a Member of this body. In the last 30 years, I believe the record will show, Congress has balanced the budget only seven times. No corporation, no association, and no individual can remain in business, in my judgment, which does not balance its books more often than that.

I realize this is the Government and it is in a different situation, but, Mr. President, in my opinion the Members of this body have a duty even higher in this Government than they would have in handling their own finances.

This is a public trust. In my judgment, we should balance the budget here every year, unless in time of war or other emergency that would otherwise prevent it.

I am convinced that we cannot continue as we have been doing for the past 30 years. There are only two sources of money available. One is the money that comes from the taxpayers. The other is the money that we borrow from the next generation, and that is what we have been doing for 23 out of the last 30 years. We have been borrowing money, issuing bonds and notes, and putting it on the backs of our children, their children, and their children. Mr. President, this practice should come to an end.

Yes, I have been right interested to see that some of my colleagues who have been speaking about defense, and who are now opposed to the President's program of defense and going ahead with the B-1 bomber, the Trident program, and other programs recommended by the administration, voted for this bill here tonight. It is very strange that they are willing to cut the defense program, which provides for the security of this country, which provides for the protection of the citizens of this Nation, and turn around and vote for a bill of this kind, which will result, in my judgment, not only in the more than $4 billion over the budget which I have just pointed out, but other items which will have to come in later in a supplemental bill, which, as I understand, will amount to about $5 billion more, which will make a deficit for appropriations alone growing out of the Department of Health, Education, and Welfare and related agencies for which this bill appropriated, of about $9 billion.

The PRESIDING OFFICER (Mr. GRIFFIN). The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the limitation on time be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I thank the distinguished Senator from West Virginia.

Mr. President, it is my hope that the President of the United States will see fit to veto this bill. I think it would be one of the most wholesome steps he could take. Because when an agency of the Government, regardless of what agency it is, comes in and receives appropriations of about $9 billion over the budget, it seems to me that Congress has gone entirely too far in appropriating that kind of money for any agency of the Government.

I feel that if the President sees fit to veto this bill and it comes back to us for reconsideration, we can reduce the bill—and it ought to be reduced to come within the budget.

Yes, it is nice to have everything we want and every program in this bill. It is nice to have everything we want in every other program that comes before Congress. But, Mr. President, we do not have the money to do it, and Congress so far has not shown the courage to put on the taxes to do it. As the able and distinguished Senator from Virginia has said this evening, last year taxes were even cut $15 billion.

Mr. President, the time has arrived in this country for us to exercise fiscal responsibility. The time has come for us to stop spending more than we take in. The time has come to balance the budget. The time has come to stop putting a debt on the future generations of this country.

Again I express the hope—and even have a belief—that perhaps the President will veto this bill. I think it would be very advantageous to this Congress to know, if he does so, that we have a President who is willing to stand up for fiscal sanity, to stand up for fiscal responsibility, and not to allow bills billions and billions of dollars over the budget to pass and given them his approval by signing them.

Mr. President, I would like to see some legislation enacted here which the late Senator Harry F. Byrd, Sr., introduced years ago, and which the Senator from Arizona (Mr. FANNIN) has introduced in the last 2 or 3 years, in which I joined them as a coauthor, to demand that expenditures stay within the budget, and to make it unlawful to spend more than the budget provides. If at any time any amount is spent above the budget, I feel it should be made up the following year.

In South Carolina our constitution prohibits spending more than we take in, and if it turns out there is a deficit one year, there have to be taxes put on immediately to to meet that deficit, in order to keep the budget balanced. As a result, South Carolina today has a three-star rating—one of the best in the whole Nation. As a result, South Carolina today can borrow money at a very low rate of interest.

I see no reason why the Federal Government cannot follow some sound policy. Certainly somebody in this body, some of the able Senators here, can come up with some recommendations and take some action that will help to keep this budget balanced.

If we do that, I think we will be rendering as great a service as by anything we could do on behalf of this great Nation.

Mr. HARRY F. BYRD, JR. Mr. President, I admire the courage of the distinguished senior Senator from South Carolina. He has stood boldly and firmly in behalf of a sound fiscal policy. I associate myself with his remarks and commend him again on his courage.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Virginia, and I congratulate him on his outstanding leadership in the matter of financing. If this country would follow the leadership of HARRY F. BYRD, JR., we would have no deficits.

Mr. ROBERT C. BYRD. Mr. President, I wish to say to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.), and to the distinguished Senator from South Carolina (Mr. THURMOND) that I admire both of them for not only expressing the courage of their convictions, but also voting the courage of their convictions. They are certainly entitled to their viewpoints, and both Senators have my respect. However, I do want to express appreciation to the distinguished senior Senator from Washington (Mr. MAGNUSON), the manager of the bill, and to the distinguished ranking Republican member of the committee, the senior Senator from New Hampshire (Mr. COTTON), on behalf of the Senate for the good work, the hard work that they performed in conducting the long drawn out hearings, listening hour after hour to the outside witnesses, and in marking up this difficult bill and floor managing it during the lengthy debate today.

The list of witnesses in connection with this bill is always very long. This is, in many ways, one of the most difficult appropriation bills that we have to consider. It has in it many appealing items. It has programs which contribute to the good health of the American people, which contribute to the better education of the American people, which benefit the workers of America, and which, in many, many ways, affect the entire American population, old and young. It deals with manpower training services, unemployment insurance, occupational safety, public assistance, and many other important programs which touch the lives of all Americans living today. The medical research programs that are funded in this bill are costly but will be a blessing even to future generations. So it is a big bill, an important bill, a difficult bill to manage. The Senate today spent almost 10 hours in the debate on this measure. All Senators have a great interest in the bill. Many Senators are interested in particular aspects of it. It is always a bill which attracts a plethora of amendments from Senators who wish to add programs or increase funds, and it is very difficult for the manager of this bill to oppose some of those amendments because not only are they appealing, but they are also justifiable, in most instances.

The amendment I offered, adding money for the black lung benefits program, is a case in point as to justification. That amendment was not an unbudgeted item. It involved an item recommended to the President by the Office of Management and Budget, and then to Congress by the President, in the wake of the passage of the new black lung benefits law. So, while it was over the budgeted amount as shown in the committee report, the item was nevertheless a budgeted item; and the manager of the bill and the ranking Republican on the committee very wisely, I think, accepted the amendment, because it was something that would have to be paid sooner or later. Congress has passed the new law, and the supplemental appropriation bill will be coming along in August or September.

As I say, the item was budgeted; it would have had to be appropriated in the supplemental late this summer. But by appropriating the moneys now, the administration will be able to proceed with establishing the proper administrative machinery so as to expedite the payment of benefits to the children and the orphans of miners; the surface miners who, under certain conditions, will be brought under the law; and the other miners and their beneficiaries who qualify under the new act. This was just one of the items. There were many others. But this was the largest single addition.

I again salute those who, because of their convictions, strongly held to their viewpoints and conscientiously cast votes against the bill. At the same time, I would not want the record to be closed without congratulating the manager of the bill (Mr. MAGNUSON) and the ranking Republican member (Mr. COTTON)—saluting them and thanking them, on behalf of the Senate, for the work they have done and for the benefits that will accrue to many millions of Americans as a result of their efforts. They have worked hard, and they are entitled to a lot of credit.

ORDER FOR RECOGNITION OF SENATOR METCALF TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the distinguished Senator from Wisconsin (Mr. NELSON), and prior to the period for the transaction of routine morning business, the distinguished Senator from Montana (Mr. METCALF) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m.

Following the recognition of the two leaders or their designees, the distinguished junior Senator from Wisconsin (Mr. NELSON) will be recognized for not to exceed 15 minutes, after which the distinguished junior Senator from Montana (Mr. METCALF) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the bill making appropriations for the Department of the Interior, H.R. 15418. On that bill, there is a limitation of 2 hours, and of course a time limitation on amendments thereto. Undoubtedly, there will be at least one rollcall vote, especially in connection with the final passage of the bill.

Upon the disposition of H.R. 15418, the Department of the Interior Appropriation bill, the Senate will resume consideration of S. 3390, the unfinished business, the Foreign Assistance Act Amendments. The pending question will be on the adoption of an amendment to be offered by the distinguished Republican leader, Mr. SCOTT, and the distinguished manager of the bill, Mr. SPARKMAN. There is a limitation on that amendment—the so-called Bahrain amendment—of 1 hour and 30 minutes. There will undoubtedly be a rollcall vote on that amendment.

Upon the disposition of the amendment by Mr. SCOTT and Mr. SPARKMAN, unless there are further amendments to S. 3390 at that time, ready to be called up, the Senate then will temporarily lay aside the unfinished business and will resume consideration of S. 3010, the OEO bill. Undoubtedly, there will be rollcall votes on that second-track item tomorrow.

The leadership would express the hope that Senators would be ready promptly to call up their amendments thereto, and would also express the hope that the bill can be disposed of tomorrow. It is the intention of the leadership to continue action on that bill until a reasonably late hour tomorrow evening, if need be, in order to dispose of it.

Only 2 days remain, following tomorrow, if the Senate is to hope to complete its business on Friday of this week, and much remains to be done. The debt limitation bill will be coming over from the other body presumably tomorrow morning. It is necessary that the Senate complete action on the debt limitation bill before it adjourns for the holiday and the Democratic Convention. The public works appropriations bill will be before the Senate on Friday. Conference reports will also be coming along and may necessitate yea and nay votes.

Senators have been alerted to the necessity of the Senate remaining in session on Saturday in the event action on the debt limitation bill is not completed by the close of business on Friday. Therefore, the Senate will come in early and will stay in late daily, in an effort to complete its work and, hopefully, still adjourn at the close of business on Friday, as previously stated.

Mr. President, I repeat: There will be several rollcall votes tomorrow. It cannot be estimated exactly, but the first rollcall vote could come—depending upon whether or not an amendment is offered to the Interior appropriation bill, there being a limitation of time on amendments—as early as 10:30 a.m., 11 a.m., or 11:30 a.m.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock tomorrow morning.

The motion was agreed to; and at 8:56 p.m. the Senate adjourned until tomorrow, Wednesday, June 28, 1972, at 9 a.m.

NOMINATION

Executive nomination received by the Senate June 27 (legislative day of June 26), 1972:

DEPARTMENT OF COMMERCE

Robert J. Blackwell, of Virginia, to be Assistant Secretary of Commerce for Maritime Affairs, vice Andrew E. Gibson.

EXTENSIONS OF REMARKS

DREXEL UNIVERSITY GRADUATION "PEOPLE ARE IMPORTANT"

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 26, 1972

Mr. SCOTT. Mr. President, on June 3, Gen. George A. Lincoln, the distinguished Director of the Office of Emergency Preparedness, addressed the 1972 graduating class of Drexel University, in Philadelphia.

In his speech, appropriately entitled "People Are Important," General Lincoln urged the graduates to avoid the easy pitfall that views the problems of our society with an attitude of cynicism. Instead, he encouraged members of the graduating class to face, as real, the problems which confront us, and to welcome crisis in the light of "challenging opportunity for improvement."

As General Lincoln himself concedes, graduation speakers are expected to talk of "challenge." Yet few addresses which I have read do so with the perspective and persuasion embodied in this speech.

Because I believe General Lincoln's comments will be of widespread interest, I ask unanimous consent that excerpts from his address be printed in the RECORD:

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PEOPLE ARE IMPORTANT

(Graduation Address by Honorable G. A. Lincoln)

President Hagerty; Distinguished Members of the Board of Trustees of Drexel University; Distinguished Guests; Members of the University Faculty and Staff; Graduating Class of 1972; Parents; Relatives and Friends.

We are here to do honor to and to mark a special and unique occasion in the lives of many people present today—you of the graduating class, your parents and your faculty. We especially honor you graduates who are Drexel's input this year to the essential flow of leadership for our complicated society. I note that this input goes beyond our own country, and that Drexel contributes to foreign lands as well.

Those here, including myself, who are, or have been, faculty know that our monuments, our successes, our disappointments, are embodied in each graduating class. The annual class represents the tangible product of each year of effort. Having come to know the objectives, the pattern, and ways of education and development of our—for it is now mine also—university, I share with confidence the feeling that you of the faculty have built well with these young men and women for the years ahead.

Mine is a sobering responsibility to speak to the thousands of people here present. I am going to talk principally about people rather than policy—for policy exists only to help people.

Graduations should be, and are, principally personal occasions for the graduates and those personally associated with them and their institution. Words spoken formally are not essential to the day, but hopefully can be helpful to the audience. My words are directed centrally to you of the graduating class.

While I am going to speak briefly on at least one of the great problems with which you must live and grapple, my main point is a simple one. In our lives, whether they are oriented toward hardware, or management, or government, or housekeeping—or in some other direction—in this existence, only people count. People are really the aim and the goal of our efforts. And, only through and with people do you get things done. The art of getting things done is called "management" by some; the military people call the art "leadership;" there are occupants of some buildings in Washington who call the art of getting things done "politics." Whatever it might be called, it is only people that can make it happen, and it is only for the benefit of people that it should happen.

The certainty of change characterizes our society, sector by sector, and our country as a whole. One of the tasks of leadership is to foresee and to influence change in the best interests of people. The alternative, too often, is to accept the future by default because of inaction in the present—and then complain about the situation when it is too late to do anything about it.

Forward-looking attitudes are what we need as individuals and as a nation. Yet, attitudes alone are not enough. It is necessary in our highly complex society to have the tools to translate attitudes into action and actions into results.

The tools of society are its institutions. Through them, we can direct our actions to get those results we wish from our lives. But only if the shape of our institutions so permit.

We are faced now, as in some other times, with an eroding confidence in those institutions. Recent polls indicate that compared to five and ten years ago, people do not think as highly as they did of the leadership and tenets of business, the professions, religion, the courts, labor, or of almost any field or institution one might mention. There is a skepticism, even a cynicism—sometimes an attitude of stop the world, I'm getting off.

We should not look on this temporary situation so much with alarm as with a sense of the need for people who will work to understand and solve complex problems in the realization that we live in a real, not an ideal, world.

Those institutions in which confidence has eroded have served us well in the past. They cannot always be expected to serve the future without change.

The course of realism and of caution is to join the institutions of society, but to join with eyes open to the needs and opportunities for change. Only by building better institutions, on the base of the old and proven ones, will we meet the demands placed on us.

It is to you who are part of, and representative of, the flow of new leadership in our society that we have to look for the needed continuing adjustment. It is also to you that we have to look for the skills that make the institutional changes safely and appropriately in our increasingly complex world.

In the perspective of our country's history, each generation has had its major tasks. They have at times been tasks obscured in controversy and not clearly recognized, even less applauded, until some time afterwards. Our wars, with perhaps one exception, have significantly lacked unanimity. So also did the great economic changes of the 1930's.

Even our country's magnificent support in rebuilding the post-World War II world was less than universally acclaimed by our people. But let us look at this last clearly. We have carried those external responsibilities in recognition of our own national self-interest and not as a continuing task justified on any other basis.

It is sometimes alleged, nevertheless, that our country is now turning inward, away from the great global responsibilities we have carried since 1940. Certainly those foreign responsibilities are changing but they will not disappear. The unprecedented arms control pact achieved last week in Moscow is another proof that we continue to shoulder our world responsibilities. I suggest that the present and the future require more of the effort already being devoted to our home problems, rather than a dramatic shift in emphasis away from foreign responsibilities. I also suggest that our society and our country are great enough to do both.

The future, like the past, does not hold quick, easy, and complete solutions. In fact, our current problems, both foreign and domestic, are more likely to be only partially solved before new and more difficult problems arise to replace them.

In multiple problem solving, the first human reaction is to try to set priorities so as to make the task easier by doing first things first—even though there may be a lot of difference of opinion about what comes first.

But there can be no priorities among essentials, and we have a lot of essential things to do. All the problems must be tackled, and the central problem is the wise allocation of our skills and resources among them.

One thing in our favor, or more correctly in your favor because I am close to the end of my problem-solving career, and you are about to have to provide solutions, is that we have at least begun to work on some of the problems which require long lead times. We have, for instance, already moved to deal with our city problems and our environment—programs designed to preserve and improve our quality of life.

The curriculum of our University is significantly oriented toward these future problems of our society. It is not unusual to speak of life beyond graduation as a challenge—a challenge to meet and solve the crises of your generation. The word crises, I understand, is written in Chinese as a combination of the characters for "dangerous" and for "opportunity." I urge you to look upon crises in that light—challenging opportunity for improvement.

You of Drexel, as a result of a realistic higher education pattern, have combined study and work and are already well down the road to understanding that challenge.

A major part of that challenge, with problems in the near and long term, is energy supply and its use. This problem is fast approaching the status of crisis. I here take a few minutes to strive to enlist you of this graduating class in a major task of your generation, the continuing availability of an adequate, clean, secure energy supply at acceptable cost.

Our society, our position in the world, our very way of life, its quality and goals, are dependent on adequate and secure, energy sources.

Our country has been lavish in our use of energy because there has been an abundance. The controversies of the past have been over costs and controls, not over ways to provide enough energy of the right kind to meet our needs.

That picture has changed quickly and drastically. We now approach a period of scarcity. The extent and nature of the scarcity will depend on how quickly and wisely we move to meet the energy challenge.

Ours is not a problem of energy availability in the abstract. This is a problem in national security. It is also a problem in protecting our environment. Technological, scientific, economic, and social consideration must also be addressed. All of these have to be taken together in forging toward solutions.

Some might solve the energy dilemma by the single factor approach of stringent limits on increases in consumption. This is a doomsday view that concentrates on the limits of energy resources on our planet. It looks to the end of the fossil fuel age, perhaps within the lifetime of some of you here. I do not hold to the doomsday view, but rather to the more positive view that the energy problem is best met by resourceful adaptation of both production and consumption factors. The goal is to continue our present and planned quality of life. That is a major part of our challenge.

We cannot resolve the competition between, say, environmental imperatives and energy supply objectives by throwing away either. As I have already mentioned, there can be no priorities among essentials.

President Nixon closed his Clean Energy Message of a year ago by expressing his confidence, "that we can continue to know the blessings of both a high energy civilization and a beautiful and healthy environment."

Our country now, of course, has an energy policy based for many decades on the assumption of continuing abundance. We need a change toward a comprehensive energy policy.

We do have some significant inconsistencies in our current energy policy which need review—such matters as the price of gas. Natural gas is now in short supply and our most desirable fuel, yet priced more cheaply than other fuels.

Our energy dilemma is going to be manageable only if we exercise the same resourcefulness on the side of moderating demand that we must exercise on the supply side. A million barrels per day equivalent of oil not used because of fuel energy conservation is an even better achievement than the same amount of energy developed—since we don't have to pay for it. There are vast opportunities on this little explored frontier of energy conservation. Transportation efficiency, production of electricity, home insulation—by which, incidentally, you can cut fuel consumption by half—and consumer incentives are just some examples. Of course, one of the more unpopular consumer incentives toward conservation is to raise the price of energy—which undoubtedly will occur.

In the context of the search for an energy policy to meet our needs, it is appropriate to speak here at this great technically based University of the need for a much more broadly based profession of engineering than has been traditional in the past. There have to be trade-offs—opportunity costs, for you graduating economists—in reaching wise decisions on our energy problems, calculated across the lines of academic disciplines and across the boundaries of sectors of our society and economy. Factories, cars, transit systems, cities can only be designed for the needs of America's future by many disciplines working together—by recognizing that trade-offs are required among economic needs, security needs, environmental needs—in sum people's needs—and the technical limits that must apply.

It is heartening to see Drexel taking a leadership role in providing this new sociotechnology and to note that the University has a Center within which one finds, side by side, an Institute for Environmental Studies and an Institute for Energy Sources and Systems. This interdisciplinary cooperation reflects a forward commitment to developing solutions to the frontier problems of our society.

The great business of universities is education of people like yourselves. Many of you will work for Government, and as one who has done so for over 40 years, I encourage you to this gratifying life of service to your fellow man. Many of you will teach. All of you will influence the decisions made on the important problems of tomorrow.

I close these remarks with the words of a great American, Henry Stimson, a Secretary of State who was Secretary of War during World War II. He wrote at the end of his autobiography that:

"Those who read this book will mostly be younger than I, men of the generations who must bear the active part in the work ahead. Let them learn from our adventures what they can. Let them charge us with our failures and do better in their turn. But let them not turn aside from what they have to do, nor think that criticism excuses inaction. Let them have hope, and virtue, and let them believe in mankind and its future, for there is good as well as evil, and the man who tries to work for the good, believing in its eventual victory, while he may suffer setback and even disaster, will never know defeat. The only *deadly sin I know is cynicism.*"

Rather than cynicism, we need people with generosity, skill, and knowledge. People with hope for a better future. People with a willingness to heed the call to service of all the people and a realization of the satisfaction that such service gives.

I am confident we have these people in you.

STATEMENT OF PRINCIPLE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. BRINKLEY. Mr. Speaker, as concerned member of the Democratic Platform Committee I have developed a statement of principle, and suggested plank affirming support for neighborhood schools. Copies were provided to each member of the drafting subcommittee upon its organization last Friday. These positions seem to me to be in the best interest of a great political party and of the Nation. I commend them to the consideration of my colleagues in the Congress as valid objectives of both political parties and of all Americans:

STATEMENT OF PRINCIPLE AND SUGGESTED PLANK AFFIRMING SUPPORT FOR NEIGHBORHOOD SCHOOLS

(By Congressman JACK BRINKLEY)

The Democratic Platform Committee, in the self interest of the Democratic Party and of the Nation, should adopt a common-sense platform. Not unlike a re-organizing or rebuilding football team, basic fundamentals should be emphasized over wild schemes and innovations.

For example, while adequate water and sewerage for our cities and towns might not be a burning national issue, it can be authoritatively and categorically stated and documented that it is a bread and butter, major consideration of America's backbone constituency.

Our Party should reaffirm the principles—

(a) That the war in Vietnam should be terminated by a negotiated agreement for an immediate ceasefire providing for mutual, immediate return of Prisoners of War and an accounting for service personnel missing in action; that our withdrawal will begin contemporaneously therewith; that we support *maximum* protection for every single American serviceman in Vietnam;

(b) That schools should be equal in quality and that children should attend school within their own neighborhoods;

(c) That use of narcotics and dangerous drugs in any form is not in the private or public interest and we vigorously support elimination of the licentious traffic in drugs, marked by an ever-broadening trail of broken lives;

(d) That we are fully committed to giving priority consideration to the special needs of our senior citizens;

(e) That our Party pledges an active and aggressive war on pollution but with the wisdom not to kill industry in the process;

(f) That the dignity of work and the dignity of man are inseparable; that there can be no substitute for training and job opportunity;

(g) That strong mandatory penalties should be assessed against anyone abusing his Constitutional right to keep and bear firearms;

(h) That amnesty under existing Selective Service laws and provisions of the Code of Military Justice would constitute a gross breach of faith with every man in the military service of this country, and that individual cases and circumstances must be measured against applicable law and humane concepts;

(i) That a prosperous agricultural community is the Nation's insurance against domestic want and world famine;

(j) That a fair relationship with our trading partners is necessary to our industrial well-being; i.e., unrestricted flooding of our markets with foreign goods should no more be tolerated by us than it would be by them;

(k) That the need for urban rapid transit be met but without cannibalizing the Highway Trust Fund; and that said Fund be maintained and extended to encompass a greater network of interstate and defense highways, particularly in deficient areas and in the Western states;

(l) That Regional Commissions be more fully implemented and utilized as vehicles for orderly growth, consistent with a better environmental quality of life;

(m) That the *integrity* of marriage, the sacred union between a man and a woman, is in the national interest;

(n) That abortion is a moral and medical judgment subject to the laws of the various states;

(o) That the states continue their jurisdiction over closed or open shops under the proven principle that the government closest to the people governs best;

(p) That the preferential treatment of any group, whether majority or minority, is inconsistent with Constitutional concepts;

(q) That power, recreation and anti-flooding projects be considered individually, from the standpoint of the public good and the national need—development consistent with the 4-H Creed of making the best better.

PROPOSAL BY REPRESENTATIVE JACK BRINKLEY TO THE DEMOCRATIC PLATFORM COMMITTEE, ADAPTED FROM STATEMENT BY REPRESENTATIVE BRINKLEY BEFORE U.S. HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE, MONDAY, FEBRUARY 28, 1972

On January 20th of 1970 during the Second Session of the 91st Congress, I proposed an amendment to the Constitution of the United States. This proposal, H.J. Res. 1048, would provide that the involuntary busing of any student to a school or the required attendance of any student at a school outside the student's local school zone for the purpose of achieving racial balance or quotas is prohibited. On January 22, 1971, near the beginning of the First Session of the 92nd Congress, I reintroduced this Constitutional Amendment, designated H.J. Res. 43 which, like its predecessor, was referred to the Committee on the Judiciary, where it has lingered.

May I propound a question and briefly build around it, giving what I believe to be a fair perspective and an accurate evaluation.

Question: Should neighborhood schools whose students happen to preponderate in one race or another because of housing patterns be required to bus students to achieve proportional racial balance?

In the landmark decision of *Shelley vs. Kraemer,* 334 U.S. 1 (1948), the U.S. Supreme Court established the criteria that racially restrictive covenants on land are unenforceable. Prior to that time many housing patterns were strictly controlled in most sections of the country through this device—restrictive covenants based on race—with complete Government sanction. Schools resulting from that situation are just as surely de jure as those schools formerly operating under a dual system. Yet this has been the hypocritical excuse to exempt most non-Southern systems from that classification. Thus, if the answer to my question is in the negative, then neither should busing be required of former dual systems under no less authority than *Shelley* vs. *Kraemer*.

Just as busing to achieve segregation was wrong, busing to achieve integration is wrong. To draft other children from unwilling parents to serve as social leavening; to transport human beings from one end of a county to another to provide others with academic fellowship; to yoke together those of unequal learning readiness, ability, and cultural background in the faint hope of benefiting one at the almost certain expense of the other; to punish some to pamper others, to set the stage for disorder and educational chaos as an atonement for past real or fancied wrongs; to use educational institutions as factories for social experiment and reform; to deny the rights of many to grant a license to a few; is measureless folly!

Who is there among us who would seriously advocate resettlement of citizens around the country in order to achieve geographic proportional racial composition? But is not the principle of busing precisely the same?

We choose where we live, whether in Maine or Georgia, commensurate with our ability to afford it, based specifically on the considerations of school area, church affiliation, nearness to friends and the like.

In the words of Justice Louis D. Brandeis: "They (the Founding Fathers) conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men."

Brown v. Board of Education, 347 U.S. 483 (1954), held that a black child cannot be excluded from one school and required to attend another school solely because of his race. All too many governmental officials have misconstrued *Brown* to require that black and white children must be excluded from one school and required to attend another solely because of their race (i.e., to meet racial quota or balance goals).

The situation might be likened to the invalidating of laws requiring black citizens to sit in the rear of a bus. A great many governmental officials are in the position of insisting that the decision requires black and white passengers to be seated according to a percentage or quota system so as to enforce a uniform racial distribution throughout the bus. We object to the government's conversion of a personal right into a personal duty, just as we would object to its equating a citizen's right of religious freedom with a duty to go to church.

I don't know how things are in the schools of New York or Michigan. If I am to believe hearsay evidence, things aren't so good. And in my District things aren't so good either, and it's because our systems are having to major in minors, chief of which is the judicial obsession to balance the races.

The identity of the individual, and in a larger sense the identity of his or her neighborhood, is also very important and worthy of protection. Our correspondence from black and white citizens alike point out the desirability of pride in identity and culture. An individual's identity in a democratic society—whether he is white or black—should not, under any reasonable circumstance, be bent to the will of the state. To absorb a minority into a majority as a judicial concept of the state is wrong to both minority and majority alike.

CONCLUSION

When emphasis in school is placed on the R of Race over the traditional Three R's of Reading, Writing and Arithmetic, we know what will happen. We have seen it with our eyes. We have felt it in our hearts. Noble motivation has not achieved the envisioned or desired results: the uplifting of all children.

Quality education can best be achieved in a learning environment. Our resources are limited and can best be utilized to create such a place in neighborhood schools where a feeling of belonging is present; where a feeling of security exists; where a sense of participation by parent and child alike is present. To consume resources of time and money for busing, for the purpose of achieving racial balance, is so obviously wrong, meaningless, and unproductive; it is a void, demeaning. It is Mercurochrome when the need is Penicillin.

The present stage in history was thousands of years in the setting. As our republican form of government changes the scenery and improvises the dialogue, may it have the wisdom and patience to allow the players free constitutional choice in finding their changing roles and adjusting to their new parts—without coercion. This Nation is not playing a one-night stand.

Therefore, I respectfully submit that we include a plank in the Democratic Platform providing that schools should be equal in quality and that children should attend school within their own neighborhoods.

INTERNAL REVENUE SERVICE DENIES GENERAL ACCOUNTING OFFICE ACCESS TO VITAL RECORDS FOR MANAGEMENT AUDIT PURPOSES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. MOORHEAD. Mr. Speaker, last month the Foreign Operations and Government Information Subcommittee received testimony from Deputy Comptroller of the United States, Mr. Robert F. Keller, concerning the difficulties which the GAO has had in obtaining information from certain executive agencies. GAO must have access to agency records and procedures to adequately carry out its responsibilities as the watchdog for Congress under provisions of the Budget and Accounting Act. See RECORD, May 18, 1972, page 18121.

Most of the absolute refusals for GAO access have come from units of the Treasury Department, including the Internal Revenue Service, the Bureau of Customs, the Emergency Loan Guarantee Board, and from international lending institutions.

On June 1, Commissioner Walters of the IRS and other officials testified in response to the subcommittee's invitation to answer the charges by GAO. IRS acknowledged GAO's charges—admitted it denied access to GAO—and then defended its behavior on grounds which I and other members of the subcommittee consider exceedingly weak. It is incredible that IRS continues to thwart an effective review of its operations by the GAO. This matter will be dealt with subsequently in our report and recommendations based on our exhaustive hearings on the Freedom of Information Act.

Meanwhile, Mr. Speaker, I would like to call attention to the two excellent articles written on this subject by Mr. E. Edward Stephens, nationally known syndicated expert on tax matters. They appeared in the Washington Evening Star on May 26, 1972, and on June 16, 1972.

The articles follow:

IRS REFUSES TO BE AUDITED

(By E. Edward Stephens)

DEAR COUNSEL: In fiscal 1971, which ended last June 30, the Internal Revenue Service collected nearly $192 billion, and spent almost $1 billion. Does the General Accounting Office audit these operations and report results to Congress?

A. GAO has tried to do so, but has failed. Reason: IRS wouldn't let GAO auditors see tax returns and other records.

This bombshell was exploded by Deputy Controller General Robert F. Keller, testifying May 16 before the House foreign operations and government information subcommittee, chaired by William S. Moorhead, D-Pa.

Rep. Frank Horton, R-N.Y., was amazed. He asked Keller if he was saying that GAO had "really" been accorded "literally no access" to information sufficient to make an audit or any study as to what IRS is doing.

"Yes, sir; that is what I am saying," Keller replied. Without access to IRS records, he said, "the management of this very important and very large agency will not be subject to any meaningful independent audit."

When asked why he thought IRS balked at the prospect of an GAO audit, Keller implied that some IRS operations might not stand the light of day. "I guess" IRS doesn't want anything to happen to break down public confidence in the Service, he said.

Confidence of taxpayers and their representatives on Capitol Hill already has been seriously shaken by recent disclosures of statistics that IRS keeps under wraps. To pick one example, they show that Manhattan taxpayers in fiscal 1971 were able to settle tax deficiencies at an average of 35 cents on the dollar, while New Jersey taxpayers had to pay 83 cents.

This is the type of information that GAO wants to unearth by auditing IRS operations, just as it examines the activities of other federal agencies. As an example, Keller said GAO would like to know whether IRS treats delinquent taxpayers the same from coast to coast. If not, GAO would recommend changes in operating procedures.

It certainly can't be argued that IRS does not need watching. Over the years, scandalous practices have been exposed in various offices of the Service, including those at Boston, New York and San Francisco.

In refusing to open its records to GAO, IRS relies on sections 6406 and 8022 of the Internal Revenue Code. But any law school dropout could see that the IRS interpretation of these sections is ludicrously strained. Subcommittee staff director William G. Phillips put it succinctly when he said IRS is "leaning on two weak reeds."

IRS completely ignores the Budget and Accounting Act of 1921, which set up the GAO to serve as the watchdog of Congress. There's no room for doubt about what Congress always has intended this organization to do. The act gives GAO sweeping authority to examine the "books, documents, papers, or records" of all federal departments and agencies. IRS is not exempted.

Phillips said it isn't only the GAO that has been straightarmed when attempting to examine IRS records. He said taxpayers also have had "great difficulty" in obtaining information from IRS under the 1967 Freedom of Information Act. This is the understatement of the year.

Phillips said "many, many" IRS denial of information cases had been called to the subcommittee's attention. "I think there is an attitude here on the part of IRS that extends to Congress, the GAO and the public at large," he concluded.

CONGRESS UNIT PUSHING IRS

(By E. Edward Stephens)

DEAR COUNSEL: All U.S. taxpayers are losers if the Internal Revenue Service doesn't administer the tax laws fairly, efficiently and economically. Is there a practical way to improve IRS administration?

A. Yes—give the General Accounting Office a free hand to audit IRS operations and come up with recommendations. If IRS won't adopt recommended improvements, Congress can force compliance by appropriate legislation.

IRS officials shudder at the thought. They contend that, since Congress has authorized the House-Senate Joint Committee on Internal Revenue Taxation to keep an eye on IRS administration, this cuts GAO out.

So IRS now collects nearly $200 billion a year, and spends about $1 billion a year—all without any independent audit by a disinterested organization.

Congress soon may end these freewheeling operations. If so, it will be one of the biggest tax reform developments in U.S. history.

Since Congress wants to keep tabs on how U.S. agencies handle money it set up the GAO to audit them. The 1921 Budget and Accounting Act gave GAO sweeping authority to examine the books and records of all U.S. departments and agencies.

There are a few exceptions. For example, Congress has specifically exempted the Central Intelligence Agency from Budget and Accounting Act requirements. But it never has exempted IRS. Yet the Service claims that Internal Revenue Code sections 6406 and 8022 let IRS off the GAO audit hook.

Deputy Comptroller General Robert F. Keller brought the matter to a head in his May 16 testimony before the House foreign operations and government information subcommittee. He said that IRS officials wouldn't let GAO personnel see tax returns and other records essential to any meaningful audit of IRS operations.

The subcommittee bristled. Chairman William S. Moorhead, D-Pa., called Commissioner of Internal Revenue Johnnie M. Walters on the carpet May 24. But committee members—Republicans and Democrats alike—could see from Walters' prepared statement, that IRS was evading the question.

So, instead of taking Walters' testimony, committee members lectured the IRS team and instructed them to come back in a week, prepared to meet the issue that Keller had raised very clearly. All members in attendance—Republicans and Democrats—joined in this action.

The IRS first string turned out in full force for the June 1 subcommittee hearing. Walters was supported by Deputy Commissioner Raymond F. Harless, Acting Chief Counsel Lee H. Henkle Jr., Disclosure Chief Donald O. Virdin, and Francis I. Geibel, Acting Assistant Commissioner for Inspection.

Walters and Henkle performed eloquently, but left the subcommittee members convinced that IRS had the wrong side of the case. Moorhead called the IRS legal position "very weak." And Rep. Frank Horton, R-N.Y., said Henkle had tried to push a camel through a legal peephole.

The subcommittee expects to conclude hearings on June 27. Hopefully, the Government Operations Committee then will draft legislation to remove all doubt about GAO's right to audit IRS operations and report results to the ladies and gentlemen on Capitol Hill who represent all U.S. taxpayers.

THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT IN STOCKHOLM, SWEDEN

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. GUDE. Mr. Speaker, early this June I went to Stockholm, Sweden, to attend the United Nations Conference on the Human Environment, as a representative of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations. I have served on this subcommittee for almost 6 years.

Several of our subcommittee hearings and reports have dealt with matters which touch on international environmental problems. For example, our hearings and reports on the San Francisco, Potomac, and Puget Sound estuaries involved matters such as oil tankers, pollution, and other issues crossing our national boundaries.

Similarly, our hearings and reports on phosphates and detergents have been closely followed by agencies of Canada and Sweden. Indeed, we had experts from those countries testify at our hearings.

Our subcommittee studies and hearings clearly show that eutrophication resulting from excessive phosphates, and oil spilled from tankers, do not respect international boundaries.

And recently, our subcommittee was instrumental in persuading the Departments of State, Transportation, and Justice to agree on having the Coast Guard enforce our oil pollution laws in the contiguous zone, which is that area of the oceans between the 3- and 12-mile limits around our country's seacoasts.

This was announced by the chairman of our subcommittee on June 4, 1972, as we were leaving for Stockholm, and I insert that announcement at this point in the RECORD.

DOT TO BEGIN ENFORCEMENT OF 1970 LAW PROHIBITING OIL SPILLS BY VESSELS IN 9-MILE-WIDE OFFSHORE ZONE, REPRESENTATIVE REUSS REPORTS

The Department of Transportation will begin this month to enforce provisions of the 1970 Water Quality Improvement Act which prohibit oil discharges by vessels in the Contiguous Zone, Rep. Henry S. Reuss (D-Wis.) reported today. Enforcement will be carried out by the Department's constituent agency, the Coast Guard.

Reuss is Chairman of the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations. The subcommittee has been investigating the effectiveness of enforcement actions by Federal agencies under both the 1970 Act and the 1899 Refuse Act.

"The news from Transportation comes as a welcome ending to our intensive efforts over the last few months to get the Department to honor the 1970 law which sets penalties for oil spills at sea and makes the polluter liable for clean-up costs," Reuss said.

The 9-mile area in which departmental enforcement was in question is the so-called Contiguous Zone, which extends between three and 12 miles offshore immediately beyond the recognized territorial sea.

The Zone and the powers of each coastal nation within its boundaries were established in 1958 by the United Nations Convention on the Territorial Sea and the Contiguous Zone. The Convention "entered into force for the United States" on September 10, 1964. More than 20 nations are signatories to it.

Reuss recently charged the Transportation Department with failing to enforce the oil pollution control provisions of the 1970 law in the Zone.

Reuss explained, "we discovered not only had DOT failed to enforce the law; but it had also failed to report to Congress that the Act was not being enforced. It was only through our continuing investigations of how the anti-pollution laws are being enforced that we unearthed these facts."

However, by letter of June 1 to Reuss, the Department finally agreed to enforce the law. John W. Barnum, the Department's general counsel, agreed that a notice will be published in the Federal Register "on or about June 8" which "states that the United States exercises rights in a Contiguous Zone to a distance of nine miles beyond the territorial sea" as the 1970 Act requires.

Barnum informed Reuss that the Commandant of the Coast Guard has already "instructed" all Coast Guard units "to extend enforcement of the applicable provisions" of the 1970 Act to the Contiguous Zone. "In the cases of violations where court action is appropriate, the matter will be referred to the Department of Justice," Barnum wrote.

Reuss said today that the Transportation Department's action "should markedly reduce the number of oil spills occurring in the Zone; help prevent massive pollution which has despoiled our beaches, minimize the destruction of our offshore fisheries, and save millions of dollars in Federal clean-up costs."

More than 10,000 such spills were recorded in the period from September 11, 1970, to November 30, 1971, in all waters subject to the Act.

"We are heartened by the Transportation Department's action," Reuss said. "The important thing is that despite its two years of inactivity, the Department willl now begin to enforce the Water Quality Improvement Act fully."

The meetings and deliberations I attended in Stockholm provided much information and suggestions that will be helpful to our subcommittee in future hearings and investigations, and will help us develop recommendations for the challenging times ahead.

The United Nations Conference on the Human Environment, held from June 5 through June 16, 1972, in Stockholm, Sweden, was the first international effort by nations to consider and seek to begin to resolve some of the important, common environmental issues facing all mankind.

Congressman CHET HOLIFIELD, the very able chairman of the House Committee on Government Operations, was indeed farsighted in directing that representatives of our Conservation and Natural Resources Subcommittee attend this Conference.

Just as Congress has in recent decades become more deeply involved in international military and political problems, Congress will find in every year ahead that we will be more deeply involved, and taking action, in environmental matters which extend beyond our national boundaries. The world which we see shrinking through advances in transportation and communication is also becoming one world environmentally. The entire globe feels the results of increasingly complex industrial technology, the continued growth of industry, and burgeoning populations in every country. Therefore, it is little wonder that practically every nation of the world attended and earnestly participated in the deliberations at Stockholm.

Nevertheless, some of the human frailities of greed, indifference, and ignorance which have produced the world's environmental plight were exhibited by all of these nations. The developed nations, while admitting to their sins of environmental neglect, demonstrated some reluctance to make the investment of resources necessary for the type of cleanup to which their citizens are entitled. Correspondingly, the underdeveloped nations seemed to follow the illogic that two wrongs can make a right—that they have an equal right to pollute while developing, and need not comply with the rules of cleanup until after they have obtained their rightful share of the world's affluence.

While admitting past environmental sins and exhibiting a weakness to yield to future temptations, the moral compulsion to improve man's state was evident both in the deliberations and in the final outcome of the Conference.

The capable chairman of our U.S. delegation was environmentalist Russell Train, the Chairman of the Council on Environmental Quality. He set the tone of what our position ought to be by quoting Teddy Roosevelt's statement of 65 years ago:

> The time has come to inquire seriously what will happen when our forests are gone, when the coal, the iron, the oil, and the gas are exhausted, when the soils shall have been still further impoverished and washed into the streams, polluting the rivers, denuding the fields, and obstructing navigation. These questions do not relate only to the next century or to the next generation. It is time for us now as a nation to exercise the same reasonable foresight in dealing with our great natural resources that would be shown by any prudent man in conserving and wisely using the property which contains the assurance of well-being for himself and his children.

The developed nations have not followed Teddy Roosevelt's advice. Instead, as Mr. Train pointed out:

> Unfortunately, our country did not always follow that good advice, particularly in the generation just past. We not only committed many of the faults Theodore Roosevelt criticized, we went further, and, through inadequate control of our increasingly powerful technology, imposed burdens on our environment, urban and rural alike, such as he never dreamed of.

The U.S. delegation at the Stockholm Conference gave forthright leadership to the establishment of new ways to preserve our world environment. In addition, we have demonstrated for the world during this period that we are able, and determined, to take national action against one of the horrors of modern technology, namely, the hard persistent pesticide. The declaration by the Administrator of the Environmental Protection Agency, Mr. William D. Ruckelshaus, that DDT will be banned except in the crucial instances involving human life, is most heartening. Hopefully, Congress will support that decision by adequate appropriations to expand research programs in integrated biological control in order that substitutes can be found for environmentally harmful control measures.

The U.S. delegation also provided firm leadership in urging that the Conference favor an international commercial whaling moratorium. Unless that international effort succeeds, several species of whales will undoubtedly face early extinction. The United States has already agreed to that moratorium, and our wise action is particularly timely in light of the upcoming session of the International Whaling Commission in London this summer. In addition, the United States worked at the Conference for the protection of all genetic resources. We emphasized the importance of wildlife for purposes other than just hunting. They have roles and niches in ecosystems and in some cases substantial tourism value.

Our country also showed commendable initiative by our proposals to establish a "World Heritage Trust" and by our urging support of the monitoring and assessment of the global environment to supplement existing system for monitoring human health, the atmosphere, the oceans, and terrestrial environments.

However, I feel that in the area of petroleum transport in international and U.S. waters, our position leaves something to be desired at this time. Although the State Department has taken the initiative in pushing for regulations and control of international movement of petroleum by other nations, we must be willing to set our own house in order.

Since returning from Stockholm, I received a letter dated June 12, 1972 from Hon. G. F. Bruce, the Secretary General of the Canadian delegation at the Stockholm Conference enclosing two statements by the Secretary of State for External Affairs of Canada relative to the June 4 discharge into Puget Sound of 12,000 gallons of crude oil from a tanker engaged in unloading operations at the Atlantic-Richfield Refinery at Cherry Point, in Washington State.

I might add at this point that our subcommittee held hearings last December on environmental problems in the Puget Sound and the Juan de Fuca Straits area, including the issuance of a permit by the Corps of Engineers to Atlantic-Richfield for a pier at Cherry Point. We heard testimony from Sierra Club witnesses and others concerning the potential of such spills if construction of this facility encourages the use of more and bigger tankers to enter and unload in these waters.

The Canadian statements note that, in the case of this June 4 discharge, oil "quickly spread" into Canadian waters. The Canadian Secretary said on June 8:

> The incident at Cherry Point is a stark reminder of what we have stated on many occasions: that far more serious spills will inevitably take place on other occasions if oil is moved by Tanker through the Strait of Juan de Fuca. It demonstrates that in the event of a spill on the USA side, damage will almost certainly be suffered in Canada, and this damage could be severe. Even the small quantity of oil which escaped on this occasion moved rapidly northward across the boundary and collected on some five miles of one of the finest beaches of the area.
>
> We have, of course, registered with the USA Canada's grave concern about this ominous incident. On instructions, our Embassy yesterday emphasized to the State Department that the incident confirmed our anxieties over the threat to the ecology and resources of this . . . inland marine area from oil tankers.
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> * * * * *
>
> We have made repeated representations to the USA Government about the proposed increase in oil tanker traffic into this area, and indeed we raised this matter with President Nixon when he visited Canada in Mid-April. We proposed to President Nixon that the International Joint Commission should be requested by the two Governments to conduct a thorough investigation of the hazards of marine transport of oil into this area. We have since made specific proposals for this investigation, and in the light of this recent incident our Ambassador in Washington, D.C., is pressing for an early and positive response from the USA Government.

The Canadian Secretary again discussed this matter on June 9. He emphasized the dangers from oil spills and noted that predictions of more and more quantities of oil being transported in huge supertankers near or on Canadian waters "chill our blood with suggestions that there may well be more accidents." He noted that the "valve which broke" on the vessel *World Bond* at Cherry Point "was open for only 3 seconds." He concluded by saying:

> Yet look at the damage which resulted. No wonder that the Government has repeated over and again to the USA its concern at the growing risk to the environment of both countries which results from the arrival of large tankers at the Cherry Point Refinery.
>
> This concern has been expressed publicly and privately, officially and unofficially, at all levels of the USA Government up to and including President Nixon himself. As I told the House in my statement yesterday, the Prime Minister discussed the problem with the President during the President's visit in April. At the same time Secretary Rogers had an opportunity to feel the strength of Canadian concern during a meeting with the Minister of the environment and myself.
>
> The Government proposed to President Nixon that the International Joint Commission be requested by Canada and the USA to conduct an investigation into all aspects of the problem on May 4 and again on May 19. The Canadian Embassy in Washington, D.C. followed up this proposal in specific terms. Our anxiety on the subject was increased by the announcement at more or less the same time that Secretary Morton had decided to authorize construction of the Trans-Alaska Pipeline. The Resolution unanimously adopted by the House [of Commons] on May 15 which declared that movements of large tankers in the narrow Straits of our Pacific Coast would be inimical to Canadian interests, was conveyed to the USA Government the next day.
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> I am confident we will receive the official response of the USA soon.
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> What we have been trying to impress on the USA is our sense of urgency and importance of the question.

It is my hope that the Canadian suggestion will receive a favorable response in the spirit of Stockholm.

The spectrum of environmental problems considered at Stockholm is awesome. But we addressed the problems and we made a beginning in a coordinated international effort to better man's welfare through the world.

However, the question of "additionality" is indeed the problem that is farthest from solution. The developed nations must come to grips with the problem and resolve it much better than was done at Stockholm. I do not believe that the developed nations will provide funds to fulfill their pledges for an international environmental fund in sufficient amount to adequately encourage the developing nations to impove their conditions without degrading and unfortunate side effects. The demands for power, for transportation, and for all the commodities of luxury are going to have first priority with the political leaders of these nations. No amount of exhortations by the environmentalists will dissuade them from making these demands. To them, pollution control and environmental cleanup are the luxuries to be reserved for those who can afford them, that is, the developed nations in the European community, the United States, Canada, and Japan.

I believe the world community must devise a formula to develop some type of trust fund for international pollution research and pollution abatement. Such a fund could be financed by a carefully devised system of tariffs levied, perhaps, against the pollution potential of a raw commodity such as high sulfur oil or high polluting car models. The structuring of such a system should be one which would aid in financing the incorporation of antipollution features into the institutions and industries of the developing countries. Such trust fund structuring should also expedite and encourage cleanup already underway in the developed nations. Thoughtful and careful plans must be developed in the councils of the world—by developed and underdeveloped nations alike—to deal with the problem of "additionality."

The posture and thinking of the underdeveloped nations in reference to environmental problems was ably articulated at Stockholm by Mr. R. K. A. Gardiner, of the Economic Community of Africa, in his speech at the plenary session on June 9, 1972. I therefore insert his speech at this point in the RECORD for the benefit of my colleagues and the public:

SPEECH BY MR. R. K. A. GARDINER

> Mr. President, permit me to express the gratitude of the ECA for this opportunity to participate in the deliberations of the conference on the Human Environment. Sincere thanks of the member States of ECA go to the Government and people of Sweden for the part they have played in initiating, organizing and running of the Conference; also to the Secretary-General of the Conference, Mr. Maurice Strong, for his devoted service; the Preparatory Committee, under the Chairmanship of Ambassador Keith Johnson, for providing an excellent set of documents and clear-cut procedures which have made our work less difficult.
>
> FCA has taken part in the preparations for this Conference; and the meeting which took place in Addis Ababa in August 1971 enabled African States to identify the problems of environment which concern them, and to define the role which they should play in this conference.
>
> When the idea of a meeting on Human Environment was first mooted, some considered that it concerned only the industrialized countries; but it became clear at a very early stage that even the least developed countries were involved in the developments which threaten the survival of mankind.
>
> The pollution of coastal waters by oil discharged from tankers, atomic radiation and the destruction of marine life are a few instances of the damage which may overtake countries in spite of their state of underdevelopment. Moreover, the use of pesticides and detergents is on the increase in most parts of the world including Africa; and these, as it is well known, can destroy the resources of streams and rivers. This Con-

ference offers a unique opportunity for communities throughout the world to share experiences, draw lessons from what is happening in different communities, and to take measures to prevent the recurrence of harmful consequences.

The problems which have now caught the attention of the world and form the subject matter of this conference may appear to pose a dilemma to developing countries. Some, who see in these problems the aftermath of industrial growth, are now advocating a restraint on economic and social development. This is the "limits-to-growth" thesis which appears to be gaining currency, especially in the developed world. The underdeveloped countries are in no mood to accept the imposition of a restraint on developments on which their welfare, and indeed, their very existence depend. African Governments have come to Stockholm, not to accept an imposition of a restraint but to seek to clarify a false dilemma in consultation with the world community.

The world from which underdeveloped countries seek an escape is not a romantic paradise. Some 80% or more of Africa's population live in rural areas plagued with periodic famine; with inadequate water supplies for man, animal and crops; inadequate health services; with high mortality rates which result from the prevalence of water-borne and other endemic diseases; and where poor farming methods are rapidly destroying forests and grass cover—leading to soil degradation and turning marginal areas into desert land. Doing nothing will spell our doom. We must intensify our search for new techniques to cope with these age-old handicaps.

The populations of underdeveloped countries including those in Africa are increasing rapidly. Africa's population, growing at an average annual rate of 2.5%, may increase to 460 million in 1980. It is recognized that population policies which are being formulated today will take a decade or more to make any significant impact on current trends.

An obligation of every African government is to encourage more productive agricultural methods in order to be able to feed the population. It must resort to industrialization (small and large scale) including the development of service industries in order to generate enough employment. It must initiate measures for a more intensive exploitation of natural resources in order to produce raw materials for local industry and for export.

Indeed to be able to purchase capital equipment, to secure foreign skills and external inputs needed by local industries, it must increase export earnings from minerals and agriculture. In all these aspects, governments will be interfering with natural conditions. The problem, therefore, is how to satisfy the needs of the community in the best possible way and with the least harmful results.

Rural poverty, under-employment and unemployment have combined to drive rapidly growing numbers away from rural life into industrial and urban centres. The proliferation of slums and shanty towns is evidence of the need to take action to cope with changing aspirations and patterns of life. Garbage disposal, sewerage, the need to provide decent human dwellings, the control of vermin, etc., are now crying needs in the rapidly expanding towns in developing countries. The disposal of waste in the tropics where experience in scientific processes is lacking constitutes a very serious health hazard. These are some of the problems to which Africa must turn its attention immediately. What help can we expect?

Africa has constructed huge man-made lakes—Kainji and Volta in West Africa; Aswan in Egypt; Koka, Owen and Kariba in Eastern Africa—to mention a few. These dams provide electricity, water transport facilities and water for irrigation. Their construction demanded the transplantation of whole populations to new and strange environments; and they have contributed to the spread of water-borne diseases of which malaria, river blindness and bilharzia may be regarded as the most serious.

The development of transport facilities has increased the chances of diseases being communicated between countries, regions and continents. History provides instances of erstwhile isolated communities being wiped out by such diseases as measles and small pox upon their contact with the outside world. Traffic in animals and plants especially into areas where phytosanitary services are not well developed poses a serious threat to vegetation. Special measures are required to control and eventually to eradicate sleeping sickness—a scourge to man and beast alike—not to mention migratory birds and the incidence of diseases of livestock such as foot and mouth in Europe and Africa, which emphasizes the interdependence of continents.

Such problems cannot be tackled successfully in isolation; and increasingly, such bodies like WHO and FAO as well as the wild life conservation movement will be called upon to intervene and to provide assistance to countries who are not in a position to cope with new and menacing situations.

In such fields as the human environment and population, international community is attempting to deal with very intimate personal issues. We need to convince all participants in such programs. Human understanding is as important, if not more important than formal declarations and conventions. This makes the attitude of developing countries a matter of some importance. The developing countries often show a historical hangover of fear and suspicion from their experiences of the recent past. The struggles to end colonialism tend to set us apart from the free world. These attitudes cause some amount of irritation to those who want to get on with the business. This reaction is also understandable. We are not here, in the face of a crisis which mankind has to tackle, to indulge in self pity, to exchange recriminations or to apportion blame. It is with this understanding that the Addis Ababa Seminar set out its contributions to the consideration of human environment and expressed its willingness to play a full and responsible role in the implementation of the recommendations which may come out of this Conference.

The fears of developing countries have been expressed by several speakers from developing countries. I repeat some of them because we need to keep them in mind in order to appreciate the moods of all parties to the effort which we are initiating here. I would express them, rather, in the form of hopes than fears.

We hope that measures for the protection of the human environment and the prevention of health hazards will not be used as a pretext for the imposition of non-tariff barriers to trade between developed and developing countries. We hope that the impact of recycling, on the volume of trade in raw materials, will be carefully examined to ensure that the developing countries do not lose export earnings. We hope that allowance will be made in the allocation of grants and loans to help developing countries meet any additional costs which may be incurred as a result of improvements in machinery, techniques and procedures brought about by attempts to protect the human environment. We hope that measures taken by developed countries will not lead to the creation of *cordon sanitaire* behind which they can shelter, and, from which they can run harmful industrial enterprises in territories which may appear to provide "flags of convenience."

These question marks in the minds of the developing countries have not stopped them from deciding to participate in the Conference and to commit themselves to carry out international decisions which we are here to take.

There are actions to be taken at the national, inter-country, regional and global levels. Indeed, various agencies are already occupied with activities in most of the fields which we are now considering under the general title of the theme of this Conference. It is the conviction of the African countries that the conclusions of the Conference will provide a framework within which such actions will continue to be carried on, and more effectively.

We hope that it will be possible to provide a mechanism and an organization at the regional level to give the people of each continent a voice in the formulation of programmes and a role in their implementation. ECA and OAU stand ready to assume responsibility to discharge any tasks which may be entrusted to them under a United Nations Human Environment Programme. OAU member States have already signed a convention on the protection of nature and wild life. Individual African Governments are developing national game parks and setting up administrative organs for environmental services.

Africa, together with other developing countries, have come to Stockholm with a determination to find a basis for cooperation. I may take this opportunity to emphasize the fact that when relatively poor countries send delegates to conferences of this kind, they make a real sacrifice. The financing of delegations is a drain on their limited resources. The presence of some 30 African delegations in Stockholm is therefore a token of our earnest in the matter under discussion.

Mr. President, Africa is ready for constructive and creative action in cooperation with the rest of the world. The first All-African Seminar on the Human Environment supported the establishment of an appropriate organ within the U.N. System to bridge gaps in existing knowledge and practices: to coordinate on-going programmes in the field of the environment: and to initiate measures to safeguard our fragile environment. ECA member states support the suggested creation of an Inter-governmental body serviced by a secretariat as suggested by the final documents for this conference.

In the name of the member states of ECA, I wish this conference success.

Among the most significant recommendations resulting from the convention were those designed: First, to facilitate completion in 1972 of an international convention to restrict ocean dumping; second, to strengthen the International Whaling Convention and to launch a 10-year moratorium on commercial whaling; third, to prevent national and environmental actions from creating trade barriers against the exports of developing countries; fourth, to give high priority in development assistance to environmental values such as land use conservation and quality of human settlement; fifth, to improve water supply and sewage in the rapidly growing cities of developing countries; and sixth, to create in the United Nations a permanent, high level environmental unit.

It is too early to declare that the Stockholm Conference was a success. It may be several years before we will really know whether this effort was successful. The most important thing, however, was that it was a beginning. From this beginning, we hope new and greater efforts will be made by the community of nations to improve environmental quality, not at the expense of the developing nations or of the developed nations, but with the close coordination and cooperation of all nations.

GUIDING PRINCIPLES FOR RESPONSIBLE PACKAGING AND LABELING

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. KEATING. Mr. Speaker, recently the National Business Council for Consumer Affairs published its first official report, "Guiding Principles for Responsible Packaging and Labeling."

The report was authored by the NBCCA subcouncil on packaging and labeling. The vice chairman of that council is a Cincinnatian, Mr. Robert Aders, who is chairman of the board of the Kroger Co. which is headquartered in my home city.

The report represents a comprehensive set of guidelines for businesses to adopt in response to and in anticipation of consumer demands.

The significant factor is that this council is composed of some 100 business executives who are committed to developing positive action programs for consumers.

The council was created by President Nixon in August of 1971. As an advisory council, the members report to the President and other Federal departments and agencies through Secretary of Commerce Peter G. Peterson. I would like to place in the RECORD the NBCCA report.

The report follows:

GUIDING PRINCIPLES FOR RESPONSIBLE PACKAGING AND LABELING

PREAMBLE

It is our intent that these guiding principles be given the broadest possible application wherever they would assist the consumer in making his purchase or use decision and wherever the value received by consumers from their application exceeds the cost of their implementation. We urge industry associations and individual businesses to develop specific policies and manufacturing practices consistent with these principles.

Packages and labels should meet the consumer's need for useful information to facilitate value comparison prior to purchase and to promote the economical and safe use of the product after purchase. The information should be presented in a clear and conspicuous manner. The seller or supplier should be able to document adequately all performance, safety or economy claims listed or depicted on the package or label.

More specifically, businesses should provide the following information on packages or labels of *consumer products* unless the provision of such information would be clearly irrelevant within the context of the total circumstances surrounding the sale.

1. The identity of the product by its common or usual name, description, generic term, or the like,

2. The net quantity of the product in terms of weight, measure, size, or numerical count,

3. The name and address of the manufacturer, packer or distributor,

4. A prominent warning of imminent hazards inherent with the use, maintenance, storage, or disposal of the product, and a description of the necessary treatment or antidote if the warning is ignored or misunderstood,

5. Clear and complete directions for use and care of the product. Separate use and care instructions should be provided for those products not normally consumed from or stored in the original package,

6. Relative price information in a convenient and understandable form. Price information should be displayed at the point of purchase when it is impractical for the seller or supplier to include price on the package or the label,

7. The date beyond which the product should not be sold if the product is perishable.

Businesses should also provide the following information on packages and labels of *processed food products* offered for sale.

8. The size, weight, or measure of servings where the label states number of servings,

9. The common or usual name of ingredients or, where appropriate, the class of ingredients, listed in order of decreasing predominance. The most significant ingredient listed by percentage if it will aid consumers in assessing economic value and food quality,

10. A statement of nutrient value conforming to applicable federal guidelines.

In addition to the above, all packages should contain the full and declared weight, measure or numerical count and be filled as full as practicable in accordance with good business practices. Packages should be designed to:

11. Protect the quality and form of the product,

12. Protect the persons who come into contact with the product during use, storage, maintenance and disposal,

13. Offer sufficient variety to serve the varying needs of consumers without unnecessarily complicating selection.

Finally, for the benefit of society in general, businesses should conserve natural resources in the original package, encourage reuse of both packaging materials and packages themselves, and, minimize pollution in the disposal process.

NEW YORK TO LOS ANGELES—ONE-HALF HOUR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. PICKLE. Mr. Speaker, in our vast search for ways to transport people through the air, on the ground, or by water with better efficiency, a Rand Corp., physicist has come up with a new approach—transportation under the ground.

Here, importantly, there is no need to plow through or thunder over our cities or our remaining open spaces. Here there is power—through the use of magnetic fields—which will not spew noxious gases into our air. And here is speed such as we seldom imagine for travel on earth itself—10,000 miles per hour is the top speed of the magnetically floating tunnel trains this scientist conceived.

As he openly admits, the main drawback is the enormous cost of tunneling clear across the United States. But after that, "everything else would be practically free." The cost of transcontinental train trip would be $50.

The whole thing boggles the imagination. It sounds like something out of Jules Verne. But it is available with today's technology.

Of course the problem still remains—how do we get a fellow from the train station to his home or office just as efficiently. But Mr. Salter's concept for transcontinental travel points out what we can do today to unsnarl our transportation problems if we just gear up and use our wits.

Mr. Speaker, I include at this point an article from the Austin American explaining Mr. Salter's concept of a tunnel train.

The article follows:

UNDERGROUND MAGNETIC TRAIN ACROSS UNITED STATES SAID POSSIBLE

LOS ANGELES (AP).—You could go from New York to Los Angeles in half an hour, shuttling through a transcontinental underground tunnel in one-car trains floated on magnetic fields. The cost: $50.

It's not science fiction, but a concept propounded by a top physicist for the Rand Corp.

R. M. Salter Jr., head of the physical sciences department at Rand, said in an interview that existing technology makes the tunnel train concept feasible. He said electromagnetic suspension for trains was first proposed in 1905 and patented in 1912.

The essence of Salter's idea is to dig a tunnel, roughly along the present routes of U.S. Highways 66 and 30. The tunnel would contain several large tubes for the east-west travel of single car trains, big enough for passengers and freight. The cars would float on magnetic fields, moving at top speeds of 10,000 m.p.h.

He envisions intermediate stops at Amarillo, Tex., and Chicago on the main line, with subsidiary lines branching from the two main terminals.

One drawback to the Salter system is the enormous cost of tunneling across the United States, but, he said, "after the tunneling was finished, everything else would be practically free."

ATOMIC ENERGY COMMISSION APPROPRIATION

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. VANDER JAGT. Mr. Speaker, in regards to the legislation we are considering today relative to appropriations for the Atomic Energy Commission, I would like to make several observations concerning funds for the liquid metal fast breeder demonstration plant.

I am aware of the AEC statement that early introduction of the LMFBR will save the United States $20 billion over the next 50 years and that every year of delay will cost $2 billion. I am also aware that there has been disagreement with this conclusion by Dr. Thomas Cochran of "Resources for the Future" and others who conclude that the LMFBR would not be competitive with other forms of power production. The question of commercial practicality of the LMFBR must be given careful consideration.

It is my understanding that the AEC is having a difficult time in locating private funds to help finance the LMFBR demonstration plant. This reluctance on the part of private industry may stem in part from doubt as to the breeder's commercial feasibility and in part from the knowledge that the Government is so committed to the LFMBR program that if industry does not contribute the project will still not be scrapped. Instead, Government will finance the program alone.

I am somewhat concerned that we may be overemphasizing breeder technology at the expense of other energy sources. The breeder is justified by AEC because research is the furthest advanced, with the probable exception of solar energy. Yet the first breeder demonstration plant will not be built until 1980. Significant use will not be achieved until the mid-1990's. It may be that longer periods would be required for the development of other power sources, but adequate funding might bring them into existence within that same time frame. Fusion, for example, is not adequately funded because it is deemed to be too far in the future. It may be too far in the future because it is not adequately funded.

AEC argues that the LMFBR is necessary to protect our uranium reserves. It has at the same time embargoed all foreign uranium sources because the domestic market is soft. It would seem to me that during a period of low prices it might be reasonable to stockpile uranium from foreign sources to protect America's future supplies.

I would hope that AEC would give the most careful consideration to these observations. America's future and environment must be protected.

A TRIBUTE TO CAPT. ROBERT CROWN, U.S. NAVAL RESERVE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. PUCINSKI. Mr. Speaker, it is my privilege to advise the House today that ground will be broken early next month for the new Robert Crown Center at the U.S. Naval Academy at Annapolis, Md.

The two-story sailing center with docks and anchorage basin is being built in memory of the late Capt. Robert Crown, U.S. Naval Reserve, as a gift to the Academy by the Crown family of Chicago.

At the time of his death on July 6, 1969, Captain Crown commanded an organized reserve training unit at the Great Lakes Naval Training Center, Great Lakes, Ill.

Captain Crown's philosophy was attuned to the idea that a civilian military force must be built around the nucleus of the professional career men whose studies at the academies and active experience qualify them for the higher ranks in the service. To this end he pursued the belief that civilian defense of the Nation cannot be abandoned, no matter how great the desire for peace may be.

Since his death, and with this philosophy in mind, friends and relatives of Robert Crown, eldest son of Henry Crown, set up a memorial in 1970 as a tribute to his memory, including scholarships to sons of Navy or Marine enlisted personnel from the Ninth Naval District, Great Lakes.

In 1971, the Great Lakes Naval Reserve Training Center established the Capt. Robert Crown Memorial Trophy system to reward outstanding efforts in U.S. Naval Reserve units and individual performances.

These very commendable steps to honor the memory of Capt. Robert Crown are a reflection of the high degree of respect so many people had for his dedication.

But the construction of the Robert Crown Center at the Naval Academy fulfills in a living way the high regard that he had for career officers of the Navy and their impressive contribution to our entire Navy, including the Reserve components.

Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations, U.S. Navy, announced on May 4, 1972, plans for construction of the Robert Crown Center at Annapolis.

When completed in July 1973, the center located along the Severn River-Chesapeake Bay sailing area will house the intercollegiate Sailing Hall of Fame with its trophies and memorabilia from famous U.S. Navy sailing ships. It will provide facilities for Academy activities in connection with plebe summer cruises, sailing courses which every midshipman is required to take, and the Academy's program of variety and intramural sport sailing. In addition, it will be used for meetings of various sailing organizations, including collegiate groups and regatta committees.

The center, designed by Ellerbe Architects of St. Paul, Minn., will be a central point of interest for more than 1 million tourists who visit the Academy each year.

Captain Crown served on active duty with the Navy in the Pacific, Philippine, and American theaters from 1942 to 1946. After World War II, he returned to civilian life, retained his Naval Reserve commission, and served as a member of Greater Chicago area.

He was twice recipient of the Secretary of the Navy's Distinguished Public Service Award, the highest honor the Navy can bestow on a civilian, for his work in behalf of the Navy after the war.

From 1961 to 1963, he served two terms as national president of the Navy League of the United States, a civilian organization espousing the doctrine of maintenance of U.S. maritime strength.

Capt. Robert Crown was born in Chicago, the son of Col. Henry Crown and the late Rebecca Kranz Crown. He married Joanna Strauss of North Manchester, Ind., and had two daughters and a son. Robert Crown attended the University of Arizona and graduated with a BA degree from Northwestern University in 1942.

A young and dynamic leader, Captain Crown was highly respected in commerce and industry. His inquiring mind and executive ability led him into many areas of interest and position of leadership. He was one of that new breed of young executives actively engaged not only in civic, military, and charitable work, but in business as well.

He played an important role in business in Chicago and in other parts of the country. He served as an executive officer of a number of successful enterprises and was on the board of directors of many leading business organizations.

I am proud to join today in paying honor and tribute to the late Capt. Robert Crown. I am sure that all of us as Americans will also want to express our gratitude to the Crown family for this generous contribution to our Naval Academy at Annapolis.

Mr. Speaker, the philosophy of the Crown family is known to all of us in Chicago, but it should be known to all of the people of America, for indeed this is a family that over the years has consistently endowed worthwhile projects as part of their deep commitment to human dignity.

Chicago has a long list of inspiring projects in the field of art, education, medicine, medical research, the performing arts, aid to less fortunate citizens, and special programs for young children—all endowed by the Crown family, which has generously shared its own fortune with the community.

The Crowns have been a source of inspiration to decent people for more than three decades.

They have carved for all of us as Americans a new dimension of commitment by those more fortunate to those less fortunate among us. The Crown family is legend in Chicago, because of its deep commitment to the common good.

It is typical of the Crown family to seek out a need at the Naval Academy in Annapolis and then in a very inspiring manner, with their own financial resources, fill that need for the Academy. It is a blessing that the Crown family had arranged for the construction of this Robert Crown Center at Annapolis. My colleagues will understand when I say that prospects for building such a center, so urgently needed, would be most slim it it had to wait for Government funds.

This is why I wanted to call this generous act by the Crown family to the attention of my colleagues. May this unselfish act by the Crown family rekindle our respect and appreciation for our fellow Americans. For indeed, the Crowns prove again that people do care and that within their means, try to fill the needs of our Nation.

God grant that there will be many more Crown families in America with their deep dedication of building monuments to their ideals. The Capt. Robert Crown Center will be such a monument.

UNION CARBIDE AND WASHINGTON WORKSHOPS: AN INVESTMENT IN AMERICAN YOUTH

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SMITH of New York. Mr. Speaker, at a time in American history when youth is involved in the political process as never before, especially in view of the passage of the 26th amendment, I should like to bring to my colleagues' attention a fine program that convenes this week and has served young Americans and our Nation since 1967. This program is the series of study seminars in American government sponsored by the Washington Workshops Foundation in conjunction with Mount Vernon College of Washington.

I am particularly pleased to note that in this year of newly enfranchised youth voters, the Union Carbide Corp. seeks to involve Americans in this seminar series by generously offering scholarships to a number of qualified high school students. These scholarships, giving the recipients a firsthand study of American government through participation in the Washington workshops seminars, are awarded to exceptional students representing the Union Carbide plant communities across the Nation.

Among the group of students selected this year is one of my constituents, Miss Cathy Costantino of Lewiston, N.Y. Cathy has just completed her junior year at Madonna High School, and I congratulate her on being chosen as a 1972 Union Carbide scholar to the Washington Workshops Congressional Seminar. Young citizens such as Cathy are indeed deserving of such an honor and reflect a continuing faith in our political system.

I find it gratifying to realize that through the efforts of Union Carbide and the Washington Workshops, young Americans are recognized for their excellence and leadership potential while enrolled in a creative and successful program that highlights a better understanding of the human quality of American government.

FIFTIETH ANNIVERSARY OF GREAT NECK, N.Y.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WOLFF. Mr. Speaker, on Sunday, June 4, I had the pleasure and privilege of attending the 50th anniversary celebration of the incorporation of the village of Great Neck, N.Y.

As a resident of this community and as its elected representative here in Washington, I was deeply honored to be able to present to the village of Great Neck on this occasion a flag which had been flown over this building. I want my colleagues in the House to know that this flag will be flown proudly over Great Neck.

In addition to the formal presentation ceremonies, a delightful program of festivities had been arranged in the spirit of the 1920's, the era of the village's incorporation.

At this point in the RECORD, I list those who contributed to make this event such an overwhelming success.

The list follows:

COMMITTEE

Hon. George Mutterperl, Chairman.

Honarary Chairmen: Hon. Bertram Harnett, Hon. Joseph Liff, Hon. Robert C. Meade, Hon. Michael J. Tully, Jr., Hon. Sol Wachtler, Hon. Jack Weinstein.

Joseph T. Borzell, Mrs. Maro Charno, Robert E. Cohen, Jeff L. Flowers, Mrs. Martin Gilbert, Mrs. M. Robert Goldstein, Hon. Joseph S. Grasso, Mrs. Joseph S. Grasso, Gerald Houck, Mrs. Andrew J. Imperatore, Hon. David H. Isacson, Mrs. David H. Isacson, Mrs. Fred Levitan, Hon. Seymour G. Mackler.

Mrs. Seymour G. Mackler, Howard C. Miskin, Leonard Motchkavitz, Hon. Frank Neubert, John Post, Aaron Pyle, John H. Reed, Jr., Hon. Joseph G. Rose, Mrs. Joseph G. Rose, Morton A. Shapiro, Mrs. Aida Snow, Werner Stein, Herman Sussman, Louis M. Wolf.

In cooperation with: Alert Fire Company, Great Neck Park District; Great Neck Police Boys Club, and Great Neck Village Business Association.

HOSTESSES

Mary Diffley, Sue Friedman, Barbara Imperatore, Lauria Imperatore, Ann Lauria Wenzel, Sue Wenzel.

THE COUNCIL ON ENVIRONMENTAL QUALITY'S "102 MONITOR"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DINGELL. Mr. Speaker, so that my colleagues may be aware of the information therein contained, I ask that the text of the June 1972 issue of the Council on Environmental Quality's "102 Monitor" appear at this point in the CONGRESSIONAL RECORD.

The text follows:

[From 102 Monitor, May 16, 1972]

COUNCIL ON ENVIRONMENTAL QUALITY ISSUES SUPPLEMENTAL GUIDANCE TO AGENCIES FOR IMPROVING AGENCY NEPA PROCEDURES

(The following is the full text of a memorandum making recommendations to improve agency NEPA procedures issued by CEQ May 16, 1972.)

MEMORANDUM FOR AGENCY AND GENERAL COUNSEL LIAISON ON NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) MATTERS

Subject: Recommendations for Improving; Agency NEPA Procedures.

In response to a variety of agency inquiries, we are circulating the attached recommendations for improving agency NEPA procedures, taking particular account for judicial decisions construing NEPA. In a previous memorandum dated February 29, 1972 (a copy of which is also attached) Chairman Train drew attention to the continuing need for reviewing and improving agency NEPA procedures and made two basic recommendations:

1. "In particular we are interested in finding ways of consolidating numbers of impact statements into fewer but broader and more meaningful reviews."

2. "On the matter of applying the NEPA statutory language 'major Federal actions significantly affecting the quality of the human environment' to your particular agency programs and pinpointing the precise timing of the NEPA review and interagency consultations called for, your agency procedures must provide the specifics within the framework of the statute and our Guidelines. These procedures are important both in helping to identify the types of action on which impact statements are likely to be necessary and those where statements are not called for."

In addition to agency inquiries about the effect of court decisions, a number of agencies have raised procedural questions relating to the interpretation of existing provisions of the CEQ Guidelines which we feel deserve clarification in a general memorandum.

Agencies should consider the extent to which the issues discussed in this memorandum and Chairman Train's memorandum of February 29 are adequately dealt with under their existing NEPA procedures. In many cases, actual revision of NEPA procedures may not be necessary. In other cases, procedures or practices may have to be modified. Agencies are requested to inform the Council of the action they take in response to these recommendations.

TIMOTHY ATKESON,
General Counsel.

RECOMMENDATIONS FOR IMPROVING AGENCY NEPA PROCEDURES

A. *Substantive Issues: The Required Content of Environmental Statements.*

1. *Duty to Disclose Full Range of Impacts.* Court decisions under the National Environmental Policy Act have established that the "detailed" statement referred to in section 102 of the Act must thoroughly explore all known environmental consequences of and alternatives to major proposed actions even though this may lead to consideration of effects and options outside the agency's actual control.

Viewed as simply an application of NEPA's "full disclosure" requirement, this basic principle is meant to ensure that relevant officials and the public are alerted to the environmental impact of Federal agency action. See *EDF v. Corps of Engineers*, 2 ERC 1260, 1267 (E.D. Ark. 1971).

Furthermore, the range of impacts which must be considered cannot be limited to the traditional area of agency jurisdiction or expertise. NEPA in essence adds a new mandate to the enabling legislation of all agencies, requiring the development of environmental awareness for the full range of impacts of proposed agency action. By failing to discuss reasonably foreseeable impacts or by discussing those impacts in a perfunctory manner, an agency defeats the purpose of the statement and lays itself open to the charge of non-compliance with the Act. See, e.g., *Calvert Cliffs* v. *AEC*, 2 ERC 1779, 1782 (D.C. Cir. 1971) (purpose of statement is to aid agency in its decision and to fully inform other interested agencies and the public of environmental consequences); *EDF v. Corps of Engineers*, 2 ERC 1260, 1267 (E.D. Ark., 1971) (statement must alert President, CEQ, public, and Congress to all known possible environmental consequences); *EDF v. Hardin*, 2 ERC 1425, 1426 (D D.C. 1971) (agency must undertake research in planning stage adequate to expose potential environmental impact); *Ely v. Velde*, 3 ERC 1286 (4th Cir. 1971) (genuine rather than perfunctory compliance with NEPA requires agency to explicate fully its course of inquiry, its analysis and its reasoning); *NRDC v. Morton*, 3 ERC 1558, 1562, (D.C. Cir. 1972) (statement is for the guidance of ultimate decisionmakers—Congress and the President—as well as agency, and must provide discussion of all reasonable alternatives); *Greene County v. FPC*, 3 ERC 1595, 1600 (2d Cir. 1972) (statement must present "a single coherent and comprehensive environmental analysis").

In order to ensure full compliance with this requirement it is desirable that agencies develop in advance a list of the typical impacts of those classes of actions that the agency regularly takes. In developing such a list, agencies are reminded that impacts include not only direct effects, but also secondary effects such as "the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question." CEQ Guidelines § 6(a) (ii).

By giving consideration to such impacts agencies should also be able to develop an increasingly specific set of standards for determining what constitutes "major," environmentally "significant" actions. Application of such standards to the normal range of agency actions will make possible earlier and more accurate identification of actions subject to the § 102 requirement.

Recommendation #1: Agencies should develop a list of the full range of impacts likely to be involved in the typical types of actions they undertake. This will require a listing both of typical agency actions affecting the environment, see, e.g., Forest Service NEPA procedures, 36 *Fed. Reg.* 23670 (1971), as well as a list of related, potential impacts, see, e.g., Water Resources Council "Proposed Principles . . . ," 36 *Fed. Reg.* 24159–62 (1971). This description of potential impacts will help guide officials responsible for preparation of impact statements by ensuring that critical impacts are not overlooked and by making possible earlier, more accurate identification of "major," environmentally "significant" actions.

2. Duty to "Balance" Advantages and Disadvantages of the Proposed Action.

Inherent in the duty imposed on any agency by NEPA to promote environmental quality is the obligation to weigh the possible environmental effects of a proposal against the effects on other public values the agency is mandated to consider. If the environmental effects are adverse, the agency must consider whether they outweigh the benefits of the proposal in deciding whether to go ahead. This implicit requirement is confirmed by the directive of Section 102(2) (B) that agencies develop methods for giving "presently unquantified environmental amenities and values . . . appropriate consideration in decisionmaking along with economic and technical considerations."

However, NEPA does not specify whether this balancing of environmental and other considerations must be spelled out in the environmental impact statement under Section 102(2)(C). Each of the five items expressly required to be included in the statement relates to environmental effects—except the third, which does not specify what type of information should be given about "alternatives to the proposed action." From the bare language of Section 102(2)(C), it is not wholly clear whether the 102 statement is to catalog only the environmental effects of the proposed action and of alternatives, or whether the statement is to discuss *all* of the important considerations bearing on the wisdom of the proposed action.

The legislative history suggests that Congress did expect the 102 statement to record the agency's trade-offs of competing values. In explaining the bill on the Senate floor, designed to insure that in instances where Senator Jackson said:

> Subsection 102(c) establishes a procedure proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other *stated* consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted. 115 *Cong. Rec.* 29055 (Oct. 8, 1969). (Emphasis added.)

This interpretation is supported by several statements in court decisions. In the *Calvert Cliffs* case the court stressed the neccessity for "balancing" under NEPA and the role of the 102 statement in showing how the balancing with done:

> In some instances environmental costs may outweigh economic and technical benefits and in other instances they may not. But NEPA mandates a rather finely tuned and "systematic" balancing analysis in each instance.

To insure that the balancing analysis is carried out and given full effect, Section 102 (2)(C) requires that responsible officials of all agencies prepare a "detailed statement" covering the impact of particular actions on the environment, the environmental costs which might be avoided, and alternative measures which might alter the cost benefit equation. 2 ERC at 1781–82.

Similarly, in *Natural Resources Defense Council* v. *Morton*, the court observed that:

> The impact statement provides a basis for (a) evaluation of the benefits of the proposed project in light of its environmental risks, and (b) comparison of the net balance for the proposed project with the environmental risk presented by alternative courses of action. 3 ERC at 1561.

These judicial comments do not, however, detract from the *primary* purpose of the 102 statement: the assessment of the environmental effects of possible actions. NEPA was enacted out of a concern that environmental considerations were not being fully canvassed before action, and the purpose of Section 102(2)(C) is primarily to require a "detailed statement" of environmental effects. Where an agency's proposal entails adverse environmental consequences, the 102 statement must identify the countervailing interests that would support a decision to go ahead. This does not mean that the statement may be used as a promotional document in favor of the proposal, at the expense of a thorough and rigorous analysis of environmental risks. In most cases it may be impossible and unnecessary to discuss the countervailing interests in the same detail as environmental factors. The court in the *Morton* case observed that "the consideration of pertinent alternatives requires a weighing of numerous matters, such as economics, foreign relations [and] national security . . ." 3 ERC at 1561. A detailed discussion of each of these subjects could require as much space as the environmental analysis itself, destroying the focus of the 102 statement and undercutting the purpose of NEPA. What is necessary is a succinct explanation of the factors to be balanced in reaching a decision, thus altering the agency decisionmaker, as well as the President, Congress, and the public to the nature of the interests that are being served at the expense of environmental values.

Recommendation #2: Wherever adverse environmental effects are found to be involved in the proposed action, the impact statement should indicate what other interests and considerations of Federal policy might be found to justify those effects. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects. In this connection, agencies that prepare cost-benefit analyses of proposed actions should attach such analyses to the environmental impact statement.

3. *Duty to Consider Opposing Views.*

In *Committee for Nuclear Responsibility v. Seaborg*, 3 ERC 1126 (D.C. Cir. 1971), the Court of Appeals considered the duty to discuss opposing views under NEPA. The Court observed that in order for the 102 statement to meet adequately the "full disclosure" requirement, it must "set forth the opposing views" on significant environmental issues raised by the proposal. To omit from the statement any reference whatever to such views would be "arbitrary and impermissible." Again, however, the court noted that "only *responsible* views need be included." What is required is "a meaningful reference that identifies the problem at hand" for the agency decisionmaker. 3 ERC at 1129.

An earlier district court opinion stressed this requirement in even stronger terms:

> Where experts, or concerned public or private organizations, or even ordinary lay citizens, bring to the attention of the responsible agency environmental impacts which they contend will result from the proposed agency action, then the § 102 statement should set forth these contentions and opinions, even if the responsible agency finds no merit in them whatsoever. Of course, the § 102 statement can and should also contain the opinion of the responsible agency with respect to all such viewpoints. The record should be complete, *EDF v. Corps of Engineers*, 2 ERC 1260, 1267 (E.D. Ark. 1971).

Again the relevance of this requirement for agency NEPA procedures is primarily a matter of ensuring that opposing views are fairly treated and discussed in the process of preparing draft and final statements.

Recommendation #3: Agencies should make an effort to discover and discuss all major points of view in the draft statement itself. Where opposing professional views and responsible opinions have been overlooked in the draft statement and are brought to the agency's attention through the commenting process, the agency should review the positive and negative environmental effects of the action in light of those views and should make a meaningful reference in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement with respect to adverse environmental effects, indicating the agency's response to the issues raised. *All substantive comments received on the draft should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the agency in the text of the statement.* At the same time that copies are sent to the Council, copies of final statements, with comments attached, should also be sent to all entities—Federal, State and local agencies, private organizations and individuals—that made substantive comments on the draft statement, thus informing such entities of the agency's disposition of their arguments.

4. *Reasonable "Alternatives" to the Proposed Action.* The recent decision in *NRDC* v. *Morton, supra*, discussed the "full disclosure" requirement in relation to the requirement that agencies consider the "alternatives" to the proposed action. See also *EDF* v. *Corps of Engineers*, 2 ERC 1260, 1269 (E.D. Ark. 1971) (discussing respects in which consideration of alternatives in proposed dam project was legally deficient). The most significant aspect of the Morton decision is the court's conclusion that all alternatives reasonably available to the Government as a whole must be discussed—even if some of those alternatives are outside the control of the agency preparing the statement. Discussion of such alternatives is required in order to guide the decision at hand as well as to inform the public of the issues and to guide the decisions of the President and Congress.

The court in this case was careful, however, to emphasize that it was not requiring the impossible. "A rule of reason is implicit in this aspect of the law, as it is in the requirement that the agency provide a statement concerning the opposing views that are responsible." 3 ERC at 1561 (citing *Committee for Nuclear Responsibility, Inc.* v. *Seaborg*, 3 ERC 1126, 1128–29 D.C. Cir. 1971)). What NEPA requires is "information sufficient to permit a reasoned choice of alternatives so far as environmental aspects are concerned." 3 ERC at 1563. Detailed discussion is not required of alternatives that "are deemed only remote and speculative possibilities, in view of basic changes required in statutes and policies of other agencies." 3 ERC at 1564. And the agencies need not indulge in " 'crystal ball' inquiry" in assessing the effects of alternatives. The agency will have taken the "hard look" required by NEPA if it has discussed the reasonably foreseeable effects with a thoroughness commensurate with their severity and the significance of the action.

The relevance of this decision for agency NEPA procedures is primarily one of ensuring that the reference to "alternatives" is interpreted consistently with applicable judicial opinions: In most cases a judicial interpretation of a statutory term does not require an amendment of related documents employing the term. Presumably the term will be applied and interpreted by an agency in accordance with governing judicial decisions. However, in view of the importance of the *Morton* decision and in view of the conflicting practices of some agencies prior to the decision, it seems preferable to expand the reference to "alternatives" in agency NEPA procedures at least to the extent of indicating that all reasonable alternatives will be evaluated, even though they may not all lie within the agency's control. Such a revision would not add in any way to an agency's current legal responsibilities, and might ensure that officials preparing the statements keep in mind the proper scope of alternatives they must consider.

Recommendation No. 4: Agencies should indicate that all reasonable alternatives and their environmental impacts are to be discussed, including those not within the authority of the agency. Examples of specific types of alternatives that should be considered in connection with specific kinds of actions should be given where possible. Such examples should include, where relevant:

(1) the alternative of taking no action;

(2) alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts (e.g., a fossil fuel v. a nuclear power plant);

(3) alternatives related to different designs or details of the proposed action, which would present different environmental impacts (e.g., pollution control equipment on a nuclear plant).

In each case, the analysis of alternatives should be sufficiently detailed and rigorous to permit independent and comparative evaluation of the benefits, costs and environmental risks of the proposed action and each alternative.

B. *Procedural Issues: Preparation and Circulation of Environmental Statements.*

1. *The "Pre-Draft" Stage.*

The issues discussed above with reference to the required content of impact statements necessarily have implications for the procedures that agencies follow in preparing such statements. It has already been noted, for example, that agencies should make every effort to anticipate and discuss all major points of view on the impact of the proposed action in the draft statement itself. A related procedural question concerns the extent to which agencies should formally seek advice from other agencies or members of the public prior to preparing a draft statement.

The CEQ guidelines do not require a formalized "pre-draft" consultation process. Indeed, the reason for requiring a draft statement in the first place was in order to satisfy the "prior consultation" requirement found in § 102 of the Act, which refer only to a "detailed statement." At the same time, however, in order for the draft statement to present an adequate basis for discussion and comment, it must provide a fairly thorough discussion of the impacts of the proposed action and alternatives. Where an agency lacks the expertise for making such an evaluation, it should not hesitate to solicit help on an informal basis from other agencies. Cooperative arrangements of this sort have already been tried in a number of cases. Furthermore, in preparing a draft statement any agency should welcome whatever helpful information may be forthcoming from other agencies or from the public.

In order for such information to be forthcoming, however, agencies would need to develop means of alerting other agencies and interested members of the public to the fact that a draft statement is being prepared. An announcement to this effect, at least with respect to administrative actions, would serve three useful functions:

(1) it would enable agencies and interested persons with relevant information to make such information available in time for use in the draft statements;

(2) it would provide advance notice of the fact that a draft statement will soon be available for comment;

(3) it would furnish evidence of the point in time in the agency decisionmaking process that the 102 process is initiated.

Recommendation No. 5: Agencies should devise an appropriate early notice system, by which the decision to prepare an impact statement is announced as soon as is practicable after that decision is made. (Compare in this respect the "notice of intent" provisions contained in § 8b of the NEPA procedures of the Environmental Protection Agency and the provisions for early public notice contained in paragraphs 12 and 14 of the NEPA procedures of the Corps of Engineers.) In connection with the development of such a procedure, an agency should consider maintaining a list of statements under preparation, revising the list as additions are made and making the list available for public inspection.

2. *Draft Statement Reference to Underlying Documents.*

The concern that underlies many of the judicial interpretations of the § 102 requirement is one of ensuring that the 102 process provides an adequate opportunity for comment and participation by other agencies as well as interested members of the public.

In addition, the requirement that agencies consider and respond to opposing views suggests that the 102 statement must consist of more than simple assertions about expected environmental impacts; the statement must also reflect the underlying information on which those assertions are based. One of the primary reasons for the injunction issued in *EDF v. Corps of Engineers*, for example, was the discrepancy between assertions made in the impact statement and the evidence on which those assertions were based. See ERC at 1267–69. This problem can largely be avoided by indicating in the draft statement the basis relied on for assertions that are likely to prove controversal or debatable.

Recommendation No. 6: Draft statements should indicate the underlying studies, reports, and other information obtained and considered by the agency in preparing the statement. The agency should also indicate how such documents may be obtained. If the documents are attached to the statement, care should be taken to ensure that the statement remains an essentially self-contained instrument, easily understood by the reader without the need for undue cross-reference.

3. *Publication and Circulation of Statements.*

Section 10 of the CEQ guidelines emphasizes the importance of preparing and circulating draft statements "early enough in the agency review process before an action is taken in order to permit a meaningful consideration of the environmental issues involved. The Council has recently received complaints from a number of agencies, as well as from members of the public, that the minimum periods established for comment and advance availability of statements are being unduly shortened by the delay in actual receipt of the statement. Confusion appears to have developed over whether the time periods are to run from the date the agency mails the statement, or from the date the statement is received by the commenting group.

In accordance with § 10(b) of the CEQ Guidelines, the Council's policy has been to calculate the time periods from the date the statement is received at the Council on Environmental Quality. This date will appear in the Council's weekly publication in the *Federal Register* of statements received during the past week as well as in the monthly 102 Monitor. In order to avoid future confusion on this issue, agencies should ensure that their practices in calculating the minimum time periods reflect this policy.

In many cases, of course, a time lag will still occur between the date of receipt of a statement by the Council and the date of receipt by other agencies or members of the public. To some extent, the problems created by this delay can be avoided by adoption of the early notice device described in Recommendation No. 5, *supra:* such a device would enable potential commenting entities to request direct notification as soon as the draft statement is available. In large measure, though, the problem of providing "timely public information," see Executive Order 11514, § 2(b), requires agency initiative in publicizing the fact that a draft statement is available.

Agencies should not rely solely on the fact of *Federal Register* publication by the Council, but should consider adopting such practices as publication in local newspapers and automatic notification of (and possible automatic distribution of statements to) organizations and individuals that the agency knows are likely to be interested in the project.

Recommendation #7: Agencies should ensure that the minimum periods of review and advance availability of statements are calculated from the date of receipt of the statement by the Council on Environmental Quality, as noted in the Council's *Federal Register* and *102 Monitor* announcements. Agencies should also devise appropriate methods for publicizing the existence of draft statements, for example by publication in local newspapers or by maintaining a list of groups known to be interested in the agency's activities and directly notifying such groups of the existence of a draft statement, or sending them a copy, as soon as it has been prepared.

4. *Actions Which Involve More than One Agency.*

Some confusion has arisen in applying the "lead agency" concept to actions involving more than one agency. Section 5(b) of the CEQ Guidelines provides that the lead agency is "the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact." This description of "lead agency" was not meant to foreclose the possibility of having a statement prepared jointly by all agencies involved in the program or project. The critical consideration is that the cumulative impacts of the entire project be evaluated, even though each individual agency's action relates only to a part of the project. In some cases it will be most efficient for the agencies involved to agree on a single lead agency to prepare the statement on the entire project, obtaining assistance as necessary from the other agencies involved or from other agencies with relevant expertise. Relevant factors in determining the proper agency to assume such a role include: the time sequence in which the agencies become involved in the project, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. But these criteria are not absolute and do not foreclose either a cooperatively prepared statement, or advance agreement on designation of a "lead agency" for purposes of ensuring leadership and assigning responsibility. Whichever procedure is followed, the two critical considerations inherent in the provisions of Section 5(b) are: (1) evaluation of the entire project; and (2) preparation of the 102 statement before any of the participating agencies has taken major or irreversible action with respect to the project. See *Upper Pecos Ass'n v. Stans*, 2 ERC 1418 (10th Cir. 1971), *pet'n. for cert. pending*, 40 USLW 3444 No. 71–1133, Mar. 6, 1972).

Recommendation #8: In resolving "lead agency" questions, agencies should consider the possibility of joint preparation of a statement by all agencies involved, as well as designation of a single agency to assume leadership responsibilities in preparing the statement. In either case, the statement should contain an environmental evaluation of the entire project, and should be prepared before major or irreversible actions have been taken by any of the participating agencies.

5. *Statements which Cover More than One Action.*

Related to the above problem, is the problem of determining the proper scope of an environmental impact statement in connection with Federal programs that may involve a multiplicity of individual "actions." Section 10(a) of the CEQ Guidelines makes reference to the need for such "program" statements in certain cases, and this topic was explored in some detail at our agency review sessions in December. In part, the problem requires careful agency attention to the definition of the "action" that the agency is undertaking. If the definition is too broad and the program too far removed from actual implementation, the resulting analysis is likely to be too general to prove useful. On the other hand, an excessively narrow definition is likely to result in impact statements that ignore the cumulative effects of a number of individually small actions, or that come so late in the process that basic program decisions are no longer open for review.

Individual actions that are related either geographically or as logical parts in a chain of contemplated actions may be more appropriately evaluated in a single, program statement. Such a statement also appears appropriate in connection with the issuance of rules, regulations, or other general criteria to govern the conduct of a continuing program, or in the development of a new program that contemplates a number of subsequent actions. Examples of such program statements include the Interior Department's statements on its oil shale program and on its exploitation of geothermal steam under the Geothermal Steam Act of 1970. In all of these cases, the program statement has a number of advantages. It provides an occasion for a more exhaustive consideration of effects and alternatives than would be practicable in a statement on an individual action. It ensures consideration of cumulative impacts that might be slighted in a case-by-case analysis. And it avoids duplicative reconsideration of basic policy questions. The program statement can, of course, be supplemented or updated as necessary to account for changes in circumstances or public policy and to measure cumulative impacts over time.

A program statement will not satisfy the requirements of Section 102, however, if it is superficial or limited to generalities. Where all significant issues cannot be anticipated or adequately treated in connection with the program as a whole, statements of more limited scope will be necessary on subsequent, individual actions in order to complete the analysis.

Recommendation No. 9: In preparing statements, agencies should give careful attention to formulating an appropriate definition of the scope of the project that is the subject of the statement. In many cases, broad program statements will be appropriate, assessing the environmental effects of a number of individual actions on a given geographical area, or the overall impact of a large-scale program or chain of contemplated projects, or the environmental implications of research activities that have reached a stage of investment or commitment to implementation likely to restrict later alternatives. Preparation of program statements in these cases should be in addition to preparation of subsequent statements on major individual actions wherever such actions have significant environmental impacts that were not fully evaluated in the program statement.

6. *Environmental Protective Regulatory Activities.*

Section 5(d) of the CEQ guidelines indicates that certain activities of the Environmental Protection Agency do not constitute "actions" for purposes of Section 102. A number of agencies have been confused by the reference in this section to activities "concurred" in by EPA. That reference is not meant to permit agencies to avoid the 102 process merely because the views of the EPA have somehow been secured with respect to environmental aspects of proposed activities.

Additional confusion has been created by recent district court decisions, severely restricting the applicability of § 5(d) with respect to regulatory activities taken by agencies other than the EPA. See *Kalur v. Resor*, 3 ERC 1458 (D. D.C. 1971); *Sierra Club v. Sargent*, 3 ERC 1905 (W.D. Wash. 1972). These cases are being appealed. In addition, legislative proposals have been introduced seeking Congressional clarification of some of the issues involved. In this respect, agencies should be aware of the testimony given by Chairman Train on March 22, 1972 before the Fisheries and Wildlife Conservation Subcommittee of the House Committee on Merchant Marine and Fisheries:

There has been some confusion about the Council's views on the *Kalur* decision and what clarification of NEPA's applicability to environmental protective regulatory activity is necessary. In my opinion, the most narrow possible legislative action, addressed only to the water quality permit program, is desirable. With respect to EPA's other environmental protective regulatory activities we are asking EPA to study and revise its NEPA procedures to state specifically what activities and authorities are included under Section 5(d) of our Guidelines and the rationale for such inclusion.

Recommendation No. 10: Except for the Water Quality permit program, and those activities of the Environmental Protection Agency determined by EPA and the CEQ to justify inclusion under Section 5(d) of the CEQ Guidelines, no other agency actions should be considered as exempted from the requirements of Section 102 under Section 5(d).

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., February 29, 1972.

MEMORANDUM FOR HEADS OF AGENCIES

Subject: Continuing Effort to Improve Agency NEPA Procedures

The Council on Environmental Quality Revised Guidelines for the implementation of the National Environmental Policy Act (NEPA) issued April 23, 1971, (36 *Fed. Reg.* 7724) called for your agency's issuance of NEPA procedures applying the Act's requirements to your particular programs. In virtually all cases you have now issued draft or final NEPA procedures for the relevant components of your agency and are operating under them.

Section 12(b) of the Council's Guidelines asked that you make a continuing assessment of your experience in the implementation of NEPA and comment to us in writing by December 1, 1971. In order to respond to those few agencies filing such comments and review general agency experience with NEPA, the staff of the Council, OMB and EPA held extensive review sessions with most Federal agencies in December. At these meetings a number of questions concerning implementation of NEPA were raised informally to which CEQ responded.

We recognize that a continuing effort must be made to improve agency NEPA procedures and have assigned a significant staff effort to monitoring your agency's impact statements with a view to identifying needs for such improvement. We have also invited public comment (36 *Fed. Reg.* 23666, Dec. 11, 1971) on your procedures as an aid to this improvement. In particular we are interested in finding ways of consolidating numbers of impact statements into fewer but broader and more meaningful reviews.

On the matter of applying the NEPA statutory language "major Federal actions significantly affecting the quality of the human environment" to your particular agency programs and pinpointing the precise timing of the NEPA review and interagency consultations called for, your agency procedures must provide the specifics within the framework of the statute and our Guidelines. These procedures are important both in helping to identify the types of action on which impact statements are likely to be necessary and those where statements are not called for. Our staff is available to assist your staff in strengthening your procedures, particularly where you can supply us with the necessary information as to the nature of your activity, the extent of potential environmental impact, and the range of alternatives that ought reasonably to be considered. We expect to start meeting with staffs of individual agencies soon to review possibilities for improvement of procedures to implement NEPA.

We find that the courts are increasingly willing to sustain good faith agency efforts to comply with NEPA and will, from time to time, draw your attention to developments in this area. For the present I am asking our General Counsel to recirculate to your staff who serve as liaison with the Council on NEPA matters the informal guidance we have circulated since issuance of the Council's Revised Guidelines last April.

RUSSELL E. TRAIN,
Chairman.

SOURCES FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requestors are urged to order draft and final impact statements from the Department of Commerce's National Technical Information Service (NTIS) rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. To order a document, please indicate the Department, date, and ELR Order # (given at the end of each summary). The Institute charges $0.10 per page, and as you will note the number of pages is also given at the end of the summaries. Please enclose the correct amount of money with your order and mark the envelope to the attention of the "Document Service."

Source for Back Issues of the 102 Monitor

Because the supply of past issues of the 102 Monitor is not sufficient to meet all requests, a list is provided below indicating where the various issues of the 102 Monitor appeared in the Congressional Record. You may wish to order these Congressional Records from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($.25 per copy).

Vol. 1, Nos. 1, 2, & 3; Congressional Record (page E 3607)—April 28, 1971.

Vol. 1, No. 4; Congressional Record (page E 5151)—May 27, 1971.

Vol. 1, No. 5; Congressional Record (page E 6023)—June 16, 1971.

Vol. 1, No. 6; Congressional Record (page E 8458)—July 28, 1971.

Vol. 1, No. 7; Congressional Record (page E 9483)—September 13, 1971.

Vol. 1, No. 8; Congressional Record (page E 10002)—September 24, 1971.

Vol. 1, No. 9; Congressional Record (page E 11596)—November 1, 1971.

Vol. 1, No. 10; Congressional Record (page E 12213)—November 15, 1971.

Vol. 1, No. 11; Congressional Record (page E 13322)—December 11, 1971.

Vol. 1, No. 12; Congressional Record (page E 76)—January 18, 1972.

Vol. 2, No. 1; Congressional Record (page E 1886)—March 2, 1972.

Vol. 2, No. 2; Congressional Record (page E 2409)—March 13, 1972.

Vol. 2, No. 3; Congressional Record (page E 3778)—April 13, 1972.

Vol. 2, No. 4; Congressional Record (page E 4929)—May 13, 1972.

On the Following Pages Are Environmental Impact Statements Received by the Council From May 1 Through May 31, 1972

Note: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

Title and description, date.

FINAL

Revised Poultry Inspection Regulations. The statement evaluates proposed poultry regulation revisions under the Poultry Productions Inspection Act. The regulations apply to the slaughter, preparation, and handling of poultry, and to the disposal of condemned carcasses and parts. Comments made by EPA. (ELR Order #4465, 15 pages) (NTIS Order #EIS 72 4465 F), May 16.

Agricultural Stabilization and Conservation Service

FINAL

Water Bank Program. Proposed incentive payments to landowners and operators for preserving wetlands and conserving migratory waterfowl habitat and other wildlife resources. Under the program 10-year agreements would be entered into with consenting landowners. Selected areas (having wetlands and high potential for migratory waterfowl nesting) are located in 56 counties of 13 States. The action would help reduce the loss of wetlands, preserve wildlife habitat, reduce water runoff and maintain water table levels. Comments made by EPA and DOI. (ELR Order #4367, 64 pages) (NTIS Order #PB-206 159-F), May 4.

Animal and Plant Health Service

FINAL

Cooperative Boll Weevil Diapause Control Program. Proposed aerial spraying, in fall 1972, of 100,000 acres with 1 to 1.25 lbs of malathion per acre. Four applications of aldicarb at 1 to 2 lbs. per acre, will be sprayed on 1,000 acres in the spring. Acreage involved is located in Texas, New Mexico, Nevada, Arizona, and California. The purpose of the action is the retardation of the spreading of the boll weevil. Malathion also affects some beneficial arthropods and other non-target organisms, and is toxic to bees. Comments made by EPA. (ELR Order # 4338, 21 pages) (NTIS Order # PB-208, 733-F), May 2.

Forest Service

DRAFT

San Francisco Peaks, Coconino County, *Arizona.* The statement evaluates ten alternative management plans for the San Francisco Peaks area of the Coconino National Forest. Each plan is designed to promote optimum conditions for particular objectives (such as timber production, wildlife habitat, recreational use). (ELR Order # 4464, 60 pages) (NTIS Order # EIS 72 4464 D), May 15.

Ocala National Forest, Marion and Putnam Counties, *Florida.* Initiation of studies for the acquisition and management by the Forest Service, as part of the Ocala National Forest, of certain lands and structures associated with the Cross Florida Barge Canal along the Oklawaha River. Also proposed is legislative designation of the Oklawaha as a Study River, with immediate, temporary drawdown of Rodman Reservoir considered a prerequisite to an effective, comprehensive study. (ELR Order # 4551, 62 pages) (NTIS Order # EIS 72 4551 D), May 26.

Santa Fe National Forest, Sandova and Santa Fe Counties, *New Mexico.* Proposed transfer of 13,440 acres of the National Forest to the Cochiti Pueblo. The land would be utilized for the grazing of animals, and would serve as a buffer between the Forest and Indian developments at Cochiti Lake. (ELR Order # 4501, 32 pages) (NTIS Order # EIS 72 4501 D), May 19.

FINAL

Beaverhead National Forest, Beaver and Madison Counties, *Montana.* Proposed spraying of 2,4-D herbicide on Beaverhead rangelands in order to control big sagebrush. The purpose of the action is the increase of forage production for domestic livestock. Nontarget plants will also be destroyed; the herbicide will enter local water systems. Comments made by HEW, state and local agencies. (ELR Order No. 4455, 158 pages) (NTIS order No. 206 786 F), May 12.

New Mexico and *Arizona.* Proposed granting the rights-of-way to the Tucson Gas and Electric Co. for construction of a single 345 kV powerline from Waterflow, New Mexico to Tucson, Arizona. The total length of the project is 403 miles, with 256.5 miles in New Mexico and 146.5 miles in Arizona. The primary impact of the line will be its visual one upon the landscape. Comments made by USDA, EPA, FPC, DOI, state and local agencies, and concerned citizens. (ELR Order No. 4358, 299 pages) (NTIS Order No. 204 960-F), May 3.

Rural Electrification Administration

DRAFT

Blue Mesa, Gunnison and Hinsdale Counties, *Colorado.* The statement is concerned with the proposed release of REA loan funds to the Colorado-Ute Electric Assoc., Inc., for construction of 33 miles of 115 kV transmission line between Blue Mesa and Lake City. A new substation will be built at Lake City. The line will be a major intrusion upon the landscape. (ELR Order No. 4525, 186 pages) (NTIS Order No. EIS 72 4525 D), May 23.

Maysville Generating Station, Mason County, *Kentucky.* The proposed action involves loans of $37,500,000 from REA to the East Kentucky Rural Electric Cooperative Corp. The funds would be utilized to finance a 300,000 kV coal-fired steam electric generating station and 110 miles of transmission line. Oxides of sulfur and nitrogen will be emitted; the lines will be intrusions upon the landscape. (ELR Order No. 4524) (NTIS Order No. EIS 72 4524 D), May 23.

FINAL

New Madrid, *Missouri.* Proposed granting of loan requests by the Federated Electric Cooperative, Inc., in order to finance 189 miles of 345 kV transmission line between Dixon and New Madrid, Missouri; and construction of a new substation near Palmyra. The route will traverse the Clark National Forest and several rivers, including the Gasconade, which has been designated for possible addition to the National Wild and Scenic Rivers System. Comments made by USDA, EPA, FPC, DOI, DOT, and state agencies. (ELR Order No. 4401, 176 pages) (NTIS Order No. PB-208 958-F), May 9.

Soil conservation service

DRAFT

Banlick Creek Watershed, Boone and Kenton Counties, *Kentucky.* Application of land treatment measures and construction of one floodwater retarding structure and 2 multipurpose reservoirs. Approximately 915 acres of land would be committed to the project, 8.5 miles of stream would be inundated, and 48 families would be displaced. (ELR Order No. 4536, (NTIS Order No. EIS 72 4536 D), May 25.

FINAL

Oolenoy Watershed, Pickens County, *South Carolina.* Proposed conservation land treatment and construction of 6 flood water retarding structures and one 58 acre multiuse lake. Fifty-three acres of agricultural and wildlife land along with 2.4 miles of stream will be lost to the project. Comments made by COE, EPA, HEW, DOI, state and regional agencies. (ELR Order No. 4491, 18 pages) (NTIS Order No. PB 201 687 F), May 17.

ATOMIC ENERGY COMMISSION

Contact: Mr. Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Title and description, date.

DRAFT

Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, *Alabama.* Proposed issuance of a construction permit to the Alabama Power Co. for the plant. The station will consist of 2 pressurized water reactors, each with a capacity of 2660 MWt and 861 MWe, and a maximum "stretch" power of 2774 MWt and 898 MWe. The Units would be cooled by a closed-cycle system using mechanical-draft towers. Water would be utilized from the Chattahoochie River. Low concentrations of radioactive gaseous effluents will be released to the environment; some fish will be impinged on intake filters; and some land will be taken out of cultivation. (ELR Order #4382, 205 pages) (NTIS Order #PB-208 888-D), May/5.

Fort Calhoun Station, Unit No. 1, Washington County, *Nebraska.* Proposed continuation of the construction permit and issuance of an operating permit to the Omaha Public Power District for the start up and operation of Unit 1. The Unit will employ a pressurized water reactor to produce up to 1420 MWt and a steam-turbine generator to provide 457 MWe (net). A "stretch" power level of 1500 MWt and 457 MWe is anticipated and considered in the statement. Condenser cooling water will be heated to 180° F above ambient and discharged at 800 cu. ft./sec. to a bend in the Missouri River. (ELR Order #4370, 106 pages) (NTIS Order #PB-208 889-D), May 5.

Wm. Zimmer Nuclear Power Station, Clermont County, *Ohio*. Proposed issuance of a construction permit to the Cincinnati Gas and Electric Co. for construction of the Station. A boiling water reactor will be employed to produce 2436 MWt and a steam-turbine generator to provide 840 MWe (net). Exhaust steam will be cooled by Ohio River water circulated in a natural draft cooling tower. Non-radioactive chemical, sanitary, and other waste will be discharged to the Ohio River; 26,000 curies of radioactivity (including 20 curies of tritium) in liquid wastes will be released per year to the environment; the 479′ tall cooling tower will have a visual impact upon the landscape; 280 acres of land will be lost to the project. (ELR Order No. 4485, 135 pages) (NTIS Order No. EIS 72 4485D), May 17.

Aquirre Nuclear Plant, *Puerto Rico*. Proposed issuance of a construction permit to the Puerto Rico Water Resources Authority for Plant Unit No. 1. The Unit will have a pressurized water reactor with an output of 1780 MWt and 583 MWe. A "stretch" capacity of 1860 MWt is anticipated. The nuclear unit will supplement two existing 40 MWe oil-fired gas turbines and two under-construction 460 MWe oil-fired thermoelectric generating units. Cooling water for Unit 1 will be drawn from the Bay of Jobos and discharged to the Aquirre Ship Canal at the rate of 1,000,000 gpm. Minor impact upon aquatic life is expected. (ELR Order No. 4510, 147 pages) (NTIS Order No. EIS 72 4510 D), May 19.

FINAL

Pilgrim Nuclear Power Station, Plymouth County, *Massachusetts*. Proposed issuance of an operating license to the Pilgrim Edison Co. for the start-up and operation of the Station, which is on Cape Cod Bay. The Station employs a boiling water reactor with a designed thermal rating of 1998 MW to produce 655 MW net electrical power. A once-through flow of water from Cape Cod Bay will be utilized for cooling. The water will be heated to 29° F. above the ambient; a local lobster fishery and an Irish Moss harvesting industry will be adversely affected by the Station. Comments made by USDA, COE, DOC, EPA, FPC, DOI, and DOT. (ELR Order No. 4444, 196 pages) (NTIS Order No. PB 206 605 F), May 11.

Elk River Reactor, Sherburne County, *Minnesota*. Proposed dismantling of the reactor, which was operated from 1962 until 1968 by the Rural Cooperative Power Association (RCPA). RCPA has since waived its option to buy the plant, and fuel and control materials have been removed. The site will be put to alternate use by RCPA. Comments made by USDA, DOC, EPA, FPC, HEW, DOI, DOT, and the state of Minnesota. (ELR Order #4381, 118 pages) (NTIS Order #PB-205 234-F), May 5.

Point Beach Nuclear Power Plant, Manitowac County, *Wisconsin*. Proposed issuance of a license to the Wisconsin Power Co. for the operation of Unit 2. (The statement considers the combined impact of Units 1 and 2, of 1518 MWt and 497 MWe each.) The system will use 700,000 gpm of Lake Michigan water for once-through cooling. Impact upon aquatic life may result from entrainment on intake equipment and from the discharge of residue chemicals. A very small increase in radiation exposure to the population will occur. Comments made by USDA, DOC, EPA, FPC, DOI, and DOT. (ELR Order #4511) (NTIS Order #EIS72 4511 F), May 19.

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

Title and description, date.

DRAFT

1976 International Exposition, Philadelphia, *Pennsylvania*. The statement is concerned with the proposed 1976 Exposition, a project of the Philadelphia 1976 Bicentennial Corporation. Areas of Philadelphia affected by the project would include the Southwest Industrial Area Site, the Eastwick Urban Renewal Area, and sites near the Delaware and Schuylkill Rivers. Attendance is estimated at 51 million; environmental impact would include increased traffic congestion, air quality degradation, noise, water and river quality effects, and possible residential relocation. (ELR Order # 4339, 149 pages) (NTIS Order # PB-208 828XD), May 2.

Economic Development Administration

DRAFT

Santa Rosa, Sonoma County, *California*. Proposed construction of water and sewer lines to serve a 200 acre industrial site. Increases in population density and decreases in air and water quality will occur. (ELR Order # 4372, 61 pages) (NTIS Order # PB-208 850-D), May 5.

Lake Charles, Calcasieu Parish, *Louisiana*. Proposed construction of a diversion conduit to transport raw water from the Sabine River to the Lake Charles industrial area. Approximately 227 acres of farmland and woodland will be committed to the project. The potential effects upon marine life are still being considered. (ELR Order # 4351, 65 pages) (NTIS Order # PB-208 728-D), May 3.

Leading Creek Conservancy District, Gallia, Meigs, and Vinton Counties, *Ohio*. The proposed project is a rural water system which would be designed and constructed to serve residential, commercial, and educational customers, and the Gavin Power Plant. The creation of solid mine and liquid coal processing wastes, as well as sanitary wastes, will result. (ELR Order # 4529, 84 pages) (NTIS Order # EIS 72 4529 D), May 24.

DEPARTMENT OF DEFENSE

Contact: Mr. Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, The Pentagon, Washington, D.C. 20301. (202) OX 5-3272.

Title and description, date.

FINAL

Exercise Exotic Dancer V, Jones, Onslow, Pender, Duplin, Craven, Carterest, and Lenoir Counties, and Croatian National Forest, *North Carolina*. The proposed exercise is a Joint Chiefs of Staff directed military maneuver, to be conducted by the Atlantic Command. It will involve air, sea, and land forces. Increases in local ambient air and water pollutant levels, and in noise, solid waste, rubbish, sewage, and garbage production will result. The exercise will take place in May, 1972. Arrangements have been made to minimize the possibilities of forest fires. Comments made by USDA, DOC, EPA DOI, DOT. (ELR Order #4377, 111 pages) (NTIS Order #PB-207 741-F), 5/5.

DEPARTMENT OF DEFENSE AND DEPARTMENT OF AIR FORCE

Contact: Colonel Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5-2889.

Title and description, date.

FINAL

Arnold Engineering Development Center, Coffee and Franklin Counties, *Tennessee*. Proposed use of the Air Force facility by the Tennessee National Guard Use of tracked vehicles will damage trees; agricultural use of 200 acres will be terminated; a wild turkey flock, deer, and other wildlife will be dislocated from the 2,500 acre tract. Comments by USDA, DOI, and other state agencies. (ELR Order #4427, 39 pages) (NTIS Order #PB-203 238-F) May 11.

DEPARTMENT OF DEFENSE AND DEPARTMENT OF ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff For Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Title and description, date.

FINAL

Diamond Laboratories, Montgomery and Prince Georges Counties, *Maryland*. Proposed construction (in three phases) of the Harry Diamond Laboratories on a 137 acre site in White Oak. The Laboratories are presently housed in research facilities at the National Bureau of Standards. The old facilities will be razed, beginning in May, 1972. General purpose research at the new Laboratories will generate gamma radiation. Comments made by EPA, state, and local agencies. (ELR Order No. 4449, 59 pages) (NTIS Order No. PB 199 313 F), May 11.

DEPARTMENT OF DEFENSE AND DEPARTMENT OF ARMY

Contact: Colonel William L. Barnes, Executive Director of Civil Works, Atten: DAEN-CWZ-C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314 (202) 693-7168.

Title and description, date.

DRAFT

Santa Clara River, Los Angeles County, *California*. Proposed construction of channelization works and levees along several stream tributaries of the Santa Clara River. Natural stream habitat would be lost. (ELR Order No. 4399, 96 pages) (NTIS Order No. PB-208 961-D), May 9.

Port Hueneme Harbor, Ventura County, *California*. Proposed dredging of the Central Basin and Channel A of the Harbor to a depth of 35′. Marine ecosystems will be disturbed and/or destroyed by the dredge and dumping operations. Increased use of the Harbor will increase the potential for oil spillage and leakage. (ELR Order No. 4486, 29 pages) (NTIS Order No. EIS 72 4486 D), May 17.

Mission Bay, San Diego County, *California*. Proposed maintenance dredging of the Bay entrance, with spoil being for beach nourishment. Marine ecosystems will be damaged at the sites of dredging and dumping. (ELR Order No. 4489, 19 pages) (NTIS Order No. EIS 72 4489 D), May 17.

Deemers Beach, *Delaware*, and Kelly Point, *New Jersey*. Proposed approval of a permit application by Delmarva Power and Light Company to contract an aerial transmission wire across the Delaware River. The line will have aesthetic (visual) impact and will restrict recreational boating. (ELR Order No. 4407, 14 pages.) (NTIS Order No. EIS 72 4407 D), May 9.

Port Everglades Harbor, Broward County, *Florida*. Proposed deepening and modifying of harbor dimensions in order to enable the handling of larger ships. Approximately 2,-940,000 cu. yds. of material would be dredged by the action, and a submerged reef formed. Increased pollution of the harbor could result from use by larger ships. (ELR order #4375, 51 pages) (NTIS Order #PB-208 873-D), May 5.

Kansas River, *Kansas*. Proposed navigation project on 9.3 miles of the Kansas River, which would involve dredging and construction of dikes, revetments, channel works, and bank stabilization structures. Riverbank vegetation will be lost to the project. (ELR Order #4413, 46 pages) (NTIS Order #PB 209 050 D), May 10.

Atchafalaya River Channel Project, Assumption, St. Mary, and Terrebonne Counties, *Louisiana*. Proposed enlargement of existing navigation channels in the Atchafalaya River and Bayous Chene, Boeuf, and Black to 20' x 400'. The purpose is to permit passage of large offshore oil rigs and related equipment. Approximately 350 acres of land would be dredged and 7000 acres covered with spoil. (ELR Order #4335, 46 pages) (NTIS Order #PB-208 663-D), May 1.

Bucks Harbor, Washington County, *Maine*. The statement is concerned with the dredging of an 11 acre anchorage (for commercial fishing boats), at the harbor. Approximately 48,000 cu. yds. of spoil will be dredged from the site and dumped offshore. Temporary turbidity will have adverse effects upon marine biota (ELR Order #4561, 21 pages) (NTIS Order #EIS 72 4561D), May 31.

Tred Avon River, Talbot County, *Maryland*. Proposed dredging of the river channel to a depth of 12' and a width of 150' in order to provide a deeper channel for commercial vessels. Dredging operations will disturb and/or destroy marine life; 90 acres will be covered with spoil. (ELR order #4490, 17 pages) (NTIS Order #EIS 72 4490 D), May 17.

Scituate Harbor, *Massachusetts*. Proposed periodic maintenance dredging of the Harbor. An estimated 145,000 cu. yds. of spoil would be dumped at an approved site. (ELR Order #4433, 19 pages) (NTIS Order #PB 209 044D), May 10.

Pearl River Basin, Neshoba County, *Mississippi*. Proposed construction, upon authorization by Congress, of a multipurpose reservoir project on the Pearl River. The project would be constructed for purposes of flood control, water quality control, recreation, and wildlife enhancement. Approximately 16,000 acres of agricultural and wildlife lands and an unspecified amount of free-flowing stream habitat would be inundated; an unspecified number of homes would be displaced. (ELR Order # 04550, 127 pages) (NTIS Order # EIS 72 4550D) May 26.

Newington Generating Station # 1, Newington County, *New Hampshire*. Proposed construction of a 400 MW oil-fired fossile fuel electric generating station, along with 345 KV and 115 KV switchyards, a 410' concrete stack, and intake and discharge structures. Long term effects of the plant upon the Piscataqua River estuary site are not presently known; 3 acres of inter-tidal-subtide habitat will be lost; the discharge of cooling water and waste chemicals will adversely affect marine life. (ELR Order # 04530) (NTIS Order # EIS 72 4530D), May 24.

Hannibal Locks and Dam, Ohio River, *Ohio* and *West Virginia*. Proposed construction of a non-navigable gated dam with two lock chambers, and appurtenant structures; existing facilities would be removed. Approximately 1200 acres of riverbank area would be inundated by the project. (ELR Order # 4330, 46 pages) (NTIS Order # PB-208 648-D), May 1.

Alum Creek Lake, Delaware County, *Ohio*. Proposed construction of a dam and appurtenant facilities on Alum Creek, for purposes of flood control, recreation, water supply, and conservation. Approximately 8810 acres will be committed to the project; 18.7 miles of stream will be inundated. (ELR Order # 04509, 45 pages) (NTIS Order # EIS 72 4509D), May 23.

Erie Harbor, *Pennsylvania*. Proposed annual maintenance dredging of the Harbor, with the 300,000 cu. yds. of spoil being dumped in Lake Erie (ELR Order # 4416, 7 pages) (NTIS Order # PB-209 049D), May 10.

Woodcock Creek Lake, Crawford County, *Pennsylvania*. Proposed construction of a retention dam and lake on Woodcock Creek. Two miles of natural stream would be lost and 775 acres inundated by the project. (ELR Order # 4405, 37 pages) (NTIS Order # PB-208 962-D), May 9.

Cordell Hull Dam and Reservoir, Nashville, *Tennessee*. Proposed construction of a dam with navigation lock, a 100 MW power plant, a spillway, and a 13,920 acre reservoir. Construction is 80% complete. (ELR Order No. 4368, 24 pages) (NTIS Order No. EIS 72 4368F), May 4.

FINAL

Dreamy Draw Dam, Maricopa County, *Arizona*. Proposed construction of a dam and detention basin, a dike, and a spillway in Dreamy Draw, for the purpose of providing flood protection for northeastern Phoenix. Riparian and upland desert habitat would be altered by the project. Comments made by USDA, EPA, and DOI. (ELR Order No. 04527) (NTIS Order No. EIS 72 4527F), May 23.

DeQueen Lake, Sevier County, *Arkansas*. Construction of a 160' high earth-fill dam. dikes, a service bridge, a spillway, and recreation facilities on the Rolling Fork River northwest of DeQueen. The project is presently 46% complete. Its purposes are flood control, water supply, water quality control, fish and wildlife, and recreation. Approximately 1680 acres of land will be inundated; several families have already been displaced; 12 archeological sites and 20.5 miles of free-flowing stream will be inundated. Comments made by USDA, EPA, DOI, DOT, state, local, and regional agencies. (ELR Order No. 04555, 263 pages) (NTIS Order No. EIS 72 4555F), May 26.

Lytle and Warm Creeks, San Bernardino County, California. Proposed construction of channel works on Lytle, Warm, and East Twin Creeks, and on the Santa Ana River. The purpose of the action is flood control. It is anticipated that rapid urbanization of the project area will result from the improvements. Comments made by USDA, EPA, HUD, DOI, and DOT. (ELR Order No. 04520) (NTIS Order No. EIS 72 4520F), May 23.

Mullet Key, Pinellas County, *Florida*. The project involves beach nourishment of 6,750' of shoreline. A 210' wide strip of beach would be formed, along with a 60' wide protective barrier. A 420' long anchor groin and a 1,150' long revetment would be the structural features of the project. Approximately 325,000 cu. yds. of sand would be dredged from an offshore site and placed on the beach. Marine life at both sites would be damaged. Comments made by USDA, DOC, EPA, HEW, HUD, DOI, state and local agencies. (ELR Order No. 4567, 32 pages) (NTIS Order No. EIS 72 4567F), May 31.

Miami Harbor, *Florida*. The action consists of deepening a 6 mile stretch of existing 30' deep harbor to a depth of 36'-38', and the widening of the channel by 100'. Approximately 5,000,000 cu. yds. of spoil will be dredged and dumped at 2 upland diked areas and 3 open water disposal areas. Marine life at both the dredging and dumping sites will be disturbed; the upland deposit sites are bordered by mangrove which serves as habitat for osprey, herons, and egrets. Comments made by USDA, EPA, DOI, DOT, state and local agencies and concerned citizens. (ELR Order 4560, 40 pages) (NTIS Order No. EIS 72 4560F), May 31.

Long Hollow Creek, Lewis County, *Idaho*. The project involves the clearing and channelization of a 5000' stretch of the creek. The intent of the action is to provide flood control for the village of Nez Perce. Increased water velocity could result in bank erosion downstream. Comments made by USDA, EPA, HUD, DOI, state and local agencies. (ELR Order No. 04562, 34 pages) (NTIS Order No. EIS 72 4562F), May 31.

Chicago River, Cook County, *Illinois*. Clearing of a 12-mile stretch of the North Branch of the Chicago River of trees, ensnarlments, and other debris. Refuse would be removed to an approved disposal site. Comments made by USDA, USCG, EPA, DOI, DOT. (ELR Order No. 04542, 33 pages) (NTIS Order No. EIS 72 4542F), May 24.

St. Catherine Sound, *Maryland*. The project is maintenance dredging of the 6' deep, 80' wide channel of St. Catherine Sound, extending 3,300' into the Wicomico River. The area is one of commercial and recreational boating importance. Marine life (such as oysters and crabs) which is of commercial importance, may be adversely affected by the project. Comments made by USDA, DOC, EPA, HEW, state and local agencies. (ELR Order # 4563, 26 pages) (NTIS Order # EIS 72 4563 F), May 31.

Mud Creek, Custer and Sherman Counties, *Nebraska*. Construction of channel works, levees, bin walls, erosion control elements, and bridge replacements on 15,000' of stream. The purpose of the action is the provision of flood control for the city of Broken Bow. An unspecified amount of land will be lost to the project. Comments made by EPA and DOI. (ELR Order # 04526, 30 pages) (NTIS Order # EIS 72 4526F), May 23.

Military Ocean Terminal, Sunny Point, *North Carolina*. Proposed dredging of 3.2 million cu. yds. of material every 2 years from the basins and channels at Sunny Point. The material will be deposited in dike areas on Federal property. Ninety-three acres which serve as habitat for ospreys, American alligators, and other wildlife will be lost to the project; temporary turbidity will disturb marine ecocystems; salt water may pollute nearby freshwater and local soil. Comments made by USDA, DOC, EPA, DOI, DOT, state and local agencies. (ELR Order # 4376, 229 pages) (NTIS Order # PB-207 741-F), May 5.

Taylors Bayou, Jefferson County, *Texas*. The proposed project is a flood control and drainage plan for the Taylors Bayou watershed. Structural features include enlargement of 1.8 miles of the Gulf Intracoastal Waterway, and the outfall canal from the Bayou, a diversion channel, and appurtenant facilities. A total of 3,800 acres will be committed to the project; 1,610 acres of land will be dredged to become part of the channel; 2,190 acres will be utilized for spoil deposit. The area consists of marsh and prairie land, much of it being wildlife habitat. Rare species affected by the action include the American alligator, the river otter, and the Texas red wolf. Comments made by USDA, DOC, EPA, DOI, state and local agencies. (ELR Order 4564, 60 pages) (NTIS Order # EIS 72 4564 F), May 31.

DEPARTMENT OF DEFENSE AND DEPARTMENT OF THE NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, (202) 697-0892.

Title and description, date.

DRAFT

Naval Station, Newport, *Rhode Island*. Proposed construction of a permanent berth for a floating dry dock. A 700' × 180' area would be dredged from its present depth of 50' to 55'. Marine life will be disturbed and/or destroyed at the sites of dredging and dumping. (ELR Order # 4404, 11 pages) (NTIS Order # PB-208 959-D), May 9.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Title and description, date.

DRAFT

Water Control Plant, *Washington, D.C.* Proposed expansion and upgrading, from secondary to tertiary treatment, of existing Water Pollution Control Facilities. Disposal of residue sludge will be made by incineration, with ash being transported to approved landfill sites. The incineration will have an adverse effect upon ambient air quality.

(ELR Order # 4478, 507 pages) (NTIS Order # EIS 72 4478 D), May 12.

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Affairs, 441 G Street, N.W., Washington, D.C. 20426, (202) 386-6084.

Title and description, date:

DRAFT

Project #271, Hot Spring and Garland Counties, *Arkansas*. Proposed approval of an application by the Arkansas Power and Light Company for a renewal license on Project 271. Two developments are involved, the first consisting of a dam, reservoir and a 56,000 kw., 2-generator powerhouse; the second consisting of a dam, reservoir, and a 3-generator 9,300 kw powerhouse. (ELR Order #4395, 68 pages) (NTIS Order No. EIS 72 4395D), 5/8.

Drum-Spalding Project #2310, Placer and Nevada Counties, *California*. Initiation of action to bring under license four powerhouses (with a total installed capacity of 48,000 KV), and 12 dams, all of which are constructed and operating. (ELR ORDER #04499, 31 pages) (NTIS ORDER # EIS 72 4499D), 5/19.

Kingsford Project, Dickinson and Florence Counties. *Michigan* and *Wisconsin*. Proposed of an application by the Wisconsin Michigan Power Co. for a renewal license on its Kingsford Project. The project consists of a dam, a 3-generator powerhouse, a reservoir, and appurtenant facilities. (ELR ORDER # 04535, 65 pages) (NTIS ORDER # EIS 72 4535D), 5/25.

Green Springs, *Ohio*. Proposed sale by Columbia LNG Corp. of 250,000 Mcf daily of pipeline quality SNG to the Columbia Transmission Corp. A plant is under construction at Green Springs which will utilize light hydrocarbon liquids (delivered via a 16" pipeline from Alberta, Canada) in the production of the gas. The construction of the pipeline will affect land, water, and wildlife resources over the proposed route. (ELR Order #4406 60 pages) (NTIS Order #PB-208 957-D), 5/9.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202, (202) 926-2241.

Title and description, date.

DRAFT

Rule Making on Polychlorinated Biphenals (PCB's) in Food. Proposed establishment of rules in the food processing industry in order to prevent PCB contamination of foods. The provision would require the elimination of PCB-containing materials from animal feed, food, and food-packaging material establishments. (ELR Order #4403, 53 pages) (NTIS Order #PB-208 960-D), May 9.

Walla Walla Community College, Walla Walla, *Washington*. Proposed development of the first phase of a new community college campus. The school is intended to serve 3000 students on a 86 acre site by the year 2000. Two pond areas exist on the site. (ELR Order #4429, 41 pages) (NTIS Order #PB 209 051 D), May 11.

FINAL

National Center for Toxicological Research, Pine Bluffs, *Arkansas*. Proposed conversion of 29,000 sq. ft. of existing building space to animal holding and research space as the first phase of construction of the Center. First phase costs are estimated at $3,000,000. There will be minor discharges of effluents from solid and sanitary waste disposal. Comments made by USDA, DOC, DOD, EPA, HEW, HUD, and DOI. (ELR Order # 4497, 61 pages) (NTIS Order #EIS 72 4497 F), May 19.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Title and description, date.

DRAFT

Downtown Urban Renewal Area, *Washington, D.C.* Proposed use of redevelopment or "disposition" controls to aid redevelopment of five urban renewal sites in the retail core of the downtown urban renewal area. These controls would establish permitted uses, height, lot occupancy, floor-area ratio, off-street parking and loading regulations for the sites. The dislocation of small retail business establishments will result. (ELR Order #4402, 157 pages) (NTIS Order #PB-208 956-D), May 9.

Trinity River Greenbelt, Dallas County, *Texas*. Proposed acquisition of 2,113 acres of underdeveloped flood plain land within the levees of the Trinity River for use as park and recreation area under HUD's Open Space Land Program. (ELR Order #4363, 17 pages) (NTIS Order #EIS 72 4363 D), May 4.

Armand Bayou Park, Harris County, *Texas*. Proposed acquisition of 550 acres of primitive land to be preserved as a conservation area under HUD's Open Space Land Program. (ELR Order #4388, 11 pages) NTIS Order #EIS 72 4388 D), May 8.

FINAL

Public Facility Loans Program. The statement is concerned with the HUD Project Selection System for its Public Facility Loans Program. The System is designed to aid in the evaluation of applications for loans in the construction of local public works by public bodies of less than 50,000 persons. Comments made by AEC, COE, EPA, FPC, GSA, HEW, and DOI. (ELR Order #4473) (NTIS Order #PB 204 917 F), May 15.

Broomfield, *Colorado*. Proposed construction of a water conduit to serve Broomfield and other suburban districts north and west of Denver. Twenty-five mgd would be pumped through the system. HUD contributed funds would total $1,500,000. The pipeline will hasten land use changes from agricultural to residential and commercial uses. (ELR Order #4532) (NTIS Order No. EIS 72 4532 F), May 25.

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Title and description, date.

Bureau of Mines

FINAL

Scranton, *Pennsylvania*. Proposed conduction of a demonstration project to test the feasibility of the Dowell hydraulic slurry injection process for blind backfill of dry and flooded underground mine voids. Approximately 300,000 cu. yds. of coal refuse would be used beneath 20 acres of residential area. Construction will disrupt traffic and create public safety hazards. Comments made by EPA, DOI. (ELR Order No. 4474) (NTIS Order No. PB 206 767 F), May 15.

Huntington Canyon, Emery County, *Utah*. A coal-burning, 430 NW thermal electric generating station is presently under construction with a 345 kV transmission line to Salt Lake City and Four Corners. It is scheduled for service in 1974. A second, similar unit is planned for service beginning in 1977: transmission lines would also be constructed for it. Ultimate plant capacity is expected to be 200MW. Estimated stack emissions for the 430 MW unit (with no controls) include 33 to 45 t.p.d. of SO$_2$; 36 t.p.d. of NOx; and 0.9 to 1.4 t.p.d. particulates. Comments made by USDA, AEC, EPA, HEW, and state and local agencies (ELR Order No. 4462) (NTIS Order No. PB-198 736-F), May 15.

Federal Mine Health and Safety Academy, *West Virginia*. The statement is concerned with the construction and operation of a Federal Mine Health and Safety Academy, in Beckley, West Virginia. The Academy would train mine inspectors who would assist in administering the Federal Coal Mine Health and Safety Act of 1969. A 600 student multibuilding facility is planned. Forty-four acres would be committed to the project. Comments made by DOC, EPA, HEW, HUD, DOI, and DOT. (ELR Order 04608, 68 pages) (NTIS Order No. EIS 72 4608F), May 31.

Bureau of Outdoor Recreation

DRAFT

Canyon Lakes Project, Lubbock, *Texas*. Proposed granting of matching Federal assistance funds for the acquisition and development of land for recreational purposes. Approximately 675 acres, located in Yellowhouse Canyon, are involved. Twenty-six residences and 36 businesses would be displaced by the action. (ELR Order No. 4420, 27 pages) (NTIS Order No. PB-72 4420), May 10.

Bureau of Reclamation

DRAFT

Geothermal Leasing Program. This is a supplement to the draft statement issued on October 6, 1971. The original statement is concerned with the leasing and regulation of geothermal energy sources. The supplement discusses alternatives to the action, energy alternatives, and proposed unit plan regulations. (ELR Order No. 4360, 57 pages) (NTIS Order No. PB-208 956-D), May 8.

North Side Collection System, Frying Pan-Arkansas Project, *Colorado*. The project consists of an arrangement of diversion dams, conduits, and tunnels designed to intercept and transport an average annual 18,400 acre-feet of water runoff from the north tributaries of the Fryingpan River to the Arkansas Valley. The system will divert water from the Colorado River Basin to the Arkansas River Valley, increasing the salinity of the Colorado River while improving the water quality of the Arkansas; require ocnstruction of 13 miles of access roads, 11.4 miles of tunnels and conduits, and clearance of 156 acres, creating an aesthetic impact. (ELR Order No. 4394, 89 pages) (NTIS Order No. PB-208 955-D), May 8.

Ellis Unit, Trego, Ellis, and Russell Counties, *Kansas*. Proposed construction of the Round Mound Dam and reservoir, as a major portion of the Ellis Unit of the Pick-Sloan Missouri Basin Program. The Dam, an 111' high rolled earth structure, would be located 5 miles west of Ellis. A 175,000 acre-foot capacity reservoir would be formed, inundating 10 miles of stream bed and 2,085 acres of land. The project is designed to furnish municipal and industrial water for the City of Hays, and flood protection downstream. (ELR Order No. 04533) (NTIS Order No. EIS 72 4533D), May 24.

FINAL

East Mesa, Imperial Valley, *California*. Proposed drilling of a 4000-8000' deep geothermal test well, in order to recover stream and brine and determine its suitability for development of desalted water and electric power. Fourteen acres of land would be cleared for an access road and drilling operations. Comments made by USDA, EPA, FPC, DOI, state, local, and regional agencies. (ELR Order No. 4357, 81 pages) (NTIS Order No. PB-206 161-F), May 3.

East Greenacres Unit, Kootenai County, *Idaho*. Construction of wells and a buried regulating reservoir, and installation of pumps and 40 miles of distribution pipe, in order to provide water for irrigation on 5,340 acres, as well as for domestic use. Approximately 1,810 of the acres are presently irrigated, the remainder dry-farmed. Sixteen acres will be required for right-of-way. Comments made by EPA, HEW, and DOT. (ELR

Order No. 04541) (NTIS Order No. EIS 72 4541F), May 24.

Palmetto Bend Project, Jackson County, *Texas*. Proposed construction of a 12.3 mile long, 64' high earthfill dam on the Navidad River. The purpose of the project is the supply of industrial and municipal water. Approximately 18,400 acres (11,300 of which will be inundated) will be committed to the project; 40 miles of free-flowing stream will be inundated; 9 families will be displaced; fresh water inflow to the Matagorda estuary will be altered; fish and shell-fish nursery areas will be impaired; habitat for such endangered species as the Texas red wolf, the American alligator, the Southern bald eagle, the Peregrine falcon, and the Attwater prairie chicken will be lost. Comments made by USDA, COE, DOC, EPA, EPC, HEW, DOI, OEO, DOT, state, local, and regional agencies. (ELR Order 04545 86 pages) (NTIS Order No. EIS 72 4545F), May 24.

National Park Service

DRAFT

Grant-Kohrs Ranch National Historic Site, *Montana*. The statement is concerned with a legislative proposal to establish the Ranch as a National Historic Site. The Ranch would serve as a visible interpretation of the range cattle industry, especially in its frontier aspects. (ELR Order #4374, 16 pages) (NTIS Order #PB-208 872-D), May 5.

Back Bay National Wildlife Refuge, Virginia Beach, *Virginia*. Proposed elimination of unauthorized motor vehicles from the Refuge. The action is intended to preserve 4.2 miles of natural beach and wildlife habitat in an essentially natural condition. (ELR Order 4337, 45 pages) (NTIS Order #208 662-D), May 1.

Fossil Butte National Monument, *Wyoming*. The statement is concerned with a legislative proposal to establish an 8180 acre Fossil Butte National Monument. The area is one of the largest concentrations of fossilized fresh water fish in the nation. (ELR Order #4373, 18 pages) (NTIS Order #PB-208 871-D), May 5.

Office of Saline Water

DRAFT

East Mesa, Imperial Valley, *California*. Proposed construction of a 96,000 gpd desalting test facility at a geothermal test well, along with drilling of a 5000-7000' deep brine injection well two miles away. The test facility would be operated for the desalting of geothermal brine; waste brine would be disposed of in the second well. Twenty acres would be committed to the project; small amounts of gases would be released to the atmosphere; and brine would be released to settling ponds. (ELR Order #4336, 33 pages) (NTIS Order #FB-208 661-D), May 1.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Contact: Mr. T. R. Martin, ARA/Mexico, Room 3906A, Department of State, Washington, D.C. 20520, (202) 632-1317.

Title and description, date.

DRAFT

United States and Mexico. Proposed emergency temporary delivery of up to 20,600 AF/yr. of the 1944 Treaty allocation of Colorado River water to Tijuana, Mexico. A 6,100' pipeline would be constructed to the boundary, with Mexico paying the costs for new construction and use of existing works. (ELR Order No. 4421, 33 pages) (NTIS Order No. PB-209 043-D), May 10.

DEPARTMENT OF JUSTICE

Contact: Mr. Paul L. Woodard, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C. 20530, (202) 386-4551.

Title and description, date.

DRAFT

Marijuana Eradication Project, Pulaski County, *Indiana*. Proposed spraying of 65 acres of farm land and 65 linear miles of ditch with 2,4-D herbicide. The purpose of the action is the elimination of marijuana in Pulaski County. The loss of cover for birds and other fauna will result; 2,4-D is slightly toxic to humans and animals. (ELR Order No. 4390, 9 pages) (NTIS Order No. PB-208 868-D), May 8.

FINAL

Marijuana Eradication Project, Pulaski County, *Indiana*. Proposed spraying of 65 acres of farm land and 65 linear miles of ditch with 2,4-D herbicide. The purpose of the action is the elimination of marijuana in Pulaski County. The loss of cover for birds and other fauna will result; 2,4-D is slightly toxic to humans' and animals. (ELR Order 4457) (NTIS Order No. PB-208 868-F), May 15.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, (202) 962-8107.

Title and description, date.

FINAL

Skylab Program. The statement considers the environmental impact of the Skylab Program, a post-Apollo manned flight program. Three separate long-term research flights will be made, each involving 3 man crews, with space vehicles being launched from the John F. Kennedy Space Center. Saturn V and Saturn IB launch vehicles will be used. Comments made by EPA. (ELR Order # 4518, 12 pages) (NTIS Order # EIS 72 4518 F), May 23.

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Mr. Convisser's office will refer you to the regional office from which the statement originated. (See page 83a) Director, Office of Program Co-ordination 400 7th Street, S.W. Washington, D.C. 20590 (202) 426-4355.

Title and description, date.

Federal Aviation Agency

DRAFT

Olney-Noble Airport, Richland County, *Illinois*. Proposed acquisition of 40 acres and construction of a 3900' X 75' runway with turnarounds, and installation of MIRL. (ELR Order # 415, 40 pages) (PB-209 041-D—NTIS #), May 10.

Carmi Airport, White County, *Illinois*. Proposed acquisitions of land and construction of a new airport with a 3900' x 75' runway, hangars, a terminal, etc. (ELR Order # 4424, 54 pages) (NTIS # PB-209 039-D), May 10.

Fairmont Airport, Martin County, *Minnesota*. Proposed extension of the runway, additions to MIRL, reconstruction of the access road, etc. (ELR Order # 4423, 17 pages) (NTIS # PB-209 046-D), May 10.

Cincinnati Blue Ash Airport, Hamilton County, *Ohio*. Proposed construction of a new 3500' x 75' runway, taxiways, aprons, etc. at (the Airport. (ELR Order # 4414, 46 pages) (NTIS # PB-209 042-D), May 10.

FINAL

Ft. Valley Airport, Perry, *Georgia*. Proposed construction of airport facilities capable of acocmmodating 70% of the basic transport fleet of turbo-jet aircraft weighing less than 60,000 lbs. Ten acres will be committed to the clear zone. Comments made by EPA, DOI, DOT, state and local agencies. (ELR Order No. 432, 43 pages) (NTIS Order No. PB-207 070-F), May 10.

Dade County Airport, Dade County, *Georgia*. Proposed construction of a new general utility airport adequate for 95% of propeller driven aircraft of less than 12,500 lbs. Ten acres of land will be committed to the project. Comments made by USDA, EPA, DOI, DOT, state and local agencies. (ELR Order No. 4334, 50 pages) (NTIS Order No. PB-205 578-F), May 1.

Jasper Airport, Pickens County, *Georgia*. Proposed acquisition of land and construction as a general utility airport to handle all propeller aircraft of less than 12,500 lbs. One hundred acres of land will be committed to the project; one residence will be displaced. Comments made by USDA, EPA, DOI, DOT, state and local agencies. (ELR Order No. 4332, 66 pages) (NTIS Order No. PB-204 959-F), May 1.

Greensboro Airport, Greene County, *Georgia*. Proposed construction of a new basic utility airport capable of accommodating 95% of propeller-driven aircraft weighing less than 12,500 lbs. Thirty acres of land would be committed to the project. Comments made by USDA, EPA, and DOI. (ELR Order No. 4459) (NTIS Order No. EIS-206 575-F), May 15.

Blue Ridge Airport, Fannin County, *Georgia*. Proposed construction of a new basic utility airport adequate for 95% of propeller-driven aircraft weighing less than 12,500 lbs. Eighty-five acres would be committed to the project; 11 families would be displaced. Comments made by EPA, DOI, and state and local agencies. (ELR Order No. 4460) (NTIS Order No. EIS-206 864-F), May 15.

Effingham Airport, Effingham County, *Illinois*. Proposed acquisition of land and construction of a 3400' x 60' runway; installation of runway lights and VASI-2, etc. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, state and local agencies. (ELR Order # 4355, 37 pages) (NTIS Order # PB-205 790-F), May 3.

Ottumwa Airport, Wapello County, *Iowa*. Proposed acquisition of land for the installation of ILS and ALS. One family will be displaced by the project. Comments made by USDA, DOC, EPA, DOI, and state agencies. (ELR Order # 4329, 18 pages) (NTIS Order # PB-207 235-F), May 1.

Fremont Airport, Newaygo County, *Michigan*. Proposed acquisition of land and expansion of existing facilities. A new 5500' x 100' N/S runway would be built along with a terminal building; an existing runway would be extended, VASI, REIL, and medium intensity lighting installed, and utilities relocated. Two families will be displaced by the action. Comments made by USDA, COE, EPA, HEW, HUD, DOI, DOT, state and local agencies, and concerned citizens. (ELR Order # 4417, 60 pages) (NTIS Order # PB-206 182-F), May 10.

Schoolcraft Airport, Manistee County, *Michigan*. Proposed acquisition of land and construction of a new runway, extension of an existing runway, installation of a wind cone, VOR, etc. An unspecified amount of land will be committed to the project. Comments made by USDA, DOC, EPA, DOI, DOT, and state and local agencies. (ELR Order # 4479). (NTIS Order # EIS 206 106-F), May 16.

Langdon Airport, Cavalier County, *North Dakota*. Proposed acquisition of land, extension and strengthening of the runway, construction of a turf landing strip, and lighting. Comments made by USDA, Army COE, DOC, EPA, FPC, HEW, HUD, DOI, and DOT. (ELR Order # 4354, 50 pages) (NTIS Order # PB-206 553-F), May 3.

Golden Valley County Airport, *North Dakota*. Proposed land acquisition and construction of a new airport, with a 3400' x 60' runway. Comments made by USDA, COE, DOC, EPA, HUD, DOI, and DOT. (ELR Order # 4431, 34 pages) (NTIS Order # PM-207 236-F), May 10.

Antler Municipal Airport, Pushmataha, *Oklahoma*. Proposed development of a new airport for use by light propeller-driven aircraft, including a 60' x 3300' runway. Comments made by USDA, COE, EPA, HEW, DOI, DOT, state and local agencies. (ELR Order No. 4419, 51 pages) (NTIS Order No. PB-206 859-F), May 10.

Goldsby Airport, McClain County, *Oklahoma*. Proposed reconstruction and extension of an existing runway, installation of medium intensity lighting and VASI-II, etc. Comments made by USDA, COE, EPA, HEW, DOI, DOT, and state agencies. (ELR Order No.

4430, 54 pages) (NTIS Order No. PB-206 108–F), May 10.

Arrowhead Airport, Pittsburg County, *Oklahoma*. Proposed development of a new airport facility for use by light, propeller-driven aircraft. Construction will include a 60' x 3500' NW/SE runway, a taxiway and apron, installation of VASI and medium-intensity lighting. Total cost is estimated at $270,000. A 4(f) statement has been filed as some project land would be taken from the Arrowhead Park Recreation Area. Comments made by USDA, COE, EPA, HEW, HUD, and DOT. (ELR Order No. 4552, 73 pages) (NTIS Order No. EIS 72 4552–F), May 26.

Hemphill Airport, Sabine County, *Texas*. Proposed acquisition of land, construction of a new N/S runway, taxiway, access road, radio beacon, etc. for a new airport which would serve light piston-powered aircraft. An unspecified amount of land will be committed to the project. Comments made by USDA, COE, EPA, DOI, DOT, and state agencies. (ELR Order No. 4331, 50 pages) (NTIS Order No. PB-206 262–F), May 1.

Garner Field, Uvalde County, *Texas*. Proposed acquisition of land, extension and marking of a runway, and installation of medium intensity lighting. Comments made by USDA, Army COE, EPA, HEW, DOI, DOT, and state agencies. (ELR Order No. 4359, 59 pages) (NTIS Order No. PB-206 385–F), May 3.

Ector County Airport, Ector County, *Texas*. Proposed reconstruction of two runways and extension of a third; construction of a taxiway, and installation of medium intensity lighting and VASI. Comments made by USDA, EPA, HEW, DOT, and state agencies. (ELR Order No. 4357, 35 pages) (NTIS Order No. PB-204 092–F), May 3.

Manti-Ephraim Airport, Sanpete County, *Utah*. Proposed acquisition of land, extension of runway, and relocation of power lines. Four acres of land will be committed to the project. Comments made by USDA, DOC, EPC, HEW, HUD, DOI, DOT. (ELR Order # 4333, 32 pages) (NTIS Order # PB-207-064–F), May 1.

John F. Kennedy Memorial Airport, Ashland County, *Wisconsin*. Proposed extension of a runway, installation of REIL, medium intensity lighting etc. Approximately 111 acres will be committed to the project. Comments made by USDA, COE, EPA, HEW, DOI, DOT, state and local agencies. (ELR Order # 4418, 29 pages) (NTIS Order # PB-205 925–F), May 10.

Federal Highway Administration

DRAFT

Federal Aid Highway and Mass Transportation Act. The state considers the Act, presently before Congress, which would continue the Federal Aid Highway Program, but with a series of fundamental changes. These changes would include the establishment, beginning in FY 1974, of an Urban Transportation Program, (which would consolidate all existing urban highway and mass transit projects), a Rural Federal-Aid System, and a Rural General Transportation Fund. The existing Interstate Highway Program would be continued as a separate catagory to insure completion of the system. (ELR Order # 4625, 42 pages) (NTIS Order # EIS 72 4625 D), May 31.

Noise Standards and Procedures Pursuant to Public Law 91–605. The statement considers DOT standards which would require noise studies and the incorporation of noise abatement measures into federally aided highway projects; foster cooperation between state and local officials to develop standards; and provide incentives for state and local governments to enact codes regulating noise produced by individual vehicles. (ELR Order # 4559, 41 pages) (NTIS Order # EIS 72 4559 D), May 30.

Regulatory Modernization Act of 1971. The statement analyzes the potential environmental impact of bills S. 2842, and H.R. 11826, legislation which is currently before Congress. The legislation would modify the current regulatory structure covering surface transportation; in particular the abandonment of under-utilized railway lines is discussed. (ELR Order # 4371, 16 pages) (NTIS Order # PB-208 851–D), May 5.

State Highway 365—South, Pulaski County, *Arkansas*. The statement is concerned with the construction of 7.4 miles of new, 4-lane highway. The purpose of the facility is that of providing primary access to the Maumelle New Town, a planned community of 50,000 persons. An unspecified amount of acreage will be committed to the highway. (ELR Order # 4554, 15 pages) (NTIS Order # EIS–72 4554–D), May 26.

Connecticut Route 40, New Haven County, *Connecticut*. Proposed construction of the Boulevard Bridge over the Penn Central Railroad. Four residences will be displaced by the action. (ELR Order # 04522, 30 pages) (NTIS Order # EIS 72 4522D), May 23.

I–75 (S.R. 93), Lee County, *Florida*. The project involves construction of a 4-lane limited access highway of Interstate standards. Total project length is 11 miles. Of major impact will be the crossing of the Caloosahatchee River, the possible disruption of surface hydrology, and the displacement of 47 residences and 1 business. An unspecified amount of land will be committed to the project. (ELR Order # 04558, 57 pages) (NTIS Order # EIS 72 4558D), May 30.

State Road 200, Nassau County, *Florida*. Proposed reconstruction of 6.9 miles of S.R. 200, from the town of Yulee to the Amelia River Bridge. The 4-lane roadway will span Lofton Creek in 2, 200' bridges. (ELR Order # 4458,) (NTIS Order # EIS 72 4458–D), May 15.

State Route 70, Fulton County, *Georgia*. Proposed relocation and reconstruction of 2 miles of S.R. 70. Depending upon the route chosen displacements will number from 11 to 40 residences and 1 church. The project is a segment of nearby airport expansion and additional future displacements could result. (ELR Order # 4361, 82 pages) NTIS Order # PB-208 729–D), May 3.

F.A.P. F–0361(4), Maui, *Hawaii*. Proposed construction of 2.8 miles of 2-lane highway. Twenty-two residences and two businesses will be displaced; 65 acres will be committed to the project. (ELR Order # 4411) (NTIS Order # PB-209 040–D), May 10.

US 30N, Bannock and Caribou Counties, *Idaho*. Proposed construction of 15.6 miles of new, 2-lane highway. A 4(f) statement will be required as parkland would be crossed. (ELR Order # 4396, 33 pages.) (NTIS # 72–4396–D), May 8.

Illinois Routes 32 and 33 (US 40), Effingham County, *Illinois*. Proposed reconstruction, from 2 to 4 lanes, of 1.75 miles of highway. Five acres of land would be committed to the project. (ELR Order # 04516.) (NTIS Order # EIS 72 4516D), May 22.

US 50, Ripley County, *Indiana*. Proposed reconstruction of 15.3 miles of US 50. Several alternative routes are being evaluated; each would require the filing of 4(f) statements as parcels of public land would be affected. (ELR Order # 4515.) (NTIS Order # EIS 72 4515D), May 22.

US 169, Allen and Neosho Counties, *Kansas*. Proposed construction of 22 miles of relocated 4-lane highway. Several alternate routes are presently under consideration. (ELR Order # 4302, 58 pages.) (NTIS Order # PB-208 734–D), April 28.

21st Street, Shawnee County, *Kansas*. Proposed reconstruction of an intersection in urban Topeka. Nine residences would be displaced by the action. (ELR Order #4461) (NTIS Order # EIS 72 4461–D) May 15.

US 113, Worcester County, *Maryland*. Proposed construction of 7.3 miles of new, 2-lane highway. An unspecified number of displacements will result. (ELR Order #4426, 39 pages) (NTIS Order # PB-209 038–D), May 11.

MD. 183, Montgomery County, *Maryland*. Proposed reconstruction and widening of 2.91 miles of roadway, partially on new location. An unspecified number of residences will be displaced by the action; a 4(f) statement will be filled as public park land would be taken by the project. (ELR Order #04498) (NTIS Order # EIS 72 4498–D), May 19.

Patuxent Freeway, Carroll, Anne Arundel, and Howard Counties, *Maryland*. Construction of 10.4 miles of new 2-lane highway between Maryland Route 108 at Clarksville and the Baltimore-Washington Parkway at Ft. Meade. Seventeen residences and 3 businesses will be displaced by the project. (ELR Order #4531) (NTIS Order # EIS 72 4531–D), May 24.

Route 2, *Massachusetts*. Proposed reconstruction of 11.3 miles of 2-lane Route 2 in Lexington, Lincoln, Concord, and Acton, to freeway standards. Eighty-seven residences would be displaced by the project. Several 4(f) statements will be filed, as the highway would affect the Minute Man National Historical Park, the Walden Pond State Reservation, one town forest and two conservation areas. (ELR Order #4472) (NTIS Order # EIS 72 4472–D), May 15.

I–94 Interchange, Berrien County, *Michigan*. Proposed reconstruction of 4 lane I–94 at its intersection with Lakeshore Drive. An unspecified number of residences will be displaced by the action. (ELR ORDER #04557,) (NTIS ORDER #EIS 72 4557D), May 26.

F.A.S. Route 6318, Hennepin County, *Minnesota*. Proposed construction of 3.5 miles of 4-lane divided highway, which will compose the last segment of a 15 mile connector between I–494 and I–94. Fifty persons and two businesses would be displaced by the project. (ELR Order #4369, 29 pages) (NTIS Order #PB-208 833–D), May 5.

State Route 66, St. Louis, *Missouri*. Proposed replacement of an existing bridge over the River Des Peres. A 4(f) statement may be required as land may be taken from a local park. (ELR Order #4362, 18 pages.) (NTIS Order #PB-208 730–D), May 3.

State Route 61, Lewis County, *Missouri*. Proposed relocation of 12.1 miles of S.R. 61, a 2 lane facility. Approximately 443 acres of agricultural and timberland will be committed to the project. (ELR Order #4422, 12 pages) (NTIS # PB 209–045D), May 10.

State Route 61, Lewis County, *Missouri*. Proposed relocation of 12.1 miles of S.R. 61, a 2-lane facility. Approximately 443 acres of agricultural and timberland will be committed to the project. (ELR Order # 4422,) (NTIS Order #PB-209 045–D), May 10.

Route 87, Howard County, *Missouri*. Proposed construction of 7 miles of new 2-lane highway, including bridges over two creeks. Approximately 130 acres of agricultural and wooded lands will be committed to the projects 4 residences will be displaced. (ELR ORDER #04538,) (NTIS ORDER #EIS 72 4538D), May 25.

Garden State Parkway, Middlesex County, *New Jersey*. Proposed construction of entrance and exit ramps on the Garden State Parkway at Metro Park in Woodbridge. A 4(f) statement will be filed as public park land would be taken by the project. (ELR ORDER #04549,) (NTIS ORDER #EIS 72 4549D), May 26.

I 684, Westchester County, *New York*. The statement is a supplement to the final environmental impact statement on I–684 between Katoonah and Croton Falls. The project is a proposed reconstruction (from 4 to 6-lanes) of the highway and construction of a full diamond interchange with S.R. 116. The supplement reevaluates alternative actions. (ELR Order # 04523.) (NTIS Order # EIS 72 4523D), May 23.

Northern Arterial, Westchester County, *New York*. The statement is concerned with the construction of 1.9 miles of urban highway, the Northern Arterial, in White Plains. Twenty-four businesses and 41 residences would be displaced by the 8-lane facility; a 4 (f) statement will be filed as the Bronx project. (ELR Order # 4569, 68 pages) (NTIS Order # EIS-72 4569-D), May 31.

Dekalb Street, Cleveland County, *North Carolina*. Proposed construction of 0.7 miles of roadway in urban Shelby. Forty families and one business would be displaced by the project. (ELR Order # 4398, 21 pages), May 8.

West First Street (SR 1507), Forsyth County, *North Carolina*. Proposed reconstruction of a 5-legged intersection in urban Winston-Salem. A 4(f) statement would be filed as a portion of a public park would be taken by the project. (ELR ORDER # 04534.) (NTIS ORDER # EIS 72 4534D), May 24.

Six Forks Road, Wake County, *North Carolina*. Proposed widening of Six Forks Road, in urban Raleigh, from 4 and 5 lane sections to 5 and 7 lane sections. Two businesses and 3 residences would be displaced by the action. (ELR Order # 4488.) (NTIS Order # EIS 72 4488-D), May 17.

Lake Oahe, Sioux and Emmons Counties, *North Dakota*. Proposed construction of a bridge across Lake Oahe. The 2-lane roadway would connect US 83 and S.H. 24. Five alternative routes are under consideration. Approximate route length is 23 miles; approximate bridge length, including approaches, is 1.0 mile. An unspecified amount of land would be committed to the project. (ELR Order # 4454, (NTIS Order # EIS-72 4454-D), May 12.

State Highway 3, Pontotoc and Coal Counties, *Oklahoma*. Proposed relocation and reconstruction of 12.5 miles of 2-lane S.H. 3. Three residences and 450 acres will be lost to the project. (ELR No. 4353, 17 pages) (NTIS Order No. PB–208 732–D), May 3.

State Route 34, Greene County, *Tennessee*. Proposed construction of approximately 11.3 miles of 4-lane SR 34. An unspecified amount of land and number of residences will be lost to the project. (ELR Order No. 4228,) (NTIS Order No. PB–209 048–D), May 11.

F.M. 776, Jasper County, *Texas*. Proposed construction of 1.6 miles of 2-lane F.M. 776 in urban Jasper. Thirteen residences would be displaced by the action; an unspecified amount of land would be committed to the project. (ELR Order No. 4440,) (NTIS Order No. EIS 72 4440–D), May 11.

I 45. Harris County, *Texas*. Construction of 9.25 miles of new 4-land highway in three segments (I 129, US 77, and US 20). The highways would meet at the proposed I–129 and US cloverleaf interchange at South Sioux City. Twenty-eight residences, 1 business and 4 farms will be displaced by the action. (ELR ORDER No. 04544,) (NTIS ORDER No. EIS 72 4544D), May 24.

State Highway 116, Lubbock and Hockley Counties, *Texas*. The project involved is a reconstruction of 19.5 miles of rural highway, from 2 to 4 lanes. Seven businesses and 25 residences will be displaced. An unspecified amount of additional right-of-way will be claimed by the project. (ELR Order No. 4553, 24 pages) (NTIS Order No. EIS–72 4553–D), May 26.

I 93, Grafton and Caledonia Counties, *Vermont*. Proposed construction of 6.5 miles of new 4-lane highway. Several streams and rivers will be bridged, including the Connecticut. Two residences will be displaced by the project. (ELR Order No. 04521,) (NTIS Order No. EIS 72 4521D), May 23.

State Route 193, Asotin and Whitman Counties, *Washington*. Proposed construction of a new bridge for S.R. 193, over the Snake River. Total length is estimated from 1500′ to 1900′. Four residences would be displaced by the action. (ELR Order #4487) (NTIS Order #EIS 72 4487–D), May 17.

Project ADP–(200)25, Mercer County, *West Virginia*. Proposed construction of 4.8 miles of new, four-lane divided highway. One creek will be channelized and an unspecified number of residences will be displaced by the project. (ELR Order #4366, 58 pages) (NTIS Order #EIS–72–4366–D), May 4.

State Highway 27, Sparta, *Wisconsin*. Proposed reconstruction of 1.16 miles of S.H. 27. Two residences and one business will be displaced by the action. (ELR Order #4365, 16 pages) (NTIS Order #EIS–72–4365–D), May 4.

State Trunk Highway 59, Waukesha and Milwaukee Counties, *Wisconsin*. Proposed construction of 8.1 miles of 2-lane S.H. 59. Thirty-one residences will be displaced by the action and an unspecified number of acres taken. A 4(f) statement will be filed as land would be taken from a local park. (ELR Order #4456) (NTIS Order #EIS 72 4456–D), May 15.

FINAL

US 98, Mobile County, *Alabama*. Proposed relocation and reconstruction of 13.66 miles of US 98, from 2 to 4 lanes. Eleven families would be displaced and 414 acres lost to the project. Comments made by USDA, DOD, EPA, HUD, DOI, DOT, state and local agencies. (ELR Order #4343, 48 pages) (NTIS Order #PB–199 256–F), May 2.

S–5127, Montgomery County, *Alabama*. Proposed paving of two miles of rural gravel roadway. Comments made by USDA, Army COE, DOC, EPA, DOT, DOT, state and regional agencies. (ELR Order #4341, 33 pages) (NTIS Order #PB–202–322–F), May 2.

Project F–FG–184(7), Baldwin County, *Alabama*. Proposed construction of 2 sections of highway totaling 1.96 miles in length. One family and two businesses will be displaced by the action. Comments made by USDA, COE, DOT, and state agencies. (ELR Order # 04386) (NTIS Order # PB–201 566–F), May 8.

Project S–6408, Walker County, *Alabama*. Proposed construction of 10.901 miles of new 2-lane roadway. Approximately 225 acres of wildlife habitat will be committed to the project; 17 residences will be displaced. Comments made by USDA, COE, EPA, DOI, and HUD. (ELR Order # 4483) (NTIS Order # EIS 201 846–F), May 17.

Anchorage-Fairbanks Highway, *Alaska*. Proposed reconstruction of 22.6 miles of the 2-lane Anchorage-Fairbanks Highway. A section of the highway lies within the Mt. McKinley National Park, necessitating the filing of a 4(f) statement. Comments made by EPA, DOI, DOT, and state and local agencies. (ELR Order # 4443) (NTIS Order # EIS 202 124–F), May 11.

Haines Highway, *Alaska*. Proposed reconstruction of 40 miles of 2-lane Haines Highway, from the city of Haines to the Canadian border. Comments made by USDA, DOT, HUD, DOI. (ELR Order # 4468) (NTIS Order # EIS–72 4468–F), May 16.

Mesa-Payson Highway, Gila County, *Arizona*. Proposed reconstruction of 26 miles of highway (the "beeline", or S.R. 87). An unspecified amount of land will be lost to the project. Comments made by USDA, EPA, HUD, DOI, and state and local agencies. (ELR Order # 4494) (NTIS Order # EIS 204 022–F), May 17.

US 270, Hot Spring County, *Arkansas*. Proposed reconstruction (partially on new location) of 3.227 miles of US 270, from 2 to 4 lanes. Twelve residences and 6 businesses would be displaced by the action. Comments made by USDA, EPA, HEW, HUD, DOI, and state and local agencies. (ELR Order # 4517, 25 pages) (NTIS Order # EIS–72 4517–F), May 23.

Project T–3067(4), Sacramento County, *California*. Proposed construction of a 0.4 mile highway overpass, over the main lines of the Southern Pacific Railway. An unspecified number of displacements will occur. (ELR Order #4392, 69 pages) (NTIS Order #PB–208 952–F), May 8.

Project T–3072(10), Santa Clara, *California*. Proposed widening of two streets (F.A.P. 65 and F.A.S. Route 1009) at their intersection, and installation of traffic signals. Two residences and 2 businesses will be lost to the project. A 4(f) statement is required as land will be taken from a city park. Comments made by DOI and regional agencies. (ELR Order #4380, 49 pages) (NTIS Order #PB–208 842–F), May 8.

Pedestrian Overcross, Merced County, *California*. Proposed construction of a pedestrian overcrossing of State Highway 152. The facility will connect 2 portions of the City's school facilities which are severed by the existing road. A 4(f) statement would be required as the Los Banos Recreation Park would be affected by the project. Comments made by DOI, state and local agencies. (ELR Order #4452) (NTIS Order #EIS 203 812–F), May 11.

Inyo National Forest, *California*. Proposed reconstruction, widening, and hardening of 2.67 miles of an existing dirt road in the Forest, the Minarets Summit Route. The road leads to the Devils Postpile National Monument in the Red Meadows Area. Construction of the road will involve cuts into hillside slopes, the crossing of 3 avalanche fields, and the stabilization of 3′ deep pumice soils. Comments made by USDA, COE, DOI, and state agencies. (ELR Order #4543, 84 pages) (NTIS Order #EIS–72 4543–F), May 25.

State Highway 82, Garfield County, *Colorado*. Proposed widening of 2 miles of S.H. 82 from 2 to 4 lanes, beginning at its intersection with S.H. 133 and running south. Comments made by DOI and DOT. (ELR Order #4505) (NTIS Order #EIS 72 4505F), May 19.

Route A1A, Volusia County, *Florida*, Reconstruction of 4.1 miles of highway from 2 to 4 lanes. Two routes are under consideration. Comments made by EPA, HUD, and DOI. (ELR Order #04507) (NTIS Order #EIS 72 4507F), May 19.

Moreland Avenue, De Kalb and Fulton Counties, *Georgia*. Proposed reconstruction and widening of 4 miles of Moreland Avenue (S.R. 160), including the construction of 2 new bridges. An unspecified number of displacements will occur; a 4(f) statement will be filed as local park land would be affected by the project. Comments made by COE, EPA, HUD, DOI, and state and local agencies. (ELR Order #4442) (NTIS Order #EIS 72 4442–F), May 11.

Project S–2114, Jenkins County, *Georgia*. Proposed construction of 5.055 miles of 2-lane State Route 17 along an existing stretch of unpaved country road. Comments made by USDA, EPA, DOT, HUD, DOE, and state and local agencies. (ELR Order #4450) (NTIS Order #EIS 201 396–F), May 11.

State Route 56, Athens County, *Georgia*. Proposed construction of 2.6 miles of 2-lane highway, on new location. An unspecified number of residences and amount of acreage will be committed to the project; one dairy farm will be severed by the action. Comments made by EPA, HUD, DOI, and state agencies. (ELR Order #4352, 27 pages) (NTIS Order #PB–204, 160–F), May 2.

I–75 and S.R. 5, Cobb County, *Georgia*. Proposed construction of 7.39 miles of 4 and 6 lane fully controlled access highway, in 3 sections. Approximately 30 residences and 2 businesses will be displaced by the action. Comments made by DOC, EPA, HEW, HUD, DOI, state and regional agencies. (ELR Order #4514) (NTIS Order #EIS 72 4514F), May 19.

Supplemental Freeway F.A. 405, (F–5), Peoria, Marshall, and Putman Counties, *Illinois*. Proposed construction of approximately 36 miles of new highway. Several alternative routes are under consideration. An unspecified number of residences and amount of land will be committed to the action. Comments made by USDA, HUD, DOI, and

DOT. (ELR Order #04508) (NTIS Order #EIS 72 4508 F), May 19.

F.A.P. Route 411, Vermilion County, *Illinois*. Proposed construction of an 18 mile section of 14 lane highway the entirety of which will ultimately link Chicago with southern Illinois along the east edge of the state. An unspecified number of residences and amount of land will be committed to the project. Comments made by USDA, EPA, COE, DOI, DOT, DOC. (ELR Order #04493) (NTIS Order #72 4493F), May 17.

FAS Route 187, Richland County, *Illinois*. Proposed reconstruction and widening of 1.5 miles of FAS Route 187. Fourteen residences and 9 businesses would be displaced by the action. A 4(f) statement would be required as land would be taken from Olney Park. Comments made by: DOI, DOT, state and local agencies (ELR Order #4495) (NTIS Order #EIS 200 005F), May 17.

F.A.S. 175, Franklin County, *Indiana*. Proposed construction of a new 2-lane bridge on F.A.S. 175 (S.R. 1), over the White River. Total length of the project, including approaches, is 1.3 miles. Two residences would be displaced by the action. Comments made by USDA, EPA, DOI, DOT, state and local agencies. (ELR Order #4480) (NTIS Order #EIS 203 689F), May 16.

I–380, Linn County, *Iowa*. Proposed construction of two, 3-lane roadways in urban Cedar Rapids. Total project length is 1.2 miles. Eighty families and 16 businesses will be displaced by the project. Comments made by USDA, EPA, DOI, state and local agencies. (ELR Order #4348, 30 pages) (NTIS Order #PB–200 765–F), May 2.

US 50, Ford County, *Kansas*. Proposed reconstruction of 0.7 mile of 4-lane highway, in urban Dodge City. Comments made by USDA, Army COE, USCG, EPA, HEW, DOI, and state agencies. (ELR Order #4347, 31 pages) (NTIS Order #PB–201 771–F), May 2.

US 119, Harlan and Letcher Counties, *Kentucky*. Proposed reconstruction of 6.6 miles of US 119. Sixty-three residences, 6 businesses and 3 churches will be displaced by the project; 330 acres will be permanently lost, and one stream will be channelized. A 4(f) statement will be filed as a city-owned park would be taken by the project. Comments made by DOI, DOT, OEO, state and local agencies. (ELR Order #4481) (NTIS Order #PB–202 131–F), May 17.

Harlan Road, Harlan County, *Kentucky*. Proposed reconstruction of 6.05 miles of the Harlan-Cumberland-Whitesburg Road (US 119). Several streams would be crossed and/or channelized by the project; thirty residences will be displaced and 325 acres of land committed. Comments made by EPA, HUD, DOI, DOT, state and local agencies. (ELR Order #4476) (NTIS Order #EIS 72 4476–F), May 16.

Project I–24–1(2), McCracken County, *Kentucky*. Proposed construction of 4.072 miles of new 4 lane highway. Twenty-four residences would be displaced by the action. Comments made by USDA, EPA, HUD, DOI, TVA, DOT, and state agencies. (ELR Order # 4346, 53 pages) (NTIS Order # PB–208 731–F), May 2.

US 11, Hagerstown, *Maryland*. Proposed relocation of 0.38 mile of highway. Fifty-nine persons will be displaced by the action. Comments made by USDA, EPA, HUD, DOI, state and local agencies. (ELR Order # 04585) (NTIS Order # PB–201 241–F), May 8.

Dorchester County, *Maryland*. Proposed reconstruction of 1.976 miles of Maryland Route 16, between Parsons Creek and Slaughter Creek. An unspecified amount of land would be committed to the project. Comments made by USDA, EPA, HUD, DOT, state and local agencies. (ELR Order # 4469) (NTIS Order # EIS 201 565–F), May 16.

US 131, Montcalm, Mecosta, and Osceola Counties, *Michigan*. Proposed relocation and reconstruction to freeway standards, of 41 miles of US 131. Approximately 30 residences and a similar number of farms will be displaced by the project, depending upon the route chosen. A 4(f) statement may be filed, as several recreation sites are located in the proposed corridor. Comments made by USDA, Army COE, DOC, EPA, DOI, DOT, and state agencies. (ELR Order # 4387, 209 pages) (NTIS Order # PB–200 937–F), May 8.

M–43, Kalamazoo County, *Michigan*. Proposed reconstruction of 11.5 miles of 2-lane M–43, partially on new location. Approximately 144 acres would be committed to the project; 31 residences and 11 businesses would be displaced. Comments made by USDA, COE, DOC, EPA, DOI, DOT, HUD, state and local agencies (ELR Order # 4447) (NTIS Order # 72–4447–F), May 11.

State Highway 24, Nicollet and Blue Earth Counties, *Minnesota*. Proposed construction of a new 2-lane bridge on Nicollet County State Aid Highway 24, over the Minnesota River. Total length of the bridge and access ramps is 1.02 miles. An unspecified amount of land will be committed to the project. Comments made by USDA, COE, EPA, FPC, HEW, DOI, OEO, DOT, state and local agencies. (ELR Order # 4446) (NTIS # EIS 72–4446–F), May 11.

Route 66, Jasper County, *Missouri*. Proposed construction of 9.3 miles of 4-lane highway, much of it on new location. Eighteen families, two businesses and one farm will be displaced by the action. Comments made by USDA, EPA, HUD, DOI, and DOT. (ELR Order #04513) (NTIS Order #EIS 72 4513F), May 19.

Project U–515(8), Douglas County, *Nebraska*. Proposed construction of 0.8 miles of 4-lane urban roadway in South Omaha. Forty-two single family residences, 19 trailer homes, 56 flats, 2 churches and 29 businesses would be displaced by the action. Comments made by USDA, COE, EPA, HUD, DOI, state and local agencies. (ELR Order #4470) (NTIS Order # EIS 204–100–F), May 16.

US 3, Belknap County, *New Hampshire*. Proposed construction of a bridge and approaches, totaling 0.75 mile in length. Three residences and 10 businesses would be displaced by the action. Comments made by USDA, USCG, EPA, HEW, HUD, DOI, OEO, DOT, and one regional agency. (ELR Order #4342, 50 pages), (NTIS Order #PB–203 227–F), May 2.

Route 130, Burlington County, *New Jersey*. Proposed replacement of an existing 4 lane bridge on Route 130 over Rancocas Creek with a 6-lane structure. Thirty-eight residences and 10 businesses would be displaced by the action. Comments made by HUD, DOT, state and local agencies. (ELR Order #4482) (NTIS Order EIS 200 015–F), May 17.

Route 5, Herkimer County, *New York*. Proposed reconstruction of Route 5 at its intersection with County Roads 26 and 37 in the Town of Schuyler. Five residences and 1 business would be displaced by the action. Comments made by EPA, DOI, state and local agencies. (ELR Order #4467) (NTIS Order # EIS 199 245–F), May 16.

US 70, Jones and Craven Counties, *North Carolina*. Proposed reconstruction from 2 to 4 lanes, of 19 miles of US 70. Comments made by USDA, COE, GSA, HEW, DOI, OEO, state and local agencies. (ELR Order #4383 80 pages) (NTIS Order #EIS 72 4383) Nay 8.

NC 24, Cumberland County, *North Carolina*. Proposed construction of a 5-lane highway across the Cape Fear River. Eight families and five businesses would be displaced. Portions of two streams will be channelized and land will be taken from a local park, necessitating a 4(f) statement. Comments made by USDA, COE, EPA, GSA, HUD, DOI, and OEO. (ELR Order #4384, 48 pages.) (NTIS Order EIS 72 4384), May 8.

Tarboro Street (Sk 2564), Wake County, *North Carolina*. Proposed widening of 2.7 miles of roadway from 2 to 4 lanes. Seven families and two businesses would be displaced by the action. Comments made by USDA, EPA, GSA, DOI, and DOT. (ELR Order #04504) (NTIS Order #EIS 72 4504D), May 19.

New Bern Bypass, Craven County, *North Carolina*. Proposed construction of a 4-lane US 70 Bypass at New Bern, from Clarks to James City. Two streams would be spanned by bridges along the 8.1 mile route; 33 residences and 8 businesses would be displaced. Comments made by USDA, COE, EPA, HUD, DOI, OEO, state and local agencies. (ELR Order #4475) (NTIS Order #EIS 72–4475–F), May 16.

Ward County Road No. 2, Ward County, *North Dakota*. Proposed reconstruction of 8 miles of 2-1 lane roadway. A (4(f) statement will be filed as public park land would be taken by the project. Comments made by COE (ELR Order #04502) (NTIS Order #EIS 72 4502F), May 19.

State Route 60, Zanesville, *Ohio*. Proposed construction of 1.2 miles of S.R. 60, including a bridge over the Muskingum River. An unspecified number of residences and businesses will be committed to the project. Comments made by Army COE, DOC, EPA, DOI, DOT, and state agencies. (ELR Order #4344, 41 pages) (NTIS #PB–202, 425–F).

State Route 45, Columbiana County, *Ohio*. Proposed construction of S.R. 45, a 4-lane bypass of Lisbon. One farm and 7 residences would be displaced by the action; 150 acres would be taken. Comments made by EPA, HUD, DOI, state and local agencies. (ELR Order #4471) (NTIS Order #EIS 72 4471–F), May 16.

State Route 235, Clark and Champaign Counties, *Ohio*. Proposed reconstruction of 16 miles of 2-lane S.R. 235. Sixteen residences will be displaced by the action and an unspecified number of acres committed to it. Comments made by EPA, DOI, state and local agencies. (ELR Order #4445) (NTIS Order #EIS 202 438–F), May 11.

S.R. 73, Adams County, *Ohio*. Construction of a new bridge over Ohio Brush Creek on S.R. 73, a 2-lane roadway. Total length of the project, including approaches, is 0.55 mile. Seven acres of right-of-way, plus land owned by the Ohio Historical Society at its Serpent Mount State Park, will be committed to the project. Comments made by USDA, COE, HUD, DOI, DOT, state and local agencies, and concerned citizens. (ELR Order #4548, 31 pages) (NTIS Order #EIS 72 4548–F), May 26.

U.S. 62, Grady County, *Oklahoma*. Proposed reconstruction, partially on new location, of 7.6 miles of U.S. 62. Two additional lanes will be added to the existing two. Nine families and two businesses will be displaced by the action; 120 acres will be committed. Comments made by DOI and state agencies. ELR Order #4412, 25 pages) NTIS Order #PB–200 188–F), May 10.

Diamond Lake Bypass, Douglas County, *Oregon*. Proposed construction of 5 miles of 2-lane Bypass, as Oregon FH Route 46, from the intersection of S.R.'s 138 and 230 north. Approximately 100 acres of forest land will be lost to the project. Comments made by USDA, state and local agencies. (ELR Order #4477) (NTIS Order #EIS 202 802–F), May 16.

FAS Route 266, Lycoming County, *Pennsylvania*. Proposed reconstruction of 0.53 mile of 2 lane roadway, including one bridge. Comments made by EPA and state agencies. (ELR Order #4349, 58 pages) (NTIS Order #PB–202 121–F), May 2.

Legislative Route 10001, Butler and Beaver Counties, *Pennsylvania*. Proposed construction of 2.8 miles of new 2-lane highway, L.R. 10001. Twenty acres would be committed to the action; 2 families would be displaced. Comments made by ARC, HUD, state and local agencies. (ELR Order #4484) (NTIS Order #EIS 202 901–F), May 17.

Legislative Route 11804, Cambria County, *Pennsylvania*. Proposed reconstruction of 1.7 miles of L.R. 11804, an existing 2-lane facility. A 4(f) statement will be filed as 14 acres would be taken from Prince Gallitzin

State Park. Comments made by USDA, EPA, state and local agencies. (ELR Order #4448) (NTIS Order #EIS 202 083–F), May 11.

Memorial Boulevard, Newport County, *Rhode Island*. Proposed construction of a 0.6 mile connecting link between Memorial Boulevard and an interchange with S.R. 138 in urban Newport. The road will disrupt an area of significant historical importance, segments of which are on the National Register of Historic Places. A 4(f) statement will be filed. Fifth-three residences will be displaced by the action. Comments made by USDA, USCG, EPA, FPC, HEW, HUD, DOI, DOT, state and local agencies, and concerned citizens. (ELR Order #4546, 172 pages) (NTIS Order #EIS–72 4546–F), May 26.

F.A.S. 79 (S.R. 61), Anderson County, *Tennessee*. Proposed reconstruction of 5 miles of 2-lane roadway. Sixteen families would be displaced by the project. Comments made by USDA, HEW, DOI, TVA, and DOT. (ELR Order #04506) (NTIS Order #EIS 72 4506F), May 19.

State Highway 320, Falls and Bell Counties, *Texas*. Proposed reconstruction of 10.3 miles of 2-lane highway, 2.5 miles of it on new location. One business will be displaced by the action. Comments made by USDA, Army COE, EPA, HEW, HUD, and local agencies. (ELR Order # 4350, 40 pages) (NTIS Order # PB–202 719–F), May 2.

Project S–3234, Gregg County, *Texas*. Proposed construction of Loop 485, a 4-lane, 2.1 mile connector between US 271 and US 80. Two residences will be dislocated by the project. Comments made by EPA. (ELR Order # 4340, 46 pages) (NTIS Order # PB–201 239–F), May 2.

U.S. 81–287, Wise County, *Texas*. Proposed reconstruction of 8.2 miles of highway from 2 to 4 lanes. Seven families would be displaced by the action. (ELR Order # 4380, 33 pages) (NTIS Order # PB–201 842–F), May 5.

US 287, Wilbarger County, *Texas*. Reconstruction and widening of US 287 from 2 to 4 lanes, for a total length of 10.6 miles. Five residences and one business would be displaced by the action. Comments made by USDA, EPA, HEW, and DOT. (ELR Order # 04500) (NTIS Order # EIS 72 4500F), May 19.

I–90, King County, *Washington*. Proposed construction of 3.08 miles of 10-lane I–90, from SR–5 to the west shore of Mercer Island, in urban Seattle. An unspecified number of residences and amount of land will be lost to the project. A 4(f) statement will be required as land would be taken from two local parks. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, state, local, and regional agencies. (ELR Order # 4379, 163 pages) (NTIS Order # EIS 72 4379F), May 5.

I–90, King County, *Washington*. Proposed construction of a 10-lane freeway, I–90, across Mercer Island, a large island in Lake Washington. Total project length is three miles. An unspecified number of residences and amount of land will be lost to the project. A 4(f) statement will be required as land would be taken from Luther Burbank Park. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, state, local, and regional agencies. (ELR Order #4378, 129 pages) (NTIS Order #EIS 72 4378F), May 5.

Campus Loop Road, Whitman County, *Washington*. Proposed construction of 7 miles of 4-lane Campus Loop Road, some of it on the location of existing S.R. 195. Two residents would be displaced by the action; an unspecified amount of farmland and wildlife habitat will be lost. Comments made by USDA, COE, EPA, HUD, DOI, DOT, state and local agencies. (ELR Order #4466) (#EIS 199 612–F), May 16.

Project S–0487 (5), Racine County, *Wisconsin*. Proposed construction of 2.4 miles of 2 lane rural roadway. Comments made by EPA, HEW, DOT, state and local agencies. (ELR Order #4345) (NTIS Order PB–202 426–F), May 2.

State Trunk Highway 71, Monroe and Juneau Counties, *Wisconsin*. Proposed reconstruction of 6.0 miles of 2 lane S.H. 71. One business and 88 acres of land would be committed to the project. A 4(f) statement will be filed as recreational land would be taken by the project. Comments made by USDA, EPA, HUD, DOI, DOT, state and local agencies. (ELR Order #4441) (NTIS Order EIS 200 384–F), May 13.

Project S–0487(5), Racine County, *Wisconsin*. Proposed construction of 2.4 miles of 2 lane rural roadway. Comments made by EPA, HEW, DOI, and one regional agency. (ELR Order #4345, 18 pages), (NTIS Order #PB–202 426–F), May 2.

U.S. 151, Fond Du Lac County, *Wisconsin*. Proposed reconstruction of a 4 mile segment of U.S. 151. Three corridors for the project are presently under consideration; each would require approximately 60 acres of land. Comments made by USDA, and EPA. (ELR Order #4503) (NTIS Order EIS 72–4503F), May 19.

URBAN MASS TRANSPORTATION ADMINISTRATION

FINAL

Second Avenue Subway, Manhattan, *New York*. The statement is concerned with an application from the New York City Transit Authority for a $254,000,000 loan to assist in the final design and construction of 4.7 miles of new subway under Second Avenue, in east Manhattan. One business will be displaced by the action. Comments made by USDA, DOI and one local agency. (ELR Order #4519, 92 pages) (NTIS Order #EIS–72 4519–F), May 23.

U.S. WATER RESOURCES COUNCIL

Contact: Mr. W. Don Maughan, U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037, (202) 254–6408.

Title and description, date.

DRAFT

Red River Basin, *Arkansas, Louisiana, Oklahoma,* and *Texas*. The statement is a proposed comprehensive plan for the development of the Red River Basin. Flood protection, water supply, navigation, power, and wildlife needs are considered. Several dams, reservoirs, flood control structures and channelization projects are proposed. (ELR Order # 4397, 100 pages) (NTIS Order # PB–208 876–D), May 8.

NATIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1: Conforms to Standard Federal Regions 1 & 2, (Conn., Me., Mass., N.H., R.I., Vt., N.J.. N.Y., Puerto Rico)

Administrator: (G. D. Love. 4 Normanskill Blvd., Delmar, N.Y., 12054.

Region 3, (Del. D.C., Md., Pa., Va., W.Va.)

Administrator: August Schofer, 31 Hopkins Plaza, Baltimore, Md. 21201

Region 4, (Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn.)

Administrator: H. E. Stark, 1720 Peachtree Rd., N.W., Atlanta, Ga. 30309

Region 5, (Ill., Ind., Mich., Minn., Ohio, Wisc.)

Administrator: F. B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430

Region 6, (Ark., La., N.M., Okla., Texas)

Administrator: J. W. White, 819 Taylor St., Fort Worth, Texas 76102

Region 7, (Iowa, Kansas, Mo., Nebr.)

Administrator: J. B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Mo. 64113

Region 8, (Colo., Montana., N.D., S.D., Utah, Wyoming)

Administrator: W. H. Baugh (Acting), Rm. 242, Bldg. 40, Denver Federal Center, Denver, Colo. 80225

Region 9, (Arizona, Calif., Hawaii, Nev.)

Administrator: S. E. Farin, 450 Golden Gate Ave., San Francisco, Calif. 94102

Region 10, (Alaska, Idaho, Oregon, Wash.)

Administrator: R. H. Phillips (222 Southwest Morrison St., Portland, Oreg. 97204

Conforms to Standard Federal Regions 1 & 2,

AVAILABILITY OF ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from May 1, 1972, to May 31, 1972, as required by Section 102(2) (C) of the *National Environmental Policy Act* of 1969 and Section 309 of the *Clean Air Act*, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

SHELDON MEYERS.
Director, Office of Federal Activities.

APPENDIX I.—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MAY 1 AND 31, 1972

Identifying number and title	General nature of comments	Source for copies of comments
ATOMIC ENERGY COMMISSION		
D–AEC–00045–27: Midwest Fuels recovery plant	2	A
D–AEC–00036–31: Los Alamos Scientific Lab. plutonium facility	2	A
D–AEC–00035–45: Rocky Flats plutonium recovery facility	2	A
D–AEC–00030–54: Radioctive waste evaporator, Richland, Wash	2	A
D–AEC–06040–00: Indian Point unit No. 2 nuclear generator plant	3	A
D–AEC–00046–03: Vermont Yankee nuclear station	1	A
CORPS OF ENGINEERS		
D–COE–90030–00: TNT plant air pollution abatement report	2	A
D–COE–61043–22: Cowikee State Park Lakepoint resort, W. P. George Lake, Chattahouchee River, Ala.	2	E
D–COE–35C20–18: Maintenance dredging at Military Ocean Terminal, Sunny Point, N.C.	1	E
D–COE–34029–23: Cumberland River Cordell Hill Dam and Reservoir, Tenn.	2	E
D–COE–30031–24: Bank stabilization, Yazoo Basin Delta area, Mississippi.	1	E
D–COE–35017–27: Farmers Levee and Drainage District, Mason County, Ill.	1	F
D–COE–05070–11: Hannibal locks and dam, Ohio River and West Virginia.	1	F
D–COE–35022–29: Pilot sediment removal program, Ohio	1	F
D–COE–36132–29: Portsmouth-New Boston, Scioto County, Ohio	3	F
D–COE–02020–35: Crude oil and natural gas along Louisiana coast	2	G
D–COE–32318–45: Russian River Basin channel improvement and bank stabilization, Sonoma and Mendocino Counties, Calif.	3	J
D–COE–32337–57: King Cove small boat harbor	1	K

Identifying number and title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE		
D-DOA-24032-12: Sewage sludge incorporation, Goddard Space Center, Maryland.	1	A
D-DOA-82035-31: Mosquito control program on the Coronado National Forest, Arizona.	3	A
D-DOA-82032-01: Removal of Canada plum to control green peach aphid, Aroostock and Penobscot Counties, Maine.	1	A
D-DOA-36120-18: Chicod Creek watershed, Pitt and Beaufort Counties, N.C.	2	E
D-DOA-32340-24: Bowie Dam and Lake, Miss. and Ala	2	E
D-DOA 36129-20: Evans County, Ga. watershed, Evans, Candler, and Tattnal.	2	E
D-DOA-36126-20: Little Creek watershed, Wheeler and Laurens Counties, Ga.	2	E
D-DOA-36122-31: Eagle-Tumblewood Draw watershed, Eddy and Chaves Counties, N. Mex.	2	G
D-DOA-36121-37: Dickman watershed, Little Sioux flood prevention	1	H
D-DOA-36125-37: Simon Run watershed, Pottawattamie Counties, Iowa.	1	H
D-DOA-62015-48: Proposed timber harvest, Tonto Working Circle, Tonto National Forest, Ariz.	2	J
D-DOA-82034-55: Eis on Suislaw National Forest herbicide program	1	K
D-DOA-61048-55: Mount Ashland chairlift No. 2, Oregon	2	K
D-DOA-61041-55: Eis on Pelican Buite winter sports site, Oregon	3	K
DEPARTMENT OF COMMERCE		
D-DOC-89091-35: Construction of Sabine River diversion, Lake Charles, La.	2	G
D-DOC-89082-54: North Greenwood West storm drain project	1	K
D-DOC-89075-65: Expo '74	1	K
D-DOC-81079-00: Harborview Park/parking structure, Washington	2	K
DEPARTMENT OF DEFENSE		
D-DOD-89025-00: Coal procurement policies	2	A
D-DOD-84010-00: Pacific cratering experiments	1	A
D-DOD-84009-00: Advanced ballistic reentry systems radioactive sensors.	1	A
D-DOD-84008-00: Over the horizon radar system	1	A
D-DOD-24035-21: Wastewater treatment facilities, Tyndall AFB	1	A
D-DOD-10019-05: Naval Submarine Base, New London, Conn	3	B
D-DOD-11016-24: Keesler Air Force Base runway extension, Mississippi.	2	
D-DOD-11015-21: Eglin Air Force Base, Fla	1	E
D-DOD-11014-40: Project Diamond Ore, Montana	2	I
DEPARTMENT OF THE INTERIOR		
D-DOI-02026-35: L972 Outer Continental Shelf oil and gas general lease sale—offshore eastern Louisiana.	2	A
D-DOI-61025-00: Potomac Heritage Trail	1	A
D-DOI-01016-11: Strip mined area reclamation and recreation Center.	1	D
D-DOI-61044-18: Eno Park area acquisition, Durham, N.C	2	E
D-DOI-61047-31: Proposed master plan, White Sands National Monument.	2	G
D-DOI-36117-36: South Fork watershed, Pawnee and Richardson Counties.	1	H
D-DOI-61039-43: Proposed wilderness, Yellowstone National Park	1	I
D-DOI-61038-43: Proposed master plan for Yellowstone Park	1	I
D-DOI-61036-43: Proposed Tetons Wilderness, Grand Teton Park	1	I
D-DOI-61051-43: Proposed master plan, Grand Teton National Park	1	I
D-DOI-89077-46: Diablo Canyon desalting project, San Luis Obispo County, Calif.	2	J
DEPARTMENT OF TRANSPORTATION		
D-DOT-50088-12: Bridge across Patapsco River, Md	1	A
D-DOT-41280-00: Proposed general guidelines for the consideration of economic, social, and environmental effects of highway projects.	1	A
D-DOT-41181-05: Reconstruction of Route 86, Vernon-Tolland, Conn	2	B
D-DOT-41154-05: Interstate 84, Manchester-Bolton-Coventry-Andover, Columbia, Conn.	3	B
D-DOT-41272-00: Project Manati-Ciales, relocation of highway FR-149	1	C
D-DOT-41236-07: Second Avenue project, New York-UGT-44, Manhattan.	2	C
D-DOT-41182-07: Sunrise Highway extension Suffolk County N.Y	2	C
D-DOT-41169-12: Maryland Route 235 0.8 mile north of Hollywood Street.	1	D
D-DOT-41168-12: Dualization of Maryland Routes 2 and 4, Calvert County, Md.	1	D
D-DOT-41128-15: Route 33 proposed Lehigh Street viaduct, Richmond, Va.	1	D
D-DOT-41260-11: L.R. 16059, Secaoi (Cook Forest State Park), Pa	1	D
D-DOT-41235-11: L.R. 1142, Centre County, Pa	2	D
D-DOT-41172-12: Alternate Route 58 from Big Stone Gap to Appalachia Wise County, Md.	2	D
D-DOT-51143-24: Gulf Central Airport, Stennis Field, Bay St. Louis, Miss.	2	E
D-DOT-50091-19: Proposed Ash Slurry pipeline bridge across Edisto River, S.C.	2	E
D-DOT-41299-21: State Road 71, Jackson County, Fla	1	E
D-DOT-41264-19: Rutherford Road to Greenville, S.C	1	E
D-DOT-41214-20: State Road 95, Escambia County, Fla	1	E
D-DOT-41182-22: Elmore County relocate Alabama-14, Wetumka to Talladega, Ala.	2	E
D-DOT-41223-18: Newton eastern urban loop, Catawba, N.C	1	E
D-DOT-41217-21: State Road 516, Brevard County, Fla	1	E
D-DOT-41216-21: State Road 20, Washington County, Fla	1	E
D-DOT-41215-23: Project F-024-3( ), Putnam County, Tenn	1	E
D-DOT-41227-17: APD127 (43) Pike-Letcher Counties, Ky	1	E
D-DOT-41226-18: US221 Ashe County, N.C	1	E
D-DOT-41225-21: State Road 20 FAS Route 12, Walton County, Fla	1	E
D-DOT-41224-21: State Road 20 (U.S. 27), Taylor County, Fla	1	E
D-DOT-51149-24: Jackson Municipal Airport, Jackson, Miss	2	E
D-DOT-51144-19: Fairfield County, Winnsboro Airport S.C	2	E
D-DOT-41263-20: F-022-1(4) Spalding-Butts Counties, Ga	1	E
D-DOT-41243-23: Grainger County relocation of State Route 32, Tenn	2	E
D-DOT-41228-21: State Road 699, Pinellas County, Fla	1	E
D-DOT-41233-29: Interstate 280 (upgrading), Wood County, Ohio	1	F
D-DOT-41232-27: I-55 rest area, Will county, Ill	1	F
D-DOT-41205-29: Township Road No. 107 (O regon Road), Wood County, Ohio.	1	F
D-DOT-41176-28: U.S. 30 (improvement) Allen County, Ind	1	F
D-DOT-41159-29: State Route 52/7/607, Lawrence County, Ohio	2	F
D-DOT-40964-27: FA Route 2, Winnebago County, Ill	1	F
D-DOT-51140-28: Kokomo Municipal Airport, Howard County, Ind	1	F
D-DOT-51139-27: Litchfield Municipal Airport, Montgomery County, Ill.	2	F
D-DOT-51138-30: Waseca Municipal Airport, Waseca County, Minn	2	F
D-DOT-51137-30: Fosston Municipal Airport, Polk County, Minn	2	F
D-DOT-51130-25: Gladwin Airport, Gladwin County, Mich	1	F
D-DOT-50093-27: Willow Springs Road Bridge replacement (FAS 119), Cook County, Ill.	1	F
D-DOT-50089-25: Highway-bridge-Tittabawassee River, Midland County, Mich.	1	F
D-DOT-41241-29: FAS Route 145-STH 60-STH 143 CTH "G," Washington County, Wis.	1	F
D-DOT-41191-27: La Salle County, FA Route 24, Illinois	1	F
D-DOT-41230-29: U.S. Route 30S and U.S. Route 68 (relocation), Harding County, Ohio.	1	F
D-DOT-41204-27: F.A. Route 45 (Mannheim Road), Lake Street to Irving Park Road, Cook County, Ill.	1	F
D-DOT-41203-29: S.R. 252 (relocation) Columbia Road, Cuyahoga County, Ohio.	2	F
D-DOT-41193-25: M-21 relocation, Lapeer and St. Clair Counties, Mich.	1	F
D-DOT-51155-25: Marlette Airport, Sanilac County, Mich	1	F
D-DOT-51148-29: Cuyahoga County Airport, Cleveland, Ohio	1	F
D-DOT-51146-30: Aitkin Municipal Airport, Aitkin County, Minn	1	F
D-DOT-51145-27: Edgar County Airport, Illinois	1	F
D-DOT-41257-34: State Highway 360 from proposed SH121 south of Grapevine.	2	G
D-DOT-41213-32: Avery Drive in Tulsa and Sand Springs, Okla., intersection of Highways 51 and 97.	1	G
D-DOT-41199-38: K-7 Johnson and Wyandotte, Kans	2	H
D-DOT-41197-39: Routes J and M, Reynolds County, Mo	2	H
D-DOT-51142-36: Grant Municipal Airport, Grant, Nebr	1	H
D-DOT-41266-38: (SF) 54-48 F 038-2(20), Kingman County, Kans	1	H
D-DOT-41249-36: S-126(6), Hayes Center-North, S-72(5) Trenton-N	2	H
D-DOT-41247-37: Linn County, U.S. 151, Iowa	1	H
D-DOT-41219-36: F-2(21) and F-246(19), Dawson-Falls City, Nebr	1	H
D-DOT-41218-38: 89 S 1567(1), Shawnee County, Kans	1	H
D-DOT-41200-38: Johnson County, K-7 highway from I-35 north through Olathe to proposed K-10 and K-12.	2	H
D-DOT-41165-41: Highway F6002(05)910 for 5th St., North, Grand Forks, N. Dak.	3	I
D-DOT-41267-54: South 272d St., interchange, Washington	1	K
D-DOT-41221-56: I-IG-80N-2(38)12C East, Glenns Ferry, Idaho	1	K
D-DOT-41220-57: Homer East Road, Alaska	2	K
D-DOT-41148-57: Fish Creek Road, Alaska	1	K
FEDERAL POWER COMMISSION		
D-FPC-89056-12: Authority to import Algerian LNG, Cove Point, Md	2	A
D-FPC-07036-00: Application for new license, York Haven project No. 1888.	1	D
D-FPC-05373-15: Application for new license, Dan Rivers, Inc., Virginia.	2	D
D-FPC-07048-20: Georgia Power Co., Lloyd Shoals project, Georgia	2	E
D-FPC-05350-19: Project 2534 Georgia and South Carolina, Tullulah and Tugalo Rivers.	1	E
D-FPC-05372-18: Nantahala project, Macon and Clay Counties, N. C	1	E
D-FPC-05371-20: Application for relicensing, Georgia Power Co., Flint River project No. 1218, Georgia.	1	E
D-FPC-05374-30: Brainerd hydroelectric project No. 2533-Crow Wing County, Minn.	1	F
D-FPC-03022-35: Michigan-Wisconsin Pipe Line Co., Lacassine project.	2	G
GENERAL SERVICES ADMINISTRATION		
D-GSA-21021-5 4: Proposed disposal of Naval Supply Center, Washington.	1	K
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE		
D-HEW-84007-33: National Center for Toxicological Research, Pine Bluffs.	1	A
D-HEW-85046-11: Proposed construction of Community College of Delaware County, Pa.	2	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-85040-16: Fort Lincoln urban renewal project	2	A
D-HUD-85044-07: Proposed new community of Welfare Island, N.Y	2	C
D-HUD-85043-07: Proposed new community, Lysander, Onondaga County, Syracuse, N.Y.	2	C
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION		
D-NAS-12011-00: Space shuttle program	1	A
DEPARTMENT OF THE TREASURY		
D-TRE-90025-00: Proposal for imposition of a tax on sulfur emission	2	A
D-TRE-90026-00: Proposed approval of polyvinyl liquor bottles	3	A
TENNESSEE VALLEY AUTHORITY		
D-TVA-06038-23: Watts Bar nuclear plant units 1 and 2, Tennessee	1	E

APPENDIX II

PROPOSED FEDERAL REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN MAY 1, 1972, AND MAY 31, 1972

DEPARTMENT OF AGRICULTURE		
R-DOA-90047-00: Revocation and suspension of grazing permits	1	A
R-DOA-90046-00: Forest Service—Use of pesticides and chemicals on national forests, national grasslands, and administered by the Forest Service.	1	A

APPENDIX II: DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General Agreement/Lack of Objections:* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) suggest only minor changes in the proposed action or the draft impact statement; or

(c) has no comments on the draft impact statement or the proposed action.

(2) *Inadequate Information:*

The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major Changes Necessary:*

The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory:*

The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III: SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH APRIL 30, 1972 (BY AGENCY)

Agency	Draft 102's for actions on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Agriculture, Department of	65	123	188
Appalachian Regional Commission	1	0	1
Atomic Energy Commission	40	43	83
Commerce, Department of	6	7	13
Defense, Department of	4	3	7
Air Force	9	4	13
Army	5	9	14
Army Corps of Engineers	199	339	438
Navy	5	9	14
Delaware River Basin Commission	3	0	3
Environmental Protection Agency	9	14	23
Federal Power Commission	45	7	52
General Services Administration	13	28	41
HEW, Department of	5	2	7
HUD, Department of	10	24	34
Interior, Department of	86	50	136
International Boundary and Water Commission—United States and Mexico	2	4	6
Interstate Commerce Commission	2	0	2
Justice, Department of	1	1	2
National Aeronautics and Space Administration	12	11	23
National Capital Planning Commission	1	0	1
National Science Foundation	0	2	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Pacific Northwest River Basins Commission	2	0	2
Tennessee Valley Authority	7	8	15
Transportation, Department of	837	859	1,696
Treasury, Department of	4	3	7
U.S. Postal Service	1	0	1
U.S. Water Resources Council	8	0	8
Veterans' Administration	1	0	1
Total	1,381	1,552	2,933

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH MAY 31, 1972 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements have been taken
AEC nuclear development	2	20	22
Aircraft, ships, and vehicles	1	5	6
Airports	41	179	220
Buildings	6	8	14
Bridge permits	12	9	21
Defense systems	3	3	6
Forestry	6	4	10
Housing, urban problems, new communities	9	13	22
International boundary	5	2	7
Land acquisition, disposal	10	34	44
Mass transit	1	4	5
Mining	4	4	8
Military installations	10	15	25
Natural gas and oil:			
Drilling and exploration	5	5	10
Transportation, pipeline	10	5	15
Parks, wildlife refuges, recreation facilities	49	17	66
Pesticides, herbicides	14	18	32
Power:			
Hydroelectric	42	8	50
Nuclear	37	21	58
Other	14	8	22
Transmission	8	12	20
Railroads	2	1	3
Roads	621	614	1,235
Plus roads through parks	153	48	201
Space programs	2	7	9
Waste disposal:			
Detoxification of toxic substances	7	2	9
Munition disposal	2	3	5
Radioactive waste disposal	5	1	6
Sewage facilities	8	10	18
Solid wastes	3	0	3
Water:			
Beach erosion, hurricane protection	6	23	29
Irrigation	17	10	27
Navigation	70	116	186
Municipal and industrial supply	11	6	17
Permit (Refuse Act, dredge and fill)	12	1	13
Watershed protection and flood control	121	282	403
Weather modification	6	5	11
Research and development	12	12	24
Miscellaneous	29	18	47
Total	1,381	1,552	2,933

OCCUPATIONAL HEALTH AND SAFETY ACT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ASPIN. Mr. Speaker, the Nixon administration estimates that as many as 100,000 Americans may die as the result of occupationally related diseases each year—twice the number estimated by Ralph Nader's health research group.

Dr. Sidney Wolf, director of Ralph Nader's health research group, had estimated that 50,000 deaths per year were due to occupational disease. This estimate was announced at the annual meeting of the American Association for the Advancement of Science in Philadelphia last December.

Wolf's figure was based on different studies of coal mines, chemical, uranium mines and other industries and was at the time considered to be extremely high.

Now we have this startling admission by the Nixon administration which demonstrates that millions of workers literally risk their lives by entering America's plants and factories.

The administration's estimate of 100,000 occupationally related deaths a year, was contained in its annual report to the Congress on implementation of the 1970 Occupational Health and Safety Act.

On the basis of nonviolent occupationally related deaths among metal miners, smelters, and uranium miners the report estimates that 100,000 such deaths occur each year. The major conclusion of the administration's report on occupational health and safety are:

Occupationally related injuries have increased 29% during the past decade.

Some state and local governments have done nothing in the field of occupational health and safety.

During approximately 14,000 inspections in 1971 by the Labor Department for violation of occupational health and safety standards, 35,000 specific violations have been uncovered.

The goal of assuring a safe and healthful work place for the nation's workers . . . cannot be done quickly.

Limited funding and the adminstration's disinterest in the problem, are costing the lives of 100,000 workers a year.

Until the Nixon administration places human life above industry's profits, tens of thousands of Americans will continue to needlessly die.

The adminstration only requested $98 million in this year's budget for enforcement of the Occupational Health and Safety Act while union leaders proposed the expenditures of at least $166 million for the program. The labor unions and the Nixon adminstration have had a running battle over the adequacy of enforcement of the Occupational Health and Safety Act. The unions have charged the Federal Government has caved in to the demand of industry by delaying implementation of tough standards on the amount of asbestos contained in the atmosphere of asbestos plants until 1975.

It has been fully documented that high levels of asbestos cause asbestosis and lung cancer which takes the lives of thousands of American workers each year. But, the interests of big business are much more important to the Nixon administration than the health and even the lives of thousands of American workers.

AIR FORCE PERSONNEL IN FLOOD RESCUE EFFORTS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. KEMP. Mr. Speaker, the following letter is self-explanatory. I am also enclosing the list of those Air Force officers and enlisted men that distinguished themselves during the recent flood in South Dakota.

These men are to be commended for their action beyond the call of duty and their efforts certainly reflect credit on themselves and the Air Force:

JUNE 21, 1972.

Representative JACK KEMP,
House of Representatives,
Washington, D.C.

DEAR MR. KEMP: I have lived in Buffalo for three years and although, as an Englishman, I have not voted I hope you will not mind my regarding you as my representative and asking your help. In fact, you met my wife at a Westminster Junior Parish luncheon a year or so ago, although I don't imagine you remember.

We recently had the misfortune to be in Rapid City, South Dakota on vacation when the flood hit. We spent some time chest deep in water holding up our two children with only a small tree for protection from the force of the flood and the danger of debris. Our strength was virtually spent when six men from the nearby Air Force Base came through 200 yards of water at great personal risk to rescue us. In particular, the leadership and bravery of Captains Soll and Knutson were instrumental in bringing us to safety. All six then went back into the water and saved others.

I have written to Colonel Reed at Ellsworth Air Force Base, the men's commander, sending a check for an Air Force charity and asking some official commendation for these men; if possible, the Air Force Medal, hopefully for all six and certainly for Captains Soll and Knutson.

I am writing to you because I felt that you might be able to make some mention of this in the appropriate official places and improve the chances that these men will receive the commendation they richly deserve. I have been able to identify all six and enclose a list of names, rank, etc. Thanking you in anticipation for your help,

Yours sincerely,

NORMAN BAKER,
Associate Professor, Vice Chairman, History.

LIST OF OFFICERS AND MEN

Captain Vincent S. Soll, Jr., Serial Number 503507696.

Captain Gordon R. Knutson, Serial Number 483429511.

Staff Sgt. Walter Andrews, Serial Number 161383501.

A/1 C Charles A. Hefner, Serial Number 429026205.

Airman David E. Walther, Serial Number 359463975.

Airman Robert B. Powers, Serial Number 203150677.

NIXON'S BEST YEAR: 1972

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. SPRINGER. Mr. Speaker, many people have been wondering what the outlook for 1972 is until the end of the year.

J. A. Livingston, one of the outstanding financial columnists and analysts of the country, has written an article: "1972: Nixon's Best Year." I am sure that all of my colleagues will be interested in having Mr. Livingston's opinion which he has formed from a concensus of 56 forecasters who responded to his midyear questionnaire.

[From the Washington Star, June 25, 1972]

1972: NIXON'S BEST YEAR

(By J. A. Livingston)

"President Nixon's best year."

That's what economists forecast for 1972 at the beginning of the year, and now they forecast it again—but with greater emphasis and assurance.

Records will be set in Gross National Product, industrial production, corporate expenditures on new plant and equipment, housing starts, weekly earnings, retail sales, corporate profits, and—as you might expect—in Wall Street.

The Nixon bull market, which started in May 1970, will work to new highs by December and move upward during 1973—but at a restrained pace.

That's the consensus of 56 forecasters who responded to my midyear questionnaire. Though their occupational backgrounds are diverse—the economists are associated with corporations, banks, labor unions, universities, research organizations, government, and Wall Street houses—they are unanimous in promising President Nixon "prosperity" for his electioneering.

But their unanimity doesn't extend to Nixon's other economic objectives. Only 12 expect that Phase 2 wage-and-price regulations will succeed in getting inflation down to less than 3 percent by December. Only 11 believe that year-end employment will be in the "neighborhood of 5 percent," which I construe to mean 5.2 percent or less.

So Nixon's Democratic opponent will be able to charge that the president saved Americans from the difficult choice of high unemployment versus high inflation by giving them both!

The group expects the unemployment rate, now 5.9 percent, to diminish slowly—to 5.5 percent in December and then to 5.2 percent in June 1973.

As for the cost of living, the annual rate of increase is forecast at 3.5 percent from now to December and at 4 percent from then to June 1973. Underlying assumption: The Price Commission and Pay Board will not be able to suppress the inflationary pressures generated by bumper production, employment, and wages.

At the beginning of this year, Nixon's Council of Economic Advisers (CEA) forecast that the 1972 Gross National Product would rise by $100 billion to approximately $1147 billion.

The economists' consensus isn't far from that at $1,144 billion. But the mix—how the increase is attained—differs. The respondents foresee less growth and more inflation than the CEA, as you can see:

CEA and economists

[In percent]

Growth	6	5.5
Inflation	3.25	3.8

Consequently, 1973 will be another year of "prosperity with inflation." The consensus calls for the same rate of growth—5.5%—as this year, but the inflation rate will decline only a trifle—3.6% as against 3.8%!

As might be expected, improvement in business since January has emboldened the forecasters, and they boosted their 1972 projections. Examples: Housing starts from 2,060,000 to 2,200,000; automobile sales from 10.5 to 10.6 million; corporate profits after taxes from $52.7 billion to $55.5 billion. Moreover, profits are expected to continue to rise, reaching $61.4 billion in 1973.

THE HONORABLE GORDON CANFIELD

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. RODINO. Mr. Speaker, it is with a deep sense of loss that I mourn the untimely passing of an old and valued friend, Gordon Canfield, who was as well a former Member of this House and dean of the New Jersey congressional delegation.

I was privileged to have known Gordon as a dear friend and as a man of ability, compassion, and courage. It was these qualities which stamped his service in the House and endeared him to his constituency.

While no words, no prayers can possibly convey the sense of sorrow of those who knew him, I wish to join my colleagues in expressing my deep sentiments and sympathy to his wife, Dorothy, and to Gordon's family.

SENATE—*Wednesday, June 28, 1972*

The Senate met at 9 a.m. and was called to order by the Honorable WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, with Thee we begin this day and with Thee we shall end it. Watch over all who labor here. Guide our thoughts and guard our lips. Remember us even when we forget Thee. In all our toil strengthen us, in debate grant us magnanimity, in irritation give us patience, in confusion give us clear insight, in provocation restrain us, in weakness renew us, and in all our decisions give us Thy higher wisdom. May all that is done advance the cause of justice on earth and be in accord with Thy will. And when at length we rest, give us the peace of the righteous whose minds and hearts are fixed on Thee.

Through Him whose name is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 28, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 27, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. COURT OF CLAIMS

The second assistant legislative clerk read the nomination of Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. SCOTT. Mr. President, I rise for the purpose of noting the confirmation of Marion T. Bennett, of Maryland, as an associate judge of the U.S. Court of Claims.

Mr. Bennett has long been a commissioner and has had much experience in the area of Federal justice and Federal judicial administration. He is extremely well qualified. He is a former colleague of many of us in the other body.

I am delighted that he has been recognized by this nomination, and I congratulate him.

U.S. COURTS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. courts.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. SCOTT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR SENATE TO RESUME CONSIDERATION OF S. 3010 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, following recognition of the two leaders or their designees under the standing order, the Senate resume consideration of S. 3010, a bill providing for the continuation of programs authorized under the Economic Opportunity Act of 1964, and that the unfinished business, S. 3390, to amend the Foreign Assistance Act of 1961, be temporarily laid aside and remain in a temporarily laid aside status until disposition of S. 3010 or the close of business, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO CONSIDER THE DEBT LIMITATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, if the bill, S. 3010, is disposed of by that time, or if it is disposed of at some point during tomorrow, after its disposition, the Senate then proceed to the consideration of the debt limit bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO RESUME CONSIDERATION OF S. 3010 ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Friday next, following disposition of the bill making appropriations for public works, H.R. 15586, if the Senate has not yet disposed of S. 3010 by that time, that the Senate proceed to the consideration of S. 3010 and that the unfinished business, S. 3390, be temporarily laid aside and remain in a temporarily laid aside status until S. 3010 is disposed of, or until the close of business on Friday next, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO CONSIDER DEBT LIMITATION BILL ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, if S. 3010 is disposed of by Friday next, or during that day, that the debt limitation bill then be taken up and that the unfinished business, S. 3390, remain in a temporarily laid aside status until disposition of the two measures, or until the close of business that day, whichever is the earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SENATE TO CONVENE AT 9 A.M. ON SATURDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business on Friday next, June 30, 1972, the Senate stand in adjournment until 9 a.m. on Saturday morning, July 1, 1972.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wisconsin (Mr. Nelson) is now recognized for a period not to exceed 15 minutes.

(The remarks Mr. Nelson made at this point, on the introduction of S. 3758, on the dissemination of news and other matter, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Montana (Mr. Metcalf) is recognized for not to exceed 15 minutes.

CORPORATE SECRECY

Mr. METCALF. Mr. President, I was originally scheduled to testify this morning before the Small Business Subcommittee on Monopoly. The meeting was postponed. The material I wanted to present to the committee is of such critical importance that I have asked for this time to present it to the Senate and to disseminate it before further hearings of the subcommittee.

In collecting information from large corporations, the Government is somewhat like the wizened little mountaineer who had seven big, strapping sons. He boasted that they never disobeyed him.

"Of course," he added, "I'm right careful what I ask them to do."

The Congress has usually been "right careful" not to ask Fortune's 500 largest companies questions they do not want to answer. The job of information collecting has often been delegated to commissions. They have been "right careful" too. And Congress has not maintained oversight over the commissions. Instead, the regulated companies keep the commissions under continuous surveillance.

A commission runs a formidable gauntlet when it does decide to try to gather more information from companies. During the 1960's the Federal Trade Commission prepared a questionnaire on ownership and interlocks which it planned to submit to the Nation's 1,000 largest corporations. The questionnaire went over to the Budget Bureau. The Budget Bureau sent it to industry advisory committees. Members of the industry advisory committees came up to the Hill and obtained a prohibition on expenditures for the survey. So it was never made.

When the chairman of another commission was testifying this spring, I asked if the OMB and its industry advisory committees were giving him any trouble. He said not. Like the old mountaineer, he was being "right careful" about the questions he asked industry.

BANKS IN BROADCASTING

Collection of data on financial concentration is so inadequate that the Government becomes ludicrous in its feeble efforts to determine facts and enforce laws and regulations. Last month, for example, when the Federal Communications Commission liberalized its rules on bank ownership of broadcast companies, it admitted that banks were violating the old rules, and that the Commission did not know the extent of violations because it did not have current data.

Under the old FCC rules, one party generally could not hold more than 1 percent of a broadcast company's stock. Under the new rule the 1-percent limit applies to individuals, but the limit is raised to 3 percent for a mutual fund and 5 percent for a bank.

I do not suggest that the Commission believes concentration of economic power among individuals is five times as dangerous as concentrating that power among banks. The Commission's rules had been blatantly disregarded by the banks, and instead of enforcing the rules the Commission simply rewrote them. And it gave the banks 3 years to comply with the new 5-percent rule. Then the banks may come in and get a 10-percent limit.

The FCC properly holds that whoever controls the right to determine how stock is voted is the owner of the stock. He is the proprietary owner, as differentiated from the beneficial owner who gets the dividend. In relaxing the rules on bank concentration of ownership the FCC released data, 3 years old and furnished by bankers, which showed the wholesale disregard then of the 1-percent rule. A survey of 19 banks showed that among them individual banks controlled more than 1 percent of the stock of 25 broadcast companies, more than 3 percent of the stock of 15 companies, more than 5 percent of the stock of nine companies, and one "bankcaster" had more than 10 percent of the stock in a station.

I think it is pertinent to point out here, Mr. President, that substantial authorities consider a 5-percent voting interest in a widely held company to be controlling if the other votes are scattered. It is also pertinent to your study that the FCC did not name the banks which had these excess holdings in broadcast companies. Furthermore, the FCC order was preceded by a closed administrative conference, on September 1, 1970, attended by five Commissioners, six bankers, and three FCC staff members.

I shall submit for the Record the FCC order of June 21, just a week ago, transferring control of WTCN television—channel 11—in Minneapolis, from Cris-Craft Industries to Metromedia. Commissioner Johnson, in his dissent, states that at least two of the major holders of Metromedia stock are in patent violation of the Commission's multiple ownership rules.

The problem, he says, "is that the Commission's ownership reports, for a variety of reasons, are not providing the relevant information on institutional holdings of broadcast stock. Somewhere in the foggy past there was an effort underway to revise the Commission's ownership reporting form. Perhaps that effort needs to be revived."

I shall also submit for the Record the FCC "order"—it is hardly the proper term—which relaxed the rules on concentration of ownership by unnamed banks following the secret conference. The "order" was adopted May 9; the docket is No. 18751. The order includes the dissenting opinion by Commissioners Johnson and Bartley.

Mr. President, I ask unanimous consent to have printed in the Record the two FCC orders above referred to.

The PRESIDING OFFICER (Mr. Nelson). Without objection, it is so ordered.

(See exhibit A.)

Mr. METCALF. Mr. President, Johnson and Bartley say in their dissent that "one looks in vain in the majority document for any discussion of the important issues concerning institutional ownership of the stock of other companies." And that is a key issue, which I want to discuss: the horizontal influence of institutional investors across an entire industry and the entire economy.

VOTING RIGHTS CONCENTRATED

The massive institutional investors' study report by the Securities and Exchange Commission, which was printed last year as House document 92–64, almost came to grips with the problem. The study analyzed concentration of stockholdings of the 230 largest institutional investors in the 800 largest companies listed with the New York and American stock exchanges or traded exclusively over the counter. The study did not name the banks, insurance companies, investment houses, and other institutional investors. But it named the companies in which these institutional investors had sole voting rights and partial voting rights to stated percentages of stock. And this study showed that various combinations of from one to three of the 230 institutional investors had sole voting rights to at least 10 percent of the stock in more than one-fourth of the 620 largest companies.

Here are some of the companies in which one, two, or three institutional investors vote at least 10 percent of the stock:

Procter & Gamble.

Sears, Roebuck.

Ford and Chrysler.

Two oil companies—Gulf and Standard of Indiana.

Three drug companies—Upjohn, Parke Davis, and A. H. Robins.

Four insurance companies—Aetna Life and Casualty, Hartford Fire Insurance, Connecticut General Insurance, and Farmers New World Life.

And so on, including six airlines—Eastern, TWA, United, National, Delta, and Northwest.

CHASE MANHATTAN AIRLINES

Let us look at corporate secrecy and monopoly in the airline industry. We got into that situation last year during hearings on advisory committees before the Intergovernmental Relations Subcommittee. The Civil Aeronautics Board set up a finance advisory committee. It held its first meeting, not in a Government office, but at Chase Manhattan in New York. The chairman was one of Chase Manhattan's 298 vice presidents. Two members of the advisory committee were associated with Rockefeller family and associates. The others were tied by interlock to Chase, which is the major creditor for five of the nine local service carriers.

The proceedings of this Government advisory committee, dominated by one financial group, were closed to the press and the public. The committee did not keep a transcript. It kept brief minutes, which show that at its very first meeting the advisory committee agreed to "make recommendations on the procedural and philosophical conduct of the board's business."

With control of the credit and the financial advisory committee apparatus those are some pretty heavy connections between one bank and one key industry right there, before getting to the question of stock control.

Significant blocks of airline stock are held by Cede & Co., which is a pseudonym used by the New York Stock Exchange. I shall discuss that situation later and I am sure that Richard Ney, the following witness, will have some informative comments on the role of the exchange.

The point I want to make here is that the failure of regulatory commissions to obtain and disclose adequate information on ownership and control of stock, combined with many companies' refusal to divulge information, leads to erroneous conclusions on the extent of concentration.

The CAB requires airlines to include in their annual report to the agency only those persons or institutions holding more than 5 percent of the capital stock. Reports filed with the CAB by airlines state that, as of the end of last year, Chase Manhattan held 6.5 percent of the stock in TWA, 9 percent of the stock in Eastern, 8.4 percent of the stock in National, and 7.5 percent of the stock in American.

No Chase Manhattan holdings were listed by Northwest, United, and Western.

Nevertheless, Chase Manhattan holds more than 6 percent of the common stock in each of these three airlines, according to letters I received recently from those companies.

Chase holds 6.86 percent of the stock in Northwest, 7.26 percent in Western, and 8.57 percent in United. The bank holds the stock through two or more nominees in each instance.

Furthermore, American advised me that three nominees for Chase Manhattan, among the company's top 30 stockholders, hold a total of 9.1 percent of the company's stock. The only one of those three nominee accounts which was reported to the CAB was the one containing more than 5 percent of the total voting stock.

United, in its report to the Board, simply says that 100 percent of the stock is held by UAL, Inc. It is a holding company, and it is the holding company through which Chase controls the big block of stock.

Now it could be that some of these holdings were acquired since the annual reports were filed by the airlines with the CAB. But it may also be—as was definitely the case in some situations which I shall later discuss—that all the holdings of one institutional investor were not consolidated, but were simply divided among several nominee accounts so that they became, for reporting purposes, invisible.

TIME MAGAZINE AND THE INVISIBLE MORGAN GUARANTY TRUST

These nominees, or street names, are a massive instrument of deception, freely used by most large institutional investors. Last fall I was browsing through the October 11 issue of Time magazine. It included a report filed in accordance with the Postal Reorganization Act of 1970, which required listing "the identity of the corporation and stockholders thereof" holding 1 percent or more of the stock of Time, Inc.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from Time magazine of October 11, 1971, which includes a list of the principal stockholders of Time magazine according to its own report.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. METCALF. Mr. President, it will be noted that some of the stockholders are:

Carson & Co., Box 491, Church Street Station, N.Y.;

Powers & Co., Box 1479, Church Street Station;

Tegge & Co., also Box 1497, Church Street Station.

We have all heard of political meetings in a phone booth—now it looks as though we are having stockholders' meetings in a post office box.

Here are some more of Time's major stockholders, according to Time:

Chetco, at 35 Congress Street, Boston.

Ferro & Co., at the same address.

Cede & Co., Box 20, Bowling Green Station, N.Y.

Pace & Co., Box 926, Pittsburgh.

Now, Mr. President, if you try to call any of these listed owners of Time you will just confuse the telephone operator. She—or possibly he—cannot find them in the phone book or the files.

If you are a U.S. Senator and write to these nominees, the odds are that you will not get a reply. I wrote to five of them and received responses from two. The response from Chetco came from National Shawmut Bank of Boston, which said Chetco "represents our client, a diversified open end investment company"—mutual fund—which the bank did not name.

The letter to Pace & Co. was answered by a senior vice president of Mellon National Bank & Trust. He told me that Pace & Co. is a partnership nominee of the personal trust department of Mellon, that it was formed in 1963 and that there are six members of the partnership, each of whom is either an officer or employee of the bank. He stated that stock listed as Pace & Co. is voted by any one of the unnamed partners, in accordance with instructions transmitted by the trust investment committee of the trust department of the bank.

Now, as you know, Mr. President, there is a way to match up these street names and the institutional investors which use them. You use the nominee list, published annually for the past 20 years by the American Society of Corporate Secretaries at 9 Rockefeller Plaza, New York City, N.Y., and so closely held by the society that it was denied last year to a newsman, an attorney in a rate case, and the Federal Power Commission staff. So I put it in the CONGRESSIONAL RECORD—June 24, 1971, No. 98, part 2. Subsequently the society decided to sell it. So now you can get it from the society for $20, or the Government Printing Office for 25 cents, or from my office for nothing.

By using the nominee list in conjunction with Time's list of principal owners you can trace Chetco and Ferro through Shawmut Bank to the Fidelity Fund. Cede & Co., as I noted before, is an agent for the New York Stock Exchange.

And what about those three principal owners with the box office numbers at the Church Street Station, Carson & Co., Powers & Co., and Teggee & Co.? The nominee list traces all of them to the same bank, Morgan Guaranty Trust.

So although Morgan Guaranty holds three principal blocks of stock in Time, and although other institutional investors are named in its ownership report, there is no reference whatsoever by Time to its financial relationship with Morgan Guaranty Trust.

BANK DOMINATION OF ELECTRIC UTILITIES

Now let us take a look at the largest and possibly the most important industry in the country, electric utilities. The Federal Power Commission asks the 210 major investor-owned utilities to list their 10 top voting stockholders in their annual reports. Some utilities do list the proprietary owners. Others do not—and the FPC does not do anything about it. The FPC is one of those "right careful" commissions.

To give you an idea of some utilities' disregard of the Commission's question I have included in my presentation the ownership report filed this year by Public Service Co. of New Hampshire, the FPC Chairman's home State. As you see, most of the "owners" are streetnames, without even the street or post office box.

Mr. President, I ask unanimous consent to have the list of owners printed at the conclusion of my remarks as exhibit C.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit C.)

Mr. **METCALF.** Mr. President, the 1970 ownership reports of electric utilities, used in conjunction with the nominee list, show that 14 banks are each among the 10 top stockholders of 10 or more utilities.

Chase Manhattan Bank, using four different names, appears among the top 10 stockholders of 42 utilities.

Morgan Guaranty Trust, using 13 different nominees, appears among the top 10 of 41 utilities.

Manufacturers Hanover Trust, using five different nominees, appears among the top 10 of 31 utilities.

First National City Bank of New York, using eight different nominees, appears among the top 10 of 29 utilities.

State Street Bank and Trust, Boston, using eight different nominees, appears among the top 10 of 21 utilities.

Bankers Trust of New York, using eight nominees, is among the top 10 stockholders of 20 utilities.

The other banks listed among the top 10 stockholders of 10 or more utilities are New England Merchants National Bank, Bank of New York, Northwestern National Bank of Minneapolis, United States Trust of New York, Continental Illinois National Bank and Trust of Chicago, Girard Trust of Philadelphia, National Shawmut Bank of Boston, and Chemical Bank of New York.

All except Girard used more than one nominee. And let me emphasize that some utilities report the bank rather than the nominee, or both.

I shall cite two examples of how use of nominees understates, while hiding, concentration of economic power in the utility industry.

CITIBANK'S AND PRUDENTIAL'S HIDDEN VOTES

Carolina Power and Light—whose chairman is the immediate past president of Edison Electric Institute, trade association of the investor-owned utilities—listed among its top 10 stockholders three nominees for First National City Bank of New York. But the bank itself was nowhere listed in the ownership report, which is exhibit D. Citibank's nominees are Stuart & Co., Thomas & Co., and King & Co.

I ask unanimous consent that that ownership report be printed at the conclusion of my remarks as exhibit D.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit D.)

Mr. **METCALF.** Mr. President, the other example I will use is Virginia Electric & Power. According to its ownership report filed with the FPC last year its largest stockholder was Merrill Lynch, Pierce, Fenner & Smith, with just over a million shares, and Prudential Insurance Co. was second, with 580,000. Wrong in both instances.

Through three separate nominees, listed among the top 10 stockholders along with the bank, First National City Bank holds almost 1½ million shares. But Citibank has some other blocks that do not show in the top 10. Citibank itself states that it holds and votes 1,808,000 shares of Vepco stock. And a Vepco voter list made available in a rate case this year shows Cede & Co. holding more than 2 million shares.

Prudential's annual report shows that it has about a quarter-million more shares in Vepco than the utility's report shows. I asked the FPC to check the discrepancy. It referred the query to Vepco. Vepco said that by oversight it had failed to credit Prudential with 30,000 shares. That still left a discrepancy of more than 200,000 shares. Vepco finally found them, in six nominee accounts. Let me read you the names of these nominees for Prudential:

Fiveco, Forco, Octo, Oneco, Treco and Twoco.

It has been 9 months now since I wrote Chairman Nassikas on this Vepco matter, suggesting consolidated reporting in the name of whoever controls the stock. I sent a copy of that letter to the Assistant Attorney General for Antitrust. I guess they are being "right careful" in deciding how and when to make a substantive reply.

The fact that a bank holds stock in some trust capacity does not necessary mean that the bank controls the voting of that stock. But this is often the case, according to studies by the SEC, which I mentioned, and the House Banking and Currency Committee. The Patman committee surveyed more than 13,000 employee benefit accounts managed by 43 banks and found that in about 82 percent of the cases the managing bank is the sole trustee of the employee benefit fund.

THE NEW YORK STOCK EXCHANGE, ALIAS CEDE & CO.

The New York Stock Exchange machinery holds awesome amounts of stock, Cede & Co., nominee for the exchange, is listed among the top 10 stockholders by more than one-fourth of the 210 major electric utilities reporting to the FPC.

Sometimes stockholders think they have voting rights and find out that the exchange establishment has them. For example, a Seattle attorney bought 400 shares of Boeing early last year. He left his shares in care of his brokerage firm and went to this year's annual meeting, carrying a letter from his broker stating that he held and could vote his stock. But Boeing told him that his and the rest of his broker's shares had been transferred to the Central Certificate Service, which is operated by the Stock Clearing Corp., a subsidiary of the New York Stock Exchange, alias Cede & Co. The stockholder objected and Boeing ejected him from the meeting.

I have an article and two financial columns which appeared in the Seattle Post-Intelligencer on this matter, Mr. President, and I believe it would be useful to supply them for inclusion in the RECORD. I would like to include also for the record correspondence I have had with exchange officials regarding Cede & Co. and voting procedures. I hope the committee will look into that subject closely. When companies report that Cede & Co. has voting powers and Cede & Co. spokesmen say it does not, I think someone should find out who is casting the ballots.

I ask unanimous consent that the article and the correspondence be included in the RECORD at the conclusion of my remarks as exhibit E.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit E.)

RIGGED ELECTIONS

Mr. **METCALF.** Mr. President, when you get down to bedrock in this business you see the fatal flaw in the system. The corporate election process in America today is as rigged as elections are in the Soviet Union. The outcome is as predictable. The accompanying propaganda is as self-serving.

Consider the procedures for an annual stockholders' meeting. The agenda and the candidates are determined well in advance by the corporate management. It polices the election. It chooses the auditors. Great effort and considerable expense, months prior to the meeting, are required to obtain consideration of the most modest proposals that have been offered by management. If the attempt to get a candidate or an issue on the ballot is successful, identification of the voting stockholders and timely communication with them is difficult or impossible. The proxies of a few key institutional investors decide the election, which is then publicly construed by the corporation publicists as a ringing endorsement of its past activities and a mandate to continue doing whatever it decides to do.

The flaw is secrecy, the remedy disclosure.

The equipment and procedures now designed to service assets can and should be altered to provide ready access to the names and addresses of the individuals empowered to vote the principal blocks of stock in major corporations. That information should be compiled, kept up-to-date and be broadly available.

I am sure that if the Government Printing Office prints a corporate ownership report it will become one of the best sellers the GPO ever issued. The report will be of inestimable value to regulatory commissions and the Justice Department in enforcing regulations and antitrust law.

And it is a necessary tool for persons who want to work for orderly change within the system. The Congress wisely decided to require regular reporting of insider transactions by individuals, as a safeguard against manipulation. The stockholdings of individual officers and directors of companies are required to be reported in their own names. Do we really hold financial institutions and other corporations above the individual, so that the corporation's voting powers are secret, while the individual's are not? I think not.

CORPORATE OWNERSHIP REPORT ACT

I intend to draft a corporate ownership report act—I suppose it will be called CORA. I want to introduce it this year, Mr. President, so that agencies and other interested parties can comment on it and prepare for hearings.

Let me emphasize that I do not propose identification of the beneficial owners of stock, the people or institutions who receive the dividends, even though their investments are sizable. What the public, the stockholders, the regulators need to know is the identity of the proprietary owners—the voters—of significant amounts of stock.

The corporate ownership report I suggest should portray a company's family tree—and their principal voting stockholders—and the parents and descendants, the holding companies or conglomerates above it and the subsidiaries beneath. Standard references on who owns whom are tricky. For example, some of the country's biggest companies do not appear in Fortune's index of the largest companies. But some of their subsidiaries do.

National Tea is listed as the 13th largest retailing company by Fortune. National Tea is owned by Loblaw Groceterias Co. which is controlled by George Weston, Limited, neither of which make Fortune's list.

National Bank of North America is ranked 33d among commercial banking companies by Fortune, which does not mention the bank's owner, CIT Financial Corp.

The case of Jefferson Pilot is most interesting. It does not make Fortune's list. At least one of its subsidiaries does. It is Jefferson Standard Life Insurance.

Jefferson Pilot, I should perhaps add, is not a rock group. It is a holding company which owns two insurance companies, two television stations, three radio stations, a real estate concern, half interest in a cable television company and lately entered mutual funds and publishing. It is also the principal stockholder in North Carolina National Bank, which made the Fortune list.

Some companies argue that disclosure of principal stockholders or even their nominees, would somehow be harmful, a breach of fiduciary responsibility. My proposal is designed to provide anonymity for beneficial owners of stock, such as employees or pensioners, but disclosure for the proprietary owner who votes it. And my proposal is also strengthened by the willingness of some major companies to reveal principal stockholders even though their principal competitors chose not to disclose.

This spring, after verifying with the SEC that it could not provide a list of the 30 top stockholders of several major industrial corporations, I asked the corporations to provide the information on a voluntary basis.

Two auto manufacturing companies—Chrysler and Ford—supplied the information. General Motors did not.

One oil company—Mobil—supplied the information. Two oil companies—Standard of New Jersey and Texaco did not.

Nor did IBM and ITT.

I had to write a follow-up letter to get even a negative response from ITT. Perhaps the first letter was shredded.

The information supplied by the four cooperating corporations, all of which are to be commended for voluntary disclosure, show the same pattern of concentration of bank and New York Stock Exchange holdings that exists in the electric power industry.

Also, as in the electric utility industry study, the reports of the four industrial corporations showed that concentration of ownership was understated through use of various nominee accounts by the same bank.

For example, General Electric's report on the top 30 included three nominees for Bankers Trust.

Chrysler showed three nominees for Chase Manhattan.

Ford showed four nominees for First National City Bank.

Mobil showed four nominees for Morgan Guaranty Trust.

So the "top 30" may actually be the "top 20" or so.

And Sigler & Co., nominee for Manufacturers Hanover Trust—the bank empire that Peter Flanigan's father built—was listed as a principal stockholder by all four of the cooperating corporations.

I have followed up these requests for voluntary disclosure with similar letters to several hundred other leading corporations. When the answers to those letters, which are not all tabulated, are in, I would be happy to share them, and supporting material for the other studies I have discussed, if that is your desire.

What I have seen so far supports the Patman committee's finding that at the top of the pyramid sit the banks and other financial institutions, voting key blocks of stock in their own and each other's institutions as well as that of other key industries.

WHO OWNS SAFEWAY?

I want to refer here, in closing, to just one of the responses to these additional requests for voluntary disclosure. The response is from Safeway, which as you know, is the second largest food chain in the country. The president of the company promptly supplied the information, and included with it a recent issue of Safeway News which carried an article headlined "Who Owns Us?" A copy of which is exhibit F.

I ask unanimous consent that the article be printed at the conclusion of my remarks as exhibit F.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit F.)

Mr. METCALF. Mr. President, there is that nice picture of grandpa and grandma, and that young couple with a baby, portrayed as typical of many of Safeway's easily identified owners, who are described as follows:

> The retired couple on the corner lot . . . the young couple who put a small inheritance in trust for their new baby . . . the store manager in Kansas, the mailman who serves his store and the truck driver who brings his supplies. They are the farmer who sells us lettuce and the rancher who raises beef. They are the local policeman and the boy next door who is away at college.

The Safeway reporter also wrote about the institutional investors:

> Before you jump up and down about the concentration of ownership in a "few" hands, you have to take a look at who these owners are.

He pointed out, quite properly, that each big "owner" represents thousands of investors. But then—and here is where he got into deceptive packaging—he wrote that 117 institutional investors hold 2½ million shares of the company's stock, about 10 percent of the total.

But what he did not say was that one institutional investor, Chase Manhattan Bank, obviously not among the 117, holds and votes almost 10 percent of Safeway's stock, in just one of the three accounts of that bank listed in the top 30 stockholders.

President Mitchell of Safeway and Mr. Stanton of his staff were most cooperative in verifying this. Somebody at Chase stamped "Kane and Company" on a proxy and that voted almost 10 percent of the total stock.

Mr. President, ownership and control of Safeway and many other principal corporations have slipped into the hands of very few people. Corporate secrecy disguises, perpetuates and accelerates their control. They must be identified, and raised from low profile to sharp silhouette, so that they can be held accountable to the customers and stockholders, and to the laws enacted by those of us elected under the principal of "one man, one vote."

EXHIBIT A

[Before the Federal Communications Commission, Washington, D.C., 20554, FCC 72-391, 75954, Docket No. 18751, RM-1460]

(In the matter of amendment of sections 73.35, 73.240 and 73.636 of the Commission's rules relating to multiple ownership of standard, FM and television broadcast stations.)

REPORT AND ORDER

Adopted: May 9, 1972; Released: May 11, 1972.

By the Commission: Commissioner Robert E. Lee concurring in the result; Commissioner Johnson dissenting and issuing a statement in which Commissioner Bartley joins.

1. The Commission has before it for consideration the Notice of Proposed Rule Making and Notice of Inquiry (FCC 69-1286, released November 25, 1969) and the comments filed in response thereto. Comments were filed by the American Bankers Association (ABA), the petitioner in this proceeding and by American Broadcasting Companies, Inc. (ABC); Broadcast-Plaza, Inc. (Travelers' Insurance); Columbia Broadcasting System,

Inc. (CBS); Corinthian Broadcasting Corporation (Corinthian); General Electric Broadcasting Company, Inc. (GE); RKO General, Inc. and Time-Life Broadcast, Inc. (RKO/Time-Life); Storer Broadcasting Company (Storer); Taft Broadcasting Company (Taft); and WGN Continental Broadcasting Company, Inc. (WGN).

2. Also, on September 1, 1970, at the request of the ABA, an administrative conference was held at the offices of the Commission. Senior trust officers from 4 large banks orally presented papers on various aspects of trust department operations and responded to questions following the presentations. The ABA also submitted, in response to the Notice of Inquiry, certain statistical data concerning (a) interlocking directorates between the banks and the licensees; and (b) loans by banks to licensees in which they hold the power to vote stock held in their trust departments.

3. The Notice of Proposed Rule Making solicited comments on the following two questions:

A. Is the filing of trust agreements or abstracts thereof, as required by Section 1.613 (b) of the Commission's Rules, necessary so that the Commission will have adequate information to enable it to carry out its responsibilities under the Communications Act and other Commission's Rules and policy? If such filings are necessary in some cases, could they be dispensed with partly or entirely in others, for example by the presumption that unless otherwise indicated a bank holding as trustee has unqualified power to vote and acquire or dispose of the stock of the licensee company?

B. Assuming that banks execute disclaimers of intention to control the management or policy of a broadcast company as to stock held by the banks as trust investments over which they hold the power to determine how the stock will be voted, is the 1% benchmark specified in Sections 73.35(b), 73.240 (b) and 73.636(a) (2) a reasonable and proper standard as to stock held by banks in their trust departments, or should a higher figure, such as 3%, be permitted.

4. We shall treat with Question B first. The trust departments of banks are unique entities. They operate under the trust laws of their respective states and act in a number of capacities in their fiduciary functions. The bulk of trust business deals with the management of trusts that are created in many ways. For instance, they hold pension and profit-sharing trusts of companies which are created by contract. In most of these pension and profit-sharing trusts, the bank has the sole power to control the vote of the stock, but there are a few exceptions such as a case in which the trust *must* invest in the commercial company that sets up the trust account by contract.

5. The remainder of trust accounts in the trust department deal with personal trusts and custody accounts. Personal trusts cover executorships and administratorships, testamentary trusts, intervivos trusts (revocable and irrevocable) and guardianships and committees for minors and incompetents. They must be handled on an individual basis and the purposes of the trusts vary widely. A number of these trusts have a co-trustee, and in such cases, the bank acts as bookkeeper-adviser and has a partial or whole voting right. In the custody and investment advisory accounts, the bank is the holder of record, but the decisions are all made by the owner of the trust assets. Thus, the bank is a bailee agent that acts strictly on instructions.

6. As to the operation of the trust accounts, the bank follows the terms of the trust instrument from which the trust was created. Testamentary trusts are created out of estates and are created for two principal purposes: (a) deferral of tax consequences and (b) to provide for the testator's beneficiaries. The other types of personal trusts are created for many purposes such as care of children, payment of child support, alimony or other marriage settlements, or some other specific purpose. In these trusts, the bank quite often is limited in its investments to stocks on state approved lists. If there is no approved list in the given jurisdiction, the banks follow the "prudent man" rule based on precedents contained in trust and fiduciary law. The ABA contends, in its comments and in the testimony at the administrative conference, that banks acquire and hold stocks for investment purposes and not to control the management or policies of a company, and, in furtherance of this policy endorses the filing, by banks, of disclaimers of the intent to control the managements or policies of such companies.

7. The Commission rules now in force limit holdings to 1% in companies that have over 50 shareholders when such 1% holdings in companies exceed the maximum number of stations permitted by the rules. These limitations are 7 AM, 7 FM and 7 TV stations. As to TV, the interest in the 7 TV stations may not exceed an interest in 5 VHF stations. At the time of the ABA filings, based on a survey of the 19 largest banks,[1] there were violations of the 1% rule by banks that would require divestiture of $976,000,000 involving 25 companies. On the same basis, the divestiture required by the 19 banks at the following percentages would be:

At 3%—$256,000,000 (15 companies).
At 5%—84,000,000 (9 companies).
At 10%—4,000,000 (1 company).

While we have no data beyond the survey, the foregoing figures adequately indicate the scope of the problems for the purposes of our decision herein.

8. We must also make a threshold decision concerning attribution of ownership as well as aggregation of ownership. As we stated in the previous proceeding in this case (Docket No. 15627, released June 17, 1968, 13 FCC 2d 357), we reiterate that, for the purposes of the multiple ownership rules, we will consider the person or entity that controls the right to determine how the stock is voted as the owner of the stock. Thus, in cases in which banks have any right to vote the stock, irrespective of whom the beneficial holder is, the bank will be considered the owner for the purpose of the multiple ownership rules.

9. As to the question of aggregation of stock, we will follow our attribution rule. Therefore, in cases in which the bank holds any right, partial or whole, to determine how the stock will be voted, the stock will be aggregated to the bank. For example, if the bank possesses the power to vote 3% of the shares of a given company (even though it is held in 1,000 trust accounts), the bank will be considered to have a 3% position in the company. The Commission has adopted aggregation of ownership of stock in trust accounts where banks hold any right, either partial or whole, to vote for the reason that any large position in itself has the potential to be a force in management because banks generally vote the stock one way. The testimony in the comments and at the administrative conference by the trust officers clearly pointed out that the banks (where they hold the sole power to vote) generally vote all the stock of a given company in the same way. (Transcript, Administrative Conference, page 27.)

10. With the questions of attribution and aggregation decided, and with the scope of divestiture at various percentages outlines, we now turn to the question of whether we should raise the 1% benchmark as it applies to banks under the foregoing attribution and aggregation guidelines. The ABA strongly urges that the benchmark be raised to 10%. Traveler's Insurance, RKO, Time-Life and WGN all support the 10% position urged by the ABA, GE, CBS, and ABC support a 5% position; Corinthian supports a benchmark of at least 3%; and Taft and Storer urge an increase in the limitation, but do not state a specific benchmark. The rationale set forth by the ABA is that all existing presumptions of control in statutes are at least 10% and as high as 20%. Specifically cited as a 20% standard is the alien control ownership provision of Sections 222(d) and 310(d)(4) of the Communications Act of 1934, as amended. Urged as support of the 10% standard are the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940 (as supplemented by state statutes in California and Ohio). Also urged as a 10% support are the Federal Aviation Act and the Federal Deposit Insurance Corporation Act. The foregoing 10% standards deal with presumption of control and it is urged that the Commission should follow such 10% standard as a presumption of control.

11. The Securities Act of 1934 also set a 10% standard for reporting of insider activities and possible corporate takeovers. However, in December, 1970, the "Corporate Takeover Act" was enacted which now requires that reports be filed, with minor exceptions when an investor reaches a 5% position in a company rather than the previous 10% reporting benchmark.

12. Another contention of the ABA is that any benchmark under 10% will have a clear depressing effect on the broadcast industry's ability to raise needed capital in the institutional money markets as well as causing severe hardships in divestitures of existing holdings. The parties that urged a less than 10% benchmark based their positions on the same or similar positions as those urged by the ABA, but the percentages urged would have wiped out any violations as to their own company. The summary thrust of all the comments is that if divestiture is ordered, there will be an "overhang" on broadcast stock which would depress the stock, and that banks may well release all broadcast stocks because of the administrative burdens of attempting to comply with the multiple ownership rules.

13. The Commission has considered the questions raised in the Notice and the testimony submitted in the comments and at the administrative conference and is of the opinion that the benchmark should be raised for the reasons urged by the parties. With rare exceptions, the banks are passive investors who manage the trusts for investment purposes for the beneficiaries and not to control the management or policies of a broadcast company. To help insure this passive role, the Commission will require a disclaimer by banks that hold stock in an amount that exceeds the reporting requirements but is less than the benchmark contained in the multiple ownership rules. We have examined the various so-called "10% control" figures cited in the above statutes and conclude that those standards were a legislative determination as to a particular indusrty or duty, but that they are not, *ipso facto*, applicable to broadcasting.

In broadcasting, one of the greatest public interest considerations is the preservation of diversity of programming and service. Thus special caution is warranted. Based on all the facts, we conclude that an ownership interest of 5% by banks is consistent with the special caution required, will require some divestiture, but significantly less than at a 3% benchmark, provided an appropriate disclaimer is filed and that the holding remains a passive one.

14. The first question (Question A) in the notice dealt with the need for filing of trust instruments or abstracts thereof. All comments supported the tentative conclusion that such instruments generally served no useful purpose and that the Commission could secure the information in cases where such information was necessary to the Com-

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[1] Survey taken as of April 2 1969.

mission's processes. We agree that the perfunctory filing of such trust agreements and abstracts, in the main, serve no useful purpose because the reporting on FCC Form 323 (Ownership Report) will indicate the person that has the power to vote the stock. As we said above and in Docket No. 15627 (the mutual fund proceeding) we shall consider the owner to be the person who controls the power to vote the stock. Thus, we shall generally dispense with the filing of the trust agreements as abstracts thereof, but will retain the power to specifically request them if circumstances dictate.

15. The information submitted in response to the Notice of Inquiry indicated that there are at most 6 cases in which a bank official was a director of one broadcast company and that same bank had an interest of 1% or more in another broadcast company. The directorship by the bank official in a broadcast company would cause that individual to be subject to the multiple ownership rules if the bank's numerical holdings are the maximum allowable by the rules. Thus we will attribute stock held by the bank to the bank official that is a director of the broadcast company but not vice versa.

16. With respect to violations that exist under the revised benchmark, the data is nearly three years old, so the extent of the violations is not currently known. We recognize that the trust departments which hold stock in violation of the rules will have to do extensive analysis of individual trust accounts to meet legal and fiduciary duties. We therefore will give a three-year period for banks to bring themselves in compliance with the revised standard. After that time, any violations will be dealt with based on the circumstances present at the time. This may include possible cease and desist proceedings, deferral of pending applications and other such appropriate remedies.

17. In view of the foregoing, and pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, it is ordered, That effective June 23, 1972, Sections 1.613, 73.35, 73.240 and 73.636 of the Commission's Rules and Regulations are amended as set forth in the attached Appendix, and the proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION [*]

BEN F. WAPLE, *Secretary*.

Attachment: Appendix.

NOTE: Rules changes herein will be covered by T.S. I(71)-2 & the 1972 Edition of Volume III.

APPENDIX

I. Part 1 of the Commission's Rules and Regulations is amended as follows:

1. In § 1.613, paragraph (b) (3) is amended to read as follows:

§ 1.613 *Filing of contracts*.

* * * * *

(b) * * *

(3) Any agreement, document or instrument (i) providing for the assignment of a license or permit or (ii) affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or non-voting), such as: (*a*) agreements for transfer of stock; (*b*) instruments for the issuance of new stock; or (*c*) agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed: *Provided, however*, That trust agreements or abstracts thereof are not required to be filed, unless requested specifically by the Commission. Should the Commission request an abstract of the trust agreement in lieu of the trust agreement, the licensee or permittee will submit the following information concerning the trust: (*1*) name of trust; (*2*) duration of trust; (*3*) number of shares of stock owned; (*4*) name of beneficial owner of stock; (*5*) name of record owner of stock; (*6*) name of the party or parties who have the power to vote or control the vote of the shares; and (*7*) any conditions on the powers of voting the stock or any unusual characteristics of the trust.

* * * * *

II. Part 73 of the Commission's Rules and Regulations is amended as follows:

1. In § 73.35, NOTES 6, 7 and 8 are redesignated NOTES 7, 8 and 9, respectively, and new NOTE 6 is added, the new NOTE reading as follows:

§ 73.35 *Multiple Ownership*.

* * * * *

NOTE 6: In applying the provisions of paragraphs (a) and (b) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts need be considered only if such bank directly or indirectly owns 5 percent or more of the outstanding voting stock: *Provided*, the bank files a disclaimer of intent to control the management or policies of the broadcast corporation. Holdings by banks shall be aggregated if the bank has any right to determine how the stock will be voted.

* * * * *

2. In Section 73.240, NOTES 6, 7 and 8 are redesignated NOTES 7, 8, and 9, respectively, and new NOTE 6 is added, the new NOTE reading as follows:

§ 73.240 *Multiple ownership*.

* * * * *

NOTE 6: In applying the provisions of paragraphs (a) and (b) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts need be considered only if such bank directly or indirectly owns 5 percent or more of the outstanding voting stock: *Provided*, the bank files a disclaimer of intent to control the management or policies of the broadcast corporation. Holdings by banks shall be aggregated if the bank has any right to determine how the stock will be voted.

* * * * *

3. In § 73.636, notes 6, 7 and 8 are redesignated notes 7, 8, and 9, respectively, and new note 6 is added, the new note reading as follows:

§ 73.636 *Multiple ownership*.

* * * * *

NOTE 6: In applying the provisions of paragraphs (a) (1) and (a) (2) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts need be considered only if such bank directly or indirectly owns 5 percent or more of the outstanding voting stock: *Provided*, the bank files a disclaimer of intent to control the management or policies of the broadcast corporation. Holdings by banks shall be aggregated if the bank has any right to determine how the stock will be voted.

* * * * *

BANKS IN BROADCASTING

(In the Matter of Amendment of Sections 73.35 . . . Broadcast Stations)

Dissenting Opinion of Commissioner Nicholas Johnson in which Commissioner Robert T. Bartley joins.

Monopoly, banking power, and corporate abuses involve issues and arguments that have raged for at least the last 100 years in this country. There is little likelihood that I can add very much new to that dialogue.

Some—a majority of those who hold power in this country—believe that criticism of corporate power is, at best, exaggerated; that corporations have contributed far more than they have detracted; that, indeed, they possess a certain special wisdom that should be heeded rather than frustrated.

Others—generally a minority—believe that corporate control tends to produce an overemphasis upon economic, rather than human, values; that it reduces individuality; that it makes for the relative irresponsibility of anonymity; and that it makes possible the abuse of power by those heading such institutions.

Today the Commission reaches the rather surprising conclusion that bank ownership of broadcast licenses in conflict with FCC multiple ownership rules is less important than individual ownership also in conflict. I dissent.

Present Commission rules set certain ownership standards for the holding of broadcast stations. For widely held entities, ownership attribution is made when a person holds one percent, or a mutual fund owns three percent. Now for banks it will be five percent. Because I believe those seeking relaxation of the Commission rules have totally failed to show how the public interest will be improved, I cannot support the change the majority adopts.

One looks in vain in the majority document for any discussion of the important issues concerning institutional ownership of the stock of other companies—questions of control, influence, collusive or parallel behavior where a number of institutions own a company, and the impact of institutional ownership on managerial decisions to expend resources to serve the public. The majority is content to rely on the assurances of non-interference offered by those seeking the benefits of the rule change.

One looks in vain for any suggestion that the views of the Antitrust Division of the Department of Justice were requested, despite the fact that the Division has pending a suit against a bank's trust holdings of the stock of firms which compete with each other. See *Business Week*, April 4, 1970, at 24.

One looks in vain for any discussion of the issues that have been raised in this proceeding by Chairman Patman of the House Banking Committee, or any reference to the work published by that committee. In fact, the delay in concluding this proceeding is principally attributable to the concerns that Chairman Patman has expressed, and the majority has apparently been waiting in hope that his interest would flag. Perhaps the majority now believes it has.

One looks in vain for any discussion of why a one percent rule is applied to individuals, a three percent rule to mutual funds and a five percent rule for banks. The single unifying thread seems to have been to set the standards in a way that would not require much divestiture. In fact, the Commission does not know if the three percent rule on mutual funds has been complied with. Apparently one licensee, Corinthian, would have settled for three percent here.

While many statutes are discussed, one looks in vain for a discussion of a statute of great significance to bank ownership questions—the Bank Holding Company Act Amendments of 1970. 12 U.S.C. §§ 1841–1850. While this statute sets out a five percent standard for ownership attribution, it does so in the form of presumptions with opportunity for further inquiry.

One looks in vain for any discussion of problems presented by differing geographical or market situations. Surely substantial bank ownership, even of less than five percent, of several close competitors in a state or region should be viewed differently from bank holdings of five percent in widely-scattered licensees. And there is no distinction for bank ownership of network stock, despite the existence of a highly concentrated market where competitors meet each other in a variety of contexts. Nor does there appear to be any recognition that specific factual situations may require special Commission inquiry on its own motion—in fact it is not clear that the Commission will know about bank ownership situations where the holdings are less than five percent.

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[*] See attached statement of Commissioner Johnson in which Commissioner Bartley joins.

It may be that there are no potential problems with treating banks more favorably than mutual funds or individuals. But there has been no demonstration on this record to justify a change in rules to satisfy banks and bank-held broadcasters—a change adopted only to avoid divestiture.

[Before the Federal Communications Commission, Washington, D.C., FCC 72-525, 79407, File No. BTC-6682]

(In the Matter of Cris-Craft Industries, Inc. (Transferor) and Metromedia, Inc. (Transferee) For Transfer of control of WTCN Television, Inc., Licensee of Station WTCN-TV, Minneapolis, Minn.)

ORDER

Adopted: June 14, 1972; Released: June 21, 1972.

By the Commission: Commissioner Bartley dissenting; Commissioner Johnson dissenting and issuing a statement; Commissioner H. Rex Lee absent; Commissioner Wiley not participating.

1. The Commission has before it the above-captioned application for transfer of control of WTCN Television, Inc. licensee of Station WTCN-TV (Channel 11), Minneapolis, Minnesota from Cris-Craft Industries, Inc. to Metromedia, Inc.

2. Metromedia is presently the licensee of the following VHF television stations:

Call letters, Location, and ARB Ranking

WNEW-TV, Channel 5, New York, N.Y	1
KTTV-TV, Channel 11, Los Angeles, Calif	2
WTTG-TV, Channel 5, Washington, D.C	8
KMBC-TV, Channel 9, Kansas City, Mo	22

3. On February 9, 1968, the Commission released its report and order "In the Matter of Amendment of Section 73.636(a) of the Commission's Rules Relating to Multiple Ownership of Television Broadcasting Stations", FCC 68-135, 12 RR 2d 1501, in which it stated in part:

In light of the special problem concerning the top 50 markets set forth in the notice of proposed rulemaking "we will expect a compelling public interest showing by those seeking to acquire more than three stations (or more than two VHF stations) in those markets. The compelling showing should be directed to the critical statutory requirement of demonstrating with full specifics, how the public interest would be served by a grant of the application—that is, the benefits in detail that are relied upon to overcome the detriment with respect to the policy of diversifying the sources of mass media communications to the public.

Since, as shown, Metromedia already has four VHF television stations in the top 50 markets, and Minneapolis, to which WTCN-TV is licensed, is the 16th ARB ranked market, the above statement is applicable to the subject application. Applicant's showing in this case indicates that the criterion of overriding public interest has been satisfied.

4. At the outset, Metromedia makes it clear that a grant of the application will not result in any undue concentration of control of mass media in the Minneapolis area. The application contains a breakdown of all the print and broadcast media located within or penetrating the WTCN-TV, Grade B contour. This breakdown shows that there are 6 television stations, 28 radio stations and 24 CATV systems located within the Grade B coverage area. As for print media, there are sixteen daily newspapers, six Sunday papers, one hundred and sixty-eight weeklies and fourteen shoppers. More specifically, the three other commercial VHF-TV stations licensed to and operating in Minneapolis-St. Paul are affiliated with the national networks. Of these three, two other local media interests. Channel 4 (WCCO-TV), operated by Midwest Radio-Television, Inc., also operates WCCO-AM&FM and has ownership interests in local daily newspapers. Channel 5 (KSTP-TV) operated by *Hubbard Broadcasting, Inc.* also operates KSTP-AM&FM. These two licenses are also owners of other stations around the country. The third VHF-TV is operated by a subsidiary of Twentieth Century Fox Film Corporation. Metromedia would be an independent operator and has no other broadcast stations serving the Minneapolis-St. Paul market. Metromedia also supplies data to indicate that a grant of the application would not result in any undue concentration of control of mass media from a national standpoint. This data sets out the competitive broadcast media in markets served by the other Metromedia stations, indicating that competition is often from other group owners and licensees with print media interests in the particular markets they serve. Since Metromedia only operates in major metropolitan areas, it is in competition with a plethora of other broadcast and print services.

5. Metromedia's "compelling public interest showing" is based primarily on its intention to offer an improved program service to the Minneapolis area. The most significant new program to be instituted will be a daily local program similar to WTTG's (Washington, D.C.—Channel 5) "Panorama." This is an hour and a half live program devoted to news, interviews and discussions relating to matters of local and regional concern. Also to be established is a "Consumer Help Center". The center will most likely be staffed by students of the local law school who will take calls from members of the public who are having problems with government red tape or in the private sector. The center serves to educate the public in consumer matters. Other new programs which cater to the public interest are:

1. *"Achievements"*—a series of spot announcements which recite the contributions of both Blacks and Indians to American culture.

2. *"Focus"*—members of various community organizations are invited to appear and make an informative statement about the function of their organization.

3. *"Operation Grandparents"*—During movie programs teen-agers are asked to give whatever number of hours they can each week to help a senior citizen in their local community. The station coordinates the contracts between the teen-ager and the senior citizen.

4. *"Operation Adoption"*—Once a week for fifteen minutes social workers will be interviewed on the "Panorama" program about children they are holding for adoption in an effort to find homes for them.

Metromedia also plans to improve news reporting to the area by increasing the staff and purchasing more news related equipment and services. Further, Metromedia notes that WTCN will have available the services of the specialists they have in various areas of news analysis and direct information from the other stations they operate. Metromedia points out that it is a successful operator of independent television stations in large market and offers its viewers a real choice in programming.

6. In 1968, the Commission waived its "Top-50" policy and permitted Metromedia to acquire a fifth television station in the top fifty markets—a losing UHF-TV(KSAN-TV) in San Francisco. *Metromedia, Inc.* 12 RR2d 561 (1968). That decision was based on the following considerations:

1. Station was a losing UHF operation and assignor lacked funds to make needed improvements;

2. Efforts were made to sell to a buyer with interests consistent with the top fifty policy;

3. Because of the nature of the competition in the San Francisco Television market (Multiple owners affiliated with the national networks), and the independent stature of the Metromedia, a grant would be consistent with Commission policy to promote diversification of broadcast media; and

4. Proposed programming and technical improvements would render a better service to the public.

This station was purchased for $1,000,000, however, Metromedia could not make it a financial success and donated it to the Bay Area Educational Television Association in September, 1970.

7. Here WTCN-TV is a profitable VHF rather than a losing UHF station. However, in its 1968 grant of the KSAN-TV, San Francisco assignment, the Commission did allow Metromedia to become a holder of five top-fifty stations. Admittedly, the station it now seeks to acquire is of a different nature than the one it recently gave up. Nevertheless, the market it is here seeking to enter is considerably smaller than San Francisco—(Minneapolis-St. Paul is ranked 16th ARB with an SMSA population of 1,-813,647, whereas San Francisco is the 5th ranked ARB market with an SMSA population of 3,109,519). Thus, the change in Metromedia's past status from a holder of four VHF's and a UHF in the "Top-Fifty markets" to a holder of five VHF's in such markets is somewhat offset by the fact that Minneapolis-St. Paul is a much smaller market. Accordingly, this grant will not substantially increase Metromedia's potential share of the national television audience beyond what it was with KSAN-TV as its fifth Top-Fifty station. On the question of the impact of this acquisition on the Minneapolis-St. Paul market, we are of the view that Metromedia's stature as a highly successful operator of quality independent television stations in competition with network affiliates, will serve to promote diversification of media in Minneapolis-St. Paul and render, as discussed above, an improved programming service to the public.

8. In view of the foregoing we conclude that Metromedia has made a satisfactory compeling affirmative showing that the public interest would be served by its acquisition of WTCN-TV.

9. In addition to the above matters, the application is governed by the Commission's Three Year Rule (Section 1.597 of the Rules). On February 12, 1969, WTCN-TV received a construction permit for a major change in technical facilities. This construction permit authorized principally a change in antenna location and antenna height. Since the instant application was filed on September 28, 1971, less than three years after issuance of the construction permit, the three year rule applies. Applicant states that program test authority for the permit was expected to be granted prior to the filing of the present transfer application. However, on September 28, 1971, the new tower for the antenna collapsed during the final stages of construction. This event has made it impossible for program test authority to be issued in time to remove the permit from the technical requirements of the three-year rule. There is no evidence of trafficking in broadcast licenses or construction permits and, in view of the above, the hearing requirements of the Commission's Three Year Rule will be waived.

10. Accordingly, based upon our determination that the transferee is fully qualified and that the public interest, convenience and necessity would be served thereby, IT IS

ORDERED, that the above captioned application IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION*

BEN F. WAPLE, *Secretary.*

METROMEDIA—WTCN–TV

[In re Application of Metromedia, Inc.]

(Dissenting opinion of Commissioner Nicholas Johnson)

Today the Commission rushes through the approval of a significant station acquisition by one of the largest television group owners in the nation, in order to satisfy complaints by private parties that feel the Commission has waited too long to act on the application. In so doing, the majority completes the emasculation of the so-called "top-50 policy," and confesses its inability to accumulate the relevant data and enforce its own ownership rules for financial institutions.

The evidence of the rush can be seen in the fact that the staff has had to hurry its presentation to the Commission and also that important information on the holdings by a certain institution of Metromedia's stock was filed only on Monday, and corrected on Tuesday.

Metromedia, Inc., the owner of four VHF television stations in the top 25 markets and a host of other media properties here acquires its fifth VHF television station, located in the 16th market. It is also the applicant to acquire a UHF in the 15th largest market. Thus under Commission policy now nominally in force, Metromedia must make a compelling affirmative showing as to why this additional aggregation of media power will be in the public interest. According to 1969–70 data, Metromedia will, with this acquisition and the other application pending, increase its net weekly circulation by almost 10%, and increase the potential homes it can reach by 12%. It will be able to reach more than 27% of the television homes in the nation.

Although the majority has always been able in the past to find the "compelling showing" that the public interest would be served in a "top-50" market situation, never have the grounds for accepting such a showing been so weak. Normally there have been situations where there were UHF stations losing money and efforts had been made to find other buyers unsuccessfully, or there were significant benefits of local or regional deconcentration of a present ownership structure. In addition, there were often important commitments to minority groups in terms of expanded programming, etc. And in the most recent case, the Time-Life—McGraw-Hill applications, community groups by agreement were able to enforce a more vigorous view of the "top-50" policy than the majority viewed necessary. Here there are no community groups spurring the Commission and the parties, and there is no enforcement.

The "compelling affirmative showing" made by Metromedia is mainly a proposal to use programming in Minneapolis which it has found successful in other communities. There is no benefit of deconcentration—one multiple owner sells to another, and the first promises to use the proceeds to get another, bigger station. This is a very profitable station—not a UHF on the brink of bankruptcy. And part of the "compelling affirmative showing" is a promise by Metromedia to program less hours, less news, less other nonentertainment programming, and less news than the present licensee actually presented in its last license renewal composite week—Metromedia does propose 15 minutes more news per week than the present licensee proposed at last renewal. This is the sum of the majority's compelling showing.

A second major problem with the application is that at least two of the major holders of Metromedia stock are in patent violation of the Commission's multiple ownership rules, as the majority recognizes by sending letters to the owners ordering them to divest. The problem is that the Commission's ownership reports, for a variety of reasons, are not providing the relevant information on institutional holdings of broadcast stock. The Commission is often reduced to asking transferee applicants to ascertain from the institutional holders of their stock whether the institution is in violation of Commission rules, as a condition to Commission approval of the application in question. This inquiry is not always made.

The problem is illustrated by the holdings of the two institutions ordered to divest in this case. Keystone Funds has 5.45% of Metromedia, 3.6% of ABC, 6.38% of Downe Communications and 8.7% of LIN Broadcasting. College Retirement Equities Fund, technically an individual owner subject to the one percent limitation but now treated as a mutual fund by the Commission, has 4.65% of Metromedia, 3.5% of ABC, 3.28% of Cox Broadcasting, 3.2% of Fuqua Industries, 2.04% of McGraw-Hill, 3.09% of Rollins and 1.03% of Travelers Insurance. For both these holders, recent Commission action on other transfer applications for other companies (Downe Communications and McGraw-Hill) failed to reveal the rule violations. And these rule violations take place two years after the time the Commission gave for divestiture in the rulemaking that allowed mutual funds to hold as much as 3% of a broadcast licensee's stock. Somewhere in the foggy past there was an effort underway to revise the Commission's ownership reporting form. Perhaps that effort needs to be revived.

I would set this application for hearing to determine whether it complies with the Commission's "top-50" policy, and whether the public interest generally would be served by granting it.

EXHIBIT B

[From Time magazine, Oct. 11, 1971]

STATEMENT REQUIRED BY THE ACT OF AUGUST 12, 1970, SECTION 3685, TITLE 39, UNITED STATES CODE, SHOWING THE OWNERSHIP, MANAGEMENT, AND CIRCULATION

Time, the weekly newsmagazine, published weekly at 541 N. Fairbanks Court, Chicago, Illinois 60611 for September 27, 1971. The General Business Offices of the Publisher are located at the Time & Life Building, Rockefeller Center, New York, New York 10020.

The names and addresses of the Publisher, Editor-in-Chief and Managing Editor are: Publisher, Henry Luce III, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; Editor-in-Chief, Hedley Donovan, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; Managing Editor, Henry Anatole Grunwald, Time & Life Building, Rockefeller Center, New York, N.Y. 10020.

The owner is: Time Incorporated, Time & Life Building, New York, New York 10020; the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock are: *Carson & Co., Box 491 Church St. Station, New York, N.Y. 10008; *Cede & Co., Box 20 Bowling Green Station, New York, N.Y. 10004; *Chetco, 35 Congress Street Boston, Mass. 02104; *Chine & Co., c/o State St. Bank & Trust Company, Box 531 G. P. O., Boston, Mass. 02101; *Dietrich & Co., c/o The Bank of New York, Box 11–203, New York 10049; The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019; *Ferro & Co., 35 Congress Street, Boston, Mass. 02109; *Gale & Co., c/o Harris Trust & Savings Bank, Trust Dept., 111 W. Monroe St., Chicago, Ill.; *Kane & Co., c/o The Chase Manhattan Bank, P. O. Box 1508, Church Street Station, New York, N.Y. 10008; Mrs. Margaret Z. Larsen, c/o Time Incorporated, Time & Life Bldg., Rockefeller Center, New York, N.Y. 10020; Mr. Roy E. Larsen, c/o Time Incorporated, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; *Loriot & Co., c/o Manufacturers Hanover Trust Co., Corporate Trust Dept., 10th Floor, 4 New York Plaza, New York, N.Y. 10015; The Henry Luce Foundation Inc., c/o Chemical Bank New York Trust Co., 10 Rockefeller Plaza, New York, N.Y. 10020; Henry Luce III, c/o Time Incorporated, Time & Life Building, Rockefeller Center, New York, N.Y. 10020; *Pace & Co., Box 926, Pittsburgh, Pa. 15230; *Peak & Co., c/o State St. Bank & Trust Company, Box 351, Boston, Mass. 02101; *Perc & Co., c/o Northwestern National Bank of Minneapolis, Trust Dept., Safekeeping Division, Minneapolis, Minn. 55440; *Powers & Co., P. O. Box 1479, Church Street Station, New York, N.Y. 10008; *Tegge & Co., P. O. Box 1479, Church Street Station, New York, N.Y. 10008.

The known bondholders, mortgagees, and other security holders owning or holding one percent or more of total amount of bonds, mortgages, or other securities are: None.

The average number of copies each issue during the preceding 12 months are:

(A) Total no. of copies printed: Net Press run, 4,492,000.

(B) Paid circulation: (1) Sales through dealers and carriers, street vendors and counter sales 227,000; (2) Mail subscriptions, 4,017,000.

(C) Total paid circulation, 4,244,000.

(D) Free distribution by mail, carrier or other means: (1) Samples, complimentary, and other free copies, 104,000; (2) Copies distributed to news agents but not sold, 135,000.

(E) Total distribution, 4,483,000.

(F) Office use, left-over, unaccounted, spoiled, after printing, 9,000.

(G) Total, 4,492,000.

The actual number of copies for single issue nearest filing date are:

(A) Total no. of copies printed: Net Press Run, 4,632,000.

(B) Paid circulation: (1) Sales through dealers and carriers, street vendors and counter sales, 243,000; (2) Mail subscriptions, 4,135,000.

(C) Total paid circulation, 4,378,000.

(D) Free distribution by mail, carrier or other means: (1) Samples, complimentary, and other means: (1) Samples, complimentary, and other free copies, 108,000; (2) Copies distributed to news agents but not sold, 145,000.

(E) Total distribution, 4,631,000.

(F) Office use, left-over, unaccounted, spoiled after printing, 1,000.

(G) Total, 4,632,000.

I certify that the statements made by me above are correct and complete.

LUCY PULLEN WERNER,
Business Manager.

SECURITY HOLDERS AND VOTING POWERS

1. (A) Give the names and addresses of the 10 security holders of the respondent who, at date of the latest closing of the stock book or compilation of list of stockholders of the respondent, prior to the end of the year, had the highest voting powers in the respondent, and state the number of votes which each would have had the right to cast on that date if a meeting were then in order. If any such holder held in trust, give in a footnote the known particulars of the trust (whether voting trust, etc.), duration of trust, and principal holders of beneficiary interests in the trust. If the stock book was not closed

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* See attached Statement of Commissioner Johnson.

*Believed to be held for account of one or more stockholders.

or a list of stockholders not compiled within one year prior to the end of the year, or if since the previous compilation of a list of stockholders, some other class of security has become vested with voting rights, then show such 10 security holders as of the close of the year. Arrange the names of the security holders in the order of voting power, commencing with the highest. Show in column (a) the titles of officers and directors included in such list of 10 security holders.

(B) Give also the voting powers resulting from ownership of securities of the respondent of each officer and director not included in the list of 10 largest security holders.

2. If any security other than stock carriers voting rights, explain in a supplemental statement the circumstances whereby such security became vested with voting rights and give other important particulars concerning the voting rights of such security. State whether voting rights are actual or contingent and if contingent describe the contingency.

3. If any class or issue of security has any special privileges in the election of directors, trustees or managers, or in the determination of corporate action by any method, explain briefly.

4. Furnish particulars concerning any options, warrants, or rights outstanding at the end of the year for others to purchase securities of the respondent or any securities or other assets owned by the respondent, including prices, expiration dates, and other material information relating to exercise of the options, warrants, or rights. Specify the amount of such securities or assets so entitled to be purchased by any officer, director, associated company, or any of the ten largest security holders. This instruction is inapplicable to convertible securities or to any securities substantially all of which are our standing in the hands of the general public where the options, warrants, or rights were issued on a prorata basis.

5. Give date of the latest closing of the stock book prior to end of year, and state the purpose of such closing: Books are not closed.

6. State the total number of votes cast at the latest general meeting prior to the end of year for election of directors of the respondent and number of such votes cast by proxy.

Total ________________________ 2,914,190
By proxy_____________________ 2,914,190

7. Give the date and place of such meeting: May 13. 1971 at Sheraton Wayfarer Motor Inn. Bedford, New Hampshire.

Name and address of security holder	Voting securities, number of votes as of Dec. 31, 1971			
	Total votes	Common stock	Preferred stock	Other
(a)	(b)	(c)	(d)	(e)
Total votes of all voting securities	4,392,247	4,392,247		
Total number of security holders	28,458	28,458		
Total votes of security holders listed below	386,652	386,652		
10 largest stockholders:				
Cede & Co., New York, N.Y	134,061	134,061		
Hamilton & Co., New York, N.Y	44,726	44,726		
O'Neill & Co., New York, N.Y	43,200	43,200		
New Hampshire Retirement System, Concord, N.H	37,400	37,400		
Worthen & Co., Nashua, N.H	31,862	31,862		
Staniels & Co., Manchester, N.H	21,627	21,627		
Saxon & Co., Philadelphia, Pa	18,462	18,462		
Pearl & Co., Hartford, Conn	15,350	15,350		
Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, N.Y	14,574	14,574		
Hayvest & Co., Hartford, Conn	14,526	14,526		

Exhibit D

Security Holders and Voting Powers

1. (A) Give the names and addresses of the 10 security holders of the respondent who, at the date of the latest closing of the stock book or compilation of list of stockholders of the respondent, prior to the end of the year, had the highest voting powers in the respondent, and state the number of votes which each would have had the right to cast on that date if such a meeting were then in order. If any such holder held in trust, give in a footnote the known particulars of the trust (whether voting trust, etc.), duration of trust, and principal holders of beneficiary interests in the trust. If the stock book was not closed or a list of stockholders not compiled within one year prior to the end of the year, or if since the previous compilation of a list of stockholders, some other class of security has become vested with voting rights, then show such 10 security holders as of the close of the year. Arrange the names of the security holders in the order of voting power, commencing with the highest. Show in column (a) the titles of officers and directors included in such list of 10 security holders.

(B) Give also the voting powers resulting from ownership of securities of the respondent of each officer and director not included in the list of 10 largest security holders.

2. If any security other than stock carries voting rights, explain in a supplemental statement the circumstances whereby such security became vested with voting rights and give other important particulars concerning the voting rights of such security. State whether voting rights are actual or contingent and if contingent describe the contingency.

3. If any class or issue of security has any special privileges in the election of directors, trustees or managers, or in the determination of corporate action by any method, explain briefly.

4. Furnish particulars concerning any options, warrants, or rights outstanding at the end of the year for others to purchase securities of the respondent or any securities or other assets owned by the respondent, including prices, expiration dates, and other material information relating to exercise of the options, warrants, or rights. Specify the amount of such securities or assets so entitled to be purchased by any officer, director, associated company, or any of the ten largest security holders. This instruction is inapplicable to convertible securities or to any securities substantially all of which are outstanding in the hands of the general public where the options, warrants, or rights were issued on a prorata basis.

5. Give date of the latest closing of the stock book prior to end of year, and state the purpose of such closing: Common at 10-8-71 and Preferred at 12-15-71 for dividends payable 11-1-71 and 1-2-72 respectively.

6. State the total number of votes cast at the latest general meeting prior to the end of year for election of directors of the respondent and number of such votes cast by proxy: Total 12,496,612 in person and by proxy.

7. Give the date and place of such meeting: May 19, 1971, at Raleigh, N.C.

Name and address of security holder	Voting securities, number of votes as of—Common Oct. 8, 1971, preferred Dec. 15, 1971			
	Total votes	Common stock	$5 preferred stock	Serial preferred other
(a)	(b)	(c)	(d)	(e)
Total votes of all voting securities	16,767,958	15,530,699	237,259	1,000,000
Total number of security holders	46,085	36,012	5,097	4,976
Total votes of security holders listed below	3,301,996	3,221,307	8,119	72,570
10 security holders with highest voting powers:				
Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, N.Y.[1]	685,112	647,598	4,824	32,690
Stuart & Co., New York, N.Y	632,540	632,540	None	None
Sigler & Co., New York, N.Y	311,883	306,083	150	5,650
Wake & Co., Winston-Salem, N.C	295,750	292,083	3,037	630
Thomas & Co., New York, N.Y	293,502	293,502	None	None
Steere & Co., Philadelphia, Pa	283,926	268,926	None	15,000
King & Co., New York, N.Y	241,588	235,688	None	5,900
Kane & Co., New York, N.Y	234,928	234,928	None	None
Atwell & Co., New York, N.Y	170,767	157,959	108	12,700
The Prudential Insurance Co. of America, New York, N.Y	152,000	152,000	None	None

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[1] Includes 136,036 shares of common stock registered in name of Cede & Co., nominee for stock clearing corporation, a subsidiary of the New York Stock Exchange.

Exhibit E

[From the Seattle Post-Intelligencer, Apr. 25, 1972]

MacDonald Ejected From Boeing Meet

(By Al Watts)

Kenneth A. MacDonald, a Seattle attorney, was ejected by security guards from yesterday's Boeing Co. stockholders' meeting after loudly protesting against the way the meeting was being run.

By order of William M. Allen, company board chairman, MacDonald, shouting and kicking, literally was tossed out on his back while more than 700 surprised stockholders watched.

MacDonald was seeking to require the company to open its books on reported political campaign expenditures involving the candidacy of Sen. Henry Jackson.

Attempting to introduce a resolution, MacDonald was promptly ruled out of order by Allen and warned he would be ejected if he didn't sit down.

MacDonald, however, strode to the podium, waving a copy of Roberts Rules of Order, saying he had a right to speak.

With MacDonald continuing his attempt to be heard. Allen nodded to company guards and gave the word: "Eject this man."

Although slightly built, MacDonald resisted the Boeing escorts and went sprawling on his back as he was shoved outside, after shouting, "I won't leave. I won't leave!"

Ironically after the unscheduled donnybrook, a shaken Allen introduced the resolution, copies of which had been passed around to shareholders, but said the whole matter was out of order because MacDonald, who claimed he owns 400 Boeing shares, "is not a stockholder of record."

MacDonald said he bought 400 shares of Boeing stock on March 29, 1971.

Allen later said that MacDonald's resolution should be directed to company directors and not presented as a stockholders' meeting.

"This is a business meeting and not a forum for political and social causes," Allen commented.

MacDonald, an announced supporter of Sen. George McGovern in the presidential race, is protesting the reported use of Boeing money to pay for trips to Wisconsin by an employe, Rod Scheyer, who bought political ads for Jackson with company funds.

As announced by Boeing President T. O. Wilson at yesterday's meeting, Scheyer was placed on leave-of-absence without pay during his trips this year to Wisconsin and he refunded his company advance money.

". . . It was determined Mr. Scheyer's participation in the campaign was not proper," Wilson said in a prepared statement.

After the meeting, MacDonald claimed that "it was predetermined that I would be thrown out," and that he was met at the door by Boeing lawyers before the meeting who advised him he would not be permitted to present his resolution.

"They couldn't legally keep me out, because, you know, I'm a pretty good lawyer myself. But they had chosen to throw me out, which proves that shareholders have no rights, essentially," MacDonald said.

He said the decision to eject him was "partly corporate, partly political," involving the influence of Senator Jackson.

Ruffled, but uninjured and still full of fire, MacDonald commented:

"You know those Boeing guards are really nice guys. We chatted after they threw me out and we shook hands. But as far as those other Boeing guys . . ."

Allen defended his action, said he did not know MacDonald personally and that "I would have thrown out even President Nixon under the circumstances."

A Stockholder Without a Vote

(By Dan Coughlin)

The unceremonious removal of Seattle attorney Kenneth A. MacDonald from the annual meeting of Boeing Co. shareholders raises some intriguing questions.

In this column's fumbling way, we brought one up yesterday in asking when is a stockholder not a stockholder.

In the eyes of his broker. MacDonald clearly is one of the owners and entitled to a say in corporate affairs. Shearson Hammil's local vice president and manager, Boyd Sharp, described himself as "confounded" when he heard of MacDonald's ouster.

It was Sharp who, as a Shearson officer, gave MacDonald power of attorney to vote 400 shares of stock, which Shearson records clearly show MacDonald bought 13 months ago for $8,527.

The problem, though, is that somehow neither MacDonald nor Shearson apparently showed up as an "owner of record" on the March 9 date that one or the other must have been listed to vote at the meeting.

How could it happen? Sharp says he checked his New York home office before issuing the power of attorney; Shearson's records showed the firm owning 1,036 shares in its own name. The power of attorney involved 400 of those shares.

MacDonald's shares apparently had been turned over by Shearson to the New York Stock Exchange's widely heralded Central Certificate Service, a kind of central bank depository and service agency for perhaps 80 per cent of all the shares traded in the Exchange, amounting to $40 billion in value.

The computerized list made available by Boeing's transfer agent, the First National City Bank of New York, to Boeing attorney J. Shan Mullin didn't show Shearson to be an owner.

That being the case, MacDonald couldn't vote the shares given to him by the power of attorney and since his own shares were apparently buried deep in the Certificate Service somewhere he couldn't vote those either.

With that, he was thrown out by members of the company's private guard force under orders of Board Chairman William M. Allen.

This newspaper asked the bank to verify the accuracy of its listings yesterday. The bank referred inquiries to Boeing. Shearson was conducting an extensive search of its own records yesterday, too, but hadn't completed the project at the end of the business day.

All parties to the transaction are among the most respected in their fields. Shearson, the bank, Boeing, the lawyers involved. But one has to ask—and follow up through the Securities and Exchange Commission if necessary—whether other investors might be similarly disenfranchised if they seek to exercise the rights they have inherent as owners; their voting powers stripped from them because of a computer designed to save brokers from added paperwork. If it could happen to MacDonald, an experienced lawyer himself, it could happen to anybody.

Apart from that is the whole business of a company's attitudes toward a disgruntled stockholder. MacDonald is surely in that category, as are others who support this cause or that, however outlandish it might seem in the corporate boardroom.

One can't help wondering how the vote would have gone had MacDonald been given his chance to speak. We'll never know.

Is He a Boeing Stockholder?

(By Dan Coughlin)

When is a stockholder not a stockholder?

The answer isn't as deceptively simple as you might at first assume.

Seattle attorney Kenneth A. MacDonald thought, for instance that he was a stockholder of the Boeing Co. but found out, to his dismay, that the company didn't think so.

Company Board Chairman William M. Allen felt so strongly, recall, that he ordered guards to eject the pint-sized, but feisty, 55-year-old attorney from the company's annual meeting Monday.

MacDonald was trying to get other shareowners to approve a resolution requiring the company to open its books on campaign expenditures involving the candidacy of Sen. Henry M. Jackson. MacDonald supports Sen. George McGovern. MacDonald was upset over reported use of Boeing funds to pay for trips to Wisconsin by Boeing employe Rod Scheyer, who bought political ads with company traveler's checks. Company President T. A. Wilson said Scheyer's participation in the campaign "was not proper," that Scheyer was on leave without pay during the trips and has refunded the money he spent.

Whether MacDonald was following accepted procedures for getting such a controversial resolution before other stockholders is another matter.

The ownership question gets into some fairly deep ground.

Officials of Shearson Hammill & Co., Inc., don't think there is any real doubt about MacDonald being a shareowner.

Contacted by The P–I yesterday, Vice President and Manager Boyd Sharp Jr. and investment executive (registered representative) Ray Moore of the firm's Seattle office confirmed that MacDonald bought 400 shares of Boeing stock 13 months ago, paying $8,527 for it. Said Sharpe:

"He is a stockholder."

Moore said MacDonald left his shares in the care of the brokerage firm, keeping them "in street name" as that commonly-accepted practice is known. When MacDonald said he planned to attend the Boeing meeting, he contacted Moore to verify the ownership. Sharp said he determined his firm owned more than 1,036 shares in its own name as well as about 49,000 additional shares on behalf of clients like MacDonald.

As an officer of the brokerage, Sharp gave MacDonald power of attorney in writing to vote 400 of that 1,000 shares, the practical effect of course being the same then as if MacDonald had the shares in his hands.

It didn't work that way.

The Boeing books, certified by the First National City Bank of New York, its transfer agent, apparently didn't show that Shearson owned any shares in its name on the March 9 "record date" for ownership voting rights at the meeting.

MacDonald's associate, attorney William H. Newkom, said Boeing election judge J. Shan Mullin of the firm of Perkins, Coie, Stone, Olsen & Williams told him all of Shearson's shares had been transferred to an agency known as the Central Certificate Service, Mullin later confirmed this to the newspaper.

In response to The P-I's inquiry, a spokesman for the New York Stock Exchange said CCS is a computerized clearing house, kind of like a central bank, for perhaps $40 billion worth of stock held in street name by exchange member firms, 80 per cent of all their trading.

CCS is operated by the Stock Clearing Corp., a subsidiary of the exchange, established in the aftermath of the paperwork crunch of the late 1960s that saw a number of brokerages broken because of an inability to trace, maintain and care for stock left in their custody.

A spokesman for the exchange expressed surprise that the records didn't jibe since, he said, the shares involved are balanced and forwarded to participating brokerages on a daily basis.

Mullen said there would have been no problem about MacDonald's right to vote at the meeting with the Shearson power of attorney, had the records showed Shearson held stock.

In the case of a "controversial" meeting, the brokerages customarily transfer the shares from CCS's care back to their own name directly so that kind of issue wouldn't be joined. There was no indication in the proxy material that it would be as controversial as it later became.

STOCK CLEARING CORP.,
New York, N.Y., July 16, 1970.

Mr. LEE METCALF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR MR. METCALF: I have received your letter of July 7th asking for information on the background and business interests of Cede & Company.

Cede & Company is a nominee partnership composed solely of employees of Stock Clearing Corporation, a wholly owned subsidiary of the New York Stock Exchange. It engages in no business whatsoever and acts merely as the registered holder of securities deposited by member firms of the New York Stock Exchange in a Central Depository System which was developed and is maintained by Stock Clearing Corporation. The purpose of the Central Depository is to reduce the need to deliver and receive stock certificates in order to transfer title of the Shares evidenced thereby. In the Central Depository concept, title to shares on deposit is transferred by bookkeeping entry deducting the shares from the account of the transferor and adding those shares to the account of the transferee. No physical delivery of stock certificates is necessary. In similar fashion, a pledge of securities within the Central Depository can also be effected. The Uniform Commerical Code includes a Section 8–320 which specifically authorizes this helpful new concept.

It can be seen therefore that all of the securities registered in the name of Cede & Company actually are beneficially owned by the thousands of customers of the depositing member firm or perhaps by the firm itself. None of such shares is beneficially owned by Cede & Company.

I hope this gives you the information you need but if not please let me know of the additional assistance I can provide.

Very truly yours,
ANTHONY P. RERES,
Vice President, Central Certificate Service.

STOCK CLEARING CORP.,
New York, N.Y., February 24, 1971.

Hon. LEE METCALF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SIR: We are in receipt of your letter, dated February 5, 1971, requesting information about voting procedures which apply to shares registered in the nominee name, Cede & Co.

Shares are deposited with Central Certificate Service by Clearing Members of Stock Clearing Corporation, all of which are member organizations of the New York Stock Exchange. Shares are credited to the members' account and immediately transferred into the name of Cede & Co. The beneficial owners of these shares may be the depositing Clearing Member or its customer. Central Certificate Service, of course, knows only the Clearing Member depositors.

We notify each Clearing Member of a stockholders meeting as soon as the information as to record date and meeting date has been received from the corporation. This notification will enable them to order proxy material, in adequate amounts, for mailing to their clients and for soliciting voting instructions. On the record date, we also confirm their record date position and provide forms on which they can instruct us to vote their shares. We cannot vote without receiving instructions to do so from the Clearing Members involved. Upon receipt of voting instructions from the firms, the results are tabulated by our computer, a proxy is issued, and forwarded to the corporation. The proxy is accompanied by a listing indicating each Clearing Member's vote for and against each proposal. We do not exercise any discretionary right to vote or issue a proxy without instructions from the Clearing Member.

Our Clearing Members must, of course, comply with Exchange proxy rules when voting shares in their C.C.S. accounts. I'm enclosing a copy of those rules for your information.

Please be assured that we at Central Certificate Service are cognizant of the importance of proxies in corporate affairs and also in the protection of the rights of the beneficial owner as a stockholder.

We trust this information will be helpful to you; and should we be able to further assist you, please do not hesitate to contact us.

Very truly yours,
ANTHONY P. RERES.

STOCK CLEARING CORP.,
New York, N.Y., June 14, 1972.

Hon. LEE METCALF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR METCALF: We have read with interest your statement of April 25, 1972, in the Congressional Record on "Disclosure and Control of Industrial Corporation Stock." In that statement you cite "Cede & Co." as being listed in ownership reports as a substantial record owner of several major corporations, and you correctly say that this "identifies" the Stock Clearing Corporation which is a wholly owned subsidiary of the New York Stock Exchange, Inc. You also include the Exchange at other points of the statement as holding, with others, certain percentages of stock.

We think it is important that the record should more completely reflect the operation of Stock Clearing Corporation and particularly the role of Cede & Co. Stock Clearing Corporation is a wholly owned subsidiary of the New York Stock Exchange. One department of that subsidiary is a securities depository which we call Central Certificate Service (CCS). Brokerage firms maintain shares of eligible securities on deposit in their accounts in CCS. These accounts are credited with a number of shares deposited and stock certificates representing these shares are registered in a name of a common nominee, "Cede & Co." Shares are held by Cede & Co. as a nominee only to facilitate the transfer of securities in CCS by bookkeeping entry. Neither CCS, nor Stock Clearing Corporation, nor "Cede & Co.", nor the New York Stock Exchange, Inc. acquires any beneficial interest in these shares.

To make delivery, the selling brokerage firm instructs CCS to debit its account by, say, 500 shares of XYZ Corporation and credit the buying broker's CCS account by the same number of shares. Title to the shares is thus transferred by a computerized bookkeeping entry while the certificates themselves remain immobilized. At the same time, the offsetting changes in the buying and selling members' daily cash balances are also made by electronic bookkeeping entry.

By the procedure that I have just described very simply, CCS is revolutionizing the cumbersome methods by which the ownership of securities is transferred. The New York Stock Exchange, Inc. has successfully automated much of the processing of securities transactions through CCS. Wall Street's ability to handle efficiently transactions of a growing investor public has thereby been vastly increased. We think this to be a desirable goal.

As I have said, "Cede & Co." is a nominee for CCS, and CCS acquires no beneficial interest in securities kept on deposit. The owners of the securities left on deposit continue to vote the shares even though they are held in the name of Cede & Co. On the record date, and on a monthly basis, CCS supplies to each corporation whose securities are on deposit a listing of the depositors and the number of shares deposited. When supplied with proxies and proxy material by the issuer, CCS in turn delivers those items to the depositors. Cede & Co. and CCS vote no shares without the instruction of the depositor. During 1971 CCS voted pursuant to instructions, approximately 671 million shares which constituted approximately 80 percent of the shares on deposit on the record dates in that year. This compares favorably with major corporations.

We would be pleased to meet with you for further discussion if you wish.

Sincerely,
RICHARD B. HOWLAND.

P.S. Attached is a booklet captioned "CCS—The Billion-Share Automated Securities Depository", which outlines the functions of CCS.

EXHIBIT F

SAFEWAY STORES, INC.,
Oakland, Calif., June 7, 1972.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your May 8 letter requesting stockholder information about our company.

Attached is the information you requested, along with a recent copy of our "Safeway News" magazine which goes to some 97,000 employees. This issue, which ran February/March 1972, has an article on page 1 entitled, "Who Owns Us?" I think you will find the article of interest, as it contains additional information concerning the owners of our company.

I think you might be interested to know that Kane and Company, with 2,206,363 shares, represents our employees' Profit-Sharing Plan. The Employee Retirement Plan, represented by King and Company and Food and Company, totals 465,994 shares.

We are pleased to be of assistance in this inquiry and hope that you find the information of value.

Sincerely yours,
W. S. MITCHELL.

Safeway Stores Inc., top 30 shareholders, March 3, 1972

[Number of shares]

Kane & Co., Chase Manhattan Bank	2,206,363
Cede & Co., NYSE	1,372,062
Merrill Lynch Pierce Fenner	646,752
Ince & Co., Morgan Guaranty Trust	594,224
Myers & Co., Windsor Fund	512,000
Cudd & Co., Chase Manhatten	305,828
King & Co., First National City Bank	259,326
Food & Co., Bank of California	233,000
Sigler & Company, Manu. Hanover Trust	202,225
Egger & Co., Chase Manhatten Bank	188,664
Brown Brothers Harriman & Co	182,229
Eddy & Co., Bankers Trust Co	167,325
Finman & Co., Bankers Trust Co	166,400
Sabat Co., Savings Banks Trust Co	162,700
Salkeld & Co., Bankers Trust Co	151,705
O'Neill & Co., Bank of New York	150,000
Lynn & Co., Morgan Guaranty Trust	125,000

Safeway Stores Inc., top 30 shareholders, March 3, 1972—Continued

Seafirst & Co., Seattle Nat. Bank	123, 439
Ferro & Co., Nat. Shawmut Bank of Boston	114, 100
Gmster & Co., Bank of America	93, 000
Loeb Rhoades & Co	80, 919
Gunther & Co., Swiss Bank Corporation	74, 138
Bid & Co., New England Merchants Nat. Bank	72, 000
Seatel & Co., Seattle First National Bank	70, 000
Dicot & Co., Bank of America	65, 000
Spinnaker & Co., State Street Bank and Trust	57, 000
Nay & Co., Security Pacific National Bank	56, 058
Safinsco	55, 000
Trund & Co., United California Bank	54, 500
Gavin & Co., Morgan Guaranty Trust	52, 800
Total	8, 593, 757

Total outstanding shares, 25,620,931.

[From Safeway News, February-March 1972]

WHO OWNS US?

(By the Roving Reporter)

When I was in my early teens, there was a Safeway store about a half block from my home. It was managed by a lovely and friendly woman named, if I remember correctly, Mona. Mona was sturdy, reliable, and very hard working, and she had two or three other ladies in her store who helped her. (During the depression, Women's Lib wasn't a cause, and coffee sold for 18c a pound.)

I was curious at that time about Safeway, because in spite of the fact that the little store we patronized was seldom busy, it was always clean, neat, and ready for whatever business might straggle in. Obviously its owner was investing funds for the future. I asked Mona about Safeway and who owned it, and she said, "I don't really know, but I think it's Standard Oil Company of California." That was the first time I'd heard the theory, but it was far from the last. For some reason I have been unable to uncover, the rumor still floats around. It really isn't true, and never has been. The interesting thing is that it could have been possible.

Who owns Safeway? The fact is that nobody actually knows or can know. This is because a corporation is owned by the people who, at any given time, own its shares. It should be easy to figure out who they are except that many of the people or "institutions" who own shares own them in the name of a "nominee," and they don't necessarily own them for an extended period of time. Yesterday's ownership is not today's.

I once gave my wife a few shares of Safeway stock, for instance, as a present. She is now duly listed as an owner under her own name. She is a shareholder, recognized as such. My daughter, on the other hand, owns some shares of a mutual fund which operates in the stock market on a "growth theory." From time to time her fund owns Safeway stock and proportionately, she does too. But she isn't listed as a Safeway shareholder because her interest is secondary or indirect. What with funds, trusts and other institutional holdings, no one can say at any given time who owns and profits from our Company. Certainly, all of us who work for it benefit in many ways, but only those who are direct owners (as my wife) or indirect (as my daughter) participate fully or partially in its good or ill fortunes.

By far the largest number of our shareholders are small investors. Out of almost 68,000 listed shareholders as of the end of last year, a little more than 34% owned fewer than 50 shares. (This isn't peanuts either; on December 31, 1971, 50 shares of Safeway stock was worth about $1,795.) A smaller number of shareholders (less than 10,000) were invested in Safeway at the rate of 50 to 99 shares. Taken together, while these two groups of stockholders represent around 48% of the total owners, they represent directly about 4% of our total ownership.

The foregoing may suggest that our major ownership must be highly concentrated and in the control of a few shareholders. In a sense this is true. It may shock you to know that at the end of last year only 114 shareholders owned about 48% of our company.

But before you jump up and down about the concentration of ownership in a "few" hands, you have to take a look at who these owners are. For the most part, each "owner" represents thousands of investors, such as my daughter's fund does. Hers is a "growth" fund, buying and selling as opportunities appear, but many others involved in our ownership are in a sense "protection" funds. Trustees of pension funds, for instance, are inclined to consider Safeway ownership; they represent thousands of prospective pensioners, are responsible for the security of future payments, and to them Safeway's progress is equated with future security. Brokerage houses, on their own accounts and on those of thousands of their clients who don't want to be bothered with actual stock certificates (known as "street" accounts), are counted as single shareholders although their actual ownership is widely spread. One of the leading brokerage houses in the United States, for instance, is Merrill Lynch, Pierce, Fenner & Smith, Inc., an institution close to Safeway's birth and growth because of the early interest of Charles Merrill in food distribution. MLPF&S announced last August, in connection with an analysis of our Company's prospects, that it, "for the accounts of its elected officers and its employee benefit programs, had a large interest (more than $500,000) in (Safeway's) common stock."

This is only an indication, of course, of the breadth of our ownership. Standard and Poor's, a repository of information on the prices and movements of common shares on various exchanges estimated in December of last year that 117 different institutions (insurance companies, pension funds, mutual funds, banks, trusts) held about 2,500,000 shares of our stock. At roughly the same time, Kidder Peabody (another brokerage house) estimated that over "100 institutions held 3,200,000 shares."

Safeway employees, while not yet large owners as a group, are also important individual participants in ownership. Indirectly, some participate as the result of funds invested under the Safeway Retirement Plan. Directly, about 4,000 of us are buying Safeway stock in our own names under the Employees' Stock Purchase Plan, and we are buying it at the rate of over $1,000,000 per year. This amount bought more than 30,000 shares in 1971. (Because of tax and other administrative problems, this plan is available in the U.S. only.)

The few large institutional holders, representing their masses of individual investors and beneficiaries, appear on our rolls as single owners. The smaller investors also appear as single owners, but they are far more easily identified as the kind of people we all know. They are the retired couple on the corner lot; they are the young couple who put a small inheritance in trust for their new baby; they are the store manager in Kansas, the mailman who serves his store and the truck driver who brings his supplies. They are the farmer who sells us lettuce and the rancher who raises beef. They are the local policeman and the boy next door who is away at college.

Whoever they are, and they are legion, they have commissioned us by putting their savings into our hands to care for their interests in today's fiercely competitive and complicated fight for security and growth. In a sense, whether we own part of Safeway indirectly, directly, or not at all, all of us are responsible for more than our jobs; our individual efforts will determine how well we serve those who trust us with their future income and security.

EXHIBIT G

TESTIMONY BY SENATOR LEE METCALF (D-MONT.) BEFORE SENATE SMALL BUSINESS SUBCOMMITTEE ON MONOPOLY JUNE 28, 1972

Mr. Chairman, I am pleased to participate in your Subcommittee's inquiry into corporate secrecy. Shareholders, customers and regulators of many large corporations encounter difficulty in obtaining basic data to which they are entitled. One of the consequences of this information gap is an unawareness of the extent to which economic and political power is concentrated in a few people and institutions, and the relative weakness of the public and elected officials.

Legislation is needed in this area. So is law enforcement. The legislation should be preceded by thorough hearings. I believe your Subcommittee, Mr. Chairman, is helping focus attention on this critical problem.

Before getting into the specific area of your Subcommittee's study, the relationship between corporate secrecy and monopoly, I would like to make a general comment on the corporate information gap, a subject we have dealt with a good deal over in the Subcommittee on Intergovernmental Relations.

In collecting information from large corporations, the Government is somewhat like the wizened little mountaineer who had seven big, strapping sons. He boasted that they never disobeyed him.

"Of course," he added, "I'm right careful what I ask them to do."

The Congress has usually been "right careful" not to ask Fortune's Five Hundred largest companies questions they don't want to answer. The job of information collecting has often been delegated to commissions. They have been "right careful" too. And Congress has not maintained oversight over the commissions. Instead, the regulated companies keep the commissions under continuous surveillance.

A commission runs a formidable gantlet when it does decide to try to gather more information from companies. During the Sixties the Federal Trade Commission prepared a questionnaire on ownership and interlocks which it planned to submit to the Nation's one thousand largest corporations. The questionnaire went over to the Budget Bureau. The Budget Bureau sent it to industry advisory committees. Members of the Industry advisory committees came up to the Hill and obtained a prohibition on expenditures for the survey. So it was never made.

When the chairman of another commission was testifying this spring, I asked if the OMB and its industry advisory committees were giving him any trouble. He said not. Like the old mountaineer, he was being "right careful" about the questions he asked industry.

BANKS IN BROADCASTING

Collection of data on financial concentration is so inadequate that the Government becomes ludicrous in its feeble efforts to determine facts and enforce laws and regulations. Last month, for example, when the Federal Communications Commission liberalized its rules on bank ownership of broadcast companies, it admitted that banks were violating the old rules, and that the Commission did not know the extent of violations because it did not have current data.

Under the old FCC rules, one party generally could not hold more than one per cent of a broadcast company's stock. Under the new rule the one per cent limit applies to individuals, but the limit is raised to three per cent for a mutual fund and five per cent for a bank.

I do not suggest that the Commission believes concentration of economic power among individuals is five times as dangerous as concentrating that power among banks. The Commission's rules had been blatantly disregarded by the banks, and instead of enforcing the rules the Commission simply rewrote them. And it gave the banks three years to comply with the new five per cent rule. Then the banks may come in and get a ten per cent limit.

The FCC properly holds that whoever controls the right to determine how stock is voted is the owner of the stock. He is the proprietary owner, as differentiated from the beneficial owner who gets the dividend. In relaxing the rules on bank concentration of ownership the FCC released data, three years old and furnished by bankers, which showed the wholesale disregard then of the one per cent rule. A survey of nineteen banks showed that among them individual banks controlled more than one per cent of the stock of twenty-five broadcast companies, more than three per cent of the stock of fifteen companies, more than five per cent of the stock of nine companies. And one "bankcaster" had more than ten per cent of the stock in a station.

I think it is pertinent to point out here, Mr. Chairman, that substantial authorities consider a five per cent voting interest in a widely-held company to be controlling if the other votes are scattered. It is also pertinent to your study that the FCC did not name the banks which had these excess holdings in broadcast companies. Furthermore, the FCC order was preceded by a closed administrative conference, on One September 1970, attended by five Commissioners, six bankers and three FCC staff members.

I shall submit for the hearing record the FCC order of twenty-one June, just a week ago, transferring control of WTCN Television (Channel Eleven) in Minneapolis, from Cris-Craft Industries to Metromedia. Commissioner Johnson, in his dissent, states that at least two of the major holders of Metromedia stock are in patent violation of the Commission's multiple ownership rules.

The problem, he says, "is that the Commission's ownership reports, for a variety of reasons, are not providing the relevant information on institutional holdings of broadcast stock . . . Somewhere in the foggy past there was an effort underway to revise the Commission's ownership reporting form. Perhaps that effort needs to be revived."

I will also submit for the hearing record the FCC "order"—it is hardly the proper term—which relaxed the rules on concentration of ownership by unnamed banks following the secret conference. The "order" was adopted Nine May; the Docket is Number one eight seven five one. The order includes the dissenting opinion by Commissioners Johnson and Bartley.

(EXHIBIT A)

Johnson and Bartley say in their dissent that "one looks in vain in the majority document for any discussion of the important issues concerning institutional ownership of the stock of other companies." And that is a key issue, which I want to discuss, the horizontal influence of institutional investors—across an entire industry or the entire economy.

VOTING RIGHTS CONCENTRATED

The massive Institutional Investors' Study Report by the Securites and Exchange Commission, which was printed last year as House Document Ninety-Two Sixty-Four, almost came to grips with the problem. The study analyzed concentration of stockholdings of the two-hundred thirty largest institutional investors in the eight-hundred largest companies listed with the New York and American Stock Exchanges or traded exclusively over the counter. The study did not name the banks, insurance companies, investment houses and other institutional investors. But it named the companies in which these institutional investors had sole voting rights and partial voting rights to stated percentages of stock. And this study showed that various combinations of from one to three of the two-hundred thirty institutional investors had sole voting rights to at least ten per cent of the stock in more than one-fourth of the six-hundred and twenty largest companies.

Here are some of the companies in which one, two or three institutional investors vote at least ten per cent of the stock:

Procter and Gamble.

Sears Roebuck.

Ford and Chrysler.

Three oil companies—Gulf, Texaco and Standard of Indiana.

Three drug companies—Upjohn, Parke Davis and A. H. Robins.

Four insurance companies—Aetna Life and Casualty, Hartford Fire Insurance, Connecticut General Insurance and Farmers New World Life.

And so on, including six airlines—Eastern, TWA, United, National, Delta and Northwest.

CHASE MANHATTAN AIRLINES

Let's look at corporate secrecy and monopoly in the airline industry. We got into that situation last year during hearings on advisory committees before the Intergovernmental Relations Subcommittee. The Civil Aeronautics Board set up a finance advisory committee. It held its first meeting, not in a government office, but at Chase Manhattan, in New York. The chairman was one of Chase Manhattan's two-hundred and ninety-eight vice presidents. Two members of the advisory committee were associated with Rockefeller Family and Associates. The others were tied by interlock to Chase, which is the major creditor for five of the nine local service carriers.

The proceedings of this government advisory committee, dominated by one financial group, were closed to the press and the public. The committee did not keep a transcript. It kept brief minutes, which show that at its very first meeting the advisory committee agreed to "make recommendations on the procedural and philosophical conduct of the Board's business."

With control of the credit and the financial advisory committee apparatus those are some pretty heavy connections between one bank and one key industry right there, before getting to the question of stock control.

Significant blocks of airline stock are held by Cede and Company, which is a pseudonym used by the New York Stock Exchange. I shall discuss that situation later and I am sure, Mr. Chairman, that Richard Ney, the following witness, will have some informative comments on the role of the Exchange.

The point I want to make here is that the failure of regulatory commissions to obtain and disclose adequate information on ownership and control of stock, combined with many companies' refusal to divulge information, leads to erroneous conclusions on the extent of concentration.

The CAB requires airlines to include in their annual report to the agency only those persons or institutions holding more than five per cent of the capital stock. Reports filed with the CAB by airlines state that, as of the end of last year, Chase Manhattan held six point five per cent of the stock in TWA, nine per cent of the stock in Eastern, eight point four per cent of the stock in National and seven point five per cent of the stock in American.

No Chase Manhattan holdings were listed by Northwest, United, and Western.

Nevertheless, Chase Manhattan holds more than six per cent of the common stock in each of those three airlines, according to letters I received recently from those companies.

Chase holds six point eighty-six per cent of the stock in Northwest, seven point twenty-six per cent in Western and eight point fifty-seven per cent in United. The bank holds the stock through two or more nominees, in each instance.

Furthermore, American advised me that three nominees for Chase Manhattan, among the company's top thirty stockholders, hold a total of nine point one per cent of the company's stock. The only one of those three nominee accounts which was reported to the CAB was the one containing more than five per cent of the total voting stock.

United, in its report to the Board, simply says that one hundred per cent of the stock is held by UAL Incorporated. It is a holding company, and it is the holding company through which Chase controls the big block of stock.

Now it could be that some of these holdings were acquired since the annual report was filed by the airlines with the CAB. But it may also be—as was definitely the case in some situations which I shall later discuss—that all the holdings of one institutional investor were not consolidated, but were simply divided among several nominee accounts so that they became, for reporting purposes, invisible.

TIME MAGAZINE AND THE INVISIBLE MORGAN GUARANTY TRUST

These nominees, or street names, are a massive instrument of deception, freely used by most large institutional investors. Last fall I was browsing through the October eleventh issue of Time magazine. It included a report filed in accordance with the Postal Reorganization Act of 1970—which required listing "the identity of the corporation and stockholders thereof" holding one per cent or more of the stock of Time, Incorporated.

Here are some of Time's stockholders, according to its own report:

(EXHIBIT B)

Carson and Company, Box four ninety-one, Church Street Station, New York;

Powers and Company, Box fourteen seventy-nine, Church Street Station;

Tegge and Company, also Box fourteen seventy-nine, Church Street Station.

We've all heard of political meetings in a phone booth—now it looks as though we're having stockholders' meetings in a post office box.

Here are some more of Time's major stockholders, according to Time:

Chetco, at thirty-five Congress Street, Boston.

Ferro and Company, at the same address;

Cede and Co., Box twenty, Bowling Green Station, New York;

Pace and Company, Box nine twenty-six, Pittsburgh.

Now, if you try to call any of these listed owners of Time you will just confuse the telephone operator. She—or possibly he—can't find them in the phone book or the files.

If you are a United States Senator and write to these nominees, the odds are that you will not get a reply. I wrote to five of them and received responses from two. The response from Chetco came from National Shawmut Bank of Boston, which said Chetco "represents our client, a diversified open end investment company" (mutual fund) which the bank did not name.

The letter to Pace and Company was answered by a senior vice president of Mellon National Bank and Trust. He told me that Pace and Company is a partnership nominee of the personal Trust Department of Mellon, that it was formed in nineteen sixty-three and that there are six members of the partnership, each of whom is neither an officer or employee of the bank. He stated that stock listed as Pace and Company is voted by any one of the unnamed partners, in accordance with instructions transmitted by the Trust Investment Committee of the Trust Department of the Bank.

Now, as you know, Mr. Chairman, there is a way to match up these street names and the institutional investors which use them. You use the Nominee List, published annually for the past twenty years by the American Society of Corporate Secretaries at Nine Rockefeller Plaza, New York, and so closely held by the Society that it was denied last year to a newsman, an attorney in a rate case, and the Federal Power Commission staff. So I put it in the Congressional Record. (Twenty-four June, nineteen seventy-one, Number ninety-eight, Part Two). Subsequently the Society decided to sell it. So now you can get it from the Society for twenty dollars, or the Government Printing Office for twenty-five cents, or from my office for nothing.

By using the Nominee List in conjunction with Time's list of principal owners you can trace Chetco and Ferro through Shawmut Bank to the Fidelity Fund. Cede and Company, as I noted before, is an agent for the New York Stock Exchange.

And what about those three principal owners with the box office numbers at the Church Street Station, Carson and Company, Powers and Company and Tegge and Company? The Nominee List traces all of them to the same bank, Morgan Guaranty Trust.

So although Morgan Guaranty holds three principal blocks of stock in Time, and although other institutional investors are named in its ownership report, there is no reference whatsoever by Time to its financial relationship with Morgan Guaranty Trust.

BANK DOMINATION OF ELECTRIC UTILITIES

Now let's take a look at the largest and possibly the most important industry in the country, electric utilities. The Federal Power Commission asks the two hundred and ten major investor-owned utilities to list their ten top voting stockholders in their annual reports. Some utilities do list the proprietary owners. Others don't—and the FPC doesn't do anything about it. The FPC is one of those "right careful" commissions.

To give you an idea of some utilities' disregard of the Commission's question I have included in my presentation the ownership report filed this year by Public Service Company of New Hampshire, the FPC chairman's home state. As you see, most of the "owners" are street names, without even the street or post office box.

(EXHIBIT C)

The 1970 ownership reports of electric utilities, used in conjunction with the Nominee List, show that fourteen banks are each among the ten top stockholders of ten or more utilities.

Chase Manhattan Bank, using four different names, appears among the top ten stockholders of forty-two utilities.

Morgan Guaranty Trust, using thirteen different nominees, appears among the top ten of forty-one utilities.

Manufacturers Hanover Trust, using five different nominees appears among the top ten of thirty-one utilities.

First National City Bank of New York, using eight different nominees, appears among the top ten of twenty-nine utilities.

State Street Bank and Trust, Boston, using eight different nominees, appears among the top ten of twenty-one utilities.

Bankers Trust of New York, using eight nominees, is among the top ten stockholders of twenty utilities.

The other banks listed among the top ten stockholders of ten or more utilities are New England Merchants National Bank, Bank of New York, Northwestern National Bank of Minneapolis, United States Trust of New York, Continental Illinois National Bank and Trust of Chicago, Girard Trust of Philadelphia, National Shawmut Bank of Boston and Chemical Bank of New York.

All except Girard used more than one nominee. And let me emphasize that some utilities report the bank rather than the nominee, or both.

I shall cite two examples of how use of nominees understates, while hiding, concentration of economic power in the utility industry.

CITIBANK'S AND PRUDENTIAL'S HIDDEN VOTES

Carolina Power and Light—whose chairman is the immediate past president of Edison Electric Institute, trade association of the investor-owned utilities—listed among its top ten stockholders three nominees for First National City Bank of New York. But the bank itself was nowhere listed in the ownership report, which is Exhibit D. Citibank's nominees are Stuart & Company, Thomas & Company and King & Company.

(EXHIBIT D)

The other example I will use is Virginia Electric and Power. According to its ownership report filed with the FPC last year its largest stockholder was Merrill, Lynch, Pierce, Fenner and Smith, with just over a million shares, and Prudential Insurance Company was second, with 580,000. Wrong, in both instances.

Through three separate nominees, listed among the top ten stockholders along with the bank, First National City Bank holds almost one and a half million shares. But Citibank has some other blocks that don't show in the top ten. Citibank itself states that it holds *and votes* 1,808,000 shares of VEPCO stock. And a VEPCO voter list made available in a rate case this year shows Cede and Co. holding more than two million shares.

Prudential's annual report shows that it has about a quarter million more shares in VEPCO than the utility's report shows. I asked the FPC to check the discrepancy. It referred the query to VEPCO. VEPCO said that by oversight it had failed to credit Prudential with thirty-thousand shares. That still left a discrepancy of more than two-hundred thousand shares. VEPCO finally found them, in six nominee accounts. Let me read you the names of these nominees for Prudential:

Fiveco, Forco, Octco, Oneco, Treco and Twoco.

It has been nine months now since I wrote Chairman Nassikas on this VEPCO matter, suggesting consolidated reporting in the name of whoever controls the stock. I sent a copy of that letter to the Assistant Attorney General for Antitrust. I guess they are being "right careful" in deciding how and when to make a substantive reply.

The fact that a bank holds stock in some trust capacity does not necessarily mean that the bank controls the voting of that stock. But this is often the case, according to studies by the SEC, which I mentioned, and the House Banking and Currency Committee. The Patman Committee surveyed more than thirteen-thousand employee benefit accounts managed by forty-three banks and found that in about eighty-two per cent of the cases the managing bank is the sole trustee of the employee benefit fund.

THE NEW YORK STOCK EXCHANGE, ALIAS CEDE & CO.

The New York Stock Exchange machinery holds awesome amounts of stock. Cede and Co., nominee for the Exchange, is listed among the top ten stockholders by more than one-fourth of the two-hundred and ten major electric utilities reporting to the FPC.

Sometimes stockholders think they have voting rights and find out that the Exchange establishment has them. For example, a Seattle attorney bought four hundred shares of Boeing early last year. He left his shares in care of his brokerage firm and went to this year's annual meeting, carrying a letter from his broker stating that he held and could vote his stock. But Boeing told him that his and the rest of his broker's shares had been transferred to the Central Certificate Service, which is operated by the Stock Clearing Corporation, a subsidiary of the New York Stock Exchange, alias Cede & Co. The stockholder objected and Boeing ejected him from the meeting.

I have an article and two financial columns which appeared in the Seattle Post-Intelligencer on this matter, Mr. Chairman, and I believe it would be useful to your hearing record to supply them for inclusion at this point. I would like to include also for the hearing record correspondence I have had with Exchange officials regarding Cede & Co. and voting procedures. I hope your Subcommittee will look into that subject closely. When companies report that Cede & Co. has voting powers and Cede & Co. spokesmen say it doesn't, I think someone should find out who is casting the ballots.

(EXHIBIT E)

RIGGED ELECTIONS

Mr. Chairman, when you get down to bedrock in this business you see the fatal flaw in the system. The corporate election process in America today is as rigged as elections are in the Soviet Union. The outcome is as predictable. The accompanying propaganda is as self-serving.

Consider the procedures for an annual stockholders' meeting. The agenda and the candidates are determined well in advance by the corporate management. It policies the election. It choses the auditors. Great effort and considerable expense, months prior to the meeting, are required to obtain consideration of the most modest proposals that have been offered by management. If the attempt to get a candidate or an issue on the ballot is successful, identification of the voting stockholders and timely communication with them is difficult or impossible. The proxies of a few key institutional investors decide the election, which is then publicly construed by the corporation publicists as a ringing endorsement of its past activities and a mandate to continue doing whatever it decides to do.

The flaw is secrecy, the remedy disclosure.

The equipment and procedures now designed to service assets can and should be altered to provide ready access to the names and addresses of the individuals empowered to vote the principal blocks of stock in major corporations. That information should be compiled, kept up-to-date and be broadly available.

I am sure that if the Government Printing Office prints a Corporate Ownership report it will become one of the best sellers the GPO ever issued. The report will be of unestimable value to regulatory commissions and the Justice Department in enforcing regulations and antitrust law.

And it is a necessary tool for persons who want to work for orderly change within the system. The Congress wisely decided to require regular reporting of insider transactions by individuals, as a safeguard against manipulation. The stockholdings of individual officers and directors of companies are required to be reported in their own names. Do we really hold financial institutions and other corporations above the individual, so that the corporation's voting powers are secret, while the individual's are not? I think not.

CORPORATE OWNERSHIP REPORT ACT

I intend to draft a corporate ownership report act—I suppose it will be called CORA. I want to introduce it this year, Mr. Chairman, so that agencies and other interested parties can comment on it and prepare for hearings.

Needless to say, I would welcome your advice and counsel on formulation of such a bill, and that of other members of your Subcommittee and staff.

Let me emphasize that I do not propose identification of the beneficial owners of stock, the people or institutions who receive the dividends, even though their investments are sizable. What the public, the stockholders, the regulators need to know is the identity of the proprietary owners—the voters—of significant amounts of stock.

The Corporate Ownership Report I suggest should portray a company's family tree, the parents and descendants, the holding companies or conglomerates above it—and their principal voting stockholders—and the subsidiaries beneath. Standard references on who owns whom are tricky. For example, some of the country's biggest companies do not appear in Fortune's index of the largest companies. But some of their subsidiaries do.

National Tea is listed as the thirteenth largest retailing company by Fortune. National Tea is owned by Loblaw Groceterias Company which is controlled by George Weston, Limited, neither of which makes Fortune's list.

National Bank of North America is ranked thirty-three among commercial banking companies by Fortune, which does not mention the bank's owner, C.I.T. Financial Corporation.

The case of Jefferson Pilot is most interesting. It doesn't make Fortune's list. At least one of its subsidiaries does. It is Jefferson Standard Life Insurance.

Jefferson Pilot, I should perhaps add, is not a rock group. It is a holding company which owns two insurance companies, two television stations, three radio stations, a real estate concern, half interest in a cable television company and lately entered mutual funds and publishing. It is also the principal stockholder in North Carolina National Bank, which made the Fortune list.

Some companies argue that disclosure of principal stockholders or even their nominees, would somehow be harmful, a breach of fiduciary responsibility. My proposal is designed to provide anonymity for beneficial owners of stock, such as employees or pensioners, but disclosure for the proprietary owner who votes it. And my proposal is also strengthened by the willingness of some major companies to reveal principal stockholders even though their principal competitors chose not to disclose.

This spring, after verifying with the SEC that it could not provide a list of the thirty top stockholders of several major industrial corporations, I asked the corporations to provide the information on a voluntary basis.

Two auto manufacturing companies—Chrysler and Ford—supplied the information. General Motors did not.

One oil company—Mobil—supplied the information. Two oil companies—Standard of New Jersey and Texaco—did not.

Nor did IBM and ITT.

I had to write a follow-up letter to get even a negative response from ITT. Perhaps the first letter was shredded.

The information supplied by the four cooperating corporations, all of which are to be commended for voluntary disclosure, show the same pattern of concentration of bank and New York Stock Exchange holdings that exists in the electric power industry.

Also, as in the electric utility industry study, the reports of the four industrial corporations showed that concentration of ownership was understated through use of various nominee accounts by the same bank.

For example, General Electric's report on the top thirty included three nominees for Bankers Trust.

Chrysler showed three nominees for Chase Manhattan.

Ford showed four nominees for First National City Bank.

Mobil showed four nominees for Morgan Guaranty Trust.

So the "top thirty" may actually be the "top twenty" or so.

And Sigler and Company, nominee for Manufacturers Hanover Trust—the bank empire that Peter Flanigan's father built—was listed as a principal stockholder by all four of the cooperating corporations.

I have followed up these requests for voluntary disclosure with similar letters to several hundred other leading corporations. When the answers to those letters, which are not all tabulated, are in, I would be happy to share them, and supporting material for the other studies I have discussed, if that is your desire.

What I have seen so far supports the Patman Committee's finding that at the top of the pyramid sit the banks and other financial institutions, voting key blocks of stock in their own and each other's institutions as well as that of other key industries.

WHO OWNS SAFEWAY?

I want to refer here, in closing, to just one of the responses to these additional requests for voluntary disclosure. The response is from Safeway, which you know, is the second largest food chain in the country. The president of the company promptly supplied the information, and included with it a recent issue of Safeway News which carried an article headlined, "Who Owns Us?" a copy of which is Exhibit F.

(EXHIBIT F)

As you see, there is that nice picture of Grandpa and Grandma, and that young couple with a baby, portrayed as typical of many of Safeway's easily identified owners, who are described as follows:

"The retired couple on the corner lot . . . the young couple who put a small inheritance in trust for their new baby . . . the store manager in Kansas, the mailman who serves his store and the truck driver who brings his supplies. They are the farmer who sells us lettuce and the rancher who raises beef. They are the local policeman and the boy next door who is away at college."

The Safeway reporter also wrote about the institutional investors: "Before you jump up and down about the concentration of ownership in a 'few' hands," he said, "you have to take a look at who these owners are." He pointed out, quite properly, that each big 'owner' represents thousands of investors. But then—and here is where he got into deceptive packaging—he wrote that one hundred and seventeen institutional investors hold two and a half million shares of the company's stock, about ten percent of the total.

But what he did not say was that one institutional investor, Chase Manhattan Bank, obviously not among the one hundred and seventeen, holds and votes almost ten percent of Safeway's stock, in just one of the three accounts of that bank listed in the top thirty stockholders.

President Mitchell of Safeway and Mr. Stanton of his staff were most cooperative in verifying this. Somebody at Chase stamped "Kane and Company" on a proxy and that voted almost ten percent of the total stock.

Mr. Chairman, ownership and control of Safeway and many other principal corporations have slipped into the hands of very few people. Corporate secrecy disguises, perpetuates and accelerates their control. They must be identified, and raised from low profile to sharp silhouette, so that they can be held accountable to the customers and stockholders, and to the laws enacted by those of us elected under the principal of "one man, one vote."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from Montana (Mr. METCALF) on tomorrow be vacated and that, in lieu of his name, there be substituted the name of the distinguished Senator from Missouri (Mr. SYMINGTON).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished senior Senator from Missouri (Mr. SYMINGTON) on tomorrow, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. I ask unanimous consent that while the Interior Department appropriations bill is before the Senate, my assistant, Nancy Eklund, be permitted to remain on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, as long as the Senator is making unanimous-consent requests for staff members to be present in the Chamber, I likewise ask unanimous consent that Dwight Dyer of my staff have the privilege of the floor during the deliberations on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER WITH REFERENCE TO THE PRINTING OF CONFERENCE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the remainder of this session of the 92d Congress, notwithstanding the provisions of the Legislative Reorganization Act, conference reports and statements accompanying them not be printed as Senate reports when the House of Representatives acts first on such report and the conference report and statement have been printed as House reports, unless a specific request is made in the Senate in each instance to have such a report printed.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senator from New York is recognized.

(The remarks Mr. Javits made at this point when he introduced S. 3759, dealing with a bill of rights for the mentally retarded, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Spong) laid before the Senate the following letters, which were referred as indicated:

Proposed Transfer of Submarine

A letter from the Under Secretary of the Navy, reporting, pursuant to law, on the proposed transfer of the submarine U.S.S. *Ling* (AGSS–297) to the Submarine Memorial Association, Hackensack, N.J., to the Committee on Armed Services.

Report Under Alaska Native Claims Settlement Act

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report under the Alaska Native Claims Settlement Act, for the period December 18, 1971 to June 17, 1972 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, without amendments:

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92–927).

By Mr. ROBERT C. BYRD (for Mr. Fulbright) from the Committee on Foreign Relations, without amendment:

S. Con. Res. 73. A concurrent resolution relating to the XXVth Congress of the Interallied Confederation of Reserve Officers to be held in Washington, District of Columbia, the week of August 7, 1972 (Rept. No. 92–928).

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 2854. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices (Rept. No. 92–929); and

H.R. 7378. An act to establish a Commission on Revision of the Judicial Circuits of the United States (Rept. No. 92–930).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

William B. Enright, of California, to be a U.S. district judge for the Southern District of California;

Eldon B. Mahon, of Texas, to be a U.S. district judge for the Northern District of Texas;

Levin H. Campbell, of Massachusetts, to be a U.S. circuit judge, first circuit;

Thomas P. Griesa, of New York, to be a U.S. district judge for the Southern District of New York;

Whitman Knapp, of New York, to be a U.S. district judge for the Southern District of New York;

Charles E. Stewart, Jr., of New York, to be a U.S. district judge for the Southern District of New York; and

Ralph E. Erickson, of California, to be Deputy Attorney General.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Spong), on today, June 28, 1972, signed the enrolled bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force, which had previously been signed by the Speaker of the House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON (for himself, Mr. Metcalf, Mr. Hughes, Mr. Eagleton, Mr. Humphrey, Mr. Chiles, Mr. Mondale, Mr. Church, Mr. Cranston, Mr. Kennedy, Mr. Case, Mr. McIntyre, and Mr. Hatfield):

S. 3758. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Kennedy, Mr. Beall, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. McGee, Mr. Metcalf, Mr. Pastore, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, Mr. Taft, Mr. Tower, and Mr. Tunney):

S. 3759. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. AIKEN:

S. 3760. A bill to extend for an additional 3-year period the temporary suspension of the duty on istle. Referred to the Committee on Finance.

By Mr. TALMADGE:

S. 3761. A bill for the relief of Ranco Cozzoli. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Stevenson, Mr. Williams, Mr. Mondale, Mr. Cranston, Mr. Javits, Mr. Hughes, and Mr. Pell):

S. 3762. A bill to extend the program for health services for domestic agricultural migrant workers. Referred to the Committee on Labor and Public Welfare.

By Mr. MUSKIE:

S. 3763. A bill to make the unemployment compensation benefits provided for Federal employees applicable to United States citizen employees of the Roosevelt Campobello International Park Commission. Referred to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, and Mr. Stevenson):

S. 3764. A bill to amend the Public Health Service Act to provide for the extension of grants to provide professional and technical training in the field of family medicine. Referred to the Committee on Labor and Public Welfare.

By Mr. PEARSON (for himself and Mr. Dole):

S. 3765. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans. Referred to the Committee on Public Works.

By Mr. MAGNUSON (by request):

S. 3766. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes. Referred to the Committee on Commerce.

By Mr. GOLDWATER:

S. 3767. A bill for the relief of Consuela Hagler. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. Percy):

S. 3768. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. Taft, Mr. Weicker, Mr. Pell, and Mr. Williams):

S. 3769. A bill to designate an Interstate Railroad System; to require minimum standards of maintenance on the railroad lines comprising such systems; to establish rights of access by rail carriers to railroad lines; to provide financial assistance for certain rehabilitation of railroads; and for other purposes. Referred to the Committee on Commerce.

By Mr. JORDAN of North Carolina:

S.J. Res. 251. A joint resolution to designate the week which begins on the first Sunday in March of each year as "National Beta Club Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself, Mr. Metcalf, Mr. Hughes, Mr. Eagleton, Mr. Humphrey, Mr. Chiles, Mr. Mondale, Mr. Church, Mr. Cranston, Mr. Kennedy, Mr. Case, Mr. McIntyre, and Mr. Hatfield):

S. 3758. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails. Referred to the Committee on Post Office and Civil Service.

Mr. NELSON. Mr. President, I send to the desk a bill on behalf of myself and Senators Hughes, Metcalf, Eagleton, Hatfield, Humphrey, Chiles, Cranston, McIntyre, Kennedy, Case, Mondale, and Church and ask that the bill be appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

Mr. NELSON. Mr. President, this country is now aproaching the 200th anniversary of its experiment in self-government. With this history behind us, it is still necessary to emphasize and argue the basic tenets of democracy with the enthusiasm and fervor of colonial days.

Indispensable to the integrity and vitality of democratic institutions which derive their just powers from the consent of the governed is the freedom of expression and the widest possible dissemination of information and ideas.

James Madison recognized that yesterday's acquisition of liberty cannot be taken for granted and forever preserved. Freedom must be continually rediscovered and renewed through facts and opinions flowing at the public level. In an 1822 letter to W. T. Barry, Madison joined popular information with the vitality of popular government when he stated:

> A popular Government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

From the earliest days of this country, our national leaders have recognized that the essential educational service of keeping the American people informed is best performed by the widest possible distribution of newspapers, periodicals, and journals of opinion.

In 1787, Thomas Jefferson acknowledged the vital role which the printed media played in American democracy when he stated:

> I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. The people are the only censors of their governors; and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty. The way to prevent these irregular interpositions of the people, is to give them full information of their affairs through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people. The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers, and be capable of reading them.

James Madison, Thomas Jefferson, and their colonial contemporaries were concerned with assuring sources of popular information in an infant rural nation of about 3 million people. They certainly could not have anticipated the vast changes that would occur in this country, or have foreseen the developments in methods of mass communications which have revolutionized modern society. The validity of their concerns and the force of their arguments, however, are even more compelling at a time when the electronic media can report to a nationwide audience measured in millions the news of an event which had occurred only a fraction of a second previously.

The sheer communicative power implicit in today's electronic network of 7,000 radio stations and 890 television stations is awesome. The broadcast media, however, is only one part of our system of disseminating information and thought. In order to insure that our information and opinion network is truly comprehensive and competitive, a vital role must still be performed by the thousands of daily and weekly newspapers, opinion magazines, and independent journals which collect, condense, comment, challenge and communicate information, ideas, and opinions in printed form.

There is no doubt that the electronic media can efficiently speed a news message to a vast national audience with an immediacy which cannot be equaled. However, by using the public airwaves, the electronic media are dependent upon Government licenses for their very existence. With governmental pressure as a constant overriding threat, and the need to appeal to great numbers of people to pay for the expensive costs of production, it is no wonder that the electronic broadcast industry is not well equipped to present a multiplicity of opinions and divergent ideas.

The only place where controversy, dissent, criticism, and minority points of view can be effectively expressed and widely disseminated is in the printed media, particularly in the independent journals of opinion. Here fresh ideas often see their first public exposure. It is here that traditional thoughts and established norms are challenged with uncommon vigor. In our smaller publications a broad span of issues may be argued in greater depth and with a partisan passion. Complex matters can be discussed and developed over a greater period of time and targeted to specialized audiences.

While the mass media serve to efficiently communicate the common experience quickly to the majority of the Nation, it is the little press that performs the crucial function of providing public access to new and untested ideas, to minority thoughts which might otherwise remain hidden, and to the whole range of human experience and expression which provides the impetus for the continual search for truth in a free society.

For 178 years Congress provided very specific and precise encouragement and assistance for the national distribution and wide dissemination of newspapers and magazines. Historically, the Congress of the United States has provided these publications with the benefits of favorable rates in the use of the U.S. mail. Since 1792, the low postal rates which have been set by Congress for distribution of printed publications through the mails have been recognized as a form of national subsidy justified by the educational function and contribution to the self-governing aspect of citizenship.

For more than 1 year I have been concerned about the impact on small newspapers and independent journals of opinion of the 143 percent increase in second-class mail rates proposed in February 1971 by the U.S. Postal Service and instituted on a temporary basis in May of last year. Although the final increase soon to be announced by the Board of Governors may be more in accord with the recent 127 percent increase recommended by the Postal Rate Commission, it appears certain that important sources of information and opinion will be seriously threatened by this action.

The communication of new ideas and diverse viewpoints throughout this country is of such importance to the proper functioning of democracy that I am today introducing legislation which will reemphasize the 180 years of congressional support for the dissemination of news, opinion, scientific, cultural, and educational matter through the mails. For the past 10 or 12 months we have explored this question in depth and while this legislation may not be the final answer, the case must be stated now before serious damage has occurred.

First of all, this legislation would amend the policy section of the Postal Reorganization Act of 1970 to make it abundantly clear that the Postal Service has an obligation to provide postal services at rates which will encourage and assist the wide publishing of information and differing points of view on all issues of interest to the country.

The bill would freeze the second-class postal rates at the level of June 1 of this year for the first 250,000 issues of newspapers and magazines sent through the mails. These rates include the approximately 33⅓ percent increase in second-class charges that were put into effect on a temporary basis last May. This provision would be of particular support to the smaller, virtually nonprofit independent journals of opinion that already exist. It would also encourage the entry of new publications of this type and provide an outlet for divergent views and fresh ideas. Any loss of postal revenue as a result of this support would be made up by congressional appropriations.

Under this legislation, any future increases in second-class postal rates for issues over the 250,000 copy ceiling would be phased in during a 10-year period. This 10-year phase-in period would apply only to increases on editorial content. Any increases for advertising material would be implemented during 5 years as is presently the law.

Furthermore, the legislation would expressly write into law longstanding congressional policy that the Postal Service shall not apply per piece surcharges on individual issues of second-class publications. The impact of these per piece surcharges falls with unusual harshness on the smallest, lightest weight publications.

The case for this congressional support is historic.

The need to restate the history and directly express the legislative policy is urgent.

In his annual report for 1901, the then Postmaster General Charles E. Smith reiterated the basis for the reduced rates set by Congress for the mailing of newspapers and periodical magazines:

> Our free institutions rest on popular intelligence, and it has from the beginning been our fixed and enlightened policy to foster and promote the general diffusion of public information. Congress has wisely framed the postal laws with this just and liberal conception. It has uniformly sought to encourage intercommunication and the exchange of intelligence.

As Justice Douglas further explained in *Hannen* v. *Esquire, Inc.*, 327 U.S. 146 (1946):

> The policy of Congress has been clear. It has been to encourage the distribution of periodicals which disseminated "information

> of a public character" or which were devoted to "literature, the sciences, arts, or some special industry", because it was thought that those publications as a class contributed to the public good.

This congressional policy goes back 180 years to the act of February 20, 1792, 1 Stat. 232, which gave newspapers a preferential charge of "one cent, for any distance not more than one hundred miles, and one cent and a half for any greater distance" while single letters were to be charged from 6 cents to 25 cents depending upon the mileage. Two years later, this preferred treatment was extended to magazines and pamphlets "where the mode of conveyance, and the size of the mails will admit of it" in the act of May 8, 1794, 1 Stat. 354, 362.

Subsequent actions of Congress expanded the preferential postal rates given to newspapers and magazines and in the Classified Act of 1879, where all mail was divided into four classes, newspapers and periodical publications were placed in the preferred second class.

In stating the objective qualifications which must be met in order to be included in second class and to receive the special treatment and rates, Congress specified four conditions in section 14 of the Classification Act of 1879. The first three conditions stated that the publication must be issued at stated intervals and at least four times a year, be issued from a known office of publication, and be printed on paper that is not bound like a book. The fourth condition stated that the newspaper or magazine must "be originated and published for the dissemination of information of public character, or devoted to literature, the sciences, arts, or some special industry."

In describing the Classification Act of 1879 on the House floor, Congressman—and later Senator—Hernando DeSoto Money of Mississippi explained that the bill was merely a simplification of the then existing postal code and neither added nor detracted from postal powers. This bill, Congressman Money continued, merely carries on the historic policy of this Nation. In the case of the preferred treatment accorded second-class mail, the Mississippi Democrat explained:

> We know the reason for which papers are allowed to go to a low rate of postage, amounting almost to the franking privilege, is because they are the most efficient educators of our people. It is because they go into general circulation and are intended for the dissemination of useful knowledge such as will promote the prosperity and the best interests of the people all over the country.

For all of the 178 years that the United States Congress had the singular responsibility for setting mail rates, the proposition that a healthy democracy depended upon a wide variety of outlets of free expression of information and opinion was honored with low rates of postage for newspapers and periodicals. Consistent with the policy of preferential postage rates was the equally important policy of including a wide and diverse range of printed matter in this preferential treatment. Attempts to limit access of printed matter to the mails were long recognized in Congress as a serious threat to the public dissemination of ideas.

When the Federal Government monopolizes the postal system—which is essentially the single route of delivery from a publisher to his readers—access to an efficient mail system at an equitable price is not only vital to each publication, it is of governing importance to the general public and has consistently remained a singular congressional concern.

On February 4, 1836, Senate bill No. 122 was reported to the Senate accompanied by a report (S. Doc. 118, 24th Cong., 1st sess.) which opposed the recommendation of President Jackson that "inflammatory appeals to incite the slave to insurrection" be prohibited from the United States mail. The opposition to this measure was eloquently led by a former Vice President of the United States who forsook that Office to represent South Carolina in the Senate. Although John C. Calhoun agreed emphatically with the President on the need to oppose these "unconstitutional and wicked attempts" to incite insurrection in the slave-holding South, he was just as emphatic in opposing legislation cutting off the mails to printed publications.

In recognizing that the power to determine circulation is just as repugnant to a free society as the power to control publication, the Senate report of 1936 stated:

> The object of publishing is circulation; and to prohibit circulation is, in effect, to prohibit publication. They both have a common object—the communication of sentiments and opinions to the public; and the prohibition of one may as effectually suppress such communication as the prohibition of the other . . .

In June 1936 the Senate defeated the proposal.

If the prohibition of circulation of newspapers and magazines through the U.S. mails is considered to be as much of a threat to first amendment liberties and vital democratic functions as is the actual prohibition of publication of these purveyors of information, ideas, and opinion, the Congress should be vitally concerned about the initial actions of the U.S. Postal Service on second-class mail rates. What we would not allow to happen with a censor's stamp or scissors should not be permitted to occur because of a single-minded application of accounting efficiency.

The proposed increases in second-class mail rates threaten to stifle the free flow of ideas and information and effectively silence some of the most important sources of competing independent journalism and opinions in the country. It is imperative that the smaller, more independent, and less profitable newspapers and journals which fuel our national competition of ideas and information are not inhibited.

The loss of these publications, or the prohibitory impact upon new publications seeking to enter the market, would not merely affect the specific companies or individuals involved—the entire Nation would suffer. The sustaining educational activities of democratic government would be stifled.

In February 1971, the newly formed U.S. Postal Service requested rate increases for second-class mail that would average 143 percent over a 5-year period. These figures are somewhat deceptive because the complicated rate formula involves differing rates on editorial and advertising matter, with distinctions made for distance of delivery, and with a per piece surcharge thrown on top. This rate formula will hit the various newspapers and magazines in the second-class with varying impact. In many cases, particularly with the smaller publications, the proposed rate will actually be an increase of several hundred percent over pre-1971 costs.

On May 16, 1971, the first step in the proposed 5-year increase was instituted on a temporary basis. This action immediately reflected in an approximate 33⅓-percent increase in second-class rates across the board. After public hearings were completed on the Postal Service's request to make these increases permanent, the five member Postal Rate Commission announced their decision on the proposed rate structure on June 5, 1972.

The June 5 decision by the Postal Rate Commission is a recommendation to the nine Governors of the Postal Service who will have 30 days to make their decision. The choices before the Board of Governors are to agree to the Rate Commission's recommendations, allow them to take effect under protest while seeking judicial review, or reject them and resubmit the proposal.

While the Rate Commission did reduce the rates recommended for second-class from the 143-percent increase originally proposed to approximately a 127-percent increase over 5 years for regular rate second-class publications, this increase, if approved, will still be a serious threat to many small daily and weekly newspapers. Some independent journals of opinion with larger amounts of editorial content and other important periodicals in this country will be driven from the marketplace and many others denied entry in the first place because of prohibitive costs.

The smaller, editorially independent publications will be particularly hard hit by this rate structure because they are low weight and thus the per piece surcharge represents a greater increase, because they contain a greater amount of editorial material and this has the highest increase, and because most of these publications cannot effect savings by having multiple entry points into the postal system and therefore cross more advertising zones. A comparison of the rate schedule proposed for regular second-class publications by the Postal Service and the recommended schedule for the same publications by the Rate Commission will show that the impact on the smaller journals is still very grave.

When Congress passed the Postal Reorganization Act of 1970—Public Law 91–375—I do not think it intended to turn its back upon 178 years of legislative history nor put aside its concern for the basic educational and informational services which this self-governing nation requires and which the U.S. mail uniquely provides.

In Senate Report No. 91–912, which accompanied the Senate version of the reorganization bill on June 3, 1970, the

Senate Post Office and Civil Service Committee reported the bill "with the reminder to present and future postal managers that the system will work only if the public interest is kept as the paramount criterion in every decision made."

In emphasizing the public service factor of the mails, the committee added this further admonition:

The committee recommends the enactment of a new statement of postal policy as the basic and fundamental charter of the Postal Service:

That the Postal Service is in fact and shall be operated as a service to the American people, not as a business enterprise, designed to provide excellent postal services;

Earlier in the report the committee stated that the intention of Congress should be clearly expressed and the Postal Service should: Follow, quite literally the policy section of the bill which begins—

"The United States Postal Service shall be operated as a basic and fundamental service provided by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people."

In section 101(a) of the Postal Reorganization Act as it became law, the express declaration of congressional intent as stated in the Senate report was included verbatim and was immediately followed by this further statement of congressional policy:

"The Postal Service shall have as its basic function the obligation to provide postal service to bind the Nation together through the personal, educational, literary, and business correspondence of the people."

When the U.S. Postal Service proposes increasing the rates for second-class mail an average of 143 percent over a 5-year period, when the Postal Rate Commission's recommended increase averages 127 percent, when it is quite likely that these increases will be relatively larger for the smaller newspapers and magazines of opinion which have the least ability to pass on these increases to subscribers or advertisers, important national sources of fact and opinion are economically intimidated.

I do not think that blind allegiance to economic tallysheets is a "service to the American people."

Easy access to relevant information and ideas is not increased by decreasing the number of publications that perform this service.

If first-class mail is made up of those communications which each individual citizen wishes to send, then second-class mail comprises those informative publications which each citizen has asked to receive.

The actions of the U.S. Postal Service are not designed to provide excellent service to the American people. Instead they would be more consistent with a business philosophy which only recognizes the interests of the corporate manager and the stockholders.

A close inspection should be made of a June 30, 1972, report which was prepared for the Economic Analysis Division, Planning and Marketing Department, U.S. Postal Service, entitled "A Study of the Demand for Advertising, Newspapers, and Magazine Mail." This report emphasizes an attitude that expounds the maximization of rates and revenues. It shows little, if any, concern for the market's ability to absorb the increased costs, or for the larger effects which the inevitable demise of certain segments of the market—in this case the small essentially nonprofit news and opinion publication—will have upon the public.

This attitude is a perfect example of the Technological Society described by Jacques Ellul:

> Political doctrine revolves around what is useful rather than what is good. Purposes drop out of sight and efficiency becomes the central concern.

An attitude which makes the maximization of income the prime or only concern is certainly a mark of efficiency. When it is exercised in a monopoly situation, be it in the private sector or as a governmental operation, the opportunities for abuse and disregard of the welfare of all the people are vastly increased. The U.S. Postal Service is a monopoly controlling the rights of circulation between publications and their individual consumers. Its attitude so far, as expressed in its application for rate increases, is certainly monopolistic.

The strangulation of news and opinion through a single-minded concern for postal revenue is appalling. That such actions are occurring in the United States at a time of great national controversy over the ability of this society's institutions to respond to the great issues of war and peace, and to the daily affairs which intrude ever closer on our individual lives, is a national tragedy.

The importance of diverse and numerous sources of information and ideas in today's United States was underscored by the Final Report of the National Commission on the Causes and Prevention of Violence in 1969:

> For speech, petition and assembly to be effective, they must be heard and seen. In 1789 this was a regular consequence of exercising one's First Amendment rights. In today's crowded and complex society, however, being seen and heard depends almost entirely upon the printed and electronic news media, which are necessarily selective in picking out the relatively few items in a day's or a week's events that can be fitted in the space or time available for reporting "news" . . . Moreover, the number of separate, independent news "voices" has not kept up with the growing size and diversity of the nation. Economic factors have forced down the number of regularly published daily newspapers and weekly magazines despite substantial population increases . . .

In searching for means to publically articulate the problems which face individuals and groups in our society, and to develop the alternatives to protest and disruption for solving these problems, the Commission concluded that:

> The indispensable element of a free press is pluralism and diversity: we need more effective and different voices, not fewer and fewer standardized or homogenized ones. Accordingly, we recommend that private and governmental institutions encourage the development of competing news media and discourage increased concentration of control over existing media.

The encouragement of small independent journals and publications in this country is important in offering a public window to minority groups in this country. Furthermore, since the majority is more often than not preoccupied with established ideas, the smaller more independent publications are more likely to be the medium in which the fresh new ideas first appear which regenerate a democratic society.

Freedom of expression and the right of the people to know are not only interests which must be preserved for minority organizations and individual voices. These values are equally important for the majority in America.

Today we hear criticism from the highest soapboxes in the land that question the fairness and the balance in information and opinions being presented to the American people by the print and broadcast media. Former Secretary of the Treasury John Connally complains that—

> The national press is not objective and not fair, but always . . . finding that there's something wrong with our institutions.

Vice President Agnew rails about the concentration of press power and the increasing hold over means of mass communication by a few hands that do not subscribe to his flavor of politics.

While it is still apparent that one man's objectivity is another man's bias, it is no answer to any of these complaints of lack of objectivity or of concentrated press power to seek press restraint or a silencing of public voices.

In 1757 Benjamin Franklin published a poem, "On the Freedom of the Press," in his journal of contemporary colonial wisdom, Poor Richard's Almanac. The poem by Matthew Green had appeared in London 20 years earlier and eloquently detailed the relationship between liberty and a free and active press:

> This Nurse of Arts, and Freedom's Fence,
> To chain, is treason against Sense:
> And *Liberty*, thy thousand Tongues
> None silence who design no Wrongs:
> For those that use the Gag's Restraint,
> First rob, before they stop Complaint.

Two hundred and fourteen years after Ben Franklin published the stanzas on press freedom in Poor Richard's Almanac, Roy Danish, director of the Television Information Office, made the point to the Poor Richard Club in Philadelphia that it is those who are governed who determine the objectivity of the press and not the elected governors. In reserving any censorship powers to the public, Danish said:

> Of course we (broadcasters) make mistakes; we are subject to limitations which are technical and all too human. But we respect the judgment of the average viewer; he is no slave to our errors. . . . You see, we believe the public will defend itself. Over 1700 daily papers and thousands of weeklies and monthlies are there to protect the viewer against bias—be it willful or not. . . . Competition among networks and stations and the other voices of a free press is the best guarantee that all of us will be fairly served.

The loud public discussion of literature, science, education, politics, and other items of national importance has always been an important vital sign of the health of a pluralistic democratic society. When all views can be heard, when all information can be freely exchanged, and when all ideas can be openly examined and challenged, then self-government is at work.

The late Dr. Alexander Meiklejohn, former president of Amherst College and professor emeritus of philosophy at the University of Wisconsin, long articulated the argument that the first amendment's guarantees of freedom of speech, assembly, and the press were not mere negative commandments. Instead of just saying "Don't" to trespasses on these liberties, Dr. Meiklejohn argued that the first amendment ordered citizens "Do make use of the democratic tools necessary for wise and efficient judgment making and self-government."

As Dr. Meiklejohn explained:

> The First Amendment does not protect a "freedom to speak". It protects the freedom of those activities of thought and communication by which we "govern". It is concerned, not with a private right, but with a public power, a governmental responsibility.

In *Garrison* v. *Louisiana,* 379 U.S. 64 (1964), Justice William Brennan reiterated the point that he had made in a case earlier that year that:

> (S)peech concerning public affairs is more than self-expression; it is the essence of self-government. The First and Fourteenth Amendments embody our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wideopen, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. *New York Times Co. v. Sullivan,* 376 U.S., at 270.

In case anyone missed the Supreme Court's virtual acceptance of Dr. Meiklejohn's positive view of the first amendment, Justice Brennan directed attention to this interpretation himself in a 1965 lecture at Brown University, 79 Harv. L. Rev. 1 (1965), when he stated:

> Doubtless some of you may think that the sentence of the opinion for speech concerning public affairs is more than self-expression; it is the essence of self-government, the freedom that the First Amendment protects is not, then, an absence of regulation. It is the presence of self-government.

The legislation which I am introducing today will provide for continuing implementation of the positive commands of the first amendment. Congress will not be subsidizing large profit making corporations by picking up the costs of lowered second-class postal rates for a limited number of copies of publications sent through the mails. Instead, the Congress will be continuing a policy which was enunciated in Colonial days, became a basis for the Revolution, was incorporated into our legislative history 180 years ago, and is appropriately applicable today.

The publications which will be affected by this bill are those which have primarily sought to serve the public interest and operate at little or no profit. They have generated tremendous benefits for the American public, however, as they have been instrumental in bringing the first writings of scholars and the ideas of individuals from every walk of life in every field of endeavor before the public. In continuing support for these journals of news and opinion through low second-class postal rates, the Congress will not be writing off private mismanagement—it will be making an investment in public education and self-government.

Mr. President, I ask unanimous consent that a section-by-section analysis of this legislation as well as the text of the bill be printed in the Record.

Mr. President, in order that the Record might show some of the editorial comment and a portion of the direct testimony on the effect of this rate increase on publications important to the citizens of Wisconsin and other States of the Union, I ask unanimous consent that editorials and a column appearing in Look, Life, the Evening Star, the St. Paul Pioneer Press, and the New York Times be printed at this point in the Record, along with copies of correspondence received from numerous newspapers and publications commenting upon the effect of increased second-class mail rates.

There being no objection, the material was ordered to be printed in the Record, as follows:

A Section-by-Section Analysis of S. 3758

Section 1 of this bill makes the express provision in the third sentence of the Postal Reorganization Act of 1970 that it shall be the obligation of the Postal Service to provide services at rates which encourage and support the widest possible dissemination of news, opinion, scientific, cultural, and educational matter. It also refers to this obligation in the policy section on postal rates.

Section 2 of the bill prohibits the Postal Service from imposing any per piece surcharges on second-class matter.

Section 3 provides that the first 250,000 copies of each issue of a publication mailed under second-class rates be charged the rate that existed on June 1 of this year. Furthermore, any revenue lost to the Postal Service by this rate will be assumed by Congressional appropriations.

Section 4 provides that any rate increases for the editorial content of second-class publications be phased-in equal stages over a ten-year period.

S. 3758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of title 39, United States Code, is amended by inserting after the second sentence the following new sentence: "The Postal Service shall also be obligated to provide postal services at rates which will encourage and support the widest possible dissemination of news, opinion, scientific, cultural, and educational matter."

(b) Section 101(d) of title 39, United States Code, is amended to read: "Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis that takes into consideration all aspects of postal policy."

Sec. 2. (a) Subchapter V of chapter 36 of title 39, United States Code, is amended by inserting after section 3683 the following new section: "§3683A. Prohibition against a per piece surcharge.

"Notwithstanding any other provision of this title, the rates of postage established for matter mailed under former sections 4358 and 4359 of this title may not include a per piece charge that is added to the basic rate of postage established for such mail matter."

(b) The analysis of such subchapter, preceding section 3601, is amended by inserting between items 3683 and 3684 the following new item:

"3683A. Prohibition against a per piece surcharge."

Sec. 3. (a) (1) Subchapter II of chapter 36 of title 39, United States Code, is amended by inserting after section 3626 the following new section:

"§3626A. Special publication rate

"Each rate of reduced postage adopted under section 3626 of this title for matter mailed under former sections 4358 and 4359 of this title shall be at the rates that existed for such matter on June 1, 1972 for the first 250,000 copies of each issue mailed. The sender shall determine which copies of each issue that are to be sent at the rates provided under this section."

(2) The analysis of such subchapter, preceding section 3601, is amended by inserting between items 3626 and 3627 the following new item:

"3626A. Special publication rate."

(b) Section 2401(c) of such title is amended by striking out "and 3626" and inserting in lieu thereof "3626, and 3626A."

Sec. 4. Section 3626 of title 39, United States Code, is amended—

(1) by inserting in clause (1), after "4554 (b) and (c)", a comma and the following: "and for the nonadvertising portion of mail under former section 4359,"; and

(2) by amending clause (2) by—

(A) striking out "4359,"; and

(B) inserting after "4554 (a)" a comma and the following:

"and for the advertising portion of mail under former section 4359".

[From Look, October 20, 1970]

The Postal Hike: A Blow to the Freedom of Ideas

(By Edward Weeks)

Do we want a country where all think alike—and no one thinks much?

Laudable as reform of our dilapidated postal system may be, present proposals calling for indiscriminate, sweeping rate increases threaten the survival of a proud and vital American institution—the small, independent magazine.

Throughout our history, small journals of fact and opinion have served as the spirited, plural voices necessary to keep a pluralistic society informed beyond the necessarily news-bound columns of the mass publications. If the latter nourish our need to keep abreast of events, the independents, it might be said, provide the food for thought. Speaking with passionate insight, they have often had an influence—for instance, on governmental and cultural leaders—out of all proportion to their modest circulations. Diversity of view is the very essence of the American intellectual experience. A wise man once said, "Where all think alike, no one thinks much."

The Government itself has traditionally recognized the role of the press in assuring a broadly well-informed public—for one thing, by keeping publication postal rates low. The small independents have never enjoyed large profits for dedication to their informative purpose. A substantial jump in mail rates—such as currently being proposed—can wipe out the margin that keeps hundreds of small magazines—with millions of independent-minded readers—operating.

With no intention of scanting the achievements of other independents, such as *Harper's, The New Republic* and *The Nation* (nor of scrappy newcomers representing a wide spectrum of opinion, from the conservative *National Review* to I. F. Stone's one-man *Bi-Weekly* newsletter out of Washington), I am naturally more conversant with the life and times of the *Atlantic.* I edited the publication for 28 years. Its place in the history of journalism—and of the Republic—is typical of the initiative of a small independent.

The *Atlantic* has not missed an issue since November, 1857, which means that it is one of the oldest periodicals in the English-speaking world. It was founded at a time of great tension, when the Union was in jeopardy, and when contributors like Ralph Waldo Emerson and James Russell Lowell were writing at white heat. After the Civil War, the *Atlantic's* influence North and South grew out of all proportion to its circulation of 30,000 copies. The third editor, William Dean Howells, featured new talent from the West in Mark Twain and Bret Harte. Under its sixth editor, Walter Hines Page, a Southerner, we were the first to predict—in 1898—the emergence of the United States as a world power. By the end of the First World War, we had a national readership. Today, we have more readers in California than in all the New England states put together—though we are still published in Boston!

I am proud that we published *The Battle Hymn of the Republic* (though ashamed that we paid the author, little Julia Ward Howe, only $4 for it); proud that we cajoled Mark Twain into writing his reminiscent *Life on the Mississippi* (Twain got $100 for every 1,600 words); proud that John Muir, who explored the Sierras with a burro, a fishline and a loaf of bread, wrote for us his glorious account of the redwoods and his demand that we create national parks.

In 1928 when he was campaigning for the Presidency, Gov. Al Smith wrote at our urging his eloquent, clearheaded article, *Catholic and Patriot*, in which he swept away forever the myth that a Catholic, because of his religion, could not be eligible for our highest office. From the Birmingham jail where he was imprisoned, Dr. Martin Luther King, Jr., wrote in longhand, and we published in 1963, his appealing letter, *The Negro Is Your Brother*, one of the most moving statements ever to appear in our pages. After Gen. David Shoup, the hero of Tarawa, had retired as Commandant of the United States Marine Corps, he wrote for my successor an indictment of *The New American Militarism*, which is still quoted and taken to heart.

If I speak with possessive pride about all of this, it is because the *Atlantic* is to me an institution, which incidentally, I have served longer than any other man in its history. I feel toward "my" magazine the way my successor, Robert Manning, feels; the way Walter Lippman and Herbert Croly felt when they founded *The New Republic;* the way young Willie Morris feels as the editor of the revivified *Harper's;* the way William Buckley feels toward his creation, the *National Review*. We do not agree with each other, but we believe the competition of ideas is indispensable for the sanity of the nation. Any bill that deliberately or inadvertently forces such publications out of print is, in my judgment, reckless and insupportable.

It is perfectly natural for a Postmaster General to be sensitive about his budget. The present Postmaster General, Winton M. Blount, had projected a deficit of $1.7 billion for the fiscal year ending June 30, including $538 million representing the eight percent raise promised the unions after last spring's postal strike. To forestall criticism, Mr. Blount has recommended a program that foresees a hike of 33 percent for first class, 33 percent for second class and 33 percent for third. Were that formula to be applied in a single year, with no modification, it would certainly wipe out the small, independent magazines.

The second-class postage increase is the killer, though the other increases wreak hardship enough on a small, nonprofit-oriented publication. Second class is what we pay to deliver our magazine to our subscriber, and an increase of 33 percent for this charge simply hits us below the belt. In our case, the monthly edition of 390,000 copies is printed in one plant at Albany, N.Y., and 290,000 of these are mailed. This means that our copies for the Pacific Coast pass through eight postal districts. It explains why we have to pay more per pound to deliver the *Atlantic* to our distant readers than does the *Wall Street Journal*, a paper that I admire, but which, by being assembled in nine plants the country over, has nine points of entry.

I know that magazines of opinion live on narrow margins, and this does not trouble me, for there will always be editors who will find part of their reward in the challenge of ideas. But I believe that in the acceleration of inflation, a principle has been lost from view: namely, that the postal service is intended to serve all, mass publications and small independents alike. This has always been the historic thinking and legislative judgment of both Congress and the Executive.

As I see it, the Government has set a precedent in the special nonprofit rate in second-class postage that is granted to, for example, *Natural History*, the magazine of the American Museum of Natural History, and to the *National Geographic*. The *Geographic*, splendidly edited and illustrated, is a big earner, but because it is nonprofit, it is delivered to its readers at a cost much less than ours. Well, our magazine and most of the "independents" come as close to being nonprofit as possible, and still manage to exist.

I hope that in the deliberation about postal reform, every magazine will be given time to adjust. I submit that allowance should be made, certainly in the second- and third-class rates, for periodicals whose circulation is less than 500,000 and whose advertising is less than 35 percent of the content. In short, magazines that depend on the reader for their lifeblood. McLuhan notwithstanding, we are still a nation that relies upon reading to inform us. And an uninformed nation is not a nation at all, in all its diverse democratic forms. It is merely a mass of humanity, "where all think alike"—and no one thinks much.

[From Life magazine, Aug. 20, 1971]

A Serious Threat to Magazines

We don't normally trouble readers with our own problems of publishing a magazine. But we are faced with some highly abnormal circumstances. The U.S. Postal Service has proposed an astounding 142% increase in mail rates for newspapers and magazines over the next five years, a proposal which quite literally threatens the survival of much of the publishing industry. The matter is now being argued in hearings before the Postal Rate Commission. What follows is a self-interested statement of our situation, which we offer because we believe our readers are interested parties too.

In setting up the new independent postal service—a reform we applaud—Congress declared that the movement of mail should become efficient and self-supporting. It further declared that all users of the postal service—including publishers who send out copies of their magazines and newspapers by second-class mail—should as nearly as possible pay the costs truly attributable to them, and make some contribution to overhead too. We concur in that objective. But we don't think the postal service has made a case for raising second-class rates nearly two and a half times—an increase in transportation costs that seems unprecedented for any product in any industry.

For one thing, allocating costs among the different classes of mail isn't as simple as it sounds. The huge overhead of operating and maintaining a postal system would exist if no publications went through the mails. Post offices must be kept open, fleets of vehicles must be kept operating, and mailmen must make their rounds even in rural Wyoming, simply to provide a basic capability to deliver first-class mail, which dwarfs newspapers and magazines in overall volume. While letters and packages must be repeatedly sorted on their way from sender to receiver, many publishers do a lot of this work themselves.

It's not generally known, but we at Time Inc. have gone to elaborate lengths to eliminate sortings of TIME, LIFE, SPORTS ILLUSTRATED and FORTUNE. Some 98% of the subscription copies of LIFE, for example, are presorted by zip code into bags at our printing plants, and require almost no processing until they reach the post office nearest the subscriber. We do this to speed our magazines to readers, but the further effect is to make the delivery much less costly to the postal system.

Another complication lies in the fact that the postal service, by its very nature, is more than a mere utility like the electric or gas company. In the law establishing the new independent system, Congress declared that its basic function is to "bind the nation together through the personal, educational, literary and business correspondence of the people." The movement of magazines through the mails, therefore, involves more than the mere transportation of so many pieces of printed paper. Magazines bridge the great distances of the American continent and the great ethnic variety of our people in ways that newspapers, radio and television—however important each of them is—do not. Not only do magazines bring dimensions and perspective to major national issues while they are still news, but they form an important part of the country's educational system. There are millions of Americans who first discovered El Greco, Keynesian economics, archaeology, open-heart surgery, Norway, Zen Buddhism, the Rocky Mountains and the Soviet Mediterranean fleet in the pages of a magazine.

This is one of the reasons why, in the law setting up the new postal system, Congress spelled out eight criteria for setting mail rates, of which costs are only one. The other considerations are to include the value of each class of mail to both sender and recipient, as well as the economic effect of rate increases on mail users and the degree of preparation by senders.

But even if a strict "utility" approach is taken, the arithmetic of that proposed 142% increase is open to question. (In Time Inc.'s case, the proposed increase is actually 176%.) The fact is that the new postal system, despite diligent study, doesn't yet have enough detailed data on the way mails move to justify the proposed rates. Until such data can be collected, any change in rates rests on rather questionable assumptions.

Meanwhile, there's nothing at all questionable about the potentially ruinous effect of the proposed increase on publishers. Last year, the pretax earnings of all magazines were probably about $50 million and earnings have declined sharply in recent years because of rising costs and heavy competition from television for advertising revenues. If the proposed increase were adopted, magazines would have to find an additional $130 million to pay for mail service by 1976—more than twice their 1970 profits! For Time Inc., it's possible to be quite specific. Our four magazines earned $11 million before taxes last year; over the next five years the bill for mailing these magazines to subscribers would rise by about $27 million.

Such drastic increases might be tolerable if the publishing industry could pass them on to customers by raising subscription and advertising rates. The industry has been raising both in recent years, but as the shrinking profit figures show, the high rates haven't been sufficient to offset higher costs. The experience of recent years also shows that steep increases in subscription rates tend to lead to lower circulation. Thus, if the entire postal rate increase were passed on to subscribers, a chain reaction might get under way in which falling circulation would lead to lower quality, thence to a further drop in circulation, and so on. The publishing achievements that are now possible might become things of the past. It is no great trick to provide 12 beautiful color plates in a $17.50 book for 10,000 readers. But Life, in a recent issue that cost subscribers only about 12¢ on the average, was able to run 21 pages of rich color on China because it has the resources that go with a circulation of seven million.

The postal service obviously needs more revenue. But it should not impose an increase that could literally drive hundreds of marginal magazines and newspapers out of business and lower the quality of those that survive. On the available data, it appears to us that a far more modest rate increase of about 60% over five years—still very stiff by any normal yardstick—would cover all costs directly related to the carrying of second-class mail and in addition would provide a modest contribution to the postal system's overhead. We think other classes of mail should carry more of the burden.

In turning over the rate-making function of the new postal service and the independent Postal Rate Commission, Congress in effect turned over an awesome power of life and death over a segment of the press. It would be tragic if, in pursuing the worthy goal of self-sufficiency, the postal service brought on an unintended catastrophe.

[From the St. Paul (Minn.) Pioneer Press, Jan. 8, 1972]

Demise of Magazines

There are nearly 10,000 magazines published in the United States. The number is certain to diminish as the Federal Post Office Department continues to push upward the cost of second class postage rates. The past year brought the demise of Look magazine and other periodicals, and the publishers have listed increases in the second class mailing rates as a major factor in the untimely deaths.

It is generally conceded, even by publishers, that the second class postage rate amounts to a form of subsidy for the national magazines. There are some rather convincing arguments, though, that there is justification for this subsidy. Magazines, or at least a great many of them, do serve as an educational function for large numbers of people. They contribute to a free flow of information and raise national issues for public discussion and debate.

Who loses when postage rates are raised to a point that a national magazine finds it must cease publication? Certainly, there is an adverse effect on the people who profit from publication of a magazine—the officials and stockholders and, in some cases, a multitude of employes. But there also is a loss to those who have received the magazine and benefited in some way from the articles of information and entertainment it offered.

Taxpayers of this country are called on to subsidize any number of industries; petroleum, mining, agriculture, aviation, just to mention a few. At almost every level of government, a portion of tax money goes toward some kind of subsidization. The postal service is one of the few operations of government at the federal level that can benefit the average individual. The payment of taxes to the federal government should reap some benefits for the taxpayer.

Proposed postage increases for a number of periodicals, including Time and Newsweek magazines, exceed substantially what these publications earn. Subscription prices of these magazines could be increased to cover the higher mailing costs, but economically disadvantaged persons will find it more difficult to pay the higher subscription prices. The publishers of Look magazine apparently felt that raising subscription rates was not a feasible alternative when they decided to suspend publication.

It will be very unfortunate for the American public if even more magazines are forced out of businesses by the staggering increases in postal rates now being proposed.

[From the New York Times, Feb. 25, 1972]

Death by Postal Rate

In an effort to make the United States mails a self-sustaining business, the Postal Service may succeed only in making a free press appreciably less free. The new agency has a legal mandate to support itself, but the rate increases it is seeking are excessive in terms of the general economy, disproportionate as between the respective mail services and dangerous to the very existence of many of the country's leading magazines.

The Postal Service is aiming for an increase of 24 per cent for third-class mail—chiefly the bulk-mail advertising matter that bows down the postman and litters the land—but 145 per cent for second-class over a five-year period. It is evidently the Service's intention to force second-class users to bear the brunt of making the mails pay off.

The theory seems to be that bulk mailers should be protected from a heavy increase because the Service already makes a profit on them. But if it is to make a profit at all, this is precisely where it should be made—on that segment of its clientele that is overwhelmingly commercial, not on second-class mail which is in large part informative or educational.

The second-class mailing privilege, entitling the user to a specially low rate, was conceived as a public service. Historically, it was regarded as the small price that democratic government should pay to stimulate that public discourse without which democratic government can hardly exist. Newspapers such as this one will to some degree be adversely affected by the proposed steep rise in second-class mailing costs; but by far the most acute sufferers would be the periodicals, in some cases to the point of extinction.

Undoubtedly there are magazines that would find it hard to make a case for their contribution to public education, but others have provided a source of information as well as a national forum which the country cannot spare. This is especially true of journals of opinion, which are sometimes as seminal in effect as they are small in circulation and low in advertising.

If the proposed boost in second-class rates threatens the life of even the great news weeklies, as it does, it all but dooms the small but indispensable intellectual gadflies. If the independent Postal Rate Commission sanctions anything like a 145 per cent increase, Congress should take a long look at the law whereby it converted a failing Post Office Department into an ailing Postal Service.

[From the Washington Star, Mar. 15, 1972]

Magazines in Peril

A great many of this country's remaining magazines may soon be exterminated by the U.S. Postal Service, which seems dead-set on a fantastic increase in second class postage rates. On the average, the hike would amount to 142 percent over five years for magazines and newspapers, and that's enough to throw numerous publications into the red.

It would not, we hasten to add, have any noticeable effect on The Star, or on most other metropolitan dailies. The big urban papers are mainly hand delivered and have no economic axe to grind in this dispute. In fact they might profit economically from the new rates, which could put some of their periodical competitors out of business. But that would be a bitter gain, reaped from a severe and forced cutback in the dissemination of information and opinion. If it happens, the country will have lost something much more valuable than the piddling amount of postage money involved.

It has already begun to happen, on a distressing scale. Obituaries for magazines have been commonplace over the past several years, the requiems for The Saturday Evening Post and Look being freshest in memory. The latter sank last October, still with 6½ million subscribers, and the impending postage increase was cited as a major factor in the decision to fold up. Of the surviving publications, many have grown quite thin, and these include both old giants of mass circulation and the journals of opinion that eschew advertising. They are victims of skyrocketing production costs and competition from TV for both advertising dollars and the public's attention.

The dimensions of the threat were measured by Life magazine, in an editorial. Under the proposed increase, magazines would have to dig up another $130 million for mailing costs by 1976. That's more than twice their 1970 profits. Also, the postage raise for newspapers that use the mails—mostly smaller weeklies—would be staggering.

So the Postal Service, in a myopic obsession with balancing its own books, has concocted a crisis. And not only for the publishing industry, but for the principle that the free flow of ideas and information must not be impeded by government. Congress in the past has been faithful to that idea, explicit in the Constitution, in setting low postage rates for subscription periodicals. But the newly independent Postal Service has felt no obligation to weigh that factor, and some members of Congress are disturbed. Senator Sam Ervin of North Carolina warns that "those who control policies of the government . . . can destroy freedom of the press by exorbitant charges on distribution of materials."

We hope others on the Hill will voice that sentiment before a final decision is made on these excessive rates, which should be cut at least by half. The daily press and TV cannot by themselves provide the depth and diversity that is essential in the discussion of public affairs. If magazines and small papers aren't helped to survive, everyone's freedom to be informed inevitably will be diminished by the loss.

[From the New York Times, June 22, 1972]

To Save the Magazines

(By Herman Wouk)

Washington.—We are grateful for this opportunity to present our views on the impact of the proposed postal rate increases on an invaluable and indispensable channel of communication—the second-class mail. We believe the second-class rate increases proposed by the Postal Service, averaging about 127 per cent over the next five years, pose one of the gravest threats to freedom of communication ever faced by this country.

The threat is too serious for the Congress to ignore; so serious that the Congress should take action to assure that the rates for magazines, and especially the small, independent publications, are not increased. Unless that action is taken promptly, many periodicals will be forced to follow Look magazine down the road to oblivion. And all of us will suffer an irreparable loss.

The small periodicals are the primary, often the only, means of publishing a vast quantity of writing by authors, scholars, scientists, historians, economists, engineers, agronomists, social scientists and others. The periodical is the only means of bringing this material to the public. Much of the best contemporary literature—poetry, fiction, criticism, and scholarly work—is published in the very magazines that will be the earliest victims of the scheduled second-class rate increases. These journals are meagerly financed and are sustained only by the generosity of staffs and contributors who work without compensation.

The rate increases will have equally devastating effects on the dissemination of information and knowledge in every area of public interest; and in every section of the country. Scientific, technical and agricultural journals are published throughout the United States; as are such periodicals as Colorado Quarterly, Georgia Review and Virginia Quarterly Review.

The rate increases will destroy some magazines immediately; others in a short time. Undoubtedly representatives of various magazines—large, medium and small—will present evidence on the impact of the increased rates. But even to a layman it is obvious that the escalation of Look's postage bill, under the increase, from $4 million to $10 million annually over the next five years was a major, if not the principal, cause of its death. And the increases will be equally lethal for many of the smaller periodicals. It does not require a long parade of statistics to prove the likelihood that an independently owned magazine with a postage burden of $100,000 to $150,000 a year is doomed if that burden is increased to $227,000 or $340,000 a year.

The issue really is whether Congress and the Federal Government should provide the Postal Service with the funds necessary to maintain the rates at their present levels, and thus prevent the certain destruction of these magazines. Speaking for the Authors Guild and the Authors League may I say that we cannot see how the Congress can avoid appropriating those funds. The alternative, closing the second-class mails to many periodicals, would cause irreparable damage to the "fundamental principle" on which our political system rests.

The handy pejorative is "subsidy." It is argued by some that Congress should not "subsidize" magazine publishers. But subsidy is frequently used to denote any expenditure for a purpose with which one does not agree. It would not be appropriate for me to suggest which of the many other "subsidies," for which billions are spent annually, should be modestly reduced to provide the funds required to preserve the second-class rates at their present level.

But it is important to remember that many of the periodicals whose lives are at stake have themselves been "subsidizing" public discussion, literature, science, education and technology by continuing to publish at substantial losses over a period of time.

An annual appropriation to maintain the present second-class rates would not be using public funds to help large, profitable corporations increase their profits. Certainly the periodicals with circulations of less than 500,000 and advertising content ranging from ground zero to 50 percent, operating for years at little or no profit, have demonstrated that they do not use the second-class mails to reap heavy profits at the public's expense. Rather, their record reflects a dedication to the public interest which deserves more than condolences on their impending demise.

There are only limited opportunities for Congress to spend money to support the First Amendment. Government support often means Government control—and that is anathema to freedom of expression. But the second-class mails offer that rare opportunity for Congress to take positive action to implement the First Amendment.

Rochester Post-Bulletin,
Rochester, Minn., October 29, 1971.
Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Sir: In reply to your letter of October 21st, we as well as many other publications are effected by the present postal rates and the proposed additional increase will effect us even more.

Many papers are hauling their papers to distant towns and leaving them at the various post offices in order to facilitate faster service, and the publishers feel that they should get a reduced rate because they are doing the trucking and saving the post office dept. this expense.

The ultimate cost of these increases will be passed on to the subscriber (if they can afford it), and many publications have lost a considerable number of customers by doing this.

Anything you can do on our behalf will be greatly appreciated.

Sincerely,

G. W. Holmes,
Circulation Manager.

The Oklahoma Publishing Co.,
Oklahoma City, Okla.,
November 19, 1971.
Mr. David E. Osterhout,
Legislative Assistant to Senator Gaylord Nelson, U.S. Senate, Washington, D.C.

Dear Mr. Osterhout: As The Oklahoma Publishing Company operates both newspapers and farm magazines, we are very much concerned about the increasing cost of postage for mailing publications. We are particularly concerned about the possibility that rates may be increased far beyond the 142% projected to date. This apprehension is based upon official statements by postal officials indicating that they hope to "make everyone pay for what he uses," or words to that effect.

The significant element in this policy is that the increased costs be properly allocated. The United States of America has grown great because the founding fathers recognized the importance of a free press and the widest possible dissemination of public information. That accounts mainly for the establishment of the postal system and, later, the rural free delivery service. However, the subsidy was for the benefit of the public and for the advancement of the culture of the United States, rather than as a means of enhancing the prosperity of publishers.

It is our firm belief that further increases in postal rates on publications at this time, when all other costs are steadily going up, would be a severe blow to these objectives. Publishers will be compelled to take steps to reduce circulation of their publications and thereby the distribution of information will to that degree be limited. Some magazines already have ceased publication altogether, stating higher postal costs as one of the reasons.

In the case of our newspapers, we are considering all possible alternatives for distributing our papers at lower costs than the projected postal rates, and may be forced to adopt some of these less costly methods. This certainly will mean less revenue for the post office, and could be a serious loss if a large number of newspapers should adopt similar methods.

Our farm magazines, The Farmer-Stockman, have been circulated widely by mail for more than 60 years, operating in some years at a loss in order to continue to bring useful information to our subscribers. The Farmer-Stockman is now published by editions to serve Kansas, Oklahoma, Texas and New Mexico, with a combined circulation of about 385,000 monthly. Here again, we are considering what alternatives we might put into effect to hold down mailing costs and to continue to serve agriculture. Although farmers are fewer, the need for food is undiminished.

We hope that you and your associates in Congress may again give attention to this matter, and reconsider the direction that should be taken in applying the yardstick for covering costs with revenue. The American public will be the loser if postal rates become so burdensome that they hamper the operation of a free press.

Yours truly,

Helge Holm,
Director of Circulation.
Ferdie J. Deering,
Editor and Manager.

The Pittsburgh Press,
Pittsburgh, Pa., November 19, 1971.
Hon. Gaylord Nelson,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Senator Nelson: On October 21 Legislative Assistant David Osterhout wrote us concerning the proposed horrendous increase in second class mail rates for newspapers and said you would like to have our thoughts.

I am attaching hereto a memo from our Circulation Director, Michael Tynan, outlining the situation as we see it.

Sincerely,

Barney G. Cameron.

The Pittsburgh Press,
November 5, 1971.
Subject: Letter of postal increases.
To: Mr. Barney Cameron.

Have had per cent of mail increase traced from 1968 to present. Work sheets attached.

On the Post-Gazette (Morning) from 1968 to May 15, 1971 the cost of mailing the news portion has risen 33.3%. The cost of mailing the advertising portion has increased 30% in our primary circulation area.

On The Press (Evening) from 1968 to May 15, 1971 the cost of mailing the news portion has risen 33.3% and cost of mailing the advertising portion has increased 30.4% in our primary circulation area.

On the Sunday Press in this same period the cost of mailing the news portion has increased 33.3% and on the advertising portion 30.4%.

Thus in three years our costs have risen on the daily news portion 33%, on the daily advertising portion 30%.

The Postal Service proposal for an additional 142% increase over the next five years is unwarranted under any circumstances as there is no possible way newspapers can afford the use of the mails in any appreciable volume.

Michael Tynan.

Environmental Awareness Associates, Inc.,
Woodland Hills, Calif., September 10, 1971.
Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.
Att: Chuck Cocone

Dear Chuck: I have enclosed a brief statement concerning our financial problems in relation to the present postal rates. If you need further information, I would be happy to furnish you with more information.

Take care of Washington for me and keep in touch.

Sincerely yours,

Ira E. Ritter,
President-Publisher.

Environmental Awareness Associates, Inc.,
Woodland Hills, Calif., September 10, 1971.

STATEMENT—POSTAL RATES

Environmental Quality Magazine has been in business for one year and three months. We started our operation with very little money and have built a fairly large readership.

One of our major expenses, other than printing, is our postal expenses. We mail; roughly twenty thousand copies around the world every two months, which comes to $1,360.00 six times a year. Our monthly bill for mail is roughly $500.00 per month. At this moment our mail runs approximately twenty percent of our expenses. We have been working for free the last year on this operation. As of this time now our postal rates are putting us under. If they were increased I would say it would put us out of business. If there is a need for further information concerning our postal problems, I would be happy to furnish you with them.

Sincerely yours,

IRA E. RITTER,
President-Publisher.

P.S.: Being a publication the mail system is our bread and butter. I can honestly say that the mail system is not only slow but many times has lost important material that we send out. Also many times our mail is sent back to a subscriber with a notation "no such person at this address". We have tried to cajole and impress the importance of our mail delivery on our Postmaster, but the situation still prevails. The United States Postal system, in my opinion, is archaic and needs a complete reform.

SCOTTSDALE DAILY PROGRESS,
Scottsdale, Ariz., November 8, 1971.

Hon. GAYLORD NELSON,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR NELSON: I was very happy to learn of your concern with the impact of the proposed increase of second class postal rates on newspapers and magazines. Although most of our circulation is delivered by carrier and we would not be seriously affected, I think that another major rate increase should be avoided.

From 1953 to 1959 I published ARTS Magazine and the ARTS Yearbook. These were cultural publications appealing to a limited audience. As such they were on a precarious financial footing. Had there been a 142 per cent postal increase at that time, these publications would have been forced to close.

I believe that many cultural, scientific and academic publications will be unable to survive if postal rates are increased again. The large majority of such publications operate on a marginal basis, yet they are vital to our country's life and serve as the medium of communication for many of America's thought leaders.

Weekly newspapers will also be threatened in many cases by a postal increase. These publications are usually distributed by mail. Their profit margins are not great and they serve to inform residents of smaller communities.

The Post Office is the only government department (even though it is now supposedly an independent corporation) which is asked to finance itself. It should be treated as a public service, and as such it cannot be expected to be in the black. If postal rate increases force more publications out of business, it will be a serious loss to the nation.

Very truly yours,

JONATHAN MARSHALL,
Publisher.

THE STATE,
THE COLUMBIA RECORD,
Columbia, S.C., November 3, 1971.

Hon. GAYLORD NELSON,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: I am pleased to learn that you are interested in the proposed increase of second class postal rates and the impact this may have if the proposal becomes effective.

As Publisher of the largest newspaper in South Carolina, we have a large number of subscribers who receive their newspapers by mail. This method of delivery is generally used where the subscriber lives in remote areas or simply because the distance is too great to make another method of delivery feasible. In most cases these people do not have access to any other newspaper by a more satisfactory delivery means.

Many advertisers tend to discount the value of mail circulation due to the distance of the advertiser from their places of business. Therefore, it is difficult to increase advertising rates based upon relatively distant mail circulation.

We do not feel it is reasonable to have these advertisers and other subscribers subsidize mail delivery. This leaves us with the alternative of increasing rates to a point they may become prohibitive or discontinuing such circulation. We do not feel we are unique in this situation, but that many other publishers are faced with the same problem.

Many valid arguments have been put forth before the Postal Committee as to why the proposed rates are unreasonable and why the public is served by maintaining low second class postage rates. These have apparently had little effect. We appreciate your concern in this matter and hope that something might yet be done to avoid penalizing mail subscribers in the mistaken belief that the publishers will bear the increased costs.

Sincerely,

ARTHUR D. COOPER.

THE POST-REGISTER,
Idaho Falls, Idaho, November 3, 1971.

Senator GAYLORD NELSON,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: It is indeed refreshing to note that a United States Senator with your prestige is taking the time to survey the devastating effect of the proposed new postal rates upon newspapers.

By way of introduction, I am the publisher, and one of the owners of The Post-Register, Idaho Falls, Idaho, a daily newspaper with a circulation slightly above 21,000. Seventy nine percent of these subscribers are served by little merchants and motor routes; 21% by the mails. Like all newspapers in the western states, particularly the smaller ones, The Post-Register serves an extensive geographic area, which covers 10 sparsely populated counties. Ours is the only daily newspaper servicing this vast area of small towns and ranches in a rich primarily agricultural economy. Wherever possible, we use our own boy and motor delivery. The bulk of the ranches must be served through the post office because they are so widely separated over distances, running as much as 175 miles from our home plant, as to make it economically unfeasible to serve them by motor routes.

This newspaper has been in continuous publication as weekly, semi-weekly and daily since 1880, and has always emphasized service to its area. We are an afternoon newspaper but in order to better serve the roughly 4,500 families in the hinterland who cannot get the afternoon paper on date of publication we print a "Morning Edition". This edition carries the top stories on the AP night wire, including all the night sports and goes to press at 12:30 a.m.

It is these people who are hurt most by the proposed 142% increase in postal rates. In fact, as you are aware, farmers and ranchers are highly sensitive to price increases always, but more particularly right now. When it costs as much as $15.00 (end of 5 year period) just for postage you can see what will happen to the price of a product which sells for $24.00 a year. These proposed rates, if allowed to go through, will price small mail users right out of the mails, and, perhaps right out of business. This places this class of subscribers at the mercy of the electronic media, which does a good job but which does not give the in depth advertising, coverage or the opinions found in the daily newspaper.

Frankly, newspapers are not as burdensome to post offices as some may be led to believe. The newspapers are required to individually address each copy by name and zip code. Also rural route subscribers are placed in alphabetical order and bundled according to route numbers. Bundles for single post offices, including box holders, are placed in properly labeled sacks and the sacks are delivered to the post office. In other words, the postal service does little more than make the deliveries. Should our paper be forced, by postal rates, to price itself out of reach of its mail subscribers and lose them all, it would make little difference to the post office in labor and handling but it would cost them the $25,267 we paid them in 1970.

Naturally, we recognize there is a problem. We feel as publishers that the postal service should impose reasonable increases on existing pound and minimum categories to raise additional revenue over 5 years, but should eliminate the proposed per piece surcharge. The 142% is entirely unrealistic and will greatly harm this and every other small newspaper using the mails.

Thank you for your interest.

Sincerely,

E. F. MCDERMOTT,
Publisher.

OMAHA WORLD-HERALD,
Omaha, Nebr., November 5, 1971.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In response to the October 21 letter from David Osterhout and Charles Conconi of your staff:

Thank you for giving us the opportunity to express our thoughts regarding the proposed increase in second-class mail rates.

Our records show that we lose a substantial number of readers each time we must raise our subscription rates to offset postal rate increases.

Since March, 1968, 9,554 families have stopped subscribing to our newspaper following subscription rate increases which were required to offset postal increases.

Projecting from these past losses, we expect to lose an additional 18,000 families, representing nearly half of our mail circulation, over the next five years if the proposed mail rates become a reality. These are conservative estimates and based only on proposed postal rate increases.

Nearly all of the 18,000 families reside in rural areas in Nebraska, South Dakota, Iowa, Missouri, Kansas, Wyoming and Colorado. The second-class increases will, as a practical matter, certainly deprive these families of their access to our newspaper.

It's difficult for me to believe that the Congress itself would ever approve the 142 per cent increase in second-class rates proposed by the Postal Service.

In our opinion, the proposed second-class rates do pose serious problems for—and in some cases threaten the existence of—independent publications which, in the words of the Osterhout-Conconi letter, "provide the diversity of opinion which is so necessary for a vigorous democracy."

Sincerely,

HAROLD W. ANDERSEN.

THE PRESS-COURIER,
Oxnard, Calif., November 4, 1971.

Sen. GAYLORD NELSON,
U.S. Senate,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SENATOR NELSON: We received correspondence today from Mr. Osterhout and Mr. Conconi concerning the proposed 142% increase in 2nd class mail rates.

Although our mailing lists are minimal, we are of the opinion that mail subscribers have just as much right to receive a daily newspaper as those subscribers we are able to reach by home delivery and newsstand service. Additionally, we have two U.S. Naval installations in the immediate Oxnard-Port Hueneme area. A great percentage of our mail subscribers are military personnel who are assigned to local bases and are now serving their country overseas. We have a reduced rate to military personnel receiving the Press-Courier overseas but with the proposed rate increase we will be forced to give this reduced rate a second look. A possible increase of this reduced rate or the elimination thereof may be necessary.

Your cooperation in bringing this information before your committee will be appreciated.

Cordially,

Jerry N. Scott,
Circulation Manager.

The Lawrence Daily Journal-World,
Lawrence, Kans., November 2, 1971.
Senator Gaylord Nelson,
Washington, D.C.

Dear Senator Nelson: I appreciate David Osterhout's October 21st letter concerning the adverse effect higher postal rates will have upon magazines and independently owned newspapers.

Just as the United States is pricing itself out of international markets through high wages and high prices, newspapers already are suffering from the rapid increase in the cost of delivery of newspapers to readers. The only eventual answer will be less circulation among mail subscribers. This might please those who want to restrict public information in printed form but it certainly will not help the free thinking people of America or the publishing business.

Perhaps even more detrimental to the newspaper business is the miserable deterioration of the postal service.

We have areas within 500 miles of Lawrence where delivery is consistently from 4 to 6 days after publication. No one is content with this except some postal authorities who seem to have no desire to improve service. Countless subscribers have cancelled mail subscriptions in recent years because they do not want to wait such long periods before receiving delivery of their daily newspaper.

When prices go up sharply and service is reduced drastically, something certainly needs to be improved.

I deeply appreciate your concern.

Sincerely,

Dolph Simons.

The Hearst Corp.,
New York, N.Y., November 19, 1971.
Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Messrs. Osterhout and Conconi: Dan Starr, the publisher of our Seattle paper, the Post-Intelligencer, has sent me a copy of your letter of October 21 relative to the 142% proposed increase in second class mail rates.

It becomes evident with each passing day that any such proposed action by the Postal Authority will kill many magazines and newspapers.

I have prepared a question and answer paper on the subject and enclose it.

Of course, I would be glad to come to Washington at any time to discuss the matter further with Senator Nelson. Certainly, I am grateful for his interest in this very serious matter.

Sincerely,

R. E. Berlin.

ARE AMERICAN NEWSPAPERS AND MAGAZINES WORTH SAVING?

1. Q. Is a free press important to America?

A. Surely, if we are to have a free society, we must have a free press. If we have faith in a democratic form of government, we must have a free press that discerns essential rationality and truth.

2. Q. Why is the free press in jeopardy?

A. Because of soaring costs, labor, postal, paper and a declining share of the advertising revenues.

3. Q. How are large newspapers affected by the postal increases?

A. Seriously. One large daily's increase is $1,500,000. Its annual subscription rate is being raised from $75 to $95 and a 10% circulation loss is expected.

4. Q. How are small newspapers affected?

A. 71.4% of all U.S. daily papers (1,248) have circulations of less than 25,000 and are dependent on second class mail for delivery of ⅓ of their circulation. Rural areas are significantly affected. 56% of total mail circulation of U.S. dailies is delivered on rural routes.

5. Q. What is the effect of the new postal rates on magazines?

A. Ernst and Ernst made a study of 42 magazines with revenues of 1,016 dollars in 1970. Those magazines showed an operating profit of 3%. Considering only the first step postal increase, the operating profit would have been reduced to 1.7%. On the basis of the full postal increase, the operating profit would have been less than 1%.

6. Q. How would Hearst Magazines be affected if all postal increases took effect as announced?

A. Hearst Magazines started paying $1,000,000 more per year in charges on May 15, 1971. Were the 142% increase in second class rates and other postal increases to become operative, Hearst Magazines' postal costs would rise from 7.5 million to 18 million!

7. Q. What has happened to advertising magazines?

A. In twenty years—1950 to 1970—magazines' share of market dropped from 34% to 23%. Television now gets 52%, having increased 2,400% in the 20 years. In the last five years alone, television ad revenues are up 41%, magazines only 10%.

8. Q. Why can't publishers get more income from their readers?

A. They are trying. But first, most magazines have long-term subscriptions on their books and, second, with increasing costs of procuring subscriptions and mailing copies plus other increased costs, the publisher is further behind than ever.

9. Q. Of what use are magazines in education?

A. Seventy (70) percent of all secondary teachers use magazines as teaching aids. (Less than 10% use radio and television). And this was one of the reasons for the historic Postal Act of 1879, a policy of encouraging the growth and development so that every corner of America might read magazines which "disseminated information of a public character, or were devoted to literature, the sciences, arts or some special industry."

10. Q. How many Americans read magazines?

A. About 112 million adults, or 90% of all men or women 18 and older. They each read an average of seven different issues of magazines a month.

11. Q. Does youth read magazines?

A. A study of young people 14 through 25 found that this age group looks to magazines to provide information that contributes to knowledge and self-improvement.

12. Q. Beyond that, exactly what do magazines contribute to the public good?

A. Magazines have always supplied fresh ideas and viewpoints that ward off stagnation in a democratic society. They serve the political system. Democratic government needs an electorate well-informed about issues, problems and their possible solutions. Magazines provide the information and ideas that steer public opinion toward consensus. Not the least accomplishment has been as an instructor in daily living. They teach their readers how to prepare food nutritiously, inexpensively; how to plan, build, remodel, landscape and decorate their homes, how to rear their families, how to protect their health.

13. Q. What is the history of the Congress with respect to favorable postal rates for newspapers and magazines?

A. Actually this nation, starting with its first President, George Washington, recognized the need for a free press and in those early days, publications were carried through the mails without charge. In the Postal Act of 1879, favorable rates were established for newspapers and magazines.

14. Q. Is there as much need today for favorable postal rates?

A. More. For two reasons. First, because magazines and newspapers are having increasing difficulties in making profits and, second, because America has never been more divisive. We have two hundred million people descended from all races and creeds, many still clinging to deep-rooted prejudices and traditions which are foreign to this country. Never has America been splintered into so many groups. Never has the need been greater for understanding and reconciliation of different views.

15. Q. What must be done to insure the continuity of a free press?

A. Congress must recognize the values of a free press to a free society and appropriate $200,000,000 as a public service contribution to the Postal Service's carrying of second class mail.

Seattle Post-Intelligencer,
November 2, 1971.
Hon. Gaylord Nelson,
U.S. Senate Building,
Washington, D.C.

Dear Senator Nelson: This is in reply to your concern over the U.S. Postal Service proposed 142% increase in second class mail rates for newspapers and magazines over the next five years.

The day after the rate increase was announced by Postmaster General Blount in Washington, D.C., I had lunch with him in Seattle. My thoughts are best summed up in an exchange of correspondence with the Postmaster General that I have attached.

You are quite correct. This postal increase will sound the death knell for many publications.

For further enlightenment on this subject, I suggest that you personally contact Mr. Richard Berlin, President of the Hearst Corporation in New York. His phone number is Area Code 212–265–6985. Mr. Berlin has been very close to this situation as The Hearst Corporation is one of the largest publishers of magazines in the world. Do not hesitate to use my name.

I certainly appreciate your concern.

Sincerely,

Dan L. Starr.

Seattle Post-Intelligencer,
February 17, 1971.
Postmaster General Winton M. Blount,
Post Office Department,
Washington, D.C.

Dear General Blount: I enjoyed our luncheon and the opportunity to discuss the Postal Service, the proposed rates and the State of Washington's economic condition.

As a publisher, I would be less than candid if I did not express serious concern over the five-year, 142% increase in postal rates for magazines and newspapers. The publishers must pass this higher postage cost on to their subscribers, which is certainly inflationary and an inconsistency at a time when Government is "jawboning" industry to hold the price line. How does the magazine industry handle five-year, fixed-price subscriptions? These postal rates cannot be passed on to the subscriber, but must be absorbed by the publisher which, in many instances, will mean his demise.

In my opinion, when Congress set low rates for newspapers and magazines, they subsidized this informational function to the reader—not the publisher. I am sure you would agree that a Government, through postal rate manipulations, could effectively strangle "freedom of the press."

I hope you will express to our President the concern expressed for our local economy. We need his unstinting support on the SST, his support of the Hanford Nuclear Reactor and his support for any other Federal programs that would help reduce our unemployment rate of 10.2%. This local recession is expected to continue deep into fiscal 1972 or early 1973. We vigorously solicit his assistance.

Shortly after our luncheon, I ran into our mutual friend, Lowell Mickelwait of Boeing. He expressed his disappointment at being unable to visit with you during your recent trip. Plan another one, and we will include Lowell in our luncheon plans.

With best regards,
Sincerely,
DAN L. STARR.

THE SPORTING NEWS,
St. Louis, Mo., March 6, 1972.
Senator GAYLORD NELSON,
State of Wisconsin,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: As you are aware, we in the publishing industry are vitally concerned with the ever-rising costs of printing and mailing our publications—particularly the cost of mailing. It is very apparent to us that, unless the continued spiral upward of postal rates does not cease or, at least decrease, the ranks of publishers will become much thinner in the next few years.

I feel that a statement made in Industrial News Review, published by E. Hofer & Sons very adequately covers the problem we face as a result of the increases in postal rates. The article also clearly defines the requests to be anticipated. I quote, verbatim,

WEAKENING THE FREE PRESS

"An excellent example of the inherent inequity of government controls over the marketplace can be seen in the publishing business. Magazine and newspaper publishers are subject to Phase guidelines but not the Postal Service which is free to raise postage rates to any level it deems necessary. In the second-class category, postal rates are slated to increase about 150 percent over five years. Third-class postal rate increases are following a similar trend. The net result of all this is that there is likely to be a gradual drying up of the flow of news and information upon which the public depends to arrive at fair and reasonable conclusions on important issues of the day.

If publications can be put out of business through postal rate increases, the question of censorship of the press becomes academic. There will be very little press to censor and the written word as an element of the right of free speech will steadily diminish in importance as insolvency thins the ranks of America's thousands of daily and weekly newspapers as well as the nation's magazines."

When a publisher has upward of 125 employees whose welfare, meaning employment, will be seriously effected by the actions of a government agency which is designed primarily to be of service to these same employees, as well as being faced with the possibility that his private enterprise may fall by the wayside as a result of these same actions, you can well understand my concern.

I believe that the entire postal situation needs a much closer examination than is being given at present. It seems that this is a "hot potato" and there appears to be a decided reluctance on the part of many responsible lawmakers to take a firm approach to the problems connected with any action on the part of the U.S. Postal Service.

I would be interested in reading any comments you would care to make in regard to your opinion as to the long range effects of the projected increases in postal rates.

Respectfully,
C. C. JOHNSON SPINK.

THE CHRISTIAN SCIENCE
PUBLISHING SOCIETY,
Boston, Mass., March 15, 1972.
Senator GAYLORD NELSON,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR NELSON: We are deeply grateful for the opportunity to express the view of The Christian Science Publishing Society regarding the impact of proposed increases in second-class mail rates for newspapers and magazines.

The Publishing Society is deeply concerned with the serious effects that these rate increases could have on our ability to serve the public with our international daily newspaper, The Christian Science Monitor. This is also true of our other publications, which are circulated both nationally and internationally. One of these publications, the Christian Science Quarterly carries basic information that is essential to all Sunday services held in Christian Science churches throughout the world.

It appears that the present economic concepts advanced by the United States Postal Service, if followed to conclusion, would negate long-standing traditions which insured protection of a free, unrestrained flow of information to United States citizens and the free world.

Our Publishing Society has expended considerable sums of money to comply with postal regulations, the far-reaching zip-code program, and to support our second-class mail privileges. We have worked cooperatively and eagerly with the postal administration to introduce and effect new ideas and procedures which would be economically advantageous to the Postal Service and at the same time improve service for all postal patrons.

We are now manufacturing, mailing and distributing our newspaper from four remote or satellite-printing sites in the United States, in order to improve service to our readers. Obviously, this program has eliminated long haul, transfer and extended processing of much of our daily newspaper mail. The savings we have achieved amount to some $25,000 yearly, due to lower postal costs, but, clearly, this is only a fraction of the cost of a remote-printing program, combined with selected air lifts. We go to this expense in order to effectively serve our readers across the United States. Such a plan is highly sensitive to continuing inflationary trends.

The projected postal increases will necessitate a complete review and new evaluation of our remote printing air lift program. While our Publishing Society strongly supports the need for economy and efficiency in the United States Postal Service, and appreciates the need for increased rates for all classes of mail, it is inconceivable that the per-piece surcharge concept could be considered fair or equitable. The surcharge concept indicates that the cost of transporting, handling, transferring and processing mail is equally applicable to mailings within a city as to mailings from coast to coast.

Postal rates alone are not the single factor when a constant user evaluates the new United States Postal Service. The reclassification now under consideration deeply concerns us, as it could easily change the basic, established "Newspaper Treatment" handling of time-value publications. In our opinion, reclassification could further escalate postal costs without any substantial improvement in service.

We support the direction you are taking to find solutions to the serious problems involved with freedom of the press and unrestrained service to postal patrons. We recognize the need to support the United States Postal Service financially and otherwise. Long range considerations, however, indicate that the present approach is not the answer.

Recent postal experiences in Canada have revealed that increases in postal charges for newspapers and news magazines were eventually passed on to subscribers and that the subsidy, previously in question, had actually not been to the publishers, as such, but to the citizenry. What is the value and worth of a full information flow to a democratic society?

Please be assured of our respect and appreciation for the fine work you are doing.

Sincerely yours,
PAUL SAMPSON.

PRESS ASSOCIATION,
Madison, Wis., November 1, 1971.
Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In response to the letter from Messrs. Osterhout and Conconi regarding the postal increase, quite obviously as a weekly newspaper publisher and president of the Wisconsin Press Association, I am vitally concerned with this ridiculous increase.

Under conditions like this, I can see where the government will have to take over the community newspapers and run them at a loss like the transportation system. The community newspapers of the nation depend more so on second class mailing in relation to their total circulation than probably any other media in the country. They provide a service and a community catalyst that even the large metro newspapers do not provide. I hope you will do everything possible to change the philosophy of those who think we have been given a free ride without contributing.

Along the same line is a proposed 4% tax on all advertising in a House of Representative Bill No. 11341, Section 10. I would appreciate it if you would keep an eye on this in case it should advance to the Senate.

Sincerely,
WISCONSIN PRESS ASSOCIATION,
PAUL J. CREVIERE, *President.*

LEADER-TELEGRAM,
Eau Claire, Wis., November 2, 1971.
Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Proposed increases in postal rates for second class mail promise to place heavy burdens upon freedom of the press in the United States .

The issue is as Thomas Jefferson saw it, one of the public's right to know, not the publisher's license to print. He put it this way:

"No experiment can be more interesting than that we are now trying, and which we trust will end in establishing the fact, that many may be governed by reason and truth. Our first object should therefore be to leave open to him all the avenues of truth. The most effectual hitherto found is the freedom of the press. It is, therefore, the first shut up by those who fear the investigation of their actions."

—Thomas Jefferson to Judge Tyler, 1804

Postal increases proposed must be passed on to the reader in increased subscription rates which become in effect a tax upon free thought.

The United States requires its taxpayers to bail out the likes of Penn Central, Lockheed, and nationalized private U.S. firms in Chile. Taxpayers subsidize airlines so they can carry the mail. It smacks of Big Brother thought control to interfere with the free flow of information which will permit the taxpayer to decide whether or not all these actions are in his best interest.

Thomas Jefferson wasn't worried about publishers. But he did have a faith in people, possessed of all the facts, to make decisions in the best interest of this nation. Perhaps that is why so many divergent official attacks upon a free press are underway today.

Respectfully,

Marshall B. Atkinson,
Editor-President.

Lavine Newspaper Group,
Chippewa Falls, Wis., November 12, 1971.

Senator Gaylord Nelson
Senate Office Building,
Washington, D.C.

Dear Gaylord: Your legislative and press assistants contacted my office, with reference to what effect the 142 percent increase in second class mail rates will have for newspapers.

Let me respond by saying that I think the increase is a disaster!

I say this only in part in a self-serving way. Certainly it is a disaster because we will have to live with the business repercussions of it. There is also disaster for the American reading public.

As you know, many of the smaller "think" journals in the United States are threatened with closing if this increase goes through. These magazines, on both the liberal and conservative side of the spectrum, have long served on a non-profit if not a losing basis to spur this country's intellectual life in a way that no other vehicle has ever achieved.

Along with this, even great magazines, such as Look, have felt the crushing blow of postal increases.

Certainly, we must have a postal service that is economic. And it is justifiable and a worthy goal for the Post Office to raise rates to a point where it is self-sustaining.

I cannot help but believe, however, that there is also some national priority in the intellectual life, via the printed word, of this country being sustained and continuing. I also find it a little difficult to stomach a 142 percent increase for second class mail, which does carry the newspapers and thoughtful journals of the nation, when we are looking at only a 25 percent increase for third class, which carries everything from pornography to just plain junk.

As far as our own newspapers go, we face squarely the possibility that 50 percent of our readers who live in the rural area where it is impossible to deliver the newspaper because of the great distances from one subscriber's farm to the next might someday not have a daily newspaper. It is just a plain economic fact that it might be too expensive to deliver the paper to these people with the kind of increases the postal service is proposing.

This is our reaction to the postal increase, Gaylord. To us it is a tragic event for the intellectual life of the nation, and for the fiscal future of magazines and newspapers all across the land.

Thanks for considering our views.

Cordially,

John M. Lavine, *Publisher.*

Madison Newspapers, Inc.,
Madison, Wis., December 2, 1971.

Mr. David E. Osterhout,
Legislative Assistant, U.S. Senate,
Washington, D.C.

Mr. David Osterhout: My publisher informs me that Senator Nelson is taking a serious interest in the U.S. Postal Service proposed increase of second class mail. I hope he will be able to use his influence to curtail the 142% increase for newspapers.

My daily mail circulation is in excess of 18,000 papers with a monthly second class postage bill of over $17,600. This would average out to about 3.7¢ per paper per day. If the proposed 142% increase, over the next few years is enforced, we will have a monthly second class postage bill of over $42,000. Each paper would then have a .9¢ postage stamped on it. Taking these figures into consideration it would be necessary for us to increase the price of our publications .30¢ per week per subscriber. This does not figure in the rising equipment and production cost we are now facing.

Any help that Senator Nelson could give would certainly be appreciated, not only by Madison Newspapers, Inc., but by all publishers in the United States. Thank you for your interest.

Don E. Lipp, *Circulation Director.*

The Janesville Gazette,
Janesville, Wis., December 28, 1971.

The Honorable Gaylord Nelson,
Senate Office Building,
Washington, D.C.

Dear Senator Nelson: On the subject of postal rate increases to newspapers, you should know that there is no alternative to passing on increased rate costs to mail subscribers.

Mail costs for at least one medium sized newspaper in the Midwest have increased 429% since 1960, and now the post office wants an increase of 125% more over five years and for some newspapers, this will exceed 200%.

You can judge the effect upon the newspaper publishing enterprise.

With best wishes for the New Year.

Sincerely,

Robert W. Bliss, *Publisher.*

The Janesville Gazette,
Janesville, Wis., December 27, 1971.

Mr. David E. Osterhout,
Legislative Assistant Office of Senator Gaylord Nelson, U.S. Senate, Washington, D.C.

Dear Mr. Osterhout: In going through a stack of correspondence, I recently came on your form letter of October 21 regarding the proposed 142% increase in second class mail rates for newspapers and magazines over the next five years.

We, of course, feel that a rate increase of this size is very oppressive and it is especially hard on those small newspapers in more sparsely populated areas which have a substantial percentage of their distribution through the U.S. Mail.

Approximately ten per cent of the copies of The Janesville Gazette are distributed daily by U.S. Mail. Naturally, any increase in U.S. postage is immediately passed on to the consumer (in this case, mostly farm families) resulting in circulation rate increases.

We have no objection to the rising post office rates provided they are within reason. Certainly the rates proposed by the Post Office Department are inflationary because of their severity. Moderate rate increases are certainly acceptable.

Very truly yours,

M. W. Johnston,
President and General Manager.

The Tribune-Gazette,
Clintonville, Wis., December 6, 1971.

Senator Gaylord Nelson,
Senate Office Building,
Washington, D.C.

Dear Gaylord: A few weeks ago you sent an inquiry regarding the effect the constantly increasing postal rates are having on the community press and I have been giving the matter a little study in the meantime.

As you know, we had the "free in county" monkey on our backs for many years and shed it relatively recently over the objections of some newspapers in the sparsely populated plains states to whom it was a real gift.

Our postage costs have never been staggering under second class rates and events recently, while threatening, haven't put us in a real bind. Our weekly postage bill is about $20 and, since most of our distribution is through the mails, that doesn't seem exhorbitant.

However, that's only part of the story. Of greater importance to us is the deterioration of mail service. This costs us more than our entire bill at the post office.

We publish on Wednesday evenings for Thursday distribution, a schedule that allows us to be as current in our coverage as competing media. But this requires us to haul our newspapers to nearby communities in order that they will be received by postal patrons on Thursday. We send a car 17 miles in one direction and a van 19 miles in another just to have readers only 10 miles away get their papers on time. Earlier publication would prevent this, but it would also reduce our service to both subscribers and advertisers.

The Sectional Center system of mail sorting is unrealistic when it comes between neighboring communities. For instance, our papers, under the present service, must be mailed before 5 p.m. Wednesday, travel 50 miles south to Oshkosh, then come back north to get to Marion seven miles to the northwest, or Tigerton 17 miles beyond. There must be a reasonably efficient way to get directly from Clintonville to Marion overnight. Because the Postal Service hasn't found one, we must deliver our papers to Marion at our own expense.

One other inconsistency is the differentiation between rates for "county of publication" and adjacent counties. As you may know, Clintonville is in Waupaca county, but four miles to the north is Shawano county and one mile to the south is Outagamie county. It seems ridiculous to pay one rate for readers 20 miles west of us in Waupaca county and a higher rate for those a mile south. Treating "county of publication" and adjacent counties as one zone would appear to me to be more reasonable.

As damaging as any postal practice is the reduced service on minor holidays, now occuring on Mondays. With only three peak days of the week in which to prepare our news report, the arbitrary elimination of mail service of one of those days has a decidedly deleterious effect on the weekly press.

I hope these comments are of some help as you seek protection of the values inherent in a strong community press. While we disagree on many issues, this is one to which both of us can afford to react in unison.

Sincerely,

Walter Gleason.

The Mellen Weekly-Record,
Mellen, Wis., November 24, 1971.

Dear Mr. Osterhout: Senator Nelson's concern on the increase of second class mailing in connection with the newspapers is indeed appreciated. It will especially hasten the demise of many of the smaller newspapers all over the country if the P.O. Department goes through with its proposed raises.

My personal best regards to the Senator.

Sincerely,

Jasper Landry.

The Amery Free Press,
Amery, Wis., November 23, 1971.

Mr. David E. Osterhout,
Mr. C. N. Conconi,
U.S. Senator Gaylord Nelson,
Old Senate Office Building,
Washington, D.C.

Gentlemen: Yes, I am concerned along with most other small publishers about the rising costs of mailing.

Certainly the increases suggested will place enough of an additional financial load to force some weekly newspapers into bankruptcy. The income just isn't there in many instances with the newspapers existing more for the dissemination of news than revenue from advertisers.

Along these lines, I do believe that the postal department could secure much additional revenue from an untapped source. Right now, we have untold millions of pieces being "piggy-backed" in second class mail—pieces that should be sent under third class but which are being accepted as inserts in newspapers. The greatest perpetrators of this method of cheating are the dailies although many weeklies are starting to weaken in their search for new income to offset their postal costs.

I don't believe that this should be allowed; that action should be taken along these and other fronts before the Postal Service institutes its final rises on the weekly press. As most persons recognize, it isn't entirely your income that determines whether your're solvent or not . . . it is your expenses and the Postal Service has made little progress in curtailing their departments or improving their service.

Couple this along with a losing envelope imprinting business operated by the postal service and you have some avenues that could improve the income picture, short of the extravagant raises being suggested for second class mail.

I believe that we can survive the postal rates. I doubt, however, that all the weeklies will have the financial background and territory productivity necessary to carry the larger burden.

Sincerely yours,

Palmer H. Sondreal.

Times Publishing Co., Publishers,
Watertown, Wis., November 12, 1971.
U.S. Senator Gaylord Nelson,
Washington, D.C.

Dear Gaylord: I very much regret the delay in responding to your letter of October 12, 1971, in regard to the new high postage rates. I have been away, and my people felt that I should respond rather than any one else.

I'm extremely concerned over the sharp increase in postage rates, and this is only the first of five stages of increases. Beginning with August, the climb has been steep—20 per cent increase in August; 38 per cent in September; and 18 per cent in October.

I am enclosing a copy of our 1970 and 1971 records.

Gaylord, I can't tell you how pleased I am to know that there is a senator who is concerned over this problem. The extra cost is bad enough right now, but this is only the beginning.

And on top of all this, I'm concerned over reports that the new postal service can't make it go with the current revenue schedule. So it looks like the 142 per cent increase will grow to a much larger figure as more hikes are put into effect to keep pace with costs.

I hope you will be able to bring about some relief. I cannot begin to tell you how pleased I am to know that a man of your stature has come forward to give some attention to this problem. There's a limit to what extent subscription rates can be raised to meet this situation.

My very best wishes to you.

Sincerely,

John D. Clifford.

The Tomahawk Leader,
Tomahawk, Wis., November 4, 1971.
Senator Gaylord Nelson,
Senate Office Building,
Washington, D.C.

Dear Gaylord: I was especially pleased to receive a memo from Dave Osterhout and Charles Conconi that you are indeed becoming concerned about proposed Second Class mail rates that can have a serious economic effect on the newspaper industry. It was good to note that you are considering legislation to keep postal rates from threatening the very existence of our industry.

I am enclosing a copy of direct testimony given by Mr. Theodore A. Serrill, executive vice president, National Newspaper Association, before the Postal Rate Commission in June 1971.

I especially call your attention to pages 7 and 8 as I was pleased that of the many, many newspaper members from throughout the United States who contacted our national office in Washington with examples and statements concerning our industry, Mr. Serrill chose The Leader as a case in point to illustrate his testimony.

Should you proceed with your plans for legislation on this matter, and I certainly hope you do, I know that you can get much information about the community press from either Mr. Serrill or Mr. William G. Mullen, our general counsel.

National Newspaper Association offices are located at 491 National Press Building, Washington. Tel. 783-1653.

Our mutual friend Bill Branen, Standard-Press, Burlington, is a regional director of the NNA and I am privileged to serve as NNA liaison chairman for Wisconsin.

Thanks, Gaylord, for your interest in a problem that affects so many of us. We appreciate your concern and will give you all the help we can.

Incidentally, I have asked the PR people from Georgia-Pacific to send you a copy of GROWTH, their company publication, which tells the story of progress at our Tomahawk mill. I know you'll be interested, especially because of the great help you were to our industrial development group in working out that mill problem.

Sincerely,

Ken Keenen.

Sailing Magazine,
Port Washington, Wis., November 13, 1971.
Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Senator Nelson: As the publisher of a weekly newspaper and of a struggling monthly magazine with a national circulation, I know intimately the hardship created by the increase in second class postal rates. I believe that the widely expressed fear that newspapers and magazines without vast resources will be forced out of business by the increases is valid. I can cite my own situation.

Sailing Magazine is one of the few new national publications to be started in recent years. Founded by my late father, the magazine is mainly a family operation—I am the publisher and my sister is editor—and all of the production work is done here in our small newspaper plant. Despite competition from several rich, glossy magazines in this field, Sailing has developed a devoted following. With considerable effort, we have been able to push circulation above the 15,000 mark, which is at once an asset and a liability. The circulation has helped to attract advertising but, with the postal increases, we find we are now losing money on each Sailing subscription. We have resisted charging our readers more than the present $5 a year subscription price for a variety of reasons. The price freeze, of course, forbids an increase anyway.

It strikes me as odd that some of those who have pushed for mail rate increases are the very people who decry the power they see centered in large communications media, both in network broadcasting and in chain ownership of newspapers and magazines. I believe their fears are groundless as long as the alternatives offered by small independent publications exist. It is not impossible, however, that their worst fears would be realized if these independent voices are silenced by the economic muzzle of exhorbitant postal charges.

Sincerely,

Wm. F. Schanen III,
Publisher.

Berner Bros. Publishing Co.,
Antigo, Wis., November 12, 1971.
Senator Gaylord Nelson,
Washington, D.C.

Dear Senator Nelson: I am writing in response to your letter of October 21 regarding increase in second class mail rates for newspapers.

These proposed increases could well be a severe blow to newspapers of the size of the Antigo Daily Journal, which operates in a northern Wisconsin county and has frequently been designated as an area of high unemployment by agencies of the federal government. It is also in an area which showed a decrease in population in the 1970 census.

These rates would boost the monthly postage for our second class mail from the May 1 level of $325 per month to almost $1,000 per month at the end of the five year period. Needless to say, that on top of rising wages and the spiralling of other myriad costs of newspaper operation it would be a most difficult financial hurdle to overcome. Rate increases to subscribers can rise to a point where the publication could be priced right out of the business.

In addition to severely affecting the financial operation of the Antigo Daily Journal and distribution of the newspaper, the jobs of 26 full time employes could be jeopardized.

Ultimately increases of this magnitude could affect the very freedoms on which this great country is founded, the right of a free press to function in the best interests of maintaining a free society.

Yours very truly,

Marie F. Berner,
Antigo Daily Journal.

The Review,
Plymouth, Wis., November 15, 1971.
Mr. David E. Osterhout,
Legislative Assistant, C/o Senator Gaylord Nelson, Washington, D.C.

Dear Mr. Osterhout: In response to your letter on increasing postal rates, may I say simply that a substantial rise will only serve to increase the subscription price of community newspapers. We raised our price last January, for example, in anticipation of larger postal costs.

We do not raise subscription prices very often—only every couple of years as a rule, and then only if absolutely necessary because of zooming costs. Our present price is $6.00 within Wisconsin for two papers mailed weekly, and $7 outside of the state.

Postal rates, of course, are lower than any other method of distribution for rural areas and small cities. If they rise to two or three cents a copy, e.g., we'll simply have to pass the increase along—but probably would feel a sharp decline in subscriptions, at least for some time. I don't know how high we can go on a subscription price, but I would feel we are at practically the limit now, with $6 for in-state copies. I can't imagine getting $10, for example. It would simply seem too high, regardless of the quality, etc.

Our circulation approaches 6,000 copies. We are considered a large non-suburban type weekly (and rated one of the best). If costs do rise, we shall have to raise advertising rates or subscription rates or both. We should not get special consideration, but we often wonder why the postal department is expected to "break even" when other government departments, such as agriculture, do not! I applaud the idea, but then the same philosophy should be applied to all governmental operations. Instead, we subsidize everything else . . . except the postal department of the future.

Strong publications will survive, though they may be curtailed, I believe, but it would be absurd to believe that some dissemination of information will not be curtailed.

Sincerely,

Robert S. Johanson.

Burlington Standard Press,
Burlington, Wis., November 1, 1971.

Mr. David E. Osterhout,
Mr. Charles N. Conconi,
Committee on Labor and Public Wefare,
U.S. Senate, Washington, D.C.

Gentlemen: We read with interest your letter of October 21 in which you state that the U.S. Postal Service proposed 142% increase in 2nd class mail rates for newspapers and magazines has been brought to Senator Nelson's attention.

You are correct in saying that the postal increase is seriously affecting national publications and is creating a burden for small magazines and independently owned newspapers. I would say that the small newspaper is probably the one that is suffering the most—plus the magazines, of course. I trust that Senator Nelson's legislation to keep postal rates from threatening the very existence of newspapers and magazines will be heard in the halls of Congress.

To obtain a very accurate picture of the situation as it affects independently owned newspapers, who are the prime users of the postal service for their circulation, the person to contact would be as follows:

Mr. William Mullen, General Counsel, National Newspaper Association, 491 National Press Bldg., 14th and F Streets, N.W., Washington, D.C., Phone: 202/783-1651.

Mr. Mullen is very active in the association and represents 6,000-7,000 newspapers throughout the United States. Or perhaps he should contact you. I'm sure he would be most helpful.

Sincerely,

William E. Branen.

The Spooner Advocate,
Spooner, Wis., October 29, 1971.

Hon. Gaylord Nelson
U.S. Senator,
Washington, D.C.

Dear Senator Nelson: Mr. Osterhout and Mr. Conconi have suggested I write to you concerning increased postage rates for 2nd class mail. There is no question but what the tremendous increases are going to force many newspapers out of business. The rates have already been increased to the extent that they are providing a severe hardship for many publications. It should be remembered, too, that the adoption of the zip code system some years back has added greatly to the in-plant costs of a small newspaper. As you are no doubt aware, a substantial number of our subscribers are Spooner area people who move away to larger cities, but still like to keep in touch with their home town. Our out-of-state yearly subscription rate is $5.50, and we hate to see it go any higher. However, we will have no alternative but to raise the rate, and know that we will lose some subscribers. Your efforts in keeping the mailing rates as low as possible will be greatly appreciated.

Sincerely,

William W. Stewart.

Oshkosh Daily Northwestern,
Oshkosh, Wis., November 8, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Senator Nelson: The proposed 142% increase in 2d class postage rates will have a serious effect regarding our publication.

It will mean an increased cost of approximately $31,000.00 for our second class postage annually. This increase, naturally, will have to be passed on to our 4,000 mail subscribers which when in effect will be approximately $7.75 increase in their subscription price annually.

Although all of our newspapers being mailed are addressed, bundled or single wrapped, sacked and delivered to the local Post Office, by the newspaper, it is interesting to note that our last count showed 677 of our 4,000 subscribers' newspapers never go through our local Post Office for delivery to destination. These 677 newspapers are considered exceptional dispatch. In other words they are addressed, bundled or single wrapped, sacked and delivered by our newspaper to their designated Post Office for distribution.

Just how the United States Post Office Service can justify a 142% increase in 2d class rates is beyond our comprehension. One thing for sure, our subscribers will have to be told of the increase in postage rates as justification for the increase in their subscription rates accordingly.

Sincerely,

Samuel W. Heaney,
Co-publisher.
A. Thomas Schwalm,
Co-publisher.

Mayville News, Inc.,
Mayville, Wis., November 9, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Senator Nelson: It is our sincere hope that you will do all you can in presenting legislation to keep postal rates for second class mail at the present level.

Small weekly papers already have a hard time staying in business because of an ever decreasing advertising area as more and more shoppers rush to the large cities and small town stores close. Our expenses remain the same as always. Reporters, photographers, and correspondents must all be paid if we are to bring local news to our readers. Advertising rates can not be raised due to competition from Shoppers, who do not have the expenses newspapers have.

Mail service has already declined to a point where we are constantly losing subscribers because of delay in delivery of their papers. Some action must be taken to preserve the small weekly papers so each small community has a voice in matters pertaining to local activities. If these papers go out of existence, as they most certainly will should the postal rates increase as planned, small towns will be nothing more than a place on the map, with no record of what transpired in the past for future generations to rely upon.

Sincerely,

Mrs. Steve Deanovich,
Editor.

Milwaukee Labor Press,
Milwaukee, Wis., November 2, 1971.

Re: Communication Dated Oct. 21.

Senator Gaylord Nelson,
Senate Office Building,
Washington, D.C.

Dear Senator Nelson: Your inquiry on the proposed postal increase is most welcome. We previously had furnished material to the International Labor Press Association for presentation to the committee but the word came back to us that this committee literally refused to listen. I am asking ILPA to present its arguments to your office, but I would like to express my own personal observations obtained after research on our own circulation.

As to the rate increase itself:

I had estimated originally that the temporary postal increase would cost us somewhere about $342.50 per month. This actually comes to $90 per week. The proposed 1st step increase would amount to a $617.55 per month increase, but the full increase would amount to $4,682.82 per month.

These newspapers are bundled into the various zip code system so the press can be brought immediately to the station handling the bundle. Presently planned is a still further change in our mailing system to carrier route which means the particular bundle will go directly to the carrier delivering this mail.

Our advertising rates are about as high as they can go. We in Milwaukee are at a disadvantage because in this respect we compete with the Milwaukee Journal. By placing the same ad that carried in the Journal in its Milwaukee Sentinel they can do so at about half rate. And if you carry an ad the Journal-Sentinel does not have their salesman is right at the advertiser doorbell trying to lure him from you.

A singular issue I wish to bring up is this. Milwaukee and Waukesha counties are adjacent and many of our readers reside in the areas of Brookfield, Menomonee Falls, Hales Corners—all out of county but people who are employed here in Milwaukee. The out of county postal rate at second class is approximately six times that of in-county rate. We cannot open an in-county point of distribution in Waukesha county and obtain the in county rate there. This would be a saving even with our trucking the mail to Waukesha county.

But here's the catch. Even if we would truck our paper to the city of Waukesha we would run into this problem.

The City of Waukesha would deliver those papers in the city itself. Those papers going to other post office outlets in the county would be picked up by postal trucks, brought back to Milwaukee and then distributed through Milwaukee to the other Waukesha postal stations. A costly venture. A delaying factor as well.

In other words the postal increase can only prophesy death to a good many publications, including our own. It does not hurt the daily papers because they are not distributed through the mails. It hurts the little fella who already is threatened by the giants.

I hope something can be accomplished with the postal service because these rate boosts appear ridiculous. The people need publications other than the ONE evening daily. These publications not only bring business, but they bring work to the men and women who produce the items sold, they bring employment to the people in the printing industry; they keep people in the newspaper business employed. The small papers are vital to the economy.

I trust this information has been helpful to your query on the postal increase. Actually the 142% is a small percentage. My figures come up with a 400% figure.

Catholic Herald Citizen,
Milwaukee, Wis., Nov. 2, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Mr. Senator: The non-profit religious publications will be walloped by the proposed postal rate increases, very probably to a point where many of them will have to cease publication.

The proposed 142% increase for secular newspapers and magazines will run to far more than a 500% increase for non-profit religious publications. This is because the "per piece" rate will be just about as high for a thin almost addless religious newspaper as it will for a fat addful secular newspaper or magazine.

Currently we are producing 180,000 Catholic newspapers each week for the Archdiocese of Milwaukee and the Dioceses of Madison, Superior and LaCrosse. We are in our 101st year and feel we have been a great force for good in Wisconsin over this past century.

Your estimation of the loss to this State if we were forced to cease publication is probably as good as ours. But there is nothing in our future sources of income that will begin to justify a 500% increase in any of our costs.

How one arm of the government can come through with a proposal of this sort when both government and the public are trying to cooperatively curb inflation is a glaring example of stupidity.

We have presented our case through our Catholic Press Association along with the Protestant Press which was represented by the Rev. Billy Graham. No doubt your office or committee will have access to that material.

Trusting that you will be able to head off this proposed increase, I am,

Sincerely yours,
HUMPHREY E. DESMOND,
Publisher.

THE KENOSHA LABOR,
Kenosha, Wis., November 3, 1971.

Senator GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: In response to a letter I recently received from David Osterhout and Charles Conconi the following is my feeling on raising postal rates.

It is quite apparent that many businesses, both large and small will be hurt by any postal rates. However with the prospect of postal rates going up better than double it will be downright disastrous.

We are not a huge company but we need some considerations. Our newspaper is mailed out to union members and with over sixteen thousand copies going out each edition this simply is more than we can bear.

I know we are not alone as even the giants of our industry will be severely hurt.

I sincerely urge you to do everything possible to restore sanity to the projected postal rate increases.

Further The Kenosha Labor will continue to be in opposition to these unrealistic increases, through our editorials.

Sincerely,
JIM BRADLEY,
Editor-Publisher.

FOND DU LAC COMMONWEALTH REPORTER,
Fond du Lac, Wis., November 8, 1971.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: We were most pleased to learn of your interest in ascertaining the impact of the proposed 2nd class mail rates increase.

As you know, an increase of this size will most certainly have to be passed on to our subscribers in the form of increased circulation rates. This would affect about 20% of our total circulation, mostly those subscribers in rural areas where motor route delivery is economically impossible.

In past years mail service at its best has been poor. In many cases, subscribers only 10 to 20 miles from Fond du Lac receive the paper two and three days after mailing. We believe that a substantial rate increase on top of this poor service would bring about a large number of cancellations by these subscribers. While I suspect that we would continue to publish the newspaper, such a move would deprive these people of access to an important local news media, access we believe is vital to our way of life.

We hope very strongly that you could do something to see that future postal rate increases are of a more reasonable size.

Very truly yours,
L. A. LANGE, JR.,
Exec. Vice-President and General Manager.

TRI-COUNTY PRESS,
Cuba City, Wis., November 4, 1971.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing in regard to the proposed increase in 2nd class mail rates by the U.S. Postal Service.

Being a weekly newspaper publisher, I am close to the problems they have, especially in the rising costs of publishing.

I am certain that if this increase takes place, there will be many small newspapers and magazines driven out of business. This should not happen.

Sincerely,
REX Q. GOLDTHORPE.

HUDSON STAR-OBSERVER,
Hudson, Wis., Nov. 15, 1971.

SENATOR NELSON: We thank you for your recent letter concerning your position on taxing newspaper advertising. We are happy that you want to hear from the people affected.

We are situated in a small town that is growing. Unfortunately, we are located on the St. Croix River 20 miles from the Twin Cities. This close distance to a major metropolitan area has severely hurt downtown businesses.

The Hudson merchants just can't compete with the big shopping centers of St. Paul-Minneapolis. The result is that a tremendous volume of business is lost. A recent survey taken in Hudson estimated losses exceeding $3 million dollars to outside areas. This was said to be a conservative estimate.

Of course, this sharply affects advertising in our paper. And the situation appears to be getting worse. Within the last two weeks two downtown businesses have announced their intention to go out of business.

On top of this, three radio stations border us within a radius of 10 miles and all compete strongly in Hudson for advertising. There are also two shoppers who infringe on our territory.

It is a fairly well known fact that this isn't a good time for small businesses. The ever increasing book work, salary hikes, and property taxes have certainly been a big burden on small business.

In our business, we have a large investment in machines for printing. Machines in the newspaper department also represent a large investment. These machines constantly have to be updated. By early next year we will have scrapped an obsolete linotype which had 19 years of service but which was also a big cost item for us.

Perhaps the biggest expenditure for us now is the postal rates. These rates have increased substantially and our increase in subscription rates really doesn't compensate adequately.

Senator Nelson, we can discuss many negative obstacles. But maybe we have presented enough for you to present a strong enough case for us.

We have consistently tried to do our best here since 1854 when our paper was first established. We sincerely hope this can continue. But we feel we need help, like the kind of assistance you have generously offered.

Respectfully,
WILLIS H. MILLER.

BROWN COUNTY PUBLISHING CO.,
Denmark, Wis., November 4, 1971.

Mr. DAVID E. OSTERHOUT,
Legislative Assistant, Office of Gaylord Nelson, U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SIR: In reply to your letter to publishers of October 21, I have come up with some figures on mailing costs for our Denmark Press.

We have a circulation of less than 2,000 and publish in a community of about 1,600. Our paper is a 16 to 40 page tabloid, offset publication serving our village and the surrounding area, which is primarily rural.

Within the last 18 months we have added a full-time editor to our staff, freeing the previous editor to obtain more advertising. This, of course, means we have been able to increase our news coverage and quality as well.

Last year we paid $584.28 in mailing costs, and this year, apparently because our paper is larger, we have already paid $543.01 in costs. These costs for improving our quality and coverage are, of course, in addition to increased salary, ink, paper and other materials costs, all of which are rising.

We were required to raise our subscription rate last year from $4 to $5 annually, which is about as high as we can go given the rates of similar publications in the area.

We use a central printing plant and buy our materials in greater quantity than I would guess the average weekly of our size is able to do, trying to keep our costs low while at the same time increasing the quality and quantity of our coverage. New residents to our community are more and more sophisticated, and if we do not continue to improve our paper we could find ourselves out of step with the changing character of this once almost exclusively rural area.

Our ads revenues have, of course, increased. And we were required to raise our ad rates last year, and here again we have just about reached the ceiling—particularly with increased competition from nearby daily papers, radio and television.

If our mailing costs were to be increased by 142 percent, the difference would have to be made up somewhere—and as noted, not in subscription or ad rate hikes. Inevitably, then, we would have to cut back on the size and quality of our publication.

The size of our subscription list grows, and the growth on a proportional basis is encouraging. But to try to absorb a 142 percent increase in mailing rates would require us to add over 115 new subscribers, or perhaps half of the entire population (men, women and children) of some of the townships around here. With near blanket circulation in our area already, this would be an impossibility in the near future.

No doubt other weeklies—those with smaller circulation and operated on a family basis—would be hit even harder in spite of the fact that their total mailing expenses are probably lower than ours.

Owners of family publications are not known to be particularly wealthy. I doubt that they fare as well as their farming neighbors as a group. To their publications, which generally have nearly every possible subscriber in their circulation area, the added mail costs would be "out-of pocket costs," probably amounting to about one month's salary on the average.

While the specific information contained herein is meager, it is the best I can do on short notice. If you have any specific questions, I will be glad to seek answers to them.

Thank you for your concern,

Sincerely,
OWEN PHELPS,
Editor, The Denmark Press.

VIROQUA NEWSPAPERS, INC.,
Viroqua, Wis., October 22, 1971.

DAVID E. OSTERHOUT,
Legislative Assistant, Office of Senator Gaylord Nelson, U.S. Senate Office Building, Washington, D.C.

DEAR MR. OSTERHOUT: Please convey to the Senator our compliments on his concern. Such raises would greatly affect our subscription rates, and perhaps our subscription totals in very-rural America. We now average $130 a month in second class postage. We are not opposed to fair raises to offset rising costs. And, may we state opposition to any postal increases during the price-wage freeze imposed by the Administration.

Thank you for your concern.

Arthur F. Lundel,
Co-Publisher.

The Banner Journal,
Black River Falls, Wis., November 1, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Committee on Labor and Public Welfare,
Washington, D.C.

Senator Nelson: First of all, let me thank you for your concern about the Postal Department's intentions in regards to second class postal rates.

Being an independently owned publication, naturally we feel threatened by the proposed rate increase. If the rates are enacted, we at the Banner Journal have but two alternatives: Increase advertising rates or increase subscription rates. Unfortunately, both alternatives seem unfeasible for us at this time.

Our advertisers face a dilemma which has become relatively common place for both small towns and large city downtown areas; the everpresent threat of the shopping center. This situation would seem to encourage local advertising, but when individual human elements are added to the picture, the situation is often reversed. Many of our local merchants already feel that their customers' response stems entirely from friendships established throughout the merchants' operations. With an advertising increase, we feel more merchants would develope this line of reasoning. If this happens, two interests are damaged; the business dependent on advertising revenue and the consumer.

We already charge fifteen cents for an issue and although we feel this is a very nominal fee for the services we provide, a fair percentage of our readers do not. Let me refer to an excerpt of a Buckley editorial: "Fifteen cents a copy is too little . . . for a society that charges 35 cents for a hamburger and $3 for a movie." The quote was in reference of what TIME magazine charges, but unfortunately more Americans buy hamburgers and go to movies than read TIME. Our situation, although less dramatic, is similar.

All I know of the Postal Department's situation is that they are losing money. If it is because they are inadequate in procedure and operation, I would hope they would rectify these areas so as to keep non-governmental publications from elimination. If it is a situation that can not be rectified by any other means than a rate increase, I'd hope that more government aid be directed to the Postal Department. Certainly, there are few, if any, services more important in America than the accurate dissemination of news.

Sincerely,

James M. Frederickson,
Editor.

Union Labor News,
Madison, Wis., October 29, 1971.

Senator Gaylord Nelson,
Senate Office Building,
Washington, D.C.

Dear Gaylord: This is in answer to the letter from your office concerning the raise in second class postal rates. What is said therein is all too true and this increase might mean the end of many small publications, this one included.

Any legislation you may introduce which may prevent this will certainly have our blessing.

I am enclosing an article from Washington which ran in our October issue in which Ken Fiester states the case very well.

If you haven't already done so I would suggest that you contact him, as president of the International Labor Press Assn. in the AFL–CIO building.

I am glad you are thinking of some way to save us from an unjustifiable homicide.

Sincerely,

Richard Huffman,
Editor, Union Labor News.

Royle Publishing Co., Inc.,
Sun Prairie, Wis., November 1, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Sir: Yes, independent publications are really hurting to make two ends meet. Our cost of operation today, with high cost of labor and materials and with jobless benefits being so high that unskilled workers will not take a job to learn a new trade when their unemployment check is greater than the starting wage . . . the profit picture is hopeless.

Your consideration to bring about legislation to keep postal rates down may be the "what's needed" to put newspapers and periodicals back into the goals to look forward to rather than a backward impossible effort as it is becoming today.

The Waterloo and Deerfield newspapers we publish are right now on the list as to whether we can afford to give these communities a newspaper with the number of local businesses closing their doors to go to work for the big corporations.

Even Sun Prairie's newspaper doesn't add up to be an exceptionally good business proposition and with Madison East Towne Mall looking at us for their customers, we wonder how this town will survive. We have to look to Madison's downtown square for an example.

Thank you.

Very truly yours,

D. L. Royle.

La Crosse Tribune,
La Crosse, Wis., November 1, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Dear Senator Nelson: We wish to thank you for your interest in the effect the proposed second-class postage rates will have on the La Crosse Tribune.

In our case the impact of greater postage rates has been most dramatic because we realized we would have to take drastic steps if we were to attempt to serve the mail subscription segment of our circulation area and still survive.

The most recent postage increase raised our per copy rate from 1.7c to 2.22c and under the rate proposals for the future, the per copy rate will rise to 5c per copy or a total of 194% increase. On 360 copies a year the postage alone will amount to $18.00 a year and only a short time ago we were only charging $19.00 a year.

During recent months we have raised our mail subscription rates, much to the chagrin of our subscribers, and are converting many of our mail subscribers to our own motorized delivery routes—whereby, we are able to serve our readers the same day as the paper is published rather than a day late as provided by the postal route. By means of these two programs we have been able to reduce the number of our newspapers going through the mails daily from 8,029 to 6,538—a difference of 1,481, about an 18 per cent reduction, and our efforts will continue along these lines.

The irony of this whole story is that the post office is not saving any money by not serving these 1,481 subscribers, because the rural route drivers still have to make their appointed rounds and the post office is losing the revenue which we estimate at $11,000.00 annually at present rates.

We are enclosing a copy of the June 15, 1971 bulletin of the Inland Daily Press Association that gives a rather comprehensive report on the second-class problem as it relates to daily newspapers. If we can supply you with any additional information or be of any further assistance, please contact us.

Sincerely yours,

Edward I. Keefe,
Circulation Manager.

Democrat-Tribune,
Mineral Point, Wis., November 1, 1971.

Senator Gaylord Nelson,
Washington, D.C.

Dear Senator Nelson: I was pleased to receive the letter from your assistants the other day indicating that you were considering legislation to hold down the postal increases planned for second class matter.

While I suppose the present rates constitute a subsidy for smaller publications (and large ones, too), I have always felt that freedom of the press depended upon easy access to the mails for distribution. The proposed second class rates certainly will make life a bit more difficult for the small town publisher. While the metropolitan dailies can use carrier boys for a large percentage of their circulation, we are forced to depend upon the mails because too much of our area is rural.

I would personally appreciate any effort on your part to hold down the rate increase, and I believe most other publishers of small newspapers feel the same way.

Thank you for taking an interest in us.

Sincerely,

William K. Smith,
Publisher.

The Polk County Ledger,
Balsam Lake, Wis., November 1, 1971.

Senator Gaylord Nelson,
U.S. Senate,
Washington, D.C.

Senator: A communication from Osterhout and Conconi notes that you are interested in the community newspaper publishers' views on proposed postal increases, particularly on the 142% jump for the next five years.

As a publisher of two community newspapers a monthly farming newspaper, a shopper's guide and a summer vacation newspaper, I have never before opposed postal increases, primarily on the rather naive supposition that higher rates would result in better service. It has not. It would now seem that the postal service should first demonstrate its ability to carry the mail and deliver it within a reasonable period before asking for more money for a deteriorating service.

Newspapers have been asked, and have accommodated, postal requests to reduce the postal service labor connected with delivery. All bundles are sorted to zip codes and post offices, we bag accordingly ready for mail transportation. In our own instance we even deliver two of our publications to eight of the post offices in the county relieving the postal service of the bulk of the transportation. We know of some newspapers which deliver directly to the sectional centers. One of our publications is a controlled circulation newspaper which we would be willing to deliver directly to county post offices but which we are prohibited from doing by some archaic postal regulation.

It is our belief that somehow efficiency in the postal service needs to be accomplished before the service demands further increase. Most of us who use the service have ideas on how some of this could be accomplished in a business-like manner but it seems to be contrary to postal tradition.

Why, for instance, should mail collected by postal trucks all be funneled into overworked sectional centers when some of this mail could be bagged for destination offices the truck makes pickups at?

Is there any reason why rural mail carriers with routes less than eight hours of total time should not be required to work an 8-hour day by helping out at the post office? There are, it would appear, over-staffed offices and others with unqualified employees. If the government wishes to subsidize unemployables by providing work in the postal system, that's a good idea providing it does not interfere with service and that the subsidy comes from the government and not from the postal service budget.

As to service, this is a strange utility which closes many of its operations, including its primary one of delivering the mail, on holidays. Worse yet, these holidays come for the most part now on Mondays after which there has already been a one-day Sunday delay. The two Monday holidays in October are not recognized by most businesses and governmental units in Wisconsin.

We've deviated from the question asked in the letter, but to answer that, any further postal increases would require us to raise our rates either on subscriptions or advertising or both. It would, we're sure, result in a loss of circulation and advertising revenue and be another blow to an already overburdened sector of the economic community—small business.

Thank you for your inquiry.

Sincerely,

CURTIS B. GAYLORD.

WISCONSIN STATE FARMER,
Waupaca, Wis., November 1, 1971.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: We are certainly against a 142% raise in postage for a second class mailing permit. You are right, and it is true, that this would put such a burden on the smaller publishers that many of them could not keep going.

Our postage last year for our Waupaca County Post and Wisconsin State Farmer amounted to $14,995.44. Think what 142% more would do to us. We feel our papers serve a need to our subscribers that no larger daily paper could serve.

These rate raises are especially irritating when the service is so poor. Would you believe that it takes 4 and sometimes 5 days to get our paper delivered 22 miles from Waupaca? What other business could operate in this manner and continue to operate?

Also, if it isn't too late, we certainly would appreciate your taking a stand against the 4% sales tax that is being considered on advertising. In other words, strike section 710 in HR 11341. They are truly hitting the small businesses hard.

Sincerely,

MRS. FRANCES T. KROPF,
Publisher.

By Mr. JAVITS (for himself, Mr. WILLIAMS, Mr. KENNEDY, Mr. BEALL, Mr. BROOKE, Mr. BURDICK, Mr. CRANSTON, Mr. HARTKE, Mr. HUGHES, Mr. HUMPHREY, Mr. MCGEE, Mr. METCALF, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENS, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, and Mr. TUNNEY):

S. 3759. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce on behalf of myself and Senators WILLIAMS, KENNEDY, PASTORE, RIBICOFF, BURDICK, STEVENS, HUGHES, SCHWEIKER, TOWER, BROOKE, HARTKE, STEVENSON, HUMPHREY, CRANSTON, MCGEE, BEALL, RANDOLPH, TUNNEY, TAFT, METCALF and PERCY, the "Bill of Rights for the Mentally Retarded."

INTRODUCTION

I have long been concerned with the human rights of the mentally retarded and was shocked and troubled—as were the Governor of New York and other officials—when as a public service WABC–TV in New York focused attention on the tragic conditions at the Willowbrook State School in New York, a residential facility for the mentally retarded.

At the suggestion of Governor Rockefeller and Dr. Alan Miller, New York State Commissioner of Mental Hygiene, I requested the Federal Government to do everything in its power to assist the State of New York in improving the situation at Willowbrook and any other New York State institutions with similar difficulties. I discussed this matter with Secretary Richardson and he assured me that the full resources of HEW would be made available. As a result, Dr. Bertram S. Brown, Director of the National Institute of Mental Health, formed and headed a special action team of Federal and other mental retardation specialists and consultants. With Dr. Miller and other New York authorities, we visited Willowbrook to review the institution's problems and identify possible areas of increased Federal assistance.

Our site visit to Willowbrook allowed us to gain a first-hand knowledge of the conditions which despite efforts by many dedicated staff members remained very trying. We demonstrated, however, that a concerted effort by the Federal/State partnership on a specific problem is capable of stimulating the integration of services for a coordinated community-based system of care to meet the long-neglected needs of the mentally retarded. I personally viewed the tragedy of Willowbrook and resolved to overcome the dehumanizing conditions. I pledged myself to the introduction of a "Bill of Rights for the Mentally Retarded" utilizing standards developed by committees representing all the disciplines and interests that must be involved in providing fully adequate programs for the mentally retarded, under the leadership of the Accreditation Council for Facilities for the Mentally Retarded.

PROFESSIONAL ORGANIZATION COMMENT

Since that time, I have submitted a draft of the bill to professional organizations interested in the plight of the mentally retarded. They have made many excellent suggestions, many of which are incorporated into the legislation I am introducing today. Other recommendations which affect the standards, the relationship of the bill with existing law and voluntary standards continuation I believe should be determined by the Labor and Public Welfare Committee, of which I am ranking minority member, during its hearings and executive consideration of the measure. However, there was one common theme that ran throughout—the need of and praise for the bill—and these comments are as follows:

COMMENTS ON "BILL OF RIGHTS FOR THE MENTALLY RETARDED"

National Association for Retarded Children: "The proposed bill addresses itself to one of the really critical issues facing states in serving the needs of the mentally retarded today. I am in complete agreement with the philosophy expressed in this proposed legislation."

Accreditation Council of Facilities for the Mentally Retarded: "The Accreditation Council wholeheartedly supports the Senator's objective of improving the services provided mentally retarded persons."

New York State Association for Retarded Children: "I think the concept of the bill is superb."

Association for Children with Retarded Mental Development: "We have examined the Bill in its entirety and find it to be an outstanding document covering every aspect of the need for continuity of care and concern of the rights of the mentally retarded."

Federation of Parents' Organizations for the New York State Mental Institutions: "This bill is the best one I've ever seen. I hope I can be of some help in seeing that it becomes the law of the land."

Citizens Action Committee for the Handicapped: "If this Bill could become a reality, it would usher in a 'new world' for the retarded. It includes everything those of us who have been fighting for change and for a restructuring of existing systems of service, would have included were we to write our own 'Bill of Rights'."

AFL–CIO: ". . . the bill represents a major step forward toward the goal of fully protecting the rights of millions of handicapped citizens of whom the mentally retarded are the most vulnerable."

New York State Department of Mental Hygiene: "I am very much in accord with the intent of Senator Javits' Bill of Rights for the Mentally Retarded, and with its excellent provisions for providing better services for our retarded citizens."

United Cerebral Palsy Associations, Inc.: "The 'Bill of Rights for the Mentally Retarded', which you sent me, would be a lasting landmark in the restoration of full citizenship for the mentally retarded of our country."

Illinois Department of Mental Health: "As a superintendent of a 2,700 bed facility serving the mentally retarded of all ages and all handicapping conditions, may I state that this is the most exciting, promising, encouraging and all-encompassing proposal that has ever been made."

The Joseph P. Kennedy, Jr. Foundation: "I have read your bill on the Bill of Rights for the Mentally Retarded and am very impressed. Congratulations for working so quickly and with such expertise in such a sad and difficult area."

Joint Commission on Accreditation of Hospitals: "Your strong and sincere interest in the welfare of the mentally retarded is well demonstrated by your conception of this legislative proposal. All of us on the staff, as well as the members of the Accreditation Council for Facilities for the Mentally Retarded and the Board of Commissioners of the Joint Commission, support your objective wholeheartedly."

Association for the Help of Retarded Children: "I would like to assure you of my complete support of this fine legislation."

Mr. President, I ask unanimous consent that, in order for all interested parties to have the benefit of these recommendations, the full text of the letters from which these comments have been prepared and other letters of comment, the full text of the bill, and the section-by-section analysis is prepared by the Library of Congress Congressional Research Service be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

ANALYSIS OF BILL

Mr. JAVITS. Mr. President, with an estimated 6 million retarded persons in the United States and approximately 120,000 mentally retarded infants born each year and approximately 200,000 mentally retarded institutionalized in residential facilities, we must institute a total program to confront the problem simultaneously on many fronts. To achieve that goal, the bill I introduce today would—

First. Make congressional findings regarding the mentally retarded in the United States.

Second. Authorize $15 million for each of 3 years to assist the States in conducting comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established; in reviewing existing State plans; in developing strategies to fulfill the overall stated purposes of the act, and in studying administrative relationships.

Third. Authorize $15 million for each of 3 years to assist the States by demonstration grants to improve the services provided by existing residential facilities for the mentally retarded. These grants will not exceed $300,000 per institution and will cover costs of administering and operating demonstration facilities and training programs.

Fourth. Authorize such sums as may be necessary to assist nonprofit institutions to develop, improve, extend or expand community resources and community living situations for the mentally retarded, as alternative programs of care for the mentally retarded other than living in residential facilities for the mentally retarded. Priority is given to those applicants whose proposals the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

Fifth. Authorize such sums as are necessary in grants to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformance with the standards established under this act. Priority in awarding these grants will be given to those applicants whose facilities are in the greatest need of assistance. A State desiring to receive a grant must submit a plan—

Setting forth a schedule for compliance with the established standards for each facility;

Designating how placement in residential facilities will be minimized through alternative regional and community programs and services;

Designating a State planning and advisory council;

Assuring reasonable State financial participation in the cost of carrying out the plan; and

Setting forth a schedule of costs to achieve compliance with the standards.

Sixth. Five years after enactment, a residential facility that does not comply to the standards established will not be eligible to receive any direct or indirect payments under any Federal law on behalf of an individual resident. Such funds which any individual would otherwise be entitled to have paid on his behalf to any vendor of residential services, public or private, shall be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf were he entitled to same.

Seventh. Authorize an extension of time for grantees and other residential facilities for the retarded to meet the established standards if appropriations for grants do not meet authorizations.

Eighth. Establish a 15-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded composed of essentially the same people from the professional groups serving the mentally retarded which prepared the standards. A majority of the membership will represent the interests of consumers of services. The Council will advise the Secretary on regulations implementing standards, study and evaluate such standards to determine their effectiveness, and recommend any changes or improvements in the standards.

Ninth. Establish "Standards for Residential Facilities for the Mentally Retarded" which were developed by committees representing all the disciplines and interests that must be involved in providing fully adequate programs for the mentally retarded under the leadership of the Accreditation Council for Facilities for the Mentally Retarded and which consist of a comprehensive and detailed description of the standards with which a residential facility for the mentally retarded must comply in order to qualify for assistance under this act, and eventually, for assistance and funds for any Federal program.

DISCUSSION OF ISSUES

Thus, this legislation establishes strict standards for residential facilities for the mentally retarded—the fruition of a partnership of governmental agencies, of professional organizations of practitioners in the field, and of consumer representatives, working together in the interest of improving services to the mentally retarded—and, at the same time, stimulates States to establish plans for regional and community programs for the mentally retarded and minimize admissions to institutional residential facilities while providing funds for alternative programs of community care.

Our country's mentally retarded are much like the aged—they have done no harm, yet they are treated as burdensome problems, rather than with the love they deserve as human beings. Our society looks at youth, mobility, activity, and quickness of thought as being of the utmost importance in our day-to-day lives. When a person cannot have these qualities, he should not be shunned, disrespected, denigrated, and ignored. For the institutionalized mentally retarded, this is most assuredly true. Once a resident in the institution, the mentally retarded individual is generally looked upon as "put-away," no longer a bother to the society as a whole. How can we, the richest country in the world, treat innocent human beings in such an inhumane fashion? It is our responsibility as legislators to mandate the necessary authority to help alleviate the horrifying prevailing conditions that exist in these institutions, and to seek alternative solutions to institutionalization, more beneficial to the retarded individual, his family, and society.

The residential environment of the retarded individual is a supremely significant component in his development. If the residential setting is warm, devoid of dehumanizing conditions, the individual has a much greater opportunity to develop to his full capacity. It is often thought that in comparison to an individual with normal development, a person with slow development of intelligence has a greater number of failures and consequently is more dependent on his environment. If the environment is a poor one, as those in so many of our institutions are, or the professional individuals within it are unwilling to understand the handicapped child, or lack the much needed patience, then the child's readiness for failure must logically, but tragically be increased and the positive aspects of his behavior are not reinforced. Let me seize on this point. Almost all mentally retarded individuals can develop and learn something, only it takes them longer and puts greater demands upon the environment than it does with nonretarded persons. We must not only understand these realities, but accept them and be willing to act on them if we truly want to effect responsible humane legislation for the mentally retarded.

Within the past 10 years, the average cost per capita per day per resident has gone from $4.64 to $11.62. The number of institutions has increased 76 percent between 1960 and 1970 from 108 in 1960 to 190 in 1970. An estimated 117,327 persons were employed full time in public institutions in 1970. This is more than double the number employed 10 years ago; however, the overwhelming majority are attendants, matrons and maintenance employees. Only about 11 percent of these are teachers and nurses. Fewer than 2 percent of all institution personnel are classified as psychiatrists, psychologists and social workers. The turnover of the personnel within the institutions takes away from the resident any real possibility of continuity of care, which could be most beneficial to continued progress and development. A survey of the 26 institutions in the 16 Southeastern States showed that, on the average, 20 percent are replaced in a year. In two of the 26 institutions, fully 50 percent of the attendants were replaced in 1 year.

A large part of the reason for the inadequate qualifications of attendants and for their high turnover rate is undoubtedly the low status they are accorded and the base pay they receive. Among the majority of the 26 institutions just mentioned, the maximum possible salary for attendants was more than $1,000 below the median income of the families in the county in which the institutions were located.

As I have stated previously, I have been in close contact with many groups who are involved with the provision of services to the mentally retarded. I have come to understand that although there is unanimous support for those goals which my bill seeks to accomplish, the best methodology is an issue about which reasonable people differ. There has been reasonable concern expressed about the impact of some of the provisions of this bill on the Developmental Disabilities Act. I recognize the issue and am most sympathetic to the more generic developmental disability concept to benefit the mentally retarded. I do not intend this measure to foreclose our options to more tightly tie into the act when the committee considers that bill.

In regard to the retention of the voluntary approach to standards, this bill meets the issue by setting standards in law, but permits the very same groups that developed the standards to be established as a National Advisory Council to recommend revisions and improvements to the standards for effective regulatory action.

I do not intend by law to lock into concrete either standards that cannot be improved and modified nor provide the most efficient and effective oversight of such standards in the best interests of the mentally retarded.

This bill shows the way for prompt action to accomplish objectives which provide for the common good of the mentally retarded which I know all share. It would keep all our options open, as the experts in mental retardation testify how to best achieve this goal.

CONCLUSION

Mr. President, we must finally, at this point in time, accept the responsibility that is ours. Ours, not only as legislators, but as citizens in this country that has at its roots the political doctrine of equal rights for all people. We must now act to insure these basic human rights to the mentally retarded, and that is why I have introduced the "Bill of Rights for the Mentally Retarded."

EXHIBIT 1

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,

May 12, 1972.

To: Mr. Jay Cutler, Minority Staff Counsel, New Senate Office.

From: Edwin W. Martin, Associate Commissioner, Bureau of Education for the Handicapped.

Subject: Bill of Rights for the Retarded.

Thank you for the opportunity to review the proposed legislation to establish and implement a bill of rights for retarded children. The attached comments were developed by my staff. I thought you might be interested.

As you know, we have been quite concerned about the problems of children in institutions for the mentally retarded. Jim Moss, on my staff, was with the Federal team which visited Willowbrook. After that, he made a visit to the Rosewood State Hospital in Maryland. We are going to spend more time visiting these places in order to get a better understanding of the problem. This is going to become a special concern and priority item for this office.

We have in mind developing technical assistance and training programs to help improve the skills of professionals and other personnel in such institutions. We find that people managing educational and rehabilitation programs are not always up to date on what can and should be done. We will also be continuing our efforts to create more community programs so that these children will not have to be sent to such facilities.

The process of reconstructing the lives of institutionalized children will be difficult, and costly. It will take time. Your bill of rights is a good beginning.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,

April 28, 1972.

To: Dr. Edwin W. Martin, Jr., Associate Commissioner, BEH.

From: R. Paul Thompson, Policy and Procedures Officer, ASB.

Subject: Bill of Rights for the Mentally Retarded.

The "Bill of Rights for the Mentally Retarded" (Mr. Javits, April 10, 1972) is a very comprehensive piece of legislation which provides humane care, treatment, and protection of the mentally retarded in residential facilities, and for the development of regional, and community programs for the mentally retarded which include the integration of such residential facilities. There is evidence of considerable expertise in the writing of the bill. In general, it is a carefully worded document, establishing strict standards for residential services, leaving little to chance or imagination with the exception of the educational component. Observations are as follows:

TITLE XI

Part A—State Strategy Planning: Provides for a review of all existing State plans concerned with providing services and programs for the mentally retarded. Emphasizes coordination of existing facilities. Provides not to exceed $300,000 per institution to cover costs of administering and operating demonstration facilities and training programs for MR.

Part B—Delivery of Mental Retardation Programs and Services: Requires development of a State plan, which includes the designation of a State planning and advisory council. I would recommend that membership on this council must include the State Director of Special Education and State Administrator of the PL 89–313 program. (See Sec. 1103(2))

Part C—Standards for Residential Facilities for the Mentally Retarded: Detailed and adequate. No suggestions.

Sec. 1124. Significant—"No individual whose needs cannot be met by the facility shall be admitted to it."

Sec. 1126.—Excellent—"The residential facility shall admit only residents who have had a comprehensive evaluation . . . by an appropriately constituted interdisciplinary team."

Sec. 1127(c). Significant—"There shall be a regular, at least annual, joint review of the status of each resident by all relevant personnel . . ."

Sec. 1132. Provides regulations concerning staff training, and inservice training for employees who have not achieved the desired level of competence. Specifies use of modern educational media equipment and development of working relations with nearby colleges and universities.

Sec. 1155(a). Specifies living components or groups or residents.

Sec. 1155(b). Indicates that residents who are mobile nonambulatory, deaf, blind, epileptic, and so forth, shall be integrated with peers of comparable social and intellectual development *and shall not be segregated on the basis of their handicaps.* This seems idealistic but not necessarily practical in all cases, i.e., persons who are deaf probably should not be placed with residents who are blind, since communication barriers could easily arise.

Chapter 3—Professional and Special Programs and Services

Sec. 1159. Specifies that individuals providing professional and special programs and services to residents include those in education; library services; music, art, dance and other activity therapies; occupational therapy; and vocational rehabilitation. I would suggest the addition of "Vocational Education and Vocational Habilitation (as contrasted to vocational rehabilitation).

Sec. 1163. Concentrates on educational services, indicating that such services, "defined as deliberate attempts to facilitate the intellectual, sensorimotor, and affective development of the individual shall be available to all residents regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps." Could more clearly state that not only will such services be made available, but that all residents, to the maximum extent possible, *be enrolled or included,* in such programs.

Sec. 1166. Deals with Library Services. Very adequate.

Subchapter IX—Physical and Occupational Therapy Services. Specifies that physical and occupational therapy be provided, or made available to, residents on a continuing basis, as needed. Very adequate.

Subchapter X—Psychological Services. Provides for both direct and indirect psychological services. Appropriate and seems to be comprehensive.

Subchapter XI—Recreation Services. Specifies quite complete recreational services for each resident, which includes a variety of activities such as outings, performances in dramatic or musical productions, camping, team and lead-up activities, individual and dual sports, hobbies, etc. Specifies provision of "opportunities to use leisure time in activities of the resident's own choosing in an informal setting under minimal supervision." This subchapter appears to be excellent.

Subchapter XIII—Social Services. Specifies that social services shall be available to residents and their families, and shall so be provided, directly and indirectly. Comprehensive.

Subchapter XIV—Speech Pathology and Audiology Services. Well designed; there seem to be no problems with this subchapter.

Subchapter XV—Vocational Rehabilitation Services. This subchapter could be reviewed critically to determine if all necessary aspects of a comprehensive vocational education and/or career education program are included. Seems oriented principally to *rehabilitation* rather than *habilitation* or initiatory training. (". . . services which includes the establishment, maintenance, and implementation of those programs that will ensure the optimal *development* or *restoration* of each resident, physically, psychologically, socially, and vocationally.")

Chapter 5—Research

This chapter charges the administration and the staff to encourage research activity. This chapter might be strengthened to assure that research activities are in fact conducted, and that funds are made available for such studies. The apparent permissiveness of this chapter could result in no research being conducted.

Chapter 8—Definitions

Significant definition—"Resident" means the general term used in the standards to refer to an individual who receives service from a residential facility, *whether or not such individual is actually in residence in the facility.*" However, a residential facility may use the term "resident" to refer only to those individuals actually in residence, and may thus distinguish between resident and nonresident recipients of its services.

Summary Statement

This is a most significant piece of legislation, designed to ensure quality services to the mentally retarded. It is particularly strong in the medical health, social services, therapy, and residential living services. Areas possibly needing strengthening include the educational, vocational educational and research components.

Mr. Robert Gettings, of the National Association of Coordinators of State Programs for Mental Retardation, has indicated to me that he feels the bill exceeds the necessary detail for a law. His preference, which apparently reflects the thinking of many in his association, would be to have a less restrictive and comprehensive law, with the minute details being spelled out in policy statements, regulations, etc. Such statements would lend themselves more readily to changes as might be dictated by time and place.

ASSOCIATION FOR CHILDREN WITH RETARDED MENTAL DEVELOPMENT, INC.,
New York, N.Y., May 8, 1972.

Senator JACOB K. JAVITS,
New York, N.Y.

DEAR SENATOR JAVITS: Please accept our thanks for sending us a copy of your "Bill of Rights for the Mentally Retarded."

At your request we are going to review this proposed legislation and if we have any recommendations we will communicate them to Mr. J. Cutler.

Of course, we will also alert our membership and all interested friends and professionals in the field about your bill. May we suggest that at the time you feel we can be of additional help in ensuring adoption of your bill, would you alert us and I am sure we can get many people to use their good offices for this purpose? All of us recognize the unquestionable need for the Federal Government to adopt a stance which will guarantee the elimination of conditions which treat our children in an inhuman way. We are with you in this, all the way.

IDA RAPPAPORT,
Executive Director.

ASSOCIATION FOR CHILDREN WITH RETARDED MENTAL DEVELOPMENT, INC.,
New York, N.Y., May 31, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, New Senate Office Building, Washington, D.C.

DEAR MR. CUTLER: Early last month we received a copy of a proposed "Bill of Rights for the Mentally Retarded," to be introduced by Senator Javits. We have examined the Bill in its entirety and find it to be an outstanding document covering every aspect of the need for continuity of care and concern of the rights of the mentally retarded.

In the covering letter you encouraged comments and suggestions on this proposed legislation. We wish to offer some recommendations which do not alter in any way the intent of the "Bill of Rights," but we hope you will accept them in the friendly spirit in which they are being offered. Inasmuch as there are a number of comments, we thought it would be appropriate to list them on a separate sheet relating specifically to the sections of the Bill directly involved.

Please understand that we do not intend to be the ultimate experts on all phases of this kind of legislation and so, perhaps some of our suggestions may not be completely appropriate from everybody's viewpoint. But, you invited us and we are taking the liberty of advising you to the best of our experience and ability.

Sincerely yours,

HARRY KAMISH,
Director, Public and Human Relations.

ASSOCIATION FOR CHILDREN WITH RETARDED MENTAL DEVELOPMENT, INC.,
New York, N.Y., May 31, 1972.

COMMENTS AND SUGGESTIONS SENATOR JACOB K. JAVITS' "BILL OF RIGHTS FOR THE MENTALLY RETARDED"

INTRODUCTION UNDER SUBHEAD "A BILL"

Include in the first sentence, "to provide for the human care . . ." *education and training.*

In same Introduction following "seek to minimize inappropriate admissions . . ." and to *maximize necessary admissions.*

At the end of same Section, following "integration and such facilities . . ." *which provide for a full spectrum of necessary services to the mentally retarded in facilities conducted and administered by public and voluntary agencies.*

PART B, PAGE 8, LINE 6

Specific provision should be made for the inclusion of parents of the mentally retarded in the membership of a planning and advisory council.

PAGE 11, LINE 19–20

Again, provision should be made for the specific inclusion of parents on the National Advisory Council.

PAGE 12, LINE 2

Parents should be definitely specified as the consumers of such services.

PAGE 12, LINE 5–14

The Council should be required to make on-the-spot surveys on examinations and facilities.

CHAPTER 1, PAGE 13

Line 6,—Sec. 1110 (a) to read "the ultimate aim of the *residential facility for the mentally retarded "hereinafter to be called the 'facility'* shall be to foster those behaviors that maximize the human qualities of the resident increase the *adaptability* and *development . . .*"

"(b)"—this section relating to the principle of normalization should be clarified beyond the professional terms used with specifics.

"Sec. 1111." We have been grappling for years with the development of names for such facilities which would eliminate "mentally retarded" in its title. Up to the present, the best we could come up are euphemisms. We believe, any effort to avoid retardation as a descriptive term is an illusion.

CHAPTER 1, PAGE 13, LINE 20

Residents—additionally be referred to as clients and trainees.

CHAPTER 1, PAGE 14, LINE 13

"(c)"—The words normal activities should be changed to *activities suitable to their capabilities.*

LINE 16

"(e)"—There should be a more specific definition of the responsible agencies and population of the community.

PAGE 15, LINE 19

"(6)"—Sheltered employment in regular industry, among non-retarded workers, from our experience, is not a realizable goal. Sheltered employment, as we know it, refers to work opportunities provided for the trainable mentally retarded person who, while not having the development necessary for competitive industry, can still function in a work training and work activities environment. Of course, in exceptional cases some persons in this category may be able to hold down jobs in gainful employment, but this is not generally the case. We find, for example, a growing accretion in our own workshops of those who can function and perform to the best of their ability in a sheltered setting but would find it difficult to perform in outside industry.

PAGE 18, LINE 12

"(3)"—Provision to be made specifically for trusteeships for residents described in this Section. New York State has developed good guidelines in this respect.

PAGE 25, LINE 14

"Sec. 1122."—Parents should be included specifically as participants.

PAGE 25, LINE 17

"(1)"—Parents and surrogates of residents should be specifically included on the policy making or governing Board.

PAGE 25, LINE 22

"(2)"—We recommend that all facilities have governing Boards.

PAGE 27, LINE 16

"(13)"—A mechanism for advocacy for all residents should be specifically spelled out.

PAGE 29, LINE 22

"(d)"—Why the emphasis on admissions as temporary . . . especially, in view of the fact that severely and profoundly retarded clients require permanent placement.

PAGE 33, LINE 19

"(1)"—Recommend that autopsies be performed *only* with the permission of the next of kin or legal guardian.

PAGE 36, LINE 7

"(d)"—Recommend psychological assessment be a necessary part of all personnel applications, not only "where indicated" . . . full knowledge of all personnel is desirable.

PAGE 37, LINE 7

"Sec. 1132" (a)—Add after first word on Line 7 "employment . . ." add the following words and *paid prevailing rates when providing such services.*

PAGE 37, LINE 15

"(4)"—Recommend this line read, "are adequately reimbursed."

PAGE 42, LINE 11

"(e)"—The word non-retarded in the context of this Section is unrealistic. Anyone familiar with the rhythm of life of the mentally retarded must recognize the special needs of this population and the ways in which they can enjoy their lives to the utmost of their capabilities. To attempt to cast this in a form where it "shall resemble the cultural norm" for chronological-age peers who are non-retarded is reaching very far.

PAGE 45, LINE 8

"(n)"—It is recommended that requirement be included that reports be made regularly to facility heads on incidences of use of restraint.

PAGE 46, LINE 15

"(p)"—Recommend that this sub-section have an addition as follows, "all use of chemical restraint shall be approved by appropriate facility supervisors under the direct orders of a physician.

PAGE 51, LINE 21

"(d)"—Recommend after the first two words, "effective procedures . . ." *consistent with State, Municipal, and/or other local regulations.*

PAGE 53, LINE 1

"(2)"—Recommend facility staff discuss clothing needs and problems with parents or guardians wherever feasible.

PAGE 58, LINE 6

Recommend addition of a sub-section (f)—facility staff shall periodically discuss with parents or guardian of residents all living unit problems."

PAGE 100, LINE 23

"Sec. 1167."—Recommend that all members of the medical staff be qualified as medically competent to perform duties in the following sub-sections 1, 2 and 3.

While provision is made for the regularizing of staff-resident relationships, it is recommended that explicit provision be made for parent-guardian relationships with the facility's staff. There should be defined the avenues of approach to staff on various levels and also provision for periodic discussions of resident problems with those in the family who relate immediately to such residents.

ASSOCIATION FOR THE HELP OF
RETARDED CHILDREN,
New York, N.Y., June 12, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Submittee, Washington, D.C.

DEAR MR. CUTLER: I have reviewed Senator Javits' "Bill of Rights for the Mentally Retarded," and I would like to assure you of my complete support of this fine legislation. Please advise me when it is introduced so that I can inform our members.

Sincerely,

I. JOSEPH HARRIS,
Executive Director.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 2, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am replying to your letter inviting comments on your proposed "bill of rights for the mentally retarded." The mentally retarded are a neglected minority which rarely receive the treatment which other citizens take for granted. It is essential that the rights of these too often forgotten Americans be protected.

Although the AFL–CIO may not be in full agreement with every provision of your bill, in general, the bill represents a major step forward toward the goal of fully protecting the rights of millions of handicapped citizens of whom the mentally retarded are the most vulnerable. Your bill will do much to stimulate informed public debate and action to guarantee the rights of these innocent victims of heredity, disease and accidents.

Sincerely,

KENNETH YOUNG,
Assistant Director,
Department of Legislation.

DIXON STATE SCHOOL,
Dixon, Ill., May 18, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Mr. T. K. Taylor of the Accreditation Council for Facilities for the Mentally Retarded, has generously shared with us a copy of your proposed Bill of Rights for the Mentally Retarded.

As a superintendent of a 2,700 bed facility serving the mentally retarded of all ages and all handicapping conditions, may I state that this is the most exciting, promising, encouraging and all-encompassing proposal that has ever been made. You are obviously well acquainted with the tremendous needs and problems that exist in the field of residential care for the mentally retarded. Your proposal will do much to "provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities."

I, my colleagues, and the parents of our residents can only hope and, indeed, pray that your proposed Bill be enacted and implemented in the very near future.

We are, indeed, most grateful.

Sincerely,

DAVID EDELSON,
Superintendent.

DEPARTMENT OF MENTAL HYGIENE,
Albany, N.Y., May 9, 1972.

Mr. JAY CUTLER,
Minority Counsel, Senate Health Subcommittee, Washington, D.C.

DEAR MR. CUTLER: Senator Javits asked me in his May 1 letter to comment on his revised "Bill of Rights for the Mentally Retarded" which he plans to introduce this month.

I understand that you have already had an opportunity to exchange ideas on this bill last Friday with Fred Grunberg, our Deputy Commissioner for Mental Retardation and Children's Services.

I certainly appreciate Senator Javits' efforts to provide Federal legislation to increase the quality of residential care for the retarded and to stimulate the development of community services which will integrate residential care. However, I am apprehensive about the impact of the Bill on the Developmental Disabilities Act.

Although the level of funding does not reflect the importance of the Developmental Disabilities Act, this legislation also stimulates the Statewide plans for comprehensive community services for the developmentally disabled, including the mentally retarded.

Both have similar purposes and both include the mentally retarded in their target group. I would anticipate not only duplication, but also conflict in having two Councils in each state, as well as at the National level, both developing plans and policies for services for the retarded.

I am very much in accord with the intent of Senator Javits' "Bill of Rights for the Mentally Retarded", and with its excellent provisions for providing better services for our retarded citizens. However, I do feel that the effectiveness of both the Bill and the Developmental Disabilities Act would be increased if some mechanism were developed for integrating and coordinating the two.

Thank you for giving me the opportunity to comment on Senator Javits' much-needed Bill. Please call either me or Dr. Grunberg if we can be of further help.

Sincerely yours,

ALAN D. MILLER, M.D.,
Commissioner.

FEDERATION OF PARENTS ORGANIZATIONS FOR THE NEW YORK STATE
MENTAL INSTITUTIONS,
New York, N.Y., June 6, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, Washington, D.C.

DEAR JAY: Here are some comments on Senator Javits' bill.

On the whole, except for the minimal amount of money envisioned to help do the job, this bill is the best one I've ever seen. I hope I can be of some help in seeing that it becomes the law of the land.

Sincerely,

MAX SCHNEIER,
Chairman.

FEDERATION OF PARENTS ORGANIZATIONS FOR THE NEW YORK STATE
MENTAL INSTITUTIONS
New York, N.Y., June 5, 1972.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I have reviewed your bill in the U.S. Senate regarding the mentally retarded. I find your bill excellent and very far reaching. There are some points of confusion and perhaps a slight degree of disagreement. They are as follows:

Page 6, lines 19 and 22 . . . These sums are very low and would not cure the ills of the New York State Institutions.

Page 7, line 12 . . . Talks about "such sums as are necessary" but it is my opinion that "such sums" will not materialize unless explicitly appropriated.

Page 8, line 4 . . . One-third consumer representation would not be enough for effective counter control.

Page 8, lines 20 and 21 . . . Who will support the community services? State or the Federal Government?

Page 9, Line 5 . . . If the Federal Government pays 75%, that would be excellent! But previous sections of the bill indicate a much lower percentage ($30,000,000.)

Page 10, lines 15 and 19 . . . Sounds great! A real prod to action.

Page 12, line 3 . . . Why will the Federal Advisory body be mostly consumers, and the state body be mostly providers?

The standards which are described in the remainder of the bill are excellent. In order for New York State to meet these standards, it will have to "shuffle" the deck of their program and redeal it.—It would mean a total change! My only concern is that this may not be enforced, especially if only $30,000,000 is appropriated.

I heartily endorse this bill and would like to testify on its behalf, if that is possible.

Thanks again for all of your efforts on behalf of the retarded. I hope that the same will be done for the mentally ill.

Sincerely yours,

MAX SCHNEIER,
Chairman.

FEDERATION OF PARENTS ORGANIZATIONS FOR THE NEW YORK STATE
MENTAL INSTITUTIONS,
New York, N.Y., June 5, 1972.

Senator JACOB JAVITS,
U.S. Senator,
Washington, D.C.

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I heartily endorse this bill and would like to testify on its behalf, if that is possible.

Thanks again for all of your efforts on behalf of the retarded. I hope that the same will be done for the mentally ill.

Sincerely yours,

MAX SCHNEIER, *Chairman.*

THE JOHN F. KENNEDY INSTITUTE FOR HABILITATION OF THE MENTALLY AND PHYSICALLY HANDICAPPED CHILD,
Baltimore, Md., May 9, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, Washington, D.C.

DEAR MR. CUTLER: I recently received a letter from Senator Javits and a copy of the Bill which outlines the provision of humane care, treatment, habilitation, and the protection of the mentally retarded in residential facilities.

I was extremely impressed by the scope of this Bill. Such a comprehensive, obviously well-searched Bill for updating of our residential facilities is, of course, long overdue. I certainly should like to compliment you and the staff who were responsible for compending such an encompassing Bill.

I should like to make several comments about this Bill, after reading it several times and with some experience in the field. I should hope that my comments and criticisms are taken in a truly constructive sense.

In the preamble of the Bill, it is very clearly suggested that efforts should be made to "seek to minimize inappropriate admissions to residential facilities". It is my feeling that much of what is alluded to in this Bill would be geared to the educably retarded individual. As you are aware, most institutions in this country that deal with the retarded have many inappropriate admissions in which I would include the educably retarded. It is my feeling that small units for these individuals would be most functional for them if they were organized within the respective communities.

On Page 15 of the Bill, it is mentioned that residents should be integrated to the greatest possible extent with the general population. Attendance in classes or programs within regular schools, attending places of worship, using community resources for swimming and bowling, and so on, as well as shopping in stores and gainful employment are all things that I would think would be most apropo to the educably retarded. In addition, on Page 28, in the subchapter entitled number III, there are regulations as to admission and release. Once again, I was unable to find any wording that might dissuade the admission of the mildly retarded to an institution.

I have said all this because I feel that most institutions, many of which are good, spend most of their efforts, both from the service standpoint and professionally, to the habilitation of the mildly retarded. These are the people that need it the least. I think with a minimum of professional guidance and good residential facilities within the community these people can be habilitated with ease.

I, therefore, would concern myself more with the moderately and severely retarded. I think that all of the services and professional input that has been described in this Bill should be guided towards the diagnosis, management, and habilitation of these individuals.

The description of the goals of the professionals working with the retarded in this Bill is truly outstanding. My one concern is as follows: When so many different professionals are working with the retarded, oftentimes sight is lost of the goal, and various services that should have been applied are not. I should like to suggest to you an alternative. After a resident has been known to the staff for some time, perhaps one month, a total habilitation conference could be held. This might set forth the goals for that individual. At this time, perhaps one or two major managers could be named for that individual. For example, a cerebral palsied patient who is retarded might benefit from (1) education, (2) physical therapy, and (3) vocational training. If these services then have the responsibility or are the main manager for that resident, they may assume the responsibility of having under services for that resident whenever it seems appropriate, such as hearing and speech, religion, social services, and so on. It has been my experience that with many different disciplines concerned with a resident, oftentimes very little is accomplished unless there is a major manager or two.

I should also like to suggest that residential facilities for the retarded make every effort to share facilities. I feel best qualified to comment on the professional services aspects. I am convinced that a resident of a residential facility would get much better diagnostic service if he had a complicated problem, if this were to be done in a hospital setting, for example, which had great expertise in the metabolic and/or anatomic diagnosis of a particular problem. This would prevent the installation of costly equipment and so on in many institutions. The investigation period may last for only a few days at which time the individual would reassume his residency in the institution from whence he came. All information that was gained at the consultation unit could be made available to the institution. In this fashion, I truly believe that the costs for diagnosis could be kept down and probably the reliability of the tests would be greater.

On Page 24, line 19, (H) number with convulsive disorders, grouped by level of seizure control. I think it would be more meaningful, particularly for research purposes, to have that sentence read "number with convulsive disorders, grouped by level of seizure control, and type of seizure".

On Page 77, line 10, General anesthesia facilities for dental care shall be available. I would disagree with this concept. I am concerned about major dental and medical surgical activities occurring in any institution that does not have a good operating room, cardiac massage unit, cardiac arrest unit, including anesthetist available. I think we are asking for trouble if general anesthesia is to be encouraged in facilities that do not have excellent medical backup. What would one do if there was a cardiac arrest? Would the appropriate drugs and personnel, including any surgeons, be on hand? Once again, I think that you should consider making arrangements for any major dental or medical and/or surgical services for your residents at well-equipped, established hospital and/or dental units.

In the nursing section, particularly page 110, line 17, which states "formulating the policies governing the research in the facility", I would suggest that nursing might take part in governing research policies, but certainly in consultation with others in the unit. It seems to me that the best research in any facility is done by those who have the most expertise, whether they are nurses, physicians, or psychologists.

On page 115, line 9, (C), I wonder whether the sentence should not begin with noting rather than nothing.

The section on Subchapter VIII—Pharmacy Services, beginning on page 112, is indeed very comprehensive. I should like to make a plea, however, in your regulations for including a sentence or two on the safety packaging of medications that are given to the families of the residents or residents themselves. (Poison Prevention Packaging Act of 1970) I think that younger residents of institutions may be readily exposed to various medications if left in drawers or on top of desks of older residents. Unless these are safety-packaged, I would be concerned about the possibility of accidental poisonings amongst residents who did not know the consequences of their actions.

Finally, let me say how happy I am to see such explicit and comprehensive regulations on the horizon. I should be happy to help in any way. Please feel free to call upon me at any time if I can offer you any further assistance.

Sincerely,

ROBERT H. A. HASLAM, M.D.,
Director.

JOINT COMMISSION ON ACCREDITATION OF HOSPITALS,
Chicago, Ill., May 31, 1972.

Mr. JAY CUTLER,
New Senate Office Building,
Washington, D.C.

DEAR MR. CUTLER: I want to share with you my report to the Councilors concerning our discussion on Senator Javits' bill, which is item (3) in the enclosed memo.

It was very nice to have a chance to talk with you, and I hope that we will be able to keep in touch as this matter progresses.

Sincerely,

Ken Crosby,
KENNETH G. CROSBY, Ed. D.,
Program Director.

MEMORANDUM NO. 63

To: Councilors
From: Kenneth G. Crosby, Ed. D., Program Director
Subjects: (1) Memorandum of Agreement, (2) June 19–20 Council Meeting, (3) Javits' Bill
Date: May 31, 1972

(1) The Memorandum of Agreement approved by the Joint Conference Committee and by the Board of Commissioners has been sent to the chief executive officers of Council Member Organizations with the enclosed letter. A copy of the Memorandum and other materials was sent you earlier with the Minutes of the Joint Conference Committee Meeting.

(2) The preliminary agenda for the June 19–20 meeting is enclosed. The meeting will begin at 9:00 A.M. on Monday, June 19, and from the length of the agenda I would expect it to last all day on Tuesday. Councilors should plan accordingly. Reservations for arrival Sunday, June 18, have been made at the Sheraton-Chicago for all Councilors. If there is any change in your arrival plans, please let us know at once, so that we will not have to pay for unused rooms.

(3) A copy of Dr. Porterfield's letter to Mr. Jay Cutler of Senator Javits' staff was sent you earlier. During our interview with Mr. Cutler on May 26, Dr. Shotick and I attempted to make the following points:

1. The Accreditation Council wholeheartedly supports the Senator's objective of improving the services provided mentally retarded persons, which is also the Council's goal.

2. AC/FMR believes that there is great value in the voluntary accreditation approach to setting standards and assessing compliance with them, especially when this approach is supported by government.

3. In order to be an effective means of improving services, standards have to be continually reviewed and revised in the light of increased knowledge, changing practice, and experience with their application and implementation. The Council's standards are expected to need revision soon, and they should not, therefore, be written into law. Whatever

body sets standards must have the flexibility to change them.

4. As a voluntary agency that includes both provider and consumer representation, the Accreditation Council has the requisite flexibility to change both standards and organizational participation in standard-setting, in response to changing needs. The Council will consider next month the membership application of five additional organizations. The Accreditation Council's purview, moreover, is not limited to public residential facilities, but includes private facilities and non-residential community programs, and this broader perspective enhances the Council's capability to develop effective standards for public residential facilities.

5. The Accreditation Council recognizes the need for governmental overseeing of programs expending governmental funds. Rather than creating, in a National Advisory Council on Standards for Residential Facilities for the Mentally Retarded, yet another government agency, especially one that replaces an already-functioning voluntary body, however, consideration should be given to assigning this overseeing role to an existing group, such as the National Advisory Council on Services and Facilities for the Developmentally Disabled.

6. As important as standard-setting in improving services is the assessment of compliance with Standards. For effective results, this should not be left to the diverse means that might be employed by the fifty states. Since assessment of compliance necessarily involves interpretation and judgment in respect to the standards that have been set, and since feedback from assessment of compliance is essential for the continued improvement of standards, the dual, complementary functions of standard-setting and compliance-assessment should not be separated. Such separation would weaken the capacity to perform each function effectively.

7. The laudable intent of Senator Javits' bill can be achieved more effectively by encouraging facilities to comply with standards set and assessed by an independent, voluntary, national organization composed of both providers and consumers, which is what AC/FMR is. Certifiability of a facility for participation in the financial provisions of the bill should be presumed to exist if the facility is accredited by AC/FMR.

JOINT COMMISSION ON
ACCREDITATION OF HOSPITALS,
Chicago, Ill., May 18, 1972.

Senator JACOB K. JAVITS,
U.S. Senate, New Senate Office Building, Washington, D.C.
Attention: Mr. Jay Cutler

DEAR SENATOR JAVITS: Since receipt on May 3 of a copy of your proposed Bill of Rights for the Mentally Retarded, the draft has been examined with meticulous care, particularly by the staff of the Accreditation Council for Facilities for the Mentally Retarded. I report now on the conclusions drawn from this review for your consideration.

Your strong and sincere interest in the welfare of the mentally retarded is well demonstrated by your conception of this legislative proposal. All of us on the staff, as well as the members of the Accreditation Council for Facilities for the Mentally Retarded and the Board of Commissioners of the Joint Commission, support your objective wholeheartedly. The following comments are directed only at a consideration of the means by which this objective may be met.

There is, of course, a basic difference in approach. It is the position of the Joint Commission and of this Accreditation Council that there is great inherent value in the voluntary approach. When this is recognized and supported by government, the highest potential is created. For government to replace voluntary effort is no particular gain. We are attempting to instill the capability and the will for self-reliance in the mentally retarded. We should do no less for all of our citizens.

(1) The proposed National Advisory Council to the Secretary (Sec. 1108) essentially replaces the Accreditation Council for Facilities for the Mentally Retarded. This voluntary body was created in 1969 after three years of organizing negotiation, feasibility trials, and developmental effort. That it has been worth the effort is evidenced by the cooperative total commitment of five national organizations representing both professional and consumer interests to produce residential standards and, in the very near future, standards for community programs. Each of the signatory organizations contributes support, as does the Joint Commission and as will the institutions and programs to receive services. Government has provided substantial support in the form of grants. The gains and losses resulting in conversion to a federal operation must be carefully assessed. Without attempting to offer this assessment at this moment, it is our view that the losses would be greater. To mention only one point, the organizations participating in standard-setting would be relatively fixed by statute. The organizations which should participate may change from time to time—several others have presently applied for membership on the Accreditation Council—and the flexibility of an independent, national, voluntary body is requisite to making appropriate changes.

(2) Sections 1110 through 1197 identify, with a few minor variations, the present standards of the Accreditation Council. If standards are to be effective in improving services to the retarded, they must not be static, as they tend to be in statute, but must change in response to increased knowledge, improved practice, and experience with their application and implementation. These present standards of the Council are now being field-tested. Some standards have already been found to be unclear and in need of revision. Further experience can be expected to identify more needed changes. Again the flexibility of a voluntary body is requisite to effective results.

(3) The draft bill is silent on any program to evaluate institutional conformance to the standards. A chore, as critical as the derivation of the standards themselves, is the creation of a perceptive evaluation tool which can measure conformance, test the validity of the standards themselves, and offer a consultative mechanism for improvements in institutional performance. A proper accreditation program does more than categorize from time to time. It also offers a motivational force for change. Presumably the Secretary would find it necessary to utilize the services of state agencies for this phase. We submit that the Accreditation Council is closer by years to the effective implementation of this activity on an equitable national basis.

(4) Sections 1101 through 1107 do provide the kind of incentive and support which can facilitate early improvement in the condition of the mentally retarded. Were it geared to the program of the Accreditation Council for Facilities for the Mentally Retarded (or any comparable organization determined by the Secretary), it would be directed more effectively toward its objective. However, rather than a total delegation as was provided in the Medicare Act, certifiability of a facility for federal support should be *presumed* (rather than *deemed*, as in the Medicare Act) to exist if the facility is accredited by the Joint Commission on Accreditation of Hospitals through its Accreditation Council for Facilities for the Mentally Retarded. This would permit a reexamination or a resurvey or both at the instigation of the Secretary where substantial challenge has been made and, when indicated, a withdrawal of certification. This leaves the work in voluntary hands, the final decision for federal aid in federal hands. By this device, the constitutionality of the legislation is better assured.

(5) There does not appear to be a Section 1109.

The staff, the Accreditation Council, the Board of Commissioners, and all of the participating national organizations stand ready to be of help to you in any further consideration of this legislation. Again may we compliment you on your empathy with this too often forgotten segment of our population. We are very grateful for this opportunity to comment on your plans.

Sincerely,
JOHN D. PORTERFIELD, M.D., *Director*.

THE JOSEPH P. KENNEDY, JR.
FOUNDATION,
Washington, D.C., May 25, 1972.

Senator JACOB JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I have read your bill on the Bill of Rights for the Mentally Retarded and am very impressed. Congratulations for working so quickly and with such expertise in such a sad and difficult area.

I have attached a memo prepared by me and Dr. Cooke, our Scientific Advisor to the Kennedy Foundation. Let me know if we can help further.

Sincerely,
EUNICE KENNEDY SHRIVER.

MEMORANDUM TO SENATOR JAVITS

The purpose is excellent and the proposals are certainly very worthwhile. Title XI, which is supported residential facilities, includes the development of some state strategies, including review of existing plans and the like. In addition, a relatively small amount of money, $300,000 per institution, is authorized to study the administration and financing of such programs.

There seems to be a priority for the institutions which are the worst, and this would seem on the surface to be very reasonable, but unfortunately, it could lead to some horrendous places simply being patched up rather than completely abandoned. The National Advisory Council on Standards for the Mentally Retarded is obviously a good idea if it has some authority; otherwise, it will simply be another group that writes out the standards which no one is able to follow because they don't have any money.

We have very serious concerns about this bill of rights since it provides some money for residential services, but absolutely none for the enormous job of providing services for individuals who do not get into institutions. The best way to improve state institutions is to reduce the case load. The best way to do that is to provide much more money for noninstitutional activities so that patients in the institutions may be discharged and new patients will not be admitted because there will be community activities for them.

The section on integration of the patients with the community is very worthwhile and there are six points which are emphasized that the community should be used rather than the institution. The only trouble is that a good deal of money is required for these community activities and I do not see that at all in the authorization.

In Section 1160 on page 69 is listed the need for programs and services which provide for comprehensive diagnosis and evaluation, design and implementation of an individualized rehabilitation program, regular review, freedom of movement and an array of services that allows each resident to develop to his maximum potential. All of these are very worthwhile but it is fair to say that many institutions cannot mount and will never be able to mount adequate comprehensive diagnosis and evaluation because there is a shortage of physicians and particularly a shortage of people who want to be pinned down to a remote institution. Every effort should be made to have such services provided by excellent groups in the community, particularly university-affiliated facilities. A mention should be made in this legislation that these resources exist and should be used on a regional basis as much as possible for the kind of consultation and diagnostic evaluation that is spoken to in other parts of the legislation.

Again, much of the material in regard to nursing services, library services and the like speak to the large institution and after reading this legislation, one would get the feeling that the biggest place can provide the best program. We believe that this has not been shown to be the case and in the legislative history of this bill, it must be stressed that the great bulk of the services should be directly provided within the institution and worked out with the community and not that every effort be made to bring the residents into the institution on a full time basis.

Section XI on Recreation Services is excellent. The distinction between Recreation and Physical Education Services and Rehabilitation Services is important as illustrated in your bill. Both the personnel and the goals are quite different and should be so recognized.

ROBERT F. COOKE, M.D.,
EUNICE KENNEDY SHRIVER.

NATIONAL ASSOCIATION FOR
RETARDED CHILDREN,
Arlington, Tex., May 15, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, New Senate Office Building, Washington, D.C.

DEAR MR. CUTLER: I am responding to Senator Javits letter to me of May 1 requesting a review of the proposed "Bill of Rights for the Mentally Retarded." I have had an opportunity to study this Bill with much interest, and I hope that the following comments may be of interest to you.

My first reaction is one of admiration for Senator Javits obvious concern for the welfare of retarded persons living in state institutions. The proposed Bill addresses itself to one of the really critical issues facing states in serving the needs of the mentally retarded today. I am in complete agreement with the philosophy expressed in this proposed legislation.

Although I am in general agreement with the standards included in Part C, I have some serious question that these standards should be incorporated in law. Those of us who developed the accreditation standards for residential facilities for the mentally retarded strongly felt the standards should remain flexible and should continually reflect changing knowledge and philosophy regarding services for the mentally retarded. The following quotation from the Standards Manual makes this position explicit: "The *Standards for Residential Facilities for the Mentally Retarded* are to be subject to continuous review and revision, in order to maintain currency with the best thinking and with changing knowledge and practice in the field, and in order to keep them clear, comprehensive, and challenging." The spirit of the Bill could be better served, I feel, by insisting compliance with the Accreditation Council for Facilities for the Mentally Retarded, rather than by stipulating specific standards. A second alternative might be to include the Standards, as outlined in Part C, in regulations rather than in the Bill itself.

Turning now to specific aspects of the Bill, I feel there is some danger that the emphasis on "optimum safety" of living quarters mentioned in lines 13 and 14 on page 3, may permit the establishment of, or justification for, a highly controlled, sterile, and developmentally inappropriate environment. Historically, we have seen concern for safety used as a rationalization for neglecting the developmental needs of individual residents. Perhaps the statement could include the intent that safety considerations should not be overly restrictive and should take into account the need for freedom to explore and the freedom to sustain the normal minor injuries associataed with child development.

I fear that the statement made at the bottom of page 3 that "residential facilities should be small, home-like units. . . ." may be overly limiting, in that the statement might be interpreted to prevent innovative environmental modifications designed to facilitate the training of retarded persons. It might be possible to incorporate the language on page 61 of the Bill which states "the interior design of living units shall simulate the functional arrangements of a home to encourage a personalized atmosphere for small groups of residents, *unless it has been demonstrated that another arrangement is more effective in maximizing the human qualities of the specific residents being served.*" (Underlining mine.)

In reviewing the proposed composition of the "National Advisory Council on Standards for Residential Facilities for the Mentally Retarded," I note that the members of the Council are selected from those agencies currently represented in the Accreditation Council for Facilities for the Mentally Retarded. Since this Council has been considering the possible inclusion of additional organizations, I wonder whether it might not be more appropriate to indicate that members shall be selected from the agencies represented on the Accreditation Council for Facilities for the Mentally Retarded, rather than limit membership to the specific agencies currently comprising the Accreditation Council.

I hope these comments are helpful. If I can be of any additional assistance, I hope you will not hesitate to contact me again.

With all best wishes.

Sincerely,

PHILIP ROOS, Ph. D.
Executive Director.

NATIONAL ASSOCIATION OF SUPERINTENDENT OF PUBLIC RESIDENTIAL FACILITIES,
Lansing, Mich., May 9, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR JAVITS: I reviewed the "Bill of Rights for the Mentally Retarded" and have contacted Jay Cutler of your staff.

As Chairman of the National Association of Superintendents of Public Residential Facilities, I would like to take this opportunity to say our entire organization wishes you success in your endeavor to alleviate the highly unsatisfactory conditions that exist in so many of America's institutions for the retarded. We look to you as a champion, not only of the rights of the retarded but others who have made the field of Mental Retardation a career.

Sincerely yours,

DAVID ROSEN,
Chairman.

NEW YORK STATE ASSOCIATION FOR
RETARDED CHILDREN, INC.,
New York, N.Y., May 31, 1972.

Mr. JAY CUTLER,
Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

DEAR JAY: I have examined very carefully the proposed bill by Senator Javits to provide for human rights of mentally retarded especially in the institutions.

I think the concept of the bill is superb as, indeed, are most of its terms. May I make some special comments on the bill itself.

Page 21 of the first version. Under subchapter III, section 1124 the statement is made "No individual whose needs cannot be met by facilities shall be admitted to it." I do not, however, see any alternatives to this in the bill itself. I think there must be some provision for this, other than the confusing and almost inoperable developmental disabilities services act (91–517).

Page 22. Section 1126 (a) The statement is made "The residential facilities shall admit only residents who have had comprehensive evaluation. . ." There is no provision for who will give this evaluation.

Page 26. Section 1129 (d) The statement is made *"except in an emergency* (italics mine) transfer shall be made with prior consent and order of resident or his guardian." I think the term *except in emergency* should be eliminated.

No transfers should be made without prior knowledge and not "ordinarily the consent", but absolute consent and this should be an informed consent.

Page 27. Section 1130, subsection (a): "In event of any unusual occurrences including serious illness and accidents, impending death, etc., resident's next of kin, etc., shall be notified, etc." I think this should state "Should be notified within 24 hours".

Page 31. Section 1132: "(a) Residents shall not be involved in the care, training or supervision unless they (4) are reimbursed". This should state "are reimbursed in accordance with minimal federal wage laws".

Page 37. Section 1140, Subsection "(h) Residents shall be permitted personal possessions".—should read—Shall be permitted and encouraged to have personal possessions.

These may seem minor changes, but my experience with "Developmental Disabilities" makes me very wary to imprecise language.

Now, one other matter, Jay. We in the field of mental retardation think the Developmental Disabilities Services Act an abortion. It is imprecise in language and, while opening the door to unrelated handicaps, shuts it on the mentally retarded.

The whole concept of throwing all handicaps together is, perhaps, well intentioned, but misguided. Our whole experience for over 100 years is that where the mentally retarded are in a mix with other handicaps for services, the mentally retarded end up with the short end of the stick.

The N.Y. State Association for Retarded Children calls on our senior senator to undertake a revision of this law in 1973 and go back to serving the retarded. The physically handicapped, without mental retardation have numerous laws for their protection and service. The retarded have this only.

I am ready to meet with you to help draft new legislation. We feel it is a must.

Sincerely,

JOSEPH T. WEINGOLD,
Executive Director.

UNITED CEREBRAL PALSY ASSOCIATIONS, INC.,
New York, N.Y., May 16, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The "Bill of Rights for the Mentally Retarded," which you sent me, would be a lasting landmark in the restoration of full citizenship for the mentally retarded of our country. The emphasis placed on efforts to locate facilities that prepare a person to achieve normalization within the content of their family and community is excellent. A special dislike of mine is covered by the improved terminology for facilities and residents (Section 1111) and location of facilities, etc. (Sections 1112, 1113 and 1114). I resist regularly the tendency to call Palsy a "disease" or an "affliction," and those attending centers as "patients," etc.

No effort shall be made to comment on those subchapters about medical or related professional standards and requirements. I lack the qualifications to do so. It is noted that the major part of the standards follow those adopted by the Accreditation Council for the Facilities for the Mentally Retarded, which was chaired by Dr. Elsie Helsel who heads our Washington office. The method for transforming their exceptionally fine report into an Act of Congress does raise a few questions.

Although the data requirements of Section 1121(7) are not limitations, I suggest the desirability of including a category for those with multiple handicaps, or to require appropriate cross-references for the identity of this group. The specialized needs of the multiple handicapped is recognized in Sections 1140(e), 1150(i) and 1157(e). In this connection, would not "or multiple handicapped" in place of "and so forth" more clearly set forth the intent of Section 1155(b) at line 12?

While in accord with the concept and objective of Section 1132, I have concern about the practical results. The desirable requirement of 1132(b)(2) could become a deterrent to moving a resident out of "training situations." The attitude, I fear, would be why not hire a non-resident if the wage of a resident must be "at the legally required wage level." The need would appear to be for a pay incentive system that would enable a resident to progress from "training situations" to a position or performance level that would result in a full wage level. Whether Section 1132(b) (1) and (2) will accomplish the desired goal seems doubtful to me.

A major thrust of the Bill for residential-type and community related facilities appears to be defeated by application of this Act to existing facilities. As much as the need exists for changes and improvements in existing "institutional prisons," they would have to be moved and rebuilt entirely to begin to meet the full concept expressed in the Bill. In this regard the Bill appears to undertake two inconsistent objectives. In so doing the basic philosophy and essential goals will have to be excepted away with each grant in one way or another because nearly all exsiting facilities were constructed to provide diametrically different objectives. How any amount of grants can make it possible to provide "a personally satisfying life within the residential environment" (Section 1101(b)(4) in most existing structures consistent with the Bill's standards and objectives escapes me.

My own State (Mississippi) is a glaring example of what is still occurring. The legislature funded last month the construction of a $5,000,000, 500-bed multi-story "mastaba to madness." This "monster-structure" will be located at Oxford, Mississippi, and (according to the State official under whose jurisdiction it would have operated) will be obsolete and overflowing before the foundation is laid.

My thoughts concerning this aspect of the Bill are too involved to detail here. For this reason that I have talked with Mr. Jay Cutler and have arranged to come to Washington on May 23, 1971, to explore other means of accomplishing the desired results while avoiding the obvious weakness of the present duality.

Sincerely,

George J. Schweizer, Jr.,
President.

United Cerebral Palsy
Associations, Inc.,
New York, N.Y., May 24, 1972.

Mr. Jay Cutler,
Counsel, Minority Staff, Committee on Labor and Public Welfare, New Senate Office Building, Washington, D. C.

Dear Jay: It was sheer joy meeting you at long last. I guess the world is filled with beautiful people whose paths never cross. Fortunately ours did.

As Mr. George Schweizer, President of UCPA and I indicated in our meeting with you on May 23rd, we applaud what Senator Javits is attempting to do for the retarded and other developmentally disabled who must reside in our public institutions.

Although we are sympathetic to the problems of the states in operating such systems—old buildings, inadequate budgets, and insufficient staff, we agree with the Senator that we can no longer tolerate the conditions such systems impose. We can no longer accept rational reasons for why we cannot provide decent places to live and appropriate programs for our severely handicapped citizens.

Appropriate services for this group must be available not as a charitable gift—but as a constitutional right. Miracles must happen. Conditions must change!

Fortunately several forces are impacting on the problem of improvement of care in institutions. Each in its own way will be helpful:

Accreditation of residential facilities by the Accreditation Council for Facilities for the Mentally Retarded, a consortium of voluntary agencies with priority concerns for quality care. The actual accreditation of facilities for the mentally retarded is just starting. Development of standards and survey procedures is a complicated process. We are now open for busines and we have high hopes;

Litigation in the courts in Alabama, New York, Georgia, South Carolina, Missouri and Massachusetts;

Developmental Disabilities Act Planning and Advisory Councils which with consumer involvement are drafting and implementing total state plans for the developmentally disabled including alternatives to institutional care;

The mood of the professional and lay community which will no longer tolerate warehousing conditions for human beings.

Our concerns with the Senator's proposed bill, which we were pleased to be asked to comment on, are primarily:

(1) Standards Problem—by creating a new National Advisory Committee, the bill would in essence create two groups of standard setters—the members of the Accreditation Council and the National Advisory Council. We also have a concern with getting locked into standards which are minimal and which we are trying to strengthen as quickly as it is pragmatically possible.

(2) Survey Problem—as the bill is presently written with states having the responsibility for surveying institutions in order to determine compliance, there is an unacceptable conflict of interest. States operate the institutional systems. States should not be judging whether or not they are doing a good job in operating the institutional system.

(3) Accreditation Process—those of us who have been working for six years to develop standards and procedures for accreditating institutions for the mentally retarded feel that as the bill is presently written it would weaken or liquidate the accreditation process.

It is my understanding that we have come to an accommodation on these concerns in the following manner:

(1) By changing the language on Page 11, Section 1108 to establish a National Advisory Council which will consist of representatives of agencies as represented on the Accreditation Council. (These are presently AAMD, APA, CEC, NARC, and UCPA.) However, the Accreditation Council is considering enlarging this group. The Secretary would have responsibility for naming the agencies whose representatives are to serve on the National Advisory Council. The individual agencies would have responsibility for naming the specific councilors. In this way the same group of individuals would be serving as the National Advisory Council that are presently serving as Councilors on the Accreditation Council. Unless these two groups of individuals are identical, we could see mass confusion in the proliferation of standards which might not be compatible.

As I explained to you the Accreditation Council has made provision for the continuous revising and strengthening of standards. This process needs to have flexibility and not be locked into law. The bill language should therefore indicate that the standards in the bill are minimal and states will be expected to comply with additional standards approved by the Accreditation Council for Facilities for the Mentally Retarded.

(2) On Page 5, Section 1101 by adding language that says states in conjunction with the Accreditation Council will survey institutions for compliance. You might want to consider assigning this survey process entirely to the survey teams from the Accreditation Council. Surveyors would be performing two functions. They would be looking for the states for situations which should be improved in order to bring the services into compliance. Wearing another hat they would be deciding whether an institution was presently complying with enough of the standards in order to get the Seal of Accreditation.

One problem which we did not have an opportunity to discuss at our meeting was the problem posed by Page 8, line 1, State Advisory Councils. These Councils would seem to duplicate the efforts of the present Developmentally Disabilities Planning and Advisory Councils which are already functioning and which have one-third consumers.

Granted that such Councils are having "growing pains", from my own experience in the State of Ohio where I serve as Chairman of such a Council, I can assure you that we are moving very rapidly into the development of community alternatives for institutional care. We are putting in place a Protective Service-Case Management System which will be an entry point for all candidates for residential care, institutional or community. We also have built into that system a resource which we feel is absolutely essential if we are going to move in the direction of community based residential facilities, namely a protective services system.

I have enclosed a copy of the Ohio Law and a copy of a speech given in Minnesota describing the System. I have also enclosed a copy of my letter to Congressman Ryan commenting on a bill which he plans to introduce, The Mentally Disabled Protection Act.

On behalf of United Cerebral Palsy I should like to thank you again for being so generous with your time in meeting with Mr. Schweizer and myself. If we can be of help in any further way, please call.

Sincerely,

Elsie D. Helsel, Ph. D.,
Washington Representatives.

Tarrytown, N.Y.,
June 5, 1972.

Senator Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: I have just finished reading your proposed Bill to be called "Bill of Rights for the Mentally Retarded".

If this Bill could become a reality, it would usher in a "new world" for the retarded. It includes everything those of us who have been fighting for change and for a restructuring of existing systems of service, would have included were we to write our own "Bill of Rights".

You can be sure that the passage of this Bill will receive maximum support from your constituency in New York State. We will work diligently in whatever manner you request to ensure its passage.

The Bill represents much work and research on your part and that of your staff. Our thanks and congratulations for having the stamina and courage to undertake such an awesome task.

Sincerely,

PATRICIA O'CONNELL,
Volunteer Statewide Organizer, Citizens Action Committee for the Handicapped.

OFFICE OF MENTAL RETARDATION,
New York, N.Y., June 20, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Health Subcommittee, New Senate Office Building, Washington, D.C.

DEAR MR. CUTLER: I have just returned from a leave of absence to pursue graduate study, and I find Senator Javits' letter of May 3, with a copy of the un-numbered Senate bill headed "Committee Print No. 3," and entitled in the body, "Bill of Rights for the Mentally Retarded."

There has not been time to analyze the bill in detail, but I have scanned it, and I would say that the underlying philosophy is sound. I assume you are in communication with the National Association for Retarded Children, United Cerebral Palsy Associations, and the President's Committee on Mental Retardation. I would raise one major question of substance and several other matters of relatively smaller import:

1. Broad and sweeping as the bill is, it deals almost exclusively with public residential services. If it is truly to be a "Bill of Rights for the Retarded," should it not also embrace community services, and most especially education? This seems an appropriate occasion to reinforce the recent decisions in Pennsylvania, the District of Columbia and other jurisdictions with respect to the right to education.

2. The bill imposes an impressive series of mandates with respect to state residential facilities but it appears to offer rather limited sanctions to enforce the standards. It would have to be a large "carrot" to pay for such extensive improvements and enlargements of residential service programs.

3. There is extensive detail and considerable specificity in the requirements. Query: Would these provisions apply equally to such diverse states as New York, Washington and Nevada, for example?

4. Part A of Title XI calls for "state strategy planning." To what extent would this be more than an updating of the comprehensive state mental retardation planning undertaken pursuant to P.L. 88–156?

I staffed the California Study Commission on Mental Retardation under the Federal legislation of 1963, and subsequently studied what other states did. The enclosed reprint from *Mental Retardation: An Annual Review, I*, edited by Joseph Wortis, summarizes "community organization" efforts at the state and local levels in the 1960's.

More recently, I have been engaged in a study of the Pennsylvania Right to Education case and related developments in Alabama, Massachusetts, New York and elsewhere. My point of view is summarized in the enclosed clipping from *The Record* for June 5, 1972.

Finally, I would direct your attention to my book, "Attitudes Toward The Handicapped: A Comparison Between Europe and the United States," just issued by Charles C. Thomas, Publisher. You may find some concepts in this book which will be useful as the bill progresses through committee. I have asked the publisher to send a complimentary copy to Senator Javits.

I would appreciate an extra copy of the bill, and of course I hope you will keep me informed as it progresses toward enactment.

Very truly yours,

LEOPOLD LIPPMAN,
Director of Services for the Mentally and Physically Handicapped.

S. 3759

A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Bill of Rights for the Mentally Retarded".

SEC. 2. (a) The Congress finds that—

(1) there are more than two hundred thousand mentally retarded persons in the United States currently living in publicly and privately operated residential facilities for the mentally retarded;

(2) the prime purpose of residential services for the mentally retarded is to protect and nurture the mental, physical, emotional, and social development of each individual requiring responsible full-time services and to provide those experiences which will enable the individual (A) to develop his physical, intellectual, and social capabilities to the fullest extent possible; (B) to develop emotional maturity commensurate with social and intellectual growth; (C) whenever possible, to develop skills, habits, and attitudes essential for return to contemporary society; and (D) to live a personally satisfying life within the residential environment for whatever period he may need to remain there;

(3) the basic obligation of residential services is to assure to the mentally retarded the same constitutional rights and guarantees as every other American citizen;

(4) voluntary and involuntary admissions to a residential facility should be based on sound professional considerations that include a comprehensive assessment of mental ability, physical health, and adaptitive behavior which demonstrate a handicap sufficiently severe to justify placement;

(5) legal guardians should be appointed for both adults who are incompetent because of the severity of their mental retardation and minors who are deprived of parental guardianship, prior to their admission to a residential facility and, also, for each such individual who is in residential facilities at the date of enactment of this Act;

(6) residential facilities for the mentally retarded should provide a warm, stimulating setting devoid of dehumanizing conditions, the living quarters should be designed for optimum safety and to insure the provision of basic needs, including the right to privacy, and the location of the residential facility should where appropriate be within the community served and provide for normal contacts within the community life;

(7) the protection of the human dignity, the integrity and the life, of the mentally retarded must be realized as the first consideration in research and planning for the mentally retarded; and

(8) residential facilities should consist of small, homelike units located within, coordinated with, and integrated into existing community living situations and although the demand for resources to build these new facilities may seem to conflict with the demand for resources to upgrade the old ones to humane care, treatment and protection standards, the two objectives are equally necessary.

(b) The purpose of this Act is to establish standards which assure the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities and improve the system for the provision of services to the mentally retarded through the encouragement of and support for the planning and development of strategies to implement such standards, minimize inappropriate admissions to residential facilities and stimulate the development of regional and community programs integrating such residential facilities which conform to such standards. It is the further purpose of this Act to encourage and support planning and development of strategies which survey and analyze residential facilities and their compliance with the standards established under title XI of the Public Health Service Act and stimulate regional and community programs and services for the mentally retarded which integrate such residential facilities.

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 3. The Public Health Service Act is amended by inserting after title X the following new title:

"TITLE XI—SUPPORT OF RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

"PART A—STATE STRATEGY PLANNING

"SEC. 1101. (a) In order to assist the States in comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established under part C of this title, review existing State plans concerned with providing services and programs for the mentally retarded and develop strategies which include implementation and monitoring mechanisms which minimize inappropriate placement in residential facilities particularly through the provision of alternative programs of care and coordinate and integrate existing residential facilities with existing and future regional and community mental retardation programs and services, which shall be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded established under section 1109 of this Act, and to study administrative relationships, including the identification of legal, economic, social and other barriers to compliance with the standards established under part C of this Act and financing of programs and services from both public and private sources among Federal, State, and local governments in the field of mental retardation with recommendations for improvement, the Secretary may make grants, to such applicants and upon such terms and conditions as he shall by regulations prescribe.

"(b) In order to assist the States in improving existing residential facilities for the mentally retarded so as to contribute more effectively in providing the resident with experiences which will enable such individual (1) to develop his physical, intellectual, and social capabilities to the fullest extent possible; (2) to develop emotional maturity commensurate with social and intellectual growth; (3) whenever possible, to develop skills, habits, and attitudes essential for return to contemporary society; and (4) to live a personally satisfying life within the residential environment and to otherwise conform to the standards established under part C of this title, the Secretary may, in accordance with the provisions of this part, make grants, not to exceed $300,000 per institution, to cover costs of administering and operating demonstration facilities and training programs to render services in the care of mentally retarded persons in residential facilities and reduce excess residential facility population, which shall be evaluated for effectiveness in improving residential care for the mentally retarded.

"(c) For the purpose of making grants under section (a) of this part there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973 and for each of the next two succeeding fiscal years and for the purpose of making grants under section (b) of this part there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"PART B—DELIVERY OF MENTAL RETARDATION PROGRAMS AND SERVICES

"GRANTS TO ASSIST INSTITUTIONS FOR THE MENTALLY RETARDED

"SEC. 1102. (a) For the purpose of assisting States in meeting the expenses, directly or indirectly, for bringing publicly operated facilities and publicly assisted facilities into conformity with the standards established under part C of this title, which seek to assure the humane care, protection, habilitation, and treatment of the mentally retarded in residential facilities, there are authorized to be appropriated such sums as are necessary to enable the Secretary to make grants under this title.

"(b) In considering applications for such grants, the Secretary shall give priority to those applicants whose publicly operated residential facility or publicly assisted facilities are in the greatest need of assistance to comply with such standards.

"STATE PLANS

"SEC. 1103. (a) Any State desiring to receive a grant under this title shall submit a plan to the Secretary:

"(1) setting forth a schedule for compliance with the standards established under part C of this title for each facility for which assistance is requested;

"(2) designating a State planning and advisory council, which shall include representatives of local agencies and nongovernmental organizations concerned with services for mentally retarded persons and at least one-third of the membership of such council shall consist of representatives of consumers of such services from publicly operated and publicly assisted residential facilities for the mentally retarded;

"(3) assuring reasonable State financial participation in the cost of carrying out the plan to comply with the standards set forth in this title and how the residential facility for the mentally retarded will complement and augment rather than duplicate or replace other community services for the mentally retarded or meet the requirements of part C of this title;

"(4) setting forth a schedule of costs to achieve compliance with the standards established under part C of this title; and

"(5) designating how placement in residential facilities shall be minimized through alternative regional and community programs and services for the mentally retarded.

"(b) The Secretary shall approve a plan which sets forth a reasonable time for compliance with the standards established under this title, and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

AMOUNTS OF GRANTS; PAYMENTS

"SEC. 1104. (a) The total of the grants with respect to any project under this part may not exceed 75 per centum of the necessary cost thereof as determined by the Secretary.

"(b) Payments of grants under this part shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

"MAINTENANCE OF EFFORT

"SEC. 1105. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for mentally retarded which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.

"WITHHOLDING OF GRANTS

"SEC. 1106. (a) Whenever the Secretary, after an opportunity for a hearing on the record finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 1103; or

"(2) that in the operation of any program assisted under this title there is a failure to comply substantially with any applicable provision of this title;

the Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act for any project connected with the program until he is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

"(b) In any case where a State has received a grant under section 1102 and has not complied with the standards of this title within a reasonable period of time prescribed by the Secretary, such State shall not be eligible for any further Federal funds on behalf of any individual who is a resident of any public or private residential facility for the retarded which does not meet the standards set forth in part C of this title. The funds to which any individual would otherwise be entitled to have paid on his behalf to any vendor of residential services, public or private, shall be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf were he entitled to same.

"(c) Five years after the date of enactment of this Act, no residential facility for the mentally retarded shall be eligible to receive payments either directly or indirectly under any Federal law, unless such facility meets the standards promulgated under part C of this title.

"EXTENSION OF TIME TO MEET STANDARDS

"SEC. 1107. Where in any fiscal year the appropriation for grants under section 1102 does not meet the amount authorized, the Secretary may extend the time for recipients of such grants and other residential facilities for the mentally retarded to meet the standards established by this Act.

"ALTERNATIVE PROGRAMS OF CARE

"SEC. 1108. (a) The Secretary is authorized to make grants to any public or private nonprofit agency, organization or institution to meet the costs of development, improvement, extension, or expansion of community resources and community living situations for the mentally retarded other than living-in residential facilities for the mentally retarded.

"(b) Applications for grants under this section shall contain such information and be in such form as the Secretary may prescribe.

"(c) In considering applications for grants under this section the Secretary shall give priority to those applicants whose proposal he determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

"(d) There are authorized to be appropriated to carry out the purpose of this section such sums as may be necessary for the fiscal year ending June 30, 1973 for each of the next two succeeding fiscal years.

"NATIONAL ADVISORY COUNCIL ON STANDARDS FOR RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

"SEC. 1109. (a) Effective ninety days after the date or enactment of this Act, there is hereby established a National Advisory Council on Standards for Residential Facilities for the Mentally Retarded (hereinafter referred to as the 'Council'), which shall consist of fifteen members, not otherwise in the regular full-time employ of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service. The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof. The members of the Council shall be selected from representatives of the American Association on Mental Deficiency, the American Psychiatric Association, the Council for Exceptional Children, the National Association for Retarded Children, the United Cerebral Palsy Association, consumers (for example, parents of the mentally retarded) of services from publicly operated and publicly assisted residential facilities for the mentally retarded, and leaders in the fields of service to the mentally retarded, including a representative of the National Association of Coordinators of State Programs for the Mentally Retarded, of the National Associaion of Superintendents of Public Residential Facilities for the mentally retarded, and other persons (for example, parents of the mentally retarded) in organizations representing consumers of such services. A majority of the Council shall be representative of the interests of consumers of such services.

"(b) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the standards established under part C of this Act, (2) study and evaluate such standards authorized by this Act through site visits and other appropriate methods with a view of determining their effectiveness in carrying out the purposes for which they were established, and (3) based upon site visits or other studies, evaluations or reviews, recommend to the Secretary any changes, revisions, modifications, or improvements in the standards established under part C of this Act.

"(c) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, including site visits shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS–18 of the General Schedule for each day of such service (including traveltime), and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

"PART C—STANDARDS FOR RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

"Chapter 1.—ADMINISTRATIVE POLICIES AND PRACTICES

"Subchapter I—Philosophy, Location and Organization

"SEC. 1110. (a) The ultimate aim of the facility shall be to foster those behaviors that maximize the human qualities of the resident, increase the complexity of his behavior, and enhance his ability to cope with his environment.

"(b) The facility shall accept and implement the principle of normalization, defined as the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible, taking into account local and subcultural differences.

"SEC. 1111. (a) The names of facilities, the labels applied to their users, and the way these users are interpreted to the public should be appropriate to their purposes and programs and services should not emphasize 'mental retardation' or 'deviancy'.

"(b) Residents should not be referred to as 'patient' except in a hospital-mental context; as 'kids' or 'children' if they are adults; or as 'inmates'.

"SEC. 1112. (a) The facility should be located within, and conveniently accessible to, the population served, so as to have access to necessary generic community services.

"(b) The facility should not be isolated from society or community by factors such as:

"(1) difficulty of access, due to distance or lack of public transportation;

"(2) architectural features;

"(3) socio-cultural or psychological features; and

"(4) rules, regulations, customs, and habits.

"(c) Protection devices (such as fences and security windows), where necessary, should be inconspicuous, and should preserve as normal an environmental appearance as possible, so as to permit the pursuit of normal activities.

"(d) The facility should be in scale with the community in which it is located.

"(e) The facility and the surrounding community should be encouraged to share their services and resources on a reciprocal basis.

"(f) The community in which the facility is located should be capable of meeting the needs of the facility's residents for generic and specialized services.

"(g) The community in which the facility is located should be capable of absorbing, and encouraged to absorb, into its cultural life those residents capable of participation in that life.

"(h) The facility shall have available a current descriptive directory of community resources.

"SEC. 1113. (a) Residents should be integrated to the greatest possible extent with the general population. To this end, generic and specialized community services, rather than facility services, should be used extensively or, if possible, completely. For example, the residents should—

"(1) attend (special) classes or programs in regular schools;

"(2) attend religious instruction and worship in the community;

"(3) utilize medical, dental, and all other professional services located in the community;

"(4) use community rather than facility recreation resources, such as bowling alleys, swimming pools, movies, and gymnasia;

"(5) shop in community stores, rather than in facility stores and canteens; and

"(6) work in as integrated a fashion as possible: sheltered employment should be in regular industry, and among nonretarded workers; sheltered workshops should be in the community; and work that must be on the campus of the facility should afford maximal contact with nonretarded persons. There shall be evidence of professional and public education of facilitate the integration of residents, as outlined above.

"(b) The facility should be divided into groupings of program and residence units, based upon a rational plan to meet the needs of the residents and fulfill the purposes of the facility.

"SEC. 1114. The facility shall make every attempt to move residents from—

"(1) more to less structured living;

"(2) larger to smaller facilities;

"(3) larger living units to smaller living units;

"(4) group to individual residence;

"(5) dependent to independent living; and

"(6) segregated to integrated living.

"Subchapter II—General Policies and Practices

"SEC. 1115. (a) The facility shall have a written outline of the philosophy, objectives, and goals it is striving to achieve, that is available for distribution to staff, consumer representatives, and the interested public, and that shall include but need not be limited to:

"(1) its role in the State comprehensive program for the mentally retarded;

"(2) its concept of the rights of its residents;

"(3) its goals for its residents;

"(4) its concept of its relationship to the parents of its residents, or to their surrogates;

"(5) its concept of its relationship to the community, zone, or region from which its residents come;

"(6) its concept of its responsibility (through research, training, and education) for improving methods, understanding, and support for the mental retardation field;

"(7) the facility shall have a plan for evaluation and modification to maintain:

"(A) the consistency of its philosophy, objectives, and goals with advancements in knowledge and professional practices; and

"(B) the consistency of its practices with its philosophy, objectives, and goals.

"(b) The facility shall have a manual on policies and procedures, describing the current methods, forms, processes, and sequence of events being followed to achieve its objectives and goals.

"(c) The facility shall have a written statement of policies and procedures concerning the rights of residents that—

"(1) assure the civil rights of all residents;

"(2) are in accordance with general and special rights of the mentally retarded as defined by the Secretary in accordance with section 2 of this Act; and

"(3) define the means of making legal counsel available to residents for the protection of their rights.

"SEC. 1116. (a) The facility shall have a written statement of policies and procedures that protect the financial interests of residents and that provide for—

"(1) determining the financial benefits for which the resident is eligible;

"(2) assuring that the resident receives the funds for incidentals and for special needs (such as specialized equipment) that are due him under public and private financial support programs; and

"(3) when large sums accrue to the resident, providing for counseling of the resident concerning their use, and for appropriate protection of such funds.

"(b) Procedures in the major operating units of the facility shall be described in manuals that are current, relevant, available, and followed.

"(c) The facility shall have a summary of the laws and regulations relevant to mental retardation and to the function of the facility.

"(d) The facility shall have a plan for a continuing management audit to insure compliance with State laws and regulations and the effective implementation of its stated policies and procedures.

"SEC. 1117 (a) A public facility shall have documents that describe the statutory basis of its existence, and describe the administrative framework of the governmental department in which it operates.

"(b) A private facility shall have documents that include its charter, its constitution and bylaws, and its State license.

"SEC. 1118. (a) The governing body of the facility shall exercise general direction and shall establish policies concerning the operation of the facility and the welfare of the individuals served.

"(b) The governing body shall establish appropriate qualifications of education, experience, personal factors, and skills for the chief executive officer. The chief executive officer shall have had training and experience in the administration of human services. The chief executive officer shall have administrative ability, leadership ability, and an understanding of mental retardation. Where the chief executive officer is required also to have had training in a professional service discipline, such training shall be in a discipline appropriate to the facility's program.

"(c) The governing body shall employ a chief executive officer so qualified, and shall delegate to him authority and responsibility for the management of the affairs of the facility in accordance with established policies.

"(d) The chief executive officer shall—

"(1) designate an individual to act for him in his absence;

"(2) make arrangements so that some one individual is responsible for the administrative direction of the facility at all times;

"(3) when an assistant chief executive officer is employed, the qualifications required for this position shall be in compliance with those stated above for the chief executive officer; and

"(4) there shall be on the premises of the facility at all times a person designated by the chief executive officer, or the person acting for him, to be responsible for the supervision of the facility.

"SEC. 1119. (a) The facility shall be administered and operated in accordance with sound management principles.

"(b) The type of administrative organization of the facility shall be appropriate to the program needs of its residents.

"(c) The facility shall have a table of organization that shows the governance and administrative pattern of the facility.

"(d) The table of organization shall show the major operating programs of the facility, with staff divisions, the administrative personnel in charge of the programs and divisions, and their lines of authority, responsibility, and communication.

"(e) The organization shall provide for the judicious delegation of administrative authority and responsibility among qualified members of the staff, in order to distribute the administrative load of the facility and to accelerate its operating efficiency.

"(f) The organization shall be such that problems requiring ongoing decisionmaking regarding the welfare of the resident are handled primarily by personnel on the lowest level competent to resolve the problem.

"(g) The organization shall provide for the utilization of staff with different levels of training by using those with more adequate training to supervise and train those with lesser training.

"(h) The organization shall provide effective channels of communication in all directions.

"(i) The facility shall have a plan for improving the quality of staff and services that shows how the staff functions by programatic responsibilities in establishing and maintaining standards of quality for services to residents. The plan shall show how the facility's organizational structure enables the following functions:

"(1) determination of standards for quality of services to the residents;

"(2) establishment of qualifications for personnel;

"(3) recruitment of qualified personnel;

"(4) initiation of preservice and inservice training and staff development programs;

"(5) work with administrators, supervisors, and staff of the administrative units of the facility to secure and assign qualified personnel to such units;

"(6) annual evaluation of staff performance;

"(7) continuous evaluation of program effectiveness; and

"(8) development and conduct of appropriate research activities.

"Sec. 1120. (a) The administration of the facility shall provide for effective staff and resident participation and communication. Staff meetings shall be regularly held. Standing committees appropriate to the facility, such as records, safety, human rights, utilization review, research review, and infection and sanitation, shall meet regularly. Committees shall include resident participation, whenever appropriate. Committees shall include the participation of direct-care staff, whenever appropriate.

"(b) Minutes and reports of staff meetings, and of standing and ad hoc committee meetings shall include records of recommendations and their implementation, and shall be kept and filed. Summaries of the minutes and reports of staff and committee meetings shall be distributed to participants and to appropriate staff members. Various forms of communication (such as meetings, minutes of meetings, directives, and bulletins) shall be utilized to foster understanding among the staff, among the residents, between staff and residents, and between facility, community, and family.

"Sec. 1121. The facility shall designate a percentage of its operating budget for self-renewal purposes, such as:

"(1) development of operational data records;

"(2) research on its own programs;

"(3) evaluation by qualified persons who are not part of the facility;

"(4) elicitation of feedback from consumers of the facility's services, or from their representatives;

"(5) staff education;

"(6) the findings generated by the foregoing activities shall be actively and broadly disseminated to:

"(A) all members of the facility's staff;

"(B) consumer representatives, when appropriate;

"(7) the facility shall have a continuing system for collecting and recording accurate data that describe its population, in such form as to permit data retrieval and usage for description, programing of services, and research. Such data shall include, but need not be limited to:

"(A) number by age-groups, sex, and race;

"(B) number grouped by levels of retardation (profound, severe, moderate, mild, and borderline), according to the American Association on Mental Deficiency Manual on Terminology and Classification in Mental Retardation;

"(C) number grouped by levels of adaptive behavior, according to the American Association on Mental Deficiency classification;

"(D) number with physical disabilities;

"(E) number ambulatory and nonambulatory (mobile and nonmobile);

"(F) number with sensory defects;

"(G) number with oral and other communication handicaps; and

"(H) number with convulsive disorders, grouped by level of seizure control.

"Sec. 1121. The facility shall have a description of services for residents that is available to the public and that includes information such as:

"(1) groups served;

"(2) limitations concerning age, length of residence, or type or degree of handicap;

"(3) the plan for grouping residents into program and living units;

"(4) preadmission and admission services;

"(5) diagnosis and evaluation services;

"(6) means for individual programing of residents in accordance with need;

"(7) means for implementation of programs for residents, through clearly designated responsibility;

"(8) the therapeutic and developmental environment provided the residents; and

"(9) release and follow-up services and procedures.

"Sec. 1122. The facility shall provide for meaningful and extensive consumer-representative and public participation, by the following means:

"(1) the policymaking or governing board (if any) shall include consumers or their representatives (for example, parents), interested citizens, and relevantly qualified professionals presumed to be free of conflicts of interest;

"(2) when a facility does not have a governing board, its policymaking authority shall actively seek advice from an advisory body composed as described above;

"(3) the facility shall actively elicit feedback from those consumers of its services (and their representatives) who are not members of the aforementioned governing or advisory bodies;

"(4) there shall be an active program of ready, open, and honest communication with the public. In structuring visits to the facility by persons not directly concerned with a resident, however, steps shall be taken both to encourage visiting and to consider the sensibilities and privacy of the residents. Undignified displays or exhibitions of residents shall be avoided, and normal sensibility shall be exercised in speaking about a resident;

"(5) personnel shall be permitted to communicate their views about a resident and his needs and program to his relatives. Personnel shall be trained to properly and competently assume this responsibility;

"(6) the facility shall maintain active means of keeping residents' families or surrogates informed of activities related to the residents that may be of interest to them;

"(7) communications to the facility from residents' relatives shall be promptly and appropriately handled and answered;

"(8) close relatives shall be permitted to visit at any reasonable hour, and without prior notice. Steps shall be taken, however, so that the privacy and rights of the other residents are not infringed by this practice;

"(9) parents and other visitors shall be encouraged to visit the living units, with due regard for privacy. There shall be facilities for visiting that provide privacy in the living unit (but not special rooms used solely for visiting);

"(10) parents shall be permitted to visit all parts of the facility that provide services to residents;

"(11) frequent and informal visits home shall be encouraged, and the regulations of the facility shall encourage rather than inhibit such visitations;

"(12) there shall be an active citizens' volunteer program; and

"(13) the facility shall acknowledge the need for, and encourage the implementation of, advocacy for all residents.

"Sec. 1123. A public education and information program should be established that utilizes all communication media, and all service, religious, and civic groups, and so forth, to develop attitudes of understanding and acceptance of mentally retarded persons, in all aspects of community living.

"Subchapter III—Admission and Release

"Sec. 1124. No individual whose needs cannot be met by the facility shall be admitted to it. The number admitted as residents to the facility shall not exceed—

"(1) its rated capacity; and

"(2) its provisions for adequate programing.

"Sec. 1125. (a) The laws, regulations, and procedures concerning admission, readmission, and release shall be summarized and available for distribution. Admission and release procedures shall—

"(1) encourage voluntary admission, upon application of parent or guardian or self;

"(2) give equal priority to persons of comparable need, whether application is voluntary or by a court;

"(3) facilitate emergency, partial, and short-term residential care, where feasible; and

"(4) utilize the maximum feasible amount of voluntariness in each individual case.

"(b) The determination of legal incompetence shall be separate from the determination of the need for residential services, and admission to the facility shall not automatically imply legal incompetence.

"Sec. 1126. (a) The residential facility shall admit only residents who have had a comprehensive evaluation, covering physical, emotional, social, and cognitive factors, conducted by an appropriately constituted interdisciplinary team.

"(b) Initially, service need shall be defined without regard to the actual availability of the desirable options. All available and applicable programs of care, treatment, and training shall be investigated and weighed, and the deliberations and findings recorded. Admission to the residential facility shall occur only when it is determined to be the optimal available plan. Where admission is not the optimal measure, but must nevertheless be recommended or implemented, its inappropriateness shall be clearly acknowledged and plans shall be initiated for the continued and active exploration of alternatives.

"(c) The intended primary beneficiary of the admission shall be clearly specified as—

"(1) the resident;

"(2) his family;

"(3) his community;

"(4) society; and

"(5) several of the above.

"(d) All admissions to the residential facility shall be considered temporary, and when appropriate admissions shall be time-limited. Parents or guardians shall be counseled, prior to admission, on the relative advantages and disadvantages and the temporary nature of residential services in the facility. Prior to admission, parents or guardians shall, and the prospective resident should, have visited the facility and the living unit in which the prospective resident is likely to be placed.

"Sec. 1127. (a) A medical evaluation by a licensed physician shall be made within one week of the resident's admission. Upon admission, residents should be placed in their program groups, and they should be isolated only upon medical orders issued for specific reasons.

"(b) Within the period of one month after admission there shall be:

"(1) a review and updating of the preadmission evaluation;

"(2) a prognosis that can be used for programing and placement;

"(3) a comprehensive evaluation and individual program plan, made by an interdisciplinary team;

"(4) direct-care personnel shall participate in the aforementioned activities;

"(5) the results of the evaluation shall be recorded in the resident's unit record;

"(6) an interpretation of the evaluation. in action terms, shall be made to:

"(A) the direct-care personnel responsible for carrying out the resident's program;

"(B) the special services staff responsible for carrying out the resident's program; and

"(C) the resident's parents or their surrogates.

"(c) There shall be a regular, at least annual, joint review of the status of each resident by all relevant personnel, including personnel in the living unit, with program recommendations for implementation. This review shall include—

"(1) consideration of the advisability of continued residence and alternative programs;

"(2) at the time of the resident's attaining majority, or if he becomes emancipated prior thereto:

"(A) the resident's need for remaining in the facility;

"(B) the need for guardianship of the resident;

"(C) the exercise of the resident's civil and legal rights;

"(3) The results of these reviews shall be:

"(A) recorded in the resident's unit record;

"(B) made available to relevant personnel;

"(C) interpreted to the resident's parents or surrogates;

"(D) interpreted to the resident, when appropriate; and

"(4) parents or their surrogates shall be involved in planning and decisionmaking.

"Sec. 1128. A physical inspection for signs of injury or disease should be made in accordance with procedures established by the facility:

"(A) within twenty-four hours prior to a resident's leaving the facility for vacation, placement, or other temporary or permanent release; and

"(B) within twenty-four hours following a resident's return to the facility from such absence.

"Sec. 1129. (a) At the time of permanent release or transfer, there shall be recorded a summary of findings, progress, and plans.

"(b) Planning for release shall include provision for appropriate services, including protective supervision and other followup services, in the resident's new environment. Procedures shall be established so that—

"(1) parents or guardians who request the release of a resident are counseled concerning the advantages and disadvantages of such release; and

"(2) the court or other appropriate authorities are notified when a resident's release might endanger either the individual or society.

"(c) When a resident is transferred to another facility there shall be—

"(1) written evidence that the reason for the transfer is the welfare of the resident; and

"(2) a transfer process that shall insure that the receiving facility will meet the needs of the resident.

"(d) Except in an emergency, transfer shall be made only with the prior knowledge, and ordinarily the consent, of the resident and his guardian.

"Sec. 1130. (a) In the event of any unusual occurrence, including serious illness or accident, impending death, or death, the resident's next of kin, or the person who functions in that capacity (a guardian or citizen advocate) shall be notified promptly and in a compassionate manner. When appropriate, the wishes and needs of the resident, and of the next of kin, concerning religious matters shall be determined and, insofar as possible, fulfilled.

"(b) When death occurs:

"(1) with the permission of the next of kin or legal guardian, an autopsy shall be performed;

"(2) such autopsy shall be performed by a qualified physician, so selected as to be free of any conflict of interest or loyalty;

"(3) the family shall be told of the autopsy findings, if they so desire; and

"(4) the facility shall render as much assistance as possible in making arrangements for dignified religious services and burial, unless contraindicated by the wishes of the family.

"(c) The coroner or medical examiner shall be notified of deaths, in accordance with state law.

"Subchapter IV—Personnel Policies

"Sec. 1131. (a) Adequate personnel services shall be provided by means appropriate to the size of the facility. If the size of the facility warrants a personnel director, he shall have had several years of progressively more responsible experience or training in personnel administration, and demonstrated competence in this area.

"(b) The facility's current personnel policies and practices shall be described in writing;

"(1) The hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to sex, race, color, creed, age, irrelevant disability, marital status, ethnic or national origin, or membership in an organization.

"(2) Written job descriptions shall be available for all positions.

"(3) Licensure, certification, or standards such as are required in community practice shall be required for all comparable positions in the facility.

"(4) Ethical standards of professional conduct, as developed by professional societies, shall be recognized as applying in the facility.

"(5) There shall be a planned program for career development and advancement for all categories of personnel.

"(6) There shall be an authorized procedure, consistent with due process, for suspension and/or dismissal of an employee for cause.

"(7) Methods of improving the welfare and security of employees shall include:

"(A) a merit system or its equivalent;

"(B) a salary schedule covering all positions;

"(C) effective grievance procedure;

"(D) provisions for vacations, holidays, and sick leave;

"(E) provisions for health insurance and retirement;

"(F) provisions for employee organizations;

"(G) opportunities for continuing educational experiences, including educational experiences, including educational leave; and

"(H) provisions for recognizing outstanding contributions to the facility.

"(c) A statement of the facility's personnel policies and practices shall be available to all its employees.

"(d) All personnel shall be initially screened to determine if they are capable of fulfilling the specific job requirements. All personnel shall be medically determined to be free of communicable and infectious diseases at the time of employment and annually thereafter. All personnel should have a medical examination at the time of employment and annually thereafter. Where indicated, psychological assessment should be included at the time of employment and annually thereafter.

"(e) The performance of each employee shall be evaluated regularly and periodically, and at least annually. Each such evaluation shall be—

"(1) reviewed with the employee; and

"(2) recorded in the employee's personnel record.

"(f) Written policy shall prohibit mistreatment, neglect, or abuse of residents. Alleged violations shall be reported immediately, and there shall be evidence that—

"(1) all alleged violations are thoroughly investigated;

"(2) the results of such investigation are reported to the chief executive officer, or his designated representative, within twenty-four hours of the report of the incident; and

"(3) appropriate sanctions are invoked when the allegation is substantiated.

"Sec. 1132. (a) Staffing shall be sufficient so that the facility is not dependent upon the use of residents or volunteers for productive services. There shall be a written policy to protect residents from exploitation when they are engaged in productive work. A current, written policy shall encourage that residents be trained for productive, paid employment. Residents shall not be involved in the care (feeding, clothing, bathing), training, or supervision of other residents unless they—

"(1) have been specifically trained in the necessary skills;

"(2) have the humane judgment required by these activities;

"(3) are adequately supervised; and

"(4) are reimbursed.

"(b) Residents who function at the level of staff in occupational or training activities shall—

"(1) have the right to enjoy the same privileges as staff; and

"(2) be paid at the legally required wage level when employed in other than training situations.

"(c) Appropriate to the size and nature of the facility, there shall be a staff training program that includes:

"(1) orientation for all new employees, to acquaint them with the philosophy, organization, program, practices, and goals of the facility;

"(2) induction training for each new employee, so that his skills in working with the residents are increased;

"(3) inservice training for employees who have not achieved the desired level of competence, and opportunities for continuous inservice training to update and improve the skills and competencies of all employees;

"(4) supervisory and management training for all employees in, or candidates for, supervisory positions;

"(5) provisions shall be made for all staff members to improve their competencies, through means such as—

"(A) attending staff meetings;

"(B) undertaking seminars, conferences, workshops, and institutes;

"(C) attending college and university courses;

"(D) visiting other facilities;

"(E) participation in professional organizations;

"(F) conducting research;

"(G) publishing studies;

"(H) access to consultants;

"(I) access to current literature, including books, monographs, and journals relevant to mental retardation;

"(6) interdisciplinary training programs shall be stressed;

"(7) the ongoing staff development program should include provision for educating staff members as research consumers.

"(8) where appropriate to the size and nature of the facility, there shall be an individual designated to be responsible for staff development and training, and such individual should have—

"(A) at least a master's degree in one of the major disciplines relevant to mental retardation;

"(B) a thorough knowledge of the nature of mental retardation and associated disabilities, and the current goals, programs, and practices in this field;

"(C) a knowledge of the educational process;

"(D) an appropriate combination of academic training and relevant experience;

"(E) demonstrated competence in organizing and directing staff training programs; and

"(9) appropriate to the size and nature of the facility, there should be adequate, modern educational media equipment for the conduct of an inservice training program, such as: overhead, filmstrip, motion picture, and slide projectors; screens; models and charts; and video tape systems.

"(d) Working relations should be established between the facility and nearby colleges and universities for the following purposes:

"(1) making credit courses, seminars, and workshops available to the facility's staff;

"(2) using facility resources for training and research by colleges and universities; and

"(3) exchange of staff between the facility and the colleges and universities for teaching research, and consultation.

"CHAPTER 2.—RESIDENT LIVING

"Subchapter I—Staff-Resident Relationships and Activities

"SEC. 1140. (a) The primary responsibility of the living unit staff shall be to devote their attention to the care and development of the residents as follows:

"(1) each resident shall receive appreciable and appropriate attention each day from the staff in the living unit;

"(2) living unit personnel shall train residents in activities of daily living and in the development of self-help and social skills;

"(3) living unit personnel shall be responsible for the development and maintenance of a warm, family- or home-like environment that is conducive to the achievement of optimal development by the resident;

"(4) appropriate provisions shall be made to ensure that the efforts of the staff are not diverted from these responsibilities by excessive housekeeping and clerical duties, or other non-resident-care activities; and

"(5) the objective in staffing each living unit should be to maintain reasonable stability in the assignment of staff, thereby permitting the development of a consistent inter-personal relationship between each resident and one or two staff members.

"(b) Members of the living unit staff all shifts shall participate with an interdisciplinary team in appropriate referral, planning, initiation, coordination, implementation, followthrough, monitoring, and evaluation activities relative to the care and development of the resident.

"(c) There shall be specific evaluation and program plans for each resident that are—

"(1) available to direct care staff in each living unit; and

"(2) reviewed by a member or members of the interdisciplinary program team at least monthly, with documentation of such review entered in the resident's record.

"(d) Activity schedules for each resident shall be available to direct care staff and shall be implemented daily as follows:

"(1) such schedules shall not permit 'dead time' of unscheduled activity of more than one hour continuous duration; and

"(2) such schedules shall allow for individual or group free activities, with appropriate materials, as specified by the program team.

"(e) The rhythm of life in the living unit shall resemble the cultural norm for the residents' nonretarded age peers, unless a departure from this rhythm is justified on the basis of maximizing the residents' human qualities. Residents shall be assigned responsibilities in the living unit commensurate with their interests, abilities, and developmental plans, in order to enhance feelings of self-respect and to develop skills of independent living. Multiple-handicapped and nonambulatory residents shall—

"(1) spend a major portion of their waking day out of bed;

"(2) spend a portion of their waking day out of their bedroom areas;

"(3) have planned daily activity and exercise periods; and

"(4) be rendered mobile by various methods and devices.

"(f) All residents shall have planned periods out of doors on a year-round basis. Residents should be instructed in how to use, and, except as contraindicated for individual residents by their program plan, should be given opportunity for, freedom of movement—

"(1) within the facility's ground; and

"(2) without the facility's grounds.

Birthdays and special events should be individually observed. Provisions shall be made for heterosexual interaction appropriate to the residents' developmental levels.

"(g) Residents' views and opinions on matters concerning them should be elicited and given consideration in defining the processes and structures that affect them.

"(h) Residents should be instructed in the free and unsupervised use of communication processes. Except as denied individual residents by team action, for cause, this should typically include—

"(1) having access to telephones for incoming and local outgoing calls;

"(2) having free access to pay telephones, or the equivalent, for outgoing long distance calls;

"(3) opening their own mail and packages, and generally doing so without direct surveillance; and

"(4) not having their outgoing mail read by staff, unless requested by the resident.

"(i) Residents shall be permitted personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, religious articles, toiletries, jewelry, and letters.

"(j) Regulations shall permit normalized and normalizing possession and use of money by residents for work payment and property administration, as for example, in performing cash and check transactions, and in buying clothing and other items, as readily as other citizens. In accordance with their developmental level—

"(1) allowances or opportunities to earn money shall be available to residents; and

"(2) residents shall be trained in the value and use of money.

"(k) There shall be provision for prompt recognition and appropriation management of behavioral problems in the living unit. There shall be a written statement of policies and procedures for the control and discipline of residents that is—

"(1) directed to the goal of maximizing the growth and development of the residents;

"(2) available in each living unit; and

"(3) available to parents or guardians.

"(l) Residents shall participate, as appropriate, in the formulation of such policies and procedures. Corporal punishment shall not be permitted. Residents shall not discipline other residents, except as part of an organized self-government program that is conducted in accordance with written policy.

"(m) Seclusion, defined as the placement of a resident alone in a locked room, shall not be employed.

"(n) Except as provided in subsection (p), physical restraint shall be employed only when absolutely necessary to protect the resident from injury to himself or to others, and restraint shall not be employed as punishment, for the convenience of staff, or as a substitute for program. The facility shall have a written policy that defines the uses of restraint, the staff members who may authorize its use, and a mechanism for monitoring and controlling its use. Orders for restraints shall not be in force for longer than twelve hours. A resident placed in restraint shall be checked at least every thirty minutes by staff trained in the use of restraints, and a record of such checks shall be kept. Mechanical restraints shall be designed and used so as not to cause physical injury to the resident, and so as to cause the least possible discomfort. Opportunity for motion and exercise shall be provided for a period of not less than ten minutes during each two hours in which restraint is employed. Totally enclosed cribs and barred enclosures shall be considered restraints.

"(o) Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered to be restraints, but shall be designed and applied—

"(1) under the supervision of a qualified professional person; and

"(2) so as to reflect concern for principles of good body alinement, concern for circulation, and allowance for change of position.

"(p) Chemical restraint shall not be used excessively, as punishment, for the convenience of staff, as a substitute for program, or in quantities that interfere with a resident's habilitation program.

"(q) Behavior modification programs involving the use of time-out devices or the use of noxious or aversive stimuli shall be:

"(1) reviewed and approved by the facility's research review and human rights committees;

"(2) conducted only with the consent of the affected resident's parents or surrogates;

"(3) described in written plans that are kept on file in the facility;

"(4) restraints employed as time-out devices shall be applied for only very brief periods, only during conditioning sessions, and only in the presence of the trainer; and

"(5) removal from a situation for time-out purposes shall not be for more than one hour, and this procedure shall be used only during the conditioning program, and only under the supervision of the trainer.

"Subchapter II—Food Services

"SEC. 1141. (a) Food services shall recognize and provide for the physiological emotional, religious, and cultural needs of each resident, through provision of a planned, nutritionally adequate diet. There shall be a written statement of goals, policies, and procedures that—

"(1) governs all food service and nutrition activities;

"(2) is prepared by, or with the assistance of, a nutritionist or dietition;

"(3) is reviewed periodically, as necessary, by the nutritionist or dietitian;

"(4) is in compliance with State and local regulations;

"(5) is consistent with the facility's goals and policies; and

"(6) is distributed to facility personnel.

"(b) When food services are not directed by a nutritionist or dietitian, regular, planned, and frequent consultation with a nutritionist or dietitian should be available. Records of consultations and recommendations shall be maintained by the facility and by the consultant. An evaluation procedure shall be established to determine the extent of implementation of the consultant's recommendations.

"(c) A nourishing, well-balanced diet, consistent with local customs, shall be provided all residents. Modified diets shall be—

"(1) prescribed by the resident's program team, with a record of the prescription kept on file;

"(2) planned, prepared, and served by persons who have received adequate instruction; and

"(3) periodically reviewed and adjusted as needed.

"(d) Dietary practices in keeping with the religious requirements of residents' faith groups should be observed at the request of parents or guardians. Denial of a nutritionally adequate diet shall not be used as a punishment. At least three meals shall be served daily, at regular times, with—

"(1) not more than a fourteen-hour span between a substantial evening meal and breakfast of the following day, and

"(2) not less than ten hours between breakfast and the evening meal of the same day.

"(e) Resident's mealtimes shall be comparable to those normally obtaining in the community. Provision should be made for between meal and before bedtime snacks, in keeping with the total daily needs of each resident. Food shall be served—

"(1) as soon as possible after preparation, in order to conserve nutritive value;

"(2) in an attractive manner;

"(3) in appropriate quantity;

"(4) at appropriate temperature;

"(5) in a form consistent with the developmental level of the resident; and

"(6) with appropriate utensils.

When food is transported, it shall be done in a manner that maintains proper temperature, contamination and spoilage, and insures the preservation of nutritive value.

"(f) All residents, including the mobile nonambulatory, shall eat or be fed in dining rooms, except where contraindicated for health reasons, or by decision of the team responsible for the resident's program. Table service shall be provided for all who can and will eat at a table, including residents in wheelchairs. Dining areas shall—

"(1) be equipped with tables having smooth, impervious tops or clean table coverings may be used;

"(2) be equipped with tables, chairs, eating utensils, and dishes designed to meet the developmental needs of each resident;

"(3) promote a pleasant and home-like environment that is attractively furnished and decorated, and is of good acoustical quality; and

"(4) be designed to stimulate maximum self-development, social interaction, comfort, and pleasure.

"(g) Dining arrangements shall be based upon a rational plan to meet the needs of the residents and the requirements of their programs. Dining and serving arrangements should provide for a variety of eating experiences (for example, cafeteria and family style), and, when appropriate, for the opportunity to make food selections with guidance. Unless justified on the basis of meeting the program needs of the particular residents being served, dining tables should seat small groups of residents (typically four to six at a table), preferably including both sexes.

"(h) Dining rooms shall be adequately supervised and staffed for the direction of self-help eating procedures, and to assure amount and variety of food. Staff members should be encouraged to eat with those residents who have semi-independent or independent eating skills. For residents not able to get to dining areas, food service practices shall permit and encourage maximum self-help, and shall promote social interaction and enjoyable experiences.

"Sec. 1142. (a) Residents shall be provided with systematic training to develop appropriate eating skills, utilizing adaptive equipment where it serves the developmental process.

"(b) Residents with special eating disabilities shall be provided with an interdisciplinary approach to the diagnosis and remediation of their problems, consistent with their developemental needs.

"(c) Direct-care staff shall be trained in and shall utilize proper feeding techniques. Residents shall eat in an upright position. Residents shall eat in a manner consistent with their developmental needs (for example, infants should be fed in arms, as appropriate). Residents shall be fed at a leisurely rate, and the time allowed for eating shall be such as to permit adequate nutrition, to promote the development of self-feeding abilities, to encourage socialization, and to provide a pleasant mealtime experience.

"(d) Effective procedures for cleaning all equipment and all areas shall be followed consistently. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work areas.

"Subchapter III—Clothing

"Sec. 1145. (a) Each resident shall have an adequate allowance of neat, clean, fashionable, and seasonable clothing.

"(b) Each resident shall have his own clothing, which is, when necessary, properly (inconspicuously) marked with his name, and he shall use this clothing. Such clothing shall make it possible for residents to go out of doors in inclement weather, to go for trips or visits appropriately dressed, and to make a normal appearance in the community.

"(c) Nonambulatory residents shall be dressed daily in their own clothing, including shoes, unless contraindicated in written medical orders.

"(d) Washable clothing shall be designed for multihandicapped residents being trained in self-help skills, in accordance with individual needs.

"(e) Clothing for incontinent residents shall be designed to foster comfortable sitting, crawling and/or walking, and toilet training.

"(f) A current inventory should be kept of each resident's personal and clothing items.

"(g) Residents shall be trained and encouraged to:

"(1) select and purchase their own clothing as independently as possible, preferably utilizing community stores;

"(2) select their daily clothing;

"(3) dress themselves;

"(4) change their clothes to suit the activities in which they engage; and

"(5) maintain (launder, clean, mend) their clothing as independently as possible.

"Sec. 1146. Storage space for clothing to which the resident has access shall be provided. Ample closet and drawer space shall be provided for each resident. Such space shall be accessible to all, including those in wheelchairs.

"Sec. 1147. The person responsible for the facility's resident-clothing program shall be trained or experienced in the selection, purchase, and maintenance of clothing, including the design of clothing for the handicapped.

"Subchapter IV—Health, Hygiene, and Grooming

"Sec. 1150. (a) Residents shall be trained to exercise maximum independence in health, hygiene, and grooming practices, including bathing, brushing teeth, shampooing, combing and brushing hair, shaving, and caring for toenails and fingernails.

"(b) Each resident shall be assisted in learning normal grooming practices with individual toilet articles that are appropriately available to that resident.

"(c) Teeth shall be brushed daily, with an effective dentifrice. Individual brushes shall be properly marked, used, and stored. Dental care practices should encourage the use of newer dental equipment, such as electric toothbrushes and water picks, as prescribed.

"(d) Residents shall be regularly scheduled for hair cutting and styling, in an individualized, normalized manner, by trained personnel.

"(e) For residents who require such assistance, cutting of toenails and fingernails by trained personnel shall be scheduled at regular intervals.

"(f) Each resident shall have a shower or tub bath at least daily, unless medically contraindicated. Residents' bathing shall be conducted at the most independent level possible. Residents' bathing shall be conducted with due regard for privacy. Individual washcloths and towels shall be used. A bacteriostatic soap shall be used, unless otherwise prescribed.

"(g) Female residents shall be helped to attain maximum independence in caring for menstrual needs. Menstrual supplies shall be of the same quality and diversity available to all women.

"(h) Every resident who does not eliminate appropriately and independently shall be engaged in a toilet training program. The facility's training program shall be applied systematically and regularly. Appropriate dietary adaptations shall be made to promote normal evacuation and urination. The program shall comprise a hierarchy of procedures leading from incontinence to independent toileting. Records shall be kept of the progress of each resident receiving toilet training. Appropriate equipment shall be provided for toilet training, including equipment appropriate for the multiply handicapped. Residents who are incontinent shall be immediately bathed or cleansed, upon voiding or soiling, unless specifically contraindicated by the training program in which they are enrolled, and all soiled items shall be changed. Persons shall wash their hands after handling an incontinent resident.

"(i) Each living unit shall have a properly adapted drinking unit. Residents shall be taught to use such units. Those residents who cannot be so taught shall be given the proper daily amount of fluid at appropriate intervals adequate to prevent dehydration. There shall be a drinking unit accessible to, and usable by, residents in wheelchairs. Special cups and noncollapsible straws shall be available when needed by the multiply handicapped. If the drinking unit employs cups, only single-use, disposable types shall be used.

"(j) Procedures shall be established for:

"(1) monthly weighing of residents, with greater frequency for those with special needs;

"(2) quarterly measurement of height, until the age of maximum growth;

"(3) maintenance of weight and height records; and

"(4) every effort shall be made to assure that residents maintain normal weights.

"(k) Policies and procedures for the care of residents with infections and contagious diseases shall conform to State and local health department regulations.

"(l) Orders prescribing bed rest or prohibiting residents from being taken out-of-doors shall be reviewed by a physician at least every three days.

"(m) Provisions shall be made to furnish and maintain in good repair, and to encourage the use of, dentures, eyeglasses, hearing aids, braces, and so forth, prescribed by appropriate specialists.

"Subchapter V—Grouping and Organization of Living Units

"Sec. 1155. (a) Living unit components or groupings shall be small enough to insure the development of meaningful interpersonal relationships among residents and between residents and staff. The resident-living unit (self-contained unit including sleeping, dining, and activity areas) should provide for not more than sixteen residents. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served. To maximize development, residents should be grouped within the living unit into program groups of not more than eight. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served.

"(b) Residential units or complexes should house both male and female residents to the extent that this conforms to the prevailing cultural norms. Residents of grossly different ages, developmental levels, and social needs shall not be housed in close physical or social proximity, unless such housing is planned to promote the growth and development of all those housed together. Residents who are mobile-non-ambulatory, deaf, blind, epileptic, and so forth, shall be integrated with peers of comparable social and intellectual development, and shall not be segregated on the basis of their handicaps.

"(c) The living unit shall not be a self-contained program unit, and living unit activities shall be coordinated with recreation, educational, and habilitative activities in which residents engage outside the living unit, unless contraindicated by the specific program needs of the particular residents being served. Each program group should be assigned a specific person, who has responsibility for providing an organized, developmental program of physical care, training, and recreation.

"(d) Residents shall be allowed free use of all living areas within the living unit, with due regard for privacy and personal possessions. Each resident shall have access to a quiet, private area where he can withdraw from the group when not specifically engaged in structured activities.

"(e) Outdoor active play or recreation areas shall be readily accessible to all living units.

"Subchapter VI—Resident-Living Staff

"SEC. 1156 (a) There shall be sufficient, appropriately qualified, and adequately trained personnel to conduct the resident-living program, in accordance with the standards specified in this document. Resident-living personnel shall be administratively responsible to a person whose training and experience is appropriate to the program. The title applied to the individuals who directly interact with residents in the living units should be appropriate to the kind of residents with whom they work and the kind of interaction in which they engage. The personnel who staff the living units may be referred to by a variety of terms, such as attendants, child care workers, or cottage parents. The term 'psychiatric aid' may be appropriate for a unit serving the emotionally disturbed, but not for a cottage of well-adjusted children. The title of 'child care worker' may be appropriate for a nursery school group, but not for an adult unit. Nurses' aides are appropriate for units serving sick residenst but not well ones.

"(b) The attire of resident-living personnel should be appropriate to the program of the unit in which they work, and consistent with attire worn in the community.

"(c) When resident-living units are organized as recommended in subchapter V, and designed as stipulated in subchapter VII, the staff-resident ratios for twenty-four-hour, seven-day coverage of such units by resident-living personnel, or for equivalent coverage, should be as follows:

"(1) for medical and surgical units, and for units including infants, children (to puberty), adolescents requiring considerable adult guidance and supervision, severely and profoundly retarded, moderately and severely physically handicapped, and residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior—

"(A) first shift, 1 to 4;

"(B) second shift, 1 to 4;

"(C) third shift, 1 to 8; and

"(D) overall ratio (allowing for a five-day workweek plus holiday, vacation, and sick time), 1 to 1;

"(2) for units serving moderately retarded adolescents and adults requiring habit training—

"(A) first shift, 1 to 8;

"(B) second shift, 1 to 4;

"(C) third shift, 1 to 8; and

"(D) overall ratio, 1 to 1.25;

"(3) for units serving residents in vocational training programs and adults who work in sheltered employment situations—

"(A) first shift, 1 to 16;

"(B) second shift, 1 to 8;

"(C) third shift, 1 to 16; and

"(D) overall ratio, 1 to 2.5.

"(d) Regardless of the organization or design of resident-living units, the overall staff-resident ratios should be as stipulated above. Regardless of the organization or design of resident-living units, the overall staff-resident ratios for the categories defined above shall not be less than 1 to 2, 1 to 2.5, and 1 to 5, respectively.

"Subchapter VII—Design and Equipage of Living Units

"SEC. 1157. (a) The design, construction, and furnishing of resident-living units shall be—

"(1) appropriate for the fostering of personal and social development;

"(2) appropriate to the program;

"(3) flexible enough to accommodate variations in program to meet changing needs of residents; and

"(4) such as to minimize noise and permit communication at normal conversation levels.

"(b) The interior design of living units shall simulate the functional arrangements of a home to encourage a personalized atmosphere for small groups of residents, unless it has been demonstrated that another arrangement is more effective in maximizing the human qualities of the specific residents being served. There shall be a minimum of eighty square feet of living, dining, or activity space for each resident. This space shall be arranged to permit residents to participate in different kinds of activities, both in groups and singly. Furniture and furnishings shall be safe, appropriate, comfortable, and home-like.

"(c) Bedrooms shall:

"(1) be on or above street grade level;

"(2) be outside rooms;

"(3) accommodate from one to four residents;

"(4) provide at least sixty square feet per resident in multiple sleeping rooms, and not less than eighty square feet in single rooms;

"(5) partitions defining each bedroom shall extend from floor to ceiling;

"(6) doors to bedrooms—

"(A) should not have vision panels;

"(B) should not be lockable, except where residents may lock their own bedroom doors, as consistent with their program;

"(7) there shall be provision for residents to mount pictures on bedroom walls (for example by means of pegboard or cork strips), and to have flowers, artwork, and other decorations;

"(8) each resident shall be provided with—

"(A) a separate bed of proper size and height for the convenience of the resident;

"(B) a clean, comfortable mattress;

"(C) bedding appropriate for weather and climate;

"(9) each resident shall be provided with—

"(A) appropriate individual furniture, such as a chest of drawers, a table or desk, and an individual closet with clothes racks and shelves accessible to the resident;

"(B) a place of his own for personal play equipment and individually prescribe prosthetic equipment; and

"(10) space shall be provided for equipment for daily out-of-bed activity for all residents not yet mobile, except those who have a short-term illness, or those very few for whom out-of-bed activity is a threat to life.

"(d) Suitable storage shall be provided for personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, toiletries, jewelry, letters, and other articles and equipment, so that they are accessible to the residents for their use. Storage areas shall be available for off-season personal belongings, clothing, and luggage.

"(e) Toilet areas, clothes closets, and other facilities shall be located and equipped so as to facilitate training toward maximum self-help by residents, including the severely and profoundly retarded and the multiple handicapped as follows:

"(1) water closets, showers, bathtubs, and lavatories shall approximate normal patterns found in homes, unless specifically contraindicated by program needs;

"(2) toilets, bathtubs, and showers shall provide for individual privacy (with partitions and doors), unless specifically contraindicated by program needs;

"(3) water closets and bathing and toileting appliances shall be equipped for use by the physically handicapped;

"(4) there shall be at least one water closet of appropriate size for each six residents;

"(A) at least one water closet in each living unit shall be accessible to residents in wheelchairs;

"(B) each water closet shall be equipped with a toilet seat;

"(C) toilet tissue shall be readily accessible at each water closet;

"(5) there shall be at least one lavatory for each six residents and one lavatory shall be accessible to and usable by residents in wheelchairs;

"(6) there shall be at least one tub or shower for each eight residents;

"(7) there shall be individual racks or other drying space for washcloths and towels; and

"(8) larger, tilted mirrors shall be available to residents in wheelchairs.

"(f) Provisions for the safety, sanitation, and comfort of the residents shall comply with the following requirements:

"(1) each habitable room shall have direct outside ventilation by means of windows, louvers, air conditioning, or mechanical ventilation horizontally and vertically;

"(2) each habitable room shall have at least one window, and the window space in each habitable room should be at least one-eighth (12½ per centum) of the floor space;

"(A) each resident unit of eight shall have at least one glazed area low enough so that a child in normal day activities has horizontal visual access to the out-of-doors;

"(B) the type of glass or other glazing material used shall be appropriate to the safety needs of the residents of the unit;

"(3) floors shall provide a resilient, comfortable, attractive, nonabrasive, and slip-resistant surface. Carpeting used in units serving residents who crawl or creep shall be nonabrasive;

"(4) temperature and humidity shall be maintained within a normal comfort range by heating, air conditioning, or other means. The heating apparatus employed shall not constitute a burn hazard to the residents;

"(5) the temperature of the hot water at all taps to which residents have access shall be controlled, by the use of thermostatically controlled mixing valves or by other means, so that it does not exceed 110 degrees Fahrenheit. Mixing valves shall be equipped with safety alarms that provide both auditory and visual signals of valve failure;

"(6) emergency lighting of stairs and exits, with automatic switches, shall be provided in units housing more than fifteen residents;

"(7) there shall be adequate clean linen and dirty linen storage areas for each living unit. Dirty linen and laundry shall be removed from the living unit daily; and

"(8) laundry and trash chutes are discouraged, but if installed, such chutes shall comply with regulations proscribed by the Secretary.

"Chapter 3.—PROFESSIONAL AND SPECIAL PROGRAMS AND SERVICES

"Subchapter I—Introduction

"SEC. 1158. (a) In addition to the resident-living services detailed in section 2, residents shall be provided with the professional and special programs and services detailed in this section, in accordance with their needs for such programs and services.

"(b) The professional and special programs and services detailed herein may be provided by programs maintained or personnel employed by the residential facility, or by formal arrangements between the facility and other agencies or persons, whereby the latter will provide such programs and services to the facility's residents as needed.

"(c) In accordance with the normalization principle, all professional services to the retarded should be rendered in the community, whenever possible, rather than in a residential facility, and where rendered in a residential facility, such services must be at least comparable to those provided the nonretarded in the community.

"(d) Programs and services provided by the facility, or to the facility by agencies outside it, or by persons not employed by it, shall meet the standards for quality of service as stated in this section. The facility shall require that services provided its residents meet the standards for quality of services as stated in this section, and all contracts for the provision of such services shall stipulate that these standards will be met.

"SEC. 1159. (a) Individuals providing professional and special programs and services to residents may be identified with the following professions, disciplines, or areas of service:

"(1) audiology;

"(2) dentistry (including services rendered by licensed dentists, licensed dental hygienists, and dental assistants);

"(3) education;

"(4) food and nutrition (including services rendered by dietitians and nutritionists);

"(5) library services;

"(6) medicine (including services rendered by licensed physicians, whether doctors of medicine or doctors of osteopathy, licensed podiatrists, and licensed optometrists);

"(7) music, art, dance, and other activity therapies;

"(8) nursing;

"(9) occupational therapy;

"(10) pharmacy;

"(11) physical therapy;

"(12) psychology;

"(13) recreation;

"'(14) religion (including services rendered by clergy and religious educators);

"(15) social work;

"(16) speech pathology;

"(17) vocational rehabilitation counseling; and

"(18) volunteer services.

"(b) Interdisciplinary teams for evaluating the resident's needs, planning an individualized habilitation program to meet identified needs, and periodically reviewing the resident's response to his program and revising the program accordingly, shall be constituted of persons drawn from, or representing, such of the aforementioned professions, disciplines, or service areas as are relevant in each particular case.

"(c) Since many identical or similar services or functions may competently be rendered by individuals of different professions, the Standards in the following subsections shall be interpreted to mean that necessary services are to be provided in efficient and competent fashion, without regard to the professional identifications of the persons providing them, unless only members of a single profession are qualified or legally authorized to perform the stated service. Services listed under the duties of one profession may, therefore, be rendered by members of other professions who are equipped by training and experience to do so.

"(d) Regardless of the means by which the facility makes professional services available to its residents, there shall be evidence that members of professional disciplines work together in cooperative, coordinated, interdisciplinary fashion to achieve the objectives of the facility.

"SEC. 1160. Programs and services and the pattern of staff organization and function within the facility shall be focused upon serving the individual needs of residents and should provide for—

"(1) comprehensive diagnosis and evaluation of each resident as a basis for planning programing and management;

"(2) design and implementation of an individualized habilitation program to effectively meet the needs of each resident;

"(3) regular review, evaluation, and revision, as necessary, of each individual's habilitation program;

"(4) freedom of movement of individual residents from one level of achievement to another, within the facility and also out of the facility, through training, habilitation, and placement; and

"(5) an array of those services that will enable each resident to develop to his maximum potential.

"Subchapter II—Dental Services

"SEC. 1161. (a) Dental services shall be provided all residents in order to maximize their general health by—

"(1) maintaining an optimal level of daily oral health, through preventive measures; and

"(2) correcting existing oral diseases.

"(b) Dental services shall be rendered—

"(1) directly, through personal contact with all residents by dentists, dental hygienists, dental assistants, dental health educators, and oral hygiene aides, as appropriate to the size of the facility; and

"(2) indirectly, through contact between dental staff and other personnel caring for the residents, in order to maintain their optimal oral health.

"(c) Dental services available to the facility should include—

"(1) dental evaluation and diagnosis;

"(2) dental treatment;

"(3) comprehensive preventive dentistry programs;

"(4) education and training in the maintenance of oral health;

"(5) participation, as appropriate, by dentists and dental hygienists in the continuing evaluation of individual residents by interdisciplinary teams, to initiate, monitor, and follow up individualized habilitation programs;

"(6) consultation with, or relating to—

"(A) residents;

"(B) families of residents;

"(C) other facility services and personnel;

"(7) participation on appropriate facility committees; and

"(8) planning and conducting dental research; cooperating in interdisciplinary research; and interpreting, disseminating, and implementing applicable research findings.

"(d) Comprehensive diagnostic services for all residents shall include—

"(1) a complete extra and intraoral examination, utilizing all diagnostic aids necessary to properly evaluate the resident's oral condition, within a period of one month following admission;

"(2) provision for adequate consultation in dentistry and other fields, so as to properly evaluate the ability of the patient to accept the treatment plan that results from the diagnosis; and

"(3) a recall system that will assure that each resident is reexamined at specified intervals in accordance with his needs, but at least annually.

"(e) Comprehensive treatment services for all residents shall include—

"(1) provision for dental treatment, including the dental specialities of pedodontics, orthodontics, periodontics, prosthodontics, endodontics, oral surgery, and oral medicine, as indicated; and

"(2) provision for emergency treatment on a twenty-four-hour, seven-days-a-week basis, by a qualified dentist.

"(f) Comprehensive preventive dentistry programs should include—

"(1) fluoridation of the facility's water supply;

"(2) topical and systemic fluoride therapy, as prescribed by the dentist;

"(3) periodic oral prophylaxis, by a dentist or dental hygienist, for each resident;

"(4) provisions for daily oral care, as prescribed by a dentist or dental hygienist, including:

"(A) Toothbrushing and toothbrushing aids, such as disclosing wafers;

"(B) tooth flossing;

"(C) irrigation;

"(D) proper maintenance of oral hygiene equipment;

"(E) monitoring the program to assure its effectiveness; and

"(5) provision, wherever possible, of diets in a form that stimulates chewing and improvement of oral health.

"(g) Education and training in the maintenance of oral health shall include:

"(1) continuing inservice training of living-unit personnel in providing proper daily oral health care for residents;

"(2) providing dental health education to direct-care personnel;

"(3) a dental hygiene program that includes:

"(A) discovery, development, and utilization of specialized teaching techniques that are effective for individual residents;

"(B) imparting information regarding nutrition and diet control measures to residents and staff;

"(C) instruction of classroom teachers and/or students in proper oral hygiene methods;

"(D) motivation of teachers and students to promote and maintain good oral hygiene;

"(E) instruction of residents in living units in proper oral hygiene methods; and

"(4) instruction of parents or surrogates in the maintenance of proper oral hygiene, where appropriate (as in the case of facilities having day programs, or in the case of residents leaving the facility).

"(h) A permanent dental record shall be maintained for each resident. A summary dental progress report shall be entered in the resident's unit record at stated intervals. A copy of the permanent dental record shall be provided a facility to which a resident is transferred.

"(i) When the facility has its own dental staff, there should be a manual that states the philosophy of the dental service and describes all dental procedures and policies. There shall be a formal arrangement for providing qualified and adequate dental services to the facility, including care for dental emergencies on a twenty-four hour, seven-days-a-week basis. A dentist, fully licensed to practice in the State in which the facility is located, shall be designated to be responsible for maintaining standards of professional and ethical practice in the rendering of dental services to the facility. Where appropriate, the facility should, in addition, have available to it, and should utilize, the program-development consultation services of a qualified dentist who has experience in the field of dentistry for the retarded.

"(j) There shall be available sufficient, appropriately qualified dental personnel, and necessary supporting staff, to carry out the dental services program. All dentists providing services to the facility shall be fully licensed to practice in the State in which the facility is located. All dental hygienists providing services to the facility shall be licensed to practice in the State in which the facility is located. Dental assistants should be certified by the American Dental Assistants Association, or should be enrolled in a program leading to certification. Dental health educators shall have a thorough knowledge of—

"(1) dental health; and

"(2) teaching methods.

"(k) Oral hygiene aides, who may supplement and promote the proper daily oral care of residents, through actual participation and development of new methods in the toothbrushing program, or in the dissemination of oral hygiene information, should be—

"(1) thoroughly trained in current concepts and procedures of oral care; and

"(2) trained to recognize abnormal oral conditions.

"(l) Supporting staff should include, as appropriate to the program—

"(1) receptionists;

"(2) clerical personnel to maintain current dental records;

"(3) dental laboratory technicians certified by the Dental Laboratory Association;

"(4) escort aides; and

"(5) janitorial or housekeeping personnel.

"(m) All dentists providing service to the facility shall adhere to the code of ethics published by the American Dental Association.

"Sec. 1162. (a) Appropriate to the size of the facility, a continuing education program shall be provided that is designed to maintain and improve the skills and knowledge of its professional dental personnel, through means such as—

"(1) preceptor or other orientation programs;

"(2) participation in seminars, workshops, conferences, institutes, or college or university courses, to the extent of at least sixty clock hours annually for each dental professional, in accordance with the standards of the American Dental Association and its components societies;

"(3) study leave;

"(4) participation in the activities of professional organizations that have as their goals the furtherance of expertise in the treatment of the handicapped;

"(5) access to adequate library resources, including current and relevant books and journals in dentistry, dental hygiene, dental assisting, and mental retardation;

"(6) encouragement of dentists to qualify themselves for staff privileges in hospitals; and

"(7) sharing of information concerning dentistry in its relationship with mental retardation, as by publication.

"(b) To enrich and stimulate the facility's dental program, and to facilitate its integration with community services, the facility should affiliate with, and provide educational experiences for the dental-career students of, dental schools, universities, colleges, technical schools, and hospitals, whenever the best interests of the facility's residents are thereby served.

"(c) There shall be adequate space, facilities, and equipment to meet the professional, educational, and administrative needs of the dental service. General anesthesia facilities for dental care shall be available. The services of a dental laboratory certified by the Dental Laboratory Association shall be available. Appropriate dental consultation shall be employed in the planning, design, and equipage of new dental facilities, and in the modification of existing facilities. All dental facilities shall be free of architectural barriers for physically handicapped residents.

"Subchapter III—Educational Services

"Sec. 1163. (a) Educational services, defined as deliberate attempts to facilitate the intellectual, sensorimotor, and affective development of the individual, shall be available to all residents, regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps. There shall be a written statement of educational objectives that are consistent with the facility's philosophy and goals. The principle that learning begins at birth shall be recognized, and the expertise of early childhood educators shall be integrated into the interdisciplinary evaluation and programing for residents.

"(b) Educational services available to the facility should include—

"(1) establishment and implementation of individual educational programs providing:

"(A) continuous evaluation and assessment of the individual;

"(B) programing for the individual;

"(C) instruction of individuals and groups;

"(D) evaluation and improvement of instructional programs and procedures;

"(2) participation in program development services, including those relating to:

"(A) resident habilitation;

"(B) staff training;

"(C) community activities;

"(3) consultation with, or relating to:

"(A) other programs for residents and staff;

"(B) parents of residents;

"(C) administration and operation of the facility;

"(D) the community served by the facility; and

"(4) research relating to educational programs, procedures, and techniques, and the interpretation, dissemination, and application of applicable research findings.

"(c) Where appropriate, an educator shall be a member of the interdisciplinary teams or groups concerned with—

"(1) the total programing of each resident; and

"(2) the planning and development of the facility's programs for residents.

"(d) Individual educational evaluations of residents shall:

"(1) commence with the admission of the resident;

"(2) be conducted at least annually;

"(3) be based upon the use of empirically reliable and valid instruments, whenever such tools are available;

"(4) provide the basis for prescribing an appropriate program of learning experiences for the resident;

"(5) provide the basis for revising the individual prescription as needed;

"(6) the reporting and dissemination of evaluation results shall be done in such a manner as to—

"(A) render the content of the report meaningful and useful to its intended recipient and user; and

"(B) promptly provide information useful to staff working directly with the resident.

"(e) There shall be written educational objectives for each resident that are—

"(1) based upon complete and relevant diagnostic and prognostic data;

"(2) stated in specific behavioral terms that permit the progress of the individual to be assessed; and

"(3) adequate for the implementation, continuing assessment, and revision, as necessary, of an individually prescribed program.

"(f) There shall be evidence of educational activities designed to meet the educational objectives set for every resident. There shall be a functional educational record for each resident, maintained by, and available to, the educator.

"(g) There shall be appropriate programs to implement the facility's educational objectives. Wherever local resources permit and the needs of the resident are served, residents should attend educational programs in the community. Educable and trainable residents shall be provided an educational program of a quality not less than that provided by public school programs for comparable pupils, as regards:

"(1) physical facilities;

"(2) qualifications of personnel;

"(3) length of the school day;

"(4) length of school year;

"(5) class size;

"(6) provision of instructional materials and supplies; and

"(7) availability of evaluative and other ancillary services.

"(h) Educational programs shall be provided severely and profoundly retarded residents, and all other residents for whom educational provisions may not be required by State laws, irrespective of age or ability.

"(i) Appropriate educational programs shall be provided residents with hearing, vision, perceptual, or motor impairments, in cooperation with appropriate staff.

"(j) Educational programs should include opportunities for physical education, health education, music education, and art education, in accordance with the needs of the residents being served.

"(k) A full range of instructional materials and media shall be readily accessible to the educational staff of the facility.

"(l) Educational programs shall provide coeducational experiences. Learning activities in the classroom shall be coordinated with activities of daily living in the living units and with other programs of the facility and the community. The facility shall seek reciprocal services to and from the community, within the bounds of legality and propriety. An educational program operated by a facility shall seek consultation from educational agencies not directly associated with the facility.

"Sec. 1164. (a) There shall be available sufficient, appropriately qualified educational personnel, and necessary supporting staff, to carry out the educational programs. Delivery of educational services shall be the responsibility of a person who is eligible for—

"(1) certification as a special educator of the mentally retarded; and

"(2) the credential required for a comparable supervisory or administrative position in the community.

"(b) Teachers shall be provided aides or assistants, as needed. The facility's educators shall adhere to a code of ethics prescribed by the Secretary. Appropriate to the nature and size of the facility, there shall be an ongoing program for staff development specifically designed for educators. Staff members shall be encouraged to participate actively in professional organizations related to their responsibilities.

"(c) To enrich and stimulate the facility's educational program, and to facilitate its integration with community services, opportunities for internships, student teaching, and practicum experiences should be made available, in cooperation with university teacher-training programs, whenever the best interests of the residents are thereby served.

"Subchapter IV—Food and Nutrition Services

"Sec. 1165. (a) Food and nutrition services shall be provided in order to—

"(1) insure optimal nutritional status of each resident, thereby enhancing his physical, emotional, and social well-being; and

"(2) provide a nutritionally adequate diet, in a form consistent with developmental level, to meet the dietary needs of each resident.

"(b) There shall be a written statement of policies and procedures that—

"(1) describes the implementation of the stated objectives of the food and nutrition services;

"(2) governs the functions and programs of the food and nutrition services;

"(3) is formulated and periodically reviewed by professional nutrition personnel;

"(4) is prepared in consultation with other professional staff;

"(5) is consistent with the facility's goals and policies;

"(6) is distributed and interpreted to all facility personnel; and

"(7) complies with State and local regulations.

"(c) Whenever appropriate, the following services should be provided—

"(1) initial and periodic evaluation of the nutritional status of each resident, including —

"(A) determination of dietary requirements and assessment of intake and adequacy through—

"(i) dietary interview;

"(ii) clinical evaluation;

"(iii) biochemical assessment;

"(B) assessment of food service practices;

"(C) assessment of feeding practices, capabilities, and potential;

"(2) maintenance of a continuing and periodically reviewed nutrition record for each resident;

"(3) incorporation of recommendations drawn from the nutrition evaluation into the total management plans for the resident;

"(4) periodic review of implementation of recommendations and of need for modification;

"(5) participation in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(6) provision of—

"(A) counseling services to the individual resident;

"(B) reciprocal consultation services with facility staff and students;

"(C) counseling service to residents' families or their surrogates;

"(D) nutrition education, on a continuing basis, for residents, families or surrogates, staff, and students, and development of such programs in coordination with various education programs within the facility and the community;

"(7) coordination of nutrition programs between the facility and the community, including—

"(A) development of awareness of available programs in nutrition;

"(B) development of needed nutrition programs;

"(C) encouragement of participation of professionals and students in nutrition programs for the mentally retarded; and

"(8) development, coordination, and direction of nutrition research, as well as cooperation in interdisciplinary research.

"(d) Food services shall include—

"(1) menu planning;

"(2) initiating food orders or requisitions;

"(3) establishing specifications for food purchases, and insuring that such specifications are met:

"(4) storing and handling of food;

"(5) food preparation;

"(6) food serving;

"(7) maintaining sanitary standards in compliance with State and local regulations; and

"(8) orientation, training, and supervision of food service personnel.

"(e) The food and nutrition needs of residents shall be met in accordance with the recommended dietary allowances of the food and nutrition board of the national research council, adjusted for age, sex, activity, and disability, through a nourishing, well-balanced diet. The total food intake of the resident should be evaluated, including food consumed outside of as well as within the facility.

"(f) Menus shall be planned to meet the needs of the residents in accordance with subsection (e). Menus shall be written in advance. The daily menu shall be posted in food preparation areas. When changes in the menu are necessary, substitutions should be noted and should provide equal nutritive values. Menus shall provide a sufficient variety of foods served in adequate amounts at each meal, and shall be: (1) Different for the same days of each week; (2) Adjusted for seasonal changes. Records of menus as served shall be filed and maintained for at least thirty days. At least a one-week supply of staple foods and a two-day supply of perishable foods shall be maintained on the premises. Records of foods purchased for preparation shall be filed and maintained for at least thirty days. A file of tested recipes adjusted to appropriate yield should be maintained.

"(g) Foods shall be prepared by methods that—

"(1) conserve nutritive value;

"(2) enhance flavor; and

"(3) enhance appearance.

"(h) Food shall be prepared, stored, and distributed in a manner that assures a high quality of sanitation. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing and panwashing shall be carried out in compliance with State and local health codes. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work area.

"(i) When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value. Food storage procedures shall meet State and local regulations. Dry or staple food items shall be stored at least twelve inches above the floor, in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Perishable foods shall be stored at the proper temperatures to preserve nutritive values. Food served to residents and not consumed shall be discarded.

"(j) There shall be a sufficient number of competent personnel to fulfill the objectives of the food and nutrition services, including—

"(1) nutritionists or dietitians;

"(2) other food service personnel;

"(3) clerical personnel;

"(4) depending upon the size and scope of the facility, food and nutrition services shall be directed by one of the following—

"(A) a dietitian who is eligible for membership in the American Dietetic Association, and preferably eligible for registration by the association, or a nutritionist who has a master's degree in foods, nutrition, or public health nutrition, who is eligible for membership in the American Dietetic Association, and preferably eligible for registration by the association, and who, unless employed by a facility that also employs a dietitian, has had experience in institutional food management;

"(B) a food service manager who has a bachelor's degree in foods, nutrition, or a related field, and who receives consultation from a dietary consultant;

"(C) a responsible person who has had training and experience in meal management and service, and who receives consultation from a dietary consultant; and

"(D) the person responsible for food and nutrition services should have had training or experience in providing services to the mentally retarded, and should be sensitive to their needs;

"(5) the dietary consultant shall—

"(A) be eligible for membership in the American Dietetic Association, and preferably eligible for registration by the association;

"(B) serve on a regularly scheduled and frequent basis when no full-time dietitian is available; and

"(6) every person engaged in the preparation and serving of food in the facility shall have a valid food handler's permit, as required by State or local regulations. No person who is afflicted with a disease in a communicable stage, or who is a carrier of a communicable disease, or who has an open wound, shall work in any food service operation. Every person engaged in the preparation and serving of food in the facility shall annually be medically determined to be free of any disease in a communicable stage. All dietitians and nutritionists shall adhere to the code of ethics of the American Dietetic Association.

"(k) Appropriate to the size of the facility, an ongoing inservice training program shall be conducted that is designed to improve and maintain the skills of its food and nutrition services staff, through means such as—

"(1) seminars, workshops, conferences, and institutes;

"(2) college and university courses;

"(3) participation in professional organizations;

"(4) participation in interdisciplinary groups;

"(5) visitations to other facilities; and

"(6) access to adequate library resources, including current and relevant books and journals in nutrition and mental retardation.

"(l) Opportunities should be provided, in cooperation with university and other training programs, for students to obtain practical experience, under appropriate supervision, whenever the best interests of the residents are thereby served.

"(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, administrative, operational, and research needs of the food and nutrition services. Dining areas and facilities for food storage, preparation, and distribution shall be—

"(1) designed in cooperation with a dietitian and, when appropriate, with assistance from a qualified food service and equipment consultant;

"(2) adequate for the storage and preservation of food;

"(3) in compliance with State and local sanitation and other requirements;

"(4) adequate for the preparation and serving of food; and

"(5) adequate for sanitary storage for all dishes and equipment.

"Subchapter V—Library Services

"SEC. 1166. (a) Library services, which include the location, acquisition, organization, utilization, retrieval, and delivery of materials in a variety of media, shall be available to the facility, in order to support and strengthen its total habilitation program by providing complete and integrated multimedia information services to both staff and residents. Library services shall make available to the facility the resources of local, regional, State, and National library systems and networks. Library services shall be available to all residents, regardless of chronological age, degree of retardation, level of communication skills, or accompanying disabilities or handicaps.

"(b) Library services to residents shall be rendered—

"(1) directly, through personal contact between library staff and residents;

"(2) indirectly, through contact between librarians and other persons working with the residents, designed to—

"(A) maintain an atmosphere that recognizes the rights of the resident to access to information and to personal use of library materials appropriate to his level of development in communication skills or to his desire to conform to peer groups; and

"(B) enhance interpersonal relationships between direct-care workers and residents, through the mutual enjoyment of written, recorded, or oral literature appropriate to the resident's level of development and preference.

"(c) Library services available to residents should include—

"(1) assistance in team evaluation and assessment of the individual's level of development in communication skills, such as listening, comprehension, reading, and ability to respond to stimuli in a wide range and variety of media;

"(2) provision of informational, recreational, and educational materials appropriate to individual residents at all stages of development in communication skills, including media to stimulate sensory development, both in the library and in the living unit. Such materials should include, but need not be limited to—

"(A) books, including picture, juvenile, adult, high interest-low vocabulary, large print, and talking books;

"(B) magazines, including juvenile, adult pictorial, and magazines on talking books;

"(C) newspapers;

"(D) audiovisual media, including films, filmstrips, slides, video tapes, audio tapes, and records, and appropriate equipment;

"(E) graphics;

"(F) experiant materials, such as manipulative materials, toys and games, realia, and animals;

"(3) development of programs for individual or group enjoyment, for development of communication skills, for encouragement and satisfaction of natural human curiosity about anything, including sex and the facts of life, and for general enhancement of self-image. These programs should include, but need not be limited to—

"(A) storytelling, with listener participation through games or other activities;

"(B) reading aloud, including 'reading' pictures;

"(C) film or filmstrip programs;

"(D) listening to recorded media;

"(E) media discussion groups;

"(F) library clubs;

"(G) touching, browsing, exploring, or naming sensory stimuli;

"(H) creative writing, including group composition through dictation, tape recording, etc.;

"(I) puppetry, including the making of puppets;

"(J) creative dramatics;

"(4) opportunities to visit, and make use of, community library services and facilities in the same manner, and on the same terms, as any resident of the community;

"(5) referral services to the community library most convenient to place of residence or employment, when the resident leaves the facility; and

"(6) active participation in, and encouragement of, library program related to the educational and habilitative services of the facility, including the supplementation, support, and reinforcement of school programs.

"(d) Librarians providing service to residents should act as advocates on their behalf if facility policies or community library policies interfere with the retarded person's freedom to read materials of his own choosing or if they deny or abrogate his right to information or access to library services of any kind, in accordance with the Library Bill of Rights adopted by the American Library Association.

"(e) Library services to staff should include—

"(1) selection, acquisition, organization, classification, cataloging, procurement through interlibrary loan, and dissemination of informational, educational, and instructional library materials and audiovisual equipment;

"(2) provision of reference and bibliographic materials and services, literature searches, bibliography compilation, indexing and abstracting services, and other guides to the literature relevant to mental retardation;

"(3) acquisition of material for evaluation for purchase;

"(4) provision of a current awareness program to alert staff to new materials and developments in their fields;

"(5) orientation to library services and functions, including continuing instruction and assistance in the use of informational sources, and participation in general orientations to the facility;

"(6) provision of written and oral translation services; and

"(7) cooperation in inservice training programs by working with subject specialists and by recommending, providing, or producing materials in various media.

"(f) Library services to the facility may include—

"(1) provision of informational materials about the facility and mental retardation in general, through an organized collection of resources;

"(2) assistance with such public relation functions as preparing brochures, program statements, annual reports, writing news releases and feature stories, and offering editorial and research assistance to staff preparing professional books and papers; and

"(3) assistance in preparing grant applications and report writing.

"(g) When library services are provided in the facility—

"(1) there shall be a written statement of objectives that make possible a well-conceived, comprehensive, long-range program of library development, consistent with the overall goals of the facility, adapted to the needs and aptitudes of the residents, and designed to be modified as the program of the facility changes;

"(2) there shall be a separate budget, adequate to carry out the program in accordance with stated goals and objectives;

"(3) library services shall be placed within the organizational structure of the facility in such a way as to be available to, and maximally utilized by, all relevant services and programs;

"(4) there shall be written policies covering the library's day-to-day activities, and the coordination of these actvities with those of other services of the facility and with related actvities in the community;

"(5) there shall be available sufficient, appropriately qualified staff, and necessary supporting personnel to carry out the program in accordance with stated goals and objectives;

"(6) a qualified librarian shall be responsible for all library services. Where the level of need for services does not require the full-time employment of a professional librarian, coverage may be through the use of consultant service or supervisory personnel, through the pooling of resources and the sharing of services by two or more facilities in a geographic area, or through service supplied through a regional library system;

"(7) the librarian shall participate, when appropriate, in the interdisciplinary planning, development, and evaluation of facility programs;

"(8) the librarian should coordinate the purchasing of all print and nonprint materials for the facility, and act as the facility's informed agent in initiating the purchase of print and nonprint materials, and the library should serve as clearing house for such holdings;

"(9) librarians should participate in—

"(A) educating appropriate members of the community, concerning the library needs of residents;

"(B) planning with community librarians, the utilization of library resources to optimize resident adjustment;

"(C) developing appropriate expectancies and attitudes within community libraries that residents will use;

"(10) appropriate relationships with other libraries and community agencies shall be established to more effectively accomplish the library's service functions;

"(11) appropriate to the size of the facility, there should be a staff development program designed to maintain and improve the skills of library services staff through means such as—

"(A) staff meetings and inservice training;

"(B) seminars, workshops, conferences, and institutes;

"(C) college and university courses;

"(D) professional organizations;

"(E) participation in interdisciplinary groups;

"(F) visits to other facilities;

"(G) access to relevant professional literature;

"(12) whenever appropriate, the library should provide training for beginning librarians, further the orientation and training of library assistants, technicians, or volunteers, and serve as a training center for library institutes or workshops;

"(13) library services should be located so as to be convenient and accessible to all users;

"(14) all library functions should be integrated within a centralized location, whenever this does not act as a barrier to accessibility for any group;

"(15) space, physical facilities, and equipment shall be adequate to carry out the program, and shall comply with the standards for library services in health care institutions published by the Association of Hospital and Institution Libraries of the American Library Association;

"(16) the hours during which the library is open should meet the requirements of the majority of the library's users, and should be as generous as possible; and

"(17) users of library services shall participate in the planning and evaluation of library programs, by means such as advisory committees.

"(h) If library services are provided outside the facility, there shall be a formal agreement that stipulates lines of communication, areas of responsibility, and kinds of service.

"(i) The individual responsible for maintaining standards of professional and ethical practice in the rendering of library services to the facility—

"(1) shall have a master's degree in library science from a school accredited by the American Library Association; and

"(2) should have preparation in a field relevant to work with the mentally retarded.

"(j) Individuals rendering library services, including librarians, media specialists, library and media technicians, supportive staff, and volunteers, shall have qualifications appropriate to their responsibilities and duties.

"Subchapter VI—Medical Services

"SEC. 1167. (a) Medical services shall be provided in order to—

"(1) achieve and maintain an optimal level of general health for each resident;

"(2) maximize normal function and prevent disability; and

"(3) facilitate the optimal development of each resident.

"(b) Medical services shall be rendered—

"(1) directly, through personal contact between physicians and residents; and

"(2) indirectly, through contact between physicians and other persons working with the residents, which is designed to maintain an environment that recognizes and meets the health, hygiene, sanitary, and nutritional needs of the residents.

"(c) Medical services available to the residential facility should include—

"(1) evaluation and diagnosis;

"(2) treatment;

"(3) program development services, including those relating to—

"(A) resident habilitation;

"(B) staff training;

"(C) community participation;

"(4) consultation with, or relating to—

"(A) residents;

"(B) families of residents;

"(C) the administration and operation of the facility;

"(5) medical and ancillary staff training; and

"(6) preventive health services for residents and staff.

"(d) The services of medical and surgical hospitals that are accredited by the Joint Commission on Accreditation of Hospitals shall be available to residents. Only pathology, clinical laboratory, and radiologic services that meet the hospital accreditation standards of the Joint Commission on Accreditation of Hospitals shall be utilized. Electroencephalographic services shall be available as necessary. There shall be evidence, such as may be provided by a record of the deliberations of a utilization review committee, that such hospital and laboratory services are utilized in accordance with proper professional standards.

"(e) Physicians shall participate, when appropriate—

"(1) the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(2) the development for each resdent of a detailed, written statement of—

"(A) case management goals, encompassing the areas of physical and mental health, education, and functional and social competence; and

"(B) a management plan detailing the various habilitation or rehabilitation modalities that are to be applied in order to achieve the specified goals, with clear designation of responsibility for implementation.

"(f) The management plan shall ordinarily include, but not necessarily be limited to—

"(1) the resident's day-to-day activity program;

"(2) physical rehabilitation to prevent and correct deformity, to enhance mobility, and to facilitate training in self-help skills;

"(3) provision for adaptive equipment necessary to the rehabilitation plan;

"(4) an educational program;

"(5) a vocational and occupational program;

"(6) stated intervals for review of the management plan; and

"(7) short- and long-term goals, including criteria for release.

"(g) Statement of treatment goals and management plans shall be reviewed and updated—

"(1) as needed, but at least annually; and

"(2) to insure continuing appropriateness of the goals, consistency of management methods with the goals, and the achievement of progress toward the goals.

"(h) Special attention shall be given those residents who, without active intervention, are at risk of further loss of function, by means that include—

"(1) early diagnosis of disease;

"(2) prompt treatment in the early stages of disease;

"(3) limitation of disability by arresting the disease process;

"(4) prevention of complications and sequelae; and

"(5) rehabilitation services to raise the affected individual to his greatest possible level of function, in spite of his handicap, by maximizing the use of his remaining capabilities.

"(i) Preventive health services to residents shall include—

"(1) means for the prompt detection and referral of health problems, through adequate medical surveillance, periodic inspection, and regular medical examination;

"(2) annual physical examinations, that include—

"(A) examination of vision and hearing;

"(B) routine screening laboratory examinations, as determined by the physician, and special studies when the index of suspicion is high;

"(3) maintenance of a graphic record of height and weight for each resident, in a form that permits ready reference to standardized norms;

"(4) immunizations, using as a guide the recommendations of the United States Public Health Service Advisory Committee on Immunization Practices and of the Committee on the Control of Infectious Diseases of the American Academy of Pediatrics;

"(5) tuberculosis control, in accordance with the recommendations of the American College of Chest Physicians and/or the section on diseases of the chest of the American Academy of Pediatrics, as appropriate to the facility's population; and

"(6) reporting of communicable diseases and infections in accordance with law.

"(j) Preventive health services to staff shall include—

"(1) preemployment physical examinations; and

"(2) surveys for the detection and prevention of communicable diseases.

"(k) There shall be a formal arrangement for qualified medical care for the facility, including care for medical emergencies on a twenty-four-hour, seven-days-a-week basis. A physician, fully licensed to practice medicine in the State in which the facility is located, shall be designated to be responsible for—

"(1) maintaining standards of professional and ethical practice in the rendering of medical services in the facility; and

"(2) maintaining the general health conditions and practices of the facility and/or system of health services.

Each resident shall have a personal (primary) physician, who maintains familiarity with his state of health and with conditions within the residential living unit that bear on his health. Qualified medical specialists of recognized professional ability shall be—

"(1) available for a broad range of specialized care and consultation; and

"(2) appropriately used.

"(l) Appropriate to the size of the facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the medical skills of its physicians and their knowledge of developmental disabilities, through methods such as staff seminars, outside speakers, attendance at professional medical meetings, and informational exchanges with universities and teaching hospitals.

"(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the medical service.

"Subchapter VII—Nursing Services

"Sec. 1168. (a) Residents shall be provided with nursing services, in accordance with their needs, in order to—

"(1) develop and maintain an environment that will meet their total health needs;

"(2) foster optimal health;

"(3) encourage maximum self-care and independence; and

"(4) provide skilled nursing care as needed.

"(b) There shall be a written statement of nursing philosophy and objectives that are consistent with the purpose of the facility and that given direction to the nursing program. Nursing personnel shall be responsible for the formulation, review, and revision of the philosophy and objectives. The philosophy and objectives shall be—

"(1) distributed to all nursing personnel; and

"(2) made available and interpreted to all other personnel.

"(c) Nursing services should be provided through—

"(1) direct nursing intervention;

"(2) instruction and supervision of facility staff rendering nursing care;

"(3) supporting, counseling, and teaching the resident, his family, and his direct-care staff, at the facility or in the home;

"(4) consultation and followthrough in the interest of the resident; and

"(5) participation on appropriate facility committees.

"(d) Nursing services to residents shall include, when appropriate—

"(1) professional nurse participation in—

"(A) the preadmission evaluation study and plan;

"(B) the evaluation study, program design, and placement of the resident at the time of admission to the facility;

"(C) the periodic reevaluation of the type, extent, and quality of services and programming;

"(D) the development of discharge plans;

"(E) the referral to appropriate community resources;

"(2) services directed toward the promotion of health, including—

"(A) observation and assessment of the developmental function of the resident, within his environment;

"(B) training in habits of personal hygiene;

"(C) family life and sex education;

"(D) safety education;

"(E) control of communicable diseases and infections, through—

"(i) identification and assessment;

"(ii) reporting to medical authority;

"(iii) implementation of appropriate protective and preventive measures;

"(F) development of a written plan for nursing action, in relation to the total habilitation program;

"(G) modification of the nursing plan, in terms of the resident's daily needs, at least annually for adults and more frequently for children, in accordance with developmental changes;

"(3) participation in the prevention of disability for all residents, with special attention to those residents who exhibit the lowest level of functional development, including—

"(A) nursing assessment of the functional level of development;

"(B) development, implementation, and coordination of a plan to maintain and encourage optimal level of function, with written provision for direct and indirect nursing intervention; and

"(4) planned, intensive nursing care for every resident who is medically determined to be acutely ill.

"(e) A professional nurse shall participate, as appropriate, in the planning and implementation of training of facility personnel. Direct-care personnel shall be trained in—

"(1) detecting signs of illness or dysfunction that warrant medical or nursing intervention;

"(2) basic skills required to meet the health needs and problems of the residents; and

"(3) first aid in the presence of accident or illness.

"(f) Qualified nurses shall be encouraged to become involved in—

"(1) initiating, conducting, and evaluating nursing research;

"(2) evaluating and applying relevant research findings for the benefit of residents;

"(3) formulating the policies governing research in the facility; and

"(4) serving as resource persons to schools of nursing, and to public health nursing and related agencies.

"(g) There shall be available sufficient, appropriately qualified nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. A registered professional nurse shall be designated as being responsible for maintaining standards of professional, legal, and ethical practice in the delivery of nursing services according to the needs of the residents. The individual responsible for the delivery of nursing services—

"(1) should have at least a master's degree in nursing; and

"(2) shall have knowledge and experience in the field of developmental disabilities.

"(h) Nursing service personnel at all levels of experience and competence shall be—

"(1) assigned responsibilities in accordance with their qualifications;

"(2) delegated authority commensurate with their responsibility; and

"(3) provided appropriate professional nursing supervision.

"(i) Organized nursing services and professional nurse practitioners should have recourse to qualified and appropriate consultation as needed. All professional nurses shall be familiar with, and adhere to, the code of ethics published by the American Nurses' Association.

"(j) Appropriate to the size of the facility, there shall be an educational program designed to enhance the clinical competencies and the knowledge of developmental disabilities of its professional nursing staff, through means such as—

"(1) staff meetings and inservice training;

"(2) seminars, workshops, conferences, and institutes;

"(3) college and university courses;

"(4) participation in professional organizations;

"(5) participation in interdisciplinary groups;

"(6) visits to other facilities; and

"(7) access to relevant professional literature.

"(k) To enrich and stimulate the facility's nursing program, and to facilitate its integration with community services, educational experiences for students of all types of professional and vocational nursing schools shall be encouraged and defined by a contractual agreement, whenever the best interests of the residents are thereby served.

"(l) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the nursing service. Professional nursing consultation shall be included in the design and modification of areas and facilities that will be used by the ill and the physically handicapped.

"Subchapter VIII—Pharmacy Services

"SEC. 1169. (a) In order to contribute to improved resident care and to promote optimal response to drug therapy by the residents, through the full utilization of the knowledge and skills of the pharmacist, pharmacy services shall be provided under the direction of a qualified pharmacist. There shall be a formal arrangement for qualified pharmacy services, including provision for emergency service, by means appropriate to the facility. Such means may include the services of a pharmacist in a local community or hospital pharmacy that meet the standards listed herein, as well as the operation of its own pharmacy by the facility. There shall be a current pharmacy manual that—

"(1) includes policies and procedures, and defines the functions and responsibilities relating to pharmacy services; and

"(2) is revised annually to keep abreast of current developments in services and management techniques.

"(b) There shall be a formulary system, approved by the responsible physician and pharmacist, and by other appropriate facility staff. Copies of the facility's formulary and of the American Hospital Formulary Service shall be located and available, as appropriate to the facility.

"(c) Upon admission of the resident, a medication history of prescription and nonprescription drugs used shall be obtained, preferably by the pharmacist, and this information shall be entered in the resident's record for the information of the staff. The pharmacist shall—

"(1) receive the original, or a direct copy, of the physician's drug treatment order;

"(2) review the drug regimen, and any changes, for potential adverse reactions, allergies, interactions, contraindications, rationality, and laboratory test modifications, and advise the physician of any recommended changes, with reasons and with an alternate drug regimen;

"(3) maintain for each resident an individual record of all medications (prescription and nonprescription) dispensed, including quantities and frequency of refills;

"(4) participate, as appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(5) participate in any of the following activities that are undertaken in the facility:

"(A) drug research;

"(B) drug utilization review;

"(C) infection and communicable disease committee;

"(D) safety committee;

"(E) patient care incident review; and

"(6) establish quality specifications for drug purchases, and insure that they are met.

"(d) The pharmacist should —

"(1) prepare a drug treatment plan, as prescribed by the attending physician, for inclusion in the resident's record and for use by the staff, that includes—

"(A) the drug product, dosage form, route of administration, and time of administration, includings, when appropriate, the time with respect to meals, other drugs, and activities;

"(B) a schedule of laboratory tests necessary to detect adverse reactions;

"(C) nothing of any potential adverse reactions for the staff's information;

"(2) regularly review the record of each resident on medication, and have contact with selected residents with potential problems, noting in the residents' records and reporting to physicians any observations of response to drug therapy, and of adverse reactions and over or underutilization of drugs;

"(3) provide instructions and counseling on the correct use of his drugs, as prescribed by the attending physician, to each resident on home visit and discharge, and/or to this parents;

"(4) provide education and counseling to residents in independent living units on the correct use of their drugs, as prescribed by the attending physician, and on the results expected from correct use and from over or underuse;

"(5) participate in programs for sex education and drug abuse education;

"(6) provide information on the resident's drug regimen to the receiving facility pharmacist, when the resident is transferred, and, with the approval of the resident or his guardian, to the resident's community pharmacist, his private physician, and/or the community mental retardation service when the resident is discharged from the facility, so as to insure continuity of care;

"(7) participate in inservice education programs for professional and direct-care staff;

"(8) orient and teach students in pharmacy and other professions, regarding pharmacy's services to the residents and regarding drugs and their uses; and

"(9) participate in public education and informational programs on mental retardation.

"(e) Where appropriate to the facility, there shall be a pharmacy and therapeutics committee, that includes one or more pharmacists, to develop policy on drug usage in the facility, and to develop and maintain a current formularly. This committee shall meet not less than once every three months. Minutes of the committee meetings shall be kept on file.

"(f) Written policies and procedures that govern the safe administration and handling of all drugs shall be developed by the responsible pharmacist, physician, nurse, and other professional staff, as appropriate to the facility. The compounding, packaging, labeling, and dispensing of drugs, including samples and investigational drugs, shall be done by the pharmacist, or under his direct supervision, with proper controls and records. Each drug shall be identified up to the point of administration. Procedures shall be established for obtaining drugs when the pharmacy is closed.

"(g) the unit dose or individual prescription system of drug distribution should be used. Wherever possible, drugs that require dosage measurement shall be dispensed by the pharmacist in a form ready to be administered to the patient.

"(h) There shall be a written policy regarding the administration of all drugs used by the residents, including those not specifically prescribed by the attending practitioner. There shall be a written policy regarding the routine of drug administration, including standardization of abbreviations indicating dose schedules. Medications shall not be used by any resident other than the one for whom they were issued. Only appropriately trained staff shall be allowed to administer drugs.

"(i) There shall be a written policy governing the self-administration of drugs, whether prescribed or not.

"(j) Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. All drugs shall be kept under lock and key except when authorized personnel are in attendance. The security requirements of Federal and State laws shall be satisfied in storerooms, pharmacies, and living units. Poisons, drugs used externally, and drugs taken internally shall be stored on separate shelves or in separate cabinets, at all locations. Medications that are stored in a refrigerator containing things other than drugs shall be kept in a separate compartment with proper security. A perpetual inventory shall be maintained of each narcotic drug in the pharmacy, and in each unit in which such drugs are kept, and inventory records shall show the quantities of receipts and issues and the person to whom issued or administered. If there is a drug storeroom separate from the pharmacy, there shall be a perpetual inventory of receipts and issues of all drugs by such storeroom.

"(k) The pharmacist should review the drugs in each living unit monthly, and should remove outdated and deteriorated drugs and drugs not being used. Discontinued and outdated drugs, and containers with worn, illegible, or missing labels, shall be returned to the pharmacy for proper disposition.

"(l) There shall be automatic stop orders on all drugs. There shall be a drug recall procedure that can be readily implemented. Medication errors and drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug. There shall be a procedure for reporting adverse drug reactions to the Federal Food and Drug Administration. The pharmacist shall be responsible for the storage and dispensing of investigational drugs. The pharmacist shall provide the residential staff with pharmacological and other necessary information on investigational drugs, including dosage form, dosage range, storage, adverse reactions, usage, and contraindications.

"(m) There shall be an emergency kit—

"(1) readily available to each living unit; and

"(2) constituted so as to be appropriate to the needs of its residents.

"(n) Pharmacy services shall be—

"(1) directed by a professionally competent and legally qualified pharmacist who is a graduate of a school of pharmacy accredited by the American Council on Pharmaceutical Education, or its equivalent, and who serves on a full-time or part-time basis, as the activity of the service requires;

"(2) staffed by a sufficient number of competent personnel, consistent with the facility's needs, and including—

"(A) pharmacists necessary to provide comprehensive pharmacy services;

"(B) technicians and clerical personnel to relieve the pharmacist of nonprofessional and clerical duties;

"(3) pharmacists should have had training and/or experience in providing services to the mentally retarded, and should be sensitive to their needs; and

"(4) all pharmacists shall be familiar with, and adhere to, the code of ethics of the American Pharmaceutical Association.

"(o) Appropriate to the size of the facility, there should be a staff development program, designed to maintain and improve the skills of its pharmacy staff through means such as—

"(1) staff meetings and inservice training;

"(2) seminars, workshops, conferences, and institutes;

"(3) college and university courses;

"(4) participation in professional organizations;

"(5) participation in interdisciplinary groups;

"(6) visits to other facilities; and

"(7) access to relevant professional literature.

"(p) The pharmacy serving the facility shall—

"(1) have sufficient space for necessary compounding, dispensing, labeling and packaging functions;

"(2) have the equipment necessary for compounding, dispensing, issuing, storing, and administrative functions;

"(3) be clean and orderly; and

"(4) contain current pharmaceutical reference material to provide adequate information concerning drugs.

"(q) Space for the storage of drugs in the storeroom, pharmacy, and living units shall be sufficient to prevent crowding of the drugs. There shall be adequate drug preparation areas, that are—

"(1) properly secured;

"(2) well lighted; and

"(3) located so that personnel will not be interrupted when handling drugs.

"(r) If the facility operates its own pharmacy, there should be—

"(1) an office for the pharmacist; and

"(2) a private area for instructing and counseling residents and/or parents on the correct use of drugs.

"Subchapter IX—Physical and Occupational Therapy Services

"SEC. 1170. (a) Although this subsection combines standards for physical and occupational therapy, each is a discrete service that complements the other in a manner similar to their relationships with all other health and medically related services. Both services, therefore, shall be provided, or made available to, residents on a continuing basis, as needed. Physical and occupational therapy services shall be provided in order to—

"(1) prevent abnormal development and further disability;

"(2) facilitate the optional development of each resident; and

"(3) enable the resident to be a contributing and participating member of the community in which he resides. The facility shall have a written statement of its physical therapy and occupational therapy objectives for its residents, consistent with—

"(1) the needs of the residents;

"(2) currently accepted physical therapy and occupational therapy theories, principles, and goals;

"(3) the philosophy and goals of the facility; and

"(4) the services and resources provided. Physical and occupational therapy services shall be provided—

"(1) directly, through personal contact between therapists and residents;

"(2) indirectly, through personal contact therapists and other persons involved with the residents, to:

"(A) create and maintain an atmosphere that recognizes the physical and psychosocial needs of residents and is conducive to the development and maintenance of optimal physical and psychosocial functioning;

"(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the development and maintenance of motor performance and behaviors; and

"(C) implement programs for the improvement of physical and psychosocial functioning in all environmental settings. Physical and occupational therapists shall have a responsibility for organizing and implementing programs to achieve physical and occupational therapy goals throughout the resident's daily activities.

"(b) Physical and occupational therapy services available to the facility should include—

"(1) screening and evaluation of residents;

"(2) therapy with individuals and groups;

"(3) program development services, including those relating to;

"(A) resident habilitation;

"(B) inservice training of professional, direct-care, and other staff;

"(C) community participation;

"(4) consultation with, or relating to—

"(A) residents;

"(B) families of residents;

"(C) medical, dental, psychological, educational, nursing, and other services;

"(D) the administration and operation of the facility;

"(E) the community served by the facility;

"(5) training of therapy staff;

"(6) training of physical and occupational therapy graduate and/or undergraduate students, interns, supportive staff, and volunteer workers;

"(7) assessment of program effectiveness; and

"(8) conduct of, or participation in, research, and dissemination and appropriate application of research findings.

"(c) Therapists should screen residents, in order to—

"(1) determine the characteristics of the facility's population;

"(2) identify resident needs and establish program priorities; and

"(3) determine the administrative, budgetary, and personnel requirements of the service.

"(d) Evaluation of individual residents by physical and occupational therapists should include—

"(1) observing and testing performance and motivation in sensorimotor, perceptual, behavioral, and self-care activities;

"(2) assessment and analysis of findings, to determine level of function and to identify deviations from accepted norms;

"(3) providing information for interdisciplinary staff use, in determining diagnosis, functional capacities, prognosis, and management goals; and

"(4) physical and occupational therapists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of iniation, monitoring, and followup of individualized habilitation programs.

"(e) Physical therapy and occupational therapy staff shall provide treatment-training programs that are designed to—

"(1) preserve and improve abilities for independent functions, such as range of motion, strength, tolerance, coordination, and activities of daily living;

"(2) prevent, insofar as possible, irreducible or progressive disabilities, through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptations, and sensory stimulation;

"(3) the therapist shall function closely with the resident's primary physician and with other medical specialists;

"(4) treatment-training progress shall be—

"(A) recorded regularly;

"(B) evaluated periodically; and

"(C) used as the basis for continuation or change of the resident's program.

"(f) Evaluation results; treatment objectives, plans, and procedures; and continuing observations of treatment progress shall be—

"(1) recorded accurately, summarized meaningfully, and communicated effectively;

"(2) effectively used in evaluating progress; and

"(3) included in the resident's unit record.

"(g) Consumers and their representatives, including residents, families, other disciplines, and community groups, shall be utilized in the planning and evaluation of physical therapy and occupational therapy services. There shall be available sufficient, appropriately qualified staff, and supporting personnel, to carry out the various physical and occupational therapy services, in accordance with stated goals and objectives. Physical and occupational therapists shall be—

"(1) graduates of a curriculum accredited by the Council on Medical Education of the American Medical Associatoin in collaboration with the American Physical Therapy Association or the American Occupational Therapy Association;

"(2) if a physical therapist, eligible to practice in the State in which the facility is located; and

"(3) if an occupational therapist, eligible for registration by the American Occupational Therapy Association.

"(h) A physical therapist and an occupational therapist shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of their respective therapy services in the facility. Each such therapist shall be qualified as in subsection (g) and, in addition, shall—

"(1) have had three years of professional experience, two years of which should have been in working with mentally retarded persons;

"(2) have demonstrated competence in administration and supervision, as appropriate to the facility's program; and

"(3) preferably have a master's degree, in an area related to the program.

"(i) Therapy assistants shall—

"(1) be certified by the American Occupational Therapy Association or be graduates of a program accredited by the American Physical Therapy Association; and

"(2) work under the supervision of a qualified therapist.

"(j) Therapy aides shall—

"(1) be provided specific inservice training; and

"(2) work under the supervision of a qualified therapist or therapy assistant.

"(k) Physical and occupational therapy personnel shall be—

"(1) assigned responsibilities in accordance with their qualifications;

"(2) delegated authority commensurate with their responsibilities; and

"(3) provided appropriate professional direction and consultation.

"(l) Physical and occupational therapy personnel shall be familiar with, and adhere to, the Code of Ethics and standards of practice promulgated by their respective professional organizations, the American Physical Therapy Association or the American Occupational Therapy Association.

"(m) Physical therapy and occupational therapy services operated by a facility shall seek consultation, at periodic intervals, from experts in physical therapy and occupational therapy who are not directly associated with the facility. Appropriate to the nature and size of the facility and to the physical and occupational therapy services, there shall be a staff development program that is designed to maintain and improve the skills of physical and occupational therapy personnel through methods such as—

"(1) regular staff meetings;

"(2) an organized inservice training program in physical and occupational therapy;

"(3) visits to and from the staff of other facilities and programs;

"(4) participation in interdisciplinary meetings;

"(5) provision for financial assistance and time for attendance at professional conferences;

"(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation work schedules;

"(7) career ladders and other incentives to staff recruitment and development;

"(8) workshops and seminars;

"(9) consultations with specialists; and

"(10) access to adequate library resources, which include current and relevant books and journals in physical and occupational therapy, mental retardation, and related professions and fields.

"(n) Space, facilities, equipment, supplies, and resources shall be adequate for providing efficient and effective physical and occupational therapy services, including, but not necessarily limited to—

"(1) facilities for conducting administrative aspects of the program;

"(2) facilities for conducting screenings and evaluations;

"(3) facilities for providing treatment and training for individuals and groups;

"(4) such other space, staff, and services as are essential to support and maintain effective programs; and

"(5) appropriate physical and occupational therapy consultation shall be employed in the design, modification, and equipage of all physical and occupational therapy areas and facilities required to meet the specific goals of physical and occupational therapy services.

"Subchapter X—Psychological Services

"SEC. 1171. (a) Psychological services shall be provided, in order to facilitate, through the application of psychological principles, techniques, and skills, the optimal development of each resident. Psychological services shall be rendered—

"(1) directly, through personal contact between psychologist and residents;

"(2) indirectly, through contact between psychologists and other persons involved with the residents, designed to—

"(A) maintain an atmosphere that recognizes the psychological needs of residents and that is conducive to the development and maintenance of constructive interpersonal relationships; and

"(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the understanding and change of behavior.

"(b) Psychological services available to the residential facility should include—

"(1) evaluation and assessment of individuals and programs;

"(2) therapy with individuals and groups;

"(3) program development services, including those relating to:

"(A) resident habilitation;

"(B) staff training;

"(C) community participation;

"(D) resident, staff, and community motivation;

"(4) consultation with, or relating to—

"(A) residents;

"(B) parents of residents;

"(C) the administration and operation of the facility;

"(D) the community served by the facility;

"(5) psychology staff training; and

"(6) conduct of research, consultation on research design, and dissemination of research findings.

"(c) Psychologists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs—

"(1) psychologists shall conduct evaluations necessary to—

"(A) meet legal requirements;

"(B) meet research needs; and

"(C) provide data for biostatistical reporting;

"(2) methods of data collection employed in evaluation and assessment shall include, as appropriate—

"(A) standardized tests and techniques;

"(B) observations in natural and experimental settings, using standardized or generally accepted techniques;

"(C) interviews with—

"(i) the resident (or prospective resident);

"(ii) members of the resident's family and other informants; and

"(D) review of all pertinent records, including the comparison of current and previous status;

"(3) collation, analysis, and interpretation of data shall—

"(A) be performed in accordance with standards generally acceptable in professional psychology;

"(B) provide, as appropriate, both intra- and inter-individual comparisons, by reference to normative data; and

"(C) utilize appropriate equipment, which is made available for the purpose;

"(4) the reporting and dissemination of evaluation results shall be done in such a manner as to—

"(A) render the content of the report meaningful and useful to its intended recipient and user;

"(B) enhance clinical understanding of the individual;

"(C) promptly provide information useful to staff working directly with the resident;

"(D) facilitate use of data for research and professional education;

"(E) facilitate use of data for statistical reporting; and

"(F) maintain accepted standards of confidentiality;

"(5) there shall be developed and maintained for each resident a continuing evaluation record that is frequently updated and that includes, but is not limited to, psychometric data.

"(d) Psychologists shall participate, when appropriate, in the development of written, detailed, specific, and individualized habilitation program plans that—

"(1) provide for periodic review, followup, and updating;

"(2) are designed to maximize each resident's development and acquisition of—

"(A) perceptual skills;

"(B) sensorimotor skills;

"(C) self-help skills;

"(D) communication skills;

"(E) social skills;

"(F) self direction;

"(G) emotional stability;

"(H) effective use of time (including leisure time);

"(I) basic knowledge;

"(J) vocational-occupational skills; and

"(K) socio-economic values relevant to the community in which he lives.

"(e) Psychologists should provide individual, and/or groups of, residents with therapy designed to develop, modify, and maintain behavior and attitudes that are rewarding and effective in meeting the demands of their intrapersonal and interpersonal situations. Psychologists should provide consultation and training services to program staff concerning:

"(1) principles and methods of understanding and changing behavior, to the end of devising maximally effective programs for residents;

"(2) principles and methods of individual and program evaluation, for the purposes of assessing resident response to programs and of measuring program effectiveness;

"(3) psychologists should participate in the development of incentive systems designed to maximize motivation and to optimize, by means of provision for feedback, performance, and learning on the part of—

"(A) residents enrolled in habilitation programs;

"(B) staff engaged in resident habilitation programs; and

"(C) personnel involved in resident habilitation resources in the community.

"(f) Psychologists should provide assistance and/or consultation relative to—

"(1) developing and conducting evaluations designed to select and maintain appropriate and effective staff;

"(2) developing job analyses;

"(3) psychological problems of staff, including the making of appropriate referrals;

"(4) data concerning staff, and reports of evaluations of staff, shall—

"(A) be provided in appropriate form, and only to clearly appropriate supervisory staff;

"(B) enable data to be used for classification and reporting purposes;

"(C) enable data to be used for research purposes; and

"(D) maintain acceptable standards of confidentiality.

"(g) Psychologists should participate in—

"(1) educating appropriate members of the community, concerning the domicilary, vocational, and recreational needs of residents who return to the community;

"(2) planning with community officials the adaptation of domiciliary, vocational, and recreational resources, to optimize resident adjustments; and

"(3) developing appropriate expectancies and attitudes within the community into which residents go.

"(h) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various psychological service activities, in accordance with the needs of the following functions:

"(1) psychological services to residents, including evaluation, consultation, therapy, and program development;

"(2) administration and supervision of psychological services;

"(3) staff training;

"(4) research;

"(5) the facility should have available to it the services of at least one doctoral-level psychologist who is—

"(A) a diplomate of the American Board of Professional Psychology, or is licensed or certified by a State examining board, or is certified by a voluntary board established by a State Psychological Association;

"(B) knowledgeable and experienced in the area of mental retardation;

"(6) a psychologist, qualified as specified in subsection (h) (5) shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of psychological services in the facility;

"(7) all psychologists providing service to the facility shall—

"(A) possess the educational and experiential qualifications required for membership in the American Psychological Association;

"(B) have demonstrated knowledge in the area of mental retardation;

"(8) all psychological technicians, assistants, and clerks employed by the facility shall work under the direct supervision of a psychologist who is qualified as specified in subsection (h) (8);

"(9) all members of the psychological services staff shall have and be familiar with, the Ethical Standards of Psychologists and the Casebook on Ethical Standards of Psychologists, published by the American Psychological Association, and all shall adhere to the ethical standards stated therein;

"(A) all new psychology service employees shall receive this material, and be familiarized with it, as a part of their orientation; and

"(B) the application of the ethical standards to practice with the mentally retarded in residential facilities shall be emphasized.

"(i) Appropriate to the size of the facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the skills of its psychology staff, through methods such as—

"(1) staff seminars;

"(2) outside speakers;

"(3) visits to and from the staff of other facilities;

"(4) attendance at conferences;

"(5) participation in interdisciplinary groups;

"(6) informational exchanges with universities, teaching hospitals, community mental health and mental retardation centers, and other community resources; and

"(7) adequate library resources, including current and relevant books and journals in psychology and mental retardation shall be available.

"(j) The training of interns and graduate students in psychology shall be encouraged, and appropriate supervision shall be provided. There shall be appropriate space and equipment for psychological services, including—

"(1) offices for professional and clerical staff;

"(2) testing and observation rooms;

"(3) interviewing, counseling, and training/treatment rooms;

"(4) play therapy rooms;

"(5) access to conference rooms; and

"(6) access to research and data analysis facilities.

"Subchapter XI—Recreation Services

"SEC. 1172. (a) Recreation services should provide each resident with a program of activities that—

"(1) promotes physical and mental health;

"(2) promotes optimal sensorimotor, cognitive, affective, and social development;

"(3) encourages movement from dependent to independent and interdependent functioning; and

"(4) provides for the enjoyable use of leisure time.

"(b) The facility shall have a written statement of its recreation objectives for residents, consistent with—

"(1) the needs of its residents;

"(2) currently accepted recreation principles and goals;

"(3) the philosophy and goals of the facility; and

"(4) the services and resources the facility offers.

"(c) Recreation services available to the residential facility should include—

"(1) recreation activities for the residents;

"(2) recreation counseling;

"(3) individual and group instruction of residents in recreation skills, to achieve maximum proficiency and develop leadership potential;

"(4) therapeutic recreation;

"(5) education and consultation; and

"(6) research and evaluation.

"(d) Recreation activities available to the residents should include, as appropriate to the size and location of the facility, and as adapted to the needs of the residents being served—

"(1) excursions, outings, and other trips to familiarize the residents with community facilities;

"(2) spectator activities, such as movies, television, sports events, and theater;

"(3) participation in music, drama, and dance, such as rhythmics, folk dancing, community sings, group music sessions in the living units, performance in music or dramatic productions, performance in choral or instrumental groups, and informal listening to records or tapes;

"(4) outdoor and nature experiences, including activities such as camping, hiking, and gardening;

"(5) team sports and lead-up activities;

"(6) individual and dual sports, such as bowling, archery, badminton, horseshoes, miniature golf, bicycling, and shuffleboard;

"(7) hobbies, such as collecting, photography, model building, woodworking (including use of power tools) cooking, and sewing;

"(8) social activities, such as clubs, special interest and discussion groups, social dancing, cookouts, parties, and games;

"(9) service clubs and organizations, such as leaders clubs, scouting, 4-H, Junior Red Cross, Junior Chamber of Commerce, Hi-Y, Tri-Hi-Y, resident councils, and senior citizens clubs;

"(10) aquatics, including waterplay, swimming, and boating;

"(11) arts and crafts, including a wide range of activities from simple to complex, from reproductive to creative, and consistent with activities found in the community;

"(12) physical fitness activities designed to develop efficient cardiovascular and cardiorespiratory functions, strength, endurance, power, coordination, and agility, sufficient for both usual and extra demands;

"(13) library services for reading, listening, and viewing, such as looking at books, listening to records and tapes, and viewing film strips and slides;

"(14) celebration of special events, such as holidays and field days;

"(15) winter activities, including snow sculpture, snowplay, games and sports;

"(16) opportunities to use leisure time in activities of the resident's own choosing in an informal setting under minimal supervision, such as a 'drop-in center';

"(17) frequent coeducational experiences, to promote acceptable social behavior and enjoyment of social relationships; and

"(18) activities for the nonambulatory, including the mobile and nonmobile.

"(e) Maximum use should be made of all community recreation resources. Recreation counseling should be a continuous process that provides for—

"(1) modification of resident's recreation behaviors;

"(2) guidance to residents on how to find, reach, and utilize community recreation resources;

"(3) family counseling in relation to recreation activities; and

"(4) interpretation of residents' needs and abilities to community agencies.

"(f) Therapeutic recreation, defined as purposive intervention, through recreation activities, to modify, ameliorate, or reinforce specific physical, emotional, or social behaviors, should include, as appropriate—

"(1) participation on an interdisciplinary team, to identify the habilitation needs and goals of the resident;

"(2) determination of appropriate recreation intervention, to achieve the stated habilitation goals;

"(3) a written plan for implementing the therapeutic recreation objectives, consistent with the recommendations of the evaluation team; and

"(4) evaluation of the effectiveness of such interventions, and subsequent redefinition of the resident's habilitation needs and goals.

"(g) Education and consultation services should include—

"(1) provision of stimulation, leadership, and assistance with recreation activities, conducted by the direct-care staff;

"(2) staff training and development;

"(3) orientation and training of volunteers;

"(4) training of interns and students in recreation;

"(5) consultation to community agencies and organizations, to stimulate the development and improvement of recreation services for the retarded; and

"(6) public education and information, to encourage acceptance of the retarded in recreation activities.

"(h) Recreational services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of the facility's resources and to maximize benefits to the residents. Activities in health, music, art, and physical education shall be coordinated with recreation activities relevant to these areas.

"(i) Records concerning residents should include—

"(1) periodic surveys of their recreation interests;

"(2) periodic surveys of their attitudes and opinions regarding recreation services;

"(3) the extent and level of each resident's participation in the activities program;

"(4) progress reports, as appropriate;

"(5) reports on relationships among peers, and between residents and staff; and

"(6) evaluations conducted by personnel at all levels and, where appropriate, by staff from other services.

"(j) Established procedures for evaluating and researching the effectiveness of recreation services, in relation to stated purposes, goals, and objectives, should include—

"(1) utilization of adequate records concerning residents' interests, attitudes, opinions, participations, and achievements;

"(2) time schedules for evaluation that are appropriate to the service or program being evaluated;

"(3) provision for using evaluation results in program planning and development;

"(4) provision for disseminating evaluation results in professional journals and in public education and information programs; and

"(5) encouragement of recreation staff to initiate, conduct, and participate in research studies, under the supervision of qualified personnel.

"(k) There shall be sufficient, appropriately qualified recreation staff, and necessary supporting staff, to carry out the various recreation services in accordance with stated goals and objectives.

"(1) Scheduling of staff shall provide—

"(A) coverage on evenings, weekends, and holidays; and

"(B) additional coverage during periods of peak activity.

"(2) Recreation personnel shall be—

"(A) assigned responsibilities in accordance with their qualifications;

"(B) delegated authority commensurate with their responsibility; and

"(C) provided appropriate professional recreation supervision.

"(3) Personnel conducting activities in recreation program areas should possess the following minimum educational and experiential qualifications:

"(A) a bachelor's degree in recreation, or in a specialty area, such as art, music, or physical education; or

"(B) an associate degree in recreation and one year of experience in recreation; or

"(C) a high school diploma, or an equivalency certificate; and two years of experience in recreation, or one year of experience in recreation plus completion of comprehensive inservice training in recreation; or

"(D) demonstrated proficiency and experience in conducting activities in one or more program areas.

"(4) Personnel performing recreation counseling or therapeutic recreation functions should possess the following minimum education and experiential qualifications, and should be eligible for registration with the National Therapeutic Recreation Society at the Therapeutic Recreation Specialist level:

"(A) a master's degree in therapeutic recreation and one year of experience in a recreation program serving disabled persons; or

"(B) a master's degree in recreation and two years of experience in a recreation program serving disabled persons; or

"(C) a bachelor's degree in recreation and three years of experience in a recreation program serving disabled persons; or

"(D) a combination of education and experience in recreation serving disabled persons that totals six years.

"(5) Education and consultation functions in recreation should be conducted by staff members, in accordance with their education, experience, and role in the recreation program.

"(l) Appropriate to the size of the recreation program, there shall be a staff development program that provides opportunities for professional development, including—

"(1) regular staff meetings;

"(2) an organized inservice training program in recreation;

"(3) access to professional journals, books, and other literature in the fields of recreation, therapeutic recreation, rehabilitation, special education, and other allied professions;

"(4) provisions for financial assistance and time for attendance at professional conferences and meetings;

"(5) procedures for encouraging continuing education, including educational leaves, direct financial assistance, and rearrangement of work schedules;

"(6) provision for workshops and seminars relating to recreation, planned by the recreation and other professional and administrative staff; and

"(7) provision for staff consultation with specialists, as needed, to improve recreation services to residents.

"(m) Recreation areas and facilities shall be designed and constructed or modified so as to—

"(1) permit all recreation services to be carried out to the fullest possible extent in pleasant and functional surroundings;

"(2) be easily accessible to all residents, regardless of their disabilities;

"(3) appropriate recreation consultation shall be employed in the design or modification of all recreation areas and facilities;

"(4) toilet facilities, appropriately equipped in accordance with the needs of the residents, should be easily accessible from recreation areas; and

"(5) appropriate and necessary maintenance services shall be provided for all recreation areas and facilities.

"(n) Indoor recreation facilities should include, as appropriate to the facility—

"(1) a multipurpose room;

"(2) a quiet browsing room;

"(3) access to a gymnasium;

"(4) access to an auditorium;

"(5) access to suitable library facilities;

"(6) access to kitchen facilities;

"(7) adequate and convenient space for storage of supplies and large and small equipment; and

"(8) adequate office space for the recreation staff.

"(o) Outdoor recreation facilities should include, as appropriate to the facility—

"(1) access to a hard-top, all-weather-surface area;

"(2) access to gardening and nature activity areas;

"(3) access to adequately equipped recreation areas; and

"(4) the facility's residents should have, as appropriate and feasible, access to year-round swimming and aquatic facilities.

"(p) Adequate transportation services for recreation programs shall be provided. Recreation equipment and supplies in sufficient quantity and variety shall be provided to carry out the stated objectives of the activities programs. Toys, games, and equipment shall be—

"(1) selected on the basis of suitability, safety, durability, and multiplicity of use; and

"(2) adapted as necessary to the special needs of the residents.

"(q) If a music therapy program is provided, it should include—

"(1) participation by the music therapist, when appropriate, on an interdisciplinary evaluation team to identify the resident's needs and ways of meeting them;

"(2) determination of music therapy goals for the resident and development of a written plan for achieving them;

"(3) periodic progress reports, reevaluations, and program changes, as indicated;

"(4) direction by a therapist eligible for registration with the National Association for Music Therapy; and

"(5) appropriate space, facilities, and equipment, with special consideration of the acoustical characteristics of rooms used for performing and listening.

"Subchapter XII—Religious Services

"SEC. 1173. (a) Religious services shall be made available to residents, in accordance with their needs, desires, capabilities, and in accordance with their basic right to freedom of religion, in order to—

"(1) develop and enhance their dignity;

"(2) provide for the most meaningful and relevant practice of their religion; and

"(3) provide spiritual programs designed to aid their development and growth as persons.

"(b) Implementation of religious services should utilize community resources, whenever and wherever this is possible and in the best interests of the residents. The objectives of the facility's religious services for its residents shall be directed toward full integration into, and membership in, their faith, and should include—

"(1) upholding the dignity and worth of the individual;

"(2) building moral and ethical standards of behavior;

"(3) preparing for religious growth in their faith groups;

"(4) establishing healthy self, world, and God concepts;

"(5) establishing constructive value systems;

"(6) giving direction toward greater personal maturity;

"(7) strengthening interpersonal relationships; and

"(8) contributing to growth in personal adequacy and happiness.

"(c) Religious services shall be made available to all residents, regardless of their degree of retardation. Participation in religious programs shall be voluntary, in accordance with the wishes of the resident, if he expresses them, or with the wishes of his parent or guardian.

"(d) Religious services to residents should include—

"(1) worship opportunities, sacraments, and religious rites, according to the needs and abilities of the residents and consonant with the practices of their respective faiths;

"(2) religious education programs geared to the needs and abilities of the residents;

"(3) observation of dietary practices in keeping with the religious requirements of residents' faith groups;

"(4) observation of religious holidays and holy days in keeping with the religious requirements of residents' faith groups;

"(5) pastoral counseling, both individual and group, to residents and their families;

"(6) pastoral visits to residents, with special emphasis on the care of the troubled, the sick, and the dying;

"(7) pastoral consultation with persons concerned with the resident's welfare; and

"(8) referral and communication between religious workers in the facility and in the community.

"(e) Those who serve the religious needs of the residents, including clergy, religious educators, and volunteers, should whenever possible—

"(1) assert and safeguard the full human and civil rights of the residents;

"(2) participate, as appropriate, in team and other interdisciplinary planning regarding programs for individual residents, as well as in facility-wide or community programs;

"(3) keep appropriate records of significant religious events in the lives of each resident;

"(4) participate in training programs for facility personnel, including orientation of direct-care personnel in how they may help to further the religious programs for residents;

"(5) participate in training programs for community clergy, theological students, and others;

"(6) become involved with community clergy, and with religious and other groups, in their concerns for the spiritual care of the retarded;

"(7) promote public understanding and acceptance of the retarded; and

"(8) participate in their own faith group meetings, as required to maintain their standing.

"(f) There shall be available sufficient, appropriately qualified personnel, which may include clergy or religious leaders, religious educators, volunteers, and clerical and supporting personnel, to carry out the various religious programs—

"(1) religious services to residents shall be under the direction of a person who, in keeping with the size and nature of the facility, may be one of the following:

"(A) a chaplain certified for work with the mentally retarded by a recognized certifying agency;

"(B) a clergyman or religious leader in good standing in his religious body;

"(C) a religious educator; or

"(D) a responsible person, who secures the services of qualified persons in carrying out the worship and education aspects of the program;

"(2) chaplains serving residential facilities for the retarded, on a full- or part-time basis, should—

"(A) be clergymen or religious leaders in good standing in their religious bodies; or

"(B) be endorsed or assigned by their recognized religious bodies; or

"(C) have B.A. and B.D. degrees, or their equivalents; and

"(D) be certified for work with the mentally retarded by a recognized certifying agency;

"(3) professional religious educators serving residential facilities for the retarded, on a full- or part-time basis, should—

"(A) be endorsed or assigned by their recognized religious bodies; or

"(B) have a bachelor's degree, or its equivalent; and

"(C) be certified for work with the mentally retarded by a recognized certifying agency;

"(4) nonprofessional religious services personnel, including volunteers, should—

"(A) be screened for ability to perform their assigned duties;

"(B) be oriented to, and trained for, their assignments; and

"(C) be provided ongoing supervision by a clergyman, religious leader, or religious educator of the respective faith.

"(g) Appropriate to the size of the facility, there shall be an educational program designed to enhance the competencies of religious services personnel, through means such as:

"(1) staff meetings and inservice training;

"(2) seminars, workshops, conferences, and institutes;

"(3) college and university courses;

"(4) participation in professional organizations;

"(5) participation in interdisciplinary groups;

"(6) visits to other facilities;

"(7) access to relevant professional literature; and

"(8) religious services personnel should have access to qualified and appropriate consultation, as needed.

"(h) Religious services personnel should be encouraged, when possible, to involve themselves in activities such as—

"(1) offering clinical pastoral education programs;

"(2) providing educational experiences for students;

"(3) developing innovative religious education materials;

"(4) developing innovative worship services;

"(5) conducting specific research and development projects; and

"(6) exploring and expanding citizen advocacy programs.

"(i) Residents shall have access to places appropriate for worship and religious education that are adequate to meet the needs of all. Religious services personnel shall be provided with office and other space, equipment, and supplies adequate to carry out an effective program.

"Subchapter XIII—Social Services

"Sec. 1174. (a) Social services shall be available to all residents and their families, in order to foster and facilitate—

"(1) maximum personal and social development of the resident;

"(2) positive family functioning; and

"(3) effective and satisfying social and community relationships.

"(b) Social services shall be provided, directly and indirectly, to—

"(1) the resident;

"(2) his family;

"(3) individuals or groups who represent different aspects of the social environment of the resident; and

"(4) the community.

"(c) Consumers and their representatives, including residents, families, other disciplines, and community groups, shall participate in the planning and evaluation of social service programs. Social services as part of an interdisciplinary spectrum of services, shall be provided through the use of social work methods directed toward—

"(1) maximizing the social functioning of the resident;

"(2) enhancing the coping capacity of his family;

"(3) modifying environmental influences leading to, or aggravating, mental retardation;

"(4) increasing public understanding and acceptance of mental retardation and its associated problems;

"(5) creating a favorable climate to assist each retarded person to achieve as nearly normal living as is possible for him;

"(6) asserting and safeguarding the human and civil rights of the retarded and their families; and

"(7) fostering the human dignity and personal worth of each resident.

"(d) Social services available to the facility should include, as appropriate—

"(1) preadmission evaluation and counseling, with referral to, and use of, other community resources, as appropriate;

"(2) psychosocial assessment of the individual resident and his environment, as a basis for formulating an individual treatment plan;

"(3) implementation of an individual social work treatment plan for the resident and his family;

"(4) planning for community placement, discharge, and followup;

"(5) participation in policy and program development within the facility in relation to—

"(A) the residents' psychosocial needs and development;

"(B) serving the families of the resident;

"(C) use of community supportive and habilitative services;

"(D) staff training and development;

"(6) consultation with, or in relation to—

"(A) programs offered by other disciplines;

"(B) administration and operation of the facility;

"(C) agencies and individuals in the community served by the facility;

"(7) collaboration with other service delivery systems in planning and implementing programs for residents; and

"(8) participation in social work and interdisciplinary program evaluation and research.

"(e) During the evaluation process, which may or may not lead to admission, the resident and his family should be helped by social workers to—

"(1) know the rights and services to which they are entitled, including the means of directing their appeals to the proper sources;

"(2) obtain advocacy on their behalf if rights and services are denied them; and

"(3) consider alternative services, based on the retarded person's status and salient family and community factors, and make a responsible choice as to whether and when residential placement is indicated.

"(f) During the preadmission process, the resident and his family should be helped by social workers to—

"(1) cope with problems of separation inherent in placement;

"(2) initiate planning for the resident's return to his family and/or community;

"(3) begin involving themselves as partners with the residential facility staff in developing a treatment/habilitation plan;

"(4) become oriented to the practices and procedures of the facility; and

"(5) share information about themselves that will provide the facility's staff with maximum understanding of their situation, so that effective services can be delivered.

"(g) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of initiation, monitoring, and followup of individualized habilitation programs.

"(h) During the retarded person's admission to, and residence in, the facility, or while he is receiving services from the facility, social workers shall provide liaison between him, the facility, the family, and the community, so as to:

"(1) help the resident to—

"(A) cope with problems accompanying separation from family and community;

"(B) learn the roles and use the resources that will enable him to maximize his development;

"(C) participate in programs, in accordance with his individual treatment plan, that will maximize his ability for independent living, or in or out of the residential facility;

"(2) help the staff to—

"(A) individualize and understand the needs of the resident and his family in relation to each other;

"(B) understand social factors in the resident's day-to-day behavior, including staff-resident relationships;

"(C) prepare the resident for changes in his living situations;

"(3) help the family to develop constructive and personally meaningful ways to support the resident's experience in the facility through—

"(A) counseling concerned with problems associated with changes in family structure and functioning;

"(B) utilization of the family's and the resident's own strengths and resources;

"(C) referral to specific services, as appropriate; and

"(4) help the family to participate in planning for the resident's return to home or other community placement.

"(i) After the resident leaves the facility, social workers shall provide systematic followup, including—

"(1) counseling with the resident;

"(2) counseling with family, employers, and other persons significant to the resident's adjustment in the community; and

"(3) referral to appropriate community agencies.

"(j) Social services shall help to integrate residential and other community services, through—

"(1) providing liaison between the residential facility and the community;

"(2) providing consultation to community agencies to facilitate the identification of needed resources for the retarded and his family;

"(3) interpreting the residential facility and its program to relevant sectors of the community;

"(4) collaborating with other disciplines to help the community develop appropriate resources; and

"(5) involvement with social policy issues that affect the retarded.

"(k) Social services shall develop and maintain comprehensive, current records, useful for its own programs and those of other services. There shall be available sufficient, appropriately qualified staff and necessary supporting personnel to carry out the various social service activities.

"(1) The facility should have available to it a social worker who—

"(A) has a master's or doctoral degree from an accredited school of social work;

"(B) has had three years of post-master's experience in the field of social welfare;

"(C) meets the educational and experiential qualifications for certification by the Academy of Certified Social Workers; and

"(D) is knowledgeable and experienced in mental retardation.

"(2) A social worker having the qualifications specified in subsection (k)(1) shall be designated as being responsible for maintaining standards of professional practice in the rendering of social services to the facility, and for staff development.

"(3) Social workers providing service to the facility shall—

"(A) have a master's degree from an accredited school of social work; or

"(B) meet the educational qualifications required for full membership in the National Association of Social Workers and shall have had three years of experience in the field of social welfare.

"(4) Social work assistants or aides employed by the facility shall work under the supervision of a social worker having the qualifications specified in subsection (k)(3).

"(5) Social service personnel, at all levels of experience and competence, shall be—

"(A) assigned responsibilities in accordance with their qualifications;

"(B) delegated authority commensurate with their responsibilities; and

"(C) provided appropriate professional social work supervision.

"(6) A full-time supervisor should be responsible for the direct supervision of not more than six staff members, plus related activities.

"(7) All social service personnel shall be familiar with, and adhere to, the code of ethics of the National Association of Social Workers.

"(1) Appropriate to the size of the facility's social service program, an ongoing program of staff development shall be provided to improve the skills of the social work staff through such means as—

"(1) inservice training;

"(2) affiliation with schools of social work;

"(3) staff consultation with specialists, as needed, to improve social services to residents;

"(4) conference attendance, and other educational opportunities and forms of professional exchange; and

"(5) career ladders and other incentives to staff recruitment and development.

"(m) Space, facilities, equipment, supplies, and resources shall be adequate for providing effective social services, including—

"(1) offices for social service and clerical staff;

"(2) private interviewing rooms;

"(3) rooms suitable for conferences and group activities;

"(4) dictating and transcribing equipment;

"(5) telephone service;

"(6) travel provisions;

"(7) provision for recordkeeping and information retrieval; and

"(8) library services.

"Subchapter XVI—Speech Pathology and Audiology Services

"SEC. 1175. (a) Speech pathology and audiology services shall be available, in order to—

"(1) maximize the communication skills of all residents; and

"(2) provide for the evaluation, counseling, treatment, and rehabilitation of those residents with speech, hearing and/or language handicaps.

"(b) The specfic goals of speech pathology and audiology services shall be—

"(1) appropriate to the needs of the residents served;

"(2) consistent with the philosophy and goals of the facility;

"(3) consistent with the services and resources offered by the facility; and

"(4) known to, and coordinated with, other services provided by the facility.

"(c) Speech pathology and audiology services shall be rendered through—

"(1) direct contact between speech pathologists and audiologists and residents;

"(2) participation with administrative personnel in designing and maintaining social and physical environments that maximize the communication development of the residents; and

"(3) working with other personnel, such as teachers and direct-care staff, in implementing communication improvement programs in environmental settings.

"(d) Speech pathology and audiology services available to the facility shall include, as appropriate—

"(1) audiometric screening of—

"(A) all new residents;

"(B) children under the age of ten, at annual intervals;

"(C) other residents at regular intervals;

"(D) any resident referred;

"(2) speech and langauge screening of—

"(A) all new residents;

"(B) children under the age of ten at annual intervals;

"(C) all residents, as needed;

"(3) comprehensive audiological assessment of residents, as indicated by screening results, to include tests of pure-tone air and bone conduction, speech audiometry, and other procedures, as necessary, and to include assessment of the use of visual cues;

"(4) assessment of the use of amplification;

"(5) provision for procurement, maintenance, and replacement of hearing aids, as specified by a qualified audiologist;

"(6) comprehensive speech and language evaluation of residents, as indicated by screening results, including appraisal of articulation, voice, rhythm, and language;

"(7) participation in the continuing interdisciplinary evaluation of individual residents for purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(8) treatment services, interpreted as an extension of the evaluation process, that include—

"(A) direct counseling with residents;

"(B) speech and language development and stimulation through daily living activities;

"(C) consultation with classroom teachers for speech improvement and speech education activities;

"(D) direct contact with residents to carry on programs designed to meet individual needs in comprehension (for example, speech reading, auditory training, and hearing aid utilization) as well as expression (for example, improvement in articulation, voice, rhythm, and language);

"(E) collaboration with appropriate educators and librarians to develop specialized programs for developing the communication skills of multiple handicapped residents, such as the deaf retarded and the cerebral palsied;

"(9) consultation with administrative staff regarding the planning of environments that facilitate communication development among residents in—

"(A) living areas;

"(B) dining areas;

"(C) educational areas;

"(D) other areas, where relevant;

"(10) participation in inservice training programs for direct-care and other staff;

"(11) training of speech pathology and audiology staff;

"(12) training of speech pathology and audiology graduate and/or undergraduate students, interns, supportive staff, and volunteer workers;

"(13) consultation with, or relating to—

"(A) residents (for example, self-referral);

"(B) parents of residents;

"(C) medical (octological, pediatric, and so forth), dental, psychological, educational and other services;

"(D) the administration and operation of the facility;

"(E) the community served by the facility; and

"(14) program evaluation and research.

"(e) Comprehensive evaluations in speech pathology and audiology shall consider the total person and his environment. Such evaluations should—

"(1) present a complete appraisal of the resident's communication skills;

"(2) evidence concern for, and evaluation of, conditions extending beyond observed speech, language, and hearing defects;

"(3) consider factors in the history and environment relevant to the origins and maintenance of the disability;

"(4) consider the effect of the disability upon the individual and the adjustments he makes to the problem as he perceives it; and

"(5) consider the reaction of the resident's family, associates, and peers to the speech and/or hearing problem.

"(f) Evaluation and assessment results shall be reported accurately and systematically, and in such manner as to—

"(1) define the problem to provide a basis for formulating treatment objectives and procedures;

"(2) render the report meaningful and useful to its intended recipient and user;

"(3) where appropriate, provide information useful to other staff working directly with the resident;

"(4) conform to acceptable professional standards, provide for intraindividual and interindividual comparisons, and facilitate the use of data for research and professional education; and

"(5) provide evaluative and summary reports for inclusion in the resident's unit record.

"(g) Treatment objectives, plans, and procedures shall—

"(1) be based upon adequate evaluation and assessment;

"(2) be based upon a clear rationale;

"(3) reflect consideration of the objectives of the resident's total habilitation program;

"(4) be stated in terms that permit the progress of the individual to be assessed;

"(5) provide for periodic evaluation of the resident's response to treatment and of treatment effectiveness;

"(6) provide for revision of objectives and procedures as indicated; and

"(7) provide for assistance or consultation when necessary.

"(h) Continuing observations of treatment progress shall be—

"(1) recorded accurately, summarized meaningfully, and communicated effectively; and

"(2) effectively utilized in evaluating progress.

"(i) There shall be established procedures for evaluating and researching the effectiveness of speech pathology and audiology services, including—

"(1) utilization of adequate records concerning residents' response and progress;

"(2) time schedules for evaluation that are appropriate to the service being evaluated;

"(3) provision for using evaluation results in program planning and development;

"(4) encouragement of speech pathology and audiology staff to participate in research activities; and

"(5) provision for dissemination of research results in professional journals.

"(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives—

"(1) A speech pathologist or audiologist, who is qualified as specified in paragraph (2) of this subsection, and who, in addition, has had at least three years of professional experience, shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of speech pathology and audiology services in the facility.

"(2) Staff who assume independent responsibilities for clinical services shall possess the educational and experiential qualifications required for a Certificate of Clinical Competence issued by the American Speech and Hearing Association (ASHA) in the area (speech pathology or audiology) in which they provide services.

"(3) Staff not qualified for ASHA certification shall be provided adequate, direct, active, and continuing supervision by staff qualified for certification in the area in which supervision is rendered.

"(A) Supervising staff shall be responsible for the services rendered by uncertified staff under their supervision.

"(B) Adequate, direct, and continuing supervision shall be provided nonprofessionals, volunteers, or other supportive personnel utilized in providing clinical services.

"(4) Students in training and staff fulfilling experience requirements for ASHA certification shall receive direct supervision, in accordance with the requirements of the American Boards of Examiners in Speech Pathology and Audiology.

"(5) All speech pathology and audiology staff shall be familiar with, and adhere to, the code of ethics published by the American Speech and Hearing Association.

"(k) Appropriate to the nature and size of the facility and to the speech pathology and audiology service, there shall be a staff development program that is designed to maintain and improve the skills of speech pathology and audiology staff, through methods such as—

"(1) regular staff meetings;

"(2) an organized inservice training program in speech pathology and audiology;

"(3) visits to and from the staff of other facilities and programs;

"(4) participation in interdisciplinary meetings;

"(5) provision for financial assistance and time for attendance at professional conferences;

"(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation of work schedules;

"(7) workshops and seminars;

"(8) consultations with specialists; and

"(9) access to adequate library resources, which include current and relevant books and journals in speech pathology and audiology, mental retardation, and related professions and fields.

"(l) Space, facilities, equipment, and supplies shall be adequate for providing efficient and effective speech pathology and audiology services, in accordance with stated objectives, including—

"(1) adequate and convenient evaluation, treatment, counseling, and waiting rooms;

"(2) specially constructed and sound-treated suites for audiological services, meeting U.S.A.S.I. standards;

"(3) design and location such as to be easily accessible to all residents, regardless of disability;

"(4) specialized equipment needed by the speech pathologist;

"(5) specialized equipment needed by the audiologist, including an audiometer, with provisions for sound field audiometry, and equipment capable of performing at least the following procedures: hearing screening, pure-tone air and bone conduction with contralateral masking, speech audiometry, site-of-lesion battery, nonorganic hearing loss battery, and hearing aid evaluation;

"(6) provisions for adequate maintenance of all areas, facilities, and equipment, including—

"(A) electroacoustic calibration of audiometers at regular, at least quarterly, inter vals;

"(B) calibration logs on all audiometers; and

"(7) appropriate speech pathology and audiology consultation shall be employed in the design, modification, and equipage of all speech pathology and audiology areas and facilities.

"Subchapter XV—Vocational Rehabilitation Services

"SEC. 1176. (a) The facility shall provide all its residents with habilitation or rehabilitation services, which includes the establishment, maintenance, and implementation of those programs that will ensure the optimal development or restoration of each resident, physically, psychologically, socially, and vocationally—

"(1) The facility shall have a written, public statement of its rehabilitation objectives for its residents, consistent with—

"(A) the needs of its residents;

"(B) currently accepted rehabilitation principles and goals;

"(C) the facility's philosophy and goals; and

"(D) the services and resources the facility offers.

"(2) While the habilitation/rehabilitation concept and process embrace all efforts to achieve the optimal development of each resident, specific habilitation/rehabilitation services shall focus on the maximum achievement of—

"(A) self-help skills;

"(B) social competence, including communications skills;

"(C) vocational competence; and

"(D) independent living.

"(b) The ultimate objective of vocational rehabilitation services shall be to assist every resident to move as far as he can along the continuum from vocational afunction to remunerative employment and entry into the mainstream of society as an independent citizen and worker. Vocational rehabilitation services shall be rendered—

"(1) directly, through personnel contact between vocational rehabilitation personnel and residents; and

"(2) indirectly, through contact between vocational rehabilitation personnel and other persons working with the residents, designed to enhance and facilitate the development and maintenance of a rehabilitative environment.

"(c) Vocational rehabilitation services available to the residents, in accordance with their needs, shall include—

"(1) vocational evaluation;

"(2) the formulation of written vocational objectives for each resident;

"(3) the formulation of a written plan to achieve the stated objectives;

"(4) implementation of the vocational plan through—

"(A) individual counseling;

"(B) prevocational programs;

"(C) vocational training;

"(D) vocational placement;

"(E) referral to appropriate sources for other services; and

"(F) followup.

"(d) Vocational evaluation of each resident shall—

"(1) be initiated within one month after admission to the facility;

"(2) arise out of a written comprehensive interdisciplinary evaluation (medical, psychological, social, and educational) that generates data relevant to vocational objectives and goals, such as information concerning—

"(A) aptitudes and abilities;

"(B) self-help and independent living skills;

"(C) interests;

"(D) self and vocational perception;

"(E) sensorimotor coordination;

"(F) communication skills;

"(G) current social adjustment;

"(H) educational history; and

"(I) vocational and avocational history;

"(3) be adequate for the formulation of vocational goals and a detailed plan for the achievement of such goals;

"(4) be adequate for the assessment of current vocational status and for the prediction of possible future status; and

"(5) provide for periodic, but at least semiannual, reevaluation, consistent with the progress of the resident toward the stated goals.

"(e) The written vocational plan for each resident shall—

"(1) be consistent with the vocational evaluation;

"(2) specify the program to be undertaken to achieve his vocational objectives;

"(3) indicate the order in which the program is to be undertaken;

"(4) provide for the implementation of the evaluation team's recommendations; and

"(5) assign the responsibility to carry out the plan.

"(f) The resident shall be fully involved in his vocational evaluation, and in the formulation of his program plan. Prevocational services shall contribute to the development of work readiness in the resident, and shall provide—

"(1) vocationally relevant academic instruction;

"(2) instruction in the self-help and social skills necessary for vocational success;

"(3) instruction and practice in the social skills necessary for maximally independent functioning in the community, such as travel, handling of money, and use of community resources;

"(4) an orientation to the world of work;

"(5) development of work attitudes needed for vocational success;

"(6) rotated exploration and try-out of job tasks;

"(7) continuous evaluation of vocational potential; and

"(8) any necessary supportive services, including physical and mental restoration.

"(g) Vocational training programs shall meet all applicable legal requirements, and shall be provided through means such as:

"(1) work training stations;

"(2) work activity centers;

"(3) transitional sheltered workshops;

"(4) work-study programs;

"(5) on-the-job training;

"(6) trade training, in the classroom or on the job;

"(7) vocational training programs shall—

"(A) provide for an evaluation of training progress at least every three months;

"(B) make maximum use of job training resources—

"(i) within the facility;

"(ii) within the community;

"(8) facilities conducting vocational training programs shall have vocational training personnel assigned, in such numbers and for such times as are necessary and appropriate to the situation, to supervise the training in each training area; and

"(9) written, detailed training guides and curricula shall be available for all vocational training areas.

"(h) Job placement services shall assist the individual to enter into appropriate kinds of employment, such as:

"(1) competitive, remunerative employment;

"(2) trade training programs;

"(3) transitional or extended sheltered workshops;

"(4) sheltered employment;

"(5) homebound employment;

"(6) homemaker; and

"(7) in conjunction with job placement services, the individual shall be provided assistance related to off-the-job needs, activities, and resources, such as—

"(A) living arrangements;

"(B) social and recreation activities;

"(C) medical services;

"(D) educational resources;

"(E) religious activities;

"(F) transportation;

"(G) legal affairs;

"(H) financial affairs; and

"(I) counseling.

"(i) Systematic follow-up services shall be provided that—

"(1) continue to be available to the individual for at least one year following placement;

"(2) involve contact with—

"(A) the individual;

"(B) the individual's family or family-substitute; and

"(C) The individual's employer, if appropriate;

"(3) generate data concerning vocational outcomes to evaluate and improve the effectiveness of vocational rehabilitation programs.

"(j) There shall be a clearly designated person or team responsible for the implementation, evaluation, and revision of the facility's vocational rehabilitation program.

"(1) There shall be available to each resident in a vocational rehabilitation program a counselor who is responsible for seeing that the resident's vocational rehabilitation program is effectively carried out.

"(2) A vocational rehabilitation counselor shall—

"(A) have a master's degree in rehabilitation counseling, or a master's degree in a related area plus training and skill in the vocational rehabilitation process; or

"(B) have a bachelor's degree and work under the direct supervision of a person qualified as in (A).

"(3) Vocational rehabilitation personnel providing training to residents in vocational areas shall be—

"(A) vocational instructors certified by the appropriate state agency; or

"(B) tradesmen who have attained at least journeyman status.

"(k) Appropriate to the nature and size of the facility, provisions shall be made for vocational rehabilitation staff development, through such means as—

"(1) inservice training;

"(2) short-term workshops;

"(3) seminars;

"(4) attendance at conferences; and

"(5) visits to other facilities.

"(l) Every facility that has a vocational rehabilitation program shall seek to establish working relationships with public and private rehabilitation agencies in the community. Each facility should have working relationships with university training programs in rehabilitation, including provision for—

"(1) research opportunities;

"(2) practicum experiences;

"(3) internships and

"(4) consultation.

"Subchapter XVI—Volunteer Services

"SEC. 1177. (a) Volunteer services shall be provided in order to enhance opportunities for the fullest realization of the potential of each resident by—

"(1) increasing the amount, and improving the quality, of services and programs; and

"(2) facilitating positive relationships between the facility and the community which it serves.

"(b) The facility shall have a written statement of the goals and objectives of its volunteer services program that are—

"(1) appropriate to the needs of the residents;

"(2) consistent with the philosophy and goals of the facility;

"(3) developed in collaboration with the facility's staff;

"(4) specific and measurable; and

"(5) continuously assessed and periodically revised.

"(c) Volunteers shall provide services, which may be direct or indirect, that are based on resident needs, staff requests, and volunteer skills, and that enhance programs, develop social competence, and build self-esteem—

"(1) volunteer services shall supplement, but shall not be used in lieu of, the services of paid employees;

"(2) volunteer participation shall comply with State laws, such as those relating to labor and insurance;

"(3) volunteer participation shall be open to persons of both sexes, and of all ages, races, creeds, and national origins; and

"(4) volunteer services shall be available to all residents, regardless of age, ability, or handicaps.

"(d) Direct services provided to residents by volunteers, as appropriate to the facility's program and in cooperation with its staff, may include, but are not limited to—

"(1) physical, occupational, and music therapy assistance;

"(2) psychological testing assistance;

"(3) behavior modification and programed instruction assistance;

"(4) teacher or classroom assistance;

"(5) religious instruction;

"(6) recreation and leisure time activities;

"(7) social skills development;

"(8) library services;

"(9) nursing services;

"(10) transportation and escort assistance;

"(11) visits, vacations, and trips;

"(12) job and home finding; and

"(13) citizen advocacy.

"(e) Indirect services provided by volunteers, as appropriate to the facility's program and in cooperation with its staff, may include, but are not limited to—

"(1) conducting tours;

"(2) clerical and laboratory assistance;

"(3) gift shop and canteen operation;

"(4) public relations and community education; and

"(5) contributions.

"(f) Volunteer services staff should provide the following services—

"(1) to the facility's staff—

"(A) orientation in the need for, and philosophy of, volunteer services;

"(B) identification of how and where volunteers can be utilized; and

"(C) assistance in developing training for volunteers;

"(2) to the volunteers—

"(A) orientation, training, and placement;

"(B) opportunities to participate in planning and evaluating their experiences; and

"(C) appropriate recognition of their services and contributions.

"(g) Volunteer services staff functions shall include—

"(1) development and implementation of a plan for recruitment, selection, deployment, orientation, training, supervision, evaluation, recognition, advancement, and separation of volunteers;

"(2) development, in collaboration with appropriate staff, of job descriptions for volunteers;

"(3) maintenance of complete and accurate records, including, not necessarily limited to—

"(A) hours of volunteer service rendered;

"(B) individuals and organizations providing services;

"(C) materials and moneys received; and

"(D) operational budget.

"(h) The staff members responsible for facility programs utilizing volunteers shall be responsible for providing such volunteers with on-the-job training, supervision, and consultation.

"(i) The cooperation and involvement of staff and community, which is essential to a successful volunteer services program, should be achieved by means such as—

"(1) a standing staff committee on volunteer services, to foster communications and cooperation, to evaluate and coordinate existing programs, and to stimulate new programs;

"(2) a volunteer services advisory committee, composed of representatives of appropriate community organizations;

"(3) encouragement of, and involvement with, parents groups;

"(4) collaboration with appropriate agencies and community groups; and

"(5) recruiting volunteers representative of the community served by the facility, in respect of age, sex, socioeconomic, religious, racial, and ethnic groups.

"(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the volunteer services program, in accordance with stated goals and objectives.

"(1) A facility staff member shall be designated to be responsible and accountable for volunteer services—

"(A) where the size of the facility and scope of the program warrant, the person responsible for volunteer services shall devote full time to this area;

"(B) volunteer services shall be organized within the administrative structure of the facility in such a way as to be available to, and maximally utilized by, all relevant services and programs; therefore, the staff member responsible for volunteer services should report to an individual with facility-wide administrative responsibility; and

"(C) the staff member responsible for volunteer services should have the same relationship to volunteers as a personnel officer has to paid employees.

"(2) The staff member responsible for volunteer services shall have—

"(A) the necessary interpersonal, consultative, leadership, and organizational and administrative skills and abilities;

"(B) demonstrated ability to identify, mobilize, and deploy volunteer resources to meet the needs of residents;

"(C) knowledge of community organization;

"(D) knowledge of current practices and concepts in mental retardation; and

"(E) training and/or experience in organizing and administering volunteer services, as appropriate to the nature and size of the facility, and preferably—

"(i) a baccalaureate degree in a behavioral science; and

"(ii) three years of experience in volunteer services or related area.

"(k) Appropriate to the size of the facility, there should be a staff development program designed to maintain and improve the skills of volunteer services staff, through means such as—

"(1) seminars, workshops, and conferences;

"(2) college and university courses;

"(3) participation in professional organizations;

"(4) participation in interdisciplinary groups;

"(5) visits to other facilities; and

"(6) access to relevant professional literature.

"(l) There shall be adequate and accessible space, facilities, equipment, and supplies for providing efficient and effective volunteer services. If a canteen is operated by the facility, it shall—

"(1) be operated for the benefit of the residents;

"(2) be open to residents, staff, families, and visitors, without segregation by space or hours of use, so as to facilitate interaction;

"(3) provide opportunities for residents to purchase items for their personal needs;

"(4) provide opportunities for the training of residents; and

"(5) be operated so that any profits derived are utilized for the benefit of residents.

"Chapter 4.—RECORDS

"Subchapter I—Maintenance of Residents' Records

"SEC. 1178. (a) A record shall be maintained for each resident that is adequate for—

"(1) planning and continuous evaluating of the resident's habilitation program;

"(2) providing a means of communication

among all persons contributing to the resident's habilitation program;

"(3) furnishing documentary evidence of the resident's progress and of his response to his habilitation program;

"(4) serving as a basis for review, study, and evaluation of the overall programs provided by the facility for its residents;

"(5) protecting the legal rights of the residents, facility, and staff; and

"(6) providing data for use in research and education.

"(b) All information pertinent to the above-stated purposes shall be incorporated in the resident's record, in sufficient detail to enable those persons involved in the resident's program to provide effective, continuing services. All entries in the resident's record shall be—

"(1) legible;

"(2) dated; and

"(3) authenticated by the signature and identification of the individual making the entry.

"(c) Symbols and abbreviations may be used in record entries only if they are in a list approved by the facility's chief executive officer and a legend is provided to explain them. Diagnoses should be recorded in full and without the use of symbols or abbreviations.

"Subchapter II—Content of Records

"SEC. 1179. (a) The following information should be obtained and entered in the resident's record at the time of admission to the facility:

"(1) name, date of admission, date of birth, place of birth, citizenship status, marital status, and social security number;

"(2) father's name and birthplace, mother's maiden name and birthplace, and parents' marital status;

"(3) name and address of parents, legal guardian, and/or next of kin;

"(4) sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph;

"(5) reason for admission or referral problem;

"(6) type and legal status of admission;

"(7) legal competency status;

"(8) language spoken or understood;

"(9) sources of support, including social security, veterans' benefits, and insurance;

"(10) provisions for clothing and other personal needs;

"(11) information relevant to religious affiliation;

"(12) report(s) of the preadmission evaluation(s); and

"(13) reports of previous histories and evaluations.

"(b) Within the period of one month after admission there shall be entered in the resident's record—

"(1) a report of the review and updating of the preadmission evaluation;

"(2) a statement of prognosis that can be used for programing and placement;

"(3) a comprehensive evaluation and individual program plan, designed by an interdisciplinary team; and

"(4) a diagnosis based on the American Association on Mental Deficiency (AAMD) Manual on Terminology and Classification in Mental Retardation and, where necessary, the Diagnostic and Statistical Manual of Mental Disorders, second edition (DSM-II), published by the American Psychiatric Association.

"(c) Records during residence should include—

"(1) reports of accidents, seizures, illnesses, and treatments thereof, and immunizations;

"(2) record of all periods of restraint, with justification and authorization for each;

"(3) report of regular, at least annual, review and evaluation of the program, developmental progress, and status of each resident;

"(4) observations of the resident's response to his program, recorded with sufficient frequency to enable evaluation of its efficacy;

"(5) record of significant behavior incidents;

"(6) record of family visits and contacts;

"(7) record of attendance and leaves;

"(8) correspondence;

"(9) periodic updating of the information recorded at the time of admission; and

"(10) appropriate authorizations and consents.

"(d) At the time of discharge from the facility, a discharge summary shall be prepared that should—

"(1) include a brief recapitulation of findings, events, and progress during residence, diagnosis, prognosis, and recommendations and arrangements for future programing;

"(2) be completed and entered in the resident's record within seven days following discharge; and

"(3) with the written consent of the resident or his guardian, be copied and sent to the individual or agency who will be responsible for future programing of the resident.

"(e) In the event of death—

"(1) a copy of the death certificate should be placed in the resident's record; and

"(2) when a necropsy is performed, provisional anatomic diagnoses should be recorded within seventy-two hours, where feasible, and the complete protocol should be made part of the record within three months.

"Subchapter III—Confidentiality of Records

"SEC. 1180. (a) All information contained in a resident's records, including information contained in an automated data bank, shall be considered privileged and confidential—

"(1) the record is the property of the facility, whose responsibility it is to secure the information against loss, defacement, tampering, or use by unauthorized persons;

"(2) the record may be removed from the facility's jurisdiction and safekeeping only in accordance with a court order, subpena, or statute;

"(3) there shall be written policies governing access to, duplication of, and dissemination of information from the record; and

"(4) written consent of the resident or his guardian shall be required for the release of information to persons not otherwise authorized to receive it.

"Subchapter IV—Central Record Service

"SEC. 1181. (a) The facility shall maintain an organized central record service for the collection and dissemination of information regarding residents. A centralized or decentralized system of record keeping may be used, in accordance with the needs of the facility—

"(1) there shall be a unit record that contains all information pertaining to an individual resident for all admissions to the facility;

"(2) where particular professional services require the maintenance of separate records, a summary of the information contained therein shall be entered in the unit record at stated intervals;

"(3) records shall be readily accessible to authorized personnel;

"(4) where a centralized system is used, appropriate records shall also be available in the resident-living units; and

"(5) a periodic review of the content of the records should be made by—

"(A) record personnel, to assure that they are current and complete; and

"(B) a committee of appropriate staff, including the record librarian, to assure that they meet the standards set forth in section 1177:

"(6) there shall be a master alphabetical index of all residents admitted to the facility; and

"(7) records shall be retained for the period of time specified by the facility, but at least for the period of time consistent with the statute of limitations of the State in which the facility is located.

"Subchapter V—Statistical Records

"SEC. 1182. (a) While the type and amount of statistical information will depend upon the facility's particular needs, such information should include at least the following:

"(1) number of residents by age groups, sex, race, and place of residence;

"(2) number of residents by level of retardation, according to the AAMD classification;

"(3) number of residents by level of adaptive behavior, according to the AAMD classification;

"(4) number of residents with physical disabilities;

"(5) number of residents who are ambulatory and nonambulatory (mobile and nonmobile);

"(6) number of residents with sensory defects;

"(7) number of residents with oral and other communication handicaps;

"(8) number of residents with convulsive disorders, grouped by level of seizure control;

"(9) number of residents by etiological diagnoses, according to the AAMD, and, where necessary, the DSM-II classifications;

"(10) movement of residents into, out of, and within the facility; and

"(11) length of stay.

"(b) Data shall be reported to appropriate Federal and other agencies as requested.

"Subchapter VI—Records Personnel

"SEC. 1183. (a) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to facilitate the accurate processing, checking, indexing, filing, and prompt retrieval of records and record data.

"(b) The record system should be supervised, on a full- or part-time basis, according to the needs of the facility, by an individual who—

"(1) is a registered record librarian; or

"(2) is an accredited record technician; or

"(3) has demonstrated competence and experience in administering and supervising the maintenance and use of records and reports.

"(c) Record personnel should—

"(1) be involved in educational programs relative to their activities, including orientation, on-the-job training, and regular inservice education programs; and

"(2) participate in workshops, institutes, or correspondence education courses available outside the facility.

"(d) There shall be adequate space, facilities, equipment, and supplies for providing efficient and effective record services.

"Chapter 5.—RESEARCH

"Subchapter I—Encouragement of Research

"SEC. 1184. (a) Recognizing that the understanding, prevention, and amelioration of mental retardation ultimately depends upon knowledge gained through research, the administration and staff of the facility (and, in the case of public facilities, the appropriate governmental agency) shall encourage research activity.

"(1) opportunities and resources should be made available to members of the staff who are equipped by interest and training to conduct applied and/or basic research. Research resources and/or necessary research assistance should be made available to all staff members who have identified researchable problems related to the programs for which they are responsible;

"(2) research by qualified investigators who are not staff members of the facility shall be encouraged. There shall be a written policy concerning the conduct of research in the facility by investigators who are not staff members. Outside researchers shall fulfill the same obligations relative to staff information and feedback as do facility staff members. Consideration should be given to the assignment of a facility staff member to each research project conducted by outside investigators; and

"(3) where feasible, there shall be ongoing, cooperative programs of research and research training with colleges, universities, and research agencies.

"(b) The administration of the facility shall make provision for the design and conduct, or the supervision, of research that will objectively evaluate the effectiveness of program components and contribute to informed decisionmaking in the facility.

"Subchapter II—Review of Research Proposals

"Sec. 1185. (a) An interdisciplinary research committee shall review all proposed studies to insure—

"(1) adequacy of research design; and

"(2) implementation of ethical standards in the design.

"(b) Facility staff members shall be consulted regarding the planning of research and the utilization of research findings in their areas of competence and interest.

"Subchapter III—Conduct of Research

"Sec. 1186. (a) The facility shall follow, and comply with, the appended Statement on the Use of Human Subjects for Research of the American Association on Mental Deficiency, and with the statement of assurance on research involving human subjects required by the United States Department of Health, Education, and Welfare for projects supported by that Agency.

"(b) Investigators and others directly involved in the research shall—

"(1) adhere to the ethical standards of their professions concerning the conduct of research; and

"(2) have access to the record of informed consent.

"Subchapter IV—Reporting Research Results

"Sec. 1187. (a) The principal investigator of each research project shall be responsible for communicating to the staff of the facility the purpose, nature, outcome, and possible practical or theoretical implications of the research. Copies of the reports resulting from research projects shall be maintained in the facility.

"(b) Where research findings are made public, care shall be taken to assure the anonymity of individual residents and parents.

"(c) Clearly defined mechanisms shall exist for informing staff members of new research findings that have applicability to the programs and administration of the facility. There shall be evidence that currently applicable research results are being implemented in the facility's programs.

"Chapter 6.—SAFETY AND SANITATION

"Subchapter I—Safety

"Sec. 1188. (a) The requirements of the Secretary shall be met, with specific reference to the following—

"(1) provision of adequate and alternate exits and exit doors;

"(2) provision of exit ramps, with nonskid surface and slope not exceeding one foot in twelve; and

"(3) provision in handrails on stairways.

"(b) There shall be records that document strict compliance with the regulations of the state or local fire safety authority that has primary jurisdiction over the facility—

"(1) aisles and exits shall be free from all encumbrances and floors shall be uncluttered;

"(2) flammable materials shall be properly stored and safeguarded;

"(3) attics and basements shall be kept orderly and free of rubbish; and

"(4) there shall be records of periodic fire safety inspections and reports.

"(c) There shall be a written staff organization plan and detailed, written procedures, which are clearly communicated to, and periodically reviewed with, staff, for meeting all potential emergencies and disasters pertinent to the area, such as fire, severe weather, and missing persons.

"(1) The plans and procedures should include—

"(A) plans for the assignment of personnel to specific tasks and responsibilities;

"(B) instructions relating to the use of alarm systems and signals;

"(C) information concerning methods of fire containment;

"(D) systems for notification of appropriate persons;

"(E) information concerning the location of firefighting equipment; and

"(F) specification of evacuation routes and procedures.

"(2) the plans and procedures shall be posted at suitable locations through the facility.

"(d) Evacuation drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to—

"(1) insure that all personnel on all shifts are trained to perform assigned tasks;

"(2) insure that all personnel on all shifts are familiar with the use of the firefighting equipment in the facility;

"(3) evaluate the effectiveness of disaster plans and procedures;

"(4) evacuation drills shall include actual evacuation of residents to safe areas during at least one drill each year, on each shift. There shall be special provisions for the evacuation of the physically handicapped, such as fire chutes and mattress loops with poles; and

"(5) there shall be a written, filed report and evaluation of each evacuation drill.

"(e) An active safety program shall be maintained by a multidisciplinary safety committee that investigates all accidents and makes recommendations for prevention. Records of the activities of the safety committee shall be kept. There shall be adequate safety shields on the moving parts of all dumb waiters, elevators, and other machinery, as provided for in applicable standards and codes.

"(f) All buildings and outdoor recreation facilities constructed after 1971 shall be accessible to, and usable by, the nonambulatory and shall meet standards of the Secretary for making buildings accessible to, and usable by, the physically handicapped—

"(1) all existing buildings and outdoor recreation facilities shall be modified so as to conform to the above standards by December 31, 1976; and

"(2) existing facilities shall provide—

"(A) entrance ramps wide enough for wheelchairs, not exceeding a rise of one foot in twelve, with nonslip surfaces, and with rails on both sides;

"(B) doorways and corridors wide enough for wheelchairs; and

"(C) grab bars in toilet and bathing facilities.

"(g) Paint used in the facility shall be lead free. Old paint or plaster containing lead shall have bene removed, or covered in such manner that it is not accessible to residents.

"(h) Appropriate provisions shall be made for emergency auxiliary heat by means of alternate sources of electric power, alternate fuels, and/or standby equipment.

"Subchapter II—Sanitation

"Sec. 1189. (a) There shall be records that document strict compliance with the sanitation, health, and environmental safety codes of the State or local authorities having primary jurisdiction over the facility. Written reports of inspections by State or local health authorities, and records of action taken on their recommendations, shall be kept on file at the facility.

"(b) The holding, transferring, and disposal of waste and garbage shall be done in a anner that will not create a nuisance,: nor permit the transmission of disease, nor create a breeding place for insects or rodents—

"(1) waste that is not disposed of by mechanical means shall be—

"(A) kept in leakproof, nonabsorbent containers with close-fitting covers; and

"(B) disposed of daily.

"(2) containers shall be thoroughly cleaned inside and out, each time they are emptied; and

"(3) impervious plastic liners should be used.

"(c) Handwashing facilities shall be abailable in, or immediately adjacent to—

"(1) bathrooms;

"(2) toilet rooms;

"(3) sleeping areas; and

"(4) kitchens.

"(d) There shall be adequate insect screens on all windows and doors, where needed and adequate janitorial equipment and storage space in each unit of the facility.

"Chapter 7.—ADMINISTRATIVE SUPPORT SERVICES

"Subchapter I—Functions, Personnel, and Facilities

"Sec. 1190. (a) Adequate, modern administrative support shall be provided to efficiently meet the needs of, and contribute to, program services for residents, and to facilitate attainment of the goals and objectives of the facility. Such support shall make available a variety of resources, which may include, but need not be limited to, the following kinds of services; clerical, communication, dietary, financial, housekeeping, laundry, personnel, physical plant, records, safety and security, and supply and purchasing.

"(b) Administrative support functions should be directed by a qualified administrator, trained and experienced to provide skilled and efficient coordination of these services, to adequately meet the facility's program objectives. In larger facilities, provision may be made for both executive direction, via a chief executive officer (superintendent, director, and so forth), and administration of support services (via a business manager, and so forth). In smaller facilities, a single person may provide both program direction and administration of support services—

"(1) the administrator of support services should—

"(A) have at least a baccalaureate degree and three years of experience in a responsible and relevant administrative position; or

"(B) have completed formal graduate education in health administration or its equivalent.

"(2) all administrative support personnel shall have sufficient understanding and appreciation of the nature and behavior of the mentally retarded resident, to assure that each employee's work and his relations to the residents contribute positively to their welfare.

"(c) There shall be adequate office space, facilities, equipment, and supplies for the efficient conduct of all administrative support functions.

"Subchapter II—Fiscal Affairs

"Sec. 1191. (a) Funds shall be budgeted and spent in accordance with the principles and procedures of program budgeting.

"(1) the budget requests submitted by the facility shall—

"(A) adequately reflect the program

needs of the residents, as developed by program staff; and

"(B) be adequately documented and interpreted.

"(2) budget preparation shall be the product of team management;

"(3) budget preparation and implementation shall include active participation of professional team members;

"(4) budget development shall include incorporation of effectiveness meaures; and

"(5) there shall be sufficient latitude to permit rebudgeting of funds in response to changing program needs, and in accordance with the principles and procedures of program budgeting.

"(b) Individuals acting on the facility's budget requests (board members, State budget officials, members of appropriations committees, and so forth) should have firsthand knowledge of its operation and needs, obtained by regular visitation and observation of its programs.

"(c) Budget performance reports shall be prepared at appropriate intervals and submitted to those individuals participating in budgeting and management responsibilities.

"(d) Funds for community (that is, nonresidential) programs and services shall not be included in computing the per capita (that is, per resident) cost of operation. The per capita expenditure for residential services, divided by the cost of living index for the State or area, should compare favorably with the same ratio for the Nation as a whole, that is, come within 90 per centum of the Nation as a whole or, preferably, exceed 100 per centum. Maintenance expenditures should be at least the same as would be required by age peers in the community.

"(e) There shall be a formal system of internal control in handling the fiscal affairs of the facility. The facility shall have an adequate 'responsibility' accounting system.

"(f) A full audit of the facility's fiscal activities shall be performed regularly, preferably annually, by a qualified accountant independent of the facility.

"(g) Fiscal reports shall be prepared and communicated to the facility's public at least annually.

"(h) Facilities charging for services shall have a written schedule of rates and charge policies, which shall be available to all concerned.

"(i) Where the size of the facility's operation warrants a fiscal officer, he shall have appropriate training and experience in accounting and auditing. Sufficient accountants, account clerks, and clerk-typists shall be provided to assure maximum support to the efforts of personnel directly involved in services to resident.

"Subchapter III—Purchase, Supply, and Property Control

"SEC. 1192. (a) There shall be written purchasing policies regarding authority and approvals for supplies, services, and equipment.

"(b) There shall be adequate documentation of the purchasing process, including, where appropriate, requisitions, bids from a number of suppliers, purchase orders, and receiving reports.

"(c) The inventory control system and stockroom operation shall be adequate for—

"(1) receiving supplies;

"(2) issuing supplies as needed in programs;

"(3) maintaining necessary stock level;

"(4) establishing responsibility for stocks; and

"(5) there shall be appropriate storage facilities for all supplies and surplus equipment.

"(d) Where the size of the facility's operation warrants, the person responsible for directing purchase, supply, and property control should have had several years of progressively more responsible experience in these fields, and/or related training. There shall be sufficient trained and experienced personnel to accomplish the necessary purchase, supply, and property control functions.

"Subchapter IV—Communications

"SEC. 1193. (a) There shall be adequate communication service, including adequate telephone service, whenever residents are in the facility.

"(b) The communication system shall assure—

"(1) prompt contact of on-duty personnel; and

"(2) prompt notification of responsible personnel in the event of emergency.

"Subchapter V—Engineering and Maintenance

"SEC. 1194. (a) The facility shall have an appropriate and written preventive maintenance program.

"(b) Where the size of the facility warrants, engineering and maintenance shall be directed by an engineer who—

"(1) has had at least three years of progressively more responsible experience in institutional engineering and maintenance;

"(2) is licensed or certificated, as appropriate to the nature of the facility; and

"(3) there shall be sufficient trained and experienced personnel to accomplish the required engineering and maintenance functions.

"Subchapter VI—Housekeeping Services

"SEC. 1195. Appropriate to the size and nature of the facility, the person responsible for directing housekeeping services should have had—

(1) several years of progressively more responsible experience in this field, and/or related training;

(2) formal training in short courses or vocational schools; and

(3) experience and training in supervision and management.

"Subchapter VII—Laundry Services

"SEC. 1196. (a) Laundry services shall be managed so that—

(1) daily clothing and linen needs are met without delay; and

(2) there is minimum loss and damage to clothing.

"(b) Appropriate to the size and nature of the facility, the person responsible for directing laundry services should have had several years of progressively more responsible experience in this field, and/or related training. The person responsible for directing laundry service shall have the ability to supervise residents who work in the laundry.

"Chapter 8.—DEFINITIONS

"SEC. 1197. As used in this part the term—

"(1) 'Advocacy' means that which is done by an advocate.

"(2) 'Advocate' means an individual, whether a professional employed by a private or public agency, or a volunteer (a citizen advocate), who acts on behalf of a resident to secure both the services that the resident requires and the exercise of his full human and legal rights.

"(3) 'Ambulatory' means able to walk independently, without assistance.

"(4) 'Chief executive officer' means the individual appointed by the governing body of a facility to act in its behalf in the overall management of the facility. Job titles may include, but are not limited to, superintendent, director, and administrator.

"(5) 'Developmental disabilities' means disabilities that originate in childhood, are expected to continue indefinitely, constitute a substantial handicap to the affected individual, and are attributable to mental retardation, cerebral palsy, epilepsy, or other neurological conditions closely related to, or requiring treatment similar to that required by, mental retardation.

"(6) 'Direct-care staff' means individuals who conduct the resident-living program; resident-living staff.

"(7) 'Facility' means a residential facility for the mentally retarded.

"(8) 'Generic services' means services offered or available to the general public, as distinguished from specialized services intended only for the mentally retarded.

"(9) 'Governing board' means a group of individuals that constitutes the governing body of a facility; one form of a governing body. A governing board may be called a board of trustees, board of directors, or board of governors.

"(10) 'Governing body' means the policymaking authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

"(11) 'Guardian' means an individual who has legal control and management of the person, or of the property or estate, or of both the person and the property, of a resident. A natural guardian is a parent lawfully in control of the person of his minor child; natural guardianship terminates when the child attains his majority. A legal guardian is one appointed by a court. A guardian of the person is one appointed to see that the resident has proper care and protective supervision in keeping with his needs. A guardian of the property is one appointed to see that the financial affairs of the resident are handled in his best interests. A guardian ad litem is one appointed to represent a resident in a particular legal proceeding, without control over either the resident's person or his estate. A public guardian is a public official empowered to accept court appointment as a legal guardian. A testamentary guardian is one designated by the last will and testament of a natural guardian.

"(12) 'Legal incompetence' means the legal determination that a resident is unable to exercise his full civil and legal rights, and that a guardian is required.

"(13) 'Living unit' means a resident-living unit that includes sleeping, dining, and activity areas.

"(14) 'Mobile nonambulatory' means unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheel chairs, wheeled platforms, and so forth.

"(15) 'Nonambulatory' means unable to walk independently, without assistance.

"(16) 'Nonmobile' means unable to move from place to place.

"(17) 'Normalization principle' means the principle of letting the mentally retarded 'obtain an existence as close to the normal as possible,' making available to them 'patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society.' Specifically, 'the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible.'

"(18) 'Public financial support programs' include, but are not limited to, services for crippled children; aid to the disabled, old age, survivors, and disability insurance, and other benefits available under the Social Security Act; and benefits administered by the Veterans' Administration.

"(19) 'Resident' means the general term used in the standards to refer to an individual who receives service from a residential facility, whether or not such individual is actually in residence in the facility. The term thus includes individuals who are being considered for residence in a facility, individuals who were formerly in residence in a facility, and individuals who are receiving services other than domiciliary from a facility. (A residential facility, on the other hand, may use the term 'resident' to refer only to those individuals actually in residence, and may thus distinguish between resident and nonresident recipients of its services.)

"(20) 'Resident-living' means pertaining to residential or domiciliary services provided by a facility.

"(21) 'Residential facility' means a facility that provides twenty-four-hour programing services, including residential or domiciliary services, directed to enhancing the health, welfare, and development of individuals classified as mentally retarded. While the facility must provide twenty-four-hour programing for residents, in accordance with their needs, it needs not itself operate any programs or services other than residential or domiciliary.

"(22) 'Rhythm of life' means relating to the normalization principle, under which making available to the mentally retarded 'patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society' means providing a normal rhythm of the day (in respect to arising, getting dressed, participating in play and work activities, eating meals, retiring, and so forth), normal rhythm of the week (differentiation of daily activities and schedules), and normal rhythm of the year.

"(23) 'Surrogate' means an individual who functions in lieu of a resident's parents or family.

"(24) 'Time out' means time out from positive reinforcement. A behavior modification procedure in which, contingent upon the emission of undesired behavior, the resident is removed from the situation in which positive reinforcement is available.".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XII".

(b) The Act of July 1, 1944 (58 Stat. 682) is further amended by renumbering title XI (as in effect prior to the date of enactment of this Act) as title XII and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto sections 1201 through 1214 respectively.

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BILLS OF RIGHTS FOR THE MENTALLY RETARDED—SECTION-BY-SECTION ANALYSIS

The opening section of the bill states the overall general aims of the bill—to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance; to establish State plans requiring a survey of need for assistance to facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admission to residential facilities and develop strategies to stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities.

Sec. 2 of the bill presents the findings of the Congress concerning the mentally retarded in the United States and the care that is provided them in residential facilities. These findings are concerned with such matters as:

(1) the numbers of mentally retarded currently living in residential facilities for the retarded,

(2) the prime purpose of residential services,

(3) the basic obligation of residential services,

(4) the considerations on which admissions to a residential facility should be based,

(5) the importance of legal guardians for both adult and minor residents of institutions,

(6) the need for residential facilities to be humane and safe, to provide basic human needs, and to be located in the community served and provide normal contacts within the community life,

(7) the realization that the first consideration in research and planning for the retarded must be the protection of the human dignity, the integrity and the life of the mentally retarded, and

(8) the necessity for both an upgrading of existing facilities for the retarded and the establishment of new, small, homelike units integrated into community living situations.

Part (b) of Sec. 2 states that the purpose of the Act is to establish standards for the operation of residential facilities, to improve the provision of services to the retarded by encouraging and supporting the planning and development of strategies to implement these standards, to minimize inappropriate admissions to residential facilities, and to stimulate the development of regional and community programs integrating the facilities conforming to these standards. A further purpose of the Act is to encourage and support planning and development of strategies to survey and analyze residential facilities and their compliance with the standards established under the Act and to stimulate regional and community programs and services for the retarded which integrate such residential facilities.

TITLE XI OF THE PUBLIC HEALTH SERVICE ACT—SUPPORT OF RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

Sec. 3 of the bill creates a new title XI in the Public Health Service Act entitled Support of Residential Facilities for the Mentally Retarded.

Part A—State Strategy Planning

Part A of this title, entitled "State Strategy Planning" authorizes two programs of grants, each totalling $15 million a year for fiscal year 1973 and the next two succeeding fiscal years.

The first program of grants, described in sec. 1101(a), will be used to help the States conduct comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established under this Act, to review State plans and develop strategies including implementation and monitoring mechanisms to fulfill the overall stated purposes of the Act, such as to minimize inappropriate placement in residential facilities particularly by providing alternative programs of care, and to coordinate and integrate existing residential facilities with existing and future regional and community mental retardation programs and services. The bill provides that this be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded which is established by a later section of the Act, section 1109. This first grant program will also be used to study administrative relationships, including the identification of legal, economic, social, and other barriers to compliance with the standards established under this Act, as well as the involvement of public and private sources in programs and services for the mentally retarded, with recommendations for improvement.

The second program of grants, described in section 1101(b), will be used to assist the States in improving the services provided by existing residential facilities for the mentally retarded. These grants will not exceed $300,000 per institution and will cover costs of administering and operating demonstration facilities and training programs. These grants awards will be evaluated for effectiveness in improving residential care for the mentally retarded.

Part B—Delivery of Mental Retardation Programs and Services

Part B of the new title is entitled "Delivery of Mental Retardation Programs and Services". Section 1102 of this part authorizes such sums as are necessary in grants to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformity with the standards established under this Act. Priority in awarding these grants will be given to those applicants whose facilities are in the greatest need of assistance.

A State desiring to receive a grant must submit a plan:

(1) setting forth a schedule for compliance with the established standards for each facility;

(2) designating a State planning and advisory council, with a membership drawn from local agencies and nongovernmental organizations concerned with services for the mentally retarded, and with at least one-third representing consumers of such services;

(3) assuring reasonable State financial participation in the cost of carrying out the plan and how the facility will complement and augment rather than duplicate or replace other community services for the retarded;

(4) setting forth a schedule of costs to achieve compliance with the standards;

(5) designating how placement in residential facilities will be minimized through alternative regional and community programs and services.

Sec. 1103(b) provides for approval of plans which set forth a reasonable time for compliance and provides that plans will not be disapproved without reasonable notice and opportunity for a hearing.

Sec. 1104 provides that individual project grants will not exceed 75 percent of the cost of the project and that payments will be made in advance or by reimbursement.

Sec. 1105 assures maintenance of effort by the States; that is, that grants to the States will not result in any decrease in the level of already existing funds, but will be used to supplement and increase the level of such funds.

Sec. 1106 establishes procedures for the withholding of grants if there has been a failure to comply with the State plan or if any program assisted fails to comply with any applicable provision of the Act. Payments will be withheld until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected. When a State has received a grant under sec. 1102 and has not complied with the standards of the Act within a reasonable period of time, that State will not be eligible for any further funds on behalf of any person who is a resident of any residential facility for the retarded which does not meet the standards described in part C of the title. The section provides that any funds to which a person would otherwise be entitled to have paid on his behalf to a residential facility will be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf if he were entitled to them. Five years after the enactment of this Act, no residential facility that does not comply to the standards established by this Act will be eligible to receive any direct or indirect payments under any Federal law.

Sec. 1107 provides for an extension of time for grantees and other residential facilities for the retarded to meet the established standards if appropriations for grants under sec. 1102 do not meet authorizations.

Section 1108 authorizes such sums as may be necessary for three years beginning in fiscal year 1973 for a program of grants to public or private nonprofit agencies, organizations, or institutions to meet the costs of development, improvement, extension, or expansion of community resources and community living situations for the mentally retarded other than living-in residential facilities for the mentally retarded.

The section authorizes the Secretary to prescribe regulations describing the applications that will be used to apply for grants, and directs the Secretary to give priority to those applicants whose proposals he determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

Sec. 1109 provides for the establishment of a fifteen-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded. Members will be appointed from representatives of professional and voluntary organizations concerned with the mentally retarded, consumers of services from residential facilities for the retarded (for example, parents of the mentally retarded), and leaders in the fields of service to the mentally retarded. A majority of the membership will represent the interests of consumers of services.

The Council will advise the Secretary on regulations implementing standards, will study and evaluate such standards through site visits and other methods to determine their effectiveness, and will recommend any changes or improvements in the standards.

Council members will be compensated.

Part C—Standards for Mental Retardation Facilities for the Mentally Retarded

The major proportion of the bill is contained in Part C, which is entitled "Standards for Residential Facilities for the Mentally Retarded" and which consists of a comprehensive and detailed description of the standards a residential facility for the mentally retarded must comply with in order to qualify for assistance under this Act, and eventually, for assistance and funds under any Federal program. This part is divided into eight chapters and each chapter is broken down into subchapter.

Chapter I—Administrative policies and practices

The first subchapter of Chapter I describes the standards for the philosophy under which a residential facility should operate, and the standards under which such a facility should be located and operated. These standards stress the fostering of humanization of mentally retarded residents and the importance of providing as normal an atmosphere as possible. The standards demphasize the use of institutional terms in dealing with the retarded and their problems. Under these standards, the residential facility will be integrated into the community and the general population as much as possible. The residents will use community resources such as schools, religious facilities, medical and other professional services, recreation facilities, stores, and employment facilities as extensively as possible. The facility will be designed and operated to help residents to move from structured, dehumanized, institutional living to a less structured, more individualized, and independent life. Facilities will emphasize groupings of program and residential units designed to meet residents' needs and integrated into, instead of segregated from, community life.

The second subchapter of Chapter I outlines general policies and practices under which a residential facility shall operate. It requires a facility to have generally available a written outline of the philosophy, objectives, and goals it is striving to achieve. The facility will also have a manual of policies and procedures describing what it is doing to achieve its objectives and goals. In addition, a statement of policies and procedures concerning the rights of residents will be required.

The facility is required to have a statement of policies and procedures that protect the financial interests of residents, manuals describing procedures in the major operating units of the facility, a summary of laws and regulations relevant to mental retardation and to the function of the facility, and a plan for a continuing management audit.

Public facilities will have documents describing their statutory basis of existence and the administration of the governmental department in which they operate. Private facilities will have documentation, including charters, constitutions and bylaws, and State licenses.

This subchapter describes the general duties of the governing body of a facility and the responsibilities of the chief executive officer and other persons responsible for the operation of the facility.

The subchapter also describes the general overall management, organization, and administration of the facility, including such matters as delegation of authority and responsibility, decisionmaking, proper utilization of staff, and effective channels of communications. There will be a plan for improvement of staff and services.

There will be provisions for effective staff and resident participation and communication, including use of staff meetings and standing committees. The facility will use a percentage of operating budget for self-renewal purposes. The findings of these activities will be disseminated to staff and consumer representatives. There will be a system of collection and recording of data describing the population of the facility.

The facility will have a publicly available description of services for residents. The facility will provide, by various means, for meaningful and extensive participation in the policymaking and operation of the facility by consumer representatives and the public.

The facility will establish an extensive public education and information program to develop understanding and acceptance of the mentally retarded in all aspects of community living.

Subchapter III of Chapter I describes standards for admission and release of mentally retarded residents of facilities. These provide that only those who can be helped by the facility's programs will be admitted, and that numbers of admissions will not exceed the facility's capacity and provisions for adequate programming.

Laws, regulations, and procedures for admission, readmission, and release will be summarized and available for distribution. The matter of legal incompetence will be separate from the matter of the need for residential services, and admission to a facility will not automatically imply legal incompetence.

Before admission, a resident must have a complete physical, emotional, social and cognitive evaluation. Service need for each resident will be defined without regard to the actual availability of all the desirable options. A retarded person will be admitted to a facility only when it can be determined that this would be the best measure for him. When admission is not the best idea, but cannot be avoided, this must be acknowledged clearly and plans must be made to explore alternatives. The primary beneficiary of the admission to a facility must be clearly specified as the resident, his family, his community, society, and several of these. All admissions are to be regarded as temporary.

A medical evaluation by a physician will be made within a week of admission. Provision is made for continuing and regular evaluations of the resident and his progress in the facility.

Provision is made for physical inspection of the resident for signs of injury or disease prior to and following temporary or permanent release from the facility. Procedures are described for reporting on the resident's status at the time of permanent release or transfer from the facility.

In the event of serious illness or accident, impending death, or death, provision is made for informing next of kin or guardian, and the following of the wishes of that person concerning religious matters. In case of death of a resident, provision is made for autopsy, with permission, for suitable religious services and burial, if wished, and for informing coroner or medical examiner, in accordance with law.

Subchapter IV of Chapter I outlines the personnel policies a resident facility for the mentally retarded must follow in order to comply with this law. It provides for a personnel director if warranted, for a written description of current personnel policies and practices to be available to all employees and for initial screening and regular evaluation of all personnel.

The subchapter provides that staffing should be sufficient so that the facility is not dependent upon residents or volunteers for the performance of productive services. It describes procedures under which residents can be involved in such services. The subchapter describes procedures for the establishment of an appropriate staff training program and the qualifications of the person responsible for this program. Also described are provisions for creating relations with nearby colleges and universities for advanced training of the facility's staff, for the use of facility resources for training and research by the colleges and universities, and for exchange of staff between the facility and the colleges and universities.

Chapter II—Resident living

The first subchapter of Chapter II describes staff-resident relationships and activities. Staff of the facility's living units will devote their attention to the care and development of residents in the atmosphere of the living units as follows:

(1) by providing sufficient attention to each resident each day;

(2) by training residents in activities of daily living and in development of self-help and social skills;

(3) by providing a warm, family- or home-like environment;

(4) by not being diverted by housekeeping, clerical, and other nonresident-care activities; and

(5) by maintaining stability and consistent interpersonal relationships.

Living unit staff will participate with an interdisciplinary team in the overall care and development of the resident. Provision is made for evaluation and program plans for each resident to be available to living unit staff and to be reviewed regularly by the interdisciplinary team.

Activity schedules for each resident free of "dead time" of more than one hour and allowing for individual and group free activities will be available to living unit staff and implemented daily. Life in the living unit will resemble as much as is possible the cultural norm of nonretarded age peers. Residents will be assigned responsibilities in the living unit, and an effort will be made to enhance self-respect and to develop independent living skills. Provision must be made for appropriate out-of-bed and bedroom activities for multiple handicapped and nonambulatory residents. Residents will have planned periods of time out doors and will be instructed on how to use freedom of movement both within and without the facility's grounds. Special events, such as birthdays, will be observed and provisions will be made for appropriate heterosexual interaction. Residents' view and opinions on matters concerning them will be elicited and considered. They will be instructed in the use of and will have appropriate access to communication processes, such as telephones and mail. They will be permitted appropriate personal possessions and the possession and the use of money.

There will be provision for the recognition and management of behavioral problems in the living unit. There will be a written statement of appropriate policies and procedures for the control and discipline of residents. Corporal punishment will not be permitted and residents will not discipline other residents, except as part of an organized self-government program. Seclusion in a locked room will not be employed. Physical restraint will be used only when necessary to protect the resident from injury to himself or to others, and not for punishment, convenience of the staff, or as a substitute for program. Policies for the use of restraint will be in writing and will follow certain guidelines. Procedures are described for the appropriate use of mechanical supports, chemical restraints, and behavior modification programs.

The second subchapter of Chapter II describes the standards for food services in the resident facility. It provides that food services meet the needs of each resident and be professionally planned and nutritionally adequate. It provides for a written statement of goals, policies, and procedures of the facility's food service. A qualified nutritionist or dietitian will be employed or consulted regularly. The standards require that well-balanced meals be served to residents three times a day at appropriate intervals in dining rooms which are suitably designed and equipped. The food service of the facility, like all other services, must be designed and operated to meet the needs of the residents. Suitable supervision and systematic training in the development of appropriate eating skills will be provided. Provision must be made for cleaning equipment and for handwashing facilities.

Subchapter III of the second Chapter is concerned with provisions for clothing of the residents. Each resident will be provided an adequate supply of clothing comparable to the clothing worn in the community. Provision is made for the supplying of appropriate clothing to residents with special needs, such as the multiply handicapped, the nonambulatory, and the incontinent. Residents will be trained and encouraged to choose their own clothing, select their daily clothing, dress themselves, and maintain their clothing as independently as possible.

Subchapter IV describes provisions for the health, hygiene, and grooming of residents. Residents will be trained to become as independent as possible in these matters of personal care, such as daily bathing, brushing teeth, etc. Staff assistance will be provided where appropriate, such as helping female residents in caring for menstrual needs, or in providing toilet training where needed.

Each living unit will have a properly adapted drinking unit and residents will be taught the proper use of such units.

Procedures will be established for regular weighing and height measurement of residents and for the maintenance of suitable records. Care of infections and contagious diseases will conform to State and local health regulations. A physician will review regularly all orders prescribing bed rest and prohibition of outdoor activities. Such devices as dentures, eyeglasses, hearing aids, and braces will be furnished and maintained by appropriate specialists.

Subchapter V describes standards for grouping and organization of living units. These living units will be small enough to insure proper development of interpersonal relationships among residents and between residents and staff. A single unit, including sleeping, dining, and activity areas, should provide for the housing of not more than sixteen residents, and program groups within the unit should not exceed eight.

Any deviation from either of these two size limitations would have to be justified on the basis of meeting program needs of the residents.

Residential units should house both male and female residents insofar as this conforms to prevailing cultural norms. Residents of widely varying ages, developmental levels, and social needs will not be housed together unless this is planned to promote growth and development. Residents will not be segregated solely on the basis of their handicaps. The living unit is not intended to be a self-contained program unit, but should be coordinated with activities residents engage in outside the living unit. Residents will be allowed free use of all living areas within the living unit, with due regard to privacy and personal possessions. A resident will have access to a private area where he can withdraw when not engaged in structured activities. Outdoor play and recreation areas will be accessible to all living units.

Subchapter VI of Chapter II defines the policies and practices of the resident-living staff. It stipulates staff-resident ratios for each of the three shifts in a twenty-four day and for each type of living unit in the facility, so that there is adequate coverage of residents twenty-four hours a day, seven days a week.

Subchapter VII outlines standards for design and equipage of living units, so that they are appropriate for the fostering of personal and social development, appropriate to the program, flexible enough to accommodate variations in program to meet changing needs, and such as to minimize noise and permit communication at normal conversation levels. The interior design of living units will simulate the functional arrangements of a home. The subchapter provides standards for minimum space requirements, and for the design and equipage of bedrooms, storage facilities, and toilet areas. It describes provisions for the safety, sanitation, and comfort of the residents by ventilation, temperature and humidity control, temperature of hot water, emergency lighting, and supply of clean linen.

Chapter III—Professional and special programs and services

This chapter outlines in great detail the various types of professional services that will be available to residents of a qualified residential facility for the mentally retarded. These professional and special programs and services will be provided in accordance with the residents' needs. They may be provided by programs within the facility or by arrangements between the facility and other agencies or persons. In order to promote normalization, all professional services will be rendered whenever possible in the community. The programs and services will meet standards for quality of service. Individuals providing the programs and services will be identified with appropriate professions, disciplines, or areas of service. Interdisciplinary teams for evaluating needs, planning individualized habilitation programs, and periodically reviewing residents' response to programs and revising programs accordingly, will be made up of persons drawn from or representing the revelant professions, disciplines, or service areas.

The standards in the subchapters describing each type of service are to be interpreted to mean that necessary services are to be provided efficiently and competently, without regard to the professional identifications of the persons providing them, unless only members of a single profession are qualified or legally authorized to perform the stated service. Therefore, services listed under the duties of one profession may be rendered by members of other professions who are equipped by training and experience to do so. Members of professional disciplines must work together in cooperative, coordinated, interdisciplinary fashion to achieve the objectives of the facility.

Programs and services and the pattern of staff organization and function within the facility will be focused upon serving the individual needs of residents and provide the following:

(1) comprehensive diagnosis and evaluation of each resident;

(2) design and implementation of an individualized habilitation program to meet the needs of each resident;

(3) regular review, evaluation, and revision, of each individual program, as necessary;

(4) freedom of movement of individuals from one level of achievement to another, as is warranted; and

(5) an array of those services that will enable each resident to develop to his maximum potential.

Each of the subchapters in Chapter III describes a specific type of service. Each subchapter describes the purposes for which the service is provided, describes the types of services that will be available, describes provisions for diagnosis and evaluation, defines qualifications of education, experience with the mentally retarded, and professional certification of the personnel supervising and providing the services, and describes the physicial necessities of space, equipment, and facilities for providing the services. The specific services are as follows:

(1) Dental Services,
(2) Educational Services,
(3) Food and Nutrition Services
(4) Library Services,
(5) Medical Services,
(6) Nursing Services,
(7) Pharmacy Services,
(8) Physical and Occupational Therapy Services,
(9) Psychological Services,
(10) Recreation Services,
(11) Religious Services,
(12) Social Services,
(13) Speech Pathology and Audiology Services,
(14) Vocational Rehabilitation Services, and
(15) Volunteer Services.

Chapter IV—Records

The first subchapter provides for the maintenance of adequate records for each resident. These records will be used to:

(1) plan and evaluate each resident's habilitation program;

(2) provide a means of communication among all persons contributing to each habilitation program;

(3) furnish evidence of the resident's progress and response to program;

(4) serve as a basis for review, study, and evaluation of the overall programs provided by the facility;

(5) protect the legal rights of the residents, facility, and staff; and

(6) provide data for use in research and education.

All records will be sufficiently detailed to meet these needs and will be legible, dated, and authenticated.

The second subchapter lists types of information that will be included in the content of each resident's record, and provides that certain items be recorded at time of admission, within one month after admission, during residence, at the time of discharge from the facility, and in the case of death.

The third subchapter describes procedures that will be followed to assure confidentiality of records.

The fourth subchapter provides for the maintenance of an organized central record service for the collection and dissemination of information regarding residents.

Subchapter IV describes the types of statistical records that will be kept by the resident facility and provides that statistical data will be reported to appropriate Federal and other agencies as requested.

The sixth subchapter describes standards for sufficiently qualified records personnel, supervised by a qualified individual, and provided with adequate space, facilities, equipment, and supplies.

Chapter V—Research

This chapter provides standards for the encouragement of research, review of research proposals, conduct of research, and the reporting of research results.

Chapter VI—Safety and Sanitation

The first subchapter describes safety requirements for resident facilities for the mentally retarded. There is provision for adequate exit doors and ramps, and for handrails on stairways. There must be documentation of compliance with State and local fire safety regulations. Each facility must have plans and procedures known to, and reviewed with, staff, for meeting potential emergencies and disasters. Evacuation drills will be held quarterly. Each facility will maintain an adequate active safety program. All buildings and facilities will be designed and constructed to be accessible to the physically handicapped and the nonambulatory. Paint used in the facility will be lead free and provision must be made for emergency auxiliary sources of heat.

The subchapter on sanitation requires each facility to have documentation on compliance with sanitation, health, and environmental safety codes of State or local authorities. It requires adequate procedures for the holding, transferring, and disposal of waste and garbage. It provides for the availability of handwashing facilities and for the provision of insect screens where needed and for adequate janitorial equipment and storage space in each unit of the facility.

Chapter VII—Administration Support Services

The chapter describes standards for the provision of adequate, modern administrative support to meet the needs of, and contribute to, program services for residents, and to facilitate attainment of the goals and objectives of the facility. It provides for a qualified administrator to supervise these services and for adequate office space, facilities, equipment, and supplies. The specific administrative services for which standards are described are:

(1) Fiscal affairs,
(2) Purchase, supply, and property control,
(3) Communication service,
(4) Housekeeping services, and
(5) Laundry services.

Chapter VIII—Definitions

This chapter defines the following terms used in the bill:

(1) Advocacy,
(2) Advocate,
(3) Ambulatory,
(4) Chief executive officer,
(5) Developmental disabilities,
(6) Direct-care staff,
(7) Facility,
(8) Generic services,
(9) Governing board,
(10) Governing body,
(11) Guardian,
(12) Legal incompetence,
(13) Living unit,
(14) Mobile nonambulatory,
(15) Nonambulatory,
(16) Nonmobile,
(17) Normalization principle,
(18) Public financial support programs,
(19) Resident,
(20) Resident-Living,
(21) Residential facility,
(22) Rhythm of life,
(23) Surrogate, and
(24) Time out.

Sec. 4 of the bill amends the Public Health Service Act to provide for the insertion of this new title XI.

Edward R. Klebe,
Education and Public Welfare Division.

Mr. RIBICOFF. Mr. President, today I am joining with Senators Williams, Javits, and other Senators in introducing a "Bill of Rights for the Mentally Retarded."

This landmark legislation would establish strict standards of care, treatment and protection of the mentally retarded in residential facilities, and would authorize funding for existing institutions to come into compliance with these standards. Also authorized are pilot projects to provide new methods of caring for those who are now institutionalized.

More than 200,000 mentally retarded individuals live their lives in residential institutions. Many of these people receive adequate care. Connecticut, for example, has led the way in providing comprehensive high-quality care for the retarded. Its institutions and standards are models which should be followed by other States and the Federal Government. Thousands of mental patients in other States live in snake-pit conditions. The recent disclosures of subhuman conditions at the Willowbrook institution in New York dramatically illustrate the neglect that the institutionalized retarded population suffers. Tragically, there are "Willowbrooks" all across this Nation.

As the mentally retarded population grows—and it is increasing by the birth of 120,000 retarded infants a year—the institutions to care for them must be expanded and improved. The Federal and State governments must play a larger and more effective role in aiding private and public institutions who care for the mentally infirm.

Earlier this year I introduced legislation to upgrade the quality of nursing homes for the aged. My proposals set standards for staffing, services and quality of administration. Like the aged, this Nation's mentally retarded have done no harm, yet they are treated as burdensome problems and hidden away in dehumanized environments.

The legislation we are introducing today would significantly improve the environment of retarded individuals, allowing them to live in a warm and personalized setting that allows them to develop to the full extent of their potential.

The legislation would authorize $15 million each year for 3 years to assist the States in conducting comprehensive surveys and analyses of the cost of bringing residential facilities into compliance with the standards established, in reviewing existing State plans, and in developing strategies to fulfill the overall purposes of the act.

The bill would also authorize $45 million over 3 years to assist the States by demonstration grants in improving the services provided by existing residential facilities for the mentally retarded.

In addition, moneys would be made available to assist nonprofit institutions to develop, improve, extend, or expand community resources and community living situations for the mentally retarded as alternatives to institutionalized care. Priority would be given to those applicants whose proposals the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

This provision is similar to the proposal I made earlier this year to set up demonstrations and pilot projects to test innovative new programs and facilities to care for the aged.

The bill also establishes "Standards for Residential Facilities for the Mentally Retarded" which would set forth a comprehensive and detailed description of the requirements with which a residential facility for the mentally retarded must comply in order to qualify for assistance under this act, and eventually, for assistance and funds under any Federal program.

Such sums as are necessary would be authorized to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformance with the standards established under this act.

Five years after enactment, a residential facility that does not comply with the standards established will not be eligible to receive any direct or indirect payments under any Federal law on behalf of an individual resident.

By Mr. KENNEDY (for himself, Mr. Stevenson, Mr. Williams, Mr. Mondale, Mr. Cranston, Mr. Javits, Mr. Hughes, and Mr. Pell):

S. 3762. A bill to extend the program for health services for domestic agricultural migrant workers. Referred to the Committee on Labor and Public Welfare.

EXTENSION OF THE MIGRANT HEALTH ACT

Mr. KENNEDY. Mr. President, I am introducing today legislation providing for a 5-year extension of the migrant health program and including substantial increases in the authorizations for this program.

This bill is being introduced jointly with Senator Stevenson, current chairman of the Subcommittee on Migratory Labor; Senator Williams, the original author of this legislation; Senator Mondale, the previous chairman of the Migratory Labor Subcommittee, and Senator Cranston, who has followed closely the migrant health program in his State of California. Other cosponsors include Senators Javits, Hughes, and Pell.

The legislation represents an effort to step up Federal support for this program, based not only on the compelling evidence of the urgent need but on positive evaluations of this program as well.

The migrant in America today endures the same suffering that his predecessor did a generation ago. The average family size is six; the average family annual income is under $2,100. And from those statistics the full picture of the migrant's conditions can be imagined. Substandard housing, inadequate sanitation, inadequate education and ultimately inadequate health care.

For the 1 million migrants and the additional 3 million seasonal farm workers who are to be served by the Migrant Health Act, the amount of funds expended in fiscal year 1972 is expected to average $5.10 per person.

As a Nation, we average $324 for health needs per person. The private consumer is estimated to spend $204 for his health costs.

Even in one of the most efficient health delivery services in the Nation, the Group Health Cooperative of Puget Sound, the estimate last year was that $138 was being spent per person on health costs.

And then again, we recall that the migrant health program is expending less than $6 per person. And so it is little wonder that the infant mortality rate for migrants is 2½ times the national average.

It is little wonder that rickets, ringworm and enemia are common passengers on the pickups and wired-together cars that carry America's migrants from Florida to New York, from Texas to Michigan, or from Arizona to California and Washington.

Dr. Leonard Mestos, vice president of the Day Care and Child Development Council of America, Inc., whose honorary chairman is Mrs. Richard M. Nixon, noted this spring that the migrant infant death rate is over 63 deaths per 1,000 lives births. These statistics for today's migrants are comparable to the national average in the year 1930.

And as they grow, the possibility that their health care needs will be met is virtually nil. A recent study found that under age 3, some 59 percent have never had immunizations.

And if the national statistics are grim, the individual stories are even worse.

It is enough to have seen one child with the swollen, bloated stomach of malnutrition, or to have read of one child who died from drinking impure water or to see a single child who has needlessly suffered a disabling disease because he was not immunized, to know that we are not doing enough.

But there are other problems besides the common communicable diseases. There are the newer problems of pesticides infection, farm related accidents and dental diseases.

However, I would like to remind the members of the Senate that the men and women who are picking our cherries and our tomatoes in Ohio and Michigan, who are working the orchards of Washington and New York, who are hoeing and thinning the lettuce, broccoli, and melons of Arizona and California are not merely poor, and disadvantaged. They are part of an essential labor resource. Despite much of the myth of mechanization, many of our agricultural crops today demand the labor that these underpaid Americans perform. The original Migrant Health Act was passed by a coalition of forces who included farmers from all parts of this Nation who wanted healthy, employable men and women who could be relied upon in the production of this country's foods.

Surely, this Nation can afford to insure that not 20 percent or 50 percent or 70 percent of the Nation's migrants obtain adequate health care. Surely, our goal must be that every migrant will obtain adequate health care.

For that reason, the bill we are offering today provides for a more than threefold jump in authorization from the current level of $30 million. In this bill, we would provide $100 million in fiscal year 1973, $125 million in fiscal year 1974, $150 million in fiscal year 1975, $175 million in fiscal year 1976, $200 million in fiscal year 1977.

We believe this legislation is essential if we are to do more than apply rhetoric about the great need for migrant health.

State and local programs are not yet adequate to serve the migrants. The answer is the same in virtually all regions. Due to language barriers, due to the short duration of their stay in any one area, due to the fact that there are so many of them when they come, due to the insensitivities of most of the bureaucracies, and due to the fact that most State and local programs are already stretched to a point of collapsing in trying to meet their local health needs, the migrant ends up being the categorically unserved.

HEW officials have estimated that barely 20 percent of the Nation's migrants have been served by the migrant health program. And when the target population of migrants plus eligible seasonal farmworkers is concerned, the percentage served drops to 7 percent.

Currently, the migrant health program supports 102 local migrant health projects which offer some services in approximately 130 counties.

Thus, of the 900 counties in 46 States with migrant or seasonal farmworkers, some 770 were not covered. And of the estimated 3.5 million migrants or seasonal farmworkers, some 3 million were not covered.

The scope of the need cannot be stated any clearer.

At the same time, we have seen the evaluations of the past 2 years, since the passage of the 1970 amendments, and we believe that much has been learned which will insure that the future usage of the funds can be the most efficient in the history of the program.

First, we have seen the development of consumer sponsored projects which have been successful in achieving recognition from the entire community. Second, we have seen the evolution of family-oriented ambulatory comprehensive health care in health centers spotted in the home base area of the migrant. These centers, such as in the Yakima Valley, in Orange Cove, Calif., in Brawley, Calif., and others have demonstrated the success of an emphasis on ambulatory primary care.

These projects emphasize accessible, acceptable and available services which stress prevention. To teach prevention to farm workers is no easy task, just as it is not easy to teach prevention to most Americans. But by hiring bilingual outreach workers, by arranging transportation, by using Spanish-speaking nurses, receptionists and doctors, the farmworker is beginning to understand prevention. More important, he is not postponing trips to clinics because he now knows he and his family will be treated at a migrant health clinic with dignity and with understanding.

However, at the same time, in order to provide those services, there has been a decline in the use of funds for hospitalization. And where States have narrow restrictive regulations which prevent the migrant from obtaining medicaid, the lack of funds in this area has created an additional health problem.

During the joint hearings of the Health Subcommittee and the Migratory Labor Subcommittee, we intend to explore whether additional legislation is desirable in the area of consumer participation. The 1970 amendments were a major step forward in this area; however, the regulations implementing that law have only recently been issued. The testimony hopefully will explore this subject thoroughly.

Also, we would hope to develop a record as to the best method of insuring not only that preventive medicine and comprehensive ambulatory care is offered but also that adequate hospitalization services are available to migrants and eligible seasonal farmworkers.

Thus, we hope to develop broad legislation that will succeed in bringing quality health care to the Nation's migrants.

Mr. CRANSTON. Mr. President, I am delighted to join with the chairman and the ranking minority member of the Senate Committee on Labor and Public Welfare (Mr. Williams and Mr. Javits) with the chairman of the Subcommittee on Health (Mr. Kennedy), the chairman of the Subcommittee on Migratory Labor (Mr. Stevenson), and my colleagues (Mr. Hughes, Mr. Mondale, and Mr. Pell) on the Labor and Public Welfare Committee in cosponsoring the Migrant Health Act of 1972.

A particularly disadvantaged group in our Nation is the migrant and seasonal agricultural worker. In recognition of the responsibility the Federal Government bears to their well-being, Congress, since 1962, has authorized health programs specifically for this group.

Programs under the Migrant Health Act have made a beginning in providing health care to many who would otherwise never have had access to it. However, these programs have always been inadequate to the real need. Existing services are fractured and incomplete, and tend to cover the traditional public health services such as immunizations or infant care, but not to extend to ambulatory or primary health care for the adult. Frequently, necessary hospitalization is unavailable. A survey taken in 1971 indicated that hospitalization coverage under migrant health programs was provided only in Michigan and New Jersey. This is an area to which the hearings we will hold this summer will devote considerable attention.

The program to date has been inadequately funded. Authorizations have been totally insufficient to meet demonstrated needs, and appropriations over the years have not been at even the meager authorization level.

In the bill we introduce today, we have suggested substantially higher authorizations. Even so, these new levels, if adopted, will enable minimum health services to reach only about 28 percent of the migrant population.

An attempt to solve the problem has been made through regulations requiring the use of third-party payments, such as medicaid, to the greatest extent possible. However, new problems have been created in the process. In many States the migrant worker is not eligible for medicaid; in others, his fluctuating income will sometimes make him ineligible during those periods when he has steady earnings, thereby frustrating the possibility of continuing care for worker and family.

The migrant is a very proud individual who frequently will not accept welfare, and is loathe to go through the lengthy and often demeaning process of qualifying for medicaid benefits. To qualify, the worker must give up valuable time during the period he could be devoting to income-producing work.

In addition, shifting the cost burden from migrant health project grants to medicaid reimbursement, does not meet the basic problem of accessibility to health care. Although it provides a mechanism for payment, it does not provide the services, the health personnel, or the clinics where they are most needed—in the immediate vicinity of the agricultural worker.

A very promising element of migrant health programs has resulted from the provision included in the last legislative extension of the program which requires participation by the consumer of services in the development of health programs. I refer to the establishment of fully staffed, regularly scheduled clinics, in areas in proximity to the migrant labor force.

California has established three of these comprehensive health clinics which are in operation throughout the year. The initial results are most rewarding.

However, one distressing side effect which is difficult to evaluate is the accompanying cessation of support for migrant health clinics by the local public health departments.

Another area which holds great promise is the development of a referral system among migrant health clinics. An experimental referral system has been implemented with very good results along the eastern seaboard; the responsiveness of the migrant to this system was extremely favorable, and the success that was achieved was based, to a great extent, upon his determination to follow through on the provision of services.

We will be seeking new means of implementing these programs and of providing more comprehensive services to the migrant and seasonal agricultural worker and his family as we study the scope of existing programs and develop amendments to the bill we are introducing designed to expand and improve our health programs for migrant and seasonal farmworkers and their families.

By Mr. MUSKIE:

S. 3763. A bill to make the unemployment compensation benefits provided for Federal employees applicable to U.S. citizen employees of the Roosevelt Campobello International Park Commission. Referred to the Committee on Post Office and Civil Service.

Mr. MUSKIE. Mr. President, the Roosevelt Campobello International Park, commemorating and preserving the summer home of President Franklin Delano Roosevelt and its surroundings, in New Brunswick, Canada, just off the eastern tip of the State of Maine, was created by a Canadian-American treaty approved by the Senate in 1964. By treaty agreement, the park employs both Canadian and U.S. citizens. The latter, because of their peculiar status as employees of an international organization, have had difficulty securing eligibility for social security benefits, even though they are U.S. residents.

To ameliorate the problem, during a meeting of the Roosevelt Campobello International Park Commission, I agreed to introduce legislation on the subject. This took the form of S. 3704, which was introduced on April 9, 1970. But because these employees were brought under social security by administrative regulation, the bill received no action.

These park employees are now subject to U.S. social security taxes and are eligible for old age, survivors, and disability insurance benefits. However, the Social Security Act specifically excludes U.S. residents who are employed by international organizations from unemployment and workmen's compensation benefits under title III of the act. This has proved to be a problem in recruiting U.S. residents as employees of the park. It should be noted that Canadian employees are eligible for comparable Canadian benefits.

If the Park Commission were a U.S. commission, the Social Security Act's provision for unemployment and workmen's compensation would apply and would be administered by a State, which in turn would be fully reimbursed by the U.S. Government. Or, if the State had no reciprocal agreement with the Federal Government, the latter would assume the task of administration within the State.

Because the Roosevelt Campobello International Park Commission does not meet the above requirement, the Maine and the U.S. Government cannot provide unemployment and workmen's compensation for the employees of the RCIPC, who are U.S. residents. Also, since these employees pay no Canadian taxes, the Canadian Government does not provide those benefits, although article IV of the treaty establishing the park has been interpreted by some to require such coverage.

The best method to rectify the situation is with legislation which would deem park employees who are U.S. residents to be in the employ of the U.S. Government for the purposes of eligibility for Federal employee unemployment and workmen's compensation.

I propose to accomplish this with legislation which I introduced today to amend section VII of the Roosevelt Campobello International Park Commission Act (16 U.S.C. 1106) by deeming the employees of the park who are U.S. residents to be in the employ of the U.S. Government for the purposes of title V, chapter 85, subchapter I, of the United States Code provision for unemployment and workmen's compensation of Federal employees.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, and Mr. STEVENSON):

S. 3764. A bill to amend the Public Health Service Act to provide for the extension of grants to provide professional and technical training in the field of family medicine. Referred to the Committee on Labor and Public Welfare.

FAMILY PRACTICE OF MEDICINE

Mr. KENNEDY. Mr. President, along with nine distinguished Members of the Senate Labor Committee, I am introducing today a bill which will extend the Family Practice of Medicine Act of 1970. The Family Practice Act was overwhelmingly passed by the Congress in 1970. In the Senate the vote was 64 to 1. That act was for a 3-year period. And it, therefore, will expire at the end of June in 1973. The bill that I am introducing today will extend this critically important health program for an additional year.

Very briefly, Mr. President, I want to describe the major thrust of the legislation. The authority encourages professional and technical training in the field of family medicine. It provides for the making of grants to public and private nonprofit medical schools, including schools of osteopathy, to: First, operate as an integral part of their medical education program separate and distinct departments devoted to providing teaching and instruction—including continuing education—in all phases of family practice; second, construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of the medical school or as separate outpatient or similar facility; third, to operate or participate in special training programs for paramedical personnel in the field of family medicine; and fourth, operate, or participate in, special training program to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools. The program also authorizes grants to public and private nonprofit hospitals, which provide training programs for medical students, interns, or residents to: First, operate, as an integral part of their medical training programs, special professional training programs—including continuing education—in the field of family medicine for medical students, interns, residents, or practicing physicians; second, to construct facilities to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility; third, to provide financial assistance, in the form of scholarships, fellowships, or stipends, to interns, residents, or other medical personnel who are participants in a program of the hospital which provides special training in the field of family medicine; and fourth, operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

The bill proposes to continue the program effort of 1973 into 1974 at a level of $100 million.

I think it is important for all of us to remember that the trend in medical education is one which has placed a higher and higher premium on specialization. As a result of this trend, there has been a steady downward trend in the availability of general practitioners. For example, in 1931, three out of every four physicians in this country were general practitioners. By 1949 one half of the Nation's physicians were general practitioners. And today fewer than one in five practicing physicians are in general practice. This program is designed to help redress the balance in this area of medical education.

Mr. President, I do want to point out to my colleagues that at the time this legislation was last considered by the Congress, there was one substantive issue on which there was considerable debate and disagreement. That issue was the requirement in the bill which required that to be eligible for assistance under the act, a school of medicine—or osteopathy—had to either have established or be in the process of establishing a separate and coequal department of family medicine. I understand that in the period of the last 2 years that there has been considerable progress in the Nation's medical schools in respect to the establishment of departments of family medicine. This is a very helpful development. And I, therefore, am hopeful that the consideration of the bill that I am introducing today will be able to avoid a repetition of the previous legislative history in respect to this single issue. I look forward to early subcommittee hearings on this bill as a means for the compiling of a legislative history upon which it will be possible for the Senate Health Subcommittee to order reported a forward looking continuation of this needed health program.

By Mr. PEARSON (for himself and Mr. DOLE):

S. 3765. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans. Referred to the Committee on Public Works.

Mr. PEARSON. Mr. President, 10 years ago, the Pomona Reservoir was constructed by the Corps of Engineers in Osage County, Kans. At the time the reservoir was built, the county had only gravel roads in the area, and these roads were not replaced with hard surface roads. Osage County is a rural county of 13,000 people and has a limited tax base for raising local revenues. The county is now involved in a $1.5 million program to replace old, unsafe bridges with new bridges using funds raised with a countywide bond issue.

Now, in addition to the Pomona Reservoir, the corps has almost completed the Melvern Reservoir, which is also located totally within the borders of this small county. With its earthen dam nearly 10,000 feet in length, Melvern is a much larger reservoir designed to store 360,000 acre-feet of water, as compared with the capacity of Pomona, which is 246,000 acre-feet. Together, these two reservoirs have removed from local tax rolls 12,000 acres of land, including much valuable farmland in Osage County.

To accomplish the purposes of flood control and water storage for agriculture, industry, and recreational uses, some of the richest land in the county has been sacrificed. The result is a decline in overall property valuation and a great loss of revenue to Osage County, thus making it impossible to build hard surface roads where they are needed to serve the reservoir area.

Last year, 934,052 persons, by count of the Corps of Engineers, visited Pomona Reservoir. Nearly 7 million have visited Pomona since its opening. With the completion of Melvern, a much larger number of visitors can be expected to flock to Osage County from nearby cities, such as Topeka, Lawrence, and Kansas City, to make use of the recreation opportunities provided by these two Federal reservoirs.

Under its present legislative authority, the Corps of Engineers is putting a very limited area of hard surface roads around the Melvern Reservoir, but this work does not begin to meet the need of the public for adequate hard surface access roads. Such roads are necessary for the safety of the visitors. In an area subject to long periods of dry weather, they are also needed as well to protect the environment against the clouds of dust raised from dawn to dark when these county roads are traveled by an unending line of campers, trailers, cars, trucks, and other vehicles to and from the reservoir recreation areas.

As part of the effort to find relief for Osage County, I have written to the Chief of the U.S. Army Corps of Engineers to determine just what authority his agency has in this area. His reply indictates the corps is doing all it can under existing authority, and I ask unanimous consent that it be printed in the RECORD following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PEARSON. Mr. President, I want to emphasize that the citizens of Osage County have attempted to meet their road problems to the extent county tax resources allow by adopting the countywide bond issue for new bridges. This is a safety measure already overdue. The volumes of traffic expected when Melvern Reservoir is completed only make the replacement of present substandard bridges more critical.

State resources have been sought, but they are also limited. The Kansas Highway Commission is presently improving a major route through the county, U.S. Highway 75, which runs near both reservoirs and will have the effect of bringing more traffic from outside the county to use present gravel-surface county roads. The board of county commissioners has written to Senator DOLE and myself urging Federal assistance to relieve road problems in the county. I request that a copy of that letter also be inserted following these comments and that engineering estimates on the cost and location of roads to be improved also appear.

Mr. President, Osage County, Kans., is unique. So far as I know, it is the only county in the United States that has two large Federal reservoirs completely within its boundaries. In response to the burdens created in Osage County by this concentration of Federal water development projects, which serve to protect a wide area of central Kansas against floods, I urge positive Senate action. We cannot simply turn away from this unfinished business. Rather, we should seek to cooperate with local government in a spirit of pragmatic federalism to get this job done for the people of the area and those who will come to it in the future.

EXHIBIT 1

Hon. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: Having exhausted all apparent avenues through Federal Agencies at the district level, the Board of Commissioners of Osage County are appealing to our Kansas legislators for assistance in relieving a problem in Osage County which we cannot finance completely with local funds. We are requesting Federal assistance because circumstances causing the problem were created by a Federal flood control project.

Upon completion of Melvern Dam and Reservoir, Osage County will contain within its boundaries two Federal Reservoirs. These reservoirs have resulted in the removal of a sizable quantity of land from the County tax rolls. It is imperative that we take every action to encourage the development of the lake shores and adjacent lands around these reservoirs to restore the economy of Osage County to the level that existed before the land was inundated. An essential factor in the development around the reservoirs is adequate traffic circulation. In recent years, the Corps of Engineers has substantially improved its practices with regard to traffic movement around its major reservoir projects. As a result, the road and bridge improvements being made cooperatively between the County, the State Highway Commission and the Corps of Engineers around Melvern Reservoir, which is presently under construction, are far superior to conditions existing at Pomona Reservoir which was completed several years ago.

Traffic circulation around Pomona Reservoir is practically impossible. Federal and private facilities developed to date on the north shores of the lake are seriously hampered because they lack adequate access. We realize our local responsibility in this matter, but we need financial assistance in solving the problem. We believe the Corps of Engineers shares in this responsibility since adequate circulation was not provided in the initial planning of the facility. We understand that there are limited funds available through the Chief Engineer's office to assist financially in construction improvements where a critical condition exists as a result of a completed Federal project. We were not successful in obtaining the assistance of the District Engineer at Kansas City in applying for these funds which are allocated at the Washington level. We therefore respectfully request your assistance in behalf of Osage County in obtaining consideration under the Corps of Engineer's program.

The Kansas Highway Commission is presently improving U.S. Highway 75 through Osage County to a four-lane limited access freeway. A traffic interchange with grade separation is planned at the intersection of U.S. Highway 75 with a county road on the township line betwen T15S and T16S. It is the desire of Osage County to improve this east-west county road on the township line east of the new interchange. This improvement will require a new bridge across the One Hundred Ten Mile Creek arm of Pomona Reservoir. The location of the proposed improvement is shown on the attached exhibit. We desire Federal assistance in financing the cost of the new bridge.

There are a number of factors which substantiate the need for this road and bridge. The major factors are enumerated in the following paragraphs:

1. Construction of U.S. Highway 75, including a diamond interchange at its intersection with this county road is now in progress. This interchange will be approximately 3½ miles west of the location of the proposed new bridge. With the new interchange, this county road needs to become a major circulation route on the north side of Pomona Reservoir.

2. The Osage County Comprehensive Master Plan programs this east-west road on the Township Line to become a primary circulation route in the Pomona Reservoir Land Use Plan. This plan has been adopted by the Osage County Planning Board.

3. A rural sanitary sewer district has been established and sanitary sewer facilities have been constructed in the Sail-A-Way Estates Subdivision on the north shore of the reservoir east of the proposed new bridge. The County guaranteed the General Obligation Special Assesment Bonds for this project in the amount of $200,000 which included the construction of waste treatment facilities as well as sewer collection lines. Because of inadequate access to this subdivision, its development is proceeding very slowly. Improved access from U.S. Highway 75 should accelerate the sale of lots and the construction of homes in this subdivision and thereby insure the scheduled retirement of the bonds for the sanitary sewer system.

4. Practically all of the current activity connected with the reservoir occurs on the south side at Vassar State Park. Traffic conditions at this park are congested and the park is frequently overcrowded. Improved access around the north shore of the reservoir would encourage the use of Cedar Park, One Hundred Ten Mile Recreation Area and Wolf Creek Recreation Area. These are Federal Parks already provided but which receive little use due to inaccessibility. The east-west township road with a bridge over the One Hundred Ten Mile Creek arm of the reservoir would enable visitors to reach these parks readily, thus relieving the traffic on the south shore of the reservoir.

We urge you to consider the factors presented herein and if you concur that the Federal Government was responsible in part for creating the problem, we ask that you bring the matter to the attention of the Chief Engineer of the Corps of Engineers or any other agency which may be in a position to assist us in constructing this vitally needed improvement. It is obvious to us that a north shore circulation route should have been included in the original planning of the reservoir. Since it was omitted at that time, development has been stymied and thus the property values have not increased to offset the revenues lost by the inundated land. We will appreciate any assistance or advice you can offer us toward the completion of this improvement.

Respectfully submitted.

——— ———,
Chairman.

PROPOSED ACCESS ROAD IMPROVEMENTS

POMONA RESERVOIR

ESTIMATE OF COSTS

North Shore

1. Improvements on County Road leading East from intersection of U.S. Highway 75 to junction of black top road to Overbrook. Total length—8.0 miles.

Improvement work involves new long span bridge crossing over 110 Mile Creek, replacement of existing bridges at Valley Brook and Wolf Creek because they are under flood level. Also, new embankments at these crossings and local widening and raising of road grade above flood level.

The road will be surfaced with asphaltic concrete with bituminous base.

The slopes over 110 Mile Creek require rip-rap in addition to sodding.

The costs of these improvements are:

(a) New bridge structures including removal of existing steel bridges	$329,000
(b) Embankments and refills; also road widening where required	336,000
(c) Slope protection by stone rip-rap and sodding	149,800
(d) Guard rails	20,700
(e) Asphaltic concrete—7.875 miles	712,500
County Road	1,548,000
2. Improvements of roads leading into public Recreational Areas of Dragoon, 110 Mile, Wolf Creek and Michigan Valley Parks, consisting of local grading and lighter type black top, including local widening and grade improvements. 8.6 miles	817,000
3. Oil treatment of existing gravel road leading to subdivisions and within subdivision, including minor refills and grade adjustment at Royal Pikes and Sail-Away Estates—to eliminate dusting, 2.7 mi	14,000
Total Costs of Improvements North Shore	2,379,000

South Shore

1. Improvements on access to Vassar State Park for approach on 268 from the west by improving Rte.#15 from 268 thru Vassar to Vassar State Park Rte. 368.	
(a) Improvements involve local grade adjustments and all-weather black top. 1.5 miles	$142,500
(b) Oil treatments of gravel roads leading to and within housing developments Siesta, Holiday Coves, Pomona Heights and South Shore Estates, including minor grade adjustments—6.3 miles	31,500
(c) Miscellaneous improvements	3,000
Total Costs of Improvements South Shore	177,000

Summary

Improvements of access to Public Recreation Areas:

North Shore	$2,379,000
South Shore	177,000
	2,556,000
Contengencies (10%)	256,000
Engineering and Inspection (15%)	422,000
Total	3,234,000

PROPOSED ACCESS ROAD IMPROVEMENTS

MELVERN RESERVOIR

ESTIMATE OF COSTS

South Shore

1. Replacement for F.A.S. 510; 6 miles of paving, 6 miles at $60,000	$360,000
2. Section through Olivet; 4,000 ft. grading and paving, 0.76 miles at $95,000	72,000
3. Section through Federal Brk, S.W. of Dam; 4,000 ft. grading and paving, 0.76 miles at $95,000	$72,000
4. Township Road S.E. of Reservoir; 1 mile grading and paving; 1 Box Bridge:	
1 mile at $95,000	95,000
Box Bridge (27.5–0.2)	15,000
5. Williams Bridge (29.0–4.9), 110 L.F. at $500	55,000
Total	669,000

North Shore

1. Replacement for F.A.S. 510 & 1245; 3 miles of paving, 3 miles at $60,000	$180,000
2. F.A.S. 1245 & 1250 north to Osage City; 9 miles grading and paving, 9 miles at $95,000	855,000
3. F.A.S. 1250 from Lyndon West; 4 miles grading and paving, 4 miles at $95,000	380,000
4. Bridge No. 31 (23.0–7.8)	25,000
5. Box Bridge East of Bridge 31 (22.0–7.2) 12′ x 10′ RCB	17,000
6. Box Bridge N.E. of Reading, double 10′ x 10′ RCB	20,000
Total	1,477,000

Summary

North Shore improvements	$1,477,000
South Shore improvements	669,000
Contingencies (10%)	215,000
Engineering and inspection (15%)	323,000
Total estimated project cost	2,684,000

Total estimated project cost of road improvements:

Pomona Reservoir	$3,234,000
Melvern Reservoir	2,684,000
Total	5,918,000

By Mr. MAGNUSON (by request):

S. 3766. A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, by request, I introduce a bill to amend the Oil Pollution Act of 1961. I ask unanimous consent that the letter of transmittal of the proposed legislation from the Secretary of Transportation be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 15, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill,

"To amend the Oil Pollution Act, 1961, (75 Stat. 402), as amended, to implement the 1969 and the 1971 amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended; and for other purposes."

The proposed bill would incorporate into the existing domestic law which implements the original 1954 Oil Pollution Convention the latest amendments to the Convention adopted by Resolution A.232(VII) on October 12, 1971, and Resolution A.246(VII) on

October 15, 1971. You will recall that ratification of the 1969 amendments was advised and consented to by the Senate on 20 September 1971. It is our understanding that the 1971 amendments will shortly be submitted for their advice and consent. The submission of draft legislation at this time is in accord with Executive Branch intention of seeking legislative implementation at the earliest possible time.

The 1969 convention changes, particularly as they impose more stringent constraints on oil and oily mixture discharges from vessels anywhere, represent another advancing step toward remedy of ocean oil pollution, a major international as well as national environmental problem. Those amendments abandon the prohibited zone concept which prohibited discharges within the zones (generally within 50 miles of land) and which discouraged but did not prohibit indiscriminate discharges in the open sea beyond the zones. Under the amendments and the legislation here proposed, discharges will be prohibited anywhere unless certain conditions are met. Those conditions relate to discharge rate, oily mixture dilution, total quantity of oil discharged, and distance from land. For example, a tanker will be prohibited from any discharges within 50 miles of land, and beyond that distance may only discharge while proceding enroute and so long as a discharge of oil content does not exceed 60 liters per mile, and provided that the total quantity of oil discharged on a ballast voyage does not exceed 1/15,000 of the total cargo-carrying capacity of the vessel.

The 1971 amendments apply the distance from land criterion for discharges of oil and oily mixture to the area of the Great Barrier Reef as if it were land, and concern tank arrangements and limitations of tank size for new tank vessels. The objective of the amendments relating to tank arrangements and tank size is to limit the quantity of oil which can escape into the sea as the result of collision or other vessel casualty.

In addition to the criminal penalties now provided for violations of the 1961 Act these proposed amendments would make civil penalties also available for more flexible and effective enforcement. Article VI of the Oil Pollution Convention requires that penalties which a country imposes for unlawful discharges by domestic vessels beyond its territorial sea shall not be less than those for the same infringements within the territorial sea. That requirement will be satisfied because the civil penalties proposed in the draft bill are of like amount to those contained in the Water Quality Improvement Act of 1970 (P.L. 91-224).

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this draft legislation for the consideration of the Congress.

Sincerely,

John A. Volpe.

Comparative Type Showing Changes in Existing Law Made by Proposed Bill

(Matter proposed to be deleted is enclosed in brackets; new matter is italic.)

Oil Pollution Act, 1961 (33 U.S.C. 1001-1015).

Public Law 87-167; 75 Stat. 402 as amended P.L. 89-551; 80 Stat. 372. An Act to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: This Act, to implement the provisions of the International Convention for the Prevention of the Sea by Oil, 1954, as amended, may be cited as the "Oil Pollution Act, 1961, as amended."

Sec. 2. Definitions.—As used in this Act, unless the context otherwise requires—

(a) The term "convention" means the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended;

(b) The term "discharge" in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

(c) *The term "instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant;*

[(c)] *(d)* The term "heavy diesel oil" means [marine] diesel oil, other than those distillates of which more than 50 per centum, by volume distills at a temperature not exceeding three hundred and forty degrees centrigrade when tested by American Society for the Testing of Materials standard method D. 86/59;

[(d)] *(e)* The term "mile" means a nautical mile of six thousand and eighty feet or one thousand eight hundred and fifty-two meters;

[(e]) *(f)* The term "oil" means crude oil, fuel oil, heavy diesel oil, and lubricating oil, and "oily" shall be construed accordingly. [.]*;* [An] *an* "oily mixture" means a mixture with [an] *any* oil content; [one hundred parts or more in one million parts of mixture.]

[(f)] *(g)* The term "person" means an individual, partnership, corporation, or association; and any owner, operator, agent, master, officer, or employee of a ship'

[(g) The term "prohibited zones" means the zones described in section 12 of this Act as modified by notices, if any, of extension or reduction issued by the Secretary;]

(h) The term "Secretary" means the Secretary of the [Army;] *department in which the Coast Guard is operating;*

(i) The term "ship", subject to the exceptions provided in paragraph (1) of this subsection, means any seagoing vessel of any type whatsoever of American registry or nationality, including floating craft, whether self-propelled or towed by another vessel making a sea voyage; and "tanker", as a type included within the term "ship", means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(1) The following categories of vessels are excepted from all provisions of this Act:

(i) tankers of under one hundred and fifty tons gross tonnage and other ships of under five hundred tons gross tonnage.

(ii) ships for the time being engaged in the whaling industry when actually employed on whaling operations.

(iii) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of Saint Lambert Lock at Montreal in the Province of Quebec, Canada.

(iv) naval ships and ships for the time being used as naval auxiliaries.

(j) The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958; *except that, for the purpose of this Act "from the nearest land" off the northeastern coast of Australia means a line drawn from a point on the coast of Australia in latitude 11° south, longitude 142°08' East to a point in latitude 10°35' South, longitude 141°55' East—*

thence to a point latitude 10°00' South, longitude 142°00' East

thence to a point latitude 9°10' South, longitude 143°52' East

thence to a point latitude 9°00' South, longitude 144°00' East

thence to a point latitude 13°00' South, longitude 144°00' East

thence to a point latitude 15°00' South, longitude 146°00' East

thence to a point latitude 18°00' South, longitude 147°00' East

thence to a point latitude 21°00' South, longitude 153°00' East

thence to a point on the coast of Australia in latitude 24°24' South, longitude 153°15' East.

Sec. 3. Subject to the provisions of sections 4 and 5, [it shall be unlawful for any person to discharge oil or oily mixture from:

[(a) a tanker within any of the prohibited zones.

[(b) a ship, other than a tanker, within any of the prohibited zones, except when the ship is proceeding to a port not provided with facilities adequate for the reception, without causing undue delay, it may discharge such residues and oily mixture as would remain for disposal if the bulk of the water had been separated from the mixture: Provided, such discharge is made as far as practicable from land.

[(c) a ship of twenty thousand tons gross tonnage or more, including a tanker, for which the building contract is placed on or after the effective date of this Act. However, if in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones. The reasons for such discharge shall be reported in accordance with the regulations prescribed by the Secretary.] *the discharge of oil or oily mixture from a ship is prohibited unless—*

(a) the ship is proceeding enroute; and

(b) the instantaneous rate of discharge of oil content does not exceed 60 liters per mile, and

(c) *(1) for a ship, other than a tanker—*

(i) the oil content of the discharge is less than 100 parts per 1,000,000 parts of the mixture, and

(ii) the discharge is made as far as practicable from land;

(2) for a tanker, except discharges from machinery space bilges which shall be governed by the above provisions for ships other than tankers,—

(i) the total quantity of oil discharged on a ballast voyage does not exceed 1/15,000 of the total cargo-carrying capacity, and

(ii) the tanker is more than 50 miles from the nearest land.

Sec. 4. Section 3 [shall] *does* not apply to—

(a) the discharge of oil or oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea; or

(b) the escape of oil, or of oily mixture, resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape [;].

[(c) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil: Provided, That such discharge is made as far from land as practicable.]

Sec. 5. Section 3 [shall] *does* not apply to the discharge [from the bilges of a ship of an oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery space.] *of tanker ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water.*

Sec. 6.

(a) Every tanker to which this Act applies and built in the United States and for which the building contract is placed on or after the effective date of this section shall be constructed in accordance with the provisions of Annex C to the convention, relating to tank arrangement and limitation of tank size.

(b) Every tanker to which this Act applies and built in the United States and for which the building contract is placed, or in the absence of a building contract the keel of which is laid or which is at a similar state of construction, before the effective date of this section, shall, within two years after that date, comply with the provisions of Annex C to the convention if

(1) the delivery of the tanker is after 1 January 1977; or

(2) the delivery of the tanker is not later than 1 January 1977 and the building contract is placed after 1 January 1972, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction, after 30 June 1972.

(c) A tanker required under this section to be constructed in accordance with Annex C to the convention and so constructed shall carry on board a certificate issued by the Secretary attesting to that compliance. A tanker which is not required to be constructed in accordance with Annex C to the convention shall carry on board a certificate to that effect issued by the Secretary, or if a tanker does comply with Annex C though not required to do so, she may carry on board a certificate issued by the Secretary attesting to that compliance. Tankers under the flag of the United States are prohibited from engaging in domestic or foreign trade without an appropriate certificate issued under this section.

(d) Certificates issued to foreign tankers pursuant to the convention by other nations party thereto shall be accepted by the Secretary as of the same force as certificates issued by him. If the Secretary has clear grounds for believing that a foreign tanker required under the convention to be constructed in accordance with Annex C entering ports of the United States or using off-shore terminals under United States control does not in fact comply with Annex C, he may request the Secretary of State to seek consultation with the government with which such tanker is registered. If, after consultation or otherwise, the Secretary is satisfied that the tanker does not comply with Annex C, he may for this reason deny such tanker access to ports of the United States or to off-shore terminals under United States control until such time as he is satisfied that the tanker has been brought into compliance.

(e) If the Secretary is satisfied that any other foreign tanker which, if registered in a country party to the convention, would be required to be constructed in accordance with Annex C, does not in fact comply with the standards relating to tank arrangement and imitation of tank size of Annex C, then he may deny such tanker access to ports of the United States or to off-shore terminals under United States control.

SEC. [6] 7. [Any person who violates any provision of the Act, except section 8(b) and 9, or any reguations prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $2,500 nor less than $500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, for each offense. And any ship (other than a ship owned and operated by the United States) from which oil is discharged in violation of this Act, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such ship from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such ship which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the ship may be.]

(a) Any person who willfully discharges oil or oily mixture from a ship in violation of this Act or the regulations thereunder shall be fined not more than $2500 nor less than $500 for each violation or imprisoned not more than one year, or both.

(b) In addition to any other penalty prescribed by law any person who willfully or negligently discharges oil or oily mixture from a ship in violation of this Act or any regulation thereunder shall be liable to a civil penalty of not more than $10,000 for each violation, and any person who otherwise violates this Act or any regulation thereunder shall be liable to a civil penalty of not more than $5,000 for each violation.

(c) A ship from which oil or oily mixture is discharged in violation of this Act or any regulation thereunder (other than a ship owned and operated by the United States) is liable for any pecuniary penalty under this section and may be proceeded against in the district court of any district in which the vessel may be found.

(d) The Secretary may assess any civil penalty incurred under this Act or any regulation thereunder and, in his discretion, remit, mitigate, or compromise any penalty. No penalty may be assessed unless the alleged violator shall have been given notice and the opportunity to be heard on the alleged violation. Upon any failure to pay a civil penalty assessed under this Act, the Secretary may request the Attorney General to institute a civil action to collect the penalty. In hearing such action, the district court shall have authority to review the violation and the assessment of the civil penalty de novo.

SEC. [7] *8.* The Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any ship found violating the provisions of this Act or the regulations issued pursuant thereto.

SEC. [8] *9.* In the administration of sections 1–12 of the Act, the Secretary may [make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors and in the enforcement of laws for the improvement of rivers and harbors and in the enforcement of laws for the preservation and protection of navigable waters] *utilize by agreement, with or without reimbursement, law enforcement officers or other personnel, facilities or equipment of other Federal agencies or the States.* For the better enforcement of the provisions of said sections, [the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary, and officers and employees of the Bureau of Customs and the Coast Guard] *officers of the Coast Guard and other persons employed by or acting under the authority of the Secretary* shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or witnout process, any person who may violate any of said provisions: *Provided,* That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further,* That whenever any arrest is made under the provisions of said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. Representatives of the Secretary [and of the Bureau of Customs] and Coast Guard of the United States may go on board and inspect any ship [in a prohibited zone or in a port of the United States] as may be necessary for enforcement of this Act.

(b) To implement article VII of the convention, ship fittings and equipment, and operating requirements thereof, shall be in accordance with regulations prescribed by the Secretary. [of the Department in which the Coast Guard is operating. Any person found violating these regulations shall, in addition to any other penalty prescribed by law, be subject to a civil penalty not in excess of $100.]

SEC. [9] *10.* (a) The Secretary shall have printed separate oil record books containing instructions and spaces for inserting information in the form prescribed by the Convention, which shall be published in regulations prescribed by the Secretary.

(b) If subject to this Act, every ship using oil fuel and every tanker shall be provided, without charge, an oil record book which shall be carried on board. The provisions of Section 140 of Title 5, United States Code, shall not apply. The ownership of the booklet shall remain in the United States Government. This book shall be available for inspection as provided in this Act and for surrender to the United States Government pursuant to regulations of the Secretary.

[(c) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

[(1) ballasting of and discharge of ballast from cargo tanks of tankers;

[(2) cleaning of cargo tanks of tankers;

[(3) settling in slop tanks and discharge of water from tankers;

[(4) disposal from tankers of oily residues from slop tanks or other sources;

[(5) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

[(6) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

[(7) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.]

(c) The oil record book shall be completed on each occasion, on a tank to tank basis, whenever any of the following takes place in the ship:

(1) for tankers;

(i) loading of oil cargo;

(ii) transfer of oil cargo during voyage;

(iii) discharge of oil cargo;

(iv) ballasting of cargo tanks;

(v) cleaning of cargo tanks;

(vi) discharge of dirty ballast;

(vii) discharge of water from slop tanks;

(viii) disposal of residues;

(ix) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book;

(2) for ships other than tankers:

(i) ballasting or cleaning of bunker fuel tanks;

(ii) discharge of dirty ballast or cleaning water from bunker fuel tanks;

(iii) disposal of residues;

(iv) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate log book.

In the event of such discharge or escape of oil or oily mixture, as is referred to in section[s 3(c) and] 4 of this Act, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(d) Each operation described in section [9] *10* (c) of the Act shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship.

(e) Oil record books shall be kept in such manner and for such length of time as set forth in the regulations prescribed by the Secretary.

[(f) If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 and if any person makes an entry in any records kept in accordance with this Act or regulations prescribed thereunder by the Secretary which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding $1,000 nor less than $500 or imprisonment for a term not exceeding six months, or both.]

SEC. [10] *11.* The Secretary may make regulations for the administration of sections 3, 4, 5, *6,* 7 [8(a)], 9 and [12] *10.*

SEC. [11] *12.* (a) The Secretary may make regulations empowering such persons as may be designated to go on board any ship to which the convention applies, while the ship is within the territorial jurisdiction of the United States, and to require production of any records required to be kept in accordance with the convention.

(b) Should evidence be obtained that a ship registered in another country party to the convention has discharged oil in *violation of the convention but outside the territorial sea of the United States* [any prohibited zone], such evidence should be forwarded to the State Department for action in accordance with article X of the convention.

[SEC. 12. Prohibited zones, publications of reduction or extension of zones

[(a) All sea areas within fifty miles from the nearest land shall be prohibited zones, subject to extensions or reduction effectuated in accordance with the terms of the Convention, which shall be published in regulations prescribed by the Secretary.

[(b) With respect to the reduction or extension of the zones described under the terms of the Convention, the Secretary shall give notice thereof by publication of such information in Notices to Mariners issued by the United States Coast Guard and United States Navy.]

SEC. [14] *13.* There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. [15] *14.* If a provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SEC. [16] *15.* Nothing in this Act or in regulations issued hereunder shall be construed to modify or amend the provisions of *section 11 of* the [Oil Pollution Act, 1924,] *Federal Water Pollution Control Act, as amended,* or of section 89 of Title 14.

SEC. 17. [(a) This Act shall become effective upon the date of its enactment or upon the date the amended Convention becomes effective as to the United States, whichever is the later date.

[(b) Any rights or liabilities existing on the effective date of this Act shall not be affected by the enactment of this Act. Any procedures or rules or regulations in effect on the effective date of this Act shall remain in effect until modified or superseded under the authority of the Act. Any reference in any other law or rule or regulation prescribed pursuant to law to the "International Convention for the Prevention of the Pollution of the Sea by Oil, 1954," shall be deemed to be a reference to that Convention as revised by the "amendments of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954," which were adopted by a Conference of contracting Governments convened at London on April 11, 1962. Any reference in any other law or rule or regulation prescribed pursuant to law to the "Oil Pollution Act, 1961," approved August 30, 1961, shall be deemed to be a reference to that Act as amended by this Act.]

By Mr. CRANSTON (for himself and Mr. PERCY):

S. 3768. A bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown and processed foods. Referred to the Committee on Agriculture and Forestry.

Mr. CRANSTON. Mr. President, I rise today to introduce for myself and Senator PERCY a bill to add a new section to the Food, Drug, and Cosmetic Act to regulate the advertising and distribution of organically grown or processed foods. It would provide, for the first time, a legal definition of the term "organic" and would require periodic inspection and certification of farms producing organically grown food. Only those farms and establishments which have been inspected and certified as meeting the conditions specified in my bill would be allowed to label, advertise, and distribute their product as organically grown and organically processed food. The use of the term organic would be denied to all other producers and distributors.

Organically grown food is food that is grown without pesticides and artificial fertilizers in soil whose humus content is increased by the additions of organic matter and whose mineral content is increased by applications of natural mineral fertilizers. Organically processed food is food that is grown organically and which, in its processing, has not been treated with preservatives, hormones, antibiotics, waxes, or other artificial substances. It is, in short, good old-fashioned, untreated food.

While some may argue that there are no nutritional advantages to be gained from eating organic foods, others will counter that the consumption of organic foods is better nutrition because such foods are free of dangerous pesticide residues, and have not been treated with preservatives, coloring agents, or additives during processing or packing.

It is not the purpose of my proposed legislation to take sides in this argument. The nutritional pros and cons of organic foods can best be determined through proper testing in a scientist's laboratory. The purpose of my bill is to provide a definition of what constitutes an organic food in order to eliminate the likelihood of confusion in the marketplace.

Presently, the term organic has no legal definition. In its absence and in the face of a growing consumer demand for organically grown and organically processed foods, some manufacturers and distributors have been tempted to label as organic foods which have been grown with pesticides and artificial fertilizers and which have been treated with artificial substances during processing. Under these conditions, the consumer has no assurance that the foods he is buying off the supermarket shelf are actually organic, although they may be labeled as such. And the bona fide organic farmer is being denied his share of a specialty food market.

The misleading labeling of organic foods is a problem of growing proportions. According to recognized experts in the field of organic farming, an estimated 10 million people—nearly a third more than just 3 years ago—will spend between $40 and $80 million this year on foods sold as organically grown and organically processed. But because there are no legal definitions of those terms and no regulation of organic farming, advertising and labeling, more than half of that money will be going for ersatz organic rather than for the real thing. The bill I am introducing today is designed to eliminate this problem.

In addition, Mr. President, I believe that the potential impact of this legislation can be much broader in scope than simply regulating the distribution, labeling, and advertising of organic foods. It focuses attention on the positive environmental advantages of farming by the organic method. It also provides a forum for the discussion of the suitability of organic farming to smaller farming units at a time when small farmers are being forced off the land by large-scale, mechanized agriculture.

Environmentally speaking, I believe that the organic farming method is superior to modern farming methods. The organic method is based on respect for the soil—respect which views the soil as a long-term resource—and requires considerable care of the soil. It repudiates the need for pesticides and artificial fertilizers, relying instead on the additions of organic matter and natural mineral fertilizers to replenish the soil and on the use of predator insects to control harmful plant pests. The latter, referred to as biological-cultural pest control, has attracted the attention of Congress. A bill, which I cosponsored, authorizing pilot field-research programs for the control of agricultural and forest pests by integrated biological-cultural methods passed the Senate last January and is now pending in the House Agriculture Committee.

Biological-cultural pest control has achieved this status as a result of the realization some years back that toxic chemical pesticides are too expensive and have a limited useful life because of the inevitable build-up of insect resistance.

One of the more interesting developments in the field of biological-cultural pest control is the discovery that plants, animals and insects—and perhaps even man—are tied together in a chemical communication network. The active agents of this communication network are pheremones, which are essentially airborne and waterborne hormones. Pheremones answer many of the questions which have puzzled biologists and farmers for years. Their discovery points the way to new cultural methods of pest control that can eliminate toxic risks and dramatically lower the costs of production. However, the use of chemical pesticides interferes with the pheremone network, making the research task more difficult than is the case in a system of natural food production. Thus, organic farmers and biological pest control researchers might well join together in a venture that can ultimately benefit us all.

Another area in need of research that would aid the organic farmer in his effort to promote good soil and environmental quality is that of solid waste conversion and natural fertilizer production. Methods should be developed for the conversion of many of the waste products of urban living into valuable natural fertilizers, methods which would require less handling and labor than is now needed. Present technology is adequate to convert almost any organic waste to a fertilizer or soil conditioner, but processing costs need to be reduced. Another exciting possibility is to use these organic wastes to produce methane gas for heating, lighting, and even for powering automobiles, trucks and tractors. The development of a power storage system suitable for a small farm could be of great benefit to the farmer and would make a small contribution toward solving the energy crisis. The recycling of organic wastes in these ways would help to solve an urban problem that is reaching mammoth proportions: the disposal of solid wastes.

In recent hearings before the Senate Subcommittee on Migratory Labor, Dr. George W. Cornwell, formerly an associate professor at the Institute of Food and Agricultural Sciences at the University of Florida, criticized modern agricultural technology from the standpoint of ecological principles. Noting that modern farm technology can damage both the environment and people, he said:

> . . . Much of this damage is unnecessary, a spinoff of the careless expansion of agricultural technology. Truly monumental environmental damage is associated with pesticide and fertilizer uses, channelization, irrigation, wetland drainage, intensity of crop and forest management practices, and habituation to machine intensive technology. The last has had severe implications for the farm labor force.

I believe that Dr. Cornwell, who incidentally was fired from his position apparently as a result of his criticism of the policies of his institution, has made a valid criticism of the environmental and human havoc which could result from a blind adherence to the principles that bigger is better and when in doubt use more. We have reached a point in the development of our agricultural technology that requires the asking of some searching questions about where this technology is taking us.

At this same hearing, Robert Rodale, editor of Organic Gardening and Farming magazine, who helped me to prepare the background materials for this bill, made the following statement:

> My constituency, the organic gardeners and farmers, are the remnants of the many millions of people who at one time constituted the yeoman core of American stability and strength. We are largely the little people still living on the land, not the businessmen farmers. We grow vegetables and fruits on small plots, using natural and non-chemical methods because we have found by experience that those methods are very effective. We concentrate on building the fertility of the soil, because we know that a fertile soil produces abundant crops with much less work and expense than a depleted soil.

He went on to discuss the kind of national policy we need to develop for rural America, a policy which returns garbage, sewage and other organic wastes to the soil instead of being burned or buried and which provides displaced farm workers and small farmers with new opportunities to return to the land. In addition, he said:

> Most importantly, the land-grant colleges must use their scientific resources to create a new generation of what I call the soft technology of farming. They must create machines and techniques that are better and smaller at the same time, instead of concentrating on large-scale techniques that always end up by replacing people. We organic people do not want to go back to primitive farming, where people are worn out by hard work by the time they are 40. We want a new, ecologically-oriented agriculture that can be made possible by the intelligent application of the best scientific thinking to our problems.

I want to emphasize his last point because I believe that organic farming is often thought of as little more than a nostalgic desire to go back in time. All of us, at one time or another, yearn for a return to a time in our history that was simpler and less stressful. But these motives are not the basis for the enthusiasm so many have for the organic farming method. Rather, organic farmers and consumers demanding organic foods are motvated by a genuine concern for the health of the earth and its people. They are also motivated by a concern about what our modern technology is doing to the lives of people in rural America.

Mr. President, as the costs of farming continue to increase and as the ingredients of success in farming have switched from long hours of hard work, worry and loving care to the application of pesticides and fertilizers and the use of complex machines, more and more farmers have been forced off the land. Since 1940, more than 3 million farms have folded, and farms continue to fold at the astonishing rate of 2,000 per week. Independent, small-town businesses are closing at the rate of some 16,000 per year. Since 1940, more than 30 million people have left their rural homes for urban areas, a migration which continues at the rate of 800,000 each year. Today, as a result of this mass exodus, more than 73 percent of the American people live on less than 2 percent of the land.

The environmental, social and economic consequences of this situation are legion, but nowhere are they more acutely felt than in rural America. Whole towns are disappearing. And those small family farmers still remaining on the land are struggling daily for their survival.

It is my hope that the bill I am introducing today can help the small farmer stay on his land by providing him with a specialty food market that is protected from misleading advertising and false labeling and by encouraging a method of farming that is far more suited to small farming units than that associated with current agricultural technology.

The speedy consideration of this bill by the Senate—and by the House where a similar bill, H.R. 14941, has been introduced by Congressman Edward I. Koch—will accomplish two major objectives: first, it will solve the immediate problem associated with the advertising, distribution and labeling of organic foods; and, second, it will stimulate public debate on the merits and the potential of organic farming.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end the following new section:

"ORGANICALLY GROWN OR PROCESSED FOODS

"Sec. 410. (a) For the purposes of this section:

"(1) The term 'organically grown food' means food which has not been subjected to pesticides or artificial fertilizers and which has been grown in soil whose humus content is increased by the addition of organic matter.

"(2) The term 'organically processed food' means organically grown food which in its processing has not been treated with preservatives, hormones, antibiotics, or synthetic additives of any kind.

"(3) The term 'organically growing or processing food' means growing or processing food for distribution in commerce as an organically grown or processed food.

"(4) The term 'commerce' means trade, traffic, commerce, or transportation—

"(A) between a place in a State and any place outside thereof, or

"(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

"(5) The term 'distribute in commerce' means to sell in, offer for sale in, or introduce or deliver for introduction into, commerce.

"(b)(1) The Secretary shall by regulation prescribe the conditions under which any food must be grown or processed before such food may be advertised or distributed in commerce as an organically grown food or organically processed food. Such conditions shall, with respect to any such food, include (A) a standard for minimal humus and mineral content of the soil in which such food is grown, and (B) standards for maximum permissible residues of pesticides (i) in the soil in which such food is produced, (ii) in or on such food, and (iii) in the water sources used in the production of such food.

"(2) The Secretary shall also by regulation prescribe the labeling requirements for organically grown foods and for organically processed foods.

"(3) In promulgating regulations under this subsection, the Secretary shall consult with other departments and agencies of the Federal government and with departments and agencies of State governments that have responsibilities or interests related to those of the Secretary under this chapter and with appropriate professional organizations and interested persons, including farm organizations, industry, labor organizations, and consumer organizations that would be affected by such regulations.

"(c) No person may advertise or distribute in commerce a food or food supplement as 'organic', 'organically grown', or 'organically processed' unless such food is (1) grown, processed, or both grown and processed, as the case may be, by a person registered under this section and in accordance with the conditions prescribed by the Secretary, and (2) labeled in accordance with regulations prescribed by the Secretary.

"(d)(1)(A) On or before December 31 of each year, every person who owns or operates any farm or establishment in any State engaged in organically growing or processing food on or in any farm or establishment which he owns or operates in any State shall register with the Secretary his name, place of business, and all such farms or establishments.

"(B) Every person upon first engaging in organically growing or processing food on or in any farm or establishment which he owns or operates in any State shall immediately register with the Secretary his name, place of business, and such farm or establishment.

"(C) The Secretary may establish such fee for registration as he determines necessary to cover the cost of carrying out this section.

"(2) The Secretary shall make available for inspection, to any person so requesting, any registration filed under this subsection.

"(e) The Secretary shall inspect each farm and establishment in any State registered with the Secretary under this subsection no less than twice per year for each crop grown during the year by one or more officers or employees duly designated by the Secretary in the one-year period beginning with the date of registration of such farm of establishment under this section and continuing with every successive one-year period thereafter. The purpose of this inspection shall be to determine whether the farm or establishment meets the conditions for the growth and processing prescribed by the Secretary."

(b) Section 301 of such Act (21 U.S.C. 331) is amended by adding after paragraph (p) the following:

"(q) The advertisement or distribution in commerce of a food as an organically grown or processed food in violation of section 410 (b), and the failure to register as required by section 410 (d)."

Sec. 2. (a) Section 410 of the Federal Food, Drug, and Cosmetic Act, added by the first section of this Act, shall take effect on the first day of the seventh calendar month which begins after the month in which this Act is enacted, except that the Secretary of Health, Education, and Welfare may on or after the date of the enactment of this Act promulgate such regulations as may be necessary for the administration of such section 410.

(b) Any person who, on the day immediately preceding the date of enactment of this Act, owned or operated any farm or establishment in any State engaged in organically growing or processing food (as defined by section 410 of the Federal Food, Drug, and Cosmetic Act) shall, if prior to the first day of the seventh calendar month which begins after the month in which the Act is enacted, he registers with the Secretary his name, principal place of business, and location of each such establishment, be deemed to have complied with section 410 of the Federal Food, Drug, and Cosmetic Act for the calendar year 1972. Such registration, if made within such period and effected in 1973, shall be deemed to be in compliance with such section for that calendar year.

By Mr. HARTKE (for himself, Mr. Taft, Mr. Weicker, Mr. Pell, and Mr. Williams):

S. 3769. A bill to designate an Interstate Railroad System; to require minimum standards of maintenance on the railroad lines comprising such systems; to establish rights of access by rail carriers to railroad lines; to provide financial assistance for certain rehabilitation of railroads; and for other purposes. Referred to the Committee on Commerce.

INTERSTATE RAILROAD ACT OF 1972

Mr. HARTKE. Mr. President, recently, on June 21, the second anniversary of the Penn Central's filing for reorganization under the Bankruptcy Act passed practically unnoticed. But 2 years ago the bankruptcy of the Penn Central shocked the Nation's financial community and bewildered the general public. The repercussions from the event will be felt for years to come.

The Senate Commerce Committee, at my urging, proposed, and the full Senate authorized, a staff study of the Penn Central in May of last year. It is the purpose of the study and report to identify the root causes of the Penn Central's collapse and to determine whether there are any lessons applicable to railroads generally. The information gained will be invaluable to the committee in addressing the problems of the Penn Central and perhaps other railroads.

The bankruptcy of any enterprise causes losses for many. However, insofar as the public is concerned with the affairs of transportation companies, the Penn Central collapse has demonstrated that bankruptcy need not be feared. It allows the free enterprise system to work its will in reinvigorating management and replacing faulty policy. Bankruptcy has not brought the dissolution of operations nor even disruptions of service. Contrary to the dire predictions of some, the Penn Central has kept running in bankruptcy and its service today surpasses that of prebankruptcy days. Perhaps, most importantly, the Penn Central debacle provides the Government and private interests with a unique opportunity to learn some lessons. The lessons of the Penn Central could well have remained hidden for decades if the administration or the Congress had merely propped up a failing management.

It is evident that we should not have been surprised by the Penn Central's collapse. The danger signs were there, management was certainly aware of the symptoms and the Interstate Commerce Commission had the essential information stuffed away in its files.

Prior to merger, exceptional management efforts combined with a thorough understanding of the environment in which the railroads were operating might have kept the enterprises above water. The railroads largely failed to respond to changing business conditions and relied too heavily on traditional commodities for which transportation demand was and is declining. Clearly, management was not up to the challenges, but in all fairness it must be recognized that the challenges were fierce.

It is also evident that without the merger the managements of the two major predecessors—New York Central and Pennsylvania Railroad—were confronted with monumental tasks if they were to avoid bankruptcy at some point in time. Ironically, however, the merger—viewed as their salvation—only hastened their collapse. With its high costs of implementation and the confusion of postmerger decisionmaking, consummation of the merger made financial disaster inevitable. The 2 years prior to the collapse are a fascinating study of a business continually operating in extremes.

In many respects the Penn Central may be viewed as a prototype of problems to be faced by other rail systems. If railroads are to play a meaningful role in transportation, particularly in the northeast, they must adapt to changing market conditions. This necessitates action by management, which of course retains primary responsibility for innovation and development. But it means also that a change is necessary in the strong status quo bias of the regulatory system which reinforces the conservative attitudes toward change that seem to be predominant among both shippers and carriers.

It is significant that few creative solutions have been proposed for the Penn Central. What are most often suggested are cost-cutting ideas, not ones designed to win more business through improved service.

The Penn Central debacle represents more than a financial failure; it is the bankruptcy of conventional solutions to rail problems. We know that the Penn Central is a necessary institution, but no one can say what role the Penn Central should play. We need a fundamental search for creative public policy instruments to establish the viability of the Penn Central and to assist the Penn Central and railroads generally, in accommodating the rail system to market and social requirements.

A major shift in governmental viewpoint is necessary both in administrative policy and legislation. Hereafter it is essential for the Government to think in terms of a rail system to service the public's needs. The carriers' proprietary interests are of legitimate concern, and policy instruments are needed which effectively accommodate them with the public's need for a better system. Moreover, we tend to address problems from a modal vantage point when what we need more of is a systems approach to planning and development.

I am dismayed by the tendency of too many in Government to rely upon the old hackneyed suggestions that have been around for years. Months ago in an effort to generate some serious discussion of a systems approach to rail problems, I circulated widely a bill which I had introduced, S. 2710, which took the systems view. That bill would require the Secretary of Transportation to develop a nationwide survey of rail lines and along with this provides the Secretary with authority to develop a plan of action to keep essential rail services functional. Informally I received numerous favorable comments, but none of the three parties which I would consider most vitally interested, namely the ICC, DOT, and the Penn Central, have gone beyond a mere acknowledgement. On the other hand, none of these have proposed realistic solutions of their own that have the needs of the using public at heart. They propose aiding the enterprises involved and somehow hope good things will flow therefrom.

Actually the systems approach is not new; we are merely beginning to recognize its importance. The Amtrak statute is systems oriented—the fact that it is not working as well as we had hoped is more a result of the administration's negative attitude than it is a comment on the approach taken. The Senate Commerce Committee has just completed action on a freight car measure which if it operates properly would encourage a systems rather than a proprietorship approach.

I should also note here that the committee has been considering legislation, S. 2279, introduced by Chairman MAGNUSON and myself, to establish regional transportation commissions which would have the authority to plan and develop for transportation needs utilizing whatever mode that seems appropriate.

Mr. President, today I am introducing a bill which is consistent with the systems approach of the aforementioned bills and consistent with the findings of the committee's Penn Central report thus far. The junior Senator from Ohio (Mr. TAFT) and I have worked jointly in developing this legislation and I am pleased to announce that the following Senators have joined with us in cosponsoring the measure: Senators WEICKER, PELL, and WILLIAMS.

The bill, the Interstate Railroad Act of 1972, has as its primary objective the rehabilitation of mainline railroad tracks and roadbeds throughout the United States to enable provision of fast, dependable freight and passenger service. The bill is also intended to promote better service at lower cost by encouraging railroads and rail carriers to use lines of other railroads through trackage rights arrangements. Federal grants and loan guarantees are made available to assist in track and roadway rehabilitation. However, in return for this aid, the railroads must adhere to mandatory track standards on principal main lines, and must allow others to use their tracks and facilities for fair compensation.

I will briefly discuss the major provisions of this legislation, and explain their intended purpose and operation.

The bill calls first for designation of an interstate railroad system, which would initially consist of the 82,000 miles of railroad equipped with automatic block signals or other equivalent safety devices. The Secretary of Transportation would be empowered to designate the final system after considering suggestions from interested parties for additions and deletions from the initial system.

All main track in the interstate system would have to be rehabilitated and maintained to standards sufficient for smooth, dependable train operation at 80 miles an hour. Passenger trains must be able to operate at least that fast if they are to be competitive with other modes. A few railroads which have kept their track at high standards are running freight trains at 70. I understand the Santa Fe operates its "Super C" container train up to 80. It has been reported that the Union Pacific is now planning its track maintenance programs to allow for freight train speeds up to 85.

The imposition of such mandatory standards is a major change in present law and policy. While the Rail Safety Act of 1970 has resulted in standards for track maintenance, those standards are optional depending upon how fast trains are opereated. Furthermore, the Federal Railroad Administrator has characterized those standards as "minimum standards required for safe operation rather than recommended practice."

The Rail Safety Act standards, finally adopted in October 1971, represent a modification of proposed standards issued the previous June, which were drawn up by FRA after consulting with nationally recognized experts in the field of railway civil engineering. The Federal Railroad Administrator described these proposed standards as "preferred or recommended practices from an economic and engineering standpoint rather (than) minimum requirements for safety." Accordingly, I believe that the interstate railroad system should meet those proposed standards, rather than the minimum safety standards ultimately adopted, in those areas which affect ride quality as well as safety gauge, alignment, surface, rail mismatch, rail end batter, and frog points.

The standards incorporated into section 301 are those recommended by the experts for speeds up to 80 for both freight and passenger trains. And indications are that with upgraded equipment, passenger train speeds could be increased to 90 or 100 without requiring increased maintenance expenses. By limiting the application of these high standards to lines included in the interstate system, the bill safeguards against excessive maintenance expenditures in areas where such expenditures would not be justified by traffic density or train speeds.

Deterioration of track and roadbed conditions throughout the country is documented by figures issued by the Federal Railroad Administration. Between 1963 and 1970, the annual number of train derailments caused by defects in or improper maintenance of track and roadbed, and in which property damage exceeded $750 each, increased from 691 to 2,394—almost 250 percent. During the same period, total train and locomotive miles operated decreased by 12 percent. While the $750 cutoff for reporting purposes results in the 1970 derailment figures being somewhat overstated on account of price inflation since 1963, this factor does not exceed 30 percent. Federal Railroad Administration figures for principal railroads are as follows:

NUMBER OF TRAIN DERAILMENTS ON ACCOUNT OF DEFECTS IN OR IMPROPER MAINTENANCE OF TRACK AND ROADBED

Railroad	1963	1970
Baltimore & Ohio	45	73
Boston & Maine	6	21
Chesapeake & Ohio	15	69
Delaware & Hudson	6	8
Erie-Lackawanna	9	48
Lehigh Valley	1	16
Central of New Jersey	5	36
Norfolk & Western	7	21
Penn Central (system)	171	523
Reading	12	55
Gulf, Mobile & Ohio	5	7
Illinois Central	10	66
Louisville & Nashville	23	169
Seaboard Coast Line	13	50
Southern (system)	43	83
Santa Fe	17	64
Chicago & North Western	36	194
Burlington Northern (system)	33	126
Milwaukee Road	12	44
Rock Island Lines	10	133
Rio Grande	1	2
Kansas City Southern (system)	7	49
Missouri-Kansas-Texas	52	63
Missouri Pacific (system)	19	58
Frisco	12	40
Sioux Line	1	24
Southern Pacific (system)	30	45
Union Pacific	5	15
Western Pacific	4	6

It appears that the best way to assure against derailments is to keep track as smooth as possible at all times. According to W. W. Hay, professor of railway civil engineering at the University of Illinois:

> Track deterioration feeds on the dynamic effects of even slight irregularities. Therefore, the highest standards of surface, line and gauge must be maintained.

In other words, while the high standards required by this bill may not of themselves be necessary to prevent derailments, adherence to them in the first instance is the most economic way of preventing the deterioration of track to the point that derailments become a likely possibility.

Bad track and roadbed are a significant factor in the steady rise in loss and damage to freight and to equipment, both on account of derailments and of rough ride conditions. In 1970, the total railroad payout for loss and damage claims was $230 million, almost double what it was 10 years earlier.

Another indication of deterioration of track and roadbed is the widespread slowdown of passenger trains during the past ten years. Many Amtrak trains are slower than 1941 runs over the same routes. In some instances, the railroads have admitted that track and roadbed are no longer safe for the higher speeds attained previously. And even where there have been no slowdowns, ride quality in many places has become rougher.

Section 401 of the bill is designed to encourage rationalization of the railroad plant by means of joint trackage and facility arrangements. Under present law, trackage rights arrangements can come about only as a result of voluntary agreement. Railroad corporations have been historically reluctant to enter into such arrangements on a voluntary basis for fear that a competitor might get slightly the better part of the bargain. The bill gives the Secretary of Transportation authority to break the impasse when one railroad wants to economize by use of tracks or facilities of another which is not agreeable thereto.

The bill provides for Federal reimbursement to all railroads of amounts paid to State and local governments in property taxes on track and roadway. Thus railroads would be placed on an equal footing with other carriers who operate on publicly owned property which is not on the tax rolls. While total reimbursement payments would be around $200 million per year, the more prosperous railroad companies would have to contribute most or all of their reimbursement—a total of around $100 million per year—to a railroad rehabilitation fund, from which the Secretary of Transportation would make grants for track rehabilitation work to bankrupt and unprofitable railroads. Upon completion of the rehabilitation work required by this bill, grants from the fund could be made for work required by the Rail Safety Act of 1970 and for major upgrading of rail lines for high-speed service.

Federal loan guarantees of up to $1 billion would be available to all railroads to assist with work required by this bill and by the Rail Safety Act of 1970.

In my judgment, Federal assistance for railroad track and roadway rehabilitation is imperative if we are to have the kind of rail service we need. Many railroads cannot raise the needed cash from internal sources to finance necessary roadway work. In the absence of a Government guarantee, it is extremely difficult for railroads to borrow money for fixed plant improvement, because—unlike equipment borrowings—there is no readily marketable collateral which can be repossessed and sold to others. Property now owned by most railroads is mortgaged to the hilt.

An additional public benefit of a track and roadway rehabilitation program which should not be overlooked is the provision of employment opportunity for unskilled and semi-skilled workers, the labor category in which unemployment has been the most acute for a number of years.

Government assistance to the railroads for fixed plant rehabilitation is eminently fair in view of the large sums which have been and are continuing to be spent by governments at all levels for the benefit to other modes. Unfortunately the Department of Transportation has not made available statistics comparing the assistance provided by the Government to the various modes. The following is taken from statistics developed by the Association of American Railroads, which I presume are reasonably accurate.

1921 THROUGH 1971

Highways: $326 billion.
Air transport: $25 billion.[1]
Waterways: $15 billion.[2]
Railroads: $200 million.
Total, $368 billion.

1971 ONLY

Highways: $21 billion.
Air transport: $2.3 billion.[1]
Waterways: $920 million.[2]
Railroads: $75 million.
Total, $25 billion.

For the Federal Government alone the figures are large enough:

1921 THROUGH 1971

Highways: $72.4 billion.
Air transport: $16.2 billion.[1]
Waterways: $9.1 billion.[2]
Railroads: $65 million.
Total, $98 billion.

1971 ONLY

Highways: $5.5 billion.
Air transport: $1.6 billion.[1]
Waterways: $440 million.[2]
Railroads: $65 million.
Total, $7.6 billion.

The fact that highway spending is covered in substantial part by user charges does not alter the force of these comparisons. User charges are not voluntary contributions by persons who want better highways; they are for the most part gasoline and other automotive excise taxes, the payment of which is a mandatory condition precedent to the operation of a motor vehicle. Thus the construction of highways is dependent upon the forcible collection of taxes by Federal and States governments. Were it not for the exercise of Government tax powers, very few highways would be built.

Even if that portion of Government transportation expenditures accounted for by user charges is completely disregarded, the amounts that have been and are continuing to be spent from general funds are enormous. Of the $368 billion spent since 1921, at least $100 billion came from general funds. Available figures indicate that in 1968, $3 billion of the total $17.8 billion spent on highways came from general funds. All of the waterway expenditures have come and will continue to come from general funds. While Congress recently enacted an airport-airways user tax, it is estimated that for the period 1970–79 some $3.2 billion will continue to be spent from general funds for these purposes.

For all these reasons, it seems most appropriate that Government assistance be expended to rehabilitate the railroads. The Federal Government must now begin to right the imbalance in transportation which its past taxing and spending policies have helped to create.

In addition to basic rehabilitation financing, the bill provides funds for emergency reconstruction of rail lines following natural disasters, and for research and development. Finally, the bill requires the Secretary of Transportation to make a study of the long-term capital improvement needs of the interstate railroad system, including line relocation, signal systems, grade crossing elimination, and electrification.

The bill contains provisions for the protection of affected employees, both with regard to track and roadway rehabilitation work and with regard to trackage rights arrangements. Furthermore, the Secretary of Transportation is empowered to ascertain that the track standards are in fact complied with; that rehabilitation work is done in an efficient and economic manner; and that Federal funds are not diverted to payment of dividends or investment in non-transportation enterprises.

I am under no illusion that this bill is the total answer to the ailments affecting rail transportation. Other aspects, including freight car utilization, abandonments, and rate-making, are dealt with in bills in various stages of consideration by the Commerce Committee. However, in my opinion, none of the pending bills address the problem which the Interstate Railroad Act is aimed at—the deterioration and decay of main line track and roadbeds.

In preparation of this legislation, my staff has drawn on the expertise of knowledgeable persons in the railroad industry; rail labor; academics; and the professional consulting field. As with any legislation, however, the legislative process must necessarily work its will. It is unlikely that this bill is perfectly drafted or that it responds to all the problems that will inevitably arise. But I believe the concept of Government aid to improve and maintain track and roadbed is essential from the public's standpoint. Originally, I contemplated the possibility of a bill authorizing government ownership of track and roadbed, but frankly, the problems involved, even with some railroad industry support for the idea, seemed to be insurmountable. Undoubtedly, the bill can be improved still further in the legislative process that lies ahead. I earnestly solicit the support and assistance both of my colleagues here in the Senate and of all interested parties as we embark on the urgent business of creating a truly modern railroad system.

I ask unanimous consent that a summary of the bill be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THUMBNAIL SKETCH OF INTERSTATE RAILWAY ACT OF 1972

1. Provides for designation by the Secretary of an interstate railroad system consisting of the principal mainline track in the United States.

2. Establish access to tracks and facilities by any carrier by railroad (including passenger carriers) on just and reasonable terms not inconsistent with the owner or possessor's business requirements.

4. The Treasury Secretary is directed first to reimburse railroads for the amount they pay in property taxes to states. A railroad rehabilitation fund is instituted in the Treasury as a separate fund to be established by the payment of 20% of net income of railroads (not to exceed the amount paid to each such railroad by the Secretary of Treasury). Bankrupt or marginal railroads may apply to the fund for track rehabilitation; the excess may be applied to other purposes and for other railroads.

A loan guarantee program is also proposed for rehabilitation work in the amount of $1 billion.

Emergency reconstruction grants from the fund and R&D from the fund are also provided for.

Mr. TAFT. Mr. President, our Nation must have modern efficient railroads if our transportation needs are to be met in the years ahead. In our drive to increase the productivity of American industry, we cannot forget that these gains in productivity can be lost through inefficient and outmoded transportation systems. Such inefficiency adds to the cost of American products just as much as inefficiency in manufacturing plants.

Tragically, the efficiency of America's railroads has been jeopardized by deteriorated track and roadbeds. Such deterioration presents a serious safety problem for the American people. Between 1963 and 1970 train derailments caused by defects in track and improper maintenance of track, increased by almost 250 percent. Freight loss and damage claims paid out in 1970 were almost double the amount 10 years earlier.

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[1] Includes direct subsidy and airway control.

[2] Excludes Merchant Marine, Coast Guard, and Intercoastal costs.

Deteriorated track also reduces railway efficiency. Intercity passenger trains on the Rock Island may not exceed 60 miles per hour in contrast to the 80 miles per hour allowed since the mid-thirties. Top speed of Missouri Pacific passenger trains between St. Louis and Kansas City was reduced last year from 80 to 65. For years the Milwaukee Road was justly famous for its highspeed Hiawathas between Chicago, Milwaukee, and the Twin Cities, which regularly attained speeds of 100 miles an hour and faster. Now all Milwaukee passenger trains are limited to 70.

The most extensive slowdowns on account of track conditions have occurred, perhaps not surprisingly, on the Penn Central. Outside the Northeast Corridor, top speed for Penn Central passenger trains is 70. On some runs, including Chicago–Detroit, Chicago–Indianapolis–Cincinnati, and Chicago–Indianapolis–Louisville, the top speed is 60. For many years, passenger trains on all Pennsylvania and New York Central main lines rolled along at 80 to 85. Indeed, two of the fastest high-speed test runs ever conducted in the United States were operated on Penn Central main lines in Ohio. In 1906, a Pennsylvania Railroad passenger train consisting of a steam locomotive and wooden coaches attained a speed of 126 miles an hour near Ada, Ohio, on the Pittsburgh-Fort Wayne-Chicago line. In 1966, an experimental jet-powered rail vehicle of the New York Central reached 183 miles an hour near Bryan, Ohio, on the Cleveland-Toledo-Chicago line. This was the all-time railroad speed record for America.

The comparisons I have just recited are based on information contained in the operating timetables of the railroads involved. However, in some instances, speeds have been reduced even further by the imposition of "slow orders" which have been in effect for extended periods of time. On the Penn Central line between Chicago, Indianapolis, and Louisville, substantial stretches are restricted to 30 miles an hour. The schedule of the Amtrak passenger train on this route is slower than at the turn of the century.

An article about the New York Central, published in November, 1939, Fortune magazine provides a vivid contrast to the situation which prevails today on far too many of our main line railroads:

> Not long ago a western engineer, an authentic old-time hoghead from one of the mountain divisions of the Denver and Rio Grande Western, made his first trip east. He took the New York Central, and with a somewhat unusual profesional curiosity, obtained permission to ride the engine of No. 2 from Elkhart to Toledo. No. 2 arrived five minutes early, covering the 133 miles in 113 minutes. "Why hell," he said when he got off. "You fellows don't railroad out here in the East. You just climb on your engines and ride."
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> The Central's track is so hospitable to speed, and its newest steam locomotives are so eager to reciprocate the hospitality, that engineers have difficulty in restraining the engines. As a matter of fact, they didn't restrain them at first. Speed sheets began to show the 100 mark violated with increasing frequency; trains were sometimes pulling in far ahead of time. The official reaction came quickly, and now an engineer needs a set of the most extenuating circumstances to get by with eighty-five.

Deteriorated track and roadbed has had an adverse effect on freight train speeds as well as passenger train speeds. Boston and Maine freight trains are now limited to 40 miles an hour as are Soo Line freight trains. Prior to the Penn Central merger, the New York Central ran freight trains at 60 miles an hour on all its main lines. The limit is now 50. A similar slowdown has occurred on the Erie-Lackawanna.

William H. Moore, now president of Penn Central, made the following comments in November 1968, when he was vice-president-operations of the Southern Railway:

> I say to you now, the American railroads must increase their spending on track maintenance.
>
> This year, we (Southern) have already spent $3 million more on M/W than was spent last year. The heavier cars and locomotives are demanding better track. The maintenance program we have used in the past—and it was a rather healthy one—would not do the job. In the final analysis this stepped-up program will cost no more than we have spent in the past. Savings generated through fewer derailments and less loss and damage will pick up the tab. We are already three-quarters of a million dollars better off in this respect this year than last year.
>
> The sooner your managements decide to take this step the better off you will be. Trains will move faster, per diem on equipment will be less, derailments will diminish, and, best of all, you will have more business to handle. I cannot think of a healthier situation.

In 1970, Mr. Moore indicated his agreement with the statement that "track may be about one generation behind equipment" and added:

> The greatest shortcoming of railroads over the past 10 to 15 years has been their failure to keep track maintenance standards up to what they should be to handle the heavier cars and locomotives. You need to have perfect track to handle today's six-axle locomotives and heavy cars.

On March 8, 1972, Alan S. Boyd, president of the Illinois Central, told the American Railway Engineering Association that:

> Our adverse earnings trends are a powerful temptation to cut corners where we can. The fixed plant, all too often, has been the place where the cuts were made.

In view of the seriousness of these problems, I am pleased to join with the distinguished Senator from Indiana (Mr. HARTKE) in introducing the Interstate Railroad Act of 1972.

In my view, one of the most important parts of this legislation is section 401, which would encourage more economic utilization of the railroad plant by concentrating traffic on the most favorable routes regardless of ownership. Some rail lines which serve few or no on-line shippers and receivers are nevertheless carrying a substantial "bridge" traffic. Section 401 would encourage rerouting of such traffic, by empowering the Secretary of Transportation to require a track-owning railroad to allow another railroad to use such track for fair compensation, provided that the usage will not impair the ability of the owning railroad to handle its own business. Lines which would become redundant as a result of such arrangements could either be abandoned or else continued for local service at sharply reduced maintenance expense.

In addition to improving railroad economics, rationalization will benefit the public through the release of valuable land area now occupied by railroad tracks, and through a reduction in the number of highway grade crossings.

Hopefully, this approach can dovetail with the philosophy behind my bill, S. 1092, which would facilitate the abandonment of unproductive branch lines and redundant or parallel mainlines. I am pleased that the Administration has also given attention to this problem in its proposals.

Section 401 of the bill is consistent with the philosophy that railroads are in some respects equivalent to public highways. For over a century, this principle has been recognized by the Supreme Court of the United States.

> That railroads, though constructed by private corporations and owned by them, are public highways has been the doctrine of nearly all the courts since such conveniences for passage and transportation have had any existence.
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> * * * * *
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> Whether the use of a railroad is a public or private one depends in no measure upon the question of who constructed it or who owns it. It has never been questioned as a matter of any importance that the road was built by the agency of a private corporation. No matter who is the agent, the function performed is that of the state. Though the ownership is private, the use is public. So turnpikes, bridges, ferries, and canals, although made by individuals under public grants, or by companies, are regarded as *publici juris*. The right to exact tolls or charge freights is granted for a service to the public. The owners may be private companies, but they are compellable to permit the public to use their works in the manner in which such works can be used. That all persons may not put their own cars upon the road, and use their own motive power, has no bearing upon the question whether the road is a public highway. It bears only upon the mode of use, of which the legislature is the exclusive judge." *Olcutt* v. *The Supervisors*, 83 U.S. 678 at 694, 695 (1872).
>
> A railroad is a public highway, and none-the-less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. *Smyth* v. *Ames*, 169 U.S. 466 at 544 (1898).

Finally, while the bill does not deal with the problem of grade crossings, per se, I am hopeful that by focusing on the question of efficient high speed rights-of-way we can progress toward the elimination of many dangerous grade crossings. Such grade crossings not only are a hazard to human life but frequently block emergency vehicles from their vital missions.

I am pleased that the Department of

Transportation will be issuing a report on this subject later this year and hopefully we can begin a major effort toward the reduction of grade crossings in congested areas.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3458

At the request of Mr. Percy, the Senator from Oregon (Mr. Hatfield), the Senator from California (Mr. Cranston), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 3458, a bill to amend the Civil Rights Act of 1964 in order to make discrimination because of physical or mental handicap in employment an unlawful employment practice, unless there is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

S. 3639

At the request of Mr. Robert C. Byrd, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 3639, a bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions.

S. 3749

At the request of Mr. Ellender, the Senator from Florida (Mr. Chiles) was added as a cosponsor to S. 3749, a bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1306

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

EXTENSION OF THE PUBLIC DEBT LIMITATION—AMENDMENT

AMENDMENT NO. 1307

(Ordered to be printed and to lie on the table.)

SOCIAL SECURITY AMENDMENTS TO THE DEBT CEILING BILL

Mr. CHURCH. Mr. President, yesterday the House of Representatives passed and today sent to the Senate H.R. 15390, a bill to temporarily increase the debt ceiling. This bill will soon be brought to the Senate floor.

Previously, I have announced my intention to seek to amend the debt ceiling bill by adding a 20-percent across-the-board increase in social security benefits, effective this September. My amendment, I should add, includes a mechanism for automatic cost-of-living adjustments which will keep social security inflation-proof, now and in the future.

The amendment also contains tax provisions to pay for the 20-percent increase in benefits and the cost-of-living adjustments. This can be accomplished without jeopardizing the actuarial soundness of the social security trust fund, and with only a modest increase in the payroll tax.

In fact, compared with the scheduled increases under present law, workers earning $9,245 or less would actually pay lower payroll taxes from 1973 through the end of this century, with the adoption of my amendment.

As a result, the overwhelming majority of low- and moderate-income wage earners, approximately 70 million Americans in all, would pay lower payroll taxes under my proposed amendment than the levels scheduled under present law.

This welcome and seemingly astonishing result can be realized because my proposal is based upon new actuarial assumptions—current cost financing and a rising wage assumption—recommended by the distinguished and knowledgeable Social Security Advisory Council.

These actuarial arguments are compelling, and they make an irresistible argument for action now.

In addition, there are other very practical reasons for taking action on my amendment before we recess.

First, a 20-percent increase in social security benefits received strong and enthusiastic support of more than two-thirds of the Senate after I offered it as an amendment to H.R. 1 on March 7. Republicans, as well as Democrats, are among its 60 cosponsors and seven unlisted supporters.

Second, the debt ceiling bill provides the only expeditious means for delivering a long overdue social security increase.

Third, I am confident that my proposed 20 percent amendment would be acceptable to the House of Representatives. Several Members of the House have already sponsored or endorsed similar proposals. And Representative Wilbur Mills, the distinguished chairman of the Ways and Means Committee, is strongly in support of a 20-percent increase. In fact, he has introduced companion legislation.

Before concluding, I wish to make one additional crucial point which cannot be overlooked. Any further amendments or additions to the debt ceiling bill could easily insure the defeat of a social security increase at this time.

Both the Senate and the House are now operating under a stringent time deadline because action on the debt ceiling legislation must be completed by June 30. It therefore could prove critical that my proposed 20-percent social security increase be unencumbered by any other additions to the debt ceiling bill.

Moreover, if the Senate goes no further than adopting my amendment, there is an excellent prospect that the House will accept the proposal without the necessity of a conference.

Additionally, I wish to emphasize that other reforms in H.R. 1—such as full benefits for widows, liberalization of the retirement test, extension of Medicare for the disabled, and others—can be considered by the Senate after the recess for the Democratic Convention. As a sponsor of several of these provisions, I wish to reaffirm my strong commitment for their adoption when H.R. 1 is reported to the Senate floor for debate.

Mr. President, I send my amendment to the desk, and ask that it be printed and lay over so that it might be called up at the appropriate time. I also ask unanimous consent that a table describing the tax-rate schedule under my proposed amendment, compared to the tax rate under the present law, be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

SOCIAL SECURITY TAX FOR EMPLOYERS AND EMPLOYEES

	Present law [1]			Church amendment [2,3,4,5]		
Year	OASDI percent	HI percent	Total tax	OASDI tax	HI percent	Total tax
1972	4.60	0.60	5.20	4.60	0.60	5.20
1973	5.00	.65	5.65	4.60	.90	5.50
1974	5.00	.65	5.65	4.60	.90	5.50
1975	5.00	.65	5.65	4.60	.90	5.50
1976	5.15	.70	5.85	4.60	.90	5.50
1977	5.15	.70	5.85	4.60	.90	5.50
1978	5.15	.70	5.85	4.50	1.00	5.50
1979	5.15	.70	5.85	4.50	1.00	5.50
1980	5.15	.80	5.95	4.50	1.00	5.50
1981	5.15	.80	5.95	4.50	1.00	5.50
1982	5.15	.80	5.95	4.50	1.00	5.50
1983	5.15	.80	5.95	4.50	1.00	5.50
1984	5.15	.80	5.95	4.50	1.00	5.50
1985	5.15	.80	5.95	4.50	1.00	5.50

[1] Tax rates apply to annual earnings up to $9,000.

[2] Tax rates apply to annual earnings up to $9,000 for 1972.

[3] Tax rates apply to annual earnings up to $10,000 for 1973.

[4] Tax rates apply to annual earnings up to $12,000 for 1974.

[5] Automatically adjusted from 1975 to 1985.

AMENDMENT NO. 1310

(Ordered to be printed and to lie on the table.)

Mr. BENNETT (for himself, Mr. Curtis, Mr. Miller, Mr. Jordan of Idaho, and Mr. Hansen) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15390), supra.

AMENDMENT NO. 1311

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (H.R. 15390), supra.

PUBLIC WORKS APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1308

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1309

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1266

At the request of Mr. Roth, the Senator from Georgia (Mr. Gambrell) was added as a cosponsor of Amendment No. 1266 intended to be proposed to the bill (H.R. 15390) to provide for a temporary increase in the public debt limit.

ADDITIONAL STATEMENTS

TORTURE IN BRAZIL

Mr. TUNNEY. Mr. President, yesterday I offered an amendment to the Foreign Assistance Act which would terminate all U.S. military assistance to Brazil until the President certifies that the Government of Brazil is not engaging in the torture of political prisoners.

On Monday, June 26, 1972, I placed in the Congressional Record several references in order to advise Senators of the extent of the torture that appears to be continuing in Brazil. In order to set forth more fully some of the impact of that torture, I ask unanimous consent that the several documents be printed in the Record.

The documents include several recent newspaper articles on the subject of torture in Brazil, a letter of March 22, 1972, from the Director of the Division for Latin America of the U.S. Catholic Conference to the President of Brazil, a May 1971 resolution of the Conference of Major Superiors of Men of the U.S.A., together with an addendum provided by that organization entitled "Rationale for Resolution on Brazil, Laws of Repression," a letter of December 7, 1971, from a distinguished group of clergy and laity to the President of Brazil, and a devastating account of torture in Brazil entitled "Nine Days of Hell," published in June of 1972.

In conjunction with yesterday's Senate floor debate on this subject and the articles and documentation which I submitted on Monday, I commend these documents to the Senate.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, June 13, 1972]

Bishops Say Brazil Torture Goes On

(By Leonard Greenwood)

Rio de Janeiro, June 12.—A powerful group of Roman Catholic Church leaders has accused Brazilian authorities of torturing political prisoners physically, mentally and mortally so that some of them are mutilated, broken in health or even die.

The church leaders said that they had urged the government to stop torture two years ago. But they added that the church now has evidence of a sufficient number of recent cases to know that "Substantially, the situation has not changed since that time."

In an unprecedentedly blunt declaration, issued two days after a special meeting of the southern section of the Brazilian Conference of Bishops, the church leaders flatly rejected government claims that individual freedoms have been suspended so that the country can progress in peace and security.

"It is exactly the absence of these freedoms and especially habeas corpus that has created this climate of insecurity," the bishops said. The declaration went on to list some of the problems.

There are, it said, "the insecurity of people who feel themselves threatened with prisoner maltreatment on mere suspicion or even by mistake; the insecurity of entire families who find it impossible for months to obtain information about missing members who have been arrested; the insecurity of the whole society which today is incapable of confiding in those which have the responsibility for the protection of the people.

"The restoration of a climate of confidence in justice," the declaration went on, "would certainly ease the fears of Brazil's families and of all its people."

[From the Washington Post, Sept. 26, 1971]

Brazil Keeps Quiet on Security Cases

(By Lewis H. Diuguid)

Rio de Janeiro.—The only news printable in Brazil on persons detained under national security decrees is that which the government chooses to release.

There are hundreds of national security cases, and government information on them.

Several weeks ago, a professor at the University of Sao Paulo and his wife were arrested in their home. The Rui Coelhos were friends of the Mesquita brothers, Julio and Ruy, who publish Sao Paulo's famous O Estado newspapers.

Among other friends of the Coelhos were many of the city's most prominent families, and they turned to the Mesquitas for help in finding the couple.

O Estado is perhaps the most powerful institution independent of the government, and the Mesquitas were able to use this power to discover where the Coelhos were held and, informally, why.

The friends thus learned that the Coelhos were in jail for questioning because the wife was alleged to have permitted mimeographing in her garage of student documents that the police deemed to be subversive.

But O Estado could print nothing. It had to wait until the arrest was denounced abroad, after which it announced the fact of the arrest in a cabled foreign dispatch. Other papers here printed nothing even on this.

The Coelhos are still in jail, and it is bruited about that the wife will be tried for subversion.

Word on the Coelhos spread quickly, because they are well known and their friends are influential. But when those elements are missing, and sometimes even when they are not, the family of a victim may learn nothing for weeks.

The case of another prominent Brazilian—former Congressman Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it. Months later, they announced that Paiva had been killed in a shootout between Paiva's guards and would-be rescuers.

The official reason for the government's imposing utter silence in security cases is that questioning of suspects can lead to the capture of their accomplices, and that publication of the fact that a suspect is in custody would tip off those still being sought. But the vacuum of information often continues for weeks.

Several cases involve newsmen's personal liberty as well as press freedom.

A Brasilia correspondent for Rio's Jornal do Brasil, Jaccoud D'Alembert, who is also a stringer for the New York Times, is in jail at the moment. Again, because his associates are influential, some information on his case has trickled out. He is alleged to have been accused of taking part in a meeting in Brasilia with a subversive, perhaps an exile who returned illegally.

As in all these affairs, the defense lawyer cannot see the charges against his client until 60 days after the arrest.

Another press case involves Helio Fernandes, editor of one of Rio's many lesser newspapers, A Tribuna da Imprensa. Fernandes has often been in trouble for offending government officials, and last month he broke the one rule recognized as cardinal in the press—he suggested that there was a division of loyalties in the armed forces' high command.

This brought his arrest and suspension of his paper's publication: but a couple of days later, he and the paper were again circulating.

Newspaper editors report little interference now, and say that they experience real trouble only when terrorism increases.

No censors are found in the newsrooms, although this practice has occurred in the past. No phone calls come in the night. But an interview with a police inspector, for instance, would have to be cleared by his superior.

Just how the censorship affects the public is difficult to measure. O Estado and Jornal do Brasil, along with the newsmagazine Veja, offer ample international and national coverage, and there are some respected newspapers in state capitals.

It is widely acknowledged that the government's strongest but subtlest control on the press is financial.

Most of the newspapers have limited capital, and any action that increases their costs could close them.

Several papers own television stations, or want to, and this can be their prime source of income. These stations' permits can be lifted at will by the government.

[From the Washington Post, Sept. 19, 1971]

The Torture of a Brazilian

(By Dan Griffin)

Note.—This work is based largely on one man's account of his arrest, nine-month imprisonment and torture at the hands of the Brazilian military government. The Brazilian embassy in Washington, asked about the case, declined to comment, saying that it lacked direct information about it.

The victim of the account, Marcos Arruda, now lives in Washington. The author is an assistant foreign editor of The Washington Post who previously spent three years in Brazil working for the Catholic bishop in Natal.)

You can arrest me,
You can beat me,
You can even starve me—
But I won't change my opinion.—"Opinion," a Brazilian song

In May of last year, Marcos Penna Sattamini de Arruda, 29, had arranged to meet a girl for lunch at a restaurant called Henrique, in the Lapa section of Sao Paulo. As he rounded a corner he could see her standing in the doorway of the restaurant across the street. When she saw him, she smiled.

Suddenly, Marcos was seized from behind and told he was under arrest. Four men in plain clothes surrounded him. He was handcuffed and led to a waiting Chevrolet station wagon.

The girl, Marlene Souza Soccas, whom Marcos had known only a short time, was also put in the car. As they drove away, the head of the abductors ordered Marlene to show Marcos her hands. She stretched out her hands, which were handcuffed, too. And they were swollen; they looked twice as thick as normal, and were covered with purple bruises.

Marcos later learned that Marlene had been arrested some days earlier. At one time, she had belonged to a group which the Brazilian government considers subversive. "But she'd already left the group long before she was picked up," Marcos says. "It's just that a member of the group gave her name under torture, and so she was picked up. And when she could stand no more torture, she gave them my name."

The car stopped at the headquarters of Operation Bandeirantes, Brazil's police-military organization charged with eliminating subversion. Combining Army police and Sao Paulo city police, Operation Bandeirantes is under the jurisdiction of Brazil's II Army.

Its headquarters, on Tutoia Street in Sao Paulo's Ibirapuera district, is surrounded by a high wall. Within the wall are a yard and two buildings: a low structure, divided into cells, and a taller building, with its ground floor open and its upper floors containing offices and interrogation rooms.

"As soon as the car came to a stop in the patio," Marcos recalls, "I was thrown out of it and driven, with kicks and blows, up a narrow stairway to the top floor" of the taller building. He was taken into a small room, perhaps 10 by 10 feet, with a single window. There the blows continued while his captors ordered him to name the organization he belonged to and his fellow members. He told them repeatedly that he did not belong to any organization. His captors then ordered him to undress.

Naked, Marcos was told to sit on the floor, and his hands were tied with a rough cord. "One of the six or seven policemen who were there stepped on my hands so the rope could be pulled as tight as possible. They put my knees up between my arms until my wrists were down at my ankles, with my knees up under my chin.

"Then they stuck a metal pipe, about three inches in diameter, in the space between my knees and my elbows, and suspended the pipe from two wooden horses so that I was hanging there about three feet off the floor.

"They hit me with their fists and with wooden clubs, and then they wrapped a wire around the little toe of my left foot and put another wire between my testicles and my leg.

"The wires were connected to a field telephone generator. The current runs from one pole to another, and the shock is stronger when the crank is turned faster.

"So they began to give me violent shocks while still continuing to hit me . . . and while continuing to ask me for names."

If Marcos Arruda did not belong to any revolutionary group—and the testimony of other Brazilian ex-prisoners, many of them admitted revolutionaries, tends to support his claim—it is nonetheless likely that the Brazilian government would regard his philosophy as subversive.

Born in March, 1941, Marcos studied to become a Jesuit, but left the seminary to pursue a career in geology in the hope that by exploring Brazil's mineral riches he could help develop his country. By four years later, however, he had become disillusioned. He was convinced that exploitation of Brazil's minerals would not benefit the common Brazilian, only foreign monopolies and the small wealthy class.

At the end of 1968, Marcos went to work in a factory that produced molds for automotive parts. He worked at a machine that cast sand and resin into molds, removing finished hot parts and feeding more sand and resin into the machine. During the summer his shirt was stained with sweat; during the winter his chest, although protected by a heavy apron, roasted while his back froze.

The factory worked a 12-hour day, either 5 or 6 days a week. The workers earned about $40 a month.

Marcos developed lung and sinus problems. His doctor told him not to work more than 8½ hours a day. When he explained this to his foreman, he was fired.

For the next six months Marcos earned a meager living by teaching private lessons in Latin and modern mathematics, and spent the rest of his time standing in line for jobs. In March, 1970, he found another factory job in a small shop that handled special steel orders.

He was one of four employees in the shop. Theoretically, their work day began at 7 a.m. and ended at 5:30 p.m. However, because the men were under what Marcos describes as "moral pressure" to work overtime, their work day sometimes was as long as 14 hours. The men also were supposed to work 6 days a week, but because of health problems caused partly by their long days, they averaged 4 to 5 days of work.

At the second factory, Marcos spent his spare time talking to the other workers, pointing out the harm to their health and urging them to work together to get the work-week reduced.

He also told his boss that he would need some evenings free for classes, and suggested that the same number of men could get the same work done in a shorter work-week if they weren't constantly sick and exhausted from the 14-hour days they were putting in. At the end of a month, he was told that it would be best if he left.

At the factories, Marcos felt, he at least had helped the other workers to 'understand their situation as oppressed and to find a way of organizing and fighting for their rights—"for a fair economic structure and for a true democracy in Brazil." He had come to believe that neither existed under the military government.

Less than a month after leaving the second factory, Marcos was arrested.

The shocks, beatings and the questions persisted for several hours. "When I started to faint, they poured water all over my body to increase the flow of electricity. Then they took the wire away from my testicles and began to run it all over my face and my head, giving me terrible shocks on the face, in the ears, in the eyes, mouth and nose.

"One of the torturers said, "Look, it even sparks! Now stick it in his ear.' " This team of torturers, Marcos says, was under the orders of a Captain Albernaz, and was made up of about six men, among them a Captain Tomas and men who were called Mauricio Chico and Paulinho.

"I didn't think I would survive. I began to feel completely drained, and a cold sweat covered my body. I couldn't move my eyelids any more. My tongue rolled up against the roof of my mouth, making it hard to breathe, and I couldn't talk.

"My hands felt as if they were getting gangrenous, with the circulation cut off for hours. I yelled, 'My hand, my hand!' and they hit my hands with clubs.

"Finally I must have lost consciousness. When I came to, they'd let down the pole and I was lying, untied, on the floor. They tried to revive me with ammonia, but I was still inanimate.

"They hit my testicles with the end of the pipe. They burned my shoulder with lit cigarettes. They stuck the barrel of a revolver in my mouth and threatened to shoot. They threatened to rape me. Suddenly my body started to shake and writhe all over, as if I'd been taken over by an earthquake.

"The police panicked and called in a first-aid doctor, telling him that I was a soldier who'd been taken sick. They gave me an injection, refused my request for water—my body was completely dehydrated—and left me to sleep there in the same room where I'd been tortured."

The next day, when they came to wake him up, Marcos was no better. "I could tell that I was still shaking, my eyes wouldn't open, my tongue was still knotted against the roof of my mouth, and I could feel that the muscles on the right side of my face were twisted up.

"My left leg was rigid, like a stick of wood, and the foot was twisted downward with my toes curled up and immovable. The little toe was like a small lump of charcoal."

Finally, it was decided that he should be taken to Sao Paulo's Army General Hospital. "They kicked the bottom of my left foot to bring it back to its normal position and get the shoe on. But in spite of the pain, the foot wouldn't move, and they had to abandon the idea of the shoes."

When Marcos arrived at the hospital, he was given two hours to live. A priest, the hospital's chaplain-captain, came to hear his confession. "The priest asked my guards to leave the cell, but they refused. Since he couldn't hear my confession in those circumstances, he gave me absolution 'in extremis' in case I died."

Representatives of Brazil's government have admitted publicly that torture occurs in Brazil. However, the official explanation goes, torture is not a government policy but rather an isolated phenomenon, the result of individual excesses such as may occur in the back rooms of police stations anywhere in the world.

Marcos tells you otherwise. He cannot believe torture can take place at lower military-police levels without the knowledge of higher-ups.

"Look," he says, "before he became president, Gen. Medici [Emillo Garrastazu Medici, Brazil's present president] was head of SNI, Brazil's national intelligence agency.

"Operation Bandeirantes is under the II Army, and its headquarters is large and well known. Reports of repeated cases of torture there and in other government agencies continue—I've even heard that in some cases neighbors have complained about the screams of people being tortured.

"How can such things continue without President Medici, the former head of an anti-subversion agency, knowing about them?"

Marcos has come to view torture as deliberate government policy, the result of the regime's ties with "foreign monopolistic interests, the big Brazilian capitalists who support the foreigners, the big landowners, and the armed forces."

He says: "More than 80 per cent of the amount of capital in private enterprise in Sao Paulo is controlled by foreigners. Eighty per cent of [Brazil's] total rural property is owned by 10 per cent of the total number of landowners."

Statistics tend to bear out Marcos' view of economic concentration in the upper class. The Brazilian economist Celso Furtado, in a study based on income distribution data for Latin America, for example, found that the bottom half of Brazil's population receives only 18.6 per cent of the total national income, while the top 10 per cent shares more than 40 per cent of national income.

"In order to preserve this 'order' the military dictatorship has tried to strangle every real opposition, depriving opposing congressmen and citizens of their functions and political rights, forbidding strikes and demonstrations, democratic elections, the free press and so forth . . .

"In this framework the tortures are not an isolated problem but, rather, part of the general system of oppression planned and executed by the military dictatorship to preserve the present situation of power for the ruling classes and exploitation and oppression for the people."

Marcos' questioning continued in the hospital, even though his health improved little. On the fifth day there, two policemen entered his cell and, finding him alone, began to beat him until he was physically able to yell for help. Two days later, the guard on his room was changed.

He remained in the hospital for more than two months. During this time his family—some of his family lives in Brazil and some in Washington—was trying to discover his whereabouts. This took them more than a month.

When he was discharged from the hospital, his right eyelid was still immobilized (it stayed that way until December), his shoulders and arms had a light but continuous tremble, and his leg was semi-atrophied, unable to hold his weight. He used a piece of a broomstick as a cane.

He was sent back to Operation Bandeirantes, to make a statement. This took three days. Then Marlene was brought in again.

"They still wanted me to tell them the name of the organization they believed I belonged to, and the names of my supposed companions in it. They began by taking the girl out of the room and giving her a strong electrical shock; to make me talk; they were afraid to torture me again, because I still wasn't well."

He could hear Marlene scream as the shocks were applied. When they brought her back in she was trembling from head to foot and was beside herself.

Stunned by her torture, Marcos refused to cooperate in any way. His interrogators then called in a physician to see if he was in good enough condition to be tortured again. "The doctor prescribed some pills for me and told them to cut off my food. They took me back to my cell and said they'd come back after me later."

To spare Marlene further torture, and to avoid his captors' carrying out threats against his family, Marcos agreed to make another statement. But when he was conducted to a captain's office, he instead denounced the regime and his captors.

Marlene was taken to another room and Marcos was questioned once more against a background of her cries. After several hours she was taken away and Marcos himself was beaten, choked and threatened with death. Some time later he was taken back to his cell. That was the last time he saw Marlene.

It is a long way from Operation Bandeirantes' headquarters to Washington, where Marcos is now living on a tourist visa that expires in December. For Marcos, the rest of the route included, first, another stay at the hospital, where he lapsed into a coma for several days. At the insistence of Marcos' family, a Maj. Sadi—who had been in charge of the hospital but was later transferred to II Army headquarters—came to see him and ordered treatment; Marcos was brought back to consciousness with injections and electric shock treatment.

Shortly afterward, his family received temporary permission to visit him for an hour a day—largely because his mother, a nationalized American citizen who works as a freelance translator for the U.S. State Department, threatened to publicize his case. After five days, though, the visiting permission was withdrawn.

Marcos then was transferred in August to the Army Central Hospital in Rio de Janeiro, in December to prison again, and three days later back to the hospital because of recurrent convulsions.

"They kept me there for another month, until the signs of what I'd been through had disappeared. But I still have to take treatment to prevent convulsions, my left leg is still nearly an inch thinner than my right one, and my shoulders still show the scars of the cigarette burns."

Finally, on Feb. 1 of this year, Marcos was again discharged from the hospital. He was taken under guard to the Ministry of the Army, where he was interviewed by Lt. Col. Melo, then head of the Army police for the 1 Army, and by a major. They told him that they knew that he was a dedicated subversive who hadn't changed his ideas, and warned him:

"Your mother's going around making propaganda against Brazil in the United States. She's a naturalized American citizen, but you're a Brazilian, under our total jurisdiction, understand?"

They also told him he could imagine how he'd end up if he again fell into the hands of the Army Police. Then they released him. Marcos does not intend to become a naturalized American. He wants, some day, to return to Brazil, as a free Brazilian.

[From the Washington Post, Apr. 14, 1972]

BRAZILIAN POLITICAL PRISONERS ARE MISTREATED, LETTERS SAY

(By Dan Griffin)

Brazilian political prisoners confined in Sao Paulo's Tiradentes prison are kept in former slave quarters dating from 1851, jammed into cells designed to hold one-fourth their number, denied adequate medical care and physical exercise, and subjected to the threat of being taken from their cells and tortured by political police, according to copies of two letters supposedly written by the prisoners and smuggled out.

Copies of the two letters—one laboriously written in minuscule letters and supposedly signed by 130 male political prisoners, the other typewritten and said to be from a woman political prisoner—were sent to The Washington Post in a single envelope, postmarked Sao Paulo and bearing no return address or other indication of origin.

Both letters are addressed to judges of Brazilian military courts, who have jurisdiction over cases of subversion under the country's current military government.

The letter represented as being from 130 prisoners does not, in the copy received here, have a list of signatures or an indication of authorship, apart from internal evidence suggesting that it was written by male prisoners confined to the Tiradentes prison.

The other letter is signed Marlene de Souza Soccas, a young woman whose arrest and interrogation led to the arrest of Marcos Arruda, according to an interview with Arruda published in The Washington Post in March, 1971.

Arruda, who was released and eventually cleared of subversion charges, now lives in the Washington area.

PRISON MEETING

The letter describes Miss Soccas' arrest, interrogation, torture and present conditions of confinement, and tells of a meeting with Arruda at the headquarters of Operation Bandeirantes, a federal antisubversion agency where the letter says Miss Soccas had earlier been tortured.

"Two months after being jailed.. . . I was taken back to Operation Bandeirantes," the letter said. "They thought I was connected with (Arruda), a geologist who had been undergoing torture for more than a month.

"They took me to the torture chamber and one of the torturers, an army captain, warned me: "Prepare yourself to meet Frankenstein.'

"I saw (Arruda) come into the room, walking slowly and unevenly, leaning on a cane, one of his eyelids drooping, his mouth twisted, the muscles of his abdomen trembling constantly, unable to speak clearly . . .

ARRUDA RELEASED

"Thanks to the prompt intervention of his family, which has connections outside Brazil, Marcos Arruda managed to escape the list of those 'shot while trying to escape' and, a year later, was acquitted . . ."

Most of this letter concerns Miss Soccas' work as a dentist among her fellow prisoners and the conditions of the prison in general.

Specifically, the letter charges that young male prisoners are forced to submit to other prisoners' homosexual advances, "being released only when they are all bloody, with part of their intestines hanging out."

For the guards and jailers, the letter says, "it was a sort of lugubrious diversion."

The letter also describes the mistreatment of many common prisoners, including some who were allegedly put up to their chins in water in the prison yard in winter, while guards pushed their heads down into the water with their feet.

The other letter deals only with the situation of male political prisoners at Tiradentes (named after a hero of the Brazilian republican movement in the 19th century).

It charges that political prisoners there are overcrowded and subjected to mistreatment and provocations, that the conditions of their confinement are harmful to their physical and mental health and to their safety, that food and goods brought them by their families are sometimes stolen by guards, and that their visitors are harassed and humiliated.

The letter also points out that most of the political prisoners in Tiradentes are awaiting trial, adding: "It has happened that a prisoner is held here for 20 months before being released 'for lack of evidence.'"

[From Conference of Major Superiors of Men, U.S.A.]

RESOLUTION ON REPRESSION OF THE CHURCH IN BRAZIL

Whereas, the mission of the church to the poor and the powerless must always be its first priority,

Whereas, the repressive Institutional Act Number 5 was decreed in Brazil on December 13, 1968.

Whereas, Decree 477 pertaining to schools and universities and the Revised National Security Law were passed in February and March, 1969,

Whereas, on November 4, 1969 many Dominican Fathers were arrested, as well as Monsignor Marcelo Carvalheira, Rector of the Major Seminary in Recife, Brazil,

Whereas, in August, 1970 the imprisonment and torture of priests took place in the state of Maranhao in Brazil,

Whereas, in October of 1970 the imprisonment of priests and laymen belonging to JOC (Young Catholic Workers), ACO (Catholic Workers) and IBRADES (Brazilian Institute for Development) took place,

Whereas, the National Conference of Brazilian Bishops in a statement issued in February, 1971, restated: "We must affirm that unfortunately tortures exist in our country,"

Whereas, the Brazilian Association of Lawyers has time and again protested against the ill-treatment of political prisoners and their seriously restricted right of defense,

Whereas, a lengthy, documented dossier of repression, tortures and restrictions against the Church in Brazil has been personally presented to the Holy Father, Pope Paul VI,

Whereas, the Brazilian government has repeatedly denied any use of torture against the political prisoners in that country,

Whereas, the Brazilian government has consistently refused to authorize the visit of any international organization, including the International Red Cross, to visit the places of imprisonment and detention or to allow them to interview political prisoners,

Be it resolved, that the Conference of Major Superiors of Men, U.S.A., express indignation over the unjust detention and torture of all political prisoners in Brazil, including a number of priests and religions, who are unjustly detained and tortured in Brazilian prisons.

Be it further resolved, that the CMSM use every means at its disposal to bring pressure to bear upon the Brazilian government to accept immediately an impartial investigation by a competent international commission, such as the International Red Cross or the United Nations Commission on Human Rights, to investigate the state of human rights in that country.

RATIONALE FOR RESOLUTION ON BRAZIL LAWS OF REPRESSION

INSTITUTIONAL ACT NO. 5

This act, published on December 13, 1968, gives absolute power to the President of the Republic to decree a Congressional recess, to intervene in state government, to suspend summarily the rights of citizens, including Supreme Court Judges, to confiscate personal holdings, and with the Act, the right of Habeas Corpus is eliminated.

LAW PERTAINING TO SCHOOLS AND UNIVERSITIES (DECREE 477)

This decree was issued on February 26, 1969. According to it, teachers, students and employees of educational institutions who participate in strikes, destroy property (inside or outside of schools), participate in street marches and unauthorized rallies, or distribute "subversive material," will be punished by the following penalties: Professors and employees will be summarily dismissed, and banned from employment in any other educational institution during a five year period; students will be expelled, and banned from matriculating in any other educational institution during a three year period.

REVISED NATIONAL SECURITY LAW

This decree, published in March, 1969, significantly increases the categories of acts considered as crimes against national security, and stiffens the penalties for such acts. It creates the concept of "adverse psychological warfare," establishes military courts to judge civilians, defines subversive propaganda, takes away (in practice) the right of defense and gives the armed forces power to imprison any citizen without due process of law.

"SELF CONTROL" OF THE PRESS

The following is an abridgement of an order sent by the ministry of Justice to all editors of newspapers and owners of television and radio stations the week before Mr. Nelson Rockefeller's visit to Brazil in June 1969:

No news about, comment upon or interview with anyone who has had his political rights taken away;

No reporting about student movements which have been dissolved by the government, nor about student political activity;

No criticism of government action taking away political rights of citizens or dismissing them from their employment;

No publication of anything that might create hostility toward government officials;

No criticism of the economic policy of the government;

No news about political arrests, except when provided by the government;

No news about the political activity of the clergy, no manifestos of church leaders or interviews with them that might create tensions of a religious nature;

No news about workers' movements, strikes or other acts considered subversive which may occur in Brazil or in foreign countries;

No news of opposition to the Rockefeller visit whether that imposition occurs in Brazil or in other countries.

DIVISION FOR LATIN AMERICA, DEPARTMENT OF INTERNATIONAL AFFAIRS, U.S. CATHOLIC CONFERENCE,
Washington, D.C., March 22, 1972.

EMILIO GARRASTAZU MEDICI,
President of the Federative Republic of Brazil, Brasilia, D.F. Brazil

DEAR MR. PRESIDENT: Information currently available suggests that the famed peasant leader, Manuel da Conceição Santos, together with Luís dos Santos, currently prisoners of DOPS at Sao Luís Police Headquarters are being denied their civil rights. These include their right of due process in the courts and the basic human rights not to be subjected to forms of interrogation which amount to torture.

The information on which these charges are based may be incomplete or inaccurate, although it comes from persons in Brazil familiar with the situation. Nevertheless, the charges are serious, are regarded as such by the world community, and, lacking contrary evidence, are wholly credible. They are simply among the most recent in a long series of reports emanating from Brazil which testify to the systematic suppression of civil liberties and the use of torture as an accepted method of interrogation.

By denying the request of the Inter-American Commission on Human Rights to send an investigative team to look into these charges which have circulated widely throughout the rest of the world, the Government of Brazil appears, in effect, to be acknowledging the truth of these charges.

As North Americans who appreciate and admire the greatness of Brazil and deeply love the Brazilian people, we urge you 1) to assure the full protection of the law and a just trial to Manuel da Conceição and Luis dos Santos and 2) to allow an international team of impartial observers to investigate the long-standing and widespread charges of systematic repression, torture and violation of basic human rights.

We remain, Sir, in the cause of order, progress and liberty.

Yours sincerely,
Rev. FREDERICK A. MCGUIRE, C.M.
Director.

DECEMBER 7, 1971.

Gen. EMILIO GARRASTAZU MEDICI,
President of Brazil,
Washington, D.C.

MR. PRESIDENT: As American Christians concerned not only for the well-being of our own people but for the establishment of peace and justice throughout the world, we wish we could offer you a more heartfelt *bem vindo* as you arrive in our country.

But we are deeply and increasingly troubled by what we have heard and read about the suppression of human rights, the campaign of defamation against certain of our fellow Christians and the high incidence of arrest, imprisonment and most inhuman torture perpetrated against supposed political offenders, all occurring in the great nation of Brazil.

No one may justly criticize another for failings they may both share if he has not first looked critically into his own soul. We declare, as American church people, that we have done just that and continue to do so. The cancers of racism, violence, war and oppression of the poor are diseases we recognize in our own society. We have spoken to these issues and have tried to make some contribution to their eradication.

Our small voices and limited actions are never sufficient but we at least recognize that, as citizens of the world society and followers of Jesus Chist, we can do no less. We simply must confront injustice where we see it; the more notorious the injustice, the more we are bound. The reports of torture and repression coming out of Brazil today are so numerous, so well documented and so horrifying that we indeed have no other choice.

We repeat with urgency the appeal that some of us and others have made before: that an impartial, international team of observers be permitted to inevstigate *in loco* this matter that weighs so heavily on the conscience of the world.

We remain, in the cause of justice and peace.

Yours sincerely,
Rev. Ralph David Abernathy, President, Southern Christian Leadership Conference.

Bishop James Armstrong, Bishop of the Dakotas, United Methodist Church.

Rev. Robert S. Bilheimer, Director, Department of International Affairs, National Council of Churches.

Rev. Frank J. Bonnike, President, National Federation of Priests' Councils.

Msgr. Marvin Bordelon, Director, Department of International Affairs-USCC.

Brother Joseph Davis, S.M., Executive Secretary National Office for Black Catholics.

Rev. and Mrs. Romeo Di Benedetto, National Executive Secretaries, Society of Priests for a Free Ministry.

Ms. Sarah Bentley Doely, Managing Editor, IDOC-North America.

Bishop John J. Dougherty, Auxiliary Bishop of Newark, Chairman, Committee of International Affairs-USCC.

R. H. Edwin Espy, General Secretary, National Council of Churches.

Rev. R. S. Flores, OFM, Executive Director, PADRES.

Rev. Robert E. Hovda, Editor, The Liturgical Conference.

Mr. James Jennings, Associate Director, Division for World Justice and Peace-USCC.

Sr. Ethne Kennedy, Coordinator, National Association of Women Religious.

Mr. James J. Lamb, Director, Center for the Study of Development and Social Change.

Mr. Fred C. Leone, Vice-President, World Federation of Christian Life Communities.

Mr. Gary MacEoin, International Coordinator, National Association of Laity.

Rev. Patrick McDermott, S.J., Executive Director Center for the Study of Power and Peace.

Rev. Frederick A. McGuire, C.M., Director Division for Latin America-USCC.

Rev. John Mitchell, Public Relations Coordinator, PADRES.

Rev. Jack O'Donnell, Protestant Coordinator, PADRES.

Mr. Thomas E. Quigley, Assistant Director, Division for Latin America-USCC.

Rev. Dr. Jon L. Regier, Associate General Secretary for Christian Life and Mission, National Council of Churches.

Rev. Edmundo Rodriguez, S.J., Vice-Chairman, PADRES.

Rev. William Rogers, United Ministry, Cornell University.

Dr. Rosemary Ruether, Professor of Historical Theology, Howard University.

Miss Catherine Schaefer, Director Division for U.N. Affairs-USCC.

Ms. Mary Lou Suhor, Division for Latin America, USCC.

Mrs. Cynthia Wedel, President National Council of Churches.

Rev. Philip E. Wheaton, Director Ecumenical Program for Inter-American Communication and Action.

Mr. Herman Will, Director Division for Peace and World Order, United Methodist Church.

Rev. William L. Wipfler, Director of Missions Latin America, Division of Overseas Ministries, National Council of Churches.

Rev. Andrew Young, Chairman, Martin Luther King Institute for Non-Violent Study.

NINE DAYS OF HELL

If you are a Latin American who takes seriously what *Populorum Progressio* and the Medellin *Conclusions* say about the need for change, you can get into trouble. In fact, it can cost you your life. Because there are forces there that are tenaciously opposed to such change. Those forces will stop at nothing—and they are organized internationally. The following social document shows how those forces act in concert across national frontiers.

(A mimeographed account that the victim drafted for the Vatican, after his release)

My name is Andrés Campos. I am 19 years old, a native of El Salvador in Central America. For some time I have been working with CELAM's Department of the Laity, in its student religious affairs section. For the past nine or ten months, however, I have been working in Montevideo, Uruguay, at the Latin American headquarters of Pax Romana, the international Catholic student movement, as one of four full-time staff members in its high school student branch, known as JECI (International Catholic Student Youth). I am going to recount the unbelievable story of how I was treated by the Brazilian military police, who are trying to implicate our Catholic student organizations in subversion.

THURSDAY 25

Some two months ago, I was sent to Chile to help plan a forthcoming student congress. On November 25—a Thursday I shall never forget—I was ready to come back to Montevideo. I boarded a flight of the Scandinavian Airlines (SAS) at Santiago, and in a matter of an hour or so we were gliding in to land at the Montevideo Airport. When I approached the Immigration Desk in the airport, I was arrested and told I would not be allowed to re-enter Uruguay. I protested and insistently asked to see some higher official, but they were adamant. They gave me no reason, but made me get back on the same SAS flight—for Brazil.

I knew that in Brazil, where the police are almost neurotic suspecting subversives, I would very likely be in hot water, since in my bags I had certain documents about the political situation in Chile and how the Church is reacting to it. For that reason I asked to be allowed to return to Chile on an Alitalia flight that was due to depart in 40 minutes. Some SAS representatives happened along at that moment, and they also supported my request. In fact, I offered to pay for the ticket there on the spot, in cash. But the Uruguayan police were unmoved: I had to go to Brazil.

And so, against my will and without any explanation, I was forced to go to São Paulo, Brazil. En route, I destroyed all the addresses I had with me, plus my notebooks and some printed material I had been bringing back to Montevideo: these latter were publications related to the social problems of Latin American and its economic dependence.

When we landed at São Paulo, I heard my name called out on the public address system. I went to the paging desk and was immediately taken into custody by plainclothes policemen, who whisked me away in their car to a special office. There they meticulously checked my passport, and then told me to take a taxi directly to São Paulo City, some 75 miles away. The taxi set out, but before ten minutes had elapsed, it was pulled to the side of the road by several police cars with their sirens screaming and lights flashing. Both the driver and I were dragged out of the vehicle. One policeman viciously gashed the driver's head with the butt of his submachine gun. Another one covered me with a pistol while they frisked me. Then they handcuffed me and took me to a police station farther down the road, where I was stripped of every stitch of clothing and everything was minutely searched. They were obviously staging the whole procedure so that I would seem to be a "Uruguayan guerrilla" trying to slip into the country illegally.

Still bound, I was brought back to the airport, escorted by several police cars. There a large police detail was waiting, and I was rapidly led to a room where they started to interrogate me and go through my bags. They clapped a cloth steeped in ether or some such drug over my mouth and nose, and it left me in a daze. My eyes were covered, and I was thrown on the floor of a car. That is how I left the airport: blindfolded, handcuffed, in a stupor, stretched out on the floorboards.

All through the hour and a half trip to downtown São Paulo, they kept kicking me and clubbing me with their guns, so that blood was soon gushing from my mouth and nose. When we finally arrived and I got out, they removed by blindfold and I could see that we were at a big military post, with armed guards posted at the entrance and on the walls. Later I learned that I had been taken to the notorious Operation Bandeirantes, headquarters of the military police who now double as Brazil's political police.

We went up to the second floor, where they began by emptying out my pockets of everything: eyeglasses, wallet, handkerchief. Once again my eyes were bound, I was led to another room and seated. A few moments later someone entered the room to ask if I spoke English. I said no, I did not. He went out, and then several others came in. One of them was speaking in English, and a second one translated to Portuguese for him. But I kept answering everything in Spanish—even though I can understand and even speak a little English.

I was asked a number of questions that were to come up again and again during the coming days: why had I come to Brazil, who were my contacts here, who were my links with various armed organizations in Brazil and Uruguay, did I know any Brazilians abroad or in Brazil, was I a courier between Brazilian exiles in Chile and the guerrillas operating in Brazil, what Tupamaros did I know in Uruguay.

I answered that I knew nothing about any of those things, that my work was for the Church, and that the only persons in Brazil whom I knew anything about were members of the Brazilian Bishops Conference. My interrogator then asked me the names of student activists and their priest mentors in the national offices of each of the Latin American countries, and the names of the bishops who helped our work and supplied funds for our trips. I replied evasively, saying I knew nothing about all those things.

That was then they began to beat me, to try to make me admit I was a Tupamaro and was coming to Brazil to meet Brazilian guerrillas, that Archbishop Helder Camara was financing and protecting the guerrilla activity in Brazil. I kept denying everything, but their blows continued for 20 or 25 minutes. When they finally stopped and took off my blindfold, I could see that I was in a tiny room with a desk and a couple of chairs. The walls were spattered with blood, and someone had tacked up an incongruous scribbled sign: "Delivery Room."

Next I was led to another section of the building, to a cell barely big enough for the dirty mattress on the floor, with its soiled sheets. There was a window up high, but it had been covered tightly with boards, and there was a plastic bucket for my toilet needs. They left me two glasses of water—which were to last me a whole day in that sultry, summer heat. My cell was completely isolated from all the others, and on the door was a sign that read: "Special Prisoner." I slept there that night.

FRIDAY 26

The following morning, a Friday, I was brought back to the questioning room. This time there were four individuals waiting for me, all with guns stuck in their belts. They asked the same things: the names of my contacts in Brazil, the names and addresses of Brazilians in Chile and Uruguay. They wanted me to admit I was involved with the Brazilian guerillas, who were supposedly acting with the moral and financial support of Dom Helder Camara; that I belonged to the Tupamaros; that I was a relay between Dom Helder and the guerrilla organization of Uruguay. And one more thing: the names of any Brazilian or other Latin America bishops who were financing the Brazilian subversive underground.

Since I would not agree with all those accusations, one of the interrogators muttered that I ought to be "softened up." But first, he wanted to know why I was in Brazil. I explained how I had been diverted to São Paulo while going from Chile to Uruguay, that my only intention now in Brazil was to get in touch with the Archbishop of São Paulo, Dom Evaristo, to tell him my situation and then go straight back to Uruguay and rejoin my colleagues at the Pax Romana center.

My story did not convince him, so he sent me off to be "softened up." That turned out to mean a team took turns working me over sadistically. I was seated in a wooden chair, and my hands were tied. Than a veritable rain of blows fell all over me, on every part of my body. In order not to leave incriminating marks, they wrapped their fists with rags soaked in water. While one was punching me, another warned me that I would be turned over to the Death Squadron, the illegal police group that assassinates leftists and repeated criminal offenders. To make his point, he loaded his pistol in front of me and threatened to kill me on the spot unless I replied directly and honestly to all the questions they put to me.

Since I insisted that all I had said so far was true and that I had nothing more to tell them, the interrogator got furious and began to curse me out, me and all the priests and Dom Helder Camara, who, he said, was a Communist, and the whole Brazilian Church, which he called a time-serving, double-crossing lot.

He had me pretty scared by that time, and I was expecting from one minute to another that he would really pull the trigger and shoot me. Fortunately, though, he didn't. After promising again to kill me unless I talked, he gave another order that I was to have nothing to eat that day and should be brought back to my cell.

At about 2 o'clock that afternoon, they came to bring me for a second interrogation session. This time there were eight men present. I went through all my previous statements and heard once again the familiar accusations: I belonged to the Uruguayan Tupamaros, to the Brazilian guerrillas, Dom Helder was the founder and patron of those organizations, etc.

When I was arrested, they found in my luggage a notebook I had failed to destroy. It contained my personal jottings about a JECI meeting the previous August. It also had notes on the economic and political conditions in all the various countries and regions of Latin America, the situation of the national Churches and the problems of each, the situation of the university and high school student movements and Young Christian Student groups in each country. Also they contained the pastoral plan our office intended to implement during the coming semester.

Under the heading of Brazil, I had drawn up a brief economic analysis and a schematic account of its political organizations, of the right and of the left, so as to have a general idea of what was going on. Then there were some remarks on the persecution the Church was undergoing at present in Brazil, and the first names (not the family names) of the bishops who seemed willing to organize pastoral meetings for students in their dioceses.

My interrogators charged that the notebook was proof of my connection with the Brazilian guerrillas and that the purpose of my trip to Chile had been to link up the Brazilian guerrillas exiled in Chile and the Uruguayan Tupamaros, that I had come to Brazil in order to work with armed groups there. They demanded the names of people working in Brazil, addresses of members of Young Christian High School and University (JEC and JUC) groups, plus the names and addresses of any priests who worked with us. I replied that I don't know any names or addresses in Brazil, and so I couldn't give any. They sent me off for more "softening up."

My captors began with the usual blows to the head, stomach and chest. But soon they had something new: they looped rubber bands tightly around my ears, wrists, ankles, fingers and toes, to shut off the blood. The pain you feel when the blood stops is unbearable, most of all in the ears. But when they take the rubber bands off, the pain becomes twice as excruciating.

They went through that routine several times, all the while beating me and shouting the same old questions at me. When they saw how much pain the rubber bands caused me, they threatened to put them on my genitals. I was getting pretty woozy by this time and I suppose my answers weren't making much sense, but I kept repeating that I was a Church worker for the bishops of Latin America and had no connection with the guerrilla groups they were talking about. In that state, I was dragged back to my cell.

SATURDAY 27

On Saturday, I was rudely awakened at about 4 A.M. by three uniformed guards. They brought me to a room where four plainclothes police were waiting. One of them I took to be at least a sergeant, to judge by the deference the others showed him.

The moment I came in they began to pummel me. That night they had picked up three students who, apparently, confessed that they belonged to one of the clandestine political organizations operating in Brazil. The police wanted me to say right there that I had been sent to Brazil to meet those students. I denied it. Then I was led out to face two of them, and they were asked if they knew me: they said no, they had never laid eyes on me. The police started to club them, to make them admit they knew me, and though the students stuck to their story, the policemen went right on beating them. One of the students passed out, and at that moment they hustled me away.

I was brought to another room, where another questioner waited, a civilian policeman this time. I repeated my story and told him what my work was, but none of them believed me, they insisted I had to confess what they wanted from me. I kept telling them the weird way I had come to Brazil against my will, that the Latin American bishops knew all about my work and approved of it. They pressed me hard about where my funds came from for travel and hotel bills.

When they finally brought me back to my cell, the sun was rising. I was kept there till about 3 P.M. Then they blindfolded me again and brought me to be questioned further: about my notes on my travels, about certain books they found in my luggage. They wanted to know who had sent them and who was to get them. When I explained that they were meant for the office where I work, they began to pry into who we are and what we do. They were also very inquisitive about how the Uruguayan bishops function. And once again, they demanded the names of Tupamaros in Uruguay—this time with just a few random beatings.

SUNDAY 28

On Sunday, I was fingerprinted and photographed from various angles. Across the face of my draft card they wrote: "Suspected of terrorist activities and of working for subversive bishops." That afternoon I was brought once again to the questioning room. There were six people there this time, and they gave me the cruelest treatment of all. The moment I stepped in, I was roped into a wooden chair. They removed my shoes and connected copper wires to my neck, wrists, thighs, ankles and genitals. The wires were hooked up together and then connected to a generator. The intensity of the current it produced depended on how fast they turned the crank, and they made the charges last about 30 seconds each time. When they spun the handle fast, it made my whole body writhe and jerk in agony—I rippled like a sheet of paper. In my frenzy under the pain, I flailed around, but that only made the wires cut more deeply into my flesh and hurt me worse. The electrical current knotted up my leg muscles and left them so taut I thought they would split, and the pain in the genitals was indescribable: it kept me screaming. Even your head bounces around wildly, and you bite your lips till they are raw meat.

The first session lasted some 15 minutes, I would guess. Then they loosened the ropes that held me, and they told me to sing the Brazilian anthem. When I explained that I didn't know it, or anything at all in Portuguese, they tied me up again in the chair and turned on the current, all the while shrieking that I should talk Portuguese. They went through the same old questions: they were especially eager for me to say anything that would incriminate Dom Helder Camara. At that point, I passed out from the shocks. They brought me back to my senses with a bucket of cold water thrown on my face and gave me a long respite. I can't say for sure how long it lasted, but soon they were starting in again. Meantime, I could hear screams from the adjacent rooms, where I suppose they were interrogating other prisoners.

When they saw that I couldn't take any more and was going to go unconscious, they untied me and made me drink my own urine. Soon afterwards I started to vomit intensely. I tried to stand up, but my legs buckled under me. As I lay on the ground they went on clubbing me—and I passed out again. When I woke up I was still in that room. They began to attach the wires to me again, but I lost consciousness for good.

MONDAY 29

I woke up the following morning—Monday—back in my cell. At dawn an infirmarian examined me, and I was brought to a room where they photographed me alongside a number of books that they claimed were found in my bags. They also showed me some guns that they said I had been carrying.

As I was being led out for the next questioning period, another prisoner was being led out too. We looked at one another for a moment, face to face. He was probably 19 or 20 years old, and in good physical shape. When my interrogators had finished with me, I saw that fellow again: they were carrying him out—unconscious. I could see that his teeth were smashed and his nose broken, he was bleeding copiously from the head and his arm hung in a funny way: I presume it had been broken. That sight of him unnerved me completely, and I fell into a profound despair.

That night, too, an ambulance came into the prison yard and took away a bulky object: a prisoner's body, I am quite sure. The stretcher they carried it on was covered with a sheet. I heard the door of the ambulance slam, and they sped away.

TUESDAY 30

In my interrogation period Tuesday afternoon, they had something new: they put a plastic bag over my head. When the body twists in the agony of asphyxiation, they lift up a corner of the bag so you can breathe a few gulps of air—and so on, over over. They did this to me four times, and the fourth time I went unconscious. To bring me back to my senses they gave me oxygen from a tank. Next, they stripped me naked and bound my feet together with a rope. In that condition, I was hoisted up by the ankles and left hanging from a rafter: then they started twirling me around at dizzying speed. In a short while the blood collected in my head more and more, till I was sure it was going to burst wide open. I screamed wildly.

At last they let me down and put me in a chair, where they badgered me with questions. I was so dizzy by then that I haven't the slightest idea what they asked me—or how I replied. From marks I found on my arm later, I believe they gave me injections that afternoon, too. But the whole thing was a long, fuzzy nightmare.

WEDNESDAY 1

The following day, Wednesday, I was questioned again, but this time in a humane enough way. A single individual talked to me. He offered me cigarettes and called me by my first name. I was all the more wary of him, though, because he was so different from all the others. At the end, he handed me a written statement summing up what we had discussed. He let me correct it here and there, and after a friendly talk about various things, he left and I was conducted back to my cell. They even asked me if I wanted a shower, and of course I said yes.

THURSDAY 2

During my interrogation on Thursday, I was told that they had turned up a network of Brazilians trained in Cuba, that a number of Cubans were secretly in Brazil—and that from my accent and features they felt sure I was one of them. They showed me the names of certain priests and laymen whom they wanted me to implicate in that plot. Later they asked too for the names of any students, workers and peasants from the JUC, JEC, JOC and MIJARC movements I know in Brazil. I replied that I have never been in Brazil before, and anyway it has been years since those movements were permitted to exist in Brazil. During that session, I was not beaten.

A half hour later, they came for me again. This time they showed me my notebook and the photos of my mother, my sister and my girl friend that they found in my wallet. They screamed insults against my country, El Salvador, against Cuba, and against me, calling me a homosexual. They warned me that if I didn't collaborate, I would be turned over to the Death Squadron. Finally they covered my eyes and put me in an auto between two armed individuals. I was sure they were going to carry out their threat of taking me to some deserted spot and shooting me.

Anyway, I sat in the car for perhaps a half hour, waiting for them to drive off. I grew extremely jumpy with nervous tension. Finally someone reached over and removed my blindfold, and I saw that they had not been guarding me, one of the car doors had been left half-open as an invitation to escape. It had no doubt been a trap: they wanted me to run for it and then they would have shot me down. After a few minutes they all came back and I was led away again to my cell.

Back in my cell, I found myself getting delirious, talking out loud to myself and going from hysterical laughter to the blackest anxiety. I hurt all over, I felt feverish, I was thirsty, dying for something to drink.

FRIDAY 3

On Friday they took me to a shower room and told me to clean up thoroughly. They let me shave and even brush my teeth. They gave me a comb—and then a good breakfast. A doctor checked me over to see if I had any visible bruises from my beatings during the past eight days. I began to hope I was going to be released, and to feel better. Around noon they showed me some photo negatives and asked if they were mine. I could see right off that they had come from my camera: they were shots I had taken in Chile. But looking more closely, I noticed that six or seven of them showed military installations and airbases, and one or two even showed the Sugar Loaf outside Rio de Janeiro. So I told them that all but those six or seven were mine.

They tried to insist that all had been taken out of my camera, that the military photos show I am a Cuban spy, that the penalty for this is death, that all my ecclesiastical documents are just a cover-up that international communism is using and that the Brazilian Church is playing along with the Communist game. They gave me a long harangue on the opportunism of the Church and its bishops and priests, and they praised the economic miracle of Brazil's development, its imperialistic hopes and its intention of being an international policeman. They made snide references to Chile and Uruguay, where they claimed Brazil can intervene militarily whenever it wants, in the name of continental security.

Next they asked me to read and sign a statement that I had been well treated. As I sat down to read it, a policeman got behind me and held a revolver to my head. Naturally, I signed the statement, and they gave me a photocopy of it. (That photocopy is today in the archives of the Brazilian Bishops Conference.)

One of them asked me what I would do when I was released. I said I would go straight to my country's embassy and arrange to get out of Brazil as fast as I could. He suggested that since I work for CELAM, I ought to go see the Brazilian Church authorities. In fact, he gave me the address and phone number of the vicar general in São Paulo, Mons. Ulhoa. I took the note he held out to me, but I suspected his motives. I was afraid that when I got there I would be picked up again—which could implicate the vicar general too as a Tupamaro and indeed compromise the whole Church of Brazil.

They then brought me in a police car to the Foreign Office, where I got my exit papers stamped. Finally, they told me I was free. But instead of going to the house of the vicar general, I made my way to the Chancery Office. But at that late hour, I found the whole place closed.

I was feeling extremely weary and nervous by this time, and besides I don't know the city of Sao Paulo nor do I speak Portuguese. But I stopped two ladies, introducing myself as a priest just arrived in Brazil. I said I was lost, and asked them to be good enough to bring me to the Cathedral. They agreed, and when we got there, by luck several members of the Brazilian Bishops Conference were present, and the Nuncio too, at a Mass.

I introduced myself to some of the bishops and briefly hinted at the danger of my situation, since the police were probably looking for me all over the city. They decided I should pass the night at the home of a priest. They agreed that the police could well be trying to involve the Church with the guerrillas in order to put it in an equivocal light.

The Archbishop of Sao Paulo happened to be away during those days, but at 11 P.M. I told my whole story to the vicar general, at the rectory where I was to stay. He reassured me by saying that the Pax Romana office in Montevideo had been telephoning constantly to inquire about me, and so had CELAM's Department of the Laity. He had gone personally to a number of hospitals and prisons, but everyone told him they had no knowledge of me or my whereabouts. Even the military command denied that I was being held. But after a few days, a young Brazilian who was working in our office in Montevideo came back to Brazil with the facts about my arrest. Finally, the sector of the seminary had managed to learn that I was being held by the political police.

On Saturday, the vicar general and the seminary rector brought me to a secure spot, where I was passed off as a seminarian. A doctor came to see me, and I got some good rest.

On Tuesday, December 7, I left Brazil for Argentina.

BALTIMORE BY 1980

Mr. MATHIAS. Mr. President, Extra magazine, a supplement of the Baltimore News American, on May 28 contains an excellent article entitled "Baltimore by 1980." In the article, a constant student of Maryland affairs, Theodore Roosevelt McKeldin, presents his views on the future of Baltimore. Mr. McKeldin served twice as Governor of Maryland and twice as mayor of Baltimore. As always, his advice is perceptive and wise. I commend the article to the Senate for it has application not only to the city of Baltimore, but to all the cities of the United States, as well.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Baltimore's Future: Boom or Doom?

Cities, like people, are born, live and die. But unlike people, cities can sometimes be reborn without ever really dying.

Baltimore may be a case in point, and the next few years will tell.

Let me explain by first offering a little history.

If Baltimore were ever close to the verge of death as a viable city, it was not in recent years but actually as far back as two decades ago. At that time, in the early 1950's, Baltimore's core was infested by slums and its business district was withering away.

It was then that a critical decision had to be made. The State of Maryland was considering where to construct the proposed complex of State office buildings and a debate ensued about locating the buildings in either Annapolis or Baltimore. I was Governor of Maryland then and having already served a term as Mayor of Baltimore, I knew of the strong need for rejuvenation of whole parts of Baltimore—especially the Mount Royal-Preston Street area. And so I felt that a State office complex would not only be appropriate in the largest city of our State, but vitally necessary to launch a rebuilding program for Baltimore. Building the State office complex in Baltimore would hopefully create a rippling effect on the city, helping Baltimore begin to rebuild on both the periphery of the State office complex as well as elsewhere and showing new hope to its citizens.

The construction of the State office complex in Baltimore paid off, for soon after, Baltimore business and governmental leaders joined together to do something about the stagnating business district of the city. One piece of evidence need only be offered to show what a dismal condition the city was in: At the centrally located intersection of Charles and Lexington Streets, O'Neills Department Store was unoccupied and wanted.

And so Charles Center was born—from Saratoga to Lombard, the old buildings and the tired landscape gave way to a massive and impressive building program that brought to Baltimore its first new hotel in years, first new skyscraper office building since the early thirties, first new theatre in years and the variety of structures and businesses that have made Charles Center already a commercial success.

When I returned to the Mayor's office in 1963, I spoke at my inauguration about the need to extend the rejuvenating effects of Charles Center all the way to the harbor. I called for the Inner Harbor Redevelopment Project as the next stage in the program to revive Baltimore. The voters responded: They approved a $12,000,000 bond issue, at that time the largest ever approved. And the Federal Government responded: President Johnson signed an $18,000,000 grant to the city. With that $30,000,000, we began to redevelop the entire harbor area, a project which when completed will dwarf any rebuilding effort in the city's long history.

I feel it is quite symbolic for Baltimore at the present time to be working in earnest on its harbor area. It means that we have truly come full-circle, coming back to the beginnings of this city. Baltimore grew because of its harbor and port, and the city stretched first around the harbor and then outwards into the then vacant, but verdunt Maryland countryside. To come, now, back to the harbor is to show that we have come back to our origins as a city and to begin anew the cycle in the life of a city.

I have traced the past two decades in the history of Baltimore because I believe they have profound meaning for where we are going, what our future as a city looks like. First of all, a look at this history shows that we have already met the critical test in the life of a city. Charles Center has some spots to fill in; the inner harbor project is still in its construction infancy; whole other parts of the city await both the wrecker's ball and the groundbreaking ceremony. But the real test of whether Baltimore could live again as a major American city was met long enough ago for us to see that the answers we as a city have devised to meet that test were of the grand magnitude necessary to insure success. Charles Center and Inner Harbor are indeed grand schemes and they show now every sign of being successful because the solutions equalled the challenge. We did not shirk our duty to ourselves and our descendants with half-measures and heads-in-the-sand attitudes.

But another reason why this past history is so promising for the future of Baltimore is that the one tool we have always used, the one philosophy we have always had, was that by rebuilding one area of Baltimore other areas in close proximity would follow suit, almost of their own accord. It was that rippling effect one can see in the tossing of a pebble into a pond—only here we were tossing millions of dollars into a section of a city. But it has paid off. The State office complex has brought about a rejuvenation in its area: Bolton Hill, Sutton Place, University of Baltimore. Charles Center has attracted to its fringes the towering Arlington Federal Building and paved the way for the consideration of CBD III, the rejuvenation of another area of the Central Business District. And Charles Center has helped make the Inner Harbor project that much more possible.

Now, it appears as though Inner Harbor is having a few multi-million-dollar ripples of its own. The proposed sports complex over Camden Station railroad tracks could hardly have been thinkable without the aggressive efforts to renew the harbor area. In city rebuilding, then, it now looks as though one multi-million-dollar project deserves another.

Indeed, Baltimore now seems to be rebuilding itself. It is not too far-fetched, considering what we have done since the early 1950's, to say that by the end of the century we may have redone most of Baltimore—certainly all of its central core as a city. And as we rebuild, we will be rebuilding confidence in Baltimore as a major city, for one of the corrollaries of the rippling effect is that not only projects, but people are attracted to efforts at renewal. The future for Baltimore holds with it the promise of an end to the decline in population and an increase in both people and taxable base as people and businesses return to Baltimore to share in what a city can offer—the variety and excitement of urban living.

Present signs of this renewed confidence can be found in many areas. The availability of office space in Baltimore is at an all-time low: The business demand for office space is now exceeding the supply. The infusion to private funds is supplanting government funds: The addition to the Hilton Hotel is one case in point of personal money flowing back into the construction projects in the city.

But we are not out of danger yet. The signs of urban doom can still be found. In downtown, Charles Street, for instance, is no longer an elegant shopping thoroughfare, but a quick avenue to the Jones Falls Expressway and escape from the city. The Emerson Hotel is in the process of becoming a parking lot and the Sheraton Belvedere Hotel is moribund. Too many sections of the city are riddled with substandard housing and various small business areas around the city are being phased out as populations shift and people and businesses seek the county.

The downward spiral in population and taxable base has yet to be stopped. The crime and welfare problems in the city, the needs of our school system, the demand on the services expected of an urban government—all show little signs of easing, only of growing stronger.

These are signposts on the road to urban doom and they must be read and heeded by taking new directions if a city is not to die. By Baltimore's history this past two decades, our city shows that many of these signs have been heeded, but time still presses heavily and all the good intentions of the City Fathers could fade if the final element—time—is not solved.

Thus, in peering down the road into Baltimore's future, we can look for certain markers along the way to see if Baltimore will make it into a healthy future.

One thing to look for is the next census. By 1980, only eight years away, Baltimore must be demonstrating that a physically rebuilt downtown is bringing back people and business. But this cannot be a game of statistics. Our problem has not been population—after all, even today only six other cities in America have more people than we do—but people with income levels and the skills to contribute to the common good of the city. The 1980 census must show that the taxable base of Baltimore is expanding, rather than contracting as it has over the last decades, and that revenues for the city are coming from a larger number of people, not smaller. Today, approximately 300,000 people of the city's 900,000 carry the major burden of taxes, so that one third of the citizens of Baltimore really pay for the services used by another two-thirds who do not contribute their share proportionately. This inequitable distribution of revenue sources and service users is what crushes the spirit of a city and drives those who can to escape the tax burdens. A broader tax base would ease the burden while permitting government to improve its services. Such a development helps to fulfill itself, as changes in the tax picture and city services spur others to return.

Another element to look for is a change in the Federal Government's relations with urban America. Baltimore is not alone in its problems; Baltimore cannot therefore solve its problems alone. The greater resources of the Federal Government, the Federal Government's ability to spread the tax burden and to pinpoint dollars, should be harnessed in the truly great challenge facing America in the final quarter of this century—rebuilding the American city. Thus, by 1980, we must be seeing a significant shift in the deployment of Federal funds for use by the cities. We must see such changes as the use of transportation funds for mass transit if the need be more for mass transit than more highways; we must see a shift in city government's heavy reliance on the property tax, especially as a way to pay for education; we must witness a Federal Government that places the needs of the American city at the top of the priorities facing this country.

If such developments become firm realities by the end of this decade then Baltimore's efforts at self-help in other areas will be immeasurably speeded-up. But if we proceed into the 1980's by limping along as we are now doing, patching city budgets together with budget cuts and property taxes that strangle, then all the City Fathers and all the Baltimore businessmen will find it hard to put Baltimore together again.

But as one wag once noted, "All things cometh to him who waiteth—if he worketh while he waiteth." Baltimore has been working in earnest on its own problems and the future therefore looks brighter, much brighter, because of it. But Baltimore, as do all cities today, needs help from other sources—State as well as Federal. And it is in many respects here—outside of Baltimore, rather than inside—where the battle may be won or lost to secure the future for Baltimore.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, as author of the first comprehensive piece of trade legislation in this decade, I have concentrated on the desperate need to save American jobs and the necessity of preserving our diversified industrial base. No less important, however, is action to assure us continued leadership in the field of technology.

In my Foreign Trade and Investment Act of 1972, S. 2592, I have proposed that the President be allowed to regulate the flow of technology where it would have a serious impact on American employment. Relative to the restrictions imposed by most of our trading partners, this is actually a rather small step.

Ample confirmation of the desirability of some controls on the licensing of American technology is contained in a most interesting letter by Mr. Nathaniel Brenner, marketing director, Coates & Welter Instrument Corp., Sunnyside, Calif.

Mr. President, because of the importance to the continuing controversy that surrounds our trade and investment policies, I ask unanimous consent that Mr. Brenner's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Technology Drain

Sirs: I have read your editorial of Feb. 7 and many letters responding to my own concerning the export of American technology and its present and ultimate effect on the balance of payments and unemployment in the U.S.A.

Although I never stated or implied that the United States monopolizes inventive genius or creative capacity, I fundamentally disagree with your implicit, but absolutely univerifiable assumptions that:

1. We receive equivalent value from others for what we give to them.
2. That there is something peculiar about technology which makes it a commodity which should "flow freely" simply because it has "always flowed all ways to the benefit of all. . . ."

First, I believe that any objective quantitative measurement of technology flow, such as licensing of patents, in the post-World War II years clearly shows the United States to be a heavy net exporter, with Japan, Germany, and France clearly heavy net importers. Not coincidentally, these three nations are also the major benefactors of the extremely serious outflow of U.S. gold stocks, and are also islands of full employment to their workers.

In the very issue in which Mr. McCurdy's rebuttal appears (C&EN, Feb. 7, page 13), Dr. Harvey Taufen of Hercules states ". . . between 1950 and 1967, Japan paid $1.5 billion in royalty and know-how payments. . . ." This, says Dr. Taufen, means that "Japan paid about $90 million per year, or about $1.00 per capita, *to get all the results* of all the successful proven technology in the world." Further, he states, *"Japan's shopping has brought it one of the most incredible bargains in history."* (Italics mine.)

If, as Dr. Taufen (and I) insist, it is an incredible bargain, it follows that those who sold it clearly sold it too cheaply. Further, since neither Japan, nor any other country, sold the U.S. nearly as much as it received, it is clear who gave away and who received the technology bargains.

Second, the "free flow of technology" is one of those cliché beliefs which simply ought to be challenged here and now by thinking American scientists. Technology is not an esthetic pursuit like music or poetry, but rather a commodity of commercial value, with an investment cost that can be measured, a dollar value that can be computed, and a clear market advantage for those who have it versus those who don't. Of course, as you say, "everybody benefits" from the "free flow. . . ." Everybody would also benefit if Saudi Arabia gave away its oil and Japan gave away its transistor radios, but they are unfortunately reluctant to do so.

The analogy is very close. Technology is a commodity in which America makes an extremely large investment, in education of scientists and engineers, in fixed assets (schools and laboratories), and in costs of communication (i.e., the ACS publications and meetings). The product of this investment, like the product of the oil well or the factory, cannot be given away to foreign countries, by multinational corporations or any other channel without a clear, measured, quid pro quo or the United States will suffer exactly what a corporation suffers that sells below cost for an extended period—bankruptcy.

Further, "cross-fertilization" and "free flow of technology" are purely American myths. Anyone who is naive enough to believe that the Japanese or British governments permit foreigners to license *their* processes as freely as the U.S. does ours has simply never tried to negotiate these transactions.

The facts are clear—we've given the designs and processes away faster and cheaper than we've gotten everything in return—as a result, there are $9 billion in the Bank of Tokyo—dollars which can only be spent in the U.S. but were not. Divided by the "value added" by each worker in American industry, $9 billion (about $10,000/man-year) = 900,000 Americans unemployed.

It is apparently comforting to blame the unions for our problems. In medieval Europe, witches and devils would have been singled out—in the Soviet Union it would be "capitalist counterrevolutionary forces of reaction" so I suppose Mr. Meany and his men will just have to acecpt the scapegoat's role. This despite the fact that wages in the U.S. have risen at less than half the rate of Japanese or German wages in the past decade.

It is foreign *productivity* which has overtaken us, a term which simply translates into 90 million hard-working Japanese using $10 billion worth of U.S. technology for which they paid $1 billion! "The fault, dear Brutus, lies not in our unions, but in ourselves."

What I propose is not a protectionist approach to technology transfer, but an honest business approach. Our technology should be available, at a fair price, to anyone who will pay. The multinational corporation is often both buyer and seller and did not, in fact, pay in full for the technology it sells. It is, therefore, improper for these corporations to set the prices for technology transfer, but they are, in fact, doing exactly that. If we continue to permit this unrestricted export of the technology commodity at bargain prices, we will suffer even more intense unemployment, balance of payments problems, and finally, bankruptcy.

Nathaniel Brenner,
Marketing Director, Coates and Welter Instrument Corp., Sunnyvale, Calif.

DECRIMINALIZATION OF PRIVATE USE OF MARIHUANA

Mr. JAVITS. Mr. President, I recently had the pleasure of meeting Mr. John Finlator, the former Deputy Director of the Federal Bureau of Narcotics and Dangerous Drugs. He is a most respected and highly experienced law enforcement officer who has had to confront the devastating problem of narcotics enforcement at the national and international level.

I am gratified that Mr. Finlator has expressed to me his support for S. 3517, a bill introduced by myself and the distinguished Senator from Iowa, (Mr. Hughes) which would decriminalize at the Federal level the private possession and use of marihuana. The bill essentially follows the recommendations of the National Commission on Marihuana and Drug Abuse, of which both Senator Hughes and I are members.

Mr. President, Mr. Finlator has made a persuasive public statement on this issue. He brings to this question the important perspective of a highly regarded member of the law enforcement community. I believe his views would be of interest to the Senate; therefore, I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Mr. John Finlator

I have learned through many years of experience that repressive criminal laws will never solve our drug abuse problems. In the 1930's, when marijuana was first made illegal, there were less than 50,000 smokers in the whole country. Yet today, after four decades of incredibly harsh penalties, the Marijuana Commission tells us that 24 million Americans, including 15% of the population over 12 years of age, have smoked marijuana.

Regardless of one's view towards marijuana, the ineffectiveness of the criminal laws as a deterrent to use is astounding. Meanwhile, we have ruined the careers and lives of hundreds of thousands of otherwise law-abiding citizens by needlessly subjecting them to the ramifications of being defined criminal.

I believe that society must accept the fact that there is such a thing as "recreational" use of drugs. In other words, some people use drugs not for medical use or to relieve pain, but simply because it is enjoyable. Obviously, I don't believe that people should be permitted indescriminate use of all drugs. Many have such a deleterious effect both on the user and on society as a whole as to preclude their use.

But drugs such as cigarettes, alcohol and marijuana are different. Their potential for harm is limited, and falls within that area which the people of this country have apparently decided is acceptable. We may discourage their use, as is currently the practice for cigarette smoking, and I support these efforts. But who would seriously suggest criminal penalties for those who smoke cigarettes or drink alcohol? Yet both of these drugs have far more proven harmful effects than marijuana. Our current laws must be based on medical research, rather than on the many false myths surrounding marijuana.

I have reached this decision after much thought and considerable study. I've watched the numbers of marijuana arrests and convictions reach tremendous proportions, yet I have been unable to find any evidence which justifies the harm that is inflicted by these laws.

We have to deal realistically with the marijuana issue before we can get to the more serious drug issues. The rhetoric and emotion surrounding the marijuana debate make significant progress in other areas an impossibility for both law enforcement and educational efforts.

My views are also based on a pragmatic belief that the many priorities facing law enforcement officials today cannot permit the allocation of energy and resources to be utilized for the enforcement of the marijuana laws. Today, we must redirect our efforts against the more debilitating drugs. Violent crimes against persons and property in this country are at an all time high, yet countless numbers of citizens are arrested for smoking marijuana. If these laws were changed, most lawmen would be pleased to spend their time on more serious matters.

I have lectured at more than 40 college campuses over the past few years, many during the turbulent 60's when drug experimentation of all kinds was flourishing. Today I see a more cautious and reasoned approach. LSD and heroin are rarely seen on campuses. The illegal drug used is predominantly marijuana. And more often than not, it is being used by upper-level students, whose grades are high, and who have incorporated the casual use of marijuana into their lives without apparent harm. More and more we are seeing that this is also the case among young professionals, athletes and in industry.

In making my views known, it is not my intention to promote or to encourage the use of marijuana. However, I am promoting the immediate decriminalization of that drug. We must stop sending people to jail for smoking marijuana. From my vantage point, I predict that eventual legalization with government control, similar to that used for alcohol, is inevitable. When this country decides to honestly deal with the marijuana question, perhaps then we can begin to make some progress in the battle against serious drug abuse in the United States.

GENOCIDE IS NOT A DEAD ISSUE

Mr. PROXMIRE. Mr. President, Americans of Baltic origin will observe a number of sad anniversaries this month. Thirty-two years ago the Baltic States were overrun by the Soviet Union, and 31 years ago the Lithuanians successfully revolted against the Soviets, only to lose independence after 6 short weeks. In those 32 years the Baltic people have lost more than one-fourth of their population. Through massive deportation and resettlement programs, the peoples of Lithuania, Latvia, and Estonia have suffered grave losses, and according to V. P. Volertas, president of the Lithuanian American community, no end is in sight. Mr. Volertas states that:

> The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades.

Mr. President, I submit that genocide is not an historical phenomenon, as in the case of the Jews during World War II, nor is it an infrequent freak occurrence, as in the recent tragedy in Burundi. On the contrary, genocide has been a fact of life, a way of life for an entire segment of the world's population for the last three decades. In 1966 the House and Senate unanimously approved a resolution recognizing the plight of the Baltic people and condemning the action of the Soviet Union. I ask unanimous consent that this document be printed in the Record.

We have taken a stand, as a legislative body and as a Nation, against a single instance of genocide. I urge Senators to assert their opposition to all forms and all incidents of this crime by moving for rapid ratification of the Genocide Convention.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

H. Con. Res. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

STUDENTS AS GOOD CITIZENS

Mr. CHILES. Mr. President, demonstrations involving college students always seem to draw an excessive amount of news coverage, resulting I am afraid in too many people coming to the conclusion that all students are more interested in making trouble than in concentrating on their studies and other worthwhile activities. On the other hand too little attention is given to the positive contributions of students, thereby failing to offset the unbalanced impression we get of what our young people are about.

It is true, of course, and unfortunate that some students are responsible for bringing about the bad publicity that affects all students. It is my understanding that this is what happened recently at the University of South Florida in Tampa. But at the same time we should remember that most students are directing their attention to furthering their careers and many of them are working hard in the area of community service.

Evidence of this fact has come to me in the form of a letter from Arnold B. Davis, a USF student and director of University Volunteer Services. Believing that Arnold's letter and the information he enclosed outlining student service programs has an important message for all of us, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF SOUTH FLORIDA,
Tampa, Fla., May 18, 1972.

Senator LAWTON CHILES,
Congress of the United States,
U.S. Senate, Washington, D.C.

DEAR SENATOR CHILES: With the recent demonstrations at the University of South Florida, and the other marches around the state, I feel that more notice has been taken towards the negative side of students rather than their efforts in helping their community, state, and country. What I am referring to is community programs which exist at most of the Florida state universities and junior colleges, in which students volunteer their time and energy to helping other people and improving their communities. Even though our volunteer program at the University of South Florida is one of the largest in the United States, using 2200 to 2500 students per year, we rarely obtain the news space that demonstrations achieve. Our programs have received commendation from many national, state, and local officials, as well as from the agencies we work with, yet our volunteers never received the recognition due to them. It seems that students who work within the system to improve the situations of those less fortunate, are ignored. It is obvious in working with our volunteers and being a student myself, that much frustration and anger results, when one demonstration seems to get as much attention as two or three years of hard work.

I feel that it is the responsibility of the elected representatives to speak out against these violent demonstrations and to point out to their fellow representatives, the press, and their constituents, that the majority of the students and the young people are doing constructive work. It seems that this fact is not always evident to many people. A statement from you on this subject would not only get assured newspaper space, but would encourage students to continue in their work.

Several years ago a statewide student volunteer organization called Student Concern was formed in Florida. This failed from lack of state support; state support not only in funds, but most importantly, support in words. I feel that officials should start to encourage the constructive use of student energy, rather than condone the violence by silence or publicity.

By even taking notice of violence, violence is reinforced and encouraged. It is time to support those students who want to work, and want to improve their country by peaceful and constructive means. Since Florida is a leader in this type of student effort, I feel that it should be our Senator who points out the success and efforts of our students, and our Florida citizens.

Sincerely yours,
ARNOLD B. DAVIS,
University Volunteer Services.

UNIVERSITY VOLUNTEER SERVICES

The purpose of U.V.S. are many but there are several main ones. The first of these is to better the relations of the university and the community, by working through mutual needs and goals, and showing to the community that the university is willing to help its community, that the university is not a separate entity unto itself, and that students and faculty are not intellectual revolutionaries as many people think. We try to prove through action that the university is willing to take its part in the community and that the university student is concerned about the future of his community and the so-called establishment.

The second and most important purpose in relation to serving the student, is that UVS provides an outlet and exposure for the student to put to use his classroom knowledge and learning. The purpose is to let the student do volunteer work in the community, in a program which suits his interests and or major. Through this practical use of classroom learning we hope to round out the education of the student, to prepare the student for real world problems and applications, and to make the student aware of his responsibilities to his community and future.

We have found that students have shown frustration, and anger at the current systems and problems, but we have directed these emotions for constructive means and solutions. This is the real purpose of UVS, to supply a constructive means for students to solve community problems, to put to use their classroom knowledge, and to make the community aware of the valuable resources of the university. This serves the university and the community, but above all helps make a better, more aware, and better qualified student and citizen.

HOW UVS WORKS

The basic process for signing up is as follows:

A. A student comes in and fills out an application.

B. The volunteer expresses his interests or major and the staff signs him up for the program he desires or suits him.

C. During the quarter the student is guided by his professor (if he has signed up for a course) and by the program coordinators. There are also special workshops.

D. Finally students write journals or papers on their experiences and reactions.

COMPOSITION OF VOLUNTEERS

Around an average of 50% per quarter sign up for credit through American Idea, Behavioral Science, and Education courses, as well as selective sociology and psychology courses.

Around 20–30% sign up for extra credit offered by Behavioral Science, Psychology and Sociology courses, and Afro-american studies.

20–30% per quarter sign up on their own.

We have students coming from every college of the university with over 50% from social sciences, 30% education, and 20% the others.

FUNDING AND OFFICES—GENERAL INFORMATION

UVS is funded as a part of the student activity fee budget, and office facilities are provided by the university.

Combined with the IT program the USF volunteer student group is the third largest student run organization in the U.S. Qtr. I, 1971, had 203 volunteers in 10 projects. Qtr. II, 1972, will run around 300–350 in 16 projects.

PROGRAMS

New Programs—Hillsborougn Sheriff Dept., Probation and Parole Dept., The Door (drug halfway house), Helpline, Hospital and Welfare Board, Pollution Control Division, Juvenile Courts, Neighborhood Service Centers (?) (Also refer volunteers to New Place, Urban League of Tampa, other community agencies).

Project Aware—Volunteers work with the Community Service specialists and are assigned an individual family, and a welfare worker for guidance. The volunteer is exposed to the ghetto home, and the disadvantaged children of these families. The volunteers work specifically with the children.

Headstart—Mostly education majors working as teachers aides in public classrooms.

Juvenile Homes—Seffner and Lake Magdaline—Volunteers work in a friendship or tutorial basis, and are exposed to the juvenile delinquent and his problems as well as the detention system.

Old Friends—Volunteers work in the area nursing homes as friends for the inmates of the homes. Volunteers not only help the cooped up elderly but learn the realisms of growing old.

Special Education—Volunteers work out at the MacDonald Training Center in one of the different areas, with all age groups.

Hillsborough House—Volunteers here work with special delinquents in an experimental environment of detention and rehabilitation, on a recreational and tutorial basis.

Sheriff Department—Students will observe the functions of the sheriffs' department in their day to day activities.

Probation and Parole—Students will aid parole officers in the rehabilitation of former convicts.

Door—Volunteers will be given training in handling drug cases and matters dealing with the taking and treating of drugs, and then will staff a drug halfway house.

Helpline—The on campus program which mans telephone to give aid and information on drugs, suicide, etc. The students will be put through a training session.

Hospital—Students will act as friends and aids to convalescing patients.

Pollution—Students will aid the U.S. attorney in comprising evidence to prosecute pollution violators.

Juvenile Courts—Students in Psychology and Sociology will be put through the intern program with the aid of one of the regular counselors.

Migrant Program—Students of USF with special skills will be working in the local migrant communities to provide help in areas of tutoring and general welfare.

Volunteer Pool—Volunteers on call for short term projects in the community lasting from a few hours to a few days.

Intensive Tutorial provides volunteer tutors for low achieving children from two to eighteen years of age in an attempt to help them develop more positive self-concepts. Although any child in Hillsborough County is eligible for the program, 85% of those enrolled are black and from low income families. More than 90% of the tutors are white, University of South Florida students. Now in its fourth year of continuous operation, I. T. is housed at the university and is a cooperative university-community effort. Many community agencies provide assistance and personnel. Community liaison is provided by the Tampa Commission of Community Relations; two teachers are released by the School Board to work full-time as contact persons between I.T. and every school in the county, under the supervision of the ESEA administrator; support for the Pre-School Centers is provided by the Tampa United Methodist Centers, and some Pre-School staff is provided by the Neighborhood Youth Corps. In addition, consultants and resource people are made available by both community agencies and the university. At the university, ten students each work fifteen hours a week and are responsible for administering the program. They handle publicity, recruitment, orientation of tutors, counsel tutors with problems, staff the office and Pre-School Centers, evaluate the program, and write proposals for funding. Faculty from 19 different departments have volunteered their support and time to provide guidance and assistance when needed.

Objectives. I.T. attempts to: 1) provide a structured pre-school experience emphasizing the child's self-concept, for disadvantaged youngsters not included in existing programs; 2) intercept the child's apparent academic failure in school by helping him succeed at things he likes and by helping him realize that his ideas, feelings, and personality are of value; 3) improve his academic performance by enhancing his self-confidence and motivation to learn; 4) provide an inter-racial, in-community learning experience for tutors by exposing them to a culture different from their own; 5) provide a stronger university-community relationship.

Method. Prospective tutors attend orientation sessions designed to inform them about the communities and schools their children will come from. Training manuals, reference materials and supplies are provided at the schools and Pre-School Centers, and tutors have constant access to university and community people for guidance. Also, an I.T. newsletter has been initiated to increase contact with tutors. At the Pre-School Centers, tutors are assigned to work with groups of two to three children who attend twice a week and are grouped according to age and achievement level. The tutors pick up the children at their homes, bring them to the Centers, and then return them home, insuring maximum community exposure and family involvement for the tutors. Specially trained students demonstrate methods and techniques to pre-school tutors. At the schools, children are released from classes to be tutored during school hours on a one-to-one basis, utilizing flexible and innovative methods. Each school provides a teacher, often a learning specialist, to assist the tutors. In-home tutoring is provided to meet unusual needs, such as assistance for non-English speaking people, invalids, and those who can be reached only in the evenings or on weekends. I.T. encourages close personal relationships between the tutors and children by sponsoring parties and urging tutors to undertake field trips on their own.

Accomplishments. Last year I.T. had more than 1500 volunteers working with 2,000 children. This year 45 schools have requested more than 1,000 tutors each quarter, and special requests have been made for assistance in the county-wide desegregation of schools. The two Pre-School Centers have been well received by the surrounding communities. I.T. has been refunded for a second year with Title I HEW funds, and at the time of refunding, I.T. Projects received the highest priority rating of all programs in the state university system. Last year, the first evaluation of the program, based on extensive tutor interviews, examined recruitment patterns and aimed at improving program techniques. This year, pre-school children are directly tested and measured by their tutors. Also, attitude surveys are being administered to tutors both before and after they tutor. Preliminary results indicate their belief that participation in the program has made a difference in their attitudes toward racism, education, and their effectiveness in society.

New Projects. I.T. has been expanding slowly, insuring that each project was firmly established before undertaking a new one. At this point, there are two new projects I.T. would like to add which will benefit both the university and the community. 1) I.T. would like to keep the Pre-School Centers staffed evenings and weekends for use by adults in the community. Faculty, students, and community people can offer tutoring for adults, instruction on income tax preparation, business seminars for small businessmen, courses in black history, instruction in the need for voter registration, etc. 2) I.T. would like to obtain funds to purchase release-time for faculty in the Colleges of Social Sciences and Education who want to initiate, as a demonstration model, a variety of courses in which tutors could combine theoretical course work with need of students who want to practically test and apply their knowledge, and the need of the community for professionals, trained in many fields, who are sensitive to the problems of racism and poverty and are committed to work for their alleviation.

LITHUANIA—A SAD ANNIVERSARY

Mr. CURTIS. Mr. President, for the courageous, long-suffering peoples of Lithuania, June is the "cruelest month," to paraphrase the late great poet, T. S. Eliot.

In June of 1940, after but 22 years of independence, Lithuania, as well as Estonia and Latvia, suffered the consequences of the deal between the Nazi and Communist governments to divide Europe between them.

The Soviet Union invaded the Baltic States with no provocation, unless it was that despotism cannot tolerate three small democracies thriving at its very gates—and with no justification, unless brute force serves as its own justification.

One year later, again in June, the Russian Communists began mass deportation of Baltic peoples. More than 150,000 men, women, and children disappeared into Soviet slave labor camps.

In that same month and year, when the Nazi and Communist governments had a falling out and the Communists departed, there was a 6-week interregnum wherein the Lithuanian people restored their independent institutions.

It was, of course, a sad illusion. The Nazis overran the entire area.

The end of World War II meant liberation for many European peoples. For Lithuania it meant restoration of the Russian Communist in place of the Nazi tyranny.

In spite of this sequence of tragedies, the Lithuanians and other Baltic peoples have fought stubbornly to keep alive their unique and ancient cultures. This is no easy task. The public institutions—which in a free country serve the people and reflect the people's cultural heritage—were designed by Moscow to destroy the language, religion, and traditions of the people.

In recent years, the Roman Catholic faith from which Lithuanians have drawn spiritual nourishment for so many centuries has once again become the target of the Communist overlords.

There is a sinister similarity to the Soviet Government's treatment of the Jews in Russia.

I would urge my fellow Senators to read carefully documents relating to this destruction of peoples and religions by the Soviet Union.

Such despicable policies are contrary to the U.N. Declaration of Human Rights, of which the U.S.S.R. is a signatory.

I would urge the Senate to continue to support House Concurrent Resolution 416—89th Congress—relating to the Baltic States.

I urge our Government to continue its refusal to recognize the enforced incorporation of the Baltic States into the U.S.S.R.

And I would urge all of us to thank God for our freedoms and pray that such oppressed peoples as the Lithuanians, Estonians, and Latvians may some day exult in that same freedom.

HOME HEALTH CARE

Mr. HUMPHREY. Mr. President, recently, I introduced S. 3107 to amend title XVIII of the Social Security Act to authorize the provision of home health care services, without a prior hospital stay.

Since that time, growing evidence of the need for such services has been brought to my attention.

Americans desperately in need of medical attention are not receiving it. Others, requiring only out-patient care, are being forced into hospitals in order to qualify for health benefits. Still others remain in hospitals when they could be released following treatment, because there are no health facilities available to them at home.

This cycle is draining our health care resources.

I ask unanimous consent to have printed in the Record a letter which I recently received from a home health care agency nurse. The letter describes a typical case, in her care. It speaks poignantly for Federal action on home health care.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Visiting Nurse Association,
Portland, Oreg., June 6, 1972.

The Honorable Hubert H. Humphrey,
U.S. Senate,
Old Senate Building,
Washington, D.C.

Dear Sir: Because of your interest in the adequacy of our health care system and the best utilization of the health care dollar, I would like to tell you of a typical case we carry and the financial dilemma it poses to agencies such as ours.

Mr. Fred B. was referred to the Visiting Nurse Association of Portland, Oregon, on August 25, 1970, from the County Hospital. His diagnosis was Basal Cell Cancer of the Face; Rodent Ulcer. He lives alone in a small two-room, wood-frame home without hot water, gas or electricity. The home is heated and food is cooked with a wood burning stove. He receives a small social security check which is supplemented by welfare. His only companions are his numerous cats.

The Visiting Nurse Association has visited Mr. B. on a daily basis, seven days a week, since his admission in 1970. He has copious drainage from his cancer and requires a daily dressing change and application of 5FU, a cancer drug. He is also assisted with personal care when unable to bathe and shave himself.

More recently, he has become too weak to prepare his own meals, and a visiting aide is now sent to his home for assistance with laundry, meal preparation, and grocery shopping. From time to time, our nurses have chopped his wood because he was getting too weak to do it, until our social worker arranged for a Boy Scout Troop to chop his wood on a regular basis.

Mr. B. was Medicare A eligible for the first 100 visits. Since these were exhausted, this agency has collected no money for his service. Medicaid in Oregon does not include home health benefits, nor does welfare purchase Medicare B for its clients, (which would have covered 80% of the cost). To date, our investment in Mr. B. amounts to approximately $10,000 without any indication that he will not remain on the case load for many more months, since this is a very slow-growing cancer. There is no question that institutionalization has been prevented for this man. This has been made possible by the United Fund dollar; however, these funds become more limited each year, and United Funds are looking to the federal government to pay for health care.

Federal funds are available for new projects in communities, but none seem to be available for the continuation and extension of existing services. For instance, we were forced to cut back our home health aide services in our agency because of Medicare restrictions, yet federal funds from the Administration on Aging are being spent to initiate a new homemaker program for the elderly.

It is possible to demonstrate the alternative to institutionalization in home care; however, if no provision is made for long-term care to the so-called "custodial" patient, community agencies such as ours will be forced out of business. We are seeing an influx of new agencies vying for the case whose care is subsidized, but few are equally eager for the Mr. Fred B.'s.

I solicit your assistance in providing more home health care dollars, particularly for the broad based community agencies which are carrying the bulk of the indigent and medically-indigent case load. I urge you to support legislation which would provide home care benefits to these people.

Sincerely yours,
(Mrs.) Hope Runnels, R.N.,
Executive Director.

ECOLOGICAL REPORT FROM ARIZONA

Mr. GOLDWATER. Mr. President, convalescing in one's own State has many blessings other than just plain being home.

When I got to feeling up to it, I borrowed an airplane, and a friend of mine and I took a flight for a couple of hours to bring myself up to date on just what is happening to Black Mesa in northern Arizona that the ecologists of America, particularly in the East, are so hell-fire wrought up about. Let me state at the outset that I will not take second place to anyone as far as my interests in conservation and ecology go. In fact, I have been very close to the Peabody Coal contract allowing the strip mining of Black Mesa since its inception, and I have stayed on top of it.

Black Mesa is not a small area. It is roughly 250 miles on a circumference rising some 2,000 feet above the surrounding plain to a mean elevation above sea level of over 7,000 feet. The southern fingers that stretch out from this giant mesa form the major mesas on which the 18 villages of the Hopi Tribe are located.

When it was first seen by non-Indians it was referred to as Mesa de los Vaca, which in Spanish means Cows Mesa. By the way, "mesa" in Spanish is "table" and any flat-topped mountain or table-shaped plateau in the Southwest is called a mesa.

Contained on Black Mesa is about one-half of all the coal left in the United States, and while it is of very poor quality, which we call shale, it is, nevertheless, there, and it has been used for as many years as I can remember. When I used to own a trading post some 70 miles to the west at the foot of Navajo Mountain, a couple of truckloads of shale a year would suffice to provide our post and house with heat. But to get on with my report of what is happening.

Instead of finding the ugly, glaring atrocities of strip mining such as have been described in our eastern press and magazines and also by some of our western overzealous ecological and conservation groups, I actually had to search a little bit from my airplane to find where the actual digging is taking place. Mind you, they have just begun this operation which ends in the shale being sludged and pumped over 200 miles to a generating plant located on the Colorado River in southwest Nevada.

There are two rather deep fissures in which they are operating large earth-moving equipment. There is a general central plant that provides the pumping of water, the sludging and the start of the movement of this sludge. No smoke came from those stacks and only a little dust was being raised by the earth moving equipment.

Frankly, and I say this for the benefit of my friends interested not only in ecology, but in the future of the handful of Indians who have been able to eke out an existence on this area, if this strip mining proceeds and the moved rock and coal are replaced by good earth, it will provide for the first time in history soil on which the Indians can plant growing grass and shrubbery which can sustain grazing herds if the Indians so desire this pursuit.

In my own opinion, and I speak this as one who has more than just a deep love for the mesa, the stripping of this coal and the replacement of it by earth will do more to make this remote, isolated area habitable than anything that has ever been done to it before. Within 25 years Indians will be moving into this giant, forlorn area in large numbers where before so few have lived that it is impossible to know whether the number has been 50, or 100, but certainly not more than 200.

I intend to keep up my interest in this contract, and I intend to make occasional reports to Congress and to the Secretary of the Interior about it. If Senators and others interested in abuse to ecology are interested, on the way back from Black Mesa I flew low, passing the ancient village of Walpi and, believe it or not, here is where the pure ecologist would lose his mind for, lo and behold, power poles now stretch out along the mesa to provide a better way of life for these Indians who for nearly 2,500 years have lived in their mud huts with the light of the burning pinon pine. But such is progress.

DR. J. C. TUMBLIN'S ELECTION AS AOA PRESIDENT

Mr. BROCK. Mr. President, 75 years ago the American Optometric Association was founded, and since that time, this health professional organization—representing the majority of America's 18,000 optometrists—has been led by many outstanding optometric officials. On June 22, the AOA again showed great foresight by installing Dr. James C. Trumblin as its president for the coming year, 1972–73. Dr. Tumblin, affectionately known as the southern gentleman, hails from Tennessee, the Volunteer State, which it is my privilege to represent as a Senator in this body.

Dr. Tumblin has been a practicing optometrist in suburban Knoxville, Tenn., for over 20 years. He took time out from this activity in his early years to serve in the Medical Service Corps of the U.S. Army. Dr. Tumblin's ascension to the highest office of his national association is the logical conclusion to his leadership experience at the local and State level.

The newly installed president of the third largest health profession—which provides over 70 percent of this Nation's vision care in some 6,300 municipalities around the country—has been the president of the Tennessee State Optometric Association and is a fellow of the prestigious Tennessee Academy of Optometry. His other professional organizational experience includes membership in the Optometric Extension Program Foundation, the American Optometric Foundation, the Armed Forces Optometric Society, and the Better Vision Institute.

In service to the American Optometric Association, Dr. Tumblin has been chairman of its library committee and committee on membership development. One of the results of his participation in this latter panel was the preparation of the "Manual on Membership Development," a collection of the methods used successfully in various States in gaining membership.

Dr. Tumblin's involvement in the community extends beyond areas related to his profession; he is also quite active in civic and religious activities.

Prior to his being selected as the president of AOA, Dr. Tumblin had been a trustee of this national association and on its council on optometric education. He has since progressed through the ranks of secretary-treasurer, vice president, and president-elect.

From the time he received his doctor of optometry from the Northern Illinois College of Optometry in 1948 until the present, Dr. Tumblin has repeatedly exhibited those qualities necessary for effective leadership. His present post is a fitting reward for a health professional who has been and will continue to be dedicated to insuring that all Americans are the recipients of quality health care.

Therefore, I want to wish Dr. Tumblin the best of luck during his year as the president of the American Optometric Association.

POW LETTER TO CONGRESS

Mr. KENNEDY. Mr. President, the wife of an American prisoner of war captured in South Vietnam, Mrs. Harold Kushner, of Danville, Va., has received a letter from her husband and 15 other American prisoners now held by the National Liberation Front.

Her husband, Captain Kushner, has been held captive for 4½ years, which makes his appeal not only understandable, but particularly urgent. Because the letter is addressed to the Members of Congress, I ask unanimous consent that the text of the letter as received by Mrs. Kushner be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

To: The Congress of the United States.
From: American servicemen captured in South Vietnam.

We represent decades of captivity. When President Nixon assumed his office, we nurtured great hopes that he would honor his campaign pledge and his commitment to the American people and terminate this tragic war. It is essential to realize that our statement stems from a profound love of country and interest in its future. It is our contention that the Vietnam War is a mistake. That rational beings rectify mistakes when recognized. This is our fundamental motivation.

For almost 4 years, we have listened to the political jargon of the age—Vietnamization, winding down, withdrawal. Our hopes have been vanquished by disappointment. Then dismay, and now alarm.

We have watched with great concern while the heavy costs of the war continue to rise, while the majority of our people consistently oppose it, while the American image continues to be sullied. We have watched with sadness and trepidation while the spiritual and moral fiber of our society degenerates.

Finally, for years we have looked askance at our captors when they told us that Vietnamization was a failure and that President Nixon has no intention of ever withdrawing from Vietnam. Now, as the war is being reescalated in the north and American troops remain in the south, we are impressed with their veracity and their understanding of the character of this war.

Now it is clear that Mr. Nixon, without the sanction of his electorate, is willing to take the most provocative steps to salvage the Vietnamization program. Is he willing to destroy the American POW's detained in both North and South Vietnam? Is he willing to directly challenge public opinion? Is he willing to go to the brink of a larger war and perhaps beyond for an issue that is not vital to the interests of the United States, and which has been resoundingly repudiated by the majority of our people? We are convinced that there is nothing at stake in Vietnam which could possibly justify the recent irresponsible and provocative measures taken by Mr. Nixon.

We know the Vietnamese people. They are stoic and resolute. They say that they would rather sacrifice all, than give up their struggle and they mean it. The last 25 years provide eloquent testimony for this proposition. The intense bombings, mining of ports, and blockade will certainly increase their death and suffering—but equally important, it will harden their resolve. They will never give up their cause.

They want the right to decide their own destiny without outside interference. The destruction of Hanoi and Haiphong was predicted years ago by their President Ho Chi Minh in words which now serve as a rallying cry for their whole nation. It will certainly not influence the course of the war, but on the contrary, prolong it and perpetuate the presence of American troops and POW's in this land.

As American servicemen, we are ready to die to safeguard our country and our families. But we are not ready to die in order to safeguard an illusion. We are not ready to die for Vietnamization or Nguyen Van Thieu or any other objective that is not supported by our people. We agree with several Senators and Congressmen when they say that the only practical solution to the Vietnam problem lies in the Paris negotiations.

We appeal to you, the Congress of the United States, to obey the dictates of conscience and reason and to discharge your political and historical responsibility. Remove this millstone from our country's neck. Dispel this senseless threat which hangs over us and our children. We urge you, in all good faith, to exercise your constitutional power to force the administration to return to Paris to negotiate the complete withdrawal of American troops and the return of the American POW's and leave Vietnam to the Vietnamese.

The time is critical. Please! Take effective legislative action. We must choose between an immoral tragic war with catastrophic consequences, and the honorable future of the U.S. The wisdom derived from our history and experience leaves little doubt as to the proper choice.

With great respect and urgency.

LIST OF SIGNATURES

Harold P. Kushner, Md., Captain, MC, U.S. captured Dec. 2, 1967.

Frank G. Anton, WO-1, U.S. Army, captured Jan. 6, 1968.

John Robert Cavalani, Sgt., U.S. Army, captured June 4, 1971.

John A. Young, SP/4, U.S. Army (SF), captured Jan. 30, 1968.

King D. Rayford, Pfc., U.S. Army, captured July 1, 1967.

Frederick L. Elbert Jr., L/Cpl., U.S. NC, captured Aug. 16, 1968.

Richard C. Anshus, 1st Lt., RA, INF, captured Mar. 8, 1971.

David W. Sooter, WO-1, U.S. Army, captured Feb. 17, 1967.

Alfonso Ray Riate, Cpl., U.S. MC, captured April 25, 1967.

Robert P. Chenoweth, SP/4, captured Feb. 8, 1968.

James A. Daly, Pfc., U.S. Army, captured Jan. 9, 1968.

Don A. Macphail, Pfc, U.S. Army, captured Feb. 4, 1969.

John G. Sparks, Pfc., U.S. Army, captured April 25, 1968.

Jose Jesus Anzaldua, Jr., Sgt., captured Jan. 17, 1970.

Abel L. Kavanaugh, Pfc., captured April 25, 1968.

ESSAY CONTEST—WHAT THE 18-YEAR-OLD VOTE MEANS TO ME

Mr. FONG. Mr. President, the Honolulu Junior Chamber of Commerce recently concluded an essay contest among those of the graduating senior classes of our high schools on the general theme "What The Eighteen Year Old Vote Means To Me."

I was impressed by the general approach and the very real sense of responsibility expressed by the entries.

I feel that others should have the opportunity to read the essays of two of our winners, Miss Leila Tanaka, of Waipahu High School, and Albert Perez, of Waianae High School.

I ask unanimous consent that the complete text of the two essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

WHAT THE 18-YEAR-OLD VOTE MEANS TO ME

(By Leila Tanaka)

"Ask not what your country can do for you, ask what you can do for your country."—John F. Kennedy.

I heard these words once said by a very wise man. These words are imbedded in my thoughts and beliefs constantly. Everything I say or do is affected by this statement.

These days people demand most anything with the belief that the government owes them a living, not realizing that they, themselves, have or at least played a part in the making of the government. We cannot place the guilt of a troubled nation on the country's system only but we should rather look at the citizens residing there. The people of the country have placed that same government with which they are disgusted with, in power.

Citizens vote for their representatives. They are not forced into making a decision that is not one of their own. And people should never neglect or abuse their voting privileges.

Voting exercises one of the rights we are given as citizens of the United States. The constitution assures us of freedom of choice and by voting, we can actively take part in our democracy.

Less than half the eligible 18-year-olds here in Hawaii have registered to vote. It seems to me, that the least a new citizen as I can do is to register to vote. Registering is not as if one is committing himself to something foreign and entirely unfamiliar to him. In effect, it is as if a potential voter were saying. "Perhaps . . ." After registration one can get acquainted with the issues at hand and begin a careful study of the candidates involved in order to make the best decision conceivable.

Many believe that the number of young voters will increase since the age of majority has passed. Eighteen-year-olds wanted not only the privilege of voting but the advantages and disadvantages of being adults.

This recently acquired privilege of voting is more than just the huge responsibility it appears to be. To me, my vote is my voice in government; my say in how I want to be represented. Some may claim that my voice is such a tiny voice that I will be completely overlooked and actually would have no bearing on who will get elected.

But if a group of voters supporting the same candidate were to band together their votes, then their tiny voices would become a loud and obvious voice speaking for the people involved in this group.

I detest those who feel that their vote is not really necessary, that no one actually cares, and that existing conditions cannot be altered to suit the people. Opponents with apathetic feelings and "I don't really matter to the government" attitudes contribute tremendously to the unrest of the nation.

What I feel is worse than the apathetic citizen is the citizen who refuses to accept duties such as voting and denounces the government. Here there is the chance to remodel a portion of the system and the objector declines to cast a ballot. Who knows? His vote may be the deciding vote.

Voting, to me, is a privilege that allows me a say in my government enabling me to experience my right to freedom of choice. It is with this power, I feel it is my duty as an American citizen to exercise my vote with utmost caution. I sincerely hope that I will never become one of the many discontented citizens basking in the cold of apathy and selfishness refusing to accept the full responsibilities of an American citizen. Voting is an often neglected privilege I will never abuse.

WHAT THE 18-YEAR-OLD VOTE MEANS TO ME

(By Albert Perez)

Having the right to vote means that now candidates for office will be coming to me and others my age to seek our votes. This may not be to their liking, for they now must include in their campaign issues that pertain to both the young and old voters. Issues such as the crack down on organized crime, prostitution and the drug problem in the State of Hawaii might not interest the young voters, but issues dealing with the environment and ecology would. So, I feel that candidates for office will have a slight problem in appealing to both the old and the young. How effective they are in their campaign will be determined by the voter, both old and young.

Now that I have the right to vote, I try to read the newspaper and watch the news on television whenever possible, to be aware of what's happening in the State, the nation, and the world. Being a little skeptical, I do not believe everything that the media tells me, but it does give me a good idea of what's going on. When it is time for me to vote, I might have to base my vote on what I have learned about the candidate through the media, if I do not have enough information on his campaign. This may not be the right thing to do, but not every candidate has the time, money, and manpower to go to every voter to explain his campaign. So the media would be to me, a simple way to obtain information about a candidate.

Recently, a series of articles in the newspaper stated that the eighteen year olds, among other things are uninformed. I do not know what facts the articles were based on, or the source of information. In my classes we talk about politics, local and world happenings, and many of the students know what's going on. Organizations such as Save Our Surf and Life Of The Land have many young people as members, and not only are they informed of what's happening, but they also try to do something about it. They also inform people young and old, of the things that are going on. In my opinion the young people of today are not only informed but more concerned than the younger people of before.

Along with the right to vote comes the right to be drafted into the Army, and the right to serve on a jury. As I write this essay, I have not been as yet selected into the Army via the draft, nor have I been called to serve on a jury. I will wait to see what the future has in store for me. I am more concerned with the right to vote than with being drafted, and serving on a jury, although I will serve my country if drafted, and serve on a jury if I am called to do so.

In closing this essay, I believe that no one political candidate can win on the eighteen year old vote alone, but because it is here, they can lose because of it.

REDUCING CRIME AND ASSURING JUSTICE

Mr. HUMPHREY. Mr. President, on May 16, 1972, I introduced S. 3612, the National Institute of Justice bill, for the reform and reorganization of the American system of justice.

Since that time, a thoughtful study entitled "Reducing Crime and Assuring Justice" has been concluded, and the report released today by the Research and Policy Committee of the Committee for Economic Development.

The committee's mandate was to develop thoroughgoing recommendations for the comprehensive reform of the criminal justice system in the United States. The group preparing the report include the distinguished former Chief Justice, Earl Warren, James V. Bennett, Ramsey Clark, David Fogel, Ernest C. Friesen, Bernard L. Garmire, Milton G. Rector, Charles H. Rogovin, Dr. Jesse Rubin, James Q. Wilson, and others of long experience and deep insight.

The introductory sections of the report state:

> Prompt, equitable, and effective administration of justice is the first responsibility of a civilized society.
>
> The Committee believes that the ineffectiveness of the present structure is rooted in the organizational and administrative chaos that characterizes the nation's uncoordinated system of criminal justice and in the management weaknesses prevailing in agencies at all levels. The Committee therefore proposes a complete administrative overhaul of the criminal justice system and a redistribution of responsibilities, functions, and financial support among the various levels of government.
>
> The federal role would be concentrated in a new, independent Federal Authority to Ensure Justice, which would coordinate the fight against crime on the national level and would provide strong financial incentives for the reorganization of state and local systems.

The American people's faith in their justice system is waning.

Too many of our laws are obsolete, the report finds, as well as our procedures. Our courts are congested.

Sentencing is inequitable in our Nation. Two persons convicted of the same crime may be sentenced differently, not only in different jurisdictions or States, but with wide latitude in a single jurisdiction or State.

The report asserts that—

> Two felons convicted of identical offenses and with comparable case histories may receive prison terms differing in length by three or four to one.

Prisons are a national disgrace, institutions of higher education in crime.

Minor children are detained with adult criminals. Prosecutors misuse—in some cases abuse—plea bargaining.

There are gross inequities in the bail and parole systems.

Probation officers in our country, according to the report, sometimes have caseloads of one hundred probationers or more. Only 1 percent of all probation officers have caseloads of fewer than 40 probationers.

In regard to police management, the report states:

> Police management is undergoing closer scrutiny, partly because of the low ratio of serious crimes solved, or "cleared by arrest." In cities over 250,000 in 1970 only 30 per cent of all robberies, 22 per cent of all burglaries, 13 per cent of all larcenies over $50, and 17 percent of all auto thefts known to the police were "cleared" by an arrest. The precise accuracy of these data may be questioned; the fact that most such crimes are never solved is not in doubt. The nationwide "clearance rate" for all seven Index offenses fell from 31 per cent in 1960 to 20 per cent in 1970. Nearly half of those arrested were juveniles—relatively easy to apprehend. Of the 54 per cent who were adults, barely half were found guilty as charged. Attention must be directed, therefore, toward the competence of police management.

"Reducing Crime and Assuring Justice" proposes far-reaching, if not iconoclastic, solutions to the shortcomings of our criminal justice system. The report is comprehensive. I will comment on other sections later, but today I ask unanimous consent that two chapters in the report, dealing with correctional reform and with Federal authority to insure justice, be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

REFORMING CORRECTIONS

Callous neglect has produced a debacle of major proportions in the nation's misguided and under-funded correctional efforts. There are 1,600,000 convicts under current correctional controls, ranging in degree from occasional supervisory interviews to penal measures of great severity. The curative quality of these efforts is so ineffective that society continues to suffer from subsequent violations by these same individuals. Most juvenile offenders are placed on probation, with little supervision or aid in solving their problems. For the most part, prisons are full of older, hardened products of failure to change patterns of juvenile delinquency. The impersonal, mass approach to corrections dominates—although the one best hope rests on personal, individual attention to each offender.

Public opinion has arrived at no consensus concerning the basic purposes of corrections. One view holds that fear of punishment will deter unlawful conduct. Another sees rehabilitation as the main objective, convinced that attitudes may be changed through stimulation of new motivations and provision of employable skills. But the prevalence of crime proves that deterrence is not wholly effective—whether because punishment is not severe enough or not certain enough or because the concept is faulty. And high rates of recidivism (relapse into criminal activity) show that traditional rehabilitative efforts have failed; prisons and reformatories appear to reinforce criminal inclinations.

The issue cannot be put aside; the number of habitual criminals is growing too rapidly to permit further evasion. If attitudes, addictions, and patterns of conduct found among first or minor offenders go uncorrected, then life-long criminal careers entailing enormous social and economic damage will follow. Criminal behavior, like all human behavior, is characteristically repetitive.

The entire correctional system is failing and in need of drastic reconstruction. Intensive research may yield clearer directions over the long run, but pending such results pragmatism would dictate this guiding principle: rehabilitative effort should be maximized in every aspect of the correctional apparatus, while the loss of personal freedom should be used as a deterrent only under constructive conditions emphasizing ordinary human decency and avoiding punitive degradation.

The size and scope of the problem have been concealed by its dispersion among national, state, and local authorities and by lack of comprehensive statistics. Recent studies show, however, that nearly 2 per cent of all males over the age of 12 are currently under correctional restraint. About 900,000 persons are under probationary supervision; 300,000 are in prisons plus 54,000 in juvenile detention facilities; and 300,000 are on parole after release from confinement. Still another 75,000 are in jails awaiting trial, not technically under correctional control because theoretically innocent until proven guilty—a distinction often blurred in practice.

Unacceptable conditions mark every aspect of the correctional effort; in pretrial detention, in sentencing procedures, in probationary supervision, in jails and prisons, and in parole. Governmental apathy is appalling; correctional expenditures are less than one-third those for "police protection"—while the police are called on to arrest over and over persons whose patterns of conduct have been worsened, not bettered, by "corrections."

Pretrial detention of those unable to obtain bail, and not released on their own recognizance or to specific custody, is largely the responsibility of 4,000 local jails. These also house persons convicted of minor offenses, with short sentences. Prisoners are held for months or years awaiting trial; convictions often lead to prison sentences shorter than the time already spent in jail. Meanwhile, the innocent and first offenders are thrown together with habitual criminals and frequently subjected to sexual assault. Speedy trials and a lesser role for grand juries would sharply reduce jail populations. So would greater restraint by judges in requiring bail, and the abolition of bail bond profiteering.

Many of these jails are old, below acceptable physical standards. Worse, they lack recreational, educational, or medical facilities. Many are too small to be efficient; others, although large, are extremely overcrowded. Jailers and guards are rarely qualified. The corrective or curative element in these jails is nonexistent, but their ability to foster antisocial attitudes and to function as schools for crime is well documented.

Constitutionally, persons charged with crime are presumed innocent until tried and found guilty, and should be treated accordingly. Where court appearances may reasonably be expected, the accused should be released, pending trial. Bail bond rackets should be suppressed.

Local jails should be required to meet standards consistent with the presumption of innocence. Juveniles should not be housed with convicted criminals nor with adults awaiting trial. The states should relieve local units of all responsibility for imprisonment of those convicted, and this would be preferred for pretrial detentions as well. Connecticut, Delaware, and Rhode Island have assumed full state responsibility for detention. They have no local jails, an example deserving emulation.

Sentences imposed on conviction are highly variable, ranging for the same crime between extremes in leniency and severity not only from state to state but from judge to judge within the same court system. Two felons convicted of identical offenses and with comparable case histories may receive prison terms differing in length by three or four to one, and most court systems lack means to minimize such discrepancies. Judges have little guidance by statute or education on sentencing philosophy or alternatives; many even lack personal knowledge of prison conditions. Judicial conferences, seminars, and summer sessions on such subjects hold promise and should be more widely used. Pre-sentence investigation—proven to be a very valuable tool—is commonly sketchy or nonexistent. Many prisoners begin their terms embittered by the sincere belief that they have been sentenced capriciously and hence unjustly.

Greater consistency should be applied in sentencing persons convicted of the same crimes, within each consolidated state judiciary (and within the federal judiciary as well), through insistent pressure from the chief justice, the judicial council, or both. Trial juries should not determine sentences.

Judges should have every means to obtain all pre-sentence information needed in each case. Under federal practice the choice of prison is made by the corrections authority following careful individual study—after sentence has been set—and not by the trial judge. The states might well follow this lead. Moreover, much closer attention should be given to restitution, or money damages to the victims of crime, in lieu of prison sentences.

Probation under suspended sentence is a far more frequent penalty than a prison or reformatory term, particularly for juveniles and first offenders. Probationers outnumber prison inmates by three to one. The number is rising as crime rates rise, whereas prison populations are actually declining. These diverse trends stem from two causes: the increasing disrepute of American prisons, and the relatively low public expenditure required for each probationer (only $250 in 1965). Judges aware of actual prison conditions prefer to avoid commitments, and the public is repelled by frequent scandals and riots. Moreover, probation has more to be said for it than low cost; most criminologists agree that when properly administered it holds greater prospect of rehabilitation than imprisonment does under prevailing conditions.[1]

Probation is less successful than could be expected if it were better managed. Supervision is usually prescribed, implying frequent contacts with qualified probation officers. But probation staffs are undermanned, undertrained, and underpaid. The standard maximum of 35 probationers for each probation officer seems moderate; it may be too high.[2] Yet, in 1965, 77 per cent of all officers dealing with juveniles had caseloads over 60; only 4 per cent had 40 or less. Their role is critical; if properly executed fewer than the present quarter of all paroles might lead to revocation for violations. Increasing millions of American children are neglected; the neglected child is quite likely to become delinquent. Then the community, through the probation officer, must act *in loco parentis*. Failure here is ruinous to the child and costly to society.

Two-thirds of all officers concerned with adult offenders had caseloads over 100; only one per cent had 40 or less. In 1931, the Wickersham Commission stressed the need for adequate numbers of highly qualified and well-trained probation officers, but the deficiency continues. Doubling or trebling the number of officers, providing more training and better pay, and expanding counseled employment for probationers would still leave costs far below those for imprisonment. These steps would be less expensive than a 10 per cent pay increase for all police forces, and the probability of positive results would be high. Experiments with well-trained citizen volunteers accepting one-to-one supervisory roles, and with use of case aides who live in the same neighborhoods as those on parole, hold considerable promise but do not minimize the need for strong professional leadership.

Parole standards assume grave importance also. Parolees number 300,000 and there are growing pressures to expand parole opportunities. Parole presents harder problems than probation; most parolees have longer histories of more serious criminal conduct than probationers. Furthermore, the difficulties faced by ex-prisoners branded as convicts while trying to establish "normal" modes of employment, family and social life are quite forbidding in the light of prevailing community attitudes.

Assistance in this transition calls for unusual skill and competence. The stigma attached to "ex-convicts" in American society is a heavy handicap in finding or holding suitable employment and in assuming a constructive life style. On-the-job success would go far to prevent recidivism; the business community has a responsibility here that is not being well met. Moreover, in parole as in probation, caseloads are excessive. In 1965, 92 per cent of parole officers dealing with adults had more than 50 convicts in charge, as did 72 per cent of those in charge of juvenile parolees. Such caseloads only *seem* inexpensive. There is an imperative need for clearer standards, both in granting and administering parole, and for individual guidance to parolees.

Probationary and parole forces must be strongly reinforced, reoriented, and reorganized; they are society's main resource in diverting offenders, whether juvenile or adult, occasional or habitual, minor or major, from continuance in criminal courses of conduct. The business community should work closely with these forces in providing job opportunities, and otherwise.

This clearly implies doubling—or trebling—the number of probation and parole officers, increasing compensation, elevating admissions and in-training requirements to a professional level, setting and insisting upon observance of high standards, and providing supervisory leadership of a higher order. It may well be that the desired results can be achieved only by making both probation and parole primarily state (and federal) functions, with chief executives held fully responsible for effective performance. The supplementary cooperation of trained civilian volunteers for one-to-one work with both probationers and parolees is an objective to be vigorously pursued.

Prisons are viewed by many as the key factor in corrections. In one sense this is accurate; most inmates have been convicted of serious offenses or have had several convictions, and prisons account for the bulk of all correctional expenditures. But their importance in prevention or control of criminality is doubtful at best. Most inmates are not committed until patterns of criminal conduct are already firmly established; 93 percent are 20 years of age or older. Most remain for relatively brief periods of time, but are repeatedly recommitted.

Theoretically, rehabilitation is a primary objective of imprisonment, but in practice it is subordinated to the intended deterrent effects of tight custody, regimentation and a climate of repression. The "good prisoner" is one who seems subdued in that environment—a disqualification for successful post-release adjustment. Prison systems range in quality from marginal acceptability in those of a few states and the federal government, down to the medieval level of some state and local systems. Facilities are severely overcrowded and generally below acceptable physical standards; narcotics traffic and sexual abuses thrive.

The failure rate is very high; 63 per cent of federal parolees released in 1963 were rearrested within six years, as were 76 per cent of those given mandatory releases. Such information as is available indicates that experience with state prison releases is comparable. The appalling fact is that firm statistical data on recidivism is practically nonexistent at state-local levels. Only occasional spot studies have been made and coordination of records from the many state, local, and federal institutions has not been attempted. This is needed to permit systematic evaluation results from each element in the correctional system.

Rehabilitative efforts vary, but few teachers, psychologists or psychiatrists are found on prison staffs. Many inmates have no work assignments; idleness is the chief prison occupation. Custodial restraints then breed resentment. The work that is available rarely fosters skills useful after discharge. Experience in producing license plates has slight value in the outside labor market.

Every objective study of American prisons has called attention to the low qualifications of prison guards, and to their lack of intensive training. Both the nature of their work and compensation scales are unattractive. The usual disciplinary emphasis encourages brutalization, greatly worsened where guards collude in the drug traffic or overlook inmate violence extending to homosexual assaults. Lives of prisoners are endangeretd by racial violence and other forms of internecine hostility. In many prisons, however, tensions between all-white staffs and prison populations dominated by militant blacks have reached explosive levels. Prisoners usually lack avenues of complaint and are denied access to legal counsel or other protections of due process; they are made to feel subhuman.

Many citizens take comfort from the high walls, watchtowers, and machine guns designed to forestall jailbreaks and to control increasingly frequent and deadly prison riots. They seem to feel that violence confined within prison walls is of no concern to them. But the effect of dehumanization upon 400 ex-prisoners released daily into the open society should be recognized. Nearly half of those in federal and state prisons on January 1, 1967 were released by the end of that year. Ex-prisoners out on parole outnumber the inmates inside. Prison riots are visible proof that presumed objectives are not being attained.

The courts have now begun to insist upon prison reforms. A federal district court has ordered sweeping changes in the conduct of Virginia's prisons; a state court in Maryland threatens to close one of its largest institutions unless rehabilitative emphasis is itensified; and Arkansas prisons are under court examination.

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[1] See, for example, Karl Menninger, *The Crime of Punishment* (New York: Viking Press, 1968).

[2] See U.S. President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Corrections* (1967).

It is past time to give thoughtful reconsideration to the whole field of crime and punishment. The immediate necessity is to replace obsolete prisons, oppressively managed, with decent facilities where opportunities for education, training, and personal development are available under the guidance of qualified and sensitive staffs. No prison should be designed for more than 500 inmates, nor should any be allowed to accept prisoners in excess of rated capacity. Prisons should be located close to areas of family residence to allow easy visitation, and situated where there is access to varied outside employment for those on daily furloughs.

The cost of these changes will be considerable—perhaps $20,000 or more per inmate in construction alone, if educational, recreational, and training facilities are included. Still larger sums will be needed to provide curative facilities for alcoholism and drug addiction. All this must be placed in proper perspective, and compared with the costs borne by society because of the tens of thousands of hardened and embittered career criminals among the 100,000 to 150,000 released from American prisons each year. Cost effectiveness coincides with humanity in support of reform.

The state and national governments must provide smaller, uncrowded, properly located prison facilities—with suitable living space, training equipment, and staff support—to house those whose freedom is deemed so dangerous to society that it must be denied. Impartial inspection teams should make frequent visits to all prisons.

Many existing state prisons should be abandoned, or thoroughly redesigned and reconstructed. More space may be needed, particularly after all prisoners held in local jails are shifted to state institutions, but prisons (and work camps) should be far more specialized than most are—as to types of offenders, security requirements, and educational-vocational opportunities. Managements should foster better communications with inmates, through representative councils. Experiments with work release assignments, furloughs, halfway houses, and other forms of community-based corrections should be actively pursued.

At the same time, recent disuse and probable eventual abandonment of the death penalty lead toward lifelong incarceration without much hope of parole for those considered so dangerous to society that they must be held under maximum security.[*] Construction and equipment of appropriate facilities will cost money, as will the professional personnel of types and numbers needed, but interchange of prisoners between the states—and by them with the federal prison system—would lessen the costs of the proposed specialization.

Constructive, imaginative initiatives for improvement of correctional methods have been undertaken here and there. These are worthy of special notice; they deserve thorough exploration, experimental application, and swift expansion wherever found to be successful.

Some jurisdictions are reducing numbers held in jail pending trial, by reforming bail procedures and shortening court delays, as pioneered by the City of Oakland, California, and the Vera Institute of Justice in New York City.

Better counseling and testing services are being developed in some places, especially for juveniles during the prehearing period, as in California.

Pre-sentence evaluations, psychological and social, hold great promise and are coming into wider use, as in Kansas and California.

There is an increasing trend toward measures to review sentences and bring them into closer uniformity, as in Connecticut, Maine, Maryland, and Massachusetts.

A few communities, such as Denver, Colorado, have enlisted and trained citizen volunteers willing to accept personal responsibility for maintenance of close supervisory contact with *one* individual probationer or parolee.

The U.S. District Court for the Northern District of Illinois is experimenting successfully with the use of neighborhood residents as case aides for probation and parole.

The State of California has developed a strong educational and training emphasis in its institutions for youthful offenders, followed by unusually strong support to parolees; Alabama, Oregon, and Wisconsin stress educational opportunities.

Work assignments stressing self-discipline more than close supervision for groups outside prison walls, in forests or elsewhere, have been successfully developed by the federal and some state penal systems.

Other prisons have begun to release inmates during daylight hours for outside jobs, as in North Carolina.

Furloughs for brief home visits are rewards for good conduct, as in the federal prison system, Mississippi and Michigan, with only one per cent return failure.

Some 200 halfway houses have been set up, where prisoners still under surveillance can live while readjusting to civilian life.

Minnesota has installed a system of "performance programming agreements"—signed by both the prisoner and the parole board—identifying the specific goals to be met by each prisoner before parole can be expected and assuring parole after fulfillment, assuming reasonably good behavior. This procedure is designed to reduce the caprice and bitterness generally associated with parole procedures.

Fines based on the difference between earnings and subsistence necessities for a stated period are imposed in preference to imprisonment, as in Sweden.

An ombudsman, appointed by and reporting directly to the Governor, has been established in Minnesota, to hear complaints and observe conditions concerning all prisons, juvenile institutions, and state probation and parole officers.

State governments bear primary responsibility for the abuses and inadequacies found in the corrections system today. They must now provide the moral leadership and financial support for substantial change. Federal funds have been made available through the Law Enforcement Assistance Administration for all phases of crime reduction. Through 1971 few of these dollars were channelled toward corrections and least of all toward rehabilitation research, although future prospects have improved. Larger appropriations will be needed to build satisfactory correctional systems, and the states should not wait upon federal aids—beneficial though these would be. What the states do in this field will greatly affect the position they will hold in the American federal system of the future.

A Federal Authority To Insure Justice

Realistic citizens may accept the validity of the foregoing recommendations but still doubt that the states will adopt them in time. Therefore, we urge massive federal funding to aid the states (and local units)—but only on condition that acceptable standards of organization and performance are met. The national government has no constitutional responsibility or direct authority for general law enforcement. But when customary patterns of federalism break down in the face of critical and widespread problems, the people of this country have on many occasions turned to the national government. That breakdown is now evident. The national government has begun to respond, but only in tentative fashion and with slight actual effect. This response should be felt at two distinct levels; directly, through its own agencies; and through financial aid to states and local units.

The direct federal police effort is limited to enforcement of federal laws, covering a minor share of all criminal infractions. It is divided among several specialized units in four major departments not noted for close cooperation. Criticism has grown in recent years, both as to priorities and effectiveness. The Federal Bureau of Investigation is the largest of these forces, with the broadest jurisdiction. Internal subversive activities have been its main concern; acceptance of responsibility for suppression of organized crime and protection of civil rights was slow and reluctant.

Bureaus and divisions nominally under the Attorney General have a long tradition of jealous autonomy; interdepartmental cooperation is even harder to obtain. The inroads of organized crime have finally led to serious efforts to gain coordination, however, through a strike-force approach developed in 1967. These special task forces, now operative in a score of major cities, bring together the manpower and resources of several agencies. Typically, they include agents from the Bureau of Narcotics and Dangerous Drugs and the Immigration and Naturalization Service of the Department of Justice; the Internal Revenue Service, the Bureau of Customs, and the Secret Service of the Treasury Department; the Office of Labor-Management of the Department of Labor; and the Inspection Service of the U.S. Postal Service.

While the FBI has an annual budget of some $20 million to fight organized crime it has seldom assigned its agents to those strike-forces; instead, it is said to cooperate with them—though at arms-length. The strike-forces operate independently of the United States Attorneys in most cases also, and contacts with state or local authorities are minimal (partly because of a justifiable fear of information leaks). Progress is encouraging, although the strength of the syndicates is not visibly impaired.

The Omnibus Crime Control and Safe Streets Act of 1968 initiated a vast new federal role. It created the Law Enforcement Assistance Administration, within the Department of Justice, to dispense federal grants-in-aid for improvement of state and local law enforcement. This agency was not well designed and its programs have been poorly administered. One mistake was to place LEAA under a triumvirate that could act only unanimously, leaving differences unresolved and vacancies unfilled until corrective legislation was enacted. Another mistake, even more damaging, was to channel most local aid through the state governments, despite the lack of state agencies qualified to manage the distribution. Most states allocated much of the money to jurisdictions with relatively few problems and for indefensible uses, while central cities with greatest need received proportionately less. Most of the money appropriated was never spent.

In the three years through June 30, 1971, LEAA was given total budget authority of $856 million. But actual outlays were only $327 million. This left $529 million—or 62 per cent—unspent. During the same three years, the states did "allocate" $521 million of LEAA money to "sub-grantees" (local governments). But of this only $139 million, or 27 per cent, was actually disbursed to them—leaving almost three-fourths of the allocations unused. Congressional hearings, moreover, have revealed numerous instances of funds distributed to state and local law enforcement units being put to inconsequential or frivolous uses.[1]

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[*] See Memorandum by Mr. Donald S Perkins on page 77.

Besides its lack of any real sense of urgency, LEAA has been remiss in failure to define objectives and goals, to prescribe priorities, to enforce standards, and to audit performance. Its new National Advisory Commission on Criminal Justice Standards and Goals, created in 1971 "to fashion meaningful yardsticks for measuring progress," has constructive possibilities but no real power. While the states have set up law enforcement planning agencies, significant reforms are conspicuously few. Mere channeling of money does not produce a coherent program for action nor the organizational means to effect it.

Benefits from this federal initiative have been far below expectations. Crime rates have not fallen; they have risen, alarmingly, continuously in urban, suburban, and rural areas.[2] To understate the point, measures taken to date have not furnished a solution. But the solution must be found; the crisis cannot be shunted aside.

The national government must devise a national strategy to deal with this nationwide problem. In the main, however, the actions taken by the police, prosecutors, courts, and correctional agencies have to occur at state or local levels. Hesitation and delay characterize the state response to date, and there is little prospect of early improvement unless heavy new pressures are brought to bear. Use of federal funds for this purpose is imperative, with disbursement conditional upon fundamental and thorough-going reform of the present "non-system" of criminal justice at state and local levels of government.

No existing federal agency is suited to the management of this monumental task. None has a range of interests comprehensive enough to cover all the broad, irrelated elements. The Department of Justice is in no position to assume this responsibility. It lacks essential jurisdiction in many fields; it has not adequately coordinated the autonomous bureaus nominally subordinate to it; and the record of LEAA cited above does not inspire confidence in the Department's capacity to give effective leadership to state-local law enforcement. With notable exceptions, over the years top posts in the Department have been heavily politicized, which is unfortunate in view of its intended role. Its reputation weakens its influence with key Congressional committees and with many state officials. More important, it undermines public confidence in the system of justice. While there are other federal departments which also have law enforcement functions, we believe that none is fitted for this comprehensive assignment.

It is clear that a major new federal agency of unquestioned stature must be established to achieve the necessary breakthrough in this field. This recommendation accords with past experience; old-line agencies with their built-in bureaucratic rigidities are seldom entrusted with new and vital initiatives. The Federal Reserve was not placed under the Department of the Treasury, nor was the TVA made part of the Department of the Interior. Temporary units with vast powers were created to deal with national emergencies growing out of the depression of the 1930's, World War II, and the postwar reconversion. Having served their varied purposes, most of them were eventually folded into other segments of the executive establishment. This Committee is always reluctant to propose a new federal agency, but we can find no acceptable alternative that would meet the urgent necessity.

We recommend creation of a "Federal Authority To Ensure Justice," endowed with a sweeping range of statutory powers and generously funded by the national government, under a Board appointed by the President subject to Senate confirmation, with its chairman acting as chief executive officer.

Within broad statutory guidelines drawn by Congress, this Authority should be given powers to:

Set and enforce the standards—substantive, administrative, and organizational—governing large federal grants-in-aid in support of all criminal justice functions;[3]

Establish, organize, and direct administrative mechanisms to develop strategic plans and policies, evaluate performance of ongoing programs, and provide advisory and liaison services to state and local units;

Formulate new legislative proposals, whenever necessary, and review pending legislation at the request of Congressional committees;

Advance and finance educational programs on a broad front—including aids to academic institutions with appropriate programs in criminal justice and, if necessary, foundation of a federal staff college or the advancement of criminal justice—to assure suitable training for all law enforcement officers with discretionary functions, as a requirement for holding such positions;

Commission or manage research into every aspect of this field deemed worthy of serious investigation;

Make an annual Report to the President and Congress—comparable to that of the Council of Economic Advisers—describing the national condition with regard to crime and justice and outlining policy directions; and

Assure the collection and analysis of dependable, comprehensive, detailed data covering every aspect of criminal justice—either under its own or other suitable auspices.

It would be appropriate for the Authority to review the roles of the many separate organizational units of the national government concerned with the administration of criminal justice, examine their effectiveness, and propose beneficial changes. This is important because it is clear that the national government will have to take a more active part in many fields of law enforcement, such as suppression of the national and international traffic in hard drugs and handguns, and the activities of organized crime.

The chairman of the Authority should have charge of its extensive administrative operations. Board confirmation of his major appointments would be desirable. The LEAA as it exists should be transferred to the Authority's jurisdiction, serving as a nucleus for an expanded unit to manage large conditional grants. So should the Treasury Department's contemplated Consolidated Law Enforcement Training Center, for which Congress has appropriated $26 million of an eventual $52 million (although obligations have not been incurred pending further planning). Other federal agencies would remain in place pending intensive review of their operations. The chairman's position as a Presidential appointee would place him at the level where strong Presidential support could assist in dealing with other elements in the Exceutive Branch as well as the public.

The success of the Authority will greatly depend, of course, upon the quality and strength of the members of this board. The gravity of its responsibilities would surely lead the President to nominate outstanding citizens. Its role is so vital, however, that we believe it desirable to establish, by statute, an Advisory Commission of a dozen or more members which would meet with the Authority's board at monthly or quarterly intervals, to review progress and advise on major issues. Such a Commission, also appointed by the President, might well include retired justices of the U.S. Supreme Court, judges of high state courts, Members of Congress, governors and other state or local officials, together with public members held in high national esteem. The Commission would not go beyond an advisory role, but it would add prestige and expertise to the Authority, thus helping to obtain both public and Congressional support.

Meanwhile, the 50 states should progressively assume their full constitutional responsibility for conditions within their borders. The Authority would make available to them the full federal funding we have proposed for review and revision of state criminal codes. Sweeping structural reform of all aspects of the administration of criminal justice at state and local levels is required.

The proposed Authority should be empowered to provide grants-in-aid to the states for a major share—perhaps half—of the cost of unified state court systems, fully consolidated state correctional systems, and state-managed prosecutions, subject in each case to meeting prescribed standards. Furthermore, the Authority should make direct grants in support of all police forces—state and local—that satisfy reasonable standards of modernization and excellence.

These recommendations are made in full recognition of the costs that will have to be borne by the U.S. Treasury. Total annual expenditures for all criminal justice functions are now about $10 billion. Half of that sum would become a federal charge—most of it additional to present payments through LEAA—assuming that the states met eligibility standards. The purpose would justify this expenditure in any case, but there would be an important by-product. Local government budgets would be primary beneficiaries of these federal aids, thus reducing the burden of property taxation. Property taxes and revenue sharing command such current interest that our proposals deserve examination in that light.

The actual distribution of public expenditures for criminal justice in 1969, between the three levels of government, is shown and analyzed in Appendix C.[4] The effect of our proposals on this distribution—assuming no changes in the relative amounts spent on the several functions—is also shown in that Appendix. With a static level of total expenditures, at $10 billion, our proposed distribution would increase the U.S. Treasury burden by $4.1 billion; local governments would be relieved of $3.6 billion, and the states would benefit by about $500 million.

This is not wholly realistic, of course, since we have urged improvements that would cost money—notably in corrections. An over-all increase of 20 per cent would bring total expenditures to about $12 billion (disregarding inflationary factors). The effect of this change would be to bring the increase in U.S. costs to $5.1 billion. But the local governments would remain the primary beneficiaries, both in better services and in reduced costs, which would still be $3 billion below the present level. The states would be spending about what they do now, but to far greater effect.

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[1] See U.S., Congress, House, Committee on Government Operations: *The Block Grant Programs of the Law Enforcement Assistance Program*, hearings before the Subcommittee on Legal and Monetary Affairs (1971).

[2] In 1968, murders, forcible rapes, robberies, and aggravated assaults known to the police were estimated by the FBI at 589,000. The preliminary figure for 1971 approximates 800,000—an increase of 36 per cent in three years. Known burglaries, larcenies over $50, and auto thefts rose from 3,878,000 in 1968 to about 5,125,000 in 1971, up 32 per cent. See Appendix A for additional data.

[3] See Memorandum by Mr. Herman L. Weiss, page 75.

[4] Just after this document had gone to press, the U.S. Department of Justice released financial statistics for fiscal 1969–70 showing that total direct expenditures for the administration of criminal justice had risen 16.8% from the previous year, to $8.6 billion. The proportionate share of national, state, and local governments in these expenditures were little changed, however, and this was also the case as to shares spent for police, courts, prosecution, and corrections. The argument presented in the text, therefore, remains unchanged.

If changes are made, as they should be, in the relative shares of the four functions—courts, prosecution, police, and corrections—these estimates would be modified accordingly. For example, some cities may decide to separate local neighborhood police patrols from the central city force, and place them under local control—as suggested in CED's 1970 statement *Reshaping Government in Metropolitan Areas.* Under any conceivable rearrangement, however, the local governments would be relieved of a major expenditure burden. This, in turn, would give substantial relief for the primary local tax source, achieving one of the basic objectives of revenue sharing. At the same time, a great advance in crime control and the administration of justice can be achieved.

It would be hard to exaggerate the enormity of the national predicament, as outlined in these pages. During the decade of the 1960's, Index crimes of violence known to the police rose 156 per cent, offenses against property 180 per cent. If these and other crimes are permitted to double or treble again in the 1970's, American society as we have known it cannot endure.

We do not regard the situation as hopeless; we would not have taken the pains to issue this statement if we did. But we do believe that only the strongest measures—such as those advocated herein—can avert a worse disaster than the one we already see about us. Hence the urgent need for prompt and powerful action to reform and restructure every aspect of the administration of criminal justice at all levels of government is made completely clear.

This nation cannot form a more perfect Union, nor established justice, nor insure domestic tranquility by means of discriminatory and capricious application of obsolete penal codes. Archaic methods, incompetent or unprofessional conduct, failure to devise and carry through coherent plans, cannot be condoned. Nor can corruption or collusion between criminals and officers of the law be tolerated any longer.

Now, as at our nation's beginning, our governments derive their just powers only from the consent of the governed. This implies a reconciliation between all instruments of government and the people—the people of all classes, all ages, all races, all circumstances of life. The mechanisms of criminal justice must, therefore, be made worthy of the faith and trust of modern men and women facing the many hazards of these changing times.

THE SAM-D IS NOT OUTLAWED

Mr. GOLDWATER. Mr. President, shades of the SST and other matters that the Senator from Wisconsin (Mr. PROXMIRE) has attacked are showing up again. I was rather surprised to read in the Washington Post yesterday that the good Senator now believes that the SAM-D is outlawed under the SALT agreements. I have heard all of the testimony on the agreements, have read the technical data and, while one might stretch one's imagination to include a situation which might preclude the SAM-D being tested, I know of no one in the Defense Department who would be silly enough to suggest it.

The SAM-D is a SAM weapon to be used against incoming aircraft which for some reasons have eluded early radar detection and whose mission presumably is the destruction of friendly airfields, ammunition dumps, marshaling grounds, and Army bases. It has never been designed to intercept incoming missiles. In fact, the leadtime required for this would be so great that the radar net would long before have detected the incoming aircraft.

I urge the good Senator in his efforts, which I have commended at times, to raise only sincere and plausible doubts about weapons systems in the coming debates, and let us not get into the skin cancer, ozone, supersonic booms, and the other oz-like subjects that have been introduced in prior debates. This is going to be one of the most serious debates of our history, and its outcome will determine whether or not the United States remains a tactically and strategically strong force or will be weakened by the efforts of unilaterally disarmament-minded people who would like to isolate this country.

We all welcome opinion and vigorous debate on questionable subjects, and I hope debate will be confined to those fields; SAM-D is a weapon of the Army, needed by the Army, and wanted by the Army, whose wants are supported by the other services.

For the Senator's added information, Ambassador Gerard Smith, chief negotiator of the U.S. delegation to the SALT talks, in answer to my question in the open hearings before the Senate Armed Services Committee on June 28, confirmed the fact that the SAM-D is not restricted in testing.

UNEMPLOYMENT COMPENSATION

Mr. RIBICOFF. Mr. President, I am pleased that the Committee on Finance adopted the proposal I introduced in executive session today to extend the Emergency Unemployment Compensation Act of 1971 for another 6 months. This action will provide immediate relief to thousands of unemployed workers in Connecticut whose other unemployment benefits have been exhausted.

On June 14, 1972, the Senator from Washington (Mr. MAGNUSON) and I introduced this legislation in the Senate. The measure extends unemployment compensation for an additional 13 weeks to workers whose other unemployment benefits have been exhausted. The law is implemented when a State's jobless rate reaches 6.5 percent for a 13-week period. The present law, introduced by Senator MAGNUSON and me last November and enacted the following December, will expire this Friday, June 30, 1972.

This new legislation, identical to a bill which passed the House today, provides 13 additional weeks of unemployment benefits to unemployed workers in high unemployment States such as Connecticut. The emergency unemployment program, which Senator MAGNUSON and I introduced late last year, has already provided $227 million in benefits to workers in 19 States.

In Connecticut, 32,600 workers had filed claims for the 13-week period through April 29 and total benefits paid amounted to $9.7 million.

I am confident the full Senate will pass this measure promptly, hopefully before the existing legislation expires at the end of this week.

BART SAXBE—A PIONEER IN THE BEEF CATTLE INDUSTRY

Mr. BELLMON. Mr. President, many people have asked me what stimulated Senator SAXBE's general interest in agriculture and his specific concern for the viability of the American beef cattle industry. I knew he was an Ohio farmer, but until I read an article published in 1942 in the Springfield, Ohio, News-Sun about his father, I did not fully appreciate his dedication to the livestock industry.

I ask unanimous consent that the article be printed in the RECORD. It presents a caricature of Senator SAXBE's father, Bart Saxbe, and the story of his activities as a pioneer in the beef cattle industry. It appears that most of his interest in and enthusiasm for livestock rubbed off on the distinguished Senator from Ohio.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Bart Saxbe Recalls Good Old Days

Remember the old days when the meat market was known as the butcher shop; when meat carcasses were hung from shop walls and dripped blood upon the sawdust covered floors; when there was no such thing as inspected meat and the customer was just plain lucky if he got a tender steak or roast; when each butcher, instead of buying his meats from packers, replenished his stock by weekly buying trips into the neighboring countryside?

"Those good old days" are an open book to Bart Saxbe of Mechanicsburg, who started dealing in livestock in 1906 and is intimately acquainted with every change in meat production and handling that has marked a period of transition, unexampled in the previous centuries of world history.

Saxbe has ranged cattle on Ohio pastures, on the cutover lands of the upper peninsula of Michigan; has bought beef cattle for Ohio feeders in every state of the great plains and dairy cattle from New England: has shipped feeder hogs from the South, and thousands of head of sheep from Montana, Colorado and Texas, and has acted as advisor and banker for hundreds of Buckeye feeders through boom times and depression years.

Through nearly 40 years he has supplied on credit to Ohio farmers an average of 3,000 head of feeder cattle a year as well as thousands of sheep and hogs. In the aggregate, the figures may run well over 125,000 head of cattle, 300,000 sheep and 50,000 hogs. During this period he has extended credit to the tune of 20 million dollars.

"Never in all these years," he explains, "have I ever lost a penny because of a bad livestock loan. Sometimes, I have come close to it when cattle prices suddenly dropped, and there have been times when the feeder and I had to figure ways and means of holding cattle until the market would turn upward again. There has been times when we had to take the cattle out of the feedlot and put them out on pasture—sort of marking time until the market would let us out with whole skins. In all these transactions, I can recall only a few instances where the farmer deliberately set out to gyp me."

Saxbe inherited a capacity for judging both men and livestock from his father who operated for a lifetime in the Mechanicsburg section. Active, robust, a lover of the woods and open spaces, he carries his 60 years like it was a mere 40 years, and travel and adventure still bulk large in his busy life.

It was the urge for adventure that lured him away from home in 1902 when he was a pupil in the Mechanicsburg High School. Mingled with that urge was the necessity of something about his health which at the time was what the family physician termed "delicate."

The autumn of 1902 found him in a Denver, Colorado restaurant. His next chair neighbor was quite friendly and talkative.

"Looking for a job," the friendly stranger inquired?

"You bet," he laconically replied.

As a result of the conversation, Bart had a job—his first paid job—that met fully his love for adventure. He was a full fledged employe of Baldwin and Hudson, owners of a captive balloon which at county fairs took passengers skyward at so much a head. Bart admits that he was rather proud of his high sounding title of aeronautical engineer.

The career of young Saxbe as an aeronautical engineer would make a good story in itself. The winter of 1902–1903 found him in San Francisco experimenting on plans to make the balloon travel horizontally as well as vertically. Once he took the craft out of San Francisco only to find he was in danger of being blown out over the Pacific. Hastily he released the hydrogen from the bag and landed in the bay, to be picked up by the lifeboat which had been tied to the aircraft by a rope.

The next year found him and the dirigible at the St. Louis World's Fair and a few months later he was back in Ohio at the Montgomery County Fair, taking aloft adventure-seeking patrons. When he left home a few years before, he weighed 140 pounds; now he weighed 200.

It was the increased weight that may have robbed the aviation industry of another great name. His 200 pounds took up too much space that could be sold to paying customers. "There was nothing much to do about it, so I came home," he explains.

Quite naturally, he gravitated to the livestock business. In 1905, he started driving cattle for Walter Hyde and Thomas Saxbe at $2 a day. The partners would buy the cattle earlier each week from farmers of the Mechanicsburg vicinity and young Saxbe would travel afoot later to round the cattle up and drive them to Mechanicsburg.

In those days, he explains, Mechanicsburg was one of the biggest livestock shipping points in Ohio. More than 500 carlots each year would be assembled from points within a 25-mile radius and shipped out of the bustling village.

In those days cattle buying was pretty much guess work. Of course, the farmer wanted to know on the spot what his cattle would bring. With no platform scales handy, the dickering was not by the pound but by the animal.

"That brindle cow over there," the buyer would say, "she's worth $25 to me. If she carried more flesh she would be worth $30."

The farmer would, of course, say the price was too low and the bargaining would start, probably ending up with the payment of $27.50 for the animal and neither farmer nor buyer knowing which one was stuck. Of course, the buyer learned to judge weight by eye fairly accurately and always allowed himself something of a margin for error.

There were few Ohio farmers in those days, according to Saxbe, who bought western steers and fed them out for the market. Most of the beef animals bought on Ohio farms were ordinary dairy stock with only now and then Shorthorns raised in farm herds.

The farmer of 40 years ago got his market reports only from the newspapers, which were sometimes a week old when he read them, or on trips to town. Rural telephones were few and his information on quotations for livestock was meager and unreliable. Consequently, he had to rely pretty much on the honesty of the cattle buyer. It was not surprising therefore that he frequently found himself badly gyped. Buyers liked to be called "the farmers friend," but it was only a few of them who really earned the title. Those who qualified generally built up a large following.

In 1906, the Nestles Milk Products Company started a big milk plant at Marysville. In the plant, farmers for miles around saw an opportunity to augment their income. What they needed was more dairy cows and Saxbe set about to correct the situation for the farmers and at the same time make some money by buying cows and selling them to prospective patrons of the Marysville plant. From 1907 to 1909 he was very much in the dairy cattle business.

"In those days," he recalls, "when we thought of dairy cattle, we thought of New England. Wisconsin and Minnesota, as the home of fine dairy cattle, were not yet in the picture."

"My first buying trip was to White River Junction, Vermont. Those Yanks must have seen me coming as far back as Albany, for they sure did give me a trimming. Thirty dollars was a high price for a good cow back in those days, but the lot I bought cost me more than that and it was a sad experience when I counted my receipts against the original cost."

One axiom in Saxbe's business philosophy is "get your money back where you lost it." So back he went to White River Junction, but this time he was no sucker. He made money on that trip and before he had saturated the market back home he had attained the respect of both the eastern sellers and his customers.

Buying beef cattle from farm to farm had not just suited Bart's urge to do things on a large scale. Nor did he get much kick out of handling poor stuff. Ohio farmers, he thought, could do better for themselves and for the consumer if they fed out western steers.

It was with this thought in mind that he started handling feeder cattle. The first lot of 100 yearlings he bought at Mt. Sterling in Madison County and drove them 27 miles to Mechanicsburg. He recalls that they cost him five cents a pound and that he sold them in lots of 15 and more to the farmers around Mechanicsburg.

"No one, not even feeding experts of our agricultural college," he observed, "knew much about scientific feeding of cattle back in that first decade of the 20th Century. All we knew was to feed that cattle all the corn they would eat and let it go at that. We knew little or nothing about how to save on the feed by feeding a balanced protein-mineral ration with our carbohydrates.

"That lack of knowledge in scientific feeding made it necessary to feed steers over a much longer period than needed today. Besides corn, all a feeder thought he needed was a barrel of salt. Shocked corn was the base of feeding; silos were few and protein feeds almost unknown.

"Under old feeding practices it would take five months to bring animals up to a weight comparable to that now accomplished in three months. No one used to buy baby calves to put in their feedlot because the young animals could not eat shocked corn. The common practice was to buy grass cattle ranging from 800 to 1,100 pounds and feed them out during the next year to 1,400 pounds.

"Now, the steer most popular with the packer is the one weighing around 1,000 pounds. The only buyers for heavier steers are big hotels, restaurants and steamship companies."

Saxbe attributes the change in habits of the American family to altered living habits. In the old days of large families, he pointed out, big cuts of meat were to be desired. Now, with many urban families living in small apartments, families are smaller, and the housewife spurns the large cuts of roasts and steaks.

In 1910, Saxbe started going to the great plains states for his feeder cattle. In Montana and Colorado he purchased Hereford steers for as low as two and a half cents a pound in contrast to the current price of 14 to 15 cents a pound for the same quality.

That was the year when he decided to graze some cattle himself. He had been urging farmers to buy western cattle so he thought maybe it would be wise to find out whether he was giving them good advice. That year he leased Crane Island at Indian Lake and grazed 100 head on its 200 acres of lush grassland.

"The project had its advantages," he explains. "There was no summer home development there at that time. Being an island, the land I chose didn't need fencing. But I didn't know what I had let myself in for. It was nice camping out in a frame shack and fishing during leisure hours, but it was not so nice in other respects.

"Take for instance the time when we were transporting a lot of cattle to the island on a scow. Well, the cattle crowded to one side of the boat and tipped it over. The water around us was filled with bellowing cattle, swimming in circles. My men and I finally got a row boat and headed the cattle toward land. We ignored the farmer who stood on the bank yelling: 'You can't land those cattle on my farm.' "

Saxbe admits that this first venture in grazing cattle was a financial failure. One time he had a chance to make $1,000 on the summer enterprise, but refused. Eventually he took a loss of $700. "You see," he pointed out, "many of the cattle became poisoned by eating lily pads."

In 1917, Saxbe was attracted to the upper peninsula of Michigan by the advertising pamphlets gotten out by the Upper Peninsula Development Association. The literature depicted the grazing lands of that section as the Utopia of the cattle feeder. Cattle grazed upon the cutover lands would put on 250 pounds a head between April 15 and October 15, it stated.

In 1917, Saxbe ran 200 head of cattle on the cutover lands in the vicinity of Newberry, Michigan. That autumn the cattle showed a gain of 240 pounds. The first year ended up on the profit side. But it was markedly different in 1921 when encouraged by the previous success he ran 900 head on the same land.

The cattle made their usual gain, but market conditions were unsatisfactory and the lower market price in the autumn ate up all the profits that might have been expected from the increased weight.

"Four years of cattle grazing in the upper peninsula," Saxbe declares, "convinced me that there is no way to overcome the disadvantage of high freight rates and other unfavorable factors. You see, the cattle grazer must buy his feeders in the spring when competition for feeders is high and must sell them in October when grass cattle are cheap."

THE FUTURE LAW OF THE SEA

Mr. BELLMON. Mr. President, the Committee on Interior and Insular Affairs has been actively following the developments regarding the future law of the sea taking place in the U.N. Seabed Committee. Our interest in these developments stems from our concern for secure sources of supply for our Nation's fuel and mineral needs. The progress being made by the Seabed Committee is slow and U.S. interests there are largely being ignored by an increasingly large number of developing nations.

The Senator from Montana (Mr. METCALF) and I called these developments to the attention of the Senate March 14. I should now like to update the remarks we made at that time by including a brief summary of U.N. Seabed Committee developments which was published in the Natural Resources Law Newsletter for June 1972.

I understand that the committee's bipartisan team of staff observers to the March session of the U.N. Seabed Committee prepared a report on U.N. Seabed Committee developments which will soon be printed. While the article in the Natural Resources Law Newsletter will present Senators with the gist of activities taking place within the U.N. Seabed Committee, the forthcoming staff report will present a more comprehensive analysis. I commend both to the Senate and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED NATIONS SEABED COMMITTEE

In March 1972 the 91-nation Committee on the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction met at the Headquarters of the United Nations in New York City. This Committee is engaged in preparing for a Law of the Sea Conference, now scheduled for 1973. Although initially organized to deal only with the seabed and ocean floor and subsoil, the scope of its responsibility was enlarged by the General Assembly in December 1970 to embrace also a precise definition of the area beyond the limits of national jurisdiction, the breadth of the territorial sea, passage through straits, fishing and conservation of the living resources of the high seas, the preservation of the marine environment (including pollution), and scientific research.

In order to deal with these issues, the Committee in 1971 organized three sub-committees of the whole. The duty of the first is to prepare for an international regime, and to design international machinery to regulate the use of the seabed, ocean floor and subsoil beyond the limits of national jurisdiction. The second sub-committee is to prepare a comprehensive list of the subjects and issues that are or will be affected by the law of the sea, such as those concerning regimes to govern the high seas, the continental shelf, the territorial sea and contiguous zone, the breadth of the territorial sea and the use and regulation of international straits, fishing, and the conservation of living resources of the high seas (including the question of the preferential rights of the coastal States), and to prepare draft treaty articles thereon. The third sub-committee will deal with the preservation of the marine environment (including the prevention of pollution) and scientific research, and will prepare draft treaty articles thereon.

By mid March 1972, Sub-Committee I had reviewed the principles adopted by the General Assembly in December 1970 to govern an international regime for the seabed and ocean floor and subsoil thereof beyond national jurisdiction and had taken steps to prepare related draft treaty articles. At an early stage the question was raised by Chile whether mineral exploitation by private entities in the high seas beyond national jurisdiction before the establishment of an international regime would not make a mockery of the Committee and impede the work on which it was engaged, particularly in view of the General Assembly's adoption in December 1969 of a Resolution declaring a moratorium on all exploitation of deep seabed resources pending establishment of a deep sea regime. The representative of that country summarized information he had obtained regarding the activities on the high seas of private companies of the United States, Japan and Germany and referred to Senate Bill S. 2801, which would provide for the licensing of U.S. national to mine minerals of the deep seabed pending the adoption of international arrangements. He called upon the United States to explain the apparent inconsistency between the proposals made in this Bill and the work of the United Nations Committee.

Replying in the Senate to the "threats, claims and demands" in this statement, Senator Metcalf (D.-Mont.) on March 14, 1972, stated that the U.S. position is that deep ocean mining may be conducted under international law "prior to the establishment of a deep seabed regime." In the view of Senator Metcalf, the bill, if adopted, would "provide a practical interim basis of deep ocean mining experience which will be of great value to the U.N. Seabed Committee in its deliberations concerning the preparation of a future seabed treaty." The Senator concluded his remarks by expressing the hope "that the Chilean delegate and other interested delegates to the U.N. Seabeds Committee would be given every reasonable opportunity to transmit their views" on the proposed legislation. He stated that the members of the Senate committees considering the bill "would be most interested to consider their objective analysis" of S. 2801 and "the relationship between it and the development of a future seabed treaty," but warned that "mere threats, claims, and demands such as were made at the U.N. last week and made during the debate preceding the adoption of the now defunct Moratorium Resolution will do little to influence us during our consideration of national legislation affecting U.S. nationals."

In a related development the secretariat of the U.N. Conference on Trade and Development (UNCTAD) in mid March issued a report recommending that deep ocean mining of manganese nodules be discouraged. The report compares the quantities of metals that can be obtained from harvesting nodules with the volume of present world production, principally from developing countries, and concludes that deep seabed mining will depress land-based mining industries. Because of the potential adverse impact on the economies of the developing countries, the UNCTAD report recommends that large-scale seabed mining be deferred until after an international regime has been created.

The Seabed Committee is scheduled to meet again in July and August 1972 and to report this fall to the 27th General Assembly on the progress it has made in its preparations for a 1973 Conference on the Law of the Sea.

RECENT DEVELOPMENTS DEMONSTRATE NEED FOR JUDICIAL DISQUALIFICATION BILL

Mr. BAYH. Mr. President, last year I introduced the Judicial Disqualification Act in response to certain important and then unresolved questions which had been raised in the context of nominations to the Supreme Court. The Subcommittee on Improvements in the Judicial Machinery has held hearings and I am hopeful that further action will be taken on the bill in the near future.

The law presently governing the disqualification of Federal judges is contained in title 28 of the United States Code, sections 144, and 455. Section 455 requires a judge to disqualify himself in any case in which he has a "substantial interest," has been "of counsel," has been a material witness, or is so related or connected with a party or attorney as to render it improper for him to sit in judgment. Federal courts have had considerable difficulty with the words "substantial interest" and disagree about the size and type of financial holding which should disqualify judges from a particular case. The section also permits the procedure of disclosure and waiver whereby the judge discloses his interest in the case and the attorney—hesitating to question the judge's impartiality—agrees to waive his objection. Finally, judges feel that they have a duty to sit in a case unless they are disqualified by a specific provision of section 455.

Section 144 deals with disqualification of a judge for bias or prejudice. Under this law a party may file an affidavit challenging the impartiality of a judge before whom his case is pending. The judge himself determines whether the allegations are sufficient for this purpose.

In order to obviate the difficulties involved with the two sections, my Judicial Disqualification Act would amend each of the sections to make more explicit the responsibilities of the judge, and the rights of parties before the court.

My bill would amend section 144 to give the party alleging judicial prejudice or bias, one "peremptory challenge," thus relieving judges of having to declare themselves prejudiced, and relieving lawyers from running the risk of alienating judges before whom they must plead their cases. Section 455 would be amended to clarify the type of interest requiring disqualification.

While the present section 455 imposes a "substantial interest" test—which has been subject to varying interpretations by the courts—in determining the circumstances under which a judge should disqualify himself, my bill would make explicit the kind of financial interest that would require disqualification.

The Judicial Disqualification Act establishes a hard and fast standard of financial interest: Any holding whatever would be sufficient to require disqualification, in the case of a financial interest in a party, and any holding whatever in any corporation which either owns or is owned to the extent of 10 percent by a party.

As the situation stands now, judges are left with indefinite standards which may expose the judicial process to unnecessary suspicion. An explicit standard would eliminate any such suspicion, for it would eliminate the situation where judges in one circuit would disqualify themselves in a particular situation, while judges in another circuit might not disqualify themselves in identical circumstances. And while most judges are quite sensitive to the implications of sitting in cases where there is the slightest cause for doubt—whether in the case of a financial interest, or some prior association with a matter in controversy—and disqualify themselves in situations where the interest may be remote, other judges may either be less sensitive, or simply believe, in good faith, that they are not required by law to disqualify themselves when they feel that they can be impartial.

Thus, recently, Justice Powell, after hearing argument in the Curt Flood case, did not participate in the decisionmaking process, because he had a stockholding interest in the Anhaeuser-Busch Corp., owner of the St. Louis Cardinals, former employers of Flood. Since Justice Powell's interest in the Anhaeuser-Busch Corp. might not have been materially affected by the decision in the Flood case, Justice Powell's decision—under the existing law, was based upon his own judgment that it would be appropriate not to become involved in a case where there could have been even the slightest suggestion of conflict of interest.

But in another recent case, Tatum against Laird, the difficulty in establishing what conduct the law requires was made evident when the suggestion was raised—through a forthcoming petition for rehearing—that Justice Rehnquist should have disqualified himself from the decision in the case. It is suggested that Justice Rehnquist had previously taken a position on the case when he was acting as Assistant Attorney General in testimony before the Senate Subcommittee on Constitutional Rights, and that he had been "of counsel" in the case. But this suggestion, of course, does nothing more than raise the issue; it does not answer it. For the definition of the term "of counsel" is in contention among the circuits, and there is in fact no explicit meaning for the term. Justice Rehnquist himself, at the hearings held upon his nomination to the Supreme Court, stated that while he tended to view the definition of "of counsel" fairly narrowly—limiting its application to the attorneys so named in the court papers—that he would not want to prejudice the meaning of the term.

And Justice Rehnquist's remarks at the Senate Subcommittee on Constitutional Rights hearings, while seemingly expressing an opinion on the very question decided by the full Supreme Court including Justice Rehnquist are not, it would appear, explicit grounds for disqualification under the present law. For though Justice Rehnquist may indeed have stated a position on the Tatum case at the Senate hearings, all the statute requires of him is that he judge whether he had been "so related or so connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein." Thus there is nothing to guide the judge but his own opinion.

The recent final draft of a new ABA Code of Judicial Conduct helps to bring the problem of judicial disqualification into immediate focus. I believe that this ABA Code goes a long way toward insuring that our judicial process will be governed according to the highest standards of ethical conduct. The code provisions regarding judicial disqualification deal with the two elements of judge's interest in cases which have traditionally been asserted in circumstances where disqualification has occurred, or should have occurred—financial interest, or some nonpecuniary personal interest.

The ABA Code, however, is couched in terms of a judgment—that is, the judge himself must decide whether or not "his impartiality might reasonably be questioned." And, of course, the ABA Code is not the law.

Both my bill, and the ABA Code recognize that what is of paramount importance is the protection of the judiciary from unnecessary criticism and suspicion. But where the judge himself must decide whether there is a "reasonable question of his impartiality," the aim of avoiding this kind of pressure upon the judiciary is vitiated. I believe, therefore, that explicit provisions, such as are found in my judicial disqualification bill, must be written into the law, so that judges themselves will not be confronted with the virtually impossible task of scrutinizing themselves and determining whether someone else might reasonably suspect their impartiality. That is a judgment that none of us can really accomplish, and I see no reason to continue to thrust it upon the judiciary.

Thus, my bill would clear away the problem Justice Rehnquist faced, by requiring disqualification in any case where the judge had previously "rendered legal service to a party with respect to any matter of thing in controversy," or in any case "in which he is so related to or connected with any party or attorney so as to create a conflict of interest or otherwise render it improper for him to sit on the trial or appeal, or other proceedings." And my bill would make statutory the time honored standard of conduct for judges and lawyers, that they should not participate in cases where this would "create an appearance of impropriety."

What is at stake, after all, is nothing less than the confidence of the people in the fundamental integrity of the judicial process. It is our obligation to take such steps as we can to insure that this confidence not be forfeited. Adoption of my Judicial Disqualification Act would, I believe, be a major step in this direction.

MINNESOTA TAX REFORM

Mr. MONDALE. Mr. President, my colleague from Minnesota (Mr. HUMPHREY) and I are proud of the record of our State of Minnesota in reforming its system of education finance.

Through the leadership of Governor Anderson and the hard work of our State legislature, the 1971 tax reform act raised the State share in financing elementary and secondary education operating costs from 43 percent to 65 percent—substantially increasing resources available for less wealthy school districts, and reducing the burden of public education on the overworked local property tax.

In a representative sample of 27 school districts, property tax for education was reduced by over 26 percent, or nearly 65 mills. This represents an average reduction over the preceding year of $142 on a $21,000 home before homestead credit, and $99 after homestead credit. Since costs continue to rise, actual savings were still greater.

The Governor and the Minnesota Legislature should be commended for their very important accomplishment.

It is, therefore, with great pleasure that we invite the attention of Senators to an article applauding "The Minnesota Miracle," published in the 13th annual report of the Advisory Commission on Intergovernmental Relations.

Senator HUMPHREY and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MINNESOTA MIRACLE

A cluster of highly innovative 1971 Minnesota actions combined to produce the outstanding fiscal case study of the year. The Minnesota legislature and the governor joined to rewrite the book on State fiscal policy toward local government.

While the legislature took over a more direct responsibility for levying taxes of all kinds from the State's political subdivisions, including school districts, it committed the State to return more revenues than ever before to local governments. State and local fiscal fortunes now are tied together in unprecedented fashion and new roles for the legislature and for local governments have been carved out. The job of setting the aggregate level of taxation and the relative mix of different taxes will rest chiefly with the State legislature not, as in the past, on the uncoordinated actions of State and local policymakers. Local governments in future years will devote less time and energy to raising revenue and will shift their focus increasingly to how best to use the revenue which the legislature makes available to them.

Schools now will receive 65 percent of their operating funds from the State, instead of the present 43 percent. The funds will be distributed under a school aid formula that was thoroughly revised to assure equality for students in keeping with the governor's fiscal platform and a Federal district court equalization mandate (see page 8). The legislature also provided for a substantial infusion of State nonproperty revenues to cities, counties and other non-school units of local government.

In order to place spending constraints on the local governmental units receiving the increased aid, the lawmakers limited permissible budget increases to six percent a year. Each dollar spent in excess of that limit will result in a percentage reduction in State per-capita aid. By combining the State's increased commitment to schools, cities and counties with local spending restrictions, the legislature sought to achieve property tax cuts averaging 15–20 percent for each property owner.

To finance this reordering of fiscal responsibilities in Minnesota, the lawmakers made a host of changes in taxes that will increase revenues initially by 23 percent. They raised the rate applicable to each taxable income bracket of the State personal income tax. They raised the sales tax rate from three percent to four percent and broadened the sales tax base. Cigarette, beer and alcoholic beverage tax rates were raised and the corporate income tax was increased by eliminating the Federal tax deduction on the State corporate income tax return. Revenue-increasing changes were made in some taxes that impact initially on business, but the business personal property taxes will be eliminated after 1973. Income tax credits for property taxes paid on returns of renters and low-income elderly were liberalized significantly, while credits allowed individuals were increase for each of the next two income years.

Other major actions taken by the 1971

legislature in changing its fiscal policy toward local government included:

A prohibition against further sales or income taxes being levied by any local government; only the legislature will have power to levy such taxes;

A limited pledge of the State's full faith and credit behind general obligation bonds of local units of government, designed to improve the credit rating and reduce interest costs for certain localities with a small property tax base;

Sharing of 40 percent of the future growth in the commercial-industrial property tax base among all units of government in the seven-county Twin Cities area;

A partial shift in financing county highways from the property tax to a wheelage tax, accompanied by authority for the Metropolitan Transit Commission to levy a limited property tax;

An upgraded local government fiscal information system under the Commissioner of Taxation, working with a new Intergovernmental Information Services Advisory Council, designed to assure a complete, computerized, up-to-date record of local government receipts and expenditures;

A joint executive-legislative Tax Study Commission assigned, in part, to review causes and effects of intercommunity disparities, alternative sources of tax revenue for local government and levy limits;

A State Board of Assessors charged with establishing qualifications and certifying assessors throughout the State; and

Partial reform of the State's system of property tax classification, which will include (a) determining assessed value of property at realistic market value, rather than one-third as in the past, (b) exempting all business inventories and equipment and (c) gradually eliminating the low-rate property tax classifications which oil refineries and certain parking ramps have had in the past.

The Minnesota lawmakers and governor may well claim the outstanding fiscal performance award of 1971 for their effort to provide a rational State-local fiscal system.

By assuming a dominant role in State-local fiscal policymaking, they intended to reduce the fiscal disparities among school districts, strengthen the general fiscal position of cities and counties and ease the burden of property taxes on home owners and business firms. In the process they made Minnesota a model for other States to follow.

COMMENDATION OF SENATOR HRUSKA

Mr. CURTIS. Mr. President, the National Association of Counties, comprised of local public officials who are on the front lines of day-to-day governmental problem solving, recently commended my Nebraska colleague, Senator ROMAN HRUSKA, for his support of both local government and the Federal program of law enforcement assistance.

A recent editorial in the NACO publication County News discussed the important and constructive activities of the Law Enforcement Assistance Administration which, it said, "is entitled to our full support." The same editorial notes that—

> One of the leading forces behind the legislation that created LEAA was our own strong local government advocate, Senator Roman Hruska. He is certainly one of the best friends of counties in the Senate and he fully supports LEAA.

It is clear that Senator HRUSKA has a firm grasp of local government needs. His experience includes service on the board of county commissioners in Douglas County, Nebr. He was president of the Nebraska Association of County Officials and vice president of the National Association of County officials in 1951 and 1952. As a former county official of national standing, his knowledgeable support of LEAA is, therefore, a powerful endorsement of that Federal program of assistance to local law enforcement.

Mr. President, I ask unanimous consent that the County News editorial entitled "In Defense of LEAA," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN DEFENSE OF LEAA

The Law Enforcement Assistance Administration has been subject to criticism recently from some members of Congress, from the press and from some local officials. NACo has attacked it with respect to some of its policies and procedures. It is extremely important, however, to put this criticism into the proper perspective.

The LEAA's anti-crime funding legislation was the first of the bloc grant programs by which money is distributed to the states and later to the localities on a block basis, bypassing the usual bureaucratic snarl. This has not worked perfectly, but, on balance, it has worked well. It is entitled to our full support to be sure that it works even better. The alternative is more of the proliferation of some 1600 categorical grants. Everyone agrees we can't have that.

NACo has strongly urged a change in emphasis in LEAA. We favor putting more effort into preventive measures; prison reform, court reform, revision and expansion of the parole program, and many others, like alcohol and drug rehabilitation, that we think would help the total criminal justice system.

We are convinced that our position is gaining favor in LEAA and the agency already has taken steps that give us considerable encouragement. We still continue to push this policy, which is part of our American County Platform. It is important to note that we push it with enthusiasm in the same spirit that a father might urge upon his son a change in the son's work habits or life style.

We love the concept behind LEAA and our criticism has been for the purposes of constructively trying to improve it. We have had some good fights with LEAA Administrator Jerris Leonard and his assistant, Dean Pohlenz. We find them to be extremely able and honorable men who are doing a good job in a highly complex and sensitive area.

We are not sure that some of the critics of LEAA have adopted the same constructive approach that NACo has. From our point of view, it is important to keep in mind that one of the leading forces behind the legislation that created LEAA was our own strong local government advocate, Sen. Roman Hruska (R-Neb.). He is certainly one of the best friends of counties in the Senate and he fully supports LEAA.

Let's give LEAA a chance!

NORTH CAROLINA VOLUNTEER READING TUTORS HELP CHILDREN

Mr. JORDAN of North Carolina. Mr. President, according to the National Reading Center in Washington, D.C., 4.7 million elementary schoolchildren in this Nation cannot keep up with their classmates because of reading difficulty. Yet 36 out of every 100 elementary school students who need extra help with reading do not receive it.

There is just not enough money, and not enough teachers or time, to help the little boys and girls who need individual help in learning to read.

The State of North Carolina, in cooperation with the National Reading Center, is working to rectify this situation for the children of our State.

Recently, 90 North Carolina citizen-volunteers met in Raleigh to participate in a 2-day reading tutor-trainer workshop scheduled by the center.

Returning to their home communities, these trained volunteers are teaching other volunteers how to tutor primary-grade children in reading beginning this fall.

The volunteers will help our children learn to read under supervision of our neighborhood school classroom teachers.

There is no charge to local volunteers for the tutor-trainer program of the National Reading Center, and these volunteers are providing an invaluable service to our State.

I am pleased to note that our North Carolina Parent Teacher Association is actively supporting this fine endeavor; also, Appalachian State University and Central Carolina Technical Institute.

The workshop was arranged by our State department of public instruction right to read program.

I ask unanimous consent to have printed in the RECORD the list of 45 North Carolina school districts whose representatives attended the National Reading Center tutor-training workshop.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA SCHOOL DISTRICTS

Ashville City, Burlington City, Chapel Hill City, Durham City, Fairmont City, Fayetteville City, Greensboro City, Lincolnton City, Mount Airy City, Raleigh City, Saint Paul's City.

Sanford City, Shelby City, Alamance County, Ashe County, Bertie County, Bladen County, Brunswick County, Caldwell County, Carteret County, Caswell County, Cleveland County.

Columbus County, Currituck County, Durham County, Edgecombe County, Gaston County, Guilford County, Haywood County, Hertford County, Johnston County, Lee County.

Madison County, McDowell County, Montgomery County, New Hanover County, Onslow County, Person County, Richmond County, Robeson County, Rockingham County, Rutherford County, Stokes County, Wayne County, Winston-Salem/Forsyth County.

MARYLAND ON THE MALL

Mr. MATHIAS. Mr. President, I am pleased to note that the Washington Post, in its editorial columns, has called attention to the forthcoming Festival of American Folklife and to the featured role in the festival for the State of Maryland.

I should like to renew my invitation to all Senators and to the public at large to visit the festival on the mall any day from Friday through Tuesday. The display of Maryland heritage will include woodcarvers, quilters, blacksmiths, coopers, several breeds of horses and ponies, fox-hunters, hayrides for the children, and—at nearby Hains Point—a small fleet of skipjacks, the unique Chesapeake Bay workboat. It is truly a rare opportunity to focus on the rich and varied life of Maryland.

Mr. President, I ask unanimous consent to have printed in the Record the Washington Post editorial on the Folklife Festival.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, June 27, 1972]

Maryland on the Mall

No matter what else—work, travel, rest or mopping up—you may be planning for next weekend, we highly recommend a visit to the Festival of American Folklife, the Smithsonian Institution's sixth annual salute to the arts and skills of unpretentious citizens, which will run from June 30 through July 4 on the Mall and at Hains Point.

The featured state this year is Maryland, "America in Miniature," and the festival should be very enlightening for those provincial urbanites who tend to think of Maryland as one big suburb, or we have never quite gotten around to exploring the full map of the Free State. Visitors to the Mall will be able to watch and talk with Maryland woodcarvers, quilters, blacksmiths and coopers (barrelmakers, for the uninformed). An exhibit from the state's "horse country" will feature several breeds of horses and ponies, fox-hunters and hayrides daily for children of all ages.

Down at Hains Point, assuming that the flood recedes, the riverfront will harbor a community of watermen from the Eastern Shore, along with a small fleet of Chesapeake Bay skipjacks, probably the most delightful of all working ships. All of the intricate skills of watermen—sailmaking, decoycarving, the hand-tying of crab nets—will be demonstrated there, while daily programs will acquaint visitors with the fascinating lore and traditions of the bay country.

In addition to the rich display of Maryland's heritage, the festival will feature two other themes, the Indian culture of the American Southwest, and the craftsmanship of the nation's working men and women, represented by members of several unions, including lithographers, garment workers and carpenters. There will also be music on the Mall: Indian dances, folksinging, Chicago blues and a special fiddlers' convention on July 4.

As in past years, the festival is intended to be cheerfully informal. Scheduled programs of music, demonstrations and discussions will be presented every day from 11 a.m. until 5 p.m., but festival visitors will be encouraged to talk informally with the artists and craftsmen, ask questions and become participants themselves. It is this spirit, as much as any single exhibit, which has made the Festival of American Folklife such a summer highlight for so many folk. It offers us a chance to reacquaint ourselves with a common heritage which is really rather extraordinary.

PRIME MINISTER LYNCH, OF IRELAND, WRITES "THE ANGLO-IRISH PROBLEM"

Mr. KENNEDY. Mr. President, the July 1972 issue of Foreign Affairs contains an important and extremely perceptive article entitled "The Anglo-Irish Problem," written by Prime Minister John M. Lynch of the Republic of Ireland.

Prime Minister Lynch analyzes with great care and wisdom the complex history, background, and current status of the relationship between Britain and Ireland. He praises the establishment of direct rule by Britain over Northern Ireland last March as a positive step, but he makes clear that direct rule is only a preliminary step, not a permanent solution to the issue. As he states, he believes that—

> The only solution is an Ireland united, by agreement, in independence; an Ireland in a friendly relationship with Britain; an Ireland which will be a member with Britain of the enlarged European communities.

Prime Minister Lynch notes that many in the Ulster Unionist community now feel that Irish unity is inevitable, and he urges action toward a realistic settlement that will provide positive and direct encouragement to unity.

Equally important, the Prime Minister recognizes that Irish unity can never be achieved if the present "South" simply takes over the "North" and assimilates it into the existing structures of the Republic. Instead, there must be a "new" Ireland, involving no leveling down, on either side, of existing social or economic standards.

Finally, in his article, the Taoiseach embraces the principle of the need for a new constitution for a united Ireland, with firm and explicit guarantees for the rights of all who will live under it, Protestants and Catholics alike.

These words and ideas of Prime Minister Lynch are extremely heartening. Our own dismal decade-long record over Vietnam has taught us in the United States to look with little faith on those who have professed to see light at the end of the tunnel in Indochina. But it is not too much to say that now, with the positive approach of Prime Minister Lynch, with the early success Mr. William Whitelaw has had in implementing the new British initiative, and with the recently announced cease-fire, we can truly begin to see such light.

Mr. President, I believe that Prime Minister Lynch's article will be of interest to all of us in the Congress. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Anglo-Irish Problem

(By John M. Lynch)

In the late nineteenth and twentieth centuries, when it was fashionable to speak of international problems in terms of "Questions" to be solved, the "Irish Question" proved particularly intractable for successive British governments. For Gladstone in 1886 it was "the long vexed and troubled relations between Great Britain and Ireland which exhibit to us the one and only conspicuous failure of the political genius of our race." He devoted much of his later political life to the question but his attempts to solve it were unsuccessful.

Lloyd George, a generation later, believed that he had found the answer. But his belief was tempered with caution. "I am not going to say that we have found the specific at last. This has been said too often. But we must try; at any rate I can see nothing better." Lloyd George's first attempt at a solution—the Government of Ireland Act, 1920—divided Ireland into two locally autonomous regions within the United Kingdom. "Northern Ireland" came into existence; but "Southern Ireland" was stillborn. So he negotiated with Irish nationalists (whose acceptance led to a civil war in their ranks) the Anglo-Irish Treaty of 1921. The treaty provided that Ireland should have a status within the Commonwealth like that of Canada and other dominions but allowed Northern Ireland to opt out within a month and retain its existing status within the United Kingdom. Since Northern Ireland did opt out, the effect of his solution was the partition of Ireland.

After 50 years it is evident that Lloyd George's solution was not the right one. Partition shelved, but did not solve, the "Irish Question." Northern Ireland, one of the two entities which it brought into being, was never stable and it eventually became unworkable within its existing framework. In March of this year the British government prorogued its regional Parliament for a year and resumed responsibility for the region by appointing a Secretary of State with legislative and executive functions for which he is responsible to the Westminster Parliament.

The failure of Northern Ireland cannot be treated in isolation. Since it was one of the twin foundations of Lloyd George's answer to the "Irish Question," its breakdown reopens that question as a whole; and Britain and Ireland today must face again many of those issues which made it such a complex and difficult one for generations of British statesmen. But a wrong answer, which is seen to be wrong, may help to clarify the question.

It is necessary first to look back—to identify the problem and see why past solutions have gone wrong, but not to dwell on history for its own sake or to use it, in Edmund Burke's words, as "a magazine, furnishing offensive and defensive weapons." Then it is necessary to look clearly at the present situation to see what has changed over 50 years. And finally to look forward—to see the outline and general direction of a solution, but not to insist on precise and rigid proposals which might make it more difficult to achieve. This stage of transition, when the institutions of Northern Ireland have been suspended but not yet replaced and both Britain and Ireland are about to join the EEC, is a particularly suitable time for such an overall view.

To speak of the "Irish Question," as I have done so far, is to see the issue from the British viewpoint, as a major problem in British politics for generations. For Ireland, on the other hand, the problem could probably be called the "English Question"—though the issue was too basic, too fundamental to the very notion of a separate Irish identity, ever to be described in such a way. In the main, the issue is the relationship between Britain and Ireland; and to understand the present problem of Northern Ireland it is necessary to examine that relationship.

Britain and Ireland are two neighboring islands which have been deeply involved with one another for much of their history. The relationship began before either country had come to full conscious nationhood. For centuries it was one of half-successful conquest and its aftermath—as the larger island tried to establish its hegemony in the smaller. As Sir John Davies, an Englishman who was Attorney-General of Ireland under King James I, wrote in 1612, "the conquest of Ireland was made peece by peece, by slow steppes and degrees, and by seuerall attempts, in seuerall ages.

There were sundry reuolutions, as well of the English fortunes, as of Irish; some-whiles one preuailing, some-whiles the other. . . ." He explained that "euer since Our Nation had any footing in this Land, the State of England did earnestly desire, and did accordingly endeuour from time to time, to perfect the Conquest of this kingdom, but that in euery age there were found such impediments and defects in both Realmes, as caused almost an impossibility, that things should haue bin otherwise then they were." But Davies thought that the conquest had been completed in his own day. Three hundred years later, however, it was still not "perfected" and the "impediments" of which he spoke were still evident.

In the early period the conquest was a colonial one in the sense that its effect was to establish in Ireland an English colony, a "Pale," which varied in extent with the degree of assimilation by the native population of each successive influx of colonists and the attention which successive Kings of England could afford to devote to it. In Davies' own day colonization took a more determined form. Loyal English and Scottish settlers were settled on land confiscated after a series of unsuccessful Irish rebellions. Davies himself was deeply involved in the most successful and lasting of these settlements—the plantation of Ulster. By this time too, a religious aspect had complicated matters and this was accentuated by the Cromwellian and Jacobite wars of the seventeenth century. The new settlers were largely Protestant, and the native population which they partly supplanted were generally unwilling to accept the reformed faith of those who had displaced them.

By the eighteenth century, however, what began as an English colony based in Dublin and the Pale was willing to identify itself as Irish; and Dean Swift and others of its writers asserted the Irish interest vigorously in some of their writings. Toward the end of that century it asserted the independence of its existing parliament in Dublin against the Westminster Parliament which had earlier assumed powers to legislate for Ireland. Unlike the American colonies, however, this "colony" had no thought of repudiating the Crown and it continued to accept the King as King of Ireland.

But there was a certain ambivalence in its sense of identity. Its parliament in its last years tried to follow the call which Henry Grattan, one of its leading members, made in a speech in 1780, "be a Parliament, become a nation." But it was still something less than a nation—an Ascendancy perhaps, but not a people. Its parliament had no place for the depressed mass of the native population, who were still largely Roman Catholic, and no place for those among the scarcely less depressed descendants of the seventeenth-century settlers in Ulster, who were Protestant dissenters from the Established Church and who had tenaciously held their position through the wars of the previous century.

When the Ascendancy had looked to the American example, the two excluded groups—between them the great majority of the population—looked to the much more radical French Revolution. Under its influence, and with its help, they combined in temporary alliance in 1798 in a rebellion which tried to break the English connection and assert, for the first time in Irish history, a separate Irish Republic. The rebellion of 1798 in Ulster and elsewhere in Ireland was unsuccessful. But it led Pitt, the British Prime Minister of the day, to end the inconvenience and the dangers of a separate Irish parliament and bring both countries under a single government and parliament.

The Union took effect in 1801 and through the nineteenth century both countries formed the "United Kingdom of Great Britain and Ireland." But almost from the outset there were demands on the Irish side for "Repeal." By the 1880s, under the leadership of Parnell, the well-organized and vociferous Irish Parliamentary Party, overwhelmingly victorious at each election, was presssing the case for "Home Rule" for Ireland in the House of Commons at Westminster. Pitt, in bringing about the Union, had found in Virgil a text to explain his policy:

> *"Paribus se legibus ambae*
> *Invictate genetes aeterna in foedera mittant"*

"(Let both peoples, unconquered, join in an eternal union under common laws.)"

But he was too optimistic—the majority of the Irish people whose wishes had not been consulted in 1800 were now asserting their opposition to the Union.

By the latter part of the nineteenth century, the "Irish Question" was a complex one. A union of the two islands in a single kingdom had been tried for most of a century. But Irish separatist feeling had increased, not diminished. Government of Ireland direct from Westminster was clearly unacceptto a majority of the Irish population, and it seemed to require a constant cycle of coercion and concession. The British Liberal Party, under Gladstone, saw that this could not continue. Gladstone, as Prime Minister in 1886, introduced a Bill to grant Home Rule, having come to accept that the interests of both countries required a separate, if subordinate, legislature for Ireland. But any change in the Union—even the limited separation which Gladstone's Home Rule would involve—evoked vehement opposition from a temporary coalition of two other forces. The British Conservative Party saw any weakening of the Union as a threat to the basis of the Empire. When out of office it also saw political advantage in the issue, so it encouraged, and allied itself with, minority opposition to Home Rule within Ireland.

In Ireland the issue divided the population largely on religious lines. Protestants of various denominations tended to favor the Union while Catholics were generally opposed to it. Two elements in the Irish population—the Ascendancy and the descendants of the Ulster "dissenters"—whose ancestors had been antagonistic to one another in 1798 were now against Home Rule and for the Union. But the population was not altogether divided on religious lines: some Catholics were "Unionists;" and many of the prominent "Home Rulers," including Parnell, the leader of the Irish Party, and its founder, Isaac Butt, were Protestants.

Unionists claimed that Home Rule would prove to be "Rome Rule" since the majority of the population was Roman Catholic; and an economic interest in free trade, as well as imperialist sentiment, strengthened their opposition. The Industrial Revolution had come to Ireland since the Union but its effects had been largely confined to the North East which now feared that Home Rule for Ireland might eventually lead to tariffs between Britain and Ireland. The Home Rule issue aroused strong feelings for a generation, but no party to the controversy wished to partition Ireland. The issue was whether Ireland as a whole should have limited autonomy or whether it should remain an integral part of the United Kingdom.

At one stage, despite the forces ranged against it, a Home Rule settlement of the Anglo-Irish relationship did seem possible—though historians may speculate whether it would have fully satisfied Irish nationalist aspirations in the long term. Parnell at least was willing to settle for such an answer. He told the House of Commons on June 8, 1886, just before the crucial vote on the first Home Rule Bill: "I accept this Bill as a final settlement of our national question and I believe the Irish people will accept it." But the opportunity passed. Home Rule bills were defeated in 1886 and 1893. Although a Home Rule bill was enacted in 1914, just after the outbreak of the First World War, it was agreed, in deference to Unionist and Orange threats of rebellion, that it would not take effect until the war was over—and then only if it were amended.

At the end of the First World War, therefore, the "Irish Question" was still a conundrum for British politicians. But events no longer waited on a solution. Nationalist Ireland had despaired of Home Rule. It was now encouraged to seek change by force because it saw that the threat of force by the Unionist side had power to prevent change. So it took steps to solve the "English Question" for itself—by seeking complete separation. Two years after the Easter Week Rising of 1916 in Dublin, the separatist Sinn Fein party overwhelmed the old Irish Parliamentary Party of the Home Rule tradition at the 1918 general election. Sinn Fein captured 73 out of 105 parliamentary seats in all of Ireland while the Irish Parliamentary Party retained six. But the Sinn Fein members elected were pledged not to take their seats at Westminster. Instead, in January 1919, they established in Dublin an independent Irish parliament. This parliament—Dail Eireann—set itself to make good its claim to be the parliament of an independent Ireland. A guerrilla war ensued against the British administration in Ireland over the next two years.

The British government of the day found itself facing a critical situation, and in the Prime Minister, Lloyd George, it had a Solomon who was prepared, in the event, to carry out a judgment which would mean dividing Ireland at least temporarily. The settlement which Lloyd George negotiated was, he believed, a pragmatic one. As he explained to the Irish delegation to the treaty negotiations in London on October 14, 1921: "It is no use ignoring facts however unpleasant they may be. The politician who thinks he can deal out abstract justice without reference to forces around him cannot govern."

He looked at the relative strength of the forces around him. The Conservatives and the Irish Unionists were no longer allied against Home Rule. The Conservative Party was now a partner in the government with Lloyd George's own party, the Liberals; their imperial sentiment had also weakened; and in the postwar period at the Versailles Peace Conference there was a more general acceptance of the principle of national self-determination. For these reasons the Conservatives had ceased to oppose some kind of Irish devolution and, handled with care, they might have been brought along in a settlement if Britain's strategic interests, as then understood, were maintained. But the other element of the old alliance against Home Rule—the Unionist minority in Ireland, which had been encouraged to believe that its armed opposition to self-government for Ireland could succeed—maintained its position. Conservative opinion would accept that such a minority could not forever obstruct a settlement. But it would not wholly abandon its former ally.

So Lloyd George treated with each of the two elements which he discerned in the Irish population. Since the Irish Unionists were concentrated in, though not confined to, the North East, he decided to meet their position by dividing Ireland and creating a separate region covering six counties, in which, taken as a whole (though not in each county), they would have an assured local majority. The Government of Ireland Act, 1920, divided Ireland into two parts—"Northern Ireland" and "Southern Ireland." Each part was to have local autonomy within the United Kingdom. A Council of Ireland would act as a link between them and provision was made so that it could ultimately lead to a single Irish parliament. The Unionists had not sought this settlement, but they accepted it. So "Northern Ireland" came into being. But "Southern Ireland" did not. Irish nationalism had long since gone beyond a limited devolution which also involved internal division. So guerrilla fighting against the British administration in Ireland continued.

By the end of 1921, when Northern Ireland was already functioning as a partly autonomous region within the United Kingdom, Lloyd George and his cabinet negotiated the Anglo-Irish Treaty with a declaration of Irish nationalist representatives from Dáil Éireann. The delegation pressed strongly against partition and for recognition of full Irish independence. But the treaty, signed on December 6, 1921, while granting

Ireland the status of a dominion within the Commonwealth, allowed Northern Ireland, as already established, to opt out and remain as an area of limited local autonomy within the United Kingdom. There was henceforth a Unionist majority in Northern Ireland. The Unionists in that part of Ireland which became independent were left to adjust to life in the new "Irish Free State" (which later became a republic outside the Commonwealth). The treaty provided for a boundary commission to determine the boundaries between Northern Ireland and the rest of Ireland. Before the commission reported, its conclusions became known and were deemed unacceptable. The commission was wound up and so Northern Ireland has since remained a region covering six counties—Antrim, Armagh, Derry, Down, Fermanagh and Tyrone.

II

Pragmatism such as that of Lloyd George has its attractions—if it works. Since Lloyd George's settlement has obviously failed to work, one must ask how it went wrong and why it was the wrong approach to solving a difficult problem. A principal reason for its failure was the nature of the new entity of Northern Ireland which it created. I believe we can see three aspects of Northern Ireland which made it unsuitable from the outset.

Firstly, the area was not homogeneous. The border drawn by the 1920 Act had no basis in geography or history; it did not include the nine counties of the old province of Ulster. The six counties chosen constituted the maximum area in which the Unionist community would be assured of maintaining a majority. The aim, in the words of its first Prime Minister, Sir James Craig, was "to save as much of Ulster as we could hold." But to draw the border in this way was to include in the new area a substantial minority who were opposed to the settlement which made them permanently a minority under an unsympathetic government and who, though a minority in the six-county population as a whole, were a local majority in more than half of its area.

Secondly, in the creation of Northern Ireland, religious differences were publicly accepted as a basis for political division. This gave such differences a fundamental political importance from the outset because they became the symbol of loyalty or disloyalty.

Thirdly, the new local Parliament at Stormont was poorly designed to meet the difficult situation of a divided community. It was modeled on the British Parliament at Westminster where the government of the day has a virtual monopoly of power. At Westminster such a system works well because power changes hands at intervals as one party or the other gains a majority at the polls. Northern Ireland has been so constituted as to ensure that there was a permanent Unionist majority in the area. The belief that the minority were a threat to the whole settlement and the politicization of religious differences gave that majority cohesiveness, so that the Unionist Party was always the majority party at Stormont and therefore always the "government of the day." The natural balance of the Westminster system did not exist—and no other restraint replaced it.

There were regular elections. But Unionist government, unlike most parliamentary governments, never faced an *effective* challenge at the polls over its 51-year history. Its leaders, however, were under constant pressure from their own right wing, which had real power to topple a leader if he seemed to be weak in dealing with minority "subversion." Such a system—which became in practice permanent one-party government, never free of hard-line pressures, and not subject to effective restraint on behalf of the minority community—could increase but not ease the division and bitterness between the communities. The British government at Westminster for its part, having created the subsidiary parliament in 1920, left Northern Ireland to a great extent to its own devices. This was to abdicate in practice the residual responsibility which it retained in principle. I do not believe it is unfair to describe such a settlement as a recipe for slow disaster. It created in Northern Ireland an inherently unstable region, politicized religious differences within it, gave it a parliamentary system which institutionalized community animosities, and left it to run its own local affairs for half a century.

If such an area were to work at all the minority had to be brought to acquiesce in what had happened. But instead of being brought fully into public affairs in order to win their consent, they were discriminated against as disloyal and systematically excluded from influence and office. Even if Roman Catholics accepted Northern Ireland as a *fait accompli* they were barred from effective membership in the governing Unionist Party. They should, it appeared, know their place as part of a passive minority, but not try to leave its ranks to seek a share in power within the party which controlled the state. A Roman Catholic, in effect, could be a "unionist" but not a "Unionist."

Despite its instability, Northern Ireland withstood sporadic and futile violence in almost every decade from those who refused to accept the Lloyd George settlement. But it did not withstand equally well demands for civil rights which followed in the 1960s. Its immediate response to the civil rights movement was repressive and sometimes violent. When the Northern Ireland Prime Minister of the day, Terence O'Neill, tried to respond in a moderate fashion, he was forced to resign by right-wing pressures within his own party. It seemed as if demands for full equality of treatment by the minority challenged the assumption underlying the state—that it was to be a Unionist state with permanent Unionist control.

When the need for basic reforms became evident to British and world opinion in 1968 and 1969, reform was promised and slowly begun. But the real need was not simply to end the obvious abuses but to heal the deeper community divisions. Generous, speedy and effective reform might have done this; not slow and reluctant change after 50 years. The expectations of the minority were aroused but not met; and there was violence between groups on either side of the community divide. The British Army was introduced in 1969 in an active peacekeeping role, mainly to protect the minority. But because there was no thorough reform of structures at the same time, it tended, as time went on, to defend existing political structures because they represented "legality" in the area. The effort to repress minority violence by detention or internment without trial from August 1971 increased the violence and the alienation of the minority as a whole. It was because they accepted that a fresh beginning must be made that the British government prorogued the Stormont Parliament for a year as from March 1972.

III

The 1920–21 settlement also had an important effect on the nature of that part of Ireland which later became independent. Precisely because a separate area was created to accommodate most of the Irish Protestant community, the rest of Ireland came to independence with a largely Roman Catholic population—so that it is sometimes described in the press today as the "Catholic" Irish Republic. It was ironic that it should be so, since the Irish Republican tradition from which it derived had been explicitly nonsectarian in its origins and its founder and many of its most prominent leaders for over a century had been Protestant. But that it was so was an inevitable consequence of Lloyd George's whole approach.

Historians may argue as to how far the twin foundations of his settlement—the 1920 Act and the 1921 Treaty—were part of a single deliberate policy and how far the second stage—the Anglo-Irish Treaty—was an improvisation. What matters today is their effect—a division of Ireland on largely confessional lines. The independent Irish State, while most of its population is Roman Catholic, is also heir to the nonsectarian principles of Irish republicanism. But, to some people today, it may be that Irish nationalism, as expressed in laws and in the present Irish Constitution, seems narrower and less generous than these principles promised.

These, then, were the unhappy results for Ireland of the 1920–21 settlement. But 50 years' experience has also shown some issues in a new light. First, it is now clear that, once they are freed of constraint, relations between Britain and Ireland are friendly. Historical passions quickly cool or dissipate when not inflamed by political institutions; and Britain and Ireland are not hostile to one another or embittered by history as might have been feared before Irish independence. The two countries have similar political institutions; they operate a passport-free common travel area and an Anglo-Irish Free Trade Area; 56 percent of the total trade of the Irish Republic is with Britain; the Republic is Britain's third largest customer; and as from January 1, 1973, the relationship will be closer as both countries join the enlarged European Communities. Only the "untied ends of England's Treaty settlement," as a recent English writer calls Northern Ireland, come between the two islands as a major divisive political issue.

Secondly, it is clear by now that this issue will not simply "go away" or "solve itself." Time will not settle the problem unless it is properly dealt with. Benign neglect by either side will not help to ease tensions in Northern Ireland or lessen the dangers of a serious explosion; nor will simple military repression or extremist "gunmen."

Thirdly, it is now evident that the minority is too large a proportion of the population in Northern Ireland to be governed without its consent. Even if repression of any violence coming from the minority could work for a time, the problem would recur again within a few years when the children of violence grow a little older. So we must face the problem now and try to settle it on a lasting basis.

What precisely is the problem? And how should we try to solve it? Before answering these questions we must clarify some misapprehensions so that we will at least see what it is not.

A first mistake is to assume that the issue is primarily a religious one. The divisions in Northern Ireland are not *about* religion; they cannot be accounted for as an anachronistic remnant of the religious wars of seventeenth-century Europe. Indeed the fundamental mistake underlying the partition of Ireland was that it tended to treat the majority and minority religious communities in Ireland as if each were monolithic and then politicized religion by trying to divide the island between them. What has mattered most in Ireland's political history and what matters still today in Northern Ireland is not religion as such but the sense of the majority or minority community identity. There is no doubt that this is often determined by religious affiliation. But it can come about in other ways; and where it does, it is simplistic to think that the mere appointment of a Catholic as such to government could have lessened the alienation of the "Catholic" minority; or that Protestantism or agnosticism as such is a bar to leadership within that minority.

A second misapprehension is to treat the issue purely in colonial terms and to see the Unionist minority in Ireland as a community of "colons" to be provided for in a separate enclave linked with the motherland while the majority enjoy independence. It is questionable, to say the least, whether such a solution of a problem of decolonization is ever politically wise. But whatever the origins of the "Irish Question," such a view of it is no longer valid. No group or part of the population in Ireland—whether or not identifiable as to ancestry or antecedents—can be regarded as the "authentic" Irish; and, conversely, no group, whatever its present loyalties and attitudes, can be regarded as "colons." In any case, to treat in colonial or quasi-colonial terms the complex relationship between these two islands of Western Europe, which lie so close to one another physically, whose history is so intertwined and which still have so many lasting and growing interests in common, is to fail completely to understand it.

It has sometimes been suggested, however, that there be a partition of the present six-county area so as to cede the areas where the anti-Unionist population is strongest to the Irish Republic and to integrate the remainder fully into the United Kingdom. Such a settlement would still be unstable since there is no area of Northern Ireland which is homogeneously Unions. But, beyond this, an attempt now to assert that any part of Ireland is irretrievably British would, as a former British Home Secretary said in the British House of Commons as recently as March 1972, be "an historical blunder of the first magnitude;" it would thoroughly alienate the majority in Ireland and would bring Ireland directly into conflict with Britain.

I wonder if those Unionist politicians who seek the full integration of Northern Ireland into the United Kingdom, following the shock of the loss of their Parliament and government, realize the folly of their demand. In asserting that being British is more important to them than being Irish, they risk recreating a colonial frame of reference and identifying themselves as "colons" in Ireland. Nor can Northern Ireland be regarded as in any sense a "disputed territory." Its future is not one to be settled by arbitration by an international court, by re-partition, by population shifts or otherwise between two contending parties.

When the issue is seen in these terms it is evident that it is no solution to deal with Northern Ireland in isolation on the grounds that its 50 years of existence have given it permanence. It is true that as Sir Lewis Namier said, "it serves no purpose to expostulate with history." But to face this problem as it must be faced is not to expostulate with history but to try to change present realities which dam up historical passions in a way which menaces both Britain and Ireland.

The real issue to be settled is not that of Northern Ireland. That was never the question—it was an answer, or part of an answer, to a larger question. Now that it has been proved inadequate that larger question remains. That larger and still outstanding question is how to achieve a settlement between the two islands which will ensure good relations between them—granted that Union did not work; that the division of Ireland has not worked; and that the incorporation of Northern Ireland, or any part of it, fully within the United Kingdom cannot work.

IV

I consider that the only solution is an Ireland united by agreement, in independence; an Ireland in a friendly relationship with Britain; an Ireland which will be a member with Britain of the enlarged European Communities. I hold this view because I believe that there is no other way to dispose of the contentious and difficult legacy which history has left to our two islands—certainly no way which will not compound the problem for our children. I shall try to be more specific. The points I set out below are an attempt to outline some of the views which I believe any realistic observer who studies the problem in any depth would come to.

Firstly, I consider that the decision by the British government to exercise its full responsibility for Northern Ireland directly for one year from March 1972 was a positive step because it meant a recognition that it was not possible to work through the existing structures. But that step was presented only as a necessary preliminary to a solution and not as itself a solution.

Secondly, I consider that any attempt to follow it up by integrating Northern Ireland fully into the United Kingdom would be disastrous. A substantial minority in the North would permanently resist it with the support of the great majority of the people of Ireland. Such an attempt would drive a wedge between the majority populations of the two islands; and, as I have explained, Northern Ireland cannot be dealt with without reference to the Anglo-Irish relationship as a whole.

Thirdly, Britain should recognize that the more intransigent among the Unionist minority in Ireland are not entitled to a permanent veto on harmony in Anglo-Irish relations; and recognizing this, should begin to work toward a real settlement. Such a settlement should not impose unity by force. But where the earlier settlement tended to encourage continuing division, this new settlement should offer positive and direct encouragement to unity, accepting that the fears of a community of less than one million should not stand permanently in the way of reconciliation between all the peoples of both islands. Many of the Unionist community realize that Irish unity is inevitable and are increasingly willing to consider the idea. They should be offered positive and direct encouragement in that direction.

Fourthly, while I consider that the division of Ireland was misguided from the outset, I recognize that obtaining unity is a difficult process. There has to be a growth of trust and reconciliation on all sides. But I believe that Irish unity should be the aim, and a commitment should be made by the British government to its achievement.

Fifthly, it should be clear that a united Ireland will not be an Ireland in which the present state in the "South" takes over the "North" and assimilates it into its existing structures. There should be negotiation, but it should be about a *new* Ireland.

Sixthly, the new Ireland to which I have referred should not involve any levelling down, on either side, of existing social or economic standards. There *are* discrepancies at present but they are not insurmountable and they are lessening. The real dividing line in Ireland so far as economic prosperity is concerned has always been an East-West and not a North-South one. At present the link with Britain provides substantial direct and indirect subsidies to Northern Ireland. In any settlement arrangements these subsidies would no doubt eventually have to be phased out; but this should be done over a period. Growing integration of the economies of all EEC member countries should help. Regional development policies of the EEC will also be helpful to each part of what is largely a single region—as will the general increase in prosperity of all within the EEC. Beyond this, however, the aspect of a united Ireland which would be most conducive to long-term economic prosperity would be its ability to concentrate its energies on building a better life for its people—instead of dissipating them, as at present, in division and recrimination.

V

What should be the constitution of this new Ireland? Obviously it must reflect the values and meet the legitimate interests of all sections of its population.

A constitution can take a number of forms. The British Constitution, for example, is not a single written document but a whole structure of conventions, laws, political institutions and established practices. What has often been referred to as the "Constitution of Northern Ireland" was simply an Act of the Westminster Parliament—the Government of Ireland Act, 1920, as amended by subsequent enactments. The Irish Constitution on the other hand, like that of the United States, is a written one. It was adopted by referendum in 1937 and its provisions require any amendments to be adopted first by Parliament and then submitted to the people in referendum.

The 1937 Constitution as it stands is not suitable for a new Ireland. My own view is that it would be better to regard the new Ireland as an entirely new political entity which should work out and enact for itself its own constitution. I do not say this because of reluctance to consider the changes necessary for a new Ireland but on the contrary because I believe that a fresh start could be a better approach. This would not, however, exclude preparatory work being undertaken now.

Parnell said in 1886 that, "the best system of Government for a country [is] . . . one which requires that that Government should be the resultant of all the forces within that country." I think something similar is true of the final working out of a constitution and system of government for a new Ireland. These are matters best worked out by the representatives of all those who are to live under the new structures. A philosopher or a constitutional lawyer may advise or draft a constitution; but he should not, I think, attempt to write the final version, at least not in a situation such as ours in Ireland, where the building up of trust and the overcoming of fears are so important.

The constitution of the new Ireland would have to be a written one with firm and explicit guarantees for the rights and liberties of all who live under it. I would tend to favor the view that these guarantees should relate to the individual citizen rather than to institutions as such. The constitution makers should perhaps take a "minimal" approach, *i.e.* not start from broad philosophical assumptions but, instead, try to piece together an agreement on what is necessary for government to function while ensuring rights and liberties to the individual.

VI

Though I have frequently referred in this article to the "Irish Question" it is no longer fashionable, as it once was, to speak of international problems in terms of "Questions." Perhaps to do so implies that "answers" exist, and there is a pessimistic tendency today to accept that some questions are unanswerable. But I do not believe that either Britain or Ireland can accept this kind of thinking. In the Anglo-Irish relationship Northern Ireland is a problem to which there is a solution; it is not an unanswerable question.

The solution which I have outlined is that Ireland as a whole should assert a new and more comprehensive identity.

What is it exactly that gives a people a sense of national identity? What is it that determines how the first person plural—the "we"—shall be used when a nation speaks of its history? In Ireland, the majority—probably quite unhistorically—refer their sense of a common origin to a particular wave of early Celtic settlers in the island in pre-Christian times, while the Protestant-Unionist community in the North generally refer theirs to the settlements and religious-political wars of the seventeenth century.

No section of the Irish population today can afford to assert its identity in such terms as these, if to do so means excluding another section or regarding it as alien. Ireland's greatest need today is that all who live in the island should live and work in harmony. I quote once more from Parnell: "No Sir; we cannot give up a single Irishman. We want the energy, the patriotism, the talents, and the work of every Irishman."

An English observer in Ireland more than 300 years ago remarked that: "In kingdoms conquered, nothing but time, and that also must be the flux of hundreds of years, has power to unite the conqueror's issue and the ancient inhabitants in perfect amity." In Ireland time *has* passed. But we see now that Lloyd George's solution did not ease, but rather blocked, the effect of its flux. It was a solution which seemed to him to respond best to the exigencies of British politics at the time—which had earlier encouraged intransigence on the part of a minority in Ireland. But, based as it was on such considerations, it was unlikely to meet the best long-term interests of both islands. It is obvious now that it has not done so. In face of its evident failure, the British government today must respond to the real and pressing imperative—which is to encourage and assist a settlement among Irishmen about Ireland, and not to obstruct it nor to be merely neutral about it.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The time for morning business has expired. Morning business is closed.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the unfinished business will be laid aside temporarily, and the Senate will proceed to the consideration of H.R. 15418, which will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, debate on this bill is limited to 2 hours. Debate on amendments in the first degree will be limited to 30 minutes, with 20 minutes on amendments to amendments, debatable motions, and appeals.

The distinguished Senator from Nevada, the manager of the bill, is recognized.

Mr. BIBLE. Mr. President, I ask unanimous consent that the committee amendments to H.R. 15418 be agreed to en bloc; that the bill, as so amended, be considered as original text for the purpose of further amendment; and that no points of order against legislation in an appropriation bill be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 10, strike out "$77,980,000" and insert "$78,065,000".

On page 5, line 18, after the word "shops", strike out "$298,968,000" and insert "$302,706,000".

On page 6, line 2, after the word "law", strike out "$84,316,000" and insert "$82,645,000".

On page 6, line 9, after the word "contract", strike out "$55,384,000" and insert "$55,575,000"; and, on page 7, line 2, after "New Mexico", strike out that not to exceed $70,000 shall be for assistance to the Brockton High School on the Fort Peck Indian Reservation, Montana; that not to exceed $85,000 shall be for assistance to the Lodge Grass School on the Crow Indian reservation, Montana" and insert "that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana; that not to exceed $320,000 shall be for assistance to the Lame Deer Public School District No. 6, Northern Cheyenne Reservation, Montana; that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1".

On page 8, after "$50,000,000", insert a colon and "*Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, $500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional $1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Acts, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census."

On page 15, line 17, after the word "activities", strike out "$150,000,000" and insert "$151,200,000".

On page 17, line 8, after the word "substitutes", strike out "$58,491,000" and insert "$57,891,000".

On page 18, line 16, after "(74 Stat. 337)", strike out "$42,330,000" and insert "$46,990,000".

On page 19, line 11, after the word "Refuge", strike out "$73,529,500" and insert "$73,477,000".

On page 21, line 14, strike out "$88,671,000" and insert "$89,385,000".

On page 21, line 22, after the word "Service", strike out "$73,312,000" and insert "$73,362,000, including not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia".

On page 22, line 9, after the word "rights", strike out "$41,711,000" and insert "$43,026,000"; and, in line 10, after the word "expended", insert a colon and "*Provided*, That $90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies: *Provided further*, That $550,000 shall be available to the National Park Service to complete the construction of two locomotives, a locomotive storage and display building, and for the restoration of historic trestles at Golden Spike National Historic Site notwithstanding the Act of July 30, 1965 (P.L. 89–102)."

On page 23, line 5, after "section 203", strike out "$5,766,000" and insert "$13,416,000".

On page 23, at the beginning of line 19, strike out "$11,624,000" and insert "$11,559,000".

On page 25, line 17, after the word "only", strike out "$15,419,000" and insert "$15,470,100".

On page 26, line 1, after the word "law", strike out "$750,000" and insert "$500,000".

On page 28, line 23, after the word "thereto", strike out "$257,872,000" and insert "$252,899,000".

On page 29, line 11, after the word "law", strike out "$59,268,000" and insert "60,833,000".

On page 29, line 18, after the word "law", strike out "$27,760,000" and insert "$37,760,000".

On page 29, line 25, after the word "objectives", strike out "$43,953,900" and insert "$44,203,900".

On page 34, line 14, after the word "Act", strike out "$169,787,000" and insert "$173,398,00".

On page 35, line 1, after "(42 U.S.C. 2004a)", strike out "$44,099,000" and insert "$44,549,000".

On page 35, line 23, after the word "Commission", strike out "$1,090,000" and insert "$1,075,000"; and, on page 36, line 1, after the word "exceed", strike out "$25,000" and insert "$10,000".

On page 36, line 17, after the word "amended", strike out "$74,714,000" and insert "$74,314,000"; and, in the same line, after the word "which", strike out "$28,025,000" and insert "$27,625,000".

On page 38, line 9, after the word "employees", strike out "$51,682,000" and insert "$52,243,000".

On page 38, line 18, after the word "law", strike out "$4,000,000" and insert "$3,500,000".

On page 39, line 12, after "5 U.S.C. 3109", strike out "$5,064,000" and insert "$5,014,000".

On page 40, line 14, after the word "allowances", strike out "therefore" and insert "therefor".

On page 41, after line 9, insert:

> JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
>
> For expenses necessary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000, to be available for obligations incurred in fiscal year 1972.

Mr. BIBLE. I yield myself such time as I may require.

Mr. President, the committee, as indicated on page 1 of its report, considered budget estimates in the amount of $2,756,520,000, including indefinite appropriations of receipts and amounts necessary to liquidate contract authority, for the agencies and bureaus of the Department of the Interior and for related agencies listed on page 2 of the report, a copy of which is on the desk of each Senator. Excluded from this bill are the power agencies of the Department of the Interior, the Bureau of Reclamation, and research on underground electric transmission, all of which will be included in the Public Works for water and power development and Atomic Energy Commission appropriations bill.

The committee recommends total appropriations of $2,773,482,800 which is $29,014,600 more than the House allowance, and is $16,962,800 more than the budget estimates.

Included in the amount are $6,814,000 in budget estimates not considered by the House. Of the total recommendation, $1,799,802,100 are for the Department of the Interior, a sum $17,015,600 more than the House allowance, and $2,835,900 less than the budget estimates.

The committee's recommendations provide net increases over allowances in the House bill in the following instances:

Bureau of Indian Affairs, $2,258,000, including $3,378,000 for Education and Welfare.

Geological Survey, $1,200,000.

Office of Coal Research, $4,660,000.

National Park Service construction, $2,014,000.

Forest Service, $6,842,000.

Indian Health Service, $4,061,000, which provides a total of $7,718,000 over the budget request. Of the increase over the budget, $6,858,000 is for additional staffing, contract medical care, and other health services, and $860,000 is for hospital design and construction.

John F. Kennedy Center for the Performing Arts, $1,500,000.

The committee recommends small decreases in the amounts allowed by the House of Representatives for the Bureau of Mines, the Bureau of Sport Fisheries and Wildlife, the Office of the Secretary, and the National Endowment for the Arts.

I want to call to the attention of Senators a typographical error on page 3 of the report. The word "or" has been omitted after the word "permittee" in the 11th line of that page. Otherwise, the language is as was intended, to indicate that individual grazers should be able to expend their own funds for range improvements.

The committee has recommended concurrence with the House of Representatives in the changes which it approved in distribution of funds for acquisition of lands in accordance with the Land and Water Conservation Act. Particularly, the committee has concurred with an increase in allocation of funds to the Forest Service for purchase of lands in recreation areas within boundaries of national forests. In the opinion of the committee, the reduction of about $18 million below the fiscal year 1972 appropriation was much too large. As a matter of fact, the committee has concurred with the House action in restoring the budget to approximately the same amount as is available for the current fiscal year.

There is one recommended appropriation for which there is no budget estimate—I had been assured that there would be a budget estimate, but to this moment I have not received it—and for which only recently was authorizing legislation enacted. This is the John F. Kennedy Center for the Performing Arts. The committee has recommended an appropriation of $1,500,000 to be applied against the fiscal year 1972 operation and maintenance costs of the nonperforming functions of the center. This is in the bill.

Over 500 amendments to the House bill were considered. Every effort has been made to provide adequately for the activities included in this bill. I believe that the bill as reported provides for continued and increased development of the natural and human resources of the United States.

I hope the bill will be approved as it was reported by the committee.

TRIBUTE TO PAUL R. EATON

Mr. President, before yielding to my distinguished colleague from Alaska (Mr. STEVENS), who represents the minority side on the Appropriations Committee, I want to take this opportunity to pay tribute to a man who actually has been the "Mr. Interior Appropriations" specialist on the staff for many, many years.

I refer to Paul R. Eaton who is about to retire, much to my regret and much, I am sure, to the regret of other members of the Appropriations Committee.

Paul Eaton is very well known to those who have worked on the Hill for a good many years. He has been here 33 or 34 years. He started out almost as a page, but not quite. He is too young to be retiring, but he will keep partly active.

He knows more about the Interior appropriations bill than, I dare say, any man—even including the Budget Bureau or the Interior Department. He has devoted years to this study. He has been on the Appropriations Committee staff for some 10 to 12 years. In addition, he was administrative assistant to the late beloved Senator Carl Hayden of Arizona for many years before that, in order to add up a total of some 33 to 34 years of great public service.

Mr. President, I know of no man more dedicated, no man more capable, no man more efficient in answering questions than Paul Eaton. If there are assaults on this bill today—and there may well be by amendments offered—he can give the line and the page off the top of his head. He can tell you how much was appropriated last year, the year before, 10 years ago, 9 years ago—whenever.

He has a tremendous retentive mind. He has been a source of great strength to those of us on the committee. Perhaps, Mr. President, with those kind remarks about him, we might possibly get him to reconsider his retirement.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I am very happy to yield to the able Senator from the great State of West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. Mr. President, I want to join my distinguished colleague, the manager of the bill, the Senator from Nevada (Mr. BIBLE), in congratulating and expressing appreciation to the very able and dedicated clerk of the Appropriations Subcommittee on the Department of the Interior, Mr. Paul R. Eaton.

Throughout his many years of service here, he has at all times shown to all members of the committee the utmost courtesy. He has demonstrated great cooperation with every member of the committee at all times.

I personally want to express my personal thanks to Paul Eaton for the many, many great services he has rendered to the committee, to the Senate, and to me throughout the years that I have been on that committee.

Certainly, throughout the years that I have known him, it is true to say, "Seest thou a man diligent in his business and he shall stand before kings."

Paul Eaton may not aspire to stand before kings, but when he stands before men like Mr. BIBLE and Mr. PASTORE, he is getting pretty close to the throne.

I congratulate Paul Eaton, I offer him my grateful thanks, and wish him well in his coming retirement.

Mr. STEVENS. Mr. President, I yield myself such time as I may need.

First, I certainly wish to join the chairman of the subcommittee in his words of praise concerning the work of Paul R. Eaton. If it were possible to pass a "draft Paul Eaton" bill, I would be the principal cosponsor of such a move.

I suppose we all get a little reminiscent over some things. I recall my days in the Department of the Interior. I know that even then, which is now some 16 years ago, Paul Eaton was on the Hill and was a great help to us. Certainly he has continued to demonstrate that strong help and insightful review in regard to the Interior Department activities, and to this bill, the Interior appropriations legislation.

On the subcommittee there has really been no majority or minority. Maybe I should not state it that coldly, but the subcommittee, and this bill, have been approached from the point of view of what is best for the Nation. I certainly have found no instance in which the recommendations of the minority or the comments of the minority have been viewed from any other point of view than what is best for the Nation.

I am particularly grateful to the chairman of the subcommittee for this first year of my education as a member of the subcommittee.

Mr. President, I think the pending bill is a very good bill. The actions of the subcommittee in regard to it will be viewed in that way by most people. The changes we have made have been changes basically on meeting higher priorities, particularly in regard to matters of education, welfare, and health services for Indian Native people both in the Department of Interior budget and in the budget for the Indian Health Service in HEW's Health Services and Mental Health Administration.

I am grateful to the chairman for his consideration in particular of the problems of the Alaska Native people in the second payment contained in this bill of this great act passed by Congress to settle the Alaska Native land claims last December. The distinguished chairman has shown again his consideration of their problems, by agreeing to language which will provide an advance of the moneys that are necessary for the organization of the regional corporations and for the payment of the loans which were made to the regional associations in order that they might start the work necessary under the Alaska Native Claims bill.

We are also extremely grateful to the chairman and to the subcommittee for their action in regard to the additions necessary to further the development of village health clinics, health care communications, and expanding the contract dental care program for the Indian health programs in Alaska.

I would be remiss if I did not also point to the hearings on the bill and their length as compared to the time when I was in the Department of the Interior. I find that a greater interest is developing, particularly in the Indian communities and in the other areas pertaining to the bill, which has now expanded the hearings.

My distinguished colleague, the chairman of the subcommittee, has shown the patience of Job and the wisdom of the Almighty in regard to finding a way through the vast number of amendments offered to the bill. As I say, I think the very fact there will be little controversy on the floor today is an indication of his wisdom and the wisdom of the subcommittee in regard to disposing of these proposals; not only of the proposals of our colleagues but also of many individual citizens throughout the country.

Mr. President, I have no requests for time. I will reserve the remainder of my time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Gutherie, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15390. An act to provide for a four-month extension of the present temporary level in the public debt limitation; and

H.R. 15495. An act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

PUBLIC DEBT LIMITATION

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 15390, the public debt limitation.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 15390, which will be read a first time by title.

The legislative clerk read as follows:

A bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

Mr. ROBERT C. BYRD. Mr. President, I ask that the bill be read a second time.

The PRESIDING OFFICER. The clerk will read the bill a second time by title.

The bill was read the second time by title.

Mr. ROBERT C. BYRD. Mr. President, I object to any further proceedings on the bill at this time.

The PRESIDING OFFICER. Under rule XIV, paragraph 4, objection having been heard to further consideration of the bill at this time, the bill will be placed on the calendar.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were each read twice by their titles and referred to a committee or placed on the calendar:

H.R. 15390. An act to provide for a four-month extension of the present temporary level in the public debt limitation; placed on the calendar.

H.R. 15495. An act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. BIBLE. Mr. President, I yield to the Senator from South Carolina such time as he might require.

Mr. HOLLINGS. Mr. President, I join in the sentiments expressed by our colleagues and express my gratitude to Paul Eaton who has done a magnificient job in advising all of us on the Appropriations Committee. It has been a distinct privilege to serve with him.

Mr. President, during the committee's consideration of the Interior appropriations bill I called to my colleagues' attention the Cowpens Battlefield in South Carolina. Cowpens was one of six battles during the Revolutionary War for which the Continental Congress awarded medals. In addition, there were only two instances in which the Continental Congress awarded three medals for a single battle, and the Battle of Cowpens was one of these.

I want to ask the distinguished Senator from Nevada (Mr. BIBLE), the chairman of the subcommittee, a question. In a letter of May 30, I called to the attention of the Senator from Nevada the fact that Public Law 92-272, which had recently been approved, authorized the Department of the Interior to expand the Cowpens National Battleground site. This project was authorized too late to be included in the budget request for fiscal year 1973. I wonder if funds have been included by the committee to accomplish this expansion?

Mr. BIBLE. Mr. President, the funds to which the Senator from South Carolina referred have not been specifically designated in the bill or in the committee report for the acquisition of land at the Cowpens National Battleground site.

Mr. HOLLINGS. Mr. President, is there a requirement in the bill that the Department of the Interior proceed with the acquisition of land at the Cowpens National Battleground site for this expansion during fiscal year 1973?

Mr. BIBLE. No. As I indicated just now, there is no specific requirement in the bill for this purchase. However, as I have pointed out before to the Senator from South Carolina, the bill does provide $15 million for the acquisition of inholdings at National Park Service facilities.

Mr. HOLLINGS. Mr. President, I ask the distinguished Senator from Nevada what assurances do we have or can we obtain that the Department of Interior will allocate the needed funds?

Mr. BIBLE. Mr. President, I inform the distinguished Senator from South Carolina that I have brought to the attention of the Director of the National Park Service, Mr. George B. Hartzog, Jr., the interest of the Senator from South Carolina in the purchase of these inholdings at the Cowpens National Battleground site. And I have urged him to give careful consideration to the use of a part of the inholding funds to gain acquisition of the additional areas authorized by recent legislation.

Since doing that, I have been advised that the approval has gone through to the regional office for South Carolina and they have been authorized to use as much money within the $2,360,000 additional ceiling as they can to acquire some portions of the expanded program. That means that the landowners who are willing to sell will have the opportunity to sell their holdings to the Park Service just as soon as negotiations are completed.

I am told that there are 78 landowners within the Cowpens National Battlefield that have a concern and that have a title that must be extinguished. I do not know if they can work that out under this framework. However, the work is in progress and progress will be made.

Mr. HOLLINGS. Mr. President, I thank the Senator from Nevada. As he well knows, the Senator from South Carolina intended to submit that amendment. As pointed out by the distinguished manager of the bill, the Department of Interior is ready to proceed in an orderly fashion.

I appreciate the support of the distinguished Senator from Nevada in this particular respect.

Mr. BIBLE. Mr. President, I am happy to do this. We are trying desperately to clear many of these matters. As I have previously indicated to the Senator from South Carolina, it will require $242 million to acquire the needed additional land in the National Park Service system alone. That is only part of the total problem. In addition to that, there are many inholdings within the national forest. I suppose that the end figure would amount to $500 million or maybe more if we acquire all inholdings within the Forest Service and the National Park Service. However, because of the vigorous, intense, and persuasive interest of the Senator from South Carolina in this matter, we will move forward without delay.

Mr. HOLLINGS. Mr. President, I thank the Senator very much.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MOSS. Mr. President, I intend to call up an amendment. However, first I want to express my appreciation to the chairman of the Subcommittee on the Interior for the tremendous job he has done.

The PRESIDING OFFICER. Who yields time?

Mr. BIBLE. Mr. President, I yield 15 minutes to the Senator from Utah.

Mr. MOSS. Mr. President, I call up my unprinted amendment and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 36, line 17, strike out "$74,314,000" and insert in lieu thereof "$74,714,000".
>
> On page 36, line 18, strike out "$27,625,000" and insert in lieu thereof "$28,025,000".

The PRESIDING OFFICER. The Senator from Utah is recognized for 15 minutes.

Mr. MOSS. Mr. President, I certainly thank the chairman of the subcommittee for the fine job he has done on the bill that is pending before the Senate. This is a measure which finances much of the natural resources and the protection and development of the western part of the United States. There is tremendous pressure to increase the amount of funds for many urgent projects that confront us. It is most difficult to analyze all of the matter that has been reported, and to set priorities and to decide which projects must be undertaken immediately, and which can possibly be deferred for a year or two.

I think the chairman of the committee and the members of the committee do a balanced and a fair job.

Mr. President, the amendment I have called before the Senate this morning is to restore the cut of $400,000 that the Senate Appropriations Committee made in the appropriation for the National Foundation on the Arts and Humanities.

The cut was made specifically in the appropriation for the National Endowment on the Arts.

The administration's budget request for the National Foundation for the Arts and Humanities was for $35,500,000—some $28,625,000 of which was for grants in aid for groups and individuals and $6,875,000 of which was for grants in aid for the States. The House made a severe cut in this request—slicing it back some $600,000. Now the Senate has made an additional cut of $400,000. I think we should put back the Senate reduction—put back the $400,000, which the House has already accepted. This would save us from having to go to conference on this item, and it would lessen the depth of the cut.

Mr. President, it took us many years to get Federal support for the arts and humanities. I remember with what pride we hailed passage of the authorizing bill—we pointed to the long held view that the amount of time and money a nation devoted to arts and humanities is an indication of the degree of its civilization, and we felt we were proving this to be true.

Now we have the spectacle of the Congress cutting back on the funds requested by the administration for this important endeavor—cutting back on this evidence of our march of culture and intelligence, on this example of our approval of some of the finer things of life. I do not like this image.

In Utah we have a great heritage of love of music, of dancing, and the arts. From pioneer days forward, our people have always devoted a great deal of their time to the drama, to musical productions, to ballets, to painting, and sculpture. We are proud of our advancement in these fields.

We have been able to do more since we have been the recipient of funds from the National Endowment for the Arts. We want to continue this progress. I am sure that most of the other States feel the same. The support given to outstanding individuals and outstanding programs in the arts should be continued, and increased, if possible, certainly not reduced in any measure.

I sincerely hope that the Senate will duly consider the great impact of the arts on our society, and that they will agree to restore the $400,000 which the Senate committee cut. In this time of world strife and unrest, we need the uplifting message of the arts, and we want to stimulate their growth in our country.

Mr. President, my amendment is very simple. Since the House has already made the cut of $600,000 in the budget request of the administration I do not think the Senate should compound that by adding another cut of $400,000.

I am simply asking the Senate to stay with the House figure. In other words, there will still be a cut of $600,000 if we agree with the House. I think that is what we should do to minimize this cut in the Endowment for the Arts.

Mr. President, I reserve the remainder of my time.

Mr. BIBLE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 5 minutes.

Mr. BIBLE. Mr. President, the items on the National Foundation on the Arts and the Humanities were very carefully considered. I have always been among the most enthusiastic supporters of these items. I remember some years back—I do not remember the exact year—when the Senate saved this agency from being denied all funds. It would have been wrong to have done so, and in that year it was saved. In that year we appropriated something like $10.7 million for the two endowments. In 1967 we appropriated something like $14 million. In 1968 we appropriated $12.2 million. In 1969 we appropriated $61.21 million. This year, if the Senate's figures are sustained, we will have appropriated $83.714 million for the two endowments. So I would suggest to my friend from Utah that this shows a complete awareness and complete sympathy by our committee of the great needs and demands for each, the Arts and Humanities.

It is true the House cut the budget by $600,000. Our reason for cutting the additional $400,000 was to keep it within the budget estimate, less $1 million. The budget request for the Arts and Humanities was identical. The House, as was indicated, cut Humanities $1 million. This was not appealed. They cut the Arts less than that. They cut it $600,000. That was not appealed. I think we have been eminently fair to the Endowment on the Arts. We have heard much about this since we made this rather modest cut to bring it in line with the Humanities. For the National Endowment for the Humanities the sum is $34.5 million, and for the National Endowment for the Arts the figure is also $34.5 million.

As the Senator knows, if the Senate position is sustained we will be in conference and the difference between the House figure and the Senate figure will be finally resolved there. I would hope we can sustain the Senate figure. We have great sympathy for this project. We have great demands for dollars in many different areas, including this area, but we think we treated them extremely well. We can take this to conference and resolve this difference of $400,000 there.

Mr. MOSS. Mr. President, of course, I recognize that the matter will be in conference if the Senate does not take any action to move the Senate figure up by a vote. If we did that it would not be a matter for conference; it would be settled at $600,000.

I do appreciate the response of the chairman of the committee explaining the reasoning of the committee, but I detect when he explained the matter they made an even $1 million cut. That sounds pretty severe when dealing with a program such as this. I hate to see a retreat in this area, especially since this has now taken hold and is being very well done in many areas of our country. As I said, it has been effective in my State and it has been of great value to the people of our State in our symphony and ballet, and all the other arts that the community supports there. Without some of the national funding some of these would suffer rather severely. That is the reason for my great interest in seeing that they move this up possibly to the budget request or close to the budget request, or at least where the House was on its figure.

With the chairman's assurance of his interest and sympathy for the matter, of course, we could go to conference. I am afraid we are going to suffer some cut anyway. The serious thing is to divide the difference in what we get over there. In that way we will have reduced the cut a little.

I hope the Senator will accept the amendment, and then we would not have that situation.

Mr. BIBLE. I realize the Senator's intense interest in this matter, and I am equally interested in it.

The one item I forgot to mention in the colloquy with the Senator is that we have already increased the amount for the Endowment for the Arts by $8,250,000 over last year. That is another recognition of the great work Nancy Hanks and the National Endowment for the Arts are doing. This is a popular program in my State. I think by increasing it that much we have given it great recognition.

I hope the amendment will not be accepted. We can resolve this matter, in my judgment.

Mr. JAVITS. Mr. President, I should like to refer particularly to that part of the bill providing funds for the National Foundation on the Arts and Humanities.

The House bill provided $28,025,000 for the National Endowment for the Arts for grants-in-aid to groups or individuals, a reduction of $600,000 from the budget request. This was reduced further to $27,625,000 in the bill now before us. This is an unfortunate reduction.

At the time of the birth of our Nation, when as a young Republic of 13 States strung along the Eastern seaboard we were struggling for survival, President George Washington recognized the arts as central to our national well-being. The passage of two centuries has enhanced, not dimmed, this concept. As a matter of fact, time has given it new meaning and emphasis. Indeed, as the bicentennial anniversary of the United States approaches, the time is ripe for the United States to assert its preeminence in the arts and to accelerate our national progress in this area just as the Nation undertook a strong forward movement in the sciences in the 1950's in response to the challenge of Sputnik.

I hope, therefore, that in conference, the committee will very carefully reconsider its position and yield to the higher House figure for both the National Endowment for the Arts and the National Endowment for the Humanities. I am not unaware of the financial crisis in which we find ourselves. But it should not be forgotten that during the depths of World War II, at the time of the Battle of Britain when the very existence of Great Britain was under dire threat, the British Government, beset as it was by so many horrendous problems, undertook an arts support program, a program which had a highly beneficial effect on British morale in World War II and, to the credit of the British, has flourished to this day as an example to us and to the world. We cannot do less.

Mr. KENNEDY. Mr. President, in one of his earliest addresses to the new Congress, President Washington noted that:

> The arts and sciences are essential to the prosperity of the state and to the happiness of human life.

In this Congress, we have talked a great deal about the contributions to our society made by our technical people and we have discussed the need to encourage still greater contributions. I have talked about this and I intend to address this body further on the subject. But, the Senate is considering appropriations for the National Foundation on the Arts and the Humanities and I wish to register my strong support for this agency and the programs it has administered. As Washington warned, we cannot be a truly strong and happy society if we are only a technical society. The arts, too, are essential. Our technical abilities make life possible in these turbulent times, but it is the arts and humanities that help make life worth living. Achievements in the various sciences can help postpone death but only the enriching experiences of art in our culture can breathe life into this additional time.

This truth has become increasingly evident in recent times. As our population of aged, retired citizens grows so does the incidence of boredom and apathy. The golden years of retirement are, for far too many people, depressing years when time weighs heavily. And among our youth, too, increasing leisure provided by our high level of technical development has proven to be a meaningless achievement when there is little opportunity to enrich that time with creative, challenging pursuits.

A report by the National Commission on Marijuana and Drug Abuse had this pertinent observation:

> Many Americans, due to the nature of their jobs in an automated economic system, find little personal satisfaction in their work and many are now searching for individual fulfillment through the use of free time. Where meaning is not found in either work or recreational pursuits, the outcome is likely to be boredom and restlessness. Whether generated by a search for individual fulfillment, group recreation or sheer boredom, the increased use of drugs, including marijuana should come as no surprise.

The bill to provide appropriations for the Interior Department and Related Agencies, including the National Foundation on the Arts and the Humanities, will make possible important programs that enlarge the opportunities of our citizens to participate in outdoor recreation activities, to enjoy our parks and woodlands, and to experience the richness of our arts. These activities are essential to human happiness. And because they are so essential in this age, I note with some regret that the amount provided in this appropriations bill for Arts and Humanities Foundation Programs is $4 million below that authorized for the next fiscal year and $2 million less than the amount requested in the administration's budget. I sincerely hope that a way will be found to restore these funds to this agency which already is handicapped by an authorization ceiling which is far too low, relative to the importance of the program.

Mr. MATHIAS. Mr. President, in the arts, perhaps more than other areas, every penny is vitally important, and the value received is incalculable. For a small admission price—sometimes a few dollars, sometimes nothing at all—we can choose between the stirring music of our symphonies or operas, and the dramatic pleasures of our theaters and dance companies. If we prefer, we can take an afternoon to wander through our museums where resplendent cultural and historical resources are only inches away from ourselves. Whatever our choice, we are indeed blessed to have a rich cultural variety at our disposal and for the continued enjoyment of future generations.

All of these programs richly deserve our active encouragement — whether through our attendance or by our monetary support—so that they can continue to exist and to expand. For these reasons, I am particularly distressed by the Senate's recommendation to appropriate only $38 million for the National Endowment of the Arts. As you know, our colleagues in the House of Representatives felt an additional $400,000 was a more adequate appropriation and the administration has indicated that it would like to see $39 million earmarked for this fine association. I would prefer that the Senate vote at least as much as the administration requested and certainly, the Senate should not reduce the amount provided by the House.

In terms of an entire national budget, the sums we are discussing may seem to be of minimal importance, but in terms of impact, the money becomes exceedingly important. For example, my own State of Maryland has been the fortunate recipient of several grants from the National Endowment, and I believe I am justifiably proud of the resulting projects. Some of the grants have gone to further the programs of the Maryland Arts Council, the fine Baltimore Symphony, the Peabody Institute, and the Baltimore Opera Co. The National Endowment should be further lauded for its progressive policy of funding community-based art groups and even individual efforts. Because of this very real encouragement, many more of our citizens are becoming actively involved in the arts.

For instance, grants have been given to talented individuals for such diverse projects as writer fellowships, to aid original research on the works of Henri Matisse, and to prepare a young man for the world premiere of a concerto for two pianos. I am indeed proud of the fine work done in my State by all these individuals and groups, and I would like to add my own encouragement to the growing number of Americans who are participating in these creative efforts. The support of the Federal, local, and State governments along with the interest of individual patrons and private industry for these efforts is an important step toward insuring a rich cultural heritage for our Nation.

In order to continue such wide-ranged support, I feel we must encourage the fine work of the National Endowment of the Arts. The role played by this association is a dramatic one for it has been estimated that for every dollar which it spends, another $3 or $4 are stimulated for additional projects. Surely, we cannot hamper the efforts of this group by paring its small appropriation.

To be more pragmatic, I know from my conversations with the leaders of the Baltimore Symphony, Center Stage, and Opera Co., that increasing public interest and demand for additional productions are driving costs upward. If these groups are not to prohibitively increase their prices or cut back their productions, assistance from the National Endowment will become even more important.

Mr. President, in summary I would like to say that a nation is only enriched by a vital cultural life which is easily accessible to all its citizens. If we can see fit to assist the National Endowment for the Arts in its efforts to encourage and support our cultural heritage, I know we will help assure that all Americans can continue to choose from a wide variety of cultural events. Because of this, I would hope that when this bill goes to conference, those involved will seriously consider restoring the appropriations for the National Endowment for the Arts to its vitaly needed $38,400,000.

COMMITMENTS TO THE ARTS

Mr. BAYH. Mr. President, I am disappointed that Congress plans to cut $1 million each from the appropriations for the National Endowment of the Arts and the National Endowment of the Humanities. The arts and humanities of civilizations have provided a unique expression over the centuries of the conflicts, values, and rhythms of a society. In this fast, mobile 20th century, it is important that citizens be aware of our rich and complex artistic heritage and of current attempts to find meaning in transition. Yet our Government spends less per capita on the arts—only 15 cents—than most other Western nations. For instance, West Germany commits $2.42 per capita to the arts while Canada allocates a $1.40. More dramatically, Canada has approximtely one-tenth the population of the United States yet she spends almost as much as we do on the arts.

My own State of Indiana has been most grateful to the assistance provided during the last year by the Endowment of the Arts. For instance, the Indianapolis Symphony as well as the Fort Wayne and the Evansville Philharmonics have been assisted in expanding their music program designed for young people. In addition, the Indianapolis museum has been able to purchase works by living American artists, establish a special exhibition of textiles, and expand their urgently needed storage-study space.

An excellent editorial appeared in the April 22 issue of the Saturday Review about the work done by the National Endowment for Arts and Humanities. I ask unanimous consent that portions of this editorial be reprinted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WASHINGTON MUST DO MORE FOR THE ARTS

(By John J. Veronis)

The Arts Endowment helped revive many ailing symphony orchestras and ballet and opera companies in fiscal 1972. Not only did money from Washington enable these cultural organizations to survive, but it also sent them into parts of the nation that in the past had little exposure to the performing arts. For instance, twenty-seven modern dance companies have already played to audiences in small towns in thirty-six states; soon the country's three major ballet companies will visit thirteen cities across the nation. These tours are being partially financed by the Arts Endowment. Orchestra, opera companies, jazz groups—every aspect of musical enterprise—are receiving some government assistance. Resident professional theaters in twenty-nine cities also have received federal aid during this last year; such aid is bringing live drama to ever broader audiences. Uncle Sam is becoming a cultural Johnny Appleseed.

But Congress must put more seeds in the bag. Inflation is threatening cultural institutions in several ways. It is eroding the resources of private individuals and corporations, rendering them less able to offer contributions. As prices soar, employees working for cultural institutions are naturally enough demanding pay hikes. The day-to-day operating costs of museums, orchestras, theaters, libraries have become so high that many may be forced to suspend or drastically reduce their activities. Cities' and states' arts councils can shoulder some of the economic burden, but the real job must be done by the federal government.

Why? Because the people themselves are concerned with the arts and humanities as never before. More than 600 million visits are paid to American museums each year, twelve million to symphony concerts, and more than $2-billion is spent annually on cultural activities. Our painters are still the pacesetters for artists in Europe, Latin America, Australia, and Japan. Our pianists are generally considered the most technically accomplished performers in history. Our historians and literary critics are internationally renowned. Our poets dominate the entire English-speaking world. Our choreographers stage their works in London, our singers grace the stage at La Scala, our novelists are translated into Finnish and Urdu. We are a major—perhaps *the* major—cultural force today, and people everywhere should know the good news. Washington must support American artists.

THE ARTS ENDOWMENT DESERVES SUPPORT

Mr. GOLDWATER. Mr. President, as I have done on the last two occasions when appropriations were before us for the National Endowment for the Arts, I wish to go on record as announcing my support of the funds we are providing for this agency. Again, I have reviewed the activities of the Endowment and can repeat my observation that it has aroused, inspired, and sustained local initiative and participation in the arts to its highest level in American history.

In particular, I am impressed at the work being done by State councils of the arts which receive assistance from the National Endowment. The creation of these local groups can be traced almost directly to the passage of the original National Foundation on the Arts and the Humanities Act of 1965, which stimulated their growth. Thanks to the spark ignited by the National Endowment, the State governments of more than half of our States have quadrupled the budgets of their State art councils in the last 6 years. Further proof of the pudding is found in the fact that, in 1971, three-fifths of the States provided their art commissions with appropriations that not merely matched, but exceeded, the Federal grants to the same groups from the National Endowment.

Mr. President, if I may use the example of my own State of Arizona as a way of describing the impact which the National Endowment has made, I will take just a few minutes to do this, because I believe this is the most feasible way of explaining the meaning of the national program for the arts. Perhaps the most exciting thing underway in Arizona at the moment is the development of a schedule of annual, summer festivals which are held in various communities and express the cultural interest of that area in a festive, informal manner. For example, Phoenix is conducting a theater festival right now which is truly of national stature. The city is playing host for 6 weeks this summer to three of the Nation's top repertory companies: the Repertory Theater of New York's Lincoln Center, the Trinity Square Repertory Co. of Providence, R.I., and the American Conservatory Theater of San Francisco. Members of the Phoenix festival board are so enthused at the strong response they received from theater companies which were asked to participate that they hope the festival will grow to the point where it will rank with the Edinburgh Festival of Scotland. It should be noted that the local group obtained a $15,000 grant from the Arizona Commission on the Arts and Humanities, which is directly supported by the National Endowment.

In addition to the theater showcase, some 11 other theatrical productions will be staged by Arizona State University and Maricopa County Community College. Other events during the summer festival will include chamber music, orchestra concerts, and art shows. With approximately 700,000 people who remain in Phoenix all summer, the festival has every chance of becoming a great, annual event.

Mr. President, I also should mention that Tucson has a 20-year history of its April Festival, which receives assistance in part from the Arizona Commission. Yuma is increasing its Garces Celebration of the Arts each May. This is a festival of Indian origin centered around an Indian chapel outside of Yuma where Father Garces died. Sedona has asked the Arizona Commission for technical and financial assistance so that it may start an annual summer festival. And, of course, one of the major programs supported by the Arizona Commission is the Flagstaff Summer Festival which can draw on the 2 million people who come to visit the nearby Grand Canyon every summer. The net result is that Arizona will soon have a list of festivals underway from April to August of each year located in Tucson, Yuma, Phoenix, Sedona, and Flagstaff.

In addition, Mr. President, no description of cultural activities in Arizona would be complete without mention of the pioneering work Tucson is doing in developing art that is aimed at the Spanish-speaking people of the Southwest. Since 1970, a bilingual theater, El Teatro del Pueblo, has been operating in Tucson as a Spanish-speaking theater for Mexican Americans who do not attend English-speaking theater. Again, the State Arts Commission has been instrumental in assisting the creation of this special cultural outlet and the National Endowment has provided financial support for this group for 2 consecutive years.

Finally, I would like to call attention to the dance pilot project underway in six schools in Benson, Phoenix, and Tucson where dance teachers are paid to be in residence to teach modern dance and ballet to interested youngsters from the first through six grades.

From this brief review, I believe it is obvious that the arts are important in Arizona. The citizens of our State have shown that they wish to be able to experience the arts. They have shown that they will wish to be able to experience the arts. The people of my State and the people of other States and small communities throughout the country have in this way clearly demonstrated that they have a strong interest in things other than worldly, materialistic values of everyday life.

Again this year, Mr. President, I am pleased to say that the experience of Arizona plainly puts to lie the fears raised by those who charge that the existence of a Federal Arts Endowment would suffocate the development of local activities in this field. Far from it; the National Endowment, both through its grant-to-States and through its grant-to-individuals programs, has awakened an interest in the arts and encouraged the growth of an enormous diversity of cultural activities across our Nation. For these reasons, I support the appropriation now pending before us for the National Endowment for the Arts and commend the Endowment for the unobtrusive way in which it has helped to foster the Nation's cultural activities.

Mr. BIBLE. Mr. President, I yield back my time.

Mr. MOSS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the amendment of the Senator from Utah (putting the question).

The amendment was rejected.

Mr. MOSS. I thank the chairman, and I, of course, acknowledge that there was a larger budget request sent up this year. Therefore we had to measure against that, which is indicative, I think, of the fact that the program is spreading and becoming more useful and used in all parts of our country.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MONDALE. Mr. President, I send to the desk an amendment, and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, reading of the amendment will be dispensed with, and the amendment will be printed in the Record.

The amendment is as follows:

On page 29, line 25, strike out "$44,203,900," and insert in lieu thereof "$44,497,400,".

Mr. MONDALE. Mr. President, this amendment is a modest one to add $293,500 for a new headquarters building in Cook, Minn., to serve the LaCroix Ranger District of the Superior National Forest. This office serves 414,504 acres, or over 10 percent of the forest's total acreage.

Since 1964, the employees of the Cook office have been crowded into temporary quarters, under intolerable conditions. The building is heated by a single permanent gas heater, plus the few small electric heaters the wiring system will support. In winter, when temperatures often dip to 50° below zero, as they did last winter, the staff must wear outdoor gear inside to survive, let alone work.

In addition to that, the floorspace is inadequate and much expensive equipment must be left out in the weather because there is no adequate garage or storage space, which is also a foolish expense.

The $293,500 would provide the building, water, sewer, and other utilities, roads, parking, and grading needed to make the center truly function.

I advised the distinguished floor manager that this amount was contained in the appropriation bill as it came from the House, and I would hope we could include it in the Senate version of the bill, because it is an emergency situation.

I would hope the distinguished floor manager would accept the amendment.

Mr. BIBLE. Mr. President, I yield myself such time as I may require.

This item is one that was not called to the attention of the Senate Appropriations Committee before the subcommittee acted. We had many, many other items that were called to our attention by the distinguished Senator from Minnesota, and he fared very well on these other items. I am not going to tick them off, because they covered a wide range and many millions of dollars. So I believe we have been very responsive to his requests.

He did not make this request to the subcommittee of the Appropriations Committee, to the best of my knowledge. I have checked this with the staff. They have no record of the request being made.

This is an unbudgeted item. I think that the questions having been raised, the Senator can be assured that we will check into this very carefully before we go to conference. We will not go into conference now until sometime around the 25th or 26th of July, I believe. The item is in the House bill, but it is not in the Senate version of the bill. It will be in conference. We will check it out, and certainly, if we can verify these facts—perhaps there is a need for this item—we can take care of it in conference.

Mr. MONDALE. Mr. President, the distinguished floor manager of the bill has, indeed, been generous with the requests I have made in behalf of Minnesotans. It is the case that I had not become personally familiar with this situation until recently. The appropriation to establish or improve the new headquarters at Cook was included in the House bill at the request of the distinguished Representative from that district, John Blatnik. As I looked at this matter, it was quite clear that something needed to be done.

As the Senator knows, Minnesota winters can be very, very cold. This building is so inadequate that during the winter the staff has to wear outside gear while they are working inside. It is a totally inadequate situation, and also a wasteful one, because the staff cannot work properly under those circumstances, and a lot of expensive equipment that should be inside is outside because the square footage is not enough to provide storage.

This situation has existed since 1964. It has gotten to the point where I think something should be done.

The Senator is correct that this item is not in the budget, but Representative Blatnik is very, very mindful of the needs in his district, and he feels very strongly that this matter should be dealt with.

I am hopeful, if the amendment cannot be taken now, as the floor manager has indicated, very warm and conscientious consideration will be given to it in conference.

Mr. BIBLE. Mr. President, I look on it with sympathy. The Senator from Minnesota has made a good case. He has my assurance that during our July recess we will have this matter checked into very carefully. We will go into conference at the end of July. We will red-flag this item so it is not overlooked, and it will receive the careful attention of his colleagues.

Mr. MONDALE. I thank the Senator for his generosity.

Mr. President, I yield back my time on the amendment.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. STEVENS. Mr. President, I yield such time to the ranking minority member of the committee as he may need.

The PRESIDING OFFICER. The Senator from North Dakota (Mr. Young) is recognized.

TRIBUTE TO PAUL R. EATON

Mr. YOUNG. Mr. President, I understand this will be the last bill which Paul Eaton, staff member of the Appropriations Committee, will be handling. Paul Eaton has been an exceptionally good staff member, always a hard worker and well posted, and has always used good judgment. He has been exceptionally good to work with. He has rendered invaluable service to the Senate, and especially the Appropriations Committee, for nearly 40 years.

As the ranking Republican member of the Appropriations Committee, I deeply regret that he is leaving. We need more good staff members like Paul Eaton, not fewer.

Mr. STEVENS. Mr. President, I yield myself 2 minutes.

I would like to call attention to an item of $1 million that was deleted from the bill for the Alaska pipeline inspection. It had been deleted by the House, and the Senate committee has concurred in that reduction.

I have discussed this matter with my colleagues from Alaska and with the Department of the Interior. The item was deleted because it was for the Alaska pipeline inspection, and, as we all know, the Alaska pipeline right to a permit has been delayed by at least three cases that are pending in the courts. The money for inspection of the pipeline obviously is not needed at this time. There has been some discussion that perhaps the money was not for inspection of the pipeline, but was intended to be used for ecological investigations and other environmental concerns related to the pipeline. If that is the case, I am certain that the Department of the Interior will come up with an amended request in the supplemental bill, which will be considered.

As far as inspection is concerned, all the Alaskan Members in Congress have agreed that this is not an issue we need to argue at this time, because of the pendency of the injunction which would prohibit the right to such a permit at this time.

I thank the chairman for his consideration of this item in particular.

Mr. BIBLE. Mr. President, have we gone to third reading?

The PRESIDING OFFICER. Yes; the bill has been read the third time.

Mr. BIBLE. Mr. President, I have nothing further to add. I am prepared to yield back the remainder of my time. It is my intention to call for the yeas and nays on this legislation.

Mr. HATFIELD. Mr. President, I have a few words to add before we vote of the bill. As Senators are aware, I recently became a member of the Appropriations Committee, while continuing my service on authorizing Interior and Insular Affairs Committee. I now serve on the Interior Appropriations Subcommittee, where I have worked closely with the distinguished chairman (Mr. Bible), and the ranking minority member (Mr. Stevens), as I do on the legislative Interior Committee.

Throughout my service in the Senate, I know of no man more receptive nor more understanding of the natural resource needs and problems of the Pacific Northwest than the distinguished chairman of this subcommittee (Mr. Bible). In numerous instances, he has shown a keen awareness and a far-reaching perception of the complex issues involved in timber management, energy needs, conservation, recreational development, and the many other areas under our committee's jurisdiction.

Serving with him now on the Appropriations Committee reenforces my respect and my admiration for his intimate knowledge of the many complex issues before this subcommittee. I have appreciated his counsel on numerous occasions, as a new member of the committee.

It also has been a pleasure to work with the senior Senator from Alaska, who, like myself, is a new member of this committee. He has grasped all aspects of the areas under the subcommittee's jurisdiction and he has come to understand them well.

I have found both these gentlemen, as well as the other members of the committee, to be sympathetic to some of the projects of particular interest to me and to my State. The committee saw fit to add some worthwhile additions to the bill, for which I certainly am grateful. Unfortunately, some other items about which I feel quite strongly were not included in the budget. I am hopeful that some of these projects will be topics for discussion when the Senate confers with the House following our approval today of this bill.

Mr. President, Hells Canyon is a spectacular gorge carved by the Snake River in the hills of eastern Oregon and western Idaho. It is the deepest canyon in North America, and the Snake River is the steepest of our major rivers. This wild river falls more per river mile than any other.

I am very much pleased that my colleagues on the Committee on Appropriations recognized the importance of preserving this canyon in its present state. As a result of the committee's action, there is now money in the Land and Water Conservation Fund of the Interior appropriation bill which will allow the Forest Service to buy the private lands along the Snake River in Hells Canyon that would otherwise be sold to private developers. This action comes not a minute too soon, as some 12,000 acres are about to go on the market.

I want to thank the people of Oregon, Idaho, and Washington who brought this problem to our attention and mobilized a wide base of support for our action today. It is much to their credit that the scenic magnificence of Hells Canyon will not be spoiled.

THE ALBANY, OREG., BUREAU OF MINES

Mr. HATFIELD. Mr. President, I invite special attention to action by the Senate Appropriations Committee in which the Department of the Interior appropriations budget was amended to include an extra $300,000 for the Albany Bureau of Mines, Albany, Oreg. The Bureau of Mines proposes to design, construct and operate what is called a continuous hydrogenation pilot plant that will have the capacity to convert several tons per day of dry wood wastes to low sulfur hydrocarbon oil.

The plant will use a process developed by the Bureau for converting organic wastes to oil by reacting the wastes with carbon monoxide and steam at elevated temperatures and pressures.

There is a significance to the environment in this plan; wastes from the harvesting and processing of timber in the United States constitute a solid waste problem of significant magnitude with overall logging and wood processing wastes estimated to total approximately 55 million tons annually on a dry basis. An estimated 25 million tons of debris are left in the woods each year and become a serious fire hazard and a reservoir for disease and pest insects. About 30 million tons of this waste are also accumulating at processing plants.

A majority of this research has been done in batch experiments. The studies have revealed not only technical insights into the process, but also applicability of the process to a wide variety of organic wastes.

Mr. President, the research being done by the Albany Bureau of Mines offers an opoprtunity to demonstrate how a solid waste material now being generated in substantial quantities in Oregon and the Northwest can be utilized and converted into a convenient source of energy. This is a significant step not only in energy research, but also in maintaining the environment.

SURFACE MINING OPERATIONS

Mr. COOPER. Mr. President, I am also very pleased that the committee has added $300,000 for research in methods of reducing or preventing damage to the land, environment and forest resources during surface mining operations and of restoring these values during and after mining. The Northeast Forest Experiment Station of the Forest Service has conducted a research program to develop effective methods of reclaiming such lands and resources at Berea, Ky., since 1962. It was at my request in testimony before the committee, that the first substantial increase in appropriations was provided by the Congress in 1964.

The $300,000 increase in appropriations will provide a substantial acceleration of this much needed research program, and while it falls below the amount the Forest Service stated it could effectively use in fiscal year 1973—and the amount I requested—it represents almost a doubling of funds for the effort and a doubling of the increased appropriations provided by the House Appropriations bill.

I do hope that the Senate will insist upon its higher figure in conference. This program at Berea is the only effective Federal research conducted in reclaiming contour strip mined land, Recognizing that the leading work has been undertaken at Berea, that it is the only such facility in the Nation, that the Berea Experiment Station could increase the knowledge acquired over 10 years and that its scientists are leaders in the field of surface mine reclamation research—I urge that this program be expanded as provided by the Senate bill and, in future years, expanded to the full capability of the Forest Service to conduct the program efficiently and effectively.

Mr. President, today we are faced with a crisis which is receiving the attention of the Congress and the people of this country. Strip mining of coal has grown from minimal proportions to become a major factor in coal production. In Kentucky, in 1970, 48 percent of coal production was produced by strip mining methods. In 1971, perhaps more than half was produced by surface mining. Unless remedial action is undertaken soon, we will face the unhappy prospect of despoilation of our flat and rolling lands, and restoration may be impossible.

Congress recognizes the urgency of action. The Interior Subcommittee on Minerals, Materials, and Fuels—under the leadership of Senator Moss—is now considering a number of bills, including one introduced by Senator Baker and myself. Our bill would, I believe, effectively regulate strip mining and require reclamation as a part of the mining operation. However, reclamation is dependent upon the store of knowledge and technology in methods of reducing or preventing damage to the land, environment, and forest resources during surface mining operations and of restoring these values during and after mining.

At least five States have used research

results of Berea scientists in forming their mining laws and subsequent reclamation regulations. Other Federal and State agencies have been provided cooperative help in developing water quality standards. Revegetation techniques have been adopted by all eastern States. The Kentucky State agencies have worked particularly close with Forest Service researchers in developing reclamation regulations. Several surveys of mined areas have been conducted by State and Federal agencies using Forest Service methods. During the past year, the research staff has consulted with or appeared at hearings in 10 different States, including States as far west as Washington.

I list these activities in order to point out that the results of the Berea research have been applied in many States and that the program is indeed national in scope. While the program is conducted in Kentucky, it is not simply a Kentucky project. Kentucky is the Nation's largest strip mined coal producer, and the results of this research are of direct benefit to my State. However, its findings have been applied in many States and are available to all. I believe that strip mining is a national problem, and the research effort is of national benefit.

LAUREL RESERVOIR

Mr. President, I am very much pleased that the Department of the Interior appropriations bill, as reported by the Senate committee, includes $575,000 for the recreation facilities at Laurel Reservior, Ky. This figure represents an increase over the budget request for $473,000 and equals the amount the U.S. Forest Service stated would be needed to complete the facilities that would be under water unless constructed before the Army Corps of Engineers closes the flood gates in October 1973.

I urged the Senate Appropriations Subcommittee in testimony before the committee, for the Department of the Interior and Related Agencies to provide $575,000 in order to permit the construction of facilities located below the proposed waterline before the reservior fills. As the Forest Service testified before the committee, if constructed after the reservoir fills, the cost would be much higher, if they can be developed at all.

I am very grateful to the chairman of the subcommittee (Mr. Bible), the ranking member of the subcommittee (Mr. Boggs), the chairman of the full committee (Mr. Ellender), and the ranking Republican member of the full committee (Mr. Young), and the other members of the committee, for their generous support of this project. Especially, I thank Senator Bible who for years has been most generous and sympathetic to Kentucky projects. My State of Kentucky has benefitted greatly by his support, generosity, and understanding and that of the committee. I know I speak for all the people of my State in expressing my gratitude to him. His able leadership is a credit to us all.

I know the Senator from Nevada will recall a similar problem we faced with the Cave Run recreation plan 2 years ago and again last year. It was through the additional appropriations provided by the committee that the Forest Service will be enabled to complete all the facilities below the waterline before the Corps of Engineers begins impounding water in January 1973.

With the additional $473,000 for Laurel Reservoir provided in this bill, it will be possible for the Forest Service to complete the necessary facilities that will be underwater when the reservoirs are filled at both Cave Run and Laurel. I believe it is imperative that this work be done and have urged additional appropriations for 3 years in order to keep the Forest Service on schedule with the Corps of Engineers. Each year, the committee has responded favorably, and I would point out that it is through the support of the distinguished Senator from Nevada and the full committee that the Forest Service will be able to stay on schedule.

UTAH PROJECTS

Mr. MOSS. Mr. President, I rise to thank the chairman of the Interior and Related Agencies (Mr. Bible) for the tremendous job he and his subcommittee did on this bill. This is the measure which finances much of the natural resource protection and development in the western part of the United States, and there is tremendous pressure to increase funds for the many urgent projects that confront us. It is most difficult to analyze all of the testimony which is received, and set priorities—to decide which projects must be undertaken immediately and which can possibly be deferred for a year or two. The chairman and the subcommittee do a balanced and fair job.

This year, I want particularly to thank Senator Bible for the several amendments to the bill which either write in, or increase, funds for Utah projects. I am particularly grateful for the $500,000 to build replicas of the golden spike locomotives for the Golden Spike Historical Site at Promontory, Utah. Without these locomotives, this historic site where the transcontinental railroad tracks were joined in 1896, loses much of its flavor and interest. This site is becoming a magnet for railroad buffs and others who want to relive this important event in the opening of the West.

The committee was also understanding in providing $160,000 to continue an important coal research project at the University of Utah, in restoring some $900,000 to the topographic survey and mapping program, which had been cut below last year's levels, and in adding $400,000 for the construction of additional facilities at Flaming Gorge National Recreation Area. All are most important to my State of Utah, and to the West as a whole, and I commend the chairman and the subcommittee for a job well done.

MOUNT ROGERS NATIONAL RECREATION AREA

Mr. SPONG. Mr. President, I wish to thank the committee—especially the distinguished chairman of the Subcommittee on the Interior Department and Related Agencies—for recognizing the need for construction of recreation facilities at the Mount Rogers National Recreation Area.

The $187,000 recommended by the committee will enable the Forest Service to continue construction initiated this year as a result of a $100,000 appropriation. Specifically, the new money will permit construction of additional campsites, and development of additional water and sanitary facilities.

The recent history of recreation use at Mount Rogers fully justifies the $187,000 appropriation. Total recreation use in 1971 for all activities was 289,000 visitor days. From 1967 to 1971, recreation use has increased 40 percent. During last year's summer season, approximately 500 families were turned away on the July 4 and Labor Day weekends.

Mr. President, I hope the Senate will approve the committee's recommendation for the Mount Rogers National Recreation Area so that this work can proceed expeditiously.

THE FOREST SERVICE

Mr. PACKWOOD. Mr. President, I want to express my complete support for increasing the Forest Service allotment of the land and water conservation fund to $29,655, in order to permit the Forest Service to use a portion of those funds to acquire lands in the Hells Canyon area of the Snake River.

The distinguished Senator from Idaho (Mr. Church) and I have joined our efforts with the distinguished chairman of the Interior Subcommittee (Mr. Bible) and with the distinguished Senator from Oregon (Mr. Hatfield) in seeking to restore these funds to the Forest Service to enable that agency to acquire private property within national forest boundaries along the wild and beautiful Middle Snake River. This magnificent segment of the Snake River—home of Hells Canyon—is in imminent danger of being destroyed for all time by commercial development. This was a recognized fact by the House of Representatives and I want to express here my appreciation to Representative Julia Butler Hansen, who chairs the House Subcommittee, and Congressman Wendell Wyatt, the ranking minority member of that subcommittee, for their effective work on the other side. They quickly assessed the dangers of commercial development along this potential wild and scenic river and moved to protect the surrounding lands by enabling the Forest Service to acquire the available property through increased land and water conservation funds.

Senator Church and I have shared a concern about the future of the Snake River and a desire to protect it. In March of this year, we were joined by the distinguished Governors of Oregon and Idaho, Governors McCall and Andrus, as well as a representative for Governor Dan Evans of Washington, in appealing to the Subcommittee of the Interior and related agencies for help in preventing the exploitation of the shorelands of the Middle Snake. The very able chairman of that subcommittee, Senator Bible, was familiar with the circumstances as was Senator Hatfield, who is on the committee, and I believe the committee gave this matter very careful consideration before recommending an increase in funding to allow Forest Service acquisition of the endangered lands.

Mr. President, the Snake River is currently on the list of potential wild rivers now gathering dust at the Interior Department. For years, Hells Canyon, the deepest gorge on this continent, was threatened by dam builders, whose applications are still pending before the Federal Power Commission. But over the last year public opinion against dams in that magnificent gorge has wrought a consensus of opinion among those of us elected to represent the people of that tristate area that no dam shall be built. The real danger then has become commercial exploitation of the land along the shores of this grand American river, which would preclude forever its consideration as a wild river. This would be a tragedy for conservationists across the Nation who have labored for years to protect the Snake River and Hells Canyon.

CALIFORNIA INDIAN PROGRAMS

Mr. CRANSTON. Mr. President, I commend the Appropriations Committee, particularly the Subcommittee on Department of the Interior Appropriations, and its Chairman, Senator BIBLE, for reporting a very fine committee bill for fiscal year 1973 appropriations.

I particularly wish to commend the subcommittee and the committee for responding to my requests for increased appropriations for California Indian programs this year. The bill before the Senate this morning contains generous additions that will help to meet the essential health and welfare needs of California Indians.

According to the 1970 census, California is now the third most populous Indian State. Our 91,018 Indians place the State behind only Oklahoma and Arizona in total Indian population. This represents an increase of 125 percent over the 40,000 California Indians identified by the 1960 census. Yet in terms of the funds provided to California through the special Federal Indian programs of the Bureau of Indian Affairs and the Indian Health Service, California ranks near the bottom.

A major reason for this past misallocation of Federal funds is that California Indians, through no fault of their own, were denied an adequate land base. The Bureau of Indian Affairs has taken the rather arbitrary position that eligibility for BIA services is dependent upon residence on or near Federal trust land,thus precluding services to most California Indians.

I presented a statement to the Subcommittee on Interior Department Appropriations last April urging substantially increased funding for California Indian programs in fiscal year 1973. In this connection, I urged the committee to appropriate funds at a level that can provide services on the basis of need, not on the basis of residence alone. I am extremely pleased that the committee has responded to these pleas on behalf of my Indian constituents.

In particular, the Senate committee has, for the second time in as many years, recognized the unmet housing needs of California Indians and provided $1.5 million for housing assistance for California rural Indians. Although the actual need for the repair and replacement of substandard Indian housing is much greater—estimates range as high as $51 million—it is heartening to witness the committee's responsiveness to this need and its continued willingness to appropriate additional sums for California Indian housing assistance.

Second, I am pleased to note that the committee recommended an additional $2 million for the Johnson-O'Malley program, which provides funds for the education of Indian children. California's share of JOM funds has, in the past, been grossly inadequate. This is because of a BIA policy, established in the absence of any legislative authority to do so, that has restricted JOM assistance to those school districts having financial need as the result of the presence of large blocks of nontaxable land; that is, Federal Indian reservations.

Consequently, California's Indian students have been denied adequate JOM assistance. I am, therefore, much encouraged by the language on page 6 of the committee report that—

> Special efforts should be made to make Johnson-O'Malley funds available in locations whether or not there are large areas of tax free Indians lands.

It is somewhat ironic to note that California's Senator Hiram Johnson was a chief architect of the 1934 Johnson-O'Malley Act, yet California has been denied its fair share of the funds made available under this act. It is my hope that a considerable portion of the $2 million added by the Senate committee will remedy this past misallocation of funds to California. Just yesterday, the California State Department of Education informed me that they have 21 current applications for JOM assistance, requesting a combined total that is more than twice the present California allocation of JOM money, $248,000.

I also wish to commend the committee for recognizing the needs of Indians now living in urban areas. Two sums recommended by the committee over and above the President's budget are specifically directed toward urban Indians: the $275,000 item to be used to assist urban Indians in securing needed services, and the $450,000 item added to the Indian Health Service budget to implement three additional pilot urban Indian health projects. California has perhaps the largest urban Indian population of any State, with major concentrations in San Diego, Los Angeles, Oakland, San Francisco, and San Jose. Many of these individuals came to California's metropolitan centers as a result of the BIA's relocation program, now known as the Employment Assistance Program. The urban Indian population, in my opinion, constitutes one of the most destitute and invisible of any minority group in the country, and I am pleased to see that the Senate committee has provided special funds for their assistance.

Finally, I want to commend the committee for recommending an increase of $1.1 million for the expansion of services provided by the California rural Indian health project. Although this amount falls far short of the $6.4 million budget initially requested by the California rural Indian health project, an amount which I supported in testimony before the committee, I believe the additional $1.1 million recommended will be of tremendous assistance to the efforts of CRIHB to expand health services to California's 45,000 rural Indians.

Currently, the California rural Indian health project, directed by a 30-member, all Indian board—CRIHB—operates 16 local health projects which serve more than 20,000. Indians in some 35 rural counties of the State. Each project is individualized to serve local needs according to size, geography, and available medical-dental facilities. I have been tremendously impressed by their demonstrated ability to utilize very limited funds to solve critical health problems. I am hopeful that, with the additional $1.1 million recommended by the Senate Appropriations Committee, CRIHB can begin to move toward more comprehensive health services, such as the provision of direct medical-dental assistance.

It is clear that the Senate committee has been most responsive to my requests and the requests of my colleague from California (Mr. TUNNEY) to provide more adequate funds for California Indian programs. I commend the committee and Senator BIBLE for a very fine bill, and I urge the Senate to uphold these additions to the fiscal year 1973 budget.

WILDLIFE HABITAT MANAGEMENT PROGRAM—CLARK AND MARK TWAIN NATIONAL FORESTS—MISSOURI

Mr. EAGLETON. Mr. President, I want to express my personal appreciation to the chairmen of the Subcommittee on the Department of the Interior and Related Agencies, and of the full Appropriations Committee (Mr. BIBLE and Mr. ELLENDER, respectively), for including funding in this bill for a most imaginative and worthwhile wildlife habitat management program to be conducted on the Clark and Mark Twain National Forests in Missouri. I am particularly grateful to the chairmen for including this item in the appropriations bill because the proposal for this program was completed too late by the Department of Agriculture for it to be included in that agency's budget request for fiscal 1973.

Mr. President, the wildlife habitat management program for the Clark and Mark Twain National Forests began in 1970 when the U.S. Forest Service and the Missouri Department of Conservation engaged in a joint study. That study led to the development of an action plan for a program of wildlife habitat management on the Clark and Mark Twain National Forests which this bill would make possible.

Mr. President, the importance and ultimate significance of this program was well described by the Department of Agriculture and the Missouri Department of Conservation in these terms:

> (I)t is both a proposal and a statement of belief that the fabric of our modern society can be sustained; not only without significant harm to the natural environment, but to its actual benefit. In its simplest form, we are proposing that, as man changes and modifies the environment, he need do no more nor less than what the environment would do for its own subsistence. That is, understanding that life is a dynamic interacting process, our impact on the environment becomes not so much a matter of choice, but of degree; and one significant measure of that degree is both the abundance and diversity of life forms which continue to thrive, even in the shadow of man.

Mr. President, I think it is evident even from that brief description of the objectives of this program that it is a pioneering effort which will serve the interests of all the people of the United States. To my knowledge, no such program has even been tried before in any other State. It should serve as a model of balanced, multiple-use resource management on the national forests.

This program has received strong, continuing support from many quarters in Missouri and elsewhere in the Nation. For example, it was endorsed by the 76th General Assembly of the State of Missouri and House Concurrent Resolution No. 14. That resolution marked only the third time in history that the Missouri General Assembly addressed a memorial to the Congress of the United States. This program received a strong endorsement from the Conservation Federation of Missouri meeting in annual convention in 1971, and more recently, was warmly endorsed by the National Wildlife Federation at its recent annual meeting in Mexico City, Mexico.

I think it is appropriate, Mr. President, that the responsible officials of the U.S. Forest Service be commended for their commitment and dedication to this landmark effort. Mr. James E. Brewer, the Forest Supervisor of the Mark Twain National Forests, and Mr. Donald L. Rollens, the Forest Supervisor of the Clark National Forest, and Mr. J. H. Cravens, the Regional Forester for the eastern region of the U.S. Forest Service are to be commended for their efforts. I want to make special note of the contributions made by Carl R. Noren, the director of the Missouri Department of Conservation, and the chief of the division of forestry, Osal B. Capps, to the spirit of cooperation and mutual respect which has characterized the relationship of the U.S. Forest Service and the Missouri Department of Conservation and its predecessor agencies since 1934.

I would also like to commend the Conservation Federation of Missouri for its support of this project and especially Mr. Ed Stegner, executive secretary of the Federation and an outstanding conservation leader in Missouri and the Nation.

Mr. President, again, I thank the distinguished chairmen of the subcommittee and the full Appropriations Committee for including $418,000 for this landmark program in this year's appropriations bill. I commend this program to the attention of all Members of this body and urge that you give it your vigorous support.

CALIFORNIA INDIANS

Mr. TUNNEY. Mr. President, on March 16, 1972, I testified before Senator BIBLE's Subcommittee on Interior Appropriations and requested significant increases in funds for California Indians.

California has over 90,000 native American residents. That is more than any State except Oklahoma or Arizona.

Like Indians elsewhere, Indians in California are unemployed and underemployed. Many are ill and cannot afford medical care. Thousands have no choice but to live in hovels. Schools either teach nothing about the Indians' heritage or propagate myths of dirty savages.

Additional funds are needed. Education, medical care, housing, and economic development cost money.

Senator BIBLE and the other members of the Appropriations Committee have increased funds for California Indians over both the President's budget and the House-passed bill.

The committee has provided $1,500,000 in housing assistance for California Indians. The California rural Indian housing situation remains critical. If the Bureau of Indian Affairs is correct in estimating an on-reservation housing need of $13,500,000, then the total need among rural California Indians is at least $51,000,000.

This deplorable situation can only be corrected by a massive infusion of BIA housing improvement program funds. Other housing programs are not an adequate substitute. HUD's 235 home purchase program is beyond the means of thousands of poor Indians. Its subsidy is so low that only 5 percent of the home buyers under section 235 are on welfare or social security. Turnkey IV is not well suited for any poor people because real estate taxes make the payments too high. Turnkey III and mutual self-help require payments plus a sweat equity which is beyond the means of sick and elderly Indians. Moreover, Turnkey III and mutual self-help must be part of a public housing agency program. However, off-reservation Indians cannot form public housing agencies. Farmers Home Administration programs have credit and monthly payment requirements that frequently put them beyond the reach of low-income Indians. And where mortgages are required, the already small Indian land base is further jeopardized.

Rental housing is no panacea either. As I previously noted, off-reservation Indians cannot form public housing agencies and many reservations are too small and scattered to form their own local housing agency. HUD's section 236 rental program can provide low-income rental housing only through rent supplements. Those supplements, as well as 236 money generally, are in short supply.

The committee has provided for a $2,000,000 increase in Johnson-O'Malley funds for education of Indian children. Of great significance is the fact that the committee directs that special efforts should be made to make Johnson-O'Malley funds available in locations whether or not there are large areas of tax-free Indian lands.

California was the first State to obtain Johnson-O'Malley funds. In the words of the committees that recommended the program, it was intended primarily to aid "those States in which tribal life is largely broken up and in which Indians are to a considerable extent mixed with the general population." California was and is the prime example of such a State.

The Department of the Interior has illegally been restricting the use of these education funds to reservations. California has large numbers of Indians living off reservation areas. The committee also directs the Secretary to prepare a plan to assure Bureau of Indian Affairs type services to all Indians in the United States—rather than just to those living "on or near reservations." This is clearly a step in the right direction.

The committee has recommended an increase of $500,000 for additional inventories of Indian water rights. The sums of $250,000 of this increase is desperately needed to begin California water inventories.

The committee has recommended the appropriation of $1,100,000 for expansion of services provided by the California Indian Rural Health Board.

Each year 30 percent of all the Indians who die, had not yet reached age 25.

The California rural Indian health board has a unique opportunity to help California Indians since they are statewide and have access to a large percentage of the Indian population in California.

URBAN INDIANS

Mr. PERCY. Mr. President, I wish to commend the Appropriations Committee, particularly the Subcommittee on Department of the Interior Appropriations, its chairman (Mr. BIBLE), and the ranking minority member (Mr. STEVENS) for the fine work that has gone into the fiscal year 1973 appropriations bill for the Department of the Interior. There is one specific aspect of the bill that I would like especially to praise; it is the inclusion of $275,000 under education and welfare services for assisting urban Indians.

As the Senator from Nevada (Mr. BIBLE) well knows, I have had a longstanding interest in the welfare of all American Indians. I feel very strongly that the Federal Government has a responsibility to every Indian citizen whether or not he lives on or near trust property. Therefore, I was pleased to see that the committee has included this appropriation for urban Indians and has instructed the Bureau of Indian Affairs to prepare a plan for insuring that all Indians can receive BIA services and that all Indian communities are acquainted with the availability of Federal funds through other agencies. The appropriation will help establish urban Indian service centers in five cities where the transition from the reservation to an urban environment is particularly difficult.

Only recently, the Bureau of Indian Affairs completed a comprehensive eligibility study, concluding that current Federal statutes do not prohibit the Bureau or the Department of the Interior from providing essential services to nonreservation Indians.

In Chicago alone we have 17,000 Indians who need job training and placement, housing assistance, special education programs, and higher education scholarship assistance. The development of urban Indian centers that will help provide these services is crucial for making a better life for American Indians in the city than on the reservation.

Only last month I met personally with Secretary Morton to discuss these matters. As a result of that meeting, I believe more firmly than ever before that the Federal Government's responsibility extends beyond the reservation's edge and that the Bureau of Indian Affairs in cooperation with other related agencies should be the vehicle for moving forward with programs for urban Indians. The President spoke of our Federal responsibility in 1970 when he said:

> We have turned from the question of *whether* the federal government has a responsibility to Indians to the question of *how* that responsibility can best be fulfilled.

Mr. President, I believe that this initial appropriation for urban Indian services is an excellent step forward—offering us the possibility of radically changing our backward policies toward the American Indian.

SURFACE SUBSIDENCE IN ROCK SPRINGS, WYO.

Mr. HANSEN. Mr. President, the city of Rock Springs, Wyo., is at present experiencing surface subsidence, which is causing great loss to property, both public and private, and casting doubt as to the surface stability of 14 areas of the city. Since Rock Springs is the population center for a rapidly developing region of Wyoming, it is vital that a solution to the problem be provided as quickly as possible.

On December 21, 1971, the Senate Interior Committee addressed itself to the Rock Springs subsidence problem. The committee saw a demonstration of a new technique, known as closed-system blind flushing, which has resulted in a breakthrough in technology for backfilling abandoned mines. The technique first attracted attention through the efforts of Wyoming citizens. Through the cooperation of the city of Rock Springs, the State of Wyoming, the Bureau of Mines, the Department of Housing and Urban Development, and private industry, a small test of the technique was performed in Rock Springs. The Senate hearing came to the conclusion that surface subsidence causes social as well as economic harm, that the test of the new technique was successful and offered great hope for solving the subsidence problem in populated areas of the Nation, that the technique was more efficient and less costly than techniques now in operation, and that additional knowledge of the technique must be gained.

In light of these findings, I asked the subcommittees to appropriate $3.4 million to allow the Bureau of Mines to conduct the extensive research necessary to realize the full potential of this new technique. An appropriation of this amount would permit the Bureau to take the subsidence area of Rock Springs, of which it has already developed much knowledge, and apply the new technique to fully fill all of the voids to provide the surface support needed in an urban area.

This proposed test is necessary to answer many questions. For instance, how far horizontally can the slurried solids be moved through interconnected mine voids—dry or flooded—and completely fill mine voids? Can the spread of the fill material be controlled and/or limited? It is important also to know the characteristics of the system where beds deviate considerably from the horizontal, and also to know the degree of monitoring that will be necessary to prevent slurry entering mined areas where support is not required. Although it is obvious that the process is primarily preventive and cannot be used effectively in areas where voids are collapsing, at what state of a developing subsidence problem could the process be applied to arrest the earth movement?

Mr. President, the despair that one feels when the earth subsides beneath his home or business is overwhelming. In many cases individuals watch helplessly as their life's savings are lost. Citizens of Rock Springs, Wyo., have experienced the horrors of surface subsidence.

But the people of Rock Springs did not give up. Through cooperation at all levels of our society, a potential solution to the problem faced by Rock Springs, and many other urban areas throughout America, has been found. It would be tragic to abandon the pursuit of a solution now when we are so close to success. If surface subsidence can be stopped, great progress will be made in protecting the environment.

Although I requested the subcommittee to report an appropriation of $3.4 million to the Bureau of Mines to conduct this badly needed backfilling test in Rock Springs, the committee has recommended an appropriation of $800,000 for this purpose. While this is short of the total amount needed to complete research on this technique, it is a good start for fiscal year 1973, and I urge the Senate to act favorably on this line item of the Bureau of Mines budget.

Mr. BIBLE. I yield back the remainder of my time at this time.

The PRESIDING OFFICER. Does the Senator from Alaska yield back his time?

Mr. STEVENS. Mr. President, I have not had any requests for time, and I yield back my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

ORDER FOR TECHNICAL CORRECTION IN H.R. 15417, THE LABOR-HEW APPROPRIATIONS BILL

Mr. PASTORE. Mr. President, yesterday during the consideration of the Health, Education, and Welfare appropriations bill, the Chair will recall that a motion was made to increase the "C" category student allotment to $10 million, but then there was some discussion as to whether or not the amount should not be greater under this part of impacted aid, and finally, through an agreement between the Senator from Illinois (Mr. PERCY) and the manager of the bill, the amount was resolved at $40 million. That amount, $40 million, was inserted in the amendment, but as a matter of fact the overall figure was not increased in accordance with the increase from $10 million to $40 million.

Therefore, I ask unanimous consent that the figures and necessary technical changes in the bill dealing with impacted aid be corrected to conform with the intent of the amendments.

The intent of the amendments as adopted would make the amounts in the bill as follows:

> On page 23, lines 15 and 16, strike out "$561,405,000 of which $615,495,000" and insert in lieu thereof "$749,955,000 of which "$704,045,000" and to correct a technical error, on page 23, line 17, after "Section 6" add "and $40,000,000 for complying with section 403(1)(C).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Does the Senator have any time remaining?

Mr. BIBLE. I have yielded back all my time, and the Senator from Alaska has yielded back his time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

YEAS AND NAYS

Mr. ROBERT C. BYRD. Mr. President, I dislike very much getting the yeas and the nays ordered by unanimous consent. I have some question as to whether or not it is constitutional, and ordinarily I would object to that procedure by anyone other than the majority leader.

Mr. President, I ask unanimous consent that the yeas and nays be ordered on the pending bill.

Mr. PASTORE. Mr. President, reserving the right to object, I merely want to support the acting majority leader in this request. I know that this is not the usual way to do it; I suppose it is possibly not the proper way to do it. But we have been sitting here now for almost a half hour waiting for just 11 Senators to come on the floor. This has been the product of a quorum call that has been rung twice. It strikes me that this is a delaying and time-wasting tactic. I do not think it is good for the businesslike conduct of the Senate.

I want to compliment the acting majority leader and I want him to let the record show that those of us who are on the floor support him in this respect.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. STEVENS. Mr. President, I do not object.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

The result was announced—yeas 88, nays 0, as follows:

[No. 254 Leg.]

YEAS—88

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—12

Gambrell
Gravel
Harris
Humphrey
Mansfield
Mathias
McGee
McGovern
Mundt
Pell
Saxbe
Talmadge

So the bill (H.R. 15418) was passed.

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. HOLLINGS). The Senate will be in order.

Mr. BIBLE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. HOLLINGS) appointed Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. MCGEE, Mr. MONTOYA, Mr. ELLENDER, Mr. STEVENS, Mr. YOUNG, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BIBLE. Mr. President, I yield the floor.

HONOR AMERICA DAY

Mr. SCOTT. Mr. President, notwithstanding the previous order, I send to the desk a concurrent resolution on behalf of myself and the distinguished majority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

> *Resolved in the Senate (the House of Representatives concurring)*, That Congress declares July 4, 1972 as a day to Honor America, and let there by public gatherings and activities at which the people of the United States can celebrate and honor their country in appropriate manner.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the concurrent resolution.

Mr. SCOTT. Mr. President, as we approach the 196th anniversary of our Nation's founding, I am proud to join with the distinguished majority leader (Mr. MANSFIELD) in introducing a concurrent resolution to designate July 4 as a day to "Honor America."

This resolution is offered in the hope that citizens across the country will join together in appropriate celebrations to make this Fourth of July a special day of reaffirmation for the traditions and qualities which are so important to our American heritage.

Mr. President, the text of the resolution speaks for itself. I ask unanimous consent that it be printed in its entirety at this point in the RECORD, and I urge prompt and favorable consideration.

The PRESIDING OFFICER. Without objection, the resolution is agreed to, and without objection the preamble is agreed to.

The resolution with its preamble reads as follows:

> Whereas it is the sense of Congress that 1972 be recorded as the year that all freedom loving Americans demonstrate a reaffirmation of their patriotism and love and respect for these United States of America upon the occasion of the 196th Anniversary of its Founding; and
>
> Whereas the Congress is aware that while many of the problems confronting America may appear to be monumental, they are problems that are surmountable through the exercise of the American spirit and will; and
>
> Whereas the rekindling of that spirit and will can begin by honoring America: Now, therefore, be it.
>
> *Resolved in the Senate (the House of Representatives concurring)*, That Congress declares July 4, 1972 as a day to Honor America, and let there be public gatherings and activities at which the people of the United States can celebrate and honor their country in appropriate manner.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on June 27, 1972, the President had approved and signed the act (S. 3166) to amend the Small Business Act.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HOLLINGS) laid before the Senate a message from the President of the United States submitting sundry nominations which were referred to sundry committees.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 3390, which the clerk will report.

The second assistant legislative clerk read as follows:

> Calendar No. 789 (S. 3390), a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will proceed to consider an amendment offered by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Pennsylvania (Mr. SCOTT), which the clerk will report.

The legislative clerk read as follows:

> On page 11, in line 19, strike out the words "AND BAHRAIN AGREEMENTS" and insert in lieu thereof the word "AGREEMENT".
>
> On page 11, line 22, strike out the word "agreements" and insert in lieu thereof the word "agreement".
>
> On page 11, line 23, strike out the words "and Bahrain".
>
> On page 11, line 24, strike out the words "and Bahrain".

Mr. SCOTT. Mr. President, I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous consent agreement, debate on this amendment is limited to 90 minutes, the time to be equally divided between the Senator from New Jersey (Mr. CASE) and the manager of the bill, the Senator from Alabama (Mr. SPARKMAN). The time on any amendment to the amendment will be limited to 20 minutes, to be equally divided between the mover of the amendment and the Senator from Alabama; and the time on any debatable motion, or appeal in relation thereto will be 20 minutes.

Mr. SPARKMAN. Mr. President, a few days ago an amendment was offered to strike section 13 from the bill. That included both the Azores and Bahrain. That amendment was defeated by a very close vote.

The able minority leader and I have joined in offering this amendment relating only to Bahrain. I think it is highly important that this part of section 13 be stricken.

I oppose the provision in section 13 terminating rental payments to Bahrain. Its purpose is clear: to force the executive branch to submit the agreement with Bahrain for deployment of U.S. naval forces there to the Senate for advice and consent. Certainly, we all wish to maintain this Chamber's constitutional responsibility in foreign affairs. Certainly, we support the principle of resisting meaningful inroads into this responsibility through executive commitments overseas.

In the case of the agreement with Bahrain, however, this principle is in reality not at issue. Our Government has made no political or defense commitment. No American aid is involved. The Government of Bahrain has merely formalized certain courtesies it long extended to our Navy, while retaining the sovereign right to withdraw them should it wish.

This agreement formalizes an administrative arrangement. It is a singularly inappropriate test case of the treaty powers.

My basic concern, however, is that making an issue of this agreement does not serve American interests. Bahrain is particularly well suited for the homeporting of our Navy's Middle East Force Command because of its central location in the Persian Gulf. The gulf area contains the world's largest reserves of petroleum, crude oil supplies vital to the economies of the industrialized nations. We all are aware of the energy shortage which the United States is facing and of our increasing dependence on the Persian Gulf area as a source of oil. Moreover, we are all concerned that Iraq, the one Gulf State where Soviet influence is strong, has recently nationalized American oil interests. The relationship between our own national interests and continued friendship with the Persian Gulf States is clear. So is our interest in continued political tranquility there.

The small states of the lower gulf, including Bahrain, have in the last year made an historic transition to full independence after more than a century of protective treaty relationship with the United Kingdom. Fortunately, this change has occurred in circumstances promising domestic order and future cooperation among the Gulf States and their larger neighbors, Iran, Saudi Arabia and Kuwait.

Anglo-American military advice and equipment has enabled these larger Gulf States to assume main responsibility for the region's security. At the same time, continued British interest in the orderly development of the newly independent States is a welcome aid to the area's stability. The American role will concentrate on providing technical help to the region through expanding commercial and diplomatic channels.

The American naval presence in the gulf has long been welcome by the area states as a sign of American interest and goodwill. It contributes psychologically to the stability there. To have withdrawn this long familiar naval presence at a time of political change in the area, and at a time of increasing Soviet naval presence in the Indian Ocean, would have weakened the confidence of the Gulf States in American friendship and interest. The continued U.S. Navy presence in Bahrain serves a common interest in peace and stability.

Enemies of stability in the gulf, and of American interests there, would distort the purpose of our naval presence to create tensions. Senate interest in the constitutional aspect of the agreement with Bahrain has been exploited by anti-American and anti-Bahraini propagandists. Bahrain has been accused of making a "secret treaty" to give "imperialists" a "foreign base on Arab soil." The Government and people of Bahrain, and of most neighboring States, are well disposed to the United States. But they cherish their independence and want no intervention by outside powers. They live in an Arab nationalist environment in which "foreign base" has a pejorative connotation and "treaties" with major powers are highly suspect. The Government of Bahrain had no intention of granting the United States a "base," as that term is understood in the Arab world, and its strongly denies that it has done so. Bahrain wants no treaty with the United States. A treaty would imply commitments that do not exist.

The inclusion of Bahrain in section 13 seeks to defend a constitutional principle. The case at hand, however, is inappropriate. The real effect of the constitutional controversy has been to puzzle and embarrass Bahrain, a small neutral country which seeks good relations with all States.

Passage of this provision might well harm, however unintentionally, a friendly new State and create serious political tensions in the Persian Gulf. Its passage might give, however unwittingly, a dangerous propaganda weapon to those who oppose our presence in the gulf. Through pursuing this provision we risk endangering American interests in an area of increasing strategic importance to an energy-hungry world. I urge the provision relating to Bahrain be removed from the Foreign Assistance Act.

Mr. President, I wish to point out this fact a little more definitely. This is an arrangement of long existence with Bahrain except that in the past it has been handled through the British Government. Now that the British Government has left it calls for an agreement with Bahrain and itself and that is the agreement that has been made. It is simply continuing an existing program.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. ELLENDER. How much is involved in the agreement with Bahrain?

Mr. SPARKMAN. Does the Senator mean in the way of aid?

Mr. ELLENDER. Yes.

Mr. SPARKMAN. There is no aid. Does the Senator mean rent?

Mr. ELLENDER. Yes.

Mr. SPARKMAN. I will get that figure.

Mr. SCOTT. There is involved 10 acres of a 100-acre tract. It involves one mooring or dock. It is a very minor thing.

Mr. ELLENDER. I am talking about how much money will be required.

Mr. SPARKMAN. I will get the exact figure but it is only what we have been paying Bahrain in the past through the British.

I am told the rental is $600,000 a year.

Mr. ELLENDER. $600,000. That is for the use of ——

Mr. SPARKMAN. The acreage, the very small acreage.

Mr. SCOTT. It is no more than 10 acres.

Mr. SPARKMAN. No more than 10 acres, and the mooring for one vessel.

Mr. ELLENDER. How about the Azores?

Mr. SPARKMAN. No, that is out.

Mr. SCOTT. And the flagship is not a combatant vessel. This is an accommodation of our fleet over there; we have no better place to go.

Mr. SPARKMAN. We are not including the Azores in this amendment. This relates only to Bahrain.

Mr. President, I hope the amendment which the Senator from Pennsylvania and I sponsored will be agreed to.

Mr. SCOTT. Mr. President, last week when the distinguished senior Senator from Alabama offered an amendment to strike section 13 from the Foreign Assistance Act. I voted with him. I thought, and still think, that the administrative agreements the Executive has made with Portugal and Bahrain were not the sort of overseas arrangements warranting Senate advice and consent. I see no American political or military commitments in them and do not consider them a proper test case for the important principle of preserving the Senate's constitutional rights and duties in foreign affairs.

Unfortunately last week fewer of my colleagues agreed with the Senator from Alabama than agreed with my distinguished colleague from New Jersey, who has contended with his accustomed ability and skill that these agreements should come before the Senate as treaties.

Since that vote I have become increasingly concerned about a practical aspect of this issue that moves me to join the Senator from Alabama in sponsoring an amendment that would strike reference to Bahrain from section 13, which also deals with the agreement on the Azores. I, believe retention of Bahrain in the provision will have adverse effect on our relations with the Government of Bahrain and its neighbors in the Persian Gulf. We are all aware of the importance of the oil of the Gulf States to the economies of our NATO allies. Recent focus on the energy crisis in our own country shows that we too have an increasing direct stake in the continued flow of oil from the Gulf, which contains almost two-thirds of the world's known petroleum reserves. The U.S. interest in continued stability in this area is clear.

Bahrain and the small states of the

Gulf are striving for stability and progress. They treasure their independence, seek cooperation with their neighbors, and want no outside interference in their affairs. These small states, however, have always welcomed indications of American interest and friendship.

For over two decades our Navy has been present in the Persian Gulf. Its mission there is to visit friendly ports in the Gulf, the Indian Ocean and Red Sea to manifest U.S. interest and friendship. It has been welcomed. The commander and his flagship have long been stationed in Bahrain. The flagship is not a combat vessel. The modest facilities this contingent has long utilized in Bahrain are necessary to provide logistic and administrative support to permit our Navy to pursue its mission of good will. I think that mission contributes importantly to an atmosphere of political tranquility in this important and increasingly less remote part of the world. It is a manifestation of American support for the efforts of the Gulf states to prosper in harmony with each other and free of the intervention of outside powers.

To permit our Navy contingent to carry out its mission of friendship Bahrain has agreed to continue offering its hospitality. The Government of Bahrain entered an agreement with the Executive which formalizes and specifies the courtesies and privileges our Navy personnel have always enjoyed there. It agreed to continue to make necessary facilities available, on a commercial basis. These facilities include use of a public pier, equally available to the vessels of all nations. Certainly the Bahrainis felt that the agreement, effected by an exchange of notes which have been published, sealed the arrangement, an arrangement involving no political commitments and no military commitments by either side.

Then some of my colleagues in the Senate expressed disapproval of the manner in which the Executive had handled the arrangement. They claimed this involved a U.S. base in Bahrain and that the matter must be submitted to the Senate as a treaty. The American press reported their viewpoint.

The publicity spread in maliciously distorted fashion to the Middle East. The Government of Bahrain, obviously pained, denied publicly it had granted a base to us under a treaty.

Now my colleague from New Jersey and his supporters harbor no ill will toward Bahrain. They simply seek to raise in section 13 a domestic American issue touching on an important constitutional principle. They contend that the use of executive agreement in cases such as the Bahrain agreement violates the treaty power of the Senate. I do not agree; but they are entitled to their opinion. One may ask, what business is this of the Bahrainis? Is this not an internal American affair? We do not seek to interfere in Bahrain's affairs. Surely they do not wish to interfere in our constitutional processes.

But there is another serious aspect of the issue. Section 13 creates for Bahrain a world it never made, and in so doing we are permitting our internal affairs to intervene in Bahrain.

Let me tell you Senators why. Bahrain must live in the psychological environment of the Middle East, where independence from former great power control is fiercely treasured. In the psychology of the Middle East, a treaty involving military facilities for a great power inevitably raises the spectre of great power intervention. The word base in that part of the world is understood to be the instrument for projecting military force to effect such intervention. Given this environment the unhappiness of the government of Bahrain about our internal debate is clear. Bahrain never intended to give or receive political or military commitments. It never considered its administrative arrangement with the United States to be a treaty, as that term is understood in the Middle East. It certainly does not consider the modest commercial facilities and personal courtesies made available to our Navy as constituting a foreign base in Bahrain.

The public discussion of this question has provided a splendid opportunity for radical Arab elements through distorted propaganda to attack Bahrain and our Navy's mission in the Gulf. What is a constitutional issue in this Chamber has become a serious foreign policy political issue in the Middle East. False charges by elements unfriendly to both Bahrain and to the United States are building up pressures against the Government of Bahrain. Our Navy's presence in the Gulf has been placed in jeopardy.

The political tranquility of the area is being disturbed.

The inclusion of Bahrain in section 13 damages a small friendly nation which has been hospitable and courteous to the United States. Its inclusion ill serves American interests in the Persian Gulf.

I urge that all reference to Bahrain be removed from section 13.

Mr. President, the Bahrain situation is a special case. The alternative proposed in the amendment would not be effective because we will either have an executive agreement or nothing. We cannot come back with a treaty—there can be no treaty—and the Navy would be deprived of a place for its flagship, which carries out its mission of good will in a very broad and important area.

Mr. STAFFORD. Mr. President, I wish to make a few remarks in favor of the amendment, to S. 3390, to the Foreign Assistance Act which my colleagues, Senators SPARKMAN and SCOTT from Alabama, have introduced. As most of the Members of the Senate know, Bahrain is a small but important country located on a group of islands in the Persian Gulf. The population of the country is approximately 200,000 and for centuries Bahrain has been a commercial or trading center for the region.

On August 14, 1971, Bahrain became an independent nation and last September it became a member of the United Nations. The United States has recognized Bahrain and has established an American Embassy in Manama, the capital city. Bahrain maintains friendly relations with the United States and other Western nations and I believe it would welcome further Western commercial contacts, unlike several other countries.

The United States has maintained a small naval command in the area since 1949. The United States Middle East Force has generally consisted of a converted seaplane tender as a flagship and two destroyers rotated periodically from the Atlantic Fleet. A few years ago I spent some time with our Mid-East Force—part aboard a DD in Red Sea—part aboard flagship, *Valcour*, part at Bahrain. I understand that because of the age of the seaplane tender, over 26 years, the Navy intends to replace her this summer with a less elderly flaghip, the U.S.S. *La Salle*—an amphibious vessel. The mission of the Middle East Force is to manifest, in a low-cost, low-profile manner, the continuing interest and good will of the United States in that part of the world. And I hardly need to remind the Members of the Senate that the Middle East contains a vast reservoir of oil beneath its sand and rocky outcrops, a reservoir with over two-thirds of the world's proven reserves. Nor would I surprise my colleagues were I to point out that experts predict that during the next 20 years the United States will become increasingly dependent upon oil imports.

Focusing on Middle East Force, the British have permitted us for 20-odd years to use some of the extensive facilities which they maintained in Bahrain. Primarily, these facilities were recreational and rudimentary support, in nature. They extended the use of their clubs to our sailors and officers and the permitted U.S. Navy personnel en route to duty aboard the ships of Middle East Force to stay in Royal Navy barracks until the U.S. ships arrived in port. The Royal Navy also let us store limited spare parts for the ships of the Force in one of their warehouses. For administrative convenience in handling details associated with these personnel, logistic arrangements and communications support, the British also permitted us to maintain a small cadre of personnel ashore on Bahrain. When the United Kingdom turned over the Royal Navy station to the newly independent country of Bahrain last year, it became necessary for the U.S. Navy to seek new arrangements if we were to maintain our presence in a strategic portion of the world. As I understand it, the Navy signed a stationing agreement and lease with the Government of Bahrain, in effect, the new landlord. The agreement and the lease, which have been made available to the Senate, contain no military or political commitments by either party. They are simple, conventional arrangements concerning fiscal, juridical, and logistic matters. The lease provides for the Navy's continued use of essentially the same facilities as it was previously enjoying. It covers only 10 acres in one corner of the former extensive Royal Navy installation. The facilities which the Navy is leasing are not a base in any normal military definition of the word and we are misleading ourselves to think of the facilities in that term. The agreement with Bahrain is not a new development of U.S. policy or presence but is merely a continuation of existing arrangements with a new landlord.

Finally, I find it ironic that Bahrain is mentioned in section 13 of the Foreign Military Assistance Act, since Bahrain has not asked for U.S. assistance, nor am I aware of any U.S. plan for providing assistance. It is for this reason, as well as the reasons stated previously in my remarks, that I strongly support the amendment offered by Senators SPARKMAN and SCOTT deleting all reference to Bahrain in section 13 of the Foreign Military Assistance Act. We would be making a mistake to continue to include Bahrain in this act.

Mr. DOMINICK. Mr. President, will the Senator yield me a few minutes?

Mr. SPARKMAN. How much time does the Senator want?

Mr. DOMINICK. Five minutes.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator from Alabama.

I rise in support of his amendment, joined in by the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Vermont (Mr. STAFFORD). I have done it after having reviewed these agreements with some care.

Mr. President, the executive agreement which we have does three principal things:

First. It provides for continued access to logistic, administrative and recreational facilities similar to those the Navy has been using on the island since 1949;

Second. It establishes rules and regulations relating to the status of U.S. Navy personnel and their dependents ashore on Bahrain—rules covering such mundane matters as import duties, legal status, driver's licenses and the like;

Third. It provides access to a commercial pier when any of the vessels assigned to the Middle East Force are in port in Bahrain, in a similar way that other ships from other countries would also use that pier.

The executive agreement does not, in my opinion, provide or imply a political or military security commitment by the United States to Bahrain, or change the scope or mission of the Middle East Force. The agreement simply represents an adjustment in the formal relationship between Bahrain and the United States which was necessitated by the termination of the protective treaty relationship between the United Kingdom and Bahrain. Bahrain is taking over the former British facilities on the island and the United States has arranged for the continued use of about 10 percent of these to support a modest, limited naval presence which has been there for 23 years.

As the Senator from Vermont (Mr. STAFFORD) ably pointed out, this consisted of an old seaplane tender and a rotating group of rather elderly destroyers, none of which are effective as a military force, but they indicate our interest in the area.

The Government of Bahrain entered into this agreement with the understanding that it did not meet the generally recognized criteria for a treaty, which would be a commitment of some type, and that kind of understanding, which is way beyond anything that this executive agreement deals with.

In that nation's view it is a logistic support arrangement—and nothing more. As has been pointed out, the furor which has been created in the United States over this issue has been a source of embarrassment to the Government of Bahrain. Passage of this provision, or even continued argument and debate, may well result in our modest naval force in this area being hampered in its mission or even eliminated. It is patently not in our interest to continue to expose the small nation of Bahrain to embarrassment over what is essentially a U.S. domestic political issue.

In my opinion, this executive agreement is simply not a constitutional question. There is no reason to suggest that the Senate should be concerned about what amounts to no more than berthing facilities for a small element of the U.S. Navy. What should concern us is the negative effect the enactment of this provision will have on our relationships in that area of the world, which is of enormous strategic importance.

So I urge my colleagues in the Senate to support this amendment and strike Bahrain from the provisions of the bill.

I thank my friend from Alabama.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. Mr. President, I yield myself such time as I may use.

If I were not so secure in my conviction that we are presented with a constitutional question of great importance, and if I were not so secure in my conviction that the attitude of the Committee on Foreign Relations as to section 13 of the pending bill is correct, surely I would be shaken by the authority which has just expressed itself on the floor of the Senate. I mean the authority of all my colleagues who have spoken—men of high quality and experience, men of dedication, distinguished men, orators in their own right, and men skilled at presenting arguments that have been furnished them by the Department of State. It is a shame that there were no more Senators on the floor to listen. But there are two or three, and they are terribly important to this matter.

I believe my colleagues are missing the point. There is no argument, as far as the Senator from New Jersey is concerned, about the desirability of the arrangements that the executive branch has concluded with Bahrain or about the presence of an American military installation in that part of the world. This is not the question before us, it seems to me, except in the sense the very importance of the agreement with Bahrain directly confirms the contention of the Senator from New Jersey, supported by the Committee on Foreign Relations, that in matters of this importance the Senate should be concerned, should be consulted, and should be able to perform its constitutional duty of advice and consent.

We cannot have it both ways, Mr. President. Either this is a matter of no consequence, or it is a matter of consequence. I think it is a matter of consequence.

We are no longer involved in a relationship with a great power, the United Kingdom, but we shall now be dealing directly and exclusively with a small power, Bahrain. Even if the agreement were exactly the same—and I am not sure that it is—the fact that we are dealing with a different landlord is in itself a matter of enormous consequence.

I think no one would deny that up until recently the British had maintained a kind of protectorate arrangement over the Persian Gulf. Is it a little matter for the United States to move into the same kind of protecting arrangement for the Persian Gulf, even though the physical facilities available to us may be somewhat less extensive than what the British had?

As to the executive agreement, Mr. President, I do not question the sums of money involved. I would like to examine them, as a member of the Foreign Relations Committee and a Member of the Senate, before passing upon them, in the performance of my constitutional duty.

Is it a matter of no consequence that we have an agreement as to status of U.S. forces in Bahrain? This suggests treaty relationships involving the rights of Americans on foreign soil. Is this or is it not a matter important enough to be the subject of a treaty? It seems to me that it is. And all the rights of U.S. citizens, that go with this matter, is that not a matter of consequence? It seems to me that it is.

Is the fact that we now have a direct relationship with a small, helpless country, as opposed to a great power, a matter of no consequence so far as the future of American policy goes? It is not just a question of the details of the agreement; it is a question of the significance of the new relationship that this agreement would establish.

I would ask the Senator from Alabama, if he has just a moment, whether a feeling that has occurred to me may have some basis.

It seems to me rather unusual, if this is a matter of such slight importance, that so great an effort should be made as to engage the ranking majority member of the Committee on Foreign Relations and the leader of the minority in the Senate in a single effort to, in effect, overturn what the Senate has solemnly done on two previous occasions. Is it because this is the beginning of a pattern of arrangements in that part of the world that the State Department wants to be able to make without coming to the Senate? Is this just one of many arrangements of this sort that are contemplated? Does the Senator know the answer to that? I ask the Senator from Alabama to respond with any knowledge he may have, or my colleague from Colorado.

Mr. SPARKMAN. Mr. President, I think I have tried to state that in my opening statement. We have had this arrangement for over 20 years, almost the identical arrangement that we have now agreed to with Bahrain as a separate entity.

Heretofore it has been handled through the United Kingdom, through the British, because they exercised suzerainty over Bahrain, and now that Britain has given that up and has moved out, naturally we wanted to make certain that we could continue what we have been doing, continue using what we have been using, and therefore we made a second agreement with Bahrain—Independent Bahrain—but it is the same thing that we have been concerned with through the years.

There are no commitments, there is no aid, there is no defense provision for security, or anything like that. It is simply carrying on the watch port that we have had there for many, many years.

Mr. CASE. I appreciate the Senator's statement and his willingness to respond, but he has not responded to the question I raised. He has repeated some observations he made in his argument in chief in regard to the arrangements under consideration in particular areas.

Mr. SPARKMAN. I certainly thought I answered the question.

Mr. CASE. I know. I did not make myself clear to the Senator. Let me try to do so.

I am referring to the fact that for the third time the Senate is voting on this matter, and that two such important Members as the Senator from Alabama and the Senator from Pennslvania, attempting to overthrow the judgment expressed twice before by the Senate. Is this because, at the urging of the Department of State, they are seeking, wittingly or not, to establish the immunity of the State Department in making this kind of arrangement with other nations in the Persian Gulf area? Is this arrangement with Bahrain one of a pattern, as far as the Senator from Alabama knows?

Mr. SPARKMAN. As far as I know, it is not.

Mr. CASE. But the Senator does not know that it is not.

Mr. SPARKMAN. No. How can anyone know that it is not?

Mr. CASE. Without asking, one cannot. That is one of the questions that ought to be asked——

Mr. SPARKMAN. If I——

Mr. CASE. If I may say so, it is one of the questions that should be asked by the Committee on Foreign Relations in testimony from the State Department. It is not a question which should be answered by estimable Senators on the floor of the Senate.

Mr. SPARKMAN. If I may say so, we do not desire such arrangements with other States there.

We have had this arrangement with Bahrain down through the years, and it is a helpful arrangement. It gives us a port of call or a home port or a house port, whatever one may want to call it, in the Persian Gulf, right in a strategic area where we are interested in seeing that oil continues to flow to the free world. I think it is highly important that we have a place there. There is no commitment whatever beyond what we have been exercising for the last 20 years.

Mr. CASE. I thank the Senator for what he has said.

The Senator from New Jersey does not suggest that there is anything hidden from the Senate, except possibly the existence of other negotiations or understandings of some sort in the area, which in itself would make the Bahrain agreement this more significant than it would be standing alone. As to that, the Senator from New Jersey stands in ignorance, because he has not had an answer from the Senator from Alabama—not because the Senator from Alabama is unwilling to talk, but because he does not know the answer.

It is the kind of question that ought to be explored in the normal way, in the constitutional processes, first by the Foreign Relations Committee and then by the full Senate, on the basis of a record made by witnesses from the Department of State and outside witnesses. It is not a question that ought to be decided on the basis of statements made by Senators—estimable Senators—on the floor of the Senate or on the basis of speeches which have been prepared by the Department of State for that purpose.

Mr. President, it is not a question of whether this is a good arrangement. The question is whether the Senate should or should not exercise the kind of surveillance over it that the Founding Fathers determined was desirable and necessary. The question is whether in this particular instance the Senate should, after having twice stated that the Bahrain agreement ought to be handled as a treaty, will now reverse itself because on the third attempt these two dignified and important Members of our body have joined in attempting to overturn a previous judgment of the Senate. I hope that it will not.

Mr. President, 9 days ago the Senate upheld by a 41 to 36 vote my amendment to cut off funds for all assistance to Portugal and Bahrain called for under recent executive agreements with those two countries, until the two agreements are submitted to the Senate as treaties.

I had thought the issue was settled then as far as the Senate was concerned, but today we are being asked to go over part of the same ground and eliminate the fund cutoff for Bahrain. I know of no new information before the Senate which would justify a call for another vote. But here we are again, only 9 days after we reasserted the Senate's role in the treaty-making process, voting on whether or not to backtrack.

The principal argument being advanced by the State Department is that the Bahrainis will not enter into a treaty with the United States for an American military installation on that Persian Gulf island and that the Bahrainis insist on an executive agreement or nothing at all. We heard the same argument last week.

In any event, I would answer the State Department position with a question: Can our country tolerate a situation in which a foreign power decides when the American Constitution shall apply and when it shall not?

My answer is an emphatic no. I do not believe that this was what our Founding Fathers had in mind when they wrote the Constitutional requirement for Senate advice and consent to treaties. They did not say anything about the Senate only being required to approve those treaties which were not objected to by an absolute monarch on a Persian Gulf island.

Foreign governments should be made to understand—if they do not understand it already—that the United States has a Constitution and the Government of the United States must make agreements with other countries in keeping with that Constitution.

For the Bahraini Government to tell the Senate how to interpret our own Constitution is a travesty of our system. Bahrain does not even have its own Constitution or its own legislature. Thus, under the Bahraini system, there is no difference in the procedures for ratifying a treaty or an executive agreement: in both cases the Sheik personally gives his approval and the pact is ratified. Under the American system, however, there is a difference. A treaty requires two-thirds approval of the Senate and an executive agreement is entered into solely by the executive branch.

I am perfectly willing to make an agreement with the Sheik that he will not tell us how the American system should work and I will not give him any suggestions about his.

The fact remains that the agreement with Bahrain is a clear-cut example of a pact which should be a treaty. It would establish an American military installation in the Persian Gulf where we never have had our own base before. Admittedly, our forces have been using British facilities there for many years. But with the withdrawal of the British from the Persian Gulf, there is no question that the American role has changed and that the establishment of an American base would contribute significantly to that change.

The Persian Gulf area is an extremely volatile and unstable part of the world. The Iranis, the Iraqis, the Saudi Arabians, and others all have conflicting territorial claims. Only last year, the Iranis seized by force several islands at the mouth of the Persian Gulf. Yet the Iranis are our principal ally in the region, and their Shah is on record as publicly opposing an American military base in Bahrain.

I raise these points not in opposition to the installation of an American base in Bahrain but as examples of the importance and complexity of the issue. These are all factors which should be considered by the Senate in debating whether advice and consent should be given. They belie the argument that the agreement with Bahrain is a routine matter which can be handled by executive agreement.

It is being argued that by concluding a treaty with Bahrain, the United States would be implying a commitment to Bahrain. I would say to this that an executive agreement has the same force in international law as a treaty, and the Bahrain pact could easily be redrafted as a treaty which grants no greater and no less commitment than the present executive agreement. If this somehow were not considered to be enough, then a simple declarative sentence could be added which stated that nothing in the treaty should be interpreted to imply any kind of a new commitment.

The agreement with Bahrain provides for the stationing of American troops in a foreign country. This is simply too important a matter to be left to an executive agreement. We have seen in recent years how the presence of American soldiers in another land can lead to a commitment toward the host country and ultimately to war. I do not suggest that this will happen in Bahrain, but I believe it to be the Constitutional right and duty of the Senate to pass on questions of this sort.

My own position, on the basis of the information presently available, is that I would vote for the Bahrain agreement in treaty form.

Moreover, I have assurances from my chairman, the Senator from Arkansas (Mr. FULBRIGHT), that the Foreign Relations Committee would quickly consider and report to the Senate any treaty with Bahrain.

The issue before the Senate is not whether or not the United States should have a military base in Bahrain. The issue is whether or not the Senate will insist on exercising its Constitutional right to give advice and consent to an agreement which should be a treaty.

Mr. President, I ask unanimous consent that certain newspaper editorials and articles be included in the RECORD at this point.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 1972]

ADVICE AND CONSENT

The Senate vote to cut off funds for new military base deals with Portugal and Bahrain, unless the executive agreements are submitted to the Senate as treaties, strengthens the Congressional effort to regain a voice in shaping the nation's foreign and defense commitments. The Administration took "note" of, then ignored, a 50-to-6 vote in March approving a Senate resolution to the same effect. The new vote, though only 41 to 36, is an effort to put teeth in that resolution.

The treaty-making powers, under the Constitution, require the advice and consent of the Senate. There has been an increasing tendency of Presidents to circumvent this restriction, but much more than a constitutional issue is involved. The Senators are trying to force the executive branch to consult with the nation's legislators before entering into international engagements that could take the country into war.

The value of the two bases in question, an air base in the Portuguese Azores and a naval facility in the Persian Gulf, is not the issue. Senator Case of New Jersey, who led the fight, emphasized that he was taking no stand on this. His objection is that "Lend-Lease and destroyers-for-bases have led to Korean mercenaries for Vietnam, secret military bases in Ethiopia and Morocco and even a secret war in Laos."

The Senate also voted that any future agreements establishing United States military installations in foreign countries or extending existing base arrangements should be submitted for Senate approval. This more general restriction undoubtedly will be opposed in the Senate-House conference on the $1.7-billion military aid bill to which it and the Azores-Bahrain provisos were attached. But the national interest requires the Senate to stand firm on both amendments, even if that holds up the military aid bill.

No one challenges the need for the President to conduct the nation's foreign policy. Nor are his powers as Commander-in-Chief in question. The breakdown in consultation with the Congress and the disappearance of a bipartisan foreign policy have contributed to suspicion and distrust that weaken, far more than any legislative delays, the ability of the United States to play its role in the world.

SENATE KILLS BASES

(By Marquis W. Childs)

WASHINGTON, June 20.—In a rare use of its power of the purse to influence foreign policy, the Senate yesterday voted to cut off funds to two United States military bases on foreign territory that were being maintained without Senate approval.

The bases are in the Azores and Bahrain in the Persian Gulf.

Senator Stuart Symington (Dem.), Missouri, joined forces with Senator Clifford P. Case (Rep.), New Jersey, sponsor of the cut-off move, to help win the day. It was the first time in the memory of veteran observers that the Senate had successfully used its power over the federal budget to force the Executive Department to alter foreign policy.

Despite intensive lobbying by the Department of State, the Case provision survived by a vote of 41 to 36.

Under the provision, no funds for the two bases could be approved unless the Azores and Bahrain agreements were submitted to the Senate as treaties.

In supporting Case, the Senate defeated an amendment that would have struck his provision from a 1.7-billion-dollar foreign military aid authorization bill.

On the Azores-Bahrain issue, the department is said to have been in contact with virtually every member of the Senate. Bahrain is a center for production and refining in the oil-rich Persian Gulf. Much of the oil for western Europe comes from centers in the Gulf.

Symington has repeatedly protested against the role of the United States as world policeman with hundreds of bases scattered around the globe. He charged that in taking over responsibility for Bahrain in the Persian Gulf the United States was assuming the order-keeping burden that Britain carried for a century or more.

"I am sure the Senate is aware that the United States Navy has characterized its mission in the (Persian) Gulf as that of taking over 'functions previously performed by the United Kingdom.'

"This is not a simple question of continuing something we have been doing before. Once we are etsablished in a naval base, our own presence will assume a vastly different character than before. Even the position paper of the State Department acknowledges that point. It states "the importance of this U.S. presence has increased since the British withdrawal from the region.' "

Shortly before President Richard M. Nixon visited the Azores in December of last year for a meeting with President Georges Pompidou of France, he announced an agreement with the government of Portugal for credits and direct aid of $435,000,000. Of this amount $400,000,000 was for Export-Import Bank credits, and the balance was in aid. At the time, the deal was described as icing on the cake to enable the U.S. Navy to continue to maintain its base there.

The amendment that was defeated was submitted by Senator John J. Sparkman (Dem.), Alabama, a member of the Foreign Relations Committee, as are Symington and Case. It would have restored the funds sought by the State Department through an executive agreement that, unlike a treaty, does not require Senate approval.

"The Administration states that we have gone from confrontation to negotiation with the Soviet Union," Symington said in the Senate. "With that premise, how would the latter regard the establishment at this time of a United States naval base in the Persian Gulf? Would they regard it as a simple logistic support arrangement'?

"If this base is established, based on precedent, we can be confident that some Bahrainis will be seeking military assistance from the United States. If that assistance is given and the Bahrainis become involved in a dispute with the Saudis, or the Persian Gulf Federation, or the Iranians, or the Russians, what then will be our position? In asking these questions. I am not arguing against any assertion of United States interest in the area, rather whether we should establish a military base without any action by the Congress."

Acting on another amendment, the Senate voted 65 to 17 to keep secret where the United States stores atomic weapons abroad.

The vote eliminated a provision that would have required Senate approval of future agreements to store nuclear weapons on foreign soil.

Senator John O. Pastore (Dem.), Rhode Island, had argued that disclosing the names of the countries where the U.S. stored atomic weapons could spur revolutions.

Symington countered that everyone in the host countries alerady knew and "this knowledge is denied only to the American people . . .

The Senate rejected 43 to 38 an amendment of Sen. John G. Tower, (Rep.), Texas, to eliminate cash sales of military equipment to Latin American countries from the $100,000,000 ceiling now applying to both cash and credit sales.

Symington has been pushing a proposal to limit aid to Cambodia to $270,000,000 annually, as against the total of $340,000,000 for the curent fiscal year. Thus far, the State Department has been unable to find a Senator who would sponsor an amendment to bring the total up on the present level.

SENATE HOLDS UP MONEY FOR BASES

(By John W. Finney)

WASHINGTON, June 19—The Senate, in an assertion of its foreign policy perogatives, voted today to cut off funds for recently concluded military base agreements with Portugal and Bahrain unless the agreements are submitted to the Senate as treaties.

It also accepted, without argument, a provision proposed by its Foreign Relations Committee that the Senate must approve any future agreements establishing United States military installations in foreign countries or extending existing base arrangements. Both measures were included in a $1.7-billion military-aid authorization bill now under Senate consideration.

The twin actions represented a significant victory for the Foreign Relations Committee, which has been seeking legislative means to curb the President's authority to enter into foreign commitments without the explicit consent of Congress.

Whether the Senate actions would be sustained in a Senate-House conference on the legislation appeared in doubt, however.

The issue was brought to a head late last year when the Administration entered into arrangements with Portugal extending American base rights in the Azores and with the Persian Gulf sheikdom of Bahrain to establish a naval facility there. The arrangements took the form of executive agreements not requiring the approval of the Senate.

In reaction, the Foreign Relations Committee, at the suggestion of Senator Clifford

P. Case, Republican of New Jersey, included an amendment in the military-aid authorization bill providing that no funds could be used to implement the agreements with Portugal and Bahrain unless they were submitted in 30 days as treaties.

GROWING RESENTMENT

A move to delete the Case amendment, led by Senator John J. Sparkman, Democrat of Alabama, on behalf of the Administration, was defeated today by a vote of 41 to 36, to the surprise of the White House and the State Department. Until today, the White House had generally been successful in striking out restrictive amendments that the Foreign Relations Committee had inserted into the military aid bill.

The vote expressed growing resentment in the Senate over the way the executive branch has relied increasingly in the last 30 years upon executive agreements to enter into important arrangements with foreign countries.

In July, 1970, for example, the Foreign Relations Committee asked the executive branch to submit as a treaty an agreement extending American base rights in Spain. Shortly afterward the Administration signed an executive agreement with Spain.

In March of this year, the Senate, by a vote of 50 to 6, approved a resolution asking the executive branch to submit the Azores and Bahrain agreements as treaties. The Administration took official "note" of the resolution but did not comply on the ground that the executive agreement had already been concluded.

Today, Senator Mike Mansfield, Democrat of Montana, the majority leader, said that "the executive branch, in effect, has told the Senate to put up or shut up." In a short speech immediately before the vote on the Case amendment, Mr. Mansfield said:

"The executive branch has made it clear that it will ignore the Senate pleas for observance of the constitutional requirement that important agreements with foreign governments be submitted to the Senate as long as the pleas are not backed up by action.

"Are we lackeys of the executive branch or are we members of the Senate with separate constitutional responsibilities, and are we members of a co-equal branch of the Government? The Constitution says so. What does the Senate say?"

Senator Sparkman, reading from papers prepared by the State Department, defended the Administration's position on the ground that a treaty was not necessary because the executive agreements did not represent a commitment to the security of either Portugal or Bahrain. He also warned that relations with Portugal would be "severely damaged" if the United States unilaterally canceled an agreement already made.

Under the Case amendment, the United States could not give Portugal $35-million in surplus military equipment, food and education funds pledged as part of the five-year extension of Azores base rights. Bahrain similarly could not be paid several hundred thousand dollars annually in rent for the naval facilities formerly used by Britain.

The Senate adopted an amendment by Senator John G. Tower, Republican of Texas, making clear that the Export-Import Bank could proceed with loans to Portugal. Under the base agreement, the United States pledged up to $400-million in loans from the bank.

Defeated on the Case amendment, White House officials abandoned plans to try to eliminate the more general committee proposal that no funds could be used during the life of the military aid legislation—the fiscal year beginning July 1—to implement any new foreign base agreement if the accord was not approved by the Senate.

Instead, the Administration succeeded in having eliminated from the committee amendment a provision that would have extended its coverage to agreements for the storage of nuclear weapons in foreign countries. The vote was 65 to 17.

The Administration was backed on the issue by Senator John O. Pastore, Democrat of Rhode Island, chairman of the Joint Congressional Committee on Atomic Energy. He said the storage of atomic weapons was "too sensitive" a matter for Congress, as a whole to consider and should be left to the Joint Committee.

Senator Stuart S. Symington, Democrat of Missouri, and a member of the Pastore committee, deplored what he said was the "excessive secrecy" on the foreign storage of nuclear weapons and said the stationing of such arms abroad inevitably had an important effect on foreign relations.

For example, he said, during the Johnson Administration, a country—which he did not identify—"blackmailed" the United States into paying "millions and millions of dollars" when it "caught the United States" storing atomic weapons on its territory.

"There has never been a leak from the Joint Committee," Senator Pastore proclaimed at one point. Then in a colloquy with Senator Symington, who also is a member of the committee, Senator Pastore stated that nuclear weapons were stored in West Germany and aboard ships of the Sixth Fleet in the Mediterranean.

Almost gleefully, Senator Symington twitted Senator Pastore, asserting that such facts were still classified and that it had never been officially acknowledged that nuclear weapons were in West Germany or on Sixth Fleet ships.

SENATE INSISTS ON ROLE IN TWO-BASE PACTS

(By Spencer Rich)

The Senate, striving to reassert its powers over foreign policy, voted 41 to 36 yesterday to block military base agreements with Portugal and Bahrain until they are submitted as treaties.

The vote, which came as the Senate continued debating the $1.7 billion foreign military aid authorization, represented a sharp setback for President Nixon in the continuing dispute over the Senate's foreign policy role.

The administration had negotiated for U.S. use of bases in the Portuguese Azores and at Bahrain, in the Persian Gulf, by means of executive agreements, which aren't subject to congressional approval.

Sen. John Sparkman (D-Ala.), arguing the administration case, said the agreements made "no commitment" to defend either area and therefore weren't significant enough to be submitted as treaties, which require a two-thirds Senate vote of approval.

But Sen. Clifford P. Case (R-N.J.) contended that agreements which provide for stationing of U.S. men and equipment overseas in sensitive areas warrant full review and scrutiny.

The 41-to-36 vote preserved a Case provision inserted by the Foreign Relations Committee, blocking all funds for carrying out the two agreements until they had been submitted as treaties.

Of a second Case proposal relating to the same general subject, only part survived. It would have required all future agreements for locating troops or nuclear weapons overseas to be submitted to the Senate in treaty form.

PASTORE AMENDMENT

The portion applying to nuclear weapons was stripped from the bill, 65 to 17, on an amendment by Sen. John O. Pastore (D-R.I.). But administration spokesmen, fearing defeat, decided against trying to kill the portion relating to troops.

Pastore argued that if all nuclear agreements had to be submitted as treaties, details on the location and number of such weapons would inevitably leak out, revealing military secrets to the Russians and endangering U.S. security.

Disputing this, Sen. Stuart Symington (D-Mo.) said the American people have the right to know where U.S. overseas bases are located. During the debate, he got Pastore to admit outright that the U.S. has nuclear weapons not only in Germany, but on ships—presumably aircraft carriers—in the Mediterreanean, which Symington said had never been publicly admitted before.

Pastore is chairman of the Joint Atomic Energy Committee and Symington is a member.

Symington said one government, which he declined to name, had extorted millions from the United States after detecting an unannounced attempt to place nuclear weapons on its territory.

The administration lost two other votes yesterday. The Senate refused, 47 to 32, to restore a $127 million cut made by the Foreign Relations Committee in the President's $527 million request for foreign military credit sales. It also turned down, 43 to 38, a move by Sen. John Tower (R-Tex.) to exclude government cash sales from a $100-million ceiling on U.S. grant and credit sales of weapons to Latin American governments.

MARYLAND, VIRGINIA VOTES

In the vote on the Azores-Bahrain agreements, Sens. J. Glenn Beall (R-Md.) and Harry Flood Byrd Jr. (Ind.-Va.) voted against the treaty requirement, while Charles McC. Mathias Jr. (R-Md.) and William B. Spong (D-Va.) voted for it. Beall voted for restoring the credit sales cut and lifting the $100-million Latin arms ceiling, while Byrd, Mathias and Spong voted against. All four senators voted to strip the treaty requirement from agreements to station nuclear arms overseas.

All the decisions taken yesterday could be reversed when the bill goes to a House-Senate conference once it passes the Senate.

Still to come is the most dramatic vote on the bill—a move by Sen. John Stennis (D-Miss.) to strip out Majority Leader Mike Mansfield's end-the-war amendment, which calls for a total pullout of all U.S. ground troops from Vietnam by August 31.

Stennis said yesterday that South Vietnam now is resisting North Vietnam's trans-DMZ attack and "facts . . . are definitely on the encouraging side." He said the President's mining and bombing of North Vietnam "have brought results already . . . there is firm cause to believe that within 60 to 90 days the supply lines to South Vietnam will be thin indeed, and the same kind of extensive fighting by the North Vietnamese forces cannot be sustained."

He said the Aug. 31 pullout requirement would completely undermine the U.S. and South Vietnamese position just when the Presidents' policy seems to be succeeding.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CASE. I yield the Senator such time as he may require.

Mr. JAVITS. I thank the Senator.

Mr. President, as a member of the Committee on Foreign Relations, I have given considerable thought to this question. As Senator CASE has said, substantively, in and of itself, it may not be of such great moment. But in its implications in establishing a new position by the Senate of the United States—certainly new since World War II—it is critically important.

The question that affected me very deeply in coming to my decision, after having received and analyzed the arguments of the administration and the position put forward by the minority leader, who undoubtedly is reflecting the

State Department's position, was whether or not this was a new agreement and, if it was a new agreement, to what it committed us.

I do not say that no executive agreements are possible or desirable in foreign relations. There are many housekeeping things. There are many highly temporary arrangements, whether arrangements to permit the U.S. Navy to make a call at a given port or to permit aircraft to land in emergencies at some place—things that have to be done ad hoc. I am sure there are hundreds of those every year. The effort is being made to bring this matter under that tent.

Mr. President, the difficulty I find with this proposal is that there is no doubt about the fact that a great strategic enterprise is taking place involving the United States and the Soviet Union, and that relates to the Indian Ocean and the Persian Gulf, and this Bahrain agreement is a significant aspect of that international design. It is well known and widely advertised that we are building a major naval facility at Diego Garcia, in the middle of the Indian Ocean; that the British presence has been withdrawn from east of Suez; that the Soviet Union is showing the flag—everywhere through this area.

I construe the action of the Senate in requiring these matters to be submitted as treaties to be affirmative, not negative. We are saying that. We are saying that that is what we intend to do. We are saying that we intend to honor our commitments, that we intend to make every commitment serious when it is a commitment, especially if it is a new commitment. It seems to me that that is something the hawks ought to be for, rather than against.

Mr. President, as I read this agreement with Bahrain, it says, in section 3:

> If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Forces, the United States Government will consult with the Government of Bahrain before effecting that change.

In short, it is wide open. We might decide that we are going to do a great deal more than what is presently a relatively small matter. The Amir of Bahrain would be consulted, but what about the Congress of the United States? We must not be lulled by statements that this agreement is minor and innocuous. By its own terms, it keeps all the options open.

In addition, we are posting a rear admiral there, though the task force which will be involved is admittedly very small. He is commander of the Middle East force—COMIDEASTFOR. This rear admiral COMIDEASTFOR, on Bahrain reports to the Commander in Chief Europe—CINCEUR. Next door is CINC PAC—that is, the Commander in Chief in the Pacific—who has command in the Indian Ocean. The important new U.S. naval facility at Diego Garcia, designed as the lodestone of U.S. strategic efforts in the whole Indian Ocean basin, comes under CINCPAC. This apparent confusion, or competition, of commands—Bahrain under CINCEUR and Diego Garcia under CINCPAC—is something we should perhaps look into. Moreover, with Diego Garcia, is the Bahrain facility really needed?

In addition, we are told that the people of Bahrain and the ruler of Bahrain are very unhappy about the fact that this agreement—what they call an agreement—will be submitted, if our side should prevail, to the Senate. I hope very much that Bahrain will not refrain from an agreement because of any inhibition in submitting this matter to the Senate. That is our constitutional process. Are we to abort it so easily, because it may not suit the rulers of Bahrain?

As I read the papers now, I would probably vote for it, and I believe that Senator CASE would, also. I believe he said that. But I would like to know the answers to a lot of questions raised by this agreement—with its open-ended section 3—and the proper constitutional procedure is the treaty procedure.

This is a small island of approximately 280,000 people. Think of the dignity and of the importance which is attached to whatever agreement or treaty is made by the United States with a tiny country. The facts are out. Any Bahraini who reads knows what is going on. Whom are we kidding about the danger of the treaty process?

So, Mr. President, I believe that, for all these reasons, the amendment should be rejected.

Finally, and very important to me, because I am the principal author of the War Powers Act, we have a basic question here. We want to share the responsibility for putting the United States in any condition which might lead to hostilities. That is the essence of it, having vested that power in the President by inaction and knowing that we have a right to recapture that power under the Constitution. The mischief wrought by the Vietnam war demands we do so. But this is no lollipop. We cannot have it all our way. If we want to share responsibility, we have to take our part of the responsibility, including head-on consideration of an agreement which may later get us into great difficulty, like Bahrain. There is no way of avoiding it. We are being adult in saying that, at long last, after World War II, having gone through the grief we have, we want to stand up to our responsibilities.

Mr. President, I believe that this is part and parcel of the same position of the Senate and Congress in asserting itself in respect of the awesome power to make war or to get into conditions which can create war on the part of the United States.

For all those reasons, I hope very much that the Senate will defeat this amendment.

Mr. CASE. Mr. President, may I inquire as to the time remaining on our side and the other side?

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from New Jersey has 13 minutes remaining, and the Senator from Pennsylvania has 33 minutes remaining.

Mr. CASE. Mr. President, I yield myself such time as I need to thank the distinguished Senator from New York for his strong and profound statement. He makes telling points. He forcefully states that we cannot allow any country to determine for us when and in what manner our constitutional processes should be applied. It seems to me this point is so obvious that it need not be stated, yet it seems to be necessary to do so, especially to the Members of this body. So we state it again and again and again.

We cannot allow Bahrain to tell us, even if some overzealous members of our Foreign Service may urge them to do so, that this agreement should not be considered as a treaty. I am certain that this is not a tolerable position for us to take or an argument that we should pay any attention to whatever in this body.

The Senator from New York is absolutely right that defeat of the Scott-Sparkman amendment would be a significant step in bringing back to Congress a true sense of its responsibility under the Constitution.

Mr. President, I would be happy to yield such time as he may wish to the distinguished Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. Mr. President, I hope that this amendment will be defeated.

To strike the Bahrain agreement from section 13 would reverse two votes by the Senate on the question of whether both the Azores and Bahrain bases agreements should be submitted as treaties. On February 17 the Senate, by a vote of 50 to 6, said that both executive agreements should be submitted for the Senate's advice and consent. Only a little more than a week ago—on June 19—the Senate reaffirmed that position and rejected an amendment to strike section 13. Now the Senator from Alabama and the Senator from Pennsylvania are asking the Senate to say that it really did not mean those two votes; that, upon further reflection, the Senate has decided that it was wrong on both occasions and that military base agreements like that with Bahrain should not be submitted as treaties.

Senators should not be mislead by any allegations that Bahrain will back away from the base deal if it must be handled as a treaty. The principle involved here is greater than the Bahrain agreement as such—it is whether the Senate will continue to insist that the Constitution be followed. A foreign country's attitude on a temporal issue with our country should not be controlling on whether or not the Constitution is to be followed. And if, as it seems, Bahrain and our Government are reluctant to have the agreement subjected to the Senate's scrutiny, that is all the more reason for the Senate to abide by its position.

Stare decisis should apply here. I urge that the amendment be defeated.

Mr. President, the Senate's refusal in recent years to accept its responsibility, as determined by the Constitution is most surprising to me. I should think that all Senators would be interested in at least having the opportunity to consider an agreement the effect of which may be very far-reaching. I say this for procedural and substantive reasons. From the procedural standpoint, it seems to me there can be no question at all. Even if one is for the agreement on substantive grounds, even if a Senator has made up his mind that it is in our interest to create this naval base on Bahrain, I still think he should favor having the agreement submitted to the Senate as a treaty.

Mr. President, I should like to say a few words on the substantive aspects of the agreement, which only fortifies the reasoning, I think, why there should be consideration of it by the Committee on Foreign Relations and, thereafter, by the Senate as a whole.

In view of the recent agreements concluded in Moscow, the ABM treaty and the interim agreement, plus the agreements on a number of other matters, all of this is intended—and I believe the President so intends—to try to end the competition, the arms race, between us and the Soviets.

In the case of Bahrain, we are taking this first step, a small one to begin with—it is always easier to start in a small way—to take up in part where the British left off. The Russians do not have any base in the Persian Gulf. They have no base for their own ships. Newspaper stories tell us that they are sailing their ships through the Indian Ocean and, of course, there is no way anyone can legitimately object to that. But what we are doing, if we create a naval base in Bahrain, is give the naval powers in Russia an unanswerable argument to their government that they must have a similar base for Soviet naval forces. This is the kind of situation that has fueled the arms race up to now. Every time the United States developed a new or more powerful weapons system, the Soviets have tried to do the same. This history of the arms race has been that the Russians seek to match our efforts, if not to outdo them. They have not done that at all levels—not in the field of bombers, for instance, but they have certainly done it in the field of intercontinental missiles. In fact, they have now built more than we have.

But, in this case, to start a base in an area where there is none now seems to me to be an almost irresistible invitation to the Russians to create a base of their own. I suppose there are any number of possibilities for them.

So this starts a vastly expensive and, I think, dangerous competition in an area which, up to now, has been relatively quiet or at least relatively free, I should say, of either Russian or American naval establishments.

All we have in that area now are certain communications centers, and the like. We have some presence on Bahrain, but we do not have a base. So I would think that, aside from the procedural questions, this is a matter of such great potential importance that Congress itself—certainly the Senate—should exercise its responsibility on the substance of the agreement.

We had the same kind of debate over the Spanish bases. The agreement involving those bases was not submitted as a treaty. But there is a great difference of opinion among Senators as to whether it is still in the interest of this country to spend vast amounts of money for the maintenance of bases in Spain. It may or may not be a good investment. I personally feel that they are not a good investment. There are many reasons. For example, intercontinental missiles have changed the whole nature of warfare. Those bases might have been of some usefulness in the Second World War, or in the period immediately thereafter, but in any case, they involve the kind of question to which the Senate should give most serious consideration, when we consider the enormous amounts of money expended on the maintenance of those bases.

In my opinion, there is no doubt that if we go forward with this Bahrain agreement, it will start out small, with 10 acres, but eventually, it will be said, that we need a larger area and there will be a demand for larger ships and more personnel. If the slightest trouble occurs in the area, then, of course, there will be additional increases.

Like this agreement, there is an executive agreement to create what is called a homeport in Greece. I think that it should have been submitted to the Senate simply to precipitate a discussion and an examination of all aspects of it: what it is likely to cost. What its impact on the arms race is likely to be. Whether it will inspire the Russians to establish a similar or perhaps a larger base in the Mediterranean.

From a substantive standpoint, I think that the going forward with the Bahrain base is inconsistent with the spirit of the agreements recently negotiated in Moscow. I cannot see the urgency for it. No one alleges that there is an immediate urgency in that area. I think we ought to show restraint in this case, as I think we should in other areas, in order to give the agreements recently negotiated with the Russians an opportunity to establish themselves and to give an opportunity to each side, we might say, to test the mutual trust and confidence as expressed by the Moscow agreements.

Mr. President, to proceed pell-mell to establish new bases and to create vast new weapons systems strikes me as being inherently inconsistent with the purpose of this administration as evidenced by the recent agreements negotiated in Moscow.

I have just come from a hearing of the Committee on Finance, and the Secretary of the Treasury was emphasizing the dire needs of the country and what terrible things would happen to us if we do not extend the debt limit immediately, before the end of the current fiscal year. He said that if this were not done it would wreck havoc upon our Government.

This is a very sad commentary on our present situation. However, when we talk about new bases and the cost of them, we somehow forget about our current economic condition. Nobody knows how much Bahrain will eventually cost. In the history of these bases, they start out in a small way, with a foot in the door, so to speak. They gradually develop into bases like that at Rota. The base at Rota started as a very small base. However, it is now capable of serving nuclear submarines and it has numerous services that it is capable of performing but at the cost of many millions of dollars.

I think it would be very sad if the Senate were to refuse to look at this matter in terms of its financial implications, and its foreign policy implications, particularly its implications with respect to our recent agreements with Russia.

I hope the Senate will not take action which would indicate it is drawing back from its constitutional responsibilities.

Mr. President, I congratulate the Senator from New Jersey (Mr. CASE) for his initiative in bringing this matter to the attention of the committee and the Senate as a whole. He deserves our deepest admiration.

Mr. CASE. Mr. President, I thank the distinguished Senator from Arkansas. I appreciate very deeply the comments which he had made which, as usual, are always sound.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 32 minutes remaining.

Mr. SPARKMAN. Mr. President, a few moments ago the Senator from New Jersey asked me about any future plans. I have discussed this matter with the State Department representatives, and I am authorized to make this statement.

Mr. CASE. Mr. President, will the Senator wire himself for sound? (Laughter.)

Mr. SPARKMAN. I would be pleased to do so. I have not become accustomed to the microphone because I have always felt my voice was loud enough to carry without it. However, in case it is not, I will use it.

Mr. President, I am authorized to make the following statement:

> There is no consideration by the administration to expand our military role or presence in the Persian Gulf, in Bahrain, or in any of the other states on the gulf. The policy of this administration is to look to the regional states to take the lead in providing for security while recognizing the important, on-going British advisory role in the area.

Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Alabama for yielding to me so that I might make some remarks in connection with this matter.

Just as the Constitution provides the responsibility of advising and consenting on matters of international agreement and treaty to the Senate as a whole, so does the Senate Foreign Relations Committee have primary jurisdictional responsibility for reviewing these matters. By the same token, those of us who do not serve on the Foreign Relations Committee sometimes cannot resist the temptation to engage in a little advising and consenting of our own.

So I rise to speak in support of this amendment fully aware of the fact that I have no jurisdictional preemptive that would give me the right to advise and consent, but also fully aware, as well, that I have feelings and that I intend to express them.

When I first came to the Senate, I was concerned that there was a built-in or structurally designed tension between the executive branch and the Senate on matters of foreign policy. It seemed that the responsibility and the obligation to advise and consent provided the Senate was not clearly defined. Even the terms themselves do not have independent, generic significance, but rather their usage over the years have evolved into a body of approximate common law that describes the function and role of advising and consenting from the Senate standpoint.

From the same standpoint, the President, as Commander in Chief, is charged with the responsibility of conducting the foreign affairs of the Nation, but those terms are not fully described either, or at least not in terms of their relation to the concomitant responsibility of advising and consenting.

So these ambiguities disturbed me, but they do not anymore because I have come to observe that there is a very wholesome and a very healthy competition between the President and the Senate in these matters that continues to produce new and enlightened debate and concern in the matter of the foreign policy of the United States. Even the jurisdictional imperative is, it seems to me, significant in its development, especially as it relates to the question of the executive agreement on Bahrain.

After hearing the very lucid, and enlightening presentation by the distinguished chairman of the Foreign Relations Committee and that of the distinguished Senator from New Jersey, who serves with such distinction on that committee, it became clear to me that we are really debating three questions here.

One is the hypothetical responsibility of the Senate to advise and consent on executive agreements.

Another is the matter of whether we should maintain a military presence in the Persian Gulf or specifically in Bahrain.

The third is the matter of whether this should or should not be a treaty.

To discuss those things briefly, and in reverse order, I would suggest that a treaty probably does have international common law status and independent generic significance in the terms thereof.

However, a treaty is a free undertaking of two or more parties to an international agreement. The parties decide whether it is or is not a treaty. To a certain extent whether it is or is not a treaty is determined by the nature, scope, and importance of the undertaking.

But the point here is that Bahrain and the United States do not consider this a treaty. The United States vests its authority to make treaties with the President and the Senate is skating perilously close to a challenge of the presidential prerogative to negotiate treaties, because it is the purpose of section 13 of the Foreign Assistance bill to cut off rental payments made for the use of certain limited facilities in Bahrain, having the effect of forcing the negotiation of a treaty. So while we have heard discussions heretofore on whether or not this should be submitted as a treaty because it may or may not impinge on the jurisdictional imperatives of the Senate, might it not also be said that this intended cutoff in funds is impinging upon the President's jurisdiction by trying to force the negotiation of a treaty when neither the United States nor Bahrain want such a thing.

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator has expired.

Mr. BAKER. Mr. President, will the Senator yield to me 3 additional minutes?

Mr. SPARKMAN. I yield 5 additional minutes to the Senator from Tennessee.

Mr. BAKER. I thank the Senator. I will try not to use it all.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the second point is whether or not the United States should have a military presence in the Persian Gulf and particularly whether there should be a naval presence in the country of Bahrain.

If this were a question of first impression, it might be one of notable import but it is not a question of first impression. We have had a military presence there for 23 years which is essentially the same operation that we propose to have under this executive agreement. The only distinction is that the British were the lead country until they withdrew from this installation and we are now leasing some 10 acres and continuing to do what we have done for the last 23 years. So it is not a question of first impression. We have had a military presence, and particularly a naval presence in this area for a long time. But in any event, do we not have a jurisdictional imperative on this point, as well?

Is the Senate really engaging in a debate on its powers of advise and consent or is it mounting a challenge to the constitutional authority of the President to decide on the deployment of our military forces, and particularly our naval forces?

On the third point of whether or not this is an agreement of such significance and import that regardless of its submission, the jurisdiction of the Senate requires it to be submitted for our advice and consent, it seems to me that it does not. Once again if this were a matter of first impression, it might be different, that is, if executive agreements were always submitted for ratification. Then there would be a strong argument for forcing the President to submit it by cutting off funds.

But such is not the custom and there probably have been hundreds of executive agreements before which were not submitted to the Senate. Some that come to my mind are the series of space tracking stations we have negotiated executive agreements on with the United Kingdom and others. I think of the Goose Bay Air Base in Canada, which is the result of an executive agreement. I believe also the space tracking stations in Australia are results of executive agreements and the chairman of the Committee on Foreign Relations mentions our bases in Spain, which are covered by executive agreements.

Mr. President, I conclude by observing that when I first came to the Senate in January 1967, I was greatly concerned for the imprecision of the authority of advise and consent and the responsibility of the Senate in this respect, but I am no longer concerned. I have seen the Senate assert its prerogatives when called upon to do so and to refrain from doing so when necessary. I have seen the existence of this uncertainty produce wholesome, healthy debate which, in effect, is advice and consent to the President as Commander in Chief, and Chief Executive of foreign policy and I believe, Mr. President, that this imprecision should be maintained.

It should be maintained by striking reference in section 13 of the foreign assistance bill to Bahrain.

I do not object to the intent of the section's sponsors to reassert the authority of the Senate in the very critcal area of foreign policymaking. In fact, I supported a redress of that authority in the War Powers Act, and I do not question the constitutional right of this legislative body to advise and consent on treaties. It was a prerogative very wisely and deliberately given this body by our Founding Fathers, but I do object to the case we have chosen to test these rights. Let us examine briefly what the executive agreement with Bahrain involves and why the act of submitting such a document for the advice and consent of the Senate is unnecessary in my judgment.

In articles 1 and 2, Bahrain agrees to let our Navy continue doing what it has done for over two decades with Bahraini consent; to freely come and go from the territory of Bahrain. This, in itself, necessitates no formal agreement or treaty for it involves an action which the naval forces of any friendly state could undertake with Bahraini consent.

Under article 13 of the agreement, Bahrain permits the U.S. Government to make such leasing arrangements, with the Government of Bahrain or private citizens, as may be required to provide support facilities for our Navy's Middle East force. I understand that pursuant to this article, and subject to congressional appropriations, we have signed a lease. It provides as fair rental, a modest payment for equally modest facilities to support a naval contingent that is modest by any standards. I honestly do not believe that a treaty is necessary to accomplish this purpose, to provide our Navy such facilities as warehousing and cold storage and with reservations for berthing at Bahrain's commercial pier, so there must be some other part of the agreement which motivates our colleagues to contest this matter.

Perhaps it involves articles 4 through 12 of the agreement. Under those articles, Bahrain, not the United States, makes certain commitments so long as the agreement, which can be terminated on short notice, is in effect. Bahrain grants our Navy exemption from certain local taxes and customs duties, from certain visa and driver's license requirements, and from local jurisdiction in certain circumstances. These provisions simply regularize courtesies which Bahrain has long extended in a spirit of hospitality and they hardly constitute matters deserving of the full attention of this body

In addition, I am disturbed by the apparent effect submitting this agreement to the Senate for advice and consent would have and already has had on the Bahraini Government. At a time when pressures in the Middle East necessitate our maintaining a precarious balance, I submit that we are jeopardizing the future presence of our naval force there by subjecting the Bahraini Government to harsh criticism from their Middle Eastern neighbors who contend that they would be granting the United States a military base from which the United States could intervene, if they concluded a treaty with us.

So, Mr. President, I urge that the reference to Bahrain in section 13 of the bill be struck, not only because of the inadequacy of this agreement as a legitimate test of the Senate's power to advise and consent, but also because of the adverse effect it could have on our limited presence in the Middle East and the relative tranquility which we endeavor to maintain.

Mr. DOMINICK. Mr. President, will the Senator from Alabama yield to me for 3 minutes?

Mr. SPARKMAN. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I rise for two reasons. First, I wish to congratulate the Senator from Tennessee (Mr. Baker) who, I think, has made a magnificent analysis of the problem we face here in connection with the discussion of foreign policy on the floor of the Senate. He has done a superb job in words I could not equal and have no intention of doing so.

I would like to add rebuttal to the remarks of the Senator from New Jersey and the Senator from Arkansas with regard to comments that they made.

First, the Senator from New Jersey seems to be, what I would say in the vernacular, hung up on some bugaboos. He is concerned that this one executive agreement, which continues a situation which has existed for 20 years, would indicate we have all kinds of hidden motives to do the same thing all over Europe and Africa. I have heard no one indicate any real validity to these concerns. I have heard the Senator from Alabama emphatically deny there is any intention of doing any more in Bahrain or in that area. So from all the facts available plus the hearings the Senator from New Jersey had on many of these cases involving Department of Defense personnel, I know of nothing as a member of the committee—as I said, the Senator from Alabama said he does not know of anything—and, therefore, it does not seem to me that those fears are well founded.

Insofar as the Senator from Arkansas is concerned, when he said the Soviets have no bases in that area, perhaps not in the Persian Gulf but they have them in Somaliland and are presently negotiating ports far more significant than any agreement than we are making in Bahrain.

I do not believe this is a reason that we should be going into Bahrain, but the factual analysis is not borne out by what the Soviets have been doing.

I wish to make one further comment. I am constantly amazed and confused over the change of so-called ideology. The liberal approach in this regard apparently is that we should exercise full control over everything that is going on in the international field, in the field of foreign relations, and that we should go farther than Senator Bricker proposed back in the early 1950's.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. SPARKMAN. I yield 2 additional minutes to the Senator from Colorado.

Mr. DOMINICK. I was not here during that debate, but I certainly read enough about it. The Senator from New Jersey came to the Senate after the debate was over, as I recall, but he was well aware of it, and in most instances at this point of view of Senator Bricker was considered at that time to be ultraliberal, something that should not be adopted. The Senate rejected it at the urging of the executive branch and many Senators, including the Senator from Arkansas.

It strikes me unique that we are now reversing that role and those persons who are taking the position that every dot and line the executive branch might take should be submitted for approval to the Senate, are liberals. It indicates a change in vernacular, if nothing else.

Mr. CASE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CASE. It might also indicate people can grow in understanding and wisdom. I understand Senator Bricker told us not so many months ago he ran into Senator Morse in his travels. Senator Morse apologized deeply for the opposition he had given to Senator Bricker when Senator Bricker was trying to establish the principle he stood for at that time.

Mr. DOMINICK. I think the comments the Senator has made are perfectly justifiable and perfectly in accord with the spirit which I am suggesting. It is rather ironic that Senator Morse's comments are indicative of the same facet.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPARKMAN. Mr. President, I yield the Senator 2 more minutes.

Mr. DOMINICK. The facts of the arguments then and the facts of the arguments now are really the same. I do not believe that the executive department can, or even should, in the interest of this country, say that the U.S. Senate is to be the overseer in terms of advising and consenting on every small agreement which they may make when we are now a world power. This is our fundamental disagreement. Many people say we should, but I would say if we did that, with the leadership in the world that this country maintains, the U.S. Senate would never be able to do anything other than argue about those agreements. We just would not get anywhere in the way of getting anything else done. That is why the State Department was created. It is why we have a Defense Department. It is why the Constitution gave so much power to the President.

In this particular instance, where we have nothing in the way of an agreement that could be thought of by way of treaty, where neither country thinks of it as a treaty, where we are simply continuing a relationship that has gone on for 20 years, for the life of me I do not see why the Senate should insist that it should be a treaty and thereby be subject to advice and consent.

Mr. SPARKMAN. Mr. President, I yield the Senator 1 more minute in order that I may make a comment and ask a question.

Something has been said about a base. This is not in any sense of the word a base that we are using there, is it?

Mr. DOMINICK. No, it certainly is not, and it is not even a port—a home port, at least. There are very few service dependents that I know of there, and those that are there wish they were not.

Mr. SPARKMAN. Yes. I think we fool ourselves if we call it, by any stretch of the imagination, a base.

Mr. DOMINICK. And by no stretch of the imagination could it be compared to a spot like Rota.

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from Tennessee (Mr. Brock).

Mr. BROCK. I thank the distinguished Senator from Alabama for yielding to me. I would like to follow up on the comments and the colloquy just begun with the Senator from Colorado, because I think that is the gist of the whole debate.

Mr. President, virtually all of the discussion of the agreement with Bahrain has characterized the facilities used by our Navy there as a "base." I feel that it is essential that we understand the nature and capabilities of those facilities before intelligent debate can occur on the pending amendment.

Webster's Third New International Dictionary defines the word "base" as "the locality of the installation on which a military force relies for supply or from which it initiates its operation." I purposely want to avoid engaging in semantical battle on this matter. Yet, I feel constrained to point out that what has been termed a facility at Bahrain does not approach the image that is created in our minds by opponents of the pending amendment. The fact of the matter is that we have no supporting or staging military combat forces for operational purposes in Bahrain.

The characteristics that generally are accepted as required to support a combat ready unit simply do not exist at Bahrain nor are they anticipated. Such an installation would have to be capable of supporting numerous missions, capable of self-replenishment to a major extent, capable of coordinating all the units it commands, and capable of logistically maintaining its operational entities from its own sources.

The Bahrain facility is the exact opposite of what I have just described. The Middle East force has no oil storage facility, and depends exclusively on local commerce for supplies of these products. There is no storage capability for ammunition let alone the myriad of other military supply items necessary to constitute a logistical network for a combat force.

The Bahrain facility consists of a hangar, a small communications building, and associated equipment, office space, a small warehouse, cold storage capability, a small recreational club for enlisted personnel, and access to a commercial pier when necessary.

The two destroyers assigned to the Middle East force are temporary rotating vessels from the Atlantic Fleet. A single flagship is permanently assigned in Bahrain. All three ships are dependent on the distant resources of the Atlantic Fleet for any military supplies that could enable them to constitute a combat-ready force. The destroyers are rotated quarterly from the Atlantic Fleet and, except for fuel and provisions, are not resupplied during their deployment.

The obvious emphasis in this argument is that the Bahrain facility is not equipped nor intended to be equipped to support or generate a major U.S. military capability. In sum, the facilities available in Bahrain are designed exclusively to support the modest naval presence in the Persian Gulf. A presence substantially unchanged for a generation.

Mr. President, the amendment of the Senator from Alabama is of value. In the interest of the Government and the foreign policy of this administration, I think it should be endorsed and supported strongly in this body.

Mr. SPARKMAN. Mr. President, I yield 1 minute to the Senator from New Jersey.

Mr. CASE. Mr. President, the Senator is most gracious.

I ask unanimous consent that, just before the vote occurs on this amendment, I may have inserted in the RECORD the record of the votes taken on this issue that occurred previously, on March 3, on rollcall No. 87, legislative, and on June 19, No. 223, legislative.

There being no objection, the votes were ordered to be printed in the RECORD, as follows:

[No. 87 Leg.]

YEAS—50

Aiken, Allen, Allott, Anderson, Bayh, Beall, Bennett, Bentsen, Bible, Boggs, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Church, Cooper, Curtis.

Fong, Fulbright, Gambrell, Gravel, Gurney, Hughes, Inouye, Javits, Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, Metcalf, Miller, Mondale, Montoya, Nelson.

Pastore, Pearson, Pell, Proxmire, Randolph, Roth, Smith, Spong, Stevens, Stevenson, Symington, Talmadge, Tunney.

NAYS—6

Dole, Dominick, Fannin, Schweiker, Scott, Young.

NOT VOTING—44

Baker, Bellmon, Brock, Buckley, Chiles, Cook, Cotton, Cranston, Eagleton, Eastland, Ellender, Ervin, Goldwater, Griffin, Hansen.

Harris, Hart, Hartke, Hatfield, Hollings, Hruska, Humphrey, Jackson, Jordan, N.C., Mathias, McClellan, McGee, McGovern, McIntyre, Moss.

Mundt, Muskie, Packwood, Percy, Ribicoff, Saxbe, Sparkman, Stafford, Stennis, Taft, Thurmond, Tower, Weicker, Williams.

So the resolution (S. Res. 214) as amended was agreed to.

[No. 223 Leg.]

YEAS—36

Allen, Allott, Anderson, Baker, Beall, Bennett, Brock, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Cook, Curtis.

Dole, Dominick, Eastland, Fong, Griffin, Gurney, Hansen, Hruska, Jackson, Jordan, N.C., Jordan, Idaho, McClellan, McGee.

Miller, Montoya, Pastore, Saxbe, Scott, Sparkman, Stennis, Taft, Thurmond, Tower, Young.

NAYS—41

Aiken, Bayh, Bentsen, Bible, Boggs, Brooke, Burdick, Case, Chiles, Church, Cooper, Cranston, Eagleton, Ellender.

Ervin, Fulbright, Hatfield, Hollings, Hughes, Humphrey, Inouye, Magnuson, Mansfield, Mathias, Mondale, Moss, Nelson, Packwood.

Pearson, Pell, Proxmire, Randolph, Ribicoff, Roth, Smith, Spong, Stevenson, Symington, Talmadge, Tunney, Williams.

NOT VOTING—23

Bellmon, Buckley, Cotton, Fannin, Gambrell, Goldwater, Gravel, Harris.

Hart, Hartke, Javits, Kennedy, Long, McGovern, McIntyre, Metcalf.

Mundt, Muskie, Percy, Schweiker, Stafford, Stevens, Weicker.

So Mr. SPARKMAN's amendment (No. 1223) was rejected.

Mr. SPARKMAN. Mr. President, I understand all the time of the Senator from New Jersey has been yielded back. I ask for the rollcall.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that, if present, and voting, the Senator from Alaska (Mr. GRAVEL) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 59, nays 30, as follows:

[No. 255 Leg.]

YEAS—59

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ellender
Fong
Griffin
Gurney
Hansen
Hruska
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Miller
Moss
Packwood
Pastore
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—30

Burdick
Case
Church
Cranston
Eagleton
Ervin
Fulbright
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Javits
Kennedy
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Pearson
Percy
Proxmire
Ribicoff
Spong
Stevenson
Symington
Tunney
Williams

NOT VOTING—11

Fannin
Gambrell
Goldwater
Gravel
Harris
Mansfield
McGee
McGovern
Mundt
Pell
Saxbe

So the amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3010, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE GERMANENESS RULE TO BE IN EFFECT FOR 5 HOURS THIS AFTERNOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore germaneness rule be in effect for 5 hours this afternoon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it has now been almost 40 minutes since the quorum call was instituted. We have reached the name of Mr. WILLIAMS in the alphabetical call of Senators. Shortly, I shall suggest the absence of a quorum, and if a Senator is not here within 5 minutes to speak or offer an amendment, I will make it a live quorum.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 132, line 2, strike out the quotation marks.

On page 132, between lines 2 and 3 insert the following:

" 'EVALUATION BY OTHER ADMINISTERING AGENCIES

" 'SEC. 1005. The head of any agency administering a program authorized under this Act may, with respect to such program, conduct evaluations and take other actions authorized under this title to the same extent and in the same manner as the Director under this title. Nothing in this section shall preclude the Director from conducting such evaluations or taking such actions otherwise authorized under this title with respect to such programs.' "

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

This is an amendment desired by the Department of Labor, and the reason for it is that the Director of the OEO, in effect, by title X, has practically preempted the authority of any other Government department concerned with antipoverty programs from doing its own evaluation of the programs which it carries on under the act.

For that reason, Mr. President, the Department felt that this preemption was undoubtedly an oversight, and therefore it should be corrected by giving to the agencies like Labor and HEW, which is in the same position, concurrent authority to engage in this type of evaluation, and not just confine it to the Director.

Hence that is what the amendment seeks to accomplish, Mr. President, and I hope very much that the Senate may see fit to adopt it.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, as I understand it, the Senator is giving the agency that has direction over a particular program, whether it is HEW or the Labor Department, concurrent authority, along with the OEO, to evaluate the programs that are under their jurisdiction.

Mr. JAVITS. Exactly, that particular program and no other, but still giving it a concurrent jurisdiction, because I think unwittingly, with the Senator from Wisconsin, one of the draftees of the bill, we gave a preemption to the Director, which we really did not intend to do.

Is the amendment acceptable to the Senator from Wisconsin?

Mr. NELSON. We have the yeas and nays ordered. We are going to vote.

Mr. JAVITS. I know, but I mean is the amendment acceptable?

Mr. NELSON. Yes, it is acceptable.

Mr. JAVITS. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Idaho (Mr. JORDAN) are detained on official business.

The result was announced—yeas 87, nays 0, as follows:

[No. 256 Leg.]

YEAS—87

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Fulbright
Gambrell
Goldwater
Gravel
Harris
Hart
Jordan, Idaho
Mansfield
McGee
McGovern
Mundt
Pell
Saxbe

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I think I should take the floor at this time—and I shall be brief—to state that the leadership on this side of the aisle—and I do not mean by stating it that way that the leadership on the other side of the aisle has any different feelings about what I am about to express——

Mr. PASTORE. Mr. President, may we have order in the Chamber, please. I think that the acting majority leader is speaking on a very important subject.

The PRESIDING OFFICER (Mr. TAFT). The Senate will please be in order. Senators wishing to converse will please retire to the cloakrooms.

The Senate will please be in order.

The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, the pending business is the Economic Opportunity Amendments Act of 1972 (S. 3010). It has now been on the calendar since May 16—something like 6 or 7 weeks.

The leadership on this side of the aisle did not call up the bill for over a month in deference to the Senators who did not want the bill to be called up.

We finally reached the point that the leadership on this side felt it was constrained to go forward with the bill.

We are presently operating on a two-track system. The Foreign Assistance Act of 1972 is the unfinished business. We have about combed through all the amendments to that act that we can find, and have acted on them from time to time, until about the only amendment remaining to that act—certainly the only major one—is the one dealing with the Mansfield language in the bill.

The distinguished majority leader wants at least 24 hours' notice to go out before any vote occurs on any amendment dealing with that language.

We have only 2 full days remaining if we are to adjourn for the Fourth of

July holiday and the Democratic National Convention, as previously announced.

Mr. President, the business remaining before the Senate at this time, before we adjourn, is the pending business, the Economic Opportunity Amendments of 1972 (S. 3010); the Foreign Assistance Act of 1972 (S. 3390); the debt limitation bill; the continuing resolution; the bill making appropriations for public works; and various conference reports.

I think it should be stated now, without waiting further, that it is the intention of the leadership to reach final action on the pending business, the Economic Opportunity Amendments of 1972, if it is at all possible to do so, before the Senate adjourns for the holiday.

Now, Mr. President, under the order which has already been entered, the debt limitation bill will follow action on the Economic Opportunity Amendments of 1972 (S. 3010), which is scheduled for action again tomorrow if action thereon is not completed today. The public works appropriation bill will be the first order of business on Friday next.

The Senate, as I say, will then proceed, if the Economic Opportunity Amendments of 1972 are not out of the way or have not been disposed of by that time, to continue on S. 3010. Thus, there is a prospect that the Senate will be in session on Saturday.

The leadership feels that if the Senate does not complete action on the Economic Assistance Act and that bill goes over until after the Democratic Convention, it will be just an additional item in the glut that is going to occur in any event when we return from that convention.

When the Senate returns from the convention, we will have an important treaty. We will have the welfare bill. We will have the Defense appropriations bill, the supplemental appropriations bill, the minimum wage bill, the maritime bill, and the no-fault insurance bill, to mention a few.

As Senators will readily see, that work load is going to necessitate the Senate's being in session long days, and probably 6 days a week, in order to complete action on those measures prior to the Republican Convention.

Now, any Senator who has an amendment to the pending bill should be ready to call up his amendment. We were in session on Friday last, and at that time we sought to get some action on the bill. It was extremely difficult even to get a quorum established that afternoon.

On Monday of this week the Senate resumed its consideration of the bill. For 1 hour and 20 minutes the Senate had to mark time. No Senator appeared to make a speech on, or to offer an amendment to, the bill. Finally a live quorum was called in order to get Senators, who had amendments, to the floor.

I hope Senators will not misunderstand me. However, I do have a responsibility as the acting majority leader to keep the legislation flowing. It is my intention to do everything within my power to do my duty. I have sought repeatedly to get a time agreement on the bill. And I respect the right of any Senator to object to any time limitation and I will continue to respect that right. However, I do believe that Senators who have amendments to offer to the bill ought to be on hand to offer those amendments. And if they wish to discuss them at length, that is perfectly all right. That is the right of any Senator. However, Senators who have amendments to the bill should not stay away from the floor while the Senate does not even spin its wheels. Its wheels are not even turning. Senators who have amendments but who stay away from the floor keep other Senators, who also have appointments and schedules to make, tied down here to the inconvenience of the Senate itself as a whole.

I want to put Senators on the alert that from here on out today, if a Senator is not on the floor and ready to speak or to call up his amendment, I am going to put in a live quorum call and I may ask for the reading of the committee substitute at any time if amendments are not being offered. I will not, however, ask for the reading of the committee substitute until after I have initiated a short quorum which will put Senators on notice.

The leadership is determined to press for action on this bill today or to get a time agreement thereon providing for disposition before adjournment.

I would hope that we would arrive at some agreement on the bill so as not to inconvenience Senators. It is the intention of the leadership to try to do that. The schedule has been announced repeatedly and all Senators know it. And if they have amendments to offer, I would hope that they would be ready to offer them and dispose of them one way or the other, up or down.

It does not make any difference to me how the votes go. I may vote against the bill. I do not think I have ever voted for it since it was initially enacted. It is not a personal matter with me.

Mr. PASTORE. Mr. President, will the the distinguished acting majority leader yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, do I understand the acting majority leader correctly to mean that he does not intend to bring up the legislation on the debt ceiling until the OEO bill is passed?

Mr. ROBERT C. BYRD. That is my intention. The order is for the bill S. 3010, to be laid before the Senate tomorrow if it is not disposed of today.

Mr. PASTORE. Is it not a fact that if we do not extend the debt ceiling as of June 30, the administration cannot pay its bills?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. PASTORE. It strikes me, Mr. President, that the acting majority leader ought to be given some support and some consideration in getting legislation moving. I realize that some Senators on the floor have no use for this legislation and are opposed to it. But if they are, they can vote against it. But let us move on to a vote.

I was here this morning when we spent a half hour in the attempt to get 11 Senators here so that we could ask for the yeas and nays. Then, when we did not secure the presence of 11 Senators, the majority leader had to break precedent by asking unanimous consent to have the yeas and nays, which was possibly not the proper way to do it.

We have been dillying and dallying. We have to do something about the debt ceiling. But we have been told now that we cannot do anything about this until we pass the OEO bill. We have been stalling and stalling and stalling. It strikes me that something ought to get in motion here so that we can get it out of the way before June 30.

Mr. President, I realize how much work we have left to do by June 30. There is no question about our overall burden. But the immediate question is the debt ceiling. If we do not act on that by June 30, there will be great trouble.

There ought to be some senatorial cooperation. We ought to work diligently with the distinguished acting majority leader. In view of the fact that the majority leader is confined in the hospital, I hope that we do not create an impression of anyone trying to threaten anyone else.

We should proceed with the regular order. We have this legislation to contend with. I would hope that someone would stand up and ask for a third reading in the event no Senator is on the floor to press his amendment.

I realize that is drastic action. However, we only have 2 days left in which to act. I would hope that we could get cooperation.

If a Senator is against an amendment, he should vote against it. If he is for the amendment, he should vote for it. If a Senator is against the bill, he should vote against it. If a Senator is for the bill, he should vote for it. But let us get on with that vote. Let us have some expression of the will of the Senate recorded on the floor of the Senate.

This is important legislation. If it can be recommitted, let us recommit it. We must do something. We are here to legislate. Let us do so.

I can sense the frustration of the acting majority leader. I tell the Senate very frankly that if I were in his shoes I would be disgusted with the lack of cooperation we are giving him in his difficult job.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Rhode Island.

Mr. GRIFFIN. Mr. President, I can understand the feelings and the expressions of the acting majority leader. To some extent, I share them. I wish we could get on with the bill and dispose of it quickly. But it is controversial, and there are a number of amendments to be considered.

I have an amendment to offer. And as the distinguished acting majority leader has suggested, I now send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. GRIFFIN. Mr. President, I ask that the amendment be printed as though read and that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

At the end of the bill, following line 25 on page 139, add a new title as follows:

"TITLE II—TRANSPORTATION OF SCHOOLCHILDREN

"LIMITATION ON JURISDICTION OF THE FEDERAL COURTS

"Sec. 201. No court of the United States shall have the jurisdiction to make any decision, enter any judgment, or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin.

MORATORIUM ON ORDERS AND PLANS

"Sec. 202. (a) (1) During the period established by subsection (b) of this section, the implementation of any order of a court of the United States shall be stayed to the extent it requires, directly or indirectly, a local educational agency—

(A) to transport a student who was not being transported by such local educational agency immediately prior to the entry of such order; or

(B) to transport a student to or from a school to which or from which such student was not being transported by such local educational agency immediately prior to the entry of such order.

(2) During the period described in subsection (b) of this section, a local educational agency shall not be required to implement a desegregation plan submitted to a department or agency of the United States during such period pursuant to title VI of the Civil Rights Act of 1964 to the extent that such plan provides for such local educational agency to carry out any action described in clauses (A) or (B) of subsection (a) (1) of this section.

(3) Nothing in this title shall prohibit an educational agency from proposing, adopting, requiring, or implementing any desegregation plan, otherwise lawful, that exceeds the limitations specified in paragraph (1) of this subsection, nor shall any court of the United States or department or agency of the Federal government be prohibited from approving implementation of a plan that exceeds the limitations specified in paragraph (1) of this subsection if the plan is voluntarily proposed by the appropriate educational agency.

(b) The moratorium established by subsection (a) of this section shall begin with the date of enactment of this title and shall terminate (1) upon a final determination by the Supreme Court of the validity of section 201 of this title, or (2) when the Congress enacts legislation which substantially carries out the findings set forth in subsection (c) of this section, whichever occurs first. In any event the moratorium provided in this section shall not be in effect longer than 18 months after the date of enactment of this title.

(C) The Congress finds that:

(1) For the purpose of desegregation, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students.

(2) In many cases reorganization of local educational agencies with attendant increases in student transportation, have caused substantial hardship to the children thereby affected, have impinged on the educational process in which they are involved, and have required increases in student transportation often in excess of that necessary to accomplish desegregation.

(3) There is a need to establish a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in discharging its obligation under the Fourteenth Amendment to the United States Constitution to desegregate its schools.

(4) The Congress is presently considering legislation to establish such a standard and define that obligation.

(5) There is a substantial likelihood that, pending enactment of such legislation, many local educational agencies will be required to implement desegregation plans that impose a greater obligation than required by the Fourteenth Amendment and permitted by such pending legislation and that these plans will require modification in light of the legislation's requirements.

(6) Implementation of desegregation plans will in many cases require local educational agencies to expend large amounts of funds for transportation equipment, which may be utilized only temporarily, and for its operation, thus diverting those funds from improvements in educational facilities and instruction which otherwise would be provided.

(7) The modification of school schedules and student assignments resulting from implementation of desegregation plans and any subsequent modification required by that legislation would place substantial unnecessary administrative burdens on local educational agencies and unduly disrupt the educational process.

(d) For purposes of this section—

(1) The term "desegregation" means desegregation as defined by section 401(b) of the Civil Rights Act of 1964.

(2) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(3) A local educational agency shall be deemed to transport a student if it pays any part of the cost of such student's transportation, or otherwise provided such transportation.

EXPEDITED JUDICIAL DETERMINATION

SEC. 203. The district courts of the United States shall have and shall exercise jurisdiction of proceedings involving the validity or applicability of sections 201 and 202 of this title, of Title VIII of the Education Amendments of 1972, or of any Federal law, regulation or administrative determination the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEPARABILITY

"SEC. 204. If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remaining provisions of this title, or the application of such provision to other persons or circumstances, shall not be affected thereby."

And on page 68 of the bill, between lines 21 and 72, insert:

"TITLE I—AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT"

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for a question?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. Mr. President, I yield to the Senator from West Virginia without losing my right to the floor and with the understanding that no motions will be in order.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I wish to ask the distinguished Senator from Michigan if he would be willing to enter into a time limitation on the amendment.

Mr. GRIFFIN. Not at the present time, but I would say that this is an amendment we could probably vote on today, provided we have an understanding that it will be an up or down vote.

Mr. ROBERT C. BYRD. Would the Senator like to make a suggestion as to a time limitation in that regard?

Mr. GRIFFIN. No, I would not be able to do so without consulting with other Senators who may not be aware of the fact that the amendment has been offered and they should have an opportunity of being notified first, before an agreement is entered into.

Mr. ROBERT C. BYRD. I wish to say to the Senator that I am sympathetic personally to his amendment but I hope we can reach an agreement to vote on the amendment sometime today. If we do not reach such agreement soon, I am going to move to table the amendment. I am only interested in getting votes and getting this bill out of the way one way or another.

Mr. GRIFFIN. I understand the desire of the Senator from West Virginia and we will keep that in mind.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Tennessee with the understanding that I do not lose my right to the floor.

Mr. BROCK. Mr. President, I think most of us are sympathetic with the comments of the distinguished assistant majority leader and his interest in expediting business in the Senate, to take up the issue of the debt ceiling. This is a matter troubling many Senators in the consideration of this bill, but I also hope we can arrive at a vote today on this particular amendment.

I wish to say to the Senator from Michigan that I am grateful to him for taking this initiative. While many of us are impatient with the pace of the legislative process in the last few days in the desire to take action on the debt ceiling measure, we also have an enormous frustration with this body's failure to resolve the fundamental emotional crisis facing this country. This is abuse of our children by judges who time and again have ignored the Constitution by forcing our children into a situation where they have no effective rights.

If the Senate in its normal processes, through normal committee proceedings does not consider this of sufficient substance, I think it is important for all Members of the Senate to be faced with this matter on the floor.

I thank the Senator for offering the amendment. I intend to support it. I would like to be considered a cosponsor of the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the names of both distinguished Senators from Tennessee may be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, in view of the fact there have been a few expressions of opinion already about this highly controversial amendment, I would like to add one fact. That is that we have just dealt with this very question in the bill erroneously labeled the higher education bill; and after quite a controversy we came to an agreement about this very question. In addition to that, our Committee on Labor and Public Welfare is considering two bills of the President expressly on this question. So I hope the Senator, in discussing the matter, will give all of us his reason why this matter should be pressed now rather than to allow the provisions already adopted to go into operation and to allow the committee the opportunity to consider measures recommended by the President.

I must say, too, that I think it is most regrettable that this amendment has come in on the antipoverty bill, on the backs of the people who can stand it the least.

Everybody in the United States should know that busing or no busing, we have just dealt with the question for weeks.

It will break the back of this bill; that would be most unfortunate for millions of unfortunate Americans. I see no need for it whatever. There are any number of bills on which this amendment could be placed.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield to the Senator from Florida with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, the Senator from Florida just came into the Chamber as the amendment was being offered. I wish to congratulate the Senator from Michigan for offering the amendment. I think his amendment should be offered on just about every piece of legislation that comes before the Senate until we come to grips with this issue.

The point has just been made by the distinguished Senator from New York that the bill before us, the OEO bill, the poverty bill, so-called, is an extremely important bill to a whole lot of peope in this Nation. I could not agree more; I think it is. But I think it is also a fact that there is not any other more burning issue facing the people of this Nation than this business of busing. We have had poll after poll after poll, and they show that throughout the land, whether it be North, South, East, or West, people overwhelmingly oppose this business of busing—75 percent, 80 percent, 85 percent, figures like that show the people in the North do not like busing any more than the people in the South.

I must add that I think it is most regrettable and unconscionable that the Congress of the United States has ignored the will of the people on this issue again and again and again. When the issue has come before us time after time, as it did on the higher education bill, not only have we ignored their desires but also we have thwarted their will and have thrown the issue back in their teeth and said to them, "We are not going to do what we ought to do in Congress," and that is pass this amendment or piece a piece of legislation such as the Senator from Michigan has devised that would effectively cope with this problem affecting this whole Nation and more deeply than any issue I have seen as long as I have been in politics.

So I congratulate the Senator from Michigan for bringing the issue here at this time. If the amendment is rejected, I hope he will offer it again after we come back from the Democratic Convention, and if it is defeated then, I hope he will offer it again after we come back from the Republican Convention, if this Congress will not do the will of the people. That is what we were elected for, to represent the views of the people of this Nation, and on the issue of busing that is what we have not done year after year, ever since the issue has arisen.

I thank the Senator and I expect to support him as vigorously as I can in connection with the amendment.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I yield to the Senator from Tennessee with the understanding I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I was somewhat distressed by the statement of the Senator from New York that this bill is an improper vehicle for this amendment and that it would place an undue burden on the backs of the poor and disadvantaged Americans.

The only way I can respond is by saying it is the poor who suffer under the onus of our failure to act on this amendment. It certainly is not the rich. Their children are in private schools or all white suburb schools. It is the poor people, black and white, upon whom the courts have imposed this impossible burden, who are the tragedy of the matter.

I think this is a perfect vehicle for the resolution of the problem. This is the time, the place, and the way to remedy the problem. We must respond to the will of the American people.

Mr. President, I introduced a constitutional amendment on this matter last year. Over 20 Senators cosponsored that measure. The Senator from Michigan introduced an amendment which has been pending before the Committee on the Judiciary month after month.

This past spring the President of the United States himself sent legislation to the Congress, and, as the Senator from New York says, it is pending before the Labor and Public Welfare Committee. But the fact of the matter is that it is not being considered. Absolutely nothing has been done. Both parties have refused to address one of the most human, one of the most emotional, one of the most fundamental problems, one of the most fundamental degrees of coercion ever imposed upon the people of this country by any branch of Government—executive, legislative, or judicial.

If the Congress does not respond to the will of the people, then it is the Congress that is responsible. This is the people's branch, this is the representative branch of Government. I do not believe we can tolerate further delay, refusal to even hold hearings on a problem which is so crucial and which comes again upon us full force the first day of September. I think we must address this problem promptly.

Mr. GRIFFIN. I thank the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. AIKEN. On page 130 of the OEO bill, section 1002, relating to cooperation of other agencies, it reads:

> Federal agencies administering programs related to this Act shall—
>
> (1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related pro-

> grams as he deems appropriate, to the fullest extent permitted by other applicable law . . .

Interpreting that—I am not a lawyer, but I know the Senator from Michigan is—does not that mean that even though busing programs have been provided for in the education bill, with the passage of this bill the OEO would have priority over such "poverty related" programs included in other programs.

Mr. GRIFFIN. That is a very interesting and penetrating question.

Mr. AIKEN. And other programs of the Federal Government. It really sets up a super department of Government.

Mr. GRIFFIN. In other words, the Senator from Vermont is suggesting the possibility that this economic opportunity legislation so called, if it were enacted, might undo whatever good was done in the higher education bill with respect to busing?

Mr. AIKEN. I may be interpreting it too literally, but I came to that conclusion from reading this part of the bill, which preempts the rural development bill, which is now being held up in the House after being approved by both the Senate and House committees of Congress. So I wondered why it would not apply to busing just as well.

Mr. BROCK. It would.

Mr. GRIFFIN. It is an interesting and very disturbing point.

Mr. AIKEN. As well as all programs that have relation to that. I had it called to my attention that that might be.

Mr. GRIFFIN. I thank the Senator for his contribution.

Let me say, in further response to the remarks of the distinguished Senator from New York, it is true that the Congress did enact legislation which dealt to some extent with the subject of busing. But I know he will recall, and others will recall, that when the conference report came before the Senate, this Senator pointed out that the antibusing provisions agreed upon in conference were not strong enough. I argued then that they were not as effective as other provisions that were available. It will be recalled that I moved to recommit the conference report with instructions that stronger and more effective antibusing provisions be incorporated.

One reason this Senator from Michigan is inclined to take this action at this time is the opinion of the Justice Department and the opinion expressed by the President of the United States that the so-called stay provision in the higher education bill may not be effective to accomplish the purposes that many thought it would accomplish. Unfortunately, there is the real possibility that the language and intent of that provision, as drafted, could be circumvented by a resourceful Federal judge. There is grave concern, frankly, in the State of Michigan and in the area of Detroit that there may be no statute on the books right now—at least, there is no assurance that there is a statute on the books right now which will have the effect of staying a court order while an appeal is being processed.

Mr. President, an argument was made against this amendment on the ground that it should not be offered to legislation that deals with poverty. However, I contend that we could deal with poverty much more effectively if we do not waste millions and millions of dollars to transport thousands and thousands of children for hours and hours, as would be required by the order of one Detroit Federal judge. As the distinguished Senator from Tennessee has already pointed out, forced busing, cross-district busing, imposes severe and unfair burdens on the children of the poor. The children of the wealthy have a choice that families in lower and middle-income groups do not have. The wealthy can decide to send their children either to public schools or to private schools; and many of them, including some who are the most outspoken advocates of forced busing, send their children to private schools.

I would like to outline the provisions of this amendment. The first section is identical with the language which this Senator offered earlier to the Senate. It would withdraw the jurisdiction of Federal courts to issue busing orders based on race.

When similar language was offered earlier, it was adopted by this body by a margin of three votes. But subsequently, after a delay of several days to allow some of those running for President to return to Washington, there was another vote, and on reconsideration, the proposal lost by the very narrow margin of one single vote.

Mr. President, that provision withdrawing jurisdiction is coupled in this amendment with language that is almost identical to the President's moratorium proposal.

The moratorium provision included in this amendment would stay busing orders until the Congress enacted legislation which meets the guidelines set forth by the President, or until the Supreme Court determines the validity of the first section of the amendment withdrawing jurisdiction from the Federal courts.

There is also included in this amendment a provision for an expedited judicial review. This provision would allow the Attorney General to quickly test the constitutionality of various portions of this amendment. A three-judge panel would be empowered to decide such questions, and there would be a direct appeal from the three-judge panel to the U.S. Supreme Court.

I recognize that there is a respectable difference of opinion in the legal community as to its constitutionality of the provision which proposes to withdraw the jurisdiction of Federal courts to issue busing orders. Having studied the question at some length and in some depth, I share the view of the distinguished constitutional scholar, the Senator from North Carolina who heads the Subcommittee of the Judiciary Committee on the Separation of Powers (Mr. ERVIN), who believes and has argued year after year that Congress does have the constitutional power under article III to so limit the jurisdiction of the Federal courts.

Obviously, if the Supreme Court passed on that provision and declared it to be constitutional, then the moratorium would not be necessary.

Mr. President, approximately a month ago, following a Federal judge's rejection of the Justice Department's request to intervene in the Detroit school case, I made the following statement:

> If it becomes necessary, I will make sure that the Senate votes again on busing in this section, by taking the extraordinary route of reoffering my amendment as a rider on some other bill going through the Senate.

I have hesitated to offer this amendment to this bill. I recognize the arguments that are available against the move at this time. But there is a good deal to be said for the relevancy and appropriateness of offering this amendment to this particular bill. The committee—the Labor and Public Welfare Committee—does have jurisdiction over the general subject matter, it has dealt with the issue before, even though it's action was not satisfactory in my view.

As almost everyone who reads the newspapers is well aware, a Federal judge in Detroit recently issued an order affecting the whole metropolitan area of Detroit, some 52 communities, requiring that within a time of 45 days after his order, a final plan be drawn and put into effect, affecting thousands and thousands of children, and requiring the expenditure—the wasteful expenditure—of millions and millions of dollars. Unfortunately, the Detroit school district is almost bankrupt now; it cannot meet its budget requirements. In a recent election in Michigan, a proposal on the ballot in Detroit to provide some relief through a mileage increase, was defeated, unfortunately, because of the overhanging threat of forced busing.

This has been the pattern during the last year or so, not only in the city of Detroit but also in the whole three-county metropolitan area of Detroit. In every school district near Detroit, which has had a vote in recent months—where a request was made for additional millage to support schools was made—the request has been turned down flat. Of course, it should not be surprising that parents would not vote an increase in their taxes when they read in the newspapers that within a short time their children will be bused away from their neighborhood to another school 25 or 30 miles away.

Mr. President, it is imperative that Congress face up to this issue; that action be taken to make sure that an order such as that indicated by the Detroit judge will not be put into effect—so that Congress and this Nation can get back to the business of trying to provide quality education for all children, regardless of their race. Until we put this threat of forced busing behind us, it will be very difficult to make any real progress.

Mr. President, every poll that has been taken indicates that a majority of black parents—as well as white parents—are opposed to forced busing. The indications are that black parents, like white parents, want quality education for their children. But they want their children to have the benefit of participating in extracurricular activities—in playing on the basketball team after school, playing on the football team, having the benefit of parent participation in PTA.

Cross-district busing denies their children such opportunities and requires them instead to pay a penalty and to waste their time, as well as the taxpayers' money, by riding buses.

What is needed is better teachers in the inner city. We need teachers who are interested and willing to work, with the best interests of students uppermost in their minds.

Mr. President, I may have a further statement later, but at this time I ask unanimous consent that there may be a quorum call and that I may be recognized at the expiration of the quorum call.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Taft). Without objection, it is so ordered.

Under the previous order, the Senator from Michigan (Mr. Griffin) is now recognized.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Tennessee (Mr. Brock).

Mr. BROCK. Mr. President, the subject matter at hand is the effort on the part of the distinguished Senator from Michigan (Mr. Griffin) to bring a resolution to a question which has been facing this body for well over a year. Since the so-called Charlotte-Mecklenberg case, many of us have sought to have the Congress accept the mandate of the American people, to face the question of compulsory school busing, imposed by some courts on some communities.

The problem facing those of us who have a deep concern in the matter has been the lack of willingness on the part of either party in this, the "people's" branch of government to respond to the people's mandate.

At the time of the Swann decision, the Supreme Court ruled, in effect, that busing could be one tool to remove all elements of de jure or de facto segregation if the district court found it necessary.

What concerned us at that time was that it seemed to be a reversal of the policy and principle established in the Brown against Board of Education case in 1954.

In 1954, the Supreme Court had ruled effectively that the Constitution of the United States should and must be colorblind. Its ruling dictated that the decisions of government or of any other officer of government, including the judiciary, should be based on the merits of the case, should be based on the actions of individuals, and should be based on virtually any criteria other than race, creed, color, religion, national origin, or sex.

There were a great many of us who felt that while some disagreed with the way the decision was arrived at, the principle of the decision was one of the most fundamentally right things the Supreme Court has ever done in this country. It was a moral decision. It was an ethical decision. It was a decision which adhered to the very essence of the spirit of the Constitution in this society of ours—in any free society; namely, that no imposition should be made on an individual because of his race, his creed, his color, his religion, his background or, so far as I am concerned, even his economic status—that all are equal under the law.

That was the decision of 1954.

As a result of that decision, the old "separate but equal"—which were anything but equal—school systems were abolished. The Supreme Court found that "separate but equal" could not lead to equality. In fact, that is the case.

The school boards of my State, and in most other States of this Nation, responded the best way they could in trying to afford every child an opportunity to attend a desegregated facility. As a matter of fact, over the ensuing 16 or 17 years, the southern region of the United States acted with greater integrity, greater alacrity, and, in fact, with greater effect than did any other part of the United States of America.

It is a matter of fact that by 1970 or 1971, only 9 percent of southern black children were in all black schools. In the North it was one-third more than that.

It is a fact that almost double the percentage of southern blacks went to majority white schools.

Then we come to 1971, when the Supreme Court reached a different conclusion.

In 1971, in the Swann case, when it endorsed the concept of compulsory transportation for the purpose of achieving a racial balance, the Court countenanced pupil transfers, pupil assignments, and pupil transportation on the basis of only one criterion—not location, not age, but race. Race and only race.

The aftermath of that decision and its implementation in some instances has been tragic.

We have had experience in that particular matter with the Nashville school board and the children of that community, where the court required the transfer of the children of that community—40,000 of them—on the basis of whether they were black or white.

Mr. President, we can argue for a long time about the constitutionality of that particular move but I have found very few who would argue with the human tragedy that occurred as a result of that move, the fact that lives were disrupted, young people were placed under conditions which were, at best traumatic. The study undertaken at Harvard University, which is probably the most exhaustive, certainly, on the effect of compulsory busing on children, is well borne out in the community of Nashville, Tenn. That study came to the conclusion that compulsion of this type did not lend itself to the educational process, did not enhance educational opportunities of young blacks or young whites, but that it did tend to polarize the races. Instead of drawing them together, it pulled them apart.

If there is anything that this country does not need today, it is trouble with the races. The reason we raise this issue today is that we have had enough time to see the net effect of compulsion in a free society. It is no longer free for those who are compelled in such a manner. We have had a chance to see the effect of policies which would penalize children for the acts of their parents and grandparents. We have seen the effect of judicial coercion on a scale not heretofore known in this country of ours except in World War II. On that occasion, this country did one of the most horrendous things it has ever done. It was then that we placed Americans of Japanese descent in concentration camps without any appeals, without any rights, simply to sit out the war because of their color.

Once again we have a color-based decision, which in its implications affects both races adversely. What troubles me when I look at the conditions which exist at this important time in our country is the fact that so few people want to talk about the real problem. There is an arrogance inherent in the assumption that one group of individuals in order to be full men and women must associate with some other group.

There is a type of paternalism inherent in that philosophy that is degrading and demoralizing to the very people it seeks to help.

Why do we not talk about it in terms of quality and not race? Why do we not say that they are doing an inadequate job of educating our children in terms of specifics—reading, writing, and arithmetic? Why do we not talk about the fact that it is not only the city schools that are deserving, but the rural schools who suffer equally, if not more?

Not many people point to the fact that many rural areas of this land have counties with 3,000, 4,000, or 5,000 people, with no tax base and no resources to adequately educate the children of that particular community.

I can show anyone such counties in my State. I do not know of a Member of the Senate who does not have comparable counties in his State. I can show anyone young people who have worked day and night to acquire all the knowledge that the school they attended could impart to them. I can show anyone young men who were straight A students for 4 years in high school, captains of the football teams, and presidents of the student bodies, young men who met every conceivable standard of progress and productivity. I can show anyone the exams they took for West Point, the Air Force, and Annapolis. And I can show that the scores they received were about half of those of the students from the city schools.

Is that our fault or the students'? Who is talking about the educational despair of the United States? Who is talking about it except an occasional parent or an occasional PTA report that complains about the problems and the inequities created by property taxes and funding? Instead we say, "Let us solve the problem by forcing x percent of black children to go east and x percent of white children to go west."

As if that had anything to do at all with the opportunity to learn, the opportunity to grow and become productive human beings.

The President tried to address that problem when he came to the conclusion that compulsion was not the answer. Rather it was for us to resolve the disadvantaged status of schools wherever they happened to be, either in the core city or in the rural area, and he has proposed legislation to answer the question.

What has happened to the legislation? It lies dormant in both bodies of Congress, both bodies of the people's branch. Nothing is happening. The legislation is faced with the prospect of no action for the balance of this year, maybe next year, maybe next year, and maybe the next.

Why? It is because perhaps it violates the concept or philosophy of someone. I do not know. I really do not know. However, I do know that nothing is being done. Nothing whatever is being done to resolve the question of equality of educational opportunities in this country of ours.

There are those who in forecasting the problems that have occurred as a result of the Swann decision and its aftermath in the lower courts, instituted a constitutional amendment before Congress. It is sponsored by 25 or so Members of the Senate. It is sponsored by well over 150 Members of the House of Representatives. That amendment was offered for the benefit of study by the Judiciary Committee last year.

I do not think I would object so much if the Judiciary Committee or any other committee responded to a given bill by calling witnesses, proponents and opponents, hearing all sides, and making a decision and having a vote. But I do marvel at the ability of some who seem to say, "We are not going to do anything. We are not going to let anybody testify, pro or con. We are not going to hear the other side. Do not confuse us with facts. We have already made up our minds." That is what they are doing. They are doing nothing. And that is what we have been doing for the last 8 or 12 months by refusing to let this body even act upon an issue of concern to close to four out of every five families in America.

I am willing to take my chances on a full hearing. I have no pride of authorship in the amendment which I initiated in this body. That amendment was simply to express a concern and an insistence on action. If there is a better way of solving the problem of enhancing the opportunity for education of every child in America, black and white, rich and poor, let some Member of Congress present it. I would be delighted to support it. However, we cannot have alternatives unless we look at it, consider it, and are willing to hear both sides.

Mr. President, there are two sides to this question. Why have not those sides been heard? I do not know. I do not presume to think for some other Members of Congress. All I know is that the issue has not been heard; those hearings have not been held; nothing has been done. In the face of that condition and that circumstance, I personally have no alternative other than to present it anew to this body as the Senator from Michigan has done for the consideration and action of every Member. I think it is incumbent for every Senator to be here and to vote it up or down. If we lose this time, because there are those who say, "Well, perhaps we should consider the alternatives and perhaps we should have hearings," then let them insist that the committees proceed with their obligation and have hearings.

For myself, I am going to join the Senator from Tennessee and the Senator from Michigan in offering this amendment until the matter is resolved. I have no intention of allowing it to be killed by inattention or lack of concern.

As other areas begin to suffer the onus of the tragic decision, such as imposed on Nashville or the 322 townships of Detroit, other Members of Congress will be willing to pay attention and be willing to consider what we are trying to do and how we can reach the level of opportunity for every child. We can do that and I think we have the responsibility to do that.

If we do not, I pose this alternative. The people of our communities, be they in Detroit, Buffalo, St. Louis, Nashville, or San Francisco, place their children above anything else and they are not going to allow their children to be abused for no reason, for no good reason. If this occurs in community after community across this country and if there is an erosion of confidence in public schools of America and the judicial process of America, it will be an erosion that is created by Congress' inaction. We must not let that happen. We must not as one responsible branch of Government abdicate our responsibility to cope with the problem here, and now.

I support what the Senator from Michigan is trying to do with his amendment. I call attention to cases which show the relation between legal services and busing. The first case is Maness against Springfield School Committee, a Massachusetts case, being a class action for declaratory injunctive relief on behalf of the black community of Springfield to prevent the implementation and operation of a racial balance plan which appears to have the constitutionally prohibitive result of placing the entire burden for school integration on the black community. The opinion states:

> Adult plaintiffs are black residents of the City of Springfield who send their children to schools operated by the defendant city. These schools are scheduled to be phased out or converted pursuant to the aforementioned long-term racial balance plan. Plaintiffs claim that the long-term racial balance plan is the last in a history of acts which has burdened only the black community with no inconvenience to the other residents of the city. Said plan provides for the phasing out into non-neighborhood schools of all of the remaining schools in the black community and the construction of two new replacement schools outside the black community.
>
> Thus, plaintiff prays for an order temporarily enjoining defendants from taking any further steps toward carrying out contracts for construction of new schools; a declaratory judgment declaring that the Springfield long term racial balance plan contravenes the thirteenth and fourteenth amendments and a declaratory judgment declaring that any future long term racial balance plan must operate equally and fairly on all communities and people within the city.

This demonstrates the kind of problem we have presented to us. I have heard very prominent people say they were not for two-way busing, only one-way busing. What does that mean? It means the black carry the load again.

What does busing mean as it is being implemented? It means the poor carry the burden again. It is not the affluent who suffer under this kind of plan. It is not the Supreme Court Judge whose children are in private schools or the Member of Congress whose children are in private schools. The people who make the kind of money made in this kind of job are not going to let it happen to their children.

Who are the people who are being abused? They are the very people who cannot afford an alternative. The Senator from New York in commenting on this amendment said not to place the onus of this amendment on the backs of the poor people of America. Well, that is where the onus is right now because they are the people who bear the burden—the poor blacks and the poor whites who have nowhere else to go. They are the ones suffering under this kind of judicial abuse. That is why it is so terribly important for this body to act and to act now.

Mr. President, we are not just talking about busing. Busing is no more than a symptom of a terribly tragic disease in this entire process. It is just a symptom of the desire to resolve inequities in educational opportunity, but it only attacks one element.

I go back to my original comment. The fundamental problem in this country is with inadequate educational opportunity across the country—the poor black and poor white, the children of the poor families of America. To say we are going to solve the problem by getting them up at 6 o'clock in the morning and hauling them half way across town for an hour and a half at a high cost to their curriculums and special educational programs, causing them to leave the neighborhood where they are known and know others, this is what must be faced by Congress and we owe it to them to act and to act now.

Let us stop talking about side issues and talk about what we are going to do about inadequate schools in rural areas and inadequate schools in the poor city areas, not just black schools or white schools, but all schools. What are we going to do about the schools of all people of this country affecting all children? What are we going to do to give them a chance to grow and mature and be the special kind of human beings so many have the ability to be. That is the question presented in this debate.

Perhaps I might read from a case in the Chancery Court of Davidson County concerning the parents there against the school board:

I will interject at this point to say we just had one in the last 2 weeks.

Serious disturbances have recently been reported at McGavock High School and other schools. Affidavits and/or statements in this regard are attached and incorporated herein by reference. Also attached and made exhibit # — hereto is a newspaper article containing twenty-nine questions propounded by students of McGavock to the School Principal; plaintiffs are reliably informed and verily believe that these questions remain unanswered and obvious conclusions may therefrom be drawn. The dangerous air of tension at McGavock, as revealed by numerous reported incidents, is only partially revealed by these reports and the situation is more serious and more general than disclosed by the School Board. For many weeks some teachers have refused or feared to discipline some violent and disruptive students. Parents of girls apparently fear to report a steady series of insults and affronts committed and threatened by boys.

The overwhelming percentage of accidents at McGavock and other schools are the result of the mass transportation of students to each affected school from neighborhoods outside the community it was designed to serve,—or more accurately—outside the community it had grown to serve since the relationship of schools or other socio-cultural institutions is not one of mechanical contrivance or design but is organic. A living community envolving individuals, family, school, church, club, and countless informal relationships, subtle but real, is not a machine to be tinkered with from afar by remote and abstruse minds in order to force compliance with well wrought but unreal abstractions.

Pluralism does not mean enforced homogeonization from above; it means the right of various groups to develop their own genius, to realize their own identities and in a free interchange with other groups similarly free, develop and enrich the total culture.

As long as insensitive, artificial restraints and proddings are thrust on this community, there will be incidents and unrest. Plaintiffs upon information and belief avers that many incidents have occurred both in school and on busses which have gone unreported and ask leave of this honorable court to file additional affidavits as exhibits to this complain as they become available.

Beginning more than 15 years ago, the boards of education of the then separate entities of Nashville and Davidson County were made defendants in spurious class action cases in the United States District Court for the Middle District of Tennessee in which certain persons claiming to represent a minority class that never has been defined sought to require discontinuance of compulsory segregation of pupils in the public schools on the basis of their race on the theory that governmental assignment of pupils to classes on the basis of their race was a denial of the equal protection of the laws by the State of Tennessee in violation of the Fourteenth Amendment of the Constitution of the United States.

Pursuant to decrees entered in those cases, the two school boards began implementing programs of gradually eliminating race as a basis of pupil assignments in accordance with a plan specifically approved by the Federal Courts and in accordance with a timetable specifically approved by those courts.

After those programs have been completed in full compliance with court orders further decrees were entered in those same cases upon the reverse proposition that equal protection of the laws not only did not forbid but actually required assignment of pupils to classes on the basis of their race, and that such racist assignments should be so extensive as to require massive transportation of black pupils long distances, because they were black, and massive transportation of white pupils long distances because they were white.

At the time those decrees were entered, the United States District Court for the Middle District of Tennessee had no jurisdiction of the subject matter and no jurisdiction of the persons of the present plaintiffs or of any of the classes they represent, or even of any ascertainable class of any kind represented by the named plaintiffs in the cases before it. Furthermore, there was a complete failure to join indispensable parties to that litigation even under the federal theory of spurious class actions.

Nevertheless, acting under color of its authority as a federal court, the United States District Court for the Middle District of Tennessee ordered reversals of its former decrees implemented beginning in September, 1971, and although its decrees were in no sense final adjudications of the legal and equitable principles involved, the federal district court, Court of Appeals and Supreme Court declined to stay the effectiveness of its decrees pending final decision of the principles involved by appropriate and orderly appellate review. Such irresponsible and high-handed action, even in a case of which the federal courts had full jurisdiction of the parties and the subject-matter with all affected classes adequately represented would have been a deprivation of the present plaintiffs' lives, liberty and property without due process of law in violation of the Fifth Amendment to the Constitution of the United States, and also of certain Acts of Congress.

At the beginning of the school year of 1971, the defendant Metropolitan School Board, purporting to act under the authority and compulsion of the void federal court decrees heretofore mentioned, instituted a pupil assignment plan which required the massive transportation of vast numbers of students from their residential communities to attend distant schools in other communities. These assignments were made solely and alone upon the basis of race without regard to the wishes or welfare of the students affected or of their parents and families; without regard to, or even competent investigation of, the effects the plan would have on the quality of education available or the effective operation of the schools affected; without regard to the health and safety of the pupils, teachers and general public; and even without regard to the availability of the necessary vehicles and other physical and economic resources.

In carrying out this arbitrary plan, the defendants went further and undertook to treat some statutes and Constitutional Provisions of Tennessee as invalid, although no Court decree had so declared them, and they undertook to enforce their transportation and assignment edicts by prosecutions under other statutes as interpreted by themselves, particularly the compulsory school attendance statutes, codified as Title 49, Chapter 17 of the Tennessee Code, or portions thereof arbitrarily selected and capriciously interpreted by the defendants or some of them and subordinate employees under their direction and control.

The results that any schoolboy could easily have predicted from such arbitrary and capricious actions have, in fact, developed, and only fortuitous occurrence of a particularly mild winter (So far at least) has prevented the school system from breaking down completely through the total failure of the transportation equipment available.

Even with unusually favorable weather, however, the continued operation of the schools actually has not represented continued education for vast numbers of students. Many children of all ages have been capriciously exposed to heavy risks to their lives, health, and safety, not only from the unnecessarily increased risks of traffic hazards but also to violence actually generated by the forced mixture of racially bigoted persons, both black and white, and the chain reactions such violence predictably brings about.

The transporting of students to strange and unfamiliar schools has created tensions which are becoming more taut and dangerous by the passing of each day.

Mr. President, the sum and substance of it is just a sequence of tragic and unnecessary events which has jeopardized the educational process of a fine community. A community of fine people have placed in jeopardy the support of their public school system, a climiate where both the whites and blacks in the community once had been willing to work in behalf of the common good.

This has all been unnecessary. The problems that arose could have been resolved, and were being resolved, by a concerned community, a community of people of both races who knew the needs of their schools and their children. These people were working to enhance the equality of opportunity. Blacks and whites were in schools together.

If I remember correctly, there were very few schools remaining of either black or white constituencies. It was a community composed of people of great character and great faith; a community that has shown enormous racial progress in resolving the differences between people. The tragedy of intervention to disrupt this normal process of working together, the tragedy of teaching these children and their parents that they have no rights. They know now that they can be selected, assigned, and transported purely because they happen to be born black or happen to be born white. This goes far beyond some of the questions raised in these days and times when we try to avoid debate on this particular matter.

What concerns me most is the effect these busing edicts have upon the young citizens who look to their local governments for quality education to equip them to pursue their chosen careers.

For example, we have the case of young Dick Edwards, whose goal in life has been set for some long time; he intends to become a physician in the field of veterinary medicine. As early as last October, I presented to the Senate the case of this young man. If I may paraphrase and summarize, the effect of a busing decision transferred him from a school where he could be trained for his chosen field to a school which does not teach the subject matter he must have in order to go to higher education.

Mr. President, we have placed a lid on the life of this young man. We have limited his opportunity, despite his special background, his special training, his special concern, and his ambition. He has been penalized and his life has been altered by something over which he has no control. This is just a single occasion; it happens time and again.

You cannot go into a high school in that community without seeing repeated the examples of school teams broken up, school bands that have been disrupted, students who had bought class rings only to be put into a different school in their senior year, students who had bought band uniforms or cheerleader uniforms—not only white students, but black and white alike.

One wonders at the ability of a judge to assume himself to be all-wise and all-knowing in the circumstances which surround him. One wonders at a country which would abrogate the fundamental concept of a Constitution that treats people, not as blacks or whites, but as human beings, as creatures of their Maker.

One wonders at Congress. It is the people's branch. It is the responsive element of the tripartite form of government given to us by the Constitution of the United States. One wonders at a Congress which will not in fact respond as it is constitutionally mandated. One wonders at a Congress which will tolerate a refusal to even grant hearings on major subject matter of an emotional intensity unseen in this country in the last few decades.

One wonders how long the American people are going to tolerate that circumstance and that condition, feeling as they do that their children come above all else: their rights, their security, their happiness, their health, or their safety.

Congress may be weak in its response. But I hope the response will be strong and come today or in the near future, both in this body and in the other, calling us, once again, to adhere to the values and principles of this country of ours. Must we be reminded of principles as basic as all people are created equal and that they should be considered on their merits as human beings, and not on the basis of race. Are we going to forget that all men have basic rights that cannot be abrogated by court or law, and that those human rights are deserving of protection and enhancement today, at this point in time, in this Republic?

I think that is what we are trying to do by this amendment. We are simply saying, "Face the problem. Face it and discuss it. Have the courage to hear both sides, and then act. Act in behalf of all to provide an opportunity for every child of this country to acquire the blessings which have been bestowed upon us."

Mr. TALMADGE. Mr. President, I am sure that it will come as no surprise to anyone in this body that I am in full support of the amendment offered by my distinguished colleague from Michigan.

I am also sure that no one will be surprised to see me speaking in support of this amendment. My liberal colleagues in this body will probably remark to each other with some amusement that whenever busing is discussed on the Senate floor, HERMAN TALMADGE will be heard from.

Well, Mr. President, I can guarantee them that they will continue to hear from me loud and clear on this subject, whenever it arises.

Last week, I had occasion to speak on this question in a somewhat humorous vein. At that time, I suggested that we use school buses to transport Supreme Court Justices to and from work. But in case there is any doubt in the minds of any Member of this Senate, forced school busing is not funny to the senior Senator from Georgia.

During debate on this bill, I had occasion to hear the distinguished senior Senator from Illinois tell us that schools in his State were closed early this year due to lack of funds.

And yet we continue this insane and idiotic practice which will cost Chatham County Georgians in excess of $850,000 in the next year alone.

During this last election year, Mr. President, the people of America have expressed themselves clearly in two areas—they do not like forced school busing, and they do not want higher taxes. Yet the Congress continues in its obstinate refusal to respond to these clear mandates. Our Federal judges, secure in their tenure, and our Federal bureaucrats, secure in their anonymity, continue to crank out transportation charts so intricate and complicated that Daniel Boone himself would probably get lost trying to follow them.

Forced schoolbusing is driving America's affluent citizens further and further into the suburbs. Our inner cities are deserts of poverty and despair. And yet the bureaucrats and judges tell them that even if they move their children to igloos in Alaska, they will not be safe. Mr. President, I really believe that if those Americans who dislike forced schoolbusing were to flee to the polar ice cap, that HEW and the Federal courts would send after their children in dogsleds.

Busing is dividing our country along racial and class lines. It is bankrupting our schools. It is fanning the fires of racial hatred. And many studies indicate that it is not doing education one particle of good.

Mr. President, let us be done with this nonsense. We have a chance here to speak for the people of America. Let us return to education, and renounce this ridiculous practice.

I thank the Senator from Michigan for offering this amendment. I will vote for it, and I urge my colleagues to do likewise before the American people get tired of being told that they do not really know what is best for them. We are here to serve the people. The will of the people is clear. It is time we started paying attention to it.

Mr. HART. Mr. President, again, an amendment is proposed which would "stop busing public school children;" that is, stop it where a Federal court finds it necessary to protect the Constitution of the United States. Despite what one might judge from the busing rhetoric receiving the most attention, there are persons in this Nation who support the Constitution and the concept that illegal segregation must be corrected, even if the solution involves busing.

There are voices, too often drowned out or ignored, urging people to obey the courts, to do what is required so that the racial divisions which afflict our society today will not be visited upon future generations.

Such courageous voices are speaking even in Michigan, where a number of city school systems are operating under busing orders and a Federal judge has ordered a metropolitanwide busing plan for the Detroit area.

These voices include a joint statement issued by the religious leaders of the Detroit area urging that court orders be obeyed.

There is the voice of the Metropolitan Coalition for Peaceful Integration, a coalition which includes religious, labor, civic, and legal organizations.

And yes, there are the voices of those who have experienced busing in cities such as Kalamazoo and Pontiac.

Two reporters for the Detroit News recently visited those two cities and, in their own words, reported:

> School officials in Pontiac and Kalamazoo say their experiences with busing generally have been favorable.

I have received numerous letters from parents of Kalamazoo children expressing a sense of excitement, pride, and satisfaction with the results from the program to desegregate Kalamazoo schools.

Maybe one reason busing is working for these people is because they subscribed to the statement of social concern adopted by the Board of Second Reformed Church. I ask unanimous consent that the statement be printed at the conclusion of my remarks.

Also, as we look ahead to the possibility of busing in other communities, including the Detroit area, remember that it was in Pontiac, where school officials say busing is working, that violence principally by antibusing adults, disrupted the first days of this school this year. Who knows what effects on pupil achievement these disruptions had?

Certainly, no one should suggest that busing in Kalamazoo and Pontiac matches in scope the busing contemplated in the Detroit area.

But let no one suggest either that the heated rhetoric of opposition to any busing plan will not make the task of obeying the court tougher to achieve.

Whether you are for or against busing, let each of us remember the unconstitutional situation which requires its use. Let each of us remember the faces of hate that greeted children going to newly integrated schools in Little Rock and in Louisiana, and resolve to dampen rather than fan the flames of such hate.

Let us do what we can to insure that the voices of such groups as the Metropolitan Coalition for Peaceful Integration be heard and heeded.

In a statement released shortly after the latest busing order was issued in Detroit, the coalition urged:

> The entire community—regardless of the feelings about the Roth decision—to acknowledge and plan for the contingency that the court's ruling, with or without modification, will be supported by the U.S. Supreme Court as the law.
>
> Other communities, both north and south, have failed to accept this possibility of court ordered desegregation and continued with business as usual. When the final order came, the community was strained to complete arrangements for an orderly transition.

The statement went on to outline the task immediately at hand.

I ask unanimous consent that the coalition's entire statement, as well as the list of its member organizations and the busing story from the Detroit News be printed at this point in the RECORD.

These voices have a message for all of us.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A CALL TO POSITIVE ACTION

A STATEMENT OF SOCIAL CONCERN BY THE BOARD OF SECOND REFORMED CHURCH

THE CONCERN

The Consistory (Church Board) of Second Reformed Church of Kalamazoo, in seeking to exercise its spiritual leadership on behalf of the church and being aware of the urgent concerns of racial imbalance and the related tensions of required busing in our public schools, desires to speak to the Board of Education of the Kalamazoo Public School system and to our community and churches.

THE OPPORTUNITY

We speak with urgency because we recognize that our present balance plan provides us all with many immediate opportunities to act positively in midst of our racially separated community and country.

WE CONTINUE TO BELIEVE

That the primary function of the Church of Jesus Christ is to witness the love of God for all people. We also continue to believe as stated in the Reformed Church's 1957 Credo on Race Relations that "the Supreme Court decision on the ordered gradual desegregation of the public schools of our land represents an effective legal expression of the Christian attitudes and convictions at the present time. We believe that we should support and implement the intent and content of that decision."

WE ACKNOWLEDGE

I. Our having established in the Kalamazoo community a high percentage of segregated neighborhoods;

II. Our reluctance to live with people who are different, which passes this burden on to our children;

III. Our need to learn how to live together in a way which honors our differences and encourages our unity.

WE ENCOURAGE THE BOARD OF EDUCATION

I. To continue to implement plans for quality education as we continue to racially balance our schools;

II. To evidence a patient leadership which refines rather than overturns the judicial decision leading to the desegregation of our schools in spite of the inconvenience of expanded transportation;

III. To provide the community with leadership that counters the fear and prejudice that busing arouses in some citizens, and that counsels the traditional American virtues of common sense, courage, and fair play in dealing with this difficult issue;

IV. To be aware of the fact that it is the students and teachers who need first consideration and therefore to support programs which will undergird their effort to achieve a healthy, positive relationship in the classroom.

WE ENCOURAGE THE COMMUNITY

I. To provide a home and community environment which enhances racial understanding and continues school contacts through other natural experiences such as visiting and sharing family life through new friends.

II. To search out the reasons for deep racial alienation present in our society and to show understanding when these divisions erupt within our local schools.

III. To celebrate the more total learning which is happening in our schools and to keep in proper perspective the long term positive growth which racial balance experience provides for student, staff, and our total community.

IV. To reject isolated situations as reasons for returning to a previously segregated educational and community experience.

V. To reject the movement toward a constitutional amendment and other legislation aimed at prohibiting busing to achieve racial balance.

WE ENCOURAGE THE CHURCHES

I. To use their corporate endorsement and human and financial resources in support of organizations, judicial and legislative bodies, and racial balance plans in our communities.

II. To express patience, faith, and vision as we live with the inconvenience of busing because we, as a Christian community, believe the quality of education is immensely enhanced with an educational setting which develops human dignity through the experience of diversity.

III. To work for the desegregation of neighborhood and all other aspects of our society so that our public schools will be balanced through natural living patterns and not imposed transportation systems.

IV. To urge clergy and laity to engage their congregations and our community in open dialogue on the moral issues involved in racial balance and to continue to work to overcome all forms of implicit and explicit racism.

METROPOLITAN COALITION FOR PEACEFUL INTEGRATION

Calls for responsible action now.

U.S. District Court Judge Stephen J. Roth has ruled that a metropolitan desegregation plan is to be developed in detail and implemented in the case of Bradley vs. Milliken Detroit Board.

After months of hearings and speculation, we now know what communities and what school districts are encompassed within the order.

For those who take issue with the court's ruling there are opportunities to express that opinion through orderly and peaceful means. The law allows for appeals and they will undoubtedly be appealed. An appeal does not necessarily mean that implementation of the order will be delayed.

The Metropolitan Coalition for Peaceful Integration urges the entire community—regardless of the feelings about the Roth decision—to acknowledge and plan for the contingency that the court's ruling, with or without modification, will be supported by the U.S. Supreme Court as the law.

Other communities, both north and south, have failed to accept this possibility of court ordered desegregation and continued with business as usual. When the final order came, the community was strained to complete arrangements for an orderly transition.

If we care about our children and the type of education provided them there is much work to be done. Indeed, we are fortunate that there is time to plan and to insure that the final decision can be implemented in an orderly and successful manner.

The Metropolitan Coalition for Peaceful Integration urges all members of the metropolitan community to join it through a program of action. Public officials, school officials, administrators, teachers, parents and students can become involved during the months ahead.

THE TASK AT HAND INCLUDES

1. Keeping the community informed. Administrators, teachers, parents and students should be provided with accurate and detailed information about the court order, the plan and the appeal process.

2. Elected public officials including Boards of Education have a legal responsibility regardless of personal feelings, to abide by the law.

Boards of Education can and must provide constructive leadership, guidance and assistance.

3. News media have a particularly important responsibility for coverage that is complete and non-inflammatory.

School officials can call meetings within their district to present information and discuss the situation surrounding the court action. Periodic reports can and should be prepared for residents in each school district.

4. Teacher orientation and planning. The school staff will have many questions and ideas about the prospect of desegregation. Teacher roles, attitudes, and skills can serve to facilitate or impede an orderly transition.

It is critical that educators explore and plan to overcome problems experienced in other desegregation plans in other areas of the state and nation.

5. Parent orientation and involvement. Discussion sessions with parents from individual school buildings should be initiated by school officials or by parents themselves as soon as specific student assignments are announced.

The questions and concerns of parents can be identified and a program to find solutions can begin. Administrators and teachers along with students should participate in this process.

6. Contacts across district lines. Boards of Education, administrators and teachers who will be drawn together through the desegregation process must begin to talk and plan together. Information about each district—the strengths and weaknesses—should be shared.

7. Establish inter-district working-planning committees: Teams of administrators, teachers, parents and students, can examine such things as curriculum, class organization and size, teaching materials, extra-curricular activities, lunch facilities, school rules, student safety, health problems and educational objectives.

8. Assisting students. The central task in implementing desegregation is to provide assistance and support to all students during the transition.

A warm welcome by teachers, neighborhood residents and fellow students; a tour of the school plant; and discussions on rules and requirements are critically important.

Finally, students and parents must be assured that they can go to members of the administration or staff and receive prompt, fair consideration of their individual problems.

And what if the higher courts reverse Judge Roth's ruling or the recently passed integration moratorium bill is signed by the President and upheld as constitutional?

The Metropolitan Coalition for Peaceful Integration believes that some form of desegregation is certain to occur.

The plan of action that the MCPI recommends begins to build a network of communication and cooperation within school districts and between school districts in this metropolitan area. Perhaps we can understand each other a little better because of this process. Certainly we will be more aware of the problems that we face individually and collectively. The foundation for building a better community is established.

The Metropolitan Coalition for Peaceful Integration came into being in March, 1972. Cooperating organizations are:

American Civil Liberties Union

American Jewish Committee

American Jewish Congress

Anti-Defamation League of B'nai B'rith

Archdiocese of Detroit

Citizens Organization for Suburban Responsibility

Coordinating Council on Human Relations

Detroit Commission on Community Relations

Detroit Round Table of Catholics, Jews and Protestants

Detroit Organization of School Administrators and Supervisors

Metropolitan Detroit Council of Churches
Detroit Council for Political Education
Episcopal Church—Diocese of Michigan
Grosse Pointe Human Relations Council
Grosse Pointe Women's Democratic Discussion Group
Interfaith Action Council
Jewish Community Council
Jewish Labor Committee
League of Women Voters of Detroit
Michigan Federation of Teachers
Metropolitan Detroit AFL–CIO
National Council of Jewish Women
UAW–SEMCAP
Trade Union Leadership Council
Detroit Urban League
United Methodist Conference
West Bloomfield-Farmington Area—League of Women Voters
Wolverine Bar Association
Women's International League for Peace and Freedom—Detroit Branch

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[From the Detroit Sunday News, June 25, 1972]

Two State Cities Measure Year of Busing

(By Michael F. Wendland and Paul Gainor)

The only two Michigan school districts so far involved with forced bussing to achieve racial balance report no new academic problems and some progress towards reducing racial hostilities after a full year of court-ordered transportation of students.

Though the evaluation of achievement and attitude tests is still under way in both districts, school officials in Pontiac and Kalamazoo say their experences with bussing generally have been favorable.

Neither district, however, can be viewed as a barometer for the pending cross-district bussing plan ordered two weeks ago for the tricounty Detroit area by Federal Judge Stephen J. Roth because there are important differences.

Roth's order, to be fully implemented by September, 1973, would result in the bussing of about 310,000 students from 52 school districts.

Pontiac is bussing about 9,000 of the district's 23,000 students. Kalamazoo's bussing program affects some 10,000 of the district's 16,500 pupils.

Both the Pontiac and Kalamazoo bussing plans—begun last September under a Federal Court order—do not affect other school districts.

The Pontiac and Kalamazoo plans are similar. Both cities have around 90,000 residents. Blacks represent about 30 percent of the total.

Both plans affect just elementary and junior high boundary lines redrawn to schools. High schools had achieve better racial mixes several years before the court-ordered bussing.

When schools opened under the new desegregation plans, angry white parents picketed the districts' bus depots. In Pontiac, 10 buses were dynamited a week before school opened. In Kalamazoo, a new bus was damaged by a firebomb.

Now, after a full term of bussing, school officials in both districts look back on it as "one of the most tranquil" school terms in recent years and say the children "adjusted beautifully" and learned better or just as good as in preintegration days.

Only in Kalamazoo was there strong enough racial tensions to close a school during the year. That incident occurred June 16—the last day of school—in one of the district's four elementary and junior high schools.

"It was a minor incident, caused by a fight between a white student and a black student," said a school spokesman.

"The white boy had been suspended the day before and came back to school and clobbered the first black he saw. We closed down the school because of the tensions that arose, but I really think the tensions came about mostly because it was the last school day of the year."

In Pontiac, none of the 36 schools were shut down because of racial tension or violence this past year.

There was, however, an increase in reports of violence in the schools during the first three weeks, but it is impossible to measure the outbreaks against previous years because neither police nor school officials had ever kept track of such incidents before.

As an example of what happened this past school year in Pontiac, officials point to Eastern Junior High, formerly known as the "toughest" of the district's six junior highs because of student turmoil which caused it to shut down 10 times the year before.

After integration, which changed Eastern's racial composition from 85 percent black to 65 percent white, tensions lessened and there were no closings.

"People changed," is the way Eastern Principal John E. Burton explains it. "The kids and their parents adjusted and learned to accept each other."

Merle Smith, a Ph.D. in educational psychology who heads the Pontiac School District's four-man research and development staff, said bussing has caused "little change in achievement," based on preliminary results of two tests administered this year.

One test was given in November and the second in May. Results of the May test are still being processed, but "eyeballing" the scores indicates neither advancement nor regression in achievement, Smith says.

"It's a little unrealistic to expect achievement gains the first year," Smith said.

"We had buses blown up and picketing. It probably wasn't until October or November that we got down to the business of educating kids."

In Kalamazoo, school officials say they have little solid information at hand to say with any certainty what effect bussing has had on students' achievement.

"But we do know that there has been no adverse affect on either white students or black students," said Dorothy Rothrock, an official of the Kalamazoo Board of Education.

"We are watching carefully the test results of the students and have found that, generally speaking, bussing has not hurt achievement at all. There are preliminary indications that many of the black students have improved. White students seem to be doing about the same."

Pontiac's Smith says his district's first-year bussing experience shows it a "myth" that integration causes achievement of white pupils to fall while black pupils progress. Research has shown whites remain about the same while blacks gain, he said.

Testing will continue two more years, Smith says, and he expects to see positive results over the long haul.

"I get concerned with this emphasis on achievement," Smith said.

"While it's important, one of the significant parts of desegregation is to develop an awareness of other races. Attitudes are more important than achievement."

An attitude survey taken by Pontiac school officials in January showed the likelihood of a pupil making friends with classmates of another color declined among older students.

The survey showed that 93 percent of second and third graders made friends with pupils of other races. The figure declined through the ninth grade to 66 percent.

"Younger children are more flexible," Smith said. "Their attitudes aren't set yet. When President Nixon says bussing should begin above the sixth grade level, he's advocating the wrong approach."

Though results of a parental attitude survey have not been assessed yet, Smith is "pessimistic" about it.

"I really don't expect adult attitudes to change," he says.

"We still have many people who believe in the neighborhood school concept, though we no longer have the neighborhood grocery or drug-store. We're reluctant to give up the neighborhood school."

In Kalamazoo, however, a detailed survey of black and white parents of school-aged children was released last week.

Conducted for the school board by Dr. James Boothe, director of the Educator Feedback Center at Western Michigan University, the study found that while black and white parents felt their children should attend schools within walking distance, they also felt bussing was working well.

Some 73 percent of the black parents felt their children were achieving at a satisfactory level while 74 percent of the white parents agreed.

Other findings in the study included:

A majority (77 percent) of the parents indicated that their children enjoyed school this past year.

Compared with the previous year (before bussing), 74 percent of the parents felt their children had the same or fewer behavior problems at school this past year.

While 49 percent of the parents felt their children had more interracial contact in extracurricular activities this year, 19 percent of the parents themselves reported increased contact with parents of another race.

Some 46 percent of the black parents felt that the educational needs of black children differ from those of white children, compared to 30 percent of the white parents who felt the same.

Besides the parental survey, there is also a study on the attitudes of Kalamazoo teachers.

That survey, conducted by the Kalamazoo City Education Association in mid-May of 500 of its 850 members, found that 78 percent of the educators are pleased with the present school attendance plan and do not want a return to neighborhood school attendance patterns.

Just over 81 percent of the teachers thought their students were progressing about the same or better than before bussing, although 41 percent felt it was now harder to work with their students.

LACK OF PARTICIPATION FOR LOCAL GOVERNMENT

Mr. HANSEN. Mr. President, I oppose title IX of S. 3010 as it is presently written.

One of my reasons for opposing, unqualifiedly, the legal services corporation is its complete and utter failure to recognize that our State and local governments, constituting a more directly related voice of the people, have the ability to conduct these free legal service programs and, in fact are doing so; its failure to recognize that State and local bar associations constitute a better representation of the full spectrum of legal thinking and ability and play a definite and positive role in their respective areas; its failure to recognize that State and local governments, which are so often sued by these legal service programs should have any voice in how the corporation is run or its policies are formulated; its failure to recognize that there are certain legal officers out in our States and cities who have expertise in the area of legal services and who also have the direct experience with the OEO legal service people who are written in as members of every board and council; its failure to recognize State and local organizations of those who will be served by the program and, in fact, I take exception to the intentional drafting of this legislation so as to rule out any recognition and representation of all pertinent and logical State and local voices.

Mr. President, this title is made a part of the Economic Opportunity Act, which was premised upon a belief that there was too much centralization and emphasis upon the "national way being the only way." When the Economic Opportunity Act of 1964 was reported by the House Committee on Education and Labor, the report on the very first page said one of its purposes was:

> To stimulate our communities to initiate local action programs.

On page 3 of that report was declared:

> The Federal Government will work cooperatively with State and local governments so that the treasured local-State-Federal partnership may be maintained—and the programs—can only succeed if the full resources of labor business and the agencies of Federal, State, and local government march side by side in support of it.

On page 10 it was said:

> Local citizens know and understand their communities best and they will be the ones to seize the initiative and provide sustained and vigorous leadership—communities will commit their ideas and resources and assume responsibility for developing and carrying out local action programs—as much flexibility as possible will be left to local communities and local organizations to develop their local programs.

Look at the record. It is replete with defense of OEO programs as not being nationalization of local areas of concern, expertise and ability but, rather, in furtherance of it.

The first thing I want to do is call the attention of Senators to the only possible recognition of any State or local organization or entity which I can find in this bill.

We all know, of course, that this title in no way permits any State or local government to keep this independent Legal Service Corporation from operating within its boundaries. There is no mechanism for a State or locality to fashion its own program.

There has been provision for a notice of "watch out, here we come." It in no way gives the bar association an opportunity to even file comments or offer suggestions. The Corporation is going to be there in 30 days, and that is that. There is no way the State bar association can stop it or hope for modifications of the proposal.

Perhaps the State bar association already has an adequate legal services program or is on the verge of instituting one. Perhaps the grant has been made by the Corporation in Washington without giving due consideration to the character or ability of the grantee and the State bar association has evidence and opinions which, in the eyes of all reasonable men, should be heard. Perhaps the proposed program contravenes the bar association's code for the practice of law within the State. Perhaps the State or local community knows a lot of things. It does not make any difference. That is why the inclusion of only this provision is an insult to the State and local bar associations and associations of private persons interested in legal aid to the poor.

Outside of the provisions of the section which I have just discussed, there is no local or State participation required under this title, except perhaps one which I will discuss later. Regardless of the congressional commitment in the inception of the OEO programs, the questions I raise are valid:

First. Why does the Legal Services Corporation title providing for an Advisory Council limit those who can submit names for persons to serve on it, to only "national" organizations of persons eligible for assistance? Why are not the State and local organizations which do exist recognized? Why should we force them to join and be subrogated to some "national" organization?

Second. Why, when provision is made for grants and contracts for legal services, are not State and local bar associations specifically included as being eligible? Will they be excluded?

Third. Why does not this bill provide that this independent corporation must comply with all applicable State and local laws? Will the corporation and its grantees, and so forth, claim they are above both State and local corporate laws and State and local laws regulating the practice of law because their existence is due to a congressional enactment and their funds are Federal funds?

The absence of a specific provision is no oversight. In the section where provision is made for State and local audits it is required that the auditor "be certified or licensed by a regulatory body of a State or political subdivision."

Fourth. Why is it that the members of the board of directors, which allegedly run the corporation, are selected from lists of names submitted only by national associations of law schools, national associations of potential clients, national associations of attorneys providing free legal services, and so on? I, as I have already said, see no reason to exclude the independent local State bar associations, the independent local and State potential client organizations and attorneys engaged in practices which relate to State and local governments. For example, why is there not a representative of associations of attorneys general, or associations of prosecuting attorneys, county attorneys, and city attorneys? These people serve in and for such organizations as representatives of the interests of State and local governments.

Let us not say that these honorable lawyers are not qualified to be on the board because they often find themselves on the opposite side of the case from the legal services attorneys. That is one of the best recommendations I can think of to have them on this board. If there is to be a corporation, its board needs balance, there is no doubt about that. All it consists of is the representatives of these national organizations and the lawyers who are going to be its employees on which we need the board to exercise restraints. There is, of course, one judge and seven from among the general public, but there is no guarantee of balance there. There could be if the bill said they should not all be dyed-in-the-wool advocates of socialized law but that provision or perhaps one worded somewhat more prudently, fails to appear.

Look at the one judge who is to be a member. Why is it required that he represent the national judiciary? That is what "the Judicial Conference of the United States" is. I ask why not a judge from a State or local domestic relations court, a judge from a State or local "debtors court," a judge from a State or local juvenile court or a judge from a State supreme court? It is in those State and local courts that the real problems of the poor—landlord and tenant, domestic relations, creditor suits, employment suits are, or should be, handled. The same is true for educational and welfare matters even though the OEO attorneys have preferred the Federal courts on these. The way that section is worded it is extremely doubtful that such a local or State judge would even be appointed.

Mr. President, there is no magic in being a member of a national organization, government or body but there is no doubt that this title is drawn as if there were, to the exclusion of any real State or local representation, the importance of which was declared when we passed the Economic Opportunity Act.

Mr. President, finally, I ask:

Why should we deny our belief in our people, expressed through their local organizations and governments, by passing this particular piece of legislation?

QUORUM CALL

Mr. HANSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEICKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, the pending amendment offered by the Senator from Michigan (Mr. GRIFFIN) is one that I support wholeheartedly. What it does is limit the jurisdiction of the Federal courts insofar as school busing is concerned. And it also has a portion of it that contains a moratorium on present audits affecting school busing.

I would certainly hope that the Senate could come to grips with this issue now and agree to the amendment.

As Senators know, when we were discussing it some months ago when we had the Higher Education Act before the Senate, the jurisdictional amendment failed to carry by only one vote. It was that close. And since then we have had more and more expressions on the part of people all over the country concerning how they feel about forced school busing.

In the time frame that we were arguing the Griffin amendment earlier in the year, it so happened that the Florida presidential primary was in the process of being debated and argued by the various candidates on both the Democratic and Republican sides. And also shortly after our vote on the amendment, we had the primary in Florida, my home

State. I would like to point out that at that time there was only one issue in that presidential primary in Florida, which was the second primary, the largest primary until that time, and one of the most important in the country. It was important because it was the first big State and one of the big 10 States in population.

As a matter of fact, Florida is now No. 8 in the country in population. So, this was a real test insofar as the presidential primary was concerned. It separated the men from the boys and it told a whole lot about what was going on.

It foretold what would happen to at least some of them. However, the interesting part of the primary was that it boiled down to a single issue, forced school busing. Practically no other issue was discussed in Florida during that whole primary. Not only were the candidates obsessed with this single issue because that is what the public was interested in, but also on the ballot in the presidential primary on that particular day there was a straw ballot asking the citizens of Florida their opinion on the very subject of busing.

The straw ballot was put in the form of an expression of opinion as to whether the people favor the passage of a constitutional amendment against busing. That matter became a very heated issue in the Florida primary, not only on the became a very hot political issue in the part of the presidential hopefuls who were campaigning, arguing, and debating all over the State of Florida, but it also State itself.

The Governor of the State chose to make this an issue. As a matter of fact, he was one of the reasons that the constitutional amendment was put on the ballot. Our Governor felt very strongly about it, and he elected to campaign very vigorously in opposition to the amendment and implored people not to vote for it. He raised a good deal of money on behalf of this effort.

The Governor and I had a statewide debate on television concerning this issue. I would like to point out that at that time our Governor was one of the most popular Governors in the United States. As a matter of fact, I have read some polls that show that he was the most popular Governor in all of the States. He had previously tested his popularity with another constitutional amendment affecting the State of Florida that had to do with corporate income, whether we should approve a corporate income tax for Florida. We had a provision in the constitution which prohibited the levying of any tax, whether corporate or individual. The Governor favored the imposition of a corporate income tax. This was the subject of a constitutional amendment not long ago. This matter was debated very vigorously up and down the State.

The Governor won by an overwhelming majority when this matter was put to the test. Everyone thought that one of the reasons the Governor won was his popularity as a Governor and his ability to convince the people of Florida that they should have a corporate income tax.

I point this out in this context to show that the Governor was popular and was persuasive. Then the busing issue came up, and the Governor took the side that we should not have a constitutional amendment opposing busing.

The people thought otherwise and when the votes were tallied in the State of Florida in that presidential primary, which also included that busing amendment, we found that approximately 75 percent of the people favored such a constitutional amendment.

Mr. President, 25 percent opposed it. In other words, those in favor of the constitutional amendment opposing forced busing won by a margin of 3 to 1. That is where the issue stands throughout the Nation as a whole. Polls have been taken nationwide. Every time this issue is put to the test and the people are asked about whether they are in favor of busing or opposed to it they register their overwhelming opposition to it. I think that this represents the overwhelming sentiments of the people of the United States. Not only in the State of Florida, as well as other Southern States where we have had the issue before us a number of years, but also in other States of the Union. It is true in States in the North, such as the home State of the author of this amendment, the distinguished Senator from Michigan. The people of that State feel just as strongly about busing as we do in the South and in Florida. As a matter of fact, in the City of Detroit they had an opinion poll not too long ago on this very issue and they discovered that not only were the people overwhelmingly opposed to busing in Michigan but also, and this surprised a lot of people, the blacks themselves—in fact 63 percent of them in Detroit, which is now the focus of attention on busing because of the Federal judge's pending court decree there—wanted no part of forced busing. They do not like it either.

This issue has without a doubt become the most emotional, the most volatile, the most widely talked about issue in the United States today politically. I have spent almost 18 years in public office, almost 10 years in Congress and 8 years on the local governmental scene. I have seen all sorts of controversial issues as has anyone who has spent that amount of time in office. But I can truthfully say I have never seen any issue that came to the apex of emotionalism that this one of forced busing has approached in this country. Why is this so? Are people opposed to busing because they are racist? This is a charge that is made by people who favor busing. I do not think that is true. As a matter of fact, in Florida, at the same time we had the constitutional amendment on the ballot in our primary a few months ago we also had another straw ballot. That straw ballot asked: Do you favor the dual school system? I cannot remember now exactly how it was phrased but substantially it was: Do you favor the dual school system or do you favor doing away with it? The point was: Do you favor whites and blacks going to school together; do you favor school integration? Seventy-five percent said we should not have separate school systems. So it is not a question of segregation or integration.

What it is all about is whether parents have the right to send their children to neighborhood schools or whether their children are going to be bused all over the county, if that is the school system, or all over the city, and whether they are going to spend a good part of their school lives on buses being transported miles across the school districts from one school to another, or whether they are going to be able to send their children to school in the neighborhoods.

That is what it is all about, and that is what has the parents so stirred up. In my office this has been the single biggest issue for 2 years. This past year, for example, I received in my office 31,000 communications on the issue of school busing. I received letters, telegrams, phone calls, and all sorts of communications. Of course, just about 100 percent of those communications were opposed to busing.

The thing that disturbs people is that one of the biggest decisions any parent, any mother or father makes is that of buying a home. It is the biggest investment that most families make during a lifetime. When they decide to build or buy a home in a neighborhood they look at a lot of factors. They make sure the neighborhood is one in which they can get along, for instance. But one of the biggest factors they look into is the school situation around the neighborhood. The reason why that becomes a rather large factor in their decision is because they do want their children to be able to walk to school. They even look at the travel problems to make sure their children do not have to go across some wide thoroughfares that might endan- 2 or 3 years ago which involved the school every day. They want their children to be able to get to school in as short a time as possible and to be able to come home after school is over as quickly as possible. Not all of them are within walking distance; some are bused.

The fact is used as a red herring by those who favor school busing. It is said, "We have always had school buses in this country as long as we have had automobile motors and wheels to put on buses. What is wrong with school buses?"

There is a great deal of difference between busing somebody a few blocks or being on the bus a few minutes, as contrasted with being on the bus for an hour or 2 hours back and forth when there is absolutely no need to do so because there is a school within walking distance or within easy riding distance of the home.

Some of the ideas these busers have are so ridiculous and preposterous they defy the logic of any reasonable person. Any one of us who has served in the Senate from the South, of course, knows of these problems that we face every day. But I remember one problem that I worked on 2 or 3 years ago which involved the school system in Palm Beach County. There it was proposed to bus students from what is called the Glade section of Palm Beach County, which is a farming section, and around Lake Okeechobee, one of the largest lakes in Florida and in the world.

They were going to bus these children over to other sections of West Palm Beach County and vice versa in order to satisfy this racial balance thing that some of these eggheads in HEW think so important.

This proposal involved busing children 40 miles one way and then back 40 miles another way along a narrow road that goes along a canal in this part of the county, an irrigation canal where they have so many accidents that it has been nicknamed for many years now as "Suicide Alley." This was the proposition HEW had on the school busing business in Palm Beach County. When the school authorities and parents came to talk to me 2 or 3 years ago, I was dumbfounded. I said, "You cannot mean those people are proposing this."

Well, they certainly were proposing it. They already had the plan outlined and they already had it down in black and white print that that is what they were going to do. Fortunately, I managed to get into the act and kill that particular act of insanity.

That is exactly what some of these people are trying to do. As a matter of fact, some of the plans they have in mind are even more ridiculous than that, like the one in Richmond that was proposed by a Federal judge that would combine the county Richmond is in with the adjoining counties around Richmond and bus back and forth thousands upon thousands of schoolchildren. However, the court of appeals struck down that plan, and that is the end of it, unless the Supreme Court decides for it.

That same sort of plan is now being proposed for the city of Detroit, a huge city, in which pupils would be bused from one end of the city to the other. That is what has caused this fuss in the city of Detroit.

So the plan they tried was idiotic in the State of Florida. Now we find it being implemented and carried out by some of the Federal judges throughout the country.

That is why the Senator from Michigan has offered his amendment.

Again and again we have put language into education bills and appropriation bills year after year. We have been doing it for at least 6 years, as I recall, now. The language seems to be very plain. In effect, what it says is that no money in this bill—if it is an appropriation bill—or no money authorized in this bill—if it is an authorization bill—shall be used for forced school busing. You would think that any reasonable man would understand what that said, but every time these appropriation bills or these authorization bills come before Federal district judges or the courts of appeal or the Supreme Court, we find again and again that the judges either ignore the language, pay no attention whatsoever to it, or else strike the language down and say it is unconstitutional in their minds.

So we continue to have school busing, no matter what we put in the bills here year after year. And, of course, that is what the Senator from Michigan proposes to get at with his amendment.

Time and again that language has gone to court—this language or some other language—and we have found that our efforts have been frustrated with each new attempt.

So now the Senator from Michigan says, what we really ought to do, since we cannot convince the judges that we really mean what we say, and they pay no attention to what we say, is to put language in this particular bill which says a judge shall not have any more jurisdiction over this at all. If he continues to say we do not mean what we say, if he continues to call black what is white or white what is black, despite the wording we use in the bill or the language of the bill, then, what the Senator from Michigan says is that he should not have the opportunity at all to make any determination upon these matters whatsoever.

And I say amen to what the Senator from Michigan proposes to do, because I think we have reached the point where we have got to make that kind of statement, where we must say to the courts that "You will not have jurisdiction over this at all, because if you do take jurisdiction over it, you do not pay attention to what we are trying to do."

At the time the Constitution was being drafted and the composition of the Government was being decided upon, an executive branch headed by a President, a legislative branch composed of the House and the Senate, and a judicial branch to interpret what the legislature passed by way of law, and what the executive did by way of carrying out the law, I think it was Thomas Jefferson who observed—and I am paraphrasing what he said now; I cannot remember the exact words—

> We have got a good form of government here. This ought to work. But the one danger I see in it is the power we have given the Supreme Court. Therein lies danger in the kind of government we have created, because these men, in deciding laws that we have passed from time to time, may arrogate to themselves power and authority and responsibility far beyond what we intend to give them here in the Constitution, and if they do that there is little that we can do to stop it.

The only way we can do it, of course, is by way of constitutional amendment. That, of course, is why constitutional amendments have been proposed here, several of them, on this very schoolbusing business. It is because the Supreme Court has forced us into that position by distorting, in their decisions, the language of the bills and the laws that we have passed and also the meaning of the constitutional amendments involved in the schoolbusing cases.

Then there is the matter of cost as far as schoolbusing is concerned. We enact laws here every year providing for enormous sums of money which we put into the school systems of this country. We passed one here yesterday which had an enormous amount of money in it, an increase of $4 billion or $5 billion over the year before, in the appropriation for the Department of Health, Education, and Welfare. A large part of that money, of course, is educational money. A good part of that money is going into schoolbusing now that we have decisions that caused schoolbusing at least in our part of the country, and will cause it in other parts of the country.

There is a good deal said about the cost of education and the cost of busing and the cost of quality education. Well, these costs of busing are rising every year. I have pulled a few statistics out of the hat that show how taxpayers' money is being spent in that regard.

Take the case of Charlotte, N.C. I picked that city because that case was one of the landmark decisions of the Supreme Court. I refer to the Charlotte-Mecklenburg case of last year, that involved busing over a very large area. It is estimated that the cost of school busing in that particular school system, because of the Supreme Court decision in Charlotte-Mecklenburg, is going to be in excess of $1 million. That is a lot of money for a school system. It is a lot of money to be spending on something that does not do anything for education at all.

People talk about education. Let us do something about the ghetto schools. Let us upgrade them. I do not think any Senator here would argue that that should not be done. Of course, we have appropriated a lot of money to get at some of the hard core problems and to get at the ghetto areas, but why do we not use the money being spent in Charlotte-Mecklenburg, on buses, drivers, and tires, instead on teachers, improved methods of teaching, getting at some of the hard core problems as simple as reading and writing? Why do we not spend it on basic courses like that, which need a great deal more attention, and where students need a great deal more intensive instruction than they are getting now in those ghetto schools? It seems to me that money spent on busing could be far better used for things like that.

In Jacksonville, Fla., one of the cities in my home State, the court order last year that created countywide, citywide busing will cost $1,250,000 to implement. How much better it would have been to have spent that money on improved education in the ghetto schools.

In the city of Tampa, Fla., another of the cities in my State, in Hillsboro County, the busing decision has made it necessary that 125 additional school buses be purchased by the school board. The school board had no money on hand to finance this busing required by the Court order. The county school tax was not enough to supply the funds; it had been lowered 2 years before. So they had to increase it again and bring it back up to its previous level, where it was before they lowered it; and in addition to that they had to go to the local banks and borrow $1 million in order to get on with this busing business that the one Federal judge down there said had to be done. How much better it would have been if the city of Tampa had not had to spend the money in the first place, but how much better it would be, if they were going to spend the money, to spend it on improving education, instead of hauling schoolchildren all over the county in buses.

Incidentally, I had a gentleman from Tampa, Fla., Hillsboro County, in my office just today. We were discussing this business of busing, and I asked him, "How is busing doing in Tampa."

I cannot remember all the things he told me and quote them here on the Senate floor, but in essence he said it is not working out at all, no one likes it; parents, schoolchildren, teachers, blacks, whites—almost all of them are opposed to it. The children are fighting each other all the time; there are racial clashes going on continually; policemen have had to be brought in almost on a continual basis to patrol the corridors in some of the schools in order to maintain order so that they could have any kind of an educational program at all.

All that is going on in Hillsboro County, and, as I say, at the additional cost of in excess of $1 million, money that could have been much better spent in other ways.

Every single taxpayer is affected by this business. A lot of people who really are not involved directly in the school problem are affected because, of course, in Florida as well as in most of the other States of the Union, the tax that finances the schools is the real property tax. This is the principal source of school moneys in the State of Florida. Of course, many of the homeowners who have children in school pay their share of the tax, but a lot of other people who do not have children in school do as well. That includes many who are retirees.

We have more than our share of retirees in Florida because of the sunshine in our State. We attract people from all over the United States to come to Florida to retire and spend their waning years. One of the real problems they have is to make both ends meet. Many of them have to depend entirely on social security, which certainly is not any great, huge sum—and on that score, I hope the Senate can come to grips with the social security issue before too long; an increase is well overdue. We should have revised our social security system and increased the amount of money we are paying the senior citizens 2 years ago. But in any event, what I am saying is that senior citizens on social security, or on perhaps a combination of social security and some other small fixed pension, believe me, when the real property tax goes up, even just $5, $10, or $25 just a small amount, it is something that is a really big factor in their economic life. It hurts them. And I think it is totally unfair that citizens like that, who have already educated their children in some other school system, ought to be taxed more heavily just to buy school buses and transport children back and forth across the county, away from their neighborhood schools, just to satisfy a few militant bureaucrats down at the Department of Health, Education, and Welfare. And when I say a few militant bureaucrats, that is just exactly what I mean, because the people who want school busing in this country are just a few. They are social engineers, mostly in the educational departments, and mostly here in Washington, egged on by a few other militant liberals, too, who seem to think that all of the social problems we have in this country, at least as far as racial conflicts are concerned, are going to be resolved by schoolbusing, transporting people back and forth across a city or across a county.

I do not know who ever gave birth to this insane idea—and I think that is all you can call it, an insane idea, because it has no foundation of merit in it whatsoever. As a matter of fact, we have had some educational studies on this subject of whether schoolbusing and forced integration in any way help the quality of education. There was one study done in Westchester County, N.Y., in one of the school systems there. Another was done, as I recall, in Berkeley, Calif., and another in one of the other cities in the country.

These were voluntary experiments; they were not forced upon the cities at all by a court order, by a school board, or by the Department of Health, Education, and Welfare. Those cities decided they would try this to see how it would work out, to see if it really would improve the quality of education, to see if those children in the Negro schools would be upgraded in their educational attainments by being exposed to teaching and education in other schools in other parts of the city, white schools, supposedly the schools of better quality.

Mr. President, those experiments flopped. After the experimentation was over and done with, it was evident that the quality of education of the students from the ghetto schools was not improved. So this business of forced integration does not work, and that has already been proved.

I wish I had the latest results of a study which has been done up at Harvard University on this same subject. There is a new report put out fairly recently by researchers at Harvard, who have been in the forefront of advocating forced integration and schoolbusing as an answer to the need for quality education. But their latest report makes definite findings that not only is it not working, but as a matter of fact it may be doing more harm than good. Yet in spite of these concrete research projects, which show that this kind of business is not working at all, we still go on with this business of forced busing, and we still are appropriating huge amounts of money in Congress, in the Senate, in order to finance this folly.

Incidentally, on some of these other costs, I would be derelict if I did not mention the proposed schoolbusing plan cost in Los Angeles, Calif. That, of course, is one of the largest cities in the United States, both in population and in land area. They have not implemented their plan yet, but they are working on a countywide forced schoolbusing plan, something like they were going to try in Richmond, and similar to the one up in Detroit.

It is estimated—and these are old figures which do not reflect inflation, so I do not know what the figures are now—but in Los Angeles County, if they go ahead with the plan they are working on, schoolbusing out there is going to cost $42 million in the first year alone, and $180 million over a period of 8 years.

Mr. President, that is unconscionable and inexcusable. How any reasonable group of people could propose to spend that kind of money on a project that we know now 75 or 80 percent of the people in this country are opposed to, that is not doing anything for quality education, and it is heightening racial tensions throughout the country.

Of course, if they go ahead with that plan and if we do not do something in Congress about schoolbusing, that means we are going to be required to put up that kind of money here, in Congress, to implement that kind of forced schoolbusing; because I am sure that the school board in Los Angeles County is not any more equipped to undertake that vast kind of expenditure than are the school systems in the other parts of the Nation. Whenever they get into trouble on costs so far as busing is concerned, they come right here to Washington and want us to put up the money.

The unfortunate part about this situation, too, is the tragedy it causes in the homes and among the schoolchildren themselves. I get this kind of input all the time from parents and from children all over the State of Florida.

I recall that when I came to the U.S. Senate in 1969, approximately three and a half years ago, a group of school children from a little town in Florida called Vero Beach visited Washington. They were members of the senior class of the black high school in Vero Beach, and they were on an annual trip to Washington, as so many schools do each year.

We went over to the steps of the Capitol to have a picture taken with the children, and then I started to return to my office. Three of the students said:

> Senator, can we talk to you about something?

I said:

> Sure. What's on your mind?

They said:

> You know, they're proposing to close down our high school in Vero Beach, our black high school there, and we think this is a tragedy.

That is the word they used.

> Because this is the only facility we have within our black community to hold meetings. This is where we get together, where our parents get together when they want to meet about things. We have good teams in this school, and we're proud of them. We have a good band. We want to keep that band. If they close down this school and we're forced to go to the other high school, we're going to lose the best thing we have going for our community. Can't you do something about it?

That makes you pause and stop and think about an issue like this—when the students come and almost beg and plead with you to help save their schools so that they will not have to transfer all their activities to some other school in another part of the State to which they do not want to go. That is involved in this problem.

I have here some letters that people in Florida have written to me. I have just picked these out at random. This is one:

> I have received a few letters from you recently. Thank you, for they keep me better informed. You have my name and address correct.
>
> On your letter of February, your first sub-

ject is forced school busing. Of course, I am against and will vote against it on March 14th.

That was the date we had the presidential primary in Florida, when the constitutional amendment was on the ballot.

In first place, because the heavy traffic increases the risk of accidents to the children bus for every additional mile they have to ride unnecessarily, in spite of having a school close to their homes. In second place, the precious time wasted by children and their parents who have to wake up about one hour earlier or more every day, and the later return to home, can be used for other things like homework etc. In third place the enormous cost of that adventure is beyond credibility.

Some are talking about quality education, and I think that it can be accomplished only by keeping all schools at the same quality level, but why busing children?

I think busing is a kind of punishment that our children have to pay for a fault (or whatever it is) they don't know about, and much less are responsible. It is like a chain breaking on its weakest link (our children) to fix something somebody else is or was responsible for.

I suppose he is talking about segregation policies of the past.

There must be another way to achieve racial balance without bothering so much to children and parents, black or white.

Then he goes off on other issues.

Here is another letter, dated March 6, 1972:

Just received your Feb. newsletter on the busing issue and I agree with your sentiments and sincerely hope you will continue to oppose those who seem to be trying to ruin our country financially and otherwise.

If the Supreme Court continues to write our laws I hope that some of you will initiate a movement to impeach some of them. I am sure you will find much support among the voters of Florida.

That is an interesting observation. That brings to mind another subject—the Supreme Court of the United States.

The polls show that in the last few years the opinion that the people have of the Supreme Court of the United States is the lowest it has ever been in history—or at least in the history of sample-taking about what people think about the Supreme Court.

My profession is that of a lawyer. It does not give me any satisfaction to make that observation about the Supreme Court, the highest Court of the land, because my whole training, my whole background, gives me a reverence for our courts, our court system, our kind of judicial system, and especially for the highest Court in the land. Yet, because of the most unpopular and most unsound decisions by the Supreme Court in these busing matters, the country is turning against the Court, and the country is forming a most adverse opinion about the Court and is most critical about the Court and about the Supreme Court Justices who rule on these schoolbusing cases.

This is not a healthy thing for any country. When the citizenry of the country begins to lose faith in its judicial system, and especially begins to lose faith in the highest court of the land, and especially begins to be so critical of the Supreme Court of the United States that a citizen will write, "I hope that some of you will initiate a movement to impeach them," believe me, the governmental system of this country is in jeopardy. Yet, a great many people feel this way about the Supreme Court in our time because of these very unfortunate busing decisions.

The letter goes on to say:

Busing does not affect me directly as my family has long been past that age, however the high and useless taxes we pay are becoming prohibitive. I for one am retired and thinking of moving out of the country to escape them. Dont want to but may be forced to do so.

This, apparently, was one of the retired taxpayers who did not want his taxes increased with the schoolbusing cost.

Here is another letter:

Legislation removing the jurisdiction of federal courts over pupil assignment *will not* solve the problem. The Supreme Court may be expected to decide such laws as unconstitutional.

This letter writer does not even have any faith in what we are doing here about trying to remove jurisdiction of the Federal court, because he is afraid the Supreme Court is going to hold that unconstitutional, although I pointed out to him, in a return letter, that the Constitution gives Congress the ability to fix the jurisdiction of the Federal courts. So I do think we can do this, and I think it will be constitutional.

I continue with this letter:

We need to stop busing as a means of integration. Instead, the educational standards of all schools should be equal. Then have the students attend the schools nearest their homes.

Black children are not being improved by being forced to go to predominantly white schools and they never will be. The blacks know this and the vast majority are opposed to busing.

The closing of the Webster Avenue school on Morse Boulevard here in Winter Park is a good example of the wastage that is being forced on us. The expenditure of vast sums for busing is bound to mean that educational standards must be reduced to help pay for it.

He mentions the closing of the Webster Avenue school in this particular letter, which happens to come from the community in which I live in Florida, Winter Park. I know the author of the letter personally. I have known him for 25 years. The school he talks about was an all-black school and was one of the best schools in town so far as construction was concerned. It was right adjacent to the black community in the town. There the black community is small enough so that all of the children actually could walk to this particular school.

When the school was built, I might point out, it was built as a new facility before any white school facilities were built in other parts of the community, because the school board wanted to make sure that the blacks had a very fine facility in that particular part of the community.

Now the school is boarded up. It is completely closed. I drove past it last week and all the windows have boards nailed across them, and planks have been nailed across the doors to prevent any breaking in.

Here is a several hundred thousand dollar school facility lying completely idle because of this absurd busing business that we are carrying on here through our bureaucrats and through the Supreme Court.

Had this happened in another time and day, the people seeing such a thing as schools boarded up would have thought that whoever had done that sort of thing should be in Chattahoochee, Fla.—that is where our insane asylum is.

Mr. President, I must say, I almost agree with them, too. I remember when I first moved to Winter Park in Florida shortly after World War II. We had a few school facilities then. In fact my own children, three of them, went to schools which had double sessions. We did not have enough classrooms to go around so they went to classrooms in the churches for at least 3 years in addition to the double sessions we were engaging in, because there were no school rooms at all.

Had we had a school facility like the Webster Avenue School, now boarded up, we would have felt like kings. We would have felt that this was the epitome of what we needed and desired to educate our children in. But now we take a facility like that and put boards in the windows and planks across the doors so that it cannot be used at all as a school.

I hope I live to see the day when we unboard the Webster Avenue School and put it back in business again as a great school facility. But we will not do that until we overturn the Supreme Court and the Federal district courts who are filing these school decrees and school orders month after month and week after week. We will not be able to do that, of course, until we pass the kind of legislation that is pending here in the form of the amendment offered by the distinguished junior Senator from Michigan (Mr. GRIFFIN).

Now here is another letter that comes from a lawyer in Miami, Fla.:

I am in receipt of your news letter of February 19, 1972, concerning your views on forced school busing. Let me say at the outset, I concur wholeheartedly in your thoughts expressed therein.

My children were the object of the first pairing of school systems adopted in Dade County. That proposal would have forced my children of tender years to attend an elementary school in an all black neighborhood. This would have resulted in an inferior education in inferior facilities. I stated that at the time that I had no objection to black children attending our neighborhood school as I felt that they were entitled to the benefits of superior facilities. The majority of parents, including the parents in the black neighborhood were against the pairing of these schools.

As a result, I put my children in a private school as a protection against their safety in continued quality education.

The pairing of the schools did not work, and the black school was subsequently closed down. The children in an adjacent black neighborhood are now attending our neighborhood school and I have returned my children to the neighborhood school.

The concept of pairing for forced busing is merely playing a game of statistics. It serves no purpose to upgrade the education of one

> segment of our society while at the same time downgrading another segment of our society.
>
> I have many many friends that feel the same way as I do, and who agree with you. It is my understanding that the majority of the black community feels the same way. I am satisfied that any congressional representative from the state of Florida who does not concur in your views will not receive support from voters at election time. It is time that the problem of education for all races be taken out of the political football arena and constructive legislation be passed with the only goal that there shall be quality education for all irrespective of the fact it is done within the neighborhood school concept.

Mr. President, I now yield to the distinguished junior Senator from Michigan (Mr. GRIFFIN), without losing my right to the floor.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from Florida for yielding.

Mr. President, I should like to make a slight modification in the wording of my amendment.

On page 2 of subsection (b) of section 202, in the middle of that, subparagraph (b), it reads:

> When the Congress enacts legislation which substantially carries out the findings—

Mr. ROBERT C. BYRD. Mr. President——

Mr. GRIFFIN. I modify my amendment to read——

Mr. ROBERT C. BYRD. Mr. President——

Mr. GRIFFIN. "When the Congress enacts legislation which substantially resolves the problems presented by the findings set forth in subsection (c)——

Mr. ROBERT C. BYRD. Mr. President, I object to the Senator from Florida yielding to the Senator from Michigan for that purpose.

The PRESIDING OFFICER (Mr. HOLLINGS). Objection is heard.

Mr. ROBERT C. BYRD. And, Mr. President, I demand the regular order.

The PRESIDING OFFICER. The Senator from Florida can yield only for a question. The Senator from Florida has the floor.

Mr. GURNEY. Mr. President, here is another letter. This is from Boca Raton:

> DEAR SENATOR GURNEY: We were glad to get your letter about busing and agree with you. As far as I can see, it has not accomplished what it hoped to. For one thing, the children who are bussed in groups, generally stick together when they go to a different school, so, they do not mingle with the others at all. That applies to blacks as well as whites.
>
> We have a young neighbor who has a boy who will be five years old in May. She went to her district school nearby to inquire about what he would be doing next fall when he starts kindergarten. They told her she was out of her district and her young child would have to take a bus to Delray at 6.15 in the morning! Have you ever heard of anything so ridiculous? I just cannot wait to vote against it next week.

She was referring to the constitutional amendment on our ballot.

Continuing to read from the letter:

> We have another friend who bought a house near the school so her boy could walk, but, NO, he is not allowed to do that, he has to take the bus to Delray!
>
> If they would take the money they use for buying all the new buses and upgrade some of the schools, that would be more sensible.
>
> Pardon all my mistakes, you can tell, I am not an experience typist!

Mr. President, here she brings out very simply some of the down-to-earth, concrete things about forced schoolbusing, where the young parents who are going to send their child to a kindergarten—I guess that means the child is about 5 years old—have to put that child in a school bus at 6:15 in the morning. No wonder her neighbor was upset about this. I think that any parent would be extremely upset about having to do this.

Then she tells us about another neighbor who bought a house near a school so that her son could walk to the school. As I said here a short time ago, this is one of the reasons why people decided to select homes in a particular neighborhood, in order to get a home near a neighborhood school so that the child could walk to the neighborhood school. Yet, in this instance, of course, having bought the home—and probably at an inflated price if she bought it in these days, and probably with a great big mortgage on it—they cannot do anything about getting out of this obligation. They have to stick there. And now her child cannot walk to the neighborhood school, but has to be school bused to another town several miles away.

Then the other point that the lady made was the point that is again made so frequently, and that concerns the point, "Why should we spend money to buy buses when we all know that we have to spend money to upgrade the schools and make them better."

Now here is another letter that comes from a lady in Miami, Fla. Miami, Fla., is one of the major cities in my State. As a matter of fact, Miami is going through the throes of trying to work out a citywide plan for busing.

The letter reads:

> DEAR SENATOR GURNEY: I believe that a point is being overlooked by those speaking against forced busing—namely, even small children are taken from their homes in early morning hours and compelled to spend long periods on a bus to reach a school many miles from their homes. They must be dragged out of bed, hurriedly dressed and given a hasty breakfast and shoved into a bus for a long trip to a distant school; and later brought home. Their home life is disrupted, their normal leisure shortened, normal hours of relaxation lopped off. Educators, including my father, have considered normal relaxation an important factor in a child's early school years—essential to health and healthy recuperation.
>
> In the feverish desire to carry out theories, the child's welfare is largely ignored. Who cares? It is only a child, who cannot make a reasonable impression on the powers that be—the school authorities, the psychiatrists who should be looking after the child's welfare.

Here is an interesting thing. I am reading some of these letters here for the first time or after several months. I had forgotten what some of them said. Listen to this:

> I have been a principal of high school for many years and have noted the reaction of younger and older groups of children to such artificial environments.

Here is a person who certainly ought to know something about this business, because she has been the principal of a high school and for a long period of time. Yet she points out how obviously unsound and unrealistic and absurd it is to have this business of forced busing.

Then we have another letter that is interesting. This letter comes from an educator also. So, I think it is of particular interest. The letter reads:

> DEAR SENATOR GURNEY: This is in response to the enclosed newsletter.
>
> As a teacher for 23 years I feel compelled to respond.
>
> While my husband taught at Va. Commonwealth University, Richmond, Va. I was librarian at the old city school which houses the superintendent's office in front of the John Marshall home. While there my staff's purses were lifted three times by black thugs off the street. My secretary was saved from an attempted rape and/or robbery in the ladies' rest room by a black from the street. It was unsafe to wait in front of the building for my husband to pick me up at 5 P.M. Needless to say I stayed one year and gave as one of my reasons for resignation "lack of police protection".
>
> My son attended a suburban high school. Tires were cut; fights broke out, etc. when they played the inner city schools in sports.
>
> What I'm getting at is this: Busing is not going to solve the major problems that confront us teachers today. The money could be used to upgrade and make safe our schools. Additional personnel is desperately needed—smaller classes because of the vast differences in abilities of blacks and whites. Police protection in some areas is a must. Teachers are being strained to the breaking point trying to perform adequately under conditions that heretofore did not exist.
>
> My husband and I taught for nine years in Broward County. We know the problems there and busing is not the answer.

Broward County is one of the major counties in our State. That is where the city of Fort Lauderdale, as most of us know, is located. That is where they have had a particularly hard time on this problem of busing.

I continue to read from the letter:

> One other opinion, Senator. I do not believe that taxing my home is the fair way to support schools. An example: I choose to live in a nice home and limit my other possessions, recreation, etc. A person of equal income chooses to live in a hovel and squander his income. Yet I must be taxed more than he because of my preference for a nice place in which to live. This cannot be right.
>
> Thank you for your newsletter and your stand in support of quality education.

Here again is someone who taught for 23 years. Certainly a teacher is one who recognizes the problems of students, and especially these problems of integration, segregation, racial balance, and busing because she taught in those kinds of schools for most of her years.

Again her opinions agree with those of the parents of the students who are in the schools, those parents who do not have children in school, and those who are the students themselves.

This position runs all through the correspondence, the letters, the phone calls, the telegrams, the personal conference. As I have said, I have had 31,000 during the last year alone. I might say that one of the side effects of this business of schoolbusing is that we Senators from

Southern States are very much aware of the amount of time it takes up. I have lost count of the number of hours I have spent on schoolbusing problems in the years I have been in the Senate, and before that some years I spent in the House. It is not fair either to take time I should be spending as a Senator on many other problems that affect my State—and they are vast in scope and number—when I have to spend an inordinate amount of time on schoolbusing matters. I do not begrudge any of the time, because I recognize what a serious problem it is. But that is not fair to other problems that face my State. These other problems are just as important to those other citizens. For instance, Florida has a greater number of retired citizens than any other State. There are questions with respect to what to do about social security, adequate medical care, transportation of the elderly when they become too old to drive safely, or when their incomes have gotten to the point that they cannot afford a car.

I remember attending a political meeting sometime ago in one of the counties of my State. An elderly lady came up to me and said, "You know, Senator GURNEY, I would like to talk to you about this business of social security." She gave me an idea of her combined income. I do not remember the figure now, but I was shocked and I did not understand how anyone could possibly live on such a meager income.

She said:

> My income is so small, Senator, I could not have afforded the 50 cents taxi fare to come here tonight to attend this political meeting. The only way I could come here is because a friend came by and picked me up and brought me here.

There are thousands of retired elderly people in Florida in exactly those circumstances. I know that is true of other States, bceause I have talked to other Senators about these problems.

One of my assignments in the Senate is on the Special Committee on Aging. We have had thousands of pages of testimony every year dealing with the problems that face the elderly people of our country. How can I devote an adequate amount of time necessary for problems of the aging if I have to spend my time as I have to sometimes day after day on the job of forced schoolbusing, an issue we should never have had in this country in the first place.

We have always had neighborhood schools in this country. That is how I went to school. I walked to every school I ever attended and so did everyone in town. That has been the tradition Americans have had in education.

We try to do more for our students than any other nation on earth. I think we have done a pretty good job until we got into the business of mandating an arbitrary racial balance, and insisting that you cannot run a school unless you have racial balance. Some egghead thought up that business, probably down in the Department of Health, Education, and Welfare, and all of a sudden we got off on that kick, instead of being interested in teaching people the English language.

Mr. President, believe me, you should see how the English language is butchered these days. If you have had experience hiring secretaries, to find someone with an adequate background in English is impossible, because the subject of English is not important in public schools apparently. No one knows how to spell, write, or compose a simple composition because some of the basic elements we used to teach—and we used to give a good foundation in public schools—have been long forgotten.

Now we have become interested in racial balance. Now we have to have an exact number of exact colors, and to make sure that such exists in every school. Somehow it is felt that this is going to solve all of our problems.

Mr. President, when you say that you have to almost laugh at yourself for making such a statement or to think that reasonable people could believe such things as that. But we do have people who make such statements and who are downright militant about it. They think somebody like me who believes in running a school in a neighborhood, who believes you should be able to walk to school and walk back, is crazy. That is the state of affairs in the business of schoolbusing.

I have talked to a lot of blacks about this. I do not know whether these letters I have read come from blacks or whites. I have no way of telling the color of the skin from the color of the letter. But personally I have come face to face with a number of black parents and black students and asked what they thought about schoolbusing. Well, I have had a few who favor it but I must say that in Florida the vast majority of blacks I talked to, parents and students alike, have just as little use for schoolbusing as whites.

One thing that bothers them, and something the social engineers forget about, is the pride of the blacks. It hurts the pride of the blacks to say the only way they are going to be able to be equal is to attend schools with whites. The idea of racial balance and forced busing, and the idea of having an exact percentage in the school, according to some social engineers is that it will improve education of the blacks and that the blacks cannot get an education or the kind of education they should have unless they go to school with whites.

I must say I have a message for all these liberal social engineers who believe in that, and that is that the blacks do not hold to that at all and some of them are downright disgusted, ashamed, and insulted that it has to be considered that they are a race that has to go to school with whites in order to get an education. Some of these eager beavers on schoolbusing have overlooked that fact.

Of course, this whole business of trying to upgrade education, trying to give better jobs for blacks to make sure they get the same opportunity to earn a living as whites do, has to do with the pride that will be engendered by that equality in school and education, and also in jobs. I cannot see that that particular ingredient is being helped at all if you bring on a situation which says to a person of another race, "You cannot be equal and you cannot have a good education and you cannot be on the same plane as somebody else unless you go to school with that somebody else, because that somebody else is superior to you and he has a better education than you and the only way you are going to catch up with him is to share a classroom with him."

Mr. GRIFFIN. Mr. President. I ask again—I do not need to ask, because I have the right to modify my amendment—on page 2 of the amendment offered, subparagraph (b), in the middle of that subparagraph there is a clause (2) which reads, "when Congress enacts legislation which substantially carries out the findings set forth."

I modify that portion of the amendment to read:

> When Congress enacts legislation which substantially resolves the problems presented by the findings set forth in subsection (c).

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ROBERT C. BYRD. Mr. President——

Mr. GRIFFIN. Mr. President, I still have the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. GRIFFIN. Mr. President, I did not ask unanimous consent.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President——

Mr. GRIFFIN. Mr. President, I have the floor. I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I do not yield for that purpose.

Mr. GRIFFIN. Mr. President, there was no action.

Mr. ROBERT C. BYRD. Mr. President, the Senator lost the floor when the Chair recognized me.

Mr. GRIFFIN. Mr. President, I did not lose the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Now, Mr. President, at some point I will move to table the amendment as modified.

I am sorry that things have developed as they have. I assured the distinguished assistant Republican leader that he would have a chance to modify his amendment; that he was entitled to that. I assured him that if I got the floor at any time, I would allow him to modify his amendment before I moved to table it. He has now done that. I have no objection to that.

I ask that the cloakrooms notify all Senators that there will be a vote on tabling this amendment as modified. It will occur before long.

Of course, there can be a quorum call before that tabling motion is made. I will be glad to yield to the distinguished assistant Republican leader at this time if I can get unanimous consent to yield to him for the purpose only of making no motion, but for the purpose only of making a statement, if he so wishes, at this time, without my losing the right to the floor.

Mr. President, I would so ask unanimous consent.

Mr. NELSON. Mr. President, reserving the right to object, for how long is the distinguished Senator from West Virginia to yield the floor?

Mr. ROBERT C. BYRD. Well, I shall only yield with the understanding that I can have the floor back at any time I want it. I have the floor now.

Mr. NELSON. Once the Senator has yielded for the purpose of a Senator making a statement, he can retake the floor?

Mr. GRIFFIN. By unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, may I ask, does the Senator wish me to yield to him?

Mr. GRIFFIN. Yes, I do.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that I may be permitted to yield to the distinguished assistant Republican leader (Mr. GRIFFIN) for not to exceed—how much time does the able Senator want?

Mr. GRIFFIN. Five minutes.

Mr. ROBERT C. BYRD. Not to exceed 5 minutes, not for the purpose of making any motion or taking any other action whatsoever, other than the making of a statement, with the understanding that I do not lose my own rights to the floor, that he cannot suggest a quorum, that he can make no motion, that he can only make a statement, and not in excess of 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, the action which the distinguished acting majority leader has taken is regrettable. The junior Senator from Michigan was prepared to enter into a unanimous-consent agreement, to vote on the amendment. I was prepared to vote on the amendment today on its merits, or at a time certain tomorrow, a vote tomorrow would give those who happen to be absent a reasonable opportunity to get back and vote. I am disappointed, I must say, by the action of the majority leader. Of course, I recognize that he is within his parliamentary rights to move to table the amendment.

But this is an important amendment. And this is the first time that the President's moratorium proposal has been offered on the Senate floor. That proposal has been resting undisturbed in the Judiciary Committee.

The acting majority leader says he will move to table but, as yet, there has not been an unreasonable amount of debate devoted to this amendment.

In view of the attitude taken by the distinguished majority leader, I shall ask for no action by the Senate at this particular time, and for the present, I withdraw the amendment.

Mr. ROBERT C. BYRD. Mr. President——

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ROBERT C. BYRD. Mr. President, I suggest the——

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from New York (Mr. JAVITS) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, may I simply ask the Senator this question? If the amendment of the Senator from Michigan (Mr. GRIFFIN) is withdrawn, I assume that we are open for any business on the bill and open to other amendments, and if there are no other amendments, we can go to third reading.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. JAVITS. Unless Senators wish to speak in general terms. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. JAVITS. May I ask the Senator another question? I think at this stage of the proceedings, at this stage of the day on this matter, Senators can well make up their minds whether, before Friday night, they do or do not want a bill to deal with problems of poverty in the country.

I would like to ask the Senator whether he would not feel it fair, so that the Senate may go on with its business, if we had a clearer idea from those who feel that perhaps they do not want an antipoverty bill? I think we could probably have a better idea where we go from here.

All of us know—I am sure the Senator from West Virginia agrees—that there is nothing to make the Congress act or to make any Senator act. I do not think it makes a very good impression on the country, in respect to an antipoverty bill, where we are dealing with a situation that relates to a human and humane bill, to play parliamentary games.

So I ask my colleague the question, as this affects 26 million Americans who are poor and look to this as their hope, is the Senator of the same disposition as I am, to let those who feel that they want to block this bill simply make that clear to the country? They know just how to do it. It is not hard to do it. One or two Senators can do it. We do not need a lot of them. That is the best the rest of us can do. It is unfortunate, but it is true.

I noted that my colleague the Senator from Florida (Mr. GURNEY) spoke of dignity. The dignity of the poor is important. I think this is an element of their dignity. They, too, are entitled to know whether those in this body who feel they simply do not want this bill are going to have their way right now. Then the rest can take counsel and be guided accordingly and act accordingly.

Mr. ROBERT C. BYRD. Mr. President, I agree with the Senator.

Mr. GRIFFIN. Mr. President——

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish me to yield?

Mr. GRIFFIN. To suggest the absence of a quorum.

Mr. ROBERT C. BYRD. The Senator will have that opportunity shortly.

Mr. President, I cast no reflection on any Senator in this body when I say this. It is within any Senator's right to oppose any matter or question that comes before the Senate. I respect any Senator's right to do that, but it has been obvious to this Senator since last Friday that there has been a minifilibuster going on in an effort to keep this bill from coming to a final vote.

Mr. President, may we have order and have the well cleared?

The PRESIDING OFFICER. The Senator's point is well taken. The Senate will be in order.

Mr. ROBERT C. BYRD. As I stated in my discussions with other Senators, I personally do not care for this bill. I may vote against it. But that is neither here nor there. I do not intend to let my position interfere with the operations of the Senate in connection with the legislative process; I can always vote for or against. But I do not think that I would be carrying out my responsibility having reached a conclusion that there is a filibuster going on, not to do everything I can to get this legislation to a final conclusion, whether it be an up or down vote.

That is my sole interest. And, Mr. President, if Senators want some of the details as to why I know a filibuster is going on, and as to why I learned last Friday that there was some feet-dragging and dilly-dallying going on, I can state if for the RECORD. But suffice it to say that this Senator is going to do everything within his power and within the rules to break this filibuster.

If we are going to filibuster, then we will filibuster according to the rules, and if Senators can hold up the Senate, that is their right, under the rules. I have been here all night before. I have spoken on the floor all night. I have sat in the presiding Chair all night, and I can assure Senators that I will be here myself tonight. I will not ask anyone else to man this post.

It is my intention to go all night long tonight, if need be, to get final action on this bill, or to get an agreement leading to final action before adjourning for the Democratic Convention. It is not the most important bill in the legislative realm, but the leadership held back in calling up this measure for more than a month. The bill has been on the Calendar for 6 weeks—since May 16. And it was made the second track item a week ago. It was made the second track item, because it was felt by the leadership that it had enough priority to accord it that status.

We cannot legislate on the maritime bill because too many Senators on both sides of the aisle at the present time do not want that bill brought to the floor. We cannot legislate on the no-fault insurance bill at the present time because the same thing can be said. We cannot legislate on the minimum wage bill because the same thing can again be said. Consequently, we have remaining before adjournment this week, the Foreign Assistance Act, we have the debt limit bill, we have the continuing resolution, we have the public works appropriation, and we have this bill.

As I have said, we have had the bill on the calendar more than 6 weeks, it has been given second-track priority a week ago, and the leadership on this side of the aisle is not prepared to put this bill aside. The leadership is either going to be the leadership, or it is going to let a small minority of Senators thwart the will of the majority in this body. I do not propose, insofar as I am able to prevent it in this instance, to let that happen.

I respect any Senator who wishes to offer any amendment or make any motion he wishes to make, and let us have a vote thereon; but I am not prepared, in the absence of the distinguished majority leader, to surrender the rights and the prerogatives of the leadership on this side of the aisle.

Mr. President, I am prepared shortly to suggest the absence of a quorum, and let Senators come to the floor, but I am stating here and now that if Senators are not ready to offer amendments, at every opportunity that I get to put in a quorum call, it will be done; and if amendments are not forthcoming and I get the floor in my own right, I will ask for the reading of the committee substitute. We are either going to act on whatever amendments are to be offered or whatever motions are to be made, or we are going to vote on this bill, the committee substitute.

Mr. GRIFFIN. Mr. President——

Mr. ROBERT C. BYRD. If I may proceed for just another couple of minutes, Mr. President, the debt limitation bill is behind this bill on the schedule, and as far as I am concerned that is where it is going to stay. When midnight Friday night, June 30, arrives, the Government will have difficulty paying its bills. The administration wants an Office of Economic Opportunity bill. The administration may not want every jot and title that is in this bill, but the administration wants a bill. The administration wants a debt limit bill. The administration will want a continuing resolution. The administration will want a public works appropriation bill.

Well, then let those who have the responsibility for supporting the administration rise to the occasion now and help the Senate to unbind itself and act. I have heard a lot of talk about this being a do-nothing Congress. Well, Mr. President, let all who can read and see know just now why it is not doing anything. The Members on this side of the aisle are ready to act, one way or another. I am ready to vote on any amendment or motion. But, Mr. President, if we are going to have filibuster let us just call it what it is, and let us be prepared to carry on the filibuster by the rules, which will be enforced.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is open to further amendment.

Mr. SCOTT. Mr. President, the distinguished acting majority leader——

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a moment to permit an apology?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. I should have noticed that the distinguished Republican leader was on the floor and should have yielded to him. I apologize for not having done so.

Mr. SCOTT. That is perfectly all right. I am aware of the statement made by the distinguished acting majority leader. I am sure he will agree with the statement I am about to make, namely, that my sole interest here as the floor leader of my party is to get legislation, to get it expeditiously, to get it down, and to get it out. So I am not seeking to be a party to or to engage in a filibuster or a delay of any kind.

We have the debt limit bill coming up, and it is an extremely critical bill. I should very much like to see it out of the way.

I should like to see the bill now before the Senate disposed of as soon as possible.

I am aware that when we come back after the recess, we will be confronted by a tremendous amount of legislation—almost a glut of legislation—most of it controversial, all of it important, generally difficult, and involving many different points of view.

I am aware of the position taken by the distinguished acting majority leader that we must stay here to finish the debt limit bill and, of course, the bill on which we are now acting, as well, before we can take the recess. I assume that that will necessitate a session of the Senate on Saturday of this week. I should like to ask the distinguished acting majority leader, so that we can make plans, whether it will also mean sessions next week.

Mr. ROBERT C. BYRD. Mr. President, in response to the able Republican leader, it certainly would mean a session on Saturday of this week. Whether or not the Members on my side of the aisle would want to come back on the 5th, 6th, and 7th of July is something I cannot answer at the moment.

If we do not get a debt limit bill by the close of business on Saturday of this week, so far as I am concerned the Debt Limit bill can wait until the Democratic Convention is over. But I would certainly leave that to my own Members on this side of the aisle and to my distinguished majority leader, who I have good reason to believe, and hope, will be back here in time to make that decision himself.

I do not say this with any rancor toward the distinguished Republican leader. I know that the distinguished Republican leader wants to get on with the business, as I do. I feel that he is willing to accept whatever decisions may be in the offing, up or down, on any amendment or on any bill. What I have said here this evening has absolutely nothing to do, by way of any reflection whatsoever, with the Republican leadership.

Mr. SCOTT. I thank the acting majority leader. I am aware of that. I want everyone to know—and he knows already—that my anxiety is to get on with the legislation. I am prepared to vote this very minute on this bill, so far as I am concerned.

I am prepared to see the debt limit measure laid before the Senate. If we do not pass the debt limit bill, I do not know how we are going to pay the salaries of the Federal employees, come a few days from now or a few weeks from now, as the Government exceeds the debt limit.

Perhaps some modern successor of Houdini or some mystical Merlin will tell us how the Federal Government can continue to incur indebtedness beyond the authorization.

We in Congress are very jealous of our right to fix the debt ceiling. If we do not fix it, I do not see how we can blame the President or anybody else.

All I know is that I will be approached by Federal employees who will say, "Why am I not getting paid? Why didn't Uncle Sam spring with the usual emoluments? Where is the handsome little piece of paper which I carry over to the disbursing office?"

I could only say that, in the strange and wonderful little ways of Congress, we exert our authority all the time for fear the executive will have too much of it; but in one of the most sacred areas of that authority—namely, the right to determine the amount of indebtedness of the Federal Government—we just gave up and threw up our hands and went home.

I just want the record clear. I am for acting on the debt limit as soon as we can. I know that the distinguished acting majority leader is for acting upon it. I just want the record to show that if the debt limit is not passed, it will not be the fault of the minority leader.

I do not care how late we stay here. I am willing to be here as long as necessary any day in the week. If we have to hold some religious services here Sunday morning and move immediately from the sacred to the profane, that is all right with me, too; because the Lord only knows how we are going to get the money otherwise to run the Government.

Mr. GRIFFIN. Mr. President, I wished earlier to defer to the distinguished minority leader when he came to the floor so that he could reply first. I want to add to what he has said that this bill, as I recall, was laid before the Senate on Thursday night. It has been set aside any number of times to take up other legislative matters which were considered more important at the time. I do not think there is any question that the country and most Senators would believe that the debt ceiling is more important than the bill that is before the Senate today. There is no reason, of course, why the Senate cannot temporarily put this bill aside and take up the debt ceiling, if the majority wishes to do so; and if it is not done, the responsibility will lie on the shoulders of the Senate and the Senators, very clearly.

Mr. President, I have temporarily withdrawn the amendment, in view of what I thought was the very unreasonable action on the part of the distinguished acting majority leader, who I realize has not been personal in anything he has done. He was trying to do his job as he sees it, and I appreciate that.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield at that point?

Mr. GRIFFIN. If the Senator will let me finish my statement, I will be glad to yield to him.

I was ready to vote on the merits. He had indicated earlier that he would have been willing to agree to a vote on the merits of the amendment. Yet, I was confronted with a situation in which he was going to move to table. I think that is very unfortunate.

AMENDMENT 1309

I ask now, Mr. President, that my amendment be printed as an amendment intended to be proposed to the pending bill, and I want to indicate that it will be reoffered, and the Senate will vote, I hope, on the merits of that amendment in the near future.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. GRIFFIN. I now yield to the distinguished acting majority leader, for whom I have great affection and respect.

Mr. ROBERT C. BYRD. Mr. President, the distinguished assistant Republican leader referred to my actions as having been unreasonable.

Mr. GRIFFIN. The threat to table the amendment.

Mr. ROBERT C. BYRD. Mr. President, this is a motion that is within the right of every Senator under the rules. If the distinguished assistant Republican leader will recall, when he first presented his amendment early this afternoon, I offered to enter into a time agreement thereon, which would have avoided a tabling motion.

Mr. GRIFFIN. And at that time I was not prepared, but later I came to the Senator and indicated I was prepared.

Mr. ROBERT C. BYRD. Later, just a little while ago, the distinguished Senator did return to me to say that he would be willing to enter into a time limitation on the amendment.

Mr. GRIFFIN. Either tonight or tomorrow.

Mr. ROBERT C. BYRD. And at that time I said, "No. If we can have an agreement on the whole bill, fine. We will see if we can work out an agreement." But the time had passed for reaching an agreement on that amendment alone.

So, Mr. President, I did not act unreasonably. As a matter of fact, I stated in the afternoon, at the time the distinguished assistant Republican leader was offering his amendment, that it would be my intention to move to table the amendment at some point. So I stated what I was going to do. I kept my word. I am sorry that my distinguished colleague feels that I acted unreasonably; and may I say, in response to him, that I respect him likewise. Our love and friendship for one another is mutual.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, in this colloquy or series of colloquies there have been a number of references, I believe in rather a loose way, to a filibuster or to an incipient filibuster. I wonder whether it would not be well to review the record a little.

This OEO bill was laid before the Senate as business in the later and perhaps the last minutes of the Thursday evening session. On the following day, two amendments were acted upon, in addition to other business.

The PRESIDING OFFICER. Since the Senator from Michigan has seated himself, the Chair recognizes the Senator from Nebraska in his own right.

Mr. HRUSKA. On Friday there was other business besides the two amendments that were acted upon in the OEO bill. We adjourned at 4 p.m. that afternoon, Mr. President, a not unusual hour for adjournments on Fridays, pursuant to custom of long standing.

On Monday we had two amendments to the OEO bill. One was a motion to strike and there was another amendment. Other business was transacted.

Yesterday was devoted entirely to other business. There was no action on OEO. We all know that it was the expectation of the leadership on the majority side to finish the bill by this evening so that we could take up the debt ceiling bill tomorrow.

It is unfortunate that that has not happened. Yet I would not want to say and I would not be prepared to assume on this side by any opponents of certain parts of the OEO bill a responsibility for either launching, starting, or maintaining a filibuster. That simply is not true.

The net amount of time taken on this bill is not disproportionate to its importance, to the necessity in some of the aspects of the bill for extended debate.

A good deal of discussion has been along the lines of this delay in passing the bill and placing an unnecessary hardship on the backs of the poor, the burdened, and those needful of help, and that the responsibility for that will be placed on the shoulders of those who oppose this bill.

I do not believe the facts will bear out that conclusion. After all, in the first place, the key to calendaring is to calendar the bills and the business of this body pursuant to high priority, medium priority, and low priority.

If it is said that the priority of OEO is greater than consideration of the debt ceiling bill, that is the prerogative of the leadership to determine. There is nothing to stop the leadership from setting the bill aside and taking up matters of higher priority. That still can be done. I hope that it is done.

Now, in the second place, as to who is placing hardship on the backs of the poor and the burdened and those needful of help and depriving them of an OEO bill, let us go just one step further.

The bill is not a perfect bill by a long way. There have been a number of amendments on file for a long time. There will be an effort to commit the bill to the Judiciary Committee with instructions to report it back to this body instanter, forthwith, without title IX.

Mr. President, title IX is one of the controversial sections in the bill. It is submitted that to proceed to the passage of this bill in its present form will not serve the cause of the poor, the oppressed, the burdened and those needful of help, those on whose behalf and for whom we are considering the OEO bill.

It is my judgment that if this measure is passed in its present form it would be entitled to a veto at the hands of the President.

I do not know what the President will do with it, but if he were to ask me what to do with reference to a veto on the basis of the kind of bill we have before us now, including title IX, I would not only recommend to the President but I would urge him to veto it. It would not be for the purpose of burdening those who have a need for the terms of the bill but for the purpose of avoiding a very, very objectionable title IX which provides for a corporation for legal services.

It has been alleged many times during the past 2 or 3 days that this is a bill which conforms to the President's ideas of accountability. Anyone who wishes to make a statement like that is entitled to make it, but it is inaccurate. It is untrue, because the bill does not conform to the President's idea of accountability, accountability either to the President, to the Congress, or to the American people.

That issue should be thoroughly debated, because the price of not debating it sufficiently either to clean up, to revise title IX if possible, to a state of acceptability, or for the purpose of eliminating it entirely, then we will have a delay that will be visited upon the poor, and those who are overburdened and needful of help.

The burden for that will go upon those who insist upon going ahead with the relatively minimal amount of time that has been devoted to debate on this measure.

I say, Mr. President, that debate has not been long enough in terms of time to have laid a foundation for the suggestion that there is a filibuster going on. If anything at all is responsible for that, it is the clock and the calendar. Midnight of June 30 is well on its way. It is not more than 54 hours away.

We have here the necessity of keeping this Nation on a good businesslike basis. It seems to me that the debt ceiling or whatever goes with it is a very important piece of legislation and it should enjoy, Mr. President—I repeat, it should enjoy the highest of priorities.

Now just what it is that enters into the picture to make the OEO bill a "must" bill, when as many as half a dozen other bills have gone on to a time beyond the conventions, I am not prepared to say. I do not know.

I am very little in sympathy with this idea of allowing one of the bills before this body—I imagine it is now in its second full month of consideration—the foreign assistance bill—why that would get preferred status and this bill is held up against the necessity of passage by tonight or delaying the passage of a national debt ceiling bill. It seems to me that is an exhibition of poor judgment as to priorities. It will not be harmful to the passage of the bill, in my judgment. It will be helpful to the passage of the bill on an acceptable basis if that course of action is taken.

So far as this Senator is concerned, he will not assume any responsibility either for the starting of a filibuster or for its maintenance, nor for the delay in the passage of a bill that will have some hope and some assurance of being accepted at an early date and being implemented at an early date after it reaches the state of actual legislation.

I would hope that the leadership on the other side of the aisle would reconsider the situation and view it in the longer pull, view it in the longer pull of just what is being accomplished here, if there will be a passage of the bill in its present form.

I believe further that if that longer pull is taken into consideration there will be—and there certainly should be—a reconsideration of the calendaring of the business for this body.

I yield the floor.

The PRESIDING OFFICER (Mr. MONTOYA). The bill is open to further amendment.

The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I have no statement to make.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONTOYA). Without objection, it is so ordered.

The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

CALL OF THE ROLL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 257 Leg.]

Allen
Anderson
Baker
Beall
Bellmon
Bennett
Burdick
Byrd, Robert C.
Case
Cooper
Cotton
Cranston
Curtis
Dole
Eastland
Ervin
Griffin
Gurney
Hruska
Humphrey
Javits
Kennedy
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Proxmire
Roth
Scott
Sparkman
Symington
Talmadge
Williams
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia (putting the question).

The motion is agreed to, and the Sergeant at Arms is directed to execute the order of the Senate.

After a delay, the following Senators entered the Chamber and answered to their names:

Aiken
Bayh
Bentsen
Bible
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Chiles
Church
Cook
Dominick
Eagleton
Fannin
Fong
Fulbright
Gambrell
Hansen
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Jordan, N.C.
Long
Magnuson
Mathias
McClellan
Metcalf
Miller
Packwood
Pell
Percy
Randolph
Ribicoff
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Thurmond
Tower
Tunney
Weicker

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the committee amendment in the nature of a substitute as amended. All those in favor, say "aye." Those opposed, "no."

AMENDMENTS NO. 1298

Mr. GURNEY. Mr. President, I call up my amendments numbered 1298 and ask for their immediate consideration.

The PRESIDING OFFICER. The amendments will be read.

The legislative clerk read the amendments (No. 1298) as follows:

On page 120, line 6, immediately preceding the word "In" add an "(a)".

On page 120, following line 11, add the following new subsection to proposed section 909:

"(b) Not less than 20 per centum of the funds authorized to be appropriated to the Corporation in each fiscal year shall be used to provide legal assistance to clients fifty-five years of age or older."

Mr. GURNEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, as we know, one of the great areas of controversy in this bill is the National Legal Services Corporation. The legal aid that has been provided by OEO in previous years——

Mr. ROBERT C. BYRD. Mr. President, may we have order so the Senator may be heard on his amendment?

The PRESIDING OFFICER. Will Senators take their seats and cease conversation in the aisles. Let us have a little order in the Senate so that we can conduct business.

The Senator from Florida.

Mr. GURNEY. Mr. President, as I was saying, the most controversial part of the bill we have before us is that dealing with the National Legal Services Corporation. Many of us in our States have had many unpleasant experiences with the legal department of OEO. That has been true in Florida. I think a great many of the lawyers in Florida spend a good deal of their time trying to stir up litigation instead of trying to resolve legal controversies.

I cannot think of any part of the Office of Economic Opportunity amendments that has caused more controversy in my home State of Florida than the legal activity on behalf of the OEO lawyers.

One of the subjects that I am unhappy with so far as the proposals here are concerned to extend these legal services and do it in the form of a Legal Service Corporation is that it does not provide any specific amount as to how much money is to be spent for legal services for the elderly.

As my colleagues probably know, that is a matter of first-rate concern for me, because a large percentage of the population of the State of Florida are retirees, social security recipients, and people who have retired there on small incomes, and usually fixed incomes, and they have been having a very difficult time in recent years to make their income match their budgets. Even an increase in prices of food, rent, or clothing of just a few dollars is a great hardship for those people.

Of course, legal expenses fall in the same category. They create a hardship, too, for those people who are on retirement incomes and social security, and more often than not it is the case that they do not have funds sufficient to pay for legal services.

Usually this means, of course, that they do not get any legal services at all. Not being able to afford a lawyer, they do not seek the services of a lawyer when they need to, in connection with items, perhaps, affecting landlord and tenant relationships, or actions against them, perhaps, for bills or services, or any of a number and variety of——

Mr. NELSON. Mr. President, will the distinguished Senator from Florida yield for a question?

Mr. GURNEY. I am delighted to yield.

Mr. NELSON. Has the Senator looked at page 111 of the bill, where we did put some language in, because we were concerned about the problem to which the Senator is addressing himself? Note the language beginning on line 22 of page 111, providing that the Corporation is authorized to "carry out research, training, technical assistance, experimental, legal, paraprofessional, and clinical assistance programs, and special emphasis programs to provide legal services to migrant or seasonal farmworkers, Indians, and the elderly poor."

It was our intent, as the Senator can see, to place emphasis on the elderly poor.

I have no objection to the purpose of the Senator's amendment; in fact, I support the concept that the Senator from Florida is advocating here. I have one slight problem with it, and that is that in the Senator's State, for example, it may very well be, because of the higher percentage of elderly citizens there, including elderly poor, that there may be a larger demand for legal services there than there might be elsewhere. My only concern would be that the Corporation's hands in the expenditure of its money not be tied, in the event that they only had elderly clients on which to spend 15 percent. Would the Senator agree that, for purposes of interpretation, it is not our intent to tie up the 20 percent if there are no clients to use it all?

Mr. GURNEY. I do follow the reasoning of the manager of the bill in that respect. I see the point he is making. But I would also like to point out to him that the experience in the past has been that a very small percentage of the funds previously expended by OEO have gone to the elderly. My information is that approximately 8 percent of the moneys that have been spent on legal services in this program have gone to the elderly.

It is also my information that the number of elderly in the country——

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. COTTON. Mr. President, will the Senator from Florida get that microphone a little nearer his mouth? I am having difficulty understanding him.

Mr. GURNEY. I will speak a little louder, and maybe that will solve the problem.

As I was saying, the information I have is that the percentage of elderly citizens in the entire population is approximately 20 percent. As far as the elderly poor are concerned, I am advised that the number of poor constitutes approximately 30 percent of the entire group in the elderly as opposed to the whole population, and the number of elderly poor in the total population approximates 25 percent. Yet the amount of money being expended on the elderly in this program is only about 8 percent, and that is the problem that troubles me. I think the elderly people are being shortchanged.

Mr. NELSON. I do not disagree with the Senator, and perhaps the highest percentage of poor in any classification are really the elderly poor. I really cannot disagree with the Senator's amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the distinguished Senator from New York.

Mr. JAVITS. I think the only concern we would have—at least that I would have, and I hope the manager of the bill would agree—is the fact that if they do not spend the 20 percent, they do not have to go out and advertise for old people to represent, or have the money go down the drain, when there may be other people to represent who may be deserving.

Another thing that puzzles me is how do they get it? Is it clients who are 55 and over? What about their families? Many families which are poor families have an older person. So just to make a kind of arbitrary effort at it, I was going to suggest to the Senator that we double the present experience—let us say 15 percent—and that we add to the clients who can be represented, not only the aged themselves, but their families; that is, to provide assistance to clients 55 years or older or their families. Then I think the Senator would put himself in the position where it is unlikely that very much would go unused, and he would be reaching the client group at least twice the extent they are being reached today.

If the Senator would do that, I certainly would accept the amendment, and I think the Senator is making a fine and instructive addition in the bill in that way, and I hope the manager would accept it.

Mr. GURNEY. I thank the Senator. Now, may I inquire of the acting majority leader if I can suggest the absence of a quorum and discuss this for a moment with the manager of the bill and the ranking minority member on this side, and have the floor following the quorum call to complete action on the amendment?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Florida (Mr. GURNEY) may suggest the absence of a quorum, and that at the conclusion of the quorum call, or at such time as it is called off, he may be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I ask unanimous consent that I may yield to the acting majority leader for the transaction of other business, without losing my right to the floor; and at the time that business is concluded, a quorum call will be instituted again and I will have the right to the floor when the quorum call has ended.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain nominations which are at the desk and which were reported earlier today by the Committee on the Judiciary.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Ralph E. Erickson, of California, to be Deputy Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. DISTRICT COURT

The assistant legislative clerk proceeded to read sundry nominations to the U.S. District Court.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations confirmed en bloc are as follows:

William B. Enright, of California, to be a U.S. district judge for the Southern District of California;

Eldon B. Mahon, of Texas, to be a U.S. district judge for the Northern District of Texas;

Levin H. Campbell, of Massachusetts, to be a U.S. circuit judge, first circuit;

Thomas P. Griesa, of New York, to be a U.S. district judge for the Southern District of New York;

Whitman Knapp, of New York, to be a U.S. district judge for the Southern District of New York; and

Charles E. Stewart, Jr., of New York, to be a U.S. district judge for the Southern District of New York.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Florida yield to me further? Will the Senator yield me 3 minutes?

Mr. GURNEY. I yield.

Mr. ROBERT C. BYRD. With the same understanding, that he will not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Indiana.

INCREASED COMPENSATION FOR DISABLED VETERANS

Mr. HARTKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3338.

The PRESIDING OFFICER (Mr. MONTOYA) laid before the Senate the amendment of the House of Representatives to the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes," which was to strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Compensation and Relief Act of 1972".

TITLE I—COMPENSATION AND OTHER BENEFITS

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51';

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu thereof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "$212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "$245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by stirking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$770";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively.

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 103. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran."

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 104. (a) Subsection (a) of section 3203 of title 38, United States Code, is repealed.

(b) Subsection (d) of such section 3203 is redesignated as subsection (a) of such section 3203.

(c) Paragraphs (1) and (2) of subsection (b) of such section 3203 are redesignated as paragraph (1) and as so redesignated are amended to read as follows:

"(b)(1) In any case in which a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, is rated by the Veterans' Administration in accordance with regulations as being incompetent by reasons of mental illness, and his estate from any source equals or exceeds $1,500, further payments of pension, compensation, or emergency officers' retirement pay shall not be made until the estate is reduced to $500. The amount which would be payable but for this paragraph shall be paid to the veteran in a lump sum; however, no payment of a lump sum herein authorized shall be made to the veteran until after the expiration of six months following a finding of competency and in the event of the veteran's death before payment of such lump sum no part thereof shall be payable."

(d) Paragraphs (3) and (4) of subsection (b) of such section 3203 are redesignated as paragraphs (2) and (3), respectively; and the references in said redesignated paragraph (2) to "paragraph (2)" and "Paragraph (2)" are changed to "paragraph (1)" and "Paragraph (1)", respectively.

(e) Subsection (c) of such section 3203 is amended by deleting "(a) or".

(f) Subsection (e) of such section 3203 is amended by deleting ", compensation, or retirement pay"; and as so amended is redesignated as subsection (d).

(g) Subsection (f) of such section 3203 is redesignated as subsection (e).

SEC. 105. (a) Subsection (d) of section 3202 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability."

(b) Section 3021(a) of title 38, United States Code, is amended by deleting "section 3203(a)(2)(A) of this title and".

SEC. 106. All compensation or retirement pay which is being withheld pursuant to the provisions of subsections (a) and (b)(1) of section 3203, title 38, United States Code, in effect on the day before the effective date of this Act, shall be paid to the veteran, if competent, in a lump sum. If the veteran is incompetent, the withheld amounts shall be paid in a lump sum, or successive lump sums, subject to the $1,500 and $500 limitations of subsection (b)(1) of such section 3202 as amended by this Act. If a competent veteran dies before payment is made the withheld amounts shall be paid according to the order of precedence, and subject to the time limitation, of subsection (a)(2) of such section 3203 in effect the day before the effective date of this Act. In the event of the death of an incompetent veteran before payment of all withheld amounts, no part of the remainder shall be payable.

SEC. 107. Section 536 of title 38, United States Code, is amended by adding the following new subsection at the end thereof:

"(d)(1) Any widow eligible for pension under this section shall, if she so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to widows of veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

"(2) The Administrator shall pay each month to the widow of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to her under subsections (a) and (b) of this section as increased by section 544 of this title; or (B) that which is payable under section 541 of this title, as increased by such section 544, to a widow of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor."

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

SEC. 201. Section 210(c) of title 38, United States Code, is amended by adding an additional subsection (3), reading as follows:

"(3) If the Administrator determines that any veteran, widow, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys to any person whom he determines equitably entitled thereto."

SEC. 202. (a) Section 3102 of title 38, United States Code, is amended to read as follows:

"§ 3102. Waiver of recovery of claims by the United States

"(a) There shall be no recovery of payments or overpayments of any benefits under any of the laws administered by the Veterans' Administration whenever the Administrator determines that recovery would be against equity and good conscience, if an application for relief is made within two years from the date of notification of the indebtedness by the Administrator to the payee.

"(b) With respect to any loan guaranteed, insured, or made under chapter 37 of this title, the Administrator may waive payment of an indebtedness to the Veterans' Administration by the veteran (as defined in sections 101 and 1801), or his spouse, following default and loss of the property, where the Administrator determines that collection of such indebtedness would be against equity and good conscience.

"(c) The Administrator may not exercise his authority under subsection (a) or (b) of this section to waive recovery of any payment or the collection of any indebtedness if, in his opinion, there exists in connection with the claim for such waiver an indication of fraud, misrepresentation, material fault, or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of such recovery or the collection of such indebtedness.

"(d) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a) or (b).

"(e) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government Life Insurance Fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable."

(b) The waiver authority provided by section 3102(a) of title 38, United States Code, as amended by subsection (a) of this section shall apply to improper payments, overpayments, and indebtedness established by the Administrator prior to the effective date of this Act if application for relief was pending on the date of enactment of this Act, or such an application is made within two years from the date of enactment of this Act.

Sec. 203. The analysis of chapter 53 of title 38, United States Code, is amended by striking therefrom "3102. Waiver of recovery of overpayments." and inserting in lieu thereof the following:

"3102. Waiver of recovery of claims by the United States.".

Sec. 204. Section 1817 of title 38, United States Code, is amended by inserting "(a)" immediately before "Whenever any veteran" and by adding a new subsection (b) as follows:

"(b) If any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him under this chapter without receiving a release from liability with respect to such loan under subsection (a), and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines, after such investigation as he deems appropriate, that the property was disposed of by the veteran in such a manner, and subject to such conditions, that the Administrator would have issued the veteran a release from liability under subsection (a) with respect to the loan if the veteran had made application therefor incident to such disposal. Failure of a transferee to assume by contract all of the liabilities of the original veteran-borrower shall bar such release of liability only in cases in which no acceptable transferee, either immediate or remote, is legally liable to the Administrator for the indebtedness of the original veteran-borrower arising from termination of the loan. The failure of a veteran to qualify for release from liability under this subsection does not preclude relief from being granted under subsection 3102(b) of this title, if eligible thereunder."

Sec. 205. Section 1820(a)(4) of title 38, United States Code, is amended by striking out that part of the section beginning with "and the authority to waive" and ending with "a severe hardship upon the veteran;".

Sec. 206. Subsection (d) of section 3503 of title 38, United States Code, is amended by inserting "(1)" after "(d)" and adding at the end thereof the following:

"(2) The Administrator is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Veterans' Administration was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which he determines that the forfeiture would not have been imposed under the provisions of this section in effect after September 1, 1959, he shall remit the forfeiture, effective the date of enactment of this amendatory Act. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 3010(g) of this title."

TITLE III—EFFECTIVE DATES

Sec. 301. (a) Sections 101 through 107 of this Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

(b) Sections 201 through 206 of this Act shall take effect upon the date of enactment of this Act.

Mr. HARTKE. Mr. President, I move that the Senate concur in the amendment of the House of Representatives, with the following amendments, which I send to the desk.

The PRESIDING OFFICER. The amendments will be stated.

Mr. HARTKE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments proposed by the Senator from Indiana (Mr. Hartke) are as follows:

On page 8, immediately after section 107, insert the following new section:

"Sec. 108. (a) Section 334 of title 38, United States Code, is amended by striking out 'equal' and all that follows down through the end thereof and inserting in lieu thereof 'that specified in section 314 of this title.'

"(b) Section 335 of such title is amended by striking out 'equal' and all that follows down through the end thereof and inserting in lieu thereof 'as provided in section 315 of this title.'

"(c) Section 336 of such title is hereby repealed.

"(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"'336. Conditions under which wartime rates are payable.'."

On page 8, section 201, insert "(A)" after "(3)", delete the quotation mark at the end thereof and insert the following:

"(B) The Administrator shall submit an annual report to the Congress on January 1, 1973, and each succeeding year containing a brief summary, including a statement as to the disposition of each case recommended to him for equitable relief under this paragraph."

On page 13, section 301, by redesignating subsection "(b)" as "(c)" and insert the following new subsection:

"(b) Section 108 shall take effect on July 1, 1973."

Mr. HARTKE. Mr. President, these amendments have been cleared not only within our committee but also with members of the Veterans' Affairs Committee of the House of Representatives. This represents a consensus on the matter of the compensation for our Nation's disabled veterans. The chairman of the subcommittee, the distinguished senior Senator from Georgia (Mr. Talmadge), has been most helpful in producing the fine bill we have today.

The House amended our bill, S. 3338, by adding a number of provisions requested by the Veterans' Administration which authorize relief from administrative error, overpayments, and forfeiture. These are sound proposals which provide needed flexibility to a huge agency such as the Veterans' Administration. In addition, the House amendments correct a former oversight and now allow the widows of Spanish-American War veterans the right to elect to come under the "new" pension law if they desire.

The House amendments to our bill do not include our provision for equalization of wartime-peacetime rates. I believe this omission was more a result of fiscal concerns by some House Members rather than any disagreement with the fundamental principle involved. Accordingly, I believe we have reached a sound compromise by once again providing for equalization of the rates in the amendment offered today, but delaying the effective date for a full fiscal year to July 1, 1973. Of course, peacetime veterans as well as all disabled veterans will be entitled to a 10-percent increase in the rates after passage of this act. I urge the Senate to concur in the House amendment with the Senate amendment which I offer today.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana (Mr. Hartke) to concur in the House amendment with a Senate amendment.

The motion was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate resumed the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

The Senate will be in order. Senators will please take their seats.

Mr. GURNEY. Mr. President, I ask unanimous consent that my amendment be modified by the language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification will be stated.

The assistant legislative clerk read the amendment, as modified, as follows:

On page 120, line 6, immediately preceding the word "In" add an "(a)".

On page 120, following the period on line 13, add the following new subsection to proposed section 909:

"(b) Not less than 20 per centum of the funds authorized to be appropriated to the Corporation in each fiscal year shall be used to provide legal assistance to clients fifty-five years of age or older and their families and any funds which are not required for such purpose (computed upon a semi-annal basis) may be used by the corporation for the provision of legal services to other members of the client community."

Mr. GURNEY. Mr. President, I have talked with the manager of the bill on the majority side as well as the manager of the bill on the minority side, and we have inserted language that would prevent a default of the money earmarked for these elderly in case it was not all used up.

I think that is a fair and equitable solution and a compromise to my amendment. I want to thank both the Senator from Wisconsin and the Senator from New York for agreeing to the amendment which I think may put a little pressure on the legal services in OEO so that they will be more aware of the needs of the elderly for legal services and devote more of their time and attention in the future to furnishing them with legal services.

I am prepared to yield back the remainder of my time.

Mr. JAVITS. Mr. President, the amendment in this form is certainly satisfactory to me and, I hope, to the manager of the bill.

Mr. NELSON. Mr. President, I think the modification of the amendment, so far as this side is concerned, is acceptable. It will provide additional services for the elderly poor. It contains a proviso that would provide that if the funds cannot be used for the elderly, it would be reallocated for other purposes. So the amendment as so modified is perfectly acceptable to me.

The PRESIDING OFFICER (Mr. Montoya). The question is on agreeing to the amendment of the Senator from Florida (Mr. Gurney) as modified.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire, (Mr. McIntyre), the Senator from Maine (Mr. Muskie), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Ohio (Mr. Taft and Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), and the Senator from Idaho (Mr. Jordan) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. Brooke) would vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 258 Leg.]

YEAS—82

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Bellmon

NOT VOTING—17

Allott
Brooke
Ellender
Goldwater
Gravel
Harris
Humphrey
Jordan, Idaho
Mansfield
McGee
McGovern
McIntyre
Mundt
Muskie
Ribicoff
Saxbe
Taft

So Mr. Gurney's amendment (No. 1298), as modified, was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3715) to amend and extend the Defense Production Act of 1950.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 1 through 29, and 36, 37, and 38 and concurred therein; that the House had receded from its disagreement to the amendments of the Senate numbered 33, 34, 35, and 41 and concurred therein, severally with an amendment in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 8140. An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; and

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Spong).

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask that it be stated. The amendment is cosponsored by the Senator from Pennsylvania (Mr. Schweiker).

The PRESIDING OFFICER (Mr. Chiles). The clerk will state the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 75, line 21, insert "for 90 days after the enactment of this Act of which amount $2,000,000 shall be available without regard to the limitation placed on the expenditure of funds by section 24 of this Act for programs, projects, or activities for which academic credit is granted to volunteer participants" after "VIII".

Strike out all beginning with page 75, line 25, through page 76, line 17, and insert in lieu thereof the following:

(g) (1) There are authorized to be appropriated $58,000,000 for the fiscal year ending June 30, 1973, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, as amended, of which (A) the amount of $44,-500,000 shall be available for carrying out full-time volunteer programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII, and (B) the amount of $13,500,000 shall be available (notwithstanding the 10 per centum limitation set forth in the second sentence of section 821 of such Act) for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of $37,000,000 shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII;

(B) any amounts appropriated in excess of $37,000,000 but not in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII; and

(C) any amounts appropriated in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII.

(3) Section 833 of the Economic Opportunity Act of 1964 is amended (A) in subsection (b) thereof by striking out "under part A" and inserting in lieu thereof "under this title", and (B) in subsection (c) thereof by striking out "a volunteer under part A of this title" and inserting in lieu thereof "a full-time volunteer receiving either a living allowance or a stipend under this title".

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield for a question?

Mr. CRANSTON. Mr. President, I yield to the Senator from West Virginia.

ORDER FOR TIME LIMITATION ON THE CRANSTON AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, would the Senator be willing to enter into a unanimous-consent agreement on his amendment, for, say, 10 minutes, to be equally divided between the Senator from California and the distinguished manager of the bill, the Senator from Wisconsin (Mr. NELSON).

Mr. CRANSTON. Mr. President, I would like to have 15 minutes. We can probably do it in 10 minutes.

Mr. NELSON. Mr. President, I understand it is agreeable. So, if we can handle it in 10 minutes, it is all right with me.

Mr. ROBERT C. BYRD. Mr. President, would the Senator accept a limitation of 15 minutes on his amendment?

Mr. CRANSTON. I am willing to have a time limitation of 15 minutes on my amendment. We will probably only use 10 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I yield to the Senator from Alabama (Mr. SPARKMAN), with the time not to be taken out of my time.

Mr. ROBERT C. BYRD. Mr. President, for reasons which I will not state, I cannot agree to that.

Mr. CRANSTON. Mr. President, I yield to the Senator from Alabama.

TEMPORARY EXTENSION OF CERTAIN HOUSING AND OTHER ACTS

Mr. SPARKMAN. Mr. President, I call up Calendar No. 880 (S.J. Res. 250) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

Calendar No. 880 (S.J. Res. 250), a joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I am glad the Senate is proceeding to this matter. It should be handled by the Senate. It indicates we can take up matters that need to be handled. I do not object.

Mr. SPARKMAN. I thank the Senator very much.

Mr. President, I offer an amendment on page 2, line 2 to change the date from September 30, 1972, to June 30, 1973.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I am pleased that the senior Senator from Indiana, chairman of the Veterans' Affairs Committee has removed his objection to section I of the resolution. This section would extend the existing authority relative to the interest rate ceiling on FHA- and VA-assisted loans. Unless action is taken by June 30, 1972 the statutory interest rates on FHA loans could not exceed 6 percent. The resolution would continue existing law giving the Secretary of HUD authority to establish the FHA rate at the market rate in excess of 6 percent. It would also authorize the VA Administrator to set a rate which he finds the loan market demands provided that rate is not in excess of the rate in effect under provisions of section 203 (b) (5) of the National Housing Act. This latter provision, in effect, ties the FHA and VA rate together so that in no event may the VA rate be in excess of the FHA 203(b) rate.

The chairman of the Veterans' Affairs Committee was concerned about that part of Senate Resolution 250 which amended title 38 of the United States Code on veterans' benefits for fear that such action would set a precedent and weaken the jurisdiction of his committee over title 38 provisions. I have assured him that there is no such intent but that my principal concern and the concern of my committee is to continue the existing relationship between FHA and VA interest rate ceilings.

The chairman of the Veterans' Affairs Committee and I have agreed that the Senate Committee on Veterans' Affairs has the jurisdiction in any veterans housing matter which amends title 38 of the United States Code with the exception of all matters concerning the legal relationship of VA interest rates to those in effect under the provisions of section 203(b) (5) of the National Housing Act currently in effect pursuant to section 1803(c) (1) of title 38.

Also, once the Resolution 250 becomes law the Veterans' Affairs chairman has agreed to take appropriate action relative to S. 3343, now pending at the desk, to remove the language which would be inconsistent with the above agreement.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 250) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FLEXIBLE INTEREST RATE AUTHORITY

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709–1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

EXTENSION OF MODEL CITIES AUTHORIZATION

SEC. 2. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMMUNITY FACILITIES AUTHORIZATIONS

SEC. 3. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 4. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF OPEN-SPACE LAND AUTHORIZATION

SEC. 5. Section 708 of the Housing Act of 1961 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 6. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes", approved December 22, 1971, is amended by striking out "6 months" and inserting in lieu thereof "9 months".

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MONTOYA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. I thank the Senator from California for yielding.

Mr. CRANSTON. Mr. President, I wish to congratulate the chairmen of the two committees, the Committee on Banking, Housing and Urban Affairs and the Committee on Veterans' Affairs for working out this division of jurisdiction between these two committees regarding veterans' housing programs. I am a member of both committees and I am delighted this jurisdictional situation has been clarified.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate resumed the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. CRANSTON. Mr. President, the amendment which the Senator from Pennsylvania (Mr. SCHWEIKER) and I are offering modifies somewhat an amendment I offered and which was adopted during subcommittee consideration of S. 3010. The amendment in the committee bill is explained in my basic floor statement on S. 3010.

The modifications Senator SCHWEIKER and I propose are based upon requests made through him by ACTION officials. I have agreed to these changes largely out of my great respect for the Senator from Pennsylvania. I do so with considerable hesitation because there is very little about the way that ACTION has seen fit to administer its domestic legislative responsibilities and carry out programs within the terms of its enabling statutes which encourages me to help provide the agency with discretionary moneys, that is, funds to be spent with very little statutory guidance.

Section 821 of the Economic Opportunity Act presently provides that up to 10 percent of the funds appropriated under title VIII may be expended for experimental and demonstration programs. But ACTION wishes to spend as much as possible on such programs—up to $14 million on the University Year in Action—U.Y.A.—program alone—in fiscal year 1973, more than one quarter of its title VIII authorized level if fully funded. I question the wisdom of this course before Congress can deal legislatively with the U.Y.A. program and other new program initiatives the ACTION agency proposes.

But I recognize the agency is operating under serious time constraints insofar as beginning new programs are concerned, and, accordingly, I have worked out this amendment to do as follows:

First. This amendment would permit ACTION to spend $5 million more of fiscal year 1973 appropriations under the part B experiment and demonstration authority—either for U.Y.A. or other new programs—if the funds are appropriated for that purpose. I should point out that as things now stand as long as the agency operates under a continuing resolution pending enactment of this authorizing legislation and the first supplemental appropriation bill, it will not be permitted to initiate any new programs or expand existing programs.

I have informed the agency that I will try to be of assistance in achieving increased appropriations for fiscal year 1972 and for fiscal year 1973 when the first supplemental is taken up.

Second. Our amendment today continues the protection afforded in the committee bill for the regular full-time VISTA antipoverty program—the earmarking of the first $37 million appropriated under title VIII for that part A purpose—while giving ACTION the advantage of being able to spend each dollar—rather than only 50 percent of the dollars—actually appropriated over $37 million and up to $50.5 million for its part B programs.

Third. Also, our amendment maintains the total fiscal year 1973 earmarking of $44.5 million for regular VISTA programs under part A, if the full authorization figure—which is raised $5 million, from $53 to $58 million, by our amendment—is appropriated under title VIII.

Fourth. Our amendment also makes modifications in the provisions regarding the availability of fiscal year 1972 appropriations. Specifically, it would authorize that the additional $8 million authorized for supplemental appropriation for part A full-time programs for fiscal year 1972 would be authorized to be expended for up to 90 days after enactment of this OEO extension act, including $2 million for the U.Y.A program. Otherwise, this $8 million could not be spent, if appropriated, after this June 30. Under the amendment would be, that if this $8 million is appropriated, the first $6 million would be used for full-time domestic antipoverty volunteer programs and $2 million for U.Y.A.

In addition, under the language presently in the committee bill the second $8 million of fiscal year 1972 money is authorized to remain available until June 30, 1973, and under that authorization, $800,000—under the section 821 10-percent limitation—would be available for the U.Y.A. program, and $7.2 million would be available for regular VISTA antipoverty programs.

In sum, under our amendment, if all funds authorized were appropriated for fiscal years 1972 and 1973, ACTION could spend funds as set forth on a chart which I ask unanimous consent, Mr. President, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ACTION expenditures under Economic Opportunity Act title VIII under Cranston-Schweiker amendment:

Fiscal year 1972 supplemental:

Title VIII, part A, earmarked: Antipoverty regular VISTA, $6 million; UYA, $2 million; UYA and demonstration, 0; total, $8 million.

Title VIII, unearmarked: Antipoverty regular VISTA, $7.2 million; UYA, $800,000; UYA and demonstration, 0; total, $8 million.

Fiscal year 1973: Antipoverty regular VISTA, $44.5 million; UYA, $8.5 million; UYA and demonstration, $5 million; total, $58 million.

Total: Antipoverty regular VISTA, $57.7 million; UYA, $11.3 million; UYA and demonstration, $5 million; grand total, $74 million.

Mr. CRANSTON. Finally, in order to make clear the desirability of moving on separate enabling legislation for ACTION title VIII domestic programs, our amendment would delete all title VIII appropriation authorization beyond fiscal year 1973. We will deal with this in the separate legislation currently under consideration in the Human Resources Special Subcommittee.

Before moving adoption of the amendment, I want to make two points with the concurrence of my fellow sponsor, the Senator from Pennsylvania (Mr. SCHWEIKER).

First, the ACTION agency proposed to carry out certain "cost-sharing" programs under which other Federal departments and agencies would receive ACTION volunteers to help those agencies carry out their statutory functions. We wish to stress to ACTION that, in providing these volunteers, it and the cooperating agency must take all possible steps to insure that the proposed volunteer personnel do not supplant the hiring of or replace regular employees to carry out the same functions.

I want to make certain that the Senator from Pennsylvania and I are in concurrence on that point. I yield to him for that purpose at this time.

Mr. SCHWEIKER. Yes, that is certainly my understanding. I think some of ACTION's proposed new volunteer programs, including the one to help combat lead-based paint poisoning, are very good. It is not our intent, however, to replace anyone and I concur with the Senator in that regard.

Mr. President, I appreciate greatly the efforts of the Senator from California in working out this amendment. As the Senator did point out, this amendment comes at the request of ACTION and has been worked out in full consultation with the ACTION agency.

The net effect of this amendment is, first, to increase by $5 million the amount that ACTION will have authorized in fiscal year 1973 for new innovative programs. The bill already allows ACTION $8.5 million for these programs. This $5 million increase will allow ACTION to operate the University Year in Action for $8.5 million and still have another $5 million of authority for other innovative programs.

In addition, this amendment will allow ACTION to carry over for 90 days authority for $8 million, of which $6 million will be for traditional VISTA programs and $2 million will be available for University Year in Action. Without this carryover provision, there would be no chance for ACTION to use these funds in this fiscal year, even though these funds are already in this bill.

ACTION is seeking a number of legislative changes in its programs. The Senator from California is chairman of the Human Resources Subcommittee of the Committee on Labor and Public Welfare, and on this subcommittee we have already held extensive hearings on S. 3450, the Action Act of 1972, that would effectuate these changes.

I understand from the Senator from California that he intends to go into markup on S. 3450 in July, in the period between our two recesses. At that time it is my hope we can come up with a specific authorization bill dealing with ACTION and charting the course of its domestic programs.

Mr. CRANSTON. I thank the Senator. The other brief point is, as part of Senator Schweiker's and my arrangement with the ACTION agency, we have asked that ACTION send to the subcommittee, as soon as 90 days after enactment of this act have expired, a full report on expenditures of all title VIII moneys expended to that point and a similar detailed report at the close of fiscal year 1973 both as to the additional $8 million of fiscal year 1972 funds which would remain available during fiscal year 1973 and the basic $44.5 million authorized for part A antipoverty volunteer programs in fiscal year 1973 funds.

We also expect that ACTION will keep its fiscal year 1972 and 1973 books in such a way as to facilitate total accounting and traceability for all the title VIII appropriations it receives hereafter.

Mr. SCHWEIKER. I concur with the Senator from California and his statement of intent and I thank him for his cooperation in working out this arrangement.

Mr. NELSON. Mr. President, I am aware of the amendment. I think the Senator from California and the Senator from Pennsylvania have worked out a good amendment as far as I am concerned. I have no objection.

Mr. CRANSTON. I thank the distinguished chairman of the subcommittee.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. JAVITS. I am glad the Senator came to an agreement with the Senator from Pennsylvania (Mr. Schweiker). He is the second ranking member of the subcommittee and if it is agreeable to him, it is agreeable to me.

Mr. CRANSTON. I am deeply grateful to the Senators from Pennsylvania, Wisconsin, and New York for their cooperation on this amendment.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Maine (Mr. Muskie), and the Senator from Arkansas (Mr. Fulbright), are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Ohio (Mr. Taft and Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also, the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), and the Senator from Idaho (Mr. Jordan) are necessarily absent.

If present and voting, the Senator from Massachusetts (Mr. Brooke) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 259 Leg.]

YEAS—79

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mathias
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—21

Allott
Brooke
Cotton
Dole
Ellender
Fulbright
Goldwater
Gravel
Harris
Humphrey
Inouye
Jordan, Idaho
Long
Mansfield
McGee
McGovern
McIntyre
Mundt
Muskie
Saxbe
Taft

So Mr. Cranston's amendment was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I send to the desk an amendment which I am offering with the distinguished Senator from Massachusetts (Mr. Kennedy), to provide for the continuation of consumer action and cooperative programs in the Office of Economic Opportunity.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. CRANSTON. Mr. President I call up the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I object until I know what the amendment is.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 71, line 24, strike out "$394,900" and insert in lieu thereof "$402,400".

On page 72, line 24, insert "$7,500,000 (of which $2,500,000 shall be available for carrying out demonstration projects) shall be for the purpose of carrying out the Consumer Action and Cooperative program described in section 288" after "227,".

On page 133, line 21, insert "as" after "has".

On page 137, line 6, delete the close quotation after "resources." and between lines 6 and 7 insert the following:

"CONSUMER ACTION AND COOPERATIVE PROGRAMS

"Sec. 228.(a) The Director shall make grants or enter into contracts to provide financial assistance for the development, technical assistance to and conduct of consumer action and advocacy and cooperative programs, and consumer protection and education programs designed to demonstrate various techniques and models and to carry out projects to assist and provide technical assistance to low-income persons to try to improve the quality, improve the delivery, and lower the price of goods and services, to obtain, without undue delay or burden, financial credit at reasonable cost, to develop means of enforcing consumer rights, developing consumer grievance procedures and presenting consumer grievances, submitting consumer views and concerns for protection against unfair, deceptive, or discriminatory trade and commercial practices and educating low-income persons with respect to such rights, procedures, grievances, views and concerns.

"(b) No assistance may be provided under this section unless the grantee or contracting organization or agency is a nonprofit organization and has as a primary function the goal of bringing about, through the involvement of the appropriate community action agencies or otherwise, maximum possible participation of low-income persons in the project.

"(c) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness, or which have not yet been evaluated until such time as an evaluation is conducted and the effectiveness determined and to carry out evaluations of such projects of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971 or June 30, 1972."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. Certainly.

Mr. ROBERT C. BYRD. Does the Senator wish to ask for the yeas and nays?

Mr. CRANSTON. No, I do not think it is necessary. I understand the committee will accept the amendment.

Mr. ROBERT C. BYRD. Will the Senator agree to a time limitation of 10 minutes, to be equally divided between the mover of the amendment and the distinguished manager of the bill?

Mr. CRANSTON. Yes, I certainly will.

Mr. GRIFFIN. Mr. President, I object. I think that is not an adequate time.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

CONSUMER ACTION AND COOPERATIVE PROGRAMS

Mr. CRANSTON. Mr. President, the amendment Senator Kennedy and I are offering would modify section 20 of the bill to provide a new section 228 in title II, part B—relating to financial assistance for community action programs and related agencies—of the Economic Opportunity Act of 1964, as amended. It includes, as well, an authorization figure of $7,500,000—$2,500,000 of which shall be available only for demonstration projects—for the purpose of carrying out the consumer action and cooperative programs provided for by the proposed new section 228. This figure approximates the amount expended for these programs by the Office of Economic Opportunity during fiscal year 1971 under its research and demonstration authority and through local initiative funding.

I ask unanimous consent, Mr. President, that at the conclusion of my remarks there be inserted in the RECORD a chart I have here indicating the amounts exepnded in each State during fiscal year 1971 for consumer action and cooperative programs from local initiative funds and from research and demonstration program funds.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, we have a particular reason for proposing that this specific statutory authority be included in the Economic Opportunity Act, and I would like to present it to my colleagues, as I have no doubt they will support this measure after considering the OEO record and future intentions with respect to financing and promoting consumer action and cooperative programs.

In his October 30, 1969, message to the Congress on consumer protection, President Nixon announced his new Federal initiatives to foster the concept of buyers' rights. It was at this time that he announced the establishment of the Office of Consumer Affairs in the Executive Office of the President. A further initiative which he announced was—

> An expansion of consumer activities in the Office of Economic Opportunity.

He went on to say:

> The problems which all American consumers encounter are experienced with particular intensity by the poor. With little purchasing experience to rely upon and no money to waste, poorer citizens are the most frequent and most tragic victims of commercial malpractices. The Office of Economic Opportunity is therefore establishing its own division of consumer affairs to help focus and improve its already extensive consumer activities for poorer Americans.

My colleagues should know that to date the Office of Economic Opportunity has never established such a division. The closest it came to meet the President's announcement was its establishment in the Community Development Division of the Office of Program Development of a six-member "Consumer Affairs Group." But this past May 1, less than 2 years after the President's message calling for new efforts in the area of consumerism, the Office of Economic Opportunity eliminated even this small evidence of its commitment to consumer advocacy.

Thus, no effort will be made by OEO to evaluate past projects or to make use of the experiences of the more than 20 consumer demonstration projects which have received more than $8 million in grants over the past years. The few remaining consumer research and demonstration projects are to be regionalized. Official correspondence from the Office of Program Development has repeatedly stated to prospective applicants and interested parties that consumer programing is not a priority this year or next.

The official OEO position seems to be—

That the agency has done all it can to help solve the problems of poor consumers;

That nothing more can be learned from past and existing projects;

That no new projects are needed to experiment with new consumer grievance mechanism, or to study the deficiencies and shortcomings of small claims courts, or to find new ways of securing justly and quickly and inexpensively justice for wronged consumers;

That no more needs to be done to develop low cost credit sources for the poor, or to improve the distribution of quality goods and services at fair prices to low-income neighborhoods.

I ask unanimous consent to include at this point in the RECORD, Mr. President, groups in my State of California which serves to demonstrate that this is, indeed, OEO's, I believe, seriously mistaken position.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SELF-HELP ENTERPRISES, INC.,
Visalia, Calif., May 5, 1972.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I'm sending you a copy of a letter we received yesterday from Carol M. Khosrovi, Director of Office of Program Development of OEO, Washington. This letter turns down a proposal we submitted for consumer protection, a copy of which is enclosed. While the proposal itself, we feel, needs some revision, since it was written some time ago and we intend to revise it, I wanted to call to your attention that Mrs. Khosrovi says that the priorities established by OEO do not include consumer programming.

In our work with families in Self-Help Enterprises, we find that they frequently fall victim to high-pressure and sometimes unscrupulous salesmen and are saddled with debts for things which they really do not need. In many cases these costs are exorbitant. We feel that consumer protection, consumer education and prevention of fraud against consumers is an extremely important thing, especially to low-income families who have newly acquired homeownership.

We are disturbed by OEO's position on consumer education as stated by Mrs. Khosrovi and we felt your office would want to know of OEO's position and that you would want to make inquiries pertaining to it. We will be glad to furnish you with additional information.

Sincerely,
ROBERT MARSHALL,
Executive Director.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., May 1, 1972.

Mr. ROBERT MARSHALL,
Executive Director, Self-Help Enterprises, Inc., Visalia, Calif.

DEAR MR. MARSHALL: This is in further reference to your consumer education proposal submitted to us for consideration earlier this year.

Unfortunately your proposal is not the type of R&D program that the Office of Program Development is funding this year. We have engaged in a lengthy planning process for the purpose of establishing program priorities for this and the coming year. The priorities established through this process do not include consumer programming.

I am sorry that we cannot be more helpful at this time.

Sincerely,
CAROL M. KHOSROVI,
Director, Office of Program Development.

MAY 11, 1972.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: I have just been advised that the Administration has taken steps to eliminate the consumer protection unit of the Office of Economic Opportunity.

As an official of a metropolitan county, where with each passing day it becomes more apparent that the consumer needs all of the assistance he can get in stretching his purchasing power, I must register a feeling of shock and dismay in this action by the Administration to further reduce assistance to the consumer.

From my personal experience I would highly recommend that the consumer protection service of the Office of Economic Opportunity be reinstated immediately. I have recently had occasion to work with the officials in this office, and have found them to be most knowledgeable and willing to assist us in developing a very innovative program for the consumer and businessmen of our county.

Therefore, I strongly support the reinstatement of this service in the Office of Economic Opportunity because I know that the service they provide is vital if we expect to protect our citizens and businessmen in the market place.

Very truly yours,
CARL G. JOHNSON,
County Executive.

OAKLAND, CALIF.,
May 4, 1972.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: The National Institute for Cooperative and Economic Development (NICED) requests your initiation of an amendment to the Economic Opportunity Act now before the U.S. Senate, calling for a strong role by the U.S. Office of Economic Opportunity and other federal agencies in technical and financial assistance to this nation's low-income cooperative enterprises and related self-help economic institutions of the poor.

NICED feels very strongly that the 1964 Economic Opportunity Act and its successor EOA legislation have not mandated sufficiently the federal government to play its part in the growth and development of cooperatives and similar institutions for poor people in both urban and rural America.

There are notable parallels upon which you may draw for such significant legislation in 1972. In 1961 Congress approved technical and financial assistance programs for the developing countries through the U.S. Agency for International Development, and to this day the AID cooperative assistance programs are among the most outstanding of that agency. In the 1930's Congress enacted the rural electrification act, which, through federally-assisted rural electric cooperatives, helped bring electricity to rural America. The 1930's and preceding decades also produced a host of agriculture-related legislation for farmer cooperatives of this country.

Poor people in the United States both want and need cooperative business institutions that they can own. With the OEO programs at the crossroads, there is no better time than the present to give the American poor the kind of strong cooperative and consumer education programs that can make co-ops flourish for the urban and non-agricultural rural poor as they have flourished for our farm producers.

In Peace and Cooperation,

ROBERT MOSES,
Executive Director.

MILWAUKEE, WIS.,
May 4, 1972.

Senator GAYLORD NELSON,
Senate Office Building, U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: It has recently come to our attention that the Office of Economic Opportunity plans to deemphasize programs designed to protect the interests of low income consumers. It appears that this is part of a general shift in policy towards channeling money to projects carried out by benefiting and involving the poor. We question the rationale upon which consumer programs directly benefiting the poor are being downgraded during a period when the consumer has fewer resources available to him, and encourage you to do whatever you can to preserve an OEO role in consumer action and protection.

We realize that you have long served as an advocate for the vital aspects of OEO legislation and thank you for your continued assistance.

Sincerely,

DONALD SYKES,
Executive Director.

Mr. CRANSTON. The Labor and Public Welfare Committee viewed with concern this turn of events when it was brought to our attention during the time we were concluding our consideration of the bill before us today. Rather than including an amendment providing for consumer programs in the bill as reported to the floor, we communicated our concern to the Director of the Office of Economic Opportunity, and sought his assurances that OEO would not reduce its involvement on the consumer front in the war on poverty. It was our intention that if adequate assurances were not forthcoming, an amendment directing the agency to carry out these programs would be introduced during floor consideration of S. 3010. Mr. President, in this connection, I ask unanimous consent that there be included in the RECORD at this point Senator NELSON's and my letter to Director Sanchez and reply in which he states that the Economic Opportunity Act does not now provide the authority for the agency to continue funding these programs, whether or not they have been proven effective.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 17, 1972.

Hon. PHILIP SANCHEZ,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. DIRECTOR: We are writing to call to your attention certain report language contained in the Senate Report (No. 92–792) to S. 3010, which Senator Nelson filed yesterday. The language in question, which is included in the enclosure to this letter, appears on pages 23 to 25 of the Report and deals with the consumer information and assistance programs which we understand OEO is in the process of discontinuing or phasing out.

As the enclosed Committee Report Language makes clear, the Committee viewed with serious concern this action by the Office of Economic Opportunity. Rather than amend the bill in Committee to provide permanent statutory authority and a specific authorization of appropriations for this program, we elected to attempt to resolve the situation by a very strong expression of Committee views in the Report. We are writing today in the hope that we can obtain from you adequate assurances that these programs will be continued at the present level so that further consideration need not be given to the necessity for a floor amendment to save them.

We look forward to receiving a response from you by the end of this week.

Sincerely,

ALAN CRANSTON.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., May 19, 1972.

Hon. ALAN CRANSTON,
Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of May 17 enclosing a copy of your Committee's report on S. 3010 and calling attention to the Committee's concern regarding certain consumer information and assistance programs which you understand OEO is in the process of discontinuing or phasing out.

The Office of Economic Opportunity is keenly aware that poor persons, who can least afford financial loss, are the most frequent victims of unethical business practices. It was precisely because of our concern regarding the problems faced by the poor in their business dealings that we have developed and funded the consumer programs mentioned in your letter and in the Committee's report.

Before discussing our intentions regarding these particular programs, I believe it would be desirable to call attention to the statutory framework under which these programs are being conducted and to comment on our basic philosophy with respect to such programs. Each of these programs, as you know, is currently funded under the authorities of section 232 of the Economic Opportunity Act. That section specifically provides that assistance thereunder may be provided for "pilot or demonstration projects" which are designed "to test or assist in the development of new approaches or methods that will help in overcoming special problems or otherwise in furthering the purposes of this title [relating to community action]." This language clearly does not provide open-ended authority for us to continue the use of section 232 funds for programs which have been fully developed and have either proved to be effective or ineffective as the case may be. When this point is reached, we believe that local communities, having been familiarized with such programs, should have the opportunity, in determining their own order of priorities, to decide whether to initiate or continue such an activity as a component of a community action program or as a programmatic effort funded entirely with local monies.

With regard to the particular programs mentioned in the Committee's report, we believe that for the most part they have reached a stage of full maturity and we have obtained from them as much information regarding their potential effectiveness as they are capable of yielding. We have found, as a result of our experimentation in this area, that the Neighborhood Consumer Information Center (NCIC) established in Washington, D.C. has considerable potential as a national resource center which could be useful in developing new concepts and approaches in the consumer protection area. We have, therefore, decided to continue funding this activity at its present level during the coming fiscal year. We are unable to justify continued funding of the other consumer programs mentioned in the Committee's report as "R & D" efforts. If they are to continue in operation after their existing section 232 grants have expired, we believe their continuance should result from determinations made at the local level that available EOA local initiative funds should be used for that purpose or that funds from other sources should be obtained to keep them in operation.

I am sending an identical letter to Senator Nelson and hope that it satisfactorily responds to your inquiry.

Sincerely,

PHILLIP V. SANCHEZ,
Director.

Mr. CRANSTON. The amendment Senator KENNEDY and I are proposing serves to correct this situation with regard to OEO initiatives in the area of consumerism. It is similar to two other provisions—sections 226 and 227—we authored in section 20 of S. 3010 which were approved by this body and in conference with the House of Representatives when S. 2007, the EOA extension legislation vetoed by the President last December, was before us. I might add that in his veto message, the president expressed no problem with the additions of these two new sections to the Economic Opportunity Act.

As with the consumer action and cooperative programs, prototypes of the programs provided under these new sections had been previously funded by the Office of Economic Opportunity through its research and demonstration authority, section 232. OEO's reluctance to continue to fund them after they had proven successful raised the important question of what should happen to successful demonstration programs once they have proven their effectiveness and local resources are not adequate to assume the responsibility of continuing them. The committee endorsed the notion that such programs should not be discontinued, as is the unfortunate prescription offered by OEO, but instead, should be carried on, improved and expanded. I hope my colleagues will reiterate their endorsement of this notion by approving, too, the inclusion in the Economic Opportunity Act of this new section 228 for consumer action and cooperative programs.

The problems of the poor person as a consumer of goods and services are the daily manifestations of poverty itself: poor quality goods, high prices, expensive credit, inordinate deposits, inadequate services, inconvenience, long delays, dehumanizing procedures and requirements, inaccessibility of quality facilities, services and products, and lack of rudimentary justice. There is a great need for an agency like the Office of Economic Opportunity, with particular concerns for the poor and their problems, to play an active role both as an advocate for the poor consumer and as an innovator in the development of programs that help him find remedies to these problems which so often plague his attempts to help lift himself out of poverty. Our amendment offers a first step toward mandating that OEO assume such a role. I urge my colleagues to approve its inclusion in S. 3010.

EXHIBIT 1

OEO CONSUMER EXPENDITURES BY STATE, FISCAL YEAR 1971—TOTAL OPERATIONAL (LOCAL INITIATIVE) RESEARCH AND DEMOS (PROJECT AND TOTAL)

Alabama:
Consumer, $8,033; cooperative, $1,000; total, $9,033.
Alaska: None.
Arizona:
Consumer, $69,867; cooperative, $85,000; total, $154,867.
Arkansas:
Cooperative, $102,493; total $102,493.
California:
Consumer, $523,020; cooperative, $159,246; Crenshaw Community Youth Study Association, $12,000, Los Angeles, No. 1972 funding; total, $694,260.
Colorado:
Consumer, $21,276, total, $21,276.
Connecticut:
Consumer, $95,197; total, $95,197.
Delaware:
Consumer, $60,045; total, $60,045.
Florida:
Consumer, $67,013; cooperative, $112,212; total, $179,225.
Georgia:
Consumer, $3,159; cooperative, $205,623; total, $208,782.
Hawaii: None.
Idaho:
Cooperatives, $35,000; total, $35,000.
Illinois:
Cooperatives, $38,612; total, $38,612.
Indiana: None.
Iowa: None. Accounting Aid Society Des Moines, 1971, $80,000; 1972, $80,000; total $80,000.
Kansas:
Cooperatives, $12,610; total, $12,610.
Kentucky:
Consumer, $42,979; cooperatives, $98,370; total $141,349.
Louisiana:
Consumer, $19,400; cooperatives, $167,623; total, $187,083.
Maine:
Consumer, $12,986; total, $12,986.
Maryland:
Consumer, $9,600; total, $9,600.
Massachusetts:
Consumer, $74,056; Department of Attorney General Consumer Protection Division, Roxbury, $130,800; No 1972 funding; total, $204,856.
Michigan:
Detroit Consumers Federal Credit Union, $81,284; No 1972 funding; total, $111,813.
Minnesota:
Consumer, $69,986; cooperatives, $38,238; total, $108,224.
Mississippi:
Consumer, $60,393; cooperatives, $8,703; total, $69,096.
Missouri: None.
Montana:
Cooperatives, $25,000; total, $25,000.
Nebraska:
Consumer, $20,010; total, $20,010.
Nevada: None.
New Hampshire: None.
New Jersey:
Consumer, $167,458; New Jersey Department of Consumer Affairs, Trenton; $71,860, 1971; $25,000, 1972; Newark Consumer Project; $300,000, fiscal year 1971; no fiscal year 1972 funding; total, $539,318 (1971 funding only).
New Mexico:
Consumer, $15,870; cooperatives, $3,122; total, $18,992.
New York:
Consumer, $1,624,181; $275,362; Consumer Action Program of Bedford-Stuyvesant Brooklyn; $330,000, fiscal year 1971; $185,000, fiscal year 1972; Mobilization for Youth, NYC; $350,000, fiscal year 1971; $35,000 fiscal year 1972; total $2,549,543 (1971 funding only).
North Carolina:
Consumer, $131,817; cooperatives, $381,353; total, 513,170.
North Dakota: None.
Ohio:
Consumer, $50,282; cooperatives, $30,291; Metropolitan Coop Serv., $119,873. Cleveland, $39,300, fiscal year 1971; $35,000, fiscal year 1972; total, $119,873.
Oklahoma:
Consumer, $90,093; cooperatives, $9,456; Tulsa Economic Opportunity Task Force, 1971; totals, $99,549.
Oregon:
Consumer, $28,000; total, $28,000.
Pennsylvania:
Consumer, $120,341; cooperatives, $5,250; Freedom House Enterprise, Pittsburgh; $78,760, fiscal year 1971; $25,000, fiscal year 1972; total, $204,351.
Rhode Island: None.
South Carolina:
Consumer, $36,810; total, $36,810.
South Dakota:
Consumer, $32,627; cooperatives, $61,348; total, $93,975.
Tennessee: None.
Texas:
Consumer, $105,936; cooperatives, $22,179; total, $128,115.
Utah: None.
Vermont: None.
Virginia:
Consumer, $73,960; Cooperatives, $151,573; total, $225,533.
Washington:
Consumer, $12,370; Washington State Attorney General's Office; Seattle, $145,000; fiscal year 1971, no fiscal year 1972 funding; total; $157,370.
West Virginia:
Consumer, $95,011; cooperatives, $82,142; total, $177,153.
Wisconsin:
Consumer, $46,297; cooperatives, $19,045; total, $65,342.
CUNA International, Madison; fiscal year 1970, $35,000; Wisconsin Department of Justice, Consumer Protection Division; Madison, fiscal year 1972, $358,500.
Wyoming: None.
District of Columbia:
Consumer, $280,078; Neighborhood Consumer Information Center; 1971, $200,000; 1972, $200,000; total, $480,078.
Puerto Rico:
Cooperatives, $558,635; total, $558,635.
Virgin Islands: None.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I am delighted to yield to the distinguished Senator.

Mr. NELSON. Do I correctly understand that this amendment proposes to authorize the continuance of a demonstration program which has been going on within the Office of Economic Opportunity for 2 years?

Mr. CRANSTON. Yes.

Mr. NELSON. Is that what it does—authorizes it?

Mr. CRANSTON. To continue this program, for which the President has called.

Mr. NELSON. Does it mandate the continuance or just authorize it?

Mr. CRANSTON. The language in the amendment is similar to other provisions in the bill—the Consumer Design Program and the Youth Recreation and Sports program. In those two programs, it is covered exactly the same way.

Mr. NELSON. Is it covered by the same provision in the bill which authorizes other activities but does not set any specific level of expenditure for those activities—that discretion is within the OEO itself?

Mr. CRANSTON. There is no set-aside or earmarking. The money would have to be appropriated and then allocated for this program.

Mr. NELSON. So that if they did not wish to continue these demonstration projects at the same level, they could reduce the funds for such purpose to practically nothing if they wanted to?

Mr. CRANSTON. That is my understanding. We want them to continue programs—once evaluated—which have demonstrated their effectiveness.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. JAVITS. Mr. President, in fairness to the Senator, it must be said first that the administration is opposed to this amendment. The reason for the opposition is itself the basis for the action by the Senator from California. I might say that I shall vote with him, but I must announce in advance the attitude of the administration. I feel it my duty to spell out why.

The administration has carried on a program, which the Senator wants to see continued, giving the additional authority to continue it. It involves projects in most of the States of the United States.

I ask unanimous consent that a chart of the projects, State by State, be printed in the RECORD.

Mr. CRANSTON. That has been placed in the RECORD.

Mr. JAVITS. That includes projects in my own State. I wish to make that very clear.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. NELSON. It is correct, however, that this authorized activity has the same status as the other authorized activities within the Act, in which we do not mandate a continuance of those activities at any particular level.

Mr. JAVITS. That is correct.

Mr. NELSON. In other words, in Mainstream we simply say that is an authorized activity. I happen to be one who hopes they will maintain it at the present level or, better yet, expand it, but under the law they may reduce it to one-fourth, one-fifth, or one-tenth of what they are now doing. Is that correct?

Mr. JAVITS. That is legally correct. However, the point is that if the Senate votes this amendment affirmatively, it will be expressing itself in terms of its desire to the agency that these be carried on in this volume. So that legally it is only an authority, and they do or do not spend it, as they choose.

As a matter of fact, we will be expressing our view of it, notwithstanding the OEO's view—which I will explain in a minute—that we consider these programs desirable and we are authorizing them because we want them continued. That does not mean that we force them to be continued or that the Administrator does not have the option not to do it.

The difference is one of philosophy on two bases. The first basis is that the demonstrator says, "I carry on research and development and demonstration projects"—and that is what these are—"and at a certain time I decide that I do not want to demonstrate any more. I have demonstrated enough. So they have to go somewhere else to find the money—perhaps States, perhaps cities, perhaps foundations, perhaps local initiative, perhaps any one of a dozen sources. But not me; not the OEO."

The philosophy of Senator CRANSTON's amendment is, "You have not adequately demonstrated. This is not yet built into a situation with a good record, with an adequate demonstration, so that they can carry on from there. Therefore, as it is a desirable activity, I do not want to see it cut off." That is what Senator CRANSTON is saying.

The amendment unquestionably is desirable. It involves the means for the poor to help themselves through cooperatives, through credit unions, through consumer information, and matters of that kind, some of them very exemplary programs. Indeed, one of these, Consumer Action in Bedford-Stuyvesant, which is a very serious slum in New York, I know very well. Another one is Mobilization for Youth on the Lower East Side of New York. It, too, is an excellent program.

So the two parts of the argument are these. Notwithstanding the administrator's view that he is through with them and they have to go elsewhere and find their way, the amendment says, "We like to see it carried on." It has not yet really shown itself as built-in and established, and it is a desirable thing to carry on—because it ought to be the kind of thing that should be built into programs for the poor."

Personally, I am with Senator CRANSTON. As I have explained to the Senate, I think that is the situation; and I felt it my duty to do that, because we are on the inside of the committee. We know all these facts. I am often on the outside of other committees, and I value when at least it is explained to me. Then I might agree with the speaker and I might not, but at least I know what it is all about. That has been my purpose in laying it before the Senate.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. KENNEDY. Mr. President, I join the Senator from California in cosponsoring this amendment.

Many of us have seen the development of these consumer programs in our States. At least, in Massachusetts they have been enormously effective and have been welcomed by the poverty area consumers who have participated in the programs.

We are all agreed that it is the poor who suffer most in terms of financial loss, in terms of inferior products, in terms of discriminatory business practices in the market. Yes, they have the most limited resources to protest inadequate or unfair consumer practices. A person living on a poverty-level income is not able to hire an attorney to protest what he knows to be inferior products or artificial prices in the goods he purchases for his family.

The Office of Economic Opportunity has the manpower, the techniques, and the programs to continue research and development of methods to assure that the poor are not the victims of unethical business practices.

It is clear from the budget request that consumer protection programing is not a priority for the next fiscal year. Demonstration grants which have terminated or are phasing out will not be refunded under the budget request; no effort has been made to coordinate or disseminate the information obtained in the demonstration projects to develop an adequate and comprehensive consumer protection program for the poor people of this Nation; and no request has been made for funding of additional projects aimed at developing consumer grievance mechanisms or low-cost credit sources for the poor. We have not seen a program to improve the distribution of quality goods and services at fair prices to low-income neighborhoods as a result of the data obtained from past demonstration projects.

The issue here is whether or not we are going to end or severely cripple so many of these worthwhile consumer protection programs before we have even learned the lessons the demonstration projects were designed to teach us.

Funding under section 232 of the Economic Opportunity Act has enabled the attorney general of Massachusetts to promulgate rules aimed at protecting consumers and to test the effectiveness of this approach in dealing with the problems of the poor in the Commonwealth of Massachusetts.

This program will terminate in November of this year unless additional funds are supplied by the Office of Economic Opportunity. The second year grant of $130,800 will run out before we have really had a chance to test the effectiveness of the program and before the results can be translated into a more comprehensive, expanded program.

During the period since a consumer protection office was established in Roxbury, Mass., there has been an enormous turn-around both in consumer attitude and business practice. The office has the power to investigate complaints and take the cases to small claims court if warranted. In addition, a great deal of their work has centered on education of the lower income consumer commodity.

At the outset of the project, records in the attorney general's office indicated that while the low income consumer was most often the victim of consumer fraud he was the least likely to complain. During the first year of the project, an extensive investigation was made to determine the underlying causes of this situation and the methods of facilitating legitimate consumer complaints. During the second year of the project, the consumer protection office was opened to provide the low-income consumer with the vehicle to obtain action on his complaint.

The last quarterly report from the Roxbury Consumer Protection Office shows that they handled over 200 complaints and resolved out of court complaints totaling over $6,000 in direct refunds or savings to the local consumers. This figure does not include the savings achieved as a result of advice to consumers or the savings achieved after court action. The consumer protection office has also conducted an extensive education program for consumers at local schools, clubs, and civic meetings. We need only multiply this quarterly report figure in savings to determine the enormous financial gain to the community. And how do we measure the increase in consumer awareness?

Consumer problems reach to the heart of the problems of poverty. Any expansion of income is likely to be matched by an increase in victimization of the consumer. It is not good enough to provide new funds for purchase of goods and services without providing funds that will assure that the poor receive high quality at reasonable prices. And it is not adequate to say that the individual consumer should be burdened with the task of protecting himself and his family from poor quality, poorer service, and unfair business practices. New methods must be developed to protect consumers in the marketplace. It would not only be wasteful to suspend our research and development efforts into the problems of consumer protection at this stage; it would be a grave injustice to the poor of this country who have the greatest need for this protection.

I commend the Senator from California. I join him in the amendment. I hope we can continue this program, which in many instances is helping to provide assistance to the poor and the disadvantaged who otherwise would not have the kind of information available to them that can be most meaningful in improving the quality of their lives.

Mr. CRANSTON. I thank the Senator from Massachusetts for his work on this measure and for his support. I thank the Senator from New York for his support.

I am baffled by the opposition of the administration, in view of the words of President Nixon calling for exactly this kind of consumers action program within OEO.

I think the measure is understood and that little more need be said so far as I am concerned, and I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Ohio (Mr. TAFT) and (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) would vote "yea."

Also, the Senator from Colorado (Mr. ALLOTT), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Idaho (Mr. JORDAN) are necessarily absent.

The result was announced—yeas 46, nays 33, as follows:

[No. 260 Leg.]

YEAS—46

Anderson
Bayh
Beall
Bentsen
Bible
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Eastland
Gambrell
Hart
Hartke
Hollings
Hughes
Jackson
Javits
Kennedy
Magnuson
Mathias
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Spong
Stennis
Stevens
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—33

Aiken
Allen
Baker
Bellmon
Bennett
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cook
Cooper
Curtis
Dominick
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
McClellan
Miller
Packwood
Roth
Smith
Sparkman
Stafford
Talmadge
Thurmond
Tower
Young

NOT VOTING—21

Allott
Brooke
Cotton
Dole
Ellender
Fulbright
Goldwater
Gravel
Harris
Humphrey
Inouye
Jordan, Idaho
Long
Mansfield
McGee
McGovern
McIntyre
Mundt
Muskie
Saxbe
Taft

So Mr. CRANSTON'S amendment was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HUGHES). The bill is open to further amendment.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

on page 117, line 25, after the word "application" strike the period, and add the following:
"and request the State Bar Association for comments and recommendations on such grant or contract application."

Mr. COOPER. Mr. President, the amendment would be an additional sentence in subparagraph (h) on page 117.

The paragraph reads:

> At a reasonable time prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

I then add these words:

> and request the State Bar Association for comments and recommendations on such grant or contract application.

This may almost be the identical language which I offered in 1967 to the present language dealing with legal services, because I felt that the State bar associations of the States should have some opportunity to offer their comments and recommendations and have some input and some association with these projects. It would be helpful to the project and it would also be helpful to the State bar association to understand the working of the corporation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think this is a splendid amendment. It follows what I conceive the corporation to be, a legal aid society organized on a national scale. This is exactly in that line of professional responsibility and professional input.

I hope that the Senate will agree to the amendment.

Mr. NELSON. Mr. President, that, in fact, is the language in the current law. Through some redrafting or oversight, that specific language was dropped. The amendment is perfectly acceptable and is very sound language to have in the bill. I think that we should offer the opportunity to submit comments to the State bar associations.

Mr. COOPER. Mr. President, I am grateful for the statements of the Senators.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I send to the desk and call up an amendment which I am offering on behalf of myself and the Senator from New York (Mr. JAVITS), and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment. The legislative clerk read as follows:

> On page 75, between lines 16 and 17, insert the following:
>
> "(4) $21,200,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7);"
>
> On line 17, strike out "(4)" and insert in lieu thereof "(5)".
>
> On page 82, line 12, insert after the words "older persons" the following:
> "and other low-income individuals who do not reside in low-income areas and".

Mr. WILLIAMS. Mr. President, this proposal, in part, is a perfecting amendment to section 11 of S. 3010.

The purpose is to make it unmistakably clear that the $50 million authorized in this provision is designed to serve older persons and other low-income individuals who are now overlooked by OEO programs because they reside outside of low-income areas.

Additionally, this amendment would increase the funding authorization from $8.8 million to $30 million for fiscal 1973 for the senior opportunities and services program.

The reasons for taking this action, I firmly believe, are compelling.

SOS, in my judgment, has been one of the most successful of the antipoverty programs. In fact, it has generated 40 cents in local resources for every Federal dollar spent, which is the largest non-Federal share of any OEO program.

But more importantly, SOS has provided vitally needed services for the elderly poor, including:

Home repairs for individuals living in dilapidated housing;

Consumer and nutrition education for persons trying to maintain their health on limited incomes;

Meals on wheels for the homebound;

Home health services for the frail;

Recreation and social activites; and

Employment opportunities in these programs.

Equally significant, a recent study and evaluation by Kirschner Associates, Inc., concluded that SOS has provided an effective means for identifying and meeting the needs of the elderly poor. Moreover, the Kirschner report pointed out:

SOS programs have an unusually low unit cost per beneficiary;

The projects have produced significant improvements in the participants' sense of dignity as well as their physical and emotional well being;

SOS projects have been enthusiastically accepted at the community level and attract a more generous measure of community support than other types of programs.

Today there are approximately 264 SOS programs which serve more than 700,000 low-income older Americans. However, the need is far greater. Last year, for example, more than $21 million in applications for desperately needed projects had to be turned down, simply for the lack of funds.

With poverty on the rise for the elderly, the need for increased funding for SOS is all the more compelling.

Nearly 6 million persons 60 and over now fall below the poverty line, almost 150,000 more than in 1968.

The amendment that I propose would help to expand this enormously successful program. It could, for instance, fund nearly 900 projects and provide essential services for more than 2 million of the elderly poor. Additionally, this provision could provide the wherewithal for local community action agencies to assist the Administration on Aging in implementing the recently enacted Nutrition Program for the Elderly Act, by providing outreach efforts to locate low-income older Americans, who are a major target group of the act.

For these reasons, I urge the adoption of this amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. Mr. President, I yield to the senior Senator from New York, the cosponsor of the amendment.

Mr. JAVITS. Mr. President, the Senator from New Jersey and I have joined in cosponsoring this particular amendment. It deals with areas of the poor and the aged. We have discussed this matter before.

The amendment is designed to accomplish two basic purposes.

First, to provide an add-on authorization of $21.2 million for each fiscal year for the senior opportunities and services program conducted under section 222(a)(8); the bill now contains a basic authorization of $8.8 million for each fiscal year. Thus, if our amendment is adopted, a total of $30 million would be authorized for each year.

The senior opportunities and services program, which was added to the Economic Opportunity Act in 1967, is designed to identify and meet the special needs of the elderly poor through special programs.

Most of these efforts are focused at reducing the isolation of the elderly through transportation assistance socialization programs, civic influence and action, nutrition assistance, and other activities.

While the number of elderly poor has increased since 1967, both proportionately to the total number of poor and in absolute numbers, the authorizations for the program have continued at a very low level. In 1967, there were 4.5 million aged poor out of a total of 24.7 million persons in poverty—approximately 18 percent. The 1970 census shows that there are 5 million aged poor out of a total of 25.9 million poor persons—almost 20 percent. Appropriations for the program have increased by only $2 million since 1968.

Currently during fiscal 1972 the program is serving 800,000 persons with $8 million, thus reaching only 16 percent of the total number of elderly poor.

With this $30 million authorization we could reach slightly more than half of the elderly poor.

The administration has requested the same amount for fiscal 1973.

Mr. President, while it is important to increase income benefits to the aged through the welfare and social security system, these efforts cannot be considered as supplanting programs like the senior opportunities and services program, which engage the aged poor in self-help efforts and fill the gaps in other efforts.

Second, this amendment is designed to clarify section 11 of the committee bill, which Senator WILLIAMS and I added during committee consideration.

That section, entitled "Special Assistance" authorizes $50 million annually for programs designed to serve groups of low-income individuals who are not being effectively served by other programs under title II of the Economic Opportunity Act.

Our amendment merely makes it clear that special consideration is to be given both to the elderly and to persons who reside outside of low-income areas.

Those residing outside of such areas are often excluded from regular programs; this was documented very thoroughly in the November 1971 Report and Recommendations of the Commission on Urban Affairs of the American Jewish Congress, entitled "The Jewish Poor and the War Against Poverty."

I add only that there are many other individuals—who are not elderly or Jewish—who are subject to the same exclusion, and, of course, we also intend that they be benefited by this new provision.

I hope that the Senate will agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order so that the Senator from West Virginia can be heard.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I am about to propose a unanimous consent request. May we have the attention of every Senator, because this is not the easiest proposition I have ever had to work on.

A UNANIMOUS-CONSENT AGREEMENT—ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, after having consulted with the various principal parties involved, that at the conclusion of the unanimous-consent orders recognizing Senators for 15 minutes tomorrow, the distinguished Senator from Kentucky (Mr. COOK) be recognized for not to exceed 45 minutes for the purpose of proposing various amendments to the pending measure, S. 3010; provided further that upon the disposition of the various amendments to be proposed by Mr. COOK, the distinguished Senator from Nebraska (Mr. HRUSKA) then be recognized for not to exceed 2 hours for the purpose of making a motion; that at the conclusion of the 2 hours, or upon the yielding back of the time, a vote occur on the motion to be made by Mr. HRUSKA, with no tabling motion in order, and no amendment being in order; that if the motion by Mr. HRUSKA fails of adoption, the distinguished Senator from Colorado (Mr. DOMINICK) be recognized for the purpose of calling up an amendment; that there be a time limitation on that amendment of 20 minutes, equally divided between the mover of the amendment and the distinguished manager of the bill; provided further that time on the motion by Mr. HRUSKA be likewise controlled and divided; that time on the amendments by Mr. COOK be similarly divided and controlled; that following disposition of the amendment by Mr. DOMINICK, if such an amendment is offered, or the disposition of the motion by Mr. HRUSKA, if Mr. DOMINICK does not offer such an amendment, the vote occur on the committee amendment as amended, and that there be a time limitation for final debate thereon of not to exceed 1 hour, the time to be equally divided between the distinguished Senator from Wisconsin (Mr. NELSON) and the distinguished Senator from New York (Mr. JAVITS); and that a final vote on passage of S. 3010 occur no later than 3 p.m. tomorrow.

Mr. JAVITS. Mr. President, will the Senator yield solely for a clarification?

Mr. ROBERT C. BYRD. I yield for that purpose.

Mr. JAVITS. Mr. President, when the Senator gave the time for Senator Cook I did not hear any opposition time. Later, he corrected that. Do I understand 45 minutes is to be divided?

Mr. ROBERT C. BYRD. It would be 45 minutes to be equally divided, with the Senator from Kentucky having 23 minutes and the other side 22 minutes.

Mr. JAVITS. The same with Senator HRUSKA?

Mr. ROBERT C. BYRD. Exactly.

Mr. JAVITS. One other precaution, because we do not know what the Hruska motion is. As I understand it, and he will correct me if I am wrong, it is to refer the bill to the Committee on the Judiciary with instructions to report it back immediately, striking out the Legal Services Corporation title.

Mr. HRUSKA. I wish to read the motion I intend to offer, but I read it solely for the purpose of describing it more definitely:

> I move that the pending measure be committed to the Senate Committee on the Judiciary with instructions to delete title IX therefrom and report it forthwith to the Senate as so amended.

Will the Senator yield further?

Mr. ROBERT C. BYRD. I yield.

Mr. HRUSKA. It should be noted this does not interfere with the present legal services provided in the present law; it simply removes from the bill that title that formulates and seeks to establish a corporation for that purpose.

My question of the Senator from West Virginia is this: He indicated that the unanimous-consent agreement would contain the item that no substitute would be allowed. I assume that would include an amendment.

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. Mr. President, with respect to the Dominick amendment and the amendments of Senator COOK, would any amendments to those amendments be allowed? We do not need time on them, particularly. They could be proposed, with time in opposition, but will amendments be allowed?

Mr. ROBERT C. BYRD. They would be allowed but there would be no time for debate. They would have to come up in the time allotted.

Mr. GRIFFIN. Mr. President, reserving the right to object, obviously it has been a difficult and painful process to arrive at this agreement.

I am personally torn between a desire

to obtain relief as early as possible for my State from the threat of busing orders—and the realization that the Federal Government cannot operate past Friday without an extension of the debt ceiling.

Unfortunately, we were unable to obtain a satisfactory agreement as far as this Senator is concerned with respect to the amendment I wish to offer.

Under the circumstances, taking all factors into account, I have reluctantly concluded that I shall not offer the amendment to this particular bill. However, the proposal is being printed and it will be before the Senate. I serve notice now that I do intend to offer it at some time in the near future to another bill at a more appropriate opportunity.

Therefore, I urge Senators to read the proposal and study it. When it is offered, a vote up or down will be demanded.

Mr. President, I withdraw my reservation.

Mr. JAVITS. Mr. President, reserving the right to object, and I do not object, I wish to ask the Senator from West Virginia another question. After all, all of us are not here. I am doing this as a matter of duty. We know a member of our committee is not here, and he may have an amendment.

Can it be made a part of the unanimous-consent request that amendments may be proposed, provided there is no time on them; they may be proposed, they may have a vote up or down, a rollcall vote, but no one will be shut out from making amendments?

Mr. ROBERT C. BYRD. The request, when I finish it, will provide that.

Mr. COOK. Mr. President, I wish to advise the Senator in regard to the amendments I will take up tomorrow morning, I will not call for a rollcall vote on any of those amendments and they will be voted on, on the basis of a voice vote.

Mr. HRUSKA. It is the intention of the Senator from Nebraska to ask for a rollcall vote on his motion.

May I address the Senator from West Virginia. There is 2 hours on the Hruska motion.

Mr. ROBERT C. BYRD. Yes.

Mr. HRUSKA. There are three amendments on the desk now of which I am the author. If an agreement could be made on those, or if we could agree not to exceed 10 minutes on each side, would it be in order to include that exercise in the 2 hours now assigned to the motion?

Mr. ROBERT C. BYRD. It would be.

Mr. NELSON. I have no objection to that. I am satisfied. We would not on this side use the time in debate on the motion to recommit anyway.

Mr. HRUSKA. The Senator and I have discussed the three amendments I proposed and which are at the desk.

Mr. NELSON. If they could be taken up in 2 hours I have no objection.

Mr. JAVITS. What is the stipulated time for the vote on final passage?

Mr. ROBERT C. BYRD. Three o'clock.

Mr. JAVITS. May I ask the Senator a question?

Mr. TOWER. Mr. President, if the Senator will yield for a question would that be on final passage or any amendment pending at that time?

Mr. ROBERT C. BYRD. That would be on final passage.

Mr. JAVITS. Under the circumstances and the possibilities—as I say Members may come in with amendments, and so forth who are not here and you have no notice, may I respectfully suggest if it does not inconvenience anyone to make it 4 o'clock p.m. to give us a little elbow room?

The PRESIDING OFFICER. Does the Senator wish rule XXII suspended?

Mr. ROBERT C. BYRD. Yes, I do. Let me restate the agreement now that Senators have brought up various suggestions.

The PRESIDING OFFICER. The Senate will be in order so that the Senator from West Virginia can be clearly heard and understood on what is a very technical explanation of tomorrow's business.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. Let me restate the unanimous-consent request now that I have a better feel of what various Senators wish to include here, which I did not have before. The questions that have been raised are quite pertinent and good.

The PRESIDING OFFICER. The Senate is not in order. Will the Senator from West Virginia suspend until the Senate is in order? Conversations will cease while the Senator from West Virginia states the business.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. tomorrow, and that following the recognition of the two leaders, the distinguished Senator from Missouri be recognized for not to exceed 15 minutes; that he be followed by the junior Senator from West Virginia (Mr. Robert C. Byrd) for not to exceed 15 minutes; at the conclusion of which, and no later than 9 o'clock a.m., the distinguished Senator from Kentucky (Mr. Cook) be recognized for not to exceed 45 minutes for the purpose of proposing certain amendments;

That upon the disposition of the amendments by Mr. Cook, the distinguished Senator from Nebraska (Mr. Hruska) be recognized for not to exceed 2 hours for the purpose of proposing a motion.

Provided further, that a vote then occur on the motion, without amendment thereto, to be proposed by Mr. Hruska;

Provided that, should such motion prevail, there be a time limitation on the bill as reported back to the Senate of not to exceed 30 minutes, and that a vote then follow on the question of striking title IX;

Provided, however, in the alternative that, if the motion by Mr. Hruska should not prevail, the distinguished Senator from Colorado (Mr. Dominick) be recognized for not to exceed 20 minutes, to be equally divided, for the purpose of his calling up an amendment;

Provided further, that a vote then occur on the adoption of the committee substitute as amended;

Provided additionally, that debate on the final passage of the bill be limited to such time as may remain, but not to exceed the hour of 3:30 o'clock p.m., and that rule XII be waived;

Ordered further, Mr. President, that the time in connection with each of the several motions or amendments be equally divided and controlled between the mover of such and the distinguished manager of the bill.

Mr. JAVITS. Also, amendments without special time, except for the Hruska amendment.

Mr. ROBERT C. BYRD. That will be inherent in the agreement, I believe.

Mr. AIKEN. Mr. President reserving the right to object, I want to ask a question of this body.

Last Friday I called attention to the fact that this bill duplicates the functions and the authority of many of the agencies under the Department of Agriculture and apparently gives priority to the OEO over the same related programs. Among these programs is the granting of rural credit and the making of loans to rural cooperatives, which I assume covers the REA and other agencies of Government that have been presently covered by the functions of the Agriculture Department.

It would take out most—the better part—of the rural development bill which is now approved by both committees of the House and the Senate and which has been symied over in the House, which has to act on the conference report.

It would take away—not take away, but duplicate, the functions that many of the agencies of the Agriculture Department has today.

What I would like to know is, Is there any Member of this body who objects to the Agriculture Department being torn apart? I cannot find that the Department of Agriculture itself has any objection. I know that a year ago last March the President was in favor of doing away with the Department of Agriculture and distributing its functions among other agencies, one of which is apparently the one which is being considered here tonight. I would like to know. I am not going to object. I would like to know if you are ready to give up the Department and give up the Farmers Home Administration and transfer its functions to the OEO. That is the privilege of this body, but I think you ought to know what you are doing.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. HRUSKA. May I suggest to the Senator from Vermont that the Senator from Nebraska has given some consideration to a portion of those bills. In my judgment—and I would defer to members of the Committee on Agriculture and Forestry—any provision to be found in this bill would not preempt any of the activities or functions of the Department of Agriculture. It would do what is being done in several other departments. It would undertake to duplicate and, in my judgment, in many cases confuse and lend chaos, to programs that are being duplicated, but it is not a matter of displacing or replacing or preempting. I do agree with the Senator that there would be some wastage and some duplication.

Mr. AIKEN. The Senator will find in section 1002, on page 130 of the bill—I do not have it before me at present—a proviso which, in effect, would give the OEO priority over these other agencies of Government—not only Agriculture but other agencies.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. AIKEN. I yield.

Mr. JAVITS. The Senator from Vermont raised the point the other day. I did not stop to deal with it then, but I will tomorrow.

I believe, in all honesty, the only thing that section deals with is evaluation of poverty related programs. I may say to the Senator that we have already adopted an amendment which authorizes every department to do its own evaluation. I really feel we have dealt with the problem the Senator has pointed out.

Mr. AIKEN. That will be very helpful but the legislation still sets up two new lending agencies, or two new funds, from which loans can be made. I do not see why we need to duplicate the work which is going on. The Farmers Home Administration will be the one to suffer most. The legislation here would have authority to make loans for water and sewage programs for rural communities, it would have the right to make loans for the establishment of small industries and services in rural communities; and that is a duplication of the rural development bill which the conferees have agreed on, and which has now been held up from being approved over in the House, I assume waiting for this bill to pass first. If this bill passes first, then I think we could probably kiss the rural development bill goodby, because there would be no need for it.

Mr. HRUSKA. Mr. President, reserving the right to object, may I ask the assistant majority leader, since I do not quite remember what he said would follow if the Hruska motion prevailed. May we have that information again?

Mr. ROBERT C. BYRD. Yes. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, if the Hruska motion prevails, then the bill would be reported back forthwith. Action by the full Senate would then be required with respect to the action taken by the committee, and there would be a vote in that regard.

Mr. HRUSKA. On that particular issue of deleting title IX?

Mr. ROBERT C. BYRD. Yes. The committee would have stricken title IX. In other words, that would be a committee amendment. Then the full Senate would then have to put or refuse its stamp of approval thereon.

May I ask the Chair if that is correct?

The PRESIDING OFFICER. The Senator from West Virginia has described the general procedure; that is correct.

Mr. HRUSKA. Mr. President, may I ask, does not the action of the Senate on the entire bill as amended constitute a sufficient ratification of what was done by reason of that motion to recommit and have the bill reported without title IX?

The PRESIDING OFFICER. The Chair will read the Senator the statement on procedure:

> If a bill is recommitted with instructions to report it back forthwith with certain amendments, upon the report of the committee, the amendments would be before the Senate for immediate consideration.

Mr. HRUSKA. It seems to me the decision has already been made. I will defer to the precedent read by the Chair, but at the same time, the decision of this body will have been made when the motion to recommit the bill to the Committee on the Judiciary for that purpose is approved.

Mr. ROBERT C. BYRD. I would say to the able Senator that that appears to be the case, but it is otherwise. However, I would certainly assume that if he has the votes to commit, he will have the votes to approve the action taken by the committee when the measure has been reported back forthwith.

Mr. HRUSKA. Then let me propound this further question: Is that vote on the bill as it was amended debatable?

The PRESIDING OFFICER. Under the unanimous consent agreement, Senators would have 30 minutes for debate, to be equally divided.

Mr. HRUSKA. That was not included in any negotiation or any discussion that I had on the matter. I am willing to have that second vote; there is apparently no way to obviate that. However, I would suggest that we eliminate that 30 minutes of debate, and vote forthwith, without debate.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Does the Senator from West Virginia wish to modify his request accordingly?

Mr. ROBERT C. BYRD. I so modify the request.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I do not intend to object, I would like one further clarification. It is my understanding that additional amendments other than those that have been described by the distinguished acting majority leader would be in order, but there would be no time on those amendments. What would be the status of such amendments if the hour of 3:30 arrived, and those amendments had not been voted on?

Mr. ROBERT C. BYRD. Mr. President, if I correctly understand my own request, the action would be this: Senators would have the liberty of offering amendments immediately prior to the vote on the committee substitute as amended. Once the committee substitute is approved, that is the same thing, in effect, as third reading, and then there would be whatever time remained between that vote and 3:30 p.m., during which there would be general debate, but no amendments could be offered in that period. Such amendments as the able senior Senator from Texas envisions would have to be offered prior to the vote on the committee amendment as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. But if those votes push the time a little bit beyond 3:30, that is what I am getting at, any amendments other than those mentioned by the Senator from West Virginia would have the opportunity to be voted on, even if there is no debate on them?

The PRESIDING OFFICER. The Senator is correct.

Mr. HRUSKA. Is it the further understanding that the debt ceiling will follow as the pending business upon the final vote on S. 3010?

Mr. ROBERT C. BYRD. Mr. President, that is the order, and I thank the distinguished Senator for raising the question, because once the pending request is agreed to, I must then get a further order to the extent that the unfinished business will remain in a temporarily laid aside status tomorrow until the debt limit bill is disposed of, or until the close of business, whichever is the earlier.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLELLAN. Reserving the right to object, when is the continuing appropriation resolution scheduled?

Mr. ROBERT C. BYRD. Mr. President, the continuing resolution has not been scheduled, but certainly it will be scheduled at some point in time between the disposition of this bill, S. 3010, and——

Mr. McCLELLAN. The reason I asked is that I had understood it would be called up tomorrow afternoon.

Mr. ROBERT C. BYRD. It may very well be.

Mr. McCLELLAN. But these other matters will come ahead of it, the debt ceiling——

Mr. ROBERT C. BYRD. The debt ceiling will certainly be taken up first under the agreement proposed. It may be that we can get an agreement on the continuing resolution at some point and dispose of it quickly, but I assure the distinguished Senator from Nebraska that the debt ceiling will be on the track once this bill is disposed of.

Mr. McCLELLAN. I understand there may well be some amendments to that which would precipitate debate.

Mr. ROBERT C. BYRD. Yes, that may well be. But time will be provided for the continuing resolution sometime tomorrow or Friday, so that it can also be disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be no further rollcall votes tonight. I wish to thank all Senators for their courtesy, their patience, and their cooperation. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. HRUSKA. Mr. President, pursuant to the unanimous-consent agreement and the order of business agreed upon for tomorrow, one of the early items on the agenda will be the motion of this Senator for committing the pending measure, S. 3010, to the Senate Committee on the Judiciary. The approximate language which the motion will take is this:

> I move that the pending measure, S. 3010, be committed to the Senate Committee on the Judiciary with instructions to delete title IX therefrom and report it forthwith to the Senate as so amended.

Mr. President, I invite attention to a few of the primary factors in the basis for this motion and its fundamental reason.

In the first place, there are certain things that the motion would not do. The motion, upon approval, would not affect any of the pending bill except title IX, which is the portion dealing with the proposed Legal Services Corporation.

Second, the motion, upon approval, would not affect the present OEO Legal Services program. That program would continue in existing form.

Third, it would not necessarily destroy or kill the independent Legal Services Corporation concept. It would, instead, call for further study and refinement.

There are certain things, however, that the motion would do upon approval.

First, it would permit the expertise of this body and such committees as would engage in that exercise to come to bear on a program involving the practice of law and having a direct impact on the judicial systems of this country.

Second, it would allow time to effect a refinement of the corporation's structure which would be presented to Congress at a later time for approval.

Hopefully, such a revised text and revised provision would remove the Presidential objections which contributed to last year's veto of a similar proposal as that which presently exists in title IX of S. 3010. If such a removal of objections which had been asserted by the President last December would occur, it would insure the passage of a program designed to do the right kind of job in the right way.

Mr. President, the assertion has been made repeatedly on this floor in the past week that title IX, which is the provision creating a legal services corporation, has been so modified and so changed in the Committee on Labor and Public Welfare that it meets the President's criteria and that it overcomes the objections asserted in the President's veto message of last December. I say advisedly that that is not the fact. Some cosmetic changes have been made which do not reach into the real fundamental of the President's objections and the objections of many of us to a corporation of that kind.

These are some of the serious flaws in the bill as it exists now:

One, the meaningful Federal control or supervision is precluded. That is to say, there is no supervision or control by any agency of the Government over the functionings of this corporation.

Two, insofar as the staff is concerned, lobbying and other policy advocacy is not forbidden.

Three, various forms of political activity could be undertaken by staff, according to present provisions.

Four, there are unsatisfactory limitations on the appointment of the corporate board.

Five, there is an incomplete and unsatisfactory bar to all types of criminal representation.

Six, there is no bar or limitation to representation of nonpoor or voluntarily poor people.

Seven, there is a possible conflict of interest as to board and advisory council members.

Eight, preferential tax status, without qualifying as to lobbying, is an objection.

Nine, appropriations by provisions in title 9 now would remain available until expended, thus depriving the Appropriations Committees and Congress from exercising the power of control of the purse, which is helpful and beneficial in the matter of expenditure of Government money and the allowance or appropriation of additional money.

Finally, the staff attorney system is given preference over other forms of assistance.

These are some of the topics I will discuss in greater detail during the time allotted to this subject tomorrow. At this time I enumerate them for the purpose of serving as a sort of checklist for the benefit of those who will interest themselves in such discussion as will come about tomorrow morning.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS—CONTINED

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes (Rept. No. 92-931).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 245. A joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month" (Rept. No. 92-932).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HART, from the Committee on the Judiciary:

John A. Buggs, of Maryland, to be Staff Director for the Commission on Civil Rights.

By Mr. ROBERT C. BYRD for Mr. LONG, from the Committee on Finance:

Italo H. Ablondi, of New York, to be a member of the U.S. Tariff Commission.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY:

S. 3770. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik). Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 3770. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik). Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PERCY. Mr. President, it is a great pleasure for me to introduce today legislation which would commemorate the 500th anniversary of the birth of Nicolaus Copernicus, the great Polish scientist and humanist and one of the most influential figures in the development of Western civilization. This legislation would pay tribute to Copernicus and his discoveries through the striking of a suitable commemorative medal by the U.S. Mint. This medal would be both an appropriate symbol of our indebtedness to his discoveries and a recognition of his role in the development of the rich intellectual and spiritual heritage of Poland, a heritage that is so deeply shared by the millions of Polish Americans in the United States.

The legislation provides that the commemorative medal be sold at a price sufficient to cover its full cost, including labor, designs, dies, and material. I am certain that the wide interest in Copernicus, highlighted by the 500th anniversary of his birth, among Americans of all backgrounds will insure that more than enough medals will be sold so that this legislation will cost the American taxpayer nothing.

Born in 1473 in Torun, Poland, Copernicus lived at one of the turning points of history, the great watershed that divides the medieval from the modern period. He belonged to both worlds, to the older world that was then passing away, and to our own age which he helped to bring into being.

It was Copernicus who revealed to us, in its broad outlines, the plan upon which the universe is constructed, or at least that part of the universe which is of most immediate interest to us. Copernicus taught us how the earth is related to the sun, the moon, and the other heavenly bodies which are our nearest neighbors in space, and the most conspicuous in the sky. He did this in the course of an attempt to account for the mysterious movements of the heavenly bodies, which had aroused man's curiosity through the ages. The solution of this problem was his life work.

At the time Copernicus lived, it was believed that the earth was fixed at the center of the universe, and that the heavenly bodies, including the sun, all moved around the earth in circles. But Copernicus maintained that the sun was fixed at the center of all things, and that the earth, itself a heavenly body, revolved around the sun once in a year. The other neighboring bodies, he supposed, also made circuits around the sun, not in a year, but each in a cycle of its own. He further asserted that the earth turned completely around on itself once in a day.

Considering the temper of the age in which Copernicus lived, it is not surprising that he delayed publication of his monumental work until the very end of his life. At a time when the stake was used to punish a wide variety of offenses, the prudent scientist hesitated before publicly denying any principle of accepted thought, especially that held by those numerous princes of Europe who held absolute power in their jurisdictions.

Copernicus' caution was no doubt due to criticism that his work was contrary to Holy Writ.

In the dedication of his great work to Pope Paul III, Copernicus sought to defuse such criticism in advance. He wrote:

> I can certainly well believe, Most Holy Father, that, while mayhap few will accept this my book which I have written concerning the revolution of the spheres of the world, ascribing certain motions to the sphere of the earth, people will clamor that I ought to be cast out at once for such an opinion. Nor are my ideas so pleasing to me that I will not carefully weigh what others decide concerning them. And although I know that the mediations of philosophers are far removed from the judgment of the multitude, because it is their aim to seek truth in all things so far as God has permitted human reason to do so, nevertheless I think that opinions wholly alien to the right ought to be driven out. Thus when I considered with myself what an absurd fairy-tale people brought up in the opinion, sanctioned by many aged, that the earth is motionless in the midst of the heaven, as if it were the center of it, would think it if I were to assert on the contrary that the earth is moved; I hesitated long whether I would give to the light my commentaries composed in proof of this motion.

After describing the chain of reasoning which led him to develop his theory of the motion of the earth, Copernicus continued:

> Nor do I doubt that skilled and scholarly mathematicians will agree with me if, what philosophy requires from the beginning, they will examine and judge, not casually but deeply, what I have gathered together in this book to prove these things. In order that learned and unlearned may alike see that in no way whatsoever I evade judgment, I prefer to dedicate these studies to Your Holiness rather than to anyone else; especially because even in this very remote corner of the earth in which I live, you are held the most eminent by reason both of the dignity of your position and your love of all letters and of mathematics so that, by your authority and your decision, you can easily suppress the malicious attacks of calumniators, even though proverbially there is no remedy against the attacks of sycophants.

As a Renaissance man, Copernicus' interests were as broad as the sum total of knowledge of his time. As a canon of the church from a wealthy, bourgeois family with excellent connections, he led a half clerical, half aristocratic existence which brought him into direct contact with all classes and sorts of people. He led an active life. He spent many years at the court of his uncle, a bishop, as his confidant and later as his physician. He was called to Konigsberg, to the court of the Duke of Prussia, and went to Cracow, to the court of the Kings of Poland; in Rome he saw the Curia, and in Ferrara the famous court of the Duke of Este, whose wife was Lucrezia Borgia. For 13 or 14 years, as a student and young scientist of rank and growing repute, he studied at the universities of Cracow, Bologna, Padua, Ferrara, and Rome. He was the friend of humanists, bishops, professors, council clerks, mathematicians, and astronomers.

He was an amateur painter and a practicing physician whose aid, we are told, was free to the poor and eagerly sought by the great from near and far. As if all that were not enough, he was a doctor of canon law, a brilliant financial expert and author of a treatise on currency reform, an astronomer as we know, a famous mathematician, a humanist, a linguist who knew Greek, Latin, Polish, and probably German and Italian as well, an authority on classical literature, and a capable geographer and mapmaker.

The world owes a tremendous debt to Nicolaus Copernicus, who gave to us the foundation of the modern sciences of astronomy and physics. His lifetime symbolizes for us the vitality and wealth of Polish history and culture.

In the 500 years since Copernicus was born, man has taken many strides toward discovering the secrets of the universe. But it was Copernicus who pointed the way. Perhaps even more remarkable than the revolution that he wrought in scientific thinking about the universe was his tolerance, creativity, and objectivity at a time when knowledge was bound by rigid dogma. Thus he symbolizes the Polish dedication to individual liberty and intellectual freedom. It was that same dedication that drew Pulaski and Kosciuszko to America to join our fight for independence.

Americans of Polish descent can take great pride in the heritage of science and technology which sprang from the revolutionary achievements of Nicolaus Copernicus. It is this heritage which I seek to honor as I introduce a bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus.

BILL OF RIGHTS FOR THE MENTALLY RETARDED

Mr. WILLIAMS. Mr. President, early this year the Nation was shocked by a WABC–TV public service program on Willowbrook State School, a residential facility for the mentally retarded. The filming of conditions at this institution provided documented evidence that while conditions in residential institutions have improved, they are still a den of horrors for the residents who must live out their lives there. And although Willowbrook was the only institution examined at the time, there is clear evidence that conditions are no better in many other large residential facilities. Cases have been reported to me which would shock the sensitivities of all of us: in one institution, personnel considered a lobotomy for a boy of 16 who had been an institutional resident all his life because staff were having a difficult time managing the child. In another institution, infants were implanted with intestinal tubes because there were not enough personnel to personally feed these children every day. Largely these conditions exist because of inadequate budgets and personnel to provide full and appropriate services to residents. Yet if we continue to fail to provide the resources to improve these conditions, and unless we eliminate inhumane treatment, we might just as well completely abandon our commitment to serving the residents of these institutions.

There are an estimated 5.6 million individuals who are mentally retarded in this Nation today. Approximately 200,000 of these individuals live in residential institutions. For some of them, institutional and protective care is the only way to provide the constant and insulated treatment they need. It is statistically impossible, however, that all of those who are institutionalized require custodial care and are unable to care for themselves. In fact, the majority of the 200,000 institutional residents are there because there are no alternative methods available presently to provide them treatment.

It is my sincere hope that methods will be developed to return them to the community. Many could do so now, if our communities were equipped to provide them alternate programs of care. Yet whether the residents need protective care or can benefit from services designed to help them lead more independent lives, all have the right to hope. They have the right to the full range of services which will allow them to leave these institutions and return to the community, and they have the right to expect that everything possible will be done to help them do this. It is time that this Nation commits itself to this goal.

Today I am joining the Senator from New York (Mr. JAVITS) and other Senators in introducing a bill designed to bring us to this goal. Basically, this bill does four things. First, it authorizes $15 million per year through 1975 to assist the States in conducting a comprehensive survey of needs and to do an analysis of the cost of bringing institutions into compliance with standards established under this act; $15 million per year through 1975 to assist States in improving services provided by existing residential facilities for the mentally retarded, which is designed to cover costs of administering and operating demonstration facilities and training programs. Second, it authorizes such sums as may be necessary to assist States in bringing residential facilities into compliance with standards established under this act. States must submit a plan setting forth a schedule for compliance for each facility, designating how placement in residential facilities will be minimized through alternative regional and community programs and services, assuring State financial participation, establishing a State Planning and Advisory Council and setting forth a schedule of costs to achieve compliance. Five years after enactment of this act, a residential facility which is not in compliance with standards established under this act will be ineligible to receive any indirect or direct payments under any Federal law. Third, the bill authorizes such sums as may be necessary to assist nonprofit institutions develop, improve and expand community resources and community living situations for the mentally retarded as alternative programs of care. Finally, the bill sets forth "standards for residential facilities for the mentally retarded." These standards have been developed by professional and consumer organizations concerned with the care of the mentally retarded, and provide inclusive standards for administrative policies and procedures, resident living, professional and special programs and services, records, research, safety and sanitation, and administrative support services.

In introducing this bill we do not intend to lock into concrete standards which cannot be improved or modified. However, there is a critical need for this Nation to insure that residents of institutions are protected and provided with services which will enable them to become more independent citizens. For those who express reluctance to write into law standards for services and conditions, the response is clear. Standards for facilities for the mentally retarded have existed for many years. Most States have not been able to comply with these standards because of inadequate appropriations for staffing improvements, and services. In my own State of New Jersey, it is estimated that an additional 1,600 employees would have to be hired this year to bring institutions into compliance with their own standards. Failing to enact standards will not make the problem go away. The institutions will continue to exist, and will continue to provide whatever services they can. Yet past history has demonstrated at Willowbrook, that conditions will not much improve. I believe there is no other course of action.

I do not believe that large institutions for the mentally retarded provide the most appropriate form of services and treatment. I firmly believe we must create the conditions by which most or all of the residents may be returned to the community through alternate programs of care by providing community programs and services. This bill insures that this process will be undertaken. It stipulates that States in their State plans must designate how placement in residential facilities shall be minimized through alternative regional and community programs and services for the mentally retarded. It specifies in the standards requirements for admission, review, and continuing evaluation of residents. It requires the States to develop strategies to minimize inappropriate placement in residential facilities which include implementation and monitoring mechanisms. It provides the necessary money to develop, improve, and expand alternative programs of care in community programs and through community services.

Let me also say to Senators that finding alternative programs of care which would enable the mentally retarded to reside in their communities and contribute to the life of this Nation would be less expensive in the long run. It costs 10 times as much to continue a resident in an institution than it would to provide appropriate health, educational, and training services in the community. I believe that these community-based services are the goal we must commit ourselves to. I also believe that this bill will provide the mechanisms by which we will reach that goal by insuring that residential facilities meet strict standards for services and treatment, and setting up the necessary mechanisms for reduction of institutional admissions, the elimination of inappropriate admissions, and providing money for the expansion of alternative programs of care. I therefore join Senator JAVITS in introducing this bill, and in commending it to the Senate.

MIGRANT HEALTH ACT EXTENSION WITH INCREASED FUNDING IS ESSENTIAL

Mr. STEVENSON. Mr. President, I am pleased to join the distinguished Senator from Massachusetts (Mr. KENNEDY) in sponsoring legislation to extend the Migrant Health Act for 5 years, and authorize increased appropriations to meet the great health care need of this segment of our population.

As chairman of the Migratory Labor Subcommittee, I know firsthand of the need for this program. It is regrettable but true that the conditions under which farmworkers live continue to create health problems which require special attention. The programs funded under the Migrant Health Act provide that attention and therefore must be continued.

Today, as in the past, migrant and seasonal farmworkers and their families are poor and often unable or ineligible to participate in community health resources even if available. They are therefore most likely to be bypassed by national health gains. A categorical health program directed to their specific needs is essential.

Today, as in the past, the migrant's access to health care programs including medicaid, medicare, food stamps and commodities, and private sector health services is difficult at best. Constant mobility makes continuity of services difficult; the temporary nature of their work makes migrants transients for whom communities feel no responsibility; and rural areas frequently lack sufficient health professional and physical facilities to meet the needs of local residents, let alone the needs of people that are not permanent residents.

Today, as in the past, farmworkers, because of inadequate health care, are burdened with illness and disability, victimized by a high incidence of infectious diseases, infant mortality, malnutrition, and other health deficiencies unsurpassed in any other sector of the population. Tuberculosis is 17 times more frequent and infestation with worms 35 times more frequent among migrants than among most patients. Infant mortality and death from tuberculosis and infectious diseases is 2½ times the national average. Mortality from accidents is nearly three times the national average. Epidemics of polio have occurred in areas of high concentration of migrants; nutritional disease is common; extreme obesity due to a carbohydrate diet is common; significant protein malnutrition persists; and ostitis in children and degenerative disease in older individuals is common. Dental problems abound, speech, hearing, and vision defects are common; mental and emotional disorders are widespread; and intestinal parasitism, diabetes, thyroid, and degenerative heart diseases are common among farmworkers.

The Migrant Health Act, first passed in 1962, authorizes a program effort to meet these problems. It permits grants to pay part of the costs of family health service clinics and special projects to improve health services. The initial funding level of $750,000 has now been increased to an authorized $30,000,000 for fiscal year 1973. With these funds an effort is made to serve over 1,000,000 migrants and their dependents, and over 5,000,000 seasonal workers and their dependents. One hundred and seventeen single and multi-county health projects assist farmworkers in 317 counties in 36 States. One hundred and seventy hospitals and 1,000 physicians are involved. Additionally, pursuant to amendments proposed in 1970 by Senator MONDALE, formerly chairman of the Migratory Labor Subcommittee that require farmworker participation in the development and implementation of programs, five community health projects providing comprehensive ambulatory health care to migrant and seasonal farmworkers in medically undeserved rural areas were implemented. These consumer-controlled projects are among the best examples of effective programs to meet farmworker needs.

Despite these gains, the migrant health program falls short of meeting all the needs of this segment of the population. At present family clinics are overcrowded with patients during the harvest season; 600 counties continue to lack a system of health care for migrant workers. The fiscal year 1971 appropriation of just under $25 million provides about $2.50 of care per migrant, and $5 per seasonal farmworker.

These shortcomings are corrected by the extension and expansion which this legislation would authorize. By extending the program for 5 years, the bill avoids the uncertainties attendant in a short-term program authorization. Only with such adequate time for programing and planning can the best possible programs with the best possible personnel be developed and implemented. By providing adequate funds—$100 million for fiscal year 1974 raised to $250 million in 1978—the bill will for the first time redeem this Nation's promises to those who work hard to harvest our generous supply of fresh fruits and vegetables.

I hope that during the hearings consideration will also be given to setting aside funds to meet the costs of farmworker hospitalization and to provisions encouraging farmworker participation in the development and implementation of programs. Finally, consideration should be made for coordinating, as appropriate, other Government health programs, both enacted and proposed, so as to eliminate duplication of resources. Under no circumstances, however, should there be any diminishing of effort in meeting the needs of the primary target population intended to be reached by this legislation.

FEDERAL COLLECTION OF STATE INCOME TAXES—AMENDMENT

AMENDMENT NO. 1312

(Ordered to be printed and referred to the Committee on Finance.)

Mr. BAKER submitted an amendment intended to be proposed by him to the bill (S. 3651) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

EXTENSION OF THE PUBLIC DEBT LIMITATION—AMENDMENT

AMENDMENT NO. 1313

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled open hearings to be held during the months of July and August as follows:

On July 21, 1972, the subcommittee will receive testimony on the following bills:

First, S. 2249, (H.R. 7701) amending the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservation in New Mexico;

Second, S. 3113, to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.;

Third, S. 2298 (H.R. 10702) to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; and

Fourth, S. 1067 (H.R. 14267) providing for disposition of funds appropriated to pay a judgment in favor of the Absentee Delaware Tribe of Western Oklahoma et al., in Indian Claims Commission docket No. 72 and the Delaware Tribe of Indians in Indian Claims Commission docket No. 298, and for other purposes.

In the case of three of the above-mentioned bills, the House of Representatives has passed companion measures which are now pending before the subcommittee and will be considered at the hearing on July 21.

On July 28, 1972, the subcommittee will take testimony on the following bills:

First, S. 2649 (H.R. 2185) to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians;

Second, S. 2449 (H.R. 10436) to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes;

Third, S. 1313 (H.R. 6575) to amend the act entitled "An act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved Oct. 31, 1967 (81 Stat. 337); and

Fourth, S. 3564 (H.R. 9032) to provide for the disposition of funds appropriated to pay a judgment in favor the Havasupai Tribe of Indians in Indian Claims Commission docket No. 91.

All of the House-passed bills, which are similar to the Senate bills mentioned above, will also be considered at this hearing.

On August 1, 1972, the Indian Affairs Subcommittee will hold an open hearing on S. 2036, to provide for financing the economic development of Indians and Indian organizations, and for other purposes, and on S. 2237, to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes.

The hearings will begin at 10:00 a.m. on each day and be held in room 3110, New Senate Office Building.

INCREASE OF APPROPRIATION FOR CONTINUING WORK IN THE UPPER COLORADO RIVER BASIN

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13435.

The PRESIDING OFFICER (Mr. Hughes) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 13435) to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Anderson, Mr. Moss, Mr. Burdick, Mr. Metcalf, Mr. Allott, Mr. Jordan of Idaho, and Mr. Hansen conferees on the part of the Senate.

LABOR-HEW AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. MAGNUSON. Mr. President, yesterday, when the Senate considered the fiscal year 1973 Labor-HEW and related agencies appropriation bill (H.R. 15417), immediately before the final vote on passage of the bill, I stated in a colloquy with the Senator from Virginia (Mr. Harry F. Byrd, Jr.), that I would place in the Record a summary of the changes and differences of the Senate-passed bill with the committee reported bill, the House bill, the budget estimates, and the fiscal year 1972 comparable appropriations.

Therefore, I ask unanimous consent to have this information printed in the Record.

There being no objection, the information was ordered to be printed in the Record, as follows:

Amount of bill passed by House, $28,603,179,500.[1]

Amount added by Senate, $2,751,751,000.

Total of bill passed by Senate, $31,354,930,500.[1]

Amount of comparable appropriations, 1972, $27,403,058,000.

Budget estimates, 1973, $28,776,633,500.[2]

The bill as passed by the Senate:

Over the comparable appropriations for 1972, $3,951,872,500.[1]

Over the estimates for 1973, $2,578,297,000.[1]

Committee bill as reported to Senate, $29,464,035,500.

Senate Floor increases to committee bill, +$1,890,895,000.

Total bill, $31,354,930,500.

Budget estimates 1973 considered by House, $27,327,323,500.

Budget estimates 1973 considered by Senate Committee, $27,416,788,500.

Increase over House, (+$89,465,000).

Budget estimates 1973 considered by Senate, $28,776,633,500.

Increase over Committee, ($+1,359,845,000).

House passed bill over budget estimates, $1,275,856,000.

Senate Committee bill over estimates, $2,047,247,000.

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[1] **Includes $200 million for Disaster Relief added on Floor.**

[2] **Does not include $100 million budget request for Disaster Relief.**

Senate passed bill over estimates, $2,578,297,000.

Amount of comparable appropriations 1972 to the Committee bill, $27,143,860,000.

Amount of comparable appropriations 1972 to the Senate passed bill, $27,403,058,000.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday next, immediately following the recognition of the two leaders or their designees, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY ASIDE S. 3390 TEMPORARILY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, S. 3390, be temporarily laid aside on tomorrow, and that it remain in a temporarily laid aside status throughout the day until the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow, in brief, is as follows:

The Senate will convene at 8:30 a.m., following a recess. After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Missouri (Mr. SYMINGTON) will be recognized for not to exceed 15 minutes; to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD), for not to exceed 15 minutes; after which—without now restating the package on the agreement previously entered into—the Senate will proceed to the consideration of the bill, S. 3010, and will continue thereon until that bill is disposed of, not later than 3:30 p.m. tomorrow.

There will be rollcall votes on amendments and motions in relation thereto, and certainly a rollcall vote on final passage of the bill.

Upon disposition of S. 3010, the Senate will proceed to the consideration of the debt limitation bill and will remain on that bill until the close of business tomorrow unless unanimous consents are given to proceed briefly to other matters such as the continuing resolution, conference reports, and so on, from time to time.

RECESS TO 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 8:30 a.m. tomorrow.

The motion was agreed to; and at 9:05 p.m., the Senate recessed until tomorrow, Thursday, June 29, 1972, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 1972:

DEPARTMENT OF STATE

Walter J. Stoessel, Jr., of California, a Foreign Service Officer of the class of career minister, to be an Assistant Secretary of State.

IN THE NAVY

Rear Adm. William J. Moran, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3384:

To be major general

Brig. Gen. Robert Frank Cocklin, SSAN [redacted].

Brig. Gen. Merrill Brown Evans, SSAN [redacted].

Brig. Gen. James Otis Freese, SSAN [redacted].

Brig. Gen. Wilbur Franch Munch, SSAN [redacted].

Brig. Gen. Warren Earl Myers, SSAN [redacted].

To be brigadier general

Col. Ogbourne Duke Butler, Jr., SSAN [redacted] Field Artillery.

Col. Leston Neal Carmichael, SSAN [redacted] Field Artillery.

Col. Mike Pete Cokinos, SSAN [redacted], Field Artillery.

Col. Richard Holcomb Cooper, SSAN [redacted] Corps of Engineers.

Col. Sumner Zalman Kaplan, SSAN [redacted] Corps of Engineers.

Col. Kenneth Allert Kuykendall, SSAN [redacted] Corps of Engineers.

Col. Myron Sidney Lewis, SSAN [redacted] Field Artillery.

Col. John Howard McLain, SSAN [redacted] Field Artillery.

Col. Edwin Delmer Miller, SSAN [redacted] Infantry.

Col. Edmund Warren Montgomery II, SSAN [redacted] Judge Advocate General Corps.

Col. John Henry Neiler, SSAN [redacted] Signal Corps.

Col. Alfred Karl Nelson, SSAN [redacted], Field Artillery.

Col. Norris Ewel Sills, SSAN [redacted], Chemical Corps.

Col. Walter Livingston Starks, SSAN [redacted] Infantry.

Col. John Erle Thames, SSAN [redacted], Infantry.

Col. Jon Martin Zumsteg, SSAN [redacted] Dental Corps.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Joseph Earle Brown, Jr., SSAN [redacted] Infantry.

Col. John Martin Calhoun, SSAN [redacted] Armor.

Col. Murray Kitt, SSAN [redacted], Armor.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. William Eugene Hall, SSAN [redacted] Armor.

Col. Ansel Martin Stroud, Jr., SSAN [redacted] Infantry.

Col. Emmett Hudson Walker, Jr., SSAN [redacted] Field Artillery.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1972:

DEPARTMENT OF JUSTICE

Thomas E. Kauper, of Michigan, to be an assistant attorney general.

A. William Olson, Jr., of California, to be an assistant attorney general.

Harlington Wood, Jr., of Illinois, to be an assistant attorney general.

Ralph E. Erickson, of California, to be deputy attorney general.

U.S. CIRCUIT COURTS

Levin H. Campbell, of Massachusetts, to be a U.S. circuit judge, first circuit.

J. Clifford Wallace, of California, to be a U.S. circuit judge, ninth circuit.

U.S. DISTRICT COURTS

Hiram H. Ward, of North Carolina, to be a U.S. district judge for the middle district of North Carolina.

Samuel P. King, of Hawaii, to be a U.S. district judge for the district of Hawaii.

William B. Enright, of California, to be a U.S. district judge for the southern district of California.

Thomas P. Griesa, of New York, to be a U.S. district judge for the southern district of New York.

Whitman Knapp, of New York, to be a U.S. district judge for the southern district of New York.

Charles E. Stewart, Jr., of New York, to be a U.S. district judge for the southern district of New York.

Eldon B. Mahon, of Texas, to be a U.S. district judge for the northern district of Texas.

U.S. COURT OF CLAIMS

Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims.

HOUSE OF REPRESENTATIVES—*Wednesday, June 28, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O taste and see that the Lord is good; blessed is the man that trusteth in Him.—Psalms 34: 8.

Our Father God, who dost reveal Thyself in the good, the true, and the beautiful, make us aware of Thy presence as we seek guidance and strength for this day.

We thank Thee for Thy love which our neglect cannot discourage, for Thy wisdom which our worried ways cannot weary, and for Thy patience which our own impatience cannot exhaust.

Though we are disturbed by the difficulties which darken our world we lift our souls to the light of Thy spirit which no darkness can overcome.

Grant unto each one of us a realization of the needs of our Nation and a faith in America which will heal divisions, foster good will, and promote justice among our people.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MEAT IMPORTS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, I was distressed to learn that quotas on meat imports have been lifted. This will simply open the door of this country to cheap, low-wage imports of beef, pork, and other meat products. For the first time in the modern history of our country, our farmers are beginning to receive a fair price for meat grown on the farm.

Mr. Speaker, farmers are not the cause of the high cost of living. For instance, the farmer only receives 3 cents for the wheat in a loaf of bread costing the housewife 35 cents. Unrestricted imports of beef and pork will be a serious blow to the American farmer and will not curb inflation. It will be a serious setback to the growing cattle industry in the South where we have been encouraged to restrict row cropping and go into cattle raising which conserves our soil and water resources.

Mr. Speaker, these cheap, low-wage imports of beef cannot possibly be processed with the same health standards and protection provided for the American people through our own industry and high standards. Some years ago, I recall that tons of kangaroo meat were sold in this country from a foreign nation and sold as hamburger. We must protect the American people from such an outrage. I greatly fear that the door is now open for the importation of meat products from Communist countries that operate with a slave economy. In the future, this could be disastrous for the American people.

THE MILLS-MANSFIELD TAX REFORM BILL

(Mr. MICHEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I note from this morning's Washington Post that the Democratic Platform Committee yesterday endorsed the so-called Mills-Mansfield tax reform bill which would eliminate 54 categories of tax exemption from the American public. This is really an indictment of those responsible for writing tax legislation over the past 18 years when a Democratic majority has controlled the Congress by a large margin.

This new Democratic plan is aimed at extracting billions from the small individual taxpayer and would throw the economy into chaos. It would force homeowners, for example, to pay heavy taxes on the sale of their homes; would remove mortgage interest payments as a tax deduction and in general depress the housing industry.

Current Democratic demands that tax reform be tied into any increase in the debt ceiling is sheer political hokum, but to soak the little taxpayer is irresponsible in the extreme and is a public confession by the Democratic Party that it has made a mess of our taxing system, that all of the talk about helping the little man is insincere, and they have no remedy for overspending but to soak the average taxpayer.

THE CASE OF JOHNNY NO DOE, ET AL.

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I want to tell you the glad story of little Johnny No Doe who was born on the same day in New York City that little Johnny Gotrocks and little Johnny Rich were born.

Little Johnny Gotrocks' father was so happy he put $100 in the bank for his son, and Johnny Rich's grandfather was so happy he bought him a share of General Motors stock. Do you know, that banker and that investment broker both demanded social security numbers for those investments. So both of those little children on the first day they were born were asked for social security numbers, which were given to them.

But little Johnny No Doe's father was nowhere around, and his mother applied on Johnny's behalf and her own for aid to dependent children and received $260 a month.

And do you know what really made Johnny No Doe happy, Mr. Speaker? Nobody suggested he have a social security number.

The moral of the story, Mr. Speaker, is that if you do not want the long arm of the Federal Government butting into your affairs on the day you are born, be a bastard.

We give you a number if we think you are going to get any money out of it, but if we are giving it away, no number, no accurate record. If we knew where we were giving it away, Mr. Speaker, we might not have to collect so much.

If the social security system is to be equitable we should give numbers to all children at birth.

AMENDING THE DEFENSE PRODUCTION ACT OF 1950

Mr. PATMAN. Mr. Speaker, in view of two extreme emergencies, I ask unanimous consent for the immediate consideration of the bill (S. 3715) to amend and extend the Defense Production Act of 1950.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, since this request was denied yesterday by the gentleman from Missouri on the basis that it did not comply with the requirements of the Reorganization Act for 1970; namely, that any bill called for consideration would be in the hands of the Members for at least 3 calendar days prior to it being so called; I have had a chance to review not only the other bodies' bill, but the report by the House Committee on Banking and Currency pertaining thereto and, indeed, have gone out of my way to discuss it with the staff. Therefore, I would like to ask the gentleman who is making the unanimous-consent request, Mr. Speaker, if this is a true emergency, and whether he could outline under my reservation of objection what might evolve if this was not handled by fragmenting the rules of the House between now and the 30th of June.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. Mr. Speaker, I will be glad to yield to the gentleman for an answer.

Mr. PATMAN. Mr. Speaker, I would say to the gentleman from Missouri that this legislation expires on June 30 at midnight. It involves the stockpiling of strategic and valuable materials involving billions of dollars in value. The Banking and Currency Committee think it is very necessary that we pass this before midnight on June 30.

The Senate has passed the legislation. We are considering their bill here.

Mr. HALL. Mr. Speaker, I would ask the gentleman from Texas if those Senate amendments are going to increase the cost to the Federal taxpayers, and whether they are all germane to any thinking or action of the House, or the gentleman's committee that he is privileged to chair?

Mr. PATMAN. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, in reply to the inquiry of the gentleman from Missouri I will say that they are germane; there is no question about that, and this will make the Government money because we can intelligently deal in the future on contracts to sell the stockpile involving billions of dollars.

Mr. HALL. Mr. Speaker, further reserving the right to object, I have served on the critical and strategic Stockpile Commitees that are under the control of the Congress in past years, and I have some knowledge concerning that, and also concerning defense production and its procurement contracts.

Let me ask the distinguished gentleman from Texas why, since we have known all along that this was going to expire on the 30th of June, that we are just now bringing it up as a "terminal spasm" prior to adjournment for one of the national party conventions, at this late date by bending the Rules of the House?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. PATMAN. That is a good question and I can give the gentleman a good reason for it.

The Senate started on this bill some time ago and since they started and we were advised what they were going to do, we were waiting on the Senate to pass it. Then they passed it and we considered it satisfactory. We took it up in committee and discussed it and the Senate bill was unanimously passed.

Mr. HALL. Mr. Speaker, I submit that that does not explain the "emergency procedure" request, or the delay in properly acting before that, or within 72 hours prior to the expiration date.

In view of my knowledge and in view of the statement of the gentleman from Texas that it is urgently necessary lest we suffer contractural and other dire consequences, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3715

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That section 303(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(b)), is amended by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1985".

SEC. 2. The first sentence of section 717(a) of the Defence Production Act of 1950, as amended (50 U.S.C. App. 2166(a)), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1974".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The Clerk read the title of the bill.

The SPEAKER. Has the bill been reported?

Mr. PATMAN. It was reported yesterday unanimously.

CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 238]

Abbitt
Abernethy
Anderson, Tenn.
Baring
Barrett
Betts
Blanton
Blatnik
Boggs
Bow
Broomfield
Brown, Ohio
Burke, Fla.
Caffery
Chisholm
Clark
Clausen, Don H.
Clay
Davis, S.C.
Dent
Diggs
Dowdy
Eilberg
Erlenborn
Esch
Fascell
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Griffin
Hagan
Hansen, Idaho
Harsha
Hébert
Jarman
Karth
Leggett
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Moorhead
Mosher
Moss
Nelsen
Pirnie
Rangel
Reid
Rogers
Rosenthal
Scheuer
Schneebeli
Smith, Calif.
Staggers
Stokes
Teague, Calif.
Teague, Tex.
Wilson, Bob
Young, Tex.
Zablocki

The SPEAKER. On this rollcall, 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REQUEST FOR CONSIDERATION OF H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. PATMAN. Mr. Speaker, may I resubmit my request?

The SPEAKER. The gentleman will state it.

Mr. PATMAN. Mr. Speaker, by direction of the Committee on Banking and Currency, I ask unanimous consent for the immediate consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, which contains a series of related amendments to the bill, amendments which have been approved by the Committee on Banking and Currency, and I ask unanimous consent that they may be considered en bloc.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, on yesterday when a similar unanimous consent request was made, I objected "out of hand," because of lack of compliance with the Reorganization Act of 1970, and specifically thereunder is the so-called 3-day rule that a print of the bill and/or the committee report should be in the hands of Members for 3 calendar days prior to consideration by this body.

At 12:05 p.m. today, just prior to the last quorum call, I was supplied a rough committee copy of the bill with many marks on it. Ten minutes thereafter, the document room was supplied for the first time, with a copy of the report.

I now have it in hand and, Mr. Speaker, I want to say that no one likes to be put in the position of objecting at any time to any consideration of disaster relief. This country has had its sinews and its vessels taut and filled with compassion for those who suffer natural or manmade disaster. Our very beings are historically filled with the red blood of humanitarianism.

But, I certainly believe there are points about H.R. 15692, as considered by the committee and brought forth from the committee according to this report, that should be known if, and before, we grant unanimous consent.

Only recently the gentleman from Texas had pleaded mightily against taking away the rights of individual Members by granting unanimous consent, by waivers of points of order, and by closed rules and other procedures, which admittedly would expedite the business of the Congress, if homework had been done and there were no substantive objections.

Certainly when disasters are rampant in the land, we do wish to expedite any relief that is in truth a vertiable Federal responsibility.

Mr. Speaker, I should like to know, first of all, from the gentleman from Texas, who asks this unanimous consent, if there were any hearings held on H.R. 15692.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. HALL. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. I have great respect for the gentleman. I know he is sincere in doing this, and I should be very glad to answer, to the best of my knowledge. Mr.

STEPHENS of Georgia is chairman of the subcommittee to which this bill was referred, and he had hearings on this legislation. This bill was thoroughly considered not only by the subcommittee, but when it was reported back to the whole committee. Consideration was given before the whole committee.

Mr. HALL. Mr. Speaker, I appreciate the rambling answer. It would seem to me it should be affirmative or negative. Were hearings held on H.R. 15692?

Mr. PATMAN. Absolutely; yes, sir.

Mr. HALL. Now, Mr. Speaker, my information is that the hearings were held by the subcommittee on another bill, but that at no time were there any hearings, nor were hearings printed as far as H.R. 15692 is concerned, and I have searched the Document Room and the Government Printing Office and find none available. But, of course, the Member's word is good enough for me.

Mr. Speaker, I would further submit that perhaps the Committee on Banking and Currency, although they have had hearings, according to the word of the gentleman from Massachusetts, maybe attempting to assert its jurisdiction over legislation pertaining to disaster loans. I just believe that the membership should know this, because Public Law 91-606 emanated from and has been handled by the Committee on Public Works of both this body and the other body of the Congress.

Second, Mr. Speaker, I believe the Members should know in view of this urgent and now twice repeated—on successive days—unanimous-consent request, that this bill would require the Small Business Administration downtown to reopen all disaster loans since July 1, 1971, go back and contact the borrowers under emergency circumstances and offer them the option of forgiveness and 3 percent interest on the balance of the loan, or no forgiveness and a 1-percent interest. This is a hodgepodge of so-called emergency legislation.

Further, Mr. Speaker, the bill does not provide direction to the agency for handling the situation where "forgiveness" already given is greater than that which would be available under the new loan, for example, on loans of less than $10,000.

Point No. 3, the pending bill would give prospective buyers the option of a 1-percent loan with no forgiveness, or a loan bearing 3 percent interest with forgiveness of 25 percent of the principal, not to exceed $2,500. The processing of these loans would be most difficult, inasmuch as loan officers would be required to compute and apprise prospective buyers of the most favorable situation insofar as their repayment posture is concerned.

Mr. Speaker, another reason for not considering this without the right of amendment, without the right of floor debate, and by unanimous consent—although I am anxious to expedite this business—would be that it would invite loan shopping.

Prior to the enactment of the Disaster Relief Act of 1970, Public Law 91-606, the Small Business Administration and the Farmers Home Administration disaster loan programs carried different rates of interest. The 1970 act sought to eliminate the need for a prospective borrower to shop for the best loan.

It further attempted to establish the Office of Emergency Preparedness as a single coordinating agency of the executive branch in disaster situations. The bill reported by the House Banking and Currency Committee would initiate anew the need for individual loan shopping and, as I said before, would undoubtedly create confusion in the minds of prospective borrowers. Further, it is obvious that the loan forgiveness modifications proposed in the reported bill are much more stringent insofar as the small borrower is concerned.

Mr. Speaker, the Office of Management and Budget is presently considering additional legislative proposals in the disaster area which will certainly be expedited by our unexpected recent natural disasters, all of which point out a need for a coordinated omnibus type of legislation instead of the so-called emergency or highly piecemeal legislation.

Finally, there is no cost estimate reported in the report of the committee which has just been available to me less than an hour. In fact, they state it cannot be estimated. It is open ended, and without limitation. I think we want to aid and abet those in disaster, to be sure, but a greater disaster would be the bankruptcy of this Nation. For these reasons including a poor legislative proposal, subject to further reasoning and further study, I must now object.

Mr. PATMAN. Mr. Speaker, will the gentleman please reserve his objection and yield to me?

The SPEAKER. The gentleman from Missouri has objected.

Mr. PATMAN. Mr. Speaker, may I ask the gentleman to reserve his objection and yield to me for an answer to his suggestions?

SEVERAL MEMBERS. Regular order, Mr. Speaker.

The SPEAKER. Regular order is demanded.

Objection is heard.

CONFERENCE REPORT ON H.R. 13955, LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. CASEY of Texas. Mr. Speaker, I call up the conference report on the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 22, 1972.)

Mr. CASEY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASEY of Texas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the conference report, as printed in the CONGRESSIONAL RECORD for June 22, 1972, is available in the regular form at the desk. We have just heard the Clerk read the joint explanatory statement of the action of the conferees on each of the amendments.

SUMMARY OF CONFERENCE ACTION

There were 42 amendments and 29 of those amendments related solely to Senate housekeeping matters. Of the remaining 13, two related to joint committees, eight to the Architect of the Capitol, one to the Library of Congress, one to the Government Printing Office, and one to the General Accounting Office.

As is shown in the tabulation at the end of the joint statement, the conference agreement is $86,183,216 over the House bill; however, $84,185,940 of this amount is for Senate items not considered by the House. Conforming to long practice, funds exclusively for operations and activities of the Senate—including two items jurisdictionally under the Architect of the Capitol—are left for decision and insertion by that body.

The conference total is $513,787,980.

The conference total is $50,340,499 under 1972 appropriations due primarily to the one-time appropriation in the 1972 Act of $71,090,000 for construction of the Library of Congress James Madison Memorial building.

Also, $18.4 million was provided in the 1972 act to enable the Congress to get on a current basis with the U.S. Postal Service on official congressional mail cost.

There is a total net increase over 1972 of approximately $38 million.

The amount of $13.5 million is to cover the cost of the 5.5 percent pay increase, and over $3 million is to meet the increased costs of materials and services. Another $3.3 million is attributable to the requirements of the Legislative Reorganization Act of 1970. About $150,000 relates to provisions of House resolutions which the House has passed. About $13 million is to meet increased workload. And $4 million is for the initial outfitting of the new library building.

Except for the Senate items these increases were all thoroughly explained when the bill was on the floor.

Also included is $1,521,000 for the restoration of the old Supreme Court and Senate chambers here in the Capitol, which has been delayed for some time. We believe it is necessary to get these chambers in order for the bicentennial celebration.

The conference total is $934,900 below the Senate bill. I will insert in the RECORD under leave to extend, when I revise my remarks, a tabulation summarizing these figures by major activities in the bill.

The tabulation follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, 1973 (H.R. 13955), CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item (1)	New budget (obligational) authority, fiscal year 1972 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1973 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1972 (enacted to date) (7)	Budget estimates of new (obligational) authority, fiscal year 1973 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Senate	$76,034,419	$79,124,795		$79,127,640	$79,127,640	+$3,093,221	+$2,845	+$79,127,640	
House of Representatives	136,768,970	141,961,270	$141,601,770	141,601,770	141,601,770	+4,832,800	−359,500		
Joint items	38,428,390	29,340,634	26,095,144	25,923,220	26,011,320	−12,417,070	−3,329,314	−83,824	+$88,100
Architect of the Capitol	96,633,200	25,791,000	19,764,900	26,332,300	26,359,300	−70,273,900	+568,300	+6,594,400	+27,000
Botanic Garden	763,350	784,400	771,600	771,600	771,600	+8,250	−12,800		
Library of Congress	68,462,250	79,955,900	78,161,450	78,576,450	78,291,450	+9,829,200	−1,664,450	+130,000	−285,000
Government Printing Office	56,329,900	63,739,900	63,739,900	63,739,900	63,739,900	+7,410,000			
General Accounting Office	89,208,000	97,000,000	95,820,000	97,000,000	96,235,000	+7,027,000	−765,000	+415,000	−765,000
Cost-Accounting Standards Board	1,500,000	1,650,000	1,650,000	1,650,000	1,650,000	+150,000			
Grand total, new budget (obligational) authority	564,128,479	519,347,899	427,604,764	514,722,880	513,787,980	−50,340,499	−5,559,919	+86,183,216	−934,900
Consisting of—									
1. Appropriations	563,819,479	519,347,899	426,882,764	514,000,880	513,065,980	−50,753,499	−6,281,919	+86,183,216	−934,900
Definite appropriations	(563,739,479)	(519,347,899)	(426,882,764)	(514,000,880)	(513,065,980)	(−50,673,499)	(−6,281,919)	(+86,183,216)	(−934,900)
Indefinite appropriations	(80,000)					(−80,000)			
2. Reappropriations	309,000		722,000	722,000	722,000	+413,000	+722,000		
Appropriations to liquidate contract authorization	(285,000)					(−285,000)			
Memorandum—									
1. Appropriations and reappropriations including appropriations for liquidation of contract authorization	564,413,479	519,347,899	427,604,764	514,722,880	513,787,980	−50,625,499	−5,559,919	+86,183,216	−934,900

With further reference to the restoration of the Senate and Supreme Court chambers, this will, as Members will recall, restore the chamber on the ground floor which was originally the Supreme Court chamber, now being used for storage, and on the second floor the chamber that was last used by the Supreme Court in the Capitol Building but is truly the original U.S. Senate chamber. This sum will include furniture and furnishings.

The Architect of the Capitol will have charge of this project under the direction of the Commission on Arts and Antiquities of the Senate and a similar group to be appointed by the Speaker of the House, to give the House of Representatives some oversight with respect to the restoration of the Supreme Court chamber. The House conferees insisted that we have this House representation insofar as the Supreme Court chamber was concerned.

The Architect estimates it will take about 2 years to do this restoration work, so that it will be completed in time for the bicentennial celebration in 1976.

Incidentally, these two chambers can still be used after restoration, if necessary, for joint conference rooms. The Architect has been instructed to design them so they can be so used, and he has stated they will be so designed, with furniture installed in such a manner that they can be utilized for conference meetings.

WEST CENTRAL FRONT

The major item we will have under consideration here today relates to the extension of the west central front of the Capitol. The Senate inserted an amendment to the bill to prohibit the use of any funds for the preparation of final plans or the initiation of construction for the extension of the west front. The conferees have met four times since their appointment early in April and have been unable to resolve this question. We bring back our report with a recommendation that the House vote to further insist on its disagreement to the amendment of the Senate.

The Senate amendment is a little misleading. I want to note that. The Senate amendment, which is No. 36, reads:

> Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however*, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

The history of the west front proposal is well known to the Members of this House, and it has been documented fully.

When I revise my remarks I will see to it that the legislative history and chronology of the events to date relating to the west central front are included in the RECORD and now I will summarize a little bit of that history.

The material referred to follows:

LEGISLATIVE HISTORY AND CHRONOLOGY OF EVENTS LEADING TO DEVELOPMENT OF PLAN 2 FOR EXTENDING THE WEST FRONT

AUTHORIZATION

Public Law 242, 84th Congress, approved August 5, 1955, is the original basic statute. It authorized the "extension, reconstruction, and replacement of the central portion" of the Capitol, based on a 1905 architectural plan to be carried forward in accordance with such modifications and additions as approved by the Commission for Extension of the United States Capitol. It created a joint congressional commission to direct the Architect of the Capitol in carrying out the project.

Public Law 406, 84th Congress, approved February 14, 1956, amended Public Law 242—a technical amendment.

Public Law 87–14, approved March 31, 1961, made the appropriation "Extension of the Capitol" available for furniture and furnishings.

Public Law 88–248, approved December 30, 1963, amended Public Law 242, as amended, by deleting from the basic act the authority "to obligate the additional sums herein authorized prior to the actual appropriation thereof" and by substituting in lieu thereof: "and, prior to any appropriations being provided for extension, reconstruction, and replacement of the west central portion of the United States Capitol, to obligate such sums as may be necessary for the employment of nongovernmental engineering and other necessary services and for test borings and other necessary incidental items required to make a survey, study and examination of the structural condition of such west central portion, to make reports of findings, and to make recommendations with respect to such remedial measures as may be deemed necessary including the feasibility of corrective measures in conjunction with the extension of such west central portion."

The complete authorization act, as amended, is set forth in the preceding section of this report.

ENGINEERING STUDY

As a result of the changes made by Public Law 88–248 and pursuant to direction of the Commission, and in line with the thinking of the Appropriations Committees, the Architect of the Capitol entered into a contract, March 13, 1964, with The Thompson and Lichtner Company, Inc. of Brookline, Massachusetts, for a fresh engineering survey of the conditions of the west central front, an outstanding firm with no previous connection with the project. Their report was received in November, 1964 and is summarized elsewhere in these justifications.

PUBLIC HEARING BY COMMISSION

A public hearing was held by the Commission on June 24, 1965, with Dr. Miles N. Clair, President of The Thompson and Lichtner Co., Inc., testifying as to the dangerous conditions requiring immediate action and the plan for permanent corrective action.

DECISION TO DEVELOP PRELIMINARY PLANS AND COST ESTIMATES

At the close of the hearing, the Commission agreed unanimously, that the Architect of the Capitol be authorized and directed to submit to the Appropriations Committees of the House and Senate request for funds for preparation of preliminary plans and estimates of cost for the extension in marble of the West Central front of the Capitol, based on the findings in The Thompson & Lichtner report.

WOOD BRACES INSTALLED IN 1965

As a result of The Thompson and Lichtner study and recommendations, the most obviously dangerous portions of the West front were shored with heavy wood timbers in 1965 as a temporary expedient.

FUNDS FOR PRELIMINARY PLANS AND COST ESTIMATES

In September 1965, the Architect of the Capitol, pursuant to the direction of the Commission, appeared before the House Appropriations Committee and requested $300,000 for preliminary plans, cost estimates, and a model (see pages 334 through 363 of Part I of printed hearings on the Supplemental Appropriation Act, 1966). The $300,000 was included by the House in the bill.

In October 1965, the Architect of the Capitol appeared before the Senate Appropriations Committee and requested the $300,000 planning money (see pages 379 to 404 of the printed Senate hearings on the Supplemental Appropriations for 1966). The Senate deleted the $300,000 from the bill.

The $300,000 was restored in conference between the House and Senate conferees. The bill carrying these funds was approved October 31, 1965 by the President.

ARCHITECTS DIRECTED TO PROCEED WITH PRELIMINARY PLANS

In December 1965, the Architect of the Capitol, upon direction of the Commission, ordered the Associate and Advisory Architects for the extension of the Capitol Project to proceed with the preliminary plans and estimates of cost. The first stage of their work was completed in May 1966, and a progress report and study model were furnished.

COMMISSION'S CONSIDERATION AND APPROVAL OF PLAN 2

The Commission in charge held a meeting June 17, 1966, for the purpose of considering the report of the architects. At this meeting the architects reviewed with the Commission the basic historic, architectural, and engineering information relating to the West Front and demonstrated three basic plans by use of a study model and drawings. The Commission approved Plan 2 and directed that this plan be completed and perfected; that the final scale model be prepared for exhibition to Members of Congress and the public; and that the Architect of the Capitol be directed to seek necessary funds for proceeding with the project.

MODEL PLACED ON DISPLAY

In November 1966, the scale model of the West Front extension as approved by the Commission was placed on public display in Statuary Hall in the Capitol. In January 1967, the Speaker sent a letter to all Members of the Senate and House calling attention to the model and asking each Member to examine the model. The model has been on continuous display since 1966.

DELAY IN REQUESTING CONSTRUCTION FUNDS

During the Summer of 1966, when the Legislative Branch Appropriation Bill for 1967 was under consideration, although no funds were provided in the bill for the West front extension, the Senate amended the bill to provide:

"*Provided,* That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in connection with the plans referred to as Schemes 1, 2 and 3 for the Extension of the West Central Front of the Capitol."

This amendment was deleted by the Senate and House conferees on the bill and the following statement appears in the conference report dated August 15, 1966:

"There are no funds in the bill for the west front extension project, nor is there any authority to proceed with construction contracts, or even detailed plans and specifications. The work can proceed only if and when the Congress should appropriate the money for the work in a future bill.

"$300,000 was, however, appropriated by the Congress last year for preparation of preliminary plans and estimates of cost, including a model, and incidental expenses looking to the extension of the west central front. Most of that fund is already contracted. While the associate architects engaged for this purpose completed the first stage study and plans earlier this year, from which Schemes 1, 2, and 3 were developed, and for which a study model (of Scheme 2) was made, more time is necessarily required for perfection of plans and drawings and preparation of a full scale model for the scheme (No. 2) selected by the special Extension Commission. At its meeting with the architects in June, the Commission directed the Architect to get the full-scale model ready for exhibition to Members of Congress and the public generally.

"A full-scale model showing the entire Capitol building—both East and West Fronts—should be of great, almost inestimable visual-aid value in helping Members, the press, and the public generally form sound opinions about the appearance of the building if extended and the effect of the particular proposals in Scheme 2 on the architectural features of the present West Front. But the conferees understand that the full-scale model will not be ready to place on display until about mid-November.

"In the circumstances, then, it would be premature, and illogical, to consider any further appropriations for the West Front project at this session."

COMPLETED PRELIMINARY PLANS SENT TO THE CONGRESS

In May 1967, the full report and recommendations of the architects relating to the authorized preliminary plans and estimates of cost, were completed and sent by the Architect of the Capitol to Speaker John W. McCormack, Chairman of the Commission for Extension of the United States Capitol and other Members of the Commission. This report, with illustrations, was printed and sent by Speaker McCormack to all Members of the House and Senate with his letter of June 21, 1967.

ADDITIONAL WOOD BRACING IN 1968

Late in 1967 additional dangerous sagging and cracking in certain sections of the west side of the building were observed. With approval of the Commission, the Architect of the Capitol sought and the Congress granted $135,000 for additional temporary wood shoring and for repointing, filling cracks, and painting the west central front. This work was finished in the Summer of 1968.

DELAY IN REQUESTING CONSTRUCTION FUNDS

The preliminary plans and estimates of cost for the extension of the West central front were completed and published in 1967. The Commission did not direct the Architect of the Capitol to request funds for the contract plans and construction from 1967 to 1969. It is understood that the Commission's reluctance was due to the conflict in Viet Nam and the resulting heavy stresses on the national budget.

LATEST ACTION OF THE COMMISSION

Late in July, 1969, Chairman McCormack after discussing the seriousness of further delay with fellow Commission Members and Members of the House Appropriations Committee, requested that other Members of the Commission join him in approving planning funds for extending the west central front in accord with the previously approved Plan 2. All Members of the Commission agreed to direct the Architect of the Capitol to seek planning funds, in the amount of $2,000,000 at this time. The opinion of the Commission was unanimous, and was reached during the first week of August, 1969.

LETTER FROM CHAIRMAN M'CORMACK TO APPROPRIATIONS COMMITTEES

Upon receipt of unanimous approval of all Members of the Commission, Chairman McCormack directed a letter on August 8, 1969, to Chairman Andrews of the Legislative Subcommittee, Committee on Appropriations, House of Representatives, pointing out the urgent need to proceed with planning the extension, advising of the Commission's decision, and expressing the hope that this request could be heard in connection with the then current hearings on the Legislative Branch Appropriation Bill, 1970.

After the Legislative Subcommittee indicated informally to the Speaker that a hearing would probably be scheduled on the item early in September after the recess, the Speaker sent similar letters of recommendation to Chairman Russell of the Senate Committee on Appropriations and Chairman Montoya of the Legislative Subcommittee.

Copies of the Speaker's letters to Chairman Andrews and Chairman Montoya are contained in the appendix to these justifications.

COMMENTS ON "RESTORATION" OF THE WEST CENTRAL FRONT

In past hearings before your committee and in other sections of this report, we have indicated the reasons why the so-called "restoration" of the Capitol's west central front is not a feasible, economical, or thoughtful proposition. We shall once again touch the highlights.

These sections of the building are 150 to more than 170 years old. The exterior is of soft, local sandstone of a generally poor quality. There are no expansion joints in the structure, so when pressures have been put on the walls by fires, an explosion, settlement, expansion and contraction, the walls have cracked—in many cases from top to bottom—or bulged out of alinement.

The most serious cracking has required shoring with wood timbers during the last 4 or 5 years, in order to prevent collapse.

At the present time, there is no longer one exterior west wall, but rather a series of sections of "walls" created by the extensive cracking. Stone has broken off and fallen due to pressure and movement. Emergency measures have had to be taken to keep pedestrians away from the sides of the walls. Stones have become displaced in many locations. Keystones have settled leaving voids which have had to be filled with cement. Engineering studies have shown that there are many voids throughout the interior of the walls, due to poor workmanship many years ago and movement since that time.

The foundations of the walls in some prominent locations are inadequate.

The walls are made up of an exterior of sandstone, an interior of stone rubble and brick, and a central core of loose stone rubble. Each stone in each vertical "layer" of the wall has a different expansion and contraction ratio, thus further complicating the provision for anything like a cohesive "whole." The building is, as you know of wall-bearing arched floor construction, and these are the walls that carry the thrust from the arches which support the interior loads.

This, then, is a brief description of the walls the restorationists would have us preserve as "a textbook of architecture."

Dr. Clair of The Thompson and Lichtner Company, who did the engineering studies on the condition of the west front and the remedial action required, as pointed out previously in this report and in prior hearings, gave careful consideration to many possibilities for correcting the conditions of the west walls and concluded in his 1964 report that a properly designed extension would provide the desired lateral support for the west central portion and would be the least hazardous and cause the least interference to continued Congressional use of the building during the construction period. He confirmed that position in his recent report to the Architect of the Capitol. In his 1964 report, quoted previously in this justification, Dr. Clair spelled out his reason for rejecting such possibilities as

1. Retention and repair of the existing walls.
2. Refacing the existing walls.
3. Removal of the outside sandstone completely and replacement by high quality marble and granite.
4. Removal of the entire wall and foundation and replacement by reinforced concrete with a facing of high quality marble and granite.

This is to say that Dr. Clair, an expert in the field of structural engineering related especially to old buildings in this country and abroad, did not recommend any of the "cosmetic" treatments recommended by some who have not given thorough study to the building and who do not shoulder the responsibility for the proper care, preservation and use of the National Capitol. His conclusions and recommendations are shared by the Capitol Commission in charge of the project, the Architect of the Capitol and his professional staff, and every private-practicing architect and engineer who has been engaged to study the project and advise the Commission and the Architect of the Capitol.

For the reasons recited herein and previously to your committee, I strongly recommend against any further action toward so-called "restoration" of the Capitol's west front for the following cogent reasons:

1. Restoration does not provide a permanent solution. Whatever the form of restoration or the method, it would result in a makeshift job.
2 The appearance, if piecemeal repairs are made, would be more objectionable than the present painted surface.
3. If refaced, the cracks and bulges would again appear after a few years.
4. If the walls are rebuilt completely, the danger and risks would be too great.
5. The whole west central portion of the building, between the House and Senate Wings, including some interior rooms and spaces, would have to be vacated by the Congress over a long period of time.
6. The costs of restoration were estimated several years ago to be between $10,000,000 and $50,000,000. They have escalated since that time. Furthermore, a true cost figure is impossible to obtain. A leading advocate of restoration has stated publicly that restoration could exceed the cost of the proposed extension.
7. There are so many uncertainties involved in restoration or rebuilding in place, the work would have to be done under a cost-plus contract, with leeway as to the ultimate total cost.
8. No space would be gained in the Capitol for the vital operations of the Congress and for the use of the public.

Mr. Campioli, Assistant Architect of the Capitol, is prepared to elaborate on these points.

CONSTRUCTION, CHANGES, AND ADDITIONS, CAPITOL BUILDING

United States Capitol

First Unit

The first unit constructed was the old North Wing, now commonly referred to as the old Supreme Court section of the Capitol. The cornerstone was laid September 18, 1793. This wing was completed and occupied by the Senate from 1800 to 1859 when the Senate moved to its present Chamber. It was also occupied by the House from 1800–1801 and from 1804–1807. It was, in addition, occupied by the Supreme Court from 1801 to 1935 when the Court moved to its present building and by the Library of Congress from 1800–1824.

The Senate originally met in a large room, two-stories in height, from 1800–1808. In 1808–1809 this room was divided into two rooms, one above the other. The Senate occupied the upper room, on the second or principal floor, from 1810 to 1859 as its Chamber. The Supreme Court, which had been provided with quarters elsewhere in the North Wing from 1801 to 1809, occupied the lower room, on the first or ground floor as its Chambers from 1810 to 1860.

Temporary Unit

On the present site of Statuary Hall, a temporary structure was erected, known as the "Oven", connected by an enclosed passageway to the North Wing, was occupied by the House from 1801 to 1804 when the temporary structure was removed from the site.

Second Unit

The old South Wing, now known as the Statuary Hall section, was the second unit to be constructed. It was completed and occupied by the House from 1807 to 1857. The House Chamber was located in the room now known as Statuary Hall.

Interrupted Occupancy

Due to the burning of the Capitol by the British in August 1814, the Senate and House, Supreme Court, and Library had to occupy other quarters outside the Capitol until 1819. During the period 1815–1819, the Old North and South Wings were reconstructed and restored.

Third Unit

The central section of the Capitol, between the old North and South Wings, was constructed during the period 1818–1829. The west side of the central section was occupied by the Library of Congress from 1824 to 1897 when the Library moved to its own building The quarters in the Capitol vacated by the Library in 1897, were reconstructed into office and committee space.

Fourth Unit

The present Senate and House Wings, containing the present Senate and House Chambers, were added during the period 1851–1859. The House has occupied the House Wing from 1859 to the present day. The Senate has occupied the Senate Wing from 1859 to the present day. During the period 1856 to 1865, the old low wooden dome over the original central section was replaced with the present 4,500-ton cast-iron Dome.

Interrupted Occupancy

Following a fire in 1851, the west central section occupied by the Library was reconstructed. After an explosion under the old Supreme Court Chamber in 1898, the old North Wing was restored through repair and reconstruction.

Fifth Unit

The terraces on the north, south, and west sides of the Capitol were added during the period 1884 to 1892.

Reconstruction Work

The old wooden roof construction over the original sections of the Capitol was replaced with steel and concrete construction in 1902. During the period 1949 to 1951, the Senate and House Chambers were completely remodelled in the manner they exist today. In addition to remodelling of the interior of the Chambers, the old cast-iron and glass skylights, which from 1857 to 1949 had served as the roofs over the two Chambers, were eliminated and replaced with new roof construction of steel and concrete covered with copper. During this period, it was necessary for the Senate and House to vacate their Chambers and occupy other quarters for three short periods.

Sixth Unit

During the period 1958 to 1962, the East Front Central Section of the Capitol was extended eastward 32½ feet. The new Front is constructed of marble and is a faithful reproduction of the old sandstone front. During the period 1958 to 1969, other improvements have also been effected in the Capitol, including a major program of improvement of the lighting and wiring in the Capitol and repairs to the Dome.

CONSTRUCTION OF SENATE AND HOUSE OFFICE BUILDINGS TO PROVIDE ADDITIONAL ACCOMMODATIONS FOR THE SENATE AND HOUSE

Senate Office Buildings

The first 3 wings of the Old Senate Office Building, facing Constitution Avenue, Delaware Avenue, and C Street, were completed and occupied in 1909. The fourth, or 1st Street Wing, was constructed in 1931–1933 and occupied in 1933.

The New Senate Office Building was completed and occupied in 1958.

House Office Buildings

The Old, or Cannon House Office Building, was completed and occupied in 1908. The New, or Longworth House Office Building, was completed and occupied in 1933. The Rayburn House Office building was completed and occupied in 1965.

EXPENDITURES AND OBLIGATIONS—WEST CENTRAL FRONT OF CAPITOL, 1964–69

Surveys, studies, preliminary plans and estimates and emergency repairs, west central front, 1964–69

Engineering study of condition of West Front, 1964	
Engineering services (consultant)	$30,000
Exploratory work (test pits, soil borings, and cores of wall construction)	71,393
Total	101,393
Emergency repairs, 1965	
Engineering services (consultant)	3,500
Shoring and bracing	26,573
Total	30,073
Preliminary plans and estimates of cost for extension of the West Central Front, in accordance with Plan 2 approved by the Commission in charge of project, 1965–67	
Architect-engineer fees	240,000
Advisory architects' fees	4,500
Model of Capitol (as it would appear, extended pursuant to Plan 2)	21,024
Total	265,524
Administrative and miscellaneous expenses	50,845
Total, 1964–67	447,835
Emergency repairs, 1968–69	
Engineering services (consultant)	$10,000
Engineering (surveyor) services, to measure and record movements of building	7,273
Additional emergency shoring and bracing for old Senate and House Wings at basement level, and for unsupported architrave stones of West Central Portico not supported by emergency shoring in 1964 or 1965; also repointing joints, filling cracks, and repainting sandstone masonry	70,163
Administrative and miscellaneous	26,243
Total, 1968–69	113,679
Total, West Central Front, 1964–69	561,514

Funds appropriated for West Central Front, fiscal year 1970, and legislative provisions governing use of such funds

An appropriation of $2,275,000 for the West Central Front and legislation governing the use of such funds were provided in the Legislative Branch Appropriation Act, 1970, Public

Law 91–145, approved December 12, 1969, as follows:

"EXTENSION OF THE CAPITOL"

"For an additional amount for 'Extension of the Capitol', $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided,* That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further,* That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however,* That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further,* That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the forseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Expenditures, 1970–71, for emergency repairs to temporary shoring and other miscellaneous related work, including measuring and recording movements of building

During the period, 1970–71, $23,170 was expended for emergency repairs to the temporary shoring installed in 1965 and 1968 and other miscellaneous related work, including additional measurement and recording of movements of the west central wall.

Procedures followed by the Commission for Extension of the United States Capitol in selection of engineers-architects to make the feasibility study required by Public Law 91–145

The following procedures were followed by the Commission for Extension of the United States Capitol in making their selection of engineers-architects to make the study and report on the feasibility and cost of restoring the West central front required by Public Law 91–145.

December 16, 1969.—Four (4) days after the President signed the Act, the Speaker, as Chairman of the Commission in charge of this project, sent letters to all Members of the Commission, outlining the action taken by the Congress through the Appropriations Committees and quoting pertinent provisions of the conference report on this matter. He proposed that the American Society of Civil Engineers, a professional engineering society, which had taken no position on either extension or restoration and who could offer "independent judgment on this proposition in the spirit of the conference report" be requested to review the material available and then suggest to the Commission the names of several engineers or engineering firms, with experience in restoration and reconstruction of old buildings such as the Capitol.

December 20, 1969.—Several members of the House Appropriations subcommittee approached the Speaker and asked him to consider also asking the deans of engineering of several of the leading universities throughout the Country to offer their opinions on well qualified firms to make the study. The Speaker agreed with this proposal and the other Members of the Commission were contacted and asked to consider requesting the opinions of the deans, in addition to the American Society of Civil Engineers.

January 2, 1970.—The Speaker received concurrence from all Commission members in this procedure.

January 12, 1970.—The Speaker sent letters to the deans and the American Society of Civil Engineers, requesting their assistance.

Early in March, 1970.—The Speaker received replies from the American Society of Civil Engineers and all but a few of the deans (15 of the 19 deans responded to the Speaker).

March 9, 1970.—The Speaker sent requests to the firms or individuals recommended to undertake the study, requesting their brochures and other information which would show their capabilities to undertake the study; also requesting to be advised whether they had previously been associated with the project, or had any predisposition for or against the extension or restoration work. There were, of course, numerous overlappings of the recommendations of the American Society of Civil Engineers and the various deans of engineering. Several firms recommended, which had previously been associated with the project, were eliminated. Letters went out to 26 firms or individuals, in all.

April 20, 1970.—The Speaker sent letters to the Commission members enclosing a summary report on results of contacts with the American Society of Civil Engineers and the deans of 19 engineering schools, and a digest of information about the 19 firms voicing an interest in the feasibility study in response to the request from the Speaker for brochures. In addition, a digest of information was included from four unsolicited firms.

Contract negotiations

May 25, 1970.—The Commission for Extension of the United States Capitol met for the purpose of selecting a firm to make the feasibility study and cost of restoring the West central front of the Capitol, pursuant to the provisions contained in the Legislative Branch Appropriation Act, 1970. The Commission, after considering guidelines, criteria, and key provisions to be incorporated in a contract, directed the Architect of the Capitol (1) to enter into negotiations with the firm of Praeger-Kavanagh-Waterbury, engineers-architects of New York City, on the basis of such considerations, for undertaking the feasibility study ordered by the Congress, and (2) if thereafter a mutually satisfactory contract could be negotiated, to enter into a contract with that firm, subject to approval of the contract by the Chairman of the Commission.

June 22, 1970.—A draft of the proposed contract, negotiated by the Architect of the Capitol with the Praeger-Kavanah-Waterbury firm, was forwarded by the Speaker to the Commission members for their review and comments. Changes suggested by Commission members were incorporated in the final draft of contract.

Contract awarded for feasibility study

July 1, 1970.—The Speaker announced that a contract had been signed with the firm of Praeger-Kavanagh-Waterbury, July 1, 1970, for making the feasibility study required by Public Law 91–145. The total contract cost was $182,600.

Other expenditures in connection with feasibility study

In addition to the amount of $182,600 expended for the engineers-architects contract, $45,779 was expended for exploratory work in and adjacent to the West central portion of the Capitol on the basis of drawings and specifications prepared by the Praeger-Kavanagh-Waterbury firm and performed under their supervision and direction; $7,722 for compression tests performed on the same basis; $9,368 for administrative and miscellaneous expenses.

Completion and distribution of engineers-architects report

January 2, 1971.—Upon completion of the feasibility study and report, the Acting Architect of the Capitol transmitted a copy of the Praeger-Kavanagh-Waterbury report, dated January 1971, to the Commission members. The report was also given to Members of Congress requesting it, to the Press, and to various architectural and engineering societies.

Action taken by Commission on engineers-architects report

March 8. 1972.—The Commission for Extension of the United States Capitol met and considered the Praeger-Kavanagh-Waterbury report, and, after establishing to its satisfaction that the conditions specified in Public Law 91–145, relating to restoration, could not be met, directed the Architect of the Capitol to proceed with the preparation of final plans for extending the West central front in accord with Plan 2 heretofore approved by the Commission.

Action of the Senate subsequent to issuance of order by the Commission for Extension of the United States Capitol directing the Architect of the Capitol to proceed with preparation of final plans for extending the West Central Front of the Capitol in accordance with Plan 2 heretofore approved by the Commission

Amendment adopted by the Senate limiting use of West Front funds

March 24, 1972.—The Senate Committee on Appropriations added the following amendment to the Legislative Branch Appropriations Bill, 1973, as passed by the House, March 23, 1972.

"Extension of the Capitol"

"Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however,* That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress."

March 28, 1972.—The Senate approved adoption of the amendment, March 28, 1972.

March 28, 1972.—The following amendment offered by Senator Mansfield and Senator Scott during the debate on the Legislative Branch Appropriation Bill, 1973, as a substitute for the Committee amendment, was rejected by the Senate, March 28, 1972, on a roll-call vote of 40 to 35:

"Funds available under this appropriation may be used for the preparation of plans for the extension of the West Central Front: *Provided, however,* That no funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress."

March 28, 1972.—The Senate passed the Legislative Branch Appropriation Bill, 1973; requested a conference with the House, and appointed the Senate conferees.

MEMBERSHIP OF THE COMMISSION

Since September 29, 1969, the Commission for Extension of the United States Capitol has consisted of the following members:

The Speaker of the House of Representatives, Chairman;

The President of the Senate;

The Majority Leader of the Senate;

The Majority Leader of the House;

The Minority Leader of the Senate;

The Minority Leader of the House; and

The Architect of the Capitol.

The Majority Leader of the Senate and the Majority Leader of the House were added to the Commission membership by Public Law 91–77, approved September 29, 1969, which increased the Commission membership from five to seven members. Prior to September 29, 1969, the membership consisted of the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Minority Leader of the House, and the Architect of the Capitol.

I am sure most of you have seen displayed in the Speaker's lobby this morning the drawings of the Capitol as it appeared in 1829 and the changes and the additions that have been made to it down to what it would look like with the extension of the west central front. There is also a breakdown model that you can look at.

This project originated under the original basic statute of Public Law 242 of the 84th Congress approved August 5, 1955, which authorized the extension, reconstruction, and replacement of the central portion of the Capitol and created a joint congressional commission, the Commission for the Extension of the United States Capitol, and directed the Architect of the Capitol to carry out the project.

The act was amended in 1963 (Public Law 88–248) to provide for an engineering study of the conditions of the west central front. This study was received in 1964. Contrary to what you have been hearing from some of the opponents, there have been very lengthy hearings on whether the west front should be restored, renovated, or extended. The Commission unanimously agreed that the Architect of the Capitol should be authorized and directed to submit a request for funds for the preparation of preliminary plans with an estimated cost for the extension in marble of the west central front.

An amount of $300,000 was appropriated in the supplemental appropriation of 1966 for the preliminary plans, cost estimate, and a model. In 1970 we appropriated $2,275,000 for the west central front, and legislation governing the use of such funds was provided in the Legislative Branch Appropriation Act, 1970. This act provided not to exceed $250,000 should be used for a study of the feasibility and the cost of restoring the west central front, and pending the receipt of that report no further work toward extension was to be carried on.

The whole argument is whether or not the question of restoration or extension has really been studied. Well, it certainly has been studied, and there was a study not as to whether it was possible to restore the west central front but whether it was feasible. We have had many engineers make this study. We have had several, and each time, if it did not agree with the opponents of extension, they would demand additional study and we would delay the project each time. That has been going on now since 1965.

However, the Commission for the Extension of the United States Capitol after receiving the engineers' reports—and mind you this Commission that some of our colleagues try to low rate—and especially in the other body—the membership of this Commission is made up of our distinguished Speaker, the majority leader and the minority leader of the House, the Vice President of the United States, the majority and minority leaders of the Senate, and the Architect of the Capitol. So I think it is a really blue-ribbon Commission.

Contrary to what has been alleged they have seriously studied this matter and considered it from all angles and unanimously voted to accept extension in accordance with plan 2.

At this point in the RECORD I will insert a copy of the Commission's resolution of March 8, 1972.

The resolution follows:

COMMISSION FOR EXTENSION OF THE UNITED STATES CAPITOL

MARCH 8, 1972.

Whereas Public Law 91–145, approved December 12, 1969, provides:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided*, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further*, That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however*, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further*, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Whereas, the restoration feasibility and cost study and report of Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met: Now, therefore, be it resolved,

That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

CARL ALBERT,
Speaker of the House of Representatives, Chairman.
HALE BOGGS,
Majority Leader of the House.
GERALD R. FORD,
Minority Leader of the House.
SPIRO T. AGNEW,
President of the Senate.
MIKE MANSFIELD,
Majority Leader of the Senate.
HUGH SCOTT,
Minority Leader of the Senate.
GEORGE M. WHITE,
Architect of the Capitol.

Mr. STRATTON. Will the gentleman yield for a question?

Mr. CASEY of Texas. A brief one.

Mr. STRATTON. Will the gentleman from Texas not agree that since the voluminous Praeger report to the House commission in 1969, at a cost of $200,000, examined some of these questions in detail, and which demolished all of the arguments that had been advanced in 1969—since that report was submitted in December 1970, there has never been debate or discussion on this subject in the House?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CASEY of Texas. Mr. Speaker, I yield myself 4 additional minutes.

Mr. Speaker, I cannot agree with the gentleman because the gentleman has had some motions up before the House that have been defeated two or three times. The report that the gentleman referred to was furnished to every Member of the Congress.

Now, Mr. Speaker, I cannot yield any more of this time. I will try to see that the gentleman has time.

Incidentally, the gentleman put out a letter to all colleagues that was very misleading, and I hope I have time to go over it in detail, because I know the gentleman is very much opposed to any extension of the west front, and I am sure he will use any argument he can to thwart such an extension. But when the gentleman tries to say that it is going to cost over $300 per square foot, the gentleman's arithmetic is wrong. And when the gentleman tries to point out that the west wall is historic, well, that wall was painted, and will have to be repainted, whatever you do to it, because it will not match the rest of the building. If you think we should try to get restoration of that wall for $15 million, let me say that you cannot get any engineering firm or construction firm to give you any kind of a bid except a cost-plus bid, because they do not know what they are going to get into if we should decide to restore it, and then when they get through restoring it there probably would not be a third of the original wall left, and still it would have to be painted again.

Furthermore, it is estimated by some that it will cost close to $30 million for the so-called restoration, and when that is done we will get no more space. Do we need space? Let me show you. I have had a few pictures made of the rotunda. You can step out there now and you will see the same thing occurring—your constituents and mine waiting in line, trying to see our Nation's Capital. And this is just a portion—and a small portion—of the people who actually visit this Capitol, because all of them do not take the guided tours.

Statistics provided by the Capitol Guide Service show that 1,063,088 people took a guided tour during 1971. Through June 18 of this year 582,987 people have taken tours. There is an increase of 10 to 20 percent each month over the corresponding month last year. During the peak tourist season—April through August—the daily average Monday through Saturday is 5,000 to 7,000. These figures relate only to people taking tours. There are estimates that 30,000 to 40,000 visitors are in the building daily, probably more than visited the Capitol in an entire year a hundred years ago. During the peak tourist season many people do not take tours due to the long wait under adverse conditions. The rotunda itself can accommodate between 600 and 700 people lined up awaiting tours. During April and May the line usually backs up onto the east portico and contains 1,000 or more people. Make-do measures have been instituted to help control the crowds such as the addition of ropes around the rotunda and police help in maintaining the lines, but during extremely heavy periods the line frequently becomes too tightly packed resulting in sickness as well as creating a safety hazard.

I want to point out one thing in this picture (indicating) a lady bending over her small boy. Do you know what that boy is saying? He is saying, "Mama, I have got to go to the bathroom," and she is saying, "Sonny, we have been here for 40 minutes waiting in line, and we are almost up to the front of the line, and if we leave now we will not be able to make the tour." What is that boy going to do? Is she going to let him run out into the bushes some place?

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield briefly to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, on that point, if we extend the west front of the Capitol on the basis of that argument I predict that it will be the most expensive bathroom in the history of human experience.

Mr. CASEY of Texas. I will tell the gentleman from Indiana that I do not know about his constituents, but I know that mine, when they come to the National Capitol, they expect to find some comfort, and not an outhouse or a bathroom that is three blocks away.

Mr. JACOBS. Mr. Speaker, will the gentleman yield further?

Mr. CASEY of Texas. Mr. Speaker, I do not yield any further.

Mr. JACOBS. Mr. Speaker, I do not blame the gentleman.

Mr. CASEY of Texas. Of course not.

Mr. Speaker, here is another picture that shows trash out in front of the Capitol, and the reason that this trash is stacked up there is because there is no other place to put it.

You will probably find some answer to that.

If any of you have tried to take your constituents to the dining room for lunch, you know that unless you get in there a few minutes before 12 o'clock, you will have to wait 40 minutes for a table and your constituents wonder if this is the best way you can treat them.

Now the Senator, of course, says that they do not need any more space in the Capitol. But there are only 100 Senators and there are 435 Members of the House. The Senate has fewer committees. Sure, they have all the space they need.

Mr. Speaker, I urge the House to insist on its disagreement to the Senate amendment in order that the planning of the extension can proceed in an orderly manner, as directed by the Commission pursuant to the 1969 legislation. The Senate amendment abrogates the specific provisions of the 1969 act. At such time as the plans are drawn and a request is made for construction funds hearings will be conducted by the appropriations subcommittees of both bodies and the House and Senate will have an opportunity to vote on the issue.

The Speaker, I reserve the balance of my time.

Mr. CEDERBERG. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. CASEY) has gone into the real details of this conference report. The only thing that I think will be in any controversy this afternoon is the question of the west front of the Capitol.

I want to indicate here that I favor the extension of the west front of the Capitol, and I think it would be a tragedy if we did not go ahead with this project.

Mr. Speaker, I want to indicate further that I have absolute confidence in the Building Commission. I think they have done an excellent job in the years that they have been in existence.

We had a great deal of controversy, as those of you here will recall, over the extension of the east front of the Capitol.

The east front of the Capitol, I think, is proving out to be one of the wisest moves that we have made. And I think we will be able to say the same thing when the west front extension is completed.

I want to emphasize again what the distinguished chairman of the subcommittee said. You go out through this Capitol and walk over to the Senate wing. I think it is a disgrace to see what happens in the rotunda of the Capitol where our constituents are herded in there, and as the gentleman said, youngsters are there with no toilet facilities for them, and no facilities for some of our elderly people to sit down for a minute after they walk across the Capitol Grounds and into the Capitol.

I do not think that this is the way to treat our constituents when they visit the Nation's Capitol. They deserve better than that.

This is a growing country and, as I think it will be pointed out in debate this afteroon, our Capitol has been an evolving building. It is something that has grown with the country and I think we should not stop that growth at this time.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. DENNIS. I would just like to point out to my good friend, the gentleman from Michigan, that I am no expert on this. But when you go over to England, for instance, and you see Westminster Hall which was built in 1066 or shortly thereafter and the Tower of London and places like that, they do not tear them down and remodel them so that people can have restrooms or greater access. They keep because they are the heritage of that country. That is what bothers me—what bothers me is the approach to our Capitol that the gentleman takes.

Mr. CEDERBERG. That does not brother me a bit. We keep Mount Vernon the way it is and we keep many other places the way they are as historical landmarks. But, the Capitol of the United States is a functional building for the Government of the United States.

Mr. DENNIS. Yes, but the Parliament and Westminster Hall is a functional building, too.

Mr. CEDERBERG. Yes, they are.

But, if you have ever been in the Parliament, I do not know how they could extend it, but I would be willing to bet that they would like to extend it if they could.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. YATES. Is not the west wall front the sole remaining visible evidence, apart from the little pieces that you see as you walk through the corridors—the sole remaining evidence of the original building, of the Capitol?

Mr. CEDERBERG. I really cannot answer that.

Mr. YATES. There was testimony before the subcommittee on that and their answer to that is "yes."

Mr. CEDERBERG. That could be, but it does not impress me a bit because I think the fact that it is the sole thing left is an indication that over the years those in the past have decided that this Capitol had to evolve with the growth of the Nation.

Mr. YATES. Why should we not retain the architectural masterpieces of the past?

Mr. CEDERBERG. The gentleman can have his opinion. I think if there is a need there, the need ought to be met.

Another thing about the cost, as the gentleman from Texas said, you cannot get any fixed bid on the restructuring of the west wall of the Capitol and you do not know how much it is going to cost—whether it will be $15 or $40 million-plus?

You do not get an extra square foot.

What you are going to do with the west front of the Capitol is that we will have additional space and we can make it better for our constituents who come here and better for those who work here in the Capitol and serve their country and the people they represent.

As I said, we have had these same arguments about the east front of the Capitol, but I think that is gone now and we recognize and the gentleman from Illinois recognizes that the east front of the Capitol is one of the wisest decisions that was made. I think it was. I think they have done a masterful job. For us to stop progress right now would, I believe, be a tragic mistake.

Mr. YATES. The gentleman is correct—I agree with him on the east front and I accept your argument. But those who originally opposed the construction of the east front have come around to believe it was a wise step. At this point I now oppose the extension of the west front and rightfully so because it is a link with the past.

Mr. CEDERBERG. The Association of Architects will in my opinion after this is done, agree that it was the wise thing to do. They have a right to change their minds. I do not see anything in the argument there.

If I were on the Commission for the Extension of the Capitol, one thing I think could be done, if we extend the west front of the Capitol, is to have an auditorium.

You go to Williamsburg, and you are started out on the tour by seeing a beautiful movie of Williamsburg. Then you can go on the tour.

I think we can give our people an opportunity to come in, relax a bit, get in the mood for seeing the Capitol, and then go through this great building with a greater idea of history and the background of this building.

Mr. YATES. Was not there a restoration rather than an extension of the Williamsburg building?

Mr. CEDERBERG. Well, of course, there was a restoration of the buildings. That is exactly right.

Mr. YATES. Yes, but you are not restoring this wall. What you are doing is moving the whole wall 44 feet to the west.

Mr. CEDERBERG. If you want to abandon this building and not have it function as a Capitol, then I say, yes, restore it. Williamsburg is no longer functioning except as a restored monument. That is another story. This is not a restored monument. This is a growing institution. This Capitol grows as the country grows. It evolves as the country grows. We can discuss it all we wish, but I just would like to say that as far as I personally am concerned, as our Nation grows, we need to have the Capitol grow along with it.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. CASEY of Texas. I think we all ought to realize that what we are talking about is not construction to meet a need for just next year or the next few years, but we are talking about improvements that will last for many, many years.

Mr. CEDERBERG. I think history will indicate there has been a necessity; as the country has grown, the Capitol has grown. I think that is sensible and wise.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. YATES. One of the most famous parts of the Capitol is the so-called Olmsted balustrade, perhaps the outstanding architectural contribution of this world famous architect, Frederick Law Olmsted. Under the proposed extension that balustrade will be destroyed, totally destroyed. One of the great architectural beauties of the world will be destroyed. That is one reason why I changed my mind from 1969 when I stood in the well of the House and said that based upon the testimony that was adduced in our subcommittee—and I was a member of the subcommittee at that time—I wanted restoration, but the experts told us it could not be done. And based upon that testimony, I voted and spoke for extension. Since that time we have had the Praeger report, the studied, careful conclusion of a great architect that it can be restored. Based upon that report, I have changed my mind. If restoration is possible I will now vote for restoration of that beautiful west front.

Mr. CEDERBERG. I respect the gentleman's opinion. I just happen to disagree with it.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield, please?

Mr. CEDERBERG. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I am for extending the west front. I would like to remind all of those people who would like things as they used to be that such a Member of Congress once came before the Appropriations Committee, when the late and beloved Mike Kirwan was on that committee. This person was speaking about maintaining Mount Vernon and wanted to buy some parkland across the way. At that time Mr. Kirwan said to the other Congressman:

> If you want things to be exactly as they were when George Washington was here, then I suggest that we take up that road out to Mount Vernon and let you really know how George Washington had it.

The last time he covered that road was in the mud on a rainy night on horseback, and we could all go back to how it used to be by just taking up that road.

Mr. CEDERBERG. I thank my colleague from Michigan.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Iowa.

Mr. GROSS. What is the estimated cost of the extension of the west front?

Mr. CEDERBERG. About $60 million, I believe.

Mr. YATES. It was that 2 years ago.

Mr. CEDERBERG. All right, put the escalator in. The same escalator, incidentally, would go in for the restoration; we are talking about the same comparable figure.

Mr. GROSS. That $60 million would be an interest-bearing debt; would it not?

Mr. CEDERBERG. Sure, it would be an interest-bearing debt, just like subsidies to the Iowa farmers and many others.

Mr. GROSS. I would like to respond to that.

Mr. CEDERBERG. Does the gentleman wish me to yield further?

Mr. GROSS. Yes. I wonder if there had not been some subsidizing of the farmer what your food costs would have been.

Mr. CEDERBERG. I am not against subsidizing the farmer.

Mr. GROSS. What are you talking about, then?

Mr. CEDERBERG. I just said it is part of the debt.

I did not say I was against it. I voted for the farm bills, because I recognized the importance of them, as I do recognize the importance of the extension of the west front.

Mr. GROSS. The bankers, automobile manufacturers, and a host of other industries and businesses are subsidized, are they not?

Mr. CEDERBERG. So let us subsidize our constituents who come to the Capitol. It is not bad to subsidize our constituents and give them an opportunity to go through this building in comfort.

Mr. GROSS. Extension of the west front of the Capitol is not a necessity of life as is food and wearing apparel.

Mr. CEDERBERG. I agree.

Mr. GROSS. So let us put first things first.

Mr. CEDERBERG. That is what we are doing. That is why we have delayed this for so long.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Michigan consumed 12 minutes.

Mr. CASEY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROUSH).

Mr. ROUSH. Mr. Speaker, I am a member of the Legislative Subcommittee of the Committee on Appropriations handling this matter. I am in disagreement with the majority of the members of my subcommittee.

At this particular moment, I would like to address myself to this matter of the need for additional space. It seems to me there is a great deal of space in this Capitol Building, which, is first, not used, and, second, is misused. I, for one, think it is a desecration of this monument in which we conduct the Nation's business to have barbershops in one of the main corridors of this building. I think it is a desecration to have restaurants in this building. If I had my way, that space would be better used and could be used to meet some of the needs we have insofar as our congressional requirements are concerned.

But let us talk for just a moment about the need that my chairman has spoken of. I refer to the concern for the needs of our visitors. I was under the impression that the reason we chose Union Station as the National Capital Visitors' Center was to relieve us of some of the problems we have here. A few moments ago I spoke with the gentleman from Illinois (Mr. GRAY) who very graciously gave me some figures and information concerning that proposal.

First of all, it will be under construction within a matter of 2 or 3 weeks. It should be completed within 18 to 24 months. It will have eating facilities, a restaurant, and a cafeteria. There will be two large theaters and one small theater. The two large theaters can accommodate 500 people every 15 minutes. There is going to be constructed an $11 million parking area which will accommodate 2,000 cars, 200 tourist buses, and arrangements will be made to transport people back and forth from that center, which is not too far away, to the Capitol Building.

I think this is a proper plan for the accommodation of those people who want to visit the National Capital.

I do not want to walk just in the paths of my predecessors. There are changes needed in this building. These changes can be accomplished as we restore it. There are changes needed inside this building to better accommodate the people who work here, and the people who use it, and the people who visit it, but I, for one, cannot accept the arguments which have been advanced here today in favor of extending the west front of the Capitol.

Mr. CASEY of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, as I told the House a few moments ago, in 1969, I stood in this well with diagrams of the west front to sustain my arguments, and urged the House to support the extension of the west front of the Capitol rather than restoration. I told the House at that time our subcommittee had taken voluminous testimony by experts who had been selected by the Architect of the Capitol to advise us on what action should be taken. Based upon that testimony, which was to the effect that the condition of the west front was so hazardous that the Architect of the Capitol was afraid that the vibrations caused by planes flying over the Capitol might cause the collapse of the west front, I voted for the extension of the Capitol. I told the House that I favored restoration, but I saw no alternative. Something had to be done. The wall was deteriorating. The Senate then, as today, was adamant in insisting upon the restoration of the west wall rather than extension.

Because of the adamant position taken by the Senate the conference bogged down as this one has. Finally, the conferees agreed upon a study to be made of the feasibility of the restoration of the west front; $200,000 was appropriated for that study.

One of the most famous architectural firms in the country was selected for that study. At that time I recommended to Speaker McCormack, who was the head of the Commission for the Extension of the Capitol, that he address a letter to 40 of the leading architectural schools of the country, to the deans of the schools of engineering and architecture, asking for their help and their recommendation as to the best engineering firm to carry out this study. It had to be the best because the Capitol, to my mind, is the Nation's most important building. It stands as the symbol of this Nation's traditions and ideals. All Americans revere the Capitol. Rightfully, they insist that the Congress take all steps necessary for its preservation for the ages.

Acting upon the recommendation of the deans he had received, Speaker McCormack, with the consent of the Commission, approved the Praeger-Cavanagh-Waterbury firm of New York City.

The Praeger firm conducted the study and concluded that restoration of the wall was possible.

Thus, the issue has been narrowed.

The question which is now presented to the House is not whether the extension is necessary to preserve the safety of the Capitol or of the west front but rather, do we favor an extension of the west front or a restoration of the west front? Both of them are feasible. Which alternative shall we take?

One of them will cost $60-plus million, based upon figures submitted to the committee 2 years ago. Restoration will cost $15-plus million, based upon the testimony submitted 2 years ago.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Michigan.

Mr. CEDERBERG. It is correct, though, is it not, that we cannot get any fixed bids on restoration?

Mr. YATES. I am saying that one of the conditions of the study given to the Praeger firm was to determine whether the wall could be restored for $15 million. The Praeger report stated that it could be restored for $15 million.

The Praeger report did say that in all probability it would be better to have a cost-plus contract.

I yield further to the gentleman.

Mr. CEDERBERG. The gentleman agrees we cannot say exactly what the cost would be under that procedure.

Mr. YATES. But we cannot say what the cost would be under the extension, either. We do know that the Rayburn Building had an initial projected cost of $60 million, it wound up costing over $100 million. I suspect the same thing will happen if the extension of the west front is approved.

Mr. CEDERBERG. Is it not true that we could be spending, say, $20 or $30 million——

Mr. YATES. It is possible.

Mr. CEDERBERG. And getting no additional space?

Mr. YATES. Space for what? The issue we face is whether or not we retain our link to the architectural glories of the past or whether we destroy a beautiful front part which has been standing since 1800.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CEDERBERG. I yield 1 additional minute to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I yield further to the gentleman.

Mr. CEDERBERG. Is it not true if that decision is made to restore, and we get absolutely no additional space involved at all, for x number of dollars—taking our choice as to whatever it might be, for we do not know what it will turn out to be—we will doom forever the possibility of extending the west front of the Capitol, because in all probability it could never be done again, regardless of the needs of the Capitol?

Mr. YATES. I would say the gentleman is correct. If the reasoning upon which I and the others who support my position is sustained, which is to keep that west front of the Capitol intact for posterity, so that it continues the thread with the past, I would say "yes." I favor that. Unfortunately, today too many great architectural buildings of the past are being destroyed to make way for so-called progress that is not in effect progress. The old Stock Exchange Building in Chicago, one of the great examples of the work of the distinguished architect Norris Sullivan was demolished recently to make way for a new skyscraper.

Yes, we need toilets for the public, but we can find space for new rooms that are now not used for other purposes, we can do without the additional office space in the Capitol in order to retain the link with our heritage.

Mr. CASEY of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I guess I am a part of a "small, vocal minority," as one Member of this House referred to it this morning, that has been opposing the extension of the west front for 6 years because I felt it was unnecessary and because I felt it was too costly and because I felt it would be destructive of an important part of our architectural heritage.

The gentleman from Illinois (Mr. YATES) and the gentleman from Indiana (Mr. ROUSH) have made some very good points here. Time is limited, and I would like to concentrate my attention on just a couple of things.

First of all, the basic issue here is whether the rank-and-file Members of this Congress are going themselves to make the decision on this costly project or whether it is going to be made by a handful of Members however eminent and however senior they may be.

I thought this was the year in Congress on both sides of the aisle when we were reforming our procedures so that we would not be doing things on the say-so of one or two men but we would do it on the decision of the House and the Senate themselves.

That is all that is really involved in this conference report. That is what the Senate amendment says. It says that we do not go ahead with this extension, whether it is good or bad, without a vote of the Members of the House and the Senate. If Congress wants to go ahead with the extension we can go ahead and build it; but under the Senate amendment we are not going to build it by sneaking it through the back way.

If we accept the Senate amendment, which I think is eminently reasonable and eminently sensible and eminently in accord with the times both in the modern Democratic Party and in the Republican Party, then we can go home tomorrow, because we will have full agreement on this legislative appropriation conference report.

The gentleman from Texas said we have discussed this issue a lot of times, and we have; but the last time we discussed it, as the gentleman from Illinois has already said, was back in 1969. At that time the argument for extending the west front was that the Capitol Building was going to fall down. If a helicopter came too close, we were told, the Capitol would crash around us. As a matter of fact, the gentleman from Illinois and other members of the committee were eloquent in their testimony on this point.

But with the help of the Senate we got an opportunity to put that assertion by our former Architect of the Capitol to a searching examination by the most reputable firm of structural engineers in the country, the Praeger firm of New York City. The Praeger report, at a cost of $200,000 or almost a quarter of a million dollars, was the result. This study group made their survey, and came back and said, "Baloney. It is not true. You can restore the west front and do it for about $15 million compared to about $60 million or $70 million for this elaborate extension."

Since that time we in this House have not had an opportunity to discuss the subject, we have not had an opportunity to examine it and we have not had any discussion by the Commission for Extension of the Capitol that anybody knew about.

So the question today simply is whether we are going to let this small group of eminent leaders, including the Speaker of the House and the majority and minority leaders and the majority and minority leaders on the other side of the Capitol, make the decision for us or whether we are going to make it ourselves.

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield to me?

Mr. STRATTON. I decline to yield because I have a very limited amount of time, and I have been working on this matter for 6 years to get a chance to present the case fully to the House.

So that is the basic question before us. Actually it will not be presented to us as part of the conference report. The conference report will come up first, and I have no objection to it. The first vote will include those items that are in agreement between the House and the Senate and you can vote for them, as far as I am concerned. Then we will take up the amendments in disagreement, and this west front issue is the only substantial amendment in disagreement, as I understand it. The managers on the part of the House will move to insist on our disagreement to Senate amendment No. 36. If that motion carries, then we go back and hassle it out for a few more months, and our legislative pay and all of the other things in the bill will have to be continued by a continuing resolution.

I am going to move that we recede and concur in the Senate amendment. That amendment says simply that if we are going to make changes in our Capitol in a $70 million boondoggle project, as I believe it to be, on top of a $40 million visitors center already authorized at Union Station, then at least we ought to have one little vote in this House and the other one on what we propose to do.

The main reason why I am against this extension is the cost. The cost is not simply an appalling $70 million, and, as the gentleman from Illinois has said, it is also likely to escalate, but let me show you just how enormous that cost figure is.

A Holiday Inn motel can be built for $15 a square foot. If you want a fancy house in Spring Valley, it is $30 a square foot. The Rayburn Building, the most expensive building in history, was roughly $50 a square foot, and the new FBI building will set a new high at $68 a square foot. But this extension will be—believe it or not—$368 a square foot, or five and a half times the cost of the FBI building; and I just do not think we want that.

Mr. CEDERBERG. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, I believe I can say that no one loves our Capitol more than I do. It might also be true that I have read more about it and studied it and considered it and analyzed some of the things that have happened here throughout our history, than most of the other Members of the Congress have. And in some small way I have tried to help the Members understand and the people of our country understand somewhat better the history of this great Nation, and especially the history of this institution that you and I are a part of, the legislative branch.

Mr. Speaker, I am strongly for the committee's position, and I hope we sustain them, and the Commission. I want to get on with this building, and I say to you that what we are doing here is just emulating what has happened many years before, and there were those who said at that time, "Let us keep the link with the past." I say to you then what would the Capitol look like without its dome? You see, this is the second dome. If you are worried about a link with the past, that is going to be the link with the past, not the west wall.

I was against the east front extension, and I was against the west front extension, but I have changed my mind, based upon some pretty thorough studies, I think. People are worried about the cost. Now, no one here can say that if we just rebuild that west wall that it will cost only $30 million. There is no guarantee of that. No contractor is prepared to make such an offer, and our report shows this, or is interested in such a contract except on a cost-plus basis. I believe that if you have done any extensive probing so as to understand these reports, that you would all agree.

A few days ago one of our colleagues sent a letter that had a lot of mistakes in it, and I responded to that, and that should be in everyone's hands today. Time does not permit me going into that extensively, but just let me comment on some parts of it.

Our colleague, in the letter he sent to each of us, used the emotional word "destroy" in describing what he deems to be the result of such an extension. But rather than destroy, Mr. Speaker, I have a deep conviction that the design will be enhanced by being a reproduction almost exactly for the most part, altered slightly in the portico, in order to strengthen the composition and the visual support of the dome, a concept that was envisioned as far back as 1860 by Thomas Walter, the designer of the dome and the House and Senate wings. And many of the Members then opposed, just like there was opposition to putting in electric lights, because people at that time said, "What is the matter with gas, it is good enough."

Also we changed the cooling system. The cooling system we now have works very efficiently, but it is not the first one; the other system of cooling was through those little silos that you see out here on the west side of the Capitol where they pulled the air through, and then underground, and pumped it into this room to cool it.

Well, we have changed.

Now the beautiful Olmsted terraces will not be destroyed but rather will be altered in the center portion and, as can be seen from the model in Statuary Hall, it shows the extension throughout substantially improved as a result.

Our colleague discussed, but neglected to point out that the true cost of the extension is only the differential between the cost of restoration and the additional cost of the extension.

For $30 million we could get an old wall and no space—for $60 million—and you might not get that for $30 million. If you take that out, you are going to have at the end of 20 or 30 years to do it again.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I do not have much time, but I yield to the gentleman briefly.

Mr. GROSS. Does this extension contemplate a new dining room or dining rooms?

Mr. SCHWENGEL. The details of that plan have to be worked on and finally agreed on. Every Member of the House has had and will have a chance to go to the Commission and they have not finally decided on it.

Mr. GROSS. I understand previous speakers to say that this will provide for additional and sumptuous dining room facilities.

Mr. SCHWENGEL. That may be—if that is what the House should decide, but it has not yet been decided for sure.

Mr. GROSS. Does the gentleman know or is there anyone present in the House Chamber who knows, what the deficit was in the operation of the Senate dining room this past year, as well as the House dining room?

Mr. SCHWENGEL. Yes, I am on the the committee that deals with this and the committee that does something about it under the leadership of Mr. HAYS. But the investment of $60 million may prevent another restoration. I confidently believe that.

As I said earlier, I opposed the extension of both the east and west fronts. But continued research and study convinces me beyond question of the advisability and desirability of the extensions.

With this much needed extension, we could then accommodate with dignity and pride the millions of visitors who come to their capital.

This building, my friends, is visited by more people than any other capital in this world.

The holy place in this Capitol is the reception center, the rotunda. If this extension is granted, you are going to have some auditoriums that will take up to 500 people at a time and hopefully they will be screened there when we get our electronics installed and there may be a screen in your office where you can sit at your desk and talk to your students who come here.

Then there will be some place for the relief of the poor elderly citizens who have to park beyond the Library and walk up 47 steps and for whom there is no really adequate place to sit down and be comfortable and who have to wait to take their turn to make a tour of the Capitol.

My friends, we would be doing our country a disservice if we do not support the committee report.

I am against the Senate's position. The people who have convictions about this do not want to listen much. I have been over there and I have made myself available, but I do believe that if we will insist on our own position which we have taken repeatedly, the Senate will back down and accept our position. They will be glad of it just like those who opposed the east front are now glad that that was done and it is gone and done. That will be the case when, and if, we have this extension.

Today we are considering the conference report, including a rider added in the Senate, on the legislative appropriations bill. Senate amendment No. 36 has been correctly and strongly opposed by the House managers. If the House recedes from the position of the House managers, it will stop the preparation of final plans for the excellent and well designed extension of the west front of this "Temple of Liberty" that is the Capitol.

You have recently received a letter sent to you by one of our colleagues giving his views on why you should vote with the Senate managers and against the House on this vital issue. It is appropriate to comment on his statements in order to furnish you with some facts so that you may make an informed decision.

Contrary to our colleague's statement, the Commission, representing the leadership of both parties in both the House and the Senate, did not order construction to begin, but rather, in accordance with the 1969 legislation, ordered final contract plans to be prepared. There is no funding and no intention to engage in actual construction of anything until construction funds are later requested after the preparation of final contract plans.

He states:

> Plans for this project have long since been completed. . . . this $2 million will be used for preliminary **digging, demolition, etc.**

The truth is that only preliminary plans are completed, and paid for with funds appropriated in 1965, after which those plans were sent to all Members of Congress in 1967. Final plans have not been prepared; the $2 million was appropriated in 1970 and is still held for this purpose. Digging, demolition, or other site work cannot be and will not be done with these funds.

Our colleague states only a portion of the amendment, the entire text of which is as follows:

> Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however,* That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by Congress.

Please note the trap in the language of the amendment: Funds may be used only for preliminary plans, which are indeed already completed, and no funds may be used for final plans, which is the purpose for which the funds were originally appropriated in 1970. Actually, initiation of construction cannot proceed in any event until additional funds are requested and appropriated therefore.

This is obviously one more move on the part of a small but vocal minority of the Congress to delay, impede, and subvert the project in the hope that ultimately they can defeat the will of the previously expressed majority of the House to provide space from the expenditure of public funds rather than to spend approximately $30 million for the cosmetic treatment of a badly deteriorated old stone wall comprising only 20 percent of the exterior perimeter of the Capitol and painted white since 1820 in order to completely hide, cover, and inadequately preserve the brown, soft sandstone.

We were told in 1969, not as our colleague states, that it was "impossible to repair the Capitol," but rather that to strengthen the wall by an extension was the most feasible and most certain engineering solution.

Contrary, also, to our colleague's statement, the Praeger engineering firm was hired, pursuant to the law, to determine the feasibility of restoration, and specifically to determine whether five conditions established by the Congress itself, could be met. The body of the report, contrary to its stated conclusions, left grave doubts regarding the possibility of meeting two of the five conditions, namely, that the work could be accomplished for a maximum of $15 million and a contract let on the basis of a fixed, lump sum bid. None of three nationally reputable contractors would agree to bid on that basis and with that cost limitation because of the excessive quantity of unknown conditions within the wall.

Contrary again to our colleague's statements, neither the Commission nor the Appropriations Committee ignored the report and, further, neither they nor anyone else "ordered construction on the extension to begin at once." Our colleague knows the latter is impossible under the legislative purpose for which the funds were appropriated. Further, the Commission had before it not only the engineering report, but also the 1969 hearings, floor debate, reports, the preliminary plans and estimate of cost, and numerous other documents bearing on the entire west front question.

The Commission did not lightly draw its conclusions. Our Architect, who is held in the highest of professional esteem by both the architectural and engineering professions, had the courage to change his position and to support the extension after being better informed through a year's study and after numerous interviews with responsible, internationally renowned architects and engineers, including Mr. Praeger who wrote the engineering report.

Our colleague uses the emotional word "destroy" in describing what he deems to be the result of the extension. Rather than "destroy", I have deep convictions that the design will be enhanced by being reproduced exactly for the most part, and altered slightly at the portico in order to strengthen the composition in visual support of the dome, a concept envisioned as far back as 1860 by Thomas U. Walter, the designer of the dome and the House and Senate wings.

The beautiful Olmsted terraces will not be destroyed, but rather will be altered in the center portion only, and as can be seen from the model in Statuary Hall, which shows the extension, they will be substantially improved by the result.

Our colleague discusses costs, but neglects to point out that the true cost of extension is only the differential between the cost of restoration and the additional cost of extension. For $30 million we would get an old wall and no space; for $60 million we get 270,000 gross square feet of additional space. The differential of $30 million yields a cost of only $111.30 per square foot. In any case, it is inappropriate to compare the cost of a unique and monumental building of classical design with that of office buildings and cheap motels.

Our colleague infers that the project has not been debated, when he knows full well that the House has already considered and voted on this project after full debate on the floor and after defeating his previous proposal in 1969. He now asks us to support a Senate amendment which traps us by permitting the preliminary plans to proceed, when, as we all know, the preliminary plans were completed and delivered to us 5 years ago.

The Senate amendment will completely stop the extension. I urge your support for the position that the House has already taken; to proceed with final contract plans for the long studied and well designed extension. To uphold the position of the House is to give the citizens substantive results for the expenditure of public funds, rather than to sink upward of $30 million into a thicket of uncertainty in an attempt to patch up a deteriorated wall.

I once opposed the extension of both the east and west fronts, but continued research and study convinced me beyond question of the advisability and desirability of the extensions. With this much needed extension, we could then accommodate with dignity and pride the millions of visitors that come to their Capitol with attractive and adequate reception facilities which would enable us to remove this type of activity from the rotunda and allow it to become, as it should be, the "holy ground" of the Capitol and high point of their visit.

Mr. CEDERBERG. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I believe that our love for our heritage requires the preservation of this wall that we are talking of either destroying or covering up. It dates from the era of the powdered wig and the knee breeches of our Revolutionary period, not the much later Civil War period of the great dome. Washington and Jefferson knew this wall, and it is all of the exterior wall that they ever saw that still exists.

I think it is an icon of the past that we should preserve if we can. I think most of us agree that we should, if we can. And we can—and at a financial saving.

I think most of us would also agree that we should not spend money where lesser money would get us the same or more results. I believe the Visitors Center will get us more results for our constituents than we can have here and that Center project is already underway. But if it would be felt that we should have additional visitors facilities in the Capitol Building, then there is a vast acreage of empty or subutilized space in the basement of this building—a very substandard utilization at present. I think anybody who has been in the basement of this building realizes that that is so. With modern conveniences and air conditioning and a lot of things of that type, that existing basement area could be utilized for exerything that is contemplated for this new extension, and at a much cheaper cost.

The most important point I would like to make, and which I have not heard discussed very much here, is the question of utility. Just building this building on the front of this building is not going to make this building we have more useful—but rather less useful—for the purposes for which it was designed, and which history would indicate that it should be used for in the future. That is not as a visitor center, but rather as a legislative chamber or a group of legislative chambers where laws can be made.

If you bring to this structure this new auditorium and these new cafeterias and these other facilities to the degree that is being suggested for this new area, you will find our present legislative facilities are going to be severely cramped, when presented with the millions of people who will come to this building as a restaurant facility and as an auditorium facility and as a civic center facility. You will then rue this day in the destruction this plan will work upon the legislative processes.

Look at the Chambers right here and now, and how small they are. Everything is going to be cramped with the millions who will come to this building for its restaurant and other tourist facilities. Every room here is going to be cramped. There are a lot of suggestions for this building, but this one will diminish our heritage, cost more money than available alternatives would cost and will crowd the building to the detriment of its governmental purposes. It will create a crowded museum and civic center of what should be preserved as a functioning legislative tool.

Mr. CASEY of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Speaker, I should just like to make one comment. We are talking about an issue that has been before us for years—whether to expand or restore the west front. In this regard I now refer to the comments just made by the gentleman from New York (Mr. STRATTON), in which he suggests to the House that a small group of people are going to sneak—and I use his word "sneak" something over on the House. Personally I resent this, and I think it is a very improper and incorrect way to refer to the distinguished gentlemen who have had this matter referred to them to make recommendations to this Congress.

I should also remind those who have some fear about something being "sneaked over" on them that there will not be a dime spent for either restoration or extension—and I hope it is extension—unless a line item appropriation comes before this House and the Senate, when you can vote it up or down.

Mr. CEDERBERG. I yield 2 minutes to the gentleman from Wisconsin (Mr. O'KONSKI).

Mr. O'KONSKI. Mr. Speaker, we are hearing a lot about secrecy in Government cost overruns and what not. I have been trying to get some information. I cannot seem to get it from anybody. Last year, for example, in this appropriation bill for the legislative body there was $450,000 that was a cost overrun in the restaurant of the other body, and after we made a thorough investigation of it, we found out that there was an additional $500,000 cost overrun in the restaurant of the other body, making the total a $900,000 loss in the restaurant of the other body. That amounts to $9,000 a year to feed one Member of the other body. I have been trying to get the information over here from members of the committee, and I went over to the headquarters over here.

Is there anybody here who can give me the information on what the cost overrun is of the restaurant in the other body? How much money is there in this bill to feed the Members of the other body? Does it run to $9,000 a year for each Member like it did last year? Is it more? Is it less? If it costs us $900,000 a year to feed 100 Members of the other body, over a period of 30 years that would build the west front that we are talking about here. Is there anybody here who can give me the information on what the cost overrun of the restaurant in the other body is, the amount of money involved in this bill? Is there anybody who can give me that information?

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. O'KONSKI. I yield to the gentleman from New York.

Mr. STRATTON. I cannot give the gentleman that information, but I can say that if we are going to put three or four more restaurants in the Capitol, then we are going to have a lot more overruns because of the fact that these House restaurants are only one-meal restaurants. They are not going to be a paying proposition.

Mr. O'KONSKI. Cost overruns and secrecy—here you have it at its very height.

Mr. CEDERBERG. I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I thank the gentleman from Michigan for yielding me some time.

At the outset let me say I favor restoration but not extension of the west front of the Capitol.

In the debate so far most of the emphasis has been on the need for more facilities for our constituents who visit the Capitol. It is argued that there should be more restaurant space. It is also argued there should be an auditorium to show a film of the Capitol prior to a tour. Then there was great emphasis placed upon the need for more comfort stations or toilet facilities.

Well, Mr. Speaker, there may be a need for more toilets in the Capitol but that does not mean we must spend either the $15 million figure or the higher figure of $60 million to achieve the objective of more toilet facilities. Let us install what we need but do not put the reason for the extension on the basis of need for a few more washrooms.

In consideration of the argument for more restaurant space and a place to show a movie to tourists and constituents before they tour the Capitol I was under the impression the reason we spent money on the old Union Station was to convert it into a Visitors Center. We have or will spend several million—perhaps as much as $40 million on the old station and I understand there is a place down there to show films of places of interest to our constituents. If it should be argued the Visitors Center is too far away from the Capitol then let us build some kind of tracked shuttle cars to the Capitol. We could even put in a little subway for less than the $60 million cost of extension of the west front of the Capitol.

Then if the imagined need for extension of the west front is to have more room for restaurants, let us not forget there is one across the street in the old Congressional Hotel which is equipped with a good kitchen and ready for use. This is owned by the Government and could be put into service immediately without any additional expense.

If the Congressional Hotel does not give enough dining room space maybe we could use some of the eating facilities in the third library, which we did not need, we could then at least make it useful as a place to eat even if it were not needed as a library.

Mr. Speaker, of course, the talk about more dining room space, more toilets and a movie auditorium is not the real issue involved. The real basic issue is whether or not this Congress is willing to start down an uncertain road toward a huge extension of the west front, adding as much as 270,000 square feet in a multistory structure and costing an estimated amount of $60 million when we have no way to know that it may run as much as $100 million.

Whether the figures that have been mentioned during the debate are accurate I do not know but one speaker pointed out that the cost to build a Holiday Inn is about $15 a square foot; to build a house in one of the finer residential sections of the city of Washington would be about $30 a square foot; the Rayburn Building cost about $50 a square foot; the new FBI building will run as much as $68 a square foot. But my colleagues, the best estimate that we have at the present time is that the extension of the west front of the Capitol may cost as much as $360 a square foot. Honestly, I do not see how we can justify such a cost at this time whatever the alleged advantages may be.

Because one opposes extension does not mean that he opposes restoration. We do want to restore the west Capitol, make it safe and be sure it will remain solid and strong throughout the years to come. I would hope, Mr. Speaker, that we might be able to take down the unsightly wooden supports which, in my opinion, were put there as a sort of propaganda measure by the preceding Architect of the Capitol in order to promote the west front extension.

A while back fears were generated that the vibrations produced by jet planes flying overhead would cause the west front to collapse. We know now that that kind of argument was just hogwash. The reason this is so is that the west side of the Capitol suffered quite a substantial blast, from a pretty good sized bomb that blew out several walls and corridors very near to where these wooden supports were placed. Yet this blast in the late winter of 1971 did not cause the west side of the Capitol to collapse.

The Praeger report estimated the cost of restoration at $15 million, and while it made many recommendations, there were five principal recommendations to the effect that there should be no extension of the west central front unless five conditions were established to the satisfaction of the Commission for the Extension of the Capitol. The important point of the Praeger report as I understand it is that in spite of some of the cracks and surface flaws, these do not impair the ability of the west front to continue to support the loads imposed upon it.

Equally important is the fact that the Praeger commission pointed out that the restoration could be accomplished without vacation of any of the Capitol space, whereas the extension plan would require vacating such space.

The other body has taken the lead to oppose this extension. Our side of Congress should act to recede from our former position and concur in the Senate amendment, which in this instance happens to be Senate Amendment No. 36. While the basic issue is between the choice of restoration and extension, another very important issue is whether or not this work is important enough to be settled by a vote of both Houses of the Congress rather than by the wishes of a handful of Members no matter how senior, that make up the Commission for the Extension of the Capitol.

This matter has been under vigorous debate for the past 6 years.

The report of the Commission has now proved to be completely false. The arguments advanced for the work on the west side in 1966 were that the Capitol was in imminent danger of collapse. We were told then that the Capitol could only be saved by an extension including 4 acres more of space. We were told it was impossible to repair the Capitol or prevent its collapse in any other way. But the Praeger report completely demolished all these arguments. The report said the Capitol was not in danger of collapse. The report concluded it could be restored much more satisfactorily than by extension and it would cost less than $15 million.

Mr. Speaker, whatever parliamentary situation might develop, let us all stand firm against covering up the last remaining visible portion of the original historical Capitol building built in 1800. The Capitol is more than the seat of government, and more than a national monument. It is a great heritage of our Nation. We should not lose the great work of William Thornton, Benjamin Latrobe, or Frederick Law Olmsted. Once extension begins there would be no opportunity for restoration. We should not let ourselves be led into the alteration of the west facade. Every Member of this body should vote to preserve our great heritage rather than to vote to create another Federal office building. Let us preserve the magnificent design of the west front. To do otherwise is to desecrate our great heritage.

Mr. CEDERBERG. Mr. Speaker, I yield back the balance of my time.

Mr. CASEY of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard the discussion, and in my opinion this will be a vote as to whether or not we will extend or try to restore the west central front. When we talk about restoring, again, is it just to keep the building in its present shape? Because, if it is, the sacred sandstone will not be there through restoration. We will have some new sandstone in the wall and a new coat of paint.

There has been a discussion as to whether or not we need additional space. Mr. Speaker, I think all the Members need to do is to look around and note what they see. There are four basic committees with rights to meet while the House is in session. One is the Rules Committee, which has been crowded, for years, and they tried to enlarge their space and had to push someone out of their room in order to get more office space. They still do not have enough room. They have to operate close to the Floor. We have the House Administration, Appropriations, and Ways and Means Committees which are also involved, and all are crowded. We should look around and see now little space is available for the official reporters of debate in their office. They are crowded together.

We need more rooms as we grow. There is no question about it.

The Tally Clerk and Journal Clerk are as crowded as the reporters. The Parliamentarian has one little room and, frankly, he has moved in on part of the Speaker's quarters. That is a little ridiculous.

As to the public, on one day, June 20 of this year, there were 26,219 visitors in the Capitol. Only 7,260 took the tour. We have talked about the Visitors' Center, everyone is not going to that Visitors' Center. The visitors are going to come here, and they want to see the Capitol in the limited time they may have. Restoration will not solve all these problems. It may alleviate some, but it will not solve the problems.

We have had a study of the increase in the number of visitors to the Capitol. As a comparison, we have had an average of anywhere from 10 to 28 percent increase per month this year over last year. There was only one drop, which was in February, and no doubt that was due to the weather. Last month we had a 20-percent increase. There were 120,222 visitors in June of 1971. On just half the month of June this year, we have had 93,914 visitors. We badly need adequate space to handle these visitors. The rotunda is crowded and cluttered. As I said earlier, these are not adequate facilities for our visitors.

The SPEAKER. All time has expired.

Mr. CASEY of Texas. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STRATTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 382, nays 8, not voting 42, as follows:

[Roll No. 239]

YEAS—382

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover

Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McClure
McCollister
McCulloch
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—8

Gross
Hall
Landgrebe
Latta
Miller, Ohio
O'Konski
Schmitz
Steiger, Wis.

NOT VOTING—42

Abbitt
Abernethy
Anderson, Tenn.
Baring
Betts
Blanton
Boggs
Broomfield
Burke, Fla.
Caffery
Chisholm
Clay
Colmer
Davis, S.C.
Dent
Dowdy
Dwyer
Erlenborn
Esch
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Hagan
Hansen, Idaho
Harsha
Hébert
Jones, Ala.
Karth
McCloskey
McCormack
McDade
McDonald, Mich.
Mosher
Moss
Pepper
Pirnie
Schneebeli
Teague, Tex.
Thone
Vander Jagt

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Pirnie.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Teague of Texas with Mrs. Dwyer.
Mr. Moss with Mr. McClosky.
Mr. Dent with Mr. Schneebeli.
Mr. Fulton with Mr. Harsha.
Mr. Blanton with Mr. Betts.
Mr. Anderson of Tennessee with Mr. Erlenborn.
Mr. Caffery with Mr. Broomfield.
Mr. Jones of Alabama with Mr. Esch.
Mr. Karth with Mr. Vander Jagt.
Mr. Pepper with Mr. Burke of Florida.
Mr. William D. Ford with Mr. McDonald of Michigan.
Mr. Fraser with Mr. Mosher.
Mr. Davis of South Carolina with Mr. Hansen of Idaho.
Mrs. Chisholm with Mr. Gallagher.
Mr. Clay with Mr. Dowdy.
Mr. Abbitt with Mr. Thone.
Mr. McCormack with Mr. McDade.
Mr. Abernethy with Mr. Hagan.

Mr. MILLER of Ohio changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. CASEY of Texas. Mr. Speaker, inasmuch as Senate amendments Nos. 1 through 29 relate solely to housekeeping operations of the other body in which, by practice, the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 1 through 29 be considered as read, printed in the RECORD, and considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments Nos. 1 through 29 are as follows:

(1) SENATE

(2) COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

(3) COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,778,340.

(4) EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

(5) SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

(6) OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $430,200.

(7) OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $54,130: Provided, That effective July 1, 1972, the Comptroller may appoint and fix the compensation of an auditor at not to exceed $18,130 per annum in lieu of a secretary at not to exceed $15,281 per annum.

(8) OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $206,165.

(9) OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $104,640.

(10) OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,650.

(11) OFFICE OF THE SECRETARY

For office of the Secretary, $2,244,230, including $99,974 required for the purpose specified and authorized by section 74b of title 2, United States Code: Provided, That effective July 1, 1972, the Secretary may appoint and fix the compensation of a third assistant parliamentarian at not to exceed $19,684 per annum, and a messenger at not to exceed $9,583 per annum.

(12) COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,696,705.

(13) CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

(14) ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $34,264,925.

(15) OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,633,250.

(16) OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $248,120.

(17) OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $473,810.

(18) CONTINGENT EXPENSES OF THE SENATE

(19) SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $309,770 for each such Committee; in all, $619,540.

(20) AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

(21) INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $511,460 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,848,545.

(22) FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.34 per hour per person, $74,475.

(23) MISCELLANEOUS ITEMS

For miscellaneous items, $6,532,150.

(24) POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, $320; and for air mail and special delivery stamps for the Office of the Secretary, $610; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355; in all, $138,625.

(25) STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate $385,800; and for stationery for committees and officers of the Senate, $17,200; in all $403,000.

(26) ADMINISTRATIVE PROVISIONS

The second sentence of section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j–4), is amended (1) by striking out "1972" and inserting in lieu thereof "1973", and (2) by striking out "specifically for such restaurants as a" and inserting in lieu thereof a comma and the following: "which shall be part of a".

(28) Effective July 1, 1972, the last paragraph under the heading "Administrative Provisions" in the appropriations for the Senate under the Legislative Branch Appropriation Act, 1971 (2 U.S.C. 46d–5), is repealed.

(29) For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. **CASEY** of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendments of the Senate numbered 1 through 29, inclusive, and concur therein.

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: On page 21, line 18, strike out:

"For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901, 5902); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $2,852,900, of which $50,000 shall remain available until expended: *Provided*, That there is hereby authorized to be established and maintained in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations."

And insert:

"For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902): personal and other services; cleaning and repairing works of art without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $4,411,000, of which $1,521,000 shall remain available until June 30 1974 to enable the Architect of the Capitol under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968, to make such expenditures as may be necessary, without regard to section 3709 of the Revised Statutes, as amended, to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers: Provided, That there is hereby authorized to be established and maintained, in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations."

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. **CASEY** of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); personal and other services; cleaning and repairing works of art and procurement of fabric and installation of same on the wall panels in the galleries of the Senate Chamber, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or convention in connection with subjects related to work under the Architect of the Capitol, $4,411,000, of which $1,521,000 shall remain available until June 30, 1974, to enable the Architect of the Capitol, under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968, and a similar group as may be appointed by the Speaker of the House, to make such expenditures as may be necessary, without regard to section 3709 of the Revised Statutes, as amended, to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers: *Provided*, That there is hereby authorized to be established and maintained, in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations."

The motion was agreed to.

The **SPEAKER**. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: On page 24, line 1, insert:

The sum of $74,000 of the $470,000 made available until expended under the heading "Senate Office Buildings" in the Legislative Branch Appropriation Act, 1968, is hereby rescinded.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. **CASEY** of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the first sum proposed by said amendment, insert the following: "$34,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 36: On page 24, line 5, insert:

The unobligated balances on June 30, 1972, in the following appropriation accounts, now available until expended, shall cease to be available for obligation on June 30, 1973:

Senate Office Buildings (excluding the $74,000 rescinded); Extension of Additional Senate Office Building Site; Structural and Mechanical Care, Library Buildings and Grounds; John W. McCormack Residential Page School.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum of $74,000 named in said amendment, insert the following: "$34,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 36:
Page 24, line 20, insert:

EXTENSION OF THE CAPITOL

Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however*, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House further insist on its disagreement to the amendment of the Senate numbered 36.

PREFERENTIAL MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. STRATTON moves that the House recede from its disagreement to Senate amendment numbered 36 and concur therein.

Mr. CASEY of Texas. Mr. Speaker, I request a division of the question.

PARLIAMENTARY INQUIRIES

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STRATTON. Is the request for a division of the question presumably to recede on one part and concur on the other part? Is this subject to a vote or something?

The SPEAKER. All of the motion is subject to a vote. The question is on the matter of receding from disagreement.

Mr. STRATTON. A further parliamentary inquiry, Mr. Speaker. If a Member is in favor of accepting the Senate amendment, then he would oppose the motion to divide on the vote. Is that correct?

The SPEAKER. This is not a question of voting on the division but a question of voting on the motion to recede.

Mr. STRATTON. A further parliamentary inquiry. My understanding is that if the motion to divide succeeds and passes, then it is possible parliamentarily to offer an amendment to the Senate amendment rather than to accept the Senate amendment. Is that not correct?

The SPEAKER. If the motion to recede from disagreement is adopted, then a motion to concur in the Senate amendment with an amendment is in order.

Mr. STRATTON. Then another further parliamentary inquiry, Mr. Speaker. If we want to accept the Senate amendment and conclude the conference, the way to do that is to vote down the motion to divide this particular question. Is that not true?

The SPEAKER. There is no question of division involved.

Mr. STRATTON. Mr. Speaker, I am confused. My original question was whether the proposal to divide the question into two parts was subject to a vote.

The SPEAKER. Division of a question is a right which any Member of the House enjoys.

Mr. YATES. Mr. Speaker, a parliamentary inquiry. At what point is it in order for the gentleman from New York to offer his motion to recede and concur with the Senate.

The SPEAKER. The motion is pending. The gentleman from Texas asked for a division.

Mr. YATES. Is it in order at this point for the gentleman from New York to offer his motion to recede and concur?

The SPEAKER. That motion is pending. The question is shall the House recede from its disagreement to the Senate amendment.

The motion was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. CASEY of Texas moves that the House concur in the amendment of the Senate numbered 36 with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

EXTENSION OF THE CAPITOL

No funds available under this appropriation shall be used to initiate construction of said project; for any preparation of the building site or the surrounding area for construction; or for any vacation of the building, until specifically appropriated for by the Congress.

The SPEAKER. The gentleman is recognized for 1 hour.

PREFERENTIAL MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Speaker, I offer a preferential motion. I move that the motion of the gentleman from Texas be laid upon the table.

The SPEAKER. That would carry the whole conference to the table.

Does the gentleman from New York insist upon his motion?

Mr. STRATTON. I do, Mr. Speaker. I move to lay on the table the motion offered by the gentleman from Texas (Mr. CASEY).

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STRATTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred seventy-nine Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 186, nays 206, not voting, 40, as follows:

[Roll No. 240]

YEAS—186

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Archer
Ashbrook
Aspin
Badillo
Bell
Bennett
Bergland
Biester
Blackburn
Brasco
Bray
Brotzman
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burton
Byron
Camp
Carey, N.Y.
Celler
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Diggs
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
Dwyer
Edwards, Calif.
Findley
Fish
Fisher
Flowers
Frelinghuysen
Frey
Fuqua
Gettys
Goodling
Grasso
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jones, N.C.
Keating
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lloyd
Long, La.
Lujan
McClure
McCollister
McCulloch
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mailliard
Mann
Mathias, Calif.
Mayne
Mazzoli
Miller, Ohio
Mitchell
Montgomery
Nedzi
Nichols
O'Konski
Pelly
Peyser
Pike
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Rees
Reid
Reuss
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rosenthal
Roush
Runnels
Ruppe
Ryan
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Shipley
Shoup
Smith, Calif.
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Teague, Calif.
Terry
Thompson, N.J.
Thone
Tiernan
Udall
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whitehurst
Widnall
Wylie
Yates
Young, Fla.
Zion
Zwach

NAYS—206

Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Baker
Barrett
Begich
Belcher
Bevill
Biaggi
Bingham
Blatnik
Boland
Bolling
Bow
Brademas
Brinkley
Brooks
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.

Byrne, Pa.
Byrnes, Wis.
Cabell
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clark
Clausen, Don H.
Collins, Ill.
Colmer
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dickinson
Dingell
Downing
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flynt
Foley
Forsythe
Fountain
Frenzel
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Halpern
Harsha
Harvey
Hawkins
Hays
Henderson
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Kluczynski
Landrum
Leggett
Lennon
Lent
Link
Long, Md.
McClory
McCormack
McEwen
McFall
McKay
Madden
Mahon
Mallary
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Perkins
Pettis
Pickle
Poage
Podell
Price, Ill.
Pucinski
Purcell
Quillen
Rangel
Rhodes
Riegle
Roberts
Robison, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Roy
Roybal
Ruth
St Germain
Sandman
Saylor
Schwengel
Scott
Sebelius
Seiberling
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Steed
Steele
Stephens
Stubblefield
Sullivan
Symington
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Ullman
Van Deerlin
Vander Jagt
Ware
Whalley
White
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yatron
Young, Tex.
Zablocki

NOT VOTING—40

Abbitt
Abernethy
Anderson, Tenn.
Baring
Betts
Blanton
Boggs
Broomfield
Burke, Fla.
Caffery
Chisholm
Clay
Davis, S.C.
Dent
Dowdy
Erlenborn
Esch
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Hagan
Hébert
Karth
McCloskey
McDade
McDonald, Mich.
Martin
Moorhead
Mosher
Moss
Passman
Pepper
Pirnie
Powell
Schneebeli
Springer
Teague, Tex.
Wiggins

So the motion to table was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Abbitt for, with Mr. Pepper against.

Mr. Baring for, with Mr. Hébert against.

Mr. Clay for, with Mr. Boggs against.

Mrs. Chisholm for, with Mr. Fulton against.

Mr. Betts for, with Mr. Dent against.

Mr. Gallagher for, with Mr. Gerald R. Ford against.

Mr. Burke of Florida for, with Mr. Pirnie against.

Until further notice:

Mr. Teague of Texas with Mr. Broomfield.

Mr. Karth with Mr. Erlenborn.

Mr. Moorhead with Mr. McDade.

Mr. Davis of South Carolina with Mr. Esch.

Mr. Blanton with Mr. McCloskey.

Mr. Anderson of Tennessee with Mr. Martin.

Mr. Abernethy with Mr. Schneebeli.

Mr. Moss with Mr. Mosher.

Mr. Passman with Mr. Powell.

Mr. William D. Ford with Mr. McDonald of Michigan.

Mr. Fraser with Mr. Springer.

Mr. Caffery with Mr. Wiggins.

Mr. Hogan with Mr. Dowdy.

Messrs. ASHLEY, ULLMAN, LONG of Maryland, MADDEN, BRADEMAS, LEGGETT, BINGHAM, FRENZEL, and BOLAND changed their votes from "yea" to "nay."

Mr. DOW and Mr. GROVER changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Texas (Mr. CASEY) is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, will the gentleman from Texas yield for a parliamentary inquiry?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. STRATTON. Mr. Speaker, the parliamentary inquiry is, How much time do we have under this particular motion?

The SPEAKER. The gentleman from Texas has 1 hour of time on the motion.

Mr. STRATTON. If the gentleman from Texas were to move the previous question, that would cut off debate; would it not?

The SPEAKER. If it were carried, it would.

Mr. STRATTON. Mr. Speaker, if the motion offered by the gentleman from Texas does not carry; what is the parliamentary situation then?

The SPEAKER. The next vote would be on the motion of the gentleman from New York to concur in the Senate amendment.

Mr. STRATTON. That is the motion to concur in the Senate amendment?

The SPEAKER. Yes.

Mr. STRATTON. I hope we will have an opportunity at least to discuss this before we move to the vote.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. YATES. Would the gentleman from Texas tell the House the difference between the position taken by the gentleman, as stated in the amendment which was read to the House, and the Senate amendment?

As I understand the difference, your amendment provides for the Congress being able to vote upon the provision of funds only for construction or building.

In the Senate case, no action can be taken on either plans or construction.

Mr. CASEY of Texas. No. If the gentleman will let me proceed, I will try to tell you the difference and just what I am trying to accomplish.

Mr. Speaker, where we are is that the gentleman from New York is trying to persuade the House to accept the language placed in our bill by the Senate.

Mind you, there were $2 million appropriated—not in this bill but in a prior bill—for plans, as and when the commission decided whether there was going to be a restoration or an extension.

The commission decided it was more feasible, that we would get more for the money, and that we needed the space, so they voted unanimously for the extension.

The $2 million that has been appropriated is not for construction: it is for plans. Those who are opposed to any extension—and the chairman of the subcommittee in the other body is definitely wholly opposed, and has used some pretty ridiculous language, in my opinion, with reference to the commission and other Members of the House in public print and on TV. So he put this amendment in the bill. Read it carefully:

> Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided*, however, that no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

The gentleman from New York in his circular letter that he sent to you—you will read it—states that we have plans, and we do have some preliminary plans. All we wish to do is to go ahead with the final plans so that you Members can look at them, and there will be plans that you can get some bids on, or at least some good estimates on. You cannot estimate on preliminary plans. Then you can determine whether or not you wish to appropriate the money for the extension.

The gentleman from New York and the gentleman in the other body have been saying that we are trying to sneak something over on them, that we are going to get out here and start digging holes, and start vacating the west central front, and start tearing some of it down, and then come in and say, "Well, we have got this far. You have got to go ahead."

To make sure that you know that all we wish to do is to get the plans, I offered this motion to concur with an amendment, and I took practically the same language that was proposed by the Senate, with the exception I would delete this limitation to preliminary plans, for we already have them. My amendment simply states in lieu of this language:

> No funds available under this appropriation shall be used to initiate construction of said project for the preparation of the building site or the surrounding area for construction, or for any vacation of the building until specifically appropriated for by the Congress.

If that does not protect you from anyone, regardless of who they are, who wishes to sneak out at night and start digging holes and tearing down the building, I do not know what will.

Mr. YATES. Will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Illinois.

Mr. YATES. The Senate language says this:

> Funds under this appropriation may be used for the preparation of preliminary plans for the extension of the West Central Front.

That money is now available. The Senate language goes further and says:

> *Provided, however,* That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

There are extra words in the Senate provision, and those words are "of the final plans." Those words are missing from the gentleman's amendment; is that not correct?

Mr. CASEY of Texas. That is right. I am not trying to kid you a bit. I want them to go ahead with the final plans so we can see just what they are going to put in there, what the space requirements will be and what it is going to cost. The gentleman from New York estimates $70 million. We got an estimate of $60 million. You will not know until you get specific plans—the type of construction, the material that is going to be used—and then you can have construction firms give you an estimate or a firm bid.

Mr. YATES. Will the gentleman yield further?

Mr. CASEY of Texas. I yield to the gentleman from Illinois.

Mr. YATES. In other words, if a Member were to favor restoration, he would vote against the gentleman's amendment?

Mr. CASEY of Texas. Of course not, if he is like you and like the gentleman from New York and does not want to extend and does not want any more space, but wants to leave it with a painted wall so it does not match the rest of the building—surely, go right ahead. The whole issue is whether or not you want to prepare this building for the next 100 years instead of letting it sit here with a painted wall.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the distinguished chairman of the Appropriations Committee.

Mr. MAHON. Mr. Speaker, I am not so concerned about the viewpoint of the other body. I, as a Member of the House, am more concerned about what the House thinks. The House has been accused of trickery and gimmickry, a most improper accusation. It is up to Members of the House to make up our own minds as to what should be done about the west front.

The gentleman from Texas is proposing that we do nothing more than make the plans and then we look at the plans to see if we want to go forward.

Mr. Speaker, I support the gentleman's position.

Mr. ROUSH. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Indiana, a member of my committee.

Mr. ROUSH. Of course, I would agree with the chairman of the full committee that I do not want to be a part of any chicanery nor do I intend to be.

There is another question and that is whether we are going to let the Senate lead us or whether we, in this House, will express our own will on this matter.

I would ask the gentleman in the well with regard to his amendment whether there are any funds in this bill which relate to the construction or extension of the west front of the Capitol Building?

Mr. CASEY of Texas. There are none in this bill.

Mr. ROUSH. That being the case, I cannot understand the gentleman's amendment. He states:

> No funds available under this appropriation shall be used to initiate . . .

It would seem to me that the purpose of this statement is to avoid a direct confrontation on this issue and that the amendment, as proposed by the Senate, is, indeed, different. It is different in this regard. The preliminary statement does refer to funds available under this appropriation, but it continues on to say:

> *Provided,* however, that no funds may be used for the preparation of final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

It is this language which makes the Senate amendment so very different than the amendment of the gentleman from Texas.

It seems to me it is on that issue now that this House should be voting and not on the amendment that the gentleman offers, which is my opinion, I say this respectfully, because the gentleman knows I have a high regard for him, means nothing, Mr. Speaker.

Mr. CASEY of Texas. I will say to my friend, the gentleman from Indiana, that we have some carryover funds, $2 million, that were originally appropriated for the purpose which could have been used, frankly, possibly for construction under the 1970 appropriation.

The reason I am excited is because the limitation that was placed over here on the Senate side applies to these funds. It allows the use of these funds for preliminary plans which we already have, and it provides that these funds that are available could not be used for preparation of final plans. The decision has been made. If we do not agree that we should even have final plans to look at before we appropriate money for actual construction—and that is the gentleman's position. I know—go right ahead. I respectfully disagree with the gentleman, or I would not be in this well.

Mr. ROUSH. If the chairman will yield further, would the gentleman agree that his amendment does nothing to preclude the use of the $2 million, and that his amendment applies to limitation of the funds in this appropriation bill only?

Mr. CASEY of Texas. It is the same language in the Senate amendment.

Mr. ROUSH. I respectfully disagree.

Mr. CASEY of Texas. It is amendment No. 36.

Mr. ROUSH. However, if the gentleman goes on to the proviso clause, it makes no reference to this appropriation, and it says, "No funds shall be used" and it specifies the purposes for which they shall not be used.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, the amendment is headed, "Extension of the Capitol." It says, "No funds available under this appropriation"—and this appropriation is a continuing appropriation, available without fiscal year limitation:

> No funds available under this appropriation shall be used to initiate construction of said project; for any preparation of the building site or the surrounding area for construction; or for any vacation of the building, until specifically appropriated for by the Congress.

We should vote for the amendment of the gentleman from Texas whether we are for or against extension of the west front. We need better plans which will enable us to make an informed judgment, and voting for the gentleman's amendment does not commit one to be for the construction of the west front extension project.

Mr. CASEY of Texas. That is absolutely right. The distinguished chairman of the full committee is absolutely right. If anyone votes for this, it does not mean he is bound to vote for construction funds after he sees the final plans and knows what they involve.

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I thank the gentleman for yielding.

I believe it is important to understand what we went through in the conference, and what we went through prior to the conference, in previous years.

Certainly no one on this subcommittee, or in the House that I know of, wants to take a position of trying to trick somebody or to hide something or to sneak something through. I am sorry this has been raised. It was raised in the other body, and raised in our conference, and I am sorry for it.

I am in favor of the extension of the west front, but I do not want that done until every person in this House has an opportunity to see the final plans, upon which good estimates can be based as to cost.

I believe that everybody who is here talking today, when we make the final decision about the extension or the renovation of the west front, ought to have as much knowledge and information as he can have. That is what we are asking to do.

One of the most difficult things in this conference committee which came up was the question of preliminary plans. That is what is involved in the question of the Senate language.

We told the people from the other body that there were preliminary plans, and that there had been preliminary plans for some time; and, frankly, they were amazed. They did not believe preliminary plans existed. We asked them to recess with us and to go down to look at the plans, and finally they did.

It is my understanding they now do concede we have preliminary plans, but they are just preliminary. Nobody is asking the House or the Senate to go ahead and start construction in this institution.

We want all Members to be advised as well as possible, and Members cannot make a proper decision until they can have final plans to see what the cost estimates are. Then they will clearly come before the Members in an authorization or construction appropriation in the future.

I hope the Members will support the committee.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. If the gentleman does not mind, I will give him some time.

Mr. STRATTON. If the gentleman will give me some time, I would appreciate it.

Mr. CASEY of Texas. The gentleman initiated this, and I believe he is entitled to some time.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Michigan.

Mr. CEDERBERG. As a member of the subcommittee, I want to concur in the statements made by the gentleman from Colorado. I believe he stated this question very effectively.

Unless there be any doubt among any of the Members here that any of this money is going to be spent for construction, we want to assure the Members, as members of the subcommittee, that is not going to happen.

It is specifically stated here that this money, as the chairman of the subcommittee said, is for the final plans. We have to have some final plans before we know what we are going to do. We will have to come back to ask for the appropriation, and Members can take a look at that before they make up their minds.

The distinguished Speaker of the House is the chairman of this commission, and I am confident he will see that the Members have some assurance on this matter.

Clearly we are not trying to do anything here at all except in the future to give the Members of this House an opportunity to make a more intelligent decision before we go ahead with the final decision on the construction of the west front, which I happen to favor.

I believe that is a wholly reasonable position, and one which we should be able to sustain. I hope the position of the chairman of this subcommittee will be sustained.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Georgia.

Mr. LANDRUM. How much of the $2 million originally appropriated for plans is now available?

Mr. CASEY of Texas. Well, the $2 million, the full amount, is available. There was some additional money which was used for the study.

Mr. LANDRUM. Under the language proposed by the other body to be carried in this bill, that $2 million or whatever part of it is still available could not be spent to develop any final plans under that language; is that true?

Mr. CASEY of Texas. That is true, or I would not be standing in this well.

Mr. LANDRUM. But the money is already appropriated.

Mr. CASEY of Texas. The money is already appropriated.

Mr. LANDRUM. As the gentleman from Colorado so clearly stated, no decision can be made by this body or the other body until final plans are available. Is that right?

Mr. CASEY of Texas. I am in favor of the extension now, but when they come up with the final plans I might not be if the space is not utilized as I think it should be.

Mr. LANDRUM. And the money is already appropriated to develop the final plans. Is that right?

Mr. CASEY of Texas. That is right. And those opposed to extension do not want you to do anything.

Mr. LANDRUM. And the commission voted unanimously to have plans developed?

Mr. CASEY of Texas. That is right.

Mr. LANDRUM. And I assume the commission is proposing the plans be submitted to the Congress.

Mr. CASEY of Texas. They will have to be if we will get the money for construction unless the Speaker and the commission, as some seem to intimate, are going to go out in the dark of the night with a shovel to start it up. That is all I can think of.

Mr. LANDRUM. Will the gentleman tell me if I am correct that the commission is made up of the distinguished Speaker of the House of Representatives, the majority leader, and the minority leader of the House of Representatives, the Vice President of the United States, and the majority and minority leaders of the other body?

Mr. CASEY of Texas. And the Architect of the Capitol.

Mr. LANDRUM. Yes; and the Architect of the Capitol.

And a unanimous decision by that group is to develop final plans under money already appropriated?

Mr. CASEY of Texas. Yes, sir.

Mr. YATES. Will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. YATES. The gentleman said those of us who opposed extension just want to do nothing. May I say respectfully that those of us opposed to the extension nevertheless favor restoration of the west front. We believe something must be done but it should be restoration, not extention.

Mr. CASEY of Texas. Oh, no, I did not want to leave that impression that the gentleman has.

Mr. MAYNE. Will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. MAYNE. I thank the gentleman for yielding.

The gentleman has repeated the assurance to us now that no construction will proceed and in that he was joined by the gentleman from Michigan, but I have heard no such assurance as to any demolition proceeding. I would like to have such assurance from the gentleman at this time.

Mr. CASEY of Texas. If you read the amendment, it says:

> No funds available under this appropriation shall be used to initiate construction of said project; for any preparation of the building site or the surrounding area for construction; or for any vacation of the building, until specifically appropriated for by the Congress.

Mr. MAYNE. Then, do we have the gentleman's assurance there will be no demolition without this body having a further opportunity to vote on the entire issue?

Mr. CASEY of Texas. You have the assurance from me, as I say, unless the distinguished Speaker on a dark night goes out with a shovel and starts in.

Mr. MAYNE. I thank the gentleman.

Mr. WILLIAMS. Will the gentleman yield to me?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. WILLIAMS. I thank my distinguished colleague from Texas for yielding. I would like to ask a question.

Under your amendment would the final plans for the extension of the west front of the Capitol be prepared?

Mr. CASEY of Texas. Would the west front be what?

Mr. WILLIAMS. Under your amendment would the final plans be prepared for an extension of the west front?

Mr. CASEY of Texas. That is right.

Mr. WILLIAMS. I would like to suggest this, then, to the Members of this House. We have just recently hired a new Architect of the Capitol, Mr. George M. White, a registered architect and a member of the American Institute of Architects, with an excellent reputation throughout this country. After carefully studying the report I found certain ambiguities and certain things in the report which in my opinion did not support the conclusions of the treasurer's report. Therefore, I wrote to the Architect of the Capitol, Mr. George White, and asked him for his opinion. He sent me back these documents which I hold in my hand and in which he takes a very strong position on the extension of the west front as opposed to the reconstruction or restoration of the present west front. I would suggest every Member of this House get a copy of these documents and read them, because if we are hiring a professional man, a registered architect, to be our adviser, we certainly should heed his advice.

I thank the gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. CASEY of Texas. I would like to inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman has consumed 21 minutes.

Mr. CASEY of Texas. Mr. Speaker, I yield such time as he may use to the Speaker of the House.

Mr. ALBERT. Mr. Speaker, the House today is called upon once again to affirm the action it has previously taken and provide funds for the preparation of final plans for the extension of the west front of the Capitol Building. The House has previously acted on this matter and acted affirmatively.

Mr. Speaker, I, like my predecessors, Speaker Rayburn and Speaker McCormack, have supported, and I do support the extension of the west front of the Capitol. That view is shared by the distinguished gentleman from Louisiana (Mr. Boggs) the majority leader, and the gentleman from Michigan (Mr. Gerald R. Ford) the minority leader, both of whom are absent today but both of whom have been strong and vocal advocates of extension. We believe it vitally important that the House confirm its previous position on extension of the west front. We believe it vitally important that the House not give in on this issue. I hope the House today will support the Committee on Appropriations and the House leadership.

As chairman of the Commission for the Extension of the Capitol, I want to take a few moments today to attempt to clarify and correct some of the apparent misconceptions which exist concerning the proposed west front extension.

First, there seems to be some suggestion that the Commission for the Extension of the Capitol has acted unfairly, clandestinely—in some kind of extralegal fashion—in directing the Architect of the Capitol, under its authority as set out in Public Law 91-145, to proceed with the preparation of final plans for extending the west central front. That action of the Commission was agreed to by all seven members of the Commission after consideration of the restoration study which was made in accordance with the terms of the 1969 legislation and after consideration of the professional judgments of the Architect of the Capitol, who is one of the outstanding members of his profession. Public Law 91-145, the Legislative Appropriations Act for fiscal year 1970, provided $2 million for the preparation of final plans for the extension of the west front and was approved by the House of Representatives after full floor debate and after extensive hearings by the Committee on Appropriations. In conference the two Houses agreed that the funds appropriated for preparation of the final plans would not be obligated unless the restoration study was undertaken and five enumerated conditions were met.

The restoration study was prepared and submitted in January 1971. Several times during 1971 the new Architect of the Capitol and I discussed the need for the Commission to review the restoration report. I advised the Architect that the Commission would want his candid and well-considered advice and his professional judgment on the restoration study and the overall question of the west central front. He indicated he was making an intensive study of the entire question so that he would be in a position to offer his professional judgment and recommendations at the appropriate time.

Early in March 1972 he informed me that Members of the other body had inquired when the Commission was going to meet and render a decision and that he felt ready to provide us with his recommendations and professional judgment. I arranged a meeting of the Commission as quickly as possible and all members where present at the meeting on March 8, 1972.

At that time the Architect of the Capitol testified that in his judgment and from the information he had obtained from some of the most reputable general contractors in the country that there was no way two of the conditions specified in Public Law 91-145 could be met: First, that the cost of restoration would not exceed $15 million; and second, that the method of accomplishing restoration can be so described and specified as to form the basis for performance of the restoration work by lump-sum, competitive, fixed-price construction bid or bids.

Further, the Commission had before it for consideration what was in the best interest of the building, the Congress, and the people of the country, especially in view of the need for additional space in the Capitol of which I have first-hand knowledge and of which many of you are also aware. After considering the testimony, the report, asking questions, examining the model and drawings of the proposed west front, the Commission voted unanimously and without exception in favor of proceeding with the final extension plans in accordance with the 1969 legislation.

I believe this demonstrates amply that the Commission did not act hurriedly or in some sinister and conspiratorial fashion on this matter. It has been suggested that the Commission is attempting to thwart the will of Congress and is attempting to deface a national monument. This is, of course, patently false and to give credence to such a notion is simply to ignore the facts.

There is ample justification for the extension of the west front. We badly need space for our legislative operations on the House side of the Capitol. The crowded conditions which exist now for the use of the House and for the public are deplorable. Certain committees have a need to have meeting rooms in close proximity to the legislative Chamber. Joint committees, commissions, and conference committees require an increased capacity in the physical requirements for meeting rooms and require a place to meet in close proximity to both legislative Chambers.

This building is a national shrine. It is also very much a working building which must serve the needs of the Congress of the United States, the people who work in this building, and the American people. The Capitol has been altered many times as the needs of Congress have changed and there is no reason why our present-day needs should not be met by the proposed extension.

As our legislative responsibilities daily increase, it seems to me unthinkable that we should penalize ourselves and the country by not extending the west front. I hope the House will vote overwhelmingly in support of the motion offered by the distinguished gentleman from Texas (Mr. CASEY), and to reaffirm its position on construction of the west front of the Capitol and allow the preparation of final plans for the proposed extension.

Mr. CASEY of Texas. I know one thing that influenced the last vote was the belief that the cost of extension would be over $300 a square foot. I would say comparing cost of construction of a work of art, which the extension of the west central front would be, with the cost of construction of a Holiday Inn or of a home out here on Massachusetts Avenue is a little ridiculous. The same would be true in comparing it even with the FBI building—because if we extend it, we want it to conform to and enhance the looks of this Capitol and not detract or downgrade its appearance.

If you look at the renderings of the west front as extended that is in the Speaker's Lobby you will see how attractive it would be. We have a model in Statuary Hall which includes the extension and many people do not realize that is the way it is proposed to look after the extension.

The highest estimates of cost of the overall project that we have—building costs and all—is $222 a square foot.

When you just take the usable space without the area surrounding that has to be taken care of—the figure is $172 a square foot.

So bear that in mind. Frankly, not a dime is going to be spent for construction until you get a chance to look at the final plans and then you can decide if you actually want to spend the money.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. DENNIS. Although the gentleman assures us that no funds will be paid for construction, nevertheless insofar as his amendment is concerned it deals only with funds available under this appropriation and in nowise touches the $2 million on hand. Therefore, I am sure the gentleman will agree with me that his amendment will not prevent the use of that $2 million for construction.

I am asking you if that is not true?

Mr. CASEY of Texas. We discussed this matter a while ago. I shared the view that this was a carryover fund. The chairman of the full committee assured everyone that it is a continuing situation.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. CEDERBERG. Is the gentleman from Indiana saying that he does not take the Speaker at his word?

Mr. DENNIS. If the gentleman will yield to me, I said no such thing. But I am saying—when you have an amendment which deals only with funds available under this appropriation and it does not touch the $2 million you have already available, it is not saying anything about construction.

Whereas, the Senate amendment says very plainly that no funds shall be used for construction. As my friend from Indiana (Mr. ROUSH) pointed out, that is the difference.

Mr. CASEY of Texas. The amendment does not say that.

It says that the funds available under this appropriation and the appropriation is a continuing year-to-year thing.

Mr. CASEY of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman giving me 5 minutes out of an hour.

This has been the history of this question in the past. One side has been presented and we are fighting the establishment, I suppose, although a few moments ago, I notice—we came within 20 votes of winning on the last vote, and that was a confused parliamentary situation, to say the least.

I do hope the gentleman will yield me just a few more minutes to try to present the other side because there has been a good deal of confusion and a good deal of glossing over what the real issue is.

Mr. Speaker, I recognize that Members are getting restless and they want to vote.

But I think the fair thing is to try to see the other side. I apologize for the somewhat confusing parliamentary situation that we were in on the last vote. But we are told in this body to bring our amendments to the other side and we are told to discuss them with the parliamentarian, but somehow when things get tight they spring these fancy parliamentary moves on you at the last minute. I think perhaps if we had had a vote on the real issue, we would have gotten a majority; and I think we are going to have an opportunity on this next vote to determine how this House stands on the real issue.

Now the real question, I think, as I posed it earlier is not what the Congress did back in 1954 and 1955 in setting up an elite body to make these decisions for us, but in today's world, whether this House and the Senate can vote to extend—or not to extend. With all due respect to the Speaker—and I have been one of his staunchest supporters in and out and on some of the tough issues in particular—I have battled on this question against previous speakers. But something is wrong today in a body where when someone wants to increase the pay of a district judge in the District of Columbia, the House and Senate have to vote upon the issue, but when the extension of the Capitol comes up, that issue can be decided by five men and one architect who voices the individual opinion that he does not think a $200,000 report filed by a most prestigious structural engineering firm in the country means anything; and so on the say-so of one man, who is not an engineer, and also happens to be on the payroll, and whose view was the opposite before he went on that payroll, we throw the technical report away and do just what was wanted to be done originally anyway. Something is wrong in that kind of procedure.

Now, the gentleman from Texas says all we are going to do if his amendment passes is spend $2 million for final plans. But why should we spend $2 million for extension plans if we do not want to extend the Capitol? This is what the basic question is. Let us decide, first of all, whether we are going to extend the Capitol, and then we can go into the final plans. But not the other way around.

The statement has been made, "Well, we have already decided that. We cast a vote back in 1955. And we had another vote back in 1969". Ah, but the 1969 vote was taken before we had this Praeger report before us which I put in the CONGRESSIONAL RECORD the day before yesterday, and which is available to you, and which said that all the arguments used by the gentleman from Iowa (Mr. SCHWENGEL) and others in support of the extension the last time were fallacious, and the building was not going to fall down, and we could restore it much more cheaply.

So why do we not decide here in this body today whether we wish to extend or whether we wish to restore? Let us have the vote on that. I do not want to have to vote on having to lay on the table any more than anybody else does; but we seem to be running into a lot of parliamentary maneuvering here today to avoid the question of whether we are going to recede and concur in the Senate amendment or not.

Here is what the gentleman's amendment from Texas would do:

> No funds available under this appropriation shall be used—

Et cetera, et cetera. But as the distinguished gentleman from Indiana (Mr. DENNIS) made clear just a moment ago, there are no funds in this appropriation. The real question is, what do we do with the $2 million that is already in the kitty? Why should we spend it for extension? We all know what extension is going to look like. We do not need any more plans. But why should be spend money for plans for a project that is going to cost $368 a square foot if we decide that we do not want that kind of project. So let us take that vote.

Why are the managers on the part of the House so worried about this? Why is the distinguished gentleman from Texas, the chairman of the Appropriations Committee, so anxious to spend $70 million of the taxpayers' money when we can do the job that needs to be done for only $15 million?

I wish to complete my point, and then I shall be glad to yield. What worries me is that we could wake up some day to be confronted with a fait accompli.

We have had statements here this afternoon that nothing is going to be done, that there is not going to be any vacation of any office space; there are not going to be any drillings. But, as a matter of fact, I have researched the background of the Rayburn Building, and I remember a Member of the Congress rising in 1955 to try to oppose construction of the Rayburn Building. He was told he was out of order that he spoke too soon. Then 3 years later when he tried to object to it, they ruled that his motion had come too late. That is what I am afraid will happen on this west front matter if we do not accept the modest, innocuous Senate language.

What is so wrong a simple vote—unless of course you look at the close vote we had a moment ago. If the vote occurs on the real issue maybe the votes might be on our side for once rather than on the other side.

If we need toilets, if we need restaurants, if we need movie theaters, we can build them much more cheaply elsewhere, and we have already got a $40 million investment down the street in the Union Station's new National Visitors Center.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. GUBSER. The gentleman from Texas has indicated that under his amendment we would have a choice. Am I correct in saying that that choice will not be between restoration and extension because the final plans will be formulated only for an extension?

Mr. STRATTON. That is correct.

Mr. GUBSER. So the choice will be for extension or nothing at all?

Mr. STRATTON. That is correct. There will not be any choice. All you will be confronted with under the gentleman's amendment is a request for appropriations.

Let us get this clear. The Senate language is absolutely clear. It states—and this was discussed at the time the Senate debated the question—

> No funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

That "No funds" does not mean the funds in this bill. It means the $2 million that is sitting around in the kitty.

If we are so anxious to help the taxpayers, let us have a vote and decide which way we want to go. If we do not want to go the route of extension, it would be an utter waste of the taxpayers' money to spend $2 million for final plans.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I have heard this afternoon that this extension is necessary to meet the needs of Congress. I am very concerned that the needs of the Congress be met for all kinds of space, staff, services and facilities we do not have now. Does the gentleman in the well know of any professional survey that has ever been done to determine exactly what are the office space, staff, services facilities and equipment needs of the Members of Congress? Has there ever been a survey done by a qualified management consultant?

Mr. STRATTON. You are right. There has been no such survey. Efforts have often been made to get such a survey done. But they have always been blocked. As the gentleman from Indiana (Mr. ROUSH) has pointed out, we have a great deal of unused space still in the Capitol, and we might have enough even to provide the rest facilities that have been previously alluded to.

Mr. YATES. Mr. Speaker, if the gentleman will yield. If we are opposed to the extension, we vote this down?

Mr. STRATTON. That is correct.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield the gentleman from Ohio such time as he may consume.

Mr. BOW. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Texas. We have been through this many times. We have heard the same arguments time and time again. I recall when we passed the original authorization. What is being attempted today by the action of those opposed to this bill is to repeal existing legislation. Congress passed this legislation, and it was by a rollcall vote, in which we authorized that this be done. What we are being asked to do today is something that should not be done, and that is in an appropriation bill, a conference report, we are being asked to repeal existing law. What we are actually doing here to the existing law is writing in a limitation that none of the funds shall be used for construction or for preparing the site—nothing but plans.

Let us follow the laws which the Congress has passed. Are we going to expect every Congress that comes in here to change the existing law each year? We have done it several times. The law is on the books now. All we are asking for is that we now vote for this amendment so we can have final plans, so we can come to the Congress.

Unfortunately, I will not be here to come to the Members, but I will be hoping that, when we have the final plans, the Members will finally conclude to build the west front. I am for it, I admit that; I have great confidence in this Building Commission and the distinguished Speaker and the distinguished minority leader and others and those in the other body who have given careful consideration to this. Under existing law, the law which the Congress has passed, they are acting. Why do we repeal that law today? Why do we do anything today which shows we may not have confidence in the leaderships we set up in the existing law?

So I am pleading with the Members of the House to adopt this amendment offered by the gentleman from Texas. We are not going to disturb a brick or a single thing in this building. We are only going to proceed in an orderly manner, an orderly fashion, to find out whether or not this should be done. Then we will have a chance to say "Yes" or "No" when the appropriation bill comes in. If the Members should say "No," then the action can be taken to amend the laws to provide for the restoration. But, under the existing law, this is a proper amendment. This ought to be passed on. I urge my colleagues to vote in favor of the amendment offered by the gentleman from Texas.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. SCHWENGEL. Mr. Speaker, I will take just a moment to dwell on two very important points. Members have heard me say a number of times on the House floor that I was against the east front and west front. I have changed my mind based on the study, and I have said that before, and I will not say it again. But there have been some Members, some people almost accusing the Commission of trying to hide something, and not being in line with the desires of the Members of the House. I say to the Members, even when I was almost viciously against both the east front and the west front, I never failed to get the complete cooperation of the members of the Commission to get the information I wanted.

Never have I seen them turn a deaf ear to a suggestion or to a question. So I want to underscore that there is reason to have faith in this Commission, a statutory group the Speaker and others already have spoken of.

There is one other thing. People have spoken of the Architect. We have an Architect who is an architect now. He was once vice president of the AIA. He was vice president when he was selected to be the Architect of the Capitol.

He was against extension, but he promised the President he would come here with an open mind and that he would look at the proposition. He has studied it in depth. He has changed his mind.

This is one of the great architects of the world, not only of the United States. We are fortunate to have George White as Architect. He has a strong feeling for history.

I appeal to the Members to support this amendment, because it will be money well spent; $30 million will have to be spent for restoration, if that is the route we go, and then we would have to do it again in 20 or 30 years.

I believe the thing to do is extend it now. I hope you will vote for the amendment.

Mr. ROUSH. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Indiana.

Mr. ROUSH. Mr. Speaker, in view of the statements which have heretofore been made by previous speakers I would like to discuss at length the matter before us.

In 1969, amid cries of alarm that the west front was disintegrating, Congress commissioned a private study to determine the feasibility of restoring the west front so that the findings could be utilized by the Commission for Extension of the U.S. Capitol. It was agreed that restoration would not be the route taken if five specific points, which have been listed too often to require further enumeration here, could not be met. The feasibility report, performed by the prestigious firm of Praeger-Kavanagh-Waterbury of New York City, was submitted to Congress in 1971. It concluded that all five conditions necessary to restoration could be met. It languished with the Commission until March 8 of this year when Congress was suddenly informed that the Praeger-Kavanagh-Waterbury findings were apparently inaccurate and that extension would go forth.

There has been no official comment from the Commission yet as to why it found the Praeger report erroneous. We receive some clue as to what occurred during deliberation on restoration from the Senate debate held on the legislative branch appropriation on March 28 of this year, however. Senator MANSFIELD's comments, beginning on page 10551 of the CONGRESSIONAL RECORD for that date, indicated that the Commission simply accepted the word of the current Architect of the Capitol that requirement No. 1 of those five requirements possibly could not be met, that requirements Nos. 2 and 5 were accurately assessed in the Praeger report, and that requirements Nos. 3 and 4 could not, in his opinion be accomplished. In short, it appears that the Commission members simply acquiesced to the opinion of Mr. White, ignoring the findings of not only one, but two, skilled professional groups. A handful of men who are neither architects nor engineers decided to overthrow the findings of one expert group whom we paid—namely, Praeger-Kavanagh-Waterbury—and another whom we did not—the Task Force of the American Institute of Architects—which both found that restoration plans could meet those five congressionally imposed requirements. If this arbitrary decision was to be the end result, can someone please explain why we appropriated $225,000 to have the Praeger study made in the first place? I certainly cannot, and I doubt that my constituents could.

As we approach the denouement of this issue, I should like to remind my colleagues in the House of a rather disturbing editorial which appeared in last Monday's Washington Post. It was entitled "It's Up to the Senate To Save the West Front." Why the Senate? Are we so indecisive here in the House that we must abdicate our own responsibilities and let another body decide the outcome? I think not. Whichever side one upholds, it seems only reasonable that the extension ordered in March should not go ahead, as Senate Amendment No. 36 provides, until the project has been approved and appropriated by Congress. In a body that customarily spends 1 day a week scrapping over expenditures for roads and the like in the District of Columbia, it hardly seems appropriate that we should not at least hold a vote on whether to obscure the last visible portion of the original U.S. Capitol Building.

Perhaps, before we reach a conclusion on this, we should consider the design for that original Capitol Building. The design by Dr. William Thornton which was submitted in 1792, "captivated the eyes and judgment of all," stated then Secretary of State Thomas Jefferson. Washington said of it:

> Grandeur, Simplicity and Convenience appear to be so well combined in this plan . . . that I have no doubt of its meeting with approbation from you.

Should the proposed extension of the west front be granted, not only would the original west wall be changed, but we would also sacrifice the graceful terracing by Frederick L. Olmsted, America's greatest landscape architect, who designed the terraces in 1874. The first extension of the west front plan actually was submitted a year later, in 1875, and was rejected, according to one critic, because it would be wrong "to extend the central portion of the old building thus—spending money to diminish the apparent magnitude and grandeur of this noble building." A more recent article opposing extension contended:

> William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginning in the early years of the Republic. It is the last remnant of an architecture that was at once inspired by and expressive of the Jeffersonian concept of civilization.

Grandeur, nobility, simplicity, and soft elegance—these words, used seldom with accuracy, have all been fittingly utilized to describe the west front of the Capitol. Are we now, without so much as a vote to appropriate funds in this Chamber, to envelope that same facade in phony Roman imperial kitsch?

In addition to my objection to the proposed architectural form that extension would take, I must take issue with the argument that we need additional space in the Capitol itself—space for offices, tourist facilities, and the like. Of course visitors coming to see their Capitol should be accommodated, but the fact that a new Visitors' Center is being built at Union Station appears to have gone unnoticed by proponents of extension. As to the other "needs," which seems a handy euphemism for "conveniences," we have only to turn to the task force report, written by the American Institute of Architects, for an evaluation:

> The Task Force observed, that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated.

Anyone looking at a map of the Capitol interior can easily validate that comment. We house an airline ticket office here, a duplication of facilities located in the office buildings, the Democratic senatorial campaign photo room, which could easily be located elsewhere, a Clerk's storeroom on the House side, and a barber shop. Even if a Member is insistent on having short hair today, fashion notwithstanding, is it too much to ask that he walk—or ride—to one of the office buildings for a haircut? I can highly recommend walking myself; on Saturday I plan to start a walk across my district which will involve 135 miles and 8 days. I really do not feel that expecting someone to walk from the Capitol across the street is an unreasonable demand.

There is no reason why necessary functions should not preempt expendable functions in the Capitol. If we truly require office space in this building, we can always move some of the above mentioned unnecessary facilities to make room for it.

Lastly, if one is on the Appropriations Committee, one does, or should, become acutely conscious of the cost of things. One of the congressional stipulations for restoration was that it not cost more than $15 million. The Praeger-Kavanagh-Waterbury report presented two possible restoration plans, one costing $13,700,000, and the other costing $14,500,000. Even with an allowance for inflationary cost increases, either of those figures is preferable to the proposed extension cost of between $60 and $70 million. It could be that we have become numb here and experience no pain when appropriating such huge amounts, but I can assure you that my constituents, who foot the bill, can still feel a pinch. I refuse to go back to them and try to defend a vote for office space which will cost $368 per square foot. Information like that is all we need to turn the current taxpayers' revolt in this country into a taxpayers' revolution.

We must now confront this issue of whether we will preserve the original west front of the Capitol, or whether we will simply limp away from the issue sans a vote. I do not wish to relive history, but I do respect it; and I believe we should not hide this remaining portion of our original Capitol. Those of us who argue for historical preservation of the Thornton Capitol design are not trying to make the Capitol a reliquary for the past. Architecture should provide a setting for life, not for still life. We, too, want the Capitol to be a viable, bustling, alive, and responsive place. But it has been amply shown that modern needs can well be met without this costly extension.

Irrespective of one's own position on this issue, we should at least agree to put the question to a vote. The Capitol does not belong to the few; it belongs to the many, and there is no legislative reason why the House of Representatives should permit its fate to be determined by the few. When the Capitol building was planned, the Founders of our Republic had the foresight and good sense to hold a contest to obtain the design. Are we now, 180 years later, ready to destroy that last original facade without a contest at all?

Mr. CASEY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Speaker, I do not intend to make a speech or to take the time of the Members, but I do want to bring a few things to the attention of all of us. I have long opposed more office building for Federal agencies downtown. I think the same should apply to Capitol Hill.

If ever we are going to put an end to the proliferation of congressional committees, so severely criticized by the people of this Nation, now is the time.

If ever we are going to put a stop to the proliferation of Government office buildings in the District of Columbia, which is going to make the life of the lawmaker here ever more miserable, now is the time.

If ever there is going to be an end to the bureaucratic maze that is the District of Columbia, with its effect on traffic, on the stench of its air and the impossibility of life around here, now is the time.

Someone mentioned earlier that we should prepare a site for adequate legislative needs for 100 years from now. We had better be giving thought to an alternate site for the U.S. Capitol itself—to move the Capitol away from here. I do not care whether it is to Mr. Evans' Colorado, or to Mr. Melcher's Montana, or somewhere in between, but—get an alternative away from the District of Columbia if you want a real Capitol for a hundred years from now.

Mr. CASEY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Speaker, a short time ago an article appeared in the Washington Post under the title of "Why Destroy a National Masterpiece?" The article was devoted to the Capitol extension plan.

In the course of the article this was said:

> The Commission on the Extension of the Capitol seems to have forgotten the reason why Walter Bulfinch and Olmstead insisted on windowless platforms to enhance the monumental effect of the west side of the Capitol. The commission's plan is to embellish the terrace with 36 tall square windows to give the occupants of four private dining rooms, two restaurants, and some hideaway offices a sweeping view down the Mall towards the Washington Monument. It is hard to see these windows in the model of the extended Capitol which is on display in Statuary Hall. But they will glitter in the western sun and, lighted up at night, will make the west front of the U.S. Capitol look like a five story wedding cake, nearly twice the height as the east front.
>
> There are other ways of solving the practical problems of what to do with seven-million tourists, where to place truck docks, and how to meet the demand for office space. There is no reason to destroy a national architectural masterpiece for a questionable expediency.

Yes, Mr. Speaker, that is the question we are voting on: do we want to destroy a national masterpiece? Let us not commit this act of desecration. Vote against the Casey amendment.

Mr. CASEY of Texas. Mr. Speaker, of course, I could take the time to read the Evening Star editorial in support of our position for extension, but I will not. I believe the Members are all intelligent enough to make up their own minds. They know what the question is.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Casey).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

Mr. Speaker, is it in order for me to ask that we have tellers with clerks to record this vote?

The SPEAKER. It is in order.

Mr. YATES. Mr. Speaker, I ask that we have the vote by tellers with clerks.

The SPEAKER. It would be necessary first to withdraw the demand for yeas and nays.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Speaker, I withdraw my demand that the vote be taken by the call of the yeas and nays, and demand that this vote be taken by tellers.

Tellers were ordered.

Mr. YATES. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. Casey of Texas, Stratton, Cederberg, and Yates.

The House divided, and the tellers reported that there were—ayes 181, noes 197, not voting 54, as follows:

[Roll No. 241]

[Recorded Teller Vote]

AYES—181

Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Baker
Barrett
Begich
Belcher
Bergland
Bevill
Biaggi
Blatnik
Boland
Bolling
Bow
Brinkley
Brooks
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Carlson
Carney
Casey, Tex.
Cederberg
Chamberlain
Clausen, Don H.
Colmer
Curlin
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dickinson
Dingell
Downing
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flynt
Foley
Forsythe
Fountain
Frenzel
Garmatz
Gibbons
Gonzalez
Gray
Green, Oreg.
Griffin
Griffiths
Hansen, Wash.
Harsha
Harvey
Hays
Heckler, Mass.
Henderson
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Tenn.
Kastenmeier
Kazen
Kluczynski
Kuykendall
Landrum
Link
Long, Md.
McClory
McCormack
McCulloch
McEwen
McFall
McKay
Madden
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Melcher
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Monagan
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pettis
Pickle
Poage
Podell
Price, Ill.
Pucinski
Purcell
Quillen
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Ruth
Sandman
Saylor
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stubblefield
Sullivan
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Vigorito
Ware
Whalley
White
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wyman.
Young, Tex.
Zablocki

NOES—197

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Archer
Ashbrook
Ashley
Aspin
Badillo
Bell
Bennett
Biester
Bingham
Blackburn
Brademas
Brasco
Brotzman
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burton
Byron
Camp
Carter
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Donohue
Dorn
Dow
Drinan
Edwards, Calif.
Findley
Fish
Flowers
Frelinghuysen
Frey
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Goodling
Grasso
Green, Pa.
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jones, N.C.
Keating
Keith
Kemp
King
Koch
Kyl
Kyros
Landgrebe
Latta
Leggett
Lloyd
Long, La.
Lujan
McClure
McCollister
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mailliard
Mann
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mink
Mitchell
Montgomery
Moorhead
Nedzi
Nelsen
Nichols
Obey
Pelly
Perkins
Peyser
Pike
Poff
Powell
Preyer, N.C.
Price, Tex.
Quie
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rodino
Roe
Rogers
Roncalio
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Shipley
Smith, Calif.
Spence
Steiger, Ariz.
Steiger, Wis.
Stokes
Stuckey
Symington
Teague, Calif.
Terry
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Waggonner
Waldie
Wampler
Whalen
Whitehurst
Widnall
Winn
Wolff
Wylie
Yates
Yatron
Young, Fla.
Zion
Zwach

NOT VOTING—54

Abbitt
Abernethy
Anderson, Tenn.
Baring
Betts
Blanton
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Davis, S.C.
Dellenback
Dent
Diggs
Dowdy
Dulski
Erlenborn
Esch
Fisher
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Goldwater
Hagan
Halpern
Hébert
Jones, Ala.
Karth
Kee
Lennon
Lent
McCloskey
McDade
McDonald, Mich.
Mollohan
Mosher
Moss
Pepper
Pirnie
Pryor, Ark.
Rooney, N.Y.
Schneebeli
Stratton
Teague, Tex.
Wiggins
Wydler

Mr. STRATTON. Mr. Speaker, one Member voted two ballots.

The SPEAKER. The Chair will state that the tellers and the clerks are to please make certain and to see to it that Members do not put in more than one ballot.

Tellers and clerks must make sure of the Members' ballots.

Mr. STRATTON. Thank you, Mr. Speaker.

So the preferential motion was rejected.

The SPEAKER. The question is on the preferential motion offered by the gentleman from New York (Mr. Stratton).

The preferential motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: Page 25, after line 12, insert:

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at a gross annual rate of $7,695 for the period January 9, 1972 to June 30, 1972 and whose salary rates shall be fixed on and after July 1, 1972 by the Architect of the Capitol without regard to Chapter 51 and Subchapters III and IV of Chapter 53 of Title 5, United States Code and shall thereafter be adjusted in accordance with 5 U.S.C. 5307; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests wtihout regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $4,932,200.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Casey of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: Page 26, after line 7, insert:

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $89,100.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Casey of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: Page 34, line 21, strike out:

Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947, (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the Senate and House of Representatives.

MOTION OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Casey of Texas moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947 (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the House of Representatives."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. CASEY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the conference report just agreed to, and that I be permitted to include a tabulation summarizing the action as well as certain extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 13188, COAST GUARD AUTHORIZATION, 1973

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 26, 1972.)

Mr. GARMATZ (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, this bill H.R. 13188, is to authorize appropriations for the procurement of vessels, aircraft, and the construction of shore and offshort installations and to authorize the average annual active duty personnel strength for the Coast Guard. This bill passed the House on April 11, 1972, and passed the Senate on June 1, 1972.

The committee of conference agreed with the Senate amendment to add $670,000 to the House $81,070,000 for vessels. The purpose of this addition was to provide funds to abate pollution from vessels. Your conferees did not specify any particular waters for this sewage abatement equipment, but stated it should be installed in vessels where pollution problems are most acute, such as inland lakes and rivers.

The committee of conference agreed that $3 million should be added to the House passed $15,100,000 for procurement of aircraft. The purpose of this $3 million was for the procurement of a long-range, search-and-rescue helicopter, which your conferees stated should be located at whatever site is most useful to protect human life.

The committee of conference agreed to the Senate amendment adding $390,000 to the $1,600,000 set out in the House passed bill to complete the project at Cheboygan, Mich., for the rebuilding of the moorings of the cutter *Mackinaw*.

The committee of conference agreed to increase the average active duty personnel strength of the Coast Guard from 39,074 in the House-passed bill to 39,449, as set by the Senate. This increase in personnel was for the manning of two cutters recalled from the Reserve Fleet and to provide essential services for Coast Guard operations at Kodiak, Alaska, necessitated by the closing of the naval station at Kodiak. In order to conform to the recent action of Congress stating authorized personnel ceilings in terms of the end of year fiscal year figures, your conferees agreed to authorize an end of year personnel strength of 39,541, which does not reflect an increase over the ceiling set by the Senate, but sets the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses.

At the request of the Coast Guard, the Senate added an amendment authorizing the extension of the authority of the Coast Guard to lease housing for military personnel now scheduled to expire on June 30, 1972. The committee of conference granted the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

The total cost of this legislation in the House passed version of the bill was $154,320,000. The Senate passed version—and the conference figure—is for a total of $158,380,000, for a difference of $4,060,000 between the House and Senate versions.

This concludes my explanation of the action of the conferees and I respectfully ask that the conference report be adopted.

Mr. Speaker, I would defer to the ranking minority member of our committee for his comments on this bill.

Mr. PELLY. Mr. Speaker, the distinguished chairman of the Committee on Merchant Marine and Fisheries has explained the conference report. I rise in support of what he has said.

It is well recognized in the Congress that the Coast Guard is in dire need of more modern ships and more aircraft to meet its ever-expanding responsibilities

There was, therefore, no objection to the decision of the other body to increase the authorization by $3 million for acquisition of an additional long-range search-and-rescue helicopter. We were concerned, however, over the effort to restrict use of this helicopter for service at Cordova, Alaska. There is undoubtedly a great need for an expanded search and rescue capability in that area, however, the Committee on Merchant Marine and Fisheries felt it would be an unwise precedent to dictate operational policy to the Coast Guard. The conference report, therefore, stresses that this additional helicopter should be employed wherever the need is greatest from the standpoint of saving lives.

The same is true of the additional funds for vessel pollution control abatement. It is recognized that all Coast Guard vessels must be brought into conformity with the President's directive regarding the dumping of sewerage by public vessels of the United States. Nevertheless, it was considered unwise to impose a condition that these additional funds be used exclusively to abate pollution from vessels stationed on the Great Lakes. Therefore, the report of the conference committee makes it clear that these funds are to be employed where the environmental problems are most acute.

Mr. Speaker, the remaining amendments simply reflect revised cost estimates and the need to extend the authority of the Coast Guard to lease housing for personnel and their dependents in the many high cost metropolitan areas where Coast Guard facilities are located. I urge my colleagues to support the action of the conference committee.

Mr. GARMATZ. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON H.R. 8140, PORTS AND WATERWAYS SAFETY ACT OF 1972

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 26, 1972.)

Mr. GARMATZ (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GARMATZ. Mr. Speaker, as the chairman of the managers on the part of the House on the conference with the Senate on H.R. 8140, the Ports and Waterways Safety Act of 1972, I am pleased to report that we were able to resolve our differences with the Senate in conference on this very important port and harbor safety legislation.

There were a number of technical, clarifying or conforming changes made by the Senate to which the House either receded or receded with amendment. Conversely, the Senate receded in order to conform to other action agreed upon by the committee of conference.

The House began work on this critical port and harbor safety legislation in 1970. The House Merchant Marine and Fisheries Committee held 10 days of hearings in that year on the initial bill, H.R. 17830. As a result of numerous proposals and suggestions made at the hearings, this bill was redrafted and introduced as the present H.R. 8140. Our committee held 10 days of hearings in 1971 on H.R. 8140 and it passed the House on October 19, 1971.

This measure provides the Coast Guard with authority to establish control over port structure and port safety and over vessel traffic in certain hazardous circumstances and areas.

The genesis of this type of legislation was the tremendous increase in vessel size and the increase in variety and amounts of hazardous cargoes carried on these vessels, as well as the number of serious spills and incidents which occurred. Some examples of these incidents were the vexing spills in the Baltimore area of the Chesapeake Bay 2 years ago, the incidents when the U.S.S. *Yancy* knocked three different portions of the Chesapeake Bay Bridge Tunnel complex in 1970, and the tragic collision which occurred in January 1971 in San Francisco Bay involving the tankers, *Arizona Standard* and the *Oregon Standard*. This collision resulted in a spillage of half a million gallons of oil into the waters of the San Francisco Bay area and was convincing proof that the time was indeed at hand for the passage of H.R. 8140.

The Senate amendment to the House-passed H.R. 8140 inserted new material, designated as title I, amending the Tank Vessel Act (46 U.S.C. 391a) to authorize the Secretary, in consultation with other agencies or departments to establish standards for the design, construction, maintenance, repairs, and operation of vessels carrying certain cargoes in bulk in order to protect the marine environment. The purpose of the Senate amendment was to provide a systems approach to protection of the marine environment: improve traffic controls and improve vessel design, construction, and operation.

The committee of conference agreed that the Senate amendment would be a useful complement to the basic vessel traffic control purpose of H.R. 8140. In accepting the Senate amendment, the committee of conference agreed that the legislation should carry the House title, "Ports and Waterways Safety Act of 1972," and that the basic element of the legislation; namely, the House passed-vessel traffic control and port safety provisions should come first as title I, and the Senate amendment, providing for vessel construction and design standards, and so forth, should come second as title II.

In accepting the Senate amendment, the committee of conference also agreed to certain revisions, most of which were technical, clarifying or conforming in nature. I would like to take just a minute to comment briefly on several of the more significant points agreed to by the conferees.

First. The conferees agreed to exclude from the provisions of the Senate, vessels carrying dry cargoes in bulk. This revision was made at the urging of the Coast Guard, which noted that the Environmental Protection Agency has not yet designated hazardous polluting substances under section 12(a) of the Federal Water Pollution Control Act. The Coast Guard also expressed concern that this might include such substances as sugar, cement, grain, and coal, which carriers would then come within the traditional marine inspection envelope as well as the standards set up by the Senate amendment. Such an extension of Coast Guard responsibilities would be beyond the present personnel resouces and facilities of the Coast Guard. As revised, the bill would apply to vessels engaged in the bulk carriage of liquid cargoes which are inflammable or combustible, oil in any form, or hazardous polluting liquids.

Second. The conferees agreed to a deferral of an additional year to January 1, 1976, for the latest date by which initial standards for the design and construction of vessels will be applied to vessels in foreign trade including vessels of foreign registry, in the absence of internationally adopted standards. This amendment was urged by the Coast Guard because an international conference on the subject of preventing pollution from vessels is scheduled for late 1973, and your conferees agreed that an additional maximum delay of 2 years to allow development of international standards before unilateral imposition of standards would not be unreasonable.

Third. The Senate amendment provides that the Secretary shall begin publication as soon as practicable of proposed regulations setting forth minimum standards for vessel design and construction. This was interpreted to mean that the Secretary was required to unilaterally impose on foreign vessels all previously published proposed standards unless nearly identical standards were adopted internationally in each and every topic area. The Coast Guard and the House Members believe that the Secretary of the Department of Transportation should have more flexibility with respect to the unilateral imposition of standards on foreign vessels. Thus, the committee of conference adopted language making it clear that the Secretary has flexibility not to impose a particular standard if he deems it inappropriate.

All the outstanding differences with the Senate have been resolved on behalf of the managers on the part of the House, I recommend most strongly that this conference report be accepted by the House.

Mr. Speaker, I yield to the gentleman from Washington (Mr. PELLY), the ranking member of the committee who has been most interested in the ports and waterways safety legislation, and who has been most cooperative in working with us on this conference report.

Mr. PELLY. Mr. Speaker, I rise in full support of this conference report.

Mr. Speaker, it is a distinct pleasure to bring to the House for consideration the conference report on the Ports and Waterways Safety Act of 1972.

This legislation is the product of many months of hearings before the Committee on Merchant Marine and Fisheries and before the Commerce Committee of the other body. The legislation, has as its genesis, the President's message on oil pollution in May 1970. Following the introduction of this legislation in the 91st Congress, the most serious pollution incident in American history occurred, the collision of two oil tankers under the Golden Gate Bridge in the San Francisco Bay. The hearings in the 91st Congress and the experiences gained from the San Francisco Bay collision led to the introduction of a much improved bill in this Congress. The gentleman from California (Mr. MAILLIARD) was especially interested in this situation.

Title I of the conference bill is virtually identical to the legislation passed by the House on October 18, 1971. Title II to the Tank Vessel Act which were added to the House-passed legislation in the other body. In essence, title I of the bill deals with the movement of all ships in our navigable waters and title II concerns itself with the construction, loading and discharging of tankers and tank barges, transporting liquids in bulk, principally petroleum but also any substance which is inflammable, combustible, or designated as a hazardous polluting substance under the Federal Water Pollution Control Act.

Title II of the bill will give the Secretary of Transportation expanded authority to establish minimum safety standards for such ships, both in the realm of traditional maritime safety and with respect to environmental protection. In setting these standards, the Secretary of Transportation is directed to begin publication, as soon as practicable, of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of vessels for the purpose of protecting the marine environment. These rules and regulations may cover such criteria as improved vessel maneuvering and stopping ability, reduction of cargo loss following collision or grounding, and reduction of pollution as a result of normal vessel operations, such as the disposal of ballast water in tankers and procedures for loading and discharging the cargo. The authority to establish such environmentally oriented rules and regulations is in addition to the expanded authority vested in the Secretary with respect to maritime safety. The legislation is predicated upon our hope that the international maritime community will act promptly to adopt comprehensive and meaningful regulations for the protection of the marine environment comparable to those which the Secretary is directed to promulgate. The Secretary's draft rules and regulations for environmental safety will become effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international convention or treaty. Should the international community fail to adopt meaningful tank vessel regulations, the Secretary's rules and regulations will become effective not later than January 1, 1976. The international maritime community has approximately 3½ years from now in which to act. If it fails to act, the United States will move unilaterally to regulate the design of tankers entering our waters regardless of flag.

The principal amendment agreed to in conference with regard to title II of the legislation involved the question of partial action by the international maritime community. The legislation as passed in the other body appeared to require the Secretary of Transportation to impose upon foreign-flag tankers whichever draft rules and regulations had not been covered at the international level. For example, if the Secretary had determined in his draft rules and regulations that tankers of a given size must be able to stop within a given distance as well as have a certain horsepower and the international community agreed only to a stopping distance requirement, it would appear that the Secretary would have to unilaterally impose on foreign-flag tankers a horsepower requirement. As agreed to by the conference committee, however, the Secretary will have discretion in determining, following action at the international level, whether additional criteria should be imposed unilaterally by the United States.

It is recognized that international agreement with respect to tanker vessel construction and operating characteristic is preferable to unilateral action by the United States and other countries. At the present time, the vast preponderance of oil is transported in foreign-flag ships. It is appropriate that the international community be given an opportunity to meet the grave challenge posed by the ever-increasing size and number of tankers plying the world's oceans.

Should the maritime nations of the world, acting through the appropriate United Nations organs, fail to meet this challenge, however, it is expected that the Secretary of Transportation will weigh most carefully the vital need to protect our environment from pollution and will not hesitate to impose additional requirements upon ships entering our waters regardless of the hue and cry raised by foreign nations and foreign tanker owners who may have failed to meet their responsibility. The Secretary of Transportation has sought this discretion in the unilateral imposition of regulations. We have agreed to give him that discretion, but with it is imposed the duty to place the protection of our environment above all other considerations.

Finally, Mr. Speaker, the enactment of this important legislation will enable the Coast Guard to establish the necessary traffic control systems and tanker regulations needed to insure that the movement of oil between Alaska and the west coast of the United States will be accomplished without damage to the marine environment of the United States or of our neighbor, Canada. A great many ships will be needed to transport the oil of the Alaskan North Slope. The ships to be constructed for this trade will be built to the highest safety standards. The traffic control systems at the port of loading, along the route, and at the discharging point on the west coast will be the most sophisticated and will be strictly imposed. This is far-reaching legislation, a long step forward in our efforts to preserve our inland and coastal waters from the hazards of pollution and loss of life and property. I urge all of my colleagues to support the action of the conference committee.

Mr. PELLY. Mr. Speaker, I now yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, I want to join in urging support of the conference report.

Although I was not a conferee, I was an author of the basic House bill and participated actively in the formulation of that bill.

Hearings were held in my home city of San Francisco, where there was great interest because of the environmental consequences of a larger oil spill caused by a clearly avoidable collision between two tankers in heavy fog in the Golden Gate.

While I do not suppose any legislation can guarantee against accidents, this bill should minimize the risk in the future.

Our subcommittee worked on this for several years, and at last I am pleased we can bring to you a well conceived piece of legislation to meet a serious threat to the environment as well as to life and property.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I rise in support of this conference report particularly because I am vitally concerned about the oil spills which continually despoil our beaches.

I spend a great deal of my leisure time at the ocean. Walking on the beach and beachcombing are among my favorite forms of relaxation. During the past 6 months I have on two occasions written to the Environmental Protection Agency to protest oil despoilations on the beach at Ocean City, Md. On the most recent occasion, a few weeks ago, I found a gull saturated with oil amidst the oil on the beach.

The beach at Ocean City, Md., is one of the most beautiful in the world and it disturbs me greatly to see the beach so stained because of the carelessness or willful disregard for the environment by ship operators.

The bill before us recognizes this problem. It not only promotes safety, but it also attempts to protect the navigable waters from environmental harm primarily by authorizing the Secretary of Transportation to establish vessel traffic services, systems and controls and minimum safety standards for structures. The Secretary would be authorized to establish standards for the design, construction, maintenance repair and operation of vessels carrying certain cargoes in bulk in order to protect the marine environment.

The legislation before us not only includes a civil penalty of $10,000 for violation of the provisions, but it also includes criminal penalties of not less than $5,000 nor more than $50,000 or 5 years imprisonment or both. Hopefully, this will help prevent oil spills.

I urge adoption of the conference report.

Mr. PELLY. Mr. Speaker, I have no further requests for time.

Mr. GARMATZ. Mr. Speaker, did the gentleman from Iowa desire me to yield to him?

Mr. GROSS. Yes, Mr. Speaker. Will the gentleman yield?

Mr. GARMATZ. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. I have only a couple of quick questions.

Are all of the amendments germane to the bill?

Mr. GARMATZ. Yes, they are.

Mr. GROSS. Is this the bill that provides for the raising of a certain number of bridges to provide more clearance for vessels operated by yachtsmen and others?

Mr. GARMATZ. No, it is not, not in this conference report dealing with the Ports and Waterways Safety Act of 1972.

Mr. GROSS. So that the Members of Congress as well as others owning pleasure boats can go through bridges without lowering their radio antennas or lowering their canopys?

Mr. GARMATZ. No, this does not relate to that at all.

Mr. GROSS. I thank the gentleman.

Mr. DOWNING. Mr. Speaker, I agree wholeheartedly with the statement of Chairman GARMATZ concerning H.R. 8140, the Ports and Waterways Safety Act of 1972.

I would like the Members to know that I introduced the first legislation in this port and waterway safety area back in February 1970. This early bill of mine resulted from the dangerous incident in January 1970, when the U.S.S. *Yancy*, a Navy munitions vessel, broke loose from her moorings in high winds and knocked out three portions of the Chesapeake Bay Bridge-Tunnel complex.

The Coast Guard Subcommittee of the House Merchant Marine and Fisheries Committee held a hearing on this incident in connection with the legislation now before us and even before that I became convinced of the necessity of this type of legislation.

I cannot tell you how pleased I am that we are on the verge of enacting this type of legislation and I am convinced that vessel traffic control in certain circumstances and control of the construction and design of vessels is now absolutely essential for marine safety in our congested waters.

I urge the enactment of this very important marine safety legislation.

Mr. CLARK. Mr. Speaker, in recent years society has become more complex, populations have increased dramatically, demands have become more persistent and expectations have gone higher. In these times of rapid change and fast transportation, the thread of consistency is maintained by the unchanging sea and the continuous hazards which she presents. Equally persistent, although not always so successful, are the efforts of the navigator to overcome the harshness of the sea and the hazards of navigation. As a result of the extensive requirement for the goods of commerce borne over the oceans and through the ports of the world, and the recently awakened universal awareness of the environment and its degradation, technology has leaped forward to provide the wherewithal and the hardware to move the enormous quantity of goods from place to place and to satisfy the tremendous energy requirements of civilization while trying to maintain a reasonable balance with minimum effect on the environment.

The impact of the growth of commerce, coupled with the restrictions of various harbors, provides an interface with the marine environment which causes an important conflict. The best solution for a conflict of this type, short of the abolition of commerce, is the establishment of an effective marine traffic system that will accomplish the greatest good with the least possible disruption of existing conditions and customs. Added to this systems protection of the marine environment is the regulation of construction, design, et cetera, of tankers.

H.R. 8140, the bill now before us, provides for the establishment, maintenance and operation of these marine traffic systems in our port and waterway areas, as well as control of tank vessel design and construction. It is important to note that these marine traffic systems will not be universally imposed all over in all our port and waterway areas. Instead, they will be established in certain selected areas which past statistics prove are hazardous due to heavy traffic flow and/or hazardous condition or circumstances.

I urge the Members to support this important legislation which imposes a systems control over the marine environment.

Mr. GARMATZ. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. HOLIFIELD). Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT ON H.R. 14734, FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 15, 1972).

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with, inasmuch as it has been printed in the RECORD for quite a few days, and I am sure that every Member is familiar with it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am reporting today to the House on the outcome of the successful conference with the other body on H.R. 14734. Members will recall that that measure, dealing with authorizations for the next fiscal year for the Department of State and the U.S. Information Agency, carried authorizations amounting to $848,603,000. In separate measures this House also authorized $88,027,000 for the Peace Corps for fiscal year 1973 and $22,000,000 for the Arms Control and Disarmament Agency for the next 2 fiscal years. Together the authorizations in the three House bills total $958,630,000.

The Senate struck out all after the enacting clause of the House bill and substituted a Senate amendment that included the three House bills as well as a number of other items relating to the broad area of foreign affairs.

Let me say at the outset that there was one unusual feature about the conference with the other body. It was one of the few instances in my long experience where both bodies included identical sums in their version of the same bill. Thus we bring back to the House an authorization bill with the same amounts that the House has previously voted.

Both the House bill and the Senate amendment included $85,000,000 for Israel to assist in the resettlement in that country of Jewish refugees from the Soviet Union. The only difference in the two versions was in the form—neither in the amount nor the purpose. The House had added it to the State Department authorization for migration and refugee assistance; the Senate made it a separate item. The managers on the part of the House accepted the Senate version.

In all there were 27 differences between the House and Senate versions. The House conferees accepted some Senate proposals to realine the principal officers in the Department of State. Specifically we agreed to a change in the title of the No. 2 man from Under Secretary of State to Deputy Secretary of State. We agreed that the principal economic officer in the Department should be on a level with the principal political officer. The House conferees would not accept, however, an amendment that would have split the Western Hemisphere into two separate bureaus, each headed by an Assistant Secretary of State. However well intentioned the amendment was, it had the effect of downgrading Canada by putting a number of the smaller Central American countries in the same bureau and, at the same time, dividing Latin America when the effort in that area has been to promote regionalism.

The Senate amendment included a lengthy and complicated section on grievance procedures for Foreign Service personnel. Government employees in all agencies have grievances just as do employees in private employment. The issue is not to suppress the grievances or to pretend they do not exist. Rather it is to work out procedures that are fair both to the individual and to the employer. Without prejudging the merits of the Senate proposal, the House conferees simply felt that they did not have enough information to make an informed judgment on so detailed a proposal. One of the House conferees was the gentleman from Ohio (Mr. HAYS) who is chairman of the Subcommittee on State Department Organization and Foreign Operations. He is particularly interested in this matter and has already scheduled hearings. For these reasons the House conferees insisted that the amendment be deleted.

One other contentious proposal by the Senate was for the creation of a Study Commission relating to foreign policy—something of a little Hoover Commission. Anyone with the slightest knowledge about foreign affairs is aware that many agencies of our Government are in the foreign policy business. Most of us are agreed that there should be better coordination among them. The question is whether the Commission approach is the way to explore the dimensions of the problem and to devise remedies. I know that the real work will be done by the staff that the Commission selects. In accepting the Senate amendment the House conferees insisted upon the inclusion of a terminal date; namely, July 30, 1974. I think it accurate to say that the House conferees were not as enthusiastic about this amendment as were the Senate conferees. We can only hope that it serves the purpose for which it was created. On a more positive note, the House will be pleased to know that in this bill we did abolish a commission—the Peace Corps National Advisory Commission.

Mr. Speaker, I have touched on the more significant differences between the two Houses. On balance, I think we have brought back to the House a bill that can be supported by this body. I urge that the conference report be adopted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I thank the chairman of the Committee on Foreign Affairs for yielding.

Will the gentleman refresh my memory—did we have this language in the House bill concerning a study commission relating to foreign policy?

Mr. MORGAN. No, this was an effort by two members of the Senate Foreign Relations Committee, and they were very adamant in their position. The House found it necessary to accept this provision. It was not in the House bill.

Mr. GROSS. This was not in the House bill at all?

Mr. MORGAN. No, it was not in the House bill at all—this was a Senate amendment.

Mr. GROSS. And this provides for a staff for this commission which can be paid up to $145 a day and, apparently, an unlimited number of supergrades; is that correct?

Mr. MORGAN. That is correct.

Mr. GROSS. And the House conferees acceded to this?

Mr. MORGAN. The House conferees acceded very reluctantly.

This amendment caused me considerable concern. I am very doubtful about this commission.

It was a most difficult conference and we had to give on some matters.

We held out on this one but finally accepted it after they agreed to a termination date.

Mr. GROSS. As to the Peace Corps, I thought the House bill carried some $77 million for that. Am I mistaken?

Mr. MORGAN. Yes, sir, you are mistaken. It carried the same amount.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I will be glad to yield to the gentleman from Ohio.

Mr. HAYS. I would just like to say in defense of the chairman that this commission is something, as he said, we were all very reluctant to accept, but I would point out to the gentleman from Ohio the Senate added a great deal of language to this bill involving 27 different issues, and the House got them to recede on 16 of the issues, I believe, and we accepted 11. We think the ones we got them to recede on were perhaps more important than the others. We had to compromise on something, and this is one of the things we reluctantly compromised on.

Mr. MAILLIARD. Mr. Speaker, the chairman has explained the problems in this conference report. I rise in support of this report on the conference with the Senate to resolve differences in the authorizing legislation for the Department of State, the U.S. Information Agency, the U.S. Arms Control and Disarmament Agency, and the Peace Corps.

I am pleased to report that your conferees were generally successful in protecting the House position.

We had a vigorous discussion of the Senate language establishing a grievance procedure for foreign service personnel. While I agree that a grievance procedure should be established, I am pleased that the Senate conferees agreed to let us handle the legislation in a more orderly manner. Our subcommittee on State Department Organization and Foreign Operations began hearings this week and will continue them on July 18, following the recess.

However, I am not pleased with the necessity of our acceptance of the Senate proposal for a Study Commission relating to foreign policy. We did succeed in improving the Senate language, but I find little merit in the proposal. It is not at all clear to me what useful purpose this Commission is supposed to serve.

This is the first time funds have had to be specifically authorized for the Department of State and USIA as required by a provision of last year's Foreign Assistance Act. The authorization for State Department includes funds for administration of foreign affairs, international organizations and conferences, educational exchanges, and migration and refugee assistance. These amounts total $648,354,000, of which $85 million is to assist in the resettlement of Soviet Jewish refugees in Israel.

The USIA authorization amounts to $200,249,000 for fiscal year 1973. Of this amount, $194 million is for salaries and expenses, including the funding of various media programs. The remaining funds are largely for international exhibitions.

The Arms Control and Disarmament Agency would receive an authorization in the amount of $22 million for the 2 fiscal years, 1973 and 1974. The recent SALT agreement is, I believe, ample evidence of the value of ACDA's work.

The Peace Corps authorization is for $88,027,000, the amount agreed to by both the House and the Senate.

I urge approval of this conference report, in spite of my reservations concerning the creation of another commission whose function is of dubious value in my judgment.

Mr. MORGAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for yielding. I rise in support of the conference report.

Mr. Speaker, I rise in support of this conference report. I believe the conferees have done a fine job under the circumstances.

I am, of course, gratified that adoption of this conference report will represent final action by the Congress in approving the $85 million of aid to Israel to help with the resettlement of the Jewish refugees from the Soviet Union which I proposed, along with Congressman HALPERN and many cosponsors in H.R. 13022 on February 8, 1972.

I sincerely hope that the Appropriations Committee will act promptly to provide the funds required to carry out this authorization.

Mr. MAILLIARD. I yield such time as he may consume to the gentleman from New York.

Mr. FRELINGHUYSEN. Mr. Speaker, as a conferee on this conference report, I rise to support it, but I do so with some reluctance. My reservations about the report have to do with the proposed study commission relating to foreign policy. I might point out that one House conferee did not sign the conference report at all—Mr. THOMSON of Wisconsin. I do not wish to speak for him, but I know he, too, has serious reservations about the wisdom of authorizing a commission of this kind. I would like to suggest that the Appropriations Committee take a very close look at what is proposed, take a close look at what a commission of this kind would get into, and how much it would cost.

The chairman of the Foreign Affairs Committee said that none of the House conferees is very happy with the proposal, and the gentleman from California said that at least the commission will die in 1974. My view is that we should really not allow it to be born. The very broad mandate which it is given has to me the earmarks of a fishing expedition. It takes the form of a little Hoover commission with 12 members, eight of whom are to be appointed by the legislative branch of the Government.

Take a look at the language regarding what should be its duties. I refer to the language on pages 9 and 10. It begins at the bottom of page 9:

It says: "The Commission shall study and investigate." I am not sure what that means. Is to study something else than to investigate? It goes on: "the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy." It goes on to say the Commission "shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs"—I am not sure what that means.

The specific recommendations have to do with "the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters. I suppose anyone who has taken a look at the broad field of the executive branch of the Government would recognize that shifts in responsibility might be made. The President has suggested certain shifts and consolidations within the executive branch, but in the field of foreign policy I would suppose there is not going to be any major restructuring of any Government departments or agencies.

We are supposed to authorize this Commission to make recommendations with respect to "more effective arrangements between the executive branch and Congress, which will better enable each to carry out its Constitutional responsibilities." Well, Mr. Speaker, I know that there are Members of the other body which have a kind of persecution complex with respect to the executive branch in the field of foreign policy. It may be they want some kind of instrumentality to help define what the relationships should be between the executive branch and the legislative branch in this area, but I would think this search for "more effective arrangements" is going to be a difficult responsibility.

What are we aiming at? What kind of more effective arrangements between the executive branch and the Congress could a commission suggest that we legislators might not think of if we do not think the relationships are good?

They are also supposed to make recommendations for "improved procedures among departments—to provide improved coordination"—I suppose it was just an accident that they speak of improved procedures to provide improved coordination. No one doubts there is need for coordination in the field of foreign policy within the executive branch. Indeed, this conference report pinpoints a major responsibility in the Department of State by designating a new position of Under Secretary of State for Economic Affairs. In the field of foreign economic policy, there is unquestionably need for additional coordination and control with respect to the foreign policy questions, but I doubt very much whether any commission is going to throw much light on what should be the proper relationships between the various agencies of our Government.

The responsibilities in subparagraphs (4) and (5) on page 10, include "the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy"—that could point in any direction or in no direction. What activities of the Federal Government in the field of foreign policy are not necessary to its efficient conduct? I suppose there must be some. The Senate must have had something in mind, or the sponsors of this proposal must have had something in mind, in making this suggestion.

In sum, what I am saying, Mr. Speaker, is that we need to be careful about a proposal of this kind, because the field is so big, because the responsibilities of both the executive and legislative branches of our Government are so intermixed that a commission with the best of intentions might muddy the waters.

And if a commission were to do a thorough job, they would require, I would suppose, very extensive staff assistance. They certainly would be free to issue subpenas, which an individual Commission member might invoke, against any agency of the executive branch, and they could demand access to all records. I am not sure whether the objective is about the intelligence activities of the Government, or whether we are talking about the information activities of the Government, or whether we are talking about the economic activities of the Government, or whether we are talking about the diplomatic activities of the Government. In any event, it is a huge field, and one where I doubt very much we need as sweeping and far-reaching a commission as this, at least on paper, would suggest.

I might say as a footnote to all this, that it was something like 24 years ago that I was a humble staff member of a foreign policy task force of the first Hoover Commission. I found myself in that position exploring, among other things, the relationships between the intelligence activities of the CIA and the State Department.

However, I would suppose that by this time these relationships have become pretty well defined. The various responsibilities are pretty well known and pretty well regulated.

I doubt whether this kind of far-reaching exploration of one aspect of the executive branch's responsibility is a wise move.

It is for that reason I have such severe reservations about the proposed Commission. Nonetheless I did sign the conference report, and I urge its adoption.

Mr. GONZALEZ. Mr. Speaker, the passage of this legislation by the House insures the continuation of a program begun years ago and which has proven its worth. In the beginning, the concept of the Peace Corps received a cynical and unbelieving analysis by substantially the same people who approve it today.

But it was—and still is—one of the most noble and inspiring ventures advanced by the Congress and the country. Even the countervailing force of the war involvement in Vietnam as a necessarily negative force to this type of effort has not fatally flowed it.

On the contrary, it has been an ever-present reminder to bewildered foreigners that America is still idealistic and venturesome and capable of great moral purpose.

Yes, the Peace Corps remains the one great product of a great American, John Kennedy; and, in truth, is his greatest memorial.

Mr. MORGAN. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 314, nays 77, not voting 41, as follows:

[Roll No. 242]

YEAS—314

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Derwinski
Dickinson
Dingell
Donohue
Dow
Downing
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McClure
McCormack
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schwengel
Scott
Seiberling
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—77

Andrews, Ala.
Archer
Ashbrook
Baker
Blackburn
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Carter
Clawson, Del
Collins, Tex.
Colmer
Conover
Crane
Curlin
Davis, Ga.
Denholm
Dennis
Devine
Dorn
Duncan
Edwards, Calif.
Flynt
Gettys
Griffin
Gross
Haley
Hall
Harsha
Henderson
Hull
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Tenn.
Kastenmeier
King
Kyl
Landgrebe
Landrum
Long, La.
Lujan
McCollister

McCulloch
McMillan
Martin
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Minshall
Nichols
O'Konski
Passman
Pettis
Poage
Powell
Price, Tex.
Quillen
Rarick
Rousselot
Runnels
Saylor
Schmitz
Sebelius
Shoup
Skubitz
Smith, Calif.
Snyder
Steiger, Ariz.
Stephens
Thomson, Wis.
Waggonner
Whitten
Wylie

NOT VOTING—41

Abbitt
Abernethy
Anderson, Tenn.
Baring
Bell
Betts
Blanton
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Chisholm
Clay
Davis, S.C.
Dent
Diggs
Dowdy
Erlenborn
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Hagan
Hébert
Jonas
Karth
Lennon
McCloskey
McDade
McDonald, Mich.
Miller, Calif.
Mosher
Moss
Pepper
Pirnie
Pryor, Ark.
Schneebeli
Stokes
Wiggins

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Jonas.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Karth with Mr. McCloskey.
Mr. Dent with Mr. McDade.
Mr. Fulton with Mr. Bell.
Mr. Baring with Mr. Erlenborn.
Mr. Blanton with Mr. Bray.
Mr. Lennon with Mr. Betts.
Mr. Miller of California with Mr. Clay.
Mrs. Chisholm with Mr. Gallagher.
Mr. Moss with Mr. Diggs.
Mr. Dowdy with Mr. Stokes.
Mr. Pepper with Mr. Burke of Florida.
Mr. Anderson of Tennessee with Mr. Broomfield.
Mr. Fraser with Mr. Mosher.
Mr. Abbitt with Mr. Pirnie.
Mr. William D. Ford with Mr. McDonald of Michigan.
Mr. Davis of South Carolina with Mr. Schneebeli.
Mr. Abernethy with Mr. Wiggins.
Mr. Caffery with Mr. Hagan.

Messrs. CRANE, MARTIN, KING, and MILLS of Maryland changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAILLIARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON S. 1893, GOLDEN EAGLE PASSPORT PROGRAM

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 22, 1972.)

Mr. ASPINALL. Mr. Speaker, the conferees on the legislation now before the House (S. 1893) met at length to try to develop a meaningful and reasonable admission fee program for our national park and recreation areas. A great effort, both in the conference and informally, was made to find a common ground between the Senate and House versions of the golden eagle bill.

I am sure that I need not remind my colleagues of the history of the Golden Eagle program. In spite of its many problems and shortcomings, it has become relatively popular among those people who frequently visit our Federal outdoor recreation areas. For this reason, although a lapse has developed on two different occasions, the golden eagle passport has been revived.

This year, rather than allowing the program to continue to flounder, the members of the Interior and Insular Affairs Committee made a major effort to reconstruct it based on past experience. I think that the Members of the House can be proud of the work that has been done, and I believe that the product of the conference committee should give us a relatively permanent and productive program.

Very briefly, I would like to outline the recommendations of the conference committee:

First, the legislation would extend indefinitely the existence of the $10 annual carload admission permit known as the golden eagle passport.

Second, admission fees would be charged only at designated units of the national park system and at national recreation areas administered by the Forest Service. Admission to outdoor areas administered by the Corps of Engineers, wildlife refuges, and other Federal facilities would be free of charge. For senior citizens, who are generally on fixed incomes, a new element in the program would be established, called the golden age passport. As contemplated by the legislation, persons 62 years of age or older would be entitled to a free annual admission permit so that no admission fees would be collected from these people at any federally operated outdoor recreation area.

Third, all Federal agencies, however, would be expected to review the facilities which they offer to the public. Those which are provided at considerable Federal expense and which specifically benefit an individual or group of individuals are to be subject to a daily recreation use fee. It seemed fair that those who utilize these special facilities should pay more than those who do not. For persons carrying the golden age passport a special concession would be made. They would be entitled to a 50-percent reduction in the daily recreation use fee so that if they use a $2 campsite, they pay only $1.

Fourth, in the past, the program has been plagued with a lack of publicity, with a lack of ready access to purchase the annual permit, and with a general public misunderstanding about the use of the proceeds. The legislation recommended by the conference committee attempts to cure some of these maladies by authorizing a portion of the proceeds to be invested in promotion of the program and in its effective enforcement. In addition, the conferees recommend the sale of the golden eagle passports through the post offices—like the present duck stamps—naturally, the postal service is to be reimbursed for the assistance which it provides. Finally, rather than placing the proceeds in the Land and Water Conservation Fund, the recommended legislation provides that they shall be placed in a special account in the Treasury so that they can be reappropriated to the collecting agency for any authorized outdoor recreation purpose.

Lastly, Mr. Speaker, the legislation extends the same protection against the unauthorized use of the golden eagle symbol that is afforded other important Federal symbols.

Mr. Speaker, let me conclude by saying that this conference report represents many hours of patient study and deliberation. We hope that this legislation will resolve the problems that have beset this program since the Land and Water Conservation Fund Act was enacted in 1964. We think that S. 1893 represents a realistic and reasonable course of action and I can recommend its approval to my colleagues in the House.

Mr. TAYLOR. Mr. Speaker, I want to join my chairman in support of S. 1893, as recommended by the conference committee.

Without repeating what he has told the Members of the House, I want to emphasize that what we have tried to do is to develop a uniform program which recognizes that some agencies, under some circumstances, cannot control access or collect admission fees even though outdoor recreation is a significant objective of the areas which they administer.

Under the terms of the legislation now before the House, no admission fees are to be charged except at designated units of the national park system or designated national recreation areas. Even at these admission fee areas, I want to make it perfectly clear that the conferees expect uniform treatment for all visitors. Unless admission fees can be collected from all visitors—at least during the peak season—then no admission fee should be charged. Personally, I feel—and I believe the consensus of the conferees was—that no admission fees should be charged except at manned entrance gates where the visitor is met, provided with information, and where the fees can be explained, if necessary.

Once a person is admitted to an area—even if there is no charge—he should be entitled to use any facilities which all visitors might reasonably be expected to use, without any special recreation use charge. For example, a person should not be expected to pay for the use of trails, a visitor center, or a picnic table because most visitors who go to the area expect to use these facilities. On the other hand, it is contemplated that a special recreation use fee should be paid on a daily basis for the exclusive use of a developed campsite. It is not contemplated that any charge would be made for backwoods camping.

Entrance fees would be charged at designated units of the national park system and at national recreation areas administered by the Secretary of Agriculture. I would place emphasis on the word "national." We have only a few of these areas. Sawtooth National Recreation Area in Idaho and Oregon Dunes National Recreation Area in Oregon were approved by the House this year. It is not intended that the Forest Service be permitted to designate a section of a national forest as a recreation area and then collect entrance fees.

Mr. Speaker, the chairman of the committee has outlined the most important features of the recommended legislation. I concur in his statement and join him in urging the adoption of this conference report.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report to S. 1893, a bill designed to revive the golden eagle passport program which was allowed to expire on December 31, 1971.

This measure would extend indefinitely the golden eagle passport, a $10 annual permit for entrance to designated national parks and campsites. In addition, this proposal creates a new golden age passport for citizens aged 62 or over which will allow them free entry into any designated admission fee area in the national park system or designated national recreational area administered by the Forest Service.

The golden age passport would operate in the same manner as the golden eagle passport and, in addition, would entitle the bearer to a 50-percent reduction in special recreation use fees, including camping.

Both of these passports can be obtained at the local post office.

Mr. Speaker, I have long felt that the national park and recreational systems belong to the people—those who have worked long and hard to pay taxes to support these programs.

By requiring a person to pay to gain access to their own lakes and parks, as well as pay taxes which purchased that lake or park, we are subjecting our citizens to double taxation—a policy I do not endorse.

However, I commend the conferees for their conclusion that those who have reached retirement are deserving of a special dividend by establishing a golden age passport.

Most of our retired citizens have a great love of nature and the outdoors. Most have limited financial resources, living on fixed incomes in an era of ever-rising costs.

Mr. Speaker, the golden eagle passport system is an important part of a concerted effort to expand recreational opportunities to all Americans. It is an inexpensive way to see our national treasures, and it has provided a method by which our citizens can relive our national heritage.

Without this system many families were priced out of our parks and recreational areas. Thus, they were not allowed the enjoyment and the relaxation as can only be provided in the outdoors.

I support this conference report, and I urge my colleagues to act promptly on its passage. Hundreds of thousands of American families are depending on us.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1028 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1028

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of Rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15587) to provide for a six-month extension of the emergency unemployment compensation program, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments recommended by the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and pending that, I yield myself such time as I may consume.

Mr. Speaker, this is a closed rule providing for 2 hours of general debate, as those who listened to the rule well know. It deals with the extension of the emergency unemployment compensation program. This is the usual way in which matters affecting unemployment compensation are handled.

Unless somebody would like me to yield I propose to yield back the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman's remarks should not be limited to this unemployment compensation bill that is covered by a closed rule. Closed rules are the trademark of the Ways and Means Committee. That committee seems to be sacrosanct. We never get a bill from the Committee on Ways and Means that is not protected by a closed rule.

Is that not correct?

Mr. BOLLING. There have been minor exceptions, and once upon a time not too long ago we made in order a vote on a matter—I think this was a couple of years ago—where we did not give them an entirely closed rule. The gentleman now speaking hopes that in the future there will be occasions where we can have many other situations in which we will not have a closed rule, as we did on one previous occasion, and not have an entirely closed rule on a tax bill some day. And this I have tried, in company with the gentleman from Iowa, to do, but have been unsuccessful so far. Perhaps at some other time we will be successful.

Mr. GROSS. I thought the last time we had an open rule in legislation coming from the Committee on Ways and Means was 15 or 20 years ago.

Mr. BOLLING. I believe, and I would not be able to cite an example—I am informed now by the chief of staff of the Committee on Ways and Means that the coffee bill was taken up under an open rule, and that was relatively recently. However, I am not sure that is entirely responsive to the gentleman's point.

Mr. GROSS. Well, along with the gentleman from Missouri, I am always thankful for real small favors.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Missouri has explained House Resolution 1028. As of today I do not believe we need the first waiver in the rule, rule XI, clause 27(d) (4) because the 3 days have now passed, since the report was filed back on June 21.

The purpose of H.R. 15587 is to extend the Emergency Unemployment Compensation Act of 1971 for 6 months, and to pay for the cost by an increase in the Federal unemployment tax.

The Emergency Unemployment Compensation Act of 1971 authorizes the Secretary of Labor to enter into arrangements with any State having at least a 6.5 percent rate of unemployment, by which the State receives Federal funds to pay emergency unemployment compensation to individuals who have exhausted their regular unemployment compensation. This emergency program provides compensation at the same weekly rate paid by the State, for a period equal to one-half of the individual's period of entitlement to regular benefits but not more than 13 weeks.

This bill would extend the Emergency Unemployment Compensation Act of 1971 so that new beneficiaries could become eligible for benefits under the program until December 31, 1972, instead of until June 30, 1972, as is provided in the present law.

In order to pay for benefits paid under this program after June 30, 1972, the bill provides a temporary increase in the Federal unemployment tax. Following an administration request, the committee bill increases the Federal unemployment tax from .05 percent to .58 percent for calendar year 1973 only.

The cost of this bill is estimated at $120,000,000 to $220,000,000 during fiscal year 1973.

I will say this—if your State does not qualify—all employers of your State will pay this additional increase in unemployment tax to take care of the unemployed people in the other States.

So you may have some problems to face with your employers paying this additional tax. Thus, I say, Mr. Speaker, I am not too enchanted with the bill from the standpoint of transferring the cost to the employer at the present time.

They are paying some pretty heavy taxes as it is right now. However, I urge the adoption of the rule.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HALL. In the interest of clarity, is it not also true that it extends for 6 months the time which unemployed individuals may receive the benefits—and this is in a little bit different context from just extending the life of the act.

Mr. SMITH of California. As I understand it, it is a 6-month extension during which they can apply, and if they qualify, they will get the 13 weeks. So they have the additional months if there is a 6.5 percent unemployment in those States, then the person that has the 26 weeks will have 6 months to qualify to get the 13 weeks.

That is my understanding. I think I am correct.

Mr. HALL. I certainly appreciate the gentleman's yielding. I hope and pray that he is correct.

I am sure that this will be cleared up during the general debate on the bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BURKE of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15587) to provide for a 6-month extension of the emergency unemployment compensation program.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15587, with Mr. Roush in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. Burke) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. Byrnes) will be recognized for 1 hour.

The Chair recognizes the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 15587 is a relatively short bill. It would do two things. First, it would extend the life of the emergency unemployment compensation program for 6 months. Second, it would modify the financing of the program beginning July 1, 1972.

The Emergency Unemployment Compensation Act of 1971 (P.L. 92–224) was enacted last December to provide unemployment compensation to persons who have exhausted their regular unemployment compensation and payments under the Federal-State extended unemployment compensation program if payable in their States.

The emergency unemployment compensation program was directed toward meeting the needs of persons whose unemployment was caused primarily by national economic forces. Unemployment had become especially high in certain industries directly related to the national defense and space programs. Cut-backs in these industries resulting from national policies had caused unemployment to spiral not only with respect to persons directly engaged in employment in these industries but in other areas of activity that are supportive of such industries.

The emergency unemployment compensation program, then, was enacted to meet the needs of individuals affected by high unemployment in certain States, but whose situation resulted from national policies, some of which were shaped here in Congress. The program operates only in States having a 6.5 percent "rate of unemployment" as defined in the law. These States enter into agreement with the Secretary of Labor to act as fiscal agents of the Federal Government in paying emergency unemployment compensation to eligible recipients. The program has been in operation in all 19 States that have had the required 6.5 percent rate of unemployment. These States are: Alaska, California, Connecticut, Idaho, Maine, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, Vermont, Washington, and West Virginia.

Under the emergency unemployment compensation program an individual is paid compensation at the same weekly rate as under the State's program and receives such payment for a period equal to one-half of his period of entitlement to regular compensation but not more than 13 weeks.

The emergency program is about to begin to phase out of existence. Public Law 92–224 provides that no compensation will be payable to an individual who is not eligible to receive at least one payment under the program for a week ending prior to July 1, 1972. It also provides that if a person starts receiving payments under the program prior to a week ending before June 30, 1972, he may continue to receive payments after July 1, but that no payment may be made for any week ending after September 30, 1972.

H.R. 15587 would delay these termination dates so that new beneficiaries could become eligible for benefits under the program until December 31, 1972—instead of June 30, 1972—and that no benefit payments could be made for weeks ending after March 31, 1973—instead of September 30, 1972.

It is estimated that between 300,000 and 400,000 workers will exhaust their unemployment compensation in the last half of this year and will remain unemployed for some time thereafter. These are the persons that this bill is concerned about. These persons will have no sources of financial assistance available to them other than welfare. The extension of the emergency unemployment compensation program will prevent many of them from having to turn to welfare for further assistance.

Public Law 92–224 directed the Secretary of Labor to make a detailed study of the operation of the program and report his findings and recommendations to the Congress. The Secretary submitted two such reports to the Congress, one in May and the second in the middle of June. The analysis of the Labor Department, as evidenced in these reports, showed clearly that most of the recipients of the emergency program have been workers with substantial labor force attachment. They are mostly men who are regular full time workers rather than secondary workers whose income is not so essential to the support of the family. The Labor Department studies show that seven out of 10 of the recipients have been entitled to maximum duration under the State programs and the national average weekly benefit amount has been $54.65.

The second change made by the bill is to modify the method of financing the benefits paid under the program beginning with weeks starting after June 30, 1972.

As enacted, the emergency unemployment compensation program is financed by advances from the general funds of the U.S. Treasury to the extended unemployment compensation account of the Unemployment Trust Fund. These advances are to be recovered in the future by withholding from the States that have made payments under the program the distribution of excesses in the Employment Security Administration account which would be distributed to the States.

In order to provide financing for benefits paid under the program for weeks ending after June 30, 1972, the bill provides for a temporary increase in the Federal unemployment tax for calendar year 1973. This method of financing benefits during the period that the program would be extended under the bill was recommended by the administration. More specifically, the administration recommended, and the bill provides, a

1-year temporary increase in the Federal unemployment tax rate of 0.08 percent of covered wages. This would increase the total Federal unemployment tax rate from 3.2 to 3.28 percent and the net Federal tax rate from 0.5 to 0.58 percent.

Questions have been raised concerning the method of financing the program during the period it would be extended by the bill. It is claimed that it is unfair to tax the employers in all of the States to pay benefits to workers in only a few of the States. Those who claim that this method of financing the program is unfair overlook the fact that the program is directed toward alleviating high unemployment which exists in certain localities as a result of forces that are beyond local control. It should be noted in considering these arguments that one-half of the cost of the permanent program of Federal-State extended unemployment compensation is financed in essentially the same manner.

When this program was enacted last December, economic conditions were of serious concern, especially in certain States in which unemployment had been directly affected by retrenchment in national spending programs. The insured unemployment rate in December—when the emergency unemployment compensation program was enacted—was 4.3 percent. It remained above 4 percent until April of 1972 when the rate dipped slightly below 4 to 3.98 percent. The rate would have remained above 4 percent except for the fact that the extended unemployment compensation program ceased operating nationally the first of April. This resulted in many thousands of unemployed workers going off the insured unemployment rolls, thus lowering the insured rate of unemployment.

The total unemployment rate is a more reliable test of unemployment and it has remained constantly at around 6 percent every month this year.

It is everybody's hope that unemployment will decrease in the latter months of the year but there is no way that employment can possibly increase fast enough to prevent many thousands of workers—estimated at 300,000 to 400,000, as I stated earlier—from using up their entitlement to unemployment compensation. This bill is intended to help alleviate the problems of these workers and their families and therefore should be enacted.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am opposed to H.R. 15587, a bill extending the Emergency Unemployment Compensation Act of 1971 for a 6-month period.

Under the original law, enacted December 29, 1971, a third tier of unemployment compensation benefits was added to existing unemployment insurance programs for a temporary period. I opposed enactment of this legislation, and while the extension before the House is an improvement over the legislation enacted last December, I still think it is inappropriate.

In order to put the issues in context, I should point out that in addition to the basic unemployment compensation program established in each State as a result of the Federal-State partnership created by the Federal Unemployment Tax Act enacted in the 1930's, we provide a permanent program of extended benefits under legislation that we enacted in 1970. Although formulas vary from State to State, a typical State provides a worker who has sufficient wage credits with a specified basic weekly benefit for up to 26 weeks duration.

The permanent extended benefits program enacted by Congress in 1970 provides that when economic criteria measuring unusually large unemployment on either a national or State basis are applicable, additional benefits are automatically triggered in equal to 50 percent of an individual's basic unemployment compensation benefits. The costs of this extended benefit program are shared on a 50–50 basis with the States and financed by a payroll tax on employers. The enactment of this program represented a culmination of years of effort by the Ways and Means Committee, cooperating with the Labor Department, the Interstate Conference of Employment Security Administrators, and both industry and labor groups, to develop a permanent program to deal with abnormally high unemployment on either a State or national basis in accordance with criteria known in advance, rather than on an ad hoc basis as we did through temporary unemployment extended compensation programs in 1958 and 1961.

The Emergency Unemployment Compensation Act of 1971, which is extended by this bill, provided a third tier of benefits on top of both the basic benefits and the permanent extended benefits that entitled recipients in States with sufficiently high unemployment to up to an additional 13 weeks of unemployment compensation. As the chairman noted before the Rules Committee yesterday, and as I made clear on the floor of the House when we adopted this program, these benefits were financed out of general revenues. The third tier of benefits trigger-in in States whose unemployment compensation rate, including the rate of exhaustions, equals or exceeds 6.5 percent for any week. Once the program triggers in, it is in effect for a minimum of 26 weeks, and remains in effect thereafter until the third week after which unemployment drops below the 6.5-percent figure. The bill before the House would extend this program for 6 months. Under the extension, no new beneficiaries may be qualified for these third-tier benefits after December 31 of this year, and no benefits will be payable after March 31, 1973, in any event.

It is estimated that the cost of this extension will be between $120 million and $220 million during fiscal 1973. Whereas the initial program was financed from general revenues, the extension will be financed by an increase in the Federal unemployment tax during calendar 1973, that is expected to yield $220 million. By providing adequate financing through a payroll tax for these benefits, the bill is an improvement over the initial legislation. One of the principal reasons I strongly objected to the initial legislation was the potential damage done to the unemployment insurance program through the use of general revenues which undermined the insurance basis of the program. The principle of unemployment insurance payments payable as a matter of right is grounded on the principle of benefits being related to the wages on the basis of which the payroll tax is imposed. The principle of experience rating—varying an employer's tax burden with the unemployment costs incurred—is an essential part of this insurance system. The use of general revenues completely undermined these insurance principles.

Despite this improvement in the bill, I feel that its extension is a mistake. It represents a return to the practice of dealing with abnormal unemployment on an ad hoc basis, as we did in the late 1950's and early 1960's.

Before we have really had any opportunity to carefully review the permanent extended unemployment benefits program we enacted in 1970, we are piling a temporary third-tier program atop both the basic program and the permanent extended benefits program.

Additionally, this third-tier program triggers in solely on the basis of a State trigger. This means that individuals in a State where unemployment is 6.5 percent are entitled to the additional benefits provided by this program, while unemployed individuals in a State with 6.4 percent unemployment are entitled to no benefits under this program. Despite the fact that both of these individuals are unemployed, and that employers in both States are paying the taxes to finance this program, the employee in the State with one-tenth of 1 percent higher unemployment will qualify, while the employee in the other State will not qualify.

Under the program, 19 States have met the trigger criteria entitling employees in those States to an additional period of benefits up to 13 weeks. Some of these States no longer meet the criteria and with improving economic conditions, few additional States can be expected to qualify. This means that employees nationwide will be paying taxes to finance benefits available only in about 19 States.

This program as extended is wholly financed by the Federal Government through the additional tax imposed on employers. Under the basic program, the States pay the benefit cost, and the Federal Government pays the cost of administration. Under the permanent extended benefit program enacted in 1970, the States and the Federal Government share the benefit costs on a 50–50 basis. I believe that history demonstrates that the program has been served best by this method of sharing the costs.

Furthermore, by financing the additional benefits wholly through an increase in the net Federal unemployment tax, the cost of the program will not be subject to experience rating. The practice of experience rating, or varying the tax imposed on employers with their unemployment experience, is a critical component of the unemployment insurance system that has served our people so well for more than one-third of a century.

Finally, Mr. Chairman, this bill continues a temporary program that, when combined with our permanent unemployment compensation programs, provides benefits for up to an entire year. At some point, an individual's continued unemployment becomes sufficiently remote from his previous employment to make any connection between the two tenuous at best. I realize that the program is a temporary one designed—as the President said in signing the initial measure—"to ease the transition of workers adjusting from the wartime to a peacetime economy." But benefit periods this long will in the final analysis undermine the unemployment insurance program by burdening the program with employment problems bearing too remote a connection to previous employment relationships.

The unemployment insurance program is one of the most successful experiments in Federal-State cooperation in our history. It provides economic security to millions of workers, stabilizes our economy in periods of economic downturn, and is based on sound principles of social insurance. We pay too great a price when we threaten the integrity of this program by asking it to assume responsibilities and carry burdens for which it is not designed.

I am certainly sympathetic to the problems of unemployment that this bill is designed to deal with and recognize that shifts in Federal priorities have been a significant contributing factor in many cases. It may well be that a carefully considered Federal response entirely outside of the Federal-State unemployment insurance program would have been desirable. But this is a stopgap program that simply ameliorates the symptoms without dealing with fundamental causes.

For these reasons, Mr. Chairman, I am opposed to the bill before the House. I agree with the President's statement when he signed the initial legislation that the program is a temporary expedient and not the best or soundest method of helping the unemployed, and should not be viewed as a precedent for future legislation.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. DENNIS. The fact remains, if I understand the gentleman from Wisconsin, if one does not come from one of these 19 States which qualify under this bill, and he votes for the bill, he will be voting a tax on every employer in his State without benefit to any employee in his State. Is that true?

Mr. BYRNES of Wisconsin. The benefits will not go to the employees who are unemployed in those particular States that have not met the prescribed criteria. But let me hasten to add that I am not suggesting there is no benefit to the Nation in taking care of people even though they are located in a minority of the States. However, the Federal-State extended unemployment compensation program we enacted in 1970 provides a much better approach than this bill.

Mr. DENNIS. That is another question.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to my chairman.

Mr. MILLS of Arkansas. I want to agree with my friend from Wisconsin that the Federal-State extended program is much to be preferred over this very temporary program in that respect. We are calling upon the employers of the Nation to pay for the cost of this extension of the program.

But we did call upon the employers of the Nation under the extended benefit program enacted in 1970 to pay for one-half the cost of the benefits paid in any State that could qualify by meeting the State trigger. So the same philosophy is used here that was used there, except this is a tax on all the employers in the United States of 100 percent of the cost whereas it was 50 percent there.

Mr. BYRNES of Wisconsin. There are other distinctions between the two programs in addition to the important one the gentleman has mentioned. The gentleman will admit we do have a national trigger in the Federal-State extended benefits program.

Mr. MILLS of Arkansas. Yes, certainly.

Mr. BYRNES of Wisconsin. So under certain circumstances any employee could be eligible for benefits under that system, no matter what States he comes from.

Mr. MILLS of Arkansas. That is true.

Mr. BYRNES of Wisconsin. This is not the case under this program.

Mr. MILLS of Arkansas. No, but this is a much higher trigger.

Mr. BYRNES of Wisconsin. I understand. I do not believe the gentleman and I are in disagreement as to what is the situation here.

Mr. MILLS of Arkansas. No.

Mr. BYRNES of Wisconsin. The part that worries and worried me in December is the general concept of again approaching those problems on an ad hoc basis the way we did in the late 1950's and early 1960's. We thought we had taken care of that problem, Mr. Chairman, when you and I joined worked together for a long time, to develop a system to be triggered into existence when we had long and extended high unemployment.

That was the extended benefit program which we worked out in consultation with the Labor Department, with the Interstate Conference of Employment Security Administrators, and enacted into law in 1970.

We have the regular unemployment program and the extended benefits we enacted in 1970. Now we have a third tier which has not been worked out on the same careful basis as the two existing permanent programs. We are reverting to the ad hoc process of the 1950's and 1960's of responding in a crisis atmosphere which we said at the time we thought was wrong. We should have a permanent system, one on which we focus to carefully meet specific problems on an ongoing basis. That is why I quarrel at this time.

But, as I say, I could with good conscience, vote for this extension, because it is the law and it has been in operation for 6 months. We are not going to design a new program for the next 6 months. Maybe it is appropriate to continue what we have done, but I do not think so.

However, I can see the rationale of an extension, and I am not going to quarrel with anybody about it.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. Sure.

Mr. MILLS of Arkansas. I think my friend has said this extension is really better than the program we had in the first 6 months, because this extension does cover all of the basic concepts of financing these kinds of benefits rather than doing it as we did in the first 6 months by financing the benefits initially out of the general fund of the Treasury.

Mr. BYRNES of Wisconsin. I said that in my opening remarks, that it is an improvement.

Mr. MILLS of Arkansas. Yes, you did. And you did point out that the Department of Labor and the administration recommended it.

Mr. BYRNES of Wisconsin. The administration does approve this with the change in the financing. But again I would say that that does not necessarily change my basic viewpoint.

Mr. DENNIS. Will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Indiana.

Mr. DENNIS. If the gentleman will yield again for one moment, I, too, do not want to seem to oppose the idea of dealing nationally with a national problem, but I concur with what the distinguished gentleman from Wisconsin said earlier about the superiority of the Federal-State extended benefits program enacted in 1970. I think I took the same position he did concerning its comparative advantages over what we are doing now.

I remain of the opinion it is asking a good deal of one who comes from a State which does not qualify to vote to impose additional taxes on all the employers in his State to help everyone with no benefits whatsoever returning to anybody in his own State. That is the only point I was making.

Mr. BYRNES of Wisconsin. I would add here you can very readily have State A with an assured unemployment of 6.4 percent and they would get no benefit and they would not be triggered in. Maybe, though, State B did happen to have that one-tenth of 1 percent higher percentage of unemployment and therefore all of the employees in that State who become unemployed get an additional 13 weeks of benefits. There is that unfairness that exists under this kind of a system.

Mr. DENNIS. If the gentleman will yield further, I agree with the gentleman that there certainly could be and should be a fairer method to take care of this national problem than we have in this particular measure.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MIZELL. I thank the gentleman. I think he has answered the question

I have, that a person is no less unemployed if he is unemployed whether he qualifies for special benefits or not, and certainly to tax all the employers to solve the unemployment problem in these 19 States, even if the unemployment would be as high as 6 percent within a State, they would not receive any of the benefits although all of the employers in that State will be taxed.

I certainly think it is unfair to require the employers in all States to pay the cost of this program. The unemployed in States which do not have 6½ percent unemployment will not receive any benefits under this limitation.

Mr. Chairman, I thank the gentleman for his comments and for yielding to me.

Mr. BYRNES of Wisconsin. I thank the gentleman.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLS of Arkansas. Mr. Chairman, I urge the House to pass the pending bill, H.R. 15587, which would provide a 6-month extension of the emergency unemployment compensation program. This program pays additional unemployment compensation to workers who have exhausted their Federal or extended unemployment compensation. Under it, an unemployed person can receive additional payments equal in amount to those received under the State's program for up to 13 weeks. Under present law, no one may start receiving payments under the program after June 30, 1972.

The bill under consideration would extend the termination date by 6 months and permit persons to apply for benefits until December 31, 1972. The date when the last payments to qualified persons could be made would be changed from September 30, 1972, to March 31, 1973.

The bill would also modify the method of financing payments made after June 30, 1972. This provision was recommended to the Committee on Ways and Means by the administration. The bill provides that benefits paid under the program for weeks ending after June 30, 1972, be charged directly to the extended unemployment account in the Federal unemployment trust fund and that the Federal unemployment tax rate be increased by 0.08 percent of covered wages with respect to wages paid in calendar year 1973. This tax increase would be for 1 year only and would raise the net Federal tax rate from 0.5 percent to 0.58 percent.

The method of financing the program during the extended period as provided in the bill is in effect the same method used to pay the Federal portion of the cost of the permanent Federal-State extended unemployment compensation program. The cost of the extended benefits program is shared 50-50 by the Federal Government and the States and when the program is triggered into operation in individual States, the employers in all States share in financing the Federal portion of the cost of the program in any State.

Mr. Chairman, the temporary program of emergency unemployment compensation was enacted to meet the problems of high unemployment which are largely the result of national policies and economic forces. Conditions have improved somewhat since that time, but the problems we faced then although not as serious today are still with us. The adoption of this bill will make it possible for between 300,000 and 400,000 workers who experience lengthy periods of unemployment to participate in the emergency unemployment compensation program through the last half of this year.

Mr. DRINAN. Mr. Chairman, as a sponsor of the bill before us now, H.R. 15587, and as a Representative from Massachusetts, one of the 19 States which receive benefits under the Emergency Unemployment Compensation Act of 1971, I strongly urge my colleagues to extend the provisions of this act for 6 additional months.

On December 15, 1971, the House of Representatives approved the emergency unemployment compensation program. On that occasion, the chairman of the Ways and Means Committee described it as:

> A short-term program designed to assist workers who are the victims of long-term unemployment due to unusual circumstances.

Since then, two facts have become clear: first, that the program has been enormously successful, providing critically needed benefits worth $270 million to more than 500,000 unemployed individuals, and second, that the "unusual circumstances" which prompted this program—high unemployment rates and an unusually inflexible labor market—are not only still with us but are even more severe today than they were 6 months ago.

We consider today a bill to continue the emergency unemployment compensation program beyond its June 30 expiration date. This bill extends the program for an additional 6-month period and provides a mechanism for financing the estimated $220 million cost of the extension. The Ways and Means Committee estimates that as many as 400,000 people would receive unemployment benefits in the 6-month period beginning July 1. Those people who have already received benefits in the first 6 months of the program would not qualify for additional benefits during the extension period.

The Emergency Unemployment Compensation Act of 1971 provides 13 weeks of emergency coverage at an average weekly benefit amount of $55. No compensation is payable to any individual for any week of unemployment ending after June 30, 1972, unless the individual has already qualified for and received compensation for at least 1 week's unemployment. In this latter case, individuals may continue collecting compensation until September 30. Beyond that date, all benefits cease.

This bill extends each of these dates 6 months, so that benefits for those who qualify would be distributed until December 31, 1972, with an absolute cutoff date of March 31, 1973. Funds for the additional 6-month period would be provided by temporarily raising the Federal unemployment tax in 1973 from 0.5 to 0.58 percent, yielding revenues of $220 million. The "triggering" provision in the present law which limits benefits to those States with an unemployment rate greater than 6.5 percent, is retained in the extension bill. At present, 18 States and Puerto Rico qualify for benefits.

For almost 2 years the Nation's unemployment rate has stubbornly remained above or near the 6-percent level. and in my own State of Massachusetts the statewide unemployment rate is now approaching a staggering 8 percent. Since the introduction of the emergency unemployment compensation program 6 months ago, neither of these rates has fallen and the latter has actually risen. To allow this program to expire now would make cruel jest of the Federal Government's commitment of emergency aid to the unemployed.

Legislation suited to the needs of the long-term unemployed must be a very high priority of this Congress. I urge my colleagues, in Congressman JIM BURKE's words, to "end unemployment instead of ending unemployment benefits" by voting for passage of H.R. 15587.

Mrs. GRASSO. Mr. Chairman, as cosponsor of legislation to extend the termination date of the Emergency Unemployment Compensation Act for 6 months, I urge speedy House approval of H.R. 15587. The expiration of the present law would result in severe difficulties for many families of unemployed workers in areas of continued high unemployment.

The language of this legislation is simple, but its impact will be significant. The present law allows registration for emergency benefits until June 30, 1972. The language of H.R. 15587 extends this period for 6 months, to December 31, 1972. Under the act, up to 13 extra weeks of emergency unemployment compensation is made available to unemployed persons in States with an unemployment rate over 6.5 percent.

My State of Connecticut has 8.6 percent of its labor force unemployed. In my district, the unemployment rate in Bristol is 16.1 percent; in Torrington, 11 percent; and in New Britain, 10 percent. Each week, more and more unemployed workers are exhausting their regular and extended unemployment compensation benefits. They cannot find jobs. Soon they will have no benefits either. Congress must pass H.R. 15587 and extend the Emergency Unemployment Compensation Act for 6 months.

We should be mindful, however, that passage of this legislation will keep alive only one of the two unemployment compensation programs which will expire in some States, including Connecticut. Presently, some 60,000 people in Connecticut are receiving regular unemployment compensation benefits. Yet, the State is no longer eligible for the Federal-State extended benefits under the Employment Security Amendments of 1970. This law contains a "trigger-off" provision which terminates aid to high unemployment States whose unemployment level falls below 120 percent of the average unemployment rate for the past 2 years. Although Connecticut has an unemployment rate of 8.6 percent, it will be deprived of these benefits because the rate falls below this arbitrary 120 percent provision. Although thousands of people remain out of work, they will be unable to receive 13 weeks of extended compensation benefits after their regular benefits are exhausted. Therefore, a necessary complement to the legislation we are considering today must be a bill to waive or eliminate the 120 percent "trigger-off" provision. To achieve this end, I have introduced legislation which, hopefully, will receive early consideration by the Congress.

The unemployed in cities and towns across the Nation look now to the Congress for assistance, and the Congress must provide the unemployment benefits desperately needed by our people who are still without jobs.

Mr. HARRINGTON. Mr. Chairman, I rise today in support of the Extension of the Emergency Employment Act, H.R. 15587, of which I am a cosponsor. This bill will extend the emergency unemployment compensation program for an additional 6 months and will be financed by a slight increase in the Federal unemployment tax.

When the original legislation was considered last year, we were told that it would be a temporary emergency measure, and the administration assured us that the unemployment rate would go down. In fact, the Nixon administration has failed totally to create an economic climate where a man who wants to work can work.

In the past 6 months, unemployment has not decreased. Nationally, 5.9 percent of the labor force cannot find jobs. In New England, the hardest hit region of the country, unemployment has actually risen in the last year, from 7.5 percent in April 1971, to 8.1 percent in April 1972. Clearly, the temporary emergency has assumed long-range proportions, and shows little sign of improving. Many of the long-term unemployed have already exhausted their rights to emergency unemployment compensation. It is estimated that, unless this legislation is passed, 300,000–400,000 additional unemployed persons will be deprived of access to unemployment compensation. We cannot allow this to happen.

We have been told by the administration officials, once again, that this short extension should be adequate and that unemployment will drop in the last half of 1972. Yet last month, unemployment in Massachusetts jumped three-tenths of 1 percent, adding another 6,900 workers to the unemployment roles. Unless this legislation is passed, they will be left without compensation of any kind once their State eligibility expires. There are the workers we must consider in supporting this bill.

In the long run, however, we can correct the situation only by providing the unemployed with jobs. Therefore, I have introduced H.R. 15649, which extends and broadens the Emergency Employment Act of 1971, to provide public service jobs for the unemployed as long as the unemployment rate remains above 4.5 percent, which it undoubtedly will—at least throughout the remainder of the present administration's term in office. This bill also increases the amount of funding for the program from $1 billion in fiscal year 1972 to $2 billion in fiscal year 1973, and doubles to $500 million the annual amount appropriated for the special employment assistance program for areas such as New England with over 6 percent unemployment.

We need also to pass economic conversion legislation and to find a better means of stabilizing prices.

While legislating jobs should be our primary goal, the legislative process is often too slow, and emergency action is needed right now to assure continued compensation for those workers who have lost their jobs until new work can be provided. Therefore, it is imperative that the House vote the 6-month extension of emergency unemployment compensation, and then get down to the business of passing laws that will allow our workers to get back to work.

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 15587, which provides a 4- to 6-month extension of the emergency unemployment compensation program.

As a cosponsor of this vitally needed legislation, I want to commend my colleague from Massachusetts (Mr. BURKE), for his dedication in shepherding this bill so promptly to the House floor. Unless we act quickly, as many as 400,000 people across the Nation, who will exhaust their unemployment benefit rights during July to December of this year, will be deprived of access to emergency compensation.

The State unemployment rate in Massachusetts is hovering near the 8 percent mark. And in my own congressional district, unemployment in some areas ranges as high as 14 percent. I am sure that these unfortunate statistics can be duplicated in many other sections of the country.

Thus it is imperative that we approve this bill and thereby offer some relief to those suffering from the indignity and frustration of being denied the means of earning their own livelihood.

Thank you, Mr. Chairman.

Mr. BOLAND. Mr. Chairman, I rise in support of this legislation. Extending the life of the Emergency Unemployment Compensation Act for 6 months, the bill would mean food on the table and clothes on their backs for hundreds of thousands of American families. That statement may sound tainted by melodramatic exaggeration, Mr. Chairman, but it is not. The Ways and Means Committee estimates that 300,000 to 400,000 idled workers, most of their savings accounts already plundered and many of their assets already sold off, will exhaust their conventional unemployment benefits by the end of the year. They will have nowhere to turn but to the welfare system, now so overburdened that it verges on collapse.

The bill before us today—as you know, Mr. Chairman, I was among its earliest sponsors—would maintain until the end of the year the emergency program offering up to 13 weeks in additional unemployment benefits.

For many families, it would make the difference between financial survival and financial ruin.

I am willing to concede, Mr. Chairman, that the economy now shows a few heartening signs of recovery: for one thing, the unemployment rate's dizzying climb upward appears to have been arrested; and, for another, some economic seers think they have divined the coming of a modest "boomlet" sometime later this year. I want to emphasize, however, that millions of Americans are still jobless. The rate of unemployment in the Springfield-Holyoke-Chicopee metropolitan statistical area, largely within my congressional district, stands at a disquieting 9.2 percent.

The unemployed in my district, like most of the unemployed throughout the United States, are not shirking work.

Indeed, they are searching for it with something akin to desperation.

We in the Congress have a responsibility to extend a helping hand to them by enacting the legislation before us today.

Mr. RYAN. Mr. Chairman, I support H.R. 15587, a measure which extends for 6 months the time periods during which unemployed individuals can receive emergency unemployment compensation payable under the Emergency Unemployment Compensation Act of 1971.

On June 12 I introduced a bill, H.R. 15436, which called for this 6-month extension, and it is reassuring that the Ways and Means Committee has acted in time to prevent the expiration of this desperately needed program.

I would, however, like to address myself to one particular provision of the 1971 act that has been carried over in the measure currently under consideration. Under section 202(B) (i) of this act, States eligible to participate in this program are those in which "(I) the rate of unemployment—in the State for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 6.5 per centum."

I have been informed today by the Department of Labor that New York State's unemployment rate for April was 6.3 percent and for May the figure was 6.1 percent. Therefore, when the unemployment figures for June are released, if it is found that New York State's unemployment rate is again below 6.5 percent, that State will no longer be eligible to participate in the emergency employment program. And yet over 500,000 people are unemployed in New York State and are sorely in need of financial assistance.

The bill I introduced, H.R. 15436, changed the 6.5 percent figure to read "the national average rate of unemployment for such period." The national unemployment rate for April was 5.5 percent and for May 5.1 percent, according to the information I received from the Department of Labor. Therefore, under my bill, New York State would still be eligible to participate in the emergency unemployment program. It is regrettable that this bill has been brought before the House under a closed rule since no amendments were in order, there was no way in which a change in the 6.5 percent figure could be offered on the floor of the House.

Mr. BURKE of Massachusetts. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(f) of Public Law 92-224 (relating to termination dates for purposes of the Emergency Unemployment Compensation Act of 1971) is amended—

(1) by striking out "June 30, 1971" and inserting in lieu thereof "December 31, 1972",

(2) by striking out "September 30, 1972" and inserting in lieu thereof "March 31, 1973", and

(3) by striking out "July 1, 1972" and inserting in lieu thereof "January 1, 1973".

SEC. 2. (a) Section 3301 of the Internal Revenue Code of 1954 (relating to rate of Federal unemployment tax) is amended by adding at the end thereof the following new sentence: "In the case of wages paid during the calendar year 1973, the rate of such tax shall be 3.28 percent in lieu of 3.2 percent."

(b) Section 6157(b) of the Internal Revenue Code of 1954 (relating to payment of Federal unemployment tax on quarterly or other time period basis) is amended by adding at the end thereof the following new sentence: "In the case of wages paid in any calendar quarter or other period during 1973, the amount of such wages shall be multiplied by 0.58 percent in lieu of 0.5 percent."

(c) Section 905(b)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: "In the case of any month after March 1973 and before April 1974, the first sentence of this paragraph shall be applied by substituting 'thirteen fifty-eighths' for 'one-tenth'."

(d) Section 903(b)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "No reduction shall be made under this subsection in the amount transferable to the account of any State by reason of emergency compensation paid to any individual for a week of unemployment ending after June 30, 1972."

(e) The second sentence of section 204(b) of the Emergency Unemployment Compensation Act of 1971 is amended to read as follows: "Amounts appropriated as repayable advances and paid to the States under section 203 shall be repaid, without interest (1) in the case of weeks of unemployment ending before July 1, 1972, as provided in section 903(b)(3) of the Social Security Act, and (2) in the case of weeks of unemployment ending after June 30, 1972, as provided in section 905(d) of such Act."

The CHAIRMAN. Under the rule, no amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall not be subject to amendment.

Are there any committee amendments?

Mr. MILLS of Arkansas. There are no committee amendments, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee raises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15587) to provide for a 6-month extension of the emergency unemployment compensation program, pursuant to House Resolution 1028, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MIZELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 275, nays 108, not voting 49, as follows:

[Roll No. 243]

YEAS—2

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Derwinski
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flood
Foley
Forsythe
Frelinghuysen
Frenzel
Garmatz
Gaydos
Giaimo
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Leggett
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCormack
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—108

Andrews, Ala.
Archer
Ashbrook
Baker
Bevill
Blackburn
Bow
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carter
Chappell
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conover
Crane
Daniel, Va.
Davis, Wis.
Dennis
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Fascell
Findley
Fisher
Flowers
Flynt
Fountain
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goodling
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hastings
Henderson
Hull
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Landgrebe
Landrum
Latta
McClure
McCollister
Mahon
Mann
Martin
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Pike
Poage
Powell
Price, Tex.
Purcell
Quillen
Railsback
Robinson, Va.
Robison, N.Y.
Rogers
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Scott
Sebelius
Smith, Calif.
Spence
Steiger, Ariz.
Stephens
Stuckey
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thone
Whalley
Whitehurst
Whitten
Winn
Wydler
Young, Fla.
Zion

NOT VOTING—49

Abbitt
Abernethy
Anderson, Tenn.
Baring
Belcher
Bell
Betts
Blanton
Boggs
Bray
Broomfield
Burke, Fla.
Cabell
Caffery
Chisholm
Clay
Davis, S.C.
Dent
Diggs
Dowdy
Erlenborn
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Green, Pa.
Hagan
Hébert
Holifield
Jonas
Karth
Kee
Lennon
McCloskey
McCulloch
McDade
McDonald, Mich.
McMillan
Miller, Calif.
Mosher
Moss
Nichols
Pepper
Pirnie
Schneebeli
Teague, Calif.
Udall
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Jonas.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Karth with Mr. McCloskey.
Mr. Dent with Mr. Clay.
Mr. Fulton with Mr. Belcher.
Mr. Baring with Mr. Erlenborn.
Mr. Blanton with Mr. Bell.
Mrs. Chisholm with Mr. Gallagher.
Mr. Moss with Mr. Diggs.
Mr. Dowdy with Mr. McCulloch.
Mr. Pepper with Mr. Burke of Florida.
Mr. Anderson of Tennessee with Mr. Broomfield.
Mr. Fraser with Mr. Mosher.
Mr. Abbitt with Mr. Pirnie.
Mr. William D. Ford with Mr. McDonald of Michigan.
Mr. Davis of South Carolina with Mr. Schneebeli.
Mr. Abernethy with Mr. Teague of California.

Mr. Caffery with Mr. Hagan.
Mr. Lennon with Mr. Betts.
Mr. Cabell with Mr. Bray.
Mr. Udall with Mr. Wiggins.
Mr. Green of Pennsylvania with Mr. McDade.
Mr. Kee with Mr. Miller of California.
Mr. Holifield with Mr. Nicholas.

Messrs. JARMAN, DICKINSON, and FINDLEY changed their votes from "yea" to "nay."

Mr. MYERS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO EXTEND AND INCLUDE

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that those Members who spoke on the bill just passed be permitted to revise and extend their remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL LEAVE

Mr. BURKE of Massachusetts. Mr. Speaker, I further ask unanimous consent that all Members have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 1030, Rept. No. 92–1194) which was referred to the House Calendar and ordered to be printed:

H. RES. 1030

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

PERMISSION TO FILE CONFERENCE REPORT ON S. 979, HIGH-SPEED GROUND TRANSPORTATION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 92–1195)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 979) to extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That (a) the first section of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1631), is amended by inserting "and door-to-door ground transportation" immediately after "high-speed ground transportation".

(b) The first sentence of section 2 of such Act (49 U.S.C. 1632) is amended to read as follows: "The Secretary is authorized to contract for demonstrations to determine the contributions that high-speed ground transportation and door-to-door ground transportation could make to more efficient, safe, and economical intercity transportation systems.".

SEC. 2. (a) Section 8(a) of such Act (49 U.S.C. 1638(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

(2) In awarding contracts in connection with research and development and demonstration projects under this Act, the Secretary shall give priority to proposals which will increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations) —

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment, as determined by the Secretary of Labor, of the available work force as a result of the termination or reduction of a federally financed or supported program and such increase in unemployment continues to exist.

Nothing in this paragraph shall be construed to require that any contract awarded under this Act must be wholly performed in any one labor area.".

(b) Paragraph (3), as so redesignated by subsection (a) of this section, is amended to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, the private agencies, institutions, organizations, corporations, and individuals with which the Secretary enters into agreements or contracts to carry out research and development under this Act shall, to the maximum extent practicable, be geographically distributed throughout the United States.".

SEC. 3. The first sentence of section 11 of such Act (49 U.S.C. 1641) is amended by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "$97,000,000 for the fiscal year ending June 30, 1973; $126,000,000 for the fiscal year ending June 30, 1974; and $92,900,000 for the fiscal year ending June 30, 1975.".

SEC. 4. Section 12 of such Act (49 U.S.C. 1642) is repealed.

SEC. 5. (a) Section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended by striking out "fifteen years after the date thereof" and inserting in lieu thereof "twenty-five years after the date thereof".

(b) Section 505 of the Interstate Commerce Act (49 U.S.C. 1235) is amended by inserting immediately after "renewal or extension of any such guaranty" the following: "for any period of time not exceeding twenty-five years from the date of the original guaranty".

SEC. 6. Part V of the Interstate Commerce Act (49 U.S.C. 1231 et seq.) is amended by renumbering section 510 as section 511 and by inserting immediately after section 509 the following new section:

"AUDIT BY COMPTROLLER GENERAL

"SEC. 510. (a) In any case in which—

"(1) there is outstanding any guaranty by the Commission made under this part; or

"(2) the Secretary of the Treasury is required to make any payment as a consequence of any guaranty by the Commission made under this part;

the financial transactions of the common carrier by railroad subject to this Act with respect to which such guaranty was made may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such common carrier by railroad pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

"(b) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the common carrier by railroad involved in such audit, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, adversely affects the financial operations or condition of the common carrier by railroad involved in such audit or lessens the protection afforded the United States at the time the original guaranty was made. A copy of each report shall be furnished to the Commission at the time it is submitted to the Congress.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN M. MURPHY,
SAMUEL L. DEVINE,
JAMES HARVEY,
Managers on the Part of the House.
WARREN G. MAGNUSON,
VANCE HARTKE,
FRANK E. MOSS,
J. GLENN BEALL, Jr.,
L. P. WEICKER, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 979) to extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill. The committee of conference also recommends that the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below.

DOOR-TO-DOOR GROUND TRANSPORTATION

Senate bill

No provision.

House amendment

The first section of the House amendment amended the first section of existing law (the High Speed Ground Transportation Act) to authorize the Secretary of Transportation to undertake research and development in door-to-door ground transportation as well as high-speed ground transportation. This section of the House amendment also amended section 2 of existing law to authorize the Secretary to contract for demonstrations to determine the contributions that door-to-door ground transportation could make to more efficient, safe, and economical intercity transportation systems.

Conference substitute

The conference substitute is the same as the House amendment.

LABOR SURPLUS AMENDMENTS

Senate bill

The Senate bill amended section 8(a) of existing law by adding a new paragraph requiring that the Secretary of Transportation, in "considering proposals or applications for" research and development and demonstration projects, must give "highest priority to those proposals or applications" which will "substantially" increase employment in labor areas with a high unemployment rate. These labor areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations. Eligible areas would include—

(1) areas experiencing a rate of unemployment of 9 percent or more of the area's work force, or a rate of unemployment of 150 percent or more of the federally determined unemployment rate for the entire United States; or

(2) areas which have experienced a 1 percent increase in unemployment (as determined by the Secretary of Labor) of the available work force as the result of the termination of a federally financed or supported program and such increase in unemployment continues to exist.

The Senate bill also provided that, in the event two or more entities from the same labor area were in competition for assistance, priority must be given to the proposal or application deemed by the Secretary to have the greatest potential impact in reducing the amount of unemployment in such area.

House amendment

Section 2 of the House amendment also amended section 8(a) of existing law by adding a new paragraph requiring that the Secretary, in "awarding contracts for the design or manufacture of equipment, or for the construction of facilities, in connection with" research and development and demonstration projects, must give "consideration to proposed contracts" which will increase employment in labor areas with a high unemployment rate. Eligible areas would be the same as those described under the discussion of the Senate bill above, except that areas which have experienced a 1 percent increase in unemployment as the result of the reduction of a federally financed or supported program as well as the termination of such a program would be eligible. The House amendment also provided that nothing therein should be construed to require that any contract awarded by the Secretary must be wholly performed in any one labor area.

Conference substitute

The conference substitute provides that, in "awarding contracts in connection with" research and development and demonstration projects, the Secretary must give "priority to proposals" which will increase employment in labor areas with a high unemployment rate. Eligible areas are the same as those described in the House amendment. The conference substitute, like the House amendment, also provides that nothing in the new paragraph added to section 8(a) of existing law shall be construed to require that any contract awarded by the Secretary must be wholly performed in any one labor area.

AUTHORIZATION OF APPROPRIATIONS

Senate bill

The Senate bill amended section 11 of existing law to eliminate the periodic authorization of appropriations and the specific dollar limitations for each fiscal year.

House amendment

Section 3 of the House amendment amended section 11 of existing law to authorize the appropriation of $97 million for the fiscal year 1973; $126 million for the fiscal year 1974; and $92.2 million for the fiscal year 1975.

Conference substitute

The conference substitute is the same as the House amendment, except that the authorization for fiscal year 1975 is increased from $92.2 million to $92.9 million.

EXTENSION OF RAILROAD LOAN GUARANTEES

Senate bill

No provision.

House amendment

Section 5 of the House amendment amended section 504(a)(3) of the Interstate Commerce Act to extend from 15 to 25 years the maximum period for repayment of loans to railroads guaranteed under part V of that Act. This section of the House amendment also provided that any such loan guarantee could be extended for any period of time not to exceed 25 years from the date of the original guarantee.

Conference substitute

The conference substitute is the same as the House amendment.

The conference committee considered adding a number of "safeguards" or limitations to the amendments to part V of the Interstate Commerce Act similar to some of the limitations imposed by Congress in section 3 of the Emergency Rail Services Act of 1970 (Public Law 91-663). It was argued, however, that the conference committee might not have jurisdiction to entertain such amendments. The conference committee also acknowledged the fact that any changes in part V would, of course, affect existing relationships and that any protection afforded the public and the Government by additional "safeguards" would be minimal. For these reasons the conference substitute added no new limitations. The conference committee, however, is desirous of insuring that Federal assistance is used for the purpose for which it was conceived. Of specific concern is the practice by some carriers of investing in nontransportation ventures while the transportation plant, so very important to the interests of the public, is allowed to deteriorate. This practice is particularly intolerable when engaged in by a carrier while it is enjoying Federal aid. That situation must not occur. The Senate and House Commerce Committees are both vitally concerned about the potential abuse inherent in some financial aid programs. Accordingly, both committees will review various proposals and will take whatever action seems to be appropriate.

AUDIT BY COMPTROLLER GENERAL

Senate bill

No provision.

House amendment

Section 6 of the House amendment added a new section 510 to part V of the Interstate Commerce Act to permit the Comptroller General to audit financial transactions of any railroad with respect to which a guarantee was made under such part. The audit could be made in any case in which the guarantee was still outstanding or any payment was required to be made under such guarantee. Representatives of the Comptroller General were given access to all books and other papers of the railroad necessary to facilitate the audit. The new section 510 also required the Comptroller General to report to the Congress, with respect to each audit, information deemed necessary by him to inform the Congress of the financial operations and condition of the railroad, together with any recommendations he may deem advisable. The report was also required to show any expenditure or other financial transaction which, in the opinion of the Comptroller General, adversely affected the financial operations or condition of the railroad or lessened the protection afforded the United States at the time the original guarantee was made. A copy of each such report was required to be furnished to the Interstate Commerce Commission at the same time it was submitted to the Congress.

Conference substitute

The conference substitute is the same as the House amendment.

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HOUR OF MEETING TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the acting majority leader why we would come in early, and if by so doing he proposes, or with the concurrence of the leadership proposes, that we would not then meet on Friday?

Mr. O'NEILL. No; there is no proposal whatsoever of that type. We expect to meet on Friday. There is legislation pending that will take us through Friday. We do have so much legislation, the agricultural bill which is scheduled for tomorrow, the predatory animal bill and the flood loan bill and other conference reports which will give us a full schedule for 2 days .

Mr. HALL. Just about anything, Mr. Speaker, that we can dredge up in order to force through under pressure of adjournment. Is that what the gentleman is saying?

Mr. O'NEILL. No; I do not mean it in that light whatsoever. I just think we have a full program.

Mr. HALL. Does the distinguished gentleman know, Mr. Speaker, if there are any committees that have witnesses who have been subpenaed or who have traveled the length of the country—at their own expense, perhaps—in order to be present in the morning?

Mr. O'NEILL. We have talked to many of the chairmen and we have had no complaints.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ARENDS. Reserving the right to object, Mr. Speaker, is the gentleman in a position to advise the House as to what the first item on the program will be tomorrow?

Mr. O'NEILL. The agriculture appropriation bill will be the first item on the agenda.

Mr. ARENDS. I withdraw my reservation.

Mr. EDMONDSON. Mr. Speaker, reserving the right to object, I should like to point out that the Mining Subcommittee of the Committee on Interior and Insular Affairs has been making a major effort for a number of months to try to report a very important piece of legislation controlling the coal mining industry in the United States and stopping the practice of failing to reclaim lands that are stripped in this country, and we have scheduled an important meeting tomorrow in which it is our hope to report that bill out. It is scheduled for the morning and has been noticed to all Members for the morning. I believe the gentleman's decision to come in early is going to make it impossible to bring that important bill out at the present time.

The SPEAKER. Would the gentleman ask unanimous consent that the committee to which he referred might meet during general debate tomorrow? The Chair points out that the Committee on Interior and Insular Affairs has permission already under the rules to meet during general debate. Does that solve the problem?

Mr. EDMONDSON. Our problem is getting Members at the meeting to move the bill. It is a serious problem. I withdraw my reservation.

Mr. GUBSER. Reserving the right to object, Mr. Speaker, I noticed that the distinguished gentleman from Massachusetts, in listing the bills on the program for tomorrow, did not mention the cyclamate bill. Could the gentleman inform the House as to when it is contemplated that that bill will be scheduled?

Mr. O'NEILL. I understand that that is one of the bills contemplated for consideration tomorrow.

Mr. GUBSER. For tomorrow?

Mr. O'NEILL. Yes.

Mr. GUBSER. Would the gentleman be kind enough to repeat the order in which he now contemplates the bills will be considered?

Mr. O'NEILL. I know the first bill that will come up will be the Agriculture Appropriation bill, and that will take quite some time. There will be conference reports and other scheduled bills. The cyclamate bill is scheduled to come up, and the predator bill.

Mr. GUBSER. Would the cyclamate bill be called up before or after the predator bill?

Mr. O'NEILL. That is something I could not answer.

Mr. GUBSER. That remains to be seen. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SCHOOL TAX EQUALIZATION ACT OF 1972

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, today I am introducing the School Tax Equalization Act of 1972—a bill I hope will help solve the school finance riddle posed by recent court decisions holding that States cannot continue to use the present system of local property taxation to finance elementary and secondary education.

Here are the school finance facts that form the backdrop for our riddle:

Of the $47 billion spent for schools last year, 52 percent was from local taxes, $24 billion, 41 percent was from State taxes, $19 billion, and 7 percent was from Federal taxes, $4 billion.

Of the $24 billion in local spending for schools, 88 percent, $21 billion, came from the property tax.

A recent public opinion survey conducted for the Advisory Commission on Intergovernmental Relations shows that the property tax is 2½ times more unpopular than the Federal income tax and 3½ times more unpopular than State sales taxes.

The purpose of the bill I am introducing today is to furnish financial assistance to the States to assure that their resources—when supplemented by this Federal assistance—will be adequate to:

Improve and equalize the quality of elementary and secondary education throughout each State; and

Permit a reduction in the use of local property taxes for the purpose of financing elementary and secondary education.

Mr. Speaker, this bill spells out two formulas to achieve its aims and, in so doing, offers significantly more help than existing Federal programs to States that are taxing themselves heavily to meet their own needs.

The first formula advances the principle that the quality of a child's education should not depend on the accident of his birth in one community instead of another. Under this formula, in 1973 each State would receive anywhere from $47 to $100 per school-age child, depending on how it compares with other States on three counts: Per capita income, total tax collections as a percentage of personal income, and income taxes as a percentage of total tax collections. These three recognition factors will give greater fiscal relief to States like Delaware, Maryland, New York, Hawaii, Wisconsin, North Carolina, Alaska, Vermont, Minnesota, Oregon, Kentucky, and others whose total tax effort as a percentage of personal income is extremely high. It will also reward States that have progressive tax structures and penalize States that do not.

The second formula encourages States to pick up a larger share of education costs to permit reduction of local school property taxes. Under this formula, each State in 1975 would receive anywhere from $2 to $25 per school-age child, depending on how much of the school finance burden it removes from the local property tax.

The bill requires States to file a plan showing that they will distribute these funds in a way that is inversely related to the wealth of the local district—in effect, boosting the assessed valuation that backs each school-age child.

Distributing the funds this way means striving for equity on the premise that parents in the Wisconsin community of Ashland, for example, should not have to tax themselves at twice the rate that applies in well-to-do areas of the State in order to provide the same level of education for their kids.

And it will mean a significant reduction in property taxes in the poorer areas of a State.

When fully operational in 1975, estimates for the School Tax Equalization Act based on currently available data show that Wisconsin and North Carolina would tie for fifth in total grant entitlement per school-age child, ranking behind Delaware, Maryland, New York, and Hawaii—contrasting sharply with other Federal aid programs which place Wisconsin at or near the bottom.

Mr. Speaker, I should like to make these points in further explanation of the School Tax Equalization Act:

This bill differs from others of its kind that tie how much a State would receive to what it is spending now. The trouble with doing it that way is that it builds in a bias in favor of wealthier States that can afford to spend more on education.

This bill also does not make the assumption that is made in some quarters that exact equality in per pupil expenditures, guarantees equal education, because education costs vary in different kinds of communities. Instead, this plan is geared to the economic needs of each school district, and to recognition of tax effort and the fairness of the tax structure a State employs to finance its schools.

This bill incorporates several proposals contained in recent reports by the President's Commission on School Finance, the national education finance project, and other studies of school financing issues: It increases the Federal share of financial support for elementary and secondary schools; it provides an incentive to shift more of the burden for financing education from localities to State governments; it encourages greater reliance on more progressive taxes for the support of public education, thereby reducing the reliance on local property taxes; and it will reduce the inequality in spending among school districts within a State.

This bill by itself is certainly not the whole answer. It needs to be tied to a rewriting next year of special education and other title I programs for the disadvantaged to concentrate them where they are most needed. It also needs to be tied to a loophole-closing, revenue-raising tax reform measure like that of the gentleman from California (Mr. CORMAN) or the Senator from Wisconsin (Mr. NELSON) to pay for the program.

This legislation was drafted over a period of 6 months and after consultation with a number of experts in the field of education finance—including some at the Brookings Institution, Wisconsin's Department of Public Instruction, and the Urban League—and while I emphasize that none of them has in any way endorsed this proposal, I want to extend them my appreciation for their comments and suggestions. I intend to circulate this proposal as widely as possible for further study and criticism, and will invite other Members of the House to join me in sponsoring it.

Mr. Speaker, here are details of the formulas and amounts involved.

Basic assistance grant—formula No. 1—A State's entitlement equals the adjusted basic assistance amount times the number of children aged 5 to 17 living in the State. The adjusted basic assistance amount is calculated by giving equal weight—one-third—to how a State compares with other States on each of three counts: Per capita income, total tax collections as a percentage of personal income, and income taxes as a percentage of total tax collections.

The basic assistance amount starts at $75 in fiscal 1973 and rises $25 a year until it reaches $200 in fiscal 1978. Basic assistance grants would total $3.8 billion in fiscal 1973, $5.1 billion in 1974, and $6.3 billion in 1975.

Incentive assistance grant—formula No. 2—A State's entitlement equals the adjusted incentive assistance amount times its school-age population as defined above. The adjusted incentive assistance amount equals the ratio of State revenue made available to public schools—as a percentage of total State and local revenue made available to public schools—to 75 percent. In other words, the incentive assistance amount rises as the local revenue share shrinks to 25 percent of the total State and local revenue made available to public schools.

The incentive assistance amount starts at $25 in fiscal 1975 and rises by $25 a year until it reaches $100 in fiscal 1978. Incentive assistance grants would total $790.4 million in fiscal 1975.

In fiscal 1975, when the bill was fully operational, basic assistance and incentive grants would total $7.1 billion.

Finally, I include a set of tables listing the States and their estimated grant entitlements alphabetically, and ranking them according to type of grant and total grants.

The material follows:

TABLE I.—SCHOOL TAX EQUALIZATION ACT: ESTIMATES OF STATE ENTITLEMENTS [1] (IN ALPHABETICAL ORDER) FISCAL YEARS 1973-75

[In thousands of dollars]

State	Basic assistance grant: Fiscal year 1973	Basic assistance grant: Fiscal year 1974	Fiscal year 1975: Basic assistance grant	Fiscal year 1975: Incentive grant	Fiscal year 1975: Total grant
Alabama	$69,749	$92,993	$116,246	$23,225	$139,471
Alaska	7,640	10,187	12,734	2,200	14,934
Arizona	34,462	45,953	57,434	7,573	65,007
Arkansas	38,139	50,851	63,563	9,197	72,760
California	369,345	492,477	615,608	61,541	677,149
Colorado	45,086	60,120	75,149	6,026	81,175
Connecticut	42,588	56,786	70,984	6,105	77,089
Delaware	14,397	19,196	23,994	3,688	27,682
Florida	78,018	104,035	130,051	32,092	162,143
Georgia	96,222	128,292	160,362	23,970	184,332
Hawaii	18,595	24,795	30,992	5,075	36,067
Idaho	16,586	22,116	27,647	2,990	30,637
Illinois	189,041	252,045	315,078	36,214	351,292
Indiana	90,628	120,842	151,069	15,969	167,038
Iowa	52,026	69,363	86,714	6,060	92,774
Kansas	37,440	49,924	62,402	6,100	68,502
Kentucky	73,433	97,919	122,396	17,909	140,305
Louisiana	69,707	92,943	116,168	22,480	138,648
Maine	17,467	23,290	29,110	2,972	32,082
Maryland	103,786	138,391	172,986	16,032	189,018
Massachusetts	122,500	163,338	204,176	10,612	214,788
Michigan	188,258	251,011	313,764	37,530	351,294
Minnesota	94,088	125,447	156,816	19,874	176,690
Mississippi	49,944	66,596	83,241	14,185	97,426
Missouri	77,953	103,929	129,905	15,160	145,065
Montana	16,049	21,399	26,746	1,693	28,439
Nebraska	24,590	32,787	40,987	2,379	43,366
Nevada	$5,932	$7,908	$9,886	$1,867	$11,753
New Hampshire	9,535	12,714	15,894	372	16,266
New Jersey	93,600	124,801	156,019	15,707	171,726
New Mexico	23,315	31,086	38,860	7,700	46,560
New York	424,274	565,669	707,109	72,278	779,387
North Carolina	117,213	156,288	195,350	32,925	228,275
North Dakota	12,780	17,040	21,301	1,862	23,163
Ohio	152,225	202,958	253,719	30,361	284,080
Oklahoma	41,851	55,801	69,751	9,746	79,497
Oregon	51,242	68,330	85,407	3,681	89,088
Pennsylvania	226,378	301,867	377,326	49,686	427,012
Rhode Island	14,551	19,401	24,251	3,010	27,261
South Carolina	59,950	79,927	99,918	16,411	116,329
South Dakota	11,225	14,967	18,710	1,079	19,789
Tennessee	62,205	82,934	103,672	17,385	121,057
Texas	144,224	192,298	240,373	52,315	292,688
Utah	26,351	35,133	43,913	5,996	49,909
Vermont	11,083	14,776	18,472	1,360	19,832
Virginia	97,565	130,083	162,601	15,234	177,835
Washington	43,724	58,301	72,887	16,118	89,005
West Virginia	29,889	39,851	49,808	8,369	58,177
Wisconsin	116,789	155,719	194,649	13,012	207,661
Wyoming	5,118	6,824	8,529	1,021	9,550
District of Columbia	13,011	17,350	21,685	4,075	25,760
Total [2]	3,831,767	5,109,051	6,386,412	790,421	7,176,833

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[1] Estimates based on currently available data for school-age population, per capita income, tax collections and other factors. The actual entitlement for a State could differ from these estimates due to changes over time in 1 or more of the factors affecting the entitlement levels for each State.

[2] In addition, grants are authorized for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

TABLE 2.—SCHOOL TAX EQUALIZATION ACT: GRANT ENTITLEMENT PER SCHOOL-AGE CHILD [1] RANKING OF STATES BY GRANT AMOUNT

BASIC GRANT

	Fiscal year— 1973	Fiscal year— 1974	Fiscal year— 1975
1. Maryland	$100.47	$133.97	$167.46
2. New York	98.03	130.70	163.38
3. Wisconsin	97.65	130.20	162.75
4. Delaware	97.28	129.70	162.12
5. Oregon	96.32	128.44	160.54
6. Vermont	94.73	126.29	157.88
7. Hawaii	91.60	122.14	152.67
8. Minnesota	89.95	119.93	149.92
9. North Carolina	$89.00	$118.67	$148.33
10. Massachusetts	87.50	116.67	145.84
11. Kentucky	87.42	116.57	145.71
12. Alaska	86.82	115.77	144.70
13. Utah	84.73	112.97	141.20
14. Idaho	83.77	111.70	139.63
15. South Carolina	83.73	111.63	139.55
16. Montana	82.30	109.74	137.16
17. Virginia	81.85	109.13	136.41
18. Washington, D.C	79.82	106.44	133.04
19. Mississippi	79.15	105.54	131.92
20. Georgia	79.00	105.33	131.66
21. Pennsylvania	77.82	103.77	129.71
22. Michigan	77.25	103.00	128.75
23. Colorado	$77.07	$102.77	$128.46
24. Arkansas	77.05	102.73	128.41
25. New Mexico	75.70	100.93	126.17
26. Alabama	75.08	100.10	125.13
27. California	74.30	99.07	123.84
28. North Dakota	73.45	97.93	122.42
U.S. average	73.31	97.75	122.19
29. Arizona	71.35	95.14	118.91
30. Iowa	70.40	93.86	117.34
31. West Virginia	67.93	90.57	113.20
32. Maine	67.70	90.27	112.83
33. Louisiana	67.35	89.80	112.24
34. Illinois	66.40	88.53	110.67
35. Missouri	66.23	88.30	110.37

Footnote at end of table.

	Fiscal year—		
	1973	1974	1975
36. Kansas	$65.80	$87.74	$109.67
37. Indiana	65.72	87.63	109.55
38. Oklahoma	65.70	87.60	109.50
39. Rhode Island	65.25	87.00	108.75
40. Nebraska	63.87	85.16	106.46
41. Tennessee	62.33	83.10	103.88
42. South Dakota	60.35	80.47	100.59
43. Connecticut	55.67	74.23	92.79
44. Wyoming	55.63	74.17	92.71
45. Ohio	54.25	72.33	90.42
46. New Jersey	52.32	69.76	87.21
47. New Hampshire	50.72	67.63	84.54
48. Washington	49.97	66.63	83.30
49. Florida	48.67	64.90	81.13
50. Texas	48.30	64.40	80.50
51. Nevada	47.08	62.76	78.46

[1] Estimates based on currently available data for school-age population, per capita income, tax collections, and other factors. Actual grant entitlements for a State could differ from these estimates due to changes over time in one or more of the factors affecting the entitlement levels for each State.

State entitlement under incentive grants—to begin fiscal 1975

[Fiscal year 1975, per pupil]

Alabama	$25.00
Alaska	25.00
Hawaii	25.00
New Mexico	25.00
North Carolina	25.00
Washington, D.C.	25.00
Delaware	24.92
South Carolina	22.92
Mississippi	22.48
Louisiana	21.72
Kentucky	21.32
Florida	20.02
Georgia	19.68
Utah	19.28
West Virginia	19.02
Minnesota	19.00
Arkansas	18.58
Washington	18.42
Texas	17.52
Tennessee	17.42
Pennsylvania	17.08
New York	16.70
Arizona	15.68
Maryland	15.52
Michigan	15.40
Oklahoma	15.30
U.S. average	15.12
Idaho	15.10
Nevada	14.82
Rhode Island	13.50
Missouri	12.88
Virginia	12.78
Illinois	12.72
California	12.38
Vermont	11.62
Indiana	11.58
Maine	11.52
Wyoming	11.10
Wisconsin	10.88
Ohio	10.82
Kansas	10.72
North Dakota	10.70
Colorado	10.30
New Jersey	8.78
Montana	8.68
Iowa	8.20
Connecticut	7.98
Massachusetts	7.58
Oregon	6.92
Nebraska	6.18
South Dakota	5.80
South Dakota	5.80
New Hampshire	1.98

Total grant to each State under Obey School Tax Equalization Act—basic grant and incentive grant combined

[Fiscal year 1975 per pupil]

Delaware	$187.04
Maryland	182.98
New York	180.08
Hawaii	177.67
Wisconsin	173.63
North Carolina	173.33
Alaska	$169.70
Vermont	169.50
Minnesota	168.92
Oregon	167.46
Kentucky	167.03
South Carolina	162.47
Utah	160.48
Washington, D.C.	158.04
Idaho	154.73
Mississippi	154.40
Massachusetts	153.42
Georgia	151.34
New Mexico	151.17
Alabama	150.13
Virginia	149.19
Arkansas	146.99
Pennsylvania	146.79
Montana	145.84
Michigan	144.15
Colorado	138.76
U.S. average	137.31
California	136.22
Arizona	134.59
Louisiana	133.96
North Dakota	133.12
West Virginia	132.22
Iowa	125.54
Oklahoma	124.80
Maine	124.35
Illinois	123.39
Missouri	123.25
Rhode Island	122.25
Tennessee	121.30
Indiana	121.13
Kansas	120.39
Nebraska	112.64
South Dakota	106.39
Wyoming	103.81
Washington	101.72
Ohio	101.24
Florida	101.15
Connecticut	100.77
Texas	98.02
New Jersey	95.99
Nevada	93.28
New Hampshire	86.52

SIDNEY BICENTENNIAL (1772–1972)

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, next week as our Nation celebrates its 196th birthday, the thriving village of Sidney in the heartland of New York State will observe the 200th anniversary of its founding in 1772.

The Rev. William Johnston, that omnipresent explorer of upstate New York in the colonial period, discovered this unusually beautiful area near the Susquehanna River in that year in the company of the Indian guide Joseph Brant. Early in 1773, Rev. Johnston settled here with his family, being the first settler in the Susquehanna Valley within the limits of the State.

Just before the War of Revolution a critical meeting took place at Sidney between Gen. Nicholas Herkimer, the Rev. Johnston, and a band of Iroquois. The belligerent attitude of the Indians led Johnston and others sympathetic to the continental cause to leave the area.

During the early years of the revolution the Indian castles just northeast of Sidney were the gathering place for Tories and Indians bent on destruction of frontier patriot settlements. In October 1778 an American force destroyed the Indian villages.

Herkimer, who had tried unsuccessfully to avert raids on the Mohawk Valley by his meeting with the Indian Joseph Brant at the confluence of the Unadilla and Susquehanna Rivers, in 1777 returned northward only to meet his death at the hands of Brant's warriors at the Battle of Oriskany.

After the war many returned to their farms and the local economy flourished with the completion of a road from Sidney to the Hudson River in 1790–91.

Sidney, located 30 miles northeast of Binghampton, was named in honor of the British Admiral Sir Sidney Smith who fought successfully against the French forces in Asia Minor in the late 18th century.

Today, 200 years young, Sidney is a sparkling village of almost 5,000, known throughout the aviation industry for its quality magnetos manufactured there by the Bendix Aviation Co.

As Mayor Charles McCarty, educator Howard Dunbar, industrialist Samuel Nader, and other leading citizens signal the beginning of Sidney's bicentennial July 1, let this House join in a common prayer for the security and future well-being of this typical American village whose contributions to the stability of our democratic system have spanned two centuries.

A REPUBLICAN FINANCIAL EMERGENCY

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, no one likes an emergency—particularly a financial emergency. But I will say that when the Republicans have a financial emergency, it is cause for drastic action.

Such an emergency is now upon us. This week, my distinguished colleague from California, Mr. WILSON, sent a telegram to a number of Republican fat cats in an effort to raise $750,000 to cover this week's emergency TV film costs for the National Republican Congressional Committee.

Mr. Speaker, $750,000 is a lot of money for a single week's budget. At least it is a lot of money to a Democrat; $750,000 is more than the budget of the National Democratic Congressional Committee for the entire year.

No wonder there is cause for an emergency telegram.

To raise this money, the Republicans are asking their friends to give up buying a new suit or a new car this year.

Mr. Speaker, it is encouraging to learn that there are some people who can still buy a new car—or even a new suit—after 3½ years of President Nixon's economic policies.

It takes a lot of nerve to send out a telegram like that after you have thrown more than 5 million people out of jobs.

It takes a lot of nerve to ask people to give up buying a new suit this year when millions of others had to give up a new suit last year—and the year before that.

I am inserting the full text of this remarkable telegram into the RECORD. I think my Democrat colleagues will find it amazing and amusing:

Telegram

June 15, 1972.

U.S. House of Representatives
Washington, D.C.:

Emergency TV film costs referred to in my last letter not yet covered. I am grateful for your past contributions to Congressional Committee but must ask again.

Consider importance of a Republican Congress to your future, your family, your income. Democrats admit planning big tax increase if they win this year.

435 Republican candidates for Congress counting on you, your friends, your neighbors, your associates, your family—for campaign money needed for electing Republican majority. Elections now too close for comfort.

Your contributions work harder here because we provide services at low cost in addition to money for campaigns. Again I ask what can you afford for good government? The cost of a new suit or dress? The cost of a new car? A big win for Republicans this year could mean much more than that to you and yours.

Would prefer asking other than our committed and wonderful old friends to answer these emergency needs for quick cash. You know story. There are no others—forced to depend on you.

Radical liberal organizations are putting all they have behind plan to elect even more liberal Democrat Congress in November. Cannot match that big money but believe can win bare majority in Congress in 1972 even on tight budget.

Will require sacrifice for everyone if we hold our own, more if we are to win. Need at least 20 $5,000 checks, 100 $1,000 checks, 200 for $500, 1,000 at $100, 2,000 at $50, 4,000 for $25, plus balance under $25—to meet emergency needs budget of $750,000 I must meet this week. Can I count on you again? Personal regards.

Bob Wilson,
Member of Congress and Chairman, National Republican Congressional Commission, House of Representatives, Box 2837, Washington, D.C.

Address:

FDA ACTS RESPONSIBLY

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the Food and Drug Administration is now proceeding in a most responsible manner in its decision to hold hearings on the animal drug diethylstilbestrol, better known as DES. This is a synthetic hormone used as a feed additive to stimulate more rapid weight gain in cattle and sheep. It also increases the ratio of protein to fat, resulting in more nutritious meat. The problem prompting these hearings is that DES is also a carcinogen. And the Delaney clause of the Food, Drug, and Cosmetic Act forbids the use of a carcinogen if any residue at all is found in a finished food product. In order to eliminate the possibility of DES residue in meat—such residue only occurs in the liver—the Department of Agriculture and the Food and Drug Administration have instituted strict controls, such as the withdrawal of the drug 7 days before the animal is marketed.

Due to findings of some DES residue despite the controls, proposals have been made to ban the use of DES altogether. However, if Americans are to continue to receive a plentiful and nutritious meat supply, it is imperative that every avenue of progress be kept open. The decision by the FDA to seek a public hearing to fairly consider all pertinent facts and regulatory alternatives is a logical beginning from which to proceed.

The level of residue in tissue in the 39 cases cited this year has been approximately two parts per billion. This evidence is a basis for concern and further action, it is not a basis for public hysteria. One important reason for the increase in the number of specimens of residue-bearing liver is that inspectors are now using much more powerful measuring devices. They are checking at levels which were unheard of when the original law was enacted. In light of these technological improvements, the Delaney clause has become an unreasonable restraint in all areas of nutrition research. I have introduced legislation which will modify and modernize the Delaney amendment. The bill (H.R. 15545) will allow the Secretary of Health, Education, and Welfare to set a tolerance level for a carcinogen if he is convinced by reliable scientific evidence that such amount would not cause cancer in man. I urge support for this legislation and for the FDA in its careful and responsible action on the DES issue.

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, this morning the House Judiciary Committee had the privilege of hearing the Honorable Richard J. Daley, mayor of the city of Chicago, testifying on behalf of the Council of Mayors with reference to gun control.

I have asked for permission to insert his statement as a part of the Record so that all my colleagues may see it.

At that same hearing a coalition of some 50 or 60 different organizations issued a statement in support of gun control and I insert their statement. I should like to also insert in the Record a brilliant article—the first of a series—written by the Chicago Tribune on the very important subject of gun control which confronts the country. The series sets forth the parameters of the problem in an outstanding and objective manner.

The material referred to follows:

Testimony of Mayor Richard J. Daley Before the House Judiciary Subcommittee, Washington, D.C., June 28, 1972

I thank the House Judiciary Subcommittee for this opportunity to testify on behalf of the U.S. Conference of Mayors in support of its gun resolution and House Bill 2334 restricting the availability of handguns. I know that there are a number of bills pending before this committee with similar objectives. Certainly I will support any bill which has as its goal the control of handguns.

I strongly support the position of the U.S. Conference of Mayors which urges national legislation against the manufacture, importation, sale and private possession of handguns except for the use by law enforcement personnel, military and sportsmen clubs. As far as I'm concerned the only purpose of a handgun in unauthorized hands is to kill.

I do not feel that it is necessary to present to this committee a long recitation of the violence done by handguns. These statistics have filled the journals of committees for at least the past ten years. Perhaps instead of statistics we should have as witnesses the victims of the handguns . . . the mother of the ten-year old boy killed by a playmate's experiment with a gun . . . the young husband slain in a moment of anger by a neighbor . . . the woman shot in what should have remained a petty dispute.

Nationally, ten thousand persons are murdered yearly by handguns, shotguns and rifles.

I would like to cite some Chicago statistics to indicate how gun misuse relates directly to younger people. For example, in Chicago there was a 613 percent increase in the number of offenders under 21 years of age using firearms to commit homicides. In 1965, thirty-eight youthful offenders were arrested in fire-arm homicides, and in 1970, this number had risen to 271.

During the same period the number of youthful *victims* in firearm homicides increased from 30 in 1965 to 153 in 1970.

Statistically during this period 45 percent of all homicides involved the use of handguns. In addition 13 percent of the homicides were committed by other firearms.

One of the most serious offenses in our society is armed robbery and here the statistics are frightening. In 1965 there was a total of 8,080 armed robberies in Chicago in which 48 percent were committed with handguns. In 1971, there were 16,000 armed robberies, of which 71 percent were committed with handguns. During this period the number of armed robberies increased 98 percent and the number of armed robberies committed with the use of handguns increased 192 percent.

In Chicago we have had a gun registration ordinance in effect since 1968. We have registered more than 470-thousand guns. We also have removed from circulation more than 34,500 guns. Of these 30-thousand guns were unregistered.

Our registration ordinance has had limited success because it is apparent that people can walk over the city limit line to the suburbs and acquire a gun.

The State of Illinois does not require the registration of guns but does require the licensing of gun owners. It is obvious from these conflicting standards and from the easy accessibility of guns that local legislation is not the answer to the gun problem. National legislation is required to deal with the subject.

I believe that legislation is essential. We must establish specific responsibility for the gun by the owner. He must be held accountable for the gun as well as for any transfer in ownership and for reporting immediately the loss or theft of the gun.

In the face of all the evidence and data that has been presented concerning the death-dealing capabilities of the handgun—why is it that Congress doesn't pass a strong gun control bill?

There are three basic reasons. There is the influence and the lobbying pressure of the National Rifle Association. There is no doubt about the organization being financed by gun manufacturers and dealers in addition to the revenue from membership dues.

The handgun industry is a multi-million dollar business. Perhaps we can reduce the senseless killing and violence if we take the profits out of the gun business.

For example, manufacturers could be required to assume some of the burden of paying for the funeral expenses, the hospital fees, the losses suffered by the victims of violence with handguns.

Obviously this suggestion of imposing a financial penalty on the manufacturer and dealer in guns is no substitute for a strong gun control bill.

Then there is the argument by the NRA that guns don't kill, people do. The answer is that if you removed the gun from the person, the gun couldn't be used. Then there is the argument that people still could kill with knives and other objects. But the gun is a peculiar weapon in that it can be fired from a distance. It can be fired repeatedly. It can be discharged accidentally and kill others than the intended victim.

Another argument of the NRA is that only the law abiding will register their guns or turn them in and the guns will remain in the hands of criminals and others who shouldn't have them. Realistically we should adopt the resolution of the U.S. conference of mayors which would take the guns away from every private person, but in the absence of such legislation, there should be the severest penalty for the person committing a crime with a gun or possessing an unregistered gun.

Another proposal by the Conference of Mayors calls for every effort to be made to educate the American public of the dangers and appalling realities resulting from the private possession of handguns. There is no reason why television shouldn't be obligated to carry commercial warning of the dangers of handguns and the need to control them. This would be fitting since so much of TV entertainment is devoted to violence.

Let me summarize briefly. The handgun makes no positive contribution to our society. It kills—whether by accident or on purpose.

The law-abiding private citizen may fear that he is the only one to be regulated and that the criminal will have the advantage, even though the evidence is overwhelming that guns are dangerous to possess even by honest law-abiding people. I don't believe that so many people would feel as though they had to have a firearm if they knew the criminal would have great difficulty obtaining them.

I think it is time we face up to reality. We must pass effective legislation to control the use of handguns.

The people of this country have been bombarded with propaganda that there is a strong public opinion against gun control legislation. Nearly every poll has shown that this is not true. The majority of people want gun control—want to end the violence in our country—and are looking to the Congress to achieve that goal.

HANDGUN CONTROL COALITION

STATEMENT OF PRICIPLES

There is ample and tragic proof that the greatest partner in crime in this nation is the handgun. Since 1900, more people have been killed by private citizens using guns than have been killed in all our wars. The United States has a higher homicide rate than any other modern, politically stable nation in the world, with over 10,000 murders each year. Most of these 10,000 killers used handguns. In the last ten years, 560 policemen have been killed in the line of duty. Three quarters of their killers used handguns.

The villain in the hideous parade of death and crime in our nation is clearly the handgun. Yet the United States, alone among civilized nations, makes handguns readily available to all who want them.

Easily concealed and easily disposed of, handguns primarily are designed for killing and maiming human beings. They are not "sporting" weapons and restrictions on handguns would not limit the rights of those who use long guns for legitimate sporting purposes.

Handgun control must be the highest priority crime control goal of our federal government. We urge the Congress of the United States to respond to the vast majority of Americans who want effective control of firearms. No other piece of legislation, no change in our laws, no amount of resources for law enforcement could have a greater impact or crime.

The members of the Handgun Control Coalition call upon Congress to enact strong handgun control legislation immediately.

Amalgamated Clothing Workers of America, AFL–CIO; Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO; American Baptist Convention—Division of Social Concern; American Civil Liberties Union; American Federation of Teachers; Americans for Democratic Action; Anti-Defamation League of B'nai B'rith; Hyman Bookbinder, Washington Representative, The American Jewish Committee*; B'nai B'rith Women; Business and Professional Women's League, Inc. of Washington, D.C.; Church of the Brethern—Brethern Service Commission; Common Cause; Friends Committee on National Legislation; The Honorable Roman A. Gribbs, Mayor of Detroit; Hadassah, The Women's Zionist Organization of America, Inc.; National Council of Jewish Women; National Council of Negro Women, Inc.; National Federation of Settlements and Neighborhood Centers, Inc.; C. Edward Singer, Director of Washington Office, National Board of YMCA's*; Southern Christian Leadership Conference; Union of American Hebrew Congregations; United Automobile Workers of America; United Presbyterian Church, Department of Church and Society; The United States Conference of Mayors; William J. vanden Heuvel, Chairman, New York City Board of Corrections*; Washington Research Project Action Council; Women's International League for Peace and Freedom; Jerry Wurf, President, American Federation of State, County or Municipal Employees*.

[From the Chicago Tribute]

THIRTY MURDERS A DAY: FIREARMS TO SLAY 10,000 THIS YEAR

Gerald Carlisle tried to win the hand but lost his life.

The 30-year-old South Sider was playing poker at 6438 S. Drexel Blvd. He and another player began quarreling over who had won a pot.

Carlisle pulled a .32 caliber revolver he carried for his protection and fired a shot into the floor.

REACHES FOR CHANGE

"Be cool, man. Take the money," someone said.

Carlisle reached for the pile of change. It was the last thing he would ever do. The other player opened fire with a .38 caliber handgun, killing Carlisle and another man, Joseph Guster, 52.

The murder of the two men did not make the newspapers because 30 gun homicides occur every day in America.

Ten thousand persons are murdered yearly in the United States with handguns, shotguns, and rifles. For every American killed in Viet Nam since 1970 (two were killed by gunfire in this country.

Unlike those who died in war, most of the victims of this manmade plague did not die for a cause, or even a good reason.

A few died just because someone felt like killing and had a gun.

MOST SHOT IN QUARRELS

Others were slain defending their homes or shops against criminals, but the majority—7,000 out of the 10,000—were shot down in domestic spats, tavern brawls, or in disputes over a card game. Squabbles that might have ended at worst with a broken jaw ended in death for these people.

Like Carlisle, they lost their arguments to the murderous logic of the gun. That is why his death and Gusters are as important as they are commonplace.

They are flesh-and-blood examples of what gun control experts try to say with statistics: The vast number and the availability of guns, combined with the ease of their use, are escalating fights into murders and making murderers out of people who might otherwise never deliberately break the law.

NEVER BEFORE IN TROUBLE

According to the Federal Bureau of Investigation, the vast majority of gun killers are people who have never been in trouble before, ordinary people who pull a trigger in a moment of anger.

But this slaughter is producing more than the loss of life. Each death leaves a legacy of tragedy and pain that lives on in the families of the victims.

Although the families of the victims knew better than anyone else the agony caused by the firearms plague, not one of them has been invited to the gun control hearings which the House Judiciary Committee will begin Tuesday in Washington.

"NOT A SOAP OPERA"

Ben Zelinko, staff aide to Rep. Emanuel Celler [D., N.Y.], committee chairman, explained why:

"Congressional hearings are not a soap opera. Their testimony would be useful in mobilizing public opinion, but it would not be important for legislative background."

Nor will the committee hear testimony from even one of America's walking wounded—the tens of thousands who have been scarred or crippled by gunfire.

Instead, it will listen to the same type of witnesses who have appeared at all the gun control hearings held in the last five years—senators, congressmen, mayors, governors, police chiefs, administration officials, and spokesmen for the National Rifle Association.

The committee will probably hear the oft-repeated fact that there are 30 to 115 million firearms in the nation, 24 million of which are handguns, and that handguns account for about 80 per cent of all firearms murders.

It will not hear 10-year-old Pamela Banks tell them that she is too terrified to sleep without the light on. That fear is the emotional wound left by the .22 caliber handgun bullet that struck her in the head three months ago.

The committee, which is holding hearings in response to the shooting and resulting paralysis of Alabama Gov. George Wallace, may also hear that in 1970 there were 9,960 murders, 130,000 robberies, and 80,000 aggravated assaults committed with firearms.

But it will not hear Peter Pannos, 14, tell about the night of April 21, when a .38 caliber slug struck him in the spine, paralyzing him.

HAVE CONSTITUTIONAL RIGHTS

The committee will probably hear the N.R.A. argue, as it has in the past, that Americans have a constitutional right to keep and bear arms.

But Mrs. Katherine Malone, a resident of the Cabrini-Green Homes housing projects, will not be there to describe how street gangs exercise that right by walking around her neighborhood with pistols dangling from their belts and carbines slung from their shoulders.

The Task Force interviewed numerous victims of gun crimes and their families. Pamela Banks, Mrs. Malone and Peter Pannos are three of them. If they could be at Tuesday's hearings, this would be their testimony:

The door leading to the Banks' family apartment at 1724 W. 66th St. is flanked by the names of two rival street gangs painted on the wall. Those proclamations symbolize the dilemma of the family. The Banks are the noncombatants in the urban warfare waged with guns nightly in their neighborhood. On the night of March 17 the war found them.

TAKES TARGET PRACTICE

Pamela and her mother, Mary, 29, were walking the family dog. Nearby, a group of gang members decided to start practicing with their .22 caliber revolvers.

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* Organization listed for identification purposes only.

Had they lived in the country they might have shot at a rabbit or squirrel. But this was the city and the nearest moving animal was Pamela's dog, Uno. Mrs. Banks remembers it this way:

"I heard firecracker sounds and then I saw Pamela drop to the sidewalk. There were four or five teen-agers standing near her and Uno was running in circles with blood all over him. I ran toward Pamela screaming, 'Oh my God, my baby's hurt.' I thought she was dead."

A bullet lodged behind Pamela's right eye. She lay in the hospital for 33 days mumbling over and over, "No. No. Don't shoot my dog. Don't shoot Uno." Police theorized she was shot while trying to protect the dog from youths who had tortured the animal that summer by driving nails into its back and paws.

SHOOTING LEAVES MARK

Pamela survived the shooting without permanent injury, but the incident has left its mark on the entire family.

"We're always on edge," said Mrs. Banks. "Pamela can't sleep without a light on and she's afraid to sleep alone. I'm afraid myself. When I drive home I get out of the car and I run into the building."

Now Uno growls at every stranger when Pamela's father, John, walks him. "He'll charge at someone and I'll think 'Is that the one who did it?' "

The family also has strong views on gun control.

"It has to happen to one of your family before you really understand what these guns and shootings are all about," said John Banks. "I think the only thing they can do is stop manufacturing these small handguns and just make revolvers for the police and military. I don't think the police need small caliber guns, so why make them?"

GIVES ONE ANSWER

Ribert Meltzer, president of Criterion Die and Machine Co., a New York City firm that makes 100,000 .22 caliber handguns a year, provided at least one answer to that question:

"Because it's a profitable business," he told a Task Force reporter.

Regardless of caliber, handgun manufacturing is profitable. An estimated 2.5 million handguns are produced each year, with annual sales exceeding $50 million.

Peter Pannos is one of the byproducts of that business.

Peter made the error of standing in front of a store at Evergeen Street and Washtenaw Avenue when the Latin Kings chose to terrorize their arch-rivals, the Latin Disciples.

BRASS KNUCKLES POSSE

Like all modern street gangs, the Kings do not use brass knuckles or chains. The availability of guns has allowed them to equip themselves with the firepower of a small army.

Peter knew about the gang rivalry, just as he knew that he was in Disciple territory and that the figure across the street was dressed in the uniform of the Kings—black coat, snap-brim hat, and maroon sweater.

He wasn't afraid because, being of Greek descent, the Puerto Rican gangs never bothered him. Then he heard the youth shout "Kings run it!" As he turned toward the sound the figure raised a revolver and Peter saw an orange flash.

"I guess he thought I was a Disciple," Peter said from his bed in Walther Memorial Hospital. "I heard the shot and felt a burning pain in my stomach because blood was bubbling out of my mouth. I tried to get back in the store. Then my legs crumpled and I was hanging onto the door handle with my hands.

"LEGS WOULDN'T MOVE"

"I shouted to the owner to let me in, but he was scared and locked the door on me. That's when I felt real tired like and rolled over on my back. I couldn't feel anything in my legs. My legs wouldn't move."

Peter's legs will never move. Neither will his hips, nor any part of his body below his chest. The bullet struck him in the mouth, then drilled thru the lower part of his head to lodge in his upper spine. He shifts himself in bed by grasping a trapeze-like bar that hangs above him.

Peter firmly believes he will walk again and continue training to be an auto mechanic. He clings to that illusion as tightly as he clings to the reality of that bar.

However, after a costly but unsuccessful operation to restore use of his limbs, doctors say Peter will be lucky if he lives. The paralysis could creep into his lungs and bring on a fatal case of pneumonia.

PARENTS USE SAVINGS

His parents have emptied their savings for the $5,000 operation and are applying to public aid to pay for treatments at a rehabilitation center.

Mrs. Malone has become so accustomed to the daily shootings in her neighborhood that she now regards them in the way that farmers regard blizzards and droughts. She feels there is little she can do about them.

There is a bullet hole in her living room window, a reminder of the day three months ago when the Dictators shot at her son. The bullet narrowly missed striking her daughter, Linda, 13, in the head.

There is another bullet hole in her bedroom window, put there by some youths who were taking target practice one night.

FALLS OUT OF BED

"I was in bed and I'll never forget it," she recalls. "I fell right out of bed and stayed there the rest of the night. I have a high bed and lots of nights I sleep on the floor."

Firearms are so much a part of life in the projects, she said, "that kids walk around with them hanging out of their pockets. They have brand new carbines they're walking around with. I saw a 16-year-old kid walking upstairs with one like he's supposed to be carrying it. . . . It would be the best thing that could happen if they could get the guns out of their hands."

With 20,000 gun control laws now on the books, how and why do guns get in the hands of the wrong people? In its investigation, Task Force reporters sought to answer this and other questions about the gun crisis. This is what they found:

The most prevalent means by which illegal firearms are obtained is thru home burglaries. As more people buy guns to protect themselves, more and more criminals become armed by stealing those guns.

SECURITY IS LAX

By a conservative estimate, the number of stolen guns in the nation is 500,000. Yet federal security regulations for the storage and transportation of firearms are so lax that amateur burglars can obtain guns with ease from shipments and sporting good stores.

A black market in firearms continues to flourish despite all the gun control laws. Gunrunners daily join with unscrupulous dealers to ship contraband weapons across state lines. To demonstrate this technique, two reporters lived the lives of interstate gunrunners in Florida, Virginia, and Iowa.

Another source is the pilferage of weapons parts from firearms manufacturers. A New York City firm lost enough parts in one year to make 10,000 handguns. The Task Force found how these stolen parts were assembled by gun "bootleggers," then sold on the streets of the Bronx and Harlem.

The nation's courts show an appallingly low conviction rate for persons charged with gun law violations. Statistics gathered from Chicago, Washington, and New York show that only about one of every eight defendants serves even a single day in jail.

Current laws are so fragmented and lacking in uniformity that weak laws in one jurisdiction often subvert strong laws in neighboring jurisdictions. For example, New York and Chicago, which have tough gun registration laws, are flooded with unregistered guns purchased in suburban areas with less stringent controls.

Contrary to popular myth, the manufacturing of the cheap handguns called Saturday Night Specials, is not a cottage industry, but big business. At least two such manufacturers are subsidiaries of prestigious firms.

RETIREMENT OF GEORGE ROBINSON

The SPEAKER pro tempore (Mr. RANDALL). Under a previous order of the House, the gentleman from Colorado (Mr. ASPINALL), is recognized for 60 minutes.

Mr. ASPINALL. Mr. Speaker, we have had many wonderful people working for the Members of the House of Representatives since I have been a Member. These people generally serve from day to day without receiving too much credit for their loyal and able service. One such individual is George Robinson, a good personal friend of mine and one who has the record of serving the longest, as far as I know, here on Capitol Hill from Colorado. He has served us for 26 years first as a clerk in the Document Room and for the last 20 years as Doorkeeper in this Chamber.

I have known George Robinson for the past 34 years—8 years of which while he was serving in the Governor's office in Colorado where he served as clerk and messenger and at which time I was serving as a State senator. Since 1947, he has been here in Washington with us of the House of Representatives.

I wish to commend George for the fine service that he has performed since I have known him, and I wish to also commend his fine wife, Ethel, for being such a wonderful helpmate to him and, in turn, a very helpful partner to us in keeping George ready for his service to us.

The Robinsons have certainly earned their retirement and I wish for them continued happiness and needed rest as they return to their home State of Colorado.

Mr. EVANS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my colleague, the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, retirement is claiming another valuable employee of the House. George Robinson is leaving after many years of service both in the Documents Room and as a doorkeeper.

George Robinson's Colorado ties go back to the beginning of this century when his father brought him to Cripple Creek. He served in the Armed Forces during World War I and after the war he served on the Denver to Chicago Zepher. During that time he made both

Denver and Chicago his home and he also became the friend of the Honorable William Dawson, who later served in the House.

In 1939, the Honorable Ralph Carr was elected Governor of Colorado. George Robinson was asked by Governor Carr to be his personal messenger. He served Governor Carr for 4 years and stayed on with Governor Vivien for another 4 years.

In 1947, the Honorable Bill Hill of Colorado, brought George Robinson back to Washington and put him to work in the Documents Room. In 1949, the Honorable John Carroll saw to it that George Robinson stayed with the House. Later, the Honorable Byron Rogers of Colorado helped Mr. Robinson move to present position as a doorkeeper.

I salute George Robinson for his many years of service to the House and the State of Colorado. I wish him well and hope that his retirement years are happy and fulfilling.

Mr. ASPINALL. Mr. Speaker, I thank the distinguished gentleman from Colorado for his comments.

I yield now to the distinguished gentleman from Colorado (Mr. Brotzman).

Mr. BROTZMAN. Mr. Speaker, I appreciate the gentleman from Colorado yielding.

Mr. Speaker, I am pleased to rise in tribute to Mr. George Robinson, a distinguished citizen of the State of Colorado and one of those dedicated persons who makes serving in the House of Representatives such a great pleasure.

Altogether, George Robinson has been a faithful servant of government for 47 years at local, State, and Federal levels For 13 years he served the city of Chicago. Then he spent 8 years in Colorado where he ably assisted two of the State's Governors: Ralph Carr and John Vivian. Then, 26 years ago he came to Washington with one of my predecessors from the Second District of Colorado, Congressman William S. Hill. Serving first for 6 years in the documents room, he later became one of our doorkeepers, a position he has occupied for the past 20 years.

Mrs. Brotzman and I join in wishing Mr. Robinson and his wife, Ethel, all possible happiness in their well deserved retirement. We in the House will miss his helpfulness and cheerful attitude. It is my understanding, Mr. Speaker, that the Robinsons will be returning to Colorado, and this pleases me considerably since it will enable me to stay in touch with them. I trust that we will continue to receive the benefit of his counsel in the future and that he will occasionally visit the Chamber he has served so well for the past 26 years.

Mr. ASPINALL. Mr. Speaker, I yield to the gentleman from Colorado (Mr. McKevitt).

Mr. McKEVITT. I thank the chairman. Mr. Speaker, the House of Representatives is losing one of its most devoted and best known employees with the retirement of George L. Robinson, who has served this body as a doorkeeper for the past 20 years and prior to that, 6 years as a clerk in the House document room. That adds up to more than a quarter of a century of outstanding service to the House of Representatives. He also served in the Governor's Office of the State of Colorado before embarking upon his career in Washington. The hallmark of his service has been excellence and as his wife Ethel remarked: "The House has been his life."

However, I must admit that while Mr. Robinson's retirement will be a loss to the House, the city and County of Denver will gain. As has already been noted, Mr. and Mrs. Robinson plan to return to their home in Denver, the city I am privileged to represent. I look forward to seeing the Robinsons in Denver and I want to be the first to welcome them back home.

Mr. ASPINALL. Mr. Speaker, I yield to my colleague, an able member of my own committee, the gentleman from Iowa (Mr. Kyl).

Mr. KYL. I thank the gentleman for yielding.

Mr. Speaker, I have very mixed feelings at this moment when we recognize George Robinson and his efforts and the fact that he is leaving us.

Oh, yes, he has performed his duties with great distinction and with dignity. He has been a good servant.

But I am sorry to see him go, because more than being an employee of the House he is a close personal friend.

So, on the one hand, I cannot be happy at this moment, knowing that I am not going to be able to see this good friend in our daily duties here in the House; but, on the other hand, it is true that George and his wife have earned an opportunity to do all those things they have postponed for all these years.

I know all of us join in wishing them great happiness and great satisfaction in the years that lie ahead.

Mr. ASPINALL. Mr. Speaker, I yield to the gentleman from Florida (Mr. Rogers).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I want to join with my colleagues in expressing my regret at the retirement of George Robinson from this body. Although he certainly has most richly deserved what I am sure will be many happy years of retirement, I do want to say it has meant a great deal to me to come in that door each day, and many times each day, and always be pleasantly and kindly greeted by George Robinson. He has earned the respect of each Member of this House, and I believe each Member holds him in high respect.

I have always felt he had good judgment. The only question of his judgment now comes from the fact that he is returning to Colorado, rather than going to Florida for his retirement, but we hope that he will remedy that and bring his good wife, Ethel, to see us some time in Florida.

I wish him well and Godspeed.

Mr. ASPINALL. Mr. Speaker, I yield to the gentleman from Maryland (Mr. Hogan).

Mr. HOGAN. Mr. Speaker, I fully understand the feelings of my colleagues who are pleased that George and Ethel Robinson are returning to Colorado, but I have had the privilege of representing the area where George has been residing in his non-legal residence while he has been working here at the Capitol, and I will sorely miss him as a friend and as a man who was constantly keeping me abreast of things that were going on in his area in my constituency.

When I came here in the 91st Congress as a green freshman George Robinson kind of took me under his wing and was very solicitous to insure that I made the votes and to make sure that he alerted me when my name was about to come up on the roll.

In this and so many other ways he has been a real and cherished friend. I will miss him very much and wish him and his lovely wife, Ethel, all the happiness in the years ahead that it is possible and in the richly deserved retirement that he embarks upon.

Mr. ASPINALL. Mr. Speaker, I yield to my colleague from Oklahoma (Mr. Edmondson).

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. Speaker, it is typical of the gentleman in the well of the House, our beloved colleague, Wayne Aspinall, that he has taken this time to salute the contribution to the House of Representatives of George Robinson. The chairman of the Committee on Interior and Insular Affairs knows that a committee is often no better than its staff workers, and he knows the great House of Representatives is strengthened and constantly carried along in its course by staff people who have a love for the House in their hearts and a dedication to service and to seeing a good job done here in the House of Representatives and who are absolutely indispensable to the job getting done.

Mr. Speaker, Colorado has sent many great Congressmen and great Senators to the Halls of the Congress. They have also sent fine people to work with us in a staff capacity. George has been a fine representative of the great State of Colorado, and he will indeed be missed by many, many people who have known him and treasured his contribution for many years.

Mr. ASPINALL. I thank my colleague.

I now yield to my friend and colleague and my own Congressman from the State of Ohio (Mr. Brown).

Mr. BROWN of Ohio. Thank you, Mr. Chairman.

I am just real distressed to hear that George is retiring because I think that the House and each of us will be diminished by not seeing him on a daily basis here serving not only this body that he has loved and served for so long but each of us who have enjoyed his company and his pleasant smile and personality during our service here, in my own case a service which does not begin to match George's service in point of time.

Mr. Speaker, I will say Ohio has some claim on George because he has relatives in our community, and in a way I am glad he is going back to Colorado, because that means he will have a reason to come back to Washington. He can then stop through on his way in the Seventh District of Ohio and visit with us and some of his relatives in that community.

One thing ought to be said about him. Not only does he love this House and has served it well, but he has trained it up in some ways, because there are many other people who serve this body who had the benefit of his experience. George is a pretty good guide for the other doormen and other people who have responsibilities on the staff of the House, and perhaps for some of us who are Members he has been a guide and an adviser from time to time to our benefit. I know that is true in my own case, and I am sure all of the other Members of the House who have become acquainted with George over the years feel much the same way.

George, we will miss you very much, but we will look forward to your return from time to time to keep an eye on us and keep us on the straight and narrow.

Mr. ASPINALL. Mr. Speaker, I now yield to our industrious and good friend, the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I want to thank the gentleman from Colorado for taking this time to permit all of us to say a few words in behalf of this friend, George Robinson.

He has been an efficient and hard-working employee, and with it all he has been kindly and courteous, and certainly a fine gentleman at all times. Things will not be quite the same with George Robinson gone from the Chamber of the House of Representatives.

Mr. ASPINALL. I thank my colleague, and I now yield to my colleague, the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I want to join with my other colleagues in the Congress in paying tribute to George Robinson. I have elected not to run for reelection, and I was looking forward to coming back to visit the House of Representatives, and finding permanency in the staff, and without George Robinson being here it will be hard to do so, because I would be looking for his kindly "hello" and his warm welcome which he has always done in the past.

I hope that on his way back to Colorado he will come by way of Cape Cod and enjoy its lovely climate and its wonderful people, and to let them share in his personality that has warmed us here in the Congress, and for which we are so very grateful.

Mr. ASPINALL. I thank the gentleman very much.

I now yield to my friend and colleague, the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, it is with mixed emotions that all of us come here today to remember and to thank George Robinson for his many years of faithful service to this Nation. I know that 6 years ago when I came here as a freshman that it was frightening to come here into this august body, but one of the early people who caught me by the hand, and from whom I learned something about the traditions of the House and the proper way to function here, was George Robinson.

It has always been a great pleasure to come here to the door and receive that friendly "hello" from a good guy like George. He and his wife Ethel have stopped in Indiana at our home as they have traveled on their way to Colorado, and I hope they will continue to make our Indiana home their half-way home on their way to Colorado.

Mr. Speaker, I think something should be said in addition about George and his wife Ethel, and that is that they have a very fine family. For instance, I know that they have a granddaughter who is going to be touring Europe during the next couple of months as a concert violinist, and I know how proud they are at the accomplishments of their very fine granddaughter. They have had some tragedies in their lives, but these have not diminished George and Ethel in their dedication to make America a better place in which to live.

So I speak selfishly, Mr. Speaker, as I say that I am sorry that day has come, the day that George Robinson will not be here to say "hello," but my wife, Carol, and I want to wish Ethel and George many, many years of happiness, and hope that they can now see the rest of America that they have not seen already, and I hope that they will always continue to make Washington and Indiana their homes away from home.

Mr. ASPINALL. I thank my colleague.

Mr. NIX. Mr. Speaker, our good friend Mr. George Robinson is retiring after 20 years' service as Doorkeeper and 6 years as a clerk to the House. He and his wife, Ethel, are returning to Colorado for their retirement. I have never had the privilege of meeting Mrs. Robinson. However, in knowing George, I know that she must be a very great lady.

I have known George Robinson since I came to the House in 1958. He was helpful to me as a new Member. He has been helpful to scores of new Members since.

Mr. Robinson is one of those men who combine the qualities of modesty with a deep capacity for understanding the House of Representatives and what it is and what it stands for. I consider these qualities as premium qualities in those associated with this body.

When I think of George Robinson and Members of the House and staff members whom I admire, I think of a short poem by Edward Everett Hale, who wrote:

I am only one
But still I am one.
I cannot do everything,
But still I can do something;
And because I cannot do everything
I will not refuse to do the something that
I can do.

The career of George Robinson in his service to the House of Representatives and in his rapport with the Members of the House over a period of 26 years has lived the spirit of Hale's poem. Those Members who are successful here have that same spirit.

The U.S. House of Representatives as well as the State of Colorado can be proud to claim George Robinson as their own. We wish him and his wife, Ethel, well.

Mr. BETTS. Mr. Speaker, it has come to my attention that George Robinson is retiring after 26 years of Government service. I have known George during a considerable portion of this time and in my judgment he has been a dedicated and efficient public servant. In his post as a doorkeeper of the House of Representatives, he has always been available to the Members and most helpful to them in arranging contacts with their constituents and other callers at the floor of the House.

He is a kind person and a courteous gentleman, and I wish him many years of health and happiness in his well-deserved retirement.

Mr. CAMP. Mr. Speaker, I have not had the privilege of knowing George Robinson for as long as many of our colleagues, but for the 4 years I have been in Congress he has been a good friend and a real help to me. Soon after my arrival in Washington, I learned that George was born in Dover, Okla., located in my Sixth District. In fact, Mrs. Elijah A. Allison, George's sister, is still a constituent of mine, living in Hennessey. These strong Oklahoma ties led to the beginning of a deep friendship which I trust will last far beyond George's retirement on June 30.

After 26 years of service to the Congress as Clerk and Doorkeeper, George has every right to want some rest and relaxation. Though I was one of the many Members who urged him to stay—he will be nearly impossible to replace—I want to take this opportunity to wish him and his wife all the happiness and contentment they so richly deserve.

I can only hope that the Robinsons will make it a point to visit Oklahoma often so that we can continue our rewarding friendship.

GENERAL LEAVE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may revise and extend their remarks concerning the subject of my special order today.

The SPEAKER pro tempore (Mr. ROUSH). Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONGRESS FAILS TO DEAL PROPERLY WITH THE DEBT CEILING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, yesterday, the House meekly accepted another debt ceiling bill without dealing with some fundamental questions.

First, the 435 Members of this body—who were duly elected and who represent approximately 500,000 persons each—were forced to either vote this bill up or down under a closed or gag rule which allowed no amendments. Unfortunately, an effort to open the bill for amendments failed on a 207 to 180 vote. Thus, the Members of the House were precluded from representing their constituents on this key issue.

Secondly, the closed rule, of course, once again prevented the House from dealing with tax reform. This is highly regrettable. The people are demanding tax reform now and they are not in favor of it being put off to some future date. In any event, the individual Members of this House should have a right to propose tax reforms whenever they feel they are necessary and this should not be the decision solely of the members of a single committee.

Thirdly, Mr. Speaker, the House continues to deal with these debt ceiling measures without taking a hard look at what constitutes the so-called "debt." Much of this debt is a fake. Much of this debt is simply a device to allow the Federal Reserve System to operate outside of the normal strictures of a democratic government.

In fact, $70 billion of the current debt is fiction. It represents bonds in the portfolio of the Federal Open Market Committee of the New York Federal Reserve Bank. These are bonds that have been paid for once with the credit of the United States. They are not a debt—they have been paid for. It is regrettable that the Ways and Means Committee failed to deal with this question in the current debt ceiling legislation and it is my hope that they will give the House the full information—and the proper remedies—before the question comes up again in October.

The Federal Reserve, of course, draws interest from the U.S. Treasury on these bonds and these interest payments finance nearly all of the Federal Reserve's far-flung operation. Through this device, the Federal Reserve System does not have to come to Congress for appropriations and its funds are not audited by the GAO. By maintaining this fiction of calling a bond that has been paid for a "debt," the Congress allows the Federal Reserve to operate footloose and fancy-free using public moneys for whatever they might desire.

The Federal Reserve is drawing almost $4 billion annually off of these bonds. Four billion dollars of tax money paid by the Treasury to the Federal Reserve. The Federal Reserve uses this money for whatever it pleases—with no check whatsoever—and then returns the surplus to the Treasury.

Imagine this Congress—and the appropriations committees—allowing any other agency of the Federal Government to operate in this manner. All of us can well visualize the hue and cry that would erupt if some one suggested that the Department of Health, Education, and Welfare, the Department of Labor—or any other agency—was given a blank check and told to spend whatever they desired on whatever programs they wanted and just return the loose change to the Treasury.

If we allowed the other agencies of the Federal Government to operate as the Federal Reserve does, there simply would be no reason for appropriations committees—or perhaps for the Congress itself. This is an absurd situation and it is one on which the press and the Congress continually turn their backs. It is one of the things that no one really wants to talk about—to discuss in the press—because it is so fundamental to the operation of our system of government and the people's right to control basic economic and monetary policy.

In an age which demands honesty and at a time when politicians everywhere are being sharply criticized for the fiscal confusion surrounding our Federal Government, it is regrettable that the Federal Reserve is allowed to maintain—and draw interest on—Government securities which have been paid for by the money and credit of the United States. This is fiscal fiction of the first order.

Mr. Speaker, these securities are paid for with other obligations of the U.S. Government—namely, Federal Reserve notes. In some cases, of course, this is in the form of credit which can be drawn down in Federal Reserve notes. In other words, we are exchanging one obligation of the Federal Government for another obligation of the Federal Government. Without question, one of the obligations ought to be canceled.

In reality, Mr. Speaker, many of these bonds are actually paid for several times. The Open Market Committee buys and sells Government securities and it is possible for a bond to be purchased in the open market—with the money or credit of the United States—resold the next day, and again repurchased by the Federal Reserve's open market operations. In some cases, the same bond has undoubtedly been paid for three or four times.

Only a complete top-to-bottom audit by the GAO would really reveal what is happening to all of these bonds in the Federal Open Market Committee's portfolio. We ought to order such an audit without delay.

Mr. Speaker, the bond holdings of the Federal Reserve's Open Market Committee have been increasing tremendously through the years and, in the foreseeable future, this portfolio will exceed the present national debt of $400 billion. In 1915, the Federal Reserve banks held only $16 million of U.S. Government securities. Today, they hold $70 billion and the figure is growing rapidly every month.

Mr. Speaker, I want to place in the record a table showing the holdings of U.S. Government securities in the Open Market Committee's portfolio from 1915 to 1972.

[In millions]

Year	*Year-end holdings*
1915	$16
1916	55
1917	122
1918	239
1919	300
1920	287
1921	234
1922	436
1923	134
1924	540
1925	375
1926	315
1927	617
1928	228
1929	511
1930	729
1931	817
1932	1,855
1933	2,437
1934	2,430
1935	2,431
1936	2,430
1937	2,564
1938	2,564
1939	2,484
1940	2,184
1941	2,254
1942	6,189
1943	11,543
1944	18,846
1945	24,262
1946	23,350
1947	22,559
1948	23,333
1949	18,885
1950	20,778
1951	23,801
1952	24,697
1953	25,916
1954	24,932
1955	24,785
1956	24,915
1957	24,238
1958	26,347
1959	26,648
1960	27,384
1961	28,881
1962	30,820
1963	33,593
1964	37,044
1965	40,768
1966	44,282
1967	49,112
1968	52,937
1969	57,154
1970	62,142
1971	69,000
1972 (to date)	70,000

This present system is absurd. This device deludes the American public. This enables the Federal Reserve to be what the Congress never intended—an agency free of control and supervision—free to thumb its nose at the Congress, at the executive branch, and the American people.

It does the Congress no credit to allow these absurdities to continue.

This fiction is maintained because the Federal Reserve has developed into a super-agency with a super-powerful lobby behind it. The banking community—and its big business allies—want the Federal Reserve System to be free to serve the banking interests full-time without worrying about any public strictures which the Congress might insist upon. This feeling has intensified since the Federal Reserve has gained new power over the economy through the administration of the Bank Holding Company Act.

The Federal Reserve will always be able to serve the interests of the banking and big business community first so long as the Congress continues to allow the system its own independent source of funds by maintaining the fiction of these paid-up bonds.

Without these bonds, the Federal Reserve System would be like any other agency of the Federal Government. It would have no independent source of money and it would be required to come to the Congress and to undergo annual appropriations processes just like any other agency.

Faced with this appropriations process, the Federal Reserve System would be much more careful about its decisions, much less likely to meet the demands of the big banking and big business community and hopefully more inclined to pay attention to the public interest.

More important, the Congress would be able to use the appropriations process to insist that the intent of Congress was met in the administration of banking and monetary statutes.

This Congress, of course, has the power to accomplish this great public purpose and to remove the over-powering banking domination of Federal Reserve policies and administration.

Let me review the situation as it stands today The Federal Reserve has about $70 billion of bonds residing in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. These are all bonds which have been paid for by the credit of the United States. There is no dispute over this fact. Federal Reserve official after Federal Reserve official has conceded this in hearing after hearing before various committees of the Congress. The maintenance of this system—in the face of unrefuted testimony—simply means that the Congress is perpetuating a myth and is a party to an effort to delude the American public about the public debt and the operations of the Federal Reserve.

The Federal Reserve is drawing about $4 billion annually in interest on these bonds. This interest is paid by the U.S. Treasury and the money comes from funds of the American taxpayers. The Federal Reserve uses this money as a huge slush fund for whatever it desires and the Appropriations Committee has no authority to either review or to control these expenditures in any manner. The funds are not audited by the General Accounting Office, and the Federal Reserve has engaged in a well-financed and emotional campaign to lock the GAO out of the entire Federal Reserve System.

So the debt ceiling that the House considered here yesterday was composed of at least $70 billion of outright fiction. These bonds should be retired, subtracted from the debt, and if this were done, there would be no need for the consideration of the legislation now before you.

This could be done without any harm to either our fiscal or monetary system and I hope this committee will not fall prey to the emotional outcries of those who will be simply attempting to preserve their empire at the Federal Reserve. If the Federal Reserve thinks it needs these bonds for "fiscal bookkeeping" purposes, then it should agree that these bonds—which have been paid for by the credit of the United States be noninterest bearing. By making them noninterest bearing, the Federal Reserve could continue to maintain its bookkeeping fiction, but it could no longer draw the $4 billion in interest from the Treasury Department each year.

Mr. Speaker, this situation is so absurd that many people just cannot believe that the Congress would allow this to continue. The absurdity of the situation is one of the protections that the Federal Reserve System has. The average person simply cannot believe that the Congress would allow the Treasury to pay interest on bonds which have been paid for by the credit of the United States.

So to clear up the question of whether these bonds have been paid for, I want to quote from a hearing record before the Banking and Currency Committee on July 6, 1965, when the then Chairman of the Federal Reserve Board, William McChesney Martin, was asked about this situation:

> Mr. MARTIN. The bonds were paid for in the normal course of business.
>
> Mr. PATMAN. That is right.
>
> Mr. MARTIN. And that is the only time they were paid for.
>
> Mr. PATMAN. Just like we pay debt with checks and credit.
>
> Mr. MARTIN. Exactly.
>
> Mr. PATMAN. In the normal course of business, they were paid for once. You will admit that, will you not? They were paid for once and that's all?
>
> Mr. MARTIN. They were paid for once and that's all.
>
> Mr. PATMAN. That's right.

This is very clear. Surely the Congress does not need any more evidence that these bonds should be cancelled and the Treasury relieved of its obligation to pay interest.

Mr. Speaker, of course I interrogated Chairman Martin on many other occasions and received very similar replies. On December 10, 1965, I questioned Mr. Martin when he appeared before the Joint Economic Committee. The amount of bonds in the portfolio was much less at this time, but the same principle applies. I quote from these hearings:

> Mr. PATMAN. And every one of those notes that you trade for those bonds of the Government says on its face that it is an obligation of the United States Government?
>
> Mr. MARTIN. That is correct.
>
> Mr. PATMAN. And that is what makes it good.
>
> Mr. MARTIN. That is right.
>
> Mr. PATMAN. Now then, whenever you take that Government obligation from the Bureau of Engraving and Printing and you trade it for $24 billion worth of bonds which you have, and you have those bonds now, you draw interest on these bonds, do you not?
>
> Mr. MARTIN. We do.
>
> Mr. PATMAN. About $600 million a year; and, although you traded one Government obligation for it, you keep the bonds and you do not cancel them. They pay interest, and you use that $600 million in any way that is allowed by law, for administrative purposes in the operation of the Reserve banks. And then, of course, after all the deductions have been made, why, you pay 90% of the remainder into the Treasury of the United States?
>
> Mr. MARTIN. That is correct.

There have been many other officials of the Federal Reserve who, like Mr. Martin, concede that these bonds have been paid for. I well remember a discussion—again before the Joint Economic Committee—that I had in 1956 with Robert G. Rouse, manager of the Federal Reserve System's Open Market Account, and I quote:

> Mr. PATMAN. But the truth is, all the bonds that you have—and you have about $25 billion worth of bonds, do you not?
>
> Mr. ROUSE. Something less than that; yes, sir.
>
> Mr. PATMAN. Every one of those bonds have been bought, not on the resources of the Federal Reserve banks, but on the credit of the Nation by exchanging Federal Reserve notes for them, have they not?
>
> Mr. ROUSE. Yes; they are bought by the—out of Federal Reserve funds.
>
> Mr. PATMAN. No; you are mistaken there, are you not? You do not say that they are bought with Federal Reserve funds. The money is created by those bonds. Do you not understand that?
>
> Mr. ROUSE. It is created—yes, indirectly.
>
> Mr. PATMAN. Well, directly. In other words, if you buy bonds, you must pay for them, and those $24 billion worth of bonds were paid for, but not by Federal Reserve bank funds; they were paid for by Federal Reserve notes.

Mr. Speaker, others through the years have questioned the Federal Reserve about these bonds. For example, Senator Paul Douglas, in February 1952, had the following colloquy with Mr. Martin on this point:

> Senator DOUGLAS. When the Open Market Committee buys Government bonds, how are these bonds paid for?
>
> Mr. MARTIN. They are paid for by a check, by deposit.
>
> Senator DOUGLAS. You mean that the banks, the Federal Reserve banks, create credit—
>
> Mr. MARTIN. That is right, sir.
>
> Senator DOUGLAS (continuing). With which they buy Government bonds from private parties.
>
> Mr. MARTIN. That is right, sir.
>
> Senator DOUGLAS. What happens to these checks which the Federal (Reserve System) draws from a created credit account? What happens to those checks?
>
> Mr. MARTIN. They go into the reserve account.
>
> Senator DOUGLAS. Yes; that is the second step. What is the first step? They are given to the holders of securities; is that true?
>
> Mr. MARTIN. That is right.
>
> Senator DOUGLAS. When they are deposited in the Federal Reserve System, how are they set up as a credit?
>
> Mr. MARTIN. To the reserve account of the bank, of the depositing bank.
>
> Senator DOUGLAS. Does this increase the lending capacity of the banks?
>
> Mr. MARTIN. Under our present fractional reserve system by about a 6-to-1 ratio.

These quotes should establish for anyone that the bonds have been paid for and that there is every reason for the Congress to require that they be canceled and subtracted from the debt.

Mr. Speaker, the Congress is going to have to deal with some of these tough subjects despite the lobbyists who demand that the status quo be maintained. There is much change going on in this country and the Congress is deluding itself if it thinks it can avoid these developments.

All of us know that it is not in keeping with the democratic process to allow any committee of the Congress to handle its legislation under closed rules. This is completely foreign to our system of Government and it is something which clearly demeans the Members of the House who meekly accept a removal of their powers. Our constituents send us here to represent them on every bill and we can only do that when we have the right to amend legislation, particularly measures as far-reaching as those which emanate from the Ways and Means Committee.

A great many of us on this floor are committed to tax reform and yet our hands are tied by the fact that the Ways and Means Committee is allowed to bring all of its measures to the floor under a closed rule. Many of us have promised our constituents prompt action on tax reform but we cannot offer amendments to Ways and Means bills to carry out our pledges.

This greatly reduces the rights—the powers granted our people by the U.S. Constitution. This is a serious matter which far transcends party lines and philosophical positions. It goes right to the heart of our system of government and it is something which the U.S. House of Representatives better take a long and hard look at before all the people discover what these gag rules mean to them.

A PROPOSAL FOR CREATION OF A COUNCIL ON ENERGY POLICY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Keith), is recognized for 30 minutes.

Mr. KEITH. Mr. Speaker, I would like to just very briefly say in prefacing these remarks that I have been thrilled by the previous special order given by the gentleman from Colorado (Mr. Aspinall), and to say that I am so delighted that we had the opportunity to pay tribute to George Robinson, who has been such a good friend and servant to you and to all our colleagues.

Mr. Speaker, in 1971, President Nixon suggested the formation of a Department of Natural Resources, a Cabinet-level department that, among other things, would be responsible for keeping the President informed as to the adequacy of the Nation's energy resources.

The demand for energy is increasing at an unprecedented rate.

If we have no energy policy between now and the time such a department comes into being, this country could—and possibly will—be in the midst of a catastrophic "energy crisis."

Some members of the Federal Government have already said that we have such a crisis. We are, in fact, already on the fringe and the worst is yet to come.

During the past weeks and months, there have been numerous hearings and discussions of the problem. In the past month alone, energy was the subject of a cover story in Time magazine and of extensive articles in Newsweek and U.S. News & World Report. Newspaper articles daily tell us what might happen if we ignore the problem and go on to quote Cabinet members and agency heads who predict what might happen and what can be done to anticipate such a crisis.

Many of the committees of the House and Senate have held hearings on various aspects of the energy problem. Their reports, while illuminating, have not yet enabled the Congress or the country to develop policies or programs to cope with the conditions which they foresee.

The time has come to find a way to see in perspective the problems highlighted by these studies and investigations. We must have an independent, prestigious policymaking agency which can interpret the implications of this crisis which is almost upon us. It must be able to forecast what will develop—how our society will develop—if our present course is pursued. This agency must be able to advise us on alternative courses of action. Only in this way can we deal with the economical, ecological, and sociological consequences that will lie ahead of us and other nations of the world.

The present piecemeal approach to the problem is leaving the private sector uncertain as to what its role should be. Why should a company spend large sums of money on research and development if the Government backs R. & D. in another area?

Accordingly Mr. Van Deerlin of California, my colleague on the Commerce Committee's Subcommittee on Communication and Power, and 42 other of our colleagues in this House, today join in asking for the creation of a Council on Energy Policy. Our committee and other committees of the Congress concerned with the energy problem need such an agency's advice and counseling—we need to know the facts.

Initially, Mr. Van Deerlin and I had planned to submit our proposal for the creation of a council as an amendment to the powerplant siting bill pending before the Commerce Committee. Along with other subcommittee members, Brown of Ohio and Frey of Florida, we shall still submit that proposal when the committee takes the bill up. We are, however, realistic enough to know that there is a possibility that other members of the committee might argue that because there were no hearings on the amendment, there is—at this moment—insufficient evidence of the need for such a council. We are filing this legislation this afternoon in order to touch all bases.

I stated earlier that those of us on committees need the facts. To be sure, we get the facts now—from more than five dozen agencies and departments dealing with energy matters. This fragmentation is not giving us the leadership we need. The creation of a coordinated energy policy in one central location would give us that leadership; would have all the facts and would be better able to keep the Congress aware of the energy situation than is presently the case.

The agencies themselves need some direction so that they do not tend to cancel out one another's policies and decisions.

The President, too, needs to have one agency to look to for answers to questions on energy and energy policy.

The public, it seems, is ahead of the Congress in realizing the problem confronting us. The Ford Foundation has undertaken an energy policy study headed by Dr. David Freeman—former head of the energy policy staff of the White House Office of Science and Technology. The study will last 15 months and has a budget of $2 million. The Chase Manhattan Bank has announced within the past few days that it will publish a special report on the energy crisis in layman's language. Chase also said that—

> For the most part, government has reacted to the energy shortage by recommending larger doses of the same kind of medicine that made the patient ill in the first place. . . .

In addition, the Columbia Gas Co. which serves Maryland and Delaware is issuing pamphlets on the energy crisis and how homeowners can effectively cut down their energy consumption. Consolidated Edison of New York has bought radio and television time to make the public aware of the growing shortage of energy fuels and how to conserve electricity and energy.

Pennsylvania and New York are two of the most recent States to add their names to the list of States that are trying to create statewide energy policies.

It is time that we in the Congress take action. We must plan now for the kind of America we want in the future.

On June 21, I spoke on the energy crisis and the need for congressional action. My statement and a copy of the bill we are submitting today, is on page 21920 of the Record.

As our constituents become more aware of what might happen, they will hold us responsible. When their lights go out, when their gasoline is rationed, when their food spoils because of lack of refrigeration, it is we who will have to answer. With a Council on Energy Policy we will have one responsible, informed agency to which we can go for the answers to the questions that are being posed today in the public's mind. Together with the executive branch and this Council, the Congress will be better able to establish policy and make plans that will assure the best for our citizens—in energy matters, in foreign and domestic policy matters, in social matters—in the years to come.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I am glad to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding. I would like to join the gentleman in his remarks and point out that I am glad to be a signator of the bill to which the gentleman refers with respect to the energy crisis in this country. I congratulate the gentleman on taking the leadership in this area because it is the subject of much debate. It is the subject of a great deal of newspaper attention, and I believe there is a great deal of misinformation which perhaps this panel, this group can overcome in the effort to find an answer to this very serious problem of energy crisis. I thank the gentleman for taking this interest.

Mr. KEITH. I appreciate the gentleman's observations and his support of the legislation.

Mr. VAN DEERLIN. Mr. Speaker, I am delighted at the strong showing of bipartisan support for our legislation to establish a National Council on Energy Policy. Upwards of 40 colleagues have joined in cosponsoring the bill, an indication of the widespread concern over the lack of planning that has always characterized the way we use our precious—and rapidly diminishing energy resources.

Full credit for this initial wide acceptance of our proposal must go to the gentleman from Massachusetts (Mr. KEITH). From his vantage point as the ranking minority member of our subcommittee on communications and power, Mr. KEITH has developed considerable expertise on the allocation of our energy resources. On numerous occasions, Mr. KEITH has warned of the dangers implicit in our present heedless course, and now his efforts are beginning to bear fruit.

There are two main reasons for offering the legislation at this time.

First, in this fashion we hope to sharpen the focus of public attention on the energy crisis. The views of 40-plus House Members as expressed in their cosponsorship of this measure will, in themselves, carry great weight in shaping public response.

Second, the introduction of the bill ties in with the plans of Mr. KEITH and myself to offer this proposal as an amendment when consideration of related powerplant siting legislation is resumed by the Commerce Committee. We believe the amendment may be rejected—on grounds that the committee's recent hearings on the powerplant matter did not develop sufficient information about the energy council concept.

If this proves to be the case, our bill would obviously be an ideal vehicle for additional hearings to obtain precisely this intelligence.

As Mr. KEITH has explained, the council of three Presidential appointees would be responsible for recommending both short-term policies and long-range plans for using and conserving our energy resources.

The council would not assume powers of existing agencies, but instead be purely advisory, like the Council of Economic Advisors. It would, however, attempt to provide badly needed guidance for the 65 executive agencies now involved in energy matters. With each of these agencies having only a relatively small piece of the action, none obviously is in a very good position to show us where we have been and where we are headed in this critical area.

While I have not devoted anywhere near the amount of study to this problem that Mr. KEITH has, some evidence of the looming crisis has become quite obvious to me. If anyone is complacent, he need only look at the ominously growing rate of power blackouts and brownouts in various sections of the country, or at the highly publicized shortages of key fuels, like natural gas. During the past 3 years in my home county of San Diego, rates charged to the 350,000 residential users of natural gas have climbed nearly 20 percent, about par for the Nation during this period.

Gas producers and pipeline operators complain that for one reason or another they are unable to develop new supplies of their product. The time is here for an appropriate planning authority to take action, to assure that all public and private needs for this as well as other primary fuels can be met for the foreseeable future.

Mr. KEITH has pointed out, and I agree, that within the next decade the United States may have to depend on foreign imports for half or more of its fuel needs. Clearly, if such a time is coming, we'd better start preparing for it now, for the possibility that our energy policy—now practically nonexistent—might of necessity become a central concern of our foreign policy. Looking further ahead, what could we do if a suddenly hostile nation decided to cut off our supply of a precious fuel? Could we find a substitute?

Mr. Speaker, the proposed council on energy policy might not have all the answers, but whatever direction it was able to provide would be a distinct improvement over our present groping in the darkness.

Mr. DAVIS of Georgia. Mr. Speaker, it is no longer news that our Nation is facing an energy crisis. We are rapidly using up our traditional hydrocarbon sources of energy, and have already developed our prime economic hydroelectric sites. It is clear that we are going to have to make some difficult decisions in the future as we cope with limited energy sources and, at the same time, implement policies which will protect and improve our natural environment.

There is a wide spectrum of choices available for dealing with the energy crisis. We must immediately proceed down a number of parallel roads in order to develop policies and programs to assure adequate energy supplies in the future. The issues involved in stimulating exploration for domestic energy resources, increased importation of oil and liquefied natural gas, powerplant siting, and the control of sulfur oxide emissions from central power stations are just a few of the short term policy decisions which we must address. There are other decisions which we must also make in the very near future regarding energy research and development priorities and funding levels. I think it is clear that in the long run the decisions we make now on supporting energy research and development will be most important.

Realizing the importance of energy research and development, Chairman GEORGE MILLER, of the Committee on Science and Astronautics, last summer established an energy task force within the jurisdiction of the Subcommittee on Science, Research, and Development, which I have the privilege to chair. This task force is headed by the only scientist in the Congress, MIKE MCCORMACK, of the State of Washington. He and his colleagues on the task force have done an outstanding job of developing and analyzing the energy research and development issues. On April of this year, the full subcommittee conducted extensive hearings on the subject of energy research and development. These hearings brought out for public discussion numerous proposals which are worthy of further consideration. These proposals were not only scientific and technological in nature, but included important policy options for coping with the tremendous managerial challenges that adequate support of energy-related research and development inevitably entails. They also took cognizance of the international questions posed by the crisis.

Based on their studies and the subcommittee hearings, Congressman MCCORMACK's task force is currently working on a report which will hopefully be issued in the early fall. I am looking forward to this report, and I believe that it will provide substantive guidance for the important decisions necessary to assure adequate energy research and development between now and the end of this century.

I believe the proposal of Congressman KEITH and Congressman VAN DEERLIN is an important one. It addresses the question of how our Nation, and the Federal Government in particular, must go about the process of managing and coordinating energy policies, including research and development policies. Their proposal deserves the careful consideration of the Congress, and could make an important contribution to the current debate centered around the energy crisis.

GENERAL LEAVE

Mr. KEITH. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. RANDALL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LAURENCE WALRATH WAS OUTSTANDING ICC COMMISSIONER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 60 minutes.

Mr. FUQUA. Mr. Speaker, a great career of public service is ending.

Laurence K. Walrath is retiring as a member of the Interstate Commerce Commission after 16 years of service that will set a mark of excellence for all who come behind.

I came to know Commissioner Walrath because he is from Florida—his home is in my district—and I mention with pride that he is the first Floridian ever appointed an ICC Commissioner.

That would be one thing, but the reason I rise to pay tribute to him in the Congress today is because of the way he has served. Larry Walrath is a man who was never too busy to take the time to listen, to attempt to work continually to see that the public has been served.

President Richard M. Nixon, in accepting his resignation, had this to say:

> After having given sixteen years of dedicated service to the Commission, your desire to devote more time to your family and personal affairs is fully understandable. As you return to private life, however, I want you to know that you carry with you the deep appreciation of all our fellow citizens for the skillful manner in which you have carried out your challenging responsibilities.
>
> It is a pleasure to have this opportunity to express to you my gratitude for your important contributions to our nation, and my very best wishes for health and happiness in the years ahead.

Commissioner Walrath took the oath of office as an Interstate Commerce Commissioner on March 29, 1956, to succeed the late Commissioner Kelso Elliott for a term expiring December 31, 1956. He was reappointed for a term expiring December 31, 1963, and took the oath of office on February 21, 1957. In March 1964, he was again renominated by President Johnson for a term expiring December 31, 1970, and reappointed by President Nixon in 1971. March 29, 1972, marked the end of 16 years as a member of the ICC.

Commissioner Walrath was born in Meadville, Pa., August 16, 1909. He attended Emory University Academy, Oxford, Ga., and graduated from the University of Florida with the degrees of A.B. in 1931 and J.D.—including LL.B.—in 1934 with high honors.

He was admitted to the Florida bar in 1934, and has been admitted to practice before the United States Supreme Court, the ICC, and numerous other Government agencies and courts. At the time of his appointment to the Commission, he was the senior active partner of Knight, Walrath, Kincaid and Young, a law firm in Jacksonville, Fla.

During World War II he voluntarily entered the service in February 1942 as a lieutenant (j.g.) in the Navy, served in the Atlantic and Mediterranean areas, and was released from active duty as a lieutenant commander in 1945.

Commissioner Walrath was a member and past president of the Jacksonville Bar Association, a lecturer for the Florida Bar Association, and a member of the American Bar Association and of the ICC Practitioners Association.

He has been active in many civic organizations including Boy Scouts of America, the American Red Cross, the Salvation Army, and the Chamber of Commerce. He is a member of the University of Florida Alumni Association, Phi Delta Phi, Phi Kappa Phi, Pi Kappa Phi, and the American Legion, and is a 32d Degree Mason, and Shriner.

He is married to the former Mildred Hoff. There are four children, Jean Camille—Mrs. E. K. Goethe—Laurence Kaye, Jr., Timothy Glass, and Shelby Ann—Mrs. Joseph F. Shad, Jr. The Commissioner and Mrs. Walrath have 10 grandchildren.

He resides at 4201 Massachusetts Avenue NW., Washington, D.C., but has maintained his legal residence at Keystone Heights, Clay County, Fla. After June 30, 1972, he will be a permanent resident of Florida at 1026 Shore Acres Drive, Leesburg, Fla.

Commissioner Walrath is a Democrat and, as I mentioned, is the first member of the Commission appointed from the State of Florida. He has been reappointed by Presidents Eisenhower, Johnson and Nixon and is leaving the Commission voluntarily after more than 16 years' service.

While a member of the Commission, he has served on all of its divisions, was chairman of division 1 in 1961, vice chairman of the Commission in 1962, chairman in 1963, and chairman of division 2—Rates and Practices—from 1967 until May 15, 1972, when he voluntarily stepped down to assist his successor to that office take over prior to his leaving the ICC officially as of June 30, 1972.

As Larry Walrath returns to Florida for a well deserved retirement, he leaves behind a host of friends and admirers. He richly deserves all of the tributes which have been paid him.

He was a Government official who set a standard for excellence.

Mr. FREY. Mr. Speaker, through retirement our country is losing a great public servant, Laurence K. Walrath, Commissioner of the Interstate Commerce Commission. His career with the Commission has been impeccable. He has executed his duties with dignity and precision and has been a great help to the Congress and the distinguished Presidents he has served. We are certainly losing a very capable and devoted individual.

Mr. Walrath accepted his duties as Commissioner March 29, 1956, under President Eisenhower and has been reappointed to that position by the three succeeding Presidents. He was admitted to the Florida bar in 1934, has been admitted to practice before the U.S. Supreme Court, ICC and various other Government agencies and courts. He served in the Navy during World War II and achieved the rank of lieutenant commander. He has been active in such civic organizations as the Boy Scouts of America, the American Red Cross, the Salvation Army and the chamber of commerce. He is also a member of the American Legion, and is a 32d Degree Mason and Shriner. He also has the honor of being the first Floridian appointed to the Interstate Commerce Commission. He has served in all divisions of the Commission and is now voluntarily retiring after 16 years of outstanding service to the Commission. We wish him and his wife our very best in their new residence in Florida.

Mr. SIKES. Mr. Speaker, it is with a sense of personal loss that I take note of the retirement of Laurence Walrath from his post as Commissioner of the Interstate Commerce Commission.

As the first member of the Commission ever to be appointed from the State of Florida, those of us who have known and respected him are especially proud that he calls the Sunshine State his home. Now that he has made his decision to retire, we are pleased that he will return to Florida to spend his retirement years.

Laurence Walrath first took the oath of office on March 29, 1956 to fill an unexpired term created by the death of Commissioner Kelso Elliott. Presidents Eisenhower, Johnson and Nixon each had confidence in Laurence and depended on him to fulfill the duties to which they assigned him with honor and dignity. He at not time failed them or their trust.

At the time of his first appointment, Laurence Walrath was a senior partner in a Jacksonville law firm, having graduated from the University of Florida Law School in 1934.

During World War II, he served with distinction as an officer of the U.S. Navy and was released from active duty in 1945 with the rank of lieutenant commander.

Throughout his career in the law and later as a member of the Interstate Commerce Commission, he has had at his side his lovely wife Mildred. Their four children, Jeane, Laurence Jr., Timothy, and Shelby Ann have been a constant source of pride to Mr. and Mrs. Walrath and all who know them.

Now, after having served for 16 years in his responsible position on the Commission, he will leave, with his voluntary retirement, a void which will be difficult to fill.

While a member of the Commission he served as chairman of division 1, vice chairman of the Commission, as chairman in 1963, and as chairman of division 2 from 1967 until this year, when he stepped down to assist his successor in taking over that office.

Those of us who have had the privilege of knowing Laurence Walrath during his service in Washington will miss him, not only as a friend, but as a stalwart figure on the Interstate Commerce Commission. Although we recognize he has given fully of himself on the Commission and deserves this respite, we are sorry to see him go.

As he takes up his life with his family in Leesburg, Fla., we wish him well and we know for certain that his days will be filled in the future, as they have in the past, with love of his country and dedication to the service of his fellow men.

Mr. FASCELL. Mr. Speaker, a respected Interstate Commerce Commissioner is retiring from his office as of June 30. Laurence K. Walrath, after 16 years of dedicated and productive service to his country, has decided to step down.

Commissioner Walrath has brought great honor to his home State as the first Floridian appointed to the Interstate Commerce Commission. His work was so outstanding that he has been reappointed by Presidents Eisenhower, Johnson, and Nixon.

Since taking the oath of office on March 29, 1956, the Commissioner has done his utmost to serve his country. He has served on every division within the Interstate Commerce Commission and did an outstanding job at each one. His excellence was recognized and he served as chairman of division I in 1961 and as chairman of division II from 1967 until May 15, 1972 when he voluntarily stepped down to assist his successor before he officially left the Commission.

Because of his vast overall knowledge of the Interstate Commerce Commission system, Commissioner Walrath served as chairman in 1961 and as vice chairman in 1962. He is considered to be one of the finest leaders and administrators who has ever served on the Interstate Commerce Commission.

Besides being involved in the monumental task of Government work, Commissioner Walrath has found time for many other activities. He is past president of the Jacksonville Bar Association and is active in the chamber of commerce. He is also active in the Boy Scouts of America, the American Red

Cross, and the Salvation Army. There has never been a time of need in any organization that Commissioner Walrath did not respond.

It has been my pleasure to know this personable and able gentleman, and we, in Florida, are honored that such a distinguished citizen as Commissioner Walrath has made our State his home.

Mr. Speaker, I would like to wish Commissioner Laurence K. Walrath and his wife, Mildred, the most enjoyable of retirements and to thank him again for his outstanding public service.

Mr. BENNETT. Mr. Speaker, Laurence Walrath, who is retiring from the Interstate Commerce Commission, is a prime example of dedicated public service. He has been Chairman of that important governmental agency; and throughout his 16 years of service on that body has served with excellence in his ability and spirit of public service.

I have known Laurence Walrath intimately for most of our lives. He graduated from the University of Florida Law School in the same graduating class as I did, that of 1934. He served as chancellor of the honor court at the university at the same time I was serving as his counterpart as president of the student body. We both practiced law in Jacksonville, and he headed the Jacksonville Bar Association during a part of that time.

He has been active both in Florida and in Washington in numerous civic endeavors, and he served his country well in the armed services during World War II. Truly he has made a magnificent contribution to humanity in every place he has lived. I am sure we are all grateful to him for his great contributions to our country and wish him every happiness as he retires to his beloved Florida.

Mr. ROGERS. Mr. Speaker, it is with regret that I join with my colleague, Congressman FUQUA, to advise the Members that Laurence K. Walrath, a Commissioner of the Interstate Commerce Commission, has announced his retirement after 16 years of outstanding service to his country.

Laurence Walrath whom I have had the pleasure of knowing for a number of years has contributed significantly to the Interstate Commerce Commission. I have enjoyed a warm relationship with Larry. He was appointed by President Eisenhower, and reappointed by Presidents Johnson and Nixon after an impressive record of distinguished service to the Commission.

Commissioner Walrath has been a member and past president of the Jacksonville, Fla., Bar Association, a member of the American Bar Association and of the ICC Practitioners Associations. He has been active in many other civic organizations.

I regret that Commissioner Walrath has decided to retire from the position of Commissioner of the Interstate Commerce Commission, but I am certainly pleased that he has decided to return to the State of Florida. I join with my colleagues in saluting Laurence Walrath for his distinguished government service. I extend my best wishes to his wife Mildred and their four children.

Mr. SPRINGER. Mr. Speaker, as the ranking minority member of the Committee on Interstate and Foreign Commerce, I have had the privilege of knowing Laurence Walrath during his 16 years as a member of the Interstate Commerce Commission.

Originally appointed to the Commission by President Eisenhower, Mr. Walrath was reappointed by Presidents Johnson and Nixon, which in itself is evidence of the high confidence these chief executives had in Commissioner Walrath's ability and devotion to duty.

I thank our colleague, the gentleman from Florida (Mr. FUQUA) for allowing me to join in this tribute to Commissioner Walrath. I understand that he is going back to the beautiful State of Florida and I wish both him and Mrs. Walrath much health and happiness in the years ahead.

Mr. PEPPER. Mr. Speaker, it gives me great pleasure to join my colleagues from Florida in honoring the Honorable Laurence K. Walrath on his retirement after more than 16 years as a member of the Interstate Commerce Commission.

Commissioner Walrath is a personal friend of long standing who has served his State, his region, and his country well on a regulatory agency of vital importance to the economic health of all of us.

He was admitted to the Florida bar in 1934, the year I first sought election to the Congress. Our careers diverged, as I entered the Senate in 1937, and he pursued the legal calling for which we both were trained. At the time of his appointment to the Interstate Commerce Commission in 1956, he was the senior active partner of Knight, Walrath, Kincaid & Young, a distinguished law firm in Jacksonville, Fla.

His acceptance of the challenge of the ICC brought him to Washington, where his ability and dedication to duty won him successive reappointments by Presidents Eisenhower, Johnson, and Nixon.

I am pleased to extend my personal congratulations on his distinguished performance in the service of his country and to extend my best wishes for his health and happiness in the years ahead.

COMPILATION OF LEGISLATION INTRODUCED OR COSPONSORED BY HON. LAWRENCE J. HOGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, so that my constituents will have a clearer idea of my views and my approach to the issues of the day, I am inserting a compilation of legislation I have introduced during the 1st session of the 92d Congress.

I previously inserted into the RECORD a compilation of all the votes I have cast since coming to Congress. Combined, these give my constituents an opportunity to learn where I stand on issues.

I insert the compilation of my bills in the RECORD at this point.

LIST OF BILLS INTRODUCED OR COSPONSORED BY THE HON. LAWRENCE J. HOGAN (92D CONGRESS THROUGH FIRST SESSION 92D CONGRESS) (ACTION INDICATED)

H.R. 10. Promotes fair competition among prime contractors and subcontractors and prevents bid peddling on public works contacts by requiring persons submitting bids on those contracts to specify certain subcontractors who will assist in carrying them out. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 113. Provides certain medical and surgical services to officers and members of the fire department of the District of Columbia and of police forces in the District of Columbia retired under the Policemen and Firemen's Retirement and Disability Act for total disabilities. (Co-sponsored)

Referred to Committee on the District of Columbia.

See H.R. 8794—Public Law 92–12, approved 8/26/71.

See H.R. 2600—Pocket vetoed 8/17/71.

H.R. 817. Establishes a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuances of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost.

(Hogan & others)

Referred to Committee on Ways and Means.

H.R. 851. Extends to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 918. Provides in certain cases for an exchange of credits between the old-age survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 1343. Provides for the awarding of a Medal of Honor for Policemen and a Medal of Honor for Firemen. (Sponsored)

Referred to Committee on Banking and Currency.

H.R. 1344. Amends the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases. (Sponsored)

Referred to Committee on Interstate and Foreign Commerce.

H.R. 1345. Makes it unlawful to injure, intimidate, or interfere with any fireman performing his duties during the course of any riot. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 1346. Strengthens the penalty provision applicable to a Federal felony committed with a firearm. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 1347. Provides a code of ethics for Federal judges, including Supreme Court Justices, by amending Chapter 11 of Title 18, U.S. Code. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 1348. Prohibits the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years, and restricts the exhibition of movies or other presentations harmful to such persons. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 1349. Amends Section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of States. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 1350. Strengthens and clarifies the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 1351. Amends Section 8331 of Title 5, United States Code, relating to civil service retirement. (Sponsored)

Referred to Committee on Post Office and Civil Service.

H.R. 1352. Amends Title 39, U.S. Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. armed forces. (Sponsored)

Referred to Committee on Post Office and Civil Service.

See H.R. 3808—Passed House Oct. 4, 1971.

H.R. 1353. Provides that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 1354. Modifies the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers; and facilitates the collection of such taxes. (Sponsored)

Referred to Committee on Ways and Means.

H.R. 1355. Authorizes voluntary withholding of Maryland and Virginia income taxes in the case of officers and employees of the Architect of the Capitol. (Sponsored)

Referred to Committee on Ways and Means.

H.R. 1356. Amends Title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder. (Sponsored)

Referred to Committee on Ways and Means.

H.R. 2480. Permits the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorizes the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks for nonpostal money orders in full compliance with postal regulations; and provides penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services. (Sponsored)

Referred to Committee on Post Office and Civil Service.

H.R. 2481. Provides an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the government. (Sponsored)

Referred to Committee on Post Office and Civil Service.

H.R. 2586. Provides that the entire cost of certain minimum health benefits for employees and their families shall be paid by the United States. (Sponsored)

Referred to Committee on Post Office and Civil Service.

H.R. 2878. For the relief of Giuseppe Cavallo. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 2879. For the relief of Fermina Marinau. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 3119. Authorizes the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois. (Co-sponsored)

Referred to Committee on Interior and Insular Affairs.

See H.R. 9798 (S. 489)—PL 92-127, approved 8/18/71.

H.R. 3305. Amends the Act of August 27, 1952, (commonly known as the Fishermen's Protective Act) to conserve and protect Atlantic salmon of North American origin. (Co-sponsored)

Referred to Committee on Merchant Marine & Fisheries.

See H.R. 3304—PL 92-219, approved 12/23/71.

H.R. 3553. Authorizes the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs. (Co-sponsored)

Referred to Committee on Merchant Marine & Fisheries.

H.R. 3559. Prohibits the mailing of unsolicited samples of cigarettes. (Co-sponsored)

Referred to Committee on Post Office & Civil Service.

H.R. 3679. Assists in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology. (Co-sponsored)

Referred to Committee on Banking and Currency.

H.R. 3808. Same as H.R. 1352.

Passed House 10/4/71.

H.R. 4133. Same as H.R. 817.

H.R. 4215. Authorizes the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities. (Co-sponsored)

Referred to Committee on Science & Astronautics.

H.R. 4257. Provides that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed. (Co-sponsored)

Referred to Committee on Armed Services.

H.R. 4268. Amends Title II of the Social Security Act to provide a ten-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $100, and to increase to $2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 4299. For the relief of Antonio Ciancio. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 4963. Provides for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and resources, health manpower and facilities. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 5050. Regulates the discharge of waste in territorial and international waters. (Co-sponsored)

Referred to Committee on Merchant Marine & Fisheries.

H.R. 5082. Provides that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 5408. Amends the Omnibus Crime Control and Safe Streets Act of 1968. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 5665. For the relief of Benjamin Nery Bueno. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 5684. Authorizes the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands. (Co-sponsored)

Referred to Committee on Interior and Insular Affairs.

See H.R. 10015.

H.R. 6238. Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia. (Co-sponsored)

Referred to Committee on the District of Columbia.

H.R. 6652. Encourages States to establish abandoned automobile removal programs and provides for tax incentives for automobile scrap processing. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 6808. Requires the Secretary of Transportation to prescribe regulation requiring certain modes of public transportation in interstate commerce to reserve some seating capacity for passengers who do not smoke. (Co-sponsored)

Referred to Committee on Interstate & Foreign Commerce.

H.R. 6955. Provides for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products. (Co-sponsored)

Referred to Committee on Agriculture.

H.R. 7060. Includes firefighters within the provisions of Section 8336(c) of Title 5, United States Code, relating to the retirement of government employees engaged in certain hazardous occupations. (Sponsored)

Referred to Committee on Post Office & Civil Service.

Reported in House 2/17/72; H. Rept. 92-840.

H.R. 7399. Amends Chapter 73 of Title 10, U.S. Code to establish a survivor benefit plan. (Sponsored)

Referred to Committee on Armed Services.

See H.R. 10670—Passed House 10/21/71.

H.R. 7400. Equalizes the retirement pay of members of the uniformed services of equal rank and years of service. (Sponsored)

Referred to Committee on Armed Services.

H.R. 7401. Exempts citizens of the United States who are 65 years of age or over from paying entrance or admission fees for certain recreational areas. (Sponsored)

Referred to Committee on Interior and Insular Affairs.

H.R. 7402. Provides a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 7403. Amends the age and service requirements for immediate retirement under subchapter III of Chapter 83 of Title 5, U.S. Code, and for other purposes. (Sponsored)

Referred to Committee on Post Office and Civil Service.

H.R. 7404. Authorizes the construction of a low diversion structure or dam on the Potomac River, Maryland. (Hogan & other)

Referred to Committee on Public Works.

H.R. 7408. Extends benefits to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 7821. Amends Section 620 of the Foreign Assistance Act of 1961 to prohibit foreign assistance from being provided to foreign countries which do not act to prevent narcotic drugs from unlawfully entering the United States. (Co-sponsored)

Referred to Committee on Foreign Affairs.

See H.R. 9910—Failed of passage 10/29/71.

See S. 2819—PL 92-226, approved 2/7/72.

See S. 2820—Passed House amended, 11/18/71.

Senate agreed to a conference 11/18/71.

H.R. 7836. Allows a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and allows the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 7884. Excludes from the mails as a special category of non-mailable matter certain material offered for sale to minors; and improves the protection of the right of privacy by defining obscene mail matter. (Sponsored)

Referred to Committee on Post Office & Civil Service.

H.R. 7939. Facilitates direct communication between officers and employees of the U.S. Postal Service and Members of Congress. (Co-sponsored)

Referred to Committee on Post Office & Civil Service.

H.R. 7964. Liberalizes eligibility for cost-of-living increases in civil service retirement annuities. (Co-sponsored)

Referred to Committee on Post Office & Civil Service. Laid on table 5/17/71. S. 1681, amended, passed in lieu—Passed Senate 5/14/71; Passed House amended—5/17/71. Senate asked for a conference 4/4/72.

H.R. 8397. Creates a National Agricultural Bargaining Board; provides standards for the qualification of associations of producers; and defines the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products. (Co-sponsored)

Referred to Committee on Agriculture.

H.R. 8485. Authorizes the District of Columbia to enter into the interstate agreement on qualification of educational personnel. (Co-sponsored)

Referred to Committee on the District of Columbia.

H.R. 8530. Provides for overtime pay without limitation for officers and members of the Metropolitan police force of the District of Columbia, the U.S. Park police force, and the Executive Protective Service in those cases of serious civil disturbance. (Sponsored)

Referred to Committee on the District of Columbia.

H.R. 8531. Authorizes the District of Columbia to enter into a compact with a State with respect to cooperative efforts and mutual assistance in the prevention of crime. (Sponsored)

Referred to Committee on District of Columbia.

H.R. 8560. Establishes under the Secretary of Agriculture a 5-year research program seeking to control the gypsy moth. (Co-sponsored)

Referred to Committee on Agriculture.

H.R. 8703. Provides for an equitable procedure for establishing congressional districts. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 8794. Provides for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers and members of the Metropolitan Police Force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police Force, the Executive Protective Service, and the U.S. Secret Service. (Co-sponsored)

Referred to Committee on the District of Columbia.

Public Law 92-121, approved 8/16/71.

H.R. 8805. Excludes from the mails as a special category of nonmailable matter certain material offered for sale to minors; and improves the protection of the right of privacy by defining obscene mail matter. (Co-sponsored)

Referred to Committee on Post Office & Civil Service.

Passed House 7/7/71.

H.R. 9139. Provides benefits to survivors of police officers killed in the line of duty. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 9164. Provides an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the government. (Sponsored)

Referred to Committee on Post Office & Civil Service.

See H.R. 9092—Passed House 7/28/71.

H.R. 9190. Requires a study of the north branch of the Potomac River Basin by the Secretary of the Army. (Co-sponsored)

Referred to Committee on Public Works.

H.R. 9207. Establishes a comprehensive treatment and rehabilitation program for narcotic drug users in the armed forces. (Co-sponsored)

Referred to Committee on Armed Services.

See H.R. 12846—Reported in House 4/17/72; H. Rept. 92-992.

H.R. 9208. Provides new penalties for the use, possession, sale, or transfer of a narcotic drug, marihuana, or a depressant or stimulant substance for members of the armed services. (Co-sponsored)

Referred to Committee on Armed Services.

H.R. 9209. Provides new procedures for the civil commitment of drug dependent persons and expands the scope of the provisions of Titles 18 and 28 of the U.S. Code relating to the treatment of drug dependent persons in criminal proceedings. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 9210. Provides for the care and treatment of drug dependent former servicemen in Veterans' Administration facilities. (Co-sponsored)

Referred to Committee on Veterans' Affairs.

See H.R. 9265—Passed House 7/19/71.

H.R. 9426. Makes it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself. (Co-sponsored)

Referred to Committee on the District of Columbia.

H.R. 9483. Provides additional funds for highway safety programs by authorizing appropriations for such programs in an amount equal to 40 percent of the revenue collected from Federal taxes relating to alcohol. (Co-sponsored)

Referred to Committee on Public Works.

H.R. 9541. Provides a system for the redress of law enforcement officers' grievances and establishes a law enforcement officers' bill of rights in each of the several States. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 9620. Increases the contribution of the Federal Government to the costs of employees' health benefits insurance. (Co-sponsored)

Referred to Committee on Post Office & Civil Service.

See H.R. 12202—Passed House 4/27/72.

H.R. 9778. Provides overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek. (Co-sponsored)

Referred to Committee on Post Office & Civil Service.

See H.R. 8689—PL 92-194, approved 12/15/71.

H.R. 9785. Transfers the Coast Guard to the Department of Defense. (Co-sponsored)

Referred to Committee on Merchant Marine & Fisheries.

H.R. 9907. Improves the civil service retirement benefits of employees engaged in the enforcement of the criminal laws of the United States. (Sponsored)

Referred to Committee on Post Office & Civil Service.

H.R. 9908. Provides for the reclassification of positions of deputy U.S. marshal. (Sponsored)

Referred to Committee on Post Office & Civil Service.

H.R. 9939. For the relief of Donald T. Pidgeon. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 9940. For the relief of Henry P. Seufert. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 10013. Increases personal exemptions after 1973 by an amount based on annual variations in the Consumer Price Index. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 10015. Requires the protection, management, and control of wild free-roaming horses and burros on public lands. (Co-sponsored)

Referred to Committee on Interior and Insular Affairs.

See S. 1116—PL 92-195, approved 12/15/71. *See* H.R. 5684.

H.R. 10109. Amends the Act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits. (Co-sponsored)

Referred to Committee on Public Works.

H.R. 10126. Prohibits common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel. (Co-sponsored)

Referred to Committee on Interstate and Foreign Commerce.

H.R. 10144. For the relief of William E. Parrish. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 10194. Advances by 1 year the standard deduction provisions of the Tax Reform Act of 1969. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 10406. Provides a tax credit for homeowners, apartment owners, small businessmen, and car owners who purchase and install certified pollution control devices. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 10453. Provides for involuntary civil commitment of narcotic addicts charged with a crime; authorizes grants for certain training programs; establishes training programs for judicial officers; and provides for research and development into causes of and cures for narcotic addiction. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 10485. Provides penalties for distribution of heroin by certain persons, and provides for pretrial detention of such persons. (Co-sponsored)

Referred to Committee on Interstate and Foreign Commerce.

H.R. 10502. Provides for expanded protection of public officials and foreign officials. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 10637. For the relief of James R. Dean. (Sponsored)

Referred to Committee on the Judiciary.

H.R. 10695. Strengthens interstate reporting and interstate services for parents of runaway children; provides for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth. (Co-sponsored)

Referred to Committee on the Judiciary.

H.R. 10881. Relates to comparability adjustments in pay rates of the Federal statutory pay systems based on the 1971 Bureau of Labor Statistics survey. (Co-sponsored)

Referred to Committee on Post Office and Civil Service.

Reported in House 9/30/71; H. Rept. 92-538.

H.R. 11014. Facilitates fund pursuant of criminals in the District of Columbia. (Sponsored)

Referred to Committee on the District of Columbia.

H.R. 11015. Establishes orderly procedures for the consideration of applications for renewal of broadcast licenses. (Sponsored)

Referred to Committee on Interstate and Foreign Commerce.

H.R. 11132. Provides tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped. (Co-sponsored)

Referred to Committee on Education and Labor.

H.R. 11255. Amends the age and service requirements for immediate retirement under Subchapter III of Chapter 83 of Title 5, U.S. Code. (Co-sponsored)

Referred to Committee on Post Office and Civil Service.

H.R. 11842. Relates to comparability adjustments in pay rates of Federal employees. (Co-sponsored)

Referred to Committee on Post Office and Civil Service.

See H.R. 10881.

H.R. 11877. Amends the National Capital Transportation Act of 1969 (83 Stat. 320) to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority; and authorizes an increased contribution by the District of Columbia. (Co-sponsored)

Referred to Committee on the District of Columbia.

H.R. 11906. Amends the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust. (Co-sponsored)

Referred to Committee on Merchant Marine and Fisheries.

H.R. 11957. Allows a credit against income tax to individuals for certain expenses incurred in providing higher education. (Co-sponsored)

Referred to Committee on Ways and Means.

H.R. 12020. Amends the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress. (Co-sponsored)

Referred to Committee on Merchant Marine and Fisheries.

H.R. 12145. Provides benefits to survivors of law enforcement officers killed in the line of duty. (Co-sponsored)

Referred to the Committee on the Judiciary.

H.R. 12191. Excludes the personal records of officers and members of the Metropolitan Police Department of the District of Columbia from public records. (Sponsored)

Referred to Committee on the District of Columbia.

H.R. 12202. Increases the contribution of the Federal Government to the costs of health benefits. (Co-sponsored)

Referred to Committee on Post Office & Civil Service.

Passed House 4/27/72.

See H.R. 9620.

H.R. 12348. Authorizes the Secretary of Commerce to designate areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation, resource and scientific values of and related to such areas. (Co-sponsored)

Referred to the Committe on Merchant Marine & Fisheries.

H.J. Res. 5. Establishes a Joint Committee on the Environment. (Co-sponsored)

Referred to Committee on Rules.

See H.J. Res. 3 (S.J. Res 17).

Passed House 7/20/71.

S.J. Res. 17—Passed Senate 3/16/71.

H.J. Res. 22. Authorizes the President to designate the period beginning March 21, 1971, as National Week of Concern for Prisoners of War/Missing in Action. (Co-sponsored)

Referred to Committee on the Judiciary.

See H.J. Res. 16 (S.J. Res. 10)—P.L. 92-6, approved 3/19/71.

H.J. Res. 106. Constitutional Amendment—Provides for representation of the District of Columbia. (Sponsored)

Referred to Committee on the Judiciary.

H.J. Res. 107. Grants the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority. (Hogan & other)

Referred to Committee on the District of Columbia.

H.J. Res. 268. Constitutional Amendment—Provides the offering of prayer in public buildings. (Co-sponsored)

Referred to Committee on the Judiciary.

See H.J. Res. 191—Failed of passage 11/8/71.

H.J. Res. 280. Designates the 3d week of April of each year as Earth Week. (Co-sponsored)

Referred to Committee on the Judiciary.

H.J. Res. 685. Creates a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms. (Co-sponsored)

Referred to Committee on Rules.

H.J. Res. 810. Authorizes the President to proclaim the period September 12, 1971, through September 20, 1971, as Myasthenia Gravis Week. (Sponsored)

Referred to Committee on the Judiciary.

H.J. Res. 919. Grants the consent of Congress to certain boundary agreements between the States of Maryland and Virginia. (Co-sponsored)

Referred to Committee on the Judiciary.

H.J. Res. 933. Designates the first week in February of each year as National Salesmen's Week. (Sponsored)

Referred to Committee on the Judiciary.

H.J. Res. 981. Constitutional Amendment—Relates to participation in silent prayer or meditation in public schools. (Co-sponsored)

Referred to Committee on the Judiciary.

H.J. Res. 1010. Establishes a Joint Committee on Aging. (Co-sponsored)

Referred to Committee on Rules.

H. Con. Res. 362. Same as H. Con. Res. 352.

H. Con. Res. 385. Expresses the sense of Congress that the Holy Crown of St. Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice. (Hogan & others)

Referred to Committee on Foreign Affairs.

H. Con. Res. 407. Expresses congressional recognition of a declaration of general and special rights of the mentally retarded. (Co-sponsored)

Referred to Committee on Interstate and Foreign Commerce.

H. Con. Res. 446. Expresses the sense of Congress with respect to placing before the United Nations General Assembly the issue of the dual right of all persons to emigrate from and also return to one's country. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Con. Res. 454. Urges review of the United Nations Charter. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Con. Res. 476. Same as H. Con. Res. 385.

H. Con. Res. 490. Relieves the suppression of Soviet Jewry. (Sponsored)

Referred to Committee on Foreign Affairs.

See H. Con. Res. 471—Passed House 4/17/72.

H. Con. Res. 27. Calls for a national commitment to cure and control cancer within this decade. (Co-sponsored)

Referred to Committee on Interstate and Foreign Commerce.

See S. 1828 (H.R. 11302)—PL 92-218, approved 12/23/71.

H. Con. Res. 113. Calls for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front. (Co-sponsored)

Referred to Committee on Foreign Affairs.

See H. Con. Res. 374—Passed House 10/4/71.

H. Con. Res. 128. Expresses the sense of Congress with respect to the continued operation of Public Health Service facilities. (Co-sponsored)

Referred to Committee on Interstate and Foreign Commerce.

H. Con. Res. 221. Requests the President of the United States to take affirmative action to persuade the Soviet Union to revise its official policies concerning the rights of Soviet Jewry. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Con. Res. 254. Requests the President of the United States of America to take immediate and determined steps to encourage and persuade the Soviet Union to permit persons of the Jewish faith who express the desire to emigrate to a country of their choice. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Con. Res. 352. Relates to control of the production and traffic of illegal drugs. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Con. Res. 353. Expresses the sense of Congress with respect to the withdrawal of American troops from South Vietnam. (Co-sponsored)

Referred to Committee on Foreign Affairs.

See S. J. Res. 155—In Senate ordered placed on calendar Sept. 17, 1971.

H. Res. 63. Amends the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment. (Co-sponsored)

Referred to Committee on Rules.

H. Res. 140. Same as H. Res. 63.

H. Res. 222. Provides for free Federal telecommunications system service to patients in veterans' hospitals. (Co-sponsored)

Referred to Committee on Veterans' Affairs.

H. Res. 501. Provides for equitable and effective minority staffing on House standing committees. (Co-sponsored)

Referred to Committee on Rules.

H. Res. 567. Calls upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Res. 596. Disapproves the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems. (Co-sponsored)

Referred to Committee on Post Office and Civil Service.

Failed of passage 10/4/71.

H. Res. 665. Calls for the shipment of Phantom F-4 aircraft in Israel in order to maintain the arms balance in the Middle East. (Co-sponsored)

Referred to Committee on Foreign Affairs.

H. Res. 724. Amends the Rules of the House of Representatives to require that the report accompanying each bill or resolution contain an analysis and evaluation of the environmental impact of the bill or resolution. (Co-sponsored)

Referred to Committee on Rules.

THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I am introducing today, for myself and 13 other Members of the House of Representatives, a bill to increase dramatically this Nation's commitment to our handicapped children.

The sponsors of this bill believe that the Education for All Handicapped Children Act will substantially improve the opportunity for handicapped children to grow into independent, contributing members of our society.

Mr. Speaker, I am sure that many people will be shocked to learn that only 40 percent of the 7 million handicapped children in America are now receiving the special educational services they so desperately need.

A reliable authority, however, the Council for Exceptional Children, has documented in the book, "State Law and Education of Handicapped Children," published earlier this year, the extent of this problem in our society, and the response of our schools to it.

Mr. Speaker, I insert in the RECORD, at this point, a summary table of the findings of the Council for Exceptional Children on the number of children with various disabilities, and the extent to which traditional educational structures are serving these children.

TABLE I.—HANDICAPPED CHILDREN BY DISABILITY RECEIVING AN EDUCATION

	TMR	EMR	HH	D	SI	VI	ED	C	OHI	MH
Estimated number of handicapped children	191, 063	1, 147, 803	260, 981	45, 681	2, 145, 647	64, 718	749, 441	183, 802	1, 089, 147	35, 838
Number of handicapped children being educated	109, 175	594, 646	44, 430	20, 771	1, 122, 232	22, 718	99, 400	63. 450	165, 589	9, 242
Percent of handicapped children being educated	57	52	17	45	52	35	13	35	2	26

KEY TO SYMBOLS

TMR—Trainable mentally retarded.
EMR—Educable mentally retarded.
HH—Hard of hearing.
D—Deaf.
SI—Speech impaired.
VI—Visually impaired.
ED—Seriously emotionally disturbed.
OHI—Other health impaired (includes learning disabled).
MH—Multiply handicapped.

I should point out, Mr. Speaker, that the estimated number of handicapped children totals over 5.9 million, and does not include another estimated 1 million preschool handicapped children.

Mr. Speaker, I think we must all ask ourselves how this shockingly inadequate treatment of children with special needs has come to be accepted.

In large measure, I believe that the answer to the question lies in the historical development of public education in this country.

As we know, three-quarters of a century ago, the right of every child to an adequate education was such a radical proposal that many fought its implementation.

When that right came to be accepted, many State statutes provided specifically for the education of all children physically and intellectually capable of benefiting from it.

As the report of the Council for Exceptional Children tells us: In some States such statutes still determine whether or not a handicapped child receives any form of education, not to mention the special services such children so urgently need.

Mr. Speaker, the Education for All Handicapped Children Act is addressed to many of these concerns.

The act is based on the fact that a key reason many States have not provided better services for their handicapped children is the financial condition of their elementary and secondary schools. To help States meet this financial burden the act authorizes the Federal Government to pay State governments at least 75 percent of the extra cost involved in educating a handicapped child.

Under the act, in order for a State to participate, it must:

Establish an advisory committee on the education of the handicapped which will be representative of the individuals and groups involved in this endeavor—educators, administrators, handicapped individuals, and parents of handicapped children;

Submit a State plan for the education of the handicapped to the Commissioner on Education;

Apply uniform criteria to determine the number of handicapped children to be served.

Mr. Speaker, Members of the House are well aware of the distressing statistic that there are today 21 million handicapped adults in the United States. It is generally accepted that two-thirds of these handicapped adults could become more self-sufficient through remunerative employment if they had had the necessary education and training, and if job opportunities were available for them.

It is to the credit of Congress that, in recognition of this problem, Democrats and Republicans have, for over 50 years, given overwhelming support to the vocational rehabilitation program.

The sponsors of the bill I am today introducing believe that Congress will again respond to the pressing needs to insure that rather than seeing 7 million children added to the number of handicapped adults not fulfilling their potential, as many of these children as possible become productive members of our society.

Passage of this bill, needless to say, will be received gratefully not only by the children, but also by their parents.

In the long run, Mr. Speaker, the Education for All Handicapped Children Act will benefit not only individuals—both in terms of productivity and self-esteem—but our entire society as well.

Mr. Speaker, as I conclude these remarks about the purpose of the Education for All Handicapped Children Act, I recall the words of President Franklin D. Roosevelt during his second inaugural address:

> The test of progress is not whether we add more to the abundance of those who have too much, it is whether we provide enough for those who have too little.

Mr. Speaker, for too long our handicapped children have had too little.

Let us act now to correct that inequity.

STATEMENT OF REPRESENTATIVE JOHN M. MURPHY ON THE INTRODUCTION OF "THE BILL OF RIGHTS FOR THE MENTALLY RETARDED"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 10 minutes.

Mr. MURPHY of New York. Mr. Speaker, at my request, the Secretary of Health, Education, and Welfare recently sent a special team of investigators to Staten Island to see, hear, and smell the conditions at Willowbrook State School, the world's largest mental institution.

Willowbrook, like many understaffed and underfinanced repositories for our Nation's mentally retarded, has over the past years, displayed the best and the worst that typify such an anomally in our society.

The best at Willowbrook is represented by a small, dedicated, hardworking staff. I personally know Dr. Jack Hammond, the director of the school. He has fought valiantly since 1964 to make conditions better for his tragic wards.

The worst at Willowbrook is represented by the lack of treatment, the oppressive overcrowding, and the depression that results when an already hopeless situation becomes more hopeless with each passing day.

As a result of the HEW site visit which was attended by myself and several other Members of Congress, we have formulated a bill which will begin to eliminate conditions epitomized by Willowbrook, but which exist for the bulk of the 200,000 mentally retarded persons who are in residential treatment centers on any given day in the United States.

This is a substantial bipartisan effort to relieve the heartbreak of America's mentally retarded.

One of the major reasons for the conditions that face the Willowbrooks of America is the financial squeeze that faces such institutions. Willowbrook alone had 900 unfilled staff positions because of the State's financial inability to fill the vacancies. This means that in the sections housing the most severely retarded, instead of the standard staff-patient ratio of 1 to 4, the ratio was one staff to 20 patients. It will also take more money to relieve overcrowding and to remove certain patients to other treatment centers.

Some States do not even have facilities to handle exceptional children. In others, conditions are more deplorable than Willowbrook though on a smaller scale. And, in most States, there is a crying need to improve the quality of both treatment personnel and available programs.

The beginning solutions for these problems are contained in the legislation I introduce today which I have called, "A bill of rights for the mentally retarded."

The bill will:

Authorize $45 million over the next 3 years for the States to develop comprehensive plans for establishing and upgrading residential facilities for the mentally retarded.

Authorize $45 million over the next 3 years to improve services provided by existing facilities for the mentally retarded.

Authorize such sums as are necessary to assist nonprofit organizations to develop community living situations for the mentally retarded as alternatives to the gloomy prison-like institutions that exist in many parts of the country.

Authorize necessary moneys—in the form of grants—to meet expenses necessary to raise the standards of the Nation's Willowbrooks which are set forth in this legislation and which are considered necessary to provide humane and effective treatment for our Nation's mentally retarded.

The heart of the bill is contained in

part "C" which establishes high standards for residential facilities for the mentally retarded. Any State seeking funds under this law must comply with these standards in order to qualify for assistance under the act.

For too long in America our institutions for exceptional children have remained in dark recesses separated from the rest of the community by high walls—or distances—or both.

Mental retardation still has the vestiges of rejection by the community that formerly surrounded institutions for the insane. As a result, those afflicted still suffer from an attitude of "out of sight, out of mind." This in turn has caused a lack of attention and support for the institutions which are charged with caring for these most unfortunate of our Nation's retarded and handicapped.

Mr. Speaker, this legislation is an attempt to shed light where there is now darkness, and to bring to our Nation's retarded the sunlight of hope for a future free from the intolerable conditions which are exemplified by the worst of Willowbrook.

Mr. BADILLO. Mr. Speaker, I am pleased to join my colleagues in the House and the Senate in introducing today the Bill of Rights for the Mentally Retarded.

The handicapped have long been one of our most neglected minorities. Their needs have been placed on the bottom of our list of priorities. Moneys allocated to programs beneficial to them have, as a rule, been ridiculously low. In most instances our society has denied, either through deliberate choice or more often through sheer indifference, their innate right to develop their full potentials. Until lately for the handicapped without independent wealth or extraordinary luck only two avenues in life were available: "the leading of a useful life"—in their case normally an euphemism for shunting them into jobs and positions completely unrelated to their potentials and inclinations, or a caretaker program of "warehousing" whereby we spirited disabled human beings, handicapped physically or mentally, out of sight and out of mind.

It would be extremely easy for me to compile, from personal knowledge, a long list of examples of our society's callous disregard of the human dignity and the human potential of our handicapped citizens. Nowhere, however, is this disregard more evident than in our treatment of the mentally disabled and the mentally retarded.

It took horrifying press accounts of the inhuman warehousing of human beings in institutions for the mentally retarded to rouse this Nation to the need for action. It took the horror of Willowbrook, which I visited as a member of the congressional investigating team, to spark legislation designed to correct the conditions under which the mentally disabled members of our society are forced to exist.

The bill being introduced today is a very necessary piece of legislation. More—it is a pioneering piece of legislation. I have already expressed my strong support of its intentions to its Senate sponsors and intend to give the measure my full support in the House.

But although necessary and well-drawn, the measure is by no means perfect. I am particularly concerned, for instance, that provisions be made for the incorporation into its structure of an ombudsman service on behalf of patients in institutions for the mentally retarded. Although the bill would make attorneys available to the patients, I am very much concerned about those individuals who are not aware of their rights and consequently would not make active use of the legal aid provided. Family members and guardians at times, either because of lack of information or lack of time, also fail to aggressively seek the safeguarding of the rights of persons on such institutions. Review authority in this bill appears to be vested largely in the institutional staff. For all these reasons, I believe it would be extremely helpful to have persons, knowledgeable and outside the institutions' framework, act on behalf of the patients. The number of ombudsmen would have to vary, the precise structure for their involvement carefully examined. But their incorporation into the program is, in my estimation, essential.

I would also also like to see explored the possibility of making use of the concepts of Prevlab somewhere along the line. I believe that much good would come from the unstructured social activity that this concept engenders. As a matter of fact, it is my understanding that Maryland State institutions are presently actively exploring the possibility of incorporating this program into their institutional activities.

Mr. Speaker, undoubtedly Members of both bodies will have much to contribute to the measure. I am certain, also, that testimony presented in the course of hearings on this legislation will point the way to a real reform of our institutions for the mentally retarded. For these reasons I hope that my colleagues on both sides of the aisle will see fit to support this bill and help to shape it for speedy passage.

(Mr. FISH asked and was given permission to revise and extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. FISH. Mr. Speaker, today I have introduced legislation entitled a "Bill of Rights for the Mentally Retarded." This legislation is identical to legislation being introduced in the other body by Senator JACOB K. JAVITS. It is the result of a Federal inspection of Willowbrook State School, Staten Island, N.Y., in which I participated following last spring's exposé of conditions in that institution.

For the benefit of my colleagues I would like to present a short summary of this important legislation, which I believe, if enacted, will provide a coherent, planned program for this Nation's treatment of its mentally handicapped persons.

For too long our efforts have been fragmented and piecemeal with the sufferers being the handicapped. Passage of this legislation will move us out of the Dark Ages treatment of the present, into the humane light of the 20th century.

The summary follows:

SUMMARY—BILL OF RIGHTS FOR THE MENTALLY RETARDED

1. Congressional findings regarding the mentally retarded in the United States and concerned with such matters as:

(a) the numbers of mentally retarded currently living in residential facilities for the retarded;

(b) the prime purpose and basic obligation of residential services;

(c) the need for residential facilities to be humane and safe, to provide basic human needs, and to be located in the community served and provide normal contacts within the community life; and

(d) the necessity for both an upgrading of existing facilities for the retarded, and the establishment of new, small, homelike units integrated into community living situations.

2. Authorizes $15 million a year for fiscal year 1973 and the next two succeeding fiscal years to help the States conduct comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established under this Act, to review existing State plans and develop strategies to fulfill the overall stated purposes of the Act, and to study administrative relationships, including the involvement of public and private sources in programs and services for the mentally retarded, with recommendations for improvement.

3. Authorizes $15 million a year for fiscal year 1973 and the next two succeeding fiscal years to assist the States in improving the services provided by existing residential facilities for the mentally retarded. These grants will not exceed $300,000 per institution and will cover costs of administering and operating demonstration facilities and training programs.

4. Authorizes such sums as may be necessary to assist non-profit institutions to develop, improve, extend or expand community resources and community living situations for the mentally retarded as alternative programs of care for the mentally retarded other than living in residential facilities for the mentally retarded. Priority is given to those applicants whose proposals the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

5. Authorizes such sums as are necessary in grants to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformance with the standards established under this Act. Priority in awarding these grants will be given to those applicants whose facilities are in the greatest need of assistance. A State desiring to receive a grant must submit a plan:

(a) setting forth a schedule for compliance with the established standards for each facility;

(b) designating how placement in residential facilities will be minimized through alternative regional and community programs and services;

(d) assuring reasonable State financial participation in the cost of carrying out the plan;

(e) setting forth a schedule of costs to achieve compliance with the standards.

6. Five years after the enactment of this Act, no residential facility that does not comply to the standards established by this Act will be eligible to receive any direct or indirect payments under any Federal law on behalf of an individual resident and such funds which any individual would other wise be entitled to have paid on his behalf to any vendor of residential services, public or private, shall be reserved for him and administered by the Social Security Administration in the same manner as benefits under Title II of the Social Security Act would

be administered on his behalf were he entitled to same.

7. Authorizes an extension of time for grantees and other residential facilities for the retarded to meet the established standards if appropriations for grants do not meet authorizations.

8. Establishes a fifteen-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded. Members will be appointed from representatives of professional and voluntary organizations concerned with the mentally retarded, consumers of services from residential facilities for the retarded, and leaders in the fields of service to the mentally retarded. A majority of the membership will represent the interests of consumers of services. The Council will advise the Secretary on regulations implementing standards, will study and evaluate such standards to determine their effectiveness, and will recommend any changes or improvements in the standards.

9. The major proportion of the 200 page bill is contained in Part C, which is entitled "Standards for Residential Facilities for the Mentally Retarded" and which consists of a comprehensive and detailed description of the standards a residential facility for the mentally retarded must comply with in order to qualify for assistance under this Act, and eventually, for assistance and funds under any Federal program. This part is divided into eight chapters and each chapter is broken down into subchapters. The chapters are:

Chapter I—Administrative Policies and Practices.

Chapter II—Resident Living.

Chapter III—Professional and Special Programs and Services.

Chapter IV—Records.

Chapter V—Research.

Chapter VI—Safety and Sanitation.

Chapter VII—Administration Support Services.

Chapter VIII—Definitions.

COMMENTS ON "BILL OF RIGHTS FOR THE MENTALLY RETARDED"

National Association for Retarded Children: "The proposed bill addresses itself to one of the really critical issues facing states in serving the needs of the mentally retarded today. I am in complete agreement with the philosophy expressed in this proposed legislation."

Accreditation Council of Facilities for the Mentally Retarded: "The Accreditation Council wholeheartedly supports the Senator's objective of improving the services provided mentally retarded persons."

New York State Association for Retarded Children: "I think the concept of the bill is superb."

Association for Children with Retarded Mental Development: "We have examined the Bill in its entirety and find it to be an outstanding document covering every aspect of the need for continuity of care and concern of the rights of the mentally retarded."

Federation of Parents' Organizations for the New York State Mental Institutions: "This bill is the best one I've ever seen. I hope I can be of some help in seeing that it becomes the law of the land."

Citizens Action Committee for the Handicapped: "If this Bill could become a reality, it would usher in a 'new world' for the retarded. It includes everything those of us who have been fighting for change and for a restructuring of existing systems of service, would have included were we to write our own 'Bill of Rights'."

AFL–CIO: ". . . the bill represents a major step forward toward the goal of fully protecting the rights of millions of handicapped citizens of whom the mentally retarded are the most vulnerable."

New York State Department of Mental Hygiene: "I am very much in accord with the intent of Senator Javits' Bill of Rights for the Mentally Retarded, and with its excellent provisions for providing better services for our retarded citizens."

United Cerebral Palsy Associations, Inc.: "The 'Bill of Rights for the Mentally Retarded', which you sent me, would be a lasting landmark in the restoration of full citizenship for the mentally retarded of our country."

Illinois Department of Mental Health: "As a superintendent of a 2,700 bed facility serving the mentally retarded of all ages and all handicapping conditions, may I state that this is the most exciting, promising, encouraging and all-encompassing proposal that has ever been made."

The Joseph P. Kennedy, Jr., Foundation: "I have read your bill on the Bill of Rights for the Mentally Retarded and am very impressed. Congratulations for working so quickly and with such expertise in such a sad and difficult area."

Joint Commission on Accreditation of Hospitals: "Your strong and sincere interest in the welfare of the mentally retarded is well demonstrated by your conception of this legislative proposal. All of us on the staff, as well as the members of the Accreditation Council for Facilities for the Mentally Retarded and the Board of Commissioners of the Joint Commission, support your objective wholeheartedly."

Association for the Help of Retarded Children: "I would like to assure you of my complete support of this fine legislation."

ROONEY OF PENNSYLVANIA PROPOSES FEDERAL TAX CREDIT FOR NONPUBLIC SCHOOL TUITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY), is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the need for legislation to alleviate the dual problems of rising educational costs and the financial crises being faced by educational institutions, caused me to introduce a bill to provide a Federal income tax credit to parents for up to half the tuition they pay for the education of their children in private nonprofit elementary and secondary schools. The bill has an upper limit of $500 per child, and applies to amounts paid for tuition only.

The bill would reduce the credit for taxpayers with adjusted gross incomes of over $20,000, from which personal exemptions have been taken, by $1 of credit for every $20 of excess income, thus preserving the principle of ability to pay.

A number of bills have been introduced in Congress which would make reductions in the credit to taxpayers with adjusted gross incomes over $25,000, but, the formula I have devised will have a greater benefit on low- and middle-income taxpayers, and will phase out more quickly as income and ability to pay increase, and will provide a smaller overall revenue loss to the Government.

The parents of children attending nonpublic schools are both paying taxes for support of the public schools and paying tuition to send their children to private schools. Approximately 2 million families are paying some $1.4 billion in tuition, and this is but one of the many expenses involved in private education. The bill will take no money away from the public schools, but will relieve the pressure on these schools by enabling more parents to send their children to private schools, and will save the public schools from the burden they would face if forced to take over the education of 5 million children.

I should also point out that declining enrollments in both private and parochial schools are a clear indication of the financial crisis they are facing. Without some sort of assistance, the American educational tradition of pluralism and freedom of choice are gravely threatened At the same time, a system of tax credits avoids any conflict with our traditional principle of separation of church and state as guaranteed by the first amendment, since there will be no connection between the Government and any religious institution.

I hope the President's announcement Monday that he will support a system of tax credits will provide the extra impetus necessary for early consideration of these proposals. Prompt action to strengthen our Nation's educational system must be among our highest priorities.

THE NEED TO REFREEZE MEAT PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 5 minutes.

Mr. ROSENTHAL. Mr. Speaker, I am today introducing, along with 32 cosponsors, legislation which would refreeze meat prices for 45 days at April 1, 1971, retail levels. It would also require the President to submit to Congress a plan which will insure for the future: first, an adequate meat supply for U.S. consumers and thereby reasonable meat prices and, second, a fair rate of return on invested capital to farmers, food processors, and retailers.

Mr. Speaker, I am convinced that it is no longer in the public interest to entrust to the Nixon administration the sole responsibility for combating inflationary meat prices. Congress can no longer stand idly by while the Secretary of Agriculture cheerleads for higher and higher prices and calls concerned consumers "cheap food advocates." We can no longer sit idly by while the Price Commission and Cost of Living Council play politics with the food dollars of millions of urban consumers.

Quite frankly, I took this rather far-reaching and, I know, controversial step, only after it became clear that lesser action would not be effective against the present food price emergency. Beef prices are about 8 percent higher today than they were 1 year ago and are up an average of 10 percent since April. Pork prices are up 15 percent over last year at this time. Unfortunately, there is no letup in sight. Even the chief economist of the Department of Agriculture acknowledges that there will be a slower rate of increase in beef production between 1970–80 than between 1960–70, even though demand is rising rapidly.

These figures and every other market indicator—including projections by supermarket chainstores—demonstrate that it is going to be a long hot summer for millions of financially pressed urban consumers unless the Federal Government acts immediately to hold down meat prices. The administration's only response to date has been to suspend meat import quotas for the balance of the year. This decision is too little and too late to be of any value in moderating retail meat prices today and for the foreseeable future. Even if the President worked for repeal of the Meat Import Quota Act so that foreign suppliers could plan ahead, only the price of hamburgers and hot dogs would be affected—a highly desirable result but only a partial answer to the food price problem.

Mr. Speaker, not very many weeks ago, I spent a full day touring supermarkets in my district and talking to shoppers. For a majority of those with whom I talked, food prices are of an importance beyond any other issue. If Government fails to act decisively now, consumers will react in a way that will make the supermarket boycotts of 1966 look tame by comparison.

My legislation is not antifarmer. I have the greatest respect for America's family farmers and in fact they along with consumers have been victimized by the "feast or famine" food supply situation which has been brought about by USDA's gross failure to insure an adequate meat supply.

In the final analysis, enactment of my legislation will benefit consumers and farmers. I urge the support of my colleagues in securing its passage.

TRIBUTE TO EDWARD DURRELL STONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to call the attention of the Members to some very pleasant ceremonies held in Massachusetts on June 14 honoring the world famous architect Edward Durrell Stone. Mr. Stone, who is a native of Arkansas, received a plaque presented by Gov. Francis Sargent at a ceremony held in the Governor's office. Later in the day, at ceremonies in the office of Boston's Mayor Kevin White, the mayor presented him with a book and a citation attesting to his monumental work in architecture. In a highly unusual event, later in the afternoon Mr. Stone was cited by the Massachusetts Legislature for his outstanding achievements and world reknown as an architect. He was given the signal honor of being allowed to address the members who gave him a standing ovation.

In his remarks, Mr. Stone said it was a "sentimental return" for him because he had spent 8 years in Massachusetts while a student at Harvard and MIT.

Edward Durrell Stone is noted for achievements in 15 countries of the world as well as for his contributions in America. The citation read by House Speaker David Bartley listed many of his outstanding works with special reference to his design of the Kennedy Center for the Performing Arts.

I thought my colleagues and also the people of America should know of the high honors paid by Massachusetts to Edward Durrell Stone. He is the only man within my memory who in 1 day was awarded honors by the Governor of Massachusetts, the mayor of Boston, and the Great and General Court of Massachusetts.

Mr. Stone was escorted by Samuel Ostrow, president of Massachusetts Management Corp. and by Robert De Simone, former city greeter of Boston.

DR. IRVIN H. TRINCHER

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, we were saddened and distressed to learn of the sudden and untimely passing of my close personal friend, Dr. Irvin H. Trincher, director of the Veterans' Administration hospital in Columbia, S.C. Our Nation has lost an outstanding member of the medical profession and a devoted public servant who rendered dedicated service to our veterans, to all those associated with them and to our country.

A distinguished surgeon, Dr. Trincher became associated with the Veterans' Administration in 1958, as chief of the surgical and orthopedic section of the Atlanta VA regional office. Subsequently he served in various important capacities in the VA hospitals in Dublin, Ga., New Orleans, La., and Houston, Tex. Before coming to the Columbia VA hospital in 1970 as its Director, he was Director of the Butler, Pa., VA hospital.

Dr. Trincher served on active duty with the Navy during World War II and was a captain in the Naval Reserve. He was an active member of veterans organizations. As a veteran himself, he was particularly able to understand and appreciate the needs of the thousands of veterans that he served so well.

Dr. Trincher was greatly loved and respected by the people of his community and our State. Veterans and service organizations join his many friends in attesting to his outstanding character, leadership, and understanding as he strived to offer the best possible medical service to those in our VA hospitals. He was a man of great capabilities and seemingly unlimited compassion.

Any tribute to Dr. Trincher is necessarily also a tribute to all the great and dedicated men and women who serve in the Veterans' Administration. His quietly devoted service typifies the service of those, too often unacknowledged and unsung, who do so much for our Nation and its veterans. We are grateful to all of them. Among these dedicated men and women, Dr. Trincher served us all with honor and distinction. Mrs. Dorn joins with me in extending deepest sympathy to Mrs. Trincher, their lovely family and to Dr. Trincher's many friends and associates.

LEEWAY INVESTMENTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I want to bring to the attention of our colleagues the commendable action of the Federal Deposit Insurance Corporation in establishing a new and constructive policy called "leeway investments." The effect of this policy—when formally approved by the FDIC's board—will be to encourage State-chartered banks—not members of the Federal Reserve System—to invest in corporations who are engaged in providing capital to minority business enterprises, or whose objectives are primarily civic oriented and seem socially desirable to a bank's board of directors.

According to the FDIC:

> Such a situation might arise with respect to debt securities associated with community rehabilitation or development corporations which lack the qualitative elements of investment grade securities, but are regarded as tolerable risks to depository financial institutions on a restricted and controlled basis.

In the past, the FDIC, and other bank regulatory agencies, have criticized any securities not of an investment grade. These criticisms are subsequently reported to the bank's board of directors, thus inhibiting socially desirable capital investments by banks in worthy enterprises or causes. Under the new system the investments would be identified as "leeway" and they would not be subject to criticism by FDIC examiners.

By establishing this new policy the FDIC is following the direction in which our country has been moving within the past decade. These new socially oriented practices should go far toward assisting corporations interested in helping minority enterprises and others in need of this financial assistance.

EIGHTY-EIGHT MILLION DOLLARS FOR NEW YORK CITY SUBWAYS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, New York City has just received approximately $88 million from the Federal Government to improve the city's transit system. The grant came in two parcels: $63 million for the purchase of 320 new air-conditioned subway cars and $25 million to start the Second Avenue subway in Manhattan. These are the first significant grants made to New York City since the urban mass transportation program was revised in 1970 to provide long term assistance for the large construction projects, like the Second Avenue subway, that must be undertaken if our transportation crisis is to be met.

Today millions of New Yorkers are forced to ride in overcrowded, dirty, hot subways and are threatened by breakdowns costing time and too often personal injury. With the $23 million Federal grant, the Metropolitan Transit Authority plans to start construction on the Second Avenue subway this fall; running along the East Side of Manhattan, this new subway line is essential to relieve the present overcrowding on the Lexington Avenue line.

For too long this country has neglected the needs of public transportation. While we have spent over $60 billion in Federal funds for highways, we have allocated less than $2 billion for mass transit. As a consequence, during the past 20 years, public transportation has suffered a vicious cycle of service deterioration and passenger loss. Now we are at the point that many systems are burdened by growing deficits and equipment that is obsolete and often barely operable.

Some advocate higher fares to eliminate operating deficits; but, I believe that a requisite of public transportation is that the fare be reasonable. The time has come to recognize that the farebox alone cannot meet all operating expenses and that Federal help must be forthcoming. Federal assistance would go a long way in placing transit systems on a sound financial basis and in stabilizing transit fares at a reasonable level.

On February 23, I introduced H.R. 13362, now cosponsored by 84 Members of the House, to provide $400 million annually in Federal operating assistance for public and private transit systems. Presently, the House Banking and Currency Committee, of which I am a member, is working on the "Housing and Urban Development Act of 1972." Included in this bill is the $400 million annual mass transit operating subsidy program I have proposed. In addition, the committee bill has added almost $3 billion to the mass transit construction program, providing for a total of $6 billion to be committed to mass transit construction and modernization projects before the end of 1975.

If enacted, this stepped-up transit program will be very important in equipping public transportation to meet the mobility demands of an increasingly urban society. Let us make the 1970's a decade in which we do for public transportation what we did for space exploration in the 1960's and highways in the 1950's.

THE NEED FOR A REALISTIC PEACE BETWEEN INDIA AND PAKISTAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, long-awaited discussions are now in progress between President Bhutto of Pakistan and Prime Minister Gandhi of India. The talks in search of peace came after long delays. All of them apparently on the part of India and after repeated efforts on the part of President Bhutto to begin negotiations and to establish a better understanding and durable peace with India.

It is well to recall that President Bhutto released Shaikh Nugiber Rahman unconditionally and allowed him to return to Dacca as proof of his desire for a new chapter of peace and good will in the history of the subcontinent. Subsequently, President Bhutto has sought summit level talks with Rahman as well as with Mrs. Gandhi but preconditions were demanded by both. It appears clear enough that the Government and people of Paktan sincerely seek to achieve an honorable and just settlement of the Indo-Pakistan problems and the new problems created by establishment of an independent government in Bangladesh. Pakistan's economic condition requires this. India has assumed the role of conqueror. Bangladesh is under the protective wing of India. Neither seems interested in a settlement of the manifold problems between the principals.

It rests with India to give a demonstration of her peaceful intentions toward her smaller neighbor. It was India's direct military intervention that led to the dismemberment of Pakistan in December 1971. Since Pakistan's defeat in the east and the separation of East Pakistan, Pakistan clearly poses no threat to India. India has a very advanced defense capability of its own with 38 factories which manufacture war materials including Mig's, helicopters, Vijayanti tanks, and armored vehicles.

India also signed a defense treaty with the Soviet Union on August 9, 1971, and she continues to receive massive military aid from Moscow. Pakistan, in contrast, has no defense production capability of its own. Much of Pakistan's armament system was geared to supplies from the United States. However, since 1965, U.S. military assistance to Pakistan has been cut off. In 1967 sale of spare parts was permitted but since last year there has been almost a total ban on any military supplies from the United States. As a result, Pakistan is in an extremely vulnerable defense position. Obviously the 60 million people of West Pakistan with very limited armaments can never be a threat to 600 million in India with a large war machine.

One item of major concern is the fact that India holds 93,000 Pakistani prisoners of war which include soldiers, civil servants and civilians—men, women, and children. India also controls large tracts of Pakistan territory occupied along the western front in Sind, Punjab, and across the United Nations cease-fire line in Kashmir. The bulk of India's forces are poised on Pakistan's frontiers. In fact, since the fall of Dacca, three additional Indian divisions were brought to the western front to supplement the 13 Indian divisions already poised in the sector.

Pakistan wants peace with India—an honorable peace and a negotiated peace. But Pakistan rejects a dictated peace. The atmosphere for peace can be greatly improved if India honors her commitments under the Geneva Conventions of 1949 and repatriate the prisoners of war, she has been holding since the cessation of hostilities.

Article 118 of the Third Geneva Convention of 1949 states unequivocally:

> Prisoners of War shall be released and repatriated without delay after the cessation of active hostilities. In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph. In either case, the measures adopted shall be brought to the knowledge of the Prisoners of War.

This article imposes an obligation on all signatories to return prisoners of war immediately on cessation of hostilities. Both India and Pakistan are signatories to the Geneva Conventions of 1949. The hostilities came to an end in December 1971 after the fall of Dacca and the U.N. Security Council Resolution No. 307(71) dated December 21, 1971, clearly noted that "a cease-fire and a cessation of hostilities prevails." This left no doubt that the conditions for the return of POW's had been fulfilled. The resolution also specifically called for "observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of wounded and sick prisoners of war and civilian population."

Nearly 5 months have passed and India has given no indication of her willingness to release the prisoners of war. Out of more than 93,000 prisoners, about 20,000 are civilians, including women and children. There is no excuse for detaining them. Unfortunately, some Indian leaders have made statements which indicate that they are detaining the POW's as hostages to extract political advantage or dictate a settlement of their own choice. Holding human life to ransom in violation of Geneva conventions does not augur well for the future. Thus, it is important that the prisoners are repatriated and that there be a mutual withdrawal of troops of the two countries. Pakistan is ready. The President of Pakistan, on April 21, even offered to repatriate Indian prisoners of war unilaterally, if India asked for them, but there was no response from India.

The President of Pakistan feels that India and Pakistan must move to solve all their problems step by step. Repatriation of prisoners of war and mutual withdrawal of troops from each other's countries could be followed by restoration of communication, travel facilities, restoration of diplomatic relations, and the reopening of trade between the two countries. Then in the improved atmosphere, the most serious problems like the Kashmir dispute, which has remained unresolved for 25 years, could also be tackled and solved.

Pakistan also has made it clear that a sensible relationship is desired with Bangladesh. Since the release of Shaikh Mujibur Rahman other gestures toward normalization have been made by the President of Pakistan. He has offered rice to help the people in Bangladesh which were facing a food crisis, despite the fact that Pakistan also is in serious economic plight. Bengali army personnel and civil servants were offered to cope with problems of setting a new nation in motion which confront Bangladesh. There has been no encouraging response to these gestures nor has Rahman indicated an interest in a meeting with Bhutto in an effort to settle the issues between the countries.

The Dacca authorities are complicating the situation by threatening to hold trials of several thousand Bengali and non-Bengali civilians on charges of alleged collaboration with Pakistan authorities.

They are also talking of trials of Pakistani Army personnel for alleged war crimes.

It should be very clear that this is a time for each of the nations involved to look ahead rather than backward. There should be a negotiated settlement of all differences that exist with speedy repatriation of prisoners of war and withdrawal of troops from each other's territory. A new and peaceful chapter in the history of South Asia is a very big need.

I feel that it is well to include at this point excerpts from the President of Pakistan's statements on peaceful settlement in the South Asian subcontinent. These follow:

On January 3, 1972, the President of Pakistan declared that he was willing to meet Mrs. Gandhi for talks on outstanding Indo-Pakistan disputes on the basis of justice and fairplay, adding that if the offer was accepted, he would be willing to go to Delhi even tomorrow.

The President also said that Pakistan had no aggressive designs on India. "If the Indian Government and its people want to live a peaceful and honorable life, we also want to do the same." He said "let us work towards the betterment of the lot of the common people in both the countries."

In February in an interview given to Mr. Ivan McIntire which was broadcast by the BBC on February 18, 1972, the President said "now after this war the fundamental disputes are still to be settled if not by confrontation, by conciliation and by negotiations. An imposed peace will simply not work." In reply to question about the recognition of "Bangladesh", the President said "I think you may have noted that while I have shown my anxiety and my willingness to hold negotiations with Shaikh Mujibur Rahman on the one hand and with the Government of India on another and until we hold these discussions I do not think it would be fair to us to ask us of our final position."

On March 5, in a broadcast to the nation, the President said "I hope soon we will be able to embark on negotiations with India and in due course I will also meet with Shaikh Mujibur Rahman. I am looking forward to these negotiations. I can assure that they would be animated by a sincere desire to live in peace, to bring an end to hostility, to turn from the path of conflict and conflagration to the path of cooperation; cooperation with honor of course, the kind of cooperation which can make both countries, can make all of us in the sub-continent, bring about tranquillity in a message of contentment and satisfaction. On our part, we will make every effort to arrive at such a modus vivendi."

The President further said "I hope animated by the same consideration India too seeks cooperation and prepares the climate of conducive negotiations by releasing all our prisoners of war and detaching them from the main burden of negotiations."

On April 15, President Bhutto in a long speech to the National Assembly again repeated the same desire for peace with India. He declared "we want to live in peace with India. We want Shaikh Mujibur Rahman to overcome his problems and his difficulties for we ardently believe that the people of the whole sub-continent deserve a better future other than the constant friction and conflict that has marked their past. Our people, both theirs and ours, are too poor to live in a state of permanent hostility. We want to direct all our energies from wars of destruction to wars of poverty, illiteracy and hunger. We shall go on trying to resolve our differences and shall always remain ready to seize any reasonable opportunity to realize this supreme objective.

On April 21, President Bhutto even offered to repatriate Indian prisoners of war without any pre-conditions and he said "it is my proposal that even if the Indian Government does not want to release our POWs, I am prepared to go ahead unilaterally. If the Indian Prime Minister makes a request for the return of her POWs, I am prepared to send them to Hussainiwala and Wagha border tomorrow. If our sisters, our mothers and our brothers have to undergo more sufferings on this account, there is no alternative but I do not want the kiths and kins of Indian POWs to suffer the same agony. I do not wish to be cruel to them since it is against the principles of justice."

On April 26, in an interview given to the representative of the German magazine "Der Spiegel" he answered several questions on the problems of the sub-continent. When asked whether India or Pakistan would try something in Kashmir because the two armies were stationed along the Kashmir border, the President stated "No, no, we are not going to try something. You can print that and you can take it from me that we are not going to do something silly like that and under no circumstances we would take any adventurous steps of that nature."

On May 7, the President declared at a Rawalpindi press conference "we seek a durable peace. We will reject one that is imposed."

Showing full awareness of the situation the President said "there are certain inherent implications stemming out of a lost war, otherwise why there should be so many prisoners of war in India." He, however, added "we want peace with honor and if this desire is shared by India we will find the peace that has eluded us for generations."

Regarding the forthcoming summit negotiations, the President said "we can neither be optimistic nor pessimistic. I can only say now that we will approach the meeting with an open mind. We would have to accept certain realities but we can never accept dictated terms."

RECOGNITION

In an interview broadcast by ABC on Sunday, May 14, the President said "if the people of East Pakistan really want to sever their connections from us permanently then it is a question of principle. That the people want to part from us altogether for all times to come, and we cannot deny what they want. There is a principle involved, but we have to first find out if that is the correct position and we can't find out, being a thousand miles away and having had no dialogue or communication with them. So that is why we must first meet their leaders and come to an objective assessment.

NOTE: President Bhutto has said that he must meet Shaikh Mujibur Rahman before recognizing "Bangladesh". He has even gone so far as to indicate his "intent to recognise" before meeting Shaikh Mujibur Rahman.

He released Shaikh Mujibur Rahman unconditionally and let him go to Dacca. Shaikh Mujibur Rahman should not really impose pre-conditions for meeting him.

TRIALS FOR SO-CALLED WAR CRIMINALS

During the same interview President Bhutto said it is a most serious matter. It is not serious just because it is the right thing to do but because we believe there is no analogy between "Nuremberg" and the situation here on the sub-continent as to what happened. I don't go into all the legal aspects of it, but strictly from the practical point of view, it will just muck up the atmosphere.

You know our people are sensitive; Bengalis are sensitive and these trials that go on and all sorts of things will be said, the press will play it up.

I am afraid that it will take us to the point "of no return."

The President also made an offer to try and punish those who are guilty in Pakistan. He said "how could a token trial or any form of trial satisfy? It won't satisfy us because a principle is involved. These people, they were defending their national territory and integrity and unity. They might have committed excesses and we are not ballooning those excesses, we are prepared to try some of them here under ordinary law so I don't understand how we can compromise on such questions."

ENERGY—A DIMINISHING CAPITAL RESOURCE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Pensacola Area Chamber of Commerce in my congressional district was honored on June 8 by the presence of Vice Adm. H. G. Rickover as the principal speaker. America takes great pride in the contributions of Admiral Rickover. I have personal knowledge of his great work. I know that he has been in the forefront in all the efforts to assure a nuclear capability for America's Navy and that his work has been a major factor in giving our country a defense capability which cannot be pinpointed and destroyed in any first-strike effort by an enemy. America is indeed indebted to Admiral Rickover and it was with great pride that I welcomed him to my district. His speech provides an important dissertation on the serious state of the future of energy as a resource in the United States.

I take pleasure in submitting Admiral Rickover's speech for reprinting in the Record.

Energy—A Diminishing Capital Resource

(By Vice Adm. H. G. Rickover)

In recent months a great deal of attention has been focused on the rapidly developing shortage of energy resources in this country. This is a matter that has been of deepest concern to me for many years. In 1957, I delivered a speech, "Energy Resources and our Future" which became a chapter in my book *Education and Freedom*, published in 1959. I can think of no public issue confronting us today that will touch the lives of our children and grandchildren—if not ourselves—more closely than the ability of the U.S. to command the energy resources that are needed to sustain our economy.

There can be no effective national resources policy unless the American people acquire a clear understanding of our resources position. They do not have a realistic picture of our position today. How can it be otherwise when every time a new fossil fuel deposit is discovered, a flood of optimistic statements fills the air, and the press deprecates the severity of the energy crisis against which disinterested experts have warned?

I vividly remember the exaggerated claims made eight years ago when new energy resources were discovered in and around the North Sea. The pattern of world politics, it was predicted, could alter; the consequences, once the find was exploited, would be staggering. Europe would become wholly independent of the Near East; Russia would no longer obtain foreign currency to buy wheat and machinery by selling her oil at marked-down prices.

The production of oil in the North Sea has now begun and intensified efforts have been made to find additional deposits in offshore areas of Europe. Yet the latest projections indicate that the production from the North Sea area is expected to reach only one million barrels per day by 1975, and *perhaps* three million in 1980—a small percentage of the 24 million barrels Europe is expected to need by then.

Most of the studies of the past 25 years projecting future energy needs have consistently underestimated the consumption needs of Europe and Japan. Certainly, no one foresaw that by 1980 Europe's demand would equal our own of 24 million barrels per day, and Japan's would be ten million barrels—almost half as much again.

There is a saying that the British Empire was acquired in a fit of absentmindedness. One might say this, too, of the shift in the 1940's from an economy still based largely on renewable resources, to one depending almost entirely on nonrenewable resources. In 1850—to give an example of the magnitude of this shift—fossil fuels supplied 5% of the world's energy; men and animals 94%. By 1950 the percentages had reversed themselves, 93%coming from coal, oil and natural gas, 1% from water power, and only 6% from the labor of men and animals. By 1970, the energy required to give the U.S. a gross national product of just over a trillion dollars was derived 95.9% from fossil fuels; 3.8% from water power and 3/10th of 1% from nuclear power.

Through nearly all his history on earth, man has lived almost entirely on renewable resources. These left him energy poor but fairly secure in the little he had. We are energy rich today but find ourselves in the unenviable position of the prodigal son who lives luxuriously on his inheritance but after a brief moment of glory is left with nothing to his name.

The shift has come about so suddenly that it is difficult for most Americans to change their outlook. Yet change it we must and quickly, for we are faced with the fact that while it took 600 millennia to create the earth's deposits of fossil fuels, we are using them up in a time span measured by decades. Half the coal ever mined has been taken out of the ground in the last three decades or so; oil production did not begin until 1900, but more than half the world's production has occurred in the last 15 years. The Fossil Fuel Age may well prove to have been one of the briefest major epochs in man's long history on earth.

We did not deliberately choose to build our economy on the uncertain foundation of resources that are finite and must therefore run out unless we devise complex technological alternatives. When we discovered how to unlock Nature's treasure trove of fossil fuels we lost all the instincts for carefully husbanding Nature's bounty that we acquired during millennia of living frugally off renewable energy sources. Prudence would have dictated that we regard this as a one-time windfall, and not go on a wild spending spree before we had some assurance of finding man-made alternatives once the treasure had all been dug out. Instead, we took the continuance of fossil fuel energy for granted and did not exert ourselves sufficiently to prepare for the time when it will be gone.

Psychologically, most people have difficulty grasping that the earth is finite, and that therefore any part of it taken out and and destroyed by usage—as are fossil fuels and uranium—diminishes by that amount what is left. The experts moreover have added to the confusion. Too many of them treat energy reserves not as the finite capital they are, but as something that can be increased by exploration and better technological utilization. To be sure, exploration is needed to find energy deposits, just as technological advance was needed for man to make use of these deposits. But it should be made clear in any public statement that the cause of our energy crisis is neither lack of exploration nor lack of technical research, but simply the fact that consumption proceeds at geometric progressions and supply is finite. Assertions that our resources are ample and we need merely to put more effort into exploring and improving our technical utilization of these resources blurs the real problem: fixed assets, limitless consumption demands.

I blame many of the experts, too, for failing to make clear to the public that Nature is impervious to human demands, to assertions that we have a "right" to live in the style to which we have become accustomed since the Fossil Fuel Age began some 30 years ago. There are no "rights" that government or anyone else can enforce against Nature. I blame many of the experts, too, for serving the public such absurd bromides as that the population explosion does not require us to change our family habits since surplus people can be settled on other planets in the solar system, or, lately, that we shall mine the moon for scarce resources. These are pipe dreams that should not be peddled, for they prolong the time when the public will be ready to take stock of the consequences of current profligacy and accept the necessity of taking steps appropriate to the reality of our situation.

The magnitude of the rise in consumption during the last few decades is also not easy for the public to visualize. Most people are not familiar with geometric progressions. This, I believe, is why the nature of the population explosion—evident to demographers years ago—remained incomprehensible to the general public for such a long time. Indeed, it *is* difficult to understand that a change in the normal family pattern from two to three children—given today's low death rates—should account for our own recent growth figures. Energy needs have doubled since 1950, and are projected to double again by 1985 and to triple by the end of the century. Even today, in spite of our brownouts, economists and other experts take great pride in our rising consumption pattern; indeed, they measure our success as a Nation not by our intellectual, artistic, or humanistic record but by per capita consumption of telephones, refrigerators, cars, etc. We still seem to pride ourselves on consuming one-third of the world's resources, even though we make up but 6% of the world's population.

To sum up, what needs to be generally understood is that Nature is completely unconcerned with man, his needs, or his desires. We are in a period of painful adjustment to a world which we can neither escape from nor control.

Too many overly sanguine statements have been made about the prospects of replacing fossil fuel energy with man-made alternatives and natural minerals with man-made substitutes. * * * How well is it known that to produce the aluminum in a medium-sized cooker requires 72 kilowatt hours of electricity? Nuclear power is a man-made alternative, but unless practical fusion power (using deuterium) is developed—which it is not yet—even nuclear power has a finite capacity, depending as it does on finite uranium resources.

There are other potential sources of energy not now being effectively used. Hydro power could be increased somewhat, though not much in the industrial nations—more so in the underdeveloped part of the world. Power could be derived from the wind, the earth's thermal energy, tidal energy, electrostatic energy, gravitational energy, and solar energy. Many difficult problems would have to be solved before these sources could be effectively used. Whether or not these problems will be solved only time will tell. However, it should be recognized that some of these sources have but limited power output capability. For example, the energy available in lightning strokes, if it could be directly used to produce electrical power, would provide only .01% of the current requirements for electricity in the United States. If all of the volcanic heat of the earth could be captured, it would provide only one-tenth of the world's energy needs. Potential tidal energy sources are of the same magnitude as the volcanic heat sources.

As for solar energy on which many pin their hopes, the drawback here is its enormous cost.

A realistic assessment of our energy resources position would stress the fact that it is not important exactly *when* our fossil fuels give out. We may find better ways to extract oil and gas from coal, tar sands, shale; we may discover more resources than we know of at present on the Continental Shelf surrounding our country or elsewhere in the sea. What is important is to comprehend that some day the fossil fuels will be gone; that renewable energy sources are unlikely to provide more than a small percentage of our needs; that even atomic energy, since it requires uranium, is finite; and that we cannot be certain that some man-made alternative as yet undeveloped will arrive in time—or ever—to supply our energy needs. We share this situation with all the industrial nations; in fact, we are better off than the rest of them. We still have very large coal deposits, most of them do not. Something like 70% of the world's oil reserves are in the Middle East, which will make access to these reserves the biggest international problem before long.

Russia, it would seem, has a keener awareness of the fact that access to energy resources is becoming the primary national interest for all industrial countries. Compare her policy of courting the Arab oil countries with our policy of continuing to export enriched uranium for the sake of improving our balance of payments position. Russia's new naval strength in the Mediterranean poses a very real threat that she might succeed in controlling the Middle East and its oil.

Pressures are exerted on the government to cut down armament expenditures and use the money to solve domestic problems. The Navy is thought of as merely an instrument to wage war—entirely adequate if it is strong enough to act as a preventive force against nuclear aggression. But for the United States, which is a continental island, the Navy's function, besides acting as a primary means to deter nuclear war, is to prevent forcible interference with the flow of international trade to and from our shores. For this purpose, it must at least be the equal of any other navy.

No sensible person can look at war as anything but a disaster to be avoided if at all possible. But if a truly vital national interest were jeopardized, I believe most nations would still fight to protect it, provided always there were any chance at all that they could win. I believe that most of those who totally reject all war are influenced by the fact that for hundreds of years. European wars have been fought, not to preserve vital national interests, but for religious, dynastic and imperial objectives—objectives which are rejected today by the free peoples of the world. Our own wars during the 19th century—with Britain, Mexico and Spain—were also fought for objectives we would no longer seek to obtain by force. But history would indicate that any major industrial power, faced with exhaustion of its energy supplies and feeling itself strong enough to win would, I think, risk war to keep its economy functioning.

Curiously enough, the wars we may not be able to avoid in future are likely to be the kind of major wars fought in antiquity. Homer sang of the Judgment of Paris, the abduction of the beautiful Helen, and the thousand ships that were launched to destroy Troy and bring Helen back to her husband. But historians are well aware that the underlying motivation of the Greek attack on Troy was economic. Troy stood athwart the trade routes between Greece and the Black Sea and was thus able to keep vital imports from reaching Greece, and lucrative exports from reaching their Black Sea destinations. To control these routes was of overwhelming importance to the Greek economy. Hence the Trojan War—the most cataclysmic event of the Maecenean epoch.

Or take the Punic Wars. Disregarding the eloquent rhetoric of Cato and the noble sentiments voiced by other Roman apologists, historians agree that the real cause of the war was Rome's determination to break Carthage's hegemony over Spain and the rich grain producing regions of North Africa. Unhampered grain imports were as vital a national interest to Republican Rome as adequate energy supplies are to today's industrial Nations.

I bring up this point only to emphasize the importance of facing the truth about the energy crisis and taking steps to insure that our Nation has the means to protect its sources of energy. All experts agree that in a few years we will be importing half our oil—importing 12 to 18 million barrels a day. If we do not have a Navy adequate to insure the safety of our oil sources and the means of transportation, we could risk our industrial capability.

The need to conserve energy resources in this country is clear, but how can it be done? Specifically, I would suggest the following:

a. The American people should recognize the vital importance of the energy resources we now possess. Action should be taken at once to discontinue exporting these resources For example, providing uranium enrichment services to foreign countries should be prohibited. Ten thousand kw hours of electricity are required to enrich to 3% one kilogram of uranium as presently used in water cooled reactors. In other words, if the U.S. provides enrichment services for a large foreign water cooled reactor this requires 600 million kw hours of electrical energy. This means that we are exporting about 2,000 million kw hours of our energy resources for each reactor core we export. In return, we receive money.

b. Obviously, population expansion is an important consideration in the growth of demand for energy. While I recognize it is an unpopular subject, serious consideration must be given to eliminating tax deductions for dependent children beyond some set number, perhaps three. Possibly a tax penalty should be added for any children in a family after the first four.

c. The price structure used by utilities is so structured as to encourage the use of energy. The cost per unit of energy decreases as the quantity used increases. This creates exactly the wrong incentive; it encourages energy consumption rather than its conservation. A minimum level of use should be established. Any energy use above the minimum should be more expensive, and an upper ceiling of allowable use should be established for commercial and noncommercial uses.

d. Inefficient uses of energy should be discouraged. Take space heating by electricity. The maximum total system efficiency for electrical heating is less than 50%, but there is no theoretical limit on system efficiency for obtaining heat directly from the combustion of fuel. Hence, the use of electricity for heating should not be permitted unless the situation uniquely requires it.

Artificial lighting uses about 6% of the country's total energy, or about 24% of its electricity. The efficiency of converting electricity to light is about 4%. This indicates the incentive to utilize natural light whenever possible.

Furthermore, great effort should be made to utilize the waste heat generated from energy conversion plants. We cannot afford to continue throwing away 60% or more of our energy resources when converting them to electricity. I recognize that the present siting requirements for nuclear power plants are inconsistent with this suggestion, but some intermediate storage media should be developed—to use like a battery—so as not to waste this heat.

e. Motor fuel represents the other large consumer of energy in the United States. The demand for high-powered, heavy cars represents not only a waste in the energy required to propel the vehicle but also a waste in our nonrenewable mineral resources for their construction and maintenance. I suggest that automobiles be taxed by weight and engine displacement and that upper limits be placed on allowable limits for them.

f. Action should be taken to prohibit the deduction for tax purposes of any expense incurred by utilities as a result of their efforts to expand their market. Also such costs should not be passed on to the consumer, but should come from profits; this would include advertising and other promotional expenses, such as installation allowances, etc. The growth of energy requirements in this country is far too great already; it needs no artificial encouragement.

Another important consideration is that protection must be provided against the development of unnecessary energy converters. The profit a utility is allowed is related to its capital investment. This provides an incentive for a utility to expand its capital base in order to obtain higher profits. It also means there is an incentive to expand its market, whether or not there is a real need.

g. Other large nonproductive uses of energy such as air conditioning must also be controlled. These controls should seek to minimize use and also to achieve greater efficiency. Taxes relating to energy consumption would achieve this goal. For fairness, an upper limit of allowable energy should also be established; otherwise only the poor will feel the effects of such a control.

h. Unpopular as this will be, other controls are also necessary: prohibit air conditioning except where required for industrial or medical purposes. Currently about 16% of the increase in electrical generating capacity is used to meet air conditioning requirements. High excise taxes should be placed on luxuries which require high energy inputs either to manufacture or use. For example, the second car, clothes driers, etc.

The purpose of the proposed actions is to gain time to find practical solutions for the overall energy problem. The minor inconveniences and necessary changes in our habits these would entail pale into insignificance compared to the distress, dislocations and general misery that would follow a rapid loss of our major energy resources. The brownouts we are told to expect in the near future will give us but a faint inkling of what such a loss would mean.

The fact that living off energy capital has lasted for so short a time should make it not too difficult to adjust ourselves to the realities of the supply and demand situation. After all, life in America was very pleasant before we had automobiles, jet planes and electrified homes.

What I said in my 1957 speech still seems to me to sum up correctly where we stand:

"High energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever smaller number of countries. Ultimately, the nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall insure this dominant position for our own country."

STORMY TIMES FOR DEMOCRATS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Democratic Party nationwide is confronted with some of the most difficult decisions in the party's long and constructive history. Confusion within the party has been compounded in recent weeks. It appears that a new proposal for party structure is to be submitted to the convention in Miami. There are efforts to mold the Democratic Party into a liberal party in the hands of a narrow ideological elite. A National Democratic Party composed of card-carrying members would take over the party structure. Party officials and life long Democrats could be disregarded in the new organization. If approved this could revolutionize the party's public posture and it could be ruinous to success in November. It would almost certainly result in a serious split within the party.

Some have stated that a decided swing to the left by the Democrats could be the long-anticipated prelude to a new division of the American party structure into liberal and conservative camps. The unexpected strength developed by Senator McGOVERN would encourage this. However, the Republicans tried the same thing with a strongly conservative program under Senator GOLDWATER and were soundly defeated. Their defeat led to a restructuring of the Republican Party along broader lines and to the election of President Nixon 4 years later. There are few who think Senator McGOVERN could win if nominated. If he should fail to be elected it is likely that the Democratic Party will return to its long-standing image as a party of broad appeal in keeping with the traditions of Franklin Roosevelt and Harry Truman. This does not solve the party's current problems and there are many.

Regretfully, the Democratic Party in 1972 has missed a golden opportunity. With a majority in both Senate and House, the party has failed to pass its own welfare reform, tax reform, and antibusing laws. These are among the items of greatest interest to most people. A mass of legislation has been enacted by the Democratic Congress, but most of it does not carry the political sex appeal of these principle issues. The President is not likely to overlook the opportunity to expose these shortcomings.

Democrats have a particular talent for killing each other off. Party infighting does not help the Nation or the Democratic Party. The writing of a platform may expose more weaknesses than the party can overcome regardless of candidate, and George Wallace and others are attempting to produce a party platform which is more acceptable to the American public than the one now proposed. Yet, efforts to start pulling responsible party factions together may have come too late to be effective. One thing is certain, the Democratic Party has serious problems ahead for November. America wants responsible programs and responsible candidates which it can confidently support for a better tomorrow. Let us hope it is not too late to repair the damage within the Democratic Party. America needs a strong Democratic Party under sound leadership.

AN OLD-FASHIONED PATRIOT SPEAKS OUT

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the Missouri National Guard Association, the nonmilitary forum of over 1,700 active officers, retired officers, active and retired enlisted men of the Missouri National Guard recently held its silver anniversary conference in St. Louis, Mo. At that ceremony Col. Oliver M. Husmann, president of the association for 1971–72, and a prominent St. Louis businessman, gave his report to the members.

The conference warmly received this old-fashioned patriot who spoke out for his organization, to always defend the country. From one who has served his Nation, speaking before those who also shouldered the task of defense, Colonel Husmann eloquently and concisely stated his dedication to the United States, and its traditional spirit of patriotic maintenance of freedom, plus efforts for peace.

I recommend these words of Colonel Husmann to this Congress as an example of the strong devotion to our country that still persists today:

Remarks by Col. Oliver M. Husmann

Webster defines a Patriot as "one who loves his country and zealously guards its welfare; especially a defender of popular liberty." This is the kind of patriot I was taught to admire and emulate. The kind who has fought for his country throughout its history. The kind who admits the imperfections of government, but loves his country even more in spite of them.

Today we have a new kind of patriot. The draft dodgers who skulks into Canada, Sweden, or any other country that will grant them asylum. Those who trample and spit upon the Flag. Those who bomb and burn our public buildings and academic institutions. Those who condemn our involvement in Viet Nam and publicly esteem our enemies. Those who question every word uttered by our leaders, but willingly accept as the whole truth any and all charges levied against us by our enemies.

There are many in this country who find favor with this new type of patriot. We find these 'sob sisters' amongst our clergy, among our so-called intellectuals and even amongst our leaders in the Congress and the Senate. They say we should not have become involved in Viet Nam and now because we are so involved, the new type of patriot must be permitted to vent his frustrations as he desires.

The National Guard is made up of men. Men from many walks of life. Men in different stages of maturity. Men of different social antecedents. Men of various religious beliefs. Men with different political convictions. These qualities and characteristics which each individual possesses, must be nurtured, moulded and fused with those of the next man until, as an entity, we can move forward in a concentrated effort toward a common goal. We must resolve to do everything in our power to again convince the people of our country that Webster's definition of a patriot is and always will be correct.

There are too many in this country who have forgotten that the two ideologies—Democracy and Communism—cannot live side by side except by artful truces and so-called cold wars, neither of which can nurture a real, lasting peace. The tentacles of Communism creep insiduously wherever they gain a foothold. Our land, our way of life, our freedom and our liberty, as we know them, are the prizes Communism strives to take from us. Guardsmen must be constantly prepared to fight this threat. We must not permit ourselves to become the weak link in the defense of this great nation.

There is a greater need for the existence of the Guard today than ever before. We must let our fellow citizens know that the enemy wants us to be careless, lazy and uninspired in the desire to defend our country. That he looks upon us with utter contempt when we say we are tired of war. We must make the public realize that America needs its men—soldiers and citizens alike—to work continously to improve our defensive posture while there is still time. If we wish to maintain for our children the liberty, freedom and safety which we enjoy, we must be prepared to defend these truths to the death. Consider for a moment what life would be like without these privileges we accept so matter-of-factly.

One thing is certain; we have the organization to build such a defense. We have the know-how and the money in this country to develop such a defense. Most important of all, we have US, the National Guard. We can discourage aggression now. All we have to do is feel the urgency, to realize the practicability of being prepared, and to work—work as men dedicated to the principle that the freedom we enjoy shall not perish.

Our silver anniversary is an opportune time to rededicate ourselves to the task at hand, to filling our ranks with true patriots, to teaching, to absorbing lessons learned, to building a defense capable of filling the needs of our people, our community and our country.

Guardsmen have taken such dedicated stands many times in history; always in the cause of freedom and liberty. Our citizen-soldiers, our National Guard, is older than the Nation itself. Dedicated men of the early colonies organized units and trained to defend their settlements long before the Declaration of Independence. Many of our present-day Guard units trace their history directly to these early groups of citizen-soldiers.

We need to review the heritage willed us by those who early stood in the defense of our country. We need to relive the struggles of the past, to see in our minds eye and feel in our hearts the valiant stand they took so this nation might be free. We need to think of those who stood with Washington at Brandywine and Germantown. We need to be reminded of the Guardsmen, militiamen, minutemen, call them what you will, who bled at Bunker Hill. We need to trace their footprints that marked with blood the snows of Valley Forge. We must bend our backs and grasp with freezing fingers the frosted oars with Washington as he crosses the icy Delaware. We must lay seige with him to the heights of Yorktown. We must strive with those who followed Lee, Sherman and Grant. We must feel the fury of the charge at San Juan. We must share with them the blood and sweat of the Philippines and the Mexican Border. Let us follow "Black-Jack" Pershing through the holocaust of WWI. Eisenhower, MacArthur and Patton through the war to end all wars. Let us relive with them Argonne, Château-Thierry, Corregidor, Normandy and MIG Alley. Finally Korea and Viet Nam. For the first time in history American fighting men find themselves in the unusual position of fighting a battle they cannot win, a war they are not supposed to win. A classic study in frustration.

Is Freedom, Democracy and the American way of life, which was bought at such a tremendous price to be lost to the most deadly enemy that has ever theatened free men? Has the sacrifice they made, been made in vain? Can we not continue the fight, can we not as citizen-soldiers bolster the defenses, man them effectively and surely, against any and all attacks of an enemy? Can we not show a love for our country? A love that surmounts all fears, all weaknesses and dedicates men to preserve with their lives the land they love?

I am not asking that we dedicate ourselves to becoming a nation of warmongers. No, I ask that we dedicate ourselves to work for peace. I firmly believe a strong aggressive, defensive posture is the best offense available to a country whose democratic ideals prevents it from initiating an attack against any enemy unless provoked beyond endurance.

Until we have made our country so impregnable, so invulnerable that an attack would be suicidal, will our enemies keep their distance. Until we have done this, the possibility of America becoming a major battlefield in a new world conflict becomes more apparent with each passing day.

Gentlemen. Now is the time for us to look to our defenses, time to follow the heritage which is ours. The time to demonstrate, once again, to all the world, that democracy is a living thing, transcending all other ways of life, and worth protecting at any cost.

NARCOTICS AND SOUTHEAST ASIA

(Mr. WOLFF asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, at this point in the Record, I would like to insert the texts of several formal statements made before an informal hearing which the distinguished gentleman from Illinois (Mr. Murphy) and I held on June 6 in New York City.

The subject of the hearing was international narcotics traffic and I believe that my colleagues in the House will find this information most interesting and useful to their work in finding a solution to this vital problem:

Narcotics and Southeast Asia

(Opening statement of the Honorable Lester L. Wolff, of New York, June 9, 1972)

Let me open these hearings by stating that they are an extension of the investigations which we have conducted into the question of international narcotics traffic and its control.

The drug problem here in the United States has been steadily increasing over the past decade and now permeates our daily lives. The problem of hard drug addiction is no longer confined to the urban ghettos; it has spread into suburban communities and even into our armed forces.

As members of the Foreign Affairs Committee we bear the heavy responsibility of proposing and enacting legislation to assist in anti-smuggling efforts throughout the world. Such an important responsibility can only be discharged properly based on complete and accurate information. I for one must say in all honesty that I have not had cooperation in obtaining the necessary information. In fact, the reason for this hearing and the ones which will follow is to get at the information which we have thus far found elusive.

I have been told about the impact of our new anti-drug programs in the international sphere on the heroin supply in this country—some sources say it has had some effect, others say it has had no effect. I have been told that we are making strong representations to other governments on this matter, and I have been told by our own agents that they cannot stop the drug traffic overseas because their hands have been tied for political reasons. Despite rosy predictions and statements by high officials in our government, the international traffic in narcotics continues to increase steadily.

I am deeply concerned that our priorities in dealing with foreign governments may be beclouded. Protecting our own people from the scourge of heroin addiction by halting the flow of narcotics at the source must be our number one priority. I feel that there is a question as to whether we are suppressing information related to the involvement of officials of foreign governments in the drug traffic reaching our shores. This perhaps is being done to preserve the sensitive nature of our international relations and we gloss over the massive domestic problem which confronts our nation. In effect we are basing policy decisions not on the national self-interest of protecting our own young people, but of protecting an international situation of questionable priority.

We are conducting this investigation precisely to bridge the gap between rhetoric and reality on this question. The rhetoric about the heroin traffic has been voluminous and emotive; the time has come to get the information necessary to halt this deadly traffic by firm action.

We shall publish the information which we uncover in this continuing investigation in the Congressional Record and we will be calling on the appropriate agencies of the Federal Government to report back to us as soon as practicable on the veracity of the information and on any actions they initiate to deal with the problem. I for one refuse to be satisfied with the contradictory and evasive answers which I have received and I am committed to bring the complete story to the attention of my colleagues in the Congress and to the American people.

Opening Remarks Before the Heroin Traffic Hearing in New York

Mr. Murphy of Illinois. Good morning distinguished visitors and gentlemen of the press. I have just a few words before we begin today's proceedings.

I think most Americans are well aware of the situation we face today with the massive use of heroin and other drugs among our young people as well as a great number of military veterans.

I, along with the two other gentlemen here, have conducted numerous investigations on the use of heroin among our soldiers in Vietnam and our civilian population and the one fact discovered in all cases was that drugs are grown and refined illegally in foreign countries with the final product then being shipped clandestinely to the United States.

I think this is an important fact to remember because if we are ever going to prevent the use of illegal drugs we must first deal with the countries in which they are grown and processed.

In the course of past hearings, we have gathered a great amount of testimony from many witnesses and all this testimony has served to strengthen my belief that strong measures are necessary to deal with the drug epidemic.

Today, we are going to hear more testimony from several knowledgeable people in the fields of law enforcement, world health and from an author who recently completed a study on the politics of heroin.

Although we are planning more hearings around the country, let us hope that we can begin to further the education of the American public on the menace of drug abuse with the facts presented during this hearing.

Alfred W. McCoy

Mr. Wolff. Alfred W. McCoy is presently a Ph. D. student in Southeast Asian history at Yale University. He has spent the last 18 months researching the international drug traffic and his findings will be published in a forthcoming book entitled "The Politics of Heroin in Southeast Asia," Harper & Row.

Mr. McCoy's findings are based on research, documents, and more than 250 personal interviews conducted in the United States, Europe and Southeast Asia. Sources of information include U.S. military, intelligence, and Embassy reports on narcotics, as well as interviews with U.S. Embassy, A.I.D. and C.I.A. personnel. Mr. McCoy also met with numerous officials of local military, intelligence, and customs bureaus in South Vietnam, Laos, Thailand, Hong Kong, and Singapore.

In addition, Mr. McCoy has spent a week living with an opium growing Meo tribe in Laos. I am informed that he has already briefed our Bureau of Narcotics and Dangerous Drugs on his findings.

Testimony by Alfred W. McCoy Before the Congressional Inquiry Regarding International Narcotics Traffic, June 9, 1972

Southeast Asia is fast becoming the major source of illicit narcotics for America's growing population of heroin addicts. International criminal syndicates began shifting their major sources of supply to Southeast Asia in the late 1960s when the Turkish government began a drastic reduction of its opium production. If current programs are completed as expected, Turkey will have completely eradicated legal opium production by the end of this year. And within the coming months Turkey's illicit drug traffic will also be eliminated. However, many responsible officials inside the State Department and the US Bureau of Narcotics are very much aware that unless serious preventative measures are taken it is only a matter of time until all of America's heroin supply comes from Southeast Asia. And if the drug traffic in Southeast Asia is ignored all our efforts in Turkey will have been wasted.

President Nixon has told us that there can be no end to the drug traffic in this country until illicit opium production has been eradicated. Even at its peak in 1967–68 Turkey produced an estimated 100 tons of illicit opium, equivalent to only 5% to 7% of the world's total illicit supply. According to the United Nations, Southeast Asia's bountiful Golden Triangle Region—which comprises the rugged mountain areas of northeastern Burma, northern Thailand, and northern Laos—harvests an estimated 1,000 tons of raw opium annually. This is equal to more than 70% of the world's illicit opium supply. By itself northeastern Burma accounts for over 50% of the world's illicit opium. In fact, more recent US Bureau of Narcotics reports estimate that northeastern Burma alone may now be producing 1,000 tons of raw opium annually.

Increasing quantities of Southeast Asian narcotics are entering the international smuggling routes and are finding their way to the United States. Clandestine laboratories located in the tri-border area where Burma, Thailand, and Laos converge are producing a high grade of heroin which is reaching the United States through the West Coast, Europe, and Latin America. Hong Kong's flourishing heroin laboratories use morphine base from Southeast Asia to refine high grade heroin for the American market. Finally, Indochina's Corsican syndicates have been supplying Marseille's heroin laboratories with limited quantities of Southeast Asian morphine base since the early 1950s.

In many ways, Thailand is the key to the drug traffic in Southeast Asia. Most of the region's illicit narcotics transit through Thailand on their way to the international smuggling circuits. Across its northern border march vast mule caravans carrying hundreds of tons of Burmese opium. In fact, most of Burma's opium exports pass through Thailand. Opium refineries located along Thailand's northern border process morphine base and high grade heroin for the international markets. Thailand's ports on the Gulf of Siam serve as loading points for the wooden-hulled trawlers that sail regularly to Hong Kong loaded with morphine base for Hong Kong's heroin laboratories. Moreover, Thailand itself produces an estimated 150–200 tons of illicit opium every year, equivalent to roughly 15% of the world's total illicit supply. Given the importance of Thailand's role in Southeast Asia's drug traffic, it is not too much to say that the success or failure of our government's campaign against the international drug traffic hinges to a large extent on Thailand.

Secretary of State Rogers and Ambassador Unger have stated publicly that the Thai government is giving us its "full cooperation" and is doing everything possible to stem the flow of illicit narcotics across its borders. Despite these claims of progress, the opium caravans continue to cross Thailand's northern frontier unimpeded and the trawlers are still sailing for Hong Kong regularly. Those sympathetic to the Thai government have offered a number of plausible explanations for this failure: the rugged mountains which form the country's northern frontier are almost impossible to patrol; the Thai government has no control over the dozens of armed bands which bring opium across its northern frontier; and the Thai trawlers are extremely elusive and their movements are carefully concealed. However, these explanations are not borne out by the facts of the situation.

In reality, the Thai government has a great deal of control over the situation on its northern border. According to the CIA, some 80% to 90% of all the Burmese opium which crosses into northern Thailand is carried by caravans belonging to Nationalist Chinese irregular units known as the III Army, the V Army, and the 1st Independent Unit. Through an elaborate network of radio posts and purchasing agents scattered across northeastern Burma, these Nationalist Chinese irregulars buy up most of the available opium every year during the harvest season. Once the opium is collected from the hill tribe farmers, Nationalist Chinese army caravans comprising up to 600 mules and 300 armed men set out from their headquarters in northern Thailand. These caravans move from village to village through the rugged ridges and mountains of northern Burma and often return with up to 20 tons of raw opium. Once the opium is brought into Thailand it is processed, frequently at the National Chinese military bases, into heroin, morphine and smoking opium.

Even though they are heavily involved in the narcotics traffic, these Nationalists Chinese irregular units are closely allied with the Thai government. They patrol Thailand's northern border with admirable efficiency and collect an "import duty" of about $5.00 on every kilo of raw opium entering Thailand. In addition, some 1,400 of these irregular troops are providing an invaluable service to the Thai government by battling anti-government rebels in northern Thailand and are used to prevent rebellions in other troubled areas.

The remaining 10% of Burma's opium exports are controlled by Burmese rebels who enjoy the covert support of the Thai government. The Thai government has granted all of these rebel bands closely guarded sanctuaries near its northern border. The Huei Krai camp area in Chinagrai province has long been a major sanctuary area for Burmese rebels engaged in the opium traffic east of the Salween River. The area surrounding the Nationalist Chinese III Army headquarters in Chiangmai Province is the most important sanctuary for Burmese armed bands involved in the opium traffic. Gen. Mo Heng's Shan United Revolutionary Army, Brig. Gen. Jimmy Yang's Kokang Revolutionary Force, Gen. Zau Seng's Kachin Independence Army, Gen. Jao Nhu's Shan State Army and Gen. Kyansone's Pa-O rebels are among those crowded together on a few mountain tops in the Chiangmai Province sanctuary area. The entrances to all of these camps are well guarded by Thai police. But so far there has been no serious effort to slow down the flow of opium crossing the border from Burma.

Similarly, the movement of the Thai trawlers between Bangkok and Hong Kong is one of the most meticulously monitored aspects of the entire international drug traffic. Through their own intelligence nets in Thailand, the US Bureau of Narcotics' agents are sometimes able to learn the precise details about the size of the drug shipments, the name of the trawlers, and their probable departure dates. For example, when I was in Bangkok in September 1971, US agents told me that a trawler had just loaded 1,500 kilos of raw opium and 260 kilos of morphine base for shipment to Hong Kong. However, because of systematic Thai police corruption it was impossible to stop the shipment. As these trawlers move into international sealanes, round the southern tip of Vietnam, and head north through the South China Sea to Hong Kong, they are monitored by US Navy patrol aircraft. Several times during their voyage, each of these trawlers is photographed and carefully studied by US Naval intelligence officials. Yet even with this detailed intelligence the Thai police have been unable to disrupt the trawler traffic in any significant fashion.

US narcotics agents have reported that systematic corruption among the Thai police makes serious enforcement work extremely difficult. According to US agents, almost every major narcotics trafficker has a high level "advisor" on the Thai police force. Before every major shipment of narcotics is moved the syndicates consult the police to make sure there will be no unexpected interference. US agents have learned through bitter experience that any intelligence they gather on the traffic will find its way to the syndicates if they share their information with their Thai counterparts.

In light of these enormous problems, Sec. of State Rogers' assertion that the Thai authorities are giving us "full cooperation" with our anti-narcotics effort hardly seems justified. In fact, responsible US officials in Washington, D.C. have admitted to me privately in recent weeks that the Thais are still very far from taking serious steps to end the narcotics traffic. These officials report that the sensitive state of Thai-American relations, particularly over the negotiations for the opening of new air bases for the Vietnam War, make it impossible for anti-narcotics work to be anything more important than "one of our top five or six priorities" in Thailand.

Once again we are faced with a situation where our diplomats have chosen to sacrifice anti-narcotics work to political and military objectives. And once again we are faced with a clearcut choice between our fruitless quest for military victory in Indochina and eradicating the international drug traffic. There are enough narcotics in Southeast Asia to fuel our heroin plague for generations to come. Until we make anti-narcotics work our No. 1 political priority in Southeast Asia we will have to learn to live with our heroin problem.

NELSON G. GROSS

Mr. WOLFF. Our next witness is the honorable Nelson G. Gross. We are pleased that Mr. Gross who serves as Senior Advisor to the Secretary of State and coordinator for international narcotics matters was able, on very short notice, to rearrange his schedule to appear here today. We look forward to hearing your comments.

STATEMENT BY NELSON GROSS, SENIOR ADVISER TO THE SECRETARY OF STATE AND COORDINATOR FOR INTERNATIONAL NARCOTICS MATTERS BEFORE THE CONGRESSIONAL INQUIRY REGARDING INTERNATIONAL NARCOTICS TRAFFIC, JUNE 9, 1972

I welcome the opportunity of appearing today and setting the record straight on the progress and the integrity of the United States Government's anti-narcotics program in Southeast Asia. I shall address my statement essentially to the recent allegations regarding that program made by Mr. Alfred W. McCoy, a student at Yale, and then answer your questions.

With all due respect to Mr. McCoy's obvious interest in seeing the scourge of drug abuse brought to an end, our official information reveals that much of what he has reported is out of date and thus must be labelled misleading and inaccurate. The problem of drug abuse is an emotionally-charged issue. While it may well make good copy in the eyes of a book publisher to charge—as Mr. McCoy has done in sensational fashion—that the Government of the United States "is aiding and abetting the influx of heroin into our nation," nothing could be further from the truth. Equally sensational and, as far as we can ascertain, unsubstantiated, is the charge by Mr. McCoy that high government officials in Thailand, Laos and South Viet Nam "are actively engaged in the heroin traffic and are protecting the region's powerful narcotics syndicates."

Mr. McCoy somehow missed the name of the kingpin of the heroin traffic in Southeast Asia. The man is LO Hsing Han of Burma. His control of the area opium runs the gamut from opium poppy fields, along the smuggling routes, to his heroin refineries.

LO has a virtual monopoly on heroin refining in the section. Many of the refineries driven out of Laos and Thailand have come under LO's control in Burma.

We have discussed the urgent problem posed by LO's operation with the Burmese. But LO operates within insurgent-controlled territory and is beyond the control of the Burmese Government.

I now turn to the three major allegations made by Mr. McCoy in his June 2 statement before the Foreign Operations Subcommittee of the Appropriations Committee, U.S. Senate.

1. "Much of the heroin entering the United States now originates in Southeast Asia."

Southeast Asia is not a major source of heroin on our market. While the "Golden Triangle" area of Burma, Laos, and Thailand yields an estimated two-thirds of the world's illicit opium supply, most of that output is consumed in traditional Asian markets. The overwhelming majority of the heroin coming to the United States originates in the Middle East and is processed in European labs before being smuggled into our country. We estimate that probably only five percent, certainly no more than ten percent, of the heroin presently flowing to the United States originates in Southeast Asia. Whatever the figure, we are obviously concerned. We are further concerned about the prospect of a swing in international traffickers' interest from the Middle East to Southeast Asia, particularly as the Turkish Government's ban on opium poppy cultivation results in diminished supplies.

2. "The governments of South Viet-Nam, Laos, and Thailand are actively engaged in the heroin traffic."

It so happens that Mr. McCoy selected three of the countries with which we are working very closely. Perhaps progress has not been as rapid as one would like, but drugs have been tolerated over many generations in these countries, and the solution is far from an overnight solution. Trafficking in drugs in Thailand was legal until 1958, and not until last November did the Lao Government move to prohibit drug trafficking. At the moment in Laos, we have two BNDD agents with an additional one expected to arrive, four permanent Customs agents and five additional ones on TDY, two Public Safety Officers with three more scheduled to arrive in the near future, and one AID official.

In Thailand, we have ten BNDD agents, two Customs agents, and one Foreign Service Officer.

And in Viet-Nam, there are ten Public Safety Officers, two Customs agents, and one BNDD agent.

I should like to provide additional comments on each of the three countries:

South Viet-Nam—The U.S. troop withdrawal and suppression efforts have knocked the bottom out of the heroin market in Viet-Nam, causing prices to plummet from $8,000 per kilo last year to $3,000 or less at present. All indications are that heroin sellers have had little success in building an alternative market among the Vietnamese to replace their lost G.I. consumers. In such a situation, it is logical that suppliers will be tempted to seek channels to other markets, including the United States. For this reason, our authorities in Viet-Nam have been watching intently for signs of such a development. Our most recent intelligence indicates that there is no organized apparatus smuggling heroin from Viet-Nam to the U.S. Without exception, those implicated in such activities have been low level, individual entrepreneurs who lack an organized distribution system. With the disappearance of the G.I. market, many traffickers in the region appear to be abandoning heroin to return to the traditional opium trade.

The Government of Viet-Nam with the cooperation of the U.S. Mission has made considerable progress in reducing narcotics traffic and drug abuse. The U.S. Mission has been intensely aware of the heroin traffic in Viet-Nam since the drug first appeared in late 1969 and first became available to U.S. servicemen during the first half of 1970. In March 1970 the Bureau of Narcotics and Dangerous Drugs (BNDD) initiated a survey to define the role of Asia in the world's narcotics traffic which laid the groundwork for addressing the basic problems in Southeast Asia of production, distribution, suppression, and rehabilitation. As evidence of the Mission's concern over increasing drug abuse, MACV carried out a nationwide drug survey in July 1970 which indicated that heroin was being introduced in Viet-Nam in considerable quantity. As a result, a MACV drug abuse task force was formed in August 1970, and a comprehensive drug suppression program was developed and carried into effect. Under the program Combined Anti-narcotics Enforcement Committees were established in each military region. A joint American and Vietnamese Narcotics Investigation Detachment was to gather drug intelligence and provide a coordinated investigative capability to eradicate large supply sources of narcotics. Another important feature was the establishment of a joint U.S. Service Customs Group.

On the civil side, the Mission developed a narcotics control action plan which calls for the involvement of all elements concerned with the suppression of drug abuse and trafficking.

As soon as the narcotics problem began to assume serious proportions, high level coordination and planning efforts began between the Mission and the Government of Viet-Nam. Prime Minister Khiem initiated a program to reduce the use of and traffic in drugs throughout the country. Ambassador Bunker and General Abrams met with President Thieu to discuss specific measures, and as a result President Thieu designated a team of experienced intelligence and police officials to develop and carry out an effective action program. He also set up interministerial drug suppression committees at the national and provincial levels, replaced key personnel in the police and other areas affecting narcotics activities, and dictated a nationwide customs crackdown to seal off all airports and harbors through South Viet-Nam. A tax-free reward system was established and a drug education campaign was begun. Prime Minister Khiem was given direct supervision of the national campaign and was instructed to use the coordinating machinery of the pacification program to carry it out.

As a result of these combined U.S. Mission/Vietnamese Government efforts, the number of arrests on narcotics charges went from 2,911 in 1969 to 6,464 in 1971. Heroin seizures throughout Viet-Nam rose from 12 pounds in 1969 to 271 pounds in 1971 and opium seizures increased from 11 pounds in 1969 to 1,071 pounds in 1971. Most important, the big time traffickers no longer find it profitable or safe to operate in the country. Even now, under existing conditions of martial law and the requirements of national defense against the North Vietnamese invasion, joint U.S./South Vietnamese narcotics operations continue.

The arrest last year of two pro-Thieu members of the Lower House is an indication the Vietnamese Government is actively engaged against the heroin traffic. One was dismissed and the other was sentenced to seven years.

Laos—The Narcotics Control Law implemented last November makes any commercial transaction involving opium or its derivatives illegal and for the first time gives the Lao Government a legal basis for interdicting illicit traffic. Strict controls have also been placed on the importation and distribution of acetic anhydride, a chemical required in the heroin refining process. Last November 7, 730 gallons of acetic anhydride—enough to make three tons of heroin—were seized. Also several seizures of opium and heroin have been made. The most recent seizures were 28 kilos of opium on May 26 and 30 kilos of opium and 9 kilos of #4 heroin on June 7. Inspection procedures on domestic and international air routes have been tightened up.

In the absence of laws forbidding narcotics trafficking, Lao law enforcement agencies had not been staffed, trained or equipped to interdict the traffic. Therefore, since passage of the law, the Government has concentrated on establishing an equivalent of the BNDD to lead and coordinate narcotics control. It is headed by a military officer who reports directly to the Prime Minister and has jurisdiction over civilian and military enforcement efforts. The Lao national police and customs agency have also established special narcotics control units.

The U.S. Mission was most effective in encouraging the passage of the Lao law. Our narcotics enforcement advisers from the BNDD, Customs, and USAID's Public Safety Division are hard at work advising and training their Lao counterparts in Vientiane and other key points, including Ban Houei Sai in the Golden Triangle. Specialized equipment will be provided to the new narcotics agencies as their personnel are trained to use it.

The production of opium in Laos, which may have been as high as 100 tons a year, has been sharply curtailed, and our intelligence indicates that the flow of opium and heroin through the country has also decreased considerably.

In Mr. McCoy's statement of June 2, he indicated that most of the opium traffic in northeast Laos in controlled by Vang Pao. This statement ignores the fact that most of northeast Laos is controlled by the North Vietnamese. Opium production in those areas of northeast Laos still under Lao Government control could not exceed more than a few tons a year, and these are consumed by the hill tribesmen. As for Vang Pao, he has taken a strong public position against opium cultivation and trafficking by the Meo. He considers opium addiction a serious problem among his people and wishes to prevent further addiction and to rehabilitate those already addicted.

As for Ouan Rathikoun, it may be that he was involved in the opium traffic before it was illegal, but we are not aware of anything more than unsubstantiated allegations concerning his past or present complicity. With regard to his "control" of the "largest heroin laboratory in Laos," once again, all we have is allegation. Mr. McCoy was apparently referring to a refinery at Ban Houie Tap which was abandoned last summer. Equipment and chemicals were discovered in the jungle and seized by a team of Lao narcotics agents. Mr. McCoy quoted a CIA source in stating that this refinery had a capacity of 3,000 kilos of heroin per year. Members of our Mission have examined the site and have estimated that it could have produced less than 1,000 kilos assuming a 24-hour-a-day operation.

With regard to Mr. McCoy's allegation concerning Air America, I should like to quote the following statement released in Washington on June 2 by the Managing Director of Air America:

"Mr. Alfred W. McCoy today told the Senate Foreign Operations Committee: 'In Northern Laos, Air America aircraft and helicopters chartered by the U.S. CIA and USAID have been transporting opium harvested by the agency's tribal mercenaries on a regular basis.'

"This statement is utterly and absolutely false. AA and USAID have cooperated in a security program which effectively prevents the carriage of drugs on any of the airline's equipment. This program is constantly being reviewed to make sure that drug smugglers cannot misuse the company's facilities. There is an intensive program of inspection of both passengers and cargo carried out in close collaboration with local and U.S. authorities. At up-country sites, inspectors inspect all baggage of passengers and crew members departing from their stations. All cargo placed aboard up-country sites is inspected by members of the inspection service. All baggage of persons departing Vientiane on AA, CASI and Lao air development are inspected. Where boarding passengers refuse to submit to inspection or are found to have contraband in their possession, they are denied the right to board the aircraft and their names are turned over to local Lao authorities. Through these and related measures, attempts by individuals to carry opium on company airplanes have been detected and prevented. These small time smugglers and users are the greatest threat and the security inspection service has constituted an effective deterrent.

"Through its many years in the Far East, AA and its employees have been well aware of the dangers of drug use and the -drug traffic. It has been the policy of the company and its many local employees to do everything in their power to oppose any traffic in drugs. To this end there has been close cooperation between the company and U.S. and local authorities concerned with the drug problem.

"If Mr. McCoy or any other individual can bring any proof that any Air America employee has been connected in any manner with the drug traffic appropriate disciplinary action will be taken and the matter referred to the proper authorities."

Thailand—For some years the Thai Government has been engaged in a major effort to settle the Meo hill peoples and to bring them under control. Unfortunately, these RTG efforts have been a major source of Meo resentment toward the Thai and have helped make the Meo receptive to Communist antigovernment propaganda and insurgency. In addition to military efforts to put down the Communist rebellion, the Thai are trying to improve hill tribe welfare. Particularly noteworthy is the interest of the King of Thailand in the welfare of the hill peoples: he is assisting in the development of other cash crops as alternatives to the opium poppy.

Enforcement efforts by the Thai Government are hindered by the impossibility of controlling adequately a long and mountainous border and the complexities of controlling passenger and commercial traffic inside Thailand. In its efforts to control narcotics trafficking, the RTG has initiated a resettlement program for the Chinese Irregular Forces (CIF) under which the CIFs would turn over all their opium stocks to the RTG and cease their involvement with narcotics in return to land upon which to settle. Twenty-six tons of CIF opium were burned by the RTG in March 1972.

During the past year, the Thai have increased their efforts in the drug field with U.S. and UN assitance. A US/Thai Memorandum of Understanding was signed in September 1971 provding for increased Thai enforcement capability through U.S. assistance to Thai police and customs officials. The Thai also signed an agreement with the UN in December 1971 establishing a program to deal with the long-range aspects of the drug abuse problem through crop substitution and addict rehabilitation.

After the US/Thai Memorandum of Understanding was signed, a planning group was forced and has been negotiating specific programs for implementation of the agreement. BNDD has assigned agents in Bangkok and Chiang Mai while U.S. Customs Service personnel are serving in Bangkok. Thai police have recently moved to crack down on local traffickers and several major Thai and American traffickers have been arrested. A promising start has been made and programs begun which have the potential to bring the drug problem under increasing control.

Based on all intelligence information available, the leaders of the Thai Government are not engaged in the opium or heroin traffic, nor are they extending protection to traffickers. There have been reports of corruption among some working level narcotics officials. Police General Prasert, head of the Thai National Police and a member of the ruling National Executive Council, has stated publicly that he would punish any corrupt official.

3. "The U.S. Government is aware of this traffic, but has not moved to stop it and has consciously concealed evidence of the involvement of our Southeast Asian Allies." Clearly, the U.S. Government is aware of narcotics trafficking in Southeast Asia, but to say we have done nothing to counter it is patently inaccurate. Since the President's message to Congress on June 17, 1971, we have moved urgently to commit Customs, BNDD, CIA, AID, and State Department personnel and resources to the fight against international drug trafficking. Moreover, far from concealing involvement of persons involved in pushing drugs, our Government has been sharing intelligence with friendly governments in a concentrated effort to uncover the various persons and systems which are operating in the area.

We feel that the drug problem is a major facet in our bilateral relations with many countries throughout the world. We have made that point clear to those countries and we are asking them to join with us in the fight. The Governments of Thailand, Laos, and Vietnam have already joined us in the fight and, while we have a long way to go, we feel that during the past year some real progress has been achieved.

WHITNEY NORTH SEYMOUR, JR.

Mr. WOLFF. We are pleased to welcome the Honorable Whitney North Seymour, Jr. as our next witness. Mr. Seymour has served for the past three years with great distinction as the United States Attorney for the Southern District of New York. He has testified on this critical subject before other congressional panels and I feel sure that his remarks will be most relevant and useful to us.

TESTIMONY BY WHITNEY NORTH SEYMOUR, JR., U.S. ATTORNEY, SOUTHERN DISTRICT OF NEW YORK

So long as there is any cultivation of the opium poppy anywhere in the world, and so long as the huge profits continue, heroin traffickers will seek out the opium wherever it is grown and bring it into the U.S. market. That does not mean that we should not pursue every available means of control of opium and heroin production. It simply means that we must not be so naive as to assume that this will completely eliminate the narcotics problem.

There is no immediate prospect that the cultivation of the opium poppy will ever be eliminated, for it is needed in large quantities for legitimate medicinal purposes. Indeed, actual elimination of the poppy would do great harm in terms of world health because the supply of morphine as a pain reliever for medical purposes entirely depends upon it as a source of raw material. The only basis on which opium cultivation might be halted is through the development of an inexpensive substitute painkiller for opiates which could be made available in all parts of the world.

The major reporting world producers of legal opium have been India, Turkey, and Russia, in that order. Turkey and Russia produce about equal amounts of opium; India produces about three times the combined total of the other two. Countries producing legal opium in smaller quantities include Bulgaria, Japan, Pakistan and Yugoslavia. Production of legal opium has been increasing in recent years, but even so it is insufficient to meet all of the legitimate needs, and most countries have had to draw on existing stocks. The countries importing legal opium for medicinal purposes have obtained 95 percent of their supplies from India and Turkey.

According to reports filed by participating countries with the International Narcotics Control Board, the total legal manufacture of morphine in 1970 was more than 176,000 kilograms. The estimated illegal traffic of pure heroin in the United States is about 10,000 kilograms of pure heroin each year. Since one kilo of pure heroin is roughly equivalent to one kilo of morphine in terms of the opium consumed, it is apparent that only about five percent of the free world's opium supply is being diverted into the U.S. black market. Most businessmen would agree that this is quite a small percentage of loss in terms of ordinary pilferage.

One can be thankful that the controls over legal supplies of opium have been maintained as well as they have. The United States produced 20,000 kilograms of morphine in 1970, twice the amount of the illegal heroin in black market channels, and very little if any of this supply is believed to have been diverted into illegal markets. There is, of course, no diversion of heroin from legitimate channels in this country since there is no legal production or use of the drug in that form.

Other countries which consume a substantial amount of legal opium for medicinal purposes are Belgium, Bulgaria, Czechoslovakia, France, Germany, Hungary, India, Japan, the Netherlands, Poland, Rumania, South Africa, Spain, Switzerland, Russia, England and Yugoslavia. With this much legitimate need, elimination of the opium poppy does not appear to be a realistic goal, at least not until a substitute pain-killer has been developed. The best that can be hoped for is the exercise of adequate controls over production, distribution and demand.

Although the United States is the prize market for illegal heroin because of the almost unlimited dollars that U.S. addicts have available to spend, it is not the only place where illegal narcotics traffic is a problem. Nearly all of the countries in Asia have an illicit traffic in opium. There has also been an increase in illegal opium in European countries. The main area of illicit traffic in heroin and morphine, in addition to the United States, are France, Iran, Southeast Asia and the Far East.

Law enforcement efforts, upon which we have relied primarily to control heroin traffic, must continue to play an important role. The key requirement is to readjust our enforcement thinking to meet the problems which have developed over the course of our experience with the narcotics black market. The heart of these problems is the difficulty of controlling the physical substance of heroin so that it cannot be grown, smuggled and distributed in the black market network without detection. Our present law enforcement machinery is little better than trying to hunt an elephant with a cork gun. If law enforcement is to have any major impact in curbing narcotics traffic, these minimal steps must be taken:

1. The machinery for international control of heroin growth and manufacture must be strengthened. International bodies charged with the responsibility of opium control must be adequately funded and staffed. Their mission should extend to controls over all stages of opium growth, shipment, cultivation, conversion and stockpiling.

2. Effective limitations on illegal opium production and heroin smuggling can be greatly advanced by technological research, if that research can produce practical tracer elements which can be used in fertilizers or sprayed on crops to aid in spotting concealed shipments of heroin. Research might also produce remote sensor devices which can themselves locate concealed shipments of the drug. There are indications that this type of technology could be developed with the adequate commitment of funds. These possibilities should be fully canvassed, for they strike at the very heart of the problem of controlling the illegal movement of heroin.

Law enforcement alone can never fully control the illegal black market in drugs without a major program for preventing additional addiction and reducing the demand of present addicts. With a significant reduction in the market for heroin, however, the resources of law enforcement could indeed play a much more meaningful role.

The single most important step that can be taken to stop the spread of narcotics addiction and to reverse the trend of continuing expansion of drug abuse is preventive education. It is absolutely essential to persuade the huge body of potential addicts that addiction is dangerous and undesirable. This cannot be done once drug use begins. It must be done beforehand. The potential addict must be satisfied that the only choice, when confronted with an opportunity to use drugs, is to refuse.

DR. RODOLPHE COIGNEY

Mr. WOLFF. Dr. Rodolphe Coigney of the World Health Organization and formerly director of the International Refuge Organization has devoted his entire life to the study of problems in international health.

Dr. Coigney who currently serves as director of the World Health Organization's liaison office with the United Nations received his M.D. from the University of Paris and a Master's Degree in public health from Columbia University. He has served in the world health organization since 1952.

We are grateful to him for taking the time to enlighten us as to the work of the World Health Organization in the matter of drug abuse control.

TESTIMONY BY DR. RODOLPHE COIGNEY

Mr. CHAIRMAN: I am honoured at the invitation extended to me to speak about the role my organization—the World Health Organization—is playing in the fight against the growing menace of drug-dependence around the world.

I used the phrase "drug dependence" deliberately to make the point that it is the area of drug dependence with which we are vitally concerned. The control of international narcotics traffic is not within our competence, although it is an essential part of one and the same problem that brings us all here today.

There is little doubt that drug misuse and abuse, which ultimately leads to drug dependence, has been on the upswing over recent years. This is so not only for narcotics, as opium, heroin, but also—and perhaps I should say particularly so—for the new, psychotropic drugs:

The amphetamines, or the stimulants;

The barbiturates, or the sedatives; and

The hallucinogens, as LSD.

The Global anxiety has been expressed through international agencies calling for action—action on all fronts, against illicit traffic, against illicit supply and against illicit demand of drugs.

The U.N. Commission on Narcotic Drugs, the U.N.'s Economic and Social Council, the U.N. General Assembly itself, all have spoken strongly to the issue—as has the governing authority of my own organization, the World Health Assembly.

As you know, a U.N. Fund for Drug Abuse Control has been created, financed out of voluntary contributions, to support programmes of such agencies as the World Health Organization, the U.N. Food and Agriculture Organization, and others. To this fund, the United States has already pledged a contribution of $2,000,000.

What then is WHO's role? As mentioned, the suppression of illicit drug traffic and supply is beyond its scope. But, even here, WHO has the responsibility of identifying dependence-producing substances, the availability of which should be controlled; and of defining the degree of control recommended in relationship to the therapeutic usefulness of the drug.

This suggests very strongly that the fight against drugs must be based on a multi-disciplinary strategy. The man from Interpol is needed to curb illicit traffic, but so is the public health worker.

The fight must also be a multi-national one, for often the producer of the drug and the user of it may not be countrymen. It is the view of WHO that drug-dependence is a disease that knows no national barriers and respects neither flag nor boundary.

What is, without doubt, a WHO matter is the task of reducing the demand for the dependence-producing drug.

According to a WHO expert committee, the characteristics of such drugs are mainly three:

They produce a psychic dependence in the user, that is a compulsive desire to take a drug for the mental and emotional effect it produces.

They may produce a physical dependence, which means that the body has become so dependent that the user becomes physically ill if the drug is taken away.

They may also produce a growing tolerance in the user, which means much more of the drug is needed to achieve mental and emotional satisfaction.

One way of reducing the demand for drugs, of course, is to limit the supply, and to make sure drugs are put to legitimate medical use. And this is being done.

However, supply is governed by demand. And unless something is done to lessen the demand for drugs, supply will continue. As the WHO expert committee says:

"Until the demand for dependence-producing drugs is markedly reduced, it cannot be reasonably expected that measures to control their availability will have the desired result.

"A reduction in demand can be achieved only by *preventive measures,* designed to limit interest in drugs on the part of potential users, and through effective treatment and rehabilitation of drug-dependent persons."

It is in these areas—of prevention and of rehabilitation—that WHO's main responsibilities lie. A word about prevention, the heart of the problem.

Prevention essentially means information and education, mainly through the mass media. Thus, a group of experts convened by WHO has urged close consultation between the health official and the journalist in providing information about drugs.

Physicians are not the best people to take a message to the layman. Yet, journalists, when reporting on a successful raid by the narcotics squad also report the estimated price of the seized drugs, had they been sold by pushers in the city.

Though this is in the best journalist tradition of reporting the facts, some experts say such a fact might well encourage some to traffic in drugs—for the profit. Thus, it seems that not only accuracy is important, but the presentation of facts as well.

Programming aimed at children should also relate to immediate experiences. The message should not be simply that drugs are dangerous, rather what happens in the here and the now to the user.

To dissuade children from smoking with the threat of eventual lung cancer, it has been found, is less effective than underscoring the immediate effects of smoking—as for instance, coughing, or even an impaired performance in sports.

Another study group concerned with youth and drugs, held in Geneva in October 1971, reviewed the various interacting factors involved in the non-medical use of drugs. The group noted that, although many societies appear to be more concerned about the use of "newer" drugs, especially by younger people, the number of casualties from the non-medical use of drugs is still highest among older people using substances that have been taken for centuries. Nevertheless, the serious individual, public health and social problems associated with the use of certain drugs, in particular by young people of all socio-economic classes, continue to increase in many parts of the world, although in some they are perhaps leveling off. The group noted that, since the causes of drug dependence are multiple and a given person may use drugs at different times for different reasons, a balanced community approach is necessary in dealing with drug-taking behaviour among all age-groups. The group suggested ways in which knowledge about the causes and extent of drug dependence might be improved and considered the relative effectiveness of different approaches in prevention and treatment.

In addition to prevention, and rehabilitation, another area of WHO responsibility is research. Even before a reduction in drug demand, as advocated by the expert committee, can be tackled, there is need for certain information:

What is the epidemiology of drug dependence in a given society? What are the socio-cultural factors that influence the spread of drug dependence? How effective are regimens of treatment and rehabilitation used?

And a question of *most interest* to me: Why is it that some *do not* take drugs?

WHO has recently received $60,000 from the U.N. Fund for Drug Abuse Control for three projects, namely—for a study of the chronic effects of the long-term use of cannabis; for another study, this one of the effectiveness of maintenance in the management of narcotic-dependent persons; and for the preparation of information brochures on the non-medical use of dependence-producing drugs.

In addition, as part of its regular activities, WHO gathers information on drug dependence, calls meetings of experts, publishes their reports, provides technical advice to governments on request, carries on research, and works and advises with U.N. agencies on drugs.

Indeed, much more would need to be done in order to give us the means of a better understanding of the narcotics problem.

We feel, for example, that there is a need for a collaborative reporting system in order to determine from the medical social point of view the extent and patterns of drug dependence and abuse in various regions of the world, to detect the spread or other changes in the problem, and to obtain data that will serve as a basis for establishing priorities for medical social services.

There is a need to establish a methodology and guidelines in order to conduct sample surveys on the prevalence and incidence on non-medical use of drugs and on the associated human and social cultural factors.

I could go on mentioning a great number of projects which should be carried out, such as an international drug abuse monitoring system; an epidemiological study of drug abuse in America; a study on the social and psychological factors associated with drug dependence; a study on health education programmes concerning drug abuse in young people; training of health personnel on drug abuse; teaching of drug abuse in medical schools; developing and stimulating collaborative international bio-medical research on drug abuse, etc.

In closing this list, I wish to emphasize my belief that as long as we do not have an answer to these questions, efforts to stop the traffic of narcotics will not be successful because the demand will continue to exist and the self-administration of narcotic and non-narcotic dependence-producing drugs will continue to affect adversely the social, cultural, political, economic and educational structure of our society.

Finally, I would like to take the liberty of leaving with you, as exhibits, three of our technical publications for perusal of members at their leisure.

One is entitled "The Use of Cannabis", the other "WHO Expert Committee on Drug Dependence, 18th Report", from which I have liberally quoted, and "Dependence Liability of 'Non-Narcotic' Drugs."

I would also like to leave as exhibits issues of our magazine, World Health, devoted to the themes of drugs and youth.

I shall be glad to answer any questions put to me. Or should the Chair so decide, in the interest of time, you may want to submit questions to me in writing and proceed with the hearing.

I am at your disposal in either case.

INSPECTOR DANIEL J. COURTENAY

Mr. WOLFF. It is a pleasure to welcome Inspector Daniel J. Courtenay to this hearing. Inspector Courtenay is in charge of the field enforcement division of the Narcotics Division of the New York Police Department.

The Narcotics Division has as its primary aim the apprehension of persons who violate laws relating to narcotic drugs. The division also coordinates police department efforts to suppress the illicit traffic in drugs.

Appearing along with Inspector Courtenay today are Deputy Inspector Michael Willis who heads the narcotics intelligence unit and Lt. Vincent Hawkes, also of the narcotics intelligence unit.

THE NEW YORK CITY POLICE DEPARTMENT

In 1971 the New York City Police Department was restructured with an organized crime control bureau established under the direction of Deputy Commissioner William P. McCarthy. This structural change brought under a single control the narcotics and gambling enforcement. This brought about a complete reorganization of the existing narcotics division and gave a new emphasis on the suppression of narcotics traffic. Commissioner McCarthy stated, "Through this device we hope to centralize control over narcotics. The attack in the past has been fragmented. From now on, arrests will be made under the personal direction of a superior officer. The direction of investigators' efforts will be controlled at the staff level. There will be maximum use of search and arrest warrants. Superior officers will get out from behind the desk and be present in the field to assess actual conditions and be present as part of the arrest team. From now on, we are going to take the cell rather than the individual who works in the cell, and from there, work our way into the channels of organized crime. We are going to try for the total operation. Instead of arresting the street peddler on the corner, we are going to follow as far as we can go before we close in and thus get the whole operation. Our own operations are going to be more covert and so are likely to go undetected on the streets until such time as major arrests are made."

These statements by Commissioner McCarthy led to a complete reappraisal of our existing procedures and provided the Narcotics Division with the direction it lacked.

The Narcotics Division was restructured to provide a team or *"module"* concept, consisting of a sergeant and six investigators, answerable to a district lieutenant, who in turn reports to a borough captain. The borough captains are guided by an enforcement aide who is answerable to the commanding officer of the Narcotics Division. Thus the activities of each team are directed rather than haphazard. Each team or module is a completely self-contained investigative unit responsible for complete investigations.

In addition to the field units described above, the Narcotics Division contains an undercover unit, which is responsible for the undercover investigations and operations; an administrative unit, which handles records and communications; an intelligence unit, which gathers and disseminates all available intelligence information; and, a special investigations unit, which handles city-wide and sensitive investigations.

The present strength of the Narcotics Division is in excess of 625—superiors and investigators assigned to the various field or central units.

To digress for a moment, in addition to the more than 625 men and women assigned to the Narcotics Division, whose major thrust is to destroy the high-level and middle-level operator, each and every member of the New York City Police Department has an obligation and a responsibility to arrest any narcotics violator observed, and report any condition where he suspects unlawful narcotics activity.

Statistically, our arrest activity has decreased because of our concentration on the higher level dealer. Our investigations are more sophisticated and lengthy, but the results are more gratifying.

The Narcotics Division is concentrating on major violators. Recently, 100 major violators were designated as principal targets for our investigative activity. These violators were selected because of notorious drug activity and because their operation dealt in bulk narcotics. Since the 100 major violators were selected, 25 have been arrested and have either been tried, or are presently awaiting trial.

As members of this group are sentenced to prison terms and their street activity ceases, they are replaced by others designated as major violators. These targets for enforcement are selected by the command staff of the Narcotics Division and channeled to its various field commands for necessary attention and arrest within a particular time frame.

In addition to the selected targets, each unit is responsible for local conditions or "targets of opportunity" which develop during the course of investigations. The intention with the "target of opportunity" is to attempt, by use of undercover personnel or "buy-operations," to move higher into the organizational structure, until a mid or high-level dealer is identified and apprehended.

Investigations of this nature are time consuming and sometimes frustrating. Many manhours are consumed and valuable talent expended before any discernible results are obtained. In many cases our undercover personnel, whose safety is in jeopardy, spend many dangerous days attempting to infiltrate the organization. Once accepted, buys are made and principals are identified. In many cases our people are wired to provide an accurate record of the transactions for future court presentation.

In any case, the arrest itself is not the end—an attempt is made to sift through all the intelligence and available information to develop leads that will lead to higher level arrests.

Our "buy-operations" are geared up to a level that will insure that whenever a dealer is convicted for selling to one of our people, he faces a life sentence. This is known as a class "a" felony, which results from selling 16 or more ounces of heroin or cocaine. Since January, 1972, a total of 57 individuals have been arrested for narcotics felonies of the "a" category and are presently awaiting trial. This is where the impact in the drug problem will be made. This is the area where the risks involved exceed the monetary gain. This then is the real direction for the narcotics division.

In New York City there is an estimated drug population of over 300,000 persons. There have been more than 1150 deaths in New York City in 1971 that were directly the result of overdoses.

The police department has seized over 130 pounds of heroin, 33 pounds of cocaine, and 2500 pounds of cannibis. The department has made 4,600 felony arrests and 5,200 misdemeanor arrests for narcotics violations since January 1st of this year. (These statistics may seem startling, but they represent the truth about the narcotics problem in this city.)

WHERE DOES IT COME FROM?

It comes from India, Turkey, Burma, Thailand, Laos, Red China, and Mexico. It is shipped from Italy, Spain, France, Puerto Rico, Montreal, and arrives in New York, Miami, and Los Angeles, where it is distributed.

During 1971, customs agents seized 1,100 pounds of heroin, worth 690 million dollars without any real significant impact on the total drug picture. Despite Federal, regional, State, and local police claims of massive crackdowns and seizures of narcotics, there has been no curtailment of drug traffic in the United States. If each of this city's 300,000 drug addicts used $40. of heroin per day, then daily sales would result in $12 million daily—incidentally, there never seems to be a shortage of available drugs.

HOW DO WE, AS LAW ENFORCEMENT AGENCIES, HOPE TO STEM THIS TIDE?

1. Cooperation with all other law enforcement agencies—local, State, and Federal:
   (a) B.N.D.D.;
   (b) New York joint task force;
   (c) Drug abuse law enforcement;
   (d) Bureau of Customs;
   (e) Metropolitan Regional Council; etc.
2. Commitment of Federal resources to stop drug traffic at the point of origin.
3. Commitment of Federal resources to stop drug traffic at the point of entry.
4. Commitment of local forces to stop drug traffic from the distributor to the user.

Gentlemen, thank you for your indulgence—we will be happy to answer any questions about what I have covered or any other area of the drug problem in this city.

GENERAL LEAVE REQUESTS

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of the special order by Mr. Fuqua on Laurence Walrath.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the special order of Mr. Murphy of New York, on the bill of rights for the mentally retarded.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kee, for June 29, on account of official business.

Mr. Kee, from 5:30 p.m. today, on account of official business.

Mr. Pepper (at the request of Mr. O'Neill), from 2:30 until adjournment today, on account of official business.

Mr. McDade (at the request of Mr. Arends), for June 27, 28, and 29, on account of official business—inspect serious flood damage within the congressional district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Conover) and to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 60 minutes, on June 29.

Mr. Hogan, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Murphy of New York, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Rosenthal, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Pickle, for 60 minutes, on July 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. Green of Oregon in five instances.

Mr. Dingell, and to include extraneous matter, notwithstanding an estimate of 3¼ pages, and a cost of $455.

Mr. Wolff and to include extraneous matter, notwithstanding the cost is estimated to be $770.

Mr. Hogan and to include extraneous matter on his special order today notwithstanding an estimated cost of $455.

(The following Members (at the request of Mr. Conover) and to include extraneous matter:)

Mrs. Heckler of Massachusetts.
Mr. Collier in two instances.
Mr. Anderson of Illinois.
Mr. Lloyd.
Mr. Schwengel.
Mr. Wyman in two instances.
Mr. McClory in two instances.
Mr. Hastings.
Mr. Riegle in two instances.
Mr. Derwinski.
Mr. Hosmer in two instances.
Mr. Whitehurst.
Mr. Scherle.
Mr. Hutchinson.
Mr. Broyhill of Virginia in two instances.
Mr. Dellenback.
Mr. Keating.
Mr. Conte.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Rodino in two instances.
Mr. Gonzalez in three instances.
Mr. Hagan in three instances.
Mr. Waldie in six instances.
Mr. Rogers in five instances.
Mr. Annunzio in three instances.
Mr. Rostenkowski in two instances.
Mr. Baring in four instances.
Mr. Pucinski in six instances.
Mr. Yatron.
Mr. Slack in three instances.
Mr. Roe in three instances.
Mrs. Griffiths in three instances.
Mr. Poage.
Mr. Hawkins.
Mr. Evins of Tennessee in three instances.
Mr. Drinan.
Mr. Dingell in two instances.
Mr. Murphy of Illinois in three instances.
Mr. Hicks of Washington in two instances.
Mr. Ashley in two instances.
Mr. Brademas in 10 instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3001. An act to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8140. An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States;

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personel strength for the Coast Guard.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 29, 1972, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2117. A letter from the Under Secretary of the Navy, transmitting notice of the proposed transfer of the submarine U.S.S. *Ling* (AGSS–297) to the Submarine Memorial Association, Hackensack, N.J., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

2118. A letter from the Secretary of the Interior, transmitting the first semiannual report by the Department of the Interior on its withdrawal of lands in Alaska for addition to or creation as units of the national park, forest, wildlife refuge, and wild and scenic rivers systems, covering the period ended June 17, 1972, pursuant to section 17(d)(2) of the Alaska Native Claims Settlement Act; to the Committee on Interior and Insular Affairs.

2119. A letter from the Counsel to the Pacific Tropical Botanical Garden, transmitting an audit of the corporation for the fiscal year ended December 31, 1971, pursuant to section 10(b) of Public Law 88–449; to the Committee on the Judiciary.

2120. A letter from the Assistant Administrator of General Services, transmitting a request for the cancellation of the project authorization for the alteration of the old post office and courthouse at Springfield, Mass.; to the Committee on Public Works.

Received From the Comptroller General

2121. A letter from the Comptroller General of the United States, transmitting a report on reducing procurement of initial support stocks for Navy ships; to the Committee on Government Operations.

2122. A letter from the Comptroller General of the United States, transmitting an audit of the Majority Printing Clerk, U.S. House of Representatives, for the fiscal year ended August 31, 1971, pursuant to section 451 of the Legislative Reorganization Act of 1970; to the Committee on House Administration.

2123. A letter from the Comptroller General of the United States, transmitting an audit of the Minority Printing Clerk, U.S. House of Representatives, for the fiscal year ended September 30, 1971, pursuant to section 451 of the Legislative Reorganization Act of 1970; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. H.R. 12807. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; with amendment (Rept. No. 92–1188). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. S. 1152. An act to facilitate the preservation of historic monuments, and for other purposes; with amendment (Rept. No. 92–1189). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. H.R. 15679. A bill to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy, U.S. Naval Academy, U.S. Air Force Academy, and U.S. Coast Guard Academy (Rept. No. 92–1190). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. S. 3086. An act to authorize the disposal of nickel from the national stockpile (Rept. 92–1191). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. S. 764. An act to authorize the disposal of lead from the national stockpile and the supplemental stockpile (Rept. 92–1192). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1238. Joint resolution making a supplemental appropriation for disaster relief (Rept. 92–1193). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1030. Resolution providing for the consideration of H.R. 15692. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans (Rept. 92–1194). Referred to the House Calendar.

Mr. STAGGERS: Committee of conference. Conference report on S. 979 (Rept. 92–1195). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Thompson of New Jersey, Mrs. Mink, Mr. Meeds, Mr. Scheuer, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mrs. Grasso, Mr. Mazzoli, Mr. O'Hara, Mr. Dent, and Mr. Koch):

H.R. 15727. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 15728. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mr. Murphy of New York, Mr. Leggett, Mr. Kemp, Mr. Preyer of North Carolina, Mr. Scheuer, Mr. Badillo, Mr. Rosenthal, Mr. Biaggi, Mr. Long of Maryland, Mr. Horton, Mr. Gallagher, Mr. Dulski, Mr. Wolff, Mr. Addabbo, Mr. Gaydos, Mr. Keating, Mr. Rodino, Mr. Coughlin, Mr. Eilberg, Mr. Helstoski, Mr. Fascell, Mr. Halpern, and Mr. Brinkley):

H.R. 15729. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mrs. Hicks of Massachusetts, Mr. Charles H. Wilson, Mr. Hanley, Mr. Brasco, Mr. Podell, Mr. Delaney, Mr. Peyser, Mrs. Abzug, Mr. Mikva, Mr. Horton, Mr. Koch, Mr. Collins of Illinois, Mr. Bingham, Mr. Waldie, Mr. Carey of New York, Mr. Rangel, Mr. Rosenthal, Mrs. Chisholm, Mr. Begich, Mr. Reid, Mr. Hawkins, Mr. Buchanan, Mr. Lent, and Mr. Harrington):

H.R. 15730. A bill to provide for the humane care, treatment habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEE (for himself, Mr. Thone, Mr. Wright, Mr. Gray, and Mr. Terry):

H.R. 15731. A bill non-point source pollution from agricultural, rural, and developing areas; to the Committee on Public Works.

By Mr. KOCH:

H.R. 15732. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Badillo, Mr. Biaggi, Mr. Long of Maryland, Mr. Hastings, Mr. Gallagher, Mr. Dulski, Mr. Wolff, Mr. Addabbo, Mr. Gaydos, Mr. Keating, Mr. Rodino, Mr. Coughlin, Mr. Eilberg, Mr. Helstoski, Mr. Fascell, Mr. Halpern, Mr. Brinkley, Mr. Harrington, Mr. Begich, Mr. Reid, Mr. Hawkins, Mr. Buchanan, and Mr. Lent):

H.R. 15733. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mrs. Hicks of Massachusetts, Mr. Charles H. Wilson, Mr. Hanley, Mr. Brasco, Mr. Podell, Mr. Delaney, Mr. Peyser, Mrs. Abzug, Mr. Mikva, Mr. Horton, Mr. Koch, Mr. Collins of Illinois, Mr. Bingham, Mr. Waldie, Mr. Carey of New York, Mr. Rangel, Mr. Rosenthal, Mrs. Chisholm, Mr. Hastings, Mr. Leggett, Mr. Kemp, Mr. Preyer of North Carolina, Mr. Scheuer, and Mr. Mazzoli):

H.R. 15734. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Celler, Mr. Wolff, Mr. Koch, Mrs. Abzug, Mr. Addabbo, Mr. Podell, Mr. Scheuer, Mr. Bingham, Mr. Terry, Mr. Reid, Mr. Fish, Mr. Kemp, Mr. Hanley, Mr. Halpern, Mr. Biaggi, Mr. Smith of New York, and Mr. Rosenthal):

H.R. 15735. A bill to authorize the transfer of a vessel by the Secretary of Commerce to the board of education of the city of New York for educational purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OBEY:

H.R. 15736. A bill to assist the States to improve and equalize the quality of elementary and secondary education provided throughout each State and to provide for greater equalization and equality in school tax burdens; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 15737. A bill to provide that tobacco graders shall be retained in a pay status for 10 months in a calendar year, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROONEY of Pennsylvania:

H.R. 15738. A bill to amend the Internal Revehue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ROSENTHAL (for himself, Mr. Eilberg, Mr. Fish, Mr. Gaydos, Mr. Gray, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Koch, Mr. Mitchell, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Ryan, Mr. Scheuer, Mr. Waldie, and Mr. Wolff):

H.R. 15739. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices for meat for a period of 45 days at the April 1, 1971, levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. ROSENTHAL (for himself, Mrs. Abzug, Mr. Adams, Mr. Addabbo, Mr. Badillo, Mr. Bingham, Mr. Brasco, Mr. Carey of New York, Mr. Carney, Mr. Collins of Illinois, Mr. Corman, Mr. Cotter, Mr. Dellums, Mr. Diggs, Mr. Dow, Mr. Dulski, and Mr. Edwards of California):

H.R. 15740. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the April 1, 1971, levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. WALDIE:

H.R. 15741. A bill to amend title XVIII of the Social Security Act to make it clear that whenever services furnished an individual in a hospital or extended care facility are certified as necessary by a physician and approved by the appropriate utilization review committee, payment for such services under the hospital insurance program may not be denied on the ground that the level of care involved was not medically required; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 15742. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. ABOUREZK (for himself, Mr. Peyser, Mr. Carney, Mr. Boland, Mr. Denholm, Mr. Donohue, Mr. Collins of Illinois, Mrs. Mink, Mr. Bingham, Mr. Leggett, Mr. Stephens, Mr. Bergland, Mr. Passman, Mr. Roy, Mr. Kee, Mr. Seiberling, Mr. Obey, Mr. Gaydos, Mr. Kyros, Mr. Hastings, Mr. Dent, Mrs. Abzug, Mr. Schwengel, Mr. Andrews of North Dakota, and Mr. Begich):

H.R. 15743. A bill to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

By Mr. ABOUREZK (for himself, Mrs. Hicks of Massachusetts, Mr. O'Konski, Mr. Mitchell, Mr. Halpern, Mr. Tiernan, Mr. Burton, Mr. Sarbanes, Mr. Hechler of West Virginia, Mr. Yatron, Mr. Foley, Mr. Eilberg, Mr. Helstoski, Mr. Brasco, Mr. Garmatz, Mr. Heinz, Mr. Fish, Mr. Link, Mr. Scheuer, Mr. Byron, Mr. Clark, Mr. Preyer of North Carolina, Mr. Mollohan, Mr. McDade, and Mr. Celler):

H.R. 15744. A bill to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

By Mr. ABOUREZK (for himself, Mr. Dellums, Mr. Kemp, Mr. Addabbo, Mr. Alexander, and Mr. Flood):

H.R. 15745. A bill to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

By Mr. ASHBROOK:

H.R. 15746. A bill to provide retroactive pay to certain members of the Armed Forces held as prisoners of war during World War II; to the Committee on Armed Services.

By Mr. BRASCO:

H.R. 15747. A bill to amend the Economic Stabilization Act of 1970 to exempt from its coverage individuals whose annual earnings are below $10,000, except with respect to the portion of any increase which raises their annual earnings above $10,000; to the Committee on Banking and Currency.

H.R. 15748. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. CAREY of New York:

H.R. 15749. A bill to amend the Internal Revenue Code of 1954 to subject Federal Land Banks and Federal Land Bank Associations to the taxes imposed by such code; to the Committee on Ways and Means.

By Mr. DERWINSKI (for himself and Mr. Crane):

H.R. 15750. A bill to provide for the striking of medals in commemoration of the 500th anniversary of the birth of Nicolaus Copernicus (Mikolaj Kopernik); to the Committee on Banking and Currency.

By Mr. GONZALEZ:

H.R. 15751. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KEITH (for himself, Mr. Van Deerlin, Mr. Arends, Mr. Ashley, Mr. Badillo, Mr. Biaggi, Mr. Blanton, Mr. Brown of Ohio, Mr. Broyhill of North Carolina, Mr. Brotzman, Mr. Conte, Mr. Corman, Mr. Curlin, Mr. Davis of Georgia, Mr. Dent, Mr. Donohue, Mr. Fish, Mr. Fountain, Mr. Frenzel, Mr. Frey, Mr. Gibbons, Mrs. Grasso, Mr. Halpern, Mrs. Hansen of Washington, and Mr. Harvey):

H.R. 15752. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

H.R. 15753. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

H.R. 15754. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 15755. A bill to amend section 165(h) of the Internal Revenue Code of 1954 to allow a taxpayer to elect to deduct disaster losses occurring in the first 6 months of the taxable year from his income for the preceding taxable year; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 15756. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 15757. A bill to amend the Communications Act to express the intent of Congress to establish in the Federal Communications

Commission the exclusive jurisdiction for regulation over all aspects of cable television systems; to the Committee on Interstate and Foreign Commerce.

By Mr. VAN DEERLIN (for himself, Mr. Keith, Mr. Johnson of Pennsylvania, Mr. Leggett, Mr. Mailliard, Mr. Mallary, Mr. Mazzoli, Mr. McClure, Mr. Miller of California, Mr. O'Konski, Mr. Podell, Mr. Rees, Mr. Rodino, Mr. Rostenkowski, Mr. Runnels, Mr. Waldie, Mr. Ware, Mr. Zion, Mr. Kuykendall, Mr. Price of Texas, and Mr. Hillis):

H.R. 15758. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON:

H.J. Res. 1238. Joint resolution making a supplemental appropriation for disaster relief; to the Committee on Appropriations.

By Mr. LEGGETT (for himself, Mr. Dorn, Mr. Whalen, Mr. McFall, Mr. Carney, Mr. Seiberling, Mr. Roush, Mr. Rees, Mrs. Grasso, Mr. Pettis, Mr. Drinan, Mr. Wyman, Mr. Pepper, Mr. Gaydos, Mr. Corman, Mr. Van Deerlin, Mr. Fascell, Mr. Railsback, Mr. Mann, Mr. Don H. Clausen, Mr. Veysey, and Mr. Rhodes):

H.J. Res. 1239. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 1240. Joint resolution authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance Week"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Boggs, Mr. Gerald R. Ford, Mr. Mizell, Mr. Helstoski, Mr. Hungate, Mr. Dellenback, Mr. Mallary, Mr. Gude, Mr. McClure, Mr. Boland, Mr. Derwinski, Mrs. Hicks of Massachusetts, Mr. Charles H. Wilson, Mr. Reid, Mr. Biester, Mr. Buchanan, Mr. Frenzel, Mr. Pickle, Mr. Roy, Mr. Biaggi, Mr. Horton, Mr. Sarbanes, Mr. Hansen of Idaho, and Mr. Denholm):

H.J. Res. 1241. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Hamilton, Mr. Symington, Mr. Badillo, Mr. Begich, Mr. Hicks of Washington, Mr. Mazzoli, Mr. Kemp, Mr. Halpern, Mr. Mitchell, Mrs. Abzug, Mr. Schwengel, Mr. Long of Maryland, Mr. Hosmer, Mr. Podell, Mr. Galifianakis, Mr. Wolff, Mr. Murphy of New York, Mr. Robison of New York, Mr. Mikva, Mr. Keating, Mr. Hathaway, Mr. Cleveland, Mr. Eilberg, and Mr. McCormack):

H.J. Res. 1242. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (for himself and Mr. Kemp):

H.J. Res. 1243. Joint resolution making certain urgent supplemental appropriations for disaster relief, and for other purposes; to the Committee on Appropriations.

By Mr. DOW:

H. Res. 1031. Resolution amending the rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

By Mr. KEMP:

H. Res. 1032. Resolution amending the rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LINK introduced a bill (H.R. 15759) for the relief of Arthur O. Bilden, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

249. By the SPEAKER: Petition of the County Legislature of Suffolk County, N.Y., relative to the proposed Public Service Employment Act of 1972; to the Committee on Education and Labor.

250. Also, petition of Francisco Catalon, Tolosa, Leyte, Philippines, relative to the Philippines becoming one of the United States of America; to the Committee on Interior and Insular Affairs.

251. Also, petition of the Federation of Citizens Associations of the District of Columbia, Washington, D.C., relative to restoration of the west front of the U.S. Capitol; to the Committee on Public Works.

252. Also, petition of the city council, Youngstown, Ohio, relative to welfare reform proposals; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE ENERGY CRISIS—REAL OR MANUFACTURED?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ASPIN. Mr. Speaker, I insert in the Record today an excellent and provocative article by Robert Sherrill entitled "The Industry's Fright Campaign," which appeared in the June 26, 1972, edition of the Nation.

This interestingly written and obviously well-researched article directly challenges the conventional wisdom concerning the "energy crisis"—that is, whether there is one. Whether one agrees with what Mr. Sherrill has to say or not, I urge those of my colleagues concerned with the "energy crisis" issue to read this important article. It is good, tough journalism at its best.

That article follows:

"Energy Crisis": The Industry's Fright Campaign

(By Robert Sherrill)

"With the story we have to tell, it is nothing less than a tragedy that we are not better heard, understood, and recognized as the vital consumer and environmental improvement force that we, in fact, are."—*G. J. Tankersley, chairman, American Gas Association, and president, East Ohio Gas Company, October 18, 1971.*

Washington.—Where did the "energy crisis" come from? To a large extent, it came out of the hats of the oil and gas industry's propagandists. Some are more candid than others in peddling their message, none more so than Wilbur Cross, senior editor on the publicity staff of Continental Oil Company. Cross recently sent to a select portion of the membership of the Society of Magazine Writers a packet containing "sample" articles and "suggested topics," and a letter in which Cross offered to help them write industry-oriented articles.

Conoco was willing to go all the way, wrote Cross. "We'll even do typing, editing and proofing for you, if you like! And in certain instances we'll arrange transportation" on Conoco planes that happen to be going in the right direction. This ingenious proposal was first disclosed by Morton Mintz in *The Washington Post*. When I called Cross to get more details, he spoke as one sorely puzzled. Mintz, he recalled, "asked me if I was ghosting pieces! Why, I thought he must be joking." What in the world gave Mintz such an idea? (Ten of the fifty writers he approached, Cross said, requested some of his material. I did, too.)

Among the "background texts, outlines and subject ideas that we have been developing," said Cross, was, you guessed it, the energy crisis. "There's been a lot of interest in that." Indeed there has been, but the interest is not usually pointed in the right direction. A crisis of sorts really does confront the country; it is not yet one of supply, however, but rather one of control. It is probably safe to say that within the next five years either the public will seize control of its own energy supplies and see that they are dispensed in a sane and thrifty fashion, or the controls will slip forever into the hands of the landlord industry itself.

To achieve the latter results, industry propagandists have suddenly "discovered" an energy shortage in the United States and, like Cross, they keep telling us about it in press releases and in magazine articles and newspaper ads. Some of them are marvelous flights of imagination. For instance, General Electric recently placed a full-page ad in a number of national magazines (see p. 68 of the April 24th *Newsweek*), showing a lump of coal displayed in a museum case. The ad's headline: "THIS VITAL RESOURCE IS BECOMING EXTINCT. GENERAL ELECTRIC IS WORKING ON ITS SUCCESSOR." The opening paragraph: "Experts say all the economically recoverable coal in the U.S. may disappear in 80 to 150 years. The world's supply in 300 years. And gas and oil before then."

The ad was a smooth pitch for public and government support of the fast-breeder nuclear power reactor, which is in trouble with the environmentalists. Unfortunately, GE didn't identify its experts. They must not be the ones we talked with over at the Bureau of Mines, who said that, even based on projected consumption in the year 2000, and assuming also that only 50 per cent of the known coal reserves is recoverable, we would still have enough to last us well into the milennium. We've got so much bituminous coal," one Bureau spokesman said, "that it's really impossible to figure out how long it would last."

Always accompanying the ominous warnings one finds a commercial hand groping for the consumer's pocket. When the petroleum propagandists sound off, their object is quite obviously to panic us (and those feeble representatives of "us," Congress and the Federal Power Commission) into freeing the industry from any controls—production controls, environmental controls, price controls.

In that packet from Cross was a paper by Conoco's chief executive officer, John G. McLean, which counseled that the only way to relieve the fuel shortages is to take "aggressive action to decontrol natural gas prices." He also urged that the Justice Department's antitrust office "encourage, rather than restrain" fuel monopolies—a term which McLean considers "sheer nonsense."

Another text sent along by Cross was headed with a theatricality that has become common these days: "Will Your Children Have Enough Fuel in the Decades to Come?" Even though the National Petroleum Council estimates that about 55 per cent of our discoverable oil and 66 per cent of our discoverable natural gas are still in the ground, the packaged answer from Cross was that your children will be poor shivering waifs, unless Congress quits cutting the oil depletion allowance and unless something is done about "the high cost of complying with recent environmental regulations."

Columbia Gas System took a full-page ad in the June 6th *New York Times* to warn that "disaster could strike as early as the winter of 1973–74. Industry could shut down because of lack of energy, resulting in great unemployment. Homes and commercial establishments could be without enough energy for their daily needs." What solution did Columbia propose? "The prices of all forms of energy must increase sharply."

From every executive of every major energy company, the refrain is the same: If we want to prevent the lights from going out and the stoves from growing cold, we'd better turn loose the oil and gas explorers to find fossil fuel wherever they can find it and at whatever price to the consumer. And to hell with conserving the tundra and the surf.

The "energy shortage" as we know it today was detected in 1968. Something else interesting happened in that year: the U.S. Supreme Court ruled that the petroleum industry did not deserve a higher profit than had been allowed by the Federal Power Commission in the famous Permian Basin area rate case. Industry had argued that it deserved more money because its gas reserves were declining sharply. But the Court rejected this argument, noting: "There is . . . substantial evidence that additions to reserves have not been unsatisfactorily low, and that recent variations in the ratio of reserves to production are of quite limited significance." The Court noted further that each year new reserves exceeded production.

There is excellent circumstantial evidence, put together by Charles F. Wheatley, Jr., general manager and general counsel of the American Public Gas Association (a proconsumer organization), that this Court ruling was seen by the oil and gas industry as an invitation to a life-or-death struggle over controls.

Industry was apparently determined to rid itself, once and for all, of the kind of government control which set wellhead gas rates on the basis of production costs plus fair return. If industry could get rid of those controls, then the price of oil and coal would also be allowed to soar—for their price levels were held back by the cheapness of gas.

And if the Supreme Court demanded a showing of shortage before it would go along with industry, then industry was prepared to juggle the record to show just that. Beginning in 1968, and for the first time in history, the industry claimed that it found less gas than it sold. It has been claiming the same thing for every year since. The basis for these claims is in industry's file cabinets, secret, not available to Congress or to the public. You just have to take industry's word for it.

Along with the official drop in the findings/production ratio, industry also began its drive to frighten the public through the popular press. Is it actually conceivable that those respectable executives would stoop to trickery for a buck? No less responsible a person than Hendrick S. Houthakker, professor of economics at Harvard and a former member of the Council of Economic Advisers, said, "I think frankly that the oil industry has been engaged in a scare campaign on this shortage question. I think they are making projections that are very debatable." And when George P. Shultz, now Secretary of the Treasury, testified before Congress in 1970 he exhibited such a rare degree of candor that oilmen have not forgiven him; he testified that in his opinion the oil and gas industry was perfectly capable of faking a crisis in order to manipulate government policy.

Industry's fright campaign can be easily documented by turning to that standard index of periodical literature, *Reader's Guide*. From March 1968 to February 1969, just three years ago, *Reader's Guide* lists not one magazine article on the topic of energy shortage. In fact, there are no magazine articles that point even obliquely in that direction.

But in the twelve months following the Supreme Court decision, articles on the topic exploded into print, and they all appeared in magazines that can be counted on to give industry a helping hand: *Business Week, Nation's Business, U.S. News, Fortune* and *Forbes*. "LOOMING CRISIS IN NATURAL GAS," says one headline; already the crepe was being hung.

In the *next* twelve months the publicists really got the press's range, with no less than twenty-five articles: "SCROUNGING FOR FUEL," "IS THE CUPBOARD BARE?," etc. The barrage has continued during the last year and a half unabated, with something like three dozen "crisis" articles reaching print in the indexed magazines and no telling how many dozens in other periodicals. *The New York Times*, the *Washington Star, The Washington Post* and the *Los Angeles Times* are among the important newspapers that have given extended coverage of the topic, for the most part in a vein that would not in any way frustrate the oil and gas industry's objectives.

A scare campaign, however, is not easily conducted; the managers must walk a narrow line. On the one hand, they must convince the public that things are so bad it would be wise to leave matters with those who know best, Big Industry; but on the other hand, they must not frighten the public into advocating something radical.

In this episode, that public had to be convinced that, while fuel might not be *immediately* available, it *could* be produced if industry were encouraged to go get it. If the public became too alarmed, it might insist on trying what several *pro-publico* experts, among them former Federal Power Commissioners Lee White and Charles Ross, have suggested: some public ownership of the exploratory and distribution machinery of the oil-gas industry. When the propaganda juggernaut began back in 1969–70, industry apparently feared that it might be pushing too far too fast. It wanted real fright, but not a stampede. So the American Gas Association bought full-page ads, such as the following in October 22, 1970 *Wall Street Journal*, to quiet the flustered herd:

WHAT'S BEING DONE ABOUT GAS SUPPLY

Recent reports of natural gas shortages in various parts of the country have apparently led to speculation that we are running out of natural gas. Now this is simply not true.

What's happening is this: In certain areas, the demand for additional natural gas has outrun the *present* [their italics] ability to supply. Consequently, a number of utilities which have received requests for new large industrial loads have had to turn them down. These shortages are due partly to increased demands for natural gas—such as in the effort to fight air pollution—and partly to the fact that gas is now being consumed faster than new reserves are being developed.

This does *not* mean the country is running out of gas. (In fact, geologists estimate that proved and potential supplies are over 70 times our present annual consumption rate.)

Exactly one year later the American Gas Association was back again, placing ads in *Life* and other magazines, still with the obvious purpose of preventing outright hysteria. These ads assured Americans that there was no reason to lay in a supply of wood and peat, because, "There's no worry that your home will run short of gas. . . . We've been serving you for 100 years—and we don't intend to stop now." However, the gas patron was asked to bear one little burden: "It will take higher prices to keep the gas coming."

And higher prices the industry got. Within the past twelve months the Federal Power Commission has granted price increases that the American Public Gas Association estimates will cost the consumer as much as $4 billion. But industry, unsatisfied, kept up its ominous chatter, reaching peak decibels this year in ten days of testimony before the House Interior Committee, chaired by that great friend of the special interests, Rep. Wayne Aspinall. Giving the problem unusual priority, Aspinall did not assign his investigation of the energy crisis to a subcommittee but trooped it across the footlights of the full committee. A star-studded cast performed: Treasury Secretary and permanent spokesman for one wing of the oil industry, John Connally; Admiral Rickover; Interior Secretary Rogers Morton; environmentalist Barry Commoner; Barry Shillito of the Pentagon's innermost war room; physicist Ralph Lapp; Frank Ikard, president of the American Petroleum Institute, and two dozen other eminent rhetoricians.

Their testimony was not identical, to say the least. There were the usual industry sermons about salvation through "price incentives"; but there were also some sporadic side trips into sanity, as when Commoner, urging fewer energy-wasting luxuries, pointed out that the manufacturing of flip-top cans consumes several times more energy than the manufacturing of solid steel tops.

But if these hearings proved anything, it was what the flurry of magazine and newspaper articles had already proven: that just because a man is expert in some other field does not mean that he can easily transfer his expertise to the exotic world of fossil fuels. The basic reason for this is that the industry keeps most of its data secret, releasing only what will buttress its position, and that in a form designed to confuse even bright readers. Prepackaged pap from Wilbur Cross of Conoco is a diet no more restrictive than that handed out by the American Gas Association, the American Petroleum Institute, the Federal Power Commission, the Interior Department's Oil and Gas Section—or any of the other industry-dominated sources of data. Where else is there to go?

So one finds such normally canny fellows as Ralph Lapp sometimes following the industrial crumbs into a trap, as he did in the recent *New York Times Magazine* article, "We're Running Out of Gas," an expanded version of what he had previously written for *The New Republic*. As a plea for conservation, it was eloquent, but as a practical appraisal of the energy future in this country it was almost farcically pessimistic: not only will we be beggars in the world gas market by 1990, wrote Lapp, but within the foreseeable future there is no substitute fuel. Oil is also in short supply; coal is too dirty; imported liquefied gas is too expensive; the production of synthetic gas is too far in the future to offer hope; nuclear power is still beset with crippling problems. By the time he had completed his tale of woe, one felt the Arctic icecap descending upon us. "We have," he cried with his parting breath, "overcome nature."

Well, he's right: we *are* running out of gas, just as we are running out of all finite fuel materials—gas faster than most because it is more useful and popular than most. But beyond that, the only indisputable fact in the matter seems to be that, lacking objective data from sources other than industry, we cannot say how fast we are running out. And lacking more aggressive attempts to develop substitute fuels, we cannot say what could be made available. Meanwhile, the battle over controls and prices comes down to a war of nerves; and consumer advocates must have regretted that this prestigious scientist hadn't restrained himself until better data were available (he was invited to do a second chorus of his sad song at the House hearings).

Although Lapp acknowledged that "huge amounts of undiscovered gas are thought to exist more than 15,000 feet below the earth's surface," he adds that "drilling that deep is prohibitively expensive."

Nonsense. Edward Leach, editor of *Pipeline & Gas Journal*, writing in the issue of October 1971, lays out what most gas producers know: drilling at the deeper levels, or offshore, is three to ten times more expensive than shallow onshore drilling, but the chance of finding gas at those levels and in those areas is nearly three times higher; the deep zones usually have "exceptionally large" volumes of gas, and deep-zone gas can be produced more cheaply because it is under greater pressure. All of which, wrote Leach, adds up to the fact that by drilling deeper "you are actually reducing the *basic unit* cost."

If we accept this man's know-how (which I could support from other industrial sources that are not often quoted in lay articles), then there is no reason to discount—as Lapp does—the Potential Gas Committee's estimate that this part of the globe contains 1,178 trillion cubic feet of "potential" gas, or nearly four times the current known reserves. And inasmuch as deeper onshore drilling as well as offshore drilling returns a better cost-price ratio, there is no reason to accept higher prices, or at least much higher prices, without a fight.

I don't want to pick on physicist Lapp, for he has a right to his own confusions in this complex field, but it will be useful to point out one more goof he has perpetrated in his presentation of the "crisis."

"Cheap, clean energy—best exemplified by natural gas—has been the prime fuel of the U.S. economy, and its running out," he says; but in his sorrow he fails to mention that one reason we're running out of gas is that the industrial part of our economy has been slopping it up like hogs.

"Roughly two-thirds of the gas sold since 1945 has been sold for industrial purposes and at prices designed to undercut the prices for coal and residual fuel oil," former FPC Commissioner Lawrence O'Connor pointed out recently. FPC Commissioner Rush Moody also pointed out recently that while residential and small consumers use only 21 percent of the gas, they pay 46 percent of the cost. Gas distributors have for a generation charged the housewife more per unit for the gas she uses to cook a pot roast than they charge Bethlehem Steel to cook an ingot, with the very predictable result that industry has fallen in love with this cheap fuel and has used it like mad wastrels.

"Simply switching to some other fuel is not an adequate answer," says Lapp. The hell it isn't. Getting the gas-gulping industries to return to coal would be not only an adequate answer but a sane answer. "Environmentalists will object," he says, "to any move toward a substitution of coal or oil, with their high sulfur content and resultant air-pollution potential, for relatively clean-burning gas." There's no reason to talk that way. Why the assumption that coal must result in filth? Lapp is doubtless familiar with a generating process called MHD, used in West Germany, Japan and Russia; it reportedly results in far better combustion and thereby about one-third less stack effluents and two-thirds more power per pound of fuel than we are accustomed to getting from the ordinary method of burning coal. Built into the typical MHD power plant, also, is a recovery system that keeps just about all particulate matter out of the air. Two years ago the Office of Science and Technology estimated that development of MHD would save $11 billion in coal costs between 1985 and 2000.

So why don't we have MHD in this country? Why did the government this year budget a puny $3 million for developing MHD? One answer might be that the coal companies—which, since the inter-ties are almost total, means the oil and gas industry—do not want power plants that use $11 billion less of their product in a fifteen-year period.

And inasmuch as the American Gas Association acknowledges that "known minable reserves of coal in the United States could be converted to some 11,000,000,000,000,000 cubic feet of gas—enough to supply the nation's gas energy needs at current consumption rates for a full 500 years," one might also ask why it is that the most profitable industry in the world is spending only a measly $10 million annually out of its own pocket to develop that technique.

One might also wonder why, since our fuel supply is supposedly so precarious the energy industry sells $1 billion worth of coal to other countries every year. And one can only marvel at the logic of the major U.S. oil companies, now engaged in despoiling other countries as they have their own, which pretend to be so concerned about our "crisis," when at the same time, in producing oil in Canada and Central and South America and Africa and the Middle East, they flare right in the field—burn as waste—a gas supply that totals a tenth of the world's annual production. But instead of addressing themselves straightforwardly to correcting such mistakes, the oil and gas industry continues its old buccaneering ways while the consumer is distracted by fright.

And the strategy is working well. Aside from the $4 billion gas price hike it got last year for "exploration incentives," the industry in recent months has used the shortage scare to: (1) obtain Interior Department approval for the cross-Alaska pipeline, so we (and Japan) will get that "desperately needed" oil, and despite the fact that the Interior crowd has conceded a pipeline across Canada would be less ecologically dangerous; (2) win approval for El Paso Natural Gas Company to import liquefied natural gas from Algeria at a cost that is bound to shove domestic prices much higher (the LNG, by the way, will be produced in Algeria with $350 million in loans directly from or guaranteed by the U.S. Government; and the construction and operation of El Paso's tankers will also be subsidized by the U.S. taxpayers); (3) get President Nixon and the State Department to help industry manipulate a deal for the purchase of Russian natural gas. Prior to Nixon's junket to Russia, a study of the proposal, prepared by Brown & Root of Texas, was quietly circulated in Washington for approval at top levels. Backstopping Nixon, and urging him to do industry's job with Russia, were the White House's petroleum adviser, Peter Flanigan, and Secretary of Commerce Peterson.

It shall not be supposed, however, that the Russian liquefied natural gas is all coming to this "energy-short" country. El Paso Natural Gas is cooking up its own deal with Russia to ship LNG to Japan as well as to U.S. West Coast ports.

Of course the public will also pay for all this. Flanigan has acknowledged that, as with El Paso in Algeria, "substantial government financial assistance would be appropriate." As for the tankers to carry the gas, Flanigan said that "gas consumers would pay for the U.S.-built ships over the life of the gas contract."

And the industry has accomplished another little thing while we were trembling: it convinced the FPC, which never takes too much convincing when industry talks, to set up a new mechanism by which gas prices can continue to go higher and higher on an *ad hoc* basis. This ruling would destroy the cost basis for pricing, established in 1954. The new proposal came out on April 6; it is politically so flammable that it probably won't go into effect until after the election. Putting their heads together, the Consumer Federation of America, the American Public Gas Association and the American Public Power Association figured that the new rate-making procedure will add "$500 billion or even as much as $1 trillion to consumers' bills over the life of the nation's gas reserves."

In an extraordinary letter to the FPC, Sen. Philip Hart intervened with his own extensive protest, in predicting: "If the rule were adopted, the FPC would be abolishing regulation of wellhead prices for new gas. It would do so at a cost of billions of dollars to consumers from this year forward. . . . It does not provide for a rebate if later we learn that the natural gas shortage used as a defense of higher prices is more imagination than reality. . . . Worse, this rule binds all future Commissions to uphold the prices."

That is the crisis consumers had better pay attention to right now. The supply shortage of the future may be very real, but the crisis of controls and prices is immediate. The reason why industry is whipping the consumer at will is that it isn't distracted by such questions as whether strip mining will be allowed in Wyoming in 1975; it is concerned only with today's profits. When industry men get together, they make no bones about this. As Tankersley told the American Gas Association last year: "Consumers must understand that natural gas . . . is in fact a premium fuel whose price has been artificially kept below that of other fuels. *This is the crisis.*" They've already begun taking care of gas prices, which will drive up the cost of oil and coal. That really is the crisis, though not in the way Tankersley means.

EXCITING TIMES FOR FORESTERS

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. WYATT. Mr. Speaker, one of the real professionals in forestry science is Hardy Glascock, Jr. At the present time, he is the executive vice president of the Society of American Foresters. He has a very broad spectrum of qualifications as a true professional, ranging the gamut from education through experience.

Earlier this year, he delivered the keynote address at the winter meeting of the New York section of his society. Some people may not agree with all that he says. He has, however, successfully articulated the gap between knowledge and emotion existent today on some of the forestry questions which confront the Congress and all of us as Americans. I commend his forceful comments to my colleagues:

EXCITING TIMES FOR FORESTERS

(By Hardy R. Glascock, Jr.)

As the nation approaches its 200th year, it is inevitable and much to be desired that

Americans once again turn to the forest. Not as an enemy this time, or even for fuel or shelter as our forefathers did. But as relief form the concrete canyons and the strains of city living; for outdoor recreation using newfound leisure, affluence and mobility. It seems that man's appreciation of nature increases as the development of civilization removes him from contact with nature and places him in an increasingly hostile, unnatural environment. With severe overcrowding and befouling of his city habitat, man's age of environmental concern has arrived; his war on pollution has been declared; and public concern for natural resources management has set in to stay.

INSULATION FROM LAND

Thus by our 200th year as a nation, the largely rural economy, which made early America great, has changed to an urban economy. Migration to the cities has progressed to the point that some 80 percent of the people—and voters—live on 2 percent of the land. More than 60 percent of New England's old hilly farms have been abandoned and become woods again; and the early, high-ground homesteads in the Northwest have largely been reclaimed by the forest.

Insulated from the land—the farm and forest—the city dweller may conceptualize the forest as the last remaining island of peace and quiet in a raging storm of industrialization. Even if he never intends to visit the forest, the city man would like it somehow to remain forever just as he has come to conceive of it through romantic impressions from books, movies and television. He is not apt to view the forest as the dynamic, ever-changing community of plants and animals which it is, and as the reliable source of replenishable raw materials which his living standard demands. Having no evidence to the contrary, the city dweller can easily be convinced that commodity uses of the forest, which he himself makes necessary, destroy aesthetic values, which may now seem more important to him.

This is a generalized account of changes in America which are having a profound impact upon the nation's natural resources and the professionals who manage them. As Yale Professor of Silviculture David Smith writes in the February *Journal*, ". . . We aim to manage the forests of a continent which has natural conditions as diverse as those of all temperate Eurasia to meet social demands that seem to become more bewilderingly varied with each passing year . . ."

PUBLIC INTEREST THROUGH LAW

One of the biggest problems foresters have today is determining where the public interest really lies in natural resources use and management. How can forest lands be managed to meet all of the valid demands upon it? This determination has never been easy or precise, especially in deciding between preservation and use. But mounting and varied social demands, together with the new wave of eco-politics and eco-journalism, have made the task even more difficult—not only for foresters, but for the public itself and especially its elected representatives.

Presumably the laws of the land are in the public interest; so that is a good place to start in determining what the public wants and needs. Federal legislation such as the Multiple Use and Sustained Yield Act of 1960, the Wilderness Act of 1964 and the National Environmental Policy Act of 1969, for example, presumably represent the will of the American people. Yet the interpretations of the intent of Congress by federal land agencies are being challenged increasingly in the press and in the courts by preservation groups and their political representatives. Definitions, provisions and performance under these acts are being twisted and bandied about as though no legislative history existed and the legislation were up for grabs through interpretation. And "anti" journalism will surely be countered with "pro" journalism; the lawsuits, with countersuits. Confusing? Yes. Conducive to determination of the public interest in resources management? No.

A prime example of this tailor-made confusion surrounds the Wilderness Act, which was painstakingly hammered out by Congress through difficult compromises over the better part of a decade. In the long deliberations, there was no question that certain lands should be zoned for roadless wilderness as contrasted to roadside wilderness. But zoning for one use in the public interest cannot be done in a vacuum. So the real question always was: *how much* land of what kind, where located and how administered, should be legislatively zoned for roadless wilderness in denial of other uses? All the plethora of verbiage concerning the Wilderness Act not addressed to this central question was and is, in my mind, so much sound and fury. But now we are told that the National Wilderness Preservation System was meant to include national forest roadless areas over 5,000 acres in addition to the "Wilderness," "Wild" and "Canoe" areas and the expandable "Primitive" areas specified in the Act. These other roadless areas, which Congress did not see fit to include in the System, are dubbed *"de facto* wilderness" by spokesmen of the Sierra Club and The Wilderness Society.

A GRAND DESIGN TO MAXIMIZE WILDERNESS

And, in what appears to be a grand design to stretch the Wilderness System—and the intent of Congress—to maximize the acreage in the System even at the expense of quality and certainly at the expense of other public needs, these and other preservation organizations have heaped scorn, insult and abuse on the U.S. Forest Service, which, though not perfect, is a model agency of public land management. The preservation groups have successfully motivated skillful, sensation-prone writers in such prominent periodicals as the *New York Times*, *Des Moines Register*, *Field and Stream*, *Atlantic* and *Reader's Digest* to join in the fun. Close reading reveals a formula which is repeated in articles and editorials often enough to be identified as a trademark: a brand of hit-and-run journalism studded with misinformation and erroneous conclusions or implications. Such journalism, which appears to violate the Canons of Journalism adopted by both the American Society of Newspaper Editors and Sigma Delta Chi in the mid 1920's, is a disservice to the American public and should not be excused because those professional journalistic organizations admittedly lack the authority to enforce their Canons.

The U.S. Forest Service is excoriated in the press for high offenses against nature as illustrated by the most glaring misapplications or non-applications of forest practices which can be found on 187 million acres of national forest land. These misapplications are held to be typical and are not. Usually it is terracing and oversize clearcuts on the Bitterroot (Montana), alleged overcutting on the Shoshone (Wyoming), oversize clearcuts on the Monongahela (West Virginia) a fallacious interpretation of soil nutrient losses in a herbicide-treated, experimental clearcut at Hubbard Brook on the White Mountain (New Hampshire), the infamous lag of 5 million acres in reforestation on the national forests and the erroneous equating of clearcutting with overcutting.

Seldom is it pointed out that the Forest Service has long ago admitted and discontinued its isolated misapplications of clearcutting and terracing; that the reason those 5 million acres haven't been reforested is that Congress hasn't appropriated the money to do the job; that the Administration's severe manpower ceilings and failure to spend what Congress has appropriated have prevented the badly needed buildup of trained personnel to supervise properly the huge management responsibility of the national forests; that clearcutting, properly applied, maintains tree species intolerant of shade, is not excessive cutting, does not cause floods or accelerate erosion, but does improve wildlife habitat and can improve the quantity and timing of water yield.

ABUSIVE CRITICISM

To further illustrate my point, the following quotation is from the *Congressional Record* of February 9:

The performance of the Forest Service under these statutes . . . (the Multiple Use and Wilderness Acts) has been so dismal as to lead a growing number of people to the conclusion that the Forest Service is a wholly owned subsidiary of the timber industry. . . . The Forest Service has paid only lip service to the very real pressures . . . recreational use creates. . . . If the Service's disregard for the principles of multiple use is conspicuous, its indifference toward the Wilderness Act has been notorious. . . . Although the Forest Service established wilderness areas back in the thirties, it has continually reduced the size of these areas to let the loggers in.

You may not buy this ungrateful, untrue and abusive criticism which a Sierra Club speaker made at the winter meeting of the New York Section, Society of American Foresters, on February 24. These remarks appeared in the *Congressional Record* three weeks before the meeting. The end is apparently thought to justify the means. Those of us who are devoting our working lives to the science, technology, education and practice of professional forestry certainly cannot accept such unfounded statements. But will members of Congress?

Will Congressmen know that, in addition to timber to meet national wood demands, the national forests provide more public recreation use, measured in man-days and greater variety, than any other of the federal lands? That the Forest Service not only invented and set aside vast primitive areas in the 1920's and 1930's, decades before Congress acted, but protected them from commercial development until Congress did act? Will they know that 9.9 of the 10.2 million acres in the National Wilderness Preservation System today are in the national forests? Will they know that specially dedicated areas set aside in the national forests as restricted from commercial development constitute 23,400 square miles in aggregate, an expanse larger than the states of Vermont, New Hampshire and Massachusetts combined? And will they know that the Forest Service is the only federal agency on schedule in wilderness reviews under the Wilderness Act and that it will meet the 1974 deadline?

I trust that Congress will recognize these truths and others. The question of how much roadless wilderness is enough was answered by Congress in the hard-fought Act of 1964. Let us hope that Congress, in the absence of demonstrated public need, will stand strong against alterations or misinterpretations of this public policy, which is based on consideration of all uses. Let us also hope that Congress will not buy current proposals to include "recycled" wilderness in the Wilderness System, a renewable form of wilderness which thrives under less restrictive management. And Congressmen may well recall the wisdom of the Greek philosopher Epicurus that "nothing is enough for the man to whom enough is too little."

SEEING BEYOND THE SPECIAL INTERESTS

I have used the Wilderness Act as only one example of how the public interest as expressed in law may become confused. There are many more examples, including the National Park Act of 1916 and the Multiple Use and Sustained Yield Act of 1960. The public interest can be obscured by special interests, all of which claim to represent the public interest. Foresters must be alert in seeking out and understanding the real and changing needs of people. The squeaky wheel may not always be the most in need of grease.

Can we not say, in general, that as of today the American people demand, expect and need from the forested third of the nation a gamut of uses which is expanding, which is emphasizing amenity uses as never before, and which necessitates a sophisticated application of the multiple-use concept not so far achieved? The American people are looking to foresters and other resource professionals to make multiple use work.

Don't we also know that people now want clean air, and water, and landscapes—enough to afford the cost? That people want, and don't always get, inexpensive housing and paper products; clean and dependable water; quality fishing and hunting; accessible skiing; places for snowmobiles, dune buggies, trail bikes and motor boats; roadside wilderness; hiking trails and "pure" wilderness; picnic spots; campsites, trailer and camper sites, and all the rest? Actually, these uses can all be fitted in—up to a point—in our fixed land base. But it is the land manager's responsibility to know and announce when demands are excessive in terms of sustaining a balance of uses.

THE PUBLIC'S NEED FOR BIOLOGICAL FACTS

These are exciting, difficult times for the forestry profession. The very weakness of the profession's identity, it seems, has prompted attacks upon it and attempts to label it with employer orientation. Of course, such attacks are also symptomatic of our times. The danger is that refutable charges may blind the profession to its real shortcomings: its need for more effective dissemination and application of research, for a comprehensive program of continuous education, for communicative skills.

The growing public interest in natural resources management offers an unprecedented opportunity for service. In my view, if forestry professionals will deliberately make known to the public the biological facts and capabilities of forest lands under alternate managment programs, the public can be counted on to set clear and realistic policies in its overall interest, which foresters can then carry out.

EDUCATIONAL TELEVISION IN SOUTH CAROLINA

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. GETTYS. Mr. Speaker, my State of South Carolina numbers as one of its progressive accomplishments its pioneering efforts in applying television to solving some of its educational problems. Its success in this area might well serve as an example for others throughout the country.

In 1957 the South Carolina General Assembly made the decision to utilize television in teaching, a decision which now dramatically brings educational benefits to many thousands of South Carolinians. This decision to employ television in education was broad and far reaching. It involved plans for providing quality instruction in all subject areas on all grade levels to every public school, something that had not been achieved anywhere else in the country or, for that matter, in the world.

This major challenge required new ideas and new technology, and both were forthcoming. The South Carolina ETV Network utilizes a combination of closed circuit and broadcast television to provide for communication to the State. The closed circuit transmits from the ETV Center in Columbia to 275 schools, hospitals, colleges, and other institutions. This coaxial cable reaches every county in the State and has a potential of telecasting six different programs simultaneously and can be in operation 24 hours a day.

During school hours ETV reserves its multichannel system to meet the needs of the secondary schools, which require many different courses. But the system also is available for broadcasts for special interest groups, among them doctors, law enforcement officials, State agency personnel, and business and industrial training units.

The South Carolina ETV in cooperation with the University of South Carolina offers for the first time anywhere the opportunity for college graduates throughout the State to enroll in a special closed circuit program leading to a masters degree in business administration. Similar programs of advanced study are now planned for nursing, engineering, education and other professional areas.

The network has five broadcast stations and one translator. This translator at Rock Hill, S.C. will be replaced by a major open circuit television broadcast station capable of serving some 95 schools and 85,000 students. The present system serves over 900 elementary schools where there are a smaller number of courses and where this open circuit system is sufficiently flexible to supply the need.

Current instructional programing in the public schools now reaches over half a million children, with 65 phases, more than in any other State, used from the kindergarten to the 12th grade. Over 125,000 South Carolinians have this year participated in professional training programs for adults. Special needs are serviced by such programs as "Job Man Caravan," which brings job and job training information to the disadvantaged, and "Hearing Defects in Children," which points up the need for early diagnosis and treatment of hard-of-hearing children. Last year the network produced 953 programs and 1,644 inserts and segments.

Thus has my State of South Carolina, a State of low economic rank, harnessed the economies of television to uplift and strengthen its educational programs at all levels. I am pleased to support this endeavor and to commend those responsible for its successful operation.

RESEARCH FOR NEW JOBS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. KEMP. Mr. Speaker, an area of accomplishment which has received little credit is the growth in nondefense research and development. Historically, the U.S. economy's growth has come from the introduction of new products and services, and, magnificent efforts have and are being made to stimulate research and development aimed at new products, new markets, and new jobs.

I want to bring to your attention an interview appearing in the May 1972, issue of Nation's Business with my good friend, Bill Magruder, special consultant to the President.

Bill is coordinator of the administration's new technology opportunities program—a program of remarkable scope which promises to have a profound influence on job opportunity, business growth, and the quality of American life in the year's ahead.

I include the Nation's Business interview in the RECORD:

YOUR PARTNER IN THE HUNT FOR NEW PRODUCTS

The U.S. economy, much of whose growth comes from new products and services, has been getting a lot of seed money from the federal government, and the seed money supply itself is growing.

In the past three years, government investment in nondefense research and development work—done either in government laboratories, universities, or in industry—has risen 65 per cent. The government finances more than half the nation's civilian-sector R&D.

Now, President Nixon has told Congress he hopes to make government and industry better partners "in a strong new effort to marshal science and technology in the work of strengthening our economy and improving the quality of life."

For the coming fiscal year, he has asked a $1.5 billion increase in the R&D budget, bringing it to $18.6 billion. Of this, $5.4 billion would be invested in the civilian sector—up from $3.3 billion in 1969.

William M. Magruder, 48, the aerospace engineer who headed the supersonic transport development program in the Department of Transportation, was named a special consultant to the President last summer, after Congressional ack-ack sent SST plans down in flames. He was tabbed for another challenging job—coordinating a massive reappraisal of the nation's research and development effort.

In an interview with Nation's Business, the onetime Air Force test pilot discusses the result—the New Technology Opportunities Program.

What is the New Technology Opportunities Program?

That's the umbrella name we've given to a number of new programs that represent increased investments in research and development in the civilian sector of the economy.

In general, these are additional steps on existing programs, plus new beginnings and new approaches to research and development aimed at increasing our ability to deal with a wide range of civilian problems, such as the environment and the energy shortage. If they develop as we anticipate, the result will be creation of new products, markets and jobs. Naturally, the Congress must first approve the programs.

The President requested $18.6 billion in his budget for R&D in the coming fiscal year—are these new programs included?

Yes, a total of $890 million of that request is for programs that offer promise for new technology opportunities. In the civilian R&D budget slice are $700 million for these new programs and $40 million for incentives through matching grants. In the

Defense Department's request there is $150 million for new programs that have civilian applications.

What will be the economic impact of this $890 million?

It's estimated that this investment, as it stimulates the various areas of technology, will result in 65,000 direct jobs. At the end of five years we estimate a total of 650,000 jobs will be created. The $890 million is a first year figure. This isn't a one shot deal. To sustain this type of growth and create these jobs, we're going to have to invest between $1 billion and $1.5 billion annually on these programs.

How does the R&D effort this coming year differ from previous years?

Since 1969 funds for civilian R&D have increased 65 per cent. This year's budget, in addition to the new programs I've mentioned, accelerates the ongoing efforts, and we have added other new programs designed to enlarge the partnership between government and industry through cost sharing.

What prompted this added emphasis on research and development?

By last summer the President and his advisers had become increasingly concerned that we were getting less competitive in the international market, and that we had vast domestic areas of opportunity to which technology could be applied. And there was the feeling that our industrial productivity was not improving fast enough to handle our growth.

This was the situation when the President named you a special consultant last July?

Yes. The President was deeply concerned. He said he wanted program management techniques applied to bring all resources in government and the private sector together. I was assigned to the Domestic Council for this purpose.

Was there activity in this area when you arrived?

Quite a bit, and it picked up. The Domestic Council had completed a study on the subject. It formalized all of the concern in the top levels into one package.

We formed some teams and started looking at the technical problems. Another team was formed to study the antitrust aspects. There was also a team in the Treasury working on the problem of technology transfer.

Along with this, the Domestic Council asked the various Departments and agencies for their ideas on the programs they thought were technically feasible, would help solve domestic problems and improve our competitive position in world markets.

How did you get a public input?

I wrote hundreds of groups, institutions and businesses and asked them for their ideas. We've more than a thousand responses.

What was the fallout from this survey?

We came up with 10 areas where the need was most immediate and where technology could be best applied at this time: Health care, education and communications, law enforcement, conservation of natural resources, protection from natural disasters, urban development, environmental control, transportation, aviation and industrial productivity.

Within those 10 areas are many programs worthy of attention. To scrub them down we formed 10 teams of government people and added 126 advisers from outside government, experts who represented all the disciplines. Efforts of all those people are reflected in the new budget request.

Will your office manage these programs falling in the category of New Technology Opportunities?

These programs are treated like the other R&D programs, which means that the Departments and agencies have the job of seeing them through Congress and managing them once they are authorized and the money appropriated.

As far as my office is concerned, I'm going to maintain liaison with the program managers in each Department and agency and with the Office of Management and Budget to keep current on progress. But as far as managing these programs—No. My office consists of myself and a secretary.

Could you give us an example of some of the new programs?

One that comes immediately to mind is a program that could save 30,000 lives annually. The Department of Health, Education and Welfare is going to set up demonstrations of emergency health care in five special centers. These will be manned by highly trained personnel, who will have special aids such as helicopters and the latest communications and medical equipment.

Another project involves environmental controls. We're going to instrument two major cities for weather and emission detection. This information will be fed into a computer. Officials in those areas will be able to predict with confidence when emissions will become critical and to plan for future industrial development.

An important part of this project will be examination of the 38 known kinds of pollution in the atmosphere, singly and in combination with respect to their impact on health. So when we write pollution laws in the future, they'll be based on very firm scientific knowledge.

One of the 10 fields of interest is industrial productivity. Could you tell us what will be happening here?

We've included an additional $40 million for the Bureau of Standards and the National Science Foundation in yet-to-be-defined areas of research on how to stimulate innovation, productivity and technology transfer.

What's the new thrust in solving the energy crisis?

In this area of clean energy resources we're requesting $392 million, an increase of 22 per cent. High among the programs is the fast breeder reactor for the nuclear plants of the future.

We'll also be looking at ways to apply laser technology to fusion power, and at a magneto-hydrodynamic power program—an absolutely clean system that will generate power by passing a conducting gas through an electrical field.

We're doing research on cryogenic power transmission and generation so we can transmit direct current power with almost no losses. We're going to be looking at solar power.

Also we're going to do R&D on producing gas from low-B.T.U. coal. We have a 400-year supply of coal but we don't use as much of it as we'd like to because it produces too much sulphur dioxide, a prime air pollutant, when it is burned. By using catalytic filters, we're confident we can economically produce absolutely clean gas and cut down our growing need to import oil and gas to meet future demands.

What other programs involving natural resources are being accelerated?

We are going to be doing a major exploration of the continental shelf of the northeast part of the U.S. and Alaska. This will provide information needed by private industry to explore for and mine the resources in those areas with full knowledge of how to minimize environmental impact.

Today we import $6 billion more in raw materials than we export. By the end of 1990 that's predicted to be up to around $45–$60 billion, so you can understand our interest in this.

What is on the horizon in other areas?

Take aviation. As I mentioned, there is $150 million in the Defense Department budget for new beginnings that have civilian applications.

One is a program to develop a short takeoff and landing transport for the Air Force. The National Aeronautics and Space Administration, which also has an STOL program, is concentrating on developing a research vehicle with an advanced technology airframe, using an existing engine. The Air Force will develop a new engine and use existing technology for the airframe.

These programs will complement each other.

Looking at some other areas, transportation R&D is being increased 46 per cent. These programs not only involve new transportation systems—such as high-speed 300 m.p.h. trains and ground effect vehicles—but we're going to be working also on new tunneling techniques which could reduce construction costs by one third.

In the housing area we are working on an integrated modular utility system, a research effort aimed at combining water, sewerage and power systems to lower costs in new communities.

Another big item is research on damage limitation of natural disasters, such as floods and earthquakes. One facet investigated is the possibility of lubricating earthquake faults with water to reduce friction.

Still another exciting area is elctronic mail transmission. Strictly a hands-off system, it's a program to develop a means of coast to coast mail delivery in less than an hour for priority service.

Of course there are many more programs; those are just some examples.

Do you see the review process conducted last year as an annual chore?

I would say that it's desirable. We learned a lot about efficient procedures during the first one and there's no doubt of the need to pull everything together for a critical review at the highest policy level.

It's a way to get a full interlock between domestic economic policy and international economic policy, and between government and industry, which have to mesh to meet the technological challenges from other countries and at the same time try to solve our domestic challenges.

THE ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. ASPIN. Mr. Speaker, those of my colleagues concerned with the trans-Alaska pipeline issue may be interested in the three recent newspaper articles I would like to include in the RECORD today. The first article is one from the Christian Science Monitor of June 15, 1972, entitled "Canada, United States at Odds Over Oil-Gas Future." The second article is from the Wall Street Journal of June 14, 1972, and its title is "Emulsifying of Oil Urged To Save Ecology Along Alaska Pipeline." The third article, entitled "Economists Rap Interior," is from the June 13, 1972, issue of the Oil Daily.

The three articles follow:

ARCTIC PIPELINE, SHORE POLLUTION—A STEW OF ISSUES: CANADA, UNITED STATES, AT ODDS OVER OIL-GAS FUTURE

(By Bruce Hutchison)

VICTORIA, B.C.—Canada is asking the United States to pay full compensation for an oil spill which recently spread from Washington state to the coast of British Columbia.

But this accident at Atlantic Richfield's Cherry Point refinery is only one temporary factor in a deepening continental argument on the future of Arctic oil and gas, both American and Canadian.

As External Affairs Minister Mitchell Sharp told Parliament in an emergency debate, Canada still hopes that the United States will cancel its trans-Alaska oil pipeline scheme because it endangers the whole Pacific shore.

The relatively small Cherry Point spill, Mr. Sharp said, is a "stark reminder of what we stated on many occasions, that far-more-serious spills will inevitably take place if oil is moved [from Alaska] by tanker through Juan de Fuca Strait.

"We have made repeated representations to the U.S. Government about the proposed increase in oil tanker traffic in this area," he added, "and indeed we raised this matter with President Nixon when he visited Canada in mid-April."

All opposition parties supported the government in its protest, but they said it had delayed far too long in warning the United States and urging strict marine traffic controls if the Alaska pipeline is built.

Canada was gratified by similar warnings from U.S. Sens. Henry M. Jackson and Warren G. Magnuson and Rep. Lloyd Meeds of Washington, who recommended that Canada and the United States call an oil-spill conference to discuss coordinated safety measures.

LOCAL PLANS IN PROCESS

Their statement that spilled oil could have "international consequences because of the importance of the problem and the implications for U.S.-Canada relations" encouraged Ottowa to believe that its message was getting through to American lawmakers.

Meanwhile the governments of British Columbia and Washington State are conferring directly on plans to safeguard their joint environment.

Appearing before a congressional committee, David Anderson, member of Parliament and new leader of the Liberal Party in British Columbia, said that Atlantic Richfield had located its refinery near the border because spilled oil drifting northward would cause minimum damage to the United States.

This charge was flatly denied by the oil company and has not been made by the Canadian Government, whose main purpose is to stop the Alaska pipeline if it can and minimize the resulting risks if it cannot.

All Canadian plans for Arctic development are suspended while the government studies the economic and ecological consequences of three huge separate projects—an oil pipeline from Alaska along the Mackenzie River to the central states, a pipeline to carry northern Canadian and perhaps Alaskan gas southward, and a road from Alberta to the Arctic Ocean.

The unanswered question facing Ottawa is whether the United States Government will reconsider the Alaska line, already approved in principle but held up by the American courts.

Whatever government and courts finally decide, Canada intends to build the gas pipeline and the road at enormous, unknown cost over a period of at least several years.

Donald MacDonald, Minister of Energy, startled the nation by estimating that it must spend a minimum of $50 billion during the present decade to exploit its oil, gas, uranium, electrical, and coal resources, or more than half its current annual gross product.

A necessary inflow of foreign capital for these purposes, the government fears, would further raise the value of the Canadian dollar, now high enough to alarm the nation's export industries.

"EMULSIFYING" OF OIL URGED TO SAVE ECOLOGY ALONG ALASKA PIPELINE

NEW YORK.—Could all the potential environmental problems of transporting Alaska's Prudhoe Bay crude oil to market be solved by transforming the oil into a mayonnaise-like mixture of oil and salt water?

Sullivan S. Marsden Jr., professor of petroleum engineering at Stanford University, contends that his research indicates that "emulsifying" Prudhoe oil would permit pipelining it at a temperature below freezing to prevent any damage to permanently frozen Arctic terrain. Such a line, of course, could be completely buried, eliminating potential surface barrier problems to Arctic wildlife.

What's more, Mr. Marsden says, transporting the oil to the West Coast by tanker in emulsified form would eliminate the danger of oil spills, because the emulsion would simply disperse in the ocean instead of forming a surface slick.

But the seven-company consortium planning to build the oil pipeline across Alaska reports its engineering staff has studied Mr. Marsden's proposals and finds they would involve unacceptable costs and technical problems. Alyeska Pipeline Service Co. says it's convinced that its own plans for a hot-oil pipeline won't damage the Arctic environment.

An emulsion is a permanent mixture of two liquids in which one is suspended within the other. The mixture is stabilized by adding a third substance called an emulsifier. Milk and mayonnaise are common emulsions. In the case of an oil-water emulsion, chemicals serve as the emulsifiers.

Mr. Marsden contends that chemicals for the proposed North Slope operation would cost only one cent to two cents a barrel, and emulsifying equipment would entail a capital investment equivalent to only another one cent to two cents a barrel.

He concedes, however, that the greatest cost would involve chilling Prudhoe's 130-degree to 150-degree Fahrenheit oil to below freezing before emulsifying it, and he says he hasn't calculated the cost of that.

Alyeska's engineers have, however, and they assert that treating the oil could cost 43 cents a barrel. They also say Beaufort Sea water isn't salty enough for the proposed emulsion, and that 2,000 barrels of emulsifying chemicals a day would have to be transported to the North Slope. And they assert the salt water would rust the pipeline and pumping equipment.

Mr. Marsden says a 50% oil, 50% salt water emulsion at 20 degrees to 30 degrees would flow as easily as 130-degree oil alone. But Alyeska says this would about cut the line's oil capacity in half and require a doubling of the system at enormous cost. Mr. Marsden says he's working on emulsions of up to 70% oil.

[From Oil Daily, June 13, 1972]

SOUR NOTE FOR TAPS—ECONOMIST RAPS INTERIOR

WASHINGTON.—An economist with Resources for the Future, supported by the Ford Foundation, told the Joint Economic Committee of Congress Friday that the Interior Department's final impact statement on the trans-Alaska oil pipeline was "biased."

Charles J. Cicchetti, who said he was testifying for himself, said the earlier draft statement by Interior on TAPS was "totally unobjective and wholly inadequate." The final statement was not much better, he implied.

Most of his testimony, however, dealt with the comparative economics of TAPS and alternative routes for North Slope oil to move south.

His primary conclusions were:

1) Assuming foreign oil would be used on the West Coast as an alternative to North Slope oil, and all slope oil would be used on the West Coast, then the present economic value of TAPS to the nation, at a 10 percent discount rate, would be between $3 and $6 billion.

2) The proposed TAPS route—including tankers from Valdez—is "apparently" inferior to a completely overland route to the Midwest and East Coast of the U.S.

3) But a trans-Canada line would "probably" cost more than TAPS. If costs of port and terminal facilities and tankers to move oil south from Valdez are considered, however, "it is not clear that a Canadian oil line would cost more."

4) The total difference in the two routes is "much less than $1 billion."

5) The Canadian route would actually be "economically superior in terms of net economic efficiency or benefits to the nation" and would be superior economically for the state of Alaska, as well as for the oil companies.

6) It would cost more to supply the Midwest with foreign oil than the West Cost. The Canadian route would be superior even if delayed two or three years and evne if the Canadian government imposed as much as a 20 percent tax on the costs of transporting oil across Canada.

7) The price of oil in Chicago is at least 40 cents and perhaps 60 cents per barrel more than the price of oil similar in quality to North Slope crude in Los Angeles. These price differences "far exceed any additional cost estimates" of a trans-Canadian route.

8) If the companies sell the slope oil exclusively on the West Coast, it will cost them about $3 to $5 billion in profits by foregoing the Canadian alternative.

9) There is likely to be an excess of oil on the West Coast if TAPS is built, perhaps as much as 1,000,000 b/d as late as 1985–1990 if import restrictions similar to the rest of the nation are imposed on the West Coast, thus raising costs, both environmental and economic, to haul the oil into other districts in the Lower 48 in new pipelines.

10) TAPS may also reduce competition on the West Coast.

KEATING ANNOUNCES POLL RESULTS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. KEATING. Mr. Speaker, a special poll conducted in the First Congressional District in Hamilton County shows that up to 84 percent of those who answered, are against granting amnesty to draft evaders.

The survey was taken by me and was sent to every residence in the congressional district which is comprised of the eastern part of the county.

The poll was sent to 149,179 households.

The results of the poll are as follows:

1. Do you approve of the way the Nixon Administration is handling the Vietnam conflict?

Man: Yes, 78%; no, 22%.

Woman: Yes, 74%; no, 26%.

2. Are you in favor of expanding contacts with the People's Republic of China?

Man: Yes, 82%; no, 18%.

Woman: Yes, 78%; no, 22%.

3. Would you favor the use of a "value added tax" (a national sales tax) as a means of providing Federal revenue?

Man: Yes, 32%; no, 68%.

Woman: Yes, 28%; no, 72%.

4. Would you support such a tax if it would lower your property taxes?

Man: Yes, 47%; no, 53%.

Woman: Yes, 46%; no, 54%.

5. Do you favor forced busing of school children to achieve racial balance in public schools?

Man: Yes, 9%; no, 91%.

Woman: Yes, 7%; no, 93%.

6. Should the Federal Government expand its involvement in: (a) Child Development; (b) Headstart programs; (c) Free and reduced lunch programs?

Man: a. Yes, 40%; no, 60%.

b. Yes, 40%; no, 60%.
c. Yes, 45%; no, 55%.
Woman: a. Yes, 42%; no, 58%.
b. Yes, 44%; no, 56%.
c. Yes, 50.3%; no, 49.7%.

7. Do you support the Administration's position on wage and price control?

Man: Yes, 69%; no, 31%.
Woman: Yes, 70%; no, 30%.

8. Do you think the death penalty should be abolished?

Man: Yes, 20%; no, 80%.
Woman: Yes, 24%; no, 76%.

9. Do you favor a program of national health insurance which would: (a) Provide health coverage for all health care? (b) Cover only major illness or long hospital treatment?

Man: a. Yes, 36%; no, 64%.
b. Yes, 49.9%; no, 50%.
Woman: a. Yes, 38%; no, 62%.
b. Yes, 50.8%; no, 49.2%.

10. Do you favor increased Federal programs to curb pollution?

Man: Yes, 80%; no, 20%.
Woman: Yes, 78%; no, 22%.

11. Do you favor legalizing the possession of marijuana for personal and private use?

Man: Yes, 22%; no, 78%.
Woman: Yes, 19%; no, 81%.

12. With the completion of the Apollo Space Program, would you favor: (a) Development of a space shuttle as proposed over the next six years; (b) Termination of the entire space program?

Man: a. Yes, 64%; no, 36%.
b. Yes, 29%; no, 71%.
Woman: a. Yes, 56%; no, 44%.
b. Yes, 35%; no, 65%.

13. Instead of using property taxes to finance public education should: (a) Congress increase federal funds for schools? (b) Congress let the States work out a new system of financing public education?

Man: a. Yes, 40%; no, 60%.
b. Yes, 77%; no, 23%.
Woman: a. Yes, 43%; no, 57%.
b. Yes, 77%; no, 23%.

14. Should Congress allow some tax credit to parents who send their children to nonpublic elementary and secondary schools?

Man: Yes, 49%; no, 51%.
Woman: Yes, 48%; no, 52%.

15. Would you favor amnesty for draft evaders?

Man: Yes, 16%; no, 84%.
Woman: Yes, 20%; no, 80%.

16. Do you favor the changing of laws to permit abortion?

Man: Yes, 56%; no, 44%.
Woman: Yes, 51%; no, 49%.

FOURTH ANNUAL HIGH SCHOOL SCHOLARSHIP TRIP

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. MANN. Mr. Speaker, one of the most rewarding experiences I have had in my career as a Member of Congress has been my involvement each year in the collective effort to develop within the student community of my district a sense of identity with our governmental institutions and leaders. This week it is my great honor to host the fourth annual high school scholarship trip to Washington from my Fourth Congressional District of South Carolina.

Annually since I came to the Congress, local businesses, service organizations and civic clubs of Greenville County, Laurens County, and Spartanburg County have made it possible for me to bring outstanding high school seniors to Washington for a study tour. This year's scholars bring to 52 the total number of young people to benefit from this plan. Chosen by their own high schools for academic achievement and leadership potential, they are spending a few days seeing and studying the workings of their National Government—its executive, legislative and judicial offices—and becoming acquainted with the history, the beauty and the cultural riches of Washington.

This year's fourth district high school scholars and sponsors are:

Greenville County — Greenville High School, Lynn Dorris, daughter of Mr. and Mrs. Cecil B. Dorris—Sponsor, Greenville Jaycees; Wade Hampton High School, Hon. James R. Mann—Fourth Annual High School Scholarship Trip—Wade Hampton High school—Joey Glymph, son of Mr. and Mrs. John L. Glymph—Sponsor, Greenville Sertoma; Parker High School, Lanny Lanford, son of Mr. and Mrs. John C. Lanford—Sponsor, J. P. Stevens & Co., Inc.; Southside High School, Margaret Palmer, daughter of Mr. and Mrs. John L. Palmer—Sponsor, Pleasantburg Rotary Club; Greer High School, Melissa Riordan, daughter of Mr. and Mrs. John E. Riordan, Jr.—Sponsor, Greer Kiwanis Club; Laurens County—Laurens High School, Mike Simmons, son of Mr. and Mrs. J. Edward Simmons—Sponsor, Laurens Exchange Club; Spartanburg County—Chapman High School, Ruth Baker, daughter of Mr. and Mrs. William E. Baker—Sponsor, Jones Tractor Co.; Boiling Springs High School, Darrell Bullington, son of Mr. and Mrs. William H. Bullington—Sponsor, Station WSPA, TV and Radio; Paul M. Dorman High School, Phil Wilson, son of Mr. and Mrs. J. A. Wilson—Sponsor, Hillcrest Optimist Club; Spartanburg High School, Dewey Tullis, son of Mr. and Mrs. W. Dewey Tullis—Sponsor, Hillcrest Optimist Club.

The sponsoring organizations in the Fourth Congressional District of South Carolina have grasped the need to expose our young people to the realities and ferments of government in action. They are contributing to the development of a new generation of enlightened and concerned citizens. It is just posible that this week's trip to Washington could be the catalytic factor helping one young South Carolinian, or several, to decide on a career of public service. Thus, I would like to hail the sponsors for their distinguished service on behalf not only of the students they have sent here this week, and in years past, but on behalf of our country, the United States of the future and its greatness, as promised to us in the person of today's youth.

DRUG LEGISLATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SYMINGTON. Mr. Speaker, the Public Health and Environment Subcommittee, of which I am a member, is well aware that drug abuse in America is no longer an isolated problem, but affects people, particularly the young, in urban, rural, and suburban areas. Drug abuse contributes to crime, and inflicts suffering on individuals, families, and communities. I believe that the subcommittee, particularly its chairman, Paul Rogers, should be commended for its fine work during the 92d Congress in combating this threat to our national health.

I was proud to serve as a House conferee on the very important Drug Abuse Office and Treatment Act of 1972, H.R. 12089—now Public Law 92-255—reported by the subcommittee, which established a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. This Office will direct the Federal effort against drug abuse through programs of prevention, treatment, rehabilitation, training, education, and research. The subcommittee also reported H.R. 9059, which required community mental health centers and other medical facilities of the Public Health Service to provide needed treatment and rehabilitation programs for drug addicts and other persons with drug abuse problems. This bill was incorporated in the Drug Abuse Office and Treatment Act of 1972—a far-reaching and historic measure in the struggle against drug abuse.

One of the tragedies of our involvement in Vietnam has been the alarming increase of drug abuse in the Armed Forces. Members of the Public Health Subcommittee co-sponsored the Armed Forces Drug Abuse Control Act of 1971, H.R. 8861—now H.R. 12846—which establishes a drug abuse control organization within each of the armed services to prevent the use of drugs, rehabilitate addicts, and eliminate any drug supply available to military personnel. The bill, having passed the House, is now pending before the Senate Committee on Armed Services.

Certainly, knowledge of the particular drugs being manufactured by each American drug firm would assist the Federal Government in the enforcement of laws requiring such drugs to be pure, safe, effective, and properly labeled. The subcommittee reported the Drug Listing Act of 1971, H.R. 9936, which amends the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, propagated, compounded, or processed by a registrant under the Food and Drug Act. This bill, which has also passed the House, is pending before the Senate Committee on Labor and Public Welfare.

Three other bills initiated by the subcommittee or cosponsored by its members are presently pending before their respective House committees.

H.R. 11466 amends the Food Stamp Act of 1965 to provide food stamps to narcotic addicts participating in drug programs, and to certain organizations conducting drug treatment and rehabilitation programs for addicts.

H.R. 9428 makes it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution of certain paraphernalia, and makes it unlawful for a person to possess an instrument for the purpose of unlawfully using a controlled substance.

Lastly, H.R. 9232 amends the Controlled Substances Act to reclassify amphetamine-type drugs, so as to tightly control all central nervous system stimulants.

Perhaps the most difficult challenge facing American youth today—one which has serious implications for the vitality of our Nation—is finding the strength to withstand the lure of drugs. What makes the challenge all the more demanding is the easy availability of drugs at those places where the young are most likely to be found—high schools, colleges, entertainment areas, and the streets. The least we can do is initiate legislation which attacks drug abuse at its source and provides relief for those who become its victims.

NICARAGUA HONORS DR. CAHILL OF NEW YORK CITY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. CAREY of New York. Mr. Speaker, I wish to call to my colleagues' attention the work and achievements of a great humanitarian and my good friend, Dr. Kevin M. Cahill of New York City.

Dr. Cahill was recently awarded the Grand Cross of the Order of Miguel Larreynaga, one of the highest decorations offered by the Government of Nicaragua to persons who render outstanding services to humanity and work for the health and peace of the world. This award, which is usually given to heads of state, was presented at United Nations headquarters in New York to Dr. Cahill and U Thant, former Secretary General of the United Nations.

Dr. Cahill's ideas on international health and diplomacy are articulated in his book, "The Untapped Resource—Medicine and Diplomacy." I had the great privilege of contributing an article to this volume. The book illustrates Dr. Cahill's desire to use medicine as a vehicle for humane contributions and for the promotion of international health assistance.

Dr. Cahill is director of the tropical disease center at Lenox Hill Hospital in New York City and professor and chairman of tropical medicine at the Royal College of Surgeons in Ireland.

Mr. Speaker, I insert into the RECORD at this point the remarks made at the presentation of the Grand Cross to Dr. Cahill as well as the letter notifying Dr. Cahill of this award:

MISSION PERMANENTE DE NICARAGUA,
ANTE LAS NACIONES UNIDAS,
March 15, 1972.

Dr. KEVIN M. CAHILL,
New York, N.Y.

MY DEAR DOCTOR CAHILL: It is with special pleasure to inform you that during my recent trip to Nicaragua, I submitted your name to the Council of the Order of Miguel Larreynaga, one of the highest decorations offered by Nicaragua to persons like you who render outstanding services to humanity and work for the health and Peace of the World.

The Council approved my recommendation by unanimity and issued the Decoration, in the grade of Great Cross, and accompanying Scroll, with the request that I present them to you.

I would like to hear from you in order that we may agree on the time and place for a brief ceremony, as it may suit you better.

President General Anastasio Somoza of Nicaragua, as Great Master of the Order, personally approved with deep satisfaction conferring you this well deserved honor.

With my sincere congratulations and best regards to you and Mrs. Cahill, in which Mrs. Lang joins me, I remain with the highest consideration,

Most Sincerely,
GUILLERMO LANG,
Ambassador to the United Nations, Consul General of Nicaragua.

REMARKS

Honorable Doctor Kevin M. Cahill, Distinguished Ambassadors and Consul Generals, ladies and gentlemen, there are moments in man's life when we are privileged to give form in a tangible manner to an act of justice and recognition of the personal merits and achievements of those who have distinguished themselves among their fellow men.

May I say that, for me, this is one of such unique instances, for we are gathered here today, in compliance of an earnest wish of President General Anastasio Somoza of Nicaragua that the outstanding humanitarian work of Doctor Kevin Cahill, may be officially recognized by our country.

Well aware of the achievements of Dr. Cahill, as a man of science and as devoted worker in the noble cause of relieving suffering throughout the world among the victims of all kinds of tropical diseases, President Somoza thought that it was very much in order to confer upon him the decoration of the highest order established by Nicaragua to Honor those who, by their dedication and sterling qualities, have endeared themselves in the hearts of all mankind.

This is the Order of Miguel Larreynaga, which was created as a tribute to one of our greatest historical figures, who, as George Washington in what is today the United States, worked untiringly for the independence of Nicaragua and Central America. Miguel Larreynaga, was born in 1771. He, as our distinguished Doctor Cahill today, by his own efforts and dedication became a thinker, a writer, a statesman and a man of action, who set an example to follow for the new generations.

My dear Dr. Cahill, well do we know about your efforts and struggles to achieve the well-being and happiness of mankind. We know about your scientific research in Africa and Asia and the benefits they have brought along. And we know also that you have done all of this while putting aside your own sacrifices in that work of superation from which thousands get the benefits of your scientific conquests.

Ours, as you know, is a small country, but its heart is warm and great. That this tribute comes to you from a country that fights to maintain intact the dearest Latin American traditions, should not surprise you. In fact, may I assure you that this decoration is extended to you as a true American, by a country that is proud indeed to be a steadfast friend of the United States in the preservation of the democratic way of life and in its fight against communism.

May I pray the Lord that the faith that has inspired Dr. Cahill to find such a crowning success in his achievements may take him to even greater heights of scientific triumphs for the blessing of future generations which will always remember his name with gratitude.

Ladies and gentlemen, may I be permitted now to impose upon Doctor Cahill, our beloved Order of Miguel Larreynaga.

Doctor Cahill, in the name of President General Anastasio Somoza and in the name of the people of Nicaragua, I take special pleasure in bestowing upon you the National Order of Miguel Larreynaga, in the rank of "Gran Cruz." I can assure you, that it is well and justly deserved. You do honor to the United States, to my country and to the world.

STATEMENT CONCERNING THE BALTIC STATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. CRANE. Mr. Speaker, 32 years ago the Soviet Union, through the use of force, took control of the Baltic States of Latvia, Estonia, and Lithuania.

In an era of "detente" and "negotiation," many seek to overlook the past, advancing the thesis that the previous policies of the Soviet Union are now altered, and that a continued discussion of previous terror and intimidation is simply fueling a "cold war" which, in reality, has ended.

The unfortunate fact, however, is that the policies of the past have not altered to any appreciable degree. Within the Soviet Union itself men and women still do not possess freedom of speech, freedom of religion, or the very basic right to leave the country. Within Eastern Europe, the captive nations do not possess the right of self-determination. We have witnessed the Soviet Union's brutal response to any effort to achieve such self-determination in Hungary in 1956 and in Czechoslovakia in 1968. The Brezhnev doctrine, a creature of our own time, not the Stalinist years of the past, holds that the Soviet Union has a right to invade the nations which surround it.

In the Baltic nations we witness a continued repression by the Soviet Union of the native culture and indigenous religious faith of these peoples.

Within the past several months the desperate plight of Lithuania's Roman Catholics, for example, was made known. In March 1972, a petition bearing 17,054 signatures was forwarded to the United Nations. The courageous signatories stated that they were appealing to the United Nations to relay their protest to Leonid Brezhnev, Secretary General of the Communist Party of the U.S.S.R., because three previous collective letters had gone unanswered.

Demonstrations have taken place against the Soviet occupation of Lithuania in the city of Kaunas and elsewhere during the second part of May 1972. Several thousand youths battled police and Soviet soldiers after a young Roman Catholic, Romas Talanta, burned himself to death in a public park. The rioting continued for several days.

Since June 15, 1940, the Baltic nations have lost more than one-fourth of the combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union. These programs continue today, yet a world which condemns genocide in Biafra and in Bangladesh, seems strangely silent concerning genocide in the Baltic States.

Our own Government has never recognized the forced incorporation of the Baltic States into the Soviet Union. If we are to be true to our own principles, we must insist that the Soviet Union, which is a signatory of the United Nations Declaration of Human Rights, grant these rights to the peoples of the Baltic States. These include the rights of assembly, of free elections, and freedom of worship. These also include the right to move freely over the borders for emigration and visiting purposes.

It is high time that our Government implement House Concurrent Resolution 416 which was unanimously passed by the House and the Senate. This should be implemented by placing upon the agenda of the United Nations the question of Soviet withdrawal from Lithuania, Estonia, and Latvia and the provision of the elementary human rights called for in the U.N. Declaration.

Those who would have us view the destruction of the cultural, religious, and intellectual life of the Baltic peoples in silence in the interest of peace and negotiation misunderstand America's role in the world, and misunderstand the meaning of peace as well.

If the Soviet Union will not live up to its past commitments, including the observance of the U.N. Declaration of Human Rights, why should anyone imagine that it will adhere to new commitments with any greater degree of honesty and care? The only kind of peace which can come as a result of silence in the face of such depredations is the kind of peace which was purchased at Munich. Such peace is both illusory and temporary.

Our own national honor demands that we do not permit the brave people of the Baltic States to suffer under the tyranny of the Soviet Union. No more fitting time than this anniversary exists for taking action to bring this question before the international community.

ENERGY PRIORITIES IN THE FEDERAL BUDGET

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 27, 1972

Mr. GRAVEL. Mr. President, it is time for Congress to adjust the administration's energy budget to fit reality.

Administration figures tell us that the great bulk of the country's energy—75 percent—will be coming from nonnuclear-fission sources in the year 2000; even at its busiest, nuclear fission could probably contribute only 25 percent at that time.

This would suggest that the great bulk of our energy effort should be directed where the bulk of the action will be: In coal-gasification and mine-reclamation, in geothermal energy, solar power, hydrogen, and fuel-cells.

Why is there such a disparity between the importance of these energy sources and their share of the budget?

Mr. President, I ask unanimous consent that a table called Federal Energy Research and Development Funding, Fiscal 1969 Through 1973, prepared by the President's Office of Science and Technology, be printed in the RECORD at the end of my remarks.

GEOTHERMAL ENERGY

Under the heading "General Energy R. & D.," we see that the administration has budgeted only $2.5 million for geothermal energy in fiscal 1973.

This is absurd, since our geothermal hot-water resources might offer a quick way to produce a lot of electricity. Geothermal hot-water plants can be built in a year or two, and they are safe.

The impressive potential of our underground hot-water resource was acknowledged by Dr. Alfred Eggers, of the National Science Foundation, in testimony June 7, 1972, before the Senate Interior Committee. However, he suggested that the technology is not yet ready:

> The principal challenge is the development of technology that will produce economically competitive power from water at temperatures below 350 degrees Fahrenheit (underground).

Two engineers in York, Pa., J. Hilbert Anderson and his son, are convinced that they have already solved both the economic and the environmental challenge of this technology.

For instance, their capital-cost estimates on a vaporcycle plant are lower than other estimates, their kilowatts-per-pound-water-used are better, their new air-cooled condensors require no cooling water, and the underground water is returned underground in a closed cycle.

If it had not been for the flood last week, they would have testified on June 22 before the Senate Interior and Insular Affairs Committee; some of their earlier papers, at least, are in the CONGRESSIONAL RECORD, volume 117, part 35, pages 46307–46311.

THE DOUBLING OF MINIEFFORTS

The administration's energy budget for fiscal 1973 includes only $4.0 million for all solar-power technologies combined. The solar miniprogram is included under the National Science Foundation's proposed $13.4 million for "Energy Resources Research."

I would like to thank Mr. KENNEDY, who is chairman of the Senate's NSF Subcommittee, for doubling the administration's request. The NSF authorization bill, S. 3511, which the Senate passed on June 23, explicitly stiplates that—

> Not less than $26 million shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other non-conventional energy sources.

SOLAR ENERGY

Solar power is probably man's most important energy option. The NSF leadership now acknowledges it to be "the most promising of the unconventional energy sources." It is clean, safe, and so abundant that solar-power technologies alone could meet all of this country's conceivable energy requirements, both electrical and nonelectrical.

Chauncy Starr, the dean of Engineering at UCLA, wrote the following about solar energy in the September 1971, issue of the Scientific American:

> The enormous magnitude of the solar radiation that reaches the land surfaces of the earth is so much greater than any foreseeable needs that it represents an inviting technical target.

In fact, solar technologies already exist. With proper financial support, some of them could probably become commercially available and competitive within 10 years or less. But the fiscal 1972 solar budget was only $1.4 million.

A MODEST SOLAR PROGRAM

There is no doubt in my mind that a budget of $13 or $15 million this year could be well spent on improving solar technologies. Let us consider the figure of $13 million, which would be an increase of about $12 million over last year.

A rule-of-thumb in high technology is that you budget about $50,000 per scientist. This amount covers lab costs, supporting personnel, and other overhead, as well as his or her salary.

On this basis, an increase of $12 million would allow for only 240 additional scientists and engineers—out of a general labor force of 82 million Americans—to work on solar energy development including energy storage-and-retrieval systems.

An effort so small should be quite easy to organize. Few objections are heard from the administration about adding a few hundred-million dollars to a research program in a single year, if the program has the President's support, as do the cancer, heart disease, and weaponry programs. For instance, the administration requested an increase of $750 million for new weapons research alone in fiscal 1973.

TECHNICAL FEASIBILITY OF AN ALL-SOLAR ECONOMY

Solar energy deserves far more than token-funding from the administration. Its potential was described in a recent paper prepared for the National Petroleum Council by Leon Gaucher, of Fishkill, N.Y. Mr. Gaucher, who is a consultant to Texaco, wrote:

> Had it not been for an abundance of fossil fuels—coal, oil and natural gas—we might today have a "Solar Energy Economy" just as effective and efficient as our "Fossil Fuel Economy." . . .
>
> The large amount of capital investment involved in energy collection and storage systems and the large amount of land area involved constitute the reasons why solar energy has not been able to compete with our convenient and abundant fossil fuels.
>
> Had we really needed this solar energy, however, it is quite likely that the technology would have been developed rather quickly to improve these economies materially.

INDEPENDENCE FROM FOREIGN FUELS

Once man starts tapping intelligently into the various solar energy cycles around him, the prospects for international peace and decency should improve significantly.

For instance, solar energy could make international competition and blackmail over finite fossil fuels unnecessary; oil and gas can be made, fresh, and no doubt with a profit for someone, by managing photosynthesis.

Furthermore, solar energy in some form—for example, light, heat, wind—is distributed free in both overdeveloped and underdeveloped countries; there need be no "have against have-not" tension over solar energy. A huge market for solar-power equipment can be expected, of course.

Since the development of solar energy technologies could guarantee abundant energy for all humans, I believe we also have a moral obligation to press this program's advancement as rapidly as possible.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL ENERGY R. & D .FUNDING[1]—FISCAL YEARS 1969 THROUGH 1973

[In millions of dollars]

	Agency	Fiscal year— 1969	1970	1971	1972	1973
Coal resources development:						
Production and utilization R. & D., includes gasification, liquifaction and MHD	DOI–BOM	12.3	13.2	15.4	14.7	19.0
	DOI–OCR	8.7	13.5	18.8	31.1	45.3
Mining health and safety research.	DOI–BOM	2.3	3.7	14.8	31.0	30.1
Petroleum and natural gas:						
Petroleum extraction technology.	DOI–BOM	2.6	2.7	2.7	3.2	3.1
Nuclear gas stimulation[2]	AEC	2.4	3.7	6.1	7.0	7.5
Oil shale	DOI–BOM	2.5	2.4	2.7	2.6	2.5
Continental Shelf mapping	DOI–GS				5.0	7.0
	DOC	6.0	6.0	6.0	6.0	6.0
Nuclear fission:						
LMFBR[2]	AEC	132.5	144.3	167.9	236.6	259.9
	TVA				.8	1.6
Other civilian nuclear power[2]	AEC	144.6	109.1	97.7	90.7	94.8
Nuclear fusion:						
Magnetic confinement[2]	AEC	29.7	34.3	32.3	33.2	40.3
Laser-pellet[2 3]	AEC	2.1	3.2	9.3	14.0	25.1
	DOI					
Energy conversion with less environmental impact:						
Cleaner fuels R. & D., stationary sources	EPA	10.7	19.8	17.4	24.5	29.5
SO_x removal	TVA				2.6	15.2
Improved energy systems	HUD	.3	.8	3.0	2.4	2.8
Thermal effects R. & D	EPA	.5	.8	.6	.7	1.0
	AEC	.8	1.5	1.8	3.2	[4]6.8
General energy R. & D.:						
Energy resources research[5]	NSF		1.1	5.0	9.8	13.4
Geothermal resources	DOI	.1	.2	.2	.7	2.5
Engineering energetics research	NSF	2.9	2.9	2.7	4.0	4.7
Underground transmission	DOI			.8	.9	1.0
Cryogenic generation	NBS					1.0
Nonnuclear energy R. & D	AEC					1.5
Total		361.0	363.2	405.2	524.7	621.6

[1] The funding listed in these tables covers the Federal R. & D. programs in development exploration and production, conversion, and transmission of our energy resources. This funding includes energy conversion R. & D. for stationary applications only; R. & D. funding for improved mobile applications (e.g., automotive, rail, seagoing) are not included. Fundamental research on environmental health effects of combustion products and low-dose radiation exposure) is not included.

[2] This funding includes operating, equipment, and construction costs.

[3] The primary applications of the multipurpose laser-pellet effort are for other than energy production (see text).

[4] This entry includes $1,500,000 for dry cooling tower R. & D. under the AEC's new nonnuclear energy R. & D. category. Other related work is carried out under other civilian nuclear power.

[5] The NSF RANN program includes research on solar energy as well as fundamental energy policy studies.

Source: From the President's Office of Science and Technology.

INTERNAL REVENUE SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. DERWINSKI. Mr. Speaker, one of the features of the Sun-Standard, Blue Island, Ill., is a column by Leonard Carriere, an attorney and civic leader, who in his spare time has become an extremely entertaining columnist.

In his column of Thursday, June 22, he discusses that monstrous bureaucratic friend of the taxpayer—the Internal Revenue Service:

IN PASSING

(By Leonard Carriere)

It's tough to be a bird, particularly if you are of the genus that flocks to the roost at I.R.S. Throughout history no one rated the tax collected very high. In 2,000 years it is doubtful that the tax man made any advance in the pecking order.

Things have come to a bad pass at I.R.S. Last spring I.R.S. took off on the income tax preparers, implying that they were all thieves or worse. As is usual in such cases it was the so called scare technique. Most preparers are honest. God does not guarantee 100 percent. Strangely enough, the I.R.S. people do not have 100 percent honesty. There are thieves everywhere (including heaven, I suspect) and in about the same proportions.

It also follows that while we are the most educated nation in the world, very few can understand the income tax regulations, rulings and instructions so that they can prepare a return with some assurance that they are doing so correctly. As usual, I.R.S. has more than its share that do not understand. Recently someone asked the same question of five experts on the I.R.S. staff and got five different answers.

The situation is mean, so mean in fact that some senator is thinking of introducing a bill to simplify the tax return form (Form 1040). I do not believe it can be done so long as the tax law is not changed. The only simple way is for the government to take a cut without credits, exemptions, allowances or any thing else. This is what it comes down to in any event. It's just that the politicians like to make things difficult since if things were made simple, the little people would soon come to the conclusion that they did not need politicians. That would never do.

I.R.S. has a lot of cute tricks up its sleeve. Just let them notify you that they are going to audit you and at once you are in for a bad time. When they are through they do not compensate you for your trouble. They distinctly have a mistrust for everything you tell them. Why this is I do not know. If you cannot substantiate your position with records, affidavits and a certification from heaven they are not going to allow it.

Then, let them want some information on a package they are getting together for some poor slob and you find yourself deluged with requests for xerox copies (both sides) of all checks issued to the slob. He's in for a bad time. Ignore the requests and you're in for a bad time.

Do you have an employe that owes Uncle a little unpaid tax bill? That's bad too because now they make this your responsibility by serving you with lien claim. You either mail them a check, fire the employe, or surrender yourself to the nearest U.S. Marshal. So it goes.

It is readily apparent that soon this system will spread to the state level. It is also apparent that with the addition of new tax laws there will be new tax men. It is also equally apparent that no one is going to love them—not event their Mothers, and they shouldn't!

THE MACHINE TOOL INDUSTRY LOOKS AT THE ECONOMIC SCENE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. KEATING. Mr. Speaker, this time last year the economy of the country was sluggish, and dramatic action was called by the administration to establish wage and price controls and provide tax incentives so that industry in this country could compete more favorably in the international and domestic market.

Following up the strong actions taken by President Nixon and the Congress, I asked members of the machine tool industry to look at the economic scene 1 year later.

I am happy to report that according to representatives from the Cincinnati area, and specifically in the machine tool industry, there has been an increase of 853 jobs, or 11 percent, since June 1971. Additional jobs and rehiring will be created if the economy continues at its present high level.

In an effort to share this information with my colleagues, I am enclosing correspondence on this subject.

I would also like to place in the RECORD a copy of the news release from the National Machine Tool Builders Association and a copy of an article from the Wall Street Journal which appeared June 26, 1972.

The items follow:

JUNE 20, 1972.

Hon. WM. J. KEATING,
House of Representatives, Longworth Building, Washington, D.C.

DEAR BILL: During my recent visit to your office, Tom Hayes and I discussed the present machine tool employment picture in Cincinnati, as well as the current level of incoming business. It was agreed at the time that I would again survey the mangement of the eight largest machine tool companies in the Cincinnati area to up-date the employment figures we gathered about a year ago. This I have done.

Attached you will find a copy of my letter to you dated July 1, 1971 in which we compared employment figures as of January 1, 1970 and June 30, 1971. Figures as of June 15, 1972 indicate that total employment for the same eight companies has increased from 7,810 as of June 30, 1971 to 8,663 as of June 15, 1972. This represents an increase of 853 jobs, or a gain of 11 percent.

It should be pointed out however, that the present level of 8,663 is still off 26 percent from the more representative level of 11,718 as it existed on January 1, 1970. Four of the eight firms have less than five percent increases. The remaining firms have registered gains in employment of 11, 13, 14 and 15 percent. Each of the eight companies indicate that the level of incoming business is up somewhat over a year ago. As a result they expect employment to increase further if incoming business maintains its present level or improves further. All companies are working full forty hour weeks which was not the case a year ago. There is some concern at three companies that business during May and early June was off again from March and April levels.

You are aware, I know, that the level of incoming orders in our industry has been improving. You may have heard some comparative figures on a year-to-date basis that makes it sound as though this year is going to be a banner year for machine tools. This is not necessarily the case.

I have attached herewith a set of machine tool statistics as released by the National Machine Tool Builders Association. They point out specifically what has been happening. There is no question, machine tool business is improving, but comparative figures are misleading since first quarter 1971 happened to be right at the bottom of the trough. It will be particularly important to see what happens during the next few months, and the remainder of the year. If new business continues at present levels or above, the total employment level in the eight companies represented here could approach 10,000 by year's end.

The ITC, ADR and the improvement in the economy generally, have all had their effect on improved new business levels. How much each has helped individually we do not know. However, it is a fact that the ITC and ADR have helped trigger orders in many, many instances where customers had been hesitating before.

Bill, I hope this information can be of value to you in some way. If I can be of further assistance, please let me know.

With kindest regards.

Sincerely,

E. J. KRABACHER.

MACHINE TOOL BUILDERS ASSOCIATION,
McLean, Va., May 24, 1972.

Net new orders for the machine tool industry during the month of April reached $92,900,000—or $67,050,000 in metalcutting type machine tools and $25,850,000 in metalforming type machine tools.

This current monthly industry total compares with $119,100,000 in March of this year and $55,600,000 in April, 1971. For the first four months of 1972, the machine tool industry has received orders totaling $368,500,000 or 55% higher than last year's four month total of $237,150,000.

Using the same comparisons for the metalcutting segment of the industry, orders in April were 59% higher than the $42,300,000 registered a year ago but off from the March, 1972 figure of $95,700,000. Orders for metalforming machine tools rose 10% in April over the March figure of $23,400,000 and 94% over April of last year when orders were $13,300,000.

For the four month period, orders for metalcutting machine tools are up 71%—$274,700,000 this year as compared with $161,050,000 in 1971. Metalforming machine tool orders have risen 23% to $93,800,000 for the first four months of 1972 as compared with $76,100,000 for the same period of 1971.

MAY MACHINE TOOL ORDERS ROSE 16 PERCENT FROM APRIL LEVEL—BOOKINGS WERE 52 PERCENT ABOVE DEPRESSED 1971 MONTH, BUT FIGURE IS STILL TERMED LOW; CUTTING GEAR SECTOR SURGES

Machine-tool orders rose 16% in May from April and 52% from the depressed May 1971 level, the National Machine Tool Builders Association reported.

Orders for the first five months were up 55% from the year-earlier period, and machine-tool makers said they were confident the upturn will continue through the year.

The sharpest gains this year have come in orders for metal-cutting machines. Makers of metal-forming equipment, however, still are looking for a substantial upturn.

The association said May orders totaled $109 million, up from the $94.4 million of April and the severely depressed $71.8 million of May 1971. Five month orders increased to $479 million from the year-earlier $308.9 million.

Orders for lathes, milling machines, machining centers, grinders, boring mills and other metal-cutting machines were $82.5 million in May, up 24% from $66.7 million the previous month and 76% from $46.9 million in May 1971. For the five months, orders rose 72% to $356.8 million from $207.9 million in 1971.

CUTTING MACHINES GAINING

Makers of cutting machines said the positive trend should continue. "We feel very confident there's an upturn," said C. William Bliss, of Warner & Swasey Co., Cleveland, which makes a broad line of cutting machines. "Our orders have improved since last September, and they're still rising. We're starting from a low base, but it's a tangible and clear increase which continues."

"Our expectations are that the second half of the year will be considerably stronger than the first half in terms of incoming orders," said Henry D. Sharpe Jr., president of Browne & Sharpe Manufacturing Co., North Kingston, Rd., another cutting-machine maker, "Some of the more expensive machines are showing a healthy upturn that is very pleasing." But while percentage gains from last year are dramatic, he cautioned, "actual dollar volumes are still very conservative."

May orders for metal-forming machines, however, slipped 4% to $26.6 million from April's $27.7 million and were up only 7% from the $24.9 million of May 1971. Five-month 1972 orders of $122.2 million were only 21% above the depressed year-earlier level of $101 million.

SLOW MARKET FOR FORMERS

"Our principal market isn't spending—the auto makers aren't buying new equipment," said David W. Bonnar, senior vice president, of the U.S.I. Clearing division of U.S. Industries, Inc., Chicago, a maker of metal-forming machines. "It's getting better," he said, "but there isn't any bonanza in sight." Mr. Bonnar, whose company's primary markets are the auto and appliance industries, said potential customers still have much unused capacity and are reticent about making large capital outlays. "The small machines are selling well, but the big machines aren't," he said.

However, some metal-forming machine makers are much more confident than at any time in the last two years. "A year ago and two years ago we were very pessimistic, but now we're very optimistic," said C. J. Kelleher of Verson Allsteel Press Co., Chicago. "Our feeling is that our part of the industry is going to book very heavily in the last half of the year." He said auto makers have a large "pent-up demand" for new machines, and "we feel the industry is about to let go with a lot of spending." Already, he added, "the level of inquiries is substantially higher than a year ago."

The industry orders backlog, including both cutting and forming machines, stood at $674.8 million at the end of May, up 4% from April and 46% from a year earlier. But it will take much greater improvement in backlogs, manufacturers said, before shipping rates increase sharply.

SHIPMENTS UP SLIGHTLY

For the industry, shipments totaled $82.2 million in May, up only 8% from the previous month and only 4% from May 1971. Five-month 1972 shipments of $373.4 million were 17% below the year-earlier $451.9 million.

Makers said they aren't eager to rebuild work forces that were slashed drastically during the past two years until backlogs are much higher. "Our shipments are lagging behind incoming orders, and we're making every effort to bolster shipments," said Mr. Sharpe of Browne & Sharpe. He added, however, that the company's machine-tool work force is only 4% larger than a year ago, at which time it was sharply below traditional levels, "and our emphasis is on increasing our productivity."

Mr. Sharpe said, though, that productivity gains can be carried only so far, and if orders pick up as expected in the second half, many machine-tool makers may be unwilling or unable to rebuild production forces sufficiently to handle added volume without lengthening the time between receipt of an order and delivery to the customer. He said it currently takes six to eight months for a machine-tool order to be filled, and this time could be increased to two years if makers are jammed with too many orders all at once.

"The earlier that customers declare their intention of buying, the easier it will be to insure a steady flow of deliveries," Mr. Sharpe said. However, he added, many potential buyers seem to be waiting "until the last minute" to place orders, unwittingly contributing to a possible jam-up that could make it difficult for them to get the equipment.

COMPARATIVE NEW ORDERS FOR METAL-CUTTING MACHINES

	May 1972	April 1972	May 1971
Domestic	$71,750,000	$57,200,000	$41,300,000
Foreign	10,700,000	9,500,000	5,550,000
Total	82,450,000	66,700,000	46,850,000

Note: 5-month total for 1972, $356,800,000; for 1971, $207,900,000.

METAL-FORMING MACHINES

Domestic	$24,200,000	$26,500,000	$23,000,000
Foreign	2,350,000	1,150,000	1,900,000
Total	26,550,000	27,650,000	24,900,000

Note: 5-month total for 1972, $122,150,000; for 1971, $101,000,000.

COMPARATIVE SHIPMENT FIGURES FOR METAL-CUTTING MACHINES

Domestic	$49,300,000	$44,400,000	$44,200,000
Foreign	9,200,000	5,150,000	8,350,000
Total	58,500,000	49,550,000	52,550,000

Note: 5-month total for 1972, $250,800,000; for 1971, $305,200,000.

METAL-FORMING MACHINES

Domestic	$21,500,000	$21,950,000	$22,500,000
Foreign	2,150,000	4,400,000	4,000,000
Total	23,650,000	26,350,000	26,500,000

Note: 5-month total for 1972, $122,550,000; for 1971, $145,650,000.

NOT SO BEAUTIFUL AMERICA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ZABLOCKI. Mr. Speaker, in a recent edition of the Liguorian magazine a very lucid article appeared on abortion by Vivian Rackauckas, a young liberal political activist.

In addition to fully agreeing with Miss Rackauckas' sensitive and compelling thoughts on the moral issues involved in liberalization of abortion laws, she reaffirms my trust and hope that our young people can offer society progressive and responsible thinking.

I strongly urge my colleagues to take but a few minutes to read the following short article:

NOT SO BEAUTIFUL AMERICA

(By Vivian Rackauckas)

After pushing my way through the large crowd, it was finally my turn to ask a question.

"Senator," I said pulling his sleeve to get his attention, "Senator, do you favor the passage of more liberalized abortion laws?"

Looking down at me thoughtfully, George McGovern, Senator from South Dakota and presidential hopeful replied, "Yes, I definitely favor that."

His wife looked on, beaming with pride.

"Thank you, Senator," I said softly as I turned and walked away.

The presidential candidate and his wife no doubt thought that, being in college and because my hair is long and I wore jeans and a peasant blouse, I was pleased with his answer.

Nothing could have been farther from the truth. I was crushed.

In the Senator's Valentine's Day visit to the University of Miami campus, he had impressed me with his protective attitude toward the elderly, the poor, even toward the imprisoned marijuana smokers.

And he spoke of a world where "future generations will be able to love their country." I thought that maybe he would be the man who would take the gigantic step to give unborn babies back their rights.

And suddenly everything else he said had no meaning. I am frightened. I see changes going on around me and they scare me. In the past few years I have seen abortion change from a shameful underground crime to every woman's right.

It is not any one person or one issue that upsets me. It is the fact that people's ideas are changing so rapidly, and on the pretense of improving the quality of life, they are changing the definition of it. Whereas the unborn child was generally believed to have some legal rights (the right to inherit, the right to be born should his mother be sentenced to death, the right of his parents to sue for wrongful death should something happen before birth), the little guy is no longer a baby. He is not even a fetus. He has become nothing more than an "unwanted pregnancy."

The moral issue as to who can call the shots is my primary concern. Who can say which life is valuable and which not? Surely I would not want to be the one with such a tremendous responsibility.

It is not particularly difficult for me to understand why men advocate more liberalized abortion laws. Nobody is overjoyed with the prospect of supporting an unwanted child. A legal abortion may be the escape valve that keeps today's liberal from paying tomorrow's child support.

But it is difficult for me to understand why the "liberated woman" would allow her body to be abused in the name of freedom.

Although I am certain that she believes that she is doing this on her own, I do not believe that it is so. Ironically, in an attempt to free herself from man's bondage, she has become his slave in the lowest form.

The indoctrination to insure the continued public support of abortion is well under way. My younger sister's junior high school science class was recently told that abortion is "nothing more than the destruction of cells."

Abortion referral services are readily available to those in need, and the "problem pregnancy" listings under Personals in the classified ads no longer refers a girl to a home for unwed mothers.

Abortion has now become an acceptable part of American family life. In the coming years a few oldsters will cringe when they hear the word, but soon that will be gone too. Ridding oneself of unwanted cells will soon become about as painless and guilt-provoking as clipping toenails.

And the American society will be beautiful, except for one thing. Old people who sit in homes for the aged contribute nothing to society and gain nothing from it. Their bodies are deteriorating. They no longer meet the standards that we consider to be worthy of life. For their own sake they should not be allowed to continue being unwanted. They should be saved from their misery. And then America can be beautiful.

But wait—while we rush to save unwanted babies and old people from unhappiness, we also have an obligation to the deformed, the retarded, and the mentally ill. They deserve not to have life forced upon them.

And the people with low IQ's crooked noses, and flat feet. They too deserve not to suffer. What a perfect society we will have!

Isn't America beautiful?

THE SCOTT REPORT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SCHMITZ. Mr. Speaker, the following report by well-known Washington columnist Paul Scott deserves the careful attention of every Member of Congress. It calls attention to a major campaign launched by the Agency for International Development—AID—to promote worldwide population control, using economic coercion among other methods, with specific recommendations for overriding opposition among the people whose population is to be controlled. The AID document spelling out the details of this campaign specifically endorses abortion as a means of population control, despite the fact that we specifically provided at the time of passage of the Family Planning Act of 1970 that abortion was not to be recognized or approved as a method of family planning.

The report follows:

THE SCOTT REPORT

(By Paul Scott)

Members of Congress expressing their concern over the distribution within the U.S. of films prepared by the U.S. Information Service should take a hard look at some of the activities of the Agency for International Development (AID).

Although established by Congress to administer U.S. foreign aid abroad, AID is using its funds and employees to rally support in this country for world-wide population control programs including the use of abortion and sterilization.

Working closely with the major, private American groups advocating strict population controls, AID is circulating thousands of copies of an elaborately prepared 232-page report boosting the fight to limit the number of persons that will be permitted to sit at the world's banquet table.

Titled "Population Program Assistance", the document also highlights information on such population control groups as the International Planned Parenthood Federation, the Population Council, and the Population Crisis Committee.

Significantly, these are the same groups that furnished AID with the mailing lists of persons and organizations now receiving the slick paper report at taxpayers' expense. In addition to giving away thousands of copies, AID has arranged to have the document put on sale at the U.S. government printing office.

Despite President Nixon's announced opposition to abortion as a means of controlling population, the AID document goes out of its way to highlight and support this controversial method of population control, stating:

"With the advent of postconceptive methods of fertility control, family planning programs in many areas seem likely to become more "pregnancy centered"—with emphasis on early diagnosis of pregnancy, termination of unwanted pregnancies—and sterilization services.

"In some cases this will require liberalization of laws pertaining to contraception and abortion."

New Health Culture—In seeking to rally support for its world-wide population control programs, the AID document states that "family planning programs cannot be completely successful until the spacing and limiting of births is firmly inculcated in health culture worldwide."

"In order to accomplish this," the document says, "all health personnel meeting the public will have to be educated and indoctrinated in family planning, whether or not they are directly connected with family planning programs."

The AID document clearly indicates that U.S. officials are preparing to try to dictate population control policies to developing states. The document puts it this way:

"In order to overcome the inability of existing health delivery systems to provide family planning services for all, increasing assistance will have to go to developing countries, and they, in turn, will have to plan and implement realistic family planning programs, especially with regard to manpower."

AID officials also revealed that "the base of support for family planning programs will be widened during the 1970's to include ministries of government besides the health ministry.

"Ministries of planning, education, information, agriculture, and community development have important roles to play in supporting family planning programs," the document reports. "Staff members of such agencies must be educated in family planning in order that they, too, can help educate the public. There must be broadened recognition of the need for family planning and the availability of services offered."

In order to build up support for population controls in nations where there is strong opposition among the people, the AID document stresses that U.S. funds will be given to private groups "to take the risks involved in initiating programs where governments fear to tread."

Under the AID-financed programs, private medical practitioners also will be encouraged throughout the world to become involved in family planning programs.

"They must be brought into the mainstream of family planning programs," states the AID document.

Although currently most effective means of distribution of contraceptives are through clinics sponsored by governments, AID officials want this widened to include commercial channels. Their document says:

"All family planning delivery systems should include commercial channels because potentially they can give much better geographic coverage than any program has reached to date. Many countries with national policies still have laws impeding the importation and use of conventionals by high import taxes or other restrictions.

"The inconsistency of such policies and regulation is obvious, and efforts are being made to remove unnecessary restrictions and impediments to cheap and easily available conventional contraceptives."

In other words, AID has launched its own program to sell both abroad and at home the "contraceptive society". This growing worldwide society last year produced at least 34,000,000 abortions, according to figures of the United Nations.

Dr. R. A. Gallop, Professor and Head, Department of Food Science, University of Manitoba, and a leading population expert, believes the world-wide total in 1971 of abortions is closer to 100,000,000.

What the American people should realize is that the government's $100 million foreign aid population control program is helping to encourage and pay for this record slaughter of the unborn. Since it is your tax dollars, maybe now is the time to let President Nixon, AID officials, and Congress know how you feel.

A STATEMENT OF PRINCIPLES AND POLICIES ON FARM AND RURAL ISSUES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ZWACH. Mr. Speaker, the National Farm Coalition, made up of leading national producer organizations, recently met in St. Louis, Mo. and drafted a statement of Principles and Policies on Farm and Rural Issues which I believe should be must reading for every member of Congress and all others who are in policy shaping positions of our Government.

This statement of principles, if followed, would lead to the preservation of viable family farms and the development of Rural America for the well being of the entire Nation and the preservation of the private enterprise system.

Mr. Speaker, with your permission, and for the information of my colleagues and the many others who read the CONGRESSIONAL RECORD, I would like to insert this Statement of Principles and Policies on Farm and Rural Issues:

NATIONAL FARM COALITION—A STATEMENT OF PRINCIPLES AND POLICIES ON FARM AND RURAL ISSUES

Farmhouse lights are going out all over America.

The Census reveals that 427,000 farming units were closed out in the five years 1964–1969, or 13½% of all of them. Only 2.7 million out of 3.1 million in 1964 and 6.8 million in 1935 remained in 1970.

Enterprises in smaller communities are disappearing at a rate comparable to farm closures. The President's Commission on Population and the American Future recently reported that the "purpose of future investment in such areas should be to make the decline (in rural communities) easier to bear rather than reverse it."

America traditionally is a nation of widespread opportunity and private ownership. That is not only being abandoned, its abandonment is being stimulated by farm programs designed to help balance the deficits in our international trade with agricultural exports cheapened at the farmers' expense. This is accomplished by inadequate support of farm commodity prices in an otherwise managed-price economy. It is further aggravated by deteriorating transportation and public services, and unthinking surrender to a corporate-employee society in which the opportunity for individual enterprises—even farming and rural community enterprises—are greatly reduced.

The time has come for clear decision between policies which will continue the depopulation of rural America and policies which will recreate a society in which there can be widespread family farms, individual opportunities and individual enterprises.

Operators of our family farms and ranches must have parity in every respect: parity prices, parity income, parity in transportation and utility services, parity of access to capital at reasonable interest, parity in taxation including protection from the unfair competition of tax-loss farmers and corporate conglomerates now allowed to deduct farm losses from non-farm income, and parity in such public services as schools, health facilities, housing, highways, conservation and pollution control assistance.

A policy to achieve parity prices, which will reflect cost of production and a reasonable profit, and parity income which will restore individual opportunity in agriculture need not be at increased public expense.

Farm price support levels, including nonrecourse loans and payments, should be increased to not less than 90% of parity when accompanied by effective adjustment of supplies to need. The current set aside program has failed to meet these objectives, and surpluses are piling up although government costs have advanced substantially.

Production adjustment should assure adequate food and fiber for our citizens, including low income families and individuals whose purchasing power is supplemented with Food Stamps, and also including sufficient commodities for export and to give liberal assistance to the less developed nations of the world through Food for Peace and the United Nations Freedom from Hunger programs.

A Strategic Reserve of storable commodities should be established to guard against emergencies and to stabilize commodity supplies from year to year. Such a reserve can make adjustment of production to the Nation's needs possible while assuring consumers of adequate supplies at all times.

Marketing order authority should be extended to all commodities, including those for processing, and contain price provisions and production controls, and improvements in quality or grade standards when a majority of producers in any commodity support such a measure.

Current antitrust laws have not been used effectively to protect individual owner-operator farming and ranching from unfair competition by non-farm corporate conglomerates and integrators. New legislation should prohibit farming or monopolistic control of production by those corporations whose resources and income are derived primarily from non-farm sources.

To the extent that agricultural commodities are used to achieve national objectives in either domestic or international fields, the cost of subsidizing such programs should be paid, not by depressing farm prices and income, but from the public treasury as the cost of achieving the national public objective. Such programs include domestic food aid, the maximizing of agricultural exports to recapture dollars and close the dollar gap, and Food for Peace, Freedom from Hunger and other international food assistance.

International Grains Agreements must include minimum and maximum price provisions which will assure farmers of a fair and decent return. Past negotiations on tariffs and non-tariff barriers have sometimes set aside agricultural issues to facilitate agreement on industrial products. This must not be permitted in the 1973–74 negotiations. Agricultural trade negotiations must have equal priority and efforts must be concentrated on improving access to foreign markets at favorable prices rather than major efforts to influence the domestic policies of the importing nations.

Farmers' use of cooperatives and membership associations authorized by the Capper-Volstead Act of 1922 to combine their economic strength to achieve parity in dealings with other organized segments of the American economy should be encouraged and protected from interference, punitive taxation or other hindrances.

Discontinuance of railroad services in rural areas and restriction of the agricultural exemption in the Motor Carrier Act of 1935 will block instead of bringing new life to rural America. Railroads have an obligation to serve the public convenience and necessity. The agricultural exemption in the Motor Carrier Act should be extended to farm supplies and not restricted in relation to either motor carriers or barges.

Adequate public services in rural areas require adequate funding for rural electric cooperatives, power generation and transmission facilities, and rural telephone service.

The U.S. House of Representatives and Senate have each adopted rural development bills, but both are weakened by the rejection of a rural development banking system. Therefore, they must be adequately financed by the Congress and Executive if rural development is to be effective. Sound rural redevelopment must start with improved farm income. It cannot successfully be based on this misconception that thousands of small industries will appear on the countryside to provide a new economic base for rural towns. The principal industry already there—commercial family farms which still constitute the Nation's largest industry—must be strengthened. The administration of rural development programs, including REA, rural housing, and rural community loans and grants should be kept in the Department of Agriculture rather than transferred to any new urban-oriented department of government unfamiliar and unconcerned with the basic industry on which the rural communities largely depend.

The funding of rural environmental protection and conservation program should be on a scale comparable to aid given those objectives in urban areas; the ACP/REAP conservation program should be funded to the full extent originally authorized to assist farmers in correcting land and water waste and pollution.

Agriculture has a large stake in national policies on power and fuel. There should be vigorous anti-trust and other legislative and administrative action to preserve inter-fuel competition and prevent a monopoly of varied energy sources by large conglomerate corporations. In addition, a national grid system should be established to enable the rapid transfer of electric power from a surplus area to a deficient area.

The following farm and commodity organizations in approving this statement believe that the preservation of viable family farms and the development of rural America are essential to the well being of the nation and the preservation of the private enterprise system.

LIST OF FARM AND COMMODITY ORGANIZATIONS

Midcontinent Farmers Association, Columbia, Missouri.

The National Grange, Washington, D.C.

National Farmers Union, Denver, Colorado.

National Association of Wheat Growers, Washington, D.C.

National Farmers Organization, Corning, Iowa.

N. Carolina Peanut Growers Assn., Rocky Mount, N. Carolina.

Farmers Union Grain Terminal Assn., St. Paul, Minn.

Vegetable Growers Assn. of America, Washington, D.C.

Farmers Cooperative Council of N.C., Greensboro, N. Carolina.

National Assn. of Farm-Elected Committeemen, Newman, Illinois.

Farmers Union Central Exchange, St. Paul, Minn.

National Milk Producers Federation, Washington, D.C.

Southwestern Peanut Growers Assn., Gorman, Texas.

Virginia Council of Farmers Co-ops, Richmond, Va.

Grain Sorghum Producers Association, Lubbock, Texas.

Trans-Pecos Cotton Association, Pecos, Texas.

Rolling Plains Cotton Growers, Inc., Stamford, Texas.

National Corn Growers Assn., Boone, Iowa.

Soybean Growers of America, Lafontaine, Indiana.

Virginia Peanut Growers Assn., Capron, Virginia.

Peanut Growers Coop. Mktg. Assn., Franklin, Virginia.

Webster County Farmers Organization, Guide Rock, Nebraska.

Southern Cotton Growers, Inc., Dahlonega, Georgia.

Farmers Union Mktg. & Processing Assn., Redwood Falls, Minn.

National Rice Growers Assn., Jennings, La.

National Wool Growers Assn., Salt Lake City, Utah.

Farmers Grain Cooperative, Ogden, Utah.

THE TRAGEDY CONNECTED WITH DRUG ABUSE

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BELCHER. Mr. Speaker, I would like to insert in the RECORD an article which appeared in the Tulsa Tribune on June 14, 1972, authored by the Tribune's Washington correspondent, David Jones.

This article pretty well explains the tragedy that is connected with drug abuse. The comments by the father should certainly serve as food for thought for all parents as well as all citizens who are concerned with the drug culture.

The article follows:

[From the Tulsa Tribune, June 14, 1972]

A FATHER SPEAKS OF FAMILY'S LOVE FOR MURDERED DAUGHTER

RESTON, VA.—Gwen Ames, 17, was found dead on a well-lit walkway in this upper middle class community early June 4.

The initial reaction was Gwen had probably died of a drug overdose. Reston, for all its idyllic image in the television commercials, has had a major drug problem with its youth.

But a subsequent autopsy showed Gwen had been murdered, the first such victim for the town, which was founded in the mid-60s.

The feeling throughout Reston was naturally one of shock. But the horror of it was increased by the fact that Gwen had gone deeply into the drug culture, and then, upon an ultimatum from her parents, had begun to painfully and slowly crawl back toward the light.

As far as anyone can tell, and she was checked thrice weekly by Fairfax County authorities, Gwen had been off drugs for nine months. She and her parents were readjusting to each other. What had been an acrimonious family atmosphere was gradually evolving back into one of trust and love. Life had become good again. Then it was cut short.

There were, as there are in all families, things left unsaid when Gwen's life was over. Her funeral, in the Baptist Church, drew an overflow congregation that spilled through the stairwell and out into the plaza below, where loudspeakers had been set up.

At the service Gwen's father, ArBee Ames, tried to express his love for Gwen, his grief at her passing and his joy in the triumph of her last few months.

He tried to say the things that were left unsaid.

His is a statement that far transcends the bounds of any suburban community and speaks to parents and children everywhere.

The Tribune has reproduced with the family's permission the transcript as it was published in The Reston Times.

I want to take a moment to tell you about Gwen and how much we loved her. I may not be able to get through this. If I can't, I have asked Embry (Rucker, Episcopal Vicar) to finish for me. He knows what I want to say.

We spend so much of our lives behind our private masks. At least at times like these we ought to be able to share our humanity. And speak from our hearts.

When death strikes, suddenly the smallest things take on such importance. The way Gwen did the dinner dishes for us without being asked on the very day she died. I did get a chance to tell her how really pleased we were by her gesture. Because her gesture meant something special in our relationship. And my heart cries out for one more chance to tell her how very much we loved her. To tell her we got all those little signals she sent us that told us how she was coming along.

We had a special relationship with Gwen over the last year that was so intense emotionally that words seem like dry leaves in trying to describe it. Gwen had gotten pretty deep into drugs this time last year.

But she was pulling herself out of it. And she was doing just great. Every step forward, every bit of progress she made in the last few months brought such joy to us.

Perhaps to some these little signals might not mean too much. But when someone is trying to climb out of the drug culture, it means a lot.

She began to kindle some real interest in education last year, thanks to the help and care of some great teachers at Herndon High School, especially Mrs. Swicord and Mrs. Sebring and others.

She began to develop a real interest in Spanish, and she began getting "A's" in Spanish, her first "A" in high school. We talked to her about enrolling for a summer program in Mexico this summer to develop her Spanish ability, and she agreed. Last year the thought of any kind of summer school would have been out of the question. She even mentioned that she might like to become a Spanish interpreter and get a job at the U.N. or something like that.

This too was an important signal that her head was beginning to clear and she was beginning to look beyond the pleasures of today and was starting to think about her plans for the future.

A few months ago, on her own initiative, she expressed interest in taking modern dance lessons. We enrolled her in Ethyl Butler's dance program in Maryland, and she was taking lessons twice a week. She began talking about becoming a professional modern dancer, maybe on Broadway.

There were lots of other little things too. She came home from school one day and confessed that she had heard a piece of classical music that she liked. At the Spring festival she bought a print of a Picasso painting and hung it up in her bedroom, along with her Jimi Hendrix posters.

We began having dinners together as a family—something that had pretty much stopped during the drug period because of all the tension and hostility in the family.

When she died she was wearing a little Crucifix around her neck, which Rick, her boyfriend had given her just the day before. I don't know what it meant to her because we weren't a church-going family and we didn't talk about religion. But I'm sure it was part of the spark that was lighting new directions and new horizons in her life.

That's why Gwen's death is so terribly painful to Priscilla and me. Because she was making it. Because she had turned the corner. She was going uphill, not downhill.

And I want everyone of you here today to know the preliminary medical reports indicate that drugs were probably not the cause of death. We still do not know the cause. The medical authorities and police are fully investigating.

But the important thing is that Gwen's death is a reason for hope, not despair.

Over in the underpass leading to Hickory Cluster, some kid painted a sign on the wall: "All you need is drugs." But those of us who have lived with it, and those kids who have gone far beyond the first euphoric highs know what a terrible price it exacts—the price the users pay in damage to their minds and bodies, the price society pays, and most of all the grief, the sheer human agony that parents, wives, husbands and friends have to go through.

Because of all this, some people have perhaps given up hope and feel the drug problem is out of control.

But if Gwen's death has any meaning, it is as a symbol of hope. Hope to all the suffering parents whose children are involved in drugs. Hope to all the kids who are on drugs that there is a way out, that you can be what you want to be, that you can stand up and tell all those around you: "I don't care what you think. I'm going to make something out of my life." Because let's face it, the peer group pressure is there. The kids who have gotten in too deep and know they're heading downhill—the last thing they want to see is one of their friends trying to head uphill. They don't like to be reminded of the failure they are making of their own lives. The more friends they can keep in the same boat with them, the better they feel.

Everyone who has learned of Gwen's death has asked us: "What can we do?"

Two things. You can pray for Gwen. Pray that there is a heaven and she is there.

And we can all make a personal vow to do something with our lives so that Gwen's death will not have been in vain.

I don't know the answers, but there are a few things I feel strongly.

If I had a chance to start over, I would have loved Gwen more. In ways that showed.

I remember once a wise counselor who said to a woman who thought she loved her child but displayed nothing but hostility to the child in their daily relationship: "Suppose, Mrs. Jones, that every time I thought something nice about you, I scratched my knee. Would you get the message that I liked you just by scratching my knee?"

Well, I was too much of a knee scratcher when it came to showing my love to Gwen. Not Pris. She had a love for Gwen beyond belief. I kept telling myself I loved Gwen. I sometimes told my wife I loved Gwen I occasionally showed Gwen's picture in my wallet to friends to let them know I loved her. Sometimes I even told Gwen I loved her—usually just about the time I was getting set to punish her for something that displeased me.

The other big mistake I made was thinking that I knew everything I needed to know about one of the most complex and difficult tasks we face in life—raising a child from infancy to become a strong, responsible and caring man or woman.

My philosophy was: "What's good enough for my parents is good enough for me. Certainly I'm not making any more mistakes with my kids than my parents made with me."

It's obvious that philosophy isn't enough today, with drugs available everywhere and so easy to use as an escape from the hassles and disappointments that face young people as they are growing up.

All my adult life I've spent becoming knowledgeable about housing and urban affairs, about everything but becoming a good parent.

It wasn't until about nine months ago that I picked up and read a book that had a profound impact on my thinking, called "Parent Effectiveness Training," by Dr. Thomas Gordon. A little too late.

So if I can leave one thought with you, I would like to urge you parents to leave here today and show your children the love you feel for them. Help them build a sense of inner confidence and strength in themselves. If they have that inner stability, they may experiment with drugs, but I don't think they will get sucked in. Give them a chance to grow and make their own mistakes. And take a look at your priorities in terms of how much time you spend with them.

To the young people here today, I only ask that you think of Gwen from time to time, and help her death add a little bit more meaning and purpose to your own lives.

Dear God, take care of Gwen.

REVENUE SHARING FOR ARIZONA

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. UDALL. Mr. Speaker, in passing H.R. 14370 the House has taken an historic step by increasing the Federal Government's financial responsibility to our State and local governments. The legislation will return tax revenues in the amount of $5.3 billion to our State and local governments. This act creates a new relationship between these local units and the Federal Government and is designed to help keep our statehouses and city halls viable while simultaneously preserving and strengthening the federalist system of sharing responsibilities.

HOW WILL THIS HELP ARIZONA?

In the first year all of Arizona will receive $46.1 million. The State's share is a $14 million tax supplement based upon the tax effort made by Arizona. This allocation can be increased when our legislature places greater reliance on the income tax as a source of revenue.

Local governments will receive $32.1 million to be used in the area of public safety, public transportation, and environmental protection. Most of these funds will go to Tucson and Phoenix, since most citizens live there and they face the increasing transportation and pollution problems. Tucson will receive $4.1 million while Phoenix's share is $9.2 million. The original Nixon revenue-sharing program was less generous to our cities—Tucson would have received $2.6 million and Phoenix $6.3 milion—over 30 percent less than they will get under the proposal that the House of Representatives has approved this week.

Some of the most important features of this act are the safeguards which prevent State and local governments from abusing the concept of revenue sharing.

Item: States cannot reduce their assistance to local governments without losing some State funds.

Item: No more than 50 percent of a local government's revenue can come from funds provided in the act, thus preventing an unfair burden on the Federal Government's program.

Let me add one caution however—revenue sharing should not be looked at as a panacea that will solve all of the problems of the cities overnight. Local problems will still have to be met at the local level. State and local governments must take new steps to restructure and modernize their operations. The Federal Government can help, but only through local effort will the crises facing the cities be overcome. This is a modest first step in meeting the urban crisis of the 1970's.

WISCONSIN DEMOCRATS VOTE TO ABOLISH HOUSE COMMITTEE ON INTERNAL SECURITY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. REUSS. Mr. Speaker, On June 17, Wisconsin Democrats voted overwhelmingly to support the abolition of the House Committee on Internal Security, the cutting off of all funds for the Subversive Activities Control Board, and the repeal of title I of the Internal Security Act of 1950.

The text of the Wisconsin Democratic Party's resolution follows:

"Whereas certain relics of McCarthyism like the so-called 'Attorney General's list of subversive organizations,' the Subversive Activities Control Board, and the Un-American Activities Committee (under its new name, the House Committee on Internal Security) threaten us today as they threatened us in the 1950s, putting the finger of suspicion on the dissenter and the activist, supplying the John Birch Society with its propaganda;

"Whereas the House Committee on Internal Security and the Subversive Activities Control Board are idle and expensive monuments to the spirit of Joe McCarthy, the one with no legitimate legislative function, the other put out of business by the Bill of Rights;

"Whereas 69 Members of Congress, including Messrs. Aspin, Kastenmeier, and Reuss in the Wisconsin delegation, have introduced resolutions whose effect would be to abolish the House Internal Security Committee entirely, transferring those of its functions which are legitimate to the Judiciary Committee;

"Whereas our own Senator Proxmire, along with Senator Ervin and others, has acted to cut off all appropriations for the Subversive Activities Control Board;

"Whereas the Chairman of the House Judiciary Committee has introduced legislation to repeal Title I of the so-called Internal Security Act of 1950 (the McCurran Act), which provides the legal basis for the Subversive Activities Control Board;

"Whereas President Nixon's attempt to put the Subversive Activities Control Board back in business, by assigning it the task of updating the so-called "Attorney General's list of subversive organizations," has no legislative foundation, and runs afoul of the United States Constitution to boot;

"Whereas this conjunction of reasons provides a reasonable expectation that important civil liberties objectives may be achieved in the next Congress; and

"Whereas the Democratic Party of Wisconsin is under a special obligation to support the good friends of civil liberties in the Wisconsin Congressional delegation: Messrs. Proxmire and Nelson in the Senate, and Aspin, Kastenmeier, Obey, and Reuss in the House of Representatives;

"Therefore be it resolved, that the Democratic Party of Wisconsin goes on record in support of three objectives: (a) the abolition of the House Committee on Internal Security; (b) the cutting off of all funds for the Subversive Activities Control Board; and (c) the repeal of Title I of the Internal Security Act of 1950; and urges the national Party to incorporate these objectives in its platform likewise."

The resolution was introduced by David Luce, from Milwaukee's 3rd Ward Democratic unit, and carried the signatures of 24 other delegates, including three State Assemblymen. Dr. Luce is National Legislative Liaison for the Wisconsin Civil Liberties Union.

UNION CARBIDE CORP. SPONSORS HIGH SCHOOL STUDENT FOR CONGRESSIONAL SEMINAR OF WASHINGTON WORKSHOPS FOUNDATION

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. MILLER of Ohio. Mr. Speaker, a young constituent of mine, Miss Jeanette

Williams of Caldwell, Ohio, is studying here in Washington this week in the fifth annual series of the Washington Workshops Congressional Seminar. Jeanette, who just completed her senior year at Shenandoah High School, has maintained a marvelous academic and extracurricular record during her high school years.

I am especially happy to welcome Jeanette to Washington for her participation in the fine and effective Washington workshops seminar program for high school students. Jeanette's participation has been made possible by a scholarship grant under a splendid citizenship education program sponsored by the Union Carbide Corp. Each year this company recognizes outstanding merit and ability in a young person from each of their plant communities across the Nation. These students, chosen by their teachers and principals, are then presented with a full scholarship to attend the Washington workshops seminars in American government. I can think of no finer way for a large corporation to demonstrate its interest in the youth of the Nation and a commitment to the continued strength and well-being of our great Nation.

Mr. Speaker, my congratulations are extended to Miss Jeanette Williams and the Union Carbide Corp., for their true and positive involvement in the process and better understanding of our American government.

TRIBUTE TO GORDON CANFIELD

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. CONTE. Mr. Speaker, I would like at this time to pay tribute to the memory of one of my old friends, and one of our most dedicated colleagues, the late Gordon Canfield of Passaic, N.J.

During his 20 years in the House of Representatives, Gordon earned an unsurpassed reputation for integrity and commitment to the public good. I was privileged to serve with him on the Appropriations Committee during my freshman term in the Congress, and I learned much from his wealth of experience in the handling of this Nation's finances.

In addition to his wisdom, Gordon Canfield possessed an abundance of compassion, tact and understanding. I was but one of many newcomers to the House of Representatives who benefited from his kind words and unassuming instruction in the art of lawmaking.

He has been greatly missed on the floor of the House and in committee since his retirement on January 3, 1961. As a private citizen, however, Gordon Canfield continued to contribute to his community and his country.

This past March, I was pleased to join many of my colleagues and his old friends at a luncheon in Gordon's honor. At that time, Adm. C. R. Bender of the U.S. Coast Guard presented him with the Coast Guard's Distinguished Public Service Award. At that time, we exchanged reminiscences of our days in the Congress. The affection and esteem which Gordon Canfield has earned among his peers was more than evident on that occasion. It had been more than 10 years since his retirement, yet all of us vividly remembered his teachings and example.

If there were ever to be designated a Model Congressman—a man who stands out for his decency, humanity and patriotism as a guiding light for other legislators—Gordon Canfield would be an outstanding candidate for that honor.

While we in the House of Representatives will miss him greatly, I am sure that Gordon Canfield's family must be inconsolable. Our words then, can do little to assuage their loss.

Yet as I extend my deepest sympathies to his wonderful wife, Dorothy, and his two sons, Carl and Allan, I would like to express my feeling that they were very privileged to share the life of a fine human being and true American—the Hon. Gordon Canfield.

HOW TO HURT AMERICA—JUDICIAL STYLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. WYMAN. Mr. Speaker, of all the judicial baloney I have seen in recent months—and there has been a lot of it—yesterday's District Court ruling that an oath to support the United States is unconstitutional as a condition precedent to the issuance of a passport tops them all. You don't need judicial jargon to know such an oath is a proper requirement. When judges get so far afield in their ivory towers as to interpret our proud Constitution as to say it doesn't allow a requirement that American citizens wishing to travel abroad under U.S. protection shall first affirm their allegiance to the United States, they're sick, sick, sick.

This is more of a tragedy because most judges today are earnestly endeavoring to restore balance in our judicial process. Foremost among examples of this is the new firmness and direction of the U.S. Supreme Court since the departure of Earl Warren.

U.S. citizens ought never to have a judicially imposed legal right to travel under U.S. protected citizenship unless they're willing to give oath subject to penalties of perjury that they support and defend the Constitution of the United States against all enemies and will bear true faith and allegiance to same. If they will not give such oath, they ought not to be permitted a passport to foreign lands in which they quite probably in light of their indicated disloyalty would cooperate with hostile governments or their representatives against the interests of the United States of America.

Let us sincerely hope that the Appellate Courts will make short shrift of this latest harmful and pathetically naive exercise in judicial license.

The article follows:

JUDGE RULES PASSPORT OATH IS UNCONSTITUTIONAL

(By J. Y. Smith)

The State Department's practice of requiring an oath of allegiance from U.S. citizens before issuing passports to them is unconstitutional, a U.S. District Court judge ruled yesterday.

In an order accompanying a 30-page opinion, Judge Thomas A. Flannery directed the department to delete the oath from passport applications. He also "enjoined and restrained" the department from denying a passport "to any United States citizen because he has refused to swear or affirm the contents of an Oath of Allegiance."

The case was brought by the American Civil Liberties Union on behalf of Beverly A. Woodward and Allan Fletcher. Both had passports denied to them because they refused to subscribe to the oath required by the State Department.

A Douglas Melamed, an attorney for Woodward and Fletcher, described the former as a person who wished to travel to Britain to attend an anti-war conference, and the latter as a journalist whose business required him to travel abroad.

He said the objections to the oath were based on a feeling that true loyalty to the U.S. Constitution might require a citizen to oppose some particular policy of the U.S. government.

The oath in question states:

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservations, or purpose of evasion: So help me God."

The State Department allowed some variations, such as deletion of the words "So help me God."

Judge Flannery noted that Justice Department attorneys defending the State Department argued that foreign countries may try to induce Americans abroad "to act in some fashion inconsistent with his primary allegiance to the United States."

For this reason, the government argued, "no more appropriate manner can be imagined to inform the American of his legal obligation than to require him to swear or affirm his allegiance to his country."

The judge said he disagreed and added:

"Because the requirement serves to deny passports only to those who openly refuse to comply with the oath requirement, it would certainly appear to be a wholly ineffective means of preventing the travel of individuals intent upon committing acts contrary to the country's foreign policy interests."

The right to travel abroad is guaranteed by the Fifth Amendment of the Constitution, the judge said, and "no serious national purpose" is served by denying passports to persons who refuse to subscribe to the oath.

From 1861 to 1966, the government required an oath from passport applicants. In 1966, the requirement was deleted, but the oath was retained on passport applications for subscription at the option of applicants.

Last year, U.S. District Judge June L. Green ruled that the option to take the oath "unfairly discriminates against U.S. citizens." On Nov. 1, in an apparent response to Judge Green's ruling, the State Department made the oath mandatory. That action led to the case decided yesterday.

GOOD LUCK TO THE WEST TENNESSEAN

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. JONES of Tennessee. Mr. Speaker, the thriving city of Jackson, Tenn., just last week produced new evidence that it provides the healthy climate necessary for a vigorous free enterprise economy.

Beginning Monday, June 19, a new morning newspaper began publication to complement the well established afternoon daily, the Jackson Sun. The new paper, called the West Tennessean, is published by J. Frank Warmath, a well known banker, contractor, and publisher from Humboldt, Tenn.

The West Tennessean, which will appear every morning Monday through Saturday, began operations with a circulation of 17,300 and a staff made up almost entirely of persons under the age of 30. The editor is 25-year-old John Barnes. Jay Jackson is city editor, and Laura Harris edits the women's section. The night editor is William Cryer, and the sports page is edited by Ted Lewis, who at 23 is the youngest member of the staff.

Although the editorial and advertising offices are located in downtown Jackson, the paper plans to be regional in scope, rather than local, serving the whole west Tennessee area.

Earlier this spring, ABC television's Frank Reynolds did a 30-minute documentary on the city of Jackson, and in that show recognition was given to the good health of the business community. The establishment of the West Tennessean is a good indication that Jackson is indeed a thriving business center.

I certainly wish the West Tennessean well, and I feel sure that the people of the area will benefit by having two fine daily newspapers delivered to their doors.

RESULTS OF CONGRESSMAN HATHAWAY'S ANNUAL QUESTIONNAIRE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. HATHAWAY. Mr. Speaker, I recently sent to residents of Maine's Second Congressional District the results of my annual questionnaire. For the benefit of my colleagues, I would like to insert this information into the RECORD:

QUESTIONNAIRE RESULTS

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIENDS: This newsletter contains the results of the questionnaire I sent to you in March. This information will go to every household in Maine's Second Congressional District, will be sent to the President, entered in the Congressional Record for Members of the House and Senate, and released to the Maine press.

I would like to thank all of you who took the time to respond to the questionnaire. Many of you wrote letters with supplementary comments and suggestions which I found especially helpful. This kind of effort gives strong indication of the deep concern Maine people have for the problems affecting our state and our nation.

The response was very gratifying—approximately 15,000 answers were received, which is an extremely good record for questionnaires of this nature.

Once again, thank you for sharing your ideas, suggestions, and convictions with me.

Sincerely,
WILLIAM D. HATHAWAY,
Member of Congress.

CURRENT ISSUES

1. Questionnaire respondents rated the following issues in what they felt was the proper order of importance. The economy, for example, was given top priority by 28.5% of those answering question 1, while 18.3% saw the economy as the second most important issue.

[In percent]

	1	2	3	4	5	6	7	8	9	10	11
Education	6.9	8.7	7.3	10.2	10.6	12.3	11.0	10.8	9.6	9.4	3.2
Economy	28.5	18.3	10.7	10.2	7.2	6.4	6.3	5.1	3.8	2.4	1.1
Fuel and power shortage	3.5	6.5	7.1	6.9	11.3	11.2	2.0	5.0	15.3	22.4	8.8
War in Indochina	25.2	12.3	8.9	9.9	6.6	7.5	8.2	8.2	10.1	1.3	1.8
Poverty	6.1	8.2	3.4	3.4	15.3	22.7	23.3	3.3	2.8	7.8	3.7
Crime	8.4	11.5	12.0	10.5	12.9	17.7	16.7	8.7	.4	.5	.7
Unemployment	10.3	17.3	15.7	12.6	11.9	8.8	7.2	6.5	5.3	4.2	.2
Drug abuse	5.3	9.5	12.8	10.7	10.7	10.8	10.1	10.3	10.2	8.2	1.4
Pollution	7.3	7.4	11.4	10.4	11.3	11.1	8.8	11.2	11.3	8.2	1.6
Needs of elderly	4.5	5.2	10.5	11.1	9.1	9.4	10.4	15.1	12.0	12.0	.7

Note: "Other issues" suggested by the respondents varied widely, with no issue predominant.

EMPLOYMENT AND JOB SECURITY

2. Seventy-five percent of the respondents favored the passage of legislation imposing quotas on most imported goods and discouraging U.S. companies from producing abroad by eliminating a wide range of tax advantages for such companies, as a means to reduce unemployment here at home.

3. Sixty-four percent favor the increase of the federal minimum wage above the present $1.60.

CONSUMER AFFAIRS

4. On the question of the enactment of a nationally uniform no-fault system of auto insurance under which the victim of an accident recovers his losses from his own insurance company no matter who caused the accident, 74% answered "Yes" while 26% said "No."

5. Regarding the creation of a new, independent agency to set and enforce safety standards for foods, drugs, and consumer products, 64% of those responding indicated "Yes" while 36% indicated "No."

6. On the question of supporting the recently proposed Truth in Food Labeling Act, which would establish a system of grade labeling for goods (grades "A" to "E" and "substandard quality") and require that labels also disclose the ingredients and nutritional content of the product and the latest date on which it can be sold as fresh, 93% said "Yes" and 7% said "No."

ECONOMY

7. Residents of the Second Congressional District were asked to indicate their stand on each of the following options, should our economic situation worsen.

[In percent]

	Yes	No
a. Controls on interest rates	84	16
b. Reduced Government spending possibly extending to some essential services	78	22
c. Increased excise taxes on certain items such as tobacco and liquor	73	27
d. Other	(1)	(1)

[1] Varied comments, for example, reduce defense spending close tax loopholes.

EDUCATION AND TAX RELIEF

8. With regard to the distribution of $5 billion to the states for general aid to education on condition that each state bring all its school districts up to equal levels of per pupil expenditure, in line with recent court decisions against the tying of educational expenditures to local property tax returns, 73% expressed approval and 27% expressed disapproval.

9. Seventy-three percent were against the passage of a national sales tax (value added tax) to be used specifically for granting tax relief to state and local governments.

HEALTH CARE

10. Federal funding of a national health insurance plan that would guarantee low cost health care coverage to every American citizen was favored by 67%, with 33% expressing disapproval.

CHILD CARE

11. Respondents were asked to indicate which of the following alternatives best represents their views with regard to legislation to provide child care facilities for families with working mothers:

Thirty-one percent favored child care legislation for families at any income level, paying anywhere from no fee to full cost of services, according to income.

Twenty-five percent recommended child care legislation for low-income families and families on welfare, free or at low cost, according to income.

Thirteen percent called for child care legislation for mothers on welfare only, free of charge.

Twenty-nine percent were opposed to any sort of child care program.

Two percent indicated that they did not know.

THE WAR AND U.S. FOREIGN POLICY

12. Questionnaire respondents were requested to select what they thought U.S. policy with respect to the war in Indochina should be:

Twenty-nine percent recommended the setting of a definite date now for complete U.S. withdrawal of forces from Indochina assuming that agreement could then be reached on return of American prisoners-of-war.

Thirty-four percent favored the signing of an agreement with North Vietnam providing for a general cease-fire and standstill throughout Indochina, total withdrawal of U.S. forces from South Vietnam within 6 months of the signing and release of all American prisoners-of-war during the same period of time, and independently supervised Presidential elections in South Vietnam within that 6 month period, with President Thieu resigning a month before the election, as proposed by President Nixon.

Twenty-three percent indicated favoring the continuing of a phased withdrawal of U.S. troops from Vietnam, but maintaining a residual force there until American prisoners-of-war are released and agreement is reached on a military and political settlement.

Fourteen percent suggested that the U.S. maintain troop commitments and training and air strike support to the armies of South Vietnam.

13. Extending U.S. diplomatic recognition to Communist China now that it is a member of the United Nations was agreed to by 83 percent of those answering the question.

14. Twenty-eight percent said "Yes" and 72 percent said "No" with regard to the U.S. continuing to support the UN at the level of funding it has maintained in the past.

15. Supplying Israel with economic and military assistance necessary to the maintenance of a "balance of power" in the Middle East was agreed to by 53% and opposed by 47%.

16. Sixty-four percent felt the use of secrecy does not hamper American foreign policy in achieving its objectives.

AMNESTY

In response to question 17 dealing with amnesty:

Ten percent would grant amnesty without any conditions.

Thirty-three percent would grant amnesty with an alternative service requirement (Taft proposal).

Ten percent would grant amnesty, but were uncertain about requirements.

Forty-seven percent opposed amnesty.

INEQUITY IN THE SOCIAL SECURITY ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. WALDIE. Mr. Speaker, for some time I have been aware of an inequity in the Social Security Act as it relates to the denial of payment to deserving recipients who have obtained medical care from their doctors and have been certified by the appropriate Utilization Review Committee, only to be denied payment by those in the Social Security Administration who are not medically qualified for such determination. Therefore, I am introducing a bill today which provides relief to those involved in such a situation.

My bill amends title 1814 of the Social Security Act to make it clear that whenever services furnished an individual in a hospital or extended care facility are certified as necessary by a physician and approved by the appropriate utilization review committee, payment for such services under the hospital insurance program may not be denied on the ground that the level of care involved was not medically required.

A number of my constituents and residents of the State of California have experienced long delays in action being taken upon their claims pending before the Social Security Administration, only to be turned down by the Social Security Administration—necessitating severe hardship in their attempts to pay their bills from their meager savings, or forced to go into debt to pay them. Retirees are those who suffer most under these circumstances.

I am hopeful that the Congress will view this bill in the light in which it is introduced and will give favorable consideration to its provisions so that it may become law.

THE PACT RUSSIA WILL NOT ACCEPT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. DERWINSKI. Mr. Speaker, Frank Starr, Chicago Tribune Washington bureau chief, is an expert authority on the Soviet Union having covered the Moscow beat for many years.

His column on Monday, June 26, is in my judgment of special significance as we keep in mind his expert knowledge of the Soviet Union, and especially the lack of individual freedoms for its citizens.

The column follows:

The Pact Russia Will Not Accept

(By Frank Starr)

Washington.—In case there is any doubt about where the line was drawn in the change of Soviet attitudes that produced a Moscow summit and strategic arms agreements, we had a good demonstration of it a few days ago.

To most Americans, with the possible exception of a few Tribune readers, it passed without notice.

For hundreds of millions of people living in Eastern Europe and the Soviet Union who have the most to gain from a new relationship between Moscow and Washington, there is little hope of direct benefit.

MAY GET WORSE

On the contrary, things may get worse.

The dread midnight knock on the door ended in Russia when Stalin died in 1953. But in the enlightened Russia of 1972 they don't even wait until midnight. They knocked on Pyotr Yakir's door the other day at 30 minutes past noon and took him away because he said publicly and repeatedly that Soviet authorities do not observe Soviet law in dealing with their own citizens.

Yakir was a leading member of a loose group of intellectuals who, in a general sense, may be said to have played a role in the greater awareness of Western ways and living standards among Soviet citizens. It is an awareness credited by some with creating the economic pressure which led to a limited domestic reassessment of economic priorities and, hence, a decision to broaden economic and other contacts with the West.

It is not likely that the cause and effect chain is that simple or direct, but that a gradually awakening Soviet citizenry has had some effect on the Kremlin is clear.

That's why it was interesting but little noticed during the Moscow summit that Pravda insisted that, despite a U.S.-Soviet detente, the "ideological struggle continues as before," and why some American diplomats were disappointed that in the orgy of agreements one of the most obvious candidates for agreement—information policy—was missing at the end.

The U.S. has made repeated representations to the Soviets for years to stop hounding American correspondents in Moscow, to stop jamming Voice of America broadcasts, and to allow free sale of American [our Russian language magazine sold there by agreement], to allow a flow of American-written information about America into Russia equalling that of Soviet-written material about Russia that flows into the United States.

While it has been suggested that this may be a subject of discussion at a coming European Security Conference it is hardly likely that the Soviets will budge much on such a issue because it comes directly to the heart of what they call the "ideological struggle."

But more importantly, it comes to the heart of the intellectual honesty with which the Soviet leadership is willing to confront public problems. While one may argue that the Soviets have honestly assessed the need for a new relationship with the West, that is simply untrue. It is not honesty but pragmatism that produced the new assessment.

Accordingly, it is naive to believe that if the leaders of two adversary states could only communicate directly and clearly with one another, an understanding between them must necessarily follow.

If Yakir represented such a threat to the Soviet leadership as to merit the dreaded knock on the door when the Soviet constitution protects the right of free speech, what can one expect from Soviet leaders with regard to international committments?

WHAT HE WASN'T

He was not giving away government documents as Daniel Ellsberg says he gave away U.S. policy studies of the Viet Nam war nor as Jack Anderson published secret transcripts of top-level policy discussions.

Neither was he a devoted revolutionary publicly committed to the reordering of the state and economic structure as is Angela Davis.

As Russia's new relationship with the West has practical effects at home and abroad, both Americans and East Europeans—including Russians—may ask themselves how different the present leadership is from Stalin.

ISRAEL—A MODEL OF EDUCATIONAL ACHIEVEMENT

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BELL. Mr. Speaker, on May 4, 1972, the U.S. Commissioner of Education, Dr. Sidney P. Marland, delivered an excellent speech before the National Academy of Education.

In an effective description and analysis of the problems which we must overcome to improve our system, he realistically evaluates those shortcomings to which we must turn our attention.

At the same time, however, Dr. Marland recognizes the accomplishments of our own educational system, and is justifiably optimistic. I believe, in his predictions of successes that will come for our efforts for reform. He points to the outstanding educational advances of the State of Israel from which the United

States can learn a great deal, especially in the areas of early childhood development and career education.

He gives tribute both to Israel's programs and to the attitude which that country has established toward education in general. We can benefit greatly from the experience of other nations, and Commissioner Marland's example of Israel is indeed well-chosen, perceptively analyzed, and extremely noteworthy.

I commend this speech to the attention of my colleagues as a truly fine expression of how American education can change and where we can look for tested methods of implementing such reform:

ISRAEL—A MODEL OF EDUCATIONAL ACHIEVEMENT

(By S. P. Marland, Jr.)

Later this month, as many of you know, the proud State of Israel will celebrate its 24th anniversary. Therefore, it is a special privilege, Dr. Cremin, members of the Academy and distinguished guests to join with you tonight in honoring Dr. Yigal Allon, who as a brigade commander in 1948 was one of the military architects of Israel's rebirth. Today, he finds himself in a different kind of battle, one that is as decisive for the growth and development of the new State as the struggle a quarter of a centry ago was for its very existence.

Dr. Allon, I understand that not only do you wear the hat of Minister of Education but also that of Deputy Prime Minister. As U.S. Commissioner of Education, I can well sympathize with the heavy burdens of dual responsibility you surely endure. Frankly, I have all the problems I need, and then some, trying to manage the house of education, but doing that and also serving as Deputy Prime Minister must demand, I would judge, the wisdom of Solomon, the political finesse of Golda Meir, and a good many of the tactical skills developed in your earlier career.

Dr. Allon, you and your government have somehow managed in a brief span to work education miracles that are of special interest to me and to the members of this Academy for we are all deeply concerned with the promotion of scholarly inquiry concerning education here *and* abroad. To a rather surprising extent, your successes have been attained in areas that are of special interest to American Education at this particular moment in history. Let me cite but three of our critical, mutual concerns—early childhood education, education of diverse disadvantaged groups, and programs for career development.

In the area of early childhood education, Israel recently made kindergarten free and compulsory for all five-year olds. We still have only about three-quarters of our children here in kindergarten. What seems even more remarkable to me is that Israel has mustered the will and resources to provide preschool programs for more than half of all disadvantaged three-year-olds, most of them non-Western in origin. Not only that, but your goal is to reach all disadvantaged three-year-olds with preschool classes in the immediate future. Also worth noting is the fact that in communities with large disadvantaged populations, there are day centers that accept children almost from birth. Likewise, in the justly famed kibutzim, and in the lesser known but equally significant moshavim, or cooperative villages, infants are placed in day care or early childhood development centers. A United States House select subcommittee on education that visited Israel two summers ago noted that the facilities for preschool programs were well-staffed and well-operated. "We found," the report stated, "that preschool children seem to use tools and equipment which most Americans would consider too sophisticated for two-to-four-year-olds." I am not suggesting that your system is a perfect model for us, but it is clear that Israel's work in preschool education deserves the most thoughtful attention and analysis in terms of our own needs.

In the second great area of our mutual concern—education of the diverse and disadvantaged—Israel has an especially marked success. Israel has of course attracted an influx of immigrants from undeveloped neighboring and distant regions, people whose traditional cultures have placed them at a disadvantage in contributing and competing in a modern, technological land. The scale of the problem is immense. Consider what our condition in this country would be if *half* the American people in this generation had come to the United States as immigrants and with backgrounds and cultures, moreover, that had little or no relevance to our society. Israel's answer to this stunning challenge is a whole battery of educational experiences that start in the day care and preschool programs we mentioned, and continue in the form of specialized programs through elementary and secondary schools, the military and adult evening classes. For elementary school disadvantaged children, for instance, there is an extended school day program involving special tutoring, recreation and athletic programs, and instruction in cultural heritage (which contrasts interestingly with our own long-established and recently lamented practice of rejecting and eventually destroying non-majority cultures). In the military, basic language and skill courses are available to youngsters who come to Israel as teenagers with virtually no formal education. For the adult immigrant, there are the intensive language centers and courses aimed at fostering their integration into the mainstream of society with as much rapidity as possible. The effectiveness of these multi-faceted efforts can best be measured, in my opinion, by the remarkable sense of identity and purposefulness most Israelis have, in addition to basic cognitive skills, irrespective of cultural and national background.

The third area of Israeli educational achievement, I would mention tonight, certainly has special interest to those of us in the Office of Education. It is career education—which, as you may be aware, is now the number one priority of OE. Career education is not necessarily a new idea. In fact, it was one of the greatest of Jewish scholars, the Rabbi Maimonides—philosopher, physician, mathematician, and theologian—who counseled as follows in the 13th century:

"Anticipate charity by preventing poverty; assist the reduced man by teaching him a trade; and putting him in the way of business; so that he may earn self-respect and a livelihood and not be forced to the dreadful alternative of holding out his hand to charity. This is the highest step and the summit of charity's golden ladder."

To quote something more contemporary, I would refer again to the special subcommittee on education that visited Israel. The group commented that:

"Members of the subcommittee were impressed by the fact that all the high schools we visited, whether rural or urban, had a strong vocational-technical component. We observed, in several different geographical and cultural settings, young people, age 14 and 15, at work on expensive metal lathes or doing relatively difficult tool and die exercises.

"We also felt it significant that nearly *all* vocational technical secondary schools are actually comprehensive high schools. In no instance did we visit a school described as a 'vocational school' in which vocational training was any more than a *part* of a comprehensive secondary education."

Well, here again, much as I respect and admire their accomplishments, it's a little disconcerting to find that Israelis at this early stage in their development seem to be attaining an educational goal that is largely only a gleam in our eye. In providing a comprehensive secondary school system, Dr. Allon, you are enabling your youngsters to qualify for good jobs upon graduation or postsecondary education and training, and, what is virtually as important, to choose their own future rather than having it thrust upon them. This strengthening of skills and broadening of choice are precisely what we're trying to do in the development of a viable career education program in the United States. Our need is to alter drastically the situation which prevails today in which millions of our youngsters emerge from high school and college—either as graduates or dropouts—with a general or liberal arts education, and with virtually no skills to offer in the workaday world. Clearly, Israel's career education activities are deserving of our most intensive scrutiny as we seek in this Nation the same modernity, the same utility, the same sort of results that are distinguishing your efforts.

Israel could hardly have a minister of education more sympathetic to the career education concept than Dr. Allon, particularly to the idea of flexibly leaving and re-entering the system at one's inclination and need, rather than as the result of a rigid predetermination. Dr. Allon's personal experience proves the wisdom of the approach, having entered the Army as a youth—temporarily terminating formal education at that point—and later resuming studies at Oxford. Dr. Allon returned to education when he *needed* to return and *wanted* to return, and my vision of career education in the United States includes the exercise of such free choice on an unlimited scale.

But, even recognizing your achievements in these difficult areas I have cited, it strikes me that we can learn the most from Israel in analyzing the means by which you have managed to build a sense of public confidence and faith in your educational system. On that score, the House subcommittee commented in very favorable terms, "Everywhere we visited," the report notes, "people told us: 'Education is the key to the survival of Israel.'" I likewise believe that education is the key to survival of the United States, if not quite in the physical sense, certainly in the sense of evolving the kind of society that not only assures growth and development but also guarantees humaneness and justice. Surely without a society answering that description, the United States could not be described as having survived in any accurate sense. Therefore, I would like to take a few moments more to lay before you the general condition of disaffection that unquestionably exists between the educational system of the United States—preprimary through graduate school—and a rather large segment of its citizenry, and to elicit from you your views, and thoughts, and ideas as to the steps we must take in every part of the educational enterprise to make it once again trusted implicitly and supported willingly and even enthusiastically.

Probing the seemingly mysterious, elusive, and often fickle ways of public opinion can be like looking for a black cat in a dark room. Yet somehow we must deal with this issue of how the various groups, and individuals, and organizations that fall under the overall heading of "public opinion" view this basic institution of ours that is so fundamental to the successful operation of all the others. Admittedly, we have little specific data on which to make a careful analysis of the whys and wherefores of public distrust of the schools. We do know, though, that bond issues are routinely shot down, tax levies are rejected, bitter confrontations are the norm at board meetings, and students—at all levels of education—are in rebellion against many of the forms and standards of instruction that in the past both served the needs of the country and at the same time allowed for personal fulfillment and profit. Members of this Academy are certainly proof of the latter.

Yet we must deal with the reality of the criticism, some of which unfortunately has more than just a ring of truth. We would be remiss, for instance, if we failed to acknowledge that years after, and billions of dollars later, a commitment to turn around ineffective inner-city schools has not been fulfilled. Of course, there are individual urban districts and schools to which we can point with pride, but they are the exceptions that underscore our fundamental lack of success. However, if we gamely accept the brickbats of failure, then the orchids of success should also be ours. Statistics show, for example, that black enrollment in colleges and universities more than doubled during the decade of the 1960's and totals nearly a half-million today, and that all manner of educational opportunities are opening in significant volume to the hitherto shamefully treated minorities of America. In 1970, it should be noted, a larger percentage of blacks were enrolled in higher education in the United States than were all races enrolled in higher education in Western Europe.

Statistics of this kind, however impressive, are understandably of small comfort to all those who have been failed, and who still *are* being failed, by our schools. So I think it not unnatural for us to receive criticism from the media, from our books, and from the mouths of scholars such as yourselves who find the system wanting. In the time-honored but, in this instance, valid cliche of public speakers, much *has* been accomplished, much *remains* to be done. Education, after all, if not a many-splendored thing, is indeed a many-faceted institution. And if we are to be judged fairly, then our objectives and aspirations must be laid out clearly, so that the public has at least an even chance of properly evaluating the extent of our accountability or, if the case can be made, culpability. The Office of Education does have today a clearly defined set of objectives, three of which I mentioned earlier. The others, as you probably know, are Right-to-Read, improvement of education of the handicapped, encouragement of innovation, and better management of all these and other educational activities that the Federal Government is engaged in.

We recognize, quite naturally, that in being very specific about our goals, we are setting ourselves up for more of the same type of criticism in the future that education is currently receiving. But what is criticism, after all, but a measure of the concern and interest people have that an individual or an institution perform to fullest expectation? In education criticism is, at least in part, an honest-to-goodness expression of just how well we have performed in the past in sending forth from our schools and colleges thoughtful and insightful people who manifestly care about what is happening to their kids in classrooms. You are all by now familiar with the poised, articulate, and knowing young men and women who can, at the drop of a hat, take the system apart, and through such performances unconsciously provide a very accurate testimonial to the good quality of their own educational experiences. So we know we have done something right despite the sound and fury. And the more they come down on us and our efforts, we should recognize the more they're rooting for our ultimate success.

In the meantime, we in the profession must accept the judgment of our publics, including, of course, this Academy and the scholarly community of educators it represents. We need your criticism, and we need your wise and practical counsel. We also need to benefit from the insights and experiences of educators outside this country—from Israel and undoubtedly from many other nations. But we must determine precisely how we are to take advantage of *their* models in meeting *our* needs. How do they have to be modified and shaped for the American setting? What about our objectives themselves? While they are not immutable, we do happen to believe that they meet the needs of our time. But perhaps there are other, more significant goals that need to be proclaimed. And how do we restore the faith we and our fathers had in education as the best vehicle for not only enhancing our society but the lives of each individual?

I realize that these are elemental, nagging questions and that we have been groping for the answers in one way or another for about as long as the educational establishment has been in existence. Yet I ask them again today because it seems to me that we have a better chance of finding satisfactory answers today than ever before. And while I realize the difficulties entailed—we are not, for example, doing very well in our search for the best ways to educate the poor, or to overcome physical or mental handicaps, or to channel the talents of the gifted, and so forth—yet I must stress that my stance is basically one of optimism. As Larry Cremin said recently, "Men and women without hope do not choose to study and teach. It is the very essence of education," he continued, "to look up from the blackness and try to see the stars. And if it makes us sometimes seem a bit foolishly optimistic, I am more than ready to answer the charge."

As for myself, I too am ready to answer the charge of foolish optimism. For I do not believe it is foolish to hope and believe that education can be made to match even a typically large American expectation. Or to overcome a physically small but educationally difficult condition that one would encounter in Israel. I do not expect that education will create a millenium in its own terms, a time of perfection when men and women will receive from teachers and schools precisely what they want. For normal expectations must always reach beyond reality, and schools must always—in that sense—fail. It is simply my purpose to try to make that margin of failure as narrow as possible.

"MASS-PORTATION"—A NEW CONCEPT IN MOVING PEOPLE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BROOMFIELD. Mr. Speaker, at the recent Transpo 72 exhibit a firm from my home in Oakland County, Mich., demonstrated a new and revolutionary idea for the mass transportation of people. The system, called Mass-Portation, is being advanced by United Technology, Inc., of Southfield, Mich. I found this system to be a refreshing and innovative approach to the crisis of urban transportation.

Mr. Speaker, the problem of urban mass transportation is upon us. Nothing we say either now or in the future will make it go away. The movement of mass numbers of people from one part of a city to another, or from the center of the city to outlying areas, or vice versa, has been debated, planned, designed, and in some instances financed at great costs to the taxpayer.

All concepts I have known anything about, and those shown at Transpo 72 a few weeks ago, are a result of updating and modernizing existing modes of the movement of people.

"People movers," are so new that an actual system for the mass movement of people from within and without any city has yet to be completed.

Mass-Portation is recognized by officials at the Department of Transportation as the only real "new" system they have seen. Mass-Portation is a constantly moving "people mover," powered by electric linear induction motors. This eliminates the need for bearings, and practically eliminates all noise. There is no emission of fumes to cause pollution.

Mass-Portation will move along at 30 miles an hour without stopping, while a moving conveyor or loading platform alongside the car brings people to the 30-mile-an-hour speed for them to conveniently step aboard. The car never stops. Each loading area loads similarly at every 1,300 maximum feet apart.

A somewhat conventional system presently nearing completion with a seating capacity of 18,000 passengers is reported to cost $1.5 billion, giving it a per-seat cost of about $83,000. Mass-Portation would cost about $1,000 per seat for the same distance and for the same amount of construction below and above ground. That is where the big saving in cost is made.

Here are some of the advantages of Mass-Portation as the answer to the Nation's mass transit problems:

First, the system is amazingly simple. There are no computers to lose memory and foul up the machinery.

Second, no lost time in loading. The main conveyor never stops.

Third, loading and unloading is easy because this can be accomplished all along the system. The loading and unloading conveyor stops every 1,300 feet.

Fourth, it is safe. There are no exposed pits or high voltage third rails.

Fifth, it is clean, attractive. It is air-conditioned in the summer and heated in the winter. There is no place trash or dirt can accumulate.

Sixth, it is quiet. The system moves on plastic grooved wheels, that move along on plastic track, eliminating the noise from metal wheels on metal track.

Before going into mass transportation for our cities, I hope transportation and city government officials will look at Mass-Portation. I think it is an answer to their need for the best possible people mover at the lowest possible cost.

HERITAGE '76

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mrs. HANSEN of Washington. Mr. Speaker, there is a great deal of discussion about what the ARBC is doing, has done, and proposes to do relative to the historic commemoration of the American Revolution and the Declaration of Independence and, as I briefly pointed out on the floor the other day, there is an ARBC Heritage Committee headed by the very distinguished gentleman from Pennsylvania, Mr. James Biddle, who is president of the National Trust for Historic Preservation. On his committee are the following: James Biddle, chairman; Dr. Paul Smith, vice chairman; Senator Harry Byrd; Ann Hawkes Hutton; Dr. Richard McCormick; Rogers C. B. Morton, Secretary of Interior, ex-officio; Quincy Mumford, Librarian of Congress, ex-officio; James Rhoads, Archivist of the United States, ex-officio, and Frederick Seaton.

Noted below is this committee's statement of principles and purposes and advisory panels, also a May 22, 1972 report:

HERITAGE '76: A STATEMENT OF PRINCIPLES AND PURPOSE

"The heritage of America embraces the whole country. It is the substance of our collective memory. The Bicentennial Era is rich in historic events to be commemorated and provides opportunity for direct citizen participation in examining the heritage and values of this nation.

"The Bicentennial is the anniversary of these first two hundred years of growth and development. Though this nation is now troubled by both ancient and modern problems of human society, the Commission first urges an examination of our country: its heritage and values. . . . We have faced countless problems and have continued to function and grow under our establishing Constitution longer than any other contemporary nation. This heritage of acting, or change, and of willingness to change will carry America forward to its third century." (*Commission Report to the President*, 1970.)

"Heritage "76" is one of three themes adopted by the ARBC for the 200th anniversary of the American Revolution in 1976. The other two are concerned with developing a nationwide program to encourage widespread visitation and participation in the Bicentennial by citizens of the U.S. and other countries, and a forward-looking program to celebrate the nation's heritage by improving its democratic processes and conditions of life.

The Heritage '76 Committee is the principal arm of the ARBC for evaluating and proposing Bicentennial programs in the Heritage area. It is responsible for recommending ARBC approval of Heritage programs to be included in the National Bicentennial Program, and for assisting State and local Bicentennial Commissions with the development of their Heritage programs. It is responsible for Heritage programs conducted by the Commission in conjunction with other nations, individuals and groups in other countries.

The Committee is authorized to establish standing advisory panels to provide advice on a regular, continuing basis, as well as ad hoc advisory panels which are to function as needed. It has the authority to employ consultants for special assignments related to the development or evaluation of programs.

DIMENSIONS OF THE PROGRAM

A primary emphasis of the Bicentennial Commission in the anniversary program will be on improving the quality of American life. A goal and responsibility of Heritage '76 will be to reinterpret and reaffirm the values of the Revolution.

Heritage '76 is concerned not only with the past but also with the present and the future. It is as interested in the continuity and contemporary validity of those ideals. It is as much concerned with the present state of our national inheritance as it is with the events which led up to the Declaration of Independence and the Constitution.

Heritage '76 recognizes that the American Revolution is a permanent process of renewal, change and improvement in American life; that political institutions and forms of government, as well as all the agencies of social responsibility, must reflect the times, and adapt to changing needs; that in 1976, as in 1776, social, economic and political systems must serve the ultimate purposes of a democratic nation to free men from tyranny and oppression, from injustice, from human deprivation and the denial of human rights, and from the degradation and destruction of the natural habitat and the social environment. The American Revolution is a continuing revolution, and the "pursuit of happiness" a continuing quest.

HERITAGE CONCEIVED AS CULTURAL UNIQUENESS

The Heritage '76 program is conceived as that aspect of the Bicentennial program which will be directly concerned with the values, laws, institutions—beliefs and achievements, or cultural heritage, of the American people.

Yet for purposes of commemorating the anniversary of the American Revolution, there is a fruitful way of defining the cultural aspects of the American heritage, one which will give both focus and meaning to the celebration of not only the birth, but also the growth and development of our country. It will be viewed in the specific sense of cultural uniqueness—those characteristics of our nation which were considered distinctive and significant at the time of its founding, and are still regarded as being the essence of "the American way of life."

The Commission, in this vast and varied country, should seek to establish a heritage program which recognizes the many differences and perspectives involved in celebrating the anniversary of the Revolution. In the thirteen original states, for instance, the heritage program will be different than in other states. Similarly, the perspectives of minority groups may differ substantially from those of majority groups in the society. Heritage '76 will take these differences into account in the development of the national program.

The American Revolution belongs to all Americans, and each must interpret it individually. Neither the Commission nor any other group can legitimately claim to be the only spokesman for the principles of the American Revolution and their relationship to contemporary society.

There are, however, values and traditions which should be common to all Americans. These are the tradition of elective, representative government; the tradition of law, of due process, of justice; the tradition of equal opportunity; the tradition of free speech and press, freedom of assembly, freedom from fear and want; the tradition of personal privacy; the tradition of respect for human life and the rights of others. They can be celebrated with all of the variety, spontaneity, and vitality of which Americans are capable, and in a manner and style which do credit to the occasion.

We have not always been unswerving in building these traditions within the framework of our ideals; however, the Bicentennial should serve as the occasion for examining how we can better attain the original goals and purposes of the American Revolution.

PRESERVING THE PAST

To stimulate the preservation of the remaining tangible evidence of our past—the districts, sites, buildings and objects significant in American history and culture—and to sharpen public awareness of the need for this will be one of the principal goals of Heritage '76.

An increasing number of Americans are beginning to realize that the past need not necessarily be past, that the past has not only brought us where we are, but that it can continue to serve our contemporary needs and to enrich our environment. When they grasp what is implied in the statement that almost half of the 15,000 structures in the U.S. officially declared to be of historic or architectural significance have been destroyed during the past 30 years, they are ready to act to stop this wanton plunder.

Building on the work done by the National Trust for Historic Preservation, the National Park Service and many state and local organizations, Heritage '76 will make every effort to reach this vast reserve of preservation sentiment and offer Americans the means to organize their preservation efforts. There can be little doubt that they will respond positively to a realistically planned program geared to community requirements.

Historic records of government, particularly in states and counties, are also yielding to the vicissitudes of time and neglect, and to abuse by those who lack a sense of history. Only in recent years have steps been taken to preserve and to utilize more effectively the remarkable collections of historic records on the revolutionary period which are available in the United States. There is, for example, a vast collection of official papers on the Continental Congress, but only small portions have ever been published, and the collection was not even microfilmed until a few years ago. Moreover, the papers have never been adequately indexed, and this limits the utility of the microfilms. By 1976, however, after a lapse of 200 years, the papers will finally become fully available when the National Archives, as a basic part of its Heritage '76 program, completes a comprehensive index to the collection.

In addition, the Archives, through the National Historical Publications Commission, is assisting with the preparation of definitive editions of the papers of Washington, Franklin, Jefferson, Madison, Hamilton, John Adams, and hopes to aid in the publication of papers of other leading figures of the period of the Revolution. These projects will fill a long-standing need in the study of the founding of the United States.

The Library of Congress, which has in its collections the most extensive collection of private historical source materials in the country, is preparing, as a Bicentennial project, guides to the manuscripts, maps, broadsides, prints, music, and the like relating to the American Revolution (1765–89) that are in its custody. It is also collecting copies of the Letters of Delegates to the Continental Congress and the Congress of the Confederation for editing and publication in some 20–25 volumes.

Simply stated, Heritage '76 will be concerned with what Americans can see, touch and feel of their historic past, with the houses, churches, bridges, parks, documents and decorative objects that form the heritage of their manmade environment.

CONSERVING THE FUTURE

Our national heritage consists of our democratic philosophy, our political and other social institutions and traditions, our historic places, records and artifacts—in short, our culture. But there is another dimension, which is an essential aspect of a program commemorating the American Revolution. This is our *natural heritage*—the natural wonders of which we once could sing—"America the Beautiful . . . . from Sea to Shining Sea." Two hundred years ago it was unspoiled wilderness, one of the most magnificent and abundant lands in all of nature. Today, while still beautiful and abundant in part, it is suffering from the unthinking devastations of man.

At a time when all Americans are becoming conscious of the relationships between man and nature, between the human social world and the other living and nonliving systems in our ecosystem, it is appropriate, therefore, to define "heritage" as including our natural heritage.

Just as political systems must remain vital and valid if they are to survive, so natural systems must continue to support the environment required for social existence. If our natural heritage is to continue to sustain our society, and if our descendants are to inherit a healthy, natural and physicial world, we must carry out our responsibilities to strengthen, protect and preserve that natural inheritance. We must defend our environment against further abuse, as well as to correct the misuses which are evident in every part of the country.

BROADENING DEMOCRATIC BELIEFS AND INSTITUTIONS

The nation's 200th anniversary comes at a time when many of its citizens question the efficacy of its policies, and even the validity of its institutions. Therefore, it is fortuitous that the Bicentennial should coincide with the re-examination of the values and premises of the democratic process. The Heritage '76 Committee will seek ways of encouraging discussion of the values and principles of American democracy, the possibilities for improving the democratic process, our laws and institutions, and the uses made of our resources. If it is to have meaning for the multitude of Americans who are searching for goals and purpose in their lives and in the national life of their country, the Bicentennial will serve as a time of reconsideration and reaffirmation; of reconstruction, rather than the mere celebration of historical events; and above all, of renewal and rededication to making this a country worthy of the aspirations of its founders and responsive to the needs of all of its citizens.

HERITAGE '76 COMMITTEE ADVISORY PANELS

Historic Conservation Panel: American Association of Museums, American Institute of Architects, American Institute of Interior Designers, American Institute of Landscape Architects, American Institute of Planners, American Society of Civil Engineers, The Garden Club of America, National Trust for Historic Preservation, Society for American Archaeology, Society of Architectural Historians.

Commemoration and Convocations Panel: American Academy of Arts and Sciences, American Antiquarian Society, American Association for State and Local History, American Historical Association, American Philosophical Society, American Political Science Association, Daughters of the American Revolution, Phi Beta Kappa, Sons of the American Revolution. United States Capitol Historical Society.

Publications and Research panel: American Association for State and Local History, American Historical Association, American Political Science Association, Association for the Study of Negro Life and History, Institute of Early American History and Culture, National Historical Publications Commission, Organization of American Historians, Society of American Archivists.

The first meeting of the Heritage '76 Program Committee of the ARBC, chaired by James Biddle, President of the National Trust for Historic Preservation, was held in Washington, D.C. on December 10, 1971.

All but two members of the Committee were present at the meeting. The Committee discussed the Heritage '76 Statement of Principles and Purposes; the establishment of three advisory panels: a) Historic Conservation, b) Commemoration and Convocations, and c) Publications and Research; and the selection of organizations to serve on those advisory panels. There was a minimum of four months work required in contacting appropriate individuals and organizations leading to the creation of the Heritage Advisory Panels. These panels were created to provide the program committee with needed advice and expertise for recommending historically oriented programs to be developed by the Heritage Committee and the ARBC. The Heritage Committee also agreed on the necessity to encourage participation in the Heritage program by as many appropriate and concerned groups as possible.

The first meeting of the Heritage '76 Advisory Panels were held in Washington, D.C. on February 10th and 11th, 1972. Those present at the meetings are indicated in Attachment B. Among the proposals discussed by the Historic Conservation Advisory Panel was an archeological site conservation action program for junior and senior high school students encouraging them to investigate their own local heritage by making historical base maps, inventory historic artifacts and tape record conversations with senior citizens to establish a sense of identity for young people with their communities. Each representative serving on the Historic Conservation Panel was encouraged to compile a list of projects that his or her organization thought should have the highest priority during the Bicentennial Era. It was recommended that the preservation of historic buildings be emphasized and the study and contribution of the immigrants that settled each locality or region be recorded.

The Commemorations and Convocations Advisory Panel representatives discussed the proposed Bicentennial plans and programs of their respective organizations. Mention was made of the many activities and programs underway or being planned at the local and State levels and of the need of close coordination on the part of the Heritage '76 Committee and the Commemorations and Convocations Advisory Panel in developing Bicentennial Commemoration and Convocation plans.

The Publications and Research Advisory Panel recommended that the ARBC establish a joint Federal-State, public-private program to locate, identify, preserve, and make available the historic records from state and local sources throughout the United States. Resulting from this was an invitation from James Biddle, Chairman of the Heritage '76 Committee for the formation of an ad hoc committee of the Publications and Research Advisory Panel, consisting of Dr. Bartholomew Cox, representing the American Society for Legal History (Chief, Center for the Documentary Study of the Revolution); Dr. Daniel P. Jordan, representing the Organization of American Historians (Department of History, Virginia Commonwealth University); Dr. Charles E. Lee, representing the Society of American Archivists (Archivist of the State of South Carolina); Dr. Edward Papenfuse, Jr., representing the American Historical Association (AHA staff member); Dr. Samuel S. Silsby, Jr., representing the SAA (Archivist of the State of Maine); Dr. James Morton Smith, representing the American Association for the State of Local History (Director, Wisconsin State Historical Society); Dr. Clarence L. Ver Steeg, representing the American Historical Association (Department of History, Northwestern University, and Chairman of the AHA Committee on the Bicentennial); Dr. Richmond D. Williams, representing the American Association for State and Local History (Director Eleutherian Mills Historical Library, Greenville, Delaware); Dr. James E. O'Neil, Deputy Archivist of the U.S. This ad hoc committee met on April 11, 1972, in Washington, D.C., to discuss a proposal for establishing a National Historic Records Program as a major Bicentennial project. In essence, the NHRP as a companion program to that for historic structures and sites which was created by the Historic Preservation Act of 1966, would involve the creation of appropriate mechanisms and principles for making matching grants to assist States, communities, groups, institutions and individuals in locating, identifying, preserving, making available and developing better utilization of the nation's historic records.

The group agreed that the NHRP would be submitted to the Heritage '76 Committee of the ARBC for its approval and support and that it then be presented to the full Commission for its approval and that the NHRP then be submitted to the President and Congress for appropriate action.

The second meeting of the Heritage '76 Program Committee was held in Boston on May 15, 1972; all members were present but one. The Committee adopted the Heritage '76 Statement of Principles and Purposes.

The Heritage Committee voted unanimously to approve the proposed NHRP Mr. Biddle presented the NHRP to the full Commission. Dr. Richard P. McCormick, a member of the ARBC and the Heritage Committee, introduced Dr. Alexander Wall, President of the American Association for State and Local History; Dr. Thomas Cochran, President of the American Historical Association; Dr. T. Harry Williams, President of the Organization of American Historians; Dr. George L. Haskins, President of the American Society for Legal History; and Mr. Charles E. Lee, President of the Society of American Archivists, who discussed the National Historic Records Program and its relationship to the Bicentennial. The ARBC unanimously adopted a resolution introduced by Mr. Biddle, recommending the NHRP be an official ARBC program and that it be submitted to the President and Congress for appropriate action.

The Heritage Committee also agreed to add the National Conference of State Liaison Officers to the Historic Conservation Advisory Panel, and the American Council of Learned Societies, the American Library Association, the American Society for Legal History and the American Studies Association to the Publications and Research Advisory Panel.

Also, at this meeting, the Heritage '76 Committee directed the ARBC staff to send the Heritage '76 Statement of Principles and Purpose to all individuals and organizations who were thought to be interested or concerned with the historical aspects of the Bicentennial. The staff was also directed to send out letters encouraging participation in the Bicentennial by all National Veterans' groups, Patriotic societies, and hereditary and service organizations. These letters will, in addition, encourage the creation of an informal "Patriotic and Service Congress" to keep the ARBC advised of current Bicentennial plans.

Among other proposals, it has been recommended that State Bicentennial Commissions be requested to compile an annotated bibliography of historical publications being developed or published within the State in connection with the Bicentennial. The ARBC plans to publish periodically a national compilation of these bibliographies.

In addition, Federal agencies are well underway in their plans to commemorate the Bicentennial.

HAROLD V. EASTMAN, SAN JOAQUIN VALLEY'S "MR. WATER"

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. JOHNSON of California. Mr. Speaker, the career of one of the greatest advocates of the development of our God-given water sources in San Joaquin Valley came to an end a few days ago with the passing of Harold V. Eastman of Chowchilla.

"Judge" Eastman, as he was fondly known by people from throughout the State, was also identified as "Mr. Water" in that area of the Golden State which he served so well. Many of us here in Congress, and especially those serving on the Public Works Appropriations Subcommittees will recall this quiet, dignified gentleman, who came to testify concerning the needs of the area he served so well. His testimony, as was his management of the Chowchilla Water District, was efficient, to the point and effective. Judge Eastman lived for the Chowchilla Water District, which he helped establish and which he served as secretary-manager from the outset. One of his primary goals was the development of the Buchanan Dam and Reservoir project on the Chowchilla River, upstream from his home community.

It is indeed gratifying to know that during his lifetime this project got underway, and at groundbreaking ceremonies held a few weeks ago Judge Eastman was present and was presented the silver plated shovel which turned the first spadeful of dirt on this project. Just a day or two before his passing I was able to tell Judge Eastman that the contract for the main dam construction had been awarded. I know in his heart he felt that his mission had been accomplished.

In addition to his service to the Chowchilla Water District Judge Eastman took pride in the community in which he had lived for 50 years, helping to establish a junior fair, a hospital district, serving as mayor, as judicial district judge, and working with farm organizations for the benefit of the community. He was a gentle soul whose prime characteristic, described in the Chowchilla News, his hometown paper, was "one of patience."

Mr. Speaker, may I extend on behalf of myself, my wife and those of us here in Congress who have had the privilege of knowing Judge Eastman and working with him sincerest condolences to his wife, Laura, and other members of the family, and may I say that they can be proud of the growth and development not only of Chowchilla and Madera County but of the State and Nation which have resulted from the service of one of the most dedicated people I have ever known.

I would like at this point to insert in the Record the editorial comments recently found in the Chowchilla News, his hometown paper, and the Madera Daily Tribune, the paper serving the county-wide area. They express so well the affection and admiration which his fellowmen had for this great gentleman.

The articles follow:

[From the Chowchilla News]

H. V. "JUDGE" EASTMAN

A long career of public service came to an end Thursday with the death of Harold V. Eastman, 81. Funeral services were held Monday at 2 p.m. in the sanctuary of the First Baptist Church, of which he was a charter member, treasurer, and honorary deacon and trustee.

He died Thursday, June 8 at the Chowchilla Memorial Hospital following a short illness. Interment was in the Chowchilla District Cemetery.

Few persons will distinguish themselves in so many fields of endeavor as Mr. Eastman. In later years he qualified as "Mr. Water" in the San Joaquin Valley, since one of his principal activities has been in this field for the past quarter of a century. His knowledge took him to Sacramento and the nation's capitol on many occasions to testify on the subject before committees.

Mr. Eastman was brought to Chowchilla in 1924 by the late O. A. Robertson, from Minnesota, where the two were associated in land development. He came about a decade later than Mr. Robertson, founder of Chowchilla, and for a few years continued in the employ of Robertson's Land Company, which firm opened the Chowchilla Ranch to colonization in 1912.

His experience in his many activities no doubt paved the way to the leadership he showed as secretary-manager of the Chowchilla Water District. Working with others, he was instrumental in the separation of what is now Chowchilla Water District and the Madera Irrigation District. With the Chowchilla District formed, it was free to get going on bringing surface water to the district. It was a source of satisfaction to him and others on the CWD board to sign the first contact with the Bureau of Reclamation for water from Friant Dam.

Mr. Eastman found time to serve as a board member of the Chowchilla Junior Fair since its inception more than 25 years ago; was a leader in the formation of a hospital district and was a member of Friant Water Users organization.

This did not mean he did not have time for other organizations as he was an organizer and director of Calcot, Production Credit Association and the Federal Land Bank of Chowchilla. He served 16 years as mayor of Chowchilla and 20 years as judge of the Justice Court. He was a member of Lodge F&AM 485 of Chowchilla, of which he served as treasurer from 1929 to 1940 and received his 50 year membership pin in October of 1967. He was also associated with the V.F.W. and American Legion.

One word describes his character "patience." With his desk piled high with work he was never too busy to listen to a person recite his problems. It was a source of wonderment to understand how he accomplished his work with the numerous interruptions that came to him in the course of a day. So it was, no matter who sought his counsel, he would give a listening ear.

It can be said he wore many shoes during the half century of his life in Chowchilla, and it will be a long time before persons will be found who can fill them.

He leaves his wife Laura of Chowchilla, two sons, Harold Eastman of Fresno and Ralph Eastman of Chowchilla; two daughters, Mrs. Francis Dill of Fresno and Mrs. Helen O'Brien of Fresno and 17 grandchildren and 14 great grandchildren.

[From the Madera Daily Tribune]

JUDGE EASTMAN

We all owe so much to those pioneers who worked hard to make life quite a bit better for us.

One such man, without doubt, was Judge H. V. Eastman of Chowchilla who died at age 81. He helped lay the cornerstone which led to the development of his beloved city.

The judge came to Chowchilla over 50 years ago suffering from a lung disease that was supposed to be fatal in three months' time. But he proved to be a battler of Jack Dempsey proportions and helped breathe life into Chowchilla and in turn the city returned life to him. He often laughed about how he was supposed to have died decades ago.

Judge Eastman arrived when Chowchilla was in its infancy and helped chart a course that brought it from a farming colony into a city. He was Chowchilla's mayor for eight years, was a school board member and presided as judge for 20 years.

Keenly aware of the value of water in the valley, the judge was instrumental in forming the Chowchilla Water District, which he served as secretary-manager. In addition, he was a member of the Irrigation Districts Association of California and the Friant Water Users Association.

He always pushed for construction of Buchanan Dam on the Chowchilla River—which had groundbreaking ceremonies just last year—a dream come true for him although he did not live to see its completion.

One office observer points out there may well be some impetus now to rename the dam in his honor.

There would be a precedent. In recognition to his endeavors on both the Chowchilla and Madera Fair Boards, the main fairgrounds' exhibit hall at Chowchilla bears his name, and there is Eastman Lake near Chowchilla, which pays tribute to him as a believer in water development and control.

TAXES: PLAIN TALK ON A PAINFUL TOPIC

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BRAY. Mr. Speaker, about the only thing cheap concerning taxes is some of the surprisingly careless talk on the subject. Senator GEORGE McGOVERN recently defended one of his proposals as meaning a "modest" increase in taxes for single persons and small families in the $14,000 to $16,000 a year bracket. With all due respects to the Senator, I must say it is my experience that taxpayers view a modest increase in their burden somewhere in the neighborhood of a modest case of leprosy. In brief, there just is no such animal.

Let us take a look back to 1773. Relative to other things, the proposed tax on tea sent to the colonies was also modest, but the following is the reaction from one group, who sent this letter to the captain of a ship bringing tea to Philadelphia:

Sir: We are informed that you have imprudently taken charge of a quantity of tea which has been sent out by the [East] India Company, under the auspices of the Ministry, as a trial of American virtue and resolution.

Now, as your cargo, on your arrival here, will most assuredly bring you into hot water, and as you are perhaps a stranger to these parts, we have concluded to advise you of the present situation of affairs in Philadelphia, that, taking time by the forelock, you may stop short in your dangerous errand, secure your ship against the rafts of combustible matter which may be set on fire and turned loose against her; and more than all this, that you may preserve your own person from the pitch and feathers that are prepared for you.

In the first place, we must tell you that the Pennsylvanians are, to a man, passionately fond of freedom, the birthright of Americans, and at all events are determined to enjoy it.

That they sincerely believe no power on the face of the earth has a right to tax them without their consent.

That, in their opinion, the tea in your custody is designed by the Ministry to enforce such a tax, which they will undoubtedly oppose, and in so doing, give you every possible obstruction.

We are nominated to a very disagreeable, but necessary, service: to our care are committed all offenders against the rights of America; and hapless is he whose evil destiny has doomed him to suffer at our hands.

You are sent out on a diabolical service; and if you are so foolish and obstinate as to complete your voyage by bringing your ship to anchor in this port, you may run such a gauntlet as will induce you in your last moments most heartily to curse those who have made you the dupe of their avarice and ambition.

What think you, Captain, of a halter around your neck—ten gallons of liquid tar decanted on your pate—with the feathers of a dozen wild geese laid over that to enliven your appearance?

Only think seriously of this—and fly to the place from whence you came—fly without hesitation—without the formality of a protest—and above all, Captain Ayres, let us advise you to fly without the wild geese features.

Your friends to serve,

THE COMMITTEE OF TARRING
AND FEATHERING.

WHOSE "LOOPHOLES"?

The political thickets are full of Robin Hoods, who pause while busily stringing their verbal bows, ready to wing a quick shot at the fat and wicked sheriff, and shed copious tears over the "mammoth loopholes" that let "the rich" get away without paying taxes. They will cite the 1968 figure that showed 222 returns with incomes over $200,000, and no taxes paid.

Let us look a little closer at this; in fact, let us consider it against the 74 million tax returns filed in 1968. That comes down to three in 1 million escaping taxes; the loopholes closed rather quickly, did they not?

Now, there were also 12,440,000 tax returns filed in 1968 where people did not pay any taxes, either. Primarily, because these "tax evaders" had less than $5,000 in adjusted gross income.

Now how about the 222 wealthy who did not pay? In their same income bracket, over $200,000 there were 19,001 returns that did not have loopholes of any sort and choked up almost $4 billion in taxes. In numbers they were far below 1 percent of total returns, but they paid 4.9 percent of all income tax dollars.

Much tongue-clucking goes on about the top 20 percent of our population that collects 46 percent of all income. And the lowest 20 percent receives only 3.2 percent. But this top 20 percent pays 65 percent of all taxes. And the lowest 20 percent pays only 0.5 percent of all taxes.

And one more thing: Just who fits in this top 20 percent of rich? Anyone—any family—bringing in over $12,000 a year. If you are in this, or hoping to get there, or moving closer, then, be careful about running after any soak-the-rich schemes. The truth of the matter is, you will be soaking yourself.

One last word about "the rich." One of Senator McGovern's most noted charges was that ITT paid no Federal taxes in the last 5 years. ITT paid over $100 million in Federal taxes in the last 5 years. And let us look at another statement he once made:

> It is the Establishment center that has erected an unjust burden on the backs of the American workers while 40 percent of the corporations paid no Federal income taxes at all last year.

The year 1969 is the last year for which complete figures are available. It is true that right at 40 percent of 1,749,345 corporate tax returns had no check attached to them.

For the simple reason that in the vast majority of cases they had no income on which to pay tax.

Corporations are things other than GM, Ford, GE, ITT. Anyone with the most rudimentary grounding in business knows a corporation can be a very tiny operation indeed, struggling to stay alive, and doing so only through the night and day week-long sweat and labor of a family or two.

And one more word about corporate wealth. In 1971 corporations paid $38 billion in Federal taxes, but they distributed only $26 billion in dividends. This is hardly indicative of great wealth being hoarded and the poor being cheated as a result. Dividend checks do not go just in large amounts to majority stockholders. More than one widow, or widow with a family, or elderly couple, put great dependence on these dividend checks to survive. In 1965 there were 20,100,000 stockholders in this country. Today there are over 31,900,000, and the number grows daily.

And who holds this stock? Latest figures are for 1965; half of all stockholders had total incomes under $10,000 a year; 6 million were under $7,500.

WHAT "LOOPHOLES?"

When you hear that term, do not automatically think of deductions for mineral depletion, or other things primarily of concern to boards of directors and heads of corporations. Technically speaking, a loophole is anything that allows a deduction. Legislation has been introduced in both House and Senate which in its wording calls for termination of 54 such loopholes by specified dates. Following is a list of the loopholes and the dates for their abolition:

PROVISIONS TERMINATED ON AND AFTER JANUARY 1, 1974

1. The $30,000 exemption for the minimum tax.
2. The deduction of ordinary income taxes for the minimum tax.
3. The exclusion from gross income of group-term life insurance of employes.
4. The $5,000 death benefit exclusion.
5. The $100 dividend exclusion.
6. The guaranteed business bad debt deduction.
7. The provision permitting assets to be written off over a period 20 per cent shorter than their class lives under the ADR system.
8. The capital gain treatment of lump-sum distribution from pension funds.
9. Qualified stock options.
10. The tax exemption for credit unions and certain mutual insurance funds.
11. Special reserves for losses on bad debts of banks, mutual savings banks, etc.
12. Percentage depletion for oil, gas, and other minerals.
13. Capital gain for timber, coal, and iron ore royalties.
14. Exclusion of gross-up on dividends of less developed country corporations.
15. Exclusion of earned income from foreign sources.
16. The alternative tax on capital gains of corporations and individuals.
17. The recapture rules for real property.
18. The special exemption for excess deductions account for farm losses.

PROVISIONS TERMINATED ON AND AFTER JANUARY 1, 1975

1. The exclusion from gross income of sick pay.
2. The deduction for nonbusiness interest.
3. The deduction for nonbusiness taxes.
4. Fast depreciation methods.
5. The deduction of research and experimental expenditures.
6. The deduction of soil and water conservation expenditures.
7. Additional first-year depreciation allowance.
8. The deduction of expenditures for clearing land.
9. Amortization of railroad grading and tunnel bores.
10. The deduction of intangible drilling and development costs.
11. The deduction of development expenditures in case of mines.
12. The exemption of ships under foreign flags.
13. The special deduction for Western Hemisphere trade corporations.
14. The exemption of income from sources within possessions of the United States.
15. The exclusion from Subpart F of shipping profits and certain dividends and interest.
16. The provisions relating to domestic international sales corporations.
17. Step-up in tax basis of property acquired from a decedent.
18. Capital gain from the sale or exchange of patents.

PROVISIONS TERMINATED ON AND AFTER JANUARY 1, 1976

1. The $25,000 corporate surtax exemption.
2. The retirement income credit.
3. The deduction and credit for political contributions.
4. The investment credit.
5. The exclusion of interest on state and local bonds.
6. The exclusion of the rental value of parsonages.
7. The exclusion from gross income of scholarships and fellowships.
8. The exclusion from gross income of gain on sale of residence by person over 65.
9. Additional personal exemptions for the aged and blind.
10. The exemption for child where income exceeds $750.
11. The deduction for nonbusiness casualty losses.
12. The charitable contribution deduction.
13. The medical expense deduction.
14. The child care deduction.
15. The moving expense deduction.
16. Nonrecognition of gain on the use of appreciated property to redeem stock.
17. Nonrecognition of gain in connection with certain liquidations.
18. The deduction for long-term capital gains.

Now, the distinguished chairman of the House Committee on Ways and Means (Mr. MILLS) who introduced the House version—H.R. 15230—has made it quite clear that he has listed these provisions in his bill for the purposes of review. He has also said he himself finds many of them desirable under present circumstances. He has stated, and I agree, that—

> Many of these terminations will not, in fact, be allowed to occur.

But I cite them here as a reminder that only a very small percentage of taxpayers exist who do not have occasion to take advantage of a loophole.

It goes without saying that elimination of some of these would be nothing less than disastrous to a great many families who are now struggling to make ends meet. For instance, the provision allowing deduction of interest has been one that has put homeownership in reach of millions. Remove this and the home mortgage burden will be far too heavy for many to bear.

Deductions to charitable institutions? If it is no longer tax-deductible, this contribution will surely drop, drastically, and mean the death of many community and national organizations that now live only on voluntary contributions

Retirement income credits? Ask anyone who is retired what this means to them.

Medical care exemptions? Ask the family that is trying to pay medical bills.

Now, there will be no tax-reform legislation until next year. Hearings will be held this year to see how the House Committee on Ways and Means should proceed, but the chairman (Mr. MILLS) has announced that—

> I will ask the committee to make tax reform the first order of business when we get back into the business of the new Congress.

Never mind the tune; listen to the words.

Talleyrand was one of France's greatest statesmen and diplomats. He also has the questionable distinction of being one of history's most notorious two-faced turncoats and opportunists. He has, however, left us, out of his rather checkered career, some pithy gems on politics and one in particular is appropriate here:

> The art of politics is to find new names for institutions which, under old names, have become odious to the people.

Tax reform is a nice tune to hum, sing, or whistle. But how about the words? If you lift a tax from one thing, as sure as anything grows it is going to be laid upon something else. Mussolini, not the diplomat Talleyrand was, had a comment for that:

> The economists are not yet agreed as to what is a tax and what is an impost; but the taxpayer at the window finds that it is a futile discussion, because, impost or tax, he has to pay it.

"Something for everybody" at first sound has a certain siren-like attractiveness, but the blunt truth is, "something for everybody" will mean "everybody will pay something"—usually a lot more something than they are paying now.

REFORM? HOW ABOUT SIMPLICITY AND HONESTY?

No one questions the need for reform—now and in the future—because by its very nature, the concept of reform also means constant review with an eye to changing circumstances. I have tried in the foregoing to scrape away some of the glitter to show the dross underneath, and illustrate that yelling "Reform!" at the top of the lungs often drowns out the facts of the matter being whispered elsewhere.

How about simplicity? The U.S. Treasury would go along with that one; so would everyone else. We cannot escape a certain degree of complexity but I believe it is obvious that we are all about to disappear and lose our sanity under a mound of laws, codes, regulations, terms, and interpretations that would defy the collective wisdom of the ages.

It is said of Napoleon that when he ordered new codification of the laws of France, he stressed they were to be condensed to the point where any Frenchman could carry a copy in his hip pocket. At present it takes a semi truck—not too far from the truth—to haul tax laws around. At least they could be cut down to wheelbarrow size.

And how about some more honesty on the all-important subject of what we are getting for our tax money? The highly prestigious and independent Brookings Institution in Washington, D.C., recently released a major study called "Setting National Priorities: the 1973 Budget." The New York Times called the study "An Epitaph for the Great Society" and pointed out that what Brookings was really saying was that while there was plenty of money—Federal social spending up from $30 billion to $110 billion in 10 years; great society programs alone from $1.7 billion to $35.7 billion—there was no knowledge of what was going on. The net result was immense waste of time, effort, talent—and tax money.

From the study:

> Once it was decided that the federal government should undertake an activity, and that a particular amount of money should be allocated to it, getting the job done was not considered an overriding problem of national policy. . . . It was considered safe to assume that if federal money were allocated to a particular objective, that objective would be achieved.
>
> For a while, the new aspirations and the old approach to setting priorities persisted side by side. It was not immediately recognized that the new demands on the federal government required that attention be paid to *how* federal programs were to be carried out. The problem of setting national priorities in the 1960s was still seen primarily as determining *what* should be done and *how much* should be spent. The idea persisted that if one could identify a problem and allocate some federal money to it, the problem would get solved. (emphasis in original)

Of course, it was wrong, all wrong. An English classical scholar once commented on the same attitude, prevalent in Rome in the fading days of her glory. He noted that for years the Roman eagles had carried the letters SPQR—Senatus Populusque Romanus—the Senate and Roman people. But with the concept of bread and circuses, he observed, the meaning had subtly changed to Stultus Populus Quaerit (ad) Roman—or, the stupid people run to Rome, as they saw Rome the solution, through more spending, to all of their problems.

Reform? Certainly; as I have stated, reform is a constant process. No one individual has a corner on the process, nor on the idea. I am surprised they would think they could sell themselves so easily to the public on such a stance.

Simplicity? A must, before we collectively go mad each April 15.

Honesty about what we are getting, and the courage to say "Thus far and no farther, and even seriously consider stepping back"? Equally essential, before we spend ourselves into utter bankruptcy.

Or slavery. That comes right along with bankruptcy. Plato said, centuries ago, in the republic:

> The tyrant . . . Has he not also another object which is that they may be impoverished by payment of taxes, and thus compelled to devote themselves to their daily wants and therefore less likely to conspire against him?

FORMER CONGRESSMAN RICHARD L. ROUDEBUSH SPEAKS TO MOTHERS OF WORLD WAR II ANNUAL CONVENTION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BRAY. Mr. Speaker, our good friend and former colleague, Rick Roudebush, has been serving his country faithfully and well in the executive branch as Assistant Deputy Administrator of Veterans' Affairs for the last 2 years.

In the following remarks he addressed the important and misunderstood question of the VA hospital and medical care system, and I am proud to insert his speech in the RECORD at this point:

TEXT OF REMARKS BY RICHARD L. ROUDEBUSH, ASSISTANT DEPUTY ADMINISTRATOR OF VETERANS' AFFAIRS AT THE ANNUAL CONVENTION OF THE MOTHERS OF WORLD WAR II

Madam President—my friend, Sophie Sulski—ladies of the mothers of World War Two.

There are several reasons why I am delighted to meet with you today.

I am aware that this is your 29th national convention—and that your group was organized 30 years ago in Gary, Indiana—and that the Gary unit, No. 1, is still very active in your organization.

It was very pleasant to recall that your national headquarters is located in Indianapolis, Indiana. I pass your national headquarters frequently—for as you may know—Indiana is my home State—and I had the privilege for many years of serving Indiana people in the Congress of the United States.

To come back to the Midwest—to be in Illinois—next door to Indiana, is always a pleasure, but, to also have the good fortune of meeting with you is an honor and a privilege.

At any time it would be entirely fitting for me to pay deserved tribute to the unselfish women who make up the mothers of World War II.

Hospital volunteers are not only unselfish people, who give so generously of their time, and so compassionately of their hearts, but collectively, you have made your organization a most remarkable one.

I say "remarkable" because of the diversity of your membership as volunteers in the service of VA, and those all of us serve.

Members of your 230 units come from all walks of life—from every element of America's educational, economic, ethnic, social and religious spectrum.

In your ranks are retired, and highly successful professional women, serving alongside busy homemakers, and many widows who hold jobs and have careers on a full workweek basis.

At the end of a hard day, or week, so many, many of you forego needed and deserved rest and relaxation, because ill and disabled, and lonely veterans need your concern and companionship and care, even more.

But you are even more remarkable because, during this 30th year of your organization, you are asking yourselves, and those with whom you work, as well as those you serve, what more can be done in the voluntary movement, and how can we do it better?

Thus, I repeat, the terms "remarkable" and "unselfish", when applied to the mothers of World War Two units, are truly justified.

Now, what about the hospital volunteer in today's world?

This is a good question to ask and I know you and your officers have been thinking about that, and not telling yourselves, and those you have served, how much you have done for them in the past 30 years.

A progressive group, such as yours, knows there is a difficult, demanding course the hospital volunteer groups must follow in the next thirty years.

I am not an alarmist. However, I am a realist.

As a realist, I can foresee changes in the kinds and delivery points of hospital and medical care, which the Veterans Administration must provide in the years ahead, and thus comparable changes in the kinds and delivery points of voluntary services.

I am not talking about broadened, or liberalized, or revolutionary social welfare-mandated changes, in VA medicine.

And I am not talking about the impact of the President's health care message to Congress, or national health insurance, or related future developments, upon VA medicine, as we have known it for more than four decades.

In this connection, however, I must digress at this point to give you, and through you, all of the officers and members of the organizations, which you so ably represent, this assurance.

Quality health care must be, and will be, made available to all Americans, at reasonable cost.

But, I assure you, that as far as the Veterans Administration is concerned, such care will never be at the expense of America's veterans.

The Veterans Administration hospital and medical care system, will not be dismembered.

This, I can promise you.

For two reasons.

First, because the President, the Congress, and the American people will never permit this to happen.

And second, because they recognize, as do you and I, the unprecedented achievement, and the unequalled strengths of VA medicine.

They recognize the opportunity, we now have to build on these strengths, not only for the continued health and welfare of America's veterans, to whom this nation has a commitment, but to build on the strengths of VA medicine for the added health and well being of all Americans.

You should also be aware of these strengths, not alone because they are chapters in the outstanding success story we call VA medicine, and certainly your organization, has written many such chapters in the past 30 years.

You should also be aware of the strengths of VA medicine, because of the almost daily opportunities you have, to articulate these strengths, for friends and neighbors, for associates, and fellow citizens, who are not familiar with the story, of quality VA hospital and medical care.

What are some of the principal strengths of VA medicine?

You will agree, I am sure, that size, with a capital "S", is one of the greatest strengths of the VA hospital system, the world's largest.

At this moment, as you well know, it is 167 hospitals, 76 nursing homes, six restoration centers, 202 outpatient clinics, and two blind centers.

You may not know, however, that the $2.7 billion budget, proposed for VA medicine, in fiscal year 1973, is a record high for VA.

The President has recommended for fiscal year 1973, a total of $155 million for hospital construction. This will be the largest appropriation for VA construction in the past 20 years. Two new hospitals, and seven major modernization projects, costing $127.7 million are currently under construction. Three new hospitals costing $77.9 million were recently opened.

Undoubtedly, you have been alerted to the fact, that in our own facilities, in the coming year, VA will care for nearly one million veterans, the greatest number in history, and 100,000 over last year's total.

Staff outpatient visits are expected to exceed 10 million next year, or nearly three quarters of a million more than last year.

Some may ask, how can these record figures, which add up to unprecedented responsibilities for VA medicine, be considered strengths?

I say that they are "strengths," even for the Veterans' Administration hospital volunteers.

They are strengths, because these record setting responsibilities will test, to your present limits and skills the resourcefulness, the flexibility, and the durability of the voluntary service.

I have not the slightest doubt, that you will be equal to the challenge that lies immediately ahead, because having met this test, you will be equal to the ever sterner tests, and ever greater challenges, that face you in the next 30 years.

To complete this brief summation of VA medicine's principal strengths—

The VA hospital system, as we know it today, has not just been existing for 30 years. It has been developing, and growing, and improving during those years.

As the result of this development, growth, and improvement, VA hospitals and medical facilities today are located within 100 miles, or 2 hours' drive, for 90 percent of America's 28 million living veterans.

This geographical dispersement, together with the broad range of services, provided by our hospitals and medical facilities, give the VA hospital system the potential, the strength, if you will, for its own effective regionalization, the kind of organization which the President had in mind when he pointed out that the consumer should not be forced to thread his way through a complex maze of separate services and specialists, but instead should have a full range of resources available through a single organization.

Another strength of VA medicine is the on-going ability of the VA hospital system, under the sharing law, to become actively engaged with all elements of the private health sector, in all forms of organizational, professional, and functional regionalization.

The established relationship of the VA hospital system with medical, dental, nursing, pharmacy, and schools of allied health sciences, throughout the country, and at last count, including 74 graduate departments of psychology, these totaled nearly 600, this relationship, enables VA medicine to be a major source of expansion, for the development and production of critically needed health manpower, for the Nation's total health care system.

And, by any standard, this, too, is a strength.

So is the recognized leadership of VA medicine, in providing about half of the Nation's third and fourth year medical students, with part of their training, and our ability to train 60,000 persons, in 60 different categories of health services, in the coming fiscal year. And this number will increase in the years ahead.

I have cited these strengths, not to brag, but to remind you, that as team members of the Veterans Administration voluntary service program, you are privileged to be part of the finest, the strongest, the most modern, and the most devoted medical team in the world.

I encourage you to be proud of this team, proud of its past accomplishments, and on-going achievements, and proud too, of the vital role which hospital volunteers have played, in building the VA medical team.

It is my strong, personal conviction, that the real worth of the Veterans Administration voluntary service, and the Godlike charity and concern, and compassion of your volunteers, can never be measured.

And need not be, if Dr. Albert Schweitzer was right when he said:

"I don't know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who sought and, found how to serve."

He further observed that, "What the world lacks most today is people who occupy themselves with the needs of others. In this unselfish labor," he said, "A blessing falls on both the helper and the helped."

I can tell you today that, were Albert Schweitzer present, he would know well, and be pleased, that he was in the company of really happy women. He would realize fully, and be grateful, that he was witness to unselfish labor's blessing, that has fallen on your volunteers, and on the deserving and thinkful veteran patients in VA hospitals whom you have helped.

I know that the 9,000 mothers in your organization, have devoted many thousands of hours to hospitalized veterans.

Take just one of these hours, and give it to a lonely, hospitalized veteran, for whom medicine has done everything possible, but who needs the simple company which only a volunteer can provide.

He may never be able to express, adequately, his gratitude.

But, he need not.

His smile, the clasp of his hand, the "thank you" mirrored in his eyes, are reward enough for the volunteer.

So today, even as I acknowledge your unselfish service, we must also recognize the need for new volunteers, to fill the tens of thousands of lonely hours of these veterans, who will need the concern, compassion, and care, of a volunteer in years to come.

When I speak of a volunteer's care, I do not mean amateurish service, or service on an, "if I can be there" basis.

I mean dependable service, on a firm schedule basis.

And I mean professional service, resulting from the professional training which VA hospital personnel, are qualified, and anxious to provide.

Horace mann tells us that to pity distress is but human, to relieve it, is godlike.

I think I am truly blessed today, to be in the company of so many women, whom God must like very much, indeed.

May he grant all of you many years of continued health, so that you may serve our ill and disabled and aging hospitalized veterans, with the same devotion and skill, compassion and care, that have earned you much recognition.

Most important, may he inspire others, through your shining example, to join you in giving your hearts and hands in service to those who served.

Thank you, very much, for permitting me today to be with so many truly good people. God bless you.

A FINE CITIZEN RETIRES

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ZION. Mr. Speaker, one of the Eighth Congressional District of Indiana's outstanding citizens recently stepped down as secretary-treasurer of the Tell City Chair Co. in the community of that name.

Roy Fenn's entire lifetime of service has been devoted to bettering the life of his fellow man. His philanthropies are legendary and there are few worthy charities that have not benefited from this fine man's help.

Mr. Speaker, I share with my colleagues this little summary from the Tell City Thursday News on the productive and fruitful career of Roy N. Fenn:

Fenn to Close 45-Year Career With Chair Firm

Roy N. Fenn, secretary-treasurer of Tell City Chair Company, will retire April 30 from active duty after being associated with the firm for 45 years.

The 78-year-old industrialist and philanthropist, widely known for his work in Boy Scouting and with crippled children, as well as in civic and fraternal organization endeavors, joined the company in 1927.

His first job there was in the bookkeeping department where he worked for his brother, the late Chris Fenn, secretary-treasurer and general manager of the company. Chris Fenn died in 1945 and he was succeeded in the position by Roy.

Shortly after that time Fenn and a cousin, Karl Zoercher, who was president of the firm, put on a night crew to increase the plant's productivity and output.

The former Tell City Desk Company, now the company's No. 2 plant, was purchased and a short time later the firm bought the former Knott Manufacturing Company plant, now the firm's No. 4 plant.

The company currently is operating four plants, numbered 1, 2, 3 and 4.

When Fenn became general manger, the company employed approximately 200 people. Now it employs over 800 and its products are shipped all over the United States.

A native and lifelong resident of Perry County, Fenn was born March 27, 1894 the son of the late A. P. and Anna Zoercher Fenn.

A 1912 graduate of Tell City High School, Fenn entered Purdue University following graduation where he received a Bachelor of Science Degree in Agriculture in 1916.

RETURNS TO TELL CITY

He then returned to Tell City where he worked on his father's farm in what is now the Fennhaven area for 10 years, a period interrupted only by his service with the U.S. Armed Forces during World War I.

Fenn entered service in 1917, serving 13 months in France with the 648th Aero Squadron. The squadron was in charge of all American aviation, pursuit, bombardment and observation areas.

Fenn said "there was lots of excitement. We were right on the front in the Verdun sector." He was discharged from service in 1919 after being with the military over a period of 18 months.

MARRIED PAULA MUELCHI

On May 5, 1920 he married the former Paula Muelchi. The couple lived and worked on the Fennhaven farm.

Fenn said his 10 years experience on the farm was the secret of his success in the plant. His farm years, by his own admission were not overwhelmingly successful. "But I learned a lesson during each of those years," he said.

"I found out," he said, "you can't sell something for less than it costs to raise or manufacture."

"I don't know too much about engineering, design or other details of manufacturing" he said, "but I do know about costs—cost is all important and the secret of success. If we can't manufacture goods at a profit we let someone else do it."

Fenn has many interests in life and his age, although it may have slowed him a little, has not dampened his enthusiasm. Probably his main interest is in Camp Koch for Crippled Children at Troy which he built in 1947, he said, "with Evansville Industrialist, the late Henry Koch's $125,000."

HUMBLE BEGINNING

The camp began humbly enough on a meagre—but adequate 2½ acre site overlooking the Ohio River, from one of the highest points in Perry County, the cliffs east of Troy. The camp, since then, has grown to a rambling 33 acres.

Fenn is not hesitant about asking people to remember the camp, for which he has fought and labored so long and hard, in their wills. "But" he added, "I would prefer getting anything they might want to give while they are living."

Fenn recalls when the 4–H Fair was held in City Park in Tell City and later at Legion Field.

However, his donation of land for the 4–H Fairgrounds in Fennhaven, brought an end to the 4–H Fairs in Tell City. Now they are held annually at the fairgrounds.

Perry County Memorial Hospital was also built on a four acre tract of land donated by Fenn.

The Fennhaven property originally covered an area of some 300 acres.

Fenn has been in the Scouting movement since 1916 when he became a Scoutmaster. He has paid his registration fee in the Scouting organization ever since.

IN SCOUTING 56 YEARS

He has served Boy Scouting 56 years. No-one else in southern Indiana can claim such a long period of service in the movement.

He has received numerous scouting awards including the Silver Beaver which was presented to him in Evansville and the Silver Antelope, a national award, presented to Fenn in Chicago. He and Raphael Blessinger, Jasper, are the only two southern Indiana men who hold the Silver Antelope award.

The Tell City industrialist has also been extremely active in the Santa Claus letter answering program sponsored by the committees of the American Legion, the 40 et 8 and the Legion's Welfare Department.

The program was begun in 1939 when some 10,000 letters were sent out to children all over the world. Last year some 60,000 letters were answered.

Fenn said the sponsors get help in the answering service from many organizations. "It's wonderful," he said, "the way everyone pitches in to help in the program."

Fenn, who headed the program for years said he has "had it" now and although he is still extremely interested in its continued success, will no longer take such an active part.

SANTA LETTERS

"We get some 400 to 500 letters from destitute children each year with appeals to Santa Claus. They are forwarded to American Legion Posts or service clubs in the cities of their origin. These groups were asked to investigate and help these children if they were deserving and the organization desired to do so," he said.

In answer to one letter, an American Legion Post in Connecticut took a whole wagon load of provisions to a group of six children living with their grandparents.

A letter from a little girl in San Diego, Calif., who wanted a doll for Christmas, brought quick response from the local organization. The mother's thank you letter credited the Legion's answer to the child's letter with giving her hope and saving her life.

Few turn Fenn down when he asks for aid on a civic project. He's hard to turn down because he has done and is continuing to give so much of himself.

"I don't like to take 'no' for an answer when it comes to community service," he said.

Fenn summed it all up when he said, "I've had a lot of hardships in my day, but each and every one that came along taught me a lesson."

Fenn is a charter member of the Tell City Barbershopper Chapter, founded here in 1946. He has, over the years, been its life blood.

Barbershopper headquarters is in Harmony Hall which is located in the basement of Fenn's home on Ninth Street.

COMPLETE RECORDS

He has a complete record of everything connected with the Barbershoppers' annual show including ticket sales, proceeds and profits since the group first began having the show in 1954.

"As to the future," he said, "I'll keep busy doing most of the things I have been doing with Camp Koch, Boy Scouting, 4-H and recreational work but I also plan to do some fishing and playing golf as well as working in my flower garden."

He and Mrs. Fenn plan to leave May 10 for a 16-day trip to the Scandanavian countries of Norway, Denmark and Sweden.

In 1969 the Fenns visited a granddaughter, Mrs. Susan Grant Akyurt in Ankora, Turkey. They have visited Hawaii and also were on a cruise to Japan and the Orient.

In their plans for the future they have also included visiting with their only child, a daughter, Phyllis Grant, M.D., in New Castle and their grandchildren.

A Kentucky Colonel, Fenn is a past president of the Indiana Society for Crippled Children and the Indiana Rehabilitation Association. He holds honorary life memberships in both the Hadi Shrine and 40 et 8.

President Richard Nixon has invited Mr. and Mrs. Fenn to Washington, D.C. on May 3 to attend a conference on the handicapped.

He is also to be honored by 40 et 8 Voiture Locale 1040, Connersville June 24 and 25.

His invitation states the affair is to "honor the most honorable Roy Fenn. He is giving his all for the benefit of the Societe."

Fenn has never done anything in his life to which he didn't give his all."

JOHN LEACACOS, PLAIN DEALER WRITER, RETIRES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. JAMES V. STANTON. Mr. Speaker, our world today is an extremely complex and fast paced one. Each day's newspaper tells of a world moving at lightning speed in an infinite number of directions. Events could easily overwhelm us, were it not for the fact that there are men among us who have the ability to interpret events, make them understandable, and show us how patterns and relationships exist among things which had seemingly been unrelated.

Such a man is John P. Leacacos, who has served the Cleveland Plain Dealer and its readers in a variety of capacities over the past four decades, including as roving correspondent in Europe and the Middle East, writer for the Plain Dealer's Washington bureau, and head of the bureau since 1966.

Mr. Leacacos has gained a reputation for diligently searching out the facts, and then, in his writings, placing these facts in a historical perspective which explains both their significance and their meaning for the future. Officials of the Government, as well as the general public, have benefited greatly by his penetrating analyses. One indication of the esteem he has earned among his colleagues is the fact that he received the Overseas Press Club Award for his foreign correspondence.

Mr. Leacacos has announced that he will retire from the Plain Dealer as of July 1. While I deeply regret that we shall no longer see his writings in the newspaper on a regular basis, I am certain he will continue to speak out, and that his wisdom will benefit us for many years to come.

I would now like to insert into the Congressional Record two articles from the Cleveland Plain Dealer concerning the career of John P. Leacacos.

The articles follow:

Plain Dealer's John Leacacos Retiring

John P. Leacacos, chief of The Plain Dealer's Washington bureau for the last 6 years and before that foreign correspondent and writer on foreign affairs in the bureau, will retire July 1.

Leacacos has written from most corners of the globe, covering major events, analyzing the politics, interviewing the leaders and reporting on the lives of the people he observed.

In a weekly Sunday column, "Clearing the Fog," he has probed every aspect of the national government and the people who run it.

Leacacos was born in Kingston, Pa., 63 years ago. He attended schools in Wilkes-Barre, Pa., and Lakewood before going to Harvard University, class of 1931.

He joined The Plain Dealer staff in 1934 and soon became its expert on local, state and federal agencies in the socioeconomic field during the depression.

His coverage of the draft led to a commission as captain in the manpower branch of the U.S. Army in 1942. At war's end he held the rank of lieutenant colonel, having served three years in North Africa and Italy with the 5th Army.

From 1946 to 1957 Leacacos was a Plain Dealer roving correspondent in Europe and the Middle East. There his knowledge of six languages served him well. In those years he and his wife, the former Velia DeMarco of Cleveland, made their home in Rome.

Leacacos returned to the United States in December 1957 and joined the Washington bureau in June 1958, concentrating on the international scene from the Washington viewpoint and achieving a reputation as an authority on foreign affairs.

On assignment he spent three months on a fact-finding tour of Russia and Eastern European countries in 1965 and visited other capitals of Europe in 1961 and 1970.

He received Overseas Press Club awards for foreign correspondence and for his book, "Fires in the In-Basket—the ABC's of the State Department." His article on "The Kissinger Apparat" in the December 1971 issue of "Foreign Policy" was widely circulated among world chancelleries and reprinted in Japanese and French.

Leacacos' articles from 38 years on The Plain Dealer and his book manuscripts are housed in the John P. Leacacos Collection of Boston University Library.

For his service in Italy, Leacacos was made a Knight Officer of the Order of the Crown of Italy and a Knight of the Order of Saints Maurizius and Lazarus.

He and his wife live in Arlington, Va. Mrs. Leacacos is deputy administrative chief of the U.S. Passport Office in Washington.

Their son, Peter, recently was made a loan officer in the international marketing department of the Cleveland Trust Co. Peter and his wife, Sophie Lee, live in Shaker Heights.

Leacacos Retires

The Plain Dealer on July 1 will say goodby to John P. Leacacos, chief of its Washington Bureau and for many years a reporter and a commentator in the field of foreign affairs. He is retiring on that date.

For 38 years, Leacacos has been a member of The Plain Dealer's staff, a span interrupted only by several years of service in the U.S. Army in World War II.

Leacacos is a man who knew his way around in government circles and who used this knowledge, and his friendship with government officials, in a manner to best serve the readers of this newspaper. His familiar byline will be missed and we wish him many satisfying years of retirement.

REMARKS OF HON. PAUL ROGERS ON HEALTH LEGISLATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SYMINGTON. Mr. Speaker, as a member of the Public Health and Environment Subcommittee, it has been my privilege to serve with Representative Paul Rogers, of Florida. Those of us on the subcommittee have witnessed firsthand the leadership and diligence of Congressman Rogers as well as his unfailing courtesy to all who appear before us.

Thus far in this 92d Congress, seven health proposals which Chairman Rogers, myself, and most subcommittee members cosponsored have become Federal public health laws. These new laws are the Sickle Cell Prevention Act, the National Institute of Arthritis, Metabolism, and Digestive Diseases, the Cancer Attack Act, the student loan and scholarship program, the Health Manpower Act, the Nurse Training Act, and the Drug Abuse Office and Treatment Act.

Six more health proposals we have cosponsored may become Federal law this year. These are: The Health Maintenance Organization Act, the Heart, Blood Vessel, Lung, and Blood Act, the multiple sclerosis bill and the Cooley's anemia bill, the National Institute on Aging, and the Emergency Medical Services and Transportation Act. In addition to these, under the able leadership of Mr. Rogers, the subcommittee has considered the Safe Drinking Water Act, the Food Processing and Inspection Act, and studied the creation of a Department of Health to coordinate these many health laws. Such a record of accomplishment deserves recognition.

In this regard, the American Association of Colleges of Pharmacy recently honored Mr. Rogers. At this point, I would call to the attention of my colleagues an address given by Representative Rogers before that association:

Increased Responsibilities for Pharmacists

Mark Twain once said that:

"It is the will of God that we must have Congressmen, and we must bear the burden."

Your excellent representatives in Washington, Executive Director Charles Bliven and Assistant Director Bill Skinner, no doubt, will tell you that the burden has been heavier than usual during the past several months. The Congress, and our Subcommittee on Public Health and Environment, has had much to consider about pharmacy education and the pharmaceutical profession. In the Health Manpower bill, the Congress said that Schools of pharmacy are vital national assets, deserving of an increase in federal financial assistance. Moreover, in the Manpower bill and the recently adopted legislation to establish a Special Action Office for Drug Abuse Prevention, the Congress ascribed to educators and to pharmacy practioners and researchers a new relevance. Indeed, with more pharmacists better distributed than any other health team component, the young men you are training can be on the front lines in this nation's commitment to solve the problems of a drug-oriented society. Pharmacists are the most improperly used health asset in this country. Yet, they have the potential to become mainstays in the drug abuse fight as well as principals in primary care administration. Presently, the lack of primary care involvement of today's pharmacist as a first contact or entry into the health delivery system is evident.

I don't hesitate to tell you that I am convinced of the necessity to attach a new relevance to pharmacy education both in the areas of patient care and in drug abuse treatment and prevention. As you know, clinical pharmacy became a required subject for all pharmacy schools with the passage of the Health Manpower Act. What we in the Congress were stressing was that your students should assume a more direct relationship with the patient with respect to drug misuse, abuse, and nonprescription advice. Pharmacists and schools of pharmacy have been reluctant to utilize their potential abilities. For the most part, they have been reluctant to meet head on the problems of the country in the health field. I believe there is a changing trend developing.

I am glad to witness the movement of many schools of pharmacy to the academic health center complex, where students of medicine and pharmacy are trained side by side, assuring that pharmacists will play a more dominant role as members of the health care team.

I do not think that pharmacists are yet assuming within this country's health delivery system a sufficiently important role. As you may know, our Subcommittee is in the midst of hearings on health maintenance organizations, and many of us have visited several HMOs during recent weeks. I was encouraged to learn of a group practice in which the group's 70 physicians have arranged for once-a-month briefings by pharmacists on the latest developments in drug treatment. Some progress—not much—but encouraging. Old rigidities and jealousies are gradually breaking down, and your contributions to the continuing education of physicians must be accelerated.

Who knows more about drugs—and their effects—the pharmacist, or those in medicine? Who can best keep up-to-date with the ongoing changes in pharmacology? Yet how many pharmacists are advising on drugs in a clinical setting? How many are educating the doctors in their communities—in a continuing education program—or have they left it all to the detail men of the pharmaceutical manufacturers to assume these duties?

As you may have guessed by now, the principal message I want to convey to you—and one which I hope you will see fit to take back to your students—is that I believe the pharmacist must assume far greater responsibilities inside and outside the pharmacy, both in his own community and on the national level. Our country's increasing maldistribution of health personnel has, in many areas, left the pharmacist as the lone health professional in his community. This status, coupled with the terrifying overuse and misuse of drugs, both legal and illegal ones, in my view dictates increased responsibilities for the pharmacist.

What are these responsibilities?

I believe you must assume increased responsibilities at the national level. In particular, the Food and Drug Administration and the Federal Trade Commission must rely on the pharmacist's experience. Your assistance in removing the family medicine cabinet from the list of major sources of drug abuse is vital.

When a drug is being abused, who knows it first? The pharmacist! Yet, what machinery do you have for taking action against such abuse? How many schools of pharmacology have bothered to research and teach the problems of drug abuse—problems involving hard narcotics? The methadone problem? The abuse of legal drugs?

Have you instilled in the pharmacy student the feeling of responsibility to report an overprescription of drugs to the medical society or to the FDA? What mechanisms have the centers of knowledge in pharmacy worked out for this problem? Or for wrong prescriptions? Or for stocking the many over-the-counter drugs which are ineffective and constitute a sham?

I think it would be most appropriate for local and county pharmacological associations and societies to pay close attention to trends in the prescription of legal but abusable drugs. As you know, attention to these trends has caused a federally mandated cut back on the production of amphetamines by some 80 per cent. But this alone will not prevent the abuse of this drug. Your attention to the remaining market will help greatly—and could be a most effective force if you will accept this additional responsibility.

I also believe that the pharmacist's cooperation in reporting subpotent or questionable drugs and drug reactions to the FDA could be a major contribution, particularly with respect to the recently announced review of the over-the-counter drugs. I have become acquainted with FDA's relatively new Drug Product Defect Reporting Program, which is a voluntary program in which hospital pharmacists across the nation report defects which they encounter in their drug products, their packaging, and their labeling. FDA officials tell me more than 1,200 reports have been received in the first nine months of this program. Unlike ordinary consumer complaints, these reports reflect the observation of professionals familiar with products, and therefore, the payoff rate is quite high. In my judgment this program should be expanded to include input from all pharmacies.

You undoubtedly have observed that the Federal Trade Commission is beginning to maximize its role of protection of the public against deceptive and misleading advertising of certain drugs. I know that most of you welcome this new consumer advocacy role of the FTC, as I do. I am particularly concerned, as are some of you, with the effect of "mood drug" advertising on television. I have seen estimates that the average 16-year-old has spent about 20 per cent of his waking life watching television. This makes television quantitatively the greatest single influence impinging upon the developing central nervous system at the most crucial time. To teach a developing child that pleasure and gratification of his senses can occur instantaneously without his active involvement or expenditure of energy—but rather by taking drugs—is an extremely dangerous trend and one that I believe is partially responsible for this country's drug abuse crisis. Madison Avenue has flooded the media with encouragements to take this drug for tension, that one for insomnia, another to awaken the next morning, and yet another to ease the discomfort caused by the other pills. The youngster with a nervous system attuned from birth to the reception of television messages, may well incorporate both the desirability and means of escape from discomfort into his basic concept of living as a result of adult examples absorbed from the media. I believe that pharmacists have a real obligation to report apparent trends associated with advertising to the Federal Trade Commission and to make a conscious effort to use discretion in the drugs they stock and the advice rendered on over-the-counter products sold in the 55,000 drug stores in this country. I believe that you, as educators, must take stock of opportunities to educate with these types of cautions in mind. You should, in my view, continually inculcate a sense of responsibility for the effect of every prescription written.

On the local level, schools of pharmacy can do much in the areas of drug abuse prevention, treatment, and enforcement. Like schools of medicine, your responsibilities must extend far beyond those of training of students.

The new social consciousness of today's student makes him a valuable resource in the area of drug abuse *prevention*. Some of you are already using your pharmacy student resources admirably. Let me candidly say, however, that I hope you will do more. You can do more. We on the Subcommittee on Public Health and Environment have seen the data and know that drug dependence is still increasing despite our efforts to stop it. We know of your involvement in educational efforts with elementary and secondary teachers and counselors, with law enforcement personnel, with other health professionals. We think you should continue to use your imagination to *educate* the nation about dependence-producing drugs. Yours are the centers of knowledge on pharmacology. You must educate the public against irrational use of drugs and promote a respect for drugs within pharmacies and the communities they serve.

As you know, the new Special Drug Abuse Action Office legislation is aimed principally at *drug abuse treatment*. One of the treatment bases we attempted to expand and encourage in the legislation is the school of pharmacy. Some of you have participated uniquely in the treatment process. A few of you have students participating in free clinics which offer assistance to dependent persons. Some of you have sponsored treatment seminars and programs for pharmacists and other health professionals. I commend you for this; but no real impact has yet been made. It seems to me that exposure of all pharmacy students to a drug abuse treatment setting is vital if pharmacists are to continue to assume the increased relevance they seek and deserve.

I know that you must become extremely sensitive to the fact that the discretion of your students after they receive their licenses will have an important bearing on *law enforcement* efforts against indiscriminate prescribing. Pharmacy schools have provided many opportunities for students and practicing pharmacists to learn about proper control through a knowledge of federal and state laws and regulations. I am told by Justice Department officials that you have been most cooperative in their efforts to implement the several new laws in this field including the Controlled Substances Act of 1970, developed by our Subcommittee.

I recognize the pharmacists as a group have complied with the letter of the law in most cases. I know, as you do, that some pharmacists have not participated in opportunities to practice proper controls. The recent FDA proposal to remove methadone from the pharmacy is, in part, due to a refusal of some pharmacists to be cautious in filling prescriptions for large quantities of drugs with high potential for abuse and indicates a deficiency in exercising their obligation to report what they believe to be unwise prescribing.

I would suggest that a lack of aggressive action by pharmacists is responsible for such actions as those of the District of Columbia Medical Society and Pharmaceutical Association which recently requested that perscriptions for methadone cease to be written or dispensed. The removal of methadone from the pharmacy may well be precedent for the treatment of other drugs. Only leadership from the schools of pharmacy and the profession can reverse this trend. I am sure that with this warning signal you will respond with an increased awareness of the necessity to instill the highest ethics and an activist role in your students.

In conclusion, let me restate my conviction—and the conviction of our Subcommittee—that schools of pharmacy are vital national assets which are making increasingly important contributions toward the health of this nation.

The nation has not used you and your graduates as it should. You and your students must assume a new relevance in response to an overwhelming public need. I urge you to continue to provide the health care team with valuable new assets and to promote development and further skills and basic aggressiveness which will provide solutions to our nation's health care and drug abuse crises. I assure you that you have my support in this endeavor, and the support of the Congress.

THE WILLIAMS-STEIGER ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, at the time Congress approved the historic Occupational Safety and Health Act of 1970, there should have been no illusions about the difficulty of administering an undertaking of this magnitude in a fair and effective manner. The law was too complex, the field too uncharted, and the administrative discretion bestowed by the act too broad to produce a smooth and frictionless implementation of the act during the initial period. That many of us have heard a rising volume of complaints from our constituents about the Williams-Steiger act should therefore not be entirely unexpected.

Hopefully this initial wave of criticism can play a constructive role in ironing out the rough spots in both the statutory requirements and administrative regulations governing the program, and in implementation and enforcement activities in the field. Now that two committees of the House have already began or announced oversight and review hearings of the initial operation of the act, we have an effective forum or focal point into which these complaints and dissatisfactions can be channeled, scrutinized, sifted and constructively acted upon. The end result, I would expect, will be a series of modifications in the administration of the act that will put it on a firmer, more acceptable, and more effective footing over the long run.

This morning, Mr. Roy Seacor, chairman of the Construction Safety Task Force for the Sheet Metal and Air Conditioning Contractors National Association presented a statement to the House Small Business Committee that reflects the spirit of this process of fair criticism and constructive modification. Specifically, he emphasized the need for more consistent enforcement of the act between regions of the country and even from employer to employer in the same area. In addition, he suggested reevaluation of some of the more questionable and unnecessary standards and more balanced compliance policies.

Mr. Speaker, I believe Mr. Seacor's testimony represents a helpful contribution to the review of OSHA that is now getting underway and would commend it to all of my colleagues for their consideration:

Statement by Roy Seacor on Behalf of the Sheet Metal and Air Conditioning Contractors' National Association, Inc. Before Environmental Problems Subcommittee of the U.S. House Committee on Small Business on Problems Affecting Small Businesses Under the Occupational Safety and Health Act Tuesday, June 27, 1972

Good morning, Mr. Chairman: I am Roy Seacor, President of P & P Sheet Metal Works, Hawthorne, New York, and Chairman of the Construction Safety Task Force for the Sheet Metal and Air Conditioning Contractors National Association (SMACNA). I am accompanied today by Mr. James P. Hensley, Director of Legislative Affairs for our National Association.

SMACNA is the national trade association spokesman for America's 30,000 mechanical specialty construction contractors engaged in the fabrication and installation of residential, commercial, institutional and industrial, warm air heating, cooling, ventilating and air handling systems; architectural sheet metal and roofing; industrial sheet metal; air pollution control and specialty fabrication. The majority of the firms we represent—including my own—are definitely small businesses.

On behalf of the Association, we would like to comment today on the administration of the Occupational Safety and Health Act of 1970, *including* various legislative measures currently under consideration by the Congress to remedy inequities under OSHA.

Let me say at the outset that SMACNA and our counterpart union—the Sheet Metal Workers International Association—enjoy a long history of cooperative efforts to enforce safety and safety awareness both in our shops and on our jobsites. Long before OSHA became the law of the land, we were requiring intensive safety instruction as a key element in our Apprenticeship Training Courses throughout the country, preparing and distributing a well-received Construction and shop Safety Practices Guide, and participating in the development of Safety Workshops for the industry.

Since the signing of the Williams-Steiger Safety Act in December of 1970, we have invested literally thousands of hours of staff time and thousands of dollars of Association funds in assisting our industry to comply. We concentrated initially on bringing the Act and the resultant standards to the attention of all contractors in our industry through the preparation of guidelines, interpretive digests of standards, evaulations, and special hazard mailings.

We have prepared and distributed thousands of copies of our Layman's Guide To The OSH Act (copy attached) as well as a slide presentation and script on OSHA. We are now in the process of shooting a 20-minute color, sound movie on particular hazards in our industry, and SMACNA has inaugurated a monthly membership newsletter devoted exclusively to safety through the efforts of our top-level Construction Safety Task Force. Finally, we have filed comments on all major OSHA proposed rulemakings and worked closely with the Administration to assist in defining our role as a Target Industry. In short, SMACNA has enthusiastically accepted our responsibility under the new safety act and worked diligently to insure the awareness and compliance of our contractors across the country.

At the same time, however, we have come to feel strongly that current enforcement of the William-Steiger Act has been inequitable and capricious in many respects, and that many enforcement activities and attitudes have betrayed the original Congressional intent behind passage. Specifically, we object to:

1. Inconsistent enforcement policies and procedures.
2. Promulgation and enforcement of unrealistic and unnecessary standards.
3. Undue emphasis on issuing citations rather than on overall compliance.
4. Unrealistic inclusion of Sheet Metal with Roofing as a Target Industry category.
5. Lack of any enforcement procedures to insure employee compliance.

OSHA's enforcement of their 300-plus pages of detailed standards has been capricious and inconsistent throughout our industry. We have seen, for instance, the same, identical violation cited as "de minimis" in one western state but as "serious" in New York, with a $100 fine assessed. We have seen, also, two different compliance officers—working under the same Area Director—assess two different a $100 fine assessed. We have seen, also, two different employers of roughly the same size. In one case in the mid-west, one employer was given a week to guard the belt on his compressor, yet a neighbor was told to abate the same violation "immediately." There are many, many more examples similar to these that we could site, but these few point-out the need for greater uniformity in standards and consistency in their interpretation and application through out the country.

Our second major objection to the current administration of OSHA concerns the adoption and enforcement of ridiculous and unnecessary regulations. In this connection we have specific reference to the much discussed prohibition against ice in drinking water, the requirement for self-closing toilet stall doors, the requirement for toilet paper holders and there are numerous examples in other areas including general housekeeping and stairway guarding. Not only is this type of regulation picayune and hardly in the serious interest of increased health and safety, its enforcement tends directly to reduce overall confidence in and compliance with other basically worthwhile standards.

Thirdly, we feel that the congressional intent behind OSHA's passage is being severely undermined by present enforcement procedures. That is, the logic for passage of the Williams-Steiger Act was specifically stated to be the providing of a safe and healthful working place for employees. We feel that too much emphasis is being placed on citations and fines and too little on the overall subject of compliance. In most cases, the employer has had little or no opportunity to review the standards and determine which apply to his particular operations until the compliance officer walks in to fine him. Copies of the standards were not furnished to the employer by OSHA in advance, OSHA has consistently refused to conduct "courtesy inspections" and fines are being assessed regardless of the employer's intention to abate or other evidence of good faith to comply. SMACNA strongly urges the passage of legislation (like H.R. 13562 by Representative Charles Thone and H.R. 15399 by Representative Fish) that would allow an employer the opportunity to correct a cited violation during the period prescribed for its abatement without being subject to a fine. If, of course, he failed to correct the violation during this period, he would then be subject to a fine. We feel that this legislation is fully consistent with the intent of the act and would assist immeasurably in improving health and safety in the workplace.

Our fourth objection relates to OSHA's inclusion of both roofing and sheet metal in Target Industry category number two. There is little question but what roofing—and commercial and industrial roofing in particular—can be hazardous. Yet the vast majority of sheet metal work is not. It is not conducted at extreme heights, there is no hot tar used and the men employed are usually of a completely different trade. We feel that by lumping roofing and sheet metal together as they have for compliance and enforcement purposes OSHA has done the purely sheet metal contractor a tremendous disservice. We feel that OSHA should conduct an indepth study of both injury frequency and severity rates in this category and make a more realistic realignment of their target industry categories. As we have repeatedly told Administration officials, SMACNA is willing to assist in this study and work with them to obtain meaningful industry statistics.

Finally, we object to the total lack of enforcement procedures under the Act to insure employee compliance with its provisions and regulations. We readily accept the responsibility of the employer to provide a safe and healthful workplace. And we understand the Administration's reluctance to dictate labor-management relations. At the same time, though, we think it is unfair and inequitable for an employer to be subject to a fine simply because an employee was acting in callous disregard of *his own* welfare. All the safety meetings, workshops, posters and reprimands in the world will not force some employees to work in a safe manner or keep their personal tools in safe condition. Should the employer, then—who may well be contractually bound to keep the man—be penalized for the employee's disregard? We think not, and urge legislative modification of the Act to provide for a reduction or dismissal of penalties against the employer under these circumstances.

In conclusion, we wish to reiterate our commitment to safety, our historical record of dedication of providing a safe and healthful workplace for our employees and our complete intention to continue helping our contractors comply with the Occupational Safety and Health Act. At the same time, we respectfully urge the Committee to consider legislative recommendations to correct the inequities we have described above.

We appreciate having had this opportunity to make our views known and we will be glad to answer any questions the Committee may have.

COOLEY'S ANEMIA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ROSENTHAL. Mr. Speaker, on Friday, June 16, 1972, I visited one of this Nation's leading centers for treatment, research, and teaching on childhood blood disease.

At that center, the Clinic of Pediatric Hematology at New York Hospital-Cornell Medical Center, I saw young Cooley's anemia victims receiving the blood transfusions needed to keep them alive.

I talked to these children, to their parents, and to the doctors who treat them. What I learned increased my determination to help these children with Federal funds.

Since 1952, the clinic at New York Hospital has been almost entirely supported by the Children's Blood Foundation, an organization of concerned New Yorkers who solicit private contributions to pay for the many services provided at the clinic.

The work of the Children's Blood Foundation, and of the clinic it supports, has been outstanding. Progress has been made, progress which has lengthened the life of many Cooley's anemia victims.

But now it is time for our Government to stand up for the more than 200,000 Americans of Mediterranean descent who have the Cooley's trait. It is time to provide funds for treatment, screening, and research.

About one-fourth of the children of parents who both have the Cooley's trait will inherit the severe form of this disease. Most will not live through their teens. All will need regular blood transfusions on an average of every 2 to 4 weeks, an extremely costly process.

Dr. Denis R. Miller, director of the clinic at New York Hospital, told me that advances in treatment have enabled some victims of Cooley's anemia to live well into their twenties. But there is still no known cure for this disease.

Legislation now before this House, including the National Cooley's Anemia Control Act which I introduced, would establish a national program for the diagnosis, prevention, and treatment of Cooley's anemia. It would establish a voluntary screening program to detect this disease.

This is a step we must take.

I wish to commend Congressman GIAIMO for his leadership in this very important area and to recognize Congressman ROGERS for his work as chairman of the Public Health and Environment Subcommittee in reporting out this legislation.

I urge all my fellow Members to support this legislation. The children at the Children's Blood Foundation Clinic and those in similar facilities throughout our country are in desperate need of this help.

PRESERVING AND ENHANCING COMMUTER MASS TRANSPORTATION SERVICES

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. PEYSER. Mr. Speaker, I have today introduced two bills which are designed to aid in the national effort to provide convenient, efficient, reliable, safe and economical mass transit system for our urban areas.

The inadequacy of mass transportation facilities in many of our urban areas, and the fiscal plight of public and private transportation companies is widely acknowledged as one of our nations most pressing problems. While the problems are widely recognized, the most effective solutions are subject to considerable study, debate and controversy. Grants, loans, subsidies, public operation, and other programs have all been tried with varying degrees of success. While these approaches, and others as yet proposed, may eventually bring a measure of success in meeting this critical need, time is running out for many private transit companies which perform the vital function of providing basic and supplemental commuter transit service.

The two bills I have introduced today are intended as incremental proposals in the evolutionary process of improving urban mass transportation service. Specifically, they are designed to provide a margin of competitive parity between public and private commuter transit companies with respect to operating costs for fuel and tread rubber. The first provides for the return of all Federal excise taxes paid for fuels and the second provides for the return of all Federal excise taxes paid for tires, tubes and tread rubber. Both apply only to local transit systems which qualify under the existing test in the Internal Revenue Code and when the products are used in providing commuter service. These bills will provide reduced operating costs for private transit companies which will enable them to maintain, improve or expand existing services without resorting to increased fares to the detriment of the riding public. In addition, many private transit systems operate on very small margins of profit or loss, and these measures can effectively provide operating cost reductions which may mean the difference between success or failure of these companies.

It is in the best interest of all concerned to maintain a healthy and vigorous private mass transportation industry which in addition to providing a vital public service, also pays taxes into Federal, State and local treasuries. The alternative to private transit operation has all too often been public ownership or operation with the resultant loss of these tax revenues. Thus, these measures can provide a degree of relief which may very well spell the difference between a viable private tax paying transit company and, as experience has shown, a less efficient public tax draining transit company.

Surely, the alternatives dictate that the Congress address itself, not only to these two measures, but to resolving the multiplicity of problems which beset private and public transit companies alike, in the realization that we are serving not only their needs, but the best interests of the public.

PLAUDITS TO MISS GRAZIANO, A DEDICATED TEACHER

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. KEMP. Mr. Speaker, as the society in which we live grows increasingly complex, the role of education becomes extremely crucial in enabling us to maintain and foster growth in both our personal and professional lives. Therefore, it cannot be overstressed that high educational standards and teaching competence must always be pursued. Indeed, the cultural, historical, and economic achievements, even the basic well-being of a State and Nation depend to a great degree on how well we educate each generation charged with the trust of carrying out its responsibilities and traditions.

It is clear that our educators must continue to serve with the dedication and selflessness that has produced so much success and achievement.

It is with great pride that I point to the educators of my district as examples of this. I am sure the National Education Association would join me in honoring Miss Linda D. Graziano as a case in point. In her seventh grade science class, Miss Graziano has effectively demonstrated her interest and ability in motivating students through the use of a cancer research project patterned after the experiments conducted at the Roswell Park Institute in Buffalo. Perhaps because of this project, one of the students will go on in this field and eventually become a researcher at Roswell. The influence that an educator wields cannot be underestimated.

Mr. Speaker, I would like to include now for the benefit of my colleagues the editorial that appeared in the Buffalo Courier-Express concerning Miss Graziano.

The article follows:

PLAUDITS TO MISS GRAZIANO, SCHOOL TEACHER

Miss Linda D. Graziano, 7th grade science teacher at Hamburg Central Junior High School, has achieved something with a group of her students that is becoming all too hard to come by in these days of multiple-choice distractions. She has galvanized the interest of her charges with a classroom cancer research project. The project has liberated the imaginations of the pupils, and from there it has been a rocket flight to the joys of discovery. The group includes 14 youngsters, ages 12 and 13, from Miss Graziano's four general science classes.

Miss Graziano's idea came from summers spent working at the Orchard Park laboratories of Roswell Park Memorial Institute while she was attending college. The laboratory loaned 25 mice to the school for the project. While much of the equipment is homemade by the students themselves, their interest and zeal in conducting experiments in the school laboratory is hardly less sophisticated than that of the highly professionalized Roswell Park research staff.

The project, which began last February and was concluded last week, had among its aims, learning the relationship of smoking and air pollution to lung cancer. A smoking machine used on mice in the experimentation, was designed and built by the students. Somewhat amazing, and amusing, to to the observer is the facility with which the students picked up and use the jargon of the professional researchers—words like "interperitium" and "subcutaneous."

Obviously, not all of Miss Graziano's charges will become medical researchers, but there is a message in her method. She has successfully skirted the wall of boredom and disinterest which is seen to rise all too frequently around teen-agers in today's complex world with its multiplicity of false beckonings, and lack of intellectual discipline. Miss Graziano has a rare talent indeed; the ability and—more importantly—the interest to motivate children.

MIKVA AND FREY PROPOSE NEW ETHICS LAW FOR MEMBERS OF CONGRESS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. MIKVA. Mr. Speaker, on June 22, I introduced H.R. 15662, a bill requiring full disclosure of income, assets, and liabilities by all Members of Congress and professional staff earning more than $22,000 a year. Joining me as a sponsor of this stringent reform measure is my colleague from Florida, Congressman LOU FREY.

The bill would require Members of Congress to publicly disclose each year the following financial information:

The amount and source of all items of income in excess of $100, including gifts, honoraria, and the value of travel or entertainment received in kind;

The value of all assets and liabilities valued at more than $5,000; and

Business transactions where the amount involved exceeds $5,000, including the purchase and sale of stocks, commodities, and real estate.

Criminal provisions are provided for willful failure to file the required report, and for falsification of the information disclosed.

The bill goes considerably beyond the present disclosure requirements contained in the rules of the House. At present, Congressmen are required only to disclose major outside interests and sources of income. The public has no way of knowing the extent of those interests in dollars and cents, since the dollar amounts of income and business interests are held confidential.

I have included at the conclusion of my statement a table comparing the provisions of the Mikva-Frey bill with the present requirements imposed by House Rule 44, as well as the text of H.R. 15662.

A companion bill has been simultaneously introduced in the Senate by a bipartisan group of Senators, including Senators MATHIAS, CHILES, NELSON, PEARSON, EAGLETON, CHURCH, and BROOKE.

Mr. Speaker, there is no doubt that this legislation would make a Congressman's or a Senator's personal affairs a matter of public record, but that is the way it must be if the people are again going to trust their elected officials. We are insisting on a double standard—a higher standard—for Members of Congress because so much is at stake. If the people cannot trust the men and women they elect to national office, Congress is not going to be able to develop the public support necessary to solve the Nation's problems.

H.R. 15662 would go far to dispel the all too common notion that Members of Congress are more concerned with their private financial interests than with the public interest. A more informed public would soon discover that the overwhelming majority of Congressmen and Senators have nothing to hide.

There is a serious crisis of confidence in Government. The only way we can begin to correct it is to insure that Congressmen and Senators not only are above criminal and unethical behavior, but are above any suspicion of it as well. Public disclosure legislation such as Congressman Frey and I have proposed is the key to that.

The summary and bill follow:

SUMMARY AND COMPARISON—RULE 44 AND MIKVA/MATHIAS DISCLOSURE BILL

HOUSE RULE 44

Who files

Members, officers of House, principal assistants, Committee professional staff

Public disclosures required

Name, position of management, type of ownership interest in business doing business with or regulated by fed'l govt, IF ownership interest worth more than $5,000 and produced $1,000 income in previous calendar year. (Dollar amount not listed.)

Name, address, type of practice of any professional organization in which serves as director, officer, partner, and from which earned more than $1,000 in previous year.

Source of income over $5,000, capital gain over $500 from single source, honoraria over $300, and reimbursements over $1,000. No dollar amounts.

Creditors to whom more than $10,000 owed for more than 90 days during calendar year.

Confidential disclosures

Dollar amounts of all items required to be filed (listed above)

MIKVA/FREY BILL

Who files

Members and staff earning more than $22,000/year

Public disclosures required

Amount and source of all income over $100 (includes gifts, honoraria, fees for articles, value of travel and entertaiment)

Value of assets worth more than $5,000

Business transactions where amount involved exceeds $5,000 (includes stock purchases and sales)

Confidential disclosures

None.

H.R. 15662

A bill to amend title 18, United States Code to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by members of Congress and certain employees of the Congress of certain financial interests

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Disclosure of financial interests by members of Congress and certain Congressional employees

"(a) Each member of Congress and each employee of the Congress shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence entertainment, travel, and other facilities received by him in kind;

"(2) the value of each asset held by him, or by him and his spouse jointly which has a value in excess of $5,000, and the amount of each liability owed by him, or by him and his spouse jointly, which is in excess of $5,000 as of the close of the preceding calendar year; and

"(3) any business transaction, including the sale, purchase or transfer of securities of any business entity, commodity, real property or any other asset or any interest therein, by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $5,000 during such year.

"(b) Reports required by this section shall be filed not later than May 15 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

"(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

"(d) Whoever willfully fails to file a report required by this section, or knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

"(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

"(f) For the purposes of any report required by this section, an individual shall be considered to have a member of Congress or an employee of the Congress during any calendar year if he served in such position for more than six months during the calendar year.

"(g) As used in this section the term—

"(1) 'income' means income from whatever source delivered;

"(2) 'security' means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b);

"(3) 'commodity' means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2);

"(4) 'member of Congress' means a Senator, a Representative, a Resident Commissioner, or a Delegate;

"(5) 'employee of the Congress' means a Congressional employee, as defined in paragraph (1), (2), (3) or (5) of section 2107 of title 5, United States Code, who is compensated at a rate in excess of $22,000 per year; and

"(6) 'immediate family' means the child, parent, grandparent, brother, or sister of an individual, and the spouse of such persons."

(b) The table of sections for such chapter 11 is amended by adding at the end thereof the following item:

"225. Disclosure of financial interests by members of Congress and certain Congressional employees."

(c) The chapter analysis for title 18, United States Code, is amended by striking out the item relating to chapter 11 and inserting in lieu thereof the following:

"11. Bribery, graft, and conflicts of interest."

NONE DARE CALL IT CONSPIRACY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SCHMITZ. Mr. Speaker, as I promised in my statement included in the Extensions of Remarks for the Congressional Record of June 19, prefacing an exchange of letters between a representative of the Anti-Defamation League of B'nai B'rith and myself, I now begin bringing before you, chapter by chapter, Gary Allen's most interesting and significant book "None Dare Call It Conspiracy."

Whether or not you now agree with or, by reading it, are persuaded to agree with its thesis, I would most solemnly and sincerely urge you to give careful, unbiased consideration to its facts and arguments, at least keeping your minds open to the distinct possibility that what it says is true. All of you have been in this Capital City long enough to know that there is more to what goes on in government than meets the eye, that there are "wheels within wheels" and forces at work which prefer the darkness to the light of day.

I recommend Mr. Allen's book not only to my colleagues who share many of my political views, but to those among you generally regarded as being "on the left," because some of you are particularly aware that conspiratorial forces are operating in Washington. Though we might differ widely on who and what they are, at least you would not deny a priori that they can and do exist.

Following is my introduction to "None Dare Call It Conspiracy" and the first chapter of the book, entitled "Don't Confuse Me With the Facts." The remaining seven chapters will be included one by one in subsequent issues of the Record:

None Dare Call It Conspiracy

INTRODUCTION

The story you are about to read is true. The names have not been changed to protect the guilty. This book may have the effect of changing your life. After reading this book, you will never look at national and world events in the same way again.

None Dare Call It Conspiracy will be a very controversial book. At first it will receive little publicity and those whose plans are exposed in it will try to kill it by the silent treatment. For reasons that become obvious as you read this book, it will not be reviewed in all the "proper" places or be available on your local bookstand. However, there is nothing these people can do to stop a grass roots book distributing system. Eventually it will be necessary for the people and organizations named in this book to try to blunt its effect by attacking it or the author. They have a tremendous vested interest in keeping you from discovering what they are doing. And they have the big guns of the mass media at their disposal to fire the barrages at *None Dare Call It Conspiracy*.

By sheer volume, the "experts" will try to ridicule you out of investigating for yourself as to whether or not the information in this book is true. They will ignore the fact that the author admits that some of his ideas are conjecture because the people who know the truth are not about to confess. They will find a typographical error or argue some point that is open to debate. If necessary they will lie in order to protect themselves by smearing this book. Psychologically many people would prefer to believe those who pooh-pooh the information herein because we all like to ignore bad news. We do so at our own peril!

Having been a college instructor, a State Senator and now a Congressman, I have had experience with real professionals at putting up smokescreens to cover up their own actions by trying to destroy the accuser. I hope that you will read this book carefully and draw your own conclusions and not accept the opinions of those who of necessity must attempt to discredit the book. Your future may depend upon it.

John G. Schmitz,
U.S. Congressman.

October 25, 1971.

DO NOT CONFUSE ME WITH FACTS

Most of us have had the experience, either as parents or youngsters, of trying to discover the "hidden picture" within another picture in a children's magazine. Usually you are shown a landscape with trees, bushes, flowers and other bits of nature. The caption reads something like this: "Concealed somewhere in this picture is a donkey pulling a cart with a boy in it. Can you find them?" Try as you might, usually you could not find the hidden picture until you turned to a page farther back in the magazine which would reveal how cleverly the artist had hidden it from us. If we study the landscape we realize that the whole picture was painted in such a way as to conceal the real picture within, and once we see the "real picture," it stands out like the proverbial painful digit.

We believe the picture painters of the mass media are artfully creating landscapes for us which deliberately hide the real picture. In this book we will show you how to discover the "hidden picture" in the landscapes presented to us daily through newspapers, radio and television. Once you can see through the camouflage, you will see the donkey, the cart and the boy who have been there all along.

Millions of Americans are concerned and frustrated over mishappenings in our nation. They feel that something is wrong, drastically wrong, but because of the picture painters they can't quite put their fingers on it.

Maybe you are one of those persons. Something is bugging you, but you aren't sure what. We keep electing new Presidents who seemingly promise faithfully to halt the world-wide Communist advance, put the blocks to extravagant government spending, douse the fires of inflation, put the economy on an even keel, reverse the trend which is turning the country into a moral sewer, and toss the criminals into the hoosegow where they belong. Yet, despite high hopes and glittering campaign promises, these problems continue to worsen no matter who is in office. Each new administration, whether it be Republican or Democrat, continues the same basic policies of the previous administration which it had so thoroughly denounced during the election campaign. It is considered poor form to mention this, but it is true nonetheless. Is there a plausible reason to explain why this happens? We are not supposed to think so. We are supposed to think it is all accidental and coincidental and that therefore there is nothing we can do about it.

FDR once said: "In politics, nothing happens by accident. If it happens, you can bet it was planned that way." He was in a good position to know. We believe that many of the major world events that are shaping our destinies occur because somebody or somebodies have planned them that way. If we were merely dealing with the law of averages, half of the events affecting our nation's well-being should be good for America. If we were dealing with mere incompetence, our leaders should occasionally make a mistake in our favor. We shall attempt to prove that we are not really dealing with coincidence or stupidity, but with planning and brilliance. This small book deals with that planning and brilliance and how it has shaped the foreign and domestic policies of the last six administrations. We hope it will explain matters which have up to now seemed inexplicable; that it will bring into sharp focus images which have been obscured by the landscape painters of the mass media.

Those who believe that major world events result from planning are laughed at for believing in the "conspiracy theory of history." Of course, no one in this modern day and age really believes in the conspiracy theory of history—except those who have taken the time to study the subject. When you think about it, there are really only two theories of history. Either things happen by accident neither planned nor caused by anybody, or they happen because they *are* planned and somebody causes them to happen. In reality, it is the "accidental theory of history" preached in the unhallowed Halls of Ivy which should be ridiculed. Otherwise, why does every recent administration make the same mistakes as the previous ones? Why do they repeat the errors of the past which produce inflation, depressions and war? Why does our State Department "stumble" from one Communist-aiding "blunder" to another? If you believe it is all an accident or the result of mysterious and unexplainable tides of history, you will be regarded as an "intellectual" who understands that we live in a complex world. If you believe that something like 32,496 consecutive coincidences over the past forty years stretches the law of avreages a bit, you are a kook!

Why is it that virtually all "reputable" scholars and mass media columnists and commentators reject the cause and effect or conspiratorial theory of history? Primarily, most scholars follow the crowd in the academic world just as most women follow fashions. To buck the tide means social and professional ostracism. The same is true of the mass media. While professors and pontificators profess to be tolerant and broadminded, in practice it's strictly a one way street—with all traffic flowing left. A Maoist can be tolerated by Liberals of Ivory Towerland or by the Establishment's media pundits, but to be a conservative, and a conservative who propounds a conspiratorial view, is absolutely *verboten*. Better you should be a drunk at a national WCTU convention!

Secondly, these people have over the years acquired a strong vested emotional interest in their own errors. Their intellects and egos are totally committed to the accidental theory. Most people are highly reluctant to admit that they have been conned or have shown poor judgment. To inspect the evidence of the existence of a conspiracy guiding our political destiny from behind the scenes would force many of these people to repudiate a lifetime of accumulated opinions. It takes a person with strong character indeed to face the facts and admit he has been wrong even if it was because he was uninformed.

Such was the case with the author of this book. It was only because he set out to prove the conservative anti-Communists wrong that he happened to end up writing this book. His initial reaction to the conservative point of view was one of suspicion and hostility; and it was only after many months of intensive research that he had to admit that he had been "conned."

Politicians and "intellectuals" are attracted to the concept that events are propelled by some mysterious tide of history or happen by accident. By this reasoning they hope to escape the blame when things go wrong.

Most intellectuals, pseudo and otherwise, deal with the conspiratorial theory of history simply by ignoring it. They never attempt to refute the evidence. It can't be refuted. If and when the silent treatment doesn't work, these "objective" scholars and mass media opinion molders resort to personal attacks, ridicule and satire. The personal attacks tend to divert attention from the facts which an author or speaker is trying to expose. The idea is to force the person exposing the conspiracy to stop the exposure and spend his time and effort defending himself.

However, the most effective weapons used against the conspiratorial theory of history are ridicule and satire. These extremely potent weapons can be cleverly used to avoid any honest attempt at refuting the facts. After all, nobody likes to be made fun of. Rather than be ridiculed most people will keep quiet; and, this subject certainly does lend itself to ridicule and satire. One technique which can be used is to expand the conspiracy to the extent it becomes absurd. For instance, our man from the Halls of Poison Ivy might say in a scoffingly arrogant tone, "I suppose you believe every liberal professor gets a telegram each morning from conspiracy headquarters containing his orders for the day's brainwashing of his students?" Some conspiratorialists do indeed overdraw the picture by expanding the conspiracy (from the small clique which it is) to include every local knee-jerk liberal activist and government bureaucrat. Or, because of racial or religious bigotry, they will take small fragments of legitimate evidence and expand them into a conclusion that will support their particular prejudice, i.e., the conspiracy is totally "Jewish," "Catholic," or "Masonic." These people do not help to expose the conspiracy, but, sadly play into the hands of those who want the public to believe that all conspiratorialists are screwballs.

"Intellectuals" are fond of mouthing cliches like: "The conspiracy theory is often tempting. However, it is overly simplistic." To ascribe absolutely everything that happens to the machinations of a small group of power hungry conspirators *is* overly simplistic. But, in our opinion nothing is more simplistic than doggedly holding onto the accidental view of major world events.

In most cases Liberals simply accuse all those who discuss the conspiracy of being paranoid. "Ah, you right wingers," they say, "rustling every bush, kicking over every rock, looking for imaginary boogeymen." Then comes the *coup de grace*—labeling the conspiratorial theory as the "devil theory of history." The Liberals love that one. Even though it is an empty phrase, it sounds so sophisticated!

With the leaders of the academic and communications world assuming this sneering attitude towards the conspiratorial (or cause and effect) theory of history, it is not surprising that millions of innocent and well-meaning people, in a natural desire not to appear naive, assume the attitudes and repeat the cliches of the opinion makers. These persons, in their attempt to appear sophisticated, assume their mentors' air of smug superiority even though they themselves have not spent five minutes in study on the subject of international conspiracy.

The "accidentalists" would have us believe that ascribing any of our problems to planning is "simplistic" and all our problems are caused by Poverty, Ignorance and Disease—hereinafter abbreviated as PID. They ignore the fact that organized conspirators use PID, real and imagined, as an excuse to build a jail for us all. Most of the world has been in PID since time immemorial and it takes incredibly superficial thinking to ascribe the ricocheting of the United States government from one disaster to another over the past thirty years to PID. "Accidentalists" ignore the fact that some of the more advanced nations in the world have been captured by Communists. Czechoslovakia was one of the world's most modern industrial nations and Cuba had the second highest per capita income of any nation in Central and South America.

It is not true, however, to state that there are no members of the intellectual elite who subscribe to the conspiratorial theory of history. For example, there is Professor Carroll Quigley of the Foreign Service School at Georgetown University. Professor Quigley can hardly be accused of being a "right wing extremist." (Those three words have been made inseparable by the mass media.) Dr. Quigley has all the "liberal" credentials, having taught at the Liberal Establishment's academic Meccas of Princeton and Harvard. In his 1300-page, 8 pound tome *Tragedy and Hope*, Dr. Quigley reveals the existence of the conspiratorial network which will be discussed in this book. The Professor is not merely formulating a theory, but revealing this network's existence from firsthand experience. He also makes it clear that it is only the network's secrecy and not their goals to which he objects. Professor Quigley discloses:

"I know of the operations of this network because I have studied it for twenty years and was permitted for two years, in the early 1960's, to examine its papers and secret records. I have no aversion to it or to most of its aims and have for much of my life, been close to it and to many of its instruments. I have objected, both in the past and recently, to a few of its policies . . . but in general my chief difference of opinion is that it wishes to remain unknown, and I believe its role in history is significant enough to be known."

We agree, its role in history does deserve to be known. That is why we have written this book. However, we most emphatically disagree with this network's aim which the Professor describes as "nothing less than to create a world system of financial control in private hands able to dominate the political system of each country and the economy of the world as a whole." In other words, this power mad clique wants to control and rule the world. Even more frightening, they want total control over all individual actions. As Professor Quigley observes: ". . . his [the individual's] freedom and choice will be controlled within very narrow alternatives by the fact that he will be numbered from birth and followed, as a number, through his educational training, his required military or other public service, his tax contributions, his health and medical requirements, and his final retirement and death benefits." It wants control over all natural resources, business, banking and transportation by controlling the governments of the world. In order to accomplish these aims the conspirators have had no qualms about fomenting wars, depressions and hatred. They want a monopoly which would eliminate all competitors and destroy the free enterprise system. And Professor Quigley, of Harvard, Princeton and Georgetown approves!

Professor Quigley is not the only academic who is aware of the existence of a clique of self-perpetuating conspirators whom we shall call *Insiders*. Other honest scholars finding the same individuals at the scenes of disastrous political fires over and over again have concluded that there is obviously an organization of pyromaniacs at work in the world. But these intellectually honest scholars realize that if they challenged the *Insiders* head-on, their careers would be destroyed. The author knows these men exist because he has been in contact with some of them.

There are also religious leaders who are aware of the existence of this conspiracy. In a UPI story dated December 27, 1965, Father Pedro Arrupe, head of the Jesuit Order of the Roman Catholic Church, made the following charges during his remarks to the Ecumenical Council:

"This . . . Godless society operates in an extremely efficient manner at least in its higher levels of leadership. It makes use of every possible means at its disposal, be they scientific, technical, social or economic.

It follows a perfectly mapped-out strategy. It holds almost complete sway in international organizations, in financial circles, in the field of mass communications; press, cinema, radio and television."

There are a number of problems to be overcome in convincing a person of the possible existence of a conspiratorial clique of *Insiders* who from the very highest levels manipulate government policy. In this case truth is really stranger than fiction. We are dealing with history's greatest "whodunit," a mystery thriller which puts Erle Stanley Gardner to shame. If you love a mystery, you'll be fascinated with the study of the operations of the *Insiders*. If you do study this network of which Professor Quigley speaks, you will find that what had at first seemed incredible not only exists, but heavily influences our lives.

It must be remembered that the first job of any conspiracy, whether it be in politics, crime or within a business office, is to convince everyone else that no conspiracy exists. The conspirators success will be determined largely by their ability to do this. That the elite of the academic world and mass communications media always pooh-pooh the existence of the *Insiders* merely serves to camouflage their operations. These "artists" hide the boy, the cart and the donkey.

Probably at some time you have been involved with or had personal knowledge of some event which was reported in the news. Perhaps it concerned an athletic event, an election, a committee or your business. Did the report contain the "real" story, the story behind the story? Probably not. And for a variety of reasons. The reporter had time and space problems and there is a good chance the persons involved deliberately did not reveal all the facts. Possibly the reporter's own prejudices governed what facts went into the story and which were deleted. Our point is that most people know from personal experience that a news story often is not the whole story. But many of us assume that our own case is unique when really it is typical. What is true about the reporting of local events is equally as true about the reporting of national and international events.

Psychological problems are also involved in inducing people to look at the evidence concerning the *Insiders*. People are usually comfortable with their old beliefs and conceptions. When Columbus told people the world was a ball and not a pancake, they were highly upset. They were being asked to reject their way of thinking of a lifetime and adopt a whole new outlook. The "intellectuals" of the day scoffed at Columbus and people were afraid they would lose social prestige if they listened to him. Many others just did not want to believe the world was round. It complicated too many things. And typical flat-earthers had such a vested interest involving their own egos, that they heaped abuse on Columbus for challenging their view of the universe. "Don't confuse us with facts; our minds are made up," they said.

These same factors apply today. Because the Establishment controls the media, anyone exposing the *Insiders* will be the recipient of a continuous fusillade of invective from newspapers, magazines, TV and radio. In this manner one is threatened with loss of "social respectability" if he dares broach the idea that there is organization behind any of the problems currently wracking America. Unfortunately, for many people social status comes before intellectual honesty. Although they would never admit it, social position is more important to many people than is the survival of freedom in America.

If you ask these people which is more important—social respectability or saving their children from slavery—they will tell you the latter, of course. But their actions (or lack of same) speak so much louder than their words. People have an infinite capacity for rationalization when it comes to refusing to face the threat to America's survival. Deep down these people are afraid they may be laughed at if they take a stand, or may be denied an invitation to some social climber's cocktail party. Instead of getting mad at the *Insiders*, these people actually get angry at those who are trying to save the country by exposing the conspirators.

One thing which makes it so hard for some socially minded people to assess the conspiratorial evidence objectively is that the conspirators come from the very highest social strata. They are immensely wealthy, highly educated and extremely cultured. Many of them have lifelong reputations for philanthropy. Nobody enjoys being put in the position of accusing prominent people of conspiring to enslave their fellow Americans, but the facts are inescapable. Many business and professional people are particularly vulnerable to the "don't jeopardize your social respectability" pitch given by those who don't want the conspiracy exposed. The *Insiders* know that if the business and professional community will not take a stand to save the private enterprise system, the socialism through which they intend to control the world will be inevitable. they believe that most business and professional men are too shallow and decadent, too status conscious, too tied up in the problems of their jobs and businesses to worry about what is going on in politics. These men are told that it might be bad for business or jeopardize their government contracts if they take a stand. They have been bribed into silence with their own tax monies!

We are hoping that the conspirators have underestimated the courage and patriotism remaining in the American people. We feel there are a sufficient number of you who are not mesmerized by the television set, who put God, family and country above social status, who will band together to expose and destroy the conspiracy of the *Insiders*. The philosopher Diogenes scoured the length and breadth of ancient Greece searching for an honest man. We are scouring the length and breadth of America in search of hundreds of thousands of intellectually honest men and women who are willing to investigate facts and come to logical conclusions—no matter how unpleasant those conclusions may be.

THE ART OF POSITIVE POSITIVE POLITICS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. RODINO. Mr. Speaker, my constituent and friend from Montclair, N.J., Frederick Sontag, has recently coauthored the book "Parties—The Real Opportunity for Effective Citizen Politics."

Frederick Sontag and John Saloma have filled a void by writing a book that charts the course for citizens who want to make their vote and party count. One of the things that we need in this country is a revitalization of political life and an understanding that in a democracy political advocacy is necessary and healthy. Frederick Sontag's book calls for just such a revitalization.

I commend this timely work with its emphasis on positive politics to my colleagues who will enjoy reading it as much as I am now. The articles follow:

BOOK ON POLITICS CAMPAIGNS FOR PARTISAN SURVIVAL

(By Charles Q. Finley)

A clarion call to action for Americans frustrated by the political process has been sounded in the new book "Parties" coauthored by Frederick H. Sontag of Montclair.

The book, written in collaboration with John S. Saloma III, an associate professor of political science at Massachusetts Institute of Technology and published last Friday by Alfred A. Knopf of New York, reflects an abiding faith in the political party system. It not only outlines ways to remold the parties to meet the unique problems of today but includes a detailed guide for the average citizen who wants to participate but doesn't know where or how to begin.

The book also reflects the personality of Sontag, to whom research and the seeking of new ideas for improvement of the political system has become a way of life.

Relaxing in his spacious home with his wife, Edith, to whom he gives much credit for completion of the book, Sontag said the publication presents "hundreds of keys to open locks on doors leading to opportunities for the average citizen to participate in American politics."

"This country has been spending too much time in the blame business instead of using that time doing something constructive," Sontag said. "Instead of the attitudes of welfare and violence in the ghetto areas, for example, the people can work to clean things up themselves. This attitude in the cities is much more of a sickness than the broken buildings."

The theme of the book is indicated by the dedication on the flyleaf: "To the men and women of America—potentially the most gifted politicians of them all."

In the book the authors state: "We believe that American political parties, whatever their current limitations, offer the best political means for achieving broad citizen participation in politics and continuing citizen influence in the direction of government.

"A critical assessment of the political parties is sorely needed, not a justification for their abolition but as a basis for their reconstruction and revitalization.

"The parties are surrounded by opportunities. There is so much slack and room for improvement in American politics that it is possible for citizens to achieve whatever goals they set out to accomplish in politics."

The book contains an action guide, which specifies for different kinds of readers the topics they are likely to find especially valuable and indicates where they may be found in the book. The text outlines for each group what it can do to make the parties more responsive and dynamic.

The problems in the parties at all levels are examined in detail and proposals given for improvement.

The book takes an unusual stance in the matter of money in politics:

"Political finance is thought of merely in terms of campaign finance" but strategies for party modernization "will still require massive and concentrated funding if they are to change party performance measurably."

"Politics is and should be a major growth industry with expanding financial and human resources. Politics can have clout as well as color," the book states.

Sontag, who is 48, is a graduate of Phillips Academy in Andover, Mass. and Colby College. He took graduate work at Columbia University. A public relations consultant, he has served in presidential, state and local campaigns of both major political parties.

It took three years to research and write the book. Sontag said the first year and a half was financed by the 20th Century Fund, a foundation for the study of political parties and that the authors carried on to finish the project themselves.

"If we can come up with 100 suggestions and 10 of them are adopted that's 10 per cent, higher than you can get in a return from any bank," Sontag said. "Lack of candor on the part of people bugs hell out of me— because of what they can accomplish if they but try."

One of his new ideas is the formation of a "contingency committee" by the parties to prepare for the unexpected, if a candidate should lose, or pull out of a race.

He feels the people of the United States will no longer allow the vice president to be picked by the President. "They want him chosen by the convention," he said.

He also believes there should be talent searches for Presidential possibilities and that an Institute on Politics should be established to train legislators and staffs.

He said an analytical newsletter, "a political tip sheet if you will," is needed, financed from year to year, to help encourage intelligent citizen political participation.

"The political processes are here to stay far beyond the readers of this book. The political parties are institutions, like police and fire departments. But let's not allow them to die on the vine. Let's build something."

DO-IT-YOURSELF POLITICS

(By Roscoe Drummond)

Parties: The Real Opportunity For Effective Citizen Politics, by John S. Saloma III and Frederick H. Sontag. New York: Alfred Knopf. $7.95.

This is an exciting and stirring book. It is the only contemporary book about party politics in America which wastes no time wallowing around in stupid pessimism.

The authors contend that representative governments can be made more representative. They cite concrete things which can be done to make government more responsive, and show what concerned citizens can do now to make the political parties better instruments of majority rule.

Both authors have good credentials. John Saloma, founder of the Ripon Society, is an M.I.T. professor of political science with pragmatic instincts. Frederick Sontag is an experienced professional in practical politics.

The need for crucial change in party operations is great. America's problems have outdistanced its answers, and our political institutions have shown themselves unequal to what needs to be done. Saloma and Sontag are convinced that people have become disturbed enough to do something about this.

The book is a citizen's handbook for political action. It deals with the inner workings of the parties and describes in detail how all of us can mobilize support and bring it to bear on the decisionmaking processes of government at every level. If you want to influence political decisions, elect candidates and promote the issues of your choice, "Parties" offers a wide range of do-it-yourself ways of getting it done. It is surprising how ready-to-hand these ways can be.

Professional politicians should also be interested in this book—they can't afford not to be. The American people don't want to tear down the existing political system. But I believe they are fed up with "politics-as-usual" groping its way through one of the most challenging and painful periods of history. They don't want totalitarian government; they want a more worthy and workable democratic government.

I think most people are also surfeited with negative criticism about America's problems. In the best sense, "Parties" deals with the art of positive politics.

The one thing we *cannot* afford is to let bad enough alone. This is why "Parties" is valuable and timely.

It doesn't take "no" for an answer.

FORMER CONGRESSMAN RICHARD L. OTTINGER CITED IN "GUIDE TO FEDERAL AID TO CITIES AND TOWNS"

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BADILLO. Mr. Speaker, it is a measure of the growth and complexity of our Federal Government that many of the municipalities which most need the economic and technical assistance that can be provided on the Federal level do not have the capability to cut through the massive amounts of redtape that are required to secure Federal grants and programs.

A significant effort has now been made toward making the understanding of the programs and processes of Federal aid more coherent and inevitably more effective with the publication of the New York Times "Guide to Federal Aid to Cities and Towns." Authored by Howard S. Rowland of Glassboro State College, part one of this massive work, "City in Action—Peekskill," cites the kind of results which can be achieved by a Congressman willing to fight for his constituents through the sprawling Federal bureaucracy.

The Congressman, Richard L. Ottinger of New York, a former colleague and friend well known to many of us, proved time and again that cities, towns and villages of all sizes can be helped to take advantage of Federal programs if the Congressman rolls up his sleeves and commits himself to action and results for his people. Since Mr. Rowland's example is so instructive I am including it in the record at this point:

THE NEW YORK TIMES GUIDE TO FEDERAL AID FOR CITIES AND TOWNS

(By Howard S. Rowland)

CONGRESSIONAL HELP

There was one other factor in the Peekskill "beginning" which was indispensable—a Congressman who cared. "If I need approval of a particular document and it's sitting on someone's desk in New York or Washington, I call his office and within a twinkling something happens—frequently a signature." David Ornstein was speaking of Congressman Richard Ottinger, a New York Democrat, a conservationist, a man known for getting things done. Periodically, Ottinger sent a newsletter to his constituents not only discussing his position on important national and local issues but also listing the specific grants and programs he had helped bring to each of the communities he represented. For example in July, 1969, he listed the following:

Westchester County: Federal grants of $402,000 and $135,000 to Westchester Association for Retarded Children for education, training, and vocational programs.

Dobbs Ferry: Participation in $122,720 HUD grant for urban planning assistance.

Greenburgh: $2,421,378 Federal loan for 115 low-rent housing units and $337,642 Federal grant for parks adjacent to housing sites; $9,000 for special youth programs.

Yonkers: $50,000 grant to improve poverty program management; approval of lease plan for 50 low-rent homes.

Ossining: $9,375 Federal grant for urban beautification program.

Briarcliff: $5,000 federal grant to Briarcliff College for child development.

Tarrytown: $97,540 federal contract to Union Carbide for saline water research.

Brewster: $28,665 federal grant to JFK school to improve basic skills in younger pupils.

Peekskill: Federal grants of $70,000 to convert Franklin Street school land to park use; $56,160 for development of a Community Renewal Program; $22,918 for a summer Head Start program.

It was Ottinger's office that noted that the Department of Defense had increased its prime contracts in Peekskill from $30,000 in 1965 to close to $2 million in 1968, and that federal funds for education jumped from $90,766 to $262,363 primarily as a result of Peekskill's belated discovery of its eligibility for federal impact funds.

After the summer of 1967 riots in Peekskill, Ottinger, a Democrat, arranged a meeting in Peekskill of HUD and state housing officials with the Republican mayor and Council and himself. Concrete activities such as a rehabilitation program and an FHA 221 (d) (3) project were agreed upon. However, as it turned out there was no one in Peekskill to coordinate the necessary action and nothing was done. It wasn't until Ornstein was hired that these ideas and many others were routinely checked through Ottinger's office and things began to happen. For example, Peekskill wanted a quick approval on its Neighborhood Parks project. So Ottinger had one of his staff members hand deliver the application to the regional office of HUD and discuss all the elements in the application to be sure they were satisfactory. It was no surprise that shortly thereafter the project was approved.

So, too, with Peekskill's waterfront development plan. Ottinger's office in 1970 was working very closely with Ornstein on this project. Ottinger's staff analyzed the different possibilities for federal grants, set up meetings with all federal departments, and was in the process of getting all federal agencies to precommit as to what they would be willing to do if the Peekskill bay borings, which were then being arranged, proved that the project was feasible.

But as an Ottinger staff member said, "It takes more than an active Congressman to get a community going. The community leaders have to be willing." She was referring to the neighboring city of Ossining, which had also experienced riots in 1967. Unlike the Republicans of Peekskill, the Republicans of Ossining had scorned the assistance of their Democratic Congressman. Even after the national TV film by the Maryknoll Sisters depicting the wretched housing conditions in Ossining, when Ottinger again offered his services, Ossining replied snippily, "There is no housing problem in Ossining." As of 1970 Ossining still had not built a single unit of public housing.

SOME GOOD ADVICE FROM MARVELLA BAYH

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. BRAY. Mr. Speaker, the following article from the June 18, 1972, New York Times is certainly worthy of note. Mrs. Birch Bayh, wife of the junior Senator from Indiana, has through her faith and courage become a symbol of hope to many American women who have had to undergo, or must undergo, radical surgery for cancer:

TO FEARFUL WOMEN A SENATOR'S WIFE OFFERS GOOD ADVICE

INDIANAPOLIS.—Marvella Bayh, whose husband, Senator BIRCH BAYH, the Indiana Democrat, withdrew as a presidential contender last fall to remain with her after she underwent surgery for cancer, has become a symbol of encouragement to many American women.

During her first trip back home to Indiana following a mastectomy, surgery for breast removal, Mrs. Bayh said in an interview that at the time of her operation last October she thought it was "rather unfortunate" that she, "had to have so much publicity."

"It is the sort of thing you would like to slip into the hospital, have the surgery, and then in a few months appear around again and only the people very close to you would ever know you had the surgery," she said.

"But in my case, when Birch was an unannounced candidate for the presidency, it did have a great deal of publicity which at the time I was wishing it didn't have," she remembered.

"Then I had so many letters from women who said, 'You can be our example,' that it made me feel that maybe I can bring a little bit of encouragement to women cancer has yet to strike. They can see that BIRCH and I are just as much in love as we ever were. I can go on and do things I always have done before and I can wear just the kind of dresses I wore before.

"Perhaps women who look at me can say to themselves, 'life does go on,' and I can give them the encouragement that wonderful Reach for Recovery gave to me."

Mrs. Bayh was referring to a program sponsored in some cities by the American Cancer Society. Before Mrs. Bayh left the Columbia Hospital for Women, in Washington, D.C., following her operation, she was visited by a woman she describes as "marvelous looking, like a model, wearing a suede skirt and a form-fitting blouse.' The woman explained that she had undergone a breast operation several years before and instructed Mrs. Bayh in postoperative exercises.

According to the cancer society, approximately 71,080 women in the United States will develop breast cancer this year and 32,000 of them will die from it. Cancer of the breast represents about one-fifth of all cancer deaths and is the second leading cause of cancer deaths among women.

Mrs. Bayh said she had no particular warning in advance that she had cancer of the breast.

"I had had some soreness, an awareness of that particular part of my body," she said. "But there was really no lump or anything. Nothing showed upon the mammograms, which are X-rays. I was X-rayed four times. The doctor said it was very unlikely the mammograms were wrong but he did not feel he could take the 10 per cent chance that they were wrong."

The doctor arranged for a biopsy, which did show cancer, and the operation was performed the next day and was followed by cobalt-type treatments. Mrs. Bayh still is undergoing weekly chemotherapy treatments, an 18-month course of care.

"Wherever you are in the world on April 8, 1973, you are going to hear a world-shaking boom and that will be me celebrating the end of the chemotherapy treatments," Mrs. Bayh laughed.

"It is a chemical doctors have known about for six or seven years, as I understand it, but has been in common usage les time than that. It is a chemical they put in the veins that seeks out rapidly dividing cells and kills them. It is just in case at the time of surgery some cancer cells escaped into the blood stream and lodged somewhere."

Mrs. Bayh said that prior to her operation and because of her husband's campaigning he was seldom able to be at home. He did not discuss his decision to end his 1972 presidential bid with his wife.

"He just came to the hospital and told me his decision, Mrs. Bayh said." He let me read the statement he had written. He wrote every word of it himself and sat up most of the night writing it. I asked him if he felt this was the right thing to do and he told me it was the easiest decision he ever made."

Mrs. Bayh said that her husband's gift of his own time now seems to be the force that gave her the strength to live during the difficult months following surgery.

"He has been my anchor," she said. "If I started to be blue, he was there to buoy me up. Birch was right by my side. He never took any kind of attitude but that we are going to lick this thing. He took the attitude that it was an illness just as if I had an appendicitis operation."

Mrs. Bayh found that her experience with cancer "helps you put things in a proper perspective. Time together as a family is more precious."

Mr. Bayh, who is 44 years old and has been a Senator since 1962, and his 39-year-old wife first met when she defeated him in a national oratorical contest. They have one child, Evan, 16, described by his mother as "a typical teen-ager. He is very involved in school work and sports and just starting to drive." Mrs. Bayh recalled that her husband briefed Evan on her illness.

"This was an extra difficult time for Birch because he lost his mother from cancer when he was 12," Mrs. Bayh said. "I don't know what his father told Evan, but Evan never lets me see anything from him but sunshine."

Mrs. Bayh now has almost forgotten about her false breast, although at first she felt other people might be aware of her surgery. She described her first public appearance after the operation.

"We were going to a black tie dinner. I looked at my formals in the closet and pulled out one with the lowest cut. I never have worn very low cut formals but I picked out the most revealing formal I had. Birch was laughing at me because I did that, but I got away with it."

"It's not the end of the world," Mrs. Bayh said. "If a woman must lose a part of her body, this is the most easily camouflaged. It is much better than losing an arm or a leg."

"I can't urge strongly enough for women of all ages just to be wise enough to have examinations regularly and to check themselves. If you get [check] cancer in the beginning, chances are it won't make all that difference in your future."

"This is not the first time we faced anything like this," she recalled. "In 1954 Birch and I were in a very bad auto accident. Then in 1964, we were in a plane crash in which there were five aboard and two were killed. We managed to come through that. [Their close friend, Senator Edward M. Kennedy, was injured in the same crash.] I used to laugh and say, 'In 1974 I am not even going to take a bath for fear I will fall.' But I am sure this cancer just came two years earlier and 1974 will be a fine year."

For the present, Mrs. Bayh has found her cancer experience "reinforces your faith in people. You pick up the paper and read about rapings and robberies and murders and you might begin to think the world is full of people who don't care. They are really so much in the minority. There is so much goodness and caring, one human being for another, it makes you so happy to be alive."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A HIGH PRICE FOR BEEFSTEAK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. MICHEL. Mr. Speaker, yesterday the Washington Post editorialized on the price of beefsteak and the issue of food price control, concluding that "controls on food promise far too many troubles to be justified by the price of beefsteak alone."

I commend the Post for a sensible attitude on a highly volatile issue, and call the attention of my colleagues in the House to the following editorial:

A HIGH PRICE FOR BEEFSTEAK

The price of beefsteak is becoming, unfortunately, a symbolic test of the Nixon administration's ability to control food prices. It is a bad test, both because it is essentially uncontrollable and because it is a luxury. If the prices of the staples and the real necessities in families' diets begin to move steeply upward, then there will be a reasonable case for price controls on food even with all the risks of shortages and distortions that they entail. But Mr. Nixon ought not allow himself to be chivvied into controlling food merely because T-bone steaks and filets are going up.

The demand for the best cuts of red meat are rising rapidly because incomes are rising. The supply is limited to the animals already in the feed pens. The breeding cycle, in the case of steers, requires several years. As President Nixon remarked in his press conference, price controls during a shortage can result in a black market. Theoretically the answer lies in rationing and direct subsidies to producers. But it requires the kind of massive and permanent enforcement apparatus that, from the beginning of this experiment, Mr. Nixon has attempted to avoid.

He mentioned the possibility of abandoning the quotas that limit imports of beef, and of course the quotas should have been dropped long ago. But even this remedy is likely to have only small effects. Mr. Nixon, who has been well briefed on the difficulties of dealing with beefsteak, noted that demand is also rising in other countries. One might add that Americans like very tender beef. Most imported meat seems intolerably tough to American tastes, and we accept it only in hamburger and sausage. Custom does more than quotas to protect our meat markets from the rigors of world competition.

Mr. Nixon made it clear that he is considering controls on foods prices. But the case for controls rests mainly on the performance of meat prices. The other major categories of groceries have risen comparatively slowly over the past year. Bread and cereals were up half a percentage point. Dairy products were up 1.9 percent, and fruits and vegetables were up 2.1 percent. Other items average to an even lower rate. These figures represent a very modest rate of inflation. It is chiefly the price of red meat that has raised the food index 3.5 percent over the year.

Administering the controls is a process of deciding what matters most and what matters least. One of the commodities that should matter least, in the management of the economy, is expensive meat. Steak is not necessary to sustain life. In a pinch, hamburger and chicken will do. Some items are sufficiently necessary to daily life that simple justice requires them to be controlled. Steak is not one of them. It is a luxury. The Democrats would doubtless like to make a campaign issue of the price of prime beef. But the Democratic candidates themselves have been lamentably vague and evasive on the hard choices that a control program requires.

If the grocery chains are forced to swallow the increases in wholesale meat prices, they will be under great pressure to make up their losses on other, less carefully watched items. That would amount to holding down the luxuries at the expense of raising the staples. If the staples, and the real necessities of a balanced diet, should join the inflationary rush upward, then there will be a real case for food price controls regardless of the dangers of shortages and black marketeering. But controls on food promise far too many troubles to be justified by the price of beefsteak alone.

U.S. POSTAL SERVICE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. JONES of North Carolina. Mr. Speaker, as a small child, I used to engage in a game known as "post office," but more recently, the post office is now playing games with the American public. It is inconceivable to consider the curtailing of services to the American public that have been instigated in recent months. The sectional centers, which at one time we were told were the answer to all mail problems, are being consolidated, causing the mail from a given community to travel hundreds of miles to ultimately reach a neighboring community only a few miles away. There are many small cities in my district where it has come to my attention have ultimately no mail service from Friday until Monday. The displacement of many long-time employees is causing anguish and great personal sacrifice in leaving their homes in order to continue postal employment.

Mr. Speaker, I am sure that other Members of Congress have been experiencing the same complaints which have reached my office. Referring to the U.S. Constitution, one of the prescribed duties of the Congress, as outlined in article I, section 8, is "to establish post offices and post roads." To my knowledge this has never been changed. Therefore, Mr. Speaker, I raise the question, is the Congress performing its full duties as directed by the Constitution in sitting idly by and permitting the disintegration of the handling of the U.S. mail? I think it time that we reevaluate what we have done and through legislation or otherwise, provide the people of this Nation the postal service to which they have rightly become accustomed.

THE BALTIC NATIONS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ADDABBO. Mr. Speaker, each year Members of the House participate in ceremonies and statements marking the anniversary of a number of events surrounding the loss of freedom of the people of the Baltic States. We remember the historic events leading to the oppression and captivity of these freedom loving people and we also hold out some hope to them through our remembrance of their heroism.

The domination of Lithuania, Latvia, and Estonia by the Soviet Union has not been an easy domination for the years have been filled with accounts of heroism by freedom fighters and others who will not forget the advantages of liberty. The reported death of some 30,000 Lithuanian freedom fighters between 1940 and 1952 is evidence of the kind of spirit which cannot be totally destroyed.

During the 89th Congress legislation was passed, House Concurrent Resolution 416, calling on the President of the United States to bring the domination of the people of the Baltic States to the United Nations and to bring world opinion to bear on behalf of restoration of the rights of the Baltic peoples. That resolution expresses the concern of Congress with this continued Soviet oppression of the Baltic peoples and I insert the full text of House Concurrent Resolution 416, 89th Congress, in the RECORD at this point:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

A YOUNG MAN WHO TAKES HIS RESPONSIBILITY OF CITIZENSHIP SERIOUSLY

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. DANIEL of Virginia. Mr. Speaker, periodically the young people of this nation amaze me. Despite the efforts of some who grab the headlines and appoint themselves spokesmen for their contemporaries, members of the post-World War II generation continue to think for themselves, to evaluate the facts, and to arrive at their own conclusions.

One such man, Mr. Richard C. Wooley, who resides in Danville, Va., has been sufficiently thoughtful to set forth his feelings regarding the present situation as regards our involvement in Vietnam. Mr. Wooley knows whereof he speaks. He is a 28-year-old veteran of the U.S. Marine Corps, with service in Vietnam. He now is preparing for a civilian career, and as his letter reveals, he takes his responsibilities of citizenship seriously.

Mr. Wooley's letter speaks from the heart and—in my case—to the heart. At this point I submit this letter for inclusion in the RECORD, so that my colleagues may have the benefit of this young man's views:

DEAR MR. DANIEL: I have heard reports that the majority of mail received by U.S. Senators and Representatives, calls for opposition to Mr. Nixon's recent response to the North Vietnamese invasion of the south. This is a copy of one of several letters I am writing to Virginia's governmental representatives to express my vote for support of the president's policy.

Having been involved in Vietnam as a volunteer in the Marines, I support the Vietnam effort, or rather the effort as it should have been, had the American people put their full effort into backing the military, and instilling the will to win into political minds, by expressing that will themselves. This, rather than confusion, losing heart, and the subsequent desire to withdraw, would have inspired decisive military action in the begining, and I believe, brought an end to the war long ago.

Though the president's recent action is long overdue, and perhaps not far reaching enough, I would like to see Congress and the House behind him all the way. My reasons being that the fact of the invasion itself, that by the North Vietnamese Regulars, proves the failure of the communists to win the South Vietnamese people. This coupled with the fact that refugees in South Vietnam did not receive the N.V.A. with open arms, and in fact fled to the south, is infallible evidence of that failure. Evidence seemingly ignored by the news media on a national scale. If the South Vietnamese are losing ground in their efforts to repel the invasion, I do not see this as a failure of Vietnamization, in that the N.V.A. have the advantage of having fixed targets to attack, and deciding which to attack, and when. They know where South Vietnam's cities, bases and supplies are while they operate under cover of the jungle, and store supplies in widely distributed and camouflaged areas. They also have the advantage of the momentum built up over the years by little or no attempt to stem the flow of supplies to the south at the source. There was no blockade effort until now and thus they have months if not years of supplies at hand that have been stored over the past. In the north, by now, they are well fortified and have taken measures to circumvent the effects of such a blockade, as well as digging in against bombing attacks. We have sown the seeds of our own failure as we progressed, through lack of definite and decisive action, *not* by our initial involvement. I feel that it is entirely necessary that we give the president full support if we are to salvage any honor, and if we are to provide the South Vietnamese with the needed initiative to make Vietnamization work.

Dealing so far with the surface issues which, though seemingly obvious, are, even so, rarely observed nationally, the issues even more feared by both sides are the philosophical issues involving the concept of war as immoral, and killing as wrong. This expressed, those opposing the Vietnam effort have sold the news media, and the news media has sold much of the public, the idea that nothing more need be said. That the peace advocates point out these immoralities and assume them to be points in their favor is a fact rarely challenged by advocates of the war effort. "War is immoral", and "Killing is wrong", are easy things to say and wave as a banner of righteous indignation at the war effort, yet difficult to confront with opposition. Question: Have those who oppose the war in Vietnam and our involvement there indeed been innocent of killing? I can only express my own opinion which agrees with the obvious statements of the immorality of war, and killing but differs from that of the peace advocates in that I do not see it as a choice between right and wrong, morality and immorality. I chose to have on my conscience the wrong of having killed in the defence of the South Vietnamese, rather than the only other, and to my mind, more immoral alternative embodied in the peace advocates stand, which to me constituted *killing* by refusing to become invoved in someone's defence. That it is possible to kill indirectly by refusal to act, is not a new concept. We hear reports of fifteen or twenty people witnessing murder and other crimes of violence on the streets of America, and refusing to become involved in the victims defence, even as a witness in court. I wonder if this is the new moralities idea of peace, love and brotherhood and if not, why draw the line for peace, love and brotherhood at the boundaries of the U.S. when we have signed agreements, such as S.E.A.T.O., stating our willingness to defend our allies against aggression. If war, or in the case of the U.S. in Vietnam, response to war and aggression, is immoral, the immorality of isolationism is to me much more obvious and demeaning. It is said "We can not police the world", and "Who are we to become involved in someone else's affairs?" Crime is steadily increasing in this country, and law enforcement officials haven't the ability to contain that increase, greatly, I feel, because of the aforementioned lack of public involvement but how many would advocate complete disbandment of law enforcement agencies in the U.S. for this reason. In spite of the complacent hostility toward law enforcement officials today, surely we still have the presence of mind to imagine the consequences of such an action.

I am not saying that the end justifies the means. If I have agreed that war and killing are immoral I also agree that such are not justifiable either in themselves or in comparison to something more immoral. In view, however, of our human fallibility and the fact that it is difficult to unite enough saints and martyrs to effect the only possible moral action in response to the communist insurgency in Vietnam I *am* saying that defence of the South Vietnamese people by military effort was the closest to the right and moral action within our human potential. The only purely right and moral action I can see, which I believe to be outside our potential, would be for the peace advocates, if they truly believe in peace, love and brotherhood, to form an army of volunteers, armed only with skills they might teach the Vietnamese, and to send that army to Vietnam, putting their lives in jeopardy as those in the military effort have done. Being unarmed with weapons, they might speak out in a meaningful way against killing and violence, though many seem to have trouble refraining from violence even in their "peaceful" demonstrations. The hitch is, of course, that they would have to be willing to die for their beliefs as we were. For those who suffered in isolated incidents in demonstrations against war, their suffering was perhaps significant, as all suffering should be, but the odds of one's really losing his life in an anti-war demonstration are slight compared to those who backed up their convictions in Vietnam voluntarily. If in professing such moral issues as peace, love and brotherhood, they are to be worthy of those issues, these peace advocates must be the saints and martyrs they ask us to be and should be willing to make such a sacrifice. If they can, let them do it and stop passing judgment on those who, if they participated in violence, were willing to give their lives for their convictions and who pretended to no such saintly potential.

If this sounds like tooting my own horn, having been a volunteer in Vietnam, let me remind you that I have, because of my involvement been accused of being a "Blind Nationalist," "Puppet and pawn of the military establishment," "Warmonger," "Killer of women and children," and various other things which are too familiar to need mentioning. I have been accused of these things directly by the radicals of the peace movement and indirectly by those who attacked the effort which I supported. If I am rightly subject to these accusations simply because they have a right to their opinion then my accusation that their weakening of unified effort behind the war, causing breakdown of morale and desire to withdraw has prolonged the war, and is responsible for the death of more Americans than any action by the N.V.A. or Viet Cong, is valid for the same reason. There was no significant effort, if any, by the peace advocates to organize such an army of saints and martyrs, and I do not equate the efforts to bribe North Vietnam as anything related.

If I have written a lot of my opinion I have heard quite a lot of the opposing opinion. This because so many public officials are afraid to oppose the seemingly moral stand against the *defense of Vietnam*. I feel that I have a right to express my opinion not just as a citizen but because I feel the arguments I have presented to back it are valid, at least they are there for critical analysis, and I detect little but whining and crying on the part of the opposition with little but accusations to back it up, and hardly any attempt to approach the subject with logic or reason. Witness the recent confrontation between Mr. Fulbright and his committee, and Secretary of State Rogers. Mr. Fulbright seemed to receive his greatest applause by expressing his wonder at how the president allowed us to get into this situation as though wishing the problem away would constitute a valid rebuttal to the war effort.

There are many things concerning this issue on which I would like to express my opinion but I'm sure this is sufficient to express my vote of support for the president. For those of Virginia's governmental representatives who have supported America's stand in the Vietnam conflict I am deeply grateful. Thank you.

Sincerely,

RICHARD C. WOOLLEY.

THERE IS A WAR GOING ON

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SYMINGTON. Mr. Speaker, we get many reports from the battlefront, some through Government channels, others from the press. In either of the two mentioned sources bias can be observed. Bias is a likely, if not inevitable element of a free citizen's reaction to a war involving his nation's blood and treasure. One such bias which ought to have a claim on the country's attention is that of those chosen to participate in the struggle. A young constituent, stationed in Guam, has written me his impressions of our current involvement. He is disappointed at our continuing failure to extract ourselves from the conflict, but not yet devoid of hope that somehow the Government, with the prodding of Congress, can achieve that desired result. Letters containing similar or contrary points of view can undoubtedly be produced. I simply submit this one to share the passionate sense of responsibility of its author, a young American, who reminds us that "there is a war going on," and who believes his government could, if it would, bring our participation in it to an end without damaging our security. Both that reminder and that belief merit our consideration.

The letter follows:

GUAM, *June 19, 1972.*

DEAR CONGRESSMAN SYMINGTON: There is a war going on. If you find what you read in the next few lines rather fantastic, if you can't believe it, come out here and see for yourself. There is a war going on. You can see it in the faces of the men, perhaps thousands of them, who are "living" in the tent cities here. Ask them how they like what they're doing and they'll answer with any one of a number of four-letter words. Ask them what it's like to live in a tent where the sun bakes down and it rains five or six times a day. They'll tell you, and won't waste any time trying to white wash it.

They're from all over the U.S., TDY-ed (that's Temporary Duty) here from bases in the States. Orders say they'll be here for 179 days. That's one day short of six months. That's one day short of a PCS, permanent change of station. That's one day short of being away from their wives a full six months. But if they were here permanently, their wives could be, too.

There's a war on. You can see it each day, as the huge B–52's take off over the bluff and climb into the sky, headed away on their missions. You can see it in the loads of bombs dropped—loads which come in continually from who knows where.

The base is so large, you need a bus to get around. That can be disturbing during a rainstorm and between buses. The base runs all the time. But if you talk to nearly any shop chief, he'll say he's overmanned. Why separate families if the man is going to sit around here waiting for work? Why send anyone here at all? Why spend millions per day to obliterate the people and the country of North Vietnam? Why force people to fight or work who don't believe in this deadly game of death, dealt out by demagogues and so-called "statesmen?" Why spend a fortune destroying when so much else can be done? Why have a war in Southeast Asia? Why isn't Congress tightening the purse? Why?

This war, this operation has placed the so-called welfare of a sick foreign policy of a bunch of bunglers who haven't learned the meaning of the peace they give lip service to supporting, over the welfare of the people who are ordered to carry it out. We didn't ask to be in this war, this military service. We were told. Letters to Congress apparently haven't brought about the end, but I have faith they may. I will continue to write, to let you know about us. We are Americans. Those of us who don't believe in this war, and the number is growing, are often looked upon by the military career people as less than American. Show us that's not true. Let's get some pressure on the people in the Pentagon, the White House and the Capitol. I want to come home.

Sincerely,

——— ———.

TAKING CARE OF THE NEEDS OF THE DEAF IN EMERGENCIES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. VANIK. Mr. Speaker, during the past year several students with hearing impairments and speech difficulties have been hard-working members of Senator KENNEDY's and my congressional staffs in Washington. Because of Judy Leah Williams of my office, who recently graduated from Gallaudet College, we discovered that persons with such impairments are not able to benefit from the television bulletins concerning emergencies and disasters like the devastation caused by tropical storm Agnes.

Miss Williams indicated to us that many of the important announcements concerning utility shutoffs, water treatment, and evacuation were transmitted verbally but almost never in print on the screen. Therefore, it was virtually impossible for the 100,000 deaf and hearing-impaired people in Washington to be properly alerted to this essential information.

As a result of Miss Williams' report, our offices contacted many of the Washington area television stations to determine whether they would screen simultaneous sign language translation of such emergency announcements.

Beginning at 6 p.m. on Friday, June 23, WTOP television station began such an effort on an experimental basis. The whole Washington community owes a deep debt of gratitude to WTOP–TV and to Mr. Dan Gold, its vice president, and Mr. Larry Israel of that station for their community-minded spirit in the face of this obvious emergency. During the entire weekend emergency WTOP–TV continued to provide this invaluable service in a professional manner and with great efficiency to those people in need. Miss Cynthia Saltzman, the translator, who has been called up on short notice, is to be congratulated for her work.

This new public service pioneered by WTOP–TV was an inspiring educational experience which gave the media a new dimension.

ON TO THE MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. TEAGUE of Texas. Mr. Speaker, man has not always chosen to be progressive. There were those who denied the possibility of man flying through the air. There were those who said that man's voice could never be transmitted over a wire. These same doubters also believed that man's voice could never transverse the air. Our space program also has these doubters.

As with other astronauts in the Apollo lunar landing program, Lt. Col. Charles M. Duke, Jr., quoted in a recent editorial of April 14, 1972, of the Atlanta Journal, points out the value of searching into the unknown. This significant editorial goes on to discuss the importance of our search for knowledge and the development of science and technology through a strong national space effort. I commend this editorial to the reading of my colleagues and the general public.

The editorial follows:

ON TO THE MOON

Another chapter in the enthralling history of both science and adventure will be opened Sunday when Apollo 16 is launched from Cape Kennedy to the moon.

To the phlegmatic and to those cursed with short vision, the event will be nothing more than a waste of money, time and effort. To the easily bored it will be merely a repetition of what we have done before. And, undoubtedly, there will be those who will continue to contend that we have never really gotten to the moon but the whole thing is done in a television studio.

But Apollo 16 represents the last great frontier open to living man. The exploration of the awesome void of space is the greatest challenge facing man's intellect and strength.

Capt. John W. Young, Jr., Lt. Col. Charles M. Duke Jr., and Lt. Cdr. Thomas K. Mattingly II will be taking the next to final scheduled shot to the moon. Capt. Young and Lt. Col. Duke will explore areas which have never been trod by man. And they will seek evidence which should broaden our knowledge and understanding of how the moon, this planet and this solar system were created.

Lt. Col. Duke put it into proper context when someone commented on his getting "just another bag of rocks."

"It is not just another bag of rocks," Lt. Col. Duke pointed out. "It is a bag of rocks that helps unravel the secret of the whole creation of our solar system."

What has brought man from the caves and primitive conditions in which he once lived to the sophisticated age in which we now reside was his unerring and constant quest of the unknown.

There were undoubtedly those in the times of cave men who preferred to remain in caves, who preferred to use the "comfortable" stone implements, who saw no reason for seeking something better.

This reluctance to change, this hesitation to go forth into the unknown has been characteristic of some people in all ages and in all lands.

But it is the inner drive that makes some men continue to quest for the unknown that has brought us to our level of civilization today. And this is no time to stop, to hang back, to call a halt to the quest.

Stagnation and death are synonymous.

Life and the quest for knowledge is what Apollo 16 is all about.

ARMS LIMITATION AGREEMENTS WILL NOT MEAN REDUCTION IN MILITARY SPENDING

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 27, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the best information I can obtain is that President Nixon's Moscow agreements regarding arms limitation will not mean any reduction in military spending.

In fact, it appears that the treaty limiting both Russia and the United States to two ABM sites will cost the United States more money than the four sites which the administration previously had recommended.

Two letters tell the story—one by the senior Senator from Virginia to the Secretary of the Army, the other the Army's reply. I ask unanimous consent that the letters be printed in the Extensions of Remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 13, 1972.

Hon. ROBERT F. FROEHLKE,
Secretary of the Army, Department of the Army, The Pentagon.

MY DEAR MR. SECRETARY: Press reports last week indicate that the Defense Department now estimates that the projected cost of two Safeguard anti-ballistic missile sites is $8.5 billion.

This estimate is for the sites which would be permitted under the proposed arms limitation agreement between the United States and the Soviet Union.

You testified in February that the cost of four Safeguard sites would be $8 billion. Thus, the projected cost for two sites is $500 million greater than your recent estimate of the cost for four sites.

I understand that some costs would be incurred in connection with closing out the sites which would not be built. However, I am at a loss to understand how the total projected cost can rise under these circumstances.

I hope you will be able to explain this increase in estimated outlay for the ABM. I shall appreciate any light you can throw on this matter.

With best wishes, I am

Sincerely,

HARRY F. BYRD, JR.

JUNE 21, 1972.

Hon. HARRY F. BYRD, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The Secretary of the Army has asked me to reply to your inquiry concerning Safeguard cost estimates.

As you stated in your letter, the Safeguard 4-site cost estimated in February 1972 was $8.0 billion. This is still the estimate for a 4-site deployment, but the $8.0 billion was then, as it is now, stated as a DOD acquisition cost; i.e., the RDTE, procurement and construction cost through completion of the last site. This DOD acquisition cost does not include the operating accounts, OMA and MPA, which would bring the total DOD direct cost to $8.9 billion.

In your letter, you asked for a justification of the difference between the 4-site cost estimate of $8.0 billion and an $8.5 billion cost estimate for a 2-site deployment (Grand Forks plus NCA). On 13 June 1972, in testimony before the Defense Subcommittee of the Senate Appropriations Committee, Secretary Laird estimated that the total DOD direct costs, including OMA and MPA, of the Grand Forks site plus the least costly of the NCA deployments under consideration, would be $8.7 billion. The DOD acquisition cost of this deployment would be $7.7 billion. Hence, the $8.0 billion 4-site acquisition cost estimate should be compared to the $7.7 billion acquisition estimate for two sites, not to the $8.7 billion total 2-site cost. Conversely, the $8.7 billion estimated total cost for the two sites can be compared to an estimated $8.9 billion total cost for four sites. Either way, the current preliminary estimate for this particular 2-site deployment is slightly less, rather than somewhat greater, than the corresponding estimate for 4 sites. However, I must emphasize that there are a variety of NCA configurations under consideration and, if one of the more costly options is finally selected, the 2-site costs could, in fact, exceed the estimated 4-site costs.

There are a number of reasons why even the least costly Grand Forks plus NCA deployment estimate closely approaches estimated 4-site costs. First, as you mention, our 2-site estimate reflects in construction and hardware costs the lost effort expended for the 4-site deployment but not needed for the 2-site deployment. This includes contract termination costs as well as site restoration costs. Second, schedule differences also come into play. While one would ordinarily believe a 2-site deployment would be completed considerably earlier than a 4-site deployment, in this case the opposite is true because of the relatively late decision to change to NCA in favor of the Minuteman defense sites that were scheduled for earlier completion. The stretchout of the program adds significantly to the 2-site costs. Third, because the threat to NCA varies considerably from that to the Minuteman sites, particularly as it affects system software, significant additional development and testing is required. Last, this same consideration dictates increases in hardware requirements for an NCA deployment, for data processing equipment, for example, thus further increasing the cost. Taken collectively, the reasons cited above account for an increase of approximately $1.5 billion in DOD acquisition costs for the least costly Grand Forks plus NCA deployment as compared to a 2-site deployment consisting of Grand Forks plus Malmstrom.

I hope this information is of value to you.

Sincerely,

W. P. LEBER,
Lieutenant General, GS,
Safeguard System Manager.

LET'S NOT BETRAY AMERICAN PRISONERS OF WAR

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. STEIGER of Arizona. Mr. Speaker, the judicious indignation felt by the San Diego County Federation of Republican Women's Clubs and other Americans at the remarks made on a recent television program is well expresed in the following resolution:

RESOLUTION ON THE CENSURE OF CONGRESSMAN PAUL N. MCCLOSKEY'S TV REMARKS ON POW'S

Whereas, on June 7th, 1972, California's Republican Representative from the 11th Congressional District, Paul N. McCloskey, Jr., made remarks on NBC's nationally televised "Today" show which were treacherous in that they offered "aid and comfort to the enemy"; and

Whereas, his remarks, which suggested that if he were the North Vietnam General Giap he would put an American POW in the town square of each of 700 of his largest towns, so that when American planes bomb North Vietnam they might very well be bombing our own POW's, were offensive and shocking to Americans of both major political parties; and

Whereas, these remarks were especially repulsive and humiliating to Republicans whose national administration is making every effort to end the war in Indochina by severing the enemy's supply lines; and

Whereas, public attention was called a second time to these remarks on June 8th when a representative from the National League of Families of American Prisoners and Those Missing in Southeast Asia on the "Today" show justifiably asked for an apology from Rep. McCloskey; and

Whereas, on June 10, 1972 California's Governor Ronald Reagan publicly called the McCloskey remarks "reprehensible and utterly ridiculous";

Therefore be it resolved that the San Diego County Federation of Republican Women's Clubs call upon responsible Republican leadership to take all necessary steps to censure Rep. McCloskey, including loss of his Party affiliation, if that is deemed necessary; and

Be it further resolved that Governor Reagan be thanked for his public rejection of the McCloskey remarks; and

Be it further resolved that copies of this Resolution be forwarded to President Nixon; Governor Reagan; Senator Dole; all levels of the California Republican Central Committees; all levels of the California Federation of Republican Women's Clubs; to all Congressmen including Paul McCloskey, and to the public press.

Adopted unanimously by the San Diego County Federation of Republican Women's Clubs at a county board meeting on June 12, 1972.

HEALTH LEGISLATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SYMINGTON. Mr. Speaker, during the 92d Congress, the Public Health and Environment Subcommittee, of which I am a member, initiated a variety of legislation attacking the crisis America faces today in its health-care system. I believe that the members of the subcommittee, particularly its chairman, PAUL ROGERS, are to be commended for their fine efforts in improving the health of the Nation and lowering the cost of medical care.

SEVEN NEW HEALTH LAWS

As of mid-June, seven of the bills reported by the subcommittee this session have become law.

The National Sickle Cell Anemia Prevention Act (H.R. 13592)—now Public Law 92–294—provides for the prevention of sickle cell anemia through diagnosis, research, and treatment. H.R. 13591—now Public Law 92–305—changes the National Institute of Arthritis and Metabolic Diseases to the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to intensify the investigation of digestive diseases. The National Cancer Attack Act of 1971 (H.R. 11302—now Public Law 92–218—enlarged the authority of the National Cancer Institute and National Institute of Health in order to mount an effective attack on cancer. The bill establishes new centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods.

In response to the need for more manpower and facilities to serve the sick of America, the subcommittee initiated three bills which improve the delivery of health services. H.R. 7736—now Public Law 92–174—extended for 1 year the student loan and scholarship provisions of the Public Health Service Act, thereby supporting first year medical, dental, and other students of the health profession. H.R. 8629—now Public Law 92–157—a comprehensive Health Manpower Act, assists in training the medical personnel so badly needed to meet America's health problems. The law provides scholarships, loans, and fellowships for medical students, grants and loans for construction of medical schools, and grants to improve the quality of medical schools. This law incorporated H.R. 1175, which was intended to encourage doctors and other medical personnel to practice in areas where there was less than adequate health care. H.R. 1175 provided for the payment of outstanding educational loans of students who promised to work in such areas. Finally, the Nurse Training Act of 1971 (H.R. 8630)—now Public Law 92–158—promotes the training of increased numbers of nurses.

The subcommittee also reported out the Drug Abuse Office and Treatment Act of 1972 (H.R. 12089)—now Public Law 92–255—which created a Special Office for Drug Abuse Prevention in the White House to coordinate the Federal effort against drug abuse.

SIX MORE HEALTH BILLS TO BE LAW

In addition to these seven new health laws, the subcommittee initiated six other bills which are very likely to become law before Congress adjourns this year. One of the most far-reaching is the Health Maintenance Organization Act (H.R. 11728), which provides for physician services, emergency care, and hospitalization to enrollees in the prepaid group practice offered by the Health Maintenance Organization—HMO. The HMO will assure the patient of quality health care at reasonable prices when he is in need of emergency, preventive, or long-term treatment. Perhaps most important, the HMO will focus on the patient as a single human being with a continuing variety of health problems, rather than taking an impersonal attitude and considering only the immediate symptoms. The Senate subcommittee has already reported the bill, while the House subcommittee is in the process of marking up a comparable measure.

Equally important are four bills providing for research into heart and lung disease, multiple sclerosis, communicable diseases, and Cooley's anemia. The National Heart, Blood Vessel, Lung, and Blood Act of 1972 (H.R. 15081) expands existing National Heart and Lung Institute programs. The bill authorizes the development of 30 clinical research and training centers to intensify the battle against heart and blood vessel diseases, chronic lung diseases, and chronic respiratory diseases. A comparable bill has passed the Senate, and the House Commerce Committee reported the bill to the Rules Committee where it is awaiting a hearing. The National Advisory Commission on Multiple Sclerosis Act (H.R. 15475) establishes a National Advisory Commission to determine the most effective means of finding the cause of and cures and treatment for multiple sclerosis. The Public Health Subcommittee reported a clean bill on June 12, 1972. H.R. 14455 extends and revises the Public Health Service Act programs for the control and prevention of communicable diseases. The bill provides grants for vaccination programs and other communicable disease control programs in such areas as venereal diseases, TB, and measles. The bill is now before the Rules Committee. National Cooley's Anemia Control Act (H.R. 15474) supports programs for the diagnosis, prevention, and treatment of Cooley's anemia. The bill is now pending for executive consideration by the full Commerce Committee.

Lastly, the subcommittee initiated H.R. 14424, which creates a new National Institute on Aging and a new National Advisory Council on Aging. The bill has been reported out of the Commerce Committee, and the Senate Labor and Welfare Committee will soon report a comparable measure.

HEALTH BILLS IMPROVING THE DELIVERY OF SERVICES

To improve the availability and accessibility of health care, the subcommittee initiated two pieces of legislation. House Concurrent Resolution 370 expresses the sense of Congress that the Public Health Service Hospitals should remain open, and be considered an integral part of the national health care system. The Medical Emergency Transportation and Service Act (H.R. 12563) authorizes the establishment of medical emergency transportation and service programs using military ground vehicles and aircraft to aid civilian victims of accidents. This measure, once enacted, could save the lives of 1,000 Missourians each month. Members of the subcommittee also cosponsored H.R. 14199, which establishes a Department of Health.

PROTECTION OF THE CONSUMER

The effective prevention of disease requires a program which focuses not only on the individual patient, but also on the public health dangers in our environment. I was proud to sponsor the National Water Hygiene Act of 1972 (H.R. 14260) which assures the public of an adequate supply of safe water for drinking, recreation, and other purposes. The Food Processing and Inspection Act of

1972 (H.R. 14498) also initiated by the Public Health Subcommittee, provides increased protection from the consequences of interstate shipment of adulterated and unfit food. The bill requires the registration and inspection of all establishments in which foods are manufactured, processed, or packed.

THE HEALTH OF OUR CHILDREN

Members of the Public Health Subcommittee answered our hopes for a strong and healthy future generation of Americans by cosponsoring or initiating a number of bills. The Comprehensive Child Care and Child Development Act of 1972 (H.R. 14000) provides quality child and health care services with an emphasis on children of preschool age and children of working mothers. Another bill, H.R. 7657, extends for 5 years maternal and infant health care programs. The Children's Dental Health Act of 1972 (H.R. 13659) increases the availability of dental care for children. Lastly, House Joint Resolution 1070 promotes research into the cause and prevention of sudden infant death syndrome.

Children are often exposed to lead-based paint that possesses a potential health danger. H.R. 1752 appropriates money to carry out the lead-based poisoning prevention program for 1971 and 1972, and H.R. 12466 increases funding for the Lead-Based Poisoning Prevention Act. H.R. 12466 has been included in the omnibus housing bill for 1972.

THE AGED AND THE HANDICAPPED

The young, of course, are not the only segment of our society who have need of better medical care. The handicapped and aged are often neglected. Two bills cosponsored by members of the subcommittee give the handicapped a fair chance in life. H.R. 15162 amends the Education of the Handicapped Act to provide programs of comprehensive education for the severely and profoundly mentally retarded children. H.R. 13306 amends the Civil Rights Act of 1964 to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs.

In the area of care for the aged, the Public Health Subcommittee initiated the Glaucoma Examination and Prevention Act (H.R. 14627) which provides grants to States and local communities to pay for the costs of eye examination programs to detect glaucoma in the elderly. Finally, members of the subcommittee cosponsored House Joint Resolution 1146, which recognizes the problem of arthritis, and authorizes the President to issue annually a proclamation designating the month of May as "National Arthritis Month."

SUMMARY

Until we can implement much of this legislation, the Nation's health care system will remain in critical condition. This year we will spend close to $80 billion on this system. In order to benefit fully from this enormous expenditure, we must end the growing patchwork of inadequate, overlapping, and uncoordinated health programs by establishing a new Department of Health. Moreover, in order to reduce medical costs for individuals, we must move on legislation to establish some form of national health insurance, and health maintenance service system.

While the Federal Government cannot and should not attempt to solve all health problems by itself, certainly it should take the leadership role in the Nation's medical programs.

MAKING GAS AND OIL—SOLAR SHINGLES AND CROPS OF CLEAN ENERGY

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 27, 1972

Mr. GRAVEL. Mr. President, in accordance with the new rules of the Joint Committee on Printing with respect to printing material exceeding two RECORD pages, I have obtained the printers' estimate on the probable cost of printing this material. The estimate is $315. I ask unanimous consent, notwithstanding the additional cost, that my statements and insertions may be printed in the Extensions of Remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING GAS AND OIL, PART II

Mr. GRAVEL. Mr. President, fuels like natural gas and methane are among our cleanest and most popular sources of energy. One of the easiest and most elegant ways to help meet our energy needs might be to grow our own gas. When fast-growing algae, for instance, are digested by bacteria, the major product is methane.

Would the cost of grow-it-yourself gas be competitive with natural gas? Is the price of natural gas going to increase? How much of our energy could we obtain from farming algae and other high-energy plants, which also can be burned directly without methanization?

We could get at least enough energy to make all our electricity and maybe a great deal more.

GETTING 100 PERCENT OF OUR ENERGY FROM 4 PERCENT OF THE LAND?

The biological process of fuel production was recently discussed before the Senate Interior Committee by Dr. Alfred Eggers, Assistant Director for Research Applications at the National Science Foundation:

> Solar energy can be utilized through photosynthesis and bacterial fermentation processes to produce fuel gases, such as methane or hydrogen, to augment the Nation's dwindling supplies of natural gas. Fuel gases can be produced from organic materials in municipal, industrial, and agricultural wastes, or from plants grown and harvested on land, in fresh water ponds, or in ocean areas.
>
> It has even been suggested, for example, that all of the world's energy requirements in the year 2000 could be met by combustion of high-energy plants cultivated on only about 4% of the world's land surface.

Land accounts for 30 percent of the globe's surface; 70 percent is covered with water, where high-energy plants can also be cultivated.

SOLAR ELECTRICITY FOR MINNESOTANS FROM 0.2 PERCENT OF THEIR LANDS?

The cultivation of algae may be an attractive proposition even in a very north-State like Minnesota, where the sunlight is less intense than in the South. The algae grown on only about one-fifth of 1 percent of the land in Minnesota could probably produce power equal to all Minnesota's 1971 electrical power requirements at peak consumption.

That estimate has been made by Prof. A. G. Frederickson of the University of Minnesota Chemical Engineering Department. He postulates the cultivation of algae—Chlorella—in greenhouses, and their direct combustion in a conventional pulverized-coal furnace to produce electricity. Ash, carbon dioxide, and water would be recycled.

In his calculation, he states that the most optimistic figure for solar energy fixation efficiency by Chlorella algae is 20 percent, and for furnace efficiency, 40 percent. This would make the most optimistic overall system efficiency 8 percent. Therefore, he chooses 2 percent as a realistic figure to use.

Relating that figure to electrical demand in Minnesota, he estimates a requirement of 80 square miles of algae—9 miles by 9 miles—per million people.

We could have solar power in Minnesota.

SOME EARLY COST ESTIMATES

Cost estimates on an algae power system were made as early as 1960 by Professors William J. Oswald and Clarence G. Golueke, of the University of California School of Public Health, Berkeley.

Their system, which includes the methane step, was described in an article, "Biological Transformation of Solar Energy," in the journal "Advances in Applied Microbiology."

Unfortunately, few utility and gas people were reading that journal in 1960. I was not reading it either. I am grateful to Dr. John W. Gofman of the University of California Department of Medical Physics, Berkeley, for calling it to my attention.

In answer to one of my questions about algae, Dr. Oswald wrote me in February 1972:

> In the laboratory, these organisms may fix up to 35% of the visible light-energy they absorb. Out of doors, we rarely attain efficiencies greater than 10% and often average as little as 4%. Thus there is room for great improvement.
>
> Even at 4% efficiency, the yields of fermentable organic matter are prodigious compared with the normal growth of land plants, but improvements are necessary to decrease the unit cost of production.

A brief summary of the Oswald-Golueke algae power proposal was published in the February 1964 issue of Mechanical Engineering.

Mr. President, because so many of my colleagues are concerned with the country's future energy situation, I ask unanimous consent that the article from Mechanical Engineering entitled "Solar Power Via a Botanical Process," be printed at the end of my remarks.

Using their extensive experience with algae production both indoors and outdoors, plus the assumptions stated in the article, the authors estimated the cost of electricity from the algae-methane system in 1960 prices to be 16 milligrams per kilowatt-hour, of which 11.5 milligrams would be the cost of producing methane.

They said this estimated cost of algae electricity in 1960 compared favorably with the approximate cost of nuclear electricity at that time.

OPPORTUNITIES FOR SIGNIFICANT COST REDUCTION

In their calculation, Oswald and Golueke assumed a powerplant conversion of 8,500 B.t.u.'s per kilowatt-hour, and production of 4,500 kilowatt-hours per year by each installed kilowatt of generator capacity.

The authors also discussed ways to achieve significant cost reductions from 16 milligrams:

First, subtract about 5 milligrams if you can increase the conversion efficiency of algae energy to methane in the digester to 80 percent.

Second, subtract about 2 milligrams if you can design a cheaper digester especially for a biological conversion system, which does not require the complexity of conventional digesters.

Third, subtract about 2 milligrams if you can raise the light conversion of algae in a pond from 6 percent efficiency up to 10 percent or to 16 percent levels routinely obtained in the laboratory.

ADDITIONAL POWER FROM ORGANIC WASTES

The power we could produce by cultivating algae would be additional to the methane which could be produced from the digestion of animal and urban wastes by anaerobic organisms. That same waste, which could be converted to oil instead of methane, could satisfy nearly half of this country's present oil demand. The calculations on that were presented in part I of these remarks in the CONGRESSIONAL RECORD, volume 117, part 35, pages 46342–46348.

The growing of our own gas and oil looks like a more attractive proposition every day.

NATURAL ENERGY FROM A SAFELY INSTALLED SUN

Sunlight, algae, methane, power.

The concept is clean and simple, certain and safe. And it leaves no radioactive legacy to haunt our descendants. Consider the billions of dollars this country has invested since 1960 to make nuclear fission competitive. Had we invested the same amount in the perfection of grow-your-own gas and other solar-power systems during the past 10 years, we would probably have no gas shortage and no electric power shortage and no nuclear headaches.

It is almost impossible to believe that people are promoting and submitting to an experiment as undeniably dangerous as nuclear fission, when a variety of gentle solar solutions are ours for the asking.

Dr. Eugene Ralph, of Textron's Heliotek Division, has described our energy opportunity very well:

> We should think of the sun as our controlled fusion reactor which is safely installed and operating with essentially an unlimited source of fuel, and which has no operating or maintenance requirements. All we need to do is tap a portion of this energy. Solar energy on earth is so plentiful that all the conceivable energy requirements of mankind could be satisfied by manipulating a small fraction of it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Mechanical Engineering,
February 1964]

SOLAR POWER VIA A BOTANICAL PROCESS

(By W. J. Oswald and C. G. Golueke)

(An approach to solar power that goes back to nature's sequence—solar energy, to plant life, to fuel—but without the age-long timelag. The secret: Fast-growing algae, with bacterial fermentation producing methane.)

Finding a combined technically and economically feasible way of collecting and using a substantial portion of the vast amount of solar energy that reaches the earth's surface has been the dream of engineers and scientists for many years. Unfortunately, the realization of the dream has been frustrated, chiefly because the supply of solar energy is intermittent, comes in low concentration, has only a limited utility in its directly available form, and its storage as heat is extremely expensive and of brief duration.

In recent years progress has been made in the direct conversion of solar to electrical energy and in improving the conversion of solar energy to living substances. The latter achievement has led the authors to reinvestigate some new methods and some well-established ways of converting living material to electrical energy.

As presently conceived, one of the more promising methods involves trapping and fixing solar energy into the cellular energy of rapidly growing algae, and releasing of the transformed energy through a bacterial fermentation in which that part of the energy not converted into cellular material and heat is transformed into the chemical energy of methane and other combustible gases [1, 2] In the latter form it can be burned and otherwise be directly available for heat or chemical power production.

A schematic diagram of a plant designed to produce heat power from methane obtained from an algae-bacteria system is shown in Fig. 1. Because of their efficiency in converting visible light energy into cellular energy under a wide range of conditions, because they can be grown in liquid suspension, are readily amenable to handling and storage, and can be produced under closely controlled conditions suited to maximum yield, algae are used as the green plants in the system.

The major components of the conversion plant are the algae or solar-energy collection-pond, a separator, and a digester tank.

Algae grown in the pond are harvested, and then placed in a digester for fermentation. Methane gas produced in the digester is burned and the heat energy is used in a conventional plant to generate electricity. Carbon dioxide and digester residue are returned to the pond. Heat wasted during power production is used to maintain the digester at the desired temperature.

POWER CAPACITY OF THE SYSTEM

Because power production by a pond-digester system is a function of algae production, sunlight conversion efficiency of the algae, and available solar energy, a prediction can be made of the amount of power to be expected under a given set of conditions.

The relationship between algae production and available solar energy may be expressed as

$$W = K F S_r \qquad (1)$$

in which W is the algae produced per day per unit of area, S_r is the solar energy in langleys (cal/cm²) per day, K is a constant for converting cal/cm² and areal factors to the desired units for W, and F is the visible light conversion efficiency of the algae expressed as a whole number.

Values for light energy conversion, F, of algae grown in a properly designed pond usually range from 3 to 8 percent, provided the temperature is above 15 C.

The amount of solar energy available at a given location can be determined from information contained in meteorological publications or from a table published by Oswald and Gotaas [3].

Since the line electrical power output of a conversion plant ultimately will be a function of the power obtained in processing a given amount of algae, the equation

$$P_o = 0.10 F S_r \qquad (2)$$

may be used in estimating the amount of power that can be expected. In the equation, F is the light energy conversion efficiency of the algae; P_o, the daily power output in kwh per acre; and S_r, the available solar energy. The value 0.10 for the factor K results from the fact that the potential gross power production is approximately 0.67 kwh per lb of algal volatile matter introduced into the digester.

In estimating this yield it is assumed that 5700 Btu as methane is obtained per pound of volatile matter, and that the power plant conversion is 8500 Btu per kwh.

An estimate of the total power to be expected each month may be obtained by multiplying the appropriate value for available solar energy by the number of days in the month. Thus, the monthly power P_m may be expressed as

$$P_m = 3 F S_r \qquad (3)$$

and the annual power as

$$P_A' = \int_{\text{Jan}}^{\text{Dec}} 3 F S_r \qquad (4)$$

in which P_A' is the gross annual line power in kwh per acre, and F and S are as defined previously.

The net annual yield of power is

$$P_A = P_A' - 3650 \qquad (5)$$

The value 3650 represents the annual total energy required for the internal power requirements for plant operation, and is based on studies which indicate that the average daily internal power requirements for mixing cultures and for operating the separation plant and the digester would be about 10 kwh/day per acre of pond surface. Estimates of net annual power yield at various latitudes and at various photosynthetic efficiencies are indicated by the curves in Fig. 2.

Since each kw of installed generator capacity normally is called upon to produce about 4500 kwh per year, the annual output of a pond-digester system may be expressed in terms of capacity per year per acre according to the equation

$$C_a = P_A / 4500 \qquad (6)$$

in which C_a is the average capacity per acre per year of the pond-digester system and P_A is the net annual power yield, Equation (5).

Although the capacity of an installed power plant should exceed the average output because of seasonal variations in demand, the rated capacity of the pond-digester system may be considered to be the same as the installed capacity of the steam plant it would serve. The reason is that a half day or more of gas storage is included in the assumed pond-digester design, and because algae easily may be stored and readily added to the digester.

POWER COSTS

The estimates of the cost of the electrical energy as given in the discussion to follow are based on information obtained in our studies on algae and methane production, on that available on power plant construction and operation, and upon the price structure prevailing in the U.S. in 1959 and 1960. An independent evaluation would have to be made for each country other than the U.S., since savings in the form of lower costs and wages may be offset by higher material charges and interest rates.

In arriving at a capital cost estimate, a 2000-acre algae production pond is assumed. The cost of construction, maintenance, and operation of such a pond and its accessory digesters would be about $4400 per acre prorated. Since the capacity per acre varies with collector efficiency and latitude, the capital costs also vary, the approximate relationship being

$$D=4400/C_a \qquad (7)$$

in which *D* is the capital investment in dollars per kw of installed capacity, C_a the plant capacity as determined according to Equation (6), and 4400 is the estimated fixed costs in dollars per acre. The addition of $150 to the value for *D* as obtained in Equation (7) would then also include the capital cost of the generator station.

Thus, a pond-digester fuel system having a capacity of 15 kw per acre would entail an expenditure of $295 per kw; and of the fuel system plus power plant, $445 per kw.

The cost of interest, depreciation, and operation, as well as fixed costs, and the per-acre capacity of the 2000-acre plant are combined in Equation (8) to arrive at the cost of producing methane in the plant.

$$M=\frac{44R+285}{4.5C_a} \qquad (8)$$

In the equation *M* is mils per kwh of line power; *R*, the rate of depreciation plus interest expressed as a whole number; 44, the fixed cost per unit of depreciation and interest; and 285, the estimaated cost of operation and maintenance of the system. C_a is the variable capacity in kw per acre of collector pond and 4.5 is the capacity factor divided by 1000 to convert dollars to mils.

The ultimate cost of line power in mils per kwh would be equal to the sum of generator plant cost and the value obtained according to Equation (8). Using a 15 kw per acre plant as an example, the total line power cost would be 16 mils per kwh. Of this amount, 11.5 mils per kwh would be the cost of producing methane, as determined according to Equation (8)—combined interest and depreciation, 10 percent per annum—and 4.5 mils per kwh would be the generator plant cost, assuming a modern steam plant heat rate of 8500 Btu per kwh.

An estimate may be made of the cost of generating power at a given geographical site with the use of cost data derived according to Equation (8) and capacity data obtained according to Equation (6).

Thus, if a visible light energy conversion efficiency of 6 percent can be attained in a pond-digester system situated at 20 deg north latitude, the annual capacity of the plant would be 10.8 kw per acre, Equation (6); and methane would be produced at 15 mils per kwh of line power at an interest and depreciation rate of 10 percent, Equation (8).

To keep the power cost in the range of 10 to 20 mils per kwh, a biological conversion plant would have to be located in a region where the visible light energy is at least approximately 200 langleys per day, and the conversion efficiency of the algae would have to be at least 6 percent.

POWER PLUS SEWAGE TREATMENT

The power costs as derived according to the previous equations do not include the monetary savings—probably about 10 miles per capita per day—that would accrue from the sewage treatment accomplished as part of the process. The resulting reduction in power cost would be from 1 to 2 mils per kwh, depending upon the per capita power production.

The estimates of the power costs given are conservative, since possible significant reductions brought about through future improvements in equipment and operation are not taken into consideration.

For instance, if the conversion efficiency of algae energy to methane in the digester were increased to 80 percent, the output energy per pound of algae volatile matter would be stepped up from 0.67 kwh per lb to 1.0 kwh and the total cost of line power accordingly would be reduced to 11 mils per kwh.

Through the application of advances in power technology at present in the research stage, the equivalent power output from each acre of algae culture eventually can be increased by 50 percent, while the power cost is reduced to 7 mils.

Power costs could also be reduced by using digesters designed especially for a biological conversion system, since the complexity of conventional digesters exceeds that required for a biological conversion system. An example of indicated simplification is the use of a simple paved pond covered with a vinyl dome. Such an adaptation would decrease the power cost by about 2 mils per kwh.

Increasing the photosynthetic efficiency of the pond culture would also lower power costs. Thus, if the light conversion efficiency of a pond were raised to the levels routinely attained in the laboratory, namely, 10 to 16 percent, a reduction of 3 mils per kwh would be effected in fuel cost.

Inasmuch as fossil fuels are inexpensive and are available in enormous quantities, at present the biological conversion plant certainly cannot compete economically as a power producer in the U.S. with plants using fossil fuel. The biological power plant not only must produce power, it must also produce its own fuel, whereas power plants using fossil fuel need only produce power.

On the other hand, the indicated power cost approaches that obtained from nuclear reactors. However, power production by way of nuclear reactors has the advantage of being accompanied by technical know-how, while the biological system has only recently passed from the small pilot-plant stage in some of its phases.

In its favor, the requirements for a pond-digester plant are much less complex than those for a nuclear reactor. Hence, in certain areas where fossil fuels are in short supply, it may be advantageous to study the system more extensively as a possible alternative to presently available sources of power.

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SOLAR SHINGLES AND CROPS OF CLEAN ENERGY

Mr. GRAVEL. Mr. President, there are many ways we can convert the energy of sunlight either to electricity or to nonpolluting fuels like methane and hydrogen. Today I would like to concentrate on the exciting potential of solar cells, also called photovoltaics.

These devices, which power 90 percent of our unmanned space vehicles, convert sunlight directly into electricity.

Since solar cells have no moving parts, their reliability is high and their maintenance is low. Their presently high cost, which is preventing their use on earth today, can probably be reduced so greatly that we may be roofing our homes with solar shingles 10 years from now.

In fact, if we were to put solar cells on a fraction of 1 percent of our land, they could generate the country's entire electrical power supply in 1990. We could have solar-cell power even sooner, if we accelerate our current miniefforts to reduce solar-cell cost.

Solar cells together with other solar-power technologies could have the capability to meet all of our energy needs with clean, safe systems which might even be popular. Therefore I am appalled that the administration plans to limit its funding in fiscal 1973 to about $6,000,000 for all solar technologies combined. Perhaps this error could be corrected in an election year by some mail to the White House Office of Management and Budget, where the fiscal 1974 budget will soon be in preparation.

ARTICLES PLACED IN THE RECORD

I think my colleagues would be particularly interested in two recent articles about solar cells. The first is entitled "Will Solar Cells Shine on Earth?" from the May 22, 1972 issue of Electronics magazine. The second is entitled "NSF to Fund Cadmium Sulfide Project in Search for 'Cheap' Solar Cell," from the May 31, 1972, issue of Energy Digest.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD at the end of my remarks.

RUSSIAN EXPERIMENTS UNDERWAY

The article from Electronics magazine describes important breakthroughs in solar-cell cost reductions already made by Hughes Aircraft and Lockheed in California, Tyco Labs in Massachusetts and Dow Corning in Michigan.

The article also quotes L. S. King of Centralab in El Monte, Calif.:

> If the Government is willing to pump $30 to $50 million a year into the technology, it'll take off.

He is telling us that we could develop a whole energy system for a trivial annual investment, equivalent to the cost of two 747-airliners.

Russia, according to the article, is already experimenting with large-scale solar-cell energy farms, which were seen on a recent visit by N. J. Rappaport from the David Sarnoff Research Center in Princeton, N.J.

Since I am not ordinarily a reader of Electronics magazine, I am grateful that it was brought to my attention by Wilson Clark of the Environmental Policy Center in Washington, D.C. Mr. Clark is currently writing a book for Doubleday on solar and other energy technologies.

SOLAR SHINGLES FOR ALL-SOLAR HOMES

The article from the Energy Digest briefly describes the project of Dr. K. W. Boer, who is director of the University of Delaware Energy Conversion Institute in Newark, Del.

Postulating modifications and improvements in existing technology, Dr. Boer is optimistic that, within 5 years, cadmium sulfide solar cells arrayed on the roof of a typical Delaware home could produce electricity at about 3 cents per kilowatt-hour. By comparison, the selling-price of residential electricity today in Washington, D.C. is about 2½ cents per kilowatt-hour.

Not just electricity, but also heat and air conditioning for homes can be provided by solar energy. According to Dr. Eugene Ralph of Textron's Heliotek Division in Sylmer, Calif., preliminary calculations indicate that a normal home has more than enough roof area to supply the energy for all three needs.

Discussing two of the needs before the Senate Interior Committee, Dr. Alfred Eggers of the National Science Foundation recently said:

> Technology is available for using solar energy to heat and cool residential and commercial buildings. Such systems are approaching economic feasibility. . . . An increase in fossil-fuel costs by about a factor of two over present costs could make solar energy economically attractive using existing technology in many regions of the country. Even at this time, solar heating of residences compares very favorably cost-wise with electrical heating in some parts of the U.S.

A totally solar home, including solar electricity, could be built with today's technology, but it would be expensive. Dr. Ralph says:

> Significant progress can be shown in a very few years. Demonstration homes can be designed and built incorporating the total-solar-home concept within five years; however, it may take ten years to refine the designs and realize the economics of mass-producing devices and systems.

Could all-solar homes help significantly in controlling the proliferation of electric powerplants? Yes.

The residential use of electric power will probably continue to account for about 25 percent of the Nation's electrical demand, according to the Federal Power Commission. It seems reasonable to estimate that all-solar homes could eventually render one out of every 10 powerplants unnecessary.

Solar technology could also be applied to commercial buildings, which consume another 20 percent of the Nation's electrical power.

If one considers all forms of energy, electrical and other, then the combined household and commercial consumption is expected to account for about one-third of the country's total energy demand in the year 2000.

SUNSHINE MEGAWATTS FOR INDUSTRY

The development of cheap solar cells could provide solar eletcricity—or hydrogen—for all of the country's industry, too. I would like to cite the calculations of two experts, Eugene Ralph of Heliotek and William Cherry of NASA's Goddard Space Flight Center.

In a paper entitled "The Generation of Pollution-Free Electrical Power from Solar Energy," dated March 1971, Mr. Cherry states:

> A pollution-free method of converting solar energy directly into electrical power, using photo-voltaics on the ground, shows that sunlight falling on about 1% of the land-area of the 48 states could provide the total electrical power requirements of the U.S. in the year 1990.

His statement is based on the routine 7 percent energy-conversion efficiency of solar cells, although 14 percent has been achieved in the lab, 20 percent is expected in the very near future, and 40 to 50 percent efficiencies are theorized.

Obviously, with routine achievement of 14 percent efficiency, the land required would fall to one-half of 1 percent, and at 50 percent efficiency, it would fall to about one-seventh of 1 percent.

With solar cells, a valuable "crop" of electricity could be harvested even from some of the most desolate land. Mr. Cherry envisions a potential net yield of about $2,000 per acre, and notes that "farmland yielding such a net return is considered premium."

Mr. President, so that my colleagues can study the assumptions behind his estimates, I ask unanimous consent that excerpts from William Cherry's paper mentioned above also be printed at the end of my remarks.

TECHNICAL AND ECONOMIC SUCCESS IN 10 YEARS?

The prospects for reducing the cost of solar-cell systems are considered very good by Drs. Boer, Ralph, Cherry, and others in the field. Dr. Ralph says:

> Preliminary studies indicate that the probability of reducing solar-cell array costs by at least 100-fold is very high.

Even a modest effort, he believes, is likely to produce a solar-cell powerplant design which is both technically and economically successful within 10 years. He estimates large-scale demonstration plants by 1985, and operational plants by 1990.

I placed a paper by Dr. Ralph, entitled "Large-Scale Solar Electric Power Generation" into the RECORD July 8, 1971, pages S10649–63. It includes a brief discussion of cost-reduction possibilities.

SOME ECOLOGICAL CONSIDERATIONS

In case there are ecological reasons for not covering even a tiny fraction of land with solar-cell arrays, Dr. Ralph suggests that there may be some suitable ocean areas. Since there are ways to tap sun-power without covering any land at all—for example, windmills and sea-thermal plants—it is unlikely that we will ever want to make 100 percent of our electricity from solar cells in any case.

The earth's heat inventory might eventually become an ecological consideration, too. Dr. Ralph states as follows:

> Solar energy can be converted into electricity without pollution of the earth's biosphere. The electricity is converted into heat as we use power to run machinery, but this level of heat can be adjusted to the same ratio as would have been absorbed by the earth naturally. All we have done is transformed some of the [solar] energy into electricity and used it to power our machines *prior* to its being converted to heat, instead of its making heat directly.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Electronics magazine, May 22, 1972]

WILL SOLAR CELLS SHINE ON EARTH?

(By William F. Arnold, Aerospace Editor)

Despite their bright promise in converting sunlight into electricity, solar cells have until now achieved measurable success only in powering Air Force and NASA satellites. If this technology is to become a major market, it will have to find its future on the ground as a pollution-free source of power, prophesy industry spokesmen.

The nation's threatening power crisis should provide that thrust, particularly when conventional power sources such as coal, gas, and nuclear fuel become more scarce and expensive. Then, solar cell advocates say these second cousins to semiconductors could help fill the power gap. Even though there have been some recent improvements in technology, it will take Government-supported research, they say, to push solar cells past their two biggest technical problems: high cost and low efficiency.

"If the Government is willing to pump $30 to $50 million a year into the technology, it'll take off," says K. S. Ling, engineering and marketing manager of space products for Centralab, of Globe Union Inc., El Monte, Calif., whose company splits most of the annual $5 million market with Heliotek division of Textron Inc. Confirming Ling's estimate of needed research money, William Cherry, a leading solar cell authority from NASA Goddard Space Flight Center, says that a White House Solar Energy Panel will submit its recommendations in July.

While solar power won't supplant conventional power, Cherry says the panel visualizes three major areas where it could be supplemented:

Heating and cooling homes. This is the largest potential use, Cherry says. "Solar energy can eventually account for more than 50% of the space conditioning in houses," he claims.

Producing fuel. Here, solar energy would serve double duty by consuming wastes and by generating methane or hydrogen for power, Cherry says. He estimates that a few square miles for use as a solar plant could supply cooking gas for a city of 40,000.

Generating electrical power. Right now, solar power is three to five times more expensive than conventional means, but in the future, solar cells should become cheaper and conventional fossil fuels more expensive, Cherry predicts.

"The terrestrial area is the one we're all watching," says Ling, who adds that if solar energy is used on the ground, "the semiconductor manufacturers will jump in because the technology is so similar." Already an impressive roster of the major aerospace companies, electronics systems manufacturers, NASA, and the Department of Defense are doing solar cell work inhouse, or funding research.

Solar cell developers encounter many of the technical and materials problems faced by the semiconductor industry. But, while integrated circuits have compressed more and more functions into smaller space, the trend in solar cells is to make them larger.

Other problems include purity, photoetching, junction formation and interconnections—just as with semiconductors. Since fabricating solar cells in nearly a handcrafting process, making 2-by-2-centimeter cells and mounting them by soldering or welding into a typical spaceborne array is also a meticulous and expensive process.

It takes more than 80,000 welded connections to make a 1-kilowatt solar array, explains John V. Goldsmith, group supervisor for photovoltaic power sources, Jet Propulsion Laboratory, Pasadena, Calif. And since cells cost about $4 each, plus another $4 to $6 for assembly, solar array costs match the precision it takes to manufacture them.

Recent developments. Meanwhile, several recent developments have helped solve some problems of cost, efficiencies, and weight. Lockheed Missiles and Space Co., Sunnyvale, Calif., has developed a 100-kilowatt solar array that employs new cell and bonding technology. The four-section unit unfolds from a compact 14-by-15-foot package into a 10,000-square-foot array.

Larry G. Chidester, program manager, solar array technology program, explains that assembly can't be automated because most solar cells have both front and back contacts—one for each electrode. But Lockheed has invented a technique whereby both contacts are on the back of the cell and can be induction-soldered automatically to a printed-circuit board.

An edge-defined, film-fed growth (EFG) process, developed by Tyco Laboratories, Waltham, Mass., promises to lower silicon solar cell processing costs about 300-fold, says C. G. Currin, manager of solid state research and development, Dow Corning Corp., Hemlock, Mich., which is continuing development of EFG under license. EFG is a proprietary ribbon-crystal growth process that would actually make cell production cheaper in small volumes, rather than obtaining lower unit costs through mass production.

The Hughes Aircraft Co. flexible rolled-up solar array (Frusa), built under an Air Force Aero Propulsion Laboratory contract, has been flying successfully since its launch last October, says program manager George Wolff. Frusa's importance is that the two 5¼-by-16-foot solar panels extend from a single 8-inch-diameter drum, thus making a new step in reducing the weight of satellite solar arrays, he says.

A fully operational system would be capable of providing 1,500 watts of power, which means that compact, lightweight solar arrays of 20 kilowatts and beyond are now achievable, he says.

By far the most startling proposal to generate solar power for earthly uses is the satellite solar power station (SSPS), which would use two 25-square-mile arrays of power spot-beamed by microwave to the earth, where a station would convert the energy into usable current. Proposed by economist Peter Glaser of Arthur D. Little Inc., Cambridge, Mass., the concept is being studied by a team of ADL, Raytheon Microwave & Power Tube division, Waltham, Mass. (microwave systems); Grumman Aerospace Corp., Bethpage, N.Y. (hardware); and Heliotek (solar systems).

The bold proposal calls for SSPS to collect solar energy efficiently in atmosphere-free outer space, use practically no land (compared to ground-based systems), consume no diminishing fuels, and direct power to where it would be needed.

Solar Energy Activity Abroad

While the United States continues to develop more efficient solar cells for spacecraft and ponders the uses of solar cell technology for terrestrial applications, Russia, Japan and Europe are pushing its development.

The Soviet Union "is working on practically everything you can think of in this field," says Paul Rappaport, director, process and materials applied research, RCA's David Sarnoff Research Center, Princeton, N.J. Rappaport is a solar cell expert who had a rare opportunity to inspect Russia's solar-cell technology late last year. Russian scientists told him that they've flown over 400 spacecraft with solar cells and have operated solar-cell-powered pumping stations. During his visit, he saw experiments toward large-scale solar-cell energy farms.

Rappaport says the Russians told him they've flown four space vehicles using gallium arsenide solar cells in the 300-to-400-watt range. Soviet scientists claim 15% efficiency on laboratory cells and 9% on arrays.

In Japan, Nippon Electric Co. Ltd., Sharp Corp. and Matsushita dominate a fledgling solar cell market directed toward pollution- and maintenance-free power sources for lighthouses around the island nation. Both companies also make some solar cells for Japan's slowly developing space program. The Japanese companies report that they don't foresee large-scale applications of solar power to generate pollution-free electricity because it's economically unjustified with present silicon-cell technology.

European companies seem to be concentrating their R&D efforts in areas U.S. companies are neglecting, thus being able to enjoy the benefits of both U.S. R&D and thier own. Europe appears to be hitting development of cadmium sulfide and gallium arsenide techniques. For example, France's space agency, CNES (Centre National d'Etudes Spatiales), Société Anonyme de Telecommunications (SAT), and La Radiotechnique-Compelec (RTC) have worked together on experimental cadmium-sulfide and cadmium-telluride cells which are being tested on the Russian-launched French satellite SRET–1 [*Electronics* International, Jan. 31].

In other spaceborne arrays, Germany's AEG Telefunken has fabricated large solar-cell arrays for the Helios sun probe and Britain's Ferranti Ltd.—in the forefront of silicon-cell technology—has operating cells on the Intelsat–4 communications satellites. In earth applications, France's RTC, a Philips subsidiary, has produced a silicon-cell-powered 50-watt air navigation beacon that has worked since 1968 with no breakdowns. The company also has in operation a 12-watt telecommunications relay station and is pointing toward educational television power sources with installation of some units in Latin America, India and Africa. RTC prices its peak output 8-watt unit at $50 each in small quantities and $20 in large quantities. Overall, "what we're working on are ways to get the cost of existing technology down to the lowest possible level," says an RTC spokesman.

[From the Energy Digest; May 31, 1972]

NSF To Fund Cadmium Sulfide Project in Search for "Cheap" Solar Cell

The National Science Foundation is reportedly planning to fund a proposal aimed at making cadmium sulfide solar cells economically feasible for electric power generation. Funding announcement is expected within a few days.

Among other considerations in funding the project is the hope that the cost of solar cell technology can be reduced by the "factor of 100" which NSF Dir. Dr. Guyford Stever has said would make solar cells economically feasible for widespread electric power generation (see article above).

The proposal is based on a concept developed by Dr. K. W. Boer, director of the Energy Conversion Institute at Univ. of Delaware. Dr. Boer outlined his proposal at the 1972 meeting of the U.S. Section of the International Solar Energy Society in Gainesville, Fla. in April. Based on modifications and improvements to existing technology, Dr. Boer asserted that cadmium sulfide cells arrayed on a typical residential rooftop in Delaware could produce electricity to power lights, appliances, etc. within 5 years at costs comparable to electricity rates now paid to utilities.

However, such a system would supplement, rather than replace, power from electric utilities, Boer stressed, and any surplus power produced by the home solar generator could be fed back into the utilities grid for consumption by other electricity users.

Thus the utilities could serve as "a big storage battery to give electric energy back to the house during nights and cloudy days," Dr. Boer speculated.

Dr. Boer has requested $1.6 million over a 3 yr. period to fund experiments to test out the whole concept, but NSF plans to underwrite only the cadmium sulfide technology aspects, at least at the present time, at a considerably lower funding level of "several hundred thousand dollars," an NSF official said.

Cadmium sulfide technology is not without some major problems, Dr. Boer acknowledged. Degradation is a severe problem at the present time, and manufacturing techniques have not been perfected for producing the cells in large quantities. For instance, of one batch of 30 cells, only 3 were suitable for use. Glass encapsulation may well prove necessary for protection, adding to complexity and costs. Cadmium's other problems include its toxicity, its scarcity, and its low conversion efficiencies, Dr. Boer said. Nevertheless, "cadmium sulfide is the only cell which has some promise in the near future of being produced at a price we can afford in terms of kilowatt hours which we can sell," he asserted.

Dr. Boer said Delmarva Power & Light has already funded some solar research at the University, and there is "some indication" that the company might be willing to work with Boer's group to fund a working experiment of this concept, though the utility's high cost of money—16%—would be a disadvantage, he said.

Dr. Boer's proposal calls for covering a home roof with solar cells with heat collectors on the reverse side to collect heat in the 60° C range. There would be a DC-to-AC power conversion unit to convert DC electricity produced by the cells into 115 volt AC current for meshing with commercial electricity in the home. The by product heat could be used for space and water heating, he said.

Assuming mass production at a rate of from 10 million to 100 million sq. ft. per year, Dr. Boer estimated the price could be reduced to $1–$1.50/sq. ft. With the heat collector on the reverse side, the units could be built for about $15/sq. meter, he estimated. Thus the cells, the collector and units for processing and storing could be installed on the roof of the average residence for about $3,000. Assuming a 10^8 Btu capacity and 10% cost of money to the homeowner, Dr. Boer estimated solar energy from the system could be produced for about $1 per million Btus, "which compares with something between 50c and $1.50 per million" for other systems, "depending on where you are in the U.S. and what kind of oil or gas you're using." The electrical energy itself would be produced at about 3c kwh based on 1971 dollars, he said. With maximum development of existing technology, deployment of such a system could begin in 5 years, he contended.

As for the relative scarcity of cadmium, assuming the cells can be reduced in thickness to 5 microns, "then the newly discovered zinc mine in middle Tennessee would be sufficient to cover all the U.S. roofs with these cadmium sulfide layers," he said.

Some have questioned Dr. Boer's cost assumptions, but there appears to be some enthusiasm both in NSF and AEC for the concept, though AEC has ruled out any funding for it at the present time (see AEC solar funding article, p. 113, this issue).

For further information, contact Dr. K. W. Boer, Energy Conversion Institute, University of Delaware, Newark, Dela.

[Excerpts]

The Generation of Pollution Free Electrical Power From Solar Energy

(By William R. Cherry)

March 1971.

SOLAR ELECTRICAL POWER COSTS

Today the direct conversion of solar energy into electricity is very expensive and confined to those applications where conventional processes are impractical. Solar cells have found wide application on long life unmanned spacecraft. The solar cells manufactured for the space program are subjected to stringent specifications and high quality control measures, both of which involve expensive hand operations. Further, the demand for solar cells is quite small amounting to some 2 million devices per year with a total market value of between 6 and 8 million dollars. Also the demand is sporadic.

This involves numerous start-ups and shutdowns of the production line, resulting in considerable waste in manpower and materials. Finally, no standard design has been agreed upon by the users, forcing the manufacturers to rely heavily on many hand operations simply because it is economically unfeasible to invest in automation.

Because of all this, oriented space solar arrays, like the large Apollo Telescope Mount illustrated in Figure 6, cost about $2,000,000 per KW. A recent study (E. L. Ralph) has shown that cells for terrestrial applications can be made now for about $15,000 per KW using existing silicon solar cell manufacturing methods, by relaxing the stringent space cosmetic and performance specifications, changing the cells' shape for better utilization of the single crystal silicon, and automating many of the processes for large scale production. By using simple concentrators, as illustrated in Figure 7, which would require fewer cells to generate the same electrical power, the cost would be nearer to $10,000 per KW.

The next big step in cost reduction would be the utilization of inherently inexpensive processes, such as evaporation or deposition on long sheets of substrate. This film solar cells made of cadmium sulphide in 3" x 3" sizes are in pilot production now and might be massed produced for $2,500 KW.

Figure 8 illustrates a process where many thousands of square feet of solar array might be produced at costs around $50 per KW under space simulated conditions or $.50 per square foot. Thus a square mile of array would cost about $14 million. Construction of the necessary groups support structure and conductor might amount to $1.00 per square foot or $28 million per square mile. Batteries for a 1,000,000 KWH storage facility might cost $10 per KWH or $10 million when purchased in large quantities, and the necessary buildings and switching gear might add another $20 million over a 20 year period, including two battery replacements.

Since the solar array is a direct energy conversion system and has no fuel costs associated with it, its operating costs should be considerably less than any of the dynamic systems; perhaps as low as S1.00/ft^2 over 20 years or $28 million per square mile which would include 2 array replacements.

Table 4 shows that a 1 square mile solar array power station, built after techniques are developed to produce low cost solar arrays and batteries, would cost about $100 million to build, operate and maintain over a 20-year period. A solar array in the sunny S.W. part of the U.S., using a 70% sunshine factor, would generate at least 2.1 x 10^8 KWH/mi^{2}yr. If the power were sold for 3¢/KWH, about twice today's rates, the gross return over a 20 year period would be $1.26 x 10^8/mi^2. Subtracting the installation, maintenance and operating costs of $1.0 x 10^8/mi^2 leaves about $26 million net income per square mile over 20 years.

This land is then producing a "crop" which yields about $2,000 per acre per year. Farm land yielding such a net return is considered premium.

TABLE 4.—*Cost of 1 Square Mile Solar Array Power Station*

Solar Array $0.50/Ft^2	$14 x 10^6
Site Construction	$28 x 10^6
Storage and Switching Facility	$10 x 10^6
Maintenance of Storage Facility (2 Replacements in 20 Years)	$20 x 10^6
Maintenance and Operation of Station (2 Array Replacements in 20 years)	$28 10^6
Total 20 Years Construction Maintenance and Operating	$100 x 10^6

INTERNATIONAL CONFERENCE ON THE HUMAN ENVIRONMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. DINGELL. Mr. Speaker, I have just recently returned from Stockholm, Sweden, where 114 nations assembled for the world's first International Conference of the Human Environment, from June 5–16, 1972. Congressmen FRANK CLARK, ROBERT McCLORY, SEYMOUR HALPERN, and I were members of the U.S. delegation and had the honor of representing the House of Representatives at the Conference in the capacity of congressional advisers.

The U.S. delegation was headed by Russell E. Train, Chairman of the Council on Environmental Quality, and its vice chairman was Christian A. Herter, Jr., Special Environmental Assistant to the Secretary of State. The other principal members of the delegation were William D. Ruckelshaus, Administrator of the Environmental Protection Agency; Secretary of the Interior Robert C. B. Morton, Senator HOWARD BAKER, Jr., who headed the State Department Advisory Committee for the conference; and Laurance S. Rockefeller, Chairman of the Citizens' Advisory Committee on Environmental Quality. Other representatives of the 35-member delegation consisted of 18 alternate delegates and 11 Congressional advisers and alternates.

Although the Conference was a frustrating event for many, and many feared it would not succeed, the conference must be counted a success and most significant. Despite all their differences, the participants, representing about 90 percent of the world's population, reached a consensus on more than a hundred recommendations.

I would like to take this opportunity to pay tribute to the entire U.S. delegation for their dedicated and untiring efforts in making this Conference a tremendous success. It is a conference in which all of us can take great pride.

I feel—and I think the U.S. delegation will agree with me—that the following recommendations are among the more important ones that were adopted at the Conference:

RECOMMENDATIONS

1. Recommended unanimously the creation in the UN of a permanent high level environmental unit to coordinate UN environmental activities, and a UN Environment Fund expected to be funded at $100 million over the first 5 years. The U.S. has pledged up to $40 million on a matching basis.

2. Urged completion in 1972 of a global convention to restrict ocean dumping.

3. Recommended steps to minimize release of such dangerous pollutants as heavy metals and organochlorines into the environment.

4. Recommended a global "Earthwatch" program to be coordinated by the UN, to monitor and assess environmental trends in atmosphere, oceans, land and human health.

5. Called for early completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species.

6. Called for world programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystems and future breeding stocks depend.

7. Urged strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling.

8. Recommended creation of an Environmental Referral Service to speed exchange of environmental know-how among all countries.

9. Urged steps to prevent national environmental actions from creating trade barriers against exports of developing countries.

10. Recommended higher priority for environmental values in international development assistance, e.g. more emphasis on conservation, land use planning, and quality of human settlements.

11. Urged greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environment and development goals.

12. Issued a Declaration on the Human Environment containing important new principles to guide international environmental action, including Principle 21 that states are responsible to avoid damaging the environment of other states or of the international realm.

As chairman of the Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries, I naturally was particularly pleased to be assigned to Subject Area II of Committee II, which dealt with Environmental Aspects of Natural Resources Management. Subject Area II was also assigned a number of Conservation Conventions for consideration which ordinarily would have been considered by Subject Area IV of Committee II.

At this time I would like to comment briefly on several of the recommendations adopted at the Conference and supported by the United States and which I consider of great importance to the conservation and protection of our world's valuable fisheries and wildlife resources.

No. II–81 recommended that the Secretary-General insure that effects of pollutants on wildlife be considered within environmental monitoring systems. Most monitoring of the quality of water and air tends to be oriented toward the effects of pollutants on humans. These programs can be strengthened and have greater validity if the needs of other organisms are considered as well. It is important to know the effects of pollutants on wildlife, both because pollutants may produce losses of valuable species and because certain species provide an early warning system for the effects of pollutants on humans. Thus, wild species can play a valuable part in global monitoring systems.

No. II–82 recommended an international program to assess the total economic value of wildlife resources. Wildlife and supporting habitat are essential to man's well being, both in terms of his natural and financial economy. Wildlife destruction often occurs in the absence of information as to the true value of this resource. Wildlife provides low-cost protein for native populations, provides natural controls over various insects and other pests, and provides a variety of recreational opportunities. The habitat that supports wildlife also assists materially in maintaining ground water supplies, provides natural flood storage areas, and provides areas for natural improvement of water quality.

The United States has evidenced a strong interest in conservation of wildlife and habitat by enacting and proposing legislation to improve the abundance and quality of water supplies, protect endangered species, protect estuaries, discourage wetlands drainage, and require consideration of environmental effects and alternatives to programs carried out by the Federal Government.

The collection and publication of statistics on wildlife and other values by an international organization would be useful to wildlife managers of many nations and would be of valuable assistance in charting future conservation policies.

No. 11-83 recommended that U.N. agencies cooperate with governments of developing countries to develop wildlife management training courses.

The United States has a history of rendering help in this field. It is my understanding that U.S. resources in wildlife management training have been made available to foreign personnel in the past, without charge, from the National Park Service, the Bureau of Sports Fisheries and Wildlife and the Bureau of Land Management. These organizations already have international activities specialists whose duties include coordination of foreign training programs and supervision of the training of foreign participants.

Even with the assistance already being provided by the U.S. Government, trained personnel in developing countries are in very short supply. Therefore, I feel that it is essential that wildlife management courses should be developed in these countries at the earliest possible date.

No. II-84 recommended that governments consider enacting international conventions and treaties to protect species inhabiting international waters or those which migrate from one country to another, and that a working group be established without delay to develop a broadly based convention on game regulations, and so forth, to avoid overexploitation of wildlife resources.

Migratory species or those which inhabit international waters are in fact resources which belong to all the people of the worlds. Such resources can sustain rational harvests indefinitely. However, if they are over exploited they can provide only short-term profits to the exploiter at the expense of future generations. Because these species move from one nation's territory to another territory, or inhabit international areas, no nation alone can provide for their conservation, protection or wise use. To insure their rational management it is essential that nations using these resources, or within those territories they occur, must reach mutual agreements concerning their conservation and management. Consequently, international action in this area is required.

No. 11-86 recommended that governments agree to strengthen the International Whaling Commission—IWC—increase international whale research efforts, and as a matter of urgency, call for an international agreement for a ten-year moratorium on commercial whaling.

The United States initiated this recommendation and strongly supported it against vigorous opposition by Japan. It was strengthened by a U.S. amendment which called for direct recommendation for a moratorium under the IWC: the U.S. amendment, which also called for increased international research efforts, was supported by many other countries that are not members of the IWC.

Despite regulation by the IWC, world whale populations have drastically dropped, to where all exploited whale species are immediately or potentially endangered or greatly depleted. Present trends under the IWC would not allow rebuilding of completed stocks and probably would result in further reduction.

This recommendation reflects worldwide recognition that whales, inhabiting the international seas, are the concern of mankind as a whole—not solely for economic reasons but also for their role in marine ecosystems and for their distinction as the largest and possibly the most awe-inspiring members of the animal kingdom. This recommendation was considered as one of the big U.S. victories at the Conference.

No. II-131-135: These recommendations call on governments and the Secretary-General, in cooperation with EAO and other UN organizations, to: First, support information exchange, monitoring and assessment of fishery resources, and more efficient international management of fish stocks; second, ensure an adequate role for fishery agencies in preparing for the coming UN Law of the Sea Conference; third, help prevent national resource utilization from harming international fishery resources; and fourth, strengthen—and in some areas create—international machinery for developing and managing fisheries.

The importance of these recommendations can be gaged from such facts as these: In 1970, world fish catches came to 57 million tons; proteins from the sea are being harvested at a rate that is increasing 6 percent a year; but potential resources are jeopardized by overfishing, pollution of coasts and inland seas, coastal land reclamation, dredging, offshore oil operations, etcetera. To protect these living resources which so largely inhabit the international realm, improved international cooperation is increasingly urgent.

In the United States view, better knowledge acquisition is especially important; to this end, a fisheries data center, in which all nations using fishery resources would cooperate in research and furnish data on their catches, would be most desirable.

No. IV-125(c) invites all interested governments to sign the Convention on Conservation of Wetlands of International Importance, approved at the Conference of RAMSAR—Iran.

The Convention is not entirely satisfactory in that it does not go far enough in the protection of wetlands. Nevertheless, the United States supported the recommendation as a step in the right direction. This is one of the two treaties which emerged from the Conference, both of which are designed to protect wildlife.

No. IV-125(e) recommended that a plenipotentiary conference be convened as soon as possible to prepare and adopt a convention on export, import and transit of certain species of wild animals and plants in order to protect them from over-exploitation or extinction.

Under the terms of the Endangered Species Act of 1969—which was reported on the House side by my Subcommittee on Fisheries and Wildlife Conservation—the United States is to hold such a conference and has been working with IUCN and interested governments to develop a draft convention.

It is my understanding that the Conference is scheduled to be held in Washington, D.C., in October 1972, and it is most urgent that this Conference be held at the scheduled time as it has already been postponed several times since the passage of the Endangered Species Act, which instructed the Secretary of State to convene such a conference prior to June 30, 1971.

Mr. Speaker, how effective any of these recommendations will be remains to be seen. The recommendations that were approved in Stockholm will now go to the U.N. General Assembly for adoption this fall. Although the difficulties on obtaining agreement on the various measures appear great, I sincerely feel that the Conference was a highly successful one and produced a number of positive accomplishments.

I am enthusiastic that all nations will now join together—regardless of politics, ideologies or economic status—and take appropriate action to see that the global environment is given the attention and protection to which it is entitled.

GENERAL WESTMORELAND COMMENDED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. TEAGUE of Texas. Mr. Speaker, I am proud to commend a great American such as General Westmoreland.

General MacArthur said in his farewell address to the cadets at West Point "The long, gray line has never failed us." And once again from that long, gray line has emerged a great soldier who for over 36 years has served his country proudly and well.

I would like to quote from a message he sent to the officers of the Army, which exemplifies the man:

> As the Vietnam era draws to a close, we must look to the future—both to the anticipated world-wide missions the Army will likely be given and to the capability of the Army to accomplish those missions in a professional manner. The goal we must all seek is that of assuring that our country has the finest Army in its history: an Army based on the highest standards of professionalism, upon willing self-discipline, and upon individual dedication and pride. But, as we ac-

cept the challenge to build a finer Army, we must preserve the fundamental qualities which have made our Army great. The commitment of selfless service to our country that these qualities represent is the principal reason our profession is truly a way of life rather than just a job.

For the man who has dedicated his life to his country and inspired many others to do the same, history will find a place among its heroes. Today the Congress of the United States and a grateful country offer him a sincere expression of thanks.

INTERVIEW WITH KIM IL SUNG

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, on Monday, June 26, Washington Post carried an article and interview by correspondent Selig S. Harrison with North Korean Premier Kim Il Sung. In response to questions submitted in advance, Kim said he would be willing to meet with South Korean President Park Chung Hee, "If he desires to meet me," and expressed a willingness to negotiate directly with South Korean authorities on mutual troop reductions and eventual peaceful reunification of North and South Korea.

Specifically, if the South Koreans are ready to negotiate, North Korea would propose a mutual evacuation of military personnel and installations from the demilitarized zone and a mutual reduction in armed forces by 150,000 to 200,000. North Korea would then propose a peace agreement providing for a further mutual reduction in forces down to 100,000 or fewer, and guarantees for the eventual peaceful reunification of the North and South by elections or transitional confederation. The implementation of the agreement would be conditioned upon complete withdrawal of U.S. troops from South Korea. Kim explicitly rejected any international or third-party supervision of the military reductions or withdrawals or elections. He went on to say that the U.N. could assist in the reunification by revoking all resolutions which obstruct the peaceful reunification, and by abolishing the U.N. Commission for the Reunification and Rehabilitation of Korea—also an obstacle to reunification, according to Kim.

Yesterday, our State Department issued a cautious "wait-and-see" response to the Kim interview, saying:

> Concrete actions are always a more meaningful indicator of a government's intentions than statements to newspaper correspondents.

Mr. Speaker, it is my hope that those concrete actions will be forthcoming. It is true that there has often been a disparity between what is proposed to journalists and other third parties, and what is actually presented officially through diplomatic channels. Whether Kim's proposals represent an honest trial ballon or simply a diplomatic decoy, we are not in a position to judge at this time. Only time and diplomatic followthrough will tell.

I would hope that Kim is sincere about his avowed desire to ease tensions between the North and South and to get on with negotiations to effect this. Obviously, a logical first step would be to conclude an agreement on the humanitarian issues now being discussed in the Red Cross talks, including the reunion of divided families.

If this new spirit of conciliation proves to be genuine, I think it can be attributed in large part to the overtures and initiatives taken by President Nixon in relaxing tensions with the Communist world by his journeys for peace to Peking and Moscow. While we should not be euphoric about the prospects for instant peaceful coexistence, I think Kim's apparent new stance is but one more indicator that President Nixon's efforts are paying off indirectly as well as directly.

I include in the RECORD the Harrison article and interview from Monday's Post, and the article from Tuesday's Post on the State Department reaction. The articles follow:

[From the Washington Post, June 26, 1972]

KIM SEEKS SUMMIT, KOREAN TROOP CUTS

(By Selig S. Harrison)

PYONGYANG, June 21.—Premier Kim Il Sung of North Korea said today that he is willing to meet President Park Chung Hee of South Korea for summit talks on a major new plan to demilitarize the buffer zone along the Panmunjon armistice line and reduce the armed forces of the North and South by between 150,000 and 200,000 men.

"If the South Korean authorities are ready to have negotiations with us, face to face, we intend to advance various new proposals," the premier said in an interview.

"To begin with, we consider it possible to evacuate military personnel and installations of the two sides from the Demilitarized Zone under an agreement between the two sides with a view to easing tension."

North and South Korea are now in a confrontation "fraught with the danger of a war breaking out if the trigger is pulled," he added, "and to relax such a war atmosphere, I think they can reduce their armed forces by 150,000 men respectively under an agreement between the two sides. It would be still more gratifying to reduce by 200,000 men respectively."

This would be followed by a "no war' agreement between North and South, he said, and finally by mutual troop cutbacks to a common level of 100,000 men or fewer "on the condition that U.S. forces are withdrawn from South Korea."

Asked whether he would be willing to meet President Park personally for a discussion of these issues, Premier Kim replied that "I can meet him if he desires to meet me," Gesticulating and waving a cigarette, alternately frowning and grinning expansively, the premier spoke for 80 minutes in response to a list of questions negotiated in advance. He then entertained several impromptu questions, ending the interview by proposing a toast of Korean-made champagne to "friendship between the Korean and American peoples."

The premier's proposals went far beyond previous North Korean peace gestures to the South and underlined Pyongyang's new readiness to pursue a relaxation of tensions with Seoul despite the continued presence of U.S. forces in South Korea.

This also marks the first time Kim has explicitly indicated his readiness to meet Park, long reviled here for prewar service to the Japanese colonial regime while a military officer in Manchuria and for his alleged subservience to the United States in recent years.

Until January, North Korea treated the withdrawal of U.S. forces as a precondition for conclusion of a "no war" agreement with the South. Kim offered then to discuss a peace pact with "South Korean authorities" pending a U.S. pullout. But he did not offer specific interim proposals for force reductions in the absence of a U.S. withdrawal, and he spoke of a single jump from existing troop levels to reduced forces of 100,000 if U.S. troops were removed.

Now the premier has added two new preliminary negotiating proposals for discussion with the South without insisting on a prior U.S. withdrawal. Both of these proposals embody new approaches to a North-South accommodation.

TALKS WITH SEOUL

By proposing talks with Seoul on the removal of military installations from the Panmunjom truce zone the premier has attempted to brush aside two decades of angry recriminations over alleged violations of the armistice agreement in which Pyongyang has been pitted against he United Nations.

In effect, Pyongyang is not against demilitarizing the buffer zone but wants to link this with the larger objective of unification by reaching an understanding directly with the South rather than with U.S. officers under the U.N. flag.

An equally important objective of bypassing the U.N. Command and the military armistice commission at Panmunjom for direct dealings with Seoul would be to undermine the entire status of the United Nations in Korea. Pyongyang could argue that North-South talks invalidate past U.N. resolutions on Korea and make further U.N. presence unnecessary.

The 2.5-mile-wide truce area was originally conceived in the 1954 Korean armistice as a demilitarized buffer zone but has been the scene of continual armed clashes. Both sides have accused the other at various times of introducing illegal fencing, fortifications and weaponry on its side if the military demarcation line running through the middle of the buffer area.

Ironically, the former senior member of the U.N. Command, Maj. Gen. F. M. Rogers, told a newsman following his departure from Korea last year that "it is time for Koreans to talk to Koreans" at Panmunjom.

But the idea was quickly disowned by Washington and received coolly by South Korean leaders.

"Kim has made no effort to gloss over the fact that both North and South have 'military installations' within the Demilitarized Zone. "Now, both sides have many military personnel and military installations in the Demilitarized Zone," he said. "The tense situation there will be eased if these military personnel and military installations are removed."

By offering to reduce North Korean forces by 150,000 to 200,000 men in return for corresponding South Korean reductions, Pyongyang has agreed to retain the present military balance pending an overall agreement bringing both sides down to common levels of 100,000 or fewer.

ARMED FORCES

The best available estimates suggest that the South has 672,000 men in its armed forces, including its troops in South Vietnam, while the North has slightly fewer than 400,000. Kim's offer would appear to envisage maximum reductions leaving North Korean strength at roughly 200,000, while the South would retain its present superiority with 472,000.

Seoul has often dismissed North Korean proposals for troop cutbacks by charging that Pyongyang maintains 1.3 million men in parttime "worker-peasant-student Red

Guard" militia units far more intensively trained than the South's own "homeland Reserve."

The premier anticipated this response by volunteering that "if necessary, the civil defense forces can also be reduced in the future under the agreement of the two sides."

The proposals today followed a major breakthrough last week in 10-month-old talks at Panmunjom between Red Cross officials of North and South on the reunion of divided families. After months of stalemate, the two sides agreed on the agenda for full-dress talks to be held in Pyongyang and Seoul.

Predicting that the talks would be held "at an early date," the premier said that "a door, though narrow, had been opened between the North and South which have remained separated for a long time. So both sides value this very much. Although the talks progress slowly, their prospect is very bright."

The interview was notable for a relative lack of anti-U.S. invective, by North Korean standards.

At one point, he volunteered that "when the American people joined the common front against Fascism and fought against the Hitlerite Fascists and Japanese imperialism during World War II they won high praise and support from the Korean people. The subsequent aggravation of relations between Korea and the United States is attributable to United States intervention in the internal affairs of Korea and its hostile and aggressive policy toward the Democratic People's Republic of Korea."

This takes some of the sting out of the propaganda charge greeting an American visitor here that "U.S. imperialism has been the sworn enemy of the Korean people for more than a century."

Kim is presented in national museums as the liberator of his country from Japanese rule. Only passing credit is given to the Soviet role here at the end of World War II, and no mention is made of the American defeat of Japan, which the premier indirectly acknowledged in his statement today.

"We Korean people distinguish the American people from the U.S. imperialists," said the premier, "and the Korean people wish to promote friendship with the U.S. people not only now but also in the future."

EXCHANGE OF NEWSMEN

Past North Korean statements on "people to people," relations have stressed that Pyongyang would bar all official contacts with the United States until American troops were withdrawn from Korea.

In response to a question, the premier said that if North Korean journalists are ever invited to Washington, he would not be "opposed to our journalists meeting with U.S. officials if an opportunity is afforded."

Since leading publications and journalists here speak for the state or for the ruling Workers Party, this appears to open the way for semi-official contacts.

The premier also said that he would "have no objection to establishing trade and economic relations with the U.S., but would welcome it" if U.S. troops are withdrawn from Korea.

He said he also looks forward to trade with Japan "if they want it."

U.S. THREAT

Kim sidestepped a question about whether he saw growing differences between Japan and the United States and rated either of the two countries as a greater threat to Korea than to the other. He repeated previous statements lumping "the U.S. imperialists and the revived Japanese militarists" together and said that "as for the contradictions between Japan and the United States, I think the Americans or the Japanese know them better than we."

Reaffirming his stand that the United Nations should withdraw its umbrella for the U.S. military presence in Korea, he urged that the U.N. should annul resolutions branding North Korea as the aggressor in the Korean War and dissolve the U.N. Commission for the Unification and Rehabilitation of Korea (UNCURK).

In a slight softening of the tone of past attacks on the U.N., he urged that the world body "should take measures helpful to the reunification of Korea now that all the people in North and South Korea aspire to the reunification of the country and a tendency toward peaceful unification is surging high among them."

Although he did not elaborate on what "measures" he had in mind, he made an oblique reference to a possible change in the status of U.S. troops in Korea by suggesting that it is "high time" not only to dissolve UNCURK, but also "to take the caps of the 'U.N. forces' off the U.S. troops stationed in South Korea under the cloak of the 'United Nations.' "

Kim spoke animatedly about the benefits that would flow from reduced defense spending in the event of a "no war" agreement, mutual force cutbacks and the withdrawal of U.S. forces.

"The people would be greatly benefited by this," he said. "If defense spending is cut to 5 or 7 per cent in the state budget and the expenses thus released are spent on raising the living standards of the people in the future, our people will be benefited much more by it than now. Demobilized veterans could participate in the labor front, and this will bring us several times greater returns than the benefits we get in terms of state budgetary disbursement.

"With a greater number of young and middle-aged people participating in the labor front, we will be able to construct more and extract more natural wealth. More factories and more dwellings will be built. We have still a lot to do."

The interview was held in a corner of the vast audience room of the cabinet building, located in the center of a lightly guarded complex of government office buildings on the edge of central Pyongyang.

A phalanx of aides was present, including the secretary of the Central Committee of the Workers' Party and the editor of the Workers Party organ, Rodong Shinmun.

A hefty, commanding man with puffy cheeks and penetrating eyes, Kim wore tortoise shell glasses and a dark gray suit with a coat suggestive of a Mao jacket.

He smiled confidently, almost smugly, and spoke with theatrical pauses, wrinkling his brow, raising his eyebrows periodically, settling back jauntily after marking a point that he liked.

The premier turned 60 on April 15, but his wavy black hair is intact and has only a few gray streaks around the ears.

Kim has ruled North Korea since 1945 and is near the top of the list among world leaders for longevity in office.

This was the second interview the North Korean leader has given to an American correspondent. Pyongyang was completely closed to American newsmen until last month.

[From the Washington Post, June 26, 1972]

TO RELAX A WAR ATMOSPHERE

(NOTE.—The following is a partial transcript of the interview of North Korean Premier Kim Il Sung by Washington Post correspondent Selig S. Harrison.)

KIM. I am sorry to have kept you waiting for me for a long time. I would have received you earlier if we had been able to meet before my departure on an official mission to local areas. But something unexpected prompted my departure. Various matters kept me there longer than anticipated. These reasons prevented me from meeting you earlier. I would like to ask you excuse me for this. We have been looking forward to meeting you as you have come here through the introduction of the General Association of Korean Residents in Japan. Do you feel in good health after your stay in our country?

HARRISON. Yes, I have received excellent hospitality, and I am most grateful for the opportunity I have had to visit factories, cooperative farms and other institutions in various parts of your country. I am glad to see that you have completely recovered and have made substantial progress.

KIM. Thank you. I have seen your questions. You seem to want me to answer you, avoiding a repetition of what I have said in my previous interviews. In my talk with you, I will try to avoid repeating what I have said earlier, so I have no choice but to begin by touching upon our future work. After all, you American newsmen come here to know all our future policies.

PEACE ACCORD

Te begin with, I would like to answer you briefly about the questions of concluding a peace agreement between the North and the South in this country, reducing armed forces of both sides and improving the relations between the North and the South.

As you know, the North and the South had had no contacts due to their long partition before they made the first contact last year through the talks between the representatives of the Red Cross organizations of the North and the South. Later, however, the South Korean authorities declared a "state of emergency." This made the situation tenser in our country.

If the South Korean authorities had wanted to behave properly, they should have striven to ease tension since the North and the South were beginning contacts after a long separation. But they aggravated tension by declaring the "state of emergency."

The important thing today is how to relax the tension created in the country. We have proposed on many occasions to conclude a peace agreement between the North and the South, but it has not yet been concluded owing to the refusal of the South Korean authorities. We have been making all possible efforts to ease this tense situation. We think that by relaxing tension, we should also be able to make the South Korean authorities dispel misunderstanding toward us and prevent them from threatening, blackmailing and suppressing the South Korean people, inventing lies regarding our "southward aggression."

If the South Korean authorities are ready to have negotiations with us, face to face, we intend to advance various new proposals.

To begin with, we consider it possible to evacuate military personnel and military installations of the two sides from the Demilitarized Zone under an agreement between the two sides with a view to easing tension.

DMZ FORCES

Now, both sides have many military personnel and military installations in the Demilitarized Zone. The tense situation there will be eased if these military personnel and military installations are removed.

To proceed, the two sides are now in a situation fraught with the danger of a war breaking out if the trigger is pulled, and to relax such a war atmosphere, I think, the North and the South can reduce their armed forces by 150,000 men respectively under an agreement between the two sides.

It would be still more gratifying to reduce by 200,000 men respectively. In my opinion, this will enable us to avoid the danger of a possible war. The above-mentioned are new proposals. I am telling you about our new proposals of which no mention has been made so far.

Next, in order to relax tension in our country, I think it necessary to conclude a peace agreement between the North and South which affords a guarantee for peacefully reunifying the country and against resorting to use of force. When the peace agreement is concluded, the U.S. troops must pull out of South Korea. When the peace agreement is concluded, the danger of war will be removed, and accordingly there will be no more pretext for the U.S. troops to stay on in South Korea, and we propose that the armed forces of the North and the South should be reduced to 100,000 or fewer respectively, on the condition that the U.S. troops are withdrawn from South Korea.

REDUCTION OF TROOPS

If the armed forces of the North and South are reduced to 100,000 or fewer respectively under the conditions that a peace agreement is concluded and the U.S. troops are withdrawn from South Korea, then it will provide a firmer guarantee for the peaceful reunification of our country.

The civil defense forces, if necessary, can also be reduced in the future under the agreement of the two sides.

I think these are some steps we are going to take for the peaceful reunification of our country. These problems cannot be solved through the Red Cross talks between the North and the South. These problems, I think, should be solved through negotiations between the authorities of the North and the South or through negotiations between the deputies of our Supreme People's Assembly and the members of the National Assembly of South Korea.

Besides, to remove the misunderstanding and distrust between the North and the South, it is necessary, I think, for the representatives of the political parties and public organizations embracing broad sections of the masses and the personages of the political circles to travel and make contact with each other and hold bilateral or multilateral negotiations.

NARROW DIFFERENCES

By so doing, in my view, we can raise concrete problems for narrowing down the differences of views existing between us and achieving the peaceful reunification of the country. I believe the reunification of our country should on all accounts be achieved by the Korean nation itself without the interference of any outside forces on the principle of national self-determination and on a democratic principle.

The peaceful reunification of the country can be attained by way of establishing a unified government through the elections to be held throughout the whole of Korea or by setting up a confederation system as a transitional step.

The elections we demand should be free elections without the interference of any outside forces. It is desirable to set up the unified government through democratic elections based on universal direct principles and principles of equality.

But if the unified government cannot be set up right away, it may be good, as well, to achieve the reunification through a confederate system slowly, leaving the present systems in the North and the South intact. In this way, the reunification of the country may be realized gradually. We think to settle all the problems for the peaceful reunification of the country, it is necessary first of all to achieve a great unity of the nation, transcending the differences of systems, belief and political views, and for this purpose, it it essential to remove misunderstanding and distrust between the North and the South and create an atmosphere of mutual understanding, respect and trust. This is our contention.

As for other problems, I have referred to them on other occasions before. I will say no more about them. Can you understand me well?

Harrison. I am very much interested in your statement. The question of the reduction of armed forces, in particular, is worthy of study. May I ask you a question to have a clearer understanding of what you have proposed? In cutting back the armed forces of North and South, do you mean to reduce the forces of the two sides by two stages, that is, by 150,000 or 200,000 men, respectively, at the initial stage and later to reduce them to 100,000 men or fewer at the second stage?

Kim. Yes, we mean to reduce the armed forces of the North and South to fewer than 100,000 men, respectively, at the second stage under the condition in which a peace agreement is concluded between North and South and U.S. troops are withdrawn from South Korea.

Harrison. Would you be prepared to meet President Park Chung Hee of South Korea to discuss such problems?

Kim. I can meet him if he desires to meet me.

You asked me how to improve the relations between Korea and the United States. I would like to make a few remarks on this matter. As for the relations between Korea and the United States, the U.S. government must not meddle in the internal affairs of Korea.

It should not encourage the division of our country but help its reunification. In order not to hinder the reunification of our country, it should first of all withdraw its troops from South Korea and should not make any aggressive threat against us. Then the relations between the United States and our country can be improved soon, I believe.

I will not relate the long history of U.S. aggression against Korea because time does not permit me to do so. When the American people joined the common front against Fascism and fought against the Hitlerite Fascists and Japanese imperialism during the Second World War, they won high praise and support from the Korean people. Subsequent aggravation of relations between Korea and the United States is attributable to the United States intervention in the internal affairs of Korea and its hostile and aggressive policy towards the Democratic People's Republic of Korea.

If the United States gives up its hostile and aggressive policy towards us even now and does not encourage the division of Korea or obstruct the reunification of Korea, we are also ready to change our policy towards the United States. We Korean people distinguish the American people from the U.S. imperialists.

The Korean people wish to promote friendship with the U.S. people not only now but also in the future. Then you ask me about the relations between Japan and the United States and my view as to . . . growing contradictions between Japan and the U.S., and you asked me which of the two countries . . . poses a greater menace to the Korean people.

The political program of the government of the Democratic People's Republic of Korea states that we will promote friendship and solidarity with those countries which want to establish relations of equality and mutual benefit and express goodwill towards us, but we cannot show goodwill towards such countries as treat our country with hostility and inequality and adopt an aggressive policy against. . . . Therefore, we think both the U.S. imperialists and the revived Japanese militarists are dangerous forces to us.

U.S. POLICIES

The relations between our country and the United States or Japan depend on what policies the government of the United States or the government of Japan would take towards our country.

As for the contradictions between Japan and the United States, I think the Americans or the Japanese know them better than we.

As regards the question on Korea and the the United Nations which you asked, I think the United Nations should strive to help the Korean people in their endevours to realize the peaceful reunification of the country. The United Nations should take measures helpful to the reunification of Korea now that all the people in North and South Korea aspire to the reunification of the country and a tendency towards peaceful reunification is surging high among them. In other words, it should revoke all the resolutions which obstruct the peaceful reunification of Korea, that is the resolutions which encourage the division of Korea.

The Korean nation wants to achieve reunification of its country. So the obstacles in the way of its reunification should be removed, shouldn't they? It is high time to dissolve the "United Nations Commission for the Unification and Rehabilitation of Korea," an obstacle to peaceful reunification, and to take the caps of the "U.N. forces" off the U.S. troops stationed in South Korea under the cloak of the "United Nations."

WANT TO NEGOTIATE

The Korean people want to negotiate and won't fight among themselves, so there is no need for the United Nations to "supervise." The Korean people desire peaceful reunification, and the North and the South are making contacts and doing efforts to realize free travel and why is the "United Nations Commission for the Unification and Rehabilitation of Korea" necessary and what necessity do the U.S. troops have to remain in Korea under the signboard of the United Nations and play the role of police? Such obstacles should all be removed, I think.

Korea's unification should be achieved on the principle of national self-determination and no one can meddle in the internal affairs of Korea.

You can find new proposals here, too. . . .

To tell something about the North-South Red Cross talks, the Red Cross talks are going on well. There had been arguments on the question of the agenda of the full-dress talks but a full agreement was reached on the agenda some time ago. A door, though narrow, has been opened between the North and South, which have remained separated for a long time. So both sides value this very much.

We think the full-dress talks between the representatives of the North and South Red Cross organizations will be soon convened. The entire people of North and South Korea are all looking forward to it. Though the talks progress slowly, their prospect is very bright.

You asked me about the question of our journalists visiting the United States. We have no objection to it. We have no objection to sending our journalists to the United States nor are we opposed to our journalists meeting with the U.S. officials, as you asked, if an opportunity is afforded.

You asked me to express my view on the visits of Nixon to Peking and Moscow. We will only watch how Nixon is going to translate into practice the statements he made during his visits to Peking and Moscow and the joint communiques announced there.

I think I have answered all your questions. Have you any more questions to ask.

Harrison. I would like to ask several clarifying questions. The first one is related to your comments on the United Nations. You have previously said, as you did today, that it was necessary for the United Nations to dissolve the "United Nations Commission for the Unification and Rehabilitation of Korea "

Yet you have said that there are also new proposals in your comments today. Could you clarify these?

Kim. I think it is important first of all for the U.N. to desist from any act of creating obstacles to the reunification of Korea and annul all resolutions hampering the reunification. The United Nations refuses to deal with both sides equally and interferes in the internal affairs of Korea. It is evident that it hampers Korea's unification, isn't it?

Harrison. You have said before that if South Korea would abrogate its military pacts concluded with foreign powers your country, too, would abrogate its military treaties concluded with foreign countries. Would this happen in the foreseeable future in your concept or in the long term? Do you propose it as part of negotiations between the North and the South or after the conclusion of a peace agreement between the North and the South or at the stage of the confederation?

Kim. That should be agreed upon by the North and the South. In my opinion we can abrogate all these treaties if they hinder the reunification of our country. It is not a matter of the present stage, but a matter to be settled in the future under the agreement by the both sides. The question as to which of the military treaties is necessary and which is not may be discussed when the country is reunified in a peaceful way. I think it is possible to nullify whatever is standing in the way of peaceful reunification if both sides agree to do so even now.

So much for the answers. Lastly, you asked me whether I have any words to ask you to convey to the American people upon your return home. Please convey to the American people my hope that they will unite with the Korean people and the peace-loving people of the world to fight against wars of aggression and wage a common struggle so that all may live in peace. The people, be it Korean or American, always want to promote friendship. Our people have bad sentiments toward the United States. These bad feelings are directed toward the U.S. imperialist aggressors and the reactionary U.S. government, but not toward the U.S. people.

I am pleased with your long stay in our country and I am grateful to you for having waited for me patiently. I regard this as a manifestation of your trust for us.

[From the Washington Post, June 27, 1972]

UNITED STATES WEIGHS KIM'S BID; EXPERTS VOICE INTEREST

(By Ronald Koven)

The State Department officially characterized its reaction yesterday to North Korea's new detente proposals as "wait and see."

Privately, however, specialists expressed much interest in North Korean leader Kim I Sung's proposals, in an interview with The Washington Post, to demilitarize the heavily fortified Demilitarized Zone between the two Koreas and to reduce the rival Korean armies without evening out the present military imbalance in favor of South Korea or insisting on an immediate U.S. military withdrawal.

For the record, U.S. officials said, in State Department spokesman Charles Bray's words, "Concrete actions are always a more meaningful indicator of a government's intentions than statements to newspaper correspondents."

Other officials said they had such "concrete actions" in mind as ceasing the construction of fortifications inside the DMZ and halting infiltration into the South.

Bray pointed out that demilitarization of the DMZ "appears on the face of it to be quite similar to a proposal that has already been made several times, I believe, by the United Nations Command and, independently, by the Republic of Korea.

"The North Koreans have always rejected this idea. But it is one that is on the table. We shall have to wait and see what North Korean intentions in this regard are," he added.

At another point, Bray rejected the suggestion by North Korean leader Kim I Sung that Northern journalists should visit the United States.

The cool U.S. official reaction to the Kim proposals was apparently at least partially related to reluctance to upstage any reaction by South Korea.

U.S. officials said that any diplomatic follow through would have to be conducted by Seoul, and that it seemed unlikely that the South Koreans would move until Pyongyang communicates its proposals directly.

There seemed to be general agreement in Washington that Kim's making his proposals publicly through non-Korean journalists at least raised questions about his sincerity.

Some officials professed to be confused about Kim's true position. They noted that he dropped a U.S. military withdrawal from Korea as a precondition for political progress between the two Koreas when he spoke with Japanese journalists in January, but that he reintroduced that demand several weeks ago in an interview with Harrison Salisbury of the New York Times.

When speaking more recently with Selig S. Harrison of The Washington Post, Kim again dropped the condition.

But some specialists said Kim's proposal on the DMZ seemed on the surface to provide a basis for agreement. They were also intrigued by Kim's willingness to reduce armed forces in a first stage on a one-for-one basis by between 150,000–200,000 men.

A 200,000-man reduction would leave the North with about 200,000 under arms and the South with about 470,000.

Among the pressures on Kim at least to appear more accommodating analysts here said, are that his belligerence has been counterproductive and that China, Pyongyang's chief ally, has been preaching reapprochement with the United States both by example and in diplomatic contacts. Kim is also said to be convinced that he would win out in any peaceful political competition with the South.

SALT—NEXT STEP IN DISARMAMENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SCHMITZ. Mr. Speaker, Gen. Thomas S. Power, in "Design for Survival," said:

> It is, therefore, up to the American people to decide which road to survival they want to choose. The choice is by no means easy. The active proponents of one-world government have a very salable product to sell—peace without arms race—and they are both vocal and convincing. . . . Unfortunately, however, our approach—survival through military supremacy—ostensibly entails far greater sacrifices and risks, and therefore has less appeal to those who seek a quick and easy way out. Still, it is the only approach which will permit *national* survival. This is the approach we have followed to this day, and it has proved successful. . . . *The two approaches permit of no compromise* because they point in exactly opposite directions. Therefore, in making their choice, our citizens must select the one or the other, realizing that once they have chosen the road to disarmament and one-world government, there can be no turning back.

The principal features of the SALT arms limitations agreements made in Moscow between the United States and Soviet Russia, and soon to be presented to both Houses of Congress, are summarized as follows by a select group of Senators including BARRY GOLDWATER and JAMES BUCKLEY:

> The Moscow agreements freeze the U.S. at a 4 to 1 disadvantage comparing our overall missile payload to that of the Soviet Union;
>
> The Soviet Union has three missiles for every two of ours, theirs are substantially larger, and the agreements guarantee that this gap will remain and probably widen;
>
> Soviet missiles carry payloads several times larger than those of U.S. missiles, an advantage which the agreements not only protect, but allow to be enhanced;
>
> The agreements forbid the U.S. to increase the number of its nuclear submarines while authorizing the Soviets to continue building them until they equal and then surpass the United States.

On the House floor recently some fiscal conservatives were trying to cut appropriations to the U.S. Arms Control and Disarmament Agency. I raised the question: For what purpose are we supporting a Disarmament Agency in any form? The fact is that since 1962 we have been engaged in formal disarmament negotiations in Geneva, conducted by this Agency, always with the stated purpose of "the total elimination of all armed forces and armaments except those needed to maintain internal order within States and to furnish the United Nations with peace forces." It is significant to note that Paul Nitze, Assistant Secretary of the Navy in 1962 under a Democratic administration when these negotiations began, reappears 10 years later under a Republican administration as a leading big-name negotiator of the SALT agreements. Reducing American Armed Forces to a level of permanent inferiority to the Soivets is a long step toward the kind of disarmament sought since 1962, most likely to be followed, once accomplished, by a push to limit U.S. arms to the point that they are inferior to those of the United Nations as well.

Such disarmament is buying national suicide on the installment plan. Last year Gen. Curtis LeMay, former Air Force Chief of Staff and founder of the Strategic Air Command, warned that if present trends to arms limitation continue, this country can look forward within 18 months to some type of ultimatum from our principal arms rivals. Even the disarmament-prone New York Times pointed out in an editorial June 5:

> That [Soviet] edge includes 40 percent more intercontinental ballistic missiles (1408 to 1000), and missile-launching subarines (62 to 44), one-third more submarine-launched ballistic missiles (950 to 710) and a threefold Soviet advantage in megatonnage of total missile payload. Much of this appears in writing in the five-year agreement freezing strategic offensive missiles.

Defense Secretary Melvin Laird admitted a year ago that "we have been in a period of almost moratorium since 1967 on new strategic weapons deployment" while noting in the May 4, 1972, issue of Commander's Digest that we are "in a period of vigorous Soviet military expansion at sea, on the land, in the air, and in space."

Shortly before the SALT agreements were finalized in Moscow, the Senate Judiciary Committee released an updated study pointing out that of 25 agreements signed at previous summit meetings, 24 had been violated. So we dare not even fall back on the forlorn hope expressed in a recent State Department briefing for congressional wives, admitting that the SALT agreements establish a missile gap favoring the Soviet Union, but nevertheless justifying them on the grounds that without the agreements the gap would expand. If we abide by the agreements, we can be sure that the gap will expand as soon as the Soviets decide that the time has come to break them.

Let the State Department be advised never to talk to women, especially when one of those women is my wife. Let the American people be advised that we must pay heed to General Power's warning and fight for America's national survival; SALT must be returned to its proper place—the dinner table.

THE PROPOSED FEDERAL VALUE-ADDED TAX

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. GAYDOS. Mr. Speaker, some months ago the administration went on a fishing trip. It went looking for a fish which has become extremely rare and exceedingly elusive. It went fishing for the solid support of the American public for a new administration tax program, one involving a major increase in revenue to support Federal expenditures.

Because it was after an extrordinary fish, the administration needed a super-duper lure; one which would make a fish, grown wary over the years through bitter experience with governmental promises, throw caution to the winds, and hit the hook hard. The administration came up with a beauty. It hid the tax hook beneath an almost irresistible delicacy—the suggestion that if the American public supported the administration's proposed Federal value-added tax, there was the chance school property taxes on the local levels could be eliminated.

Now, that is quite a tasty morsel to dangle before the tax-laden American public of today. The school property tax is by far the most oppressive of all taxes. Because it is the highest, it is the hardest to pay, and it hurts everybody. It turns off young people from buying property for a home because they cannot pay the school tax tab. It squeezes the elderly who are fighting a losing battle trying to pay rising taxes with fixed and limited incomes. It really wallops the man in the middle, the one already paying for a home and trying to pay for educating his family as well.

I was most curious to see if the hungry taxpayer would take the administration's bait, hook, line, and sinker, so I did some fishing on my own. I furnished more than 3,000 residents of my 20th Congressional District in Pennsylvania with a summation of the value-added tax and its pros and cons. Later, each of them were contacted by telephone to discuss the issue and obtain their personal opinion about it.

The results were overwhelmingly lopsided and confirmed my own belief that the American public today is not to be easily "hooked" again. It has taken the bait too often in the past and learned the hard way that what the Government attempts to pass off as a plum is apt to taste like a lemon.

The results of my telephone poll showed 77 percent of the people contacted opposed a Federal value-added tax; 13.5 percent of them favored it; and 9.5 percent were undecided.

I sent these findings to President Nixon on May 15, and called his attention to the fact that, many of those who opposed the value-added tax also expressed the deep-rooted doubt that school property taxes would ever be eliminated. They simply no longer believe in promises or pie-in-the-sky suggestions. Furthermore, many of those favoring the value-added tax emphasized they did so only in the hope the hinted tax reform would be forthcoming.

I believe these comments reflect a serious erosion in the credibility of our Government and a disturbing distrust by the public in what Government says it will do and what it actually does.

A few days ago, I received a letter from Joel Segall, Deputy Assistant Secretary of the Department of the Treasury, informing me the results of my telephone poll had been forwarded to him. Mr. Segall mentioned the timeliness of the poll and said the results will be given "full consideration in our work on the subject." In other words, until the administration decides whether to continue fishing or cut bait.

Mr. Speaker, I am inserting Mr. Segall's letter, along with supplemental material dealing with my telephone poll on the value-added tax, into the RECORD for the attention of my colleagues:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

To: Phone Poll Participants.
From: Congressman Joseph M. Gaydos.

Today, the United States has a one trillion dollar economy, a $220 billion plus budget and, from all indications, a need for additional Federal revenues to support them. The question, of course, is where to get the extra money. Increase corporate or individual income taxes? Enact a new tax?

It is the latter proposal which is causing considerable interest and controversy. The type of tax most often mentioned is a Value Added Tax (VAT), particularly since President Nixon's announcement that it might be used to eliminate school property taxes.

But what is VAT? Briefly, it is a tax imposed on the value added by each successive step in a production process. For example, a loaf of bread begins as a seed of grain, is harvested as wheat, converted to flour, baked to bread, sold to a grocer and purchased by a consumer. With each step the value of the bread has been increased and is reflected in the cost. The Government would obtain its revenue by taxing the added value of the product as it moves along the line.

VAT proponents say that while any major tax increase is distasteful, a value added tax is the "least bad" and, therefore, "the best available" source of new revenue. It would cause less confusion, they feel, and could improve the nation's ability to compete in the area of world trade. The alternative to VAT, the proponents claim, is to increase corporate or individual income taxes. In either case, they believe adverse effects will result from such action.

Opponents of VAT refute these claims. In their opinion, VAT is a national sales tax in disguise. They say it is a levy which will not improve the present Federal tax system but will, instead, make it worse. They also contend VAT will do little or nothing to bring the U.S. any significant advantages in international trade.

That, in a nutshell, is VAT. The attached sheets will acquaint you with some of its "pros" and "cons." Additional information will be furnished, I am sure, by the news media, and in the near future my office will contact you for your opinion.

Thank you for your continued cooperation and interest.

Sincerely yours,
JOSEPH M. GAYDOS, *M.C.*

THE CASE FOR VAT

Interest in the value added tax was heightened in the United States by its adoption in the European Common Market, as a principal source of revenue. It is also the basis in the EEC for border taxes on imports and tax rebates to exporters competing for a share of the American domestic market. No such incentive, the VAT advocates claim, is offered U.S. exporters.

The possible increase of our major sources of tax revenue here—corporate income and payroll taxes—and the resulting adverse effects have added to VAT's attractiveness. Proponents claim VAT could be used as a partial substitute for these existing taxes or as a new source of revenue.

Increased corporate taxes, they point out, would further distort conditions that levy already has created. Furthermore, it would worsen our ability to compete in international trade. Any hike in the individual income tax is most unlikely, VAT advocates acknowledge, in view of increased exemptions and reductions provided by federal tax reform legislation in 1969. Even with these reductions, they argue, the rates in the middle and upper brackets are still so high that any increase in this tax would trigger perverse effects.

A value added tax, they contend, could act as a partial substitution for corporate taxes, alleviating some of the present burden and, at the same time, give the U.S. the opportunity in international trade competition to counter some advantages enjoyed by other nations through border tax adjustments. VAT also could be used as a partial substitute for the individual income tax or as a completely new tax.

In either case, proponents of VAT predict some form of this tax will be enacted within a decade. According to them, "The sooner, the better."

THE CASE AGAINST VAT

Opponents of VAT have labeled the levy a "regressive" tax, a step backward which will worsen our present situation if enacted and which will not give the U.S. any significant advantage in international trade. The name itself, they claim is a smokescreen, an attempt to hide a tax the American public has rejected for 40 years—a national sales tax.

Claims of VAT's success in Europe are discounted. European nations, it is said, have had national sales taxes in one form or another for many years. VAT merely is an attempt to harmonize the different tax systems within the European Economic Community. Furthermore, they claim, the tax is not uniform, varying from area to area as well as from country to country. Some nations exempt food or services; others favor financial activities, newspapers, schools, etc., with reduced or special rates.

Nor do the opponents of VAT buy the idea it can be used to reduce corporate or individual income taxes. Heavy reliance on indirect taxation does not mean low corporate taxes, they claim, and no European nation (some with higher corporate levies than the U.S.), has reduced its corporate tax as a result of adopting VAT. Any increase in individual income tax exemptions or in welfare payments, they predict, will be felt by the middle class wage earner. VAT, they point out, is a tax levied on consumer expenditures and a federal study revealed groups earning under $10,000 a year accounted for 82.5 percent of overall consumer expenditures. The advantages, if any, to be gained by VAT in International trade are so minor as to be discounted by the opponents of the tax.

In conclusion, those against VAT declare that IF a national sales tax does come about, it should be a retail sales tax, not an added value tax. Under the former, the retailer collects the tax from his customers and pays the Government in full. Under VAT, the revenue would be collected in bits and pieces during the production process, resulting in heavy paper work and additional administrative chores.

House of Representatives,
Washington, D.C.

To: Phone poll participants.
From: Congressman Joseph M. Gaydos.

Dear Citizens: During the past several weeks you have been participating in a phone poll survey to determine public opinion regarding the proposed federal value added tax (VAT). This proposed source of revenue was suggested by the administration and was linked to the possible elimination of existing school property taxes.

I am sure you, as a phone poll participant are interested in the final results of this poll. A majority of those polled indicate an overwhelming opposition to the suggested VAT tax. Here are the final results:

Against: 2,337 or 77.0%.
For: 409 or 13.5%.
Undecided: 288 or 9.5%.
Total: 3,034 or 100%.

Since this question stirred great interest among our citizens, I sincerely felt the President himself should be informed of the results. Therefore, I have written a letter to the President and I have enclosed a copy for your information.

I am sure you agree that this is another effective way of transmitting the voice and opinion of our district citizens to Washington.

Sincerely yours,
Joseph M. Gaydos,
Member of Congress.

House of Representatives,
Washington, D.C., May 15, 1972.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: Several months ago, the news media informed the American public the administration was considering a value added tax (VAT) in order to provide the Federal Government with additional revenues to meet increasing governmental operating costs. This announcement triggered national interest, particularly since it linked the adoption of such a tax with the possible elimination of local school property taxes.

I was most interested in this proposal since I represent the 20th Congressional District of Pennsylvania, which is a highly taxed area and where the school property tax has long been the most burdensome of all real estate taxes. I, too, have long advocated the elimination of local school property taxes and have introduced legislation to permit an income tax credit for payment of school taxes.

In order to determine the opinion of our constitutuents on this far-reaching question, I took a personal phone poll of 3,034 residents of the 20th District. The following are the results of this poll and are included for your study and consideration:

Against: 2,337 or 77.0%.
For: 409 or 13.5%.
Undecided: 288 or 9.5%.
Totals: 3,034 or 100%.

I think it proper I call attention to the fact that while this poll was in progress many of those who opposed VAT expressed a doubt that school property taxes would ever be eliminated. This, I believe, reflects a disturbing distrust in the credibility of elected officials. It appears that the public no longer believes in promises regardless of the sincerity of such promises or proposals. Many of those participating emphasized that they voted for VAT only in the hope that additional tax reform would be forthcoming.

Mr. President, I have relied upon this personal phone poll on several past occasions in order to determine local reaction to various national questions and issues. I have found the poll to be an extremely rapid and reasonably accurate method of obtaining public opinion in my district. For example, a like phone poll survey made last summer following initiation of your new economic program proved astonishingly accurate. My district showed overwhelming support for your actions at that time which were reflected a short time later in the results of a national poll. The results in my 20th Congressional District differed by less than 1% from those compiled nationwide.

Mr. President, I believe I speak on behalf of all our district citizens when I state that we are anxious to help and support our President whenever possible. Likewise, I hope your administration will give serious consideration to the results of this phone poll survey during deliberations regarding the proposed federal value added tax.

Respectfully submitted.
Joseph M. Gaydos, *M.C.*

The White House,
Washington, May 23, 1972.

Hon. Joseph M. Gaydos,
House of Representatives,
Washington, D.C.

Dear Mr. Gaydos: I would like to acknowledge and thank you for your letter to the President presenting the results of the poll you conducted in your Congressional District to determine the reaction of your constituents to imposition of a value added tax.

You may be assured your letter will be brought to the President's attention upon his return and in the meanwhile will be shared with the appropriate members of the staff.

With cordial regards,
Sincerely,
Richard K. Cook,
Deputy Assistant to the President.

The Department of the Treasury,
Washington, D.C.

Hon. Joseph M. Gaydos,
House of Representatives,
Washington, D.C.

Dear Mr. Gaydos: Mr. Richard K. Cook, Deputy Assistant to the President, referred to this Department your May 15, 1972 letter to President Nixon, so that we might have the benefit of the results of a poll you conducted to determine the reaction of your constituents to the imposition of a value added tax.

As you noted in your letter, the substitution of a value added tax for residential school property taxes is one alternative that is being considered as part of a study requested by President Nixon of ways to reform the financing of our public education system. The results of your poll certainly are timely and will be given full consideration in our work on the subject.

Sincerely,
Joel Segall,
Deputy Assistant Secretary.

House of Representatives,
Washington, D.C., June 22, 1972.

To: Phone poll participants.
From: Congressman Joseph M. Gaydos.

Dear Friends: Last month I sent President Nixon the results of our telephone poll survey on the proposed new federal Value Added Tax (VAT). You will recall the findings showed overwhelming opposition to this new form of taxation: 77 percent against, 13.5 percent in favor and 9.5 percent undecided.

I am now pleased to forward you a copy of the Administration's response to the poll. You will note that Deputy Assistant Secretary of the Treasury, Joel Segall, makes mention of the timeliness of the poll and offers assurance it will be given "full consideration" in his work on the matter.

I would like to personally thank each of you for taking the time to participate in our phone poll and for your willingness to help make our Government work. The interest and cooperation you have displayed makes me extremely proud to serve as your representative in Congress.

Thank you all very much.

Sincerely,
Joseph M. Gaydos, M.C.

DOING SOMETHING ABOUT DRUG ABUSE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. FUQUA. Mr. Speaker, the illicit drug problem in these United States has become a national tragedy.

It is for this reason that I am particularly proud that the Florida Medical Association is doing something about the problem.

They have formed an ad hoc committee on drug abuse that is composed of representatives of the professions of pharmacy, education, law, law enforcement, the clergy and others in addition to medicine.

At one of the FMA meetings in Orlando last January, Dr. Robert P. Johnson of Tallahassee, who was chairman of the committee at that time, gave a very concise report of its activities.

I insert his report here because of the seriousness of the problem and in commendation for this group for what they are doing to assist in finding a solution. The report follows:

Activities of FMA's Ad Hoc Committee on Drug Abuse

(By Robert P. Johnson, M.D.)

The House of Delegates of the Florida Medical Association, at its meeting in May of 1970, created an Ad Hoc Committee on Drug Abuse. In doing so, it was acting on recommendation of the Association's Committee on Child Health.

From its very inception this has been a unique committee of the FMA because of its general structure. It is an interdisciplinary group of professional men and women who have a vital interest in this tremendous problem of drug abuse in our State, both personally and through the organizations and professions they represent.

Since the first meeting in Jacksonville on November 17, 1970, its membership has increased from 15 to 20. Three representatives of state government agencies serve as consultants. What originally started as a one-day meeting every five or six weeks is now a two-day meeting with subcommittee meetings taking the first day and the full Committee the following day.

The Committee is composed of representatives of the FMA and its Woman's Auxiliary, Florida Pharmaceutical Association, State Department of Education, State Board of Regents, Bureau of Comprehensive Health Planning, State Division of Health, Florida Bar, Juvenile Court Judges, Law Enforcement, Florida Education Association, Florida Pediatric Society, State Board of Medical Examiners and the Clergy.

Our consultants represent the Drug Abuse Program of the Department of Health and Rehabilitative Services, the Governor's Office and the Attorney General's Office. These representatives give freely of their time and in many cases personal expense to add their input to our deliberations and I am sincerely gratified to report that the meetings are always well attended even though they are held in various parts of the State. I cannot speak highly enough of their diligent and conscientious service.

The Committee is advisory in nature and offers its expertise to any agency which desires this assistance; on occasion, we give it even though we have not been specifically requested to do so when, in our opinion, the need is sufficient to warrant investigation.

One of the first agencies to ask for our assistance was the State Department of Education, which requested that we formulate a set of guidelines to be used by school personnel in elementary and secondary schools concerned with drug use and abuse. These guidelines were drawn up by a Subcommittee on Education after many months of work and hearings with law enforcement officials and educators. They have now been accepted by the Department of Education and have been circulated to all county school systems and are being almost unanimously accepted and implemented.

We have been active in the field of State Legislation, both in an advisory capacity to the Legislature and the institution of recommendations for subsequently passed legislation. We feel this to be an extremely important function of the Committee.

We have done extensive investigation into several areas where there would appear to be a need for a re-assessment and perhaps controls. First of all, we support unanimously the recommendation of the AMA and the Board of Governors of the FMA that physicians be urged to limit their use of amphetamines and other stimulant drugs to specific, well recognized, medical indications. This is a very generalized recommendation but I believe the intent is self-explanatory. We strongly recommend that some control be placed on the dispensing of disposable needles and syringes. Metropolitan Dade County has an ordinance forbidding sale without a prescription. We would favor such legislation but would accept a lesser control which would accomplish the same purpose. We can no longer continue to place this paraphernalia in the hands of young people indiscriminately.

We also must urge all physicians to insure non-usability of these items when disposed of in the office refuse. The Committee still remains in favor of a triplicate narcotic prescription plan for Florida but is continuing its investigation of the plan before beginning any further thrust in this direction.

There is a need, in our opinion, for expanded laboratory facilities within the Division of Health for analysis of urine specimens particularly for Methadone Clinics in the State. These clinics have specific requirements from the Bureau of Narcotics and Dangerous Drugs for spot checking of urine on a weekly basis and at present existing funds for this purpose are limited. This possibility is currently being explored with the Division. We supported legislation in the past session of the Legislature relative to a change in the marijuana laws in Florida. On the basis of existing evidence, we do not now see any basis for a further liberalization of this law. We favor the establishment within Florida of a uniform controlled substance act and we have been working with the Legislature on this matter.

We have acted as the intermediary on numerous problems existing between the government and private segments of the drug abuse problem in Florida and are continuing to do so.

For the past several months we have been very concerned with the problem of youthful drug offenders and facilities and methods for their treatment. A Subcommittee on Youthful Drug Offenders was appointed and it proceeded through its chairman, Mrs. Arnold Spanjers, to survey the governors of the other 49 states as to what programs they had, how they were funded, and their shortcomings. The response was tremendous as 46 governors replied to our inquiry and voluminous amounts of helpful material were received.

Next it was felt that we should survey the Juvenile Court Judges in Florida to determine their feelings and needs in this area. We received replies from 60 per cent representing a good statewide distribution, and almost unanimously they felt that facilities available to them were inadequate. This, then, identified the need, and work is continuing very vigorously to attempt to correct this situation. The Subcommittee is working very actively with the Division of Youth Services of the Department of Health and Rehabilitative Services, and we anticipate much improvement in the area of drug education and rehabilitation to update an already excellent program within the Division of Management of Youthful Offenders.

For approximately one year now the Committee has been working very actively on a project that we feel to be of utmost importance. Through the help of the New York State Department of Health, a grant from the Drug Abuse Program of the Department of Health and Rehabilitative Services, and the work of the members of the Committee, you have received in the mail a Desk Reference on Drug Abuse. We believe this to be one of the most important pieces of information that a physician can have available to him. The manual covers diagnosis and emergency treatment of drug overdoses, a section on the legal responsibilities of the physician in treating cases of drug abuse, and a section listing the names, addresses, structural make-up, and the directors of referral facilities in all areas. There is also a section on laboratories that will analyze urine specimens for dangerous drugs and an up-to-date bibliography for those who would care to look further into specific drug problems. Lastly, but by no means least, is a dictionary of drug culture language. This has been a major undertaking on our part but we believe that the rewards to be gained by its use make our efforts worthwhile. We sincerely hope that all of the physicians in Florida will keep this reference handy in their offices and refer to it freely.

In the very near future the Committee is going to be asked to provide its services and experience to the Attorney General's office for a very challenging project which will have a far-reaching effect on drug education in Florida and the nation. Final details are being formulated and an announcement will probably be made in April. This will be a giant step forward and will very likely be the Committee's greatest undertaking to date.

The Committee has always been concerned about the role of the private physician in dealing with the drug problem in his community. More and more youngsters and distraught parents are looking to him for guidance and help. To quote a portion of an editorial appearing in the January 11, 1971, issue of the American Medical News, "A more realistic approach to the problem is needed, and the medical profession must lead the way. Because of his education and his standing in the community the physician is the ideal individual to educate those who would use drugs about the dangers, and to educate the public about ways to meet the problem." Bertram S. Brown, M.D., Director of the National Institute of Mental Health, has stated that "Physicians must be deeply knowledgeable and effective advocates for upgrading care in order to treat drug addicts successfully." We feel so strongly about the need of the medical profession to become more involved in the drug problem that we have established a Subcommittee on Physician Involvement. You will receive in the mail a survey to fill out and return to us, so that we may attempt to find out why more doctors are not involved in the program, and to ascertain in what way we can assist you in becoming more knowledgeable in volunteering your services in the field of drug treatment and education. A recent survey of 5,000 high school students reveals some very interesting results. I think perhaps for the purpose of this discussion one question has the greatest significance. The question is asked if you had or have a drug problem and wish assistance, to whom would you go. Number one on the list was a former drug addict. Number two on the list was the personal physician and at the end of a long list of others, including clergymen, attorneys, etc., was a drug counselor. I think the results of this survey speak for themselves. It has been my experience personally and the experience of many others that when you go to talk to young people about the drug problem they listen to a physician with more interest and respect than to anyone else. The logical place for the parents of a young person who is abusing drugs to turn is their family physician.

You must be able to meet this challenge. And a challenge it truly is. I recently addressed a conference in Jacksonville and heard a former young drug user make this statement: "Unless you are involved in trying to help stop the problem you must consider yourself part of the problem."

The Board of Governors of this Association has requested that all county medical societies establish ad hoc committees on drug abuse. If this has not yet been accomplished in your society, let me urge you to do this without delay. I tell you now that we are being criticized for not taking a more active role in this problem and this attitude must be changed. Appoint physicians to your committee who are genuinely interested in the problem and will be willing to work with the community leaders when asked. Believe me when I say they are very much in need of and desirous of your services.

It is time for the medical profession in Florida to stand up and be counted, for this is not a problem that is going to disappear by itself. The fact that Miami is now the largest single port of entry of illegal drugs in the United States and the fact that we now conservatively estimate 15,000 hard core heroin addicts in the southeast Florida area are reasons enough for us to become involved.

The profession has never failed in the past to come to the aid of the public during a period of crisis. The *drug crisis* is upon us and no one can ever convince me that this profession will not rise to meet the challenge once again.

COMMENTS ON IMPORTANT FOLLOWING TWO IMPORTANT VOTES

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. CLEVELAND. Mr. Speaker, recently the House has voted twice on important matters relating to education. The first of these votes was on the conference report on the Higher Education Act of 1972. I voted against the report—June 8, 1972, 218 yeas to 180 nays. The second to which I refer was on the so-called Hathaway amendment to the Health, Education, and Welfare Appropriations Act for fiscal year 1973. This vote occurred on June 15, 1972—yeas 212, nays 163—and I voted in the affirmative.

Because many of my constituents are interested in education—including authorization acts and funding bills—I want to take this opportunity to discuss my votes and some of the reasons for casting them as I did. Since most of my constituents are very interested in issues, I make it a policy to try to keep them informed, and when appropriate to explain important votes.

On the issue of education, most people are for quality education and better educational opportunities. Fortunately, many of them realize that when omnibus amendments come up for a vote there may be a mixture of good and bad, so do not expect from me an automatic "yea" to every proposal which is offered in the name of education.

Before discussing the specifics of the two votes I have mentioned, I think it's appropriate to offer a few observations in the way of background.

CHANGES IN FEDERAL PARTICIPATION IN EDUCATION OVER THE YEARS

Since I first came to Congress in 1963, Federal funds appropriated for student assistance programs have increased from $91,330,000—strictly for NDEA loans in those days—to the 1972 level of $1,327,100,000; the appropriation for the Office of Education has increased from $652,449,000 to $5,776,213,000; and the total Federal funds spent for education and other related activities has gone from $5,430,900,000 to $13,922,315,000—in 1971. The higher education bill authorizes over $18 billion for educational assistance, over a 3-year period.

These figures indicate the tremendous financial investment the Government has made in education and the importance that has been placed on improvements and assistance in this field. But I would submit that a thorough evaluation of where this money has gone and will go is in order. Many people have accepted as absolute the premise that the quality of education is directly related to the quantity of money spent on it. Experience has shown, on the other hand, that this is not necessarily true.

TOO MUCH BUREAUCRACY AND PAPERWORK

A great deal of money has been spent on some programs with very few apparent results. In addition, as time has passed and more money has been spent, more and more bureaucracy has been created to disperse the funds.

Program has been added to program, resulting in a jungle of waste and duplication. Many institutions of higher education have even hired specialists on the procurement of Federal assistance, the system has become so complicated and huge. This in turn has aggravated a tendency, so often the case with Federal grants; for the money to go to the richer and larger institutions, those that can afford such specialists and to allow some faculty members to do research instead of teaching. I have even had educators in my district complain to me bitterly about the amount of Federal paperwork which is often more expensive than they can afford. Indeed in some cases the expense of paperwork exceeds the amount of the requested grant.

Another effect these massive programs are having on education is that they breed a disturbing conformity. Institutions fall over each other, like sheep to pasture, chasing the bureaucratic buck. And that buck is too often dispensed by a coconformist. Is this helping the quality of education?

VOCATIONAL EDUCATION

Some areas of education have received less attention and less aid than they merit. Vocational education is one of these. I have long supported efforts to assist this field. Last year in my annual questionnaire to my constituents, I asked if they felt that liberal arts education had been over-emphasized at the expense of vocational-technical education. An overwhelming 68 percent of those who answered did so in the affirmative.

Recently, I received a very encouraging report from the New Hampshire Department of Education on the New Hampshire Technical Institute and Vocational-Technical Colleges. This report reaffirmed my belief that vocational and technical schools are serving a vital role in our educational and economic systems. One of the significant facts pointed out in the report was that only 10 percent of the graduates of these schools in New Hampshire, who had sought full-time employment, were still hunting jobs as of August 30, 1971. This was despite their lack of experience and the high level of unemployment at the time. It was also found that these well-trained, highly motivated young men and women are staying in New Hampshire. Fully 79 percent of the graduates employed full-time remained in the State and 83 percent of these actually commute to work from their home towns. This is extremely important for the economic and social well-being of rural States and says a great deal for the relevance of this type of education.

It is also noteworthy that in the past few years while student unrest has been the story in many colleges across the country, vocational and technical schools have remained relatively untouched. I believe this is because there is greater motivation on the part of the students, and because they find their studies more relevant and interesting. Vocational and technical education is obviously one area where money spent is well spent.

ANOTHER APPROACH TO STUDENT AID—TAX CREDIT

A different approach to student aid, which I have actively supported over the years, is the concept of giving a tax credit to parents who have dependents in colleges, universities, and private schools. This, it seems to me, is a fair way to assist most students, regardless of economic status.

All in all, I believe aid to education should be high on our list of national priorities. However, we should not allow the number of programs and bureaucracy to get out of hand. We should not be afraid to discard old programs, which have proven unproductive, and try new ones that show signs that they might work. And we should not accept any bill in preference to a really good bill. A little common sense and reason, the kind experience teaches, should be exercised.

THE HIGHER EDUCATION BILL

Mr. Speaker, let me now discuss in some detail my reasons for voting against the conference report on the Higher Education Amendments of 1972. At the outset, I would like to point out that I voted for passage of the House version of the legislation last November.

BUSING

Much of the debate and discussion concerning the conference report centered on the busing issue. My only comment in this regard is that I think it is unfortunate that we have not spoken more clearly on the subject. The conferees ignored the will of the House on busing. They permitted the inclusion of $100 million for the Commissioner of Education to draw up a plan for metropolitan school districts. This type of school district could not operate without busing. They also did not follow the explicit instructions of the House on the busing amendment itself. As a matter of procedure, I think it is regrettable that they did not follow our instructions. A good deal is being said these days about the House not performing its function, or doing its job. It seems to me that to permit the conferees to ignore expressed instructions contributes directly to the weakness and inefficiency of the House, which seems to concern so many.

However, this particular aspect of the matter and my own feelings that Congress should act decisively to prevent forced busing to achieve racial balance in schools, are not the only reasons for my dissenting vote on the conference report. The arguments presented by the gentlewoman from Oregon, EDITH GREEN, particularly impressed me. This distinguished member has a long and outstanding record in support of education. Therefore, it is especially significant that many of the questions she raised during the debate were not answered to my satisfaction by the proponents of the bill.

In addition, I was impressed by the large number of college presidents who spoke out against the report. I know some of them personally and have great respect for their judgment. The gentleman from North Carolina (EARL RUTH) who has spent a lifetime in education, also made some interesting and persuasive points.

BASIC OPPORTUNITY GRANTS

One of the most important of these was the disclosure that if all the programs in the bill were fully funded a student could receive $7,900 in Federal aid a year. That would be $1,400 under BOG, $1,500 under EOG, $1,500 under NDEA, $1,000 under CWS, and $2,500 under GSL. Surely a college education has not become that expensive.

Another of his points was that the lure of $1,400 would make it quite profitable for a youngster to emancipate himself totally from his family. Some of our welfare programs have created a situation where a father is encouraged to leave home so that his family can get welfare. Are we going to do something similar with the children as well?

Speaking of the $1,400 grants to each student, I am not convinced that every student is entitled as a matter of right to this money. Is this not an economic magnet to less qualified and poorly motivated students to go to college? Should not our aid be based on motivation and achievement as well as need? And is this not a form of class legislation which discriminates against middle income students?

Recent studies indicate that there may be too much emphasis on college education, and that many students who graduate from college with high hopes are suddenly faced with the fact that there are just not enough jobs available for their particular skills. With this $1,400 lure the situation can only get worse.

ANOTHER EMPTY PROMISE

Our present aid to students is based on the theory that they earn it by achievement, and must demonstrate a need. There is no implication that they are entitled of right to so much of the taxpayers' money. It should be noted that, if these older programs were fully funded, there would be no need to guarantee each student $1,400.

This brings me to another of my major objections to this legislation: It will probably turn out to be another empty promise, contributing even more to the disillusionment of the young. The basic $1,400—Pell—grants depend on the full funding—$653 million—of the EOG, work study, and NDEA programs. Forty-five percent of the institutional aid, in turn, depends on the funding of the basic grants, to the tune of $450 million.

Based on past performance, there is serious doubt that Congress will fully fund any of these programs. It is just unfair to make empty promises.

INSTITUTIONAL AID: WHAT HAVE WE WROUGHT?

I also object strongly to tying institutional aid to student financial assistance. This is incentive for colleges to seek out needy students, many of whom might have little motivation and less ability than middle income youngsters. This discriminates against the latter group and might lower the standards of many of our educational institutions. As the gentlewoman from Oregon (Mrs. EDITH GREEN) so eloquently stated on pages 20282–20285 of the CONGRESSIONAL RECORD:

> In a GAO audit made 2 years ago, the level of academic achievement for the special class of students at one college was fifth grade. I am advised that at CUNY, compensatory education is provided at the fourth and fifth grade level. Is this the role of the university—to provide classes at the elementary and secondary level in order to prepare the youngsters to go to the university? I do not happen to believe that we serve the individuals or the Nation by following a policy that has as its purpose to try to persuade colleges to take students unprepared for college.

I was appalled by these facts and in agreement with the gentlewoman's conclusion.

She went on to quote Bob Clark, president of the University of Oregon and former president of San Jose State College, who also made some very interesting points:

> To keep young people off the job market our society has made the college or university a holding operation for some of our students—a kind of advanced baby sitting enterprise. Higher education should be available to all qualified aspirants who can profit therefrom; but they who do not want higher education should not be coerced to enter—we all believe that society has oversold itself on the value of college education for all youth and undersold the importance and dignity of socially productive and useful work of other forms.

In addition, the provisions in the higher education amendments which concern veterans will also cause a similar tendency to seek out this group. I am in favor of assisting the veteran in getting an education, but is a veteran really better off if he is sought out and enrolled by an institution where he is ill-equipped to compete? Would it not be better to give the assisance to him directly and not to the institution? The fact that the bill requires a Veterans Office and officer and that approximately one-half the funds are to be used in counseling and office operation seems to me to be a questionable expenditure of money, particularly as it is an unproven venture. This is a situation, typical of many, that cries aloud for a pilot project, at least.

SMALLER INSTITUTIONS SUFFER

It should also be noted that this provision and many others in the bill hurt rather than help the smaller private institutions. One hundred universities, 5 percent of the total, are now receiving almost 70 percent of the Federal moneys. As I mentioned earlier in my remarks, the rich get richer, for these are the very institutions that can afford to set up the programs required under the veterans section of the bill and also to recruit from low income families. Are we doing a service to education by helping the few giants and not assisting the others?

It is estimated that 350 private 4-year colleges will be forced to close by 1980 if they do not receive Federal aid. The House bill, for which I voted last year, provided for such assistance by basing 66⅔ percent of institutional aid on a per capita formula. The conference committee eliminated all but 10 percent of this direct assistance and this 10 percent goes only to institutions with graduate students. This will only serve to hasten the demise of these small undergraduate schools.

A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs. I believe that the small and private colleges make a major contribution to the American educational system, providing a balance to the giant university. These institutions offer uniqueness, character, and personalized instruction; factors often missed on the larger campuses. They are also more flexible when it comes to trying something new and, therefore, offer the best testing ground for innovations in the field of education.

PILOT PROJECTS

This brings me to the last point which I would like to make concerning the higher education bill. I believe that programs with such far-reaching consequences should be first proven by pilot projects. This would serve to bring a better perspective to the plans and would save money, which would then be spent on the best programs.

I think it would have been far wiser to have voted to continue the educational programs now in effect, spend more time considering the new provisions in the higher education bill, and try pilot projects with some of these new programs.

QUALITY EDUCATION APPROPRIATIONS AMENDMENT

Finally, Mr. Speaker, I would like to speak on the quality education appropriations amendment, better known as the Hathaway amendment.

I voted for this amendment the primary purpose of which was to help the people throughout this country who have been disadvantaged with regard to the education they have received. The amendment, which we passed—212 yeas to 163 nays—on June 15, 1972, provides an additional $363.8 million over the recommendation of the Appropriations Committee. These funds will go to the areas of greatest need, including $212.5 million under title I ESEA for disadvantaged children, $27.6 million for vocational education and $23.7 million for adult education. Several other important programs including libraries and impacted aid will receive increases under this amendment.

Generally, I dislike package amendments which affect several programs. When confronted with this type of legislation one must make a choice based on whether the good sections outweigh the bad. In this particular case, I felt that most of the programs included were important and successful enough to receive the additional funds.

Under the committee bill many of the programs were to receive exactly the same funds they did in the previous fiscal year. This, I believe, was unrealistic, since inflationary costs would cause a 5-percent cutback in existing programs now being conducted in local school districts. Also, because of revisions in the formula under which such funds are allocated, many States stood to lose ESEA funds so that they would have less than last year.

Mr. Speaker, the aim of this amendment was quality education. This, I feel, should be the ultimate goal of Congress. Quality education is the major issue, not quantity spent on education nor busing to achieve racial balance. Now that the higher education amendments have been passed, it is only fair and logical that more money should be spent on programs aimed at improving the quality of education of the disadvantaged at the elementary and secondary levels. Only in this way can they take advantage of the opportunities afforded them by the other legislation.

I frankly fear that we put the cart before the horse. Hopefuly in the future Congress will do a better job of exercising oversight. By so doing we will be able to correct some of the mistakes these remarks suggest we have made.

DDT

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. SYMINGTON. Mr. Speaker, toxic exposure to insecticides may be fatal; but, immediate treatment with the antidote could be lifesaving. The right antidote must be immediately available wherever there may be toxic exposure to pesticides. Atropine is the only available antidote to organophosphorus and carbamate insecticide poisoning.

Thus far, the AtroPen is the only available means for the automatic injection of atropine by nonmedical personnel, to individuals poisoned by organophosphorus or carbamate insecticides. There is available an insecticide poisoning emergency treatment kit containing five AtroPen automatic injectors and one training injector. Each AtroPen contains 2 milligrams of atropine. The United States and their allies have purchased over 35 million AtroPens for use as antidotes to organophosphorus compounds.

Since poisoning with organophosphorus compounds requires immediate treatment it is essential that the drug be given as soon after exposure as possible; and it is essential that the drug begin to work as quickly as possible. Blood levels of atropine parallel the increase in heart rate caused by atropine. The graph shows the difference in time required to achieve an increased heart rate when atropine is taken by mouth, injected with an ordinary syringe and administered with an AtroPen. In view of this, I am pleased EPA has begun to act on this matter with their ban on DDT; however, I would call to the attention of my colleagues two articles detailing the dangers to the public and migrant farmworkers. The first appeared in the New York Times of June 18, 1972, and was written by E. W. Kenworthy. The second by Victor Cohn appeared in the Washington Post of June 16, 1972:

[From the New York Times, June 18, 1972]

DDT: IN THE END THE RISKS WERE NOT ACCEPTABLE

WASHINGTON.—A decade-long struggle came to what may prove to be the decisive turning point last week when William D. Ruckelshaus, administrator of the Environmental Protection Agency, ordered a ban, effective Dec. 31, on almost all remaining domestic uses of the toxic, virtually nondegradable pesticide DDT.

Mr. Ruckelshaus' decision came at a time when domestic use has fallen from a 1959 peak of 79 million pounds to about 12 million pounds. Furthermore, the order applied to only 14 uses which were not under cancellation notice. The most important was use on cotton, 86 per cent of the total.

Nevertheless, the order had a tremendous public impact because for many the DDT battle had come to epitomize the struggle over the environment.

There were three good reasons for this. First, the battle dramatized one aspect of the human condition—of great expectations aroused by the application of scientific discovery only to be dashed by experience and larger knowledge. Second, it made ecology understandable—peregrine falcons absorbed DDT in their systems; the females laid thin-shelled eggs that broke, the young were not hatched. Third, the fight over DDT reduced to homely, down-to-earth terms the basic struggle between environmentalists and those "practical" people who complain that the environmentalists are opposed to "progress." In economic language, the struggle is over the "cost-benefit ratio." And nowhere has this ratio of costs versus benefits been more controversial than in the DDT battle.

The battle had its real beginning in 1962—although some biologists had warned earlier of the dangers in excessive use of the persistent pesticide—with the publication of the late Rachel Carson's "The Silent Spring." The book came as a shock to those who remembered how, in World War II and after, DDT had been celebrated as the "wonder" chemical. And wonders it had performed, eliminating in South Asia, Africa and Latin America the typhus-carrying louse and malaria-transmitting mosquito.

At home and abroad agricultural scientists found that DDT was effective against a whole range of crop-destroying pests. Production of the chemical boomed, trade-name pesticides with a DDT base proliferated, and uses—including spraying of domestic gardens, shrubs, shade trees and even interiors of houses—became indiscriminate.

The Carson book infused with the odor of death ("and no birds sing") the warnings that hitherto had been buried in scientific papers. "Unscientific," said some scientists, and "overwrought," said others. But still others supported her.

From then on, the battle was joined. The National Agricultural Chemicals Association, representing the manufacturers and formulators of DDT, rose to its defense. They had the support of the Department of Agriculture, the House and Senate Agriculture Committees, some farmer organizations, cotton state members of Congress and some scientists, including Norman Borlaug, winner of the Nobel Peace Prize for developing new wheat strains, who has recently denounced in unscientific language the advocates of a DDT ban.

It was a coalition with a powerful economic and political base, far more formidable than the unorganized coalition of biologists, environmental organizations, bird lovers, and writers, who sought a ban on DDT.

What turned the tide? Many things. For one a study in 1969 said that tests showing DDT produced cancer in mice "did not prove carcinogenicity for human beings at the very much lower levels to which they are actually exposed," but it added that "a remarkable degree of concurrence has been found to exist between chemical carcinogenesis in animals and that in man . . ."

Most important was the sudden emergence of public concern for the environment in 1968–69, and with it the formation of public interest law firms, staffed with highly skilled and aggressive young lawyers, who knew how to assemble scientific findings and also how to thread their way through the labyrinth of administration law.

In October 1969, lawyers from the Environmental Defense Fund, representing four environmental organizations, set in train what was to become "the DDT case" by petitioning the Secretary of Agriculture to issue notices of cancellation of the registration of the "economic poison" DDT for shipment in interstate commerce.

What followed was a highly public demonstration of the truth of what has become for students of government a cliche—namely, that Federal agencies very often subserve those private interests they are supposed to regulate in the public interest.

The Department of Agriculture fought every inch of the way. At first it ignored the petition of the environmental groups. Then, realizing it would be taken to court, it issued notices of cancellation for four minor uses. Then, brought before the Federal Court of Appeals, it argued (1) that it had already replied to the petition by its notices, (2) that the plaintiffs had no standing to sue since they did not make DDT or use it, (3) that the court should not interfere with decisions that Congress had wisely left to the "expertise" of Executive departments.

Ordered by the court to issue cancellation notices on all remaining uses, or say why he could not, the Secretary of Agriculture issued notices for 50-odd uses, but not on cotton.

At this point, responsibility for pesticide registration was switched by the President to the new Environmental Protection Agency, and when the court ordered cancellation notices on all remaining uses, Mr. Ruckleshaus—who did not regard the manufacturers or the Southeast cotton growers as his clients—complied.

Montrose Chemical Corp., and the formulators asked for public hearings, and in their arguments against a ban they were joined by the Department of Agriculture. In the end, Mr. Ruckelshaus overruled the recommendation of the hearing examiner that the benefits of DDT outweighed the dangers and that the proposed ban should be reversed. Mr. Ruckelshaus found that the risks to the environment and human health were "unacceptable."

The formulators immediately appealed to the Fifth Circuit Court of Appeals in New Orleans—evidently hoping that a court in the Cotton Belt would be more sympathetic to their arguments than the Court of Appeals in Washington. The Department of Agriculture is expected to join their suit as intervenors.

The environmental groups countered by asking the Courts of Appeals for the District of Columbia to make the Ruckelshaus order effective immediately. Their real purpose, however, was to keep the case in that court.

There is considerable doubt among lawyers whether either court would reverse Mr. Ruckelshaus for these reasons:

The administrator said that the chief substitute for DDT would be methyl parathion, a highly toxic organo-phosphate, more effective than DDT, but a poison that degrades quickly and so is a danger only to unskilled applicators.

Methyl parathion is now used almost exclusively on cotton in California, Arizona, Texas and Arkansas. Moreover, in the Southeast it has long been mixed with DDT, because, while DDT is effective against the boll worm, parathion is more effective against the boll weevil. Therefore, many applicators in the southeast know the dangers of parathion. Furthermore, Mr. Ruckelshaus said the delay in making his order effective was to provide time to train applicators in the safe use of parathion.

Mr. Ruckelshaus's order will have no effect on the manufacture of DDT for export, thus insuring supplies for anti-malarial programs.

[From the Washington Post, June 16, 1972]

DATA ON PESTICIDES WITHHELD BY EPA, SENATE PANEL TOLD

(By Victor Cohn)

An "unfeeling and negligent" Environmental Protection Agency has failed to give Congress the facts it needs to protect 2.6 million farm workers against a growing number of poisonous pesticides, a Washington public interest spokesman charged yesterday.

The facts: With EPA's new DDT ban and declining DDT use, there will be more and more use of pesticides like the organic phosphates—easier on the environment but far harder on the health of those who work in the fields.

The charge that the EPA has denied congressional committees reports in its files on widespread sicknesses of farm workers was made by A. V. Krebs, Jr., research associate, and Jerry Berman, legal counsel for the Agribusiness Accountability Project, a nonprofit Washington group funded by the Field Foundation.

They testified at a Senate Commerce subcommittee hearing.

"Over a dozen reports" in EPA possession, Krebs said, tell of farm workers who became seriously ill because they pruned trees or worked in fields as long as a month after pesticides were used.

He cited a study made by Dr. Thomas Milby of the California State Health Department that cited incident after incident in Tulare and Kern counties citrus and truck crop land.

For example: "Sept. 17, 1970 . . . Kern County (McFarland), Calif., . . . Ranch: Roberts and La Borde (Paramount Citrus Growers) . . . 32 reported ill, 12 seriously (34 days after application of parathion)."

Krebs quoted Dr. Donald S. Kwalick of the New Jersey State Health Department as saying that organic phosphates in 1969 caused 52 of 82 reported pesticide poisonings.

He also quoted Milby as saying "there is probably an even more common form of 'adverse' effect in farm workers—a slow, insidious impairment of hand-eye coordination and other neuromuscular functions that most workers might just scribe to 'getting old.'"

How much such illness there really is, serious or mild, no one really knows, Krebs said.

But the effect of EPA silence, he maintained, may be continued lack of protection for farm labor.

President Nixon last year proposed a new pesticide law. The House Agriculture Committee wrote and the House passed a weaker version. The Senate Agriculture Committee last month approved what most environmentalists call a better but still imperfect version.

One reason for the imperfections, Krebs insisted, is that the EPA has in effect sat on the annual reports filed by its "community studies pesticides projects" in 15 states.

The charge was called "unfair and irresponsible" by David E. Dominick, EPA's assistant administrator for pesticides. He did not deny that the reports in question were not send to Congress. But he said:

In response to the administration proposal, the House pesticide bill would provide that dangerous farm chemicals must be applied by trained certified applicators.

All EPA field studies are available for viewing, and more than 200 articles have been published in widely available journals as a result.

California's Dr. Milby testified this year before a Senate Agriculture subcommittee, and Dominick and EPA Administrator William D. Ruckelshaus "gave serious attention" to the organic phosphate toxicity problem in oral testimony before the same group.

Ruckelshaus put a Dec. 31 effective date on his near-ban on DDT this week just to provide time to train pesticide applicators to avoid future illness.

Krebs and other witnesses nonetheless urged the environmental subcommittee to try to strengthen the pesticide bill to force the EPA to give farm workers even better protection.

SCHOOLBUSING

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ESCH. Mr. Speaker, the possible busing of schoolchildren to achieve racial balance is one of the most important issues facing the Nation. Because this question directly affects every home in Livonia, I am taking this means to communicate to you my feelings on this issue and to assure you that Congress has taken action to prevent busing in Wayne, Oakland, and Macomb Counties this fall.

First, let me summarize the convictions on which I have acted as your Congressman. First, I do not believe in busing of schoolchildren to achieve racial balance. It is neither good educational policy nor good social policy. Second, I believe that Congress must give clear guidance to the courts that busing children to achieve racial balance is contrary to national policy. Third, I believe in the right of every child in our Nation, regardless of race, to receive the benefits of a decent education. Fourth, I believe that we must find an alternative method of financing our school system so that we no longer rely on the property tax as a major source of revenues.

My own position has been arrived at after careful analysis and thought and I would like to share it with you.

First, the busing of schoolchildren to achieve racial balance in our schools is not a viable solution to the complex social and educational problems facing our Nation. Numerous analytical and scientific studies have fully demonstrated that busing does not, in and of itself, improve education for disadvantaged students or racial minorities. Indeed, the Ann Arbor study on busing indicated that in many cases busing actually lowered the performance of those it was intended to aid.

The neighborhood school is an extremely valuable asset. The school should be an integral part of community life. Many parents have made their choice of housing based on the location of good school systems and the continuity and security offered by a neighborhood school can greatly strengthen the ability of a child to learn and to relate to the community as a whole.

There are, certainly, inferior schools in the Nation which do not offer their students a decent education. The answer to this problem, however, is not to lower the quality of the good systems, but to raise the quality of the poor ones.

Second, while the Congress has consistently voted over the past few years against the busing of schoolchildren to achieve racial balance, the wording of these resolutions have been ambiguous and for that reason have largely been ignored by the courts. The Congress earlier this month approved the Broomfield amendment which is explicit in its meaning. The 18-month moratorium which it establishes will clearly stop the implementation of decisions such as the Roth decision that would require metropolitan area-wide busing.

I was a member of the Senate-House Conference Committee which drew up this strong and clear statement of congressional opposition to busing. All of us on the committee were impressed with the involvement of millions of citizens who made their views known on this important issue. Democracy functions best when the people help shape our Government's policy. They have certainly done so in this crucial matter.

Third, every American of good will believes in the right of all our 2.1 million students in the elementary and secondary schools to a decent education which will prepare them to lead fulfilling and responsible lives as members of our society. I am wholly convinced that those who oppose busing do not do so on a basis of racism. The fact that they support equal educational opportunities and work for the improvement of the poor schools belies that charge. They believe, quite simply and quite correctly, that it is absurd to bus a student from a good school to a poor one. Such busing adds a monumental, totally unnecessary and unproductive expense to school budgets when the funds could and should be used for improving the schools.

Fourth, because we are all concerned about our children, it is hard to oppose spending on our schools. Yet property tax levels have become so steep that an open tax rebellion has been spreading throughout the Nation and in school district after school district new funds have been turned down by the voters. At the same time, the courts in many States have ruled that the use of the property tax as the major financing mechanism of the schools is inherently unfair and therefore is unconstitutional. Clearly it is essential to find a new, fairer means of raising school funds. A number of proposals have been made including State income taxes, sales taxes, the value added tax, Federal income tax, and so forth. All of these alternatives should be studied so that our property taxes can be reduced to more reasonable levels.

With this background, let us now turn to the more immediate question facing us as a community: What is the likelihood that children will be bused from Livonia in the fall of this year? The answer, in my view, is very clear. The Broomfield amendment in the Higher Education

Conference Report which the Congress recently approved will stay the Roth decision and busing will not take place. Let me quote to you from the memorandum which I prepared with the aid of legal counsel for the Education and Labor Committee that I recently forwarded to the Livonia School Board:

> The legislative history of this amendment in the House is critical. The amendment originated in the House of Representatives. It could not be more clear that it does apply to the decisions and orders of Judge Roth. Ordinarily there are only a few words written or spoken concerning the meaning of a particular amendment and where the language is in any way ambiguous the meaning may be subject to doubt. Here the legislative history is so complete and the explanation so comprehensive and so explicit that there can be no doubt about the scope and application of the Broomfield amendment.

Finally, let us turn to the question of what we can do now. As your Congressman, I intend to continue to push for legislation that will stop court-ordered busing to achieve racial balance. Within the next few weeks, I expect the Roth decision to be overturned by higher courts on the basis of the higher education amendment for which I worked so strongly. I intend, however, to seek further legislation in this area which will effect the desired change. Many have raised the question of a constitutional amendment. Yet as the President stated so succinctly in his address to the Nation on this subject, the ratification process involves action not only by the Senate, the House, and the President, but by State legislatures in at least 37 States. The process is obviously slow and cumbersome and could not be effective in time to deal with the pressing and immediate problems we face.

As parents and as citizens I hope you will continue to let your views on this issue be known in a responsible manner. If you concur with me in my efforts to stop busing to achieve racial balance, you can continue to contact all public officials to emphasize your views. You can continue to restate your support for equal eudcational opportunity for all students. You can help by expressing your views in this questionnaire and return it to me so that I might publicize your feelings.

LEGISLATION TO ESTABLISH SAFETY STANDARDS FOR MOBILE HOMES

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. HASTINGS. Mr. Speaker, as a cosponsor of H.R. 15157, the National Mobile Home Safety Standards Act of 1972, I am concerned about the deaths, personal injury, and property damage resulting from mobile home accidents.

I would therefore, like to call your attention to a statement made by Congressman Louis Frey, who appeared on June 27, 1972, before the National Commission on Fire Prevention and Control in Los Angeles to discuss fire hazards in mobile homes, and H.R. 15157. Mr. Frey had the following comments:

STATEMENT OF CONGRESSMAN LOU FREY, JR.

Mr. Chairman, and members of the Commission, I appreciate having the opportunity to appear before you today to discuss the fire hazards associated with mobile homes and the need for uniform national safety standards dealing with such hazards.

Profound changes have occurred in recent years in the American housing market due in large part to the increased manufacture and sale of mobile and modular homes. The production of mobile home units has increased fivefold in the United States from 1960 (103,700) to 1971 (500,000).

More than 7 million Americans live in mobile homes. Half of the one-family homes built in the United States today are mobile homes and 95% of the homes sold for under $15,000 are mobile homes. In my own State of Florida which is the largest mobile home market in the Nation, there are 1,271 mobile home parks and over 165,000 individual lots.

Moreover, efforts especially at the Federal level are underway to accelerate this already phenomenal increase. In 1970 FHA guaranteed mortgage loans were extended to include mobile homes and the Federal Home Loan Bank Board allowed Federal savings and loan associations to provide mortgage loans on mobile homes. Early in 1971, guaranteed Veterans Administration loans were extended to include the purchase of mobile homes, and it was announced that the largest private homebuilder in the United States—Levitt and Sons—was going into the mobile home market.

And just this month, Federal financial involvement with mobile homes was further liberalized. The Department of Housing and Urban Development authorized the first sale of "Ginnie Mae" securities backed by FHA title 1 mobile home loans. This decision makes FHA mortgage guarantees for mobile homes much more attractive since it assures the buyers a substantially lower downpayment and monthly payments from 15 to 20 percent less than would be possible in conventional financing. The Federal Home Loan Bank Board has also just decided to increase the percentage of assets which a Federal savings and loan association can invest in mobile homes from 5% to 10%.

While there has been a phenomenal increase in the manufacturing, sale and purchase of mobile homes, there has been an alarming lack of effort by the States and Federal Government to assure that the homes sold meet certain basic safety standards, especially with regard to fire. And, with the rising demand, there have been and are bound to be a few manufacturers who utilize unsafe construction materials and techniques.

Mobile homes are not subject to local building codes. The distinction between standard homes and mobile homes is oftentimes meaningless as some of the newer mobile home models are not really mobile at all. The most common size is 12 feet wide and 60 feet long, but they can be purchased in double or even triple width. The only time such homes are ever mobile is for the trip between the factory and the mobile home park. Even then they must be moved by tractor or heavy-duty truck.

Furthermore, only half of the States have adopted standards directly or as a guideline. The standards were developed by the American National Standards Institute. Five out of the 10 top manufacturing States have no code whatsoever: New York, Pennsylvania, Illinois, Michigan and Ohio.

These same standards, it should be noted, are utilized for membership in the Mobile Home Manufacturers Association. But, like most self-regulatory activities, it lacks teeth.

Criticism has also been made of the code itself. The final report of the National Commission on Product Safety concluded as follows concerning the mobile home code:

> Although the limited space in mobile homes calls for special consideration in their design, exigencies are largely unheeded. The standard does not provide exits opening on either side at opposite ends, in the event of fire or upset; safety glazing; or braking to prevent fishtailing. It permits use of gas, fire floor heaters (which generate excessive grate service temperatures). It does not require that the heater vent be constructed to preclude blocking, nor that the operator be informed of the importance of an electrical ground.

Moreover, those States which have adopted the code for the most part only apply it to homes manufactured in the State and sold in the State. Thus, mobile homes manufactured in a State without one and sold in a State with a code and homes manufactured in a State with a code but sold in a State without one are in most cases not regulated at all.

More importantly, however, is the lack of enforcement in those States which have adopted the code. For instance, in my own State of Florida which manufactured 38,000 mobile homes last year and has the largest number of mobile home parks—1,271—and lots—165,023—there are three inspectors to handle all complaints against the manufacturers of mobile homes and recreational vehicles and also the construction of all vehicles. Since they handle all recreational vehicles—campers, motorhomes, and so forth—and receive on the average 20 complaints per month on mobile homes only, and 17 new applications daily from mobile home dealers, they must resort to random spot checks of manufacturers. They inform me that every time they inspect they find violations of the code. Florida, it should be noted, has just decided to add three inspectors which should improve the situation.

And Florida has one of the better enforcement programs in the country.

There is no formal regulation at the Federal level either, although both the FHA and VA require that before mortgage money is lent on a mobile home, it must meet the ANSI standard. The FHA employs a "self-certification" process which in reality means no regulation at all. The VA, on the other hand, has just inaugurated a quarterly inspection of manufacturing plants by a person from each of their State offices. Experts in the industry tell me that a great deal of expertise is required to adequately inspect a mobile home and they are skeptical of the Va's capabilities in this regard. So am I.

The Federal Home Loan Bank Board has just recently authorized the Federal Savings and Loan Associations to make loans for the purchase of mobile homes. But they do not require that the mobile home financed meet any safety standards whatsoever.

Since the FHA and VA are insuring the financing of mobile homes and the Federal Home Loan Bank issues deposit insurance for Federal Savings and Loan Associations, fiscal responsibility alone would seem to require adherence to uniform Federal standards.

The lack of effective regulation of this rapidly expanding form of living is resulting in property damage, financial ruin, human suffering, and in some cases, death.

Mobile homes, as constructed and set up, do present a serious fire and life safety hazard. Let us look at some recent facts. A leading mobile home insurance company estimated that the average mobile home fire loss in 1971 was $1,529, as compared to $350, for a conventional home. The average mobile home fire loss increased from $889 in 1966 to $1,529 today. An analysis made by one insurance company of 5,543 mobile home fires in 1971 estimated that damage due to such fires amounted to $6,780,972.34. The State of Oregon estimates that the average loss to a mobile home as compared to its value is 3.80 times as great as the same ratio for a standard home. The average age of a mobile home that has a fire is 7½ years as compared to 40 years for a conventional home.

Even more alarming is the fact that the mortality rate in mobile home fires has been estimated in the State of Arizona as eight times that of ordinary dwellings and 3.29 times greater in Oregon.

I would like to include for the record an excellent summary and comparison of the causes of mobile home fires for the years 1966–71 by Foremost Insurance Company which is one of the leading mobile home insurance companies in the country. It follows: (see exhibit A)

As you will note, 19.2 percent of all mobile home fires were due to faulty electrical wiring. The primary cause was the extensive use made of aluminum wiring and heat tape. Heat tape has a life expectancy of about 3 years and eventually failure usually takes the form of an electrical short. When placed around the water pipe adjacent to the inflammable insulation in the flooring of a mobile home, the short can ignite a fire very early. Thirteen percent of such fires are due to faulty furnaces and flues. The area surrounding furnaces, gas water heaters, stoves and so forth, should be, but are not protected with fire retardant material. Insulation used in mobile homes should also be fire retardant.

In December 1971 the results of a fire hazard survey of 759 mobile homes in New York State by the Department of Health, Education, and Welfare was released. 159 different models were involved. This is the only study ever commissioned on mobile home safety at the federal level.

Their study concluded that "many potentially serious fire hazards were discovered. These were of two kinds: situations encouraging the likelihood of fires and situations making successful escape of occupants of a burning home difficult or unlikely."

Two major hazards were discovered: types of heating installations and electrical fire problems. 727 of the 735 homes surveyed used kerosene, propane, oil, or gas as fuel. A large number of furnaces had been modified usually to use a different type of fuel and many had not been cleaned for a long period of time. Only 32 had furnaces equipped with thermal shutoffs. Also dangerous—because of the hazard of continuing flow of fuel into a burning home—were the 60 instances of gravity feed from an elevated outside fuel storage tank, and the 181 instances of mobile homes lacking any outside shut-off valve for the fuel valve.

Repeatedly during the surveying, occupants complained about faulty wiring and inadequate electrical connections. Among the hazards encountered were improper wiring of outlets, circuit breakers that did not cut off all circuits, wires in contact with furnaces and improperly operating pilot lights. In addition, no onsite inspection of electrical installations was required in the area.

More alarming was their finding that it would be difficult to exist from many of these homes in the event of a fire and the appalling lack of safety measures. Some only had one door and others had non-functioning doors. Outside doors, they found, might be impossible to open because of the possible distortion of the door and frame under high heat making the outside doors which were metal difficult to open. Another difficulty observed in both door and window operation was binding resulting from the distortion of the home caused by uneven settling of one or more support points.

Furthermore, most windows were found to be entirely useless for escape. Many were jalousie type, and, were too small for both adults and children to escape from.

Most frightening is the following description of the lack of safety measures: "The stories of mobile home fires frequently mention unusually rapid spread and difficulty of egress. Yet, over two-thirds of the homes surveyed did not have fire extinguishers, and two out of every five families had never discussed what they would do in the event of fire. Perhaps this is no different than in other types of single-family conventional, residential dwellings. Yet, the special hazards (rapid spread and faulty exits) would seem to prompt special attention to these counter-measures. There did not seem to be any uniform attempt to make fire-resistant the structures near furnace installations. Most were enclosed by wood paneling, and some were located so as to block egress from bedrooms to the outside in case of fire.

The HEW report made the following recommendations to eliminate some of these hazards:

1. Enforce rigorous application of USAS–A119.1(1971) standards at point of manufacture—it is unlikely that strict adherence to those standards should have been followed by so many complaints and observations of faulty electrical installations.

2. Require on-site inspections by State and local authorities—particularly of electrical, plumbing and heating installations—*after* the mobile home is located and before occupancy.

3. Use better foundation supports—concrete pad, piers sunk below frost line, appropriately positioned adjustable jacks, or some new and better base that would minimize distortion.

4. Outlaw fuel storage in tanks elevated above floor level.

5. Control additions, especially any that might enclose two exit doors.

6. Encourage overhangs to protect exit doors from freezing rain and snow.

7. Position furnaces at ends of mobile homes unless, when in center, independent exits are supplied for both ends.

8. Encourage provision of fire extinguishers as standard equipment with new homes.

9. Develop and require more push-out escape windows with screens and storm windows not impeding rapid ejection and escape.

10. Require thermal shutoff and alarm for heating system.

11. Require outside fuel shutoff with quick acting valves.

12. Require fire retardant materials on mattresses, walls, floors, and ceilings—especially in zones where initiation of fire is most likely—near furnace, in kitchen, and bedrooms.

13. Develop space-occupancy standards.

14. Devise educational programs for the special needs of mobile home occupants.

15. Initiate a clearinghouse for injury-hazard relationships in mobile homes.

16. Require sprinkler systems.

Let me conclude this discussion of fire hazards in mobile homes by quoting in part from a letter addressed to me from a fireman in Gibsonton, Florida:

"I am a fireman in the Gibsonton Volunteer Fire Department, and thus, am sitting on top of the situation as regards fires in these units.

"When answering an alarm, and learning that it is a mobile home fire, my personal views are: that except for saving life, or personal possession, or protecting adjoining property, the engines may as well stay in the firehouse, because, if they are not at the scene in moments of ignition, it is certain to be a total loss even though only one end may be destroyed. They go up that fast.

"Now to the design of these homes.

"Prior to the twelve wides, the second door of these units opened directly into a bedroom, giving occupants an escape route in case of fire. In the newer units, probably to preserve the decor of the bedroom, the second door is now situated in a hallway between the living and sleeping quarters.

"In this hallway are the heating furnace, entrance to the bathroom and in some, a small bedroom. The main, or master bedroom, is at the end of the hall.

"A malfunction in the heating unit during the night, and getting a little headstart, could prevent the use of that second door as a means of escape from the bedrooms. Also, the type of windows used in these units, are a detriment for getting out, and in some, with their placement near the ceiling, makes it an impossibility. I believe the second door should still open directly into the bedroom.

"More on design, but for another reason.

"I am also a driver and First Aider on the ambulance we operate in conjunction with the fire department. I find that in a good percentage of these homes, it is impossible to get into a bedroom with a stretcher, as we cannot make the turns, into them. Recently, while inspecting a new doublewide (24 x 54), with three bedrooms, I noted that the same situation prevailed. As we know, many mobile homes are being purchased by elderly people, and as such, are more susceptible to falls, heart attacks, and other illnesses necessitating the use of a stretcher. Of course we can use an orthopedic (scoop) stretcher, but it takes more time, and even with its use, the patient would almost be in a vertical position to make the turn out of the bedroom to the wheeled stretcher. This is another reason why the second, or third door, should open into the bedroom.

"I believe that the proper placement of doors in these units, and the use of better construction materials as your bill provides, would do much to make mobile home living that much safer."

Since the vast majority of mobile home owners are either retired or young persons just getting started who have put their life savings and personal possessions in the mobile home, any fire or loss imposes quite a hardship—77 percent of the mobile homeowners in Florida are retired and the average income for a Florida mobile homeowner including social security is $5,702.

Most losses, moreover, are not covered by warranties. The warranties are oftentimes of very short duration and hard to comply with. Some companies, for instance, require that the mobile home be returned to the point of purchase.

In addition, insurance companies have become more and more reluctant to insure certain models of mobile homes due to the high risk of loss involved. Consequently, insurance rates for mobile homes are considerably higher than those for standard homes. The insurance on the average $6,000 mobile home is approximately $100 which is equivalent to the insurance on a $40,000 conventional home.

The National Mobile Home Safety Standards Act of 1972, H.R. 15157, which I introduced would implement many of the recommendations of the HEW report by establishing enforceable uniform national safety standards.

This legislation is modeled to a certain extent on the Motor Vehicle Safety Act of 1970, although there are significant variations. It is, I emphasize, a balanced, fair approach to the problem. The thrust of it is to establish minimum, uniform safety standards while at the same time promoting the use of the mobile home as a low cost, desirable form of housing.

Under my bill, the Secretary of HEW shall through a National Mobile Home Safety Bureau in consultation with the Department of Housing and Urban Development and the Department of Transportation establish federal mobile home safety standards. In prescribing standards the Secretary shall consider: first, all relevant mobile home safety data; second, consult with the States; and third, consider whether any proposed standard is reasonable, practicable and will not result in a substantial increase in the retail price of mobile homes.

The standards would be established no

earlier than 180 days after enactment with revised standards at least 180 days later. A National Mobile Home Safety Advisory Council will be established. The majority will be representatives of the general public, including representatives of state and local governments, and the remainder shall include representatives of the American National Standards Institute Committee on Mobile Homes and Recreational Vehicles and representatives of the mobile home manufacturers, dealers, and insurers. The Secretary must consult with the Advisory Council before establishing or amending any standards. These standards shall not apply to the sale, offer for sale, or introduction in interstate commerce of any mobile home after the first purchase of it in good faith for purposes other than resale.

Once the standards have been promulgated, no person shall manufacture for sale, offer for sale, or introduce or deliver for introduction in interstate commerce or import into the United States, any mobile home manufactured unless it conforms to such standards.

The Secretary is further authorized to conduct research, testing, development, and training for the development of new standards and to determine the relationship between mobile home performance characteristics and accidents involving mobile homes and the occurrence of death or injury from such accidents.

The Secretary is also authorized to conduct with the advisory council a thorough study of standards for used mobile homes and recommend additional legislation if he feels such is necessary within 1 year after this legislation is enacted.

Each violation of the prohibited acts outlined in section 108 of the bill are subject to the civil penalty of $1,000. Injunctive relief is also available in the U.S. district courts. In addition, if a mobile home does not conform to applicable Federal mobile home safety standards and it is prior to a sale by a distributor or dealer, the manufacturer or distributor shall either repurchase the home at his cost or furnish the parts and costs of installation to the distributor or dealer.

Provision is made for judicial review for any person adversely affected by an order—standard—issued by the Secretary.

Inspection and investigation is authorized as may be necessary to enforce the standards established. Designated employees may enter at reasonable times factories or warehouses for prompt inspection. Each manufacturer, distributor, and dealer shall establish and maintain such records and reports as the Secretary may require. The Secretary may also require each manufacturer to give performance and technical date to each prospective purchaser. Finally, each manufacturer shall furnish to each first purchaser and all dealers notification of any defect in a mobile home produced that relates to mobile home safety which he has discovered after manufacturing such home or which has been discovered through testing or inspection by the National Mobile Home Safety Bureau.

Certification that each mobile home conforms to the Federal safety standards shall also be given by each manufacturer to each distributor or dealer at the time of delivery.

Section 120 of the bill allows any state to assume responsibility for the development and enforcement of mobile home safety standards if the plan they submit to the Secretary for such provides for the development and enforcement of mobile home safety standards which are the same as the federal standards. Detailed reports would still be made by manufacturers, distributors, and dealers to the Secretary. And, the state agency will make such reports as the Secretary may require. The Secretary shall make a continuing evaluation of the way each state is carrying out its plan. Approval may be withdrawn at any time.

Grants will be made to states that have designated a state agency to assist them in identifying their needs and responsibilities in the area of mobile home safety sandards or in developing state plans. The federal share shall not exceed 90 percent. Grants of up to 50 percent can also be made to assist the states in administering and enforcing state plans for mobile home safety. Title II in the bill amends existing law to provide that loans made by the FHA, VA or a Federal Savings and Loan Association for the purchase of a mobile home may only be made for a home that meets or exceeds the mobile home safety standards established by this legislation.

Thank you Mr. Chairman for inviting me to appear before your Commission today. If you have any questions, I would be happy to respond.

HORTON SALUTES SISTER HELEN MALONE UPON RETIREMENT AND DR. ALICE FOLEY, HER SUCCESSOR AS PRESIDENT OF NAZARETH COLLEGE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. HORTON. Mr. Speaker, within the congressional district I represent, there are, of course, many things of which I am proud. None assumes any greater importance to me, and I would venture to say the entire community than the number of institutions of higher education. Because the philosophy upon which each college is founded is of the utmost importance in shaping the young lives which are so vital to the future of our Nation, those leaders who formulate the policies designed to carry out these philosophies are all important.

Nazareth College, an outstanding liberal arts school for women in my district has been the fortunate recipient of 12 years of devoted service from Sister Helen Malone who retired this month. Succeeding her will be the first lay president in the college's 48-year-old history, Dr. Alice Foley.

As an alumnus of Nazareth, Sister Malone showed a true love for her school through the years of hard work and devotion which she brought to the administration during a time of change for all educational institutions. The school as well as the entire community have benefited from her accomplishments.

Dr. Alice Foley, Sister Malone's successor, has had a brilliant career during her 36 years with the Brighton school system. She retired in 1971 as Brighton's assistant superintendent and director of instruction and is a past president of the New York State Teachers Association.

Both of these gifted women have left an indelible impression on the field of education. I would like to join in the accolades and request that my colleagues in the Congress share, also, in paying tribute to Sister Helen Malone and Dr. Alice Foley.

Sister Malone was recognized for her many contributions to Rochester academic life by the Rochester Times Union on its editorial page and by Democrat and Chronicle columnist Cliff Carpenter, the texts of which follows. The Genesee Valley Newspapers paid tribute to her most worthy successor, Dr. Foley, in an article which I am inserting into the RECORD at this time.

[From the Rochester (N.Y.) Times-Union]

SISTER HELEN SERVED NAZARETH WELL

Sister Helen Malone is an unusually gifted woman. For 12 years she has overseen the expansion and progress of Nazareth College. She steps down as its president July 1.

But Sister Helen's Nazareth days go back beyond that—first as an undergraduate and later as chairman of its Speech Pathology Department.

Before she became president in 1960, one might have found sister—Sister Helen Daniel then—at the top of a ladder painting scenery for a student dramatic production or working with handicapped children in the college's speech and hearing clinic. Anyone witnessing Sister Helen's work with young children with impaired speech is struck by the instant rapport and confidence she elicits.

Wise and gentle, Sister Helen has been a model of calm reserve in her 12 years as Nazareth's first full-time president. Under her leadership, however, the college has almost doubled its student body, added three new dormitory buildings and the magnificent new Nazareth Arts Center, and adopted several new educational concepts.

Sister Helen will be succeeded by Dr. Alice L. Foley, vice president of the college and director of continuing education, who brings to the post a splendid academic reputation.

[From the Rochester (N.Y.) Democrat and Chronicle]

SISTER HELEN PACKS UP

(By Cliff Carpenter)

Time on the job is running out now for the little lady with the hushed voice and the dancing smile.

Very soon, Sister Helen Malone will pack up her memories and leave the high-ceilinged office of President of Nazareth College of Rochester.

The memories reach across the 200-acre East Avenue campus where chattering undergrads in miniskirts and hip-huggers stroll in the spring sunshine. They reach back to a public school childhood near the tough car shops in East Rochester; back to a time when she flirted with the theater as a career (repertory for two summers in Connecticut and Massachusetts); back to the day of decision when she enrolled in Nazareth in 1935, there to stay, as student, teacher and president, except for more courses and degrees at Cornell and the University of Michigan.

For 37 of her 54 years, it has been a love affair with a school.

Even the graffiti on the walls of the tunnels connecting the school buildings seems to reflect the wide smile and the wider wisdom and the flashing humor of the little lady . . . "Don't tell somebody you love them: Love them!" . . . "It's better to be blatant than latent" . . . "Have you thanked a green tree today?" . . . "I like football, baseball, popcorn, ice cream, motorcycles, Schlitz and Cindy" . . . "My God is very alive; sorry to hear about yours."

The imprint carries over onto a little quickie brochure on Nazareth which bears such legends as "A smile is like a gift you can give each day."

If anybody is qualified to talk about young women in these days of almost violent social fermentation, it must be Sister Helen Malone, or at least so I reasoned and this steered me to the 48-year-old liberal arts college for women.

There were freshly-cut hyacinths on tables, glowing or brooding modern art on walls, and student notices thumbtacked here and there advertising anything from a Tennessee Williams play to the Leighton Ford evangelistic crusade, and I asked her about restraints in this changing time:

"The students can see anything they care to see. We demand nothing in this respect. We don't even tell them to go to church; we are just grateful if they decide to go."

Are today's students different? . . . do they reflect social unrest?

Sister Helen took her time answering, and answered carefully, visibly reaching through the portfolio of memories:

"A few generalizations can be made but not many for they are individuals first and always. They resent too many required courses; they want more latitude. They are not as satisfied to trust grownups as were other generations.

"To work with them in harmony, you'd better tell them the truth at all times! For they can see the inequities in life and they resent them and they don't understand them. We would rather they were concerned with charity and humanity than fish on Friday . . . and of course the war is so very close to them.

"If we older people think at all, or read at all, or have a heart at all, we will think deeply about what disturbs them. But I am most optimistic about them.

What does she want a girl to be like upon graduation?

"To be her best possible self, with important priorities . . . to celebrate the miracle of life, not to consider it a grim and dismal thing. To put it simply, we would like to graduate a person with a strong commitment to humanity and to God."

As she spoke, a red plastic kite bobbed impertinently in the wind outside the window. Puffs of dust arose from a huge tractor scratching up the earth so more grass and more trees can be planted for this college whose total enrollment has soared from 1320 to 2053 in the 12 years of Sister Helen Malone's presidency.

And so, as I said, time is running out for Sister Helen Malone. This is the way she willed it. She insists she has given what she can, and it is somebody else's turn. She leaves an institution as modern as its miniskirts, with students from 21 states and 10 foreign lands, and a faculty which has grown in a dozen years from 19 lay teachers and 20 religious, to 53 lay teachers and 18 religious. When she has time for reflection, she will probably teach again, somewhere, for teaching is her life.

She will take with her a remarkable amount of student affection and such graffiti "When true friends drink together even water is sweet," and "Without music, life would be an error."

[From the Genesee Valley Newspapers]

DR. FOLEY HEADS HER ALMA MATER

When Nazareth College's new president was an undergraduate at the catholic girls college several decades ago, she never dreamed she would some day head her alma mater—and after a full and successful career elsewhere.

"I feel very humble to be following in Sister Helen's footsteps," says Dr. Alice L. Foley of 70 Penarrow, Brighton, who was named last week as the first lay president in the Pittsford college's 48-year history. She succeeds Sister Helen Malone, president since 1960.

Dr. Foley, vice president of the college and director of continuing education, joined Nazareth's staff last Summer after 36 years with the Brighton schools. When she retired in 1971 as Brighton's assistant superintendent and director of instruction, she had come to symbolize the school system in the minds of many thousands of parents and students. She is a past president of the New York State Teachers Association.

She graduated summa cum laude from Nazareth and said at the time of her retirement from Brighton that she "had long thought" she would go to the college when she retired.

As an undergraduate, she attended classes in an old building behind Aquinas Institute. She says she never thought then of heading the institution—"it never entered my mind. My only thoughts were for getting a job in those depression days."

Dr. Foley, who will take the reins July 1, has no specific plans in mind for the college.

"It (the presidency) came rather quickly," she says.

She adds, "I hope to keep a happy community of students, faculty, administrators, and supporting staff.

"I want to keep up with the changing times while keeping the atmosphere here what it has always been, that of a very good small college."

She says Sister Helen, first full-time president in the history of the college, "has promised to help me."

Dr. Foley was on the board of trustees of the college from its inception about 1949 until she stepped down to join the faculty. So, she says she has always been in close touch with the institution.

Under her direction, the number of undergraduates continuing education students increased to 350 and a new master's program she initiated has already enrolled about 300 students.

She has been helping Sister Helen on special assignments as well.

Dr. Foley received her master's degree at University of Rochester and pursued graduate studies at Fordham, the University of Wisconsin, and Columbia University. Nazareth conferred upon her the honorary degree of doctor of letters in 1960.

She has been active in many community and professional organizations and was the first woman ever named to a bank board—Rochester Savings Bank—in the Rochester area.

Sister Helen, who was known for many years as Sister Helen Daniel, has headed Nazareth since 1960. During her tenure, the college has almost doubled its student body, added three dormitories, and planned and built the Arts Center.

Board Chairman Peter Barry called her contributions "incalculable."

Said Sister Helen, "Most college presidents would agree that as time passes it becomes increasingly more difficult to maintain a consistently objective viewpoint. Fresh insights are constantly required to meet today's multiplicity of challenges and problems."

She said she has no plans for the future. She is a tenured professor of speech at the college.

EULOGY TO PHILIP J. PHILBIN

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. ADDABBO. Mr. Speaker, I join with my colleagues in the House in paying respect to our former colleague, the Honorable Philip J. Philbin, who passed away at his farm in Boston, Mass. I had the privilege of serving in this Chamber with Congressman Philbin for 10 years. His passing marks the end of a career of public service of a man who was respected by all who knew him as a dedicated public servant.

Congressman Philbin was well liked and rose to a position of great influence in the House, serving for a brief period as chairman of the House Armed Services Committee. He leaves two daughters and four grandchildren and I join in expressing to them and other members of his family my deep personal sense of loss and sympathies.

WALTER LAWSON GRANT

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. DANIEL of Virginia. Mr. Speaker, if I am not belaboring the obvious, each of us must regularly face the shock of the untimely passing of a friend, a loved one. None of us is a stranger to the experience.

Recently, Walter Lawson Grant, a valued friend and publisher of the Danville Register and the Bee, two of my hometown newspapers, was so taken.

It is a measure of the man that only in his death did many people become aware of his accomplishments in life. The newspaper accounts of Mr. Grant's life, which I respectfully request be inserted in the RECORD at this time, offer a description of a good life lived to the fullest.

Those who knew him share with his family and his associates a great loss.

The material follows:

[From the Danville Register, June 3, 1972]

WALTER GRANT DIES FROM HEART ATTACK

Walter Lawson Grant, publisher of the Danville Register and the The Bee and executive vice president of the Register Publishing Company, died last night of a heart attack. He was 51.

STRICKEN AT HOME

After being at his desk all day, Mr. Grant suffered chest pains at his home early in the evening and was taken to Memorial Hospital, where the attack developed and he died a few minutes later, at 8:20 p.m.

Mr. Grant had returned Wednesday night from Germany, where he had inspected late developments in printing technology and equipment as preparation for the changeover of the local newspapers from hot to cold type processes.

One of his last community activities was completing arrangements for the gift to the Danville Museum of Fine Arts and History of his extensive collection of mounted specimens of big game animals he had killed in many parts of the world.

NATIVE OF RICHMOND

A native of Richmond he was born August 18, 1920, a son of the late Charles James Grant and Helen Lawson Grant. He attended The College of William and Mary and the University of Tennessee. Later, after World War II, he studied law for a year at the University of Virginia.

As a member of the Richmond National Guard, he was called to active service in September, 1940, and reported with his unit to Fort Story. He was transferred to the Air Transport Command and served with that organization the remainder of the war He was separated from service in 1945.

WED MISS STUART JAMES

He wed Miss Elizabeth Stuart James of Danville on April 18, 1942. Survivors besides Mrs. Grant, are their two daughters, Mrs. Elizabeth Grant Peters of Richmond and Mrs. Helen Grant Prosser of Athens, Georgia, and their sons, Walter Lawson Grant, Jr., a student at the School of Law, University of Virginia, and Rorer James Grant of Danville; and a sister, Mrs. Elizabeth Grant Doane of Richmond.

Mr. Grant was one of the founders of Family Weekly magazine and served as its vice president and treasurer until the newspaper supplement was sold to its present owners.

SERVED ON PLANNING GROUP

He served on the Danville Planning Commission a number of terms and was, for some years, its chairman.

He was a member of a special Highway Study Commission during the term of Governor Thomas B. Stanley.

In Danville he was active in numerous organizations, including the Elks, the Danville Golf Club, the Young Men's Club, Kiwanis, and American Legion Post 325. He served on the board of the Danville Chapter Virginia Museum of Fine Arts and of the National Tobacco Textile Museum.

He was president of Tuscarora Country Club during its formative period and continued his interest in its growth and development.

One of his hobbies was skeet and he was a marksman of considerable skill.

The body is at Townes Funeral Home. Funeral arrangements were not completed, pending the arrival of his children.

Publisher Walter Grant To Be Buried Tomorrow

The funeral of Walter Lawson Grant, 51-year-old publisher of The Bee and The Danville Register, will take place tomorrow at 4 p.m. at the graveside in Mountain View Cemetery. The Rev. M. Douglas Giradeau will officiate.

Mr. Grant had been in his office as usual yesterday, but suffered chest pains at his home in the early evening and was taken to Memorial Hospital, where he died shortly afterward at 8:20 p.m.

His community and civic interests were diverse, and he was also known for his widespread travels as a big-game hunter. He had recently completed arrangements to give his extensive collection of mounted game specimens from various parts of the world to the Virginia Museum's Danville chapter, which he served as a board member.

His most recent trip, from which he had returned Wednesday, was to Germany, where he inspected late developments in printing technology and equipment in connection with the changeover of the local newspapers from hot to cold type processes.

The local publisher was one of the founders of the nationally distributed Family Weekly magazine, and served as its vice-president and treasurer until the newspaper supplement was sold to its present owners.

He served the city as a member of the Danville Planning Commission a number of terms and was, for some years, its chairman. At the state level he was a member of a special Highway Study Commission during the term of Gov. Thomas B. Stanley.

His local interests also included membership on the board of the National Tobacco-Textile Museum, the presidency of Tuscarora Country Club during its formative period, and membership in the Elks, the Danville Golf Club, the Young Men's Club, Kiwanis Club and the American Legion Memorial Post 325.

Born in Richmond Aug. 18, 1920, he was a son of the late Charles James Grant and Helen Lawson Grant. He married the former Elizabeth Stuart James of Danville on April 18, 1942, and they resided at 104 Manchester Ave.

He attended the College of William and Mary and the University of Tennessee and, as a member of the Richmond National Guard, was called to active service in September, 1940, reporting with his unit to Fort Story. He later was transferred to the Air Transport Command and served with that organization for the remainder of World War II until his separation from service in 1945, after which he studied law for a year at the University of Virginia.

His wife survives, along with two daughters and two sons: Mrs. Elizabeth Grant Peters of Richmond, Mrs. Helen Grant Prosser of Athens, Ga., Walter Lawson Grant Jr., a student at the University of Virginia School of Law, and Rorer James Grant of Danville. He also leaves a sister, Mrs. Elizabeth Grant Doane of Richmond.

The body will be at Townes Funeral Home prior to the service.

[From the Danville (Va.) Bee, June 3, 1972]

Walter L. Grant

Danville, and, indeed, areas far beyond, have suffered a grave loss in the untimely death of Walter Lawson Grant, publisher of The Danville Register and The Bee, age 51. A heart condition of some months and which he preferred not to discuss brought the ultimate seizure.

He was a man of seemingly untold knowledge and ability. Not only was he a speed reader with photographic retention, he delighted in tackling problems which baffled others.

He spent more hours at his office than most of his employes, not only guiding the operation of the local newspapers, with the ever-present teamwork of veteran General Manager Andrew A. Farley, but other far-reaching interests, as well. Behind closed doors he could drive a hard bargain. When those near him were in trouble, he was the first to render assistance.

His widow, the former Miss Elizabeth Stuart James, and his four children, alone knew the inner-man: gentle yet strong and firm, one who would not tolerate abusiveness but shared every moment of enjoyment with those near him.

At the time of his death, he was deeply involved in directing modernizations in the newspapers' printing process. In fact, he and General Manager Farley returned from Germany only this week after inspecting equipment and processes related to the changes here.

He had the ability of instilling a desire for perfection into those with whom he worked, not only in the newspaper publication but in other undertakings such as the Danville Planning Commission, the Highway Study Commission, the Virginia Museum of Fine Arts and the National Tobacco-Textile Museum, to mention only a few of his endeavors.

His newspaper family shares with his real family a feeling of deep loss. And we resolve to bring into reality the improvements he launched with vigor and determination.

[From the Danville (Va.) Register, June 4, 1972]

Grant Services Today at 4 P.M.

Graveside services for Walter Lawson Grant will be conducted today at 4 p.m. in Mountain View Cemetery by the Rev. Douglas M. Girardeau.

Mr. Grant, 51-year-old publisher of The Danville Register and The Bee, died in Memorial Hospital Friday night.

[From the Danville (Va.) Register, June 4, 1972]

Walter Lawson Grant

He had put in a full day at his office. People from inside the plant and others had come in for conferences. He was in good spirits and a bit enthusiastic about the technological developments in printing he had examined during a trip to Germany. His main interest over the past few months had been to move along toward a changeover from hot to cold type processes. Both the science and the mechanics involved intrigued him.

As always, he had some new stories to tell from his trip.

Three hours later came a telephone call. Walter L. Grant had died from a heart attack.

Shock went through the newspaper plant and through the city. Close associates and friends knew that Mr. Grant was on a strict regimen to cope with angina. But it was his nature and manner to minimize personal troubles and to contribute pleasantries others might enjoy. He did that Friday. In fact, he did it almost daily.

Walter Grant was an extraordinary person. He tried his best to hide that fact—but it was fact. His talents were many. He developed speed reading before it acquired that name. His taste in reading was catholic and his appetite for the printed word was voracious. He loved music and was something of a walking library of the words and lyrics of this century's songs, as well as the classics of past centuries. He had played the violin well as a youth but decided not to keep in practice, since other interests demanded more of his time.

He enjoyed working with his hands. During his service in World War II with the Air Transport Command, he had learned to dismantle and reassemble the powerful aircraft motors with such facility that he could do it in the dark. Precision machinery fascinated him. His mechanical skills included woodworking. He became an expert joiner and cabinetmaker. He designed and built intricate cabinets for grandfather clocks and, as needed, made parts for the time mechanism.

Few businessmen of his time did more hunting for large and rare animals than Walter Grant. His collection of specimens soon will become a part of the Danville Museum of Fine Arts and History, when the quarters are remodeled for the new uses of the Sutherlin Mansion. Visitors to the Axton Lodge, the family estate in Pittsylvania County, have seen the superb display soon to be available to the public.

One of Walter Grant's happiest talents was his ability to tell stories, especially humorous stories. He could swap yarns by the hour with convivial people—and often did. This ability, plus a knowledge that approached expertise (without ever conceding as much) in several fields, made him an interesting member of any party.

All of which adds up to the fact that Walter Grant liked people—that is most people. Some he could not abide, and he did not always hide that attitude. But he had a wide circle of friends who applied to him the yardstick of individual worth and found him rich in merit.

There are those who worked with and for Walter Grant during the nearly three decades he was top executive of the newspaper publishing firm and who developed great admiration for him as an individual and as a responsible publisher. They particularly admired the sense of fairness he encouraged and insisted upon in the policies, practices and performances of the newspapers and all who contributed to their production and distribution.

Technological changes in printing and publishing have been disconcerting to some who watched as their crafts were being outmoded. Dismay was short-lived over such changes at this newspaper facility, because Walter Grant had made certain all interested would have a chance to learn exciting new processes and new skills. He provided the equipment and he provided the enthusiasm that has characterized the preparations for change to date.

An admired leader has been lost. Another staunch friend has departed in peace.

CUMBERSOME SECRECY CURBS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. DOWNING. Mr. Speaker, my distinguished colleague from Pennsylvania, the Honorable WILLIAM S. MOORHEAD, has made some important statements on a problem which has become more and more in the news within the past few months—the Government's practice on the top-secret classification of documents. One of my hometown newspapers, the Daily Press, carried a very interesting editorial on the problem in their June 6, 1972, issue which addressed itself to the efforts Congressman MOORHEAD has made to change the situation. I am pleased to include the editorial so that everyone may have an opportunity to benefit by reading it:

CUMBERSOME SECRECY CURBS

Answering the public outcry against unnecessary secrecy in government, President Nixon signed an executive order in March that was greeted thankfully in many quarters as at least the opening wedge for solving a long-standing problem. The order, which went into effect last week, reduces the number of bureaucrats who can wield the stamps that hold up papers from public perusal, and in theory, all 10-year-old top secret documents, all eight-year-old secret papers, and all six-year-old confidential material are now removed from classification.

However, grave doubts are now being expressed that the new system is much of an improvement, and Rep. William S. Moorhead (D-Pa.) charges that it is "unworkable, unmanageable, and filled with technical defects and massive loopholes." As chairman of the House Foreign Operations and Government Information subcommittee, Representative Moorhead has had reason to look into the problem, and he has now introduced a bill to supplant the Nixon system. The Moorhead plan would set up machinery for Congress to get data from the executive branch, and would create an independent Classification Review Commission with wide-range authority over security classification.

This might look like only one more skirmish in the battle between the White House and the legislature on the issue of which one is to hold sway over the other, but there is more to it than that. The executive branch's system, while probably not as bad as Representative Moorhead claims, is cumbersome enough to make it most difficult for anyone to find out what about classified matters that may no longer be of real security significance.

Thus, you must have a good idea of what you want to know before you can request the data and then it is up to the person who classified it to decide whether to make the secret available. If he turns you down, an appeal to an Inter-Agency Classification Review Committee can be made, and a turndown at that level would leave the recourse of an appeal to the federal courts. That precautions are needed to prevent violations of the nation's actual security needs is of course true, but the more one looks at the labyrinthian new process now in force, the more it looks to be in need of streamlining.

But there hasn't been time to put the new system to an actual test, and that must be the first order of business. Congress on its part will not find it easy to work out its own solution in what is left of the current session but it should be a live item on next year's agenda.

NUCLEAR FUSION

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 1972

Mr. TIERNAN. Mr. Speaker, on June 7 of this year, the House passed on appropriation authorization for the fiscal year 1973 operations of the Atomic Energy Commission. At that time I expressed concern that research and development on alternative methods of atomic generation to the liquid metal fast breeder reactor were being significantly underfunded.

One of the alternatives whose neglect concerns me most is nuclear fusion. The reasons for this concern are many and have to do with several very great advantages of fusion over conventional and fast breeder fission reactors:

First. Resources: The fusion reaction uses deuterium as a fuel, which is abundantly present in sea water. This fusion makes available a virtually limitless energy supply, far outdistancing even the fast breeder reactor.

Second. Safety: Because of the nature of the fusion reaction, it is inherently safer than fission. This may be surprising to many who associate fusion with the hydrogen bomb, but it is nevertheless true.

Third. Environmental: The principal pollutant from nuclear reactors is heat. This is due to the fact that most operate at only about 30 percent efficiency. The fusion reactor extends the possibility of being three times as efficient and thus of producing negligible amounts of waste heat. In addition, the very great problem of disposal of nuclear wastes is avoided as the fusion reaction produces minimal radioactive waste products.

Dr. Ray Gould, AEC's Director of Controlled Thermonuclear Research, has suggested a program of research at roughly double the present level of expenditure that could very possibly demonstrate feasibility by 1980.

Recently, I was reading an article in the Christian Science Monitor, entitled "Taming H-Power, Fuel for Billions of Years, If—." In the article, the author makes the following observation:

> (O)bservers here also think Congress has sympathy for Dr. Gould's intermediate program suggestion. It may well vote $600 million to $700 million to try to get fusion going in the laboratory by 1980.
>
> This compares with roughly $450 million America has spent to date on fusion research. And that's perhaps half of the Russian outlay. To give some feel for the world effort, the Russians last year accounted for something like 16.6 percent, America for 15.6 percent, . . .

The author notes that the "when" of fusion depends as much on the extent of the monetary commitment as on any research breakthrough. A large share of the credit for this goes to the Soviet Union which continued to support fusion on a high level when America had nearly given up. To date the Russians have been very cooperative in sharing with us the benefits of their research. It is a truly international project.

In this era, when we are learning that all peoples are mutually dependent and when international cooperation is realistically possible, I would suggest that we have been less than farsighted in our support of this project at so low a level. Should we not in one fell swoop have shown the U.S.S.R. and the rest of the world that we were seriously interested in living and working together, while at the same time bringing ourselves much closer to the realization of what could be one of the greatest benefits we could pass on to the next generation?

I would suggest, Mr. Speaker, that we Americans need to be especially farsighted in this area of power supply, as recent history has painfully demonstrated to us. I insert the article to which I referred earlier in the RECORD at this point in the hope it will stimulate critical thinking on this important issue.

TAMING H-POWER: FUEL FOR BILLIONS OF YEARS, IF—

(By Robert C. Cowen)

WASHINGTON.—Trying to tame hydrogen fusion to tap a virtually unlimited fuel supply has been like a fairy-tale quest for fabled treasure. Whenever discouragement threatened to overwhelm the searchers, their goal swam distantly into view. They realized just enough laboratory progress to keep their hopes alive.

Now that goal looms more closely, those hopes glow more brightly than ever in the two decades of their quest. A bit more money, a bit more effort, and most fusion workers expect they could have a tame hydrogen reaction running in their laboratories by this decade's end. They call this demonstrating scientific feasibility.

Given a lot more money and prodigiously more effort beyond that, they think they could have a prototype power plant running by the late 1980's or early 1990's. By the century's end, they just might have developed economically attractive power plants, too.

As has often been pointed out, the energy reward of fully mastering fusion power would be immense. It's primary fuel would be doubly heavy hydrogen, called deuterium. This is present in seawater to the extent of one in every 6,500 hydrogen atoms. While this may not sound like much of a concentration, the half gram of deuterium in a gallon of seawater has the fusion energy equivalent of 300 gallons of gasoline.

To put it another way, the fusion energy available from a cubic kilometer of seawater corresponds to the energy equivalent of 2,000 billion barrels of oil or roughly the world's oil reserve, to use a recent estimate. Moreover, experts figure there's enough easily extracted deuterium available to supply human-energy needs at something like 10 times present world consumption for several billions of years and a population level of seven billion people.

STATISTICS TO GRASP

Such statistics are hard to grasp. Lawrence M. Lidsky of the Massachusetts Institute of Technology notes in the journal Technology Review, "It is far simpler and just as accurate to say that fusion of deuterium represents an essentially inexhaustible supply of energy."

Furthermore, the deuterium fuel can be had rather cheaply. Its extraction should account for only a few thousandths of a percent of the price of electric power.

From a physicist's viewpoint, developing the technique of using that fuel is learning to get something (energy) from almost nothing (the near vacuum in which that fuel will "burn"). Physicists expect that the density of the "burning" gas in a fusion reactor will be about 1/100,000th of an atmosphere, which is indeed practically a vacuum. Yet every cubic meter of that reacting gas can deliver 10 megawatts or more of power.

To get that power, physicists must hold the reacting gas together for perhaps a second and at temperatures of many tens of millions or even hundreds of millions of degrees. The research agonies they have endured for the past two decades have involved this problem of containment.

Since the hot gas is made up of electrically charged particles, magnetic forces can grasp hold of it. Thus researchers use magnetic fields to manage the gas. They quickly discovered that the gas has more ways than a greased pig of escaping the magnetic grip. These instabilities in its behavior allow it to escape to the walls of the reactor vessel where it quickly loses temperature, and any fusion reaction is quenched.

LUKEWARM SUPPORT ONLY

By the early 1960's, some of these instabilities seemed so intractable, from both a theoretical and experimental point of view, that many workers were openly discouraged. America and Britain gave only lukewarm support to the research. But, happily, the Soviet Union maintained both faith in and funding of its projects.

Happily also, this is a field of open and active international cooperation and information exchange. As American presidential science adviser Edward E. David Jr. recently pointed out, thanks to this and to the Russian research, everyone now takes a much brighter view of fusion's prospects.

Academician Lev Artsimowich showed experimentally how to handle some of the most troublesome instabilities. They also showed that certain theoretical considerations which implied that proper containment might be impossible do not, after all, constitute any barrier.

Researchers in several countries have confirmed and extended this Russian work. These and other experiments have brought fusion research to the point where there is a growing acceptance among experts that the eventual achievement of fusion power is a virtual certainty. They think they know how to lick the instabilities. They are finding that their theoretical understanding checks out more and more exactly with their experiments.

This success in harnessing fusion begins to look less like a question of "whether" and more like a question of "when." And "when" depends as much on money as on the skills and insights of the researchers.

MACHINES READIED

To use the United States as an example, researchers now are readying machines to test further a variety of possible fusion-taming schemes. These will confirm whether their present understanding is on the right track. But to get a net-energy producing reaction running—that is, to demonstrate scientific feasibility—they need a generation of experimental devices beyond these. Whether or not they make that demonstration by 1980 depends on how soon and in what scope they can move to this next level of effort.

M. B. Gottlieb, who heads the Princeton Plasma Physics Laboratory, told the congressional Joint Committee on Atomic Energy last fall that fusion workers could fiddle indecisively for decades if restricted to present funding levels. Just to meet what he called urgent needs in the present program of his own laboratory would take a 25 percent funding boost, he said, let alone increasing the program effort.

Roy W. Gould, head of the U.S. Atomic Energy Commission's Division of Controlled Thermonuclear Research, has given Congress cost estimates for three alternative levels of effort.

Just to keep on as at present would take about $300 million from 1973 to 1977. Roughly doubling this outlay would give a significantly more active program that might well demonstrate scientific feasibility by 1980. A "go for broke" crash program would involve spending $900 million to $1 billion between 1973 and 1977. It just might show scientific feasibility by the earlier date.

HOW MUCH APPROPRIATION?

Right now, no one knows what Congress will approve. The AEC thinks it will probably get $38 million for fiscal 1973. That's about a 24 percent rise from the $31 million of fiscal 1972, the kind of boost Dr. Gottlieb says would merely take some of the strain out of present efforts. However, observers here also think Congress has sympathy for Dr. Gould's intermediate program suggestion. It may well vote $600 million to $700 million to try to get fusion going in the laboratory by 1980.

This compares with roughly $450 million America has spent to date on fusion research. And that's perhaps half of the Russian outlay. To give some feel for the world effort, the Russians last year accounted for something like 37.5 percent of that effort. Western Germany accounted for 16.6 percent, America for 15.6 percent, Britain for 7.0 percent, Japan for 6.1 percent, and a miscellany of other countries for the balance.

If Dr. Gould's intermediate program were, in fact, adopted, America's share of this effort would rise significantly, unless others also greatly strengthened their programs. Even then, everyone would benefit. As Dr. David noted, there's far more a spirit of world sharing in this field than of competition.

With laboratory fusion seemingly so close at hand, many environmentally concerned people urge authorities to concentrate on its development, playing down further development of nuclear-fission power plants, especially those based on breeder reactors. They realize that fussion would be easy on the environment. It involves less radioactivity. It offers relatively little danger of catastrophic accident. It should involve less heat pollution.

MISCONCEPTIONS NOTED

However, experts see several misconceptions in the fusion-only approach. First, there are many different kinds of fusion. This is a process in which nuclei of light elements fuse to form heavier nuclei, releasing energy in the process. With 30 kinds of such reactions to choose from, physicists concentrate on the simplest and easiest to control.

Right now this means the reaction in which deuterium fuses with triply heavy hydrogen, a radioactive isotope called tritium. This reaction never can provide the full fusion dream of limitless fuel supply. It also involves a fair amount of radioactive hazard, although significantly less than does the fission breeder reactor.

This reaction gives off most of its energy in neutrons. Their energy in turn will have to be converted to heat to run conventional boilers. The waste heat pollution from such a plant won't be significantly less than from fission stations.

The neutrons also generate radioactivity in the reactor structure. Some materials now being studied for possible reactors, such as niobium, could become embarrassingly "hot." Don Steiner of the Oak Ridge National Laboratory estimates old reactors with niobium could present a radioactive waste-disposal problem perhaps only a hundred times less severe in the long run than with breeder reactors. This could be greatly reduced if, as is likely, substitute reactor materials can be found.

POSSIBLE HAZARD

Then, too, the tritium in the reactor will have to be closely contained. It would be a hazard if it leaked more than about one ten-millionth of a percent a day. And tritium can diffuse through solid metal walls. However, since it is one of the fuels, there will be powerful economic as well as safety reasons for containing it.

All told, Dr. Steiner expects substantially less radiological hazard from deuterium-tritium fusion than from fission plants, but that hazard will be far from negligible.

Then, too, tritium is a rare element that has to be made by irradiating lithium with neutrons in the fusion reactor. Unlike deuterium, lithium is limited. Easily extracted reserves may be equivalent to no more than today's fossil fuel reserves, Dr. Gould says.

Only when deuterium fuses with deuterium is the full fusion dream likely to be realized. Only then will the fuel be virtually unlimited. Only with this and a few other reactions will radioactive dangers be minimized and heat pollution reduced to the fullest extent. In such reactions, much of the energy goes off as electrically charged particles. It may be possible to tap this electrical energy directly, bypassing any heat cycle, and realizing efficiencies of 80 percent or 90 percent.

Today, such reactions largely wait in the wings while work focuses on the more tractable tritium-burning cycles. Thus decades of expense and effort could well bring commercial fusion power by A.D. 2000. Yet this would only be a stage in the attainment of the full fusion goal.

PRIORITIES TO SET

More importantly in setting energy-development priorities now, no expert foresees substantial installation of fusion power before A.D. 2000. This is the power source of the next century. And over this century's remaining three decades, mankind's energy needs will leap ahead.

Trying to hold those needs in check while waiting for fusion just won't work, as economist Barbara Ward and biologist Rene Dubos point out in their book "Only One Earth," the unofficial background report commissioned for the United Nations conference of the human environment.

"If the world population which is already on the way is to be better fed and housed. . . ," they write, "new sources of energy must be found and the only technology visible on a sufficient scale at this moment is atomic [fission] energy. Even if citizens in already developed societies decide to check the rise of their own energy demands . . . the sheer basic needs of all the world's people could not be met by rationing the energy of the already rich. . . .

"To keep seven-to-ten-billion people alive and reasonably well served on this planet, atomic [fission] energy looks like being the most likely answer. The alternative—of too little energy—would cause infinitely larger rates of malformation and death."

This is why energy planners continue to emphasize fission plants, especially breeders, for this century even though environmentally soft fusion now seems the brightest gleam on their long-distance horizon.

OBSERVATIONS ON THE COMPULSORY MINIMUM WAGE

HON. SHERMAN P. LLOYD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. LLOYD. Mr. Speaker, many analysts look upon compulsory minimum wage legislation as counterproductive to the objective of increasing employment. For this and other reasons I opposed the recent minimum wage legislation passed by this House, as I explained to the House during debate on May 10. I call attention to the article written by Economist Milton Friedman and published in the current issue of Newsweek.

Legislating Unemployment

(By Milton Friedman)

Congress is at it again. Once more it is in the process of legislating an increase in unemployment. Of course, the legislation is not labeled "A Bill to Create Unemployment." After all, Congress can teach big business a thing or two about deceptive labeling. No, the bill is labeled "A Bill to Increase the Minimum-Wage Rate."

The true minimum-wage rate is zero—the amount that an unemployed person receives from his nonexistent employer. This minimum-wage rate will not be affected by the new law. Rather, the law will increase the number of persons who receive a wage rate of zero. Here is a person with limited skill whose services are valued at $1.60 an hour (the existing legal minimum) by a potential employer. The new law would make it illegal for the employer to hire that person. He could give him charity—pay him $1.80 or $2 for services that he values at only $1.60—but he could not legally hire him for the market value of his services. It is a mystery why anyone would suppose that a person is better off unemployed at $2 an hour than voluntarily employed at $1.60.

IGNORANCE?

The economic expansion now under way promises to reduce the extremely high rates of unemployment of teenagers, blacks, and women—the groups with lowest skills. A higher legal minimum-wage rate will have precisely the opposite effect—as every prior rise in the legal minimum has had.

The House has recognized the adverse effect of a rise in the legal minimum-wage rate on teen-age unemployment by enacting a two-step minimum—the present $1.60 an hour for youths under 18 and students under 21, and a higher rate for most other nonagricultural workers ($1.80 this year, $2 a year from now). The Senate has not yet acted, but its Labor committee has reported a bill that would simply raise the rate to $2 this year and to $2.20 next year.

The two-step rate is better than a one-step rate. At least, it would reduce the harm done by raising the minimum. But a no-step rate would be better than either.

When a minimum-wage rate was first enacted in 1938 and, to a lesser extent, even when it was last raised in 1966, it was not unreasonable for legislators to dismiss the possible effect on employment. While economists have always recognized that high minimum-wage rates create unemployment and so reduce the take-home pay of poor people—which is what buys food, clothing, and other necessities—empirical studies documenting this effect were scattered and appeared inconclusive.

The situation today is different. Scattered studies have been brought together, additional studies made and some earlier studies re-evaluated. The evidence is now overwhelming that the unemployment predicted by economic analysis is confirmed by economic experience.*

OR CONFLICTING INTERESTS?

As matters now stand, if Congress enacts a higher minimum-wage rate, it will do so knowing that one effect will be to raise unemployment—as the action of the House documents.

Why would Congress do such a thing? Because the adverse effect on the poor is diffuse and its source misunderstood and hence produces little political pressure. Effective pressure is exerted by organized groups that welcome the effect of a high minimum-wage rate in strengthening unionized and skilled workers vis-a-vis nonunionized and unskilled workers and in protecting employers in high-wage areas (the North) from the competition of employers in low-wage areas (the South). These organized groups find ready allies in the liberal reformers whose lack of understanding of economics misdirects their sincere concern for the disadvantaged.

My first column in this space (Newsweek, Sept. 26, 1966) was on the then recently passed rise in minimum-wage rates, I wrote, "I am convinced that the minimum-wage law is the most anti-Negro law on our statute books—in its effect, not its intent. It is a tragic but undoubted legacy of the past—and one we must try to correct—that, on the average, Negroes have lower skills than whites. Similarly, teen-agers are less skilled than older workers. Both Negroes and teenagers are only made worse off by discouraging employers from hiring them. On-the-job training—the main route whereby the unskilled have become skilled—is thus denied them."

This remains the unpalatable truth.

SAVING THE SMALL TOWNS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Washington Star in a recent editorial emphasizes the continuing problem of out-migration from our small towns and rural areas and points to the Rural Development Act of 1972 as an instrument to assist in reversing this trend.

Certainly I want to endorse and underscore the views expressed in the Star—one of my primary goals and objectives in the Congress has been the strengthening of small towns and rural America.

The Rural Development Act of 1972 will greatly strengthen the resources of the Department of Agriculture—especially by amplifying and expanding the authority and programs of the Farmers Home Administration and the Soil Conservation Service—and will thereby concentrate more Federal programs and assistance in small towns and rural areas of America.

It has been my purpose in introducing legislation and recommending appropriations to assist our smaller communities and farm areas throughout the Nation.

On my recommendation the Department of Housing and Urban Development under a former administration established an office to provide information services for small town America.

In several Congresses I have introduced legislation to provide tax incentives to induce business and industry to expand or locate in rural areas to provide employment and induce young people in rural areas to make their homes and careers in their hometowns rather than making the pilgrimage to big cities in search of opportunity.

While chairman and as a member of the Subcommittee on HUD Appropriations, I have consistently urged a balanced program of assistance—with smaller cities and towns being allocated a fair share of grants, loans, and technical assistance.

The House Small Business Committee, which I am honored to serve as chairman, has a most important subcommittee chaired by my colleague, Representative John Kluczynski of Illinois, that has held a number of important hearings on small business problems in rural areas.

In addition, I have joined with other colleagues in supporting tax-exempt industrial development bonds to assist our smaller communities in bringing in industry, for employment opportunities for our people in rural areas.

The Rural Development Act of 1972—which I was pleased to support—is a giant step forward in providing concentrated and specialized assistance to rural America and because of the interest of my colleagues and the American people in this most important subject, I insert the editorial from the Star in the Record:

Saving the Small Towns

About everyone realizes by now that the rescuing of the big cities is a matter of critical importance. Many of us tend to forget, however, that the saving of those shriveling small towns across the country is one of the requisites for urban salvation. For the great migration that has caused the cities' staggering problems hasn't ended. Every year, from thousands of small communities, come 600,000 poor people, more or less, to swell the overcrowded metropolitan centers. Many of those bring no skills; hence they only increase the unemployed rolls.

Without much fanfare, Congress has taken full account of this in a number of hearings, and seems about to take constructive action. Last week a Senate-House conference committee reached a good compromise on the Rural Development Act which Senators Talmadge of Georgia and Humphrey of Minnesota have been pushing for many months. The measure is designed to improve rural economies, mainly by stimulating industrial development through infusions of capital and betterment of small-town living conditions. It would authorize about $500 million annually in grant funds, and greatly expand the loan authority for federal rural-development activities.

Many a little town, with people in need of work, has failed to qualify for a new industry because it had an inferior waterworks or sewer system, or none at all. This bill would provide much more federal assistance for these and other standard community facilities—and also for industrial parks, employment centers and planning services. For the first time, the Farmers Home Administration would be able to make small business and industrial loans, and there are devices to encourage private investment in rural areas.

All this is a product of much battling over several months to consolidate several divergent bills. Dropped along the way were President Nixon's proposal for rural revenue sharing, and Senator Talmadge's plan for creation of a National Rural Development Bank. There's no damaging loss in either case; certainly the bank would have been superfluous.

As it stands, the bill is a moderate but imaginative experiment. It might be a start toward stemming the flight to the cities, and in any event the quality and rewards of life in rural America need to be improved.

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*For an excellent, though not fully up-to-date, summary of these studies, see John M. Peterson and Charles T. Stewart Jr., "Employment Effects of Minimum-Wage Rates" (American Enterprise Institute, 1969).

EIGHTH ANNUAL QUESTIONNAIRE RESULTS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. HELSTOSKI. Mr. Speaker, during the 8 years I have been in Congress, I have sent a legislative questionnaire to each household in the Ninth Congressional District of New Jersey, seeking my constituent's views on important issues of the day. My 1972 questionnaire was sent out in February and March to the households of the Ninth District and a supplementary edition was mailed in May to the towns in Hudson and Bergen counties, which had been added to my district as a result of court-ordered reapportionment.

A total of 180,000 questionnaires were distributed and 31,812 completed questionnaires were returned as a result of these two mailings. The returns reflect, I believe, a widespread interest on the part of my constituents in national affairs and congressional activities. Additionally, thousands of citizens commented separately and extensively on the issues raised by the questionnaire as well as other pressing matters of national concern. I have found these additional comments, as well as the questionnaire results, to be an accurate index of opinion in my constituency. In a democracy, communication between a Representative and his constituents should be a two-way street. The completion of the questionnaires and the separate comments which many citizens took the time to write, will greatly aid me in formulating positions on the issues we must face in the remainder of the 92d Congress. For this reason, I wish to thank again those who cooperated in filling out and returning my 1972 questionnaire. And, I would also like to express my appreciation to those volunteers and members of my staff who spent countless hours at the task of tabulating all of the questionnaire results.

Now that the questionnaire returns have been fully compiled, I am sending the totals to each household in my district, so that each constituent may compare his or her views with the consensus in the Ninth District. And, at the conclusion of my remarks, I shall list the percentage totals of the questionnaire results, but at this point I would like to comment on some of the questions posed any my reactions to my constitutents' responses.

For several years now, I have asked questions relating to ending the war in Vietnam. Each year the number of citizens responding favorably to proposals to terminate that conflict has grown rapidly. In 1972, however, the total has risen sharply, from 51 percent last year to nearly 68 percent this year. In other words, fully two-thirds of those returning questionnaires favor the proposal for an immediate halt to the devastating bombing of Indochina, and a prompt return of all Americans in Indochina contingent only on a agreement by the North Vietnamese to release all prisoners of war at the time of disengagement. I have personally supported this proposal and believe that if the administration were to adopt it as a bargaining position, this tragic and futile war could be quickly ended. The time has long since passed when anything could be gained from the loss of one more American or Indochinese life in that conflict.

The questionnaire's item on amnesty for draft resisters evoked a very strong response from constituents of the Ninth District. Many citizens out of concern for the hundreds of thousands of men who reluctantly agreed to the draft and for the thousands who lost their lives in Indochina indicated they favored no amnesty whatsoever. Some others favored an unconditional amnesty, arguing that the immorality of the Indochina war and the inflexibility of conscientious objector rules left many thousands of young men of conscience no alternative but to leave the country. Still others felt that amnesty should be considered, but not until after our troops are home and our POW's released.

On another question, a substantial majority of my constituents felt that the administration's wage-price control policy was being inequitably administered. From the many inquiries and complaints which I have received from New Jersey citizens in the last year regarding unfair rent and wage control rules, this result came as no surprise. Additionally, the housewife who does the family shopping with a frozen paycheck knows that prices are not being effectively controlled. Meanwhile, corporate profits skyrocket and billions of dollars in tax breaks are handed to the Nation's largest businesses. Perhaps if the administration were instead to adopt a vigorous antitrust policy against conglomerates and monopolies which dominate the American economy, the resulting price competition would go a long way toward curbing inflation.

Opinion appears to be about evenly divided on the question of whether women are discriminated against, particularly in employment. A random sampling of questionnaires, however, showed that women respondents felt that this was the case in far greater numbers than men respondents. Evidently the women's rights movement has a considerable amount of educating to do among the male half of the population. Passage of the equal rights amendment to the Constitution, now awaiting ratification by State legislatures, should give impetus to the cause of women's rights.

The item evoking the highest number of positive responses was the question regarding establishment of a national primary to select presidential candidates. Although I share my constituents' concern with the confusion of the current convention system, I seriously question whether a national primary would be preferable. Such a primary would require extensive and expensive reliance on the media, especially radio and television. This would obviously favor the richest candidates. And, given journalists' tendency to focus on the "front-runner" to the exclusion of less well-known candidates, the "underdog" would have an almost insurmountable task in gaining recognition of his or her views in a national campaign. At least under the present system, less well-known and less-financed candidates are able to go in person to the people of individual States and have a fighting chance of coming from behind. Improvements can be made in the convention system, to be sure, but I do not believe that democracy will be well served by making great wealth or approval of the media necessary prerequisites to nomination.

On question 9, fully 71 percent of my constituents were opposed to the value-added tax, a form of national sales tax. I share their strong opposition to such a tax. Not only would this be inflationary, adding on to the price of all items, but also it would be a regressive tax, hitting hardest those of low and middle income. Our Federal tax policy should be precisely the opposite, requiring those of higher incomes to pay their fair share and ending such unjustifiable loopholes as the oil depletion allowance which permits huge oil companies to escape virtually all taxation. The increased Federal revenues thus generated could then be applied to reducing property and income taxes of the overburdened low- and middle-income wage earners and to the alleviation of pollution, the educational crisis and other pressing national problems.

By a 2-to-1 margin, my constituents favored a proposal for a comprehensive program of national health insurance. This represents a slight increase over the number favoring such a system in 1971. Evidently, the continuing, unchecked inflation of costs for medical care and hospitalization has caused more and more citizens to recognize national health insurance as the only viable alternative to the current health care crisis. Although no positive action has been taken on my own and other proposals in this area to date, I am hopeful that the next Congress will face up to this urgent problem.

On the subject of eliminating water pollution, over two-thirds of the questionnaire respondents favored a crash program to clean up our Nation's waterways. Despite the great cost associated with such a project, the overwhelming approval expressed by the citizens of the Ninth District indicates the extent and depth of concern with environmental quality among the American people. Fortunately, this concern has been reflected in the Congress and the Water Quality Act of 1972, with my support, has passed both Houses of Congress.

Finally, Mr. Speaker, by a slim margin, a plurality of my constituents remain opposed to further development schemes for the Hackensack Meadowlands. I share their reservations about this project, especially with regard to its impact on the environment of our area. All of the ecological concerns of our age, clean water, air quality, preservation of a natural marsh and flood plain, prevention of excessive traffic, population congestion, and many other issues, are associated with this project. The State of New Jersey and the Federal agencies involved have thus far failed to address themselves adequately to the environmental impact of the Meadowlands development. There still are questions which need to be answered satisfactorily before this project proceeds any further.

Mr. Speaker, the following is the completed questionnaire tabulation by percentages:

1972 LEGISLATIVE QUESTIONNAIRE, CONGRESSMAN HENRY HELSTOSKI, 9TH DISTRICT, NEW JERSEY

[31,812 replies—results in percent]

	Yes	No	Undecided
1. From the information now available to the general public, do you feel that President Nixon's recent conferences in China were in the best interests of the United States?	56.7	28.2	15.1
2. Legislation is pending in Congress to (1) Halt all American bombing in Indochina immediately, and (2) require withdrawal of all U.S. troops by June 30 contingent on an agreement by the North Vietnamese to release all prisoners of war at that time. Would you favor this bill?	67.8	25.2	7.0
3. A bill has been introduced in Congress to grant amnesty to draft resisters, provided they agreed to perform 2 years of public service work in hospitals, VISTA, etc. Would you favor this bill?	36.6	49.4	14.0
4. Has the President's wage/price freeze been fairly administered with respect to all sectors of the economy, i.e., wage earners, businesses, tenants, banks, etc.?	28.0	62.3	9.7
5. Do you feel that our present laws and practices discriminate unfairly against women, particularly in employment?	41.8	48.5	9.7
6. Do you think a Federal law should be enacted to provide financial compensation for innocent victims of violent crime?	54.8	37.0	8.2
7. Would you favor creation of a national commission, composed of business and labor leaders, as well as Members of Congress, to develop a system to avoid prolonged strikes?	58.2	34.0	7.8
8. Should Congress establish a system of selecting presidential candidates through a national primary rather than through the present convention method?	68.3	23.6	8.1
9. To finance a form of revenue sharing aimed at reducing property taxes, the administration may propose a value added tax, which is, in effect, a form of national sales tax levied at the manufacturing level with the costs passed on to the consumer. Do you approve such a plan?	22.0	71.0	7.0
10. Because of present economic conditions, it has been proposed that the United States significantly modify its trade policy dating back to the 1930's by relying on automatic quotas rather than tariffs to restrain foreign imports. Do you favor such a proposal?	31.6	56.4	12.0
11. Pending in Congress is legislation to provide long-term Federal financing for the Corporation for Public Broadcasting. Do you favor the development of such a public television network?	57.4	31.4	11.2
12. Bills to establish a national health care insurance program are presently being considered in Congress, with costs to be met from social security and general tax revenues. Do you favor such legislation?	61.1	30.7	8.2
13. Slow progress is being made in cleaning up the Nation's waterways, in large part because of a lack of funds for research and development. Do you believe that we should adopt a crash program, estimated at costing between $15,000,000,000 and $20,000,000,000 over 5 years, to correct longstanding pollution and contamination?	68.0	24.6	7.4
14. As a means of providing mothers with an opportunity to be self-supporting, do you favor the proposal that the Federal Government fund day-care and child development programs for preschool and school-age children?	51.8	33.1	15.1
15. Do you favor continuation of the draft after its proposed expiration date of June 1973?	55.0	35.5	9.5
16. A "Disney land"-type development, along with sports stadia and a racetrack, has been proposed for the Hackensack Meadowlands? Do you favor such a development?	42.2	45.7	12.1

TENNESSEE'S JUNE MOON FISHING RODEO OPEN TO FISHERMEN AND VISITORS AT DE KALB COUNTY, TENN., HOMECOMING

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. EVINS of Tennessee. Mr. Speaker, storied De Kalb County, Tenn.—my home county—is planning a gigantic homecoming celebration June 30–July 4 in Smithville, Tenn.—in the heart of the fabled Upper Cumberland tourist wonderland, land of lakes and mountains.

The homecoming will feature such outstanding events as the Country Fiddlers' Jamboree and contests for the Upper Cumberland Championship on the Public Square at Smithville on Saturday, July 1.

The jamboree will feature groups contesting for the championship in the mandolin, dulcimer, square dancing, buck and wing dancing, guitar, harmonica, gospel singing, banjo and fiddle, among others.

Another top event will be the June Moon Fishing Rodeo on beautiful Center Hill Lake, which nestles in the hills and valleys of middle Tennessee like a glacial lake in the Swiss Alps.

Center Hill Lake—often referred to as the bass capital of the world—will draw fishermen from throughout Tennessee and other States, vying for the rich treasure of prizes.

Many events are scheduled for this homecoming celebration—and I extend to one and all on behalf of the committee an invitation to join us for a real, old-fashioned, country-cooking, mountain-fiddlin', fish-catching celebration and Tennessee homecoming.

SALUTE TO EDUCATION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 1972

Mr. MAHON. Mr. Speaker, under leave to extend, I would like to join with many of my colleagues in the "Salute to Education" declared by the National Education Association to be celebrated on June 21, 1972.

Mirabeau Buonaparte Lamar, the second president of the Republic of Texas, in his first message to the Congress in Houston in 1838 said:

> It is admitted by all, that cultivated mind is the guardian genius of Democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that free men acknowledge, and the only security which free men desire.

Mr. Speaker, we are to some considerable extent an undisciplined people. Large segments of our population tend to demand more and more government services. At the same time there is broad based support for lower taxes.

We are also a free people, Mr. Speaker, and for better or for worse, public attitudes do shape the ultimate course of events in our system. So it is not surprising that in the last 10 years or so Federal spending rates have dramatically increased, while the net action on Federal taxes has been to reduce available revenues in fiscal 1973 by about $50 billion, assuming the economy would have behaved as it has under the tax laws which have obtained.

But we cannot continue to spend what we do not have without deficits and increases in the Federal debt. And that we have done. The Federal Government is going into debt in the 1970's at about three times the rate it was in the 1960's. Nearly one-fourth of our massive $450 billion national debt has been accumulated just since the beginning of this decade.

Mr. Speaker, no democracy, no nation, can continue by its policies to fly in the face of financial realities without flirting with fiscal collapse. In the words of Mirabeau Lamar, the virtue that we now desperately need to guide and control this Nation is restrain and discipline. It is in this context that I wish to discuss the role of education in America.

It is undeniable that the American education system is peerless. What I would like to note, Mr. Speaker, is a dramatic and fundamental change in the American education system that reflects the need for restraint and discipline that concerns me.

First, let me recite a few facts that escape most people's attention. From 1963 to 1973 the President's budget indicates that Federal assistance to education as a whole increased from $3.6 billion to $15.7 billion. That represents an increase from 3.2 percent of all spending of the Federal Government to 6.4 per cent a doubling of the Federal priority for education.

That trend seems likely to continue. The Higher Education Amendments of 1972 that have recently cleared the Congress authorize appropriations for 1973 twice the President's budget request and three times the actual funding level of those programs for this year.

The so-called "revenue-sharing" bill—it mandates spending, but raises not a penny in revenues—that has recently passed the House, authorizes Federal Government grants to the States that may be spent for education.

The 1973 Labor-Health, Education, and Welfare appropriations bill that recently passed the House would appropriate $665 million over what the budget proposed for the education programs carried in that bill.

I know many who feel deeply the needs that can easily be demonstrated for more spending on education would brush off these facts by saying "So what. The needs are there." The factual reply to that is, "Yes, but the money is not there." The fact is that while that Labor-HEW bill would increase funding for education programs by 14 percent, the general fund of the Treasury, from which the checks will be disbursed, will probably see revenues increase by only 3.7 percent during the same time period.

What all these facts demonstrate, Mr. Speaker, is that we have seen a dramatic shift in Federal priorities toward education. The Congress even now is planning to increase spending for education at about four times the rate it expects revenues to increase in the general fund of the Treasury.

My concern is that the American people are turning to the Federal Government to fund what was once guarded jealously as a State and local responsibility, not for philosophical reasons, but for expedient financial ones. To many the rewards and benefits of Federal spending seem immediate, and the costs seem so remote. That, I believe, is the root cause of this tremendous shift in Federal responsibilities.

H. G. Wells once said, "Human history becomes more and more a race between education and catastrophe." Fiscally our great Nation seems to be rushing toward catastrophe. And I believe that at a time when we are celebrating the role of education in our society it is appropriate to address ourselves to the fiscal education of the American people, and to call upon them to exercise the virtues of restraint and discipline.

The hope and faith of our system of government is that the moral fiber of the people is such that a majority will respond to a forthright presentation of the facts. It is in that spirit I have made these remarks.

LAURENCE K. WALRATH

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. BEGICH. Mr. Speaker, on June 30, 1972, Laurence K. Walrath will retire as a Commissioner of the Interstate Commerce Commission after 16 years of dedicated service.

Appointed by President Eisenhower, Commissioner Walrath, a Democrat, was reappointed by Presidents Eisenhower, Johnson, and Nixon. During his career with the Interstate Commerce Commission, he was Chairman of Division 1 in 1961, Vice Chairman of the Commission in 1962, Chairman in 1963, and Chairman of Division 2—Rates and Practices—from 1967 until his retirement.

On numerous occasions, I have had the opportunity to call upon Commissioner Walrath with regard to problems facing the State of Alaska. On each occasion, he has been extremely helpful and knowledgeable in his efforts to see that an equitable solution was found to our problems.

Mr. Walrath has been active and genuinely concerned about the problems facing the ICC, and we are certainly going to miss him when he retires. I join with my colleagues in paying tribute to this outstanding man.

DORIS HUNT'S "MOVING" SPEECH

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. SCHERLE. Mr. Speaker, last month Doris Hunt, wife of our respected colleague from New Jersey (JOHN E. HUNT), became the first woman in modern recollection to deliver the main speech in Pitman, N.J. Memorial Day celebration. The Pitman Review called the speech "moving." Doris' excellent remarks reveal her strong and sensible beliefs in God and country.

Both JOHN HUNT and I are fortunate enough to have married native Iowans. Doris and her sister Mrs. Emmet Wilson, who now lives in Des Moines, Iowa, were both reared in Audubon, Iowa. Their father, Earl Foster, works for the magazine Wallace's Farmer.

At this point I insert the text of the address.

[From the Pitman, N.J., Review, June 7, 1972]

"OUR CHOICE" IS DORIS HUNT'S TOPIC AT PITMAN'S MEMORIAL DAY SERVICE

(By Doris Hunt)

NOTE.—Mrs. Doris Hunt, the wife of Congressman John E. Hunt (R-1st District), spoke on Memorial Day, May 29, at Pitman's services honoring those to whom Memorial Day is dedicated. Mrs. Hunt, the first woman in modern recollections to speak at Pitman's Memorial Day service, kindly consented to allow the Review to publish her fine speech. Our thanks to Mrs. Hunt for her consideration and for her moving Memorial day message.

Memorial Day is a patriotic holiday in the United States. It is a day to honor American servicemen who gave their lives for their country.

Memorial Day originated during the Civil War, when some southern women chose May 30 to decorate soldiers' grames.

The women honored the dead of both the union and the confederate armies. It is believed that a Virginia woman was largely responsible.

It doesn't seem strange that a women originated Memorial Day, does it? No, the women do not do the fighting, but they bear the sons who do the fighting, and sit and wait while their husbands, brothers, sons and fathers go to war.

Yes, the mothers hold their baby sons in their arms, with bright hopes for their futures, and then when they become young men, send them off to war. Some return and others give their lives for their country.

What Comfort can a mother and father find, after having lost a son in the service of his country? In John 15:13 Jesus says "Greater love hath no man than this, that a man lay down his life for his friends."

Yes, this is a comfort and there is some measure of comfort in knowing their sons died, so that we might continue to live in a free nation.

They gave us a "Choice" in the type of Government we want. They gave us a "Choice" in the type of leaders we have. They gave us freedom of speech, freedom of the press, and freedom of religion, just to name a few freedoms.

In giving us this freedom they gave us a tremendous responsibility. In both public and private life, healthy and lasting freedom is only possible, if a person respects the freedom of others, and restrains some of his own wishes. Yes, these young men died so that we might keep our freedom.

This must surely be a comfort to their loved ones, but their greatest comfort would be—if we handle this freedom wisely—if we handle this freedom wisely. Remember—Freedom is fragile, handle it with prayer.

What can we the residents of Pitman do today to build a memorial to those who gave their lives for us? A memorial may take the form of a statue, a park, a monument or even a bridge.

We have our lovely Mall here in Ballard Park, dedicated to our service men who lost their lives in defending our beloved United States of America. But what can we here today do as a town to let the world know that we are thankful?

Let us fly our American flag, every single day.

About six weeks ago each church in Pitman got together and in a united effort, distributed New Testaments "Good News for Modern Man" to every home in Pitman.

What a proud day that was for our town. Now, why couldn't our American Legion, our VFW, other service clubs and interested citizens distribute American flags to every home in Pitman. If every home owned a flag, there would be no excuse for not flying it, but the decision would be yours.

This would be a way for our town to honor their war dead, "to let our POW's know that we have not forgotten them and to say thank you, to our servicemen currently serving in all the armed services."

How can we maintain our freedom and fight the evils in our country. I believe only one way, and that is to turn to God. II Chronicles 7:14 "If my people, which are called by my name, shall humble themselves, and pray and seek my face and turn from their wicked way; then will I hear from heaven and will forgive their sin and will heal their land."

Our boys fought and died that we might also have a choice in religion. But God gave us the greatest choice.

Shall we turn to him, or shall we turn our back on him? This is our choice. Shall we accept his son Jesus Christ as our Saviour or reject him? This is our choice.

Shall we enjoy God's promises or live our way? This is our choice. Shall we turn to God in prayer, or do it our way? This is our choice.

Do we want the assurance of everlasting life, or don't we care? This is our choice.

Wouldn't it have been easier if God had not included a "choice" in His plan for us? But He did, and we are the only ones who can make this individual choice.

Our Government has tried so many things, signed treaties, passed Bills, tried many programs and spent millions of dollars in search of peace. And have failed. Don't you think it is time we turned to God?

Let's start right here in Pitman! Let's build a memorial to those who gave their lives, by changing our lives. Let's fill our lives with God's love, and in turn, love our neighbors.

I firmly believe that "With God's love within us, His arms underneath us, and His strength behind us, there is nothing we cannot do, if He wants us to do it!"

So you see, it's not by chance, but by choice, as to the type of memorial we will build in honor of those men who gave their lives for us.

It's not by chance, but by choice, and a privileged choice, that we serve both our God and our Country, at the same time.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting the June 26, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help keep my colleagues informed of the actions and preparations being made across the country preparing for the anniversary of our Nation's 200th birthday in 1976. The bulletin is compiled and written by the staff of the ARBC Communications Committee. The bulletin follows:

BICENTENNIAL BULLETIN, JUNE 26, 1972

On the Fourth of July ARBC members will take the Bicentennial mandate from the President and Congress to the American people via thirteen representative cities in all corners of the nation. Fifteen Commissioners will carry the Bicentennial message to several diverse geographical and nationality points of the Nation.

ARBC Director Jack I. LeVant has sent a Bicentennial Memo to the attendees at the "Youth in Action" National Association of Student Councils Conference in Chicago. Director LeVant told the student council reps from throughout the nation: "You as the Nation's young leaders may serve as catalyst to all young people, the citizens of Century Three, in encouraging them to use the Bicentennial Era to become involved in their communities, to learn more about the roots and the future of our Nation, to discover what it really means to have the franchise of the 26th Amendment." Participating in the Conference are Commissioners Thomasine Hill, Roy Brooks, and Kenneth Beale.

Wisconsin Governor Partick J. Lucey has appointed a 37-member Wisconsin ARBC headed by Mrs. Jean Helliesen, associate professor of history at the University of Wisconsin. The Commission was authorized by the state legislature and will take over Bicentennial planning from the State Historical Society.

On June 12 West Virginia Governor Arch A. Moore, Jr. informed the ARBC that he has appointed Lysander L. Dudley, Sr., Commissioner of Commerce, as West Virginia's ARBC Chairman.

Chairman David J. Mahoney is scheduled to appear before the Democratic Party's 1972 Platform Committee at 1:30 p.m., Friday, June 23, in Washington, D.C. He will testify before the Quality of Life Panel. Next month he will also appear before the Republican Platform Committee on the Bicentennial.

Phi Bet Kappa Honorary Society has announced the winners of seven $20,000 Phi Beta Kappa Bicentennial Fellowships for the preparation of books on the general theme "Man Thinking in America." The ward winners, five of whom are under 40, were selected from more than 450 applicants. They were made for studies that deal with the cultural crises of our time and point to new directions for the future. The books are scheduled for publications before or during 1976, when Phi Beta Kappa will observe the 200th anniversary of its founding at the College of William and Mary in Williamsburg, Virginia, on December 5, 1776.

A 21-day salute, honoring the American Flag and the 196th Birthday of the United States has been announced by J. Willard Marriott, Chairman of the Honor America Committee, a program of the American Historic and Cultural Society, Inc. The nationwide Honor America program began with observances on Flag Day, June 14, and will conclude on Independence Day, July 4, 1972. The primary aim to the Honor America Committee is to have cities and towns across the country, and Americans everywhere, sponsor local observances. The hoped for result will be the reestablishment of July 4th celebrations as they were known in early America. Honor America Day began spontaneously in 1970 as a result of a conversation between Dr. Billy Graham and ARBC Vice-Chairman Hobart Lewis.

The Chairman of the South Dakota Bicentennial Commission, Les Helgland, has accepted an offer of State 4-H Club members to plan a statewide beautification program as part of the Bicentennial observance. Mr. Helgland said the Commission has received resolutions from the State 4-H Council offering to assist in coordinating a cleanup program. He said that the U.S. Brewers Association has provided funds needed to start the community programs in the State.

The ARBC Communications Office has announced that as of June 14, they have tallied a total of 439 news clippings on the Bicentennial Parks concept. This includes 159 pro-editorials, 10 con-editorials and 270 news stories.

The first Charles River Festival Day was held recently in at least a dozen communities along the river from Cambridge to Millis, Massachusetts. The event challenged citizens to support efforts to make the polluted river swimmable by the Bicentennial in 1976. Other events included motorboat parades, canoeing and rafting, hiking and picnicking, a dance version of "Jesus Christ, Superstar," a performance for the elderly of the "Proposition," and a jazz concert. Governor Sargent issued a proclamation encouraging "everyone to explore the river's ecological and recreational potential."

The Rapid City Journal published an editorial after the recent disaster in South Dakota noting that the city came close to losing a battle for its life. However, residents, strangers and the South Dakota National Guardsmen rallied to aid their fellowmen. Although the tragedy was a grim one, the editor stated, "As we mourn and as we are comforted, we must also look ahead. We must resume and rebuild." At the conclusion of the editorial the following was printed:

Bicentennial and Centennial purpose—The nation's 200th birthday; Rapid City's 100th birthday.

With the help of all the people in the community, to set and achieve goals for Rapid City by 1976 which will improve the quality of life and environment.

The Historic Sites Section of the New Jersey Department of Environmental Protection has submitted a report on state-owned historic sites entitled, "Bicentennial '76: A Plan for a Meaningful Program." It identifies the needs and outlines a program for the development of 17 "Bicentennial-related" sites as well as 14 other New Jersey sites. Each site is discussed in terms of its historical significance, needs, estimated development plans and costs, due date for completion of work, and eligibility for federal funds. The plan is now being studied by the Department, the Sites Council and other New Jersey agencies. It is expected to be released to the public shortly.

IN RECOGNITION OF MAURICE M. STEIN

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Wednesday, June 28, 1972

Mr. MUSKIE. Mr. President, Maurice M. Stein, of Lewiston, Maine, a well-known and respected leader of the egg industry in the United States, met an untimely death on May 3 of this year.

Although Mr. Stein had no formal education beyond the secondary level, he was an extraordinarily intelligent and hard-working individual who rose naturally to a position of national leadership in the poultry and egg industry. His leadership in organizing egg producers to improve their bargaining position in the marketplace was his major contribution not only to his own organization, but also to other commodity groups which followed this pattern.

Mr. Stein's dedication to his family, friends, and community paralleled his dedication to his work. He participated actively in religious organizations, civic groups, and other community activities. Maurice will certainly be missed by all who had the pleasure of knowing and associating with him.

Maurice Stein was born in Boston, Mass., on July 22, 1919, the son of Joseph and Sadie Wyzansky Stein. He attended schools in Malden, Mass., and the Revere, Mass., high school. He was the first Malden man to be drafted in the World War II callup, and was a veteran of invasions of North Africa, Sicily, Anzio, and southern France. He was a veteran of eight major campaigns, with 34 months of overseas duty.

In 1945, in partnership with his brother, Israel, and brother-in-law, William J. Mendelson, he organized Hillcrest Poultry Industries, which was to become a leading quality broiler producing-processing company.

Sensing greater opportunities and challenges in the egg industry, he and his brother Israel organized Maine Egg Farms in 1960. This company's growth was likewise rapid, further attesting to Maurice Stein's unusual management skills. In 1969 Maine Egg Farms was merged into companies forming Cal-Maine Foods of Jackson, Miss., and thus becoming the world's largest independent egg producing and marketing company. He became a vice president and director of this company, as further testimony of his exceptional managerial abilities.

The following survivors of Maurice M. Stein can take justifiable pride in having shared in his many trials and triumphs: his widow, Mrs. Ida (Mendelson) Stein, Lewiston, Maine; daughter Marsha and son Jacob "Jack," Lewiston, Maine; father Joseph Stein, North Hollywood, Calif.; brothers Israel, Lewiston; George, Los Angeles, Calif.; and Robert Hookset, N.H.; and sister, Mrs. Elizabeth Berman, Encino, Calif.

Mr. President, I ask unanimous consent that two articles on Maurice Stein be included in the RECORD at this point.

The first is a eulogy by Mr. John Yarbrough of the Poultry Times, Gainesville, Ga.; the second is a special message to the members of the Northeast Egg Marketing Association of Durham, N.H.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Poultry Times, Gainesville, Ga.]

Death Claims Champion of Egg Industry Strength

The untimely death last week of Maurice M. Stein brought to a close the career of a man whose brilliance lit up many egg industry meetings in recent years.

Mr. Stein moved far beyond his high school educational base. He had the mind of an economics professor, the intellectual persuasiveness of a politician, the fervor of a revivalist, and the heart and stamina of a distance runner.

We often found ourselves on opposite sides of a political or economic issue from that of Mr. Stein, but our differences never diminished our respect for this man's candor, evangelical belief in his "causes" and his complete dedication to the egg industry.

Mr. Stein was one of the founders of United Egg Producers. He was that organization's first president and gave unstintingly of his time, energy and resources to the organization's development. Northeast Egg Marketing Association also carried the stamp of his aid and approval.

This man believed the egg industry could solve its problems and he never quit working for solutions. He was innovative, articulate, sometimes dogmatic, often persuasive and always willing to extend himself for the betterment of his industry, his business, and his country.

Maurice Stein was the kind of a man you would like to have on your side when the battle flags were flying and men's minds were in conflict. He will be greatly missed by the egg industry of this country.

[From the Northeast Egg Marketing Association]

Our Respects to Maurice Stein

The untimely death of Maurice Stein on May 3rd has shocked and saddened many people throughout the egg industry; his close friends and associates as well as casual acquaintances and those who only knew him as an inspiring leader, dedicated to improving the producer's position in the market place.

Maurice was stricken by a heart attack at his office and he died a short time later in a Lewiston, Maine, hospital. He was 52 years old and is survived by his wife Ida, daughter Marsha and son Jacob.

Maurice was recognized and respected throughout the country for his leadership and dedication to improving the egg industry. He had a brilliant mind that resulted in a steady flow of new constructive ideas. He liked nothing better and he asked no more than to see his ideas develop into action that paid off for the entire industry.

He realized the need for producers to work together cooperatively if they were to have a voice in what they received for their product. His leadership resulted in the banding together of New England producers to form the New England Egg Marketing Association. From this it grew into the present organization covering the entire northeast. He has served as president, director and member of the Executive Committee since the organization was started in 1967.

He saw the potential of a national organization involving a single commodity. He took the bold step of asking egg producers from across the country, to meet at the Kennedy Airport to explore the possibilities of such an organization in September of 1968. United Egg Producers was the result of this meeting and egg producers are now recognized as being the best organized commodity group and has set the pattern for other commodities to follow. He became the first President of U.E.P. and has served on its Board of Directors and Executive Committee since then.

There will be many times in the months ahead when his leadership and counsel will be greatly missed. We can be thankful as an industry for the contributions that he made. As individuals and as an industry we owe Ida Stein, Marsha and Jacob our deepest gratitude for having shared Maurice with us.

His unusual grasp of national economic trends affecting the egg industry and his willingness to impart his knowledge and wisdom freely to those who sought it attracted many followers and admirers and projected him to a position of seer as well as statesman for the industry. And his articulate voice and statesmanship were both refreshing and reassuring to an industry so frequently plagued with economic crises and strife so common because of its cyclical nature.

He authored numerous articles relating to egg production and marketing and participated in many programs as a speaker and panelist at trade meetings and at university seminars.

CONTE'S $20,000 FARM SUBSIDY CEILING AMENDMENT WILL AFFECT VERY FEW FARMERS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. CONTE. Mr. Speaker, tomorrow I will once again offer my amendment to limit individual farm subsidies to $20,000 per crop.

Although there were 13,751 farmers who received more than this in 1971, I want to advise my colleagues that my amendment would only have affected 10,143 of them. This is because the other 3,000 farmers exceeded $20,000 only by collecting their subsidies from more than one program. At the close of these remarks I include a table, based on USDA figures, that shows the number of producers in each of the three programs—cotton, feed grains, and wheat—who received more than $20,000. These are the only ones who would have been affected by my amendment. They constitute less than one-half of 1 percent of all those receiving farm subsidies in 1971. This information helps to make clear that my amendment will not in any way disrupt the present program. It will not touch the average farmer who really deserves our help. I will have more to say tomorrow on why it is essential for us to adopt this reform.

The table referred to follows:

COTTON, FEED GRAINS AND WHEAT PROGRAMS, 1971 PRODUCERS RECEIVING GOVERNMENT PAYMENTS OF $20,000 OR MORE AND TOTAL PAYMENTS OF $20,000 OR MORE

Program	Number of producers	Amount
Cotton	8, 810	$311, 920, 000
Feed grains	245	6, 911, 000
Wheat	1, 088	31, 268, 000
Total	10, 143	350, 099, 000

Source: USDA.

THE 50TH ANNIVERSARY OF RADIO STATION WSBT, SOUTH BEND, IND.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. BRADEMAS, Mr. Speaker, earlier this year, I had the honor of calling attention to the 100th anniversary of the South Bend Tribune. Today, Mr. Speaker, it is with equal pleasure that I rise to salute the 50th anniversary of WSBT, the South Bend Tribune's radio station.

WSBT, and its predecessor call letters, represents one of the pioneer radio broadcasting operations in the Nation, going on the air as experimental station W9FP in April 1922, with 100 watts of power. On June 29, 1922, 50 years ago today, station WGAZ was granted a Federal license to operate with 1,000 watts of power.

FIRST COMMERCIAL PROGRAM

On July 3, 1922, Mr. Speaker, WGAZ was officially dedicated with what was apparently broadcasting's first commercial program. On September 30, 1925, its call letters became WSBT.

Mr. Speaker, in all these 50 years, this great radio station has observed the highest traditions of public and community service. Like its parent, the South Bend Tribune, which has been in the forefront of significant newspaper technical advancements, WSBT has been a pioneer in many areas of the broadcasting field.

LANDMARK DATES

Mr. Speaker, I would like to call attention to various other landmark dates in WSBT's history: May 1, 1931, a sister station, WFAM, went on the air to operate during periods not granted to WSBT. February 1, 1932, WSBT and WFAM became affiliates of the Columbia Broadcasting System (CBS), as they still are today.

March 29, 1941, WSBT was granted permission to operate on 960 kc and WFAM was discontinued. May 10, 1943, W71SB, one of the Midwest's first FM stations and the forerunner of WSBT–FM, went on the air. December 21, 1952, WSBT–TV began television operations on UHF channel 34, with 17,500 watts of power.

On January 1, 1954, Mr. Speaker, WSBT–TV became the first television station in Indiana to transmit a program in color. April 8, 1956, WSBT moved into its new broadcast center facility. January 24, 1958, WSBT–TV moved from channel 34 to channel 22. September 8, 1962, WSBT–TV began operations from its new 1,047-foot tower with 480,000 watts of power.

On March 1, 1966, WSBT–TV began broadcasting in stereo. May 15, 1967, WSBT–TV power was increased to 2,175,000 watts of power. June 30, 1967, WSBT–TV began live colorcasts.

Mr. Speaker, I take great pleasure in congratulating WSBT on the occasion of its golden anniversary. I salute this pioneer broadcasting operation for the public service it continues to perform in disseminating news, information, and entertainment to hundreds of thousands of people in the northern Indiana and southern Michigan area.

EROSION AND FLOODING IN NORTHEAST OHIO—MORE COSTLY PROOF THAT FEDERAL SHORE PROTECTION LEGISLATION IS NEEDED IMMEDIATELY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. VANIK. Mr. Speaker, last Thursday and Friday, the northeast Ohio area was hit by severe storms associated with Hurricane Agnes. The wind and rain storms caused extensive damage throughout the area, particularly among the communities which lie along the shore of Lake Erie. For some time, residents of these communities have been suffering damage because of the continuing rapid erosion of the shoreline. Because of the soft material which composes this section of the shoreline, erosion and flooding becomes especially severe during storms—such as those of last week.

For several years now, the northeast Ohio congressional delegation has been attempting to develop legislation to help these communities meet the heavy burden of constructing shore protection devices.

The Corps of Engineers has agreed to begin a special study of the cost-benefit ratios of constructing shore protection devices in the Eastlake-Willowick area. The people of these communities need action now. But, Mr. Speaker, as you know, Federal assistance is not available for the protection of nonpublic property in these communities. That law in this area must first be changed. In addition, favorable benefit-to-cost ratio must be established. It is my hope that the corps new study, using new cost-benefit methods, will clearly and once and for all demonstrate that corps assistance in this area is justified. In addition, every effort must be made this year to amend the law governing the protection of nonpublic property.

Because of the large number of Members who have congressional districts which face the same type of problem that mine faces, I would like to enter into the RECORD at this point testimony which I presented on Wednesday, June 28, before the Senate Public Works Committee in support of efforts to provide assistance to these communities:

STATEMENT OF CONGRESSMAN CHARLES A. VANIK

Mr. Chairman, Members of the Committee: I am testifying on behalf of H.R. 13689, legislation to permit Federal assistance for protecting our Nation's shorelines in areas where benefit-cost ratios would justify such Federal assistance.

The National Shoreline Study, compiled by the Corps of Engineers and released in August 1971, underscores the seriousness of the problem of shore erosion on our coasts. Thousands of miles of our shoreline are in immediate danger due to erosion, yet most of this land is not eligible for Federal assistance because it is not publicly owned.

The Regional Inventory Shoreline reports of the National Shoreline Study graphically document the erosion problems faced by each coastal and Great Lakes State. Not one of these states escapes the cancerous effects of erosion. The Study's assessment of shore erosion throughout the Nation found the following:

[In miles]

Region	Total shoreline	Significant erosion	Critical erosion	Noncritical erosion	Noneroding
Great Lakes	3,680	1,260	220	1,040	2,420
Total, Nation	84,240	20,500	2,700	17,800	63,740

In my testimony today, I would like to discuss a critical erosion area with which I am very familiar—Northeast Ohio. Yet, we must realize that this Northeast Ohio area is no different from many others.

The particular area in question is a section of the shoreline of Lake County, Ohio. This section is approximately 15 to 20 miles northeast of Cleveland. This stretch of shore extends east from the city of Euclid past the mouth of the Chagrin River, and includes the populous and highly developed communities of Euclid in Cuyahoga County and Willowick, Eastlake, Timberlake, and Lakeline in Lake County. This shore is comprised mainly of large bluffs made up of glacial till and clay. Most areas have a small beach at the base of the bluffs, but these beaches are not stable and are constantly changing due to wave action.

Almost all of the land along the shore is privately owned and residential.

Because of the soft material which comprises the bluffs of this area, erosion has run rampant. High Lake Erie water levels and fierce storms have in many places totally obliterated the beach at the base of the bluff. The Lake has reached right up to the bottom of the bluffs, undercutting them and collapsing huge sections of earth. Bluff seepage causes shedding of the bluff, adding to the erosion. In some spots thirty feet of shoreline disappear every year into the waters of the lake. Several weeks ago, one homeowner lost fifteen to twenty feet of land in a single storm. Not only is the rate of erosion unusually fast, the fact that chunks of shore over twenty feet wide collapse into the lake at various times has created danger for shoreline residents.

Shifts of land under houses have caused residents in Willowick to have to flee their homes. Homes have already actually fallen into the lake, and others currently rest precariously balanced on cliffs and are now abandoned. Also, periods of abnormally high lake levels, such as in 1951–52 and 1969, have resulted in severe shoreline damage amounting to millions of dollars.

DAMAGE FROM AFTERMATH OF TROPICAL STORM AGNES

Last Thursday and Friday, Ohio, like the rest of the Eastern part of the United States was hit by severe wind and rain storms. The storm whipped up the Lake's waters and huge breakers crashed into the shoreline. I have some pictures here from the Cleveland *Plain Dealer* and the Willoughby *News Herald* which show some of the shoreline damage. As you can see from the headlines, these waves eroded away large segments of the shore and four homes tumbled into the Lake. One family was just sitting down to dinner, when their house began falling away into the water. Over 100 families were evacuated and flooding affected some 300 other families in Eastlake. While some of the flooding could be attributed to the fact that this was the worst storm in the area in about twenty years, it is erosion which is eating away at the lifeblood of these shore communities—and which is accelerated every time there is a storm. I might add that these homes eroded away last weekend were considered completely safe only a few years ago. Now the homes behind them are in danger.

EROSION PROJECTIONS IN LAKE COUNTY, 1968–2020

In response to citizen concern over the dangerous rate of erosion, the State of Ohio in 1969 commissioned an engineering firm to make a study of this area. This report was released in October 1969 and the findings, Mr. Chairman, are very discouraging.

The study included the years 1968 to 2020. It determined that by 2020 another 535 acres of land will be lost in this four-mile stretch alone. This equal 1,900,000 cubic yards of earth, and represents a loss of almost 350 feet in width along the shore.

The economic losses in the 52 years are also staggering. By 2020, this segment of shore will amount to a value of $18.9 million. The total tax revenue lost to the communities will be $3,861,000 by 2020.

These are by no means the only losses. There are also intangible factors we must include. If we do not protect this shore now, 1.9 million cubic yards of earth will fall into the Lake by the year 2020. 80% of the material will remain suspended in the Lake water adding to the difficulties of our fight against pollution.

This Lake County report recommended that 11,700 feet of this four-mile stretch of shoreline needed protection. The cost of totally protecting this shore is estimated to be $2,547,000, or $217 per linear foot. A less adequate protection plan would cost approximately $1.3 million. Mr. Chairman, the more complete of these protection programs will cost only about 10% of the total value of this land in 2020. It will only cost about 40% of the value of the shoreline today, since current (1968) property value of this area is $6.3 million. The monetary value of this land increases as the years pass, but even today, shore protection of this stretch of land appears to be an economical bargain.

MAGNITUDE OF PROBLEM TOO GREAT FOR INDIVIDUAL HOMEOWNERS OR COMMUNITIES

The homeowners in this area have made numerous and earnest attempts to halt the process of erosion. Citizens have attempted all sorts of improvised shore protection devices, such as concrete blocks, home-made gabions, old cars, etc. As one could expect, such uncoordinated attempts to stem the forces of the lake have been generally unsuccessful. Only a professional, integrated shore protection plan will successfully save these shores.

Mr. Chairman, under current legislation the private land owner along the shore is helpless. Insurance companies have no provisions for covering loss of a home or land due to gradual erosion; they are not permitted to deduct federal income tax losses resulting from gradual erosion; and, so far, no Federal aid has been available to help them save their land. While some 120 Federally-assisted beach protection projects have been constructed or are pending, these have been almost exclusively for the protection of parks and recreation areas—not for the protection of communities and their residents. Adequate protection is beyond the means of local citizens, citizen groups and their individual cities and counties. In most cases, the various states have also failed to provide help—and their communities need Federal help.

H.R. 13689 permits Federal assistance for imperiled homeowners. The enactment of this legislation is desperately needed.

NEED FOR MORE ADEQUATE BENEFIT-COST RATIO DETERMINATIONS

Mr. Chairman, I would like to emphasize that this legislation does not alter the standards by which the Corps of Engineers evaluates individual shore protection project applications. Each project, regardless of whether it involves publicly owned land or privately owned land, will be judged by the Corps' benefit-cost formulas, so only projects which are justifiable for the public good will be constructed. I certainly do not feel that this legislation will in any way open the door to haphazard or excessive shore protection. It is not the intent of this legislation to pour a concrete ring around our shorelines.

To prevent excessive cost in this program, the Committee might want to consider the the requirement that Federal assistance would be available only in those states or counties which adopt—within the near future—shore zoning legislation, and in areas where wave barriers—such as the sand dunes along much of the Atlantic coast—provide vital protection for inland areas.

In other words, developments should not be permitted in critically eroding areas. New developments in such areas would not be eligible for public protection. Thus the benefits of this program would be limited to areas which were developed before the magnitude of the erosion problem was known or which, because of natural causes, become subject to erosion.

Mr. Chairman, I refer to benefit-cost ratios as determinants in the justification of a shore protection project. I would like to briefly elaborate on this. I believe the Corps of Engineers should alter some of the standards and regulations on which their benefit-cost evaluations are based.

Under the existing shore protection law, the Corps' standards are, in some cases, totally inadequate. The guidelines for current shore protection projects is public benefit; all projects must be shown to be in the public interest. However, the Corps definition of "public benefit" is much too narrow. Up until now the Corps has, in almost every case, defined "public benefit" to mean recreational benefit. There are many other aspects of "public benefit" which the Corps has not included in their benefit-cost ratios.

Mr. Chairman, public benefit is derived from the use of city streets, and also by the need for utilities and sewage lines. I think we can all agree that these facilities represent a public investment and are in constant use in behalf of the public. Yet current Corps procedures do not appear to have been defining either city streets or utilities as being in the public benefit. Mr. Chairman, Shoreham Drive in Willowick, Ohio, is literally about to crumble into Lake Erie. This is a paved city street, and I do not see how or why the Corps of Engineers can say such a street is not included in the Corps definition of "public benefit." A city street, for example, is one of the "high priority" projects included in the proposed revenue sharing bill which recently passed the House of Representatives.

Also, as I have mentioned earlier, the shoreline communities are losing a great deal of general and school tax revenues as their lands fall into the lake. The land might be privately-owned, but the homeowners pay the taxes which support the community schools and services. Yet the Corps does not consider loss of tax revenue in its benefit-cost calculations. Since it is this revenue which maintains the educational and service system in a community, how can the Corps neglect this as it judges a project application? Tax collection is I might add, another factor included in revenue sharing calculations.

There is another questionable principle in the Corps determinations. Corps shore protection projects are evaluated on a fifty-year estimated lifetime basis. Erosion rates are figured for this fifty-year period. Yet Corps erosion control projects, when properly built and efficiently maintained, can last and retain their usefulness for 100, possibly even 150, years. If the Corps would base its benefit-cost calculations on a 100-year estimated lifetime, the Corps evaluation would include a larger section of land saved and, therefore, prove to be much more foresighted. The Corps must realize that the benefits of a project will increase if the project is given a longer lifetime. It is ridiculous to figure benefits on a fifty-year basis if the project is going to last 100 years or even longer.

Another baffling aspect of Corps calculations is that private property set between the water and public property will not be protected. The Corps will not attempt to protect that shore until the water has reached the public property.

Finally, I share the concern of many over the Administration's new interest-discount rate used in evaluating and formulating water resource projects. I hope that your Committee will support the long established discount rate formulas. To require that the Federal discount rate equal what would be obtained in the private market does not make sense, since these are public projects in which the private money market has no interest.

I have mentioned some of the weaknesses of current Corps shore protection determination factors. Public streets, utilities, and tax revenue are not classified as being in the "public benefit." Projects, which when constructed will last 100 years or longer, have their estimated benefits figured only over a fifty-year period. Private land between public property and the water falls into the water before protection is undertaken. There is an urgent need for the Corps of Engineers to revise their methods of justifying shore protection projects.

Mr. Chairman, I believe legislation such as H.R. 13689 must be passed to help the many endangered private homeowners along our more developed shorelines. These people have no place to turn to save their land and homes. Shore erosion along many shores, such as along Lake Erie, is not a steady process. Rather, it is an unpredictable and whimsical process, in which huge chunks of bluff can suddenly and unexpectedly shift and collapse. Families have had to flee their homes in the middle of the night due to a surprising shift of their homes due to bluff erosion. In this respect, shore erosion in some places is similar to flooding—it is unpredictable and life-threatening. Yet private property is protected by flood control structures. Now we must realize that in the same way communities should be assisted in the fight against erosion.

The economic strength of many American communities is literally being eroded away by the gradual but accumulative erosion of portions of those communities.

Mr. Chairman, we have the Corps report. We have had a multitude of studies. We know the problem. It is time to translate the Corps findings into action, into help for those communities throughout the Nation who are increasingly suffering from the destructive effects of erosion. I believe that my bill, H.R. 13689, or similar legislation, would be a way of providing relief for these communities. Legislation to assist local communities in meeting the massive costs of erosion control, as well as a change in the Corps' regulations used to determine benefit-cost ratios, could provide the help which is absolutely essential if these communities are not to be destroyed by erosion.

WISE INVESTORS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, a recent survey conducted by Mr. William Reasoner of Waddel & Reed, Inc., indicates that Polish Americans are, in the main, very wise investors.

The author of this survey declares that—

> The 12 million Americans of Polish descent are among the thriftiest savers and wisest investors in this nation.

Reasoner is president and chief executive officer of Waddel & Reed, Inc., a Kansas City-based financial services complex which manages and sponsors the United Funds, Inc.

The findings indicate that in the areas of the greatest concentration of Polish Americans—Chicago, New York, Detroit, Cleveland, Buffalo, Baltimore, Milwaukee, Philadelphia, and Pittsburgh—an overwhelming number are becoming increasingly aware of the importance of making wise investments for the future.

According to the data accumulated by researches, Poles, as a group, favor investment in mutual funds, then blue-chip securities. They like professional management, and they like security in investment. Generally, they are conservative in their investment philosophy, preferring long term to short term investments.

The survey also indicates that there are many self-employed Polish businessmen, whose businesses tend to be owned and operated by families. There is a preponderance of grocery stores, apparel and specialty shops, cleaning and dyeing establishments and other service concerns. The average, nationally, for self-employed is slightly less than 8.5 percent; for Poles, the average is higher, about 8.8 percent.

"They are also very proud to be Polish Americans—they have every right to be proud," the survey concludes.

REGIONALISM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. EILBERG. Mr. Speaker, the use of the term "regionalism" has increased greatly in the past few years. It has become a commonplace expression because of the growing interdependence of our great cities and the communities which surround them.

Regionalism will continue to grow as the cost of providing vital services to people increases. The cities and the suburbs must continue to cooperate if they are to remain viable.

An example of this very necessary practice is the decision by my city, Philadelphia, to make its waste treatment facilities available to some bordering suburban communities.

At this time I enter into the RECORD a description of this regional approach to solving a serious problem:

SOLVING A SERIOUS PROBLEM

As part of its good neighbor policy, Philadelphia is accepting up to 1.5 million gallons of new sewage daily from Delaware County, Water Commissioner Carmen F. Guarino said today.

Guarino said that the sewage flow started recently when his department put into service a new diversion chamber and sewer to divert the flow to the City's Southwest Water Pollution Control Plant for treatment. The City is providing this service under an agreement reached last December with the Darby Creek Joint Authority and the Radnor-Haverford-Marple Sewer Authority.

In practice, the City will take up to 1.5 million gallons of sewage daily from the Darby Creek Joint Authority, and Darby Creek's sewage plant will then be able to take an additional 1.5 million gallons daily from the Radnor-Haverford-Marple area, with which it has a tie-in.

This in turn will relieve a small sewage plant operated by the Radnor-Haverford-Marple Sewer Authority. Plans for expansion of this small plant will be postponed.

Guarino said that the new service is an interim relief measure for portions of Delaware County until Philadelphia can expand its Southwest Plant into a more regionalized facility. Plans call for conversion of the plant from primary treatment to secondary treatment by the end of 1975, and for expansion of its capacity from 136 million gallons to 210 million gallons daily.

"At that time," said Guarino, "the plant will accept greatly increased flows from Delaware County—perhaps as much as 50 million gallons daily. This will ensure greater protection for local streams."

Guarino said that this regionalization plan is being carried out at the request of the Delaware River Basin Commission, the Commonwealth of Pennsylvania, and the Federal Environmental Protection Agency.

"Of course, regionalized service is nothing new for us," said the Commissioner. He noted that the Water Department has been collecting and treating sewage from numerous suburban communities since the 1950's.

The diversion chamber and sewer for the new service were built under a City contract by Thomas Pinelli Corporation at a cost of $80,000. The City will be reimbursed by the Radnor-Haverford-Marple Sewer Authority for both construction and treatment costs.

ULMS: TOO MUCH TOO SOON

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ASPIN. Mr. Speaker, on June 27, the House considered a major acceleration of the ULMS or Trident submarine program. The Committee on Armed Services has reported legislation that contains more than $900 million for research and development in the ULMS program.

On December 7, the Center for Defense Information, which is directed by Rear Adm. Gene R. LaRocque, retired, issued an informative report on ULMS which concludes that the program is being accelerated too quickly.

The Center for Defense Information concludes that:

> The Defense Department offers an impossible rationale for ULMS.

The Pentagon claims that ULMS would be a hedge against possible Soviet technological breakthrough that ignores the existing hedge provided by the United States superior ICBM nuclear bomber force.

I hope that my colleagues will carefully study this important report.

The report follows:

ULMS: TOO MUCH TOO SOON

The Defense Department has asked Congress for nearly $1 billion in fiscal 1973 to accelerate development of a new offensive nuclear force known as ULMS or Trident.

It would be—if Congress consents— a fleet of new nuclear missile submarines, to be targeted at Russia, with vastly greater destructive power than the present force of Polaris and Poseidon submarines. The program has been called "Undersea Long-Range Missile Systems—ULMS" for several years, but has newly been renamed "Trident."

It has three parts.

A fleet of new submarines, each displacing 16,000 tons or more. This is twice the size of Polaris and Poseidon missile submarines and larger than the Soviet Navy's biggest combat ship (the 15,000-ton helicopter carrier Moskva). Each ULMS submarine would carry 24 nuclear missiles. Polaris and Poseidon subs carry only 16. Under the Pentagon's proposed speed-up, the first ULMS submarines would be deployed in 1978, two years ahead of schedule.

A new nuclear missile, the ULMS I, with a range of 4,500 miles, compared with 2,500 for Polaris and Poseidon. It would be installed in the first ULMS submarines, but could also be put in Poseidon vessels.

The ULMS II missile, larger and even more powerful, with a probable range of 6,000 miles. It would be developed as a possible replacement for the ULMS I in the ULMS submarines in the 1980's.

The Navy hopes to make the ULMS submarines quieter than today's models. Their longer-range missiles would allow them to target the Soviet Union from a much bigger expanse of ocean. An ULMS submarine in port in Charleston, South Carolina, would have most of the Soviet Union in target range. The Defense Department alleges that these features will make it more difficult for the Russians to develop counter-measures against ULMS.

Announcing the name changes from ULMS to Trident on May 16, Defense Secretary Melvin R. Laird said the program involved building 10 submarines. Earlier the Defense Department had made public a figure of $11.2 billion as the estimated total cost of the program "as presently constituted" without specifying how many submarines would be included. There had also been unofficial estimates that the program might ultimately include 30 submarines, costing a total of $30 billion or more.

ULMS AND SALT

The US-Soviet series of agreements reached in the recent Strategic Arms Limitation Talks (SALT) appear to allow the ULMS program to go forward within certain limitations. Under these accords, the United States would be limited to 710 submarine-launched ballistic missiles and the Soviet Union, 950. The ULMS I missile could still be placed in present Poseidon submarines. A limited number of ULMS, or Trident, submarines could be deployed as replacements for existing submarines and for the 54 US Titan II ICBMs.

POLARIS AND POSEIDON

This country's existing strategic submarine fleet is new. The oldest submarine in it is only 12 years of age; the newest, five. With a life of 30 years, this fleet will be usable until the 1990's. Also, the United States is already—even without ULMS—in the midst of a conversion program involving a 10-fold multiplication of its destructive power.

Before this conversion began, the 41 U.S. Polaris submarines carried between them 656 missiles (16 each). Most of these missiles had one explosive warhead each. Some had three which would drop in a cluster on a Soviet city. Thirty-one of the Polaris vessels are being converted to carry Poseidon missiles (16 Poseidons to a submarine). Each Poseidon missile contains 10 to 14 separate nuclear warheads (MIRVs) which could be directed to targets hundreds of miles apart. When this conversion is completed in 1976, the Polaris/Poseidon force will include 6,400 nuclear weapons.

Allowing for the fact that a little less than half of these submarines would be on station at a given time, and using the 85 to 95 per cent reliability rate shown in test firings, the 1976 force would be able to destroy about 2,000 Soviet targets on a moment's notice. There are 219 Soviet cities larger than 100,000 population, and 88 million people—36 per cent of the Soviet Union—live in them. The 1976 submarine force, before ULMS, could destroy these cities nine times over.

THE NUCLEAR BALANCE

Russia is several years behind the United States in strategic missile submarines. The Soviet Union has been building up its fleet of Y-Class subs, similar in size to Polaris, and in a few years is expected to have 42 of them.

But proportionately fewer Y-Class vessels are on station at a given time compared with the U.S. fleet. Only three-to-five Y-Class subs now target the United States, while about 16 Polaris/Poseidons target Russia. The Soviet missiles are shorter in range (1,300 to 1,500 miles compared with 2,500 for those carried in most of the US subs). To target the entire United States, Soviet subs would have to come within sight of the US East and West Coasts and enter the Gulf of Mexico.

The Soviet submarines have many more miles to travel to station than the US vessels, because they have no advance bases. The US subs operate from the continental United States; Holy Loch, Scotland; Rota, Spain; and Guam.

Soviet Y-Class submarines are all based in the Soviet Union. They remain submerged while on patrol. A Soviet rescue tug is stationed in Cuba in case of mishap to Y-Class vessels patrolling the Western Atlantic. Another tug usually remains south of Hawaii to assist Y-Class subs on patrol off the US West Coast.

Submarines are only one part of the US and Soviet nuclear forces. These also include intercontinental ballistic missiles (ICBMs) and manned bombers. There are many ways to compare these forces. In numbers of launchers, the balance looks like this in mid-1972:

	United States	U.S.S.R.
ICBM launchers	1,054	1,550
Submarine launch tubes	656	580
Heavy bombers	531	140

But many of the U.S. missiles contain MIRV. None of the Soviet missiles do. Therefore, a more meaningful comparison is the number of actual nuclear weapons that can be fired by these launchers. By this measurement, the balance looks like this:

	United States	U.S.S.R.
Weapons	5,700	2,500

Note: Data from testimony by Secretary of Defense Laird, February 1972.

By 1976, under programs already planned, without ULMS, the US nuclear forces will contain 14,000 weapons. These will include the Poseidons, Minuteman III ICBMs with MIRV and SRAM missiles to be placed in B-52 and FB-111 strategic bombers.

The Soviet Union could have a comparable increase in total weapons only if it carried out a major MIRV program. This would take several years. The United States has a major head start in MIRV. There is no indication the Soviets have even begun MIRV.

HOW STRONG IS "STRONG"?

Defense Secretary Melvin R. Laird has offered no *military* rationale for accelerating ULMS. In his fiscal 1973 statement to Congress, Laird states:

"The continuing Soviet strategic offensive force buildup with its long term implications, convinced us that we need to undertake a major new strategic initiative. This step must signal to the Soviets and our allies that we have the will and the resources to maintain sufficient strategic forces in the face of a growing Soviet threat."

Laird said he reviewed all alternatives for "new strategic initiatives" and picked ULMS because:

(a) it is already under development and would not disrupt other programs;

(b) it is the best technical program available to provide a future sea-based deterrent;

(c) larger missiles would mean a given nuclear destructive power could be carried with fewer boats and crews; and

(d) it includes the option of putting ULMS I missiles in Poseidon submarines.

At no point did Laird say ULMS is necessary for nuclear deterrence.

Dr. John S. Foster, Jr., Defense Department research chief, gave Congress essentially the same reasons, saying ULMS would be a "signal to the Soviets and our allies that we are going to remain strong."

Apparently neither Laird nor Foster think 5,700 U.S. nuclear weapons—going on 14,000—is "strong."

TWO "POTENTIAL PROBLEMS"

Foster went on to say that ULMS would be the best hedge against the "potential threat" of Soviet development of anti-submarine warfare methods which would make Polaris/Poseidon vulnerable.

Other defense witnesses have repeatedly said the Polaris/Poseidon force is so far invulnerable. Rear Admiral Levering Smith, director of Navy strategic systems projects, said in an interview in May, 1969: "I am quite positive that Russian submarines cannot and are not following any of our Polaris submarines under water. I am also quite positive that the new generation of Russian submarines that are getting close to operational status, that are now being tested, will also not be able to follow our Polaris submarines."

In fiscal 1972 budget hearings, Rear Admiral Robert Y. Kaufman, ULMS program coordinator, said: "Polaris/Poseidon today we feel is invulnerable."

Laird told Congress last year there was "no immediate concern about the survivability of our Polaris and Poseidon submarines at sea . . ." although the US continued to work on defensive measures.

The Soviet Union is far behind the United States in submarine detection. It has not, for example, developed a listening network on the ocean bottom such as the US "SOSUS" system, by which this country keeps track of the movement of Soviet submarines.

But even if the Soviets did develop ways to detect and track US strategic missile submarines, this would do them little good unless they could also destroy all US missile subs simultaneously—which would be extremely unlikely. One surviving Poseidon submarine could destroy 160 Soviet cities.

Even if the "potential" Soviet anti-submarine threat were to come true, it is by no means certain that the ULMS submarine would be immune. There is no certainty ULMS submarines will in fact be as quiet as planned. Since they will be larger, they could be more easily detected by active sonar at close ranges.

Foster gave one additional argument. The Polaris/Poseidon fleet, he said, must rely heavily on forward bases because of the range of the missiles. An ULMS fleet could be based in the continental United States. Foster said this country faces some "minor problems" with its Polaris/Poseidon bases. This appears to be the first time such "minor" problems have been used to justify a major escalation of the nuclear arms race costing many billions of dollars.

If present bases were lost, there would be less costly solutions than ULMS—For example, other bases or keeping fewer subs on station.

SOME NAVY ARGUMENTS

Admiral Elmo R. Zumwalt Jr., Chief of Naval Operations, gave as one of his reasons for ULMS: "The Soviets are building strategic missile submarines at a rapid pace. We are building none." This argument ignores the fact that strategic missile submarines do not shoot at each other; therefore the mere fact that one country is building them is not justification for the other doing the same. But more importantly, Admiral Zumwalt's argument ignores the enormous lead of the U.S. over the Soviet Union in nuclear weapons carried by submarines, ICBM's, and bombers.

Admiral Zumwalt also testified: "I firmly believe that we need ULMS in order to assure, with a high degree of confidence, a continuing survivable strategic force, regardless of an enemy first strike." But the United States has just such assurance in its "triad" of nuclear forces—land and sea-based missiles and bombers—each of which is sufficient alone to wipe out the Soviet Union. The United States has, for years, been overbuilding its nuclear forces to have this assurance. The Poseidon force itself was built primarily to counter possible development of a major anti-ballistic missile system in the Soviet Union. Though the Soviets are building an ABM around Moscow, no major ABM capability has developed.

CONCLUSIONS

ULMS is not needed as a "signal" to show the Soviet Union that we intend to "remain strong." We can already obliterate the Soviet Union many times over.

ULMS is not needed for the weak "military" reasons offered by the Pentagon—a "potential" anti-submarine threat and "potential" overseas base trouble.

ULMS is not likely to deter Russia from further nuclear buildup. It is more likely to encourage it.

ULMS would further increase the existing danger to the environment of our planet through nuclear accident. Two nuclear powered submarines, Thresher and Scorpion, have been lost, without known environmental effects. These were not ballistic missile submarines. How long can the safety record last? What would happen if an ULMS submarine, carrying more nuclear material than any other vessel in the world's history, were to be in a collision or sink?

If a clear threat to Polaris/Poseidon were to emerge someday, this could be met by simply placing the longer-range ULMS 1 missiles in Poseidon submarines. The ULMS submarines would be unnecessary.

There is no plausible justification for an accelerated ULMS program.

This leaves Congress with a number of alternatives:

It could stop ULMS entirely.

It could continue research and development on the ULMS 1 missile for possible use in Poseidon submarines if a clear need emerges.

ULMS FACT SHEET

ULMS submarine

First deployment in 1978 under proposed accelerated schedule.

Probable size: 16,000 tons, twice that of Polaris.

Number of missiles: 24 (Polaris boats carry 16).

ULMS I missile

Probable range 4,500 to 5,000 nautical miles, compared with 2,500 for Polaris A3 and Poseidon.

Being developed for ULMS submarines.

Option to install in existing submarines in 1977-78.

ULMS II missile

Initial planning stage. Option to install in ULMS submarines in early 1980's.

Probable range: 6,000 nautical miles.

Appropriations for ULMS to date

$166.3 million. The program was first listed by name in the research and development budget in fiscal 1969.

Funds requested in fiscal 1973 budget

ULMS submarine, $470.2 million.

Missiles, $479.7 million.

Military construction, $27.3 million.

Procurement—associated operation and maintenance, $3.0 million.

Total, $980.2 million (includes $35 milion originally requested as 1972 supplemental).

Number of submarines in proposed fleet

Ten announced by Secretary of Defense.

Total program cost

DOD estimate: $11.2 billion.

Contractors

Missiles: Lockheed (builder of Poseidon).

Submarines: Electric Boat Division of General Dynamics (builder of Polaris).

U.S.-U.S.S.R. LONG-RANGE BALLISTIC MISSILE SUBMARINES IN MID-1972

	United States, Polaris/Poseidon	U.S.S.R., Yankee
Submarines	41	25.
Nuclear power	Yes	Yes.
Missiles per sub	16	16.
Range of missiles	2,500 (33 subs)	1,300–1,500.
Nautical miles	1,500 (8 subs)	(a 3,000-mile missile has been tested but not put in a submarine).
Number of missiles with MRV (3 weapons in cluster on single target)	336	None.
Number of missiles with MIRV (10–14 weapons on separate targets)	496	Do.
Number of weapons in force	3,800	480.
Advance operating bases and subs assigned	Scotland 9, Spain 9, Guam 7.	None.
Operating areas and number of submarines on station (estimate)	Mediterranean 2, Atlantic 4, Northern areas 6, Pacific 3, Indian Ocean 1.	Atlantic 3–4, Pacific 0–1.
Total on station	16	3–5.

Note: The U.S. Polaris/Poseidon force has 8 times the number of weapons that the Y-class has—most with nearly twice the range of the Y-class missiles. Advance operating bases allow the United States to have 16 Polaris on station, the Russians have 3–5 submarines on station. The United States has both MIRV and MRV. The Soviets do not.

U.S. STRATEGIC NUCLEAR FORCES IN 1976 UNDER PRESENT PLANS WITHOUT ULMS

Type, launch vehicle	Number×	Missiles per launch vehicle=	Missile total×	Weapons per missile=	Total weapons
ICBM's (intercontinental ballistic missiles):					
Minuteman III	550	1	550	3	1,650
Minuteman II and Titan II	504	1	504	1	504
Subtotal	1,054		1,054		2,154
SLBM's (submarine launched ballistic missiles):					
Poseidon	31	16	496	12	5,952
Polaris (A-3)	10	16	160	3	480
Subtotal	41		656		6,432
Strategic bombers:					
B-52G's and Hs/SRAM	255	20	5,100	1	5,100
FB-111/SRAM	66	6	396	1	396
Subtotal	321		5,496		5,496
Grand total	1,416		7,706		14,082

NATIONAL SMALL BUSINESS ASSOCIATION HONORS COSPONSORS OF SMALL BUSINESS TAX REFORM BILL

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. EVINS of Tennessee. Mr. Speaker, recently the National Committee for Small Business Tax Reform—a committee of the National Small Business Association—paid tribute to 156 Members of the House who have either introduced or cosponsored tax reform legislation or publicly announced their support of such legislation.

Each Member was presented with a Citation of Recognition by Harry Brinkman, the president of the association, and Edward Larson, chairman of the Committee on Tax Reform.

Chairman Larson commented:

> The forthright action on the part of the Members of Congress in publicly supporting tax simplification and reform for the Nation's small businessmen—and particularly those in each Member's District—deserves the highest recognition. This action should be regarded as the first move in the direction of equitable tax treatment for 19 of every 20 firms in the United States which are small business.

Mr. Speaker, it was my pleasure to sponsor H.R. 7692, the Small Business Tax Simplification and Reform Act of 1971, in the House, and I welcome the support of my colleagues who have introduced similar bills or are cosponsors of the bill that I introduced.

At the request of officials of the National Small Business Association, I include in the RECORD a list of names of Members of the House who are cosponsors and supporters of this small business tax reform legislation:

SPONSORS AND COSPONSORS OF H.R. 7692 AND IDENTICAL BILLS

Joseph P. Addabbo, D-7-N.Y.
William R. Anderson, D-6-Tenn. (H.R. 10241).
Les Aspin, D-1-Wis. (H.R. 9887).
Walter S. Baring, D-AL-Nev. (H.R. 14048).
Bob Bergland, D-7-Minn. (H.R. 9121).
Wm. S. Broomfield, R-18-Mich. (H.R. 10124).
Bill Burlison, D-10-Mo. (H.R. 14101).
Charles J. Carney, D-19-Ohio.
Bob Casey, D-22-Tex. (H.R. 9729).
Don H. Clausen, R-1-Calif. (H.R. 10425).
Silvio O. Conte, R-1-Mass.
John W. Davis, D-7-Ga. (H.R. 14566).
Harold D. Donohue, D-4-Mass. (H.R. 13964).
Don Edwards, D-9-Calif. (H.R. 9419).
Marvin L. Esch, R-2-Mich. (H.R. 11479).
Hamilton Fish, R-28-N.Y. (H.R. 12813).
Richard Fulton, D-5-Tenn. (H.R. 9183).
Edward E. Garmatz, D-3-Md.
Henry B. Gonzalez, D-20-Tex. (H.R. 9400).
Gilbert Gude, R-8-Md. (H.R. 14732).
John Hammerschmidt, R-3-Ark. (H.R. 11590).
Michael Harrington, D-6-Mass.
James Harvey, R-8-Mich.
James F. Hastings, R-38-N.Y. (H.R. 10492).
Ken Hechler, D-4-W. Va. (H.R. 11377).
Henry Helstoski, D-9-N.J. (H.R. 10455).
Floyd V. Hicks, D-6-Wash. (H.R. 10647).
Frank Horton, R-36-N.Y.
William J. Keating, R-1-Ohio (H.R. 13868).
John D. Kluczynski, D-5-Ill.
Peter N. Kyros, D-1-Me. (H.R. 11517).
Manuel Lujan, Jr., R-1-N.M.
John McCollister, R-2-Neb. (H.R. 11601).
Joseph M. McDade, R-10-Pa.
Spark M. Matsunaga, D-1-Hawaii (H.R. 11667).
Romano L. Mazzoli, D-3-Ky. (H.R. 13984).
John Melcher, D-2-Mont. (H.R. 11353).
William E. Minshall, R-23-Ohio (H.R. 10160).
Parren J. Mitchell, D-7-Md.
Wilmer Mizell, R-5-N.C. (H.R. 14071).
Alvin E. O'Konski, R-10-Wis. (H.R. 10206).
Claude Pepper, D-11-Fla. (H.R. 9425).
David Pryor, D-4-Ark. (H.R. 11793).
James H. Quillen, R-1-Tenn. (H.R. 10327).
John J. Rhodes, R-1-Ariz. (H.R. 11037).
J. Edward Roush, D-4-Ind. (H.R. 10730).
Fernand St Germain, D-1-R.I.
John P. Saylor, R-22-Pa. (H.R. 13931).
Keith G. Sebelius, R-1-Kans. (H.R. 12171).
George E. Shipley, D-23-Ill. (H.R. 11079).
Richard G. Shoup, R-1-Mont. (H.R. 14210).
Neal Smith, D-5-Iowa.
J. William Stanton, R-11-Ohio.
Tom Steed, D-4-Okla.
Frank Stubblefield, D-1-Ky. (H.R. 10235).
Burt L. Talcott, R-12-Calif. (H.R. 9459).
Frank Thompson, Jr., D-4-N.J. (H.R. 10139).
Vernon W. Thomson, R-3-Wis. (H.R. 9471).
Charles Thone, R-1-Neb. (H.R. 10732).
Victor V. Veysey, R-38-Calif. (H.R. 11601).
G. William Whitehurst, R-2-Va. (H.R. 9538).
Louis C. Wyman, R-1-N.H.
John M. Zwach, R-6-Minn. (H.R. 13567).
Tom Railsback, R-19-Ill. (H.R. 15177).
David R. Obey, D-7-Wis. (H.R. 15312).
Lee H. Hamilton, D-9-Ind. (H.R. 15283).
Ella T. Grasso, D-6-Conn. (H.R. 15400).
Jack Brinkley, D-3-Ga. (H.R. 15421).

INDICATED WILLINGNESS TO COSPONSOR BUT NO BILL AS YET

Walter Flowers, D-5-Ala.
Bob Price, R-18-Tex.
J. Kenneth Robinson, R-7-Va.
William R. Roy, D-2-Kans.
Earl B. Ruth, R-8-N.C.

HAVE INDICATED SUPPORT FOR H.R. 7692 BUT HAVE NOT INTRODUCED AN IDENTICAL BILL

James Abourezk, D-2-S.D.
Mark Andrews, R-1-N.D.
Bill Archer, R-7-Tex.
Herman Badillo, D-21-N.Y.
Nick Begich, D-AL-Alaska.
Charles E. Bennett, D-3-Fla.
Tom Bevill, D-7-Ala.*
James A. Burke, D-11-Mass.*
Frank M. Clark, D-25-Pa.
James C. Cleveland, R-2-N.H.*
James C. Corman, D-22-Calif.*
Frank E. Denholm, D-1-S.D.
William L. Dickinson, R-2-Ala.
John D. Dingell, D-16-Mich.
W. J. Bryan Dorn, D-3-S.C.
John G. Dow, D-27-N.Y.
John Dowdy, D-2-Tex.
Joshua Eilberg, D-4-Pa.
Thomas S. Foley, D-5-Wash.
Cornelius Gallagher, D-13-N.J.
Joseph M. Gaydos, D-20-Pa.
Barry Goldwater, Jr., R-27-Calif.
George A. Goodling, R-19-Pa.
Kenneth J. Gray, D-21-Ill.
Charles S. Gubser, R-10-Calif.
James A. Haley, D-7-Fla.
Margaret M. Heckler, R-10-Mass.
H. John Heinz, III, R-10-Pa.
David N. Henderson, D-3-N.C.
Louise Day Hicks, D-9-Mass.*
William L. Hungate, D-9-Mo.
Harold T. Johnson, D-2-Calif.
John Kyl, R-4-Iowa.
Delbert L. Latta, R-5-Ohio.
Torbert H. Macdonald, D-7-Mass.
William S. Moorhead, D-14-Pa.
Peter A. Peyser, R-25-N.Y.
Walter E. Powell, R-24-Ohio.
Richardson Preyer, D-6-N.C.
Melvin Price, D-24-Ill.
Albert H. Quie, R-1-Minn.
Teno Roncalio, D-AL-Wyo.
Paul S. Sarbanes, D-4-Md.
John F. Seiberling, D-14-Ohio.
Robert L. F. Sikes, D-1-Fla.
Robert Stephens, Jr., D-10-Ga.
Robert O. Tiernan, D-2-R.I.
Jerome R. Waldie, D-14-Calif.
Jamie L. Whitten, D-2-Miss.
William B. Widnall, R-7-N.J.
Gus Yatron, D-6-Pa.
C. W. Bill Young, R-8-Fla.
Clement J. Zablocki, D-4-Wis.
Wm. P. Curlin, Jr., D-6-Ky.
John W. Byrnes, R-8-Wis.
James R. Mann, D-4-S.C.

H.R. 7211 AND ITS IMPACT UPON WILDLIFE REFUGES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. DINGELL. Mr. Speaker, legislation, H.R. 7211, pending before the Committee on Interior and Insular Affairs could have a substantial impact upon the

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*Cosponsors of Chamberlain bill

National Wildlife Refuge System. As chairman of the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries, which has jurisdiction over our refuge system, I recently wrote Secretary of the Interior Morton to request his comments upon H.R. 7211 and its impact upon refuges.

Under date of June 7, 1972, I received a reply from the Department of the Interior's Legislative Counsel, Mr. Frank A. Bracken, indicating that the Department shares my particular concern that the version of H.R. 7211 being considered by the Committee on Interior and Insular Affairs will place the National Wildlife System in jeopardy.

For the information of my colleagues, I include the text of the Department's letter to me, as well as the text of each of the enclosures mentioned therein, at this point in the CONGRESSIONAL RECORD:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 7, 1972.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: In the Secretary's absence I am taking the liberty of responding to your letter dated May 25, 1972, regarding the House Interior Committee print of H.R. 7211.

You indicated your particular concern that the Committee print might place the National Wildlife Refuge System in jeopardy. The Department shares your concern. I attach for your information a copy of a letter which Secretary Morton sent to Chairman Aspinall which expresses the Department's principal objections to the Committee print and which states that Title IV of the print which deals with public lands is unacceptable to the Administration. The letter states that section 404 would have a devastating effect on the National Wildlife Refuge System. That section would terminate all existing withdrawals of more than 5,000 acres after ten years unless Congress grants an extension. Attached hereto is a list by State of National Wildlife Refuges which would be affected. As you can see, it totals almost 25 million acres which is five-sixths of the entire system. Unless Congress acted within the ten year period, this priceless wildlife habitat would become open to multiple use management, including mining, timber cutting, livestock grazing and hunting.

Also attached is a list of units in the National Park System totaling over 9 million acres which would be similarly affected.

Another section of the bill which we feel will be of concern to you is section 502(a) which would repeal all expressed or implied appropriations authorizations for administration of public lands that contain no dollar limitations. This would affect most of the appropriation authority of the Bureau of Sport Fisheries and Wildlife and the National Park Service. Lists for each bureau are attached.

Sincerely yours,
FRANK A. BRACKEN,
Legislative Counsel.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 23, 1972.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, two of the top priority pieces of environmental legislation for my Department as well as for the Nixon Administration are the National Land Use Policy Act (H.R. 4332) and the Natural Resource Lands Management Act (H.R. 14009). I have, therefore, been following with deep interest the progress of your Committee on this legislation.

The May 9, 1972, Committee Print of H.R. 7211 combines land use legislation and public lands legislation in a single bill.

The land use portion of the bill contains many of the strong points of the Administration's proposal and reflects a bipartisan effort to provide the country with an effective mechanism for dealing with land use problems. While I feel that the land use portions of the Committee Print go a long way towards meeting the Administration's objectives in this area, I feel that they would be immeasurably strengthened by the first six amendments set forth in the attachment hereto. The first of these would assure that States do not omit designating areas of critical environmental concern to the Nation and having designated them, do not fail to protect them. The second gives emphasis to the special environmental value of wetlands in the coastal zones and estuaries.

The third proposed amendment would insure that the expertise of the Department of Housing and Urban Development is utilized in reviewing State land use plans and that State land use plans are consistent with HUD programs.

The fourth would require Federal actions to be consistent with approved State land use plans and the fifth would authorize the President to establish guidelines for Federal agencies to assist them in carrying out the requirements of the Act. The various activities of many Federal agencies have a major impact on land use and for this reason it is important that the Executive be able to assure maximum coordination and consistency of those activities with State plans.

I was pleased to see that the Committee adopted a level of funding closer to the Administration's proposal. In providing funding authorization only for fiscal years 1973, 1974 and 1975, the Committee has created an inconsistency with section 205(b) which imposes penalties on a State not found eligible for funding by the beginning of fiscal years 1976, 1977 and 1978. The sixth amendment would extend the funding for an additional three years to support the penalties. As I indicated, these amendments would greatly strengthen the land use provisions of the Committee Print. On balance, however, we view these provisions as a constructive and positive approach to a complicated and urgent problem.

We continue to feel that the various advisory and coordinating boards provided for in title III would be cumbersome and an unnecessary Federal expense.

The public lands portion of the bill which is title IV is still unacceptable to the Administration. That title would establish common management policies for all Federal lands, including those which have been set aside for specific uses, such as parks or wildlife refuges as well as those BLM lands which are under multiple use management.

The history of the public domain has been largely one of segregation of the land on the basis of what was considered to be higher uses, leaving the remainder open to private entry or to multiple use management. Thus the unique scenic splendors such as the Grand Canyon and the Valleys of the Yellowstone and Yosemite were withdrawn from private entry and multiple use and placed into the National Park System. Later the National Wildlife Refuge System was created and prime wildlife habitat, waterfowl nesting areas and the like were similarly withdrawn from private entry and multiple use and were dedicated to the preservation of our priceless wildlife heritage. The National Forest System was created to preserve the Nation's great forests for timber production and for other uses. Around each of these systems a set of management regulations has been developed, both statutory and administrative, to preserve and promote the particular values which the system was designed to protect.

We view the inclusion of all these lands under a common multiple use management system as a setback in the long efforts of Congress and the Executive Branch to protect natural resource values.

The sections dealing with Executive withdrawals will deprive my Department of the ability to move quickly to protect some of the Nation's most priceless natural resources and to set aside specific areas for specific areas for specific public purposes.

Section 403(b) would authorize the Interior Committees of either House of Congress to veto within 60 days an Executive classification which would exclude any use from a tract larger than 5,000 acres for longer than one year. This would delay Federal programs and constitutes a highly questionable delegation of Congressional power to a legislative committee.

Section 404 would terminate all existing withdrawals of more than 5,000 acres after ten years unless Congress grants an extension. This would have a devastating effect on the National Wildlife Refuge System which consists of 30 million acres, 25.5 million of which were included by Executive withdrawal. Section 404 would open this priceless wildlife habitat to multiple use management including mining, livestock grazing, hunting, and timber production.

It would have an equally disastrous effect on 9.3 million acres which were placed into the National Park System by Executive action. It would affect, in addition, approximately 160 million acres of National Forests which were transferred from public domain to the National Forest System by Executive action.

The Executive withdrawal is an essential management tool to reconcile the many competing demands on the public domain and to preserve important public values against non-discretionary private appropriation: I do not contend that the Executive should have unlimited discretion in this area. I strongly believe that effective public land management requires mutual trust and cooperation between Congress and the Executive Branch. For a number of years the Department of the Interior has notified your Committee of all proposed withdrawals exceeding 5,000 acres. We have, moreover, used the withdrawal authority with restraint. In 1970, 96,924 acres were withdrawn while previous withdrawals on 964,961 acres were revoked.

Section 502(c) would require reauthorization of all open ended authorizations. We have no idea at present how many statutes this will repeal. However, we estimate that the number will be substantial and that reauthorization of a very large number of programs will entail a delay and expense and a burden on the legislative process which is unjustifiable.

The last six amendments on the attached list would delete these offending provisions, and I strongly urge you to adopt them.

In conclusion I feel that the Committee has made real progress in the land use provisions. As you know, the Senate is also making good progress along the same lines as you have in title II. In this connection I attach a copy of a letter which I have just sent to Senator Jackson on this subject. There appears to be a good possibility of the two Houses getting together on a good land use bill.

The public lands portion of H.R. 7211 presents major difficulties for the Administration. The provisions I have enumerated in this letter are unacceptable. In view of this, perhaps the best solution would be to separate the land use provision and the public lands provision in the interest of giving the Nation a much needed land use bill.

I am taking the liberty of sending a copy of this letter to the other members of the Committee.

Sincerely yours,

ROGERS MORTON,
Secretary of the Interior.

PROPOSED AMENDMENTS TO COMMITTEE PRINT DATED MAY 9, 1972, OF H.R. 7211

1. p. 58, line 12—add new paragraph 8 as follows:

"(8) In designating areas of critical environmental concern the State has not excluded any areas deemed by the Secretary to be of critical environmental concern to the Nation."

2. p. 58, line 12—add a new paragraph 9 as follows:

"(9) In controlling land use in areas of critical environmental concern to the Nation, the State has procedures to prevent action (and, in the case of successive grants, the State has not acted) in substantial disregard for the purposes, policies, and requirements of its land use program.

"State laws, regulations, and criteria affecting areas and developmental activities listed in subsection (a) of this section are in accordance with the policy, purpose and requirements of this Act; and that State laws, regulations, and criteria affecting land use in the coastal zone and estuaries further take into account:

"(1) the aesthetic and ecological values of wetlands for wildlife habitat, food production sources for aquatic life, recreation, sedimentation control, and shoreland storm protection; and

"(2) the susceptibility of wetlands to permanent destruction through draining, dredging, and filling, and the need to restrict such activities."

3. p. 61, line 14—change the period to a comma and add "or that the Secretary of Housing and Urban Development is not satisfied that those aspects of the State's land use planning process dealing with large-scale development, key facilities, development, and land use of regional benefit, and new communities meet the requirements of section 201(c)(7) for funding of a land use planning grant."

4. p. 64, line 25—add a new section 207 as follows:

"Sec. 207(a). Federal projects and activities significantly affecting land use shall be consistent with State land use controls developed pursuant to section 201(c)(7) of this Act except in cases of overriding national interest. Program coverage and procedures provided for in regulations issued pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968 shall be applied in determining whether Federal projects and activities are consistent with State land use controls developed pursuant to section 201(c)(7) of this Act.

(b) After December 31, 1974, or the date the Secretary approves a grant under section 201, whichever is earlier, Federal agencies submitting statements required by section 102(2)(c) of the National Environmental Policy Act shall include a detailed statement by the responsible official on the relationship of proposed actions to any State land use controls developed pursuant to section 201(c)(7) of this Act."

5. p. 64, line 25—add a new section 208 as follows:

"Sec. 208. The President is authorized to designate an agency or agencies to issue guidelines to the Federal agencies to assist them in carrying out the requirements of this Act."

6. p. 92, line 9—change "two" to "five".

7. p. 81, line 16-p. 82, line 13—strike section 403(b).

8. p. 85, line 15-p. 87, line 4—strike section 404.

9. p. 87, line 5-p. 90, line 20—strike section 405.

10. p. 92, line 12-24—strike section 502(a).

11. p. 95, line 1-p. 97, line 15—strike section 502(c).

12. p. 104, line 15-p. 105, line 6—strike and insert in lieu:

"(o) the term 'public lands' means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf."

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 17, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the National Land Use Policy Act of 1972, now before your Committee is one of the top priority pieces of environmental legislation of this Administration. I have been following very closely the progress of your Committee as it has been considering the legislation, and I want to commend the Committee for its efforts and for the very considerable progress which it has made in reconciling the various proposals into what I hope will be a landmark piece of legislation.

Committee Print number three combines many of the strong points of both S. 992, the Administration's proposal, and S. 632, the bill which you have sponsored. Frank Bracken, Legislative Counsel of this Department, has furnished the minority and majority counsels of the Committee a list of amendments which would bring Committee Print number three closely in line with the Administration's proposal. I attach a copy of that list for your easy reference.

Of the amendments set forth on that list, there are five which I consider particularly important.

Amendment numbered 5 would correct what I consider to be a major defect in the Committee Print. As drafted, section 302 would condition State eligibility for grants on the preparation of a variety of inventories, projections, and other planning data. Some of these are phrased so broadly as to require an almost endless effort, making the grant eligibility criteria uncertain and diverting the States efforts from what we consider to be the most critical land use issue which is land use controls. We, therefore, propose prefacing section 302 with language which would require simply a process for inventorying resources, projecting trends and gathering date.

Amendment numbered 12 would require the States to develop land use controls after three years instead of after five years as the Committee Print now provides. The effect of amendments numbered 5 and 12 is to require the States to concentrate on the critical aspect of the land use problem and to require it sooner.

Amendment numbered 20 parallels number 12 by imposing the sanctions after three years instead of after five.

Amendment numbered 21 and 22 reduce the sharing ratio to fifty percent and the authorized funding to $20 million annually for Fiscal Years 1973-1977. This lower level of funding is consistent with the more selective effort which we feel should be encouraged.

There are a number of other amendments which would enhance the bill. The ones mentioned above are, however, particularly important and would, in my view, result in an effective land use bill.

Again let me commend the Committee for its effort.

Sincerely yours,

ROGERS MORTON,
Secretary of the Interior.

AMENDMENTS TO SENATE COMMITTEE PRINT 3 DATED MARCH 13, 1972

1. Page 6, line 17—strike all after ";" through line 20.

2. Page 7, after line 8, add new subsections (d) and (e) as follows:

102(d) The Congress further finds and declares that decisions about the use of land significantly influence the quality of the environment, and that present State and local institutional arrangements for planning and regulating land use of more than local impact are inadequate, with the result:

(1) that important ecological, cultural, historic and aesthetic values in areas of critical environmental concern which are essential to the well-being of all citizens are being irretrievably damaged or lost;

(2) that coastal zones and estuaries, flood plains, shorelands and other lands near or under major bodies or courses of water which possess special natural and scenic characteristics are being damaged by ill-planned development that threaten these values;

(3) that key facilities such as major airports, highway interchanges, and recreational facilities are inducing disorderly development and urbanization of more than local impact;

(4) that the implementation of standards for the control of air, water, noise, and other pollution is impeded;

(5) that the selection and development of sites for essential private development of regional benefit has been delayed or prevented;

(6) that the usefulness of Federal or federally assisted projects and the administration of Federal programs are being impaired; and

(7) that large-scale development often creates a significant adverse impact upon the environment.

(e) The Congress further finds and declares that there is a national interest in encouraging the States to exercise their full authority over the planning and regulation of non-Federal lands by assisting the States, in cooperation with local governments, in developing land use planning process including unified authorities, policies criteria, standards, methods, and processes for dealing with land use decisions of more than local significance.

3. Page 9, line 9—through page 11, line 3—strike and substitute in lieu:

"SEC. 202. The Secretary, to the extent he deems necessary to carry out the purposes of this Act,

(1) develop and maintain a Federal Land Use Information and Data Center, with such regional branches as the Secretary may deem appropriate, which has on file such information pertaining to land use planning and management as the Secretary deems appropriate and useful;

(2) cooperate with the States and interstate agencies in the development of standard methods and classifications for the collection of land use data;

(3) make the information maintained at the Data Center available to Federal, interstate, State, and local agencies involved in land use planning and to the public;

(4) consult with other officials of the Federal Government responsible for the administration of Federal land use planning assistance programs to States, their political subdivisions, and other eligible agencies in order to coordinate such programs; and

(5) administer the grant program established under title II of this Act."

4. Page 11, line 4—through page 13, line 19—strike.

5. Page 16, line 16—strike and insert in lieu: "land use planning program which shall include a process for—"

6. Page 16, lines 17-19—strike.

7. Page 17, lines 16-19—strike.

8. Page 18, lines 2 and 6 and page 19, line 1—strike "The establishment of a method for".

9. Page 18, line 20—strike "The establishment of arrangements for".

10. Page 18, lines 14–19—strike.

11. Page 19, lines 7–10—strike.

12. Page 19, after line 12—insert language from page 21, line 9 to page 23, line 15 (renumbered as appropriate).

13. Page 19, line 14—change "process" to "program".

14. Page 20, line 18–21—strike.

15. Page 20, lines 22–24—strike.

16. Page 21, lines 1–8—strike.

17. Page 28, line 7 to page 30, line 10—strike.

18. Page 31, line 13—change period to comma and add "as determined pursuant to subsection (a) of this section".

19. Page 31, line 17—strike all after "agencies" through "section 302;" on page 31, line 20.

20 Page 33, line 19—strike and insert in lieu "by June 30, 1975, shall".

Page 33, line 19—strike "The following" and insert "1976" after "fiscal year".

Page 33, line 20—strike and insert in lieu "eligible by June 30, 1976".

Page 33, line 21—strike "The following".

Page 33, line 22—insert "1977" after "Fiscal year" and strike "Seven years from the".

Page 33, line 23—strike "date of enactment of that act" and insert in lieu "June 30, 1977".

Page 33, line 24—strike "The following" and add, "1978" after "Fiscal Year".

24. Pages 34 and 35—subsections (d) and (e) should be similarly amended.

21. Page 36, line 9—change "ninety" to "fifty".

Page 36, line 10—add a period after "programs".

Page 36, lines 11–14—strike.

22. Page 36, line 19—after "need," add "extent of coastal zone,".

23. Page 38, line 19—change "$100,—" to "$20,—". P. 38, line 20 strike "annually" and insert "in each of fiscal years 1973–1977".

NATIONAL WILDLIFE REFUGES WHICH WOULD BE AFFECTED BY § 404 OF H.R. 7211 (COMMITTEE PRINT, MAY 9, 1972)

Alaska

Hazen Bay Migratory Bird Refuge, $6,800.

Aleutian Islands Bird Refuge, $2,720,426.

Bering Sea Bird Refuge, $41,113.

Cape Newenka Bird Refuge, $265,000.

Semidi Bird Refuge, $8,422.

Tuxedui Bird Refuge, $6,439.

Kenai Big Game Range, $1,730,000.

Kodiac Big Game Range, $1,815,000.

Nunivak Big Game Range, $1,109,347.

Simeonof Big Game Range, $10,442.

Arctic National Wildlife Range, $8,894,624.

Clarence Rhode Wildlife Range, $2,887,005.

Izembek Wildlife Range, $320,000.

Total $19,814,618.

Arizona

Havasu Migratory Bird Refuge, $22,109.

Imperial Migratory Bird Refuge, $16,501.

Cabeza Prieta Game Range, $860,000.

Koya Game Range, $660,000.

Gila River Coordination Area, $6,896.

Total $1,565,506.

California

Imperial Migratory Bird Refuge, $6,309.

Salton Sea Migratory Bird Refuge, $23,424.

Total $29,733.

Colorado

Brown's Park Migratory Bird Refuge, $6,794.

Total $6,794.

Idaho

Deer Flat Migratory Bird Refuge, $11,276.

Minidoka Migratory Bird Refuge, $24,363.

Total $35,539.

Louisiana

Breton Migratory Bird Refuge, $9,047.

Total $9,047.

Montana

Benton Lake Migratory Bird Refuge, $12,234.

Bowdon Migratory Bird Refuge, $11,936.

Red Rock Lakes Migratory Bird Refuge, $7,265.

U.L. Bend Migratory Bird Refuge, $36,575.

Charles M. Russel Migratory Bird Refuge, $736,505.

Total $804,515.

Nebraska

North Platte Migratory Bird Refuge, $5,047.

Fort Niobrara Big Game Range, $14,389.

Total $19,436.

Nevada

Fallon Migratory Bird Refuge, $17,901.

Ruby Lake Migratory Bird, $7,438.

Sheldon Antelope Big Game Range, $552,043.

Desert N.W. Range, $1,588,055.

Total $2,165,437.

New Mexico

Bitter Lake Migratory Bird Refuge, $12,395.

San Andres Big Game Range, $57,215.

Total $69,610.

Oklahoma

Salt Plains Migratory Bird Refuge, $19,314.

Wicheta Mountain Big Game Range, $58,492.

Total $77,806.

Oregon

Malheur Big Game Range, $57,864.

Hart Mountain Big Game Range, $182,925.

Summer Lake Big Game Range, $7,127.

Total $247,916.

Utah

Fish Springs Migratory Bird Refuge, $14,217.

Total $14,217.

Washington

Columbia Migratory Bird Refuge, $12,365.

Little Pend Oreille Big Game Range, $8,591.

Lenore Coordination Area, $6,000.

Total $26,956.

Wyoming

Zeedskadee Migratory Bird Refuge, $7,406.

Pathfinder Migratory Bird Refuge, $13,795.

Total $21,201.

Total 15 States $24,908,331.

UNITS OF THE NATIONAL PARK SYSTEM WHICH WOULD BE AFFECTED BY COMMITTEE PRINT DATED MAY 9, 1972, OF H.R. 7211.

Alaska

Glacier Bay National Monument, $2,803,586.

Katmai National Monument, $2,792,137.

Total $5,595,723.

Arizona

Chiricahua National Monument, $10,645.

Grand Canyon National Monument, $193,019.

Marble Canyon National Monument, $25,962.

Organ Pipe Cactus National Monument, $328,691.

Saquaro National Monument, $77,122.

Wupatki National Monument, $35,232.

Total $670,671.

California

Channel Islands National Monument, $18,166.

Craters of the Moon National Monument, $53,545.

Death Valley National Monument, $1,883,082.

Joshua Tree National Monument, $513,396.

Lava Beds National Monument, $46,238.

Pinnacles National Monument, $14,177.

Total $2,528,604.

Colorado

Black Canyon of the Guanison National Monument, $13,317.

Colorado National Monument, $17,311.

Great Sand Dunes National Monument, $35,529.

Total $66,157.

Florida

Fort Jefferson National Monument, $47,125.

Total $47,125.

Georgia

Fort Pulaski National Monument, $5,356.

Total $5,356.

New Mexico

White Sands National Monument, $140,247.

Chaco Canyon National Monument, $20,989.

Bandlier National Monument, $29,661.

Total $190,897.

Utah

Cedar Breaks National Monument, $6,154.

Dinosaur National Monument, $198,615.

Natural Bridges National Monument, $7,126.

Total $211,895.

Total 8 States, $9,316,428.

AUTHORIZATIONS APPLICABLE TO ACQUISITION, DEVELOPMENT, AND MANAGEMENT OF THE NATIONAL PARK SYSTEM WITHOUT SPECIFIC APPROPRIATION LIMITATIONS

GENERAL AUTHORITIES

1. Act of August 8, 1953 (67 Stat. 495), as amended (16 U.S.C. 1b-d), providing for emergency assistance, erection and maintenance of utility facilities, transportation of employees, utility services for concessioners, supplies and rental of equipment, contracts for utility facilities, rights-of-way, operation and maintenance of motor and other equipment.

2. Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4), authorizing supervision and management of national parks and monuments.

3. Act of May 10, 1926 (44 Stat. 491; 16 U.S.C. 11), authorizing contracts for medical attention for employees.

4. Act of July 3, 1926 (44 Stat. 900; 16 U.S.C. 12, 13), authorizing aid to visitors and employees in emergencies.

5. Act of May 10, 1939 (53 Stat. 729; 16 U.S.C. 14a), authorizing appropriations for printing signs.

6. Act of June 28, 1941 (55 Stat. 350; 16 U.S.C. 14c), authorizing appropriations for preparation and recording of title evidence.

7. Act of March 7, 1928 (45 Stat. 238; 16 U.S.C. 15), authorizing purchase of waterproof footwear.

8. Act of April 18, 1930 (46 Stat. 219; 16 U.S.C. 16), authorizing provision of central warehouses.

9. Act of May 26, 1930 (46 Stat. 381; 16 U.S.C. 17, a–j), authorizing purchase of equipment and supplies, services and accommodations for public, procurement of supplies, materials, and services in emergencies for permittees, care and removal of indigents, reimbursement for lost or destroyed equipment, hire of animals and property of employees, travelling expenses of employees, expenses for attendance of meetings.

10. Act of August 7, 1946 (60 Stat. 885; 16 U.S.C. 17j–2), authorizing appropriations for certain federally owned lands and roads, administration of areas devoted to recreational use pursuant to cooperative agreements, local transportation and subsistence for cooperators, administration of C&O Canal, educational lectures, travel expenses, establishment of water rights, rights-of-way of water line partly outside boundaries of Mesa Verde National Park, telephone service.

11. Act of June 23, 1936 (49 Stat. 1894; 16 U.S.C. 17k), authorizing study of park and recreational programs.

12. Act of July 1, 1955 (69 Stat. 242; 16 U.S.C. 18f), authorizing acquisition and loan of museum objects.

13. Act of August 18, 1970 (84 Stat. 825),

authorizing transportation of employees to isolated areas, recreation facilities, appointment of advisory committees, purchase of specialized equipment, provide for sale or lease of services, resources, or water, acquire air-conditioning units for vehicles, sell products and services from living exhibits.

14. Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), authorizing the President to establish national monuments.

15. Act of August 21, 1935 (49 Stat. 666), as amended (16 U.S.C. 461–467), authorizing survey, acquisition, preservation, administration of historic sites, and establishing Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

SPECIFIC AREA LEGISLATION

1. Act of March 1, 1872 (17 Stat. 32)—Yellowstone NP.
2. Act of September 25, 1890 (26 Stat. 478)—Sequoia NP.
3. Act of February 7, 1905 (33 Stat. 702)—Yosemite NP.
4. Act of March 4, 1940 (54 Stat. 41)—Kings Canyon NP.
5. Act of March 2, 1899 (30 Stat. 993)—Mount Rainier NP.
6. Act of June 29, 1906 (34 Stat. 616)—Mesa Verde NP.
7. Act of March 28, 1958 (72 Stat. 69)—Petrified Forest NP.
8. Act of May 22, 1902 (32 Stat. 202)—Crater Lake NP.
9. Act of January 9, 1903 (32 Stat. 765)—Wind Cave NP.
10. Act of July 1, 1902 (32 Stat. 655)—Platt NP.
11. Act of June 20, 1935 (49 Stat. 393)—Big Bend NP.
12. Act of June 1, 1938 (52 Stat. 608)—Saratoga NHP.
13. Act of May 11, 1910 (36 Stat. 354)—Glacier NP.
14. Act of January 26, 1915 (39 Stat. 798)—Rocky Mtn. NP.
15. Act of August 9, 1916 (39 Stat. 442)—Lassen Volcanic NP.
16. Act of February 26, 1919 (40 Stat. 1175)—Grand Canyon NP.
17. Act of August 10, 1939 (53 Stat. 1342)—Chalmette NHP.
18. Act of April 25, 1947 (61 Stat. 52)—Theodore Roosevelt NHP.
19. Act of June 29, 1938 (52 Stat. 1241)—Olympic NP.
20. Act of June 11, 1940 (54 Stat. 262)—Cumberland Gap NHP.
21. Act of February 26, 1919 (40 Stat. 1178)—Acadia NP.
22. Act of November 19, 1919 (41 Stat. 356)—Zion NP.
23. Act of February 26, 1917 (39 Stat. 938)—Mount McKinley NP.
24. Act of March 4, 1921 (41 Stat. 1407)—Hot Springs NP.
25. Act of August 1, 1916 (39 Stat. 432)—Hawaii Volcanoes NP & Haleakala NP.
26. Act of July 26, 1955 (69 Stat. 376)—City of Refuge NHP.
27. Act of August 2, 1956 (70 Stat. 940), as amended—Virgin Islands NP.
28. Act of June 7, 1924 (43 Stat. 593)—Bryce Canyon NP.
29. Act of September 14, 1950 (64 Stat. 849)—Grand Teton NP.
30. Act of May 14, 1930 (46 Stat. 279)—Carlsbad Caverns NP.
31. Act of June 2, 1926 (44 Stat. 686)—Moores Creek NMP.
32. Act of July 25, 1956 (70 Stat. 651)—Horseshoe Bend NMP.
33. Act of June 2, 1936 (49 Stat. 1393)—Perrys Victory N. Mem.
34. Act of June 29, 1936 (49 Stat. 2028)—Whitman Mission NM.
35. Act of March 3, 1925 (43 Stat. 1109)—Mount McHenry NM.
36. Act of February 14, 1931 (46 Stat. 1161)—Canyon de Chelly NM.
37. Act of August 25, 1937 (50 Stat. 804)—Pipestone NM.
38. Act of June 14, 1934 (48 Stat. 958)—Ocmulgee NM.
39. Act of August 21, 1935 (49 Stat. 665)—Fort Stanwix NM.
40. Act of August 29, 1935 (49 Stat 958)—Andrew Johnson NM.
41. Act of August 27, 1935 (49 Stat. 897)—Ackia Battleground NM.
42. Act of March 19, 1936 (49 Stat. 1184)—Homestead NM.
43. Act of June 30, 1961 (75 Stat. 197)—Joshua Tree NM.
44. Act of May 18, 1938 (52 Stat. 407)—Natchez Trace Pkwy.

DEPARTMENT OF THE INTERIOR—BUREAU OF SPORT FISHERIES AND WILDLIFE

LEGISLATIVE AUTHORITY FOR MANAGEMENT AND DEVELOPMENT OF REFUGE LANDS, HATCHERIES, AND RESEARCH FACILITIES

It is estimated in the President's budget for 1973 that the following amounts will be expended on public lands controlled by the Bureau.

a. Management and investigations of resources: $50.7 million.

b. Construction: $6.2 million.

The estimates were derived by computing the amounts budgeted separately for operations and development of hatcheries, wildlife refuges, fishery and wildlife research stations.

Following is a listing of Congressional acts that empower the Secretary of the Interior to expend appropriated funds for management and development of public lands that were acquired through established acquisition procedures.

1. Migratory Bird Conservation Act. (16 U.S.C. 715k).
2. Fish and Wildlife Act of 1956. (16 U.S.C. 742j).
3. Recreational Use of Conservation Areas Act. (16 U.S.C. 460k–4).
4. Soil Conservation and Domestic Allotment Act. (16 U.S.C. 590f).
5. Fish and Wildlife Coordination Act. (16 U.S.C. 666).
6. National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee.)

AID FOR FIREMEN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ASPIN. Mr. Speaker, I have recently introduced a bill which I think is vitally important for our Nation's firemen. This bill would exempt the first $5,000 of a fireman's gross income from the Federal income tax.

The purpose of this measure is to aid in the recruitment of firemen at a time when local governments are having an increasingly difficult time raising tax revenue for higher firemen's salaries. Thus, this measure is a form of revenue-sharing whereby communities with the greatest need in the area of fire protection would find it easier to attract firemen to their communities.

Mr. Speaker, our Nation's firemen routinely perform heroic and dangerous work for our local communities. I hope this bill will be passed by Congress so that we can enact this measure without delay.

UNION CARBIDE CORP. SPONSORS HIGH SCHOOL STUDENT FOR CONGRESSIONAL SEMINAR OF WASHINGTON WORKSHOPS FOUNDATION

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. MILLER of Ohio. Mr. Speaker, a young constituent of mine, Miss Jeanette Williams of Caldwell, Ohio, is studying here in Washington this week in the fifth annual series of the Washington Workshops Congressional Seminar. Jeanette, who just completed her senior year at Shenandoah High School, has maintained a marvelous academic and extracurricular record during her high school years.

I am especially happy to welcome Jeanette to Washington for her participation in the fine and effective Washington Workshops seminar program for high school students. Jeanette's participation has been made possible by a scholarship grant under a splendid citizenship education program sponsored by the Union Carbide Corp. Each year this company recognizes outstanding merit and ability in a young person from each of their plant communities across the Nation. These students, chosen by their teachers and principals, are then presented with a full scholarship to attend the Washington Workshops seminars in American government. I can think of no finer way for a large corporation to demonstrate its interest in the youth of the Nation and a commitment to the continued strength and well-being of our great Nation.

Mr. Speaker, my congratulations are extended to Miss Jeanette Williams and the Union Carbide Corp. for their true and positive involvement in the process and better understanding of our American government.

SENATE—*Thursday, June 29, 1972*

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by Hon. PHILIP A. HART, a Senator from the State of Michigan.

SILENT PRAYER

The PRESIDING OFFICER (Mr. HART). This morning we shall open with a moment of silent prayer.

The Senate stood in silence.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the

Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 29, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PHILIP A. HART, a Senator from the State of Michigan, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HART thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, June 28, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

COMMISSION ON CIVIL RIGHTS

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

The legislative clerk read the nomination of John A. Buggs, of Maryland, to be Staff Director for the Commission on Civil Rights.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. TARIFF COMMISSION

The legislative clerk read the nomination of Italo H. Ablondi, of New York, to be a member of the U.S. Tariff Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LICENSING OF PERSONNEL ON CERTAIN VESSELS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 885, H.R. 6479.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read the bill, as follows:

> A bill (H.R. 6479) to provide for the licensing of personnel on certain vessels.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 2, line 16, after the word "of", strike out "emergency." " and insert "emergency.";
and, after line 17, insert:

> "(3) Paragraph 2 of this subsection shall not apply to towing vessels of less than two hundred gross tons engaged in a service or preparing or intending to immediately engage in a service to the offshore oil and mineral exploitation industry, including construction for such industry, where the vessels involved would have as their ultimate destination or last point of departure offshore oil and mineral exploitation sites or equipment."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–926), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to promote safe navigation by requiring that, while underway, certain towing vessels shall be under the direction and control of persons licensed under regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. In addition, the bill requires the Secretary of Transportation to conduct a study and to submit to the Congress a report thereon, together with any legislative recommendations, concerning the need for engineers on such vessels.

BACKGROUND AND NEED FOR THE LEGISLATION

Section 4427 of the Revised Statutes provides for the inspection of tugboats, towing boats, and freight boats, and with respect to officers navigating such vessels, that such officers must be licensed. Although the language of the statute is in broad terms, it has been interpreted, since its inception, as applying only to steam-propelled vessels. Through the years, this type of propulsion plant for towing vessels has gradually been superseded by motor-driven plants. By 1969, the number of documented motor-propelled towing vessels was 5,856 and those propelled by steam numbered only 27. Of the towing vessels listed as motor propelled, only 35 were subject to the general requirements of marine inspection laws, these latter under provisions of law applicable to seagoing motor vessels of 300 gross tons or more.

This situation obviously has serious implications for towing vessel safety. The U.S. Coast Guard, the National Transportation Safety Board, and important segments of labor and management in the industry itself have all made persuasive arguments that licensing of those charged with control of a towboat is urgently needed. The National Transportation Safety Board has recommended enactment of legislation requiring the licensing of towing vessel operators in eight separate reports (see Departmental Reports). It seems clear that such legislation is long overdue.

GENERAL STATEMENT

Section 1 of H.R. 6479 would add a new subsection to Revised Statutes 4277, which will require an uninspected towing vessel, while underway, to be under the actual direction and control of a person licensed for that purpose by the Secretary of the Department in which the Coast Guard is operating. The license would be issued for operation in a particular geographic area, by type of vessel, under regulations prescribed by the Secretary.

The uninspected vessels to be covered by the legislation are those not otherwise required by law to have a valid certificate of inspection issued by the Secretary or his delegate. The licensing requirements will apply only to those vessels which are documented to perform commercial service as a towing vessel and will not apply to those vessels which are documented solely for other services or are not required to be documented. The vessels covered are those which perform towing services as a business and the bill does not cover vessels towing in an emergency or on an intermittent basis, not directly connected with the service for which the vessel may have been documented. Excluded from coverage would be, for instance, work boats which are used to move dredging equipment for short distances at the dredging site or vessels which would assist other vessels by undertaking to tow them in emergencies. As to size, only those towing vessels measuring 26 feet or more over the deck excluding sheer are covered under the bill.

The "particular geographic area" referred to in the regulatory authority of the Secretary is intended to coincide with areas of applicability of the differing sets of nautical rules of the road, for example, inland rules, Great Lakes rules, western river rules and international rules. Licenses to be issued should be as broad in area coverage as practicable and examinations to be given should insure an adequate knowledge of each set of nautical rules of the road for the area to which the license applies. It is further intended that, where appropriate and at the request of the potential licensee, the license may be restricted to one or more geographical areas for which the individual desires to limit the scope of his license and therefore his examination. Finally, it is intended that the examination given may, under appropriate circumstances, be oral rather than written, in order to accommodate individuals, particularly those who will have been serving as towboat operators prior to the effective date of the licensing regulations, who, for any reason, may request an oral, in lieu of a written examination.

The phrase "type of vessel" refers to those vessels covered by the bill and envisions that the Coast Guard, where appropriate, might endorse a license issued under other provisions of law to authorize the operation of vessels covered by this legislation.

The committee is aware that some States, such as New Hampshire, have enacted pilotage laws applicable to U.S. towing vessels sailing under registry or foreign towing vessels. These State laws appear to complement the objectives of H.R. 6479 and therefore there is no intent to either displace or preempt such State laws by this legislation. It is expected that where such State laws exist the Secretary will coordinate respective Federal and State activities in this regard.

As an additional measure of safety, the bill prohibits any person licensed under its provisions from the performance of duty under that license if, by so doing, he exceeds a total of 12 hours of work, in any consecutive 24-hour period. This restriction does not apply to a situation where the individual covered has not been in a duty, or work, status for the 12-hour period, but has instead, for a part of the period, been aboard the vessel without being in any duty or work status, awaiting an appropriate time, such as a change of tide, to commence the towing operation. Nor is this restriction intended to relax any other more stringent requirement of law, relating to work limitations, applicable to vessels covered by this legislation.

Section 2 of the bill provides that the Secretary of Transportation shall conduct a study on the need for engineers aboard such vessels. It is intended that the study will include an analysis of casualties to determine whether a requirement for engineering personnel would improve the safety record of those vessels. The bill further directs the Secretary to submit the results of that study and any legislative recommendations not later than 10 months after the enactment of this legislation.

Section 3 of the bill establishes the effective date for the requirement as to operators' licenses, as January 1, 1972, or the first day of the sixth month which begins after the month in which the authorized regulations are promulgated in final form, whichever date is later.

EXPLANATION OF AMENDMENT

The committee adopted a single amendment to the bill. A new paragraph (b)(3) was added exempting certain vessels engaged in servicing the offshore oil and mineral exploitation industry, primarily in the Gulf of Mexico. These vessels differ substantially in their operations from the inland water towboats at which the bill is primarily directed. They operate in waters having relatively little vessel congestion and under special procedures which would make the requirements of the legislation unduly burdensome. Frequently, these vessels operate in foreign waters servicing the growing offshore oil exploitation industries of other nations and the requirements of the legislation might tend to disadvantage them competitively vis-a-vis foreign operators not subject to the requirement. Finally, it was noted that the Coast Guard is conducting a special study of these offshore operations and that, therefore, legislation at this time would be inappropriate.

COST OF THE LEGISLATION

The committee estimates the cost of the legislation as follows:

Current fiscal year, No cost.

Fiscal year 1973, $375,000 including $75,000 for the study required by sec. 2 of the bill.

Fiscal year 1974–77, $300,000 annually.

Total cost for current year plus 5 ensuing fiscal years, $1,575,000.

There was no departmental or agency cost estimate submitted to the committee.

CONCLUSION

The committee unanimously ordered the bill, as amended, favorably reported. Its enactment and implementation should make a substantial contribution toward improving towing vessel safety.

TRIBUTE TO SENATOR MANSFIELD AND THE LEADERSHIP

Mr. SCOTT. Mr. President, I rise this morning simply to say, on behalf of the whole Senate, that we are delighted to see the distinguished majority leader back after a few days' absence, and we hope he is entirely recovered. We are glad to see him looking so well. We are also glad that we are near the end of this part of the session, so that we can all have a well-earned recess and rest.

I think that had we been planning to remain in session longer than the next few days, all of us would have joined in urging the distinguished majority leader not to come back, in his own interest, so that he could have more rest from all of his extremely onerous duties. But we are delighted that he is here. He works harder than any one of us. He works longer than any one of us. He gets up while it is still dark. So we do appreciate the burdens that this position puts on him, and we are all very fond of him. We do not want him to take it too vigorously. I am very glad that he is here, and I am sure, also that we are glad the rest of this part of the session will be brief.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. Mr. President, may I add my compliments to the majority leader and my expression of appreciation to those expressions that have been made by the distinguished Republican leader for the fact that the majority leader is back. He has been missed. While they say there is no place like home, may I say that home is not the same place without MIKE MANSFIELD. I am glad he is back.

Mr. SCOTT. I think all of us will have to behave well, now, for the next few days so as not to add to the majority leader's burdens.

The ACTING PRESIDENT pro tempore. The Senate can do anything by unanimous consent, so, without objection, the Chair would like to join in the remarks of his colleagues.

Mr. GRIFFIN. Mr. President, if the Chair will permit me a word, I wish to join in welcoming back the distinguished majority leader. Indeed, I might say that we are glad to have both leaders back after short periods away from the Senate. While the Senate has missed the distinguished majority leader, we have been fortunate during his absence to have been ably served by the acting majority leader, the Senator from West Virginia.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. SYMINGTON) is recognized for not to exceed 15 minutes.

Mr. SYMINGTON. I thank the Chair.

Mr. President, I join my colleagues in welcoming back the majority leader. We are all glad to see him this morning. Also, I want to commend the acting majority leader for the fine job he has been doing in recent days.

CONTINUING EXECUTIVE BRANCH DENIAL OF ESSENTIAL INFORMATION TO THE GENERAL ACCOUNTING OFFICE

Mr. SYMINGTON. Mr. President, the subject of my discussion is the continuing executive branch denial of essential information to the General Accounting Office.

The right of Congress to know, indeed, the responsibility and duty of Congress to obtain all information essential to any decision on its part, rests in large part on the fundamental power of the legislative branch—the power of the purse; and so as to properly exercise that power, it is only logical for the Congress to obtain reliable information upon which to make its judgment.

The executive branch must, of necessity, be the source of much of such information.

Many of us have expressed mounting concern, however, over the steady erosion of the constitutional authority of the Congress; an erosion which, in large part, has risen because of the control exercised by the executive branch over any information; and hearings held during the last year by various committees have brought this problem into sharp focus.

It is a fact that today the only Federal investigative agency created primarily to help the Congress perform its work with adequate knowledge, the General Accounting Office, now shares with the Congress and its committees the frustration of being denied by the executive branch that information necessary to perform its assigned duties.

Despite the clear statutory right of access to the records of the executive branch, in the Budget and Accounting Act of 1921—and also in subsequent statutes—in recent years the General Accounting Office has continually met claims of secrecy and privilege from the executive in its efforts to obtain needed and proper information for its own review and for the Congress.

During the last few weeks, this issue has been underscored by the refusal of the Emergency Loan Guarantee Board to permit the General Accounting Office to review its records. This Guarantee Board was established by Public Law 92–70 in order to make guarantees, or commitments to guarantee lenders against the loss of principal or/and interest on loans to major business enterprises if in the Board's opinion the failure of such an enterprise would adversely affect the national economy or/and employment.

The sole beneficiary—borrower—under this law has been the Lockheed Aircraft Co.

In testimony before the Senate Banking and Currency Committee, the Comptroller General reported that the General Accounting Office had received from Lockheed, in proper fashion, all the material requested; but also reported that the records of the Guarantee Board, which concern information on which the Board relied in approving this $250 million loan guarantee for Lockheed, have not been made available.

There are a number of limits and conditions relative to the Board's authority to guarantee loans as set out in the Emergency Loan Guarantee Act. These include a requirement of Board finding that credit is not otherwise available under reasonable terms or conditions; also that the prospective earning power of the borrower, in addition to his pledged security, furnish reasonable assurance of ability to repay the loan within the time fixed, with reasonable protection to the Federal Government.

The General Accounting Office is convinced that it has both the responsibility and the authority to review the activities of the Guarantee Board, and that this review should include decisions of the Board in approving, executing, and administering any loan guaranteed by the Board. Let us remind ourselves that any such loan, in actuality, is guaranteed by the taxpayers of the United States.

The Guarantee Board, however, asserts that nothing in the Emergency Loan Guarantee Act, or in the legislative history, provides for a GAO review of all Board activities; and assert also that the Congress should pass additional legislation to make it clear that the GAO has this authority.

The main thrust of the Board's position is that the congressional review of loan guarantee matters is carefully spelled out in the Guarantee Act; that the General Accounting Office is directed to audit the borrower only, thereupon reporting its findings to the Congress; also that the Board itself is directed to make a full report of its operations to the Congress.

This Guarantee Board, through its Chairman, the Secretary of the Treasury, has concluded that it was not the intent of the Congress, when establishing said Board, to grant GAO either the authority to review the Board's activities or to have access to the Board's records.

It is the position of the General Accounting Office, as an agency of the Government, that the Board is clearly subject to audit examination by GAO; also that, under GAO's basic authorities, the records of the Board are required to be made available. Those authorities are section 312 of the Budget and Accounting Act, 1921 (31 U.S.C. 53); section 206 of the Legislative Reorganization Act of 1946 (31 U.S.C. 60); subsections 117 (a) and (b) of the Accounting and Auditing Act of 1950 (31 U.S.C. 67 (a) and (b)); and section 204 of the Legislative Reorganization Act of 1970 (Public Law 91-510).

Under these basic authorities, GAO states it is certain that it has the responsibility for auditing the activities of the Board, with the right of access to such information and documents as the Board uses in reaching its decisions.

Further, it is the view of the GAO that neither the failure to spell out explicitly that GAO has such responsibility and access, nor even the fact that under Public Law 92-70 GAO was given explicit authority to audit the borrower, diminishes in any way the basic audit authorities that it has been customary to rely upon.

If the position of the Guarantee Board were correct, in all future legislation Congress would be required to state specifically, in each and every case where a new Government entity is created, that GAO had the right to examine the records and review the operations of the agency in question, an agency whose efficient performance is often vital for the Congress to know about prior to additional commitment of the taxpayer's money.

In establishing the broad basic authorities of the General Accounting Office, Congress expected that no further legislative action would be necessary to achieve this purpose; indeed, to our knowledge Congress has never before been requested to restate for each new agency the right of GAO to examine and audit the records of that agency.

Let us hope that the Treasury Department will now reexamine the stated and novel position taken by this Guarantee Board, and will heed the recent request of the Senate Banking and Currency Committee, which committee, in view of the controversial nature of the Lockheed loan, and the size of the financial commitment of the Federal Government in this case, has urged the Board to cooperate with GAO by making its records available.

Unfortunately, this denial of access by the Emergency Board is not an isolated incident. In various other areas GAO has experienced repeated and increasing difficulties over its request for access to records.

The problems of the General Accounting Office over such access for the most part first attended its mid-1950's efforts—which were successful—to expand and accelerate its audits in the military establishment and other Federal departments and agencies. More pressing, however, and, therefore, of immediate concern, are the current refusals, denials, and delays being encountered by this agency.

The GAO has often been called the watchdog of the Congress. It would now appear that the executive branch desires this watchdog to be not only toothless, but blindfolded.

The present denials of information to the GAO involve both the State Department and the Department of Defense, and have to do with our relations with foreign countries also various activities of the Treasury Department and the Federal Deposit Insurance Corporation.

A compendium of the difficulties that the GAO has experienced with the executive branch agencies is contained in the May 16, 1972, testimony of the Deputy Comptroller General, Robert F. Keller, before the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee. Reading of this testimony by any Member of Congress can only leave the Member in question with a sense of indignation, because the denials and long delay in the production of executive branch documents to GAO is tantamount to a refusal to give such information to Congress.

The GAO has as one of its major functions the systematic and periodic review of Government operations, and the reporting to Congress on the results of said reviews; and in order to perform this function, GAO has been given, in clear statutory language, the right of access to executive branch records.

Nevertheless, the efforts of this agency to that end on behalf of the Congress have been, on a recurrent basis, hampered, delayed, sometimes even partially thwarted, by various executive agencies, particularly the Departments of State and Defense.

Let me highlight some of the points made in the recent testimony by the Deputy Comptroller General.

On August 30, 1971, the President invoked executive privilege to withhold certain information which had been requested by the Senate Foreign Relations Committee, information which concerned the military assistance program, because the President determined it would not be in the public interest to provide the Congress with the basic planning data incident to military assistance.

The President thereupon directed the Secretary of State and the Secretary of Defense not to make available to the Congress any internal working documents which would disclose tentative planning data of the military assistance program for future years, when said program was not an approved executive branch position.

Subsequently, March 15, 1972, the President again invoked Executive privilege. By memorandum he directed the Secretary of State and the Director, U.S. Information Agency, not to make available to the Congress any internal working documents which concerned the foreign assistance program, or any international information activities which would disclose tentative planning data.

The ACTING PRESIDENT pro tempore. The 15 minutes allotted to the Senator from Missouri have expired.

Mr. ROBERT C. BYRD. Mr. President, I have a 15-minute order. I yield that time to the Senator from Missouri, and I ask unanimous consent that the time with respect to the OEO bill begin running at the close of the 30 minutes allotted to the Senator from Missouri and to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. I thank the assistant majority leader.

Mr. President, in both cases, according to the Deputy Comptroller General, these invokings of executive privilege resulted in making it "increasingly difficult" for the GAO to obtain access to documents they felt were needed for proper audit. Mr. Keller stated that this action "seriously interfered with the performance of our responsibilities."

The most serious interference, however, comes from restraints which have been placed upon officials of various United States agencies. These restrictions increasingly require the representative of these agencies abroad to refer to Washington for clearance before making documents available to the General Accounting Office.

Although generally no outright refusals take place in such cases, the practical effect of interminable delays is often indistinguishable from flat denial.

In addition to the unnecessary cost and time waste such action involves, there is the increased risk of the GAO making inaccurate reports to Congress because significant information was withheld.

The danger incident to GAO drawing conclusions based on practical information is obvious. As the lawyers say, partial truth is an evasion of truth.

INTERNATIONAL LENDING INSTITUTIONS

Beginning in the fall of 1970, the General Accounting Office undertook to study U.S. participation in international lending institutions—the World Bank, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank.

During its initial survey, and also in later reviews relating to specific institutions, the GAO encountered both difficulties, and long delays in obtaining information from the Treasury Department; in fact, the testimony states that the GAO was "refused access to several categories of documents by Treasury Department officials."

Without adequate, important and necessary information, how can the General Accounting Office assess, in any meaningful way the nature of U.S. participation in such bodies as the World Bank and the International Development Association?

As illustration of the problem GAO has been encountering at the Internal Revenue Service, one needs only to quote from the testimony last May 16 of the Deputy Comptroller General:

> GAO's review efforts at the Internal Revenue Service have been materially hampered, and in some cases terminated, because of the continued refusal by IRS to grant GAO access to records necessary to permit it to make an effective review of IRS operations and activities.
>
> Without access to necessary records, GAO cannot effectively evaluate the IRS administration of operations involving billions of dollars of annual gross revenue collections (about $192 billion in fiscal year 1971) and millions of dollars in appropriated funds (about $978 million in fiscal year 1971).
>
> Such an evaluation, we feel, would greatly assist the Congress in its review of IRS budget requests, and in its appraisal of IRS operations and activities.
>
> Without such access, the management of this very important and very large agency will not be subject to any meaningful independent audit.

This testimony, of course, referred also to the current situation with respect to the Emergency Loan Guarantee Board previously discussed; and a recurrent problem the GAO has with the Federal Deposit Insurance Corporation is set forth in the testimony.

One naturally is prone to ask, what can be the justification advanced by the executive branch for continuing to deny pertinent information to the Congress? The answer, to which I have already alluded, is summed up in the two words: Executive privilege.

The concept of this privilege derives from the constitutional doctrine of separation of powers. Apparently this administration interprets that doctrine as one which grants it the privilege of withholding information from the legislative, whenever and wherever the Executive believe such action is advisable.

Many articles, studies, and commentaries by lawyers, political scientists, and others have discussed executive privilege at length; and an excellent historical summary may be found in the Congressional Record for May 25, 1972, pages 19061–19063, in the reprint of testimony by Prof. Raoul Berger of the Harvard Law School.

While the courts have not given recognition, let alone approval, to this doctrine, its effect is evident almost daily, to those who are involved in the public life of this country.

In July and August of last year, the Senate Judiciary Subcommittee on Separation of Powers, under the able chairmanship of Senator Sam Ervin, held extended hearings on this subject. During those hearings I testified in support of S. 1125.

This bill, as amended, would require the delivery of information requested by committees and subcommittees of Congress—or by the GAO—unless the President himself signed a statement invoking executive privilege with respect to the information in question.

Failure to furnish either the information or a presidential statement, would result in a denial or cutoff of the funds of the agency involved.

The bill, S. 1125, constitutes but one of the many efforts made in recent years to find some workable solution to the growing problems caused by this continuing refusal of information which the Congress needs in order to exercise properly its constitutional authority in the authorization and appropriation process.

The experience of various congressional committees, as well as that of the General Accounting Office, confirms the fact that some practicable resolution of the growing constitutional tension resulting from the increasing use of this doctrine is needed now as never before. As Professor Berger prophesied:

> Until Congress faces up to the fact that the swelling tide of Executive Privilege claims can be stemmed only by decisive Congressional action, executive claims will continue to clog Congressional performance of vital functions.

Under our system of government with its separation of powers, reasoned and proper use of the powers of the three branches is essential. The position now being taken by the executive branch in continuing to refuse needed information to Congress and the GAO is both a cause and a symptom of the steady erosion of the authority of Congress; the result: a disproportionate emphasis on the power of the executive branch.

As presented in the beginning of this talk, the right of the Congress to know, indeed the responsibility and duty of Congress to obtain such information, rests in large part on the most fundamental power of the legislative branch—the power of the purse.

After some three decades in Government, it has now become clear to me that the steady increase in the authority of the executive branch over the legislative, accelerated during the last 10 years, can only be stemmed by congressional utilization of that power.

If we are to preserve the dignity of the Senate—more than that, if we are to preserve the authority assigned Congress by the Constitution—the time has come when we must say, "You will not have these funds made available for your use unless you give us the truth about why you are requesting them."

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 3010, which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be another quorum and that the quorum be without prejudice to the distinguished Senator from Kentucky (Mr. Cook), with no time charged against his allotment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1282

Mr. COOK. Mr. President, I call up my amendment No. 1282 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

> On page 102, strike out lines 17 through 23 inclusively, and insert in lieu thereof the following:
>
> (b) No part of the net earnings of the Corporation shall inure to the benefit of any private person.
>
> (c) The Corporation, and legal services programs assisted by the Corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the Corporation, and legal services programs assisted by the Corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky (Mr. Cook) is recognized for not to exceed 45 minutes.

Mr. COOK. Mr. President, at this time I am calling up my amendment No. 1282, dealing with the tax-exempt status of the Legal Service Corporation. I am also submitting to the Senate three new amendments which modify amendments that I had earlier submitted to the Senate on June 23.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from New York (Mr. Javits) be added as a cosponsor of amendment No. 1282 and the other three amendments presently at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COOK. The first of these three amendments deals with ongoing reviews of the Corporation's activities by the Office of Management and Budget and the Office of Economic Opportunity. It is a modification of my original amendment No. 1280.

The second amendment provides that the President of the United States shall appoint no less than three members of the five-man executive committee. This modifies my original amendment No. 1281.

The last amendment deals with the legislative advocacy activities of the Corporation's attorneys and modifies amendment No. 1284 dealing with that same subject.

Before going any further I wish to thank the distinguished Senator from Wisconsin (Mr. Nelson), the distinguished Senator from Minnesota (Mr. Mondale), the distinguished Senator from California (Mr. Cranston), and the distinguished Senator from New York (Mr. Javits) for their suggestions and cooperation in working out these compromise amendments. While I am not completely satisfied with what these amendments accomplish, I do believe they are the best we can obtain under the circumstances.

In regard to the amendments of tax exempt status and legislative advocacy or lobbying, I believe that we are about to breathe life into a legal entity to be separate and independent from Congress which will be entrusted with the responsibility of providing access for Americans, who could not otherwise afford it, to attorneys and courts to achieve an orderly resolution of conflict. Its resources will be limited and its cost borne by American taxpayers. These resources can easily be dissipated through their application to activities which individuals within the Corporation may decide to be necessary areas of involvement for the Corporation. By giving the Corporation clear direction through defining and circumscribing permissible areas of activity, these limited resources can be marshaled in the most effective manner possible.

When Congress expresses its will and circumscribes permissible areas of involvement, creative attorneys, rather than devising schemes of circumventing congressional mandates, should expand that effort on behalf of their clients in permissible areas.

Section 906(e) represents a less than adequate attempt at dealing with the question of lobbying activities by Corporation attorneys. This section provides that Corporation attorneys "who are not representing a client or group of clients refrain" from lobbying. Clearly, the converse of this section is that a Corporation attorney who represents any client is given an unfettered license to lobby.

I personally take offense at the inclusion of this section because the fallacious assumption in justification can only be that we as legislators are totally unaware of the problems confronting the poor, or even if these problems were to occur to us, we are so insensitive that only pressure in the form of Legal Services Corporation lobbying can force us to action.

Apart from this, I fail to understand what it is in the nature of lobbying which requires that this be done by Corporation attorneys who are being paid by the Federal Government. This is an unnecessary dilution of the services to be provided by the Corporation. Legal services are defined in this bill as legal advice, legal representation, legal research, and education concerning legal rights and responsibilities. Lobbying properly is not included in that definition.

This section is at best a very dangerous precedent for governmental subsidization of the private advocacy of particular ideas. I question the compatibility of the tax-exempt status conferred upon the Legal Services Corporation by this legislation with the unrestricted license to engage in legislative advocacy.

Other organizations, not funded by the Congress, engaging in similar activities would have a very questionable claim to tax-exempt status under the regulations of the Internal Revenue Code. Yet, title IX not only confers tax-exempt status on the Corporation, but also denies the right of the Commissioner and district directors of Internal Revenue to remove the tax exemption from the Corporation for engaging in activities that IRS would ordinarily deem impermissible. Certainly, this constitutes preferred treatment for a Government-chartered corporation publicly funded, in violation of our traditional inhibition against selective Government support.

In 1958 in the case of *Cammarano* v. *United States*—358 U.S. 498—the Supreme Court held that in computing Federal income tax, sums paid by taxpayers to an organization which in turn expend said funds in an extensive publicity campaign designed to persuade voters to cast their ballots against proposed State initiated legislation which would have seriously affected taxpayer's business, may not be deducted from gross income as "ordinary and necessary" business expenses of the Internal Revenue Code. The Court also upheld Treasury regulations which forbid the deduction of sums expended for the promotion or defeat of legislation. Briefly, two cases from two different circuits came to the Supreme Court and were combined. In one case, the petitioners who jointly owned a one-fourth partnership in a wholesale beer distributorship became members of, and paid dues to, the Washington Beer Wholesalers Association. The association established a trust fund as a repository for assessments collected from its members to help finance a statewide publicity program urging the defeat of certain legislation affecting the petitioners which was to be placed on the ballot as a referendum to be voted on in the general election. The petitioners attempted to deduct as a business expense funds paid to the assessment trust fund as their share of the partnership assessment. The district court ruled, and was affirmed by the court of appeals, that the payments made to the trust fund were expended for the defeat of the legislation within the meaning of the Treasury regulations and the Internal Revenue Code and were therefore not deductible as "ordinary and necessary" business expenses.

In the second case, the petitioners together with eight other Arkansas liquor wholesalers, organized the Arkansas Legal Control Associates, Inc., as a means of coordinating their efforts to persuade voters of Arkansas to vote against a proposed statewide prohibition initiative which was placed on the ballot to be voted on in the general election. The petitioner attempted to deduct his portiton of the contribution to the organization as a business expense. The tax court upheld the action of the commissioner in disallowing the deduction and the court of appeals unanimously affirmed.

In the Cammarano case, the Supreme Court pointed out that since 118 regulations promulgated by the commissioner under the Internal Revenue Code have continuously denied expenditures for the promotion or defeat of legislation as deductible from gross income. The Court also extended the provisions of an earlier case, *Textile Mills Securities* v. *Commissioner* (314 U.S. 326) by stating:

> We think that the Regulations must be construed to mean what they say—that not only lobbying expenses, but also sums spent for "the promotion or defeat of legislation, the exploitation of propaganda, including advertising" are nondeductible.

While this case is not to be cited and not to be to be construed as to be exactly on point with the present situation, the case is cited for the express reason of presenting the philosophical augment that the taxpayers should not subsidize even indirectly through the tax exempt mechanism the advocacy of any particular point of view. The Court further stated:

> Rather, it appears to us to express a determination by Congress that since purchased publicity can influence the fate of legislation which will affect, directly or indirectly, all in the community, everyone in the community should stand on the same footing as regards its purchase so far as the Treasury of the United States is concerned.

Furthermore the Court quoted Judge Learned Hand who said in a 1930 case—*Slee* v. *Commissioner*, 42 Fed 2d 184—that:

> Political agitation as such is outside the statute, however innocent the aim . . . Controversies of that sort must be conducted without public subvention; the Treasury stands aside from them.

I might add that Justice Douglas wrote a concurring opinion in which he said "deductions are a matter of grace not of right." Justice Douglas further said very eloquently:

> To hold that this item of expense must be allowed as a deduction would be to give impetus to the view favored in some quarters that First Amendment rights must be protected by tax exemptions. But that proposition savors of the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State. Such a notion runs counter to our decisions . . . and may indeed conflict with the underlying premise that a complete hands-off policy on the part of government is at times the only course consistent with First Amendment rights.

If the justification for the Corporation is to remove legal services attorneys from political influence, I see no merit in injecting them back into the political arena by allowing them to lobby.

Next I would like to address the question of review by the Office of Management and Budget and the Office of Economic Opportunity.

Mr. President, even with clear congressional guidance on parameters for legal services activity under the Corporation, much will depend on the diligence of the individuals and the system by which the Corporation is to be governed. Properly structuring the governance would be even more critical, if specific statutory rules and guidelines are absent.

A basic question remains: To whom shall the governing board of the Corporation be accountable? The answer is: Board members are accountable to the appointing authority.

It seems reasonable that, in a democratic nation, in a program almost totally supported by tax dollars, those who will control a multimillion-dollar program, with board authority and thousands of employees, should be primarily accountable and responsible to elected representatives of the people.

Yet, it is proposed that nine of 19 board members primarily owe their appointments not to the executive and legislative branches of the Government, but to private groups and individuals receiving funds from or employed under legal services. These nine will owe their loyalty, not to the public, but to those private persons and organizations which arranged their appointments.

This problem combined with section 913, which prohibits any Federal control over the Corporation and its activities gives me cause for great concern. I believe we must have some review of the Corporation's activities.

My amendment to section 913 would provide for continued review of the Corporation by the Office of Economic Opportunity and the Office of Management and Budget to insure adherence to the guidelines enacted by the Congress.

This amendment does not give the Director of OEO or OMB veto power over specific actions of the Corporation, but merely provides for ongoing review of its programs and actions. I do not believe this amendment to be unreasonable, or heavy handed. I believe it will provide the focus on problems that is necessary for Congress to review and take appropriate action.

Furthermore, the amendment states that any such Office of Management and Budget or Office of Economic Opportunity review will not violate the code of professional responsibility and canons of ethics of the American Bar Association.

Last, Mr. President, is my amendment on the Executive Committee. This amendment merely insures that the President shall appoint a majority of the members of the Executive Committee. I think that we are all aware that in any corporation the Executive Committee is an extremely important unit. Its responsibilities can include the very important function of running the corporation on an almost day-to-day basis. In effect, the Executive Committee has the potential to act as the de facto, if not the de jure, board of directors. I believe this amendment to be just another device to insure the accountability of the Legal Services Corporation.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Kentucky has 4½ minutes remaining.

Mr. COOK. Mr. President, I yield the floor at this time.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. Is the Senator yielding himself time from the time of the Senator from Wisconsin?

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator from New York whatever time he requires on behalf of the Senator from Wisconsin.

Mr. JAVITS. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, we started out opposing the amendments of the Senator from Kentucky (Mr. Cook). We have ended up working them out in such a way as to represent, in our judgment, a constructive contribution to the bill. We are indebted to the Senator from Kentucky (Mr. Cook) for two things: First, his ideas, which are the basis for these amendments; and, second, his good will in terms of working out the problems, accepting a rather difficult time like this in which to place them before the Senate, because he did not know and neither did we, that we could work them out. He might have found himself embarrassed by the absence of Senators, and so forth. So on both counts he certainly met the high tradition we expect of Members of this body.

Taking the amendments in series, if I may, it is the view of the managers of the bill that the matter of applying for exemptions from the Internal Revenue Code to receive contributions put the Corporation at no disadvantage. There is no reason why it should not be subjected to the same tests that other recipients are subjected, because it is our purpose to make it a form of national legal aid society, and a national legal aid society, if it received contributions, would be subject to exactly those restraints, so we do not see that that is imposing anything unreasonable upon this Corporation.

The next amendment relates to the review of the corporation's activities by the Office of Management and Budget. We think that the matter as now modified—that is, to authorize review and comments is a reasonable qualification to the professional relationship.

We objected seriously to vesting in the Office of Management and Budget the power to take action as a super inspection agency, and the Senator from Kentucky (Mr. Cook) made that change at our request. Hence, I join him in the amendment.

The third amendment relates to members of the executive committee. The composition has been somewhat changed to give a majority to the President's members as it were; that is, the 10 of the 19 appointed by the President subject to confirmation by the Senate. We find this no great problem. Therefore, we left reorganization of the executive committee to reflect our fundamental purpose.

Mr. President, the final amendment deals with so-called lobbying concern. We have gone in that regard a good deal further than we wished to go, but we realize that assurance was necessary in light of the history of this agency in terms of legal services and the widespread complaints of many of the Members—even if not justified in many cases.

Efforts here have been made and many speeches have been made about curbing them. We believe that the amendment which we have worked out with the Senator from Kentucky goes a long way to meet those objections and worries and at the same time leaves the Corporation's activities with integrity for the purpose of representing the poor, as lawyers.

I wish to point out that we have provided for that part of relationship to the body of law which adheres in the functions of any private attorney. Indeed, private attorneys can lobby, too, in a general way, but we have restricted this Corporation somewhat, which is publicly financed, from that kind of activity.

Finally, of course, they are all subject to the code of professional responsibility and the canon of ethics of the American Bar Association.

So, Mr. President, again I state that it is a tribute to the public spirit of the Senator from Kentucky (Mr. Cook) and his desire to contribute rather than detract from this legislation that we have been able to work out these vexing problems in a manner which is satisfactory to the managers and satisfactory to the Senator from Kentucky (Mr. Cook).

The Senator from Wisconsin (Mr. Nelson) is now here. As for me, as manager on the part of the minority, these amendments are acceptable.

Mr. NELSON. Mr. President, the Senator from Kentucky and I have discussed these amendments, and the staff has worked on some of the details and some modifications. I agree with the explanation and the objective of the amendments as presented by the Senator from Kentucky, and with the comments made by the Senator from New York. There is no point in my repeating what has been said. The amendments are acceptable so far as I am concerned.

The PRESIDING OFFICER. Is all time yielded back?

Mr. COOK. Mr. President, I move the adoption of amendment No. 1282.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendments numbered 1282 (putting the question).

The amendments were agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 125, line 20, strike the word "nothing" and insert in lieu thereof the following:

"(a) Except as provided for in subsection (b) of this section, nothing."

On page 126, following line 4, add the following new subsection to proposed section 913:

"(b) Nothing in this section shall be construed as limiting the authority of the Office of Management and Budget or the Office of Economic Opportunity to initiate and to conclude necessary reviews respecting adherence to the provisions of this title, and to review and submit comments upon the Corporation's annual budget request at the time it is transmitted to the Congress.

"(c) The reviews of subsection (b) shall be conducted in accordance with the code of professional responsibility and canons of ethics of the American Bar Association governing the confidentiality of the attorney-client relationship."

Mr. COOK. Mr. President, I move the adoption of amendment No. 1280, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified (putting the question).

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The clerk will read the next amendment.

The legislative clerk proceeded to read the amendment on page 111.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 111, line --, strike out lines 4 through 10 inclusively, and insert in lieu thereof the following:

"(d) The board may establish an executive committee of five members of the board, which shall include the chairman of the board, and at least one director appointed pursuant to paragraph (2)(A) of section 904 (a) and one appointed pursuant to paragraph (2)(B) or (2)(C) of such section. Not less than three of the members of the executive committee shall be from among those members of the board appointed by the President pursuant to section 904(a)(1) of this title. The chairman of the board shall serve as the chairman of the executive committee. The chairman of the executive committee may designate another member of the executive committee to act in his absence."

Mr. COOK. Mr. President, I move the adoption of amendment No. 1281, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified (putting the question).

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The clerk will read the next amendment.

The legislative clerk proceeded to read the amendment on page 116.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 116, strike out lines 5 through 14 and insert in lieu thereof the following:

"(e)(1) The Corporation shall establish and publish procedures and guidelines to ensure that no funds or personnel made available by the Corporation shall be used to undertake to influence the passage or defeat of any proposed convention, constitutional amendment, code, statute, executive order, ordinance, regulation, rule, or similar enactment or promulgation considered in any form by any legislative body by representations to such body (or committee or member thereof) or any similar activity except where—

"(A) an attorney representing an eligible member of the client community is requested by such member to make such representation or undertake such activity and such representation or activity is carried out in a manner which does not identify the Corporation or any legal services program receiving assistance from the Corporation with such representation or activity;

"(B) personnel of the Corporation or any legal services program receiving financial assistance from the Corporation are requested by a legislative body (or committee or member thereof) to make such representation or undertake such activity.

"(2) Procedures and guidelines established by the Corporation under paragraph (1) of this subsection shall ensure that, where applicable, representations or activities permitted under that paragraph are undertaken in a manner which is consistent with the Code of Professional Responsibilities and Canons of Ethics of the American Bar Association."

"(3) No funds provided by the Corporation shall be utilized for."

Mr. COOK. Mr. President, I move the adoption of amendment No. 1284, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified (putting the question).

The amendment, as modified, was agreed to.

Mr. COOK. Mr. President, I wish again to extend my thanks to the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska (Mr. HRUSKA) is recognized to call up his motion.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Nebraska yield me just 1 minute?

Mr. HRUSKA. I yield.

Mr. ROBERT C. BYRD. Mr. President, I want to express appreciation to the distinguished Senator from Kentucky (Mr. COOK) both for the excellence of his ideas, which he has demonstrated in presenting these amendments, and also for the good will which he has shown toward the leadership on both sides in the effort to work out an agreement with respect not only to his amendments but also to the whole bill, and I personally appreciate his cooperation.

Mr. COOK. Mr. President, I thank the Senator from West Virginia.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time is the absence of a quorum being suggested?

Mr. HRUSKA. On my time.

The PRESIDING OFFICER. The clerk will proceed to call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT THE BILL TO COMMITTEE WITH INSTRUCTIONS

Mr. HRUSKA. Mr. President, I move that the pending measure, S. 3010, be committed to the Senate Committee on the Judiciary, with instructions to report it forthwith to the Senate after deleting therefrom its title IX.

The PRESIDING OFFICER. The question is on the motion.

How much time does the Senator yield himself?

Mr. HRUSKA. I yield myself 10 minutes.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Nebraska will have 1 hour and the Senator from Wisconsin will have 1 hour.

The Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise in support of my motion to commit S. 3010 to the Senate Committee on the Judiciary, with instructions to report same to the Senate forthwith, with title IX thereof deleted.

Approval of this motion will have no other effect upon the bill than to strike title IX, which seeks to create a Legal Services Corporation. The legal services program now in effect will continue as it now exists if this motion is adopted.

Title IX seeks to establish a national Legal Services Corporation. The declared aim of the Corporation is to provide necessary legal services for those who could not otherwise afford them. At least we are told that this is its aim. As written, however, the Corporation would create more havoc with our legal and political institutions and society's structure than it would create by way of reform or constructive results.

Let it be plainly understood at the outset that this Senator favors the concept of providing legal services to the needy. As ranking minority member of the Committee on the Judiciary, it has long been my concern that there is often insufficient access to and availability of our legal and judicial systems for a substantial portion of the Americn public. They cannot afford such services. Where there is true need and an individual cannot obtain legal representation because of a poverty condition or insufficient resources, we should indeed act to provide for such services.

The record is quite clear on this Senator's support of legal services for indigents. Less than 2 years ago, it was my privilege to sponsor and work for the passage of amendments to the Criminal Justice Act which provided for broader representation and improved fees in cases where defendants in criminal actions are unable to themselves pay for the services of counsel. I was a sponsor of the original Criminal Justice Act of 1964 as well. This background is provided to indicate that this Senator is not without credentials or experience to speak on this subject.

Noncriminal cases involving the poor can be equally deserving of Federal funds for representation, but the basis must be limited. This is where the provisions now before us break down. In my estimation, they would perpetuate and aggravate existing problems, while at the same time adding some new ones because of the nature of the Corporation sought to be established.

Every program is bound to have its abuses. Isolated instances of abuse have to be expected in any effort which employs individuals of diverse views and beliefs through every part of the country. In the case of the existing legal services program under OEO, however, abuses have evidently been more frequent and pronounced than anyone would have a right to expect. All of us have been made aware of a substantial number of instances in which attorneys engaged by OEO have used their positions for improper representation, unauthorized political activities, and many acts of indiscretion.

The present OEO legal services program does contain an unusual potential for abuse. It also has a very glaring record of many instances of abuse. Adequate supervision and control is not being provided.

Under the so-called thoroughly independent Legal Services Corporation in S. 3010, the situation will become immeasurably worse. Section 913 forecloses virtually every form of interest, oversight, supervision, monitoring, or control. While I am sympathetic with the desire of the program's proponents to avoid harmful political leverage, we are dealing with the taxpayer's dollars. The right kind of supervision, oversight, and monitoring is certainly required. Under section 913, every department, officer, or agency of the Government is barred from seeking legitimate oversight or inquiry into the effective and proper use of Federal funds by employees of the Corporation. This extends to the control, as well, of groups that perform under the auspices of the Corporation.

The bill does not bar representation of arrested persons before interrogation or information, in parole revocation cases, in juvenile court matters, in prison discipline cases, and so forth. Fortunately, I believe there will be an amendment offered to correct this problem of criminal representation. There will also be other amendments, some of which have already been proposed by this Senator and some by others. However, as I said on June 7, I am very dubious as to whether any number of amendments can correct the numerous very serious problems which exist regarding this Corporation. This is why I have moved to effect deletion of this portion—rule IX—of the pending bill. This entire corporation concept should be assigned to the Judiciary Committee, where it will receive the study it needs and deserves.

That subject of assignment and responsibility, however, I do not intend to explore or advocate at this time. That is for another time, under different circumstances.

Mr. President, perhaps no flaw in the bill is more revealing than the one discrepancy which appears to set the tone for all of title IX. Although this title does establish priorities for those individuals who are truly needy, title IX does not forbid representation of the nonpoor or voluntary poor. Some have argued that there are certain issues which ought to be litigated as matters of concern to poor people as a class, even if the client himself is not poor. This is a proposition which I find most unfortunate and which should be rejected when it comes to the use of Federal funds. As a member of the Judiciary Committee, I am seriously disturbed by the impact this type of thinking can have on our already overcrowded judicial system. And, Mr. President, that does not mean only the Federal judicial system. It includes the business, the time, and the resources in manpower of the State systems as well, because we do have transferability of cases from one system to another, and there will be the natural law of water seeking its own level asserting itself. Wherever there is greatest congestion, there will be an effort to go if the desire is to delay the trial of an issue in a law case, or, on the other hand, if there is a desire to speed up the consideration of a case, an effort will be made to go to the system which is least crowded. It is for this reason that I am gravely concerned over the lack of opportunity which the Judiciary Committee has had to consider this legislation. I have tried to remedy this by an amendment, which I may call up later should the present motion fail. My amendment would give the Judiciary Committee legislative jurisdiction over future amendments to title IX. Such an amendment cannot, however, repair damage which has already been done.

Mr. President, if we want to do something about legal services for the poor in a meaningful way, through the appropriate and effective use of Federal dollars, we should proceed to refer title IX to the Judiciary Committee. My motion would accomplish this on a limited basis. At a later time, we ought to review it over a period of time and act on a more permanent basis. In the meantime, the remainder of S. 3010, can proceed on its own merits, with the administration of the legal services program, but without the very objectionable Legal Services Corporation. The provisions in title IX establishing the Legal Services Corporation are not an integral part of this bill. Their absence from S. 3010 will indeed improve the measure, while permitting separate study of the Legal Services Corporation by the Judiciary Committee.

THE PROBLEM OF ACCOUNTABILITY

Mr. President, much of the disagreement over the various proposals for a National Legal Services Corporation has centered on the element of accountability. In his message last December vetoing the Economic Opportunity Amendments of 1971, President Nixon noted that in the proposed legislation "the quintessential principle of accountability has been lost." Actually, however, there are two forms of accountability at stake. On the one hand, the Legal Services Corporation must be accountable to the taxpaying public, and to the elected officials who represent that public. This is the accountability referred to in the President's comment. On the other hand, the Corporation's poverty lawyers are accountable to their clients. According to the canons of the American Bar Association's code, Lawyers are "ethically bound to give their first loyalty to their clients." Discussions about the lawyer-client relationship sometimes leave the impression that the attorney's loyalty to his client is his sole obligation, overriding any other loyalties with which it comes in conflict. In a brochure on the legal services program prepared by OEO, we find the statement:

> Although the attorney is paid by the Federal government, his responsibility is to his client.

In the "Report to the National Conference on Law and Poverty" cosponsored by OEO in 1964, the following statement is quoted approvingly:

> The free and independent practitioner, *with obligations to none but his client*, stands as the individual's best assurance that his legal rights will be maintained.

According to the same report, attorneys of the legal services program "must, once they have taken a case, perform with that zeal and dedication which is in the highest tradition of the bar—free from control outside the program to the same extent as the attorney in private practice."

It is accountability in this second sense of the word, the overriding responsibility a lawyer has to his client, which is frequently the key premise in the argument for an independent and autonomous Legal Services Corporation, free from external political pressures. Now, it seems to me that to argue this way, to equate the problem of a lawyer's immunity with the problem of the agency's immunity, is to be guilty of obtuseness at best and of intellectual chicanery at worst. It is one thing for a legal services attorney, once engaged with his client, to be immune from outside pressures, but it is quite another for a corporation, considered as a public or quasi-public, policymaking body to enjoy, in determining its policies, virtually total and absolute immunity from outside oversight and control. This is not to deny that the lawyer's immunity is partly a function of the immunity of the agency he serves. However, the principle that the agency must be granted sufficient immunity to protect the privileged relationships between its lawyers and their clients, far from conferring on a public agency's immunity an absolute character, must yield some ground to another principle, equally valid, which is that any agency supported from public funds must be subject to some sort of surveillance and scrutiny by the representatives of the public.

The question can be asked: In the bill before us, has an acceptable balance been struck between the differing accountabilities, the accountability of the agency to its lawyers and of its lawyers to their clients on the one hand, and the accountability of the agency to the public on the other? I do not think so.

My analysis of S. 3010 convinces me that President Nixon's criticism of the proposal in its original form applies equally to the revised version that is now before us: the quintessential element of public accountability is still absent.

Mr. President, I should like to try to draw a comparison of the requirements of the President's veto message with the proposed bill, title IX, as it exists in the pending measure.

Specific points raised publicly by the President in his veto message of December 9, 1971, are equally as valid with respect to the new bill, S. 3010, as ordered reported by the Senate Committee on Labor and Public Welfare. Changes made within the new legislation are changes only of appearance—not of substance. They are merely cosmetic, and their presence accounts for the unwarranted conclusion that now the bill is in accordance with and in harmony with the President's requirements as contained in the veto message. Nothing could be further from the truth. Let us consider it by major divisions. First, political activity.

POLITICAL ACTIVITIES

A. VETO MESSAGE

In the veto message, the President said, among other things:

> Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.

I ask unanimous consent that section 906(e) of S. 3010 be printed at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

> "(e) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

Mr. HRUSKA. The subsection starts out by saying:

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representation to them. . . .

Mr. President, this is the exact language used in the vetoed bill. This section does not, in reality, guard against what may apparently be guarded against. It specifically authorizes legislative advocacy—read as "lobbying"—which by definition is political activity—here, federally funded—when such is in furtherance of the interests of a client—if one does not have one at the moment, one can secure one—or a group of clients—there would be no difficulty in the client community of getting concurrence in representing such a relevant group—or when such is requested by a body—some are, collectively, in support of the types of political activities which would be advocated by legal services project attorneys—by a member—is there anyone engaged in such activities on a local level who could not get a friend on a legislative committee to ask him formally to testify? Grassroots lobbying—National Welfare Rights Organization, and so forth—is not prescribed.

Section 907(d) states:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office. . . .

A number of comments are relevant on this section:

(a) This section fails to prohibit participation in campaigns associated with constitutional amendments and constitutional conventions; codes, statutes, and ordinances; referenda and bond issues; and so forth.

(b) Despite the fact that project attorneys will be paid from Federal funds, it fails to limit their off-duty political activities at least to the extent that Federal employees activities are limited under the Hatch Act. At a minimum; the same standards should apply.

(c) While the section may cover in a small measure the activities of employees, it does not restrict in any way the use of program funds, the provision of services, or the provision of facilities for such political efforts.

Section 907(d) further reads:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain . . . (2) from any voter registration activity *other than* legal representation *or* any activity to provide voters or prospective voters with transportation to the polls. (Emphasis added.)

This section specifically permits voter registration activity of a legal representation nature; therefore, under the terms of the bill, it is permissible conduct to state:

> I advise you of your legal rights as to voting. You have the right to vote at the next election, which is on November 7, 1972. Since you live at this address, you may vote in this precinct; the precinct polling place is at the school house. You have the right to register as a partisan; you have the right to register as a Democrat. You have a right to exercise your franchise on behalf of candidates of that party on that date.

Construed as a bit of legal advice, there would be nothing to bar that counsel or employee of the Legal Services Corporation, from engaging in that kind of activity. I do not believe that is the intent of Congress. Yet, it is spelled out expressly that he may do so.

Furthermore, by the terms of this section, activity to provide voters or prospective voters with transportation to the polls is permissible. Note the word "from" is not found between the words "or" and "any" on line 14; therefore, it becomes part of the exception to the prohibition, not part of the prohibition itself.

The second major class of attempted differentiation of the vetoed bill and the present bill has to do with those abuses which cost public enthusiasm and public support for the entire OEO program.

In the veto message is this language:

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

NEW LEGISLATION

The areas suspectible to abuse are many. First, there are the areas susceptible of abuse by virtue of political activity. Refer to the items detailed infra. Second, section 902(b), page 102, line 17, grants a tax-exempt status to the Corporation despite its ability to engage in political activities. An attempt, I understand, is being made to correct that deficiency by amendment. Third, the advisory councils which would be created by virtue of section 903, starting on page 102, line 24, are comprised of those with direct interests in the programs, grants, funds, et cetera, admitting, thereby, of publicly visible conflicts—in short, a further extension of the poverty-industrial complex. Section 904(c) permits the chief administrative officer to serve at the pleasure of the board, not of the elected representatives in Congress; that is, he is appointed and serves at the pleasure of the board, with no advice and consent from the Senate and with no appointment by the President. Section 904(e) permits meetings of the board to be closed—not subject to public scrutiny. Section 906(a)(8), which starts on page 113, line 8, permits an establishment of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria of the Federal Government. While section 908(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

The ultimate slam at public accountability is section 913, which reads:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

Mr. President, if there has ever been a sweeping and absolute attempt to avoid jurisdiction of any kind of a Federal nature, this certainly is it.

It is readily apparent that, upon the enactment of this legislation, there is to be no accountability to the public through their elected representatives or through appointed officials, despite the funding of the corporation by the Government. It is complete immunity from legislative or executive scrutiny.

RESTRICTIONS PLACED ON PRESIDENT

A. VETO MESSAGE

The President's veto message follows:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under the Congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client, or special interest groups, some of which are actual or potential grantees of the Corporation.
>
> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advice and consent function.

B. NEW LEGISLATION

Provision with respect to the manner of selection of members of the board of directors can be found in section 904(a). Section 904(a) is an attempted compromise. It is a marginal one at best, more one of appearance than reality, and still falls within the criticism of the President voiced in the veto message.

> *Board of Directors.* The board is to consist of nineteen individuals "appointed by the President, by and with the consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board." The manner of appointment is as follows:
>
> 1. Ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State;
>
> 2. Nine members shall be appointed as follows—
>
> a. Two members who are representatives of individuals eligible for assistance from recommendations made by the Clients Advisory Council;
>
> b. Two members from among former legal services project attorneys from recommendations made by the Project Attorneys Advisory Council; and
>
> c. Five members, one of whom shall be from recommendations made by each of the following groups:
>
> American Bar Association,
> Association of American Law Schools,
> National Bar Association,
> National Legal Aid and Defender Association, and
> American Trial Lawyers Association.

Comment—The compromise is being phrased, "The President has a majority. He has 10 of the 19." In reality, therefore, as to matters pro- or anti-administration, every Presidential appointment would have to hold solid; in the give-and-take of making the appointments and in the give-and-take of decisionmaking, holding such a majority solid is questionable. There is no Presidential appointment of the Chairman of the Board.

Additionally, the President still does not have appointment power over those who should be, in accordance with the language of the veto message, accountable to the public as a whole, not to a segment thereof. This cannot be true until the President has free appointive power over all.

Executive Committee—the committee shall consist of not less than five and not more than seven members, which shall include the Chairman of the Board, at least one appointed pursuant to the advisory councils, at least one appointed pursuant to the President's public appointments, and one appointed pursuant to the specially named groups. Note: the Chairman of the Board is not necessarily the chairman of the executive committee: the Board could elect someone else to the chairmanship of the latter.

The new Corporation will function under the new title and under the District of Columbia Nonprofit Corporation Act. The latter gives exceedingly broad discretion to the executive committee, including discretion as to policy matters.

TRANSITIONAL PERIOD

A. VETO MESSAGE

The President's veto message follows:

> To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corportation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.

B. NEW LEGISLATION

The old proposal was dropped. Something almost equally as offensive was added.

Section 903(b) directs that the Director of the Office of Economic Opportunity shall serve as the incorporating trustee; in and of itself, this would be acceptable. However, the section requires the exercise of his responsibilities to be carried out in consultation with the National Advisory Council, as constituted on April 15, 1972.

Comment—The National Advisory Council is composed overwhelmingly of members and representatives of the private interest groups that the President objected to in the veto message. All of the organizations represented as making recommendations to the President as to the appointment of members of the Board pursuant to section 904(a)(2)(C) are represented on the National Advisory Council. In reality, the tensions which would have been inherent in the old approach remain in the new approach.

The old proposal of unaccountability has been discarded but something almost equally as offensive has been added, which is found in section 903b.

The motion to refer this to the Judiciary Committee with instructions to report back forthwith, with title IX deleted, should be adopted.

I urge the Members of this body to vote in that wise.

Mr. President, I yield the floor.

Mr. NELSON. Mr. President, the Legal Services Corporation was included in the present legislation at the request of the President of the United States. The idea did not originate in my subcommittee or in the Labor and Public Welfare Committee.

A study made by a presidentially appointed commission—the Ash Council—recommended that an independent Legal Services Corporation be designated to handle legal services for the poor under the Economic Opportunity Act. The President accepted that recommendation and called for a National Legal Services Corporation.

The President, in vetoing last year's Economic Opportunity Amendments objected to several matters in the bill; but with respect to the Legal Services Corporation, he objected to what he called the lack of public accountability, in that an insufficient number of appointments were exclusively the President's. He also was not satisfied with the incorporating trusteeship for the interim period for the establishment of the Corporation.

We did all we could to meet his objections, so far as I can see. With regard to the incorporating trusteeship, we left responsibility for legal services in the Director of OEO, where it now is, until such time as the Legal Services Corporation is appointed by the President and confirmed by the Senate.

As to appointments to the board of directors, the last bill provided 17 members of the board, with six to be appointed directly by the President and the remainder appointed from lists nominated and sent to the President.

We changed that, and in the pending bill there are 19 members of the Legal Services board, with 10 appointed outright by the President and the remainder appointed by the President from recommendations made by the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defender Association, the American Trial Lawyers Association, as well as from the Project Attorneys Advisory Council, and from the Clients Advisory Council.

So the President, in fact, has absolute control over appointment of all the members of the Legal Services Corporation, with 10 originating with him and the others appointed from recommendations made to him by these distinguished national groups.

As I have said repeatedly to the Senate, the President can reject all of the recommendations which have been made to him. So the fact of the matter is that the President makes the appointments and controls appointments to the board.

So, on that count, we have met, it seems to me, the request of the President.

Incidentally, we went into this matter in great detail in the committee and finally designed the Legal Services Corporation, which was incorporated in the bill. That bill was reported to the Senate by a 17-to-0 vote. There was not one single dissenting vote on either the Republican or Democratic side.

On the question of the Legal Services Corporation, let me read into the RECORD a telegram sent to me and also to the distinguished Senator from New York (Mr. JAVITS), from Leon Jaworski, president of the American Bar Association, which reads as follows:

> The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.
>
> LEON JAWORSKI,
> *President, American Bar Association.*

Mr. President, in designing this legislation, we carefully reviewed the President's veto message. We attempt to meet every objection, every request made by the President of the United States in his veto message and in the message which he sent to the Congress proposing the Legal Services Corporation last year.

I therefore do not know how we could go any further in accommodating the wishes of the President. We reached a bipartisan agreement, which is the way we must accomplish our ends here in this body.

This is a good proposal. We have responded to the desires of the President as best we could. The Legal Services Corporation is independent. The President makes all the appointments. The Senate has to confirm the appointments. I do not know what more he could ask.

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

The committee-reported bill's legal services title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the Legal Services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current Legal Services program in a Presidential "Message Relative to Providing Legal Services to Americans Otherwise Unable to Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the Legal Services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

> After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's board of governors adopted a resolution stating—

> (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained.

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his message of May 5, 1971. The President then stated:

> Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

On the same day, the President's message on legal services was sent to Congress, the administration's bill was introduced. Senator COOK introduced the bill in the Senate—S. 1769—on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the Corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that the Legal Services attorneys who are employed full-time and while engaged in Legal Services activity refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth the administration bill required that full-time attorneys, and part-time attorneys while engaged in Legal Services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made available by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the Board of Directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. This year the committee drastically altered the composition of the board so that the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations from the legal organizations and advisory councils. The committee bill, therefore, gives absolute policymaking control to the persons the President wishes to appoint. And he still appoints the remaining nine from recommendations. So no one can be appointed to the board whom the President does not approve. The minority will be heard but a majority of the board will make the policies, governing the Corporation's role in providing legal services to the poor.

The other objection to last year's bill was that it provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the legal services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

QUORUM CALL

Mr. NELSON. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be counted out of my time.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15587) to provide for a 6-month extension of the emergency unemployment compensation program, in which it requested the concurrence of the Senate.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be taken out of the time allotted to Mr. NELSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that there now be a period for the transaction of routine morning business, charged against the allotment of time allocated to Mr. NELSON, with statements limited therein to 3 minutes, and the time not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HART) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET FOR FISCAL YEAR 1973

A letter from the General Counsel of the Department of Defense, transmitting proposed amendments to the budget for fiscal year 1973 (with accompanying papers); to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reducing Procurement of Initial Support Stocks for Navy Ships" Department of the Navy, dated June 28, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Low Use of Open-Heart-Surgery Centers at Veterans' Administration Hospitals", dated June 29, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Minority Printing Clerk, Fiscal Year Ended September 30, 1971," House of Representatives, dated June 6, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Majority Printing Clerk, Fiscal Year Ended August 31, 1971," House of Representatives, dated June 6, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROCEEDINGS OF JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, a report on the proceedings of the Judicial Conference of the United States, held in Washington, D.C., on April 6–7, 1972 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF INTERIM COMPLIANCE PANEL

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Interim Compliance Panel, for the calendar year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HART):

A resolution adopted by the County Legislature of Suffolk County, N.Y., praying for the enactment of legislation, providing for public service employment opportunities for unemployed and underemployed persons; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S.J. Res. 247. A joint resolution extending the duration of copyright protection in certain cases (Rept. No. 92–934).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2469. A bill for the relief of Kenneth J. Wolff (Rept. No. 92–936);

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud (Rept. No. 92–937); and

H.R. 4679. An act for the relief of Amparo Coronado Vienda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena (Rept. No. 92-938).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 326. Resolution authorizing supplemental expenditures by the Select Committee on Equal Educational Opportunity (Rept. No. 92-939); and

S. Res. 327. Resolution authorizing the printing of additional copies of the committee print entitled "Social Security and Welfare Reform" (Rept. No. 92-940).

By Mrs. SMITH, from the Committee on Armed Services:

S. 3772. An original bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes (Rept. No. 92-941).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S. 2499. A bill to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation* (Rept. No. 92-942).

By Mr. HART, from the Committee on Commerce, with amendments:

S. 1991. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Act of 1935 to provide housing for persons of low and moderate income.

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes (Rept. No. 92-944).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 1497. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes (Rept. No. 92-943).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

S. 3594. A bill providing for Federal purchase of the remaining Klamath Indian Forest (Rept. No. 92-933).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 1462. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes (Rept. No. 92-946).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 56. An act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System (Rept. No. 92-945).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. STENNIS, from the Committee on Armed Services:

Adm. Thomas Hinman Moorer, U.S. Navy, for reappointment as Chairman, Joint Chiefs of Staff.

Mr. STENNIS. Mr. President, also from the Committee on Armed Services I report favorably the nominations of 11 flag and general officers in the Army, Navy, Marine Corps, and Air Force. I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. Richard Ray Taylor, Army of the United States (colonel Medical Corps, U.S. Army), for temporary appointment in the Army of the United States to the grade of major general;

Col. Robert Wesley Green, Col. Marshall Edward McCabe, and Col. Charles Calvin Pixley, Medical Corps, U.S. Army, for temporary appointment in the Army of the United States to the grade of brigadiers general;

Gen. John Hersey Michaelis, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Gen. William C. Westmoreland, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. John W. O'Neill (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Edmund F. O'Connor (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Rear Adm. Marmaduke G. Bayne, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Lt. Gen. John R. Chaisson, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general; and

Maj. Gen. Foster C. LaHue, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenant general while so serving.

Mr. STENNIS. In addition, I report favorably 1,063 promotions in the Reserve of the Army in the grade of colonel and lieutenant colonel and 14 promotions in the Navy in the grade of commander. Since these names have already appeared in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

John F. Calhoun, and sundry, other officers, for promotion in the U.S. Navy; and

P. D. Ackerman, Jr., and sundry other officers, for promotion in the Reserve of the Army of the United States.

By Mr. MAGNUSON, from the Committee on Commerce:

Ashton C. Barrett, of Mississippi, to be a Federal Maritime Commissioner;

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce; and

Robert J. Blackwell, of Virginia, to be Assistant Secretary of Commerce for Maritime Affairs.

By Mr. EAGLETON, from the Committee on the District of Columbia:

Samuel B. Block, of the District of Columbia;

Robert H. Campbell, of the District of Columbia;

Joseph M. Hannon, of Maryland;

Margaret A. Haywood, of the District of Columbia;

John R. Hess, of Virginia;

Luke C. Moore, of the District of Columbia; and

Donald S. Smith, of Maryland, to be associate judges of the Superior Court of the District of Columbia.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 92-935)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 32, 92d Congress, first session, submitted a report entitled "Patents, Trademarks, and Copyrights", which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BROOKE (for himself and Mr. Kennedy):

S. 3771. A bill to provide compensation to United States commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government. Referred to the Committee on Commerce.

By Mrs. SMITH, from the Committee on Armed Services:

S. 3772. An original bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes. Placed on the calendar.

By Mr. STAFFORD (for himself, Mr. Javits, Mr. Mathias, and Mr. Harris):

S. 3773. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MATHIAS:

S. 3774. A bill for the relief of Consuelo Coronado. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 3775. A bill for the relief of Jorge Mario Bell. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3776. A bill for the relief of Mrs. Leonia Skwarek. Referred to the Committee on the Judiciary.

By Mr. TUNNEY:

S. 3777. A bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of Sacramento, San Francisco, Los Angeles, and San Diego in the State of California. Referred to the Committee on Commerce.

S. 3778. A bill to amend section 3010(a) of title 38, United States Code, relating to the effective date of an award for compensation or pension under such title. Referred to the Committee on Veterans' Affairs.

By Mr. MONDALE (for himself, Mr. Stevenson, Mr. Javits, Mr. Anderson, Mr. Bayh, Mr. Case, Mr. Eagleton, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. Metcalf, Mr. Pastore, Mr. Percy, Mr. Ribicoff, Mr. Tunney, and Mr. Williams):

S. 3779. A bill entitled the "Elementary and Secondary Education Assistance Act of 1972." Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE:

S. 3780. A bill to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principal amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 3781. A bill to designate a bridge across a portion of Oakland Harbor, California, as the "George P. Miller—Leland W. Sweeney Bridge." Referred to the Committee on Public Works.

By Mr. SCOTT:

S. 3782. A bill to authorize Federal financial assistance to restore or replace essential railroad facilities and equipment lost or destroyed as the result of natural disasters which occurred during the month of June 1972. Referred to the Committee on Commerce.

By Mr. GRIFFIN:

S. 3783. A bill to limit the jurisdiction of Federal courts to issue busing orders based on race, to impose a moratorium on the issuance of such orders, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROOKE (for himself and Mr. Kennedy):

S. 3771. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government. Referred to the Committee on Commerce.

COMPENSATION FOR FISHING VESSEL OWNERS

Mr. BROOKE. Mr. President, the American fishing industry is facing a new crisis, one that particularly threatens the existence of small fishing companies.

In the past 2 years many fishermen, often owners of only one vessel, have suffered extensive damage to their ships and equipment from foreign fishing operations. Under present law there is no immediate relief available to these men. And they are simply unable to keep their business operating while waiting months for the Federal Government to process their claim for relief—which may or may not be approved. In fact, many of the fishing boat operators in Massachusetts have informed me that they face a bleak future unless they can receive prompt Federal reimbursement.

A distressing incident with which I am particularly familiar took place less than a month ago 23 miles from the port of Gloucester. Three small American boats, including the *Roseanne Maria* owned by Stephen and Louis Biondo of Gloucester, were fishing for shrimp on the night of June 3. According to Mr. Biondo's uncontradicted report, the East German trawler *Brandenburg* struck the starboard bow of the *Roseanne Maria*, causing it to flood instantly.

Biondo immediately radioed for help from the Coast Guard, which sent a helicopter with two pumps to rescue him. Also, the crew of the *Brandenburg* lowered life boats to assist Biondo and his shipmates.

However, the best efforts of all parties were unable to save the *Roseanne Maria*, as it sank 7 hours after the original incident. Regrettably, the captain of the *Brandenburg* refused to assist the Coast Guard in the investigation, claiming no liability in the case. The Biondos and the members of the crew have lost their sole means of support, and are currently unable to find other employment.

We simply cannot tolerate the continued economic peril resulting to fishermen from these incidents at sea. The incidents threaten the very existence of small fishing operations, which have proved such an economic boon and have played such an important role in our Nation's history.

In 1967 the Congress approved the Fishermen's Protective Act to reimburse vessel owners for losses resulting from seizures of fishing vessels. Additional legislation is now being considered to expedite the reimbursement. However, existing law provides no relief for costs incurred by fishermen as the result of damage or destruction to their gear or ships while at sea.

Earlier this year my distinguished colleague (Senator Kennedy) was successful in securing Senate approval of an amendment to include damaged vessels under the coverage of the Fishermen's Protective Act. I supported that proposal, and am hopeful that it will be approved by the conference committee which has been appointed to resolve the differences in the House- and Senate-passed versions of H.R. 7117.

Nevertheless, his amendment—even if approved—would likely not afford the immediate relief which many small fishermen so badly need. A principal deficiency is that the financing mechanism for his program is the proposed Fishermen's Protective Fund. Among the problems with using the assets of this fund is that the U.S. Government must first seek to gain the reimbursement from a foreign nation, if wrongful conduct of that nation caused the damage. Failing such reimbursement, within 120 days of the date of notification, the Secretary of State would be authorized to pay the claim by deducting funds from that nation's foreign assistance program.

But what about a nation for which we do not have a foreign aid program? What about the situation I cited earlier, in which the damage was caused by a boat registered to a nation with which we do not even have diplomatic relations?

To provide remedy in such situations, I have introduced legislation today with Senator Kennedy to provide immediate compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government.

The claim would be expeditiously processed by the Secretary of Commerce. The funds would come from General Treasury of the United States, and would not be dependent on our Government's ability to obtain compensation from a foreign government. A total of $5,000,000 would be available for incidents occurring on or after January 1, 1971.

The program would be supervised by the Secretary of Commerce, who would be authorized to take reasonable steps to insure that the claims are valid. Once he has satisfied himself with respect to the damage, he would then make immediate reimbursement for all costs directly resulting from any damage to, or destruction of, the vessel or any of its gear or other equipment.

Mr. President, American fishing operations on all three of our sea coasts are suffering severe decline as a result of the increasing activities of foreign fleets. We have a responsibility, at least, to insure that the livelihood of American citizens is not placed in jeopardy because of the actions of foreign vessels.

I urge the Senate to take prompt action on this proposal and to establish procedures so that these fishing vessel owners can receive immediate reimbursement for these mishaps.

Mr. KENNEDY. Mr. President, I join today with my colleague from Massachusetts (Mr. Brooke) in introducing his bill to assist American fishermen. I can think of no industry more deserving of governmental assistance; yet no industry suffers more from slow or inadequate Government action. Our fishermen have demonstrated over and over again their commitment to the revitalization of their own industry. Yet they suffer repeated setbacks as the result of foreign harassment and interference and show up last on the long list of issues to be resolved in international discussions.

A year ago several disturbing incidents of foreign harassment of our domestic fishing fleet occurred off the coast of Massachusetts. The community mobilized; the fishing industry demanded reform; elected representatives urged immediate action by the Department of State to assure Massachusetts fishermen that they would be protected against further incidents. It is a year later, and we are still waiting for that action and our fishermen are still waiting for some assurance that they can fish off the Atlantic coast without fear of loss of life or loss of gear.

One June 4, 1972, a Gloucester, Mass., fishing vessel, the *Roseanne Maria*, was rammed and sunk by an East German ship. Fortunately, the four-man crew was saved; but the consequences of the shocking inaction by the State Department became even clearer. I ask unanimous consent that my letters to Secretary of State Rogers and Commandant of the Coast Guard Chester Bender be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate, Committee on Labor
and Public Welfare,
Washington, D.C., June 5, 1972.
Hon. William P. Rogers,
Department of State,
Washington, D.C.

Dear Mr. Secretary: I am writing to urge that immediate action be taken by the Department of State to assure United States fishermen that neither their lives nor their vessels will any longer be endangered by foreign fishing fleets. This week off the coast of Massachusetts, four Gloucester fishermen watched their ship, the *Rosanna Marie*, sink after being rammed by an East German fishing trawler. The time has come when we can no longer stand by and wait for the next tragedy. It is a sad day for U.S. fishermen when they have to fear for their lives in order to feed their families.

Last year as a result of the interference by foreign fishing vessels with lobster fishermen off the coast of Massachusetts and the destruction of their gear, nations known to have fishing fleets off the Atlantic Coast were notified to comply with signals and markings to assure the protection of American fishing equipment. Clearly, stronger action is required not only to protect gear, but to protect vessels and even the lives of American fishermen.

I urge that a formal protest to appropriate authorities be followed up with a program to develop international agreements to guarantee the protection of American vessels and crews.

I am also writing to the Commandant of the U.S. Coast Guard to urge that their investigation of the *Rosanna Marie* incident include the development of a program to expand the patrol service of the Coast Guard in order to effectively protect American fishing fleets.

Sincerely,
Edward M. Kennedy.

U.S. Senate, Committee on Labor
and Public Welfare,
Washington, D.C., June 5, 1972.
Adm. Chester R. Bender,
Commandant, U.S. Coast Guard,
Washington, D.C.

Dear Admiral Bender: It is my understanding that the United States Coast Guard is conducting an investigation of the sinking of the Rosanna Marie off the coast of Massachusetts. I am writing to urge that the investigation include the gathering of information which would facilitate the development of an effective program to protect American Fishermen.

Clearly, the Coast Guard carries out its current responsibilities of patrol and protection with dedication and commitment. However, new methods employing advanced technology must be implement immediately if American fishermen are to feel secure that their lives are not jeopardized as they fish the waters off the Atlantic Coast.

I would appreciate your evaluation at the conclusion of the investigation of the possibility for expanding a more comprehensive program of protection.

Sincerely,
Edward M. Kennedy.

Mr. KENNEDY. Mr. President, only a week after this major incident, we received the reports of at least five Russian fishing vessels destroying lobster gear off the coast of Nantucket. Our pleas to the State Department for immediate and effective action to halt such interference went unheeded. Little consolation can be taken from the fact that no American vessel was rammed or sunk on that occasion. I do not think our fishermen are encouraged or fear for their lives or livelihoods less because only gear was lost.

On May 25 of this year, the U.S. Senate passed legislation which deals with the current crisis of foreign interference with our domestic fishing fleets. My amendment to protect fishermen whose vessels are damaged by the ships of foreign nations was agreed to as a part of that legislation. My amendment authorizes the Secretary of Commerce to pay out of the newly created fishermen's protective fund, the costs of damage to gear and to vessels of U.S. fishermen caused by the vessels of other nations. It also provides for the Secretary of Commerce to reimburse U.S. fishermen for repairs which they must undertake as well as for the loss of income which the Secretary determines has occurred as a result of the damage.

In this way, while we carry our negotiations with the government of the nation at fault, we insure that there will not be an unbearable financial loss imposed on U.S. fishermen.

I am hopeful that my amendment will be retained in conference and that this legislation will be enacted this year. It holds out the best hope for quick and effective action to assure our fishermen that if they must continue to endure damages to their gear and vessels, they will at the very least be assured of no loss of income and no loss of livelihood. I ask unanimous consent that letters in support of this legislation from the Atlantic Offshore Fish and Lobster Association and the Gloucester Fisheries Commission be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Atlantic Offshore Fish and
Lobster Association,
Narragansett, R.I., May 31, 1972.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: I was very interested to read in the New Bedford Standard-Times of your Amendment to the Fishermen's Protective Act since one of our Association's major concerns has been the compensation of domestic fishermen for losses sustained due to foreign vessels. Just this morning I was discussing such a case of damage to fishing gear by foreign vessels which has prevented an enterprising local fisherman from realizing a reasonable return on a substantial investment. Since his loss he has been unable to resume operation at the level which he had reached prior to the damage. He is unwilling to go deeper into debt to get back in operation with no assurance that his new investment will be protected.

The recovery of losses caused to domestic fishermen by foreign vessels is a long, complex, and expensive procedure which has no assurance of success. Such a process is often beyond the capability of the individual fishing vessel operators who make up the backbone of the U.S. East Coast fishing fleet. The government must take action to protect the livelihood of these fishermen and their investment in a fishery that is a bright spot in the fishing industry. The U.S. has allowed the destruction of many of our offshore resources; we must not allow destruction of our fishing gear as well.

We thank you for your interest in this matter and we hope that your amendment will be enacted into law. We would appreciate receiving a copy of your amendment and any suggestions which you might have on action which we could take to insure its inclusion in the final bill which is adopted.

Sincerely,
Richard B. Allen,
Executive Secretary.

City of Gloucester Fisheries
Commission,
Gloucester, Mass., June 8, 1972.
Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: No doubt you are aware of the unfortunate incident of last Sunday when a large East German trawler rammed and sank the 86 foot Gloucester dragger Rosanne Maria while it was anchored 23 miles from Gloucester.

The Rosanne Maria has no hull insurance and there is some doubt that the owners will be successful in their attempts to seek reimbursement from the owners of the East German trawler. This is an excellent example for the need to support your amendment to the Fishermen's Protective Act that would enable U.S. fishermen to be reimbursed from the Fishermen's Protective Fund in cases of damage to their vessels or gear by vessels of other nations.

I should appreciate it if you would send me by return mail a copy of your bill that would amend the Fishermen's Protective Act.

Very truly yours,
Salvatore J. Favazza,
Executive Secretary.

Mr. KENNEDY. Mr. President, the fishing industry faces devastating problems from limited fish resources, from foreign competition and from financing the revitalization of their own industry.

Mr. President, I think it is time we examine the record to get a clear picture of the ominous threats to our domestic fishing industry beyond the menace of foreign fleets. There has been a drastic decline in the abundance of fish stocks caused by overfishing practices by 14 nations fishing in the Georges Bank area. Our haddock resources have declined 86 percent in 5 years, it is estimated by the New England Fisheries Council. And 70 percent of the fish now consumed in the United States is imported. I ask unanimous consent that the statistics illustrating the effect of increased imports be printed at this point in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

WHOLESALE VALUE OF U.S. PRODUCTION AND IMPORTS OF FISHERY PRODUCTS, 1960–70

[In millions of dollars]

Year	Domestic production	Imports	Total
1960	845	554	1,399
1961	862	604	1,466
1962	942	714	1,656
1963	897	755	1,652
1964	925	853	1,778
1965	1,059	931	1,990
1966	1,123	1,144	2,267
1967	1,047	1,152	2,199
1968	1,123	1,255	2,378
1969 [1]	1,235	1,356	2,591
1970 [1]	1,433	1,771	3,204

[1] Preliminary.

Source: Data published in Fisheries of the United States.

VALUE OF U.S. IMPORTS AND EXPORTS OF FISHERY PRODUCTS, 1960–70

[In thousands of dollars]

Year	Imports			Exports			Net trade deficit[1]		
	Edible	Inedible	Total	Edible	Inedible	Total	Edible	Inedible	Total
1960	310,596	52,685	363,281	25,622	18,543	44,165	284,974	34,142	319,116
1961	339,318	61,301	400,619	19,594	15,116	34,710	319,724	46,185	365,909
1962	405,832	83,975	489,807	22,470	13,258	35,728	383,362	70,717	454,079
1963	399,928	100,784	500,712	30,376	26,229	56,605	369,552	74,555	444,107
1964	433,674	130,569	564,243	42,878	21,326	64,204	390,796	109,243	500,039
1965	479,412	121,492	600,904	49,308	20,175	69,483	430,104	101,317	531,421
1966	568,091	151,611	719,702	62,882	21,931	84,813	505,209	129,680	634,889
1967	538,301	169,582	707,883	67,524	14,685	82,209	470,777	154,897	625,674
1968	643,165	179,504	822,669	56,845	10,912	67,757	586,320	168,592	754,912
1969[2]	704,809	139,484	844,293	86,474	18,059	104,533	618,335	121,425	739,760
1970[2]	812,511	227,111	1,039,622	95,215	22,460	117,675	717,296	204,651	921,947

[1] Imports less exports.
[2] Preliminary.

Source: Imports and Exports of Fishery Products.

Mr. KENNEDY. Mr. President, the effect of imports on the New England fishing industry has been particularly severe. I ask unanimous consent that tables pointing out the increase in imports of fish products found primarily in the resources off the Atlantic coast be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

U.S. PRODUCTION AND IMPORTS OF GROUNDFISH[1] AND ATLANTIC OCEAN PERCH FILLETS AND STEAKS, 1960–70

[In thousand pounds][2]

Year	Production	Imports			Total production and imports
		Under quota[3]	Over quota[3]	Total	
1960	93,818	36,533	29,345	65,878	159,696
1961	93,039	32,601	43,890	76,491	169,530
1962	93,625	28,571	49,307	77,878	171,503
1963	83,419	24,875	53,623	78,498	161,917
1964	75,166	24,862	55,542	80,404	155,570
1965	77,180	24,384	55,763	80,147	157,327
1966	75,418	23,591	84,933	108,524	183,942
1967	71,034	24,833	69,180	94,063	165,097
1968	55,349	24,895	104,255	129,150	184,499
1969[4]	47,279	26,466	133,514	159,980	207,259
1970[4]	42,894	27,401	158,693	186,094	228,988

[1] Fillets or steaks of cod, cusk, haddock, hake, and pollock.
[2] Product weight.
[3] Data from Bureau of Customs.
[4] Preliminary.

Note: Excludes imports of frozen fish blocks.

Source: Data published in "Fisheries of the United States" and "Imports and Exports of Fishery Products."

U.S. LANDINGS AND IMPORTS OF HADDOCK, 1960–70

[In thousand pounds][1]

Year	Landings	Imports[2]	Total
1960	41,663	18,245	59,908
1961	46,893	21,109	68,002
1962	47,122	20,598	67,720
1963	43,514	19,791	63,305
1964	46,858	19,809	66,667
1965	46,996	17,007	64,003
1966	46,433	21,469	67,902
1967	34,561	21,378	55,939
1968	24,796	26,664	51,460
1969[3]	16,216	28,074	44,290
1970[3]	9,442	29,466	38,908

[1] Edible weight.
[2] Excludes haddock imported as frozen blocks.
[3] Preliminary.

Note: Factor used to convert to edible weight: Landings times 0.351. Total annual imports tallied after various monthly factors separate haddock from the reported group of haddock, hake, cusk, and pollock.

Source: Computed from data published in "Fishery Statistics of the U.S." and "Imports and Exports of Fishery Products."

U.S. LANDINGS AND IMPORTS OF COD, 1960–70

[In thousand pounds][1]

Year	Landings			Imports of fillets and steaks[2]	Total landings and imports[2]
	Atlantic	Pacific	Total		
1960	13,124	1,612	14,736	29,564	44,300
1961	15,142	920	16,062	32,235	48,297
1962	15,246	956	16,202	32,981	49,183
1963	13,707	1,911	15,618	32,709	48,327
1964	12,592	1,924	14,516	33,547	47,973
1965	11,716	3,046	14,762	33,727	48,489
1966	12,212	2,995	15,207	40,820	56,027
1967	15,762	2,746	18,508	32,068	50,576
1968	15,996	1,777	17,773	46,646	64,419
1969[3]	18,882	1,170	20,052	61,880	81,932
1970[3]	17,192	810	18,002	95,801	113,803

[1] Edible weight.
[2] Excludes cod imported as frozen blocks.
[3] Preliminary.

Note: Factors used to convert to edible weight: Landings Atlantic times 0.325, Pacific times 0.300; imports times 1.

Source: Computed from data published in "Fishery Statistics of the U.S." and "Imports and Exports of Fishery Products."

U.S. LANDINGS AND IMPORTS OF OCEAN PERCH, 1960–70

[In thousand pounds][1]

Year	Landings			Imports of fillets and steaks[2]	Total landings and imports
	Atlantic	Pacific	Total		
1960	39,601	2,476	42,077	14,417	56,494
1961	36,977	3,484	40,461	18,665	59,126
1962	34,715	4,852	39,567	19,453	59,020
1963	30,322	6,602	36,924	21,575	58,499
1964	24,995	5,872	30,867	22,933	53,800
1965	23,410	7,939	31,349	25,740	57,089
1966	22,835	6,122	28,957	41,587	70,544
1967	19,995	4,319	24,314	36,279	60,593
1968	17,170	3,770	20,940	50,435	71,375
1969[3]	15,624	3,724	19,348	64,225	83,573
1970[3]	15,484	4,256	19,740	54,173	73,913

[1] Edible weight.
[2] Excludes ocean perch imported as frozen fish blocks.
[3] Preliminary.

Note: Factors used to convert to edible weight: Landings times 0.28, imports times 1.

Source: Computed from data published in "Fishery Statistics of the U.S." and "Imports and Exports of Fishery Products.'

U.S. LANDINGS AND IMPORTS OF FLOUNDERS, 1960–70

[In thousand pounds][1]

Year	Landings			Imports of fillets and steaks[2]	Total landings and imports
	Atlantic and Gulf States	Pacific States	Total		
1960	28,175	14,305	42,480	18,724	61,204
1961	30,312	14,317	44,629	18,420	63,049
1962	37,084	15,262	52,346	18,439	70,785
1963	44,552	15,390	59,942	16,598	76,540
1964	45,779	14,218	59,997	21,574	81,571
1965	47,449	13,939	61,388	24,122	85,510
1966	45,330	14,049	59,379	34,727	94,106
1967	39,939	13,848	53,787	33,290	87,077
1968	40,444	13,371	53,815	39,542	93,357
1969[3]	41,712	13,631	55,343	48,140	103,483
1970[3]	43,310	12,893	56,203	58,904	115,107

[1] Edible weight.
[2] Excludes flounders imported as frozen blocks.
[3] Preliminary. 1970 Pacific production estimated.

Note: Factors used to convert to edible weight: Landings Atlantic and Gulf times 0.355, Pacific times 0.300; imports times 1.

Source: Computed from data published in "Fishery Statistics of the U.S." and "Imports and Exports of Fishery Products.',

Mr. KENNEDY. Mr. President, in 1960, fish imports were 25 percent of the total U.S. supply; today they are over 75 percent. In 1960, American fishermen caught 93 percent of the fish off New England; today the catch is down to about 30 percent.

The fishing industry has proceeded to revitalize itself by developing research and technology for the restoration of depleted resources and developing market research for nutritious underutilized species. On May 31 of this year, Senator BROOKE joined me in requests to Secretary of Commerce Peterson and Secretary Butz of the Department of Agriculture to assist the commercial fishing industry in obtaining timely marketing information. I ask unanimous consent that those letters be printed at this point in the RECORD. The fishing industry hopes to deal with the spiraling increase in imports with increased foreign markets for their own catch.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 31, 1972.
Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.
Hon. PETER G. PETERSON,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: We are contacting both you and the Secretary of Agriculture regarding the effort to obtain timely marketing information for our commercial fisheries industry.

As you know, in recent years, we have seen a drastic decline in the abundance of popular domestic fish stocks caused in great part by overfishing practices of several foreign nations. Approximately 70% of the fish consumed in the United States is imported. This drastic increase in imports together with high insurance costs, the rising prices of fish gear, and declining stocks has served to further imperil the declining fishing industry in the United States.

The principle resource in our fishing industry is the enthusiasm and energy of our fishermen themselves, particularly in New England. The Massachusetts fishing industry looks forward to substantially expanding its domestic and foreign markets in the decade ahead. While the industry continues to develop research and technology for the restoration of depleted resources, they are equally devoted to developing market research for nutritious unutilized species.

The Department of Commerce Study to explore export possibilities for U.S. fish products in Europe is expected to be completed July 1, 1972. This marketing information should prove most valuable to our domestic fishermen. However, since timely marketing information is needed on a continuing basis, the Massachusetts fishing industry representatives have suggested an agreement between the Departments of Agriculture and Commerce to assure that attaches will forward marketing information quarterly, including data as to the types and amounts of fish consumed in potential foreign markets.

The federal government has a real opportunity in this way to assist the efforts of our domestic fishermen in revitalizing their own industry. American fishermen are requesting that they be provided with marketing information which will allow them to compete successfully in the world fish market. We are enclosing a copy of a memorandum prepared by Mr. Richard Treadway, Director of the Export Trade Division outlining a procedure for obtaining pertinent marketing information.

We request your urgent consideration of this request to establish an agrement between the Departments of Commerce and Agriculture to develop procedures for gathering and disseminating timely foreign marketing data for the United States fishing industry. We would be happy to meet with you and Secretary Butz to discuss this further if you feel that would be helpful.

Sincerely,

EDWARD KENNEDY,
EDWARD BROOKE.

Mr. KENNEDY. Mr. President, last December legislation I had introduced passed the Senate as part of the Wholesome Fish and Fishery Products Act of 1971. If we are going to demand that the fish processing industry live up to new standards, then we must also recognize the impact of those new requirements on fishermen and fish processors, and provide them with aid in upgrading their equipment. My amendment authorized loans and technical assistance to the fish processing industry not only to assure the American consumer that the fish and fish products in the market are safe, but also to assure the fish processing industry that technical assistance and loans would allow them to meet the new requirements.

Also, I was pleased to cosponsor legislation recently to eliminate the tariff on synthetic fish nets which are not produced in the United States. Passage of this legislation will assure American fishermen of high quality nets at reasonable cost.

Congress had taken steps to assist the American fishing industry and I am hopeful that my bill to establish a fisheries extension service, make grants for the modernization of fishing fleets, and to encourage expansion into new species will receive new attention as the representatives become more aware of the acute problems facing the fishing industry.

The bill I am cosponsoring today with Senator BROOKE highlights the need for us to recognize at the Federal level the extent of the damages and loss already endured by our fishermen. While those fishermen who have already sustained damages at the hands of foreign fishermen fully support legislation to protect fishermen from those losses in the future; they still face the long negotiating period for reimbursement of their loss. This legislation sets up an independent fund for immediate reimbursement and eliminates the need to process claims through the State and Treasury Departments as well as the Department of Commerce. This will not only insure faster action to those fishermen who every day are faced with the loss of income for their families, but it assures those who have sustained damages since January 1971 will receive the immediate action they deserve.

We have a rare opportunity with this legislation to undo the damage caused to our domestic fishing industry by foreign fishing fleets. While the Congress is powerless to halt the interference by foreign vessels, it is not powerless to aid the fishermen who suffer this interference. This bill represents not only substantial financial assistance to those fishermen facing the loss of income for their families; but it represents a commitment by the Congress to support this vital American industry. We introduce this legislation today to aid Massachusetts fishermen in all parts of this Nation who should not have to face alone the devastation of their industry by foreign fishermen and State Department inaction.

By Mr. STAFFORD (for himself, Mr. JAVITS, Mr. MATHIAS, and Mr. HARRIS):

S. 3773. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes. Referred to the Committee on Government Operations.

OPEN GOVERNMENT ACT

Mr. STAFFORD. Mr. President, I am today introducing, on behalf of myself and Senators JAVITS, MATHIAS, and HARRIS, an amended version of a bill, entitled the "Open Government Act," that I originally introduced on December 10, 1971.

The basic purpose of the bill is to require the full disclosure of all lobbying activities concerned with influencing the actions of the Congress of the United States.

At this time, I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act, divided into sections and subsections according to the following table of contents, may be cited as the "Open Government Act."

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SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds—

(1) that the preservation of responsible representative government requires that the fullest opportunity be afforded to the people of the United States to petition their Government for a redress of grievances and to express freely to individual Members of Congress their opinion on legislation and on current issues;

(2) that, to achieve legislative result which will be in the public interest, the facts and opinions expressed to Congress by the advocates of one result should be balanced against the facts and opinions of those having opposing views or interests, and all such facts and opinions should be available to Congress; and

(3) that the identity and activities of persons who, for consideration, engage in efforts to persuade Congress to arrive at specific legislative results, either by direct communication to Congress or by solicitation of others to engage in such efforts, should be publicly and timely disclosed.

(b) Purpose.—It is, therefore, the purpose of this Act to provide for the disclosure of the activities, and the origin, amounts, and utilization of funds and other resources, of and by persons who, for consideration, seek to influence the legislative process.

Sec. 3. Definitions.

(a) Covered Communication To Influence Legislation.—For purposes of this Act, the term "covered communication to influence legisaltion" means any direct communication (other than an exempt communication) by any person for or on behalf of another person to influence legislation.

(b) Exempt Communications.—For purposes of this Act, the term "exempt communication" means—

(1) any communication by any individual, acting solely on his own behalf, for redress of his grievances or to express his own opinion;

(2) any communication by any person which constitutes only an inquiry or statement as to the existence, status, purpose, or effect of legislation;

(3) any communication by any person to a department, agency, establishment, or instrumentality of any branch of the Federal Government (including a corporation owned or controlled by the Federal Government) or the government of the District of Columbia or of the Commonwealth of Puerto Rico, in the exercise of a right of petition granted by section 553(e) of title 5, United States Code;

(4) any communication by any governmental official or employee, acting in his official capacity;

(5) any practices or activities in the form of or relating to contributions and expenditures in connection with campaigns for Federal elective office;

(6) any appearance by any person before a committee of Congress in public session in connection with any measure or matter before such committee and any written statement submitted by any person in connection with such measure or matter and accepted for inclusion in the records of the committee;

(7) the publication, distribution, or dissemination, in the ordinary course of business, of news items, featured newsstories, articles, columns, editorials, comments, books, book reviews, letters to the editor, advertising, and other matter, by—

(A) a newspaper, magazine, or other regularly published periodical which is distributed to the general public,

(B) a licensed radio or television broadcasting station,

(C) any book publisher or other organization engaged in the sale or distribution of books and publications, or

(D) any owner, officer, editor, or employee of any of the foregoing.

(8) any communication by any person in connection with such person's support of or opposition to the candidacy or candidates for election or nomination for election of any individual or group of individuals to public office;

(9) any communication by any individual in connection with his candidacy for election or nomination for election to public office; and

(10) any communication by or authorized by—

(A) any national political party of the United States or any national, State, or local committee or other organizational unit of such national political party, or

(B) any political party of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States or any committee or other organizational unit of such political party, regarding its activities, undertaking, policies, statements, programs, or platforms.

(c) Other Definitions.—For purposes of this Act, the term—

(1) "person" means an individual or a corporation, partnership, trust, committee, society, foundation, association, or any other organization.

(2) "Congress" means the Congress of the United States or either House thereof.

(3) "Member of Congress" or "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

(4) "committee of Congress" means any committee of the Senate or House of Representatives or any subcommittee of such committee or any joint committee of Congress or any subcommittee of any such joint committee.

(5) "Comptroller General" means the Comptroller General of the United States.

(6) "legislative agent" means any person who, for any consideration, is retained, in a capacity other than as an officer or employee of the person by whom he is retained, to make covered communications to influence legislation, acting either by himself or through any other person acting for him.

(7) "legislation" means any bill, resolution, amendment, report, nomination, or other matter in or before Congress or proposed to be presented to, or introduced in, Congress.

(8) "influence legislation" means to promote, effectuate, delay, or prevent the introduction, consideration, amendment, passage, approval, adoption, enactment, or defeat of legislation by Congress, or any Member or any committee of Congress.

(9) "direct communication" means—

(A) all methods of direct address to Congress, to any Member or committee of Congress, or to any officer or employee of Congress, of any Member, or of any committee of Congress; or

(B) the solicitation of—

(i) a department, agency, establishment, or instrumentality of any branch of the Federal Government (including a corporation owned or controlled by the Federal Government), or

(ii) the government of the District of Columbia or of the Commonwealth of Puerto Rico,

to make any direct address described in subparagraph (A).

(10) "filing period" means, as applicable—

(A) the period beginning on January 1 and ending at the close of June 30 in any calendar year; or

(B) the period beginning on July 1 and ending at the close of December 31 in any calendar year.

(11) "income" means—

(A) any gift, donation, payment, advance, loan, funds, services, or other thing of value received; and

(B) any contract, promise, or agreement, whether or not legally enforceable, to receive any item referred to in subparagraph (A).

(12) "expenditure" means—

(A) any purchase, payment, distribution, loan, funds, advance, services, or other thing of value made, disbursed, or furnished;

(B) any contract, promise, or agreement, whether or not legally enforceable, to carry out any transaction of any kind referred to in subparagraph (A).

(13) "voluntary membership organization" means any association or other organization which is composed of persons who are members thereof on a voluntary basis and who regularly pay dues, subscriptions, or other sums to such association or other organization as a condition of membership therein.

Sec. 4. Filing of Notices of Representation.

(a) Filing of Notices of Representation by Legislative Agents.—Each legislative agent shall, within five days after making his initial covered communication to influence legislation, file a notice of representation with the Comptroller General.

(b) Information Contained in Notices of Representation.—Each notice of representation shall be in such form and detail as the Comptroller General shall prescribe and shall include, but not be limited to, the following information:

(1) an identification of the legislative agent filing such notice;

(2) an identification of each person by whom such legislative agent is retained as a legislative agent;

(3) an identification of each person on whose behalf such legislative agent is to perform services as a legislative agent;

(4) the financial terms and conditions (including any contingent fee arrangement) on which such legislative agent is retained;

(5) each specific area of legislative activity with respect to which such legislative agent is retained; and

(6) an identification of each person who makes a covered communication to influence legislation, acting for such legislative agent, in each specific area of legislative activity with respect to which such legislative agent is retained.

Nothing in this section shall be construed to require the disclosure of the membership rolls or the organizational dues structure of any voluntary membership association.

(c) Amendments to Notices of Representation.—If, at any time, the information contained in a notice of representation, filed by a legislative agent is not completely current, accurate, and up to date in all respects because of any change in circumstances or conditions with respect to such legislative agent (including termination of his status as a legislative agent), such agent shall file with the Comptroller General, within five days after such change has occurred, such amendment or amendments to such notices as may be necessary to make the information contained in such notice completely current, accurate, and up to date in all respects.

Sec. 5. Records.

(a) Person Required To Keep Records.—Each of the following persons shall maintain and preserve the records required by subsection (b):

(1) a legislative agent;

(2) any person who retains a legislative agent in any filing period, except that a person shall not be considered as being within the purview of this paragraph solely by reason of being a member of a voluntary membership organization which may itself be a legislative agent;

(3) any officer or employee of any person (other than a legislative agent), if such officer or employee receives pay for his services as such an officer or employee and if he makes six or more covered communications to influence legislation for or on behalf of such person in any filing period;

(4) any person (other than a legislative agent) who employs any officer or employee within the purview of paragraph (3);

(5) any person who, for any consideration received by or promised to him, or acting on behalf of another person as a paid officer or employee of such other person, or through the use of funds contributed to him, solicits (other than as provided by paragraph (6)), orally or otherwise, other persons to influence legislation by direct communication, if—

(A) such solicitation reaches, or with reasonable certainty may be expected to reach, at least one thousand persons, or

(B) such solicitation is made to at least twenty-five persons who, for their efforts to influence legislation by direct communication, are paid, or are promised the payment of, any consideration by the person who has made the solicitation or by any other person acting for him;

except that this paragraph shall not apply to the reproduction or retransmission of a communication from any other person who is required by this subsection to maintain records if such reproduction or retransmission specifically identifies such other person; and

(6) any person who, in the ordinary course of business, publishes, distributes, or circulates, as the publication of such person, a house organ, or a trade, labor or trade union, or commercial journal, or any other publication having the same general purposes as a house organ or a trade, labor or trade union, or commercial journal, if such publication—

(A) is not distributed to the general public as a usual and customary practice; and

(B) contains any matter soliciting the reader to influence legislation by direct communication;

except that this paragraph shall not apply to the reproduction or retransmission of a communication from any other person who is required by this subsection to maintain records if such reproduction or retransmission specifically identifies such other person.

(b) Maintenance, Content, and Preservation of Records.—Each person required by subsection (a) to maintain records shall—

(1) maintain records, covering each filing period, in the form of books of account, in accordance with generally accepted accounting principles, which—

(A) reflect total income received in the filing period to make covered communications to influence legislation;

(B) include the name and address of, and amount received from, any person from whom income is received for such purpose in the filing period; and

(C) reflect total expenditures made in the filing period to make covered communications to influence legislation, including an itemization of any expenditure of at least $50 in value;

(2) preserve any records maintained under paragraph (1) for a period of six years after the close of the filing period covered by the report based on such records; and

(3) upon request of the Comptroller General, make any records required to be maintained and preserved by this section available for inspection by him.

Sec. 6. Filing of Reports

(a) Time of Filing Reports Covering Filing Periods.—Each person who is required by section 5(a) to maintain records for any filing period shall file with the Comptroller General a report covering such filing period. Each such report shall be filed not later than the close of the fifteenth day following the filing period covered by the report.

(b) Form and Content of Report.—Each report shall be in such form and detail as the Comptroller General shall prescribe and shall include, but not be limited to, the following information:

(1) an identification of the person filing such report;

(2) an identification of each person by whom the person filing such report is employed or retained to make covered communications to influence legislation and each specific area of legislative activity with respect to which any such communication was made;

(3) an identifiication of each Member, committee, or employee of Congress to whom a covered communication is made; and

(4) all of the information contained in the records required to be maintained under section 5(b)(1) of this Act, except that—

(A) a person shall not be required to report the name and address of (or otherwise identify) any person from whom income of less than $25 in value is received in the filing period to make covered communications to influence legislation, but the report shall contain the number of such persons together with the aggregate of such income;

(B) in the case of a voluntary membership organization—

(i) the organization shall not be required to report the name and addresses of (or otherwise identify) any member whose payments in the filing period to the organization for making covered communications to influence legislation did not exceed 5 per centum of the total expenditures of the organization in the filing period for such purposes.

(ii) the Comptroller General shall waive the requirement that the organization report the name and address of (or otherwise identify) any member whose payments in the filing period to the organization for such purposes exceeded 5 per centum but did not exceed 30 per centum of the total expenditures of the organization in the filing period for such purposes if the Comptroller General determines that the waiver of the requirement to report such name and address will not impede the purpose of this Act, and

(iii) the organization shall report the number of members referred to in clause (i) and the number of members referred to in clause (ii), together with the aggregate of the amounts received from each class of members referred to in clauses (i) and (ii); and

(C) if any item of income or expenditure is attributable in part to covered communications to influence legislation and in part to other purposes, such item may be reported, at the option of the person filing the report and in conformity with regulations prescribed by the Comptroller General—

(i) by a reasonably accurate allocation which sets forth that portion of the item received or expended to make covered communications to influence legislation and the basis on which the allocation is made, or

(ii) by showing the amount of the item together with a good faith estimate by such person of that part of the item reasonably allocable to the classification of income or an expenditure to make covered communications to influence legislation.

(c) Formula for Allocation of Dues of Members of Voluntary Membership Organizations Used To Make Covered Communications To Influence Legislation.—In determining—

(1) for purposes of subsection (b)(3)(A), whether a member of a voluntary membership organization is a person from whom at least $25 in value is received in any filing period to make covered communications to influence legislation, and

(2) for purposes of subsection (b)(3)(B), whether payments by such a member in any filing period exceed 5 per centum of the organization's total expenditures in such filing period to make covered communications to influence legislation,

a member of a voluntary membership organization shall be treated as having paid to the organization in such filing period, for the purpose of making covered communications to influence legislation in such period, an amount which bears the same ratio to the total dues, subscriptions, or other sums paid by such member in such filing period to the organization as a condition of membership as the total expenditures in such filing period by such organization for covered communications to influence legislation bears to the total expenditures in such filing period by such organization for all purposes.

Sec. 7. Related Filing Provisions.

(a) Obligation To Furnish Information to Officer or Employee—Any person referred to in section 5(a)(4) shall furnish any officer or employee of such person within the purview of section 5(a)(3), upon his request, such information as may be necessary to enable such officer or employee to comply with section 5(a)(3).

(b) Joint Filing of Reports—The Comptroller General, under regulations prescribed by him, may permit the joint filing of reports under section 6.

(c) Mailing or Delivery of Notices of Representation, Amendments, and Reports.—Each notice of representation, amendment thereto, or report which is filed under this Act with the Comptroller General shall, at the option of the person required by this Act to file such notice, amendment, or report—

(1) be transmitted—

(A) by registered or certified mail, or

(B) by any other special mail service which is provided by the United States Postal Service and which provides written proof of time of mailing; or

(2) be delivered out of the mails to the Comptroller General by such person, or by his employee, agent, or messenger, in accordance with applicable law governing the carriage of matter out of the mails; and the Comptroller General shall provide to the party making delivery under this subparagraph a receipt of such delivery showing the time of delivery.

For the purposes of this Act, any such notice, amendment, or report shall be treated as having been filed with the Comptroller General—

(i) in the case of transmission by registered or certified mail—at the time specified in the registration or certification,

(ii) in the case of transmission by other special mail service—at the time of mailing specified in the written proof of time of mailing, and

(iii) in the case of delivery out of the mails under paragraph (2)—at the time of delivery shown in the receipt provided by the Comptroller General.

Sec. 8. Effect of Filing on Certain Determinations Under the Internal Revenue Code of 1954.

Compliance with the filing requirements of this Act shall not be taken into consideration in determining, for purposes of the Internal Revenue Code of 1954, whether a substantial part of the activities of an organization is carrying on of propaganda, or otherwise attempting, to influence legislation.

Sec. 9. Administration; Duties of Comptroller General.

(a) Administration by Comptroller General.—The Comptroller General shall administer the provisions of this Act.

(b) Executive Staff Member.—In carrying out his duties under this Act, the Comptroller General may—

(1) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an executive staff member;

(2) prescribe the duties of such staff member;

(3) fix his annual rate of pay at a rate not to exceed the annual rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule of section 5315 of title 5, United States Code; and

(4) terminate his employment without regard to chapter 75 of such title (relating to adverse actions).

(c) Specified Duties of Comptroller General.—In carrying out his duties under this Act, the Comptroller General shall—

(1) develop and prescribe forms and standards for the notices of representation, amendments thereto, and reports filed by persons required by section 5(a) to maintain records;

(2) compile in a manner reflective of the disclosure intent of this Act, information contained in notices of representation, amendments thereto, and reports filed, with respect of each filing period, by persons; summarize, information, by person, in categories of activity such as, but not limited to: research, printing, media, travel, salaries and fees, entertainment, telephone and telegraph, postage; and itemize the percentage of spending that occurred for specific legislative efforts;

(3) report such information, as so compiled, summarized, and itemized, to Congress within forty-five days after the end of each such filing period, or if Congress is not in session, then as soon as possible after Congress reconvenes;

(4) make available for public inspection at reasonable times in the General Accounting Office in the District of Columbia, for a period of six years following the date of filing, all notices of representation, amendments thereto, and reports filed by persons required by section 5(a) to maintain records (or reproductions thereof by any process referred to in section 11) and all information as compiled and summarized pursuant to paragraph (2);

(5) have each notice of representation and each amendment thereto which is filed by any legislative agent published in the Congressional Record within three days after each such notice is received by the Comptroller General, or if Congress is not in session when such notice is so received, then as soon as possible after Congress reconvenes; and

(6) ascertain whether any person required by section 5(a) to maintain records has failed to file a report, or has filed an incomplete or inaccurate report, and promptly notify such person to file or amend such report in order to satisfy the requirements of this Act or regulations prescribed by the Comptroller General under this Act.

(7) prepare a special study and report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Comptroller General; or, if such records do not contain the necessary information, but the information would fall under the scope of information required by the Act, may inspect the records of the appropriate parties and prepare the report, provided that such special inspection can be completed in a reasonable time before the information would normally be filed.

Sec. 10. Regulations.

(a) Authority of Comptroller General To Prescribe Regulations.—The Comptroller General shall prescribe such regulations as he considers necessary or appropriate to effectuate the provisions, and accomplish the purpose, of this Act.

(b) Procedures Governing Formulation and Issuance of Regulations.—The following procedures shall govern the formulation and issuance of all such regulations of the Comptroller General, and all changes therein, and the effective dates thereof:

(1) The Comptroller General shall formulate his proposed regulations, or changes therein, and transmit the same for publication in the Federal Register and in the Code of Federal Regulations, together with a statement, which shall be printed in boldface type at the beginning of such proposed regulations or changes therein, to the effect that such proposed regulations or changes are being so published in order that they may be available to provide opportunity, until the close of the thirtieth day following the date of publication, to interested parties to submit to the Comptroller General their comments, suggestions, and views with respect to such proposed regulations or changes therein.

(2) The Comptroller General shall give full opportunity, until the close of the thirtieth day following the date of publication of his proposed regulations or changes as provided in paragraph (1) to interested parties to submit to him their comments, suggestions, and views, including reasonable opportunity for the holding of conferences attended by interested parties and representatives of the Comptroller General for such purpose.

(3) After consideration of the comments, suggestions, and views submitted by interested parties pursuant to paragraph (2) of this subsection, the Comptroller General, as he considers advisable, may transmit, prior to the close of the fifteenth day after the thirty-day period referred to in paragraphs (1) and (2) any revisions or modifications of the proposed regulations or changes therein for publication in the Federal Register and the Code of Federal Regulations, together with a statement printed as provided in paragraph (1) to the effect that the Comptroller General will receive written comments, suggestions, and views regarding his proposed revisions or modifications until the close of the tenth day following the date of publication, but will not make further revisions or modifications of his proposed regulations or changes therein. Before the close of the seventh day after such ten-day period, the Comptroller General shall transmit, on the same day, to the Committee on Standards of Official Conduct of the House of Representatives and the Committee on Government Operations of the Senate the text of his proposed regulations, or changes therein, together with the text of his revisions or modifications thereof made pursuant to this paragraph (but without any further revisions or modifications), and all comments, suggestions, and views which have been submitted to him under this subsection.

(4) If, after consideration of the comments, suggestions, and views submitted by interested parties pursuant to paragraph (2), the Comptroller General considers that any revisions or modifications of his proposed regulations or changes therein should not be made, he shall transmit, on the same day and prior to the close of the fifteenth day after the thirty-day period referred to in paragraphs (1) and (2) of this subsection, to the Committee on Standards of Official Conduct of the House of Representatives and the Committee on Government Operations of the Senate the text of his proposed regulations, or changes therein, together with all comments, suggestions, and views which have been submitted to him under paragraph (2).

(5) The regulations, or changes therein, submitted to the Committee on Standards of Official Conduct and the Committee on Government Operations pursuant to paragraph (3) or paragraph (4) (including any revisions or modifications made therein pursuant to paragraph (3)) shall become effective at the beginning of the first filing period which commences after the close of the first period of thirty calendar days of continuous session of Congress after the date on which the same are transmitted to such committees, unless, before the close of such thirty-day period, either of such committees, by majority vote of its full membership, has adopted a resolution disapproving such regulations, or changes therein, submitted to it. For the purpose of this paragraph—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

All such regulations, or changes therein, as finally effective under this section, shall be printed promptly in the Federal Register and the Code of Federal Regulations, together with a statement designating the first filing period with respect to which such regulations, or changes therein, will be effective.

Sec. 11. Retention of Copies in Lieu of Originals.

The Comptroller General may retain, in lieu of notices of representation, amendments thereto, and reports filed under this Act, reproductions thereof made by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original.

Sec. 12. Sanctions.

(a) Enforcement by Court Order of Obligation To Comply With This Act.—If any person fails to comply with any provision of this Act or any regulation prescribed by the Comptroller General under this Act, the Attorney General of the United States may, upon the request of the Comptroller General, initiate and maintain a civil action in an appropriate United States district court for an order of the court requiring such person to comply with any such provision or regulation with respect to which compliance is sought.

(b) Criminal Penalty for Willful Failure by Legislative Agent To File Notices of Representation and Amendments Thereto.—Any legislative agent who knowingly and willfully violates section 4 shall be fined not more than $5,000.

(c) Criminal Penalty for Willful Falsification of Notices of Representation, Amendments, and Reports.—Any person who knowingly and willfully falsifies all or part of any notice of representation, amendment thereto, or report which he files with the Comptroller General under this Act shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

(d) Criminal Penalty for Willful Falsification of Covered Communications To Influence Legislation.—Any person who knowingly and willfully falsifies or forges all or part of any covered communication to influence legislation shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

Sec. 13. Repeal of Federal Regulation of Lobbying Act.

The Federal Regulation of Lobbying Act (60 Stat. 839–842; 2 U.S.C. 261 et seq.), and that part of the table of contents of the Legislative Reorganization Act of 1946 which pertains to the Federal Regulation of Lobbying Act (60 Stat. 813), are repealed, effective on the date on which the regulations to carry out this Act first become effective.

Sec. 14. Effective Date.

The provisions of this Act shall take effect upon the date of its enactment, except that any person required by section 5(a) to maintain records shall not have any duties or obligations under this Act until the date on which the regulations to carry out this Act first become effective.

By Mr. TUNNEY:

S. 3777. A bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of Sacramento, San Francisco, Los Angeles, and San Diego in the State of California. Referred to the Committee on Commerce.

CALIFORNIA CORRIDOR FEASIBILITY ACT

Mr. TUNNEY. Mr. President, I am pleased to introduce the California Corridor Feasibility Act which calls for a feasibility study of the desirability of developing a high-speed ground transportation system which would link the cities of San Diego, Los Angeles, San Francisco, and Sacramento.

Such a study is imperative. It would allow the Congress to determine whether funds should be expended for the development of such a system.

Some new transportation system must be considered along this increasingly heavily traveled California route. Some new and efficient means of transporting people between these cities will be vital in the very near future.

I would like to see the feasibility study consider three separate links: San Diego to Los Angeles; Los Angeles to San Francisco; and San Francisco to Sacramento. I believe that all three are vitally important considerations although it is evident that very different factors will prevail in each section of the study. The Los Angeles to San Diego link might be a possible first step, one which would provide an example and a direction for the rest of the corridor.

In understanding the factors which must be evaluated in determining whether a new high-speed ground transportation system will be feasible and desirable, several important factors must be considered: In an effort to introduce the subject to my colleagues, I shall present: first, a general overview of the transportation alternatives in the California corridor; second, a special consideration of the role of air travel in the corridor; and third, a brief discussion of one of the potential alternative new modes, a TACV—tracked air cushion vehicle—system.

OVERVIEW

Passenger traffic between the major urban areas in the California corridor—San Diego, Los Angeles, and San Francisco—rose from 25 million travelers in 1960 to over 50 million in 1970. Even if one assumes that the high rates of growth that prevailed during the 1960's cannot continue, the intercity travel market will exceed 100 million passengers by 1985 and 200 million by the end of the century. Despite the still dominant position of the private automobile, interurban travel is increasingly a high-speed market. Air travel which accounted for only 5 percent of the 1960 market now constitutes 16 percent of the market and will continue to increase its share.

The automobile, because it offers the unmatched advantages of flexibility, privacy, and low cost for small group or family travel, will continue to be used for a significant portion of all intercity trips and will be especially desirable when needed for ready mobility within the destination city. Although high speed modes will attract patronage away from the automobile, they are unlikely to, in any sense, replace it or cause any significant reduction in total vehicle miles.

Commercial bus lines have held a stable, but nominal, share of the travel market during the last decade, and this role is likely to continue unchanged. Conventional rail passenger service has had a declining share of the market during the last decade, and many analysts have predicted its complete demise before 1980.

If the projected demand for intercity travel within the California corridor is even reasonably accurate, the primary feature of an interurban transportation system must be its ability to move large passenger volumes. Moreover, these volumes must be transported at reasonable levels of user costs and without imposing intolerable external costs on nonusers.

Presently, the only high speed travel in the California corridor is the airplane. The critical question arises: Can the airline industry expand in an orderly and efficient manner to accommodate projected demand? And, can this expansion occur without imposing burdensome costs on users or nonusers? Before answering these questions, we should evaluate the alternative possibilities.

One of the most evident of those possibilities for travel in and along the corridor is a new high-speed ground transportation system. A number of alternatives should be considered and evaluated. The one that I have studied most fully is a tracked air-cushion vehicle system—TACV system—with a maximum speed approaching 300 miles per hour. Such a system might be developed which would offer the passenger high levels of ride stability and comfort and which would have the potential to transport the high passenger volumes predicted for 1985 and beyond. It might be able to perform this task at reasonable user cost and with minimal disruption to ecological and social systems. As such it should be part of the comprehensive feasibility study which my legislation suggests.

Before discussing that possibility, let me explore for several minutes some of the more salient facets of air travel in California.

AIR TRAVEL

Air travel has experienced a remarkable growth in California. San Francisco and Los Angeles have become the most heavily traveled city pair in the world. Passenger traffic on this route increased from 1.2 million in 1960 to 6.2 million in 1970. Individual years have witnessed rates of growth as high as 20 percent. It is estimated that air passengers on this route will exceed automobile travelers before 1980. Passengers on this route account for 35 percent of all passengers processed by major Los Angeles and San Francisco metropolitan area airports. In terms of airline growth, intrastate travel is inseparable from interstate travel. Therefore, I shall focus on the growth potential of the major Los Angeles and San Francisco airports.

Heavy public investment in runways, terminals, and air traffic control systems has helped support the competitive position of the airlines. The airlines have also benefited from research and development from the aerospace industry which has helped them to sustain a high level of technological change. The acumen of the airlines in attracting patronage through skillful advertising and efficient service has contributed to this growth and has fostered a highly favorable public image that appeals to the needs of the air traveler. Finally, the air industry and airports have long been viewed as factors which contribute to the local economy both as sources of employment and as contributors to tourist revenues.

On the other hand, the airline industry in California has grown in a relatively uncritical atmosphere in which widespread public support has obscured potential problems and diseconomies of large scale, high-volume operation. Some of these problems could exercise a veto on future unlimited growth. It is too soon to know whether that will prove to be the case. But this possibility exists.

Bay area airports handled 2 million passengers in 1950, 5 million in 1960, and 20 million in 1970. By 1985 there are projected to be as many as 83 million passengers using these terminals. Los Angeles International Airport processed over 20 million passengers in 1970, and this number is anticipated to grow to 34 million by 1985. Los Angeles–San Francisco passengers will exceed 15 million by 1980 and 35 million by 1990. Nor are air passengers the only source of growth. Air cargo is predicted to increase fourfold by 1985 at both bay area and Los Angeles area airports. These exponential growth rates are straining the capacities of existing facilities. The high rate of growth itself becomes an impediment to orderly expansion.

One result of the increase in both passenger and cargo traffic is an increase in aircraft operations. The three bay area airports have a current annual capacity of 720,000 aircraft operations. According to the BASAR—bay area survey of airport requirements—report if annual aircraft operations are allowed to expand to the currently proposed maximums, there will be a total of 2.3 million annual aircraft operations by 1980. The report goes on to suggest that this level of activity would cause serious overloading at four transitional airspace points. Unless a new regional air traffic control system is developed, the potential for either accidents or delays will be greatly increased. In talks with the company responsible for this section of the BASAR report I was told that overcrowding of terminal airspace capacity—takeoff and landing patterns—may cause greater long-term problems, possibly involving the need to ration peak-hour aircraft operations among airports, or the need to divert some traffic to outlying airports—at Hollister, for example. This problem would be intensified if potential conflicts with military aircraft operations were actually to occur. As the BASAR report notes:

> Aircraft operations at two of the military airports, Alameda Naval Air Station and Moffett Air Station, cause conflicts with the major civil airports and can result in reduction of capacity at these major airports. Because of the variability of military operations, capacity evaluations have been made in this analysis without assessing any penalty for operations at Alameda and Moffett Naval Air Stations.

This discussion suggests a number of potential impediments to either orderly growth of the industry or efficiency at high volume operation. Among them would be:

First. Increased aircraft delays with resulting losses to both the passengers and the airlines—see table in accompanying paper for aircraft delays at New York airports.

Second. Increased likelihood of accidents.

Third. Rationing of flights by airport resulting in less frequent and less flexible service from certain airports, and costs and delays imposed on air travelers.

Fourth. Serious congestion problems when fog or other natural events restrict operations at a particular airport.

Fifth. Increased likelihood of conflict with military aircraft operations.

Sixth. Reduced access from other sectors of the country to major California airports. For instance, travelers may choose not to stop over in Los Angeles on the way to Hawaii.

Seventh. Lower efficiency in the movement of air cargo.

General urban traffic congestion, and acute problems within the vicinity of airports, have caused growing access problems at most major metropolitan airports. California has not escaped this problem. In a recent survey of Los Angeles airline passengers, 88 percent reported using the automobile for the trip to and from the airport. Surveys show that 35 percent of all trips to airports are made by airport employees. Congestion is intensified by wellwishers, delivery vehicles, and airport visitors, all of whom tend to arrive during morning and evening peak hours. Access roads are often incapable of handling this traffic volume and are costly to renovate when located in residential or commercially developed areas. New airport construction would relieve this congestion problem, but is often blocked by community residents who view with alarm the congestion around existing facilities. The expansion of the Palmdale Airport, for instance, has been temporarily halted by a Sierra Club suit.

A major deterrent to airport expansion has been the opposition to air and noise pollution. Indeed, excessive engine noise is one of the most serious problems facing the air industry today. The city of Los Angeles has been forced to condemn and purchase a large number of residential units located under the flight paths of Los Angeles International Airport. It is estimated that in some schools in Inglewood 12 minutes of every hour of class time are lost from aircraft noise. The industry claims it can reduce noise levels, but many people remain skeptical. In any event, the solution will not be inexpensive. The 1971 Annual Report of the Los Angeles Department of Airports comments on the problem:

> If these federal standards (FAA Noise Exposure Forecast study) were to be adopted, Los Angeles might have to acquire 65,000 homes on 9,000 acres at a cost of over *three billion dollars*, or be forced to cut back LAX operations about 80%. For instance, daily flights between New York and Los Angeles would be slashed from 76 to 16, and the nation's most heavily operated run, Los Angeles-San Francisco, would drop from 258 to 52 flights per day.
>
> This is why we feel so strongly that the retrofitting program, *at a cost of just one billion dollars*, along with phasing out of the noisiest aircraft, presents a far more positive solution. (Emphasis added.)

Nor is it clear to what extent retrofitting will curtail the oppositon to aircraft noise. At existing airports opposition to noise may be overcome by condemning and purchasing residences under flight paths, but this will not solve the problem of locating new airport facilities.

Proposals to specialize airports on a functional basis and to utilize urban STOL ports and VTOL ports for short haul trips are presented as long-run solutions to the problems of airport expansion. Despite the obvious advantages of these new systems in terms of ease of access, separation of functions, and flexibility of service; there are serious questions about the cost involved, the technology required, and the probabilities of community acceptance of these new mini-airports. The northeast corridor study summarizes much of the uncertainty surrounding the development of vertical and short takeoff and landing vehicles:

> The most likely configuration to gain passenger acceptance for ride quality is a large jet-powered STOL—the least likely for community acceptance.
>
> The most likely configuration for community acceptance is a fairly small turboprop STOL which will be unlikely for passenger acceptance.
>
> The most flexible, lowest-total-cost configuration is the VTOL—not favored by most of the airlines now flying the routes.
>
> The best service is given by small aircraft on frequent schedules—which may lead to excessive air traffic.

It is evident that there are a large number of technical problems that must be overcome, especially relating to noise levels, power-to-weight ratios, and smoothness of ride. Furthermore, very high levels of performance reliability will be needed in order to minimize the potential danger of serious accidents in crowded urban STOL ports or VTOL ports. The latter, for instance, can be located on the roofs of urban structures. In the long run community opposition may pose a greater threat to development. The proposal for a Manhattan STOL port has been blocked for years by the objections of local residents.

The array of potential problems discussed above suggests a serious contradiction in airport development patterns. The pattern most likely to retain elements of convenience, flexibility, and proximity to central urban areas is also the pattern that involves the highest investment costs, the greatest technological risk, and the poorest prospects for overcoming external diseconomies and community opposition. Conversely a functionally dispersed and specialized system that routes big jets to outlying terminals and avoids the externalities of central urban location is also the configuration that is most likely to penalize the users—the passengers and aircargo shippers—and intensify complaints about inefficiency and travel delays.

It is critical to continue to expand and develop our important airline industry. I am in no way attempting even to imply that its importance or priority can be underemphasized. But we must at the same time consider all of the factors which might be involved in the California corridor in the years to come. We must evaluate alternative modes of transportation which might prove to be important and which will provide passengers with the most comfortable and convenient opportunities.

A HIGH SPEED GROUND POSSIBILITY: A TRACKED AIR CUSHION VEHICLE

Accordingly, high speed ground transportation possibilities must be evaluated. Can we develop systems which will be efficient at speeds of 150 miles per hour? Do circumstances demand that such modes be developed? A study of this nature is imperative.

A number of alternatives clearly exist. One of them is a tracked air cushion vehicle. It can meet many of the intercity transportation criteria that have implicitly been a part of my remarks. Specifically, it will be capable of meeting consumer preferences for speed, frequency of service, convenience, relative ease of access, and reasonable flexibility at competitive levels of user cost. Moreover, it offers the potential for avoiding some of the external problems that threaten the development of the airline industry.

A TACV system is designed to ride a thin cushion of air along a T-shaped center rail that allows stable, vibration free motion. Terminal-to-terminal speeds in excess of 200 miles per hour are anticipated with a maximum speed approaching 300 miles per hour. Power is provided by a linear induction motor that is nonpolluting and can be reversed for rapid and safe braking.

It would be critical that a TACV vehicle have door-to-door trip times comparable to those of the airlines. Without this the TACV system would have little chance of maintaining a competitive position. A 300-mile-per-hour TACV system, between San Diego and Los Angeles, would have a trip time almost identical with an airplane. Between Los Angeles and San Francisco the line haul air time is 55 minutes; nonstop TACV time would be about 1 hour 55 minutes. However, by hooking up with the BART system in Daly City, it will have lower access times to San Francisco destinations. Furthermore, the in-terminal processing will be longer for air travel than for the rail system and the differential will be greater if there are runway or baggage handling delays. Terminal access times in Los Angeles should be similar for both modes. Thus, the door-to-door trip times for the TACV system might not exceed those of the airplane by more than 30 minutes. The exact differential will largely be a function of one's relative ease of access to terminal locations. The airline will only offer a time advantage to the most harried business traveler. Initially, the TACV system perhaps could locate terminals in both central city and suburban areas, and thus, will have the option to offer express service from CBD to CBD or to link these with a number of suburban and secondary city stops. User charges would be set at levels competitive with those of the airlines.

An adaptation to the California environment of the cost parameters developed for the northeast corridor study indicates a capital investment requirement of approximately $3 billion. This substantial front-end cost might be offset by very low marginal costs and the ability to rapidly adjust capacity to meet rising demand. Estimates of the total system costs projected over a 50-year project life suggest that the TACV system would have to capture about 10 percent of the corridor interurban travel market during its initial years of operation—1985-90—and achieve an annual passenger growth rate of about 6 percent in order to be economically viable. These assumptions do not seem unrealistic; air travel has sustained a much higher growth rate, and these two systems are designed to be competitive with one another. Furthermore, this analysis has ignored the fact that the TACV system could initiate high-speed freight service operating during off-peak hours. Here the rail system would have significant requirements since the infrastructure will be in place.

The Department of Transportation is currently testing TACV prototypes and is considering the construction of a 200 miles per hour demonstration system between Los Angeles and Palmdale Airport. Full speed production models will be available for 1985, according to northeast corridor study estimates. Further research is required to improve high-speed electrical pickup mechanisms and guideway switching systems. The engine noise level will be below that of current jet aircraft, but further reductions would be desirable.

The only source of air pollution would be the electrical generating station. This facility can be located away from already distressed urban areas and pollutants can be controlled at the source.

A major requirement of a TACV system would be a new roadbed. In places this will necessitate the purchase of a new right-of-way. Without onsite inspection the exact requirement is hard to estimate, but it is evident that this factor will complicate the problems involved.

The northeast corridor study indicates that the TACV requires only a 100-foot right-of-way, considerably less than is needed for an urban freeway. The burden of land acquisition will not fall unfairly on any one community—a fact that should increase the possibility for acceptance.

Two additional advantages of a TACV system are apparent. First, ancillary activities such as maintenance and freight handling do not have to be located in proximity to passenger terminals. Thus, TACV passenger terminals will not create the congestion and community disruption that plagues air travel. Freight service and maintenance functions can be located on existing rail facilities. Second, a TACV system could be a source of considerable economic benefit to the local economy through the creation of additional jobs and markets.

CONCLUSION

There appears, therefore, to be very powerful reasons to consider the possibility of a TACV or another high-speed ground transportation system in the California corridor. The alternatives should be explored now.

A new system will neither be risk free nor inexpensive. Nor will any system find it easy to meet the high levels of projected demand. Any future intercity transport system—air, rail, or highway—will cost an enormous outlay in funds. A rigorous evaluation of the financial risks is necessary. In view of the future capital requirements and the projected necessity of some additional new method of transportation, it would seem mandatory to spend the relatively few dollars which are necessary now for a thorough evaluation of the costs and benefits of all potential high-speed modes—rather than risk the misallocation of millions or billions of dollars in the very near future.

Accordingly, Mr. President, I ask for careful consideration and prompt passage of the California Corridor Feasibility Act, and I ask unanimous consent that my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation shall make an investigation and study for the purpose of determining the social advisability and economic practicability of a high-speed ground transportation system between the cities of Sacramento, San Francisco, Los Angeles, and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider (1) the various means of providing such transportation including those under development such as the tracked air cushion vehicle, (2) the cost of establishing such a system including any necessary right of way acquisition, (3) the environmental impact of such a system including the future environmental impact from air and other transportation if such a system is not established, and (4) such other matters as he deems appropriate.

SEC. 2. In carrying out the investigation and study pursuant to this Act the Secretary of Transportation may enter into contracts and other agreements with public or private agencies, institutions, organizations, corporations, or individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

SEC. 3. The Secretary of Transportation shall report the results of the investigation and study pursuant to this Act, together with his recommendations, to the President and the Congress as soon as practicable.

SEC. 4. There is authorized to be appropriated, funds sufficient to carry out the provisions of this Act.

By Mr. TUNNEY:

S. 3778. A bill to amend section 3010 (a) of title 38, United States Code, relating to the effective date of an award for compensation or pension under such title. Referred to the Committee on Veterans' Affairs.

VETERANS CLAIMS BILL

Mr. TUNNEY. Mr. President, I am pleased to introduce at this time legislation which will enable the Veterans' Administration to date their receipt of claims from the date of postmark rather than the date of receipt.

It has come to my attention that veterans have been denied certain claims to which they have been legitimately entitled simply because the Veterans' Administration uses the date at which they receive claims rather than the date at which claims are postmarked as the effective date on which the claim was filed. Many other entities use the date of postmark rather than the date of receipt as the effective date upon which claims are filed.

The legislation is simple, Mr. President. It only makes that one change. I would not have introduced a separate bill on the subject but I was advised by the Veterans' Administration that the practice could not be changed without specific legislation.

Accordingly, I am introducing this bill in order to redress this simple grievance.

I ask unanimous consent that the letter of May 18, 1972, which I received from the Chief Benefits Director of the Veterans' Administration, which advised me that legislation would be necessary for this revision, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
DEPARTMENT OF VETERANS BENEFITS,
Washington, D.C., May 18, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senator,
San Diego, Calif.

DEAR SENATOR TUNNEY: I am pleased to reply to your inquiry on behalf of Mr. Eugene S. Rovegno concerning the use of receipt date of claim as the effective date for award of Veterans Administration benefits.

Section 3010(a), 38 United States Code, states that "unless specifically provided otherwise in this chapter, the effective date of an award based on an original claim, a claim reopened after final adjudication, or a claim for increase of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor".

There are, however, liberal exceptions to the basic law. For original claims for compensation based on a service connected disability, if the claim is received within one year of separation, payment is made from the day following separation from active duty. In claims for death benefits, payment may be made from the first of the month in which the death occurred, if filed within one year of date of death. Furthermore, if entitlement arises out of liberalizing legislation, a claim filed within one year of the effective date of the liberalizing law will grant entitlement from date of enactment of the law.

Since the use of date of receipt of claim is a statutory provision, only amendatory Congressional legislation could effect any change to use of postmark date as Mr. Rovegno proposes.

Sincerely yours,

OLNEY B. OWEN,
Chief Benefits Director.

Mr. TUNNEY. Mr. President, I trust that this bill will be acted upon promptly and that the practice of using the date of postmark rather than the date of receipt as the effective date for presenting claims will soon be initiated by the Veterans' Administration.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was

ordered to be printed in the Record, as follows:

S. 3778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3010 (a) of title 38, United States Code, is amended by striking out "the date of receipt of application therefor" and inserting in lieu thereof "the date of the postmark of the application therefor".

Sec. 2. The amendment made by the first section of this Act shall be effective in the case of any application received by the Veterans' Administration on or after the date of enactment of this Act.

By Mr. MONDALE (for himself, Mr. Stevenson, Mr. Javits, Mr. Anderson, Mr. Bayh, Mr. Case, Mr. Eagleton, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. Metcalf, Mr. Pastore, Mr. Percy, Mr. Ribicoff, Mr. Tunney, and Mr. Williams):

S. 3779. A bill entitled the "Elementary and Secondary Education Assistance Act of 1972." Referred to the Committee on Labor and Public Welfare.

INTRODUCTION OF THE ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE ACT OF 1972

Mr. MONDALE. Mr. President, for myself and Senators Stevenson, Javits, Anderson, Bayh, Case, Eagleton, Hughes, Humphrey, Kennedy, McGee, Metcalf, Pastore, Percy, Ribicoff, Tunney, and Williams, I send to the desk a bill entitled the Elementary and Secondary Education Assistance Act of 1972, and ask that it be read twice and appropriately referred.

Mr. President, I wish to give warm and special thanks to the Senator from Illinois (Mr. Stevenson). Without his patient, tireless and creative efforts this bill would not have been possible.

Mr. President, elementary and secondary education in this country is in desperate financial condition.

President Nixon, in the longer version of the state of the Union address which he submitted to Congress, put it this way:

> In recent years the growing scope and rising costs of education have so overburdened local revenues that *financial crisis* has become a way of life for many school districts.

The total of 2.2 million American teachers and 51 million American schoolchildren are condemned to the way of life the President described.

A survey of 63 major school systems last September found:

Thirty-eight school systems had reduced professional staff, eliminating 4,400 teaching positions.

Twenty school systems reduced expenditures for teaching materials.

Three systems shortened the school day—five systems shortened the school year.

Twenty-seven reduced education services such as art and music, industrial art, advanced math and science, foreign languages, and summer school.

One element of the financial crisis is the increasing strain placed on State and local budgets for public services by spiraling educational costs.

State and local spending for education is increasing at a far more rapid rate than State and local expenditures in general. Between 1962 and 1968 education expenditures increased at one and one-half times the rate of all State and local expenditures combined.

Between 1960 and 1970, local spending on public schools—financed for the most part by property taxes—increased by almost $12 billion. State aid increased by nearly $10 billion. The Federal share increased by only $1.8 billion.

While local sources supply over half of education revenues, and State sources supply over 40 percent, the Federal Government's share amounts to less than 7 percent. And the Federal share has actually decreased over the past 4 years.

But many local communities have exhausted their capacities to increase school revenues. The fact is clear to anyone who has reviewed the success rate—or what might better be called the failure rate—of school bond issues. In 1960, only 11 percent of school bond issues were rejected by the voters. In 1970 52 percent were turned down. While school costs continue to grow, the capacity of traditional revenue sources to meet those costs is dwindling.

A second element in the financial crisis confronting our public schools is the wide disparities in financial ability which exist among school districts, caused in large part by excessive reliance on the local property tax.

The facts are startling. California provides a typical example:

School district assessed property valuations range from a low of $103 per pupil to a high of almost $1 million.

Per pupil expenditures range from $407 to $2,586—a ratio of 6 to 1.

And Federal courts in California, Minnesota, New Jersey, and Texas have found such disparities in violation of the equal protection guarantees of the 14th amendment to the U.S. Constitution.

The bill, which we are introducing today, moves to fulfill our unmet Federal responsibility in the area of education finance. The bill would:

Authorize over $5 billion annually in general aid to States and school districts;

Require that these new funds be used to reduce existing disparities in per pupil expenditures among school districts within States, without lowering expenditures in any district;

Provide cities with sufficient funds to meet the higher cost of education in urban areas;

Leave States and local school districts free to determine uses of funds.

And our proposal does not simply shift existing funds for categorical programs to block grants.

Existing programs—such as ESEA title III, for innovation and experimentation; title VI, bilingual education; title VIII, dropout prevention; and impact aid—will be retained. ESEA title I for the education of the disadvantaged, not only will be retained, but will receive further protection. No funds will be available under this new bill until and unless title I receives at least the same level of funding as during fiscal year 1973.

With the exception of only three existing categorical programs—ESEA title II, libraries, and title V, State department of education; and NDEA title III, science and math—which would be replaced only when this new program is fully funded or incorporated as an earmark in this new bill—our proposal supplements existing programs rather than replacing them.

Our bill recognizes that more money is necessary. It also recognizes that more money alone will not insure improvements in the quality of education.

Too many children are not now acquiring the basic skills necessary for full participation in American life—and too many others fall far short of reaching their intellectual potential. Additional resources for their schools will help. But more is needed than simply increased funding.

For that reason, our proposal includes an additional voluntary bonus plan to encourage improvements in the quality of education. It will provide financial rewards to school districts that are successful in upgrading the reading and math achievements for disadvantaged children.

We do not pretend to have all the answers. I hope that our proposal will receive thorough review from the Congress, from organizations representing parents and educators, and from individual teachers, parents, administrators, and students; and I know that this review will lead to a stronger bill.

Passage of comprehensive school finance legislation is, I believe, essential to the continued vitality of our public schools. As the report of the President's Commission on School Finance said:

> The system which has served our people so long and so well is, today, in serious trouble, and if we fail to recognize it, our country's chance to survive will all but disappear.

Mr. President, I ask unanimous consent that a summary, a section-by-section analysis, and the text of the Elementary and Secondary Education Assistance Act of 1972 may appear at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Assistance Act of 1972".

Sec. 2. It is the purpose of this Act: (1) to provide increased financial resources for elementary and secondary education; (2) to redress inequitable distribution of resources for elementary and secondary education among States and among local educational agencies within the States; and (3) to improve the educational achievement of educationally disadvantaged elementary and secondary school students.

TITLE I—GENERAL GRANTS FOR ELEMENTARY AND SECONDARY EDUCATION GRANTS AUTHORIZED

Sec. 101. (a) The Commissioner shall, in accordance with the provisions of this title, make payments to State educational agencies for grants to local educational agencies and for other elementary and secondary education programs and activities. There are authorized to be appropriated to the Commissioner, for the purpose of carrying out this title, $5,250,000 annually for the fiscal year ending June 30, 1974 and for each of the two succeeding fiscal years: *Provided*, That no funds are authorized to be appropriated to carry out the provisions of this title for any fiscal year in which the funds appropriated for title I of the Elementary and Secondary Education Act of 1965 are not at least equal to the funds appropriated for such program for the fiscal year ending on June 30, 1973.

(b) From the sums appropriated pursuant to subsection (a) for any fiscal year, the Commissioner shall reserve:

(1) $50 million plus an amount equal to one per centum of sums appropriated pursuant to subsection (a) for such year, for the purposes of section 106(c);

(2) 5 per centum for the purposes of section 106(b);

(3) 2 per centum for Office of Education expenses of administration and evaluation, of which not less than 1% shall be expended for evaluation of activities under this title by qualified persons or institutions other than the Department of Health, Education, and Welfare or recipients of assistance under section 106.

APPORTIONMENTS AMONG STATES

SEC. 102. (a) Of the sums appropriated under section 101(a) for any fiscal year which are not reserved under section 101(b), the Commissioner shall apportion not more than 3 per centum among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territories of the Pacific Islands, according to their respective needs for assistance under this title.

(b) from the remainder of such sums for any fiscal year, the Commissioner:

(1) shall apportion to each State an amount which bears the same ratio to 60 per centum of such remainder as the number of children, aged 5 to 17, inclusive, in such State bears to the number of such children in all States;

(2) shall apportion to each State an amount which bears the same ratio to 20 per centum of such remainder as the need index for such state bears to the total of the need indexes of all States;

(3) shall apportion to each State an amount which bears the same ratio to 20 per centum of such remainder as the resource index of such State bears to the total of the resource indexes of all States.

(c) The apportionment of any State which declines to participate or fails to meet the qualifications set forth in sections 104 and 105 of this title for the period such apportionment is available, shall be reapportioned from time to time, on such dates during such period as the Commissioner may fix, to other States in proportion to the original apportionment to such States under subsection (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner determines such State needs and will be able to use for such period for carrying out such portion of its State application approved under this Act, and the total of such reductions shall be similarly reapportioned among the States whose proportionate amounts are not so reduced. Any amount reapportioned to a State under this subsection during a year shall be deemed a part of its apportionment under subsection (b) for such year.

(d) For the purposes of this section—

(1) the term "need index of a State" for any fiscal year shall mean the product of the inverse of that State's personal income per child, adjusted, according to criteria developed by the Bureau of Labor Statistics of the Department of Labor, for regional differences in purchasing power, and the number of children, aged 5 to 17, inclusive, in such State;

(2) the term "resource index of a State" for any fiscal year shall mean the total expenditures, adjusted, according to criteria developed by the Bureau of Labor Statistics of the Department of Labor, for regional differences in purchasing power, from State and local sources for public education ending in the calendar year end in the fiscal year preceding the fiscal year for which the computation is made in such State, divided by the total personal income, adjusted, according to criteria developed by the Bureau of Labor Statistics of the Department of Labor, for regional differences in purchasing power, for such calendar year in that State, and multiplied by the number of children in that State aged 5 to 17 inclusive;

(3) the term "personal income of a State" for any fiscal year shall mean the total personal income for such State in the calendar year ending in the fiscal year preceding the fiscal year for which the computation was made.

(4) the term "personal income per child of a State" for any fiscal year shall mean the total personal income for such State in the calendar year ending in the fiscal year preceding the fiscal year for which the computation was made, divided by the number of children, age 5 to 17, inclusive, in such State;

(5) for the purpose of subsections (a) and (b) of this section, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific Islands;

(6) the resource index for the District of Columbia shall be no smaller than the smallest resource index for any other State.

DISTRIBUTION OF RESOURCES AMONG LOCAL EDUCATIONAL AGENCIES

SEC. 103. (a) Any State desiring to receive financial assistance under this title for any fiscal year shall submit a plan for use of its apportionment under section 102(b), in conjunction with State and local resources, to reduce disparities in per pupil expenditures among local educational agencies within such State so that in such fiscal year:

(1) each local educational agency within such State shall have a per pupil expenditure for elementary school students not less than 90 per centum of the target per pupil expenditure for elementary school children in such State, and each local educational agency serving an urban center shall have a per pupil expenditure for elementary school students not less than 100 per centum of the target per pupil expenditure for elementary school children in such State:

(2) each local educational agency within such State shall have a per pupil expenditure for secondary school students not less than 90 per centum of the target per pupil expenditure for secondary school students in such State, and each local educational agency serving an urban center shall have a per pupil expenditure for secondary school students not less than 100 per centum of target per pupil expenditures for secondary school students in such State.

(b) (1) For any State, the target per pupil expenditure for any fiscal year for elementary school children shall be the per pupil expenditure for elementary school children during the previous fiscal year of that local educational agency within such State with a per pupil expenditure for elementary school children exceeded by no more than 10 per centum of the local educational agencies in the State;

(2) For any State the target per pupil expenditure for any fiscal year for secondary school students shall be the per pupil expenditure for secondary school students during the previous fiscal year of that local educational agency within such State with a per pupil expenditure for secondary school students exceeded by no more than 10 per centum of the local educational agencies in the State;

(3) For purposes of this section, "urban center" shall mean the central city of a standard metropolitan statistical area; and "local educational agency serving an urban center" shall mean a local educational agency serving not less than one-third of the children in an urban center, and serving no fewer than 25,000 students; and

(4) the number of children, aged 5 to 17 inclusive, of a State and of all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) Prior to receiving its apportionment under this title in the second year and each year thereafter, each State shall present data to the Commissioner demonstrating that, in the previous year, all local educational agencies in the State had per pupil expenditures above the required level for elementary and secondary school children respectively, as set forth in section 103(a). Any State unable to meet the requirement set forth in the preceding sentence and desiring to continue participating under this title shall, prior to receiving its apportionment, submit a new application as set forth in subsection (a), except that no State shall receive an apportionment if it fails for two consecutive years to meet the requirements set forth in the preceding sentence, until such year as the requirement shall have been met during the preceding year.

(d) Funds apportioned to a State under section 102(b) and not allocated to local educational agencies in order to meet the target levels set forth in subsection (a), shall be distributed by apportioning to each local educational agency:

(1) an amount which bears the same ratio to 50 per centum of such unallocated funds as the average daily membership of that local educational agency bears to the average daily membership of all local educational agencies in the State; and

(2) an amount which bears the same ratio to 50 per centum of such unallocated funds as the number of children in low-income families (as defined in sections 103 (c) and (d) of the Elementary and Secondary Education Act of 1965) residing in that local educational agency bears to the total of such families in the State.

STATE APPLICATIONS

SEC. 104. (a) The Chief State School Officer of any State desiring to participate under this title shall submit annually to the Commissioner an application in such detail and containing or accompanied by such information as the Commissioner deems necessary, which provides satisfactory assurances—

(1) that the State will make payments under this title only to local educational agencies which have satisfied the provisions of section 105(a) where applicable, and will in all respects comply with the provisions of this title, including the rejection of any application which does not meet the obligations imposed upon a local educational agency under section 105(a);

(2) that the State will, to the extent consistent with State law, meet the requirements of paragraph (2) of section 105 (a);

(3) that the State will distribute State and Federal financial assistance to local educational agencies within the State so as to insure that the requirements of Section 103 are met; and

(4) that such fiscal control and fund accounting procedures, in accordance with criteria established by the Commissioner by regulation, will be adopted to assure (a) proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title and (B) that Federal funds received under this title are not comingled with State funds;

(5) that the State will make available to the Commissioner (A) annual reports, which shall include the results of objective measurements required of local education agencies by paragraph (4) of subsection 105, an-

nual reports of local educational agencies required to carry out paragraph (5) of subsection 105, descriptions of the purposes for which payments under this title were utilized, and evaluation of the effectiveness of payments under this title and of other Federal payments expended pursuant to the Elementary and Secondary Education Act of 1965, and (B) such other reports as may be reasonably necessary to enable the Commissioner to perform his duties under this title;

(6) that the State will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

(7) that the State will make application, reports and all documents pertaining thereto readily available to the public.

(b) Each State shall reserve a portion of its apportionment which bears the same ratio to such apportionment as the number of children, aged 5 to 17, enrolled in private non-profit elementary and secondary schools bears to the number of children, aged 5 to 17, enrolled in private and public elementary and secondary schools. The funds set aside by this subsection shall be used only for the purposes set forth in section 105(a) (2) (A).

(c) If a State is not authorized by law to provide the programs and activities set forth in subsection (b) of this section if a State does not pay out the full portion of the funds set aside under subsection (b) of this section, the unused funds shall revert to the Commissioner for use as set forth in section 105(c) without regard to the provisions of sections 101 or 102.

(d) the Commissioner shall not approve an application unless it meets the requirements of this section and section 103, but he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

LOCAL EDUCATIONAL AGENCY APPLICATIONS

SEC. 105. (a) A local educational agency may receive a grant from the appropriate State educational agency under this title for any fiscal year only upon an application approved by the appropriate State educational agency, upon its determination consistent with such basic criteria as the Commissioner may establish—

(1) that the programs and activities for which the assistance is sought will be administered by or under the supervision of the applicant;

(2) (A) that, to the extent consistent with the number of children in the school district of the local educational agency who are enrolled in private non-profit elementary and secondary schools, such agency, after consultation with appropriate private school officials, will make provisions for the benefit of such children in such schools of secular, neutral, and nonideological educational services, materials, and equipment, including such facilities as necessary for their provision, consistent with subparagraph (B) of this paragraph, or, if such are not feasible or necessary in one or more of such private schools as determined by the local educational agency after consultation with the appropriate private school officials, such other arrangements as dual enrollments, which will assure adequate participation of such children; except that no provision shall be made for the benefit of children attending a private school operated on a racially segregated basis as an alternative to persons seeking to avoid attendance in desegregated public schools, or which otherwise practice discrimination on the basis of race, color or national origin;

(B) that the control of funds provided under this section and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this section, and that a public agency will administer such funds and property; and that the provision of services pursuant to subparagraph (A) shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services, is independent of such private school and any religious organization, and such employment or contract shall be under the control and supervision of such public agency;

(3) that local educational agencies receiving grants under this title shall maintain their previous year's per pupil expenditures from local sources; except that, with the approval of the appropriate Chief State School Officer, additional State funds for general education support may be used to replace an equal amount of locally raised funds;

(4) that effective procedures pursuant to criteria established by the Commissioner by regulations will be adopted for evaluating at least annually the effectiveness of the local educational agency's programs and activities in meeting educational needs of its students;

(5) that the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information (which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives), as may be reasonably necessary to enable the State educational agency to perform its duties under this title, which annual report shall include school-by-school information relating to educational achievement, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports;

(6) that applications, reports, and all documents pertaining thereto shall be made available to parents and other members of the general public, and that all evaluations and reports required under paragraph (5) shall be public information, except that information relating to the performance of an individual student shall in no circumstances be made public; and

(7) that the local educational agency will cooperate with the appropriate State educational agency in carrying out the provisions of this title.

(b) The State shall not finally disapprove in whole or in part any application for funds under this title without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(c) In the case of a local educational agency which is located in a State in which no State agency is authorized by law to provide, or in the case in which there is a substantial failure by a local educational agency approved for a program or activity under this section to provide the educational services and arrangements set forth in subparagraph (2) (A) of subsection (a) on an equitable basis to children enrolled in private nonprofit elementary or secondary schools located in the school district of such agency, the Commissioner shall arrange for the provision, on an equitable basis of such services and arrangements and shall pay the costs thereof for any fiscal year from funds which have reverted to him pursuant to section 104(c). The Commissioner may arrange for such programs through contracts with institutions of higher education or other competent nonprofit institutions or organizations.

(d) In the case of a local educational agency which has submitted no application for funds under this section, or whose application for funds is disapproved, the State, in consultation with appropriate private school officials, shall make arrangements for carrying out the provisions of subparagraph (2) (A) of subsection (a) in that district, except that if the circumstances set forth in subsection (c) of section 104 obtain, then the Commissioner shall make such arrangements as that subsection authorizes.

PAYMENTS

SEC. 106. (a) The Commissioner shall pay to each State which has established eligibility under sections 103 and 104, in advance or by way of reimbursement, the amount of such State's apportionment under section 102.

(b) From funds reserved pursuant to section 101(b) (2), the Commissioner shall pay an additional 5 per centum of its apportionment under section 102 to any State for any fiscal year in which such State conducts a comprehensive assessment, pursuant to criteria established by the Commissioner by regulation, of the quality and equality of public elementary and secondary educational programs and opportunities within its jurisdiction which shall include, but shall not be limited to, an analysis of educational achievement by school, and an evaluation of the effectiveness of school programs within the state in meeting the educational needs of children from varying social and economic backgrounds, including the special educational needs of minority groups, bilingual and educationally disadvantaged children. Such funds may be expended to support the costs of such assessment, including costs of administration and distribution; remaining funds shall be expended in accordance with subsection (c).

(c) From funds reserved pursuant to section 171 (b) (1), the Commissioner is authorized to pay each State an amount equal to the amount expended by such State for the proper and efficient performance of its duties under this title, for provisions of technical assistance to local educational agencies within its jurisdiction, and for model innovative programs designed to increase academic achievement of educationally disadvantaged children.

(d) From funds paid pursuant to subsection (a), each State shall distribute to each local educational agency which has submitted an application approved under section 105(a) the amount for which such application shall have been approved.

(e) (1) No payments shall be made under this title to any State for any fiscal year in which per pupil expenditures for elementary and secondary education (as determined in accordance with criteria established by the Commissioner by regulation) for the preceding year from State sources (but excluding any funds received from the Federal Government) are less in such State than such expenditures for the second preceding fiscal year;

(2) No State shall make payments under this title to any local educational agency for any fiscal year in which current per pupil expenditures from local sources are less than such expenditures for the preceding fiscal year, except where, with the approval of the Chief State School Officer, additional State funds for general education support have been used to replace an equal amount of locally raised funds.

(f) Whenever the Commissioner, after reasonable notice and opportunity for hearing finds that a recipient of financial assistance under this title

(1) is in noncompliance with the provisions of this Act; or

(2) has knowingly given false assurances or has not made a good faith effort to establish the accuracy of such assurances, the Commissioner shall notify such recipient of his findings and no further payments shall be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize

the continuance of payments with respect to any programs or activities pursuant to this Act which are not involved in any noncompliance.

JUDICIAL REVIEW

SEC. 107. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 103, or 104, or with his final action under section 106, such State or local educational agency may within 60 days after notice of such action file with the United States Court of Appeals for the circuit for which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PROHIBITIONS AND LIMITATIONS

SEC. 108. (a) Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship.

ADMINISTRATION

SEC. 109. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to use the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

TERMINATION OF PROGRAMS

SEC. 110. (a) Effective July 1, 1973, title V of the Elementary and Secondary Education Act of 1965 is repealed.

(b) Title II of the Elementary and Secondary Education Act of 1965 and title III of the National Defense Education Act of 1965 are repealed effective the first fiscal year following enactment of this Act in which funds appropriated under section 101(a) for that year equal funds authorized to be appropriated for that year.

DEFINITION

SEC. 111. "Per pupil expenditure" means, for any State or local educational agency, the aggregate current expenditure for elementary and/or secondary education during the fiscal year divided by the number of children in average daily membership to whom such agency has provided free public education. Except for purposes of section 102, such expenditure shall not include the cost of transportation, health, maintenance or construction of physical facilities, or activities related to compensatory education or education of the mentally retarded or physically handicapped, as defined pursuant to criteria established by the Commissioner, nor any financial assistance received by State or local educational agencies under title I of the Elementary and Secondary Education Act of 1965.

TITLE II—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EDUCATION ACHIEVEMENT GRANTS AUTHORIZED

SEC. 201. (a) Section 102 of the Elementary and Secondary Education Act of 1965 is amended by inserting in lieu thereof "June 30, 1976".

(b)(1) by redesignating part D, and all reference thereto, as part E;

(2) by redesignating sections 141–144 as sections 150–154; and

(3) by inserting before part E a new part as new part as follows:

"PART D—EDUCATION ACHIEVEMENT GRANTS

"ACHIEVEMENT PROGRESS TESTS

"SEC. 141. (a)(1) Upon request of any State, the Commissioner shall certify for administration achievement progress tests to be given by that State in reading and mathematics for elementary school and for secondary school children in all local educational agencies receiving grants under Title I of the Elementary and Secondary Education Act of 1965. Such tests, upon certification, shall be given prior to June 1 of each year.

"(2) For each such fiscal year, the Commissioner shall enter into whatever arrangements are appropriate for testing of children attending non-public elementary and secondary schools in states seeking and receiving certification for Achievement Progress Tests as edscribed in this section.

"(b) The Commissioner shall establish a minimum satisfactory performance score for elementary school children for each appropriate grade for each of the State tests he has certified. The criterion for establishing the score shall be based on necessary progress towards the objective of being able to read and calculate well enough to function self-sufficiently and to participate actively in American society.

"ACHIEVEMENT PROGRESS BONUS

"SEC. 142. (a) The Commissioner shall, by regulation, establish criteria for the measurement of achievement progress as measured by the achievement progress tests in reading and mathematics administered pursuant to this part.

"(b) For each fiscal year beginning after June 30, 1974, a payment shall be made to each State which has sought and received certification for an achievement progress test as described in section 141(a)(1), for a grant to each local education agency in the amount of $150 or 50 per centum of the title I funds allocated per title I child during the previous fiscal year, whichever is higher, for each unit of improvement, by a title I pupil whose score on the test given in the previous year was below the minimum performance score as determined under subsection (b) of section 141, on most recent test compared to the test given in the preceding year, and (2) for additional special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile education services and equipment) for students enrolled in private elementary and secondary schools in the school district of the local educational agency. The Commissioner shall establish procedures for allocating portions of this grant among different local educational agencies if the student has attended schools in more than one local education agency during the preceding school year.

"(c) Grants pursuant to this section shall be used for any education program or activity conducted by the public school attended by the student for which the bonus grant is made under this section.

"(d) Grants pursuant to this section shall be made upon application containing such information as the Commissioner may require for the purpose of this section. The Commissioner shall not finally disapprove such an application except after reasonable notice and opportunity for a hearing to the State and educational agency.

"(e) No grant may be made under this section unless the State educational agency provides assurances that each local educational agency receiving payments under this section has filed with the State educational agency, an annual plan, including measurable objectives, for the improvement of skills in reading and mathematics for each public school in the agency's area. The State educational agency must also provide assurances that each such plan was prepared with parental participation as provided for in section 415 of the General Education Provisions Act, was approved by the local educational agency, and was or will be made available to parents and elementary and secondary school children and members of the general public in each agency.

"CONFIDENTIALITY OF TEST SCORES

"SEC. 143. The Commissioner shall not allow disclosure of the individual test scores obtained pursuant to this part, except to the parent, but he shall disclose such scores aggregated for each school, local educational agency, and State.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 144. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of Section 142 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years."

TITLE III—AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT

SEC. 301. Section 422 of the General Education Provisions Act, "Prohibition Against Federal Control of Education" is amended by striking out the word "or" and by adding immediately before the word "shall" a semicolon and the following: "or the Elementary and Secondary Education Assistance Act of 1972".

FACT SHEET ON ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE ACT OF 1972

Sets forth three purposes: 1) provide increased financial resources for elementary and secondary education, 2) redress inequitable distribution of educational resources among school districts within a state, and 3) improve educational achievement of educationally disadvantaged children.

TITLE I

Authorizes $5.25 billion annually for elementary and secondary general education grants to states (more than $5 billion of which is new money).

Apportions funds among states on the basis of school-aged population, need, and tax effort for education.

Specifies that, in order to receive funds, a state must submit annually a plan showing how it will distribute the funds, in conjunction with state and local resources, to assure that every school district will spend at least 90% of a target per pupil expenditure. Big city school districts, where the cost of education is higher, will spend 100% of the target expenditure.

The target expenditure for each state is the per pupil expenditure the previous year of the school district in that state at the 90th percentile in per pupil expenditure.

The effect is to place a floor under the per pupil spending of all school districts in the state while still permitting any school district to spend as much as it wishes.

Federal general education grants above the amount necessary to meet above criteria will be allocated by the state to local school districts—50% on the basis of student enrollment and 50% on the basis of low income population.

Local school districts receive funds, which may be used for any educational program or purpose, through state education agencies.

Funds must be provided for benefit of students attending private non-profit schools for secular, neutral, and non-ideological educational services, materials, and equipment (language from most recent Supreme Court decision relating to aid to children attending private schools).

Includes maintenance of effort requirements on both state and local education agency recipients—but provides state may assume all or part of LEA responsibility.

Requires that achievement program by school be made public, protecting individual test score from disclosure, and provides state with 5% bonus if it adopts or has adopted a comprehensive assessment program including an analysis of academic achievement by school and other appropriate factors specified by the Commissioner of Education.

Terminates present ESEA Title V (Aid to improve state education offices) but sets aside greater amount of funds for similar purposes.

Terminates ESEA, Title II (grants for library resources) and NDEA Title III (grants for equipment and minor remodeling) upon full funding of the Act.

Safeguards existing compensatory education programs under Title I, ESEA by requiring at least continued funding at 1972 levels.

TITLE II

Amends ESEA, Title I (Aid to Educationally Disadvantaged) by adding a new program of Education Achievement Grants.

States wishing to participate would give annual tests in reading and math to all Title I students in the State. A school district would receive a $150 Achievement Progress bonus for each Title I student whose test score showed achievement progress of at least one year. The achievement progress bonus could be used by the school district for general education aid. Receipt of funds under the present Title I program would not be affected by the new program.

Protects individual test scores from disclosure except to parents, but requires public disclosure of test scores aggregated by school, local education agency and State.

Authorizes for appropriation such sums as may be necessary.

THE ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE ACT OF 1972

Section-by-Section Analysis

Section 1: Short title:

This section provides that the act may be cited as the "Elementary and Secondary Education Assistance Act of 1972."

Section 2: Purposes:

This section states three purposes of the Act:

1. To provide increased resources for elementary and secondary education;

2. To redress inequitable distribution of resources for elementary and secondary education among States and among local educational agencies within the States;

3. To improve the educational achievement of educationally disadvantaged elementary and secondary school students.

TITLE 1. GENERAL GRANTS FOR ELEMENTARY AND SECONDARY EDUCATION

Section 101: Grants authorized:

This section directs the Commissioner of Education to make grants to State educational agencies for them to make grants to local educational agencies and to engage in other activities. The section authorizes the appropriation of $5,250,000,000 for the purposes of this title but specifies that no funds can be appropriated for this title in any fiscal year in which the appropriations for Title I of ESEA are not at least as great as in fiscal year 1973.

The section reserves from the monies appropriated for the purposes of this Title:

1. $50 million plus one percent for the purposes of section 106(c)—(expenses of State educational agencies for certain activities).

2. Five percent for the purpoes of 106(b)—(comprehensive assessments of the quality and equality of elementary and secondary education porgrams in the States).

3. Two percent for Office of Education expenses, of which at least one percent must be used to finance evaluations of activities under this title by qualified persons or institutions other than the Department of Health, Education and Welfare and the recipients of aid under the title.

Section 102: Apportionment among States:

This section describes the mechanism by which remaining funds appropriated under this Title are to be apportioned among the States.

First, the section reserves up to three percent of the remaining funds for grants to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific Islands.

Secondly, the section apportions funds which still remain among the fifty states and the District of Columbia according to three criteria:

1. 60 percent according to the number of children, aged 5 to 17.

2. 20 percent according to need, as measured by a States personal income per school-aged child, adjusted according to criteria developed by the Bureau of Labor Statistics of the Department of Labor for regional differences in purchasing power.

3. 20 percent according to effort, as measured by a State's total state and local expenditures from its own sources on elementary and secondary education, divided by its total personal income, adjusted according to criteria developed by the Bureau of Labor Statistics of the Department of Labor for regional differences in purchasing power.

The section provides that any funds freed by the nonparticipation of any State may be reapportioned among the remaining States in proportion to their original entitlements and their need for further financial aid. It also provides that the resource index for the District of Columbia shall be no smaller than the smallest resource index for any other State.

Section 103: Distribution of resources among local educational agencies:

This section describes the manner in which the States shall allocate the funds apportioned to them in section 102(b) to local educational agencies.

The section provides that any State desiring to receive assistance under this title shall submit a plan showing how it will make use of the federal funds, in conjunction with state and local funds, to reduce the disparities which exist among local educational agencies within the State in per pupil expenditures. The section further defines the criteria for determining whether such disparities have been sufficiently reduced. For elementary school students, the plan must provide that each local educational agency have a per pupil expenditure of at least 90 percent of the target per pupil expenditure, which is defined as the expenditure per elementary school students during the previous year of that local educational agency whose expenditure in that year was exceeded by no more than 10 percent of the State's local educational agencies. In the case of a local educational agency serving at least one-third of the children of an urban center (defined as the central city of a standard metropolitan statistical area), and in any case no less than 25,000 students, the plan must provide that the agency expend 100 percent of the target expenditure per pupil. For secondary school students, the plan must provide analogous assurances based on a target per pupil expenditure for secondary school students.

In the second and subsequent years of the title's operation, the State must further give proof to the Commissioner that every local educational agency had per pupil expenditures for elementary school students and for secondary school students at or above the required levels in the preceding year. If a State cannot provide such proof it is required to submit a new application with appropriate assurances. Any State which fails to meet the per pupil expenditure requirements for two consecutive years is barred from receiving funds under this title until such time as it can prove that it met the expenditure requirements in the preceding year.

The section provides that any funds apportioned to the State which remain after the requirements for eliminating expenditure disparities have been met shall be allocated among the local educational agencies of the State in the following manner: 50 percent on the basis of average daily membership and 50 percent on the basis of the number of low-income families (as defined in the Elementary and Secondary Education Act of 1965) residing in the district of each local agency.

Section 104: State applications:

This section requires the Chief State School Officer of any State which desires to participate under this title to submit an application each year, and details the assurances which this application must contain. It further sets forth special provisions concerning aid to private nonprofit schools.

Applications submitted by the Chief State School Officer for aid under this title must contain assurances:

1. that the State will comply with all the provisions of the Act, including the requirements for reducing expenditure disparities among local educational agencies and for aiding non-public schools, and that the State will not provide aid to any local educational agency which does not comply with all the requirements set out in the following section, and elsewhere in this title.

2. that the State will adopt adequate accounting and fiscal control procedures and will not comingle federal funds with state or local funds.

3. that the State will make available to the Commissioner various reports. These include: 1) the annual reports on evaluation of programs under this title and on school-by-school analysis of pupil achievement which are required of local educational agencies by section 105; 2) reports by the State concerning the purposes for which it made payments under this title and evaluations of the effectiveness of such payments and of payments pursuant to Title I of the Elementary and Secondary Education Act of 1965.

4. that the State will make application, reports and all documents pertaining to them readily available to the public.

Subsections (b) and (c) of this section make special provisions with regard to private, non-profit elementary and secondary schools. Under subsection (b) the State is directed to reserve a portion of its apportionment under this title for use in fulfilling its obligations to non-public schools under section 105(a)(2)(A). The portion so reserved must represent the same percentage of the State's apportionment as the number of children aged 5 to 17 enrolled in private, non-profit schools represents of total enrollments in elementary and secondary schools. Under subsection (c), any portion of such reserved funds which is not used by the State, on account of State law or for some other reason, reverts to the Commissioner for use under the provisions of section 105(c).

Section 105: Local Educational Agency Applications:

This section details the conditions under which a local educational agency may receive a grant under this title.

Subsection (a) requires that the local educational agency submit an application to the appropriate State educational agency and that the State educational agency approve this application after determining the following items, in accordance with basic criteria which the Commissioner may establish:

1. That the programs and activities for which assistance is sought will be administered by or under the supervision of the applicant.

2. That the local educational agency will make provisions for students enrolled in private non-profit elementary and secondary schools in its district consistent with their proportion among all students in the district. The items to be provided must be secular, neutral, and nonideological educational services, material, and equipment, including such facilities needed for their provision. Special arrangements such as dual enrollments may be developed to assure the adequate participation of nonpublic school students where this is appropriate. The control of funds and the title to property acquired under this title must remain in a public agency, a public agency must administer such funds and property, and services must be provided by employees of a public agency or through contract with a person, association, etc. which is independent of the private school being aided, and of any religious organization. No provision may be made to benefit children attending a private school operated on a racially segregated basis as an alternative to persons seeking to avoid attendance in desegregated public schools, or which otherwise practices discrimination on the basis of race, color, or national origin.

3. That the local educational agency will maintain its per pupil expenditure of the previous year, except insofar as State funds are used to substitute for an equal amount of local funds in a manner approved by the Chief State School Officer.

4. That the local educational agency will institute effective procedures to evaluate the effectiveness of its programs in meeting students' educational needs and that it will submit an annual report to the State educational agency, plus any other reports and records required by the State in the performance of its duties. The annual report must include school-by-school information relating to educational achievement.

5. That applications, reports, and all documents pertaining to them, as well as all evaluations and reports required under 105(a)(5), shall be public information, except that information relating to the performance of an individual student shall in no circumstances be made public.

Subsection (c) stipulates that the Commissioner shall arrange for the provision of services to children in nonpublic schools in the district of any agency which is located in a State in which no State agency may legally provide such services, or which has failed to provide such services on an equitable basis. The Commissioner is to pay for such services out of funds which have reverted to him under the provisions of earlier sections, and may arrange for such programs through contracts with institutions of higher education or other competent non-profit institutions or organizations.

Subsection (d) provides that the State shall make arrangements for providing services to students of non-public schools in the districts of any local educational agencies which have not applied for funds under this title or whose applications have not been approved, unless the State is legally barred from doing so by applicable law. In the latter case the Commissioner shall make appropriate provisions.

Section 106: Payments:

This section directs the Commissioner to make payments to the States, and the States to make payments to the local educational agencies, in accordance with the provisions of preceding sections. The section also makes provisions disallowing payments to agencies which reduce expenditures from their own sources or which are otherwise in noncompliance with the provisions of this Act.

The section directs the Commissioner:

1. To make payments to the States in conformance with the provisions of sections 103 and 104 (general aid for education).

2. To use the funds reserved to him by section 101(b)(2) to make payments of up to 5 percent of its basic apportionment to any State in any year in which the State conducts a comprehensive assessment of the quality and equality of its public elementary and secondary educational system. This assessment must include, but must not be limited to, an analysis of educational achievement by school, and an evaluation of the effectiveness of school programs in the State in meeting the needs of children from varying social and economic backgrounds, including the special educational needs of minority groups and of bilingual and educationally disadvantaged children.

The section authorizes the Commissioner to make payments to the States, from the funds reserved to him under section 101(b)(1), in an amount equal to the expenses of the State for proper and efficient fulfillment of its duties under this title, for provisions of technical assistance to local educational agencies within the State, and for model innovative programs designed to increase academic achievement of educationally disadvantaged children.

The section directs the States to make payments to local educational agencies, in accordance with section 105(a), in the amounts for which applications have been approved.

The section sets forth two restrictions on payments by the Commissioner and by the States:

1. The Commissioner may not make payments to any State for any year in which that State's per pupil expenditure from State sources during the previous year was less than its expenditure for the second preceding fiscal year, and the States may not make payments to any local educational agency whose per pupil expenditure from local sources in that year is less than the preceding year, except where State funds have been used to replace local funds under an approved plan.

2. Upon finding that a recipient of aid is in noncompliance with this Act, or has knowingly given false assurances, or failed to make a good faith effort to establish the accuracy of its assurances, the Commissioner shall notify the recipient of his findings and shall cease payments to such recipient—at least for those activities affected by the noncompliance—until the situation has been corrected.

Section 107: Judicial review:

This section provides procedures for judicial review of actions taken pursuant to this Act.

Section 108: Prohibitions and limitations:

This section sets forth two restrictions:

1. Nothing in this title shall be construed to authorize any department, etc. of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

2. Nothing in this Act shall be construed to authorize payments for the construction of facilities as a place of worship.

Section 109: Administration:

This section authorizes the Commissioner to delegate any of his responsibilities under this Act, except the making of regulations, to another officer of the Office of Education, and to use the services and facilities of any agency of the Federal Government or of any public institution in the fulfillment of the provisions of the Act, under suitable arrangements.

Section 110: Termination of programs:

This section repeals Title V of the Elementary and Secondary Education Act of 1965 (Grants to State and local educational agencies to strengthen technical and administrative services), effective July 1, 1973, and Titles II of ESEA (Grants to State educational agencies for the acquisition of library resources, textbooks and other instructional materials) and III of the National Defense Education Act of 1958 (Financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects), effective the first fiscal year in which section 101(a) of this Act is fully funded.

Section 111: Definition:

This section defines "per pupil expenditure" for any State or local educational agency as the agency's aggregate current expenditure for elementary and/or secondary education divided by the number of children in the average daily membership of the agency, exclusive of the costs of transportation, health, maintenance or construction of physical facilities, activities related to compensatory education or education of the mentally or physically handicapped, and aid received under title I of the Elementary and Secondary Education Act of 1965.

TITLE II. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Section 201: Education Achievement Grants Authorized:

Subsection (a) of this section amends section 102 of the Elementary and Secondary Education Act of 1965 by extending the authorization from June 30, 1973 to June 30, 1976.

Subsection (b) of this section amends Title I of ESEA by adding a new Part D, and making appropriate conforming changes. The new Part D is entitled: "Education Achievements Grants." It has four sections.

Section 141 of the new Part D provides that the Commissioner shall, upon request from a State, certify for administration achievement tests in reading and mathematics to be given to Title I-assisted pupils in all local districts in the State receiving aid under Title I of ESEA (compensatory education for educationally disadvantaged low-income children); the tests must be given prior to June 1 of the year for which they are certified The Commissioner is further directed to establish criteria of minimum satisfactory performance for children in each grade on each test which he certifies. The criteria should measure progress toward the objective of being able to read and calculate well enough to function self-sufficiently and to participate actively in American society.

Section 142 provides that, for each fiscal year beginning with fiscal year 1975, each local educational agency in states participating in the Education Achievement Grant Program shall receive a bonus equal to $150 or 50% of the average per Title I child funds that year, whichever is higher, for each Title I student whose score on the test the previous year was below the minimum performance score but whose score on the most recent test showed satisfatcory progress (as defined by the Commissioner). The bonus funds may be used as general education aid. An equivalent amount of additional ESEA, Title I funds will be made available to children in private schools on the basis of improvement on their test scores. There is no penalty for poor performance. Title I funds continue so that children are not punished. But there is a substantial reward for local educational agencies whose Title I pupils show achievement progress. Grants under this section are to be made only to local educational agencies which have submitted to the State an annual plan for improving the agency's pupils' reading and mathematics skills. The plan must include measurable objectives; the State must provide assurances that the plan was prepared with parental participation, was approved by the local agency, and will be available to the public.

Section 144 authorizes the appropriation of such sums as may be necessary to carry out the provisions of section 142 for the fiscal year ending June 30, 1974, and two succeeding fiscal years.

TITLE III. AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT

Section 301:

This section amends section 422 of the General Education Provisions Act, "Prohibition Against Federal Control of Education," to include its provisions the Elementary and Secondary Education Assistance Act of 1972.

Mr. STEVENSON. Senators MONDALE, JAVITS, and I are today introducing a bill designed to come to grips with the financing of quality elementary and secondary education.

Our inability to cope with the dilemma of education finance and educational quality has affected virtually every American family. The past decade has witnessed a seemingly never-ending series of local property tax increases primarily for the purposes of financing our public schools. Yet few can detect any significant improvement in the quality of education. As per pupil expenditures go up, too often the learning levels remain unchanged.

The inadequacies of our educational system will not be corrected by money alone, nor by busing or not busing, nor by cheap and easy answers in an election year. Some statesmanship is the first necessity, and the first requirement of statesmanship is a frank recognition that we do not have all the answers but that we can now make a beginning.

The inadequacies of our schools require no lengthy dissertation.

Many schools face a fiscal crisis. Schools in Dayton and Independence, Mo., have already had to close down for a time due to lack of funds. School systems in Chicago and Portland were forced to close before the school term was scheduled to end because they ran out of money. Los Angeles, Kansas City, Cincinnati, Tulsa, and Nashville had to shorten their school days. And many other school systems have been forced to curtail vital educational programs and services because of inadequate funds.

School systems have not willingly submitted to these cutbacks; it has become increasingly difficult for schools to obtain funds. According to the National Center for Educational Statistics, less than half of all school bond issues passed last year compared to 73 percent which passed between 1962 and 1966. Nor can we put the blame on citizens for voting down school bond issues. The property tax accounts for 95 percent of locally raised tax revenue for education, a total of nearly $20 billion for the 1971–72 school year. If the cost of education soars, the property tax soars. And it has soared.

As a result of over-dependence on local property taxes, educational resources are inequitably distributed. In my own State of Illinois, per pupil expenditures by school districts range from a high of $2,295 to a low of $391. The great disparities among school districts make the educational opportunity of a child an accident of birth. The recent decision handed down by the California Supreme Court in the Serrano case suggests that these disparities are judicially intolerable as well as educationally intolerable.

Parents have become more vocal in their dissatisfaction with the quality of education in our schools. Too many children do not learn the basic skills necessary for meaningful participation in American life, and many children fall far short of reaching their intellectual potential. Nor does simply increasing the amount of money spent per student guarantee that students will receive a better education. More money is necessary though money in itself is not enough.

Our bill does not provide all the answers—but it heads in the right direction. It consists of two parts, integrally tied together. The first is a new program of general education assistance to States, while the second part is an amendment designed to make title I of ESEA more effective.

The general assistance program would provide States with an additional $5.25 billion annually for elementary and secondary education—more than doubling the amount the Federal Government now spends for all elementary and secondary education programs. The present programs with the exception of impact aid are all categorical. Federal funds are earmarked for specific purposes and cannot be used by school districts as they see fit to offset rising operating costs or meet locally determined priorities. Our proposal would terminate several categorical programs which together now account for $150 million in annual Federal expenditures.

States will be able to use the new general assistance funds for any educational purpose including, of course, its purposes now served by categorical programs being eliminated—title II of ESEA—library resources; title V of ESEA—grants for State school superintendents' offices; and title III of NDEA—grants for equipment and minor remodeling.

The general assistance funds would be distributed by formula to each of the State education agencies. The formula for distribution of Federal funds among the States would be based upon State effort and State capacity and total number of school-aged students. A portion of each State's allotment would be set aside to assure that nonideological, nonreligious educational services would be provided to students attending nondiscriminatory private schools. States with comprehensive educational assessment programs would receive an additional 5 percent above their formula allotment.

States would be prohibited from distributing any general grant in aid funds to school districts or private schools which discriminate. Federal funds could not be comingled with State or local funds.

A State would have to meet one basic condition before receiving any funds under this new general aid program. It must submit a plan showing how it will reduce the gross disparities in per pupil expenditures which exist among the various school districts within the State. The plan may utilize any financial system the State wishes, including the use of the Federal general assistance funds for this purpose.

The Federal Government would not mandate, review or even suggest the means by which a State should reduce these disparities. The Federal Government's role would be confined to determining annually whether disparities were within the range clearly set forth in the legislation. If in any year after the first year in which the State received general aid funds, disparities were not within the permissible range, a State would not be eligible for general assistance funds for the next year unless it resubmitted a plan showing how disparities would be reduced. If the disparities were *still not* reduced to within the permissible range after that year, the State would not be eligible for future general assistance funds until the disparities were within the permissible range.

Let me explain how the permissible range of disparities would be determined. In any year, a State would have to guarantee that the per pupil educational expenditure of every elementary and secondary school district within the State would be at least 90 percent of a target per pupil expenditure level. Large city school districts, because of the higher cost of purchasing educational services within large cities, would have to spend at the full target level. The target per pupil expenditure level would be defined as the per pupil expenditure level during the previous year of the school district whose per pupil education expenditures that year were exceeded by only 10 percent of the other school districts in the State.

This standard would set a reasonable floor, but not a ceiling, on a school district's per pupil expenditures. A district could spend as much per pupil as it wished. But the State would be responsible for assuring through allocation of the new Federal general aid and its own State finance program that no school district could spend less per pupil on education needs than 90 percent of what the target district spent per pupil in the previous year. Nearly all States would be able to meet this requirement easily during the first years of the program through intelligent allocation of their Federal general education assistance.

The bill very carefully defines per pupil expenditures to cover solely education needs. Often large cities have high costs due to maintenance problems and special programs for a limited number of students, which, while clearly necessary, do not contribute directly to providing better education for the vast majority of children in the district. Nonetheless, these costs are usually included in calculations of per pupil expenditures. The result of this method of calculation is to artificially inflate per pupil expenditures in central cities.

The criteria for reduction of educational expenditure disparities could be met in most cases by distributing about

60 percent of the new Federal funds on top of existing State finance patterns. Our bill specifies that 50 percent of general grant to education funds left over after a State has satisfied the equalization criteria, must be distributed to local school districts on the basis of total enrollment. Our bill recognizes the higher cost of educating lower income children by requiring the remaining 50 percent of "left over" general grant to education funds be distributed to school districts according to the number of children from low-income families enrolled.

The purpose of the legislation is to enable States and local school districts to improve the quality of education children receive without resorting to additional and onerous property tax increases. If States merely reduce their present educational expenditures from State and local sources, the goal of encouraging quality education will be thwarted.

Therefore, our bill includes a maintenance of effort provision requiring that, as a condition of receiving Federal general grants for public education, a State must maintain its total level of per pupil education expenditures from State and local sources at least at the level of the previous year. And in order to prevent many local school districts from dropping their own effort to the State required minimum and thereby forcing greater State support, the legislation also includes a maintenance of effort requirement for local school districts receiving Federal general aid. Since we do not wish to foreclose from States the option of relieving local property tax burdens or of moving toward greater State assumption of education costs, a school district could meet the local maintenance of effort requirement by substituting additional new State funds for funds raised locally the previous year.

The legislation we propose does not mandate a specific State education finance structure. It permits any structure, including new structures States may devise or be required to implement in the wake of the Serrano decision, so long as educational resources are not inequitably distributed.

The second part of our proposal addresses itself directly to quality education by focusing on the results of the educational process rather than solely on the availability of resources.

Our system of free public education stands as a monument to our democratic tradition. But it still falls far short of our goals and ideals. Too many children pass through the school system without ever learning the basic skills required for economic self-sufficiency and active participation in American society. About 20 percent of the children in the United States fail to attain the level of literacy required for available employment. In some poverty areas it reaches 75 percent and more. And according to a recent Harris poll, 10 percent of Americans over 16 cannot read well enough to comprehend typical instructions for placing long-distance telephone calls, and 15 percent are less than fully equipped in the minimum reading skills needed to survive in modern society.

More than 9 million children now enrolled in public schools eventually will enter the labor market as economic illiterates, unless public education is changed, and 4½ million of these will lack the minimum reading skills required for everyday participation in American life.

The national cost of failing to educate these children is staggering. It includes billions of dollars in lost gross national product. It also includes high-income maintenance and job training budgetary outlays at all levels of government for those who are not self-sufficient in the labor market because of basic skill deficiencies. But most important, it encompasses the terrible loss of self-respect and independence suffered by millions of children who will be doomed to a form of second-class citizenship because they cannot read or calculate.

At present, title I of the Elementary and Secondary Education Act of 1965 provides funds for compensatory education to local school districts with a high concentration of children from low-income families. School districts must concentrate these funds on specific title I schools.

Unfortunately, title I does not contain strong incentives for assuring that students will actually receive the basic skills necessary for self-sufficiency. It is an input-oriented program focusing on improving the performance of children with educational deficiencies.

Our proposal would add a new provision to title I by allowing States, on a voluntary basis, to participate in an education achievement grant program designed to provide real incentives for quality education. If a State chose to participate, it would administer annually standardized tests in the two basic cognitive skills—reading and mathematics—to all students in title I schools throughout the State. The test would by the U.S. Commissioner of Education. To receive certification, the test must be designed to measure a student's progress toward the objective of being able to read and calculate sufficiently well to function independently and to participate actively in American society. The overall results of the test scores by school must be made public, but there would be a strict prohibition against disclosure of an individual student's test score except to his parents.

Every school district receiving title I funds within a participating State would receive achievement progress bonuses of at least $150 for each title I student in the district who made satisfactory progress in reading and mathematics over the course of the school year. The school district could use the achievement progress bonus as general education aid.

The proposed education achievement grant program would provide schools with strong incentives to improve skill achievement and to demonstrate that our public school system can effectively teach educationally disadvantaged children.

I must emphasize that our bill would not change the present mechanism for distributing title I funds, nor would it restrict or change the uses to which title I funds can be put. Title I funds would continue to flow to school districts regardless of whether their State participated in the education achievement grant program. Nor would future title I funding be contingent upon satisfactory test scores of a school's title I students. The achievement progress bonus is a reward for school districts which do well; there is no penalty for failure because withholding title I funds would only penalize students who are most in need of extra educational resources.

Our proposal would not change the General Education Provisions Act prohibition against Federal involvement in determining either what is taught in American schools or how it is taught. The Federal Government would not mandate the structure or content of school curriculums; it would only provide an incentive for schools to devise and utilize whatever methods they determine actually produce quality education. The Federal role would be limited to continued encouragement and funding of promising education innovations and to dissemination of information with respect to promising innovations.

Our education system has much to be proud of. It also has much to accomplish if we are to translate the promise of quality education into a reality for every American child. And there is no greater task that faces us, for there is no more important business in a free self-governing society than the education of our young people.

The legislation we are introducing today recognizes that we must provide sufficient resources and incentives to turn the promise of quality education into a reality. I believe that enactment of the Elementary and Secondary Education Act of 1972 would be a milestone in the effort to achieve that promise.

Mr. TUNNEY. Mr. President, during the last year, a great deal of attention has been focused on the financial problems of our Nation's public elementary and secondary schools. The papers are filled with headlines and articles detailing the many dilemmas—educational and noneducational—which daily face virtually every school administrator in the country. School districts in our largest cities have passed the stage of crisis—many have fallen into complete bankruptcy. They simply cannot find the resources they need in order to maintain an adequate educational program, let alone to keep up the high standards which once made the schools of our large cities the envy of the whole Nation, and indeed of the world. It is reported that the Chicago public schools will close 11 days early this year for lack of funds—and will still show a deficit of $45 million. Philadelphia may have a deficit of $62 million, despite severe cutbacks in its educational offerings—in basic curriculum items as well as in enrichment and extracurricular activities. Detroit may cope with its deficit of $40 million by laying off some 1,500 probationary and temporary teachers at the end of this school year—even though most would argue that more teachers are needed in our urban schools, not less.

The crisis is not by any means limited to the schools of the great urban centers. Recently the schools of Independence, Mo. were forced to shut down because the school board had failed to get a budget passed by the voters of the district after several attempts. In district after district, the voters are turning down requests for higher school budgets and bond levies for capital improvements. This year the percentage of school bond issues approved by the voters reached an all-time low, according to the Office of Education's latest report. Issues were submitted to the voters in 1,086 elections in fiscal 1971 for a total of $3.3 billion. Only 507 issues—46.7 percent—were approved, totaling only $1.4 billion. Just 5 years ago, 74.5 percent of all bond issues passed.

Does this alarming increase in the rate of rejections mean that the American people are losing faith in their public schools? Have they lost their willingness to devote needed resources to schools which they feel have failed to live up to their expectations? Mr. President, I sincerely hope not. As a nation we have long placed great trust in our system of public schools and have made great demands of those schools. Education has served as the guarantee of economic progress for the Nation as a whole and as the means of social mobility and increased personal fulfillment for each new generation of Americans. Parents have long looked to the public schools to assure their children a meaningful place in the life of the Nation, and the ability to improve the quality of that life for themselves and for others. If we were now to lose that trust in our public schools, if we were to forego the worthy goals which we have long sought through education, our Nation would suffer a great loss indeed. We would lose economically, we would lose culturally—but worst of all, we would suffer a deep spiritual emasculation. We would lose the sense of hope and purpose which has long lain at the center of our national existence.

Fortunately, I do not feel that the furor surrounding the financing of our public schools betrays a loss of confidence in those schools or in their mission. Rather, I think it testifies to the depth of our concern for the schools and, perhaps, to the extent of our demands on them. There is dismay that the schools have not solved all the problems of our complex society—as some would seem to wish—and there is clearly great dissatisfaction with the taxation arrangements which are used to support the public schools—but I do not think that there is widespread dissatisfaction with the schools themselves, or with the role which they play in American society.

What, then, are the real problems which trouble the public schools and, as a result, increasing numbers of American parents, citizens, and taxpayers? One is the frequent failure of the schools to meet the special needs of children from disadvantaged backgrounds. Everyone seems to be aware of the vicious cycle which entraps so many Americans from minority backgrounds and from poor families and poor regions. By the time they reach school they have already fallen behind their more fortunate peers in educational achievements, and the schools—although they do indeed teach these children a great deal—never succeed in bringing the disadvantaged child up to the level of the more fortunate child. The disadvantaged black or chicano or Indian or poor child finishes high school—if he finishes at all—1, 2, 3 or even more years behind the child from a luckier family attending a "better" school in a more affluent area.

Everyone sees the problem, but noone seems to have found the solution. Noone has yet been able to discover just how it is that children learn. The report on equality of educational opportunity produced by James Coleman and his associates in 1966 represented the first great national effort to find out what were the factors most important to the success of children in school. The findings of that report have been controversial from the day they were issued. And yet the real finding, it seems to me, lies underneath the specific conclusions made by Coleman and challenged by his critics: the real finding was that, although we can point to instances where children have succeeded and to instances where children have failed, although we can say that some factor sometimes helps, but sometimes has no effect at all—basically all we can say is that we simply do not know.

Another problem is the increasingly inequitable, as well as insufficient, financial structure underlying the public school system. In every State except Hawaii, local property taxes serve as virtually the only resource available to local school boards. Local school boards must provide from their own, limited resources, a substantial proportion of the moneys needed by the schools—anywhere from 11.8 percent in Alaska to 89.7 percent in New Hampshire. Local property taxes represent the major source of revenues for education nationwide—52 percent of all current revenues for the public elementary and secondary schools, according to the most recent figures available. But local school districts vary widely in the amount of taxable property which they contain, and therefore in their ability to raise revenues to support the local share of educational expenses.

The decision of the Supreme Court in my own State of California revealed truly shocking disparities in the amount of taxable property in various districts of the State, and concluded in the case of Serrano against Priest that these disparities were largely responsible for the severe variations in per pupil expenditures observed in the districts of the State. The California decision has had great impact throughout the Nation and has been in large part responsible for bringing the school finance problem into the forefront of national attention, but the problems which it cited are by no means limited to California. The ratio of assessed valuation of property in the richest district of California to that of the poorest district was 24.6 to 1 in 1968–69, according to data from the national educational finance project; this ratio ranged from a low of 1.7 to 1 in North Dakota to a high of 182.8 to 1 in Kansas in the same year. The ratio of the per pupil expenditure in the highest spending district of California to that in the lowest spending district was 7.9 to 1 in that year; nationally, the range went from 1.4 to 1 in West Virginia to 56.2 in Texas. Although California, like most of the States, had a State aid program designed in part to compensate for these disparities in local taxing ability, it fell short of removing altogether the disparities in per pupil expenditures.

The heavy reliance in many States on local property taxation as a source of educational revenues explains, then, much of the disparity in per pupil spending which can be observed among the districts within virtually every State. This reliance on local property taxes also helps explain the inadequacy of current resources available to local school boards to support their educational programs. As costs of providing educational services have risen—and they have risen quite fast in the last decade, as have the costs of so many government services—the property base available to finance local contributions has not kept pace. As a result, local property tax rates have had to be increased with alarming regularity, to the point that many people now feel that they have gotten completely out of hand. Property taxes bear most heavily on the poor and the aged because they are regressive taxes, and this adds to the general dissatisfaction with continued reliance on this tax source. Furthermore, the current system leaves education—alone among the major government services—at the mercy of local taxpaying voters, who must decide how much local money will be made available to supplement State and Federal money, which rarely comes near providing enough to support an adequate educational program. Voters are tempted to take out their frustration at rising taxes on the one tax over which they exercise some degree of immediate control—the local educational property tax. It does not mean that they value education less than a space shuttle or a new type of missile—it simply means that they do not feel they can control the taxes which finance those activities in the way they can control the local property tax. And so our schools face the paradox we see so often today: communities demand that the schools be a major force, often the major force, for solving a wide range of social as well as educational problems, and yet the same communities are unwilling, or unable, to provide their schools with the level of funding which would be needed to fulfill these crucial goals.

Mr. President, the attention which has been focused on the problems of school finance in the months since the California Supreme Court delivered its decision in Serrano has, I think, obscured the fact that many dedicated and concerned individuals have devoted a great deal of hard work to finding solutions to these problems over a period of years, and that government officials on the local and

State level, as well as the Federal level, have also been attentive to the increasingly pressing needs of the public schools.

In 1967, the Office of Education, operating under a specific mandate of the Congress, established the national educational finance project and charged it with making a study of current school finance arrangements and the problems associated with them. The project has recently completed its report, which contains five main volumes and 12 special auxiliary studies. One of the major efforts of the project was an attempt to determine the varying costs associated with various types of students, such as handicapped or disadvantaged children. One of its major recommendations was that the Federal Government assume the rseponsibility for providing 22 to 30 percent of the funds required by the public schools.

Many of the States, recognizing the increasingly severe problems of school finance, have established commissions to study their own particular situations. In New York, the Commission on the Quality, Cost and financing of Elementary and Secondary Education has recently begun to publish the results of its 2-year study of the New York State school system. The Commonwealth of Massachusetts recently received the report of its special commission to develop a master plan and program for taxation within the Commonwealth, which includes recommendations for a revamping of the educational tax arrangements in that State and a reduction of the reliance on local property taxes. The Governors of Michigan and Minnesota have both led fights over the last 2 years to achieve major reforms of the educational finance arrangements. In Michigan, the voters are being asked to approve a constitutional amendment under which the State would assume full responsibility for the funding of the public schools. In Minnesota, the legislature adopted late last year a new educational finance program, based on recommendations by the Governor; nearly all funds for the public schools now come from a uniform-rate property tax levied by school districts, coupled with greatly increased payments from State sources. Work on the study of taxation and distribution systems to support the public schools and on the development of implementing legislation was underway in a number of other States prior to the Serrano ruling in August. Legislation reforming the finance arrangements for the California public schools and increasing the level of State support was already under consideration in my own State when the Supreme Court intervened.

Since August the principles of the Serrano case have been applied by Federal and State courts in Minnesota, Texas, New Jersey, Arizona, and Wyoming, and efforts to find solutions to the problems cited in that case have redoubled in many States. Some State officials have chosen to challenge the Serrano ruling, and the Texas State Board of Education has already appealed the decision in the case of Rodriguez against San Antonio Independent School District to the U.S. Supreme Court, but elsewrere State officials have chosen to take the decision as an opportunity and a challenge to effect meaningful reform in an archaic and inequitable system. Officials in California, for instance, have indicated that they do not plan an appeal at this time.

The Serrano case dealt only with problems of intrastate inequities. The courts have indicated a preference for leaving the responsibility of finding solutions up to the various State legislatures, rather than intervening to impose court-ordered solutions. It is therefore of prime importance that the State legislatures accept this responsibility and find their own solutions if we are to achieve true equality, as well as quality, in our public schools. But the problems of equity and sufficiency do not stop at the State borders. Many of the problems which Serrano revealed in the State of California have analogies at the interstate level as well. New York, for instance, will spend an estimated $1,468 per pupil in the current school year, while Alabama will spend only $543. Some States contain large metropolitan centers in which are concentrated numerous children with severe socioeconomic disadvantages; extra-cost special services must be provided if equality of educational opportunity is to have any meaning for these children. Other States, with sparsely settled rural school districts, face added expenses for transportation and the maintenance of inefficiently small schools, coupled, in many cases, with low and often declining tax resources. Where the Serrano court held that the Constitution required equality of educational opportunity within individual States, at least in the negative sense that the State cannot allow the quality of education afforded the children of the State to be a function of the wealth of any entity smaller than the whole State, the national interest requires that the Congress undertake the positive responsibility of assuring that the children of the whole Nation will receive quality education on an equitable basis.

Mr. President, the definition of the proper role for the Federal Government in the provision of a fair and adequate system of finance for our Nation's public elementary and secondary schools will be no easy task. In past years the Congress has chosen to enact various programs of categorical aid designed to serve special national needs. Today, however, some Members feel that the national interest can no longer be adequately served by such categorical aids. They feel that general operating aid must be provided to the public schools. The introduction of a general aid program would, however, involve a major restructuring of the educational finance system. It would require a far-reaching reevaluation of current financial aid programs to determine how they should be adjusted to fit the new system and combine the general and special interests of the Federal Government in the Nation's school system.

The Elementary and Secondary Education Assistance Act of 1972, which I am cosponsoring today with Senators MONDALE, STEVENSON, and JAVITS, attempts to tackle these problems. The act would authorize $5.25 billion annually for grants to States and local educational agencies. This would be entirely new money, because both States and local educational agencies would be required to maintain current expenditure levels. In addition, appropriations for title I of the Elementary and Secondary Education Act would have to be maintained. Some of this aid could serve from the start as general aid distributed among the local school districts of each State. The proportion of aid distributed in this manner, as general aid, would increase over time as States responded to incentives in the act to introduce greater equity into their own financial aid programs. Once a State could demonstrate that expenditures from State and local sources were substantially equal in all the local school districts of the State, according to criteria set forth in this bill, it would be directed, and allowed, to distribute the moneys it received under the bill as general aid, according to the numbers of children enrolled in the schools of each district and the numbers of low-income families resident in the district.

The act, then, combines two basic elements: incentives to the States to render their own finance systems more equitable, and general financial aid. The two elements are carefully balanced. Any State desiring to participate under the act would be required to submit a plan to the Commissioner of Education detailing how moneys received under the act would be used, in conjunction with State and local funds, to reduce disparities in per pupil expenditures among the local school districts of the State and thus to increase the equality of the system. Any funds which remained of a State's apportionment under this act after the standards for intrastate reduction of disparities had been met would be distributed as general aid among the school districts. The greater the degree of intrastate equality which the State achieved with its own funds, the larger the proportion of Federal money which would appear as general, unencumbered aid. The act would therefore provide strong incentives for the States to improve the equity of their finance systems—without mandating specific solutions. It would not penalize a State which already has a relatively high degree to intrastate equity, or which elects to move quickly toward assuring such equity with its own funds, because the State would continue to receive the same apportionment of Federal funds under the act—the same money, with fewer restrictions.

The act does more than provide incentives for the States to improve their financial arrangements, and it does more than funnel additional resources into the educational system. It also sets these worthwhile goals in the context of other Federal concerns. Recognizing the continuing importance to the Nation of maintaining the special effort to upgrade the quality of education provided to members of poor and disadvantaged groups, it stipulates that appropriations for the purposes of this act may not be substituted for appropriations for title I of the Elementary and Secondary Education Act, which provides extra money for compensatory education programs. Furthermore, the formula for allocating general aid money among the districts of a State after expenditure equity has been achieved distributes one-half of the funds on the basis of the presence in the district of low-income families—recognizing the special, extra-cost burden which such families place on the educational system.

The act takes into account also the special problems facing the private elementary and secondary schools in the Nation. State educational agencies interested in participating in programs under this act are required to include in their plans assurances that each local educational agency will make provisions for aiding private schools in its district in a measure commensurate with the number of children enrolled in those schools. The State must make such provision for the private schools located in districts which fail to meet this requirement, or which do not participate under the programs authorized by this act. Recognizing, however, that laws in some States prohibit the giving of aid to any private schools, the act provides that, in such States, the Commissioner shall make arrangements for the participation of private, nonprofit schools, and shall pay for such services from funds which revert to him when a State fails or is unable to meet its obligations in this regard.

A very important element in this act is the provisions it makes for evaluating programs instituted under the act and, in general, for seeking out new and effective methods for measuring the achievement levels and rate of progress of children from all social and economic backgrounds. A special provision of the act reserves funds specifically for making grants to States in any year in which the State undertakes to conduct a comprehensive assessment of the quality and equality of its public elementary and secondary education system. Local educational agencies participating in programs under this act are required to make annual reports to the State educational agency on the effectiveness of the programs which they have developed in meeting the educational needs of all their children, including poor and minority group children as well as bilingual, educationally disadvantaged and physically handicapped children. Most importantly, these annual reports must give specific achievement information and must be broken down on a school-by-school basis.

Title II of the Elementary and Secondary Education Assistance Act of 1972 combines the concern for developing effective ways of measuring educational achievement with the desire to provide special incentives to districts to meet the particular needs of children from poor and disadvantaged backgrounds. Title II adds a new provision to title I of the Elementary and Secondary Education Act. The new part D of ESEA authorizes special bonus grants to local school districts which succeed in raising the achievement level of title I children in a given school year, according to certified achievement progress tests which the States are encouraged to develop and administer each year to all the children in their schools. The district could receive $150—or half the per pupil allocations under ESEA title I, if that is higher—for each unit of improvement shown by a title I child whose score in the preceding year fell below the minimum performance level prescribed by the Commissioner of Education.

Mr. President, the problems confronting our Nation's public and private schools today are highly complex, and their solutions are expensive as well as elusive. The interest of the Federal Government is equally complex and also, if it is to be served well, expensive. We cannot find meaningful solutions to complex problems unless we are willing to devote adequate resources to the search. Nor can we find those solutions unless we draw upon the skills and experience of all the very different participants in our educational and political systems. The Elementary and Secondary Education Assistance Act of 1972 approaches these problems in a manner which promises a high degree of success. It does not shy away from admitting the cost of success in an area as complex and frustrating as education, but at the same time it calls upon the States and the local school districts throughout the Nation to devote their skills and resources to the search for solutions—with the cooperation and partnership of the Federal Government.

By Mr. INOUYE:

S. 3780. A bill to amend section 5(c) of the Home Owners Loan Act of 1933 to authorize an increase in the principle amount of mortgages on properties in Alaska, Guam, and Hawaii to compensate for higher prevailing costs. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. INOUYE. Mr. President, the bill I am introducing today is designed to facilitate the financing of home construction in the high-cost areas of Hawaii, Alaska, and Guam.

Under the present law, federally chartered saving and loan associations must charge any mortgage over $45,000 in its entirety against the allowable surplus loans, which may not exceed 20 percent of assets. This is frequently a very unrealistic figure since the high cost of materials, labor, and land and the special construction methods that are sometimes required, create considerably higher prices than exist on the mainland. As an ever increasing proportion of the mortgage applications exceed $45,000, these saving and loan associations are restricted by law in their ability to accept them. This places an unnecessary and harmful constraint upon both the financial institutions and the individuals purchasing a home and thus aggravates an already tight housing situation.

This bill proposes to remedy this problem by amending the Home Owners Loan Act of 1933 to provide for a 50-percent escalator clause beyond the present $45,000 limit for the high cost housing areas of Hawaii, Alaska, and Guam. There is ample precedent for such an amendment in previous legislation.

The prime example is in title 12, section 1715(d), which allows the Secretary of Housing and Urban Development to increase maximum mortgage limits up to 50 percent with respect to Hawaii, Alaska, and Guam. This has been applied to increase FHA insurable limits on single family housing from $33,000 to $49,500. Within the Federal Savings and Loan Associations law itself, special provisions allow larger loans on multifamily dwellings in high cost areas. Thus, the bill I have introduced today, would simply extend existing national housing policy with respect to high cost areas to mortgages on single-family homes made by Federal Savings and Loan Associations. This would remove undesirable constraints on home financing and thus free more financial resources for home construction in these already hard-pressed housing markets.

I respectfully urge that this proposal be given prompt and favorable consideration by the appropriate committee and the Congress itself.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3781. A bill to designate a bridge across a portion of Oakland Harbor, Calif., as the "George P. Miller-Leland W. Sweeney Bridge." Referred to the Committee on Public Works.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to name a bridge across a portion of the Oakland Harbor in California as the George P. Miller-Leland W. Sweeney Bridge. My distinguished colleague, the junior Senator from California (Mr. TUNNEY) joins me as cosponsor of this bill.

At the present time, the Army Corps of Engineers is building a new Fruitvale Bridge between the cities of Alameda and Oakland, Calif. The bridge, scheduled for completion early next year, will be a modern four-lane, low-profile span with a bascule-type lift. For 20 years, Congressman GEORGE P. MILLER and former Alameda County Supervisor Leland W. Sweeney worked together to replace the old Fruitvale Bridge. Their efforts were successful last July when final approval was given for construction of the new bridge. GEORGE P. MILLER is a native of San Francisco, Calif. He was educated at St. Mary's College and served as a lieutenant, field artillery, in World War I. He was first elected to public office in 1937 and served two terms in the California State Assembly. In 1944, he was elected to the U.S. Congress where he has represented the Eighth Congressional District for 14 terms. He will retire this December 31. Congressman MILLER is chairman of the House Committee on Science and Aeronautics; he was special advisor to the U.S. Ambassador to the United Nations of the Peaceful Uses of Outer Space; and in 1967, he was the recipient of the Robert H. Goddard Memorial Trophy for "his sustained leadership in the formulation and execution of national policy contributing immeasurably to the remarkable accomplishments of the U.S. space efforts."

Leland W. Sweeney was born in the city of Alameda, graduated from the University of California, and served as an officer in the U.S. Navy from 1917 to 1921. In 1945, he successfully ran for the Alameda City Council, and subsequently was appointed mayor. In 1955, he was elected to the Alameda County Board of Supervisors on which he served until retirement in 1970. As supervisor, Leland W. Sweeney worked to improve transportation in Alameda County. He authored the mayors formula allocations to the 13 incorporated cities in Alameda County which gives five-eighths of 1 percent of the gasoline tax to the 13 cities to pave, upkeep or repave all streets of major importance. He also spearheaded the successful drive to get BART to establish its headquarters in Oakland.

The Alameda County Board of Supervisors has passed a resolution in recognition of the outstanding services of George Miller and Leland Sweeney and expressing the desire to change the name of the Fruitville Bridge to honor them. It seems most appropriate and desirable that the new bridge be named the George P. Miller-Leland W. Sweeney Bridge.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge across the Oakland tidal canal, a part of Oakland Harbor, California, between the cities of Oakland and Alameda, California, authorized for modification in section 101 of the River and Harbor Act of 1962 (Public Law 87–874), which is known at the Fruitvale Avenue Bridge, is hereby designated as the "George P. Miller-Leland W. Sweeney Bridge". Any law, regulation, map, document, record, or other paper of the United States which refers to such bridge shall be deemed to refer to such bridge as the "George P. Miller-Leland W. Sweeney Bridge".

By Mr. SCOTT:

S. 3782. A bill to authorize Federal financial assistance to restore or replace essential railroad facilities and equipment lost or destroyed as the result of natural disasters which occurred during the month of June 1972. Referred to the Committee on Commerce.

EMERGENCY TRANSPORTATION FACILITIES RESTORATION

Mr. SCOTT. Mr. President, I introduce legislation to authorize up to $60 million in emergency Federal assistance for railroad equipment replacement and repairs urgently needed as the result of severe flood damage suffered following last week's tropical storm Agnes.

Nine major railroads serving eastern seaboard States have reported damage nearing $30 million based on preliminary estimates alone. The Federal Railroad Administration expects this figure to climb drastically as final damage figures for all major railroads, as well as numerous short line rail carriers, become available.

There is no existing Federal program under which assistance to the railroads to meet this unexpected—and unpreventable—emergency can be extended.

Congress has already acted to provide substantial relief to private individuals and other sectors of the economy. Yet the success of this effort is tied directly to the ability of the railroads to provide a vital transportation link for goods and services. Total recovery from the widespread devastation of tropical storm Agnes will be possible only when—and if—full railroad service is restored.

Four eastern railroads suffering heavy flood damage are already in bankruptcy receivership; several others are reportedly on the verge of imminent financial collapse.

Virtually all railroads operating in the flood area now face an increasingly critical revenue loss situation that is two-fold in nature: on the one hand, railroads are unable to provide full revenue service because of losses of track, rolling stock and other related operating facilities; on the other, major industries which normally provide customer revenues to the railroads are themselves shut down, some perhaps permanently.

The overall economic situation is further complicated by the fact that a number of industries, not directly affected by the flood themselves, have nevertheless had to suspend or curtail production because of interrupted rail service. Losses of payroll and tax revenues—although difficult to estimate—may well run into millions of dollars, adding greatly to the measurable burdens already suffered as the result of property destruction.

Under this bill, the Secretary of Transportation would be authorized to make available to applying railroads Federal assistance not to exceed an aggregate total of $60 million. Funds, which would remain available through June 30, 1975, could be used only for repairs to or replacements of tracks, rolling stock and other essential railroad facilities required as a direct result of last week's flooding.

Two forms of financial assistance would be provided. For railroads in reorganization under section 77 of the Bankruptcy Act, or for those which have reported to the Interstate Commerce Commission a deficit net income for either of their last 2 fiscal years, Federal grants would be authorized. For others, loans would be available under terms and conditions identical to those authorized under section 234 of the Disaster Relief Act of 1970.

In no event could any one railroad apply for more than 25 percent of the total funds available. Further, under the safeguards of a "subrogation of claims" provision, the Federal Government would be compensated for any assistance rendered which is subsequently covered by insurance claim or local program for disaster relief.

Mr. President, the title of this bill—the "Emergency Transportation Facilities Restoration Act"—speaks for itself. This is indeed an emergency situation which requires action by Congress on an emergency basis, especially if we are to pass this measure in the short time now remaining before the pending recess.

In my opinion, this is fair legislation which can in no way be labeled excessive in view of the magnitude of the problem which it is intended to solve. I urge prompt—and favorable—consideration.

By Mr. GRIFFIN:

S. 3783. A bill to limit the jurisdiction of Federal courts to issue busing orders based on race, to impose a moratorium on the issuance of such orders, and for other purposes. Referred to the Committee on the Judiciary.

THE IMPERATIVE NEED TO ENACT EFFECTIVE ANTIBUSING LEGISLATION

Mr. GRIFFIN. Mr. President, as I indicated during debate last night, I am determined that the Senate in this session must face up to the urgent need for stronger, more effective legislation to cope with the threat, and the reality, of forced school busing based on race.

I was inclined to press for a vote on my amendment as a rider to this poverty bill. However, I decided that the chances to prevail would be improved by waiting for a more appropriate opportunity.

Some of my Republican colleagues, whose votes are essential, urge that I not hold up action on the debt ceiling extension which must be passed before tomorrow night so the Government can continue to pay its bills. Several Democratic colleagues, who support my views on the busing issue, urged me to wait until after the Democratic convention next week.

Furthermore, I was confronted with a strong signal from the White House that this particular bill, to which my amendment would be a rider, is headed for a veto unless the Hruska motion is adopted. Unfortunately, my latest vote count indicates that the Hruska motion will not prevail.

Even though this bill does not present the most appropriate opportunity for such a vote, as I stated in the course of the debate last night, I serve notice on the Senate that I am determined to see that there will be another vote in this session on a strong, effective antibusing provision—as a rider to another bill, if that is necessary.

As the Senator from New York (Mr. Javits) reminded us, it is true that Congress did pass, and the President did sign, the higher education bill several weeks ago which contains a provision designed to stay or postpone busing orders while appeals are being heard. But I know he will also recall that when the conference report on that bill was before the Senate, I made a motion that it be recommitted to conference with instructions to strengthen the antibusing section. Unfortunately, the motion did not carry.

Now, in line with my concern, the President of the United States and the Attorney General have expressed serious doubts about the effectiveness and applicability of the stay provision in situations such as the Detroit case.

Thousands of people who live in the Metropolitan Detroit area are keenly and deeply disturbed about the possibility that a resourceful, determined Federal judge may be able to circumvent the purpose of that stay provision.

The argument has been made here on the floor that my amendment would not be germane to this poverty legislation. Actually, an excellent case could be made that it would be very relevant. Those who suffer the most—those who pay the greatest penalty—when cross-district busing is ordered are youngsters of the poor. When forced busing is ordered, the wealthy have a choice that is not available to the poor or middle income families. The wealthy have the option of sending their children to private schools—and many of those who advocate busing do just that.

Every poll that has been taken indicates that a majority of black parents—as well as white parents—are opposed to forced busing. Black parents, like white parents, want quality education for their children. They want their children to have the opportunity to participate in extracurricular activities—to play on the basketball team or the football team after school, and to have the benefit of parent participation in a neighborhood PTA.

Cross-district busing denies the children and the poor such opportunities and requires them instead to pay a penalty—to waste their time, as well as the taxpayers' money, by riding buses.

The greatest need is for more and better teachers in the inner-city—better teachers who are dedicated and willing to work with the best interests of their students in mind.

The amendment for which I seek consideration is very simple. The key provision reads as follows:

> No court of the United States shall have jurisdiction . . . issue any order . . . requiring that pupils be transported to or from school on the basis of their race, color or religion.

In addition, this amendment includes the proposal advanced by the President for a moratorium on busing orders. Such a moratorium would be effective and particularly helpful pending a court test of the constitutionality of the provision which denies court jurisdiction.

I recognize that there is a respectable difference of opinion in the legal community as to its constitutionality of my proposal to withdraw court jurisdiction to issue busing orders. But, having studied the question at some length and in some depth, I share the view of a distinguished constitutional scholar, the Senator from North Carolina (Mr. ERVIN), who is convinced that Congress does have the power under article III, of the Constitution to so limit the jurisdiction of Federal courts.

As almost everyone who reads the newspapers is well aware, a Federal judge recently issued an order affecting the whole metropolitan area of Detroit, including 52 other cities and communities in three counties. The judge has appointed a nine member panel and required that within 45 days a final plan be drawn which will affect thousands and thousands of children, and will require the wasteful expenditure of millions of dollars for busing. Unfortunately, the Detroit school district is bankrupt now; it cannot meet its budget requirements. In a recent election, a proposal on the ballot to provide some relief for Detroit schools through a millage increase was flatly turned down by the voters. I have no doubt that they voted as they did because of the overhanging threat of forced busing.

Unfortunately, this has been the pattern during the last year or so, not only in Detroit, but throughout the whole three-county metropolitan Detroit area. So far as I am aware, in every school district near Detroit when a request has been made in recent months for additional millage the request has been rejected by the voters.

Of course, this should not be surprising. Why would parents vote to increase their school taxes when they read in the newspapers that within a short time their children will be bused away from the area to another school district 20 or 30 miles away.

Mr. President, it is imperative that Congress face up to this issue; that action be taken soon to make sure that orders such as that indicated by the Detroit judge will not be put into effect—so that Congress and the Nation can get on with the business of trying to provide quality education for all children, regardless of race. Until we put this threat of forced busing behind us, it will be very difficult to make real progress in that direction.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2108

At the request of Mr. CRANSTON, the Senator from Wyoming (Mr. HANSEN), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Ohio (Mr. SAXBE), the Senator from Vermont (Mr. STAFFORD), the Senator from Georgia (Mr. TALMADGE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2108, a bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disability, and for other purposes.

S. 3641

At the request of Mr. PEARSON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3641, a bill to establish a National Energy Resources Advisory Board.

S. 3698

At the request of Mr. PEARSON, the Senator from Oklahoma (Mr. BELLMON) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3698, a bill to promote the development of an export trade among small businesses not now engaged extensively in exporting.

SENATE JOINT RESOLUTION 236

At the request of Mr. HRUSKA, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of Senate Joint Resolution 236, a joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week."

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 273

At the request of Mr. HART, the Senator from Indiana (Mr. HARTKE), the Senator from Montana (Mr. METCALF), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Resolution 273, calling on the President to propose an extension of the nuclear test ban treaty to include underground testing.

PUBLIC DEBT LIMITATIONS—AMENDMENTS

AMENDMENT NO. 1314

(Ordered to be printed and to lie on the table.)

Mr. BENNETT submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

AMENDMENT NO. 1315

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (H.R. 15390), supra.

ADDITIONAL STATEMENTS

MINIMUM WAGE COVERAGE FOR YOUNG AMERICANS IN THE FAIR LABOR STANDARDS AMENDMENTS OF 1972

Mr. STAFFORD. Mr. President, when the Senate resumes its activities on July 17, following its recess, we are scheduled to begin the consideration of the Fair Labor Standards Amendments of 1972.

The bill reported by the Committee on Labor and Public Welfare retains the present law regarding minimum wage coverage for young Americans who are students.

However, an effort will be made when the bill comes up for consideration to establish a youth differential that would permit employers to discriminate by paying all young Americans less than the minimum wage established for older workers.

I have received a letter from officials of three organizations that represent young Americans in which the organizations state their views in opposition to establishment of a youth differential in the minimum wage laws.

The three organizations suggest that the views of young Americans may not have been well-publicized on this point up to this time.

Because I think it is important that all Senators be aware of the views of these three organizations, and because I think these views may be helpful to the Senate in its consideration of the bill, I ask unanimous consent that the letter I have received be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

June 26, 1972.

Hon. Robert T. Stafford,
U.S. Senate,
Washington, D.C.

Dear Senator Stafford: We strongly oppose any attempt to expand and reinforce a substandard minimum wage for young people and students. We have found the reaction of our newly-enfranchised constituency across the country to be nearly unanimous rejection of this substitute for the committee proposal.

Young people do not work just to buy candy, cosmetics, and Corvettes—they work to make a living and to pay the ever increasing costs of college and vocational schools—exempt from the wage-price freeze. They face the same sky-rocketing costs that all Americans do.

We reject the fallacy that a differential wage rate will create jobs for youth. It is doubtful that profit-minded employers will create jobs for youth in any quantity. However, the type of jobs involved with minimum wage legislation may allow employment of young workers as replacements for more expensive older workers. This will serve to reinforce the divisions between young people and the rest of the American working force, thus creating new social tensions. The only ways to lower the unemployment rate of any group are to (1) improve the economic conditions, or (2) to provide decent paying jobs through a public employment system, but not by undercutting other workers.

The certification procedures presently in existence under the Labor Department are the only means of enforcing the minority proposal of protecting jobs of older workers. By certifying that they are not eliminating jobs for full time older workers, the program allows those employers who would like to hire young workers but could do so only at a lower wage an option. This program, however, would not set off a downward realignment of wages for young people.

Congressmen who have interpreted silence from young people to mean consent are aware that they have made no efforts to inform their student constituency of these proposed changes. Students and young people will be informed about their Congressmen and Senators, and will insist that their views and interests be fairly represented. Students and young peoples have finally won the right to vote, and will not be relegated to the status of second-class citizens, economically or politically.

Sincerely,

Margery Tabankin,
President, United States National Student Association.
Layton Olson,
Executive Director, National Student Lobby.
George D. Roberts.
Director, Labor University Alliance.

STEADY RISE IN DRUG MISUSE AND ADDICTION

Mr. KENNEDY. Mr. President, the steady rise of drug abuse and drug addiction in America has reached epidemic proportions. Drug rehabilitation should head our list of national priorities. Our inner cities are, and have been, penetrated with drug traffic and massive drug addiction for decades; our suburbs and rural areas are now feeling the same pangs of drug abuse; our Vietnam veterans are returning to the United States addicted to heroin and other hard drugs. Is not it time for our Nation to institute "effective" rehabilitative programs and policies? True, in recent years, drug abuse preventive programs have been instituted on every level—control of heroin traffic, drug treatment, apprehension of marihuana users—however, the sad fact remains that drug addiction is still rising. Many of our programs are impotent and ineffective in combatting this crisis.

The National Coordinating Council on Drug Education, in its testimony before the Democratic Party Platform Committee on June 17, 1972, recommends that a different approach be taken in dealing with America's drug problem:

> The real task is not treating the addict, but keeping future generations from becoming addicts. And what this calls for is a reordering of priorities; a balancing of funding and programming so that the emphasis is on this preventive medicine of intelligent education, and away from the million dollar 'band aids' of apprehension and treatment.

Mr. President, I feel that the testimony of the National Coordinating Council on Drug Education is worthy of the attention and consideration of my colleagues. I ask unanimous consent that this testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony by Richard M. Earle, President, National Coordinating Council on Drug Education Before the Democratic Party Platform Committee, St. Louis, Mo., June 17, 1972

Ladies and Gentlemen: I am most grateful for the opportunity to present the views of the National Coordinating Council on Drug Education to this distinguished panel.

My tenure as President of the Council has, as of this afternoon, been exactly ten days. So I have invited two of my expert colleagues to join me. And I expect to defer to them a lot during the question period. They are: our Executive Director, Peter Hammond from Washington, D.C., and a member of our Scientific Advisory Committee, Dr. Jerome Shen, who represents the American Academy of Pediatrics here in St. Louis.

As many of you know, the Coordinating Council was founded in 1969 in Washington, D.C. as a non-partisan, independently-funded corporation for the purpose of coordinating education and information efforts of organizations concerned with drug education. As of this date, we have an active membership of 130 organizations. And they represent a true spectrum of approaches to the subject. Among our members are the American Red Cross, the Boy Scouts of America, the Bureau of Narcotics and Dangerous Drugs, the AMA, the AFL/CIO, NAACP, and Y.O.U. and RAP, two fairly new organizations that function effectively on the street side of the drug scene.

One of the Council's key functions is the evaluation of drug education programs and the encouragement and publicizing of those the Council deems effective.

But one of our members said to me the other day that the thing the Council is best at, is telling people what *not* to do!

This is a less whimsical comment than it might seem. It is a reflection of an unhealthy situation that has resulted from a whole complexity of causes and inter-related forces.

The hysteria which followed the first public admission that we might be faced with a national epidemic of drug abuse, caused a lot of truly well-meaning people to rush into the drug education field, with sometimes disastrous results. Many of the efforts were plainly counter-productive . . . especially as they addressed themselves to our young. After all, said the kids, anything that causes an entire generation of adults to get this "up-tight" must be worth looking into. And, there was a lot of "fad" drug experimentation. But as the fad tarnished we were left with the sad realization of the many tragic consequences of this wave of drug experimentation. And the cost in federal dollars of apprehending the criminals it has created, and the treating of victims of addiction, is an enormous, hourly-bloating number. The cost in human life and misery is inestimable.

And so, with the passing of some of the hysteria, and the hard realization of the cost of this problem, the time has never been better for a rational approach to the drug abuse situation in America today. A situation which we believe is high on the list of things that seriously worry the American voter. And a situation which each political party must deal with as it formulates its 1972 platform.

So our reason for being here today is to suggest some of the ways that we believe that situation should be tackled. Incidentally, we have offered to make a similar presentation to your colleagues on the Republican platform committee in August. We would also like to commend you for scheduling our testimony in your hearings on health and welfare here in St. Louis. It's interesting to note that the only reference to drugs in the 1968 platforms of both parties is contained in the sections on justice and law and crime!

Statistics are sometimes misused to give the wrong impression. But I would like to quote several for you that I don't think are subject to any misinterpretation:

It costs $18,750 to make each narcotics arrest (excluding state and local costs) and approximately $8,500 per year to rehabilitate an addict; or $1,500 to maintain him on methadone. But, to prevent him from ever becoming an addict, to educate and arm him against drug temptation, we spend a comparative pittance: about 26 cents per capita per year, to reach children 12 years old and under. And in the Council's view, as much as 80% of the materials purchased with this money are inaccurate.

So this gives me an opportunity to do that thing that the Council does best. To tell you what we, as a nation are doing wrong:

For, as should be obvious from the preceding statistics, the fact that so much time, money, and energy is going into drug apprehension, treatment, and rehabilitation, is impressive evidence of the failure of the entire drug abuse prevention program. The *real* task is not treating the addict, but keeping future generations from becoming addicts!

And what this really calls for is a reordering of priorities; a balancing of funding and programming so that the emphasis is on the preventive medicine of intelligent education, and away from the million dollar "band aids" of apprehension and treatment.

But before digging deeply into what we believe constitutes sound drug education, let me touch on three subjects that have received so much publicity, that it would probably be wrong to omit them today.

First, control of heroin traffic. Second, treatment. And finally, the whole issue of marijuana and the Marihuana Commission Report.

While these are separate and somewhat disparate subjects . . . they all have created a similar kind of reaction: public hysteria has pushed us to short-term "action" solutions. And the well-publicized rush to react has often only worsened the situation it is meant to correct.

The first subject is a perfect example of this: the highly publicized efforts to achieve international control of heroin traffic.

It is hard to argue with the stance that a closer cooperation with opium-producing nations, and closer surveillance of heroin processing activities in other countries will ultimately have an effect on the amount of heroin available on the streets of Harlem.

And yet, in our eagerness for tangible solutions, these highly visible steps may serve to derail the essential thing that should be done *now* to remove, through education and local social change, the high incidence of heroin use.

A citizen can feel very optimistic when he reads in the paper of the conversion of a Turkish poppy-farmer to a less toxic crop . . . and yet one needs only take a stroll through Watts and realize that the impact upon that community of any mideastern accomplishments will be a long-time coming.

A more direct way to control heroin trafficking in any community is to institute major reforms in the judicial process. When the heroin pusher is not able to obtain bail and release in two hours in Bedford-Stuyvesant . . . when the court schedules become unjammed so that arrests can lead to quick convictions . . . when treatment is accepted as an alternative to incarceration . . . when entrapment practices are discouraged and law enforcement efforts are concentrated on the high level dealer . . . then we may start to stem the tide.

But still, the over-riding priority must be for strong community-education programs, so that even though some addicting drugs are available, the drive toward their use will be lessened.

All of this makes a lot less headlines than the negotiating of a treaty with a foreign country, a major goal of this party's 1968 platform. But the results can be a lot more meaningful in the long run.

Treatment of the addict is a matter of intense public concern. Especially given the large numbers of returning GI's, who are bringing with them a history of experimentation with the incredibly pure heroin available on the streets of Saigon and other cities of Southeast Asia.

This is a problem which the kinds of long-range educational programs we are suggesting might have stemmed. Nevertheless the next administration will have to deal with it.

As a step in that direction, we would urge you to consider the total treatment and rehabilitation of all addicted and drug-dependent GI's. The subjecting of our young men to the easy access of heroin, amphetamines, barbiturates and other drugs must be considered a service-inficted risk. And we must, in all conscience take full responsibility for those who have fallen prey to this easy blunting of their waking nightmares or this deceptively simple relieving of the endless boredom in between.

Methadone is a highly-publicized heroin substitute. But we believe along with many professionals who work daily with it, that it is not the panacea it has been publicized to be. It is the crutch without the rehabilitation. It is at best, an interim maintenance for some individuals. Once again here, there has been a rush to correct a bad situation, with little long-term view. It should be noted by this body that already there has sprung up a strong grassroots resentment within a number of black communities against the substitution of methadone addiction for heroin addiction. A vocal minority has viewed this as just another device to keep the addict subjected to the rules and schedules of the "establishment."

On the heels of the highly-publicized Marihuana Commission Report, some public notice must be paid to the volatile matter of the legal status of private marijuana use. This has been a matter of much discussion by the members of the Council. As diverse as the membership might seem, it was agreed at our 3rd Annual Meeting last year that: "The application of laws against the possession and use of marijuana which treat the marijuana user as a criminal, frequently causes serious social, economic and psychological consequences for the individual and society that appear to be more serious than any apparent direct consequence of using the substance. These laws and variations in enforcement appear to contribute to a lack of respect among young people for laws in general and drug control laws in particular."

And bearing in mind that the Marijuana Commission's findings deal mainly with adult use, it might interest this group that in a poll of all our members, 25% officially endorsed regulation of the drug within the commission's policy to discourage use, 50% officially endorsed partial prohibition of marijuana, and 25% endorsed total prohibition. Nevertheless, in a separate section, each of the respondents were asked for their personal (non-official) opinion. In this response, 50% endorsed regulation; 44% endorsed partial prohibition; and only 6% endorsed total prohibition. Again, while 60% agreed with the report officially, 84% of our member representatives personally agreed.

Nobody has complete answers to the marijuana situation. And the Council has taken no public position on the subject other than to urge the de-criminalization of private possession.

Nevertheless, it may be interesting to this group to note the growing private acceptance among the drug education "establishment" of many of the commission's findings.

But now, let us talk about the preventive medicine we have alluded to throughout this report which is, in our opinion, the only possible long-term solution to the problems of drug misuse: the careful education of *all* our citizens.

And we feel this education should be only *partially* implemented in our schools!

All over America, bright, aware students are yawning as the lights go out in their assemblies of classrooms, and the bored chorus rises to ceiling: "Here comes the drug film!"

The Council regularly reviews drug films. It recommends less than 5% of them for use in schools and other environments. And yet, it believes that this is only a small first step. School administrators and curriculum advisors are the ones who really need the education. How much better to use the routes of heroin traffic as a carefully-positioned lesson in Geography . . . to learn of the advent of large-scale morphine addiction in this country during the Civil War as part of a regular history class . . . to view Coleridge's "Kubla Khan" as a drug induced poem in a high school English class. The days when we must never discuss drug abuse are past.

The young are totally aware of its existence in our society. And so, carefully-positioned discussions of its historical and literary origins for example, are perhaps a far better way to deal with it in schools. This technique seems universally better able to provoke healthy, non-hostile discussion.

But the school is only one place that we must seek to do this job.

Every one has sought to find the villain. The true fiendish architect of the drug problem. First it was rock music. Then it was my profession, advertising. Then it was the war, or the media, or X-rated films, or even Doctor Spock!

But our view is that it really starts right in that most precious of American institutions, the family. And the child of an alcoholic father or an over-tranquilized mother is far more likely to turn to drugs than one who simply grooves on Beatles lyrics. And so, that is where the money and dedication and the planning must be focused: within the community . . . among the families.

There are no easy solutions, ladies and gentlemen. There are no chemical or legal or even moral panaceas. No subject this complex which is intertwined with human behavior will have any. But we believe that a well-integrated re-ordering of priorities *this year* could allow platform committees in future years to concentrate on issues which seek to uplift the lot of our citizens, instead of searching for ways to undo the self-inflicted damage of a substantial segment of our population.

I've used some cold statistics here today. But I'd like to end my prepared remarks on a somewhat more personal note.

I'm a writer by profession. And I think writers are especially sensitive to the ironies of life. A very ironic thing occurred last Tuesday night while I was sitting in my office in New York, putting down some thoughts for this presentation. At that exact moment my apartment, on the upper West Side of Manhattan, was being robbed. And the police confirmed that the whole pattern of the thing indicated the work of an addict.

Nothing irreplaceable was taken. But the thing that was felt most deeply was the loss of my daughter's typewriter. She's just ten years old, and something of a writer herself. And this was her ten-year-old birthday present. And absolutely her most precious possession. After she finished crying, she said very seriously to me: "Daddy, I'd like to write a letter to the Council about how I feel about this." I said: "No * * * don't write it to the Council. If you make it short, and good, maybe I'll read it this Saturday in St. Louis to a group of Senators and Congressmen and other people who are in a position to *really* do something about the cause of a thing like this." I'd like to read you her letter.

"Dear Sirs:

"I'm Melissa Earle and my home was robbed and my family thinks that a junkie robbed it. And my whole impression is that anyone who will stick a needle into his arm and then steal a kid's typewriter is pretty sad. I mean that it's plain sick and maybe you could do something about it, or at least try? Please try. Thanks.

"Yours truly,

"MELISSA EARLE."

Melissa goes to the fourth grade at P.S. 84 in Manhattan. Her class is a terrific mixture of kids. They're all bright. And they all have great potential. But I couldn't help but wonder sadly as I read her letter how many of those kids, ten years from now, may be forced to steal a ten-year-old's typewriter to support a drug habit they acquired because of ignorance. And how much federal money may have to be expended to apprehend them. And treat them.

We *could* reach these kinds. Now. If we do it with planning, and funding and intelligence, and a thoughtful balance of our efforts. And I know that the 130 member organizations of the Council would stand here, if they could, and say, most urgently, along with my Melissa * * * "please try." Thank you.

PRAISE FOR AMBASSADOR INGERSOLL

Mr. PERCY. Mr. President, an article by Elizabeth Pond, published in the Christian Science Monitor, June 26, 1972, reports on interviews with Japanese and Americans in Tokyo concerning the "good first impression" created by our new Ambassador to Japan, Mr. Robert S. Ingersoll.

According to Miss Pond, the Ambassador has received good marks from Japanese government officials, businessmen and journalists, as well as American diplomats and businessmen. They say of Mr. Ingersoll that he is open-minded, receptive and hard working. "All referred to Mr. Ingersoll's omnivorous appetite for every possible meeting with Japanese groups. They appreciated that in these meetings the Ambassador is a good and 'conspicuous' listener."

Miss Pond reports that an American business executive in Tokyo commented that for the first time—

> We're staking out common ground between businessmen and the embassy. We're

talking to each other more amicably—It's a real beginning.

She also states that the embassy staff is immensely pleased with their new boss. One junior officer described him as an "ideal" ambassador, and another said that embassy morale was high under Mr. Ingersoll's leadership.

I am happy to bring Miss Pond's report to the attention of the Senate because I have known Mr. Ingersoll for many years and had predicted that he would make a great ambassador. I am especially happy to know that the United States is so well represented in Japan.

THE SUBVERSIVE ACTIVITIES CONTROL BOARD: AN ALIEN RELIC

Mr. ERVIN. Mr. President, the Senate and House conferees meeting on the appropriations bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies have an opportunity to put the Subversive Activities Control Board where it belongs—in the history books.

They can do that by supporting the Senate's position to delete the entire $450,000 appropriation for the SACB from the bill. The Senate took that stance on June 15 when it voted by the resounding margin of 42 to 25 to cut off funds for the Board.

The size of that margin, I believe, was based in large measure upon the fact that the Board has been a waste of the taxpayers' money. It has spent $6.75 million in the course of doing very little over its 22-year history.

This year, the SACB requested $706,000 to continue its fruitless undertakings, but the House wisely cut the appropriation back to $450,000, the same level as last year. The Senate, of course, voted to do away with the entire appropriation.

The SACB is a relic of the time when McCarthyism ran rampant in this great Nation, when many people thought they saw Communists hiding under every bed and behind every rosebush. The Board was created during that time to ferret out and register Communists and Communist-front, Communist-action and Communist-infiltrated organizations.

The courts have found most of the Board's functions under the Internal Security Act of 1950 to be unconstitutional, and as a result thereof, the SACB has had virtually nothing to do except draw its breath and salary.

Efforts by Congress and by President Nixon to revive the SACB have proved ineffective. The latest effort, President Nixon's Executive Order 11605 of July 2, 1971, was the subject of hearings by the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as Chairman, in October of 1971. The testimony adduced and the materials gathered during those hearings convinced me that Executive Order 11605, which purported to convey power to the Board to revise the so-called Attorney General's list of subversive organizations, was a usurpaton of the legislative power of the Congress.

The State-Commerce-Justice appropriations bill, as passed by the Senate, contains language which would prohibit the Board from carrying out the provisions of Executive Order 11605. Should this language be retained, even though the SACB be funded for another year, the Board would once again have nothing to do. Such a result would make a mockery of the appropriations process, because we would be funding an agency that would produce nothing to show for the expenditure of the public's moneys. We cannot justify this waste. We can use this money for some worthwhile purpose.

The Justice Department and the Federal Bureau of Investigation are quite able to protect America from those who would attempt to overthrow her Government by unconstitutional means. We do not need the SACB to stigmatize any individual or group which might be intelligently or politically obnoxious to the established order.

Mr. President, the Senate's vote to abolish the SACB has created much interest in the national media, and I invite the attention of all Senators and Members of the House to several articles that have been published recently.

One of these was written by the distinguished Senator from Wisconsin (Mr. Proxmire) and myself. Entitled "An 'Alien Creature'," it was published in the New York Times on June 23. Also, the Times published an editorial entitled "A Shoddy Relic" on June 27.

The case for abolishing the SACB also was succinctly stated in an editorial entitled "Scuttling SACB", published in the Washington, D.C., Sunday Star on June 18, and in an editorial "Proceed with Burial of SACB" which appeared on the same day in the News and Observer of Raleigh, N.C.

Mr. President, I ask unanimous consent that these articles be printed in the Record.

Without objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, June 23, 1972]

An "Alien Creature"

(By Sam J. Ervin and William Proxmire)

Washington.—Once again the Administration has come before the Congress with a request—this year for almost three-fourths of a million dollars—and the plea that the moribund Subversive Activities Control Board be allowed to survive yet another year. Again there is a flurry of activity before June 30 to distract the Congress from the board's 22-year history of inactivity. at a price thus far of almost $7 million.

We believe the time has finally come to end this perennial exercise in futility and waste. The board is an anomaly and an unnecessary appendage to our Government. It is a distasteful relic of the McCarthy era, incapable of performing any significant constitutional function.

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. First, Congress may punish dangerous acts and, subject to strict First Amendment limitations, dangerous words. Second, those of us who esteem our system, the best yet devised by man, may use our First Amendment freedoms to instruct the ignorant, convert the doubting and combat the efforts of those who undertake to destroy or injure it.

Before the Internal Security Act of 1950 was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for a crime of which he has been convicted in a constitutionally conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system: that to protect society, our country should maintain a governmental agency to stigmatize publicly organizations the Government considers intellectually or political dangerous, and visit upon such organizations and their members severe penalties. The Internal Security Act of 1950 created the Subversive Activities Control Board. By an amendment in 1954, the board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of "Communist-action," "Communist front," and "Communist-infiltrated" organizations, and members of "Communist-action" organizations.

The act automatically imposed severe penalties upon the members of the organizations stigmatized by the board. The S.A.C.B. has been moribund since its existence in part because the courts have struck down its major approach—disclosure of individual members through compulsory registration. These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

Apart from the constitutional questions, the board has proven to be a gross waste of taxpayers' funds. Congress has appropriated nearly $7 million to fund the board over the last 21 years. The Attorney General has brought only 26 petitions alleging organizations to be "Communist-action," "Communist front," or "Communist-infiltrated." Of these 26 petitions the board has issued only eight final orders determining that the organizations fell within the definitions of the act—one organization, the Communist party of the United States, was designated a "Communist-action" organization; seven groups "Communist front" organizations. In spite of these eight final orders, the board has never registered a single organization or individual. The majority of the remaining cases have been dropped either because the board has found that the organization did not fall within the provisions of the act, or because the board's orders were vacated pursuant to a Federal court decision.

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast power to harass and stigmatize Americans.

In the last year—a year of "great activity" under the new Executive Order—the board did no more than hold four days of hearings. Aside from the absurdity of expending almost one-half million dollars in such a futile exercise, we submit that the Nixon order, which purports to confer new powers on the board, has no legal force. Its promulgation was beyond the constitutional power of the President; it is a direct violation of the doctrine of separation of powers for the President to rewrite statutes enacted by Congress. It is void for overbreadth and vaugeness under the Fifth Amendment right to due process. It violates the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

The board will have even less to do next year than it had last year. Inasmuch as the courts have rendered it incapable or performing its basic functions under the Internal Security Act, Congress will again be asked to appropriate almost one-half million dollars for practically no purpose whatsoever. It is for this reason that the Senate struck the entire appropriation for the board. The issue is now before a conference committee.

The S.A.C.B. has no rightful place in our land. It is not the function of government in a free society to protect its citizens against the thoughts or associations it thinks hazardous. The time has come to remove this alien creature from our Government.

[From The New York Times, June 27, 1972]

A SHODDY RELIC

A Congressional conference committee now has a rare opportunity to rid the country once and for all of that useless left-over from the McCarthy-McCarran era known as the Subversive Activities Control Board. In the past year the Board has held exactly four days of hearings—to no substantial purpose—at a cost of $450,000 to the taxpayers.

The SACB's five members draw $36,000 apiece to take actions which many Constitutional authorities consider illegal under an executive order that President Nixon, revising a Congressional statute, had only the most questionable right to issue. Since the courts had already reduced the functions of the Board to near-zero, the President's order was designed to give it an excuse for continued breathing by letting it determine, through hearings, whether an organization named by the Attorney General was in fact totalitarian, Fascist, Communist or otherwise "subversive."

In view of the probable illegality of any actions it might take, the Board's inactivity has been perhaps the only thing to commend it. But the notion of a government agency spending millions of dollars in public funds over the years on even a welcome inactivity is more appropriate to Wonderland than to Washington.

The Senate is now proposing to eliminate the Board's appropriation entirely. It is difficult to believe that the House conferees, even under the leadership of Representative Rooney of New York, will remain totally insensitive to the scandal of preserving this shoddy relic.

[From the Washington Star, June 18, 1972]

SCUTTLING SACB

The Senate is to be warmly commended on its good sense in voting, 42-to-25, to withdraw all funding from the moribund Subversive Activities Control Board. The wonder is that it was not done years ago.

The SACB is a worse than useless anachronism left over from the darkest days of the red-hunting McCarthy era. In its 22 years of existence, it has done virtually nothing of use to the republic. Its five members, who draw salaries of $36,000 a year each, were originally supposed to ferret out Communist and Communist-front organizations and require them and their members to register with the federal government.

However, a series of court decisions has held that the registration of alleged subversives would be a violation of their constitutional right against self-incrimination. Since these rulings, the main function of the board has been to decide which organizations should be removed from the attorney general's subversive list—generally on the ground that they have been defunct for as long as 20 years.

Last year, President Nixon, for reasons that we have been unable to fathom, tried by executive order to revitalize and expand the powers of the subversive-hunting organization. He proposed to change its name to the Federal Internal Security Board (whatever difference that would make) and give it the power to investigate groups considered subversive, totalitarian, fascist or Communist or which sought the overthrow of the government or practiced violence. The idea was that people belonging to such groups—or who had previously belonged—should be denied employment in the federal government.

After the President's executive order was challenged in the courts, the House on May 30 passed a bill—probably equally unconstitutional—giving the administration what it asked for. The Senate, under the astute leadership of Senator Ervin of North Carolina and Senator Proxmire of Wisconsin, has now rejected the House measure, and indeed all the agency's funding. We trust the Senate will stick to its guns when the matter goes to conference.

[From the Raleigh (N.C.) News and Observer, June 18, 1972]

PROCEED WITH BURIAL OF SACB

The Subversive Activities Control Board has lived so long already that another lease on its useless life is to be expected, and still may be granted. But it's encouraging to see the U.S. Senate going against the House and voting 42–25 for burial of the board.

We have had the SACB for 22 years now. It has done nothing except drain the treasury. Its purpose, assigned in the dark days of McCarthyism, was to sniff out subversives. It has been powerless because of court decisions recognizing the SACB's threat to the constitutional rights of U.S. citizens. Better a powerless board of this kind than one with actual clout, but best of all would be no board at all.

Two weeks ago the House honored Nixon administration wishes and voted to revitalize the SACB under a new name, "Federal Internal Security Board." In that guise it would get the additional duty of keeping "subversives" (probably including any active opponent of our Vietnam policy) off the federal payroll. That would make it, if anything, a worse threat to freedom of expression and assembly.

In the Senate, North Carolina's Sam Ervin and Wisconsin's William Proxmire successfully sponsored an amendment deleting SACB funds from the budget. Ervin, especially, did a typically apt job of delineating the uselessness of the present board and the dangers of the proposed one.

The SACB, Ervin said, has promoted only "the internal financial security of the five board members who draw $36,000 a year for doing nothing." As for the new version, he added, any citizen has the right "to believe anything he wants to believe," even "to make a damn fool of himself if he wants to" without a professional staff of witch-hunters taking notes.

This matter now goes to a conference committee where, this being an election year, anything could happen. If economy and common sense hold sway, the Senate action on the SACB will be accepted by the House.

RETIREMENT OF GEN. WILLIAM C. WESTMORELAND, ARMY CHIEF OF STAFF, ON JUNE 30, 1972

Mr. THURMOND. Mr. President, a distinguished South Carolinian, Gen. William C. Westmoreland, completes his active military service and a 4-year tenure as Army Chief of Staff on Friday, June 30.

General Westmoreland is best known throughout the United States and the world, however, not as a South Carolinian but as a great soldier who led our military forces in the Vietnam war between 1964 and 1968.

Operating in a highly charged political environment as well as a brutal military situation he acquitted himself admirably. His conduct was always that of a soldier and gentleman and history shall honor him for his performance under these extraordinary conditions.

General Westmoreland followed this difficult assignment with 4 years as the Army's Chief of Staff. During this period he has guided the Army through the early difficulties of moving from a draft-supported military force to an all-volunteer force.

As Chief of Staff General Westmoreland has also placed great emphasis on improving the professionalism of the Army's military personnel. He has set a high example for the men under his command and at the same time required that they meet high standards. The Army today is stronger because of the leadership he has provided.

Further, the general has represented the Army well here in Congress. His presentations to the Senate Armed Services Committee have been accurate and concise, and he has always cooperated to the fullest with those of us desiring additional information on various Army programs or policies.

The people of South Carolina are proud of this soldier whose ability carried him to the Army's highest post. A native of Spartanburg County, his career has been exceptional in every respect.

Mr. President, it would be useful to trace General Westmoreland's activities during the past few days as they give a revealing picture of this man. He is known in South Carolina as a hard worker and the events of the past week merely fortify that belief.

On the same day he was presented the fourth Oak Leaf Cluster to the Distinguished Service Medal, the Army's highest meritorious service award, by President Nixon, he also took time from his full schedule to attend ceremonies and make awards to officers, enlisted men, and civilians.

Beyond this, he set aside time to visit with soldiers at Fort Bragg, N.C., and Fort Campbell, Ky., and to present the 3d Brigade of the 101st Airborne Division, a division he once commanded, the Presidential Unit Citation. He also took time to view a museum at Fort Campbell, one of the particular heritage projects in which he has shown special interest.

In addition to briefings and the normal administrative burdens of his office, he has in the last few days attended retirement ceremonies for a general officer, a sergeant, and a civilian; called on a number of Members of Congress; attended a get-together of old friends; was host at a luncheon for visiting Allied leaders; and participated in a number of social and ceremonial events in his honor, hosted by people in highest positions of authority and those at the grassroots level of the Army who admire and respect his leadership and dedication to duty.

General Westmoreland recently told the West Point graduating class of 1964:

> * * * the best motivator I know is desire by the commander to do a superior job. This attitude by the commander will inevitably rub off on the troops. Concentrate on the job at hand. Give it your full energy and your best effort.

In his final week as Chief of Staff of the Army, as he had for 36 years, General Westmoreland did just that.

Mr. President, it also is appropriate to recognize at this time General Westmoreland's lovely and dedicated wife, Kitsy. Certainly she has served just as faithfully as the General. Also, his children deserve our thanks for they have given up much of their father in order that his service to his country might be so complete and unselfish. General and Mrs. Westmoreland have three handsome children, Katherine Stevens, Margaret Childs, and James Ripley Westmoreland II.

Mr. President, I ask unanimous consent that the official Army biography of General Westmoreland be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

GEN. WILLIAM CHILDS WESTMORELAND—U.S. ARMY

William Childs Westmoreland was born in Spartanburg County, South Carolina, March 26, 1914, and graduated from Spartanburg High School in 1931. He attended the Citadel, the military college of South Carolina, for one year and was then appointed to the United States Military Academy, West Point, New York. At the United States Military Academy he was first captain and regimental commander and was commissioned as a Second Lieutenant in the Field Artillery upon graduation on June 12, 1936.

His initial assignment was with a regiment of horse-drawn 75mm guns, the 18th Field Artillery, at Fort Sill, Oklahoma. In March 1939, he joined the Eighth Field Artillery of the Hawaiian Division at Schofield Barracks, Hawaii. Here he served as battery officer, battalion staff officer, and battery commander. In May 1941, as a captain, he was assigned to the just organized Ninth Infantry Division at Fort Bragg, North Carolina, as operations officer of the 34th Field Artillery Battalion (155mm Howitzer).

In April 1942 he assumed command of the 34th Field Artillery Battalion and moved with it later that year to Morocco, North Africa. He commanded the battalion in combat in Tunisia and Sicily. During combat in Tunisia, his battalion was awarded the Presidential Unit Citation.

During the campaign in Sicily, General Westmoreland's battalion was successively attached to the 82d Airborne Division, and the 1st Infantry Division before returning to its parent division. In March 1944 he was named executive officer of the Ninth Infantry Division Artillery while the division was staging in Southern England preparatory to the invasion of the Continent. Following D-Day, he fought with the Ninth Infantry Division through France, Belgium, and into Germany. In October 1944 he was named chief of staff of the division, serving in that capacity in continuous combat from the German border to the Elbe River.

In June 1945 General Westmoreland assumed command of the 60th Infantry Regiment in Germany and in January 1946 was transferred to the 71st Infantry Division and, as commander of that division, returned it to the United States for inactivation.

Following training at Fort Benning, Georgia, he earned the Parachutist and Glider Badges and assumed command of the 504th Parachute Infantry of the 82d Airborne Division at Fort Bragg, North Carolina in July 1946. In August 1947 he was named chief of staff of the 82d Airborne Division, serving in that capacity for the next three years.

He was appointed an instructor at the Command and General Staff College at Fort Leavenworth, Kansas, in August 1950. Later that year he was designated an instructor at the newly organized Army War College, also at Fort Leavenworth, and in June 1951 moved to Carlisle Barracks, Pennsylvania, with the Army War College, serving as a member of the faculty until July 1952.

On August 1, 1952, he assumed command of the 187th Airborne Regimental Combat Team in Korea. While under his command, the unit was twice committed to combat and during the interim was deployed to Japan as theater reserve. The Republic of Korea awarded his unit the Distinguished Unit Citation. During this period he was promoted to brigadier general at the age of 38. In August 1953 he was awarded the Master Parachutist Badge.

In November 1953 he reported for duty as Deputy Assistant Chief of Staff, G1, for Manpower Control. In 1954 he attended the Advanced Management Program of the Harvard Business School in Boston, Massachusetts. He was named the Secretary of the Army General Staff in July 1955.

On December 1, 1956, the Chief of Staff of the Army, General Maxwell D. Taylor, pinned a second star on General Westmoreland, making him at that time the youngest Major General in the Army.

General Westmoreland assumed command of the 101st Airborne Division "Screaming Eagles" at Fort Campbell, Kentucky, on April 2, 1958.

In July 1960, General Westmoreland was appointed Superintendent of the U.S. Military Academy at West Point. He was transferred to Fort Bragg, North Carolina in July 1963 at which time he became Commanding General, STRAC and XVIII Airborne Corps.

In January 1964, he reported to duty at the U.S. Military Assistance Command, Vietnam. He was assigned first as Deputy Commander, then Acting Commander and finally, in August 1964 was made Commander, U.S. Military Assistance Command, Vietnam.

General Westmoreland became the Chief of Staff of the Army on July 3, 1968.

PERSONAL DATA

Date and Place of Birth: March 26, 1914, Spartanburg County, South Carolina.

Parents: Mr. and Mrs. J. R. Westmoreland (Deceased).

Marriage: Date, May 3, 1947; Wife, Katherine Van Deusen Westmoreland; Children, Katherine Stevens Westmoreland; Margaret Childs Westmoreland; and James Ripley Westmoreland II.

EDUCATION

Spartanburg High School, Spartanburg, South Carolina, graduate, 1931.

The Citadel, Charleston, South Carolina, one year, 1932.

U.S. Military Academy, West Point, New York, graduate, BS, 1936.

Army War College (Instructor) 1950–52.

Harvard University, Advance Management Program No. 26–1954.

Temple University, Honorary Doctor of Law Degree, June 1963.

The Citadel, Honorary Doctor of Law Degree, June 1966.

University of South Carolina, Honorary Doctor of Law Degree, April 1967.

Norwich University, Honorary Doctor of Military Science, May 1969.

Howard Payne College, Honorary Doctor of Law Degree, October 1969.

CHRONOLOGICAL LIST OF PROMOTIONS

2d Lieutenant, June 12, 1936.

1st Lieutenant, June 12, 1939.

Captain, temporary, Sept. 9, 1940; permanent, June 12, 1946.

Major, temporary, Feb. 1, 1942; permanent, July 1, 1948.

Lieutenant Colonel, temporary, Sept. 25, 1942; permanent, July 7, 1953.

Colonel, temporary, July 28, 1944; permanent, June 12, 1961.

Lieutenant Colonel (reverted), June 30, 1947.

Colonel, June 29, 1951.

Brigadier General, temporary, Nov. 7, 1952; permanent, Feb. 1, 1963; (DOR, July 14, 1962).

Major General, temporary, Dec. 1, 1956; (DOR Mar. 3, 1952); permanent, Aug. 12, 1965; (DOR May 20, 1963).

Lieutenant General, July 31, 1963.

General, Aug. 1, 1964.

PERSONAL DATA

CHRONOLOGICAL LIST OF ASSIGNMENTS

Battery Officer, 18th Field Artillery, Fort Sill, Oklahoma, from June 1936 to March 1939.

Battery Officer, Battalion Staff Officer, and Battery Commander, 8th Field Artillery, Schofield Barracks, Hawaii, from March 1939 to May 1941.

Operations Officer, 34th Field Artillery, 9th Infantry Division, Fort Bragg, North Carolina, from May 1941 to April 1942.

Battalion Commander, 34th Field Artillery Battalion, 9th Infantry Division, Fort Bragg, North Carolina, Morocco, North Africa (in combat in Tunisia and Sicily) to England, from April 1942 to March 1944.

Executive Officer, 9th Infantry Division Artillery (Combat in France, Belgium and Germany), April 1944 to October 1944.

Chief of Staff, 9th Infantry Division (combat in Germany), from October 1944 to June 1945.

Regimental Commander, 60th Infantry Regiment in Germany, from June 1945 to January 1946.

Chief of Staff and Division Commander, 71st Infantry Division, Germany and return with it to the United States, from January 1946 to May 1946.

Assistant Chief of Staff, 82d Airborne Division, Fort Bragg, North Carolina, from May 1946.

Student Officer, The Infantry School, Fort Benning, Georgia, from May 1946 to June 1946.

Regimental Commander, 504th Parachute Infantry Regiment, Fort Bragg, North Carolina, from July 1946 to August 1947.

Chief of Staff, 82d Airborne Division, Fort Bragg, North Carolina, from August 1947 to August 1950.

Instructor, Department of Instruction, Command & General Staff College, Fort Leavenworth, Kansas, from August 1950 to October 1950.

Instructor, Army War College, Fort Leavenworth, Kansas, from October 1950 to June 1951.

Instructor, Army War College, Carlisle Barracks, Pennsylvania, from June 1951 to July 1952.

Commander, 187th Airborne Regimental Combat Team in Korea, from August 1952 to August 1953.

TDY to HQ Prov Corps, Japan, HQ, Armed Forces, Far East, from October 1953 to November 1953.

Deputy Assistant Chief of Staff, G1 for Manpower Control, Washington, D.C., from November 1953 to September 1954.

Student, Advance Management Program, Harvard Business School, Boston, Massachusetts, from September 1954 to December 1954.

Deputy Assistant Chief of Staff, G1 for Manpower Control, Washington, D.C., from December 1954 to July 1955.

Secretary of the Army General Staff, Washington, D.C. from July 1955 to March 1958.

Commanding General, 101st Airborne Division & Fort Campbell, Fort Campbell, Kentucky, from April 1958 to June 1960.

Superintendent, U.S. Military Academy, West Point, New York, from July 1960 to July 1963.

Commanding General, STRAC & XVIII Airborne Corps, Fort Bragg, North Carolina, from July 1963 to January 1964.

Deputy Commander, U.S. Military Assistance Command, Vietnam, from January 1964 to June 1964.

Acting Commander, U.S. Military Assistance Command, Vietnam, from June 1964 to August 1964.

Commander, U.S. Military Assistance Command, Vietnam & Commanding General, U.S.

Army, Vietnam APO SF 96222, from August 1964 to July 1968.

Chief of Staff, U.S. Army, from July 1968.

LIST OF DECORATIONS

Distinguished Service Medal w/2 OLC.

Legion of Merit w/2 OLC.

Bronze Star Medal w/OLC.

Air Medal w/9 OLC.

American Defense Service Medal.

American Campaign Medal.

EAME Campaign Medal w/17 Campaign Stars.

WWII Victory Medal.

Army of Occupation Medal (Germany).

National Defense Service Medal w/OLC.

Korean Service Medal w/2 Campaign Stars.

Vietnam Service Medal w/8 Campaign Stars.

Legion of Honor (French Government).

French Croix DeGuerre w/Palm.

Belgium Fourragere.

Korean Ulchi Distinguished Service Medal w/Gold Star.

Order of Military Merit Taeguk (Korea).

Order of Sikatuna (Rank of Lankan) (Philippines).

Chuong My Medal (Vietnam).

National Order of Vietnam, First Class (Vietnam).

Gallantry Cross with Palm (Vietnam).

Army Distinguished Service Order, First Class (Vietnam).

Air Force Distinguished Service Order, First Class (Vietnam).

Navy Distinguished Service Order, First Class (Vietnam).

Armed Forces Honor Medal, First Class (Vietnam).

Civil Actions Honor Medal, First Class (Vietnam).

The Most Exalted Order of the White Elephant (First Class—Knight Grand Cross—Thailand).

The Order of National Security, First Class (Korea).

Vietnamese Gallantry Cross Fourragere.

Order of Military Merit, Degree of Great Officer (Brazil).

Medal of Cloud and Banner with Grand Cordon (Republic of China).

Order of the Rising Sun, First Class (Japan).

Order of Guerrilleros Lanza, Degree of Grand Master (Bolivia).

Grand Cross of the Order of Military Merit (Spain).

Knight of the Grand Cross (Italy).

United Nations Service Medal.

Vietnam Campaign Medal.

CITATIONS

Presidential Unit Citation (34th Field Artillery Battalion, Tunisia 1943).

Republic of Korea Unit Citation (187th Regimental Combat team 1953).

BADGES

Combat Infantryman's Badge.

Master Parachutist Badge.

Glider Badge.

General Staff Identification Badge.

Armed Forces Master Parachutist Badge (Vietnam).

Joint Chiefs of Staff Identification Badge.

Army Aviator Badge.

PERSONAL BACKGROUND MATERIAL

Sports: Tennis, Squash, Water-skiing, Golf.

CURTIS EZELLE AS OUTSTANDING COUNTY TREASURER OF UNITED STATES

Mr. CHILES. Mr. President, I have long believed that the most important force in our country's governmental system is that at the local level and for that reason carries a special feeling for all local government officials and workers who give it vitality. I look for opportunities to give recognition to any public official whose extra efforts contribute to the continuing strength of local government and thereby to our way of life.

Curtis Ezelle of Wauchula, Fla., is such a person. The job he has done and the dedication he has given to his community, to Hardee County, to Florida, and to his public office have just earned him the Outstanding County Treasurer Award of the United States for 1972.

This award was made last Tuesday night, June 27, at the convention banquet of the National Association of County Officials and is sponsored annually by the association. The convention was in Washington, D.C., with several thousand county officials in attendance.

The magnitude of the award is seen in that the National Association of County Officials represents well over 30,000 county officials throughout the country. NACO is the worthwhile vehicle for exchange of ideas and information to provide for better county government.

Curtis Ezelle has devoted himself to the job of tax collector of Hardee County for the past 24 years. During this time he has been president of the Florida Association of County Tax Collectors and president of the County Treasurers and Finance Officers Association of the United States.

In his community he has been a Kiwanis Club youth worker for the past 25 years, receiving the Kiwanis Club's Sandy Niniger International Award for outstanding service. In addition he has been a deacon of his church and Sunday school teacher for more than 30 years.

He has been selected for the Hardee County Outstanding Citizen Award by the Jaycees and is a past worshipful master of the Masons. In 1970 he was a participant in the White House Conference on Children and Youth.

And with all this, Curtis Ezelle has done a superb job of rearing two children—Marcus, 19, and Carmen, 16—since the death of his wife. They are a devoted family.

There are many, many extremely fine public officials in our local governments, and I am particularly proud that Curtis Ezelle, from the heart of Florida and a very good personal friend, has gained the recognition he so well deserves.

PRINTING OF YEA AND NAY VOTES

Mr. CASE. Mr. President, in yesterday's Record, just before the vote on the Scott-Sparkman amendment on page 22914, I asked that rollcalls No. 87 legislative and No. 223 legislative be printed.

I also ask unanimous consent that there be printed in today's Record the three rollcalls which dealt with the Portuguese-Bahrain question. The first occurred on March 3, when the Senate approved, 50 to 6, my resolution (S. Res. 214) calling on the administration to submit recent executive agreements with Portugal and Bahrain to the Senate as treaties. The second occurred on June 19, when the Senate rejected, 41 to 36, the Sparkman amendment to strike out the fund cutoff to Portugal and Bahrain until the executive agreements were submitted to the Senate as treaties. The third occurred on June 28 when the Senate approved by a 59 to 30 vote the Scott-Sparkman amendment to eliminate Bahrain from the previously approved fund cutoff.

There being no objection, the votes were ordered to be printed in the Record, as follows:

[No. 87 Leg.]

YEAS—50

Aiken, Allen, Allott, Anderson, Bayh, Beall, Bennett, Bentsen, Bible, Boggs, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Church.

Cooper, Curtis, Fong, Fulbright, Gambrell, Gravel, Gurney, Hughes, Inouye, Javits, Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, Metcalf, Miller.

Mondale, Montoya, Nelson, Pastore, Pearson, Pell, Proxmire, Randolph, Roth, Smith, Spong, Stevens, Stevenson, Symington, Talmadge, Tunney.

NAYS—6

Dole, Dominick, Fannin, Schweiker, Scott, Young.

NOT VOTING—44

Baker, Bellmon, Brock, Buckley, Chiles, Cook, Cotton, Cranston, Eagleton, Eastland, Ellender, Ervin, Goldwater, Griffin, Hansen.

Harris, Hart, Hartke, Hatfield, Hollings, Hruska, Humphrey, Jackson, Jordan, N.C., Mathias, McClellan, McGee, McGovern, McIntyre, Moss.

Mundt, Muskie, Packwood, Percy, Ribicoff, Saxbe, Sparkman, Stafford, Stennis, Taft, Thurmond, Tower, Weicker, Williams.

So the resolution (S. Res. 214) as amended was agreed to.

[No. 223 Leg.]

YEAS—36

Allen, Allott, Anderson, Baker, Beall, Bennett, Brock, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Cook, Curtis.

Dole, Dominick, Eastland, Fong, Griffin, Gurney, Hansen, Hruska, Jackson, Jordan, N.C., Jordan, Idaho, McClellan, McGee.

Miller, Montoya, Pastore, Saxbe, Scott, Sparkman, Stennis, Taft, Thurmond, Tower, Young.

NAYS—41

Aiken, Bayh, Bentsen, Bible, Boggs, Brooke, Burdick, Case, Chiles, Church, Cooper, Cranston, Eagleton, Ellender.

Ervin, Fulbright, Hatfield, Hollings, Hughes, Humphrey, Inouye, Magnuson, Mansfield, Mathias, Mondale, Moss, Nelson, Packwood.

Pearson, Pell, Proxmire, Randolph, Ribicoff, Roth, Smith, Spong, Stevenson, Symington, Talmadge, Tunney, Williams.

NOT VOTING—23

Bellmon, Buckley, Cotton, Fannin, Gambrell, Goldwater, Gravel, Harris.

Hart, Hartke, Javits, Kennedy, Long, McGovern, McIntyre, Metcalf.

Mundt, Muskie, Percy, Schweiker, Stafford, Stevens, Weicker.

So Mr. Sparkman's amendment (No. 1223) was rejected.

[No. 255 Leg.]

YEAS—59

Aiken, Allen, Allott, Anderson, Baker, Bayh, Beall, Bellmon, Bennett, Bentsen, Bible, Boggs, Brock, Brooke, Buckley, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Chiles.

Cook, Cooper, Cotton, Curtis, Dole, Dominick, Eastland, Ellender, Fong, Griffin, Gurney, Hansen, Hruska, Humphrey, Jackson, Jordan, N.C., Jordan, Idaho, Long, Magnuson, Mathias.

McClellan, Miller, Moss, Packwood, Pastore, Randolph, Roth, Schweiker, Scott, Smith, Sparkman, Stafford, Stennis, Stevens, Taft, Talmadge, Thurmond, Tower, Weicker, Young.

NAYS—30

Burdick, Case, Church, Cranston, Eagleton, Ervin, Fulbright, Hart, Hartke, Hatfield.

Hollings, Hughes, Inouye, Javits, Kennedy, McIntyre, Metcalf, Mondale, Montoya, Muskie.

Nelson, Pearson, Percy, Proxmire, Ribicoff, Spong, Stevenson, Symington, Tunney, Williams.

NOT VOTING—11

Fannin, Gambrell, Goldwater, Gravel, Harris, Mansfield, McGee, McGovern, Mundt, Pell, Saxbe.

So the amendment was agreed to.

A WELCOME AND TRIBUTE TO THE JAPANESE AMERICAN CITIZENS LEAGUE

Mr. FONG. Mr. President, our Nation's Capital is the meeting place this week of the 22d Biennial National Convention of the Japanese American Citizens League. Approximately 500 delegates representing more than 25,000 members from chapters throughout the Nation are assembled in this city for a weeklong convention.

As a longtime friend and admirer of the JACL, I wish to extend to all the delegates a very warm personal welcome to Washington, especially since this is the first time the organization is holding its national convention here.

The JACL, founded in 1930, is the only national organization of the Japanese Americans in this country. As such, it has given constructive leadership not only to its own members, but also has assisted other minorities as well. The JACL has been in the forefront of the fight for reform of our immigration and naturalization laws, for civil rights, and most recently, for the repeal of title II of the Internal Security Act of 1950, under which arbitrary detention was possible.

JACL not only was an effective advocate of these and other legislative measures, but did much before and during congressional consideration of such legislation to stimulate legislative interest and affirmative action.

As one who has worked with the JACL on many projects and proposals over the years, I am proud to be associated with the successful achievement of various JACL objectives.

During this biennial convention, when so many of the JACL leaders and members and their families are gathered in Washington, it seems most appropriate to pay a well-deserved tribute to their organization. I know Senators and Members of the other House who have had contacts with the JACL, will be happy to join me in expressing our hearty welcome and compliments to the convention delegates.

The high esteem and respect in which the JACL is held nationally has been voiced by President Nixon in a message addressed to the convention:

> The members of the Japanese American Citizens League are to be commended for continuing their strong tradition of adherence to the legacy of their forebears while at the same time enriching our own American heritage. Your Twenty-Second Biennial National Convention gives me a good opportunity to tell you again how much your individual and collective contributions to the life of our society are appreciated by me personally and by the nation as a whole.
>
> The high ideals of dignity and human brotherhood which you have always espoused, constructively expressed in your many fine programs, have earned you the respect and admiration of all who are familiar with your work. The spirit of patriotism and the idea of unity in diversity have never been more basic to the achievement of our national aspirations. Your dedication to this effort places you in the forefront of those civic organizations on whom so much of the future greatness of our society respects.
>
> May you have a most enjoyable and productive session.

Similar praise for the JACL has been extended by the four previous Presidents. I ask unanimous consent that these Presidential messages be printed in the RECORD.

There being no objection, the messages were ordered to be printed in the RECORD, as follows:

PRESIDENTIAL MESSAGES TO THE JAPANESE AMERICAN CITIZENS LEAGUE

"This nation has been built by the labor and dedication of Americans whose forebears came from many lands. None have worked harder, fought more bravely, or contributed finer sons and daughters to their adopted home than our citizens of Japanese ancestry.

"I am pleased to salute the enduring contributions you have made to our way of life and happy to commend your efforts to perpetuate a culture and a heritage which have so enriched our society."

President LYNDON B. JOHNSON, 1966.

"Your organization has earned an enviable reputation for the high standards of citizenship which you have set for all of your members. You have contributed generously to your communities and to our national life."

President JOHN F. KENNEDY, 1962.

"I congratulate the Japanese American Citizens League on its support of good citizenship, liberty, and patriotism. As you who are League members strive to uphold your organization's motto, 'For Better Americans In A Greater America,' I am confident you will continue to bring credit to your organization and benefit to the United States."

President DWIGHT D. EISENHOWER, 1956.

"The significant and effective work of your organization . . . on behalf of all persons of Japanese ancestry in the United States and Hawaii is a tribute to the democracy within whose framework you plead your case and achieve your goals.

"The members of the Japanese American Citizens League have proved anew that decency and justice cannot long be frustrated if we stand together to create new and better bonds of understanding between free citizens in a free nation."

President HARRY S. TRUMAN, 1950.

Mr. FONG. Mr. President, the JACL has indeed had a notable history which richly deserves to be widely disseminated. It is the heartwarming story of a group of Americans, relatively small in number but deeply dedicated to making their motto a living force: "Better Americans in a Greater America." Their story has been told by William K. Hosokawa, associate editor of the Denver Post and an outstanding JACL member, in an official JACL publication entitled "Better Americans in a Greater America." I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BETTER AMERICANS IN A GREATER AMERICA

Through the pages of this booklet, we would like you to meet the Nisei (rhymes with Knee-Say)—Americans of Japanese ancestry.

The *Nisei* are a comparatively new and infinitesimal minority in American life. On the mainland of the United States there are about 200,000 of them. Despite distinctive features, they are Americans not only by birth, but by upbringing, education and choice.

Like other Americans, the *Nisei* come in various sizes, shapes and vocational callings.

There are *Nisei* butlers and gardeners. There are also *Nisei* space scientists, judges, college professors, engineers, surgeons and editors. They grow food on farms and flowers in greenhouses. They seek the solution to the mysteries of cancer and other diseases in medical laboratories. Three *Nisei* represent the State of Hawaii in Congress. There are *Nisei* jockeys and ministers of the Gospel, cab drivers and Air Force pilots, financiers and social workers, house painters and architects. There are *Nisei* serving the United States abroad in both the armed and diplomatic services. There are even a few *Nisei*—a very few—in jail.

The only thing they have in common, aside from their pride in American citizenship, is their ancestry. Their parents, *Issei* (meaning "first generation"), came as immigrants to the United States about the turn of the century. Just as immigrants from Europe first tended to settle on the East Coast, these newcomers from Japan remained largely in the Pacific coastal states.

Today, *Nisei* live in every one of the 50 states, moving wherever opportunities beckon them. Perhaps it is only natural that the largest number on the continental mainland live in the most populous state, California.

The immigrants from Japan came to the United States in search of freedom and opportunity. Like any immigrant group the *Issei* faced many adjustments. Their problems were accentuated by differences in appearance, customs and language. They found that rather than being praised for their industry, they were accused of lowering standards of living. Instead of being hailed as pioneers of the still undeveloped West, they were regarded as intruders. Politicians found in them a convenient scapegoat, harassing them with cries of the "yellow peril."

But these new immigrants persevered. They helped build the railroads and develop raw land into productive farms. They cleared timber and mined coal. Their crime rate was low. Hardly any became public charges. Their children rarely became delinquents. They were peaceful, hard-working, self-reliant Americans in every way except the most important—our laws prohibited them from becoming naturalized citizens because of their race. And so legally, they remained aliens.

But their children, the *Nisei* were citizens by birth, and the *Issei* looked to them to bridge the gap of misunderstanding and prejudice. The *Nisei*, however, soon learned they had inherited the problems as well as the pioneering courage of their parents. Many persons refused to look beneath the Oriental features of these young men and women and recognize them as fellow Americans entitled to the privileges and responsibilities of citizenship. The *Nisei* found doors closed to jobs for which they were qualified, housing denied them outside the Oriental ghettoes.

As the older *Nisei* reached voting age, they realized their struggle for acceptance might be strengthened through unity. A handful of *Nisei* from California, Oregon and Washington met in Seattle in 1930 and formed the Japanese American Citizens League (JACL).

Today the Jacl is the National Organization Representing Japanese Americans. Its objective is defined by its slogan: "Better Americans in a greater America." The story of this organization is an inspiring account of a group of young American's treasuring their birthright, defending it, and seeking to be worthy of it.

Of course all its purposes were not so earnestly serious. The JACL also had its social and fraternal aims. But in their effort to become exemplary citizens, the *Nisei* quickly became aware that in a democracy laws are the people's safeguard, and good citizens take an interest in government. It is perhaps significant that delegates to the first JACL convention took two actions demonstrating the importance they placed on the privilege of American citizenship. They adopted resolutions calling on Congress to:

Permit *Nisei* girls who had married alien Japanese to regain their citizenship, through an amendment to the Cable Act.

Grant citizenship to Oriental-born men who had served in the United States armed forces in World War I.

Both measures subsequently were enacted into law.

During the 1930's, as more and more *Nisei* attained their majority and became aware of civic responsibilities, additional chapters of the JACL came into being. This was a period of growth and development for the *Nisei* who, individually, were largely preoccupied with the problems of economic and social adjustment. These problems, already complicated by the inherited prejudices, were intensified during the closing years of the decade by a situation over which they had neither control nor connection. Their fellow Americans, outraged by Japan's aggression in the Far East, misdirected their wrath against Japanese Americans.

The Japanese Attack on Pearl Harbor on Dec. 7, 1941, shocked and angered the *Nisei* as it did all Americans. The *Issei*, most of whom had lived virtually all their adult lives in the United States, were stunned. Thousands of *Nisei* already were in U.S. Army uniforms. Many others, with the blessing of their parents, rushed to enlist.

But the old prejudices were fanned into hysteria against all Japanese Americans. The *Issei*, through no fault of their own, were quickly classified as enemy aliens. For the *Nisei*, it was another matter. In historical perspective, it is possible to document the fact that racism, political opportunism and economic greed created pressures which fed on fear and led to what has been described as the "blackest chapter" in the history of American democracy.

On March 2, 1942, the United States government ordered all persons of Japanese extraction, citizen and alien alike, removed from the West Coast solely on the basis of race, and locked in inland relocation camps.

Thus began the mass Evacuation of 120,000 men, women and children, two-thirds of them American citizens, months after danger of invasion had passed. No charges were filed against them. No hearing was held as to their loyalty. They were simply ordered out of their homes and escorted behind barbed wire by armed troops in an action unprecedented in American history.

During the period of mounting hysteria that preceded the Evacuation order, JACL leaders worked valiantly for a restoration of reason. They tried to calm the fears of *Issei* and *Nisei*, cooperated fully with the authorities, sought to remove possible misunderstanding by the American public at large regarding the loyalty of Japanese Americans, protested their case to government policymakers.

But the pressures were too great. Once the Evacuation decision was made—and explained by the government on the basis of "military necessity"—the JACL had no alternative but to urge the *Issei* and *Nisei* to cooperate in the Evacuation as a patriotic contribution to the war effort.

There were other considerations. To resist as a matter of principle—while a tempting course of action, could well have led to bloodshed. Cooperation was essential to demonstrate *Nisei* loyalty to their country in a time of crisis. Furthermore, the JACL recognized that while a case might be made for the rights of the American citizen *Nisei*, there was no recourse for their now enemy alien *Issei* parents and separation of families posed serious complications.

In retrospect, observers have marveled that the Evacuation was completed almost without incident, for the loss of freedom was a bitter experience to the Nisei. The cruelest blow was the feeling of being repudiated by their own government, of knowing that a basic American principle was being violated when they were imprisoned for having the wrong kind of ancestors. It was a particularly grim time for the *Nisei* already in the U.S. Army who saw their families placed in desert camps ringed by barbed wire and guarded by military police. At the time, the loss of 400 millions of dollars in assets—businesses closed, farms abandoned, homes boarded up and furnishings sold for pennies on the dollar—seemed unimportant in relation to the affront to human values and democratic ideals.

Almost overnight in this trying period the JACL became a mature, fighting organization. With a courage based on faith in America, JACL leaders were making plans for the fight ahead even as the Evacuation was under way. They launched a vigorous program of public education, cooperating with civilian government agencies set up belatedly to safeguard the welfare of the evacuees, seeking relief through the courts from organized persecution. A test case challenging the legality of the Evacuation was taken to the United States Supreme Court. In California, when the Native Sons of the Golden West sought to strike the names of *Nisei* evacuees from the rolls of registered voters, the JACL took successful legal action to block this raid on their birthright.

In 1942 JACL representatives petitioned the government to reinstate Selective Service which had been suspended with the Evacuation for the *Nisei*. Early in 1943 the War Department decided to create an Army regiment made up of *Nisei* volunteers. While the idea of a segregated unit was repugnant, the *Nisei* recognized the public relations value of such an organization, working together, going into action as a team. Hundreds of volunteers from the relocation centers and from Hawaii joined *Nisei* already in service to form the celebrated Japanese American 442nd Regimental Combat Team. Their motto was "Go For Broke"—Hawaiian slang for "shoot the works," or "all or nothing."

In a series of actions in Italy and France, the 442nd became the most decorated unit of its size and length of service in American military history. These G.I.'s with Oriental faces fought not only for the nation, but also for acceptance for themselves and their families. How valiantly they battled to prove themselves is indicated in these figures—18,143 individual decorations, 9,486 (309%) casualties and seven Presidential Distinguished Unit Citations collected in seven major campaigns.

Nor was the *Nisei* military record confined to the European theater. Though little publicized because of the nature of their duties, some 10,000 Americans of Japanese ancestry served in military intelligence as the "eyes and ears" of Allied forces in the Pacific. They were with every major unit in every Pacific engagement from the Aleutians and Guadalcanal to the march into Tokyo and the occupation of Japan. They served in the front lines and in headquarters from Pearl Harbor to Burma. Analyzing intercepted communications, interrogating prisoners, translating captured documents, persuading die-hard enemy troops to surrender, the *Nisei* saved thousands of American lives and helped shorten the war in the Pacific by many months, according to General MacArthur's Chief of Staff for Military Intelligence. Even the Navy and Marines, which refused to induct *Nisei*, borrowed these language specialists from the Army.

These *Nisei* faced a double danger in the Pacific—from the enemy and from fellow G.I.s who might mistake their identity. In tribute to them, Gen. Joseph (Vinegar Joe) Stilwell) commanding general of U.S. Army forces in Asia, remarked: "The *Nisei* bought an awful big hunk of America with their blood."

As restrictions against the evacuees were eased, other *Nisei* as well as *Issei* left the relocation centers to take part in the civilian war effort. They helped harvest food crops and worked in defense plants. *Issei* with specialized skills served with the Office of Strategic Services, taught the Japanese language to Army, Navy and Air Corps personnel, wrote propaganda leaflets which were rained down on the enemy, monitored enemy broadcasts and played key roles in psychological warfare.

The outstanding record of persons of Japanese ancestry during the war bore out the truth of President Franklin D. Roosevelt's statement that "Americanism is a matter of mind and heart, Americanism is not . . . a matter of race or ancestry." Despite rumors—rumors which are hard to stamp out—the files of every government investigative and intelligence agency show conclusively that not a single resident alien Japanese or American of Japanese ancestry committed an act of sabotage or espionage for the enemy before, during, or after the attack on Pearl Harbor.

In 1943 the Government's program of resettlement got under way. Although the West Coast was still closed to them, the evacuees were permitted to leave the relocation centers and move to communities in the East and Midwest. In cooperation with federal authorities and national church organizations, the JACL assisted in the student relocation program whereby *Nisei* college students were able to continue their studies in inland schools. Entire families were resettled in communities throughout the American heartland and were accepted almost without incident.

This acceptance was due in part to the exemplary conduct of the evacuees themselves, in part to the good will of Americans who showed they understood the meaning of democracy. But the largest part of the credit must go to the dramatic reports from the European front where *Nisei* of the 442nd were proving themselves in battle. The *Nisei's* loyal response to the War Department's decision to create "a symbol of the loyalty of Japanese Americans" was paying off.

On the home front JACL stepped up its program of public education and established regional offices in Denver, Chicago, and New York to assist in the resettlement program. As Japanese Americans sank roots into new communities, it was only natural that JACL chapters should be formed wherever they settled in appreciable numbers.

At the same time JACL membership, heretofore restricted to Japanese Americans, was opened to all citizens who subscribed to its principles and many friends of the *Nisei* joined.

Meanwhile, deeply concerned over the precedents set by the Evacuation, JACL had sought judicial reviews of the constitutionality of all aspects of the program. Three landmark suits reached the United States Supreme Court.

In 1943, in a suit brought by Gordon K. Hirabayashi, the Supreme Court ruled unanimously that the curfew and travel restrictions imposed on Japanese Americans were a legal application of military authority.

In 1944, in the JACL-sponsored Fred Korematsu case, the majority of the Supreme Court upheld the legality of the evacuation based solely upon race. Three justices dissented.

But late in 1944, the Supreme Court ruled unanimously in the Mitsuye Endo case that the government had no right to detain loyal American citizens in the relocation centers. Within 48 hours the Army revoked its West Coast exclusion orders.

One legal victory had been won, but it is a disturbing fact that the Supreme Court's decision legalizing evacuation on racial grounds still stands. The JACL agrees with Mr. Justice Jackson's warning that the decision is a "loaded weapon" pointed at democratic rights, and a reversal of the decision is an important piece of unfinished business in the aftermath of an ugly chapter of American history.

The reopening of the Pacific Coast clearly revealed the hand of the racists. Having lost the fight to exclude Japanese Americans legally, these elements resorted to threats and violence in an effort to discourage evacuees from returning to homes, farms and businesses. On shameful record are more than 100 cases of arson, shootings and beatings against returning evacuees. By these acts of terrorism, they demonstrated that their cry of "evacuate the Japs as a military necessity" was a sham. Their alleged concern for national security turned out to be a front for blind racial prejudice or desire for personal economic gain.

But the majority of residents of the West Coast subscribed to principles of decency and fair play, and about three-fourths of the evacuees moved back to their home communities. Again, JACL was in the vanguard, establishing "outposts" in San Francisco and Los Angeles to help in the adjustment of homecoming.

One by one the barriers fell. *Nisei* and *Issei* reestablished homes and businesses, returned to old jobs or found new ones and sought to resume lives disrupted by the Evacuation. One major acknowledgement of the loyalty of the *Nisei* was the Navy's announcement late in 1945 that its ranks would be open for their enlistment.

In their first postwar national convention, JACL members assembled in Denver in 1946 with the sober realization that the organization must spearhead a fight to secure, once and for all, the rights for which *Nisei* G.I.s had gone "for broke." Their wartime experiences had tought them the realistic lesson that only in organization is there strength, that organization is essential even in making a minority group's needs known to its own government. Among their goals were three measures aimed at rectifying injustices against persons of Japanese ancestry:

Legislation to change federal law classifying *Issei* as "ineligible to citizenship" even though they had resided in the United States a half century or more. This law was the basis for much legalized discrimination against *Issei* in many states.

Compensation for property losses suffered in the evacuation.

Stay of deportation for deserving alien Japanese who had lost the right to reside in the United States as "treaty merchants" on the outbreak of war. Many of these individuals had American-born families.

Such an ambitious program could succeed only through a campaign of public education beginning with communities which had been receptive to Japanese Americans. New JACL chapters were established in the East and Midwest where evacuees had settled permanently, and old chapters were reactivated as the *Nisei* returned to their West Coast homes.

Today the JACL membership roster reflects the extent to which Japanese Americans have spread out across the United States. Whereas before the war JACL chapters were found only in a half dozen states in the Far West, now there are chapters and members in 32 states and the District of Columbia. Thus, out of the war, JACL emerged a truly national organization both geographically and in scope of program.

To implement the national program, a JACL Anti-Discrimination Committee was incorporated and an office opened in Washington, D.C. JACL had not forgotten that Washington officials in 1941 had been woefully ignorant about this American minority and had allowed West Coast pressure groups to dictate national policy regarding them. JACL leaders realized, too, that there are no spectators in a democracy, and that good citizenship means active participation in government. And so the organization has become the collective voice of the *Nisei*, and the JACL finds itself being consulted on matters of national policy having to do with Japanese Americans.

Since JACL represents a small minority without effective voting power, its approach to Washington in seeking its objectives was an appeal for simple justice backed by a record of loyalty tested by fire.

By the time of the next JACL convention in 1948 Congress had passed an act to compensate evacuees for their losses, and had consented to place deportation of Japanese treaty merchants on the same basis as those of other nationalities, thus assuring them of being able to stay with their American-born families.

In addition, through JACL representations, the Soldier Brides Bill was amended to permit the Japanese spouse and children of American servicemen to enter the United States without regard to the Japanese Exclusion Act. This enabled Japanese, for the first time since the Exclusion Act of 1924, to enter this country for permanent residence. JACL was also successful in restoring tenure, cancelled as a result of Evacuation, to *Nisei* in federal civil service. Additionally, Congress passed more than 200 private bills benefiting individual *Issei* and *Nisei*. Significantly, every bill passed without a dissenting vote.

In 1952, JACL's major legislative goal of citizenship privileges for the *Issei* was realized with passage of the Immigration and Nationality Act eliminating race as a qualification for naturalization.

This Act also allowed for the first time a token immigration quota for Japan, negating the 1924 Oriental Exclusion Act which many historians say planted the seeds of resentment which resulted ultimately in war. JACL's plea that certain prospective citizens be permitted to take their examination in their native language enabled many other long-time resident aliens of various nationalities to qualify for American citizenship.

Elimination of the category, "aliens ineligible for citizenship," had widespread repercussions. Some 500 federal and state statutes aimed against and hindering the progress of such aliens, and in many cases their citizen children, were wiped out.

To assist Issei in qualifying for the citizenship they had desired for so long, JACL chapters conducted naturalization classes. So great was the response that for the first time in history the Immigration and Naturalization Service conducted mass swearing-in ceremonies. Despite the advanced age of most Issei, the record shows that in proportion to their number more of them became citizens than in any other nationality group.

JACL also interceded successfully for two groups of Issei with special problems. California was persuaded to grant old age assistance to Issei unable for one reason or another to secure naturalization and who had lived in the United States at least 25 years prior to passage of the 1952 Naturalization Act. The naturalization petitions of certain Issei were challenged on the ground that they had sought exemptions from World War I military duty on the plea that they were aliens. Precedents were established when courts in San Francisco and Denver accepted JACL's position that classification as exempt aliens was involuntary and made automatically by local draft boards.

The President's Immigration Act Amendments of October 1965, eliminating the discriminatory Asia-Pacific Triangle and the National Origins formula in determining immigration quotas, marked the achievement of another major JACL goal. In effect it placed immigration from all Asian countries, including Japan, on an equal basis with other Old World countries, including Europe. Significantly, of all organizations supporting the liberalization of the nation's immigration laws, JACL was first in urging equal treatment for the peoples of Asia.

JACL carried on its campaign for equal rights in courts and state legislatures as well as Congress. In the Oyama case the U.S. Supreme Court established the right of a citizen child to receive a gift of land from his alien parent. This led eventually to the California State Supreme Court declaring unconstitutional the 40-year-old California Alien Land Law in the Fujii and Masaoka cases. JACL subsequently succeeded in removing this law from the state constitution through referendum. Also as a result of the Oyama case the State of California discontinued what has been referred to as "legalized blackmail" of Japanese landowners by requiring out-of-court money settlements to the state to clear land titles. The state was later to return such escheat monies by action of the legislature.

In the Takahashi case the U.S. Supreme Court invalidated the California law denying commercial fishing licenses to resident alien Japanese.

The battle against discriminatory laws on the state level has been particularly effective. JACL participated in drives to repeal alien land laws in Oregon, Utah, Idaho and Washington, and in eliminating anti-miscegenation laws in Idaho, Nebraska, Utah and Wyoming. JACL helped make Idahoans aware of an obscure statute denying the privilege of voting, serving as jurors and holding office to "Chinese and others of Mongolian descent" not born in the United States, even though citizens. The law was wiped off the books by overwhelming referendum vote.

JACL's campaign for equal rights has not been confined to persons of Japanese ancestry. Realizing that a threat to the rights of any minority is a threat to all Americans, JACL actively has supported the President's Civil Rights program, state and federal Fair Employment and Fair Housing laws, anti-lynch and anti-poll tax bills, and the end of segregation in the armed forces. JACL has been a charter member of the National Leadership Conference on Civil Rights, the coordinating body for more than 100 national organizations representing church, labor, veterans and ethnic groups.

On matters of general concern, but affecting *Nisei* indirectly, JACL has joined with other organizations as "friend of the court" in making its views known. JACL played such a role in Brown v. Board of Education, the historic school desegregation case, and in the case in which the U.S. Supreme Court invalidated restrictive covenants.

JACL participated in the campaign to uphold California's fair housing laws, and joined in amicus brief in the State Supreme Court reversal of the referendum prohibiting the State from providing open housing.

In Loving v. Virginia where the U.S. Supreme Court ruled against anti-miscegenation statutes in the States, JACL filed amicus brief and its National Legal Counsel participated in oral argument.

JACL is proud to have had a part in the campaign for statehood for Hawaii, advocating the staunch Americanism of its people, one-third of whom are of Japanese ancestry.

JACL has felt it of utmost importance that all Americans be made aware of their fellow citizens of Japanese extraction and their place in the nation. An intensive information and education program has been carried on. Among the highlights have been:

A gala homecoming arranged for veterans

of the 442nd on their return from Europe, with President Truman reviewing the unit.

Reburial ceremonies for *Nisei* soldiers at Arlington National Cemetery with high government and military leaders in attendance.

Naming of a U.S. Army transport in honor of Pvt. Sadao Munemori, posthumous recipient of the Medal of Honor.

Cooperation with the city of Bruyeres, France, in dedication of a memorial park in honor of the 442nd Combat Team, for the role it played in liberating that community.

Sponsoring services at Arlington National Cemetery commemorating the twentieth anniversary of the 442nd, resulting in an unprecedented two-hour tribute to *Nisei* servicemen in the House of Representatives.

Cooperation with Metro-Goldwyn-Mayer in production of the film, "Go for Broke," a tribute to the war record of the 442nd.

Cooperation with the Columbia Broadcasting System in production of its TV program, "Nisei—The Pride and the Shame," in the Twentieth Century series.

In addition, the JACL has been the primary source of information for a host of writers and editors, scholars and students, officials and organizations seeking factual information about Japanese Americans.

One of JACL's current functions is as a "watchdog," alert for movements and proposals both in Congress and state legislatures which might have a possible effect on the welfare of Japanese Americans. In this role it has fought discrimination in cemeteries, protested the production of "hate" films depicting Japanese Americans in a false light and the revival on television of wartime movies that portray the *Nisei* wrongfully. Through JACL's efforts, inaccuracies in textbooks concerning Japanese Americans have been corrected. JACL has pointed out the derogatory implications in the word "Jap" with the result that several standard dictionaries have revised their definition of the term and it has all but disappeared from newspaper headlines.

In 1960 JACL launched a project of researching and writing the history of the Japanese in America and their contributions to this nation. While designed as a tribute to the *Issei*, the project was in keeping with the JACL's educational program and to highlight the rich cultural heritage of Americans of Japanese descent. The University of California at Los Angeles has accepted cosponsorship of the history project and has been designated as a repository for documentary material collected by researchers. Both the Carnegie Corporation and the National Institute of Mental Health have made grants to further the project.

In recent years an increasing number of Sansei—the children of *Nisei*—have turned to JACL for a better understanding of their identity and backgrounds and for knowledge about the struggle of their parents and grandparents to find acceptance in American life. A number of Junior JACL groups have been formed under sponsorship of JACL chapters as an important part of the JACL program. Unhindered by discrimination, these young people already are making significant contributions to their communities and in their fields of endeavor. JACL has established a national scholarship program as a step toward perpetuating the *Nisei* heritage of academic achievement.

The Japanese American Citizens League, born of the needs of a particular ethnic group, is dedicated to hastening the day when Americans of Japanese ancestry face only those problems which have no racial implications and are no different from the problems faced by all Americans. The term "Japanese American" in the organization's name describes the scope of its operations and activities; it does not identify the membership for its ranks are open to all Americans who believe in its purposes and are interested in its activities. Nor is the term ever hyphenated, for JACL is not a hyphenated organization. JACL is also aware that the concept of America as a "melting pot" has been replaced by the concept of an America united in, and enriched by, the diverse cultural backgrounds of all its people. The *Nisei* are proud of their cultural contributions to a greater America.

JACL's governing body is the National Board, members of which are elected at the biennial national convention held each even-numbered year. Legislative powers reside in the National Council composed of two representatives from each chapter which in turn are grouped geographically into eight District Councils: Eastern, Midwest, Mountain-Plains, Intermountain, Pacific Northwest, Northern California-Western Nevada, Central California and Pacific Southwest.

There are now 88 chapters with total membership exceeding 22,000. The organization is supported through dues and contributions. Associate membership is provided those who reside in areas not served by chapters. JACL is incorporated as a non-profit organization under the laws of the state of California and enjoys state and federal tax exempt status.

JACL publishes a weekly news organ, *The Pacific Citizen*, in Los Angeles to keep the membership informed and to mirror the aims, activities and achievements of Japanese Americans. *The Pacific Citizen* has a proud record of hard hitting leadership and reporting in the best American journalistic traditions. JACL also maintains a national credit union and offers a health and accident insurance program.

As in all Democratic organizations, it is the local JACL chapters which provide grass roots support for the national organization. At the local level they carry on programs of public education, community welfare and youth development; they sponsor informative sessions on local and current issues; organize athletic leagues and social events; undertake voter registration and get-out-to-vote campaigns. In short, they serve as channels for the wider participation of Japanese Americans in the total life of their respective communities.

The current acceptance of Americans of Japanese ancestry, as contrasted with their position in 1941, is both a measure of the effectiveness of the JACL and a demonstration of the ability of a democracy to redress wrongs within its framework.

Congressman Walter H. Judd of Minnesota paid eloquent tribute to the Japanese American Citizens League in a statement, titled "Touchstone of Democracy," published in 1955 on the occasion of its 25th anniversary, in the *Congressional Record:*

"The JACL story for their first 25 years is an inspiring document of democracy action, at the best, an epic which could have been written only in America and which completely refutes the hate and race mongers of only a few years ago who charged that the Japanese, by their very character, were unassimilable into the American cultural pattern, which itself as we all know, is made up of the cultures and the contributions of all the many peoples who have immigrated to these shores since time immemorial, as did the ancestors of all of us.

"But perhaps even more important in the long pull of history is that, what the JACL has accomplished here in the United States is living proof to all the free peoples of the world, and especially to those in the Far East who are so important to us as a nation today, that the democratic way is best, for it makes possible the correction of abuses and wrongs and the achievement of justice and redress on the basis of the complete record and of individual merit, not race, color, creed or national origin."

In its ceaseless struggle for the extension of the rights and privileges of America to every citizen, the JACL has been guided by the spirit of its "Japanese American Creed." It was written by Mike M. Masaoka, longtime Washington representative of the JACL. It was first read before the United States Senate on May 9, 1941, and published in the *Congressional Record.*

AWARD TO W. P. DANIEL HIGH SCHOOL, NEW ALBANY, MISS.

Mr. EASTLAND. Mr. President, I have just learned that one of our outstanding Mississippi high schools has been selected to receive a signal honor. The W. P. Daniel High School, of New Albany, Miss., has been named winner of the 31st Annual Bellamy Flag Award for the State of Mississippi in 1972.

This award is a credit to the school's administration, its faculty and staff, and its student body. I think it is a reflection of the outstanding educational job that many of our Mississippi schools are doing.

It is with pleasure that I ask unanimous consent that an article from the New Albany Gazette of Thursday, June 1, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

W. P. Daniel High School in New Albany has been named to receive the 31st annual Bellamy Flag Award for the State of Mississippi in 1972.

Announcement of the award was made following notification to Principal O. Wayne Gann by Dr. Margarette S. Miller, Director of the National Bellamy Award, Portsmouth, Virginia.

Upon learning of the award, Holace Morris, Superintendent of New Albany City Schools, said, "We are very pelased that this award has come to the students, staff and administration of W. P. Daniel High School, and I feel sure that the community will be equally proud of this honor."

The 31st annual Bellamy Award will be presented in formal ceremony to Daniel High School on Columbus Day, October 12, 1972, the 80th anniversary of the Pledge of Allegiance.

The Bellamy Award Flag, a large outdoor United States Flag that it flown over the U.S. Capitol in Washington, D.C. honors Francis Bellamy—minister, journalist and advertising man—author of the Pledge of Allegiance to the Flag of the United States of America.

In official notification of the award, Dr. Miller stated, "The Bellamy Award makes no pretense at selecting a 'best school' in the state. It simply selects a high school that is 'representative' of all fine public high schools in a chosen state. Thus, Daniel High School has been chosen and designated as the standard bearer for all Mississippi schools. Daniel High will retain the honor for a 50 year period in the distinguished group of outstanding and representative secondary schools throughout the nation."

Another state will receive the honor next year with a high school chosen to the recipient and standard bearer for all fine high schools in that state.

The pledge of Allegiance was written by Bellamy in Boston in 1892 under the auspices of the Youth's Companion magazine for the National Public School Celebration of Columbus Day. It commemorated the nation's quadro-centennial. The National Bellamy Award acknowledges the vital role of the public school in helping to mold and realize the ideals and goals of our Country.

"The Bellamy Award is not an honor to be obtained by the mere efforts of administration, faculty and students during the year of study," Dr. Miller wrote. She added. "The school is chosen for its long history of accomplishments along with its current accumulation of awards, honors, innovation in teaching, the accomplishments of the alumni, faculty and present student body."

TRIBUTE TO JOHN PAUL VANN

Mr. BUCKLEY. Mr. President, I wish to pay tribute to a man, buried at Arlington National Cemetery the week before last, who was, in the truest sense, an American patriot. I refer to John Paul Vann, whose personal courage and sense of commitment should serve as a model to us all.

John Paul Vann spent the greatest part of his life in service to the United States in the most dangerous capacities—as a B–29 pilot in World War II, as an infantry officer in the Korean war, and then, for 10 long years, as first a military and then a civilian adviser in Vietnam.

In those last 10 years, his conviction never wavered in the ultimate rightness of America's mission. He also remained convinced that a defeat in Southeast Asia would be disastrous for the United States.

He believed fully that the war could be won, but that it would have to be fought primarily by the Vietnamese themselves, with the Americans serving only as advisers and as examples. And it was in this role as an adviser and an example that his personal courage and determination were fully manifested.

John Paul Vann was a rugged, wiry man. He believed in spending every other night in the field. He would often visit hamlets which were considered too dangerous for any official representatives, and often stayed overnight in Vietnamese militia outposts on the verge of being abandoned. With the North Vietnamese invasion last March, he was known to have rescued American advisers from outposts being overrun, and evacuated wounded from places where no one else would volunteer to go. In one single day, he had been shot down three times.

The helicopter trip to Kontum, which was to prove fatal, was, for him, no different than the hundreds of other times in which he would interject himself into a beleaguered area in order to raise morale and assist in the reorganizational efforts. As senior American adviser, he did not have to, nor was he expected to be there. His contributions, however, to Kontum's defenses proved to be a major factor in the North Vietnamese defeat; but his final sacrifice was all too total.

John Paul Vann sacrificed his life for what he believed in, and even those who disagreed with his beliefs have paid tribute to his convictions. He was an early advocate of a Vietnamizing program; and it was at least gratifying for him to see a large part of what he had advocated adopted, even after so long a delay.

Mr. President, I believe we all owe John Paul Vann a debt of gratitude, and I fervently hope that we can all gain from his selfless example.

MORE JOBS NEEDED

Mr. SPARKMAN. Mr. President, the American workingman has been made a scapegoat by some Nixon administration officials who are trying to explain away the administration's economic failures.

Administration officials claim that low productivity of workers is contributing to a sluggish economy. This is just not the case.

The only nonproductive workers are those 5,500,000 unemployed persons who cannot find a job, due in large part to the economic slowdown brought about by the administration. In fact, American workers have been a lot more productive than the administration's efforts to reduce unemployment.

I invite attention a Brookings Institution study showing that almost half the Nation's annual growth rate of 4 percent results from a better educated work force and increased technological and managerial know-how.

Instead of looking for scapegoats, the administration should be looking for new ways to stimulate the economy and create jobs.

We must get rid of the motion that the American laboring man and women are not doing their parts. It is a dangerous notion and a grossly unfair one.

I am proud of the American labor force. It has a tradition of rising to the productivity needed to get us through every productivity crisis that we have faced. World War II saw our men and women workers set records in production. This production effort brought Japan and Germany to their knees.

Because of the American work force we are today setting new records in housing—records which translate into meaningful impacts on the lives of all our people.

America's labor force has brought our Nation to the highest standard of living in the world. Instead of blaming labor for the administration's economic failures, Mr. Nixon's "explainers" should look within the administration itself for an answer to give the Nation's 5,500,000 unemployed.

These people need some answers, and those literally tens of millions of employed workers who think, "there but for the grace of God go I" need some answers, too.

These unemployed workers are in a real depression. They are people, not dry statistics intoned at a Labor Department press conference. It is time the administration worked on this problem in terms of wasting lives and hungry children, rather than figures ground out by a computer.

TRIBUTE TO MARYLAND STATE POLICE

Mr. MATHIAS. Mr. President, a constituent of mine has recently written a letter commending the Maryland State Police on the fine job that they do for the people of Maryland. I commend this letter to the State, because it addresses a theme of general national interest as we seek better methods of law enforcement. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 18, 1972.

Hon. Charles Mc. Mathias,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: In this world of war, inflation, and crime we live in today, we tend to put more emphasis on these problems and set aside tributes to public servants whose accomplishments aid our society.

Specifically, I am talking about the Maryland State Police. They put in more time than a lot of people realize, working six day, nine or ten hour shifts. They not only work several hundred hours of overtime every year, but their shifts sometimes interfere with weekends and holidays. Even Christmas and Easter when almost everyone has off, they're on the highways to protect us 24 hours a day.

All too often people judge only by what they see without delving into the background of things. A lot of people judge a "trooper" as someone who gives them a ticket for speeding.

True, a trooper's job does involve penalizing speeders, but this is for the safety of all motorists. Those people who criticize troopers may be the same ones who have an accident and need emergency aid and assistance.

People tend to praise *after* a mishap or crisis has happened to them. For instance: parents are happy when a trooper finds their lost child; a girl is happy when she has just survived an accident and sees a patrol car coming to help her; a store owner appreciates them when a robber is found; a motorist is glad there is a state trooper to catch the drunken driver who almost ran him off the road; a housewife appreciates a marked car when she runs out of gas in the middle of nowhere; and an elderly couple are glad to see a trooper come along to help them with car trouble.

I have come to appreciate and respect more fully the Maryland State Police by experience. In December 1971, I was in a three car auto accident involving five people. Although my car was totaled, I sustained only minor injuries. The State Police were called and a trooper came to the scene to take all information from us regarding the circumstances of the accident.

No one can understand the teamwork and paperwork that goes on behind-the-scene. Reports have to be completed and follow-up calls have to be made, as in my instance. Of course, these are only a few of the red tape extras that troopers go through to complete the records at the barracks.

Headlines in the Congressional Record are war, strikes, and busing problems. Wouldn't a tribute to the Maryland State Police be a fitting subject?

I live in Charles County and therefore come under the immediate jurisdiction of "Barrack H" in Waldorf, Maryland. I think Barrack H and all Barracks of the Maryland State Police deserve an applause from the citizens of the State in which they serve.

Your attention and response to this letter would be appreciated.

GENOCIDE DEFINED

Mr. PROXMIRE. Mr. President, genocide is commonly defined as "the systematic, planned annihilation of a racial or cultural group." Two elements of this definition are essential to a true understanding of the Genocide Convention. The first of these is the concept of "group." The Greek word genos, or race, has acquired the broader meaning stated above, and the Genocide Convention itself further defines the idea as "a national, ethnical, racial, or religious group." Some critics of the Genocide Treaty claim that its ratification will place individuals accused of homicide under its jurisdiction. Nothing could be further from the truth. Homicide involves a single individual, is a domestic matter, and falls under the jurisdiction of domestic laws. Genocide involves an entire group, is a matter of international concern, and should be condemned by international law.

A second vital element of this definition is the term "planned," or in the words of the convention itself, "intent to destroy." Some critics of the convention allege that any act against a national, ethnical, racial or religious group would constitute genocide. They maintain that such acts as school busing and certain police and military actions would fall under the jurisdiction of this treaty. This is not so. The Foreign Relations Committee clarified this matter when it attached an understanding to the treaty stating that acts of genocide are those committed with the intent to destroy, in whole or in part any of the above defined groups.

Genocide then must concern an entire group, and must involve the intent to destroy that group. It is a very specific crime which demands very specific legislation. In urging the speedy ratification of the Genocide Convention I call to the attention of my colleagues the words of Arthur Goldberg:

> The Genocide Convention outlaws action that is repugnant to the American people. . . . It is inconceivable that we should hesitate any longer in making an international commitment against mass murder.

ST. MARYS COUNTY, MD.

Mr. MATHIAS. Mr. President, one of the many beautiful areas near Washington is southern Maryland, that historic peninsula between the Chesapeake Bay and the Potomac River which attracted the first Maryland settlement. Southern Maryland, like Maryland history itself, begins in St. Marys County, which was the subject of a feature article in the Washington Post of Sunday, June 25, 1972.

Mr. President, I ask unanimous consent to have printed in the Record the Washington Post article entitled "Amish and Angels in St. Marys."

There being no objection, the article was ordered to be printed in the Record, as follows:

Amish and Angels in St. Mary's

(By Barbara Guinn)

(Note.—The writer, who has been touring nearby states for more than a decade, freelances from Washington.)

"A" is for Amish and Angels, and both will constitute special attractions for visitors to nearby Southern Maryland's St. Mary's County next Saturday (July 1).

The Amish, who migrated from Lancaster, Pa., to this agricultural area about 40 years ago, can be seen any Wednesday or Saturday at the Farmer's market near Charlotte Hall. The Blue Angels, the U.S. Navy's flight demonstration team, however, will be featured at Air Expo '72, the one-day-a-year open house and air show at the Naval Air Test Center, Patuxent River.

St. Mary's County, just a little more than a half-hour's drive from the Beltway, is the "mother county" of Maryland where Leonard Calvert and a small group of settlers landed from the Ark and Dove in 1634. Since the first census in 1790, the U.S. population has multiplied 50 times, but the number of residents in St. Mary's County has only tripled. Many still farm and harvest seafood from the Patuxent and Potomac Rivers, which border the land that stretches into Chesapeake Bay.

St. Mary's Amish usually arrive at the market between 8 and 9 a.m. in horse-drawn wagons and buggies. I was there early enough this month to see two strawhatted young boys in the traditional black suits and purple shirts help their organdy-capped mother in a black apron unload a wagon filled with beets, leaf lettuce, brown eggs, and a small gray kitten in a homemade cage. The kitten was priced at 25 cents and was sold early in the day. The vegetables and eggs were gone by early afternoon. The Wednesday before the woman had sold tender new peas, but she told me she was canning the rest of her crop for her family.

Nearby, a bearded Amish farmer sat on his wagon and sorted strawberries, which he sold for 60 cents a quart. There were others selling homemade soap for 8 cents a cake, baby food jars of blackberry and elderberry jelly for 25 cents, homemade potato bread for 35 cents a loaf and shoo-fly pies for 40 and 70 cents, according to size. Eggs ranged from four dozen for $1 to 60 cents a dozen, depending on size and whether they were white or brown.

A boy of about 10 was selling a pair of goats, "the boy, he's the black one, is $15; the girl's $20." There were also white rabbits and young pigs. Livestock auctions are also held here on Wednesday.

The Amish, who were the nucleus for the market when it opened 20 years ago, have been joined by a variety of merchants in stalls offering merchandise ranging from antiques and used furniture to wigs (for "$15, second one-half price"), clothing, records and books. Tucked in between best-sellers, which are about half price, were: an undated complete works of Shakespeare published in England (for 50 cents); a Bernarr McFadden physical culture cookbook published in 1924 (75 cents) and copies of the National Geographic magazine dating back to 1916 (50 cents each or three for $1).

As you leave the market headed south on Rte. 5, you will pass Charlotte Hall Military Academy, founded in 1774.

The gates at the Patuxent Air Test Center will open at 10 a.m. for the open house and air show. Rear Adm. Roy H. Isaman, the commander, has announced there is no charge for admission. In addition to the famous Blue Angels, there will be sky-diving, an aircraft fire-fighting demonstration, and carnival rides.

Restroom facilities will be provided. Snack foods and drinks will be sold.

DIRECTIONS

Take Beltway Exit 36 and follow Branch Avenue (Rte. 5) southeast for approximately 30 miles. Just a mile after passing a large "Welcome to St. Mary's County" sign on your right, watch for the Charlotte Hall Amish market on your left. To reach the Patuxent Naval Air Test Center, continue down Rte. 5 for approximately 7 miles. Here Rte. 5 turns right, but you will go straight ahead and continue south on Rte. 235 for about 20 miles. You can't miss the entrance, which will be on your left.

APPROPRIATIONS FOR BUREAU OF OUTDOOR RECREATION

Mr. TUNNEY. Mr. President, I voted yesterday for appropriations to the Bureau of Outdoor Recreation, included in the Interior Department appropriations bill, which the Senate passed yesterday. However, I wish to bring to the attention of Senators certain actions by that Bureau with regard to environmental protection at Lake Tahoe which I have found most disturbing. In my opinion, the Bureau's actions have been astonishingly indifferent to the requirements of a legislative mandate, and it is only after receiving a letter of explanation from Acting Director James G. Watt, dated June 27, 1972, followed by a personal meeting with BOR, that I decided to support the appropriation. Allow me to explain the background and events involved in this case.

In October 1970, President Nixon signed into law a bill introduced by the senior Senator from Nevada (Mr. Bible) which authorized a feasibility study aimed at the establishment of a Tahoe National Lakeshore. In recognition of the significance of Lake Tahoe as a national resource and the urgency of its preservation, the act directed the Bureau of Outdoor Recreation to report not later than September 26, 1971, on the region's suitability for designation as a national lakeshore area.

I have a longstanding and continuing interest in environmental protection at Lake Tahoe, a concern which I have discussed before in this Chamber; I followed the progress of the BOR study with much interest and obtained in mid-July 1971, a copy of the preliminary review draft of the report, prepared by the BOR staff in San Francisco. I was most impressed with that draft, which undertook a comprehensive review of the environmental situation at Tahoe. The report discussed some of the early weaknesses of the Tahoe Regional Planning Agency in regulating land use and development in the Tahoe Basin, set 19 important objectives for protection of the lake as a recreational resource, and recommended both regulatory and financial alternatives for implementing those objectives. In the cover letter dated July 13, 1971, which accompanied this impressive draft report, then-BOR Director Douglas Hofe stated that the final draft would be submitted on September 26, 1971, as required by the enacting legislation.

Nothing happened. More than 6 months later, I wrote to Director Hofe demanding to know what had become of the final draft, and inquiring as to the reasons for the delay. I had at this time been advised that "substantial revisions" were being made which would weaken the final report, and mentioned my concern at this prospect in my letter.

Until 2 days ago, Mr. President, I had never heard a word from the Bureau of Outdoor Recreation. In addition to failing to extend me the simple courtesy of a reply, the Bureau continued to squat on this important and timely report. I heard only from scattered sources that the final version of the report is being completely revised, and will be a product totally different from the earlier draft. Meanwhile, I heard mixed reports on the adequacy of the fledgling Tahoe Regional Planning Agency in its battle to control development. Convinced that the Bureau of Outdoor Recreation must be held accountable for its negligence in failing to produce this needed report before the legislative deadline, I wrote to the senior Senator from Nevada (Mr. Bible), the original sponsor of the bill and chairman of the Interior Appropriations Subcommittee, urging that all funds for the BOR be withheld until the final report and an explanation for its extreme tardiness are transmitted to the Congress.

At last, the Bureau of Outdoor Recreation began to move, and I received 2 days ago a letter from Acting Director James G. Watt explaining the delays and promising now that the report will be completed by August. Director Watt also wrote to Senator Bible, admitting negligence on the part of the Bureau. My staff and I then met with a Bureau official in my office; he clarified some points and assured me that certain key concerns will be considered in that final report. Three specific areas which I think absolutely must be considered by the task force which is now writing the final version are these: First, an evaluation of the adequacy of the TRPA as presently constituted, to control development in the Tahoe Basin; second, an assessment of the role of the myriad Federal agencies involved in the Tahoe environmental picture and their performance in protecting the lake region from further desecration; and third, a consideration of the working relation between Federal and regional authorities and the measure of cooperation and jurisdictional balance that has been and should be achieved. These are the pieces of information that all Federal elected officials must have in determining the proper public policy toward Tahoe and the appropriations necessary to implement that policy. These are crucial considerations, and I sincerely hope that the final version of the BOR study will fully discuss them. I intend to meet personally with Acting Director Watt to assure that these areas will be considered. I will look forward with interest and anticipation to the final version of the BOR report, for it will play an important role in shaping policy at Tahoe in the next decade.

Needless to say, Mr. President, this protracted and futile exchange with BOR has been a frustrating one for me. In order to establish the record, if there is no objection, I ask unanimous consent to have printed in the Record the letters which I have discussed in this statement. It is only to be hoped and presumed that in the future, it will not take the threat of withdrawal of funds by Congress to goad the Bureau into fulfillment of its legal obligations.

There being no objection, the letters were ordered to be printed in the Record, as follows:

March 6, 1972.

Mr. G. Douglas Hofe,
Director, Bureau of Outdoor Recreation, U.S. Department of Interior, Interior Building, Washington, D.C.

Dear Mr. Hofe: On September 26, 1970, Congress passed and the President signed P.L. 91–425 which authorized the Secretary of the Interior to study the feasibility and desirability of creating a national lakeshore at Lake Tahoe. The Bureau of Outdoor Recreation was directed by the Secretary of Interior to carry out this study, and the Pacific Southwest Regional Office of the BOR was assigned the task of preparing the "field draft" of the report.

A preliminary draft of the report, entitled "Lake Tahoe: Strategies to Save a Lake" was prepared by the BOR, Pacific Southwest Region, on June 15, 1971, and submitted to your office for review. You transmitted to me and the other Senators from California and Nevada a copy of that preliminary draft. In your cover letter, dated July 13, 1971, you stated that the final draft of the report would be submitted on September 26, 1971.

To date, no final report has been issued. Indeed, I am advised that your office is still actively working on the report, and that "substantial revisions" are being made.

I am writing to you today to urge that this overdue report be released as soon as possible, and to inform you of my strong support for the recommendations which are contained in the preliminary draft of the report.

I would like to point to three basic proposals contained in the draft report which I hope will be retained in the final report. First, the draft said that substantial Federal investments were going to be required in order to preserve the environment and aesthetic integrity of the Tahoe Basin. Three alternative levels of expenditure are listed: $30, $70, and $100 million. The $70 million figure is recommended, and $30 million is called the absolute minimum expenditure.

Second, the draft report emphasizes that further Federal expenditures, especially heavy Federal land acquisitions in the Tahoe Basin, will require some additional Federal regulatory control. The regulatory scheme suggested is called "concurrent jurisdiction" and resembles the Federal-TRPA partnership I have long urged for the administration of Federal funds in the Tahoe Basin.

I look forward to your prompt action, and hope to be able to support the recommendations in the final report.

Sincerely,

John V. Tunney,
U.S. Senator.

U.S. Senate,
Washington, D.C., June 16, 1972.

Hon. Alan Bible,
Chairman, Subcommittee on Interior Department and Related Agencies, Committee on Appropriations, Washington, D.C.

Dear Alan: It has come to my attention that your subcommittee is in the process of marking up the Department of Interior's Appropriation Bill for FY 1973.

I write to bring to your attention a situation within the Bureau of Outdoor Recreation with regard to the preparation of the final version of its Report on the feasibility and desirability of creating a national lakeshore at Lake Tahoe. The report was authorized by legislation which you introduced and which passed the Senate in September, 1970. To my mind, BOR's conduct in the matter would indicate serious irresponsibility and shows such blatant disregard for a Congressional mandate that I urge all appropriations to be withheld from it until a final version of the Report is delivered to the Congress. Moreover, it would seem appropriate for BOR to offer a thorough explanation for the delay in submitting the Report and for what I am informed will be the elimination of virtually every significant recommendation in the draft version of the Report.

As you know, we both received copies last summer of what was considered a "field draft" of the Report, dated June 15, 1971. I was most impressed with that draft, which emphasized that further federal expenditures, especially heavy federal land acquisition in the Tahoe Basin, could not be countenanced without some means of regulating development better than the TRPA was doing. The Report went into painstaking detail to document the political and organizational handicaps of the TRPA, and concluded by recommending that the Federal government assert some regulatory control under a "concurrent jurisdiction" scheme. Substantial Federal investments were recommended, and three alternative levels mentioned ($30, 70, 110 million), the figure of $70 million was suggested.

In the cover letter dated July 13, 1971 which transmitted the draft Report, then BOR Director Hofe stated that the final draft would be submitted on September 26, 1971, as required by the legislation. More than six months later, on March 6, 1972, I wrote to Hofe demanding to know what had become of the final draft, and stating that I had been advised that "substantial revisions" were being made which might compromise the recommendations in the draft.

I have never received a reply from Hofe whom I understand has been replaced. I have lately heard that the final version—whenever it is released—will delete all reference to the inadequacies of the TRPA and will recommend some minimal Federal expenditures of not more than $12 million. I am also advised that in connection with the release of this final draft, some transfer of personnel has taken place—which would lead one to conclude that certain heads have rolled.

At a time when the TRPA's track record on controlling development in the Basin leaves much to be desired, it seems most unfortunate that this careful investigation into the situation at Tahoe and the need for improved Federal oversight should be so awkwardly suppressed. I am on record as opposing additional Federal funds in the area until at least an effective investigation of the need for increased Federal oversight is made. I feel that, without this study, there is no guarantee that Federal money will in any way preserve and enhance the fragile ecology of the region.

Best regards,

John V. Tunney,
U.S. Senator.

U.S. Department of the Interior,
Washington, D.C., June 26, 1972.

Hon. Alan Bible,
U.S. Senate.
Washington, D.C.

Dear Senator Bible: I appreciate the opportunity to comment on Senator Tunney's assertions concerning our Lake Tahoe feasibility study. Unfortunately, much of what the Senator says is true, but I would like to explain the circumstances surrounding the situation.

The field draft of the report was transmitted to Washington last summer in sufficient time to have permitted completion and submission to the Congress by the deadline. However, the decision was made that since the report of the Tahoe Regional Planning Agency (TPRA) was due in December, it would be advisable to hold our report so that it could be revised to reflect the most recent action on the part of TPRA. I believe you were informed of this by letter just before the report was due under the Act. Subsequent to receipt of the information with respect to TRPA, the field report was revised and resubmitted to higher levels with respect to the concept and approaches taken in the preparation of the report, it was decided that it would have to be revised to reflect these additional concerns. A small staff at the Departmental level was created to prepare the Department's report.

The revised report is presently being reviewed within the Department. We understand it should be ready for transmittal to the Secretary within 2–3 weeks, with the hope that it would be transmitted to the Office of Management and Budget early in August. When OMB releases the report, copies will be transmitted to Congress.

I find that not answering Senator Tunney's March 6 letter is inexcusable and have directed that a responsive reply be prepared with some detail as to the problem and an indication of the actions that are underway.

We will contact the Senator's office and try to clarify the situation as soon as possible. We share several of the Senator's concerns with the effectiveness of TRPA. However, recent indications are that it is beginning to function and perhaps should be given a reasonable opportunity to perform before consideration is given to major revisions in its functions or composition.

Again, I appreciate the opportunity to comment and would be pleased to elaborate further on any points you feel desirable.

Sincerely yours,

JAMES G. WATT,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 27, 1972.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: As you may know, Secretary Morton recently appointed me Director of the Bureau of Outdoor Recreation. In view of my new assignment, I was very disturbed by a recent article in the *Sacramento, California, Bee.* Upon checking to ascertain the problem, I found that your letter of March 6 remained unanswered. This is inexcusable. I would like to take this opportunity to explain the circumstances of the situation as I understand them.

The field draft of the report was transmitted to Washington last summer in sufficient time to have permitted completion and submission to the Congress by the deadline. However, the decision was made that since the report of the Tahoe Regional Planning Agency (TRPA) was due in December, it would be advisable to hold our report so that it could be revised to reflect the most recent action on the part of TRPA. Subsequent to receipt of the information with respect to TRPA, the field report was revised and resubmitted to higher levels in the Department. Because of differences of opinion with respect to the concept and approaches taken in the preparation of the report, it was decided that it would have to be revised to reflect these additional concerns. A small staff was created at the Departmental level to prepare the final report.

The revised report is presently being reviewed within the Department. We understand it should be ready for transmittal to the Secretary within 2–3 weeks, with the hope that it would be transmitted to the Office of Management and Budget early in August. When OMB releases the report, copies will be transmitted to Congress.

We share several of your concerns with the effectiveness of TRPA. However, recent indications are that it is beginning to function and perhaps should be given a reasonable opportunity to perform before consideration is given to major revisions in its functions or composition.

We would be pleased to elaborate further on any points you feel desirable.

Sincerely yours,

JAMES G. WATT,
Director.

PENTAGON SHOULD BE MADE TO EAT ITS EXCESSIVE SPENDING

Mr. PROXMIRE. Mr. President, the Pentagon must be made to pay for the $5 billion increase in Vietnam war costs and the $7 billion increase they are asking for new weapons out of their existing budget.

At the appropriate time, I intend to offer an amendment to limit fiscal year 1973 Pentagon spending to the fiscal year 1972 level of $76.5 billion. This will force them to "eat" their proposed increases. The amendment could be offered on the military authorization bill, military appropriation bill, or continuing resolution.

If the Pentagon steps up the bombing in Vietnam and proposes huge increases in funds for manned bombers, submarines, carriers, bomber defenses, and other weapons, let them pay for it by cutting back on military spending in other areas.

The Pentagon must be required to live within its budget. In this period of inflation, high unemployment, and wage-price controls, every taxpayer, small businessman, housewife, and State and local government has to live within their limited means. The military, too, must be required to make tough, hard, priority choices.

INCREASED VIETNAM COSTS MUST BE TAKEN OUT OF BUDGET

If they squander money in Vietnam, let them take it out of their budget. If they want every new weapon the designers can think of, let them make the choice between that weapon and some other expenditure.

Congress and the American taxpayer should refuse to appropriate the extra $5 billion for the stepup in Vietnam bombing in a supplemental bill. Congress should refuse to vote the $83.4 billion requested for new obligational authority.

If we make the Pentagon live within its present budget, insist that the military make the tough priority choices everyone else has to make, and limit the amount they get next year to the amount they had in the budget this year, we will begin the job of getting military spending back under control.

The Pentagon will then be forced to cut back on fat and waste, exercise more caution before stepping up Vietnam spending again, and begin to put their own house in order.

If, on the other hand, we shovel out the extra $5 billion for Vietnam and $7 billion for weapons, it will merely whet the appetite of the military again.

The time to put the brakes on military spending is now. Let them live within their budget. The "all this and heaven, too" policy toward military spending must end.

JUDICIAL DISQUALIFICATION ACT

Mr. BAYH. Mr. President, yesterday I commented on the ethical problems raised when Federal judges rule on cases in which they have a possible conflict of interest. While such a conflict could stem from any one of several possible directions my legislation, the Judicial Disqualification Act, would go a long way toward solving that problem for Federal jurists.

Today John MacKenzie, the highly respected and able Supreme Court reporter for the Washington Post, has written a column addressed to the very same issue. Mr. MacKenzie's thoughtful column concludes:

> Congress, which has long deferred action on tightening the judicial disqualification law, must move to make the rules perfectly clear.

Mr. MacKenzie's column deserves the attention of the entire Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

JUDICIAL ETHICS AND REHNQUIST

(By John P. MacKenzie)

The participation of Justice William H. Rehnquist in the Supreme Court's military surveillance decision reopens old wounds for those who have suffered through the court crises of recent years.

Much of the national anguish and the reexamination of judicial ethics associated with the battles over Abe Fortas and Clement Haynsworth are recalled, and the question is raised: How much has the judiciary actually learned about conflict of interest on the bench?

Rehnquist cast a deciding fifth vote on Monday as the court held that antiwar protesters, civil libertarians and their groups had failed to make out a legal claim against the Pentagon's system of collecting and computerizing dossiers on American civilians.

He did so despite his documented role as the Nixon administration's lawyer and prime witness in Senate hearings. He gave testimony that—precisely as the court held on Monday—these very plaintiffs had failed to make out a claim the courts could recognize, even if they proved all their charges about government snooping.

He did so despite the majority's key statement that it was for Congress, where Rehnquist had given his opinion, and not for the courts to gather evidence and take action about Defense surveillance.

He took part despite the fact that only through extreme self-restraint did the American Civil Liberties Union refrain from filing formal disqualification motions. Counsel feared offending the court and were influenced by the opinion of Sen. Sam J. Ervin Jr., who argued as a friend of the court, that Rehnquist surely would see the point for himself.

Rehnquist stayed in the case while his fellow freshman, Justice Lewis F. Powell Jr., was showing far greater sensitivity in another case. Powell listened to arguments in the baseball antitrust case and then decided he should step aside. No reason was stated but it's understood he was worried because he owned stock in the beer company that owned the ball club that once owned plaintiff Curt Flood.

Perhaps topping all ironies, it was during another Senate appearance—his confirmation hearing last fall—that Rehnquist invoked the "attorney-client privilege" as basis for not answering questions about positions on privacy and dissent he had espoused as assistant attorney general when he was President Nixon's "lawyer's lawyer."

Federal law provides: "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, to sit on the trial, appeal or other procedure therein."

Proposed new American Bar Association cannons call for disqualification of a judge "in a proceeding in which his impartiality might reasonably be questioned," including cases in which the jurist has a bias or has "personal knowledge of disputed evidentiary facts."

The proposed ethical code contains the added commentary that "a judge formerly employed by a governmental agency, however, should disqualify himself in a proceeding if his impartiality might reasonably be questioned because of such association."

None can doubt that Rehnquist sincerely believed, when he testified at Ervin's inquiry in March, 1971, that the surveillance—however unwise—was constitutional and violated no one's rights.

Indeed, Rehnquist's view that the civilian plaintiffs suffered no injury had been the basis of fears that he took too narrow a view of the rights of free speech, association and privacy which were at issue in the lawsuit.

The trouble seems to be that Rehnquist, who must have given the matter considerable thought, sincerely believed that he was not disqualified. Many of the ethical questions are strictly discretionary and there is no higher court. Thus Congress, which has long deferred action on tightening the judicial disqualification law, must move to make the rules perfectly clear.

THE FRUITS AND GLAMOR OF SUMMITRY

Mr. KENNEDY. Mr. President, Congress and the American people see the fruits and glamor of summitry—and we hear the rhetoric of peace. But none of this can hide the escalating and senseless war in Southeast Asia—a war the President promised to end—but a war whose end is not in sight. And so today, as on previous Thursdays, the media will report our Government's routine press release on the latest number of military casualties. We will learn of new deaths and new injuries. We will probably learn of new prisoners of war or new missing in action. And we will certainly learn of added numbers of enemy killed. But our Government's press release will tell us nothing of civilian war victims—of the fate of noncombatants who bear the brunt of battle. We will learn nothing of new refugees. We will learn nothing of new civilian casualties. For the flight of civilians is not very important to our Government—except to blame all their suffering on the other side. And this fact reminds us again, that the appalling human tragedy of An Loc and all of Indochina is on the back burner in the councils of government—apparently until we win a smashing military victory, or until great powers sort things out.

But as the violence continues and spreads—from both sides—from enemy mortars and American bombs—thousands of civilians are being injured or maimed or killed; and thousands more are fleeing their homes as refugees from battle.

Over the years nothing has more accurately documented the intensity and spread of the conflict—and the level and nature of military operations—than the number of civilans killed or wounded or made refugees. By this measure, the situation in Vietnam—let alone North Vietnam and the rest of Indochina—is worse today than at any time since the war began—including the Tet offensive in 1968.

The flow of refugees in South Vietnam continues at an alarming rate. The Agency for International Development—AID—informed me yesterday, that since their testimony before the Refugee Subcommittee on May 8—the official figure for new refugees in government-held territory increased by at least 125,000—a daily average approaching 3,000. The cumulative official figure since early April now stands at more than 814,000, with the bulk of these people in military region 1. Based on unreported data including displaced persons in enemy controlled territory, the subcommittee estimates more than 1,200,000 new refugees since April 1. The subcommittee now estimates that the cumulative total of refugees since 1965, approaches nearly 8 million men, women, and children—nearly one-half of South Vietnam's population.

As if this were not enough cause for concern, civilian casualties also continue at an alarming rate. Based on known hospital admissions, AID's official estimate for civilian casualties in April is 8,699—for May it is 5,897. A June 10 cable from Ambassador Bunker to the Department of State notes that these figures are incomplete. The April figure, for example, does not include hospital admissions in Quang Tri and Kontum provinces—where heavy fighting was underway—and it only includes 600 verified casualties in An Loc. In a similar way the May figure is also incomplete.

Needless to say, the full extent of civilian casualties in South Vietnam cannot be measured by hospital admissions alone—even if all the hospitals report their admissions. For the record is clear that the bulk of civilian casualties never see a hospital. They are treated elsewhere, not treated at all, or they die.

And so the Subcommittee on Refugees, as it has done periodically since 1966, has made estimates of civilian casualties since April 1. On May 25, I reported the subcommittee's findings for the month of April and the first week of May. Our estimates put the number of civilian casualties during this period at some 40,000 to 50,000—including some 15,000 deaths. I said at the time that all indicators pointed to a continued high level of civilian casualties—and that if the pace of battle continued, by early June the civilian casualty figure since April 1, would exceed the total during Tet, 1968. I must report today the accuracy of this projection. During May, another 30,000 to 40,000 civilian casualties probably occurred in South Vietnam—putting the total for April and May at nearly 80,000—including as many as 25,000 deaths. The subcommittee's comparable figure for February and March of 1968, was some 62,000 civilian casualties—including about 20,000 deaths.

Mr. President, civilian casualties in South Vietnam today, confront us with a very grim human tragedy—a tragedy for which our country bears a heavy responsibility. And if the violence continues, so will the tragedy. The Bunker cable of June 10 tells us to expect more of the same. In fact, the cable says that civilian casualties will be a "formidable challenge" in South Vietnam for the rest of the year. And although the cable does not verify the subcommittee's current estimates on civilian casualties—it does confirm the subcommitee's projections about the severity if the current situation, as compared with Tet. The cable tells us that the "only comparable episode" to the current situation is the 1968 Tet experience. The cable goes on to say that during Tet and its aftermath, hospital admission rates, on a monthy average, increased by 37.3 percent—from 4,340 per month to 6,925. The cable has this to say about the current situation:

> April and May civilian war casualty admissions appear proportionately greater than initial increases following Tet 1968 offensive. It appears reasonable to assume next 6-month period will show monthly average substantially in excess of 37.3 percent, and may reach numerical increases following Tet 1968. Believe 100 percent increases or estimate 5,400 per month civilian war casualty admissions to Ministry of Health hospitals through end of calendar year.

Mr. President, nowhere has the picture of human suffering in South Vietnam been more graphically drawn than in the faces of those civilians who survived the siege of An Loc.

The fate of An Loc was the story of a massacre—from a rain of bullets and mortars and bombs. No one answered the pitiful cries for help from the people holed up in that nightmare of destruction and death. No one seemed to care. And international diplomatic appeals to open a mercy corridor into the area were all but ignored by the combatant leaders on both sides. Several days ago the press reported an official figure of some 2,000 to 3,000 civilian deaths in An Loc. The unofficial figure reported to the Subcommittee on Refugees is up to 10,000.

The subcommittee now estimates that the cumulative total of civilian war casualties in South Vietnam since 1965 is nearly 1,250,000 men, women, and children—including some 380,000 deaths.

The human suffering in South Vietnam staggers the imagination. It is difficult to comprehend the aggregate statistics of war victims in South Vietnam—and all of Indochina. It is even more difficult to comprehend the implication of these statistics—and the continuing war—on the social fabric of nations confronted with massive upheaval and total war. But few will disagree that a human swamp of rootless people and orphans and widows and war victims of all kinds, exists in Indochina.

Mr. President, a question of growing concern which I share with many American, is the impact of our bombing and shelling on the civilian population of North Vietnam. Except for occasional press comment, and public claims by the Hanoi government about civilian casualties and damage, little is really known. However, based in part on the pattern of death and destruction which our military practices have brought to other areas of Indochina, there can be little doubt that civilians have been caught in the crunch of the air war. Thousands of North Vietnamese civilians have suffered immeasurably, as civilians do in all wars.

I am not just referring to the inconveniences of no water or electricity, because our bombs hit utility installations. I am not just referring to the closing of schools and hospitals, because they have also been hit by our bombs. I am not just referring to the growing potential for a shortage of consumer goods, because we have mined the harbors. Nor am I just referring to the fear and anxiety associated with men, women, and children running to bomb shelters. I am not even referring to the hardships imposed on tens of thousands of people who have been evacuated from urban areas to the countryside by the Hanoi government, to escape the threat of bombs. All of this, is bad enough. But I am also referring to the assumption which all of us must make—that thousands of civilians in North Vietnam are becoming casualties of the air war and the shelling from gunboats off the coast—thousands are being injured, or are losing their lives.

In the earlier stages of the current bombing and shelling of North Vietnam, the administration tried to ignore—or at least to minimize the issue of civilian casualties and damage—apparently on the assumption that whatever civilian suffering our bombing and shelling brought to North Vietnam was inevitable, and justified in the national interest, as defined by the President. Informal inquiries I made to the executive branch in April produced nothing. Finally, on May 3, I wrote to the Secretary of Defense regarding the airwar's impact on civilians in North Vietnam, and related issues—but this letter remains unanswered. On June 26, I wrote another letter to the Secretary inquiring about the status of the comments and information which I requested on May 3. I indicated again, in the latest letter, that the Subcommittee on Refugees was particularly interested in available estimates on civilian casualties and damage in North Vietnam. In light of growing press reports and public concern on this issue, I expressed the hope that the Department of Defense would respond very soon. But if the pattern of responses to earlier subcommittee inquiries at the Department is any measure, my recent letter to the Secretary will not be answered for many months, if at all. And this not only says something about the low priority our national leadership seems to attach to the care and protection of civilians—but, as in so many other cases, it also says something about our leadership's casual attitude toward the Congress and the legitimate concerns of the American people, and about the closed character of the present administration.

On May 9—in a public hearing before the Subcommittee on Refugees—administration witnesses were asked about estimates of civilian casualties as a result of the new air war over North Vietnam. Representatives from the Department of Defense had no comment. Representatives from the Department of State were extremely evasive—but they did say there was internal debate over the number of civilian casualties publicly announced by North Vietnam, but that there is "no solid basis to make an estimate."

The implication, however, was that some casualties do occur.

More recently, spokesmen for the administration suggest that if casualties do occur, they are minimal. The spokesmen say that only military targets are bombed. They cite the careful preparation of the rules of engagement—whose contents are denied Members of the Senate. They cite the accuracy of guided bombs and "smart bombs"—whose use amounts to a small percentage of the total bombs actually dropped. They insist that every precaution is taken to minimize injury and death to civilians.

That these assurances by the administration's spokesmen are viewed by many Americans with a great deal of skepticism, is easy to understand. For these are some of the same spokesmen who in earlier times, denied that the forced relocation of villagers was among our military practices. They denied that villages in Laos were bombed, that a refugee problem existed in Cambodia, that bombing was an important cause in creating refugees or civilian casualties—anywhere in Indochina.

But the record is clear, Mr. President, including the hearings and findings of the Subcommittee on Refugees, that over the years there has always been, and continues to be, a vast gap between what our leaders say about the war victims problem in Indochina—and the actual conditions in the field. On the occurrence of civilian casualties in North Vietnam, the Pentagon papers disclose that in January of 1967, the Central Intelligence Agency informed the previous administration in a secret report that American air strikes in North Vietnam had caused some 29,000 civilian casualties during 1965 and 1966. Elsewhere in these papers a high level Department of Defense memorandum in 1967 discusses the risks involved in mining Haiphong and in the air war over North Vietnam. At one point the memorandum states:

> The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed is not a pretty one.

Whether similar estimates and projections on civilian casualties in North Vietnam are being made today is unclear. The May 9 testimony before the Subcommittee on Refugees suggests that no estimates are made. Other sources within the administration, however, suggests they are. Given the broad congressional and public concern over the impact of our bombing, I feel it is important for the administration to clarify the issue.

This is particularly true in light of the growing number of reports in the press and elsewhere, which run contrary to the official view of the administration. The public comments of the Swedish Ambassador to Hanoi, as reported by Reuters in this morning's Washington Post, are cause for alarm. In part, the story reads as follows:

> Sweden's ambassador to Hanoi today accused the United States of currently pursuing "a policy of annihilation" in its bombing of North Vietnam.
>
> The ambassador said it was not true that the Americans were bombing only military targets. They were dropping antipersonnel bombs on housing areas, schools and hospitals.
>
> The Americans are expending enormous resources on also destroying small workshops, small bridges, small railway stations, everything.
>
> The biggest worry at the moment is the dams. The Red River has already begun to rise and it reaches its highest point in July and August. The Americans are aiming at the dams and dikes. If the river swells to the same level as last year there will be an immense catastrophe.
>
> In Hanoi, from which more than 80 percent of the population had been evacuated, energy was supplied by one steam power plant still standing and only one hospital remained in use.

Moreover, Mr. President, one official report which is typical of others available to the Subcommittee on Refugees, summarized the situation in May as follows:

> Attacks on Hanoi have been mainly limited to targets around the city. Attacks on Haiphong have been more general and there is evidence of carpet bombing hitting civilian and other targets indiscriminately. This appears to apply to many other urban centers. Targets appear to include all forms of industry, transport and stockpiles.
>
> Many civilian areas have been hit. Casualties may not be so heavy because of massive evacuation and effective precautions. The Democratic Republic of Vietnam has, however, mentioned figures of nearly 1,000 casualties for one day in Haiphong alone.

Mr. President, the people of both Vietnams—let alone the people of Laos and Cambodia—are taking a ferocious beating—the worst since the war began. It is easy for our national leadership to express public concern for the plight of civilians. It is easy for them to say that every precaution is taken to protect civilians. It is easy for them to blame civilian suffering on the other side—as the President did in his May 8 address, when he talked about keeping "the weapons of war out of the hands of the international outlaws of North Vietnam," and when he referred to "over 20,000 civilian casualties, including women and children, in the cities which the North Vietnamese have shelled in wanton disregard of human life."

But commonsense alone tells us that we are also part of the bloodbath. So does the record of our involvement in Indochina. And whatever our military planners are saying today about the precision of the new strategies and weaponry—and whatever they are doing to drum up a public euphoria for winning the war, instead of negotiating the peace—the fact remains that the human cost of the war to the people of Indochina is appalling, and our rising contribution to this cost should outrage the conscience of all Americans. For more than our Government cares to admit, American military practices—especially the no-holds-barred air war—is contributing heavily to the escalating regional crisis of people throughout Indochina.

As of May 31, our country has dropped over Indochina nearly 6,360,000 tons of bombs. This over 10 times the tonnage dropped during the Korean war, and over 3 times the tonnage dropped during all of World War II. In 1972, the tonnage has risen sharply from nearly 56,800 tons in January to nearly 105,800 tons in May—the bulk of it, presumably, over North Vietnam. For anyone to suggest these bombs have little impact on civilians—on the creation of war victims—defies understanding and commonsense.

Mr. President, the people of this country are tired of the war. They are tired of hearing the stale arguments for the war and against it. They are tired of seeing our men withdraw from Vietnam, only to show up across the border in Thailand or on the decks of our gunboats at sea or in the cockpits of our bombers. They are tired of hearing the promise of peace met with plans for more war.

But most of all, they are tired of seeing pictures of napalmed children flash across their television screens and the pages of our papers. And they ask today more than ever before—how much longer will we be part of the bloodbath in Indochina.

In the end, the answer to this question lies in the hands of the President.

I ask unanimous consent to have printed in the Record the letters to the Secretary of Defense referred to earlier in my statement.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., May 3, 1972.

Hon. Melvin R. Laird,
Secretary of Defense, Department of Defense, Washington, D.C.

Dear Mr. Secretary: I appreciated receiving the Department of Defense's response of November 8, 1971, to my letter of May 10, 1971. However, the Department's response, by Mr. J. Fred Buzhardt, General Counsel, neglects several items raised in my letter. I suggested in this letter, that, as responses are prepared to individual items, they be forwarded to my office. Because nothing has been received since early November, and in the light of the growing congressional and public concern over the kinds of items raised in my letter, I am writing to you again, and would appreciate the Department's comments on the items below.

1. The Judiciary Subcommittee on Refugees again requests a complete glossary of terms which have been used, officially and unofficially, to describe various American or American-supported military activities in Indochina. Although it was helpful to receive a copy of MACV Directive 525–13, "Rules of Engagement for the Employment of Firepower in the Republic of Vietnam", the glossary of terms contained therein was minimal. Moreover, Mr. Buzhardt's letter failed to comment on the projected impact upon civilians of the military activities associated with the terms.

2. I would also like to request again, for use by the Subcommittee, a copy of the full text of the "Report of the Department of Army Review of the Preliminary Investigation into the My Lai Incident", commonly referred to as the Peers report.

3. The intensity and the impact on the civilian population of the American-sponsored air war over all of Indochina has evoked much public controversy and concern. The recently increased bombing, especially, raises again the kinds of questions I included in my letter of May 10. What is the history of the air war over Indochina, as measured by annual bomb tonnages and the annual number of aircraft sorties over each of the countries in the area, including North Vietnam? In separate calculations for northern and southern Laos, and for North Vietnam, what is the monthly rate of sorties, identified by the kinds of aircraft employed, since January 1968? What is the monthly tonnage of ordnance for each area, and over the same period of time? How would the Department characterize the kinds of ordnance used? And what are the Department's estimates of civilian casualties, resulting from aerial bombardments, for each country in Indochina? The Subcommittee is particularly interested in available estimates on war damage to the civilian population in North Vietnam.

4. At a hearing on May 7, 1970, the exchange below took place. In the absence of a satisfactory response at that time, or since then, it would be helpful to receive the Department's full comment now, but in the context of all of Indochina and of developments throughout the area subsequent to May 7, 1970. In this connection, my reference to "confidential materials" obviously applies only to open sessions of the Subcommittee, such as those in which Mr. Doolin has participated.

Mr. Doolin. In terms of our air attacks, Senator, I believe my statement is as far as I can go in open session; it accurately reflects the operating authorities. As I indicated, all air strikes, except some, are validated by the Ambassador to Laos and to my knowledge maximum care is taken to avoid the causing of civilian casualties. . . .

Senator Kennedy. Well, are these limitations really any different from Vietnam. . . .

Mr. Doolin. I can only say on the basis of the information available, the maximum care is taken to avoid civilian casualties wherever possible.

Senator Kennedy. I'm sure maximum care is taken. I want to know what the results are.

Now, you must know from aerial photography how many villages have actually been destroyed—what the size was of villages where you take pictures one day and then again the next day; you can tell where buildings were, whether they are up or down; and you can make some estimation as to whether there had been people in the village or not. Have you done any kind of work like this?

Mr. Doolin. Mr. Chairman, there is some information available and I will be pleased to prepare a report on the subject and submit it to you and correlate it with the rules of engagement which I will go into in much more detail either in executive session or private correspondence.

Senator Kennedy. I don't think any of us are looking for confidential materials here. I think we are trying to find out whether there are procedures used in bombings, and whether you follow those procedures to the best of your ability. We are interested in what the results of these procedures are in terms of civilian casualties and the creation of refugees.

Mr. Doolin. Well, as I indicated in my statement, Mr. Chairman, the air activities are with the approval of the Forward Air Guides. These men are Laotian, English-speaking; they avoid towns and these strikes are validated by the U.S. Embassy in Vientiane.

Senator Kennedy. That, of course——

Mr. Doolin. They might put them as close to the scene as possible.

Senator Kennedy. Well, now I'm interested in the perofrmance chart as well as what the procedure chart shows. I'm sure we have outlined carefully prescribed procedures to avoid the creation of civlian casualties and refugees. But I'd be interested in what the results of those procedures have been as seen from aerial photography and from other kinds of intelligence activities you have access to and whether you are sufficiently concerned about these problems that you are taking these precautions.

Mr. Doolin. I'll see if I can provide that to you, Senator.

5. There are currently in existence manuals on rules of land warfare and on rules of naval warfare. What is the status of proposals on a similar manual relating to the rules of air warfare? Also, what program of instruction pertaining to the protection of civilians in air warfare is currently in use at the Air Force Academy? Does the Department accept the statement of the Institute of International Law on the nature of military targets (resolutions at Edinburgh, 1969) as an accurate restatement of international law? Does the Department accept the "Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War"—prepared by the International Committee of the Red Cross (ICRC)—as acceptable standards for the protection of such populations, and, if not, are there specific changes the Department would suggest? Are the classified rules of engagement governing American military activities in Indochina fully compatible with the general rules established by the ICRC and the general standards set by the Institute of International Law? And what is the Department's attitude toward the draft protocol on aerial bombardment and other matters which was submitted on May 3, by the International Committee of the Red Cross, to the Geneva Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts?

6. Finally, on the basis of the Subcommittee's hearings and study over recent years, on April 29, 1971, I recommended that the President create a permanent Military Practices Review Board to advise the Joint Chiefs of Staff on standards and procedures designed to keep American military policies and practices within the bounds of simple humanitarian and international legal obligations, and to monitor the implementing of the rules of engagement governing American armed forces in active combat. I further recommended that the Review Board be appointed by the President at an early date in consultation with the appropriate committees of the Congress; that it be composed of high level officials in government as well as recognized non-governmental experts on humanitarian problems and international law; and that it be attached to the National Security Council. The recommendation has generated much positive response among persons in government and elsewhere, and, again, I would appreciate very much learning the Department's views on this matter.

In conclusion, let me say once again that I fully appreciate the lengthy nature of these inquiries. But, in view of the widespread Congressional and public interest in the issues raised by these inquiries, I strongly feel that meaningful responses will contribute to greater understanding and will be beneficial to all concerned. I am extremely hopeful that it will be possible to include a good deal of the responses in the public record. I would also like to suggest that, as responses are prepared to individual items, they be forwarded to my office.

Many thanks for your consideration.

Sincerely,

Edward M. Kennedy.

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26 June 1972.

Hon. Melvin R. Laird,
Secretary of Defense, Department of Defense, Washington, D.C.

Dear Mr. Secretary: On May 3, a week prior to hearings on war-related civilian problems in Indochina before the Judiciary Subcommittee on Refugees, I addressed a letter to you regarding several issues of concern to members of the Subcommittee and others in the Congress. The letter was an effort to continue the exchange of views in previous correspondence between the Department and the Subcommittee.

As of today, I have not received a response to my letter of May 3, and just wanted to inquire as to the status of the comments and information requested at that time. As I suggested in the letter, the Subcommittee is particularly interested in available estimates on war damage to the civilian population in North Vietnam. In view of continuing press reports regarding this matter, including current reports on war damage to the dikes in North Vietnam, I am extremely hopeful of hearing from you soon.

Sincerely,

Edward M. Kennedy,
Chairman, Subcommittee on Refugees.

APPROPRIATION FOR THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. BEALL. Mr. President, yesterday the Senate enacted an appropriation measure containing $38 million for the National Endowment for the Arts; $40 million was originally requested for this program in fiscal year 1973 but the combined forces of the Office of Management and Budget, the Appropriations Committee of the House of Representatives and the Senate Appropriations Committee have reduced this figure by $2 million. I personally regret these cuts because I believe that the programs funded by the National Endowment significantly contribute to the well-being of our Nation. During a period of abundance, we often become more interested in the quantity of goods, rather than the quality of life.

The arts play a very special, and I believe significant role in the development of a society. Our Nation is made up of large, growing, restless heterogeneous people. The very social dynamics which have made us wealthy and powerful also contribute to the internal turbulence which plagues our society. The arts serve as a healing influence which appeals to and strengthens the better elements in our nature.

President Nixon has recognized the value of the arts and he has consistently provided effective leadership in expanding and developing programs in this area. In 1969, the National Endowment received appropriations of only $7,174,291. This figure has risen steadily throughout the Nixon administration and the trend is likely to continue. The endowment's budget of $38 million will go to fund a whole host of programs designed to:

First. Expand and develop educational facilities for the training of artists in all fields.

Second. Research into the environmental factors that adversely affect works of art, thus advancing efforts to preserve and revitalize such art objects.

Third. Expand and develop museum facilities, support special exhibitions, and make such exhibitions available to people who have not previously had access to them.

Fourth. Develop the public media—television, radio, films, and so forth—as art forms and as conveyors of art to a wide audience.

Fifth. Expand and develop programs that are designed to cultivate an interest in and appreciation for the various art forms among low-income and minority communities.

Sixth. Develop and expand musical, theatrical, literary, dance, architectural, and visual arts activities, so as to make these artistic endeavors available to all levels of society.

Mr. President, I wish to commend the National Endowment for the Arts for their outstanding work in promoting these and other advances in the field of art. Their contribution to the tone, the quality, and the cohesiveness of American life is well worth noting and I am delighted to see that the President and the Congress have jointly recognized the value of the services rendered by the National Endowment by providing them with the revenue needed to continue their valuable work.

SECOND-CLASS MAIL RATES

Mr. MONDALE. Mr. President, rarely in the history of our Nation have we so desperately needed a vital, vigorous exchange of ideas. As pressures in our society have increased, the need for forums of discussion and dissemination of ideas have risen correspondingly. As the great jurist Learned Hand once remarked:

> The mutual confidence on which all else depends can be maintained only by an open mind and a brave reliance upon free discussion. I do not say that these will suffice; who knows but we may be on a slope which leads down to aboriginal savagery. But of this I am sure; if we are to escape, we must not yield a foot upon demanding a fair field, and an honest race, to all ideas.

In this race to ideas, the free press in America has played a dominant role. Yet, just when a vigorous press—and especially the small publication of opinion and ideas—is most urgently required, a multitude of pressures threatens to still the voices which have for centuries been the primary bridge between the people.

These pressures have come wearing a variety of disguises. Those with which we are most familiar are the outright attempts of the Government to suppress or chill the free flow of ideas. As it has done so often in the past, the U.S. Supreme Court, last summer, firmly rejected the Government's ability to restrict the free movement of ideas vital to the Nation's right to know. The late Justice Hugo Black, concurring in the Pentagon papers case, summed up well the meaning of freedom of the press from direct Government censorship.

> In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor was abolished so that the press would remain forever free to censure the Government.

Freedom of the press, however, depends not only on the absence of suppression of editorial content by government—dangerous as that suppression always is. For even a press unhindered by governmental interference with its editorial content may be gravely threatened by governmental regulation of its costs.

The crisis facing our free press today is doubly dangerous. In addition to fighting a government not a verse to suppressing ideas vital to the continued well-being of our Nation, our Nation's free press must now contend with an increase in postal rates which may accomplish what all the attempts at direct suppression could never achieve. For while the Courts have vigorously championed the rights of our Nation's press, the U.S. Postal Service has proposed an increase in postal rates which would threaten hundreds of publications across the Nation.

The 127 percent increase in second-class mail rates proposed by the Postal Service would help to elminate hundreds of periodicals which supply the vital need of the American people for news and ideas. Worse still, because of the structure of the proposed rates, these increases are most likely to eliminate the small journals of thought, opinion and ideas—of every political perspective—whose central function is the testing and proposal of new ideas.

These periodicals serve the crucial function of refreshing our thinking and restoring our creativity. As Learned Hand remarked:

> As soon as we cease to pry about at random, we shall come to rely upon accredited bodies of authoritative dogma; and as soon as we come to rely upon accredited bodies of authoritative dogma, not only are the days of our liberty over, but we have lost the password that has hitherto opened to us the gates of success as well.

The very journals whose most important function is prying about for new ideas may be lost if the proposed rate increases are implemented. These increases, by bearing more heavily on editorial content than on advertising content, hit most heavily those magazines and newspapers which emphasize editorial material over advertising pages. In addition, by adding a per piece mailing surcharge, the proposed increases penalize those magazines and newspapers whose bulk is small but whose content often looms large in the forum of American public opinion.

The bill introduced by the Senator from Wisconsin (Mr. NELSON), S. 3758, which I am cosponsoring, would allow smaller circulation magazines and newspapers a considerable measure of relief—while still affording some benefits to magazines of larger circulation and heavier advertising content. By freezing postal rates at the June 1, 1972, levels for the first 250,000 copies of each issue of any magazine or newspaper, the bill would insure the continued vitality of the Nation's free press. Yet this increase would leave second-class rates at levels roughly 33 percent above those of 1970. The bill thereby offers relief without offering an unnecessary windfall.

Second, by phasing in the increase on editorial content over 10 years, instead of the currently proposed 5 years—for all copies over 250,000—the bill would recognize the vital position of the Nation's magazines of opinion in keeping our people well informed.

Enactment of this bill may well mean that Congress is giving some subsidy to many magazines. But the primary beneficiaries of this subsidy would be publications serving the public interest, which generally operate at little or no profit. And, by providing that any revenue lost to the Post Office will be assumed by congressional appropriation, the bill insures that other postal rates will not be raised in order to continue this safeguarding of our first amendment freedoms.

Almost 200 years ago. Thomas Jefferson stated that he cared not who made a country's laws, so long as he could write its newspapers. Today, the function of disseminating ideas is entrusted to all our communications media. No segment of the media plays a more vital role than do the small magazines and newspapers of opinion and ideas. If we fail to enact legislation to help save these publications, an important part of our freedom will slowly and silently drift away, robbing our entire Nation of its most precious legacy.

THE U.S. POTASH INDUSTRY

Mr. MONTOYA. Mr. President, in 1969, the U.S. potash industry, centered around Carlsbad, N. Mex., was threatened by a rapidly increasing flood of potash imports from the Province of Saskatchewan, Canada. At that time, I introduced a bill designed to limit imports of potash to their historic level in an effort to save a vital U.S. industry from financial ruin.

Following the introduction of my bill, the provincial government of Saskatchewan voluntarily initiated a production prorationing program for Canadian producers which limited the amount of Canadian potash available for import into the United States. As a result, the U.S. potash industry rapidly returned to a healthy state.

Since that time, a new government has come into power in Saskatchewan. Although this government intends to maintain the prorationing program, I understand that its legality may be challenged in court. If this challenge is successful, and the program ended, the United States could conceivably be subjected to another flood of Canadian potash imports.

This is a matter of grave concern to me and to the people of New Mexico. Potash is a vital commodity to agriculture, and it is essential that the U.S. potash industry remain healthy. Consequently, I plan to follow events in Canada very carefully, and I am prepared to take whatever steps are necessary to protect America's potash industry from unfair competititon from abroad.

THE SUPREME COURT'S RULING AGAINST CAPITAL PUNISHMENT

Mr. KENNEDY. Mr. President, today's decision by the Supreme Court—declaring that capital punishment is unconstitutional in virtually all its applications in our society today—will rank as one of the great judicial milestones in American history. By its emphasis on the inherently discriminatory application of the death penalty at the discretion of a judge or jury, the Court has vindicated the rights of the poor, the black, and all the other minorities throughout our history who have borne the heaviest burden of that ultimate penalty. The Court has ruled for life, and it has thereby given immense new life to our democracy and to the quality of American justice.

Mr. President, I believe that the complete text of the opinions of the Justices in this case, Furman against Georgia, should be widely available to all. I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

[Supreme Court of the United States, Nos. 69-5003, 69-5030, and 69-5031]

William Henry Furman, Petitioner, *v.* State of Georgia. 69-5003

Lucious Jackson, Jr., Petitioner, *v.* State of Georgia. 69-5030

(On writs of certiorari to the Supreme Court of Georgia.)

Elmer Branch, Petitioner, *v.* State of Texas. 69-5031

(On writ of Certiorari to the Court of Criminal Appeals of Texas.)

[June 29, 1972]

Per Curiam.

Petitioner in No. 69-5003 was convicted of murder in Georgia and was sentenced to death pursuant to Ga. Code Ann. § 26-1005 (Supp. 1971) (effective prior to July 1, 1969), 225 Ga. 253, 167 S. E. 2d 628 (1969). Petitioner in No. 69-5030 was convicted of rape in Georgia was sentenced to death pursuant to Ga. Code Ann. § 26-1302 (Supp. 1971) (effective prior to July 1, 1969). 225 Ga. 790, 171 S. E. 2d 501 (1969). Petitioner in No. 69-5031 was convicted of rape in Texas and was sentenced to death pursuant to Tex. Penal Code Ann., Art. 1189 (1961). 447 S. W. 2d 932 (Tex. Ct. Crim. App. 1969). Certiorari was granted limited to the following question: "Does the imposition and carrying out of the death penalty in [these cases] constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?"

403 U.S. 952 (1971). The Court holds that the imposition and carrying out of the death penalty in these cases constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. The judgment in each case is therefore reversed insofar as it leaves undisturbed the death sentence imposed, and the cases are remanded for further proceedings. *So ordered.*

Mr. Justice Douglas, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White, and Mr. Justice Marshall have filed separate opinions in support of the judgments. The Chief Justice, Mr. Justice Blackmun, Mr. Justice Powell, and Mr. Justice Rehnquist have filed separate dissenting opinions.

Mr. Justice Douglas, Concurring

In these three cases the death penalty was imposed, one of them for murder, and two for rape. In each the determination of whether the penalty should be death or a lighter punishment was left by the State to the discretion of the judge or of the jury. In each of the three cases the trial was to a jury. They are here on petitions for certiorari which we granted limited to the question whether the imposition and execution of the death penalty constitutes "cruel and unusual punishment" within the meaning of the Eighth Amendment as applied to the States by the Fourteenth.[1] I vote to vacate each judgment, believing that the exaction of the death penalty does violate the Eighth and Fourteenth Amendments.

That the requirements of due process ban cruel and unusual punishment is now settled. *Francis* v. *Resweber,* 329 U.S. 459, 463, 473-474; *Robinson* v. *California,* 370 U.S. 660, 667. It is also settled that the proscription of cruel and unusual punishments forbids the judicial imposition of them as well as their proscription by the legislature. *Weems* v. *United States,* 217 U.S. 349, 378-382.

Congressman Bingham, in proposing the Fourteenth Amendment, maintained that "the privileges or immunities of citizens of the United States" as protected by the Fourteenth Amendment included protection against "cruel and unusual punishments:"

". . . many instances of State injustice and oppression have already occurred in the State legislation of this Union, of flagrant violations of the guaranteed privileges of citizens of the United States, for which the national Government furnished and could furnish by law no remedy whatever. Contrary to the express letter of your Constitution, 'cruel and unusual punishments' have been inflicted under State laws within this Union upon citizens, not only for crimes committed, but for sacred duty alone, for which and against which the Government of the United States had provided no remedy and could provide none." Cong. Globe, May 10, 1966, p. 2542.

Whether the Privileges and Immunities route is followed or the due process route, the result is the same.

It has been assumed in our decisions that punishment by death is not cruel, unless the manner of execution can be said to be inhuman and barbarous. *In re Kemmler,* 136 U.S. 436, 447. It is also said in our opinions that the proscription of cruel and unusual punishments "is not fastened to the obsolete but may acquire meaning as public opinion becomes enlightened by a humane justice." *Weems v. United States, supra,* at 378. A like statement was made in *Trop* v. *Dulles,* 356 U.S. 86, 101, that the Eighth Amendment "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

The generalities of a law inflicting capital punishment is one thing. What may be said of the validity of a law on the books and what may be done with the law in its application do or may lead to quite different conclusions.

It would seem to be incontestable that the death penalty inflicted on one defendant is "unusual" if it discriminates against him by reason of his race, religion, wealth, social position, or class, or if it is imposed under a procedure that gives room for the play of such prejudices.

There is evidence that the provision of the English Bill of Rights of 1689 from which the language of the Eighth Amendment was taken was concerned primarily with selective or irregular application of harsh penalties and that its aim was to forbid arbitrary and discriminatory penalties of a severe nature:[2]

"Following the Norman conquest of England in 1066, the old system of penalties, which ensured equality between crime and punishment, suddenly disappeared. By the time systematic judicial records were kept, its demise was almost complete. With the exception of certain grave crimes for which the punishment was death or outlawry, the arbitrary fine was replaced by a discretionary amercement. Although amercement's discretionary character allowed the circumstances of each case to be taken into account and the level of cash penalties to be decreased or increased accordingly, the amercement presented an opportunity for excessive or oppressive fines.

"The problem of excessive amercements became so prevalent that three chapters of the Magna Carta were devoted to their regulation. Maitland said of Chapter 14 that 'very likely there was no clause in the Magna Carta more grateful to the mass of the people. Chapter 14 clearly stipulated as fundamental law a prohibition of excessiveness in punishments:

"'A free man shall not be amerced for a trivial offence, except in accordance with the degree of the offence; and for a serious offence he shall be amerced according to its gravity, saving his livelihood; and a merchant likewise, saving his merchandise; in the same way a villein shall be amerced saving his wainage; if they fall into our mercy. And none of the aforesaid amercements shall be imposed except by the testimony of reputable men of the neighborhood.'"

The English Bill of Rights, enacted December 16, 1689, stated that "excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."[3] These were the words chosen for our Eighth Amendment. A like provision had been in Virginia's Constitution of 1776[4] and in seven other States.[5] The Northwest Ordinance, enacted under the Articles of Confederation, included a prohibition of cruel and unusual punishments.[6] But the debates of the First Congress on the Bill of Rights throw little light on its intended meaning. All that appears is the following:[7]

"Mr. Smith, of South Carolina, objected to the words 'nor cruel and unusual punishments,' the import of them being too indefinite.

"Mr. Livermore: 'The clause seems to express a great deal of humanity, on which account I have no objection to it; but as it seems to have no meaning in it, I do not think it necessary. What is meant by the

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Footnotes at end of article.

terms excessive bail? Who are to be the judges? What is understood by excessive fines? It lies with the court to determine. No cruel and unusual punishment is to be inflicted; it is sometimes necessary to hang a man, villains often deserve whipping, and perhaps having their ears cut off; but are we in the future to be prevented from inflicting these punishments because they are cruel? If a more lenient mode of correcting vice and deterring others from the commission of it would be invented, it would be very prudent in the Legislature to adopt it; but until we have some security that this will be done, we ought not to be restrained from making necessary laws by any declaration of this kind.' "

The words "cruel and unusual" certainly include penalties that are barbaric. But the words, at least when read in light of the English proscription against selective and irregular use of penalties, suggest that it is "cruel and unusual" to apply the death penalty—or any other penalty—selectively to minorities whose numbers are few, who are outcasts of society, and who are unpopular, but whom society is willing to see suffer though it would not countenance general application of the same penalty across the boards.[8] Judge Tuttle indeed made abundantly clear in *Noval* v. *Beto,* 453 F. 2d 661, 673–679, that solitary confinement may at times be "cruel and unusual" punishment. Cf. *In re Medley,* 134 U.S. 160; *Brooks* v. *Florida,* 389 U.S. 413.

The Court in *MaGautha* v. *California,* 402 U.S. 183, 198, noted that in this country there was almost from the beginning a "rebellion against the common-law rule imposing a mandatory death sentence on all convicted murderers." The first attempted remedy was to restrict the death penalty to defined offenses such as "premeditated" murder.[9] *Ibid.* But juries took "the law into their own hands" and refused to convict on the capital offense. *Id.,* at 199.

"In order to meet the problem of jury nullification, legislatures did not try, as before, to refine further the definition of capital homicides. Instead they adopted the method of forthrightly granting juries the discretion which they had been exercising in fact."

The Court concluded "In light of history, experience, and the present limitations of human knowledge, we find it quite impossible to say that committing to the untrammeled discretion of the jury the power to pronounce life or death in capital cases is offensive to any thing in the Constitution." *Id.* 207.

The Court refused to find constitutional dimensions in the argument that those who exercise their discretion to send a person to death should be given standards by which that discretion should be exercised. *Id.* 207–208.

A recent witness before the Committee on the Judiciary, United States House of Representatives, Ernest van den Haag, testifying on H.R. 8414 and H.R. 3243,[10] stated:

"Any penalty, a fine, imprisonment or the death penalty could be unfairly or unjustly applied. The vice in this case is not in the penalty but in the process by which it is inflicted. It is unfair to inflict unequal penalties on equally guilty parties, or on any innocent parties, *regardless of what the penalty is.*

"I conclude that this vice must be corrected, if it exists, not by changing penalties but by changing the processes by which they are judicially inflicted."

But those who advance that argument overlook *McGautha.*

We are now imprisoned in the *McGautha* holding. Indeed the seeds of the present cases are in *McGautha.* Juries (or judges, as the case may be) have practically untrammled discretion to let an accused live or insist that he die.[11]

Mr. Justice Field, dissenting in *O'Neil* v. *Vermont,* 144 U.S. 323, 340, said, "The State may, indeed, make the drinking of one drop of liquor an offence to be punished by imprisonment, but it would be unheard-of cruelty if it should count the drops in a single glass and make thereby a thousand offences, and thus extend the punishment for drinking the single glass of liquor to an imprisonment of almost indefinite duration." What the legislature may not do for all classes uniformly and systematically, a judge or jury may not do for a class that prejudice sets apart from the community.

There is increasing recognition of the fact that the basic theme of equal protection is implicit in "cruel and unusual" punishments. "A penalty . . . should be considered 'unusually' imposed if it is administered arbitrarily or discriminatorily."[12] The same authors add that "The extreme rarity with which applicable death penalty provisions are put to use raises a strong inference of arbitrariness."[13] The President's Commission on Law Enforcement and Administration of Justice recently concluded: [14]

"Finally there is evidence that the imposition of the death sentence and the exercise of dispensing power by the courts and the executive follow discriminatory patterns. The death sentence is disproportionately imposed and carried out on the poor, the Negro, and the members of unpopular groups."

A study of capital cases in Texas from 1924 to 1968 reached the following concusions: [15]

"Application of the death penalty is unequal: most of those executed were poor, young, and ignorant.

"Seventy-five of the 460 cases involved codefendants, who, under Texas law, were given separate trials. In several instances, where a white and a Negro were codefendants, the white was sentenced to life imprisonment or a term of years, and the Negro was given the death penalty.

"Another ethnic disparity is found in the type of sentence imposed for rape. The Negro convicted of rape is far more likely to get the death penalty than a term sentence, whereas whites and Latins are far more likely to get a term sentence than the death penalty."

Warden Lewis E. Lawes of Sing Sing said: [16]

"Not only does capital punishment fail in its justification, but no punishment could be invented with so many inherent defects. It is an unequal punishment in the way it is applied to the rich and to the poor. The defendant of wealth and position never goes to the electric chair or to the gallows. Juries do not intentionally favour the rich, the law is theoretically impartial, but the defendant with ample means is able to have his case presented with every favourable aspect, while the poor defendant often has a lawyer assigned by the court. Sometimes such assignment is considered part of political patronage; usually the lawyer assigned has had no experience whatever in a capital case."

Former Attorney General Ramsey Clark has said, "It is the poor, the sick, the ignorant, the powerless and the hated who are executed."[17] One searches our chronicles in vain for the execution of any member of the affluent strata of this society. The Leopolds and Loebs are given prison terms, not sentenced to death.

Jackson, a Black, convicted of the rape of a white woman, was 21 years old. A court-appointed psychiatrist said that Jackson was of average education and average intelligence, that he was not an imbecile or schizophrenic or psychotic, that his traits were the product of environmental influences, and that he was competent to stand trial. Jackson had entered the house after the husband left for work. He held scissors against the neck of the wife, demanding money. She could find none and a struggle ensued for the scissors, a battle which she lost; and she was then raped, Jackson keeping the scissors pressed against her neck. While there did not appear to be any long-term traumatic impact on the victim, she was bruised and abrased in the struggle but was not hospitalized. Jackson was a convict who had escaped from a work gang in the area, a result of a three-year sentence for auto theft. He was at large for three days and during that time had committed several other offenses—burglary, auto theft, and assault and battery.

Furman, a Black, killed a householder while seeking to enter the home at night. Furman shot the deceased through a closed door. He was 26 years old and had finished the sixth grade in school. Pending trial he was committed to the Georgia Central State Hospital for a psychiatric examination on his plea of insanity tendered by court-appointed counsel. The superintendent reported: that a unanimous staff diagnostic conference on the same date had concluded "that this patient should retain his present diagnosis of Mental Deficiency, Mild to Moderate, with Psychotic Episodes associated with Convulsive Disorder." The physicians agreed that "at present the patient is not psychotic, but he is not capable of cooperating with his counsel in the preparation of his defense"; and the staff believed "that he is in need of further psychiatric hospitalization and treatment."

Later he reported that the staff diagnosis was Mental Deficiency, Mild to Moderate, with Psychotic Episodes associated with Convulsive Disorder. He concluded, however, that Furman was "not psychotic at present, knows right from wrong and is able to cooperate with his counsel in preparing his defense."

Branch, a Black, entered the rural home of a 65-year-old widow, a White, while she slept and raped her, holding his arm against her throat. Thereupon he demanded money and for 30 minutes or more the widow searched for money, finding little. As he left, Jackson said if the widow told anyone what happened, he would return and kill her. The record is barren of any medical or psychiatric evidence showing injury to her as a result of Branch's attack.

He had previously been convicted of felony theft and found to be a borderline mentally deficient and well below the average IQ of Texan prison inmates. He had the equivalent of five and a half years of grade school education. He had a "dull intelligence" and was in the lower four percentile of his class.

We cannot say from facts disclosed in these records that these defendants were sentenced to death because they were Black. Yet our task is not restricted to an effort to divine what motives impelled these death penalties. Rather we deal with a system of law and of justice that leaves to the uncontrolled discretion of judges or juries the determination whether defendants committing these crimes should die or be imprisoned. Under these laws no standards govern the selection of the penalty. People live or die, dependent on the whim of one man or of 12.

Irving Brant has given a detailed account of the Bloody Assizes, the regime of terror that occupied the closing years of the rule of Charles II and the opening years of the regime of James. The Lord Chief Justice was Jeffreys:

"Nobody knows how many hundreds of men, innocent or of unproved guilt, Jeffreys sent to their deaths in the pseudo trials that followed Monmouth's feeble and stupid attempt to seize the throne. When the ordeal ended, scores had been executed and 1,260 were awaiting the hangman in three counties. To be absent from home during the uprising was evidence of guilt. Mere death was considered much too mild for the villagers and farmers rounded up in these raids. The directions to a high sheriff were to provide an ax, a cleaver, 'a furnace or cauldron to boil their heads and quarters, and soil to boil therewith, half a bushel to each traitor, and tar to tar them with, and a sufficient number of spears and poles to fix their heads and quarters' along the highways. One could have

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crossed a good part of northern England by their guidance.

"The story of The Bloody Assizes, widely known to Americans, helped to place constitutional limitations on the crime of treason and to produce a bar against cruel and unusual punishments. But in the polemics that led to the various guarantees of freedom, it had no place compared with the tremendous thrust of the trial and execution of Sidney. The hundreds of judicial murders committed by Jeffreys and his fellow judges were totally inconceivable in a free American republic, but any American could imagine himself in Sidney's place—executed for putting on paper, in his closet, words that later on came to express the basic principles of republican government. Unless barred by fundamental law, the legal rulings that permitted this result could easily be employed against any person whose political opinions challenged the party in power." The Bill of Rights, pp. 154–155 (1965).

Those who wrote the Eighth Amendment knew what price their forebears had paid for a system based, not on equal justice, but on discrimination. In those days the target was not the Blacks or the poor, but the dissenters, those who opposed absolutism in government, who struggled for a parliamentary regime, and who opposed governments' recurring efforts to foist a particular religion on the people. *Id.*, pp. 155–163. But the tool of capital punishment was used with vengeance against the opposition and those unpopular with the regime. One cannot read this history without realizing that the desire for equality was reflected in the ban against "cruel and unusual punishments" contained in the Eighth Amendment.

In a Nation committed to Equal Protection of the laws there is no permissible "caste" aspect[18] of law enforcement. Yet we know that the discretion of judges and juries in imposing the death penalty enables the penalty to be selectively applied, feeding prejudices against the accused if he is poor and despised, poor and lacking political clout, or if he is a member of a suspect or unpopular minority, and saving those who by social position may be in a more protected position. In ancient Hindu law a Brahmin was exempt from capital punishment.[19] And in those days, "Generally, in the law books, punishment increased in severity as social status diminished."[20] We have, I fear, taken in practice the same position, partially as a result of making the death penalty discretionary and partially as a result of the ability of the rich to purchase the services of the most respected and most resourceful legal talent in the Nation.

The high service rendered by the "cruel and unusual" punishment clause of the Eighth Amendment is to require legislatures to write penal laws that are even-handed, nonselective, and nonarbitrary, and to require judges to see to it that general laws are not applied sparsely, selectively, and spottily to unpopular groups.

A law that stated that anyone making more than $50,000 would be exempt from the death penalty would plainly fail, as would a law that in terms said that Blacks, those who never went beyond the fifth grade in school, or those who made less than $3,000 a year, or those who were unpopular or unstable should be the only people executed. A law which in the overall view reaches that result in practice[21] has no more sanctity than a law which in terms provides the same.

Thus, these discretionary statutes are unconstitutional in their operation. They are pregnant with discrimination and discrimination is an ingredient not compatible with the idea of equal protection of the laws that is implicit in the ban on "cruel and unusual" punishments.

Any law which is nondiscriminatory on its face may be applied in such a way as to violate the Equal Protection Clause of the Fourteenth Amendment. *Yick Wo* v. *Hopkins*, 118 U.S. 356. Such consequence might be the adding of a mandatory death penalty where equal or lesser sentences were imposed on the elite, a harsher one on the minorities or members of the lower castes. Whether a mandatory death penalty would otherwise be constitutional is a question I do not reach.

I concur in the judgments of the Court.

FOOTNOTES

[1] The opinion of the Supreme Court of Georgia affirming Furman's conviction of murder and sentence of death is reported in 225 Ga. 253, 167 S. E. 2d 628, and its opinion affirming. Jackson's conviction of rape and sentence of death is reported in 225 Ga. 790, 171 S. E. 2d 501. The conviction of Branch of rape and the sentence of death was affirmed by the Court of Criminal Appeals of Texas and reported in 447 S. W. 2d 932.

[2] Granucci, "Nor Cruel and Unusual Punishments Inflicted"; The Original Meaning, 57 Calif. L. Rev. 839, 845–846 (1969).

[3] 1 Gul. & Mar., Sess. 2, Cap. 2; Eng. Hist. Doc., Vol. VIII, 1660–1714, p. 122 (1953).

[4] 7 Thorpe, Federal & State Constitutions 3813 (1909).

[5] Delaware, Maryland, New Hampshire, North Carolina, Maryland, Massachusetts, Pennsylvania, and South Carolina. 3 Thorpe, *op. cit., supra*, n. 4, 1688, 1892, 4 Thorpe 2457, 5 Thorpe, 2788, 3101, 6 Thorpe, 3257, 3264.

[6] 1 U. S. C. (1964) xxxviii.

[7] 1 Annals Congress, 1st Cong., 1st Sess. 754 (1789).

[8] ". . . When in respect of any class of offenses the difficulty of obtaining convictions is at all general in England, we may hold it as an axiom, that the law requires amendment. Such conduct in juries is the silent protest of the people against its undue severity. This was strongly exemplified in the case of prosecutions for the forgery of banknotes, when it was a capital felony. It was in vain that the charge was proved. Juries would not condemn men to the gallows for an offense of which the punishment was out of all proportion to the crime; and as they could not mitigate the sentence they brought in verdicts of Not Guilty. The consequence was, that the law was changed; and when secondary punishments were substituted for the penalty of death, a forger had no better chance of an acquittal than any other criminal. Thus it is that the power which juries possess of refusing to put the law in force has, in the words of Lord John Russell, 'been the cause of amending many bad laws which the judges would have administered with professional bigotry, and above all, it has this important and useful consequence, that laws totally repugnant to the feelings of the community for which they are made, can not long prevail in England.'" Forsyth, History of Trial by Jury 367–368 (2d ed. 1878).

[9] This trend was not universally applauded. In the early 1800's, England had a law that made it possible to impose the death sentence for stealing five shillings or more. 3 & 4 W. & M. C 9, § 1. When a bill for abolishing that penalty (finally enacted in 1827, 7 & 8 Sec. 4th, C. 27) was before the House of Lords in 1813, Lord Ellenborough said:

"If your Lordships look to the particular measure now under consideration, can it, I ask, be seriously maintained, that the most exemplary punishment, and the best suited to prevent the commission of this crime, ought not to be a punishment which might in some cases be inflicted? How, but by the enactments of the law now sought to be repealed, are the cottages of industrious poverty protected? What other security has a poor peasant, when he and his wife leave their home for their daily labours, that on their return their few articles of furniture or of clothes which they possess besides those which they carry on their backs, will be safe? . . . [b]y the enacting of the punishment of death, and leaving it to the discretion of the Crown to inflict that punishment or not, as the circumstances of the case may require, I am satisfied, and I am much mistaken if your Lordships are not satisfied, that this object is attained with the least possible expenditure. That the law is, as it has been termed, a bloody law, I can by no means admit. Can there be a better test than by a consideration of the number of persons who have been executed for offenses of the description contained in the present Bill? Your Lordships are told, what is extremely true, that this number is very small; and this very circumstance is urged as a reason for a repeal of the law; but, before your Lordships are induced to consent to such repeal, I beg to call to your consideration the number of innocent persons who might have been plundered of their property or destroyed by midnight murderers, if the law now sought to be repealed had not been in existence:—a law upon which all the retail trade of this commercial country depends; and which I for one will not consent to be put in jeopardy." Debate in House of Lords, April 2, 1813 (London 1816), pp. 22–23.

[10] H.R. 3243, 92d Cong., 1st Sess., introduced by Cong. Celler would stay for two years all executions by the United States or by any State.

H.R. 8414, 92d Cong., 1st Sess., introduced by Cong. Celler would also provide an interim stay of all executions by the United States or by any State and contains the following proposed finding:

"Congress hereby finds that there exists serious question—

"(a) whether the infliction of the death penalty amounts to cruel and unusual punishment in violation of the eighth and fourteenth amendments to the Constitution; and

"(b) whether the death penalty is inflicted discriminatorily upon members of racial minorities, in violation of the fourteenth amendment to the Constitution,

"and, in either case, whether Congress should exercise its authority under section 5 of the fourteenth amendment to prohibit the use of the death penalty."

There is a naive view that capital punishment as "meted out in our courts, is the antithesis of barbarism." See Henry Paolucci, New York Times, May 27, 1972. But the Leopolds and Loebs, the Harry Thaws, the Dr. Sheppards and the Dr. Finchs of our society are never executed, only those in the lower strata, only those who are members of an unpopular minority or poor and despised.

[11] The tension between our decision today and *McGautha* highlights, in my view, the correctness of MR. JUSTICE BRENNAN's dissent in that case, which I joined. 402 U.S., at 248. I should think that if the Eighth and Fourteenth Amendments prohibits the imposition of the death penalty on petitioners because they are "among a capriciously selected random handful upon whom the sentence of death has in fact been imposed," opinion of MR. JUSTICE STEWART, *post*, at ——, or, because "there is no meaningful basis for distinguishing the few cases in which [the death penalty] is imposed from the many cases in which it is not," opinion of MR. JUSTICE WHITE, *post*, at ——, statements with which I am in complete agreement—then the Due Process Clause of the Fourteenth Amendment would render unconstitutional "capital sentencing procedures that are purposely constructed to allow the maximum possible variation from one case to the next, and [which] provide no mechanism to prevent that consciously maximized variation from reflecting merely random or arbitrary choice," *McGautha* v. *California*, 402 U.S. 183, 248 (BRENNAN, J. dissenting).

[12] Goldberg & Dershowitz, Declaring the Death Penalty Unconstitutional, 83 Harv. L. Rev. 1773, 1790.

[13] *Id.*, at 1792.

[14] The Challenge of Crime in a Free Society, p. 143 (1967).

[15] Koeninger, Capital Punishment in Texas 1927–1968, 15 Cr. & Del. 132, 14 (1969).

In Bedau's Anthology, The Death Penalty in America, p. 474 (1964), it is stated:

RACE OF THE OFFENDER BY FINAL DISPOSITION

	Negro		White		Total	
Final disposition	Number	Percent	Number	Percent	Number	Percent
Executed	130	88.4	210	79.8	340	82.9
Commuted	17	11.6	53	20.2	70	17.1
Total	147	100.0	263	100.0	410	100.0

Note: X^2=4.33; P less than .05.

"Although there may be a host of factors other than races involved in this frequency distribution, something more than chance has operated over the years to produce this racial difference. On the basis of this study it is not possible to indict the judicial and other public processes prior to the death row as responsible for the association between Negroes and higher frequency of executions; nor is it entirely correct to assume that from the time of their appearance on death row Negroes are discriminated against by the Pardon Board. Too many unknown or presently immeasurable factors prevent our making definitive statements about the relationship. Nevertheless, because the Negro/high-execution association is statistically present, some suspicion of racial discrimination can hardly be avoided. If such a relationship had not appeared, this kind of suspicion could have been allayed; the existence of the relationship, although not 'proving' differential bias by the Pardon Boards over the years since 1914, strongly suggests that such bias has existed."

The latter was a study in Pennsylvania of people on death row between 1914 and 1958, made by Wolfgang, Kelly, and Nolde and printed in 53 J. Cr. L. Cr. & Pol. Sci. 301 (1962). And see Hartung, Trends in the Use of Capital Punishment, Annals Amer. Acad. Pol. & Soc. Sci. Nov. 1952, pp. S, 14–17.

[16] Life & Death in Sing Sing, 155–160 (1928).

[17] Crime in America 335 (1971).

[18] See Johnson, The Negro and Crime, 217 Annals. Amer. Acad. Pol. & Soc. Sci. 93 (1941).

[19] See Spellman, Political Theory in Ancient India 112 (1964).

[20] Diekmeier, Kingship and Community in Early India 233 (1962).

[21] Cf. Prettyman, Death and The Supreme Court, pp. 296–297 (1961).

"The disparity of representation in capital cases raises doubts about capital punishment itself, which has been abolished in only nine states. If a James Avery [345 U.S. 559] can be saved from electrocution because his attorney made timely objection to the selection of a jury by the use of yellow and white tickets, while an Aubry Williams [349 U.S. 375] can be sent to his death by a jury selected in precisely the same manner, we are imposing our most extreme penalty in an uneven fashion.

"The problem of proper representation is not a problem of money, as some have claimed, but of a lawyer's ability, and it is not true that only the rich have able lawyers. Both the rich and the poor usually are well represented—the poor because more often than not the best attorneys are appointed to defend them. It is the middle-class defendant, who can afford to hire an attorney but not a very good one, who is at a disadvantage. Certainly William Fikes [352 U.S. 191], despite the anomalous position in which he finds himself today, received as effective and intelligent a defense from his court-appointed attorneys as he would have received from an attorney his family had scraped together enough money to hire.

"And it is not only a matter of ability. An attorney must be found who is prepared to spend precious hours—the basic commodity he has to sell—on a case that seldom fully compensates him and often brings him no fee at all. The public has no conception of the time and effort devoted by attorneys to indigent cases. And in a first-degree case, the added responsibility of having a man's life depend upon the outcome exacts a heavy toll."

MR. JUSTICE BRENNAN, CONCURRING

The question presented in these cases is whether death is today a punishment for crime that is "cruel and unusual" and consequently, by virtue of the Eighth and Fourteenth Amendments, beyond the power of the State to inflict.[1]

Almost a century ago, this Court observed that "[d]ifficulty would attend the effort to define with exactness the extent of the constitutional provision which provides that cruel and unusual punishments shall not be inflicted." *Wilkerson* v. *Utah*, 99 U.S. 130, 135–136 (1878). Less than 15 years ago, it was again noted that "[t]he exact scope of the constitutional phrase 'cruel and unusual' has not been detailed by this Court." *Trop* v. *Dulles*, 356 U.S. 86, 99 (1958). Those statements remain true today. The Cruel and Unusual Punishments Clause, like the other great clauses of the Constitution, is not susceptible to precise definition. Yet we know that the values and ideals it embodies are basic to our scheme of government. And we know also that the Clause imposes upon this Court the duty, when the issue is properly presented, to determine the constitutional validity of a challenged punishment, whatever that punishment may be. In these cases, "[t]he issue confronts us, and the task of resolving it is inescapably ours." *Id*, at 103

I

We have very little evidence of the Framers' intent in including the Cruel and Unusual Punishments Clause among those restraints upon the new Government enumerated in the Bill of Rights. The absence of such a restraint from the body of the Constitution was alluded to, so far as we now know, in the debates of only two of the state ratifying conventions. In the Massachusetts convention, Mr Holmes protested:

"What gives an additional glare of horror to these gloomy circumstances is the consideration, that Congress have to ascertain, point out, and determine, what kinds of punishments shall be inflicted on persons convicted of crimes. They are nowhere restrained from inventing the most cruel and unheard-of punishments, and annexing them to crimes; and there is no constitutional check on them, but that racks and gibbets may be amongst the most mild instruments of their discipline." 2 Elliot's Debates 111 (2d ed. 1876).

Holmes's fear that Congress would have unlimited power to prescribe punishments for crimes was echoed by Patrick Henry at the Virginia convention:

"Congress, from their general powers, may fully go into the business of human legislation. They may legislate, in criminal cases, from treason to the lowest offence—petty larceny. They may define crimes and prescribe punishments. In the definition of crimes, I trust they will be directed by what wise representatives ought to be governed by. But when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives. What says our [Virginia] bill of rights?—'that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.' Are you not, therefore, now calling on those gentlemen who are to compose Congress, to . . . define punishments without this control? Will they find sentiments there similar to this bill of rights? You let them loose; you do more—you depart from the genius of your country. . . .

"In this business of legislation, your members of Congress will loose the restriction of not imposing excessive fines, demanding excessive bail, and inflicting cruel and unusual punishments. These are prohibited by your [Virginia] declaration of rights. What has distinguished our ancestors?—That they would not admit of tortures, or cruel and barbarous punishment." 3 Elliot's Debates 447 (2d ed. 1876).[2]

These two statements shed some light on what the Framers meant by "cruel and unusual punishments." Holmes referred to "the most cruel and unheard-of punishments," Henry to "tortures, or cruel and barbarous punishment." It does not follow, however, that the Framers were exclusively concerned with prohibiting torturous punishments. Holmes and Henry were objecting to the absence of a Bill of Rights, and they cited to support their objections the unrestrained legislative power to prescribe punishments for crimes. Certainly we may suppose that they invoked the spectre of the most drastic punishments as legislature might devise.

In addition, it is quite clear that Holmes and Henry focused wholly upon the necessity to restrain the legislative power. Because they recognized "that Congress have to ascertain, point out, and determine, what kinds of punishments shall be inflicted on persons convicted of crimes," they insisted that Congress must be limited in its power to punish. Accordingly, they called for a "constitutional check" that would ensure that "when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives."[3]

The only further evidence of the Framers' intent appears from the debates in the First Congress on the adoption of the Bill of Rights.[4] As the Court noted in *Weems v. United States*, 217 U.S. 349, 368 (1910), the Cruel and Unusual Punishments Clause "received very little debate." The extent of the discussion, by two opponents of the Clause in the House of Representatives, was this:

"Mr. Smith, of South Carolina, objected to the words 'nor cruel and unusual punishments;' the import of them being too indefinite.

"Mr. Livermore.—The [Eighth Amendment] seems to express a great deal of humanity, on which account I have no objection to it; but as it seems to have no meaning in it, I do not think it necessary. . . . No cruel and unusual punishment is to be inflicted; it is sometimes necessary to hang a man, villains often deserve whipping, and perhaps having their ears cut off; but are we in future to be prevented from inflicting these punishments because they are cruel? If a more lenient mode of correcting vice and deterring others from the commission of it could be invented, it would be very prudent in the Legislature to adopt it; but until we have some security that this will be done, we ought not to be restrained from making necessary laws by any declaration of this kind.

"The question was put on the [Eighth Amendment], and it was agreed to by a considerable majority." 1 Annals of Congress 754 (1789).[5]

Livermore thus agreed with Holmes and Henry that the Cruel and Unusual Punishments Clause imposed a limitation upon the legislative powers to prescribe punishments. However, in contrast to Holmes and Henry, who were supporting the Clause, Livermore, opposing it, did not refer to punishments that were considered barbarous and torturous. Instead, he objected that the Clause might someday prevent the legislature from inflicting what were then quite common and,

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Footnotes at end of article.

in his view, "necessary" punishments—death, whipping, and earcropping.[6] The only inference to be drawn from Livermore's statement is that the "considerable majority" were prepared to run that risk. No member of the House rose to reply that the Clause was intended merely to prohibit torture.

Several conclusions thus emerge from the history of the adoption of the Clause. We know that the Framers' concern was directed specifically to the exercise of legislative power. They included in the Bill of Rights a prohibition upon "cruel and unusual punishments" precisely because the legislature would otherwise have had the unfettered power to prescribe punishments for crimes. Yet we cannot now know exactly what the Framers thought "cruel and unusual punishments" were. Certainly they intended to ban torturous punishments, but the available evidence does not support the further conclusion that *only* torturous punishments were to be outlawed. As Livermore's comments demonstrate, the Framers were well aware that the reach of the Clause was not limited to the proscription of unspeakable atrocities. Nor did they intend simply to forbid punishments considered "cruel and unusual" at the time. The "import" of the Clause is, indeed, "indefinite," and for good reason. A constitutional provision "is enacted, it is true, from an experience of evils, but its general language should not, therefore, be necessarily confined to the form that evil had theretofore taken. Time works changes, brings into existence new conditions and purposes. Therefore a principle to be vital must be capable of wider application than the mischief which gave it birth." *Weems* v. *United States,* 217 U.S., at 373.

It was almost 80 years before this Court had occasion to refer to the Clause. See *Pervear* v. *The Commonwealth,* 72 U.S. (5 Wall.) 475, 479–480 (1867). These early cases, as the Court pointed out in *Weems* v. *United States, supra,* at 369, did not undertake to provide "an exhaustive definition" of "cruel and unusual punishments." Most of them proceeded primarily by "looking backwards for examples by which to fix the meaning of the clause," *id.,* at 377, concluding simply that a punishment would be "cruel and unusual" if it were similar to punishments considered "cruel and unusual" at the time the Bill of Rights was adopted.[7] In *Wilkerson* v. *Utah,* 99 U.S., at 136, for instance, the Court found it "safe to affirm that punishments of torture . . . and all others in the same line of unnecessary cruelty, are forbidden." The "punishments of torture," which the Court labeled "atrocities," were cases where the criminal "was embowelled alive, beheaded, and quartered," and cases "of public dissection . . . and burning alive." *Id.,* at 135. Similarly, in *In re Kemmler,* 136 U.S. 436, 446 (1890), the Court declared that "if the punishment prescribed for an offense against the laws of the State were manifestly cruel and unusual, as burning at the stake, crucifixion, breaking on the wheel, or the like, it would be the duty of the courts to adjudge such penalties to be within the constitutional prohibition." The Court then observed, commenting upon the passage just quoted from *Wilkerson* v. *Utah, supra,* and applying the "manifestly cruel and unusual" test, that "[p]unishments are cruel when they involve torture or a lingering death; but the punishment of death is not cruel, within the meaning of that word as used in the Constitution. It implies there something inhuman and barbarous, something more than the mere extinguishment of life." 136 U.S., at 447.

Had this "historical" interpretation of the Cruel and Unusual Punishments Clause prevailed, the Clause would have been effectively read out of the Bill of Rights. As the Court noted in *Weems* v. *United States, supra,* at 371, this interpretation led Story to conclude "that the provision 'would seem to be wholly unnecessary in a free government, since it is scarcely possible that any department of such a government should authorize or justify such atrocious conduct.'" And Cooley, said the Court, "apparently in a struggle between the effect to be given to ancient examples and the inconsequence of a dread of them in these enlightened times, . . . hesitate[d] to advance definite views." *Id.,* at 375. The result of a judicial application of this interpretation was not surprising. A state court, for example, upheld the constitutionality of the whipping post: "In comparison with the 'barbarities of quartering, hanging in chains, castration, etc.,' it was easily reduced to insignificance." *Id.,* at 377.

But this Court in *Weems* decisively repudiated the "historical" interpretation of the Clause. The Court, returning to the intentions of the Framers, "rel[ied] on the conditions which existed when the Constitution was adopted." And the Framers knew "that government by the people instituted by the Constitution would not imitate the conduct of arbitrary monarchs. The abuse of power might, indeed, be apprehended, but not that it would be manifested in provisions or practices which would shock the sensibilities of men." *Id.,* at 375. The Clause, then, guards against "[t]he abuse of power"; contrary to the implications in *Wilkerson* v. *Utah, supra,* and *In re Kemmler, supra,* the prohibition of the Clause is not "confine[d] . . . to such penalties and punishment as were inflicted by the Stuarts." 217 U.S. at 372. Although opponents of the Bill of Rights "felt sure that the spirit of liberty could be trusted, and that its ideals would be represented, not debased, by legislation," *ibid.,* the Framers disagreed:

> "[Patrick] Henry and those who believed as he did would take no chances. Their predominant political impulse was distrust of power, and they insisted on constitutional limitations against its abuse. But surely they intended more than to register a fear of the forms of abuse that went out of practice with the Stuarts. Surely, their jealously of power had a saner justification than that. They were men of action, practical and sagacious, not beset with vain imagining, and it must have come to them that there could be exercises of cruelty by laws other than those which inflicted bodily pain or mutilation. With power in a legislature great, if not unlimited, to give criminal character to the actions of men, with power unlimited to fix terms of imprisonment with what accompaniments they might, what more potent instrument of cruelty could be put into the hands of power? And it was believed that power might be tempted to cruelty. This was the motive of the clause, and if we are to attribute an intelligent providence to its advocates we cannot think that it was intended to prohibit only practices like the Stuarts, or to prevent only an exact repetition of history. We cannot think that the possibility of a coercive cruelty being exercised through other forms of punishment was overlooked." *Id.,* at 372–373.

The Court in *Weems* thus recognized that this "restraint upon legislatures" possesses an "expensive and vital character" that is "'essential . . . to the rule of law and the maintenance of individual freedom.'" *Id.,* at 376–377. Accordingly, the responsibility lies with the courts to make certain that the prohibition of the Clause is enforced.[8] Referring to cases in which "prominence [was] given to the power of the legislature to define crimes and their punishment," the Court said:

> "We concede the power in most of its exercises. We disclaim the right to assert a judgment against that of the legislature of the expediency of the laws or the right to oppose the judicial power to the legislative power to define crimes and fix their punishment, unless that power encounters in its exercise a constitutional prohibition. In such case not our discretion but our legal duty, strictly defined and imperative in its direction, is invoked." *Id.,* at 378.[9]

In short, this Court finally adopted the Framers' view of the Clause as a "constitutional check" to ensure that "when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives." That, indeed, is the only view consonant with our constitutional form of government. If the judicial conclusion that a punishment is "cruel and unusual" "depend[ed] upon virtually unanimous condemnation of the penalty at issue," then, "[l]ike no other constitutional provision, [the Clause's] only function would be to legitimize advances already made by the other departments and opinions already the conventional wisdom." We know that the Framers did not envision "so narrow a role for this basic guaranty of human rights." Goldberg & Dershowitz, Declaring the Death Penalty Unconstitutional, 83 Harv. L. Rev. 1773, 1782 (1970). The right to be free of cruel and unusual punishments, like the other guarantees of the Bill of Rights, "may not be submitted to vote; [it] depend[s] on the outcome of no elections." "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts." *Board of Education* v. *Barnette,* 319 U.S. 624, 638 (1943).

Judicial enforcement of the Clause, then, cannot be evaded by invoking the obvious truth that legislatures have the power to prescribe punishments for crimes. That is precisely the reason the Clause appears in the Bill of Rights. The difficulty arises, rather, in formulating the "legal principles to be applied by the courts" when a legislatively prescribed punishment is challenged as "cruel and unusual." In formulating those constitutional principles, we must avoid the insertion of "judicial conception[s] of . . . wisdom or propriety," *Weems* v. *United States,* 217 U. S., at 379, yet we must not, in the guise of "judicial restraint," abdicate our fundamental responsibility to enforce the Bill of Rights. Were we to do so, the "constitution would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into impotent and lifeless formulas. Rights declared in words might be lost in reality." *Id.,* at 373. The Cruel and Unusual Punishments Clause would become, in short, "little more than good advice." *Trop* v. *Dulles,* 356 U.S., at 104.

II

Ours would indeed be a simple task were we required merely to measure a challenged punishment against those that history has long condemned. That narrow and unwarranted view of the Clause, however, was left behind with the 19th century. Our task today is more complex. We know "that the words of the [Clause] are not precise, and that their scope is not static." We know, therefore, that the Clause "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society." *Trop* v. *Dulles, supra,* at 100–101.[10] That knowledge, of course, is but the beginning of the inquiry.

In *Trop* v. *Dulles, supra,* at 99, it was said that "[t]he question is whether [a] penalty subjects the individual to a fate forbidden by the principle of civilized treatment guaranteed by the [Clause]." It was also said that a challenged punishment must be examined "in light of the basic prohibition against inhuman treatment" embodied in the Clause. *Id.,* at 100 n. 32. It was said, finally, that:

> "The basic concept underlying the [Clause] is nothing less than the dignity of man.

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While the State has power to punish, the [Clause] stands to assure that this power be exercised within the limits of civilized standards." *Id.*, at 100.

At bottom, then, the Cruel and Unusual Punishments Clause prohibits the infliction of uncivilized and inhuman punishments. The State, even as it punishes, must treat its members with respect for their intrinsic worth as human beings. A punishment is "cruel and unusual," therefore, if it does not comport with human dignity.

This formulation, of course, does not of itself yield principles for assessing the constitutional validity of particular punishments. Nevertheless, even though "[t]his Court has had little occasion to give precise content to the [Clause]," *ibid.*, there are principles recognized in our cases and inherent in the Clause sufficient to permit a judicial determination whether a challenged punishment comports with human dignity.

The primary principle is that a punishment must not be so severe as to be degrading to the dignity of human beings. Pain, certainly, may be a factor in the judgment. The infliction of an extremely severe punishment will often entail physical suffering. See *Weems* v. *United States,* 217 U. S., at 366.[11] Yet the Framers also knew "that there could be exercises of cruelty by laws other than those which inflicted bodily pain or mutilation." Id., at 372. Even though "[t]here may be involved no physical mistreatment, no primitive torture," *Trop* v. *Dulles, supra,* at 101, severe mental pain may be inherent in the infliction of a particular punishment. See *Weems* v. *United States, supra,* at 366.[12] That, indeed, was one of the conclusions underlying the holding of the plurality in *Trop* v. *Dulles* that the punishment of expatriation violates the Clause.[13] And the physical and mental suffering inherent in the punishment of *cadena temporal,* see nn. 11–12, *supra,* was an obvious basis for the Court's decision in *Weems* v. *United States* that the punishment was "cruel and unusual." [14]

More than the presence of pain, however, is comprehended in the judgment that the extreme severity of a punishment makes it degrading to the dignity of human beings. The barbaric punishments condemned by history, "punishments which inflict torture, such as the rack, the thumbscrew, the iron boot, the stretching of limbs and the like," are, of course, "attended with acute pain and suffering." *O'Neil* v. *Vermont,* 144 U.S. 323, 339 (1892) (Field, J., dissenting). When we consider why they have been condemned, however, we realize that the pain involved is not the only reason. The true significance of these punishments is that they treat members of the human race as nonhumans, as objects to be toyed with and discarded. They are thus inconsistent with the fundamental premise of the Clause that even the vilest criminal remains a human being possessed of common human dignity.

The infliction of an extremely severe punishment, then, like the one before the Court in *Weems* v. *United States,* from which "[n]o circumstance of degradation [was] omitted," 217 U.S. at 366, may reflect the attitude that the person punished is not entitled to recognition as a fellow human being. That attitude may be apparent apart from the severity of the punishment itself. In *Louisiana ex rel. Francis* v. *Resweber,* 329 U.S. 459, 464 (1947), for example, the unsuccessful electrocution, although it caused "mental anguish and physical pain," was the result of "an unforeseeable accident." Had the failure been intentional, however, the punishment would have been, like torture, so degrading and indecent as to amount to a refusal to accord the criminal human status. Indeed, a punishment may be degrading to human dignity solely because it *is a* punishment. A State may not punish a person for being "mentally ill, or a leper, or . . . afflicted with a venereal disease," or for being addicted to narcotics. *Robinson* v. *California,* 370 U.S. 660, 666 (1962). To inflict punishment for having a disease is to treat the individual as a diseased thing rather than as a sick human being. That the punishment is not severe, "in the abstract," is irrelevant; "[e]ven one day in prison would be a cruel and unusual punishment for the 'crime' of having a common cold." *Id.,* at 667. Finally, of course, a punishment may be degrading simply by reason of its enormity. A prime example is expatriation, a "punishment more primitive than torture," *Trop* v. *Dulles,* 356 U.S. at 101, for it necessarily involves a denial by society of the individual's existence as a member of the human community.[15]

In determining whether a punishment comports with human dignity, we are aided also by a second principle inherent in the Clause—that the State must not arbitrarily inflict a severe punishment. This principle derives from the notion that the State does not respect human dignity when, without reason, it inflicts upon some people a severe punishment that it does not inflict upon others. Indeed, the very words "cruel and unusual punishments" imply condemnation of the arbitrary infliction of severe punishments. And, as we now know, the English history of the Clause [16] reveals a particular concern with the establishment of a safeguard against arbitrary punishments. See Granucci, "Nor Cruel and Unusual Punishments Inflicted:" The Original Meaning, 57 Calif. L. Rev. 839, 857–860 (1969).[17]

This principle has been recognized in our cases.[18] In *Wilkerson* v. *Utah,* 99 U.S., at 133–134, the Court reviewed various treatises on military law in order to demonstrate that under "the customs of war" shooting was a common method of inflicting the punishment of death. On that basis, the Court concluded:

"Cruel and unusual punishments are forbidden by the Constitution, but the authorities referred to [treatises on military law] are quite sufficient to show that the punishment of shooting as a mode of executing the death penalty for the crime of murder in the first degree is not included in that category, within the meaning of the [Clause]. Soldiers convicted of desertion or other capital military offenses are in the great majority of cases sentenced to be shot, and the ceremony for such occasions is given in great fulness by the writers upon the subject of courts-martial." *Id.,* at 134–135.

The Court thus upheld death by shooting, so far as appears, solely on the ground that it was a common method of execution.[19]

As *Wilkerson* v. *Utah* suggests, when a severe punishment is inflicted "in the great majority of cases" in which it is legally available, there is little likelihood that the State is inflicting it arbitrarily. If, however, the infliction of a severe punishment is "something different from that which is generally done" in such cases, *Trop* v. *Dulles,* 356 U.S., at 100 n. 32,[20] there is a substantial likelihood that the State, contrary to the requirements of regularity and fairness embodied in the Clause, is inflicting the punishment arbitrarily. This principle is especially important today. There is scant danger, given the political processes "in an enlightened democracy such as ours," *id.,* at 100, that extremely severe punishments will be widely applied. The more significant function of the Clause, therefore, is to protect against the danger of their arbitrary infliction.

A third principle inherent in the Clause is that a severe punishment must not be unacceptable to contemporary society. Rejection by society, of course, is a strong indication that a severe punishment does not comport with human dignity. In applying this principle, however, we must make certain that the judicial determination is as objective as possible.[21] Thus, for example, *Weems* v. *United States,* 217 U.S., at 380, and *Trop* v. *Dulles,* 356 U.S., at 102–103, suggest that one factor that may be considered is the existence of the punishment in jurisdictions other than those before the Court. *Wilkerson* v. *Utah,* 99 U.S. 130 (1878), suggests that another factor to be considered is the historic usage of the punishment.[22] *Trop* v. *Dulles, supra,* at 99, combined present acceptance with past usage by observing that "the death penalty has been employed throughout our history, and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty." In *Robinson* v. *California,* 370 U.S., at 666, which involved the infliction of punishment for narcotics addiction, the Court went a step further, concluding simply that "in the light of contemporary human knowledge, a law which made a criminal offense of such a disease would doubtless be universally thought to be an infliction of cruel and unusual punishment."

The question under this principle, then, is whether there are objective indicators from which a court can conclude that contemporary society considers a severe punishment unacceptable. Accordingly, the judicial task is to review the history of a challenged punishment and to examine society's present practices with respect to its use. Legislative authorization, of course, does not establish acceptance. The acceptability of a severe punishment is measured not by its availability, for it might become so offensive to society as never to be inflicted, but by its use.

The final principle inherent in the Clause is that a severe punishment must not be excessive. A punishment is excessive under this principle if it is unnecessary. The infliction of a severe punishment by the State cannot comport with human dignity when it is nothing more than the pointless infliction of suffering. If there is a significantly less severe punishment adequate to achieve the purposes for which the punishment is inflicted, cf. *Robinson* v. *California, supra,* at 666; *id.,* at 677 (Douglas, J., concurring); *Trop* v. *Dulles, supra,* at 114 (Brennan, J., concurring), the punishment inflicted is unnecessary and therefore excessive.

This principle first appeared in our cases in Mr. Justice Field's dissent in *O'Neil* v. *Vermont,* 144 U.S. at 337.[23] He there took the position that the Clause "is directed, not only against punishments of the character mentioned [torturous punishments], but against all punishments which by their excessive length or severity are greatly disproportioned to the offenses charged. The whole inhibition is against that which is excessive either in the bail required, or fine imposed, or punishment inflicted." *Id.,* at 339–340.

Although the determination that a severe punishment is excessive may be grounded in a judgment that it is disproportionate to the crime,[24] the more significant basis is that the punishment serves no penal purpose more effectively than a less severe punishment. This view of the principle was explicitly recognized by the Court in *Weems* v. *United States,* 217 U.S. 349 (1910). There the Court, reviewing a severe punishment inflicted for the falsification of an official record, found that "the highest punishment possible for a crime which may cause the loss of many thousands of dollars, and to prevent which the duty of the State should be as eager as to prevent the perversion of truth in a public document, is not greater than that which may be imposed for falsifying a single item of a public account." *Id.,* at 381. Stating that this contrast shows more than different exercises of legislative judgment," the Court concluded that the punishment was unnecessarily severe in view of the purposes for which it was imposed. *Ibid.*[25] See also *Trop* v. *Dulles,* 356 U.S., at 111–112 (Brennan J., concurring).[26]

There are, then, four principles by which we may determine whether a particular pun-

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ishment is "cruel and unusual." The primary principle, which I believe supplies the essential predicate for the application of the others, is that a punishment must not by its severity be degrading to human dignity. The paradigm violation of this principle would be the infliction of a torturous punishment of the type that the Clause has always prohibited. Yet "[i]t is unlikely that any State at this moment in history," *Robinson* v. *California*, 370 U.S., at 666, would pass a law providing for the infliction of such a punishment. Indeed, no such punishment has ever been before this Court. The same may be said of the other principles. It is unlikely that this Court will confront a severe punishment that is obviously inflicted in wholly arbitrary fashion; no State would engage in a reign of blind terror. Nor is it likely that this Court will be called upon to review a severe punishment that is clearly and totally rejected throughout society; no legislature would be able even to authorize the infliction of such a punishment. Nor, finally, is it likely that this Court will have to consider a severe punishment that is patently unnecessary; no State today would inflict a severe punishment knowing that there was no reason whatever for doing so. In short, we are unlikely to have occasion to determine that a punishment is fatally offensive under any one principle.

Since the Bill of Rights was adopted, this Court has adjudged only three punishments to be within the prohibition of the Clause. See *Weems* v. *United States*, 217 U.S. 349 (1910) (12 years in chains at hard and painful labor); *Trop* v. *Dulles*, 356 U.S. 86 (1958) (expatriation); *Robinson* v. *California*, 370 U.S. 660 (1962) (imprisonment for narcotics addiction). Each punishment, of course, was degrading to human dignity, but of none could it be said conclusively that it was fatally offensive under one or the other of the principles. Rather, these "cruel and unusual punishments" seriously implicated several of the principles, and it was the application of the principles in combination that supported the judgment. That, indeed, is not surprising. The function of these principles, after all, is simply to provide means by which a court can determine whether a challenged punishment comports with human dignity. They are, therefore, interrelated, and in most cases it will be their convergence that will justify the conclusion that a punishment is "cruel and unusual." The test, then, will ordinarily be a cumulative one: If a punishment is unusually severe, if there is a strong probability that it is inflicted arbitrarily, if it is substantially rejected by contemporary society, and if there is no reason to believe that it serves any penal purpose more effectively than some less severe punishment, then the continued infliction of that punishment violates the command of the Clause that the State may not inflict inhuman and uncivilized punishments upon those convicted of crimes.

III

The punishment challenged in these cases is death. Death, of course, is a "traditional" punishment, *Trop* v. *Dulles*, *supra*, at 100, one that "has been employed throughout our history," *id.*, at 99, and its constitutional background is accordingly an appropriate subject of inquiry.

There is, first, a textual consideration raised by the Bill of Rights itself. The Fifth Amendment declares that if a particular crime is punishable by death, a person charged with that crime is entitled to certain procedural protections.[27] We can thus infer that the Framers recognized the existence of what was then a common punishment. We cannot, however, make the further inference that they intended to exempt this particular punishment from the express prohibition of the Cruel and Unusual Punishments Clause.[28] Nor is there any indication in the debates on the Clause that a special exception was to be made for death. If anything, the indication is to the contrary, for Livermore specifically mentioned death as a candidate for future proscription under the Clause. See p. 6, *supra*. Finally, it does not advance analysis to insist that the Framers did not believe that adoption of the Bill of Rights would immediately prevent the infliction of the punishment of death; neither did they believe that it would immediately prevent the infliction of other corporal punishments that, although common at the time, see n. 6, *supra*, are now acknowledged to be impermissible.[29]

There is also the consideration that this Court has decided three cases involving constitutional challenges to particular methods of inflicting this punishment. In *Wilkerson* v. *Utah*, 99 U.S. 130 (1878), and *In re Kemmler*, 136 U.S. 436 (1890), the Court, expressing in both cases the since-rejected "historical" view of the Clause, see pp. 8–9, *supra*, approved death by shooting and death by electrocution. In *Wilkerson*, the Court concluded that shooting was a common method of execution, see pp. 19–20, *supra*;[30] in *Kemmler*, the Court held that the Clause did not apply to the States, 136 U.S., at 447–449.[31] In *Louisiana ex. rel. Francis* v. *Resweber*, 329 U.S. 459 (1947), the Court approved a second attempt at electrocution after the first had failed. It was said that "[t]he Fourteenth [Amendment] would prohibit by its due process clause execution by a state in a cruel manner," *id.*, at 463, but that the abortive attempt did not make the "subsequent execution any more cruel in the constitutional sense than any other execution," *id* at 464.[32] These three decisions thus reveal that the Court, while ruling upon various methods of inflicting death, has assumed in the past that death was a constitutionally permissible punishment.[33] Past assumptions, however, are not sufficient to limit the scope of our examination of this punishment today. The constitutionality of death itself under the Cruel and Unusual Punishments Clause is before this Court for the first time; we cannot avoid the question by recalling past cases that never directly considered it.

The question, then, is whether the deliberate infliction of death is today consistent with the command of the Clause that the State may not inflict punishments that do not comport with human dignity. I will analyze the punishment of death in terms of the principles set out above and the cumulative test to which they lead: It is a denial of human dignity for the State arbitrarily to subject a person to an unusually severe punishment that society has indicated it does not regard as acceptable and that cannot be shown to serve any penal purpose more effectively than a significantly less drastic punishment. Under these principles and this test, death is today a "cruel and unusual" punishment.

Death is a unique punishment in the United States. In a society that so strongly affirms the sanctity of life, not surprisingly the common view is that death is the ultimate sanction. This natural human feeling appears all about us. There has been no national debate about punishment, in general or by imprisonment, comparable to the debate about the punishment of death. No other punishment has been so continuously restricted, see pp. 40–42, *infra*, nor has any State yet abolished prisons, as some have abolished this punishment. And those States that still inflict death reserve it for the most heinous crimes. Juries, of course, have always treated death cases differently, as have governors exercising their commutation powers. Criminal defendants are of the same view. "As all practicing lawyers know, who have defended persons charged with capital offenses, often the only goal possible is to avoid the death penalty." *Griffin* v. *Illinois*, 351 U.S. 12, 28 (1956) (Burton and Minton, JJ., dissenting). Some legislatures have required particular procedures, such as two-stage trials and automatic appeals, applicable only in death cases. "It is the universal experience in the administration of criminal justice that those charged with capital offenses are granted special considerations." *Ibid*. See *Williams* v. *Florida*, 399 U.S. 78, 103 (1970) (all States require juries of 12 in death cases.) This Court, too, almost always treats death cases as a class apart.[34] And the unfortunate effect of this punishment upon the functioning of the judicial process is well known; no other punishment has a similar effect.

The only explanation for the uniqueness of death is its extreme severity. Death is today an unusually severe punishment, unusual in its pain, in its finality, and in its enormity. No other existing punishment is comparable to death in terms of physical and mental suffering. Although our information is not conclusive, it appears that there is no method available that guarantees an immediate and painless death.[35] Since the discontinuance of flogging as a constitutionally permissible punishment, *Jackson* v. *Bishop*, 404 F. 2d 571 (CA8 1968), death remains as the only punishment that may involve the conscious infliction of physical pain. In addition, we know that mental pain is an inseparable part of our practice of punishing criminals by death, for the prospect of pending execution exacts a frightful toll during the inevitable long wait between the imposition of sentence and the actual infliction of death. Cf. *Ex parte Medley*, 134 U.S. 160, 172 (1890). As the California Supreme Court pointed out, "the process of carrying out a verdict of death is often so degrading and brutalizing to the human spirit as to constitute psychological torture." *People* v. *Anderson*, 6 Cal. 3d 628, 649, 493 P. 2d 880, 894, 100 Cal. Rptr. 152, 166 (1972).[36] Indeed, as Mr. Justice Frankfurter noted, "the onset of insanity while awaiting execution of a death sentence is not a rare phenomenon." *Solesbee* v. *Balkcom*, 339 U.S. 9, 14 (1950) (dissenting opinion). The "fate of ever-increasing fear and distress" to which the expatriate is subjected, *Trop* v. *Dulles*, 356 U.S., at 102, can only exist to a greater degree for a person confined in prison awaiting death.[37]

The unusual severity of death is manifested most clearly in its finality and enormity. Death, in these respects, is in a class by itself. Expatriation, for example, is a punishment that "destroys for the individual the political existence that was centuries in the development," that "strips the citizen of his status in the national and international political community," and that puts "[h] is very existence" in jeopardy. Expatriation thus inherently entails "the total destruction of the individual's status in organized society." *Id.*, at 101. "In short, the expatriate has lost the right to have rights." *Id.*, at 102. Yet, demonstrably, expatriation is not "a fate worse than death." *Id.*, at 125 (Frankfurter, J., dissenting).[38] Although death, like expatriation, destroys the individual's "political existence" and his "status in organized society," it does more, for, unlike expatriation, death also destroys "[h]is very existence." There is, too, at least the possibility that the expatriate will in the future regain "the right to have rights." Death forecloses even that possibility.

Death is truly an awesome punishment. The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity. The contrast with the plight of a person punished by imprisonment is evident. An individual in prison does not lose "the right to have rights." A prisoner retains, for example, the constitutional rights to the free exercise of religion,

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to be free of cruel and unusual punishments and to treatment as a "person" for purposes of due process of law and the equal protection of the laws. A prisoner remains a member of the human family. Moreover, he retains the right of access to the courts. His punishment is not irrevocable. Apart from the common charge, grounded upon the recognition of human fallibility, that the punishment of death must inevitably be inflicted upon innocent men, we know that death has been the lot of men whose convictions were unconstitutionally secured in view of later, retroactively applied, holdings of the Court. The punishment itself may have been unconstitutionally inflicted, see *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968), yet the finality of death precludes relief. An executed person has indeed "lost the right to have rights." As one 19th century proponent of punishing criminals by death declared, "When a man is hung, there is an end of our relations with him. His execution is a way of saying, 'You are not fit for this world. Take your chance elsewhere.' "[39]

In comparison to all other punishments today, then, the deliberate extinguishment of human life by the State is uniquely degrading to human dignity. I would not hesitate to hold, on that ground alone, that death is today a "cruel and unusual" punishment, were it not that death is a punishment of longstanding usage and acceptance in this country. I therefore turn to the second principle—that the State may not arbitrarily inflict an unusually severe punishment.

The outstanding characteristic of our present practice of punishing criminals by death is the infrequency with which we resort to it. The evidence is conclusive that death is not the ordinary punishment for any crime.

There has been a steady decline in the infliction of this punishment in every decade since the 1930's, the earliest period for which accurate statistics are available. In the 1930's, executions averaged 167 per year; in the 1940's, the average was 128; in the 1950's, it was 72; and in the years 1960–1962, it was 48. There have been a total of 46 executions sihce then, 36 of them in 1963–64.[40] Yet our population and the numbers of capital crimes committed have increased greatly over the past four decades. The contemporary rarity of the infliction of this punishment is thus the end result of a long-continued decline. That rarity is plainly revealed by an examination of the years 1961–1970, the last 10-year period for which statistics are available. During that time, an average of 106 death sentences were imposed each year.[41] Not nearly that number, however, could be carried out, for many were precluded by communications to life or a term of years,[42] transfers to mental institutions because of insanity,[43] resentences to life or a term of years, grants of new trials and orders for resentencing, dismissals of indictments and reversals of convictions, and deaths by suicide and natural causes.[44] On January 1, 1961, the death row population was 219; on December 31, 1970, it was 608; during that span, there were 135 executions.[45] Consequently, had the 389 additions to death row also been executed, the annual average would have been 52.[46] In short, the country might, at most, have executed one criminal each week. In fact, of course, far fewer were executed. Even before the moratorium on executions began in 1967, executions totaled only 42 in 1961 and 47 in 1962, an average of less than one per week; the number dwindled to 21 in 1963, to 15 in 1964, and to seven in 1965; in 1966, there was one execution, and in 1967, there were two.[47]

When a country of over 200 million people inflicts an unusually severe punishment no more than 50 times a year, the inference is strong that the punishment is not being regularly and fairly applied. To dispel it would indeed require a clear showing of non-arbitrary infliction.

Although there are no exact figures available, we know that thousands of murders and rapes are committed annually in States where death is an authorized punishment for those crimes. However the rate of infliction is characterized—as "freakishly" or "spectacularly" rare, or simply as rare—it would take the purest sophistry to deny that death is inflicted in only a minute fraction of these cases. How much rarer, after all, could the infliction of death be?

When the punishment of death is inflicted in a trivial number of the cases in which it is legally available, the conclusion is virtually inescapable that it is being inflicted arbitrarily. Indeed, it smacks of little more than a lottery system. The States claim, however, that this rarity is evidence not of arbitrariness, but of informed selectivity: Death is inflicted, they say, only in "extreme" cases.

Informed selectivity, of course, is a value not to be denigrated. Yet presumably the States could make precisely the same claim if there were 10 executions per year, or five, or even if there were but one. That there may be as many as 50 per year does not strengthen the claim. When the rate of infliction is at this low level, it is highly implausible that only the worst criminals or the criminals who commit the worst crimes are selected for this punishment. No one has yet suggested a rational basis that could differentiate in those terms the few who die from the many who go to prison. Crimes and criminals simply do not admit of a distinction that can be drawn so finely as to explain, on that ground, the execution of such a tiny sample of those eligible. Certainly the laws that provide for this punishment do not attempt to draw that distinction; all cases to which the laws apply are necessarily "extreme." Nor is the distinction credible in fact. If, for example, petitioner Furman or his crime illustrate the "extreme," then nearly all murderers and their murders are also "extreme."[48] Furthermore, our procedures in death cases, rather than resulting in the selection of "extreme" cases for this punishment, actually sanction an arbitrary selection. For this Court has held that juries may, as they do, make the decision whether to impose a death sentence wholly unguided by standards governing that decision. *McGautha* v. *California*, 402 U.S. 183, 196–208 (1971). In other words, our procedures are not constructed to guard against the totally capricious selection of criminals for the punishment of death.

Although it is difficult to imagine what further facts would be necessary in order to prove that death is, as my Brother Stewart puts it, "wantonly and freakishly" inflicted, I need not conclude that arbitrary infliction is patently obvious. I am not considering this punishment by the isolated light of one principle. The probability of arbitrariness is sufficiently substantial that it can be relied upon, in combination with the other principles, in reaching a judgment on the constitutionality of this punishment.

When there is a strong probability that an unusually severe and degrading punishment is being inflicted arbitrarily, we may well expect that society will disapprove of its infliction. I turn, therefore, to the third principle. An examination of the history and present operation of the American practice of punishing criminals by death reveals that this punishment has been almost totally rejected by contemporary society.

I cannot add to my Brother MARSHALL's comprehensive treatment of the English and American history of this punishment. I emphasize, however, one significant conclusion that emerges from that history. From the beginning of our Nation, the punishment of death has stirred acute public controversy. Although pragmatic arguments for and against the punishment have been frequently advanced, this longstanding and heated controversy cannot be explained solely as the result of differences over the practical wisdom of a particular government policy. At bottom, the battle has been waged on moral grounds. The country has debated whether a society for which the dignity of the individual is the supreme value can without a fundamental inconsistency follow the practice of deliberately putting some of its members to death. In the United States as in other nations of the western world, "the struggle about this punishment has been one between ancient and deeply rooted beliefs in retribution, atonement or vengence on the one hand, and, on the other, beliefs in the personal value and dignity of the common man that were born of the democratic movement of the eighteenth century, as well as beliefs in the scientific approach to an understanding of the motive forces of human conduct, which are the result of the growth of the sciences of behavior during the nineteenth and twentieth centuries."[49] It is this essentially moral conflict that forms the backdrop for the past changes in and the present operation of our system of imposing death as a punishment for crime.

Our practice of punishing criminals by death has changed greatly over the years. One significant change has been in our methods of inflicting death. Although this country never embraced the more violent and repulsive methods employed in England, we did for a long time rely almost exclusively upon the gallows and the firing squad. Since the development of the supposedly more humane methods of electrocution late in the 19th century and lethal gas in the 20th, however, hanging and shooting have virtually ceased.[50] Our concern for decency and human dignity, moreover, has compelled changes in the circumstances surrounding the execution itself. No longer does our society countenance the spectacle of public executions, one thought desirable as a deterrent to criminal behavior by others. Today we reject public executions as debasing and brutalizing to us all.

Also significant is the drastic decrease in the crimes for which the punishment of death is actually inflicted. While esoteric capital crimes remain on the books, since 1930 murder and rape have accounted for nearly 90% of the total executions, and murder alone for about 87%.[51] In addition, the crime of capital murder has itself been limited. As the Court noted in *McGautha* v. *California*, 402 U. S., at 198, there was in this country a "rebellion against the common-law rule imposing a mandatory death sentence on all convicted murderers." Initially that rebellion resulted in legislative definitions that distinguished between degrees of murder, retaining the mandatory death sentence only for murder in the first degree. Yet "[t]his new legislative criterion for isolating crimes appropriately punishable by death soon proved as unsuccessful as the concept of 'malice aforethought,' " *ibid.*, the common-law means of separating murder from manslaughter. Not only was the distinction between degrees of murder confusing and uncertain in practice, but even in clear cases of first degree murder juries continued to take the law into their own hands: if they felt that death was an inappropriate punishment, "they simply refused to convict of the capital offense." *Id.*, at 199. The phenomenon of jury nullification thus remained to counteract the rigors of mandatory death sentences. Bowing to reality, "legislatures did not try, as before, to refine further the definition of capital homicides. Instead they adopted the method of forthrightly granting

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Footnotes at end of article.

juries the discretion which they had been exercising in fact." *Ibid.* In consequence, virtually all death sentences today are discretionarily imposed. Finally, it is significant that nine States no longer inflict the punishment of death under any circumstances,[52] and five others have restricted it to extremely rare crimes.[53]

Thus, although "the death penalty has been employed throughout our history," *Trop* v. *Dulles,* 356 U.S., at 99, in fact the history of this punishment is one of successive restriction. What was once a common punishment has become, in the context of a continuing moral debate, increasingly rare. The evolution of this punishment evidences not that it is an inevitable part of the American scene, but that it has proved progressively more troublesome to the national conscience. The result of this movement is our current system of administering the punishment, under which death sentences are rarely imposed and death is even more rarely inflicted. It is, of course, "We, the People" who are responsible for the rarity both of the imposition and the carrying out of this punishment. Juries, "express[ing] the conscience of the community on the ultimate question of life or death," *Witherspoon* v. *Illinois,* 391 U.S., at 519, have been able to bring themselves to vote for death in a mere 100 or so cases among the thousands tried each year where the punishment is available. Governors, elected by and acting for us, have regularly commuted a substantial number of those sentences. And it is our society that insists upon due process of law to the end that no person will be unjustly put to death, thus ensuring that many more of those sentences will not be carried out. In sum, we have made death a rare punishment today.

The progressive decline in and the current rarity of the infliction of death demonstrate that our society seriously questions the appropriateness of this punishment today. The States point out that many legislatures authorize death as the punishment for certain crimes and that substantial segments of the public, as reflected in opinion polls and referendum votes, continue to support it. Yet the availability of this punishment through statutory authorization, as well as the polls and referenda, which amount simply to approval of that authorization, simply underscores the extent to which our society has in fact rejected this punishment. When an unusually severe punishment is authorized for wide-scale application but not, because of society's refusal, inflicted save in a few instances, the inference is compelling that there is a deep-seated reluctance to inflict it. Indeed, the likelihood is great that the punishment is tolerated only because of its disuse. The objective indicator of society's view of an unusually severe punishment is what society does with it. And today society will inflict death upon only a small sample of the eligible criminals. Rejection could hardly be more complete without becoming absolute. At the very least, I must conclude that contemporary society views this punishment with considerable doubt.

The final principle to be considered is that an unusually severe and degrading punishment may not be excessive in view of the purposes for which it is inflicted. This principle, too, is related to the others. When there is a strong probability that the State is arbitrarily inflicting an unusually severe punishment that is subject to grave societal doubts, it is likely also that the punishment cannot be shown to be serving any penal purpose that could not be served equally well by some less severe punishment.

The States' primary claim is that death is a necessary punisment because it prevents the commission of capital crimes more effectively than any less severe punishment. The first part of this claim is that the infliction of death is necessary to stop the individuals executed from committing further crimes. The sufficient answer to this is that if a criminal convicted of a capital crime poses a danger to society, effectve administration of the State's pardon and parole laws can delay or deny his release from prison, and techniques of isolation can eliminate or minimize the danger while he remains confined.

The more significant argument is that the threat of death prevents the commission of capital crimes because it deters potential criminals who would not be deterred by the threat of imprisonment. The argument is not based upon evidence that the threat of death is a superior deterrent. Indeed, as my Brother Marshall establishes, the available evidence uniformly indicates, although it does not conclusively prove, that the threat of death has no greater deterrent effect than the threat of imprisonment. The States argue, however, that they are entitled to rely upon common human experence, and that experience, they say, supports the conclusion that death must be a more effective deterrent than any less severe punishment. Because people fear death the most, the argument runs, the threat of death must be the greatest deterrent.

It is important to focus upon the precise import of this argument. It is not denied that many, and probably most, capital crimes cannot be deterred by the threat of punishment. Thus the argument can apply only to those who think rationally about the commission of capital crimes. Particularly is that true when the potential criminal, under this argument, must not only consider the risk of punishment, but also distinguish between two possible punishments. The concern, then, is with a particular type of potential criminal, the rational person who will commit a capital crime knowing that the punishment is long-term imprisonment, which may well be for the rest of his life, but will not commit the crime knowing that the punishment is death. On the facet of it, the assumption that such persons exist is implausible.

In any event, this argument cannot be appraised in the abstract. We are not presented with the theoretical question whether under any imaginable circumstances the threat of death might be a greater deterrent to the commission of capital crimes than the threat of imprisonment. We are concerned with the practice of punishing criminals by death as it exists in the United States today. Proponents of this argument necessarily admit that its validity depends upon the existence of a system in which the punishment of death is invariably and swifty imposed. Our system, of course, satisfies neither condition. A rational person contemplating a murder or rape is confronted not with the certainty of a speedy death, but with the slightest possibility that he will be executed in the distant future. The risk of death is remote and improbable; in contrast, the risk of long-term imprisonment is near and great. In short, whatever the speculative validity of the assumption that the threat of death is a superior deterrent, there is no reason to believe that as currently administered the punishment of death is necessary to deter the commission of capital crimes. Whatever might be the case were all or substantially all eligible criminals quickly put to death, unverifiable possibilities are an insufficient basis upon which to conclude that the threat of death today has any greater deterrent efficacy than the threat of imprisonment.[54]

There is, however, another aspect to the argument that the punishment of death is necessary for the protection of society. The infliction of death, the States urge, serves to manifest the community's outrage at the commission of the crime. It is, they say, a concrete public expression of moral indignation that inculcates respect for the law and helps assure a more peaceful community. Moreover, we are told, not only does the punishment of death exert this widespread moralizing influence upon community values, it also satisfies the popular demand for grievous condemnation of abhorrent crimes and thus prevents disorder, lynching, and attempts by private citizens to take the law into their own hands.

The question, however, is not whether death serves these supposed purposes of punishment, but whether death serves them more effectively than imprisonment. There is no evidence whatever that utilization of imprisonment rather than death encourages private blood feuds and other disorders. Surely if there were such a danger, the execution of a handful of criminals each year would not prevent it. The assertion that death alone is a sufficiently emphatic denunciation for capital crimes suffers from the same defect. If capital crimes require the punishment of death in order to provide moral reinforcement for the basic values of the community, those values can only be undermined when death is so rarely inflicted upon the criminals who commit the crimes. Furthermore, it is certainly doubtful that the infliction of death by the State does in fact strengthen the community's moral code; if the deliberate extinguishment of human life has any effect at all, it more likely tends to lower our respect for life and brutalize our values. That, after all, is why we no longer carry out public executions. In any event, this claim simply means that one purpose of punishment is to indicate social disapproval of crime. To serve that purpose our laws distribute punishments according to the gravity of crimes and punish more severely the crimes society regards as more serious. That purpose cannot justify any particular punishment as the upper limit of severity.

There is, then, no substantial reason to believe that the punishment of death, as currently administered, is necessary for the protection of society. The only other purpose suggested, one that is independent of protection for society, is retribution. Shortly stated, retribution in this context means that criminals are put to death because they deserve it.

Although it is difficult to believe that any State today wishes to proclaim adherence to "naked vengeance," *Trop* v. *Dulles,* 356 U.S., at 112 (BRENNAN, J., concurring), the States claim, in reliance upon its statutory authorization, that death is the only fit punishment for capital crimes and that this retributive purpose justifies its infliction. In the past, judged by its statutory authorization, death was considered the only fit punishment for the crime of forgery, for the first federal criminal statute provided a mandatory death penalty for that crime. Act of April 30, 1790, c, § 14, 1 Stat. 115. Obviously, concepts of justice change; no immutable moral order requires death for murderers and rapists. The claim that death is a just punishment necessarily refers to the existence of certain public beliefs. The claim must be that for capital crimes death alone comports with society's notion of proper punishment. As administered today, however, the punishment of death cannot be justified as a necessary means of exacting retribution from criminals. When the overwhelming number of criminals who commit capital crimes go to prison, it cannot be concluded that death serves the purpose of retribution more effectively than imprisonment. The asserted public belief that murderers and rapists deserve to die is flatly inconsistent with the execution of a random few. As the history of the punishment of death in this country shows, our society wishes to prevent crime; we have no desire to kill criminals simply to get even with them.

In sum, the punishment of death is inconsistent with all four principles: Death is an unusually severe and degrading punishment; there is a strong probability that it is inflicted arbitrarily; its rejection by contemporary society is virtually total; and there is no reason to believe that it serves any penal purpose more effectively than the less severe punishment of imprisonment. The function of these principles is to enable a court to determine whether a punishment comports with human dignity. Death, quite simply, does not.

IV

When this country was founded, memories of the Stuart horrors were fresh and severe corporal punishments were common. Death was not then a unique punishment. The practice of punishing criminals by death, moreover, was widespread and by and large acceptable to society. Indeed, without developed prison systems, there was frequently no workable alternative. Since that time, successive restrictions, imposed against the background of a continuing moral controversy, have drastically curtailed the use of this punishment. Today death is a uniquely and unusually severe punishment. When examined by the principles applicable under the Cruel and Unusual Punishments Clause, death stands condemned as fatally offensive to human dignity. The punishment of death is therefore "cruel and unusual," and the States may no longer inflict it as a punishment for crimes. Rather than kill an arbitrary handful of criminals each year, the States will confine them in prison. "The State thereby suffers nothing and loses no power. The purpose of punishment is fulfilled, crime is repressed by penalties of just, not tormenting, severity, its repetition is prevented, and hope is given for the reformation of the criminal." *Weems* v. *United States*, 217 U.S. at 381.

I concur in the judgments of the Court.

FOOTNOTES

[1] The Eighth Amendment provides: "Excessive bail shall not be required, nor excessive fines imposed, *nor cruel and unusual punishments inflicted.*" (Emphasis added.) The Cruel and Unusual Punishments Clause is fully applicable to the States through the Due Process Clause of the Fourteenth Amendment. *Robinson* v. *California*, 370 U.S. 660 (1962); *Gideon* v. *Wainwright*, 372 U.S. 335, 342 (1963); *Malloy* v. *Hogan*, 378 U.S. 1, 6 n. 6 (1964); *Powell* v. *Texas*, 392 U.S. 514 (1968).

[2] Henry continued:

"But Congress may introduce the practice of the civil law, in preference to that of the common law. They may introduce the practice of France, Spain, and Germany—of torturing, to extort a confession of the crime. They will say that they might as well draw examples from those countries as from Great Britain, and they will tell you that there is such a necessity of strengthening the arm of government, that they must have a criminal equity, and extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone." 3 Elliot's Debates 447–448 (2d ed. 1876). Although these remarks have been cited as evidence that the Framers considered only torturous punishments to be "cruel and unusual," it is obvious that Henry was referring to the use of torture for the purpose of eliciting confessions from suspected criminals. Indeed, in the ensuing colloquy, see n. 3, *infra*, George Mason responded that that use of torture was prohibited by the right against self-incrimination contained in the Virginia bill of rights.

[3] It is significant that the response to Henry's plea, by George Nicholas, was simply that a Bill of Rights would be ineffective as a means of restraining the legislative power to prescribe punishments: "But the gentleman says that, by this Constitution, they have power to make laws to define crimes and prescribe punishments; and that, consequently, we are not free from torture. . . . If we had no security against torture but our [Virginia] declaration of rights, we might be tortured tomorrow; for it has been repeatedly infringed and disregarded." 3 Elliot's Debates, *supra*, at 451. George Mason misinterpreted Nicholas's response to Henry:

"Mr. George Mason replied that the worthy gentleman was mistaken in his assertion that the [Virginia] bill of rights did not prohibit torture; for that one clause expressly provided that no man can give evidence against himself; and that the worthy gentleman must know that, in those countries where torture is used, evidence was extorted from the criminal himself. Another clause of the bill of rights provided that no cruel and unusual punishments shall be inflicted; therefore, torture was included in the prohibition." *Id.*, at 452.

Nicholas concluded the colloquy by making his point again:

"Mr. Nicholas acknowledged the [Virginia] bill of rights to contain that prohibition, and that the gentleman was right with respect to the practice of extorting confession from the criminal in those countries where torture is used; but still he saw no security arising from the bill of rights as separate from the Constitution, for that it had been frequently violated with impunity." *Ibid.*

There was thus no denial that the legislative power should be restrained; the dispute was whether a Bill of Rights would provide a realistic restraint. The Framers, obviously, believed it would.

[4] We have not been referred to any mention of the Cruel and Unusual Punishments Clause in the debates of the state legislatures on ratification of the Bill of Rights.

[5] The elided portion of Livermore's remarks reads: "What is meant by the terms excessive bail? Who are to be the judges? What is understood by excessive fines? It lies with the court to determine." Since Livermore did not ask similar rhetorical questions about the Cruel and Unusual Punishments Clause, it is unclear whether he included the Clause in his objection that the Eighth Amendment "seems to have no meaning in it."

[6] Indeed, the first federal criminal statute, enacted by the First Congress, prescribed 39 lashes for larceny and for receiving stolen goods, and one hour in the pillory for perjury. Act of April 30, 1790, c. 9, §§ 16–18, 1 Stat. 116.

[7] Many of the state courts, "feeling constrained thereto by the incidences of history," *Weems* v. *United States*, 217 U.S. 349, 376 (1910), were apparently taking the same position. One court "expressed the opinion that the provision did not apply to punishment by 'fine or imprisonment or both, but such as that inflicted at the whipping post, in the pillory, burning at the stake, breaking on the wheel,' etc." *Ibid.* Another court "said that ordinarily the terms imply something inhuman and barbarous, torture and the like. * * * Other cases * * * selected certain tyrannical acts of the English monarchs as illustrating the meaning of the clause and the extent of its prohibition." *Id.*, at 368.

[8] The Court had earlier emphasized this point in *In re Kemmler*, 136 U.S. 436 (1890), even while stating the narrow, "historical" interpretation of the Clause:

"This [English] Declaration of Rights had reference to the acts of the *executive* and *judicial* departments of the government of England; but the language in question as used in the constitution of the State of New York was intended particularly to operate upon the *legislature* of the State, to whose control the punishment of crime was almost wholly confided. So that, if the punishment prescribed for an offense against the laws of the State were manifestly cruel and unusual, * * * it would be the duty of the *courts* to adjudge such penalties to be within the constitutional prohibition. And we think this equally true of the [Clause], in its application to *Congress*." *Id.*, at 446–447 (emphasis added).

[9] Indeed, the Court in *Weems* refused even to comment upon some decisions from state courts because they were "based upon sentences of courts, not upon the constitutional validity of laws." 217 U.S., at 377.

[10] The Clause "may be therefore progressive, and is not fastened to the obsolete but may acquire meaning as public opinion becomes enlightened by a humane justice." *Weems* v. *United States*, 217 U.S., at 378.

[11] "It may be that even the cruelty of pain is not omitted. He must bear a chain night or day. He is condemned to painful as well as hard labor. What painful labor may mean we have no exact measure. It must be something more than hard labor. It may be hard labor pressed to the point of pain."

[12] "His prison bars and chains are removed, it is true, after twelve years, but he goes from them to a perpetual limitation of his liberty. He is forever kept under the shadow of his crime, forever kept within voice and view of the criminal magistrate, not being able to change his domicile without giving notice to the 'authority immediately in charge of his surveillance,' and without permission in writing. He may not seek, even in other scenes and among other people, to retrieve his fall from rectitude. Even that hope is taken from him and he is subject to tormenting regulations that, if not so tangible as iron bars and stone walls, oppress as much by their continuity, and deprive of essential liberty."

[13] "This punishment is offensive to cardinal principles for which the Constitution stands. It subjects the individual to a fate of ever-increasing fear and distress. He knows not what discriminations may be established against him, what proscriptions may be directed against him, and when and for what cause his existence in his native land may be terminated. He may be subject to banishment, a fate universally decried by civilized people. He is stateless, a condition deplored in the international community of democracies. It is no answer to suggest that all the disastrous consequences of this fate may not be brought to bear on a stateless person. The threat makes the punishment obnoxious." *Trop* v *Dulles*, 356 U.S. 86, 102 (1958). Cf. *id.*, at 110–111 (BRENNAN, J., concurring):

"[I]t can be supposed that the consequences of greatest weight, in terms of ultimate impact on the petitioner, are unknown and unknowable. Indeed, in truth, he may live out his life with but minor inconvenience. . . . Nevertheless it cannot be denied that the impact of expatriation—especially where statelessness is the upshot—may be severe. Expatriation, in this respect, constitutes an especially demoralizing sanction. The uncertainty, and the consequent psychological hurt, which must accompany one who becomes an outcast in his own land must be reckoned a substantial factor in the ultimate judgment."

[14] "It is cruel in its excess of imprisonment and that which accompanies and follows imprisonment. It is unusual in its character. Its punishments come under the condemnation of the bill of rights, both on account of their degree and kind." *Weems* v. *United States*, 217 U.S., at 377.

[15] "There may be involved no physical mistreatment, no primitive torture. There is instead the total destruction of the individual's status in organized society. It is a form of punishment more primitive than torture, for it destroys for the individual the political existence that was centuries in the development. The punishment strips the citizen of his status in the national and international political community. His very existence is at the sufferance of the country in which he happens to find himself. While any one country may accord him some rights, and presumably as long as he remained in this country he would enjoy the limited rights of an alien, no country need do so because he is stateless. Furthermore, his enjoyment of even the limited rights of an alien might be subject to termination at any time by reason of deportation. In short, the expatriate has lost the right to have rights." *Trop* v. *Dulles*, 356 U.S., at 101–102.

[16] "The phrase in our Constitution was taken directly from the English Declaration of Rights of 1688 . . ." *Trop* v. *Dulles, supra,* at 100.

[17] The specific incident giving rise to the provision was the perjury trial of Titus Oates in 1685. "None of the punishments inflicted upon Oates amounted to torture. . . . In the context of the Oates' case, 'cruel and unusual' seems to have meant a severe punishment unauthorized by statute and not within the jurisdiction of the court to impose." Granucci, "Nor Cruel and Unusual Punishments Inflicted:" The Original Meaning, 57 Calif. L. Rev. 839, 859 (1969). Thus, "[t]he irregularity and anomaly of Oates' treatment was extreme." Goldberg & Dershowitz, Declaring the Death Penalty Unconstitutional, 83 Harv. L. Rev. 1773, 1789 n. 74 (1970). Although the English provision was intended to restrain the judicial and executive power, see n. 8, *supra,* the principle is, of course, fully applicable under our Clause, which is primarily a restraint upon the legislative power.

[18] In a case from the Philippines Territory, the Court struck down a punishment that "ha[d] no fellow in American legislation." *Weems* v. *United States,* 217 U.S., at 377. After examining the punishments imposed, under both United States and Philippine law, for similar as well as more serious crimes, *id.,* at 380–381, the Court declared that the "contrast" exhibit[ed] a difference between unrestrained power and that which is exercised under the spirit of constitutional limitations formed to establish justice," *id.,* at 381. And in *Trop* v. *Dulles, supra,* in which a law of Congress punishing wartime desertion by expatriation was held unconstitutional, it was emphasized that "[t]he civilized nations of the world are in virtual unanimity that statelessness is not to be imposed as punishment for crime." *Id.,* at 102. When a severe punishment is not inflicted elsewhere, or when more serious crimes are punished less severely, there is a strong inference that the State is exercising arbitrary, "unrestrained power."

[19] In *Weems* v. *United States, supra,* at 369–370, the Court summarized the holding of *Wilkerson* v. *Utah* as follows:

"The court pointed out that death was an usual punishment for murder, that it prevailed in the Territory for many years, and was inflicted by shooting, also that the mode of execution was usual under military law. It was hence concluded that it was not forbidden by the Constitution of the United States as cruel or unusual."

[20] It was said in *Trop* v. *Dulles, supra,* at 100 n. 32, that "[o]n the few occasions this Court has had to consider the meaning of the [Clause], precise distinctions between cruelty and unusualness do not seem to have been drawn. . . . If the word 'unusual' is to have any meaning apart from the word 'cruel,' however, the meaning should be the ordinary one, signifying something different from that which is generally done." There are other statements in prior cases indicating that the word 'unusual' has a distinct meaning:

"We perceive nothing . . . unusual in this [punishment]." *Pervear* v. *The Commonwealth* 72 U.S. (5 Wall.) 475, 480 (1867). ". . . the judgment of mankind would be that the punishment was not only an unusual but a cruel one . . ." *O'Niel* v. *Vermont,* 144 U.S. 323, 340 (1892) (Field, J., dissenting). "It is unusual in its character." *Weems* v. *United States, supra,* at 377. "And the punishment inflicted . . . is certainly unusual." *United States ex rel. Milwaukee Social Democratic Pub. Co.* v. *Burleson,* 255 U.S. 407, 430 (1921) (Brandeis, J., dissenting). "The punishment inflicted is not only unusual in character; it is, so far as known, unprecedented in American legal history." *Id.,* at 435. "There is no precedent for it. What then is it, if it be not cruel, unusual and unlawful?" *Louisiana ex rel. Francis* v. *Resweber,* 329 U.S. 459, 479 (1947) (Burton J., dissenting). "To be sure, imprisonment for ninety days is not, in the abstract, a punishment that is either cruel or unusual." *Robinson* v. *California,* 370 U.S., at 667.

It is fair to conclude from these statements that "[w]hether the word 'unusual' has any qualitative meaning different from 'cruel' is not clear." *Trop* v. *Dulles, supra,* at 100 n. 32. The question, in any event, is of minor significance; this Court has never attempted to explicate the meaning of the Clause simply by parsing its words.

[21] The danger of subjective judgment is acute if the question posed is whether a punishment "shocks the most fundamental instincts of civilized man," *Louisiana ex rel. Francis* v. *Resweber, supra,* at 473 (Burton, J., dissenting), or whether "any man of right feeling and heart can refrain from shuddering," *O'Neil* v. *Vermont, supra,* at 340 (Field, J., dissenting), or whether "a cry of horror would rise from every civilized and Christian community of the country," *ibid.* Mr. Justice Frankfurter's separate opinion in *Louisiana ex rel. Francis* v. *Resweber, supra,* is instructive. He warned "against finding in personal disapproval a reflection of more or less prevailing condemnation" and against "enforcing . . . private view[s] rather than that consensus of society's opinion which, for purposes of due process, is the standard enjoined by the Constitution." *Id.,* at 471. His conclusions were as follows: "I cannot bring myself to believe that [the State's procedure] offends a principle of justice 'rooted in the traditions and conscience of our people.'" *Id.,* at 470. ". . . I cannot say that it would be 'repugnant to the conscience of mankind.'" *Id.,* at 471. Yet nowhere in the opinion is there any explanation of how he arrived at those conclusions.

[22] Cf. *Louisiana ex rel. Francis* v. *Resweber, supra,* at 463: "The traditional humanity of modern Anglo-American law forbids the infliction of unnecessary pain in the execution of the death sentence."

[23] It may, in fact, have appeared earlier. In *Pervear* v. *The Commonwealth,* 72 U.S., at 480, the Court stated:

"We perceive nothing excessive, or cruel, or unusual in this [punishment]. The object of the law was to protect the community against the manifold evils of intemperance. The mode adopted, of prohibiting under penalties the sale and keeping for sale of intoxicating liquors, without license, is the usual mode adopted in many, perhaps, all of the States. It is wholly within the discretion of State legislatures." This discussion suggests that the Court viewed the punishment as reasonably related to the purposes for which it was inflicted.

[24] Mr. Justice Field apparently based his conclusion upon an intuitive sense that the punishment was disproportionate to the criminal's moral guilt, although he also observed that "the punishment was greatly beyond anything required by any humane law for the offences," *O'Neil* v. *Vermont,* 144 U. S., at 340. Cf. *Trop* v. *Dulles,* 356 U. S., at 99: "Since wartime desertion is punishable by death, there can be no argument that the penalty of denationalization is excessive in relation to the gravity of the crime."

[25] "The State thereby suffers nothing and loses no power. The purpose of punishment is fulfilled, crime is repressed by penalties of just, not tormenting severity, its repetition is prevented, and hope is given for the reformation of the criminal." *Weems* v. *United States,* 217 U. S., at 381.

[26] The principle that a severe punishment must not be excessive does not, of course, mean that a severe punishment is constitutional merely because it is necessary. A State could not now, for example, inflict a punishment condemned by history, for any such punishment, no matter how necessary, would be intolerably offensive to human dignity. The point is simply that the unnecessary infliction of suffering is also offensive to human dignity.

[27] The Fifth Amendment provides: "No person shall be held to answer for a *capital,* or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . ; nor shall any person be subject for the same offense to be twice put in jeopardy of *life* or limb; . . . nor be deprived of *life,* liberty, or property, without due process of law . . . ." (Emphasis added.)

[28] No one, of course, now contends that the reference in the Fifth Amendment to "jeopardy of . . . limb" provides perpetual constitutional sanction for such corporal punishments as branding and earcropping, which were common punishments when the Bill of Rights was adopted. But cf. n. 29, *infra.* As the California Supreme Court pointed out with respect to the California Constitution: "The Constitution expressly proscribes cruel or unusual punishments. It would be mere speculation and conjecture to ascribe to the framers an intent to exempt capital punishment from the compass of that provision solely because at a time when the death penalty was commonly accepted they provided elsewhere in the Constitution for special safeguards in its application." *People* v. *Anderson,* 6 Cal. 3d 628, 639, 493 P. 2d 880, 887, 100 Cal. Rptr. 152, 159 (1972).

[29] Cf. *McGautha v. California,* 402 U.S. 183, 226 (1971) (separate opinion of Black, J.):

"The [Clause] forbids 'cruel and unusual punishments.' In my view, these words cannot be read to outlaw capital punishment because that penalty was in common use and authorized by law here and in the countries from which our ancestors came at the time the [Clause] was adopted. It is inconceivable to me that the framers intended to end capital punishment by the [Clause]."

Under this view, of course, any punishment that was in common use in 1791 is forever exempt from the Clause.

[30] The Court expressly noted that the constitutionality of the punishment itself was not challenged. *Wilkerson* v. *Utah,* 99 U.S. 130, 136–137 (1878). Indeed, it may be that the only contention made was that, in the absence of statutory sanction, the sentencing "court possessed no authority to prescribe the mode of execution." *Id.,* at 137.

[31] Cf. *McElvaine* v. *Brush,* 142 U.S. 155, 158–159 (189):

"We held in the case of *Kemmier* . . . that as the legislature of the State of New York had determined that [electrocution] did not inflict cruel and unusual punishment, and its courts had sustained that determination, we were unable to perceive that the State had thereby abridged the privileges or immunities of petitioner or deprived him of due process of law."

[32] It was also asserted that the Constitution prohibits "cruelty inherent in the method of punishment," but does not prohibit "the necessary suffering involved in any method employed to extinguish life humanely." 329 U.S., at 464. No authority was cited for this assertion, and in any event, the distinction drawn appears to be meaningless.

[33] In a nondeath case, *Trop* v. *Dulles,* 356 U.S. 86 (1958), it was said that *"in a day* when it is still *widely accepted,* [death] cannot be said to violate the constitutional concept of cruelty." *Id.,* at 99 (emphasis added). This statement, of course, left open the future constitutionality of the punishment.

[34] "That life is at stake is of course another important factor in creating the extraordinary situation. The difference between capital and noncapital offenses is the basis of differentiation in law in diverse ways in which the distinction becomes relevant." *Williams* v. *Georgia,* 349 U.S. 375, 391 (1955) (Frankfurter, J.). "When the penalty is death, we, like state court judges, are tempted to strain the evidence and even, in close

cases, the law in order to give a doubtfully condemned man another chance." *Stein* v. *New York*, 346 U.S. 156, 196 (1953) (Jackson, J.). "In death cases doubts such as those presented here should be resolved in favor of the accused." *Andres* v. *United States*, 333 U.S. 740, 752 (1948) (Reed, J.). Mr. Justice Harlan expressed the point strongly: "I do not concede that whatever process is 'due' an offender faced with a fine or a prison sentence necessarily satisfies the requirements of the Constitution in a capital case. The distinction is by no means novel, . . . nor is it negligible, being literally that between life and death." *Reid* v. *Covert*, 354 U.S. 1, 77 (1957) (concurring opinion). And, of course, for many years this Court distinguished death cases from all others for purposes of the constitutional right to counsel. See *Powell* v. *Alabama*, 287 U.S. 45 (1932); *Betts* v. *Brady*, 316 U.S. 455 (1942); *Bute* v. *Illinois*, 333 U.S. 640 (1948).

[35] See Report of Royal Commission on Capital Punishment 1949–1953, at 246–273 (1953); Hearings before a Subcommittee of the Senate Judiciary Committee on S. 1760, 90th Cong., 2d Sess., 19–21 (1970) (testimony of Clinton Duffy); H. Barnes & N. Teeters, New Horizons in Criminology 306–309 (3d ed. 1959); C. Chessman, Trial by Ordeal 195–202 (1955); M. DiSalle, The Power of Life and Death 84–85 (1965); C. Duffy, 88 Men and 2 Women 13–14 (1962); B. Eshelman, Death Row Chaplain 26–29, 101–104, 159–164 (1962); R. Hammer, Between Life and Death 208–212 (1969); K. Lamott, Chronicles of San Quentin 228–231 (1961); L. Lawes, Life and Death in Sing Sing 170–171 (1928); Rubin, The Supreme Court, Cruel and Unusual Punishment, and the Death Penalty, 15 Crime & Delinquency 121, 128–129 (1969); Comment, The Death Penalty Cases, 56 Calif. L. Rev. 1268, 1338–1341 (1968); Brief *amici curiae* filed by James V. Bennett, Clinton T. Duffy, Robert G. Sarver, Harry C. Tinsley, and Lawrence E. Wilson, at 12–14.

[36] See H. Barnes & N. Teeters, New Horizons in Criminology 309–311 (3d ed. 1959); Camus, Reflections on the Guillotine, in A. Camus, Resistance, Rebellion, and Death 131, 151–156 (1960); C. Duffy, 88 Men and 2 Women 68–70, 254 (1962); R. Hammer, Between Life and Death 222–235, 244–250, 269–272 (1969); S. Rubin, The Law of Criminal Correction 340 (1963); Bluestone & McGahee, Reaction to Extreme Stress: Impending Death by Execution, 119 Amer. J. Psychiatry 393 (1962); Gottlieb, Capital Punishment, 15 Crime and Delinquency 1, 8–10 (1969); West, Medicine and Capital Punishment, in Hearings before a Subcommittee of the Senate Judiciary Committee on S. 1760, 90th Cong., 2d Sess., 124 (1970); Ziferstein, Crime and Punishment, The Center Magazine 84 (Jan. 1968); Comment, The Death Penalty Cases, 56 Calif. L. Rev. 1268, 1342 (1968); Note, Mental Suffering under Sentence of Death, 57 Iowa L. Rev. 814 (1972).

[37] The State, of course, does not purposely impose the lengthy waiting period in order to inflict further suffering. The impact upon the individual is not the less severe on that account. It is no answer to assert that long delays exist only because condemned criminals avail themselves of their full panoply of legal rights. The right not to be subjected to inhuman treatment cannot, of course, be played off against the right to pursue due process of law, but, apart from that, the plain truth is that it is society that demands, even against the wishes of the criminal, that all legal avenues be explored before the execution is finally carried out.

[38] It was recognized in *Trop* itself that expatriation is a "punishment short of death." 356 U.S., at 99. Death, however, was distinguished on the ground that it was "still widely accepted." *Ibid.*

[39] Stephen, Capital Punishments, 69 Fraser's Magazine 753, 763 (1864).

[40] From 1930 to 1939: 155, 153, 140, 160, 168, 199, 195, 147, 190, 160. From 1940 to 1949: 124, 123, 147, 131, 120, 117, 131, 153, 119, 119. From 1950 to 1959: 82, 105, 83, 62, 81, 76, 65, 65, 49, 49. From 1960 to 1967: 56, 42, 47, 21, 15, 7, 1, 2. National Prisoner Statistics No. 46, Capital Punishment 1930–1970, at 8 (August 1971). The last execution in the United States took place on June 2, 1967. *Id.*, at 4.

[41] 1961—140; 1962—103; 1963—93; 1964— 1965—19; 1966—17; 1967—13; 1968—16; 1969—20; 1970—29. National Prisoner Statistics, *supra*, n. 40, at 9.

[42] Commutations averaged about 18 per year. 1961—17; 1962—27; 1963—16; 1964—9; 1965—19; 1966—17; 1967—13; 1968—16; 1969—20; 1970—29. National Prisoner Statistics, *supra*, n. 40, at 9.

[43] Transfers to mental institutions averaged about three per year, 1961—3; 1962—4; 1963—1; 1964—3; 1965—4; 1966—3; 1967—3; 1968—2; 1969—1; 1970—5. National Prisoner Statistics, *supra*, n. 40, at 9.

[44] These four methods of disposition averaged about 44 per year. 1961—31, 1962—30; 1963—32; 1964—58; 1965—39; 1966—33; 1967—53; 1968—59; 1969—64; 1970—42. National Prisoner Statistics, *supra*, n. 40, at 9, Specific figures are available starting with 1967. Resentences: 1967—7; 1968—18; 1969—12; 1970—14. Grants of new trials and orders for resentencing: 1967—31; 1968—21; 1969—13; 1970—9. Dismissals of indictments and reversals of convictions: 1967—12; 1968—19; 1969—33; 1970—17. Deaths by suicide and natural causes: 1967—2; 1968—1; 1969—5; 1970—2. National Prisoner Statistics No. 42, Executions 1930–1967, at 13 (June 1968); National Prisoner Statistics No. 45, Capital Punishment 1930–1968, at 12 (August 1969); National Prisoner Statistics, *supra*, n. 40, at 14–15.

[45] National Prisoner Statistics, *supra*, n. 40, at 9.

[46] During that 10-year period, 1,177 prisoners entered death row, including 120 who were returned following new trials or treatment at mental institutions. There were 653 dispositions other than by execution, leaving 524 prisoners who might have been executed, of whom 135 actually were. National Prisoner Statistics, *supra*, n. 40, at 9.

[47] National Prisoner Statistics, *supra*, n. 40, at 8.

[48] The victim surprised Furman in the act of burglarizing the victim's home in the middle of the night. While escaping, Furman killed the victim with one pistol shot fired through the closed kitchen door from the outside. At the trial, Furman gave his version of the killing:

"They got me charged with murder and I admit, I admit going to these folks' home and they did caught me in there and I was coming back out, backing up and there was a wire down there on the floor. I was coming out backwards and fell back and I didn't intend to kill nobody. I didn't know they was behind the door. The gun went off and I didn't know nothing about no murder until they arrested me, and when the gun went off I was down on the floor and I got up and ran. That's all to it." App. 54–55.

The Georgia Supreme Court accepted that version:

"The admission in open court by the accused . . . that during the period in which he was involved in the commission of a criminal act at the home of the deceased, he accidentally tripped over a wire in leaving the premises causing the gun to go off, together with other facts and circumstances surrounding the death of the deceased by violent means, was sufficient to support the verdict of guilty of murder. . . ." *Furman* v. *State*, 225 Ga. 253, 254, 167 S. E. 2d 628, 629 (1969).

About Furman himself, the jury knew only that he was black and that, according to his statement at trial, he was 26 years old and worked at "Superior Upholstery." App. 54. It took the jury one hour and 35 minutes to return a verdict of guilt and a sentence of death. *Id.*, at 64–65.

[49] T. Sellin, The Death Penalty, A Report for the Model Penal Code Project of the American Law Institute 15 (1959).

[50] Eight States still employ hanging as the method of execution, and one, Utah, also employs shooting. These nine States have accounted for less than 3% of the executions in the United States since 1930. National Prisoner Statistics, *supra*, n. 40, at 10–11.

[51] National Prisoner Statistics, *supra*, n. 40, at 8.

[52] Alaska, Hawaii, Iowa, Maine, Michigan, Minnesota, Oregon, West Virginia, and Wisconsin have abolished death as a punishment for crimes. National Prisoner Statistics, *supra*, n. 40, at 50. In addition, the California Supreme Court held the punishment unconstitutional under the state counterpart of the Cruel and Unusual Punishments Clause. *People v. Anderson*, 6 Cal. 3d 628, 493 P. 2d 880, 100 Cal. Rptr. 152 (1972).

[53] New Mexico, New York, North Dakota, Rhode Island, and Vermont have almost totally abolished death as a punishment for crimes. National Prisoner Statistics, *supra*, n. 40, at 50. Indeed, these five States might well be considered *de facto* abolition States. North Dakota and Rhode Island. which restricted the punishment in 1915 and 1852 respectively, have not carried out an execution since at least 1930, *id.*, at 10; nor have there been any executions in New York, Vermont, or New Mexico since they restricted the punishment in 1965, 1965, and 1969 respectively, *id.*, at 10–11. As of January 1, 1971, none of the five States had even a single prisoner under sentence of death. *Id* , at 18–19.

In addition, six States, while retaining the punishment on the books in generally applicable form, have made virtually no use of it. Since 1930, Idaho, Montana, Nebraska, New Hampshire, South Dakota, and Wyoming have carried out a total of 22 executions. *Id.*, at 10–11. As of January 1, 1971. these six States had a total of three prisoners under sentences of death. *Id.*, at 18–19. Hence, assuming 25 executions in 42 years, each State averaged about one execution every 10 years.

[54] There is also the more limited argument that death is a necessary punishment when criminals are already serving or subject to a sentence of life imprisonment. If the only punishment available is further imprisonment, it is said, those criminals will have nothing to lose by committing further crimes, and accordingly the threat of death is the sole deterrent. But "life" imprisonment is a misnomer today. Rarely, if ever, do crimes carry a mandatory life sentence without possibility of parole. That possibility ensures that criminals do not reach the point where further crimes are free of consequences. Moreover, if this argument is simply an assertion that the threat of death is a more effective deterrent than the threat of increased imprisonment by denial of release on parole, then, as noted above, there is simply no evidence to support it.

Mr. Justice Stewart, Concurring

The penalty of death differs from all other forms of criminal punishment, not in degree but in kind. It is unique in its total irrevocability. It is unique in its rejection of rehabilitation of the convict as a basic purpose of criminal justice. And it is unique, finally, in its absolute renunciation of all that is embodied in our concept of humanity.

For these and other reasons, at least two of my Brothers have concluded that the infliction of the death penalty is constitutionally impermissible in all circumstances under the Eighth and Fourteenth Amendments. Their case is a strong one. But I find it unnecessary to reach the ultimate question they would decide. See *Ashwander* v. *Tennessee Valley Authority*, 397 U.S. 288, 347 (Brandeis, J., concurring).

The opinions of other Justices today have set out in admirable and thorough detail the origins and judicial history of the Eighth Amendment's guarantee against the infliction of cruel and unusual punishments[1] and the origin and judicial history of capital punishment.[2] There is thus no need for me to review the historical materials here, and what I have to say can, therefore, be briefly stated.

Legislatures—state and federal—have sometimes specified that the penalty of death shall be the mandatory punishment for every person convicted of engaging in certain designated criminal conduct. Congress, for example, has provided that anyone convicted of acting as a spy for the enemy in time of war shall be put to death.[3] The Rhode Island Legislature has ordained the death penalty for a life term prisoner who commits murder.[4] Massachusetts has passed a law imposing the death penalty upon anyone convicted of murder in the commission of a forcible rape.[5] An Ohio law imposes the mandatory penalty of death upon the assassin of the President of the United States or the Governor of a State.[6]

If we were reviewing death sentences imposed under these or similar laws, we would be faced with the need to decide whether capital punishment is unconstitutional for all crimes and under all circumstances. We would need to decide whether a legislature—state or federal—could constitutionally determine that certain criminal conduct is so atrocious that society's interest in deterrence and retribution wholly outweighs any considerations of reform or rehabilitation of the perpetrator, and that, despite the inconclusive empirical evidence,[7] only the automatic penalty of death will provide maximum deterrence.

On that score I would say only that I cannot agree that retribution is a constitutionally impermissible ingredient in the imposition of punishment. The instinct for retribution is part of the nature of man, and channeling that instinct in the administration of criminal justice serves an important purpose in promoting the stability of a society governed by law. When people begin to believe that organized society is unwilling or unable to impose upon criminal offenders the punishment they "deserve," then there are sown the seeds of anarchy—of self-help, vigilante justice, and lynch law.

The constitutionality of capital punishment in the abstract is not, however, before us in these cases. For the Georgia and Texas legislatures have not provided that the death penalty shall be imposed upon all those who are found gulity of forcible rape.[8] And the Georgia Legislature has not ordained that death shall be the automatic punishment for murder.[9] In a word, neither State has made a legislative determination that forcible rape and murder can be deterred only by imposing the penalty of death upon all who perpetrate these offenses. As Mr. Justice White so tellingly puts it, the "legislative will is not frustrated if the penalty is never imposed." *Ante*, p. —.

Instead, the death sentences now before us are the product of a legal system that brings them, I believe, within the very core of the Eighth Amendment's guarantee against cruel and unusual punishments, a guarantee applicable against the States through the Fourteenth Amendment. *Robinson* v. *California*, 370 U.S. 660. In the first place, it is clear that these sentences are "cruel" in the sense that they excessively go beyond, not in degree but in kind, the punishments that the state legislatures have determined to be necessary. *Weems* v. *United States*, 217 U.S. 349. In the second place, it is equally clear that these sentences are "unusual" in the sense that the penalty of death is infrequently imposed for murder, and that its imposition for rape is extraordinarily rare.[10] But I do not rest my conclusion upon these two propostions alone.

These death sentences are cruel and unusual in the same way that being struck by lighting is cruel and unusual. For, of all the people convicted of rapes and murders in 1967 and 1968,[11] many just as a reprehensible as these, the petitioners are among a capriciously selected random handful upon whom the sentence of death has in fact been imposed.[12] My concurring Brothers have demonstrated that, if any basis can be discerned for the selection of these few to be sentenced to die, it is the constitutionally impermissible basis of race.[13] See *McLaughlin* v. *Florida*, 370 U.S. 184. But racial discrimination has not been proved,[14] and I put it to one side. I simply conclude that the Eighth and Fourteenth Amendments cannot tolerate the infliction of a sentence of death under legal systems that permit this unique penalty to be so wantonly and so freakishly imposed.

For these reasons I concur in the judgments of the Court.

FOOTNOTES

[1] See dissenting opinion of The Chief Justice, post, at 2–5; concurring opinion of Mr. Justice Douglas, *ante*, at 3–5; concurring opinion of Mr. Justice Brennan, *ante*, at 2–13; concurring opinion of Mr. Justice Marshall, *post*, at 3–16; dissenting opinion of Mr. Justice Blackmun, *post*, at 2–5; dissenting opinion of Mr. Justice Powell, *post*, at 8–14.

[2] See dissenting opinion of The Chief Justice, *post*, at 6–7; concurring opinion of Mr. Justice Brennan, *ante*, at 26–29; concurring opinion of Mr. Justice Marshall, *post*, at 20–29; dissenting opinion of Mr. Justice Powell, *post*, at 8–11.

[3] 10 U.S.C. § 906.

[4] 3 General Laws of Rhode Island § 11–23–2.

[5] Massachusetts General Laws, c. 265, § 2.

[6] Ohio Revised Code, Tit. 29, §§ 2901.09 and 2901.10.

[7] Many statistical studies—comparing crime rates in jurisdiction with and without capital punishment and in jurisdictions before and after abolition of capital punishment—have indicated that there is little, if any, measurable deterrent effect. See The Death Penalty in America 258–332 (H. Bedau ed. 1964). There remains uncertainty, however, because of the difficulty of identifying and holding constant all other relevant variables. See Comment, The Death Penalty Cases, 56 Calif. Law Review 1268, 1275–1292. See also dissenting opinion of The Chief Justice, *post*, at 21–22; concurring opinion of Mr. Justice Marshall, *post*, at 34–42.

[8] Georgia law at the time of the conviction and sentencing of the petitioner in No. 69–5030, left the jury a choice between the death penalty, life imprisonment or "imprisonment and labor in the penitentiary for not less than one year nor more than 20 years." Ga. Code Ann. § 26–1302 (Supp. 1971) (effective prior to July 1, 1969). The current Georgia provision for the punishment of forcible rape continues to leave the same broad sentencing leeway. Ga. Crim. Code 26–2001 (Supp. 1971) (effective July 1, 1969). Texas law, under which the petitioner in 69–5031 was sentenced, provides that a "person guilty of rape shall be punished by death or by confinement in the penitentiary for life, or any term of years not less than five." Texas Penal Code Ann., Art. 1189.

[9] Georgia law, under which the petitioner in No. 69–5003, was sentenced, left the jury a choice between the death penalty and life imprisonment. Ga. Code Ann. § 26–1005 (effective prior to July 1, 1969). Current Georgia law provides for similar sentencing leeway. Ga. Crim. Code § 26–1101 (effective July 1, 1969).

[10] See dissenting opinion of The Chief Justice, *post*, at 13 n. 11; concurring opinion of Mr. Justice Brennan, *ante*, at 35–37.

[11] Petitioner Branch was sentenced to death in a Texas court on July 26, 1967. Petitioner Furman was sentenced to death in a Georgia court on September 20, 1968. Petitioner Jackson was sentenced to death in a Georgia court on December 10, 1968.

[12] A former United States Attorney General has testified before the Congress that only a "small and capricious selection of offenders have been put to death. Most persons convicted of the same crimes have been imprisoned." Statement by Attorney General Clark before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, July 2, 1968, Department of Justice Release 2.

In *McGautha* v. *California*, 402 U.S. 183, the Court dealt with claims under the Due Process and Equal Protection Clauses of the Fourteenth Amendment. We expressly declined in that case to consider claims under the constitutional guarantee against cruel and unusual punishments. See 398 U.S. 936 (limited grant of certiorari).

[13] See concurring opinion of Mr. Justice Douglas, *ante*, at 10–11; concurring opinion of Mr. Justice Marshall, *post*, at 53, n. 155.

[14] Cf. Note, A Study of the California Penalty Jury in First-Degree Murder Cases, 21 Stan. L. Rev. 1297 (1969); dissenting opinion of The Chief Justice, *post* at 15–16 n. 12.

MR. JUSTICE WHITE, CONCURRING

The facial constitutionality of statutes requiring the imposition of the death penalty for first degree murder, for more narrowly defined categories of murder or for rape would present quite different issues under the Eighth Amendment than are posed by the cases before us. In joining the Court's judgment, therefore, I do not at all intimate that the death penalty is unconstitutional *per se* or that there is no system of capital punishment that would comport with the Eighth Amendment. That question, ably argued by several of my Brethren, is not presented by these cases and need not be decided.

The narrower question to which I address myself concerns the constitutionality of capital punishment statutes under which (1) the legislature authorizes the imposition of the death penalty for murder or rape; (2) the legislature does not itself mandate the penalty in any particular class or kind of case (that is, legislative will is not frustrated if the penalty is never imposed) but delegates to judges or juries the decisions as to those cases, if any, in which the penalty will be utilized; and (3) judges and juries have ordered the death penalty with such infrequency that the odds are now very much against imposition and execution of the penalty with respect to any convicted murderer or rapist. It is in this context that we must consider whether the execution of these petitioners violates the Eighth Amendment.

I begin with what I consider a near truism: that the death penalty could so seldom be imposed that it would cease to be a credible deterrent or measurably to contribute to any other end of punishment in the criminal justice system. It is perhaps true that no matter how infrequently those convicted of rape or murder are executed, the penalty so imposed is not disproportionate to the crime and those executed may deserve exactly what they received. It would also be clear that executed defendants are finally and completely incapacitated from again committing rape or murder or any other crime. But when imposition of the penalty reaches a certain degree of infrequency, it would be very doubtful that any existing general need for retribution would be measurably satisfied. Nor could it be said with confidence that society's need for specific deterrence justifies death for so few when for so many in like circumstances life imprisonment or shorter prison terms are judged sufficient, or that community values are measurably reenforced by authorizing a penalty so rarely invoked.

Most important, a major goal of the criminal law—to deter others by punishing the convicted criminal—would not be substantially served where the penalty is so seldom invoked that it ceases to be the credible threat essential to influence the conduct of others.

For present purposes I accept the morality and utility of punishment one person to influence another. I accept also the effectiveness of punishment generally and need not reject the death penalty as a more effective deterrent than a lesser punishment. But common sense and experience tell us that seldom-enforced laws become ineffective measures for controlling human conduct and that the death penalty, unless imposed with sufficient frequency, will make little contribution to deterring those crimes for which it may be exacted.

The imposition and execution of the death penalty are obviously cruel in the dictionary sense. But the penalty has not been considered cruel and unusual punishment in the constitutional sense because it was thought justified by the social ends it was deemed to serve. At the moment that it ceases realistically to further these purposes, however, the emerging question is whether its imposition in such circumstances would violate the Eighth Amendment. It is my view that it would, for its imposition would then be the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State would be patently excessive and cruel and unusual punishment violative of the Eighth Amendment.

It is also my judgment that this point has been reached with respect to capital punishment as it is presently administered under the statutes involved in these cases. Concededly, it is difficult to prove as a general proposition that capital punishment, however administered, more effectively serves the ends of the criminal law than does imprisonment. But however that may be, I cannot avoid the conclusion that as the statutes before us are now administered, the penalty is so infrequently imposed that the threat of execution is too attenuated to be of substantial service to criminal justice.

I need not restate the facts and figures that appear in the opinions of my Brethren. Nor can I "prove" my conclusion from these data. But like my Brethren, I must arrive at judgment; and I can do no more than state a conclusion based on 10 years of almost daily exposure to the facts and circumstances of hundreds and hundreds of federal and state criminal cases involving crimes for which death is the authorized penalty. That conclusion, as I have said, is that the death penalty is exacted with great infrequency even for the most atrocious crimes and that there is no meaningful basis for distinguishing the few cases in which it is imposed from the many cases in which it is not. The short of it is that the policy of vesting sentencing authority primarily in juries—a decision largely motivated by the desire to mitigate the harshness of the law and to bring community judgment to bear on the sentence as well as guilt or innocence—has so effectively achieved its aims that capital punishment within the confines of the statutes now before us has for all practical purposes run its course.

Judicial review, by definition, often involves a conflict between judicial and legislative judgment as to what the Constitution means or requires. In this respect, Eighth Amendment cases come to us in no different posture. It seems conceded by all that the Amendment imposes some obligations on the judiciary to judge the constitutionality of punishment and that there are punishments that the Amendment would bar whether legislatively approved or not. Inevitably, then, there will be occasions when we will differ with Congress or state legislatures with respect to the validity of punishment. There will also be cases in which we shall strongly disagree among ourselves. Unfortunately, this is one of them. But as I see it, this case is no different in kind from many others, although it may have wider impact and provoke sharper disagreement.

In this respect, I add only that past and present legislative judgment with respect to the death penalty loses much of its force when viewed in light of the recurring practice of delegating sentencing authority to the jury and the fact that a jury, in its own discretion and without violating its trust or any statutory policy, may refuse to impose the death penalty no matter what the circumstances of the crime. Legislative "policy" is thus necessarily defined not by what is legislatively authorized but by what juries and judges do in exercising the discretion so regularly conferred upon them. In my judgment what was done in these cases violated the Eighth Amendment.

I concur in judgments of the Court.

MR. JUSTICE MARSHALL, CONCURRING

These three cases present the question whether the death penalty is a cruel and unusual punishment prohibited by the Eighth Amendment to the United States Constitution.[1]

In No. 69–5003, Furman was convicted of murder for shooting the father of five children when he discovered that Furman had broken into his home early one morning. No. 69–5030 and 69–5031 involve state convictions for forcible rape. Jackson was found guilty of rape during the course of a robbery in the victim's home. The rape was accomplished as he held the pointed ends of scissors at the victim's throat. Branch also was convicted of a rape committed in the victim's home. No weapon was utilized, but physical force and threats of physical force were employed.

The criminal acts with which we are confronted are ugly, vicious, reprehensible acts. Their sheer brutality cannot and should not be minimized. But, we are not called upon to condone the penalized conduct; we are asked only to examine the penalty imposed on each of the petitioners and to determine whether or not it violates the Eighth Amendment. The question then is not whether we condone rape or murder, for surely we do not; it is whether capital punishment is "a punishment no longer consistent with our self-respect"[2] and, therefore, violative of the Eighth Amendment.

The elasticity of the constitutional provision under consideration presents dangers of too little or too much self-restraint.[3] Hence, we must proceed with caution to answer the question presented.[4] By first examining the historical derivation of the Eighth Amendment and the construction given it in the past by this Court, and then exploring the history and attributes of capital punishment in this country, we can answer the question presented with objectivity and a proper measure of self-restraint.

Candor is critical to such an inquiry. All relevant material must be marshalled and sorted and forthrightly examined. We must not only be precise as to the standards of judgment which we are utilizing, but exacting in examining the relevant material in light of those standards.

Candor compels me to confess that I am not oblivious to the fact that this is truly a case of life and death. Hanging in the balance are not only the lives of these three petitioners, but those of the almost 600 other condemned men and women in this country currently awaiting execution. While this fact cannot affect our ultimate decision, it necessitates that the decision be free from any possibility of error.

I

The Eighth Amendment's bar against cruel and unusual punishments derives from English law. In 1583, John Whitgift, Archbishop of Canterbury, turned the High Commission into a permanent ecclesiastical court, and the Commission began to use torture to extract confessions from persons suspected of various offenses.[5] Sir Robert Beale protested that cruel and barbarous torture violated Magna Carta, but his protests were made in vain.[6]

Cruel punishments were not confined to those accused of crimes, but were notoriously applied with even greater relish to those who were convicted. Blackstone described in ghastly detail the myriad of inhumane forms of punishment imposed on persons found guilty of any of a large number of offenses.[7] Death, of course, was the usual result.[8]

The treason trials of 1685—the "Bloody Assize"—which followed an abortive rebellion by the Duke of Monmouth, marked the culmination of the parade of horrors, and most historians believe that it was this event which finally spurred the adoption of the English Bill of Rights containing the progenitor of our prohibition against cruel and unusual punishments.[9] The conduct of Chief Justice Jefferies at those trials has been described as an "insane lust for cruelty" which was "stimulated by orders from the King" (James II).[10] The assize received wide publicity from Puritan pamphleteers and doubtless had some influence on the adoption of a cruel and unusual punishments clause. But, the legislative history of the English Bill of Rights of 1689 indicates that the assize may not have been as critical to the adoption of the clause as is widely thought. After William and Mary of Orange crossed the channel to invade England, James II fled. Parliament was summoned into session and a committee was appointed to draft general statements containing "such things as are absolutely necessary to be considered for the better securing of our religion, laws, and liberties."[11] An initial draft of the Bill of Rights prohibited "illegal" punishments, but a later draft referred to the infliction by James II of "illegal and cruel" punishments, and declared "cruel and unusual" punishments to be prohibited.[12] The use of the word "unusual" in the final draft appears to be inadvertent.

This legislative history has led at least one legal historian to conclude "that the cruel and unusual punishments clause of the Bill of Rights of 1689 was first, an objection to the imposition of punishments which were unauthorized by statute and outside the jurisdiction of the sentencing courts, and second, a reiteration of the English policy against disproportionate penalties,"[13] and not primarily a reaction to the torture of the High Commission, harsh sentences, or the assize.

Whether the English Bill of Rights prohibition against cruel and unusual punishments is properly read as a response to excessive or illegal punishments, as a reaction to barbaric and objectionable modes of punishment, or as both, there is no doubt whatever that in borrowing the language and in including it in the Eighth Amendment, our Founding Fathers intended to outlaw torture and other cruel punishments.[14]

The precise language used in the Eighth Amendment first appeared in America on June 12, 1776, in Virginia's "Declaration of Rights," § 9 of which read: "That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."[15] This language was drawn verbatim from the English Bill of Rights of 1689. Other States adopted similar clauses,[16] and there is evidence in the debate of the various state conventions which were called upon to ratify the Constitution of great concern for the omission of any prohibition against torture or other cruel punishments.[17]

The Virginia Convention offers some clues as to what the Founding Fathers had in mind in prohibiting cruel and unusual punishments. At one point George Mason advocated the adoption of a Bill of Rights, and Patrick Henry concurred, stating:

"By this Constitution, some of the best

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barriers of human rights are thrown away. Is there not an additional reason to have a bill of rights? . . . Congress, from their general powers, may fully go into business of human legislation. They may legislate, in criminal cases, from treason to the lowest offence—petty larceny. They may define crimes and prescribe punishments. In the definition of crimes, I trust they will be directed by what wise representatives ought to be governed by. But when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives. What says our bill of rights?—'that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.' Are you not, therefore, now calling on those gentlemen who are to compose Congress, to prescribe trials and define punishments without this control? Will they find sentiments there similar to this bill of rights? You let them loose; you do more—you depart from the genius of your country. . . .

"In this business of legislation, your members of Congress will loose the restriction of not imposing excessive fines, demanding excessive bail, and inflicting cruel and unusual punishments. These are prohibited by your declaration of rights. What has distinguished our ancestors?—That they would not admit of tortures, or cruel and barbarous punishment. But Congress may introduce the practice of the civil law, in preference to that of the common law. They may introduce the practice of France, Spain, and Germany—of torturing, to extort a confession of the crime. They will say that they might as well draw examples from those countries as from Great Britain, and they will tell you that there is a necessity of strengthening the arm of government, that they must have a criminal equity, and extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone." [18]

Henry's statement indicates that he wished to insure that cruel modes of punishment would be prohibited by the Constitution. Other expressions with respect to the proposed Eighth Amendment by Members of the First Congress indicate that they shared Henry's view of the need for and purpose of the cruel and unusual punishment clause.[19]

Thus, the history of the clause clearly establishes that it was intended to prohibit cruel punishments. We must now turn to the case law to discover the manner in which courts have given meaning to the term "cruel."

II

This Court did not squarely face the task of interpreting the cruel and unusual punishments language for the first time until *Wilkerson* v. *Utah*, 99 U.S. 130 (1878), although the language received a cursory examination in several prior cases. See, *e.g.*, *Pervear* v. *Commonwealth*, 72 U.S. (5 Wall.) 475 (1866). In *Wilkerson*, the Court unanimously upheld a sentence of public execution by shooting imposed pursuant to a conviction for premeditated murder. In his opinion for the Court, Mr. Justice Clifford wrote:

"Difficulty would attend the effort to define with exactness the extent of the constitutional provision which provides that cruel and unusual punishments shall not be inflicted; but it is safe to affirm that punishments of torture, . . . and all others in the same line of unnecessary cruelty, are forbidden by that amendment to the Constitution." 99 U.S., at 134.

Thus, the Court found that unnecessary cruelty was no more permissible than torture. To determine whether the punishment under attack was unnecessarily cruel, the Court examined the history of the Utah territory and the then current writings on capital punishment, and compared this Nation's practices with those of other countries. It is apparent that the Court felt it could not dispose of the question simply by referring to traditional practices; instead, it felt bound to examine developing thought.

Twelve years passed before the Court again faced a challenge to a specific punishment under the Eighth Amendment. In the case of *In re Kemmler*, 136 U.S. 436 (1890), Chief Justice Fuller wrote an opinion for a unanimous court upholding electrocution as a permissible mode of punishment. While the Court ostensibly held that the Eighth Amendment did not apply to the States, it is very apparent that the nature of the punishment involved was examined under the Due Process Clause of the Fourteenth Amendment. The Court held that the punishment was not objectionable. Today, *Kemmler* stands primarily for the proposition that a punishment is not necessarily unconstitutional simply because it is unusual, so long as the legislature has a humane purpose in selecting it.[20]

Two years later in *O'Neill* v. *Vermont*, 144 U.S. 323 (1892), the Court reaffirmed that the Eighth Amendment was not applicable to the States. O'Neill was found guilty on 307 counts of selling liquor in violation of Vermont law. A fine of $6,140 ($20 for each offense) and the costs of prosecution ($497.96) were imposed. O'Neill was committed to prison until the fine and the costs were paid; and the Court provided that if they were not paid before a specified date, O'Neill was to be confined in the house of corrections for 19,914 days (approximately 54 years) at hard labor. Three Justices—Field, Harlan, and Brewer—dissented. They maintained not only that the cruel and unusual punishments clause was applicable to the States, but that in O'Neill's case it had been violated. Mr. Justice Field wrote:

"That designation [cruel and unusual], it is true, is usually applied to punishments which inflict torture, such as the rack, the thumbscrew, the iron boot, the stretching of limbs and the like, which are attended with acute pain and suffering. . . . The inhibition is directed not only against punishments of the character mentioned, but against all punishments which by their excessive length or severity are greatly disproportioned to the offenses charged. The whole inhibition is against that which is excessive. . . ." 144 U.S., at 339–340.

In *Howard* v. *Fleming*, 191 U.S. 126 (1903), the Court, in essence, followed the approach advocated by the dissenters in *O'Neill*. In rejecting the claim that 10-year sentences for conspiracy to defraud were cruel and unusual the Court (per Mr. Justice Brewer) considered the nature of the crime, the purpose of the law, and the length of the sentence imposed.

The Court used the same approach seven years later in the landmark case of *Weems* v. *United States*, 217 U.S. 349 (1910). Weems, an officer of the Bureau of Coast Guard and Transportation of the United States Government of the Philippine Islands, was convicted of falsifying a "public and official document." He was sentenced to 15 years incarceration at hard labor with chains on his ankles, to an unusual loss of his civil rights, and to perpetual surveillance. Called upon to determine whether this was a cruel and unusual punishment, the Court found that it was.[21] The Court emphasized that the Constitution was not an "ephemeral" enactment nor one "designed to meet passing occasions." [22] Recognizing that "[t]ime works changes, [and] brings into existence new conditions and purposes," [23] the Court commented that "[i]n the application of a constitution, . . . our contemplation cannot be only of what has been but of what may be." [24]

In striking down the penalty imposed on Weems, the Court examined the punishment in relation to the offense, compared the punishment to those inflicted for other crimes and to those imposed in other jurisdictions, and concluded that the punishment was excessive.[25] Justices White and Holmes dissented and argued that the cruel and unusual prohibition was meant to prohibit only those things which were objectionable at the time the Constitution was adopted.[26]

Weems is a landmark case because it represents the first time that the Court invalidated a penalty prescribed by a legislature for a particular offense. The Court made it plain beyond any reasonable doubt that excessive punishments were as objectionable as those which were inherently cruel. Thus, it is apparent that the dissenters' position in *O'Neill* had become the opinion of the Court in *Weems*.

Weems was followed by two cases which added little to our knowledge of the scope of the cruel and unusual language, *Badders* v. *United States*, 240 U.S. 391 (1916), and *United States ex rel. Milwaukee Social Democratic Publishing Co.* v. *Burleson*, 255 U.S. 407 (1921).[27] Then came another landmark case, *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S. 459 (1947).

Francis had been convicted of murder and sentenced to be electrocuted. The first time the current passed through him, there was a mechanical failure and he did not die. Thereafter, Francis sought to prevent a second electrocution on the ground that it would be a cruel and unusual punishment. Eight members of the Court assumed the applicability of the Eighth Amendment to the States.[28] The Court was virtually unanimous in agreeing that "[t]he traditional humanity of modern Anglo-American law forbids the infliction of unnecessary pain,"[29] but split 5–4 on whether Francis would, under the circumstances, be forced to undergo any excessive pain. Five members of the Court treated the case like *In re Kemmler* and held that the legislature adopted electrocution for a humane purpose, and that its will should not be thwarted because, in its desire to reduce pain and suffering in most cases, it may have inadvertently increased suffering in one particular case [30] The four dissenters felt that the case should be remanded for further facts.

As in *Weems*, the Court was concerned with excessive punishments. *Resweber* is perhaps most significant because the analysis of cruel and unusual punishment questions first advocated by the dissenters in *O'Neill* was at least firmly entrenched in the minds of an entire Court.

Trop v. *Dulles*, 356 U.S. 86 (1958), marked the next major cruel and unusual punishment case in this Court. Trop, a native born American, was declared to have lost his citizenship by reason of a conviction by a court-martial for wartime desertion. Writing for himself and Justices Black, Douglas, and Whittaker, Chief Justice Warren concluded that loss of citizenship amounted to a cruel and unusual punishment that violated the Eighth Amendment.[31]

Emphasizing the flexibility inherent in the words "cruel and unusual," the Chief Justice wrote that "[t]he amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society." [32] His approach to the problem was that utilized by the Court in *Weems:* he scrutinized the severity of the penalty in relation to the offense, examined the practices of other civilized nations of the world, and concluded that involuntary statelessness was an excessive and, therefore, an unconstitutional punishment. Justice Frankfurter, dissenting, urged that expatriation was not punishment, and that even if it were, it was not excessive. While he criticized the conclusion arrived at by the Chief Justice, his approach to the Eighth Amendment question was identical.

Whereas in *Trop* a majority of the Court failed to agree on whether loss of citizenship was a cruel and unusual punishment, four years later, a majority did agree in *Robinson* v. *California*, 370 U.S. 660 (1962), that a sentence of 90 days' imprisonment for violation of a California statute making it a crime to "be addicted to the use of narcotics" was

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cruel and unusual. Mr. Justice Stewart, writing the opinion of the Court, reiterated what the Court had said in *Weems* and what Chief Justice Warren wrote in *Trop—i.e.*, that the cruel and unusual punishment clause was not a static concept, but one that must be continually re-examined "in the light of contemporary human knowledge." [33] The fact that the penalty under attack was only 90 days evidences the Court's willingness to carefully examine the possible excessiveness of punishment in a given case where what is involved is a penalty that is familiar and widely accepted.[34]

We distinguished *Robinson* in *Powell* v. *Texas*, 392 U.S. 514 (1968), where we sustained a conviction for drunkenness in a public place and a fine of $20. Four Justices dissented on the ground that *Robinson* was controlling. The analysis in both cases was the same; only the conclusion as to whether or not the punishment was excessive differed. *Powell* marked the last time prior to today's decisions that the Court has had occasion to construe the meaning of the term "cruel and unusual" punishment.

Several principles emerge from these prior cases and serve as a beacon to an enlightened decision in the instant cases.

III

Perhaps the most important principle in analyzing "cruel and unusual" punishment questions is one that is reiterated again and again in the prior opinions of the Court: *i. e.*, the cruel and unusual language "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."[35] Thus, a penalty which was permissible at one time in our Nation's history is not necessarily permissible today.

The fact, therefore, that the Court, or individual Justices, may have in the past expressed an opinion that the death penalty is constitutional is not now binding on us. A fair reading of *Wilkerson* v. *Utah, supra; In re Kemmler, supra;* and *Louisiana ex rel. Francis* v. *Resweber, supra,* would certainly indicate an acceptance *sub silentio* of capital punishment as constitutionally permissible. Several Justices have also expressed their individual opinions that the death penalty is constitutional.[36] Yet, some of these same Justices and others have at times expressed concern over capital punishment.[37] There is no holding directly on point, and the very nature of the Eighth Amendment would dictate that unless a very recent decision existed, *stare decisis* would bow to changing values, and the question of the constitutionality of capital punishment at a given moment in history would remain open.

Faced with an open question, we must establish our standards for decision. The decisions discussed in the previous section imply that a punishment may be deemed cruel and unusual for any one of four distinct reasons.

First, there are certain punishments which inherently involve so much physical pain and suffering that civilized people cannot tolerate them—*e. g.*, use of the rack, the thumbscrew, or other modes of torture. See *O'Neill* v. *Vermont*, 144 U. S., at 339. Regardless of public sentiment with respect to imposition of one of these punishments in a particular case or at any one moment in history, the Constitution prohibits it. These are punishments that have been barred since the adoption of the Bill of Rights.

Second, there are punishments which are unusual, signifying that they were previously unknown as penalties for a given offense. Cf. *United States ex rel. Milwaukee Social Democratic Publishing Co.* v. *Burleson*, 255 U.S., at 435 (Brandeis, J., dissenting). If these punishments are intended to serve a humane purpose, they may be constitutionally permissible. *In re Kemmler*, 136 U. S., at 447; *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S., at 464. Prior decisions leave open the question of just how much the word "unusual" adds to the word "cruel." I have previously indicated that use of the word "unusual" in the English Bill of Rights of 1689 was inadvertent, and there is nothing in the history of the Eighth Amendment to give flesh to its intended meaning. In light of the meager history that does exist, one would suppose that an innovative punishment would probably be constitutional if no more cruel than that punishment which it superseded. We need not decide this question here, however, for capital punishment is certainly not a recent phenomenon.

Third, a penalty may be cruel and unusual because it is excessive and serves no valid legislative purpose. *Weems* v. *United States, supra*. The decisions previously discussed are replete with assertions that one of the primary functions of the cruel and unusual punishments clause is to prevent excessive or unnecessary penalties, *e.g.*, *Wilkerson* v. *Utah*, 99 U.S., at 134; *O'Neill* v. *Vermont*, 144 U.S., at (339–340) (Field, J., dissenting); *Weems* v. *United States*, 217 U.S., at 381; *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S. 459 (1947); these punishments are unconstitutional even though popular sentiment may favor them. Both The Chief Justice and Mr. Justice Powell seek to ignore or to minimize this aspect of the Court's prior decisions. But, since Mr. Justice Field first sugggested that "[t]he whole inhibition [of the prohibition against cruel and unusual punishments] is against that which is excessive," *O'Neill* v. *Vermont*, 144 U.S., at 339–340, this Court has steadfastly maintained that a penalty is unconstitutional whenever it is unnecessarily harsh or cruel. This is what the Founders of this country intended; this is what their fellow citizens believed the Eighth Amendment provided; and this was the basis for our decision in *Robinson* v. *California*, 370 U.S. 660, for the plurality opinion by Chief Justice Warren in *Trop* v. *Dulles*, 356 U.S. 86, and for the Court's decision in *Weems* v. *United States, supra*. See also W. Bradford, An Enquiry How Far the Punishment of Death is Necessary in Pennsylvania (1793), reprinted in 12 Am. J. Leg. Hist. 122, 127 (1968). It should also be noted that the cruel and unusual language of the Eighth Amendment immediately follows language that prohibits *excessive* bail and *excessive* fines. The entire thrust of the Eighth Amendment is, in short, against "that which is excessive."

Fourth, where a punishment is not excessive and serves a valid legislative purpose, it still may be invalid if popular sentiment abhors it. For example, if the evidence clearly demonstrated that capital punishment served valid legislative purposes, such punishment would, nevertheless, be unconstitutional if citizens found it to be morally unacceptable. A general abhorrence on the part of the public would, in effect, equate a modern punishment with those barred since the adoption of the Eighth Amendment. There are no prior cases in this Court striking down a penalty on this ground, but the very notion of changing values requires that we recognize its existence.

It is immediately obvious then that since capital punishment is not a recent phenomenon, if it violates the Constitution, it does so because it is excessive or unnecessary, or because it is abhorrent to currently existing moral values.

We must proceed to the history of capital punishment in the United States.

IV

Capital punishment has been used to penalize various forms of conduct by members of society since the beginnings of civilization. Its precise origins are difficult to perceive; but there is some evidence that its roots lie in violent retaliation by members of a tribe or group, or by the tribe or group itself, against persons committing hostile acts toward group members.[38] Thus, infliction of death as a penalty for objectionable conduct appears to have its beginnings in private vengeance. For example, in Israel's ancient laws, whenever homicide was committed, the murdered person's nearest relative made himself sole arbiter of the guilt and appropriate punishment of the accused. There was no trial.[39]

As individuals gradually ceded their personal prerogatives to a sovereign power, the sovereign accepted the authority to punish wrongdoing as part of its "divine right" to rule. Individual vengeance gave way to the vengeance of the state, and capital punishment became a public function.[40] Capital punishment worked its way into the laws of various countries,[41] and was inflicted in a variety of macabre and horrific ways.[42]

It was during the reign of Henry II (1154–1189) that English law first recognized that crime was more than a personal affair between the victim and the perpetrator.[43] The early history of capital punishment in England is set forth in *McGautha* v. *California*, 402 U.S. 183, 197–200 (1971), and need not be repeated here.

By 1500, English law recognized eight major capital crimes: treason, petty treason (killing of husband by his wife), murder, larceny, robbery, burglary, rape, and arson.[44] Tudor and Stuart kings added many more crimes to the list of those punishable by death, and by 1688 there were nearly 50.[45] George II 1727–1760) added nearly 36 more, and George III (1760–1820) increased the number by 60.[46]

By shortly after 1800, capital offenses numbered more than 200 and not only included crimes against person and property, but even some against the public peace. While England may, in retrospect, look particularly brutal, Blackstone points out that England was fairly civilized when compared to the rest of Europe.[47]

Capital punishment was not as common a penalty in the American Colonies. "The Capitall Lawes of New-England," dating from 1636, were drawn by the Massachusetts Bay Colony and are the first written expression of capital offenses known to exist in this country. These laws make the following crimes capital offenses: idolatry, witchcraft, blasphemy, murder, assault in sudden anger, sodomy, burglary, adultery, statutory rape, rape, manstealing, perjury in a capital trial, and rebellion. Each crime is accompanied by a reference to the Old Testament to indicate its source.[48] It is not known how vigorously these laws were enforced.[49] Other Colonies had a variety of laws which spanned the spectrum of severity.[50]

By the 18th century, the list of crimes became much less theocratic and much more secular. In the average colony, there were 12 capital crimes.[51] This was far fewer than existed in England, and part of reason was that there was scarcity of labor in the colonies.[52] Still, there were many execution, because "[w]ith county jails inadequate and insecure, the criminal population seemed best controlled by death, mutilation, and fines." [53]

Even in the 17th century, there was some opposition to capital punishment in some of the colonies. In his "Great Act" of 1682, William Penn prescribed death only for premeditated murder and treason,[54] although his reform was not long-lived.[55]

In 1776 the Philadelphia Society for Relieving Distressed Prisoners organized, and it was followed 11 years later by the Philadelphia Society for Alleviating the Miseries of Public Prisons.[56] These groups pressured for reform of all penal laws, including capital offenses. Dr. Benjamin Rush soon drafted America's first reasoned argument against capital punishment, entitled "An Enquiry into the Effects of Public Punishments upon Criminals and upon Society." [57] In 1793, William Bradford, the Attorney General of Pennsylvania and later Attorney General of the United States, conducted "An Enquiry How Far the Punishment of Death is necessary in Penn-

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sylvania."[58] He concluded that it was doubtful whether capital punishment was at all necessary, and that until more information could be obtained, it should be immediately eliminated for all offenses except high treason and murder.[59]

The "Enquiries" of Rush and Bradford and the Pennsylvania movement toward abolition of the death penalty had little immediate impact on the practices of other States.[60] But in the early 1800's, Governors George and DeWitt Clinton and Daniel Tompkins unsuccessfully urged the New York Legislature to modify or end capital punishment. During this same period, Edward Livingston, an American lawyer who later became Secretary of State and Minister to France under President Andrew Jackson, was appointed by the Louisiana legislature to draft a new penal code. At the center of his proposal was "the total abolition of capital punishment." [61] His "Introductory Report to the System of Penal Law Prepared for the State of Louisiana" [62] contained a systematic rebuttal of all arguments favoring capital punishment. Drafted in 1824, it was not published until 1833. This work was a tremendous impetus to the abolition movement for the next half century.

During the 1830's there was a rising tide of sentiment against capital punishment. In 1834, Pennsylvania abolished public executions,[63] and two years later, "The Report on Capital Punishment Made to the Maine Legislature" was published. It led to a law which prohibited the executive from issuing a warrant for execution within one year after a criminal was sentenced by the courts. The totally discretionary character of the law was at odds with almost all prior practices. The "Maine Law" resulted in little enforcement of the death penalty, which was not surprising since the legislature's idea in passing the law was that the affirmative burden placed on the governor to issue a warrant one full year or more after a trial would be an effective deterrent to exercise of his power.[64] The law spread throughout New England and led to Michigan's being the first State to abolish capital punishment in 1846.[65]

Anti-capital punishment feeling grew in the 1840's as the literature of the period pointed out the agony of the condemned man and expressed the philosophy that repentance atoned for the worst crimes, and that true repentance derived not from fear, but from harmony with nature.[66]

By 1850, societies for abolition existed in Massachusetts, New York, Pennsylvania, Tennessee, Ohio, Alabama, Louisiana, Indiana, and Iowa.[67] New York, Massachusetts, and Pennsylvania constantly had abolition bills before their legislatures. In 1852, Rhode Island followed in the footsteps of Michigan and totally abolished capital punishment.[68] Wisconsin followed suit the next year.[69] Those States which did not abolish the death penalty greatly reduced its scope, and "[f]ew states outside the South had more than one or two . . . capital offenses" in addition to treason and murder.[70]

But, the Civil War halted much of the abolition furor. One historian has said that "[a]fter the Civil War, men's finer sensibilities, which had been revolted by the execution of a fellow being, seemed hardened and blunted." [71] Some of the attention previously given to abolition was diverted to prison reform. An abolition movement still existed, however. Maine abolished the death penalty in 1872, restored it in 1878, and abolished it again in 1887; Iowa abolished capital punishment from 1872–1878; Colorado began an erratic period of abolition and revival in 1872; and Kansas also abolished it in 1872. [72]

One great success of the abolitionist movement in the period from 1830–1900 was almost complete elimination of mandatory capital punishment. Before the legislatures formally gave juries discretion to refrain from imposing the death penalty, the phenomenon of "jury nullification" in whch juries refused to convict in cases in which they believed that death was an inappropriate penalty, was experienced.[73] Tennessee was the first State to give juries discretion, Tenn. L. 1837–1838, c. 29, but other States quickly followed suit. Then, Rep. Curtis of New York introduced a federal bill that ultimately became law in 1897 which reduced the number of federal capital offenses from 60 to 3 (treason, murder, and rape) and gave the jury sentencing discretion in murder and rape cases.[74]

By 1917 12 States had become abolitionist jurisdictions.[75] But, under the nervous tension of World War I, four of these States reinstituted capital punishment and promising movements in other States came grinding to a halt.[76] During the period following the First World War, the abolition movement never regained its momentum.

It is not easy to ascertain why the movement lost its vigor. Certainly, much attention was diverted from penal reform during the economic crisis of the depression and the exhausting years of struggle during World War II. Also, executions, which had once been frequent, public spectacles, became infrequent private affairs. The manner of inflicting death changed, and the horrors of the punishment were, therefore, somewhat diminished in the minds of the general public.[77]

In recent years there has been renewed interest in modifying capital punishment. New York has moved toward abolition,[78] as have several other States.[79] In 1967, a bill was introduced in the Senate to abolish capital punishment for all federal crimes, but it died in committee.[80]

At the present time, 41 States, the District of Columbia, and other federal jurisdictions authorize the death penalty for at least one crime. It would be fruitless to attempt here to categorize the approach to capital punishment taken by the various States.[81] It is sufficient to note that murder is the crime most often punished by death, followed by kidnapping and treason.[82] Rape is a capital offense in 16 States and the federal system.[83]

The foregoing history demonstrates that capital punishment was carried from Europe to America but, once here, was tempered considerably. At times in our history, strong abolitionist movements have existed. But, they have never been completely successful, as no more than one-quarter of the States of the Union have, at any one time, abolished the dealth penalty. They have had partial success, however, especially in reducing the number of capital crimes, replacing mandatory death sentences with jury discretion, and developing more humane methods of conducting executions.

This is where our historical foray leads. The question now to be faced is whether American society has reached a point where abolition is not dependent on a successful grass roots movement in particular jurisdictions, but is demanded by the Eighth Amendment. To answer this question, we must first examine whether or not the death penalty is today tantamount to excessive punishment.

IV

In order to assess whether or not death is an excessive or unnecessary penalty, it is necessary to consider the reasons why a legislature might select it as punishment for one or more offenses, and examine whether less severe penalties would satisfy the legitimate legislative wants as well as capital punishment. If they would, then the death penalty is unnecessary cruelty, and, therefore, unconstitutional.

There are six purposes conceivably served by capital punishment: retribution, deterrence, prevention of repetitive criminal acts, encouragement of guilty pleas and confessions, eugenics, and economy. These are considered seriatim below.

A. The concept of retribution is one of the most misunderstood in all of our criminal jurisprudence. The principal source of confusion derives from the fact that, in dealing with the concept, most people confuse the question "why do men in fact punish?" with the question "what justifies men in punishing?" [84] Men may punish for any number of reasons, but the one reason that punishment is morally good or morally justifiable is that someone has broken the law. Thus, it can correctly be said that breaking the law is the *sine qua non* of punishment, or, in other words, that we only tolerate punishment as it is imposed on one who deviates from the norm established by the criminal law.

The fact that the State may seek retribution against those who have broken its laws does not mean that retribution may then become the State's sole end in punishing. Our jurisprudence has always accepted deterrence in general, deterrence of individual recidivism, isolation of dangerous persons, and rehabilitation as proper goals of punishment. See *Trop* v. *Dulles,* 356 U. S., at 111 (BRENNAN, J., concurring). Retaliation, vengeance, and retribution have been roundly condemned as intolerable aspirations for a government in a free society.

Punishment as retribution has been condemned by scholars for centuries,[85] and the Eighth Amendment itself was adopted to prevent punishment from becoming synonymous with vengeance.

In *Weems* v. *United States,* 217 U. S., at 381, the Court, in the course of holding that Weems' punishment violated the Eighth Amendment, contrasted it with penalties provided for other offense and concluded:

"[t]his contrast shows more than different exercises of legislative judgment. It is greater than that. It condemns the sentence in this case as cruel and unusual. It exhibits a difference between unrestrained power and that which is exercised under the spirit of constitutional limitations formed to establish justice. The state thereby suffers nothing and loses no power. *The purpose of punishment is fulfilled, crime is repressed by penalties of just, not tormenting, severity, its repetition is prevented, and hope is given for the reformation of the criminal.*" (Emphasis added.)

It is plain that the view of the *Weems* Court was that punishment for the sake of retribution was not permissible under the Eighth Amendment. This is the only view that the Court could have taken if the "cruel and unusual" language were to be given any meaning. Retribution surely underlies the imposition of some punishment on one who commits a criminal act. But, the fact that *some* punishment may be imposed does not mean that *any* punishment is permissible. If retribution alone could serve as a justification for any particular penalty, then all penalties selected by the legislature would by definition be acceptable means for designating society's moral approbation of a particular act. The "cruel and unusual" language would thus be read out of the Constitution and the fears of Patrick Henry and the other Founding Fathers would become realities.

To preserve the integrity of the Eighth Amendment, the Court has consistently denigrated retribution as a permissible goal of punishment.[86] It is undoubtedly correct that there is a demand for vengeance on the part of many persons in a community against one who is convicted of a particularly offensive act. At times a cry is heard that morality requires vengeance to evidence society's abhorrence of the act.[87] But the Eighth Amendment is our insulation from our baser selves. The cruel and unusual language limits the avenues through which vengeance can be channeled. Were this not so, the language would be empty and a return to the rack and

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other tortures would be possible in a given case.

Mr. Justice Story wrote that the Eighth Amendment's limitation on punishment "would seem to be wholly unnecessary in a free government, since it is scarcely possible that any department of such a government should authorize or justify such atrocious conduct."[88]

I would reach an opposite conclusion—*to wit*, that only in a free society would men recognize their inherent weaknesses and seek to compensate for them by means of a Constitution.

The history of the Eighth Amendment supports only the conclusion that retribution for its own sake is improper.

B. The most hotly contested issue regarding capital punishment is whether it is better than life imprisonment as a deterrent to crime.[89]

While the contrary position has been argued,[90] it is my firm opinion that the death penalty is a more severe sanction than life imprisonment. Admittedly, there are some persons who would rather die than languish in prison for a lifetime. But, whether or not they should be able to choose death as an alternative is a far different question from that presented here—*i.e.*, whether the State can impose death as a punishment. Death is irrevocable; life imprisonment is not. Death, of course, makes rehabilitation impossible; life imprisonment does not. In short, death has always been viewed as the ultimate sanction, and it seems perfectly reasonable to continue to view it as such.[91]

It must be kept in mind then that the question to be considered is not simply whether capital punishment is a deterrent, but whether it is a better deterrent than life imprisonment.[92]

There is no more complex problem than determining the deterrent efficacy of the death penalty. "Capital punishment has obviously failed as a deterrent when a murder is committed. We can number its failures. But we cannot even know how many people have refrained from murder because of the fear of being hanged."[93] This is the nub of the problem and it is exacerbated by the paucity of useful data. The United States is more fortunate than most countries, however, in that it has what are generally considered to be the world's most viable statistics.[94]

The two strongest arguments in favor of capital punishment as a deterrent are both logical hypotheses devoid of evidentiary support, but persuasive nonetheless. The first proposition was best stated by Sir James Stephen in 1864:

"No other punishment deters men so effectually from committing crimes as the punishment of death. This is one of those propositions which it is difficult to prove, simply because they are in themselves more obvious than any proof can make them. It is possible to display ingenuity in arguing against it, but that is all. The whole experience of mankind is in the other direction. The threat of instant death is the one to which resort has always been made when there was an absolute necessity for producing some result. . . . No one goes to certain inevitable death except by compulsion. Put the matter the other way. Was there ever yet a criminal who, when sentenced to death and brought out to die, would refuse the offer of a commutation of his sentence for the severest secondary punishment? Surely not. Why is this? It can only be because 'All that a man has will he give for his life.' In any secondary punishment, however terrible, there is hope; but death is death; its terrors cannot be described more forcibly."[95]

This hypothesis relates to the use of capital punishment as a deterrent for any crime. The second proposition is that "if life imprisonment is the maximum penalty for a crime such as murder, an offender who is serving a life sentence cannot then be deterred from murdering a fellow inmate or a prison officer."[96] This hypothesis advocates a limited deterrent effect under particular circumstances.

Abolitionists attempt to disprove these hypotheses by amassing statistical evidence to demonstrate that there is no correlation between criminal activity and the existence or nonexistence of a capital sanction. Almost all of the evidence involves the crime of murder, since murder is punishable by death in more jurisdictions than are other offenses,[97] and almost 90% of all executions since 1930 have been pursuant to murder convictions.[98]

Thorston Sellin, one of the leading authorities on capital punishment, has urged that if the death penalty deters prospective murderers, the following hypotheses should be true:

"(a) Murders should be less frequent in states that have the death penalty than in those that have abolished it, other factors being equal. Comparisons of this nature must be made among states that are as alike as possible in all other respects—character of population, social and economic condition, etc.—in order not to introduce factors known to influence murder rates in a serious manner but present in only one of these states.

"(b) Murders should increase when the death penalty is abolished and should decline when it is restored.

"(c) The deterrent effect should be greatest and should therefore affect murder rates most powerfully in those communities where the crime occurred and its consequences are most strongly brought home to the population.

"(d) Law enforcement officers would be safer from murderous attacks in states that have the death penalty than in those without it." (Footnote omitted.)[99]

Sellin's evidence indicates that not one of these propositions is true. This evidence has its problems, however. One is that there are no accurate figures for capital murders; there are only figures on homicides and they, of course, include noncapital killings.[100] A second problem is that certain murders undoubtedly are misinterpreted as accidental deaths or suicides, and there is no way of estimating the number of such undetected crimes. A third problem is that all homicides are not reported. Despite these difficulties, most authorities have assumed that the proportion of capital murders in a State's or nation's homicide statistics remains reasonably constant,[101] and that the homicide statistics are therefore useful.

Sellin's statistics demonstrate that there is no correlation between the murder rate and the presence or absence of the capital sanction. He compares States that have similar characteristics and finds that irrespective of their position on capital punishment, they have similar murder rates. In the New England States, for example, there is no correlation between executions[102] and homicide rates.[103] The same is true for Mid-Western States,[104] and for all others studied. Both the United Nations[105] and Great Britain[106] have acknowledged the validity of Sellin's statistics.

Sellin's statistics also indicate that abolition and/or reintroduction of the death penalty had no effect on the homicide rates of the various States involved.[107] This conclusion is borne out by others who have made similar inquiries[108] and by the experience of other countries.[109] Despite problems with the statistics,[110] Sellin's evidence has been relied upon in international studies of capital punishment.[111]

Statistics also show that the deterrent effect of capital punishment is no greater in those communities where executions take place than in other communities.[112] In fact, there is some evidence that imposition of capital punishment may actually encourage crime, rather than deter it.[113] And, while police and law enforcement officers are the strongest advocates of capital punishment,[114] the evidence is overwhelming that police are no safer in communities which retain the sanction than in those which have abolished it.[115]

There is also a substantial body of data showing that the existence of the death penalty has virtually no effect on the homicide rate in prisons.[116] Most of the persons sentenced to death are murderers, and murderers tend to be model prisoners.[117]

In sum, the only support for the theory that capital punishment is an effective deterrent is found in the hypotheses with which we began and the occasional stories about a specific individual being deterred from doing a contemplated criminal act.[118] These claims of specific deterrence are often spurious,[119] however, and may be more than counterbalanced by the tendency of capital punishment to incite certain crimes.[120]

The United Nation's Committee that studied capital punishment found that "[i]t is generally agreed between the retentionists and abolitionists, whatever their opinions about the validity of comparative studies of deterrence, that the data which now exist show no correlation between the existence of capital punishment and lower rates of capital crime."[121]

Despite the fact that abolitionists have not proved non-deterrence beyond a reasonable doubt, they have succeeded in showing by clear and convincing evidence that capital punishment is not necessary as a deterrent to crime in our society. This is all that they must do. We would shirk our judicial responsibilities if we failed to accept the presently existing statistics and demanded more proof. It may be that we now possess all the proof that anyone could ever hope to assemble on the subject. But, even if further proof were to be forthcoming, I believe there is more than enough evidence presently available for a decision in this case.

In 1793 William Bradford studied the utility of the death penalty in Pennsylvania and found that it probably had no deterrent effect but that more evidence was needed.[122] Edward Livingston reached a similar conclusion with respect to deterrence in 1833 upon completion of his study for Louisiana.[123] Virtually every study that has since been undertaken has reached the result.[124]

In light of the massive amount of evidence before us, I see no alternative but to conclude that capital punishment cannot be justified on the basis of its deterrent effect.[125]

C. Much of what must be said about the death penalty as a device to prevent recidivism is obvious—if a murderer is executed, he cannot possibly commit another offense. The fact is, however, that murderers are extremely unlikely to commit other crimes either in prison or upon their release.[126] For the most part, they are first offenders, and when released from prison they are known to become model citizens.[127] Furthermore, most persons who commit capital crimes are not executed. With respect to those who are sentenced to die, it is critical to note that the jury is never asked to determine whether they are likely to be recidivists. In light of these facts, if capital punishment were justified purely on the basis of preventing recidivism, it would have to be considered to be excessive; no general need to obliterate all capital offenders could have been demonstrated, nor any specific need in individual cases.

D. The three final purposes which may underlie utilization of a capital sanction—encouraging guilty pleas and confessions, eugenics, and reducing state expenditures—may be dealt with quickly. If the death penalty is used to encourage guilty pleas and thus to deter suspects from exercising their rights under the Sixth Amendment to jury trials, it is unconstitutional. *United States* v. *Jackson*, 390 U.S. 570 (1968).[128] Its elimi-

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nation would do little to impair the State's bargaining position in criminal cases, since life imprisonment remains a severe sanction which can be used as leverage for bargaining for pleas or confessions in exchange either for charges of lesser offenses or recommendations of leniency.

Moreover, to the extent that capital punishment is used to encourage confessions and guilty pleas, it is not being used for punishment purposes. A State which justifies capital punishment on its utility as part of the conviction process could not profess to rely on capital punishment as a deterrent. Such a State's system would be structured with twin goals only: obtaining guilty pleas and confessions and imposing *imprisonment* as the maximum sanction. Since life imprisonment is sufficient for bargaining purposes, the death penalty is excessive if used for the same purposes.

In light of the previous discussion on deterrence, any suggestions concerning the eugenic benefits of capital punishment are obviously meritless.[129] As I pointed out above, there is not even any attempt made to discover which capital offenders are likely to be recidivists let alone which are positively incurable. No test or procedure presently exists by which incurables can be screened from those who would benefit from treatment. On the one hand, due process would seem to require that we have some procedure to demonstrate incurability before execution; and, on the other hand, equal protection would then seemingly require that all incurables be executed, cf. *Skinner* v. *Oklahoma*, 316 U.S. 535 (1942). In addition, the "cruel and unusual" language would require that life imprisonment, treatment, and sterilization be inadequate for eugenic purposes. More importantly, this Nation has never formally professed eugenic goals, and the history of the world does not look kindly on them. If eugenics is one of our purposes, then the legislatures should say so forthrightly and design procedures to serve this goal. Until such time, I can only conclude, as has virtually everyone else who has looked at the problem,[130] that capital punishment cannot be defended on the basis of any eugenic purposes.

As for the argument that it is cheaper to execute a capital offender than to imprison him for life, even assuming that such an argument, if true, would support a capital sanction, it is simply incorrect. A disproportionate amount of money spent on prisons is attributable to death row.[131] Condemned men are not productive members of the prison community, although they could be,[132] and executions are expensive.[133] Appeals are often automatic, and courts admittedly spend more time with death cases.[134]

At trial, the selection of jurors is likely to become a costly time-consuming problem in a capital case,[135] and defense counsel will reasonably exhaust every possible means to save his client from execution, no matter how long the trials take.

During the period between conviction and execution, there are an inordinate number of collateral attacks on the conviction and attempts to obtain executive clemency, all of which exhaust the time, money, and effort of the State. There are also continual assertions that the condemned prisoner has gone insane.[136] Because there is a formerly established policy of not executing insane persons,[137] great sums of money may be spent on detecting and curing mental illness in order to perform the execution.[138] Since no one wants the responsibility for the execution, the condemned man is likely to be passed back and forth from doctors to custodial officials to courts like a ping-pong ball.[139] The entire process is very costly.

When all is said and done, there can be no doubt that it costs more to execute a man than to keep him in prison for life.[140]

E. There is but one conclusion that can be drawn from all of this—*i.e.*, the death penalty is an excessive and unnecessary punishment which violates the Eighth Amendment. The statistical evidence is not convincing beyond all doubt, but, it is persuasive. It is not improper at this point to take judicial notice of the fact that for more than 200 years men have labored to demonstrate that capital punishment serves no purpose that life imprisonment could not serve equally well. And they have done so with great success. Little if any evidence has been adduced to prove the contrary. The point has now been reached at which deference to the legislatures is tantamount to abdication of our judicial roles as factfinders, judges, and ultimate arbiters of the Constitution. We know that at some point the presumption of constitutionality accorded legislative acts gives way to a realistic assessment of those acts. This point comes when there is sufficient evidence available so that judges can determine not whether the legislature acted wisely, but whether it had any rational basis whatsoever for acting. We have this evidence before us now. There is no rational basis for concluding that capital punishment is not excessive. It therefore violates the Eighth Amendment.[141]

V

In addition, even if capital punishment is not excessive, it nonetheless violates the Eighth Amendment because it is morally unacceptable to the people of the United States at this time in their history.

In judging whether or not a given penalty is morally acceptable, most courts have said that the punishment is valid unless "it shocks the conscience and sense of justice of the people." [142]

Judge Frank once noted the problems inherent in the use of such a measuring stick:

"[The Court,] before it reduces a sentence as 'cruel and unusual,' must have reasonably good assurances that the sentence offends the 'common conscience.' And, in any context, such a standard—the community's attitude—is usually an unknowable. It resembles a slithery shadow, since one can seldom learn, at all accurately, what the community or a majority, actually feels. Even a carefully-taken 'public opinion poll' would be inconclusive in a case like this." [143]

While a public opinion poll obviously is of some assistance in indicating public acceptance or rejection of a specific penalty,[144] its utility cannot be very great. This is because whether or not a punishment is cruel and unusual depends, not on whether its mere mention "shocks the conscience and sense of justice of the people," but on whether people who were fully informed as to the purposes of the penalty and its liabilities would find the penalty shocking, unjust, and unacceptable.[145]

In other words, the question with which we must deal is not whether a substantial proportion of American citizens would today, if polled, opine that capital punishment is barbarously cruel, but whether they would find it to be so in the light of all information presently available.

This is not to suggest that with respect to this test of unconstitutionality people are required to act rationally; they are not. With respect to this judgment, a violation of the Eighth Amendment is totally dependent on the predictable subjective, emotional reactions of informed citizens.[146]

It has often been noted that American citizens know almost nothing about capital punishment.[147] Some of the conclusions arrived at in the preceding section and the supporting evidence would be critical to an informed judgment on the morality of the death penalty: *e.g.*, that the death penalty is no more effective a deterrent than life imprisonment, that convicted murderers are rarely executed, but are usually sentenced to a term in prison; that convicted murderers usually are model prisoners, and that they almost always become law-abiding citizens upon their release from prison; that the costs of executing a capital offender exceed the costs of imprisoning him for life; that while in prison, a convict under sentence of death performs none of the useful functions that life prisoners perform; that no attempt is made in the sentencing process to ferret out likely recidivists for execution; and that the death penalty may actually stimulate criminal activity.

This information would almost surely convince the average citizen that the death penalty was unwise, but a problem arises as to whether, it would convince him that the penalty was morally reprehensible. This problem arises from the fact that the public's desire for retribution, even though this is a goal which the legislature cannot constitutionally pursue as its sole justification for capital punishment, might influence the citizenry's view of the morality of capital punishment. The solution to the problem lies in the fact that no one has ever seriously advanced retribution as a legitimate goal of our society. Defenses of capital punishment are always mounted on deterrent or other similar theories. This should not be surprising. It is the people of this country who have urged in the past that prisons rehabilitate as well as isolate offenders, and it is the people who have injected a sense of purpose into our penology. I cannot believe that at this stage in our history, the American people would ever knowingly support purposeless vengeance. Thus, I believe that the great mass of citizens would conclude on the basis of the material already considered that the death penalty is immoral and therefore unconstitutional.

But, if this information needs supplementing, I believe that the following facts would serve to convince even the most hesitant of citizens to condemn death as a sanction: capital punishment is imposed discriminatorily against certain identifiable classes of people; there is evidence that innocent people have been executed before their innocence can be proved; and the death penalty wreaks havoc with our entire criminal justice system. Each of these facts is considered briefly below.

Regarding discrimination, it has been said that "[i]t is usually the poor, the illiterate, the underprivileged, the member of the minority group—the man who, because he is without means, and is defended by a court appointed attorney—who becomes society's sacrificial lamb . . . ." [148] Indeed, a look at the bare statistics regarding executions is enough to betray much of the discrimination. A total of 3,859 persons have been executed since 1930, of which 1,751 were White and 2,066 were Negro.[149] 3,334 of the executions were for murder; 1,664 of the executed murderers were White and 1,630 were Negro.[150] 455 persons, including 48 Whites and 405 Negroes, were executed for rape.[151] It is immediately apparent that Negroes were executed far more often than Whites in proportion to their percentage of the population. Studies indicate that while the higher rate of execution among Negroes is partially due to a higher rate of crime, there is evidence of racial discrimination.[152] Racial or other discriminations should not be surprising. In *McGautha* v. *California*, 402 U.S. 183, this Court held "that committing to the untrammeled discretion of the jury the power to pronounce life or death in capital cases is [not] offensive to anything in the Constitution." This was an open invitation to discrimination.

There is also overwhelming evidence that the death penalty is employed against men and not women. Only 32 women have been executed since 1930, while 3,827 men have met a similar fate.[153] It is difficult to understand why women have received such favored treatment since the purposes allegedly served by capital punishment seemingly are equally applicable to both sexes.[154]

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It also is evident that the burden of capital punishment falls upon the poor, the ignorant, and the underprivileged members of society.[155] It is the poor, and the members of minority groups who are least able to voice their complaints against capital punishment. Their impotence leaves them victims of a sanction which the wealthier, better-represented, just-as-guilty person can escape. So long as the capital sanction is used only against the forlorn, easily forgotten members of society, legislators are content to maintain the status quo, because change would draw attention to the problem and concern might develop. Ignorance is perpetuated and apathy soon becomes its mate, and we have today's situation.

Just as Americans know little about who is executed and why, they are unaware of the potential dangers of executing an innocent man. Our "beyond-a-reasonable doubt" burden of proof in criminal cases is intended to protect the innocent, but we know it is not foolproof. Various studies have shown that people whose innocence is later convincingly established are convicted and sentenced to death.[156]

Proving one's innocence after a jury finding of guilt is almost impossible. While reviewing courts are willing to entertain all kinds of collateral attacks where a sentence of death is involved, they very rarely dispute the jury's interpretation of the evidence. This is, perhaps, as it should be. But, if an innocent man has been found guilty, he must then depend on the good faith of the prosecutor's office to help him establish his innocence. There is evidence, however, that prosecutors do not welcome the idea of having convictions, which they labored hard to secure, overturned, and that their cooperation is highly unlikely.[157]

No matter how careful courts are, the possibility of perjured testimony, mistaken honest testimony, and human error remain all too real.[158] We have no way of judging how many innocent persons have been executed but we can be certain that there were some. Whether there were many is an open question made difficult by the loss of those who were most knowledgeable about the crime for which they were convicted. Surely there will be more as long as capital punishment remains part of our penal law.

While it is difficult to ascertain with certainty the degree to which the death penalty is discriminatorily imposed or the number of innocent persons sentenced to die, there is one conclusion about the penalty that is universally accepted—*i. e.*, it "tends to distort the course of the criminal law." [159] As Mr. Justice Frankfurter said:

"I am strongly against capital punishment . . . When life is at hazard in a trial, it sensationalizes the whole thing almost unwittingly; the effect on juries, the Bar, the public, the Judiciary, I regard as very bad. I think scientifically the claim of deterrence is not worth much. Whatever proof there may be in my judgment does not outweigh the social loss due to the inherent sensationalism of a trial for life." [160]

The deleterious effects of the death penalty are also felt otherwise than at trial. For example, its very existence "inevitably sabotages a social or institutional program of reformation."[161] In short "[t]he presence of the death penalty, as the keystone of our penal system bedevils the administration of criminal justice all the way down the line and is the stumbling block in the path of general reform and of the treatment of crime and criminal." [162]

Assuming knowledge of all the facts presently available regarding capital punishment, the average citizen would, in my opinion, find it shocking to his conscience and sense of justice.[163] For this reason alone capital punishment cannot stand.

VI

To arrive at the conclusion that the death penalty violates the Eighth Amendment, we have had to engage in a long and tedious journey. The amount of information which we have assembled and sorted is enormous. Yet, I firmly believe that we have not deviated in the slightest from the principles with which we began.

At a time in our history when the streets of the Nation's cities inspire fear and despair, rather than pride and hope, it is difficult to maintain objectivity and concern for our fellow citizens. But, the measure of a country's greatness is its ability to retain compassion in time of crisis. No nation in the recorded history of man has a greater tradition of revering justice and fair treatment for all its citizens in times of turmoil, confusion, and tension than ours. This is a country which stands tallest in troubled times, a country that clings to fundamental principles, cherishes its constitutional heritage, and rejects simple solutions that compromise the values which lie at the roots of our democratic system.

In striking down capital punishment, this Court does not malign our system of government. On the contrary, it pays homage to it. Only in a free society could right triumph in difficult times, and could civilization record its magnificent advancement. In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute. We achieve "a major milestone in the long road up from barbarism." [164] and join the approximately 70 other jurisdictions in the world which celebrate their regard for civilization and humanity by shunning capital punishment.[165]

I concur in the judgments of the Court.

FOOTNOTES

[1] Certiorari was also granted in a fourth case, *Aikens* v. *California*, No. 68–5027, but the writ was dismissed after the California Supreme Court held that capital punishment violates the State Constitution. — U.S. —. See *People* v. *Anderson*, 6 Cal. 3d 288, 493 P. 2d 880, 100 Cal. Rptr. 152, cert. denied, — U.S. — (1972). The California decision reduced by slightly more than 100 the number of persons currently awaiting execution.

[2] Hansard, Parliamentary Debates (5th Series) (Lords, 43d Parl., 1st Sess., 1964–1965) 703 (1965) (Lord Chancellor Gardiner).

[3] Compare, *e.g.*, *State ex rel. Francis* v. *Resweber*, 329 U.S. 459, 470 (1947) (Frankfurter, J., concurring), with F. Frankfurter, Of Law and Men 81 (1956). See *In re Anderson*, 69 Cal. 2d 613, 634–635, 447 P. 2d 117, 131–132 (1968) (Mosk, J., concurring); cf. *McGautha* v. *California*, 402 U.S. 183, 226 (1971) (Black, J., concurring); *Witherspoon* v. *Illinois*, 391 U.S. 510, 542 (1968) (WHITE, J., dissenting).

[4] See generally M. Frankel, Book Review, 85 Harv. L. Rev. 354, 362 (1971).

[5] Granucci, "Nor Cruel and Unusual Punishments Inflicted": The Original Meaning, 57 U. Cal. L. Rev. 839, 848 (1969) (hereinafter "Granucci").

[6] *Ibid.* Beale's views were conveyed from England to America and were first written into American law by the Reverend National Ward who wrote the "Body of Liberties" for the Massachusetts Bay Colony. Clause 46 of that work read: "For bodilie punishments we allow amongst us none that are inhumane, Barbarous, or cruel." B. Schwartz, The Bill of Rights: A Documentary History, Vol. I, at 71, 77 (1971) (hereinafter "Schwartz").

[7] 4 W. Blackstone, Commentaries 1757 (Lewis ed. 1902). See also 1 J. Chitty, The Criminal Law 785–786 (5th ed. 1847); Sherman, . . . Nor Cruel and Unusual Punishment Inflicted, 14 Crime & Delinq. 73, 74 (1968).

[8] Not content with capital punishment as a means of retribution for crimes, the English also provided for attainder ("dead in law") as the immediate and inseparable concomitant of the death sentence. The consequences of attainder were forfeiture of real and personal estates and corruption of blood. An attainted person could not inherit land or other heriditaments, nor retain those he possessed, nor transmit them by descent to any heir. Descents were also obstructed whenever posterity derived a title through one who was attainted. 4 W. Blackstone, Commentaries 1759 (Lewis ed. 1902).

[9] *E.g.*, 2 J. Story, On the Constitution § 1903, at 650 (5th ed. 1891).

[10] 2 G. M. Trevelyn, History of England 467 (1956 ed.).

[11] Granucci, *supra*, n. 5, at 854.

[12] *Id.*, at 855.

[13] *Id.*, at 860. In reaching this conclusion, Professor Granucci relies primarily on the trial of Titus Oates as being the impetus behind the adoption of the clause. Oates was a minister of the Church of England who proclaimed the existence of a plot to assassinate King Charles II. He was tried for perjury, convicted, and sentenced to a fine of 2,000 marks, life imprisonment, whippings, pillorying four times a year, and defrocking. Oates petitioned both the House of Commons and the House of Lords for release from judgment. The House of Lords rejected his petition, but a minority of its members concluded that the King's Bench had no jurisdiction to compel defrocking and that the other punishments were barbarous, inhumane, unchristian, and unauthorized by law. The House of Commons agreed with the dissenting Lords. *Id.*, at 857–859.

The author also relies on the dictionary definition of "cruel" which meant "severe" or "hard" in the 17th century to support his conclusion. *Ibid.*

[14] Most historians reach this conclusion by reading the history of the cruel and unusual punishments clause as indicating that it was a reaction to inhumane punishments. Professor Granucci reaches the same conclusion by finding that the draftsmen of the Constitution misread the British history and erroneously relied on Blackstone. Granucci, *supra*, n. 5, at 802–805. It is clear, however, that prior to the adoption of the Amendment there was some feeling that a safeguard against cruelty was needed and that this feeling had support in past practices. See n. 6, *supra*, and accompanying text.

[15] Granucci, *supra*, n. 5, at 840; Schwartz, *supra*, n. 6, Vol. I, at 276, 278.

[16] See, *e.g.*, Delaware Declaration of Rights (1776), Maryland Declaration of Rights (1776), Massachusetts Declaration of Rights (1780), and New Hampshire Bill of Rights (1783). Schwartz, *supra*, n. 6, Vol. I, at 276. 278; 279, 281; 337, 343; 374, 379.

[17] See 2 J. Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution 111 (2d ed. 1881) (hereinafter "Elliot"); 3 Elliot, at 447–481. See also, Schwartz, *supra*, n. 6, at 629, 674. 762, 852, 968.

[18] 3 Elliot, *supra*, n. 17, at 446–448. A comment by George Mason which misinterprets a criticism leveled at himself and Patrick Henry is further evidence of the intention to prohibit torture and the like by prohibiting cruel and unusual punishments. *Id.*, at 452.

[19] 1 Annals of Congress 782–783 (1789). There is some recognition of the fact that a prohibition against cruel and unusual punishments is a flexible prohibition which may change in meaning as the mores of a society change, and which may eventually bar certain punishments not barred when the Constitution was adopted. *Ibid.* (remarks of Mr. Livermore of New Hampshire). There is also evidence that the general opinion at the time the Eighth Amendment was adopted was that it prohibited every punishment which was not "evidently necessary." W. Bradford. An Enquiry How Far the Punishment of Death is Necessary in Pennsylvania (1793),

reprinted in 12 Am. J. Leg. Hist. 122, 127 (1968).

[20] The New York Court of Appeals had recognized the unusual nature of the execution, but attributed it to a legislative desire to minimize the pain of persons executed.

[21] The prohibition against cruel and unusual punishments relevant to Weems was that found in the Phillipine Bill of Rights. It was, however, borrowed from the Eighth Amendment to the United States Constitution and has the same meaning. 217 U.S., at 367.

[22] *Id.*, at 373.

[23] *Ibid.*

[24] *Ibid.*

[25] *Id.*, at 381.

[26] *Id.*, at 389–413. Mr. Justice Black expressed a similar point of view in his concurring opinion in *McGautha* v. *California*, 402 U.S. 183, 226 (1971).

[27] Badders was found guilty on seven counts of using the mails as part of a scheme to defraud. He was sentenced to concurrent five year sentences and to a $1,000 fine on each count. The Court summarily rejected his claim that the sentence was a cruel and unusual punishment. In *Burleson*, the Court upheld the denial of second class mailing privileges to a newspaper that had allegedly printed articles conveying false reports of United States conduct during the First World War with intent to cause disloyalty. Mr. Justice Brandeis dissented and indicated his belief that the "punishment" was unusual and possibly excessive under *Weems*. There is nothing in either of these cases demonstrating a departure from the approach used in *Weems*, or adding anything to it.

[28] Mr. Justice Frankfurter was the only member of the Court unwilling to make this assumption. However, like Chief Justice Fuller in *In re Kemmler*, 136 U.S. 436 (1899), he examined the propriety of the punishment under the Due Process Clause of the Fourteenth Amendment, 329 U.S., at 471. As MR. JUSTICE POWELL makes clear, Mr. Justice Frankfurter's analysis was different only in form from that of his Brethren; in substance, his test was fundamentally identical to that used by the rest of the Court.

[29] *Id.*, at 463.

[30] English law required a second attempt at execution if the first attempt failed. L. Radzinowicz, A History of English Criminal Law 185–186 (1948).

[31] MR. JUSTICE BRENNAN concurred and concluded that the statute authorizing deprivations of citizenship exceeded Congress' legislative powers. 356 U.S., at 114.

[32] *Id.*, at 101.

[33] 370 U.S., at 666.

[34] *Robinson* removes any lingering doubts as to whether the Eighth Amendment's prohibition against cruel and unusual punishments is binding on the States. See also *Powell* v. *Texas*, 392 U.S. 514 (1968).

[35] *Trop* v. *Dulles*, 356 U.S. 86, 101 (1958). See also *Weems* v. *United States*, 217 U.S. 349, 373, (1910); *Robinson* v. *California*, 370 U.S. 660, 666 (1962). See also n. 19, *supra*.

[36] *E.g.*, *McGautha* v. *California*, 402 U.S. 183, 226 (1971) (Black, J. concurring); *Trop* v. *Dulles*, 356 U.S. 86, 99 (Warren, C.J.), 125 (Frankfurter, J., dissenting).

[37] See, *e.g.*, *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S. 459, 474 (1947) (Burton, J., dissenting); *Trop* v. *Dulles*, 356 U.S. 86, 99 (1958) (Warren, C. J.); *Rudolph* v. *Alabama*, 375 U.S. 889 (1963) (Goldberg, J., dissenting from denial of certiorari); F. Frankfurter, Of Law and Men 81 (1956).

There is no violation of the principle of *stare decisis* in a decision that capital punishment now violates the Eighth Amendment. The last case that implied that capital punishment was still permissible was *Trop* v. *Dulles*, 356 U.S. 86, 99 (1958). Not only was the implication purely dicta, but it was also made in the context of a flexible analysis that recognized that as public opinion changed, the validity of the penalty would have to be re-examined. *Trop* v. *Dulles* is nearly 15 years old now, and 15 years changes many minds about many things. MR. JUSTICE POWELL suggests, however, that our recent decisions in *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968), and *McGautha* v. *California*, 403 U.S. 183 (1971), imply that capital punishment is constitutionally permissible, because if they are viewed any other way they amount to little more than an academic exercise. In my view, this distorts the "rule of four" by which this Court decides which cases and which issues it will consider, and in what order. See *United States* v. *Generes*, —— U.S. —, — (1972) (DOUGLAS, J., dissenting). There are many reasons why four members of the Court might have wanted to consider the issues presented in those cases before considering the difficult question that is now before us. While I do not intend to catalogue these reasons here, it should suffice to note that I do not believe that those decisions can, in any way, fairly be used to support *any* inference whatever that the instant cases have already been disposed of *sub silentio*.

[38] Ancel, The Problem of the Death Penalty, *in* Capital Punishment, at 4–5 (ed. T. Sellin, 1967) (hereinafter "Ancel"); G. R. Scott, The History of Capital Punishment 1 (1950) (hereinafter "Scott").

[39] Scott, *supra*, n. 38, at 1.

[40] *Id.*, at 2; Ancel, *supra*, n. 38, at 4–5.

[41] The Code of Hammurabi is one of the first known laws to have recognized the concept of an "eye for an eye," and consequently to have accepted death as an appropriate punishment for homicide. E. Block, And May God Have Mercy . . . 13–14 (1962).

[42] Scott, *supra*, n. 38, at 19–33.

[43] *Id.*, at 5. Prior to this time, the laws of Alfred (871–901) provided that one who wilfully slayed another should die, at least under certain circumstances. 3 J. Stephen, History of the Criminal Law of England 24 (1883). But, punishment was apparently left largely to private enforcement.

[44] T. Pucknett, A Concise History of the Common Law 424–454 (5th ed. 1956).

[45] H. A. Bedau, Introduction *in* The Death Penalty in America, at 1 (ed. H. A. Bedau, 1967) (hereinafter "Bedau").

[46] *Ibid.*

[47] 4 W. Blackstone Commentaries—(Lewis ed. 1902). How many persons were actually executed for committing capital offenses is not known. See Bedau, *supra*, n. 45, at 3; Radzinowicz, A History of English Criminal Law 151, 153 (1948); T. Sellin, Two Myths in the History of Capital Punishment, 50 J. Crim. L. Crim. & Pol. Sci. 114 (1959). "Benefit of clergy" mitigated the harshness of the law somewhat. This concept arose from the struggle between church and state and originally provided that members of the clergy should be tried in ecclesiastical courts. Eventually all first offenders were entitled to "benefit of clergy." Bedau, *supra*, n. 45, at 4.

[48] G. Haskins, The Capitall Lawes of New-England, Harv. L. Sch. Bull, 10–11 (Feb. 1956).

[49] Bedau, *supra*, n. 45, at 5.

[50] *Id.*, at 6.

[51] Fuller, Movements to Abolish the Death Penalty in the United States, 284 Annals Am. Acad. Pol. & Soc. Sci. 124 (1952) (hereinafter "Fuller").

[52] *Ibid.*

[53] *Ibid.* (footnotes omitted).

[54] *Id.*, at 124; Bedau, *supra*, no. 45, at 6.

[55] For an unknown reason, Pennsylvania adopted the harsher penal code of England upon William Penn's death in 1718. There was no evidence, however of an increase in crime betweeen 1682 and 1718. Fuller, *supra*, n. 51, at 124. In 1794, Pennsylvania eliminated capital punishment except for "murder of the first degree," which included all "willful, deliberate and premeditated" killings. The death penalty was mandatory for this crime. Pa. Laws 1794, c. 1766. Virginia followed Pennsylvania's lead and enacted similar legislation. Other States followed suit.

[56] Fuller, *supra*, n. 51, at 124.

[57] *Id.*, at 124–125.

[58] Reprinted in 12 Am. J. Leg. Hist. 122 (1968).

[59] His advice was in large measure followed. See n. 55, *supra*.

[60] One scholar has noted that the early abolition movement in the United States lacked the leadership of major public figures. Bedau, *supra*, n. 45, at 8.

[61] *Ibid.*, Fuller, *supra*, n. 51, at 126–127.

[62] See Scott, *supra*, n. 38, at 114–116.

[63] Fuller, *supra*, n. 51, at 127.

[64] D. Davis, The Movement to Abolish Capital Punishment in America 1787–1861, 63 Am. Hist. Rev. 23, 33 (1958) (hereinafter "Davis").

[65] Fuller, *supra*, n. 51, at 128. Capital punishment was abolished for all crimes but treason. The law was enacted in 1846, but did not go into effect until 1847.

[66] Davis, *supra*, n. 64, at 29–30.

[67] Fuller, *supra*, n. 51, at 129.

[68] *Id.*, at 130.

[69] *Ibid.*

[70] Bedau, *supra*, n. 45, at 10.

[71] Davis, *supra*, n. 64, at 46.

[72] See App. I to this opinion.

[73] See *McGautha* v. *California*, 402 U. S. 183, 199 (1971).

[74] Fuller, *supra*, n. 51, at 133. See also *Winston* v. *United States*, 172 U.S. 303 (1899). More than 90% of the executions since 1930 in this country have been for offenses with a discretionary death penalty. H. A. Bedau, The Courts, the Constitution and Capital Punishment, 1968 Utah L. Rev. 201, 204.

[75] See n. 72, *supra*.

[76] Fuller, *supra*, n. 51, at 134.

[77] T. Sellin in Capital Punishment, at 35 (ed. T. Sellin, 1967); United Nations, Department of Economic and Social Affairs, Capital Punishment, Pt. II, ¶¶ 82–85, at 101–102 (1968) (hereinafter "United Nations").

[78] New York authorizes the death penalty only for murder of a police officer or for murder by a life term prisoner. N.Y. Penal Code § 125.30 (McKinney's 1967).

[79] See generally H. A. Bedau, The Courts, The Constitution and Capital Punishment, 1968 Utah L. Rev. 201. Nine States do not authorize capital punishment under any circumstances: Alaska, Hawaii, Iowa, Maine, Michigan, Minnesota, Oregon, West Virginia, and Wisconsin. Puerto Rico and the Virgin Islands also have no provision for capital punishment. Bedau, *supra*, n. 45, at 39. Those States who severely restrict the imposition of the death penalty are: New Mexico, N. M. Stat. Ann. § 40 A–29–2.1 (1969 Cum. Pocket Part); New York, N. Y. Penal Code § 125.30 (McKinney's 1967); North Dakota, N.D. Cent. Code ¶¶ 12–07–01, 12–27–13 (1960); Rhode Island, R. I. Gen. Laws § 11–23–2 (1970); Vermont, Vt. Stat. Ann., Tit. 13, § 2303 (1970 Cum. Supp.). California is the only State in which the judiciary has declared capital punishment to be invalid. See n. 1, *supra*.

[80] See generally Hearings before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, 90th Cong., 2d Sess., on S. 1760 (Mar. 20, 21, and July 2, 1968) (hereinafter "Hearings").

[81] Extensive compilations of the capital crimes in particular States can be found in Bedau, *supra*, n. 45, at 39–52 and in the Brief for the Petitioner in No. 68_5027, App. G. An attempt is made to break down capital offenses into categories in Finkel, A Survey of Capital Offenses in Capital Punishment, at 22 (ed. T. Sellin, 1967).

[82] Bedau, *supra*, n. 45, at 43.

[83] *Ibid.* See also *Ralph* v. *Warden*, 438 F. 2d 786, 791–792 (CA4 1970).

[84] See H. L. Hart, Murder and the Principles of Punishment: England and the United States, 52 Nw. L. Rev. 433, 448 (1957); Royal

Commission on Capital Punishment, 1949–1953, Cmd. 8932, ¶¶ 52–53, at 17–18 (hereinafter "Royal Commission"). See generally, Reichert, Capital Punishment Reconsidered, 47 U. Ky. L. Rev. 397, 399 (1959).

[85] See, *e.g.*, C. Beccaria, On Crimes and Punishment (tr. H. Paolucci, 1963); Archibold, On the Practice, Pleading and Evidence in Criminal Cases (7th ed. by Waterman 1860), §§ 11–17, at XV–XIX.

[86] See, *e.g.*, *Rudolph* v. *Alabama*, 375 U.S. 889 (1963) (dissenting opinion): *Trop* v. *Dulles*, 356 U.S. 86, 97, 113 (1958); *Morissette* v. *United States*, 342 U.S. 246 (1952); *Williams* v. *New York*, 337 U.S. 241 (1949). In *Powell* v. *Texas*, 392 U.S. 514, 530 (1968), we said: "This Court has never held that anything in the Constitution requires that penal sanctions be designed solely to achieve therapeutic or rehabilitative effects. . . ." This is, of course, correct, since deterrence and isolation are clearly recognized as proper. *E.g.*, *Trop* v. *Dulles*, 356 U.S. 86, 111 (1958) (BRENNAN, J., concurring). There is absolutely nothing in the language, the rationale, or the holding of *Powell* v. *Texas* that implies that retribution for its own sake is a proper legislative aim in punishing.

[87] See, e.g., Vellenga, Christianity and The Death Penalty *in* The Death Penalty in America, at 123–130 (ed. H. A. Bedau, 1967); Hook, The Death Sentence, *in* the Death Penalty in America, *supra*, at 146–154 (hereinafter "Hook"). See also, Ehrenzweig, A Psychoanalysis of the Insanity Plea—Clues to the Problems of Criminal Responsibility and Insanity in the Death Cell, 73 Yale L. J. 425, 433–439 (1964).

[88] 2 J. Story, On the Constitution § 1903, at 650 (5th ed. 1891).

[89] Note, The Death Penalty Cases, 56 U. Cal. L. Rev. 1268, 1275 (1968); Note, Justice or Revenge, 60 Dick. L. Rev. 342, 343 (1956); Royal Commission, *supra*, n. 84, ¶ 55, at 18.

[90] J. Barzun, In Favor of Capital Punishment, *in* The Death Penalty in America, at 154, 163 (ed. H. A. Bedau, 1967); Hook, *supra*, n. 87, at 152.

[91] See *Commonwealth* v. *Elliott*, 371 Pa. 70, 78, 89 A. 2d 782, 786 (1952) (Musmanno, J., dissenting); F. Frankfurter, Of Law and Men 101 (1956). This assertion that life imprisonment may somehow be more cruel than death is usually rejected as frivolous. Hence, I confess to surprise at finding the assertion being made in various ways in today's opinions. If there were any merit to the contention, it would do much to undercut even the retributive motive for imposing capital punishment. In any event, there is no better response to such an assertion than that of former Pennsylvania Supreme Court Justice Musmanno in his dissent in *Commonwealth* v. *Elliott*, *supra*, at 79–80; 89 A. 2d, at 787:

"One of the judges of the lower Court indicated from the bench that a sentence of life imprisonment is not to be regarded as a lesser penalty than that of death. I challenge that statement categorically. It can be stated as a universal truth stretching from nadir to zenith that regardless of circumstances no one wants to die. Some person may, in an instant of spiritual or physical agony express a desire for death as an anodyne from intolerable pain, but that desire is never full-hearted because there is always the reserve of realization that the silken cord of life is not broken by a mere wishing. There is no person in the actual extremity of dropping from the precipice of life who does not desperately reach for a crag of time to which to cling even for a moment against the awful eternity of silence below. With all its 'slings and arrows of outrageous fortune,' life is yet sweet and death is always cruel."

Attention should also be given to the hypothesis of Sir James Stephen, quoted in the text *infra*, p. ——.

[92] See H. A. Bedau, Deterrence and the Death Penalty: A Reconsideration, 61 J. Crim. L. Crim. & Pol. Sci. 539, 542 (1970).

[93] Royal Commission, *supra*, n. 84, ¶ 59, at 20.

[94] United Nations, *supra*, n. 77, ¶ 134, at 117. The great advantage which this country has is that it can compare abolitionist and retentionist States with geographic, economic, and cultural similarities.

[95] Reprinted in Royal Commission, *supra*, n. 84, ¶ 57, at 19.

[96] United Nations, *supra*, n. 77, ¶ 139, at 118.

[97] See no. 82, *supra*.

[98] T. Sellin, The Death Penalty, A Report for the Model Penal Code Project of the American Law Institute 5 (1959) (hereinafter "ALI"); Morris, Thoughts on Capital Punishment, 35 Wash. L. Rev. & St. J. 335, 340 (1960).

[99] ALI, *supra*, n. 98, at 21.

[100] Such crimes might include lessor forms of homicide or homicide by a child or a lunatic. *Id.*, at 22; H. A. Bedau, The Laws The Crimes and The Executions, *in* The Death Penalty in America, at 61 (ed. H. A. Bedau, 1967) (hereinafter "Bedau").

[101] Sutherland, Murder and the Death Penalty, 15 J. Crim. L. Crim. & Pol. Sci. 522 (1925); ALI, *supra*, n. 98, at 22; Bedau, *supra*, n. 100, at 73.

[102] Executions were chosen for purposes of comparison because whatever impact capital punishment had would surely be most forcefully felt where punishment was actually imposed.

[103] See App. II to this opinion.

[104] See App. III to this opinion.

[105] United Nations, *supra*, n. 77, ¶ 134, at 117.

[106] Royal Commission,, *supra*, n. 84, at 349–351. Accord, Vold, Extent and Trend of Capital Crimes in United States, 284 Annals of Am. Acad. Pol. & Soc. Sci. 4 (1952).

[107] ALI, *supra*, n. 98, at 35–38.

[108] See, *e.g.*, Guillot, Abolition and Restoration of the Death Penalty in Missouri, *in* The Death Penalty in America, at 351, 358–359 (ed. H. A. Bedau, 1967); Cobin, Abolition and Resoration of the Death Penalty in Delaware, *in* The Death Penalty in America, *supra*, at 359, 371–372.

[109] ALI, *supra*, n. 98, at 38–39; Royal Commission, *supra*, n. 84, at 353; United Nations, *supra*, n. 77, ¶¶ 130–136, at 116–118.

[110] One problem is that the statistics for the 19th century are especially suspect; another is that *de jure* abolition may have been preceded by *de facto* abolition which would have distorted the figures.

[111] Royal Commission, *supra*, n. 84, at 23, 346–349; United Nations, *supra*, n. 77, ¶ 132 at 117.

[112] Hayner and Granor, The Death Penalty in Washington State, 284 Annals of Am. Acad. Pol. & Soc. Sci. 101 (1952); Graves, A Doctor Looks at Capital Punishment, 10 Med. Arts & Sci. 137 (1956); Dann, The Deterrent Effect of Capital Punishment, Bull. 29, Friends Social Service Series, Committee on Philanthropic Labor and Philadelphia Yearly Meeting of Friends (1935); Savitz, A Study in Capital Punishment, 49 J. Crim. L. Crim. & Pol. Sci. 338 (1958); United Nations, *supra*, n. 77, ¶ 135, at 118.

[113] Graves, A Doctor Looks at Capital Punishment, 10 Med. Arts & Sci. 137 (1956); Hearings, *supra*, n. 80, at 23 (testimony of C. Duffy), 126 (statement of Dr. West); T. Reik, The Compulsion to Confess 474 (1959); McCafferty, Major Trends in the Use of Capital Punishment, 25 Fed. Prob., No. 3, at 15 (Sept. 1961). Capital punishment may provide an outlet for suicidal impulses or a means of achieving notoriety, for example.

[114] See, *e.g.*, Gerstein, A Prosecutor Looks at Capital Punishment, 51 J. Crim. L. Crim. & Pol. Sci. 252 (1969); J. E. Hoover, Statements in Favor of Death Penalty; *in* The Death Penalty in America, at 130 (ed. H. A. Bedau, 1967); Younger, Capital Punishment: A Sharp Medicine Reconsidered, 42 A.B.A.J. 113 (1956). But see, Symposium on Capital Punishment, D.A.'s Assn. of State of New York, Jan. 27, 1961, 7 N.Y.L.F. 249, 267 (1961) (Statement of A. Herman, head of the homicide bureau of the New York City Dist. Att'y's Office).

[115] ALI, *supra*, n. 98, at 56–58; Koeniger, Capital Punishment in Texas 1924–1968, 284 Annals Am. Acad. Pol. & Soc. Sci. 132; T. Sellin, Does the Death Penalty Protect Municipal Police, *in* The Death Penalty in America, at 284 (ed. H. A. Bedau, 1967); United Nations, *supra*, n. 77, ¶ 136, at 118.

[116] L. Lawes, Life and Death in Sing Sing 150 (1937); McGee, Capital Punishment as Seen by a Correctional Administrator, 28 Fed. Prob. 11 (1964); 1950 Survey of the International Penal and Penitentiary Commission, cited in ALI, *supra*, n. 98, at 70–72; T. Sellin, Prisons Homicides, *in* Capital Punishment, at 154 (ed T. Sellin, 1967); cf. Akman, Homicides and Assaults in Canadian Prisons, *in* Capital Punishment, *supra*, at 161, 168. The argument can be made that the reason for the good record of murderers is that those who are likely to be recidivists are executed. There is, however, no evidence to show that in choosing between life and death sentences juries select the lesser penalties for those persons they believe are unlikely to commit future crimes.

[117] *E.g.*, United Nations, *supra*, n. 77, ¶ 144, at 119; B. Eshelman and F. Riley, Death Row Chaplain 224 (1962). This is supported also by overwhelming statistics showing an extremely low rate of recidivism for convicted murderers who are released from prison. Royal Commission, *supra*, n. 84, App. 15, at 486–491; ALI, *supra*, n. 98, at 72–79; United Nations, *supra*, n. 77, ¶ 144, at 119.

[118] See, *e.g.*, H. A. Bedau, The Question of Deterrence, *in* The Death Penalty in America, at 267 (ed. H. A. Bedau, 1967).

[119] *Ibid.* and n. 11; Note, The Death Penalty Cases, 56 U. Cal. L. Rev. 1268, 1282–1283 (1968).

[120] See n. 113, *supra*.

[121] United Nations, *supra*, n. 77, ¶ 159, at 123.

[122] See nn. 58 and 59, *supra*, and accompanying text.

[123] See n. 62, *supra*, and accompanying text.

[124] Graves, A Doctor Looks at Capital Punishment, 10 Med. Arts. & Sci. 137 (1956); Royal Commission, *supra*, n. 84, at 20–21; Schuessler, The Deterrent Influence of the Death Penalty, 284 Annals Am. Acad. Pol. & Soc. Sci. 55 (1952); United Nations, *supra*, n. 77, ¶ 142, at 119; Wolfgang, Patterns of Criminal Homicide (1958).

One would assume that if deterrence were enhanced by capital punishment, the increased deterrence would be most effective with respect to the premeditated murder or the hired killer who plots his crime before committing it. But, such people rarely expect to be caught and usually assume that if they are caught they will either be acquitted or sentenced to prison. This is a fairly dependable assumption since a reliable estimate is that one person is executed for every 100 capital murders known to the police. H. L. Hart, Murder and the Principles of Punishment: England and the United States, 52 Nw. L. Rev. 433, 444–445 (1957). For capital punishment to deter anybody it must be a certain result of a criminal act, cf. *Ex parte Medley*, 134 U.S. 160 (1889), and it is not. It must also follow swiftly upon completion of the offense and it cannot in our complicated due process system of justice. See, *e.g.*, H. A. Bedau, The Question of Deterrence, *in* The Death Penalty in America, at 258, 271–272 (ed. H. A. Bedau, 1967); DiSalle, Trends in the Abolition of Capital Punishment, 1 Toledo L. Rev. 1, 4 (1969). It is ironic that those persons whom we would like to deter the most have the least to fear from the death penalty and recognize that fact. T. Sellin, Address for Canadian Society for Abolition of the Death Penalty, Feb. 7, 1965, *in* 8 Crim. L. Q. 36, 48 (1966); Proceedings of the Section of Criminal Law of the ABA, August 24, 1959, at 7 (M. DiSalle).

[125] In reaching this conclusion, I maintain agreement with that portion of Stephen's hypothesis which suggests that convicted criminals fear death more than they fear life imprisonment. As I stated earlier, the death penalty is a more severe sanction. The error in the hypothesis lies in its assumption that because men fear death more than imprisonment after they are convicted, that they necessarily must weigh potential penalties prior to committing criminal acts and that they will conform their behavior so as to insure that, if caught, they will receive the preceding footnote explains why such that much thought is given to penalties before the act is committed, and even if it were, the preceding footnote explains why such thought would not lead to deterrence.

[126] See n. 117, *supra*.

[127] See, *e.g.*, Royal Commission, *supra*, n. 84, App. 15, at 486–491.

[128] *Jackson* applies to the States under the criteria articulated in *Duncan* v. *Louisiana*, 391 U.S. 145, 149 (1968).

[129] See, *e.g.*, Barzun, In Favor of Capital Punishment, in The Death Penalty in America, at 154 (ed H. A. Bedau, 1967).

[130] See, *e.g.*, H. A. Bedau, Death as a Punishment, in The Death Penalty in America, at 226–228 (ed. H. A. Bedau, 1967); Caldwell, Why is the Death Penalty Retained?, 284 Annals Am. Acad. Pol. & Soc. Sci. 45, 50 (1952) (hereinafter "Caldwell"); Johnson, Selective Factors in Capital Punishment, 36 Soc. Forces 165, 169 (1957); Sellin, Capital Punishment, 25 Fed. Prob. 3 (Sept. 1961). We should not be surprised at the lack of merit in the eugenic arguments. There simply is no evidence that mentally ill persons who commit capital offenses constitute a psychiatric entity distinct from other mentally disordered patients or that they do not respond as readily to treatment. Cruvant and Waldrop, The Murderer in the Mental Institution, 284 Annals Am. Acad. Pol. & Soc. Sci. 35, 43 (1952).

[131] Caldwell, *supra*, n. 130, at 48; McGee, Capital Punishment as Seen by a Correctional Administrator, 28 Fed. Prob. 11 (June 1964) (hereinafter "McGee").

[132] McGee, *supra*, n. 131, at 13–14; Bailey, Rehabilitation on Death Row, *in* The Death Penalty in America, at 556 (ed. H. A. Bedau, 1967).

[133] T. Thomas, This Life We Take 20 (3d ed. 1965).

[134] *Stein* v. *New York*, 346 U.S. 156, 196 (1953) (Jackson, J.); cf. *Reid* v. *Covert*, 354 U.S. 1, 77 (1957) (Harlan, J., concurring).

[135] See, *e.g.*, *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968).

[136] Slovenko, And the Penalty is (Sometimes) Death, 24 Antioch Review 351 (1964).

[137] See, *e.g.*, *Caritativo* v. *California*, 357 U.S. 549 (1958).

[138] This practice has seemed a strange way to spend money to others as well as to the author of this opinion. See, *e. g.*, T. W. Arnold, The Symbols of Government 10–13 (1935).

[139] Slovenko, And the Penalty is (Sometimes) Death, 24 Antioch Review 351, 363 (1964).

[140] B. Eshelman and F. Riley, Death Row Chaplain 226 (1962); Caldwell, *supra*, n. 130, at 48; McGee, *supra*, n. 131, at 13; Sellin, Capital Punishment, 25 Fed. Prob. 3 (Sept. 1961).

[141] This analysis parallels in some ways the analysis used in striking down legislation on the ground that it violates Fourteenth Amendment concepts of substantive due process. See Packer, Making the Punishment Fit the Crime, 77 Harv. L. Rev. 1071, 1074 (1964). There is one difference, however. Capital punishment is unconstitutional because it is excessive and unnecessary punishment, not because it is irrational.

The concepts of cruel and unusual punishment and substantive due process become so close as to merge when the substantive due process argument is stated in the following manner: because capital punishment deprives an individual of a fundamental right (*i.e.*, the right to life), *Johnson* v. *Zerbst*, 304 U.S. 458, 462 (1938), the State needs a compelling interest to justify it. See Note, The Death Penalty Cases, 56 U. Cal. L. Rev. 1268, 1324–1354 (1968). Thus stated, the substantive due process argument reiterates what is essentially the primary purpose of the cruel and unusual punishments clause of the Eighth Amendment—*i.e.*, punishment may not be more severe than is necessary to serve the legitimate interests of the State.

THE CHIEF JUSTICE asserts that if we hold that capital punishment is unconstitutional because it is excessive, we will next have to determine whether a 10-year prison sentence rather than a five-year sentence is also excessive, or whether a $5 fine would not do equally well as a $10 fine. He may be correct that such determinations will have to be made, but, as in these cases, those persons challenging the penalty will bear a heavy burden of demonstrating that it is excessive. These cases arise after 200 years of inquiry, 200 years of public debate and 200 years of marshalling evidence. The burden placed on those challenging capital punishment could not have been greater. I am convinced that they have met their burden. Whether a similar burden will prove too great in future cases is a question that we can resolve in time.

[142] *United States* v. *Rosenberg*, 195 F. 2d 583, 608 (CA2) (Frank, J.), cert. denied, 344 U.S. 838 (1952). See also *Kasper* v. *Brittain*, 245 F. 2d 92, 96 (CA6), cert. denied, 355 U. S. 834 (1957) ("shocking to the sense of justice"); *People* v. *Morris*, 80 Mich. 634, 639, 45 N. W. 591, 592 (1890) ("shock the moral sense of the people"). In *Repouille* v. *United States*, 165 F. 2d 152 (CA2 1947), and *Schmidt* v. *United States*, 177 F. 2d 450, 451 (CA2 1949), Judge Learned Hand wrote that the standard of "good moral character" in the Nationality Act was to be judged by "the generally accepted moral conventions current at the time." 165 F. 2d, at 153. Judge Frank, who was later to author the *Rosenberg* opinion in which a similar standard was adopted, dissented in *Repouille* and urged that the correct standard was the "attitude of our ethical leaders." 165 F. 2d, at 154. In light of *Rosenberg*, it is apparent that Judge Frank would require a much broader-based moral approbation before striking down a punishment as cruel and unusual than he would for merely holding that conduct was evidence of bad moral character under a legislative act.

[143] *United States* v. *Rosenberg*, 195 F. 2d 583, 608 (CA 2), cert. denied, 344 U.S. 838 (1952).

[144] See *Repouille* v. *United States*, 165 F. 2d 152, 153 (CA2 1947). In *Witherspoon* v. *Illinois*, 391 U.S. 510, 520 (1968), the Court cited a public opinion poll which showed that 42% of the American people favored capital punishment, while 47% opposed it. But the polls have shown great fluctuation. See H. A. Bedau, What Do Americans Think of the Death Penalty, *in* The Death Penalty in America, at 231–241 (ed. H. A. Bedau, 1967).

[145] The fact that the constitutionality of capital punishment turns on the opinion of an informed citizenry undercuts the argument that since the legislature is the voice of the people, its retention of capital punishment must represent the will of the people. So few people have been executed in the past decade that capital punishment is a subject only rarely brought to the attention of the average American. Lack of exposure to the problem is likely to lead to indifference, and indifference and ignorance result in preservation of the status quo, whether or not that is desirable, or desired.

It might be argued that in choosing to remain indifferent and uninformed, citizens reflect their judgment that capital punishment is really a question of utility, not morality, and not one, therefore, of great concern. As attractive as this is on its face, it cannot be correct, because such an argument requires that the choice to remain ignorant or indifferent be a viable one. That, in turn, requires that it be a knowledgable choice. It is therefore imperative for constitutional purposes to attempt to discern the probable opinion of an informed electorate.

[146] Cf. Packer, Making the Punishment Fit the Crime, 77 Harv. L. Rev. 1071, 1076 (1964).

[147] *E. g.*, Gold, A Psychiatric Review of Capital Punishment, 6 J. Forensic Sci. 465, 466 1961); A. Koestler, Reflections on Hanging 164 (1957); cf. C. Duffy & A. Hirshberg, 88 Men and 2 Men 257–258 (1962).

[148] Hearings, *supra*, n. 80, at 11 (Statement of M. DiSalle).

[149] National Prisoner Statistics, No. 45, Capital Punishment (1930–1968), at 7 (August 1969).

[150] *Ibid.*

[151] *Ibid.*

[152] Alexander, The Abolition of Capital Punishment, Proceedings of the 96th Congress of Correction Proceedings of the American Correctional Association, Baltimore, Md., at 59 (1967); H. A. Bedau, Criminal Justice: The General Aspects, *in* The Death Penalty in America, at 405, 411–414 (ed. H. A. Bedau, 1967); H. A. Bedau, Death Sentences in New Jersey, 1907–1960, 19 Rutgers L. Rev. 1, 18–21, 52–53 (1964); R. Clark, Crime in America 335 (1970); Hochhammer, The Capital Punishment Controversy, 60 J. Crim. L. Crim. & Pol. Sci. 360, 361–362 (1969); Johnson, The Negro and Crime, 217 Annals Am. Acad. Pol. & Soc. Sci. 93, 95, 99 (1941); Johnson, Selective Factors in Capital Punishment, 36 Social Forces 165 (1967); United Nations, *supra*, n. 77, ¶ 69, at 98; Williams, The Death Penalty and the Negro, 67 Crisis 501, 511 (1960); Wolfgang and Cohen, Crime and Race: Conceptions and Misconceptions 77, 80–81, 85–86 (1970); Wolfgang, Kelly & Nolde, Comparison of the Executed and the Commuted Along Admissions to Death Role, 53 J. Crim. L. Crim. & Pol. Sci. 301 (1962). MR. JUSTICE DOUGLAS explores the discriminatory application of the death penalty at great length.

[153] National Prisoner Statistics, No. 45, Capital Punishment (1930–1968), at 28 (August 1969).

[154] Men kill between four and five times more frequently than women. See Wolfgang, A Sociological Analysis of Criminal Homicide, *in* The Death Penalty in America, at 74, 75 (ed. H. A. Bedau, 1967). Hence, it would not be irregular to see four or five times as many men executed as women. The statistics show a startling greater disparity, however. United Nations, supra, n. 77, ¶67, at 97–98.

[155] H. A. Bedau, Criminal Justice, The General Aspects, *in* The Death Penalty in America, at 405, 411; H. A. Bedau, Capital Punishment in Oregon, 1903–1964, 45 Ore. L. Rev. 1 (1965); H. A. Bedau, Death Sentences in New Jersey, 1907–1960, 19 Rutgers L. Rev. 1 (1964); R. Clark, Crime in America 335 (1970); C. Duffy & A. Hirschberg, 88 Men and 2 Women 256–257 (1962); Carter & Smith, The Death Penalty in California: A Statistical and Composite Portrait, 15 Crime & Delinq. 62 (1969); Hearings, *supra*, n. 80 at 124–125 (Statement of Dr. West); Koeniger, Capital Punishment in Texas, 1924–1968, 15, 302 (1928); McGee, *supra*, n. 131, at 11–12.

[156] See, *e.g.*, E. Borchard, Convicting the Innocent (1932); J. Frank & B. Frank, Not Guilty (1957); E. S. Gardner, Court of Last Resort (1952). These three books examine cases in which innocent persons were sentenced to die. None of the innocents was actually executed, however. Hugo Adam Bedau has abstracted 74 cases occurring in the United States since 1893 in which a wrongful conviction for murder was alleged and usually proved "beyond doubt." In almost every case, the convictions were sustained on appeal. Bedau seriously contends

that innocent persons were actually executed. H. A. Bedau, Murder, Errors of Justice, and Capital Punishment, *in* The Dealth Penalty in America, at 434, 438 (ed. H. A. Bedau, 1967). See also Black, The Crisis in Capital Punishment, 31 Md. L. Rev. 289 (1971); Hirschberg, Wrongful Convictions, 13 Rocky Mt. L. Rev. 20 (1940); Pollak, The Errors of Justice, 284 Annals Am. Acad. Pol. & Soc. Sci. 115 (1952).

[157] E. S. Gardner, Court of Last Resort 178 (1952).

[158] Mr. Justice Douglas recognized this fact when he wrote:

"One who reviews the records of criminal trials need not look long to find an instance where the issue of guilt or innocence hangs in delicate balance. A judge who denies a stay of execution in a capital case often wonders if an innocent man is going to his death. . . .

"Those doubts exist because our system of criminal justice does not work with the efficiency of a machine—errors are made and innocent as well as guilty people are sometimes punished. . . .

". . . We believe that it is better for ten guilty people to be set free than for one innocent man to be unjustly imprisoned.

"Yet the sad truth is that a cog in the machine often slips: memories fail; mistaken identifications are made; those who wield the power of life and death itself—the police officer, the witness, the prosecutor, the juror, and even the judge—become overzealous in their concern that criminals be brought to justice. And at times there is a venal combination between the police and a witness."

Foreword, J. Frank & B. Frank, Not Guilty 11–12 (1957).

There has been an "incredible lag" between the development of modern scientific methods of investigation and their application to criminal cases. When modern methodology is available, prosecutors have the resources to utilize it, whereas defense counsel often may not. Lassers, Proof of Guilt in Capital Cases—An Unscience, 58 J. Crim. L. Crim. & Pol Sci. 310 (1967). This increases the chances of error.

[159] Ehrmann, The Death Penalty and the Administration of Justice, 284 Annals Am. Acad. Pol. & Soc. Sci. 73, 83 (1952).

[160] F. Frankfurter, Of Law and Men 81 (1956).

[161] B. Eshelman & F. Riley, Death Row Chaplain 222 (1962).

[162] McCafferty, Major Trends in the Use of Capital Punishment, 25 Fed. Prob. 15, 21 (Sept. 1961) (quoting Dr. S. Glueck of Harvard University).

[163] Mr. Justice Powell suggests that this conclusion is speculative, and he is certainly correct. But the mere recognition of this truth does not undercut the validity of the conclusion. Mr. Justice Powell himself concedes that judges somehow know that certain punishments are no longer acceptable in our society; for example, he refers to branding and pillorying. Whence comes this knowledge? The answer is that it comes from our intuition as human beings that our fellow human beings no longer will tolerate such punishments.

I agree wholeheartedly with the implication in my Brother Powell's opinion that judges are not free to strike down penalties that they find personally offensive. But, I disagree with his suggestion that it is improper for judges to ask themselves whether a specific punishment is morally acceptable to the American public. Contrary to some current thought, judges have not lived lives isolated from a broad range of human experience. They have come into contact with many people, many ways of life, and many philosophies. They have learned to share with their fellow human beings common views of morality. If, after drawing on this experience and considering the vast ranges of people and views that they have encountered, judges conclude that these people would not knowingly tolerate a specific penalty in light of its costs, then this conclusion is entitled to weight. See M. Frankel, Book Review, 85 Harv. L. Rev. 354 (1971). Judges can find assistance in determining whether they are being objective, rather than subjective, by referring to the attitudes of the persons whom most citizens consider our "ethical leaders." See *Repouille* v. *United States*, 165 F. 2d 152, 154 (CA2 1947) (Frank, J., dissenting).

I must also admit that I am confused as to the point that my Brother Powell seeks to make regarding the underprivileged members of our society. If he is stating that this Court cannot solve all of their problems in the context of this case, or even many of them, I would agree with him. But if he is opining that it is only the poor, the ignorant, the racial minorities, and the hapless in our society who are executed; that they are executed for no real reason other than to satisfy some vague notion of society's cry for vengeance; and that knowing these things, the people of this country would not care, then I most urgently disagree.

There is too much crime, too much killing, too much hatred in this country. If the legislatures could eradicate these elements from our lives by utilizing capital punishment, then there would be a valid purpose for the sanction and the public would surely accept it. It would be constitutional. As The Chief Justice and Mr. Justice Powell point out, however, capital punishment has been with us a long time. What purpose has it served? The evidence is that it has served none. I cannot agree that the American people have been so hardened, so embittered that they want to take the life of one who performs even the basest criminal act knowing that the execution is nothing more than bloodlust. This has not been my experience with my fellow citizens. Rather, I have found that they earnestly desire their system of punishments to make sense in order that it can be a morally justifiable system. See generally T. Arnold, The Criminal Trial As a Symbol of Public Morality, in Criminal Justice In Our Time (ed. A. E. D. Howard 1965).

[164] R. Clark, Crime in America 336 (1970).

[165] Some jurisdictions have *de facto* abolition; others have *de jure. Id.*, at 330; Hearings, *supra*, n. 80, at 9–10 (Statement of M. DiSalle). See generally Patrick, The Status of Capital Punishment: A World Perspective, 56 J. Crim. L. Crim. & Pol. Sci. 397 (1965); United Nations, *supra*, n. 77, ¶¶ 10–17, 63–65, at 83–85, 96–97; Brief for Petitioner, No. 68–5027, App. E.

APPENDIX I

ABOLITION OF THE DEATH PENALTY IN THE UNITED STATES: 1846–1968 (STATES ARE LISTED ACCORDING TO YEAR MOST RECENT ACTION WAS TAKEN)

State	Year of partial abolition	Year of complete abolition	Year of restoration	Year of reabolition
New York	[1] 1965			
Vermont	[2] 1965			
West Virginia		1965		
Iowa		1872	1878	1965
Oregon		1914	1920	1964
Michigan	[3] 1847	1963		
Delaware		1958	1961	
Alaska		1957		
Hawaii		1957		
South Dakota		1915	1939	
Kansas		1907	1935	
Missouri		1917	1919	
Tennessee	[4] 1915		1919	
Washington		1913	1919	
Arizona	[5] 1916		1918	
North Dakota	[6] 1915			
Minnesota		1911		
Colorado		1897	1901	
Maine		1876	1883	1887
Wisconsin		1853		
Rhode Island	[7] 1852			

[1] Death penalty retained for persons found guilty of killing a peace officer who is acting in line of duty, and for prisoners under a life sentence who murder a guard or inmate while in confinement or while escaping from confinement.

[2] Death penalty retained for persons convicted of 1st-degree murder who commit a 2d "unrelated" murder, and for the 1st-degree murder of any law enforcement officer or prison employee who is in the performance of the duties of his office.

[3] Death penalty retained for treason. Partial abolition was voted in 1846, but was not put into effect until 1847.

[4] Death penalty retained for rape.

[5] Death penalty retained for treason.

[6] Death penalty retained for treason, and for 1st-degree murder committed by a prisoner who is serving a life sentence for 1st-degree murder.

[7] Death penalty retained for persons convicted of committing murder while serving a life sentence for any offense.

Source: National Prisoner Statistics, No. 45, Capital Punishment (1930–68), August 1969, at 30

APPENDIX II

CRUDE HOMICIDE DEATH RATES AND NUMBER OF EXECUTIONS IN CERTAIN AMERICAN STATES: 1920–55

Year	Maine[1]	New Hampshire		Vermont		Massachusetts		Rhode Island	Connecticut	
		Rates	Executions	Rates	Executions	Rates	Executions		Rates	Executions
1920	1.4	1.8		2.3		2.1	1	1.8	3.9	1
1921	2.2	2.2		1.7		2.8		3.1	2.9	2
1922	1.7	1.6		1.1		2.6		2.2	2.9	1
1923	1.7	2.7		1.4		2.8	1	3.5	3.1	
1924	1.5	1.5		.6		2.7	1	2.0	3.5	
1925	2.2	1.3		.6		2.7		1.8	3.7	
1926	1.1	.9		2.2		2.0	1	3.2	2.9	1
1927	1.9	.7		.8		2.1	6	2.7	2.3	2
1928	1.6	1.3		1.4		1.9	3	2.7	2.7	
1929	1.0	1.5		1.4		1.7	6	2.3	2.6	1
1930	1.8	.9		1.4		1.8		2.0	3.2	2
1931	1.4	2.1		1.1	1	2.0	2	2.2	2.7	
1932	2.0	.2		1.1		2.1	1	1.6	2.9	
1933	3.3	2.7		1.6		2.5		1.9	1.8	
1934	1.1	1.4		1.9		2.2	4	1.8	2.4	
1935	1.4	1.0		.3		1.8	4	1.6	1.9	
1936	2.2	1.0		2.1		1.6	2	1.2	2.7	1
1937	1.4	1.8		1.8		1.9		2.3	2.0	1
1938	1.5	1.8		1.8		1.3	3	1.2	2.1	1

Footnote at end of table.

Year	Maine[1]	New Hampshire		Vermont		Massachusetts		Rhode Island	Connecticut	
		Rates	Executions	Rates	Executions	Rates	Executions		Rates	Executions
1939	1.2	2.3	1	.8	----	.4	2	1.6	1.3	----
1940	1.5	1.4	----	.8	----	1.5	----	1.4	1.8	2
1941	1.1	.4	----	2.2	----	1.3	1	.8	2.2	----
1942	1.7	.2	----	.9	----	1.3	2	1.2	2.5	----
1943	1.7	.9	----	.6	----	.9	3	1.5	1.6	2
1944	1.5	1.1	----	.3	----	1.4	----	.6	1.9	1
1945	.9	.7	----	2.9	----	1.5	----	1.1	1.5	1
1946	1.4	.8	----	1.7	----	1.4	1	1.5	1.6	3
1947	1.2	.6	----	1.1	1	1.6	2	1.5	1.9	----
1948	1.7	1.0	----	.8	----	1.4	----	2.7	1.7	1
1949	1.7	1.5	----	.5	----	1.1	----	.5	1.8	----
1950	1.5	1.3	----	.5	----	1.3	----	1.5	1.4	----
1951	2.3	.6	----	.5	----	1.0	----	.9	2.0	----
1952	1.0	1.5	----	.5	----	1.0	----	1.5	1.7	----
1953	1.4	.9	----	.3	----	1.0	----	.6	1.5	----
1954	1.7	.5	----	1.6	2	1.0	----	1.3	1.3	----
1955	1.2	1.1	----	.5	----	1.2	----	1.7	1.3	3

[1] Maine and Rhode Island have no death penalty for ordinary murder.

Source: ALI, supra, n. 98, at 25. More recent statistics indicate that the rates changed little between 1955 and 1965, and that changes were approximately equal in abolitionist and retentionist jurisdiction. Bedau, supra, n. 100, at 68.

APPENDIX III

CRUDE HOMICIDE DEATH RATES AND NUMBER OF EXECUTIONS IN CERTAIN AMERICAN STATES: 1920-55

Year	Michigan	Ohio		Indiana		Minn.[1]	Iowa		Wisconsin[1]	North Dakota	South Dakota		Nebraska	
		Rate	Executions	Rate	Executions		Rate	Executions			Rate	Executions	Rate	Executions
1920	5.5	6.9	3	4.7	2	3.1	(2)	----	1.7	(2)	(2)	(3)	4.2	----
1921	4.7	7.9	10	6.4	----	4.4	----	----	2.2	----	----	----	4.9	----
1922	4.3	7.3	12	5.7	2	3.6	----	3	1.8	----	----	----	4.5	----
1923	6.1	7.8	10	6.1	----	2.9	2.1	2	2.2	----	----	----	4.1	----
1924	7.1	6.9	10	7.3	----	3.2	2.7	1	1.8	2.1	----	----	4.4	----
1925	7.4	8.1	13	6.6	1	3.8	2.7	2	2.3	2.0	----	----	4.0	----
1926	10.4	8.6	7	5.8	3	2.2	2.3	----	2.6	1.8	----	----	2.7	----
1927	8.2	8.6	8	6.3	1	2.6	2.4	----	2.6	1.6	----	----	3.5	----
1928	7.0	8.2	7	7.0	1	2.8	2.3	----	2.1	1.0	----	----	3.7	----
1929	8.2	8.3	5	7.0	1	2.2	2.6	----	2.3	1.2	----	----	3.0	----
1930	6.7	9.3	8	6.4	1	3.8	3.2	----	3.1	3.5	1.9	----	3.5	----
1931	6.2	9.0	10	6.5	1	2.9	2.5	1	3.6	2.0	2.3	----	3.6	----
1932	5.7	8.1	7	6.7	2	2.9	2.9	----	2.8	1.2	1.6	----	3.7	----
1933	5.1	8.2	11	5.6	3	3.5	2.9	----	1.9	1.2	1.7	----	3.2	----
1934	4.2	7.7	7	7.1	4	3.4	2.3	----	2.4	1.6	3.0	----	4.4	----
1935	4.2	7.1	10	4.4	2	2.6	2.0	3	1.4	2.3	2.0	----	3.4	----
1936	4.0	6.6	6	5.2	2	2.3	1.8	----	1.7	2.0	1.2	----	2.5	----
1937	4.6	5.7	1	4.7	5	1.6	2.2	----	2.2	1.6	.1	----	2.0	----
1938	3.4	5.1	12	4.4	8	1.6	1.4	4	2.0	2.4	.9	----	1.6	----
1939	3.1	4.8	10	3.8	3	1.6	1.8	----	1.4	1.2	2.8	----	2.1	----
1940	3.0	4.6	2	3.3	----	1.2	1.3	1	1.3	1.4	2.2	----	1.0	----
1941	3.2	4.2	4	3.1	1	1.7	1.3	1	1.4	2.3	1.0	----	2.1	----
1942	3.2	4.6	2	3.2	1	1.7	1.2	----	1.6	1.4	.9	----	1.8	----
1943	3.3	4.4	5	2.8	----	1.2	1.0	----	1.1	.6	1.4	----	2.4	----
1944	3.3	3.9	2	2.8	----	1.4	1.7	1	.9	.9	1.6	----	1.3	----
1945	3.7	4.9	7	4.0	1	1.9	1.6	1	1.6	1.0	2.0	----	1.2	1
1946	3.2	5.2	2	3.9	1	1.6	1.8	2	.9	1.5	1.1	----	2.1	----
1947	3.8	4.9	5	3.8	----	1.2	1.9	----	1.4	.4	1.0	1	2.2	----
1948	3.4	4.5	7	4.2	----	1.9	1.4	----	.9	.9	2.0	----	2.5	1
1949	3.5	4.4	15	3.2	3	1.1	.9	1	1.3	.7	2.3	----	1.8	----
1950	3.9	4.1	4	3.6	1	1.2	1.3	----	1.1	.5	1.1	----	2.9	----
1951	3.7	3.8	4	3.9	1	1.3	1.5	----	1.1	.5	.9	----	1.0	----
1952	3.3	4.0	4	3.8	----	1.3	1.5	1	1.6	.8	2.3	----	1.6	1
1953	4.6	3.6	4	4.0	----	1.5	1.1	----	1.2	1.1	1.1	----	2.0	----
1954	3.3	3.4	4	3.2	----	1.0	1.0	----	1.1	.5	1.5	----	2.3	----
1955	3.3	3.1	----	3.1	----	1.1	1.2	----	1.1	.8	1.8	----	1.3	----

[1] Michigan, Minnesota, Wisconsin, and North Dakota have no death penalty for ordinary murder.

[2] Iowa, North Dakota, and South Dakota were not admitted to the national death registration area until 1923, 1924, and 1930 respectively.

[3] South Dakota introduced the death penalty in 1939.

Source: ALI, supra, n. 98 at 28. See also id., at 32–34.

MR. CHIEF JUSTICE BURGER, WITH WHOM MR. JUSTICE BLACKMUN, MR. JUSTICE POWELL, AND MR. JUSTICE REHNQUIST JOIN, DISSENTING

At the outset it is important to note that only two members of the Court, MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL, have concluded that the Eighth Amendment prohibits capital punishment for all crimes and under all circumstances. MR. JUSTICE DOUGLAS has also determined that the death penalty contravenes the Eighth Amendment, although I do not read his opinion as necessarily requiring final abolition of the penalty.[1] For the reasons set forth in Parts I–IV of this opinion, I conclude that the constitutional prohibition against "cruel and unusual punishments" cannot be construed to bar the imposition of the punishment of death.

MR. JUSTICE STEWART and MR. JUSTICE WHITE have concluded that petitioners' death sentences must be set aside because prevailing sentencing practices do not comply with the Eighth Amendment. For the reasons set forth in Part V of this opinion, I believe this approach fundamentally misconceives the nature of the Eighth Amendment guarantee and flies directly in the face of controlling authority of extremely recent vintage.

Footnotes at end of article.

I

If we were possessed of legislative power, I would either join with MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL or, at the very least, restrict the use of capital punishment to a small category of the most heinous crimes. Our constitutional inquiry, however, must be divorced from personal feelings as to the morality and efficacy of the death penalty and be confined to the meaning and applicability of the uncertain language of the Eighth Amendment. There is no novelty in being called upon to interpret a constitutional provision that is less than self-defining, but of all our fundamental guarantees, the ban on "cruel and unusual punishments" is one of the most difficult to translate into judicially manageable terms. The widely divergent views of the Amendment expressed in today's opinions reveal the haze that surrounds this constitutional command. Yet it is essential to our role as a court that we not seize upon the enigmatic character of the guarantee as an invitation to enact our personal predilections into law.

Although the Eighth Amendment literally reads as prohibiting only those punishments that are both "cruel" and "unusual," history compels the conclusion that the Constitution prohibits all punishments of extreme and barbarous cruelty, regardless of how frequently or infrequently imposed.

The most persuasive analysis of Parliament's adoption of the English Bill of Rights of 1689—the unquestioned source of the Eighth Amendment wording—suggests that the prohibition against "cruel and unusual punishments" was included therein out of aversion to severe punishments not legally authorized and not within the jurisdiction of the courts to impose. To the extent that the term "unusual" had any importance in the English version, it was apparently intended as a reference to illegal punishments.[2]

From every indication, the framers of the

Eighth Amendment intended to give the phrase a meaning far different from that of its English precursor. The records of the debates in several of the State conventions called to ratify the 1789 draft Constitution submitted prior to the addition of the Bill of Rights show that the framers' exclusive concern was the absence of any ban on tortures.[3] The later inclusion of the "cruel and unusual punishments" clause was in response to these objections. There was no discussion of the inter-relationship of the terms "cruel" and "unusual," and there is nothing in the debates supporting the inference that the Founding Fathers would have been receptive to torturous or excessively cruel punishments even if usual in character or authorized by law.

The cases decided under the Eighth Amendment are consistent with the tone of the ratifying debates. In *Wilkerson* v. *Utah*, 99 U. S. 130 (1878), this Court held that execution by shooting was not a prohibited mode of carrying out a sentence of death. Speaking to the meaning of the "cruel and unusual punishments" clause, the Court stated,

> ". . . it is safe to affirm that punishments of torture, . . . and all others in the same line of unnecessary cruelty, are forbidden by that amendment to the Constitution." 99 U. S., at 134.

The Court made no reference to the role of the term "unusual" in the constitutional guarantee.

In the case of *In re Kemmler*, 136 U.S. 438 (1890), the Court held the Eighth Amendment inapplicable to the States and added the following dictum:

> "So that, if the punishment prescribed for an offense against the laws of the State were manifestly cruel and unusual, as burning at the stake, crucifixion, breaking on the wheel, or the like, it would be the duty of the courts to adjudge such penalties to be within the . . . [prohibition of the New York constitution]. And we think this equally true of the Eighth Amendment, in its application to Congress.
>
> ". . . Punishments are cruel when they involve torture or a lingering death; but the punishment of death is not cruel, within the meaning of that word as used in the Constitution. It implies there something inhuman and barbarous, something more than the mere extinguishment of life." 136 U.S., at 446–447.

This language again reveals an exclusive concern with extreme cruelty. The Court made passing reference to the finding of the New York courts that electrocution was an "unusual" punishment, but it saw no need to discuss the significance of that term as used in the Eighth Amendment.

Opinions in subsequent cases also speak of extreme cruelty as though that were the sum and substance of the constitutional prohibition. See *O'Neil* v. *Vermont*, 144 U.S. 323, 339–340 (1892); *Weems* v. *United States*, 217 U.S. 349, 372–373 (1910); *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S. 459, 464 (1947). As summarized by Mr. Chief Justice Warren in the plurality opinion in *Trop* v. *Dulles*, 356 U.S. 86, 100 n. 32 (1958);

> "Whether the word 'unusual' has any qualitative meaning different from 'cruel' is not clear. On the few occasions this Court has had to consider the meaning of the phrase, precise distinctions between cruelty and unusualness do not seem to have been drawn. See *Weems* v. *United States, supra; O'Neil* v. *Vermont, supra; Wilkerson* v. *Utah, supra.* These cases indicate that the Court simply examines the particular punishment involved in light of the basic prohibition against inhuman treatment, without regard to any subtleties of meaning that might be latent in the word 'unusual.'"

I do not suggest that the presence of the word "unusual" in the Eighth Amendment is merely vestigial, having no relevance to the constitutionality of any punishment that might be devised. But where, as here, we consider a punishment well known to history, and clearly authorized by legislative enactment, it disregards the history of the Eighth Amendment and all the judicial comment that has followed to rely on the term "unusual" as affecting the outcome of these cases. Instead, I view these cases as turning on the single question whether capital punishment is "cruel" in the constitutional sense. The term "unusual" cannot be read as limiting the ban on "cruel" punishments or as somehow expanding the meaning of the term "cruel." For this reason I am unpersuaded by the facile argument that since capital punishment has always been cruel in the everyday sense of the word, and has become unusual due to decreased use, it is, therefore, now "cruel and unusual."

II

Counsel for petitioners properly concede that capital punishment was not impermissibly cruel at the time of the adoption of the Eighth Amendment. Not only do the records of the debates indicate that the Founding Fathers were limited in their concern to the prevention of torture, but it is also clear from the language of the Constitution itself that there was no thought whatever of the elimination of capital punishment. The opening sentence of the Fifth Amendment is a guarantee that the death penalty not be imposed "unless on a presentment or indictment of a Grand Jury." The Double Jeopardy Clause of the Fifth Amendment is a prohibition against being "twice put in jeopardy of life" for the same offense. Similarly, the Due Process Clause commands "due process of law" before an accused can be "deprived of life, liberty or property." Since the Eighth Amendment was adopted on the same day in 1791 as the Fifth Amendment, it hardly needs more to establish that the death penalty was not "cruel" in the constitutional sense at that time.

In the 181 years since the enactment of the Eighth Amendment, not a single decision of this Court has cast the slightest shadow of a doubt on the constitutionality of capital punishment. In rejecting Eighth Amendment attacks on particular modes of execution, the Court has more than once implicitly denied that capital punishment is impermissibly "cruel" in the constitutional sense. *Wilkerson* v. *Utah*, 99 U.S. 130 (1878); *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S. 459, 464 (1947). *In re Kemmler*, 136 U.S. 438 (1890) (dictum). It is only 14 years since Mr. Chief Justice Warren, speaking for four members of the Court, stated without equivocation.

> ". . . Whatever the arguments may be against capital punishment, both on moral grounds and in terms of accomplishing the purposes of punishment—and they are forceful—the death penalty has been employed throughout our history, and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty." *Trop* v. *Dulles*, 356 U.S., at 99.

It is only one year since Mr. Justice Black made his feelings clear on the constitutional issue:

> "The Eighth Amendment forbids 'cruel and unusual punishments.' In my view, these words cannot be read to outlaw capital punishment because that penalty was in common use and authorized by law here and in the countries from which our ancestors came at the time the Amendment was adopted. It is inconceivable to me that the framers intended to end capital punishment by the Amendment." *McGautha* v. *California*, 402 U.S. 183, 226 (1971) (concurring opinion).

By limiting its grants of certiorari, the Court has refused even to hear argument on the Eighth Amendment claim on two occasions in the last four years. *Witherspoon* v. *Illinois*, cert. granted, 389 U.S. 1035, rev'd, 391 U.S. 510 (1968); *McGautha* v. *California*, cert. granted, 398 U.S. 936 (1970), aff'd, 402 U.S. 183 (1971). In these cases the Court confined its attention to the procedural aspects of capital trials, it being implicit that the punishment itself could be constitutionally imposed. Nonetheless, the Court has now been asked to hold that a punishment clearly permissible under the Constitution at the time of its adoption and accepted as such by every member of the Court until today, is suddenly so cruel as to be incompatible with the Eighth Amendment.

Before recognizing such an instant evolution in the law, it seems fair to ask what factors have changed that capital punishment should now be "cruel" in the constitutional sense as it has not been in the past. It is apparent that there has been no change of constitutional significance in the nature of the punishment itself. Twentieth century modes of execution surely involve no greater physical suffering than the means employed at the time of the Eighth Amendment's adoption. And although a man awaiting execution must inevitably experience extraordinary mental anguish,[4] no one suggests that this anguish is materially different from that experienced by condemned men in 1791, even though protracted appellate review processes have greatly increased the waiting time on "death row." To be sure, the ordeal of the condemned man may be thought cruel in the sense that all suffering is thought cruel. But if the Constitution proscribed every punishment producing severe emotional stress, then capital punishment would clearly have been impermissible in 1791.

However, the inquiry cannot end here. For reasons unrelated to any change in intrinsic cruelty, the Eighth Amendment prohibition cannot fairly be limited to those punishments thought excessively cruel and barbarous at the time of the adoption of the Eighth Amendment. A punishment is inordinarily cruel, in the sense we must deal with it in these cases, chiefly as perceived by the society so characterizing it. The standard of extreme cruelty is not merely descriptive, but necessarily embodies a moral judgment. The standard itself remains the same, but its applicability must change as the basic mores of society change. This notion is not new to Eighth Amendment adjudication. In *Weems* v. *United States*, 217 U.S. 349 (1910), the Court referred with apparent approval to the opinion of the commentators that "[t]he clause of the Constitution . . . may be therefore progressive, and is not fastened to the obsolete but may acquire meaning as public opinion becomes enlightened by a humane justice." 217 U.S. at 378. Mr. Chief Justice Warren, writing the plurality opinion in *Trop* v. *Dulles, supra*, stated, "The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society." 356 U.S., at 101. Nevertheless, the Court up to now has never actually held that a punishment has become impermissibly cruel due to a shift in the weight of accepted social values; nor has the Court suggested judicially manageable criteria for measuring such a shift in moral consensus.

The Court's quiescence in this area can be attributed to the fact that in a democratic society legislatures, not courts, are constituted to respond to the will and consequently the moral values of the people. For this reason, early commentators suggested that the "cruel and unusual punishments" clause was an unnecessary constitutional provision.[5] As acknowledged in the principal brief for petitioners, "both in constitutional contemplation and in fact, it is the legislature, not the Court, which responds to public opinion and immediately reflects the society's standards of decency."[6] Accordingly, punishments such

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as branding and the cutting off of ears, which were commonplace at the time of the adoption of the Constitution, passed from the penal scene without judicial intervention because they became basically offensive to the people and the legislatures responded to this sentiment.

Beyond any doubt if we were today called upon to review such punishments, we would find them excessively cruel because we could say with complete assurance that contemporary society universally rejects such bizarre penalties. However, this speculation on the Court's probable reaction to such punishments is not of itself significant. The critical fact is that this Court has never had to hold that a mode of punishment authorized by a domestic legislature was so cruel as to be fundamentally at odds with our basic notions of decency. Cf. *Weems* v. *United States*, 217 U. S. 349 (1910). Judicial findings of impermissible cruelty have been limited, for the most part, to offensive punishments devised without specific authority by prison officials, not by legislatures. See, *e. g.*, *Jackson* v. *Bishop*, 404 F. 2d 571 (CA8 1968); *Wright* v. *McMann*, 387 F. 2d 519 (CA2 1967). The paucity of judicial decisions invalidating legislatively prescribed punishments is powerful evidence that in this country legislatures have in fact been responsive—albeit belatedly at times—to changes in social attitudes and moral values.

I do not suggest that the validity of legislatively authorized punishments presents no justifiable issue under the Eighth Amendment, but rather that the primacy of the legislative role narrowly confines the scope of judicial inquiry. Whether or not provable, and whether or not true at all times, in a democracy the legislative judgment is presumed to embody the basic standards of decency prevailing in the society. This presumption can only be negated by unambiguous and compelling evidence of legislative default.

III

There are no obvious indications that capital punishment offends the conscience of society to such a degree that our traditional deference to the legislative judgment must be abandoned. It is not a punishment such as burning at the stake that everyone would ineffably find to be repugnant to all civilized standards. Nor is it a punishment so roundly condemned that only a few aberrant legislatures have retained it on the statute books. Capital punishment is authorized by statute in 40 States, the District of Columbia and in the federal courts for the commission of certain crimes.[7] On four occasions in the last 11 years Congress has added to the list of federal crimes punishable by death.[8] In looking for reliable indicia of contemporary attitude, none more trustworthy has been advanced.

One conceivable source of evidence that legislatures have abdicated their essentially barometric role with respect to community values would be public opinion polls, of which there have been many in the past decade addressed to the question of capital punishment. Without assessing the reliability of such polls, or intimating that any judicial reliance could ever be placed on them, it need only be noted that the reported results have shown nothing approximating the universal condemnation of capital punishment that might lead us to suspect that the legislatures in general have lost touch with current social values.[9]

Counsel for petitioners rely on a different body of empirical evidence. They argue, in effect, that the number of cases in which the death penalty is imposed, as compared with the number of cases in which it is statutorily available, reflects a general revulsion toward the penalty that would lead to its repeal if only it were more generally and widely enforced. It cannot be gainsaid that by the choice of juries—and sometimes judges[10]—the death penalty is imposed in far fewer than half the cases in which it is available.[11] To go further and characterize the rate of imposition as "freakishly rare," as petitioners insist, is unwarranted hyperbole. And regardless of its characterization, the rate of imposition does not impel the conclusion that capital punishment is now regarded as intolerably cruel or uncivilized.

It is argued that in those capital cases where juries have recommended mercy, they have given expression to civilized values and effectively renounced the legislative authorization for capital punishment. At the same time it is argued that where juries have made the awesome decision to send men to their deaths, they have acted arbitrarily and without sensitivity to prevailing standards of decency. This explanation for the infrequency of imposition of capital punishment is unsupported by known facts, and is inconsistent in principle with everything this Court has ever said about the functioning of juries in capital cases.

In *McGautha* v. *California*, 402 U.S. 183 (1971), decided only one year ago, the Court held that there was no mandate in the Due Process Clause of the Fourteenth Amendment that juries be given instructions as to when the death penalty should be imposed. After reviewing the autonomy which juries have traditionally exercised in capital cases and noting the practical difficulties of framing manageable instructions, this Court concluded that judicially articulated standards were not needed to insure a responsible decision as to penalty. Nothing in *McGautha* licenses capital juries to act arbitrarily or assumes that they have so acted in the past. On the contrary, the assumption underlying the *McGautha* ruling is that juries "will act with due regard for the consequences of their decision." 402 U.S., at 208.

The responsibility of juries deciding capital cases in our system of justice was nowhere better described than in *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968):

> "[A] jury that must choose between life imprisonment and capital punishment can do little more—and must do nothing less—than express *the conscience of the community* on the ultimate question of life or death.
>
> * * * * *
>
> "And one of the most important functions any jury can perform in making such a selection is to maintain a link between contemporary human values and the penal system—a link without which the determination of punishment could hardly reflect 'the evolving standards of decency that mark the progress of a maturing society'" 391 U.S., at 519 and n. 15 (emphasis added).

The selectivity of juries in imposing the punishment of death is properly viewed as a refinement on rather than a repudiation of the statutory authorization for that penalty. Legislatures prescribe the categories of crimes for which the death penalty should be available, and, acting as "the conscience of the community," juries are entrusted to determine in individual cases that the ultimate punishment is warranted. Juries are undoubtedly influenced in this judgment by myriad factors. The motive or lack of motive of the perpetrator, the degree of injury or suffering of the victim or victims and the degree of brutality in the commission of the crime would seem to be prominent among these factors. Given the general awareness that death is no longer a routine punishment for the crimes for which it is made available, it is hardly surprising that juries have been increasingly meticulous in their imposition of the penalty. But to assume from the mere fact of relative infrequency that only a random assortment of pariahs are sentenced to death, is to cast grave doubt on the basic integrity of our jury system.

It would, of course, be unrealistic to assume that juries have been perfectly consistent in choosing the cases where the death penalty is to be imposed, for no human institution performs with perfect consistency. There are doubtless prisoners on death row who would not be there had they been tried before a different jury or in a different State. In this sense their fate has been controlled by a fortuitous circumstance. However, this element of fortuity does not stand as an indictment either of the general functioning of juries in capital cases or of the integrity of jury decisions in individual cases. There is no empirical basis for concluding that juries have generally failed to discharge in good faith the responsibility described in *Witherspoon*—that of choosing between life and death in individual cases according to the dictates of community values.[12]

The rate of imposition of death sentences falls far short of providing the requisite unambiguous evidence that the legislatures of 40 States and the Congress have turned their backs on current or evolving standards of decency in continuing to make the death penalty available. For if selective imposition evidences a rejection of capital punishment in those cases where it is not imposed, it surely evidences a correlative affirmation of the penalty in those cases where it is imposed. Absent some clear indication that the continued imposition of the death penalty on a selective basis is violative of prevailing standards of civilized conduct, the Eighth Amendment cannot be said to interdict its use.

In two of these cases we have been asked to rule on the narrower question whether capital punishment offends the Eighth Amendment when imposed as the punishment for the crime of forcible rape.[13] It is true that the death penalty is authorized for rape in fewer States than it is for murder,[14] and that even in those States it is applied more sparingly for rape than for murder.[15] But for the reasons aptly brought out in the opinion of MR. JUSTICE POWELL, *post*, at 44–49, I do not believe these differences can be elevated to the level of an Eighth Amendment distinction. This blunt constitutional command cannot be sharpened to carve neat distinctions corresponding to the categories of crimes defined by the legislatures.

IV

Capital punishment has also been attacked as violative of the Eighth Amendment on the ground that it is not needed to achieve legitimate penal aims and is thus "unnecessarily cruel." As a pure policy matter, this approach has much to recommend it, but it seeks to give a dimension to the Eighth Amendment that it was never intended to have and promotes a line of inquiry that this Court has never before pursued.

The Eighth Amendment, as I have noted, was included in the Bill of Rights to guard against the use of tortuous and inhuman punishments, not those of limited efficacy. One of the few to speak out against the adoption of the Eighth Amendment asserted that it is often necessary to use cruel punishment to deter crimes.[16] But among those favoring the Amendment, no sentiment was expressed that a punishment of extreme cruelty could ever be justified by expediency. The dominant theme of the Eighth Amendment debates was that the ends of the criminal laws cannot justify the use of measures of extreme cruelty to achieve them. Cf. *Rochin* v. *California*, 342 U.S. 165, 172–173 (1952).

The apparent seed of the "unnecessary cruelty" argument is the following language, quoted earlier, found in *Wilkerson* v. *Utah*, *supra:*

> "Difficulty would attend the effort to define with exactness the extent of the constitutional provision which provides that cruel and unusual punishments shall not be

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inflicted; but it is safe to affirm that punishments of torture, . . . *and all others in the same line of unnecessary cruelty*, are forbidden by the Constitution." 99 U.S., at 134 (emphasis added).

To lift the italicized phrase from the context of the *Wilkerson* opinion and now view it as a mandate for assessing the value of punishments in achieving the aims of penology is a gross distortion; nowhere are such aims even mentioned in the *Wilkerson* opinion. The only fair reading of this phrase is that punishments similar to torture in their extreme cruelty are prohibited by the Eighth Amendment. In *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S., at 463, 464, the Court made reference to the Eighth Amendment's prohibition against the infliction of "unnecessary pain" in carrying out an execution. The context makes abundantly clear that the Court was disapproving the wanton infliction of physical pain, and once again not advising pragmatic analysis of punishments approved by legislatures.[17]

Apart from these isolated uses of the word "unnecessary," nothing in the cases suggests that it is for the courts to make a determination of the efficacy of punishments. The decision in *Weems* v. *United States*, 217 U.S. 349 (1910), is not to the contrary. In *Weems* the Court held that for the crime of falsifying public documents, the punishment imposed under the Philippine Code of 15 years' imprisonment at hard labor under shackles, followed by perpetual surveillance, loss of voting rights, loss of the right to hold public office and loss of right to change domicile freely, was violative of the Eighth Amendment. The case is generally regarded as holding that a punishment may be excessively cruel within the meaning of the Eighth Amendment because it is grossly out of proportion to the severity of the crime; [18] some view the decision of the Court primarily as a reaction to the mode of the punishment itself.[19] Under any characterization of the holding, it is readily apparent that the decision grew out of the Court's overwhelming abhorrence of the imposition of the particular penalty for the particular crime; it was making an essentially moral judgment, not a dispassionate assessment of the need for the penalty. The Court specifically disclaimed "the right to assert a judgment against that of the legislature of the expediency of the laws . . . ." 217 U.S., at 378. Thus apart from the fact that the Court in *Weems* concerned itself with the crime committed as well as the punishment imposed, the case marks no departure from the largely unarticulable standard of extreme cruelty. However intractable that standard may be, that is what the Eighth Amendment is all about. The constitutional provision is not addressed to social utility and does not command that enlightened principles of penology always be followed.

By pursuing the necessity approach, it becomes even more apparent that it involves matters outside the purview of the Eighth Amendment. Two of the several aims of punishment are generally associated with capital punishment—retribution and deterrence. It is argued that retribution can be discounted because that, after all, is what the Eighth Amendment seeks to eliminate. There is no authority suggesting that the Eighth Amendment was intended to purge the law of its retributive elements, and the Court has consistently assumed that retribution is a legitimate dimension of the punishment of crimes. See *Williams* v. *New York*, 337 U.S. 241, 248 (1949); *United States* v. *Lovett*, 328 U.S. 303, 324 (1946) (Frankfurter, J., concurring). Furthermore, responsible legal thinkers of widely varying persuasions have debated the sociological and philosophical aspects of the retribution question for generations, neither side being able to convince the other.[20] It would be reading a great deal into the Eighth Amendment to hold that the punishments authorized by legislatures cannot constitutionally reflect a retributive purpose.

The less esoteric but no less controversial question is whether the death penalty acts as a superior deterrent. Those favoring abolition find no evidence that it does.[21] Those favoring retention start from the intuitive notion that capital punishment should act as the most effective deterrent and note that there is no convincing evidence that it does not.[22] Escape from this empirical stalemate is sought by placing the burden of proof on the States and concluding that they have failed to demonstrate that capital punishment is a more effective deterrent than life imprisonment. Numerous justifications have been advanced for shifting the burden, and they are not without their rhetorical appeal. However, these arguments are not descended from established constitutional principles, but are born of the urge to bypass an unresolved factual question.[23] Comparative deterrence is not a matter that lends itself to precise measurement; to shift the burden to the States is to provide an illusory solution to an enormously complex problem. If it were proper to put the States to the test of demonstrating the deterrent value of capital punishment, we could just as well ask them to prove the need for life imprisonment or any other punishment. Yet I know of no convincing evidence that life imprisonment is a more effective deterrent than 20 years' imprisonment, or even that a $10 parking ticket is a more effective deterrent than a $5 parking ticket. In fact, there are some who go so far as to challenge the notion that any punishments deter crime.[24] If the States are unable to adduce convincing proof rebutting such assertions, does it then follow that all punishments are suspect of being "cruel and unusual" within the meaning of the Constitution? On the contrary, I submit that the questions raised by the necessity approach are beyond the pale of judicial inquiry under the Eighth Amendment.

V

Today the Court has not ruled that capital punishment is *per se* violative of the Eighth Amendment; nor has it ruled that the punishment is barred for any particular class or classes of crimes. The substantially similar concurring opinions of Mr. Justice Stewart and Mr. Justice White, which are necessary to support the judgment setting aside petitioners' sentences, stop short of reaching the ultimate question. The actual scope of the Court's ruling, which I take to be embodied in these concurring opinions, is not entirely clear. This much, however, seems apparent: if the legislatures are to continue to authorize capital punishment for some crimes, juries and judges can no longer be permitted to make the sentencing determination in the same manner they have in the past.[25] This approach—not urged in oral arguments or briefs—misconceives the nature of the constitutional command against "cruel and unusual punishment," disregards controlling case law, and demands a rigidity in capital cases which, if possible of achievement, cannot be regarded as a welcome change. Indeed the contrary seems to be the case.

As I have earlier stated, the Eighth Amendment forbids the imposition of punishments that are so cruel and inhumane as to violate society's standards of civilized conduct. The Amendment does not prohibit all punishments the States are unable to prove necessary to deter or control crime. The Amendment is not concerned with the process by which a State determines that a particular punishment is to be imposed in a particular case. And the Amendment most assuredly does not speak to the power of legislatures to confer sentencing discretion on juries, rather than to fix all sentences by statute.

The critical factor in the concurring opinions of both Mr. Justice Stewart and Mr. Justice White is the infrequency with which the penalty is imposed. This factor is taken not as evidence of society's abhorrence of capital punishment—the inference that petitioners would have the Court draw—but as the earmark of a deteriorated system of sentencing. It is concluded that petitioners' sentences must be set aside, not because the punishment is impermissibly cruel, but because juries and judges have failed to exercise their sentencing discretion in acceptance fashion.

To be sure, there is a recitation cast in Eighth Amendment terms: petitioners' sentences are "cruel" because they exceed that which the legislatures have deemed necessary for all cases; [26] petitioners' sentences are "unusual" because they exceed that which is imposed in most cases.[27] This application of the words of the Eighth Amendment suggests that capital punishment can be made to satisfy Eighth Amendment values if its rate of imposition is somehow multiplied; it seemingly follows that the flexible sentencing system created by the legislatures, and carried out by juries and judges, has yielded more mercy than the Eighth Amendment can stand. The implications of this approach are mildly ironical. For example, by this measure of the Eighth Amendment, the elimination of death-qualified juries in *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968), can only be seen in retrospect as a setback to "the evolving standards of decency that mark the progress of a maturing society." *Trop* v. *Dulles*, 356 U.S. 86, 101 (1958).

This novel formulation of Eighth Amendment principles—*albeit* necessary to satisfy the terms of our limited grant of certiorari—does not lie at the heart of these concurring opinions. The decisive grievance of the opinions—not translated into Eighth Amendment terms—is that the present system of discretionary sentencing in capital cases has failed to produce evenhanded justice; the problem is not that too few have been sentenced to die, but that the selection process has followed no rational pattern. This claim of arbitrariness is not only lacking in empirical support,[29] but it manifestly fails to establish that the death penalty is a "cruel and unusual" punishment. The Eighth Amendment was included in the Bill of Rights to assure that certain types of punishments would never be imposed, not to channelize the sentencing process. The approach of these concurring opinions has no antecedent in the Eighth Amendment cases. It is essentially and exclusively a procedural due process argument.

This ground of decision is plainly foreclosed as well as misplaced. Only one year ago, in *McGautha* v. *California*, 402 U.S. 183 (1971), the Court upheld the prevailing system of sentencing in capital cases. The Court concluded:

"In light of history, experience, and the present limitations of human knowledge, we find it quite impossible to say that committing to the untrammeled discretion of the jury the power to pronounce life or death in capital cases is offensive to anything in the Constitution." 402 U.S., at 207.

In reaching this decision, the Court had the benefit of extensive briefing, full oral argument, and six months of careful deliberations. The Court's labors are documented by 130 pages of opinions in the United States Reports. All of the arguments and factual contentions accepted in the concurring opinions today were considered and rejected by the Court one year ago. *McGautha* was an exceedingly difficult case, and reasonable men could fairly disagree as to the result. But the Court entered its judgment, and if *stare decisis* means anything, that decision should be regarded as a controlling pronouncement of law.

Although the Court's decision in *McGautha* was technically confined to the dictates of the Due Process Clause of the Fourteenth Amendment, rather than the Eighth Amendment as made applicable to the States

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through the Due Process Clause of the Fourteenth Amendment, it would be disingenuous to suggest that today's ruling has done anything less than overrule *McGautha* in the guise of an Eighth Amendment adjudication. It may be thought appropriate to subordinate principles of *stare decisis* where the subject is as sensitive as capital punishment and the stakes are so high, but these external considerations were no less weighty last year. This pattern of decisionmaking will do little to inspire confidence in the stability of the law.

While I would not undertake to make a definitive statement as to the parameters of the Court's ruling, it is clear that if state legislatures and the Congress wish to maintain the availability of capital punishment, significant statutory changes will have to be made. Since the two pivotal concurring opinions turn on the assumption that the punishment of death is now meted out in a random and unpredictable manner, legislative bodies may seek to bring their laws into compliance with the Court's ruling by providing standards for juries and judges to follow in determining the sentence in capital cases or by more narrowly defining the crimes for which the penalty is to be imposed.[30] If such standards can be devised or the crimes more meticulously defined, the result cannot be detrimental. However. Mr. Justice Harlan's opinion for the Court in *McGautha* convincingly demonstrates that all past efforts "to identify before the fact" the cases in which the penalty is to be imposed have been "uniformly unsuccessful." 402 U.S., at 197. One problem is that "the factors which determine whether the sentence of death is the appropriate penalty in particular cases are too complex to be compressed within the limits of a simple formula. . . ." Report of the Royal Commission on Capital Punishment, 1949–1953, Cmd. 8932, ¶ 498 (1953). As the Court stated in *McGautha*, "The infinite variety of cases and facets to each case would make general standards either meaningless 'boilerplate' or a statement of the obvious that no jury would need." 402 U.S., at 208. But even assuming that suitable guidelines can be established, there is no assurance that sentencing patterns will change so long as juries are possessed of the power to determine the sentence or to bring in a verdict of guilt on a charge carrying a lesser sentence; juries have not been inhibited in the exercise of these powers in the past. Thus, unless the Court in *McGautha* misjudged the experience of history, there is little reason to believe that sentencing standards in any form will substantially alter the discretionary character of the prevailing system of sentencing in capital cases. That system may fall short of perfection, but it is yet to be shown that a different system would produce more satisfactory results.

Real change could clearly be brought about if legislatures provided mandatory death sentences in such a way as to deny juries the opportunity to bring in a verdict on a lesser charge; under such a system, the death sentence could only be avoided by a verdict of acquittal. If this is the only alternative that the legislatures can safely pursue under today's ruling, I would have preferred that the Court opt for total abolition.

It seems remarkable to me that with our basic trust in lay jurors as the keystone in our system of criminal justice, it should now be suggested that we take the most sensitive and important of all decisions away from them. I could more easily be persuaded that mandatory sentences of death, without the intervening and ameliorating impact of lay jurors, are so arbitrary and doctrinaire that they violate the Constitution. The very infrequency of death penalties imposed by jurors attests their cautious and discriminating reservation of that penalty for the most extreme cases. I had thought that nothing was clearer in history, as we noted in *McGautha* one year ago, than the American abhorrence of "the common law rule imposing a mandatory death sentence on all convicted murderers." 402 U.S., at 198. As the concurring opinion of Mr. Justice Marshall shows, *ante*, at 26, the 19th century movement away from mandatory death sentences marked an enlightened introduction of flexibility into the sentencing process. It recognized that individual culpability is not always measured by the category of the crime committed. This change in sentencing practice was greeted by the Court as a humanizing development. See *Winston* v. *United States*, 172 U.S. 303 (1899); cf. *Calton* v. *Utah*, 130 U.S. 83 (1889). See also *Andres* v. *United States*, 333 U.S. 740, 753 (1948) (Frankfurter, J., concurring). I do not see how this history can be ignored and how it can be suggested that the Eighth Amendment demands the elimination of the most sensitive feature of the sentencing system.

As a general matter, the evolution of penal concepts in this country has not been marked by great progress, nor have the results up to now been crowned with significant success. If anywhere in the whole spectrum of criminal justice fresh ideas deserve sober analysis, the sentencing and correctional area ranks high on the list. But it has been widely accepted that mandatory sentences for crimes do not best serve the ends of the criminal justice system. Now, after the long process of drawing away from the blind imposition of uniform sentences for every person convicted of a particular offense, we are confronted with an argument perhaps implying that only the legislatures may determine that a sentence of death is appropriate, without the intervening evaluation of jurors or judges. This approach threatens to turn back the progress of penal reform, which has moved until recently at too slow a rate to absorb significant setbacks.

VI

Since there is no majority of the Court on the ultimate issue presented in these cases, the future of capital punishment in this country has been left in an uncertain limbo. Rather than providing a final and unambiguous answer on the basic constitutional question, the collective impact of the majority's ruling is to demand an undetermined measure of change from the various state legislatures and the Congress. While I cannot endorse the process of decisionmaking that has yielded today's result and the restraints which that result imposes on legislative action. I am not altogether displeased that legislative bodies have been given the opportunity, and indeed unavoidable responsibility, to make a thorough re-evaluation of the entire subject of capital punishment. If today's opinions demonstrate nothing else, they starkly show that this is an area where legislatures can act far more effectively than courts.

The legislatures are free to eliminate capital punishment for specific crimes or to carve-out limited exceptions to a general abolition of the penalty, without adherence to the conceptual strictures of the Eighth Amendment. The legislatures can and should make an assessment of the deterrent influence of capital punishment, both generally and as affecting the commission of specific types of crimes. If legislatures come to doubt the efficacy of capital punishment, they can abolish it, either completely or on a selective basis. If new evidence persuades them that they have acted unwisely, they can reverse their field and reinstate the penalty to the extent it is thought warranted. An Eighth Amendment ruling by judges cannot be made with such flexibility or discriminating precision.

The world-wide trend toward limiting the use of capital punishment, a phenomenon we have been urged to give great weight, hardly points the way to a judicial solution in this country under a written Constitution. Rather, the change has generally come about through legislative action, often on a trial basis and with the retention of the penalty for certain limited classes of crimes.[31] Virtually nowhere has change been wrought by so crude a tool as the Eighth Amendment. The complete and unconditional abolition of capital punishment in this country by judicial fiat would have undermined the careful progress of the legislative trend and foreclosed further inquiry on many as yet unanswered questions in this area.

Quite apart from the limitations of the Eighth Amendment itself, the preference for legislative action is justified by the inability of the courts to participate in the debate at the level where the controversy is focused. The case against capital punishment is not the product of legal dialectic, but rests primarily on factual claims, the truth of which cannot be tested by conventional judicial processes. The five opinions in support of the judgment differ in many respects, but they share a willingness to make sweeping factual assertions, unsupported by empirical data, concerning the manner of imposition and effectiveness of capital punishment in this country. Legislatures will have the opportunity to make a more penetrating study of these claims with the familiar and effective tools available to them as they are not to us.

The highest judicial duty is to recognize the limits on judicial power and to permit the democratic processes to deal with matters falling outside of those limits. The "hydraulic pressures"[32] that Holmes spoke of as being generated by cases of great import have propelled the Court to go beyond the limits of judicial power, while fortunately leaving some room for legislative judgment.

FOOTNOTES

[1] See n. 25, *infra*.

[2] See Granucci. Nor Cruel and Unusual Punishments Inflicted: The Original Meaning, 57 Calif. L. Rev. 839, 852–860 (1969). Earlier drafts of the Bill of Rights used the phrase "cruel and illegal." It is thought that the change to the "cruel and unusual" wording was inadvertent and not intended to work any change in meaning. *Ibid.* The historical background to the English Bill of Rights is set forth in the opinion of Mr. Justice Marshall, *ante*, at 3–6.

It is intimated in the opinion of Mr. Justice Douglas, *ante*, at 3–6, that the term "unusual" was included in the English Bill of Rights as a protest against the discriminatory application of punishments to minorities. However, the history of capital punishment in England dramatically reveals that no premium was placed on equal justice for all, either before or after the Bill of Rights of 1689. From the time of Richard I until 1826 the death penalty was authorized in England for treason and all felonies except larceny and mayhem, with the further exception that persons entitled to benefit of clergy were subject to no penalty or at most a very lenient penalty upon the commission of a felony. Benefit of clergy grew out of the exemption of the clergy from the jurisdiction of the lay courts. The exemption expanded to include assistants to clergymen, and by 1689, any male who could read. Although by 1689 numerous felonies had been deemed nonclergyable, the disparity in punishments imposed on the educated and noneducated remained for most felonies until the early 18th century. See 1 J. Stephen, History of Criminal Law of England 458 *et seq.* (1883).

[3] See 2 J. Elliot's Debates 111 (2d ed. 1863); 3 J. Elliot's Debates 447–448, 451–452 (2d ed. 1863).

[4] But see Bluestone & McGahee, Reaction to Extreme Mental Stress: Impending Death by Execution, 119 Am. J. Psych. 393 (1962).

[5] See J. Story, Commentaries on the Constitution § 1903 (5th ed. 1891); 1 T. Cooley, Constitutional Limitations 694 (8th ed. 1927). See also Joseph Story on Capital Punishment, 43 Cal. L. Rev. 76 (Hogan ed.) (1965).

[6] Brief for petitioner in *Aikens* v. *California*, No. 68–5027, at 19 (cert. dismissed, June 7, 1972). This, plainly, was the foundation of

Mr. Justice Black's strong views on this subject expressed most recently in *McGautha* v. *California*, 402 U.S. 183, 226 (1971) (concurring opinion).

[7] See Department of Justice, National Prisoner Statistics, No. 46, Capital Punishment 1930–1970, at 50. Since the publication of the Department of Justice report, capital punishment has been judicially abolished in California, *People* v. *Anderson*, —— Cal. 2d ——, —— P. 2d. ——, —— Cal. Rptr. ——, cert. denied. —— U.S. —— (1972). The States where capital punishment is no longer authorized are Alaska, California, Hawaii, Iowa, Maine, Michigan, Minnesota, Oregon, West Virginia, and Wisconsin.

[8] See Act of Jan. 2, 1971, Pub. L. 91–644, Tit. IV, § 15, 94 Stat. 1891, 18 U.S.C. § 351 (Supp. I, 1971); see Act of Oct. 15, 1970, Pub. L. 91–452, Tit. XI, § 1102(a), 84 Stat. 956, 18 U.S.C. § 844(f)(1) (1970); Act of Aug. 28, 1965, Pub. L. 89–141, § 3, 79 Stat. 580, 18 U.S.C. § 1751 (1970); Act of Sept. 5, 1961, Pub. L. 87–197, § 1, 75 Stat. 466, 49 U.S.C. § 1472(i) (1970). See also opinion of Mr. Justice Blackmun, *post*, at 8–9.

[9] A 1966 poll indicated that 42% of those polled favored capital punishment while 47% opposed it, and 11% had no opinion. A 1969 poll found 51% in favor, 40% opposed and 9% with no opinion. See Erskine, The Polls: Capital Punishment, 34 Public Opinion Quarterly Rev. 290 (1970).

[10] The jury plays the predominant role in sentencing in capital cases in this country. Available evidence indicates that where the judge determines the sentence, the death penalty is imposed with a slightly greater frequency than where the jury makes the determination. Kalven & Zeisel, The American Jury 436 (1966).

[11] In the decade from 1961–1970, an average of 106 men per year were received under sentence of death in the prisons of the United Sates, ranging from a low of 85 in 1967 to a high of 140 in 1961; 127 men were received under sentence of death in 1970. Department of Justice, National Prisoner Statistics, No. 46, Capital Punishment 1930–1970, at 9. See also H. Bedau, The Death Penalty in America, 35 Fed. Prob. (No. 2) 32 (1971). Although accurate figures are difficult to obtain, it is thought that from 15% to 20% of those convicted of murder are sentenced to death in States where it is authorized. See, *e. g.*, McGee, Capital Punishment as Seen by a Correctional Administrator, 28 Fed. Prob. (No. 2) 11, 12 (1964); Bedau, Death Sentences in New Jersey 1907–1960, 19 Rutg. L. Rev. 1, 30 (1964); Florida Division of Corrections, Seventh Biennial Report (July 1, 1968, to June 30, 1970) 82 (1970); H. Kalven & H. Zeisel. The American Jury 435–436 (1966). The rate of imposition for rape and the few other crimes made punishable by death in certain States is considerably lower. See, *e. g.*, Florida Division of Corrections, Seventh Biennial Report, *supra*, at 83; Partington, The Incidence of the Death Penalty for Rape in Virginia, 22 Wash. & Lee L. Rev. 43, 43–44, 71–73 (1965).

[12] Counsel for petitioners make the conclusory statement that "[t]hose who are selected to die are the poor and powerless, personally ugly and socially unacceptable." Brief for petitioner in No. 68–5027, at 51. However, the sources cited contain no empirical findings to undermine the general premise that juries impose the death penalty in the most extreme cases. One study has discerned a statistically noticeable difference between the rate of imposition on blue collar and white collar defendants; the study otherwise concludes that juries do follow rational patterns in imposing the sentence of death. Note, A Study of the California Penalty Jury in First-Degree-Murder Cases, 21 Stan. L. Rev 1297 (1969). See also H. Kalven & H. Zeisel, The American Jury 434–449 (1966).

Statistics are also cited to show that the death penalty has been imposed in a racially discriminatory manner. Such statistics suggest, at least as a historical matter, that Negroes have been sentenced to death with greater frequency than whites in several States, particularly for the crime of interracial rape. See, *e.g.*, Koeninger, Capital Punishment in Texas, 1924–1968, 15 Crime & Delinq. 132 (1969); Note, Capital Punishment in Virginia, 58 Va. L. Rev. 97 (1972). If a statute that authorizes the discretionary imposition of a particular penalty for a particular crime is used primarily against defendants of a certain race, and if the pattern of use can be fairly explained only by reference to the race of the defendants, the Equal Protection Clause of the Fourteenth Amendment forbids continued enforcement of that statute in its existing form. Cf. *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886); *Gomillion* v. *Lightfood*, 364 U.S. 339 (1960).

To establish that the statutory authorization for a particular penalty is inconsistent with the dictates of the Equal Protection Clause, it is not enough to show how it was applied in the distant past. The statistics that have been referred to us cover periods when Negroes were systematically excluded from jury service and when racial segregation was official policy in many States. Data of more recent vintage is essential. See *Maxwell* v. *Bishop*, 398 F. 2d 138, 148 (CA8 1968), vacated, 398 U.S. 262 (1970). While no statistical survery could be expected to bring forth absolute and irrefutable proof of a discriminatory pattern of imposition, a strong showing would have to be made taking all relevant factors into account.

It must be noted, that any equal protection claim is totally distinct from the Eighth Amendment question, to which our grant of certiorari was limited in these cases. Evidence of a discriminatory pattern of enforcement does not imply that any use of a particular punishment is so morally repugnant as to violate the Eighth Amendment.

[13] *Jackson* v. *Georgia*, No. 69–5030; *Branch* v. *Texas*, No. 69–5031.

[14] Rape is punishable by death in 16 States and in the federal courts when committed within the special maritime and territorial jurisdiction of the United States. 18 U.S.C. § 2031. The States authorizing capital punishment for rape are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

[15] See n. 11, *supra*.

[16] 1 Annals of Congress 754 (1789) (1st Congress, 1st Session) (Remarks of Rep. Livermore).

[17] Petitioner Francis had been sentenced to be electrocuted for the crime of murder. He was placed in the electric chair, and the executioner threw the switch. Due to a mechanical difficulty, death did not result. A new death warrant was issued fixing a second date for execution. The Court held that the proposed execution would not constitute cruel and unusual punishment or double jeopardy.

[18] There is no serious claim of disproportionality presented in these cases. Murder and forcible rape have always been regarded as among the most serious crimes. It cannot be said that the punishment of death is out of all proportion to the severity of these crimes.

The Court's decision in *Robinson* v. *California*, 370 U.S. 660 (1962), can be viewed as an extension of the disproportionality doctrine of the Eighth Amendment. The Court held that a statute making it a crime punishable by imprisonment to be a narcotics addict violated the Eighth Amendment. The Court in effect ruled that the status of being an addict is not a criminal act, and that any criminal punishment imposed for addiction exceeds the penal power of the States. The Court made no analysis of the necessity of imprisonment as a means of curbing addiction.

[19] See Parker, Making the Punishment Fit the Crime, 77 Harv. L. Rev. 1071, 1075 (1964).

[20] See H. M. Hart, The Aims of the Criminal Law, 23 Law & Contempt. Probs. 401 (1958); H. Packer, The Limits of the Criminal Sanction 37–39 (1968); M. Cohen, Reason and Law 41–44 (1950); Royal Commission on Capital Punishment, Report 1949–1953, CMD No. 8932, at 17–18 (1953); H. L. A. Hart, Murder and the Principles of Punishment: England and the United States, 52 Nw. U. L. Rev. 433, 446–455 (1957); H. L. A. Hart, Law, Liberty and Morality 60–69 (1963).

[21] See, *e.g.*, T. Sellin, Capital Punishment 135 *et seq.* (1967); Schuessler, The Deterrent Influence of the Death Penalty, 284 Annals 54 (1952).

[22] See, *e. g.*, Hoover, Statements in Favor of the Death Penalty, in The Death Penalty in America, 130 (Bedau ed. 1967); Allen, Capital Punishment: Your Protection and Mine, in The Death Penalty in America, *supra*. at 135. See also H. L. A. Hart, Murder and the Principles of Punishment: England and the United States, 52 Nw. U. L. Rev. 433, 457 (1957): H. Bedau. The Death Penalty in America, *supra*, at 265–266.

[23] See *Powell* v. *Texas*, 392 U. S. 514, 531 (1968) (Marshall, J.) (plurality opinion).

[24] See, *e. g.*, K. Menninger, The Crime of Punishment 206–208 (1968).

[25] Much in the concurring opinion of Mr. Justice Douglas similarly suggests that it is the sentencing system rather than the punishment itself that is constitutionally infirm. However, the opinion also indicates that in the wake of the Court's decision in *McGautha* v. *California*, 402 U.S. 183 (1971), the validity of the sentencing process is no longer open to question.

[26] See concurring opinion of Mr. Justice Stewart, *ante*, at 4–5; concurring opinion of Mr. Justice White, *ante*, at 3.

[27] See concurring opinion of Mr. Justice Stewart, *ante*, at 5; cf. concurring opinion of Mr. Justice White, *ante*, at 3.

[28] This point is more heavily emphasized in the opinion of Mr. Justice Stewart than in that of Mr. Justice White. However, since Mr. Justice White allows for statutes providing a mandatory death penalty for "more narrowly defined categories" of crimes, it appears that he too is more concerned with a regularized sentencing process, than with the aggregate number of death sentences imposed for all crime.

[29] See n. 12, *supra*.

[30] It was pointed out in the Court's opinion in *McGautha* that these two alternatives are substantially equivalent. 402 U.S., at 206 n. 16.

[31] See Patrick, The Status of Capital Punishment: A World Perspective, 56 J. Crim. L., Criminology & Crim. Sci. 397 (1965). In England, for example, 1957 legislation limited capital punishment to murder, treason, piracy with violence, dockyards arson and some military offenses. The Murder (Abolition of Death Penalty Act) 1965 eliminated the penalty for murder on a five-year trial basis. 2 Public General Acts, c. 71, p. 1577 (Nov. 8, 1965). This abolition was made permanent in 1969. See 793 Hansard, Parliamentary Debates (5th series) (Commons, 44th Parl., 4th Sess., 1969–1970), 1294–1298 (Dec. 16, 1969); 306 *id.* (Lords, 44th Parl., 4th Sess., 1969–1970), 1317–1322 (Dec. 18, 1969). Canada has also undertaken limited abolition on a five-year experimental basis. I Acts of Canada (16 & 17 Eliz. II) 145 (1967).

[32] *Northern Securities Co.* v. *United States*, 193 U.S. 197, 401 (1904) (dissenting opinion).

Mr. Justice Blackmun, Dissenting

I join the respective opinions of The Chief Justice, Mr. Justice Powell, and Mr. Justice Rehnquist, and add only the following, somewhat personal, comments.

1. Cases such as these provide for me an excruciating agony of the spirit. I yield to no one in the depth of my distaste, antipathy, and, indeed, abhorrence, for the death pen-

alty, with all its aspects of physical distress and fear and of moral judgment exercised by finite minds. That distaste is buttressed by a belief that capital punishment serves no useful purpose that can be demonstrated. For me, it violates childhood's training and life's experiences, and is not compatible with the philosophical convictions I have been able to develop. It is antagonistic to any sense of "reverence for life." Were I a legislator, I would vote against the death penalty for the policy reasons argued by counsel for the respective petitioners and expressed and adopted in the several opinions filed by the Justices who vote to reverse these convictions.

2. Having lived for many years in a State that does not have the death penalty,[1] that effectively abolished it in 1911,[2] and that carried out its last execution on February 13, 1906,[3] capital punishment had never been a part of life for me. In my State it just did not exist. So far as I can determine, the State, purely from a statistical deterrence point of view, was neither the worse nor the better for its abolition, for, as the majority opinions observe, the statistics prove little, if anything. But the State and its citizens accepted the fact that the death penalty was not to be in the arsenal of possible punishments for any crime.

3. I, perhaps alone among the present members of the Court, am on judicial record as to this. As a member of the United States Court of Appeals I first struggled silently with the issue of capital punishment in *Feguer* v. *United States*, 302 F. 2d (CA8 1962), cert. denied, 371 U.S. 872 (1962). That defendant may have been one of the last to be executed under federal auspices. I struggled again with the issue, and once more refrained from comment, in my writing for an *en banc* court in *Pope* v. *United States*, 372 F. 2d 710 (CA8 1967), vacated (upon acknowledgment by the Solicitor General of error revealed by the subsequently decided *United States* v. *Jackson*, 390 U.S. 570 (1968)) and remanded, 392 U.S. 651 (1968). Finally, in *Maxwell* v. *Bishop*, 398 F. 2d 138 (CA8 1968), vacated and remanded *sua sponte* by the Court on grounds not raised below, 398 U.S. 262 (1970), I revealed, solitarily and not for the panel, my distress and concern. 398 F. 2d, at 153–154.[4] and in *Jackson* v. *Bishop*, 404 F. 2d 571 (CA8 1968), I had no hesitancy in writing a panel opinion that held the use of the strap by trusties upon fellow Arkansas prisoners to be a violation of the Eighth Amendment. That, however, was in-prison punishment imposed by inmate-foremen.

4. The several majority opinions acknowledge, as they must, that until today capital punishment was accepted and assumed as not unconstitutional *per se* under the Eighth Amendment or the Fourteenth Amendment. This is either the flat or the implicit holding of a unanimous Court in *Wilkerson* v. *Utah*, 99 U.S. 130, 134–135, in 1878; of a unanimous Court in *In re Kemmler*, 136 U.S. 436, 447, in 1890; of the Court in *Weems* v. *United States*, 217 U.S. 349, in 1910; of all those members of the Court, a majority, who addressed the issue in *Louisiana ex rel. Francis* v. *Resweber*, 329 U.S. 459, 463–464, 471–472, in 1947; of Mr. Chief Justice Warren, speaking for himself and three others (Justices Black, Douglas, and Whittaker) in *Trop* v. *Dulles*, 356 U.S. 86, 99, in 1958; [5] in the denial of certiorari in *Rudolph* v. *Alabama*, 375 U.S. 889, in 1963 (where, however, Justices DOUGLAS, BRENNAN, and GOLDBERG would have heard argument with respect to the imposition of the ultimate penalty on a convicted rapist who had "neither taken nor endangered human life"); and of Mr. Justice Black in *McGautha* v. *California*, 402 U.S. 183, 226, decided only last Term on May 3, 1971.[6]

Suddenly, however, the course of decision is now the opposite way, with the Court evidently persuaded that somehow the passage of time has taken us to a place of greater maturity and outlook. The argument, plausible and high-sounding as it may be, is not persuasive, for it is only one year since *McGautha*, only eight and one-half years since *Rudolph*, 14 years since *Trop*, and 25 years since *Francis* and we have been presented with nothing that demonstrates a significant movement of any kind in these brief periods. The Court has just decided that it is time to strike down the death penalty. There would have been as much reason to do this when any of the cited cases were decided. But the Court refrained from that action on each of those occasions.

The Court has recognized, and I certainly subscribe to the proposition, that the Cruel and Unusual Punishment Clause "may acquire meaning as public opinion becomes enlightened by a humane justice." *Weems* v. *United States*, 217 U.S. 349, 378 (1910). And Mr. Chief Justice Warren, for a plurality of the Court referred to "the evolving standards of decency that mark the progress of a maturing society." *Trop* v. *Dulles*, 356 U.S. 86, 101 (1958). Mr. Jefferson expressed the same thought well.[7]

My problem, however, as I have indicated, is the suddenness of the Court's perception of progress in the human attitude since decisions of only a short while ago.

5. To reverse the judgments in these cases is of course, the easy choice. It is easier to strike the balance in favor of life and against death. It is comforting to relax in the thoughts—perhaps the rationalizations—that this is the compassionate decision for a maturing society; that this is the moral and the "right" thing to do; that thereby we convince ourselves that we are moving down the road toward human decency; that we value life even though that life has taken another or others or has grievously scarred another or others and their families; and that we are less barbaric than we were in 1878 or in 1890 or in 1910 or in 1947, or in 1958 or in 1963 or a year ago in 1971 when *Wilkerson, Kemmler, Weems, Francis, Trop, Rudolph*, and *McGautha* were respectively decided.

This, for me, is good argument, and it makes some sense. But it is good argument and it makes sense only in a legislative and executive way and not as a judicial expedient. As I have said above, were I a legislator, I would do all I could to sponsor and to vote for legislation abolishing the death penalty. And were I the chief executive of a sovereign State, I would be sorely tempted to exercise executive clemency as Governor Rockefeller of Arkansas did recently just before he departed from office. There—on the Legislative Branch of the State or Federal Government, and secondarily, on the Executive Branch—is where the authority and responsibility for this kind of action lies. The authority should not be taken over by the judiciary in the modern guise of an Eighth Amendment issue.

I do not sit on these cases, however, as a legislator, responsive, at least in part, to the will of constituents. Our task here, as must so frequently be emphasized and re-emphasized, is to pass upon the constitutionality of legislation that has been enacted and that is challenged. This is the sole task for judges. We should not allow our personal preferences as to the wisdom of legislative and congressional action, or our distaste for such action, to guide our judicial decision in cases such as these. The temptations to cross that policy line are very great. In fact, as today's decision reveals, they are almost irresistible.

6. The Court, in my view, is somewhat propelled toward its result by the interim decision of the California Supreme Court, with one justice dissenting, that the death penalty is violative of that State's constitution. *People* v. *Anderson*, 6 Cal. 3d 628, 493 P. 2d 880 (February 18, 1972). So far as I am aware, that was the first time the death penalty in its entirety has been nullified by judicial decision. Cf. *Ralph* v. *Warden*, 438 F. 2d 786, 793 (CA4 1970), cert. pending. California's moral problem was a profound one, for more prisoners were on death row there than in any other state. California, of course, has the right to construe its constitution as it will. Its construction, however, is hardly a precedent for federal adjudication.

7. I trust the Court fully appreciates what it is doing when it decides these cases the way it does today. Not only are the capital punishment laws of 39 States and the District of Columbia stricken down, but also all those provisions of the federal statutory structure that permit the death penalty apparently are voided. No longer is capital punishment possible, I suspect, for, among other crimes, treason, 18 U.S.C. § 2381; or assassination of the President, the Vice President, or those who stand elected to those positions, 18 U.S.C. § 1751; or assassination of a Member or Member-elect of Congress, 18 U.S.C. § 351; or espionage, 18 U.S.C. § 794; or rape within the special maritime jurisdiction, 18 U.S.C. § 2031; or aircraft or motor vehicle destruction where death occurs, 18 U.S.C. § 34; or explosives offenses where death results, 18 U.S.C. § 844 (d) and (f); or train wrecking, 18 U.S.C. § 1992; or aircraft piracy, 49 U.S.C. § 1472(1). Also in jeopardy, perhaps, are the death penalty provisions in various Articles of the Uniform Code of Military Justice. 10 U.S.C. §§ 885, 890, 894, 899, 901, 904, 906, 913, 918, and 920. All these seem now to be discarded without a passing reference to the reasons, or the circumstances, that prompted their enactment, some very recent, and their retention in the face of efforts to repeal them.

8. It is of passing interest to note a few voting facts with respect to recent federal death penalty legislation:

A. The aircraft piracy statute, 49 U.S.C. § 1472(i), was enacted September 5, 1961. The Senate vote on August 10 was 92–0. It was announced that Senators Chavez, Fulbright, Neuberger, and Symington were absent but that, if present, all four would vote yea. It was also announced, on the other side of the aisle, that Senator Butler was ill and that Senators Beall, Carlson, and Morton were absent or detained, but that those four, if present, would vote in the affirmative. These announcements, therefore, indicate that the true vote was 100–0. 107 Cong. Rec. 15440. The House passed the bill without recorded vote. 107 Cong. Rec. 16849.

B. The presidential assassination statute, 18 U.S.C. § 1751, was approved August 28, 1965, without recorded votes. 111 Cong. Rec. 14103, 18026, and 20239.

C. The Omnibus Crime Control Act of 1970 was approved January 2, 1971. Title V thereof added the congressional assassination statute that is now 18 U.S.C. § 351. The recorded House vote on October 7, 1970, was 341–26, with 63 not voting and 62 of those paired. 116 Cong. Rec. 35363–35364. The Senate vote on October 8 was 59–0, with 41 not voting, but with 21 of these announced as favoring the bill. 116 Cong. Rec. 35743. Final votes after conference were not recorded. 116 Cong. Rec. 42150, 42199.

It is impossible for me to believe that the many lawyer-members of the House and Senate—including, I might add, outstanding leaders and prominent candidates for higher office—were callously unaware and insensitive of constitutional overtones in legislation of this type. The answer, of course, is that in 1961, in 1965, and in 1970 these elected representatives of the people—far more conscious of the temper of the times, of the maturing of society, and of the contemporary demands for man's dignity, than are we who sit cloistered on this Court—took

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Footnotes at end of article.

it as settled that the death penalty then, as it always had been, was not in itself unconstitutional. Some of those Members of Congress, I suspect, will be surprised at this Court's giant stride today.

9. If the reservations expressed by my Brother Stewart (which, as I read his opinion, my Brother White shares) were to command support, namely, that capital punishment may not be unconstitutional so long as it be mandatorily imposed, the result, I fear, will be that statutes stricken down today will be reenacted by state legislatures to prescribe the death penalty for specified crimes without any alternative for the imposition of a lesser punishment in the discretion of the judge or jury, as the case may be. This approach, it seems to me, encourages legislation that is regressive and of an antique mold, for it eliminates the element of mercy in the imposition of punishment. I thought we had passed beyond that point in our criminology long ago.

10. It is not without interest, also, to note, that, although the several opinions for the majority acknowledge the heinous and atrocious character of the offenses committed by the petitioners, none of those opinions makes reference to the misery the petitioners' crimes occasioned to the victims, to the families of the victims, and to the communities where the offenses took place. The arguments for the respective petitioners, particularly the oral arguments, were similarly and curiously devoid of reference to the victims. There is risk, of course, in a comment such as this, for it opens one to the charge of emphasizing the retributive. But see *Williams* v. *New York*, 337 U.S. 241, 248 (1949). Nevertheless, these cases are here because offenses to innocent victims were perpetrated. This fact and the terror that occasioned it, and the fear that stalks the streets of many of our cities today, perhaps deserve not to be entirely overlooked. Let us hope that, with the Court's decision, the terror imposed will be forgotten by those upon whom it was visited, and that our society will reap the hoped-for benefits of magnanimity.

Although personally I may rejoice at the Court's result, I find it difficult to accept or to justify as a matter of history, of law, or of constitutional pronouncement. I fear the Court has overstepped. It has sought and has achieved an end.

FOOTNOTES

[1] Minn. Stat. § 609.10.

[2] Minn. Sess. Laws 1911, c. 387.

[3] See W. Trenerry, Murder in Minnesota, 163–167 (1962).

[4] "It is obvious, we think, that the efforts on behalf of Maxwell would not thus be continuing, and and his case reappearing in this court were it not for the fact that it is the death penalty, rather than life imprisonment, which he received on his rape conviction. This fact makes the decisional process in a case of this kind particularly excruciating for the author of this opinion who is not personally convinced of the rightness of capital punishment and who questions it as an effective deterrent. But the advisability of capital punishment is a policy matter ordinarily to be resolved by the legislature or through executive clemency and not by the judiciary. We note, for what that notice may be worth, that the death penalty for rape remains available under federal statutes. 18 U.S.C. § 2031; 10 U.S.C. § 920(a)."

The designated footnote observed that my fellow judges did not join in my comment.

[5] "At the outset, let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment, both on moral grounds and in terms of accomplishing the purposes of punishment—and they are forceful—the death penalty has been employed throughout our history, and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty. . . ."

[6] "The Eighth Amendment forbids 'cruel and unusual punishments.' In my view, these words cannot be read to outlaw capital punishment because that penalty was in common use and authorized by law here and in the countries from which our ancestors came at the time the Amendment was adopted. It is inconceivable to me that the framers intended to end capital punishment by the Amendment. Although some people have urged that this Court should amend the Constitution by interpretation to keep it abreast of modern ideas, I have never believed that lifetime judges in our system have any such legislative power."

[7] "Some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead . . . I know . . . that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors. . . . Let us follow no such examples, nor weakly believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs. Let us, as our sister States have done, avail ourselves of our reason and experience, to correct the crude essays of our first and unexperienced, although wise, virtuous, and well-meaning councils. And lastly, let us provide in our Constitution for its revision at stated periods." Letter to Samuel Kercheval, July 12, 1816, 15 The Writings of Thomas Jefferson 40–42 (Memorial Edition 1904).

Mr. Justice Powell, With Whom the Chief Justice, Mr. Justice Blackmun, and Mr. Justice Rehnquist Join, Dissenting

The Court granted certiorari in these cases to consider whether the death penalty is any longer a permissible form of punishment. 403 U.S. 952 (1971). It is the judgment of five Justices that the death penalty, as customarily prescribed and implemented in this country today, offends the constitutional prohibition against cruel and unusual punishment. The reasons for that judgment are stated in five separate opinions, expressing as many separate rationales. In my view, none of these opinions provides a constitutionally adequate foundation for the Court's decision.

Mr. Justice Douglas concludes that capital punishment is incompatible with notions of "equal protection" that he finds to be "implicit" in the Eighth Amendment. *Ante*, p. ——. Mr. Justice Brennan bases his judgment primarily on the thesis that the penalty "does not comport with human dignity." *Ante*, p. ——. Mr. Justice Stewart concludes that the penalty is applied in a "wanton" and "freakish" manner. *Ante*, p. ——. For Mr. Justice White it is the "infrequency" with which the penalty is imposed that renders its use unconstitutional. *Ante*, p. ——. Mr. Justice Marshall finds that capital punishment is an impermissible form of punishment because it is "morally unacceptable" and "excessive." *Ante*, pp. ——.

Although the central theme of petitioners' presentations in these cases is that the imposition of the death penalty is *per se* unconstitutional, only two of today's opinions explicitly conclude that so sweeping a determination is mandated by the Constitution. Both Mr. Justice Brennan and Mr. Justice Marshall call for the abolition of all existing state and federal capital punishment statutes. They intimate as well that no capital statute could be devised in the future that might comport with the Eighth Amendment. While the practical consequences of the other three opinions are less certain, they at least do not purport to render impermissible every possible statutory scheme for the use of capital punishment that legislatures might hereafter devise.[1] Insofar as these latter opinions fail, at least explicitly, to go as far as petitioners' contentions would carry them, their reservations are attributable to a willingness to accept only a portion of petitioners' thesis. For the reasons cogently set out in the Chief Justice's dissenting opinion (*ante*, p. ——), and for reasons stated elsewhere in this opinion, I find my Brothers' less-than-absolute-abolition judgments unpersuasive. Because those judgments are, for me, not dispositive, I shall focus primarily on the broader ground upon which the petitions in these cases are premised. The foundations of my disagreement with that broader thesis are equally applicable to each of the majority's opinions. I will, therefore, not endeavor to treat each one separately. Nor will I attempt to predict what forms of capital statutes, if any, may avoid condemnation in the future under the variety of views expressed by the collective majority today. That difficult task, not performed in any of the controlling opinions, must go unanswered until other cases presenting these more limited inquiries arise.

Whatever uncertainties may hereafter surface, several of the consequences of today's decision are unmistakably clear. The decision is plainly one of the greatest importance. The Court's judgment removes the death sentences previously imposed on some 600 persons awaiting punishment in state and federal prisons throughout the country. At least for the present, it also bars the States and the Federal Government from seeking sentences of death for defendants awaiting trial on charges for which capital punishment was heretofore a potential alternative. The happy event for these countable few constitutes, however, only the most visible consequence of this decision. Less measurable, but certainly of no less significance, is the shattering effect this collection of views has on the root principles of *stare decisis*, federalism, judicial restraint and—most importantly—separation of powers.

The Court rejects as not decisive the clearest evidence that the Framers of the Constitution and the authors of the Fourteenth Amendment believed that those documents posed no barrier to the death penalty. The Court also brushes aside an unbroken line of precedent reaffirming the heretofore virtually unquestioned constitutionality of capital punishment. Because of the pervasiveness of the constitutional ruling sought by petitioners, and accepted in varying degrees by five members of the Court, today's departure from established precedent invalidates a staggering number of state and federal laws. The capital punishment laws of no less than 39 States[2] and the District of Columbia are nullified. In addition, numerous provisions of the Criminal Code of the United States and of the Uniform Code of Military Justice also are voided. The Court's judgment not only wipes out laws presently in existence, but denies to Congress and to the legislatures of the 50 States the power to adopt new policies contrary to the policy selected by the Court. Indeed, it is the view of two of my Brothers that the people of each State must be denied the prerogative to amend

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their constitutions to provide for capital punishment even selectively for the most heinous crime.

In terms of the constitutional role of this Court, the impact of the majority's ruling is all the greater because the decision encroaches upon an area squarely within the historic prerogative of the legislative branch—both state and federal—to protect the citizenry through the designation of penalties for prohibitable conduct. It is the very sort of judgment that the legislative branch is competent to make and for which the judiciary is ill-equipped. Throughout our history, Justices of this Court haves emphasized the gravity of decisions invalidating legislative judgments, admonishing the nine men who sit on this bench of the duty of self-restraint, especially when called upon to apply the expansive due process and cruel and unusual punishment rubrics. I can recall no case in which, in the name of deciding constitutional questions, this Court has subordinated national and local democratic processes to such an extent. Before turning to address the thesis of petitioners' case against capital punishment—a thesis that has proved, at least in large measure, persuasive to a majority of this Court—I first will set out the principles that counsel against the Court's sweeping decision.

I

The Constitution itself poses the first obstacle to petitioners' argument that capital punishment is *per se* unconstitutional. The relevant provisions are the Fifth, Eighth, and Fourteenth Amendments. The first of these provides in part:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . ; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; . . . nor be deprived of life, liberty or property, without due process of law. . . ."

Thus, the Federal Government's power was restricted in order to guarantee those charged with crimes that the prosecution would have only a single opportunity to seek imposition of the death penalty and that the death penalty could not be exacted without due process and a grand jury indictment. The Fourteenth Amendment, adopted some 77 years after the Bill of Rights, imposed the due process limitation of the Fifth Amendment upon the States' power to authorize capital punishment.

The Eighth Amendment, adopted at the same time as the Fifth, proscribes "cruel and unusual" punishments. In an effort to discern its meaning, much has been written about its history in the opinions of this Court and elsewhere.[3] That history need not be restated here since, whatever punishments the Framers of the Constitution may have intended to prohibit under the "cruel and unusual" language, there cannot be the slightest doubt that they intended no absolute bar on the Government's authority to impose the death penalty. *McGautha* v. *California,* 402 U.S. 183, 226 (1971) (Black J., concurring). As much is made clear by the three references to capital punishment in the Fifth Amendment. Indeed, the same body that proposed the Eighth Amendment also provided, in the First Crime Act of 1790, for the death penalty for a number of offenses. 1 Stat. 112.

Of course, the specific prohibitions within the Bill of Rights are limitations on the exercise of power; they are not an affirmative grant of power to the Government. I, therefore, do not read the several references to capital punishment as foreclosing this Court from considering whether the death penalty in a particular case offends the Eighth and Fourteenth Amendments. Nor are "cruel and unusual punishment" and "due process of law" static concepts whose meaning and scope were sealed at the time of their writing. They were designed to be dynamic and to gain meaning through application to specific circumstances, many of which were not contemplated by their authors. While flexibility in the application of these broad concepts is one of the hallmarks of our system of government, the Court is not free to read into the Constitution a meaning that is plainly at variance with its language. Both the language of the Fifth and Fourteenth Amendments and the history of the Eighth Amendment confirm beyond doubt that the death penalty was considered to be a constitutionally permissible punishment. It is, however, within the historic process of constitutional adjudication to challenge the imposition of the death penalty in some barbaric manner or as a penalty wholly disproportionate to a particular criminal act. And in making such a judgment in a case before it, a court may consider contemporary standards to the extent they are relevant. While this weighing of a punishment against the Eighth Amendment standard on a case-by-case basis is consonant with history and precedent, it is not what petitioners demand in these cases. They seek nothing less than the total abolition of capital punishment by judicial fiat.

II

Petitioners assert that the constitutional issue is an open one uncontrolled by prior decisions of this Court. They view the several cases decided under the Eighth Amendment as assuming the constitutionality of the death penalty without focusing squarely upon the issue. I do not believe that the case law can be so easily cast aside. The Court on numerous occasions has both assumed and asserted the constitutionality of capital punishment. In several cases that assumption provided a necessary foundation for the decision, as the issue was whether a particular means of carrying out a capital sentence would be allowed to stand. Each of those decisions necessarily was premised on the assumption that some method of exacting the penalty was permissible.

The issue in the first capital case in which the Eighth Amendment was invoked, *Wilkerson* v. *Utah,* 99 U.S. 130 (1878), was whether carrying out a death sentence by public shooting was cruel and unusual punishment. A unanimous Court upheld that form of execution, noting first that the punishment itself, as distinguished from the mode of its infliction, was "not pretended by the counsel for the prisoner" (*id.,* at 136–137) to be cruel and unusual. The Court went on to hold that,

"Cruel and unusual punishments are forbidden by the Constitution, but the authorities . . . are quite sufficient to show that the punishment of shooting as a mode of executing the death penalty for the crime of murder in the first degree is not included in that category. . . ." *Id.,* at 134–135.

Twelve years later, in *In re Kemmler,* 136 U.S. 436 (1890), the Court again faced a question involving the method of carrying out a capital sentence. On review of a denial of habeas corpus relief by the Supreme Court of New York, this Court was called on to decide whether electrocution, which only very recently had been adopted by the New York Legislature as a means of execution, was impermissibly cruel and unusual in violation of the Fourteenth Amendment.[4] Chief Justice Fuller, speaking for the entire Court, ruled in favor of the State. Electrocution had been selected by the legislature, after careful investigation, as "the most humane and practical method known to modern science of carrying into effect the sentence of death." *Id.,* at 444.

The Court drew a clear line between the penalty itself and the mode of its execution:

"Punishments are cruel when they involve torture or a lingering death; but the punishment of death is not cruel, within the meaning of that word as used in the Constitution. It implies there something inhuman and barbarous, something more than the mere extinguishment of life." *Id.,* at 447.

More than 50 years later, in *Francis* v. *Resweber,* 329 U.S. 459 (1947), the Court considered a case in which, due to a mechanical malfunction, Louisiana's initial attempt to electrocute a convicted murderer had failed. Petitioner sought to block a second attempt to execute the sentence on the ground that to do so would constitute cruel and unusual punishment. In the plurality opinion written by Mr. Justice Reed, concurred in by Chief Justice Vinson and Justices Black and Jackson, relief was denied. Again the Court focused on the manner of execution, never questioning the propriety of the death sentence itself.

"The case before us does not call for an examination into any punishments except that of death. . . . The traditional humanity of modern Anglo-American law forbids the infliction of unnecessary pain in the execution of the death sentence. . . .

"The cruelty against which the Constitution protects a convicted man is cruelty inherent in the method of punishment, not the necessary suffering involved in any method employed to extinguish life humanely." *Id.,* at 463–464.

Mr. Justice Frankfurter, unwilling to dispose of the case under the Eighth Amendment's specific prohibition, approved the second execution attempt under the Due Process Clause. He concluded that "a State may be found to deny a person due process by treating even one guilty of crime in a manner that violates standards of decency more or less universally accepted though not when it treats him by a mode about which opinion is fairly divided." *Id.,* at 469–470.

The four dissenting Justices, although finding a second attempt at execution to be impermissibly cruel, expressly recognized the validity of capital punishment:

"In determining whether the proposed procedure is unconstitutional, we must measure it against a lawful electrocution. . . . Electrocution, when instantaneous, *can* be inflicted by a state in conformity with due process of law. . . .

"The all-important consideration is that the execution shall be so instantaneous and substantially painless that the punishment shall be reduced, as nearly as possible, to no more than that of death itself." *Id.,* at 474 (emphasis from original).

Each of these cases involved the affirmance of a death sentence where its validity was attacked as violating the Eighth Amendment. Five opinions were written in these three cases, expressing the views of 23 Justices. While in the narrowest sense it is correct to say that in none was there a frontal attack upon the constitutionality of the death penalty, each opinion went well beyond an unarticulated assumption of validity. The power of the States to impose capital punishment was repeatedly and expressly recognized.

In addition to these cases in which the constitutionality of the death penalty was a necessary foundation for the decision, those who today would have this Court undertake the absolute abolition of the death penalty also must reject the opinions of other cases stipulating or assuming the constitutionality of capital punishment. *Trop* v. *Dulles,* 356 U. S. 86, 99, 100 (1958); *Weems* v. *United States,* 217 U. S. 349, 382, 409 (1910) (White, J., joined by Holmes, J., dissenting).[5] See also *McGautha* v. *California,* 402 U. S. 183, 226 (1971) (Black, J., concurring); *Robinson* v. *California,* 370 U. S. 660, 676 (1962) (DOUGLAS, J., concurring).

The plurality opinion in *Trop* v. *Dulles, supra,* is of special interest since it is this opinion, in large measure, that provides the foundation for the present attack on the

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death penalty.[6] It is anomalous that the standard urged by petitioners—"evolving standards of decency that mark the progress of a maturing society" (356 U. S., at 101)—should be derived from an opinion that so unqualifiedly rejects their arguments. Chief Justice Warren, joined by Justices Black, Douglas, and Whittaker, stated flatly:

"At the outset, let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment, both on moral grounds and in terms of accomplishing the purposes of punishment—and they are forceful—the death penalty has been employed throughout our history, and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty." *Id.*, at 99.

The issue in *Trop* was whether forfeiture of citizenship was a cruel and unusual punishment when imposed on a wartime deserter who had gone "over the hill" for less than a day and had willingly surrendered. In examining the consequences of the relatively novel punishment of denationalization,[7] Chief Justice Warren drew a line between "traditional" and "unusual" penalties:

"While the State has the power to punish, the [Eighth] Amendment stands to assure that this power be exercised within the limits of civilized standards. Fines, imprisonment and even execution may be imposed depending upon the enormity of the crime, but any technique outside the bounds of these traditional penalties is constitutionally suspect." *Id.*, at 100.

The plurality's repeated disclaimers of any attack on capital punishment itself must be viewed as more than off-hand dicta since those views were written in direct response to the strong language in Mr. Justice Frankfurter's dissent arguing that denationalization could not be a disproportionate penalty for a concededly capital offense.[8]

The most recent precedents of this Court—*Witherspoon* v. *Illinois*, 391 U.S. 510 (1968), and *McGautha* v. *California*, 402 U.S. 183 (1971)—are also premised to a significant degree on the constitutionality of the death penalty. While the scope of review in both cases was limited to questions involving the procedures for selecting juries and regulating their deliberations in capital cases,[9] those opinions were "singularly academic exercises"[10] if the members of this Court were prepared at those times to find in the Constitution the complete prohibition of the death penalty. This is especially true of Mr. Justice Harlan's opinion for the Court in *McGautha*, in which, after a full review of the history of capital punishment, he concluded that "we find it quite impossible to say that committing to the untrammeled discretion of the jury the power to pronounce life or death in capital cases is offensive to anything in the Constitution." *Id.*, at 207.[11]

Perhaps enough has been said to demonstrate the unswerving position that this Court has taken in opinions spanning the last hundred years. On virtually every occasion that any opinion has touched on the question of the constitutionality of the death penalty, it has been asserted affirmatively, or tacitly assumed, that the Constitution does not prohibit the penalty. No Justice of the Court, until today, has dissented from this consistent reading of the Constitution. The petitioners in these cases now before the Court cannot fairly avoid the weight of this substantial body of precedent merely by asserting that there is no prior decision precisely in point. *Stare decisis*, if it is a doctrine founded on principle, surely applies where there exists a long line of cases endorsing or necessarily assuming the validity of a particular matter of constitutional interpretation. *Green* v. *United States*, 356 U.S. 165, 189–193 (1958) (Frankfurther, J., concurring). While these oft-repeated expressions of unchallenged belief in the constitutionality of capital punishment may not justify a summary disposition of the constitutional question before us, they are views expressed and joined in over the years by no less than 29 Justices of this Court and therefore merit the greatest respect.[12] Those who now resolve to set those views aside indeed have a heavy burden.

Petitioners seek to avoid the authority of the foregoing cases, and the weight of express recognition in the Constitution itself, by reasoning which will not withstand analysis. The thesis of petitioners' case derives from several opinions in which members of this Court have recognized the dynamic nature of the prohibition against cruel and unusual punishments. The final meaning of those words was not set in 1791. Rather, to use the words of Chief Justice Warren speaking for a plurality of the Court in *Trop* v. *Dulles*, 356 U.S., at 100–101:

"[T]he words of the Amendment are not precise, and . . . their scope is not static. The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."

But this was not new doctrine. It was the approach to the Eighth Amendment taken by Mr. Justice McKenna in his opinion for the Court in *Weems* v. *United States*, 217 U.S. 349 (1910). Writing for four Justices sitting as the majority of the six-man Court hearing the case, he concluded that the clause must be "progressive"; it is not "fastened to the obsolete but may acquire meaning as public opinion becomes enlightened by a humane justice." *Id.*, at 378. The same test was offered by Mr. Justice Frankfurter in his separate concurrence in *Francis* v. *Resweber*, 329 U.S., at 469. While he rejected the notion that the Fourteenth Amendment made the Eighth Amendment fully applicable to the States, he nonetheless found as a matter of due process that the States were prohibited from "treating even one guilty of crime in a manner that violates standards of decency more or less universally accepted."

Whether one views the question as one of due process or of cruel and unusual punishment, as I do for convenience in this case, the issue is essentially the same. The fundamental premise upon which either standard is based is that notions of what constitutes cruel and unusual punishment or due process do evolve.

Neither the Congress nor any state legislature would today tolerate pillorying, branding, or cropping or nailing of the ears—punishments that were in existence during our colonial era.[14] Should, however, any such punishment be prescribed, the courts would certainly enjoin its execution. See *Jackson* v. *Bishop*, 404 F. 2d 571 (CA8 1968). Likewise no court would approve any method of implementation of the death sentence found to involve unnecessary cruelty in light of presently available alternatives. Similarly, there may well be a process of evolving attitude with respect to the application of the death sentence for particular crimes.[15] See *McGautha* v. *California*, 402 U.S., at 242 (Douglas, J., dissenting).

But we are not asked to consider the permissibility of any of the several methods employed in carrying out the death sentence. Nor are we asked, at least as part of the core submission in these cases, to determine whether the penalty might be a grossly excessive punishment for some specific criminal conduct. Either inquiry would call for a discriminating evaluation of particular means, or of the relationship between particular conduct and its punishment. Petitioners' principal argument goes far beyond the traditional process of case-by-case inclusion and exclusion. Instead the argument insists on an unprecedented constitutional rule of absolute prohibition of capital punishment for any crime, regardless of its depravity and impact on society. In calling for a precipitous and final judicial end to this form of penalty as offensive to evolving standards of decency, petitioners would have this Court abandon the traditional and more refined approach consistently followed in its prior Eighth Amendment precedents. What they are saying, in effect, is that the evolutionary process has come suddenly to an end; that the ultimate wisdom as to the appropriateness of capital punishment under all circumstances, and for all future generations, has somehow been revealed.

The prior opinions of this Court point with great clarity to reasons why those of us who sit on this Court at a particular time should act with restraint before assuming, contrary to a century of precedent, that we now know the answer for all time to come. First, where as here, the language of the applicable provision provides great leeway and where the underlying social policies are felt to be of vital importance, the temptation to read personal preference into the Constitution is understandably great. It is too easy to propound our subjective standards of wise policy under the rubric of more or less universally held standards of decency. See *Trop* v. *Dulles*, 356 U.S., at 103 (Mr. Chief Justice Warren), 119–120 (Mr. Justice Frankfurter); *Francis* v. *Resweber*, 329 U.S., at 470–471 (Mr. Justice Frankfurter); *Weems* v. *United States*, 217 U.S., at 378–379 (Mr. Justice McKenna).

The second consideration dictating judicial self-restraint arises from a proper recognition of the respective roles of the legislative and judicial branches. The designation of punishments for crimes is a matter peculiarly within the sphere of the state and federal legislative bodies. See, *e.g.*, *In re Kremmler*, 136 U.S., at 447; *Trop* v. *Dulles*, 356 U.S., at 103. When asked to encroach on the legislative prerogative we are well counseled to proceed with the utmost reticence. The review of legislative choices, in the performance of our duty to enforce the Constitution, has been characterized most appropriately by Mr. Justice Holmes as "the gravest and most delicate duty that the Court is called on to perform." *Blodgett* v. *Holden*, 275 U.S. 142, 147–148 (1927) (concurring opinion).

How much graver is that duty when we are not asked to pass on the constitutionality of a single penalty under the facts of a single case but instead are urged to overturn the legislative judgments of 40 State legislatures as well as those of Congress. In so doing is the majority able to claim, as did the Court in *Weems*, that it appreciates "to the fullest the wide range of power that the legislature possesses to adapt its penal laws to conditions as they may exist and punish crimes of men according to their forms and frequency"? 217 U.S., at 379. I think not. No more eloquent statement of the essential separation of powers limitation on our prerogative can be found than the admonition of Mr. Justice Frankfurter, dissenting in *Trop*. His articulation of the traditional view takes on added significance where the Court undertakes to nullify the legislative judgments of the Congress and four-fifths of the States.

"What is always basic when the power of Congress to enact legislation is challenged is the appropriate approach to judicial review of congressional legislation. . . . When the power of Congress to pass a statute is challenged, the function of this Court is to determine whether legislative action lies clearly outside the constitutional grant of power to which it has been, or may fairly be, referred. In making this detemination, the Court sits in judgment on the action of a co-ordinate branch of the Government while keeping unto itself—as it must under our constitutional system—the final determination of its own power to act. . . .

"Rigorous observation of the difference be-

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tween limits of power and wise exercise of power—between questions of authority and questions of prudence—requires the most alert appreciation of this decisive but subtle relationship of two concepts that too easily coalesce. No less does it require a disciplined will to adhere to the difference. It is not easy to stand aloof and allow want of wisdom to prevail, to disregard one's own strongly held view of what is wise in the conduct of affairs. But it is not the business of this Court to pronounce policy. It must observe a fastidious regard for limitations on its own power, and this precludes the Court's giving effect to its own notions of what is wise or politic. That self-restraint is of the essence in the observance of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the Executive Branch do." 356 U.S., at 119–120.

See also Mr. Justice White's dissenting opinion in *Weems* v. *United States*, 217 U.S., at 382.

IV

Although determining the range of available punishments for a particular crime is a legislative function, the very presence of the Cruel and Unusual Punishment Clause within the Bill of Rights requires, in the context of a specific case, that courts decide whether particular acts of the Congress offend that Amendment. The Due Process Clause of the Fourteenth Amendment imposes on the judiciary a similar obligation to scrutinize state legislation. But the proper exercise of that constitutional obligation in the cases before us today must be founded on a full recognition of the several considerations set forth above—the affirmative references to capital punishment in the Constitution, the prevailing precedents of this Court, the limitation on the exercise of our power imposed by tested principles of judicial self-restraint, and the duty to avoid encroachment on the powers conferred upon state and federal legislatures. In the face of these considerations, only the most conclusive of objective demonstrations could warrant this Court in holding capital punishment *per se* unconstitutional. The burden of seeking so sweeping a decision against such formidable obstacles is almost insuperable. Viewed from this perspective, as I believe it must be, the case against the death penalty falls far short.

Petitioners' contentions are premised, as indicated above, on the long-accepted view that concepts embodied in the Eighth and Fourteenth Amendments evolve. They present, with skill and persistence, a list of "objective indicators" which are said to demonstrate that prevailing standards of human decency have progressed to the final point of requiring the Court to hold, for all cases and for all time, that capital punishment is unconstitutional.

Briefly summarized, these proffered indicia of contemporary standards of decency include the following: (i) a worldwide trend toward the disuse of the death penalty; [16] (ii) the reflection in the scholarly literature of a progressive rejection of capital punishment founded essentially on moral opposition to such treatment; [17] (iii) the decreasing numbers of executions over the last 40 years and especially over the last decade; [18] (iv) the small number of death sentences rendered in relation to the number of cases in which it might have been imposed; [19] and (v) the indication of public abhorrence of the penalty reflected in the circumstance that executions are no longer public affairs.[20] The foregoing is an incomplete summary but it touches the major bases of petitioners' presentation. Although they are not appropriate for consideration as objective evidence, petitioners strongly urge two additional propositions. They contend, first, that the penalty survives public condemnation only through the infrequency, arbitrariness and discriminatory nature of its application, and, second, that there no longer exists any legitimate justifications for the utilization of the ultimate penalty. These contentions, which have proved persuasive to several of the Justices comprising the majority, deserve separate consideration and will be considered in the ensuing sections. Before turning to those arguments, I first address the argument based on "objective" factors.

Any attempt to discern contemporary standards of decency through the review of objective factors must take into account several overriding considerations which petitioners choose to discount or ignore. In a democracy the first indicator of the public's attitude must always be found in the legislative judgments of the people's chosen representatives. Mr. Justice Marshall's opinion today catalogues the salient statistics. Forty States,[21] the District of Columbia, and the Federal Government still authorize the death penalty for a wide variety of crimes. That number has remained relatively static since the end of World War I. *Ante*, p. —. That does not mean, however, that capital punishment has become a forgotten issue in the legislative arena. As recently as January, 1971, Congress approved the death penalty for congressional assassination. 18 U.S.C. § 351. In 1965 Congress added the death penalty for presidential and vice presidential assassinations. 18 U.S.C. § 1751. Additionally, the aircraft piracy statute passed in 1961 also carried the death penalty. 49 U.S.C. § 1472(1). Mr. Justice Blackmun's dissenting opinion catalogues the impressive ease with which each of these statutes was approved. *Ante*, p. —. On the converse side, a bill proposing the abolition of capital punishment for all federal crimes was introduced in 1967 but failed to reach the Senate floor.[22]

At the state level, New York, among other States, has recently undertaken reconsideration of its capital crimes. A law passed in 1967 restricted the use of capital punishment to the crimes of murder of a police officer and murder by a person serving a sentence of life imprisonment. N.Y. Penal Code § 125.30 (McKinney's 1967).

I pause here to state that I am at a loss to understand how those urging this Court to pursue a course of *absolute* abolition as a matter of constitutional judgment can draw any support from the New York experience. As is also the case with respect to recent legislative activity in Canada [23] and Great Britain,[24] New York's decision to restrict the availability of the death penalty is a product of refined and discriminating legislative judgment, reflecting not the total rejection of capital punishment as inherently cruel, but indicating a desire to limit it to those circumstances in which legislative judgment deems retention to be in the public interest. No such legislative flexibility is permitted by the contrary course petitioners urge this Court to follow.[25]

In addition to the New York experience, a number of other States have undertaken reconsideration of capital punishment in recent years. In four States the penalty has been put to a vote of the people through public referenda—a means likely to supply objective evidence of community standards. In Oregon a referendum seeking abolition of capital punishment failed in 1958 but was subsequently approved in 1964.[26] Two years later the penalty was approved in Colorado by a wide margin.[27] In Massachusetts, in 1968, in an advisory referendum, the voters there likewise recommended retention of the penalty. In 1970, approximately 64% of the voters in Illinois approved the penalty.[28] In addition, the National Commission on Reform of Federal Criminal Laws reports that legislative committees in Massachusetts, Pennsylvania, and Maryland recommended abolition, while committees in New Jersey and Florida recommended retention.[29] The legislative views of other States have been summarized by Professor Hugo Bedau in his compilation of sources on capital punishment entitled The Dealth Penalty in America:

> "What our legislative representatives think in the two score states which still have the death penalty may be inferred from the fate of the bills to repeal or modify the death penalty filed during recent years in the legislatures of more than half of these states. In about a dozen instances, the bills emerged from committee for a vote. But in none except Delaware did they become law. In those states where these bills were brought to the floor of the legislatures, the vote in most instances wasn't even close." [30]

This recent history of activity with respect to legislation concerning the death penalty abundantly refutes the abolitionist position.

The second and even more direct source of information reflecting the public's attiude toward capital punishment is the jury. In *Witherspoon* v. *Illinois*, 391 U. S. 510 (1968), Mr. Justice Stewart, joined by Justices Brennan and Marshall, characterized the jury's historic function in the sentencing process in the following terms:

> "[T]he jury is given broad discretion to decide whether or not death *is* 'the proper penalty' in a given case, and a juror's general views about capital punishment play an inevitable role in any such decision.
>
> "A man who opposes the death penalty, no less than one who favors it, can make the discretionary judgment entrusted to him by the State and can thus obey the oath he takes as a juror. . . . Guided by neither rule nor standard, . . . a jury that must choose between life imprisonment and capital punishment can do little more—and must do nothing less—than express the conscience of the community on the ultimate question of life or death.
>
> * * * * *
>
> "[O]ne of the most important functions any jury can perform in making such a selection is to maintain a link between contemporary community values and the penal system—a link without which the determination of punishment could hardly reflect 'the evolving standards of decency that mark the progress of a maturing society.' *Trop* v. *Dulles*, . . ." [31]

Any attempt to discern, therefore, where the prevailing standards of decency lie must take careful account of the jury's response to the question of capital punishment. During the 1960's juries returned in excess of a thousand death sentences, a rate of approximately two per week. Whether it is true that death sentences were returned in less than 10% of the cases as petitioners estimate or whether some higher percentage is more accurate,[32] these totals simply do not support petitioners' assertion at oral argument that "the death penalty is virtually unanimously repudiated and condemned by the conscience of contemporary society." [33] It is also worthy of note that the annual rate of death sentences has remained relatively constant over the last 10 years and that the figure for 1970—127 sentences—is the highest annual total since 1961.[34] It is true that the sentencing rate might be expected to rise, rather than remain constant, when the number of violent crimes increases as it has in this country.[35] And it may be conceded that the constancy in these statistics indicates the unwillingness of juries of demand the ultimate penalty in many cases where it might be imposed. But these considerations fall short of indicating that juries are imposing the death penalty with such rarity as to justify this Court in reading into this circumstance a public rejection of capital punishment.[36]

One must conclude, contrary to petitioners' submission, that the indicators most likely to reflect the public's view—legislative

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bodies, state referenda and the juries which have the actual responsibility—do not support the contention that evolving standards of decency require total abolition of capital punishment.[37] Indeed, the weight of the evidence indicates that the public generally has not accepted either the morality or the social merit of the views so passionately advocated by the articulate spokesmen for abolition. But however one may assess the amorphous ebb and flow of public opinion generally on this volatile issue, this type of inquiry lies at the periphery—not the core—of the judicial process in constitutional cases. The assessment of popular opinion is essentially a legislative, not a judicial, function.

V

Petitioners seek to salvage their thesis by arguing that the infrequency and discriminatory nature of the actual resort to the ultimate penalty tends to diffuse public opposition. We are told that the penalty is imposed exclusively on uninfluential minorities—"the poor, the powerless, the personally ugly and socially unacceptable."[38] It is urged that this pattern of application assures that large segments of the public will be either uninformed or unconcerned and will have no reason to measure the punishment against prevailing moral standards.

Implicitly, this argument concedes the unsoundness of petitioners' contention, examined above under Part IV, that objective evidence shows a present and widespread community rejection of the death penalty. It is now said, in effect, not that capital punishment presently offends our citizenry, but that the public would be offended if the penalty were enforced in a nondiscriminatory manner against a significant percentage of those charged with capital crimes and if the public were thereby made aware of the moral issues surrounding capital punishment. Rather than merely registering the objective indicators on a judicial balance, we are asked ultimately to rest a far-reaching constitutional determinations on a prediction regarding the subjective judgments of the mass of our people under hypothetical assumptions that may or may not be realistic.

Apart from the impermissibility of basing a constitutional judgment of this magnitude on such speculative assumptions, the argument suffers from other defects. If, as petitioners urge, we are to engage in speculation, it is not at all certain that the public would experience deep-felt revulsion if the States were to execute as many sentenced capital offenders this year as they executed in the mid-1930's.[39] It seems more likely that public reaction, rather than being characterized by undifferentiated rejection, would depend upon the facts and circumstances surrounding each particular case.

Members of this Court know, from the petitions and appeals that come before us regularly, that brutish and revolting murders continue to occur with disquieting frequency. Indeed, murders are so commonplace in our society that only the most sensational receive significant and sustained publicity. It could hardly be suggested that in any of these highly publicized murder cases—the several senseless assassinations or the too numerous shocking multiple murders that have stained this country's recent history—the public has exhibited any signs of "revulsion" at the thought of executing the convicted murderers. The public outcry, as we all know, has been quite to the contrary. Furthermore, there is little reason to suspect that the public's reaction would differ significantly in response to other less publicized murders. It is certainly arguable that many such murders, because of their senselessness or barbarousness, would evoke a public demand for the death penalty rather than a public rejection of that alternative. Nor is there any rational basis for arguing that the public reaction to any of these crimes would be muted if the murderer were "rich and powerful." The demand for the ultimate sanction might well be greater, as a wealthy killer is hardly a sympathetic figure. While there might be specific cases in which capital punishment would be regarded as excessive and shocking to the conscience of the community, it can hardly be argued that the public's dissatisfaction with the penalty in particular cases would translate into a demand for absolute abolition.

In pursuing the foregoing speculation, I do not suggest that it is relevant to the appropriate disposition of these cases. The purpose of the digression is to indicate that judicial decisions cannot be founded on such speculations and assumptions however appealing they may seem.

But the discrimination argument does not rest alone on a projection of the assumed effect on public opinion of more frequent executions. Much also is made of the undeniable fact that the death penalty has a greater impact on the lower economic strata of society, which include a relative higher percentage of persons of minority racial and ethnic group backgrounds. The argument drawn from this fact is two-pronged. In part it is merely an extension of the speculation approach pursued by petitioners, *i.e.*, that public revulsion is suppressed in callous apathy because the penalty does not affect persons from the white middle class who comprise the majority in this country. This aspect, however, adds little to the infrequency rationalization for public apathy which I have found unpersuasive.

As Mr. Justice Marshall's opinion today demonstrates, the argument does have a more troubling aspect. It is his contention that if the average citizen were aware of the disproportionate burden of capital punishment borne by the "poor, the ignorant, and the underprivileged," he would find the penalty "shocking to his conscience and sense of justice" and would not stand for its further use. *Ante*, pp. — - —. This argument, like the apathy rationale, calls for further speculation on the part of the Court. It also illuminates the quicksands upon which we are asked to base this decision. Indeed, the two contentions seem to require contradictory assumptions regarding the public's moral attitude toward capital punishment. The apathy argument is predicated on the assumption that the penalty is used against the less influential elements of society, that the public is fully aware of this, and that it tolerates use of capital punishment only because of a callous indifference to the offenders who are sentenced. Mr. Justice Marshall's argument, on the other hand, rests on the contrary assumption that the public does not know against whom the penalty is enforced and that if the public were educated to this fact it would find the punishment intolerable. *Ante*, p. ——. Neither assumption can claim to be an entirely accurate portrayal of public attitude; for some acceptance of capital punishment might be a consequence of hardened apathy based on the knowledge of infrequent and uneven application, while for others acceptance may grow only out of ignorance. More significantly, however, neither supposition acknowledges what, for me, is a more basis flaw.

Certainly the claim is justified that this criminal sanction falls more heavily on the relatively impoverished and underprivileged elements of society. The "have-nots" in every society always have been subject to greater pressure to commit crimes and to fewer constraints than their more affluent fellow citizens. This is, indeed, a tragic byproduct of social and economic deprivation, but it is not an argument of constitutional proportions under the Eighth or Fourteenth Amendment. The same discriminatory impact argument could be made with equal force and logic with respect to those sentenced to prison terms. The Due Process Clause admits of no distinction between the deprivation of "life" and the deprivation of "liberty." If discriminatory impact renders capital punishment cruel and unusual, it likewise renders invalid most of the prescribed penalties for crimes of violence. The root causes of the higher incidence of criminal penalties on "minorities and the poor" will not be cured by abolishing the system of penalties. Nor, indeed, could any society have a viable system of criminal justice if sanctions were abolished or ameliorated because most of those who commit crimes happen to be underprivileged. The basic problem results not from the penalties imposed for criminal conduct but from social and economic factors that have plagued humanity since the beginning of recorded history, frustrating all efforts to create in any country at any time the perfect society in which there are no "poor," no "minorities" and no "underprivileged."[40] The causes underlying this problem are unrelated to the constitutional issue before the Court.

Finally, yet another theory for abolishing the death penalty—reflected in varying degrees in each of the majority's opinions today—is predicated on the discriminatory impact argument. Quite part from measuring the public's acceptance or rejection of the death penalty under the "standards of decency" rationale, Mr. Justice Douglas finds the punishment cruel and unusual because it is "arbitrarily" invoked. He finds that "the basic theme of equal protection is implicit" in the Eighth Amendment, and that the Amendment is violated when jury sentencing may be characterized as arbitrary or discriminatory. *Ante*, p. —. While Mr. Justice Stewart does not purport to rely on notions of equal protection, he also rests primarily on what he views to be a history of arbitrariness. *Ante*, p. —.[41] Whatever may be the facts with respect to jury sentencing, this argument calls for a reconsideration of the "standards" aspects of the Court's decision in *McGautha* v. *California*, 402 U.S. 183 (1971). Although that is the unmistakable thrust of these opinions today, I see no reason to reassess the standards question considered so carefully in Mr. Justice Harlan's opinion for the Court last Term. Having so recently reaffirmed our historic dedication to entrusting the sentencing function to the jury's "untrammelled discretion" (*id.*, at 207), it is difficult to see how the Court can now hold the entire process constitutionally defective under the Eighth Amendment. For all of these reasons I find little merit in the various discrimination arguments, at least in the several lights in which they have been cast in these cases.

Although not presented by any of the petitioners today, a different argument, premised on the Equal Protection Clause, might well be made. If a Negro defendant, for instance, could demonstrate that members of his race were being singled out for more severe punishment than others charged with the same offense, a constitutional violation might be established. This was the contention made in *Maxwell* v. *Bishop*, 398 F. 2d 138 (CA8 1968), vacated and remanded on other grounds, 398 U.S. 262 (1970), in which the Eighth Circuit was asked to issue a writ of habeas corpus setting aside a death sentence imposed on a Negro defendant convicted of rape. In that case substantial statistical evidence was introduced tending to show a pronounced disproportion in the number of Negroes receiving death sentences for rape in parts of Arkansas and elsewhere in the South. That evidence was not excluded but was found to be insufficient to show discrimination in sentencing in Maxwell's trial. Mr. Justice Blackmun, then sitting on the Eighth Circuit Court of Appeals, concluded:

"The petitioner's argument is an interesting one and we are not disposed to say that it could not have some validity and weight in certain circumstances. Like the trial court,

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however . . . we feel that the argument does not have validity and pertinent application to Maxwell's case. . . .

"We are not yet ready to condemn and upset the result reached in every case of a Negro rape defendant in the State of Arkansas on the basis of broad theories of social and statistical injustice. . . .

"We do not say there is no ground for suspicion that the death penalty for rape may have been discriminatorily applied over the decades in that large area of states whose statutes provide for it. There are recognizable indicators of this. But . . . improper state practice of the past does not automatically invalidate a procedure of the present. . . ." *Id.,* at 146–148.

I agree that discriminatory application of the death penalty in the past, admittedly indefensible, is no justification for holding today that capital punishment is invalid in all cases in which sentences were handed out to members of the class discriminated against. But *Maxwell* does point the way to a means of raising the equal protection challenge that is more consonant with precedent and the Constitution's mandates than the several courses pursued by today's majority opinions.

A final commitment on the racial discrimination problem seems appropriate. The possibility of racial bias in the trial and sentencing process has diminished in recent years. The segregation of our society in decades past, which contributed substantially to the severity of punishment for interracial crimes, is now no longer prevalent in this country. Likewise the day is past when juries did not represent the minority group elements of the community. The assurance of fair trials for all citizens is greater today than at any previous time in our history. Because standards of criminal justice have "evolved" in a manner favorable to the accused, discriminatory imposition of capital punishment is far less likely today than in the past.

VI

Petitioner in *Branch* v. *Texas,* No. 69–5031, and to a lesser extent the petitioners in the other cases before us today, urge that capital punishment is cruel and unusual because it no longer serves any rational legislative interests. Before turning to consider whether any of the traditional aims of punishment justify the death penalty, I should make clear the context in which I approach this aspect of the cases.

First, I find no support—in the language of the Constitution, in its history, or in the cases arising under it—for the view that this Court may invalidate a category of penalties because we deem less severe penalties adequate to serve the ends of penology. While the cases affirm our authority to prohibit punishments that are cruelly inhumane (*e.g., Wilkinson* v. *Utah,* 99 U.S., at 135–136; *In re Kemmler,* 136 U.S., at 447), and punishments that are cruelly excessive in that they are disproportionate to particular crimes (see Part VII, *infra*), the precedents of this Court afford no basis for striking down a particular form of punishment because we may be persuaded that means less stringent would be equally efficacious.

Secondly, if we were free to question the justifications for the use of capital punishment, a heavy burden would rest on those who attack the legislatures' judgments to prove the lack of rational justifications. This Court has long held that legislative decisions in this area, which lie within the special competency of that branch, are entitled to a presumption of validity. See, *e.g., Trop* v. *Dulles,* 356 U.S., at 103; *Francis* v. *Resweber,* 329 U.S., at 470 (Frankfurter, J., concurring); *Weems* v. *United States,* 217 U.S., at 378–379; *In re Kemmler,* 136 U.S., at 449.

I come now to consider, subject to the reservations above expressed, the two justifications most often cited for the retention of capital punishment. The concept of retribution—though popular for centuries—is now criticized as unworthy of a civilized people. Yet this Court has acknowledged the existence of a retributive element in criminal sanctions and has never heretofore found it impermissible. In *Williams* v. *New York,* 337 U.S. 241 (1944), Mr. Justice Black stated that.

"Retribution is no longer the dominant objective of the criminal law. Reformation and rehabilitation of offenders have become important goals of criminal jurisprudence." *Id.,* at 247–248.

It is clear, however, that the Court did not reject retribution altogether. The record in that case indicated that one of the reasons why the trial judge imposed the death penalty was his sense of revulsion at the "shocking details of the crime." *Id.,* at 244. Although his motivation was clearly retributive, the Court upheld the trial judge's sentence.[42] Similarly, Mr. Justice Marshall noted in his plurality opinion in *Powell* v. *Texas,* 392 U.S. 514, 530 (1968), that this Court "has never held that anything in the Constitution requires that penal sanctions be designed solely to achieve therapeutic or rehabilitative effects."[43]

While retribution alone may seem an unworthy justification in a moral sense, its utility in a system of criminal justice requiring public support has long been recognized. Lord Denning, Master of the Rolls of the Court of Appeal in England, testified on this subject before the British Royal Commission on Capital Punishment:

"Many are inclined to test the efficacy of punishment solely by its value as a deterrent: but this is too narrow a view. Punishment is the way in which society expresses its denunciation of wrong doing: in order to maintain respect for law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else. If this were so, we should not send to prison a man who was guilty of motor manslaughter, but only disqualify him from driving; but would public opinion be content with this? The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong-doer deserves it, irrespective of whether it is a deterrent or not."[44]

The view expressed by Lord Denning was cited approvingly in the Royal Commission's Report, recognizing "a strong and widespread demand for retribution."[45] Mr. Justice Stewart makes much the same point in his opinion today when he concludes that expression of man's retributive instincts in the sentencing process "serves an important purpose in promoting the stability of a society governed by law." *Ante, p.* ——. The view, moreover, is not without respectible support in the jurisprudential literature in this country,[46] despite a substantial body of opinion to the contrary.[47] And it is conceded on all sides that, not infrequently, cases arise that are so shocking or offensive that the public demands the ultimate penalty for the transgressor.

Deterrence is a more appealing justification, although opinions again differ widely. Indeed, the deterrence issue lies at the heart of much of the debate between the abolitionists and retentionists.[48] Statistical studies, based primarily on trends in States that have abolished the penalty, tend to support the view that the death penalty has not been proved to be a superior deterrent.[49] Some dispute the validity of this conclusion,[50] pointing out that the studies do not show that the death penalty has no deterrent effect on any categories of crimes. On the basis of the literature and studies currently available, I find myself in agreement with the conclusions drawn by the Royal Commission following its exhaustive study of this issue:

"The general conclusion which we reach, after careful review of all the evidence we have been able to obtain as to the deterrent effect of capital punishment, may be stated as follows. *Prima facie* the penalty of death is likely to have a stronger effect as a deterrent to normal human beings than any other form of punishment, and there is some evidence (though no convincing statistical evidence) that this is in fact so. But this effect does not operate universally or uniformly, and there are many offenders on whom it is limited and may often be negligible. It is accordingly important to view this question in a just perspective and not base a penal policy in relation to murder on exaggerated estimates of the uniquely deterrent force of the death penalty."[51]

Only recently this Court was called on to consider the deterrence argument in relation to punishment by fines for public drunkenness. *Powell* v. *Texas,* 392 U.S. 514 (1968). The Court was unwilling to strike down the Texas statute on grounds that it lacked a rational foundation. What Mr. Justice Marshall said there would seem to have equal applicability in this case:

"The long-standing and still raging debate over the validity of the deterrence justification for penal sanctions has not reached any sufficiently clear conclusions to permit it to be said that such sanctions are ineffective in any particular context for any particular group of people who are able to appreciate the consequences of their acts. . . ." *Id.,* at 531.

As I noted at the outset of this section, legislative judgments as to the efficacy of particular punishments are presumptively rational and may not be struck down under the Eighth Amendment because this Court may think that some alternate sanction would be more appropriate. Even if such judgments were within the judicial prerogative, petitioners have failed to show that there exist no justifications for the legislative enactments challenged in these cases.[52] While the evidence and arguments advanced by petitioners might have proved profoundly persuasive if addressed to a legislative body, they do not approach the showing traditionally required before a court declares that the legislature has acted irrationally.

In two of the cases before us today juries imposed sentences of death after convictions of rape.[53] In these cases we are urged to hold that even if capital punishment is permissible for some crimes, it is a cruel and unusual punishment for this crime. These petitioners rely on the Court's opinions holding that the Eighth Amendment, in addition to prohibiting punishments deemed barbarous and inhumane, also condemns punishments that are greatly disproportionate to the crime charged. This reading of the Amendment was first expressed by Mr. Justice Field in his dissenting opinion in *O'Neil* v. *Vermont,* 144 U.S. 323, 337 (1892), a case in which a defendant charged with a large number of violations of Vermont's liquor laws received a fine in excess of $6,600, or a 54-year jail sentence if the fine was not paid. The majority refused to consider the question on the ground that the Eighth Amendment did not apply to the States. The dissent, after carefully examining the history of that Amendment and the Fourteenth, concluded that its prohibition was binding on Vermont and that it was directed against "all punishments which by their excessive length or severity are greatly disproportionate to the offenses charged." *Id.,* at 339–340.[54]

The Court, in *Weems* v. *United States,* 217 U.S. 349 (1910), adopted Mr. Justice Field's view. The defendant, in *Weems,* charged with falsifying Government documents, had been

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sentenced to serve 15 years in *cadena temporal*, a punishment which included carrying chains at the wrists and ankles and the perpetual loss of the right to vote and hold office. Finding the sentence grossly excessive in length and condition of imprisonment, the Court struck it down. This notion of disproportionality—that particular sentences may be cruelly excessive for particular crimes—has been cited with approval in more recent decisions of this Court. See *Robinson* v. *California*, 370 U.S. 660, 667 (1962); *Trop* v. *Dulles*, 356 U.S. 86, 100 (1958); see also *Howard* v. *Fleming*, 141 U.S. 126, 135–136 (1903).

These cases, while providing a rationale for gauging the constitutionality of capital sentences imposed for rape, also indicate the existence of necessary limitations on the judicial function. The use of limiting adjectives in the various expressions of this test found in the opinions—*grossly* excessive, *greatly* disproportionate—emphasizes that the Court's power to strike down punishments as excessive must be exercised with the greatest circumspection. As I have noted earlier, nothing in the history of the Cruel and Unusual Punishment Clause indicates that it may properly be utilized by the judiciary to strike down punishments—authorized by legislatures and imposed by juries—in any but the extraordinary case. This Court is not empowered to sit as a court of sentencing review, implementing the personal views of its members on the proper role of penology. To do so is to usurp a function committed to the Legislative Branch and beyond the power and competency of this Court.

Operating within these narrow limits, I find it quite impossible to declare the death sentence grossly excessive for all rapes. Rape is widely recognized as among the most serious of violent crimes, as witnessed by the very fact that it is punishable by death in 16 States and by life imprisonment in most other States.[55] The several reasons why rape stands so high on the list of serious crimes are well known: It is widely viewed as the most atrocious of intrusions upon the privacy and dignity of the victim; never is the crime committed accidentally; rarely can it be said to be unpremeditated; often the victim suffers serious physical injury; the psychological impact can often be as great as the physical consequences; in a real sense, the threat of both types of injury is always present.[56] For these reasons, and for the reasons arguing against abolition of the death penalty altogether, the excessiveness rationale provides no basis for rejection of the penalty for rape in all cases.

The argument that the death penalty for rape lacks rational justification because less severe punishments might be viewed as accomplishing the proper goals of penology is as inapposite here as it was in considering *per se* abolition. See Part VI *supra*. The state of knowledge with respect to the deterrent value of the sentence for this crime is inconclusive.[57] Moreover, what has been said about the concept of retribution applies with equal force where the crime is rape. There are many cases in which the sordid, heinous nature of a particular crime, demeaning, humiliating and often physically or psychologically traumatic, will call for public condemnation. In a period in our country's history when the frequency of this crime is increasing alarmingly,[58] it is indeed a grave event for the Court to take from the States whatever deterrent and retributive weight the death penalty retains.

Other less sweeping applications of the disproportionality concept have been suggested. Recently the Fourth Circuit struck down a death sentence in *Ralph* v. *Warden*, 438 F. 2d 786 (CA4 1970), holding that the death penalty was an appropriate punishment for rape only where life is "endangered." Chief Judge Haynsworth, who joined in the panel's opinion, wrote separately in denying the State of Maryland's petition for rehearing in order to make clear the basis for his joinder. He stated that, for him, the appropriate test was not whether life was endangered, but whether the victim in fact suffered "grievous physical or psychological harm." *Id.* at 744. See *Rudolph* v. *Alabama*, 375 U.S. 889 (1963) (dissent from the denial of certiorari).

It seems to me that both of these tests depart from established principles and also raise serious practical problems. How are those cases in which the victim's life is endangered to be distinguished from those in which no danger is found? The threat of serious injury is implicit in the definition of rape; the victim is either forced into submission by physical violence or by the threat of violence. Certainly that test would provide little comfort for either of the rape defendants in the cases presently before us. Both criminal acts were accomplished only after a violent struggle. Petitioner Jackson held a scissors blade against his victim's neck. Petitioner Branch had less difficulty subduing his 65-year-old victim. Both assailants threatened to kill their victims. See Mr. JUSTICE DOUGLAS' opinion, ante pp. ——.

The alternate test, limiting the penalty to cases in which the victim suffers physical or emotional harm, might present even greater problems of application. While most physical effects may be seen and objectively measured, the emotional impact may be impossible to gauge at any particular point in time. The event and duration of psychological trauma may not be known or ascertainable prior to the date of trial.

While I reject each of these attempts to establish specific categories of cases in which the death penalty may be deemed excessive. I view them as groping toward what is for me the appropriate application of the Eighth Amendment. While in my view the disproportionality test may not be used either to strike down the death penalty for rape altogether or to install the Court as a tribunal for sentencing review that test may find its application in the peculiar circumstances of specific cases. Its utilization should be limited to the rare case in which the death penalty is rendered for a crime technically falling within the legislatively defined class but factually falling outside the likely legislative intent in creating the category. Specific rape cases (and specific homicides as well) can be imagined in which the conduct of the accused would render the ultimate penalty a grossly excessive punishment. Although this case-by-case approach may seem painfully slow and inadequate to those who wish the Court to assume an activist legislative role in reforming criminal punishments, it is the approach dictated both by our prior opinions and by a due recognition of the limitations of judicial power. This approach, rather than the majority's more pervasive and less refined judgment, marks for me the appropriate course under the Eighth Amendment.

I now return to the overriding question in these cases: whether this Court, acting in conformity with the Constitution, can justify its judgment to abolish capital punishment as heretofore known in this country. It is important to keep in focus the enormity of the step undertaken by the Court today. Not only does it invalidate hundreds of state and federal laws, it deprives those jurisdictions of the power to legislate with respect to capital punishment in the future, except in a manner consistent with the cloudily outlined views of those Justices who do not purport to undertake total abolition. Nothing short of an amendment to the United States Constitution can reverse the Court's judgment. Meanwhile, all flexibility is foreclosed. The normal democratic process, as well as the opportunities for the several States to respond to the will of their people expressed through ballot referenda (as in Massachusetts, Illinois, and Colorado),[59] is now shut off.

The sobering disadvantage of constitutional adjudication of this magnitude is the universality and permanence of the judgment. The enduring merit of legislative action is its responsiveness to the democratic process, and to revision and change: mistaken judgments may be corrected and refinements perfected. In England [60] and Canada [61] critical choices were made after studies canvassing all competing views, and in those countries revisions may be made in light of experience.[62]

As recently as 1967 a presidential commission did consider, as part of an overall study of crime in this country, whether the death penalty should be abolished. The commission's unanimous recommendation was as follows:

"The question whether capital punishment is an appropriate sanction is a policy decision to be made by each State. Where it is retained, the types of offenses for which it is available should be strictly limited, and the law should be enforced in an even-handed and nondiscriminatory manner, with procedures for reviews of death sentences that are fair and expeditious. When a State finds that it cannot administer the penalty in such a manner, or that the death penalty is being imposed but not carried into effect, the penalty should be abandoned." [63]

The thrust of the Commission's recommendations, as presently relevant, is that this question "is a policy decision to be made by each State." There is no hint that this decision could or should be made by the judicial branch.

The National Commission on Reform of Federal Criminal Laws also considered the capital punishment issue. The introductory commentary of its final report states that "a sharp division [existed] within the Commission on the subject of capital punishment, although a majority favored its abolition." [64] Again, consideration of the question was directed to the propriety of retention or abolition as a legislative matter. There was no suggestion that the difference of opinion existing among commission members, and generally across the country, could or should be resolved in one stroke by a decision of this Court.[65] Similar activity was, before today, evident at the state level with re-evaluation having been undertaken by special legislative committees in some States and by public ballot in others.[66]

With deference and respect for the views of the Justices who differ, it seems to me that all these studies—both in this country and elsewhere—suggest that as a matter of policy and precedent this is a classic case for the exercise of our oft-announced allegiance to judicial restraint. I know of no case in which greater gravity and delicacy have attached to the duty that this Court is called on to perform whenever legislation—state or federal—is challenged on constitutional grounds.[67] It seems to me that the sweeping judicial action undertaken today reflects a basic lack of faith and confidence in the democratic process. Many may regret, as I do the failure of some legislative bodies to address the capital punishment issue with greater frankness or effectiveness. Many might decry their failure either to abolish the penalty entirely or selectively, or to establish standards for its enforcement. But impatience with the slowness, and even the unresponsiveness, of legislatures is no justification for judicial intrusion upon their historic powers. Rarely has there been a more appropriate opportunity for this Court to heed the philosophy of Mr. Justice Oliver Wendell Holmes. As Mr. Justice Frankfurter reminded the Court in *Trop*:

"The whole of [Mr. Justice Holmes'] work during his thirty years of service on this Court should be a constant reminder that the power to invalidate legislation must not be exercised as if, either in constitutional

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Footnotes at end of article.

theory or in the act of government, it stood as the sole bulwark against unwisdom or excess of the moment." 35 U.S. at 128.

FOOTNOTES

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[1] MR. JUSTICE DOUGLAS holds only that "the Eighth Amendment [requires] legislatures to write penal laws that are evenhanded, nonselective and nonarbitrary, and [requires] judges to see to it that general laws are not applied sparsely, selectively and spottily to unpopular groups." *Ante*, p. —. The import of this rationale is that while all existing laws must fall, it remains theoretically possible for a State or Congress to devise a statute capable of withstanding a claim of discriminatory application. MR. JUSTICE STEWART, in addition to reserving judgment on at least four presently existing statutes (*ante*, p. ——), indicates that statutes making capital punishment mandatory for any category of crime, or providing some other means of assuring against "wanton" and "freakish" application (*ante*, p. ——), would present a difficult question that he does not reach today. MR. JUSTICE WHITE, for somewhat different reasons, appears to come to the conclusion that a mandatory system of punishment might prove acceptable, *Ante*, p. ——.

The brief and selective references, in my opinion above and in this note, to the opinions of other Justices obviously do not adequately summarize the thoughtful and scholarly views set forth in their full opinions. I have tried merely to select what seems to me to be the respective points of primary emphasis in each of the majority's opinions.

[2] While statutes in 40 States permit capital punishment for a variety of crimes, the constitutionality of a very few mandatory statutes remains undecided. See concurring opinions by MR. JUSTICE STEWART and MR. JUSTICE WHITE. Since Rhode Island's only capital statute—murder by a life term prisoner—is mandatory, no law in that State is struck down by virtue of the Court's decision today.

[3] For a thorough presentation of the history of the Cruel and Unusual Punishment Clause see MR. JUSTICE MARSHALL'S opinion today, *ante*, pp. — - —. See also *Weems* v. *United States*, 217 U.S. 349, 389–409 (1910) (White, J., dissenting); *O'Neil* v. *Vermont*, 144 U.S. 323 337 (1892) (Field, J., dissenting); Granucci, "Nor Cruel and Unusual Punishments Inflicted: "The Original Meaning, 57 Calif. L. Rev. 839 (1969).

[4] The Court pointed out that the Eighth Amendment applied only to the Federal Government and not to the States. The Court's power in relation to state action was limited to protecting privileges and immunities and to assuring due process of law, both within the Fourteenth Amendment. The standard—for purposes of due process—was held to be whether the State had exerted its authority, "within the limits of those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions." 136 U.S., at 448. The State of Georgia, in No. 69–5003 and No. 69–5030, has placed great emphasis on this discussion in *Kemmler* and has urged that the instant cases should all be decided under the more expansive tests of due process rather than under the Cruel and Unusual Punishment Clause *per se*. Irrespective whether the decisions of this Court are viewed as "incorporating" the Eighth Amendment (see *Robinson* v. *California*, 370 U.S. 660 (1962); *Powell* v. *Texas*, 392 U.S. 514 (1968)), it seems clear that the tests for applying these two provisions are fundamentally identical. Compare Mr. Justice Frankfurter's test in *Francis* v. *Resweber*, 329 U.S. 459, 470 (1947), with Chief Justice Warren's test in *Trop* v. *Dulles*, 356 U.S. 86, 100–101 (1958).

[5] Mr. Justice White stated:

"Death was a well-known method of punishment prescribed by law, and it was of course painful, and in that sense was cruel. But the infliction of this punishment was clearly not prohibited by the word cruel, although that word manifestly was intended to forbid the resort to barbarous and unnecessary methods of bodily torture, in executing even the penalty of death." 217 U.S., at 409.

[6] See Part III, *infra*.

[7] In footnote 32, at 100–101 the plurality opinion indicates that denationalization "was never explicitly sanctioned by this Government until 1940 and never tested against the Constitution until this day."

[8] It seems scarcely arguable that loss of citizenship is within the Eighth Amendment's prohibition because disproportionate to an offense that is capital and has been so from the first year of Independence . . . . Is constitutional dialectic so empty of reason that it can be seriously urged that loss of citizenship is a fate worse than death?" *Id.*, at 125.

[9] 398 U.S. 936 (1970); 402 U.S. at 306 (MR. JUSTICE BRENNAN, dissenting). While the constitutionality *per se* of capital punishment has been assumed almost without question, recently members of this Court have expressed the desire to consider the constitutionality of the death penalty with respect to its imposition for specific crimes. *Rudolph* v. *Alabama*, 375 U.S. 889 (1963) (dissent from the denial of certiorari).

[10] Brief for Respondent in *Branch* v. *Texas*, No. 69–5031, at 6.

[11] While the implicit assumption in *McGautha* of the acceptability of death as a form of punishment must prove troublesome for those who urge total abolition, it presents an even more severe problem of *stare decisis* for those Justices who treat the Eighth Amendment essentially as a *process* prohibition. MR. JUSTICE DOUGLAS, while stating that the Court is "now imprisoned in *McGautha* (*ante*, p. —), concludes that capital punishment is unacceptable precisely because the procedure governing its imposition is arbitrary and discriminatory. MR. JUSTICE STEWART, taking a not dissimilar tack on the merits, disposes of *McGautha* in a footnote reference indicating that it is not applicable because the question there arose under the Due Process Clause. *Ante*, p. — n. 11. MR. JUSTICE WHITE, who also finds the death penalty intolerable because of the process for its implementation, makes no attempt to distinguish *McGautha*'s clear holding. For the reasons expressed in the CHIEF JUSTICE'S opinion, *McGautha* simply cannot be distinguished. *Ante*, p. —. These various opinions would, in fact, overrule that recent precedent.

[12] This number includes all the Justices who participated in *Wilkerson*, *Kemmler*, and *Francis* as well as those who joined in the plurality and dissenting opinions in *Trop* and the dissenting opinion in *Weems*.

[13] See n. 4, *supra*.

[14] See, *e.g.*, *Ex parte Wilson*, 114 U.S. 417, 427–428 (1885).

[15] See Part VII, *infra*.

[16] See, *e.g.*, Sellin, The Death Penalty, in ALI, Model Penal Code (Tent. Draft No. 9) (1959); United Nations Department of Economic and Social Affairs, Capital Punishment (1968); 2 National Comm'n on Reform of Federal Criminal Laws, Working Papers, 1351 n. 13 (1970).

[17] The literature on the moral question is legion. Representative collections of the strongly held views on both sides may be found in H. Bedau, The Death Penalty in America (1967), and in Royal Comm'n on Capital Punishment, Minutes of Evidence (1949–1953).

[18] United States Department of Justice, Bureau of Prisons, National Prisoner Statistics No. 46, Capital Punishment 1930–1970 (Aug. 1971) (191 executions during the 1960's; no executions since June 2, 1967); President's Comm'n on Law Enforcement and Admin. of Justice, Report, The Challenge of Crime in a Free Society 143 (1967) ("The most salient characteristic of capital punishment is that it is infrequently applied.").

Petitioners concede, as they must, that little weight can be given to the lack of executions in recent years. A *de facto* moratorium has existed for five years now while cases challenging the procedures for implementing the capital sentence have been reexamined by this Court. *McGautha* v. *California*, 402 U.S. 183 (1971); *Witherspoon* v. *Illinois*, 391 U.S. 510 (1968). The infrequency of executions during the years before the moratorium became fully effective may be attributable in part to decisions of this Court giving expanded scope to the criminal procedural protections of the Bill of Rights, especially under the Fourth and Fifth Amendments. *E.g.*, *Miranda* v. *Arizona*, 384 U.S. 436 (1966); *Mapp* v. *Ohio*, 367 U.S. 643 (1961). Additionally, decisions of the early 1960's amplifying the scope of the federal habeas corpus remedy also may help account for a reduction in the number of executions. *E.g.*, *Fay* v. *Noia*, 372 U.S. 391 (1963); *Townsend* v. *Sain*, 372 U.S. 293 (1963). The major effect of either expanded procedural protections or extended collateral remedies may well have been simply to postpone the date of execution for some capital offenders, thereby leaving them ultimately in the moratorium limbo.

[19] An exact figure for the number of death sentences imposed by the sentencing authorities—judge or jury—in the various jurisdictions is difficult to determine. But the National Prisoner Statistics show the numbers of persons received at the state and federal prisons under sentence of death. This number, however, does not account for those who may have been sentenced and retained in local facilities during the pendency of their appeals. Accepting with this reservation the NPS figures as a minimum, the most recent statistics show that at least 1,057 persons were sentenced to death during the decade of the 1960's. NPS, *supra*, n. 18, at 9.

No fully reliable statistics are available on the nationwide ratio of death sentences to cases in which death was a statutorily permissible punishment. At oral argument, counsel for petitioner in No. 69–5003 estimated that the ratio is 12 or 13 to one. Transcript of oral argument in *Furman* v. *Georgia*, No. 69–5003, at 11. Others have found a higher correlation. See McGee, Capital Punishment as Seen by a Correctional Administrator, 28 Fed. Prob. (No. 2) 11, 12 (1964) (one out of every five, or 20% of persons convicted of murder received the death penalty in California); Bedau, Death Sentences in New Jersey 1907–1960, 19 Rutgers L. Rev. 1 (1964) (between 1916 and 1955, 157 out of 652 persons charged with murder received the death sentence in New Jersey—about 20%; between 1956 and 1960, 13 out of 61 received the death sentence—also about 20%); H. Kalven & H. Ziesel. The American Jury 435–436 (1966) (21 of 111 murder cases resulted in death sentences during three representative years during the mid-1950's); see also Koeninger, Capital Punishment in Texas, 1924–1968, 15 Crime & Delinq. 132 (1969).

[20] See, *e.g.*, *California* v. *Anderson*, No. 13,617 (Calif. S.C., Feb. 18, 1972), cert. denied, —— U.S. —— (1972) (slip op., at 17–19); Goldberg & Dershowitz, Declaring the Death Penalty Unconstitutional, 83 Harv. L. Rev. 1773, 1783 (1970). But see F. Frankfurter, Of Law and Men 97–98 (1956) (reprint of testimony before the Royal Comm'n on Capital Punishment).

[21] Nine States have abolished capital punishment without resort to the courts. See H. Bedau, *supra*, n. 17, at 39. California has been the only State to abolish capital punishment judicially. *California* v. *Anderson*, No. 13,617

(Calif. S.C., Feb. 18, 1972), cert. denied, —— U.S. —— (1972).

[22] Hearings on S. 1760 before the Subcommittee on Criminal Laws and Procedure of the Senate Committee on the Judiciary (1968).

[23] Canada has recently undertaken a five-year experiment—similar to that conducted in England—abolishing the death penalty for most crimes. I Acts of Canada (16 & 17 Eliz. II) 145 (1967). However, capital punishment is still prescribed for some crimes, including murder of a police officer or corrections official, treason, and piracy.

[24] Great Britain, after many years of controversy over the death penalty, undertook a five-year experiment in abolition in 1965. Murder (Abolition of Death Penalty) Act 1965, 2 Pub. Gen. Acts, c. 71, p. 1577. Although abolition became final in 1969, the penalty was retained for several crimes, including treason, piracy, and dockyards arson.

[25] See n. 62, *infra*.

[26] See H. Bedau, *supra*, n. 17, at 233.

[27] *Ibid.* (approximately 65% of the voters approved the death penalty).

[28] See Bedau, The Death Penalty in America, 35 Fed. Prob. (No. 2) 32, 35 (1971).

[29] Natl. Comm'n, *supra*, n. 16, at 1365.

[30] H. Bedau, *supra*, n. 17, at 232. See *e. g.*, *Connecticut* v. *Davis*, 158 Conn. 341, 356–359, 260 A. 2d 587, 595–596 (1969), in which the Connecticut Supreme Court points out that the state legislature had considered the question of abolition during the 1961, 1963, 1965, 1967, and 1969 sessions and had "specifically declined to abolish the death penalty" every time.

[31] *Id.*, at 519 and n. 15. See also *McGautha* v. *California*, 402 U.S., at 201–202; *Williams* v. *New York*, 337 U.S. 241, 253 (1949) (Murphy, J., dissenting) ("In our criminal courts the jury sits as the representative of the community."); W. Douglas, We the Judges 389 (1956); Holmes, Law in Science and Science in Law, 12 Harv. L. Rev. 443, 460 (1899).

[32] See n. 19, *supra*.

[33] Transcript of Oral Argument in *Aikens* v. *California*, No. 68–5027, at 21. Although the petition for certiorari in this case was dismissed after oral argument, *Aikens* v. *California*, —— U.S. —— (1972), the same counsel argued both this case and *Furman*. He stated at the outset that his argument was equally applicable to each case.

[34] National Prisoner Statistics, *supra*, n. 18.

[35] FBI, Uniform Crime Reports—1970, 7–14 (1971).

[36] Public opinion polls, while of little probative relevance, corroborate substantially the conclusion derived from examining legislative activity and jury sentencing—opinion on capital punishment is "fairly divided." *Francis* v. *Resweber*, 327 U.S., at 470 (Mr. Justice Frankfurter, concurring). See *e.g.*, *Witherspoon* v. *Illinois*, 391 U.S., at 520, n. 16 (1966 poll finding 42% in favor of the death penalty and 47% opposed); Goldberg & Dershowitz, *supra*, n. 20, at 1781, n. 39 (1969 poll shows 51% in favor of retention—the same percentage as in 1961); H. Bedau, The Death Penalty in America 231–241 (1967); Bedau, The Death Penalty in America, 35 Fed. Prob. (No. 2) 32, 34–35 (1971).

[37] If, as petitioners suggest, the judicial branch itself reflects the prevailing standards of human decency in our society, it may be relevant to note the conclusion reached by state courts in recent years on the question of the acceptability of capital punishment. In the last five years alone, since the *de facto* "moratorium" on executions began (see n. 18, *supra*), the appellate courts of 26 States have passed on the constitutionality of the death penalty under the Eighth Amendment and under similar provisions of most state constitutions. Every court, except the California Supreme Court (*California* v. *Anderson*, No. 13,617 (Calif. S.C., Feb. 18, 1972), cert. denied, —— U.S. —— (1972), has found the penalty to be constitutional. Those States, and the year of the most recent decision on the issue, are: Alabama (1971); Arizona (1969); Colorado (1967); Connecticut (1969); Delaware (1971); Florida (1969); Georgia (1971); Illinois (1970); Kansas (1968); Kentucky (1971); Louisiana, (1971); Maryland (1971); Missouri (1971); Nebraska (1967); Nevada (1970); New Jersey (1971); New Mexico (1969); North Carolina (1972); Ohio (1971); Oklahoma (1971); South Carolina (1970); Texas (1971); Utah (1969); Virginia (1971); Washington (1971). While the majority of these state court opinions do not give the issue more than summary exposition, many have considered the question at some length, and, indeed, some have considered the issue under the "evolving standards" rubric. See, *e.g.*, *Connecticut* v. *Davis*, 158 Conn. 341, 356–359, 260 A. 2d 587, 595–596 (1969); *Louisiana* v. *Crook*, 253 La. 961, 967–970, 221 So. 2d 473, 475–476 (1969); *Bartholomey* v. *Maryland*, 260 Md. 504, 273 A. 2d 164 (1971); *Nebraska* v. *Alvarez*, 182 Neb. 358, 366–367, 154 N. W. 2d 746, 751–752 (1961); *New Mexico* v. *Pace*, 80 N. M. 364, 371–372, 456 P. 2d 197, 204–205 (1969). Every federal court that has passed on the issue has ruled that the death penalty is not *per se* unconstitutional. See *e.g.*, *Ralph* v. *Warden*, 438 F. 2d 786, 793 (CA4 1971); *Jackson* v. *Dickson*, 325 F. 2d 573, 575 (CA9 1963), cert. denied, 377 U.S. 957 (1964).

[38] Petitioner's Brief in No. 68–5027, at 51. Although the *Aikens* case is no longer before us (see n. 33, *supra*), the petitioners in *Furman* and *Jackson* have incorporated petitioner's brief in *Aikens by reference. See* Petitioner's Brief in No. 69–5003; at 11–12; Petitioner's Brief in No. 69–5030, at 11–12.

[39] In 1935 available statistics indicate that 184 convicted murderers were executed. That is the highest annual total for any year since statistics have become available. NPS, *supra*, n. 18. 1935 is the year chosen by petitioners in stating their thesis:

"If, in fact, 184 murderers were executed in this year 1971, we submit it is palpable that the public conscience of the Nation would be profoundly and fundamentally revolted, and that the death penalty for murder would be abolished forthwith as the atavistic horror that it is." Petitioner's Brief in No. 68–5027, at 26(see n. 38, *supra*).

[40] Not all murders, and certainly not all crimes, are committed by persons classifiable as "underprivileged." Many crimes of violence are committed by professional criminals who willingly choose to prey upon society as an easy and remunerative way of life Moreover, the terms "underprivileged,' the "poor" and the "powerless" are relative and inexact, often conveying subjective connotations which vary widely depending upon the viewpoint and purpose of the user.

[41] Similarly, Mr. Justice White exhibits concern for a lack of any "meaningful basis for distinguishing the few cases in which [the death penalty] is imposed from the many in which it is not." *Ante*, p. —. Mr. Justice Brennan and Mr. Justice Marshall treat the arbitrariness question in the same manner that it is handled by petitioners—as an element of the approach calling for total abolition.

[42] *Morissette* v. *United States*, 342 U.S. 246 (1952), Mr. Justice Jackson spoke of "the tardy and unfinished substitution of deterrence and reformation in place of retaliation and vengeance as the motivation for public prosecution." *Id.*, at 250–251. He also noted that the penalties for invasions of the rights of property are high as a consequence of the "public demand for retribution." *Id.*, at 260.

[43] See also *Massiah* v. *United States*, 377 U.S. 201, 207 (1964) (White, J., dissenting) (noting the existence of a "profound dispute about whether we should punish, deter, rehabilitate or cure"); *Robinson* v. *California*, 370 U.S. 660, 674 (1962) (Douglas, J., concurring); *Francis* v. *Resweber*, 329 U.S. 459, 470–471 (1947) (Mr. Justice Frankfurter's admonition that the Court is not empowered to act simply because of "feelings of revulsion against the State's insistence on its pound of flesh"); *United States* v. *Lovett*, 328 U.S. 303, 324 (1946) (Frankfurter, J., concurring). ("Punishment presupposes an offense, not necessarily an act previously declared criminal, but an act for which retribution is exacted.")

[44] Royal Comm'n on Capital Punishment, Minutes of Evidence, 207 (1949–1953) (Statement of Lord Denning).

[45] Royal Comm'n on Capital Punishment, Report, at 18, ¶53 (1949–1953) (Cmd. No. 8932).

[46] M. Cohen, Reason and Law 50 (1950); H. Packer, The Limits of the Criminal Sanction 11–12 (1968); Hart, The Aims of the Criminal Law, 23 Law & Contemp. Prob. 401 (1958).

[47] The authorities are collected in Comment, The Death Penalty Cases, 56 Calif. L. Rev. 1268, 1297–1301 (1968). The competing contentions are summarized in the Working Papers of the Nat'l Comm'n on Reform of Federal Crim. Laws, *supra*, n. 16, at 1358–1359. See also the persuasive treatment of this issue by Dr. Karl Menninger in The Crime of Punishment 190–218 (1966).

[48] See *e.g.*, H. Bedau, The Death Penalty in America 260 (1967); Nat'l Comm'n, *supra*, n. 16, at 1352.

[49] See Sellin. The Death Penalty, *supra*, n. 16, at 19–52.

[50] The countervailing considerations, tending to undercut the force of Professor Sellin's statistical studies, are collected in Natl. Comm'n, *supra*, n. 16, at 1354; H. Bedau, *supra*, n. 48, at 265–266; Hart, Murder and the Principles of Punishment: England and the United States, 52 Nw. U. L. Rev. 433, 455–460 (1957).

[51] Report of the Royal Comm'n, *supra*, n. 45, at 24, ¶ 68.

[52] It is worthy of note that the heart of the argument here—that there are no legitimate justifications—was impliedly repudiated last Term by both the majority and dissenting opinions in *McGautha* v. *California*, 402 U. S. 183 (1971). The argument in that case centered on the proposition that due process requires that the standards governing the jury's exercise of its sentencing function be elucidated. As Mr. Justice Brennan's dissent made clear, whatever standards might be thought to exist arise out of the list of justifications for the death penalty—retribution, deterrence, etc. *Id.*, at 284. If no such standards exist, the controversy last Term was a hollow one indeed.

[53] *Jackson* v. *Georgia*, No. 69–5030; *Branch* v. *Texas*, No. 69–5031.

[54] Mr. Justice Harlan, joined by Mr. Justice Brewer, dissented separately but agreed that the State had inflicted a cruel and unusual punishment. *Id.*, at 371.

[55] In addition to the States in which rape is a capital offense, statutes in 28 States prescribe life imprisonment as a permisssible punishment for at least some category of rape. Also indicative of the seriousness with which the crime of rape is viewed, is the fact that in nine of the 10 States that have abolished death as a punishment for any crime, the maximum term of years for rape is the same as for first-degree murder. Statistical studies have shown that the average prison term served by rapists is longer than for any category of offense other than murder. J. MacDonald, Rape—Offenders and Offenders and Their Victims 298 (1971).

[56] J. MacDonald, *supra*, n. 55, at 63–64; Packer, Making the Punishment Fit the Crime, 77 Harv. L. Rev. 1071, 1077 (1964).

[57] See J. MacDonald, *supra*, n. 55. at 314; Chambliss, Types of Deviance and the Effectiveness of Legal Sanctions, 1967 Wis. L. Rev. 703.

[58] FBI, Uniform Crime Reports—1970, 14 (1971) (during the 1960's the incidence of rape rose 121%).

[59] See text accompanying nn. 27 & 28, *supra*.

[60] See n. 24, *supra*.

[61] See n. 23, *supra*.

[62] Recent legislative activity in New York State serves to underline the preferability of legislative action over constitutional adjudication. New York abolished the death penalty for murder in 1965, leaving only a few crimes for which the penalty is still available. See text accompanying n. 25, *supra*. On April 27, 1972, a bill that would have restored the death penalty was considered by the State Assembly. After several hours of heated debate, the bill was narrowly defeated by a vote of 65 to 59. N.Y. Times, April 28, 1972, at 1, col. 1. After seven years of disuse of the death penalty the representatives of the people in that State had not come finally to rest on the question of capital punishment. Because the 1965 decision had been the product of the popular will it could have been undone by an exercise of the same democratic process. No such flexibility is permitted when abolition, even though not absolute, flows from constitutional adjudication.

[63] President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society 143 (1967) (chaired by Nicholas Katzenbach, then Attorney General of the United States). The text of the Report stated, among other things, that the abolition of the death penalty "is being widely debated in the states"; that it is "impossible to say with certainty whether capital punishment significantly reduces the incidence of heinous crimes"; that "whatever views one may have on the efficacy of the death penalty as a deterrent, it clearly has an undesirable impact on the administration of criminal justice"; and that "all members of the Commission agree that the present situation in the administration of the death penalty in many states is intolerable." *Id.*, at 143. As a member of this Presidential Commission I subscribed then, and do now, to the recommendations and views above quoted.

[64] Final Report of the Natl. Comm'n on Reform of the Federal Criminal Laws 310 (1971).

[65] The American Law Institute, after years of study, decided not to take an official position on the question of capital punishment, although the Advisory Committee favored abolition by a vote of 18–2. The Council was more evenly divided but all were in agreement that many States would undoubtedly retain the punishment and that, therefore, the Institute's efforts should be directed toward providing standards for its implementation. ALI, Model Penal Code, 65 (Tent. draft No. 9, 1959).

[66] See text accompanying nn. 26 through 30, *supra*.

[67] *Blodgett* v. *Holden*, 275 U.S. 142, 148 (1927) (Mr. Justice Holmes, concurring). See also *Trop* v. *Dulles*, 356 U.S., at 128 (Mr. Justice Frankfurter, dissenting):

"The awesome power of this Court to invalidate . . . legislation, because in practice it is bound only by our own prudence in discerning the limits of the Court's Constitutional function, must be exercised with the utmost restraint."

MR. JUSTICE REHNQUIST, WITH WHOM THE CHIEF JUSTICE, MR. JUSTICE BLACKMUN, AND MR. JUSTICE POWELL JOIN, DISSENTING

The Court's judgment today strikes down a penalty that our Nation's legislators have thought necessary since our country was founded. My Brothers Douglas, Brennan, and Marshall would at one fell swoop invalidate laws enacted by Congress and 40 of the 50 state legislatures and would consign to the limbo of unconstitutionality under a single rubric penalties for offenses as varied and unique as murder, piracy, mutiny, highjacking, and desertion in the face of the enemy. My Brothers Stewart and White, asserting reliance on a more limited rationale—the reluctance of judges and juries actually to impose the death penalty in the majority of capital cases—join in the judgment in these cases. Whatever its precise rationale, today's holding necessarily brings into sharp relief the fundamental question of the role of judicial review in a democratic society. How can government by the elected representatives of the people co-exist with the power of the federal judiciary, whose members are constitutionally insulated from responsiveness to the popular will, to declare invalid laws duly enacted by the popular branches of government?

The answer, of course, is found in Hamilton's Federalist Paper No. 78 and in Chief Justice Marshall's classic opinion in *Marbury* v. *Madison*, 1 Cranch 137 (1803). An oft told story since then, it bears summarization once more. Sovereignty resides ultimately in the people as a whole, and by adopting through their States a written Constitution for the Nation, and subsequently adding amendments to that instrument, they have both granted certain powers to the national Government, and denied other powers to the national and the state governments. Courts are exercising no more than the judicial function conferred upon them by Art. III of the Constitution when they assess, in a case before them, whether or not a particular legislative enactment is within the authority granted by the Constitution to the enacting body. and whether it runs afoul of some limitation placed by the Constitution on the authority of that body. For the theory is that the people themselves have spoken in the Constitution, and therefore its commands are superior to the commands of the legislature, which is merely an agent of the people.

The Founding Fathers thus wisely sought to have the best of both worlds, the undeniable benefits of both democratic self-government and individual rights protected against possible excesses of that form of government.

The courts in cases properly before them have been entrusted under the Constitution with the last word, short of constitutional amendment, as to whether a law passed by the legislature conforms to the Constitution. But just because courts in general, and this Court in particular, do have the last word, the admonition of Mr. Justice Stone in *United States* v. *Butler* must be constantly borne in mind:

"[W]hile unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint." 297 U. S. 1, 78–79.

Rigorous attention to the limits of this Court's authority is likewise enjoined because of the natural desire that beguiles judges along with other human beings into imposing their own views of goodness, truth, and justice upon others. Judges differ only in that they have the power, if not the authority, to enforce their desires. This is doubtless why nearly two centuries of judicial precedent from this Court counsel the sparing use of that power. The most expansive reading of the leading constitutional cases does not remotely suggest that this Court has been granted a roving commission, either by the Founding Fathers or by the framers of the Fourteenth Amendment, to strike down laws that are based upon notions of policy or morality suddenly found unacceptable by a majority of this Court. The Framers of the Constitution would doubtless have agreed with the great English political philosopher John Stuart Mill when he observed:

"The disposition of mankind, whether as rulers or as fellow-citizens, to impose their own opinions and inclinations as a rule of conduct on others, is so energetically supported by some of the best and by some of the worst feelings incident to human nature, that it is hardly ever kept under restraint by anything but want of power." J. S. Mill, On Liberty 28 (1885).

A separate reason for deference to the legislative judgment is the consequence of human error on the part of the judiciary with respect to the constitutional issue before it. Human error there is bound to be, judges being men and women, and men and women being what they are. But an error in mistakenly sustaining the constitutionality of a particular enactment, while wrongfully depriving the individual of a right secured to him by the Constitution, nonetheless does so by simply letting stand a duly enacted law of a democratically chosen legislative body. The error resulting from a mistaken upholding of an individual constitutional claim against the validity of a legislative enactment is a good deal more serious. For the result in such a case is not to leave standing a law duly enacted by a representative assembly, but to impose upon the Nation the judicial fiat of a majority of a court of judges whose connection with the popular will is remote at best.

The task of judging constitutional cases imposed by Art. III cannot for this reason be avoided, but it must surely be approached with the deepest humility and genuine deference to legislative judgment. Today's decision to invalidate capital punishment is, I respectfully submit, significantly lacking in those attributes. For the reasons well stated in the opinions of The Chief Justice, Mr. Justice Powell, and Mr. Justice Blackmun, I conclude that this decision holding unconstitutional capital punishment is not an act of judgment, but rather an act of will. It completely ignores the strictures of Mr. Justice Holmes, writing more than 40 years ago in *Baldwin* v. *Missouri*:

"I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the Fourteenth Amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the Amendment was intended to give us *carte blanche* to embody our economic or moral beliefs in its prohibitions. Yet I can think of no narrower reason that seems to me to justify the present and the earlier decisions to which I have referred. Of course the words 'due process of law,' if taken in their literal meaning, have no application to this case; and while it is too late to deny that they have been given a much more extended and artificial signification, still we ought to remember the great caution shown by the Constitution in limiting the power of the States, and should be slow to construe the clause in the Fourteenth Amendment as committing to the Court, with no guide but the Court's own discretion, the validity of whatever laws the States may pass." *Baldwin* v. *Missouri*, 281 U. S. 586, 595.

More than 20 years ago, Justice Jackson made a similar observation with respect to this Court's restriction of the States in the enforcement of their own criminal laws:

"The use of the due process clause to disable the States in protection of society from crime is quite as dangerous and delicate a use of federal judicial power as to use it to disable them from social or economic experimentation." Jackson, J., in *Ashcraft* v. *Tennessee*, 322 U.S. 143, 174.

If there can be said to be one dominant theme in the Constitution, perhaps more fully articulated in The Federalist Papers than in the instrument itself, it is the notion of checks and balances. The Framers were well aware of the natural desire of office holders as well as others to seek to expand the scope and authority of their particular office at the expense of others. They sought to provide against success in such efforts by erecting adequate checks and balances in the form of grants of authority to each branch of the government in order to counteract and prevent usurpation on the part of the others.

This philosophy of the Framers is best described by one of the ablest and greatest of their number, James Madison, in Federalist No. 51.

> In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

Madison's observation applies to the Judicial Branch with at least as much force as to the Legislative and Executive Branches. While overreaching by the Legislative and Executive Branches may result in the sacrifice of individual protections that the Constitution was designed to secure against action of the State, judicial overreaching may result in sacrifice of the equally important right of the people to govern themselves. The Due Process and Equal Protection Clauses of the Fourteenth Amendment were "never intended to destroy the States' power to govern themselves." Black, J., in *Oregon* v. *Mitchell*, 400 U.S. 112, 126 (1970).

The very nature of judicial review, as pointed out by Justice Stone in his dissent in the *Butler* case, makes the courts the least subject to Madisonian check in the event that they shall, for the best of motives, expand judicial authority beyond the limits contemplated by the Framers. It is for this reason that judicial self-restraint is surely an implied, if not an expressed, condition of the grant of authority of judicial review. The Court's holding in these cases has been reached, I believe, in complete disregard of that implied condition.

THE FEAR OF CRIME

Mr. HART. Mr. President, perhaps no problem facing America here at home has been debated more heatedly than the question of crime and the fear of crime which pervades our Nation's cities.

Gradually, I hope, the awareness has developed that there are no easy answers, no quick cure-alls, and no cheap solutions. More than angry rhetoric or complaints about our Constitution are needed.

The entire criminal justice system—our police departments, our courts, and our prisons—need drastic overhaul if we are to preserve the delicate balance of liberty and order in a free society.

This week the Committee for Economic Development presented its blueprint for that overhaul. It is a blueprint which commands our most careful study. The CED's reputation for thorough, scholarly, nonpartisan studies on major public issues is unsurpassed. Its latest report, "Reducing Crime and Assuring Justice," is issued with the approval of the committee's Research and Policy Committee and its Committee for Improvement in Government whose members form a most impressive array of the Nation's business leaders and experts on government.

CED's report is wideranging yet specific in its recommendations. Its analysis is candid, yet balanced. This document deserves our grateful appreciation, and our continuing attention in the months ahead.

Many of the changes it proposes in our criminal laws and in our institutions at every level of government are proposals which may strike some as "radical." While the authors are hardly a "radical" group, they have painted a persuasive picture of the need for radical change and for a massive commitment of energy and resources if we are serious about fighting crime and insuring justice. I ask unanimous consent that the report, including the membership of the committee, project director and boards, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REDUCING CRIME AND ASSURING JUSTICE

FOREWORD

The interest of the Committee in crime and justice stems not only from the economic fact that crime costs the business community an estimated $16 billion a year and boosts prices paid by the consumer. Far more important, crime undermines the very basis of American society. It creates fear and destroys the mutual trust and confidence which are the foundation of a healthy nation.

This statement offers no facile solutions, no miraculous nostrums to alleviate a perplexing and pervasive problem. Over the past forty years many commissions have studied these questions, many important recommendations have been made, yet many of the problems they have uncovered remain unsolved. The major contribution of this statement, therefore, does not lie in the individual proposals dealing with the courts, prosecution, police, and corrections. For the Committee believes that important as they are, piecemeal efforts to reform the highly fragmented, patchwork structure of criminal justice will inevitably fail.

The problem is deeper. The Committee believes that the ineffectiveness of the present structure is rooted in the organizational and administrative chaos that characterizes the nation's uncoordinated system of criminal justice, and in the management weaknesses prevailing in agencies at all levels. The Committee therefore proposes a complete administrative overhaul of the criminal justice system and a redistribution of responsibilities, functions, and financial support among the various levels of government. Local governments would be relieved of all obligations other than maintenance of urban police forces, and each state would draw together all criminal justice activities under a strong, centralized Department of Justice. The federal role would be concentrated in a new, independent Federal Authority To Ensure Justice, which would coordinate the fight against crime on the national level and would provide strong financial incentives for the reorganization of state and local systems.

Although the Committee focused on the *administration* of justice, we recognize that crime is not an alien, isolated phenomenon. Crime is deeply rooted in the social ills of our society. Over the years this Committee has made extensive and concrete recommendations for major changes in the areas of welfare reform, urban education, and job and training programs, and is currently studying needed changes in housing and health care. The Committee's proposals dealing with these vital issues should be implemented for reasons quite apart from our belief that they would ameliorate conditions breeding delinquency and crime.

The trustees and advisors who participated in developing the proposed solutions brought high qualifications of experience and insight to bear on them, but, in addition, help was obtained from many outside sources. We are especially grateful to Earl Warren, James V. Bennett, Ramsey Clark, David Fogel, Ernest C. Friesen, Bernard L. Garmire, Milton G. Rector, Charles H. Rogovin, Dr. Jesse Rubin, and James Q. Wilson.

CED's Committee for Improvement of Management in Government (CIMG) prepared this report under the able chairmanship of Wayne E. Thompson. Earlier development of such policy statements as *Modernizing Local Government*, *Modernizing State Government*, *Reshaping Government in Metropolitan Areas*, and *Making Congress More Effective* built a solid foundation for inquiry into crime and the administration of justice.

The Research and Policy Committee extends its thanks to Wayne E. Thompson and the members of CIMG, its advisory boards, and the many other eminent authorities who participated in this project. We recognize as well the research and drafting contributions of Robert F. Steadman, Director, and Mary E. Baluss of the CIMG staff, and the editorial assistance of Jacob Worenklein, CED's Associate Director of Information.

We express our gratitude to the Carnegie Corporation, the Rockefeller Brothers Fund, the Kellogg Foundation, and other foundations and donors for their generous financial support.

PHILIP M. KLUTZNICK,
Cochairman, Research and Policy Committee.

1. INTRODUCTION

Prompt, equitable, and effective administration of justice is the first responsibility of a civilized society. The Constitution recognizes this fact in its preamble: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility . . ." Long neglect of this priority at state and other governmental levels is in itself a major source of lawlessness, disorder, and alienation.

Crime running rampant is certainly not the mark of a healthy society. Large-scale criminal activity, whether organized or spontaneous, undermines an economy based upon opportunity and enterprise, while it fosters a sense of injustice among the poor and the minorities. No citizen can justify indifference, least of all members of the business community with their special concern for public safety. Complacency will prove suicidal.

Crimes of violence, crimes against property, and white collar crimes have reached intolerable levels. Increases have been extremely high in recent years, and they continue. Crime statistics are incomplete and are not very reliable, but the FBI's *Uniform Crime Reports* show a *doubling*, from three million in 1965 to six million in 1971, in the seven categories of serious crime which form the basis of the FBI's Crime Index (murder, forcible rape, robbery, aggravated assault, burglary, larceny $50 and over, auto theft).[1] Worse, these numbers are understated.[2]

Events of the past decade have intensified the challenge to order and justice. Drug abuse is rising rapidly, terroristic violence is now a fact of life, and crime syndicates flourish. More and more Americans hesitate to venture upon the streets, especially at night; they feel insecure even within their own homes. Almost two-thirds of all women and nearly half of all men say they were "more afraid and uneasy" on the streets in 1971 than in 1970. Conditions around the Capitol, the White House, and the UN headquarters have embarrassed the nation. Crime has long been much more common in the United States than in other industrialized countries, but it has now passed the limits of tolerance.

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[1] See Appendix A for data concerning the increase in these seven categories and for estimates of arrests in all crimes and offenses.

[2] Only murders and auto thefts are well reported. Research surveys reveal that barely two-thirds of all robberies are reported; half to three-fourths of rapes, assaults, burglaries and larcenies remain unknown to the police. Statistics on less serious crimes are even less dependable, but the FBI estimates arrests for them at seven million annually (excluding minor traffic offenses). Moreover, actual offenses committed number five to ten times the arrests made for them.

Business leadership is needed as never before in a cooperative effort to control and reverse present trends. The special involvement of business is twofold. Organized crime exacts an annual toll of billions of dollars in truck hijackings, inventory losses, "disappearance" of securities, extortions, and inroads into legitimate enterprise. Such costs have to be passed on, ultimately, to consumers and investors, as are the rising burdens of shoplifting and internal business thefts.

But the chief anxiety is not with these losses, serious though they are. Violence and property losses have reached levels that destroy the confidence and trust upon which American social and economic institutions are founded, menacing national prosperity and strength. We believe these trends can be reversed, but not without mounting a determined, cooperative effort to remove grave defects in the administration of criminal justice by such means as this Committee advocates.

The object of this statement is to examine the administration of criminal justice in this country and to propose measures urgently needed to correct its deficiencies. We view these changes as imperative, while recognizing the importance of other approaches to the prevention of juvenile delinquency and adult criminal conduct. The physical and social environment has deep relevance to human behavior, of course, but only brief reference to such considerations is within the scope of this statement of public policy which is focused on the legal and administrative aspects of criminal justice.

DEEPER CAUSES OF CRIME

Although many factors associated with high crime rates have been identified, uncertainties still surround the cause and effect relationships in criminal conduct. It is clear, however, that crime as a total problem cannot and should not be viewed in isolation from other great social and behavioral dilemmas. The highest crime rates, five to ten times those for rural areas, are found in the congested centers of great cities, in association with a long list of other social ills. Housing there is generally substandard, often unfit for habitation; unemployment is endemic, especially among the young; health and sanitation services are weak; many of the public schools are demoralized, with heavy dropout rates; and deep poverty is pervasive.

Relatively high rates of juvenile delinquency have occurred consistently over a long period of time in central city slum areas, regardless of their racial and ethnic constituencies. Delinquent behavior is often considered "normal" and socially acceptable there, while nondelinquent behavior may seem abnormal. Many parents strive to overcome these influences, but family and social sanctions are ineffective against peer-group support for unlawful conduct. Spontaneous criminality and easy recruitment by organized syndicates frequently result.

Nationwide, over half of all those arrested for the seven Index crimes are under 19 years of age; one-fifth are 14 or younger. About one-sixth of all males aged 12 to 17 are arrested for some crime (in addition to minor traffic offenses) every year; over the next six years there will be an average of one such arrest for each member of this group. Rapid recent growth in the 15–24 age bracket (47 per cent in the 1960's and continuing in the 1970's) explains perhaps one-fourth of the recent crime increases, in view of a disproportionate involvement by this group in most kinds of offenses. Half of those arrested for the four violent crimes mentioned, and one-third of those arrested for the three crimes against property, are blacks. Black victimization rates are also extremely high, especially in the ghettos.

Without making more specific recommendations, we do support immediate intensification and expansion of scientific inquiries into these social and behavioral aspects of criminal conduct. The findings should be actively tested, without hindering or delaying the actions needed to achieve prompt, effective, and equitable *administration* of criminal justice. Meanwhile, extensive and concrete recommendations for major changes made by this Committee within the last few years in the fields of urban education, employment, and welfare should also be implemented—for reasons quite apart from our belief that they would ameliorate conditions that help breed delinquency and crime.[3]

It must be recognized that two important developments of recent years are beyond the customary bounds of criminological research. One is social alienation and rejection of "establishment" values on the part of a significant segment of the nation's well-educated youth. In some cases this has been carried to revolutionary extremes; it has also found expression in approval of theft, vandalism, and drug abuse as acceptable means to assault or reject the existing social structure. Moreover, militancy within minority groups has grown, notably but not exclusively among blacks. The frequency of violent confrontation between alienated groups and the police has risen; the intensity of reciprocal animosities is all too evident.

Much bitterness and disaffection stem from the widespread conviction that American criminal codes and their administration are unfair, inequitable, and—in a word—unjust. The sense of justice is a basic human need. Any society rests upon insecure foundations if it contains major elements that believe its laws and the manner of their administration are unjust. Yet, injustice does exist; there is discriminatory enforcement of unpopular laws, police corruption, inordinate court delay, and brutality in the prisons.

DEFECTIVE INSTITUTIONS

A reluctance to face the facts has worsened matters. Reaction has been slow and weak at every governmental level, most of all in the 50 states which have primary responsibility. Criminal codes are badly out-of-date; enforcement is fragmented; prosecutors make improper use of plea bargaining; court congestion degrades the judicial process; and prisons are schools for crime. High officials too often seem oblivious to signs of widespread, deep-seated official corruption.

Every aspect of the "non-system" of criminal justice is in dire need of modernization; piecemeal tinkering will not help much. More arrests create complications where jails are overcrowded and courts are clogged with long-standing unsettled cases. More judges and prosecuting attorneys avail little while correctional institutions have no room for those convicted and sentenced. Doubling the number of prison cells of the kind now in use is a dubious expedient when two-thirds of those released return within a few months, convicted of new crimes.

A total, all-embracing "systems" overhaul of the present "nonsystem" of criminal justice is an absolute necessity. A "systems approach" as outlined in chapter 8 calls for clarification of objectives, and for development of a complete design involving every interrelated variable affecting the intended outcomes. Sweeping reforms can be enacted and put into effect, but only with a full public commitment to basic changes.

The nation has been well advised of its needs. A series of Presidential Commissions composed of distinguished and knowledgeable citizens has studied these problems, analyzed and reported upon them at length.[4] Their recommendations over a period of 40 years display a remarkable degree of consistency and similarity. But beginning with the renowned Wickersham Commission (1929–1931) few of these recommendations have been adopted—even in part—although repeated, reinforced, and expanded in the past decade by thoroughly competent groups that have explored every aspect of criminal administration. A suitable agenda for action has thus been available for 40 years. Most of the detailed proposals made in this statement conform in summary fashion with these prior studies, although we also urge new governmental changes and courses of action to produce the desired results. It is now time to take effective action.

One major obstacle to broad national reform lies in the complex nature of American federalism as it relates to crime and justice, making evasion of responsibility easy.[5] Citizens who desire better protection for persons and property become confused over which level of government or which agencies are primarily at fault. Wherever they turn, they find a resistance to change traditional in both bureaucratic and political circles. The result is continuing deterioration—a trend that must be reversed, promptly and decisively, to secure a viable society.

The main constitutional responsibility for crime prevention and control rests upon the states, an assignment they have botched. They have failed to keep their criminal codes up-to-date, and they have turned responsibility for enforcement over to a welter of overlapping counties, municipalities, townships, and special districts. Despite the obvious and urgent need, the states have neither straightened out their tangled and ineffective patterns of local government nor assumed direct responsibility for law enforcement.

State police are few in number and limited in jurisdiction. Most prosecutions are entrusted to county officials; only three states have taken over this function. Court systems are supported in part by the states and in larger part by counties and other local units, down to magistrate courts and rural justices of the peace. Imprisonment for major offenses is mainly a state function, but local units provide jails and probation officers. The sanctions of the state criminal codes are applied, therefore, without consistency, uniformity, or effectiveness.

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[3] See the CED Research and Policy Committee's Statements on National Policy: *Innovation in Education* (July 1968); *Improving the Public Welfare System* (April 1970); *Training and Jobs for the Urban Poor* (July 1970); *Education for the Urban Disadvantaged* (March 1971); *Social Responsibilities of Business Corporations* (June 1971). See also CED Supplementary Papers: *Functional Education for Disadvantaged Youth* (March 1971); *Resources for Urban Schools* (May 1971); and *The Conditions for Educational Equality* (July 1971). Policy statements concerning housing needs and health care are currently under consideration.

[4] For a comparison of recommendations made by four commissions, see forthcoming CED Supplementary Paper, *Better Management of the Criminal Justice System* (1972). A chapter by Mary S. Baluss compares recommendations concerning the police, the courts, and corrections made by the National Commission on Law Observance and Enforcement (Wickersham Commission), 1931; the President's Commission on Law Enforcement and Administration of Justice (Katzenbach Commission), 1967; the National Advisory Commission on Civil Disorders (Kerner Commission), 1968; and the National Commission on the Causes and Prevention of Violence (Eisenhower Commission), 1969. In addition to the reports by these four Commissions, see also the reports of the President's Committee on Juvenile Delinquency and Youth Crime (1961), the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice (1963), the President's Commission on Crime in the District of Columbia (1966), the National Commission on the Reform of Federal Criminal Laws (1971), the Advisory Commission on Intergovernmental Relations (*State-Local Relations in the Criminal Justice System*, 1971), and the American Bar Association.

[5] See Appendix B for a detailed, functional breakdown by governmental levels for the several aspects of criminal justice.

The criminal justice apparatus of the national government is superior to that of the average state on most counts. Its share of the total burden has always been minor, however, although the list of federal crimes has lengthened greatly in recent years. The national judiciary is superior in the quality of its bench, in its unity and central management, in its procedures and sentencing arrangements. The United States Attorneys, while not wholly free from partisan politics, are subject to a degree of central supervision and are better qualified than most of the 3,000 elective and autonomous county prosecutors. While imperfect, the federal prison system is relatively enlightened and well-managed. In a similar sense the several federal police forces are comparatively well-qualified, well-trained, and well-led.

In 1968 the national government initiated a new approach, providing grants-in-aid to strengthen state and local administrative operations. Unfortunately, this legislation was defective and its execution half-hearted. The hard fact is that the combined efforts of all levels of government have failed to prevent rising tides of crime. In other words, the "federal system" as it presently functions in the field of criminal justice is ineffective; it has broken down.

There is a dilemma here. Past experience indicates that few if any of the 50 states will, either on their own behalf or through their local units, take the wide range of measures needed to meet the present crisis. Yet the constitutional power to make essential changes resides almost entirely in the states; neither national nor local governments have legal authority to act independently of them. New means of national policy formulation, bolstered by incentives powerful enough to energize the states, must therefore be established before substantial progress can be made.

THE RATIONAL SOLUTION

After examining many alternatives, we have concluded that by far the best solution lies in creation of a new and independent national agency—a permanent *Federal Authority To Ensure Justice*—funded to contribute half of all state and local costs for police, prosecution, judicial, and correctional agencies meeting basic standards to be set by this Authority.* The Authority would encourage each state to establish *a unified state department of justice* to tie together and provide effective management of functions now performed by separate state agencies and by fragmented, weakly organized local units of government. Justification for this major recommendation is set forth in the final chapter of this statement.

There is nothing novel about conditional grants-in-aid; Congressional appropriations for such purposes approach $40 billion, including relatively small sums for law enforcement. Three elements in our proposal are new, however: the scale of available funding; insistence upon high standards in the administration of criminal justice; and independence for the managing Authority, elevating its status over the complex of existing federal agencies and above all state and local instrumentalities. Only in this fashion can crucial weaknesses be overcome; only by this means will a coherent and comprehensive systems approach to the nationwide problems of crime and injustice be possible.

We are well aware of the potential impact upon the U.S. Treasury. If these financial arrangements had been in effect in 1971, with all elements of the criminal justice system as they then were, the added federal burden would have been about $5 billion. On the other hand, state-local expenditures would have been *lowered* by that amount, thus reducing pressures on property and sales taxes. Some of the improvements urged in this statement for future years involve increased costs, at least in the short run. Under present financial arrangements, the main part of these increases would be borne at state-local levels; under our plan the national government would share equally in them.

The basic problem is not financial; the cost of a model system of criminal justice is easily within the means of the American people. It would cost much less than the present burden of crime—estimated at $16 billion yearly for the crimes against business alone, and several times that sum over-all. Public expenditures for criminal justice are now rising after a long period of deprivation, but they were only $7.3 billion in fiscal 1969; private expenditures for insurance and protective measures are estimated to have been $2.7 billion. Thus, the combined public and private total was about $10 billion, or roughly one per cent of the gross national product (GNP). Comparable nationwide outlays were six or seven times that great for health services ($67.2 billion) and for education ($60.5 billion).

This nation can bear the costs essential to assure criminal justice far better than it can afford the consequences of maladministration and injustice. Additional resources will be needed to carry out some of our recommendations, although it would be erroneous to assume that money alone will overcome these problems. Money wasted or misdirected could compound the difficulties. Hence, our specific proposals concerning the courts, prosecution, police, corrections, and the criminal codes are intended to obtain the most effective use of allocated funds. Most citizens want a sound solution and are quite willing to pay whatever it may cost. They lack a full understanding, however, of the changes that are most necessary.

The two deep-seated sources of current crisis conditions are clear enough; absence of any coherent over-all design, resulting from confusion of powers and responsibilities among the several federal levels of government; and weak, ineffective management of agencies at all levels. We believe that adoption of our proposal for a Federal Authority To Ensure Justice—properly managed, staffed, and funded—would lead this country toward reversal of the disastrous trends of recent years. The states, through unified departments of justice and other means proposed in this statement, would be encouraged to meet high standards in fulfillment of their constitutional obligations.

An orderly and just society is not an easy goal, nor is it impossible of attainment. It is a goal that must be achieved, and soon, to restore the faith of Americans in their most basic institutions. Means suited to these ends are at hand; adoption depends only upon better public understanding, and upon determined support from the great majority of citizens and opinion leaders.

2. VITALIZING THE COURTS

The courts are the key to order with justice; weakness there undermines the legitimacy of a democratic society. In simplest terms, the objective of any court system should be to assure prompt and even-handed dispensation of civil and criminal justice within the framework of the laws. American courts have another distinctive obligation—to see that the laws and the manner of their administration fall within the boundaries set by national and state constitutions.

Chief Justice Warren E. Burger of the U.S. Supreme Court has recalled the warning by Dean Pound in 1906 that the work of the courts in the twentieth century could not be carried on with the methods and machinery of the nineteenth century. Yet not many changes have been made. Antiquated, rigid procedures encourage delay. Modern techniques are seldom used in managing court operations, although systems planning could be readily applied.

Immediate elimination of delay has first priority among the several major changes needed. Article VI of the Bill of Rights provides that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . ." This basic principle, that justice delayed is justice denied, conforms with the axiom that both celerity and certainty are essential to give punishment strong deterrent effect. Some courts hold this view so firmly that they have begun to release prisoners held for unreasonable periods without opportunity for trial.

Congestion of court calendars, particularly in the larger cities, is at unacceptable levels nearly everywhere. Civil cases proliferate because of the increasing complexity of modern life—exemplified by urbanization, the use of motor vehicles, and the growth of corporate enterprise. But the criminal caseload also doubled in the 1960's. Moreover, certain otherwise commendable Supreme Court decisions, such as those assuring legal counsel for defendants at all stages, have slowed court processes. The practice of criminal law is financially unattractive; the scarcity of lawyers available both for defense and prosecution forces repeated postponements.

The combined criminal case backlog in the 89 federal district courts rose 18 percent in fiscal 1970, and was 172 percent higher than in 1960. In 11 districts, over one-third of the cases had been pending for a year or more. Yet, the number of federal criminal cases is minor compared with those brought before state and local courts—where much longer delays are encountered.

Court congestion can be relieved in two ways—through better management of case schedules, and by creation of additional judgeships. Both can and should be undertaken concurrently. Better management, which should be the first objective, has produced a 58 percent reduction in backlogs in the New York City Criminal Court, without any addition of money or staff, through adoption of recommendations made by the Economic Development Council of New York City—a group of concerned business leaders. After all possibilities for more efficiency have been exhausted, however, there are many cases where more judges and additional supporting personnel are essential; rising civil caseloads serve to reinforce the point. Effective action in both spheres (and in revision of criminal codes to shorten the list of criminal offenses) must depend upon changing attitudes within the judiciaries, determined executive leadership, and prompt legislative response to calls for funds as well as for statutory and constitutional revisions.

The state legislatures have been slow to provide the additional judgeships, supporting staffs, and adjunct facilities needed; they have done little to encourage better management. Judges are often hesitant in their requests for legislative action. Amounts spent are relatively low; in 1969 total expenditures for all courts—federal, state, and local—were barely one billion dollars. This total is rising, but is still small compared with financial and social losses resulting from an overburdened judiciary. It is not sound public policy to scrimp on the courts.

Enough federal and state judgeships must be created and filled to permit immediate trial of all felony cases and to eliminate time pressures that force plea bargains.*

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*See Memorandum by Mr. HERMAN L. WEISS, page 75.

When the issue is in doubt, the decision should be to enlarge the bench, since growing populations and civil caseloads will soon justify additions. Every judiciary should be adequately funded, with appropriate salaries and tenure for necessary staffs as well as for judges, and with essential equipment provided. All judges should serve full-time and, at the very least, be qualified by license to practice law.

The courts suffer from serious deficiencies other than those directly related to congestion. Political considerations are often a major barrier to creation of necessary additional judgeships at all levels. On the frequent occasions when a chief executive and the legislative body are of different political parties or otherwise at odds, an executive request for additions is likely to be held hostage in bargaining on the prospective appointments or on other unrelated issues. An atmosphere of spoils then surrounds the new judgeships.

Partisan politics influences, and often controls, the selection of judges at local, state, and national levels—a fact which may be explained, but not justified, as a holdover from the Jacksonian period in American politics. In 17 of the 50 highest state courts the justices are elected on partisan ballots and in 12 others on nonpartisan ballots. Most other state and local judges are also elected by partisan ballot. Party nominations are obtained and campaigns financed in ways that tend to discredit both the bar and the judiciary. There is convincing evidence that judgeships have been bought through large campaign or other contributions, especially in major cities.[1]

Partisan politics has no legitimate role in the selection of judges. Emphasis on merit makes executive appointment of judges, under procedures designed to secure high quality and to minimize partisanship, greatly preferable to election.

Newer state constitutions give governors a larger role in selection of judges, sometimes in collaboration with nominating commissions or subject to subsequent ratification at the polls. There is progress toward insistence upon higher qualifications for state and local judges, but it has been slow and sporadic. Although the federal judiciary is appointive, with life tenure and suitable compensation, almost all appointees are members of the President's political party and subject to various partisan clearances. Executive appointments always involve political considerations since credit or blame will result, but the political process functions at both high and low levels; judicial selections should be on the highest of planes.

This Committee examined the problems of state-local courts five years ago.[2] We proposed measures to overcome grave deficiencies: the multiplicity of trial courts at state, county, city, and township levels; the lack of coherent centralized administrative management; the absence of adequate financial support; the weak arrangements for removal of unqualified or incapacitated judges; and failure to condition federal aid upon major structural revisions. In the past five years progress has been made in some states in judicial compensation and in selection or removal procedures; stronger central management and partial unifications are found in a few cases. But no state has completely overhauled its judiciary, although crime rates have escalated everywhere.

Our earlier recommendations appear to be strongly supported by those best informed about the condition of the American judiciary, and especially by those who have given careful consideration to measures that would minimize the worst difficulties. The new National Center for State Courts may well encourage reforms. The work of the American Bar Association, and of several state bar associations, deserves special commendation.

Each of the 50 states should consolidate all state and local courts into a single judicial branch and assume full responsibility for its financial support.

The opposite arrangement now predominates, with local units compelled to contribute to support of lower state courts while carrying all costs of local courts. In fiscal 1969, local governments spent $660 million on courts, the 50 states only $236 million. Since the laws being enforced are almost exclusively those of the states, the only logical exception to total unification at state expense would be to allow local courts or quasi-judicial agencies to handle minor traffic violations and enforcement of other local ordinances.

Within the consolidated system, court specialization for sensitive and expeditious handling of distinct types of cases could and should be encouraged; the new District of Columbia court for family affairs and Chicago's successful traffic court are two appropriate examples. Assignment of cases to judges should be beyond the influence of litigant attorneys, of course, and the same judge should carry each case through from beginning to conclusion.

Central administrative authority over each judiciary should be placed in the hands of its chief justice, advised by a judicial council and acting through a court administrator directly responsible to him.

He should have power to assign judges from one area or court subdivision to another and should take the lead in improvement of court procedures and practices. With the advice of a judicial council, he should be empowered to establish regulations requiring reasonable uniformity in the exercise of such judicial duties as sentencing.

The states should also adopt means additional to the impeachment process for removal of any judge not qualified for further service for physical, mental or other reasons.*

The impeachment process was intended to protect the independence of the judiciary against abuse of executive power, but experience at state-local levels reveals the need for disqualification procedures to deal with problems other than high crimes and misdemeanors—senility, alcoholism, permanent physical disability, and chronic absenteeism. California's Commission on Judicial Qualifications was established in 1960 to deal with such cases—usually through persuasion—and it has been copied in several other states.

Statistical information on state and local court operations is generally inadequate. Neither the public nor the state legislatures have the knowledge necessary to form reliable judgments on performance or the need for reforms. The U.S. Bureau of the Census has recently undertaken a survey of court structures, jurisdiction, and personnel in the 200 largest counties. This is a beginning; but annual collection and compilation of uniform and universal data on backlogs, case dispositions, and other matters is an obvious necessity.

Federal legislation should direct the Administrative Office of the United States Courts to collect appropriate data from all state and local courts.*

The key to effective action in all these areas is financial assistance; there is scant hope for speedy progress without this incentive.

Federal aid for state-local court systems should be conditioned upon acceptance and installation of the major reforms advocated in this chapter.

3. STRENGTHENING COUNSEL IN CRIMINAL PROCEEDINGS

This country accepts the principle that adversary proceedings are most likely to secure justice. Hence, there is concern for the quality of both prosecution and defense. Those accused have the right to legal counsel—at public expense for indigents—from arrest through every stage of those proceedings, but that right will be fully effective only when the scarcity of qualified defense counsel is overcome through better compensation, judicial insistence, and other determined efforts. Unjust treatment will then be less likely. But comparable measures to elevate the quality of prosecution are also needed and depend upon state and county actions that have not yet been taken.

The prosecutor has great discretion; the proper exercise of that discretion is essential to the ends of justice. Yet the experienced, nonpolitical prosecutor is a rarity. Most often he is a locally elected official whose methods and philosophy are subject to little control or guidance—often varying drastically from those of other prosecutors exercising the same responsibilities under identical laws.

The burden of prosecution has grown to huge dimensions. There were over 1,500,000 arrests in 1970 for the seven Index crimes. The estimate for other arrests in addition to minor traffic offenses exceeded 6,500,000—including over 400,000 for drug violations and half a million for drunken driving. Charges are dropped in many of these cases, and one-third of the remainder are referred to juvenile courts. Still, the residual caseloads are unmanageable, often overwhelming.

Confronted with staggering caseloads, weak prosecuting units have been forced into an indefensible solution for their problems. A census found 56,000 arraigned persons held in local jails awaiting trial in 1969 and 27,000 not yet arraigned. Additional tens of thousands were out on bail. If all of these defendants were to insist upon formal trial, particularly trial by jury, the whole judicial system—encumbered by overloaded dockets and limited by court capacity—might well collapse. Hence, when there is much doubt of conviction, charges are often dropped. Even when there is strong evidence available, prosecutors commonly seek to "come into agreement" with defense counsel on a guilty plea by the defendant, usually for a lesser offense.

Pretrial discussions between prosecutor and defense counsel may be useful, particularly when youthful or first offenders are before the bar of justice, but plea bargaining undertaken *merely to mitigate intolerable congestion of court dockets* is a travesty on justice. Police and prosecutors should draft charges with care in the first instance, and when the evidence supports only a lesser charge, the change should be made without pressure upon the defendant to offer a guilty plea. The guilty ought not to be able to take advantage of congestion and the innocent should be assured of a fair trial. Agreements between prosecution and defense counsel should be subjected to intensive judicial scrutiny, and overturned when there is doubt that justice is well served.

Improper plea bargaining is often viewed as the only escape when the prosecution is starved for funds. State and local expenditures for this vital function in fiscal 1969 were miniscule in relation to caseloads, less than $40 for the average arrest. This compares with over $2,000 for the average criminal case commenced in the federal district courts that year. More was spent for indigent defense in the 35,000 federal cases than by all the states and local governments in dealing with their millions of arrests—$39.8 million *vs.* $37.9 million.

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*See Memorandum by MR. ALEXANDER L. STOTT, page 76.

[1] See Martin and Susan Tolchin, *To the Victor* (New York: Random House, 1971).

[2] *Modernizing State Government*, A Statement on National Policy by the Research and Policy Committee, Committee for Economic Development (July 1967).

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*See Memoranda by Mr. Alexander L. Stott, page 76.

Prosecution is a top-level governmental function. It should not be subjected to control or starvation by the counties—which with a few exceptions are the most machine-ridden and poorly managed of local governments. Three-fourths of the counties are too small and too weak in resources to maintain a suitable prosecuting staff. Some have difficulty finding an attorney willing to run for election. Compensation is almost everywhere below levels attractive to qualified attorneys—either for elective posts or supporting staffs. Most elective prosecutors and many staff members serve only part-time (83 per cent of 1,000 responding to a 1965 survey), which leads to conflicts of interest and relative neglect of public duties.

Only three states (Alaska, Delaware, and Rhode Island) have state prosecution systems; two others (Connecticut and New Jersey) have state-appointed local prosecutors. All others elect prosecutors on a county or district basis, or both. In urban areas where municipal officers have some share in prosecution, further fragmentation results. State attorneys general seldom exercise more than sporadic supervision, even where they have constitutional authority to do so.

Prosecutors chosen by partisan ballot are usually nominated by and beholden to their party organizations. Many hope for political advancement and select staff members with partisan considerations in mind. The usual term of office is four years, in some states only two. Turnover of youthful and inexperienced aides is high, especially among the most able. There are outstanding examples of well-managed offices led by elected prosecutors of distinction, but they are rare.

Partisan politics also intrudes upon federal prosecutions, although to a lesser degree. United States Attorneys are Presidential appointees, free from the costs and risks of election. But Congressional pressures, together with political screenings by Attorneys General, make these appointments partisan, and recipients are expected to offer their resignations to an incoming President. Turnover is high here, also, in spite of better compensation.

We recognize, of course, that appointment of a director of prosecutions by a chief executive or an attorney general implies a broad policy or political relationship. This is as it should be. Philosophical views of politics and jurisprudence are germane to top appointments But longer tenure would not be inconsistent with this concept. What is abhorrent is intrusion by low-level ward partisanship in this crucial function of government.

All state and local prosecuting staffs should be placed on a nonpartisan merit basis, with appropriate compensation and tenure; staffing patterns should conform with actual caseloads and backlogs; and all staffs be fully funded.

Chief prosecutors and their staffs should serve on a full-time basis, without outside practice. This should apply immediately in urban areas and eventually everywhere. Subordinate staff should be placed under civil service rules wherever the state or local governments maintain civil service systems, but qualifications for appointment should include a broad educational background.

The United Kingdom provides sharp contrasts in its prosecutions. It has no elective judges or prosecutors, and no comparable prosecuting staffs. Either an injured party or a police officer may act as complainant. Except for the most serious crimes, cases are commonly tried without benefit of counsel. A barrister is employed *ad hoc* by the police or on behalf of the Crown only when counsel appears for the defense or when a felony is charged. The Director of Public Prosecutions has discretion to intervene in serious cases, and authority to see that barristers are employed or assigned to them. Judges have an active, aggressive role. Trial juries are small; grand juries are no longer used. While it is true that defendants enjoy fewer of the important rights and protections that they have in this country, they do obtain immediate trials and prompt verdicts.

Drastic revision of the American approach to prosecution was needed long before the onset of the present emergency; it has become imperative. The English example, based on a common law shared with this country, has attractive features. Speedy trial is assured, with no congested backlog. Narrow partisan politics does not intrude upon the administration of criminal justice. The need for high professional qualities of skill and integrity in prosecution is recognized. Most important of all, perhaps, prosecution is managed on a centralized basis.

Prosecution for violations of state laws should be centrally managed by each state. This would be consistent with the consolidation of state-local court systems proposed in this statement.

A State Director of Prosecutions should be appointed in each state by the Governor or the Attorney General, under a selection process that emphasizes merit. The Director should have full administrative authority, with power to establish and enforce standards for this function, and with the resources to provide and assign the professional staff necessary to supplement or substitute for prosecutors in every state (or local) court.

Outright and total statewide consolidation of this function, while ideal, will require amendment of many state constitutions. This is usually a lengthy process, but in most states an office of the kind here described could be created in the interim by statute and placed within the office of the Attorney General or directly under the Governor.

We recommend that heavy backlogs in urban centers or elsewhere be overcome at once through use of enough special prosecutors to assure "speedy and public" trials; that permanent staffs be expanded to the full extent of need; that chief prosecutors collaborate with court administrators to design improved scheduling arrangements; and that plea bargaining be subjected to close judicial scrutiny.

Both defense and prosecution should have full access to competent legal assistance. The shortage of attorneys serving the criminal courts on both sides leads to repeated court continuances that impede justice. The provision of special, *ad hoc* prosecutors would be an appropriate counterpart to the part-time volunteers who often serve as legal counsel to indigent defendants. Care must be taken, of course, to ensure maintenance of quality standards in all these proceedings.

Those states still requiring indictments to be returned only by grand juries should eliminate that rule. Grand juries should focus attention upon special situations, such as those involving official corruption.

Many of the 50 states have eliminated the rigid requirement that grand juries must hand down all indictments for serious offenses. There is a growing consensus that this is archaic. Grand juries place heavy burdens on the prosecution and create long delays in resolution of criminal charges. The composition of grand jury panels is also subject to challenge. States now using other arrangements show no signs of return to the former practice, nor of any resulting denial of substantive justice. Professional, tenured, and properly supervised prosecution would make the rigid grand jury requirement obsolete. Prosecutors could then be trusted to bring cases before the courts without delay, upon presentment of information.

Every thorough study of prosecution in this country, from the Wickersham Commission onward, has deplored prevailing conditions and urged a stronger role for the states. But suggested remedies have usually been too restrained—through concern for long tradition, the political influence of local prosecutors, and the barriers imposed by state constitutions. If this country intends to deal seriously with its crime problem, such timidity must be overcome.

Much will depend upon the legal profession, which now shows increasing interest in criminal law. Compressed into a single, uninspiring course, criminal law was long the stepchild of the nation's law schools. The field has been unattractive in terms of remuneration; it had also fallen into public disrepute. Its intellectual content is being broadened by sociological and constitutional additions, but law schools still focus on textbook cases, particularly appelate cases and legal doctrines—without adequate attention to the structure of the criminal justice system, as dealt with in this report. In the past, few top law graduates entered the practice of criminal law.

This condition is not in the national interest, since establishing order with justice should engage highly qualified legal talent. There are some signs of change, however. A movement toward off-campus clinical experience in courtrooms and law offices, chiefly concerned with defense and other legal services to the indigent, is sweeping through the law schools. This clinical experience can provide a linkage between legal doctrine and the need for improvement throughout the whole field of criminal justice, exciting the interest of outstanding students.

Educators and lawyers should intensify their efforts to elevate the practice of criminal law to a position of higher respect in the legal community. Law students should be exposed to administration of justice problems outside the courtroom—to the operative legal system as well as legal doctrine. They should have direct clinical experience, also, under capable supervision, in dealing with men and women in actual cases.

In every aspect of prosecution, as in judicial proceedings, a new and serious concern for effective administration should command a very high priority.

4. MODERNIZING THE POLICE

Police responsibilities include the preservation of public order, protection of persons and property, and crime prevention—as well as detection and apprehension of offenders. Roles vary accordingly, from the semimilitary posture required in handling unruly crowds to those of street patrolman, traffic controller, defender against armed violators, protector of the neglected child, diplomatic intervenor in family or neighborhood quarrels, investigator using advanced scientific methods, or manager of a large-scale diversified organization. Attitudes and training required for such varied duties also differ, to the point of inconsistency.

The special importance of the police rests on the fact that they are the most visible symbols of governmental authority. They deal directly with people on a day-to-day and face-to-face basis; the impact of their broad, on-the-spot discretion ought not to be underestimated. Minor offenses may be dealt with or ignored; offenders may be arrested or merely admonished; neighborhood melees may be quieted tactfully or escalated into major disturbances; and group animosities may be minimized or exacerbated. Personal and professional qualifications of the police are crucial, then, in building mutual support between officers of the law and the community.

Threatened by dangerous disorders and rising crime rates, the public's first response is to call for more money for more police. Both money and manpower have been provided in large measure; police employment rose 38 per cent from 1962 to 1970. However, crimes reported to the police increased by

150 per cent over those years. Citizens have been slow to see that without able prosecution, speedy trials, and suitable correctional measures the police cannot restrain crime successfully. Nor is it fully understood, in view of the variety and complexity of the work, that reorganization and better management are often as important to a modern force as additional policemen.

In fact, police forces are not so badly undermanned or underfunded as other elements of the criminal justice system. Nationwide, police number over 500,000, averaging one for every 400 inhabitants. Their annual payrolls neared $4 billion in 1969, rising well above $5 billion in 1971—over half of all criminal justice expenditures. But major difficulties, such as structural fragmentation and ineffective internal management, are unresolved. Reciprocal antipathies between police and some segments of the population are discussed in chapter 7. Corruption—a most serious problem—is dealt with in chapter 6.

Here again, as with courts and prosecutions, the states have primary responsibility. Local forces derive their authority from the states, which have done little to elevate police standards or to overcome major deficiencies. At the same time, the distribution of federal funds newly available for improvement of police and other criminal justice functions has been poorly managed by the states, through planning mechanisms that have proved seriously inadequate.

Fragmentation of police forces is extreme; there are 32,000 separate police departments. New York City has 37,500 police employees, while thousands of small municipalities have only one part-time officer. Some 3,000 county sheriffs are elected by partisan ballot, with authority overlapping other jurisdictions; their forces range from 6,500 in Los Angeles County down to one in many cases. Most townships have constables, and some special districts have police. All states except Hawaii have their own forces (or highway patrols), with a combined strength of 55,000. The national government has four specialized law enforcement units which, along with the FBI, numbered 36,000 in 1970.

Wasted energies and lost motion due to overlapping, duplication, and noncooperation are not the worst consequences of this fragmentation. Large areas of the United States—particularly rural communities and the small jurisdictions in or near metropolitan areas—lack anything resembling modern, professional police protection. But ease of travel and communication is breaking down the isolation of such areas; their crime rates are rising faster than those of the cities. Their forces are under-equipped and unprepared by serious training even for standard assignments; organized crime and the narcotics traffic are beyond their reach.

State police forces have not cured the deficiency. Barely half have statewide investigative authority; only seven carry a full range of police responsibility. Everywhere, they are thinly spread and mainly oriented to highway patrol. This preoccupation leaves most of them without the means—even where they have legal authority—to provide investigative or other support for weak local forces. Immediate expansion and reorientation of state forces is the least that the legislatures could provide.

Substitution of strong statewide or regionally organized police forces for small, ineffective local units should have immediate consideration. The state police should provide assistance in training, and offer specialized central staff services for larger local forces. They could supersede small, untrained local forces in dealing with felonies. Township constables, deputy sheriffs, and village marshals could then concentrate upon local violations and service functions.

State forces should be expected to cope with criminal syndicates, and meet other challenges to the public safety. The syndicates have proven their ability to gain outright control over some local governments. Conditions in metropolitan areas facilitate such effort; in the 30 with populations over one million, there were 1,403 separate local police forces in 1967. Half of these had 20 or fewer employees. Inefficiency and lack of coordination are regrettable, but fragmentation also creates havens for illicit operations—weakening every aspect of police protection.

State police forces should be expanded and strengthened to assure proper protection for the entire population, especially in areas without effective local forces.

But grouping police in fewer and larger forces is only a partial solution. Half of the nation's most serious crimes occur under the jurisdiction of the 66 largest local forces (55 city and 11 county), although only one-fourth of the population is protected by them. Each of these forces has over 500 employees, but mere size has not given them an ability to meet the challenge of increasing crime. Consolidations should go forward, but other changes are also essential.

Police management is undergoing closer scrutiny, partly because of the low ratio of serious crimes solved, or "cleared by arrest." In cities over 250,000 in 1970 only 30 per cent of all robberies, 22 per cent of all burglaries, 13 per cent of all larcenies over $50, and 17 per cent of all auto thefts known to the police were "cleared" by an arrest. The precise accuracy of these data may be questioned; the fact that most such crimes are never solved is not in doubt. The nationwide "clearance rate" for all seven Index offenses fell from 31 per cent in 1960 to 20 per cent in 1970. Nearly half of those arrested were juveniles—relatively easy to apprehend. Of the 54 per cent who were adults, barely half were found guilty as charged. Attention must be directed, therefore, toward the competence of police management.

Police management is an exacting assignment. Yet few chiefs of police, or their deputies and assistants, have had in-depth training or preparation designed to develop managerial skills. Promotions in city forces are usually made from within, limiting top jobs to those recruited as patrolmen 20 to 30 years ago when physical factors were more heavily stressed than educational preparation or basic mental capacity. In the counties elective sheriffs and their deputies are chosen for their political, and not their managerial qualifications. Police forces do contain many men of high intelligence, vigor, and integrity, but few who are prepared to question traditional structures or obsolescent attitudes.

Transfers of professionally trained officers between police forces are still rare except at the highest levels. State and local laws and regulations limit pension eligibility to officers who serve 20 years or more within a single jurisdiction. Accumulated benefits are lost by those who accept promotional transfers; rights are not vested. Some distinguished police chiefs, after serving three or four cities in the course of 30-year careers, have no pension prospects whatever. Reluctantly, since other means seem unavailable, we are led to conclude that federal action is needed to overcome this barrier, through direct funding or pressure on the states.

Police management must be greatly strengthened through: (a) insistence upon high professional qualifications for all upper-level appointments; (b) attraction through lateral entry of technical specialists from outside and skilled officers from other well-managed forces; (c) establishment of a nationwide pension system for qualified professionals, to encourage such transfers; (d) intensive, continuous management training for all supervisory ranks; (e) reduction in the average number of persons reporting to each responsible officer; (f) provision of central staff for top police management adequate in number and competence for planning, personnel, and investigative purposes; and (g) frequent evaluations of police performance by objective external agencies, such as the International Association of Chiefs of Police or management consulting firms using clearly defined national criteria.

The need for strong professional management is obvious in view of technological developments, organizational complexities, obstacles to optimal utilization of available manpower, and difficulties arising from animosities between police and the populations served. The qualities of leadership and the management skills required are of high order. Resistance to change is deeply imbedded, but reorganizations already achieved or in progress show that obstacles are not insuperable.

Every large force assigns a significant share of its manpower to supportive functions such as communications, records, property and equipment management, personnel management, and laboratory work. These call for specialized competencies unrelated to the usual range of police work. They do not involve face-to-face contacts with the public, for which patrolmen should be well prepared. Such activities should not be manned by uniformed officers whose skills are badly needed elsewhere and whose pay levels exceed prevailing scales for comparable jobs in the local labor market. The International Association of Chiefs of Police regards a proportion of *at least* 20 per cent civilians in police departments as optimal. Not many forces meet that standard.

Management of motor vehicular traffic is a major governmental concern, but its effective execution depends more on engineering, architectural, planning, and computer skills than upon police patrols. Personnel specializing in traffic direction and parking controls could function well under organizational leadership separated from other police responsibilities. Traffic courts and insurance regulation are closely related to this field of management.

Prompt response to pleas for help or reports of suspicious actions has high priority, but police resources for such purposes are reduced by: (a) diversion of well-trained patrolmen to report parking and other minor vehicular violations or to provide routine direction of traffic flows, along with resulting court appearances; and (b) the drain from excessive numbers of precinct stations in large cities, staffed around-the-clock with manpower trained primarily for other duties.

Police administrators seldom deploy enough well-qualified people to concentrate on the suppression of serious crimes, narcotics abuse, or organized crime—which are quite rightly major concerns of the public. Those assigned are from the ranks; special units charged with such responsibilities contain few if any members of the standard professions—attorneys, statisticians, accountants, engineers, psychologists, computer specialists, and the like. These must be brought in, if at all, through lateral entry and paid above beginning police scales. Each major force should have a strong investigative unit manned by highly skilled and well-paid specialists.

Patrol forces, on foot or motorized, should be strengthened and given special training; diversion to other duties should be minimized. The training and indoctrination needed by patrol officers has little relevance to internal support assignments involving records, communications, laboratories, or property management. Such training is used below capacity in traffic direction and on parking violations, but is inadequate for investigative duties involving the most serious crimes. Large forces may set up separate divisions of community service officers, another field calling for careful preparation. Top management should have flexibility in its control over all assignments.

The different kinds of work done by police forces large enough to allow a degree of specialization should be fully recognized organizationally as well as in recruitment and training. Pay scales for supportive and other nonuniformed activities should conform with those prevailing in the civilian labor market.

The collective or conspiratorial crimes of organized syndicates create a special problem. These depredations depend upon webs of covert agreements and understandings not readily brought to light by ordinary police operations. The initial successes of "strike forces" mobilized against the syndicates in a score of large cities by the U.S. Department of Justice, staffed with highly qualified and diversified personnel drawn from several agencies, are encouraging.

The "strike force" approach pioneered by the Department of Justice in efforts to suppress organized crime should be strengthened and expanded; state police forces and those of major cities might well establish similar units wherever the syndicates have taken roof.

These measures, together with those discussed in chapters 6 and 7, afford hope for success against the insidious operations of organized criminal groups.

Over eight million young Americans are presently enrolled in colleges and universities. Many should be brought into police work and other phases of law enforcement as cadets, either part- or full-time; graduates should be encouraged to take up such careers. The graduates of those few universities such as Michigan State that provide four-year curricula in police administration have brought a professional outlook into the forces employing them.

Cooperative arrangements between police departments and educational institutions benefit both, and should be strongly encouraged. Monroe Community College in Rochester, New York, offers a two-year associate degree program in police science. Graduates are employed by the local police department as trainees, even before they reach the minimum age for appointment as officers. Comparable arrangements can and should be widely extended.

Few police officers have had much exposure to the systematic study of management, and administrative experience is generally limited to a single jurisdiction. Serious attention should be given to creation of a curriculum in police administration—which could be expanded to cover all aspects of criminal justice—in a national collegiate center. Establishment of a national college of police administration has been strongly urged, to emphasize and improve opportunities for professional management. It could also stress research, utilizing other university and private agency resources as well as its own. This concept, which is designed to broaden educational backgrounds and strengthen management skills in police administration, should be extended to include personnel concerned with the entire range of criminal justice activities. This project is worthy of thorough exploration.

Police departments should establish cooperative arrangements with colleges and universities, both for police cadets at recruitment levels and for higher ranks seeking professional development.

Officers should be thoroughly familiar with the rudiments of criminal law and procedure, particularly as these apply to arrests, searches, and seizures. Careful training in the rules of evidence would assist in obtaining convictions and would lessen the chances that legal technicalities may thwart justice. Professionalism must extend to the lower as well as the higher ranks, as is recognized by several West Coast cities.

Police officers should have ready access to advisory legal counsel, either under departmental auspices or through close liaison with prosecution staffs.

Management must inculcate professional standards governing all police dealings with minorities through: (a) careful screening in the selection process; (b) intensive sensitivity training; (c) immediate and impartial investigation of all allegations of police misconduct, followed by appropriate action; and (d) continuous supervisory leadership. Police work is no career for persons unable to subordinate prejudice; unless assignments without public contacts can be found for them they must be dropped. Intensive supervision in this and other vital matters (including temptations to corruption) during a probationary period of one year and thereafter is essential. This implies the need for enough officers of middle grade to maintain active supervision over the lower ranks.

Recruiting efforts among all population groups not represented proportionately on police forces must be deliberately intensified. This applies to employment of women, which is increasing as it should. If qualifications on height and formal education have to be waived—pending successful probation—then they should. State and national police forces with high professional and compensation standards are among the worst in this regard, with token or no representation for even the largest of minorities. Since these forces tend to set the tone for the whole law enforcement establishment, they must take strong corrective action to preserve their high status.

Discriminatory treatment cannot be tolerated. At stake is citizen confidence that protection and assistance are the primary police objectives. Observance of common courtesy and friendly bearing toward the public will help to generate community rapport. It must be made clear that use of excessive force by police officers constitutes unprofessional conduct punishable by appropriate disciplinary action extending to dismissal.

Heavy stress should be placed upon police attitudes and standards of conduct in dealing with the public—through recruitment policies, training, and performance evaluation.[1]

Accusations of police misconduct are frequently heard and widely believed in many American communities. Such beliefs pose a grave danger, since lawless conduct on the part of the police surely encourages the breakdown of social order. This concern is not without substance. In a 1966 study of police conduct 36 observers accompanied police on duty, reporting 5,360 occasions when 597 policemen dealt with 11,255 citizens in Boston, Chicago, and Washington, D.C.[2] Although the officers knew that records of their behavior were being kept, one out of five "was observed in criminal violation of the law"—over and above contacts with organized crime and illegal assaults on citizens.

The violations reported included theft of merchandise from establishments after burglaries, taking money and property from sex deviants, accepting money to alter sworn testimony, taking bribes not to issue traffic tickets, and accepting money or goods from merchants. Forty per cent of the officers also violated important departmental regulations at least once. In 10 per cent of the contacts, police used an authoritarian manner or subjected citizens to ridicule; excessive force was reported in three of every 1,000 contacts. At the same time, in 43 per cent of all situations where the observers judged that felonious offenses had been observed, no arrest was made. Only professionals of high caliber under constant supervision should be entrusted with the broad discretion exercised routinely by police officers.

More than strong management is needed to ensure professional police conduct. In this country no private citizen can initiate a criminal proceeding in court, no matter how deeply aggrieved he or she may be. Criminal charges have to be brought through official channels, by the police, or prosecutors, or grand juries—making it hard to bring police officers to account for unlawful actions. Higher authorities tend to disbelieve or disregard allegations of this nature, while prosecutors and grand juries often condone police excesses. The practice differs fundamentally in England; there, any citizen may bring a criminal action against a police officer directly into court, placing police conduct under direct judicial surveillance.

Criminal charges against police officers (as well as prison guards and other officers of the law) should be prosecuted as such, and private parties should be enabled to bring such cases before the courts.

Pouring money into the police function at all levels, without making some fundamental adjustments, is unlikely to produce the desired results. The changes we propose do not require constitutional amendments; legislative and administrative action by the states and the national government would suffice.

Financial aid by federal (and state) governments to local forces ought to be conditioned upon acceptance and maintenance of reasonable standards. Moreover, such aid should be limited to forces large enough to function effectively in the modern environment, with jurisdiction over areas and populations sufficient to support the full range of police responsibilities.

The waste and misuse of public funds evident in the conduct of grant programs under the Law Enforcement Assistance Administration (LEAA) of the Department of Justice should be brought to an end. Federal funds should be used to raise standards, not to subsidize ineffective local operations.

5. REFORMING CORRECTIONS

Calous neglect has produced a debacle of major proportions in the nation's misguided and under-funded correctional efforts. There are 1,600,000 convicts under current correctional controls, ranging in degree from occasional supervisory interviews to penal measures of great severity. The curative quality of these efforts is so ineffective that society continues to suffer from subsequent violations by these same individuals. Most juvenile offenders are placed on probation, with little supervision or aid in solving their problems. For the most part, prisons are full of older, hardened products of failure to change patterns of juvenile delinquency. The impersonal, mass approach to corrections dominates—although the one best hope rests on personal, individual attention to each offender.

Public opinion has arrived at no consensus concerning the basic purposes of corrections. One view holds that fear of punishment will deter unlawful conduct. Another sees rehabilitation as the main objective, convinced that attitudes may be changed through stimulation of new motivations and provision of employable skills. But the prevalence of crime proves that deterrence is not wholly effective—whether because punishment is not wholly effective—whether because punishment is not severe enough or not certain enough or because the concept is faulty. And high rates of recidivism (relapse into criminal activity) show that traditional rehabilitative efforts have failed; prisons and reformatories appear to reinforce criminal inclinations.

The issue cannot be put aside; the number of habitual criminals is growing too rapidly to permit further evasion. If attitudes, addictions, and patterns of conduct found among first or minor offenders go uncorrected, then life-long criminal careers entailing enormous social and economic damage will follow. Criminal behavior, like all human behavior, is characteristically repetitive.

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[1] The conflicts inherent in the role and identity of the police in an urban society are dealt with in CED's latest Supplementary Paper: Robert F. Steadman, editor, *The Police and the Community* (Baltimore: The Johns Hopkins University Press, 1972).

[2] See Albert J. Reiss, Jr., *The Police and the Public* (New Haven: Yale University Press, 1971).

The entire correctional system is failing and in need of drastic reconstruction. Intensive research may yield clearer directions over the long run, but pending such results pragmatism would dictate this guiding principle: rehabilitative effort should be maximized in every aspect of the correctional apparatus, while the loss of personal freedom should be used as a deterrent only under constructive conditions emphasizing ordinary human decency and avoiding punitive degradation.

The size and scope of the problem have been concealed by its dispersion among national, state, and local authorities and by lack of comprehensive statistics. Recent studies show, however, that nearly 2 per cent of all males over the age of 12 are currently under correctional restraint. About 900,000 persons are under probationary supervision; 300,000 are in prisons plus 54,000 in juvenile detention facilities; and 300,000 are on parole after release from confinement. Still another 75,000 are in jails awaiting trial, not technically under a correctional control because theoretically innocent until proven guilty—a distinction often blurred in practice.

Unacceptable conditions mark every aspect of the correctional effort: in pretrial detention, in sentencing procedures, in probationary supervision, in jails and prisons, and in parole. Governmental apathy is appalling; correctional expenditures are less than one-third those for "police protection"—while the police are called on to arrest over and over persons whose patterns of conduct have been worsened, not bettered, by "corrections."

Pretrial detention of those unable to obtain bail, and not released on their own recognizance or to specific custody, is largely the responsibility of 4,000 local jails. These also house persons convicted of minor offenses, with short sentences. Prisoners are held for months or years awaiting trial; convictions often lead to prison sentences shorter than the time already spent in jail. Meanwhile, the innocent and first offenders are thrown together with habitual criminals and frequently subjected to sexual assault. Speedy trials and a lesser role for grand juries would sharply reduce jail population. So would greater restraint by judges in requiring bail, and the abolition of bail bond profiteering.

Many of these jails are old, below acceptable physical standards. Worse, they lack recreational, educatitonal, or medical facilities. Many are too small to be efficient; others, although large, are extremely overcrowded. Jailers and guards are rarely qualified. The corrective or curative element in these jails is nonexistent, but their ability to foster antisocial attitudes and to function as schools for crime is well documented.

Constitutionally, persons charged with crime are presumed innocent until tried and found guilty, and should be treated accordingly. Where court appearance may reasonably be expected, the accused should be released, pending trial. Bail bond rackets should be suppressed.

Local jails should be required to meet standards consistent with the presumption of innocence. Juveniles should not be housed with convicted criminals nor with adults awaiting trial. The states should relieve local units of all responsibility for imprisonment of those convicted, and this would be preferred for pretrial detentions as well. Connecticut, Delaware, and Rhode Island have assumed full state responsibility for detention. They have no local jails, an example deserving emulation.

Sentences imposed on conviction are highly variable, ranging for the same crime between extremes in leniency and severity not only from state to state but from judge to judge within the same court system. Two felons convicted of identical offenses and with comparable case histories may receive prison terms differing in length by three or four to one, and most court systems lack means to minimize such discrepancies. Judges have little guidance by statute or alternatives; many even lack personal knowledge of prison conditions. Judicial conferences, seminars, and summer sessions on such subjects hold promise and should be more widely used. Pre-sentence investigation—proven to be a very valuable tool—is commonly sketchy or nonexistent. Many prisoners begin their terms embittered by the sincere belief that they have been sentenced capriciously and hence unjustly.

Greater consistency should be applied in sentencing persons convicted of the same crimes, within each consolidated state judiciary (and within the federal judiciary as well), through insistent pressure from the chief justice, the judicial council, or both. Trial juries should not determine sentences.

Judges should have every means to obtain all pre-sentence information needed in each case. Under federal practice the choice of prison is made by the corrections authority following careful individual study—after sentence has been set—and *not* by the trial judge. The states might well follow this lead. Moreover, much closer attention should be given to restitution, or money damages to the victims of crime, in lieu of prison sentences.

Probation under suspended sentence is a far more frequent penalty than a prison or reformatory term, particularly for juveniles and first offenders. Probationers outnumber prison inmates by three to one. The number is rising as crime rates rise, whereas prison populations are actually declining. These diverse trends stem from two causes: the increasing disrepute of American prisons, and the relatively low public expenditure required for each probationer (only $250 in 1965). Judges aware of actual prison conditions prefer to avoid commitments, and the public is repelled by frequent scandals and riots. Moreover, probation has more to be said for it than low cost; most criminologists agree that when properly administered it holds greater prospect of rehabilitation than imprisonment does under prevailing conditions.[1]

Probation is less successful than could be expected if it were better managed. Supervision is usually prescribed, implying frequent contacts with qualified probation officers. But probation staffs are undermanned, undertrained, and underpaid. The standard maximum of 35 probationers for each probation officer seems moderate; it may be too high.[2] Yet, in 1965, 77 per cent of all officers dealing with juveniles had caseloads over 60; only 4 per cent had 40 or less. Their role is critical; if properly executed fewer than the present quarter of all paroles might lead to revocation for violations. Increasing millions of American children are neglected; the neglected child is quite likely to become delinquent. Then the community, through the probation officer, must act *in loco parentis*. Failure here is ruinous to the child and costly to society.

Two-thirds of all officers concerned with adult offenders had caseloads over 100; only one per cent had 40 or less. In 1931, the Wickersham Commission stressed the need for adequate numbers of highly qualified and well-trained probation officers, but the deficiency continues. Doubling or trebling the number of officers, providing more training and better pay, and expanding counseled employment for probationers would still leave costs far below those for imprisonment. These steps would be less expensive than a 10 per cent pay increase for all police forces, and the probability of positive results would be high. Experiments with well-trained citizen volunteers accepting one-to-one supervisory roles, and with use of case aides who live in the same neighborhoods as those on parole, hold considerable promise but do not minimize the need for strong professional leadership.

Parole standards assume grave importance also. Parolees number 300,000 and there are growing pressures to expand parole opportunities. Parole presents harder problems than probation; most parolees have longer histories of more serious criminal conduct than probationers. Furthermore, the difficulties faced by ex-prisoners branded as convicts while trying to establish "normal" modes of employment, family and social life are quite forbidding in the light of prevailing community attitudes.

Assistance in this transition calls for unusual skill and competence. The stigma attached to "ex-convicts" in American society is a heavy handicap in finding or holding suitable employment and in assuming a constructive life style. On-the-job success would go far to prevent recidivism; the business community has a responsibility here that is not being well met. Moreover, in parole as in probation, caseloads are excessive. In 1965, 92 per cent of parole officers dealing with adults had more than 50 convicts in charge, as did 72 per cent of those in charge of juvenile parolees. Such caseloads only *seem* inexpensive. There is an imperative need for clearer standards, both in granting and administering parole, and for individual guidance to parolees.

Probationary and parole forces must be strongly reinforced, reoriented, and reorganized; they are society's main resource in diverting offenders, whether juvenile or adult, occasional or habitual, minor or major, from continuance in criminal courses of conduct. The business community should work closely with these forces in providing job opportunities, and otherwise.

This clearly implies doubling—or trebling—the number of probation and parole officers, increasing compensation, elevating admissions and in-training requirements to a professional level, setting and insisting upon observance of high standards, and providing supervisory leadership of a high order. It may well be that the desired results can be achieved only by making both probation and parole primarily state (and federal) functions, with chief executives held fully responsible for effective performance. The supplementary cooperation of trained civilian volunteers for one-to-one work with both probationers and parolees is an objective to be vigorously pursued.

Prisons are viewed by many as the key factor in corrections. In one sense this is accurate; most inmates have been convicted of serious offenses or have had several convictions, and prisons account for the bulk of all correctional expenditures. But their importance in prevention or control of criminality is doubtful at best. Most inmates are not committed until patterns of criminal conduct are already firmly established; 93 per cent are 20 years of age or older. Most remain for relatively brief periods of time, but are repeatedly recommitted.

Theoretically, rehabilitation is a primary objective of imprisonment, but in practice it is subordinated to the intended deterrent effects of tight custody, regimentation, and a climate of repression. The "good prisoner" is one who seems subdued in that environment—a disqualification for successful post-release adjustment. Prison systems range in quality from marginal acceptability in those of a few states and the federal government, down to the medieval level of some state and local systems. Facilities are severely overcrowded and generally below acceptable physical standards; narcotics traffic and sexual abuses thrive.

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[1] See, for example, Karl Menninger, *The Crime of Punishment* (New York: Viking Press, 1968).

[2] See U.S. President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Corrections* (1967).

The failure rate is very high; 63 per cent of federal parolees released in 1963 were re-arrested within six years, as were 76 per cent of those given mandatory releases. Such information as is available indicates that experience with state prison releases is comparable. The appalling fact is that firm statistical data on recidivism is practically nonexistent at state-local levels. Only occasional spot studies have been made and coordination of records from the many state, local, and federal institutions has not been attempted. This is needed to permit systematic evaluation results from each element in the correctional system.

Rehabilitative efforts vary, but few teachers, psychologists or psychiatrists are found on prison staffs. Many inmates have no work assignments; idleness is the chief prison occupation. Custodial restraints then breed resentment. The work that is available rarely fosters skills useful after discharge. Experience in producing license plates has slight value in the outside labor market.

Every objective study of American prisons has called attention to the low qualifications of prison guards, and to their lack of intensive training. Both the nature of their work and compensation scales are unattractive. The usual disciplinary emphasis encourages brutalization, greatly worsened where guards collude in the drug traffic or overlook inmate violence extending to homosexual assaults. Lives of prisoners are endangered by racial violence and other forms of internecine hostility. In many prisons, moreover, tensions between all-white staffs and prison populations dominated by militant blacks have reached explosive levels. Prisoners usually lack avenues of complaint and are denied access to legal counsel or other protections of due process; they are made to feel subhuman.

Many citizens take comfort from the high walls, watchtowers, and machine guns designed to forestall jailbreaks and to control increasingly frequent and deadly prison riots. They seem to feel that violence confined within prison walls is of no concern to them. But the effect of dehumanization upon 400 ex-prisoners released daily into the open society should be recognized. Nearly half of those in federal and state prisons on January 1, 1967 were released by the end of that year. Ex-prisoners out on parole outnumber the inmates inside. Prison riots are visible proof that presumed objectives are not being attained.

The courts have now begun to insist upon prison reforms. A federal district court has ordered sweeping changes in the conduct of Virginia's prisons; a state court in Maryland threatens to close one of its largest institutions unless rehabilitative emphasis is intensified; and Arkansas prisons are under court examination.

It is past time to give thoughtful reconsideration to the whole field of crime and punishment. The immediate necessity is to replace obsolete prisons, oppressively managed, with decent facilities where opportunities for education, training, and personal development are available under the guidance of qualified and sensitive staffs. No prison should be designed for more than 500 inmates, nor should any be allowed to accept prisoners in excess of rated capacity. Prisons should be located close to areas of family residence to allow easy visitation, and situated where there is access to varied outside employment for those on daily furloughs.

The cost of these changes will be considerable—perhaps $20,000 or more per inmate in construction alone, if educational, recreational, and training facilities are included. Still larger sums will be needed to provide curative facilities for alcoholism and drug addiction. All this must be placed in proper perspective, and compared with the costs borne by society because of the tens of thousands of hardened and embittered career criminals among the 100,000 to 150,000 released from American prisons each year. Cost effectiveness coincides with humanity in support of reform.

The state and national governments must provide smaller, uncrowded, properly located prison facilities—with suitable living space, training equipment, and staff support—to house those whose freedom is deemed so dangerous to society that it must be denied. Impartial inspection teams should make frequent visits to all prisons.

Many existing state prisons should be abandoned, or thoroughly redesigned and reconstructed. More space may be needed, particularly after all prisoners held in local jails are shifted to state institutions, but prisons (and work camps) should be far more specialized than most are—as to types of offenders, security requirements, and educational-vocational opportunities. Managements should foster better communications with inmates, through representative councils. Experiments with work release assignments, furloughs, halfway houses, and other forms of community-based corrections should be actively pursued.

At the same time, recent disuse and probable eventual abandonment of the death penalty lead toward lifelong incarceration without much hope of parole for those considered so dangerous to society that they must be held under maximum security.* Construction and equipment of appropriate facilities will cost money, as will the professional personnel of types and numbers needed, but interchange of prisoners between the states—and by them with the federal prison system—would lessen the costs of the proposed specialization.

Constructive, imaginative initiatives for improvement of correctional methods have been undertaken here and there. These are worthy of special notice; they deserve thorough exploration, experimental application, and swift expansion wherever found to be successful.

Some jurisdictions are reducing numbers held in jail pending trial, by reforming bail procedures and shortening court delays, as pioneered by the City of Oakland, California, and the Vera Institute of Justice in New York City.

Better counseling and testing services are being developed in some places, especially for juveniles during the prehearing period, as in California.

Pre-sentence evaluations, psychological and social, hold great promise and are coming into wider use, as in Kansas and California.

There is an increasing trend toward measures to review sentences and bring them into closer uniformity, as in Connecticut, Maine, Maryland, and Massachusetts.

A few communities, such as Denver, Colorado, have enlisted and trained citizen volunteers willing to accept personal responsibility for maintenance of close supervisory contact with *one* individual probationer or parolee.

The U.S. District Court for the Northern District of Illinois is experimenting successfully with the use of neighborhood residents as case aides for probation and parole.

The State of California has developed a strong educational and training emphasis in its institutions for youthful offenders, followed by unusually strong support to parolees; Alabama, Oregon, and Wisconsin stress educational opportunities.

Work assignments stressing self-discipline more than close supervision for groups outside prison walls, in forests or elsewhere, have been successfully developed by the federal and some state penal systems.

Other prisons have begun to release inmates during daylight hours for outside jobs, as in North Carolina.

Furloughs for brief home visits are rewards for good conduct, as in the federal prison system, Mississippi and Michigan, with only one per cent return failure.

Some 200 halfway houses have been set up, where prisoners still under surveillance can live while readjusting to civilian life.

Minnesota has installed a system of "performance programming agreements"—signed by both the prisoner and the parole board—identifying the specific goals to be met by each prisoner before parole can be expected and assuring parole after fulfillment, assuming reasonably good behavior. This procedure is designed to reduce the caprice and bitterness generally associated with parole procedures.

Fines based on the difference between earnings and subsistence necessities for a stated period are imposed in prefrence to imprisonment, as in Sweden.

An ombudsman, appointed by and reporting directly to the Governor, has been established in Minnesota, to hear complaints and observe conditions concerning all prisons, juvenile institutions, and state probation and parole officers.

State governments bear primary responsibility for the abuses and inadequacies found in the corrections system today. They must now provide the moral leadership and financial support for substantial change. Federal funds have been made available through the Law Enforcement Assistance Administration for all phases of crime reduction. Through 1971 few of these dollars were channeled toward corrections and least of all toward rehabilitation research, although future prospects have improved. Larger appropriations will be needed to build satisfactory correctional systems, and the states should not wait upon federal aids—beneficial though these would be. What the states do in this field will greatly affect the position they will hold in the American federal system of the future.

Organized Gambling and Official Corruption

Crime syndicates have grown rich and powerful in this country by fulfilling the desire of significant numbers of people for illicit services or products. They gathered strength by helping citizens defy the prohibition of alcoholic beverages. After repeal they turned to comparable fields: notably gambling and, to a lesser extent, prostitution. More recently, they have moved into the growing traffic in narcotics and the dangerous drugs. Success in any such operation depends greatly upon the collusion of persons engaged in law enforcement, which is frequently obtainable. It depends, also, on widespread willingness to flout laws that define as crimes violations of a moral code not generally accepted. Reluctance to modify criminal codes to conform with common social behavior thus bulwarks the syndicates in their conspiracies.

The resulting situation calls for modernization of the criminal codes on many fronts, as outlined in chapter 7. But the importance of gambling justifies separate, more extensive treatment. Gambling is at the same time both the main source of illicit revenue for organized criminal syndicates and the primary channel to corruption of police and other officials. Organized crime cannot be controlled unless this enormous financial resource is cut off. Moreover, faith in the basic integrity of American justice cannot be restored without elimination of the official corruption fostered by illicit gambling.

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*See Memorandum by Mr. Donald S. Perkins on page 76.

Estimates by responsible sources place the gross annual illegal revenue from gambling (chiefly on races, athletic contests, and "the numbers") at from $20 billion to $50 billion, with the net to organized operatives at about one-third of the gross.[1] It is estimated that half of all television football fans make token bets, and that as much as 90 per cent of bookmakers' business stems from team sports.[2] For obvious reasons, winnings are seldom taxed.

Conclusive proof of official collusion in these far-flung activities is not easily established, but two propositions are axiomatic: first, that organized gambling on a significant scale cannot be carried on for long without the knowledge of the local police; and second, that such gambling is a fact of life in most if not all large cities.

Without the funds and organizational strength obtained through illicit gambling, syndicate members would be much less able to exploit other opportunities. It takes money manpower, and often official protection to carry on profitable loan-sharking, labor racketeering, deliberate bankruptcies, counterfeiting, prostitution, traffic in narcotics, hijacking, fencing of stolen merchandise, and disposition of purloined securities through foreign and domestic channels. Without gambling revenues, it would be far more difficult to gain substantial footholds in legitimate enterprises.

Efforts to legalize gambling are opposed by an unusual coalition of those horrified by official approval for gambling, and the powerfully entrenched underworld syndicates. Further opposition to legalization comes from police and other officials—some holding a sincere belief that there are other ways to suppress organized gambling, and some having a collusive interest in the proceeds. This diverse combination of forces has been quite successful, until recently, in resisting change.

This situation presents a number of perplexing issues. State laws prohibiting all gambling were originally adopted in conformity with a puritanical moral code. There were scandals, also, involving state lotteries in the nineteenth century. Moral or religious opposition is less intense today, although strong objections persist to the feared effects of addiction to games of chance—ruin for compulsive gamblers and impoverishment of those least able to afford the risks. But larger segments of the population—in all probability a majority—now reject the traditional code, and consider the total prohibition to be an irrational infringement upon personal freedom.

All states except Nevada forbid organized forms of gambling, although several have repealed references to private, causal, or charitable situations. The variance among state codes is confusing. The difficulty is magnified by the mobility of the population, and by the fact that so many laws are disregarded. Few Americans know the precise terms of the law supposedly governing their actions.

The inclination of tens of millions of citizens to bet on horse races, "the numbers," or team sports has led to formation of large criminal syndicates. Millions of small bets build a big business. Organized gambling is concentrated mainly in slums and ghettos, in hidden horse rooms, or with "bookies," out of sight of those most opposed to gambling on moral grounds. Complicity, or at least a benign blindness, on the part of police and other officials is essential to successful conduct of these illicit activities. Tacit toleration or "protective" arrangements with police can corrupt an entire force. Conspiracy is screened behind token arrests, and arrests to extort pay-offs, with occasional mild penalties for minor figures.

The extent of collusion varies from city to city and from one part of the country to another. Its range and depth within the nation's largest police force emerges, however, from the findings of two concurrent investigating commissions in New York City. Testimony indicates that new recruits hesitate to report gambling "payoffs" made to colleagues and superiors, and that the easy path is toward participation. Police involvement in gambling corruption is an entering wedge that leads quite readily to collusion in other profitable fields, such as the narcotics traffic. A recent feature in *The New York Times* offered historical perspective:[3]

> The history of the New York Police Department can be read as one long story of corruption. Every 20 years or so, there is a new scandal, followed by a brief flurry of reform, followed by the long gradual slide back into what seems to be the Department's normal state of discreet but all-pervasive corruption. . . . Virtually all policemen, for example, are convinced that a major corrupting influence would be removed if the laws against gambling could be eliminated.

Until this country comes to grips with the gambling issue, organized crime will prosper. Several courses of action are open. One is a serious, nationwide effort at suppression. Another is simple repeal of all statutes making gambling a crime. A third is governmental regulation and licensing. The fourth is provision of gambling facilities under direct governmental auspices, exemplified to some extent in several state lotteries and the off-track betting experiment in New York City.

Stern suppression has many advocates, including some dedicated law enforcement officials. The strongest argument in its support rests on the exploitive nature of gambling, whether immoral or not. Some Western cities appear to have had success in such an effort. However, outright suppression seems well-nigh impossible in most larger cities, particularly in view of widespread police and other official involvement. Furthermore, determined attempts at rigid enforcement encounter strenuous opposition from large segments of the population.

Before suppression could be successful, a clear line would have to be drawn between forms of gambling considered permissible and those defined as criminal. Criminal codes in many states make *all* wagers on uncertain events and games of chance or skill illegal. Such strictures include private card games, casual bets on the golf course, pools or bets on athletic events and elections, and similar activities. An official crackdown on these practices is inconceivable; participants often do not know that they are engaged in criminal conduct. Raffles and bingo games conducted by charitable or church organizations are legal in some states; elsewhere, enforcement ranges from nonexistent or sporadic to stringent, leading in either case to criticism of law enforcement officials.

More than half of the states, including nine of the ten largest sanction parimutuel betting on the horse races at the tracks with little evidence of public opposition. In 1970, the parimutuel "handle" from legal bets at horse and greyhound tracks won $6.7 billion, of which the states retained 539 million in revenue. Newspapers everywhere publish the odds of payoffs. Annual racetrack attendance greatly exceeds that of all professional and collegiate football, baseball, and boxing contests combined. Yet off-track betting is a criminal offense except in Nevada and New York.

Certain gambling activities were made federal crimes in 1970, as part of an attack upon organized crime.[4] Arrests and prosecutions have begun. This federal initiative recognizes the need for skilled investigators in challenging gangsters engaged in conspiratorial crimes. Conceivably, it might be possible at least to inhibit the numbers rackets in central cities, bookmaking on races, football and baseball pools, and other forms of organized gambling. But the difficulties would be great, costs exorbitant, and the political implications serious. The national experiment with prohibition of alcoholic beverages is instructive. Repeal occurred after it became clear that moral codes opposed by major elements in the population are not enforceable by law. By that time, enforcement agencies had been deeply corrupted, while smuggling and bootlegging had laid the foundations for organized crime as a powerful force in America.

Simple legalization of gambling, by repeal of all references to it in the criminal codes, is an alternative without advocates. This action would not create a new source of public revenue, which is an objective of many willing to disturb the *status quo*. It might eliminate much of the official corruption now plaguing the nation, but it would leave in place exploitive organizations now exercising monopolistic privileges. Introduction of aggressive competition might also expand clienteles and increase patronage, but this is not desired by reform elements.

Regulation through licensing has long been in effect in Nevada, where it produces 40 per cent of state revenues, and in the United Kingdom, although a shift toward governmental operation is under consideration there. The Commonwealth of Puerto Rico has permitted off-track betting and casino operations for decades, under strict licensing. The Nevada experience has not encouraged imitation, however. It is clouded by frequent scandals; public officials are accused of issuing licenses to persons and organizations of low repute, and failing to prevent "skimming" or fraudulent tax reports. Having legalized organized gambling (while prohibiting private gambling), Nevada has attracted a large corps of professional gamblers, many with unsavory reputations. It is a central location for major illicit gambling operations conducted elsewhere. Licensed gambling has given Nevada a bad name, and *vice versa*.

Parimutuel betting at racetracks, another example of public control through licensing, has been less subject to such difficulties. However, large-scale off-track gambling on the same races, which is illegal, places pressures on legislatures and on other officials. Track locations, hidden ownerships, and allocations of racing days are handled in ways leaving the public suspicious of officials whose decisions have heavy financial impacts.

Governmental operation of gambling facilities is quite new in this country, but rapid extension seems likely. It has taken two forms: state lotteries intended, sometimes unsuccessfully, to replace the "numbers" rackets; and off-track betting as a substitute for illicit bookmaking.

New Hampshire, New York, New Jersey, and Pennsylvania operate lotteries. Massachusetts and Connecticut have adopted enabling legislation, and several other states are considering such action. New Hampshire and New York have had limited success, due to serious weaknesses: (1) drawings are infrequent, in contrast to daily or weekly numbers drawings, and waiting time for announcement of awards is too long; (2) minimum ticket prices are too high, compared with the nickel-dime-quarter numbers patterns; (3) ticket outlets are not readily available in areas convenient to those who play the numbers; (4) payouts are as much smaller percentage of receipts than the 60 per cent customary for the illicit numbers rackets; and (5) the lotteries provide no credit arrangements or attractive personal relationships like those between numbers runners and players. Moreover, prizes are subject to federal and state income taxes.

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[1] See U.S. President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society; A Report* (1967), p. 189.

[2] See *Newsweek*, April 10, 1972, p. 48.

[3] *The New York Times*, August 29, 1971, Section 4, page 6.

[4] The Organized Crime Control Act of 1970, Title VIII, defines illegal gambling business as one which violates a state law, involves five or more persons, and operates for more than 30 days, or has a gross income of more than $2,000 in a single day. It also makes it a federal crime for a law enforcement officer to plot with a person engaged in illegal gambling to obstruct enforcement of anti-gambling laws.

Most of these weaknesses have been overcome by New Jersey, which has had a strong initial response to its lottery plan launched in 1971. Odds are reasonable and drawings are frequent. Tickets may be purchased in strips and in small denominations, at accessible locations. Within six months, coincident with a strong federal anti-rackets effort, the newspapers reported a 60 per cent reduction in patronage of New Jersey's numbers rackets and an anticipated annual state revenue of $160,000,000.

The newest, and perhaps most important, governmental initiative in this field is the establishment of state-operated off-track pari-mutuel betting by New York. Initial popular reaction appears to be favorable, arousing active interest in other states. Whether or not complete substitution for illicit horse rooms is possible, this pioneering effort will be closely watched—particularly in view of pressing needs for new sources of state and local revenue.

Illicit gambling, organized crime, and official collusion pose interconnected problems of grave proportions. Strong measures will be required to bring the situation under effective control. Moral attitudes, deeply held, make it difficult to find solutions commanding consensus. Answers simply have to be found, however, since public confidence in the integrity of government is at stake.

All statutes and ordinances that make unorganized (and charitable-religious) gambling criminal should be repealed; efforts to prohibit conduct socially acceptable to tens of millions of citizens are unjustifiable as well as unenforceable.

We recommend extensive experimentation with governmental ownership and operation of gambling arrangements that substitute effectively for the numbers rackets, horse rooms, and betting pools that now form the main source of income for organized crime. Experiments monitored and found successful should be widely copied by other states.[5]

This implies opening of public facilities easily accessible by location and by telephone for parimutuel betting on races and athletic events, and for frequent "numbers" drawings with tickets available in small denominations. Prizes should be commensurate with receipts, less modest overhead charges, and always above prevailing illicit odds levels. Funds derived by the states from these sources could be put to appropriate use in financing improvement of their judicial and correctional systems.

Federal and state income tax laws should be amended to exempt winnings from these governmental lotteries and parimutuels, for three reasons: illicit operations will otherwise enjoy an undeserved advantage; amounts wagered have already been subjected to tax deductions, and total winnings are always less than total losses becaues of subtraction of taxes and overhead from the parimutuel pools; losses should be deductible if winnings are taxed, but that would create opportunity for false claims of losses not actually incurred. Thus, if taxation of winnings is attempted, total tax yields would probably be lower, not higher.

It is not proposed, however, to make gains from illicit organized gambling legally tax-exempt.

We reject extension of the concept of licensing for organized gambling, beyond its present use in parimutuel betting at race tracks, because of the Nevada experience involving the dubious character qualifications of licensees and the pressures on the authorities who manage the licensing.

Efforts by federal, state, and local governments to stamp out syndicated gambling operations should be accelerated, although only limited success can be anticipated pending provision of governmental gambling facilities.

Special emphasis should be placed upon rooting out official corruption, through expanded internal inspectional forces and through stronger legislation, as in California, against failure by police officers to report criminal gambling operations of which they have knowledge.

We also recommend, in the public schools and elsewhere, an educational campaign designed to portray the financial hazards and disadvantages of participation in gambling activities, stressing the odds and probabilities against the player.

Formation or continuation of gambling habits should be discouraged by means other than criminal penalties. Public gambling facilities are favored only because they appear to be the best alternative to the grip of the crime syndicates and the official corruption associated with them.

7. GAINING THE CONSENT OF THE GOVERNED

The Declaration of Independence advanced the proposition that governments derive their just powers from the consent of the governed. But great numbers of Americans do not now consent, in the least, to many of their laws nor to the manner of their enforcement. Conduct that citizens do not believe injurious to the community is defined as criminal and repressed, while assaults on persons and property go unpunished.* Distrusting the agencies of law enforcement, many citizens have lost all sense of personal responsibility for support and assistance to the authorities.

A law-abiding society, "with liberty and justice for all," can exist only when the overwhelming majority accepts and respects the laws—and aids their enforcement. To reach this goal, three kinds of change are needed: (1) Criminal codes must be made to conform to the prevailing public consensus on what conduct should be forbidden by law, and on the appropriate penalties. (2) Discriminatory enforcement must cease, as a first step in reducing racial and class animosities between officers of the law and major population groups. (3) Acting as community leaders, businessmen must recognize their own responsibility for law observance and offer support in enforcing the whole range of criminal laws—including those concerned with offenses by business firms and by their officers and employees. White collar crimes of many descriptions pose a growing danger to society, a danger that deeply disturbs many members of the younger generation as well as most of their responsible elders.

MODERNIZING THE LAWS

The laws must be revised more frequently, for two reasons. The conditions of life are changing rapidly, and so are public attitudes concerning morality and criminal conduct. This has to be recognized if the processes of alienation are to be arrested. More revisions have been made in the criminal codes over the past decade than in any similar period, but changes have not kept pace with events. Worse, administration of the codes is often erratic, discriminatory, and ineffective. Very serious offenses may be dealt with lightly, while inconsequential actions may be handled severely. Relative penalties provide bizarre contrasts.

One area of seriouss weakness is the treatment of drunken driving. Half of the 50,000 and more highway deaths each year involve at least one driver under the influence of alcohol. (Casualties resulting from driving under the influence of dangerous drugs—both legal and illegal—are unknown.) Yet, drunken driving is treated with amazing leniency. Civil damages may be levied, but there has been great reluctance to impose penalties comparable with those for other homicides and assaults, or to apply the effective English practice of testing drivers at random for symptoms of intoxication. Prison sentences are rarely invoked, and suspension of licenses has not proved adequate. Such drivers must be kept off the highways; they should receive treatment as soon as facilities become available. Meanwhile, impoundment of the drunken driver's vehicle for a year might have a deterrent effect.

Criminal codes should be revised to impose appropriate penalties for driving under the influence of alcohol or dangerous drugs; enforcement should be meticulous and vigorous, using best available detection devices.

Laws against concealed weapons and statutes requiring gun registration are also ineffective. Handguns exist for only one purpose: use against people. They account for over half of all murders. Nearly all police killed in the line of duty die by handguns. Access to them is easy, in spite of sporadic and timid gestures toward control. Production, importation of parts for assembly, and distribution of these guns (and the ammunition for them) continues, with slight limitations, although deaths rise yearly. Wherever handguns are forbidden by well-enforced laws, abroad and in some American cities, murder rates are far lower. Flat prohibition of private possession of these weapons is clearly justified; those used by police and security forces or by others authorized to have them should be publicly owned.

Indemnification should be allowed—at federal expense—for owners who turn in their handguns to the authorities for destruction or governmental use, within a reasonable period of time. A provision would be made for retention of antiques, of course. These limitations should not be confused with attempts to license and control rifles or shotguns, strongly resisted by sportsmen and many other citizens.

Private importation, distribution, and possession of handguns and parts or ammunition for them should become major criminal offenses under both federal and state laws. The sole owners of such weapons should be the national and state governments, which could then issue them on a temporary and returnable basis to members of the security forces and other authorized persons under carefully drawn regulations. Manufacture should be halted until existing inventories are exhausted, after which further domestic production and export-import trade would be placed under strict licensing controls.

In contrast to weak treatment of actions that endanger life and safety stands the severity of laws dealing with behavior not considered really criminal by most citizens. For example, 113,400 arrests were made for vagrancy in 1970, and 1,825,500 for public intoxication (not involving drunken driving or a charge of disorderly conduct). These are "victimless" crimes. Chronic alcoholism calls for medical and psychiatric attention, not a criminal penalty. These arrests, subsequent prosecutions, court actions, and correctional controls divert valuable energy from protection of the public against more serious dangers.

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[5] See Memorandum by Mr. Charles Keller, Jr., page 77.

*See Memorandum by Mr. Theodore O. Yntema, page 77.

Addiction to hard drugs (such as heroin, cocaine and amphetamines) is so destructive to the individual that it threatens society at large; it has spread rapidly among civilians and in the armed services. The need for money to support an expensive habit adds to rising rates of theft and robbery. The huge sums involved have led to corruption of federal agents and the police. Proper treatment for addicts and effective means for suppressing this traffic are both essential. The United Kingdom has had comparatively few addicts—perhaps because it provides heroin for those in maintenance and withdrawal programs, thus reducing incentives of purveyors to foster addiction. Experimental use of methadone (also addictive) as a heroin substitute has had some success in this country; other efforts at suppression have had unsatisfactory results.

The state codes, however, do not make suitable distinctions between extremely dangerous substances and others not addictive and of doubtful danger—such as marijuana. There is no present evidence that use of marijuana, which is nonaddictive, is as damaging physically or mentally as alcohol, nicotine, or tranquilizers—all addictive but legally and readily available. This was verified by two major 1972 reports, one submitted to Congress by the National Institute of Mental Health and the other submitted to the President and Congress by the Commission on Marijuana and Drug Abuse. Yet, possession of marijuana is a felony in most states; first offenders have been sentenced to prison terms of 20 years or more, and marijuana accounts for many more arrests than the hard drugs. A high proportion of the nation's youth make experimental or habitual use of marijuana, becoming criminals under the laws and so placing themselves in flagrant opposition to public authority. This undermines the foundations of society.

Criminal codes must be revised to conform with the present views of the American people concerning "criminal" conduct, and to rationalize penalties. Each state that does not have one should establish a commission on revision of its criminal code, to be appointed by the governor and including legislators and judges as well as public members. To secure prompt action, these commissions—and those committees of state legislatures that apply—should be funded in the entirety by the national government.

BRINGING POLICE AND CITIZENRY TOGETHER

Attention was called in chapter to negative attitudes toward the police and other officers of the law, strongly held by groups in neighborhoods most subject to victimization and in greatest need of police protection. Unprovoked, random, and deadly assaults on policemen are an increasingly familiar phenomenon. Racial and ethnic minorities in the inner cities generally complain of two things: relative neglect in police protection and discriminatory treatment. High crime rates among these constituencies reinforce negative police attitudes, which are then in turn reciprocated.

A newer and perhaps an even more dangerous development is the intense hostility between large numbers of young middle or upper class Americans and the police. Alienation of the nation's youth is a serious matter. Revision of the criminal codes would help, but the main complaint is against inequity and injustice in law enforcement. Equality before the law is a fundamental precept. Cynical disregard of this principle will ultimately destroy American society, and there are signs that this deterioration may have begun.

We have stressed the need for professionalization of police management to minimize bias and prevent lawless conduct. There are frequent allegations of excessive force in making arrests, illegal interrogation and detention procedures, and systematic concealment of police misconduct and corruption. Instances of such behavior, found in many communities, have tarnished the police image. It may do more harm than good to urge ghetto youths to respect the law when those sworn to uphold it are seen to violate it frequently, openly, and with impunity.

We reemphasize the need to intensify efforts to professionalize the police and other agenices of law enforcement, and thus improve citizen-official relationships.

THE CHALLENGE TO BUSINESS LEADERSHIP

A striking address on "Crime—a Businessman's Challenge" before a 1969 conference of American business leaders concluded with these words:

> Today our country is grievously afflicted by a problem which daily grows larger. This affects our businesses. But far more important, it affects the quality of life in America. It engenders fear, distrust, lack of faith in government. It is not a good climate for business; it is not a good climate for living.
>
> If we are to change this situation, all of us will have to get involved. You, as business leaders, are in the vanguard of every important social effort in the country; you will have to take leadership roles in this field, too.[1]

The problem worsens. The U.S. Department of Commerce estimates the total cost of crimes against business in 1971 at $16 billion (not including the business share of governmental expenditures), broken down as follows: [2]

Manufacturers	$1,800,000,000
Wholesalers	1,340,000,000
Retail Outlets	
Inventory Loss	4,010,000,000
Robbery, Burglary, Vandalism	775,000,000
Service Enterprises	2,000,000,000
Investment Banks	1,000,000,000
Credit Card Frauds	140,000,000
Cargo Thefts	1,500,000,000
Arson	206,000,000
Preventive Security Costs	3,300,000,000

Every citizen, particularly those in leadership positions, must lend full support to necessary reforms if the explosive growth in crimes of all kinds is to be halted and reversed. This is doubly true of businessmen, who have unusual community influence and whose enterprises are the primary targets of lawlessness—through internal thefts, shoplifting, vandalism, and the depredations of organized crime.

Regrettably, the business community has hesitated to use the machinery of public law enforcement in its own defense. Firms often rely upon security bonds and theft insurance to protect against loss, not concerning themselves with ultimate justice. Prosecution of employees who embezzle or pilfer has seemed more trouble than it is worth. Time taken by employees to testify in court against offenders is grudgingly allowed. And fear of retaliation inhibits business collaboration in suppression of the syndicates. It must be conceded that some businessmen have a general philosophy that the fewer their contacts with government, for whatever purpose, the better. But silence is a form of complicity. Civic responsibility coincides with the necessities of self-defense.

Individually, businessmen can clean their own houses. Organized gambling need not be tolerated on business premises; labor leaders (except those tied to the rackets) will usually cooperate. Loan-sharking can be countered when employees have access to proper credit facilities. Internal thefts can be reported promptly, and the prosecutor in such cases should have full support. Whenever the odor of organized criminal activity is noted either inside or outside a business, confidential channels for a full report to completely dependable agencies of law enforcement can and should be found and used.

Individually and collectively, business leaders can speak out for changes needed to reverse the present course of events. They can support those in government at every level and in all three branches—legislative, executive, and judicial—who are actively seeking these changes. The weight of their influence can be brought to bear both publicly and behind the scenes to make sure that the law enforcement agencies are properly managed, competently and incorruptibly staffed, and adequately financed.

Criminal justice planning bodies have been or are being established at state and local levels; businessmen should seek membership on them. They can also cooperate in probation and parole projects that offer hope for rehabilitation of offenders, including those recovering from alcohol or drug addiction. In these matters and in the conduct of their enterprises, businessmen can show a greater awareness and a deeper concern for the public interest.

Every businessman should take an active role in improving the administration of criminal justice. A prompt and complete report of every known criminal offense should be made whether committed by employees, company officers, customers, or elements of organized crime. Aid should be given in prosecution of offenders.

Governmental authority at every level should provide secure confidential channels for reports on suspected syndicate activities, assuring active investigation. Business organizations should offer plans for action and mutual assistance in these matters.

Means must be found to bring the people and their official agents into closer harmony. Justice and the consent of the governed cannot exist apart from each other. The obligations are mutual. Agencies of law enforcement must establish higher professional standards of trust and dependability, and the citizenry with its leadership must support necessary statutory and institutional reforms. Business leaders should be found in the front rank of those dedicated to equal justice and faithful execution of the laws.

CLEARING THE HURDLE OF FEDERALISM

Piecemeal reform of the patchwork structure of criminal justice will fail; a more fundamental approach must be taken. The highly complex multilevel federal system, evolved from simpler beginnings, has its merits—but an ability to solve the American crime problem is not among them. The present intricate division of responsibilities, functions, and financial support among national, state, and local levels is the chief barrier to acceptable patterns of criminal justice. Drastic changes in these arrangements are needed, but our proposals, while overcoming existing obstacles, would retain the basic element in the federal concept—a close cooperation between the nation and the states.

The twin goals of order and justice can be achieved only through a redistribution of primary functions, together with internal reorganizations at state and national levels. Local governments, overburdened with a multitude of problems beyond their resources and capabilities, should be relieved of all obligations for administration of criminal justice, except for the maintenance of police forces and, perhaps, pre-trial detention. The states should exercise their legal powers more actively, and undertake direct management of courts, prosecutions, and all correctional activities—along with a larger share of the police function. They should adjust their organizational patterns to facilitate these changes.

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[1] Address by Richard L. Gelb, President of Bristol-Myers Company, a Trustee of CED, and a member of CED's Committee for Improvement of Management in Government.

[2] U.S. Department of Commerce, *The Economic Impact of Crimes Against Business* (February, 1972).

The national government must give strong leadership and large financial aid to relieve a crisis that is clearly nationwide. We believe the best, and perhaps the only, means of achieving these objectives is the establishment of a Federal Authority To Ensure Justice, endowed with powers and resources needed for its crucial role. We see this as the capstone in the structure of American justice, renewed and revitalized.

STRENGTHENING STATE CAPABILITIES

The states have enacted the basic criminal codes but rely for enforcement upon the tangle of overlapping local jurisdictions they have spawned. The chief concern of state police is with traffic control; they seldom provide more than minimal assistance to local forces. Governors and attorneys general exercise only slight influence over local prosecutions for violations of state laws. Few states have moved toward unified court systems or assumed total responsibility for corrections. All this must change.

The nation's 3,000 counties should no longer play a major role in administering criminal justice. Most of them are too small in population and resources to cope effectively with dangerous new conditions. Even the largest of them elect their sheriffs, prosecutors, and coroners by partisan ballot; deputies and assistants lack tenure and are rarely chosen on the basis of merit. Agencies organized along such archaic lines can hardly be expected to meet the tests of trying times. With the problems of large cities approaching crisis proportions, their revenues shrink as jobs and residents move to the suburbs. Some have adequate police forces; most do not. Smaller cities, villages, towns, and townships suffer from the same inabilities as most counties—while the tides of suburban-rural criminal activity are rising. Public support for law enforcement at this level is more often verbal than financial. Moreover, the federal and state aid already given has often been misused.

Drastic changes are in order. We have proposed that the states relieve local governments of *all responsibility* for maintenance of courts, the prosecution function, and post-conviction imprisonment. Further, we have urged expansion of state police forces, organized either centrally or on a regional basis. Admittedly, as noted in CED's statement on *Modernizing State Government*, the states are poorly organized to manage even their present functions. To overcome this weakness while assuming a larger responsibility for criminal justice, each state should gather together and coordinate its separate units and agencies working in this field to form a coordinated system within a single Department of Justice.

This is the solution recommended in 1968 by the Joint Legislative Committee to Study Crime and the System of Criminal Justice in New Jersey. That Committee gave the following explanation of its concern:

This Committee finds the system of administering criminal justice to be complex, fragmented both in functions and jurisdiction, undernourished, without focus or command, largely invisible as to what is really happening, nowhere near as effective as we believe it should be—and neglected.

It is neglected in the largest and most important matters, such as leadership, drive and understanding.

It is neglected in smaller but important matters as well, such as needed individual statutes or programs addressed to special problems where immediate action can be mounted. . . .

We recommend: A New Jersey Department of Criminal Justice as the vital means of strengthening the entire system.

As proposed by this Joint Legislative Committee, the new Department of Criminal Justice would be responsible to the Governor, and would contain Divisions of Law Enforcement, Youth, Prosecution, Narcotic Addiction, and Rehabilitation, along with two staff Divisions—for Administration and Policy Planning. Consolidation of closely related functions would enlarge the opportunities for enlightened management. The judiciary would remain independent, of course; the courts are already largely unified in New Jersey.

We recommend that each of the 50 states establish a Department of Justice, drawing together all germane functions except those of a separate, independent, and unified judicial branch, with which the new Department could maintain close liaison.

Furthermore, we recommend that local units of government be relieved by the states of responsibilities for criminal justice, other than the maintenance of urban police forces.

A FEDERAL AUTHORITY TO INSURE JUSTICE

Realistic citizens may accept the validity of the foregoing recommendations but still doubt that the states will adopt them in time. Therefore, we urge massive federal funding to aid the states (and local units)—but only on condition that acceptable standards of organization and performance are met. The national government has no constitutional responsibility or direct authority for general law enforcement. But when customary patterns of federalism break down in the face of critical and widespread problems, the people of this country have on many occasions turned to the national government. That breakdown is now evident. The national government has begun to respond, but only in tentative fashion and with slight actual effect. This response should be felt at two distinct levels: directly, through its own agencies; and through financial aid to states and local units.

The direct federal police effort is limited to enforcement of federal laws, covering a minor share of all criminal infractions. It is divided among several specialized units in four major departments not noted for close cooperation. Criticism has grown in recent years, both as to priorities and effectiveness. The Federal Bureau of Investigation is the largest of these forces, with the broadest jurisdiction. Internal subversive activities have been its main concern; acceptance of responsibility for suppression of organized crime and protection of civil rights was slow and reluctant.

Bureaus and divisions nominally under the Attorney General have a long tradition of jealous autonomy; interdepartmental cooperation is even harder to obtain. The inroads of organized crime have finally led to serious efforts to gain coordination, however, through a strike-force approach developed in 1967. These special task forces, now operative in a score of major cities, bring together the manpower and resources of several agencies. Typically, they include agents from the Bureau of Narcotics and Dangerous Drugs and the Immigration and Naturalization Service of the Department of Justice; the Internal Revenue Service, the Bureau of Customs, and the Secret Service of the Treasury Department; the Office of Labor-Management of the Department of Labor; and the Inspection Service of the U.S. Postal Service.

While the FBI has an annual budget of some $20 million to fight organized crime it has seldom assigned its agents to those strike-forces; instead, it is said to cooperate with them—though at arms-length. The strike-forces operate independently of the United States Attorneys in most cases also, and contacts with state or local authorities are minimal (partly because of a justifiable fear of information leaks). Progress is encouraging, although the strength of the syndicates is not visibly impaired.

The Omnibus Crime Control and Safe Streets Act of 1968 initiated a vast new federal role. It created the Law Enforcement Assistance Administration, within the Department of Justice, to dispense federal grants-in-aid for improvement of state and local law enforcement. This agency was not well designed and its programs have been poorly administered. One mistake was to place LEAA under a triumvirate that could act only unanimously, leaving differences unresolved and vacancies unfilled until corrective legislation was enacted. Another mistake, even more damaging, was to channel most local aid through the state governments, despite the lack of state agencies qualified to manage the distribution. Most states allocated much of the money to jurisdictions with relatively few problems and for indefensible uses, while central cities with greatest need received proportionately less. Most of the money appropriated was never spent.

In the three years through June 30, 1971, LEAA was given total budget authority of $856 million. But actual outlays were only $327 million. This left $529 million—or 62 per cent—unspent. During the same three years, the states did "allocate" $521 million of LEAA money to "sub-grantees" (local governments). But of this only $139 million, or 27 per cent, was actually disbursed to them—leaving almost three-fourths of the allocations unused. Congressional hearings, moreover, have revealed numerous instances of funds distributed to state and local law enforcement units being put to inconsequential or frivolous uses.[1]

Besides its lack of any real sense of urgency, LEAA has been remiss in failure to define objectives and goals, to prescribe priorities, to enforce standards, and to audit performance. Its new National Advisory Commission on Criminal Justice Standards and Goals, created in 1971 "to fashion meaningful yardsticks for measuring progress," has constructive possibilities but no real power. While the states have set up law enforcement planning agencies, significant reforms are conspicuously few. Mere channeling of money does not produce a coherent program for action nor the organizational means to effect it.

Benefits from this federal initiative have been far below expectations. Crime rates have not fallen; they have risen, alarmingly, continuously in urban, suburban, and rural areas.[2] To understand the point, measures taken to date have not furnished a solution. But the solution must be found; the crisis cannot be shunted aside.

The national government must devise a national strategy to deal with this nationwide problem. In the main, however, the actions taken by the police, prosecutors, courts, and correctional agencies have to occur at state or local levels. Hesitation and delay characterize the state response to date, and there is little prospect of early improvement unless heavy new pressures are brought to bear. Use of federal funds for this purpose is imperative, with disbursement conditional upon fundamental and thorough-going reform of the present "non-system" of criminal justice at state and local levels of government.

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[1] See U.S., Congress, House, Committee on Government Operations: *The Block Grant Programs of the Law Enforcement Assistance Program*, hearings before the Subcommittee on Legal and Monetary Affairs (1971).

[2] In 1968, murders, forcible rapes, robberies, and aggravated assaults known to the police were estimated by the FBI at 589,000. The preliminary figure for 1971 approximates 800,000—an increase of 36 per cent in three years. Known burglaries, larcenies over $50, and auto thefts rose from 3,878,000 in 1968 to about 5,125,000 in 1971, up to 32 per cent. See Appendix A for additional data.

No existing federal agency is suited to the management of this monumental task. None has a range of interests comprehensive enough to cover all the broad, interrelated elements. The Department of Justice is in no position to assume this responsibility. It lacks essential jurisdiction in many fields; it has not adequately coordinated the autonomous bureaus nominally subordinate to it; and the record of LEAA cited above does not inspire confidence in the Department's capacity to give effective leadership to state-local law enforcement. With notable exceptions, over the years top posts in the Department have been heavily politicized, which is unfortunate in view of its intended role. Its reputation weakens its influence with key Congressional committees and with many state officials. More important, it undermines public confidence in the system of justice. While there are other federal departments which also have law enforcement functions, we believe that none is fitted for this comprehensive assignment.

It is clear that a major new federal agency of unquestioned stature must be established to achieve the necessary breakthrough in this field. This recommendation accords with past experience; old-line agencies with their built-in bureaucratic rigidities are seldom entrusted with new and vital initiatives. The Federal Reserve was not placed under the Department of the Treasury, nor was the TVA made part of the Department of the Interior. Temporary units with vast powers were created to deal with national emergencies growing out of the depression of the 1930's, World War II, and the postwar reconversion. Having served their varied purposes, most of them were eventually folded into other segments of the executive establishment. This Committee is always reluctant to propose a new federal agency, but we can find no acceptable alternative that would meet the urgent necessity.

We recommend creation of a "Federal Authority To Ensure Justice," endowed with a sweeping range of statutory powers and generously funded by the national government, under a Board appointed by the President subject to Senate confirmation, with its chairman acting as chief executive officer.

Within broad statutory guidelines drawn by Congress, this Authority should be given powers to:

Set and enforce the standards—substantive, administrative, and organizational—governing large federal grants-in-aid in support of all criminal justice functions;[3]

Establish, organize, and direct administrative mechanisms to develop strategic plans and policies, evaluate performance of ongoing programs, and provide advisory and liaison services to state and local units;

Formulate new legislative proposals, whenever necessary, and review pending legislation at the request of Congressional committees;

Advance and finance educational programs on a broad front—including aids to academic institutions with appropriate programs in criminal justice and, if necessary, foundation of a federal staff college for the advancement of criminal justice—to assure suitable training for all law enforcement officers with discretionary functions, as a requirement for holding such positions;

Commission or manage research into every aspect of this field deemed worthy of serious investigation;

Make an annual Report to the President and Congress—comparable to that of the Council of Economic Advisers—describing the national condition with regard to crime and justice and outlining policy directions; and

Assure the collection and analysis of dependable, comprehensive, detailed data covering every aspect of criminal justice—either under its own or other suitable auspices.

It would be appropriate for the Authority to review the roles of the many separate organizational units of the national government concerned with the administration of criminal justice, examine their effectiveness, and propose beneficial changes. This is important because it is clear that the national government will have to take a more active part in many fields of law enforcement, such as suppression of the national and international traffic in hard drugs and handguns, and the activities of organized crime.

The chairman of the Authority should have charge of its extensive administrative operations. Board confirmation of his major appointments would be desirable. The LEAA as it exists should be transferred to the Authority's jurisdiction, serving as a nucleus for an expanded unit to manage large conditional grants. So should the Treasury Department's contemplated Consolidated Law Enforcement Training Center, for which Congress has appropriated $26 million of an eventual $52 million (although obligations have not been incurred pending further planning). Other federal agencies would remain in place pending intensive review of their operations. The chairman's position as a Presidential appointee would place him at the level where strong Presidential support could assist in dealing with other elements in the Executive Branch as well as the public.

The success of the Authority will greatly depend, of course, upon the quality and strength of the members of its board. The gravity of its responsibilities would surely lead the President to nominate outstanding citizens. Its role is so vital, however, that we believe it desirable to establish, by statute, an Advisory Commission of a dozen or more members which would meet with the Authority's board at monthly or quarterly intervals, to review progress and advise in major issues. Such a Commission, also appointed by the President, might well include retired justices of the U.S. Supreme Court, judges of high state courts, Members of Congress, governors and other state or local officials, together with public members held in high national esteem. The Commission would not go beyond an advisory role, but it would add prestige and expertise to the Authority, thus helping to obtain both public and Congressional support.

Meanwhile, the 50 states should progressively assume their full constitutional responsibility for conditions within their borders. The Authority would make available to them the full federal funding we have proposed for review and revision of state criminal codes. Sweeping structural reform of all aspects of the administration of criminal justice at state and local levels is required.

The proposed Authority should be empowered to provide grants-in-aid to the states for a major share—perhaps half—of the cost of unified state court systems, fully consolidated state correctional systems, and state-managed prosecutions, subject in each case to meeting prescribed standards. Furthermore, the Authority should make direct grants in support of all police forces—state and local—that satisfy reasonable standards of modernization and excellence.

These recommendations are made in full recognition of the costs that will have to be borne by the U.S. Treasury. Total annual expenditures for all criminal justice functions are now about $10 billion. Half of that sum would become a federal charge—most of it additional to present payments through LEAA—assuming that the states meet eligibility standards. The purpose would justify this expenditure in any case, but there would be an important by-product. Local government budgets would be primary beneficiaries of these federal aids, thus reducing the burden of property taxation. Property taxes and revenue sharing command such current interest that our proposals deserve examination in that light.

The actual distribution of public expenditures for criminal justice in 1969, between the three levels of government, is shown and analyzed in Appendix C.[4] The effect of our proposals on this distribution—assuming no changes in the relative amounts spent on the several functions—is also shown in that Appendix. With a static level of total expenditures, at $10 billion, our proposed distribution would increase the U.S. Treasury burden by $4.1 billion; local governments would be relieved of $3.6 billion, and the States would benefit by about $500 million.

This is not wholly realistic, of course, since we have urged improvements that would cost money—notably in corrections. An over-all increase of 20 per cent would bring total expenditures to about $12 billion (disregarding inflationary factors). The effect of this change would be to bring the increase in U.S. costs to $5.1 billion. But the local governments would remain the primary beneficiaries, both in better services and in reduced costs, which would still be $3 billion below the present level. The states would be spending about what they do now, but to far greater effect.

If changes are made, as they should be, in the relative shares of the four functions—courts, prosecution, police, and corrections—these estimates would be modified accordingly. For example, some cities may decide to separate local neighborhood police patrols from the central city force, and place them under local control—as suggested in CED's 1970 statement *Reshaping Government in Metropolitan Areas*. Under any conceivable rearrangement, however, the local governments would be relieved of a major expenditure burden. This, in turn, would give substantial relief for the primary local tax source, achieving one of the basic objectives of revenue sharing. At the same time, a great advance in crime control and the administration of justice can be achieved.

It would be hard to exaggerate the enormity of the national predicament, as outlined in these pages. During the decade of the 1960's. Index crimes of violence known to the police rose 156 per cent, offenses against property 180 per cent. If these and other crimes are permitted to double or treble again in the 1970's, American society as we have known it cannot endure.

We do not regard the situation as hopeless; we would not have taken the pains to issue this statement if we did. But we do believe that only the strongest measures—such as those advocated herein—can avert a worse disaster than the one we already see about us. Hence the urgent need for prompt and powerful action to reform and restructure every aspect of the administration of criminal justice at all levels of government is made completely clear.

This nation cannot form a more perfect Union, nor establish justice, nor insure domestic tranquility by means of discriminatory and capricious application of obsolete penal codes. Archaic methods, incompetent or unprofessional conduct, failure to devise and carry through coherent plans, cannot be condoned. Nor can corruption or collusion between criminals and officers of the law be tolerated any longer.

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[3] See Memorandum by MR. HERMAN L. WEISS, page 75.

[4] Just after this document had gone to press, the U.S. Department of Justice released financial statistics for fiscal 1969–70 showing that total direct expenditures for the administration of criminal justice had risen 16.8% from the previous year, to $8.6 billion. The proportionate share of national, state, and local governments in these expenditures were little changed, however, and this was also the case as to shares spent for police, courts, prosecution, and corrections. The argument presented in the text, therefore, remains unchanged.

Now, as at our nation's beginning, our governments derive their just powers only from the consent of the governed. This implies a reconciliation between all instruments of government and the people—the people of all classes, all ages, all races, all circumstances of life. The mechanisms of criminal justice must, therefore, be made worthy of the faith and trust of modern men and women facing the many hazards of these changing times.

MEMORANDUM OF COMMENT, RESERVATION, OR DISSENT

By Herman L. Weiss, with which William H. Abbott has asked to be associated:

State and local adoption of federal standards of police, judicial, and penal administration, as a condition of obtaining federal grants, may well be the only way to bring about major reforms within a reasonable time. Yet this proposal to establish a substantial degree of federal control over the structure, staffing and policies of state courts, local and state police, prison systems, and even substantive criminal codes, is bound to meet with serious reservations, particularly if the standards (some of which are sure to be highly controversial) are to be set by appointive federal officials. The proposal might meet with somewhat less resistance if the principal standards were incorporated by Congress in the enabling legislation and so reflected the views of an elective body. In any case, the policy statement proposal will draw opposition from all the sources of opposition to state and local reform, plus some others as well. The business community and the public generally ought not to be lulled by the prospect of federal action, but should also press for early state and local consideration of the long overdue reforms recommended in this statement.

By Alexander L. Stott:

This recommendation seems inadequate in the light of the preceding discussion of the causes of court congestion. I would not disagree with a recommendation that more judges should be added where they are needed to speed up the judicial process. However, I feel that an equally strong recommendation should urge the improvement of court management, and it should urge federal and state legislators to provide adequate funds for such improvement programs.

By Alexander L. Stott:

Ineffectiveness on the part of the chief judge is far more critical to the court than in any other position. Thus, if the chief judge is given administrative authority as outlined in the previous recommendation, some process could be considered providing for withdrawal of the assignment of a particular judge as the chief judge in his court if he is found to lack the capacity for leadership and management necessary for that function.

By Alexander L. Stott:

This recommendation expresses a desirable goal, but it would need more than a simple directive to implement it. The federal system is only about one-tenth of the size of state and local judiciaries, and it is difficult to imagine that the Administrative Office of the U.S. Courts could handle the suggested data gathering function without great augmentation of the staff and even then with efficiency. State and local judicial systems lend themselves to computer operations and these systems should be exploited for their data gathering capacity before attempting to place this burden on the federal system.

By Mr. Donald S. Perkins:

Any CED policy statement on *Reducing Crime and Assuring Justice* should comment on whether capital punishment is appropriate for even the most terrible of crimes. Elsewhere in this statement it is suggested that practices which are acceptable to vast numbers of our citizens should not be legislated against. Presumably the reverse is also true. I have not been convinced that the existence of the death penalty has had any real impact to reduce violent crimes. As a way of removing people from society it may be less expensive than incarceration, but it is probably not in keeping with the feelings of most of our citizens who might agree that capital punishment is unnecessarily barbaric. What I would like to have seen the report recommend is the abolition of the death penalty and its replacement by longer jail sentences than are now the case and that these sentences not be subject to parole for a significant number of years.

We would therefore be recommending an approach to a true life sentence for those whose actions require that they be separated from society.

By Charles Keller, Jr.:

Although I approve the Statement, I have considerable reservation about Chapter 6 concerning organized gambling, perhaps because it is such a complex issue. It is proposed for example to legalize charitable-religious gambling, yet I have read of instances where such gambling had been taken over by professional gamblers, who have "skimmed" most of the proceeds leaving little or nothing for the charitable-religious institution, so that the institution was in fact merely a legal cover for an illicit operation. Nor can I justify exempting gambling winnings from income tax liability. This seems to provide an unnecessary additional incentive for gambling. Finally it seems to me that the 1970 federal legislation directed against organized gambling should be given an opportunity to operate before large additional new initiatives are undertaken.

I am most apprehensive about the long term results of widespread large government-operated gambling institutions with all the opportunities for fraud and corruption that are inherent in such operations.

By Theodore O. Yntema:

This policy statement goes part way in its treatment of "victimless crimes"; I believe it should go all the way. Approximately half of all arrests are for such victimless acts. In addition, a substantial portion of crimes against property and person are drug connected. Organized crime derives its main support from providing services, now illegal, that a large number of citizens want. If we abolished "victimless crimes" by legalizing such acts (subject where necessary to appropriate controls), our court calendars could be cleared, our resources for control of crime could be devoted to protection of person and property, and organized crime would have much less opportunity to flourish. We could then also do better in our efforts to help those suffering from drug, alcoholic or gambling addiction.

APPENDIX A: THE EXTENT OF CRIME

Statistics on crime in the United States are incomplete and deficient. The FBI first began to develop its "Uniform Crime Reports" in 1933, but even today many local police forces fail to supply factual information. State definitions of crimes differ, creating problems in assembly of "uniform" data. The FBI's Crime Index includes only seven major offenses; reports on other crimes usually cover only limited areas and only arrest data. Moreover, many crimes are never reported, and records on reports received vary from place to place and between classes of victims. Methods of handling doubtful cases can result in substantial differences in "rates," making statistical "crime waves," or the opposite, possible without any actual change in conditions.

Despite limitations, published data do have significance in national, regional, and urban *vs.* rural comparisons. Crime rates have risen dramatically over the past decade, far more rapidly than would be explained by population growth, either total or for the crime-prone 15–24 age group. This is shown in the following table, derived from the FBI's *Uniform Crime Reports.*

Moreover, opinion research inquiries using a representative sample of the population showed in 1965 that crimes actually committed exceeded those officially reported, by 50 per cent for robberies, by 100 per cent for aggravated assaults, and by nearly 300 per cent for forcible rapes. There were also twice as many larcenies and three times as many burglaries as shown in the FBI reports from which the above data were drawn.

APPENDIX A: OFFENSES KNOWN TO POLICE [1]

	1960	1970	Increase (percent)	Estimated arrests 1970
Criminal homicide	9,000	15,812	+75.7	15,230
Forcible rape	16,860	37,273	+121.1	19,050
Robbery	107,390	348,380	+224.4	98,210
Aggravated assault	152,000	329,937	+117.1	155,060
4 crimes of violence	285,250	731,402	+156.5	287,550
Burglary	897,400	2,169,322	+141.7	358,100
Larceny over $50	506,200	1,746,107	+244.9	748,200
Auto theft	325,700	921,366	+182.9	153,300
3 crimes against property	1,729,300	4,836,795	+179.6	1,259,600
Other offenses against property:				
Vandalism				141,900
Fraud				104,600
Buying, receiving, possessing stolen property				74,000
Forgery and counterfeiting				55,500
Arson				11,900
Embezzlement				10,000
Other offenses:				
Drunkenness				1,825,500
Disorderly conduct				710,000
Driving under influence of alcohol				555,700
Other assaults, not aggravated				348,900
Narcotic drug laws				415,600
Liquor laws				309,000
Vagrancy				113,400
Carrying or possessing weapons, etc				120,400
Gambling				91,700
Offenses against family and children				78,500
Sex offenses (except forcible rape and prostitution)				59,700
Prostitution and commercialized vice				51,700
All other offenses (except traffic)				1,492,590
Grand total, all arrests (except traffic)				8,117,740

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[1] Partially estimated.

APPENDIX B: CRIMINAL JUSTICE STRUCTURE IN THE UNITED STATES (NOT PRINTED IN THE RECORD)

APPENDIX C: A PROPOSAL FOR A BETTER DISTRIBUTION OF THE COSTS OF CRIMINAL JUSTICE

In addition to the considerations which made necessary the recommendations for a decreased role for local governments in the administration of criminal justice—the demands for unified, coherent, professional administration on a statewide level—is the simple fact that local governments, particularly those of the large cities, cannot afford the costs. Their finances rest primarily on badly administered and inequitable property taxes based on rapidly declining property values in those areas where the need for better services is the greatest.

Total public expenditures for the criminal justice function were distributed in fiscal 1969—the most recent year for which detailed figures are available—as shown in the first table, below. The effect of our proposals on the distribution—assuming no changes in the relative amounts spent on the several functions—is shown in the second table.

DIVISION OF COSTS, ADMINISTRATION OF CRIMINAL JUSTICE BY LEVEL OF GOVERNMENT, ACTUAL, FISCAL 1969

[In percent]

Level of Government	Courts	Prosecution and Defense	Police	Corrections	Total
National	1.4	1.8	6.7	1.0	10.9
State	3.2	1.1	8.5	12.4	15.2
Local	9.0	3.2	45.2	6.5	63.9
Total	13.6	6.1	60.4	19.9	100.0
PROPOSED, FUTURE YEARS					
National	7.5	3.95	31.15	8.8	51.4
State	6.1	2.15	4.25	7.8	20.3
Local			[1] 25.0	[1] 3.3	28.3
Total	13.6	6.1	60.4	19.9	100.0

[1] It is assumed that about ⅙ of local police costs would be borne 100 percent locally, for failure to meet Federal standards. It is also assumed that local jails would continue to house persons awaiting trial, at local expense, with State assumption of responsibility for those convicted.

Assuming a static level of total expenditures at $10 billion, our proposed distribution of costs would increase the U.S. Treasury burden by $4.1 billion; local governments would be relieved of $3.6 billion, and the states of about $500 million.

But recommended improvements would cost additional money—notably in corrections. An over-all increase of 20 per cent would bring total expenditures to about $12 billion (disregarding inflationary factors). The effects of this change would be to bring the increase in U.S. costs to $5.1 billion, reducing the net local benefit to $3 billion and leaving the states at about their present levels of expenditures.

If changes are made in the relative expenditure shares of the four functions—courts, prosecution, police, and corrections—these estimates would have to be modified accordingly. However, under any conceivable rearrangement, the local governments would be relieved of a major expenditure burden now imposed by them mainly upon property owners.

ADDED FEDERAL COSTS AND STATE-LOCAL BENEFITS AT A $10,000,000,000 LEVEL

	Annual rates in billions of dollars		
	Actual 1969 distribution	CED's proposed distribution	Gain or (loss)
National	$1.1	$5.2	(−$4.1)
State	2.5	2.0	+.5
Local	6.4	2.8	+3.6
Total	10.0	10.0	0

AT A $12,000,000,000 LEVEL

	Annual rates in billions of dollars	
	CED's proposed distribution	Gain or (loss) compared with $10,000,000,000 actual 1969
National	$6.2	(−$5.1)
State	2.4	+.1
Local	3.4	+3.0
Total	12.0	(−2.0)

"WASHINGTON: CAPTIVE CAPITAL"

Mr. MATHIAS. Mr. President, I invite the attention of Senators to a 90-minute editorial special program to be broadcast this evening by television station WTOP–TV entitled, "Washington: Captive Capital."

The editorial director of WTOP, Norman Davis, along with a film crew, recently visited four major European capitals which have home rule, London, Vienna, Bonn, and Rome.

The U.S. Senate last year passed S. 2652, to provide home rule for the District of Columbia, a bill which I was pleased to sponsor, along with other members of the Senate Committee on the District of Columbia. We continue to await the completion of congressional action on this important issue. I commend the staff and management of WTOP for devoting the time and resources to a programing focusing on this question which, unfortunately, remains unresolved.

JODY SMITH, AYRSHIRE, IOWA, YOUNGEST MAYOR IN UNITED STATES

Mr. MILLER. Mr. President, the Saturday Review for July 1 contains an article by Dan Carlinsky entitled "The Youngest Mayor." It relates to Jody Smith, age 19, mayor of Ayrshire, Iowa, and is very well done. I hope it will be read by many of our new, young voters who can draw inspiration from Mayor Smith's election as the youngest mayor in the United States.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE YOUNGEST MAYOR

(By Dan Carlinsky)

AYRSHIRE, IOWA.—I drove into Emmetsburg, the county seat of Palo Alto County, about ten o'clock one late spring evening and registered at the Suburban Motel. My real destination was Ayrshire, some dozen miles away, but there is no motel in Ayrshire. If you were to ask someone there for a hotel or motel, he would laugh at you.

The Bureau of the Census says there are 243 persons in Ayrshire, but townspeople know that's nonsense. Three big families have moved in since the census was taken two years ago, and surely that has upped the tally. But it isn't population that makes Ayrshire special. It's the mayor. The city has already ordered signs to explain about him, and if things go right they'll be posted on Route 314 by the time this story appears in print. They will read:

"Welcome to Ayrshire, home of the Nation's youngest mayor."

The Republican mayor of Ayrshire, Jody Smith, is nineteen. He was born on October 24, 1952, elected on November 2, 1971, and inaugurated on January 3, 1972. He was eligible to run for office because of last year's constitutional amendment allowing eighteen-year-olds to vote. Nationwide, lots of teen-agers ran for office, and a few of them won. Jody was the youngest mayor by four months.

I asked the ma and pa in the motel office for directions to Iowa Lakes Community College (where the mayor is a freshman), which turned out to be almost across the street, and to Ayrshire. "You must be going to see Jody," the pa said.

Early next morning I went to the college to look around a bit before I met Mayor Smith. I found a single, low, windowless, new brick building like hundreds of other post-high schools that in the past decade or two have sprung up around the country. At precisely 8:45, our scheduled meeting time, a 1971 Gremlin pulled into the parking lot and discharged its driver, a young man six feet, three inches tall, with glasses, short hair, and sideburns to the bottom of his ears. The tails of his yellow, striped shirt had found their way outside his trousers. His feet pointed to ten minutes to two. He didn't walk; he lumbered toward me. "I'm Jody Smith," he announced.

I followed Jody into the college building, watched him check some materials in his unlocked locker, and sat down with him in the student center, where he began telling me about his entry into politics.

"I watched the '64 conventions and the election on TV," he told me. "I stayed up all night to watch the returns. I was so young I doubt if I knew what the numbers meant, but I was fascinated. Each side would curse the other side; it was great. As a result, I'm interested in anything that has to do with government. By 1968 I was getting into debates at school about that election. There were quite a few good go-arounds and a straw vote. We Republicans got trounced: Nixon won only about a third of the votes.

"Then last July I read in *The Des Moines Register* that eighteen-year-olds could run for office, and I decided to file. The old mayor was Elmer Swanson, a retired farmer who'd been in office nine years. He hadn't done very much, but people seemed to be content to leave things as they were. He had never had any opposition. I think nobody else wanted the job. I campaigned door-to-door and told people I'd work hard for them, I'd get the streets fixed, I'd go to all the county meetings and not let the City Hall go to pot. The main thing I tried to do, though, was get people interested in voting. I don't know why, but people are only interested in state and national elections. The voters came out like they never did before: We had an eighty-eight per cent turnout. It would have been higher, but we have some college students who vote by absentee ballot, and the ballots weren't in on time, and there were some people away at a funeral. I know three people who voted for the first time in their lives. Election Day I predicted that I'd lose by ten votes, but I won, eighty-three to thirty-five."

At 9:30 the mayor excused himself and went to an algebra class.

An hour later he reappeared, and we agreed that he would split the time before his next class between me and his dime-a-game pinochle gang, which was already engaged in a heated game, punctuated with slapping cards and cursing voices. "Do you have any cards?" a student from another table yelled to Jody. "Nope," he called back. Then he confided to me, "I have a deck, but I'd never get 'em back."

I asked Jody to tell me what the mayor of Ayrshire did.

"There's not much you can do with a town of about two hundred and fifty," he began. "We're rewriting the city code, which dates way back to the 1800s. I've got a book of model ordinances from the state that'll be the basis for a new code; we'll just declare all the old ordinances null and void as of January 1, 1973. Right now we have a law regulating bowling alleys, but there's no bowling alley in town. We have a law saying you can't curse in front of a woman or child or you'll be fined twenty-five dollars. We *had* a ten-mile-an-hour speed limit passed in 1908, but we just raised it to twenty-five."

"We," I was told, means the mayor and a five-man council, bolstered by a clerk appointed by the council; an elected treasurer; a streets and utilities man, who is retired and was appointed by the mayor; and a marshal, who works days for a grocery wholesaler and was also appointed by the mayor.

Jody continued: "I've got a new clerk and I'm new, so it hasn't been easy. One of our first tasks was to prepare a financial statement to file with the state auditor. The old clerk was in the hospital, so he couldn't tell us anything, and we couldn't read his writing. We were completely lost. We misplaced thirty-one cents and spent three hours finding it. Next year it will be easier.

The total budget is $25,000. We get $11,000 from water rent, $7,000 from property taxes, $3,700 from the state road-use tax, $300 from cigarette and liquor licenses, and $3,000 from various other sources. Some money comes from fines I levy. I'm a magistrate. I've fined two minors for drinking beer, but most of my cases are for speeding or going through the stop signs—there's a three-way stop at the main intersection in town. When the marshal or a state trooper catches someone, they have to find me. I'm a lot tougher than the previous mayor. If there's stop sign, you stop.

"We buy our electricity, and the school board is separate, so they're not my worry. But we have our water tank—water is our biggest expense. And roads are important. That $3,700 a year from the road-use tax is used for spreading the hot oil for blacktopping, but last year the mayor didn't ever get the county crew to level the bumps out first. One of our streets is terrible.

"Then I worry about getting a civil defense van, and taking care of our fire engine, and getting new stop signs, and remodeling 'the shack'—that's City Hall, which was painted last time when I was about nine. I also chair the city council meetings on the first Monday of every month. I have the power to call extra meetings, but I never will. It costs $70 a meeting—$10 for each councilman and $20 for me. That's my salary, incidentally. It totals $240 a year. Enough to pay the insurance on my car."

Mayor Smith grabbed one of the hot dogs two college employees were serving out of a large picnic basket in a corner of the student center and headed for the pinochle table. He had a 1:30 class, and then he would return home to drive the second half of his daily school-bus route for Ayrshire Consolidated School, the school he had attended for thirteen years and in which he once had lost a race for student council president. We agreed that when he had turned in his bus, he would meet me at his father's filling station, where he puts in an afternoon now and then pumping gas and fixing flats. In the meantime, I decided, I would drive to Ayrshire to look at the city over which Jody presides as mayor.

Ayrshire, which covers 122 acres, is bisected by a single business street that is, in turn, crossed by a few residential streets. At one end of town, where a two-lane main highway begins, stands the mayor's father's gas station—Elmer's Gyp Joint. The area phone book devotes one-and-a-half pages to Ayrshire, including plenty of white space for letter divisions. According to the phone company, the businesses on the main drag have names like Cy's Seed Store, and Cox Hardware, and TV Servicing, but on the street you see "DeKalb Seed" and "Zenith." There are other business fronts: a small lumber and paint company, a tavern with a pool table, an office of the Palo Alto County State Bank, a cafe, a U.S. post office branch, an American Legion post, the Korner Kurl Beauty Shop, a couple of rotting vacant buildings, and a grocery. There is also a large, yellow Goodwill deposit box. Around the corner is City Hall, a converted brick-and-wood one-room schoolhouse that now has an attached garage for the fire truck. Looming behind the hall is the city's pride and joy: a silvery, 50,000-gallon water tower with a pointed blue cap and, on the side, the city's name in painted block letters.

Elmer's Gyp Joint, a two-pump station, keeps Jody's family comfortable, but it also keeps Elmer Smith busy for some thirteen hours a day. At 3:30 I met Jody, who had changed into a sleeveless, green T-shirt, torn gray pants, and filthy loafers for an afternoon's work.

Jody explained that he would earn an associate's degree in two years at ILCC, then transfer to some nearby four-year college to finish his bachelor's degree in government. If he could end up working in government, that would be fine. (He has been named to several state and national governmental commissions and a committee of the Republican party.)

As we sat on the step next to the pop machine, Jody acknowledged waves from passing cars and made small talk with customers. Nearly every visitor to the station pointed to the threatening skies and asked whether Jody thought the Ayrshire-Cylinder softball game would be played that night. Jody didn't much care because he wasn't scheduled to umpire; he had begged off because he had to finish painting City Hall.

He talked about money: the $25 he had paid for 500 pieces of "City of Ayrshire" stationery, the $6.30 he had been quoted for each of the sixteen-foot four-by-fours needed for new city signs, the $11 he had shelled out for a gallon of light-green latex paint for the evening's work. And he told of the time there was a fire in a barn outside of town—his mother heard the whistle and went out to see what was going on and didn't even wake her son, the mayor, who is also, it happens, assistant fire chief.

The rain didn't come for a while, so I watched a couple of innings of the softball game, during which a farmer in striped overalls told me: "Jody's nobody's fool. He'll get a lot more done than an older man. But he can only do so much, of course. He has to get things past the council."

Later in the evening, I stopped by at City Hall and came across the mayor and the clerk sprucing up their office. The clerk, Mrs. Jan Stowell, had brought the day's official mail: a contract from the National Tank Maintenance Corporation, calling for a payment of $375; a big Manila envelope from the county auditor, containing budget data; and a notice of the annual meeting of the Iowa Municipal Finance Officers. "A lot of things are happening with Jody as mayor," Mrs. Stowell told me. "Ordering signs, fixing the hall. *Nothing* ever went on before. After our first council meeting, the old council members were impressed. Before, they had just sat around and talked about the old days."

I barely had time to leaf through the magistrate's logbook (an 1896 court case: $5 fine for "disorderly conduct and leading horses on the sidewalk") and the doomed ordinances (from 1895: "Itenerent [sic] peddlers of patent medicines shall pay the sum of one dollar for each day of said selling or offering to sell") before Jody and Jan remembered that it had been a long time since they had checked the coin meter out back, where farmers can buy 280 gallons of Ayrshire's water for a quarter, twenty-four hours a day. While the mayor puttered around the fire engine, the clerk counted out the quarters into a large coffee can. "Wow!" she said when the counting was done. "It's $35.75. Do you think we're the only city that takes its deposits to the bank in a coffee can?"

LIQUEFIED NATURAL GAS (LNG) IMPORTS FROM ALGERIA AN ILLOGICAL FPC DECISION

Mr. BELLMON. Mr. President, I invite the attention of the Senate to yesterday's Federal Power Commission decision to authorize the importation of 1 billion cubic feet of liquefied natural gas per day from Algeria on an annual basis at a price of over $1 per thousand cubic feet. This compares with a price of 42 cents for domestically produced gas delivered to the Washington area.

This decision once again reaffirms the FPC's past failure to provide adequately for the Nation's natural gas needs. As most Members know, our country presently faces a critical natural gas shortage, a shortage brought about largely by the myopic pricing policy of the Commission over the past 18 years.

In the course of recent Senate hearings on natural gas, it became abundantly clear that the gas-producing industry, in fact the entire energy industry, is facing a major economic crunch because of unrealistically low well-head prices for gas. A Chase Manhattan Bank report entitled "The Energy Outlook in the United States to 1985" to be released later today states that:

> The key problem is a shortage of capital to produce energy, not the lack of energy resources.

Mr. President, the only way for the industry to get the needed capital is through realistic pricing of all energy sources. A dual price policy. High prices for imported gas and low prices for domestic produced gas makes absolutely no sense.

In the deep Anadarko basin of Oklahoma, for example, a producer of interstate gas is only allowed 21.5 cents per million cubic feet by the FPC. Yet it costs up to $5 million to drill the deep wells, some down to 30,000 feet, in order to tap this gas. At the low prices set by the FPC it is impossible to ever get back the costs of development. Therefore, few investors are willing to risk their funds in searching for new gas fields.

Mr. President, this is the reason exploration has declined sharply over the years. Production has also been hurt and will go down sharply unless realistic economic policies are quickly created.

For some reason the FPC fails to provide price relief and economic incentives to our domestic natural gas industry. Instead it prefers to allow the importation of LNG at more than double domestic prices from an insecure source; a nation with whom the United States does not have formal diplomatic relations and a nation which has a very volatile and hostile past. No one in this country—consumer, producer or regulator—can possibly be benefited by this policy over the long run.

The implications of the FPC decision do not merely stop at unfair pricing decisions against the domestic industry; it goes further. It now opens up the whole range of investment requirements in LNG tankers, liquefaction and gasification plants, pipeline and distribution facilities, all running into the hundreds of millions of dollars and all tied to, for the most part Algerian supplies, a vulnerability this Nation's consumers can ill afford.

This decision by the FPC dramatically demonstrates the need for action by the Congress. While we justifiably criticize the FPC, the fact is that Congress has the power and the responsibility to establish a workable national energy policy that will serve the long range best interests of our citizens and our Nation.

Mr. President, I ask unanimous consent that an article from today's Washington Post regarding the FPC decision be printed in the RECORD.

I also ask unanimous consent that a copy of a news release pertaining to the Chase Manhattan Bank study be printed in the RECORD.

Mr. President, in this same connection, a recent article in the Oklahoma Journal further substantiates the fact that much of the blame for the current energy crisis can be laid at the door of the Federal Power Commission. In this interview with Jack H. Abernathy of Oklahoma City, this straight-thinking, straight-talking Oklahoma oil man traces the cause of this country's diminishing oil and gas reserves and our increasing dependence upon foreign sources to a 1957 Supreme Court decision extending FPC jurisdiction to all gas producers.

Jack Abernathy, former president of the National Petroleum Council, pioneered directional drilling and is one of the most knowledgeable men in the industry. His views should be of interest to all Members of the Senate.

Mr. President, I ask unanimous consent that the article from the Oklahoma Journal be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 29, 1972]

FPC BACKS PIER PLAN—GAS IMPORT TO BAY APPROVED

(By Douglas Watson)

The Federal Power Commission yesterday approved importation from Algeria of the largest volume of liquified natural gas ever to be brought to this country. It will ease the nation's natural gas shortage.

Two-thirds of the gas is to be shipped in tankers to a controversial planned $93.2 million terminal on the Chesapeake Bay to serve seven states and the District of Columbia.

The FPC approved importation of 1 billion cubic feet of liquefied natural gas daily for 25 years—more than three times the daily volume used by the Washington Gas Light Co., which serves this area.

The FPC decision was strenuously opposed by conservation groups who have stressed that the terminal will be built on a site previously planned for an addition to Calvert Cliffs State Park. They charged alternate sites were not sufficiently considered.

The FPC cited its hearing examiner's opinion that the proposed terminal at Cove Point would have no substantial adverse environmental impact and said the need for clean-burning natural gas to meet new air quality standards was persuasive.

The natural gas shortage has grown worse in recent years, causing Washington Gas Light Co. on March 1 to stop taking any new customers or to increase supplies to present commercial and industrial customers. The new supply is not expected to reduce, and may increase, natural gas prices.

The FPC decision and assurances from the U.S. Army Corps of Engineers that a permit will be granted for a mile-long pier at the Calvert County, Md., terminal site combine to give the gas importers the final go-ahead they needed.

The FPC decision also approves construction of a $38.5 million, 36-inch pipeline from the planned Cove Point terminal across the Patuxent and Potomac rivers to an existing pipeline in Loudon County, Va.

A spokesman for the Sierra Club said yester day that if its appeal to the FPC of the decision fails, "chances are 100 percent" that the conservation group will sue in an attempt to block the Cove Point terminal.

Two wholesale gas companies have proposed to begin operations at the Cove Point terminal in 1975. Company spokesmen declined to comment further yesterday on their construction plans until after they read the lengthy FPC decision.

The decision permits the Columbia LNG Corp., of Wilmington, Del., to import 300 million cubic feet per day at Cove Point, and the Consolidated System LNG Co., of Pittsburgh, to import 350 million cubic feet per day there.

The remaining 350 million cubic feet approved by the FPC will be brought to a terminal near Savannah, Ga., to supply the Southern Energy Co., of Birmingham, Ala.

In comparison, the Washington Gas Light Co., which provides natural gas to the Washington area, supplied an average of 290 million cubic feet per day last year.

A Washington Gas Light Co. spokesman said yesterday, "Anything that improves the supply situation of Columbia Gas is bound to affect our own customers very favorably because we get better than 80 per cent of our gas from Columbia."

Columbia Gas serves Washington and seven states, including those as far away as Kentucky and New York. The approved Algerian imports will constitute 9 per cent of Columbia's available supply.

The Consolidated Gas system serves customers in Ohio, West Virginia, New York and Pennsylvania, with the approved imports amounting to 14 per cent of its total supply. The FPC also approved a $50.4 million, 30-inch pipeline to be built by Consolidated from Loudoun County, Va., to Pennsylvania.

The natural gas will be pumped from the Sahara desert by Sonatrach, an Algerian government-owned corporation, and will be shipped in a fleet of nine specially built tankers, expected to cost $63 million each, by the El Paso Algeria Corp., a subsidiary of the El Paso (Texas) Natural Gas Co.

The gas will be carried in the tankers in its liquefied form, which is achieved by cooling it to −260 degrees Farenheit. It then will occupy only one-600th of the space it does in its gaseous state. It will be reheated to a gaseous form at Cove Point.

The FPC's decision, not unexpected, follows the May 22 recommendations of FPC hearing examiner Max Kane, who began holding hearings on the application more than a year ago.

An FPC spokesman said it was merely coincidental that the Commission's approval followed by a few days the announcement by the U.S. Interior Department that it was ending its opposition to construction of an essential 5,900-foot pier where the tankers will unload.

The Corps of Engineers had said it would not grant the pier permit over the Interior Department's previous opposition.

The Interior Department had opposed the Cove Point terminal because the state of Maryland previously had agreed to expand the present Calvert Cliffs state park south to include the 1,000-acre tract owned by the gas companies.

Interior officials agreed last week, instead, to accept an amended state plan for a greatly reduced expansion of the park to the north. In turn, the gas companies agreed to allow public access under state supervision to the 1,000-foot beach at Cove Point, as well as to maintain a marsh there as a wildlife refuge.

Richard Lahn of the Sierra Club said, "It is incomprehensible to us that the only site available for a proposed natural gas terminal between New York City and Virginia Beach is a proposed state park in Maryland."

The gas companies already have received state permits and local zoning at Cove Point. They still will need zoning and Corps of Engineers' permits for the proposed pipeline.

The FPC decision sets the price of the gas to be imported at Cove Point at 86 cents per 1,000 cubic feet, which is three to four times the initial wholesale cost of gas from domestic producers.

CHASE MANHATTAN BANK SAYS ENERGY CRISIS COULD BE EASED BY ENCOURAGING INFUSION OF PRIVATE CAPITAL TO DEVELOP NEW SOURCES OF ENERGY

(Capital shortage, not lack of energy resources, is key problem new Bank Study says)

The Chase Manhattan Bank said today that the nation's energy crisis could be eased by encouraging infusion of private capital to develop new sources of energy.

The key problem is a shortage of capital to produce energy, not the lack of energy resources, the bank said in a report on "The Energy Outlook in the United States to 1985."

The nation's overall requirements for primary energy are likely to be almost twice as large in 1985 as in 1970, the bank said, and "There are sound reasons for believing that the United States has within reach vast energy resources."

The problem is that they are "not accessible within the current economic framework. To find, develop and make available energy to the nation will require vast amounts of private capital.

"And if the capital funds are to be available, the price structure will have to be adequate. Moreover it must be flexible—free to change whenever warranted by economic conditions. As a result of the unnatural market conditions created by the price controls on natural gas at the well, the consumers of all forms of energy have been living in a fool's paradise. But time has run out.

"If they are to have enough energy in the future, they will have to pay prices that are economically sound. Even though such prices will be substantially more than they have been accustomed to paying, the cost of energy nevertheless will remain modest relative to the cost of other essentials of life," the report said.

"Currently, less than 5 percent of the average family's annual income is devoted to energy—much smaller than the proportions used for food or housing or clothing or taxes," Chase said.

Petroleum—oil and natural gas—now satisfies as much as three-fourths of the nation's energy requirements, but petroleum is the source of energy now in shortest supply, the report said. Domestic production is not sufficient to meet current needs, the deficit is certain to become progressively worse and the need progressively greater, according to the bank.

The probable capital cost to satisfy petroleum demand in the next 15 years, Chase economists project, will be "at least $140 billion" in current dollars for drilling and other related activities.

The bank warned that "a lasting shortage or even a temporarily interrupted supply can have a devastating impact on the nation's economy, its standard of living and its defense posture."

"Even though a sufficient amount of foreign oil conceivably might be brought in, the nation would be taking a grave risk in doing so," the report said.

"Not only would the United States be in a position of constant weakness, always vulnerable to having a major portion of its oil supply cut off, but it would also suffer a monumental balance of payments deficit," which by 1985 for petroleum alone "could be as much as $25 billion," the report said.

The reversal of the energy trend will require strong measures, but "denied a sufficient supply of energy, any developed country would progressively revert to a primitive state," the bank said.

[From the Oklahoma Journal, June 18, 1972]

Oil-Gas Energy Crisis Examined by City Oilman—Blame Laid on 1957 Supreme Court Decision

(By Nancy Lewis)

A pioneer Oklahoma oilman blames the nation's current energy crisis on a mid-1950s effort to keep natural gas prices low for Eastern consumers.

Jack H. Abernathy, president of Oklahoma City-based Chiefs Corp., said in an interview that unless relief is given to the domestic petroleum industry—in the form of higher rates and thus additional money for oil and gas exploration—the dimensions of the impending crisis may mean financial ruin for the U.S. economy.

The former chairman of the American Petroleum Council traced the cause of the U.S.'s diminishing oil and gas reserves and increasing dependence upon foreign oil supplies to a 1957 Supreme Court decision extending Federal Power Commission jurisdiction to all gas producers.

"Since 1957, the oil and gas business in the United States has been in a continuous decline." Abernathy explained.

"In 1957—to use an illustration I am most familiar with—we operated in the country an average of 2,950 drilling rigs. Last year we operated an average of approximately 950 drilling rigs.

"That is not a cause, that is an effect. And a very dramatic effect.

"Similarly, the exploratory effort is measured in terms of seismographic crews operating, leases being held and rentals being paid to landowners. These have declined virtually by the same ratio.

"In the middle 1950s, the U.S. had a natural gas supply measured on the order of 23 years at the 1957 rate of consumption. It now has a natural gas supply measured on the order of 12 years at the present rate of consumption.

"At that time the country had a petroleum supply measured in terms of probably 15 to 16 years. Now, the U.S. supply is on the order of six or seven years.

"You can see that is an enormous deterioration in our energy inventory.

"That does not include Alaska, the reason being we have not been able to get one barrel out of Alaska and Lord knows how many years it will be before we can.

"The National Gas Act originally was designed to regulate rates to be charged by long transportation gas systems carrying gas from the gas fields of Oklahoma, Texas and Louisiana to the industrial consuming areas of the North and East.

"It was intended to regulate the rates that those large gas lines charge their customers—just as the telephone company and others are regulated.

"That is what the legislation was designed to accomplish and there was even a provision in there that this regulation should not be extended to oil and gas at the point of delivery on the lease.

"Nevertheless, the Supreme Court—for reasons that best suited itself—in spite of its saving it (the Natural Gas Act) specifically didn't apply—said it did apply to producers of natural gas and that the price of natural gas, and the producers himself, would be regulated by the FPC.

"Good God Almighty! You can't imagine what that did.

"It froze the price of natural gas at an extremely low level—to the end that it meant approximately 90 cents worth of gas at the least contained the same amount of energy that $3.60 to $3.70 worth of crude oil carried, that $6 or $7 of coal carried.

"Three or four things happened, all of which were disastrous," Abernathy said.

"The first thing this did was increase the demand for natural gas by an almost impossible factor.

"Number two, it restricted the amount of money available to the oil and gas industry to explore for gas to an extent that it inhibited the search for gas."

Abernathy explained that since the search for oil is coupled with gas exploration, oil exploration was greatly affected also.

"It hurt the search for oil because when you're looking for oil and gas, most of the time you look for what you can get.

"It is true there are some areas like Eastern Oklahoma where you are more likely to get gas than oil, and there are other areas where you are more likely to get oil than gas, but around 70 percent of all the gas you get comes with oil."

Abernathy explained that as the search for gas is directly linked to the search for oil, the price regulations on gas in effect placed price regulations on oil, as well.

"The move also placed a very severe pressure on the price for oil so that oil—even though it has not been controlled the way gas has been by the FPC—has had something like a 10 percent increase in price since 1957, when everything else has about doubled.

"Finally, it absolutely demolished the coal business."

Major eastern utilities which had traditionally operated on coal, changed almost immediately to natural gas, he said.

"The large utilities in the East were all running on coal, and of course the country has several thousands of years supply of coal. But obviously gas is neat, clean, tidy and easy, and if they are going to sell it to you for a sixth the cost of coal, what are you going to buy?"

Abernathy explained that while it is not economically feasible for homes to use coal as a fuel, processes to make it environmentally suitable can be performed by larger companies.

The move by the Supreme Court, "destroyed the basic economics of the energy industry and at the same time increased the demands for the real crucial energy source by a factor of several fold."

"The net result is that it just messed the hell out of the energy business in this country—all in the guise of protecting the poor beknighted consumer."

Abernathy said the existing energy situation is a direct result of the lack of money available for oil and gas exploration caused by the rate regulation.

Just to "stand still," he said, "you have to spend 50 cents out of every dollar gross sales on additional exploration.

"It doesn't have anything to do with operating costs, or anything like that, or paying taxes, or paying interest or finding jobs or salaries. I mean it's that much to find more oil and stay in business the next year.

"Since we haven't done that, what's happened is that our energy base has dropped from 23 years to 12 years on gas and from 15 years to six or seven years on oil."

The president of one of the nation's first contract drilling companies explained that as the nation's reserves drop additional oil is imported rather than completely deplete the U.S. supply.

The U.S. is now producing between 9.5 and 10 million barrels of oil a day, but requirements and U.S. consumption is 15 million barrels of oil a day, with five million of that coming from overseas.

"The truth is that the five million barrels could be interrupted by the Russians without getting within 1,500 miles of this country.

"You would be shutting down everything. You sure would be shutting down your automobiles, you'd shut down many of your industrial plants, the hospitals, and all kinds of things.

"We simply cannot run on less than 80 percent of current consumption, that's about 12 million barrels a day—a three million barrel absolute deficiency.

"In this country we have 28 billion barrels of reserves and at 9½ million barrels a day—our domestic consumption now—we have about eight or nine years' supply.

"And if you divide the requirement—which is 15 million barrels a day—you get that six or seven years. I was telling you about.

"On the other hand, the Arab nations who are the world's toughest traders, have nearly 300 billion barrels of reserve. The productivity of an average well in those lands is in excess of 5,000 barrels a day. The average productivity of an oil well in Oklahoma is seven barrels a day.

"Those Arabs are well aware of what they've got. The Eastern senators, Mr. Kennedy, Mr. Muskie and all those people who have talked so much about cheap foreign oil have talked so loud they got those Arabs figuring, 'Well, if it's all that cheap we're going to do somethng about it.'

"So they did.

"Within the past year and a half, the net cost of this foreign oil has gone up well in excess of a dollar a barrel to the extent that the present amount of cost difference in favor of the foreign oil might be 25 cents, 30 cents, 20 cents.

"Just two weeks ago Iraq nationalized Iraq Petroleum Co. reserves, an American-controlled company which was producing 700,000 barrels per day.

"I predict to you that within three years the price of imported oil will be on the order of $5 a barrel."

At the same time the price of foreign oil is creeping upwardly near the domestic price, the price of foreign supplies of natural gas is many times the going U.S. regulated rate.

"The FPC is considering importing liquefied natural gas by the El Paso Natural Gas Co. amounting to 150 million cubic feet a day—at a price of $1.32 per thousand cubic feet.

"At the same time, they will not let people in this country receive more than an average of 18 cents per thousand. And yet they will allow those Algerians to get $1.32.

"Nixon in his trips, and others, are dealing seriously with the Russians to import liquefied natural gas, at a cost of over $1.25 a thousand feet—and we get less than 20 cents.

"People have gone crazy. There's something paranoid about the situation. They would really rather pay the Russians $1.25 than let an Oklahoma producer have 50 cents and have enough damn money to go find some gas with.

"I'm telling you, we've already had our great years in this country as a great economy."

Abernathy foresees natural gas being diverted from the production of electricity, creating a tremendous problem for utility companies.

However, he maintains that there is a possible solution to the crisis—but one that will take several years to establish.

"There is no evidence yet that if we were permitted to let these things (the price of gas and oil) reach their economic levels that we couldn't find enough oil and gas to close the gap."

He admits the situation might never be rectified, but that it could be improved.

On the other hand, Abernathy maintains that if the domestic exploration situation does not improve the oil imports will increase the U.S.'s annual deficit of payments and eventually lead to financial ruin.

"The present daily rate of consumption of foreign oil is 5 million barrels a day and by 1985 it will be more than 15 million barrels a day. Even at the present prices we're in a hell of an economic situation.

> "The balance of trade is now running about a $2.7 to $3 billion deficit a year. In excess of $2 million of that is from present oil imports.
>
> "By 1977 the unfavorable trade balance from buying oil alone—at the present rate—will be $5 billion a year. You haven't seen anything yet like the depression we are going to have if that happens.
>
> "For a small fraction of that $15 billion a year we could find oil and gas here, but they won't let us do it."

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. I ask that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. AIKEN. Mr. President, for myself and the Senator from New York (Mr. JAVITS), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield the Senator from Vermont such time as he may require.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> On page 93, line 9, before the period insert the following: ", as a supplement to existing similar programs conducted by other departments and agencies of the federal government."
>
> On page 131, line 4, after "Director" insert: "on a cooperative basis with such agency,"

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Vermont asks unanimous consent that the amendment be in order at this time. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, the purpose of this amendment is to make clear that the OEO will supplement the programs of other agencies and work with them on a cooperative basis, but will not assume priority over them.

Mr. NELSON. Mr. President, this is a clarifying amendment to title VII proposed by the Senator from Vermont. I agree with the amendment, and find it perfectly acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. On the Senator's time?

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16.5 minutes.

Mr. NELSON. And how much time does the other side have?

The PRESIDING OFFICER. Thirty-three minutes. Who yields time?

Mr. HRUSKA. Mr. President, I yield 10 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I thank the Senator from Nebraska for yielding. I rise to address the thrust of his efforts at this particular time, and support them.

THE LEGAL SERVICES FIASCO

During the burgeoning years of the "Great Society," our Nation witnessed the mushrooming of so-called war on poverty programs. Most were socially volatile; all were controversial.

While some of these programs may have been worthwhile contributions to alleviating the often too real burdens of poverty, too much of the money spent never reached the poor.

It is little wonder that the war on poverty has been characterized as a war on the poor.

When the Nixon administration came into office in January 1969, it was faced immediately with the policy question as to what to do with the war-on-poverty establishment—knowing that greater accountability to the public, decentralization of Government functions, and a restoration of the private sector and independent initiatives were the keys to really eliminating poverty in the long run.

The administration made the decision not to dismantle in a wholesale fashion the Federal Government's principal agency organized to fight poverty—the Office of Economic Opportunity—OEO. Such a rash action could have destroyed the hopes of many poor people that their problems were being attended to by someone. Instead, the administraton launched a badly needed redirection of the agency—a redirection toward making it the Federal Government's and the Nation's research, demonstration, and evaluation arm. Why not? Should we not know whether a program will work or not before we pour billions of taxpayers' dollars into it? Should we not test programs in the social fields the same way we test them in the hard sciences?

As these efforts gained momentum, and as bureaucrats who could no longer carry out their ideological and political agenda inside a Government agency began to leave, it became obvious that the protectors of the Great Society were moving to take control of programs away from the President and his administration. In few instances was this more demonstrable than in the area of legal services for the poor.

The legal services program of OEO came into existence in 1965, without specific statutory authorization, as part of the agency's broader efforts through its community action agencies. In 1967 the program was specifically authorized by the Congress, and since that time it has consumed up to $61 million annually of taxpayers' money. Theoretically, the legal services program was well conceived. There were then, and there are now, poor people who have great difficulty in obtaining legal services. They cannot afford legal advice and litigation. Finding an attorney to donate his time as work for the good of the public is not easy for a poor person who does not understand the profession or the legal system. It is, therefore, doubly distressing that such a worthwhile effort could have gone so wrong.

As the administration settled down to its mammoth tasks, it had an opportunity to look carefully at the legal services program. Here are some of the things they found:

An inordinately high number of young radical and revolutionaries—SDS-type activists, some with outright Communist affiliations—deeply involved in the program.

Instances of legal services employees holding themselves out to be attorneys when they were not even admitted to the bar of the State in which services were offered.

Legal services attorneys—with their own loaded agenda to carry out their own self-conceived and self-imposed programs—often turning down clients whose legal needs did not conform to their loaded agendas.

The representation of criminal defendants—specifically prohibited by the statute—representation of the nonpoor, and representation of the voluntary poor, all of which dilutes time, talent, and services available to the poor who need help.

Deliberate circumvention of Governors and of State bar associations.

The filing of frivolous and/or harassment suits against public agencies and public officials, often as a furtherance of local political goals.

Ever-expanding involvement in such matters without any bearing on poverty as students rights, prisoner rights and organization, antimilitary projects, the environment, et cetera.

There is little wonder that the administration sought a different means of delivering legal services to the poor. As a result of these disclosures and others, the President recommended to the Congress in March 1971 that a new Legal Services Corporation be established free from the ideological and political overtones of the existing program and free from control by the so-called legal services fraternity that had come to grip this effort. At the mere suggestion of reform consistent with the President's concerns, the opposition went immediately to work to structure a new program along the old lines, with just a little bit of camouflage and window dressing to make it look like a new program effort.

The outgrowth of these efforts to simply add a new coat of paint to the existing program was the development of a piece of legislation to create a National Legal Services Corporation. That bill was passed over strong administration opposition last winter, and on December 9, 1971, the President vetoed the bill. In that veto, he went to the heart of his concern:

> The provision creating the National Legal Services Corporation differs crucially from the proposal originally put forth by this administration. Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.
>
> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.
>
> It would be better to have no legal services

corporation than one so irresponsibly structured. I urge the Congress to rewrite this bill, to create a new National Legal Services Corporation, truly independent of political influences, containing strict safeguards against the kind of abuses certain to erode public support—a legal services corporation which places the needs of low-income clients first, before the political concerns of either legal services attorneys or elected officials.

The day following the President's veto, the Senate sustained it. But has the Senate met the President's objections? Clearly not. In most instances, the same language has been reported out of the Committee on Labor and Public Welfare which was vetoed.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. HRUSKA. I yield the Senator an additional 5 minutes.

Mr. BROCK. A bill now pends before the Senate to create a National Legal Services Corporation—S. 3010. That bill differs only in form from the vetoed bill. The so-called compromises—which are being lauded only by those who enacted the original bill—are compromises of form, not of substance. Specifically, what is wrong with the bill now pending before the Senate? While there are too many problems to even mention all of them, let me hit on a few of the most major ones:

A near majority of the Board of Directors of the proposed Corporation would be appointed from lists recommended by actual or potential grantees of the Corporation. This is a manifested demonstration of only one of many areas of potential conflicts of interest in the bill.

For the first time in the statutory authorization of the program, it specifically authorizes lobbying by project attorneys at the taxpayers' expense.

Despite the Federal funding of the salaries of the employees, they will be free to engage in political activities on a much broader scale than are Federal employees. Is this equitable?

Despite the fact that the Commissioner of Internal Revenue usually makes such determinations, and despite the expected involvement of employees in lobbying and political activities, the bill automatically confers a tax-exempt status on the Corporation, so that others can give to it to do things with tax-exempt funds which they cannot do themselves.

The Corporation is made virtually totally immune from the executive and legislative oversight requisite to a proper administration of taxpayers' dollars. The Office of Management and Budget is not even authorized to suspend funds if they are being misspent.

The question as to eligibility—who will be eligible to receive such assistance freely—is not established by Congress. It is left to the board—remember the board is made up of clients, project attorneys, and potential grantees.

Attorneys are given a broader latitude for actually going out and soliciting clients than are private attorneys.

Despite the mounting criticism of the program, and despite its many problem areas, authorizations for the program are increased by millions.

The bill does not curb the ideological, philosophical, political, or partisan agenda of the project attorneys, nor does it require testing with other means of delivering legal services to the poor, in order that they may be freed from the take-it-or-leave-it staff attorney approach of the present system.

The role of project attorneys in such socially volatile public policy issues as abortion reform, work requirements for the receipt of public welfare, and busing to achieve racial balance in the public schools—issues not yet even totally resolved by the representatives of the people in Congress—remains unresolved in the bill.

These are only about one-third of the major problem areas with this legislation.

What we are talking about is no minor program. It employs over 2,000 project attorneys across the Nation. During the past 7 years, it has expended hundreds of millions of taxpayer dollars. It is a socially volatile and controversial program which many within it have sought to make the vanguard of the leftwing movement in our country. In its present form, it does not deserve the support of the people, nor of their elected representatives in Congress.

Mr. President, at this point in the Record, I ask unanimous consent to have printed three items which detail the way in which the bill before the Senate compares to the President's veto message of last December 9, as to the administration sponsored bill, and as to why the provisions of the bill before us are objectionable.

There being no objection, the material was ordered to be printed in the Record, as follows:

Comparison of the President's Veto Message With S. 3010

The specific points raised publicly by the President in his Veto Message of December 9, 1971, are equally as valid with respect to the bill, S. 3010, as reported by the Senate Committee on Labor and Public Welfare. Changes made within the new legislation are changes only of appearance—not of substance.

1. POLITICAL ACTIVITIES

a. Veto message

"Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered; so that the quintessential principle of accountability has been lost."

b. New legislation

Section 906(e) states as follows:

"The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them. . . ."

Comments. This language is identical to the language contained in the bill vetoed by the President.

This section does not, in reality, guard against what is superficially guarded against. Rather, it specifically authorizes legislative advocacy—lobbying—which by definition is a type of political activity (here, Federally-funded), when such is in furtherance of the interests of a client (if an attorney does not have one at the moment, he can secure one), or a group of clients (there would be little difficulty for a project attorney of getting concurrence from such groups, permitting him thereby to speak in their behalf), or when such is requested by a body, a committee, or a member (is there anyone engaged in such activities who could not get an associate, serving in such a body, to ask him to testify?).

Additionally, the language does not prohibit grassroots organization of legislative advocacy efforts through such client groups as the National Welfare Rights Organization, the National Tenants Union, etc.

Section 907(d) states as follows:

"The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office. . . ."

Comments. A number of comments are relevant:

a. This section fails to prohibit participation in campaigns associated with constitutional amendments and constitutional conventions; codes, statutes, and ordinances; referenda and bond issues; etc.

b. Despite the fact that project attorneys will be paid from Federal funds, it fails to limit their off-duty political activities at least to the extent that Federal employees activities are limited under the Match Act. At a minimum, the same standards should apply.

c. While the section may cover in a small measure the activities of employees, it does not restrict in any way the use of program funds, the provision of services, or the provision of facilities for such political efforts.

Section 907(d) further reads:

"The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain . . . (2) from any voter registration activity *other than* legal representation *or* any activity to provide voters or prospective voters with transportation to the polls." (Emp. added)

Comment. This section specifically permits voter registration activity of a legal representation nature; therefore, under the terms of the bill, it is permissible conduct to state, "I advise you of your legal rights as to voting. You have the right to vote at the next election, which is on November 7, 1972. Since you live at this address, you may vote in this precinct; the precinct polling place is at the school house. You have the right to register as a partisan; you have the right to register as a Democrat. You have the right to exercise your franchise on behalf of candidates of that party on that date."

Furthermore, by the terms of this section, activity to provide voters or prospective voters with transportation to the polls is permissible. Note the word "from" is not found between the "or" and "any"; therefore, it becomes part of the exception to the prohibition, not part of the prohibition itself.

2. THOSE ABUSES WHICH COST PUBLIC ENTHUSIASM AND PUBLIC SUPPORT

a. Veto Message

"In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support."

b. New Legislation

Comment. The areas susceptible to abuse are many. First, there are the areas susceptible of abuse by virtue of political activity. Refer to the items detailed *infra*. Second, section 902(b) grants a tax-exempt status to the corporation despite its ability to engage in political activities. Third, the advisory councils which would be created by virtue of section 903 are comprised of those with direct interests in the programs, grants, funds, etc., admitting, thereby, of publicly-visible conflicts—in short, a further extension of the poverty-industrial complex. Section 904(c) permit the chief administrative officer to serve at the pleasure of the board, not of the elected representatives in Congress, i.e., he is appointed and serves at the pleasure of the board, with no advice and consent from the Senate and with no appointment by the President. Section 904(e) permits meetings of the board to be closed—not subject to public scrutiny. Section 906 (a) (8) permits an establishment of eligibility without any guidelines from the Congress and does not require conformity with anti-poverty guidelines, indices, and criteria of the Federal Government. While section 908(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

The ultimate slam at public accountability is *section 913,* which reads as follows:

"Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title."

It is readily apparent that, upon the enactment of this legislation, there is to be no accountability to the public through their elected representatives or through appointed officials, despite the funding of the Corporation by the government. It is complete immunity from legislative or executive scrutiny.

3. RESTRICTIONS PLACED UPON THE PRESIDENT

a. Veto message

"The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under the Congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client, or special interest groups, some of which are actual or potential grantees of the Corporation.

"The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function."

b. New legislation

Provision with respect to the manner of selection of members of the board of directors can be found in section 904(a). *Section 904 (a)* is an attempted compromise; it is a marginal one at best, more one of appearance than reality, and still falls within the criticism of the President voiced in the Veto Message.

Board of Directors. The board is to consist of nineteen individuals "appointed by the President, by and with the consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board." The manner of appointment is as follows:

1. *ten members* shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State;

2. *nine members* shall be appointed as follows—

a. *two members* who are representatives of individuals eligible for assistance from recommendations made by the Clients Advisory Council;

b. *two members* from among former legal services project attorneys from recommendations made by the Project Attorneys Advisory Council; and

c. *five members* one of whom shall be from recommendations made by each of the following groups:

American Bar Association, Association of American Law Schools, National Bar Association, National Legal Aid and Defender Association, and American Trial Lawyers Association.

Comment. The compromise is being phrased, "The President has a majority. He has ten of the nineteen." In reality, therefore, as to matters pro- or anti-Administration, every Presidential appointment would have to hold solid; in the give-and-take of making the appointments and in the give-and-take of decision-making, holding such a majority solid is questionable.

There is no Presidential appointment of the Chairman of the board.

Additionally, the President still does not have appointment power over those who should be, in accordance with the language of the Veto Message, accountable to the public as a whole, not to a segment thereof. This cannot be true until the President has free appointive power over all.

Executive Committee. The committee shall consist of not less than five and not more than seven members, which shall include the chairman of the Board, at least one appointed pursuant to the advisory councils, at least one appointed pursuant to the President's public appointments, and one appointed pursuant to the specially-named groups. Note: the chairman of the board is not necessarily the chairman of the executive committee; the board could elect someone else to the chairmanship of the latter.

The new Corporation will function under the new title and under the District of Columbia Nonprofit Corporation Act. The latter gives exceedingly broad discretion to the executive committee, including discretion as to policy matters.

4. TRANSITIONAL PERIOD

a. Veto message

"To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped."

b. New legislation

The old proposal was dropped. Something almost equally as offensive was added.

Section 903(b) directs that the Director of the Office of Economic Opportunity shall serve as the incorporating trustee; in and of itself, this would be acceptable. However, the section requires the exercise of his responsibilities to be carried out in consultation with the National Advisory Council, as constituted on April 15, 1972.

Comment. The National Advisory Council is composed overwhelmingly of members and representatives of the private interest groups that the President objected to in the veto message. All of the organizations represented as making recommendations to the President as to the appointment of members of the board pursuant to section 904(a) (2) (C) are represented on the National Advisory Council. In reality, the tensions which would have been inherent in the old approach remain in the new approach.

COMPARATIVE ANALYSIS OF SENATE-REPORTED BILL, S. 3010, AND ADMINISTRATION BILL, S. 1769

S. 3010	S. 1769	COMMENT
§ 901. Declaration of Policy. Recites the public interest, the need for legal services, the need for access to legal services, a requirement of no political interference, approval of existing program, and need for a corporation.	No provision.	Omitted from Administration bill (A.B.) as unnecessary. A.B. details scope in operative provisions.
§ 902. Establishment of Corporation. (a) Establishes a nonprofit corporation, National Legal Services Corporation, subject to provisions of title and of District of Columbia Nonprofit Corporation Act.	§ 901. Establishment of Corporation. (a) Authorizes incorporation in D.C. of "Legal Services Corporation," which is not a Federal agency; describes persons to be served.	No substantive difference.
(b) Confers a section 501(c) (3) tax-exempt status on Corporation.	No provision.	Inequitable and unwise to confer such through Congress, rather than through requirements of IRS.
§ 903. Process of Incorporation and Organization. (a) Transition period of at least six months. (b) OEO Directors to serve as incorporating trustee, in consultation with National Advisory Committee as of April 15, 1972, and pursuant to E.O. 11007 of February 26, 1972. Director shall use and make available financial and other resources as are necessary. (c) (1) In sixty days, incorporating trustee (IT) must establish initial Clients Advisory Council.	§ 901(b). Initial board of directors shall take whatever actions are necessary and appropriate to establish the Corporation.	A.B. bill procedure is not as cumbersome, does not admit of pressures from client and project attorney councils, does not put OEO Director into the difficult posture of formulating transition policies and efforts, does not require OEO to fund or furnish services during transition.

COMPARATIVE ANALYSIS OF SENATE-REPORTED BILL, S. 3010, AND ADMINISTRATION BILL, S. 1769—Continued

S. 3010—Continued	S. 1769—Continued	COMMENT—Continued
(c) (2) In sixty days, IT must establish initial Project Attorneys Advisory Council.		
(d) In ninety days of enactment, all recommendations to serve on initial board must be submitted to the President.		
(e) IT to take necessary formative actions in transition period.		
(f) Responsibilities of IT terminates upon first meeting of board.		
(g) During the next 90 days, board carries out activities of the Corporation.		
No provision.	§ 901(c). Establishes corporate office in D. C. and provides agent for service of process.	Technical.
§ 904. Directors and Officers	§ 902. Governing Body	
(a) President appoints 19 members—10 freely and 9 upon recommendations of councils and organizations of grantees or potential grantees; one must be of persons whose principal language is other than English; chairman of board to be elected by board annually.	(a) Establishes 11-member board appointed by President freely; requires a majority to be lawyers; requires political division of all appointees.	A.B. allows greater Presidential discretion, a board of more manageable size, greater susceptibility to fully accountability to the public as a whole.
(b) Staggered terms for board members.	(b) Staggered terms; limits services to 3 consecutive terms.	
(c) Executive Director and other officers, named and appointed by the board, who serve as their pleasure; term of ED limited to 6 years.	§ 903(b). President of corporation may appoint and remove officers.	
(d) No political test or qualifications permitted for staff; no additional sources of income permitted.	No similar provision.	
(e) Meetings of board and advisory councils to be open to public, whenever appropriate.	No similar provision.	
(f) Prohibition on conflicts of interest.	§ 904(c)(2) would cover such a conflict.	
(g) Board after initial board can promulgate rules as to advisory councils.	See § 902(f) and § 904 in general.	In the absence of statutory provision here, D.C. Nonprofit Corporation Act governs.
§ 905. Advisory Councils; Executive Committee.		
(a) Board shall provide for creation of a permanent Clients Advisory Council; selection of members and role of Council tediously defined.	§ 902(f). Provide for creation of one advisory council.	President's approach will result in less pressure from institutionalized entities with special interests in the policies and administration of the corporation.
(b) Same as (a), except creating a permanent Project Attorneys Advisory Council.		
(c) Board shall provide sufficient resources for each advisory council.	No provision.	Unwise to fund operations of groups to exert pressures on the corporation itself.
(d) Board may establish an executive committee of not less than 5 and not more than 7 members; one shall be chairman of board, only one required to be from those appointed by the President, one from combined councils, and one from designated groups collectively.	No provision.	Power may be vested, in reality, in the executive committee; under D.C. Act, EC has full plenary powers.
§ 906. Activities and Powers of the Corporation.	§ 904. Powers, Duties, and Limitations.	
(a) Authorized to provide assistance to programs; contracts and agreements; research, etc; opportunities for legal education; collection and dissemination of information; advice and assistance to other government programs; screen attorneys from interference; establish standards of eligibility; establish standards of conduct.	(a) Confers usual corporate powers. (b) Authorizes corporation to engage in conduct as to contracts with private parties and non-Federal agencies; make grants to partnerships, firms, and individuals; represent collective interests; accept conditional or unconditional gifts or bequests; undertake research, etc.	If authority allowed, Corporation augments resources without Congressional control.
(b) Expansion of Corporate authorization as to grants, agreements, etc.; appointment of personnel; promulgate regulations and criteria.	Embodied in the above.	Where statute silent, D.C. Act governs.
(c) Corporation to be reimbursed for activities in behalf of Federal Government.	No similar provision.	
(d) Attorneys not permitted to engage in outside practice of law, except as pro bono publico work.	§ 905(a)(5). Similar provision.	
(e) Prohibition on legislative advocacy, with exceptions as to client representation and requests to testify.	§ 904(d)(2). Prohibition on legislation advocacy, except upon request to testify.	Comparison of languages indicates A.B. to be much tighter than S. 3010; S. 3010 opens door to much activity and authorizes no small measure of it.
(f) Prohibition against attorney solicitation of clients.	§ See 904(c)(2).	
(g) Guidelines for appeals.	§ See 904(a) as to general rule-making powers.	
(h) Notification of grants and contracts to be made to State bars.	No provision.	
(1) No criminal representation.	Contained in § 901(a); prohibition against such.	
§ 907. Nonprofit and Nonpolitical Nature of Corporation.		
(a) No stock issuances, etc.	§ 904(e)(1). Similar provision.	Technical.

S. 3010—Continued	S. 1769—Continued	COMMENT—Continued
(b) No benefit to inure to directors, etc.	§ 904(e) (2). Similar.	Technical.
(c) May not contribute to or otherwise support candidates for political or party office.	§ 904(e) (3). Similar.	Technical.
(d) Prohibition on activities as to partisan or nonpartisan political activity associated with a candidate for public or party office, and against voter registration activity, except (i) legal representation, and (ii) transportation to the polls.	§ 904(e) (3); § 905(a) (7). Same thrust, however, much more carefully and tightly worded. A much better prohibition.	S. 3010 opens the door to many abuses: no prohibition on use of facilities, etc.; no prohibition on grassroots campaigns; no prohibition on campaigns as to constitutional amendments, bond issues, referenda, etc.; permits almost unlimited voter work.
§ 908. Access to Records and Documents Related to the Corporation.		
(a) Records and documents as to grants and contracts open to public.	No such provision.	
(b) Reports as to evaluations, inspections, and monitoring are not available to public; only summaries are.	No such provision.	A bad provision; should be open to public to search for information as to publicly-funded projects.
(c) Comment available as to rulemaking.	No similar provision.	
(d) Subject to Freedom of Information Act.	No similar provision.	
§ 909. Financing of the Corporation. Such funds as are necessary for any fiscal year, plus carry-over funds.	§ 908. Financing. Similar provision.	
§ 910. Records and Audit of the Corporation and the Recipients of Assistance.	§ 907. Audits.	
(a) Annual audit by independent public accountants.	(a) Similar provision.	
(b) May be audited by GAO.	(c) Similar provisions.	
(c) Recipients to keep full books; subject to audit, with exception of contracts for a fixed price.	(d) Similar provision, but with no exceptions.	No need for exception known.
§ 911. Reports to Congress. Requires annual report to the Congress and to the President.	§ 906(c). Similar.	
§ 912. Definitions.	No similar provision.	
§ 913. Prohibition on Federal Control. Nothing contained in the title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees, or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services, or over members of client community.	§ 904(c) (3) prohibits corporation from interference in lawyer-client relationships.	Provisions of S. 3010 here are very bad; virtually removes corporation from accountability to the President and the Congress, despite Federal funding. Runs wholly counter to Presidents desires as expressed in Veto Message.
§ 914. Special Limitations. Procedural due process given by Corporation for suspension or termination of financial assistance to grantees or contractees.	§ 905. Such procedures may be established within the guidelines, etc., to be promulgated by the board.	
§ 915. Coordination. President may direct particlular support functions of Federal Government be utilized by Corporation.	No similar provision.	
§ 916. Transfer Matters—		
(a) All OEO/OLS equipment goes to new corporation.	No similar provision.	
(b) Transfer of all personnel, assets, liabilities, property, and records in connection with Director's (OEO) administration of present program goes to new Corporation; OMB determines.	§ 6 of bill gives preferences to OLS/OEO personnel.	
(c) Collective bargaining agreements in effect as to OEO are transferred and made applicable to new Corporation.	No similar provision.	The new Corporation will be tied down, even in its organization period, with an AFGE contract.
(d) Transfer of grant and contract authority to new corporation.	§ 5 similar.	
Section 18(b) of S. 3010 would amend EOA by adding a new section 625 that nothing in the Act shall be construed as authorizing any infringements on powers of the new Corporation.	No provision.	

OBJECTIONABLE PROVISIONS OF S. 3010

TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

1. Sec. 902(b)—it is provided that this corporation shall be treated . . . as an organization described in section 501(c) (3) of the Internal Revenue Code of 1954 . . ." It is unwise and inequitable, by legislative determination, to confer the benefits of such tax treatment without requiring general conformance to the requirements of section 501 (c) (3), as is required of other organizations.

2. Sec. 903(b)—it is provided that the Director of OEO shall serve as the incorporating trustee for the Legal Services Corporation, and that he shall carry out his responsibilities "in consultation with the National Advisory Committee for Legal Services as constituted on April 15, 1972, pursuant to Executive Order 11007 (February 26, 1972 (sic)) . . ."

a. The referenced Executive Order was issued in 1962 by President Kennedy.

b. The intent of this provision is to insure substantial influence during the crucial, formative phase of the new corporation, on the part of the NAC. The date of April 15, 1972, was obviously chosen to make it impossible for the Administration to alter the composition of the NAC, which, as of that date, included among its 35 members 24 holdovers from the Johnson Administration, some of whom have been very visible and effective campaigners for adversaries of President Nixon. It is unclear how much power is intended to be given to the NAC by the words "In consultation with"; but from its past practice, the NAC will certainly exert heavy influence and pressure on the decisions of the Director.

It should be noted further that the Director is required to make available to the Committee "such . . . financial and other resources as are necessary . . ." Knowing the political hostility of the NAC to the Administration, this is a dangerously open-ended provision.

3. Sec. 904(a)—it is provided that 10 of the 19 board members be appointed by the President without restriction; the other 9 to be chosen from certain specified groups. The experience of the NAC teaches that there is a high degree of likelihood that the representatives of special interest groups, such as the National Legal Aid and Defender Association,

will co-opt the balance of the nine members not chosen freely by the President; it is not inconceivable that they will succeed in co-opting one or more of the 10 chosen freely. In any case, it is certainly in question whether this Board would be accountable to the President. The matter of accountability, which was so much on the President's mind at the time of the Veto Message on the Economic Opportunity Amendments of 1971, continues to be of crucial importance, and should be placed beyond doubt by making the full Board accountable to the President.

This is particularly important in light of the power of the Board. The Board selects the executive director and other officers, who serve at the pleasure of the Board, no review by the Senate being provided for.

4. Sec. 905(d)—it is provided that the Board may establish an executive committee of from 5 to 7 members. Of these, only one is required to be from among the 10 named freely by the President. In the event that a few board members were absent from the election meeting, it is conceivable that the executive committee elected could represent a minority faction of the Board; nonetheless, under the District of Columbia nonprofit Corporation Act, the executive committee has full power between Board meetings to run the corporation; its chairman need not be the chairman of the full Board; it is even possible that factionalism exist between the Board on the one hand, and the executive committee on the other.

5. Sec. 906(a)(8)—it is provided that the Corporation is authorized to "establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee . . ." The amount of discretion is virtually unlimited, and apparently is intended to permit representation of the non-poor.

6. Sec. 906(e)—it is provided that "all attorneys who are not representing a client or group of clients refrain . . ." from lobbying and legislative advocacy. This apparent limitation is easily evaded by finding a client; and since the extremely permissive rules on solicitation by legal services attorneys are codified, in Sec. 906(f), the effect is *explicit authorization* of lobbying and legislative advocacy.

7. Sec. 907(d)—it is provided that employees shall "refrain . . . from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls." Here again, the exception swallows the rule, and it is difficult to imagine activity which is prohibited by this language.

It is also provided that the "Board of Directors shall set appropriate guidelines for the private political activities of full-time employees of the Corporation . . ." Here, again, is an instance of almost unlimited discretion on the part of the Board, in a highly controversial and sensitive area.

8. Sec. 913—it is provided that no department, agency, officer, or employee of the United States shall have any direction, supervision, or control over the Corporation, its grantees, contractees or employees, or the attorneys providing legal services under this title. This section raises serious issues of accountability for the expenditure of federal funds. The language appears to be directed against the executive branch; and, in the context of complaints about "political interference" from the legal services fraternity, is best understood as an attempt to insulate the program from review by the President and Vice President.

S. 3010—Economic Opportunity Amendments of 1972

TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

1. *Federal Control* is precluded by Section 913; no "department, agency, officer or employee of the United States (may) exercise any direction, supervision or control . . ." This Section raises serious questions of accountability for a program funded with Federal revenues.

2. *Lobbying and Legislative Advocacy* by legal services attorneys are permitted under Section 906(e), as long as they are representing a client; there is no requirement that the interest of the client have a demonstrated relation to the legislative position advocated, nor is the attorney precluded from seeking a client in connection with the attorney's already-determined legislative position.

3. *Voter Registration Activity* by employees of legal services programs is permitted under Section 907(d), so long as it is limited to legal representation (the term is not defined) or activity to provide transportation to the polls.

4. *Tax Preferences* accorded by Section 501(c)(3) of the Internal Revenue Code of 1954 are guaranteed under Section 902(b) of the Bill without the requirement that the Corporation comply with the requirements of Section 501(c)(3).

5. *Board Composition* under Section 904 results in the appointment of 10 members by the President without restriction, the remaining 9 by the President from lists submitted by designated groups.

NOTE: If Title IX is not enacted, the existing Legal Services program will continue, subject to any reforms enacted by Congress.

Mr. BROCK. Mr. President, I thank the Senator for his gracious allocation of time. I support his efforts.

Mr. MONDALE. Mr. President, title IX of S. 3010 establishes a private, nonprofit National Legal Services Corporation to carry out the activities of the present legal services program now administered by OEO. Funded by Congress, the Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low-income groups.

This legislation's primary purpose is to insure the integrity and independence of the legal services program. I believe that title IX, in its present form, accomplishes this purpose.

The committee made substantial revisions in this title to meet the concerns about the Corporation expressed by the President in his veto message of December 9, 1971. The President's concerns focused on the composition of the Corporation's board of directors and the nature of the incorporating trusteeship.

COMPOSITION OF BOARD OF DIRECTORS

Under title IX, the Corporation will be administered by a 19-member board of directors, all of whom will be appointed by the President with the advice and consent of the Senate. Ten of the 19 members are to be appointed from among individuals in the general public—not less than six of whom shall be members of the bar of the highest court of a State. The remaining nine members shall be appointed as follows:

Five members, one of whom shall be appointed from recommendations made by the American Bar Association, one of whom shall be appointed from recommendations made by the Association of American Law Schools, one of whom shall be appointed from recommendations made by the National Bar Association, one of whom shall be appointed from recommendations made by the National Legal Aid and Defender Association, and one of whom shall be appointed from recommendations made by the American Trial Lawyers Association;

Two members who are representative of individuals eligible for assistance under this title, at least one of whom members shall be an individual eligible for such assistance, from recommendations made by the Clients Advisory Council established by this legislation.

Two members from among former Legal Services project attorneys from recommendations made by the Project Attorneys Advisory Council established by this legislation.

As the committee report points out:

> The procedure for recommendations to be submitted from the Advisory Councils and bar groups is identical to the procedure followed for the nomination and appointment of two of the three members of the Railroad Retirement Board, pursuant to section 10(a) of the Railroad Retirement Act of 1935, as amended (45 U.S.C. 215–23, 351–367), who are nominated by the President from "recommendations made" by employees and the carriers.

The bill which passed the Congress last year established a 17-member board of directors. While the President appointed all of these members, 11 of the 17 had to be selected from lists submitted by various groups. However, as a result of changes made by the committee, the President now has 10 "unfettered" appointments, with the remaining nine to be chosen from recommendations. I believe this change clearly meets one of the major objections expressed in the President's veto message.

INCORPORATING TRUSTEESHIP

The bill vetoed by the President established an incorporating trusteeship consisting of representatives of five professional legal organizations. In his veto message, the President objected to this provision, stating that:

> During the crucial 90-day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.

Again, the committee has met the President's objection. Section 903 of S. 3010 establishes a transition period of at least 6 months, divided into two 90-day segments. Instead of the incorporating trusteeship in last year's bill, this bill designates the Director of Office of Economic Opportunity as the incorporating trustee. In consultation with the National Advisory Committee for Legal Services—as constituted on April 15, 1972—the Director of OEO, as the incorporating trustee, shall carry out the process of incorporation and establish the initial advisory councils created under this legislation.

As the committee report points out, these arrangements for the transitional period "represent a major change" from last year's bill. The report notes:

> The effect of the change will be to preserve current administrative arrangements for the program during the transition, rather than setting up a new transitional authority.

In addition to his objections concerning these provisions of the bill, the President's veto message stressed the need to make the corporation accountable. The President insisted that his administration wanted a Legal Services Corporation "that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner."

The bill before us clearly meets that test. It creates a corporation which is fully accountable in the following basic respects:

The President appoints all members of the Board of Directors by and with the advice and consent of the Senate.

There are strong prohibitions against conflicts of interest on the part of any Board member.

Board members serve 3-year staggered terms.

The Executive Director of the Corporation is limited to a 6-year term.

Congress provides yearly appropriations.

Authorization is limited to 3 years.

Continuing oversight of program operations can be carried out by the appropriate committees.

GAO has full audit authority.

Annual independent audits are required.

Freedom of Information Act applies to the Corporation.

The code of professional responsibility and the canons of ethics apply to all lawyers employed by the Corporation or its grantees.

In addition to insuring the Corporation's accountability, title IX also establishes a corporation which is, as the President put it in his veto message, "independent and free of politics."

Despite the strong support legal services has enjoyed in the past—not only in Congress, but also from the organized bar and client groups—the time has come to insulate this program from harmful political pressures. For as a result of these pressures, the provision of legal services has become an issue to be considered politically at every level of Government. The poor are beginning to surmise that this program—in which they have developed such great confidence—will be subjected to a political litmus test.

Most of the opposition to the program has arisen because of the so-called law reform cases which these attorneys have won. The program's critics somehow consider these cases a form of legal agitation.

But the landmark cases won by Legal Services lawyers were based on real problems experienced by individual clients seeking legal assistance. When a California court prevented the Governor of California from drastically reducing payments under the State's medicaid program, it did so because a CRLA lawyer was pressing the legitimate claim of his client—a man unable to obtain a badly needed operation without medicaid.

In all of these cases, Legal Services attorneys were merely fulfilling the clear mandates of their profession. Canon 7 of the Code of Professional Responsibility states that:

> A lawyer should represent a client zealously within the bounds of the law.

Ethical consideration 7–1 elaborates on this canon in the following manner:

> The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal services attorney—like any other lawyer—cannot stop and weigh the political consequences of contemplated legal action. But those who have attempted to curtail this program are not overly concerned with the ethics of the legal profession.

Despite the impressive accomplishments of legal services, there can be no doubt that constant political interference has taken its toll. For once political pressure is apparent, Legal Services attorneys inevitably begin to consider the consequences of bringing certain types of legal actions.

There are many kinds of reprisals against a program whose attorneys are considered too aggressive in representing their clients. The next grant can be vetoed by the Governor; debilitating restrictions can be placed on the grant; and the program's funds can be reduced by cautious officials unwilling to offend powerful local interests.

These are serious and substantial fears—which many attorneys in the field have experienced at one time or another. And even if these fears do not materialize, the perception of pressure and reprisals can hamper an attorney's ability to fully and effectively represent his client.

While the legal services program has survived past attacks on its independence, its integrity, and its capacity to provide full legal representation to the poor, each challenge has drained the program's energy and diverted its resources. As long as the program remains vulnerable to political attack or manipulation, the damage will grow worse until it could be fatal.

That is why the House, the Senate, and its conferees concluded that a new structure for legal services was necessary—a structure which would insure the program's independence and which would insure that its attorneys would be able to represent their clients as required by the mandates of the legal profession.

These mandates reflect the fact that our system of justice is based on the adversary process—which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatened this adversary process. As former Chief Justice Warren has stated:

> A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kinds of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

The National Legal Services Corporation will do far more, however, than protect the professional integrity of legal services attorneys. It will help protect the integrity of our entire system of government.

Under our system, the courts are the forum of last redress. We understand as a people that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self-assurance, for our Nation—the legal services program.

I believe that our Government has reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the legal services program—that a government can offer to the powerless the opportunity and the resources needed to challenge improper acts by both private and public bodies.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

The creation of a National Legal Services Corporation is designed to insure that access. In this basic respect, it represents a traditional and time-honored means of achieving orderly change.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, the assertion that title IX of this bill S. 3010 has been written in a fashion to overcome President Nixon's veto objections of last December are plainly and demonstrably erroneous.

It is especially so on the score of accountability which the President so emphatically stressed. Also, on circumscribing political, lobbying, electioneering, and various other improperly undertaken conduct by OEO.

The proposal now before us, which we are told has been compromised to meet the President at least half way, provides that 10 out of 19 board members be appointed freely by the President, as compared with six out of 17 in the first version. The remainder of the presidential appointees are to be selected from lists submitted by organizations that are grantees or potential grantees of the Corporation, and by councils that are made up of clients and attorneys of the Corporation and who can be presumed therefore to have a special interest in the composition of the board. The bill also establishes an executive committee of from five to seven members, only one of whom would be required to be

from among the 10 named freely by the President.

The sweeping declaration of independence of section 913 which appears to be aimed primarily at the executive branch is tempered only slightly by provisions relating to an annual independent audit, an annual report to Congress, the public availability of records pertaining to grants and contracts but not including the full reports of inspection and evaluation of grantee and contractee activities, and the applicability of the Freedom of Information Act. The provision would severely inhibit OMB in its budget review and the Civil Service Commission, the Department of Justice, and the Internal Revenue Service in their efforts to monitor adherence to relevant statutes. The provision would also limit congressional review, except for audits.

I have been given to understand that the Corporation provided for in S. 3010 was modeled after the successful Corporation for Public Broadcasting. However, according to the 1967 act which established the latter Corporation, its Board of Directors, consisting of 15 members—not more than eight of which are members of the same political party—is freely appointed in its entirety by the President with the advice and consent of the Senate. Not only this, but the act stipulated that the first Chairman of the Board was to be appointed by the President. Why, then, should an exception be made in the case of the Legal Services Corporation, allowing it vastly more autonomy to carry out its mission than other quasi-public corporations have been granted? Is it that the poverty lawyers' agency is subject to more political pressures than less controversial agencies? If this is true, maybe it means that we are dealing with an agency which needs even more stringent guidelines, in respect to both its public accountability and its policy parameters. The reason for this is that unlike most other public or quasi-public agencies, the Legal Services Corporation will be involved by its very nature in activities which produce social change.

Mr. President, I have prepared a list of instances in which doubtful and perhaps highly controversial conduct was entered into by the OEO up to date, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, normally under our system of government, the only agents of social and political change that draw funds from the taxpayers are the legislative, executive, and judicial branches of our Government. Hence the need for restrictions on the Legal Services Corporation, an agency which expects to be heavily engaged in social-action law. The restrictions must be very carefully defined, lest the Corporation become a fourth arm of the government, beyond the effective reach of the people.

To put it another way, the Legal Services Corporation cannot have it both ways. If it is to be effectively insulated from undue political pressures it must itself be depoliticized even if the condition of this loss is some of the well-high total immunity claimed under S. 3010. In this regard, a more searching look at the attorney-client relationship, taken in the context of the actual historical record of OEO's legal services program, reveals a paradox. The sacred character of this relationship, so often invoked on behalf of the autonomy of the legal services program, furnishes instead an argument for more, not less, policy guidance and surveillance from Congress and the executive branch. The reasons for this somewhat surprising conclusion can be extracted from the following passage in the Report of the Policy Committee of the Neighborhood Legal Services Project—Washington, D.C.—December 1964:

> Project attorneys must not themselves seek out individuals who may have legal problems which are of particular interest to the NLSP program. Secondly, once a case is accepted by a project attorney, he must adhere to the cardinal principle of legal representation that the individual client's interests are paramount. This principle becomes of particular relevance because several of the criteria discussed below as important in the selection of cases to be accepted for direct handling by NLSP relate to the role such cases might play in advancing certain group interests, as opposed to the interests of the individual client. The committee deems the potential contribution of certain types of cases to group interests, such as the raising of significant legal issues or the support of Community Action non-legal programs, wholly appropriate as a factor to be taken into consideration in the selection of cases to be accepted for direct handling by the NLSP. But once a given case is accepted by NLSP, then the individual interests of the client must control, and any group interests which might be in conflict with the interests of the individual client must be ignored. For instance, a situation might arise where a legal issue with significant ramifications for indigents could be resolved by taking a given case to trial. However, a settlement is offered the NLSP client which would be in his best interest and which he desires to take. In this situation the Project attorney handling the case must choose to accept the settlement even at the expense of mooting the legal issue. The Staff Director will seek to instill in the NLSP staff members a recognition of the critical importance of serving the interests of the individual client and should insure adherence to that principle in all cases.

The foregoing quotation brings into clear focus the hazards that, judging from the past performance of the legal services program, poor people are apt to encounter when they apply for legal assistance from the Corporation as presently envisioned. The quotation underlines the need for tightening the Corporation's accountability to the public, in order to protect the attorney's accountability to his client and reduce the risk of cases being subordinated to causes and of poor individuals being used, in class-action suits and test cases, as instruments to advance the philosophical or political objectives of the attorneys or of whatever faction happens at the time to constitute a majority of the board. That the risks mentioned need to be taken seriously is confirmed by the pattern of advocacy pursued by OEO's legal services offices in the past. The cases which will be cited below comprise, for the most part, a series of frivolous and harassing actions, many of which were undertaken on behalf of nonpoor clients and which were therefore irrelevant to the antipoverty effort and wasteful of limited program resources. Other cases betray a persistent attempt to weaken or destroy the established sources of authority and social order in this Nation. Most of the cases reflect an intoxication, on the part of young OEO lawyers, with social-action law, where the hero is the lawyer as reformer, the lawyer as organizer, the lawyer as revolutionary, the lawyer as a David who takes on the Goliath known as the System, rather than the lawyer who is bogged down in penny-ante housing complaints.

There is no question that much of the hostility generated by OEO's legal services program throughout the country is the result of its suits against the Government. John Ferren, a teacher at Harvard Law School, says:

> The problems of the poor are mainly with Government agencies.

There is also little doubt that it is government, at the Federal, State, and local levels, which will continue to be a principal target of any independent Legal Services Corporation which is eventually set up. I should mention in passing that the wings of the legal services attorneys may be clipped a bit—though given their ingenuity probably not permanently—if the Congress votes to uphold a proposal by the Senate Finance Committee which would bar the use of Federal funds for welfare suits against the Federal Government, without specific authorization from the Attorney General. Certainly many people find something odd, if not outrageous about the U.S. Government financing, through the legal services branch of OEO, lawsuits against itself. On the other hand it is not uncommon for attorneys on the Federal payroll to sue State and local governments. The Justice Department has initiated scores of such suits in civil rights matters. It is, in fact, an act of great self-confidence for a government to provide the means for testing the legality of its practices. We have written laws and created government agencies that provide food for people who are hungry, homes for people who are homeless, and jobs for people who are unemployed. Consequently a lawyer who is going to represent poor people is inevitably going to find himself cast, at times, in the role of adversary to the Government.

I will not deny that, as a result of the activities of many legal services attorneys, useful policy changes have frequently resulted in all of the above-mentioned areas: prison reform, police-community relations and the rest. What does bother me, though, is the tendency of many OEO lawyers to initiate class-action suits on behalf of the nonpoor, thus diluting the impact of the antipoverty effort, and then to use these suits against Government agencies as a means of implementing their private views on the solutions to socio-political problems. The history of the legal services program affords numerous instances of cases taken on the grounds that the principle at issue was of interest to poor people generally. Is it proper for Federally funded attorneys or the agency which employs them to determine on their own what public policies are best for the poor, and then to take on noneligible clients simply because it suits the lawyers' personal political prepossessions to do so? Sometimes it seems as if the typical legal services attorney is more interested in changing the law than helping the poor.

Another area where past and possible future involvement of legal services attorneys causes me great concern is that of busing. A few months ago, for example, a legal services unit in New York instituted a class action suit to bring about busing for the purpose of achieving racial balance, despite the fact that Congress and the higher courts have yet to resolve this immensely complicated issue. It seems inappropriate, to say the least, that at this juncture in the evolution of the problem, when the conventional wisdom on the subject is being challenged by new studies on the failure of busing to produce academic improvement among the disadvantaged, Federal funds should be expended to support legal action either for or against busing. But this is a distinct possibility, if S. 3010 is passed without amendments or additional guidelines. Perhaps there should be a moratorium on legal services attorneys' participation in busing cases.

I am also uneasy about some of the other sideline activities of dubious legality indulged in by legal services attorneys. Is it right for Government-financed attorneys to assist in the organization of welfare rights groups and tenant unions, a principal part of whose agenda consists in disruptive lobbying? Is is right for these same attorneys to give aid, comfort and legal support, to persons participating in rent strikes, demonstrations, mass sit-ins, boycotts, and other forms of direct action that lapse, from time to time, into violence?

This brings me to another point of the utmost gravity. Frankly I am disturbed, very disturbed, over a trend discernible among a number of the attorneys employed in the legal services program, to exploit volatile social issues such as busing, welfare, prison reform, discrimination, and so forth, in order to mount a radical assault upon the institutions—"those sacred institutions" in the sneering words of one of them—of a society which pays their salaries. When President Nixon unveiled his plan to reconstitute OEO's legal services program as an independent corporation, he praised the program as an "effective mechanism for settling differences and securing justice within the system and not in the streets." This, of course, was the primary justification of the legal services program all along. But it seems to me that from time to time a sinister element has surfaced throughout the country among OEO's 2,000 attorneys, the great majority of whom I have no doubts at all are dedicated and loyal Americans working at low salaries to improve the lot of the poor.

The minority of attorneys I refer to are those who appear to have lost faith in our system and whose sympathies now lie with the radical left. Because of the activities of these attorneys, many in the radical left now regard the federally funded Legal Services program as the principal vehicle for the organization of the revolution in America. How ironic that OEO, an agency once hailed as the "cutting edge" of an innovative war on poverty, should have fathered a program that is now viewed in some circles, however unjustly, as the cutting edge of the Movement to derail the hated system. How ironic and how tragic that an attempt to redress the grievances of the poor in the courts rather than in the streets, should be used as a cover for those who, by using the law against the law, hope to achieve in the courts and in the legislative chambers what they could never have won in the streets. It is considerations of this nature which prompt me to recommend to my distinguished colleagues that we fully debate the wisdom of launching the Legal Services Corporation without a stronger provision for accountability, and more specific instructions as to what will and will not be permitted.

Thus far, I have examined the need for accountability from two successive standpoints: first, that of an agency which, though incorporated on a private, nonprofit basis, is nonetheless, federally funded and therefore subject to scrutiny, monitoring, and a measure of control by the various branches of the Federal Government and second, that of a federally funded agency which, being a potent instrument for social and institutional change, is doubly accountable to the taxpayers who pay its bills.

LOBBYING

The element of accountability becomes absolutely crucial where the quasi-public agency in question is not only a catalyst for social change but engages in legislative advocacy, or less euphemistically, lobbying. Here the agency should be considered accountable not only in a general way to the public and the elected representatives of the public, but specifically to the Department of Justice, by virtue of a criminal statute against the use of Federal funds for lobbying, and to the Department of the Treasury, if the agency claims tax-exempt status under the Internal Revenue Code. In addition, the agency, to the extent that it lobbies, is subject to the congressional surveillance provided for in the Federal Regulation of Lobbying Act.

An OEO pamphlet entitled "The Poor Seek Justice" opens one of its chapters with the following sentence:

> A primary goal of the Legal Services Program is to reform substantive law in the interests of the poor.

Fred Speaker, a former director of OEO's Office of Legal Services, in a speech delivered in November 1971 at a meeting of the National Legal Aid and Defender Association at Denver, distinguished three techniques of law reform: First, litigation—including individual suits, class actions, and test cases—second, administrative rule-changing, and third, legislative advocacy or lobbying. Mr. Speaker indicated that of these three techniques, it was lobbying which was the weapon of choice for the future. The following is a passage from his speech:

> In many instances the frontiers of reform are most open and most attractive in the legislative halls. Statutory reforms are more permanent than administrative rule changes. And many of the early judicial victories have already been won. Thus it is good that the authority for legislative advocacy is clear in the present laws, and will continue to be clear under the proposed new legislation (for a Legal Services Corporation). We have the clear right and certain duty to lobby in appropriate circumstances.

I have carefully looked through what I take to be "the present law" referred to, the Economic Opportunity Act of 1964, as amended, and can find no such mandate for legislative advocacy or lobbying. As a matter of fact, an OEO regulation, parts of which are reproduced in S. 3010, sharply restricts the kinds of lobbying that OEO grantees can engage in. I am somewhat dismayed that, Mr. Speaker, a lawyer of repute, should choose his words so loosely. The only other reference in his speech to a legislative mandate is the statement: "Law reform must be a first mission because the statute says so"—giving us the charge to "eliminate the paradox of poverty." But it will take some doing indeed to find in the phase "eliminate the paradox of poverty" a statutory mandate for law reform in general, much less for the species of law reform known as legislative advocacy.

In any event, Mr. Speaker is quite correct when he observes that authority for legislative advocacy will be clear under the proposed new legislation. The passage, section 906(e), which spells out the lobbying "mandate" is as follows:

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

There are two points that should be noted in particular, in connection with the above passage. The first is that despite the amount of space taken up by the enumeration of the restrictions on lobbying, a blank check for lobbying is made available for attorneys when they "are actually engaged in representing a client or group of clients". This "mandate" to lobby on behalf of clients has its source, we are told by the advocates of legislative advocacy, in Canon 8 of the Code of Professional Responsibility, which, according to Ridgway Hall in an article in the New Republic "directs each lawyer to work for law reform through legislative and other means whenever he believes the need is there". Mr. Hall adds that "just as effective representation of a paying client may include lobbying, so should it be permitted in the case of a nonpaying client," blithely ignoring the possibility that the two cases may not be analogous at all, if it is the Federal Government which picks up the tab for the nonpaying client. The criminal statute on lobbying would not go away, and there can be no question which of the two, Canon 8 of the Code of Professional Responsibility or the statute, takes precedence.

The second point that emerges from a close analysis of the above-cited passage from S. 3010 is a bit more subtle. There are three restrictions on lobbying listed, when such lobbying is not being carried on in the name of a client. No funds shall be used for lobbying a. which is disruptive of the legislative process, b. which takes the form of demonstrating or picketing at the home of a legislator or c. which is accomplished through advertising in commercial media. These three restrictions exactly parallel, in fact they repeat almost verbatim, three of four restrictions listed in the OEO regulation on Lobbying—OEO Inst. 6901-01. The fourth restriction, whose omission in S. 3010 is obviously intentional, is expressed in the OEO regulation as follows:

> Project funds may not be used to support . . . any campaign of letter writing, or of other mass communications, or of mass vists to individual Members of Congress or State legislatures for the purpose of influencing the passage or defeat of legislation.

The lobbying referred to is a form of what is known as "grassroots" lobbying, wherein the lobbyist, instead of directly contacting legislators himself as the traditional paid legislative agent does, solicits others to do so. The reasonable inference to be drawn from the omission of this restriction of S. 3010 is that legal services attorneys, when lobbying on behalf of their clients, may go beyond personal contacts with legislators, and stir up whatever amount of grassroots lobbying is required for their purposes. It should be observed that no attorney worth his salt should find it difficult, under the provisions of S. 3010, to locate the clients needed to justify his lobbying projects.

The total commitment of the proposed Legal Services Corporation to saturation lobbying as the advocate's principal tool in future attempts to reform the law is quite evident from an article written in the OEO-funded "Clearinghouse Review" by Mickey Kantor. Mr. Kantor who is credited with being one of the principal architects of the draft for S. 3010, wrote, in an article entitled "Legislative Advocacy":

> Litigation was initially viewed as the most relevant and productive forum for the poor . . . With all its benefits, litigation remains expensive, time-consuming, often frustrating (Might one not also say: Litigation is boring and unglamorous compared with drafting legislation which is subsequently enacted?) . . . Similarly litigation can be dysfunctional in terms of building organizational strength among the poor . . . The National Legal Services Corporation Act, as proposed by the Senate and House conferees, clearly authorized legislative advocacy by Legal Services attorneys on behalf of their clients . . . In attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation . . . A legislative strategy must be developed . . . Is a "grass roots" effort required to develop support among legislators? If so, how is it to be organized? Who does the organizing? . . . The state "back-up" centers in Massachusetts, Michigan, and Ohio have been invaluable resources in the area of legislative advocacy . . . The Director of Legal Services (Mr. Speaker) has noted the importance of legislative advocacy. The first priority of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area . . . Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litgation as an advocacy tool . . . (my parentheses).

Mr. Kantor is more cautious than Mr. Speaker and makes no claims about a mandate for legislative advocacy in the Economic Opportunity Act. He contents himself with the observation that the Act does not prohibit such advocacy. He professes to be somewhat puzzled by the reluctance on the part of OEO attorneys in the past to engage in lobbying and attributes their inhibitions to a misinterpretation of OEO regulations. Now it is incredible to me that Mr. Kantor, obviously erudite and well-versed in the law, should overlook the most likely source of such inhibitions: Section 1913 of title 18 of the U.S. Criminal Code. The section, entitled "Lobbying with Appropriated Moneys," reads in part:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation;

Criminal penalties are provided for any Federal employee who violates this statute. OEO officials clearly had a very good reason for requiring their attorneys to refrain from legislative advocacy, Mr. Kantor to the contrary notwithstanding. Given the criminal statute, one of the first advocacy assignments of the new Corporation would presumably be a lobbying campaign to repeal the statute.

Now the statute in question merely reflects a taboo embedded in our political tradition and as old as the Republic: the principle that the Federal Government ought not to use taxpayers' dollars to subsidize ideological, philosophical, political or partisan points of view. The same taboo underlies the principle of separation of church and state. The taboo was probably inspired, in part, by the feeling that is unfair to use common tax moneys to promote the views of one particular faction rather than another.

In 1959, in *Cammarano* v. *the United States* (79 S. Ct. 524), the U.S. Supreme Court made the following statement regarding tax exemption:

> As early as 1934 Congress amended the Code expressly to provide that no tax exemption should be given to organizations, otherwise qualifying, a substantial part of the activities of which "is carrying on propaganda, or otherwise attempting, to influence legislation," and that deductibility should be denied to contributions by individuals to such organizations. And a year thereafter, when the Code was for the first time amended to permit corporations to deduct certain contributions not qualifying as "ordinary and necessary" business expenses, an identical limitation was imposed. These limitations, carried over into the 1939 and 1954 Codes, made explicit the conclusion derived by Judge Learned Hand in 1930 that "political agitation as such is outside the statute, however innocent the aim * * *. Controversies of that sort must be conducted without public subvention; the Treasury stands aside from them." Petitioners are not being denied a tax deduction because they engage in constitutionally protected activities, but are simply being required to pay for those activities entirely out of their own pockets, as everyone else engaging in similar activities is required to do under the provisions of the Internal Revenue Code. Nondiscriminatory denial of deduction from gross income to sums expended to promote or defeat legislation is plainly not "aimed at the suppression of dangerous ideas." Rather, it appears to us to express a determination by Congress that since purchased publicity can influence the fate of legislation which will affect, directly or indirectly, all in the community, everyone in the community should stand on the same footing as regards its purchase so far as the Treasury of the United States is concerned.
>
> Affirmed.

I believe this expresses very clearly the taboo to which I refer. But that taboo is also based on an inherent American suspicion of the power of government, a fear that is compounded when this power is alined behind a particular creed or ideology, posing a threat to our civil liberties and first amendment rights. In the same case before the Supreme Court, Justice Douglas concurred in the opinion by stating:

> Congress has not undertaken to penalize taxpayers for certain types of advocacy; it has merely allowed some, not all, expenses as deductions. Deductions are a matter of grace, not of right. To hold that this item of expense must be allowed as a deduction would be to give impetus to the view favored in some quarters that First Amendment rights must be protected by tax exemptions. But that proposition savors of the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State. Such a notion runs counter to our decisions and may indeed conflict with the underlying premise that a complete hands-off policy on the part of government is at times the only course consistent with First Amendment rights.
>
> With this addendum, I concur in the opinion of the Court.

This taboo is reflected in yet another statute, the section in title 26 of the Internal Revenue Code which deals with a kind of indirect Federal subsidy; namely, the exemption of certain organizations from the requirement to pay taxes. Now section 902(b) of S. 3010 provides that:

> The Corporation shall be treated . . . as an organization described in section 501(c) (3) of the Internal Revenue Code of 1954.

Under the referenced section of the Code, the Corporation would not only pay no income taxes, it would also be eligible to receive tax-deductible contributions. But in order to qualify for such an exemption, the Corporation could not engage in lobbying or legislative advocacy, even on behalf of a client, as any substantial part of its activity. In short, it is my understanding that either the function of legislative advocacy must be deleted from the proposed legislation, or the section providing that the Corporation be treated as a tax-exempt organization under 501(c)(3) of the Code must be taken out. One wonders what the persons who drafted this bill had in mind? Would the act establishing the Corporation take precedence over and nullify the exemption requirements of the IRS Code? This would either result in legislative chaos or it would constitute an inequity of the grossest sort, conferring by fiat and without either court or IRS review, a privileged status on legal services lobbyists while denying the same status to other public and privately funded organizations. On the other hand, if the Corporation should elect to retain the lobbying prerogatives—though how this could be done in the face of the criminal statute is not evident—and move from tax-exempt status under 501(c)(3) to a different category of tax exemption covered by 501(c)(4), it would render itself ineligible for tax-deductible contributions, donors would disappear and the burden on the taxpayers would be correspondingly increased.

There are many other troubling questions which are raised by S. 3010, particularly in the context of the legal services program's activities in the past. What screening procedures should be used in selecting attorneys? Should residence in the target area be required for attorneys? Should there be a bar to hiring persons active in organizations designated as "subversive" by the Attorney General? Should more lawyers be recruited who are not recent law school graduates? Should persons convicted of felonies be barred from the staffs of legal services grantees? Should aid to "underground newspapers" be disallowed? What should be the relationship of lawyer and client—under the staff attorney system, the client has little bargaining power with the attorney. Can some variation be tested or developed? How can legal services grantees be required to more fully serve the elderly poor? Should legal services attorneys be subject to civil service? How much can Congress hope to achieve by specific amendments? Despite what seemed to me clear language prohibiting criminal representation, former Director of Legal Services was still able to say, last November:

> There are criminal cases which virtually mandate the involvement of Legal Services lawyers . . . I am confident that creative attorneys will continue to find a way to litigate these issues in a civil context.

What about activities prohibited during regular duty hours, yet permitted on free time under the language of the bill before us? Where does official time stop and free time begin? Would prohibited activities be permissible during lunch hour? Is it enough to leave such decisions about "outside practice of law," voter registration, and political activity to the discretion of the Corporation, rather than specific determination by Congress? Should not legal services personnel be made subject to the same Hatch Act restrictions which govern civil service employees and Justice Department lawyers? On another matter, under the committee language, one could construe that assistance in providing transportation to the polls is specifically allowed. Is that the intent?

My purpose in raising these issues and concerns is not to challenge the concept of legal services for the poor or to question its continuation. The principle of furthering equal access to the law is one which ought to be and will be maintained. Nonetheless, I feel that title 9 of S. 3010 poses crucial issues of law and public policy which need to be more carefully considered. I am particularly concerned, as I have indicated previously, about the problem of legislative advocacy and the propriety of the Government authorizing the funding of a lobbying activity for the first time in our history, I believe. This issue has never been fully debated by Congress. Because of its gradual development, almost unnoticed by this body, and the obscurity of the premises that underlie it, the issue has, as it were, caught many of us unawares. I am genuinely alarmed at the prospect that the historical taboo against governmental subsidy of controversial views will be violated with our connivance, and that the practice of government-supported lobbying will become institutionalized.

In sum, the question before us is: Should a new, semiautonomous Corporation, weakly accountable and empowered to lobby, be established at this time as the home for the current legal services program? In the light of the problems which have plagued that program in the past and which I have discussed earlier, and in view of the likelihood that those problems, instead of being resolved, would simply be carried over and possibly intensified in the new Corporation, the answer to the question, I submit, must be "No."

I thus believe that the Senate should give considerable further and more intensive consideration to the proposal for a Legal Services Corporation before final enactment of legislation creating such an entity.

The motion to commit with instructions should be adopted. It would strike title IX which seeks to create a Corporation for Legal Services.

But the motion if adopted would not impair in any way the further functioning of the legal services program now in effect.

EXHIBIT 1

1. The Penal System:

Suit challenging confinement (solitary) of prisoners engaging in disruptive activities. Workman v. Mitchell, No. 8–71C3 (W.D. Wash., filed July 2, 1971); plaintiffs represented by Legal Services Center (Seattle, Wash.) and Pierce County Legal Assistance (Tacoma, Wash.).

The above is merely one instance of numerous efforts, engaged in by Legal Services attorneys and financed with Federal funds, to challenge prison regulations governing the disciplining of inmates, the introduction of inflammatory literature in prisons, etc. Legal services units have also been involved in assisting "prisoners rights" organizations, extending the concept of prisoners rights to a point frequently inconsistent with the maintenance of order in penal institutions, and promoting the view that persons in prison, especially those who belong to minority groups, are, no matter what their offense, "political prisoners" rather than criminals.

The former Director of Legal Services, Fred Speaker, argued that "Effective advocacy implies challenges to institutions which deny equal opportunity . . . The Attica holocaust can become the focal point for correctional reform. Legal Services lawyers have a right—indeed a duty—to examine the need for change in our correctional system, plan a strategy for overcoming the inertia of injustice, and participate in reform." What all this has precisely to do with the anti-poverty mission of the legal services program is not made clear.

2. The School:

a. Publication of a major article, "Legal Education of Youth: How to Develop a High School Program, appearing in 5 Clearinghouse Review 588 (January 1972), and which article concerned itself with dress codes, possible actions against school administrators, etc., with virtually no discussion of matters relating to poverty. The Clearinghouse Review is published with funds provided through a grant from OEO to Northwestern University.

b. Suit challenging the scope of authority allowable to high school student courts to censor the contents of their own schools' newspapers. *In re* Sklarsky (Board of Education of New York City, July 20, 1971. It is encouraging to note that only information assistance to appellants was provided in this instance.

d. Suit challenging a school district's proceedings as to student suspension, expulsion, or disciplinary transfers. Romain v. Los Angeles Unified School District, California Court of Appeals, 2nd Civ. No. 37463; represented through the Western Center on Law and Poverty.

The above are only a few of the many instances of intervention by OEO's legal services attorneys in the traditional operation of our school systems, in an effort to: (1) minimize the authority of teachers and administrators over students, (2) exacerbate disciplinary problems by building a code of "students' rights" and (3) promote systems of "non-competitive education" (no grades, automatic promotions etc.) resulting in diminished respect among students for teachers, administrators and the educational system in general.

In each of the above cases, the questions recur: what has this to do with the anti-poverty program? what ideological point was the attorney trying to make against the System?

3. The Family:

Suit to vindicate constitutional rights of minor, despite parental objections. Mich. Ct. App. June 1971. Plaintiff represented by Upper Peninsula Legal Services, Inc. Marguette, Mich.

In July 1971, the Deputy Director of the Legal Services' National Juvenile Law Center suggested that "courts are sometimes grossly insensitive to parent-child conflict" and said ". . . serious parent-child conflicts exist which the law generally ignores." His solution? ". . . remove the parent from the picture by requiring that counsel be provided for the child in all cases when delinquent acts are charged or the child is alleged to be in need of supervision." "Realistically, however," he added, "this ideal solution would be met with fierce resistance by the guardians of the public purse and by the "child-savers" of the juvenile court."

As the above reference suggest, the legal services lawyers, whose function is supposed to be to assist the poor, are breaking new ground in the field of "juvenile law". Apparently the "child-parent relationship" is not endowed with quite the same sacred character as the "attorney-client relationship". Litigation includes attempts to transfer parental decision-making authority to the schools and social agencies, and to extend the legal concept of "childrens' rights" so as to restrict parental authority to train, control and discipline children. Previous restrictions on parental authority were aimed at such mundane things as prevention of physical abuse of children, but the new era of "childrens' rights" has dawned, and children, if the OEO lawyers have their way, will soon be following the example of prisoners, conscientious objectors, homosexuals and welfare righters, by organizing mass marches against—"Oppressive Parents United" (?)

4. The Police:

a. A suit challenging the arrests of "happy minors". Youth Coalition for Self-Defense v. Berkeley Police Department, Civ. No. C 701682LHB (N.D. Cal., Aug. 7, 1970); plaintiffs were represented by the Youth Law Center of San Francisco, Calif., and the Berkeley Neighborhood Legal Services, Calif. One of the attorneys working on this case for the Berkeley Neighborhood Legal Services was a Reginald Heber Smith Fellow, Stephen M. Bingham; Mr. Bingham is now a fugitive from justice and is being sought for allegedly delivering the handgun used by George Jackson in his attempted escape from San Quentin.

5. A class action suit to enjoin police surveillance of Chicano anti-war organizations. Ramirez v. Cabellos, U.S. District Court, Los Angeles, Calif., No. 70–2746–FW; represented by the "Police-Community Relations Task Force" of the Western Center on Law and Poverty, Los Angeles, Calif., an OEO-funded center.

The police, of course, are the favorite targets of the Movement, which regards the OEO legal services resources as a prime weapon for radicalizing the downtrodden, and getting even with the repressive "pigs". Implicit in much of the legal action against the police are assumptions of the following sort: (1) it is not only justifiable but laudable to violate "unjust" laws (the test for an unjust law is generally: do I dislike it?); (2) Any member of a disadvantaged group who commits a crime, a mugging for example, is not a criminal but an alienated revolutionary who is merely protesting the injustices of the System; (3) Crimes against society are not only explained but are justified by the economic and/or social inequities of our system.

5. The Military:

Conscientious objector status sought by project attorneys for an inductee. Goodwin v. Laird, No. C–70 808 AJZ (N. D. Cal., June 19, 1970). Petitioners represented by the Legal Aid Society of Monterey County, California.

Legal services lawyers have represented enlisted men challenging military discipline procedures, and draftees opposing induction status. The result has been a tendency on the part of the public to identify the legal services program with the anti-militarist, anti-defense spending, ant-war movements. Military discipline, like discipline everywhere, as seen from the viewpoint of if social-action law, is repressive and therefore fair game for the sophisticated attack weapons in the legal services arsenal.

6. The Government:

a. Class action challenging Texas reapportionment as to the Texas House of Representatives. Regester v. Bullock, No. 5386 E. Tex., filed October 1971). Plaintiff-intervenors represented by the Mexican-American Legal Defense and Educational Fund.

b. Suit challenging the state constitution's ballot qualification requirements for minority party candidates. People's Constitutional Party v. Evans, No. 9120 (N.M. Sup. Ct., Dec. 6, 1971). Plaintiffs represented by the Legal Aid Society of Albuquerque.

Mr. HRUSKA. Mr. President, I reserve the remainder of the time allotted to me and yield for 5 minutes to the distinguished Senator from Arizona (Mr. FANNIN).

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Arizona is recognized for 5 minutes.

Mr. FANNIN. Mr. President, I thank the distinguished Senator from Nebraska for yielding me this time, and I commend him for his desire to see that the legal services program is held within the limits of the intent of Congress.

Mr. President, the concept of providing legal aid to the poor is a noble idea. Certainly few if any of us would deny the justice and the wisdom in such a program.

But the legal services program has been perverted into a political instrument that is being used to work for extreme political causes. I believe that this is very, very dangerous for our Nation. I believe that it will be even more hazardous if the present provisions of title IX are included in this legislation.

I know that there are those in this Congress who have great sympathy for some of the causes that the legal services program pursues. I would suggest to you, however, Mr. President, that this might not always be the case.

Congress has created an agency which is impossible to control.

Let us look at an article written by Rowland Evans and Robert Novak entitled "Defending Poor or Violent?"

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENDING POOR OR VIOLENT?

(By Rowland Evans and Robert Novak)

Just what the fierce struggle over the anti-poverty Legal Services program is really about was dramatized this week during the civil disobedience attempt to bring the nation's capital to its knees.

As part of its Herculean effort to keep the government functioning, the Washington Metropolitan Police Department arrested thousands of the young foot soldiers used by the New Left extremists in the May Day disturbances. Before many hours had passed, young lawyers from the federally financed ($1,125,844 this year) Neighborhood Legal Services of Washington were turning up to offer free legal counsel to protesters who had attempted to bring the Federal Government to a standstill.

Present law permits such anomalous activity for Neighborhood Legal Services and other local agencies operating under the Office of Economic Opportunity's Legal Services program. But the real question goes to basic policy; Should a program intended to help poor people be turned into a legal relief program for political dissenters, mainly middle class, accused of breaking the law?

Here is the nub of the new showdown in Congress between a bi-partisan coalition of liberals and the Nixon administration. The administration bill introduced Wednesday would not only prevent federal funds from being used in criminal cases (such as the May Day protest here) but would even bar Legal Services attorneys from getting involved in their spare time.

The rival liberal bill, sponsored by Democratic Sen. Walter Mondale of Minnesota and Republican Rep. William Steiger of Wisconsin, would even remove the present prohibition against helping defendants in criminal suits after the indictment stage. What's more it does not clearly retain the present requirement that only the poor qualify for aid. Thus, the way would be open to provide federal aid to middleclass warriors of the New Left "revolution."

Indeed, the Legal Services fight mirrors the broader battle over poverty fought out since President Nixon took office. The Nixon administration has been bitterly attacked for trying to make OEO an instrument of bread-and-butter help for poor people instead of a generator of revolution, peaceful or otherwise.

Nowhere has this conflict been clearer than in Legal Services, perhaps the single most successful of OEO programs. Actually, in its nonpolitical aspects, there is very little difference between what the Mondale-Steiger bill and the administration bill attempt—contrary to scare stories spread around Washington by the radical young lawyers who either dropped out of the Legal Services program under Mr. Nixon or were fired.

Both bills would end OEO's jurisdiction over Legal Services and put it in the hands of a quasi-public corporation. Both would permit the filing of class-action bills, designed not merely to help an individual but to reform the law. The vast difference between the two approaches, however, becomes clear in two Colorado Legal Services incidents.

In 1970, Legal Services lawyers were found defending Fountain (Colo.) high school students charged by school authorities with wearing long hair though none remotely qualified as being poor.

Terry Lenzner, then head of OEO's Legal Services Division but fired last November, sent out a letter reminding the Colorado office that such work must be done on the lawyer's own time but encouraging them to seek out just such civil liberation causes.

With Lenzner gone, a different approach was taken a few weeks ago when a lawyer from a different Legal Services office was found defending a Grand Junction (Colo.) student on school suspension charges and, using official stationery, asking the youth to help distribute draft-evasion literature. This time, OEO sent out a stiff letter of reprimand.

Indeed, the Nixon OEO has been waging a cold war against such practices: a Florida office defending a high school student criminally charged with wearing the American flag on the seat of his pants; the New Orleans office representing Black Panthers; lawyers from a Los Angeles county office helping a defendant in a Weatherman bombing case.

Whatever the merits of such cases, the position of OEO Director Frank Carlucci (and before him, Donald Rumsfeld) has been that a program designed to help the poor has no business in New Left politics. That, in essence, is what Congress is being asked to approve or disapprove in the legislative battle over Legal Services now beginning.

Mr. FANNIN. Mr. President, let me read one excerpt from the article:

> Present law permits such anomalous activity for Neighborhood Legal Services and other local agencies operating under the Office of Economic Opportunity's Legal Services program. But the real question goes to basic policy; Should a program intended to help poor people be turned into a legal relief program for political dissenters, mainly middle class, accused of breaking the law?

A tremendous amount of money was spent in that regard at that time in 1971. There are more recent events, to which I referred to a few days ago, which cause deep concern about the legal services program as it has been conducted. I particularly am troubled about the activities of legal services attorneys in the area of lobbying, or as it is sometimes called, legislative advocacy.

Providing legal assistance to poor people about problems with their landlord, or about marital difficulties, accords with the vision most of the Members of Congress had in supporting the legal services program. And there is, unquestionable, considerable authenticity in that vision. But it is equally unquestionable that many of the legal services attorneys have engaged in lobbying, both at the Federal and State governmental level. This is a matter of policy within the program.

Earlier in the discussion of this subject I mentioned the California rural legal assistance program maintains on its staff, attorneys designated as legislative advocates, whose responsibility is to lobby the State legislature in Sacramento.

As a further example, I referred to a copy of a letter from the director of the Maricopa County Legal Aid Society of Arizona advocating participation in a political dispute involving the unionization of farm labor. This letter clearly demonstrates what kind of role the legal aid society conceives for itself. Even though the director disclaims any official participation by the Legal Aid Society, he asks that members of the legal services programs participate in this dispute to the extent of assisting in the recall of Arizona's Governor. Notwithstanding the disclaimer of official support, the director has by his own letter involved the Legal Aid Society since the letter is directed not to private individuals, but to members of the "Legal Services Programs" over which he has supervision.

Mr. President, I find it hard to believe this disclaimer. A letter written by a private individual is one thing, but one which carries an official designated title of the director of the Maricopa Legal Aid Society clearly implicates the society, notwithstanding his efforts to disclaim any official involvement. It is a serious matter when a federally supported organization is encouraged by its director to participate in a "political controversy." Such encouragement is wrong and should be prohibited.

The PRESIDING OFFICER (Mr. BURDICK). The time of the Senator from Arizona has expired.

Mr. HRUSKA. Mr. President, may I inquire how much time remains on this side?

The PRESIDING OFFICER. Eleven minutes.

Mr. HRUSKA. I thank the Chair. I yield 3 additional minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 additional minutes.

Mr. FANNIN. Mr. President, I feel sure that every Member of this body supports the concept of equal access to the system of justice, for the poor as well as for the rich. But that is not to say that legal services attorneys should be assigned to engage in lobbying activities.

There is a fundamental principle involved here, and that is that the Federal Government should not be in the business of subsidizing one particular point of view. So many of our most important constitutional rights, Mr. President, are based on the premise that Government ought not to limit freedom of thought, freedom of expression, yet here we have a program whereby the Federal Government is using tax revenues to pay the salaries and expenses of lobbyists, seeking to influence the passage of legislation reflecting their own political opinion. I think this is wrong, Mr. President. It should be stopped.

The Government has long denied tax-exempt status to organizations engaging in lobbying activities. As long ago as 1929, in the case of Slee against Commissioner of Internal Revenue, Judge Learned Hand wrote:

> Political agitation as such is outside the statute, however innocent the aim . . . controversies of that sort must be conducted without public subvention; the Treasury stands aside from them.

But in the case of legal services, Mr. President, we have been providing Federal funds directly for this kind of activity. I think the Treasury should stand aside from lobbying by legal services lawyers, too.

There may be those who argue that, without pressure from legal services attorneys, the Congress and the State legislatures will not have sufficient regard for the needs of the poor. It seems to me that it is an insult to the Members of Congress and the State legislatures to make such a suggestion. It would be a good deal more accurate to say that the legislatures do not have the same political agenda as the legal services attorneys.

Here we have legal aid attorneys going far beyond the intent of Congress.

Mr. President, the proper committee for the study of this legal services question is the Judiciary Committee. Therefore, I strongly support the distinguished Senator from Nebraska in his motion.

The letter to which I have referred comes from Bruce N. Berwald, executive director of Maricopa County Legal Aid Society in Phoenix, Ariz. It is dated June 1, 1972, and is addressed to "All Legal Services Programs."

This letter attempts to influence persons connected with legal aid activities, whether they desire such or not, and it encourages them to conduct certain activities.

The letter states:

> My purpose in writing is to ask that you encourage your family, friends, staff, client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled.

I think such activity goes far beyond the bounds of equity and far, far beyond what Congress intended when it set up the legal services program.

He states further:

> Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona.

Mr. President, they are charging that this law is unfair. Still, this legislation was passed by the legislature of the State of Arizona after careful consideration and after many hearings.

He then goes on to say:

> I am certain that you and your staff receive numerous requests for moral and financial support of various causes. It is my hope that this letter to you from me as a colleague will be something to which you will give greater attention than that which you can give to the various other matters coming before you.

Mr. President, here he states that he is not writing his colleagues as the Executive Director of this program. But then he says that he writes as a colleague. Then he says:

> Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

How could such a disclaimer be valid, Mr. President, when throughout the other parts of the letter, he refers to just what he desires them to do, what is involved, and how far he wants them to go in giving support to the recall of the Governor.

That effort is still going forward, although I understand that there have been some changes made because of the disclosure of this letter. I hope that we can accomplish what the distinguished Senator from Nebraska desires; namely, that this be referred back to the Judiciary Committee as the motion requests.

Mr. President, I ask unanimous consent that the letter to which I have referred be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> To: All Legal Services Programs
> From: Bruce N. Berwald, Executive Director, Maricopa County Legal Aid Society, 132 South Central, Pheonix, Arizona.
> Date: June 1, 1972.
>
> Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue. I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client, community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.
>
> Since Arizona is one of the largest producers of lettuce in the country, and since this is the primary product of most of the large growers, the union has called for nationwide boycott of non-union lettuce. As with the grape boycott a few years ago, the economic pressures which could be exerted upon large growers by a national boycott of lettuce, might be sufficient to force them to enter into good faith negotiations with the union concerning improved working conditions, wages, etc. There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems

locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare and various other legal problems.

My purpose in writing is to ask that you encourage your family, friends, staff, client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona. I am certain that you and your staff receive numerous requests for moral and financial support of various causes. It is my hope that this letter to you from me as a colleague will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Mr. HRUSKA. Mr. President, I have no further requests for time. I yield myself 1 minute to say that this motion is for the purpose of committing S. 3010 to the Judiciary Committee with instructions to report it back to the Senate with title IX deleted. However, approval of this motion would not affect the present existing and functioning program of legal services now administered by the Office of Economic Opportunity. It would simply take out of the bill a provision creating a corporation to carry out that function.

It is an ill-conceived and highly undesirable form of corporation. It does not meet the President's requirements, as stated in his veto message of December 1971.

It is my hope that the Senate will approve the motion. And I urge the Senate to do so.

Mr. President, I am prepared to yield back the remainder of my time if the Senator from Wisconsin is so inclined.

Mr. NELSON. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be taken equally from each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 14 minutes remaining.

Mr. NELSON. Mr. President, I yield to the Senator from New York whatever time he desires.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, in view of the fact that the pending motion will be acted on in series—that is, the motion to refer to the Committee on the Judiciary will be immediately followed by a vote on the committee report to strike out the whole Legal Services title—we are pretty much in the same situation we faced when the Senator from Tennessee moved to strike, with a significant difference:

Since that time some very constructive amendments have been adopted to this particular title. I think that the Senator from Kentucky (Mr. Cook) has rendered us all a very real service in the changes which have been made.

The effect has been to restrict lobbying. It has been done in two ways: One, by locking in any contributions to this new corporation to the income tax laws, which themselves may be very restrictive of lobbying, and second, by actual definition of the activities of the individual lawyers in the program to very materially restrict them to presenting a position upon request, either by the client, or by a legislative body, or any committee or member thereof.

Also, as a result of another amendment, the executive committee is now controlled by the President's public member appointees; that is, 10 of the 19 appointed by the President. Moreover, there is now insured a review of budget and other practices by the Office of Management and Budget, again, according to the amendment of the Senator from Kentucky (Mr. Cook).

This makes more pertinent than ever the statement by the American Bar Association, that I introduced in the Record in the debate on the Brock amendment. Not only do they support this title but they ask us to resist amendments, thus indicating the strength of their support.

Mr. President, now to sum up the two major arguments for this corporation: First, is an effort to give it a professional integrity and professional management by making it analogous to a legal aid society on a national scale. All experience testifies to the desirability of that form of organization with those functions, in addition to the normal professional sanctions applying to the individual lawyers. Second, the emphasis on the fact that it is critical to keep this program integrated and to run it in such a way as to enable it to survive and flourish because in my experience, and I think this is confirmed by many other members, there is no other program in the antipoverty field which contributes as much to the redemption of the poor from the syndrome of poverty.

There is an element of dignity involved in the poor person having his lawyer, defending his individual interest. The poor have been traditionally in a hopeless state about their standing before the law and their opportunities before Government agencies. They are conditionally victimized in respect of many things, including the sale of furniture and the sale of services to them, and in thousands of other ways. Many rascals have fattened on the poor precisely because they could find no redress.

The poor have embraced this whole idea of legal service with the greatest warmth and feeling, an idea that recognizes them as individuals equal with all others.

In fairness to the motion, one must say that the legal services program within the OEO would survive notwithstanding if the motion were carried; but the reform we are making would be thrown out the window, and I think the reform is desirable because of the troubles we have run into—precisely because of the difficulties with law reform, which caused such a storm to rise about it as to jeopardize it. Our intention now is to balance it out and to give it a professional respectability and accountability which represent an assurance to the poor that the service will continue rather than blow up in some scandal with respect to legal services rendered them.

Therefore, Mr. President, if we agree to the motion, for all practical purposes we are killing off the opportunity of the poor and jeopardizing their opportunity unnecessarily. This is really a reform and a highly desirable one to keep the program going and flourishing, to strip it of the objectionable aspects which have raised so much difficulty for it in the country and in the Congress.

Mr. President, with this motion we reach once again the question of whether we are going to establish a legal services corporation for the poor.

The administration first called for it in May 1971.

Both Houses of the Congress approved it in S. 2007, Economic Opportunity Amendments of 1971, which was vetoed by the President.

This body, in defeating earlier the amendment proposed by Senator Brock to strike the title reaffirmed again that it wants such a corporation.

The American Bar Association, and many other national and local bar associations and individual attorneys have supported it.

I ask unanimous consent that the telegram from Mr. Jaworski, president of the American Bar Association, and a number of other telegrams of support from similar organizations and individual attorneys be printed at this point in the Record.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Chicago, Ill., *June 15, 1972.*

Hon. Jacob K. Javits,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.:

The American Bar Assn supports the enactment of legislation establishing a National Legal Services Corporation having concluded that the corporation will tend to further the associations interest in preserving the independence and professional integrity of the legal services program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike title IX or which would threaten the independence of the corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the associations long standing commitment to equal access to justice for all citizens.

Leon Jaworski,
President, American Bar Association.

New York, N.Y., *June 22, 1972.*

Hon. Jacob K. Javits,
Old Senate Office Building,
Washington, D.C.:

I hope that S. 3010, providing for a nonprofit Legal Services Corporation, will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with Government as well as with private interests.

Orison S. Marden.

New York, N.Y., *June 22, 1972.*

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in working out the accommodations in the present bill and strongy urges that you support its passage without amendment. This supplements my previous communications on the legal services bill when president of the Association of the Bar of the City of New York.

Bernard Botein,
The Association of the Bar of the City of New York.

New York, N.Y., *June 22, 1972.*

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in forcing out the accommodations in the present bill and strongly urges that you support its passage without amendment.

Otto G. Obermaier,
Chairman, Committee on Legal Assistance, the Association of the Bar of the City of New York.

New York, N.Y., *June 22, 1972.*

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Thanks for the continued support of bill S. 3010. The bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment.

Donald T. Fox,
Chairman, Committee on Professional Responsibility, the Association of the Bar of the City of New York.

Camden, N.J., *June 22, 1972.*

Hon. Jacob Javits,
Senate Office Building,
Washington, D.C.:

I urge you to continue your firm support of S. 3010, without amendment, for the National Legal Services Corporation.

Joseph H. Rodrigues, Esq.

Anchorage Alaska, *June 25, 1972.*

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.:

The board of directors of Alaska Legal Services Corporation unanimously adopted a resolution supporting the National Legal Services Corporation bill without amendment.

Chancey Croft,
President.

San Francisco, Calif.,
June 23, 1972.

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.

Dear Senator: San Francisco chapter of the National Lawyers Guild strongly urges you to support Senate bill 3010 as the proposal came from committee. Specifically we recommend that only 10 of the 19 regional heads of legal services be appointed by the President.

Very truly yours,
Gordon Gaines,
President, San Francisco Chapter, Lawyers Guild.

Santurce, P.R., *June 22, 1972.*

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Sir: It is my understanding that the Legal Services Corporation at view S. 3010 is coming before the consideration of that body and I do respectfully request your enthusiastic and valuable support in behalf of this legislation. Legal services for the poor will start shaping up into a reality with the passage of this view without amendment and I certainly thank you in advance for your efforts toward the attaining of this goal.

Cordially yours,
Jose A. Cabrera,
Executive Director.

San Francisco, Calif., *June 23, 1972.*

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.:

The Bar Association of San Francisco strongly supports the adoption of S. 3010 which includes the National Legal Services Corporation Act of 1972 (Title IX). Major Bar Associations and other interested groups must have the right to participate in the selection of the board in order to maintain the independence of the NLSC.

Charles H. Clifford,
President.

Tucson, Ariz., *June 22, 1972.*

Senator Jacob Javits,
U.S. Senate,
Washington, D.C.:

I urge support of S. 3010 presently drafted. The professional independents of legal services projects requires board based board of directors of the Legal Services Corporation.

Charles E. Ares,
Dean College of Law, University of Arizona.

Santurce, P.R.,
June 22, 1972.

Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Sir: As chairman of the board of directors of the Puerto Rico Legal Services, Inc., I do respectfully request your support to the passage of the Legal Services Corp Act, bill S. 3010 legislation is expected to bring about significant changes in the type of legal services rendered to the under privileged of this Nation. Its approval without amendment is highly desired and I thank you in advance for your usual useful support.

Cordially yours,
Miguel J. Rios Lugo,
President of the Board.

Tucson, Ariz.,
June 24, 1972.

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

Pima County Bar Association urges passage of S. 3010 as reported out by Senate committee whereby nine of nineteen directors of Legal Services Corporation will be selected by President from lists furnished by American Bar Association and other associations.

Russell E. Jones,
President.

Rochester, N.Y., *June 22, 1972.*

Hon. Jacob Javits,
Senate Office Building,
Washington, D.C.:

Monroe County Bar Association approves the principals of S-3010 and appreciates your continued support.

Sydney R. Rubin,
President.

Albany, N.Y., *June 23, 1972.*

Hon. Jacob K. Javits,
U.S. Senator, Senate Office Building,
Washington, D.C.:

I ask your support for prompt action on S. 3010 which includes title IX—Legal Services Corporation Act. I hope you will vigorously oppose efforts to amend or sever title IX from the bill. The continuing support you have given to the legal services program is appreciated. As you may know the report of committee on availability of legal services of New York State Bar Association has previously recommended support of title IX, which recommends action was approved by executive committee of the association.

Thomas Ford,
Chairman of the Legal Aid Committee, New York State Bar Association.

San Francisco, Calif.,
June 26, 1972.

Re. S-3010.
Hon. Jacob Javits,
Senate Office Building,
Washington, D.C.:

We are very interested in the future of OEO legal services and the proposed Legal Services Corporation. We think the Board of the Corporation should be free from undue political influence and we oppose the imposition of restraints upon Legal Service lawyers which may interfere with the attorney/client relationship or with the lawyers' abilities to represent the interests of their clientele. Therefore we urge that S. 3010 be passed, without amendment.

David M. Balabanian,
President, Barristers Club of San Francisco.

San Francisco, Calif.,
June 26, 1972.

Re: S-3010.
Hon. Jacob Javits,
Senate Office Building,
Washington, D.C.:

Future successful operation of OEO legal services and the proposed Legal Services Corporation demands that the Board of the Corporation be free from undue political influence and that there be no imposition of restraints upon Legal Service lawyers which may interfere with the attorney/client relationship or with the lawyers' abilities to represent the interests of their clients. Accordingly, I urge that S. 3010 be passed, without amendment.

Michael R. Marron,
Esquire.

Mr. JAVITS. Mr. President, this is the nub of the matter and unfortunately a number of Members of this body are still unwilling to grant the rights of the poor that exercise.

Stated more bluntly, there remains some reluctance to say "hands off" the legal rights of the poor and to leave those rights in the hands of legal profession and our system of justice.

It must be shocking to the poor that the Congress and the Executive are able to release their grip on patronage and establish an independent Postal Corporation to deliver the mail, but tremble when it comes to insuring the basic access of the poor to our system of justice under law.

Why do we hesitate at such a prospect. Indeed, how can we, if we have any faith in our own courts and system of justice.

It is generally assumed that legal services lawyers bring actions designed only to confront the establishment.

But in fact a 1969 study showed that of litigated cases, legal services attorneys won favorable decisions for their clients in approximately 70 percent of the cases and negotiated settlements in an additional 15 percent.

If these actions are so radical or undeserving, then why do the courts permit such a high rate of success.

Mr. President, this Congress shares with the Executive a responsibility to insure that this Corporation is not some

fly-by-night thoughtless expression of these rights, but a viable, working and accountable entirety.

In all deference to my colleagues, I believe that the Corporation to be established under the committee bill clearly meets this test.

We have dealt with every major objection raised to the structure and activities of the corporation and programs to be funded thereunder.

We have responded to the objectives of the President with respect to the Board.

As the result of an amendment which I offered in committee with Senator TAFT, the ranking minority member of the Subcommittee on Employment, Manpower and Poverty, and Senators SCHWEIKER and STAFFORD, section 904 of the new legal services title established under the committee bill now provides for a 19-member board consisting of 10 public members appointed by the President; the remainder of nine members are to be appointed by the President from recommendations made by various national bar, client, and project attorney groups.

We chose in respect to the nine to use the language contained in the Railroad Retirement Board Act, which provides that—

> One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers.

We did so to make it very clear that we were abandoning the arbitrary list procedure of the vetoed bill and that we anticipate an informal give and take between the recommending groups and the President.

We have responded to the President's objections in regard to the incorporating trusteeship—putting his own Director of the Office of Economic Opportunity fully in charge.

We have, as the administration requested, eliminated representation in criminal suits.

We have included a strong provision against conflicts of interest.

We have required as a general matter that attorneys working full time cannot do outside work; and that no attorney may solicit.

We adopted just this morning new provisions offered by Senator COOK—a member of the Committee on the Judiciary—to restrict legislative lobbying, to insure that there are no tax exemptions wrongfully conferred, to insure that the President controls any Executive committee established by the Board, and to insure review by the Office of Management and Budget.

Mr. President, the poor value dignity even more than they value improvement of their economic condition and it lifts the spirit of poor to know that they have lawyers, too, and have access to the judicial system and process.

And this fact has a great multiplier effect in terms of the attitude of the poor toward society and the establishment generally. As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on Ocotober 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to ensure that the highest standards of profession conduct are maintained. We know at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, we should realize that while this is a poverty bill we are dealing with something even more delicate than poverty itself, and that the provision of legal services to the poor is not an ordinary program.

We are dealing with the most basic rights and sensitivities of the poor.

There are some who hold that the poverty program has only kindled frustration by making promises that Government cannot keep.

Mr. President, the legal services program makes no new promise.

It is designed to implement an old promise.

And that old promise has its basis in the Constitution not merely the poverty law.

It is the promise of equal justice under law.

Let us not tamper with that promise, let us provide for its fulfillment.

Mr. President, the Legal Services Corporation idea has now gone far and it has the support of the bar, as I indicated. If we drop this title from the bill now we will drop the heart right out of the poverty program and the poor.

I urge that the motion be rejected.

Mr. NELSON. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays are ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has been yielded back. The question is on agreeing to the motion of the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Wyoming (Mr. McGEE), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Idaho (Mr. CHURCH), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), and the Senator from South Dakota (Mr. McGOVERN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Wyoming (Mr. HANSEN), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 34, nays 56, as follows:

[No. 261 Leg.]

YEAS—34

Aiken
Allen
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Packwood
Roth
Sparkman
Stennis
Talmadge
Thurmond
Tower
Young

NAYS—56

Anderson
Bayh
Bentsen
Bible
Boggs
Brooke
Burdick
Cannon
Case
Chiles
Cook
Cranston
Eagleton
Fulbright
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—10

Allott
Church
Ellender
Gambrell
Gravel
Hansen
McGee
McGovern
Mundt
Saxbe

So Mr. HRUSKA's motion to commit with instructions was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUCKLEY. Mr. President, I regret the Hruska motion failed to carry. The potential for harm inherent in the Legal Services Corporation as presently structured is such that I have little alternative but to vote against the bill on final passage.

ORDER FOR H.R. 15587 TO BE PLACED ON THE SENATE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—this has been cleared on both sides—that H.R. 15587, extending the emergency unemployment compensation program, be placed on the Senate calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS—YEAS AND NAYS ORDERED ON DOMINICK AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, with the acquiescence of the Senator from West Virginia and the Senator from Wisconsin, I would like to put in a brief quorum call until I can get my staff member here, and the amendment I need.

Mr. ROBERT C. BYRD. Mr. President, before the Senator suggests the absence of a quorum, may I inquire of him as to whether he wishes to ask for the yeas and nays on his amendment?

Mr. DOMINICK. Yes, I do wish to ask for the yeas and nays.

Mr. ROBERT C. BYRD. Would the able Senator like to do that now?

Mr. DOMINICK. Yes, I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment is not at the desk.

Mr. ROBERT C. BYRD. Mr. President, may I inquire as to whether or not there is 20 minutes to be equally divided on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I suggest the absence of a quorum, and ask unanimous consent that the time for the call not be charged to either side.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent also that the Senator from Colorado (Mr. DOMINICK) be recognized following the quorum call.

The PRESIDING OFFICER. The Senator from West Virginia is advised that the yeas and nays cannot be ordered until the amendment is presented.

Mr. ROBERT C. BYRD. I ask unanimous consent that it be in order at this time to order the yeas and nays on the amendment of the able Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now I ask for the yeas and nays on the Dominick amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum, without the time being charged to either side, and ask unanimous consent that the Senator from Colorado (Mr. DOMINICK) be recognized following the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGAL SERVICES

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 118, line 15, insert "(1)" before "The".

On page 118, insert "the Corporation or of" at the beginning of line 16.

On page 118, line 18, strike out "(1)" and insert in lieu thereof "(A)"

On page 118, strike out lines 20 through 22 and insert in lieu thereof the following: "and (B) from any voter registration activity other than legal representation in civil judicial or administrative proceedings or in connection with legal advice as to adherence to applicable, locale, state or federal registration requirements, and (C) from any activity to provide voters or prospective voters with transportation to the polls. Employees of the"

On pages 119, lines 2 through 5, delete the last sentence of present subsection (d) of section 907 and insert in lieu thereof the following:

"(2) Employees of the Corporation shall be deemed to be state or local employees for purposes of chapter 15 of title 5 of the United States Code.

"(3) Programs assisted by the Corporation shall be deemed to be State or local agencies for purposes of clauses (1) and (2) of section 1502(a) of such title.

"(4) The Board of Directors shall set appropriate guidelines for the private political activities of full-time employees of legal services programs assisted by the Corporation.

On page 119, between lines 5 and 6, insert the following new subsection:

"(e) The Corporation shall insure that all employees of the corporation or of legal services programs assisted by the Corporation, while engaged in activities carried on by the Corporation or by legal services programs assisted by the Corporation, refrain from participation in, and refrain from encouragement of others to participate in, any of the following activities:

"(1) any illegal demonstration, picketing, boycott, or strike; or

"(2) any form of direct action which is in violation of an outstanding injunction of any Federal, State or local court; or

"(3) any form of direct action which is designed to involve physical violence, destruction of property, or physical injury to persons.

"(j) The board of directors of the Corporation shall issue rules and regulations to provide for the enforcement of this section, which rules shall include as one available remedy, but not be limited to, provisions, in accordance with the types of procedures prescribed in provisions of section 914 of this Act, for emergency suspension of assistance to a legal services program assisted pursuant to this title, summary suspensions of an employee of the Corporation or of any legal services program assisted by the Corporation, and the termination of assistance and employment as deemed appropriate for violations of this section.

Mr. DOMINICK. Mr. President, I should say that this matter has been worked out in connection with the staff of the distinguished Senator from Wisconsin and the staff of the distinguished Senator from California (Mr. CRANSTON), and it has been reviewed by the distinguished Senator from New York (Mr. JAVITS), the ranking minority member of the Committee on Labor and Public Welfare, who has no objection to the amendment.

What I am trying to do here is to put in certain requirements which will restrict the activities of the employees or lawyers who are working for the Legal Services Corporation. As the bill is presently worded, it leaves, in my opinion, a number of objectionable potential activities, particularly in the political field, which might be deemed to be open to them. One of the objections we have had over a period of time is that the employees in the Legal Services group as it is now constituted were engaging in partisan political activities which are annoying not only to many of us in the Senate but also to many people in the various States where they were operating.

Mr. President, we are about to breathe life into a legal entity to be separate and independent from Congress which will be entrusted with the responsibility of providing access for Americans, who could not otherwise afford it, to attorneys and courts to achieve an orderly resolution of conflict. Its resources will be limited and its costs borne by American taxpayers. These resources can easily be dissipated through their application to activities which individuals within the Corporation may decide to be necessary areas of involvement for the Corporation. By giving the Corporation clear direction through defining and circumscribing permissible areas of activity, these limited resources can be marshaled in the most effective manner possible.

When Congress expresses its will and circumscribes permissible areas of involvement, creative attorneys, rather than devising schemes of circumventing congressional mandates, should expand that effort on behalf of their clients in permissible areas.

Mr. President, last December 9, the President vetoed S. 2007 and in his veto message said:

> The provision creating the National Legal Services Corporation differs crucially from the proposal originally put forward by this Administration . . . In rewriting our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

S. 3010 in our opinion, remains unresponsive in several respects to the concerns which have been expressed by the President; and this amendment seeks to correct one of the major deficiencies—its failure to restrict political activity by the Legal Services Corporation. The amendment would subject employees of the Corporation to the full provisions of the Hatch Act, would prohibit employees of programs assisted by the Corporation from using their official authority or influence to affect an election or nomination for office, and would prohibit coerced political contributions. The employees of programs assisted by the Corporation would be subject to the same restrictions presently applying to community action agencies.

This is a vitally necessary change if the objective is a legal services corporation "independent and free of politics." Political action by legal services employees does not help the poor. It uses the poor and erodes popular support for legitimate activities.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I am happy to yield.

Mr. NELSON. In fact, the Senator is applying the same standards for political activity to the employees of the Legal Services Corporation as are now applicable to the Legal Services program of the Office of Economic Opportunity, which is conducting the same activities as will be taken over by the Legal Services Corporation. Is that correct?

Mr. DOMINICK. The Senator is correct. In addition—I suppose this comes from the same thing—it is the same restrictions that are now imposed on the community action agencies.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CRANSTON. I thank the Senator from Colorado for his very cooperative attitude in working out this amendment. There have been many negotiations, and the modified amendment covers a very important and delicate matter. The Senator has been very accommodating. I think the result is a very workable approach to this very sensitive problem, and I thank him.

Mr. DOMINICK. I thank the Senator from California. I know how interested he has been in this program. We have worked very closely to try to get a meeting of the minds, and I think we have. I appreciate very much his kind remarks.

Mr. President, at a time when voters are increasingly concerned over their lack of influence on public policy, this body should not subsidize a few to superimpose their own notions of the public interest.

It has been argued that legal services attorneys should be as free of restriction as attorneys in private practice. I suggest a distinction, for when a private attorney involves himself in politics, he is accountable, to his clients. If his clients object to these activities they can find another lawyer. Poor clients receiving free legal services have no such freedom. What can a taxpayer do if he objects to subsidizing political activity? Other than writing to his congressional delegation, a taxpayer is powerless to correct what he considers an objectionable activity. We now have an opportunity to make such subsidized politicization unlawful.

There is ample evidence that creative legal services attorneys will loosely interpret whatever restrictions on their activities Congress imposes. In the absence of clear-cut prohibitions and explicit statutory definition of improper activity, even greater abuses will occur. The creation of a corporation, unaccountable to the public is a momentous and important decision. So we should have precise guidelines. This is what I hope we will achieve through this amendment.

Section 907(d) states:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls. Employees of the Corporation or of programs assisted by the Corporation shall not at any time identify the Corporation or the program assisted by the Corporation with any partisan or nonpartisan political activity associated with a candidate for public or party office. . . .

This section creates more problems than it solves. The proscriptions contained in the first sentence apply only to the employees of the programs assisted by the Corporation, not to the employees of the Corporation itself. Additionally, the proscriptions apply only while employees are engaged in activities carried on by legal services programs. There are no limitations, even to the extent that there are limitations on Federal employees, with respect to off-duty activities.

My amendment does not affect the employee's right to vote as they choose nor their expression of opinion on political subjects or candidates. Adoption of this amendment would complete the insulation of the Legal Services Corporation from political influence and involvement.

Because OEO legal services attorneys are presently subject to the Hatch Act, and the comparison for purposes of political activity is appropriate between employees of programs assisted by the Corporation and Community Action Agencies, I am hopeful that this amendment will be acceptable to the distinguished manager of the bill, and I understand that it is.

This amendment would also place restrictions on voter registration activity by limiting such activity to representation before civil or administrative proceedings and legal advice or compliance with registration requirements.

Finally, my amendment would prohibit activities by Corporation employees in illegal demonstrations, picketing, boycotts, and strikes, action in violation of outstanding injunctions and activities designed to involve physical injury or property damage. The Board of Directors would structure rules and regulations designed to insure compliance with congressional mandates through temporary or permanent termination of assistance or employment.

Mr. President, there were some things suggested to me prior to this time that might have been included here. After considering them at some length, it did not seem to me that they would be advisable because I believe they would be rather widely misconstrued as possible violations of the first amendment.

I, for one, can understand the reluctance of so many of us to allow attorneys who are paid out of tax funds, to lobby on behalf of particular issues. On the other hand, I really do not see why those attorneys should not be permitted to talk to their own Representatives and Senators, just as anyone else can, whether they happen to be Government employees or not.

Certainly, many of us here get feedback from many employees of the Federal Government who come to us and offer information, which information is sometimes extremely useful in guiding us with regard to legislation to be proposed.

So that restriction has not been included in this amendment. This amendment, however, would correct several deficient areas within S. 3010 and I urge its adoption.

Mr. President, I reserve the remainder of my time and would request, hopefully, that the distinguished Senator from Wisconsin (Mr. NELSON) would go along with the amendment.

Mr. NELSON. Mr. President, I think the amendment offered by the distinguished Senator from Colorado is a constructive and valuable addition to the bill. I have no objection at all to it. In fact, I endorse it.

The revised amendment of the Senator from Colorado (Mr. DOMINICK) would make certain changes in the pending bill's provisions regarding the activities of legal services personnel by prohibiting employees of the Legal Services Corporation from political activities in accordance with the provisions of the Hatch Act. Since those persons who are employed by the National Legal Services Corporation itself stand in the same position as current employees of the Office of Economic Opportunity legal services program under the Office of Economic Opportunity it is appropriate that employees of the Corporation itself are restricted in the same manner as employees in Federal departments and agencies. The Dominick amendment also provides that local programs assisted by the Corporation are treated in the same manner as community action programs and legal services programs now funded by OEO—namely that employees or local legal services programs may not use their official authority or influence to interfere with or effect the result of an election or nomination for office and may not directly or indirectly coerce, attempt to coerce, command or advise a State or local office employee to make any contribution to a party, committee, organization, agency, or person for political purposes. While employees of local programs are not prohibited from participation in political activities, the board of directors of the Corporation would be required under the Dominick amendment to establish appropriate guidelines for any private political activities of full-time employees of legal services programs assisted by the Corporation.

The Dominick amendment also requires the Corporation to insure that no employee carrying out the legal services activity may participate in any illegal demonstration, picketing, boycott, or strike, and that he may not participate in any action in violation of a court injunction or in any action designed to involve physical violence, destruction of property, or physical injury to persons. The amendment provides that the board of directors of the Corporation shall issue rules or regulations to enforce these prohibitions which shall include suspension of assistance and dismissal of employees violating this section.

The amendment also clarifies the language of the pending bill's provision prohibiting employees of the Legal Services program from involvement in voter registration activity other than legal representation and also the provision prohibiting activities for transporting voters to the polls.

The Dominick amendment is acceptable to me, and I support its adoption by the Senate.

Mr. TAFT. Mr. President, I support the creation of a National Legal Services Corporation as provided in title IX of S. 3010. I believe that we must insure proper access to our courts, as a matter of right, to all Americans. Regrettably, thousands of economically deprived Americans cannot afford the cost of needed services.

On May 5, President Nixon stated in his message to the Congress proposing a National Legal Services Corporation:

> Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

I hope that all of my colleagues in the Senate are in agreement with this important principle, so eloquently articulated by the President.

To make the goal of justice for all a reality, I believe that we must insure the following principles:

First, a Legal Services program must operate in a setting removed from the actuality or the threat of political control.

Second, the confidential attorney-client relationship must be preserved. Attorneys must adhere to the code of professional responsibility of the American Bar Association in giving the best professional advice to their clients.

Third, such a program must be effectively accountable to the Executive, the Congress, and the professional bar.

I believe that the provisions of title IX include these essential principles in creating a responsive and responsible Legal Services Corporation.

Mr. President, I ask to print in the Record following these remarks an article from the New York Times of June 28 entitled "Access to Law."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 28, 1972]

Access to the Law

(By Norman Dorsen and Stephen Gillers)

On June 12 the United States Supreme Court gave American lawyers several million new clients. It ruled that an impoverished criminal defendant cannot be jailed unless he has been offered free counsel. This decision further increases the need for lawyers to represent Americans who have rarely benefited from legal advice and access to courts.

But despite the need for more lawyers, we are not creating jobs for new ones as fast as law schools graduate them. There is even a danger that some may wish to discourage new lawyers. Leon Jaworski, President of the American Bar Association, has appointed a nine-member task force to study the problem raised by these sobering statistics.

American law school enrollment has gone from 41,500 law students in 1961 to 94,500 in 1971.

At the current growth rate, by 1974 there will be 30,000 new lawyers yearly, but less than half that many law jobs.

By 1985, the number of lawyers in the nation will at least double.

There are only two logical responses to this increase: Discourage young men and women from becoming lawyers or create new jobs. The first response would be shortsighted, especially if motivated by the concerns of A.B.A. President-elect Robert W. Meserve, who recently forecast "disruption" if our law schools begin "pouring out 15,000 qualified lawyers each year who could find nothing to do but raise hell with the system."

Instead, new jobs must be created, but not simply to make work. The work is already there. The recent Supreme Court decision will substantially increase it. It's the jobs that are missing.

The need for lawyers is acute in civil and criminal areas. Lawyers facilitate relationships between individuals and between individuals and government. By providing access to courts and agencies, lawyers permit us to live not simply in a nation of laws, but in a nation of enforceable laws. "It is this injection of the rule of law," wrote the late Justice John Harlan, "that allows society to reap the benefits of rejecting what political theorists call the 'state of nature.' "

But the rule of law is no mere abstract notion, as Justice Harlan also recognized. It is central to the nature and quality of our lives. It enables us "to govern [our] affairs and definitely settle [our] differences in an orderly, predictable manner. Without such a 'legal system,' social organizations and cohesion are virtually impossible . . ."

Think of law, then, as a product, less tangible but no less essential than other goods and services distributed by an organized society. We distribute this product through a network in which lawyers play the dominant role. Access to lawyers, in short, permits access to the legal system, to the rule of law and to full participation in civil society.

Given the importance of the legal system, it is appalling that we have failed to permit all citizens to use it. For 25 million legally indigent Americans, and millions more who fall just outside the narrow monetary qualifications for free help, lawyers and the rule of law usually enter their lives only defensively and at the last desperate moment. Rarely do these citizens enjoy proper legal counsel, even when faced with severe personal or financial problems.

The nation has viewed legal assistance as a luxury, its availability left to the whims of the marketplace. Lawyers in fact are a necessity. We must resolve to use the resources of government to deliver legal services to all.

To do this, we must first increase the number of lawyers. Of course, it would be cynical to encourage young people to go to law school if there are no jobs after graduation. It is equally wrong to proclaim the rule of law a governing principle and then fail to provide the legal know-how to make this principle a reality. The next essential step, therefore, is to create the jobs for the legal work that exists but has been neglected.

There are a number of ways to do this. Funding for neighborhood law offices should be substantialy increased. A government-subsidized lawyer program should be started to assist people who, though able to pay something, lack sufficient funds for adequate legal help. Group practice, legal insurance and judicare plans all deserve careful consideration. Public awareness of the value of legal assistance should be increased so that people will seek counsel on a preventive basis and come to rely on the law in their daily lives.

Mr. NELSON. Mr. President, I am prepared to yield back the remainder of my time if the Senator from Colorado is.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time. I just want to say, before I do, that I appreciate the consideration and the courtesy of the Senator from Wisconsin who has been most helpful in developing this amendment.

Mr. NELSON. I thank the Senator from Colorado. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Cranston). All time on this amendment has now been yield back.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. Dominick).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Wyoming (Mr. McGee), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Wyoming (Mr. Hansen), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 89, nays 1, as follows:

[No. 262 Leg.]

YEAS—89

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick

Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Harris

NOT VOTING—10

Allott
Ellender
Fulbright
Gambrell
Gravel
Hansen
McGee
McGovern
Mundt
Saxbe

So Mr. Dominick's amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER (Mr. Mondale). Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING HOLIDAY RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives and that the Vice President, the President pro tempore, and the Acting President pro tempore, be authorized to sign duly enrolled bills and joint resolutions during adjournment of the Senate until July 17, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR STANDING COMMITTEES OF THE SENATE TO BE AUTHORIZED TO FILE REPORTS DURING HOLIDAY RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Standing Committees of the Senate be authorized to file reports during the adjournment of the Senate between the hours of 10 a.m. and 3 p.m. on July 7 and July 14, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION MONTH

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may call up a joint resolution, Senate Joint Resolution 245, which has been cleared on both sides of the aisle, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

Calendar No. 892 (S.J. Res. 245), a joint resolution authorizing the President to designate the calendar month of September 1972 as National Voter Registration Month.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I yield to my senior colleague, the senior Senator from West Virginia (Mr. Randolph), who is the sponsor of the joint resolution.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I thank my able colleague, the Senator from West Virginia (Mr. Robert C. Byrd), for arranging action on Senate Joint Resolution 245 during the debate on another matter. This issue can be very quickly but appropriately considered.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia may proceed.

Mr. RANDOLPH. Mr. President, this resolution will authorize the President of the United States to designate September as National Voter Registration Month.

I asked the Senator from Kansas (Mr. Dole) to join me in the resolution. We addressed a letter to Members of the body and we received very strong support. Eighty cosponsors joined with the Senator from Kansas (Mr. Dole) and the Senator from West Virginia now speaking, making a total of 82 Senators who present this resolution.

I am grateful to the Senator from Nebraska (Mr. Hruska) who is chairman of the Judiciary Subcommittee on Federal Charters, Holidays, and Celebrations for his cooperation in expediting Committee approval of this proposal.

Mr. President, the strength of our country from the standpoint of the elective system is the participation of citizens—not Republicans, not Democrats, but citizens—in the voting process. Certainly this is an important presidential election year, with, of course, many other important offices being voted on by the men and women of this country. It is important that the individual express his or her convictions at the ballot box. I believe very strongly that we should emphasize, and focus attention on the need for citizens 18 years of age and over to register and vote in November. This is the purpose of our action today.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the junior Senator from Kansas be recognized for not to exceed 2 minutes on the same resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I share the views just expressed by the distinguished Senator from West Virginia. I say very emphatically that it was because of his initiative and because of his efforts that we now have 80 some cosponsors. I, of course, am a cosponsor of the resolution and a principal cosponsor, but I recognize it was through the diligent efforts of the Senator from West Virginia that this resolution is here today.

As he indicated we should have voter participation, not any one group, not any one color, not any one age, not any one economic class, but voter participation for all Americans.

I think the resolution is a good one. I think it indicates the interest Congress has on a nonpartisan or bipartisan basis in encouraging Americans everywhere to register and express their preference, whatever way they wish in November.

I heartily support the resolution and I do commend the Senator from West Virginia.

The resolution (S.J. Res. 245) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the importance of Congress promotion and encouragement of voter registration by all qualified citizens, especially those newly enfranchised by the twenty-sixth amendment to the Constitution, the President is authorized and directed to proclaim the period beginning September 1, 1972, and ending September 30, 1972, as "National Voter Registration Month", and to call upon the people of the United States to observe such month with appropriate ceremonies and activities.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Nevada (Mr. Bible) be recognized for not to exceed 5 minutes for the purpose of calling up a conference report which has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

THE GOLDEN EAGLE PASSPORT PROGRAM CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1893) to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Mondale). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of June 22, 1972, at pp. 22037–22038).

Mr. BIBLE. Mr. President, in view of the fact that the House of Representatives, which acted first on the conference report, has previously printed the report and the joint statement of the conference committee, I ask unanimous consent that the printing of this report as a separate document by the Senate be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, there were several points of difference between the Senate and House versions of S. 1893, and the conferees met several times to reach a compromise in settling these differences.

The bill as agreed to by the conferees would provide for the indefinite extension of the annual $10 admission permit known as the Golden Eagle Passport. Entrance or admission fees will be charged only at designated units of the national park system administered by the Department of the Interior and at national recreation areas administered by the Department of Agriculture. The bill further provides for the issuance of a free annual entrance permit to be known as the golden age passport to any person 62 years of age or older. A reasonable daily fee will be collected for the use of specialized sites, facilities, equipment, or services, but for persons bearing the golden age passport, the fee is to be reduced by 50 percent.

The conferees have reached what I consider to be a reasonable compromise on the differences between the two versions and, therefore, Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER (Mr. Mondale). The question is on agreeing to the motion.

The motion was agreed to.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. WEICKER. Mr. President, are we on the bill at this time?

The PRESIDING OFFICER. The committee substitute as amended is open to amendment.

Mr. WEICKER. Mr. President, I would like to engage the managers of the bill in a very brief colloquy for the purpose of clarifying congressional intent.

The PRESIDING OFFICER. If the Senator will suspend, the Parliamentarian advises the Chair there is no time for debate under the unanimous-consent agreement.

Mr. NELSON. Mr. President, there is time on the bill.

The PRESIDING OFFICER. Not until after the committee amendment as amended has been agreed to.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from Connecticut have the floor?

The PRESIDING OFFICER. He has been recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, under the agreement, as I understand it, the vote is to occur on the committee amendment as amended at this time. Senators may offer amendments thereto, however, without time allowed for debate thereon. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I am not sure he is. What we understood was that the vote would come at 3:30 p.m.

Mr. ROBERT C. BYRD. No, not later than 3:30 p.m.

Mr. JAVITS. But if there was any time a reasonable effort would be made to accommodate Members who wished to speak on it. There will be lots of time.

Mr. ROBERT C. BYRD. I say to the able Senator from New York that I am trying to find a way for Senators to speak and to offer amendments and perhaps get time thereon. We do have ample time, as the distinguished Senator has said.

Under the agreement, the vote on final passage was to be not later than 3:30 p.m. today, but, under the agreement, as soon as the amendment by the Senator from Colorado (Mr. Dominick) had been disposed of, or, in the alternative, if the motion by Mr. Hruska had prevailed and the bill had been reported back and the Senate had voted on title 9, the next order was to be the vote on the committee amendment as amended.

Senators with amendments could offer them, but with no time for debate. So, under the agreement the Senate is supposed to vote now on the committee amendment as amended unless a Senator wishes to offer an amendment without time for debate. But I know the Senator from New York and the Senator from Wisconsin would like Senators to have time now to debate the matter or to offer and debate amendments.

What is the wish of the Senator from Ohio?

Mr. TAFT. I would want to call up an amendment which is printed and pending and to discuss it very briefly. I think it will be accepted.

Mr. JAVITS. Mr. President, may I make this suggestion: That such Senators as have amendments identify them, and that 20 minutes be allowed on an amendment, 10 minutes on a side. That would be the fairest procedure.

Mr. ROBERT C. BYRD. Very well. The Senator from Ohio has an amendment.

Mr. JAVITS. I have two amendments.

Mr. ROBERT C. BYRD. Do any other Senators have amendments?

Mr. COOPER. Mr. President, I have an amendment. I may not offer it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, first of all, that the distinguished Senator from Connecticut (Mr. Weicker) may be allowed to proceed for——

Mr. WEICKER. Five minutes.

Mr. ROBERT C. BYRD. Five minutes, for the purpose of a colloquy, and that the distinguished Senator from Ohio, the distinguished Senator from New York, and the distinguished Senator from Kentucky, each of whom may have amendments which they would propose, may be allowed not to exceed 20 minutes, equally divided, on each of their respective amendments, and that time on any amendments thereto, if there be such, be limited to 5 minutes, in each case to be equally divided between the mover of such and the distinguished manager of the bill.

Mr. JAVITS. And, Mr. President, may I suggest that immediately thereafter the Senate vote on the committee amendment, as amended.

The PRESIDING OFFICER (Mr. Mondale). Would the mover of the request include the Senator from Minnesota on the list of possible offerers of amendments?

Mr. ROBERT C. BYRD. Mr. President, I include in my request the able Senator from Minnesota (Mr. Mondale), who may also want to offer an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The Chair recognizes the Senator from Connecticut.

Mr. WEICKER. Mr. President, I would like to engage the managers of the bill in a very brief colloquy for the purpose of clarifying congressional intent with respect to section 227, the "Youth Recreation and Sports Program." In this section, the Director of OEO "shall make grants or enter into contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities throughout the year."

Trinity College in Hartford, Conn., has, for the past 2 years, operated the only summer youth sports program, sponsored by the National Collegiate Athletic Association, in the State of Connecticut. The program has been extremely successful, attracting a total of 362 boys and girls from the Hartford inner city last summer alone. Because of the small size of this institution, its facilities and staff are limited, particularly during the academic year. While the goal of a continuous program is certainly laudable, I am very concerned that at Trinity and other small colleges, facilities simply may not exist to permit a continuous program and that in these cases I think it better to have a strictly summer program than none at all.

At this time, Mr. President, I ask unanimous consent that I may have inserted in the Record at this point a letter from Thomas A. Smith, vice president of Trinity, outlining the problems which a year-round program would cause at this institution.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Trinity College,
Hartford, Conn., March 2, 1972.

Hon. Lowell P. Weicker, Jr.,
U.S. Senator, Old Senate Office Building, Washington, D.C.

Subject: Senate Bill 3010.

Dear Senator Weicker: In the absence of President Theodore D. Lockwood, I am writing to bring to your attention Trinity's interest in the Senate bill on The National Collegiate Athletic Association Summer Youth Sports Program.

For the past two summers Trinity College has been the only institution in the State of Connecticut selected to run a Summer Youth Sports Program sponsored by the National Collegiate Athletic Association. In the 1971 summer program, 362 boys and girls between the ages of 10 and 18 were enrolled in the program, and the average daily attendance totalled 28. Ninety percent of the participants came from the disadvantaged areas of Hartford. The program received excellent evaluation by two independent N.C.A.A. evaluators: James Frank, Ph.D., Dean of Students at Medgar Evers College of the City University of New York; and Alex Maleski, Director of National Special Services, Boy Club of America.

The current bill before the Senate, which would authorize the 1972 programs, calls for these N.C.A.A. programs to be expanded into year-round programs. Trinity College has been informed that unless we can provide a year-round program it is most unlikely that we will be funded for a summer program.

Together with Mr. Karl Kurth, Director of Athletics, and Mr. Ivan A. Backer, Director of Community Affairs, I have made a detailed review of our program and of our capabilities to sustain a year-round effort. We agree that we are not in a position to commit ourselves to a program of this type during our academic year, and I would like to share our reasons with you.

The year-round component to be added to the Summer Youth Sports Program should be of an intensive enough nature to sustain the active and frequent participation of the young people. The level of activity projected in the bill for the winter months, a minimum of twelve meetings, suggests that the quality of the program could not be adequately sustained. The Trinity College Summer Youth Sports Program stressed the development of a strong relationship between the youth and the staff, even at lunchtime. This relationship would be difficult to maintain on the basis of a series of once- or twice-a-month meetings. In short, we do not believe an adequate winter program could be developed under the present constraints.

As a small college the time of our faculty and staff is fully committed during the academic year, and we could not reasonably ask them to undertake a year-round program, even with adequate additional compensation. Trinity College frequently makes available its athletic facilities, and its staff on occasion, for community activities at no cost. We feel that we cannot impose further commitments on our facilities which would reduce their availability to students who pay tuition for their use.

Private, small colleges should not be disadvantaged in competing for programs with larger institutions which have the capacity to absorb these additional demands on their staff and facilities and which may not be as generous to their communities as we believe Trinity is.

In conclusion, we are concerned with the provision of this bill which mandates year-round Youth Sports Programs and eliminates all programs for the summer only. Unless this provision is withdrawn by the Senate, the State of Connecticut will not be participating in these N.C.A.A. sponsored programs.

We are prepared to offer the Summer Youth Sports Program again in 1972, and we will be able to offer an experience of excellent quality to meet the needs of a substantial number of youth in Hartford, ninety percent of whom will, as they did last year, come from disadvantaged areas of the City. But we are unable with our present resources to sustain a worthwhile year-round program. We hope the year-round program clause will be eliminated from the Senate Bill, to bring it in conformity with the measure already adopted by the House of Representatives.

Thank you for any assistance you can give us in this matter.

Very truly yours,

THOMAS A. SMITH,
Vice President.

Mr. WEICKER. Mr. President, I would like the managers of the bill to clarify what is meant by "continuous activities throughout the year"; and would not the activities that would satisfy this requirement vary from school to school depending on the resources and facilities at that school and the needs of the youths involved?

Mr. NELSON. Mr. President, if the Senator has no objection, I would prefer to yield to the author of that provision, the Senator from California (Mr. CRANSTON), for a reply.

Mr. CRANSTON. Mr. President, I am delighted to seek to clarify this matter for the distinguished Senator from Connecticut. His concern is quite understandable. I think we will find we have no differences at all.

First, the language in question, "continuing related activities throughout the year" in the new section 227(c)(3) added by section 20 of the bill—similar language also appears in 227(a)—is identical to language included in S. 2007 as passed by both Houses and vetoed last winter.

The reason for these provisions for continuing activities with the youth involved in the summer program derives from OEO instructions and evaluations.

OEO instruction 6168-1a of February 3, 1970, "Guidelines for Youth Programs," states on page 6 regarding "program duration"—and I stress that this was a change from OEO policy in a 1969 instruction under which short-term crash programs were being carried out—

> 5. Program duration:
>
> Youth Development Programs must be operated for a twelve-month period. Applications which do not clearly indicate year-round programming will not be funded.
>
> The hard lesson learned from the summer crash programs is that youth resent programs that are turned on and off, especially when they think the fluctuations reflect riot fears. A year-round operation is essential to develop innovative, comprehensive programs that will have real impact. Experience has shown that the more meaningful programs, such as economic enterprises or job development, cannot be geared-up and do not operate effectively on less than a full-year basis. These more complicated programs are most often chosen by the older hard-core youth themselves. Programs of short duration preclude reaching this target group.

The Office of Operations in OEO completed, in December 1971, a summary of monitoring reports of 37 of the then-called National Summer, and I stress "Summer," Youth Sports programs for 1971. The evaluation recommended:

> More year-round activities and followup should be instituted in the programs.

And stated that the sole "summer" focus made these programs inconsistent with the instruction I have just cited.

Thus, we wrote this requirement into the satutory program. Our intention was not to mandate one type of continuing activities at all, or even to require that the non-summer activities must be of a recreational character. The school year program could very well focus on the educational aspects of the program—we mandate nutrition, health and drug education in the bill; could provide for tutoring support; or could set up a type of "Big Brother" system, using volunteering college students other than those in the athletic component of the program.

So my answer to the Senator's second point is, yes, the continuing activities are certainly expected to vary with the resources of the school, the components of the program, the needs of the participating youths, and the commitments of small schools, like Trinity College, for use of their recreation facilities during the school year. We would not want to impose any rigid requirement which would make it impossible for an excellent school like Trinity to continue its involvement in this program.

Mr. WEICKER. I thank the Senator from California for very thoroughly responding to the question. I know that the youths of Hartford also thank the Senator from California and the committee for making it possible for them to use this program.

Mr. CRANSTON. I thank the Senator for his concern, and for his cooperation in this effort, and his support of this valuable program.

AMENDMENT NO. 1305

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Ohio (Mr. TAFT).

Mr. TAFT. Mr. President, I call up my amendment No. 1305, as modified.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

> On page 106, between lines 18 and 19, insert the following new paragraph:
>
> "If any association making recommendations pursuant to clause (A) of paragraph (2) of this subsection is a grantee under section 222(a)(3) of the Economic Opportunity Act of 1964 or expects to be a grantee under this title and provides legal representation funded under the Act to members of the client community, such association may not make recommendations under such clause (A). The failure of an appointment due to the inability to make recommendations pursuant to this paragraph shall increase the number of appointments made by the President pursuant to paragraph (1) of subsection (a) of this section, accordingly."

Mr. TAFT. Mr. President, at this time I am offering an amendment which I believe will erase the possibility of any conflict of interest on the Board of Directors of the Legal Services Corporation. The Board is composed of 19 members appointed by the President by and with the advice and consent of the Senate. Ten members will be appointed by the President from persons representative of the general public. Nine members will be appointed by the President from recommendations submitted to him by five major national bar associations and the two advisory councils established in the bill.

While the bill presently provides that—

No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

A valid objection may be raised that under present language, bar associations who make recommendations to the board may also be grantees who actually operate programs providing legal representation. Such a dual role could raise the conflict of interest question.

Indeed, this question was raised in the President's veto message of the bill last year.

My amendment would provide that any association which is or expects to be a grantee and provides legal representation to members of the client community is precluded from offering recommendations to the Board of Directors.

In such a case, the President would be free to make the appointment of his choice.

I believe this amendment is a desirable extension of the intent of those who support this bill to prohibit any conflict of interest. It would be highly improper for a board member to have a role in setting guidelines and allocating funds to the association of which he is a member.

Mr. President, I do not believe that there is any major objection to this amendment. I would just go on to say that as I see it, should any of these organizations presently be receiving grants, and I believe there are some presently funded under the OEO legal services program, I believe that the matter could be taken care of and a conflict of interest avoided by setting up another legal entity which then could carry out the particular services involved. It would be independent, but I think the intention of the law is that such services should be administered, and I believe the amendment, therefore, should be adopted.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JAVITS. I have great sympathy for the amendment, especially as the Senator has now included, after the word "representation" the words "funded under this act," which were seriously needed. But I am troubled about two other things. One is the definition of "legal representation," and the other the words "expects to be a grantee."

With regard to legal representation we have a definition of legal services in the bill on page 125, which includes the following: Legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities. Will the Senator make the legislative record that the words "legal representation" mean the actual and direct representation by a lawyer of a client?

Mr. TAFT. The Senator from New York is absolutely correct. That is, of course, our intention. We do not mean in any way to bar these organizations from any research grants or activities which might be authorized or funded under this act, which did not involve representation of clients.

Mr. JAVITS. And then the other thing, "expects to be a grantee" is one of those forever things lawyers are scared to death of. Could, the Senator say "or as an applicant under this title"? "Expect" would raise the question, when? The ABA might say "We are conducting"——

Mr. TAFT. I think perhaps by a little discussion here we can develop what my intention in this regard is.

If there is a present intent on the part of the association involved at the time that they are making such a recommendation, I believe that they should either drop that expectation or pull themselves out of the recommending process. But I refer to a present intent. The Senator from New York is absolutely correct; I do not feel we can bind anyone perpetually on this. If they did not expect at this time, but at some later time, some reason arose for it, presumably if that seat has become vacant on the Board of Trustees at a later time, they would withdraw.

Mr. JAVITS. Could we say "or intends to apply for a grant within a reasonable time"?

Mr TAFT. I think that would be appropriate. I would be quite happy to accept that language.

Mr. JAVITS. If the Senator will make that change, as far as I am concerned it is agreeable to me.

Mr. TAFT. Mr. President, I request unanimous consent to make that change.

The PRESIDING OFFICER. Unanimous consent is not required. The Senator may modify his amendment if he so states.

Mr. TAFT. I so modify my amendment.

Mr. JAVITS. The change would then be, after "expects" the words "to be a grantee" would be stricken, and the language would be "expects to apply for a grant within a reasonable time."

Mr. President, I would suggest to the Senator from Ohio that we have a 2-minute quorum call, and we can agree with him about the words. I would suggest that a quorum call may be in order, to be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest to the Senator, having discussed it with him and with other lawyers here, that the words "or expects to be a grantee" be stricken and the words "or is an applicant for a grant" be inserted in lieu thereof.

Mr. TAFT. Mr. President, I ask that my amendment be so modified.

The PRESIDING OFFICER. The amendment will be so modified. Will the Senator send his modified amendment to the desk?

Mr. TAFT's amendment (No. 1305) as modified, is as follows:

On page 106, between lines 18 and 19, insert the following new paragraph:

"If any association making recommendations pursuant to clause (A) of paragraph (2) of this subsection is a grantee under section 222(a) (3) of the Economic Opportunity Act of 1964 or is an applicant for a grant under this title and provides legal representation funded under this Act to members of the client community, such association may not make recommendations under such clause (A). The failure of an appointment due to the inability to make recommendations pursuant to this paragraph shall increase the number of appointments made by the President pursuant to paragraph (1) of subsection (a) of this section, accordingly."

Mr. NELSON. Mr. President, I find the amendment as modified acceptable. I have no objection to it, and I am prepared to yield back the remainder of my time.

Mr. TAFT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CRANSTON). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1305) of the Senator from Ohio.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I ask unanimous consent that Dennis Allee and Charles Warren of my staff have the privilege of the floor during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 82, line 1, strike out the heading "SPECIAL ASSISTANCE" and insert in lieu thereof "SPECIAL ASSISTANCE AND URBAN HOUSING DEMONSTRATION PROJECTS".

On page 82, line 4, strike out the word "section" and insert the word "sections".

On page 82, between lines 19 and 20, insert the following:

URBAN HOUSING DEMONSTRATION PROJECTS

"SEC. 235. (a) The Director may provide financial assistance for demonstration projects conducted by appropriate non-profit organizations to encourage and assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. Such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and counseling, management and maintenance services, and for encouragement of home ownership by low-income families.

"(b) For the purpose of this section private non-profit organizations include, subject to such guidelines as the Director may establish, associations of tenants in rented housing facilities which otherwise qualify for assistance under this section.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated (in addition to amounts otherwise appropriated for carrying out the Economic Opportunity Act of 1964) $20,000,000 for the fiscal year ending June 30, 1972 and for each of the two succeeding fiscal years."

Mr. JAVITS. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this will provide an authorization—I emphasize that word, because it will still be subject to review—of $20 million a year for the purpose of extending to nonprofit organizations in certain neighborhoods the same opportunity to have an effect upon the deterioration of housing stock in those areas which we are now extending to the community development corporations under the special impact program.

We find that right now these corporations—for example in Bedford-Stuyvesant, which the late Senator Robert Kennedy and I and Mayor Lindsay set up—are endeavoring in a variety of ways.

Mr. President, within the past several years residents of low-income neighborhoods in New York and similar older cities have suffered from the rapid deterioration of existing housing and a marked increase of abandonment of residential units.

Existing housing entrapped in this deterioration cycle is, for the most part, of basically sound stock that could be returned to standard condition with preventative repair and responsible management/maintenance.

Deterioration is on occasion attributable to destructive tenants. However, it is usually caused by deferred maintenance and inadequate or nonexistent management by inexperienced or absentee property owners. A related cause is excessive debt service resulting from the unavailability or high cost of mortgage financing from institutional lenders. A critical underlying factor is the failure of traditional new construction and "gut" rehabilitation programs to keep pace with, and thereby offset, the decay and abandonment of existing housing stock.

There is little doubt that major devastation of many inner-city neighborhoods will result within the next 5 to 10 years if new programs are not devised now to combat the alarming rate of housing decay and abandonment.

My amendment proposes that OEO sponsor a special program designed to repair, rehabilitate and maintain existing housing stock in selected low-income urban neighborhoods and which seeks to encourage, as an integral part thereof, homeownership by low-income families.

The need for such a program in New York has been repeatedly manifested by planning and housing groups active in housing for depressed low-income neighborhoods. ARCH in Central Harlem, an OEO-funded design and planning organization, and the Coalition for Human Housing, located on the Lower East Side of Manhattan, have recently proposed, independently, preservation schemes which feature repair, moderate rehabilitation and preventive maintenance by community-based entities of entire neighborhoods. The Martin Luther King, Jr., Health Center and the Morrisania Youth and Community Service Corp., both supported by OEO and located in the South Bronx, have embarked on pilot programs to save and upgrade existing housing stock, and other groups throughout New York, including the United Housing Fund of the Settlement Houses which operates in all depressed sections of the city, have espoused similar programs.

The Bedford-Stuyvesant Restoration Corp. has already engaged in a successful exterior renovation/homeownership program in its target community which has had marked positive impact.

In East Harlem, the prototype for one type of community-based repair, preventive maintenance and training program envisioned by the proposed amendment has existed for 2 years. The East Harlem Environmental Extension Service, a nonprofit corporation run by area residents, combines under one format the following program components: Training and employment of repair and maintenance personnel; repair, maintenance, and management services to residential structures under contracts with property owners and tenants groups, environmental and health services—rat control, debris removal, insect elimination—in housing treated and tenant counseling and organization.

Interest in homeownership within low-income communities, although in the infancy stage, has been equally great in New York. Preliminary investigations by Columbia University's School of Urban Planning indicate that self-help cooperative efforts in New York City have, in general, been highly successful as a means for upgrading and maintaining existing housing in standard condition.

The financial tribulations of the EHEES program, referred to above, which have impeded its development of a fully comprehensive program, is symbolic of a fundamental problem faced by repair and maintenance efforts in low-income neighborhoods, to wit, the absence from national or local government housing policy of strategies and programs to preserve basically sound housing stock in low-income neighborhoods through repair, moderate rehabilitation, preventive maintenance and tenant ownership. Because of the slow pace and underfunding of new housing programs, and the new Federal emphasis on housing dispersal, HUD's present policy means, in effect, that deteriorating inner-city communities—which shelter millions of families—are being left to die a natural death through neglect.

Specifically, Federal housing programs under the National Housing Acts focus entirely on the production of new housing and to a lesser extent, on gut rehabilitation of existing housing stock. Public housing programs, in particular, have been traditionally geared toward new construction. The cornerstone of HUD subsidy programs, FHA insurance, has built into it requirements of economic life and quality that prohibit anything less than new construction or major rehabilitation. Our investigations have indicated that existing HUD philosophies and programs are not easily altered to encompass repair, moderate rehabilitation, and preventive maintenance concepts.

On the local level, some attention has been devoted by model cities and CDC programs to preventive repair and maintenance but their major emphasis continues to be on traditional housing approaches. Local government in New York—despite a 1970 management consultant study recommending a shift to a strategy of moderate rehabilitation and maintenance—also devotes minimal resources to preventive maintenance, moderate rehabilitation, low-income cooperatives, and management programs. New York City's Office of Special Improvements, the repository of such programs, has a program budget of only a few million dollars.

Recent Federal and local efforts to address the problem of neighborhood housing preservation, both from a legislative and programmatic standpoint, have focused on "transitional" neighborhoods characterized by economic and racial mix as opposed to more depressed low-income communities. Thus, New York State's only rehabilitation/tenant cooperative program is virtually unavailable in areas such as Harlem, the South Bronx, and the Lower East Side. The same is true of HUD's experimental preservation programs now being developed.

The comprehensive neighborhood conservation bill (S. 3132) which I introduced on February 7, 1972, also contemplates HUD emphasis on "transitional" neighborhoods, as opposed to traditional poverty neighborhoods, and the same concept is embodied in the Senate version of the new housing bill.

Thus, under existing and contemplated housing programs, low income neighborhoods still will not have at their disposal resources and programs to stem the tide of widespread and acceleratng housing deterioration and the human suffering attendant thereto.

This amendment seeks to lay the foundation for a new approach to blight in inner city neighborhoods predicated on the following assumptions: First, that low-income families in such communities want to remain and in many cases to own homes or apartments in their neighborhood; second, that neighborhood residents have the will and capacity to repair and maintain existing stock if given the necessary tools; third, that the shortage of funds, time-lag, and other difficulties inherent in traditional housing programs of new construction and gut rehabilitation make it imperative that low-income neighborhoods embark immediately on complementary programs of interim repair and maintenance of existing housing stock to curb increased deterioration; and fourth, that such programs can best be carried out by community-based housing development corporations or similar organizations responsive to the neighborhoods served.

The amendment seeks in a systematic way to infuse into designated low-income neighborhoods, selected by the OEO Director, some basic tools which will make possible proposed programs of repair and preventive maintenance. These tools will be used to, first, preserve and upgrade existing housing stock through community-based programs of repair, preventive maintenance and related environmental and health services designed to provide decent, safe housing; second, to encourage and assist tenant cooperatives and home-ownership by low-income families within their communities;

third, to develop community-based capacity to operate programs of repair, rehabilitation, maintenance and management; fourth, to train and employ low-income residents for meaningful occupations in construction and management/maintenance professions and to stimulate business opportunities for area residents; and fifth, to develop new programs of moderate rehabilitation which will provide decent housing at reasonable cost as an economical alternative to continued decay and abandonment.

The program will have the following essential components: First, an authorization of $20 million for each of 3 fiscal years; second, applicability in specified low-income neighborhoods of essentially sound but deteriorating housing stock as selected by the Director; and third, implementation of the proposed program by community-based housing development corporations and other appropriate entities or groups. Funds will be available for a variety of purposes, including administrative expenses of housing development corporations and other entities; seed money or development funds, acquisition funds, relocation expenses, costs of repair, rehabilitation and related environmental and health services, construction writedowns, tenant organization and counseling, management/maintenance services and entities, training and employment of low-income residents, other expenses designed to encourage and assist homeownership by low-income families and tenant cooperatives; cost of repair and maintenance of essential neighborhood facilities—that is, streets, sidewalks, lights, lots, signs—loans for or on behalf of low-income families to further homeownership and to facilitate rehabilitation of existing housing to standard condition.

I would hope very much that this rather innovative suggestion would find favor with the Senate.

Mr. NELSON. Mr. President, I have gone over the amendment. I think it is a constructive addition to the bill. I find it perfectly acceptable, and I am prepared to yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CRANSTON). All remaining time having been yielded back, the question is on agreeing to the amendment offered by the Senator from New York (Mr. JAVITS).

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 139, after line 25, insert the following:

"SEC. 26. Section 211 of the Economic Opportunity Act of 1964 (42 U.S.C. 2791) is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The Director shall ensure that no election or other democratic selection procedure conducted pursuant to clause (2) of subsection (b), or pursuant to clause (2) of subsection (f), shall be held on a Sabbath Day which is observed as a day of rest and worship by residents in the area served."

Mr. JAVITS. I yield myself 3 minutes.

Mr. President, I submit an amendment to S. 3010, the Economic Opportunity Amendments of 1972.

My proposal would amend the Economic Opportunity Act of 1964, to require the Director of the Office of Economic Opportunity to insure that elections for membership on boards of community action agencies do not take place on a Sabbath Day.

It is similar to an amendment introduced by Congressman KOCH in the House, on May 15, 1972, but unfortunately was not included in the House measure.

Mr. President, this amendment has arisen from a situation in my own city of New York having nationwide implications.

Recently, in New York City, a dispute arose because poverty elections were to be held on Saturday, which is a Sabbath for Jews and those Christians belonging to the Seventh-Day Adventist, which together constitute the third largest ethnic group among New York City's poor.

The New York State Legislature and the New York City Council intervened and required by legislation that such poverty board elections not be held on a Sabbath Day.

Mr. President, rather than leave this matter to action by each State and local legislatures eleswhere, I believe that the Economic Opportunity Act itself should recognize the problem and deal with it.

The Economic Opportunity Act of 1964—and the poverty program which it authorizes—are each based upon the principles of full opportunity for the poor and participation of the poor, through their own institutions, in solving their own problems.

Thus, it is entirely appropriate that the act insure full participation in the democratic process established for the implementation of these principles.

My amendment provides that the Director must insure that no election or other democratic selection procedure shall be held on a Sabbath Day which is observed as a day of rest and worship by members of the poor in the area served.

Mr. President, it is my understanding that this amendment is acceptable both to the manager of the bill, the chairman of the Subcommittee on Employment, Manpower, and Poverty, Senator GAYLORD NELSON, and to the administration.

Mr. NELSON. Mr. President, the amendment is perfectly acceptable so far as I am concerned.

I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent that we have a quorum call for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 139, after line 25, add the following:

USE OF EXCESS PROPERTY BY GRANTEES

SEC. —. Section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) is amended by adding at the end thereof the following new subsection:

"(i) Effective on and after July 1, 1972, an executive agency is authorized to furnish excess property and to make available the support functions of the Federal Government, including the Federal telecommunications system and otherwise available General Services Administration vehicles, to a grantee of that agency under a program established by law and for which funds are appropriated by the Congress if the head of that executive agency determines that the use of such excess property or support functions by that grantee will (1) expand the ability of that grantee to carry out the purpose for which the grant was made, (2) result in a reduction in the cost to the Government of the grant, or (3) result in an enhancement in the product or benefit from the grant. The Administrator is authorized to prescribe regulations governing the use, maintenance, consumption, and redelivery to Government custody of excess property or functions furnished to grantees under this subsection."

Mr. MONDALE. Mr. President, this amendment deals with the question of excess property being made available to vocational schools and institutions of higher education and CAP agencies and is designed to continue the present policy of making those institutions eligible for excess property. I am offering this amendment with the specific intention of preventing a change in regulations which would make these institutions ineligible for excess property and other government support services.

The proposed change in regulations meets with the unanimous opposition of all the vocational schools, public and private, the institutions of higher education, public and private, and other public service organizations. Correspondence that I have received indicates that community action agencies are among those whose operations could be deeply affected.

I have indicated my interest in this matter to the General Services Administration, which has for 2 weeks failed to respond to my request for information. I continue to be willing to discuss the proposed change with GSA and regret that, because the new regulation could go into effect on July 1, I am forced to seek action today. I am hopeful that the floor manager of the bill will accept my amendment.

Mr. NELSON. Mr. President, I agree that this is an emergency matter. I also agree with the objectives of the Senator from Minnesota. I would wish that we had more time and could deal with it more appropriately on another bill or through other appropriate channels. But since this is an emergency matter, I am not going to object to it.

Mr. JAVITS. Mr. President, I am unable, on such short notice, to analyze the implications of the pending amendment, especially to the GSA, which has big problems and lots of property, and so forth.

I appreciate the thrust of the amendment and will certainly go along with that. But I did not want to be committed to every implication of it which I may not know now, but I have no objection to its adoption, except to reserve the right to look into it when we get to conference.

Mr. MONDALE. I thank the Senator from New York.

Mr. President, I ask unanimous consent to have printed in the RECORD my remarks on page 22617 of the CONGRESSIONAL RECORD of June 27, 1972, and the pages which follow thereafter.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SENATOR MONDALE QUESTIONS PROPOSED CHANGES IN EXCESS PROPERTY REGULATIONS

Mr. MONDALE. Mr. President, I am deeply concerned about the administration's proposal to withdraw eligibility for excess property from a number of educational and other public service organizations in Minnesota and throughout the country.

In the Federal Register of Thursday, June 1, 1972, the General Services Administration issued a notice of proposed rule changes concerning excess property which I fear is not in the best interest of educational and other nonprofit, public service agencies.

I have received a great deal of correspondence from colleges and vocational technical schools in Minnesota expressing their concerns about the proposed change and the impact it would have on their efforts to deliver high quality education at the lowest possible cost.

Robert P. Van Tries, assistant commissioner, Division of Vocational Technical Education in the Minnesota State Department of Education has notified me of the detrimental effects this regulation would have on vocational technical education in our State. He indicates that:

"Our State vocational technical programs through participation in the excess property program with direct and defined procurement through GSA has secured valuable and useful properties from many generating agencies."

Mr. Van Tries points out that since the inception of the excess property utilization program in August 1971, vocational technical schools have acquired, at a very small cost, computers, machine tools, office equipment, welding and other equipment which had an original acquisition cost of $8 million. In addition, he points out that they have acquired $1½ million worth of excess property from overseas installations for a reimbursement cost of only $83,566.50.

I have received similar correspondence from Malcolm Moos, president of the University of Minnesota. He writes that if the revised GSA rules go into effect it will cause a "very substantial detriment to many types of federal grantees."

President Moos writes:

"During the fiscal year 1971, for instance, the University of Minnesota received $6,038,659.91 worth of Federal excess property. Our most recent information is that the fiscal year 1972 figure will be approximately the same. Only a small portion of this property is used within Federal contracts to the University, which are still eligible under the proposed rules, so we stand to lose most of the support we have been receiving through this program. Such a loss would have a major impact upon our program, and, accordingly, on the taxpayer.

"In many cases we would have to make up the loss of this support through increased grant costs or through increased direct appropriations. In others, where the costs would be too high for other sources of support, we would simply not be able to acquire the equipment, supplies, or materials, and the quality of the program would have to suffer."

His concerns are echoed in a letter I received from Frank R. Barth, president of Gustavus Adolphus College. He protests the proposed GSA change because it would remove privileges of excess property acquisition from the National Science Foundation grantees. President Barth writes that:

"As a grantee, we are firmly convinced of the importance of continuing this program. Many of the programs and research in education would not have been possible had it not been for the facilities and equipment acquired with the Excess Property Program."

Since I learned of this proposal, I asked my staff to obtain from GSA an explanation of the rationale behind this cnange and an estimate of its potential impact both nationally and in Minnesota. GSA was either unable or unwilling to supply that information. So on June 15, I wrote Mr. Rod Kreger, Acting Administrator of GSA, requesting this information on Tuesday, June 20. I have still not received the answers to my inquiries despite attempts of my staff to follow up on this letter, and I want to express my disappointment and disturbance at the apparent run-around we are receiving.

Mr. President, I am deeply concerned about the possible impact of this revised rule and I am prepared to protest it. I have sought, however, to obtain from GSA their justification and their estimate of this impact before filing a formal protest. I am still hopeful that the information I have been trying to obtain will be released next week. At this point, however, I want to announce my intentions to pursue this matter until it is reconciled in a fashion that does not penalize the excellent vocational education, higher education, and other public service programs in Minnesota and throughout the Nation.

I ask unanimous consent that my letter to Mr. Kreger and a sample of correspondence I have received be printed in the RECORD.

(There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:)

STATE OF MINNESOTA,
St. Paul, Minn., June 9, 1972.

Commissioner M. S. MEEKER,
Federal Supply Service, General Services Administration, Washington, D.C.

DEAR MR. MEEKER: Reference is made to Federal Register Vol. 37, No. 106, Thursday, June 1, 1972, page 10959, Use of Government Supply Sources By Grantees—Notice of Proposed Rule Making.

It is contended that the Proposed Rule Making—Federal Register Vol. 37, No. 106—Thursday, June 1, 1972—Subpart 101-43.3—Utilization of Excess as amended is a discriminatory action resulting from complaints to GSA on "Grantee" procuring supplies from the General Supply Fund as provided for in Federal Property and Administrative Services Act of 1949 as amended section 109(f), "Subject to the requirements of subsections (a) to (e), inclusive, of this section, the General Supply Fund also may be used for the procurement of supplies and nonpersonal services authorized to be acquired by mixed-ownership Government corporations, or by the municipal government of the District of Columbia, or by a requisitioning non-Federal agency when the function of a Federal agency authorized to procure for it is transferred to the General Services Administration" and such directed and discriminatory action resulting from such proposed regulation should be directed at regulatory procedures of the Act on authorized users of the General Supply Fund and not the authorized users of Excess Property as provided by stated Act and regulations developed and promulgated by GSA in utilization of excess property to the fullest extent for benefit of the public interest.

Your considerate analysis of the impact and effect such proposed change will have on the "eligible educational" agencies participation with GSA's utilization program warrants your immediate attention.

Yours very truly,

ROBERT P. VAN TRIES,
Assistant Commissioner, Division of Vocational Technical Education.

STATE OF MINNESOTA,
St. Paul, Minn.

To: Commissioner and State Board of Education.

From: Robert P. Van Tries, Assistant Commissioner.

Date: May 5, 1972.

Subject: Excess Property Utilization Report and Summary.

Since the inception of the excess property utilization program in August 1971, 434 SF-122's have been processed by our office. The original acquisition cost of these applications total $7,861,241.70. The type and kind of property reported in these applications included high government acquisition costs for computers, electronics, as well as machine tools, office equipment, commissary type equipment, welding, heavy operating equipment and the generous representation of basic metal materials, hardware and common use items. This equipment has served such program operations as industrial electricity, graphic arts, machine shops, welding, office education, drafting, auto mechanics, landscaping, machine trades, electronics, foods and health occupations, data processing, heavy equipment, optical technology, diesel mechanics, instrumentation, building maintenance, sheet metal, medical lab assistant, linemen technician, auto mechanics, information systems program, power linemen, carpentry, photo technology, supermarket management, auto/truck mechanic, specialty crops, irrigation technology, sales management, airframe and power plant, fluid power mechanics, air traffic control, chemical laboratories, forestry harvesting, baking, plastic technology, fluidics, small engines, plumbing, radio and TV repair.

The procurement of this property has been varied as reported by the following generating agencies locations: Scott AFB; Granite City Army Depot; Airway Facilities, Minneapolis; Control Data, Minneapolis; Univac, Minneapolis; Honeywell, New Brighton; Univac, St. Paul; Army Ammo Plant, Burlington, Iowa; Argonne National Lab, Argonne, Illinois; Joliet Illinois Army Plant; Honeywell, St. Louis Park; Isabella Minnesota Job Corps; Schjeldahl, Northfield, Minnesota; Camp McCoy, Wisconsin; Rock Island Illinois Arsenaled Gould Incorporated, St. Paul.

Raven Industries, Sioux Falls; Duluth AFB;

Fort Leonard, Missouri; Grissom AFB; Grand Forks AFB; Nebraska Cornhusker Army Plant; Utah Hill AFB; Michigan Wurtsmith AFB; Chicago Naval Ord.; Wichita AFB; Wisconsin Badger Ord.; Kansas Fort Riley; Monsanto Research, Miamisburg; G. E. Evendale, Ohio; Ohio Wright Patterson AFB; Ohio Mound Lab.; Omaha Offut AFB; Twin City Army Ammo Plant; U. S. Army Tank, Command, Michigan; Fort Benjamin Harrison, Indiana; Jefferson Proving Ground, Madison, Indiana; Winneloe AFB, Missouri; Kansas City Bendix Corporation; Sharpe Army Depot, California; Michigan Sawyer AFB; G. E. Company, Albuquerque, New Mexico; Tinker AFB, Oklahoma; Aero Space, Fairmount, Minnesota; Defense Electronics Supply, Ohio; Lexington Army Depot, Kentucky; Zenith Radio Corporation, Chicago; Lake City Army Ammo, Missouri; Warner Robins AMC, Georgia; Kansas City AEC; Corpus Christi, Texas; V.A. Hospital, Grand Island, Nebraska; FAA, Oklahoma; and White Sands Missile Range.

Active participation in home run overseas excess property reflects procurement from the following ports of entry; Stockton, California; Baton Rouge, Louisiana; Fort Worth, Texas. The total original government acquisition cost of this participation is in the amount of $1,588,675.97 with reimbursement for overseas cost at $83,566.50.

A number of intra-agency transfers have been accomplished of excess property being transferred within our state from schools operating MDT programs to VTE programs, as well as a Control Data 160A digital computer system with associated peripheral gear from the DHEW National Institute of Health located at the State University of New York, Upstate Medical Center, with an original government acquisition cost of $339,237 and a current estimated fair market value of $15,000.

Our requests for excess property have included equipment and materials for cannibalization and secondary utilization. Our vocational-technical schools had the experience through surplus property and have the know how of property utilization on secondary utilization in an effort to enhance and broaden their training opportunities. Also included is a considerable amount of common use "expendable and/or consumable" property that is normally "used up" in the ongoing programs and in many instances is a real dollar saver in programs that consume considerable amounts of costly basic metals, hardware, electronics, and so forth.

GUSTAVUS ADOLPHUS COLLEGE,
St. Peter, Minn., June 14, 1972.

Hon. WALTER F. MONDALE,
U. S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: As indicated by the enclosed letter, I am writing in reference to the proposed rule change in the Federal Property Management Regulations which would deny excess property acquisitions from the General Services Administration to grantees of the National Science Foundation.

As Director of our COSIP Program, I am particularly aware of the invaluable benefits which this program has contributed to our research and educational programs. The thousands of dollars of equipment has allowed a much more intense development of educational facilities and curriculum.

I join with our President and faculty members in asking for your support in urging the defeat of this proposal. It is my understanding that the Director of the Office of Management and Budget has directed the General Services Administration to make this change in ruling.

Thank you for your consideration and support.

Sincerely,

JOHN S. KENDALL,
Director, COSIP.

GUSTAVUS ADOLPHUS COLLEGE,
St. Peter, Minn., June 14, 1972.

THE COMMISSIONER,
Federal Supply Service, General Services Administration, Washington, D.C.

DEAR SIR: As Project Director for our National Science Foundation COSIP grant, I am writing in reference to the proposed change in Federal Property Management Regulation support 101–26, 101–33, and 101–43.1 published as General Services Administration Notice of a Proposed Rule Making in the *Federal Register* Vol. 37, No. 106, Thursday, June 1, 1972.

I know that you will be hearing from our President and several participating faculty members as well, As COSIP Director, I am particularly aware of the benefits which the Excess Property Program has given to our educational and research programs. These benefits amount to thousands of dollars and have been invaluable. The loss of this program would greatly jeopardize the development and continuation of our educational programs.

Considering the Excess Property Program as vital to our research and educational programs, I strongly urge that the proposal be reconsidered and defeated.

Sincerely,

JOHN S. KENDALL,
Director, COSIP.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., June 15, 1972.

Senator WALTER F. MONDALE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: There is a change by G.S.A. in the rule which permits distribution of excess Government property to University Laboratories like mine. A copy of a letter explaining my position is enclosed. I would appreciate any help you can give towards voiding the proposed rule change. The property coming to the St. Anthony Falls Hydraulic Laboratory alone saves the State of Minnesota and the University several thousand dollars each year and I understand that for the University as a whole it runs to several million.

Sincerely,

EDWARD SILBERMAN, *Director.*

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., June 15, 1972.

The COMMISSIONER,
Federal Supply Service, General Services Administration, Washington, D.C.

DEAR SIR: I have read the proposed rule change regarding excess property published in the Federal Register, Vol. 37, No. 106, Thursday, June 1, 1972.

I am the Director of a University Laboratory which has received considerable material under the existing rule and I would like to argue against the change. The Laboratory conducts applied research that has benefited water resources projects all over the United States. The excess property that we received—machines, machine tools, pumps, blowers, and electronic devices—have reduced the costs to the sponsors, including such Federal agencies as the Office of Water Resources Research, on most of the research we have conducted. Whether the sponsor be a governmental agency directly or a private consultant, the saving has eventually been passed on to taxpayers somewhere in the country. Assuming the property was truly excess, which I believe it was, it makes a great deal more sense to reuse it in useful projects than to let it sit idle and waste away in storage.

There is another minor aspect of this use of excess property. If new items have to be manufactured while similar items lie idle, we are going against the current trend of conserving our resources. We should be making more effort to fully utilize what we have rather than placing obstacles in the path of reuse.

I will sincerely appreciate your reconsideration of the proposed rule change.

Sincerely,

EDWARD SILBERMAN, *Director.*

GUSTAVUS ADOLPHUS COLLEGE,
St. Peter, Minn., June 14, 1972.

Re Federal Property Management Regulation support 101–26, 101–33, and 101–43.1; General Services Administration Notice of a proposed Rule Making, *Federal Register*, Vol. 37, No. 106, Thursday, June 1, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am writing to you out of strong concern over a proposed rule change governing the disposal of excess government properties under the Excess Proper Acquisition Program for recipients of Federal grants. Passage of this proposed change would prohibit such recipients from acquiring excess properties.

Gustavus Adolphus College is a National Science Foundation grantee. Through the Program we have been able to acquire much-needed equipment for the operation of several academic programs in nearly every eligible department. Because of this we have been able to enhance our educational offerings while effectively keeping the costs of these offerings lower for the students and their parents.

Discontinuation of the Excess Property Acquisition Program would negatively affect not only our students, but also our ability to offer a first-rate educational program for a school of our type and size. Discontinuation of the Program would produce only losers and no winners.

I strongly urge that you support the reconsideration and ultimate defeat of the proposed rule change. Please help us to keep the cost of quality private higher education within the reaches of your constituents.

Thank you for your consideration and support.

Sincerely yours,

JOHN W. PREHN,
Associate Professor and Chairman.

GUSTAVUS ADOLPHUS COLLEGE,
St. Peter, Minn., June 14, 1972.

Re Federal Property Management Regulation support 101–26, 101–33, 101–43.1; General Services Administration Notice of a Proposed Rule Making, *Federal Register*, Vol. 37, No. 106, Thursday, June 1, 1972.

Mr. M. S. MEEKER,
Federal Supply Service, General Services Administration, Washington, D.C.

DEAR MR. MEEKER: Gustavus College is a recipient of a National Science Foundation grant which makes it eligible for the Excess Property Acquisition Program. By virtue of this, the Department of Sociology and Anthropology also is a beneficiary of the program.

Should the program be discontinued, our ability to channel capital funds into educational programming will be hampered. In short, our department is now better able to plan capital expenditures around educational needs because of reduced financial outlays for equipment such as has been obtained through the Excess Property Program.

The existing program has made it possible for us to progress remarkably in educational planning even during periods of general economic distress. Consequently, we have enjoyed a distinct educational advantage as a direct result of this program. We do not wish to lose this advantage.

Too many American colleges and universities as well as the American public are suffering because of the increasing cost of higher education. This program has helped greatly in keeping that cost down. Discontinuation of the program will most certainly act to further increase the cost of higher education. This is something we do not wish to see happen.

I strongly urge the reconsideration of the proposed rule change and its ultimate defeat.

Sincerely yours,

JOHN W. PREHEN,
Associate Professor and Chairman.

JUNE 16, 1972.

Hon. WALTER MONDALE,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MONDALE: On June 12, 1972, I became aware that Mr. M. S. Meeker, Commissioner of the Federal Supply Service, General Services Administration, Washington, D.C., is considering the adoption of revised rules prohibiting the use of G.S.A. and other government sources of supply by recipients of Federal grants. For the sake of clarity, I am enclosing a copy of the proposal (rule making) that could be detrimental to any present or future plans we in this area and others may have in regards to furnishing Senior Citizens Centers, Youth Centers, Head Start schools, Indian Agency Centers, Halfway House Centers, Outreach Offices, Neighborhood Centers, Work Training Programs, Mainstream and other potential future programs that no doubt will be developed to cope with the ever mounting unemployment problems nationwide. With the emphasis on both ends of the life cycle spectrum, namely youth, senior citizens and low-income people of all ages, this is hardly the proper time to deprive American citizens of anything they rightfully own lock-stock-and-barrel. They paid for the merchandise that the Office of Management and Budget plans to deprive them of at a time it is needed to carry on with projects beneficial to hordes of American citizens.

Distress knows no boundaries, therefore, representatives of the public in all levels of government should question those in charge of the Office of Management and Budget to see if a way can be found to utilize G.S.A. materials more directly, to help alleviate the load of mass unemployment throughout the nation. As things now stand, one can see quite plainly there is room for improvement in the disposition of G.S.A. materials that could result in jobs for the unemployed in recycling centers. Numerous items could be given to undeveloped countries all repaired and refinished ready for use. Perhaps the taxpayers could create a saving for themselves by this means. In any event, this is a consoling thought.

Anything that can be done in the few remaining days of June, 1972 to forestall the Office of Management and Budget plans to deny American citizens of a full disclosure of why they are not entitled to receive G.S.A. materials needed to supplement meager incomes or no incomes, by using the facilities of the offices and services of agencies mentioned in this letter that are with few exceptions furnished by G.S.A. materials of all descriptions. You can rest assured many, many good citizens of this country will be grateful. Thank you.

Sincerely,

EDWARD MCCUTCHEON.

GENERAL SERVICES ADMINISTRATION

(41 CFR Parts 101–26, 101–33, 101–43)

USE OF GOVERNMENT SUPPLY SOURCES BY GRANTEES

Notice of Proposed Rule Making.

Notice is hereby given that the General Services Administration (GSA) is considering the adoption of revised rules prohibiting the use of GSA and other Government sources of supply by recipients of Federal grants.

The Office of Management and Budget has directed GSA to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources. Therefore, appropriate amendments to the Federal Property Management Regulations to accomplish this have been developed. However, cost-reimbursement type contractors will continue to be permitted to use GSA supply sources under the provisions of Subparts 1–5.5 and 1–5.9 of the Federal Procurement Regulations.

This notice is published pursuant to section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Interested persons are invited to submit written data, views, or arguments regarding the proposed revision to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, within 30 days after the date of publication of this notice in the Federal Register.

Dated: May 31, 1972.

M. S. MEEKER, *Commissioner.*

STATE OF MINNESOTA,
Windon, Minn., June 14, 1972.

Hon. WALTER F. MONDALE,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I have received a copy of a letter sent to State directors of vocational education, which is causing great concern amongst our vocational education people.

According to the letter, there is a proposal, dealing with a HEW regulation, which would declare state grant-in-aid programs in vocational technical education ineligible for federal excess property. I believe this would deal a severe blow to the progress in vocational education. As you know, Senator, vocational education is performing great services in our nation. Federal excess property has proven to be a tremendous asset in helping to implement vocational education programs. I do hope your office can lend assistance in defeating this proposal.

Sincerely yours,

GEORGE MANN,
State Representative.

TECHNICAL EDUCATION CENTER,
Anoka, Minn., June 13, 1972.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.:

We have been informed by Mr. R. D. Anderson, Executive Secretary of the National Association of State Directors for Vocational Education, that there is a proposal in HEW—Office of Education—to amend regulations that will declare state grant and aid programs in Vocational-Technical Education *ineligible for Federal Excess Property.*

Our local Vocational-Technical Education Center has acquired, since last August, valuable and usable properties through direct and defined procurement from GSA. These properties have been, and are being, used to upgrade present vocational programs. Without this type of aid the burden on the taxpayer becomes excessive. We are not only concerned about the welfare of the taxpayer but moreso concerned about the impact the proposal, if passed, will have on vocational programs, returning veterans and their training.

It is difficult to comprehend the logic, or lack of it, that would eliminate vocational education from benefiting from excess property through the elimination of a single word "grantee" in Subchapter 11—Utilization and Disposal Part 101–43—Utilization of Personal Property—amended Thursday June 1, 1972—Federal Register, Vol. 37—No. 106, page 10960.

We respectfully request your assistance in determining whether the information regarding this proposal is correct, and if so, what changes are being contemplated, and on what basis are changes being proposed.

Please find enclosed a copy of *Proposed* Rule Making dated May 31, 1972, and a copy of the article written by Jack Anderson published in the St. Paul Sunday Pioneer Press dated May 28, 1972.

Respectfully requested,

ALBERT T. ROEHL,
Supervisor, Trade and Industrial Division.

JUNE 14, 1972.

Mr. ROD KREGER,
Acting Administrator, General Services Administration, Washington, D.C.

DEAR MR. KREGER: It has recently come to my attention that GSA is considering the adoption of revised rules prohibiting the use of GSA and other government sources of supply by recipients of Federal grants.

I am most distressed to hear that such a policy change is under consideration. It is apparent that a wide variety of institutions in Minnesota, including vocational and technical schools and the University would be adversely affected by the proposed change.

To my knowledge these institutions have received no explanation from GSA of the reasons for the proposed change. My staff has secured a copy of the letter from Frank Carlucci, Associate Director of the Office of Management and Budget notifying you of the proposed change in regulations. This letter states that existing policy is "not consistent with the purpose of the Adminisration policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. This letter offers no documentation of the so-called "administration policy" referred to.

In addition, my staff has been unable to secure from your agency an explanation of the potential impact of the policy change either nationally or in Minnesota.

I am very concerned about the possible effects of a change in the regulation on the quality of educational and other human service programs in Minnesota. But it is impossible for me to address the substance of this issue without adequate information. For this reason, I request that complete answers to the following questions be forwarded to my office by the close of business on **Tuesday**, June 20th:

1. Please list all Minnesota institutions which received excess property in FY 1971 and 1972 and the value of the property acquired.

2. Please indicate the dollar value of excess and surplus property received by Minnesota institutions in each of the last five years.

3. Please list the dollar value of excess property disposed of throughout the United States in FY 1971 and 1972.

4. Please explain the difference between excess property and surplus property.

5. What agencies or other recipients will acquire or be eligible for acquisition of the excess property that would be unavailable to grantees under the proposed rule change? Please provide a general answer on the national situation and the specific list of eligible recipients in Minnesota.

6. Please explain in full "the Administration policy of reliance on the private enterprise system" with documentation of its origin and existence.

7. Please explain Mr. Carlucci's assertion that "the burden of GSA competition falls more heavily on small businesses throughout the country."

I am looking forward to your speedy reply.

Sincerely,

WALTER F. MONDALE.

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., June 15, 1972.

Hon. WALTER MONDALE,
Old Senate Building,
Washington, D.C.

DEAR FRITZ: The General Services Administration has proposed a revision of its rules which, if enacted, would make recipients of Federal grants ineligible to use G.S.A. supply sources under the provisions of Subpart 101–

43.320 of the Federal Procurement Regulations. Unless there is a decision to change this proposal before July 1, 1972, the revised rules will go into effect, to the very substantial detriment of many types of Federal grantees.

During the fiscal year 1971, for instance, the University of Minnesota received $6,038,650.19 worth of Federal excess property. Our most recent information is that the fiscal year 1972 figure will be approximately the same. Only a small portion of this property is used within Federal contracts to the University, which are still eligible under the proposed rules, so we stand to lose most of the support we have been receiving through this program. Such a loss would have a major impact upon our programs and, accordingly, on the taxpayer. In many cases we would have to make up the loss of this support through increased grant costs or through increased direct appropriations. In others, where the costs would be too high for other sources of support, we would simply not be able to acquire the equipment, supplies, or materials, and the quality of the program would have to suffer.

We understand that at least part of the reasoning behind the proposed changes is that grantees have abused privileges of using local G.S.A. stores to buy regular supplies that most institutions, including the University of Minnesota, should expect to purchase from normal commercial sources. Through G.S.A. stores, for example, it is sometimes possible to buy paper, pencils, tires, and the like. We generally use G.S.A. stores only for a source of Federal forms, not for normal expendable supplies. To the extent that the proposed revisions are an attempt to avoid this kind of abuse, we have no disagreement, but the proposed changes go so much further than that, and we have heard no justification from either the G.S.A. or the Office of Management and Budget, which directed G.S.A. to propose the revisions, for changes as drastic or far-reaching as those proposed.

The proposed changes were published in the June 1 Federal Register, pages 10959–60, and they may have gone unnoticed by many of the Federal grantees who would be affected. We know, however, that the Minnesota State Colleges and the Area Vocational-Technical Schools are most concerned and will be submitting argument to Mr. Meeker, Commissioner of the Federal Supply Service.

We will, of course, join them in responding, but we believe it is essential that you be informed of changes which would have this much impact upon Minnesota institutions and projects. Without knowing the reasons why G.S.A. or O.M.B. want a change of this magnitude, we feel more than a little helpless, and we would like to have some way of stating our case other than writing to the Federal Supply Service and the simply waiting for their determination by July 1. It seems to us that this issue is important enough to warrant an open discussion of the problems, the arguments, and the solutions. Any assistance you can render in promoting an airing of these issues would be most appreciated.

We understand that Ellen Hoffman will be in Minneapolis later this week on another matter, and we have contacted her about setting up a discussion of this issue while she is in town.

Sincerely yours,

MALCOLM MOOS, *President.*

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., June 15, 1972.
Mr. M. S. MEEKER,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

DEAR COMMISSIONER MEEKER: The proposed revision of the Federal Procurement Regulations, Subpart 101–43.320, would be highly detrimental to the University of Minnesota and other institutions of post-secondary education. For this reason, we urge a public and well publicized review of the proposal before any action is taken.

According to our records, the value of Federal excess property we received in fiscal year 1971 was $6,038,650.91, with a similar amount projected for fiscal year 1972. Since only a small portion of this property relates to Federal contracts, we would lose the authorization to use your sources for the greatest share of this support. As you can see from the dollar figures, such purchases are important to the maintenance of our instructional and research programs.

At this point in time, we are requested to submit data, views, or arguments to you, but this is difficult to do until we know why the Office of Management and Budget wants these changes. Furthermore, we do not know what process will be used in making this decision. For the record, based on the information available to us, we oppose these revisions strenuously. At a time when we are faced with severe budgetary restraints, changes like these would have a most serious effect on us and, as a direct consequence, on the taxpayers that support us and the programs they support.

If we had information more extensive than a one-page notice in the *Federal Register,* we could respond more specifically. We have invested considerable time and energy in legislative issues which have far less ultimate effect upon our programs than a rule change of the magnitude proposed, and we earnestly request that any changes in the excess property rules be delayed until a full airing of the issues can be accomplished.

Sincerely yours,

MALCOLM MOOS, *President.*

MINNESOTA PRIVATE
COLLEGE COUNCIL,
St. Paul, Minn., June 20, 1972.
Hon. WALTER F. MONDALE,
U.S. Senator, New Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE. Government surplus property programs, making surplus and excess property available to educational institutions, have been of immense benefit to the private colleges. After World War II they enabled the colleges to make rapid adjustments in both plant and equipment to care for returning veterans. All the years since, these programs have been the vehicles through which property already paid for by the taxpayer, has been channeled into a genuine public service. We are indebted to the Members of Congress and the administrators who have developed guidelines sufficiently comprehensive to include the private colleges and their needs.

We are now informed that a change has been proposed by the Office of Management and Budget according to which the authorization permitting Federal grantees to use Federal supply sources would be discontinued. Such a change is contemplated as of July 1. Apparently the primary purpose of this change would be to prevent institutions and agencies from ordering materials under GSA billing which is not already declared surplus, thus preventing the use of GSA as a general purchasing agent for institutions and agencies. It is not clear why it is necessary to include excess property under the same restriction.

Anything which you can do to insure the continuance of the Excess Property program and the eligibility of educational institutions for it will be appreciated. The National Science Foundation reports that about a quarter billion dollars worth of excess property has been acquired by its grantees during the past five years. If the NSF program is of value to the nation, and if dollars are scarce, it would appear to be counter-productive to place restrictions on that program of the sort which is being proposed. Why not utilize the immense amount of government property declared excess or surplus to help in the immense job of training the veteran, and his brothers and sisters, to help improve their contribution both to society and to the economy?

Sincerely yours,

EDGAR M. CARLSON,
Executive Director.

ST. MARY'S COLLEGE,
Winona, Minn., June 22, 1972.
Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I am disturbed to hear of a recent action initiated by the OMB to kill Federal grantee eligibility to receive excess property from GSA.

Most institutions of higher education are as concerned about their budgets as the OMB is about theirs. The availability of excess property is one means of maintaining and developing programs at reduced cost to both the institution and to the Federal agencies whose principal obligation is to assist educational programs and institutions

During the past 12 months, Saint Mary's College has acquired equipment, the acquisition cost of which equipment to the government totaled $38,569. Naturally, market value at the time the college received the property was very much less. Nevertheless, the equipment did fill an authenticated college need justified in terms of the college's contract with the National Science Foundation. In nearly every case, the equipment acquired would not have been acquired if it had not been available through GSA.

The arguments for continuation of the excess property program seem to me to be overriding, especially in view of the fact that the property in question has already been paid for. Since Federal agencies already have the right of first refusal of the property, there appear to be only two alternatives to giving it to non-profit organizations: stock-piling it till it must be thrown away, or selling it, thereby requiring taxpayers to pay again for the same equipment.

I hope you will see the impropriety of this proposed action and the negative effect it will have on higher education at a time when the Congress has moved so dramatically to assist higher education at a time of crisis. And I hope you will act against the proposed change.

Sincerely,

Brother GEORGE PAHL, F.S.C., *President.*

OTTER TAIL-WADENA,
COMMUNITY ACTION COUNCIL, INC.,
New York Mills, Minn., June 22, 1972.
Hon. WALTER F. MONDALE,
Senate Office Building
Washington, D.C.

DEAR SIR: I am writing regarding a memo that we recently received from the State Office of Economic Opportunity stating that Community Action agencies will no longer be able to purchase GSA supplies or to obtain Federal excess property.

If this comes into effect, the budgets of our programs will be greatly affected. As a result, the low-income people will suffer because their benefits will be limited. We are presently operating on very tight budgets and being able to purchase our supplies at a GSA store and obtaining GSA excess property has really helped. We have as much as a 50–60% saving. Therefore, we have been able to assist more low-income people and carry out our activities more efficiently, which is the primary goal of our agency.

Therefore, we would like to request your concern and assistance in this matter. We would appreciate your support in continuing the present procedure of obtaining GSA supplies and excess property for Community Action agencies.

Thank you for your cooperation and assistance.

Sincerely,

DELANO PERALA,
Assistance Director.

COMMUNITY ACTION PROGRAM,
White Earth, Minn., June 20, 1972.

Mr. M. S. MEEKER,
Commissioner, Federal Supply Service, General Services Administration, Washington, D.C.

DEAR SIR: It has come to our attention that the Office of Management and Budget has requested that agencies such as ours no longer be allowed to purchase or receive supplies and surplus goods from GSA. We would like to request that this action not be implemented as the ability to purchase from GSA has saved the American taxpayer at least $38,917.00 from this one comparatively small agency, alone.

This amount represents the value of goods purchased or received since we began operating in mid-1965. If we had been required to purchase them at retail they would have cost, at a very minimum, at least double that.

Therefore, we would appreciate having proposed ruling carefully reconsidered.

Sincerely yours,

WARREN W. HEISLER, *Director.*

SOUTH CENTRAL COMMUNITY
ACTION COUNCIL, INC.,
Jackson, Minn., June 21, 1972.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: It has come to my attention that final approval is pending on the amendment to the Federal Register pertaining to the use of GSA by recipients of federal grants such as community action agencies (41 CFR 101-26, 101-33, 141-43).

I would like to take this opportunity to make a few statements concerning this amendment. As the Executive Director of the South Central Community Action Council, I find that I often travel to the Twin Cities for the purpose of attending meetings, conferences, etc.; and at the same time I can make a trip to GSA and purchase office supplies for the agency. This results in enormous savings to the CAA; and since funding to CAA's is being continually cut, this is a most important savings.

The privilege of being able to obtain federal excess property is also a very valuable one to CAA's.

I am certain that you realize the importance of this service to community action agencies and I would implore you to vote against the proposed amendment to prohibit the use of GSA by recipients of federal grants.

Thank you for your consideration of this matter. I will look forward to the results of the vote on the aforementioned subject.

Cordially,

FRED D. HUEMOELLER,
Executive Director.

MAHUE COMMUNITY COUNCIL,
Detroit Lakes, Minn., June 21, 1972.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR MR. MONDALE: We received the enclosed information relative to the decision to take away the federally funded activities' access to GSA.

This would have a crippling effect on our activities. We hope you will see fit to oppose this action proposed to take effect June 30, this year.

Sincerely,

DELMOURE H. HULTGREN,
Executive Director.

BI-COUNTY COMMUNITY
ACTION COUNCIL,
Bemidji, Minn., June 21, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Since our Community Action Agency has been in existence we have been able to purchase supplies through G.S.A. (General Services Administration). We have received notification that on June 1, 1972, an amendment to the Federal Register took effect which prohibits the use of G.S.A. by recipients of federal grants.

Our supply budget for our Program Administration Program is $400 for a twelve month period. We will be unable to purchase supplies locally for our program with our limited budget.

We hope that you will be able to help us. Thank you.

Sincerely,

(Mrs.) LUCILLE A. MOE,
Administrative Assistant.

LAW OFFICES OF
LEGAL SERVICES PROJECT,
Cass Lake, Minn., June 21, 1972.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: On the Federal Register for Thursday, June 1, 1972 we noticed that the government Services Administration is proposing to change so as to prohibit the use of GSA and other government sources of supply by recipients of federal grants. As an OEO grantee we have been allowed, and encouraged, even urged, to use GSA sources of supply. We have done so and have noted that there is a considerable savings by purchasing our supply from GSA. Now we learned that GSA is attempting to remove this economical source of supply from us, and reverse what seems to have been a general policy of the executive branch to promote the use of GSA by grantees. The inevitable result will be to shrink the amount of funds available for operations of grantee agencies since it is highly unlikely that agency budgets will be increased by ah amount to off set the increase costs of supplies procurement through private sources. I wonder how much of this move is actually sparked and motivated by private companies or retailer in the business of selling office supplies and equipment who are outraged by the prospect of grantee agencies administrating federal money being able to avoid the 25 to 40% markup which we have to pay when we buy locally from retailers.

At a time when inflation slowly but surely eats into the dollar value of operational funds in the hands of the grantee agencies, and administrative resistance to any increase of budgets is general, such a move is proposed by GSA can only have regressive impact. Any information you can find as to why GSA proposes the revision of rules, any thing you can do to block it will be very sincerely appreciated.

Your very truly,

PATRICK J. MORIARITY.

MEEKER-WRIGHT
COMMUNITY ACTION, INC.,
Waverly, Minn., June 23, 1972.

Mr. WALTER F. MONDALE,
Old Senate Office Building,
Washington, D.C.

DEAR MR. MONDALE: In regards to the June 1, 1972 Amendment to the Federal Register prohibiting the use of G. S. A. privileges for federal excess property.

If the Commissioner Mr. M. S. Meeker would check closely on this directive, I believe he would rescind it immediately.

We as a poverty agency are already working under hardships, as far as funds go, to assist those who are trying to get out of the grasp of poverty. This restriction would just handicap our efforts further.

Please help us in our appeal to have Mr. Meeker change his mind on the amendment.

MEEKER-WRIGHT STAFF.

NORTHWEST COMMUNITY
ACTION, INC.,
Badger, Minn., June 23, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: I would like to comment on some pending legislation and enlist your support in defeating it. I understand that the Office of Management and Budget has directed the General Services Administration to propose discontinuance of the authorization permitting Federal grantees to use Federal supply sources.

If this legislation is passed, it could very seriously hamper the operations of this Community Action Agency. We have been able to secure excess Federal Property at the Grand Forks Air Base that has assisted us in operating a number of our programs at a considerable savings. It appears to me that big business is trying to get bigger by passing legislation that would make Federal grantees ineligible for excess property and other Federal supplies.

Your support in turning down this legislation will be greatly appreciated.

Very truly yours,

DWAYNE S. OTTERSON,
Executive Director.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum with the time not to be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I may not offer an amendment, but I would like to direct some questions to the manager of the bill, Senator NELSON and also to my good friend from New York Senator JAVITS about certain language of the bill.

On page 114, subsection (B) authorizes the Legal Services Corporation "to promulgate regulations contained criteria and specifying the manner of approval of applications for grants based on the following consideration." A number of considerations are then described as part of the criteria. One, on page 114, lines 24 and 25, refer to "peaceful resolution of grievances, and resort to orderly means of seeking change." I call attention to the last clause "and resort to orderly means of seeking change."

The same language, approximately, appears on page 101, lines 8 and 9, in the declaration of policy, referring to "the securing of orderly change." Then on page 101, line 24, and page 102, lines 1 and 2, there is a further reference—"through resort to orderly means of change." I inquire as to the meaning of the language I have quoted.

Mr. President, I do not want to stand here and give the impression that I am against change. Change occurs and should occur. I believe that the chief purpose of this program is to provide assistance to bring about change for the better in the lives of those who have been caught in the cycle of poverty.

I know as a constitutional matter that everyone has the right to seek change in an orderly way. In addition to the methods provided through the electoral process, great protection is afforded by the first amendment to the Constitution of the means of seeking change. The Supreme Court has interpreted the first amendment as protecting speech or action except that which presents a clear and present danger of the overthrow of the Government, or such speech or action which unreasonably intrudes upon the rights of others—the so-called balancing theory—or violates a law which does not repress first amendment guarantee.

I would like to know, for the sake of the record and for interpretation, the meaning of the language. Is it to be interpreted that the lawyers and employees will advise people as to the processes—constitutional and legal way of achieving change, or is it intended that attorneys and personnel shall urge upon the people—whether they desire or not—a more militant use of speech and action?

Mr. NELSON. Our interpretation of this language is that it is a guideline for the Legal Services Corporation itself. In representing clients who have a legitimate entitlement to representation under the bill, Legal Services attorneys are to attempt a peaceful resolution of grievances and resort to orderly means of seeking change.

I think it is a guideline for the corporation itself. I think it is implicit in the activities in which they engage, and it is probably not a necessary part of the bill itself.

Mr. JAVITS. Mr. President, I was going to suggest that I think I see what the Senator is driving at. This is a process of peaceful rather than revolutionary change. And that goes far beyond a Legal Aid Society. That is the constant model that I had in mind.

The Senator thinks that he will offer an amendment. Perhaps we should offer an amendment to make it clear that in both cases we could say that we favor the settlement of disputes rather than the peaceful resolution of grievances through resort to orderly means of change. The indication is in the law.

We could say, for example, on page 101: "existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about as far as possible a peaceful settlement of disputes"—period.

We could then do the same thing with page 114. Would the Senator like that?

Mr. COOPER. I would like to do that. I am not against peaceful change. I support the right of any person asserting constitutional rights. The Senator is a great lawyer, and he knows that under the first amendment there is little limitation upon that right, its use in seeking change. I am against lawless and violent means.

The PRESIDING OFFICER. Would the Senator send to the desk the amendment as modified?

Mr. JAVITS. Mr. President, we will draw an amendment for that purpose in just a moment.

I think that would be suitable and proper.

Mr. COOPER. Mr. President, I thank both the Senator from New York and the Senator from Wisconsin.

Mr. NELSON. Mr. President, I recall now that the President in some of his comments with respect to these programs was urging, instead of filing lawsuits to sue the mayors and all the others, trying to get a peaceful resolution of these problems.

I think that is the reason this language was put in. However, I find the modification perfectly acceptable.

Mr. JAVITS. Mr. President, would the Senator point out which pages are involved?

Mr. COOPER. There is one reference on page 101, lines 8 and 9, and a second on page 101, line 24, continuing on lines 2 and 3 at the top of page 102. The third reference is on page 114, line 25.

Mr. JAVITS. So that there are three.

Mr. COOPER. The Senator is correct.

Mr. JAVITS. Mr. President, we will prepare an amendment for all three.

Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum without charging the time to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

YEAS AND NAYS ON GURNEY AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on an amendment which will later be proposed by the Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the Gurney amendment.

The yeas and nays were ordered.

SETTLEMENT OF DISPUTES

Mr. COOPER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 101, line 8, strike all after "and" through line 9 and insert in lieu thereof the following: "the peaceful settlement of disputes within the system of justice;".

On page 101, line 24 after "about" strike all through line 2 on page 102 and insert in lieu thereof: "the peaceful settlement of disputes; within the system of justice; and".

On page 114, strike lines 24 and 25 and insert in lieu thereof the following: "(B) peaceful settlement of disputes within the system of justice; and".

Mr. COOPER. Mr. President, this is an amendment dealing with the language I have referred to. I have discussed it with the managers of the bill, the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. JAVITS). I think both of them agree the amendment can be accepted.

Mr. JAVITS. Mr. President, as I read this amendment it simply carries out our intention that we are organizing a corporation which is a legal aid society and it negates any implications of broadening activities of the legal services program. The legal services program will continue of itself, except as it may be affected by the new title, but in the generic descriptions which are involved in these amendments the intention is that that be not affected.

Therefore, to keep it a legal services program within the concept of a legal aid society we certainly approve of the change in the expressions which are contained in these three parts of the bill.

Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MONDALE. As I understand these changes, they in no way restrict or limit the range and scope of remedies which an attorney working in this program may pursue on behalf of his client.

Mr. JAVITS. That is exactly right.

Mr. MONDALE. And the restriction continues as it should those restrictions placed on the attorneys under the canons of ethics.

Mr. JAVITS. That is what I understand. The Senator from Kentucky can confirm it, himself.

Mr. COOPER. Yes. When I raised this question, I certainly did not want my proposal to suggest any inhibition upon the right to seek change. But the language suggested implications which could be beyond the duties of the legal profession. Of course, according to the canon of ethics, lawyers would represent the people in every proper way that would be required to represent them. But I did not assume that they were required to undertake activities political in nature, of a nonlegal character. It is very difficult to explain. Many things could be read into the language to which I have referred. I think what we want to do is to establish a legal body to do everything that should be done as lawyers.

Mr. JAVITS. That is right, and to avoid

the implication that this was a social crusade.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I have an amendment, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

On page 129, between lines 21 and 22, insert the following amendment:

(5) the Director of the Office of Economic Opportunity shall conduct a study of alternative methods of delivery of legal services to eligible clients including but not limited to judicare vouchers, prepaid legal insurance, and contracts with law firms at least fifty per centum of whose cases are on behalf of fee-paying private clients, and shall make recommnedations to the Congress on or before June 30, 1973, concerning improvements, changes, or alternative methods for delivery of such services.

The PRESIDING OFFICER. The yeas and nays on the amendment have been ordered. There is no time for debate.

Mr. JAVITS. Mr. President, I ask unanimous consent that debate on the amendment be limited to 10 minutes, 5 minutes to a side.

Mr. NELSON. Mr. President, I have been objecting to any requests for time or to any requests to put anything in the RECORD, because we have a unanimous-consent agreement. I said to the distinguished Senator from Florida that I had looked at his amendment. If it remained the same as it was, I would be glad to have the yeas and nays on it. I would have no objection to that.

I declined to give any time to the Senator from Mississippi (Mr. STENNIS), who wanted to take up a matter. We agreed that we would vote as soon as the amendment was in.

Mr. JAVITS. I withdraw my request, and I object to the amendment's not being read, and request that it be read.

Mr. NELSON. Mr. President, could it be done in 3 minutes?

Mr. GURNEY. I can do it in 1 minute.

Mr. JAVITS. Mr. President, I ask unanimous consent that the time for debate on this amendment may be limited to 5 minutes, equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GURNEY. Mr. President, the purpose of the amendment—and the only reason for asking this brief time was to explain it very briefly—is very simple. Members of the Senate know that some of us are extremely concerned with this particular form of legal service in the Legal Services Corporation. My amendment simply directs the Director of the OEO to conduct a study of alternative methods of delivery of legal services to eligible clients, including but not limited to judicare, vouchers, prepaid legal insurance, and contracts with law firms, and then to report back to the Congress not later than June 30 of next year.

Perhaps the study of alternative methods may turn up a different system than the one proposed in the bill.

Hence the amendment. It is a very simple one, and it will explore all the possibilities of legal services, and perhaps plug whatever loopholes there might be in the particular system proposed in the bill.

Mr. JAVITS. Mr. President, I ask for 1 minute on my time.

Mr. NELSON. Mr. President, I yield to the Senator.

Mr. JAVITS. I notice the amendment restricts the alternative to law firms 50 percent of whose clients are private. I suggest this to the Senator. I know whom he is trying to exclude. He is trying to exclude the public interest law firms. But if the Senator is really going to give the administrator any leeway in alternatives, does he not think he should be able to consider ideas which he may suggest as alternatives? Therefore, this restriction would limit him in his recommendations—I doubt that he would make such recommendations—and I think it should be eliminated.

Mr. GURNEY. Mr. President, I must say the Senator has a point. It would not trouble me too much if that particular part of the amendment were eliminated.

Mr. JAVITS. Only, I say, if the Senator wants the director to study those methods and that he would be left free to look over the alternatives.

Mr. GURNEY. I agree.

Mr. JAVITS. Would the Senator modify his amendment by striking out those qualifying few words which relate to the qualification of law firms at least 50 percent of whose clients paid fees?

Mr. GURNEY. And those words would be "at least 50 percentum of whose cases are on behalf of fee-paying private clients"?

Mr. JAVITS. That is correct.

Mr. GURNEY. Mr. President, I ask unanimous consent to modify my amendment by striking out those words.

The PRESIDING OFFICER. Would the Senator send his modification to the desk?

Mr. GURNEY. Mr. President, the only copy of the amendment I have is at the desk.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JAVITS. Mr. President, may we have 1 minute?

Mr. GURNEY. Mr. President, in my opinion, there are a number of things wrong with the Legal Services Corporation as envisioned in S. 3010. In essence, Congress is being asked to fund an expensive program, out of taxpayers' money, without having sufficient control over how it is operated. More specifically, as it now stands, there is inadequate protection against conflict of interest, partisan political activity by Corporation employees, use of funds for the nonpoor or for causes not directly related to the problems of the poor, or expenditure of moneys by Corporation lawyers and employees on projects that would advance their personal views, like boycotts, rent strikes, rallies and other demostrations. If we are to adopt the Corporation approach, these things and several others, like freeing the Corporation from normal standards of qualification for tax exempt status with regard to lobbying activities and allowing the Corporation appropriations to remain available until expended, need to be included.

However, it is my feeling that there may well be better ways to provide legal services for the poor, ways which need to be investigated. In fact, the reason I am offering this amendment is so that these alternatives may be considered.

For instance, one alternative which has been suggested is a prepaid insurance approach, similar to the Blue Cross/Blue Shield plan currently used by a number of individuals. New Jersey is presently considering the feasibility of implementing such a program on a statewide basis, possibly through the existing Blue Cross/Blue Shield machinery.

Another alternative currently the subject of an experiment being conducted in Shreveport, La., is a group legal services plan. Under this method, the members of a union or the employees of a company pay a small fee for legal as well as medical insurance, thus protecting themselves against an unexpected legal crisis—such as tax litigation—in much the same way they protect themselves against a heart attack or other unexpected medical crises. The teachers union in Los Angeles is also considering such a plan.

A third alternative is a program known as judicare. In that judicare gets many private lawyers involved in a legal aid program and also because it has been tested to some degree, I would like to go into bit more detail in order to illustrate not only its particular potential but also the fact that if one alternative proposal has real prospects for improving the quality of services rendered, then so might others.

Traditionally, lawyers have felt a certain responsibility—a responsibility similar to that felt by a doctor confronted by an indigent patient—to provide legal assistance to the needy, on a person-to-person basis, without regards to means. Judicare, by providing some compensation to private attorneys who give legal assistance to the indigent, is quite simply an extension of this responsibility—a practical extension which gets more lawyers involved, permits a person to choose his or her own attorney and, yet, does not deprive the client of dignity.

It is a program that has been tested and found to work, yet in the effort to provide adequate legal services to the poor it, like other alternatives, has been largely overlooked.

Judicare programs have existed in Belgium since 1929, in Great Britain since 1949 and in Ontario, Canada since 1966. In this country, they have had several trial runs under either HEW or OEO auspices, first in Wisconsin, and later in such places as Meriden, Conn. and Nassau County, N.Y. While each program has certain variations, the general pattern of operations is relatively simple.

In the United States, at least, the eligibility of applicants for assistance is based primarily on income and that determination is usually made by either a designated OEO community action agency or a local welfare office.

Assuming the applicant is deemed eligible he or she receives a card or some other proof of eligibility. Upon receipt of this certificate of eligibility, the applicant may then choose an attorney either from a panel or participating attorneys or, in some cases, from almost any attorney practicing in the area. The lawyer who takes the case can then charge the judicare program for his services at a semifixed rate dependent on the time involved or the type of case, with allowances, in some cases, for travel or other expenses. Often, the program can prescribe, with appropriate waiver provisions, a maximum amount that an individual attorney can receive, either per case—typically $300—or per year—typically $3,000. In addition, a small, central staff can provide the attorney with assistance in specific aspects of what has come to be called poverty law and can help him coordinate, organize, or assist in projects that treat with specific groups or general law reform questions.

The Wisconsin judicare program involved that State's 26 northern rural counties. Bringing legal assistance to this area was a hard task. Since the population was widely dispersed, the cost of establishing neighborhood offices throughout the area would have been prohibitive. Instead, they chose to use the built-in outreach of the lawyers already practicing in the area and established a program similar to the British system with the addition of a central staff that could provide research and other assistance if requested and help in handling larger projects.

Since 1966, more than 10,000 persons have been issued judicare cards and legal assistance has been given in more than 12,000 cases. It is important to note here that, in doing this, Wisconsin judicare has involved not just a few full-time staff attorneys but most of the attorneys of northern Wisconsin—about 500. It also used persons familiar with the area, not outsiders.

The majority of the cases handled are "bread and butter" type cases, with a $5 initial consultation fee and a schedule of fees for other services. But the participating attorneys, together with the central staff, have also devoted a good deal of time to community education, seminars for private attorneys, and law reform through class actions, direct appeals and aiding in formulating legislation. The Wisconsin program has also shown that judicare, besides meeting the need for assistance in simple cases, can become involved in a much wider range of services. For instance, the Wisconsin judicare projects involving ongoing assistance to prisoners, juveniles and Indians are laudable examples and the law reform caseload compares favorably with that of staff programs of a similar size.

However, the success of judicare is not limited to rural situations; it has worked well in two urban areas—Meriden, Conn., and Nassau County, N.Y.—also. In the Meriden, and Nassau County experiment judicare provided legal assistance primarily to welfare-related clients. Clients are screened by the local welfare program.

For example, in the Meriden experiment, prospective clients are given a choice between a panel of private lawyers or the local legal services office. With 26 of the 43 lawyers in private practice in Meriden participating in the judicare program, the number of clients choosing a judicare attorney has been just about the same as the number choosing representation by a staff lawyer from the regular legal service program offered in the area. The figures also show that the judicare approach was preferred for the more time consuming family legal problems. However, the increase in input hours in the judicare program is not accompanied by a higher level of cost. On the contrary, the judicare program appears to be more economical than the legal services program. Although the cost comparisons for judicare and legal services in Meriden have not been finished as of yet, the initial data shows that, by comparison, judicare is far less expensive in cost per client and cost per matter than the staff attorney approach. For instance, in looking at the budget requests for the first 2 years and the proposed budget for the third year, a 17.5-percent increase is noted for legal services while only a 6-percent increase is projected for judicare.

In the Wisconsin area cost comparisons between legal services and judicare are harder to make. First of all, the OEO staff attorney programs were primarily in urban areas whereas the judicare program was a rural project. A rural program calls for far more in the way of transportation cost expenditures than an urban program—one of the primary reasons judicare was selected for the rural area project.

Second, in the legal services office setting, every contact with the office is easily recorded and there is even evidence supporting the conclusion that some contacts are recorded as cases even when the service rendered is simple information. Under a program such as Wisconsin judicare, there is less ability to report every contact with every private lawyer in the program. In many cases an attorney simply does not bill the program for conferences—seeing it as part of his responsibility to the needy in his community. Since no record is then made for this type of contact, the average cost per case appears to be higher than that of the staffed programs in Wisconsin.

In the third place, the $59 figure generally quoted as the average cost per case for the Wisconsin staff attorney program in 1970 is based on the OEO contribution, which represents only 80 percent to 90 percent of the total cost, and does not take into account the 10 percent to 20 percent local contribution, usually consisting of volunteer services by attorneys and others. The $59 also does not include the services of Vista lawyers and lawyers introduced into the program through the Reginald Heber Smith fellowship program. Therefore, the 22 percent difference between the $73.58 per case for judicare and the $59 per case for the staff attorney program is misleading since it can be more than offset by adding in the cost of the various OEO volunteers.

From a cost standpoint, therefore, judicare may well prove to be not only more effective in providing the poor with legal services but also cheaper. Since we cannot afford to put our money to anything less than the most effective use, this factor alone should warrant study of legal services alternatives. However, there are other reasons as well.

Perhaps the most compelling reason for liking the judicare approach is that it does not degrade the poor person. Instead of being forced to accept whatever attorney the legal services office provides, he can pick out his own attorney just like a wealthier person could. Furthermore, there is less stigma attached; instead of the whole courtroom knowing it is a "poverty case" only the client, his attorney and the judicare staff know and, the extra privacy involved helps protect the sancitity of the attorney-client relationship. Just as medicaid and medicare have eased the discomfiture often felt by those who otherwise were forced to go to the public health clinic, judicare enables the poor person to get help without humiliation. For those who are trying to earn their own keep or who have already made their contribution, like our senior citizens, this is particularly important.

Then there is another factor and that is that all too often we see cases of young lawyers, using the present legal services program as a vehicle to radicalize or alter the structure of the very government that pays them. This makes no sense at all and does little if anything to help the people the program is intended to help—the poor.

For instance, what business does a legal services attorney have in contesting a school board's ruling on hair length, disciplinary actions or the right to an abortion? Yet, it happens and what good does it do to have legal services attorneys, who are supposed to work within the legal system to benefit the poor, encouraging their clients to get involved in protests, demonstrations and civil disobedience. We must separate the staff attorney's belief in a cause from the clients need for legal assistance, and this can only be done by closing the loopholes in the proposed Legal Services Corporation or, better yet, by looking into alternative solutions.

Finally, there are certain other practical benefits to be derived from a program like judicare. Briefly listed, these are as follows:

First. Judicare promotes the freedom of choice for the poor in selecting the lawyer they desire.

Second. Judicare guarantees greater involvement by private attorneys, and should lead to better overall bar relations.

Third. Judicare, by involving more attorneys, should ease a major problem—the overextended caseload in the legal services program.

Fourth. Judicare furnishes a more practical method of making legal services accessible in rural areas, where most of the poor are located, than does the neighborhood law office concept.

Fifth. In urban areas, judicare compares favorably to the legal services offices, and tends to help poorer urban lawyers set up a practice within needy communities.

Sixth. For all practical purposes, judicare would eliminate attacks against legal aid operations, based on alleged, unauthorized, or unethical practices.

Seventh. Judicare better assures representation for both parties to a dispute in domestic relations.

Eighth. Since it would be federally controlled under HEW, judicare would provide uniform benefits to all recipients in the Nation.

Writing in the Journal of Urban Law—Volume 47, 1969–70, Leroy D. Clark notes that many legal services organizations "have become so habituated to the usual ways of approaching problems" that they may be "more a part of the problem than the solution." As far as this Senator is concerned, the evidence supports such a suggestion, at least to the point where alternatives must be examined. The problems of providing legal aid to the poor are sufficiently complex that just creating a staff of legal assistance officers may not be enough; Judicare, prepaid insurance or group legal services—or a combination of all four—may offer a better solution, both for the poor who need the services and for the rest of society which has to pay for them.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Let us reserve a minute's time until we are sure we are completely at one here.

Very well, Mr. President, We have modified the amendment.

The amendment, as finally modified, is as follows:

On page 129, between lines 21 and 22, insert the following amendment:

(5) The Director of the Office of Economic Opportunity shall conduct a study of alternative methods of delivery of legal services to eligible clients including but not limited to judicare, vouchers, prepaid legal insurance, and contracts with law firms, and shall make recommendations to the Congress (on or before June 30, 1973), concerning improvements, changes or alternative methods for delivery of such services.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Florida, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Wyoming (Mr. HANSEN), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 87, nays 1, as follows:

[No. 263 Leg.]

YEAS—87

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Taft

NOT VOTING—12

Allott
Ellender
Fulbright
Gambrell
Goldwater
Gravel
Hansen
Humphrey
McGee
Mundt
Muskie
Saxbe

So Mr. GURNEY'S amendment was agreed to.

Mr. TOWER. Mr. President, I intend to vote against S. 3010, the Economic Opportunity Amendments of 1972. I have decided to cast a negative vote on this bill exclusively because of the legal services provision of the bill, title IX.

When President Nixon vetoed last year's version of the OEO authorization bill, there were primarily four objections to the legislation. The bill as reported by the Senate Labor and Public Welfare Committee corrected three of those objections. In last year's bill, title V would have authorized a nationwide child development program. The President, myself and a number of my colleagues expressed a number of philosophical and technical objections to title V. The current bill does not contain a child development provision. This year's bill also changed the earmarking and spin-off provisions concerning the basic OEO programs so that the administration could be able to implement an overall flexible approach to the war on poverty effort.

President Nixon has fashioned a number of reforms with regard to the Office of Economic Opportunity so that the agency is able to implement innovative programs to assist the poor throughout the country. I am convinced that under the basic strategy outlined by the President, the Office of Economic Opportunity can stand out as the prime mover in a number of experimental and innovative programs that the public and private sector can utilize in attacking the problems of the poor. Opponents of the President's strategy have felt that OEO should engage in specific programs on an ongoing basis that, in many instances, duplicate the efforts of other Federal departments.

Unfortunately, the 1972 bill does not include a responsible provision on a legal services program. Title IX of the pending bill would establish a separate National Legal Services Corporation. While I support the overall concept of a national legal services program, and while I am not unalterably opposed to the corporation concept, I do not feel that the pending title on the Corporation would be in the best interests of either the public at large or the poor.

Mr. President, for the most part the corporation concept received support because of the controversial nature of current legal services program. It is my feeling that the enactment of the bill now pending would not correct the current problems that have made legal services so controversial. Furthermore, it is my belief that implementation of title IX would help to foster new problems that the proposed Corporation could not remedy.

One of my major objections to title IX is the lack of accountability the proposed Corporation and its grantees would have to the Congress. The proponents of the legislation have stated that their objective is to see a Legal Services Corporation that is totally independent of political influence. It is true that one of the major problems with the program as it has existed for the past few years is the fact that it has been engulfed in political controversy. However, this will not be corrected by establishing an independent corporation that is not responsive to the Congress or the President that are together responsible for the funding of the program.

Furthermore it is naive to think that under any circumstances a program of this nature could be totally removed from the political system. Even many proponents of the corporation concept have flatly stated that it is impossible to remove a program of this nature from the political system.

It was my concern over the lack of accountability to the Congress and the President that led me to introduce and call up an amendment to the pending bill last Friday. This amendment, which was accepted in a modified form, will make the Corporation somewhat more accountable to the Congress and the President.

Yet, Mr. President, title IX in its current form does not contain sufficient checks and balances that will insure accountability. I have long felt that the legal services program should attempt to meet the day-to-day problems of a particular client that could not afford legal representation in the private sector. As originally conceived the intent of the program was basically of a civil nature. Yet public funds have been used in the past to represent individuals being criminally prosecuted. The pending legislation does not sufficiently correct the current authority of legal services attorneys to represent arrested persons before an indictment or information is filed.

One of the greatest problems of the

pending bill is that it does not address itself to what actual type of client or type of interest should be assisted. For instance, the legal services program has been considered by many so-called activists as a governmental unit that contains the internal mechanism to advance a particular set of political goals. Therefore, in many areas of the country the program has spent most of its funds and time litigating constitutional issues concerning welfare work requirements and similar controversial issues.

The legal services program was originally intended to simply assist the poor of this Nation in understanding their legal responsibilities. It was not conceived to litigate constitutional issues on behalf of similar organizations and movements. Unfortunately, many legal services attorneys do not consider landlord-tenant and general consumer problems of the poor to be very interesting. Instead, legal services programs have placed large priority on representing particular social and political interests as opposed to a particular current interest of a particular poor person who needs immediate assistance.

Using the social change criteria as their basic motive, many legal services programs have made local governments their No. 1 enemy. Constant long and drawn-out litigation over local ordinances and programs have been the rule rather than the exception of many programs. In many instances this type of activity has brought about a great deal of local hostility toward the program.

Mr. President, I do not feel that the Congress should appropriate funds to a program of a corporation that engages in constant litigation and harassment against State and local governments. I, for one, do not think this is the most appropriate type of legal representation for the poor. Furthermore, it encourages the type of legislation by the judiciary that is contrary to a strict constructionist interpretation of the Constitution.

The pending legislation does not correct these problem areas. On the surface it might seem that the Federal Government would have some control on the activities of the Corporation since the President would directly appoint 10 of the 19 Board members of the Corporation. However, factors such as confirmation uncertainties, executive committee authority, and the power of a working majority to hire and fire and set policy significantly cloud this likelihood. Furthermore, the stated objective of having no Federal supervisory control, except as provided by the amendment I offered last Friday, and others accepted this week, will effectively limit congressional review and any control over basic policy that the Corporation will set.

Furthermore, as reported by the Senate Labor and Public Welfare Committee, the bill does not include any real local check on the particular projects that will be funded. While the gubernatorial veto over programs was controversial and received quite a bit of public attention in the media, there definitely should be some type of check by some organization or unit of government on projects funded by the Corporation. For instance, the committee should have replaced the gubernatorial veto with a similar type of control exercised by the State bar associations.

Mr. President, in summary my major objections to title IX concern accountability of the Corporation to the public, the need for reorientation of the basic direction of the legal services program and the overall need to represent the basic interests of the poor without concentrating on particular political and social ends. The pending bill does not correct the faults of the existing program and because it establishes a new program totally independent of congressional review, I cannot support it.

NO DEESCALATION OF THE WAR ON POVERTY

Mr. CRANSTON. Mr. President, the legislation we have before us represents on the part of the Labor and Public Welfare Committee and in particular its Poverty Subcommittee, of which I am privileged to be a member, the efforts of more than a year's time of shaping, modifying, compromising, reshaping, and compromising again, all the while creating a measure which would retain the integrity of the war on poverty programs and expand and renew our initial commitment to work for the ultimate elimination of poverty in our Nation.

I was pleased to join with Senators NELSON, JAVITS, and MONDALE in introducing S. 3010 on December 13, 4 days after the original EOA extension legislation—S. 2007—was vetoed by the President. As introduced, S. 3010 contained the same provisions of the vetoed bill except that an extension of the Headstart program was substituted for the controversial child development title of S. 2007. During Labor and Public Welfare Committee deliberations, however, we agreed that further modifications were necessary in order not to jeopardize the entire future of the antipoverty effort.

In this regard, Mr. President, I want to say that without the judicious leadership exercised by the chairman of the Subcommittee on Employment, Manpower and Poverty, Mr. NELSON, and the great cooperation of our colleagues on the Subcommittee, Mr. MONDALE, Mr. TAFT, and Mr. JAVITS in particular, this legislation would not have moved through committee deliberations as expeditiously as it did. A word of thanks must be extended, too, to the fine staff who worked long and hard to facilitate our consideration of S. 3010. They are William Spring and Richard Johnson of the Employment, Manpower and Poverty Subcommittee staff, Sidney Johnson for Senator MONDALE, John Scales for Senator JAVITS, and Patricia Gwaltney for Senator TAFT.

For all their efforts, however, were it not for the cooperation of the chairman of the full Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS), consideration of this bill in committee might well have been delayed. Senator WILLIAMS scheduled consideration of S. 3010 ahead of legislation in which he was deeply involved as chairman of the Labor Subcommittee.

MEETING THE PRESIDENT'S VETO MESSAGE OBJECTIONS

In his veto message of December 9, President Nixon cited his objections to several specific provisions of S. 2007. They included provisions prohibiting further delegation of programs out of the Office of Economic Opportunity, earmarking funds for specific programs, the makeup of the Legal Services Corporation board and the procedures for administering the program while the incorporation process went forward, and a number of the child development provisions of title V of that measure. In our modifications of S. 3010 in committee, we sought to reach a compromise with the administration on each of these points.

SPIN-OFFS

With respect to the President's objection to the prohibition on delegation of authority, we recommend that it apply to only two programs—local initiative and the new Community Economic Development programs which would be created by section 17 of this legislation—rather than apply to all OEO programs as was a feature of S. 2007. We feel that operation of these two programs are central to OEO's effectiveness in conducting the war on poverty, and that that agency would be rendered ineffectual were they transferred from it.

EARMARKING

With respect to earmarking of funds for specific programs, the committee bill limits earmarking to only four programs rather than to the 15 programs which received earmarking under S. 2007. Those four are: Local initiative, $328.9 million; legal services, $71.5 million—these amounts are those requested by the administration—and Emergency Food and Medical Services, $30 million, and Alcoholic Counseling and Recovery, $18 million.

CHILD CARE

With respect to the President's objection to the comprehensive child care provisions of S. 2007, the committee reported to the Senate separate legislation (S. 3617) providing for these programs, which I am delighted cleared the Senate on June 20 by an overwhelming majority.

LEGAL SERVICES

And, finally, with respect to the legal services provisions, the committee has made what I believe to be major concessions to the administration's wishes—concessions which I personally would not have been prepared to make during consideration of S. 2007 but which I feel are necessary now to save the legal services program. OEO has been neglecting the program to the extent that it has not even appointed a director of legal services since its former head, Fred Speaker, left the agency after Vice President AGNEW's unconscionable interference in the Camden, N.J., program. My own State of California, specifically the California Rural Legal Services Assistance program, has been plagued by this kind of political interference, and its experiences have convinced me that the concept of providing legal services for the poor can be realized only through the creation of an independent National Legal Services Corporation outside OEO or any Federal agency. This is provided for in section 18 of the committee bill which adds a new title IX—National Legal Services Corporation—to the Economic Opportunity Act.

It was because of this neglect and

downgrading of legal services within OEO that I reluctantly went along with the committee's decision to permit the President—any President—to nominate an absolute majority of the corporation's board of directors without constraints except for the confirmation process. Instead of the President's nominating outright—as opposed to from lists—only six members of a 17-member board and nominating the remainder from lists of recommendations as was proposed in S. 2007, under the legislation before us today the President would have full discretion to name 10 members of a 19-member board, subject only to the constraint that six of the 10 must be attorneys, and the remaining nine members would be nominated by the President from recommendations made to him. Of the remaining nine members nominated by the President from recommendations submitted to him, five would be from recommendations submitted separately from each of the five major national bar associations and legal organizations in the country and four from the recommendations of the advisory councils—legal services and clients—which would be established by section 905 of the new title. All members of the board would be subject to Senate confirmation.

I was pleased that the committee agreed to an amendment I offered with Senators KENNEDY and MONDALE to insure that at least one director represent and be chosen from the population which speaks a language other than English as its predominant language. Our amendment was written with the Spanish-speaking community in mind, since 20 percent of present OEO legal services grantees now provide substantial amounts of service to these clients.

My reluctance to go along with the provisions for the determination of the Board of Directors stemmed from my conviction that the composition of the Board is the most important of all the legal services issues under the new title IX. The entire principle behind the new Corporation—that of insulating legal services from politics—is tied up with how the Board is composed and whether it can be politically manipulated. It is my feeling that the Board should not be controlled by any political interest, and I have stated publicly in the past that if appointment of a majority of the Board were ever placed in the clear control of the President, I would no longer be able to support the establishment of the Corporation—that I would prefer that the legal services program be continued under OEO. Subsequently, however, circumstances surrounding the administration of the program within that agency have deteriorated to the extent that its very survival depends, I believe, on its release from OEO, and for this reason, I have agreed to this very crucial compromise.

As I have mentioned, another of the President's objections to the legal services provisions in S. 2007 had to do with the procedures for administering the program while the incorporation process went forward. The vetoed bill provided that the incorporating trusteeship would be made up of representatives of the five national bar associations and legal organizations. S. 3010 provides that the Director of OEO shall be the incorporating trustee and shall carry out his responsibilities in consultation with the National Advisory Committee for Legal Services. I am delighted that the committee agreed to the amendment.

I offered to make the modification and also to clarify certain other features regarding the transition period of incorporation. Under the committee bill, as amended, during the first approximately 90 days after enactment of this legislation the legal services attorneys and the clients advisory councils will be established and they and the five bar groups will submit their recommendations to the President for nominees for the Corporation Board, and the President will submit all nominees to the Senate for confirmation. During a second 90-day period—which would begin after the appointment of all directors and the first meeting of the Board—the Corporation will take appropriate steps to become organized.

Once established, the corporation is authorized to provide financial assistance to qualified programs furnishing legal services as well as to carry out research, training, technical assistance, experimental and clinical legal education programs.

In addition, as a result of an amendment I offered in committee with Senators KENNEDY and MONDALE, the corporation will be empowered to carry out special emphasis programs for target groups such as migrant and seasonal farmworkers, Indians, and the elderly. I was most pleased that the committee agreed to make this provision a part of the bill to be reported to the full Senate. The need to provide special emphasis programs is essential if we are to insure equal justice for Americans who are part of groups that traditionally have received less than their share of antipoverty programs including lack of access to legal representation. Most recently, this need was brought to my attention when I learned that the Office of Economic Opportunity had planned to reduce its support of legal services to the elderly—specifically that six ongoing legal services programs serving the elderly were to be phased out and replaced with a "backup" center for senior citizens. While I feel that the backup center concept is a good one—and I am pleased that the Western Center on Law and Poverty in Los Angeles has been selected as grantee for the center—I do not believe that it can begin to replace adequately operational programs such as those carried on now under the direction of the National Council of Senior Citizens.

I joined on April 7 with 15 of my colleagues in writing to Director Sanchez to express these views, and I ask unanimous consent, Mr. President, that the full text of our letter be inserted in the RECORD at this point, to be followed by the inclusion of Mr. Sanchez' May 17 reply.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 7, 1972.
Mr. PHILLIP SANCHEZ,
Director, Office of Economic Opportunity, Washington, D.C.

DEAR MR. DIRECTOR: The 1971 White House Conference on Aging reported on the failure of the nation to provide adequate legal services to the nation's elderly citizens, particularly to the elderly poor. Therefore, the Conference adopted a recommendation that OEO allocate $10 million of its resources to the legal services needs of the elderly. Their recommendation is based on the growing proportion of the nation's poor who are comprised of men and women over 65 as well as the growing percentage of the nation's elderly whose incomes fall beneath the poverty line.

Clearly, as you have stated yourself in the past, OEO's prior commitment of resources to the legal needs of the elderly poor has been minimal. This year's budget unfortunately does not reflect even the start of a response to the White House Conference recommendation. The new legal services backup center for the elderly, while necessary in itself, cannot be substituted for on-going operational programs providing actual legal services to the elderly poor. The end result of the current plans to phase out the six projects which are now operating and replace them with a back-up center is that less money will be directly allocated to the needs of the elderly poor this year.

In view of the vital role of legal services in protecting the rights of the poor, we strongly urge a full re-evaluation of OEO spending priorities and a recognition of the special needs of the elderly without diminishing assistance to present legal services programs.

We are confident that such a re-evaluation will lead to the conclusion that current demonstration projects to promote legal services for the elderly should be at least doubled and made a permanent part of the legal services program. The expansion of the operating programs and the establishment of a new backup legal service center will combine to produce a fitting first step toward the goal established by the White House Conference on Aging.

As members of the Labor and Public Welfare Committee and the Special Committee on Aging, we view the above commitment as minimal. We believe that OEO can do no less in light of the White House Conference, OEO's own stated goals and the long expressed interest of both the Congress and the Executive Branch in improving programs and benefits for our older citizens.

We would appreciate receiving a response from you at your earliest convenience.

Sincerely,
EDWARD M. KENNEDY,
ALAN BIBLE,
FRANK CHURCH,
VANCE HARTKE,
ALAN CRANSTON,
EDWARD W. BROOKE,
THOMAS F. EAGLETON,
HAROLD HUGHES,
WALTER F. MONDALE,
GAYLORD NELSON,
JENNINGS RANDOLPH,
HARRISON A. WILLIAMS, Jr.,
CHARLES H. PERCY,
EDMUND S. MUSKIE,
CLAIBORNE PELL,
ADLAI E. STEVENSON III.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., May 17, 1972.
Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of April 7 joining fifteen Senate Colleagues in urging that OEO give special attention to the legal needs of the elderly poor.

As you certainly know, OEO is operating under an extremely limited budget that precludes funding any large new legal services or other programs. Nevertheless, OEO is embarking on a plan aimed at increasing the quantity and quality of legal services available to the elderly, first, by reallocating the resources of current legal services programs and, secondly, by increasing from $658,000 in FY 72 to $860,000 in FY 73 categorical assistance to the legal needs of the elderly. This amount of categorical aid represents almost twice the amount of categorical funds allocated to any other special group or substantive area of the law and includes one of the two new projects that OEO is able to fund in the area of legal services Research and Development.

REALLOCATION OF RESOURCES OF OPERATING PROGRAMS

With respect to the first point—reallocation of resources—my Legal Services staff has prepared an elaborate plan to help assure that the elderly receive an increased and fair share of existing resources in our 280 local Legal Services projects throughout the country. Since these local law offices consume approximately 90% of the Legal Services budget, a proper reallocation to deal with the legal problems of the elderly is critical. The plan includes (1) requesting the projects to reassess their work programs and priorities and, if necessary, revise them to reflect accurately the percentage of elderly within the client community; (2) urging the projects to increase the number of elderly persons on their staffs, thus assuring the perspective and sensitivity to problems of the elderly; (3) recommending that the board of directors of each project contain adequate representation from the elderly community; and (4) recommending that each project establish an advisory group on elderly problems. OEO is prepared to follow these recommendations with mandatory requirements if necessary.

The Headquarters Office of Legal Services will also contribute directly to this reallocation by (1) devoting an entire issue of the *Clearinghouse Review* to the legal problems of the elderly; (2) requiring that paralegal training programs include the elderly poor; (3) negotiating with the VISTA program to place elderly attorneys and paralegals in Legal Services projects; (4) including specific evaluation of efforts to aid the elderly in all general evaluations of local Legal Services projects; and (5) undertaking, through our National Training Institute and Reginald Heber Smith Program, the training of attorneys expert in the legal problems of the elderly.

CATEGORICAL LEGAL SERVICES TO THE ELDERLY

As a general matter, categorical legal services projects are extremely expensive and highly inefficient. As a result, the Office of Legal Services has sought to serve eligible clients by funding all inclusive programs operating through central and neighborhood law offices. However, special problems of the elderly dictate that they now receive special attention.

The Office of Legal Services has funded and intends to fund grantees who will spend a total of $860,000 during Fiscal Year 1973 for categorical elderly projects. Of this amount $450,000 will be directed toward establishing a national back-up center specializing in elderly law. This center, the largest of its kind, will provide assistance to the more than 280 Legal Services projects around the country in a variety of substantive areas including housing, hospitals, nursing homes, medicare and medicaid, consumer issues, pensions, social security and old age assistance. A portion of this $450,000 will be used to establish an office in Washington, D.C., to be affiliated with the elderly back-up center.

In addition to the $450,000, $160,000 has been committed to the Presbyterian Senior Services Center to continue its excellent national litigation work. Finally, $250,000 will be available for additional special categorical or demonstration projects. A portion of this amount will fund the continuation of the California Rural Legal Assistance project for the elderly as an adjunct of the back-up center. Appropriate use of the rest of these elderly funds is now under careful consideration.

In your letter you suggest that "current demonstration projects . . . (be) made a permanent part of the legal services program." Generally, our demonstration projects are by nature short-term efforts that are phased out when their results become available. To continue demonstration projects as such would be wasteful, since they often are inefficient as operating programs. It is also necessary to free up demonstration funds for further demonstration projects. In the present case, it should be noted that OEO has departed from this approach. Both the Presbyterian Senior Services Center and the CRLA Elderly projects are components of the demonstration Legal Research and Services for the Elderly (LRSE) project that is concluding. These two projects will continue to exist not as demonstration projects but as operating programs which will be affiliated with the elderly back-up center and which will be redirected to assure a national orientation and impact. The quality of their work warranted this decision. Of the three other components of LRSE, the funding of the Miami component has been assumed by HEW, and the expertise and some of the personnel of the Santa Monica housing project have been integrated into the elderly law back-up center and the Legal Aid Foundation of Los Angeles. Accordingly, the bulk of LRSE projects will, in fact, continue but in a form redirected toward supporting Legal Services operating projects.

Given the reallocation of legal resources and the additional provision of technical assistance, training and back-up support, the capacity and effectiveness of the Office of Legal Services to deal with the legal problems of the elderly will be significantly increased. These efforts will help bring national attention to the long neglected needs of our senior citizens, and I am confident that we will see substantial progress in their favor.

Sincerely,

PHILLIP V. SANCHEZ,
Director.

Mr. CRANSTON. Mr. President, while I was pleased with Mr. Sanchez' announcement that the Office of Economic Opportunity would be reallocating some of its resources to provide for greater funding for the elderly, I feel that we must go even further to insure on a continuing basis that this group of Americans is not underserved by legal services programs.

The 1971 White House Conference on Aging pointed to the failure of the Naton to provde adequate legal representation to the Nation's older citizens, and recommended that the Office of Economic Opportunity allocate $10 million for this purpose. This year's OEO budget did not reflect even a beginning toward meeting the conference recommendation—it provided a meager sum of only $340,000 for legal services for the elderly poor. And while I am pleased with Director Sanchez' assurances that the elderly will receive services requiring larger expenditures, I believe it is the responsibility of the Congress to see that special emphasis programs for older Americans are mandated under the legal service legislation now before it. The Gurney amendment—adopted today—to devote 20 percent of the legal services funds to services for those 55 and older—should help make this emphasis a reality for our Nation's elderly.

In addition, there is a need for special emphasis programs for American Indians. Native Americans have a unique relationship with the Federal Government based on treaties, agreements, special laws, and the Constitution—a relationship which requires expertise in the area of Indian law. Furthermore, many Indians in the United States live on Federal reservations or on rancherias or in isolated rural areas far away from the reach of the general legal services programs. To afford these Americans adequate access to legal representation demands special outreach efforts.

Migrant and seasonal farmworkers are another group requiring special emphasis programs if they are to be provided adequate legal representation. The inability to meet residence requirements effectively disenfranchises migrants, so while laws that affect them are passed, migrants lack the political and legal representation which would enable them to challenge unfavorable interpretations of law. The California rural legal assistance program (CRLA) has made significant inroads into these programs in my State, but more emphasis must be placed on reaching solutions to problems stemming from the migratory way of life.

Mr. President, we have had extended and detailed consideration of this bill on the Senate floor over the last week, particularly regarding the legal services provisions, and I believe that the vote which we are about to take will manifest overwhelming support for this measure, especially the National Legal Services Corporation which the bill would create. I would like to reiterate my appreciation for the cooperation extended to myself, the Senator from Wisconsin (Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), and the Senator from New York (Mr. JAVITS), by the Senators from Colorado and Kentucky (Mr. DOMINICK and Mr. COOK) regarding legal services amendments offered to the bill. Both Senator COOK and Senator DOMINICK have been most reasonable and accommodating in working with us to arrive at a mutually acceptable position on each of their amendments.

Mr. President, I would like to review briefly the principal amendments which we have accepted to title IX, the Legal Services Corporation title, in the committee bill.

AMENDMENT NO. 1280

First, Senator COOK's modified amendment No. 1280, which contains language which I suggested to him, does not in any way compromise the basic thrust of section 913 in title IX prohibiting any Federal agency or official from exercising any direction, supervision, or control over the Corporation or its grantees or the employees of either, or over members of the client community receiving legal services under the title. What the amendment does is to clarify authority which the Office of Management and Budget and the Office of Economic Opportunity would have, even were this amendment not in the bill, to conduct such reviews as may be necessary and desirable of the activities of the Corporation and its grantees in order to assist the President in deciding upon the amount of appropriations he would seek each year in his budget request to the Congress. This amendment does not, and the distinguished Senator from Kentucky has so stated this to me, in any way authorize either OMB or OEO to take any action with respect to the Corporation, its grantees, or members of the client community. Moreover, it seems quite clear to me that the existing section 913 in the title—and this point is made even clearer by the modification in amendment No. 1280—would preclude the OMB or any Federal agency or official from taking action to delay or withhold the allotment of the full amount of funds which the Congress subsequently should decide to appropriate for the Corporation.

AMENDMENT NO. 1281

With respect to Senator Cook's amendment No. 1281, I think he has made a significant contribution to consistency within the title by providing that the President's appointments from the general public shall constitute a majority of the members of any executive committee which the members of the Board of the Corporation may decide to establish. I again am grateful to the Senator from Kentucky for accepting my modifications to insure that, as was included in the original provision in the bill, at least one member appointed from the recommendations of the bar and legal organizations and one member appointed from the recommendations of either the clients' or the attorneys' advisory councils would serve on such executive committee.

AMENDMENT NO. 1282

We accepted Senator Cook's amendment No. 1282 without modifications with the understanding that as to programs assisted by the Corporation the amendment did not in any way alter the tax exemption situation that would have obtained without such an amendment with respect to the eligibility of such programs to seek tax exempt status under the Internal Revenue Code. The amendment merely makes this point explicit, as well as the point, which I think would otherwise have followed in any event, that once such programs are granted tax exempt status, then they would be required to adhere to all provisions of the Internal Revenue Code pertaining to such tax-exempt organizations.

Consistent with this modification that we should leave status under the tax laws to the Internal Revenue Service, we agreed to the modifications made by the amendment that the Corporation, itself, would not be automatically tax exempt, as the section in the committee bill provided, but would merely be eligible for such treatment if it satisfied the requirements of the Internal Revenue Code with respect to such tax exemption.

AMENDMENT NO. 1284

Regarding Mr. Cook's amendment No. 1284, as amended, I feel we have more clearly set forth the original intention in section 906(e) of the title. I do not believe that this amendment in any way impairs the ability of any legal services attorney to represent his or her client to the fullest extent permissible and mandated under the code of professional responsibilities and canons of ethics of the American Bar Association. The modified amendment does make clear that employees of the Corporation or legal services programs assisted by it when not representing clients must not seek to identify the name of the program or the Corporation, itself, with the representation they are making or the particular cause they are espousing on behalf of their clients. This seems a perfectly legitimate and desirable injunction.

In contrast, when such an attorney is responding to the request of a legislative body or any member thereof to make representations on a matter pending before or relevant to such legislative body, such identification would seem inevitable and appropriate. And the modified amendment does not, therefore, seek to prohibit such identification.

AMENDMENTS NOS. 1286 AND 1287

Finally, with respect to Mr. Dominick's amendment regarding political activities—which is a combination, with modifications worked out between Senator Dominick and myself, of his amendments Nos. 1286 and 1287—under this amendment, employees of the Corporation itself would be subject to the provisions of the Hatch Act respecting their political activities. Thus, those employees would be in the same situation as the present OEO employees in the Legal Services Division who manage the program at the national level. I do not think this is an unreasonable requirement and, indeed, it serves to underline the essential purposes of the new National Legal Services Corporation, which is to remove the legal services program from the political arena to the maximum extent possible.

With respect to employees of programs assisted by the Corporation, the amendment leaves intact the provision in section 907(d) of the title in the committee bill prohibiting such employees from participating in "any partisan or nonpartisan political activity associated with a candidate for public or party office" and continues the direction to the Board of Directors to set appropriate guidelines for the private political activities of such employees.

The provisions in modified section 907(d)(3) in the amendment are based upon those contained in present section 603(a) of the Economic Opportunity Act with respect to any agency receiving assistance under that act.

The new subsection (e) added to section 907 merely makes plain the obligation of an attorney not to encourage violations of law and, of course, to refrain, himself, from engaging in such violations. Surely, we would want a legal services attorney working in the program to meet those obligations, and would be most seriously concerned, and consider it a substantial breech, were he to violate the injunctions in the new subsection. That is why the new subsection (f) indicates that violations of the provisions of this section might be grounds for serious action against the offending employee or his program.

In addition to these modifications, which the committee feels are substantial enough to meet the administration's objections to the legislation to extend the Economic Opportunity Act, S. 3010 contains several other provisions of particular interest to me, and I would like to address them at this time.

YOUTH JOBS

Section 3 of S. 3010 authorizes a major expansion of the Neighborhood Youth Corps program by providing a special additional authorization of $500 million to create 100,000 additional work and training opportunities in this most important program. It is my earnest hope that this program will be fully funded. The average overall unemployment rate for youth during 1971 was 21.7 percent. For black youths in our urban poverty areas, unemployment stood at 38 percent. These figures are bleak and they are a national disgrace, Mr. President. I am sure my colleagues will agree that we have a moral obligation to insure that they are substantially lowered in 1972 and beyond.

NONDISCRIMINATION IN OEO PROGRAMS

The committee bill also contains an amendment I introduced to add a new section 624 to part A—administration—of title VI—administration and coordination—of the Economic Opportunity Act to prohibit discrimination—particularly based on sex—in OEO programs. Section 16 of S. 3010 adds this nondiscrimination feature to the antipoverty legislation. It provides a nondiscrimination provision with respect to any financial assistance provided under the act and specifically prohibits discrimination on the ground of sex in OEO-funded programs. It would not, however, affect any other legal remedy a person might have with respect to discrimination on the grounds of sex. This section corrects an apparent oversight in the present act which does not now contain any such nondiscrimination feature.

COMMUNITY ECONOMIC DEVELOPMENT

Section 17 of S. 3010 provides for a new title VII of the Economic Opportunity Act of 1964, as amended, for community economic development. This provision, which consolidates the current title I-D—special impact—and title III-A—rural loan—programs, was also included in the vetoed bill. It resulted from an amendment I was pleased to cosponsor with the Senator from Massachusetts (Mr. Kennedy) and the Senator from New York (Mr. Javits).

The community economic development title revises the special impact programs to focus more sharply on urban and rural community-based corporations, to emphasize the crucial role played by federally supplied equity capital, and to encourage the cooperation of other Federal agencies in the growth of community development corporations. It provides for grants and loans—which are essential to help launch small cooperatives and help low-income farmers—to low-income farm families and rural cooperatives. This type of authority, originally contained in the Economic Opportunity Act of 1964, was delegated to the Farmers Home Loan Administration and apparently used only for a selected few individual—rather than group—loans.

Finally, the new title VII authorizes making financial assistance available for training and technical assistance and authorizes long-term loan funds for urban and rural areas. It would extend the existing $100 million EOA title III–A rural loan revolving fund, which the administration wishes to terminate, and provides for the eventual creation of a matching urban development loan fund. The interest on loans made by the fund, in conformity with other federally supported revolving funds, could be used to defray administrative, technical assistance, and supervisory costs of the fund, rather than being paid back to the Treasury.

Presently, OEO has nearly 40 grants outstanding for economic development programs. These range from grant amounts of $10 million—for Bedford-Stuyvesant in New York—to the $100,000 range—for groups now in the beginning stages, such as the West Side Planning Group in California's San Joaquin Valley, and the East Los Angeles Community Union.

The West Side Planning Group, a cooperative of Chicano farmworkers, is successfully utilizing its grant from OEO to develop plans for the creation of an interchange enterprise on the new Route 5 crossing the valley; the development of a cooperative furniture operation; and a joint venture with an established distributor of liquid petroleum. The East Los Angeles Community Union—TELECU—also a Chicano group, is involved in the development of a mattress factory, and in housing development planning. These grants have afforded both groups the opportunity for self-help and self-determination in the economic development of their areas.

California also has, in the Watsonville area, a successful agricultural marketing cooperative in operation—the Central Coast Counties Development Corp. This group was unsuccessful in securing a title III–A loan from the Farmers Home Administration, but was fortunate enough to receive a grant from the OEO regional office's discretionary fund. Once the OEO loan was granted, a private lending group became interested in this growing cooperative, and it loaned additional funds to the group. A highly successful strawberry cooperative is the result.

Mr. President, I mention this success story as an illustration of the kind of effective Federal/private sector cooperation which the new title VII can foster by granting loans to low-income rural cooperatives.

SPECIAL PROGRAMS

Section 20 of S. 3010 as reported from committee amends title II–B—financial assistance to community action programs and related activities—of the Economic Opportunity Act by adding two new sections—section 226 for a program of "design and planning assistance grants" and section 227 for a "youth recreation and sports program."

I offered amendments providing for these two programs during committee deliberation on S. 2007, and my colleagues on the committee agreed that they were worthwhile programs which should be continued by the Office of Economic Opportunity. The provisions were slightly altered in S. 3010, and I would like to comment on those changes. I want to preface my comments, however, by explaining why the committee felt it necessary to provide statutory authority for these programs.

Prototypes of both the design and planning assistance grants program and the youth recreation and sports programs have formerly been funded through OEO's section 232 research and demonstration authority. Together they raise the important question of what should happen to successful demonstration programs once they have proven their effectiveness, when local resources are not adequate to assume the full financial responsibility. The committee, by adopting these amendments, endorsed the notion that these programs should be carried on, improved and expanded, not discontinued—the unfortunate prescription offered by OEO.

I am pleased that the committee agreed to provide in S. 3010 specific levels of authorization for both these programs—for design and planning assistance grants programs, $10 million for each of fiscal years 1972, 1973, and 1974; and for the youth recreation and sports programs, $6 million for each of fiscal years 1972, 1973, and 1974.

COMMUNITY DESIGN AND PLANNING ASSISTANCE

While the ongoing programs of OEO have dealt primarily with the legal, educational, and health problems of the poor, the worsening state of their everyday environment has been sadly neglected. Conditions in urban slums and remote rural areas continue to deteriorate. Housing is overcrowded and inadequate; expressways and renewal projects rip up neighborhoods with little or no plans for adequate restoration or relocations.

Low-income persons must have access to design and planning assistance just as they now have access to legal services and health care. With such assistance available, communities can have the opportunity to make constructive inputs into the physical and environmental development of their neighborhoods.

OEO has already granted research and demonstration funds to three existing community-based architectural and planning workshops known as community design/development centers, which are among 73 such centers operating in 56 cities across the country. These centers provide free design and planning technical assistance to indigent communities, as is consistent with OEO's goal of increasing community awareness, community involvement, and community self-help. Staffed by architects, planners, engineers, and other design professionals, these community design projects vary from minor renovation work on individual dwelling units to the development of comprehensive planning documents for the future growth of neighborhoods. VISTA volunteers presently are assigned to many of these centers.

The committee believed that up to $10 million available under part B of title II could be effectively granted annually for assistance to these design centers, especially those which have proven their effectiveness. A January 1971 evaluation conducted by Kirschner Associates, Inc., under OEO contract No. B89–4558, studied the seven community design centers which OEO had funded for at least 1 year. The report stated in concluding that Federal support for these programs should be continued and expanded:

> There is considerable evidence from experience of the demonstration programs that advocacy planning can generate major changes in urban planning and implementation processes, particularly in urban renewal, housing and transportation, which give community residents greater and more significant voice in determining program goals and plans of local and state agencies. In many cases, these changes have converted latent and overt resistance of low-income neighborhoods to urban renewal and related development activities into positive support for such public programs. In some instances, their involvement has been expanded to give the neighborhood key roles in implementing the plans and controlling their execution. Also, the advocacy planning demonstrations have succeeded in effecting important changes in the goals and substance of proposed public plans affecting the interests and neighborhoods of their low-income client organizations. . . .
>
> It is clear . . . that advocacy planning is now and can continue to evolve as an exciting process within the general framework of a participating democracy. It is a concept combining professional competence, the needs and desires of the residents of poor communities, and the growing need for a feeling of "community". It is also developing as a legitimate link between the public agencies and an important part of their constituency. It is an approach that has already made modest headway and, in the future, can provide constructive positive solutions to urban problems. . . .
>
> Based on the observations and analyses of the current demonstrations, it is believed that such programs should continue to be supported for the following reasons:
>
> 1. These programs generally provide a means of establishing more effective communication and relationships between poor citizens and public planning bodies so that each is benefited as well as the community as a whole.
>
> 2. The concept and practice of advocacy planning appear to be in a relatively early stage of evolution and it is likely that much more can be learned from such programs about how to involve citizens in the cooperative and constructive solution of urban problems.
>
> 3. Although many advocacy planning programs have established their legitimacy and even a constituency, they have not yet nor are they likely to become financially self-sufficient. . . .

The effect of the new community design assistance provision is to insure that these valuable programs, having proven their effectiveness, continue to be funded under the Economic Opportunity Act. For precisely that reason—because these programs have proven their effectiveness—OEO is reluctant to continue their funding under a research and demonstration authority.

One of the programs to benefit from this amendment, for example, would be the San Francisco Design Center, which was established in 1967 by the University of California extension. Past OEO funding enabled it to improve and expand its services so that currently the center operates with a small full-time staff and a roster of part-time volunteers who are professionals with the skills needed to deal with urban problems. The center has responded to requests from low-income residents for assistance in developing housing programs, long-range planning studies, preparing working drawings for store front offices, designing letterheads, tot-lots, playgrounds, and a host of other requests involving community improvement and development.

YOUTH RECREATION AND SPORTS PROGRAM

The youth recreation and sports program is an expansion of the national summer youth sports program which OEO has been funding during the past three summers. Funds for the program were delegated to the Department of Health, Education, and Welfare, which in turn contracted with the National Collegiate Athletic Association—NCAA. The President's Council on Physical Fitness and Sports has been the Government's administrative and monitoring agency. Section 20 of S. 3010 provides for the program's establishment on a permanent basis and expands it to provide for continuing year-round contact with the participating youths and related educational and counseling services, especially drug abuse education.

The present program has served approximately 124,000 participants during its 3 years of operation. Eleven colleges and universities in my own State of California are working with nearly 4,000 participants this summer. The program provides valuable contact between disadvantaged youth and collegiate athletes, and affords to its participants the multiple resources available at college and university campuses.

The new section assures that community residents will work with the young participants and collegiate personnel in planning and operating the program.

During floor debate on S. 2007, the question of eligibility of organizations other than colleges and universities was raised, and an amendment I agreed to with my good friend from Pennsylvania (Mr. SCHWEIKER) broadening the scope of those qualified to be grant recipients was adopted. It provided that nonprofit organizations having appropriate facilities would also be eligible. That amendment has also been included in S. 3010. It should be clearly understood, as the committee report states, that such a grant applicant would have to demonstrate competency in all of the training, education, nutrition, drug abuse education, and counseling activities required in the statutory provisions governing the program in all of the dimensions contemplated in the specific legislative language and in the committee report, and thus to provide such services at least equal in quality and quantity to the services presently provided under the National Collegiate Athletic Association contract for the present national summer youth sports program.

Another change from the language of the provisions contained in S. 2007 has to do with equal opportunity for service. During its consideration of the youth recreation and sports program provisions, the House Education and Labor Committee added language placing quotas on the number of males and females eligible to participate in the program. This language was deleted on the House floor after the NCAA's excellent record for including females in its programs was presented. To deal with any problems which might arise in the future concerning this issue, I offered an amendment adopted in committee insuring that women and all other significant segments in the poverty community have equitable opportunity for service and employment through the program.

CONSUMER PROGRAMS

At the time the committee was considering S. 3010 in executive session, a situation paralleling that of the design and planning assistance grants programs and the youth recreation and sports program came to our attention. That situation concerns the future of the consumer programs in the Office of Economic Opportunity. Director Sanchez has communicated to us that OEO's Office of Program Development, in redesigning its funding priorities, has determined that seeking how to solve consumer problems is not one of its major thrusts at this time. The committee was most concerned to learn of this change in focus, especially in view of the fact that it has been scarcely more than 2 years since the President announced, in his October 30, 1969, message to the Congress on consumer protection, his intentions to launch a series of new initiatives in this area. At that time, he announced that the Office of Economic Opportunity was establishing its own Division of Consumer Affairs.

Mr. President, to date that Division has never been established. OEO answered the President's call merely by establishing in the Community Development Division of its Office of Program Development a six-member "consumer affairs group." And now, within 2 years of the President's message, OEO has chosen to eliminate even this small evidence of its commitment to consumer strategy. In a May 19 letter to Chairman NELSON and me, Director Sanchez stated that in keeping with OEO's policy to discontinue funding of successful research and demonstration programs, the consumer programs would no longer receive his agency's financial support.

Mr. President, I ask unanimous consent that the full text of that letter be inserted at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C.. May 19, 1972.

Hon. ALAN CRANSTON,
Subcommittee on Employment, Manpower, and Poverty, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your letter of May 17 enclosing a copy of your Committee's report on S. 3010 and calling attention to the Committee's concern regarding certain consumer information and assistance programs which you understand OEA is in the process of discontinuing or phasing out.

The Office of Economic Opportunity is keenly aware that poor persons, who can least afford financial loss, are the most frequent victims of unethical business practices. It was precisely because of our concern regarding the problems faced by the poor in their business dealings that we have developed and funded the consumer programs mentioned in your letter and in the Committee's report.

Before discussing our intentions regarding these particular programs, I believe it would be desirable to call attention to the statutory framework under which these programs are being conducted and to comment on our basic philosophy with respect to such programs. Each of these programs, as you know, is currently funded under the authorities of section 232 of the Economic Opportunity Act. That section specifically provides that assistance thereunder may be provided for "pilot or demonstration projects" which are designed "to test or assist in the development of new approaches or methods that will help in overcoming special problems or otherwise in furthering the purposes of this title [relating to community action]." This language clearly does not provide open-ended authority for us to continue the use of section 232 funds for programs which have been fully developed and have either proved to be effective or ineffective as the case may be. When this point is reached, we believe that local communities, having been familiarized with such programs, should have the opportunity, in determining their own order of priorities, to decide whether to initiate or continue such an activity as a component of a community action program or as a programmatic effort funded entirely with local monies.

With regard to the particular programs mentioned in the Committee's report, we believe that for the most part they have reached a stage of full maturity and we have obtained from them as much information regarding their potential effectiveness as they are capable of yielding. We have found, as a result of our experimentation in this area, that the Neighborhood Consumer Informaton Center (NCIC) established in Washington, D.C. has considerable potential as a national resource center which could be useful in developing new concepts and approaches in the consumer protection area. We have, therefore decided to continue funding this activity at its present level during the coming fiscal year. We are unable to justify continued funding of the other consumer programs mentioned in the Committee's report as "R. & D." efforts. If they are to continue in operation after their existing section 232 grants have expired, we believe their continuance should result from determinations made at the local level that available EOA local initiative funds should be used for that purpose or that funds from other sources should be obtained to keep them in operation.

I am sending an identical letter to Senator Nelson and hope that it satisfactorily responds to your inquiry.

Sincerely,
PHILLIP V. SANCHEZ, *Director*.

Mr. CRANSTON. What is unusual about Mr. Sanchez' letter is that most of the consumer affairs programs have not even been in operation long enough to have been evaluated. While their potential may well be great, it is my belief that, at the very least, they deserve to be funded at least until meaningful evaluations can be made.

More critical, however, is the question of what will become of these programs and similar initiatives in the area of consumer advocacy. Despite the committee's clear rejection of the notion that successful R. & D. programs should be discontinued merely because they are unable to locate alternate sources of funding—in my view, a misguided OEO policy—the Office of Economic Opportunity has again taken this position with respect to the consumer affairs programs.

It is for this reason, Mr. President, that I offered and the Senate adopted on the floor an amendment to S. 3010 which would provide a new section 228 in title II–B of the Economic Opportunity Act, as amended.

THE ACTION AGENCY

Section 3 of S. 3010, as reported, included an amendment I offered to provide for a supplemental authorization of appropriations of $16 million for fiscal year 1972 for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act. Under the committee bill, $8 million of this is to be made available for full-time volunteer antipoverty programs under part A of title VIII, and $8 million is to remain available for expenditure under the title during fiscal year 1973. The section provides for a total appropriation of $53 million annually for fiscal years 1973—the amount requested in the budget—and 1974 to be used for these programs, but of that amount, $44,500,000 must be used for full-time antipoverty volunteer programs under part A of title VIII, and $8,500,000 may be used for experimental programs in part B.

Related to this authorization is section 24 of S. 3010, which was part of my amendment and which amends section 821 of the Economic Opportunity Act—authorizing demonstration volunteer programs—to cover any program for which academic credit is granted to volunteer participants in connection with their volunteer service. This provision is intended only as an interim measure for fiscal year 1973.

The Special Subcommittee on Human Resources, which I am privileged to chair, recently completed extensive hearings on the proposed Action legislation (S. 3450) and the future directions of that agency's domestic volunteer programs. The amendment is designed to preserve the committee's and congressional prerogatives to take a close look at the new and experimental programs which Action proposes to carry out in addition to VISTA, Foster Grandparents, RSVP, and SCORE/ACE. The University Year for Action program is one of these new initiatives, and the Human Resources Subcommittee is giving the agency every opportunity to justify and receive statutory authorization for this program and for new programs it proposes to undertake which are not presently authorized under title VIII of the Economic Opportunity Act.

The section 24 amendment, coupled with the language in section 3, will allow the Action agency to continue the University Year for Action program at the present 25 sites, with expansions at those sites, so that the continuance of this program will not be jeopardized pending enactment of the Action legislation.

Since the time S. 3010 was reported, however, Action has requested several modifications in the legislation which would afford it greater flexibility in obligating and spending moneys appropriated to it under these authorizations. I have joined with my distinguished colleague from Pennsylvania (Mr. SCHWEIKER), who serves on both the Poverty Subcommittee and on the Special Subcommittee on Human Resources, in working out modifications to the language in S. 3010, as reported, which will continue to protect the regular full-time VISTA program and yet provide Action with greater flexibility in utilizing, for its demonstration programs, funds which may be appropriated as a result of this authorizing legislation. The modifications are detailed in my floor remarks on our amendment to this effect.

POVERTY LINE DETERMINATION

Before concluding my remarks today, I would like to mention briefly the provisions in section 25 of the committee bill concerning determination of the poverty line and eligibility for program participation. Participation in a number of programs authorized by the Economic Opportunity Act is limited to persons whose family income falls below the poverty line.

Section 25 requires agencies administering these programs to employ the official Government poverty line to determine eligibility for participation in those programs, but it further requires them to update that line regularly—at least annually. This should correct the situation whereby impoverished individuals are rendered ineligible for participation in antipoverty programs because of a gap in updating the poverty line index.

CONCLUSION

I urge my colleagues to give their total support to S. 3010 as reported from committee. The very life of the antipoverty program depends upon speedy passage of this measure, as the Economic Opportunity Act expires on June 30. But I am not asking my colleagues to support S. 3010 simply for the sake of continuing the present antipoverty efforts. As I stated at the outset of my remarks, this legislation represents more than a years' determined and committed labors.

It is a good bill. It strengthens and expands those programs which have proven most effective in combating poverty.

It is a moderate bill written to meet the objections of the administration to the previous measure—S. 2007—to extend the Economic Opportunity Act. It should and must receive overwhelming support.

Mr. FULBRIGHT. Mr. President, I would like to reaffirm my strong support for the Economic Opportunity Amendments of 1972 now pending before the Senate. As an enthusiastic supporter of this legislation since its inception in 1964, I am pleased to note that S. 3010 would authorize extension of the OEO programs for 3 additional years. I believe the committee report expresses very well the particular value that OEO has had in our society. The report states:

> Despite the existence of many other long-standing programs aimed at poverty, such as public assistance, social security, veterans benefits, food stamps and so forth, an individual or family would find it difficult to escape from poverty if they were severely handicapped by poor education, poor health, or inadequate job skills, or if they were mired in some kind of legal difficulty. This is the helping hand which OEO offers.

Headstart, job training, legal services, Green Thumb, health programs, and the Neighborhood Youth Corps are among the various OEO programs which have enjoyed widespread popularity in my State, as evidenced by the numerous expressions of disappointment I received following the President's veto of the earlier OEO bill in December 1971. I felt then, as I do now, that this veto was a great mistake and was, unfortunately, a reflection of the administration's misdirected sense of priorities and indifference to human needs. I am encouraged to learn from the bill's managers that many of the features objectionable to the President in the previous measure have been reworked in a bipartisan effort to send to the President a bill he will sign. The committee is to be especially commended for resolving these differences without compromising the programs which have meant so much to the poor and underprivileged in our society.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. MCGEE), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alaska (Mr. GRAVEL), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Oklahoma (Mr. Bellmon) is detained on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater) would vote "nay."

The result was announced—yeas 75, nays 13, as follows:

[No. 264 Leg.]

YEAS—75

Aiken
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Fong
Fulbright
Griffin
Gurney
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—13

Allen
Brock
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cotton
Eastland
Ervin
Fannin
Hruska
Stennis
Thurmond
Tower

NOT VOTING—12

Allott
Bellmon
Ellender
Gambrell
Goldwater
Gravel
Hansen
Hartke
Humphrey
McGee
Mundt
Saxbe

So the committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 12350, the House-passed Economic Opportunity Amendments of 1972, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered and the bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

H.R. 12350, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin that the Senate proceed to its consideration?

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and that the text of S. 3010, as amended, be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 12350) was read the third time.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is this on final passage?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Humphrey), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. Goldwater) would vote "nay."

The result was announced—yeas 74, nays 16, as follows:

[No. 265 Leg.]

YEAS—74

Aiken
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Fong
Fulbright
Griffin
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams
Young

NAYS—16

Allen
Bennett
Brock
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cotton
Curtis
Eastland
Ervin
Fannin
Gurney
Hruska
Stennis
Thurmond
Tower

NOT VOTING—10

Allott
Ellender
Gambrell
Goldwater
Gravel
Hansen
Humphrey
McGee
Mundt
Saxbe

So the bill (H.R. 12350) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent to indefinitely postpone S. 3010.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make corrections of a technical nature in the engrossment of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Secretary is so authorized.

Mr. NELSON. Mr. President, I ask unanimous consent that the bill H.R. 12350, as amended, be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I wish to express particular appreciation to the members of the Committee on Labor and Public Welfare who worked so diligently on this legislation on a bipartisan basis. I wish to particularly thank the Senator from New York (Mr. Javits) who is the ranking minority member of the Committee on Labor and Public Welfare, the Senator from Ohio (Mr. Taft) who is the ranking minority member of the Subcommittee on Employment, Manpower and Poverty, the Senator from Colorado (Mr. Dominick) and the Senator from Pennsylvania (Mr. Schweiker) of the Committee on Labor and Public Welfare, and the Senator from Minnesota (Mr. Mondale) and the Senator from California (Mr. Cranston) of the committee majority.

I wish also to thank, particularly, the Senator from Kentucky (Mr. Cook) for his constructive suggestions and amendments which we adopted, as well as those of the Senator from Florida (Mr. Gurney) and the Senator from Kentucky (Mr. Cooper).

Mr. President, I particularly wish to thank the assistant majority leader, the Senator from West Virginia (Mr. Robert C. Byrd) for his very valuable assistance during the course of the handling of the bill.

I also wish to express appreciation to the staff who worked on this bill.

The PRESIDING OFFICER. The Chair is reluctant to interrupt the Senator from Wisconsin, but pursuant to the previous order, the Chair lays before the Senate——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Wisconsin may speak for 2 minutes and that the Senator from New York may speak for 2 minutes before the Chair lays before the Senate the debt limitation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I wish to express appreciation for the work done by Richard Johnson and William Spring of the subcommittee staff, and I wish to mention the very constructive and useful assistance by Jonathan Steinberg and Steven Engleberg, of the majority staff, and John Scales, Pat Gwaltney, Richard Siegel, and Tom D'Alonzo, of the minority staff.

Mr. JAVITS. Mr. President, this has been an unparalled demonstration of bipartisan attention given to a bill. I am particularly pleased that the Senator from Wisconsin, who felt very deeply about many sections of this bill, had the breadth and vision to appreciate the concern of a number of Senators on this side of the aisle, and to accommodate, in an unprecedented way, those concerns. I appreciate that very much. That is thanks enough for whatever he may have thanked me for doing. I am thankful for the great cooperation which was demonstrated on this bill.

Also, I think the real hero of this measure, if Senators will forgive me, was the acting majority leader (Mr. Robert C. Byrd), in resolving what yesterday seemed a situation that was leading nowhere, and for taking us on a path which led us so decisively to a conclusion. I was most unhappy that he found himself in a position where he had to vote against the bill, but that does not derogate in any way the signal service he rendered the Senate in bringing about a resolution of the matter. Without him that could not have happened. It could not have happened in the absence of his strong right arm as acting majority leader, and I congratulate him.

Members of both the majority side and the minority side distinguished themselves in the debate, especially the Senator from Wisconsin (Mr. Nelson), the Senator from Minnesota (Mr. Mondale), and the Senator from California (Mr. Cranston). I would like to pay tribute to them and to their staffs. They are the unsung heroes of all these pieces: Steven Engelberg, of Senator Mondale's staff, Jonathan Steinberg, of Senator Cranston's staff, and then the working staff of the committee itself: Bill Spring, Richard Johnson, for Senator Nelson, John Scales, for the minority. They have performed laudatory service for the country and for the Senate.

I wish to mention others on the minority side also, particularly the work of the Senator from Ohio (Mr. Taft), the chairman of the subcommittee, and the Senator from Pennsylvania (Mr. Schweiker), who contributed enormously to the results, and also their assistants, Pat Gwaltney and Dick Siegel, respectively.

Finally, if we had not had the cooperation of the Senator from Kentucky (Mr. Cook), the Senator from Florida (Mr. Gurney), the Senator from Kentucky (Mr. Cooper), and the Senator from Michigan himself (Mr. Griffin), we would not have been where we are. All of these men could have pressed points which might have been defeated but which would have taken enormous amounts of time.

Finally I wish to pay tribute to our dean, the Senator from Vermont (Mr. Aiken). He had some grave doubts about certain rural aspects of the bill; but, like any freshman, he was willing to listen and to work out whatever the problem involved was.

So it has been a most felicitous experience, and I wish to commend all the Senators concerned.

Mr. MAGNUSON. Mr. President, will the Senator yield for half a minute?

Mr. JAVITS. I yield.

Mr. MAGNUSON. I think this is all well and good, and I join all the Senators in the kudos that have been expressed here, but I want to issue my usual warning so people do not get their hopes all the way up. This is just an authorization bill. It is a ceiling. They still have to go through the Appropriations Committee and justify everything in the bill. I will be waiting for you.

Mr. JAVITS. I know the Senator will. In that capacity, it will be strictly unilateral. He will be waiting for us—we will wait on him.

Mr. MANSFIELD. Mr. President, with passage of the proposal continuing Office of Economic Opportunity programs, the Senate has witnessed the conclusion of a truly magnificent display of legislative ability and leadership coupled with cooperation and assistance of the highest level. Let me first extend the gratitude of the leadership to the distinguished Senator from Wisconsin (Mr. Nelson), the able chairman of the Subcommittee on Manpower and Poverty of the Committee on Labor. Throughout the debate on this measure, Senator Nelson exhibited the deep understanding of human needs which this proposal is designed to meet. His knowledge of the subject matter was thorough, his advocacy was splendid.

The same may be said of the distinguished Senator from New York (Mr. Javits). I always marvel, Mr. President, at the magnitude of the support provided by Senator Javits, not only on this proposal but on all proposals in which his interests are at stake. As the ranking minority member of the Committee on Labor, he does his job with the greatest competence, with the greatest degree of ability and most important with outstanding cooperation.

Once again the Senate is grateful for his contribution.

At this time I would like to pay special tribute to the assistant majority leader who, for the past several days, was in command, so to speak, as far as this aisle of the Senate is concerned.

I have read the Record and many Senators have brought to my attention just how exemplary Bob Byrd managed the business of the Senate during my absence this past week. But I think his triumphant hour came yesterday evening when he obtained—after much agonizing and skirmishing on both sides of the aisle—an agreement that was satisfactory to all Members of the Senate. Personally, I find words inadequate to thank Bob Byrd. From the standpoint of this institution, I would only say that I can think of no instance when leadership has been exercised with greater skill and ability. I appreciate it very much; I know I speak for the entire Senate in saying so.

There are many other Senators who deserve commendation for the fine achievement obtained on the passage of this bill. The distinguished Senator from Nebraska (Mr. Hruska) deserves special thanks. His cooperation was indispensable. Also to be thanked is the distinguished Senator from Colorado (Mr. Dominick) who, with his characteristic sincerity, urged his own strong viewpoints with regard to the poverty proposal. The Senate is deeply grateful.

The Senate is grateful as well to the distinguished Senator from Minnesota (Mr. Mondale) whose articulate advocacy in behalf of this proposal was absolutely indispensible to its great success in the Senate. Other Senators, too, played significant roles. The distinguished Senator from Ohio (Mr. Taft) made an important contribution, as did the Senator from California (Mr. Cranston), the Senator from Florida (Mr. Gurney), and the many other Senators who joined the debate, offered amendments and in general enhanced the quality of this institution's consideration of this particular proposal.

Once again, my personal thanks must go to Senator Nelson and to Senator Byrd for their outstanding leadership with regard to this matter.

To the Senate as a whole, as well, I extend my deepest gratitude.

EXTENSION OF PUBLIC DEBT LIMIT

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the consideration of H.R. 15390, to increase the debt ceiling, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

Mr. LONG obtained the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, I ask unanimous consent that, without prejudicing my right to the floor, I may yield first to the distinguished Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5065.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MAGNUSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. STEVENS, and Mr. WEICKER conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. LONG. Mr. President, I ask unanimous consent that, under the same conditions, I may yield to the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Louisiana.

UNANIMOUS-CONSENT AGREEMENT ON CONFERENCE REPORT ON LEGISLATIVE APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as the conference report on the legislative appropriation bill is laid before the Senate and made the pending business, there be a time limitation thereon of 10 minutes, to be equally divided and controlled between the Senator from New Hampshire (Mr. COTTON) and the Senator from South Carolina (Mr. HOLLINGS).

May I say that both of these Senators have indicated their approval of this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS AND SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Wisconsin (Mr. PROXMIRE), the distinguished Senator from Utah (Mr. MOSS) and the junior Senator from West Virginia (Mr. ROBERT C. BYRD), now speaking, each be recognized, and in that order, for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON AGRICULTURAL EXPORT ACTIVITIES CARRIED OUT UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. CRANSTON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am pleased to transmit to the Congress the annual report for 1971 on agricultural export activities carried out under Public Law 480. During the year, this program has continued its notable success both as an instrument of development assistance and as a means of promoting the growth of U.S. agricultural exports.

In more than 60 countries throughout the world, Public Law 480 concessional sales and donations in 1971 helped to meet critical food import requirements while mobilizing local resources in support of fundamental, long-run development efforts. Major recipients included India, Korea, South Vietnam, and Indonesia. In helping such nations to help themselves, the Public Law 480 program contributed significantly to greater economic progress and welfare as reflected in the expanding Green Revolution and rising levels of family income.

This progress was also reflected in the growing commercial demand for a broad range of U.S. agricultural products. With large commercial purchases and total U.S. agricultural exports at a near record of $7.7 billion in calendar year 1971, Public Law 480 shipments represented less than 13 percent of the total—a relative decline, and the lowest percentage since the early years of the program. In addition, Public Law 480 continued to return benefits to the United States through the proceeds generated from the concessional credit sales. Partial payment was taken in foreign currencies in countries where we have immediate use for the funds; and at the same time, the volume of dollar repayments from past credit agreements increased considerably. As a result, overall balance of payments benefits from Public Law 480 rose in fiscal year 1971 to more than $328 million.

As the program moves into its nineteenth year, we are continuing to use it as one of our marketing tools for farmers, contributing to both trade expansion and development assistance in all corners of the globe.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1972.*

REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. CRANSTON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I am pleased to transmit herewith the fourth annual report on National Housing Goals, as required by Section 1603 of the Housing and Urban Development Act of 1968.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1972.*

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, present law already provides for a temporary debt limit $450 billion effective through June 30, 1972. This bill merely extends that temporary $450 billion ceiling an additional 4 months, through October 31, 1972. This action is necessary because otherwise the debt limit reverts to $400 billion on July 1, 1972—just a few days hence. Since the actual amount of debt subject to limit reached $426.8 billion on June 27 and will be about $425 billion on July 1, it is evident that we must take action now to extend the $450 billion temporary debt limit.

This legislation is urgently needed to permit the Federal Government to continue to operate and pay its bills after June 30—which is tomorrow. I also want to emphasize that the action that we are requesting at this time does not increase the debt limitation by a single dollar—it merely continues the present debt limit for 4 months.

The $450 billion temporary debt ceiling for the period through October 31 will represent a tight ceiling for this period. This is indicated by the fact that the debt is expected to reach a level in excess of $447 billion in October—assuming a $6 billion cash balance. We favor this debt ceiling because it is not clear that more is needed at this time.

Last February, the administration asked the Congress for a $480 billion public debt limit to carry it through February of 1973. And at the present time, the administration asked the House for an increase in the temporary debt ceiling to $465 billion again for the period through March 1, 1973. However, it was indicated that it can satisfactorily carry on its operations with a limit of $450 billion through October.

At present, we just do not have sufficient information before us to make a trustworthy determination of what the increase in the debt limit needs to be for the period through February 1973, let alone for the period ending June 30, 1973. This bill, therefore, adopts the procedure of providing an adequate debt limit through October 31, 1972. In effect, this bill essentially postpones consideration of any increase which may be required in the debt limit until later in this session of the Congress when it is hoped we will have more information to help us to make a responsible decision.

The administration now estimates that there will be a $27 billion unified budget deficit and a $37.8 billion Federal funds deficit in the fiscal year 1973. However, at this time, it is essential that we regard these estimates with considerable caution. Senator will recall that last February when the administration first asked us for a higher debt limit for this year, it based this recommendation on an estimated unified budget deficit of $38.8 billion and a Federal funds deficit of $44.7 billion for the fiscal year 1972. However, it now estimates that these deficits will amount to $26 billion and $32 billion, respectively, or $12.8 billion or $12.7 billion below the budget estimate.

As this experience with the budget figures for fiscal 1972 indicates, there are many factors which can cause substantial differences between estimated deficits and actual deficits. For one thing, the administration's new budget estimates for fiscal 1973 may prove inaccurate because they do not reflect probable congressional action except to the extent it already has become law unless the legislation was included in the President's budget. As a result, the administration's estimates of spending do not include, for example, any outlays for the water pollution bill which is now in conference or for the five bills providing various improved benefits in services to veterans, such as educational benefits. These programs alone could raise Federal spending by $1 to $2 billion. In addition, there are other cases in which spending has been shifted from the fiscal year 1972 to the fiscal year 1973.

Actual budget receipts may also differ substantially from the estimated receipts and materially affect the size of the anticipated budget deficits for the fiscal year 1973. Senators will recall that the administration's estimates of receipts for the fiscal year 1972 were substantially in error. In large measure, this was because the administration expected that individuals would voluntarily elect to adjust their withholding allowances under the new system in order to reduce overwithholding. However, large numbers of individuals did not do this, with the result that there was very substantial overwithholding in the fiscal year 1972. Moreover unless individuals choose to continue this substantial overwithholding in fiscal year 1973, individual income tax receipts would drop considerably below the administration's estimates early next year.

Finally, budgetary receipts for fiscal year 1973 will be greatly affected by business conditions. The administration has based its estimates of receipts on the assumption that there will be a fairly vigorous economic revival this year. There are indeed signs that the economy will be prosperous and we all hope to have a vigorous economy. However, I do not have to remind this distinguished body that economic forecasting has been in error before and must be approached with a degree of caution.

In view of the many uncertainties which still exist with respect to the budget for the fiscal year 1973, we agreed with the House that it is probably best to postpone a final determination as to the debt limit required for the entire fiscal year 1973. Instead, we decided to continue the present $450 billion temporary debt limit through October 1972. As I said before, this is a level at which the administration believes it can operate satisfactorily through October.

This measure deserves our support and it is especially important that we act on this measure quickly. Unless we act responsibly and provide an adequate debt limit, the Treasury Department will not be able to issue any new Government obligations after tomorrow night. After that time, the Treasury's cash balance will be exhausted in perhaps 5 or 6 days and the Government will be compelled to stop payment on virtually all contract obligations, Government salaries, the various loan and benefit programs, and grants to State and local governments. In other words, unless we act promptly, Government operations will come to a grinding halt. It is obvious that we cannot permit this to happen.

The debt limit in this bill of $450 billion, of course, seems very large. As large as it is, though, we need to keep it in perspective by comparing it with the gross national product and the total of private debt. These comparisons show us that the burden of the national debt in relation to our economic capabilities has decreased year by year.

Since the end of 1946, the first full year after the end of World War II, the gross national product has increased almost five times from $221.4 billion to over $1 trillion at the end of 1971. In that same period of time, the total Federal debt subject to the limit—which includes the debt issued by Federal agencies—rose about 63 percent—from $261 billion to $435 billion. As a result, the outstanding Federal debt was about 118 percent of GNP at the end of 1946 but only about 40 percent of GNP at the end of 1971—roughly about one-third of the burden it was in 1946. I ask unanimous consent that table 1 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—TOTAL OUTSTANDING FEDERAL GOVERNMENT DEBT RELATED TO GROSS NATIONAL PRODUCT, 1946-70

[In billions of dollars]

End of calendar year	Gross national product [1]	Outstanding Federal debt	Federal debt as a percent of gross national product
1946	221.4	260.7	117.8
1947	245.0	257.6	105.1
1948	261.2	253.8	97.2
1949	260.5	257.9	99.0
1950	311.2	257.8	32.3
1951	338.2	260.2	76.9
1952	361.0	263.3	74.3
1953	360.8	276.0	76.5
1954	379.8	279.5	73.6
1955	409.7	282.2	68.9
1956	433.2	278.3	64.2
1957	438.1	278.1	63.5
1958	469.2	285.3	60.8
1959	496.8	296.5	59.7
1960	503.4	296.6	58.9
1961	542.8	303.0	55.8
1962	574.7	311.3	54.2
1963	611.8	317.4	51.9
1964	654.0	327.0	50.0
1965	719.2	330.7	46.0
1966	770.2	343.3	44.6
1967	825.4	364.8	44.2
1968	899.5	373.1	41.5
1969	955.6	382.0	40.0
1970	1,004.6	401.6	40.0
1971	1,088.0	435.2	40.0

[1] Implied level end of year, calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. Similarly, for the period from 1946 through 1971, the outstanding Federal debt increased 67 percent while the debt of individuals, corporations, and State and local governments increased about 890 percent. I ask unanimous consent that table 2 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[Dollar amounts in billions]

Dec. 31—	Private			State and local	Federal			Total	Percent Federal of total
	Individual	Corporate [1]	Total		Public	Agency	Total		
1929	72.9	107.0	179.9	17.8	16.3	1.2	17.5	215.2	8
1930	71.8	107.4	179.2	18.9	16.0	1.3	17.3	215.4	8
1931	64.9	100.3	165.2	19.5	17.8	1.3	19.1	203.8	9
1932	57.1	96.1	153.2	19.7	20.8	1.2	22.0	194.9	11
1933	51.0	92.4	143.4	19.5	23.8	1.5	25.3	188.2	13
1934	49.8	90.6	140.4	19.2	28.5	4.8	33.3	192.9	17
1935	49.7	89.8	139.5	19.6	30.6	5.6	36.2	195.3	19
1936	50.6	90.9	141.5	19.6	34.4	5.9	40.3	201.4	20
1937	51.1	90.2	141.3	19.6	37.3	5.8	43.1	204.0	21
1938	50.0	86.8	136.8	19.8	39.4	6.2	45.6	202.2	22
1939	50.8	86.8	137.6	20.1	41.9	6.9	48.8	206.5	24
1940	53.0	89.0	142.0	20.2	45.0	7.2	52.2	214.4	24
1941	55.6	97.5	153.1	20.0	57.9	7.7	65.6	238.7	27
1942	49.9	106.3	156.2	19.2	108.2	5.5	113.7	289.1	39
1943	48.8	110.3	159.1	18.1	165.9	5.1	171.0	348.2	49
1944	50.7	109.0	159.7	17.1	230.6	3.0	233.6	410.4	57
1945	54.7	99.5	154.2	16.0	278.1	1.5	279.6	449.8	62
1946	59.9	109.3	169.2	16.1	259.1	1.6	260.7	446.0	58
1947	69.4	128.9	198.3	17.5	256.9	0.7	257.6	473.4	54
1948	80.6	139.4	220.0	19.6	252.8	1.0	253.8	493.4	51
1949	90.4	140.3	230.7	22.2	257.1	.8	257.9	510.8	50
1950	104.3	167.7	272.0	25.3	256.7	1.1	257.8	555.1	46
1951	114.3	191.9	306.2	28.0	259.4	.8	260.2	594.4	44
1952	129.4	202.9	332.3	31.0	267.4	.9	268.3	631.6	42
1953	143.2	212.9	356.1	35.0	275.2	.8	276.0	667.1	41
1954	157.2	217.6	374.8	40.2	278.8	.7	279.5	694.5	40
1955	180.1	253.9	434.9	46.3	280.8	1.4	282.2	763.4	37
1956	195.5	277.3	472.8	50.1	276.6	1.7	278.3	801.2	35
1957	207.6	295.8	503.4	54.7	274.9	3.2	278.1	836.2	33
1958	222.9	312.0	534.9	60.4	282.9	2.4	285.3	380.6	32
1959	245.0	341.4	586.4	66.6	290.8	5.7	295.6	949.5	31
1960	263.3	365.1	628.7	72.0	290.2	6.4	296.6	997.0	30
1961	284.8	391.5	676.3	77.6	296.2	6.8	303.0	1,056.9	29
1962	311.9	421.5	733.4	83.4	303.5	7.8	311.3	1,128.1	28
1963	345.8	457.1	802.2	89.5	309.3	8.1	317.4	1,209.1	26
1964	380.1	497.3	877.4	95.5	317.9	9.1	327.0	1,299.9	25
1965	416.1	551.9	968.0	103.1	320.9	9.8	330.7	1,401.8	24
1966	446.9	617.3	1,064.2	109.4	329.3	14.0	343.3	1,516.9	23
1967	480.6	627.9	1,153.5	117.9	344.7	20.1	364.9	1,636.3	22
1968	520.3	774.5	1,294.8	128.4	358.0	15.1	373.1	1,796.3	21
1969	556.0	888.5	1,444.5	137.1	368.2	13.8	382.0	1,963.6	19
1970	583.7	968.0	1,551.7	151.1	389.2	12.5	401.6	2,104.4	19
1971	635.7	1,033.7	1,669.4	171.7	424.1	11.0	435.2	2,276.3	19

[1] Includes debt of federally sponsored agencies excluded from the budget which amounted to $700,000,000 on Dec. 31, 1947; $30,500,000,000 on Dec. 31, 1969; $38,800,000,000 on Dec. 31, 1970; and $39,800,000,000 on Dec. 31, 1971.

Source: Commerce and Treasury Departments.

Mr. LONG. These comparisons show that the Federal Government has made relatively less use of debt to finance its operations than any of the other three major groups in our economy.

In addition, in examining the size of the Federal debt, we should keep in mind its relationship to factors concerned with the performance of the economy. The degree of our concern with an increase in the debt should be related not only to the size of the Federal debt itself but also to the size of the private debt and the size of the gross national product. For example, the amount of the debt this Nation can stand obviously must take into consideration the size of the Nation's production out of which this debt must eventually be paid. For that reason, I have had a table prepared to demonstrate the relationship of the private plus the public debt to the gross national product starting in calendar year 1929. I ask unanimous consent that table 3 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—GROSS GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

End of calendar year—	Gross national product (billions)	Percent of debt to gross national product				
		Federal	State and local	Corporate	Individual and noncorporate	Total
1929	$96.7	18.1	18.4	110.7	75.4	222.5
1930	83.1	20.8	22.7	129.2	86.4	259.2
1931	66.9	28.6	29.1	149.9	97.0	304.6
1932	56.8	38.7	34.7	169.2	100.5	343.1
1933	60.3	42.0	32.3	153.2	84.6	312.1
1934	68.6	48.1	28.0	132.1	72.6	280.8
1935	77.4	46.8	25.3	116.0	64.2	252.3
1936	86.5	46.6	22.7	105.1	58.5	232.8
1937	87.6	49.2	22.4	103.0	58.3	232.9
1938	87.6	52.1	22.6	99.1	57.1	230.8
1939	94.8	51.5	21.2	91.6	53.6	217.8
1940	107.6	48.5	18.8	82.7	49.3	199.3
1941	138.8	47.3	14.4	70.2	40.1	172.0
1942	179.0	63.5	10.7	59.4	27.9	161.5
1943	202.4	84.5	8.9	54.5	24.1	172.0
1914	217.4	107.5	7.9	50.1	23.3	188.8
1945	196.0	142.6	8.2	50.8	27.9	229.5
1946	221.4	117.8	7.3	49.4	27.1	201.4
1947	245.0	105.1	7.1	52.6	28.3	193.2
1948	261.2	97.2	7.5	53.4	30.9	188.9
1949	260.5	99.0	8.5	53.9	34.7	196.1
1950	311.2	82.8	8.1	53.9	33.5	178.4
1951	$338.2	76.9	8.3	56.7	33.8	175.8
1952	361.0	74.3	8.6	56.2	35.8	175.0
1953	360.8	76.5	9.7	59.0	39.7	184.9
1954	379.8	73.6	10.6	57.3	41.4	182.9
1955	409.7	68.9	11.3	62.0	44.0	185.9
1956	433.2	64.2	11.6	64.0	45.1	184.9
1957	438.1	63.5	12.5	67.5	47.4	190.8
1958	469.2	60.8	12.9	66.5	47.5	187.6
1959	496.8	59.7	13.4	68.7	49.3	190.8
1960	503.4	58.9	14.3	72.5	52.3	197.7
1961	542.8	55.8	14.3	72.1	52.5	194.7
1962	574.7	54.2	14.5	73.3	54.3	196.6
1963	611.8	51.9	14.6	74.7	56.5	197.9
1964	654.0	50.0	14.6	76.0	58.1	199.1
1965	719.2	46.0	14.3	76.7	57.9	195.1
1966	772.6	44.4	14.2	79.9	57.8	196.3
1967	825.4	44.2	14.3	81.5	58.2	198.2
1968	898.3	41.5	14.3	86.2	57.9	200.0
1969	952.0	40.0	14.4	93.3	58.4	206.3
1970	1,004.6	40.0	15.0	96.4	58.1	209.5
1971	1,088.0	40.0	15.8	95.0	58.4	209.2

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. This table demonstrates that in 1932 the total public and private debt was 343 percent of the gross national product, a high figure reflecting the large volume of credit outstanding in 1932 relative to production. This was certainly an important factor in the financial disaster that occurred in this country at that time.

The latest figure we have on that relationship—for the end of calendar year 1917—shows the total debt, including this Federal debt now to be 20 percent of the gross national product. This makes it clear that the entire national debt is far less than it was at an earlier date.

Another factor one should consider in weighing the significance of our Federal debt is how much is held by the Federal Government itself, in its trust funds, such as the social security trust fund, the veterans insurance fund, the civil service retirement fund, and others. It is true that this money can be regarded as belonging to the ultimate beneficiaries but, in any event, it is not proposed that these funds would be reduced but rather that they would either continue to be increased or at least maintained at their existing levels. When one takes these factors into account he realizes that, in the last analysis, the Government trust funds amount to money that the Federal Government owes to the Federal Government. This debt which is held by all Government accounts amounts to $106 billion and another $70 billion is held by the Federal Reserve System, which of course is itself a part of the Federal Government.

The Federal debt held by Government accounts can be viewed in a different light than the Federal debt held privately. This latter amount is the debt the Federal Government owes to individual citizens or corporations, or to other non-Federal Government borrowers. This shows more clearly the plight the Government actually faces in terms of paying a debt to those who hold it outside the Government itself. When one does this, he sees that the Federal net debt at the end of 1971 is $325 billion. I ask unanimous consent that table 4 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[In billions of dollars]

Dec. 31	Private			State and local	Federal	Total	Percent Federal of total
	Individual	Corporate[1]	Total				
1916	36.3	40.2	76.5	4.5	1.2	82.2	1
1917	38.7	43.7	82.4	4.8	7.3	94.5	8
1918	44.5	47.0	91.5	5.1	20.9	117.5	18
1919	43.9	53.3	97.2	5.5	25.6	128.3	20
1920	48.1	57.7	105.8	6.2	23.7	135.7	17
1921	49.2	57.0	106.2	7.0	23.1	136.3	17
1922	50.9	58.6	109.5	7.9	22.8	140.2	16
1923	53.7	62.6	116.3	8.6	21.8	146.7	15
1924	55.8	67.2	123.0	9.4	21.0	153.4	14
1925	59.6	72.7	132.3	10.3	20.3	162.9	12
1926	62.7	76.2	138.9	11.1	19.2	169.2	11
1927	66.4	81.2	147.6	12.1	18.2	177.9	10
1928	70.0	86.1	156.1	12.7	17.5	186.3	9
1929	72.9	88.9	161.8	13.6	16.5	191.9	9
1930	71.8	89.3	161.1	14.7	16.5	192.3	9
1931	64.9	83.5	148.4	16.0	18.5	182.9	10
1932	57.1	80.0	137.1	16.6	21.3	175.0	12
1933	51.0	76.9	127.9	16.3	24.3	168.5	14
1934	49.8	75.5	125.3	15.9	30.4	171.6	18
1935	49.7	74.8	124.5	16.1	34.4	175.0	20
1936	50.6	76.1	126.7	16.2	37.7	180.6	21
1937	51.1	75.8	126.9	16.1	39.2	182.2	22
1938	50.0	73.3	123.3	16.1	40.5	179.9	23
1939	50.8	73.5	124.3	16.4	42.6	183.3	23
1940	53.0	75.6	128.6	16.4	44.8	189.8	24
1941	55.6	83.4	139.0	16.1	56.3	211.4	27
1942	49.9	91.6	141.5	15.4	101.7	258.6	39
1943	48.8	95.5	144.3	14.5	154.4	313.2	49
1944	50.7	94.1	144.8	13.9	211.9	370.6	57
1945	54.7	85.3	140.0	13.4	252.5	405.9	62
1946	59.9	93.5	153.4	13.7	229.5	396.6	58
1947	69.4	109.6	179.0	15.0	221.7	415.7	53
1948	80.6	118.4	199.0	17.0	215.3	431.3	50
1949	90.4	118.7	209.1	19.1	217.6	445.8	49
1950	104.3	142.8	247.1	21.7	217.4	486.2	45
1951	114.3	163.8	278.1	24.2	216.9	519.2	42
1952	129.4	172.3	301.7	27.0	221.5	550.2	40
1953	143.2	180.9	324.1	30.7	226.8	581.6	39
1954	157.2	184.1	341.3	35.5	229.1	605.9	38
1955	180.1	215.0	395.1	41.1	229.6	665.8	35
1956	195.5	234.1	429.6	44.5	224.3	698.4	32

Footnotes at end of table.

	Private			State and ocal	Federal	Total	Percent Federal of total
Dec. 31	Individual	Corporate[1]	Total				
1957	207.6	249.1	456.7	48.6	223.0	728.3	31
1958	222.9	262.0	484.9	53.7	231.0	769.6	30
1959	245.0	287.0	532.0	59.6	241.4	833.0	29
1960	263.3	306.3	569.6	64.9	239.8	874.2	27
1961	284.8	328.3	613.1	70.5	246.7	930.3	27
1962	311.9	353.5	665.4	77.0	253.6	996.0	25
1963	345.8	383.6	729.5	83.9	257.5	1,070.9	24
1964	380.1	417.1	797.2	90.4	264.0	1,151.6	23
1965	416.1	463.2	879.3	98.3	266.4	1,244.1	21
1966	446.9	517.8	964.7	104.8	271.8	1,341.4	20
1967	480.6	562.7	1,043.3	113.4	286.5	1,443.2	20
1968	520.3	649.4	1,169.7	123.9	291.9	1,585.5	18
1969	556.0	745.4	1,301.4	132.6	289.3	1,723.3	17
1970	583.7	812.4	1,396.1	146.8	301.1	1,844.0	16
1971	635.7	867.1	1,502.8	167.7	325.9	1,996.4	16

[1] Includes debt of privately owned, federally sponsored agencies excluded from the budget which amounted to $700,000,000 on Dec. 31, 1947; $30,500,000,000 on Dec. 31, 1969; and $38,800,000,000 on Dec. 31, 1970; $30,800,000,000 on Dec. 31, 1971.

Source: Commerce and Treasury Departments.

Mr. LONG. Mr. President, the high point of the Federal net debt as a percentage of the total public and private debt occurred in 1945 when the Federal net debt represented 62 percent of total debt. This Federal debt as a percent of total debt has declined to where the latest figure in 1971 is 16 percent of the total debt. In other words, the Federal debt percentage now is about one-quarter of what it was in 1945.

Finally, I want to stress that the Federal debt serves as collateral for Federal Reserve notes and Federal Reserve credit. Federal securities may also be used as collateral for loans made by banks to individuals and businesses. Accordingly, the Federal debt fulfills a vital role in our credit and monetary system.

Mr. President, I ask unanimous consent that a series of tables be printed in the RECORD at this point which further illustrate the relationship of the debt to other economic factors.

There being no objection the tables were ordered to be printed in the RECORD, as follows:

TABLE 5.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT 1929 TO PRESENT

	Government debt						Private debt				Total Government and private debt	
	Amounts outstanding (billions)			Per capita[2]			Amounts outstanding (billions)		Per capita[2]			
End of calendar year	Federal[1]	State and local	Total	Federal	State and local	Total	Corporate business[3]	Individual and noncorporate business	Corporate business	Individual and noncorporate business	Amount outstanding (billions)	Per capita
1929	$17.5	$17.8	$35.3	$143	$145	$288	$107.0	$72.9	$874	$595	$215.2	$1,757
1930	17.3	18.9	36.2	140	153	293	107.4	71.8	868	581	215.4	1,742
1931	19.1	19.5	38.6	153	157	310	100.3	64.9	805	521	203.8	1,636
1932	22.0	19.7	41.7	176	157	333	96.1	57.1	767	456	194.9	1,555
1933	25.3	19.5	44.8	201	155	355	92.4	51.0	733	404	188.2	1,498
1934	33.0	19.2	52.2	260	151	411	90.6	49.8	714	392	192.9	1,520
1935	36.2	19.6	55.8	283	153	437	89.8	49.7	703	389	195.3	1,529
1936	40.3	19.6	59.9	313	152	466	90.6	50.6	707	394	201.4	1,566
1937	43.1	19.6	62.7	333	151	484	90.2	51.1	697	395	204.0	1,576
1938	45.6	19.8	65.4	349	152	501	86.8	50.0	665	383	202.2	1,549
1939	48.8	20.1	68.9	371	153	524	86.8	50.8	660	386	206.5	1,569
1940	52.2	20.2	72.4	393	152	545	89.0	53.0	670	399	214.4	1,615
1941	65.6	20.0	85.6	489	149	638	97.5	55.6	727	414	238.7	1,779
1942	113.7	19.2	132.9	837	141	978	106.3	49.9	782	367	289.1	2,128
1943	171.0	18.1	189.1	1,242	131	1,374	110.3	48.8	801	355	348.2	2,529
1944	233.6	17.1	250.7	1,678	123	1,801	109.0	50.7	783	364	410.4	2,947
1945	279.6	16.0	295.6	1,987	114	2,101	99.5	54.7	707	389	449.8	3,197
1946	260.7	16.1	276.8	1,825	113	1,938	109.3	59.9	765	419	446.0	3,123
1947	257.6	17.5	275.1	1,771	120	1,891	128.9	69.4	886	477	473.4	3,254
1948	253.8	19.6	273.4	1,715	132	1,847	139.4	80.6	942	545	493.4	3,334
1949	257.9	22.2	280.1	1,713	147	1,860	140.3	90.4	932	600	510.8	3,393
1950	257.8	25.3	283.1	1,685	165	1,850	167.7	104.3	1,096	682	555.1	3,627
1951	260.2	28.0	288.2	1,671	180	1,851	191.9	114.3	1,232	734	594.4	3,817
1952	268.3	31.0	299.3	1,694	196	1,890	202.9	129.4	1,281	817	631.6	3,988
1953	276.0	35.0	311.0	1,714	217	1,931	212.9	143.2	1,322	889	667.1	4,142
1954	279.5	40.2	319.7	1,705	245	1,950	217.6	157.2	1,327	959	694.5	4,236
1955	282.2	46.3	328.5	1,691	276	1,961	253.9	180.1	1,522	1,079	762.5	4,552
1956	278.3	50.1	328.4	1,638	294	1,925	277.3	195.5	1,632	1,151	801.2	4,696
1957	278.1	54.7	332.8	1,609	315	1,918	295.8	207.6	1,712	1,201	836.2	4,820
1958	285.3	60.4	345.7	1,624	342	1,960	312.0	222.9	1,776	1,269	880.6	4,992
1959	296.5	66.6	363.1	1,653	371	2,024	341,4	245.0	1,903	1,366	949.5	5,293
1960	296.6	72.0	368.6	1,627	395	2,022	365.1	263.3	2,002	1,444	997.0	5,469
1961	303.0	77.6	380.6	1,635	419	2,054	391,5	284.8	2,112	1,537	1,056.9	5,704
1962	311.3	83.4	394.7	1,654	443	2,097	421.5	311.9	2,240	1,658	1,128.1	5,994
1963	317.4	89.5	406.9	1,663	469	2,131	457.1	345.8	2,395	1,812	1,209.8	6,337
1964	327.0	95.5	422.5	1,690	494	2,183	497.3	380.1	2,570	1,965	1,299.9	6,718
1965	330.7	103.1	433.8	1,688	526	2,214	551.9	416.1	2,818	2,124	1,401.8	7,156
1966	343,3	109.4	452.7	1.736	553	2,290	617.3	446.9	3,122	2,261	1,516.9	7,674
1967	364,9	117.9	482.8	1,827	590	2,417	672.9	480.6	3,370	2,407	1,636.3	8,193
1968	373.1	128.4	501.5	1,850	637	2,487	774.5	520.3	3,840	2,580	1,796.3	8,907
1969	382.0	137.1	519.1	1,875	673	2,547	888.5	556.0	4,360	2,728	1,963.6	9,636
1970	401.6	151.1	552.7	1.949	733	2,683	968.0	583.7	4,697	2,833	2,104.4	10,215
1971	435.2	171.7	606.9	2,091	825	2,917	1,033.7	635.7	4,968	3,055	2,276.3	10,939

[1] Borrowing from the public.

[2] Debt divided by the population of the conterminous United States and including Armed Forces overseas. Alaska is included beginning 1959 and Hawaii beginning in 1960.

[3] Includes debt of federally sponsored agencies excluded from the budget.

Note: Detail may not add to totals because of rounding.

Source: Debt levels estimated by the Bureau of Economic Analysis, Commerce Department.

TABLE 6.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT 1916 TO PRESENT

End of calendar year	Government debt						Private debt				Total Government and private debt	
	Amounts outstanding (billions)			Per capita[2]			Amounts outstanding (billions)		Per capita[2]			
	Federal[1]	State and local	Total	Federal	State and local	Total	Corporate business[3]	Individual and noncorporate business	Corporate business	Individual and noncorporate business	Amount outstanding (billions)	Per capita
1916	$1.2	$4.5	$5.7	$12	$44	$56	$40.2	$36.3	$391	$353	$82.2	$800
1917	7.3	4.8	12.1	70	46	116	43.7	38.7	420	372	94.5	909
1918	20.9	5.1	26.0	199	49	248	47.0	44.5	448	425	117.5	1,121
1919	25.6	5.5	31.1	242	52	294	53.3	43.9	504	415	128.3	1,213
1920	23.7	6.2	29.9	220	58	278	57.7	48.1	537	447	135.7	1,262
1921	23.1	7.0	30.1	211	64	275	57.0	49.2	522	450	136.3	1,247
1922	22.8	7.9	30.7	205	71	277	58.6	50.9	528	459	140.2	1,263
1923	21.8	8.6	30.4	193	76	269	62.6	53.7	554	475	146.7	1,298
1924	21.0	9.4	30.4	183	82	264	67.2	55.8	584	485	153.4	1,334
1925	20.3	10.3	30.6	174	88	262	72.7	59.6	623	511	162.9	1,397
1926	19.2	11.1	30.3	161	93	254	76.2	62.7	639	526	169.2	1,419
1927	18.2	12.1	30.3	152	101	253	81.2	66.4	678	554	177.9	1,485
1928	17.5	12.7	30.2	144	105	249	86.1	70.0	711	578	186.3	1,538
1929	16.5	13.6	30.1	135	111	246	88.9	72.9	726	595	191.9	1,567
1930	16.5	14.7	31.2	133	119	252	89.3	71.8	722	581	192.3	1,555
1931	18.5	16.0	34.5	149	128	277	83.5	64.9	670	521	182.9	1,468
1932	21.3	16.6	37.9	170	132	302	80.0	57.1	638	456	175.0	1,396
1933	24.3	16.3	40.6	193	129	322	76.9	51.0	610	404	168.5	1,336
1934	30.4	15.9	46.3	240	125	365	75.5	49.8	595	392	171.6	1,352
1935	34.4	16.1	50.5	269	126	395	74.8	49.7	585	389	175.0	1,370
1936	37.7	16.2	53.9	293	126	419	76.1	50.6	592	394	180.6	1,405
1937	39.2	16.1	55.3	303	124	427	75.8	51.1	585	395	182.2	1,407
1938	40.5	16.1	56.6	310	123	434	73.3	50.0	562	383	179.9	1,379
1939	42.6	16.4	59.0	324	125	448	73.5	50.8	559	386	183.3	1,393
1940	44.8	16.4	61.2	337	123	461	75.6	53.0	569	399	189.8	1,429
1941	56.3	16.1	72.4	420	120	540	83.4	55.6	622	414	211.4	1,576
1942	101.7	15.4	117.1	749	113	862	91.6	49.9	674	367	258.6	1,903
1943	154.4	14.5	168.9	1,122	105	1,227	95.5	48.8	694	355	313.2	2,275
1944	211.9	13.9	225.8	1,522	100	1,622	94.1	50.7	676	364	370.6	2,662
1945	252.5	13.4	265.9	1,795	95	1,890	85.3	54.7	606	389	405.9	2,885
1946	229.5	13.7	243.2	1,607	96	1,703	93.5	59.9	655	419	396.6	2,777
1947	221.7	15.0	236.7	1,524	103	1,627	109.6	69.4	753	477	415.7	2,858
1948	215.3	17.0	232.3	1,455	115	1,570	118.4	80.6	800	545	431.3	2,914
1949	217.6	19.1	236.7	1,445	127	1,572	118.7	90.4	788	600	445.8	2,961
1950	217.4	21.7	239.1	1,421	142	1,562	142.8	104.3	933	682	486.2	3,177
1951	216.9	24.2	241.1	1,393	155	1,548	163.8	114.3	1,052	734	519.2	3,334
1952	221.5	27.0	248.5	1,399	170	1,569	172.3	129.4	1,088	817	550.2	3,474
1953	226.8	30.7	257.5	1,408	191	1,599	180.9	143.2	1,123	889	581.6	3,611
1954	229.1	35.5	264.6	1,397	217	1,604	184.1	157.2	1,123	959	605.9	3,696
1955	229.6	41.1	270.7	1,376	245	1,616	215.0	180.1	1,289	1,079	665.8	2,975
1956	224.3	44.5	268.8	1,320	261	1,576	234.1	195.5	1,378	1,151	698.4	4,094
1957	223.0	48.6	271.6	1,290	280	1,565	249.1	207.6	1,441	1,201	728.3	4,198
1958	231.0	53.7	284.7	1,315	304	1,614	262.0	222.9	1,491	1,269	769.6	4,363
1959	241.4	59.6	301.0	1,346	332	1,678	287.0	245.0	1,600	1,366	833.0	4,643
1960	239.8	64.9	304.7	1,315	356	1,671	306.3	263.3	1,680	1,444	874.2	4,795
1961	246.7	70.5	317.2	1,331	380	1,712	328.3	284.8	1,771	1,537	930.3	5,021
1962	253.6	77.0	330.6	1,348	409	1,757	353.5	311.9	1,879	1,658	996.0	5,292
1963	257.5	83.9	341.4	1,349	439	1,788	383.6	345.8	2,010	1,812	1,070.9	5,610
1964	264.0	90.4	354.4	1,364	467	1,832	417.1	380.1	2,156	1,965	1,151.6	5,951
1965	266.4	98.3	364.7	1,360	502	1,862	463.2	416.1	2,365	2,124	1,244.1	6,351
1966	271.8	104.8	376.6	1,375	530	1,905	517.8	446.9	2,619	2,260	1,341.4	6,785
1967	286.5	113.4	399.9	1,435	568	2,002	562.7	480.6	2,818	2,407	1,443.2	7,226
1968	291.9	123.9	415.8	1,447	614	2,062	649.4	520.3	3,220	2,580	1,585.5	7,862
1969	289.3	132.6	421.9	1,420	651	2,070	745.4	556.0	3,658	2,728	1,723.3	8,457
1970	301.1	146.8	447.7	1,462	713	2,174	812.4	583.7	3,943	2,833	1,844.0	8,951
1971	325.9	167.7	493.6	1,566	806	2,372	867.1	635.7	4,167	3,055	1,996.4	9,594

See footnotes at end of table 5.

TABLE 7.—NET GOVERNMENT AND PRIVATE DEBT RELATED TO GROSS NATIONAL PRODUCT

End of calendar year	Gross national product (billions)[1]	Percent ratios of debt to gross national product				
		Federal	State and local	Corporate	Individual and noncorporate	Total
1929	$96.7	17.1	14.1	91.9	75.4	198.4
1930	83.1	19.9	17.7	107.5	86.4	234.7
1931	66.9	27.7	23.9	124.8	97.0	273.4
1932	56.8	37.5	29.2	140.8	100.5	308.1
1933	60.3	40.3	27.0	127.5	84.6	279.4
1934	68.6	44.3	23.2	110.1	72.6	250.1
1935	77.4	44.4	20.8	96.6	64.2	226.1
1936	86.5	43.6	18.7	88.0	58.5	208.8
1937	87.6	44.7	18.4	86.5	58.3	208.0
1938	87.6	46.2	18.4	83.7	57.1	205.4
1939	94.8	44.9	17.3	77.5	53.6	193.4
1940	107.6	41.6	15.2	70.3	49.3	176.4
1941	138.8	40.6	11.6	60.1	40.1	152.3
1942	179.0	56.8	8.6	51.2	27.9	144.5
1943	202.4	76.3	7.2	47.2	24.1	154.7
1944	217.4	97.5	6.4	43.3	23.3	170.5
1945	196.0	128.8	6.8	43.5	27.9	207.1
1946	221.4	103.7	6.2	42.2	27.1	179.1
1947	245.0	90.5	6.1	44.7	28.3	169.7
1948	261.2	82.4	6.5	45.3	30.9	165.1
1949	260.5	83.5	7.3	45.6	34.7	171.1
1950	311.2	69.9	7.0	45.9	33.5	156.2
1951	$338.2	64.1	7.2	48.4	33.8	153.5
1952	361.0	61.4	7.5	47.7	35.8	152.4
1953	360.8	62.9	8.5	50.1	39.7	161.2
1954	379.8	60.3	9.3	48.5	41.4	159.5
1955	409.7	56.0	10.0	52.5	44.0	162.4
1956	433.2	51.8	10.3	54.0	45.1	161.1
1957	438.1	50.9	11.1	56.9	47.4	166.0
1958	469.2	49.2	11.4	55.8	47.5	163.8
1959	496.8	48.6	12.0	57.8	49.3	167.5
1960	503.4	47.6	12.9	60.8	52.3	173.6
1961	542.8	45.4	13.0	60.5	52.5	171.3
1962	574.7	44.1	13.4	61.5	54.3	173.3
1963	611.8	42.1	13.7	62.7	56.5	175.0
1964	654.0	40.4	13.8	63.8	58.1	176.1
1965	719.2	37.0	13.7	64.4	57.9	172.7
1966	772.6	35.2	13.6	67.0	57.8	173.6
1967	825.4	34.7	13.7	68.2	58.2	174.8
1968	898.3	32.5	13.8	72.3	57.9	176.5
1969	952.0	30.4	13.9	78.3	58.4	181.0
1970	1,004.6	30.0	14.6	80.9	58.1	183.6
1971	1,088.0	30.0	15.4	79.7	58.4	183.5

[1] Implied level end of year, calculated, as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939, averages of 2 calendar year figures are used as the best approximation of December 31 levels.

Note: Detail may not add to totals because of rounding.

Source: Office of the Secretary of the Treasury Office of Debt Analysis.

TABLE 8.—GROWTH IN REAL PER CAPITA GNP AND REAL PER CAPITA PRIVATELY HELD FEDERAL DEBT 1909–71 [1]

	GNP 1971 (billions)	Per capita GNP		Real per capita Federal debt	
		1971	Annual rate of change (percent)	Privately held	Annual rate of change (percent)
1909	$165.3	$1,912	(2)	(2)	(2)
1910	170.0	1,840	−3.8	(2)	(2)
1911	174.4	1,857	.9	(2)	(2)
1912	184.3	1,934	4.1	(2)	(2)
1913	186.0	1,912	−1.1	$49	(2)
1914	177.8	1,794	−6.2	49	0
1915	176.2	1,753	−2.3	48	−2.0
1916	190.1	1,864	6.4	39	−18.8
1917	191.4	1,853	−.6	207	437.7
1918	214.9	2,082	12.4	494	138.6
1919	207.2	1,983	−4.8	518	4.9
1920	198.2	1,862	−6.1	463	−10.6
1921	180.9	1,666	−10.5	499	7.8
1922	209.5	1,904	14.3	493	−1.2
1923	234.8	2,099	10.2	456	−7.5
1924	234.3	2,053	−2.2	424	−7.0
1925	254.0	2,193	6.8	392	−7.5
1926	269.0	2,290	4.5	370	−5.6
1927	268.7	2,256	−1.5	349	−7.7
1928	270.2	2,242	−.6	343	−1.7
1929	288.2	2,365	5.5	313	−8.7
1930	259.8	2,109	−10.8	327	4.5
1931	239.7	1,931	−8.5	400	22.3
1932	204.1	1,634	−15.4	487	21.8
1933	200.3	1,594	−2.4	544	11.7
1934	218.4	1,727	8.3	676	24.3
1935	239.9	1,884	9.1	744	10.1
1936	273.2	2,132	13.1	809	8.7
1937	287.6	2,231	4.6	806	−.4
1938	273.1	2,101	−5.8	850	5.5
1939	296.4	2,262	7.7	897	5.5
1940	321.6	2.435	7.6	936	4.3
1941	$373.3	$2,799	14.9	$1,069	14.2
1942	421.6	3,126	11.7	1,710	60.0
1943	477.2	3,489	11.6	2,448	43.2
1944	511.5	3,676	5.9	3,203	30.8
1945	502.8	3,593	−2.8	3,661	14.3
1946	422.5	3,130	−2.9	2,740	−25.2
1947	438.7	3,044	−2.8	2,402	−12.3
1948	458.2	3,126	2.7	2,213	−7.9
1949	458.8	3,075	−1.6	2,283	3.2
1950	503.0	3,315	7.8	2,113	−7.4
1951	542.7	3,518	6.1	1,925	−8.9
1952	559.3	3,563	1.3	1,912	−.7
1953	584.4	3,662	2.8	1,907	−.3
1954	576.1	3,547	−3.1	1,914	.4
1955	620.0	3,751	5.7	1,879	−1.8
1956	631.5	3,754	.1	1,747	−7.0
1957	640.6	3,740	−.4	1,662	−4.9
1958	633.2	3,637	−2.8	1,665	.2
1959	673.7	3,805	4.6	1,674	.5
1960	690.4	3,821	.4	1,607	−4.0
1961	703.8	3,831	.3	1,610	.2
1962	750.0	4,017	4.9	1,602	−.5
1963	780.0	4,118	2.5	1,562	−2.5
1964	822.6	4,428	3.8	1,543	−1.2
1965	874.6	4,495	4.6	1,486	−3.7
1966	931.6	4,731	5.3	1,437	−3.3
1967	955.8	4,800	1.5	1,440	.2
1968	1,000.3	4,973	3.6	1,355	−5.9
1969	1,025.9	5,048	1.5	1,243	−8.3
1970	1,019.2	4,977	−1.4	1,198	−3.6
1971	1,046.8	5,057	1.6	1,235	3.0

[1] Bureau of Economic Analysis GNP data begin with 1909. The GNP deflator for 1971 was used to derive real GNP per capita. The Bureau of Labor Statistics monthly all item consumer price index begins with 1913. Real privately held Federal debt per capita data are for Dec. 31 each year. The all item consumer price index for December 1971 was used to convert the data to constant dollars.

[2] Not available.

TABLE 9.—ESTIMATED FEDERAL DEBT RELATED TO POPULATION AND PRICES, 1900–71

	Federal debt (billions)			Per capita Federal debt [4]			Real per capita Federal debt [5]		
	Gross [1]	Net [2]	Privately held net [3]	Gross [1]	Net [2]	Privately held net [3]	Gross [1]	Net [2]	Privately held net [3]
June 30—									
1900	$1.3	$1.3	$1.3	$17	$17	$17	(6)	(6)	(6)
1901	1.2	1.2	1.2	16	16	16	(6)	(6)	(6)
1902	1.2	1.2	1.2	15	15	15	(6)	(6)	(6)
1903	1.2	1.2	1.2	14	14	14	(6)	(6)	(6)
1904	1.1	1.1	1.1	14	14	14	(6)	(6)	(6)
1905	1.1	1.1	1.1	14	14	14	(6)	(6)	(6)
1906	1.1	1.1	1.1	13	13	13	(6)	(6)	(6)
1907	1.1	1.1	1.1	13	13	13	(6)	(6)	(6)
1908	1.2	1.2	1.2	13	13	13	(6)	(6)	(6)
1909	1.1	1.1	1.1	13	13	13	(6)	(6)	(6)
1910	1.1	1.1	1.1	12	12	12	(6)	(6)	(6)
1911	1.2	1.2	1.2	12	12	12	(6)	(6)	(6)
1912	1.2	1.2	1.2	13	13	13	(6)	(6)	(6)
1913	1.2	1.2	1.2	12	12	12	$49	$49	$49
1914	1.2	1.2	1.2	12	12	12	49	49	49
1915	1.2	1.2	1.2	12	12	12	48	48	48
Dec. 31—									
1916	1.2	1.2	1.2	12	12	11	43	43	39
1917	7.3	7.3	7.2	70	70	69	210	210	207
1918	21.0	20.9	20.7	200	199	198	499	496	494
1919	25.8	25.6	25.3	244	242	239	529	525	518
1920	24.0	23.7	23.4	223	220	218	473	467	463
1921	23.5	23.1	22.9	215	211	210	511	501	499
1922	23.2	22.8	22.4	209	205	202	510	500	493
1923	22.2	21.8	21.7	196	193	192	466	458	456
1924	21.5	21.0	20.5	187	183	178	445	436	424
1925	20.8	20.3	19.9	178	174	171	408	399	392
1926	19.9	19.2	18.9	167	161	159	388	374	370
1927	18.6	18.2	17.6	155	152	147	368	361	349
1928	18.4	17.5	17.3	152	144	143	365	345	343
1929	17.5	16.5	16.0	143	135	131	342	323	313
1930	17.3	16.5	15.8	140	133	128	357	339	327
1931	19.1	18.5	17.7	153	149	142	431	420	400
1932	22.0	21.3	19.4	176	170	155	553	535	487
1933	25.3	24.3	21.9	201	193	174	628	603	544
1934	33.3	30.4	28.0	260	240	221	795	734	676
1935	$36.2	$34.4	$32.0	$283	$269	$250	$842	$825	$744
1936	40.3	37.7	35.3	313	293	275	920	862	809
1937	43.1	39.2	36.6	333	303	283	949	863	806
1938	45.6	40.5	37.9	349	310	290	1,023	909	850
1939	48.8	42.6	40.1	371	324	305	1,091	953	897
1940	52.2	44.8	42.6	393	337	321	1,458	983	936
1941	65.6	56.3	54.0	489	420	402	1,301	1,117	1,069
1942	113.7	101.7	95.5	837	749	703	2,036	1,822	1,710
1943	171.0	154.4	142.9	1,242	1,122	1,038	2,929	2,646	2,448
1944	233.6	211.9	193.1	1,678	1,522	1,387	3,875	3,515	3,203
1945	279.6	252.5	228.2	1,987	1,795	1,622	4,485	4,052	3,661
1946	260.7	229.5	206.1	1,825	1,607	1,433	3,489	3,073	2,740
1947	257.6	221.7	199.1	1,771	1,524	1,369	3,107	2,674	2,402
1948	253.8	215.3	192.0	1,715	1,455	1,297	2,927	2,483	2,213
1949	257.9	217.6	197.7	1,713	1,445	1,313	2,979	2,513	2,283
1950	257.8	217.4	196.6	1,685	1,421	1,285	2,771	2,337	2,113
1951	260.2	216.9	193.1	1,671	1,393	1,240	2,595	2,163	1,925
1952	268.3	221.5	196.8	1,694	1,399	1,243	2,606	2,152	1,912
1953	276.0	226.8	200.9	1,714	1,408	1,247	2,621	2,153	1,907
1954	279.5	229.1	204.2	1,705	1,397	1,246	2,619	2,146	1,914
1955	282.2	229.6	204.8	1,691	1,376	1,227	2,590	2,107	1,879
1956	278.3	224.3	199.4	1,638	1,320	1,174	2,438	1,964	1,747
1957	278.1	223.0	198.8	1,609	1,290	1,150	2,325	1,864	1,662
1958	285.3	231.0	204.7	1,624	1,315	1,165	2,307	1,868	1,655
1959	296.5	241.4	214.8	1,653	1,346	1,197	2,312	1,883	1,674
1960	296.6	239.8	212.4	1,627	1,315	1,165	2,244	1,814	1,607
1961	303.0	246.7	217.8	1,635	1,331	1,175	2,240	1,823	1,610
1962	311.3	253.6	222.8	1,654	1,348	1,184	2,238	1,824	1,602
1963	317.4	257.5	223.9	1,663	1,349	1,173	2,214	1,796	1,562
1964	327.0	264.0	227.0	1,690	1,364	1,173	2,224	1,795	1,543
1965	330.7	266.4	225.6	1,688	1,360	1,152	2,178	1,755	1,486
1966	343.3	271.8	227.5	1,736	1,375	1,151	2,167	1,717	1,437
1967	364.9	286.4	237.3	1,827	1,435	1,188	2,215	1,739	1,440
1968	373.1	291.9	236.1	1,850	1,447	1,171	2,141	1,675	1,355
1969	382.0	289.3	232.1	1,874	1,420	1,140	2,044	1,549	1,243
1970	401.6	301.1	239.0	1,950	1,462	1,160	2,014	1,510	1,198
1971	435.2	325.9	256.7	2,091	1,566	1,234	2,091	1,566	1,234

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[1] Total Federal securities outstanding, unified budget concept.

[2] Borrowing from the public, unified budget concept. Gross Federal debt less securities held by Government accounts.

[3] Borrowing from the public less Federal Reserve holdings.

[4] Debt divided by population of the conterminous United States, and including Armed Forces overseas.

[5] Per capita debt expressed in December 1971 prices (Consumer Price Index for all items).

[6] Not available.

TABLE 10.—PRIVATELY HELD FEDERAL DEBT RELATED TO GNP

[Dollar amounts in billions]

Dec. 31	Gross national product [1]	Privately held debt [2]	Ratio of debt to GNP (percent)	Year to year price changes (percent) [2]	Dec. 31	Gross national product [1]	Privately held debt [3]	Ratio of debt to GNP (percent)	Year to year price changes (percent) [3]
1929	96.7	16.0	16.5	0.2	1951	338.2	193.1	57.1	5.9
1930	83.1	15.8	19.0	−6.0	1952	361.0	196.8	54.5	.9
1931	66.9	17.7	26.4	−9.5	1953	360.8	200.9	55.7	.6
1932	56.8	19.4	34.2	−10.3	1954	379.8	204.2	53.8	−.5
1933	60.3	21.9	36.3	.5	1955	409.7	204,8	50.0	.4
1934	68.6	28.0	40.8	2.0	1956	433.2	199.4	46.0	2.9
1935	77.4	32.0	41.3	3.0	1957	438.1	198.8	45.4	3.3
1936	86.5	35.3	40.8	1.2	1958	469.2	204.7	43.6	1.8
1937	87.6	36.6	41.8	3.1	1959	496.8	214.8	43.2	1.5
1938	87.6	37.9	43.3	−6.8	1960	503.4	212.4	42.2	1.5
1939	94.8	40.1	42.3	−.5	1961	542.8	217.8	40.1	.7
1940	107.6	42.6	39.6	1.0	1962	574.7	222.8	38.8	1.2
1941	138.8	54.0	38.9	9.7	1963	611.8	223.9	36.6	1.6
1942	179.0	95.5	53.4	9.3	1964	654.0	227.0	34.7	1.2
1943	202.4	142.9	70.6	3.2	1965	719.2	225.6	31.4	1.9
1944	217.4	193.1	88.8	2.1	1966	770.2	227.5	29.5	3.4
1945	196.0	228.2	116.4	2.3	1967	825.4	237.3	28.7	3.0
1946	221.4	206.1	93.1	18.2	1968	898.3	238.9	26.6	4.7
1947	245.0	199.1	81.3	9.0	1969	952.0	232.1	24.4	6.1
1948	261.2	192.0	73.5	2.7	1970	1,004.6	239.0	23.8	5.5
1949	260.5	197.7	75.9	−1.8	1971	1,088.0	255.7	23.5	3.4
1950	311.2	196.6	63.2	5.8					

[1] Implied level of gross national product, Dec. 31.

[2] Borrowing from the public less Federal Reserve holdings, unified budget concept.

[3] Measured by the all item consumer price index.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

TABLE 11.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES

[Dollar amounts in billions]

	December 1946		December 1960		December 1970		December 1971	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Federal debt:								
Public	$259.0	58	$290.0	29	$389.0	18	$424.0	19
Federal agency	1.5	(1)	6.5	1	12.5	1	11.0	(1)
Total	260.5	58	296.5	30	401.5	19	435.0	19
State and local debt	16.0	4	72.0	7	151.0	7	171.5	8
Corporate debt	109.5	24	365.0	37	968.0	46	1,034.0	45
Individual debt	60.0	13	263.0	26	583.5	28	635.5	28
Total	446.0	100	996.5	100	2,104.0	100	2,276.0	100

[1] Less than ½ of 1 percent.

Note: Detail may not add to total due to rounding.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

TABLE 12.—ESTIMATED NET GOVERNMENT AND PRIVATE DEBT OUTSTANDING, BY MAJOR CATEGORIES

[Dollar amounts in billions]

	December 1946		December 1960		December 1970		December 1971	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of tota
Federal debt	$229.5	57.9	$239.8	27.4	$301.1	16.3	$325.9	16.3
State and local debt	13.7	3.5	64.9	7.4	146.8	8.0	167.7	8.4
Corporate debt [1]	93.5	23.6	306.3	35.0	812.4	44.1	867.1	43.4
Individual and noncorporate debt	59.9	15.1	263.3	30.1	583.7	31.7	635.7	31.8
Total	396.6	100.0	874.1	100.0	1,844.0	100.0	1,996.4	100.0

[1] Includes debt of privately owned federally sponsored agencies.

Note: Detail may not add to total due to rounding.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. Mr. President, I yield the floor.

Mr. CHURCH and Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 1307

Mr. CHURCH. Mr. President, I send to the desk an amendment, No. 1307, and ask that it be read.

Mr. BENNETT. Mr. President, will the Senator yield to me so that I can make an opening statement?

Mr. CHURCH. I will yield after the amendment becomes the pending business.

Mr. BENNETT. All right.

Mr. CHURCH. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY PROGRAM

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS, AND IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 OR OVER

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
------------	$16.20	$70.40	----------	$76	$84.50	$126.80
$16.21	16.84	71.50	$77	78	85.80	128.80
16.85	17.60	73.10	79	80	87.80	131.70
17.61	18.40	74.50	81	81	89.40	134.20
18.41	19.24	75.80	82	83	91.00	136.50
19.25	20.00	77.40	84	85	92.90	139.40
20.01	20.64	78.80	86	87	94.60	141.90
20.65	21.28	80.10	88	89	96.20	144.30
21.29	21.88	81.70	90	90	98.10	147.20
21.89	22.28	83.10	91	92	99.80	149.70
22.29	22.68	84.50	93	94	101.40	152.20
22.69	23.08	85.80	95	96	103.00	154.50
23.09	23.44	87.40	97	97	104.90	157.40
23.45	23.76	88.90	98	99	106.70	160.10
23.77	24.20	90.60	100	101	108.80	163.20
24.21	24.60	91.90	102	102	110.30	165.50
24.61	25.00	93.40	103	104	112.10	168.20
25.01	25.48	95.10	105	106	114.20	171.30
25.49	25.92	96.60	107	107	116.00	173.90
25.93	26.40	98.20	108	109	117.90	176.90
26.41	26.94	99.70	110	113	119.70	179.60
26.95	27.46	101.10	114	118	121.40	182.10
27.47	28.00	102.70	119	122	123.30	185.00
28.01	28.68	104.20	123	127	125.10	187.70
28.69	29.25	105.90	128	132	127.10	190.70
29.26	29.68	107.30	133	136	128.80	193.20
29.69	30.36	108.70	137	141	130.50	195.80
30.37	30.92	110.40	142	146	132.50	198.80
30.93	31.36	111.90	147	150	134.30	201.50
31.37	32.00	113.30	151	155	136.00	204.00
32.01	32.60	115.00	156	160	138.00	207.00
32.61	33.20	116.40	161	164	139.70	209.60
33.21	33.88	118.00	165	169	141.60	212.40
33.89	34.50	119.50	170	174	143.40	215.20
34.51	35.00	121.00	175	178	145.20	217.80
35.01	35.80	122.60	179	183	147.20	220.80
35.81	36.40	124.00	184	188	148.80	223.20
36.41	37.08	125.70	189	193	150.90	226.40
37.09	37.60	127.20	194	197	152.70	229.10
37.61	38.20	128.60	198	202	154.40	231.60
38.21	39.12	130.30	203	207	156.40	234.60
39.13	39.68	131.80	208	211	158.20	237.30
39.69	40.33	133.10	212	216	159.80	239.70
40.34	41.12	134.80	217	221	161.80	242.70
41.13	41.76	136.30	222	225	163.60	245.40
41.77	42.44	137.90	226	230	165.50	248.30
42.45	43.20	139.40	231	235	167.30	251.00
43.21	43.76	141.10	236	239	169.40	254.10
43.77	44.44	142.50	240	244	171.00	257.80
44.45	44.88	143.90	245	249	172.70	263.10
44.89	45.60	145.60	250	253	174.80	267.30
		147.10	254	258	176.60	272.60
		148.40	259	263	178.10	277.80
		150.10	264	267	180.20	282.00
		151.60	268	272	182.00	287.30

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$153.20	$273	$277	$183.90	$292.60
		154.70	278	281	185.70	296.80
		156.20	282	286	187.50	302.10
		157.90	287	291	189.50	307.40
		159.20	292	295	191.10	311.60
		160.90	296	300	193.10	316.80
		162.40	301	305	194.90	322.10
		163.80	306	309	196.60	326.40
		165.50	310	314	198.60	331.70
		166.90	315	319	200.30	337.00
		168.30	320	323	202.00	341.20
		170.00	324	328	204.00	346.50
		171.50	329	333	205.80	351.80
		173.20	334	337	207.90	356.00
		174.50	338	342	209.40	361.20
		176.00	343	347	211.20	366.50
		177.70	348	351	213.30	370.70
		179.10	352	356	215.00	376.00
		180.80	357	361	217.00	381.30
		182.20	362	365	218.70	385.50
		183.60	366	370	220.40	390.80
		185.30	371	375	222.40	396.00
		186.80	376	379	224.20	400.40
		188.50	380	384	226.20	405.60
		189.80	385	389	227.80	410.90
		191.30	390	393	229.60	415.10
		193.00	394	398	231.60	420.40
		194.40	399	403	233.30	425.70
		196.10	404	407	235.40	429.90
		197.40	408	412	236.90	435.20
		198.80	413	417	238.60	440.40
		200.20	418	421	240.30	444.60
		201.80	422	426	242.20	449.90
		203.10	427	431	243.80	455.20
		204.50	432	436	245.40	460.50
		206.10	437	440	247.40	462.60
		207.40	441	445	248.90	465.30
		208.80	446	450	250.60	467.90
		210.40	451	454	252.50	470.00
		211.70	455	459	254.10	472.60
		213.10	460	464	255.80	475.20
		214.50	465	468	257.40	477.40
		216.10	469	473	259.40	480.00
		217.40	474	478	260.90	482.70
		218.80	479	482	262.60	484.80
		220.40	483	487	264.50	487.50
		221.70	488	492	266.10	490.10
		223.10	493	496	267.80	492.20
		224.70	497	501	269.70	494.80
		226.00	502	506	271.20	497.40
		227.40	507	510	272.90	499.60
		228.80	511	515	274.60	502.20
		230.30	516	520	276.40	504.90
		231.70	521	524	278.10	506.90

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1971 Act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$233.10	$525	$529	$279.80	$509.60
		234.70	530	534	281.70	412.20
		236.00	535	538	283.20	514.40
		237.40	539	543	284.90	517.00
		239.00	544	548	286.80	519.60
		240.30	549	553	288.40	522.30
		241.70	554	556	290.10	523.80
		242.90	557	560	291.50	526.00
		244.20	561	563	293.10	527.60
		245.50	564	567	294.60	529.70
		246.80	568	570	296.20	531.30
		248.00	571	574	297.60	533.30
		249.30	575	577	299.20	535.00
		250.50	578	581	300.60	537.00
		251.80	582	584	302.20	538.60
		253.00	585	588	303.60	540.80
		251.40	589	591	305.30	542.30
		255.60	592	595	306.80	544.50
		256.90	596	598	308.30	546.00
		258.10	599	602	309.80	548.20
		259.40	603	605	311.30	549.80
		260.60	606	609	312.80	551.80
		262.00	610	612	314.40	553.50
		263.20	613	616	315.90	555.50
		264.50	617	620	317.40	557.70
		265.70	621	623	318.90	559.20
		267.00	624	627	320.40	561.40
		268.20	628	630	321.90	563.30
		269.50	631	634	323.40	566.10
		270.80	635	637	325.00	568.70
		272.10	638	641	326.60	571.50
		273.30	642	644	328.00	574.00
		274.60	645	648	329.60	576.80
		275.80	649	652	331.00	579.30
		276.60	653	656	332.00	581.00
		277.40	657	660	332.90	582.60
		278.40	661	665	334.10	584.70
		279.40	666	670	335.30	586.80
		280.40	671	675	336.50	588.90
		281.40	676	680	337.70	591.00
		282.40	681	685	338.90	593.10
		283.40	686	690	340.10	595.20
		284.40	691	695	341.30	597.30
		285.40	699	700	342.50	599.40
		286.40	701	705	343.70	601.50
		287.40	706	710	344.90	603.60
		288.40	711	715	346.10	605.70
		289.40	716	720	347.30	607.80
		290.40	721	725	348.50	609.90
		291.40	726	730	349.70	612.00
		292.40	731	735	350.90	614.10
		293.40	736	740	352.10	616.20

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1971 Act)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$294.40	$741	$745	$353.30	$618.30
		295.40	746	750	354.50	620.40
			751	755	355.50	622.20
			756	760	356.50	623.90
			761	765	357.50	625.70
			766	770	358.50	627.40
			771	775	359.50	629.20
			776	780	360.50	630.90
			781	785	361.50	632.70
			786	790	362.50	634.40
			791	795	363.50	636.20
			796	800	364.50	637.90
			801	805	365.50	639.70
			806	810	366.50	641.40
			811	815	367.50	643.20
			816	820	368.50	644.90
			821	825	369.50	646.70
			826	830	370.50	648.40
			831	835	371.50	650.20
			836	840	372.50	651.90
			841	845	373.50	653.70
			846	850	374.50	655.40
			851	855	375.50	657.20
			856	860	376.50	658.90
			861	865	377.50	660.70
			866	870	378.50	662.40
			871	875	379.50	664.20
			876	880	380.50	665.90
			881	885	381.50	667.70
			886	890	382.50	669.40
			891	895	383.50	671.20
			896	900	384.50	672.90
			901	905	385.50	674.70
			906	910	386.50	676.40
			911	915	387.50	678.20
			916	920	388.50	679.90
			921	925	389.50	681.70
			926	930	390.50	683 40
			931	935	391.50	685.20
			936	940	392.50	686.90
			941	945	393.50	688.70
			946	950	394.50	690.40
			951	955	395.50	692.20
			956	960	396.50	693.90
			961	965	397.50	695.70
			966	970	398.50	697.40
			971	975	399.50	699.20
			976	980	400.50	700.90
			981	985	401.50	702.70
			986	990	402.50	704.40
			991	995	403.50	706.20
			996	1,000	404.50	707.90."

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for August 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for September 1972 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title for August 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each person for such month, by 120 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for September 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for September 1972, or".

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsection (b), (c), and (d) of this section and except as provided in paragraph (6) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such following month then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)."

(d) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "August 1972".

(e) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Act of March 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to September 1972.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before September 1972, or who died before such month."

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)".

(g)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(B) Section 227(b) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(h)(1) Section 203(a) of the Social Security Act (as amended by subsection (b) of this section) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month to be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after the application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202 (q)) payable on the basis of such wages and self-employment income for such particular month."

(2) In any case in which the provisions of section 1002(b)(2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q)) for the first month for which the provisions of such section 1002(b)(2) applied.

(i) The amendments made by this section (other than the amendments made by subsections (g) and (h)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after August 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after August 1972. The amendments made by subsection (h)(1) shall apply with respect to monthly benefits under title II of such Act for months after December 1971.

AUTOMATIC ADJUSTMENTS IN BENEFITS AND IN THE CONTRIBUTION AND BENEFIT BASE

Adjustments in Benefits

SEC. 202. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"(A) the term 'base quarter' means (i) the calendar quarter ending on June 30 in each year after 1972, or (ii) any other calendar quarter in which occurs the effective month of a general benefit increase under this title;

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A)(i), in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, such Index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general benefit increase under this title; except that there shall be no cost-of-living computation quarter in any calendar year in which a law has been enacted providing a general benefit increase under this title or in which such a benefit increase becomes effective; and

"(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical mean of such index for the 3 months in such quarter.

"(2)(A)(i) The Secretary shall determine each year beginning with 1974 (subject to the limitation in paragraph (1)(B) and to subparagraph (E) of this paragraph) whether the base quarter (as defined in paragraph (1)(A)(i)) in such year is a cost-of-living computation quarter.

"(ii) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (E)) as provided in subparagraph (B), increase the benefit amount of each individual who for such month is entitled to benefits under section

227 or 228, and the primary insurance amount of each other individual under this title, by an amount derived by multiplying each such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1)(A)(ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1)(B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply (subject to subparagraph (E)) in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, and in the case of lump-sum death payments with respect to deaths occurring after December of such calendar year.

"(C)(i) Whenever the level of the Consumer Price Index as published for any month exceeds by 2.5 percent or more the level of such index for the most recent base quarter (as defined in paragraph (1)(A)(ii)) or, if later, the most recent cost-of-living computation quarter, the Secretary shall (within 5 days after such publication) report the amount of such excess to the House Committee on Ways and Means and the Senate Committee on Finance.

"(ii) Whenever the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance of such determination on or before August 15 of such calendar year, indicating the amount of the benefit increase to be provided, his estimate of the extent to which the cost of such increase would be met by an increase in the contribution and benefit base under section 230 and the estimated amount of the increase in such base, the actuarial estimates of the effect of such increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(D) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall reflect the year in which the primary insurance amounts set forth in column IV of the table immediately prior to its revision were effective.

"(ii) The amounts on each line of column I and column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in each such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amounts on each line of column IV and column V shall be increased from the amounts shown in the table immediately prior to its revision by increasing each such amount by the percentage specified in subparagraph (A)(ii) of this paragraph. The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (determined under section 230) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V of such table shall be extended. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until in the last such line of column III the second figure is equal to one-twelfth of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised (as determined under section 230) over such base for the calendar year in which the table of benefits is revised. The amount in each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(E) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any notification or publication thereof under subparagraph (C) or (D)), no increase in benefits shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living computation quarter, if during the calendar year in which such determination is made a law providing a general benefit increase under this title is enacted or becomes effective.

"(3) As used in this subsection, the term 'general benefit increase under this title' means an increase (other than an increase under this subsection) in all primary insurance amounts on which monthly insurance benefits under this title are based."

(2)(A) Effective January 1, 1974, section 203(a) of such Act is amended by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in or deemed to be in section 215(a)".

(B) Effective January 1, 1974, section 203(a)(2) of such Act (as amended by section 201(b) of this Act) is further amended to read as follows:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1971 shall not be reduced to less than the largest of—

"(A) the amount determined under this subsection without regard to this paragraph,

"(B) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual's wages and self-employment income, or

"(C) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after September 1972) of a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of amounts derived by multiplying the benefit amount determined under this title for the month before such effective month including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each such person for such month, by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of $0.10 being rounded to the next higher multiple of $0.10);

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) or (C), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of subparagraph (B) or (C) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for the last month for which subparagraph (B) or (C) was applicable, or".

(3)(A) Effective January 1, 1975, section 215(a) of such Act (as amended by section 201(c) of this Act) is further amended—

(i) by inserting "(or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(D))" after "the following table" in paragraph (1)(A); and

(ii) by inserting "(whether enacted by another law or deemed to be such table under subsection (i)(2)(D))" after "effective month of a new table" in paragraph (2).

(B) Effective January 1, 1975, section 215(b)(4) of such Act (as amended by section 201(d) of this Act) is further amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled to benefits under section 202(a) or section 223 in or after the month in which a new table that appears in (or is deemed by subsection (i)(2)(D) to appear in) subsection (a) becomes effective; or

"(B) who dies in or after the month in which such table becomes effective without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(C) Effective January 1, 1975, section 215(c) of such Act (as amended by section 201(e) of this Act) is further amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the latest table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the month in which the latest such table became effective.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(4) Effective January 1, 1975, sections 227

and 228 of such Act (as amended by section 201(g) of this Act) are further amended by striking out "$58.00" wherever it appears and inserting in lieu thereof "the larger of $58.00 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$29.00" wherever it appears and inserting in lieu thereof "the larger of $29.00 or the amount most recently established in lieu thereof under section 215(i)".

Adjustments in Contribution and Benefit Base

(b) (1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"Sec. 230. (a) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the first month of the calendar year following a cost-of-living computation quarter, he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs (along with the publication of such benefit increase as required by section 215(i) (2) (D)) the contribution and benefit base determined under subsection (b) which shall be effective (unless such increase in benefits is prevented from becoming effective by section 215(i) (2) (E)) with respect to remuneration paid after the calendar year in which such quarter occurs and taxable years beginning after such year.

"(b) The amount of such contribution and benefit base shall be the amount of the contribution and benefit base in effect in the year in which the determination is made or, if larger, the product of—

"(1) the contribution and benefit base which was in effect with respect to remuneration paid in (and taxable years beginning in) the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made, and

"(2) the ratio of (A) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made to the latest or (B) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1973 or the first calendar quarter of the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under subsection (a), with such product, if not a multiple of $300, being rounded to the next higher multiple of $300 where such product is a multiple of $150 but not of $300 and to the nearest multiple of $300 in any other case.

"(c) For purposes of this section, and for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1954, the 'contribution and benefit base' with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1973 and prior to the calendar year with the first month of which the first increase in benefits pursuant to section 215(i) of this Act becomes effective shall be $12,000 or (if applicable) such other amount as may be specified in a law enacted subsequent to the law which added this section."

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

Sec. 203. (a) (1) (A) Section 209(a) (6) of the Social Security Act is amended by inserting "and prior to 1973" after "1971".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraphs:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $10,800 with respect to employment has been paid to an individual during any calendar year after 1972 and prior to 1974, is paid to such individual during such calendar year;

"(8) That part of remuneration which, after remuneration (other than remuneration referred to in the suceeding subsections of this section) equal to $12,000 with respect to employment has been paid to an individual during any calendar year after 1973 and prior to 1975, is paid to such individual during such calendar year;

"(9) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1974 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2) (A) Section 211(b) (1) (F) of such Act is amended by inserting "and prior to 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b) (1) of such Act is further amended by adding at the end thereof the following new subparagraphs:

"(G) For any taxable year beginning after 1972 and prior to 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(H) For any taxable year beginning after 1973 and prior to 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(I) For any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3) (A) Section 213(a) (2) (ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or $10,800 in the case of a calendar year after 1972 and before 1974, or $12,000 in the case of a calendar year after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(B) Section 213(a) (2) (iii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or $10,800 in the case of a taxable year beginning after 1972 and before 1974, or $12,000 in the case of a taxable year beginning after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974".

(4) Section 215(e) (1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, the excess over $10,800 in the case of any calendar year after 1972 and before 1974, the excess over $12,000 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(b) (1) (A) Section 1402(b) (1) (F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and before 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b) (1) of such Code is further amended by adding at the end thereof the following new subparagraphs:

"(G) for any taxable year beginning after 1972 and before 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year;

"(H) for any taxable year beginning after 1973 and before 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(I) for any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) (A) Section 3121(a) (1) of such Code (relating to definition of wages) is amended by striking out "$9,000" each place it appears and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, section 3121(a) (1) of such Code is amended by striking out "$10,800" each place it appears and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, section 3121(a) (1) of such Code is amended—

(i) by striking out "$12,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3) (A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out "$10,800" and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, the second sentence of section 3122 of such Code is amended by striking out "the $12,000 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4) (A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out "$10,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "the $12,000 limitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413(c) (1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "the calendar year 1971";

(B) by inserting after "exceed $9,000," the following: "or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed $10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $12,000, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to the first $10,800 of such wages received in such calendar year after 1972 and before 1974, or which exceeds the tax with respect to the first $12,000 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(a)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, $10,800 for the calendar year 1973, $12,000 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(7)(A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$9,000" and inserting in lieu thereof "$10,800".

(B) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "$10,800" and inserting in lieu thereof "$12,000".

(C) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "the excess of $12,000 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

CHANGES IN TAX SCHEDULES

SEC. 204. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (3) and inserting in lieu thereof "and before January 1, 1978";

(B) by striking out "and" at the end of paragraph (3); and

(C) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1977, and before January 1, 2011, the tax shall be equal to 6.7 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 2010, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "any of the calendar years 1971 through 1977"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received during any of the calendar years 1978 through 2010, the rate shall be 4.5 percent; and

"(5) with respect to wages received after December 31, 2010. the rate shall be 5.35 percent."

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "any of the calendar years 1971 through 1977"; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during any of the calendar years 1978 through 2010, the rate shall be 4.5 percent; and

"(5) with respect to wages paid after December 31, 2010, the rate shall be 5.35 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1986, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1985, and before January 1, 1993, the tax shall be equal to 1.1 percent of the amount of the self-employment income for such taxable year; and

"(58) in the case of any taxable year beginning after December 31, 1992, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 0.9 percent;

"(3) with respect to wages received during the calendar years 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.0 percent;

"(4) with respect to wages received during the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992, the rate shall be 1.1 percent; and

"(5) with respect to wages received after December 31, 1992, the rate shall be 1.2 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar years 1978, 1979. 1980. 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.0 percent;

"(4) with respect to wages paid during the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992, the rate shall be 1.1 percent; and

"(5) with respect to wages paid after December 31, 1992, the rate shall be 1.2 percent."

(c) The amendments made by subsections (a)(1) and (b)(1) shall apply only with respect to taxable years beginning after December 31, 1972. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1972.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 205. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "1969, and so reported," and inserting in lieu thereof "1969, and before January 1, 1973, and so reported, (E) 1.0 per centum of the wages (as so defined) paid after December 31, 1972, and before January 1, 1978, and so reported, (F) 1.1 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 2011, and so reported, and (G) 1.4 per centum of the wages (as so defined) paid after December 31, 2010, and so reported,". (b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "beginning after December 31, 1969," and inserting in lieu thereof "beginning after December 31, 1969, and before January 1, 1973, (E) 0.75 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1978, (F) 0.825 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 2011, and (G) 0.915 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010,".

Amend the title so as to read: "An Act to provide for a four-month extension of the present temporary level in the public debt limitation, and for other purposes."

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Is amendment No. 1307, which has just been read, the pending business?

The PRESIDING OFFICER. It is the pending business.

Mr. CHURCH. I am now happy to yield to the distinguished Senator from Utah for an opening statement.

Mr. BENNETT. Is the Senator yielding the floor, or is he just yielding to me?

Mr. CHURCH. I am yielding to the Senator from Utah, but I am retaining my right to the floor.

Mr. BENNETT. I just want to be sure what the situation is. I assure the Senator from Idaho that I had no idea of taking him off the floor, under any circumstances.

Mr. CHURCH. I understand that.

Mr. BENNETT. Mr. President, I want to indicate my support for the proposed legislation now before the Senate to extend the temporary debt limit of $450 billion through October 31, 1972. I am sure that I am not overstating the case when I say that bills relating to the debt ceiling have never been popular in the Senate; and from my experience in working on them over the years. I doubt that they ever really have been understood by many of my colleagues. I am not happy that circumstances now force us to go through the same process again to provide new legislation to raise the debt limit. The plain fact is that this time, as in every other time, we really have no choice. This bill must be passed. We must provide a ceiling sufficient to permit the Government to continue to operate and meet its financial obligations.

In considering the proposed legislation, we should remember that, in a real sense, any debt ceiling that is required at a particular time is a symptom, certainly not a cause, of our financial problems. In dealing with it, we do not deal with the cause. The real culprit is not the debt limit itself. It is the fact that the Federal Government has been spending beyond its means, incurring huge budgetary deficits. These deficits can be financed in only one way—through borrowing. When the deficits reach the point at which our need to borrow takes us above the existing debt ceiling, we have no choice but to raise the ceiling; because if we find ourselves in a position in which the Federal Government has outstanding obligations that are in excess of its cash balance and it is forbidden by law to borrow, then the Federal Government has to grind to a halt. This is the real reason why we are here today to face the old problem and provide new legislation to raise the debt ceiling.

Actually, what we are doing is to provide authorization to continue the present debt ceiling for a few months more. If we want to keep the debt down, we must control our spending, rather than try to put on a tighter ceiling. Once the Federal Government has spent the money, we cannot say that we will not honor the bills. We must pay the bills, and that is why the proposed legislation must be adopted.

As I said earlier, this bill does not raise the debt ceiling by a single dollar. It merely extends the temporary $450 billion ceiling that under present law is scheduled to expire at midnight tomorrow night—extends it through an additional 4 months, to October 31 of this year. Without this section, the debt limit will revert to what we call the permanent ceiling of $400 billion, at 1 minute after midnight, Saturday morning. We cannot permit this to happen, because the actual amount of debt is now substantially higher than the $400 billion. It reached $426.8 billion on June 27, which is the latest Treasury figure I have, and will drop back to approximately $425 billion tomorrow night.

The $450 billion temporary debt ceiling that this bill provides for the period through October 31 is a very tight ceiling, which will just about get us through that period, in view of the fact that the Treasury estimates that the actual debt will exceed $447 billion sometime during October, leaving us just a $3 billion margin.

Actually, the ceiling that this bill provides is considerably under the administration's request. The administration asked the House for an increase in the temporary debt ceiling of $465 billion and asked that the period be extended to March 1, 1973.

On the whole, I think it would have been preferable for the bill to have provided for the ceiling requested by the administration and the expiration date. But that was not done by the House, and now the important thing is to adopt the proposed legislation as it is and to avoid delaying the adoption of the necessary authorization before the deadline runs out tomorrow night.

The administration has indicated that it can satisfactorily carry on its operations with this limit of $450 billion through October. Since the $450 billion temporary debt ceiling will carry us only through October 31 of this year, we will have to be back again before that time to consider this matter. At that time, we will have additional information on Federal receipts and expenditures, which will help us determine an appropriate new ceiling. But at this time I think it is important that we approve this measure quickly.

We must act responsibly and provide an adequate ceiling within the few hours we have left. The results of our failure to act are unthinkable. Without having a debt limit within which it could operate, the Treasury Department would not be able to issue any new Government obligations after midnight tomorrow night. This includes the savings bonds which people are buying with payroll deductions, some of which are in the process of being bought right now. The curtain on those must come down absolutely at midnight tomorrow night, and I think Senators can realize the confusion that would cause. In a few days' time, the Treasury's present cash balance would be exhausted, and the Government would be compelled to stop payments on virtually all its obligations. Nobody can guess exactly when that minute would come, but from the best information I can obtain, it probably would come within a week, while the Senate and the House would be in recess.

The result would be disastrous not only at home but also abroad, since it would disrupt the international monetary system. Just think, for example, of the hardships that would result if the U.S. Government were forced to suspend payments of salaries, grants to State and local governments, contract obligations, redemption of securities held in the hands of foreigners—and I could list a lot of other things. Imagine the effect that a cessation of U.S. payments on its obligations would have on the value of the dollar abroad. I am sure that when you examine all these unfortunate consequences, Mr. President, you will agree that it is imperative to pass this measure and to pass it promptly.

I thank my friend from Idaho for the opportunity to make this statement.

Mr. CHURCH. The Senator from Utah is most welcome.

Mr. TOWER. Mr. President, we have come a long way in this country since our ancestors declared their independence of too-much-government in 1776. We were then a people who were committed to a principle of maximum self-determination for the individual over his own fate and well-being. We disliked big government in those days—in fact, it was very difficult after the American Revolution for the representatives of the various sovereign States to agree to any type of centralized government at all. The only reason any type of union was eventually achieved was really the need for a common defense effort.

Now, however, we as a people seem to have come to accept the principle that big government is necessary for the individual's best interests. We seem to have subverted the old philosophy that an individual is best off when he is most free to pursue his own chosen path in life, however many twists and turns may be thrown into that path by unplanned events beyond his control, with a rather insidious philosophy of governmental planning of the life activities of everyone of us. It is always easy for a sector of the population with a particular problem—say, inadequate water supplies, or a downtown slum, or inadequate transportation facilities—to turn immediately to the huge Federal Government and say: "We have an important and urgent problem, help us."

There is no doubt at all about these problems being important and needing immediate attention. The people of this country want a decent standard of living, and there is no good reason why our tremendous economy and our great pool of human talent cannot achieve this goal if properly orchestrated. However, we have made a basic mistake in assuming that the Federal Government should be handed all of the authority and resources needed to achieve this decent standard of living. The private sector of our economy and the basic rules of a market economy are the essential means for achieving a decent living standard. Certainly, we need a certain amount of Federal law in various areas, such as the environment, the antitrust field, the financial institutions area, the whole realm of interstate commerce, and so on. The private sector, guided by sound and limited governmental rules in the appropriate areas, can do the job of providing full employment and decent incomes, and can provide people the opportunity to pursue their own self-determined courses through life.

Instead, what we have is a very substantially government dominated lifepath for our citizens. Every problem that crops up seems to be thrown to the Federal Government for subsidy and solution. This basic fact of life is very evident in the bill we have before us now—to raise the debt ceiling once again.

We obviously are relying too heavily on the Federal Government for solving our problems if it continues to run deficits of this magnitude. A strong economy could handle most of the problems we face, including the unemployment problem which these deficits are supposed to cure, and the tax revenues from a strong economy will be quite adequate to finance the necessary Government services to deal with the other problems.

I am, therefore, advocating that we

turn our national attention toward resolving problems to the maximum extent possible at the individual, business firm, and local government levels. The Federal Government cannot do everything for everybody. We simply could not afford it even if we wanted to be totally dominated by the Federal Government. What we need is a strong economy that is doing most things for most people, and let the Federal Government do only those other things which are necessarily governmental.

To this end, I am still in strong support of the proposal to place a firm spending limit on the Government each year before authorizations and appropriations are approved, so that attention will be focused each year on eliminating the least meritorious requests for Federal assistance in order to meet the pre-set spending limitation. In this way, national attention will be focused on the fact that the Federal Government will not and, in fact, cannot, be all things to all people. It will have to limit its activities to the most important and necessary Federal Government functions. I regret very much that the Roth proposal to accomplish this goal did not succeed in Congress earlier this year. It is evident that a change in congressional philosophy will be necessary in order for meaningful attention be given to this most vital of all national concerns, and I expect to see a revitalized effort at this goal launched when a new Congress forms next January, if the present Congress continues to turn a deaf ear to efforts for a spending limitation and fiscal sanity.

PRIVILEGE OF THE FLOOR

Mr. CHURCH. Mr. President, I ask unanimous consent that David Affeldt, from the Committee on Aging, which I chair, and Frank Crowley, of the congressional research staff, be allowed the privilege of the floor during consideration and the vote on my amendment. Both Mr. Affedlt and Mr. Crowley will provide technical assistance during consideration of the amendment.

The PRESIDENT OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I also want to announce that this amendment has the cosponsorship of the following Senators: KENNEDY, WILLIAMS, PERCY, MCGOVERN, EASTLAND, MOSS, HOLLINGS, RANDOLPH, RIBICOFF, THURMOND, BAKER, CHILES, MONDALE, PELL, EAGLETON, TUNNEY, HART, HUMPHREY, BAYH, CRANSTON, MONTOYA, PASTORE, MCGEE, CANNON, GRAVEL, METCALF, HATFIELD, SPARKMAN, MANSFIELD, STEVENSON, HUGHES, SAXBE, ROBERT C. BYRD, HARRIS, JAVITS, MCINTYRE, NELSON, GAMBRELL, PROXMIRE, BROOKE, MAGNUSON, INOUYE, and MUSKIE.

Mr. President, a few days ago I announced my intention to amend the debt ceiling bill by adding a 20-percent across-the-board increase in social security benefits.

Today, I would like to confirm that intention and to offer additional arguments for my amendment.

That amendment, I should add, will include a mechanism for automatic cost-of-living adjustments which will keep social security inflation-proof, now and in the future.

This two-pronged approach, it seems to me, can and should be adopted by the Congress in the few remaining days before we recess for the Democratic National Convention.

How else, during a session which will later be interrupted by the Republican Convention and all the subsequent activities related to a presidential campaign, can our elderly be sure of receiving a desperately needed increase in retirement income?

How else are we to avoid the trap into which we have fallen in the past—the trap which opens up and closes shut when social security reforms are tied to welfare measures?

Such a prospect is before us again. H.R. 1—the welfare reform bill—is a cumbersome, controversial legislative package. And entrapped in this massive and complex bill is an urgently needed social security increase.

For over a year now, the needs of the elderly have been held hostage to action on welfare reform. But the situation is causing far too much hardship to wait any longer.

Nearly 7 million elderly Americans live in poverty or near poverty—about one out of every three persons 65 and older. Millions more are faced with the stark prospect of slipping below the poverty level.

These Americans, in particular, need help, immediate help. And my proposed 20-percent increase would be of substantial benefit, removing from poverty in one stroke almost 1½ million older people. In addition, over one-half million people under age 65—people who retired early or are severely disabled and their dependents, and the young survivors of deceased workers—would be removed from poverty.

My amendment would also be of great help to the millions of social security beneficiaries who are now only slightly above the poverty level. At these levels of low income, the additional benefits would be especially meaningful. Any increase that can be provided in the level of living for these aged and disabled beneficiaries and their families and for young widows with children is of great importance.

In terms of dollars and cents, this measure would increase average monthly social security benefits for a retired worker from $133 to $161. On an annual basis, this would mean an additional $336 in retirement income. For a retired couple, average monthly benefits would increase from $223 to $270, or $564 in a year.

In addition to providing an immediate increase in benefits, my amendment also would provide a mechanism for keeping benefits up to date with increases in prices.

Our elderly citizens are the least able to suffer losses in the purchasing power of their limited incomes. Social security benefits are the only regular income for half of our retired workers. Benefit increases have too often lagged behind increases in the cost of living. We have an obligation to guarantee, in the law, that social security benefits will not deteriorate because of inflation.

Equally important, all this can be achieved without impairing the actuarial soundness of the social security trust funds and without any increase in the contribution rates for the cash benefits part of the social security program for several decades. In fact, the cash benefit improvements in my amendment can be financed until well into the next century with contribution rates that are lower than the rates under present law.

The contribution rates that my amendment would set for the cash benefits program are based on recommendations made by the Advisory Council on Social Security and endorsed by the Nixon administration. The Advisory Council was a distinguished and knowledgeable 13-member panel chaired by Arthur S. Flemming, who is now the President's Special Consultant on Aging.

The contribution rates in my amendment are set at a level that assures sufficient income to meet current expenditures and to allow for growth in the trust funds. These contribution rates would maintain the funds at a reasonable contingency-reserve level, in line with the recommendations of the Advisory Council.

In addition, the contribution rates are based on the assumptions that benefits will rise in the future to take account of increases in prices—as my amendment would provide—and that the maximum amount of earnings counted for social security purposes will increase as earnings levels rise—also as my amendment would provide. The Advisory Council recommended the adoption of contribution rates based on rising benefits and earnings assumptions in lieu of the past practice of basing rates on the assumption that earnings levels would not rise.

As a result of the lower contribution rates in my amendment, a worker whose future earnings will be $9,245 or less will actually pay less in social security contributions from 1973 through the end of this century than he would pay under the contribution rates scheduled in present law.

Under my amendment, the maximum amount of annual earnings on which social security contributions are paid and which count in determining social security benefits would be increased to $10,800 in 1973 and to $12,000 in 1974. In relation to the increases that have occurred in earnings levels since the program began, these are modest increases. A substantially smaller percentage of workers would have their full earnings covered under the program than was the case when the program began.

A worker who has high earnings will pay more in social security contributions. But he will be getting his money's worth or more in social security protection. He will get considerably more in such protection than he would get under present law.

For example, a worker who is 65 in 1975 and who has always earned the maximum annual earnings counted under social security will get a monthly benefit of $283.20; for a couple, the monthly benefit would be $424.80. This is $54.40 more a month for a worker and $81.60 more a month for the couple than the benefits under present law.

The difference is even more dramatic for those who retire in the future. Using the same assumptions with respect to earnings levels and prices used by the social security actuaries and accepted by the Committee on Finance, a man now age 50, for example, can expect to get a monthly benefit at age 65 of $522.40; he and his wife at 65 can get $783.60. This is $261.80 more per month than the $260.60 he could get under present law; and it is $392.70 more per month than the $390.90 he and his wife could get under present law.

Moreover, the benefit protection for young workers and their families, an aspect of the social security program often overlooked, would be increased because of the increase in the earnings base in my amendment. As early as 1976 a young disabled worker could qualify for a monthly benefit as high as $404.50, $109.10 more than the $295.40 he could get under present law; he and his family could get a benefit as high as $707.90, $190.90 more than the $517 they could get under present law.

After 1974, the maximum amount of a worker's annual earnings that can be counted for social security benefit and contribution purposes would be adjusted to reflect future increases in average earnings in employment covered under social security. This provision for future automatic increases in the earnings base to take account of increases in earnings levels is in line with the Advisory Council's recommendations.

Further, this provision is of considerable significance in the financing of the automatic benefit increases provided under my amendment. With the realistic assumption that earnings levels will rise and will rise significantly faster than price levels, as has been the case over the last several decades, the additional financing needed to meet the cost of the automatic benefit increases will come from the contributions paid by workers at increasing earnings levels. About two-thirds of the cost of each successive automatic benefit increase under the provisions of this amendment would be financed by the additional contribution income generated directly by rising earnings levels. The remaining one-third of the cost of each successive benefit increase would be financed by the additional income to the system that would result from the application of the scheduled contribution rate to those with earnings in the upper brackets. Thus, all workers will share in the cost of the automatic adjustment in social security benefits, and the automatic adjustment in the base merely assures that workers at upper earnings levels will share proportionately in this cost with workers at lower earnings levels.

Mr. CURTIS. Mr. President, would the distinguished Senator yield?

Mr. CHURCH. Mr. President, I yield.

Mr. CURTIS. Mr. President, what would be the tax increase in dollars for a $5,000-a-year man between what he is paying now, 1972, and what he will be paying in 1973?

Mr. CHURCH. The difference would be $15.

Mr. CURTIS. Mr. President, what would be the tax increase in 1973 over 1972 under the Senator's proposal for the $7,000-a-year man?

Mr. CHURCH. The difference would be $21.

Mr. CURTIS. And for the $9,000-a-year man?

Mr. CHURCH. The difference would be $27.

Mr. CURTIS. And for the $10,000-a-year man?

Mr. CHURCH. The difference would be $72.

Mr. CURTIS. Would it be $82?

Mr. CHURCH. The Senator is correct. It would be $82.

Mr. CURTIS. And for the $11,000-a-year man under your proposal, what would be his tax increase for 1973 over 1972?

Mr. CHURCH. My figure is $85.50.

Mr. CURTIS. The $11,000-a-year man is now paying $468. I believe under this proposal he would pay $594.

Mr. CHURCH. In 1973. However, he is not taxed until 1973, so I compare the 1973 figure with that year when the base is extended.

Mr. CURTIS. What he is paying this year compared with next year is an increase of $136.

Mr. CHURCH. He is paying the $468 maximum for 1972. But, the Senator understands the base will be enlarged to $10,800 and ultimately to $12,000.

Mr. CURTIS. Even looking at dollars they take out this year and dollars they take out next year, if the Senator's proposal is agreed to, it is roughly $10 a month, a little more. The $12,000-a-year man, according to my figures, is now paying $468 a year.

Mr. CHURCH. His situation would be the same as that of the $11,000-a-year man.

Mr. CURTIS. However, by 1974 he will be paying $660 or a tax increase of $192, if the Senator's proposal is agreed to.

Mr. CHURCH. The Senator is correct.

Mr. CURTIS. I will not ask for all of those figures with reference to the self-employed. I might call attention to the fact that the self-employed person who is now making $12,000 a year is paying $675 a year in social security tax, and his tax would go to $842.40 in 1973, and to $936 in 1974. The lower earning income person would have quite a tax, too. The man making $5,000 will have an increase of $15 and the $7,000 a year self-employed person will have an increase of about $19.

Mr. CHURCH. I just wish to point out that the Senator's figures are correct. I would like at this point to place in the RECORD a schedule which reflects this discussion so that the entire table may be in the RECORD. I think it covers all the figures to which the Senator referred.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY EMPLOYEE TAXES

Annual income	1972 under present law and proposals	Present law 1973 and 1974	Church amendment	
			1973	1974
$5,000	$260	$282.50	$275.00	$275
$7,000	364	395.50	385.00	385
$9,000	468	508.50	495.00	495
$10,000	468	508.50	550.00	550
$11,000	468	508.50	594.00	605
$12,000	468	508.50	594.00	660

SOCIAL SECURITY SELF-EMPLOYMENT TAXES

$5,000	$375	$382.50	$390.00	$390
$7,000	525	535.50	546.00	546
$9,000	675	688.50	702.00	702
$10,000	675	688.50	780.00	780
$11,000	675	688.50	842.40	858
$12,000	675	688.50	842.40	936

Mr. CURTIS. I thank the Senator.

Mr. CHURCH. It is very important in this regard to remember that some 70 million workers who are paying into the social security system, or about three-fourths of those now paying into the social security system would actually be paying a lower rate under this amendment than under the scheduled rates in the present law. So we are not only accomplishing a 20-percent increase in benefits, but also for the great majority of those paying into the system we are accomplishing, starting next year a modest reduction in the cost of the program compared with schedules under the existing law.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. Will the Senator point out any bracket that will pay fewer dollars in social security next year compared to this year if the Senator's proposal is agreed to?

Mr. CHURCH. I will submit figures for the RECORD bearing on this point which show how my amendment will reduce individual tax payments. I will insert the table in the RECORD at the appropriate place following my introductory remarks?

Mr. CURTIS. Do any of those tables show that under the proposal anyone in any bracket will pay fewer dollars in 1973 on the same income than they are paying in 1972?

Mr. CHURCH. In 1973 cuts in the tax rate will be made.

Mr. CURTIS. The Senator's answer is not responsive to my question. Can the Senator point out a single social security taxpayer who will pay fewer dollars in 1973 than in 1972 on the same earnings?

Mr. CHURCH. No.

Mr. CURTIS. They will all pay more, will they not?

Mr. CHURCH. The reductions will come thereafter, and the table will show the reduction.

Mr. CURTIS. Those tables must have a proper interpretation. Congress projects tables many years in advance but they never find out whether those tables are accurate because they are changed about every 2 years, and although some tables were projected, we come along with another table and we say that this table gives lower rates and it does not give us the right to say that the social security taxpayers are having lower taxes. They are not.

All that those tables reflect is the pious hope of Congress of what the future tax might be.

I want to be just as generous as the circumstances allow, taking into account the situation. I do not criticize those who come to different conclusions. But I do criticize the assertion that you can increase benefits and tax people less. The amount of the reserve in the social security fund is about a 12-month reserve.

In other words, if we collected no more taxes, we could pay present beneficiaries for 12 months and that would be it. That is all there is. So it is absurd to say you can grant a 5-percent increase in social security benefits and then at a later time say you can raise to 20 percent without raising the taxes. It just cannot be done. You have to take a great many more dollars away from taxpayers to pay 20 percent than you do 5 percent. Were we to consider here a 30-percent increase in benefits, we would have to take a great deal of more money away from the social security taxpayers than if we made it 15 percent.

I make this statement not as an argument for any particular level of increase. Many of these beneficiaries need all the increase they can get. But I think we should make a full statement to the taxpaying public, and the fact is that no one's tax will be reduced by a single dollar under the Senator's amendment. Everyone's tax will be raised.

The only way you can do that, and that is only partial, is to use up the reserve. Under the Senator's proposal, is it not true that the Senator proposes to use up one-fourth of the reserves and cut the reserves back to 9 months?

Mr. CHURCH. Yes. The proposal I offer is based on the same treatment of the trust funds that I understand the Committee on Finance adopted for H.R. 1.

Mr. CURTIS. I think that is correct.

Mr. CHURCH. I think it is, too.

Mr. CURTIS. I think that is correct. I do not think it is the right answer, nor the sound answer, but I think it is correct.

Mr. CHURCH. Let me just say, Mr. President, that I am not here attempting to play the role of Merlin the Magician. I am not saying we are not going to spend more money when we increase social security benefits by 20 percent. Any suggestion that I have made that argument of course is not properly grounded.

What I am saying is that, based upon new actuarial assumptions—assumptions approved by the Finance Committee, the 1971 Social Security Advisory Council, and the Nixon administration. The actual tax rate can be decreased for the great majority—three-quarters of the workers—under the program—and the 20 percent benefit increase authorized by not providing funds in excess of the needs of the program.

Mr. CURTIS. Now——

Mr. CHURCH. If I may continue, under present law those reserves would build up, between calendar year 1972 and calendar year 1977, to about $120 billion. It is not true that the social security system needs reserves that even begin to amount to such a fantastic sum.

I think the Senate Finance Committee did a proper thing when it accepted the new financing basis, and all I have done is to adopt the judgment of the Finance Committee.

Mr. CURTIS. If the Senator will yield right there——

Mr. CHURCH. Before I yield, I just would like to point out that, under this amendment, in 1973 the total tax rate would be 5.5 percent, compared to 5.65 percent under present law. This is not the result of any act of magic; it is simply the result of a prudent decision—by the Senate Finance Committee and the administration and all who have studied the program—that it is unnecessary to base these rates on old assumptions of how to build up a tremendous reserve. We can operate social security soundly on a pay-as-you-go basis and maintain a reasonable reserve for contingencies. This is all that this kind of program requires.

So I follow the lead of the Finance Committee in this respect, the lead of the chairman of the Ways and Means Committee, and the lead of the Nixon administration.

Mr. CURTIS. If the Senator would yield right there, the projection as to what the reserves will be in 1977 is purely speculative. The Congress is going to meet every year between now and then, and we will have several elections in the meantime, and there will be no such accumulation.

The trend of the reserves has been to go down in relation to the outgo. There was a time, not many years ago, when we had about a 3-year reserve. We are now down to a year's reserve. Under this proposal it will go to a 9-month reserve.

Again I repeat that the statement that the taxes are going to go down is inaccurate. What is going to go down is somebody's speculation about what is going to happen in the future, without regard to the grim fact that Congress has never let those reserves accumulate in that way. But the fact remains that everyone is going to have a tax increase, in every bracket, and there will be no person who will pay lesser social security taxes than he pays now.

I thank the Senator.

Mr. CHURCH. Mr. President, I shall place in the RECORD tables that fully substantiate everything I have said with respect to the tax rates in the coming years under this amendment as compared with tax rates in the coming years under present law. They will show that this amendment not only finances itself, but finances itself in coming years at a rate which is less than the rate that would otherwise obtain under present law, and at the same time accomplishes a 20-percent increase in benefits.

I have explained how this occurs. I think that, rather than being a radical departure or unsound procedure, it is one that has the full support and endorsement of both the Finance Committee and the Nixon administration. So I think that in this respect this argument is sound.

If in the future the Congress adds the benefits, then I think they would not be self-financing; we would have to add more financing. We will face that when we get to it. But for the purpose of pointing up this amendment, it not only finances an increased benefit of 20 percent, but in future years it means a lesser rate of taxes and automatic cost-of-living benefit increases.

Finally, my amendment addresses the problem that under current financing the hospital insurance trust fund will be exhausted in 1974. Under my amendment, the hospital insurance program will be financially sound and there will be sufficient funds to pay all benefits provided under the program now and in the future.

And, there are other very practical reasons for taking action on my amendment before we recess.

First, since I offered this proposal as an amendment to H.R. 1 on March 7, it has received the strong and enthusiastic support of more than two-thirds of the Senate. Republicans as well as Democrats are among its 60 cosponsors and seven unlisted supporters.

Second, the debt ceiling bill provides the only expeditious means for delivering a long overdue social security increase.

Third, I am confident that my proposed 20-percent amendment would be acceptable to the House of Representatives. Several Members of the House have already sponsored or endorsed similar proposals. And Representative WILBUR MILLS, the distinguished chairman of the Ways and Means Committee, is strongly in support of a 20-percent benefit increase. In fact, he has introduced companion legislation in the House.

Before concluding, I wish to make one additional crucial point which cannot be overlooked. Any further changes to the debt ceiling bill will practically insure the defeat of a social security increase at this time.

Both the Senate and the House are now operating under a stringent time deadline because action on the debt ceiling legislation must be completed by June 30. It is, therefore, absolutely necessary that these essential changes that I am suggesting—changes limited to a 20-percent increase, cost of living automatic adjustments based on the House-approved tax arrangement to finance those changes—be unencumbered by any other amendments to the pending bill.

If the Senate simply adopts my amendment, there is an excellent prospect that the House will accept this proposal, without the necessity of a Conference Committee.

Additionally, I wish to emphasize that other reforms in H.R. 1——

Mr. LONG. Mr. President, will the Senator yield on that point?

Mr. CHURCH. Yes, I am happy to yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I would like to emphasize what the Senator has said. There are a lot of good provisions in H.R. 1 that have been recommended by

Senators, and others, which have already been agreed to in the House of Representatives, which could and should be enacted. But if we get into matters which, desirable though they may be, would require a conference and, perhaps, an argument between the Senate and the House, than I fear that at this late date, it would just mean that we would have to drop them all.

So if Senators want the 20-percent amendment, they ought to vote to keep other things off this bill. There are a lot of things, for example, in H.R. 1 that I myself suggested and which I have succeeded in getting the House to agree to on other occasions, that I would like to see become law; but I am not going to offer them, and I would urge other Senators to endeavor not to amend this measure, because to do so would be an exercise in futility; it would prejudice us to the disadvantage of the possibility of achieving the one thing we can do, and could very well lead to financial chaos in this country by tying up the Nation so it could not pay its bills.

This 20 percent matter is something everyone understands, and I would think, for something this significant to this many people—I think 26 million people would be favorably affected by this proposal—if we must face a confrontation with the President, for example, on a matter of this sort, I think the Nation would understand and probably applaud us for doing it. But to get into the other things would simply mean that what the Senator is trying to achieve, which is a very worthy endeavor, could not happen. To load this bill down would result in fiscal chaos for the country, for which the people of this country would condemn us.

Mr. CHURCH. I agree completely with the distinguished chairman of the Finance Committee. If we load this boat up, it will sink. There is no question about that. And the elderly in this country have waited too long for a substantial increase in benefits under social security. They are in a hard way. When you consider that this is the richest country in history, and that one-fourth of our elderly 65 years of age or older are living in poverty as the Government defines poverty, and that if we add those who live within 25 percent of that poverty income level—in other words, those living next to poverty—the total number comes to about one-third of all older Americans. The Social Security System is simply not doing what we wanted it to do when Franklin Roosevelt first proposed it in the 1930's.

We wanted it to provide a decent retirement income for elderly people in this country. I do not know of another industrialized nation in the world which does so poorly by its elderly as this country. There is no excuse for it. And now what do we have? We have an administration-sponsored 5-percent increase, which involves the most controversial welfare reform proposals that have ever come before Congress. This measure will probably be debated for weeks and months. It may be bogged down in such a way that the welfare measure will never pass Congress at all. And trapped in that bill we have these benefits so badly needed by the elderly of this country.

I am trying to do something for them. I do not think they should be held hostage to the time that this Congress can resolve the dilemmas that exist over welfare reform. I do not think they should have to wait months, possibly even until the next Congress, before the welfare problem is worked out. I want to take these particular provisions, on which there is no controversy between the two Houses, and propose a clean 20-percent increase, and I think if we do that——

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. CHURCH. Not until I complete my argument.

I think if we can do that, we can get the increase, we can get it to the elderly in a few months, with just the time required to take care of the mechanics of getting the increase into their checks. And they can get some benefits.

That is why I hope we will not load down this bill with other provisions that would make it impossible for the two houses to reach agreement in the limited time that remains.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Indiana.

Mr. HARTKE. I agree with my colleague from Idaho on this 20-percent amendment. The Senator well knows this is something many of us have been concerned about for quite some time.

As a matter of fact, on Febuary 22, 1971, some 16 months ago, I introduced a bill, S. 906, asking for a 20-percent increase, and I have repeatedly tried to get the Finance Committee to at least take some affirmative steps in the direction of trying to alleviate some of the difficulties our aged face.

We just passed the so-called poverty bill, the Office of Economic Opportunity bill, here on the floor of the Senate a few hours ago. As the Senator well knows, the minimum payment under social security today for a person who has full benefits is $70.60 a month. Some people may think that is the lowest amount of any of the social security checks that go out. That is not true; we have people drawing social security checks, on a monthly basis, as low as $40 and $50 a month. As a matter of fact, right now the average social security payment is only $131 a month.

I do not intend to load down this bill, nor offer any amendments except possibly one, and that is on a question concerning veterans. I would like to ask the Senator now if the veterans benefits are protected, or whether the veteran will find himself in the position that all he is going to do is have an increase in his social security payment, but a corresponding reduction in his pension benefit, as a result of this amendment.

Mr. CHURCH. I say to the Senator it is my understanding that the laws providing pensions to veterans are not touched by the amendment I have offered. It is the same as it is under the present law.

Mr. HARTKE. Well, the present law does not so provide, as I understand it. I hope the chairman of the Finance Committee will sponsor an amendment which will make this very clear, because I would not want to have this legislation passed unless right now we add a provision to assure that the veteran of today is not mistreated. Three times I have had to come to the floor of the Senate to provide for remedial legislation when veterans, especially from World War I, have been denied their benefits simply because of the fact that what happens is that when we increase the social security payments, we thereby increase their earnings, and the Veterans' Administration in turn comes back, as it by law is required to do, and cuts back on the veterans pension.

Mr. LONG. Mr. President, may I speak to that point?

Mr. CHURCH. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, the problem the Senator raises is one we have repeatedly had to resolve after we voted social security increases through. To add the Senator's amendment on this measure, if the House sought to take the amendment, would then invite a conflict between the Ways and Means Committee and the Veterans' Affairs Committee on the other side. The Senator, fortunately, is a member of both the Finance Committee and the Veterans' Subcommittee. Before the people get their first check it will be October, and that will give the Senator plenty of time to prepare an answer to this thing, to assure that they do not lose their veterans' pension checks because they get an increase in their social security checks. I will assure the Senator, as chairman of the Finance Committee, on which he serves as well as being chairman of the Veterans' Subcommittee, that I will help him to get it together, so that by the time they get their social security checks we can pass the legislation to resolve the problem.

But that would involve a conference headed by the Senator from Indiana (Mr. HARTKE) on this side and Chairman TEAGUE on the other side, rather than one headed by the Senator from Louisiana on this side and Representative MILLS on the other side. That is something which the Veterans' Committees ought to work out, and not the Finance and Ways and Means Committees.

Mr. HARTKE. The point I am making is that I think it is unfortunate that we are going to favor nonveterans by this legislation. I trust that the distinguished chairman of the Finance Committee will look out for the interests of the veterans, but the point still remains that what we will do here is give the preference to nonveterans. All I can say is, I would not want to be a part of legislation which would say that the nonveteran aged, especially those of World War I, of which we still have approximately 1,600,000 still living—of course, they are dying rapidly; their average age is 77—that those individuals ought to be given the same rights as every other aged person.

If this measure is passed, as I understand it, a veteran of World War I would have a 20-percent increase in his social security payment and a commensurate decrease in his pension, and he would be no better off. He would be in worse shape than before.

Mr. President, I support the proposal to add the 20 percent social security increase to the public debt limit bill before us today. Almost one-fourth of the elderly live in or near poverty. In spite of the increases in social security benefits provided in recent years, the benefits remain inadequate. That is why the elderly can wait no longer for the increase they so justly deserve. On February 22, 1971, in the wake of a 10-percent benefit increase, I proposed an additional 20-percent increase in my bill, S. 906. That increase is needed even more today than it was a year ago when I first proposed it.

From January 1971, when the last benefit increase was effective, to July 1971, the consumer price index increased 2.2 percent. In the year since that time, it has increased even more. The administration's proposed 5-percent increase embodied in H.R. 1 as it passed the House of Representatives and the 10-percent increase proposed by the Senate Finance Committee, do little more than restore the buying power of the benefits paid for January 1971.

Within the Senate Finance Committee, I have lead the fight for a 20-percent increase. My proposal would provide a major improvement in benefit adequacy while offsetting the price increase that has occurred since January 1971.

Mr. President, piecemeal increases in social security benefits do little to provide the more than 20 million elderly people of this country with an adequate retirement income. If social security is truly to provide social insurance, its benefits must be adequate to provide a decent standard of living consistent with current costs. There is no reason why a person who retires at 65 should be forced to live on an income which is only a fraction of that which he received when he was 64. There is no reason why anyone who has worked hard all of his life and contributed to his family, his community, and his country should be forced to live in poverty and despair. That is why, for the past 16 months, I have fought for a minimum of a 20-percent benefit increase and that is why I am happy to join in that effort today.

Mr. LONG. All I am saying is that the matter can be solved; but it is something that Chairman HARTKE as the chairman of the Veterans' Committee ought to thrash out with the chairman of the House Veterans' Committee (Mr. TEAGUE) rather than something that we on the Finance Committee ought to try to settle.

I am proud that the Senator is the chairman of the Veterans' Committee, and I am proud of the fine job he is doing for veterans. I salute him for that. I urge him to work that out. There is no reason why he cannot have the veterans' part of this answer catch up with the social security part before they get their first check on October 2.

Mr. CHURCH. Mr. President, I am told by my experts that the increased benefit here contemplated would have no adverse effect on veterans for the remainder of this year. So there will be ample opportunity for appropriate legislative remedies to be enacted by Congress.

I hope the Senator will not attempt to add this provision, meritorious as it is, to the amendment I have offered, for the reasons we have mentioned heretofore.

I can think of other benefits I would like very much to see adopted that are contained in H.R. 1, such as full benefits for widows, liberalization of the retirement test, and extension of medicare to the disabled, and others.

They will be considered by the Senate, after the recess, as a part of the omnibus bill, H.R. 1, which contains the reform of welfare and other matters. It is a very large, complicated bill. There are many provisions that relate to social security in that bill that I favor and will vote for. As a sponsor of several of these provisions, I wish to reaffirm my strong commitment for early and favorable consideration of these measures by the Senate.

But I would hope that the Senator would refrain from adding to this amendment, because to do so is to run the risk that the boat will sink. As a consequence, we will not succeed in securing the increase in the social security benefits that I know the Senator from Indiana favors as strongly as I do.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HARTKE. I want to ask a question. I understand the assurance I received from the Senator concerning how the legislation would not affect the veterans' benefits for the remainder of this year if the benefits are increased by 20 percent and we do not have a saving clause for their pension benefits, but could the Senator explain this for the benefit of my colleagues.

Mr. CHURCH. I am advised by my expert that this deduction is based upon estimated annual income.

Mr. HARTKE. That is correct.

Mr. CHURCH. And that, therefore, the practical effect would be that veterans would not have any deductions made in their pensions this year. So there is ample time for the Senator to accomplish his objective without jeopardizing this amendment.

Mr. HARTKE. I am going to accept that, and I am going to assure the chairman of the Finance Committee that I am accepting it.

I would hope, though, that in the future we could come to the realization that this country has an obligation to those people who have given of their time, given of their lives, given of their bodies and minds and everything else, in the service of this Nation.

I know of no Member of this body who has opposed the war in Vietnam for a longer period of time than I have, including the distinguished so-called leading candidate for the Presidency on this side of the aisle. I am opposed to the war, and I think it is a miserable shame to blame those people who have taken of their time and participated in the wars for causing the war. I think it is high time we stop treating veterans as second-class citizens.

What this says, in substance, is that until we correct it, a nonveteran is going to receive the benefit from this Congress and from this Government that is going to be denied to a veteran, until we pass remedial legislation.

I think it is high time that we come to some understanding that we do not always have to come with hat in hand asking for fair treatment—not asking for special treatment for the veteran—but just asking for equality of treatment for the veteran. If there is one group in this country which is going to be gone soon, it is the veterans of World War I. They will be gone soon, unless their life expectancy is extended. Their average age today is 77.6 years.

Mr. CHURCH. I thank the Senator for his observation. I assure the Senator from Indiana that, as a veteran myself, I share his sentiments for veterans generally. I have great confidence that he will see to it that the remedial legislation is enacted in timely fashion to prevent any penalty to veterans.

Mr. President, before yielding to the Senator from West Virginia, I ask unanimous consent that a table comparing the contribution rate schedule under my amendment and under present law and a recent letter I sent to my colleagues outlining my position be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY TAX FOR EMPLOYERS AND EMPLOYEES

Year	Present law [1]			Church Amendment [2 3 4 5]		
	OASDI percent	HI percent	Total tax	OASDI tax	HI percent	Total tax
1972	4.60	0.60	5.20	4.60	0.60	5.20
1973	5.00	.65	5.65	4.60	.90	5.50
1974	5.00	.65	5.65	4.60	.90	5.50
1975	5.00	.65	5.65	4.60	.90	5.50
1976	5.15	.70	5.85	4.60	.90	5.50
1977	5.15	.70	5.85	4.60	.90	5.50
1978	5.15	.70	5.85	4.50	1.00	5.50
1979	5.15	.70	5.85	4.50	1.00	5.50
1980	5.15	.80	5.95	4.50	1.00	5.50
1981	5.15	.80	5.95	4.50	1.00	5.50
1982	5.15	.80	5.95	4.50	1.00	5.50
1983	5.15	.80	5.95	4.50	1.00	5.50
1984	5.15	.80	5.95	4.50	1.00	5.50
1985	5.15	.80	5.95	4.50	1.00	5.50

[1] Tax rates apply to annual earnings up to $9,000.
[2] Tax rates apply to annual earnings up to $9,000 for 1972.
[3] Tax rates apply to annual earnings up to $10,800 for 1973.
[4] Tax rates apply to annual earnings up to $12,000 for 1974.
[5] Automatically adjusted from 1975–85.

JUNE 27, 1972.

DEAR COLLEAGUE: As you know, I recently announced that I intend to offer, as an amendment to the Debt Ceiling legislation, my proposed amendment to H.R. 1 to provide a 20% across the board increase in Social Security benefits. Since I made that announcement, I have conferred with Senator Long, Chairman of the Senate Finance Committee and Congressman Mills, Chairman of the House Ways and Means Committee.

I have reason to believe there is a strong possibility such a proposal can become law. The key to making the 20% increase a reality is to avoid adding other amendments to the debt ceiling bill. Therefore, I have foregone the temptation of proposing, in addition to a 20% increase, other Social Security changes which I feel are meritorious, in hopes that those changes will be made later, when H.R. 1 comes up for debate. Accordingly, my amendment to the Debt Limitation Bill will be limited to a 20% increase with cost of living adjustments and the financing needed to fund this provision.

I am advised that if this increase were to pass the Congress and be signed into law by the President before July 10, the new benefits would be reflected in Social Security checks for the month of October.

If you would like to cosponsor this amendment to the Debt Ceiling bill, please get in touch with Mike Wetherell of my staff (5-6142) or Dave Affeldt of the staff of the Senate Special Committee on Aging (5-5364).

With best wishes,

Sincerely,

FRANK CHURCH.

Mr. CHURCH. Mr. President, I now am happy to yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator if he would first yield to the distinguished Senator from Vermont and then yield to me?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Vermont.

Mr. AIKEN. Mr. President, I believe there should be a substantial increase in social security payments. Furthermore, I believe that the proper time to consider such a proposal would be when the bill reported by the Committee on Finance comes before the Senate. However, the matter has already been brought up and the discussion has commenced. Therefore, I send to the desk an amendment to the pending amendment. I understand that will be the pending business.

The PRESIDING OFFICER. Does the Senator from Idaho yield for the purpose of allowing the Senator from Vermont to submit an amendment to the amendment?

Mr. CHURCH. Would the Senator first explain what the amendment would do?

Mr. AIKEN. The amendment calls for an increase of 30 percent in social security payments, instead of 20 percent.

I can assure the Members of Congress that this is not an attempt to embarrass the administration politically or otherwise. I would not offer it tonight, except that the matter has already been brought up without waiting for H.R. 1 to make its appearance on the floor. I certainly would not want to embarrass the administration, having had all these weeks and months to make such a proposal, by waiting until tonight to do it. But it seems to me that it is about the only thing to do under the circumstances. It calls for a 30-percent increase, instead of 20 percent.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. CHURCH. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The assistance legislative clerk read the amendment, as follows:

On page 22 of Amendment 1307, between lines 22 and 23, insert the following: "Notwithstanding any other provision of this section, the benefits otherwise increased by this section shall be increased by 30 per centum rather than by 20 per centum, and the Secretary shall by regulation prescribe the amounts payable under sections 215, 227, and 228 of the Social Security Act."

Mr. CHURCH. Mr. President, before yielding to the Senator from West Virginia, I simply will observe that the effect of adopting the amendment to the amendment, in my judgment, would be to defeat any prospect for securing an increase in social security benefits at this time. The amendment I have presented has been worked out with great care with those in the House of Representatives who will have to undertake, in the limited time available, to secure the consent of that body.

I think that without any question at all, piling on an additional 10 percent to the proposed 20 percent increase must have the practical effect of killing any increase at this time.

One would wonder when the legislation would emerge again, considering the lengthy, complex controversy over welfare in which other proposed increases in social security are now entrapped. I think that my amendment is the only way we can free social security from that trap with any practical assurance of getting the job done. It has to be done now, as the Senator knows, not only in the Senate but also with the full cooperation of the House of Representatives. It has to be done between now and midnight tomorrow evening.

So, on those grounds, I shall have to oppose the amendment offered by the distinguished Senator from Vermont. Of course, I am happy to oblige him and enable him to present it to the Senate.

Mr. AIKEN. Mr. President, I am sure that all Senators know that if the amendment of the Senator from Idaho carries, it will have to go to conference and may likely wind up with a 5-percent increase, which the House has already agreed on. At most, not over 10 percent, but if the Senate votes a 30-percent increase we stand a good chance of getting 20 percent in conference.

Further, I believe that our retired people are more deserving than that. As long as this matter is up for action now, I want to make a more reasonable proposal.

Again may I say this is not an attempt to embarrass the administration, the President, the social security board, or the Finance Committee in any way. I actually believe that we should have 20 percent, but we are not going to get it under the proposal offered by the Senator from Idaho.

Mr. CHURCH. On that, of course, I disagree. I believe that my amendment is the only chance we will have to get it within the near future and that is why I am offering it.

Mr. AIKEN. Do I correctly understand that there has been objection to my offering this amendment?

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator's amendment is now pending.

Mr. CHURCH. No. I have no objection. I merely indicated the reasons why I oppose it.

Mr. ROBERT C. BYRD. Mr. President, is the Senator from Idaho willing to yield the floor at this time?

Mr. CHURCH. Yes. I am willing to yield the floor.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following with the Senator from Utah (Mr. BENNETT), and the distinguished manager of the bill, the Senator from Louisiana (Mr. LONG).

I ask unanimous consent that the debt limitation bill be temporarily laid aside and that the Senate now proceed to the consideration of H.R. 15587, to provide for a 6-month extension of the emergency unemployment compensation program; that the bill H.R. 15587 remain the pending business at the discretion of the distinguished majority leader or his designee, but not to exceed 1 hour.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

EXTENSION OF THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15587.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 15587, an Act to provide for a six months extension of the Emergency Unemployment Compensation Program.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for consideration of H.R. 15587 be equally divided between the Senator from Utah (Mr. BENNETT) and the Senator from Louisiana (Mr. LONG).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, last December the Congress voted to provide an additional 13 weeks of unemployment compensation benefits to unemployed workers in States with high unemployment rates.

That legislation is scheduled to expire at the end of this week. This means that no additional persons will be able to begin receiving emergency unemployment benefits under the bill enacted last year.

The House yesterday approved H.R. 15887. This bill would extend the emergency unemployment compensation law we enacted last year for an additional 6 months, until the end of December 1972.

Mr. President, under the emergency unemployment compensation program about $317 million in benefits was paid to 662,000 unemployed workers in 19 States with high unemployment through the end of May 1972.

If the House bill is enacted, some $120 to $220 million in unemployment benefits will be paid out to between 300,000 and 400,000 persons in the last 6 months of this calendar year.

Mr. President, the administration has recommended a 6-month extension of the emergency unemployment program. In the Finance Committee, we discussed the extension and there was no objection to approval of the House bill without amendment so that it can be sent directly and expeditiously to the President.

I urge the Senate to approve the House bill without change and speed it on its way to the White House.

Mr. MAGNUSON. Mr. President, I support the passage of H.R. 15587 and I hope that today the Senate will support the Committee on Finance and pass this measure on June 30, the Emergency Unemployment Compensation Act of 1971 will expire unless the Senate acts expeditiously. Therefore, I am today seeking to extend, for 6 months, the act—Public Law 92–224—which Congress enacted last December. I am pleased to inform the Senate that the Nixon administration now favors a 6-month extension because of the significant impact this program has had in assisting the long-term unemployed.

The Nixon administration, however, has asked that Congress temporarily increase the Federal unemployment tax for wages paid during calendar year 1973. That increase will be from 3.20 percent to 3.28 percent. On January 1, 1974, that rate will be lowered back to 3.20 percent. Senators will recall that Public Law 92–224 provided financing from future Reed Act distributions. The administration, in a letter from Secretary Hodgson to Speaker Albert stated:

> When President Nixon signed Public Law 92–224, he called attention to the serious deficiency in the financing of the program. He pointed out it was a departure from the insurance principal under which our employment insurance programs have operated since the 1930's. The current act contains a financing arrangement which provides for a repayment to the general fund which may never occur. In order to correct this deficiency, I recommend that the financing be changed to make temporary compensation a charge against the Extended Compensation Account in the Federal Unemployment Trust Fund, with a temporary tax increase of 0.08 percent.

Mr. President, I have no quarrel with the approach urged by the administration. It might have been simpler just to extend the 1971 act. The House Ways and Means Committee reported a measure (H.R. 15587) which calls for a 6-month extension and the temporary tax increase suggested by the administration. This measure was passed by the House on Wednesday, June 28th, by a vote of 273 to 110.

If the administration had submitted its substantive recommendations regarding the long-term unemployed to Congress by May 1, 1972, as required by Public Law 92–224, the Finance Committee would have had more than ample time to act. However, the administration did not submit its legally required report until June 19, 1972. I am willing to forgive them for this delay, however, in light of the positive recommendations contained in that report.

I am pleased that the Senate Finance Committee considered the 6-month extension before the House had acted. This was vitally important in order to beat the June 30 deadline. I especially want to thank Chairman Long and Senator Bennett for their outstanding leadership. Without their cooperation, thousands of long-termed unemployed would be in danger of losing their emergency benefits.

In his report to the Congress, the Secretary of Labor described the highlights of the program as it was in operation through April, as follows:

> All 19 States with temporary compensation (TC) unemployment rates of 6.5 percent were paying TC benefits in April.
>
> More than 700,000 workers had filed TC claims for the 13 week period through April 29; benefits paid totaled over $227 million.
>
> Highlights of the experience of State UI claimants through April are:
>
> TC claimants have substantial past attachment to covered employment. The average weekly benefit amount continues to be $54.65, and 69 percent (compared to 72 percent for the first 8 weeks) were eligible for maximum duration.
>
> The proportion of TC claimants who were men increased slightly, from 51.8 percent to 53.2 percent.
>
> The proportion of TC claimants who were 65 years of age and over decreased from 15.3 percent to 13.6 percent.
>
> Even though those who filed for TC in the first several weeks were long-term unemployed, about 20 percent of them did not exhaust their benefit rights.
>
> New TC claims increased dramatically after April 1, when extended benefit (EB) periods (P.L. 91–373) ended in 9 participating States—from 22,000 for the week of March 25, to 89,000 for the week of April 8.

The House-passed measure, H.R. 15587, would delay the termination dates so that new beneficiaries could become eligible for benefits under the program until December 31, 1972—instead of June 30, 1972—and no benefit payments would be made for the weeks ending after March 31, 1973—instead of September 30, 1972.

Public Law 92–224 provides a minimum 26-week period during which the emergency compensation is payable in a State entering into an agreement. If that period ends before September 30, benefits are payable after the 26 weeks have ended only if the State continues to have the required 6.5 percent unemployment rate. For the 14 States—Alaska, California, Connecticut, Maine, Massachusetts, Michigan, Nevada, New Jersey, New York, Oregon, Puerto Rico, Rhode Island, Vermont and Washington—that began payments under the program for the week beginning January 30, 1972, which was the first week which payments could be made, the 26-week period ends July 29, 1972. For the other five States—Idaho, Minnesota, Montana, North Dakota, and West Virginia—now paying benefits under the program, the 26-week period extends even later. The result is that, without this extension, in all 19 States paying emergency benefits, no new beneficiaries can enter the program for at least part of the 26-week minimum.

A 6-month extension would permit new beneficiaries to enter the program in a State during at least all of the 26-week minimum period and during any later weeks in 1972 that the State is in an emergency benefit period—that is, has the required 6.5-percent rate of unemployment. The extension would not, however, provide any new entitlement to individuals who have exhausted or will exhaust their entitlement to benefits under the act.

In the State of Washington, nearly 90,000 workers have received $40 million in benefits. Unemployment still hovers at the 12-percent figure in Washington. Because unemployment has remained high over the last 2 years, Washington State has triggered "out" of the 1970 Federal-State extended benefits program—Public Law 91–373. Eight other States that now receive emergency benefits have also lost extended benefits. Without this extension, these States will only have the existing regular benefits program upon which to rely.

In Washington State, workers received 52 weeks of benefits before April 1, 1972. Without this extension, workers who exhaust benefits after July 1, 1972, will receive only 26 weeks. The fact that this will happen in the State with the highest rate of unemployment in the continental United States is a tragic inequity.

If the temporary compensation program closes its doors to new beneficiaries on June 30, 1972, as it is now scheduled to do, it can be expected that at least 300,000 and perhaps as many as 400,000 people, who will exhaust their unemployment benefit rights during July–December 1972, will be deprived of access to emergency compensation. Experience with the emergency compensation program has shown that those people will be workers who have substantial labor force attachment, as demonstrated by high benefit amounts and duration. Their number, as indicated, is substantial even though it is roughly half or somewhat less the number of beneficiaries during the first 3 months of the program.

I ask that the Senate immediately consider and adopt the House-passed measure calling for a 6-month extension which is identical to the bill requested by the Nixon administration.

Mr. President. I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement By Senator Ribicoff

I urge the Senate to adopt the proposal Senator Magnuson and I introduced to extend the Emergency Unemployment Compensation Act of 1971 for another six months.

This action will provide immediate relief to hundreds of thousands of unemployed workers across the country whose other unemployment benefits have been exhausted. Unless acted upon before the end of this week, the program will expire.

This legislation, identical to a bill which just passed the House provides 13 additional weeks of unemployment benefits to unemployed workers in high unemployment states such as Connecticut. The Emergency Unemployment program, which Senator MAGNUSON and I introduced late last year, has already provided $227 million in benefits to workers in 19 states. In Connecticut, 32,600 workers had filed claims for the 13-week period through April 29 and total benefits paid amounted to $9.7 million.

The legislation has the support of the President. In a recent letter to the Speaker of the House, Secretary Hodgson endorsed the six months extension and estimated that such action would benefit 300,000–400,000 persons at a total additional cost of $120–$220 million.

This program is not a welfare program. Rather it provides aid to workers who, through no fault of their own, find themselves unemployed.

The three-quarters of a million workers who received benefits through the 13 week period ending April 29 had a substantial attachment to the labor force. They were not casual or intermittent workers; rather, they were individuals with histories of employment in industry who, through their past earnings, made themselves eligible to participate in this program.

It is clear that there is still a great need for this extension of the Temporary Compensation program. The "regular" 26 weeks program and the "extended" 13 weeks program are not sufficient to cope with the long-term unemployment problems this nation faces. Thus, when "extended" benefits periods ended in nine states as of April 1, new claims for the Temporary Compensation program increased dramatically—from 22,000 for the week of March 25 to 89,000 for the week of April 8.

While the long-term problems of chronic unemployment must be solved, we must not overlook the short-term needs of unemployed workers.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

I urge the Senate to act favorably on H.R. 15587. I was happy to co-sponsor with Senator Magnuson and Senator Ribicoff a companion bill to extend the Emergency Unemployment Compensation Act for an additional six months.

The success of the Emergency Unemployment Act is measured unfortunately in the staggering statistics on unemployed workers in this country. Approximately, 700,000 workers across this nation have received benefits under the Emergency Unemployment Act, 55,000 of these in Massachusetts. Under this program an individual is paid compensation at the same weekly rate as under the state unemployment program. He receives payment for a period equal to one-half of his period of entitlement to regular compensation but not more than 13 weeks.

The hardship of unemployment continues to plague workers in Massachusetts. The rate of unemployment in the state is 7.9%. In most of the major cities around the state it is even more staggering: in Worcester and Brockton over 7%; in Springfield, New Bedford, Fall River it is over 8%; and in Lawrence and Lowell unemployment continues at over 9%.

Yesterday the House of Representatives passed a bill to extend the Emergency Unemployment Act for another six months. And Congressman James Burke of Massachusetts who is familiar with the grim statistics on unemployment in our state was a leader in getting that legislation passed.

Today the Senate has the opportunity to make the same kind of commitment to the unemployed workers across the country who face the day to day misery of trying to feed their families without a paycheck. I reject the position that unemployed working men and women are not entitled to any subsidy while they bear the burden of joblessness caused by national economic forces. I think it is up to the Congress to decide that the workers in this nation are the first priority for government assistance during this period of economic hardship.

Current estimates indicate that over 300,000 people will exhaust their unemployment compensation in the last half of 1972. And we have no reason to believe that they will be able to find jobs during this period.

This bill is an attempt to assure these workers that they will have some minimal source of income other than welfare, that they will be able to feed their families for a few more months, that the Congress of the United States is fully aware and concerned with the problems they face.

There is no conceivable justifications for terminating this program at this time. Senator Magnuson who drafted and implemented this legislation last year receives the same dismal reports on unemployment in his state as he did last year. I look forward to the day when I can report that Massachusetts no longer needs this program. But that day is not today. We are a long way from a healthy economy and from a low unemployment rate.

Again, I urge the Senate to act favorably on this legislation which means the difference for so many people in the United States, workers and their families, which means the difference in eating supper or not, in buying a pair of children's shoes or not. There is no more important piece of legislation to those in greatest need of our assistance.

Mr. AIKEN. May I ask, does this make it 6.5 percent unemployment, rather than 6 percent?

Mr. MAGNUSON. 6.5 percent.

Mr. AIKEN. 6.5 percent but it eliminates those States which have 6 percent unemployment; do I understand that correctly?

Mr. MAGNUSON. It is the same as last year's extension——

Mr. AIKEN. About a dozen——

Mr. MAGNUSON. No. Things have changed in the different States. That half of 1 percent would not eliminate——

Mr. AIKEN. I understand that the Senator from New Jersey (Mr. CASE) has an amendment which he wishes to propose to it.

Mr. LONG. If this bill is to be amended, it will just have to go back to the calendar and to the Finance Committee to consider the various amendments that might be offered. I would be happy to accommodate all Senators who would like to expand the program by offering them the opportunity to vote on something of that sort when we get back after the recess, but if we are to extend this and help those people now, with this time which expires midnight tomorrow——

Mr. MAGNUSON. It expires tomorrow midnight.

Mr. LONG. Yes. If Senators want to add something to this bill—as I understand it, the Senator from California (Mr. TUNNEY) wants to do that, and Senators from other States might want to do it—we would hope that they would offer their amendments on some other vehicle which has been passed by the House and we could consider them.

Mr. AIKEN. I am not either for or against the proposal now, but I understand that the Senator from New Jersey (Mr. CASE) is on his way over here. He is interested in this bill. I thought we could wait 3 or 4 minutes until he gets here.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LONG. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BENNETT. Mr. President, I am prepared to yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the third reading and passage of the bill.

The bill (H.R. 15587) was ordered to a third reading, was read the third time, and passed.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I am gratified that the Senate today enacted a 6-month extension of the Emergency Unemployment Compensation Act.

As one who sponsored and worked for passage of this act last December, I can assure the Senate that the need for this legislation is greater than ever.

The fact is that we are still confronted with prolonged and serious unemployment—not only in my own State but in many States in all parts of the country.

Emergency unemployment assistance is a vital extension of benefits for those in desperate need, whose existing benefits have expired, and whose only alternative is to become another welfare statistic.

The emergency program passed last December starts phasing out of existence this week. The bill before the Senate today permits people to become eligible for benefits under the program until the end of this year. It is directed at the estimated 300,000 to 400,000 workers who will exhaust their unemployment compensation in the last half of this year.

Mr. President, I am the first to recognize that emergency unemployment compensation is a stop gap. It is no substitute for jobs. It is no substitute for rigorous economic growth. But as long as we have such widespread and persistent unemployment—caused in large part by the shortsighted economic policies of the Federal Government—we must provide this additional support for the victims of those policies.

Hopefully, no further extension will be necessary.

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

Mr. LONG. Mr. President, it seems to me that we ought to have a vote up or down on the 20-percent amendment. And while I think that much is to be said for the 30-percent amendment, I really do not think the Senate is going to agree to it. I think that with the time we have available, we should confine ourselves to things that have a better chance of being agreed to.

Therefore, Mr. President, I move to table the amendment of the Senator from Vermont to the amendment of the Senator from Idaho.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Vermont.

Mr. AIKEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, what is the question?

The PRESIDING OFFICER. The question on agreeing to the motion to table the amendment of the Senator from Vermont to the amendment of the Senator from Idaho.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT) would vote "yea."

The result was announced—yeas 71, nays 18, as follows:

[No. 266 Leg.]

YEAS—71

Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Fannin
Fong
Fulbright
Griffin
Gurney
Hart
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Scott
Sparkman
Spong
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—18

Aiken
Brooke
Cooper
Ervin
Harris
Hartke
Hatfield
Magnuson
Mansfield
McClellan
Metcalf
Pastore
Pell
Schweiker
Smith
Stafford
Stennis
Stevens

NOT VOTING—11

Allott
Buckley
Ellender
Gambrell
Goldwater
Gravel
Hansen
Kennedy
McGee
Mundt
Saxbe

So the motion to lay Mr. AIKEN's amendment on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Idaho.

Mr. AIKEN. Mr. President, if the Senator will yield me just a minute, since Members of this body received a 41-percent increase in salary over the last 3 years and approximately a 50-percent increase in all categories of their expense accounts, I want to thank my 17 colleagues who voted not to table my amendment because they apparently agree with me that retired people are entitled to a comparable increase in income.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. HARTKE. As I indicated to the chief sponsor of this amendment, I am a cosponsor of other amendments that I have indicated. I would not do anything to jeopardize the opportunity for social security recipients to receive a 20-percent increase in their benefits.

I do want to point out to people who look upon a 20-percent increase as anything substantial that it is not very substantial. The average retired worker under the social security system today—this is the average for all people on social security—receives $131 a month. That is $1,572 a year. Even after they received a 20-percent increase, a single person under social security is still going to receive only $1,886 a year. If a person has paid into social security, and then, through no fault of his own, is totally disabled, at present he receives $145 a month, or $1,740 a year; with the 20-percent increase, he would receive $2,088 a year.

Of course, if one is an aged widow—and there are many aged widows throughout the country; in fact, there are more aged widows than aged widowers—then that poor lady out there has been relegated to the point where she cannot even buy chewing gum for her grandchildren. She receives at this time $113 a month, or $1,352 a year. She will receive $1,527 a year with this 20 percent social security increase.

I just wonder if these people who have some reluctance to pass a 20-percent increase would really consider that their own fathers or mothers could live upon such a subsistence.

We talk about curing poverty. I have said repeatedly that one way to get rid of our present welfare system is to stop the double payment. At the present time we have a guaranteed income. What happens to the elderly people I have mentioned? The average retired worker receiving social security benefits then has to degrade himself and sign a statement that he has to receive welfare. We could take all those people off welfare if we simply adopted a position of providing a minimum social security payment of $200 a month.

That could be done without taking one single penny out of a working man's paycheck. Of course, we are not going to do that.

I agree with the Senator from Vermont. That is why I voted against the motion to table. I think a 30-percent increase in social security benefits would have certainly been justified.

There are those who argue and say that the reason for the motion was to kill the bill. If that was the reason, then it was a very sad reason. I am not concerned over the reasons as much as the results.

The fact is that if we are going to provide a way to get people off welfare, instead of taking this minimum step to provide for people who have contributed to the Social Security System for 30 years, we ought to say, as a matter of right, that we are not going to have anybody over the age of 65 in poverty.

Do Senators think we are going to rehabilitate those people or put them on workfare or anything else? They are wrong if they think that.

I want to compliment the Senator from Idaho for this proposal, but I criticize any person who says it is extravagant or it is extreme. If anything whatsoever, this amendment provides miniscule benefits. It still treats our senior citizens as second-class citizens, and still puts them at a level of payment far below that of any other industrialized nation in the world. This country, which claims it is so wealthy, ought to do better by its senior citizens.

Mr. CHURCH. I thank the Senator for his observation. I can only say it is the best we can do under present circumstances. It would represent a substantial increase that is badly needed by those who depend on social security benefits for their support. But there are also those who are at the bottom of the ladder, who are in particular hardship. I think we must come one day to a supplemental payment that come directly out of the Treasury to lift them out of the poverty level.

Their problem is that they were working back in the 1930's, when people were able to live on $100 or $125 a month. They were paying very low monthly premiums into the social security system, and now they are getting back benefits based upon those low salary levels.

There is nothing much we can do to help them except to do what I think we should in the very near future—and perhaps the time to do it is when the omnibus bill comes before us. And that is to make a special provision for a supplemental payment for those in the very low brackets to lift them out of the poverty levels and off the welfare rolls. I hope we can do that and the many other proposed improvements in the Social Security System that have been recommended by the Senate Finance Committee when H.R. 1 comes before us. I think that would be the proper time to consider all the other changes needed in the Social Security System.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. PASTORE. Another element that has not been emphasized is the fact that inflation has deprived these recipients of the promise of social security. Most of them put their money into the system out of wages earned when a dollar was worth a dollar. Today, because of inflation, that dollar is worth only about 39 cents or 40 cents or 50 cents, or whatever the case may be. So what they are getting now is a dollar that is worth a lot less than the dollar they put into the fund was worth when they put it in.

So I say that the promise has never been achieved, and the fault, of course—I am not going to put it on this administration or any administration; I think we are all at fault. We have allowed inflation to get out of hand, and we are responsible for it, because we did not put in the checks when we should have. For that reason, the segment of our society that is being victimized the most by inflation are the elderly who receive this meager amount, and most of them who receive it are still in the poverty area. I would hope we can do something about it this afternoon, and I think 20 percent is a very modest amount.

Mr. CHURCH. Mr. President, with the enactment of this amendment we will take 1.9 million people presently receiving social security out from under poverty including 1.4 million people 65 years old or older. So we are accomplishing a great deal here. Although we are providing a substantial increase, we are not doing everything that should be done. But it is not possible now to do everything that should be done.

Tomorrow at midnight, unless this bill passes and unless the House of Representatives accedes to these amendments, the Government cannot pay its bills. I have every reason to believe there is an excellent prospect if we limit this amendment to 20 percent and to the automatic cost-of-living increase, and do not add anything more to it except to provide the financing mechanism that the Committee on Finance itself has approved. We can secure this very substantial benefit for elderly Americans, and we can do it within the time limit. But if we go farther, and attempt to tack on the many other improvements that should be considered at a later time when the omnibus bill comes before the Senate, we will overload the boat and sink it tonight. And then who knows how long the elderly will have to wait for any increase at all?

Everybody understands the controversy in this body and the other body over welfare reform. We simply do not want to keep social security as the hostage to the resolution of the whole welfare problem.

I am happy to yield to the distinguished Senator from Maryland.

Mr. MATHIAS. I thank the Senator for yielding. I have shared with him a long-standing concern for the plight of elderly people living on fixed incomes, faced with the very rapid rise in the cost of living which has necessarily affected the quality of their lives, and which has necessarily caused them to be restricted in their way of living in a manner which they ill deserve when we consider what they have contributed to bringing this country to the position where we now are.

But, as the Senator from Rhode Island just observed, this inflationary spiral is one of the causes which has brought about the severe position of the elderly people. I think we have to examine here, and perhaps discuss, the effect of any amendment, including the amendment of the Senator from Idaho, on these inflationary problems. We do not want to end up by hoisting ourselves on our own petard, or, perhaps even more tragically, fashioning a petard which is going to hoist the social security benefits in the future.

With this amendment, we would be introducing a substantial payout into our economy. The payout, as I understand it, would amount to $3.5 billion for each 5 percent of increase, or a payout of about $14 billion, which is going to have a substantial effect on the economy.

Mr. CHURCH. Mr. President, if the Senator will yield at that point——

Mr. MATHIAS. Let me just develop——

Mr. CHURCH. May I just say that my fiscal experts—something in which I have an advantage over the Senator—tell me that every 5-percent increase represents about $2 billion of additional expense, rather than the figure the Senator uses. But nevertheless, the Senator has a valid point: What is the overall impact of this increase on the inflationary question?

Mr. MATHIAS. It is my understanding that for every 5 percent increase in benefits, there would be a necessity to raise an additional $2.1 billion to finance the 5 percent increase. Are we in agreement on that figure?

Mr. CHURCH. I think we are.

Mr. MATHIAS. That being so, I think we have to consider what the effect is going to be.

If we can agree on the $2.1 billion figure as both the payout and the pay-in, we are going to have the inflationary effect of disbursing moneys more rapidly than we are collecting them. I think we have to face that very squarely.

However, it is not totally a payout. The payout represents moneys that will be collected and withdrawn again from the economy. But I am wondering if the Senator has some observations on the effect that the payout will create in the economy.

Mr. CHURCH. First of all, as the Senator knows, the inflation itself has probably caused greater hardship to the elderly than to any other element in our population. For example, property taxes have risen by 14.3 percent from January 1971 to May 1972, just in that short period, which is indicative of the impact of inflation upon the elderly, since approximately 70 percent of the elderly own their own homes.

This is just one example. Food costs are another, up by 5.9 percent. Approximately 27 percent of the elderly person's budget is spent for food, as compared to only 16 percent for the total population.

Another example of how inflation discriminates against the elderly, to give the Senator a third example, is that there has been a 5.7 percent increase in the cost of medical care in fiscal year 1971. The elderly now pay almost as much in out-of-pocket payments for medical care, an average of $225, as they did in the year before medicare, which was supposed to relieve them of this burden, went into effect. Here we are, with the elderly so victimized by inflation that today, only a few years after we passed the medicare program, their out-of-pocket expense for medical care amounts to practically what it was the year before we passed the medicare program to give them relief.

This is only by way of prelude to an answer to the Senator's question. I think he would agree that of all the elements of our population, the elderly are the hardest hit by inflation. But what would be the effect of this amendment on the economy itself, insofar as inflation is concerned?

As to that question, I would have this reply: The Pay Board has established a standard which it regards as reasonable in terms of controlling inflation. That standard, as the Senator knows, is 5.5 percent for pay increases. It has made an exception for the low wages, wages of $1.90 an hour or less.

If we look at the impact of this 20-percent increase for the typical retired person, it would increase his income by $336 annually. A 5-percent pay raise for a worker earning $8,000 a year, which the Pay Board itself regards as noninflationary, would boost the worker's annual income by $400 a year.

In other words, the inflationary impact of this 20-percent increase on the economy falls well within the guidelines of the Wage Board, and would indeed be permissible by the standard set as it affects increases in wages in this country.

Mr. MATHIAS. Mr. President, that is the exact point that I wanted the Senator to bring out. It is one which I think we have to analogize to the rest of the economy, because, while we have a special responsibility and care for these social security beneficiaries, they are a part of the total economy. They ride with the rest of the economy. They will suffer with the rest of the economy if we overheat it unduly. So I think the Senator's point here is a very important one.

Mr. CHURCH. I thank the Senator very much. I think his questions have helped to demonstrate that this 20 percent increase will not have an inflationary impact on the economy and comes will within the guidelines of the administration's own board.

Mr. MONDALE. Mr. President, I am pleased to cosponsor this important amendment which will increase social security benefits across-the-board by 20 percent. It is long overdue.

Mr. President, in 1935 when social security was first passed, President Roosevelt called it "the supreme achievement of the great 74th Congress."

Yet, social security for all its promise, has not in recent years lived up to the hopes which it raised 37 years ago. The elderly have seen their rewards for labor eroded, and millions of older citizens have become imprisoned in poverty.

In my own State of Minnesota, more than 400,000 elderly citizens depend upon social security. More than 100,000 other people—children and the disabled—also depend on social security benefits.

The average social security benefit for a retired worker in Minnesota is less than $120 a month——a mere $1,548 a year.

More than 61,000 widows and widowers in Minnesota receive, on the average, only $113 a month—and almost 60 percent of the widows had no other means of support.

For couples, the average benefit in Minnesota is hardly $208 a month, still only slightly more than $2,400 a year—and 30 percent of these couples had no other income.

Thirty percent of those who receive social security in Minnesota get less than $100 a month.

Clearly, our senior citizens cannot live in the dignity and decency that the 74th Congress intended on the basis of benefits like these.

In light of the real needs of the elderly, the administration's request for a 5-percent increase in benefits is clearly inadequate. Since the last benefit increase in January 1971, inflation has eaten up at least 5 percent of benefits. Increases in rents, property taxes, and medical costs, which are a large part of the cost of living for the elderly, have risen particularly rapidly.

A 5 percent increase would hardly catch up with inflation at all—and a 10 percent increase would fall too far short of the recommendation of the White House Conference on the Aging; that conference called for a 25 percent increase.

In April, I introduced a bill supporting a 25 percent raise, and suggesting 15 other improvements. But the immediate approval of a 20 percent increase is of such priority now that I am glad to support this compromise.

The 20 percent increase in benefits which I am joining Senator CHURCH in offering today will be meaningful.

The average retired worker in Minnesota will get $26 more each month, the average couple about $40 more, and the average widow about $25 more.

Benefits will still not be generous, particularly for those who at present have the lowest benefits. There is still much to be done. But I think a 20 percent increase is a must now—and it is a long step in the right direction.

In addition to the 20 percent increase, I want to emphasize how important I think a second provision of Senator CHURCH's amendment is for the elderly. It provides an automatic cost of living adjustment when inflation erodes the value of benefits. The elderly have been viciously squeezed by inflation, and this cost of living provision will insure that this will not happen again in the future. I have on several occasions offered a provision like this myself, and I am pleased to see it included here.

A 20 percent increase will not completely redeem our pledge to the elderly—it does not fulfill our entire obligation—but it is absolutely necessary at this time. We will have more work to do this summer, but the elderly deserve this 20-percent increase right now with no further delay.

Mr. McGOVERN. Mr. President, I join with the distinguished Senator from Idaho (Mr. CHURCH) in urging swift approval of his amendment to provide a 20-percent increase in social security benefits.

One out of every four Americans 65 and older is living in poverty now and the situation is getting worse.

A 20-percent social security boost is not the complete answer, but it will permit us to lift nearly 2 million elderly out of poverty this fall and give millions of others beginning hope for the future.

There has been widespread support for this amendment all across this land. Two-thirds of the Senate has either cosponsored the original amendment or otherwise announced support for a 20 percent social security boost. Because they could see Congress beginning to react favorably to meet a pressing need, there has been a marked rise in public expectations.

I have heard from people all over America, and spoken to thousands in my primary campaigns, expressing their growing concern over inflation and its constant threat to financial security—and it is recognized by most of us that the elderly poor suffer most of all.

It is deplorable, therefore, to have the President's spokesman accuse supporters of the 20-percent increase of "playing politics" on this issue. The present occupant of the White House last December told the White House Conference on Aging he would not let their recommendations gather dust in the archives. The Conference recommended a 25-percent social security increase. President Nixon has called only for a woefully inadequate 5-percent increase which will keep our older Americans on the treadmill of poverty.

Later this year, the reelection campaign, in seeking votes of older Americans, will be trumpeting all the benefits conferred during the Nixon administration. That will be "playing politics"—and playing fast and loose with the truth.

Since his election, President Nixon has consistently opposed adequate social security benefits. That record, which I will now document, has not prevented him from falsely claiming credit for the 15-percent catchup social security increase in 1969, or the 10-percent catchup enacted in 1971.

In 1969, the President proposed a 7-percent social security increase—a raise that would have been totally wiped out by rapidly rising prices long before the higher benefit checks would have reached social security beneficiaries. The House Ways and Means Committee recommended a 15-percent increase. Mr. Nixon countered with 10 percent and threatened to veto any higher amount. Congress, understanding the severity of the economic conditions of the elderly, tied a 15-percent increase to tax reform legislation sought by the administration. That needed increase became law.

In 1970, the House passed a 5-percent social security increase and the administration warned that any larger increase would be unacceptable. When we subsequently considered the matter in the Senate, however, prices had escalated so rapidly we were persuaded to vote for a 10-percent increase. Congress enacted a 10-percent increase in 1971 but was again required to attach it as a legislative rider that would be veto-proof, this time to an increase in the debt ceiling.

Once more, in 1972, the President refuses to consider the needs of the aged and the merits of a social security increase. The American people will judge this November who has "played politics" with older Americans.

Most of us realize that the 5-percent social security boost which passed the House early last year is now terribly inadequate. The distinguished chairman of the House Ways and Means Committee and the distinguished chairman of the Senate Committee on Finance are among those who are now calling for a 20-percent social security increase.

All the national organizations of the elderly are calling for at least a 20-percent social security boost.

The last social security increase became effective in January 1971. From that date through May of this year, the consumer price index jumped 5 percent—food prices have risen at least 5.9 percent—and the elderly spend 27 percent of their budget on food in comparison to 15 percent for the total population.

Medical care has seen a 5.7 increase in cost over the same period. Last year—in the sixth year of medicare—the elderly paid out-of-pocket medical expenses at a level nearly equal to their expenses before medicare went into effect.

Those older Americans who own their own homes are overburdened with property taxes. Many cannot afford to maintain the property which is falling into continually worsening disrepair.

Food, medical care, and shelter costs are the largest items in the budgets of older Americans—and not even a 20-percent social security increase will permit them to keep abreast of the rising costs of living and enable them to share a little in the rising standards of living. But a 20-percent boost will demonstrate to 20 million elderly Americans that we care—that we are determined to face up to their problems and seek proper solutions.

Mr. EAGLETON. Mr. President, as one of its original cosponsors, I strongly support the amendment offered by the Senator from Idaho (Mr. CHURCH) to provide a 20-percent increase in social security benefits.

Inadequate income is by far the most serious problem facing older Americans. And it is not the problem of a small minority only. It is a problem faced day by day, week in and week out, every month of the year by a majority of the elderly.

More than 4.7 million older Americans—one out of every four—live on incomes below the official poverty line. A total of 6.5 million are classified poor or near poor.

As measured by the Bureau of Labor Statistics' intermediate budget for a retired couple, which amounts to $4,776, an even greater proportion of the elderly have inadequate incomes.

Many of the problems that come before this body are exceedingly difficult and complicated and not susceptible of easy solution. An adequate income for our elderly citizens is not one of them.

The rather simple combination of more adequate social security benefits and a program of supplemental payments, financed by general revenues, can assure every older American an income above the poverty level.

I strongly believe that the Senate should enact this year a federally administered minimum income program for the aged, blind, and disabled, and I will have more to say on this subject in the near future.

Today we have an opportunity to make a significant improvement in the adequacy of social security benefits—the major source of income for most retired persons, and the only source of income for many.

The 5-percent increase in benefits contained in the House version of H.R. 1 and now recommended by the administration, and even the 10-percent increase approved by the Senate Finance Committee, is not a satisfactory response to the need of 27 million social security recipients who see their incomes continually eaten up by rising food prices, increased property taxes, and the inflated cost of medical care.

What the average social security recipient desperately needs is not a few extra dollars at the beginning of each month but an increase in income that will make a real difference in his or her monthly budget for food, shelter, clothing, medical care—the essentials of life.

With the 20-percent increase we are proposing today, the benefit for the average retired worker would be increased by about $25 per month, and the monthly benefit for the typical retired couple would be increased by about $50.

Approximately 1.9 million social security recipients, including 1.4 million aged, would be lifted above the poverty line.

I am pleased that the Senator from Idaho has included in his amendment provision for cost-of-living adjustments. This is a measure I have cosponsored since coming to the Senate in 1969.

It will assure that whenever the cost of living increases by as much as 3 percent, and Congress fails to provide a benefit increase, a cost-of-living adjustment will be made automatically.

Later this summer, when H.R. 1 comes to the Senate floor, we will consider many other important improvements in social security, including an unreduced benefit for widows, a new special minimum benefit, increased benefits for those who delay retirement beyond 65, and an increase in the earnings limitation.

These changes, combined with the benefit increase we are considering today, will represent a significant improvement in the adequacy of social security benefits.

I commend the Senator from Idaho for offering this amendment to the bill now before us, and I urge its approval by the Senate.

Mr. BROOKE. Mr. President, on May 4, addressing the Senate on the subject "National Senior Citizens Month—A Time for Action," I predicted a protracted debate over alternative welfare reform proposals and suggested that we defer consideration of such reform and proceed at once with consideration of an across-the-board social security benefit increase.

Since my speech I have been pleased to note that other Senators have agreed to move expeditiously to provide older Americans the increased security they have patiently and anxiously awaited. I find too an increasing concurrence that welfare reform proposals should stand or fall on their own merits and not cling to the coattails of social security.

For too long our elderly citizens have been held hostage to welfare reform. It is time they were freed. It has been a year and a day since the House passed H.R. 1 with its provision for a 5 percent across-the-board social security benefits increase. While the rate of this increase is inadequate, the delays in the Senate have become intolerable.

Today we have the opportunity to respond to the most compelling plight of our senior citizens—inadequate cash incomes. I earnestly urge Senators to support the amendment offered by the Senator from Idaho (Mr. CHURCH), myself, and other Senators to provide a 20 percent across-the-board social security benefits increase.

Our older Americans deserve our prompt attention where their need is greatest. But we cannot provide this increase and rest contented that we have done enough in this Congress for our 20 million older Americans.

On the contrary, our agenda for action on behalf of the elderly is full and demanding. And upon our return from the pending recess, we must consider promptly and fully the need for: expansion of medicare coverage and the reduction of medicare premiums; deductibles and coinsurance; revision of the adult categories of assistance; increasing the retirement test and providing relief from the burdens of property taxes and rents.

The breadth of this agenda underscores the years in which our Nation failed to provide a fair share of the abundance with those who produced it through years of toil.

Our older Americans have served the Nation better than the Nation has served them. They rightly demand and deserve that we do better by them. Today we have the opportunity to signal the beginning of a new era in which the Nation will move to provide its elderly the dignity and security they deserve. I urge that we make this signal loud and clear by adopting the 20 percent across-the-board social security benefits increase by the widest possible margin.

Mr. TUNNEY. Mr. President, it gives me great pleasure to be able to support a 20 percent increase in social security benefits, a provision which I have cosponsored.

I believe that such a significant increase is not only justified, but very necessary to bring relief to the hardship which many millions of our senior citizens have been experiencing over these interminable months of rising costs and charges.

It is always those who are on fixed incomes who bear an unfair share of the burden in times of inflation, and our senior citizens are of all groups the most closely tied to fixed incomes.

Let us just take a few strategic examples of rising costs they have faced since January last year.

The cost of medical care has gone up 5.9 percent. In part that meant that for fiscal year 1971 the elderly paid almost as much in out-of-pocket expenses for medical care—$225—as they had to in the year before the medicare program went into effect—$234.

About 70 percent of the elderly own their own homes, and they have faced property taxes which have increased on an average by more than 14 percent from January 1971 to May this year.

Older people generally spend more than a quarter of their total income just on food. And food costs have gone up by 5.9 percent, and the signs for the future are far from encouraging.

A very sizeable increase is certainly necessary, just to make up for these developments.

If we succeed in implementing the 20 percent increase, the average payment to a retired worker will rise from $133 a month to $161 a month—an extra $336 a year.

A retired couple will go from $223 to $270 a month, or some $564 more in a year.

A worker with maximum earnings coverage will go from $216 to $259 a month—$516 extra a year.

A couple with maximum coverage will go from $324 to $389—$780 extra each year.

Widows figure largely in the ranks of the impoverished. With this change they would get on average $137 a month instead of $114, or $276 extra each year.

These improved benefits are definitely needed and they should be put into effect quickly. It is true that we have been promised that the Senate will be able to act on the welfare reform bill after the impending recess, but there are so many delays built into that process—and there have been so many already—that the time to act is now.

Naturally these changes are going to involve a great amount of money. To begin with, such a cost must be borne in the interests of the elderly of our Nation, who have too often been handed the short end of the stick.

Beyond that, however, it has been demonstrated by the Social Security Advisory Council that reforms in financing and changes in the actuarial assumptions now used in relating contributions to eventual benefits make it possible to handle these extra costs in an entirely responsible way, and without the necessity to throw an extra heavy burden on the wage earner.

It is of very great importance that we should not put more pressure on the payroll tax than is necessary. This tax has become one of the most important in our whole tax system, and is responsible for a great amount of its regressive impact.

I believe that the approach taken to the financing of these necessary increases in social security in the amendment of Senator CHURCH is correct, avoiding excessive increases in payroll tax, and in fact keeping the increases down below those proposed to finance much more modest increases.

MUCH MORE TO BE DONE

Finally, I would like to say that while these changes should be made now, without any further delay, it is no less important that the Senate should press ahead with comprehensive welfare reform legislation as soon as possible after the recess.

There are many other reforms and improvements which must be made in social security and medicare provisions.

Although far too little attention has been directed to it, there are substantial changes to be made in welfare programs for the elderly, the disabled, and the blind.

More than 4.7 million persons 65 years and older now live in poverty—they have to subsist on less than $1,850 a year for a single aged person and $2,330 for a couple. And that is just the count for those in the official figures. It is well known that there are many more who do not appear in the statistics at all—perhaps an extra 1½ million.

These people cannot be left to this fate, denied the possibility of retirement with dignity at even a modest income level, after having spent their lives contributing in their various ways to the strengths and affluence of our Nation.

Substantial social security increases are necessary. I give them my full and unreserved support. But the matter cannot be left there. If we are truly concerned with the difficulties of our senior citizens, we must carry through with reshaped welfare provisions to end the specter of a retirement which means a plunge into poverty for so many of our citizens.

OUR OBLIGATION TO OLDER AMERICANS

Mr. WILLIAMS. Mr. President, the elderly in America have served their country with the utmost dignity and honor. They have given their all to assure that this Nation could continue to prosper and mature.

Yet, tragically, we have been ignoring their basic needs at a time when they are most vulnerable to physical and financial reverses. Although they are the link to America's past and the master builders of what we have in the present, our senior citizens have been neglected for too long.

Indeed, it would seem to be everyone's interest to improve the living conditions of the elderly. Probably, more than any other factor, aging is the common denominator of mankind. Whatever our social or economic standing, ethnic background, sex, aptitudes, or beliefs, we share the fact that we all grow older. What we do to aid today's older citizens, we potentially do for each of us no matter how remote retirement may seem.

I introduced a bill in February 1971 calling for comprehensive reforms in the social security system, including a 30-percent increase in benefits over a 2-year period. Since that time the need for a large benefit increase has become even greater. Therefore, I wish to add my wholehearted support for this amendment which increases social security benefits by 20 percent and which provides for long overdue cost-of-living adjustments. This is an essential step if our senior citizens are to live in comfort and dignity.

One of the tragic facts of our society is the pervasive poverty which has been inflicted on our elderly. Approximately 25 percent of those 65 years of age or older live in poverty today. The median income of single older individuals is $1,951, just barely above the subsistence level.

Adding only a few dollars to the present social security benefits will accomplish very little. With the substantial increases in the cost of medical care, transportation, public utilities, rent, taxes, and nearly all other costs of living, a corresponding substantial increase in social security benefits is essential. Since 1968 the number of senior citizens living in poverty has actually increased. We must not only stop this horrifying trend, we must reverse it immediately.

The substantial increase in benefits contemplated by this amendment has received the approval of Representative MILLS, chairman of the House Ways and Means Committee; Senator LONG, chairman of the Senate Finance Committee; the Social Security Advisory Council; Dr. Flemming, the President's Special Consultant on Aging; and more than 60 Members of the Senate.

All of us who have studied the problems of the elderly—the Senate Finance Committee, the House Ways and Means Committee, and those of us on the Special Committee on Aging and the Committee on Labor and Public Welfare—have learned many times over that adequate income is the major need of the aged. We have had a White House Conference on Aging which reaffirmed this fact to the entire Nation.

For the 27 million social security beneficiaries the most important issue before Congress today is the desperately needed benefit increase. In my own State of New Jersey, a 20-percent increase would mean an additional $280 million annually to more than 891,000 recipients.

Of course a 20-percent increase in benefits is not a complete solution to the problems facing our senior citizens, and comprehensive social security bill, S. 923, contains many more of the elements essential for the well-being of our elderly.

We need an income floor for all of our elderly which places them above the poverty level; one in four would be lifted above the subsistence existence they now have.

Widows should receive a 100-percent benefit instead of the 82½ percent they now receive; it is contrary to all logic to believe a woman needs less income to live than a man does.

We must liberalize the earnings limitation substantially; the present limitation is unrealistically low and it discourages the productive use of the talents and experience of our senior citizens.

Couples that include working wives should be treated more equitably; my legislation permits a high percentage of their combined earnings to be the basis for their social security benefits.

Men should have age 62 for computation of benefits; this is the same age that is used for computing the benefits for women at present.

We must update the retirement income credit for former policemen, firemen, teachers, and other government annuitants.

All of these are high priority items for older Americans, and they should also be among our highest legislative priorities.

One other area that needs prompt attention is that of health care for our elderly. Persons 65 and older comprise 10 percent of our total population, but they account for nearly 27 percent of all health care expenditures in the United States.

Unfortunately, gaps in our medicare coverage make it necessary for the average elderly person to spend $226 a year for medical expenses, 125 percent more than younger persons with larger incomes will spend. Effective medicare reform requires:

Including the cost of out-of-hospital drugs under medicaid;

Elimination of the monthly premium charge for supplementary medical insurance;

Rescinding the raise in the deductible for part B of medicare from $50 to $60.

Disallowing the increase on the hospital deductible from $60 to $68;

Repeal of the requirement for 3 days of hospitalization prior to eligibility for home health care; and

Liberalization of the 2-year waiting period for disability coverage under medicare.

I have and will continue to advocate this comprehensive approach to dealing with the financial and medical needs of our elderly. These are essential reforms if our Nation is to come to grips with the economic crisis which now affects millions of older Americans and threatens to engulf many more approaching retirement age.

However, political differences, the problem of other time-consuming issues before Congress, and disagreements over the feasibility of comprehensive reforms have delayed action for too long. Since I can see that there will be continued delays in comprehensive reforms, I feel we are obligated to enact whatever reforms can be passed now. This 20-percent increase is a vital part of the social security reform package. I urge its adoption without further delay.

When this 20-percent increase is enacted, I hope we can turn to the other items of social security, and welfare reform, and enact them also at the earliest possible moment. Such action is urgent if we are to encourage a sense of security and dignity for our older Americans.

AMENDMENT NO. 1310

Mr. CHURCH. I yield the floor so that the Senator from Utah may offer an amendment.

Mr. BENNETT. Mr. President, I ask unanimous consent that the names of the Senator from Arizona (Mr. FANNIN) and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) be added as cosponsors of amendment No. 1310.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask that the amendment be made the pending business.

The PRESIDING OFFICER. Will the Senator from Utah indicate whether he is offering his amendment as an amendment to the amendment of the Senator from Idaho?

Mr. BENNETT. It is offered as a substitute for the amendment of the Senator from Idaho.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the Act, insert the following as a substitute for amendment No. 1307 by Senator CHURCH:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

INCREASE IN OLD-AGE, SURVIVORS AND DISABILITY INSURANCE BENEFITS

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
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----------	16.20	70.40	----------	76	77.50	116.30
16.21	16.84	71.50	77	78	78.70	118.10
16.85	17.60	73.10	79	80	80.50	120.80
17.61	18.40	74.50	81	81	82.00	123.00
18.41	19.24	75.80	82	83	83.40	125.10
19.25	20.00	77.40	84	85	85.20	127.80
20.01	20.64	78.80	86	87	86.70	130.10
20.65	21.28	80.10	88	89	88.20	132.30
21.29	21.88	81.70	90	90	89.90	134.90
21.89	22.28	83.10	91	92	91.50	137.30
22.29	22.68	84.50	93	94	93.00	139.50
22.69	23.08	85.80	95	96	94.40	141.60
23.09	23.44	87.40	97	97	96.20	144.30
23.45	23.76	88.90	98	99	97.80	146.80
23.77	24.20	90.60	100	101	99.70	149.60
24.21	24.60	91.90	102	102	101.10	151.70
24.61	25.00	93.40	103	104	102.80	154.20
25.01	25.48	95.10	105	106	104.70	157.10
25.49	25.92	96.60	107	107	106.30	159.50
25.93	26.40	98.20	108	109	108.10	162.20
26.41	26.94	99.70	110	113	109.70	164.60
26.95	27.46	101.10	114	118	111.30	167.00
27.47	28.00	102.70	119	122	113.00	169.60
28.01	28.68	104.20	123	127	114.70	172.10
28.69	29.25	105.90	128	132	116.50	174.80
29.26	29.68	107.30	133	136	118.10	177.20
29.69	30.36	108.70	137	141	119.60	179.50
30.37	30.92	110.40	142	146	121.50	182.30
30.93	31.36	111.90	147	150	123.10	184.70
31.37	32.00	113.30	151	155	124.70	187.10
32.01	32.60	115.00	156	160	126.50	189.80
32.61	33.20	116.40	161	164	128.10	192.20

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
33.21	33.88	118.00	165	169	129.80	194.70
33.89	34.50	119.50	170	174	131.50	197.30
34.51	35.00	121.00	175	178	133.16	199.70
35.01	35.80	122.60	179	183	134.90	202.40
35.81	36.40	124.00	184	188	136.40	204.60
36.41	37.08	125.70	189	193	138.30	207.50
37.09	37.60	127.20	194	197	140.00	210.00
37.61	38.20	128.60	198	202	141.50	212.30
38.21	39.12	130.30	203	207	143.40	215.10
39.13	39.68	131.80	208	211	145.00	217.50
39.69	40.33	133.10	212	216	146.50	219.80
40.34	41.12	134.80	217	221	148.30	222.50
41.13	41.76	136.30	222	225	150.00	225.00
41.77	42.44	137.90	226	230	151.70	227.60
42.45	43.20	139.40	231	235	153.40	230.10
43.21	43.76	141.10	236	239	155.30	233.00
43.77	44.44	142.50	240	244	156.80	236.30
44.45	44.88	143.90	245	249	158.30	241.20
44.89	45.60	145.60	250	253	160.20	245.00
		147.10	254	258	161.90	249.90
		148.40	259	263	163.30	254.70
		150.10	264	267	165.20	258.50
		151.60	268	272	166.80	263.40
		153.20	273	277	168.60	268.20
		154.70	278	281	170.20	272.10
		156.20	282	286	171.90	276.90
		157.90	287	291	173.70	281.80
		159.20	292	295	175.20	285.60
		160.90	296	300	177.00	290.40
		162.40	301	305	178.70	295.30
		163.80	306	309	180.20	299.20
		165.50	310	314	182.10	304.10
		166.90	315	319	183.60	308.90
		168.30	320	323	185.20	312.80
		170.00	324	328	187.00	317.60

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		I (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		171.50	329	333	188.70	322.50
		173.20	334	337	190.60	326.30
		174.50	338	342	192.00	331.10
		176.00	343	347	193.60	336.00
		177.70	348	351	195.50	339.80
		179.10	352	356	197.10	344.70
		180.80	357	361	198.90	349.50
		182.20	362	365	200.50	353.40
		183.60	366	370	202.00	358.20
		185.30	371	375	203.90	363.00
		186.80	376	379	205.50	367.00
		188.50	380	384	207.40	371.80
		189.80	385	389	208.80	376.70
		191.30	390	393	210.50	380.50
		193.00	394	398	212.30	385.40
		194.40	399	403	213.90	390.20
		196.10	404	407	215.80	394.10
		197.40	408	412	217.20	398.90
		198.80	413	417	218.70	403.70
		200.20	418	421	220.30	407.60
		201.80	422	426	222.00	412.40
		203.10	427	431	223.50	417.30
		204.50	432	436	225.00	422.10
		206.10	437	440	226.80	424.10
		207.40	441	445	228.20	426.50
		208.80	446	450	229.70	248.90
		210.40	451	454	231.50	430.80
		217.70	455	459	232 90	433.20
		213.10	460	464	234.50	435.60
		214.50	465	468	236.00	437.60
		216.10	469	473	237.80	440.00
		217.40	474	478	239.20	442.50
		218.80	479	482	240.70	444.40
		220.40	483	487	242.50	446.90
		221.70	488	492	243.90	449.30
		223.10	493	496	245.50	251.20
		224.70	497	501	247.20	453.60
		226.00	502	506	248.60	456.00
		227.40	507	510	250.20	485.00
		228.80	511	515	251.70	460.40
		230.30	516	520	253.40	462.80
		231.70	521	524	254.90	464.70
		233.10	525	529	256.50	467.10
		234.70	530	534	258.20	469.50
		236.00	535	538	259.60	471.50
		237.40	539	543	261.20	473.90
		239.00	544	548	262.90	476.30
		240.30	549	553	264.40	478.80
		241.70	554	556	265.90	480.20
		242.90	557	560	267.20	482.20
		244.20	561	563	268.70	483.60
		245.50	564	567	270.10	485.60
		246.80	568	570	271.50	487.00
		248.00	571	574	272.80	488.90
		249.30	575	577	274.30	490.40
		250.50	578	581	275.60	292.30
		251.80	582	584	277.00	493.70
		253.00	585	588	478.30	495.70
		254.40	589	591	279.90	497.10

"TABLE FOR DETERMINING PRIMARY INSURANCEAMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I. (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		255.60	592	595	281.20	499.10
		256.90	596	598	282.60	500.50
		258.10	599	602	284.00	502.50
		259.40	603	605	285.40	504.00
		260.60	606	609	286.70	505.80
		262.00	610	612	288.20	507.40
		263.20	613	616	289.60	509.20
		264.50	617	620	291.00	511.20
		265.70	621	623	292.30	512.60
		267.00	624	627	293.70	514.60
		268.20	628	630	295.10	516.40
		269.50	631	634	296.50	518.90
		270.80	635	637	297.90	521.30
		272.10	638	641	299.40	523.90
		273.30	642	644	300.70	526.20
		274.60	645	648	302.10	528.70
		275.80	649	652	303.40	531.00
		276.60	653	656	304.30	532.60
		277.40	657	660	305.20	534.10
		278.40	661	665	306.30	536.00
		279.40	666	670	307.40	537.90
		280.40	671	675	308.50	539.80
		281.40	676	680	309.60	541.80
		282.40	681	685	310.70	543.70
		283.40	686	690	311.80	545.60
		284.40	691	695	312.90	547.50
		285.40	696	700	314.00	549.50
		286.40	701	705	315.10	551.40
		287.40	706	710	316.20	553.30
		288.40	711	715	317.30	555.20
		289.40	716	720	318.40	557.20
		290.40	721	725	319.50	559.10
		291.40	726	730	320.60	561.00
		292.40	731	735	321.70	562.90
		293.40	736	740	322.80	564.90
		294.40	741	745	323.90	566.80
		295.40	746	750	325.00	568.70
			751	755	326.00	570.50
			756	760	327.00	572.30
			761	765	328.00	574.00
			766	770	329.00	575.80
			771	775	330.00	577.50
			776	780	331.00	579.30
			781	785	332.00	581.00
			786	790	333.00	582.80
			791	795	334.00	584.50
			796	800	335.00	586.30
			801	805	336.00	588.00
			806	810	337.00	589.80
			811	815	338.00	591.50
			816	820	339.00	593.30
			821	825	340.00	595.00
			826	830	341.00	596.80
			831	835	342.00	598.50
			836	840	343.00	600.30
			841	845	344.00	602.00
			846	850	345.00	603.80".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu theerof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for August 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for September 1972 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount derived by multiplying the sum of the benefit amounts determined under this title for August 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), by 110 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for September 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for June 1972, or".

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)." (d) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "August 1972".

(e) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Act of March 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to June 1972.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before September 1972, or who died before such month."

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)".

(g)(1) Section 203(a) of the Social Security Act (as amended by subsection (b) of this section) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ". or", and by inserting after paragraph (3) the following new paragraph:

"(4) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total of monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after the application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202(q)) payable on the basis of such wages and self-employment income for such particular month."

(2) In any case in which the provisions of section 1002(b)(2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q)) for the first month for which the provisions of such section 1002(b)(2) applied.

(h)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20", and by striking out "$24.20" and inserting in lieu thereof "$26.70".

(B) Section 227(b) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20".

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20", and by striking out "$24.20" and inserting in lieu thereof "$26.70".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$26.70".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$26.70".

(i) The amendments made by this section (other than the amendments made by subsection (g) and (h)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after May 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after May 1972.

AUTOMATIC ADJUSTMENTS IN BENEFITS AND THE CONTRIBUTION AND BENEFIT BASE

Adjustments in Benefits

SEC. 202. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"(A) the term 'base quarter' means (i) the calendar quarter ending on June 30 in each year after 1972, or (ii) any other calendar quarter in which occurs the effective month of a general benefit increase under this title;

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A)(i), in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, such Index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general benefit increase under this title; except that there shall be no cost-of-living computation quarter in any calendar year in which a law has been enacted providing a general benefit increase under this title or in which such a benefit increase becomes effective; and

"(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical means of such index for the 3 months in such quarter.

"(2)(A)(i) The Secretary shall determine each year beginning with 1974 (subject to the limitation in paragraph (1)(B) and to subparagraph (E) of this paragraph) whether the base quarter (as defined in paragraph (1)(A)(i)) in such year is a cost-of-living computation quarter.

"(ii) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (E)) as provided in subparagraph (B), increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual under this title (but not including a primary insurance amount determined under subsection (a)(3) of this section), by an amount derived by multiplying each such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1)(A)(ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1)(B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply (subject to subparagraph (E)) in the case of monthly benefits under this title for months this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, and in the case of lump-sum death payments with respect to deaths occurring after December of such calendar year.

"(C)(i) Whenever the level of the Consumer Price Index as published for any month exceeds by 2.5 percent or more the level of such index for the most recent base quarter (as defined in paragraph (1)(A)(ii)) or, if later, the most recent cost-of-living computation quarter, the Secretary shall (within 5 days after such publication) report the amount of such excess to the House Committee on Ways and Means and the Senate Committee on Finance.

"(ii) Whenever the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance of such determination on or before August 15 of such calendar year, indicating the amount of the benefit increase to be provided, his estimate of the extent to which the cost of such increase would be met by an increase in the contribution and benefit base under section 230 and the estimated amount of the increase in such base, the actuarial estimates of the effect of such increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(D) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall reflect the year in which the primary insurance amounts set forth in column IV of the table immediately prior to its revision were effective.

"(ii) The amounts on each line of column I and column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in each such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amounts on each line of column IV and volumn V shall be increased from the amounts shown in the table immediately prior to its revision by increasing each such amount by the percentage specified in subparagraph (A) of paragraph (2). The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (determined under section 230) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V of such table shall be extended. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until in the last such line of column III the second figure is equal to one-twelfth of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised (as determined under section 230) over such base for the calendar year in which the table of benefits is revised. The amount on each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(E) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any notification or publication thereof under subparagraph (C) or (D)), no increase in benefits shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living computation quarter, if during the calendar year in which such determination is made a law providing a general benefit increase under this title is enacted or becomes effective.

"(3) As used in this subsection, the term 'general benefit increase under this title' means an increase (other than an increase under this subsection) in all primary insurance amounts (but not including those determined under subsection (a)(3) of this section) on which monthly insurance benefits under this title are based."

(2)(A) Effective January 1, 1974, section 203(a) of such Act is amended by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or deemed to be in) section 215(a)".

(B) Effective January 1, 1974, section 203(a)(2) of such Act (as amended by section 201(b) of this Act) is further amended to read as follows:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1972 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1972 shall not be reduced to less than the largest of—

"(A) the amount determined under this subsection without regard to this paragraph.

"(B) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual's wages and self-employment income, or

"(C) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after September 1972) of a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title for the month before such effective month (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each such person for such month by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of $0.10 being rounded to the next higher multiple of $0.10);

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) or (C), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of subparagraph (B) or (C) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for the last month for which subparagraph (B) or (C) was applicable, or".

(3)(A) Effective January 1, 1975, section 215(a) of such Act (as amended by section 201(c) of this Act) is further amended—

(i) by inserting "(or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(D))" after "the following table" in paragraph (1)(A); and

(ii) by inserting "(whether enacted by another law or deemed to be such table under subsection (i)(2)(D))" after "effective month of a new table" in paragraph (2).

(B) Effective January 1, 1975, section 215(b)(4) of such Act (as amended by section 201(d) of this Act) is further amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled to benefits under section 202(a) or section 223 in or after the month in which a new table that appears in (or is deemed by subsection (i)(2)(D) to appear in) subsection (a) becomes effective; or

"(B) who dies in or after the month in which such table becomes effective without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2)."

(C) Effective January 1, 1975, section 215(c) of such Act (as amended by section 201(e) of this Act) is further amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the latest table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the month in which the latest such table became effective.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(4) Effective January 1, 1975, sections 227 and 228 of such Act (as amended by section 201(g) of this Act) are further amended by striking out "$53.20" wherever it appears and inserting in lieu thereof "the larger of $53.20 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$26.70" wherever it appears and inserting in lieu thereof "the larger of $26.70 or the amount most recently established in lieu thereof under section 215(i)".

ADJUSTMENT OF THE TAX AND BENEFIT BASE

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE TAX AND BENEFIT BASE

"SEC. 230. (a) If the Secretary determines pursuant to subsection (i) of section 215 that an increase in benefits provided by subparagraph (A) of paragraph (2) of such subsection applies in the case of monthly benefits under sections 202 and 223 for months of a calendar year immediately following a cost-of-living computation quarter he shall also estimate the long-range additional level-cost (without regard to any estimated actuarial surplus which may exist at such time) of such benefits. He shall also determine the increase that is necessary in (1) the amount of earnings and self-employment income that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance and (2) the rate of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954, to meet the total of such level cost and the cost (not previously taken into account under this subsection) of increasing the exempt amount pursuant to section 203(f)(8) for years prior to the year in which such increase in benefits becomes effective so that one-half (or approximately one-half) of such total is to be met by the increase specified in clause (1) and the remainder is to be met by the increase specified in clause (2).

"(b) The tax and benefit base for the calendar year referred to in subsection (a) and all succeeding calendar years, prior to the first calendar year thereafter in which an increase in benefits authorized by subsection (i) of section 215 becomes effective, shall be the sum of the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance with respect to the calendar year immediately preceding the calendar year referred to in subsection (a) and the increase referred to in subsection (a), with such sum, if not a multiple of $150, being rounded to the nearest multiple of $150; except that—

"(1) if prior to such first calendar year a law is enacted which provides that for any calendar year a different amount of earnings may be so counted and may be so taxed, such different amount shall be the contribution and benefit base for the calendar years specified in such law but only until the first calendar year thereafter for which an increase in benefits is authorized by subsection (i) of section 215; and

"(2) the contribution and benefit base for any year after 1973 and prior to the first calendar year in which the first increase in benefits pursuant to section 215(i) becomes effective shall be $10,200 or (if applicable) such other amount as may be specified in a law enacted subsequent to the date of this Act is enacted.

"(c) The Secretary shall allocate the increase in tax rates specified in clause (2) of subsection (a) of this section among the rates of tax specified in sections 1401(a), 3101 (a), and 3111(a) of the Internal Revenue Code of 1954 so that—

"(A) the rate of tax under section 3101 (a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during a calendar year is equal to the rate of tax under section 3111(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) paid during such calendar year;

"(B) the rate of tax under section 1401(a) of such Code with respect to self-employment income (as defined in section 1402(b) of such Code) for any taxable year beginning during a period specified in such section 1401 (a) shall be equal to 150 percent of the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during any calender year occurring in such period.

After such allocation, the Secretary shall round any such tax rate, increased by reason of such allocation, to the nearest one-tenth of 1 percent.

"(d) At the time the Secretary publishes in the Federal Register the table required by section 215(i)(2)(D), he shall also publish in such Register—

"(1) the actuarial assumptions and methodology used in estimating the additional long-range level-cost referred to subsection (a), and

"(2) the tax and benefit base resulting pursuant to subsection (b), and

"(3) the amount of the increase in tax rates required pursuant to such subsection (a) and the allocation of such increase determined under subsection (b) (including any rounding authorized by such subsection).

"(e) For purposes of this section, and for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1954, the 'tax and benefit base' with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1972 and prior to the calendar year with the first month of which the first increase in benefits pursuant to section 215(i) of this Act becomes effective shall be $10,200 or (if applicable) such other amount as may be specified in a law enacted subsequent to the Social Security Amendments of 1972."

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

SEC. 203. (a) Section 215(a) of the Social Security Act (as amended by section 201(c) of this Act) is further amended—

(1) by striking out "paragraph (2)" in the matter preceding subparagraph (A) of paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by inserting after paragraph (2) the following:

"(3) Such primary insurance amount shall be an amount equal to $10 multiplied by the individual's years of coverage in excess of 10 in any case in which such amount is higher than the individual's primary insurance amount as determined under paragraph (1) or (2).

For purposes of paragraph (3), an individual's 'years of coverage' is the number (not exceeding 30) equal to the sum of (i) the number (not exceeding 14 and disregarding any fraction) determined by dividing the total of the wages credited to him for years after 1936 and before 1951 by $900, plus (ii) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b)(2)(C)) and in each of which he is credited with wages and self-employment income of not less than 25 percent of the maximum amount which, pursuant to subsection (e), may be counted for such year."

(b) Section 203(a) of such Act (as amended by sections 201(b) and 202(a)(2) of this Act) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) whenever the monthly benefits of such individuals are based on an insured individual's primary insurance amount which is determined under section 215(a)(3) and such primary insurance amount does not appear in column IV of the table in (or deemed to be in) in section 215(a), the applicable maximum amount in column V of such table shall be the amount in such column that appears on the line on which the next higher primary insurance amount appears in column IV, or, if larger, the largest amount determined for such persons under this subsection for any month prior to February 1971."

(c) Section 215(a)(2) of such Act (as amended by section 201(c) of this Act) is further amended by striking out "such primary insurance amount shall be" and all that follows and inserting in lieu thereof the following:

"such primary insurance amount shall be—

"(A) the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (whether enacted by another law or deemed to be such table under subsections (i)(2)(D)) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined); or

"(B) an amount equal to the primary insurance amount upon which such disability insurance benefit is based if such primary insurance amount was determined under paragraph (3)."

(d) Section 215(f)(2) of such Act (as amended by section 201(f) of this Act) is further amended by striking out "subsection (a)(1) (A) and (C)" and inserting in lieu thereof "subsections (a)(1) (A) and (C) and (a)(3)".

(e) Whenever an insured individual is entitled to benefits for a month which are based on a primary insurance amount under paragraph (1) or paragraph (3) of section 215(a) of the Social Security Act and for the following month such primary insurance amount is increased or such individual becomes entitled to benefits on a higher primary insurance amount under a different paragraph of such section 215(a), such individual's old-age or disability insurance benefit (beginning with the effective month of the increased primary insurance amount, shall be increased by an amount equal to the difference between the higher primary increase amount and the primary insurance amount on which such benefit was based for the month prior to such effective month, after the application of section 202(q) of such Act where applicable to such difference.

(f) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after December 1971 (without regard to when the insured individual became entitled to such benefits or when he died) and with respect to lump-sum death payments under such title in the case of deaths occurring after such month.

AUTOMATIC INCREASES OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 204. (a)(1) Section 209(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1973 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2) Section 211(b)(1) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) For any taxable year beginning in any calendar year after 1973, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by inserting immediately after "calendar year after 1971" the following: "and before 1974, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1973 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by inserting immediately after "calendar year after 1971" the following: "and before 1974, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1973".

(4) Section 215(e)(1) of such Act is amended by inserting immediately after "calendar year after 1971" the following: "and before 1974, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1973 with respect to which such contribution and benefit base is effective".

(b)(1) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1973, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended—

(i) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(B) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out "the $9,000 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out "the $9,000 limitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413(c)(1) of such Code (relating to special funds of employment taxes) is amended—

(A) by inserting "and before 1973" after "after the calendar year 1971";

(B) by inserting after "exceed $9,000," the following:

"or (F) during any calendar year after the calendar year 1973, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting immediately before the period at the end thereof "and before 1974, or which exceeds the tax with respect to an amount of such wages received and such calendar year after 1973 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by inserting after "or $9,000 for any calendar year after 1971" the following: "or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1973 with respect to which such contribution and benefit base is effective".

(7) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code is amended by striking out an amount equal to the contribution and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

CHANGES IN TAX SCHEDULES

SEC. 205. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and" at the end of paragraph (3); and

(B) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 6.7 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1977, and before January 1, 2011, the tax shall be equal to 6.6 percent of the amount of the self-employment income for such taxable year; and

"(6) in the case of any taxable year beginning after December 31, 2010, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year.

Such tax with respect to self-employment income for any taxable year shall be increased in accordance with the allocation made by the Secretary of Health, Education, and Welfare under section 230(c) of the Social Security Act."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance is amended by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received during the calendar years 1973 through 1977 the rate shall be 4.45 percent;

"(5) with respect to wages received during the calendar years 1978 through 2010, the rate shall be 4.4 percent; and

"(6) with respect to wages received after December 31, 2010, the rate shall be 5.3 percent.

Such tax with respect to wages received during any calendar year shall be increased in accordance with the allocation made by the Secretary of Health, Education, and Welfare under section 230(c) of the Social Security Act."

(3) Section 3111(a) of the such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1973 through 1977 the rate shall be 4.45 percent;

"(5) with respect to wages paid during the calendar years 1978 through 2010, the rate shall be 4.4 percent; and

"(6) with respect to wages paid after December 31, 2010, the rate shall be 5.3 percent.

Such tax with respect to wages received during any calendar year shall be increased in accordance with the allocation made by the Secretary of Health, Education, and Welfare under section 230(c) of the Social Security Act."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1982, the tax shall be equal to 1.1 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1981, and before January 1, 1991, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1990, the tax shall be equal to 1.3 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1973 through 1977, the rate shall be 0.9 percent;

"(3) with respect to wages received during the calendar years 1978 through 1981, the rate shall be 1.1 percent;

"(4) with respect to wages received during the calendar years 1982 through 1990 the rate shall be 1.2 percent;

"(5) with respect to wages received after December 31, 1990, the rate shall be 1.3 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1973 through 1977, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar years 1978 through 1981 the rate shall be 1.1 percent;

"(4) with respect to wages paid during the calendar years 1982 through 1990, the rate shall be 1.2 percent;

"(5) with respect to wages paid after December 31, 1990, the rate shall be 1.3 percent."

(b) The amendments made by subsection (a) (1) shall apply only with respect to taxable years beginning after December 31, 1972. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1972.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 206. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "1969, and so reported" and inserting in lieu thereof "1969, and before January 1, 1973, and so reported, (E) 0.95 of 1 per centum of the wages (as so defined) paid after December 31, 1971, and before January 1, 1978, and so reported, (F) 1.10 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 2011, and so reported, and (G) 1.5 per centum of the wages (as so defined) paid after December 31, 2010, and so reported,".

(b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "beginning after December 31, 1969," and inserting in lieu thereof "beginning after December 31, 1969, and before January 1, 1973, (E) 0.715 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1977, and (F) 0.825 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 2011, and (G) 0.990 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010,".

Amend the title so as to read: "An Act to provide for a four-month extension of the present temporary level in the public debt limitation, and for other pupruses.".

The PRESIDING OFFICER. Is this amendment No. 1310 as modified?

Mr. BENNETT. The amendment as I now offer it differs in a certain way from the amendment that was printed. Some tables have been corrected.

The PRESIDING OFFICER. Will the Senator please send a modified version to the desk?

Mr. BENNETT. The modified version is at the desk.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, the distinguished majority leader has asked me to propound the following unanimous-consent request:

Provided, that time on the pending substitute amendment by Mr. BENNETT to the amendment offered by Mr. CHURCH be limited to 1 hour, to be equally divided between the distinguished Senator from Utah (Mr. BENNETT) and the distinguished Senator from Idaho (Mr. CHURCH) or his designee; provided, further, that time begin running on the substitute offered by Mr. BENNETT on tomorrow immediately following the disposition of the bill making appropriations for public works; that at the expiration of the time allotted, a vote occur on the substitute amendment offered by Mr. BENNETT; that following that vote, a vote immediately occur on the amendment offered by Mr. CHURCH.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I understand that the request is to establish a time limitation on the amendment of the Senator from Utah in the nature of a substitute and to postpone the time for consideration of that amendment, or at least a time for the beginning of controlled time, until tomorrow.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BAKER. Mr. President, I cannot offer my own convenience as a justification for how the Senate is operated, and I never have; but I canceled other plans in order to stay for the consideration of the bill, plans that are important to me and involve a trip to Tennessee.

If we are going to get into a long and detailed and prolonged exposition on this subject or on the matter before the Senate, then I think we ought to go ahead and do it. If there are compelling reasons to work late tonight, so far as I am concerned, I am willing to do so; but I do not want to see us postpone this matter until tomorrow.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield, while he reserves the right to object?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, this Senator and Senators on this side of the aisle also would prefer to vote tonight. As a matter of fact, the distinguished Senator from Idaho (Mr. CHURCH), perhaps more than any other Senator in this body on either side of the aisle, wishes to vote today on his amendment. He has a very important commitment tomorrow which he cannot cancel. So it takes the extra pound of flesh from that Senator when he agrees to a vote on his own amendment tomorrow.

But there are compelling reasons from the other side of the aisle, may I say, that have constrained us to make this request that the vote be on tomorrow.

Mr. LONG. Mr. President, if the Senator will yield further, I suggest to the distinguished Senator from Tennessee that it is not within our power—it is not within my power, his power, or anybody else's power—to make this matter come to a vote between now and midnight tonight, anyway.

Of course, the Senator has not served in the Senate as long as I have, but I have served in the days when anybody who did not want to vote any time soon could see to it that we did not vote for 3 days hard running. I have done that myself.

So if there are people who are determined that we not vote tonight—and we are aware that there is some such feeling and disposition, not on this side of the aisle, but on the other side of the aisle—that this matter be voted on tomorrow, we are willing to agree to it. We had better, because we cannot make the matter come to a vote. If we were to vote cloture, it would take 2 days.

Mr. BAKER. Mr. President, there are two sides to that coin. I readily concede that I cannot assure that there will be a vote tonight, but I can assure that there will not be a vote set for tomorrow.

I was not consulted on this, and it is a matter of some importance to me. I do not think it will take long, but I wonder whether the distinguished assistant majority leader would withdraw his request for a few minutes until we can consider it a little further.

Mr. ROBERT C. BYRD. I withdraw the request, Mr. President.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized at this time to pay a very well deserved tribute to an official of long standing in the Senate.

The PRESIDING OFFICER. The Senator from Montana is recognized.

RETIREMENT OF "DINO" ZAGAMI

Mr. MANSFIELD. Mr. President, Mr. Placidino Zagami, a special assistant in the Office of the Official Reporters of Debates, will retire from the Senate on June 30. I take this opportunity to commend him for his long service to this body, and I would like to add my personal thanks for all the assistance and guidance he has given to me and the Senate over the years.

"Dino," as he is affectionately known, was educated in the schools of Washington, D.C., before being assigned to the corps of our Official Reporters in 1938. He left the Senate temporarily, from 1942 until 1946, to become a member of the 4th Armored Division of the 3d Army during World War II. After landing on D-day plus 17 on Utah Beach, he fought with his division through France to Germany until the end of the war in Europe.

He returned to Senate service in 1946 and since that time has been continuously with the Office of the Official Reporters. His distinguished public service, inclusive of his Army days, adds up to 34 years.

I know that I speak for every Member of the Senate who may have had occasion to turn to Mr. Zagami for guidance and assistance—and most of us, I am sure, have had many such occasions—

when I express to him my sincere wishes for a contented and active retirement.

His service to the Senate was long; his dedication was complete; his contributions to the CONGRESSIONAL RECORD were outstanding. He leaves with the deep and enduring appreciation of the Senate—and I mean the entire Senate.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE INTERNATIONAL TRAVEL ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 884, S. 2577.

The PRESIDING OFFICER. The bill will be stated.

The legislative clerk read as follows:

> Calendar 884 (S. 2577) a bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended (1) by inserting "TITLE I—INTERNATIONAL TRAVEL; UNITED STATES TRAVEL SERVICE" immediately before the first section thereof; (2) by striking out "this Act" or "This Act" each place where it appears and inserting in lieu thereof "this title" or "This title", respectively; and (3) by adding at the end thereof the following:

"TITLE II—TRAVEL AGENTS REGISTRATION

"SEC. 201. (a) Whereas the travel agency industry is interstate and international in scope; and whereas the travel agency industry has become a significant part of the economy of the United States; and whereas the traveling public is becoming increasingly dependent on travel agents to make travel arrangements, the Congress finds that it is in the public interest to strengthen the travel agency industry and maintain public confidence in travel agents by regulating travel agents.

"(b) The purposes of this title are to protect the convenience, safety, and well-being of persons who patronize travel agencies in the United States by making adequate provisions for the granting of registration certificates to travel agents.

"SEC. 202. This title may be cited as the 'Travel Agents Registration Act of 1972'.

"SEC. 203. As used in this title—

"(1) 'Secretary' means the Secretary of Transportation.

"(2) 'Person' means an individual, partnership, corporation, association, or other form of business enterprise.

"(3) 'Engage in the business of conducting a travel agency' means and refers to holding out by any person, other than—

"(A) a common carrier of passengers regulated by an agency of the Federal Government or an employee of such carrier when engaged in his employer's business;

"(B) the owner or employee of a hotel, motel, inn, or other such establishment offering accommodations to travelers, when making arrangements for accommodations in his own or other such establishment or when making arrangements for local sightseeing tours;

"(C) a person making travel arrangements for his employees; and

"(D) a religious, charitable, educational, or fraternal organization, exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, making arrangements for its members for travel which is related to religious, charitable, or educational programs being carried out by such organization if any net proceeds resulting therefrom are used only for the purposes of such organization: *And provided further*, That the travel and lodging reservations or accommodations for travel or tours by such organizations are arranged by a travel agent certificated under this title;

to any other person, directly or indirectly, as being able or offering or undertaking by any means or method, whether acting as principal, agent, broker, or otherwise to acquire for a fee, commission, or other valuable consideration, of any sort, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, hotel, or other lodging reservations or accommodations.

"(4) 'Registered travel agent' means any person to whom a registration certificate has been issued pursuant to this title.

"(5) 'Carrier' means a person engaged in the passenger transportation business.

"SEC. 204. (a) On and after January 1, 1973, no person shall, directly or indirectly, engage in the business of conducting a travel agency, as herein defined, without having first received a registration certificate as hereinafter provided.

"(b) On and after such date and after receiving notice from the Secretary that a person is not a registered travel agent a carrier shall not enter into any contract or other arrangement with such person for the provision of travel to others.

"SEC. 205. (a) There is hereby established in the Department of Transportation a Bureau of Travel Agents Registration. The Chief Executive Officer of such Bureau, who shall be appointed by the Secretary, shall be known as the Director of Travel Agents Registration. The Secretary shall carry out his functions under this title through such Director.

"(b) To advise the Director there shall be a Travel Agents Registration Board consisting of eight members appointed by the Secretary of Transportation. Two members thereof shall actively be engaged in the travel agency business; one member thereof shall be a representative of the general public; and four members thereof shall be representatives from the following agencies: the Federal Maritime Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Department of Transportation. The Director or his duly authorized representative shall be an ex officio member of the Board with one vote. The Board shall meet at least once a year at an appropriate time to be fixed by the Director. It shall be the duty of the Board to advise the Director on all matters related to this title and on such other matters as the Director shall request. The Director shall designate an employee of the Bureau to act as Secretary of the Board.

"(c) The members of the Board, except those employed by the Federal Government, shall be entitled to compensation at a rate not to exceed $100 per day for each meeting or for each day actually spent on the work of the Board. They shall also be paid their reasonable and necessary traveling and other expense while engaged in the performance of their duties.

"(d) The Director, with the advice of the Board, shall promulgate such rules and regulations, including, but not limited to, those reasonable and necessary to establish the necessary qualifications for and sound financial practices by registered travel agents and those considered necessary to carry out the purposes of this title.

"SEC. 206. (a) The Secretary shall establish such rules and regulations as may be necessary—

"(1) to provide for applications in such form and containing such information as may be necessary to obtain registration pursuant to this title;

"(2) to require that each applicant make an adequate showing of the necessary qualifications and financial responsibility to engage in the business of conducting a travel agency in order to obtain such registration; and

"(3) to require that such necessary qualifications and financial responsibility be established in accordance with objective criteria prescribed in such rules and regulations.

"(b) No registration certificate pursuant to this Act shall be issued to any person who has been convicted in any State, the District of Columbia, the Commonwealth of Puerto Rico, or possession of the United States, of a felony.

"(c) The Secretary may withhold the issuance of a certificate of registration pursuant to this title upon making a specific determination that the applicant has not made an adequate showing of the necessary qualifications and financial responsibility for the purpose of this title.

"(d) The Secretary may charge such reasonable fees for the issuances of certificates, and renewals thereof, for the purpose of this title as he determines.

"SEC. 207. (a) All registration certificates issued pursuant to this title shall expire on the fourth anniversary of the date of issuance.

"(b) Registration certificates issued pursuant to this title shall not be assignable or transferable.

"(c) A bona fide purchaser or transferee of a travel agency business from the holder, or the legal representative of a deceased holder of a registration certificate issued pursuant to this title may continue to use such registration certificate for a period of not more than ninety days from the date of the sale, transfer, or death of the holder, under such conditions as may be prescribed by the Secretary.

"(d) On or before the date of its expiration, any registration certificate issued pursuant to this title which has not been suspended or revoked may, upon the payment of any renewal fee, be renewed by the Secretary for an additional period of two years upon the filing of an application for such renewal in such form as is prescribed by the Secretary.

"(e) If an application for a registration certificate by a person who is engaged in the business of conducting a travel agency on

July 1, 1972, or by any person referred to in subsection (c) of this section, has been filed with the Secretary pursuant to the provisions prescribed herein, the applicant shall be entitled to continue to engage in the travel agency business until action is taken on the application.

"SEC. 208. A registration certificate issued pursuant to this title may be suspended or revoked by the Secretary, and a civil penalty not to exceed $1,000 may be imposed by the Secretary upon a determination after a hearing in the State of the travel agent's principal place of business, that the holder of a registration certificate has engaged in any of the following practices:

"(1) Fraud or bribery in securing a registration certificate issued pursuant to this title.

"(2) The making of any false statement as to a material matter in any application or other statement required by or pursuant to this title.

"(3) Violation of any provision of this title or any code, rule, or regulation adopted hereunder.

"(4) Any fraud or fraudulent practice in the operation and conduct of a travel agency business including, but not limited to, intentionally misleading advertising.

"(5) Activities prohibited by this title leading to conviction of a misdemeanor.

"(6) Activities leading to conviction of a felony.

"SEC. 209. In any case where the Secretary has authority to suspend or revoke a registration certificate issued pursuant to this title or to impose a civil penalty, in lieu thereof he may accept from the holder of the certificate assurance of discontinuance of any act or practice for which the certificate may be suspended or revoked.

"SEC. 210. (a) In a case of actual controversy as to the validity of any order, affirmative or negative, issued by the Secretary under this title, any person disclosing a substantial interest in such order may at any time before the sixtieth day after such order is issued file a petition for judicial review of such order by the court of appeals of the United States for the circuit in which the petitioner resides or has his place of business or the United States Court of Appeals for the District of Columbia Circuit. After the expiration of sixty days, such a petition may be filed only by leave of the court upon the showing of reasonable grounds for failure to file a petition timely.

"(b) A copy of the petition shall upon filing be forthwith transmitted to the Secretary by the clerk of the court and the Secretary shall thereupon certify and file a copy of the record, if any, upon which the order of the Secretary was entered.

"(c) Upon transmittal of the petition, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order, in whole or in part, and if need be to order further proceedings by the Director.

"(d) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. No objection to an order of the Secretary shall be considered by the court, unless such objection shall have been urged before the Secretary or, if it was not so urged, unless there were reasonable grounds for failure to do so or unless newly discovered facts shall be revealed.

"(e) The judgment decree of the court affirming, modifying, or setting aside any such order of the Secretary shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

"SEC. 211. (a) Any person who knowingly and willfully violates any provision of this title or any order, rule, or regulation issued under any such provision, shall, if it is the first such offense, be fined not more than $500 or imprisoned not more than six months, or both, and for any subsequent such offense, shall be fined not more than $2,000 or imprisoned not more than two years, or both. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

"(b) If any person violates any provision of this title, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate issued under this title, the Secretary may request the Attorney General to commence an action in the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this title, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this title or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto.

"(c) Upon the request of the Secretary, any United States Attorney, to whom the Secretary may apply is authorized to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this title or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

"SEC. 212. Effective on and after January 1, 1973, no State or subdivision thereof shall adopt or enforce any law regulating, or setting any standards with respect to, the activity of engaging in the business of conducting a travel agency.

"SEC. 213. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.".

Mr. MANSFIELD. Mr. President, I send two amendments to the desk that were offered by the distinguished Senator from Indiana (Mr. BAYH), and I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report the amendments.

The legislative clerk proceeded to state the amendments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with. They are noncontroversial and have met with the approval of all parties concerned.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments read as follows:

On page 19, after subsection (6) add the following new subsection:

"(7) Breach of fiduciary duty to a principal."

On page 22, line 24, omit the quotation mark and the period following the quotation mark. Insert a new section as follows:

"SEC. 214. The provisions of this title shall be in addition to, and not in lieu of, the rules, regulations and orders of any other Federal agency which may by law regulate carriers or Conferences of air or steamship carriers."

Mr. BAYH subsequently said: Mr. President, I am offering two amendments today which would insure that travel agents are as responsible to the public as possible. The first amendment guarantees that travel agents will respect the trust vested in them by clients. Under this amendment, if a travel agent is found guilty of a breach of fiduciary standards to a principal—such as using the money of a private client, airline, steamship company, or hotel for personal purposes—the travel agent's Federal license could be suspended or revoked and a civil penalty exacted. Certainly a travel agent should be expected to exercise complete integrity with all clients, whether they are the public or private companies. Any breach of fiduciary duty raises serious questions about the agent's competence to continue to serve the public honestly.

My second amendment specifies that this Travel Agent Licensing Act is in addition to—and does not not abolish—existing Federal regulation of business of travel agencies or of carriers. Under present law, various Federal agencies and conferences have regulatory authority to establish rules for the general conduct of the industry, and I believe they should be permitted to continue setting standards, in tandem with and addition to other forms of regulation.

I believe these two amendments are in harmony with the purposes of this bill, and I hope the Senate will approve them.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. INOUYE. Mr. President, the business of travel and tourism is the single, largest item in world trade. The sale of travel and related services to U.S. citizens for travel within the United States as well as travel between the United States and foreign countries through travel agents generates more than $5 billion annually.

There are more than 7,000 travel agents in the United States who represent scheduled air carriers and sell travel and services offered by air carriers, hotels, sightseeing companies, steamship lines, and car-rental firms who are subject to a degree of regulation through the air carrier conferences, but that regulation is confined just to their activities in connection with the sale of scheduled air transportation. In addition, there are hundreds if not thousands of other persons who are travel promoters who collect millions of dollars each year from the public, but were not appointed as agents by the providers of those services or subject to any degree of control or regulation.

The degree of reliance by the public on the services of travel agents is going to grow dramatically in the years ahead just as travel and tourism is itself going to become an increasingly important, economic, social, and cultural activity. At present there is no single Federal, State, or private agency in existence which has a clear jurisdictional authority or responsibility to review, assess, and regulate even in a limited way the activities of travel agents and their employees.

Mr. President, over the past 5 years there have been thousands of traveling Americans stranded abroad because of the unsound and in some cases, fraudulent financial activity of individuals who sold them transportation and accommodations.

Just 2 weeks ago such an instance occurred, as a consequence of a nonscheduled United Kingdom air carrier going into receivership. As yet we do not know how many Americans were stranded in Europe, but we do know it is in the thousands. One source estimates that over 15,000 people will be left holding $700,000 in worthless airline tickets as a result of the collapse of this carrier.

Although the vast majority of travel agents are responsible and render a valuable public service the fact remains what happened 2 weeks ago is a repetition of 1971, 1970, and 1969. It must be stopped.

The Commerce Committee held extensive hearings on S. 2577 and the organization that represents the majority of travel agents in America—ASTA—over 7,000, strongly urged this legislation as necessary to protect the public.

Mr. President, the committee is convinced the lack of any comprehensive regulatory authority in this area, and the diffusion of the authority that does exist, is in large measure responsible for the abuses that exist in the travel industry.

Mr. President, what S. 2577 does is place in the hands of one Federal agency the job of assuring that anyone—other than a common carrier regulated by another Federal agency—who sells transportation and accommodations directly or indirectly to the public is competent, financially qualified, and that the public may rely on him.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2577) was passed, as follows:

S. 2577

An Act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Travel Act of 1961 (22 U.S.C. 2121 et seq.) is amended (1) by inserting "TITLE I—INTERNATIONAL TRAVEL; UNITED STATES TRAVEL SERVICE" immediately before the first section thereof; (2) by striking out "this Act" or "This Act" each place it appears and inserting in lieu thereof "this title" or "This title", respectively; and (3) by adding at the end thereof the following:

"TITLE II—TRAVEL AGENTS REGISTRATION

"SEC. 201. (a) Whereas the travel agency industry is interstate and international in scope; and whereas the travel agency industry has become a significant part of the economy of the United States; and whereas the traveling public is becoming increasingly dependent on travel agents to make travel arrangements, the Congress finds that it is in the public interest to strengthen the travel agency industry and maintain public confidence in travel agents by regulating travel agents.

"(b) The purposes of this title are to protect the convenience, safety, and wellbeing of persons who patronize travel agencies in the United States by making adequate provisions for the granting of registration certificates to travel agents.

"SEC. 202. This title may be cited as the 'Travel Agents Registration Act of 1972'.

SEC. 203. As used in this title—

"(1) 'Secretary' means the Secretary of Transportation.

"(2) 'Person' means an individual, partnership, corporation, association, or other form of business enterprise.

"(3) 'Engage in the business of conducting a travel agency' means and refers to holding out by any person, other than—

"(A) a common carrier of passengers regulated by an agency of the Federal Government or an employee of such carrier when engaged in his employer's business;

"(B) the owner or employee of a hotel, motel, inn, or other such establishment offering accommodations to travelers, when making arrangements for accommodations in his own or other such establishment or when making arrangements for local sightseeing tours;

"(C) a person making travel arrangements for his employees; and

"(D) a religious, charitable, educational, or fraternal organization, exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, making arrangements for its members for travel which is related to religious, charitable, or educational programs being carried out by such organization if any net proceeds resulting therefrom are used only for the purposes of such organization: *And provided further,* That the travel and lodging reservations or accommodations for travel or tours by such organizations are arranged by a travel agent certificated under this title;

to any other person, directly or indirectly, as being able or offering or undertaking by any means or method, whether acting as principal, agent, broker, or otherwise to acquire for a fee, commission, or other valuable consideration, of any sort, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, hotel, or other lodging reservations or accommodations.

"(4) 'Registered travel agent' means any person to whom a registration certificate has been issued pursuant to this title.

"(5) 'Carrier' means a person engaged in the passenger transportation business.

"SEC. 204. (a) On and after January 1, 1973, no person shall, directly or indirectly, engage in the business of conducting a travel agency, as herein defined, without having first received a registration certificate as hereinafter provided.

"(b) On and after such date and after receiving notice from the Secretary that a person is not a registered travel agent a carrier shall not enter into any contract or other arrangement with such person for the provision of travel to others.

"SEC. 205. (a) There is hereby established in the Department of Transportation a Bureau of Travel Agents Registration. The Chief Executive Officer of such Bureau, who shall be appointed by the Secretary, shall be known as the Director of Travel Agents Registration. The Secretary shall carry out his functions under this title through such Director.

"(b) To advise the Director there shall be a Travel Agents Registration Board consisting of eight members appointed by the Secretary of Transportation. Two members thereof shall actively be engaged in the travel agency business; one member thereof shall be a representative of the general public; and four members thereof shall be representatives from the following agencies: the Federal Maritime Commission, the Civil Aeronautics Board, the Interstate Commerce Commission, and the Department of Transportation. The Director or his duly authorized representative shall be an ex officio member of the Board with one vote. The Board shall meet at least once a year at an appropriate time to be fixed by the Director. It shall be the duty of the Board to advise the Director on all matters related to this title and on such other matters as the Director shall request. The Director shall designate an employee of the Bureau to act as Secretary of the Board.

"(c) The members of the Board, except those employed by the Federal Government, shall be entitled to compensation at a rate not to exceed $100 per day for each meeting or for each day actually spent on the work of the Board. They shall also be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties.

"(d) The Director, with the advice of the Board, shall promulgate such rules and regulations, including, but not limited to, those reasonable and necessary to establish the necessary qualifications for and sound financial practices by registered travel agents and those considered necessary to carry out the purposes of this title.

"SEC. 206. (a) The Secretary shall establish such rules and regulations as may be necessary—

"(1) to provide for applications in such form and containing such information as may be necessary to obtain registration pursuant to this title;

"(2) to require that each applicant make an adequate showing of the necessary qualifications and financial responsibility to engage in the business of conducting a travel agency in order to obtain such registration; and

"(3) to require that such necessary qualifications and financial responsibility be established in accordance with objective criteria prescribed in such rules and regulations.

"(b) No registration certificate pursuant to this Act shall be issued to any person who has been convicted in any State, the District of Columbia, the Commonwealth of Puerto Rico, or possession of the United States, of a felony.

"(c) The Secretary may withhold the issuance of a certificate of registration pursuant to this title upon making a specific determination that the applicant has not made an adequate showing of the necessary qualifications and financial responsibility for the purpose of this title.

"(d) The Secretary may charge such reasonable fees for the issuances of certificates, and renewals thereof, for the purpose of this title as he determines.

"SEC. 207. (a) All registration certificates issued pursuant to this title shall expire on the fourth anniversary of the date of issuance.

"(b) Registration certificates issued pursuant to this title shall not be assignable or transferable.

"(c) A bona fide purchaser or transferee of a travel agency business from the holder, or the legal representative of a deceased holder of a registration certificate issued pursuant to this title may continue to use such registration certificate for a period of not more than ninety days from the date of the sale, transfer, or death of the holder, under such conditions as may be prescribed by the Secretary.

"(d) On or before the date of its expiration, any registration certificate issued pursuant to this title which has not been suspended or revoked may, upon the payment of any renewal fee, be renewed by the Secretary for an additional period of two years upon the filing of an application for such renewal in such form as is prescribed by the Secretary.

"(e) If an application for a registration certificate by a person who is engaged in the business of conducting a travel agency on July 1, 1972, or by any person referred to in subsection (c) of this section, has been filed with the Secretary pursuant to the provisions prescribed herein, the applicant shall be entitled to continue to engage in the travel agency business until action is taken on the application.

"SEC. 208. A registration certificate issued pursuant to this title may be suspended or revoked by the Secretary, and a civil penalty not to exceed $1,000 may be imposed by the Secretary upon a determination after a hearing in the State of the travel agent's principal place of business, that the holder of a registration certificate has engaged in any of the following practices:

"(1) Fraud or bribery in securing a registration certificate issued pursuant to this title.

"(2) The making of any false statement as to a material matter in any application or other statement required by or pursuant to this title.

"(3) Violation of any provision of this title or any code, rule, or regulation adopted hereunder.

"(4) Any fraud or fraudulent practice in the operation and conduct of a travel agency business including, but not limited to, intentionally misleading advertising.

"(5) Activities prohibited by this title leading to conviction of a misdemeanor.

"(6) Activities leading to conviction of a felony.

"(7) Breach of fiduciary duty to a principal.

"SEC. 209. In any case where the Secretary has authority to suspend or revoke a registration certificate issued pursuant to this title or to impose a civil penalty, in lieu thereof he may accept from the holder of the certificate assurance of discontinuance of any act or practice for which the certificate may be suspended or revoked.

"SEC. 210. (a) In a case of actual controversy as to the validity of any order, affirmative or negative, issued by the Secretary under this title, any person disclosing a substantial interest in such order may at any time before the sixtieth day after such order is issued file a petition for judicial review of such order by the court of appeals of the United States for the circuit in which the petitioner resides or has his place of business or the United States Court of Appeals for the District of Columbia Circuit. After the expiration of sixty days, such a petition may be filed only by leave of the court upon the showing of reasonable grounds for failure to file a petition timely.

"(b) A copy of the petition shall upon filing be forthwith transmitted to the Secretary by the clerk of the court and the Secretary shall thereupon certify and file a copy of the record, if any, upon which the order of the Secretary was entered.

"(c) Upon transmittal of the petition, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order, in whole or in part, and if needed be to order further proceedings by the Director.

"(d) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. No objection to an order of the Secretary shall be considered by the court, unless such objection shall have been urged before the Secretary or, if it was not so urged, unless there were reasonable grounds for failure to do so or unless newly discovered facts shall be revealed.

"(e) The judgment decree of the court affirming, modifying, or setting aside any such order of the Secretary shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

"SEC. 211. (a) Any person who knowingly and willfully violates any provision of this title or any order, rule, or regulation issued under any such provision, shall, if it is the first such offense, be fined not more than $500 or imprisoned not more than six months, or both, and for any subsequent such offense, shall be fined not more than $2,000 or imprisoned not more than two years, or both. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

"(b) If any person violates any provision of this title, or any rule, regulation, requirement, or order there under, or any term, condition, or limitation of any certificate issued under this title, the Secretary may request the Attorney General to commence an action in the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this title, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this title or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto.

"(c) Upon the request of the Secretary, any United States Attorney, to whom the Secretary may apply is authorized to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this title or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

"SEC. 212. Effective on and after January 1, 1973, no State or subdivision thereof shall adopt or enforce any law regulating, or setting any standards with respect to, the activity of engaging in the business of conducting a travel agency.

"SEC. 213. If any provision of this title, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 214. The provisions of this title shall be in addition to, and not in lieu of, the rules, regulations and orders of any other Federal agency which may by law regulate carriers or Conferences of air or steamship carriers.".

NATIONAL CAPITOL TRANSPORTATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 891, H.R. 15507.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

Calendar No. 891 (H.R. 15507), a bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MATHIAS. Mr. President, this is truly landmark legislation for every one of the nearly 3 million residents of Metropolitan Washington. As the original sponsor of this bill, I wish to commend the distinguished chairman of the Committee on the District of Columbia for the promptness with which he has brought this bill to the floor following its approval by the House of Representatives.

By enacting this law, we are providing substantial assurance that the commitments made by Congress in the 1960's for the construction of a regional rapid transit system for the Nation's Capital will indeed be met. This bill will expedite the marketing of revenue bonds for speedy completion of the 98-mile Metro system, and enable us to build the remainder of the system at the lowest possible cost. When the trains start running on Metro—hopefully in the summer of 1974—and when the initial system reaches the great suburban residential areas around Washington shortly thereafter, the first riders will be indebted to the financing plan provided by this legislation.

We are building in Maryland, Virginia, and the District of Columbia the most modern rapid transit system in the world. When completed, it is expected to be possible to ride from downtown Rockville, in suburban Montgomery County, to Capitol Hill in less than half an hour.

Residents of the Vienna-Fairfax area in Virginia will be able to reach downtown Washington in less than half an hour. Travel from Greenbelt Road in Prince Georges County to the Pentagon is estimated at 24 minutes, from Ardmore to Rosslyn, 27 minutes; from Branch Avenue to downtown, 21 minutes.

The benefits which this system will bring in reduced traffic, reduced air pollution and reduced wear and tear on the nerves of all of us who commute by car are truly immeasurable. In addition to providing a long-overdue service for both full-time and part-time residents of this area, the Metro will provide great assistance to tourists and other visitors to the Capital in getting about the city while avoiding the problems of traffic and parking.

When Congress authorized construction of the regional rapid transit system in 1969, its estimated cost of about $2.5 billion was to be financed through $835 million in revenue bonds and $1.7 billion in Federal and local contributions. Two developments have interfered with the carrying out of that original plan: Escalating construction costs have increased the overall price of the system for $450 million and a combination of higher interest rates and other uncertainties have created conditions in which potential investors must be offered additional assurances, such as a Federal guarantee, to expedite the sale of the revenue bonds. This legislation will meet both of these problems.

This bill provides for a Federal guarantee of revenue bonds to be issued by the Washington Metropolitan Area Transit Authority, contingent on the conversion of those securities to taxable obligations. The revenues gained by the Treasury through taxation of the interest on the bonds will be returned to WMATA as an interest subsidy. That subsidy will be sufficient to cover the debt service on an additional $300 million in Federal assistance.

This is a sound and logical approach which will facilitate the immediate sale of the revenue bonds at favorable interest rates, thus avoiding any disruption of Metro's construction schedule. Local governments will have up to 3 years to complete arrangements for their additional contributions totaling $150 million in line with the two-thirds Federal, one-third local, overall cost-sharing formula. At the same time, the Federal interest is protected, since the increased Federal aid is contingent on the local matching arrangements.

The Metro system is simply too important to be held hostage to freeways, inflation or interest rates. By passage of this bill, we can respond to the urgent transportation needs of Metropolitan Washington and advance the tradition of bipartisan regional effort to insure that Metro's trains will start running on time.

The bill (H.R. 15507) was ordered to a third reading, was read the third time, and passed.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. TUNNEY). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 22, 1972, at page 22086.)

Mr. HOLLINGS. Mr. President, we have agreed to a limited time on both sides. The distinguished Senator from New Hampshire has been of magnificent assistance to me throughout the consideration of the bill. Even though he had an individually different view with respect to one of the amendments that we were in disagreement on which related to the west front of the Capitol, he stuck by the Senate position and was very instrumental in bringing about final agreement on all save three amendments.

This conference report, which relates to the legislative appropriations bill, provides funding for the Senate, House of Representatives, Architect of the Capitol, Library of Congress, Government Printing Office, and the General Accounting Office for the fiscal year 1973. The budget estimates considered in connection with this bill total $519,347,899, and the amount finally approved by the conferees is $513,787,980, a reduction of $5,559,919 under the budget estimate.

Mr. President, there were four separate conferences on this appropriation bill. The conferees met for the first time April 25, 1972, and again on May 1, 1972, May 24, 1972, and at the final conference, June 22, 1972, it was agreed between the House conferees and the Senate conferees that no agreement could be reached on one particular amendment, the question of extension of the west front of the Capitol.

The House of Representatives, on June 28, 1972, voted to recede and concur in the Senate amendment. So, the question has been resolved with respect to the west front and none of the funds previously appropriated may be used for the preparation of the final plans or initiation of construction of the extension of the Capitol.

I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

"For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); personal and other services; cleaning and repairing works of art and procurement of fabric and installation of same on the wall panels in the galleries of the Senate Chamber, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $4,411,000, of which $1,521,000 shall remain available until June 30, 1974, to enable the Architect of the Capitol, under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968, and a similar group as may be appointed by the Speaker of the House, to make such expenditures as may be necessary, without regard to section 3709 of the Revised Statutes, as amended, to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers: *Provided*, That there is hereby authorized to be established and maintained, in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum proposed by said amendment, insert the following: *$34,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum of $74,000 named in said amendment, insert the following: *$34,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

"Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947 (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the House of Representatives."

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 33, 34, 35, and 41.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

Mr. HOLLINGS. Mr. President, in the Record of June 28, 1972, in the proceedings of the House of Representatives, on page 22960, the chairman of the House Legislative Appropriations Subcommittee, Mr. Casey of Texas, included in the Record what he described as the legislative history and chronology of the events to date relating to the west central front. The heading on the material introduced into the Record by Mr. Casey reads as follows:

> Legislative History and Chronology of Events Leading to Development of Plan 2 for Extending the West Front.

I think in order to clarify the record, it should be pointed out that much of this material described therein also related to the east front and the extension of that portion of the central part of the Capitol. Public Law 88-248, approved December 30, 1963, which is listed in the material inserted into the Record by Mr. Casey, contained language which had been included in the appropriation bill by the Senate repealing an authority which had been granted years before in the act of August 5, 1955, to obligate the U.S. Government prior to the appropriation of any funds. The original act of Congress relating to the extension of the east front contained an indefinite permanent contract authorization for extension of the Capitol. After the east front had been completed and conversations were in progress with respect to the west front, the U.S. Senate proposed an amendment which was adopted, which repealed this indefinite permanent contract authority in Public Law 88-248, signed December 30, 1963.

The material inserted by the distinguished chairman of the House subcommittee contained the information that in September 1965, the Architect of the Capitol requested $300,000 for preliminary plans, cost estimates, and a model relating to the west front. The Senate deleted the $300,000 which had been included in this bill by the House of Representatives. However, in conference the House prevailed and the $300,000 was restored, and the President signed the Appropriation Act October 31, 1965.

Again, in the summer of 1966, the Senate expressed displeasure with the west front and included in the bill for the legislative branch for fiscal year 1967 the following provision:

> *Provided,* That no part of any appropriation contained in this Act shall be used for administrative or any other assistance in connection with the plans referred to as schemes 1, 2 and 3 for the extension of the West Central Front of the Capitol.

This language was drafted to preclude any employee of the Architect of the Capitol from working on additional plans for the west front and was another manifestation of the opposition in the Senate to the extension of the west central front. However, this amendment was deleted in conference with the House of Representatives on the 1967 fiscal year appropriation act.

Again, in 1969, in the Legislative Branch Appropriation Act for fiscal year 1970, the Senate opposed extension of the west central front of the Capitol, and the appropriation act for that year contained $2,275,000, including $250,000 for a study on the feasibility of restoring the west central front rather than extending it. The Praeger report, after a detailed study, concluded that the conditions set forth in that act could be met and that the west central front of the Capitol could be restored for the sum of not to exceed $15 million.

Throughout this entire period since completion of the east central front of the Capitol and after proposals were made for extension of the west central front, the position of the U.S. Senate has been clear, beginning in the early 1960's, in opposition to extending the west front of the Capitol.

Mr. President, let me correct another impression made by the distinguished chairman of the House subcommittee. His insertions include all kinds of activity and letter-writing by the Speaker during the year 1970 with deans, the American Society of Civil Engineers, architects and the like, telling of models, negotiations, and plans for the extension of the west front. I should emphasize that this activity was beyond the Congress and within the office of the Speaker. I have handled directly the legislative appropriations for the past 2 years. This subcommittee would have the responsibility of financing the extension. I have tried to obtain information at at least two hearings and this is the first that this activity has come to my attention. But let us assume that it had. The activity was only pursuant to a general belief extended by the former Architect of the Capitol, George Stewart, that the west front was falling. The wall was insecure, stated the former architect, it constituted a danger to people within the building as well as passers-by. So convinced was the former Speaker, the former Architect and the so-called extension committee convinced, of the insecurity of the west wall that they readily agreed to the engineering study and the report of Praeger Associates.

Everyone connected with this problem within the staff of both Houses and Senate and House Appropriations Committees and my colleagues in the Congress all tell me that everyone was aghast at the Praeger report. The Congress learned for the first time that the wall was not falling. Of course, this was only reaffirmed with the on-site testing by the dynamiting of the west wall which blasted out the interior to the tune of some $200,000 but had no effect whatsoever on the west wall. There has never been a hearing on the extension and to quote members of the House Appropriations Committee meeting in conference with us during the months of April, May, and June:

> The issue of the West Front extension has never been submitted directly to either House of the Congress.

Finally, the Architect of the Capitol confirmed in testimony given last week before the Legislative Appropriations Subcommittee of the Senate that the only reason for extension would be for space needs, present or future. Let me address now to this problem—space needs.

Due to the distorted approach of the hip-pocket Commission on Capitol Extension with practically no one knowing what was going on except two or three individuals, your Legislative Appropriations Subcommittee set in search of what was going on respecting office space needs, restaurant needs, tourist needs, and the needs of the general public here on Capitol Hill. There is no question that additional office space is needed by both Houses of Congress. The Architect has attested to the need of a new Rayburn House Office Building and obviously this could not be supplanted by the west front extension of the Capitol Building. Responding to the needs on the Senate side, we have just heard testimony in the last few weeks from the chairman of the Public Works Committee, the chairman of the Rules Committee and the chairman of the Senate Office Building Commission. This morning the Public Works Committee of the U.S. Senate has just reported favorably the completion of the new Senate Office Building which will double and/or duplicate the size, room space, hearing room facility and restaurant facilities of the New Senate Office Building. These witnesses also attested to the proposed new Senate garage of a capacity of 1,700 cars to be provided underground on the block just opposite the New Senate Office Building on which the Capitol Hill Hotel is located.

The street surface of this particular construction will have emplaced a shopping mall receded from the sidewalk, beautified with foliage and containing a bank building, drugstore, cafeteria and restaurant, and other facilities. The plan is to have this authorized also and included in the supplemental appropriations bill this year. Next we heard from the National Park Service about the progress being made on the National Tourist Center to be located in the old Union Station building. This is a mammoth project, indeed. It will include parking spaces for over 4,700 vehicles, it will include space for 160 tour buses, it will have moving sidewalks and connection with the subway and minibuses to the historic sites. Two auditoriums of over 500 capacity each will be included to brief visitors to Washington on the Capitol Building and other historic sites. The National Park Service has already contracted for three movies to be shown. The briefings and showings will be multilingual—given in five languages. There will be an International Tourist Center, a display of the 50 States, a room for changing diapers, two restaurant facilities of 700 capacity each. So in the last few weeks where your legislative committee was meeting in the dark as to the Capitol Building extension and having no idea where we could find parking or restaurants for the public or briefing rooms or facilities for the tourists, we have now picked up some 6,300 parking spaces, five restaurants, and two briefing auditoriums. The one remaining legal hurdle on the National Tourist Center should be removed by July; ground will be broken this summer and the building will be completed by 1976 which will provide for the handling of 5,000 tourists per hour.

Now the House has had an opportunity to act for the first time and they have voted 197 to 181 not to extend the west front of the Capitol. In the past few days, anticipating consideration of the conference report, I have personally contacted numerous Senators about the west front extension. I have not had an opportunity to contact them all nor have I contacted all that have already voted against extension in the Senate bill. Seventy-two Senators indicated to me that they would insist on the Senate's position against extension. The Senate this afternoon is pressed for time and with this in mind we will not ask for a rollcall. It is in the light of this, Mr. President, and in the light of the House action that the will of the people appears to me to be for restoration. At least the Congress should have a chance to vote up and down on restoration. I have talked today with Mr. Praeger, of Praeger & Associates, and I have talked with the Architect of the Capitol since the House vote. Apparently the Praeger study and plans can be used to let a contract for restoration. I intend to perfect this approach in hearings before our legislative subcommittee. I intend to fix a cost for restoration and I would hope that we could move this year on a comprehensive submission for restoration here in the Congress. If we move now the building, together with other action taken by both the House and the Senate to restore the Old Supreme Court chamber and the Old Senate chamber, will have the Capitol Building complex in shipshape for the bicentennial in 1976.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation showing the budget estimates, the House and Senate allowances, and the amounts agreed to in conference for each item in the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH APPROPRIATION BILL, 1973

H.R. 13955

SUMMARY OF BILL

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimate of new (obligational) authority, fiscal year 1973[1]	House bill	Senate bill	Conference action
SENATE					
Vice President and Senators					
Compensation and mileage of the Vice President and Senators	$4,777,495	$4,778,340		$4,778,340	$4,778,340
Expense allowance, Vice President, Majority, and Minority Leaders	16,000	16,000		16,000	16,000
Total, Vice President and Senators	4,793,495	4,794,340		4,794,340	4,794,340
Salaries, officers and employees					
Office of the Vice President	414,510	430,200		430,200	430,200
Office of the President pro tempore	50,514	51,285		54,130	54,130
Offices of the Majority and Minority Leaders	198,276	206,165		206,165	206,165
Offices of the Majority and Minority Whips	101,352	104,640		104,640	104,640
Office of the Chaplain	18,696	18,650		18,650	18,650
Office of the Secretary	2,107,812	2,244,230		2,244,230	2,244,230
Committee employees	7,557,242	7,696,705		7,696,705	7,696,705
Conference, Majority	143,418	153,070		153,070	153,070
Conference, Minority	143,418	153,070		153,070	153,070
Administrative and clerical assistants to Senators	31,947,529	34,264,925		34,264,925	34,264,925
Office of the Sergeant at Arms and Doorkeeper	8,133,338	8,633,250		8,633,250	8,633,250
Offices of the Secretaries for the Majority and Minority	241,572	248,120		248,120	248,120
Total, salaries, officers and employees	52,265,542	54,204,310		54,207,155	54,207,155
Contingent Expenses					
Senate Policy Committees	604,380	619,540		619,540	619,540
Automobiles and maintenance	36,000	36,000		36,000	36,000
Inquiries and investigations	11,579,605	11,848,545		11,848,545	11,848,545
Folding Documents	72,900	74,475		74,475	74,475
Miscellaneous items	5,633,222	6,532,150		6,532,150	6,582,150
Postage stamps	138,425	138,625		138,625	138,625
Stationery (Revolving fund)	401,000	403,000		403,000	403,000
Total, contingent expenses	18,465,532	19,652,335		19,652,335	19,652,335
OTHER, SENATE					
Office of the Legislative Counsel	467,350	473,810		473,810	473,810
Payment to widow of deceased Senator	42,500				
Total, other	509,850	473,810		473,810	473,810
Total, Senate	76,034,419	79,124,795		79,127,640	79,127,640
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuity, deceased member	85,000		42,500	42,500	42,500

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimate of new (obligational) authority, fiscal year 1973[1]	House bill	Senate bill	Conference action
HOUSE OF REPRESENTATIVES—Continued					
Salaries, Mileage for the Members, and Expense Allowance of the Speaker					
Compensation of Members	$20,262,420	$20,262,420	$20,262,420	$20,262,420	$20,262,420
Mileage of Members and expense allowance of the Speaker	200,000	200,000	200,000	200,000	200,000
Total, Members compensation and mileage	20,462,420	20,462,420	20,462,420	20,462,420	20,462,420
Salaries, Officers and Employees					
Office of the Speaker	189,750	247,350	247,350	247,350	247,350
Office of the Parliamentarian	178,020	182,020	182,020	182,020	182,020
Compilation of precedents of House of Representatives	16,345	16,345	16,345	16,345	16,340
Office of the Chaplain	19,770	19,770	19,770	19,770	19,775
Office of the Clerk	2,922,030	2,992,300	2,992,300	2,992,300	2,992,300
Office of the Sergeant at Arms	5,287,615	6,181,780	6,181,780	6,181,780	6,181,780
Office of the Doorkeeper	3,028,180	3,091,670	3,091,670	3,091,670	3,091,670
Office of the Postmaster	842,035	857,535	857,535	857,535	857,535
Committee employees (standing roll)	8,162,000	8,125,000	8,125,000	8,125,000	8,125,000
Special and minority employees:					
6 minority employees	202,550	205,725	205,725	205,725	205,725
House Democratic Steering Committee	64,590	66,440	66,440	66,440	66,440
House Republican Conference	64,590	66,440	66,440	66,440	66,440
Office of the majority floor leader	146,720	164,220	149,220	149,220	149,220
Office of the minority floor leader	130,465	132,465	132,465	132,465	132,465
Office of the majority whip	106,075	108,075	108,075	108,075	108,075
Office of the minority whip	106,075	108,075	108,075	108,075	108,075
2 printing clerks for majority and minority caucus rooms	23,830	24,455	24,455	24,455	24,455
Technical assistant, Office of the Attending Physician	21,415	21,975	21,975	21,975	21,975
Official reporters of debates	411,055	415,455	415,455	415,455	415,455
Official reporters to committees	497,225	502,425	502,425	502,425	502,425
Committee on Appropriations (investigations)	1,444,000	1,447,500	1,447,500	1,447,500	1,447,500
Office of the Legislative Counsel	755,660	869,000	869,000	869,000	869,000
Total, salaries, officers and employees	24,619,995	25,846,020	25,831,020	25,831,020	25,831,020
Members' Clerk Hire					
Clerk hire	59,820,000	61,000,000	61,000,000	61,000,000	61,000,000
Contingent Expenses of the House					
Furniture	587,000	1,092,000	700,000	700,000	700,000
Miscellaneous items	8,325,000	8,500,000	8,500,000	8,500,000	8,500,000
Government contributions	5,245,000	5,770,000	5,770,000	5,770,000	5,770,000
Computer services		1,675,000	(2)	(2)	(2)
Reporting hearings	422,500	422,500	422,500	422,500	422,500
Special and select committees	11,000,000	11,000,000	[2]12,675,000	[2]12,675,000	[2]12,675,000
Telegraph and telephone	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Stationery (revolving fund)	1,529,500	1,529,500	1,529,500	1,529,500	1,529,500
Postage stamp allowances	417,510	417,510	417,510	417,510	417,510
Revision of laws	39,980	39,980	39,980	39,980	39,980
Leadership automobiles:					
Speaker	18,355	18,780	18,780	18,780	18,780
Majority leader	18,355	18,780	18,780	18,780	18,780
Minority leader	18,355	18,780	18,780	18,780	18,780
New edition of the District of Columbia Code		150,000	150,000	150,000	150,000
New edition of the United States Code	160,000				
Portrait of Speaker			5,000	5,000	5,000
Total, contingent expenses of the House	31,781,555	34,652,830	34,265,830	34,265,830	34,265,830
Total, House of Representatives	136,768,970	141,961,270	141,601,770	141,601,770	141,601,770
JOINT ITEMS					
Joint Committee on Reduction of Federal Expenditures	70,790	72,600	72,600	72,600	72,600
Contingent Expenses of the Senate					
Joint Economic Committee	657,525	674,190	674,190	716,900	700,000
Joint Committee on Atomic Energy	490,005	498,750	498,750	498,750	498,750
Joint Committee on Printing	289,705	295,270	295,270	295,270	295,270
Total, contingent expenses of the Senate	2,087,235	1,468,210	1,468,210	1,510,920	1,494,020
Contingent Expenses of the House					
Joint Committee on Internal Revenue Taxation	779,770	802,720	802,720	802,720	802,720
Joint Committee on Defense Production	136,580	139,980	139,980	139,980	139,980
Joint Committee on Congressional Operations (including Office of Placement and Office Management)	425,000	569,634	569,634	355,000	460,000
Total, contingent expenses of the House	1,341,350	1,512,334	1,512,334	1,297,700	1,402,700
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	92,900	97,700	97,700	97,700	97,700
Capitol Police					
General expenses	361,400	236,450	236,450	236,450	236,450
Capitol Police Board	1,009,865	1,009,865	1,009,865	1,009,865	1,009,865
Total, Capitol Police	1,371,365	1,246,315	1,246,315	1,246,315	1,246,315
Education of Pages					
Education of congressional pages and pages of the Supreme Court	129,850	136,305	136,305	136,305	136,305

Footnotes at end of table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1973—Continued

H.R. 13955—Continued

SUMMARY OF BILL—Continued

Item	New budget (obligational) authority, fiscal year 1972 (enacted to date)	Budget estimate of new (obligational) authority, fiscal year 1973[1]	House bill	Senate bill	Conference action
JOINT ITEMS—Continued					
Official Mail costs					
Expenses	$32,994,000	$24,471,970	$21,226,480	$21,226,480	$21,226,480
Capitol Guide Service					
Salaries and expenses	328,000	322,200	322,200	322,200	322,200
Statements of Appropriations					
Preparation	13,000	13,000	13,000	13,000	13,000
Total, joint items	37,778,390	29,340,634	26,095,144	25,923,220	26,011,320
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	1,105,700	1,198,500	1,198,500	1,171,500	1,198,500
Contingent expenses	50,000	100,000	75,000	75,000	75,000
Total, Office of the Architect of the Capitol	1,155,700	1,298,500	1,273,500	1,246,500	1,273,500
Capitol Buildings and Grounds					
Capitol buildings	2,531,200	4,443,900	2,852,900	4,411,000	4,411,000
Reappropriation	105,000		117,000	117,000	117,000
Permanent indefinite (Public Law 92-56)	80,000				
Capitol grounds	1,187,000	1,017,800	1,017,800	1,017,800	1,017,800
Reappropriation			10,000	10,000	10,000
Senate office buildings	4,758,600	4,986,000		4,932,200	4,932,200
Extension of additional Senate office building site	301,500				
Senate garage	86,200	89,100		89,100	89,100
House office buildings	8,314,000	7,121,300	7,121,300	7,121,300	7,121,300
Reappropriation			475,000	475,000	475,000
Capitol Power Plant (operation)	4,449,000	5,261,000	5,261,000	5,261,000	5,261,000
Reappropriation	178,000		120,000	120,000	120,000
Expansion of facilities, Capitol Power Plant (liquidation of contract authorization)	(285,000)				
Modifications and enlargement, Capitol Power Plant	1,200,000				
Total, Capitol Buildings and Grounds	23,190,500	22,919,100	16,975,000	23,554,400	23,554,400
Library Buildings and Grounds					
Structural and mechanical care	1,171,000	1,573,400	1,516,400	1,531,400	1,531,400
Reappropriation	26,000				
Library of Congress James Madison Memorial Building	71,090,000				
Total, Library buildings and grounds	72,287,000	1,573,400	1,516,400	1,531,400	1,531,400
Total, Architect of the Capitol	96,633,200	25,791,000	19,764,900	26,332,300	26,359,300
BOTANIC GARDEN					
Salaries and expenses	763,350	784,400	771,600	771,600	771,600
LIBRARY OF CONGRESS					
Salaries and expenses	33,852,000	36,455,000	36,040,000	36,455,000	36,170,000
Copyright Office, salaries and expenses	4,590,000	5,098,000	5,041,000	5,041,000	5,041,000
Congressional Research Service, salaries and expenses	7,166,000	9,805,000	9,155,000	9,155,000	9,155,000
Distribution of catalog cards, salaries and expenses	9,748,750	10,467,750	10,275,000	10,275,000	10,275,000
Books for the general collections	973,000	1,118,650	1,118,650	1,118,650	1,118,650
Books for the law library	156,500	181,500	181,500	181,500	181,500
Books for the blind and physically handicapped, salaries and expenses	8,555,000	8,892,000	8,892,000	8,892,000	8,892,000
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	2,625,000	2,727,000	2,627,000	2,627,000	2,627,000
U.S. dollars	266,000	276,000	276,000	276,000	276,000
Furniture and furnishings	454,000	4,853,000	4,435,300	4,435,300	4,435,300
Revision of Hinds' and Cannon's Precedents, salaries and expenses	76,000	82,000	120,000	120,000	120,000
Total, Library of Congress	68,462,250	79,955,900	78,161,450	78,576,450	78,291,450
GOVERNMENT PRINTING OFFICE					
Printing and binding	38,000,000	46,500,000	46,500,000	46,500,000	46,500,000
Office of Superintendent of Documents, salaries and expenses	14,829,900	17,239,900	17,239,900	17,239,900	17,239,900
Government Printing Office revolving fund	3,500,000				
Total, Government Printing Office	56,329,900	63,739,900	63,739,900	63,739,900	63,739,900
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	89,208,000	97,000,000	95,820,000	97,000,000	96,235,000
COST-ACCOUNTING STANDARDS BOARD					
Salaries and expenses	1,500,000	1,650,000	1,650,000	1,650,000	1,650,000
Grand total, new budget (obligational) authority	564,128,479	519,347,899	427,604,764	514,722,880	513,787,980
Consisting of—					
1. Appropriations	554,003,264	519,347,899	426,882,764	514,000,880	
Definite appropriations	(553,923,264)	(519,347,899)	(426,882,764)	(514,000,880)	
Indefinite appropriation	(80,000)				
2. Reappropriations	309,000		722,000	722,000	722,000
Appropriation to liquidate contract authorization	(285,000)				

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[1] Includes following amendments:

H. Doc. 92-267:	
5.5 percent pay increase	*$10,908,107
General Accounting Office	1,600,000
H. Doc. 92-278:	
Senate	227,250
House of Representatives	6,237,935
Joint Items	71,300
Architect of the Capitol:	
Capitol Buildings	$1,619,300
Senate Office Buildings	40,600
Total	20,704,492

[2] $1,675,000 for Computer Services included in Special and Select Committees appropriation.

*Excludes $6,016,935 for House of Representatives and $71,300 for certain joint items disbursed by House to be submitted in separate document. Also excludes $703,200 for Architect of the Capitol and $41,200 for Botanic Garden which were included in original January budget.

Mr. HOLLINGS. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, all I have to say is that I wish to compliment the distinguished Senator from South Carolina for the able and constructive work he did not only in the preparation of the bill, but also in the conference with the House. He is a champion when it comes to hanging out for his position and is better at it than any other man I have had the privilege of serving with.

It was my privilege to work with the Senator from South Carolina in this matter.

Mr. President, I will not take any more time of the Senate other than to say that we are in accord, and if there are any embarrassing questions to be asked about the details of the bill, I yield my time back to the distinguished chairman so that he can answer them.

Mr. HOLLINGS. Mr. President, I yield to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I believe the record will show that the distinguished chairman of the subcommittee did a valiant job in upholding the integrity and beauty of this Capitol Building. If it had not been for this great Senator from South Carolina, we might have had a rape of the Capitol.

Mr. HOLLINGS. Mr. President, I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, many years ago the effort was started and it continued to be worked on with reference to the restoration of the old Senate Chamber and the old Supreme Court chamber. The matter was worked on, discussed, and carried back and forth year after year after year, I think, for about 12 or more years. However, it took the Senator from South Carolina to really get this matter lined up and fully explained and expanded.

Thanks to the Senator from South Carolina, we have now reached a point where the funds will be available at a time just shortly prior to the 200th anniversary of the signing of our Declaration of Independence.

The Senator from South Carolina has made a great contribution. I thank him and the Nation owes him a debt of gratitude.

Mr. HOLLINGS. Mr. President, I thank the Senator from Mississippi.

This was started by our distinguished colleague from Mississippi (Mr. STENNIS). He has been trying each year to move this along. We had material and direct help from the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who headed up the Commission on Arts and Antiquities. He really talked with the leadership on the House side and did more persuading than I to shake this loose in time for the centennial. It is agreed that the original Supreme Court chamber and the original Senate Chamber will be restored in time for the centennial. The House will have a part in the restoration of the old Senate Chamber. We do not have too much argument. They held that up over the years trying to get things done, but when we resolved the west front question we could move on other matters.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. TOWER. I am curious to know whether or not the structural defects which are rather obvious to the eye will be taken care of.

Mr. HOLLINGS. We hope so now that the matter has been freed from the Capitol Extension Commission, where both bodies can have a look at it.

I talked with the Architect yesterday after the vote, and today with Mr. Praeger of Praeger-Kavanagh-Waterbury, who did the $250,000 engineering study of the west front, finding the west front structurally sound. The premise had been that it was about to fall; he found, on the contrary, that it was not.

He also assured me that it can be restored within the $15 million figure. Probably, it could go over that. No one can tell until we cut off the stone facing on the front and look behind it and find out what filling in the cracks, waterproofing, and so forth will be required.

With respect to the $30 million figure, he said in no way would it exceed $20 million, and it could be done for $15 million.

The plans and study could be bid on by a contractor and we could move forward if that is the will of both bodies. It will be up to the Senate and the House to make that decision.

I yield to the Senator from Montana.

Mr. METCALF. Mr. President, I thank the Senator for yielding to me.

Mr. President, when the Legislative Appropriations Act was considered on March 28, I called to the attention of my colleagues that the Senate committee had cut $214,634 from the amount approved by the other body for the work of the Joint Committee on Congressional Operations. The discussion begins in the CONGRESSIONAL RECORD of March 28, 1972 on page 10544.

I made the point during that discussion that the joint committee could not possibly take such a cut and do the job Congress directed it to do in the Legislative Reorganization Act of 1970. I suggested restoration of at least $100,000, or splitting the difference between the amount voted by the other body and that approved by the Senate committee.

As the vice chairman of the joint committee, whose chairman in the next Congress will be a Member of the Senate, I am pleased that the conferees restored almost half the cut made by the Senate committee. I hope that with this amount we will be able to do the job assigned to us by the Congress.

I am aware of the heavy burden carried by the able and dedicated members of our Appropriations Committee. On behalf of the joint committee, I express deep appreciation for this recognition of our needs—actually the needs of the Congress—and this provision of support and encouragement.

I congratulate my colleagues for permitting us to have enough money next year when the Senate will be in charge of this matter.

Mr. HOLLINGS. I assure my distinguished friend from Montana that on next year's appropriation bill we will have our chairman of that Joint Committee on Congressional Operations so that our own subcommittees and Committee on Appropriations will be more fully informed and we will provide the full amount.

Mr. METCALF. I thank the Senator.

Mr. HOLLINGS. Mr. President, the conference report having been adopted and the amendment agreed to, I yield the floor.

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate resumed the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah (Mr. BENNETT).

Mr. ROBERT C. BYRD. Mr. President, after further conferences with the various Senators, the distinguished majority leader has now asked me to revise the request which was propounded a bit earlier.

ORDER FOR RECESS TO 8:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:15 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow a vote occur on the pending substitute amendment by Mr. BENNETT offered to the amendment by Mr. CHURCH; that immediately following that vote a vote recur on the amendment offered by Mr. CHURCH.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation of 30 minutes on the pending substitute amendment by Mr. BENNETT, the time to be equally divided between Mr. BENNETT and Mr. CHURCH, or his designee, and that the time begin running as soon as I yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, does the Senator mean debate would be tonight and not tomorrow?

Mr. ROBERT C. BYRD. The debate on the Bennett substitute would be tonight with the vote to occur at 9:30 a.m. tomorrow.

Mr. HARRY F. BYRD, JR. What is the time limitation tonight?

Mr. ROBERT C. BYRD. I was suggesting one-half hour but may I assure the distinguished Senator he will have as much time as he wishes tonight, and I will be happy to listen to him with great interest.

Mr. HARRY F. BYRD, JR. I do not intend to be very long.

Mr. ROBERT C. BYRD. If the distinguished senior Senator would desire longer than 30 minutes, or whatever amount he wishes to have for himself, we can clock that into the request. Debate would occur on the amendment by Mr. BENNETT tonight for whatever length of time the Senator wishes, but once debate on the amendment by Mr. BENNETT is ended tonight the debt limitation bill would be set aside and the continuing resolution would be taken up. The vote on the Bennett substitute would be voted on tomorrow, followed by the vote on the Church amendment, and the debt limitation bill would then be open to further amendment.

Mr. HARRY F. BYRD, JR. I thank the Senator. I would like to have 5 minutes on the Bennett amendment and I would like to have 45 minutes on the debt limit tomorrow.

Mr. ROBERT C. BYRD. Mr. President, that can be arranged once the debt limit bill reaches third reading. I assure the Senator he will have whatever time he wishes, and I can ask unanimous consent now.

Mr. HARRY F. BYRD, JR. No, that is not necessary.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. YOUNG. Mr. President, is it the intention of the leadership to bring up the continuing resolution tonight?

Mr. ROBERT C. BYRD. Yes, that is the intention, I wish to say in response to the Senator.

Mr. YOUNG. And finish it tonight?

Mr. ROBERT C. BYRD. Hopefully.

Mr. YOUNG. If there is an amendment to be offered to it, we should have some agreement on time.

Mr. ROBERT C. BYRD. I would be very glad to work on such a time agreement with the Senator and the distinguished Senator from Arkansas, who will shortly come to the floor. Hopefully we can reach an agreement.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. I understand what the Senator has referred to as a possible amendment by the Senator from Wisconsin (Mr. PROXMIRE). The Senator from Wisconsin has talked to me and I think he has every intention—he is not on the floor; I think I bespeak his sentiments because of our conversation—I think he intends to present an amendment but not to take much time. I do not think he has an intention of deferring final action. He has a certain complaint to make and he would like to raise it by an amendment. I think if we get our heads together later on there will be no trouble about this.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COTTON. Mr. President, I find myself a little confused.

I first understood that the unanimous consent request put a time limit on the debate on the Bennett and the Church proposals, and that after that we were going to take up the continuing resolution. Then I understood from the Senator's answers to the Senator from Virginia—I know they were clear, but I did not get them from the distinguished assistant majority leader—that the debate would go on and everyone would be taken care of on the Bennett and Church amendments before we took this matter up.

Is the request for a time limitation on the debate on the Bennett and Church amendments, so that we know when the continuing resolution will come up?

Mr. ROBERT C. BYRD. Yes.

Mr. PASTORE. Mr. President, if the Senator will yield, the Senator from Virginia wanted 5 minutes. The Senator has given him an hour. Why does he not add to that request the understanding that when that time expires, we will then go to the continuing resolution, so that we are not here until midnight? Why does not the Senator request that at the expiration of the agreed upon time we go to the continuing resolution?

Mr. YOUNG. That is exactly what I had in mind. I would not want it to come up at midnight.

Mr. ROBERT C. BYRD. If the Senator from New Hampshire misunderstood the request, it was my fault. Would this be agreeable to the distinguished Senator from Virginia: That instead of a half hour at this time for debate on the amendment by Mr. BENNETT, we extend the time, not to exceed 1 hour——

Mr. HARRY F. BYRD, JR. All I want is 5 minutes.

Mr. ROBERT C. BYRD. I thought the able Senator said 45 minutes.

Mr. HARRY F. BYRD, JR. Tomorrow, 45 minutes.

Mr. BENNETT. Mr. President, may I say to the floor manager of the bill, or the acting—I am confused, too——

Mr. PASTORE. The acting majority leader.

Mr. BENNETT. I would be very happy to accept 15 minutes and reserve 5 minutes of it for the Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, is it my understanding that the time limitation is now in effect?

The PRESIDING OFFICER. Thirty minutes, 15 minutes to each side.

Mr. ROBERT C. BYRD. Mr. President, before the time starts running, I ask unanimous consent that on tomorrow, the Public Works appropriations bill—which, under the previous order, was to have been the first order of business following the recognition of Senators under 15-minute orders—become the order of business immediately upon the disposition tomorrow of the debt limitation bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the expiration of the 30 minutes for debate on the amendment by Mr. BENNETT today, the debt limitation bill be laid aside and the Senate proceed to the consideration of the continuing resolution.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I shall not object—I simply want to say this is a far better arrangement than heretofore, and I want to express my appreciation to the Senator from Utah (Mr. BENNETT) and to the acting majority leader for arranging this complex schedule tonight and tomorrow.

Mr. ROBERT C. BYRD. I thank the Senator. I thank all Senators.

The PRESIDING OFFICER. Without objection, the several requests are granted.

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield myself 10 minutes.

Mr. President, I think this is a time for social security increases. There have been increases in the cost of living. They have been recognized in the past by several social security increases that have resulted in an increase over the last few years of some 25 percent.

These increases in benefits have been supported by increases in the tax rates.

The House recognized this continued inflation and they put a 5-percent increase in H.R. 1 to represent the cost-of-living increase that has occurred since the law was last changed. They also put into the bill a system of automatic increases which will take hold at the time the House-passed 5-percent increase would have exhausted its value.

The Senate Finance Committee recognized this, and even though it suggested 10 percent, which is the basis of my suggestion today, it did not increase the cost of the proposal made by the House, because it accepted the 5-percent increase suggested by the House, and then took out of the House bill certain proposed changes, the cost of which, after a brief introductory period, would be equivalent to the cost of another 5-percent increase.

These three conditions were: The House dropped out 1 year of additional low earnings to enable a social security beneficiary to calculate his retirement benefits on a slightly higher base. That would have cost $1 billion per year.

They dropped out a provision which allowed couples married for at least 20 years to combine their wage credits up to maximum taxable wages for any 1 year as a basis for benefit computation. This would have cost $900 million.

Then they limited the provision in the present law under which actuarial reductions made in one benefit—for example, a widow's benefit—lowers the amount of another type of benefit taken later on another earnings record. This would have cost $650 million.

The combination of these three represented a cost of $2.55 billion.

The cost of a 5-percent increase in social security is approximately $2.1 billion.

The Senate Finance Committee did not actually increase the proposal that the House sent over to us.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BENNETT. Yes, I am happy to yield.

Mr. CURTIS. I think the Senate might be interested in what the dollar cost was going to be of the Bennett proposal versus the Church proposal insofar as the individual taxpayer is concerned.

Mr. BENNETT. May I suggest to my friend that he put that in the RECORD, because I have only 10 minutes?

Mr. CURTIS. I will give the Senator some time under the bill. There is unlimited time under the bill. But that is all right. I suggest the Senator go ahead.

Mr. BENNETT. Then, Mr. President, began the inevitable election year game of political poker, "I'll see your 10 and I'll raise it 10 more." We have seen the proposal today where the proposal has been, "I'll see your 20 and raise that 10 more."

This has no relation to the proposal of the House. It comes to us in a very interesting way, because the House avoided its constitutional responsibility to initiate these programs. The chairman of the House committee made the suggestion to the newspapermen, and then he expects us to carry it out.

There were no chances for hearings in the Senate on the 20 percent, only the vague foundation which is the report of the Social Security Advisory Committee which sets forth that financing future increases should be based on anticipated future wage increases—a very serious change in the past and present pattern of financing social security benefits.

They say that in order to absorb increases in years when wage increases might not support these benefits, we should agree to allow the level of the trust fund to drop below 1 year's payout, to as low as three-quarters of a year's payout. So whammo, the three-quarters of a year now becomes the accepted basis, and the $10 billion thus saved by allowing the trust fund either to shrink or not to increase, as has been the case in the past, is going to be used to keep the raise at or near the present level.

This is sleight of hand. We must remember that every benefit must be paid for. If we pay for it by reducing the level of the trust fund, of course, this is a one-time deal. It looks like a sure-fire maneuver, and it can get us by this one very large increase. But what does it do to the trust fund in the end? It reduces its stability by one-quarter. And what does it do to H.R. 1, the bill which came over from the House of Representatives with this social security increase in it at a rate of 5 percent?

The Finance Committee has spent 5 months of solid work on H.R. 1. With this sweetener out of H.R. 1, there is a general feeling around the Senate that no one would then be interested in passing the rest of the bill, because the political sweetener is gone, and we do not care what happens after that.

A lot of people would like that. They are aware of the controversy in the bill, particularly the controversy on welfare, title IV; and some Senators would like to duck it. But everyone agrees that the present welfare situation is a mess and must be changed. The administration says it can no longer continue to finance the open ended system. The Governors of the States say they cannot live with it, and local welfare administrators say it is an administrative chaos. We all recognize the deep disagreement involved there, and the committee has worked very hard to find a solution. We recognize that there are those in the committee who disagree with the solution the majority found. But that should not persuade us to abandon it or run away from it again. The people are going to demand a solution.

H.R. 1 is not limited to welfare. Most of its provisions relate to social security, both the cash and the medicare system. If we pass this 20-percent sweetener, there is a very real chance, in view of the pressure of this election year, that all of the rest of it will be abandoned, or at least put in grave jeopardy, by this rush to play political poker with the 20 percent.

I do not think the Senate realizes how important these social security changes are. If our original program had gone on, I would have had time to explain all of them, but since I do not have that time, Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. BENNETT. I withdraw that request, and say that the simplest thing for us to do is to send the debt bill back to the House of Representatives as it came, without these amendments, and then clear the track for a good discussion of H.R. 1 when we have time.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. I yield 5 minutes to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I feel an increase in social security benefits is justified. I favor an increase in the benefits. The individuals who have been hit hardest and hurt the most by the severe inflation our Nation is facing are those on fixed incomes. For the most part, they are the elderly and those who are on social security. It has been the spending policies of the Federal Government that have reduced the purchasing power of the social security benefits. So I think an increase in the benefits is justified.

The problem, as I see it, is to determine just what that figure should be. We need to be aware of the needs of those who will receive the benefits now, and at the same time we must be aware of the hardships and difficulties facing those who must pay the taxes.

What we need to do is determine what is a proper balance. The Senator from Utah has presented to the Senate an amendment for a 10-percent increase in social security benefits. I am a cosponsor of that proposal. I favor it, and I feel that a 10-percent increase in benefits is justified.

If Congress should approve that 10-percent increase, it will mean that during the past 30 months, the past 2½ years, social security benefits have been increased by 40 percent. Mr. President, I feel that the Government has an obligation to the elderly people and those on social security. It has an obligation to them because it has been the deficit spending policies of the Government itself that have brought about deterioration in the purchasing power of the dollars which the elderly people receive in their social security benefits.

So I shall support an increase in social security benefits, and I shall support the amendment offered by the distinguished senior Senator from Utah for a 10-percent increase in those benefits.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I would like to ask the Senator from Idaho if he would yield 1 minute of his time to me.

Mr. CHURCH. I would be pleased to do so.

Mr. BENNETT. Mr. President, when my amendment was submitted to the desk, we had not realized that there was an error on page 11. I ask unanimous consent that it be corrected. On line 12 and line 16, the name of the month "August" should be inserted in lieu of the name of the month "May."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BENNETT. I thank my friend from Idaho.

Mr. CHURCH. Mr. President, the statement has been made by the distinguished Senator from Virginia that in the past 2½ years social security benefits will have been increased by approximately 40 percent if the recommendation of the Senate Finance Committee for an additional 10-percent increase is enacted into law.

That sounds like a very substantial increase. But one has to take into account the very low base on which these percentage increases have occurred.

Today, for example, average benefits for the typical retired worker amount to only $133 a month, or about $1,596 a year. I would like to ask any Senator if he could live on $1,596 a year, or if he would want anyone in his family to live on that kind of retirement income, or his parents or grandparents to live on that kind of an income. This amount is almost $400 below the poverty threshhold—presently $1,980—stipulated by the Government itself. Social security benefits for widows now amount to only $114 a month, or about $1,368 a year. That is a figure more than $600 below the 1972 poverty index.

How can we call this a decent retirement program for elderly Americans? Or, how can we wring our hands over increases that still leave the benefits at these wretched levels? Even with the past increases that we have made in the last 2½ years, almost 5 million older Americans are living in poverty. Moreover, the elderly's likelihood of being poor is nearly twice as great as that for other elements of the population. Approximately one out of every four persons 65 and over, in contrast to one in nine among younger Americans, lives in poverty in this, the self-styled richest Nation in history. If we include the hidden poor, their numbers swell to 6.3 million, or about one out of every three older Americans.

Now we are told that a 20-percent increase is too much, and that we cannot afford it. This seems to me to be a strange argument in view of the other expenditures that this Chamber thinks this country can so readily afford for trips to the moon and for demolishing what is left of that wretched peninsula in Southeast Asia. There does not seem to be much argument in this Chamber about billions piled upon billions piled upon billions. But when it comes to an increase in social security which would at least be of some appreciable benefit to the elderly of this country, we are told that it is too much.

In response to the concern about the impact of a 20-percent increase for the calendar year 1972, I moved the effective date of my amendment back from June to September. As a result of this action, the cost of my proposal would be the same for the calendar year 1972 as the Finance Committee's proposed 10-percent increase effective in June. That is approximately $2 billion. So when it comes to cost, the 1972 cost of this proposal is no more than that proposed by the Senate Finance Committee itself, though the percentage increase is doubled.

A 10-percent increase taking effect in September would merely compromise the measure even further. Not only is this asking the elderly to wait an additional 3 months, but it is also asking them to accept a lower social security increase which would do little more than catch them up with the rise in the cost of living that has occurred since the last increase was approved by Congress.

Mr. President, under my proposal, if we find it in our generosity to give the elderly 20 percent, then we can at least lift 1.9 Americans out of poverty, including 1.4 million 65 years of age or older. That is more than twice as many as we will lift out of poverty if we limit this increase to the 10 percent proposed by the amendment sponsored by the distinguished Senator from Utah.

In terms of dollars and cents, a 20-percent increase will mean an additional $42 for the typical retired worker, $69 for an elderly couple, and an additional $36 for the average widow—this applying to the last 3 months of 1972. On an annual basis, a 20-percent increast would provide $168 more for a retired worker, an additional $276 for an elderly couple, and $144 more for an aged widow.

Mr. President, if this country cannot afford that, it is bankrupt, indeed. If it cannot afford that, then we had better take a second look at the additional $5 to $6 billion that the President proposes to add to a military budget that already exceeds $80 billion. If this country cannot afford that, then perhaps we ought to look at the multibillion-dollar space program and other launches to the moon. If this country cannot afford to provide a decent retirement income program for the elderly, then I think we are bankrupt, not only financially but also morally. The test of a great nation, in the last analysis, is measured by the way it treats the aged. I must say that, when measured by that standard, the United States, in 1972, falls very far short of a decent mark.

So, Mr. President, I hope that the Senate will reject this meager 10-percent increase and take advantage of the opportunity furnished us by the new actuarial computations that have been adopted by the Finance Committee and the administration, which enable us to increase benefits by 20 percent without increasing the tax rate in future years, but simply extending the base upon which that tax is levied. This adopts the formula already approved by the chairman of the House Ways and Means Committee and thus paves the way, I think, for an acceptance of the Senate action on the House side in time to meet the deadline for the expiration of the debt ceiling at midnight tomorrow.

Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. How much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. PERCY. Mr. President, would the distinguished Senator from Idaho be able to yield 4 minutes to me?

Mr. JAVITS. Mr. President, I would want 1 minute.

Mr. PERCY. I will split the time with the Senator.

Mr. JAVITS. One minute is fine.

Mr. CHURCH. Mr. President, do any other Senators wish to speak?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. CHURCH. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Senator from Idaho be extended by 5 minutes, that the distinguished Senator from Utah (Mr. BENNETT) likewise have 5 additional minutes, and that the distinguished Senator from Nebraska (Mr. CURTIS) may have the 5 minutes which would be allotted to the Senator from Utah.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I am pleased to support the original Church amendment to increase social security benefits by 20 percent, and therefore to oppose—and I intend to oppose—the Bennett amendment to increase benefits by only 10 percent.

Although I would have preferred that this measure be voted upon as part of H.R. 1, the omnibus social security-medicaid-welfare reform bill, it is clear that our senior citizens have waited long enough for this increase and should not be asked to wait even longer.

For over a year, I have been hoping, and my constituents have been expecting, that H.R. 1 would reach the Senate floor "within the near future."

H.R. 1 passed the House of Representatives last June, when it was referred to the Senate Finance Committee. For a while we thought that H.R. 1 would reach the Senate floor as early as last September. Then, in November, we thought that surely H.R. 1 would reach the Senate floor by March 1 of this year. But March 1 came and went, and H.R. 1 was still not not in sight.

Finally, on June 13, H.R. 1 was ordered reported by the Senate Finance Committee. Unfortunately, even though the bill has been reported, it has not yet reached the Senate floor. And because of the impending recess and Democratic National Convention, the Congress cannot consider this measure until at least July 17. Even then, we have no guarantee that definitive action will be taken, because of the controversy involving the welfare reform provisions, to which the social security, medicare, and medicaid portions are tied.

The Senate Finance Committee and its distinguished chairman (Mr. LONG) have worked very hard and over many months on this extraordinarily complex piece of legislation, and I commend the chairman and his committee members for their efforts.

The fact remains, however, that our 20 million older Americans have waited a long time for this increase in social security benefits, and unless we act today, we cannot guarantee a benefit increase during this Congress.

I have received thousands upon thousands of letters from elderly constituents asking me, "What has happened to H.R. 1?" and I am sure that every Senator in this body has received similar mail. Today we should take advantage of the opportunity to pass one of the most important provisions in H.R. 1.

The economic situation of people over age 65 has reached the crisis stage. In its 1971 annual report, the Senate Special Committee on Aging, on which I serve, reported the following, and I quote:

> Older persons have less than half the income of their younger counterparts. In 1970, the median income for older persons living alone or with nonrelatives was $1,951. Almost five million—or over a quarter of the elderly—live below the official poverty line. Every fifth poor person in the United States is aged 65 or over. Many of these aged poor became poor upon reaching old age.

In the meantime, expenses of the elderly have risen dramatically. Older Americans spend proportionately more of their incomes than any other group on such basic items as food, shelter, and medical care.

Health costs during the sixties rose twice as fast as the overall cost of living. Hospital costs alone rose five times faster than the cost of living. Older people suffer more frequently and more seriously from health problems, thus, their health expenses are obviously much higher than those of younger people. In 1971, medicare covered only 42 percent of the total health payments of the elderly. In more individual terms, this means that an elderly person who is seriously ill may get socked for a hospital bill of several thousand dollars, which he alone must pay.

Elderly people bear an unduly heavy burden of property taxes, which have also risen rapidly. These taxes have gone up by 14.3 percent since January 1971. Housing and transportation costs have skyrocketed, while the modest pensions of the elderly have remained fixed.

The average social security benefit for today's retired person is $133 a month, or about $1,596 a year. This is $400 less than the poverty threshold, or $1,980, according to the Social Security Administration. The average elderly widow must live on benefits of only $114 a month, or about $1,368 a year. This is $600 less than the 1972 poverty index.

The consensus among elderly people, and certainly among the delegates to the 1971 White House Conference on Aging, is that inadequate income is their No. 1 problem. In their statement on income, the Conference delegates had this to say:

> There is no substitute for income if people are to be free to exercise choices in their style of living. Direct action to increase the income of the elderly is urgent and imperative.

Mr. President, the amendment before us would increase social security benefits by 20 percent. To finance this increase, the amendment would increase the tax rate from 5.2 percent to 5.5 percent in 1973, and it would increase the wage base from $9,000 to $10,800. Under present law, the tax rate is scheduled to rise to 5.65 percent in 1973. Thus, the tax rate called for in this amendment is actually lower than that proposed under the present law. Under the amendment, the wage base would rise to $12,000 in 1974, and would be adjusted thereafter according to future benefit changes made by Congress. The tax rate would remain at 5.5 percent through 1985, and at no point before the year 2000 would it go beyond 5.7.

In voting for this increase, I wish to make note of the distress felt among younger workers over taxes in general and social security payroll taxes in particular. I understand and share this concern. Yet I do not believe we can ask our elderly citizens, for whom the incidence of poverty is increasing while for all other groups it is decreasing, to make additional sacrifices.

The answer to this dilemma—a heavier tax burden on younger workers on the one hand and poverty among older people on the other—lies in a better and more efficient method of financing social security. Social security has been in existence for nearly 40 years without undergoing a fundamental change in its financing structure. I am a strong believer in maintaining the self-financing aspect of social security, and in retaining some relationship between the amount of money contributed and the amount of benefits received. Yet I believe we should more seriously explore the possibilities for retaining these features while at the same time increasing the "return on investment" of social security.

I have a great deal of sympathy for the worker who writes to me and who complains that taxes, especially social security taxes, are becoming intolerable. Yet I cannot forget the millions of older Americans for whom life is so much worse—and in many cases, almost unbearable.

The Senate Committee on Aging has decided to conduct special hearings for the purpose of resolving this dilemma. It is important that we recognize this issue as an extremely complex one, and call upon the full resources of the best economists and tax experts in the country.

I therefore urge that this proposed full scale, in-depth review of the method of financing social security be expedited.

The amendment before us means that monthly benefits for the average retired worker will rise from $133 to $161, or $336 additional annually. For the average retired couple, benefits will rise from $223 to $270, or $564 annually.

Mr. President, I wish to commend our distinguished chairman of the Senate Special Committee on Aging (Mr. CHURCH) for his leadership and initiative on this amendment. This legislation is urgently needed. It will bring us closer to realizing the goals set forth by the White House Conference on Aging. In passing this amendment, I believe the Congress can, in effect, say to the 20 million older Americans that it did listen to what was said at the White House Conference, that it did take the recommendations seriously, and that it does intend to act upon these recommendations expeditiously.

Mr. President, I might add that I am beginning to receive telephone calls and telegrams from businessmen and corporation presidents, asking me to vote against this proposal. All year long I have been receiving letters from elderly constituents telling me of their difficulties in keeping up with the rising cost of living, but I am not receiving wires and phone calls from them now. The reason is that they cannot afford the price of wires and long-distance phone calls. They are worried about the price of postage stamps, stationery, and local phone calls.

Mr. President, the elderly are neither militant nor loud. They do not have the money to finance high-powered lobbyists and public relations experts. We should not, however, permit the elderly to be ignored merely because they cannot afford long-distance phone calls to their Congressmen or do not storm Congress with demands.

Their need for a more adequate retirement income is urgent, and it is because of this that I lend my strongest support to the amendment now before us.

THE 20-PERCENT SOCIAL SECURITY INCREASE AND REFORM OF PRIVATE PENSIONS

Mr. JAVITS. Mr. President, I support the 20-percent increase in social security proposed by Senator CHURCH in his amendment to the debt ceiling legislation.

I find persuasive the arguments made in favor of the 20-percent increase.

The President's 1971 Social Security Advisory Council Report quite clearly recognized the feasibility of a 20-percent increase based upon revised actuarial assumptions and with only slightly higher payroll tax rates.

A 20-percent increase will substantially diminish the numbers of retired poor and will recompensate them for the inroads made into their standard of living owed to inflation.

While we can argue as to whether a 20-percent increase will have an inflationary effect, the fact remains that our social security system lags far behind the progressive Western European countries in providing an adequate recapture of worker's income when he retires. Therefore, it seems quite apparent to me that, on balance, the needs of the elderly must be given priority. It does not make much sense, and it certainly lacks in elementary social justice, if we were to deprive retired workers of the very income they need to combat the ravages of inflation in order to preclude some additional inflationary impact that might be perceived.

Nevertheless, I think it well to point out to my colleagues that, even given the circumstances of a national political election year, we might not have had to confront such conflicting pressures on the need and desirability of a 20-percent increase, if we had acted long ago to strengthen the private pension system so that workers could look to their pension plan, as well as to social security, for an adequate retirement income.

The present private pension system covers in excess of 34 million workers and has accumulated in excess of $140 billion in reserves. Yet as I am sure the Senate and indeed the country is by now aware, inadequate numbers of workers collect a private pension.

According to HEW, only about one out of every five aged couples receiving social security benefits also collects a private pension, and only one out of every 12 nonmarried social security beneficiaries receives a private pension.

Earlier this year the Senate Labor Subcommittee reported findings of a preliminary survey which showed that over a 20-year period, close to 90 percent of employees who had worked under private pension plans had forfeited any right to obtain some type of private retirement benefit from their plan.

For 7 years, I have advocated substantial and comprehensive private pension reform to secure the reasonable expectations of the American workingman and to strengthen the role of private pension plans and make it an effective partner with our social security system. Today, the Senate Labor Subcommittee, on which I am the ranking minority member, completed legislative hearings on S. 3598, the bill that Senator HARRISON A. WILLIAMS, JR., Democrat of New Jersey, and myself, along with 13 other Senators from the Committee on Labor and Public Welfare, have cosponsored. On this, the last day of hearings, we heard forceful testimony from representatives of the AFL–CIO and President I. W. Abel of the Steelworkers Union supporting a comprehensive pension reform bill.

The subcommittee has spent over 2 years amply documenting the need for private pension reform and finally, I believe, we are at that point where we can, in the words of I. W. Abel, take the:

> Urgent action to protect and guarantee the pensions of the millions of workers who, after a lifetime of work, are entitled to security and dignity in their golden years.

Mr. President, we must decide today, as we have had to do so many times in the past, whether to vote a substantial social security increase, amid cries that the size of such an increase is unwarranted and will further alienate younger workers because of the increased contributions they must make.

I do not suggest that private pension reform is a complete solution to this dilemma, but it certainly ought to be clear by now that without such reform, the burden on the social security system will continue to mount and eventually may result in discouraging private initiatives and responsibility for participating and securing old age financial security.

If we are to prevent this from happening we must act affirmatively on private pension reform and we ought to do it in this year.

Mr. CHURCH. I might say, Mr. President, that two "felons" have robbed social security of its promise. One has been the war in which we have engaged so prodigiously through the years, and the other has been the inflation resulting from war. The combination of the two has meant that social security benefits simply have not kept pace with the needs of the elderly.

The Senator is quite right. We are beginning to build a retirement system that will be adequate for the needs of the present and the future. It will take more than repairing social security, but here is a place to start. Then, I hope, when we come along to H.R. 1, we can consider the needs of the people in the bottom brackets, to provide some sort of supplementary payment to lift them out of poverty and take them off welfare. This will not affect the social security funds but will relieve those who are needy of the necessity to go to welfare for supplementary payments to enable them to live.

This is something that we can achieve at the time the omnibus bill comes before the Senate for debate.

Mr. JAVITS. One further point. The private pension system becomes the third leg of that stool. Thirty million workers are involved, with about $140 billion to $150 billion in assets. So that, as I say, we begin to see the light at the end of the tunnel.

Mr. CHURCH. I fully concur with the Senator. I thank him for his comments, and I compliment him on them.

Mr. President, I am prepared to yield back my time.

Mr. CURTIS. Mr. President, I yield myself 5 minutes. The Senator from Utah (Mr. BENNETT) is not in the Chamber, but I am a member of the committee.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, I favor a social security raise. I rise for the purpose not to debate that issue but to insert into the RECORD certain facts about the cost.

I might mention in passing that the Bennett amendment does more than raise the benefits 10 percent. It is 10 percent, plus the automatic cost-of-living increase, plus a further feature, which provides a minimum social security benefit of $200 a month for those who have worked 30 years. That is a good principle, but I will not elaborate on that now.

Mr. President, if the Bennett amendment becomes law, the $5,000 employee will have his social security taxes increased $7.50. If the Church amendment becomes law, he will have his social security taxes increased by $15.

The $7,000 employee will have his social security taxes increased, under the Bennett proposal, by $10.50—under the Church amendment, $21.

The $9,000 a year employee will have his taxes increased, under the Bennett amendment, by $13.50.

The $9,000 employee, if the Church amendment is adopted, will have his social security taxes increased by $27.

The $10,000 a year employee, under the Bennett proposal, would have his taxes increased $13.50; under the Church proposal, $82.

The $11,000 a year employee, under the Bennett proposal, would have his tax increased by $13.50; under the Church proposal, his tax increase for 1973 would be $126, and for 1974, $137, over the 1972 tax.

The $12,000 a year employee would, under the Bennett proposal, have his tax increased by $13.50; under the Church proposal, the tax increase in 1973 would be $126 over the 1972 tax, and in 1974, $192 over the 1972 tax.

The employer would have similar increases.

The self-employed are reaching the point where their social security taxes are becoming really burdensome.

The $5,000 a year self-employed person would, under the Bennett proposal, have his social security tax increased by $5; under the Church proposal, $15. That is the amount of the 1973 tax over the 1972 tax.

The $7,000 a year self-employed person, under the Bennett proposal, would have his social security tax increased by $7; under the Church proposal, $21.

The $9,000 a year self-employed person, under the Bennett proposal, would have his tax increased by $9; under the Church proposal, by $27.

The $10,000 a year self-employed person, under the Bennett amendment, would have his tax increased by $9, but under the Church proposal, $105.

The $11,000-a-year self-employed person would, under the Bennett proposal, have his tax increased by $9; under the Church proposal, he would have his tax increased by $167.40 in 1973. But his increase in 1974, over the 1972 tax, would amount to $183.

The $12,000-a-year self-employed person, under the Bennett proposal, would have his tax increased by $9; under the Church proposal, $167.40 for 1973; and for 1974, his tax burden will be $261 more than it is in 1972.

I think it is important that Congress pay great attention not only to the amount of the tax, but also to how it is distributed. This tax is going to be quite burdensome. It is said that most people do not know how much they pay in social security taxes; but I assure you, Mr. President, that the self-employed persons do.

An individual who is self-employed and earning $12,000 a year will have to pay $936 in social security tax.

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Nebraska wish additional time?

Mr. CURTIS. Perhaps 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an additional 3 minutes allotted to each side on the pending Bennett substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, these same individuals are called upon to pay taxes on their homes and their cars; they are obliged to pay State income taxes, sales taxes, and social security taxes. Is it any wonder that we have a revolt on our hands?

I should like, also, to point out some interesting figures. The individual who retires this year at age 65 will have paid in social security taxes, if he paid the maximum from the very beginning, $3,928.

If we include interest accumulation, it will amount to $6,097. His employer paid some though it is not credited to his account. But assuming that it were, it would be $12,194.

If that man has a spouse and his wife is of the same age as he, she has a life expectancy of 15 years and he has a life expectancy of 13 years. The present value of their benefits amount to $38,200.

In other words, the employer and employee, with interest accumulation, provide a little over $12,000 of this $26,000 of that amount left to be paid by all workers, self-employed, and employer today, tomorrow, and in the days to come.

I do not present any of these figures in opposition to a raise in the social security, not at all. However, I do think that our social security taxes have become so burdensome that it is time for all people in public office to disclose the full facts as to what has happened.

Mr. President, I think it is also important that we have these figures. And Congress has not provided for a program that is similar to an annuity. Rather, we have a social program that pays a social benefit without taxes, which I approve. And it is paid for to a large extent by the present and future workers, self-employed, and employers.

Mr. President, I yield back the remainder of my time and yield the floor.

Mr. CHURCH. Mr. President, I yield myself whatever time is required.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the summation to be made against the amendment offered by the distinguished Senator from Utah is simply that it fails to provide an opportunity to do something meaningful for the elderly at the very modest cost, or that is made possible by virtue of what has now been generally adopted as the proper actuarial basis for the tax rates and which eliminates the need to accumulate excessive balances in the social security trust funds.

When the Senator from Nebraska mentions the amounts that are going to be paid by employees, whether a $10,000, $11,000, or $12,000 a year employee, it does not seem to the Senator from Idaho that those amounts are very large compared to the benefits they will get. And he ignores entirely the fact that for about 75 percent of those who are paying into the social security system—some 70 million, if you please—we are going to be able to give them a 20-percent increase in future years at a lesser tax rate than they will be paying under the tax schedule in existing law.

What better argument can one ask? What better argument is there for defeating the amendment of the Senator from Utah?

Mr. President, my time is up. However, I do not want to finish without extending my appreciation to the Senator from Utah, who has assured me that tomorrow, when I cannot be present, he will give me a live pair so that my absence will not affect the outcome of the vote.

I appreciate the generosity of the Senator from Utah. And now, the debate having been culminated, I leave the Senate, the Chamber, and the city with a clear conscience.

CONTINUING APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the pending business will be laid aside and the Senate will proceed to the consideration of the continuing appropriations, which the clerk will state by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 1234) making continuing appropriations for the fiscal year 1973, and for other purposes.

NATIONAL ENVIRONMENTAL DATA SYSTEM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 56, and that there be a limitation thereon of not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The bill was read by title as follows:

A bill (H.R. 56) to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System.

The Senate proceeded to consider the bill which had been reported from the Committee on the Interior with amendments.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. Without objection, the title of the bill will be appropriately amended.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Indiana (Mr. HARTKE) may be recognized for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Mr. HARTKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3343.

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate the amendments of the House of Representatives to the bill (S. 3343) to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, which were on line 5, strike out "$20,000" and insert "$17,500".

After line 5, insert:

SEC. 2. Section 1803(c)(1) of title 38, United States Code, is amended by striking out the semicolon and all that follows thereafter and inserting in lieu thereof a period.

And amend the title so as to read: "An Act to amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, and for other purposes."

Mr. HARTKE. Mr. President, I move that the Senate concur in the House amendments to S. 3343, with an amendment which I send to the desk and ask be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

The Senator from Indiana (Mr. HARTKE) proposes to amend S. 3343 by:

(1) striking all of section 2; and

(2) amending the title as amended to read: "An Act to amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans."

Mr. HARTKE. Mr. President, S. 3343 as originally passed by the Senate provided for an increase in the maximum amount of grants payable for specially adapted housing for severely disabled veterans from $12,500 to $20,000. The House has now returned this bill with two amendments. First, it favors increasing the amount of grant payable for wheelchair homes but only to the amount of $17,500. While I believe the figure of $20,000 can be justified, I believe it worthwhile to act immediately so that potential beneficiaries of these grants may make plans accordingly. The second amendment by the House would have amended section 1803(c)(1) of title 38. The Senate amendment I offer would strike this section in light of the satisfactory resolution of issues concerning the Senate committee's jurisdiction over veteran housing matters which occurred yesterday.

Mr. President, I move that we concur in the House amendment to S. 3343 with the amendment which I offered today.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1893. An act to amend the Land and Water Conservation Fund Act to restore the Golden Eagle Passport Program, and for other purposes; and

S. 3715. An act to amend and extend the Defense Production Act of 1950.

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

Mr. HUMPHREY. Mr. President, I wanted to make just very brief comments with reference to the amendment offered by the distinguished Senator from Idaho (Mr. CHURCH), an amendment that would provide an increase of 20 percent in social security benefits.

I am privileged to join as a cosponsor of this particular amendment. It is a matter, I think, of high priority for the Congress.

The elderly American has been the victim of the erosion of his income by inflation. The facts and figures that have been entered into the RECORD here today indicate a sharp increase in hospital costs, medical costs, food costs, rentals, and all the many things that our senior citizens need.

It is my judgment that the 20-percent increase in social security benefits will be helpful not only to the social security receipient, but will be a great help to this economy. This money will be readily expended by those who receive it. It will represent a very substantial flow of new money into the channels of commerce and business. I predict that it will have a very healthful effect upon the economy, calling for the production of more goods and services, permitting employers to expand their employment rolls, and thereby cut down on unemployment.

But above that, it is a compassionate and humanitarian measure. The Congress of the United States has repeatedly taken the lead in expanding social security coverage and increasing the benefits. And once again Congress is exerting its own influence and its own leadership. This is in the finest traditions of this body.

The Congress represents the people, and a large segment of the total population of this country is in the group that we call older Americans—over 22 million older Americans. The social security payments that are made to these fellow citizens represent, for many of them, their total income.

Therefore, the amendment comes at a most fortunate time, a time when the elderly of our Nation are in desperate need, a time when the economy can stand a good lift of extra purchasing power, and a time when, may I say, with price controls and wage controls, there may be some modest hope that we can stem the flow of inflation and see to it that the 20-percent increase does something to increase the purchasing power and living standards of older Americans

Mr. President, I have outlined very briefly and concisely my position on the issue of social security, the goals that I have in mind for older Americans, and a program for older Americans. This particular 20-percent addition represents only a part of that program. It is my judgment that we ought to add about 25 percent, with adequate financing to take care of it, but a 20-percent increase will be of immense help.

I ask unanimous consent that the statement I have alluded to, which outlines my goals for older Americans, and the program that I believe will be of such help, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ELDERLY

ISSUE

For too many older Americans, life indeed is over at age 65. Or at least that is the attitude of many Americans. The fundamental fact is that older Americans often lack income; they are beset by high taxes and increasing cost of living; they face increasing health costs—and they must pay for these services from what is likely to be a fixed income or savings.

HUMPHREY GOALS FOR OLDER AMERICANS

To assure older Americans the dignity, decency and security of a full life.

To assure older Americans of adequate income support.

To assure older Americans of adequate health care.

To dispell the present American attitude toward older Americans—an attitude that too often prevents older Americans from having the same choices of younger Americans.

HUMPHREY PROGRAM FOR OLDER AMERICANS

Immediate 25 percent increase in Social Security, with cost of living escalator.

Guaranteed minimum public assistance payment of $165 for individual and $215 for a couple, to bring all older Americans out of poverty.

Comprehensive Home Health Care legislation to provide needed care in the homes of older Americans—not force them to seek hospitalization for every illness.

Medicare changes such as elimination of the $50 deductible elimination of the doctor's insurance premium, freezing of the hospital copayment, home nutritional health care, prescription drug payments, hospital insurance for the uninsured.

Increase in the limitations on retirement earnings from $1,680 to $3,000.

One hundred percent widow's benefits.

Cabinet level Office for the Aging.

Mr. HUMPHREY. Mr. President, I do hope that on the occasion of our vote tomorrow we will have an overwhelming majority for this increase. I also hope that we will reject any amendment that seeks to reduce it. The 20 percent is not only desperately needed, but it represents a social and economic justice.

CONTINUING APPROPRIATIONS, 1973

The Senate resumed the consideration of the joint resolution (H.J. Res. 1234) making continuing appropriations for the fiscal year 1973, and for other purposes.

The PRESIDING OFFICER (Mr. TUNNEY). The measure before the Senate is House Joint Resolution 1234. The joint resolution is open to amendment.

Mr. McCLELLAN. Mr. President, the Committee on Appropriations, at its meeting Wednesday, June 28, approved the resolution without amendment and ordered it reported to the Senate.

As Members are aware, the purpose of continuing resolutions is to enable the departments and agencies of the Federal Government to function in the absence of new obligational authority for the upcoming fiscal year 1973, which commences July 1. The present resolution contains an expiration date of August 18, 1972, just prior to the announced August recess, and is similar in content to continuing resolutions enacted in past years.

As of this date, nine of the regular annual appropriation bills have been reported by the committee, eight of which have been passed by the Senate and are scheduled for conference or are awaiting final conference action. The Senate will conclude action on the Public Works-Atomic Energy appropriation bill by the end of the week. Thus, four bills will require Senate action after the July recess—the Department of Agriculture, environmental and consumer protection. Department of Defense, military construction, and the foreign assistance appropriation bills. If these bills are not finalized by the termination date of this resolution, August 18, an extension of the resolution will be necessary.

Members are familiar with the terms of this resolution, and they are explained in detail in the committee report. However, I will call attention to a provision inserted by the House of Representatives relating to those appropriation items, approved by the Senate, which are not yet authorized in this Section. In each instance, the Senate bills contained contingency provisions making these funds available only upon enactment into law of authorizing legislation. The provision in the joint resolution makes the aforementioned contingency provisions ineffective before the expiration date of the resolution so as to provide continuing authority for these programs, at the rate prescribed, in the interval between July 1 and August 18. The waiver inserted in the bill by the House relating to the contingency provisions is absolutely necessary; otherwise, many agencies would be without any funds whatsoever. As the distinguished chairman of the Committee on Appropriations (Mr. ELLENDER) pointed out on Tuesday, the primary reason for the delay in the appropriation bills is because of the delay in the authorization process. The budget submitted by the President in January provided new obligational authority to be contained in the appropriation bills of approximately $170 billion, of which $45 billion required authorizing legislation. As of the end of last week, only $11.4 billion of the $45 billion has been authorized by the Congress.

Mr. President, this resolution is necessary to continue the functions of our Government, and I urge its adoption.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Chair recognizes the Senator from Wisconsin.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Wisconsin yield to me for 2 minutes?

Mr. PROXMIRE. I am happy to yield to the Senator from West Virginia, the acting majority leader, 2 minutes.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having discussed the following request with the distinguished Senator from Arkansas (Mr. McCLELLAN), the distinguished Senator from Wisconsin (Mr. PROXMIRE), the distinguished Senator from North Dakota (Mr. YOUNG), and the distinguished Senator from Hawaii (Mr. FONG), the distinguished majority leader has asked me to propound a request as follows:

I ask unanimous consent that beginning tomorrow, time on the pending resolution be limited to 1 hour, to be equally divided between the distinguished Senator from Arkansas (Mr. McCLELLAN) and the distinguished Senator from Hawaii (Mr. FONG); that time on an amendment to be proposed by the distinguished Senator from Wisconsin (Mr. PROXMIRE) be equally divided between and controlled by the distinguished mover of the amendment (Mr. PROXMIRE) and the distinguished manager of the resolution (Mr. McCLELLAN); that time on any other amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between and controlled by the mover of such and the distinguished manager of the resolution, unless the manager of the resolution is in favor of such, in which case the time in opposition thereto be under the control of the Republican leader or his designee.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLELLAN. Reserving the right to object, how much time is there tonight? Is there a limitation on time tonight, on this pending amendment?

Mr. ROBERT C. BYRD. Will the Senator withhold for a moment?

The PRESIDING OFFICER. The Chair is uncertain as to the time requested for this amendment by the Senator from Wisconsin.

Mr. ROBERT C. BYRD. One hour.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. The Senator from Arkansas has reserved the right to object.

Mr. McCLELLAN. Is that 1 hour tonight or tomorrow?

Mr. ROBERT C. BYRD. No; once I had finished that request, I was going to ask that the time begin running tomorrow, and that the consideration of the resolution, on tomorrow, follow the action on the Public Works appropriation bill.

Mr. PROXMIRE. Mr. President, I shall not require more than a few minutes tonight to offer my amendment, and then tomorrow the time would run.

Mr. FONG. Mr. President, reserving the right to object, and I shall not object, may I ask the distinguished acting majority leader as to whether the time limitation of 1 hour which will begin tomorrow on the amendment of the distinguished Senator from Wisconsin will be divided between myself and the distinguished Senator from Wisconsin?

Mr. ROBERT C. BYRD. I have requested that the time on the amendment by the Senator from Wisconsin be divided between the distinguished author of the amendment (Mr. Proxmire) and the distinguished manager of the resolution (Mr. McClellan).

Mr. McCLELLAN. The Senator designated the Senator from Hawaii awhile ago.

Mr. FONG. I shall be opposing the amendment.

Mr. ROBERT C. BYRD. The time on the resolution would be between the Senator from Arkansas and the Senator from Wisconsin, and the time on the amendment between the Senator from Hawaii and the Senator from Wisconsin? Is that the way it is desired?

Mr. FONG. Yes; the time on the amendment be divided between the Senator from Wisconsin and myself.

Mr. McCLELLAN. Do I understand that the Senator from Hawaii will be opposing the amendment?

Mr. FONG. Yes; I am opposing the amendment.

The PRESIDING OFFICER. The question is on agreeing to the request of the Senator from West Virginia. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, if there is any question about what I have said in the request, I can understand how there could be, because at this hour, and after the pressures that have been on this Senator for the last several days, I can understand how I might have misstated the request. Let me be sure I stated it correctly.

I ask unanimous consent that time on the pending resolution be limited to 1 hour, to begin running tomorrow; that the time be equally divided between the distinguished Senator from Arkansas (Mr. McClellan), the manager of the resolution, and the distinguished Senator from Wisconsin——

Mr. PROXMIRE. No; I think the Senator from North Dakota (Mr. Young).

Mr. ROBERT C. BYRD. The Senator is correct; the distinguished Senator from North Dakota (Mr. Young), the ranking Republican member of the committee. I thank the Senator from Wisconsin. And that time on an amendment to be offered by the able Senator from Wisconsin (Mr. Proxmire) be limited to 1 hour, the time thereon to be equally divided between and controlled by the Senator from Wisconsin (Mr. Proxmire) and the Senator from Hawaii (Mr. Fong).

That time on any other amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the resolution.

Provided further, that should the manager of the resolution (Mr. McClellan) favor such amendment, debatable motion, or appeal, time in opposition thereto then be under the control of the distinguished Republican leader or his designee.

Provided, finally, that upon the disposition tomorrow of the bill making appropriations for public works, the Senate proceed to the consideration of the continuing resolution; and that the unfinished business, the Foreign Assistance Act, remain in a temporarily laid-aside status until the close of business tomorrow or until the disposition of the continuing resolution, whichever is the earlier.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

AMENDMENT NO. 1316

Mr. PROXMIRE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 4 line 24 after the word "amended" and before the semicolon insert: ": *Provided*, That obligations incurred in any one quarter under the authority of this Continuing Resolution for activities and programs financed by the Foreign Assistance and Related Programs Appropriation Act, 1972 (Public Law 92–242) shall not exceed one-fourth of the annual rate of new obligational authority appropriated in said Act or the fiscal year 1973 budget estimate of new obligational authority for such activities and programs, whichever is lower".

Mr. PROXMIRE. Mr. President, I hope the Senate will adopt this amendment.

It would seem to me that we could justify an overwhelming vote in favor of it. If ever there was a time when the integrity of Congress—its fiscal integrity, its fiscal responsibility and it constitutional authority—were clearly at issue, it is in respect to the issue addressed by this amendment.

We have a situation in which the continuing resolution, unfortunately, is becoming a way of operating.

Mr. McCLELLAN. Mr. President, will the Senator yield for a clarification and inquiry?

Mr. PROXMIRE. I yield.

Mr. McCLELLAN. According to the amendment I have before me, there are two parts to it. Did the Senator intend to have them voted on separately? There is another amendment on line 9, at page 4, after the word "subsection."

Mr. PROXMIRE. I appreciate the correction.

Mr. President, I ask unanimous consent that the amendments be considered en bloc. They serve precisely the same purpose.

Mr. McCLELLAN. That part of the amendment has not been reported.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 4 line 9 after the word "Subsection" add: "except as hereafter provided for activities and programs financed by Foreign Assistance and Related Programs Appropriation Act, 1972".

Mr. PROXMIRE. I thank the distinguished Senator from Arkansas. That was very helpful correction. It would have been unfortunate if the amendment had been divided that way.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. PROXMIRE. Mr. President, the continuing resolution as proposed is virtually identical to the original continuing resolution enacted last July 1, continuing some programs, including foreign assistance. We should have learned a lesson that we should never forget from what happened through the spending authority granted last July 1 by that continuing resolution. It provided that foreign assistance would continue at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower.

With nothing but this language in hand, the Department of Defense went to the Treasury on July 6, 1971, 5 days later, and applied for and received Treasury warrants for the military assistance program, which were quickly allocated, in the amount of $374 million. That was $24 million more than the appropriation for which the Senate voted for this program on March 2, 1972. By that time, under the current rate as used in the continuing resolution, a total of $499,400,000—in other words, about $500 million—a half billion dollars—in warrants had been legally drawn—$149,400,000 in excess of the final Senate figure.

What happened was that the Senate passed an appropriation bill and sent it to conference. That appropriation bill provided for $350 million for military assistance for 1972. We did not go to conference until March 2, 1972, after two-thirds of the year was up. The House passed an appropriation for $500 million. Because the Defense Department already had expended—had already committed—the $500 million, the Senate had to give up its position and agree to the full House figure.

In other words, it was not the Senate, it was not the Appropriations Committee, it was not Congress that determined how much would be appropriated. It was the Department of Defense. We had no option except to go along with the obligations that had been incurred by the Department of Defense. It was an outrageous situation, a humiliating situation for Congress, and a situation which we should never permit to recur again.

Mr. President, we may have differences over what the level of military assistance to other programs should be. But I do not believe that anyone who is aware of the flagrant and high-handed action taken this year under the loose interpretation of the ambiguous term "current rate" can again vote to open the barn door for a repeat performance.

I brought up this matter in the Appropriations Committee yesterday. We had a spirited discussion on it. Many Members agreed wholeheartedly with me; some disagreed with me. It was suggested that we should have a hearing this morning in which we could hopefully, get an explanation from the Defense Department as to why they acted in a way that seemed in contempt of the Senate—at any rate, outrageous. They succeeded in circumventing congressional control over the military assistance program.

We invited two agencies to send representatives. We invited the Office of Management and Budget to send the head of that office, Mr. Weinberger. Mr. Weinberger appeared. He was an excellent witness. He made a good, terse statement. He responded in detail for an hour.

We also asked the Comptroller of the Defense Department, Mr. Robert Moot, to appear. We found that he was out of the country, and we asked his deputy, Mr. Brazier, to appear. We asked Admiral Peek, the Director of Military Assistance or the comptroller of the military assistance program, Mr. von Marbod to appear. We were even willing to accept the congressional liaison officer Donald Floyd. In fact, if they had sent a warrant officer or a PFC, it at least would have been an indication of some respect for the committee. But nobody appeared.

Mr. President, this is a most unusual situation. I have checked with the staff of the Appropriations Committee, and they tell me that in the years they have been here—and some have been here in excess of 25 years—they do not recall any time when any administration, Republican or Democratic, refused to send any witness to appear before the Appropriations Committee.

It seems to me that the only construction we can put on this is that they simply do not have an answer for the kind of action they took last year; and mark my word they will repeat it again unless we act now to change the continuing resolution.

Mr. President, what I am proposing is really a very modest limitation on military assistance. We should point out, No. 1, that there is almost a billion dollars in the foreign military assistance pipeline as indicated by the following table which I ask unanimous consent to have reprinted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GRANT MILITARY ASSISTANCE PROGRAM

[In thousands]

	Undelivered balance Dec. 31, 1971	Program fiscal year 1971 (actual)	Program fiscal year 1972 (estimate)	Program fiscal year 1973 (budget estimate)	Senate committee recommendation
Latin America:					
Argentina	$346	$532	$798	$550	
Bolivia	3,516	1,774	3,352	4,873	
Brazil	2,080	929	895	988	
Chile	1,977	754	856	1,114	
Colombia	620	924	738	778	
Dominican Republic	1,378	1,258	828	1,435	
Ecuador	553	441	527	1,000	
El Salvador	264	413	302	805	
Guatemala	2,594	2,613	1,449	1,736	
Honduras	312	579	550	734	
Mexico		90	117	87	
Nicaragua	615	887	761	1,045	
Panama	879	541	462	527	
Paraguay	1,076	951	834	791	
Peru	652	558	879	820	
Uruguay	1,064	1,186	767	1,460	
Venezuela	19	986	722	870	
Regional military costs	41	295	231	687	
Total Latin America	17,986	15,711	15,068	20,300	
Africa:					
Ethiopia	9,641	12,031	9,000	12,139	
Ghana		53	48	55	
Liberia	242	513	316	499	
Mali		1	52	50	
Morocco	179	804	(1)	(1)	
Nigeria		213	107		
Senegal			25	25	
Tunisia	6,514	4,481	(1)	(1)	
Zaire (Kinshasa)	9	429	457	455	
Regional military costs		48	100	93	
Total Africa	16,585	18,573	12,807	17,975	
Europe:					
Austria			13	24	
Norway	193				
Portugal	2,674	1,035	1,010	905	
Spain	$42,097	$25,001	$11,190	$9,261	
Regional military costs	314	99	171	109	
Total Europe	45,278	26,135	12,384	10,299	
Near East and South Asia:					
Afghanistan	9	204	250	215	
Sri Lanka (Ceylon)	2,689	3,000		15	
Greece	24,881	19,999	9,883	9,554	
India	2,680	167	300	234	
Iran	9,066	2,310	935	492	
Jordan	38,136	30,164	(1)	(1)	
Lebanon	4,312	5,071	(1)	(1)	
Nepal	2	12	26	29	
Pakistan	4	174	85	243	
Saudi Arabia	25	672	(1)	(1)	
Turkey	148,698	99,616	60,000	88,611	
Regional military costs		19	19	99	
Total Near East and South Asia	230,502	161,408	110,228	142,952	
East Asia and Pacific:					
Burma	53	50			
Cambodia	223,048	182,967	179,719	209,541	
China (Taiwan)	25,405	20,012	10,931	7,642	
Indonesia	24,155	16,822	18,000	28,745	
Korea	278,463	288,233	150,000	215,710	
Malaysia		228	134	181	
Philippines	30,650	16,999	14,043	20,780	
Thailand		(113,000)	(66,100)	59,954	
Regional military costs		92	79	375	
Total East Asia and Pacific	581,774	525,403	372,906	542,928	
Subtotal regional and country programs				734,454	
Excess defense article reserve		18,400			
Nonregional	33,058	22,382	21,607	[2] 85,246	
Grand total	925,183	788,012	545,000	819,700	

[1] Classified.

[2] Increase due to change in accounting procedures for supply operations.

Note: Area totals may not add due to rounding and elimination of classified country totals. Items in parentheses are nonadditive.

Mr. PROXMIRE. We should point out, too, that the President has $300 million in emergency drawing authority which he can make available to our friends and allies—the beneficiaries of military assistance—from our own Department of Defense military stocks. I ask unanimous consent that a copy of this authority, section 506 of the Foreign Assistance Act be reprinted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Sec. 506.[180] Special Authority.—(a) During the fiscal year 1970 and the fiscal year 1971 [181] the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent and reimbursement therefor from subsequent appropriations available for military assistance. The value of such order under this subsection in each of the fiscal years 1970 and 1971 [182] shall not exceed $300,000,000. Prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Speaker of the House of Representatives.[183]

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[180] 22 USC § 2318. Former Sec. 510 was redesignated Sec. 506 by Sec. 201(j)(1) of the FAAct of 1967.

[181] Sec. 202(1) of the FAAct of 1969 substituted "1970 and the fiscal year 1971" in lieu of "1969".

[182] Sec. 202(2) of the FAAct of 1969 substituted "in each of the fiscal years 1970 and 1971" in lieu of "in the fiscal year 1969".

(b) The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under subsection (a) of this section. Appropriations to the President of such sums as may be necessary to reimburse the applicable appropriation, fund, or account for such orders are hereby authorized.

Mr. PROXMIRE. I should point out that we are making available, with this amendment, $125 million for the next 6 weeks. This is twice as much as they would normally expend if they did it over an entire quarter.

Today it was testified to by Mr. Weinberger, that this amendment would provide some restriction. He did not however indicate that it was unduly restrictive. He was concerned about the one-twelfth of the annual rate but the one-fourth would obviously give more elbow room, and that they would be able to exercise greater flexibility. He did say they would have to be careful and cautious under the limitation. Of course they should be. But no real record against the amendment was made in the committee at the hearing this morning, although there was ample opportunity for either Mr. Weinberger or the Department of Defense to do so.

Furthermore, the administration, in the event of any real difficulty, can always come to Congress and secure additional funds.

So what we are providing here, as I say, is a modest, conservative kind of limitation, a limitation which, it seems to me, is the very least the Senate can do in order to preserve its integrity and its self-respect.

Mr. President, I do hope that this amendment will be given the fullest consideration by the Members of the Senate.

Mr. President, I ask unanimous consent to have the following material printed in the RECORD: A letter concerning this matter written by the distinguished chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), to Mr. Weinberger; a letter and supporting documents I wrote to all members of the Appropriations Committee with reference to my proposed amendments and a table indicating the most unfortunate record of excessive foreign assistance obligations made last year under continuing resolution authority.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 27, 1972.

Mr. CASPER W. WEINBERGER,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. WEINBERGER: A situation has arisen with respect to Continuing Resolutions which has created problems within the Congress.

For many years, in the absence of an appropriation bill the agencies operated under an authority which allowed them to continue activities at the "current rate," or the rate in the budget estimate, or the rate in the House or Senate bills, whichever happened to be the lower figure. As far as I know, there never has been a precise definition of the term, "current rate."

Apparently, during fiscal year 1972 certain activities financed in the Foreign Assistance Appropriation Act interpreted "current rate" to authorize obligations or reservations at a rate which resulted in the first five months of the fiscal year, when there was no appropriation act, totaling the final amount which was agreed to in conference when the appropriation bill was enacted several months later.

The argument was used in connection with the Foreign Assistance Appropriation Bill in March of 1972 during the conference between the House and Senate that the Senate was required to recede from its figure of $350 million for Military Assistance since obligations and reservations for the program through November totaled in the neighborhood of $500 million.

In view of these alleged violations of the intent of Congress in Continuing Resolutions to continue existing programs at the lowest possible level, there is great sentiment within this Committee to define "current rate" or, in the absence of such a definition, to place ceilings on obligations of not to exceed one-twelfth per month, or 25% for any given quarter.

Should such ceilings be included in future Continuing Resolutions, it is realized that exceptions would have to be made. Some programs are seasonal. Some programs are financed as summer programs.

In view of the facts contained herein and with respect to the Continuing Resolution to be enacted in August, if it is found necessary, it will be appreciated if you will furnish the Committee with your recommendations on the exceptions which should be made to the requirement that obligations should not exceed one-twelfth per month. It would be appreciated also if you would draft legislation for a new Continuing Resolution which we will have available which will provide for a one-twelfth per month ceiling on obligations, together with the exceptions referred to.

Sincerely,

ALLEN J. ELLENDER, *Chairman.*

U.S. SENATE,
Washington, D.C., June 26, 1972.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR ALLEN: Certain sections of the Continuing Resolution proposed by the House Committee constitute an "end run" of the entire appropriations process, and I urge your support of a proposed modification which I will offer first in the Committee and again on the Floor if necessary.

The proposed Continuing Resolution is virtually identical to the original Continuing Resolution enacted last July 1 continuing some programs, including foreign assistance, at a "rate for operations not in excess of the current rate or the rate provided for in the budget estimate whichever is lower." With nothing but this language in hand the Department of Defense went to the Treasury on July 6, 1971—five days later—applied for and received Treasury warrants for the Military Assistance Program, which were quickly allocated, in the amount of $374,000,000—$24,000,000 more than the appropriation the Senate voted for this program on March 2, 1972. By that time again under "the current rate" as used in the Continuing Resolution, a total of $499,400,000 in warrants had been legally drawn and allocated—$149,400,000 in excess of the final Senate figure! Of course the Senate conferees were then "locked" into the higher appropriation approved by the House. Similar but not quite as notorious "end runs" were made by other agencies.

We may have differences over what the level of military assistance or other programs should be but I do not believe anyone who is aware of the flagrant and high handed action taken this year under the loose interpretation of the ambiguous term "current rate" can again vote to open the "barn door" for a repeat performance.

I urge you to support my modifying amendment which would substitute "not to exceed one-twelfth of the annual rate of new obligational authority" for the "current rate" as proposed by the House Committee for activities and programs financed by the Foreign Assistance and Related Programs Appropriation Bill.

Best wishes,

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

OFFICE OF THE
ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 6, 1971.

Mrs. JOYCE BARBEE,
Deputy Assistant Director, Central Accounting Operations, Bureau of Accounts, Treasury Department, Washington, D.C.

DEAR MRS. BARBEE: Request appropriation warrant be issued for account 1121080, Military Assistance, Executive in the amount of $374,000,000 for implementation under the Continuing Resolution Authority (PL 92-38) signed 1 July 1971. State Department has approved country requirements in the above amount with the exception of Cambodia for which a Presidential Determination is in process.

WILLIAM J. DENNEHY,
Acting Comptroller, Military Assistance and Sales.

THE DEPARTMENT OF THE TREASURY APPROPRIATION WARRANT

Warrant No. 102-11-8.

Accounting Date July 1, 1971.

The Congress having, by the Acts hereon stated, made the appropriations hereunder specified, the amounts thereof are directed to be established in the general and detailed appropriation accounts, totaling in all $374,000,000.00 and for so doing this shall be the warrant.

The Secretary of the Treasury, D. G. Duke; July 21, 1971.

Comptroller General of the United States, by Robert J. Beatty, July 21, 1971.

Funds Appropriated to the President—Executive Office of the President—Office of the Assistant Secretary of Defense (International Security Affairs) Comptroller, Military Assistance and Sales.

Joint resolution making continuing appropriations for the fiscal year 1972, and for other purposes.

Public Law 92-38, 92nd Congress.

Approved July 1, 1971.

1121080, Military Assistance, Executive, 1972, $374,000,000.00.

See letter from the Acting Comptroller, Military Assistance and Sales, International Security Affairs, Office of the Assistant Secretary of Defense, dated July 6, 1971.

STATUS OF FISCAL YEAR 1972 MILITARY ASSISTANCE FUNDING

[In millions of dollars]

Date	State Department approval (cumulative)	CRA Treasury warrants (cumulative)	MAP order funding (cumulative)
July 1, 1971		374	
July 9, 1971	250.3		
July 26, 1971			168.2
Aug. 3, 1971	322.3		
Aug. 30, 1971			233.7
Sept. 27, 1971			268.5

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[183] For other reports required to be submitted to Congress, see Reports to Congress, Index to FAAct, page 111.

STATUS OF FISCAL YEAR 1972 MILITARY ASSISTANCE FUNDING—Continued

[In millions of dollars]

Date	State Department approval (cumulative)	CRA Treasury warrants (cumulative)	MAP order funding (cumulative)
Oct. 25, 1971			279.7
Nov. 4, 1971	432.0		
Nov. 5, 1971		432	
Nov. 29, 1971			431.2
Dec. 18, 1971		500	
Dec. 20, 1971			424.6
Jan. 31, 1972			431.5
Feb. 10, 1972	544.3		
Feb. 15, 1972			499.4

STATUS OF ECONOMIC AND MILITARY ASSISTANCE PROGRAMS UNDER CONTINUING RESOLUTION

[In thousands of dollars]

Account title	Continuing resolution	Obligations, Dec. 31, 1971	Percent of continuing resolution obligated
Economic assistance:			
Worldwide, technical assistance	$165,272	$95,532	57.8
Alliance for Progress, technical assistance	79,015	31,852	40.3
Programs relating to population growth			
American schools and hospitals abroad	15,000	4,353	29.0
Suez Canal			
International organizations and programs	41,282	14,085	34.1
Indus Basin Development Fund, grants	5,000	4,925	98.5
Indus Basin Development Fund, loans	6,000	6,980	116.3
UNRWA (Arab refugees)			
Excess Egyptian pounds			
Contingency fund	31,300	19,865	63.5
Refugee relief assistance (East Pakistan Refugees)	100,000		
Alliance for Progress, development loans	226,693	51,386	22.7
Development loans	530,779	58,831	11.1
Administration expenses:			
AID	47,000	31,916	67.9
State	4,280	1,922	44.9
Subtotal, economic assistance	1,251,711	321,647	25.7
Military and supporting assistance:			
Military assistance (grants)	522,500	[1] 419,600	80.3
Supporting assistance (grants)	649,721	331,723	51.1
Military assistance (credit sales)	400,000	35,000	8.8
Subtotal, military and supporting assistance	1,572,221	786,323	50.0
Total, economic and military assistance	2,823,932	1,107,970	39.2

[1] Consists of amounts programed and funded as of Dec. 31, 1971.

Mr. FONG. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from Wisconsin, for the following reasons:

One, the amendment is discriminatory and unfair, in that it is applicable only to programs funded under the Foreign Assistance Act of 1972. The amendment will have no effect on any other agency or department except the agencies and departments under that act. The only agencies with such a limitation on their spending, if this amendment passes, will be agencies covered by the Foreign Assistance and Related Programs Appropriations Act of 1972—Public Law 92-242.

The second reason why I oppose the amendment is that it is a legislative straitjacket. It will place a straitjacket on all programs that are covered by the Foreign Assistance Act. It will limit the flexibility that is needed in funding the programs. Some programs need more money at the beginning of the fiscal year. Others need more money toward the end of the fiscal year. Others require money evenly throughout the year.

As an example of the shortsightedness of this amendment, take for example, the Peace Corps, which will be affected by this amendment. The Peace Corps to coincide with the school year of the host countries, train nearly 40 percent of the Peace Corps volunteers in the months of July and August. Consequently, all obligation rates such as that proposed in the amendment would disrupt the Peace Corps training cycle and interfere with the scheduled placement of volunteers overseas.

Another example of the folly of this amendment is the experience we are having in assisting the people of Bangladesh. This amendment would limit assistance to only 25 percent for the first quarter, 25 percent for the next quarter, and so forth, whereas it may be necessary to spend most of the funds for Bangladesh in the early part of the fiscal year.

The third reason why I oppose the amendment is that it would deny our Government savings that can be realized by buying materials in large quantities, especially when military supplies are needed.

Experience has shown that the pattern of obligations in the Military Assistance program has been one of larger commitments in the early months of the fiscal year.

The fourth reason why I oppose the amendment is that it would prevent the making of loans or the signing of contracts in any one quarter if the total amount were to exceed 25 percent of the total amount appropriated.

The fifth reason why I oppose the amendment is that the end result which this amendment is designed to achieve will be achieved by the action that will be taken by Mr. Caspar Weinberger and the Office of Management and Budget.

This morning we had Director Weinberger before the Foreign Operations Subcommittee. He testified concerning the criticism that was made against the Department of Defense in drawing $377 million a few days after the continuing resolution was adopted last year. Mr. Weinberger assured us that steps would be taken to advise all departments and agencies about the concern of Congress, that the cooperation of the Treasury Department regarding the matter will be sought, and that meetings and consultations with the various aides of the departments and agencies will be held by him; that he, as Director of the Office of Management and Budget, will issue an OMB bulletin informing all concerned about the importance of obligating fiscal year 1973 funds under the continuing resolution at the current reasonable rate.

Mr. PROXMIRE. Mr. President, will the Senator from Hawaii yield at that point?

Mr. FONG. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that Mr. Weinberger admitted under questioning that he had no power to prevent the Department of Defense from doing exactly what they did last year, that they would be able to come in exactly as they did before and get the full amount for the entire year, that they would then be putting Congress in the position where we would have to go to a figure far above what the Senate might provide for military assistance. Did he not concede that?

Mr. FONG. I asked Mr. Weinberger if he could guarantee that that would not be done again and he said that he could not guarantee it——

Mr. PROXMIRE. Not guarantee it.

Mr. FONG. Yes, but he went further and said that he thought that it could be done. He said that he will do it.

I asked Mr. Weinberger the following question:

> Mr. Weinberger, why can't you apply that same principle here, that is the principle of apportioning funds by the quarter to various agencies and departments once the appropriations bill has been passed?

Mr. PROXMIRE. Mr. President, what page is the Senator reading from?

Mr. FONG. Page 43.

I asked him, after he told us that he would be apportioning funds:

> Why can't you apply that same apportioning principle to continuing resolution funds and tell them you are going to do that and you will oversee it; that they cannot overspend in that respect?

Mr. President, this is not a question of overspending. What the distinguished Senator from Wisconsin is criticizing is that a few days after last year's continuing resolution went into effect, the Defense Department withdrew about 70 percent of the money. But they did not overspend the amount we finally gave to them. Everything was done within the law.

Mr. PROXMIRE. Mr. President, if the Senator would yield, what they did, if the Senator will recall, was that by March 2, they had spent $499 million. The Senate appropriated $350 million, and the House appropriated $500 million. So we had to go to the House figure. And they can do that again.

Mr. FONG. Mr. President, the $350 million that we put in the Senate bill was really not a true figure. As a member of the subcommittee, I know that it was lowered for certain strategic purposes at the request of a certain Senator who thought that by lowering the amount for military assistance we would be in a better position to bargain with the House in terms of raising the amounts for technical and humanitarian assistance.

Mr. PROXMIRE. That was a Senate figure, not a subcommittee figure. It was a figure that the Senate agreed to after debate and discussion. And, furthermore, what we did was not working out some strategy.

Mr. FONG. But it was the intent of several members of the committee—I for one, as well as other members of the subcommittee—that we cut this $500 million to $350 million, because that would give us a bargaining position.

Mr. PROXMIRE. Mr. President, we did not have any bargaining position. The Defense Department took that away from us. And they can and will do it again.

Mr. FONG. But in the final outcome, they did not overspend. They got what we gave them.

Mr. PROXMIRE. That is the difficulty. They can come back here and say, "We didn't overspend." And it will put us in the position where we will have no alternative as to how much appropriations there will be for military assistance next year.

Mr. FONG. Mr. President, what the Senator from Wisconsin is criticizing and objecting to will be taken care of by Mr. Weinberger. He has assured us, although he cannot guarantee it, that the Defense Department will not do the same thing. He said that he thought it would be effective if he issued an OMB bulletin and assure us that he would issue a bulletin regarding this matter. He will ask his predecessor in OMB, Mr. Shultz, now the U.S. Treasurer, not to honor the warrants issued by the Defense Department if they exceed the current reasonable rate of spending.

He thinks that by talking to the Treasury Department and the heads of the various agencies, he will be able to effect the very thing this amendment seeks to do. And I think that is sufficient.

Mr. PROXMIRE. Mr. President, does the Senator not recall that Mr. Weinberger agreed that Mr. Shultz would have no alternative if the warrants were presented, that he knows of no precedent for the Secretary of the Treasury turning down the Defense Department if they did the same thing again.

Mr. FONG. Mr. President, he said that he could not speak for the Treasury Department. Then I asked him as to whether the Secretary could let the warrants lie for a few days or a few weeks without taking any action. He stated that he could do that. By that time August 18 will be at hand.

Mr. President, there are many ways they can do it if they want to. Mr. Weinberger tells us that he thinks it can be done. I sincerely believe that the OMB and the Treasury Department will be able to handle this problem without the Congress getting into the picture at this late date.

Mr. PROXMIRE. They cannot give us a guarantee. If ever a legislative branch was surrendering its one power, the power of the purse, to the executive branch, this is it. It seems to me that if we reject this amendment, that is what we are doing.

If I were in the executive branch, I would not have much confidence in such a legislative branch. I would say, "We can spend what we want and determine what we will have available for military assistance next year, as long as the Senate fails to assert itself on the issue.

However, if we delay it, once again we will be in the position of having the executive, and not the Congress of the United States, determine how much we will have available to appropriate and spend.

Mr. FONG. Mr. President, in the continuing resolution we are giving the same authority to the Defense Department as we are giving to every other agency and department. This amendment particularly singles out the Defense Department, AID, and the related agencies covered by the Foreign Assistance Act.

Mr. PROXMIRE. There is a reason for that, as the Senator well knows. The reason for that is that this is the one bill on which I have the responsibility. I cannot tell other Senators who have their own subcommittees what they can do. That is up to them. However, this is the one place where there is abuse.

If the Senator will recall the discussion we had in the committee, there was a substantial amount of support for my position from other Senators who recognized that they have the same problem in their own subcommittees. They recognize that there is our one power—the power of the purse—many will support me. The Senator from Rhode Island (Mr. PASTORE) will speak in favor of this position tomorrow. And I think that other Senators will join him.

Mr. FONG. Mr. President, I was answering the statement of the Senator from Wisconsin when he said that we were giving away our legislative power to these agencies by virtue of this continuing resolution. He now says that by his amendment we will restrict the power of AID, the Defense Department, and all those agencies under the Foreign Assistance Act of 1972.

I am now saying that we are, in this continuing resolution, treating equally every department and agency which is covered by the continuing resolution. We are not singling out AID and the Defense Department by saying, "You can't do this. You will be limited by a 25 percent per quarter expenditure ceiling." Other departments do not have this type of restriction. We are imposing this restriction only upon the Defense Department, AID, and those agencies that are covered by the foreign assistance bill.

I am saying that we are giving to the Defense Department and to AID and the related agencies in the bill the same power that we are relegating to other agencies and departments under this continuing resolution. They will not receive any extra power that the other agencies do not have.

The amendment of the Senator from Wisconsin singles out just one agency, just one department, AID and the Defense Department.

Let me go further. When I was reading what transpired in the committee meeting this morning, I questioned Mr. Weinberger as to the apportionment of funds under this continuing resolution, I asked:

> Why can't you apply that same principle here and tell them that you are going to do that and you will oversee it, that they cannot overspend in that respect?

Mr. Weinberger said:

> Because, as I understand it, Senator, the apportionment authority that we have only comes into being after the passage of a regular appropriations bill. There is no apportionment procedure, we have no authority to apportion until after a regular appropriation bill is passed.

I then asked him:

> Suppose you have that power and you go ahead, and exercise. Will they be fined?

By using the word "fined" I meant would they cooperate with him.

Mr. Weinberger said:

> It depends very much on the agency and the degree of independence that the head of the agency has from the President.

I then asked him:

> Do you think you could do it?

Mr. Weinberger said:

> I think it is possible; yes, sir.

I then asked him:

> You think it is possible?

Mr. Weinberger said:

> I think it is possible that we could encourage them to be very careful about doing it. That is what the head of our agency bulletin I mentioned would be designed to do.

Now, as I stated in my fifth objection to this amendment, it is that the end result which this amendment seeks to achieve can be achieved by Mr. Weinberger, the Director of the Office of Management and Budget. He thinks he can do it, although he cannot guarantee it. I am sure if the Director of the Office of Management and Budget, the man who has control over the funds after they have been appropriated and who apportions funds after they have been appropriated, cannot have some power and control and leverage over department heads, I do not know who can.

Mr. President, the sixth reason why I oppose the amendment is that this amendment will jeopardize the passage of the continuing resolution before the end of the fiscal year which ends at midnight tomorrow night. If this amendment is accepted by the Senate it will have to go to conference and I doubt very much that the House conferees will accept it.

I have been authorized to say to the Senate by our distinguished colleague from North Dakota (Mr. YOUNG) that he has discussed this matter with the distinguished Representative who is the chairman of the Appropriations Committee in the House (Mr. MAHON). He asked him whether the House would accept such an amendment which was proposed to be introduced by the distinguished Senator from Wisconsin. I have been authorized to tell the Senate by Mr. YOUNG that Mr. MAHON said he will not accept the amendment. If he will not accept the amendment, then we will have to go to conference and I doubt we will have enough Senators here tomorrow to go to conference. Consequently, I am afraid we would jeopardize the passage of the bill which is so important to the carrying out of functions of the Government, because after June 30 there will be no more money to run several of our departments and agencies.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. FONG. I yield.

Mr. PROXMIRE. Does the Senator have in writing that the chairman of the House Appropriations Committee said he would not accept this and insist on a conference?

Mr. FONG. About an hour ago here in the Senate Chamber I asked the distinguished Senator from North Dakota (Mr. YOUNG) if I could tell the Senate what he told me—that is that Mr. MAHON told him he would not accept it. He told me I could tell the Senate. I do not have anything in writing; all I have is the word of the distinguished Senator from North Dakota.

Mr. PROXMIRE. I thank the Senator.

Mr. FONG. Finally, if this continuing resolution is not passed by both Houses of Congress in identical form or if differences cannot be worked out by tomorrow evening, the prospects of Congress going into recess from the conclusion of business tomorrow until Monday July 17, 1972, are very dim since the passage of this continuing resolution is important.

If H.R. 1234 does not became law before the recess, I am sure the President will have to call Congress back into special session. In fact, we will not be able to go home and we cannot go into recess if this continuing resolution is not passed because there would be no authorization to pay many of the bills of our Government.

Mr. President, the shortcomings of the pending amendment and some of the problems it would create are clearly spelled out in a letter from Director Casper Weinberger to the distinguished Senator from Arkansas. Because of the importance of his letter I would like to take time to share its contents with the Members of this body.

> EXECUTIVE OFFICE OF THE PRESIDENT,
> *Washington, D.C., June 28, 1972.*
> Hon. JOHN L. MCCLELLAN,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR MCCLELLAN: This letter is to express our strongest opposition to the amendment to the pending Continuing Resolution for fiscal year 1973 proposed by Senator Proxmire that would have the effect of limiting obligations incurred in one month for programs financed in the Foreign Assistance and Related Programs Appropriations Act to one-twelfth of the authorized annual rate.

This morning before the committee we asked Mr. Weinberger for his reaction if it was changed to 25 percent for each quarter and he said he still would oppose it on the same ground.

I continue to read from the letter from Mr. Weinberger:

> Such an amendment would impose a totally unworkable and arbitrary restriction on our foreign assistance program which would have drastic consequences for U.S. foreign policy and would seriously jeopardize many of our vital interests. Requirements for funds under most of our foreign assistance programs do not occur in equal monthly installments. In the case of development lending or supporting assistance, funds are obligated when a country program or project is ready and required. Most of the countries we assist have constructed their plans on the assumption that U.S. assistance will be available on a timely basis. Furthermore, in most cases our assistance is a part of an ongoing program which will fail or be seriously hampered if we are unable to provide resources when needed. The needs of individual countries are not a function of an arbitrary arithmetical average. For example, the South Vietnamese stabilization program would be irreparably set back if the U.S. were unable to provide an adequate amount of assistance on a timely basis.
>
> For humanitarian assistance, as in the case of Bangladesh, funds must be obligated when disaster occurs or when the needs arise. Of course, disasters and other contingencies cannot be met in equal installments.
>
> The pattern of obligations in the grant MAP account has been one of larger commitments in the early months of the fiscal year. The primary reason for this has been that defense articles for military assistance programs are procured through the U.S. military services. The military services place orders for certain types of equipment periodically. Failure of the program to obligate funds to meet its worldwide requirements at the time the service is about to procure may mean a considerable delay in the availability of these items.
>
> A one-twelfth per month limitation on obligations—

And the 25-percent limitation which he states will be just as limiting but not as bad as the one-twelfth——

> Could force the program to miss a service procurement or force the program to use up all its available funds, leaving nothing for salaries, training, and other continuing requirements.
>
> To coincide with the school year of host countries the Peace Corps trains nearly 40 percent of volunteers in the months of July and August, and obligations rate such as that proposed in this amendment would disrupt the Peace Corps training cycle and interfere with the scheduled placement of volunteers overseas.
>
> Accordingly, we strongly recommend that this amendment not be inserted in the Continuing Resolution.
>
> Sincerely,
>
> ———, ———,
> *Director,*

Mr. President, the hour is late. We are scheduled to recess tomorrow. The acceptance of this amendment will jeopardize our recessing at the end of business tomorrow.

I call upon my colleagues to reject the amendment. Let us pass the resolution as passed by the Committee on Appropriations. This would insure that we can adjourn tomorrow and not be called back into special session before July 17 by the President.

I urge Senators to reject the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Virginia (HARRY F. BYRD, JR.), is recognized.

Mr. HARRY F. BYRD, JR. Would the distinguished Senator from Hawaii permit me to ask a few questions?

Mr. FONG. Yes.

Mr. HARRY F. BYRD, JR. Do I understand from the Senator's discussion this evening that Mr. Weinberger concedes that the Defense Department acted improperly in the matter under discussion?

Mr. FONG. No, he did not concede that. He did not know the reason for the withdrawing of the $374 million at one time.

Mr. HARRY F. BYRD, JR. Did he disapprove of that?

Mr. FONG. He did not say he disapproved it. He did not know why they did it.

Mr. HARRY F. BYRD, JR. He said he was going to see it was not done again.

Mr. FONG. Yes.

Mr. HARRY F. BYRD, JR. If he did not say that he disapproved it, why did he say he was going to see it was not done again?

Mr. FONG. Because the committee had questioned him; it had called him before the committee to see what could be done about this matter. He stated he thinks by sending out his OMB bulletin and by consulting with the various department heads, he could have this matter under control. He did not criticize the Defense Department and he did not say anything derogatory against the Defense Department.

Mr. HARRY F. BYRD, JR. Well, if he did not feel that they had acted improperly, why would he want to send out a bulletin to prevent them from doing it again?

Mr. FONG. Because he said he wanted to send out a bulletin telling them of the concern of the Congress in respect to this type of withdrawal.

Mr. HARRY F. BYRD, JR. I understood from the discussion of the Senator from Wisconsin (Mr. PROXMIRE) the congressional committee wanted to express its concern to the Defense Department about it and invited the Defense Department to appear.

Mr. FONG. Yes. I do not know why the Defense Department did not appear. I was displeased about that. It should have sent someone.

Mr. HARRY F. BYRD, JR. Did the Defense Department give any reason why they were not sending anyone?

Mr. FONG. No. No member appeared before the committee, so we do not know the reason for it.

Mr. PROXMIRE. May I say that after we got in touch with the Defense Department, after inviting the Defense Department to send Mr. Moot or anyone else, they simply said, "No one will appear."

Mr. HARRY F. BYRD, JR. Could I ask the Senator from Wisconsin whether his amendment was brought about because the Defense Department last year, after the continuing resolution was approved by the Congress, then obligated 71 percent of its annual spending rate in a period of 5 days?

Mr. PROXMIRE. That was a part of it, an important part, and a very disturbing action on their part, but what really made it impossible for this Senator not to take some action of this kind was that they continued to obligate funds and when we came to conference on the final 1972 appropriation bill, we had no choice except to approve the high figure in conference—the House figure. So the Department of Defense had more to say concerning its level of spending for MAP than the U.S. Senate.

Mr. HARRY F. BYRD, JR. They did that by obligating the bulk of the funds in a short period of time?

Mr. PROXMIRE. They did that by the time we went to conference, which was on March 8. It was two-thirds into the fiscal year. It was an absurd time of course. Under those circumstances, we had no choice but to go to the $500 million figure.

Mr. HARRY F. BYRD, JR. It seems to me the Senator from Wisconsin has presented to the Senate a very important issue. If the appropriating committees get refusals from the departments to appear as witnesses and give to the committees the reasons for the expenditure of funds, how are we going to operate as Members of the Senate and House of Representatives?

Mr. PROXMIRE. Well, I think that is the question. This is a critical state of affairs, Mr. President. It would be one thing if we simply had a situation where they had gone too far, but we have a situation where they not only have gone too far, but they have refused even to appear before a congressional committee that had every reason to go into it and every authority to see to their participation.

As a matter of fact, it was the suggestion, I think, of the Senator from Hawaii and the Senator from Massachusetts (Mr. BROOKE) that we have this hearing, so we could get their assurances. I wanted to stress this amendment without going any further. I think the Senator from Hawaii felt we should have a statement from Mr. Weinberger, and from the Defense Department, to see if there was any possible justification for their action. In my opinion they said more by their silence than they ever could have by their presence. If we do not approve this modest amendment, we are saying, "Whatever you want to do downtown, go ahead."

Mr. FONG. Mr. President, will the Senator yield for one question?

Mr. PROXMIRE. I yield.

Mr. FONG. Would the Senator say it was legal?

Mr. PROXMIRE. Yes, it was legal. It was within their interpretation of the language we adopted last year. That is why I want to amend this year's resolution.

Mr. FONG. When the Senator said they went too far, he did not mean it was illegal, did he?

Mr. PROXMIRE. When I say "too far," I mean they went too far as far as judgment is concerned.

Mr. FONG. They were withdrawing too much money?

Mr. PROXMIRE. Yes, especially when they were on notice that the Senate had authorized much lower figures.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Wisconsin has been a sharp critic of the Defense Department. The Senator from Virginia has not been. I am a strong advocate of a strong national defense.

Mr. PROXMIRE. As is the Senator from Wisconsin.

Mr. HARRY F. BYRD, JR. And I have given overall support to our military. I have voted to cut the fat, but I have resisted cutting the muscle, and I am strongly opposed to some plans going around to cut $30 billion out of the Defense Department expenditures.

Mr. PROXMIRE. So is the Senator from Wisconsin.

Mr. HARRY F. BYRD, JR. It is completely unrealistic to talk like that.

Mr. PROXMIRE. I agree.

Mr. HARRY F. BYRD, JR. But what I am talking about, as a friend of the Defense Department, is that they apparently are unwilling to comply with the congressional process, the elected representatives of the people, who are responsible to the people for the expenditure of these funds, and deliberately refuse to appear before a committee of the Senate established to pass on their funds. That alarms me a great deal.

I have also been alarmed several times in the last few days by the inaccurate information, the misleading information, that has been coming out of the Defense Department. I had not intended to bring this up, but I may as well bring it up now as any other time.

In the Senate Armed Services Committee I have sought certain information before making a decision on how to vote on these vast weapons systems. I want to know how much they are going to cost, as well as other appropriations. I want to get the facts, and I find it very difficult to get the facts. I think it is time that the Congress, the Members of the Senate and the members of the various committees, demand that these departments of Government submit the facts, and not permit them to send to the committees misleading information.

Complying with my request of several days ago, they submitted to me today some unsigned papers, purporting to be the information which I sought. I told the committee to take the papers back or put them in the waste basket, or whatever they wanted to do with them. I did not want any unsigned papers. That is no evidence. I want papers signed by the responsible official, giving the facts and the information to the Congress of the United States.

I talked about misleading information, and I will show Senators an example of misleading information. The discussion was, How much will be saved, as a result of the Moscow treaty, in regard to the ABM's? The figure given to the committee today was that $7 billion, over a period of time, will be saved.

Now we find out, though, when we analyze this, that they are taking the cost of a 12-site program—which the Congress has never approved, and I doubt if there are five men in the Senate or maybe even a single person in the Senate who would vote for a 12-site program. It has never been approved by the Senate. Yet they are taking the cost of a 12-site program and they are saying, as a result of not building the 12-site program, we will save $7 billion.

When we come right down to it, we find that in comparing the two-site program which is provided for in the treaty between Russia and the United States yet to be ratified by the Senate, when we compare the cost of that two-site ABM program with the two-site program already authorized by Congress, there will be an increase of from $3.2 billion to $5.2 billion.

I say that that information they submitted in regard to a $7 billion saving is misleading, and I as one Senator resent being given deliberately misleading, or what I assume to be deliberately misleading information.

As I say, I speak as a friend and advocate of a strong national defense.

Let me cite another case that happened today, in regard to the additional appropriation that is being sought by the Defense Department to operate the war in Vietnam.

Last week—I think it was last week—the Department of Defense came before the committee and stated that if the war continues at its present pace, it will require an additional $5 billion to operate the war from July 1 to December 31 of this coming year. This is, $5 billion if it goes on for that period of time; if it is less than that period of time, of course, it would not require that much.

So the committee asked that an official request be presented to the committee in that respect. Up until today, nothing had been received. But yesterday Mr. Weinberger was before the Senate Finance Committee, and I shall read a colloquy that I had with him:

> Senator BYRD. Mr. Chairman, if the Senator would yield at this point, the Defense Department has testified before Armed Services that they need $5 billion additional.
>
> Mr. WEINBERGER. Well, I think they—at least the testimony I read was asked to range between 3 and 5 billion.
>
> Senator BYRD. That could be, but we can't appropriate on a range.
>
> Mr. WEINBERGER. No, I know you can't. That is why his testimony did not constitute a formal request.

"His testimony" meaning that of the Defense Department official.

> The formal request has to come from the President and it has not come yet.

That was yesterday, at 1 o'clock yesterday afternoon.

> Senator BYRD. Well, that relieves my mind. I don't have to worry about that $5 billion right now.

This morning a letter from the Defense Department comes in with a request for additional funds, coming from the Counsel of the Defense Department. I asked the committee staff to ascertain whether that request came from the Defense Department as such, or whether it came from the President, through Mr. Weinberger, because Mr. Weinberger stated:

> The formal request has to come from the President.

So far as my one vote is concerned, I have been supporting the troops in Vietnam, and I shall continue to support them. But so far as these additional funds are concerned, I think we should not act on them until we get an official request from the Budget Director as the representative of the President, because the Budget Director, in all of his testimony yesterday—and I questioned him at some length—said that the official request can come only from the President of the United States, and not from the individual departments.

I did not intend to get into that tonight, but I am rather intrigued by the proposal of the distinguished Senator from Wisconsin. I realize that the time is late, that it does present a problem, and that both the House of Representatives and the Senate are trying to adjourn tomorrow. It presents a complicating factor if a conference is required, but I think the overriding concern is whether we in Congress are going to continue to shovel out money to these departments, continue to appropriate almost anything they want, and then let them deliberately refuse to come down here before the appropriate committees of Congress and justify their handling of the tax funds of the people of the United States.

Mr. McCLELLAN. Mr. President, yesterday I presided at the Appropriations Committee meeting at the time of the markup of this continuing resolution. I served as acting chairman of the Appropriations Committee in the absence of the distinguished chairman, the Senator from Louisiana (Mr. ELLENDER).

When this amendment was first proposed in the form of limiting the obligations to one-twelfth each month, I was inclined to support it, and particularly so after the suggestion was made, and it seemed to be the consensus of the Appropriations Committee, that if we were going to adopt the amendment it should be amended to provide for a quarterly limitation instead of a monthly obligational limitation.

I was inclined to support it. If we had the time, if these other intervening circumstances were not present with respect to adjournment tomorrow, I think I would support it, in order to bring about a situation where we could require the Defense Department to come up and be heard.

I think I should say for the RECORD, however, that I am opposed to all of this foreign aid expenditure. I have been voting accordingly for the last 18 years. So it is not because I am in sympathy with the program that I am taking the position that I take tonight. I deplore as much as any Member of the Senate the action of the Defense Department in not responding, or making a different response, to the request that they come up and testify. Just to say no one will come is not the kind of courtesy that I think is due this body from any department of the Government under such circumstances.

But I do point out two things as reasons why, as of tonight at least, unless something develops to change my mind, I shall vote against the amendment.

The first is that if the information the distinguished Senator from Hawaii has disclosed to the Senate is correct, that the House Appropriations Committee would be adamant and refuse to take the amendment, then what we are doing here tonight would be an exercise in futility, because we are going to recess tomorrow, and this has to be passed before the end of this month, which is midnight tomorrow night. The resolution has to be enacted if the agencies of the Government are to have funds to permit them to continue to function. So it is a compelling situation. For that reason, I will vote against the amendment.

Another reason is that not as much is involved in the amount of money as may appear on the face of it. The sum of $500 million is the most they could spend, and it is pretty certain that Congress is going to appropriate some amount and it would make very little difference, from a practical standpoint, whether it is all spent the first month or over a period of 12 months. If we are going to spend it, we are going to spend it. At the end of next year, the money will be gone, and it will be entered on the books; so it will make very little difference.

I am assuming—I do not believe that this is a reckless assumption—based upon experience in the past and what the RECORD will reflect, that we will probably appropriate an amount near the $500 million. So the difference between what ultimately is appropriated and $500 million is the most that could possibly be involved in this controversy. I would regard it as a very small and insignificant amount.

One other thing should be mentioned, in all fairness, and that is that this money is not spent for goods on the shelf. In other words, if they are limited to one-quarter or to the expenditure of one-twelfth in each month, making a commitment of it, it might seriously handicap the entire program. If it is military equipment and you are going to supply a country with a dozen tanks or 100 tanks, you want to place the order and distribute the money. If it involves 100 airplanes, or whatever, for countries to whom we are going to give military assistance, you cannot possibly operate; you cannot order the planes. They are not available. You cannot buy them off the shelf as you would some other merchandise. They have to be ordered; they have to be procured. At the time of submitting the order for procurement, the money must be available to cover that expenditure. So if they are restricted, they might not be able to carry out the program.

Mr. President, I need not speak any longer. We are dealing with a situation that is a reality. I think it will be ascertained before we reconvene in the morning whether the House is adamant on this issue with respect to the proposed amendment. If the House is adamant, I think it becomes necessary for the Senate to yield under these circumstances and pass the resolution without an amendment.

I do believe, however, that there should be some followup on the question that is presented here. It is something that should not go without some attention. I refer to the declination on the part of the Defense Department to cooperate with the Appropriations Committee to the extent of appearing and giving some explanation. I do not think that should go unnoticed or without some attention being given to it. When we reconvene, there can be a requirement or some action taken to let the Defense Department know that it is Congress, after all, that appropriates the money and that it has a right to information from the Defense Departemnt as to why and how the Defense Department makes its expenditures, whether in this instance or in any other. I hope some action will be taken to follow up this matter.

Under all the circumstances, Mr. President, I shall vote against the pending amendment. I hope that in the morning, if it is ascertained that the House is adamant and will not accept it, the author of the amendment will withdraw it under those circumstances and let us proceed to vote on the amendment as passed by the House, and thus avoid a conference and expedite the recess that has been planned and has been announced.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 1074) to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year.

The message also announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

ORDER FOR A TIME LIMITATION ON THE CONFERENCE REPORT ON THE DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the conference report on the District of Columbia appropriation bill is called up and made the pending business before the Senate, there be a time limitation on the conference report of 20 minutes, to be equally divided between the distinguished Senator from Hawaii (Mr. INOUYE) and the distinguished Senator from Oregon (Mr. HATFIELD).

I have cleared this matter with Mr. INOUYE, the manager of the bill; and it is my understanding, through Mr. INOUYE, that it is all right with Mr. HATFIELD to so limit the time.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TUNNEY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders or their designees on tomorrow, under the standing order, the able Senator from California (Mr. TUNNEY) be recognized for not to exceed 15 minutes; he would precede the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements limited to 3 minutes.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate tomorrow.

Mr. GRIFFIN. Mr. President, reserving the right to object, I am not aware of what committees may have meetings scheduled tomorrow, if any; but I am aware of the fact that unanimous-consent agreements have been entered into calling for votes on very important proposals in mid-morning tomorrow, and that throughout the day and the morning there will be very important measures on the floor. Several of my colleagues have requested me, in my leadership capacity, to object to any committees meeting tomorrow in view of the schedule that has been arranged, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. May I ask the distinguished assistant Republican leader—and I respect his right to object and I certainly respect his reasons—as to whether, if this request had been made tomorrow morning, there would have been an objection placed against the request at that time? I ask this for my own protection.

Mr. GRIFFIN. Yes, there would be, for the same reason, on behalf of the same Senators.

Mr. ROBERT C. BYRD. Yes. I thank the distinguished assistant Republican leader.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:15 a.m., following the recess.

Immediately following the recognition of the two leaders or their designees under the standing order, the Chair will recognize the following Senators, each for not to exceed 15 minutes and in the order stated:

Senators TUNNEY, HARRY F. BYRD, JR., PROXMIRE, MOSS, and ROBERT C. BYRD.

Further, Mr. President, there will be a yea-and-nay vote at 9:30 a.m. on amendment No. 1310 by the distinguished Senator from Utah (Mr. BENNETT), the amendment being a substitute for the amendment offered by Mr. CHURCH.

Immediately following the rollcall vote on the Bennett amendment, a yea-and-nay vote will occur on amendment No. 1307 by Mr. CHURCH, both amendments having reference to the increase in social security benefits.

Following the rollcall vote on the amendment by Mr. CHURCH, the Senate will continue with the consideration of H.R. 15390, the so-called debt limit bill.

There are no further agreements at this time with respect to amendments thereto or regarding debate on the bill.

Upon disposition of the debt limit bill, the Senate will proceed to the consideration of H.R. 15586, the public works appropriation bill, on which there is an agreement limiting debate to 2 hours on the bill and limiting time on any amendment, debatable motion, or appeal to 30 minutes.

Upon disposition of the Public Works appropriation bill, the Senate will resume consideration of House Joint Resolution 1234, the continuing resolution, on which there is a time agreement allowing 1 hour for debate on the resolution, 1 hour on the amendment by the Senator from Wisconsin (Mr. PROXMIRE), and one-half hour on any other amendment, debatable motion, or appeal.

Mr. President, in summation, there will be at least these rollcall votes tomorrow:

A yea-and-nay vote on the Bennett amendment; on the Church amendment; on passage of the debt limit bill; on passage of the public works appropriation bill; on the Proxmire amendment to the continuing resolution; and on the passage of the continuing resolution.

I have enumerated at least six yea-and-nay votes, and there will undoubtedly be additional yea-and-nay votes.

During the day the conference report on the District of Columbia appropriations bill will be brought up. I foresee no problem there.

There will be other conference reports called up from time to time.

Mr. President, I am ready now to make the motion to recess if the distinguished assistant Republican leader has no further statement or business.

RECESS TO 8:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 8:15 a.m. tomorrow.

The motion was agreed to; and at 8:05 p.m. the Senate recessed until tomorrow, Friday, June 30, 1972, at 8:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29 (legislative day of June 28), 1972:

COMMISSION ON CIVIL RIGHTS

John A. Buggs, of Maryland, to be Staff Director for the Commission on Civil Rights.

U.S. TARIFF COMMISSION

Italo H. Ablondi, of New York, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1978.

HOUSE OF REPRESENTATIVES—*Thursday, June 29, 1972*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Wait on the Lord: Be of good courage and He shall strengthen thine heart: Wait, I say, on the Lord.—Psalms 27: 14.

O Lord, our Heavenly Father, who hast safely brought us to the beginning of this day, defend us in the same with Thy mighty power and grant that we fall into no sin, neither run into any kind of danger: but that all our doings may be ordered by Thy governance, to do always that which is righteous in Thy sight. In all our doubts and uncertainties give us grace to ask what Thou wouldst have us do, that the spirit of wisdom may save us from all false choices, that in Thy light we may see light and in Thy straight path we may not stumble. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 15417. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 13435) entitled "An act to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. MOSS, Mr. BURDICK, Mr. METCALF, Mr. ALLOTT, Mr. JORDAN of Idaho, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15417) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. STENNIS, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. PROXMIRE, Mr. MONTOYA, Mr. HOLLINGS, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, Mr. BROOKE, Mr. STEVENS, Mr. ELLENDER, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15418) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. MCGEE, Mr. MONTOYA, Mr. ELLENDER, Mr. STEVENS, Mr. YOUNG, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also anounced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The message also announced that the Senate had passed a joint and concurrent resolution, of the following titles in which the concurrence of the House is requested:

S.J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban developments; and

S. Con. Res. 87. Concurrent resolution declaring the Fourth of July as a day to honor America, and encouraging public activities to celebrate the 196th anniversary of its founding.

CALL OF THE HOUSE

Mr. CHARLES H. WILSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 244]

Abernethy
Abzug
Adams
Alexander
Anderson, Tenn.
Ashley
Aspin
Baring
Bell
Betts
Blanton
Blatnik
Boggs
Bray
Broomfield
Burke, Fla.
Byron
Caffery
Celler
Chisholm
Clark
Clawson, Del
Clay
Colmer
Conyers
Davis, S.C.
Dellums
Dent
Dowdy
du Pont
Dwyer
Eilberg
Erlenborn
Evans, Colo.
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gallagher
Gaydos
Gray
Green, Pa.
Hastings
Hawkins
Hébert
Heckler, Mass.
Holifield
Jonas
Jones, Tenn.
Karth
Kee
Long, La.
McCloskey
McCormack
McCulloch
McDade
McDonald, Mich.
Macdonald, Mass.
Matsunaga
Mitchell
Mollohan
Mosher
Moss
Murphy, Ill.
Nedzi
Pepper
Pirnie
Pryor, Ark.
Pucinski
Railsback
Rees
Reid
Robison, N.Y.
Scheuer
Shoup
Sikes
Skubitz
Slack
Springer
Stanton, James V.
Steiger, Ariz.
Stokes
Teague, Tex.
Terry
Tiernan

The SPEAKER. On this rollcall 347 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AGRICULTURE - ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15690) making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from North Dakota (Mr. ANDREWS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15690, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 1½ hours, and the gentleman from North Dakota (Mr. ANDREWS) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I do not know how one determines which bill coming before the Congress is the most important, and I do not suppose there is any way to make such a determination. I would say, though, that any bill such as this that comes before the Committee of the Whole and before the Congress, which has to do with food, clothing, and shelter, which has to do with the producer, the consumer and the man in between, which has to do with the Environmental Protection Agency, and with the consumers' welfare, certainly covers the waterfront.

Mr. Chairman, we have a fine subcommittee, a fine staff, and I feel we have done a good job. We bring you a good bill. We have had the cooperation of the Secretary of Agriculture, Mr. Butz, and of other administrators and heads of agencies.

COMMITTEE JURISDICTION

When the jurisdiction of the subcommittee was expanded to include environmental and consumer protection, many people did not realize that the subcommittee had already been active in the area of consumer protection throughout the years because it is our committee that reviews each year meat inspection to assure the wholesomeness of our food.

At the time this new jurisdiction was announced, many in the news media and many of my colleagues in Congress, did not seem to realize that through the years we on this committee have been in the forefront of protecting the environment by recommending funds for watershed protection, and for the Soil Conservation Service, and for the agricultural conservation programs. The Forest Service of the Department of Agriculture whose budget is reviewed by the subcommittee chaired by our good friend from the State of Washington (Mrs. HANSEN) has planted some 30 million trees. We also have about a million American farmers who are putting up their own money on a cost-share basis to restore our land through the agricultural conservation program.

So when this new jurisdiction of environmental protection and consumer was given to this subcommittee, we were the committee that had already worked with these programs through the years, and it was not the radical departure that it appeared to some to be.

Many people do not realize that through this bill we provide what I think may be some of the best things that have happened to our cities to help solve many of their problems.

IMPORTANCE OF AGRICULTURE

One of the problems we have today is that we have been so very prosperous and we have such a high standard of living that we have about forgotten the basic facts of life.

You know, it has been said that man's individual well-being depends on how much of his time he has to put in providing for himself the basic things—food, clothing, and shelter.

This Nation is the only one in the world that I know of where we have to put in only about 5 percent of our time providing for food, clothing, and shelter.

I say that because only about 5 percent of our people are now on the farm providing food, clothing, and shelter for the rest of us. This frees the other 95 percent to make air conditioning, automobiles, and the thousand and one things that go to make up our high standard of living.

But the fact that those directly engaged in agriculture has declined to only 5 percent has created a very serious situation in terms of gaining the understanding by the news media and by the Congress which is necessary if we are to assure that this abundance is to continue.

It was Secretary Freeman, a few years ago, who said that out of the membership of the House of Representatives—435 Members—only 47—and this was 6 or 7 years ago—had as many as 20 percent of their people engaged in agriculture.

So it means a great percentage of our membership and a great percentage of the news media have no awareness of some of the facts I would like to call to your attention.

THE PROBLEMS OF AGRICULTURE

According to the record, 20 years ago, after paying farm production costs, the farmer or agricultural producer retained about $40 out of every $100 of realized gross income from farming; now production expenses have increased until the producer has only $27 left.

The amount of investment required to farm has continued to increase over the past 20 years; the average investment per farm has gone up five times from $17,200 to $96,500. Meanwhile, the return from farm investment has declined by 60 percent from 7.1 percent in 1945–49 to 2.8 percent in 1971.

One result has been that about 400,000 farmers and their families have left the farm in recent years, and the number of farms has declined from 5.8 million in 1945 to 2.9 million today. With small capital and a short labor supply, the average so-called, small farmer would continue at the poverty level even if all the costs of production were provided free.

These facts have created the necessity for larger farm units and farm investment, for only by the annexation to adjacent land of the lands vacated have we been able to maintain our level of production.

Today, 8 percent of our farms produce over half of our agriculture production, and nearly 90 percent of our production comes from just over a third of our farms.

Only one person out of 20 is now living on the farm. That means that each farm person has a responsibility for maintaining an understanding of agriculture among 19 other people. If that doesn't happen, the other 19 might inadvertently take action relating to agriculture that is harmful to themselves and to the remaining few who produce food and fiber for the Nation, for it is these few who provide the biggest market that industry and labor has.

THE ORIGIN OF OUR PRESENT FARM PROGRAMS

Throughout history there has been a major war nearly every generation, and an economic or financial depression has occurred with about the same regularity. Many believe that the reason is that each new generation fails to recognize the lessons learned by the one which preceded it.

This Nation seems to be in somewhat the same situation with regard to agriculture today.

The seeds of the Great Depression of the 1930's were sown in the agricultural depression of the 1920's which followed the First World War. The failure to maintain farm exports or to support farm prices and income during this period, and thus to maintain farmers' purchasing power, weakened banking and business throughout the country. Yet, people frequently fail to remember the lessons of the terrible financial crises of the 1920's and 1930's. It was graphically illustrated in 1921, in 1929, and again in 1937 that, if the farmer's prices and purchasing power collapse, the whole economy suffers both in the cities and in rural areas.

In the late twenties and the thirties, a drop in the purchasing power of those engaged in agriculture not only wrecked farming but dragged down the economy of the whole Nation.

After the First World War ended, the Government announced that it would no longer support the price of wheat. Wheat which had brought $2.94 a bushel in Minneapolis in July 1920, brought $1.72 in December 1920, and 92 cents a year later. Agricultural prices in general collapsed. Cotton fell to a third of its July 1920, price and corn by 62 percent. The "Yearbook of Agriculture" of 1922 shows that the total value of agricultural products dropped from $18,328,000,000 in 1920 to $12,402,000,000 in 1921. As a result of the agricultural crash of 1920–21, 453,000 farmers lost their farms. Many others remained in serious financial trouble which, in turn, were reflected by failures of local banks.

It has been said there were more suicides during this period among those that didn't know what a farm was than in any other period in our history. This tragic depression was the result of the breakdown in farm or commodity prices which had led to a fall in prices, income and values throughout the economy.

It was a sad way to learn it, but people at that time came to realize that real wealth starts with material things—corn, wheat, cotton, food crops of all kinds, and other raw materials—and that the general economy was primed by the sale of raw materials since, in general, the total national wealth averages some seven times the sales value of the farm or raw material production.

RESEARCH KEEPS US EATING

Years ago Jonathan Swift said:

> And he gave it as his opinion that whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together.

John L. Blake felt much the same as Swift on this score:

> It is not known where he who invented the plough was born or where he died yet he has affected more the happiness of the world than the whole race of heroes and conquerors who have drenched it with tears and manured it with blood.

Many of the agricultural advances that we take from granted today—the wonderful equipment, the prolific varieties of seed, the greatly increased production per acre—are the result of the research and development programs of the Department of Agriculture extending over many years.

As a result of increased agricultural production derived in large part from applying the results of research to farming, American consumers are being supplied with an abundance of high-quality food products at constantly lower costs relative to their incomes. In 1939, food expenditures accounted for 22 percent of the average consumer's disposable income. In 1971, consumers were buying larger quantities of varied and higher quality foods with 16 percent of their disposable incomes.

If the agricultural output we achieved in 1970 had been produced by the methods available to farmers in 1939, it would have cost our Nation about $29 billion more in land, labor, capital, and other resources than the actual cost in 1970. Using the 1939 methods today would mean higher costs for poorer quality food.

Many people want to get back to some balance of nature. This committee takes a back seat to no one in its desire and efforts to try to do something about living with nature, which is different from being under the laws of nature.

To make discoveries and to use them puts man ahead of other living things and ahead in the competition between him and other living things. If you study ecology in depth, you find that the underdeveloped countries of the world come nearer to a condition where nature has its way than any other area of the globe and that appears to be a chief reason for their lack of development. It is certain that those who wish to return to the balance of nature don't really mean to go that far.

The problem that one has with returning to some other balance is to determine just where the line should be drawn. As the Secretary of Agriculture pointed out to the committee, we would immediately face the problem of which 50 million people would starve.

One cannot visit many areas of the world without taking shots for typhus, typhoid smallpox, and cholera. There are many countries that cannot be visited without risk of malaria. In the earlier years of the war in Vietnam, our casualties were far greater from a type of malaria that would not respond to quinine than they were from enemy troops.

That was Mother Nature's mosquitoes having their way. To say this is not to say that we need not do everything we possibly can to restore the environment and to improve the environment. But there seems to be a vocal group who is against changing the environment. The experience of this committee is that if you don't change the environment, it will change itself.

THE ENVIRONMENTAL ROLE OF AGRICULTURE

In the early 1930's we awoke to the fact that we were destroying our natural resources and wasting our land. A book written in the mid-1930's—about the time that the Soil Conservation Service was established—stated:

> From erosion surveys, soil surveys, and other measurements of soil losses, it is estimated that erosion in the United States already has ruined or seriously impoverished approximately 282 million acres. From an additional 775 million acres, erosion has stripped away varying proportions of the fertile topsoil. Considering only cropland, it is estimated that erosion has ruined about 50 million acres for further practical cultivation.

In recognition of this dire condition, a dual program of research and practical programs has been developed and implemented. Our knowledge of how to conserve the flow of water on the land and retain and enhance the productivity of our land has increased manyfold. By providing programs which demonstrated the usefulness of these techniques and encouraged their implementation, the Congress has assured a generation of widespread and continuing conservation effort.

Through 1971, over 3,000 local soil conservation districts have been formed, providing local leadership which has resulted in reducing erosion by 170 million tons below what might have been lost if the many soil conservation practices had not been put into place. In cooperation, local farmers, through the rural environmental assistance program, have constructed over 2 million storage reservoirs and built many acres of terraces and waterways. In short, farmers have been helped to practice practical ecology where water flow is slowed and directed to waterways and where cropland retains cover crops to protect it from the wind.

With all of this, much remains to be done, for far too many streams, clogged with sediment, flood the land and are lost to fish and recreation. It was testified that the most recent conservation needs inventory shows 64 percent of our cropland, over two-thirds of our grasslands, and nearly 60 percent of our forest lands still require some type of conservation treatment. Keeping up with the changes of nature and the changing needs of our expanding population is a continuing task.

When recognizing the contributions of agriculture to the restoration of the environment, we must not overlook the contributions of our forest lands. We had in this country about 150 years ago 8,000 million board feet of timber. Much of this timber was burned and wasted. Up until 1925, there had only been 1,600,000 acres planted to deforested areas in the country. Now, that much is planted each year. Through 1968 there was a total of 30 million acres planted and seeded. Beyond the beauty and watershed benefits we receive from our forests, over 30 million homes constructed of wood have been built in the last 25 years.

STRESS ON THE ENVIRONMENT

Paralleling our concern with the waste of our land and forest resources was the concern for pollution of water as a threat to public health. This became a matter of public concern in the United States in the late 19th century when virulent typhoid epidemics appeared in various cities. The then new science of bacteriology identified many of these outbreaks as the result of contaminated water supplies. The public outcry against pollution was great. Public health officers attempted to meet this challenge in two principal ways.

The first was to select certain streams for waste disposal and to reserve other, protected streams for municipal water supplies.

The other method was the filtration and disinfection of water.

While these systems have worked for many years, we now face a period when we must give full attention to water pollution or else pay substantial penalties for the future.

In a report entitled "The Economics of Clean Water," an EPA survey estimated a municipal investment of as much as $18 billion and an industrial investment of $8 billion over the next 4-year period to meet current water pollution standards.

For 1971, EPA estimates that about 29 percent of the Nation's waters were polluted, a deterioration of about 2 percent below the estimate of the previous year. For 1970, of the 148 million persons who live in communities served by sewer systems, the wastes for about 28 percent received only primary treatment and 6 percent received no treatment.

AIR POLLUTION PROBLEMS

Another serious problem we face in our efforts to clean up our environment is the problem of air pollution. In the second Annual Report of the President's Council on Environmental Quality, the damage cost as a result of air pollution was estimated to be $16.1 billion. This estimate is based on the following annual costs: human health—$6.1 billion, residential property—$5.2 billion, materials—$4.7 billion, and vegetation—$0.1 billion. Major sources of air pollution are motor vehicles and factories which emit such pollutants as sulfur and nitrogen oxides, hydrocarbons, and various types of particulate matter, and smoke, soot, and fly ash.

Motor vehicles of all types are responsible for much of our air pollution, with the internal combustion engine being responsible for much of the carbon monoxide, hydrocarbons, and nitrogen oxides in the air. Under current law, hydrocarbons and carbon monoxide from 1975 model year vehicles must be reduced by 90 percent from the allowable 1970 emissions. Nitrogen oxide emissions must be reduced by 90 percent in 1976 from measured emissions from 1971 model year cars.

Major emphasis in this area has been directed toward emission control devices rather than toward development and demonstration of new types of engine technology. Emission control devices are expected to add $150 to $200 to the cost of a new automobile as well as increased costs due to a significant reduction in gas mileage.

Cleanup of pollution attributable to sources other than motor vehicles will result primarily from the conversion to clean burning fuels. Coal gasification, natural gas, and nuclear power all offer significant potential for reducing emissions.

In the area of solid waste, it is estimated that we, as a Nation, throw away each year 3.5 billion tons of solid wastes, which costs us about $4.5 billion in handling costs. Of this, more than 360 million tons of industrial, municipal, and commercial solid wastes are being generated, and this amount is expected to double by 1980.

Paralleling the symptoms of man's demand on the environment; namely, air and water pollution, there is a dramatic increase in our use of resources which fuel our dynamic economy. The U.S. population of about 208 million is only 5.6 percent of the world's population, but we consume approximately one-third of the world's energy output. In 1971, the U.S. gross national product passed the $1 trillion mark. To support this level of GNP, energy and processed materials of mineral origin valued at $150 billion were required.

Annually over 4 billion tons of new mineral supplies—20 tons per person—are needed to sustain our economy. For forest products alone, 1971 consumption of industrial wood reached an alltime peak of 13 billion cubic feet.

HOW DO WE PROCEED

Though we all agree that we have a problem facing us with regard to the waste of our resources and the pollution of our streams, we are faced with what may be done. One thing is certain: You can take pollution from the air and put it in the water, or you can take it out of the water and put it on the land; but once formed, it must be disposed of somehow.

There is an old saying, "There ought to be a law." But a law is not self-enforcing. What people really mean is that there ought to be a correction. Laws require the cooperation of the vast majority of decent citizens to be effective. The law is also blind to any considerations not included in its framework. If a law causes more problems than it solves, it will not be enforced over a long period of time.

Congress in recent years has been passing environmental laws that are difficult if not impossible not to support, but which may be impossible to carry out. These laws are a reflection of the feeling of the Nation and the Congress and for the most part an earnest desire to improve and restore the environment.

But many of the provisions of these laws go well beyond the test of the prudent man. In many cases, standards are being established, standards for which no known technology exists to meet these standards, or at best technology that exists only in the laboratory or on the drawing board. For example, the committee has been told that—

Phosphates have been removed from detergents in some cases and the chemicals that have been used as replacements are more dangerous than the phosphates;

Emission control devices have been installed on automobiles to reduce carbon monoxide emissions, and nitrogen oxide emissions have been increased as a result;

The new emission control devices may result in a significant increase in fuel consumption, thereby indirectly increasing pollution and significantly increasing the use of natural resources;

Power plant construction is being held up for environmental considerations—power that is needed to clean up our environment;

Some persistent pesticides have been banned and replaced with less persistent pesticides which we must use far more often to achieve a similar effect with much greater hazards to workers; and

We have made businesses install pollution abatement equipment and then made them replace the equipment as new technology becomes available.

Perhaps with all good intentions we are moving too fast.

A STEP BACKWARD—THE GYPSY MOTH

A second danger is using such laws to take sudden action where alternatives do not exist or at least are only in the laboratory stage of development. The gypsy moth, which defoliates our trees, is a case in point.

This insect was brought to this country as a possible source of silk in 1869. Unfortunately, some of the moths escaped from captivity. Twenty years later it infested 200 square miles around Boston. It gradually spread to infest much of New England and, in the 1920's, a barrier zone was established along the line of the Hudson River. Generally, infestations beyond the zone were held in check with aerial treatment with DDT, the treatment of choice until its extensive use was halted in 1959. Since that time, the westward spread has been significant until the 1970's found the gypsy moth as far away as Wisconsin, Ohio, North Carolina, South Carolina, and Alabama.

Current control methods involve the use of the pesticide Sevin which, reportedly, does not offer the degree of control due to its short life and the need for more frequent applications. Further, public opposition to aerial pest control operations has seriously hampered the success of the gypsy moth program. Sterile male moths are being released in limited locations where it is possible to overwhelm insect populations. In addition, experiments are being conducted with parasites, predators, and sex lures. The appropriations for this research were expanded by $1 million in 1971 for a total of over $1.6 million for the cooperating agencies of USDA. The level for 1973 should reach $1.9 million.

Problems with mass rearing techniques and with the establishment and careful testing that must precede the introduction of predators will mean that it will take several years to see their effects. Nevertheless, the committee fully expects the Department to use such funds as may be available to exploit any scientific breakthroughs that may develop regarding this pest. In the meantime, our forests are threatened by the spread.

IT TAKES TIME TO DEVELOP ALTERNATIVES

The gypsy moth is a good example of the problems which arise from precipitate action to stop or ban the use of an available method for controlling problems that man has with nature. Certainly these actions are necessary where there is an imminent hazard to human health. But, for the most part, we must move carefully to develop real alternatives in order to avoid unplanned damage to the environment and to the economy.

When disease strikes or former control methods are no longer available, the development of alternatives takes many, many years. For example, the Department has reported that it takes from 10 to 12 years to develop a new wheat, 5 years for a new corn, 15 years for an improved oilseed variety.

The develpment of a new pesticide requires about 5 years and up to $5 million before it can be approved and marketed.

Certainly any estimate of time is only an average, and the development may stretch far beyond that time. For example, literally thousands of potential herbicides have been screened over the past 27 years, but none has been developed that possess the unique characteristics of 2,4,D.

In addition to effectiveness, the cost implications of alternatives must be fully explored. The committee provided $200,000 in last year's bill to enable the Secretary of Agriculture to consider the economics of some of the rules and regulations being proposed for environmental control. The Department reported that a regulation under consideration would have cost an average size pig farmer $15,000 or $7 per animal. The agency proposing the regulation was unaware of this and glad to have the information.

By the year 2000, 28 years from now, we will grow by 92 million Americans above today's 208 million Americans who are already abusing their resources. Our lakes and rivers have become catch basins for the residues of our factories, household and agricultural chemicals, for human wastes from thousands of villages, towns, and cities. Our air has become a pall on our major cities as it is stressed by our factory and automobile exhausts. How we will clean up this situation and learn to handle it without restricting the means for providing our high standard of living may well determine the future of our Nation.

As we approach this problem, we must keep in mind that the power to control water quality and air quality is not only the power to make or break business but is a power over the life of the Nation.

If we closed all our manufacturing plants, that would greatly improve our water quality. If we stopped driving automobiles, just think what that would do to improve the atmosphere. If we could return to the 800,000 population level of this country at the time of its discovery, nature would be able to eliminate the pollution problem.

Today's population could never be asked to live the simple life of the earliest Americans. Neither could we ask or force the residents of New York City to quit eating, quit living, and quit breathing while we clean up the Hudson. The same is true for Washington and the Potomac as well as many of the people in thousands of towns and villages.

However, it should be clear that our use of resources and the discard of waste materials are directly related to the means by which we live and prosper. The ability to control their rate is the power to control how we live. Yet, under present law and under several more under consideration, we are investing more and more of this power in a single agency with a single head without the means of setting priorities in public debate and where the costs and the effects of a decision to clean up a river or clean up the air can be assessed by those workers who must seek other employment, by the consumers who must pay higher prices, and by those industries which must find better locations and manufacturing processes.

THE COST OF CLEANING UP

A study was recently released by the Council on Environmental Quality entitled "The Economic Impact of Pollution Control" which considered the general economic impact of current nationwide air and water pollution standards as well as the impact on 11 selected industries. The study indicated that none of the 11 industries, as a whole, would be seriously threatened solely by the present pollution abatement costs.

However, if found that some individual firms will earn lower profits, some will curtail production, and some firms and plants will be forced to close. It estimated further that between 200 and 300 plants would be forced to close during the study period—1972–76—with a potential reduction of between 50,000 and 125,000 jobs due to the pollution abatement requirements. Such closings are estimated to be significant for 150 communities.

In terms of the general economy, testimony before the committee indicated that industry will have to spend $150 billion between now and 1980 in order to meet the standards we have established. This cost will have to be absorbed by the consumer through higher prices. Higher cost of goods produced will mean shrinking foreign markets and increasing pressure from foreign imports. This year we are facing the largest trade deficit in the history of the country. Increased prices and increased imports will mean fewer jobs for American workers. People out of work do not care about the environment.

Much has been written about our participation in international environmental meetings. The committee is for them to the extent that we are able to share our experiences and our knowledge of problems and learn from others in the process.

However, we are never as successful in our international efforts as we hope. We did not make the world safe for democracy after World War I. The rest of the world did not pay attention to our views. Nor were we too successful in saving the world from communism after World War II.

We did not seem to have as much influence in the rest of the world as we thought we had. Now it would seem that we are going to set out to save the world from environmental degradation. This is a valid concern. But we must recognize that no matter how much we may wish to explain what we are learning to China and India, they will still want to feed their people first.

This point was recently raised by Prime Minister Indira Gandhi of India when she addressed the United Nations Conference on the Environment. Mrs. Gandhi said:

> On the one hand, the rich look askance at our continuing poverty. On the other, they warn us against their own methods.

She went on to say:

> We do not wish to impoverish the environment any further. Yet, we cannot forget the grim poverty of large numbers of people. When they themselves feel deprived, how can we urge the preservation of animals, how can we speak to those who live in villages and in slums about keeping the oceans, the rivers and the air clean, when their own lives are contaminated at the source.

We should set a good example, help where we can, and practice what we preach. However, we cannot forget that with only 6.3 percent of the land area and 5.6 percent of the people, we are no more going to be able to control the rest of the world with regard to the world environment any more than we were able to save the world for democracy or from communism.

Today, the Congress, the Administrator of the Environmental Protection Agency and others are faced with dealing with many of the environmental groups.

We see many projects opposed by some because it will change the type of fish or type of animal which they wish to catch and kill.

Because a major war is not at our shores, they feel that testing of weapons is unnecessary.

Because their lights come on every night, they oppose new electric generation facilities. They are trying to stop power generation when our needs are doubling each 10 years.

Because they have not been hungry, they oppose fertilizers and pesticides which are fundamental to agriculture production.

Because they have jobs, they are opposed to development of areas of this country not so fortunate.

Because their homes are not flooded, they are opposed to reservoirs.

Millions of people have been sold against "changing the environment"—even though it be for the good of mankind.

A SOUND NATIONAL COMMITMENT

It is the general conclusion of the committee, based on hearings and on the years of experience with agriculture and other matters, that we face serious problems with no immediate hope for easy solutions. At best, we face hard choices which only through common dedication, rigorous study, and orderly progress toward reasonable goals can we hope to better our present conditions.

The committee is not, however, unmindful of changing world conditions where peace may yield dividends to be used wisely to meet our urgent domestic needs. In the past, the conversion to a peacetime economy has meant jobless returning veterans, canceled war contracts, and diminished foreign markets for expanded farm production. It also seems that war or the preparation for war has brought our periods of greatest progress and prosperity. This need not continue to be true for it not from war that we prosper but rather it is the common dedication and purpose which brings the economy to its peak.

In war we spend money to buy guns, ships, and airplanes; we buy fuel to burn in the airplanes and ships; we spend money on things that are destroyed. We dig up our minerals, destroy our timber, and end up a poorer country because we have used up so much of our resources.

If we were just wise enough to put that same effort to use to improve our own country; if we were wise enough to harness our streams and reforest our lands, stop erosion, clean our lakes and rivers, build schools, and improve our country, we would have a much richer country. We would have a finer country.

If we leave our children a rich country, rich in natural resources, rich in the things that provide our high standard of living, then we truly will have left them a fine heritage.

RURAL DEVELOPMENT

More and more of rural family living is being done outside the fence lines of the farm, which gives new importance to rural community services. It is obvious that farmers must participate in planning how their communities grow and change and in the programs necessary to meet this challenge.

We now are hearing much about revitalizing rural America and it is good that rural America is receiving this attention for the need is there. It would be even better if we could get the funds Congress appropriated for the purpose released. It is in rural America that one-third of our population lives and where, with water and sewers, electricity, telephones, roads and housing, they will continue to make their homes. Despite our efforts in Congress, over one-half of the substandard housing and about 20,000 small communities without proper water and sewer systems are located in rural areas. It is in rural America where towns are dying as 500,000 to 600,000 people leave the farms yearly to compound the problems, of our overcrowded urban areas. Because of these problems, there is an absolute necessity to fully carry out our programs to meet housing and community service needs. We need continued small factory expansion. If we can keep this up, people will continue to live in rural areas.

It must be recognized that almost all USDA programs contribute to the economic and social development of rural areas. One of the key features of the Department's rural development programs is the close cooperation and involvement at the State and local level. USDA's delivery system includes its 50 State rural development committees and 1,274 area and county committees along with county, State, and national offices that provide this unique and unparalleled system that delivers not only USDA program assistance but assists other Federal and State agencies in program delivery.

The committee provided funds for over 3,200 man-years and provided assistance to many different groups and organizations for rural development in fiscal year 1971, in the Department's efforts to bring about social, economic, and cultural progress and produce a more balanced growth in this Nation.

The programs specifically oriented toward rural development objectives in fiscal year 1973 involve an estimated $3.6 billion. This does not include the farm commodity programs, farm loan programs, food assistance programs, and that part of the research and extension programs dealing with agriculture and timber production and recreation on the national forests—all of which can have important impacts. The principal rural development programs are:

[In millions of dollars]

	Program level—Fiscal year—						
	1961	1965	1969	1970	1971	1972[1]	1973[1]
Farmers Home Administration community loans and grants for water and sewer, recreation, flood prevention, etc.	6	68	226	210	327	370	385
Farmers Home Administration rural housing loans and grants	71	136	535	828	1,451	1,683	2,228
Rural Electric Administration telephone and electric system loans	432	489	483	485	503	679	813
Soil Conservation Service resource conservation development, watershed, and flood prevention projects	61	100	103	112	123	156	15
USDA and land-grant college's community improvement and housing research	1	2	4	5	8	13	14
Extension Service community development program	4	7	9	9	10	13	13
Total	575	802	1,360	1,649	2,422	2,911	3,609

[1] Estimate.

This is an impressive rate of expansion of which the committee and the Congress should be duly proud. Nevertheless, the Congress has been faced in fiscal year 1972 with a serious challenge from the Office of Management and Budget with serious implications in rural development activities:

Funds for water and sewer grants totaling $58 million were frozen; $107 million in loan funds for needed expansion and stronger electric service in rural areas were withheld; $75 million of farm operating loans were held in reserve for much of the fiscal year; and Federal personnel ceilings have held back technical services in a number of programs, including the resource conservation and development programs of the Soil Conservation Service.

It is difficult to understand how a serious commitment to rural development can be overridden by such back-door tactics.

For 1973 the appropriation bill recommended by the committee will provide a total of $3.6 billion, more than double the $1.4 billion level of fiscal year 1969.

The number of FHA rural housing loans and grants has tripled, from 55,000 in fiscal year 1969 to an estimated 148,000 for fiscal year 1973. Funding during this same period has gone up from $534 million to $2.2 billion.

The number of rural water and waste disposal system loans and grants has almost doubled, from 1,313 in fiscal year 1969 to over 2,600 estimated for fiscal year 1973. Program levels have increased from $189 million to $400 million for fiscal year 1973.

Soil Conservation Service resource conservation and development, flood prevention and watershed programs have expanded from $103 million in fiscal year 1969 to an estimated $155 million for fiscal year 1973.

The Extension Service community development program in fiscal year 1973 is estimated at $14.2 million—an increase of $5.3 million over fiscal year 1969 levels.

Research on rural development and housing is estimated at $13.7 million for fiscal year 1973—triple fiscal year 1969 levels.

Rural Electrification Administration telephone and electric loan levels, including loans of the new rural telephone bank, are estimated at $796 million for fiscal year 1973—an increase of $326 million over fiscal year 1969 levels.

Another thing which disturbs me is the lack of press coverage of this bill. This is the first bill of this size—almost $12.9 billion—I have ever seen approved by the Appropriations Committee which the news media did not even mention. All the folks who are pushing and pulling about the environment and consumer affairs do not know the bill has been reported or is available or is up for consideration.

SUMMARY OF THE BILL

Mr. Chairman, the bill provides a total of $12,897,010,900. Included in the bill are funds for the regular activities of the Department of Agriculture, the Commodity Credit Corporation, rural development, the Environmental Protection Agency, the Council on Environmental Quality, and HUD water and sewer grants. Under Consumer Protection, the bill includes the Food and Drug Administration, the Federal Trade Commission, the Office of Consumer Affairs, and the Consumer Product Information Coordinating Center. Other agencies include the Farm Credit Administration, National Commission on Materials Policy, National Industrial Pollution Control Council, and the National Commission on Consumer Finance.

The bill is divided into four major titles—a division which is designed to demonstrate the general impact of the appropriation. Such a division is by no means precise and is subject to individual interpretation because of the multiple benefits derived from the programs funded in this bill.

TITLE I—AGRICULTURAL PROGRAMS

Title I includes $1,233,733,400 for the regular activities of the Department of Agriculture, including administration, research, extension, marketing, and $895,000,000 for the foreign export and donation activities financed through Public Law 480.

The bill further provides for the restoration of capital impairment of the Commodity Credit Corporation which, in addition to providing commodities for donation to schools and needy families, provides loans, purchases, payments and short-term export credit sales, and thus enables the agricultural producer to pay American costs and sell at world prices. The total included for 1973 is $3,832,952,000.

In addition, the title includes funding for quarantine activities which protect us all from the introduction of foreign diseases. It includes $2.8 million for the pest management programs which together with $1.8 million from the Environmental Protection Agency and funding from the National Science Foundation will demonstrate new techniques for suppression of pests to the benefit of the environment and the agricultural producer.

Funds are also included to expand the activities of the extension program through the nutrition aides program and the 4-H program of benefit to rural and urban communities alike. A total of $160,877,000 for meat and poultry inspection, now conducted by the Animal and Plant Health Inspection Service, is included in this chapter which benefits the health of the consumer.

TITLE II—RURAL DEVELOPMENT PROGRAMS

Title II provides funds for programs primarily directed to rural development. It includes funds for the resource conservation and development program administered by the Soil Conservation Service for the development of communities and the protection of the environment. Funds are included for the Rural Electrification Administration for loans to Rural Electric Cooperatives and Rural Telephone Cooperatives to provide services in rural areas totaling $107 million in reappropriated funds and $563 million in new funds, a total of $670 million. For grants for water and sewer facilities, $58 million in reappropriated fund, and $42 million in new funds—making a total of $100 million—are included to help with development of rural America, thus relieving the pressure on our cities. A total program of $3.6 billion is planned including $899,303,000 in appropriated funds.

TITLE III—ENVIRONMENTAL PROGRAMS

Title III includes funds for the programs of primary benefit to our environment, such as the activities of the Environmental Protection Agency. It includes funding for advisory offices such as the Council on Environmental Quality, the National Industrial Pollution Control Council, and the National Commission on Materials Policy.

It also includes the environmental programs of the Department of Agriculture, including the rural environmental assistance program and the watershed and flood prevention programs which through dams, terraces, and grassed waterways do much to halt pollution at the headwaters. In all, $2,944,684,500 is provided in this title for these environmental protection programs.

TITLE IV—CONSUMER PROGRAMS

This chapter provides $159,623,000 for the Food and Drug Administration, $30,474,000 for the Federal Trade Commission, and $1,033,000 for the activities of the Office of Consumer Affairs.

The chapter also includes the food assistance activities of USDA, for which a total of $4.1 billion is recommended. Since 1969, total food assistance has risen from $1.2 billion to $4.1 billion. The principal increase has been in the food stamp program, which was $250 million in 1969. For 1973, the bill includes $2.2 billion for food stamps, a tenfold increase over 1969. The growth in the program has been largely due to liberalizing the program to change it from a program for supplementing nutrition to a program supplementing income. It is a complicated program of rules and regulations providing special money for food which, by it sheer size, is unworkable.

WIDE COMMITTEE JURISDICTION HELPS IDENTIFY NEED FOR COORDINATION

The inclusion of these several agencies under a single bill offers many opportunities for Congress to assess the needed cooperation in several major policy areas.

The committee has examined the coordination and administrative practice between:

Agencies and the Council on Environmental Quality on environmental impact statements;

The procedures for coordination of pest management programs;

Drug and cosmetic advertising between the Federal Trade Commission and the Food and Drug Administration;

Salmonella control and residue requirements between the Food and Drug Administration and the Department of Agriculture;

Planning and utilization of the new National Center for Toxicological Research;

Research facility requirements between the Food and Drug Administration, the Department of Agriculture, and the Environmental Protection Agency;

Cooperation between the Office of Consumer Affairs, the Consumer Product Information Coordinating Center, and the Department of Agriculture on the development of bulletins useful to consumers.

SIGNIFICANT ACTIONS

TRANSFER OF INFORMATION ACTIVITIES TO THE OFFICE OF THE SECRETARY OF AGRICULTURE

Through the years, the Office of Information of the Department of Agriculture has concerned itself with publication of agriculture bulletins. Its news media efforts have been largely limited to programs for those engaged in agriculture.

By transferring this office, the committee seeks to place new emphasis on the need for more general information. This action will enable the Secretary and the Department to reach the consumer who must understand the importance of agriculture in providing his food supply—that 20 of us must look to 1 producer for our food and fiber; that agriculture exports are an important part of our balance of payments; and that agriculture, as the largest market for industry and labor, is a key to our national prosperity.

FROZEN FUNDS REAPPROPRIATED

The committee has again been faced with the problem of funds, appropriated by Congress, held from use by the Office of Management and Budget, funds that were clearly needed to accomplish important program needs. In these cases the committee has acted to assure the continued availability of these funds.

The committee has—

Reappropriated $107 million in reserved REA electric loan funds, held in reserve though the backlog of applications continues to climb above $500 million.

Reappropriated $58 million in Farmers Home Administration water and sewer grants, frozen though the backlog of applications reached $150 million in December.

Reappropriated $500,000 in Department of Housing and Urban Development water and sewer grants, frozen though applications stand at more than $1 billion; and

Reappropriated $4,108,000 in research funds for the many needs identified by Congress.

FOOD STAMP ABUSES

Under present procedures the State welfare department, which is under the general supervision of HEW, determines eligibility of recipients and the Department of Agriculture provides for distribution. Administrative costs for 1971 included $15 million just for printing the coupons and $38 million for Federal and State administrative expenses. It costs over $220,000 just for the Federal Reserve banks to destroy the coupons after their use.

This complicated program, with divided responsibility, has created an almost impossible situation where charges of violations are so numerous that the Department of Justice in most cases has not had sufficient personnel to prosecute and still meet its responsibilities with major cases. With one agency certifying eligibility and another having to administer the program, it appears that correction of abuse is impossible.

In view of this, the committee considered transferring the funds for the food stamp program to the Department of Health, Education, and Welfare, the agency which, through welfare, certifies eligibility. Then in cases of violation, eligibility can easily be withdrawn, thus putting the program on a sound basis; however, it has been decided it would be better to make this change in an orderly manner.

The committee last year directed that notice of each violation be filed with the welfare agency. This may have helped in the elimination of some abuses but not enough; therefore, the committee hereby urges the Department of Welfare which certified eligibility to give notice of these abuses and take appropriate action immediately.

The committee notes the difference with the programs for child nutrition and commodity distribution which are properly agricultural functions. These programs have made major contributions to nutrition and provided a significant base for our agricultural economy. School lunch purchases of local food products total about $1.5 billion annually.

ENVIRONMENTAL PROGRAMS

The committee has long supported restoration, development, and improvement of our environment through the agricultural conservation program, now called the rural environmental assistance program, which has built 2.2 million water storage reservoirs, 114 million acres of strip cropping systems and many other pollution control measures. To date, the first 1,000 Soil Conservation Service watershed projects funded by this committee have prevented damage totalling $178 million. In addition, national reforestation efforts have meant the replanting of 30 million acres.

For the past 2 years, the committee has reviewed the activities of the Environmental Protection Agency. It has become increasingly evident that the Agency and its Administrator have been subjected to the stress of putting together an agency from many dissident parts while being asked to absorb functions assigned by more and more legislation. The committee has identified serious problems due to a lack of expertise in many of the areas on which EPA is asked to rule. The committee has, therefore, provided funds for advisory committees to review the research priorities of the Agency to assure that grants and contracts are properly directed.

The committee has, for some time, held the view that it is not how little can be measured, but the effect that counts. We must require standard tests to determine legal tolerances which are no greater than the amount determined to be absolutely safe. Such a tolerance process must be widely understood for there is no such thing as zero tolerance with modern ultrasensitive testing devices.

The committee has also provided funds for scientific and technical training to assure that EPA employees are of a caliber equal to their awesome task.

The committee has also determined that the Environmental Protection Agency budget fails to provide adequately for the special effort needed for the restoration of one of our prime natural resources, the Great Lakes. The committee has provided $108,500,000 to accelerate this activity as described later in the report.

ADVERSE EFFECTS OF OMB PERSONNEL CUTS

The committee is concerned about several personnel issues. The most pervasive and the most troublesome problem is the refusal of the Office of Management and Budget to permit agencies to hire the full number of people authorized by the Congress in the 1972 appropriations bill. The following table indicates the extent of the problem:

1972 PERSONNEL INCREASES APPROVED BY CONGRESS BUT NOT HIRED BECAUSE OF OMB ACTIONS

	1972 congressional action	1972 OMB action	
		Allowance	Decrease
Federal Trade Commission	+77	+5	−72
Food and Drug Administration	+613	+427	−186
Environmental Protection Agency	+1,515	+852	−663
Department of Agriculture:			
Meat and poultry inspection	+1,102	−41	−1,143
Soil Conservation Service	+1,426	−35	−1,461
Department of Agriculture—Continued			
Farmers Home Administration	+45	−305	−350
Other	+1,245	−700	−1,945
Total	+6,023	+203	−5,820

The most striking thing about the above table is the cuts in regulatory programs. These programs—such as food plant inspections, meat and poultry inspections, and pollution abatement activities—can literally affect the life and death of the consumer. They are also unique in that because they are regulatory programs with legal sanctions, their activities cannot properly be delegated to other levels of government or performed on contract or by some other means.

In other words, unlike many other programs, there is no alternative except to increase Federal employment in the regulatory agencies if there is to be an increased level of inspectional activity.

These comments are also relevant because in the 1973 budget the committee has again provided for significant personnel increases in the regulatory agencies, as indicated in the following table:

Personnel increases recommended

Food and Drug Administration	+1,391
Meat and poultry inspection	+500
Environmental Protection Agency	+560
Federal Trade Commission	+205
Total	+2,656

In some cases, these increases have had to be larger than might otherwise have been necessary because, in effect, a year was lost as a result of the OMB actions on the 1972 budget. In the case of the Food and Drug Administration, which proportionately has the largest increase, the committee tried to partially alleviate this problem by providing $8,000,000 in the 1972 Second Supplemental Appropriation Act.

Personnel limitations were also imposed on the Environmental Protection Agency. This being a new agency there may be justification to hire slowly in order to obtain qualified and objective persons.

The personnel reductions in the programs of the Soil Conservation Service and the Farmers Home Administration are equally disturbing because again these are organizations with unique personnel and responsibilities. The Soil Conservation Service is one of the most technically competent organizations in the environmental field, and restrictions of these technicians in a time of mounting environmental concern is completely unsound. The Farmers Home Administration also is a vital element in a key national goal—the provision of better housing for all Americans. The expanding responsibilities of the Farmers Home Administration, which include determining the soundness of a loan and the proper repayment in cases where rural people cannot get a loan elsewhere, are so difficult that the committee questions here also whether they should properly be delegated to non-governmental personnel. When housing loans alone have gone from $800 million in 1970 to $2.2 billion in 1973, the potential for mishandling is great, and the relatively minor impact on total Federal employment seems insignificant by comparison.

In summary, these programs are vital to health and well-being, and there is no alternative to increased Federal employment. Faced with this situation, the committee believes it has acted in the only responsible way by providing for additional personnel.

NEED FOR INCREASED ATTENTION TO SELECTION AND TRAINING OF QUALIFIED PERSONNEL

As indicated earlier, the Environmental Protection Agency and the Food and Drug Administratiton particularly have faced expanding responsibilities. One thing is certain, the qualifications and training of the personnel required to administer these difficult programs must be of the highest quality. When any program is growing dramatically, an agency must always be on its guard that it does not relax its standards. Only qualified personnel must be hired, even if this means temporarily delaying implementation of a program. This is especially true for programs which can, if improperly administered, do irreparable harm to the reputation of firms or individuals.

The committee is pleased to note the plans by the Farmers Home Administration and the Environmental Protection Agency to begin training operations. In addition, the committee calls on the Department of Agriculture to review its meat and poultry inspection training programs, particularly at the supervisory level. The committee has also provided increases in training funds to accompany its increases in personnel for the Food and Drug Administration and for the Federal Trade Commission. The additional funds in all training programs should be used to assure both that new employees are adequately trained and that existing employees receive refresher and such other training as is required to maintain their qualifications. Rotational assignment policies are also an important aspect of an agency's personnel program—especially in regard to inspectors—and should also be periodically reviewed.

Information provided to the committee has indicated that in some cases the Environmental Protection Agency may be experiencing a lack of technical expertise in some areas. The need for expert advice was particularly evident in the recent highly publicized decision on DDT. The report demonstrated a regrettable lack of information on the costs, supplies and programs for cotton. The report indicated that information on costs of production were not available. The Department of Agriculture has made numerous cost studies and findings on this crop. The report indicated supplies were plentiful, while the Department of Agriculture, which is officially charged with the responsibility reports that cotton is now in short supply and that we are not meeting minimum export demands. The report indicated that Federal cotton programs are designed to provide producer profits, while the Congress has carefully written programs to provide the differential between U.S. costs, including a reasonable return on investment, and the world price. To compound this show of lack of knowledge of the crop which will take the brunt of increased costs and greater dangers in handling substitutes, the administrator made reference to "a per bushel subsidy" a measurement which has never been used for this commodity throughout history. Due to the enormity of impact of EPA's decisions on the citizens of the country, it is essential that only the very best qualified personnel be available to the Agency. In recognition of this need, the committee has provided funds for EPA to establish an in-house formal training program for scientific and technical personnel.

The committee directs the agencies covered by this bill to include in their budget justifications for next year detailed descriptions of the actions they have taken to assure that the selection and training procedures of the Agency are of the caliber required to assure that only qualified and objective persons are placed in these responsible positions.

COMMITTEE INVESTIGATIONS

The committee, by law, has at its disposal the Surveys and Investigations Staff to conduct special investigations at the request of the committee to supplement material developed in the hearings. The Investigative Staff is headed by a senior investigator with wide experience and is supplemented by personnel selected by him for their specialized expertise, who are borrowed from various agencies on a cost reimbursable basis to conduct specific studies.

As in previous years, the committee has made extensive use of the Investigative Staff to gather information to assist the committee in making its decisions. Investigations have been completed or are currently in progress in all major areas of committee responsibility, including agricultural, environmental, and consumer programs.

Following general committee practice, these studies are also made available to the responsible agency head in order to assist him in performing his duties. The agency, in turn, supplies to the committee a detailed response to the study findings. Where appropriate, the study and the agency response are printed as a part of the hearing record.

The committee would also emphasize that the existence of an investigation should not be interpreted as implying that any wrongdoing or misconduct is suspected; rather the purpose is the constructive gathering of information to assist the committee in exercising its responsibilities.

Two investigations are currently in progress, and two have been completed. These are discussed below.

INVESTIGATION OF THE FOOD AND DRUG ADMINISTRATION

The commitee requested an investigation of the programs of the Food and Drug Administration. The investigation found serious deficiencies in the food inspection programs. It also found processing delays in the approval of new drugs and in the review of the safety and effectiveness of existing drugs, food and color additives. Other problems included an inadequate import inspection program and ineffective Federal/State cooperation.

The Food and Drug Administration conceded the validity of many of the findings, which it attributed to a variety of causes, including inadequate budgetary support and legislative authority. The Food and Drug Administration also expressed the opinion that the large budget increase requested for 1973, recent organizational changes, and anticipated new legislation would all help to alleviate the problems highlighted by the investigation.

The committee, in response to the problems identified by the investigation and in the hearings, added a total of $50,278,000 to the 1973 budget, an increase of 46 percent over the 1972 program level, and an increase of $7,300,000 over the budget request.

INVESTIGATION OF THE FEDERAL TRADE COMMISSION

The investigation of the Federal Trade Commission revealed general management deficiencies and found that an effective policy planning process to set priorities has not yet been realized, although a beginning has been made. It also found a lack of programs to check compliance with past Commission orders. Finally, the productivity of hearings examiners was considered to be very low and delegation of responsibility to regional offices to be less than optimal.

The Federal Trade Commission conceded the validity of many of the findings. The Chairman of the Commission asserted that agency performance was improving, however, and would continue to do so given legislative and budgetary support.

The committee, recognizing the urgency of the problems and the necessity for action, approved a 1973 budget increase of $5,285,000, a 21-percent increase over 1972, and an increase of $2,120,000 above the budget request.

INVESTIGATION OF AGRICULTURAL RESEARCH

The committee has spent much time reviewing the research activities of the

U.S. Department of Agriculture this year. This review stemmed from a growing concern in agriculture with limited results from the agricultural research effort. Those dependent upon research results to meet costs and competition, consumer groups, and even environmental groups have expressed their dissatisfaction. Concrete evidence of the problem and the need can be seen from the sudden, virulent attacks by corn blight which knocked out 15 percent of our corn crop and contributed to the widespread consumer dissatisfaction with high meat prices. The onslaught of veterinary equine encephalomyelitis on thousands of horses and the resultant human death and sickness is another recent example of the problem.

Beyond the fact that new diseases are not being contained and anticipated but can strike with devastating results, many of the methods for control of the age-old enemies of agricultural production are under attack. Chemicals developed since the Second World War, which have been fully integrated into our modern farming methods, stand accused of having unexplored implications for the environment. The Environmental Protection Agency just announced the almost total banning of DDT, perhaps the most significant of the various chemicals for agricultural use, beginning in January 1973. Yet, there is a serious danger that those who maintain that chemicals have been put into widespread use without examining the ecological implications will achieve their wholesale elimination without examining the economic implications or proving that damage has occurred from their use.

These are but two problems facing agriculture. There are others, including the critical need for problem solving solutions to reduce costs of marketing and production, conserve our productive capacity and solve new problems arising from concentrated production such as waste disposal.

To meet these immediate problems, agriculture research seems only able to recommend that more funds be appropriated. Agriculture research seems to have, to a degree, lost the flexibility necessary to meet the problems at hand and to discontinue work of lower priority.

This is a serious charge, thoughtfully made. It should in no way take away from the past accomplishments of agricultural research. The committee has included in volume 1, pages 635–798, of its hearings an impressive summary of the progress made over the past 30 years. On the other hand, there is evidence that the Agricultural Research Service needs to constantly review its fundamental national research role.

A wholesale reorganization was recently announced and some steps taken toward its implementation. Its objectives are said to be to provide four regional heads of research with an emphasis on management of funds. As an appropriations committee, we can appreciate the needs in this regard but seriously question whether the proposal will not result in less supervision. Evidence before the committee does not indicate a corresponding concern with supervision of persons, with special training, or departmental control of field activities to the point of maximum progress. The committee further holds the view that continuing liaison with the various crop and livestock producers must precede and be an important consideration for any reorganization.

Beyond this general observation, the committee finds it difficult to deal with the proposed reorganization due to its timing. It was not presented as part of the 1973 budget, but developed later. However, as is its usual practice, the committee has directed a review of the research activities by its investigative staff. The findings will be discussed with the Secretary of Agriculture, and the committee will make such recommendations as are appropriate at a later date.

INVESTIGATION OF THE ENVIRONMENTAL PROTECTION AGENCY

This is now the second year the committee has had responsibility for funding the Environmental Protection Agency. The committee questions whether the responsibilities and authorities which have been delegated to the Administrator of the Environmental Protection Agency can be met by any one person, and certainly not without the advice, counsel and recommendations of highly trained advisory boards in each of the major areas such as air, water, solid waste, and so forth, composed of qualified and objective scientists who should conduct hearings prior to conclusions or recommendations. Present difficulties have been compounded still further by the fact that the Agency was created from many other agencies, and the difficulties of molding these diverse groups into one agency have been immense. Finally, the Administrator has been and will always be subjected to intense outside pressure from groups on all sides of the environmental issue. He will always have to adjust to continually changing legislative authorities which often go so far as to require new actions, which to be sound, are dependent upon new inventions or the development of new technologies.

Given all these almost unprecedented circumstances, there has inevitably been some difficulties in the initial formative periods of the Environmental Protection Agency.

To enable the committee to better understand how far we have come, and how far we yet have to go, the committee has directed the surveys and investigations staff to undertake a comprehensive examination of the Environmental Protection Agency. This investigation has already been underway for several months and, due to its complexity, will require more time to complete. The committee believes that when completed the investigation will provide a valuable source of additional information to assist the committee and the agency in the exercise of their respective responsibilities.

AGENCY BUDGETS SHOULD FULLY REFLECT ALL DOLLARS AND PERSONNEL AVAILABLE

The committee has become increasingly disturbed by the failure of several agencies to fully reflect the scope of their programs in the budgets presented to the committee.

Last year, for example, the committee found that the Office of Consumer Affairs had significant numbers of personnel on detail from other agencies. The committee provided funds to directly finance the personnel in the Office of Consumer Affairs budget.

This year the committee found that while the Office of Consumer Affairs was directly financing its personnel, it was receiving additional dollars, which were not reflected in the budget, from other agencies.

In the Environmental Protection Agency, the committee found that approximately 1,500 temporary employees are being employed. While these positions were reflected in the budget, they are, nevertheless still somewhat misleading as to the total work force of the Agency.

The committee has included specific recommendations in the body of the report relating to the individual problems and will expect future budgets of all agencies to clearly indicate all personnel and dollars available to an agency and the sources of these dollars and personnel.

AGENCIES SHOULD MORE FULLY UTILIZE EXISTING LABORATORIES BEFORE REQUESTING NEW LABORATORIES

The committee has been unable to approve several new laboratories requested and has also denied several major repair and improvement projects. This action results from the committee's conviction that existing Federal laboratories are not being fully utilized. The Food and Drug Administration and the Environmental Protection Agency have been directed to conduct surveys of the use of existing facilities.

The committee feels this action is also necessary because some of the studies it has reviewed seem to be biased, against the utilization of existing laboratories. Compromises in requirements may be good. Multiagency utilization of a single laboratory may be necessary. Offsetting advantages, such as creative scientific interchange, more rapid availability of increased capability, and cost savings significantly in excess of the change in capabilities, may occur and these should be fully weighed in the final decision.

Committee staff and investigators have visited several facilities and have seen both the creative adaptation of laboratories for new missions and the underutilization of existing laboratories. Other information available to the committee has further strengthened the committee's belief that what is being requested is possible, desirable, and necessary. The committee has heard much evidence that existing laboratory space is not now utilized and can well be adapted to these needs.

The committee has also requested that its surveys and investigations staff undertake a comprehensive study of this subject.

I believe our committee has done a fine job. We are united on our committee. Many things are beyond our control. We tried to steer the way.

Mr. Chairman, I am proud to present this bill. As I said at the outset, I do not know which bill is the most important to the American people, but that which feeds and clothes us, that which enables a few to do so much for the rest of us, so that the rest of us can work, will have to come pretty high on the list of bills before this Congress.

Mr. ANDREWS of North Dakota. Mr. Chairman, it is indeed a great privilege for me to be able to work with the distinguished chairman of our subcommittee and the members of our subcommittee on matters of such great importance not only to the farmers who live on the land and the consumers who are in the cities but also to those concerned with the environmental problems of our entire Nation.

Actually, this bill contains more indivdual items of importance to the future of America, probably, than any other bill which will be brought on the floor of the House.

As my chairman has pointed out, we are charged with the obligation of setting the appropriation levels for the Department of Agriculture, along with all Federal agencies working in the areas of the environment and consumer protection.

Let me assure you that it is indeed a monumental task and it deserves the understanding and study of all of the Members of this body.

As I indicated to you last year, the expansion of the duties of our subcommittee into the area of environmental and consumer protection was a very logical one, because the farmers of this Nation are probably more concerned than any other segment of our country on a day-to-day basis with the maintenance of our environment.

I feel one of the most important features of our committee report is the language calling for the Food and Drug Administration to increase their efforts on food ingredient labeling.

If an individual in this country of ours has a cardiac problem and goes to a noted heart specialist, and the specialist says "Go down and buy polyunsaturated fats for your cooking oil and you will live a lot longer, because it will lower your blood cholesterol." Then the man and his wife go into the supermarket and pick up a pound of oleomargarine, and on the label it says "Contains polyunsaturated fats." Down below it will say it contains some safflower. There is not enough safflower grown in this country, Mr. Chairman, to produce enough oil to give you more than about two drops in a 55-gallon drum.

It is long past due that the Food and Drug Administration puts on the label not only what is in the food but the percentage of the individual ingredients, because the consuming public has the right to know. We provide funds for this in our bill, and the report specifically calls for this action on the part of the Food and Drug Administration.

Mr. Chairman, I was hoping this year I could come before the House and say that the decline in our farm population has stopped. As our chairman just pointed out, unfortunately that is not the case. Things are still tough on the farm and the farmer is not getting his proper share of the consumer's dollar. He is not getting a proper return on his investment. As the chairman pointed out, 20 years ago after paying farm production costs the farmer retained about $40 out of every $100 of realized gross income from farming. Now production expenses have increased. The sale price of his end products have stayed the same, and he now gets only $27 instead of $40.

Mr. Chairman, we have some charts in our hearings which I think are worthy of study, because later on you will hear an awful lot about payments to farmers. To listen to the critics you would almost think farmers were all driving around in big automobiles at the expense of the long-suffering taxpayer. That is just not true.

In volume I on page 241 we have a very interesting and revealing chart. This shows the return on cost of the farm equities and the ratio of profits to stockholders' equities in 1970. The farmer gets a little over 5 percent on his investment. All manufacturing in this country gets a ratio of return of 15 percent or almost three times as much as the farmer. The producers of durable goods get about 14 percent, and the producers of nondurable goods get about 17 percent return in this country on their investment. Virtually, every business in this country gets almost three times as much return on their investment as our country's farmers.

Farming, of course, is the basic industry of any nation, and when the amount of investment required to farm has increased fivefold over the last 20 years while, as we pointed out, return on investment has declined 60 percent then serious problems exist both for the farmer and for the Nation.

As my colleagues are aware, the conference report on the rural development bill has been filed, and while there are several points in this legislation I do not favor, I think it is important that we all do whatever we can to enhance the rural areas so that those people who want to live in the country can. It is important to the people who live in New York City, Philadelphia, and Chicago that the migration caused by low-farm income and inadequate farm living standards be stopped, because as people are driven off the farm they are forced into the big city areas and complicate the already pressing problems which exist there.

Frankly, the Government gets a whale of a bargain in helping to keep people on the land through rural electrification programs and through the Farmers Home Administration programs and all the other programs to help rural America. The cost to the Government would be far greater if these people are impacted in the already overcrowded cities, where they would increase mass transit, housing, and other problems we have in our major city areas.

So I would hope that we can take a look at this bill not only as a bill that helps farmers but, by keeping our population distributed, it helps all America by reducing the impact on the already overcrowded metropolitan areas.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I will be glad to yield to my friend, the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I thank the gentleman Mr. ANDREWS from North Dakota for yielding. I want to associate myself with his remarks, and the remarks of the eminent chairman of the subcommittee, the gentleman from Mississippi (Mr. WHITTEN). Rural America, countryside America, is certainly grateful for this subcommittee. You are doing enlightened and important work. I want to compliment the gentleman in the well and the subcommittee for their work on this bill that they are presenting to us. The committee report is must reading for those who want a real insight into countryside America.

Mr. ANDREWS of North Dakota. I thank the gentleman for his contribution.

Mr. Chairman, adequate electricity at reasonable rates is the best way of enhancing life in rural America. Rural electrification is designed not to provide electricity in the country at a rate cheaper than that paid by the consumer who gets it in the city, but to provide comparability so that the individual's electric bill on the farm is no greater than his electric bill would be if he lived in the city. To that end our subcommittee has recommended a total of $545 million for loan authorizations for the REA. This includes $107 million appropriated for fiscal year 1972 which had been frozen by the OMB. For some reason OMB has failed to use the money made available, despite the widespread interest in the program throughout the country, and that the demand for loans continues to be heavy.

I think the rural electrification and the rural telephone programs are more important today than at any time since they were started. Our rural electric cooperatives must be able to provide power to the farms and rural areas.

The cost of operating a farm has increased tremendously over the years, and the need for farm credit is of growing importance. Because we have raised the Farmers Home Administration operating loans by $75 million to a total of $350 million. There is a definite need for these funds, and the committee strongly feels that the appropriate level should not be delayed because of a proposed change to an insured loan basis. It is difficult to judge when that legislation may pass, and the farmers need help right now.

Year after year I have received letters from people wanting help in obtaining a Farmers Home Administration loan to continue farm operations. I might add that a number of these people are young people who are trying to stay in farming, to stay on the family farm, and the only way you are going to be able to enable them to stay on the family farm is through maintaining the Farmers Home Administration to enable them to get the financing they need so badly.

I would also like to point out for the benefit of the consumers, and those of you who are represent consumers, the price-cost structure in agriculture. Today at the White House there was a meeting of individuals concerned over the prices of food, concerned over what we should do to meet the problem brought about by the increased cost of the market basket of food. Today on the floor of the House I would like to recommend to you volume 3, page 843 of our 1973 hearings on the bill, where we have a graph indicating what the consumer pays for the staple commodity of bread and where that amount paid for a loaf of bread goes.

Twenty years ago or 25 years ago the cost of a 1-pound loaf of bread was about 14 cents. As indicated on this chart, today it is 25 cents. The farm value of all of the ingredients in that loaf of bread 20-some odd years ago was about 4 cents. Today it is still 4 cents. The price of a 1-pound loaf of bread today has gone up 50 or 60 percent, but the price the farmer receives has stayed exactly the same.

Today we hear a lot about the cost of beef in the supermarket, yet the price the farmer gets for his steer that he has kept in his lots for some 6 months is no higher today than it was 20 years ago.

Those who are concerned with the consumer prices on food will have to look toward others than the farmers to find out where the causative agencies for these high prices are.

Mr. ANDREWS of North Dakota. Mr. Chairman, the rural environmental assistance program of the Department of Agriculture aimed at restoring and improving soil fertility, reducing erosion caused by wind and water, and conserving water on land has been a most important program in protecting the environment in rural America.

The practices carried out under REAP protect and increase our wildlife and beautify the countryside. There is no question that the entire public benefits greatly from conserving methods carried out under the program.

Let us look at this program again.

Back in 1936 when the country's national income was far lower than it is today, the Congress in the thirties appropriated $500 million for the same program, the agricultural conservation program.

There are a lot of people running around here saying that we do not need these flood-retention structures and that we do not need this channelization. Five will get you ten that none of them have lived through the floods that we have had during the last week or two.

It is easy to come out against water conservation and the building of dams and channel improvements, if you have never had floodwaters come on to your land or into your home.

This program is so important that the committee has increased the funding by $85 million, including $30 million to be transferred from the Environmental Protection Agency. This rural antipollution program is in reality a program for all America.

This bill calls for an additional $10 million for the Water Bank Act. The basic purpose of this act is to prevent the drainage and destruction of natural wet lands needed by migratory waterfowl and other wildlife and it is another program that is a benefit to all America.

Our committee has recommended $2.4 billion in the budget for EPA for the fiscal year 1972. The majority of this money—$1.9 billion is to be used for construction grants.

There have been some problems in that agency. They have put together a whale of a lot of diverse groups under one head in the last 1½ years and I think if you read the questions that we asked of the Administrator, you will see that they are beginning to get their organization shaken down and they are doing an extremely important job in straightening out our environment, but there are still problems.

None of us can downgrade the importance of the Food and Drug Administration under the direction of Dr. Charles Edwards, who has done an outstanding job. Hopefully, as I said before, this agency will, because of our committee's action, move rapidly in their efforts on ingredient labeling. Our bill contains a total of $159.6 million for the Food and Drug Administration—an increase of $50.3 million over 1972, and $6.2 million over the budget request.

We also fund the Federal Trade Commission. The purpose of the Federal Trade Commission is to preserve free competitive enterprise through the prevention and suppression of monopolistic practices and unfair restraints of trade.

It is also responsible for detecting and prosecuting acts and practices which unfairly deceive and victimize the consuming public.

The Federal Trade Commission is one of the agencies responsible for enforcing the Flammable Fabrics Act. We dealt extensively with the problem of flammable fabrics in our hearings and added money to help increase the Commission's activities in this area.

The committee recommended a budget level of $30,474,000 for the Federal Trade Commission for the fiscal year 1973, an increase of $2,120,000 over the budget.

This is a good bill. I strongly feel it deserves the support of my colleagues. There is a major need for this legislation and I recommend it to the Members of the House.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Chairman, the Subcommittee on Agriculture—Environmental and Consumer Protection, of the Appropriations Committee, now brings to the floor of the House for your approval the annual appropriations bill for fiscal year 1973.

For a period of 17 years I have served as a member of the Committee on Appriations, and one of the subcommittees that I have served on during this period of time is the Subcommittee on Agriculture Appropriations. In addition I serve as a member of the subcommittees that appropriate funds for the Department of Labor, the Department of Health, Education, and Welfare, and for the District of Columbia budget.

We have a new Secretary of Agriculture, and when Secretary Earl L. Butz made his first appearance before our committee, I discussed generally with him problems concerning agriculture and the American farmer. I called his attention to the fact that down through the years, for some reason or other, after serving for a short time the Secretaries of Agriculture were criticized because they would not stand up for the American farmer. Regardless of a change on the part of any administration, in my opinion, the Secretary of Agriculture should be an outstanding man in the field of agriculture and at all times should stand on the frontline and make the fight for the American farmer. Secretary Butz, upon being selected for Secretary of Agriculture, in my opinion, started making the fight for the American farmer. In his speeches and in the action that he has taken to me discloses the fact that he knows full well that as the Secretary of Agriculture he must stand firm.

Our farmers know how to produce and we have an adequate food supply. In every emergency, when called upon, our farmers have produced the necessary food and fiber to take care of our people and in many instances have produced adequate supplies for assistance programs to free countries around the world who are in need.

Mr. Chairman, we must keep in mind that we still have many serious problems in agriculture, and certainly this is not the time to turn our backs on the American farmer. Each year it becomes more difficult to maintain a sound agricultural economy due to increasing costs in labor, equipment, and the high cost per acre of good farmland.

It is imperative that we give more time and study to the situation that now prevails between the time agricultural commodities leave the farm and are sold to the time the products go into the homes of our people for consumption. Every investigation that has been made in the past 10 years discloses the fact that the middleman and not the farmer is the cause of the high price of food and agricultural commodities.

During our hearings we discussed the power situation throughout this country and as we all know there is a shortage of electric power as well as natural gas, and in certain sections, oil. Each summer the eastern seaboard section is confronted with a power shortage and this difficulty shows that we must have more electricity. In addition, we must have a better supply of natural gas.

Mr. Chairman, I believe that the American farmer is entitled to a fair share of our national income.

Title I of our bill includes $1,233,733,400 for the regular activities of the Department of Agriculture, including administration, research, extension, marketing, and $895 million for the foreign export and donation activities financed through Public Law 480.

In addition, Mr. Chairman, this bill provides for the restoration of capital impairment of the Commodity Credit Corporation, which in addition to providing commodities for donations to schools and needy families, provides loans, purchases, payments, and short-term export credit sales. Funds are also included to expand the activities of the extension program through the nutrition aids programs and the 4-H program of benefit to rural and urban communities alike.

In this bill we have $160,877,000 for meat and poultry inspection.

Title II of our bill provides funds for programs primarily directed to rural development. Funds for the resource conservation and development program administered by the Soil Conservation Service for the development of communities and the protection of the environment. Funds are included for the Rural Electrification Administration for loans to rural electric cooperatives and rural telephone cooperatives to provide services in rural areas. The total amount contained in this bill is $670 million. For grants for water and sewer facilities $58 million in reappropriated funds and $42 million in new funds which makes a total of $100 million. A new program of $3.6 billion is planned, including $899,303,000 in appropriated funds.

In our bill we have title III which includes funds for the programs of primary benefit to our environment, such as the activities of the Environmental Protection Agency. In all we have $2,944,684,500.

In our bill we have $159,623,000 for the Food and Drug Administration. $30,474,000 for the Federal Trade Commission and $1,033,000 for the activities of the Office of Consumer Affairs. In this title we also have the food assistance activities of the Department of Agriculture which contains a total of $4.1 billion. Since 1969 total food assistance has risen from $1.2 billion to $4.1 billion. The principle increase has been in the food stamp program which had $250 million in 1969 and in this bill for fiscal 1973 we have $2.2 billion.

We are again, Mr. Chairman, faced with the problem of funds appropriated by Congress in previous fiscal years which have been frozen by the Office of Management and Budget. This money was clearly needed to accomplish important programs and I do hope that none of the funds appropriated in this bill will be frozen by the Office of Management and Budget.

In order for our people to live in this country we must stop polluting the air, water, and land. This is one of the most important problems facing our people today. In enforcing our new laws concerning environmental protection we of course must strike a reasonable balance and this can be accomplished.

For our extension service we appropriated $172,279,000 in 1972. We recommend in this bill the sum of $191,831,000.

For our marketing services we recommend $34,174,000. This is almost a $3 million increase over 1972.

One of the outstanding programs in agriculture is our Rural Electrification Administration program. For 1973 our committee has provided a total loan authorization of $545 million which includes the $107 million frozen in 1972 by the Office of Management and Budget. In addition to the frozen funds totaling $107 million, the Office of Management and Budget froze $109 million last year which was finally released.

We recommend $30 million for our rural telephone program.

For the child nutrition programs $1,329,624,000. This amount includes a direct appropriation of $590,461,000 and donated commodities available through the price stabilization activities valued at $249,345,000.

Again, Mr. Chairman, I discussed in detail with the witnesses who appeared in behalf of extension funds the need and necessity of paying adequate salaries to our county agents and home demonstration agents. Finally in Kentucky, after quite a struggle, I have succeeded in helping our people secure raises which were long overdue. When I started insisting upon more adequate salaries in Kentucky our people were just about at the bottom of the list. We are now a little better than halfway up the list and I intend to see that they continue receiving necessary increases. Some of our most dedicated people in agriculture today are our extension workers and certainly they must have enough to live on and educate and support their families.

For the Federal Trade Commission we recommend $30,474,000.

For our Soil Conservation Service we recommend a total of $324,010,500. This is $2,233,000 more than the amount we appropriated for 1972 and $7,024,500 more than the amount requested by the Department of Agriculture.

For our Pure Food and Drug Administration we recommend a total of $154,123,000. With prior year unobligated balances this gives us a total of $155,723,000.

Mr. Chairman, it is a distinct honor for me to serve on this subcommittee, and as No. 2 on the committee, I have enjoyed working with all of our members down through the years.

We recommend this bill to the Members of the House.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, later today, when I offer my amendment to limit individual subsidy payments to $20,000 per crop, I will highlight the most important reasons why I believe this amendment should be adopted.

At this point, I want to do two things: First, to restate briefly the basic rationale behind my amendment; and second, to update recent history to show that that experience reinforces the need for this reform.

The basic reasoning behind my amendment is the "radical" notion that we ought not to be spending 1 cent more than necessary to achieve the purposes of the subsidy program. A distinguished number of agricultural economists, including former Under Secretary of Agriculture, Dr. John A. Schnittker, have concluded that this $20,000 ceiling can be adopted without frustrating those purposes. In effect, they say that present subsidy levels are far in excess of amounts needed for an effective production adjustment program. Indeed, former Secretary of Agriculture Hardin himself revealed that in 1968 nearly two-thirds of all subsidies to cotton growers, for example, were, to use his own words, "income supplements." In other words, the Department has also acknowledged that those funds are not needed for crop adjustment.

So the record is clear that a reasonable payment ceiling will not harm our farm program. On the contrary, it can only improve it, by restoring some balance, some measure of equity, to a badly distorted program that benefits only the wealthy few. And, in addition, it can make possible savings up to $250 million, funds badly needed for other priority needs.

I need hardly add that, in this period of astronomical budget deficits, we should take every opportunity to trim fat where we can. I know of no better place to start than right here.

Now that it is clear that this reform does make sense, let us take a look at events since last year, which, as I have said, reinforce the need for this action.

First, we must recognize that the number of payments in excess of $20,000 continues to grow rapidly. Four years ago, only 5,914 farmers got more than $20,000 in a total amount of $275 million. By 1971 that number had more than doubled with nearly 14,000 such farmers, getting a total of $486 million. It is almost certain that 1972 will show a further sharp increase.

Having said that, let me remind you, as I pointed out in the RECORD yesterday—page 23105—that this growing number still represents less than one-half of 1 percent of all those getting subsidies. It is therefore sheer nonsense to suggest that my amendment will seriously disrupt the program.

A second major development in the past year is the recent report of the Department of Agriculture, of March 15, 1972, which first describes the impact of the present $55,000 ceiling; and second, seeks to measure the potential impact of my amendment.

The USDA report concludes that, although potential savings of $58 million were possible under the present limit, actual savings were only $2 million. Although 1,350 producers got subsidies of more than $55,000 in 1970, only 466 of them actually had their total payments reduced. The remaining thousand farmers changed their operations to evade the ceiling.

I might digress here to note two examples of the kinds of maneuvers these corporate farming grants engaged in. First, there is the well-known case of the gentleman cotton farmer from Mississippi. This gentleman and his family met the limitation by dividing their 5,200-acre cotton plantation into eight business entities. These businesses in total collected about $160,000—virtually the same amount received the year before.

The second case involves the equally celebrated cotton empire of J. G. Boswell of Fresno County, Calif. This corporation picked up more than $4 million in subsidies in 1970. Faced with the $55,000 ceiling last year, Boswell and its wholly owned subsidiary leased about 11,600 acres of cotton allotments, worth about $2.5 million on the basis of 1971 payments. They were leased to five newly created organizations, qualifying for 53 separate payment ceilings. Then, in addition to collecting these lease fees, Boswell also stayed in the action by contracting to do the farming for these lessees. This arrangement, called custom farming, in effect allowed these 53 individual "business entities" to receive payments of about $2.5 million without actually farming.

Now, I am the first to recognize that this "custom farming" loophole has now been closed. In fact, I was one of the first to compliment Secretary Hardin for this step forward in a speech on the House floor last October, the CONGRESSIONAL RECORD, volume 117, part 27, page 35843. But I describe these situations to give us all some idea of the lengths to which people will go to evade the present ceiling. Who knows what these agribusiness giants are planning now to evade the present regulations.

In the second part of the March USDA report we were given the Department's estimate of the potential impact of the amendment I offer today. That report makes clear that my amendment will have only the slightest impact on the present program. It simply will not have the serious adverse impact some of my critics have claimed. This is also the current opinion of economists outside of the Department including Dr. Schnittker.

I will have more to say on the subject, Mr. Chairman, when I offer my amendment. I hope that this analysis, however, provides the essential background to support this reform.

Mr. WHITTEN. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, each year we hear the same arguments made in behalf of headlines in the papers. Each year we are told how a few people control a whole lot of land and get a whole lot of payments.

And certainly that is the way it works. If we want our farm program to be successful it must work that way. Our farm program is no longer a compulsory program.

Some Members who should know that do not know that. Some Members who should know that we quit killing little pigs and plowing up cotton in 1934 do not know it. They do not seem to know that we have not killed any little pigs since 1934. Nor do they seem to know that, save for the quotas on peanuts and tobacco, there is no limit on the crops one can plant, grow, harvest, or sell.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Does the gentleman mean by his statement now I can go out and buy a 10,000-acre farm and plant all the corn or wheat or grain I want?

Mr. POAGE. Yes, that is what I mean.

Mr. CONTE. That is good to know.

Mr. POAGE. That is what I wish all of our Members realized.

I believe this shows the complete lack of knowledge of our farm program.

Our farm program is based upon retiring acres. "Set-aside" acres, they are now called. They set them aside so that they will not be used in the production of crops which apparently are going to be in surplus.

Now, to get those acres set aside we are not penalizing anybody who plants, but we are saying that we are going to give a benefit to those who do not plant more than is needed. This is not a program to pay somebody to make him rich, or even to enable him to feed his family. This is not a welfare program. It is simply a matter of getting land out of unwanted production into wanted production as cheaply as we can.

The price we have set obviously is not too attractive because according to the last figures we have—the year before last—almost half of the lands that could have been retired were not retired. In other words, had this been such a profitable thing, as it has been represented to be, surely the owners of that land would have retired the land. But almost 50 percent of the eligible cotton land went unused because owners of the land felt that the program was not profitable—that they could make more by growing crops than they could by retiring the land.

The present program lets the individual decide for himself whether he wants to participate or not. Unless you enable the large operators to participate in this program, the program cannot function, because if you make it impossible for those operations the gentleman from Massachusetts has described to be retired, then you have to retire the land of, oh, 100 or 1,000 small farmers. If these big farmers do not participate in the program, the way to make the program work is to retire more land from the small farmers.

The small farmers obviously do not want to do that. They simply can't set aside a larger part of their small holdings.

The whole attack on this program is made on the assumption that we are making these payments to enable somebody to feed his family. The whole assumption is that it is some kind of a gift. The whole assumption is it is some kind of a welfare program. As a matter of fact, it is not a welfare program at all, but it is a program of trying to balance supply and demand.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITTEN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I am glad to yield to the gentleman.

Mr. HALL. I appreciate the distinguished gentleman from Texas, the chairman of the legislative Committee on Agriculture, making this statement. I think it certainly needs to be known nationwide and worldwide.

The gentleman has journeyed to an area I am privileged to represent, and he knows about the so-called agricultural and land use program that I have suggested.

Mr. POAGE. Yes, I do.

Mr. HALL. That would take this program he has so beautifully outlined here today just one step further; namely, it would on a voluntary basis allow increased subsidization for those who would enhance and improve the land and water conservation and management practices in the same areas that are now set aside.

Mr. POAGE. Yes.

Mr. HALL. I would ask the distinguished gentleman, in view of his outstanding background, of which there is no equal, if he does not think this would also be equally applicable to the big commercial farmers as well as the small family farmer and at the same time on a voluntary basis place in reserve, restored land immediately ready to produce for the future, on call from the Secretary of Agriculture?

Mr. POAGE. Yes; I think that it would be or should be.

Now, of course, the gentleman will recognize that we have long had a $2,500 limitation on certain conservation payments. That, in my judgment, has rather seriously hindered the effectiveness of that program, because it is not for the benefit of that particular landowner that we do these things. If we did, we could not justify it. It would be simply a personal gift. What we pay for is cooperation in balancing supply and demand.

Mr. HALL. I agree with the gentleman.

Mr. Chairman, will the gentleman yield further?

Mr. POAGE. I yield further to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding further.

The relevant point to the plan that we have outlined and fostered so regularly through the last several Congresses, has been that this would enable the individual farmer, be he corporate or small family farmer operating his own plot, to specify, if it was economically feasible for him to do so in whole or in part, and if he chooses, the worst quarter or fifth of his land could be put into the set-aside and improve it for just reward which he certainly would do in order to support his family and make further improvements; and then when it becomes economically feasible for him to farm and produce the improved area he would do so. It has been indicated that this would greatly increase the number of acres set aside on a voluntary basis up to 60,000 to 70,000 acres per year. I think it is a great program, and one that we should look forward to, and I hope that the current Secretary of Agriculture would abide by and coordinate with the direction of the gentleman from Texas' committee in moving forward on this.

Mr. POAGE. I agree with the gentleman from Missouri (Mr. HALL) and I think the gentleman has served a very useful purpose.

I know the time is running out, and I simply want to call your attention to what the chief authority in this Nation says about this program. I have a letter here dated the 26th of this month, addressed to W. R. POAGE from the Secretary of Agriculture. He said:

JUNE 26, 1972.

Hon. W. R. POAGE,
House of Representatives.

DEAR MR. POAGE: It is very disturbing that once again a move may be underway in connection with the Agricultural Appropriations bill to further limit the maximum level of payments permitted under the feed grain, wheat and cotton set-aside programs.

Hopefully, this is an unfounded rumor but in view of past attempts at such amending action, I feel compelled to point out that the Administration's position has not changed. Aside from the obvious unfairness to many farmers, this is not the method to follow in fashioning basic and fundamental changes in farm legislation.

Of course, the proponents of such a move would exempt 1972 crops. If they didn't, such a change would constitute a breach of contract. The government has already committed itself to the provisions of the three programs now in effect. It is too late for farmers to make changes in their operations and it should also be too late for the government to do so.

Even if 1972 crops were to be exempted, the government would still be in a position of breaking faith with farmers if further payment limits were mandated before the expiration of the legislatively authorized three-year program. The main arguments in the past for such a proposal just do not ring true. They always centered about the savings in program costs and the few number of farmers involved. Some who hold these views do so sincerely, but unfortunately many do not.

Knowledgeable people recognize that savings, if any, will be minimal * * * in fact, so small that they are not worth it in view of the disruption brought about in the operations of many farmers.

However, I really get concerned with the argument that not many people will be affected. Each person has a right to expect fair treatment from his government. It matters not that only a few thousand instead of millions are affected. This is not a valid reason for our government to renege on its commitments. It is this kind of irresponsible and ill-advised legislation that shakes a citizen's faith in his government and causes creditability gaps.

I feel confident that the great majority of the Congress will see through his proposal and recognize its unfairness with overwhelming rejection if it is injected into the appropriations legislation.

Sincerely,

Earl L. Butz,
Secretary.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, let me say that I listened with great interest to what the gentleman from Texas, chairman of the Agriculture Committee of the House, had to say.

If I might, I would like to suggest to the chairman, at such time as we discuss this issue later this afternoon, that he again make the pertinent points that he has just discussed and summarize such facts and use them at the time that the amendment is offered for the benefit of such Members who were not privileged to be present at this particular time.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Price).

Mr. PRICE of Texas. Mr. Chairman, as a practicing farmer and rancher, I want to associate myself with the remarks of the chairman of the Committee on Agriculture who is a very knowledgeable man and probably one of the most knowledgeable men regarding this problem who sits in the House today.

We have worked very closely as members of the Committee on Agriculture to come up with a bill by which we have committed ourselves for 3 years, as he said, and now to withdraw the agreement that we have made with the farmer, I believe, would be reneging upon what we told these people they could rely on and depend on. When they go to the bank and borrow money and when they have committed themselves for 3 years to buy a new tractor and all types of equipment and spend thousands of dollars to equip themselves and to purchase leases that have cost them millions of dollars, thinking that we would hold true to what we said in the law.

If we renege on this at this time, I think we are failing the American farmer. What can he believe—if he cannot believe the legislation that we passed and in which we told him this is what you can depend upon, and then jerk the rug out from under him, is irresponsible in my opinion.

My associate, the gentleman from Massachusetts (Mr. Conte) has, I think, a very small acreage in his State whereas in my own district, we have more than 4 million acres of dry-land farming and about 4 million acres of irrigated land. We have more agriculture production in my own district than they have in their whole State, and in the amount of products that are produced.

So, for this reason, I believe, as the chairman just stated, that to go back on the legislation we have already enacted into law, would be reneging on the part of the Congress today.

I plan to speak further on this, if the gentleman offers the amendment this afternoon.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas (Mr. Mahon), chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Chairman, the House has already passed nine of the major annual appropriation bills for the fiscal year 1973 which begins on Saturday.

This is the 10th one and, basically, it is probably the most important of all—because without healthy agriculture we could not maintain our standard of living and we could not sustain the dynamic and diverse economy which in turn provides the resources to support the various programs of Government otherwise.

I would commend to all the reading of this report which has been drafted by the chairman of the subcommittee, the gentleman from Mississippi (Mr. Whitten) because it points out the vital job that is being done by American agriculture.

It is good to have small farmers, as in Massachusetts and in other places, but if this Nation were to undertake to depend on these small and basically nonagricultural areas for food and fibers, the Nation would collapse.

It is the larger operation that produces the quantity and quality of food and fiber that this Nation requires. An attack upon those who are largely responsible for the dramatic job that is being done is wholly unjustified and indefensible.

So I would hope that this bill, when we get to the amendment stage, will not be misunderstood. I would hope that the so-called Conte amendment will be defeated.

I was observing a speech which I believe was made by another one of our Members in which it was said, as I understand it, that the Member wants to cut payments down to $20,000 and then step the payment down to $15,000. Then it was proposed to step it down to $10,000. That was apparently the long range plan.

This would seem to destroy the farm program which has helped make us preeminent in the entire world in the field of agriculture, but provide no substitute.

It would be very bad, indeed, at this stage when this 3-year program has only 1 year to run, for us to drastically modify the program. That is what we would be doing. The gentleman from Massachusetts said that the farmers involved are relatively few in number. But the impact of what they are doing by way of providing the food and the fiber to the consumer, enabling us to be preeminent, is really what counts, and it is a very, very important contribution.

Therefore, I hope that we will not undertake to rewrite the Farm Act of 1970 this year, which expires next year, in this bill. It would be a damaging thing to agriculture, but more than that, it would be a damaging thing to the consumers of the country. It would be damaging to the environment, because we would tend to make the control of our land and the upkeep of our land less possible than it is under the present circumstances. I would hope that the amendment, if it is offered, will be voted down.

The gentleman from Massachusetts, my good friend on the committee, is on his feet. I will be glad to yield.

Mr. CONTE. I would like to make two points. As you know, I have offered my amendment many other times, and this House has passed it two or three times. Unfortunately, it was defeated over in the other body. But again I am offering the amendment.

The gentleman says, why do we not wait until the legislative bill comes up. I have heard that song before. I participated in trying to draft sound legislation with the chairman, and I say he is a highly qualified and distinguished chairman of the Agriculture Committee. He knows I tried to work with him the last time we considered the legislation. I tried to get some language in the bill which would prevent these farmers from pulling end runs around the law, and I got nowhere.

I say to you that my back is to the wall, and the taxpayers' backs are to the wall, the consumers' backs are to the wall, and this is the only way we can do it. This is the only avenue we have left.

Mr. MAHON. The gentleman realizes that the present law expires next year, and we will have to write a new law, and when we write that new law, the Congress next year will have an opportunity to work its will in passing the legislation. So while the farmer's back is to the wall in many respects because of drought, disaster, and other factors, I do not think the back of the gentleman from Massachusetts is to the wall here. I think we want to be orderly in our procedures, and certainly we should not undertake to modify the 3-year law at this time in such a drastic way. There would be a tremendous impact on all of agriculture and on the economy generally.

I would hope that while the gentleman

holds the views which he has expressed he would not press too strongly for the amendment today, because this is not a timely moment to try to write a farm program.

Mr. CONTE. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Massachusetts.

Mr. CONTE. I must say it is very difficult for me to stand up here and fight for this amendment, because the chairman of the committee is not only a very persuasive gentleman, but such a fine gentleman. But I just cannot see at this point how I can back down on this amendment. I feel we are going to have to send a message here today, and I hope we can get a teller vote on the amendment.

Mr. MAHON. I am pleased to have this colloquy with my good friend from Massachusetts. We represent various areas of the Nation. We want to look after our own interests. Some of us are vitally interested in agriculture, and all of us are vitally interested in the consumer. The consumer is dependent upon healthy agriculture in this country. We must work together in the best interests of all the Nation within the limits of our ability.

I yield to the gentleman from Texas.

Mr. POAGE. The gentleman referred to the interest in the consumer, and I fully agree with him, but I wonder if he can explain one single beneficial effect that the passage of this amendment would have on the consumer. How in the world would it help the consumer in the least?

Mr. MAHON. My reference to the consumer was that the amendment would be damaging to agriculture, and furthermore it would be damaging to the consumer.

Mr. CONTE. Mr. Chairman, will the gentleman yield further?

Mr. MAHON. I yield further to the gentleman from Massachusetts.

Mr. CONTE. The gentleman knows, and, of course, the chairman of the committee knows better than anyone else—a man of such intelligence on fiscal matters—there is $4 billion a year being put out for this subsidy program, and if you cut the program out entirely, the taxpayers across this Nation, not the selective few cotton growers, but all of the taxpayers would benefit. That is where the consumer would benefit.

And not only that, but if we put this cotton production on a supply and demand basis, with no program at all, and let the farmers grow as much cotton as they want in this country, we will see the price of cotton go down.

If I may go one step further, if the gentleman will yield further, and I may stand to be corrected by the chairman of the Agriculture Committee, but with this present program the price of cotton went up 10 cents a pound last year. Is that correct?

Mr. MAHON. Mr. Chairman, I would like to say the price of cotton, because of a disastrous crop year which made a heavy impact on the production in this country and the income of our farmers, did go up temporarily, and it has dropped back down to a considerable extent.

But speaking of the welfare of the consumers, if we cut out all the farm programs—and they do not cost $5 billion a year, a $4 billion figure is more apropos to the matter here—if we destroy the farm programs, the impact on the consumers and the taxpayers and the country and the statute of the United States in the world would be great indeed.

I just hope we may preserve the position the Congress took last year and the year before in connection with this legislation.

Mr. Chairman, I thank the chairman for yielding.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MICHEL) a member of the subcommittee.

Mr. MICHEL. Mr. Chairman, I feel first I should pay tribute to the distinguished chairman of our subcommittee, the gentleman from Mississippi (Mr. WHITTEN), and the ranking minority member, the gentleman from North Dakota (Mr. ANDREWS), as well as other members of the committee who gave so much time to the cause of agriculture in the tedious job of conducting these hearings over a prolonged period of time.

The gentleman from North Dakota (Mr. ANDREWS) and the gentleman from Iowa (Mr. SCHERLE), who sit on either side of me in that subcommittee, are farmers in their own right, and know agriculture from A to Z, and the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from Kentucky (Mr. NATCHER) are likewise, very well schooled in the field of agriculture.

The last time we checked, there were probably no more than 43 or 44 of us in this House who have as much as 20 percent of our district considered to be rural in nature. I live in the city, but seven of my nine counties are predominately agriculture. I spent a great deal of my childhood on the farm, so I feel I have pretty much of a mix between the rural communities and the city life, but there is a great deal of misunderstanding around the country about what it really takes to make a go of it down on the farm.

I am reminded, for example, of people complaining about meat prices these days. As I understand it, the law of supply and demand still prevails in this country, and the more meat we have, the lower the price, as in any other commodity.

To hear some of the environmentalists who appear before our committee, we ought to be putting diapers on our cattle, because the waste from our livestock is destroying the countryside. It should be noted that one steer or cow produces as much solid waste as about 17 human beings. A hog produces as much as two human beings, and 10 little chickens produce as much solid waste as one human being in a given day.

Farmers have always been very conscious of the problems of animal wastes and have done a good job of dealing with them. Farmers, perhaps more than anyone else, have been practicing conservationists for years before it became popular. But, I wonder if the environmentalists realize that imposing rigid new animal waste disposal requirements on livestock producers adds to the cost of meat to the consumer?

These are some of the facts of life we have got to be thinking about and talking about to the folks in the city, facts about what we are confronted with in simply providing the food and fiber that are necessary to the people who live in the urban centers who are being supplied by the fewer than 5 percent of the people of this country who are living on the farms.

I am concerned about how the $12,897,010,900 that this bill provides will be treated in the press. I would hate to see in the New York Times or some other big metropolitan newspaper tomorrow that the House passed $13 billion for agricultural subsidies. That is just about the way it will come out in some of the news media around the country.

The gentleman from Massachusetts, off the top of his hat, talked about $5 billion in subsidies. But, even he is in error. He is wrong.

If Members really want to get a more precise cost of the commodity program, they should look at the Commodity Credit Corporation and the reimbursements for net realized losses year after year.

The budget request came up at just over $4 billion to cover the net realized losses for the Commodity Credit Corporation. In this bill there is $3.8 billion. It is a $225 million cut. It is in effect a phony cut, but I am of the mind that over in the other body this item will be increased.

Personally, through the years I have been one of those who has advocated that we keep the books of the Commodity Credit Corporation balanced year by year rather than falling behind as we have in the past and losing accountability for the actual cost of an agricultural program in a given year. I believe by keeping ourselves updated we will have a better grasp of what the commodity programs really mean to the taxpayer in dollars and cents.

Let me say to my friends on this floor that the gentleman from Mississippi has been unduly maligned on occasion for the point of view he has taken in years past.

I want to call attention, also, to the expression of concern in our committee report on the research activities of the Agriculture Department. The Agricultural Research Service is one of the most important agencies within the Department, for it has been through the development of new methods of production, new varieties of plants, improved livestock breeds, better soil and water conservation methods and other research advances that the people of this country are able to enjoy an abundance of high-quality food products at constantly lower costs in relation to their incomes.

The contributions of the Agricultural Research Service have been outstanding, and the agency well deserves our accolades. However, as we point out in the report, there is need for continuing review of that agency's fundamental national research role and our overall objectives and program priorities in this field. Our committee will, of course, be following very closely the major reorganization effort of the agency, and we are hopeful that its objective of increased efficiency will be realized.

Included in the ARS appropriation is more than $4 million in reappropriations for activities which were adversely affected by overall personnel and budget ceilings in fiscal 1972. Among these are soybean production research, and efforts to control the cereal leaf beetle and the soybean cyst nematode. I have been especially concerned with the continuing spread of the cereal leaf beetle into new areas, and our apparent lack of ability to control it.

Turning to the section of our bill dealing with the programs of rural development, I would like to call attention to our committee's action with regard to the Rural Electrification Administration.

The committee has provided a total REA loan authorization of $545,000,000 for fiscal 1973, including $107,000,000 in funds appropriated for fiscal 1972 which were not released by the Office of Management and Budget. The committee has also urged the REA to give priority to the urgent need for distribution facilities in contrast to wholesale power supply, since the latter can be met from a variety of sources. Furthermore, the committee cautioned REA to use the utmost discretion in making Federal funds available in conjunction with non-Federal financing to make certain that the use of Federal funds complies with the provisions of the 1936 act.

I would like to take this opportunity to note for my colleagues that as of June 16, the present REA Administrator, David A. Hamil, achieved the distinction of serving as Administrator longer than any other person in the REA's 37-year history. I believe Mr. Hamil has done an outstanding job of guiding the REA during his two terms in this office, the first from 1956 to 1961, and the second from 1969 to the present. He is himself a rancher with an understanding of rural problems, rural people and rural needs. This understanding has been of great value and has contributed to the effective, balanced and judicious administration Mr. Hamil has brought to the rural electric program.

On his return to REA in 1969 after an absence of 8 years, Mr. Hamil was confronted with an REA program in a sad state of disrepair. Millions of dollars of loans had been made needlessly to G. & T. borrowers to provide services that could have been obtained better and more cheaply from other power suppliers. He has been successful in settling most of the controversy so that the program can go forward with wide support of the American people. He has supplied REA borrowers with the leadership and confidence to strike out on their own and obtain financing in the private money market. I congratulate Dave Hamil on his wise and lengthy service on behalf of rural America.

With respect to the Food and Drug Administration, the Federal Trade Commission and the Environmental Protection Agency, no one could accuse this subcommittee of short changing those agencies in this bill. I personally am somewhat distressed that we have the number of increases we do in here for personnel for the Food and Drug Administration. There are 1,391 new positions for the FDA. There are 500 for meat and poultry inspection. This is for the benefit of the consumer in the city. In the Environmental Protection Agency there are 560 additional people to help protect the environment. And, there are 205 new positions for the Federal Trade Commission.

The gentlemen from North Dakota and Mississippi, and the other members on this subcommittee, have done a tremendous job in looking out for the interests of the urban centers, of the population centers in this country, in this bill.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my distinguished chairman.

Mr. MAHON. I believe it is worthwhile to point out that since we—and it was my decision to do so—consolidated all these environmental and consumer protection activities in this bill, this subcommittee and the Committee on Appropriations and the Congress itself have gone to great lengths in order to undertake to meet the problems of agriculture, the problems of the consumer, the problems relating to the environment. I do believe in many instances the basic laws authorizing these environmental and consumer protection programs have gone too far. But we have done our utmost in this bill to be as fair as possible to the entire electorate, to all Members of the Congress and all segments of American society.

The gentleman has made a valuable contribution in pointing out our overall effort to serve the best general interests of the entire Nation, not just of some groups or some section of the country.

Mr. MICHEL. I thank the gentleman for his contribution.

Over the years I believe the caliber of the annual report from the Agriculture Subcommittee has been such that this very worthwhile document ought to be in every school library in this country. In addition to just having some cold, uninteresting figures on appropriated amounts there is some good reading material, about the problems this country faces. We ought not separate the agricultural problems from the problems in the cities, because the two are closely intertwined.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend from New Jersey.

Mr. PATTEN. I thank the gentleman for yielding.

I want to say I have a right to talk, because I am the only one from the State of New Jersey who gave this committee a vote on more than one occasion, in 1967, 1968, and 1969.

Now, the gentleman is a rural, country fellow. The gentleman from Michigan (Mr. O'HARA) is a national man.

If this is so good for the consumer, why can this committee not get some of these good talkers from St. Louis, Minneapolis, New York, or Boston on the floor to help the committee?

You do a very poor job of selling. I get crucified, and I can see my opponent with the headlines saying, "Patten Responsible for High Price of Beef." I do not have the money to say that there is no beef control in here, and I do not have the other answers like the gentleman is saying here that it is the law of supply and demand that controls. In my area nobody thinks that it is high except on account of the beef strike. Everybody is against this subsidization even though you and I will agree there is no beef in it.

Mr. MICHEL. If I may interrupt the gentleman at that point, the Washington Post—which is not exactly the most conservative paper in the country but has one of the most liberal policies and one which in times past has supported some kind of limitation on payments to cottongrowers, and so forth—printed on Monday what I thought was a very good editorial on beef prices, which said that Government price controls on food "promise far too many troubles to be justified by the price of beefsteak alone."

But people are still complaining about the prices of the most expensive cuts of meat. Everybody does not eat steak and does not have to have prime rib. There are a lot of less expensive cuts that we eat in our own family and we do not always take the prime cuts. But we are such an affluent society that some of us have become accustomed to eating such things as prime ribs rather than the shank sometimes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. PATTEN. Will the gentleman yield further?

Mr. MICHEL. I yield to the gentleman.

Mr. PATTEN. I say to you the Secretary of Agriculture does do a poor PR job as far as the northeast part of the United States goes. Every time we hear him open his mouth it indicates he is trying to get a higher price for the farmer. If I am called upon to vote after having listened in the committee and everything else, I have had poor help from the Department of Agriculture as to why this is good for America.

I hear the chairman and I hear Mr. WHITTEN and you, and you all say that it is good for America. You are only stating conclusions. I said 4 years ago that the Department of Agriculture should do a better selling job, even if they do take full-page ads in the metropolitan area papers, to tell people why it is good for America. They have not done it, and that is why an amendment like this today will carry and you are in trouble on it. The Department of Agriculture has not sold their program.

When President Nixon campaigned in 1968 I well remember the promises he made to the American people. He said we are going to have a new farm policy and a new law. And Mr. CONTE pulled his amendments out in 1969, because Brother FORD said give the administration a chance to pull out a new farm policy, and when the new program came through it looked like the same old subsidy program.

It is hard to support you, if you live in New Jersey, I want to say to you.

Mr. ANDREWS of North Dakota. Will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. ANDREWS of North Dakota. I appreciate the contribution our friend from New Jersey, a member of the committee, made. And it has been a contribution. Those of us who are privileged to serve on this committee have talked and talked and talked but, you know, you can give the facts and if the people are not willing to listen and you cannot get them to analyze it in their own minds to see that that is the case, then what can you do?

The committee met it head on. We transferred the Department of Information in the Department of Agriculture directly up under the Secretary of Agriculture, because we feel there are a lot of things that have to be done besides sending out yearbooks and bulletins. We are trying to go along with you on it. We finally added $800,000 to it to help.

I might say this, which you can pass on to your constituents in the East. There is not 1 single penny in the total nearly $13 billion to support the price of meat or meat products in this country. There are some funds to make sure the meat products that are processed in this country are thoroughly inspected so that the consumer is going to get a good quality, wholesome product.

There are funds in this bill, about $160 million to do this, and to also inspect foreign beef coming into the country, so that the imported beef that is coming in will also be inspected and checked to see if it is wholesome. But the gentleman can assure his good constituents who sent him here from his great State that not 1 red cent in this bill has been dedicated to price supports of any meat products.

I think that is a fact that should be known and made crystal clear on the floor of the House today.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Chairman, I would like to speak in rebuttal to my friend who spoke just a moment ago, and that is that we have had the Secretary of Agriculture out in the middle west and southwest, and they are applauding the Secretary of Agriculture because for the first time we have a man who has spoken out in behalf of the American farmers, just like the Secretary of Labor has spoken out in behalf of the laboring man. I think that he has done far more for the farmers in trying to get decent prices for their products which now are running somewhere around 72 and 73 percent of parity.

The gentleman has been here a lot longer than I have been, and he knows that the President does not make legislation, and also that we do not control on this side the committees under which this bill was authorized. It was controlled by the gentleman's side. And while some of the Members did not associate themselves with that bill the majority on that side of the aisle did associate themselves with that bill, and that was authorized and passed into law.

Mr. PATTEN. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I yield further to the gentleman from New Jersey.

Mr. PATTEN. They say wait for the new bill. Is there anybody on this committee or anybody in the administration or anyone who can speak for the Secretary of Agriculture who can give me any hope that next year we will get legislation to remove the evils that the gentleman from Massachusetts (Mr. Conte) has pointed out, and those who are bringing them to our attention today?

Mr. CONTE. If the gentleman will yield, never, I will tell you that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 5 additional minutes to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for the additional time, and if I may continue—and I will say that I am glad to see the gentleman from Massachusetts is still on the floor, because in my own case when we considered this bill last year I had opposed the gentleman's amendment, feeling that even though it qualified as a limiting amendment on an appropriation bill under the Holman rule, that because of its nature it did decidedly change the effect of the law. When we changed the authorizing legislation to set up the current farm program I supported the limitation of payments because I thought the problem was giving agriculture a bad name, and it kept getting rapped all over the country, with talk of the outlandish subsidies going, supposedly, to a few big operators. But from a realistic view I do not see how a program of this kind can really operate in a situation where you are trying to control production, without including the big operators. So the gentleman, in his remarks, listed, as I recall, any number of small farmers who now participate in the program, but when you added up the payments, they went to a comparatively few. Still, the bulk of the total agricultural production in this country comes from the few.

Now, if you do not want controlled production and you want to just glut the market, then the thing to do is change the authorizing legislation to do that, not the appropriation.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Of course there is no doubt about it, but when you talk about trying to work this out with the authorizing committee I am telling you this, right now, you will never get it. I am sending them the message.

Mr. MICHEL. I think perhaps that is what George Wallace has been trying to do.

Mr. CONTE. And in many cases he was right, and the votes he received proved that maybe he was right in sending a message.

Let me say this. You took issue with the $5 billion subsidy payment. It has been $5 billion at times—it is hard to find out—I understand this year it is $4 billion; is that correct?

Mr. MICHEL. If you take the net realized loss of the Commodity Credit Corporation as the standard of measurement, and I prefer to do that although there are others who would do otherwise.

Mr. CONTE. Can we agree for the record that it is $4 billion?

Mr. MICHEL. I consider it to be that because that seems to be the loss sustained by the Commodity Credit Corporation over the past year in buying and selling and disposing of commodities of all kinds. They are chartered to do that. It is a $14.5 billion corporation to do just that. We have set it up that way and it is perfectly legal. But the point is—you do not get the bill for the realized losses until a year or more after the fact.

I do not want to see it get any further beyond 18 months, so we can keep a handle on what the programs are costing.

Mr. CONTE. I agree with the gentleman. I just want the record to be right. I do not want it to go off half cocked. I think we can arrive at a figure here of about $4 billion.

Mr. MICHEL. Yes, and the reason I made the point in mentioning the total cost of this bill of some $13 billion is that I certainly did not want the news media to say that we passed an agriculture bill amounting to $13 billion that in the main goes for agricultural subsidies, which just is not the case. When it was $8 billion, you had people off the cuff and without any knowledge about it saying that it was an $8 billion subsidy program for agriculture. They did not know what they were talking about.

Mr. CONTE. If the gentleman will yield further, I would like to have another correction for the Record. I mentioned that cotton last year went up 10 cents a bale—what I meant was 10 cents a pound. I believe there are 500 pounds in a bale so it is a lot more than 10 cents a bale.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. PRICE of Texas. I would like to correct some of the assumptions by my friend, the gentleman from Massachusetts (Mr. Conte) regarding cotton going up 10 cents a bale.

The cost is between 27 cents and 28 cents a pound to produce that cotton.

An average bale of cotton, I think, weighs somewhere around 478 pounds. That is how much it has come down on the cost of production.

Secondly, with reference to the Commodity Credit Corporation—for the record this money—a lot of the loss in the Commodity Credit Corporation comes on account of products sent overseas and free to other nations such as Bangladesh and Pakistan and other countries—that cannot be charged as a subsidy to the American farmer.

Mr. MICHEL. I agree with the gentleman wholeheartedly and, particularly, when he makes reference to the Public Law 480 program.

Mr. Chairman, I will conclude by simply alerting the Members that later on in the consideration of the bill, when we get to reading the bill under the 5-minute rule, I will have some very appropriate remarks to make with respect to my amendment which will be offered to the food stamp section and which would, in effect, prohibit the use of food stamps for striking workers. We will not belabor the point at this juncture, but we will leave it until we get to the point of reading the bill under the 5-minute rule.

Mr. WHITTEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, may I say we were urged by the speakership when we were given permission to proceed today to proceed expeditiously with this bill. We are trying to get through with a number of other matters today.

I gave the assurance that I would try to proceed expeditiously and get on with the business. I hope we can have the cooperation of the Members.

Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I commend the distinguished chairman of the subcommittee, the gentleman from Mississippi (Mr. WHITTEN) for his opening statement today and I want to associate myself with his remarks and the remarks of the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. POAGE).

When we talk about culture, we sometimes forget that there is no culture in the history of mankind that is more important to all of us than the agrarian culture. I fully realize that when we talk about issues and programs, reasonable men can differ on those issues and alternatives of national policies and programs but I do not believe that anybody can question or doubt the sincerity of the chairman of this committee and the members of the committee, including such men as Mr. NATCHER of Kentucky, and Mr. POAGE of Texas who have brought the legislation to the floor with the idea of doing what is right for our country.

I can appreciate further the tremendous problems that the urban people may have and their inclination to say that this is a subsidy to agriculture, and in that respect I have asked for time to direct some questions to the chairman. How much money is there in this appropriations bill for farmers? We can get to that best by asking the chairman and the members of the committee, first of all, how much is in the bill for food stamps.

Mr. WHITTEN. All of that is shown in the report, which I am sure the gentleman has read. It is a little over $2.3 billion.

Mr. DENHOLM. That is one specific amount to be subtracted from the $12.8 billion, the total amount in the appropriations bill. I might ask the chairman if he has any statistics, or if anybody in the House knows how much of the appropriations for food stamps go to farmers? By and large the farm people do not receive those benefits. If you subtract that from the bill, and subtract other amounts from the bill—such as the amount designated for the improvement of our national environment; how much goes for consumer affairs; and also how much goes for the REA and RTA? Those are loan funds that are repaid with interest. We can better realize the meager amount left after expenses of administration—for farmers. There is one program that stands by itself, it stands alone, and it is one of the successful industries in rural America—it is the rural electric program. The distinguished gentleman from North Dakota (Mr. ANDREWS) commented on the excellent record of the REA programs. It is a successful program. It is not a capital outlay for a program of subsidy or welfare. It is a loan program—instituted and operated on a sound financial basis and it is an investment in America. The rural electrification system has an enviable and unequaled record in the history of all programs enacted by Congress. The loans have been paid with interest—and a substantial part of those payments are made 2 years in advance.

When allocated deductions are actually subtracted from the agriculture appropriation bill, there is a very small amount of money left for the farmers and the people of rural America. The trend of population growth in this country is evidence that the farmers have not been enriched in the occupation of farming. Many people have been moving to the cities and the real costs of the farm programs that we have had in the past are now reflected in the appropriations for the urban centers of this country. We are reaping the harvest of the inadequacy of funding for agricultural programs for rural America. Now, we must increase appropriations for the care of drug addicts, for the rehabilitation of people who have suffered from the abusive use of drugs, increase the appropriations for a greater effort to control crime on the streets, build massive transit systems, and spend more and more money to free our cities of the social ills of cancerous decay. That is the price we pay for inadequately funding essential programs for rural America.

Mr. Chairman, the $12.8 billion total of your appropriation package is "peanuts" compared to the billions and billions yet to be spent to fix the wrong too long perpetrated upon the farm families of rural America. Your requests and the requests of the committee are modest—it is too little too late for thousands of American farm families across this land. In my judgment, we can not achieve a balance in national economic growth and social stability until we give proper attention to the depression imposed upon farm and rural people.

There are those that are worried about high prices of meat. The Secretary of Agriculture told me on Saturday of last week that the meat market in Europe is $30 higher than it is in America today. I just returned from Japan where I talked to the agricultural attache in Tokyo, and where I saw fresh cuts of meat in the Tokyo shopping arcade priced at almost $8 per pound—more than twice as much as the cost of the best cuts of steak in America, and the per capita income for the Japanese people is only one half as much as the per capita income in America. Yet, red meat is one food commodity the Federal Government has never sustained in price supports or attempted to control by outright production controls. But the receipts to producers are scarcely equal to the live weight market quotation of 20 years ago while costs of production have sky-rocketed to farmers and ranchers.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DENHOLM. I yield to the gentleman from Texas.

Mr. PRICE of Texas. I wish to commend the gentleman for his remarks, and also, in response to the remarks of Mr. PATTEN, I should like to point out that there are three things that he can tell his constituents about—the food stamp program, the school lunch program, and the school milk program. Actually it gets down to this: The American farmer gets $3.2 billion to $3.4 billion out of this entire appropriation, and the remainder is expended under such programs as Public Law 480.

Mr. DENHOLM. I thank the gentleman from Texas. That is exactly why I said the amount of money in this appropriation for farmers and ranchers is "peanuts." The real cost of the economic imbalance and social ills that have erupted in our country can not be measured in the billions appropriated in our feeble attempts to correct the wrongs of our time—it will be recorded in the ruins of history because in our wisdom we did not recognize that a nation moves on the backs of farmers. When farmers and ranchers do well the country does well—and when you read in history of the fall of a government—ask yourself when you last read in the history of all time that a nation fell because of a prosperous agriculture?

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. DENHOLM. I yield to the gentleman from New Jersey.

Mr. PATTEN. The trouble is, my worthy colleagues, this: Why are not the Members from Baltimore and Indianapolis present on the floor saying this is good for the consumer? This committee does a poor "PR" job. There is not a member from an American city present on the floor to help you do the job to help pass this bill. The beef trust is keeping cattle off the market. The people will not help with the passage of this bill.

You are talking about the price of meat. Our newspapers report that the beef trust is keeping meat off the market in order to maintain a high price. You are doing a poor "PR" job here.

Mr. DENHOLM. The gentleman from New Jersey is correct about public relations and I respectfully ask his assistance in explaining why the hide from a thousand pound steer is worth less than $1 and shoes are sold at $35 per pair. Mr. Chairman, if I have any criticism of your excellent work—it is because you have not appropriated enough for the essential programs of rural America. I urge that all crippling amendments offered today be defeated and this appropriations bill for agriculture be approved.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota (Mr. LINK).

Mr. LINK. Mr. Chairman, at this time, I would like to associate myself with the distinguished members of the Agriculture Appropriations Subcommittee. I compliment the chairman, the gentleman from Mississippi (Mr. WHITTEN), and the members of the subcommittee for this comprehensive and important bill.

Serving on the House Agriculture Committee, I want to assure the membership of the House this is a bill that will truly pay off in good dividends for the Nation as a whole. I commend the bill to the favorable consideration of the Members of this House.

Mr. WHITTEN. I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I rise in support of this appropriation bill.

Mr. Chairman, we have under consideration today a money bill—the agriculture appropriations measure—which deals with one of the most vital sectors of our national life. It is agriculture which provides us with the food that fills our stomachs and much of the fiber which provides the clothing and decoration to make life pleasant.

By and large the activities involved in agriculture are carried on in a quiet, efficient, economical manner. The men and women who dedicate their lives to the task of raising beef, pork, poultry, fish, rice, soybeans, wheat, corn, field peas, tomatoes, cotton—the whole directory of food and fiber—are proud, hardworking people.

Like millions of their fellow Americans, they do ask something of the system. They want a fair return on their investment of money, time, talent, and energy. They want the men and women who do not make their living tilling the land, but who benefit from that toil to bring to their judgments about "farmers" the same understanding the nonfarmers want brought to their problems.

Mr. Chairman, too often when we are considering a bill such as the one before us today, we talk only of money. What we are actually talking about is people—people and the future of their industry.

It can be reasonably expected today that the question of crop support payments will be the subject of some discussion during the consideration of this bill. I believe that it is most unfortunate that many in our Nation believe—completely in error—that agricultural producers are the only recipients of "subsidies." Indeed, too many persons erroneously believe that Government supports or subsidies began and end with the agriculture industry.

Maybe at this time we should agree that whether a Government benefit is properly called a "subsidy" or not depends frequently upon who is doing the defining. As a matter of fact, my research indicates that the only Federal statutes using the term are those dealing with ship construction and ship operations.

But, in fact, we as a self-governing people have found it in our best national interests to provide supports to a long list of activities either through direct payments or through such things as loan guarantees, and tax exemptions and credits. These include manufacturing, banking, aviation, railroads, trucking, mining, petroleum operations, waterborne shipping, urban mass transit, housing, small and large businesses, and on and on.

The aids which are provided these sectors of our national life have the effect of making the retail purchase prices of the product or service lower than it would be were the existing aid reduced or abolished. In other words, the retail price at the cash register is lower because of the programs we have established.

Some say the best thing for agriculture would be for it to operate in a free market. Maybe so. But, the fact is that it, like most other economic endeavors, does not operate in a free, unregulated market. To ask the food or fiber producers to buy from or through protected markets and sell through unprotected markets is to ask him to produce at a retail cost and sell to the consumer at wholesale cost.

That is not good business from any reasonable person's point of view. Historically we have found it in our national interest to promote the development, expansion and survival of our industries. To take steps that would lead to the inefficient, uneconomical operation of our agriculture industry would seem a foolish, expensive act against the interest of our citizens.

I would urge my colleagues to carefully review these thoughts to which I have given voice. The choice we are called upon to make today is not for or against a spending program. It is for or against the people and the price they shall pay at the market counter for their food and fiber.

Let us vote for the survival of our agriculture industry.

Mr. STEIGER of Wisconsin. Mr. Chairman, the question of food stamps for strikers is again a matter of heated and emotional debate. I have just completed a thorough review of all available information on this issue and its implications to our Federal wage and price policies, and I would like to share my conclusions with you.

I voted against the amendment last year to the agriculture appropriations bill that would have prohibited the distribution of food stamps to strikers. I did so based on the new work and registration requirements for eligibility contained in the 1970 food stamp authorization.

Under these requirements a striking worker must accept work at the minimum wage with the following exceptions: First, he is not required to accept employment in the struck plant; second, he is not required to accept employment that is not in his major field of experience; third, he does not have to accept employment where he is required to join a union; fourth, he is not forced to accept employment at any site subject to a strike or lockout; and fifth, he is allowed to contest all determinations made by the State in the areas above. Under existing law, over 2 months may pass before the issue is resolved, with the striker receiving benefits during that period. Of course, most strikes are over before that time will have expired. While arguments can be made for these exceptions individually, the net result is that the work requirements are not very effective. Without countervailing economic pressures on both sides of the bargaining table, equitable bargaining is not possible. In addition, Mr. Chairman, the Michel amendment would not affect those involved in a lockout, nor those receiving food stamps prior to a strike.

I also believe that the many arguments put forth in favor of striker eligibility for food stamps are now outweighed by the pressing need to return to a market economy regulated by supply and demand. I have stated from the outset that while wage and price controls may be appropriate as an interim measure in emergency situations, they are not at all effective as a long-term means of achieving balance in our Nation's economy.

In order to return to the competitive dynamics of a free economy without the threat of runaway inflation, it is imperative that, to the maximum extent possible, that economic entities—whether they be corporations or labor unions—not be exempt or insulated from supply and demand constraints.

It is for these reasons I support Congressman MICHEL's amendment to the fiscal year 1973 agriculture appropriations bill prohibiting the distribution of food stamps to strikers.

Mr. ANDERSON of California. Mr. Chairman, the farm program is a disaster in three important aspects: first, it is a waste of the taxpayer's money; second, it has not kept down the price of groceries; and third, it benefits only those agribusinesses which are not in need of this kind of welfare.

WASTE OF TAXPAYER'S MONEY

In this era of a record high public debt—interest on which costs the taxpayer over $20 billion a year—we have a responsibility to reduce Federal spending in order to get the very most out of the tax dollar, and to provide a measure of tax relief to the moderate and middle-income wage earner.

The first item we should cut is the farm program that pays billions of dollars to producers of cotton, wheat, and feed grain not to grow crops.

For the 5-year period 1966 through 1970, the Department of Agriculture paid between $2.5 billion and $3.3 billion annually in direct payments to producers participating in the cotton, wheat, and feed grain programs. In 1970, 17 producers between $500,000 and $3.5 million each, and over 300 producers received over $100,000 each.

In 1970, to restrict what was quickly becoming "welfare for the rich," Congress limited to $55,000 the amount of direct Federal payments a person could receive annually under the cotton, wheat, and feed grain programs.

This restriction was to save an estimated $68 million a year. However, due to administrative decisions made by Agriculture Department officials, there was no significant reduction in 1971.

The General Accounting Office conducted a study of the arrangements made by some agribusinesses to avoid the intent of the law, and slip through the loopholes allowed by the Department of Agriculture. They revealed that agribusinesses were simply leasing part of their acreage, and thus collecting both government payments, and rental fees.

One such operation was in California. According to the General Accounting Office:

> A California corporation and its wholly owned subsidiary leased about 11,600 acres of cotton allotments, worth about $2.5 million on the basis of 1971 direct payments, to five newly created organizations qualifying for 53 separate payment limitations. In addition to receiving lease fees, the corporation contracted with the organizations to farm the cotton for fees based on the cost to produce the crops. This latter arrangement, called custom farming, allowed the 53 individuals to receive Federal payments of about $2.5 million without actually farming.

Another such method to avoid the intent of the law is the practice of forming partnerships, a la John Wayne. The GAO revealed a case in Mississippi which illustrates this technique:

> Under the 1970 cotton program, a Mississippi farmer received about $87,000 and his adult son received about $46,000. Had the father made no changes ir his farming operation for 1971, he would have qualified for payments, in the absence of the payment limitation, of about $79,300. Application of the $55,000 payment limitation would have resulted in reducing his payments by about $24,300.
>
> In 1971, however, the father and son combined their farming operations and joined with a son-in-law to form a three-member partnership. The partners increased the size of their farming operations by leasing additional cotton allotments and, as a result, were eligible, before application of the payment limitation, for $165,152 in 1971 cotton program payments. Because each of the three partners could receive $55,000 or a total of $165,000, a savings of only $152 resulted.

These are not rare examples, Mr. Chairman. According to a March 1972 Department of Agriculture report "of about 1,350 producers who received more than $55,000 each in 1970 payments under the three programs, 1,046, or 77 percent, changed their farming interests or operations for 1971."

GROCERY PRICES ARE HIGH

While the taxpayer pays up to $3.3 billion to benefit agribusiness, he does not receive the benefit of low-cost food and fiber.

Choice steers at Omaha rose from about $29 per hundredweight in January 1971 to nearly $34.50 in December 1971. In February 1972, choice steers at Omaha, were at a 20-year high of $37 per hundredweight.

In fact, food costs have increased by 7.4 percent since the beginning of phase II in November 1971.

According to a study commissioned by former Secretary of Agriculture Hardin, food and fiber can be produced at reasonable prices without the Government subsidy. The report, issued on June 16, 1972, states:

> We feel the agricultural industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4 to $5 billion annually are not needed for these purposes.

Mr. Chairman, the housewife who buys the family groceries knows that prices are high and getting higher.

This farm giveaway program cannot be justified by claiming to keep down the price of groceries.

CONCLUSION

Mr. Chairman, the taxpayer is tired of paying his hard-earned dollars to the Government. He is especially irate when the program is of no benefit to him, but, instead, benefits the wealthy.

The taxpayer would like a cut in taxes, but that cut cannot come until we reduce Government spending.

Let us get the fat-cat agribusinessmen—who would not know a boll weevil from a weaved bowl—off the backs of the taxpayer. Let us dump the farm program, and save the taxpayer billions of dollars a year.

How can anybody possibly justify paying billions of dollars to agribusinesses for not growing crops while millions of Americans are being denied an adequate diet? While the taxpayer continues to bleed? While the national debt climbs to almost half a trillion dollars? And while the consumer pays record-high prices for groceries?

I cannot.

I am, therefore, voting against this bill, and I urge my colleagues to join me in putting an end to this scandalous waste of money.

Mr. SHRIVER. Mr. Chairman, I rise in support of H.R. 15690 which provides nearly $13 billion for the operations of the Department of Agriculture, the Commodity Credit Corporation, rural development, the Environmental Protection Agency and other related agencies in the fiscal year 1973.

A good share of the funds in this bill will go for important rural development and farm programs.

For example, the programs specifically oriented toward rural development objectives in fiscal year 1973 involve an estimated $3.6 billion. This does not include the farm commodity programs, farm loan programs, food assistance programs, and that part of the research and extension programs dealing with agriculture.

A total of $670 million, including $107 million in reappropriated funds, are included for the Rural Electrification Administration. There is $100 million for grants for water and sewer facilities in rural areas. More than $2 billion is recommended for the Farmers' Home Administration rural housing insurance fund and $350 million for farm ownership loans and another $350 million for direct operating loans.

Nearly $3 billion is provided for environmental protection programs. I am especially pleased by the committee's action in recommending $225 million for the Rural Environmental Assistance program—REAP—formerly called the agricultural conservation program. This is an increase of $30 million above the 1972 amount specifically for pollution abatement practices.

Necessary increases also have been recommended for watershed planning, conservation operations and the Great Plains Conservation program. Funds are included to enable the Soil Conservation Service to launch 75 construction starts for watershed protection projects in the coming fiscal year.

A big job remains to be done in soil and water conservation. The most recent conservation needs inventory shows 60 percent of our cropland, over two-thirds of our grasslands, and nearly 60 percent of our forest lands still require some type of conservation treatment. Keeping up with the changes of nature and the changing needs of our growing population is a continuing task.

Mr. Chairman, I was impressed with some of the observations made by our committee regarding the important national commitment that has been made to clean up the environment. In discussing our participation in the international environmental movement, the committee report states:

> We should set a good example, help where we can, and practice what we preach. However, we cannot forget that with only 6.3% of the land area and 5.6% of the people, we are no more going to be able to control the rest of the world with regard to the World environment any more than we were able to save the world for democracy or from communism.

We, in Kansas, know of the serious problems confronting the farmers and our rural areas. This appropriations bill addresses itself to helping with some of those problems. But more than money is needed. We need to have a new awareness among those who live in the cities but depend upon the farm for survival.

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world.

American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this century. Those who attempt to make the farmer the scapegoat in the battle against inflation do a disservice not only to the farmer, but to the Nation as a whole.

The committee report vividly presents the problems of agriculture today.

For example, 20 years ago, after paying farm production costs the farmer retained about $40 out of every $100 realized gross income from farming. Today production expenses have increased until the producer has only $27 left.

The amount of investment required to farm has continued to increase over the past 20 years. The average investment per farm has gone up five times from $17,200 to $96,500. Meanwhile, the return from farm investment has declined by 60 percent from 7.1 percent in 1945–49 to 2.8 percent in 1971.

In view of this grim picture, about 600,000 farmers and their families have left the farm each year for the last 6 years, and the number of farms has declined from 5.8 million in 1945 to 2.9 million today.

We have seen the necessity for larger farm units and farm investment, for only by the annexation to adjacent land of the lands vacated have we been able to maintain our level of production.

Today, 8 percent of our farms produce over half of our agriculture production, and nearly 90 percent of our production comes from just over a third of our farms.

Only one person out of 20 is now living on the farm, which means that each farm person has a responsibility for maintaining an understanding of agriculture among 19 other people. If that does not happen, the other 19 might inadvertently take action relating to agriculture that is harmful to themselves and to the remaining few who produce food and fiber for the Nation, for it is these few who provide the biggest market that industry and labor has.

We must do more to reach the consumer who must understand the importance of agriculture in providing his food supply—that 20 of us must look to one producer for our food and fiber; that agriculture exports are an important part of our balance of payments; and that agriculture, as the largest market for industry and labor, is a key to our national prosperity.

Mr. PICKLE. Mr. Chairman, I am concerned that additional appropriations have not been made for the screwworm control program. The bill before us, as best I can ascertain from the report, provides an increase of $2,616,000 for cooperative efforts between Mexico and the United States. Most of these funds, though, are going to provide relief south of the border—or approximately $2.1 million. Only $500,000 additional money is being appropriated for the screwworm sterile fly program north of the border. I am advised that this is not enough money. I have recommended to the committee that an additional $2 million in appropriations be provided to administer the sterile fly program in Mission, Tex., to produce sterile flies at the rate of above 200 million per week for at least another year or possibly longer. The members of the committee tell me that the present level of production now is approximately 200 million sterile flies per week and they advise me that additional funds would not enable this lab to immediately produce in excess of that amount. I am surprised if this is the case. If so, steps should be taken to increase the capacity at the Mission lab and it should be done immediately.

The director of the Texas Animal Health Commission advises me we face an estimated loss of $50 million worth of livestock alone this year if we do not increase the production of the sterile fly. The screwworm cases are increasing and I am told we now have over 10,000 cases and this exceeds the case level we had in 1968. So this makes the second worst year since 1962 when we had almost 50,000 cases of screwworm.

I am also surprised to learn that the Secretary of Agriculture has advised the committee that they do not need any more funds than the $500,000 added in this bill. This takes a very shortsighted view of our problem and it leads me further to believe that we must have a close investigation of this problem to be certain what our production capacity might be and why additional funds right now would not help this program. I find this hard to believe that the Department would not be willing to initiate the request for additional funds and for additional production. If indeed the screwworm cases are rapidly flowing northward and our caseload is next to the highest we have ever had, then surely we must agree that something must be done. It should also be kept in mind by the committee that screwworm not only can infest a wound on a cow or calf but on any warm-blooded animal, and that could include your favorite dog or cat.

The Department of Agriculture does have emergency funds for use in programs such as the screwworm program—up to $1 and $1½ million of emergency funds. And the Department should use these funds immediately to see that whatever level of production needed at the lab in Mission is achieved.

I am hopeful that the other body will include at least $2 million additional for this program if it can be shown that the funds can be well used this year—and I am advised that the additional funds are needed. Since I was told we would not have enough time to do everything this year, I have withheld from introducing a separate amendment—temporarily, pending the submission of proof over these facts. My State animal health officials tell me that they are critically needed and I am disappointed that the committee has not provided additional funds at this time.

Mr. SCHERLE. Mr. Chairman, I rise in support of this agriculture, environmental, and consumer protection appropriations bill. We on the subcommittee had many difficult priority decisions to make in allocating the very limited funds available to the numerous worthwhile programs covered by this bill. This legislation does not contain funds just for agriculture. It provides financial assistance for programs which affect both urban and rural Americans. There is money in this bill for the people in the ghetto and for the working family in the suburbs. Both the consumer and the agricultural producer will benefit from the programs funded here.

One of the most important factors that this committee had to consider was the many millions of dollars previously frozen by the Office of Management and Budget. Funds for the REA loan fund, the Farmers Home Administration, badly needed USDA research projects, and HUD water and sewer programs were all reinstated in the bill this year. An additional problem was that certain much-needed personnel increases ordered by Congress were then subsequently denied by OMB. Of particular concern here were the cuts in the regulatory programs which guard the health and welfare of all Americans. The Soil Conservation Service for example, which performs valuable work in protecting our environment, has had to postpone much of its work because of OMB personnel limitations. This year we have funded the Soil Conservation Service at a level where it can continue its record of high quality service in preserving our Nation's ecological health. Another program from which OMB has repeatedly withheld funds is the rural environmental assistance program. The committee has once more appropriated $195 million for REAP which has been the level of funding for the last few years.

Funds for our land-grant colleges was provided to assist in their vital contribution in the field of research and technology.

I urge all my colleagues to read the Appropriations Committee report on this legislation and to support it. It is a credit not only to my colleagues on the subcommittee, particularly our chairman (Mr. WHITTEN), but to the research and assistance provided by the committee staff. The agencies under the jurisdiction of this bill face many challenges in the duties given to them by Congress. We are hopeful that these appropriations will provide them with the necessary provisions to achieve these goals. This is an "all America" bill.

Mr. GRIFFIN. Mr. Chairman, I would like to take a few minutes to commend my very distinguished colleague and fellow Mississippian, JAMIE WHITTEN, for the outstanding work he and his subcommittee have performed on the very important programs contained in the Agriculture, Environmental, and Consumer Protection Appropriations bill.

Congressman WHITTEN and his subcommittee have been charged with a great responsibility of overseeing governmental programs that touch the daily lives in some way of all Americans, and thus determine the quality of life that we as a Nation will enjoy. I believe they have performed magnificently in the best interest of our country.

The efforts of Congressman WHITTEN and his subcommittee dramatically illustrate their concern and accomplishments to insure that American agriculture remains the world leader that it is today and that the people of this country will continue to enjoy a plentiful supply of food and fiber. In their efforts they have remained ever mindful of the plight of our farm community and rural America and sought increasingly to upgrade the quality of rural life. Acting to reappropriate funds previously frozen for REA loans, water and sewer grants, and research programs, the committee and the Congress have assured a greater sharing in this Nation's opportunities and resources by rural America.

The continued strong funding for the tremendously successful programs of the Commodity Credit Corporation, Rural Electrification Administration, Farmers Home Administration, Soil Conservation Service, and various Department of Agriculture programs are the very vehicles needed to insure continued economic improvement in rural America.

Quoting from the committee report:

> Only one persons in 20 is now living on a farm. That means that each farm person has a responsibility for maintaining an understanding of agriculture among 19 other people. If that does not happen the other 19 might inadvertently take action relating to

agriculture that is harmful to themselves and to the remaining few who provide the biggest market that industry and labor has.

The committee has acted with great responsibility in seeking a balance between protection of our environment and in insuring that the plentiful supply of foodstuffs and raw materials in this Nation is not jeopardized by the inadvertent actions of some.

I agree with the admonitions of the committee report that we cannot indiscriminately act to destroy the very tools that made this a land of plenty; nor should we allow ourselves to be caught in a maze of figures and percentages and led down the path to the creation of more bureaucratic confusion and spending without clear and concise understanding of the affect. Congressman WHITTEN and his subcommittee have done an outstanding job in their hearings and report to provide us with an understanding and sensible approach to the solutions of these problems that affect us.

The numerous agricultural advances that we take for granted today, a result of the research and development programs of the Department of Agriculture, might be set back in the long run with serious consequences for us all. The committee has sought to provide more and better research efforts under the direction of the Department of Agriculture. I am pleased to see continued strong support for agricultural research and I am confident that it will keep our Nation in the forefront with agricultural superiority.

I also share the concern of the committee for the abuses, lack of coordination, personnel problems and general ineffectiveness of many of the programs the Congress has created. For too long we have tried to solve problems with more spending and bureaucracy, without comprehensive planning and coordination. As the committee report states:

> Perhaps with all good intentions we have been moving too fast.

The committee's investigations and findings, I am sure, will help us to correct many of the serious problems that do exist and to proceed with much better results. I commend Congressman WHITTEN and his subcommittee's efforts to insure that the direction and speed in which we are moving does not make us lose sight of our commitment to all America.

Mr. WHITTEN has demonstrated once again his great leadership in presenting to us a program that will serve to direct our commitment for a better America and an improved quality of life for all Americans. I applaud and commend him for his hard and dedicated work.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMODITY PROGRAMS

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); Sugar Act of 1948, as amended (7 U.S.C. 1101–1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590q); subtitles B and C of the Soil Bank Act (7 U.S.C. 1831–1837, 1802–1814, and 1816); the Water Bank Act (16 U.S.C. 1301–1311); and laws pertaining to the Commodity Credit Corporation, $169,235,000: *Provided*, That, in addition, not to exceed $78,346,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $33,248,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE:

On page 19, line 21, strike the period and insert the following: "*And provided further*, That none of the funds appropriated by this act shall be used during the fiscal year ending June 30, 1973, to formulate or carry out any single 1973 crop-year price support program (other than for sugar and wool) under which the total amount of payments to a person under any such program would be in excess of $20,000."

Mr. WHITTEN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Mississippi reserves a point of order against the amendment.

Mr. CONTE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 245]

Abernethy
Abzug
Anderson, Tenn.
Ashley
Badillo
Baring
Bell
Betts
Blatnik
Boggs
Broomfield
Burke, Fla.
Cabell
Caffery
Celler
Chisholm
Clark
Clawson, Del
Clay
Conyers
Davis, S.C.
Dent
Diggs
Dowdy
Dulski
Dwyer
Erlenborn
Ford, Gerald R.
Ford, William D.
Fulton
Gallagher
Gibbons
Green, Pa.
Halpern
Harsha
Hastings
Hébert
Howard
Karth
Kee
McCloskey
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Miller, Calif.
Mink
Mitchell
Mizell
Mosher
Moss
Murphy, N.Y.
Peyser
Pike
Pirnie
Pucinski
Railsback
Robison, N.Y.
Rodino
Ruppe
Scheuer
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Staggers
Stuckey
Teague, Tex.
Terry
Wolff

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15690, and finding itself with a quorum, he had directed the roll to be called, when 361 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The Speaker resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGES FROM THE PRESIDENT

Sunday a message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 20, 1972:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

On June 22, 1972:

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449); to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

On June 23, 1972:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

The SPEAKER. The Committee will resume its sitting.

AGRICULTURAL - ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATIONS, 1973

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Chair had recognized the gentleman from Massachusetts (Mr. CONTE) for 5 minutes.

Mr. CONTE. Mr. Chairman, once again today I ask this House to begin the task of restoring some measure of sanity and reason to a runaway farm program that has long been a scandal to the taxpayer, and a disgrace to the legislative process.

At the outset, let me say that I share the frustration of all my colleagues who have long supported this amendment.

Three times now—in 1968, 1969, and 1971—this House has worked its will, and adopted this amendment. Three times, however, our colleagues in the other body have failed to go along.

Talk about the frustrations of the young when they seek to work within the system. All of us here know that same frustration far too well.

Mr. Chairman, if, as I expect, this House once again adopts this amendment today, I cannot, of course, predict what the other body will do. I do believe, however, that there is reason for renewed hope this year. I believe we can expect an election year to make the difference.

Let me quickly summarize the now familiar case for my amendment. We have already seen that my amendment will affect very few farmers—less than one-half of 1 percent of all those in the program. It is clear, therefore, that it will not disrupt the program.

Consider now the present scale of priorities within the subsidy program. The wealthiest 7 percent of farms—the corporate giants—now receive a whopping 63 percent of total subsidies. The poorer half get a measly 9.1 percent. Do we need any other evidence to show why the average farmer himself cries out for this reform?

Consider what this subsidy program is doing to fuel the voracious appetites of corporate giants. Agribusiness is being taken over by conglomerates like Tenneco, Purex, Penn Central, Union Carbide, Kaiser Aluminum, Aetna Life, and Dow Chemical. What is happening to the small farmer, the family farmer? I will tell you what is happening. He is going out of business fast. More than 100,000 small farmers are going out of business each year. Are these facts enough evidence to convince us of the need for my amendment?

What of the small farmers who are still in business? Over a million and a half of them—out of a total of 2.9 million farmers—earn less than poverty-level incomes. Can anyone here deny that we must stop this dangerous trend of giantism on the farm?

If it is clear that these huge subsidies are not needed, and further that they are fostering an alarming growth in agribusiness giants, what, then, do we say to the average taxpayer to justify the continuation of this scandal?

It now seems likely that for the 3-year period, fiscal years 1971, 1972 and 1973, we will have a record high total budget deficit of $60 billion. How can any of us return to our constituents without taking every opportunity to trim fat where we can. What better place to start than right here? What better time than now?

Finally, it is always a sobering reminder of the distortion in our priorities to have before us a bill that, not only pays out $5 billion in farm subsidies, but also includes appropriations to eliminate hunger and malnutrition. What can we say to the 11 million underfed Americans—most of whom are children or elderly—if we persist in this extravagance, while their desperate human needs go unmet?

Mr. Chairman, these questions, I suggest, answer themselves. The time is now, to correct this imbalance. The time is now, to eliminate this injustice. The time is now, to restore the faith of the taxpayer and the farmer in their Government. Let us seize that time, and pass this $20,000 payment limitation.

The CHAIRMAN. Does the gentleman from Mississippi desire to address himself to his point of order?

Mr. WHITTEN. I do, Mr. Chairman.

Mr. Chairman, as I take the floor here I do so with the knowledge that in some years past the Chair has ruled against the point that I make. Error often repeated does not change the need to correct the error, and I would hope I might have the attention of the membership, because I think I am sound in what I say.

I have never yet appealed a ruling of the Chair, and I am not going to this time, but there will come a time in my opinion when this kind of thing has to be stopped. If the Congress cannot do what it has done here in providing for a corporation and for its operation, there is a weakness some place that I know nothing about.

As to my point of order, Mr. Chairman, the amendment, to which I make the point of order, goes to tying strings on the Commodity Credit Corporation. The Commodity Credit Corporation at the present time is a creature of statutory law originally created and incorporated under the laws of the State of Delaware. It was made into a corporation so that it could perform and discharge all of the duties of a corporation, that is, sue and be sued. It had an independence created by statute. With time the Congress made it a U.S. corporation and brought forward the provisions which are incorporated in the Corporation Control Act. It appears in the compilation of statutes of February 17, page 154, 69 Stat. 1007.

In addition, the Commodity Credit Corporation by law and in the law is created for the purpose of stabilizing, supporting, and protecting farm income.

Mr. Chairman, I respectfully submit, too, that the Chair, may I say, is faced with the unhappy situation of reversing those who preceded him, including the present presiding chairman, but when a law is passed and the law provides for certain authority, to change that would be to change the law and would be legislation. But the Congress, to be sure about which was passed and which appears in this, in the Corporation Control Act, title 31, at page 7455, section 849, provides that nothing shall interfere with the Commodity Credit Corporation carrying out its functions.

Now, Mr. Chairman, contrary to the statements made by my good friend, the gentleman from Massachusetts—and we are good friends—and I think in this debate he has shown an excellent knowledge of public relations and of the feelings of the people in his district. However, I think, in addition, he has shown a complete failure to understand the purpose of this agricultural act. The agricultural act was passed to maintain farm income. It was passed to provide an incentive to keep the supply and demand in balance.

In the last depression, in the late twenties and early thirties we did not have anything like this. Production went so sky-high that those engaged in it went broke, they could not pay for their equipment. Bankruptcy reached an all-time high. They had more suicides on Wall Street than at any other time in history, so it is said.

So I am saying it was the purpose of this act to maintain farm income. They say why is it that if it is to maintain farm income, why is it that somebody gets so much more than somebody else? And I made this point earlier: I was asked by the manager of a motel how it was that a certain individual in Congress received such a big payment. I said to him, "Yesterday I paid $16.50 for a room." I said, "How many rooms have you got?"

He said, "Two hundred." I said, "Could I rent them all?" He said, "Yes." I said, "For $16.50?" He said, "No, for $16.50 per room."

These high payments have come because these people voluntarily pass up their right to produce and rent large acreage, 200 rooms if you please.

So this is to help the Government program, and the purpose is to get the program where it will work so as to maintain farm income.

I respectfully submit, Mr. Chairman, when the Congress goes out of its way to create a corporation, not a Government agency or a Government department, but a corporation, then they have some purpose in making it a corporation. Then when they pass another act that says nothing we can later do which will prevent the corporation from discharging its duties under the law, I respectfully submit, Mr. Chairman, notwithstanding all of the rulings previously made, that when you try to prevent that corporation from discharging its functions in favor of U.S. agriculture, and pass a statute in the Corporation Control Act where it says you cannot do anything that will prevent the carrying out of its obligations, which is to maintain farm income, that this is clearly a method and a means or an effort to change the legislation in two acts, the Corporation Act creating the Commodity Credit Corporation, and the act in which we took into the Congress some surveillance over its operations. I respectfully ask the Chair to reverse itself from its prior ruling.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. CONTE) desire to be heard on the point of order?

Mr. CONTE. Yes, Mr. Chairman, I will speak on the point of order in a relatively limited fashion.

Mr. Chairman, I rise in opposition to the point of order. This is the same argument that has been raised by the gentleman from Mississippi on several previous occasions. One such occasion was January 26, 1965; another was June 6, 1967, and still another such objection was made to an amendment which I offered on May 26, 1969. On all of these occasions the gentleman was overruled and again a year ago, on June 23, 1971—CONGRESSIONAL RECORD, volume 117, part 16, page 21636. Except for the change in date, my amendment today is exactly the same as that I offered a year ago. I suppose we should commend the gentleman for his persistence, but the plain fact is there is no substance to his point of order.

On each of those occasions, the limitation went to the entire act, as does this amendment. It stated on each occasion that "no part of this appropriation shall be used," or "none of the funds appropriated by this act," language of that sort. The language applies to administrative salaries of USDA organizations. The limitation is clearly negative on its face. It clearly shows retrenchment, the reduction in spending and, therefore, is entirely within the Holman rule, and I believe it is completely in order.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from Massachusetts has offered an amendment to which the gentleman from Mississippi has made a point of order on the ground that it would constitute legislation on the pending appropriation bill, and thus be in violation of clause 2, rule XXI.

There have been at least six rulings on points of order offered against similar or identical amendments in recent years.

Chairman Kilday in 1959, Chairman Harris in 1965, Chairman Corman in 1967 and 1968, and the present occupant of the chair in 1969, 1970, and 1971.

All have ruled on similar points of order. On each occasion the amendments have been held to be in order as being limitations on an appropriation bill.

In the present instance, the Chair has examined the amendment and is of the opinion that it applies only to funds which would be appropriated in the pending appropriation bill and that it does no more than limit the use or application of the funds made available in the pending bill.

Therefore, consistent with the precedents that the Chair has cited, the Chair holds that the amendment is in order as a limitation on an appropriation bill and the point of order is overruled.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to agree with one thing that the gentleman from Massachusetts said.

He said his amendment will affect very few States. That is true and that is the reason it does not really amount to anything.

I want also to refer to language in 1970 in a statement by the gentleman from Massachusetts when on the floor of the House he said:

> What good is a limitation, if we allow the gigantic corporate farmers, the people who have large entities, to subdivide their properties and get around the law? Then we do not save the taxpayers anything.
>
> Surely, we could grab a headline for back home, but what will we have done to save the taxpayers any money?

That applies today, too. One may grab a headline back home, but this kind of amendment does not save money.

In reply to that, I said:

> Land operated by a person or corporation can be divided and subdivided and I defy anybody to come up with any language that will avoid getting around such a limitation when on an appropriation bill.

That applies today, too.

This is an appropriation bill and the language submitted in the amendment did not and could not get around dividing and subdividing and owners' rights which cannot constitutionally be denied the use of their property without due process of law.

Therefore, they can lease the land and they can divide and they can subdivide and this amendment does not stop it and there is no way that anyone can draft one that will stop it on an appropriation bill.

Now he talks about the big corporations and the big farmers. But there are also corporations in the sugar business. Why should the sugar business be exempt? I know that sugar is sweet, but apparently payments for sugar are also sweeter than for corn or cotton.

Big companies are in the sugar business. Why exempt sugar—why not apply it across the board? Is there something good about saving money in one instance and not in another? But I do not think money will be saved in either case.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. CONTE. The gentleman knows full well that we have debated this issue before.

I am not trying to grab for headlines. I have worked with him on many issues, on plenty of small business problems and HEW and labor issues and he knows of my determination and sincerity with reference to this and other problems facing our Nation.

I think it is high time we stopped this scandalous program. Sugar is in a different category as I understand it, sugar is taxed and the revenue pays for the subsidy. This is not the case with cotton, wheat, and other grains. Furthermore I voted against the entire sugar bill last year.

Mr. SMITH of Iowa. I think consumers are getting benefits from these farm programs and that is obviously true as shown by the fact that food is cheaper in this country than anywhere else.

The way this really works is this:

You have some big farms, that is true, and they farm more acreage. We also have some family-type farmers that do not have enough land to farm.

If we run the big farmers out of the program and they do not lease or set aside some of their land in the reserve, then the smaller farmer has to put more of his land into the reserve in order to keep the prices just in the ratio that they are in.

As far as the family farmer is concerned who has too little land to farm, he would be better off if we would rent the land from the big farmer and let the little fellow use his capital and his time and the machinery he has to farm all of his land.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Is it not true that the limitations already in the law actually caused the larger farms to be broken up?

Mr. SMITH of Iowa. They did not save $2 million, according to the Department of Agriculture's own figures, and I defy anyone to show me that it did not cost more than that to administer the law. They talk about saving money, but there is nothing to it. Money will not be saved under this amendment. All it will do is cause trouble in administering the law, and make small farmers contribute more land that they need to farm and cause bigger ones not to contribute as much land to a balance of supply and demand. I urge defeat of the amendment.

Mr. BERGLAND. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. BERGLAND. Mr. Chairman, I very reluctantly rise in opposition to this amendment. While I am in general sympathy with the objectives of the amendment offered by the gentleman from Massachusetts, I do not believe this appropriation bill is the proper vehicle with which to accomplish his stated goal.

The Agricultural Enabling Act which we are now funding expires at the end of 1973 setting up the first session of the next Congress with the responsibility for rewriting a farm program. The farm bill under which we are now operating established a $55,000 per crop annual limitation in payments but the law is so ridden with loopholes that such people as John Wayne have run their farm empire through these gaping holes making a mockery of the payment limitation provision. I am a member of the Committee on Agriculture and if I am fortunate enough to serve in the next Congress I intend to use all my energies in designing a farm program that drastically changes the payment system so as to stop subsidizing these farming giants by closing these loopholes. The intent of the amendment offered by the gentleman from Massachusetts would be circumvented by these farming giants who have and will continue to cook up schemes and devices allowed by the enabling act. Mr. Chairman, I urge the defeat of this amendment.

Mr. SCHERLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. SCHERLE. Mr. Chairman, Members of the House, to begin with, farming is my occupation. I have been on a farm for perhaps close to 35 years, and it has been both a primary main source of joy and frustration. A great experience in living close to nature and gambling against those forces for survival.

When we talk about farming in this country, we are talking about agriculture, which is the backbone of the Nation, gentlemen, and it seems strange to me that the few times we come to the floor of the House we usually find that agriculture has to be the whipping boy by people who do not fully understand the intricate workings of a farm program and how they are tied together.

We have lost 23 million people off the farms since World War II. There are only about 2.8 million farms left in this country to provide the food and fiber that is needed for survival. Fifty-two percent of the income on the farm today is earned off the farm. In other words, the farmer or his wife moonlights. He desires to stay on the farm, and the only way he can do it is to work off the farm. This additional money provides his wife and children the right to stay on that piece of land.

We talk about large operators. It is the large producer that is contributing to the problem that we face when we take our products to the marketplace. The small farmer is usually the one who is diversified, where he has row crops, livestock, and perhaps feeds this grain to livestock. It is the large operator who produces the most grain and brings that commodity to the marketplace this is what causes the glut on the market.

Would it not be better to spend the money on the large operator and not produce in the first place, rather than under this program, buy up that commodity with tax dollars, store it with tax dollars, and pay rent on that commodity for—who knows—3 to 5 years? It would be better not to produce in the first place, and this in essence would help the small farmer.

Another thing I think we should remember is that this Congress signed a contract that the farmers of this country would be entitled to a certain amount of money for 3 years. It would be foolhardy and it would not at all be fair to break that contract at this time. A new farm program will be written next year for succeeding years, but I do not believe it is right for the Congress at this time to impede the normal rotation that a farmer must undertake as he develops his farm operation for next year.

It is not possible to change a farm operation in 1 year; this normal procedure usually takes 3 or 4 years to provide the necessary time.

The farmers of America are providing a real subsidy for consumers. Today only 15.6 percent of disposable income is spent on food. If anyone is being subsidized, it is the consumer, the people.

I would suggest that the House this afternoon abide by the contract that the Congress authorized, and allow the $55,000 figure to prevail. If the Members are not satisfied, when the House bill comes to the floor next year, then offer an amendment at that time, but allow the farmers of this country to know what they are entitled to, and allow them to plan accordingly.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just been reading again the letter which the Secretary of Agriculture wrote to the gentleman from Texas (Mr. Poage) and the gentleman from Mississippi (Mr. Whitten) and the gentleman from North Dakota (Mr. Andrews) and to me, and to others, about what would happen if this amendment prevails.

One paragraph is especially impressive and pertinent. The Secretary says: "The Government would still be in the position of breaking faith with the farmer"—and that is what the farmers think, millions of them—"if further payment limitations were mandated before the expiration of the legislatively authorized 3-year period."

This is a time when many people tend to lose faith in Government. We hear that frequently here on the floor. We read it in the press. Much is said about credibility. The question is asked: Can we depend upon the good faith of Congress?

That question is involved here today.

Mr. Chairman, we gave the farmers a 3-year program. They went into the program. Next year is the last year of that program. An effort is being made here today which would, if successful, break faith with the farmer. It would do harm to the stature of the Congress. It is not right. It should not be done. It has not been done, although we have faced this matter in previous years. It should not be done now.

The Government could welsh on its agreement and its legislated plan, but what about the farmer? He has made plans. He has bought a tractor. A tractor with the necessary equipment is about $11,000 to $13,000. He cannot pay for that immediately. Costs of equipment and the costs of production are tremendous. The farmer cannot welsh on his obligations to pay. Also, there are land values to be considered. All these things must be taken into account, as well as labor costs which are very great. So the farmer has made his plans. Now, the author of this amendment is in effect seeking to force the Government to welsh on its contract, but the farmer who has bought this equipment and has not completed payment for it cannot welsh on his contract.

I hope we will not adopt this amendment which has been offered here today.

It is said that not too many people will be affected. All agriculture will be affected, because it will, in a sense, throw a monkeywrench into the whole farm program. To succeed, the farm program must have some balance to it. If we cut the large farmer out of this program, he has to find ways to produce to try to pay for the equipment which he has bought and maintain his farming operations. Maybe he will say, "I will go into soybeans," if he has been in cotton, or he will go into corn, or some other production.

The amendment would be very disruptive. It is indefensible. It is unthinkable that we should consider seriously changing the basic program by adoption of the amendment offered by the gentleman from Massachusetts (Mr. Conte). I trust the House will not approve the amendment, and that we will stand pat on the 3-year period which we as a moral matter, agreed to do.

I know that the gentleman from Massachusetts (Mr. Conte)—and there are others—are thinking in terms of bringing this to $20,000, and then perhaps to a lower, and lower figure. Some appear to favor abolishing all farm programs. I repeat, the problem of revising the present program is a problem to be considered by the legislative committee next year.

I would hope that my friend from Massachusetts, having made his point that farm programs are not perfect—and I know some other programs that are not perfect—will not insist in urging this disruptive course which would do ill service to the consumers of this Nation who have found they can rely upon our great agricultural production capacity—the marvel of the world.

Mr. PRICE of Texas. Mr. Chairman, I rise in opposition to the $20,000 limitation payment amendment offered by the gentleman from Massachusetts (Mr. Conte).

We have had this colloquy and fight now almost every time an agricultural bill comes up.

As a fourth generation practicing stockman and farmer, I believe it would be heartless and most unfair now, when the Federal Government has given its word to the farmers of our Nation, and, based on existing law, the farmers have gone to their banks, have borrowed money, have planted their crops, and are now tending them in good faith. They thought they knew what they were doing, because the law was on the books. They knew that they could depend upon Federal assistance, for they were legally entitled to it. Now for us to renege upon legislation that we passed into law I believe is shocking. No wonder individuals are losing faith in their Government. The ink is hardly dry on the books, and already the body is trying to go back on its solemn enactments.

As a member of the House Agriculture Committee, and as a Representative from a rural district of the Nation, I know full well the dynamics of the delicate relationship between the Federal farm program and our food fiber supply. As one who helped bring the new farm program into being, a program which placed a payment limitation of $55,000 per farmer per crop, I know full well we have stretched this delicate relationship between farm program and producer to the breaking point. To adopt this amendment would be to rupture this relationship beyond repair. Given the cost-profit squeeze in agriculture today, many individuals are leaving the farms and seeking their livelihood elsewhere. As evidence of this, in the last 20 years the population in this country has increased by 36 percent while the farm population has decreased 50 percent. During this same period, the number of farms has dropped from 5.7 million to 2.9 million and the decline continues.

We must ask the question: Who is going to feed this Nation in the future?

The current condition of the American farmer can also be well depicted by examining his earning position relative to nonfarm sectors of the economy. Since 1950 the hourly earnings of manufacturing workers have risen over 131 percent. Since 1950 corporate dividends have increased over 235 percent. In contrast to these success stories, the farmers' average return in 1967 to 1969 was 3 percent below what it was 20 years ago using 1947 to 1949 as a base period. Moreover, modern-day prices received for the three major farm crops: corn, wheat, and cotton, are actually considerably lower than those received two decades ago. For example, the average price received for corn last year was $1.12 per bushel. Twenty years ago it was $1.68.

The ability of the agriculture sector to provide the underpinning and momentum for our economic growth depends on the courage, resourcefulness, and initiative of the hardy few who are willing to risk their lives and their fortunes in the risky business of farming. To survive in the face of mounting costs for equipment, land, labor, facilities, and supplies, farmers have had to expand their operations and take every advantage of the economies of scale. As a result in many areas of the country, such as the Texas Panhandle, it is common for man to farm whole sections of land where in his father's time, men normally described their operations in terms of acres.

It is this fact, that farming has become big business, that the prime sponsor of the amendment to limit farm payments to $20,000—Mr. CONTE and others, seem singularly unwilling or unable to recognize. Perhaps his vision is limited to the farming conditions in his State, a State that has only 126,219 acres tied up in farming. In Texas, we farm 35,778,092 acres. If this is the case I would suggest the gentleman expand his horizons.

Mr. Chairman, the plain unadorned fact of the matter is that if this amendment were adopted and a $20,000 ceiling set on farm payments, the larger, more efficient producer would be unable to participate in the Federal farm program and still cover his overhead, much less make a profit on his investment. He would have no other choice than to determine what crops he could grow most efficiently and plant them fence to fence.

The gentleman from Massachusetts (Mr. CONTE) should take note that they had to expand their operations in order to take advantage of the economies of this scale.

What justifications does a farmer have to pay a $10,000 tractor or an $18,000 combine to farm 80 acres? He has to expand to farm more land to justify buying this expensive equipment.

This would force the smaller farmers who were participating in the farm program to economic ruin. It would destroy the delicate bonds of the farm program which match farm production with the consumption needs of this Nation. It would create new gluts on the market. It would dislocate the farm economy in so many ways the economic tidal wave that would be created could well swamp the rest of the economy and drive the Nation smack into a devastating depression.

The history of the United States is fairly clear that nationwide depressions begin on the farms. When I was growing up there was an old saying that went like this:

> Depressions in this country have always been farm bred, farm led, and farm fed.

I predict, and I hate to be a prophet of doom, but I predict that if this Congress adopts the amendment to limit farm payments to $20,000, it may well have sown the seeds of our economic ruin.

I urge my colleagues to defeat this proposal.

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members of the House, all the statistics have been read and reread. All the tragedies that are going to happen to the farmers have been recalled to us very often. I am afraid we are in a position, as is so often the case, that no matter what is said on the floor, the gentleman from Massachusetts and the gentleman from Illinois will not pay one bit of attention to the rest of us. And it may be mutual. I do not know.

However, I will just say this: At a time when it begins to look as though rural America and urban America are beginning to recognize that they do have common problems and they do have the opportunity to gain common goals, to continue a political activity of this kind is not very important.

When all of the figures are analyzed and when all of the statements are made it adds up to this: In the end, without any program, the consumer will pay directly whatever has been paid in subsidies theretofore.

I think that if these gentlemen are ever successful in doing away entirely with the farm program, then, and perhaps only then, can this House be convinced for the first time that food was cheaper with the $3 billion a year programs than without them.

Unless there is some other kind of arrangement made, the consumer is the only one who can ultimately pay the price for producing and processing food and selling it at the retail level. The farmers of this country have been working for 30 or 40 years under the so-called agricultural programs. These programs have worked to varying degrees of efficiency, and none of them to the degree we would like to have them work. However, all of them save the consumers money. All of them have been to the direct benefit of the consumer.

So, as useless as it may be, I would like to say at this late hour that for the sake of this country, for the sake of the consumer if not for the sake of the farmer, that the joyful impetus and importance put on further limiting the payments on these agricultural programs, when this is not in the legislative committee's report, is wrong.

The bill will be up again next year in the proper form. I would suggest to the gentleman that in fairness to everybody that this not be pursued with the glee with which I suspect that it will be.

Having said that, I will say I look forward to working with these gentlemen again and doing the very best we can to make sense out of our legislation and benefiting the American people as best we can.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is sort of like replaying a broken record. I almost got out my old speech on this subject and reinserted it in the RECORD, because it seems we have to make this fight every now and then; and the facts are about the same as they were before.

This is an attempt again to shackle the American farmer, and an attempt to indicate that the American farmer has done something less than a great job insofar as feeding and clothing this Nation is concerned.

I do not believe, Mr. Chairman, that the Members of this body would be very popular back home if indeed they were to do something which would cripple the agricultural program. The American agricultural program which we now have is the main reason why the people of this country are paying only 16 percent of their usable income for food and sustenance, and why they are getting food and fiber of the quality that they are getting at the present time.

I think if you compare the performance of the agricultural industry, the American farmer, with that of anybody else in the world, you would have to come to the conclusion that he has produced more, produced it cheaper, produced it better and more efficiently than any other nation in the world has been able to do.

It seems to me that playing Russian roulette with a program which has been so successful in providing much of the good life which we have in this country is sheer folly, and I feel that the Members of the House will not want to engage in that type of a dangerous charade.

It has been said that passing this amendment would be a breach of faith to the American farmer. I happen to think that this is true.

We passed a basic agricultural bill almost 2 years ago. A limitation of $55,000 was put on the amount of payment which could be made to any one farmer in that bill. This was agreed upon by all parties. Mr. Chairman, it was even agreed by some of the people who are now supporting this amendment, that if this limitation of $55,000 were put on that there would be no attempt to lower the limitation during the time that this particular law was in force.

I say to you that if the gentlemen who have offered the amendment think it is necessary to lower the limitation more, then in all good faith they should wait until it becomes necessary to reenact the basic law under which we make these payments. Then, at that time, if they want to try to lower the payment it is up to them. But I suggest that it is not good faith; it is a breach of faith, in fact, to the American farmer to attempt to do this on an appropriation bill, or during the time that this basic act is in effect.

Do you think this is good politics? I suggest it is not very good politics. I suggest that the people back in your districts, if they realize what may occur if the American farmer produces less, or does not produce it as well, would tell the gentleman that it is not very good politics, because they like the food they now eat. There is no doubt but what if you keep on lowering the payments and you keep on breaking faith with the American farmer you will have fewer of them, and they will not be doing as good a job as they are.

Mr. WAGGONNER. Mr. Chairman, will be gentleman yield?

Mr. RHODES. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Arizona has made a very important point, and a point that we ought to give more consideration to.

I think the gentleman will verify for our colleagues here in the House that it is only in the area of agricultural commodities that we have a favorable balance of trade, and this is so because we in America, our American farmers, are low-cost producers of agricultural products. Is that not so?

Mr. RHODES. That certainly is so. I am sure the gentleman from Louisiana would agree with me that putting a limitation on this would not save any money; all it does is harm the most efficient farmer, the one who is mainly responsible for the favorable balance of trade that the gentleman from Louisiana has indicated we have.

Mr. WAGGONNER. If the gentleman from Arizona will yield further, if you would do this to the producers, as this amendment proposes, it would further affect our already unfavorable balance of trade by making us, not low-cost producers of agricultural products, but high-cost producers.

Mr. RHODES. Higher cost and lower quality is what we would have; there would be no doubt about it.

So, Mr. Chairman, I trust that the House will in all good faith reject this amendment and keep this program for at least 1 more year, then we can decide what we want to do with it. This is not the time to change.

Mr. ABOUREZK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask a question of the gentleman from Massachusetts (Mr. Conte). Does this amendment close the loopholes that now exist in the farm subsidy programs that allow people to distribute land amongst members of their family allowing large corporate agribusinesses to exceed the $55,000 limitation?

Mr. CONTE. The gentleman was not here during general debate?

Mr. ABOUREZK. No.

Mr. CONTE. I gave a long dissertation on this subject and I said—no, it did not. That was the unfortunate part in the adoption of the present $55,000 ceiling. I worked with Chairman Poage and others and tried to get language in the 1970 act that would have prevented these evasions. They would not buy it at that time.

On the floor of the House, I said that the $55,000 ceiling would not save any money, but it did save about $2½ million, as the Secretary of Agriculture stated.

What I did say earlier today was that this $20,000 ceiling is a message to the Department of Agriculture that the American taxpayers are sick and tired and fed up with this program.

Next year when the authorization bill comes up, if we can win on this amendment here today, it will be a message to the chairman and the rest of the Committee on Agriculture that they have to do something about it.

Mr. ABOUREZK. You are saying that the amendment does not close the loopholes?

Mr. CONTE. No, it does not.

Mr. ABOUREZK. As you know, I come from one of the most agricultural States in the Nation—my people support a lower limitation. I supported your amendment last year, but I must reluctantly oppose it today because I think what you ought to do is to make it meaningful and not just an exercise in futility. It should be written into a law that closes the loopholes.

Mr. CONTE. I hope the gentleman can help me and others next year, to get Chairman Poage and his committee to bring out meaningful legislation. I have been here for 14 years and I have heard that claim that this is not the time too many times. It is really an old broken record and, as I stand here and I hope to be here a year from now, if my people have the kindness to send me back—the Agriculture Committee will still not do anything next year—unless we act today.

Mr. ABOUREZK. You have not heard that "broken record" from me.

Mr. CONTE. No, not from you—but from the committee.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. ABOUREZK. I yield to the gentleman.

Mr. SISK. Mr. Chairman, I simply want to join my colleague, the gentleman from South Dakota, and the gentleman from Arizona (Mr. Rhodes) and others in opposition to this amendment. I would hope that other Members of the House would go along with this program for the duration which would mean only 1 more year. Then at that time the legislative committee will exercise the prerogatives of the House in directing such changes as need to be made.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. ABOUREZK. I yield to the gentleman.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

This amendment is unrealistic and breaks an agreement that the Department of Agriculture has made with the farmers of this country.

The bill before us today is designed to help the farmers. The Conte amendment hurts the farmer instead of helping him.

This amendment does not save the taxpayers a dime. The cost of administration of this type of amendment will just add to the cost of the program.

Mr. Chairman, I hope we can soundly defeat this amendment.

Mr. McCOMACK. Mr. Chairman, will the gentleman yield?

Mr. ABOUREZK. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I would like to comment that the $55,000 figure was not set capriciously or in some arbitrary manner. But rather it was set to maintain the delicate balance between supply and demand in the wheat and feed grain industry.

It is this that we are trying to maintain. If this amendment passes today, it may very well force many farmers in my district to go out of the program completely, which they can do voluntarily, and plant "from fence to fence." This will destroy the entire program.

I think the amendment is ill-conceived. It does not take into consideration, I believe, the needs of the people of the agricultural community today, and consequently of the rest of the Nation.

I sincerely request that we defeat the amendment to reduce the $55,000 ceiling, and take up this matter in the new agriculture bill next year.

Mr. MAYNE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I want to commend our distinguished colleague, the gentleman from Massachusetts, for continuing the fight. I also want to commend our distinguished colleague, the gentleman from Illinois (Mr. Findley) who serves with me on the Committee on Agriculture for sticking to his guns and for not failing to bring this very important issue again to the attention of the House and the American people.

The statement has been made that this $20,000 limitation amendment would work to the disadvantage of the American farmer.

Well, who are our colleagues talking about when they say "the American farmer" will be adversely affected by a $20,000 limitation? If they are talking about the great corporate combines which have been gobbling up the independent farmers of this country, they are right.

If they are talking about the very small minority of farmers in this country who are receiving subsidies of more than $20,000 a year from the Federal Government, then they are right. But if they are talking about the overwhelming majority of American farmers, those with small- and medium-sized operations who do not qualify under this program for anything like $20,000, then they are dead wrong.

Let me tell you Members of the House that those farmers, the family farmers, the independent farmers, the actual farm operators, those who we have traditionally called the real dirt farmers of this country, are just as sick and tired of hearing about these huge payments to agribusiness giants as are Mr. Conte's constituents. They know such abuses of the farm program are discrediting it in the eyes of the American people and jeopardizing its continued existence to serve the real farmers for whom it was originally intended.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I will be happy to yield to the gentleman from Massachusetts.

Mr. CONTE. I wish to thank the gentleman, because others have made some statements about this delicate balance and the balance of trade and all. There is a front-page story today in the Wall Street Journal about "Baleful Yarn," and it says, in part, that—

> Uncle Sam's cupboard, which once held millions of 480-pound bales of the stuff as subsidized surplus, is bare; now a shortage threatens. And prices are about 40 percent higher than a year ago, are nearing Korean war levels.

This is an election year, and these people have to go back to their voters. They are paying the highest prices that they have ever paid for bread, for meat, for corn, for cornmeal, for commodities, and for garbage.

Who got up here to speak against this amendment? The gentleman from the Appropriations Committee, Mr. MAHON. Go look at the record. His district gets one of the highest level of subsidies of any district in the United States—millions and millions of dollars—while there are people in Texas who go to bed hungry every night.

Mr. MAYNE. I decline to yield further and I emphatically disagree with the gentleman when he suggests that farmers are receiving high prices for their products. The price of corn is woefully inadequate and our cattle and hog farmers are just now starting to receive an adequate return after 20 years of depressed prices.

The reasons I support the gentleman's $20,000 limitation amendment are very different from those he has just stated.

My district includes a great number of independent farmers, livestock and grain farmers and I know the vast majority of them are very much opposed to large payments. They have told me repeatedly that there is nothing I have done since coming to the Congress which has their support more wholeheartedly than my attempt to cut down these outrageously large subsidies, which have run into millions of dollars annually for some corporations. These huge payments have given large agricultural combines an unfair competitive advantage over independent farmers, assisting them in buying more land and driving more and more people from the farms. So I say let us vote for this amendment. I say that the argument which has been made that it would be a breach of faith or a breach of contract for the Congress to now impose a lower limit than $55,000 is rather spurious, because I would say to you that good faith runs both ways.

What kind of good faith have the agribusiness giants shown in the various sham subdivisions and elaborate leasing arrangements and other subterfuges they have been employing to nullify the $55,000 limitation? It has been breached and evaded and shot through with so many loopholes that the good-faith argument collapses of its own weight.

Annual payments of more than $20,000 are hurting, not helping the family farmer. We should not be misled by the arguments that payments of over $20,000 are helping small- or medium-sized farmers in any way.

Large payments are accelerating the growth of larger and larger farm units whose owners are encouraged to acquire more and more of their neighbor's land through the use of huge subsidies. Government checks are being used as the downpayment to buy up family-sized farms with more and more farm families being driven from the land. Many of them then move to great cities where they are ill equipped to make the necessary adjustments to the complexities of urban life.

Escalating Government payments are not the only reason for this alarming trend but they are certainly a contributing factor. Fewer and fewer farmers have been receiving larger and larger payments, which certainly subverts the intention of most Congressmen who voted for the 1965 act. The independent family farmer finds himself caught in a vicious cost-price squeeze and in increasing danger of being cannibalized by corporate and other farming combinations subsidized by big payments.

A statewide poll taken by the Des Moines Register in May 1970 showed three out of four Iowa farmers favoring a limitation of payments. The average annual limit suggested by these farmers was about $11,000. Only 3 percent suggested a limit of $25,000 or higher.

I am convinced after considering all available surveys on the subject that a $20,000 limitation will not have any adverse effect on the feed grain program, but will in fact strengthen it.

On the best evidence available, it appears that payees receiving more than $20,000 are farming only about 2 percent of feed grain base acres. I believe we should immediately end all subsidization over $20,000 of this very small percentage of large operators. This will strengthen and redirect the farm program so that it can better serve the great majority of American farmers and the consuming public. I, therefore, urge all Members to vote in favor of the $20,000 limitation amendment.

Mr. BURTON. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BURTON. I think it is a rewriting of economic history or contemporary events to blame the farmers of this country for the inflation that haunts the land. I would like to address, if I may, my remarks to my colleagues who represent the major urban areas of the country. It may or may not be useful political demagoguery to try to whip the 5 percent or less of our population that produces the food and fiber for this country.

I would like to remind my colleagues that every depression this country has ever found itself in starts first on the farms of this land. I do not purport to be an expert in matters agricultural, but of one thing I am absolutely convinced: This bill, as reported out of the House Appropriations Subcommittee and full committee, is a balanced bill. It will meet the needs of this country for the next fiscal year. This is the wrong time and the wrong place to be accepting any amendments of any kind to the product that is before us, so I intend to vote against this proposed amendment, as well as the other proposed amendment to the committee product.

Mr. STEIGER of Arizona. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I thank the gentleman from San Francisco, from California, for his urban view of this problem that I do not think we have heard before. I would like to dwell for just a minute on the broken faith matter. I do not think there is any question in anybody's mind that we are breaking faith with the farmer with the mere introduction of this bill. I think we all recognize that.

But let us look at the faith that is being broken with the constituents at home when the gentleman from Massachusetts informs his people he is going to lower the prices of their foodstuffs by the introduction of this mercurial and attention-grabbing amendment. I will tell the gentleman there is the greatest action of broken faith, because the gentleman well knows that there will not be one dime removed from the consumer's cost for foodstuffs he consumes as a result of this amendment. As a matter of fact, the jeopardy to the consumer is very real. All the demagogic statements about the farmer who summers in Florida and about the huge corporations gobbling up the little farmer are just as meaningless to the consumer as they are to the gentleman who uttered them. I tell the Members of the House when they vote for this, and then go home and tell their consumers they are saving the consumers' money, they are flat lying to the consumers. While a Member may not have any farmer in his district who will be upset by this breaking of faith, I have to believe there are consumers who will be upset by the breach of faith against them.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I know the committee has heard the argument now for some time, and I assume it is ready to vote, so I will not take very much time or impose upon the committee's patience. I think it is interesting that some aspersions were made against the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) because he comes from a district where there are a significant number of agricultural payments in excess of $20,000. This point was made by the gentleman from Massachusetts (Mr. CONTE) in a dialog with the gentleman from Iowa (Mr. MAYNE) who interestingly enough told the committee he does not have any farmers in his district to speak of who will get payments in excess of $20,000. His support for the amendment would seem very convenient then.

It is always convenient to support payment limitations if they are $5,000 or $10,000 above what any of one's constituents happen to receive. But I suggest if a payment limitation of $5,000, or even $10,000 was the subject of an amendment on the floor, the gentleman from Iowa (Mr. MAYNE) might have a different view. That would not be convenient for him because it would not be convenient for the family farmer of Iowa.

Mr. MAYNE was a little concerned when the 1971 corn crop was a billion bushels more than the 1970 corn crop, and it was worth much less, because the production controls were completely out of hand.

It is a fraud to say the small or the family farmers have no interest in the balance in our agricultural programs. Indeed, if we accept these kinds of amendments and drive every commercial farmer, including the family commercial farmer, out of this program, we are going to make the program worthless to the small farmers of the country. We are going to have to demand they have less production and even less income in order to compensate for the tremendous lack of any supply management on the part of the larger producers.

Mr. ALBERT. The gentleman has made a very fine statement.

There are two issues, as I see it, which are involved. One is the objective of the Congress when it enacted the basic legislation. The other is that we cannot have a farm program unless everybody is under it. Otherwise we are going to have excess production on the excess acreage.

I am going along with the gentleman on this issue, and I am going to vote against every amendment that will take anything away from anybody under this bill.

Mr. FOLEY. I thank the distinguished Speaker very much. Among so many other issues he masters the Speaker has always understood the need for a balanced agriculture program.

To put my own record before the committee, the vast majority of the farmers of my district do not receive payments in excess of $20,000, but they know that the broad participation is essential to any kind of effective farm program.

I served on the Committee on Agriculture, along with the gentleman from Iowa (Mr. MAYNE) and others, and for 2 years we attempted to write a bill that would be effective and equitable at least for the vast majority of our farmers in reaching supply management goods for the basic commodities. That bill expires next year.

It will be the first order of business before the Committee on Agriculture, next year to have hearings and to report a new farm bill to this floor. It will not be up to the distinguished chairman (Mr. POAGE) as to whether he wants to bring a bill out or not. He must bring a bill out if we are to have any farm program after December 31, 1973. When the new farm bill is reported, hopefully early next year, then the gentleman from Massachusetts, the gentleman from Iowa and the gentleman from Illinois will have an opportunity to prepare comprehensive amendments more effective and appropriate to their purposes than are permitted here today and they can be considered and voted on by the House.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Michigan.

Mr. O'HARA. I have heard a lot of talk about the rate at which the small farmers are going out of business. All I can say is that they are going to be going out of business a lot faster than ever before if we all of a sudden allow the big producers to produce as much as they want as fast as they can and flood the market with it. This will cause the price to be destroyed, and the ones who will be hurt are the marginal producers, not the big producers.

Mr. FOLEY. The gentleman is absolutely correct.

I have one final word, Mr. Chairman. I have been a Member of Congress for a relatively few years, for only about 8 years. I do not have the great experience of others but it seems to me we should give greater respect and consideration to the work of our basic legislative committees. These legislative committees which conduct long hours of hearings, hear hundreds of witnesses and deliberate for many days on complex and difficult legislation, perhaps deserve better than to have their basic recommendations written in authorization laws as public policy only to be totally altered by amendments to appropriation bills on a few minutes debate and less deliberation.

If this practice continues to grow the legislative committees might as well be abolished.

This amendment has been held to be technically in order but it is flagrantly legislation in an appropriation bill and worse ill considered and undesirable legislation as well.

I hope the amendment is rejected.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

I hope we can have a vote on this soon. However, there are several facts which I believe should be called to the attention of the Members.

We are using a monetary figure in this debate. The monetary figure is related to the amount of acreage included in the program.

What is sought to be done here is to force out of the program those with the biggest acreage.

We point out on page 12 of our report that 8 percent of our farms produce over half of our agricultural production, and nearly 90 percent of our production comes from just over one-third of our farms.

The points made by the gentleman from Michigan and the gentleman from Washington are very well stated. If we force out of the farm program those who have the greatest amounts of acreage—and that is what is involved here—when we reduce the payment, we must increase the amount of acreage taken out of those small farmers who remain in the program.

I hope the Members will vote down this amendment. I am sure the gentleman from Texas and the other members of the Committee on Agriculture will face up to this problem. I do not know what they will do, but I hope they will be able to come up with a more sound program.

Certainly, with the program we now have, we need to keep in the man with the big acreage, or else it will wreck the economy.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Is it not a fair statement to make in summary that if we really want a whole program which covers the whole problem of the entire farm economy we should vote against this amendment?

Mr. WHITTEN. I should think so.

The farming is done on a relatively small part of the acres. The farm people are only 5 percent of the population, which lets the other 95 percent of us live in other places.

If we do not have the acreage in the program we will not have any program of value. The amendment is directed toward leaving the big acreage out, which would wreck the whole business.

I want to point out further that this amendment will not save any money but it will complicate the administration and bookkeeping, for as was pointed out in the report of this bill:

FUND AVAILABLE FOR CCC COMMITMENTS

> The committee notes subsection 3: "reestablish farmers purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption." Thus it is clear to the committee that section 32 funds are available up to the total amount provided for administrative expenses necessary to carry out the obligations imposed by the charter of the Commodity Credit Corporation or by substantive law, including formulation of farm programs, as provided by existing law, including payments should such use become necessary.

I therefore hope that this amendment will be defeated.

Mr. PATTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think I have a duty to be honest with myself. Politically it is suicide for me to vote against this amendment, but I will tell you what I really feel.

I have read where in the underdeveloped nations—and I can mention a number of them—in Africa they have doubled their production of suit material, dress material and fabrics. My counties stand to lose 6,000 jobs if we destroy the farm policy of the United States. In our industrial sector and in my district one out of every three jobs depends on exports and imports. I know some of our best firms will close down if our Government does not regulate this balance. Our firms can buy cotton in the foreign markets from underdeveloped nations for 10 cents a pound less than the American farmer can make it. The machinery will follow the raw materials. Our chemical plants making competitive synthetic resins will close. I think we ought to protect American industry and our textile jobs and the policies of the Government.

Let us vote this amendment down.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed and that we vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken, and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. CONTE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CONTE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. CONTE, SMITH of Iowa, WHITTEN, and MAYNE.

The Committee divided, and the tellers reported that there were—ayes 189, noes

193, answered "present" 1, not voting 50 as follows:

[Roll No. 246]

[Recorded Teller Vote]

AYES—189

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Annunzio
Archer
Ashbrook
Ashley
Aspin
Badillo
Barrett
Begich
Bennett
Biester
Bingham
Boland
Brademas
Brotzman
Brown, Mich.
Buchanan
Burke, Mass.
Byrne, Pa.
Byron
Carey, N.Y.
Celler
Chamberlain
Clancy
Cleveland
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Dellums
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Edwards, Calif.
Esch
Eshleman
Fascell
Findley
Fish
Forsythe
Frelinghuysen
Frenzel
Frey
Gaydos
Grasso
Griffiths
Gross
Grover
Gude
Haley
Hall
Halpern
Hamilton
Hanley
Hanna
Harrington
Harsha
Harvey
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hogan
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Kastenmeier
Keating
Keith
Kemp
King
Koch
Kyros
Latta
Lent
Long, Md.
Lujan
McCloskey
McCulloch
McEwen
McKevitt
Macdonald, Mass.
Madden
Mailliard
Mallary
Mayne
Mazzoli
Mikva
Miller, Ohio
Minish
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Murphy, Ill.
Nedzi
Nelsen
Nix
Obey
O'Konski
Pelly
Pepper
Peyser
Pike
Podell
Poff
Powell
Price, Ill.
Quie
Randall
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Ryan
St Germain
Sandman
Sarbanes
Saylor
Schmitz
Schneebeli
Schwengel
Scott
Seiberling
Smith, N.Y.
Snyder
Springer
Stanton, J. William
Steele
Stratton
Teague, Calif.
Thomson, Wis.
Thone
Tiernan
Van Deerlin
Vander Jagt
Vanik
Waldie
Ware
Whalen
Whalley
Whitehurst
Widnall
Williams
Wilson, Charles H.
Wolff
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NOES—193

Abbitt
Abourezk
Albert
Alexander
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspinall
Baker
Belcher
Bergland
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chappell
Clark
Clausen, Don H.
Collier
Collins, Ill.
Collins, Tex.
Colmer
Curlin
Daniel, Va.
Danielson
Davis, Ga.
de la Garza
Denholm
Dickinson
Dorn
Downing
Duncan
Edmondson
Edwards, Ala.
Eilberg
Evans, Colo.
Evins, Tenn.
Fisher
Flowers
Flynt
Foley
Fountain
Fraser
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffin
Gubser
Hagan
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Hathaway
Hawkins
Hays
Henderson
Hicks, Wash.
Hillis
Holifield
Horton
Hull
Hungate
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Leggett
Lennon
Link
Lloyd
Long, La.
McClory
McClure
McCollister
McCormack
McFall
McKay
McMillan
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Mizell
Montgomery
Myers
Natcher
Nichols
O'Hara
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Pickle
Poage
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Rangel
Rarick
Rees
Rhodes
Roberts
Robinson, Va.
Rooney, N.Y.
Roy
Roybal
Runnels
Ruth
Satterfield
Scherle
Scheuer
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, Iowa
Spence
Staggers
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Udall
Ullman
Veysey
Vigorito
Waggonner
Wampler
White
Whitten
Wiggins
Wilson, Bob
Winn
Wright
Wyatt
Young, Tex.

ANSWERED "PRESENT"—1

Jacobs

NOT VOTING—50

Abernethy
Addabbo
Anderson, Tenn.
Baring
Bell
Betts
Boggs
Broomfield
Broyhill, Va.
Burke, Fla.
Caffery
Chisholm
Clawson, Del
Clay
Davis, S.C.
Dent
Dowdy
Dwyer
Eckhardt
Erlenborn
Flood
Ford, Gerald R.
Ford, William D.
Fulton
Gallagher
Giaimo
Gray
Green, Pa.
Hastings
Hébert
Karth
Kee
McDade
McDonald, Mich.
McKinney
Mink
Mosher
Moss
Murphy, N.Y.
Pirnie
Pucinski
Railsback
Robison, N.Y.
Ruppe
Shipley
Shoup
Sikes
Skubitz
Slack
Terry

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making payments to dairy farmers and manufacturers of dairy product who have been directed to remove their milk or milk products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and to beekeepers who through no fault of their own have suffered losses as a result of the use of economic poisons which had been registered and approved for use by the Federal Government, $3,500,000, to remain available until expended: *Provided,* That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 20 strike lines 5 through 19.

Mr. CONTE. Mr. Chairman, I am offering an amendment to strike the $3.5 million provided in the bill for the beekeeper indemnity program.

This morning, as I was driving in to Capitol Hill, I heard a popular song on the radio, called Rip-Off. It occurred to me that this could be the theme song for this ridiculous giveaway program operated by the Department of Agriculture.

As I said when we passed the second supplemental appropriations bill, the beekeeper indemnity program is a real honey of a grab bag.

The Department of Agriculture continues to sweeten the pot for those beekeepers who claim to be losing millions of bees from federally approved pesticide control activity.

Earlier this year, I raised serious questions about the administration of that program. Among other considerations, I noted that not enough has been done to determine the cause of death for these literally tons of dead bees.

One apiary owner claims to have lost a minimum of 12,937 hives from pesticide activity each year for the past 5 years. That evidence would seem to indicate that someone's being pretty careless with pesticides—if that was indeed the cause of this massacre. If so, I cannot understand why the Agriculture Stabilization and Conservation Service is planning no action against these careless pesticide applicators.

All these questions were raised during the hearings on the second supplemental appropriations bill. ASCS Administrator, and my old sparring partner on the farm subsidy issue, Kenneth Frick, was unable to give us adequate answers to those questions.

He did, however, promise to "strengthen the record the next time we come up." The only evidence of this strengthening that I have been able to find is one page of testimony and a one-page insert for the record—and most of that deals with the milk indemnity program. I would hate to see Mr. Frick's idea of a weak record.

In my mind, then, there still has been no adequate justification presented for this ludicrous bonanza for enterprising beekeepers.

Just think for a moment of how silly it is to hand out $14.5 million dollars for dead bees.

We have already put $11 million in the beekeepers indemnity program and, with this appropriation, we would be adding an additional $3.5 million.

To that, I say, not one more dime should be appropriated for this program until the Department of Agriculture levels with the Congress and answers all the questions we keep on raising and the Department keeps on ignoring.

I, for one, am tired of being stung. We need to protect live bees, by going after careless pesticide applicators. We need to improve the guidelines and procedures under which claims are awarded, instead of doling out payments for corpses. Our program should be designed to promote and expand our beekeeping operators, rather than merely awarding funeral benefits.

Another little omission by Mr. Frick deserves mention. He stated that a survey showed that $3.5 million would be needed to meet the needs for payments in 1973. No one in the Appropriations Committee saw hide nor hair—or should I say wing nor stinger—of that survey.

This cannot be allowed to continue. The taxpayers ought to be buzzing mad about this program. It is irresponsible for us to continue to support a program which has been so inadequately justified, and which rests upon such a shaky basic premise.

There is an old Scottish song called, "I Got a Bee In Ma Bonnet and Ma Honey On Ma Mind." Too many beekeepers are running around these days humming, "I Got Dead Bees in Ma Bonnet and Federal Money On Ma Mind."

I urge my colleagues to vote for my amendment.

Mr. FINDLEY. Mr. Chairman, I rise in support of the amendment. I congratulate my colleague from Massachusetts and I urge support of the amendment.

Mr. Chairman, the $20,000 payment limit, unfortunately just rejected, is as popular in farm areas as in the cities. Prairie Farmer magazine took a survey in April exclusively among farmers on the question:

> Several Congressmen are urging that ASCS payments be limited to $20,000 per crop per farm instead of $55,000 as at present. How do you feel about this?

The answers: 18.0 percent say leave the upper limit at $55,000; 44.1 percent say drop the limit to $20,000; 19.2 percent say drop the limit to $10,000 or less; 11.2 say eliminate payments altogether; and 7.5 percent gave no answer.

This means that 74.5 percent want a limit of $20,000 or less. Even more important, 30.4 percent want the limit lowered to $10,000 or less.

Bear in mind, these answers are from farmers.

On a broader topic, Mr. Chairman, this is the 10th appropriation bill considered so far by this body for fiscal 1973. While it is under the budget request for Agriculture-Environmental and Consumer Protection, it nevertheless contains a considerable amount of red ink.

This is so because the aggregate budget requests for fiscal 1973 for the Federal Government exceed revenue forecasts by $25 billion. The budget requests involve that much red ink.

The budget request for this appropriation was $12,952,177,400. The committee recommendation was slightly less and was $12,897,010,900. This was a cut of 0.4 percent or $55,166,500.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $1,813,304,836. Making adjustment for the 0.4 percent cut actually made by the subcommittee, the red ink still in the bill amounts to 13.6 percent or $1,758,138,336.

Assuming that the House eventually approves this bill without amendment, as I assume it will, the House will have approved spending for the fiscal year 1973 in the amount of $87,907,175,714. The budget request for the same purposes totalled $87,400,400,504.

In effect, we are piece by piece building a Federal deficit for fiscal year 1973 considerably in excess of $25 billion.

Every appropriation bill approved by the House this year has contained a substantial amount of red ink even though most of them have been below the budget request.

The amounts I have referred to are summarized in a table which I insert at this point under permission which will be granted when the committee rises.

The matter referred to is as follows:

Appropriation bill	Budget request	Balanced budget 14 percent cut	Amount approved by House	"Red Ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space, Science, Veterans, independent agencies	20,173,185,000	17,343,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and related agencies	2,520,340,000	2,167,492,400	2,529,558,200	362,065,800
Labor, HEW, and related agencies	27,327,323,500	23,501,498,210	28,603,179,500	5,101,681,290
Treasury, Postal Service, and General Government	$5,066,603,000	$4,357,278,580	$5,057,145,000	$699,866,420
Public Works and Atomic Energy Commission	5,489,058,000	4,720,589,880	5,437,727,000	717,137,120
Total	74,448,223,104		75,010,164,814	10,967,392,944
Agriculture, Environmental and Consumer Protection	12,952,177,400	11,138,872,564	[1] 12,897,010,900	[2] 1,758,138,336
Total	87,400,400,504		87,907,175,714	12,725,531,280

[1] Recommended by committee.

[2] If committee recommendation approved.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I appreciate the comments of my colleague from Massachusetts. He raised the very questions I have raised about this program; and I raised them seriously; and we on the committee have taken appropriate action.

May I say here that I hope the Members will vote against this amendment. One of the problems of urbanization is the fact that so few know and realize just how our food gets here.

I have here a list of crops—and there are many others—dependent upon bees for pollenization: Almond, apple, apricot, avocado, blackberry, blueberry, chestnut, the whole list of berries, peach, pear, and plum.

Then we have carrots, celery, parsley, asparagus, buckwheat, and safflower.

Then we go through just about every agricultural commodity we can name.

The reason that our 5 percent have been able to feed the rest of us is that they have had the benefit of chemicals and insecticides, and they have had a tremendous amount of study in advance of their use.

Some of these bees were killed, as I understand it, because they were using substitutes required by the Government, because what they normally use had been ruled out.

Let me tell the Members something else. I have asked the General Accounting Office to look into this. We in our committee have done this because of the size of some of the claims.

But we must remember the amount is tied to the bees lost, just like the payments to agricultural producers were tied to the acreage taken out.

This is what was done in our committee, and at my instance. I wrote the language:

> The Agriculture Act of 1970 provided for indemnities to beekeepers who, through no fault of their own, suffered losses of honey bees after January 1, 1967, as a result of the use of poisons registered and approved by the Federal Government near or adjacent to the property on which the hives are located.
>
> The budget request includes an additional $3,500,000 to be added to the fund for indemnification of beekeepers. In approving this amount, the Committee again directs the Department to carefully review this program to assure that program regulations require substantial proof of loss and that such regulations encourage sound apiary practice. Where there are repetitive claims, action to correct conditions which result in such losses should be taken immediately. The Committee again points out the need to examine the qualifications of those on whose statements claims are made.

I repeat that the report says that he has to offer substantial proof to have any claim at all.

I respectfully submit that every consumer in the country is dependent upon bees for his living.

We, in turn, have an obligation to make the payment, because there is an obligation. We passed the law. Congress passed the law and the President signed it.

I respectfully submit that for this Congress to prohibit the payment, after the sum is due, or by its action to eliminate that which is required by law, is just completely irresponsible.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Massachusetts.

Mr. CONTE. As shown in the hearings this year, in 1973, the gentleman was upset as much as I am about the department.

Mr. WHITTEN. I am.

Mr. CONTE. I read from the hearings, on page 252:

> Mr. WHITTEN. Water will kill them if you put enough on them. A good many things will do it. The question is, has anybody gone into the field to check the accuracy of these claims? I am not questioning the fact it may.

On page 253:

Mr. Whitten. What you think? I want to know what is. Have you made a check?

Mr. Iverson. No, I have not. Neither have our people made checks for this purpose.

And these people could have decided on a number of things.

Mr. WHITTEN. May I interrupt my friend?

I hope the Members of Congress have confidence in me, but in case they do not, what the gentleman has read should show them I try to do what is right, and we tried to do it in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Conte).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Commodity Credit Corporation

reimbursement for net realized losses

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a–11, 713a–12), $3,832,952,000: *Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I of Public Law 480, 83d Congress, as amended, to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials, or commodities, so long as North Vietnam is governed by a Communist regime.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask a question. I take this time to ask the distinguished chairman of the subcommittee, the distinguished gentleman from Mississippi (Mr. Whitten), about the regular school year funding under title XIII of the feeding program. I wonder if the gentleman could tell me whether there is adequate funding for the regular school year under this program.

Mr. WHITTEN. Will the gentleman yield?

Mr. VANIK. I am glad to yield to the distinguished chairman.

Mr. WHITTEN. May I say to my colleague, the committee, after using the best available figures, feels that $74 million will adequately take care of the present program as contemplated. I would say that the committee has been continuously of the opinion that we should do whatever is required. I know we will look kindly on any amount that would be required to carry out the requirements of the present National School Lunch Act. I realize it changes year by year with the number of students, but certainly the committee has proved itself to be sympathetic in the past, and it will be that way again.

Mr. VANIK. I thank the chairman. I hope that the committee will continue its support for the program.

Later today, the House will be able to consider H.R. 14896, an amendment to the National School Lunch Act. This bill would provide for vitally needed improvements in the section 13 program and authorize "such sums as are necessary" for each of the next 3 fiscal years to meet the needs of our Nation's low-income children.

If the new provisions of the law require additional funds to meet the needs of additional applicants, I hope that the committee will be able to consider these needs in upcoming supplementals.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, $2,341,146,000.

amendment offered by mr. smith of iowa

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Iowa: On page 43, line 9, strike the figure "$2,341,146,000.", and insert in lieu thereof "$2,616,146,000."

Mr. SMITH of Iowa. Mr. Chairman, this is a very simple amendment. Last year the committee appropriated $2.2 billion. The Department's latest estimate is that they will use $1.930 billion of that amount, or about $270 million or $275 million less than was appropriated. At the time they started preparing their plans for this year's appropriation—and that would have been last October—they would not have known they were not going to use all this money. So my contention is that we should appropriate for fiscal year 1973 in addition to the amount requested, which the committee put in the bill, the amount that they did not spend in this fiscal year.

Now this requires an increase in the appropriation for the fiscal year 1973 to the extent of $270 million or $275 million, and that is all this amendment does.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. GROSS. For what purpose would the additional funds be used?

Mr. SMITH of Iowa. It would be used for two purposes, one to the extent needed to increase the food stamp allowances in those instances where it is needed. The other one would be to include some counties that want to come in under the program but are not yet in the program.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. FOLEY. Mr. Chairman, I will ask the gentleman—is it not true that when the food stamp authorization was passed by the House and Senate it contained in both bills, a provision that any funds appropriated in any fiscal year should remain available until expended?

Mr. SMITH of Iowa. The gentleman is making a good point. I should have mentioned that somehow contrary to the rules of the House, the provision was dropped in the authorization bill even though it was in both the Senate bill and the House bill.

If it had been left in the bill, this would not have been necessary because the money would automatically be carried over.

Mr. FOLEY. Will not the gentleman agree that under both the Senate rules and under Cannon's Precedents of this House that the carryover provision should have been included in the conference report; that it was an oversight by the conference committee which eliminated it; and that a point of order might have been made against the conference report by reason of this oversight?

Mr. SMITH of Iowa. That is quite correct. This is, as I understand it, the only way that it can be remedied at this time.

Mr. FOLEY. So, all we are doing here is really acceding to the previous intention of the Congress in passing your amendment.

Mr. SMITH of Iowa. And to comply with the intent as expressed in the original authorization legislation.

Mr. FOLEY. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I intended to use those words. Mr. Chairman, I do not know if I am in a position to speak for the committee, but I feel that lots of things need to be done with regard to the food stamp program.

One of the things we need, as pointed out in the report, is to have the certification and the handling of stamps by one and the same agency. One now is handled by the Department of Welfare as to the certification. The Department of Agriculture is saddled with the distribution. However, throughout this bill we have in numerous cases carried over funds. Sometimes these funds would have automatically gone over and I would point out that particularly in the area of rural development we have been treating the funds carried over on sewer and water grants and REA loans in this way.

In this instance, I am of the opinion that the $2.2 billion, the amount in the bill, is ample to meet the needs under existing law if they will tighten up the handling of these matters. I hope they can bring about some changes.

I have checked on the matter and I do find that both the House and Senate bill made authorization for carryover funds. But whether our subcommittee would have adjusted their recommendation to the House, I am not in a position to say because at that time we did not discuss it and I was unaware of it.

So I am just merely relating the facts to the House for whatever action it may decide to take. We feel the amount in the bill is ample to meet the program needs.

I do agree that the authorizing legislation of both the House and Senate would have provided for a carryover of these funds. However, this carryover was not provided in the final bill.

Mr. FOLEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I regret to disagree with the distinguished chairman of the Subcommittee on Appropriations, but I think this is an issue on which the committee should accede to the amendment of the gentleman from Iowa (Mr. Smith).

In the Food Stamp Act passed by both the House and the Senate, these words appear:

> Sums appropriated under this section shall,

notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended.

That is the House language.

The Senate language is:

> Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this Act until expended.

Now it is only by a mischance of the conference committee's deliberation that somehow the language of both the House and Senate, the deliberate intent of both bodies was deleted from the conference report.

Now it may be that funds in this bill are adequate for the food stamp program. But we have had a whole series of national disasters this year—the floods—in which food stamps have to be used to take care of people who otherwise would not be in the program.

We have counties whose applications for certification have not been approved. Yet the intention of Congress was to allow all counties to participate. Appropriated funds are not necessarily spent or allocated. As is clear from this colloquy, about $300 million or so were not spent by the Department of Agriculture. We are not committing these unless they are needed, but it was the clear intention of Congress to make these funds available until expended as I believe they will be. What we are talking about is feeding hungry people and providing nutrition for children. We should not take chances on inadequate funding occurring in so important an area.

I think we should comply with the original intent of both the House and Senate, and I support the gentleman from Iowa's amendment.

Mr. SMITH of Iowa. Mr. Chairman, another point that perhaps should be made is that local counties and those that distribute welfare and food stamps do not particularly lend to our fiscal year limitations. They are in the middle of their year ordinarily, and to require them to have a cut-off date of any certain time promotes inefficiency and waste.

Mr. FOLEY. I thank the gentleman. I am opposed to using the Appropriation Committee bill to confound the intentions of the legislative committee in the earlier actions of the Congress. As I just said a few minutes ago, this amendment, on the contrary, underscores and supports the intention of both bodies.

Mrs. ABZUG. Mr. Chairman, I rise in support of the pending amendment, which would carry over into fiscal year 1973 the $375 million for food stamp assistance which the Nixon administration has impounded during fiscal 1972.

During the term of Mr. Nixon's administration, the story of the food stamp program has been one of struggle and grief. Every time we have turned around, the Department of Agriculture seems to be placing additional limitations upon the use of food stamps for poor and hungry families.

Most recently, they promulgated regulations which greatly increase the purchase requirement for those near the income ceiling of the stamp program.

On another occasion, they changed the purchase system to a monthly, rather than a biweekly one. The difficulty with this—as the Department and the administration were well aware—is the fact that public assistance recipients receive their benefits biweekly, and cannot afford to commit a month's worth of food money out of a 2-week check.

They have attempted to deny food stamps to drug addicts, apparently on the theory that these people do not need to eat.

They have reduced the amount of purchasing power of participants in the program. New York participants who formerly derived a $10 benefit per stamp period now get only a $4 benefit.

And now, on top of all of this, the Department of Agriculture proudly makes the assertion that it has done such a good job in administering the program that it is returning $375 million unspent to the Treasury at the close of the fiscal year.

This amendment would not add a dime to the food stamp program—though many millions more dollars are needed. All that it would do would be to make the "excess" $375 million available for the new fiscal year which begins tomorrow night. I urge its adoption by the House.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to oppose making additional money available for the food stamp program until the abuses of that program have been eliminated.

The hearings before the Appropriations Committee, when the administrator of the program testified this year, show that he admits to a million dollars of fraud and deceit—call it whatever you wish—in the food stamp program in a 6-month period, and I am sure many more millions of dollars went down the drain through fraud, deceit, and deception in this food stamp program.

I read with interest recently an article in the Virginia Farm Bureau News. Let me read it to you:

> You're a taxpayer, so swallow this if you can.
>
> A hippie who hangs around Berkeley, whose principal source of income seems to come from peddling copies of an underground newspaper once a week, is eligible for food stamps.
>
> He boasts that for 50 cents he buys $28 worth of food stamps. (The food stamp department at the Wells Fargo Bank confirms this price and adds that it's a common practice.)
>
> Each week the hippie uses the stamps to buy exactly $27.51 worth of groceries and gets 49 cents back in cash as change—the maximum amount of change he can get on a purchase. Then he adds one penny to make the 50 cents to get his $28 worth of stamps the next week.
>
> The fourth week of the month he sells his food stamps to friends for $15 cash. Thus in a month he's paid out 53 cents for $112 worth of stamps for which he gets $83.53 worth of food and $14.47 net profit in cash.
>
> A food store saleswoman says: "Can you imagine how this adds up when there are 15 hippie kids living in a commune, and all doing the same thing? No wonder they laugh at the Establishment!"

And I say, no wonder welfare programs are in trouble. Let us vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FOLEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MICHEL: On page 43, line 9, delete the period after the figure "$2,341,146,000" and insert the following: ": *Provided*, That no part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1973 to make food stamps available for the duration of a strike to a household which needs assistance solely because any member of such household is a participant in such strike."

Mrs. SULLIVAN. Mr. Chairman, I make a point of order against the amendment as constituting legislation on an appropriation bill. May I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentlewoman.

Mrs. SULLIVAN. Mr. Chairman, this amendment does more than impose a limitation on the use of funds provided in this bill; it amends the Food Stamp Acts of 1964 and 1971 in several particulars.

Title 7 United States Code, section 2014—Eligibility standards—Income and other financial resources of households as substantial limiting factors—states as follows:

> (a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet. This amendment would add the proviso "Except for those participating in a strike."

Subsection (c) of the same section, requires eligible able-bodied individuals to register for work, but adds:

> Refusal to work at a plant or site subject to a strike or a lockout for the duration of such strike or lockout shall not be deemed to be a refusal to accept employment.

This amendment repeals that proviso.

Section 2019(c) of the Food Stamp Act further provides that any household which is receiving public assistance shall be certified for eligibility solely by execution of an affidavit, thus becoming automatically eligible for food stamps if on public assistance of any form. This amendment repeals such eligibility spelled out in the act.

Mr. Chairman, this amendment would thus amend the basic Food Stamp Act to (1) set further limitations on eligibility not contemplated in the act itself, thus setting aside the eligibility criteria laid down in section 2014 and 2019; (2) it would require an applicant who is on strike, to work at a plant or site, subject to a strike or lockout, despite the prohibition contained in section 2014 (c); and (3) it would abrogate, in any jurisdiction where strikers are granted public assistance, the provision of section 2019 (c) that anyone on public assistance be automatically eligible for food stamps.

Therefore, Mr. Chairman, I submit that this amendment amends the Food Stamp Acts of 1964 and 1971 in three particulars, changing the thrust of the act for which funds are contained in this bill, and constitutes legislation on an appropriation bill.

Furthermore, Mr. Chairman, I recall attention to the provisions of clause 2 of rule 21 that an amendment of this nature, in order to be in order, would have to reduce the number and salary of Government employees, reduce the compensation of anyone else paid out of the Treasury, or reduce the amounts of money covered by the bill. This amendment does not comply in any respect—it would not reduce Federal employment or salaries; it would not reduce compensation of anyone else paid out of the Treasury; and it would not reduce the amounts of money covered by the bill—for any money which might be saved by refusing food stamps to strikers would be used for adding new areas to the food stamp program or increasing the food allotments for those already participating, or for other expenditures. The amendment does not reduce the appropriation by a single cent.

My last point is, that this amendment in the form of legislation on an appropriation bill is not based upon a report from the Committee on Agriculture, or of any joint commission authorized by law, or by House Members of any such commission having jurisdiction of the subject matter of such amendment. For all of these reasons, I respectfully ask that the amendment be ruled out of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MICHEL. Yes, Mr. Chairman.

As I read the preamble to the Food Stamp Act it says:

> To strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among low-income households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

On July 31, 1969, Chairman HOLIFIELD held in order as a valid limitation an amendment providing that no part of the funds carried in the pending bill might be used for financing assistance to students who have engaged in force or have used the threat of force to prevent other students from carrying out their duties or studies.

In another case, on June 9, 1941, Chairman Lanham held in order an amendment denying payment to any person, concern or corporation who employs any person who is a member of any union which encourages a strike, or who employs any person who participates in a strike or any person who seeks to impede the operation of any industry engaged in the national defense.

In those instances the determinations, if any, which executive officials were called upon to make were held not to destroy the nature of a limitation in the amendment.

Then of course last year, in offering this precise same language, with the same gentleman presiding in the chair, my amendment was considered to be in order as purely a limitation on an appropriation bill, negative on its face and qualifying under the Holman rule and providing for no additional duties to be imposed administratively.

I submit, Mr. Chairman, that the point of order should not lie.

The CHAIRMAN. Does the gentlewoman from Missouri desire to be heard further on the point of order?

Mrs. SULLIVAN. Mr. Chairman, I will only wish to say that my argument is to section 2014 and section 2019. I believe that these arguments are different from those that were used last year.

The CHAIRMAN. (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from Illinois has offered an amendment to which the gentlewoman from Missouri raises a point of order. As pointed out by the gentleman from Illinois, this amendment, except for the applicable date, is identical with the amendment offered by him to the bill last year.

At that time a point of order was raised by the gentleman from Michigan (Mr. O'HARA) on a different ground from that cited by the gentlewoman from Missouri, to wit, that it constituted legislation on an appropriation bill, in that it would place burdens not contemplated in other law upon the administrator of the act.

At that time, as the gentleman from Illinois correctly points out, the Chair cited precedents of similar instances in which it was held that an affirmative determination of this type, ruling upon the eligibility of a beneficiary or recipient of Federal funds, did not constitute a sufficient burden to remove the quality of the amendment as a limitation on an appropriation bill.

This year the gentlewoman from Missouri raises a different point and argues that this amendment, if adopted, would constitute a repeal of certain provisions of the Food Stamp Act.

The Chair has carefully examined the amendment, and the Chair is of the opinion that this amendment would not repeal or amend any existing act. It is only an amendment to the bill before us. It would only restrict appropriations for this year which would be available to carry out the purposes of such act.

The gentlewoman may be correct in asserting that the amendment, if adopted, would in some cases result in a different distribution than that enunciated in the Food Stamp Act, but it would not permanently repeal or amend that act.

It is a well-established principle that the Congress is empowered to appropriate or not appropriate moneys for carrying out programs previously authorized. It may also restrict appropriations.

The Chair is of the opinion that the point of order does not lie. This amendment does not repeal or amend the Food Stamp Act but does constitute a limitation on the appropriation bill presently pending.

For those reasons the Chair is constrained to overrule the point of order.

The gentleman from Illinois is recognized for 5 minutes in support of his amendment.

Mr. MICHEL. Mr. Chairman, the onrushing events of our generation are putting an excessive strain upon the democratic processes which may well determine the survival of our system of government. At every point we seem to be veering away from traditionally accepted procedures, heading in a new direction that disregards the base upon which democracy can exist.

Our means of governing ourselves is totally dependent upon retaining not only the checks and balances prescribed by the Constitution, but equally by the laws and regulations we develop hopefully to meet changing requirements of economic and social progress.

We have been forced in recent years to resort to vast deficit spending, largely to maintain an acceptable level of employment and production in this country. Inflation has made it nearly impossible for our industry to compete with foreign manufacturers, or with agricultural production from other lands. We have exported our know-how and our billions upon billions of dollars to lift other countries to a higher plane of living. Now, we are faced with trade balance deficits unheard of in history.

We have seen American investors pouring billions of dollars into other countries for new factories and farming operations. In this way they have been able to retain some degree of competitiveness with foreign suppliers. But, the effect has been to automatically displace more of our own workers. At the same time, domestic industry is faced with even higher taxes—local, State, and national.

This situation becomes a vicious circle as cost of domestic production is forced ever upward, and employees themselves have had to seek increasing wages thus compounding the problem.

The question arises, obviously, how can we slow down inflation and thereby save more jobs?

Here is where decisions must be reached on the various contributing factors in our current dilemma.

One of these is in the vital area of collective bargaining. Congress has seen fit to distort the relationship between management and labor, giving added weight to employees through authorizing food stamps and other welfare benefits to strikers. Thus the normal American process has been destroyed, making a farce of our industrial bargaining system.

The position of the Federal Government in supplying strikers with Treasury handouts is an untenable one. On the one hand, we have the Federal Government desperately trying to control the upward drive of consumer prices and hold down the skyrocketing balance-of-trade deficits. On the other hand, the same Government takes away the balance of collective bargaining from domestic industry and assures more unemployment because each undue forced wage increase imports more foreign products and exports more jobs.

Food stamps were intended to assist the unfortunate families whose breadwinners have been unwillingly unemployed. It is not bargaining legislation and we have no right to use food stamps for this purpose. If we are going to assure that employees must have more bargaining strength then financial aid should be made by a direct approach of law, rather than by under-the-table tactics which totally disrupt any pretense at fair bargaining.

I cannot help but speculate on what the general public would think if we appropriated $75 or $100 a week to aid strikers. I am sure we would hear protests unequalled by any other piece of legislation.

Labor unions use strikes as a means of winning labor disputes. This has long been recognized as their right under the law. To provide food stamps to strikers increases the union's ability to "hold out" and by doing this, Government automatically places business at a disadvantage in the negotiating process. Taxpayers are being forced to subsidize the strikers who choose not to work, helping them win their negotiations with business for wage increases. Taxpayers then must help pay for these wage increases because of price increases that result from them.

Government has, indeed, become a partner in labor-management disputes, assisting labor unions to prolong strikes and eliminating pressure upon the union leadership from the rank and file to accept settlements.

In 1970, 6 years after the passage of the Food Stamp Act of 1964, the number of work stoppages hit a new all-time high of 5,716 strikes. The number of strikes from 1956–60 was 18,233—from 1961–65 there were 17,961 strikes, and from 1966–70, there were 25,460. The number of strikes lasting 90 days or more jumped from 200 in 1960 to 334 in 1970. Although the figures are not compiled yet, the Bureau of Labor Statistics estimates that the 1971 figure for lengthy strikes will be close to 275, an 11-percent increase over 1970.

SEVENTY-THREE CONTRACT EXPIRATIONS

The present situation developed because while the American taxpayer was asleep, the unions were working hard in the welfare area. Back in the World War II days, the unions set up a community service department and worked to get a union man on every community service board throughout the country. He is now the liaison man the union contacts before the strike starts. Consequently, today, when a strike occurs, welfare people are ready with food stamps, aid to dependent children, public welfare, and other benefits. The union makes sure the strikers know of all the various welfare benefits they can collect and procedures are streamlined to make it easy for them to obtain these benefits.

Yet, in a drive to kill the Burke-Hartke foreign trade bill, George Meany was quoted in the AFL–CIO News—May 6, 1972—as follows:

> American workers do not want a handout from the government, paid for by their taxes as a substitute for jobs shipped abroad by giant firms for the stockholders' advantage. The United States is in trouble. Taxpayers are fed up. The AFL–CIO is against the use of tax money to support private greed at public expense.

Now I would like to address myself to some of the arguments that have been raised against my amendment. In the first place, I have heard from some Members who are in full accord with what we were attempting to do here, but say that they do not want to legislate on an appropriations bill.

May I point out to these Members that time and time again amendments are ruled out of order because they are considered legislation on an appropriations bill. But my amendment has been ruled in order and definitely qualifies under the Holman rule as a limitation on an appropriations bill.

The effect of my amendment does not in any way alter the original intent and purpose of the Food Stamp Act, which was—

> To provide for improved levels of nutrition among low-income households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade.

Now, some Members have inquired as to what the effect of my amendment has in case of a "lockout" by an employer, and it has no effect whatsoever, for we limit our amendment to workers on strike and it has been long established that those who are victims of a lockout are by no means considered to be striking workers.

As for the argument that the new work requirement added last year to the basic authorizing legislation—Public Law 91–671—makes the amendment unnecessary, may I say that while in theory this new work requirement could prevent abuse of the program by strikers, a close examination of the regulations promulgated by the Department of Agriculture reveals that it will have virtually no practical effect.

Specifically, the final regulations published by the Department in the Federal Register of July 21, 1971, provide that the following shall not be considered "suitable" employment:

First, a job which would require a registrant to join a labor organization as a condition of employment;

Second, employment outside a registrant's "major field of experience," unless after a "reasonable" period of time it becomes apparent that job opportunities in such field are not likely to be offered;

Third, the distance of the job from the registrant's residence is "unreasonable", and which would in no case require travel time amounting to more than 1 hour from residence to workplace.

In addition, failure to take a job which is deemed by the local employment agency to meet these requirements may not lead to a termination of food stamp benefits unless:

First, 15-day notice is given to the recipient; and

Second, the registrant is given opportunity for a "fair hearing" not more than 60 days after a request has been filed.

The practical implications of these requirements are quite obvious. First, it is not likely that employment in a striker's "major field" of experience will be available because most industries in which large-scale strikes and use of food stamps occur are almost entirely unionized. For instance, almost 100 percent of transportation workers are unionized, as are 90 percent of auto and truck industry workers, 75 percent of food, basic metals, and apparel industry employees, and generally 50 percent or more in most other manufacturing industries. In these cases the entire industry in an area is likely to be shut down, and thus no "suitable" employment would be initially available. Moreover, a striker could not be compelled to take a job in a plant organized by another union due to the regulation mentioned above, and it is extremely unlikely that a nonunion employer would hire someone who would, in most instances, return to his original job once the stoppage had ended.

Second, though a striker might be required to take a job outside his major field after a reasonable period of time, the Manpower Administration has issued guidelines—Training and Employment Service Letter 2667—interpreting this phrase to mean 3 months.

Third, even if a striker were referred to a job outside of his field after 3 months, he could not lose eligibility for benefits for another 2½ months because of the notice and fair hearing provisions I have referred to. Thus, at a minimum it would be 5½ months before a striker would be required to take employment.

Now another argument is that those on strike have so-called right to food stamps because they are taxpayers when they are working. The assertion is made that those on strike have a right to welfare in general or food stamps in particular, quite apart from actual need.

If this argument was carried to its logical conclusion by every taxpayer, then childless payers of school taxes could rightfully complain about the lack of return to them individually from their tax dollars. Or, those who do not own automobiles could rightfully complain that they get no return to them individually from taxes used to build streets. These examples demonstrate the fact that there is no relationship between payment of taxes and the right to individual benefits therefrom. This is especially true in the case of those on strike and food stamps because Congress never intended the program to serve them. If the opposition to this amendment insists upon this so-called right, all taxpayers would be justified in cashing in on the food stamp program.

Another argument is that need should be the sole criterion in the food stamp program, regardless of how that need was caused. But anyone, by their own actions, can cause his own distress, and can remain in control of whether that distress is continued or is relieved. Such is the case with those on strike. States have widely varying laws, but need has never been the sole criterion of whether Federal assistance should be forthcoming. The cause of the need is an important factor. A person must often demonstrate his good faith efforts to obtain work, or to remain at work when he has it. When the sole cause of the need for food stamps is a strike, there is no validity to claims for food stamps, particularly when the other effects of reliance on them—such as inflation and prolongation of work stoppages—are so harmful.

Still another argument is that tax-supported payments to those on strike—such as food stamps—reduce the peril of violence. In answer, I would ask whether labor relations have reached the point in this country when those on strike have to be bribed by their government to follow the path of law and order. There is no evidence that, when such "bribes" have been paid, that the result has been industrial peace.

Finally, the advocates of food stamps for strikers make emotional appeals based on the specter of starving wives and children. This argument becomes increasingly hard to accept as the general level of affluence in the labor force increases. Furthermore, the timing of most strikes is well known in advance, allowing any thoughtful person to take the necessary provident steps. The unions have their own strike funds, and many States provide welfare assistance to those on strike. What is being debated here is food stamps for those on strike, and from any view, it serves only to prolong work stoppages; to make it attractive to strike; and to inject the Federal Government unfairly into the collective bargaining process. We are not talking about starvation, for other assistance is available should that threat occur. Rather, we are talking about the subversion of a charitable program; a subversion that is costly to all taxpayers—workers included.

I fully support the right to strike, but that right does not mean that those on strike have a right to public subsidies such as food stamps. The bad effects of a policy of food stamps for strikers have been amply documented, and I hope a majority of this House will this day agree and support my amendment.

I include the following:

1973 CONTRACT EXPIRATIONS, MAJOR INDUSTRIES

Month, year, and industry	Union(s)	Employees covered
January 1973:		
Honeywell	Teamsters	13,000
Airlines (6 carriers)	IAM and others	53,000
Garment Association (Popular Price Contractors Association, New York City).	ILGWU	55,000
March 1973:		
Consolidated Edison of New York	Utility workers	16,850
Employers Negotiating Committee, Evansville, Ind.	Laborers (AFL-CIO)	12,000
Chicago downtown hotels	Hotel employees (AFL-CIO)	11,000
Joint area cartage agreement, East North Central (Ohio, Indiana, Michigan, Wisconsin, and Illinois).	Teamsters	14,000
Local cartage agreement (Illinois)	Chicago truckdrivers (independent).	12,000
Nevada Resort Association	Hotel employees	13,000
Painting, Decorating, Contractor's Association, (Illinois).	Painters union	10,000
April 1973:		
General Building Contractors Association, (Pennsylvania).	Laborers	10,000
Firestone	Rubber workers	19,000
Goodrich	do	11,450
Goodyear	do	23,000
Uniroyal	do	17,000
Reality Advisory Board on Labor Relations (New York building maintenance).	Service employees (AFL-CIO)	12,000
May 1973:		
Associated general contractors and other associations of Oregon.	Various building trades	12,150
General Electric national agreement	UE	17,000
	IUE	90,000
Hotel Association of New York City	Various hotel trades	30,000
International Paper Co. (Southern Craft Division).	Various (AFL-CIO)	10,700
Shirt & Sportswear Association, Association of New York City.	ILGWU	11,550
New York Coat & Suit Association	ILGWU	40,000
San Francisco Employers Council	Teamsters	25,000
June 1973:		
Associated General Contractors and other associations of southern California.	Carpenters	45,000
California processors (canning)	Teamsters	56,550
Central States local cartage	do	120,000
Central States over the road agreement	do	40,000
New York and New Jersey area general trucking agreement.	do	38,000
New York State Teamsters Joint Council freight agreement.	do	12,000
Western States local cartage agreement	do	18,000
Western States over the road agreement	do	12,000
Illinois Food Retailers Association and others.	Retail clerks	23,000
Motor transport-labor relations over the road and local cartage agreements (Pennsylvania and surrounding areas).	Teamsters	23,000
Pacific Gas & Electric (operations, maintenance, and construction).	IBEW	14,500
Stuffed Toy Manufacturers Association	Toy workers	10,000
Westinghouse	IUE	36,000
	Independent union (salaried)	15,000
July 1973:		
Western Union Telegraph	Commercial telegraphers, CWA	16,000
Water transportation	Longshoremen's & Warehousemen's Union (west coast).	16,000
Post Office	Postal workers	646,700
Railroad	Various	500,000
August 1973: National master automobile transporters agreement.	Teamsters	20,000
September 1973:		
Caterpillar Tractor (Ford Motor subsidiary)	UAW	17,000
Chrysler	do	110,200
Deere & Co. (Illinois and Iowa)	do	21,000
Ford	do	165,000
General Motors	do	395,000
General Motors Manufacturing	IUE	33,000
International Harvester	UAW	34,950
September to December 1973: Meatpacking	Meatcutters (AFL-CIO)	100,000
December 1973:		
Budd Co. (national agreement—Pennsylvania, etc.).	UAW	10,000
Food store contract (Alameda, Calif.)	Retail clerks	40,000
RCA, national agreement	IBEW	19,200
Total		3,145,800

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. ABBITT, and by unanimous consent, Mr. MICHEL was allowed to proceed for 3 additional minutes.)

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Mr. Chairman, I will first yield to the gentleman from Virginia (Mr. ABBITT) who was so kind to provide me with this additional time.

Mr. ABBITT. Mr. Chairman, I thank the gentleman for yielding, and I commend the gentleman warmly for presenting this all-important amendment. I think it is a very vital amendment because it was never intended at the time the basic law was passed that this would apply to strikers. So, Mr. Chairman, I join in the gentleman's efforts, and I hope that a vast majority of the Members of this House will approve his amendment.

Mr. Chairman, I wholeheartedly support the proposed amendment which would prohibit the use of food stamps to subsidize households which need assistance solely because a member is participating in a strike. I feel that it is completely inconsistent with the purpose of the Food Stamp Act to put the Government in the position of supporting strikes by subsidizing striking workers.

The purpose and intent of the amendment is clear—to provide that none of the funds appropriated by this act shall be used to make food stamps available during a strike to a household which needs assistance solely because any member of such household is a participant in a strike. In December 1970, when the bill to extend and amend the Food Stamp Act was before the House, I sponsored an amendment with substantially the same purpose as the one now before us. My amendment was approved by a three-vote margin in the Committee of the Whole, only to be subsequently defeated on a rollcall vote.

Since that time, there has been growing public sentiment in favor of some limit on the distribution of food stamps to the strikers. It is felt—and with considerable justification—that the combination of food stamps and other welfare benefits made available to strikers has a direct effect upon bargaining negotiations and the lengthening of labor disputes. Many Americans are frankly very much disturbed to find that the Government has been making food stamps available to strikers, and there has been no complete account of the extent to which food stamps have been used in this way. As a member of the House Agriculture Committee in 1964 when this program was started, I for one, had no idea that food stamps would be used to subsidize strikers. I was shocked when the Department of Agriculture in 1965 made a determination that strikers could get food stamp aid, and I supported the committee's subsequent efforts to reverse this policy as well as the House position in passing a ban on food stamps to strikers.

I feel that the food stamp program was never meant to be used in this way, and the unlimited utilization of food stamps to support strike actions undermines the public confidence in the entire program.

The Food Stamp Act of 1964 was enacted in order to utilize surpluses to provide improved nutrition among poor- and low-income households. The program has encountered many problems but, in general, it can be said that public acceptance has been very good. It is, however, a contradiction to have food stamps going to strikers who voluntarily stop work as a tool for improving their pay or general employment benefits. When food stamps and other welfare benefits are used to subsidize strikers, it provides a direct increase in the union's ability to hold its ground in bargaining negotiations.

Several studies have been made which show convincingly that the utilization of food stamps in this manner has had a direct bearing upon the increase in the strike. For instance, there were 200 strikes in 1960 which lasted more than 90 days—while in 1971 there were more than 375 strikes. The Wharton School of Finance study on welfare and strikes revealed that strikers will probably receive $238 million in food stamps during 1973. This is a close significant figure and one which should cause alarm to all American taxpayers. We should not be in the position of subsidizing major strikes through the food stamp program and if this is allowed to continue unchecked, the entire program may eventually be in jeopardy.

Frankly, I was shocked in reading the Wharton study and other surveys that have been made as to the extent of the involvement of striking workers among recipients of food stamps. I do not see how any logical administration of the program can be carried out with the full knowledge that many of the stamps are going to persons who would not need them other than because they are participating in strike actions. I call upon the House to rectify this atrocious situation by adopting clear and unmistakable language to prohibit the use of food stamps in this connection. We cannot say that the evidence is insufficient to take this action—on the other hand, the evidence is abundant and convincing. We need to seriously consider the facts and, on this basis, I do not see why we can come to any conclusion other than a clear-cut prohibition.

I urge support of this amendment.

Mr. Chairman, a case history[1] of the 1970 Teamsters' strike in Chicago provides dramatic evidence of how supplying food stamps to those on strike has imposed a heavy burden on taxpayers, interfered with collective bargaining, fueled the fires of inflation, and prolonged work stoppage.

In early April 1970, the Teamsters International concluded a contract with Trucking Employers, Inc., calling for $1.10-an-hour increase over a 2-year period which was considered by the Teamsters the best national contract they ever obtained. However, the Chicago Teamsters demanded an increase of $1.65 an hour and they held out when Teamsters in other parts of the country went back to work.

The plan of the Chicago Teamsters was to get food stamps and other public assistance and hold ground until Chicago employers begged them to return. The industry capitulated to the demands of the Chicago locals for a 40-percent increase over 1970 wages. The international union then renegotiated its agreement to reflect the tremendous wage gains forced by Chicago members.

In Cook County—Chicago—alone, the total number of food stamp recipients rose from 4,779 in April to 67,053 in June during the height of the strike. The statewide increase was from 32,865 to 103,493 during the same period. In late 1971, Gov. Richard B. Ogilvie of Illinois revealed that some $230,000 in food stamps had been obtained by striking Teamsters "by fraud or otherwise." He stated that an additional $121,000 in stamps were obtained "under questionable circumstances." The Department of Agriculture uncovered the fraud and accused the Cook County Department of Public Aid of "gross negligence in its administration of the food stamp program."

Mr. Chairman, this case history is not atypical.

I support this amendment.

Mr. MICHEL. Mr. Chairman, I now yield to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, I thank the gentleman for yielding, and I would like to ask the gentleman if a father who is on strike was absent from the home, could the mother and children draw food stamps?

Mr. MICHEL. If she has been normally drawing them under the AFDC program, and she would continue to draw those payments.

Mrs. GRIFFITHS. That is the only thing that is wrong with the gentleman's amendment. I think the effect of it will be that the fathers whose children really need food stamps will either absent themselves from their homes or say that they are absent, so in reality you are not going to cut down very much.

In Detroit there were 321,000.

In November there were 420,000.

But in February when the strike was over for 2 months there was still 389,000—which was an increase of almost 70,000 from September.

So I think in reality we are corrupting the whole system. I think the welfare system is a mess, a complete mess. I think we are corrupting the whole system and we are corrupting families.

This is the danger that I see in your amendment. We will force families apart.

Mr. MICHEL. I am quite well aware of the problem to which the gentlewoman addresses herself to. She has been doing a yeoman's service investigating in this area where we really need a lot of improvement.

I submit, however, if you take the country as a whole, there are just not going to be that many strikers in that category. I like to think that the vast majority of them, are responsible people who because they are on strike are not going to leave their family as the gentlewoman says many may be inclined to do in some areas.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, since the House last voted to allow food stamps to strikers, I have learned the extent to which the Federal Government intervenes in this way in labor disputes. Indeed, I am sure the result of public aid subsidies to strikers actually prolongs a strike and thereby the public interest is not served.

According to a study by Armand J. Thiebolt and Ronald Cowin on the use of public funds to support strikers, the average of such monthly government benefits is $98 for food stamps, $240 for aid to dependent children, and a total of $150 for general assistance and other supplementary benefits. This adds up to an average Federal subsidy of $488 a month and the annual cost exceeds $353 million. Also, I assume the strikers receive benefits from their unions so the economic struggle between management and labor is minimized, and the only real pressure to return to work is public opinion from those who suffer indirectly by a shutdown of an industry. After all, it is the public that is hurt the most in many strikes by always ending up paying increased prices in the extra wages gained by a striker.

So, on the basis of the Government's experience in allowing food stamps to strikers, I have decided the program encourages and extends strikes which is not in the public interest and so I intend to vote for the amendment which has been offered to make a household ineligible for food stamps if it qualifies solely because the head of the household is on strike.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. TEAGUE of California. Mr. Chairman, I believe I was the originator of this idea several years ago when the House passed a similar amendment which was rejected by the Senate and rejected in conference. I still support the amendment.

Mr. Chairman, the adoption of this amendment will serve the national interest in several respects, but two stand out above the others.

First, we can strike a blow against inflation, which everyone now recognizes as one of our most pressing problems. If this amendment had much to recommend it in this respect last year, it has even more now. The intervening months since last year's vote have seen the battle against inflation intensify to the point where our Government has found it necessary to impose wage and price controls and to call upon every citizen to join in that battle. The continuation of the practice of giving food stamps to strikers means, as I shall demonstrate, that the Federal Government will be underwriting expensive strikes to obtain wage increases which are inflationary, which are not in the national interest, and which, in the long run, are not in the interest of organized labor.

To understand the impact food stamps

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[1] "Food Stamps for Strikers", Report of the National Labor-Management Foundation, p. 6.

for strikers have had on inflation, look for example at one case from Los Angeles County, Calif., during the 1970 auto strike. "Food Stamps for Strikers," report of the National Labor-Management Foundation, page 5. Before the strike a typical worker earned $2.75 per hour, with a weekly gross of $110. Average weekly deductions totaled $18.65, leaving a net pay of $91.35.

What happened to this typical worker after he went on strike is most amazing Nontaxable UAW strike benefits paid $40 weekly. This would buy $106 worth of food stamps for $42 per month—a nontaxable subsidy of $16 per week.

The California Welfare Department paid him $282 per month in emergency relief, or $70 per week. This gave the striker $34.65 more per week in disposable income than he earned before calling the strike. He would have needed a raise of about $.90 per hour—an increase of almost 33 percent—just to stay even with his strike income.

It is obvious that the food stamp program played a major role in destroying this worker's incentive to return to work without exorbitant wage increases of a kind which brought the country to the brink of economic disaster in the summer of 1971. Negative incentives to workers such as the food stamp program make it easy to understand why this country's relative productivity is lagging—in this case, we—the taxpayers of the Nation and of California—pay a man more not to produce than he gets for working.

This one case history, which could probably be duplicated the country over, offers convincing proof that Federal subsidies to strikers, such as the food stamp program, are a device for encouraging inflation and sap the strength of the national economy. Congress had no such intention when the food stamp program was established in 1964. This program was inaugurated to give needed assistance to the involuntary poor. We need this amendment now to reconfirm that legitimate intention.

Now, for what I consider to be the second major benefit which would result from adoption of this amendment: It will help preserve the fundamental principle of collective bargaining, which over the years has meant so much to the national welfare and to the harmonization of labor and management interests. The integrity of the collective bargaining principle is threatened by the continuation of Federal subsidizing of strikers, which in reality is what food stamps for strikers means.

The collective bargaining process, while admittedly an imperfect device, has served the country well over many, many years. In this process, government has served often as an arbitrator and a medium for conciliation, a role it cannot perform if it enlists in the ranks of one side as an ally. But that is precisely what the Federal Government has done by making food stamps available to strikers. It has, in effect, been underwriting strikes and making it possible—indeed making it attractive—for strikers to stay on strike. It has allied government with the strikers with complete disregard for the justification of either side. This is not collective bargaining; it is choosing up sides to play the part of the big bully.

A recent study by the Industrial Research Unit of the Wharton School of Finance and Commerce at the University of Pennsylvania shows clearly the effects of using public funds to support strikers. In one of its main conclusions, this study states—

> We may look at tax support of strikers as a new dimension which has the theoretical potential of undermining the role of the strike by providing one party to a dispute economic leverage far beyond its own economic power. The amounts of funds and the duration of payments could even be so great as to raise the fundamental question of whether the strike can continue to serve a useful role in the future.

I submit there is ample evidence the danger is more than theoretical. A vote for this amendment is not a vote against organized labor. Instead, it is a vote against inflation, which is in the interest of every American. And it is a vote to preserve the collective bargaining system and the Federal Government's role as an impartial arbiter. I urge its adoption.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I should like briefly to address myself to the very important point just raised by the gentlewoman from Michigan (Mrs. GRIFFITHS) because I have the exact figures before me as to the number of those who applied for and were given food stamps.

I have the exact figures of the number of those who were actually made eligible for food stamps during the General Motors strike in Michigan.

The figures show before the strike in 1970—107.209.

In November that number had risen to 431,122. Of course, that was during the very height of the strike.

In January of the following year, after the strike had been concluded, the number was 163,657.

So I think that ought to answer the concern expressed by the gentlewoman from Michigan.

Mr. MICHEL. I thank the gentleman for his very worthwhile response.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Woodrow Wilson wrote, and his statement has often been repeated, that the work of the Congress is done in committee. And that statement is on the mark.

To some extent, in recent times we have been moving away from that. And to that extent, we are moving in the wrong direction.

A major part of the work of the Congress is done in committee. This is inevitable because only the committees have the machinery to study in great depth, word by word, and line by line, legislation which is proposed.

The 55-member Committee on Appropriations which I head has had no hearings on this particular subject. The subject matter belongs within the jurisdiction of another committee, the House Committee on Agriculture. I say that advisedly. The pending amendment heavily involves a major policy question. The Committee on Agriculture is the policy committee of the House that has jurisdiction of food stamp legislation.

It has been said that this amendment is not legislation on an appropriation bill. It is not, in a technical parliamentary sense—according to the decision of the Chair. But that does not mean that it does not involve a major legislative policy issue. On the contrary, it does involve a major policy question. The amendment would require changes in the rules and regulations with respect to those who now get food stamps. Therefore, it is fundamentally legislative in character. It should, therefore, remain within the realm of the legislative committee.

Mr. Chairman, I am getting more and more sensitive on this matter of committees usurping the authority of other committees. You will recall that when the ill-advised revenue-sharing bill was before us recently, I fought with all my might against it for several reasons, one of which was that the Committee on Ways and Means was taking over the authority, not only of the Committee on Appropriations, but of other committees to authorize legislation along with the responsibility of the Appropriations Committee to appropriate. That committee took over the authorizing and appropriating jurisdiction to the tune of $30 billion. I did not like it. I repeat, I did not like it.

I did not think it was in the public interest.

But the rule made it possible for this to be done; otherwise it could not have been done.

Mr. Chairman, I am against food stamps for strikers and have said so many times. I voted for the amendment barring food stamps for strikers when the basic legislation on food stamps was before us. I voted for the amendment on the basic legislative measure on two occasions. I am aware of the fact that the people I represent are opposed to food stamps for striking workers. Indeed, I am convinced that the great majority of the American people feel likewise. In my opinion, the appropriate legislative committee of the House should present to the House appropriate legislation to deal with this highly important subject matter designed to correct abuses and bar food stamps to striking workers.

But I do not think it is logical for me, for example, to oppose the rule on the revenue-sharing bill, which was loaded with fundamental legislation not within the jurisdiction of the committee sponsoring the bill, and then be party to a fundamental policy amendment on an appropriation bill that so heavily involves legislation under the jurisdiction of the Committee on Agriculture.

So, from the standpoint of the integrity of the legislative processes—and maintaining that integrity is essential to orderly legislation—I believe I am on sound ground in the action which I am taking here. I do not want to move toward tearing down the committee structure of the House which is a major bulwark of strength under our legislative system.

I know the U.S. Chamber of Commerce has been writing us letters—and they are my friends. I have been encouraged by their support from time to time. But I cannot agree that we ought to write this major legislative policy decision in an appropriation bill here on the floor. In my judgment, it simply is an unacceptable time and place to deal with this question.

I feel this is a dramatic time to shock the House into the realization that we are tending to destroy our committees. We must not destroy them.

This is a very attractive amendment and I would support it on a legislative bill if accompanied by proper safeguards.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 3 additional minutes.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my friend from Iowa, with whom I often agree, and welcome his remarks and his question.

Mr. GROSS. The chairman of the Appropriations Committee well knows that there are very few appropriation bills that come to the House floor from the Appropriations Committee that do not carry some legislation.

Mr. MAHON. The gentleman in that statement is absolutely correct. We do carry a number of provisions which are, in a parliamentary sense, technically legislative in character on a general appropriation bill. But I would add here that the vast majority of them are technical or administratively facilitating in nature rather than of a major substantive nature. And they have been carried for years, and no one has objected to them.

Mr. GROSS. So it is just a question of what you want or do not want; is it not?

Mr. MAHON. Well, I do not think it is a question of what we want or do not want. If we do not watch our step, we are going to destroy these legislative committees, and this is a good time to have a test on whether or not on a popular vote we are willing to stand up and preserve the integrity of the long-established committee system.

It does not seem right that we should undertake to legislate here on this appropriation bill in this case on such a major policy question. That is my basic point.

Mr. GROSS. If the gentleman will yield further, the Chair has already ruled that this amendment is in order. There are many appropriation bills that come directly from the Appropriations Committee with legislative provisions that are not in order and are ruled out.

Mr. MAHON. It is true that individual provisions in appropriation bills are at times ruled out of order on technical grounds.

But on the pending matter, there are certain regulations and limitations already in the basic law. So, reluctantly, I am compelled to oppose this amendment because it does not belong here, and because adequate hearings have not been held, and it is not properly before the House.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished friend, the gentleman from Illinois (Mr. MICHEL). I must confess I am somewhat less sanguine about the prospects of this amendment because of what seems to be the sudden emergence in this Chamber of a new urban-rural coalition. It was created just a few moments ago in support of the subsidies for corporate farmers. Apparently the thesis is that we are supposed to support cooperate subsidies or subsidies for corporate farmers and in exchange for that we will have support for this subsidy amounting to $238 million a year for striking workers.

I listened with great interest to the distinguished chairman of the Committee on Appropriations. There is no man in this Chamber whom I respect more highly and who has, of course, higher esteem and prestige, and yet when he spoke of his concern about erosion of the authority of the Appropriations Committee, he linked that not to mere personal pride but to the impact, the adverse impact, it would have upon the taxpayers of this country. I wonder why the gentleman is not similarly concerned that the defeat of this amendment is going to mean an additional cost of $238 million a year to the taxpayers of the United States of America.

It is regrettable that there are going to be those who suggest that a vote on this issue must inevitably reflect either a pro-labor or a pro-management bias. I admit to neither. Rather, I approach this issue with a very deep and abiding reverence for the institution of free collective bargaining.

I have sat in this Chamber year after year and heard the friends of labor decry from this very podium whenever we have emergency strike legislation that it is unwarranted Government interference. They say, "Give us free unfettered collective bargaining. We do not want the hand of Government at the bargaining table."

I would suggest, where is the consistency of the principles when they want to accept subsidies from the Public Treasury to the tune of $238 million.

I suggest to those who are friends of labor that they are traveling down a very, very dangerous road, and that the day is going to come when they are going to regret this dependence on this kind of governmental support. They are going to lose their right to free collective bargaining in this country, because they will have become dependent on Government subsidies.

I was persuaded to this position, and I will admit freely to this House that in times past I have had ambivalent feelings on it, because I have listened to the arguments about starving children and how can we be so inhumane as to deny to the children of strikers food stamps and the funds that are available? Let me say this. I was persuaded to my position when I read the study published earlier this year by Messrs. Thiebolt and Cowin of the Wharton School of Finance, wherein they pointed out the extent to which these subsidies have grown; they now total more than one-third of a billion dollars a year.

As my friend, the gentleman from Illinois, has pointed out, the effect they have had is a prolongation of industrial conflict and disputes in this country. Even George Meany, president of the AFL–CIO, has said that strikes in this country have become an anachronism. We ought to find a better way than engaging in industrial warfare to the detriment of the families and children of the striking workers. But what are we going to do if we continue the practice that is contained in this legislation as presently written? We are really going to continue to prolong those disputes, and I put the figures in the RECORD earlier this week, showing that in 1961 to 1963 we lost an average of 17 million man days a year because of strikes and 6 million man days a year in strikes of 60 days or more. Those figures had grown to 66 million man days in 1970 and 30 million man days of that was in strikes of more than 60 days. In other words, it went up from one-third to more than 45 percent.

This bears out and proves absolutely the point I am trying to make. We are not contributing to industrial peace and harmony. I read not only, Mr. MAHON, the letter from the Chamber of Commerce, but also some letters from some of our distinguished labor leaders who are opposing this amendment.

They urge opposition because they say it would starve workers into abject submission and leave a legacy of hatred that would poison the process of labor-management relations.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 5 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, I wonder if any Member of this Chamber this afternoon honestly believes that he is contributing to industrial peace and harmony in this country when we make it possible for these strikes to go on for 60 or 90 days at a time. I would suggest we are accomplishing the very opposite result.

I repeat, this is not a vote against labor. This is an appeal to reason. This is an appeal to the Members to remove one of the hindrances to the operation of the market system that ought to determine wages, prices, and resource allocation in our country.

We are in a control program today, ladies and gentlemen. We are in a control program that many in labor do not like. I do not like many aspects of it myself. I should like to see phase II terminated as quickly as possible, and see us return to a market system of free collective bargaining so far as wages are concerned.

But let me tell the Members this: Anyone who has analyzed the evidence of this most recent postwar recession—I am talking about the recession of 1969–70—as compared to the four previous recessions, will find a very interesting thing. He will find when we reached the trough of this last recession, in the last quarter of 1970, that man-hour compensation costs in this country were going up at the rate of 7.3 percent, almost as rapidly as they were at the peak year of expansion of 1968.

What does this mean? It means only

one thing. Dr. Arthur Burns put it pretty well when he said, "The old rules are not working anymore."

What has happened? We have done something to the market system in this country, and I am terribly worried about some of the encumbrances and restraints and shackles we have placed upon the operation of that system.

I suggest to the Members, if they want to give up wage and price controls, as I do, and if they want to get back to free collective bargaining in this country, then the way to do it is to start some real economic reform, not to continue past practices that have brought us to the state we are today.

Let me respond very quickly, in the very little time I have left, to the argument which I suppose is the most worrisome of all to those who have to vote on this issue. I know it takes courage. I know this is an election year. I know that some people, as I said at the beginning, are going to think this is an antilabor vote.

But let me point out that between 1935, when the National Labor Relations Act was first enacted, and 1962, when the AFDC–U and the food stamp program first went into effect, we had 810,545,000 man-hours of time that were lost because of strikes.

Would there not have been a hue and cry throughout the land for the complete abolition of the system of striking in this country if the dire consequences that have been predicted, and I suppose are going to be predicted by those speakers who will follow me in this well, had occurred?

But they missed the point completely. The strikers found ways to provide for their families, through temporary employment, through union strike funds, through drawing on their savings, and in countless other ways.

Of course they had to make some sacrifices while those strikes were going on, but that is the whole point of a system of free collective bargaining. Each side is supposed to be free, free to weigh the comparative costs and advantages against losses that they will suffer, to calculate the short-term costs against the future gains that they may be able to make, and then decide either to strike or to settle on the basis of those calculations.

When we remove the element of sacrifice, when we remove the element of risk and inconvenience and short-term cost, then I insist that we are "gutting" the very essence of the system of free collective bargaining that we have always known in this country.

It is because I come before you today as one who believes in collective bargaining, who wants to see it continued, who does not want to see it become dependent upon Government subsidies to the point where we will lose that very precious right to strike, and to withhold labor if we believe we are not getting a fair and just wage, that I would urge the Members in the next few minutes, as they consider this question, to weigh this issue and to weigh it not in the light of emotion and not in the light of the extravagant rhetoric they are going to hear.

Why, Mr. Abel says we feed people in prison and we feed prisoners of war. How can we possibly keep from feeding children of strikers. What a ridiculous thing that is to say. Those people are there because of involuntary servitude. They are there because we had to put them behind bars, and of course they could not work. To try to compare a free American worker who is exercising his God-given right to strike with a POW or somebody in jail, shows, I think, how really desperate the opposition to this kind of an amendment has become.

Mr. Chairman, I would urge on the basis of reason those who are really friends of a free labor movement vote for this amendment.

Mr. HUNGATE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, perhaps it would shorten labor disputes if food stamps were not available to strikers, and I suppose it might also aid the economy, and keep government in a neutral position, if depreciation were not granted on equipment that is not being used because of a strike, or not used at its optimum capacity. For example, I am certain many automobile plants could easily produce far more automobiles than they do, and theoretically, they should lower the prices. However, I am certain this industry, like many others, reduces production to prevent a surplus, but continues to take depreciation on its equipment while idle.

At first glance, denying strikers food stamps has considerable appeal, but on close examination, it is a different matter.

The distinguished gentleman from Illinois outlined the differences between people in voluntary and involuntary situations. Of course, the man in an involuntary situation appeals to us greatly. Let me give you an example in the labor field.

Suppose a man goes to work in a factory. The employees vote on whether or not to have a union. He votes against it. However, the majority votes for it. The factory goes union. Then the union calls a strike vote. He again votes no, but the majority vote to strike. Should he and his wife and children be denied food stamps?

Eligibility for food stamps, as I understand it, is determined on the basis of hunger and not on whether the participant is employed, unemployed, striking, or not striking. In fact, as has been indicated earlier in this debate, where the need exists food is provided to families of men in the penitentiary.

I submit it has never been an American tradition to starve those with whom we disagree.

Mr. DENNIS. Will the gentleman yield?

Mr. HUNGATE. I am glad to yield to the gentleman.

Mr. DENNIS. I wanted to ask my good friend from Missouri if it ever occurred to him that maybe the way to reach the case of this man who does not want to strike would be for the amendment of fundamental labor law so he does not have to go out when he does not want to strike.

Mr. HUNGATE. I thank the gentleman. But I would assume such legislation would not come to the floor attached to an appropriations bill.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I appreciate, also, the very valid concern that the gentleman from Missouri has expressed for the so-called involuntary striker, but does it make sense to make it possible for those strikes to be prolonged by 60, 90, or 120 days? That is when the involuntary striker is really suffering. I can show you chapter and verse, in the study I referred to earlier, statements made by labor leaders in connection with a 122-day strike where they admitted that they could not have held out that long, probably, without the food stamps.

If you are concerned about the involuntary striker, you do not help him in this particular way.

Mr. HUNGATE. I thank the gentleman from Illinois. I appreciate his contribution as one of the most resourceful and skillful and effective debaters in this House.

I would not assume that in every labor dispute labor was always wrong; I would assume there could be occasions when management might be in error, and on those occasions I know the gentleman from Illinois would not be anxious to force these people into a bargaining position because they did not have food stamps.

Mr. ANDERSON of Illinois. If the gentleman will yield, I do not imply that labor is always wrong. I did not say that. What I specifically said was that I do not approach this issue from a prolabor, antilabor, promanagement, or antimanagement basis. I am trying to do it on the basis of the serious, objective study that has been made of the cost to the Public Treasury and the impact it has for prolonging industrial disputes.

Mr. HUNGATE. I appreciate the response of the gentleman from Illinois, and the fact that he recognizes that the blame can frequently be equally distributed.

Mr. MELCHER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

Mr. Chairman, about 60 years ago nearly everybody in this country had a garden, and each family normally kept a few chickens, and had a milk cow, and they had a balanced diet, but now we have people who are living in asphalt jungles, in urban ghettos, and in urban centers where most Americans live, and there are millions of hungry people in this country. There is a surplus of food in this country, there is a surplus of grains which, after all, is the fuel that when fed to animals produces our protein foods, but we will still continue to have hungry people. And having hungry people, one of the methods that we have devised is the food stamp program. The program can be improved, particularly for the elderly where inflation is cruelly denying them in the autumn days of their lives much of their normal protein diet. We also could have improvement in the program for families with children to make sure that they all have a fair shake and a fair chance to develop physically, mentally, and to be alert at school.

We have come a long way, however, even though, we need improvements in distribution and acceptance and, indeed the dignity of food stamps, but the fact remains that food stamps are to end hunger in this country.

This amendment offered by the esteemed gentleman from Illinois does not move in that direction. What is involved is who is eligible for food stamps under the present law, and you would have a hard time telling from the debate this afternoon what the law is.

The law of the 1970 act as passed by the previous Congress, with regulations issued in 1971 by the Department of Agriculture and finally now is beginning to be implemented by the States, a few States implemented the regulations in the fall of 1971, but almost all of the States have only implemented the new law in the past 6 months. The new law says that anyone applying for food stamps first cannot have more than $1,500 in liquid assets—$1,500 in liquid assets for a family; and second, that any able-bodied person in that family must register for employment, must accept employment if it is available at the minimum wage, or whatever the prevailing Federal or State or prevailing agreement for wages are in a particular area.

Notwithstanding the studies and the figures that have been cited by the proponents of this amendment, these are pretty tough regulations, and they are just coming into effect.

The gentleman from Iowa, our good friend (Mr. GROSS), mentioned communes, mentioned something that he had read concerning this in the State of California. Communes are not allowed to have food stamps under the law now, under the law that we passed here in 1970. The regulations in California were adopted to implement this new law in January of this year, and not even all of the counties in California had adopted the new regulations until April of this year. Enforcement of the new law prevents food stamps for communes.

The figures cited about GM and how many people were on strike who were drawing food stamps during that period have no bearing on the new law. That strike was long before the new law became effective. And, indeed, there has been no major strike since this law has been promulgated, because the regulations have just been adopted in almost all of the States this year.

The gentlemen from Illinois may be aware, but in case they are not, I will inform them that the new regulations for Illinois were adopted in April of this year, less than 3 months ago, and there is no way to accommodate their figures on what might happen in less than the 90 days since the new regulations were put into effect to determine that any but hungry families needing adequate nutrition would be eligible for food stamps. It is certainly impossible to relate past conditions to the new law which has just now become effective in the States.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I yield to the distinguished Speaker of the House, the gentleman from Oklahoma.

Mr. ALBERT. The Food Stamp Act and regulations describe certain conditions under which food stamps are available to Americans.

Are we to single out one group and say—"If you are in that class, no matter what other qualifications you have—you are out"?

Is that not what the amendment would do?

Mr. MELCHER. The distinguished speaker is entirely correct. His remarks demonstrates the narrowing down of availability of food stamps even when the need is evident and the family is eligible.

In marking down where food stamps are available—what about strikers? Even disregarding the fact that not all strikers voted for a strike and that not all strikers are willing to have a strike let us review their position; irregardless of whether they are for or against the strike the amendment says no matter how desperate their needs they cannot be recognized as eligible.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MELCHER. I am delighted to yield to the gentleman.

Mr. ANDERSON of Illinois. I just want to point out that the gentleman mentioned correctly that the requirements under the law are that you must have only $1,500 of assets in order to qualify.

I am sure the gentleman also realizes that refers merely to liquid assets. It does not include your house, it does not include your car, it does not include other tangible property which might have great monetary value. It includes only liquid assets. I think it is important that we have those facts brought out here in the debate.

Mr. MELCHER. The gentleman is absolutely correct.

The $1,500 limitation does refer to liquid assets. It does not refer to his home. It does not refer to his automobile. But it does refer to his check account, savings, bonds and anything else that he can sell and it does refer to real estate that is not his home and to property that is not involved in his household. This is a rigid requirement. It is a tough requirement. If a striker is going to qualify under the law as it is being promulgated under the new law, just this spring, they are going to qualify because they are hungry and because they are desperate and because their families need that food.

It is much too soon—much too soon to tell what the new law is going to do since the States that have promulgated the regulations, most of the industrial States, just within the last 60 or 80 days.

No matter how we cut the cake here, food stamps are for people who are hungry and if a striker's family qualifies because he does not have any assets and he has practically no financial worth, less than $1,500—and if he has registered for work and cannot get it and if he has met this requirement of the law and he still needs food and his family needs food—he ought to have it and we do not need the amendment. The law is already rigid enough.

Mr. SAYLOR. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have taken this time to direct attention to the gentleman who offered this amendment.

I have read his amendment very carefully and I would like to ask the gentleman from Illinois (Mr. MICHEL), if a striker qualifies for food stamps while he is on strike and he meets every other requirement; can he get food stamps?

In other words, if he qualifies under the rules and regulations that exist at the present time, even though he is on strike, can he get food stamps.

Mr. MICHEL. I am not sure I heard the question stated precisely, but let me say that if a family qualifies for food stamps before the advent of any strike in which a member of the family is involved, the family will continue to receive food stamps to which they are entitled. That is why the amendment reads:

> Solely because any member of such household is a participant in such strike.

It is only if he falls within those guidelines of eligibility solely because of participating in a strike that we deny him the food stamps. I think that answers the gentleman's question.

Mr. SAYLOR. The gentleman from Illinois (Mr. MICHEL) in the revision of his remarks has changed facts related in the colloquoy. His answer during the colloquoy was "yes, absolutely."

The answer given in his revision of his remarks clearly indicates to me that the Chair erred in its ruling on the point of order made against the amendment.

The gentleman's interpretation of his amendment now is such that it adds another requirement of eligibility for food stamps and is clearly legislating on an appropriation bill.

The language of the gentleman's amendment is that a striker is not eligible for food stamps solely because he is on strike. The interpretation he now attempts to put on his amendment is that if a worker is on strike and meets all the other qualifications of the law he is still not eligible for food stamps. This is not what his amendment states and any attempt to hide behind that construction of the language of his amendment is totally in error.

The original answer given verbally by the gentleman from Illinois (Mr. MICHEL) is essentially correct—that is, if a striker qualifies for food stamps while on strike, he can get food stamps. His revised remarks delivered to my office completely change the answer actually given to me on the floor of the House.

Mrs. SULLIVAN. Mr. Chairman. I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I am delighted that the gentleman from Pennsylvania was recognized just ahead of me. He was the one on the opposite side of the aisle who from they very first voted for food stamps, because he, as I, felt that those who were in need of nutrition should be helped.

Mr. Chairman, I hope the Members will accord me the right to speak with some authority on the subject of food stamps, because, as most of my colleagues recall, the program originated in legislation which I first introduced in 1954 which was enacted in 1959, leading to the pilot programs of 1961–64, and was expanded into a national program under bills I sponsored in 1964, 1967, 1968, and 1969. The 1971 act, which I did not sponsor and which I have been trying ever since to repeal, attempted to inject unrealistic and utterly contradictory standards of welfare reform into what is intended to be a program to accomplish only one objective: that is, to assure that no poor people are forced by their financial situation to go hungry in a nation which spends billions of taxpayers' dollars each year, to support the price of agricultural commodities and to remove the resulting surpluses from the market.

Reason lost out in 1970 when we were debating the latest food stamp act, which was signed into law January 11, 1971. Reason lost out, to a combination of forces hostile to the food stamp program, on the one hand, and of those who wanted to love it to death—to make it into a vehicle to solve all of the problems of the poor. We had a case of the long-time opponents of food stamps, and those who wanted to "reform" it into a mass handout program, joining legislative forces to give us a law which convinced both sides their eventual legislative compromise had good features from their respective standpoints. We have in it such contradictions, as forced labor at $1.30 an hour and a requirement that eligibility standards and benefits, be exactly the same for people in the very poorest States, as for those in New York, California or other highly industrialized areas.

Instead of helping the poor, as it was supposed to do, this has caused removal of countless families elsewhere in the country whose incomes, by, let us say, Arkansas income standards, would be considered too high to qualify for assistance. To set the standards high enough to assist low-income families in California would make half the working people in some other areas eligible for food stamps.

The January 1971, amendments should be repealed, so that we go back to the basic 1964 act. But that is not the issue here today. The issue here is whether we place in an appropriation bill a provision which changes the eligibility standards for one class of individuals only—those on strike.

Mr. Chairman, I wrote yesterday to Mr. I. W. Abel, president of the United Steelworkers of America, who had sent a letter to every Member of the House, on this issue of food stamps for strikers, in his capacity as president of the Industrial Union Department of the AFL–CIO. I would like to read some excerpts from that letter, because I think it states the cause of some of the misunderstanding about this issue. Here, in part, is what I wrote to Mr. Abel:

> In opposing an anti-striker amendment, I intend to point out to the House and to labor, too, that much of the sentiment for refusing food stamps to strikers, regardless of need, is the result of widespread resentment among the public over a mistaken idea that strikers are automatically eligible for food stamps—which is, of course, not the case. But the unions themselves have often contributed heavily to the misunderstanding on which this resentment is based, by organizing mass applications of all strikers for food stamps, in something of a festival atmosphere, as if this is one of the regular and normal benefits available to any union member going on strike.

The CHAIRMAN. The time of the gentlewoman from Missouri has expired.

(On request of Mr. ALBERT, and by unanimous consent, Mrs. SULLIVAN was allowed to proceed for 5 additional minutes.)

Mrs. SULLIVAN. I thank the distinguished Speaker. I continue:

> Food stamps should be available to any family which is unable to afford an adequate diet for health. The program is not supposed to be a substitute for adequate welfare programs; it applies only to nutritional needs. It should not be used to punish a child because the father is a drunkard, or in jail, or is in the hospital after having been improvident in not obtaining hospitalization insurance, or is on strike or has been locked out.
>
> A ban on food stamps for all persons out of work because of the existence of a labor dispute would affect equally those who voted against going on strike and those who were locked out of their jobs, as well as those who voluntarily went on strike. As you well know, the National Labor Relations Board from time to time has held that management in some disputes was guilty of causing or prolonging a strike illegally, and has ordered retroactive wage payments to the workers years later. But how do you feed a hungry family retroactively three years after a strike begins?
>
> The test of eligibility for food stamps should be proven need of the family for this help, based on standards which apply equally to all applicants in a state, regardless of the cause of their financial situation. The idea that workers would voluntarily go on strike in order to qualify for food stamps is nonsense.
>
> Undoubtedly, the availability of food stamps for those strikers who qualify for them makes them less included to agree to settle a dispute for less than they feel is a fair settlement, but certainly food is not the only factor in a striker's willingness or ability to remain on strike.
>
> I will, as I said, oppose any antistriker amendment on food stamps, but I hope that organized labor will impress upon union leaders, particularly at the level of the local unions, that they must exercise restraint in waving the "food stamp banner" when a strike begins. Holding food stamps aloft for the television cameras along with bravado shouts of "they can't starve us out now" may be good for workers' morale when what may turn out to be a long strike begins, but leads to the misconception by the public that the taxpayers are financing the strike. This is no more the case than feeding the children of a convicted felon with food stamps represents an instance of the taxpayers financing of crime. The test is and should be in either instance: Would the family or the children go hungry without food stamps?

Mr. Chairman, for the sake of the millions of families of workers in this country who may be forced at some time or other, for one reason or another, to go out on strike, or who may be locked out of their jobs, do not make the children—their hunger—a hostage to labor-management strife. This amendment should be defeated in the name of common decency. This is not a strike-discouraging or strike-breaking amendment; it is an amendment to punish children because their parent belongs to a union.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, first I would like to congratulate my colleague, the gentleman from Illinois, for having introduced this amendment. I think it touches upon a most vital issue in a most vital area of abuse of taxpayers on the one hand, and the overwhelming majority of workers on the other.

Mr. Chairman, it has often been said that the role of Government in economic affairs is to remain neutral. Labor and management were to come to their own agreements with regard to wages, hours, and other contractual terms through the system of collective bargaining. When agreement could not be reached, labor unions possessed the right to strike.

For some time it has been true that Government has not been neutral. While businesses are subject to stringent antitrust legislation, for example, labor unions are not. Thus, while it is illegal for several automobile manufacturers to set an industrywide price for new automobiles, it remains perfectly legal for one labor union, the United Auto Workers, to set industrywide wage rates.

Government partisanship has, however, reached a new height of unfairness in the case of providing welfare payments to workers engaged in a strike.

In a recent editorial the Indianapolis Star points out that:

> Anyone concerned about the increasing costs of welfare and the effect of these costs on their own pocketbooks would do well to read a revealing new book, "Welfare And Strikes."
>
> It is published by the Industrial Research Unit, Wharton School, University of Pennsylvania, as the sixth in a series on labor relations and public policy. The authors are Dr. Armand J. Thiebolt Jr. of the College of Business Administration, University of Maryland, and Ronald M. Cowin of the Industrial Research Council.
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> The book makes the important point that some labor unions are using tax-supported public funds to maintain strikes without paying out a cent of their own funds to support striking members.
>
> In the 151-day strike beginning last August of the 5,132 members of the United Electrical, Radio and Machine Workers of America, Local 107, against the Westinghouse Electric Corporation's Steam Division at Lester, Pa., $2.5 million in public funds in the form of various welfare benefits was paid to strikers. The book says the union contributed a load of coal to the truly destitute and a free meal at the union hall for those on picket duty, but nothing in strike benefits as such.
>
> The book alleges that the practice of using welfare benefits for strikers has become so prevalent that some unions now regard welfare as a powerful new weapon for use in the collective bargaining system.
>
> In the 71-day strike of the United Automobile Workers against General Motors in 1970, an estimated $30 million was spent in public welfare benefits to strikers, nearly $16 million of it by Michigan alone. With the food stamp program and other forms of public aid, combined with union strike benefits,

> some workers lived as well as or even better than when working full-time, the book charges.
>
> The book's authors propose, as one possible solution, that Congress simply declare strikers ineligible for tax-supported benefits. In any case it is certain that action must be taken at both the state and Federal levels to halt abuses that take food out of the mouths of those who continue to pay taxes so that someone else who is on strike of his own volition can be supported.

Where is the manifestation by this body of concern for the truly needy when it supports a continuation of so outrageous an abuse as public support of strikers? Where is the manifestation by this body of concern for our over-burdened taxpayers when it supports a continuation of so outrageous an abuse of tax dollar spending as exists when a majority of working peoples' tax dollars underwrite the minority of able-bodied who have voluntarily left well-paying jobs?

I urge Members to support this amendment in the name of equity, justice, and humanitarian concern for those who truly depend upon the generosity of those better off than themselves.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment.

As one who has been involved in the food stamp controversy for many years, it becomes a little difficult to hear Members come into the well and say that we should deny benefits of food stamps to certain families in the interests of humanitarianism.

If we want to accept the argument made by the proponents of this amendment: that the way to stop strikes is to make it impossible for union families to be fed; for their children to have adequate nutrition: that this will do a great public service by guaranteeing uninterrupted economic growth, purhaps the amendment should be adopted. But are we going far enough? Should we not deny funds under the medicare program for anybody who is a member or a striker's family, or deny his child a federally subsidized school lunch? Would that not bring more pressure to stop the strike.

Underlying all of this discussion is, I believe, the hidden implication that strikes are something to be condemned out of hand, that strikers are always wrong, that the companies are always right. Most proponents pay lipservice to the workers' right to strike, but suggest that any action that breaks a strike on managements' terms is in the public interest.

By the way, when we are talking about Government objectivity and Government fairness, I do not hear the U.S. Chamber of Commerce coming to the Congress and saying, "Companies are getting Government contracts during work stoppages; that is unfair." "Companies are getting Government payments during work stoppages; they should not have that advantage." "Companies are able to deduct strike losses from their corporate income taxes, that is not evenhanded and objective."

When it comes to that sort of Government help for the company, we do not hear those arguments made by the gentleman from Illinois or any of his colleagues.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. How can a company possibly perform a Government contract during a work stoppage?

Mr. FOLEY. I am saying that during the time of the work stoppage, there is no law that says the company cannot negotiate and be awarded a contract for future performance. There is no ruling of the Internal Revenue Service that denies continued depreciation on plant or equipment. The company can deduct its losses from a strike to soften the economic sacrifice. Economic discipline might be just as useful for the management side but we have not heard a word about that subject from the proponents of this amendment.

I think we should be fair about this. As long as we are talking about evenhandedness in labor disputes why do we not set about to amend the Internal Revenue Code. There are generous depreciation allowances that continue during a strike. A company is not denied these. If we must deny the worker's family the ordinary, regular benefits of the food stamp law why should we not deny the company the ordinary benefits of the IRS Code. We could thus hit both sides in the dispute where they are most sensitive—the worker in his family's wealth, the company in its balance sheet. The objective study that the gentleman from Illinois talks about was done by the Wharton School of Finance through a grant provided and funded by four industrial foundations and 13 individual companies. I suggest that if we produced a study financed by the AFL–CIO on this subject we might hear a few critical remarks about its objectivity from the sponsors of this amendment. No such doubts are expressed about a study financed by industrial corporations and foundations. No, no. That is objective. What other purpose than scholarship could they have had in mind?

However, taking this "study" at its face value, what does the study show? Among other things, it shows that in the General Motors strike of 1970 only 37 percent of the workers received food stamps. Why, if this is such a bonanza, did only 37 percent receive it? Because they had to meet qualifications. And the law was not as rigid then as it is now.

And in the United Paper workers strike in March of 1970 and in 1971 the study shows that only 31 percent of the workers received food stamps.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FOLEY was allowed to proceed for 3 additional minutes.)

Mr. FOLEY. And in the Oil, Chemical, and Atomic Workers Union strike against the Atlas Chemical Co. in 1971 that same study shows there were only 22 percent of the workers who received food stamps. Only 1 in 5 were able to meet the conditions of the then existing requirements in this act.

Since that time, as the gentleman from Montana has pointed out, States are finally implementing the laws Congress passed in 1970. The food stamp amendment of 1970 was reported by the Committee on Agriculture, which is not a committee famous in this body for its fuzzy-headed, self-hearted liberalism. The distinguished chairman of that committee, the gentleman from Texas (Mr. POAGE) offered an amendment which requires every striker, if he is to be eligible for food stamps, to register for work and accept employment just like anybody else. The only exception is he cannot be sent to a struck plant or site. That amendment was adopted and is part of the food stamp law and departmental regulations.

That is what the Congress has determined should be the ground rules for participation in the food stamp program. But, no, the argument for this amendment is that no striker should have any opportunity to get food stamps for his children, even if he did not vote for the strike, even if he was opposed to it, even if he does not have any liquid assets and meets all of the conditions of the law, even if he is trying to find other work, and even if his children are starving. It does not make any difference, what his intentions or circumstances may be because the economic system is going to be benefited if he is driven back to work as fast as possible. Of course despite these arguments the proponents insist that they "respect" the "right" to strike.

I think it is relevant, despite what my good friend from Illinois says—and I have great admiration for the distinguished gentleman from Illinois—despite his categorization of the argument as ridiculous, that a convict in prison has a right to have his family fed with food stamps, that somebody in jail can have food stamps for his family, but a law abiding American worker may not.

Mr. ANDERSON of Illinois. Will the gentleman yield on that?

Mr. FOLEY. Yes, I yield.

Mr. ANDERSON of Illinois. Do you not see a distinction at all between someone in jail, there because he lost his freedom involuntarily? He is not there because he wants to be there. Somebody put him in there. All I am saying is the striker is on strike because he is exercising his right as a free man.

Mr. FOLEY. All I am saying is that if the family of a worker on strike for whom the gentleman claims the greatest respect and admiration does not have a right to participate in the food stamp program and must go hungry but the family of the rapist, and the murderer, the robber, and the burglar are eligible as they now are—something is wrong with our values. If the gentleman sees some equity or wise public policy in treating the family of striking workers more harshly than the family of criminals—I do not. All this talk about this food stamp bill never intending to cover strikers is nonsense.

The gentleman from California (Mr. TEAGUE) correctly said that when the basic amendments were passed in 1968 this bill came back with a food stamp antistriker amendment removed by the conference committee. I might say as a member of the conference committee one of the strongest, if not the strongest, advocates of providing food stamp benefits under normal conditions, for strikers as well as others, was the distinguished member of the gentleman's party in the other body who insisted that a strike in his State which his workers had not supported but in which they were involved convinced him that these antistriker amendments were unfair and it was just not equitable to write so all-encompassing a prohibition. Since the Landrum-Griffin Act requires a secret ballot on strike votes there is no way to separate strike supporters and strike opponents.

Subsequently we have had several votes in this House attempting to pressure this punitive and pernicious amendment. They have all failed as I trust this latest effort will fail.

Nobody likes a strike. But this is not the time, the place, or the issue on which to fight out old arguments between labor and management. The principal supporter of this amendment is the U.S. Chamber of Commerce. Its principal opponent is organized labor. I do not have to tell any Member of this House that that is true. But the Food Stamp Act was not passed to be an instrument of either labor or management. It was not passed to be a tool for or against strikes. Ironically both organized labor and the U.S. Chamber supported the passage of the act. The act was passed to feed hungry families. It was passed out of a compassionate concern of this Congress and of this country that families and especially children who are without means themselves should not go hungry in the richest country in this world.

Mr. Chairman, let us defeat this amendment today as we have in the past.

Mr. WINN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I speak in support of the amendment offered by my good friend and colleague, Mr. MICHEL. You will recall that I, along with 33 of our colleagues, introduced H.R. 4274, H.R. 7867, and H.R. 8520 that would accomplish the same goal as Mr. MICHEL's amendment.

To understand why I support this amendment, one must examine the fundamental purposes of a strike in the free market system. A strike forces the modification of extreme positions of management and labor as a result of the economic effects it has on both parties.

If a strike has unequal economic effects or no economic effects on one or both parties, then it becomes ineffective because the economic importance of forcing modification of extreme positions decreases. Thus, strikes become more frequent or are of longer duration. Unfortunately, several programs have been created by us that impede settlement of strikes by creating imbalance in the economic effects of strikes. One of these we are hoping to eliminate today by making strikers ineligible for food stamps.

It has been estimated that the total direct and indirect public assistance payments to strikers exceeds $329 million per year—almost $1 million per day and, as has been mentioned, the Wharton School of Finance and Commerce estimated that of that amount a whopping $238,826,000 in food-stamp payments will be made to strikers during 1973.

I think that the effect of this can clearly be seen when we examine the increased duration of strikes over the last decade, and only the sponsors of this amendment have made this point in the last hour and a half. In 1960, there were 200 strikes that lasted more than 90 days. In 1971, 7 years later, after food stamps became widespread, the number of strikes that lasted longer than 90 days increased to 375—almost double the 1960 figure.

The idea that a union member has the right to collect welfare when he is on strike because he pays taxes when he is working is wrong. No taxpayer has the right to automatically expect specific services from the Government—I repeat, the Government—for each program it operates merely because he pays taxes.

For example, none of us in Congress receives any specific returns from the taxes we pay to support various welfare programs. By the same token, the childless taxpayer would be happy to attest to lack of specific return he gets for taxes he pays to support our public schools.

Payment of food stamps to strikers is an imposition on the public treasury. Certainly, labor unions' bargaining power was of great influence before food stamps. In my opinion, $239 million in direct payments that food stamps provide strikers is greatly upsetting the relatively balanced bargaining power between management and labor.

I believe this is in itself cause for great damage to the public welfare in the long run. I hope you will join with me in support of this amendment offered by the distinguished gentleman from Illinois.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. WINN. I yield to the gentleman.

Mr. FISHER. In this very sensitive area of collective bargaining, when a labor-industrial dispute is pending, does the gentleman agree with me that it is axiomatic that the government at all levels remains totally neutral and show no favoritism to either side?

Mr. WINN. I think that is exactly right.

Mr. FISHER. When negotiations break down and a strike actually occurs—after that happens, then traditionally the business side draws upon their reserves while they are making no profit or making little profit to sustain them during the period of continued negotiations.

Traditionally, likewise, the unions draw upon their union funds for the same purpose to sustain their members and their families during that period of time; is that not correct?

Mr. WINN. The gentleman is correct.

Mr. FISHER. I sent out a questionnaire to my constituents not long ago, to every registered voter in my district, and I asked the question whether food stamps should be given to those who are on strike; 90.6 percent answered that they should not.

Mr. WINN. I thank the gentleman for his remarks.

Mr. FISHER. During a strike the Government should do nothing to improve the economic status of the business involved; nor should it do anything to bolster the other party to the dispute—the union. We are about to vote on giving special favoritism to the union.

Mr. WHITTEN. Mr. Chairman, I wonder if we could not have some agreement as to time for debate. There are several other measures coming up, and I am sure Members would like to complete the legislative business.

Mr. Chairman, I ask unanimous consent that debate on the pending amendment close in 10 minutes and that the last 3 minutes be reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chairman has observed the Members standing at the time of the limitation of debate.

Under the unanimous consent agreement, the committee is to have the last 3 minutes, and therefore, the other Members will be entitled to 1 minute each.

The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, every time this issue comes before us, it causes me some problems. In previous years, while not confident I was right, I voted against the Michel amendment. I have deep concern for the individual who voted against a strike, but since he was in the minority, found himself in dire economic straits when the strike continued on for several weeks. Also, I felt concern for the child of a family where the bread winner was not frugal enough to prepare for the strike with some savings. So, on balance, I opposed amendments to flatly deny any food stamps for strikers.

As the issue comes up this year, I find I know a great deal more about food stamps for strikers than I did in previous years. A book entitled, "Welfare and Strikes—The Use of Public Funds to Support Strikers" by Armand J. Thieblot, Jr., and Ronald M. Cowin, at the University of Pennsylvania, the Wharton School of Finance and Commerce, Industrial Research Unit, lays out in more detail the use of public assistance during a strike.

I believe most of us would agree that the Government ought to be neutral when unions and employers square off in a dispute which is their legal right. I would like to quote a few sentences from the study:

> It is evident from a review of the Lester Plant strike that public subsidies played a key role in the union's strike assistance program. As a consequence, the union now plans to rely on public financial support during a strike.
>
> The availability of public resources for strikers during the Westinghouse strike provided support both to the local and international union. Welfare benefits reduced the strikers' economic pain, providing union officials and the union bargaining committee with greater flexibility in contract negotiations. In addition, public dollars to strikers relieved the local and international union of the financial pressure connected with giving aid to needy strikers. Although there were some strikers who expressed dissatisfaction with the UE for not providing a strike benefits program, welfare eliminated much of the demand for union financial help. The union could rely on the welfare department

> to care for strikers who experienced economic hardships. The union and the striker, therefore, were relieved of much of their financial responsibility in preparing for and supporting the strike. The public assumed this responsibility.
>
> The family man with a large number of debts, little savings, and a low income prior to the strike may be certified for public support shortly after a walkout occurs, while the older worker who may have a few debts, owns his own home, and has accumulated sizable liquid savings may not become eligible for public aid during a long strike. Accordingly, in a strike situation, the individual who has prepared for the strike by saving and by being thrifty will be discriminated against by the welfare department.
>
> As one union official said, "Many union members did not feel right by having to request welfare assistance. They were raised in families where welfare was looked at as something to be used only in dire need."

But these attitudes are changing. By applying for help through the union along with other strikers, seeking aid becomes a part of the union strike assistance program. Public funds become a union "war chest" and as one union official described the situation:

> Now, many are stating that they want their share, for it is owed them

That ends my quotes.

As the gentleman from Illinois (Mr. MICHEL) has stated, there would be no limitation on strikers qualifying for food stamps in the case of a lockout meaning that none of the employees voluntarily left the job, and a person who otherwise would qualify for food stamps still could qualify.

It should also be pointed out from the Thieblot-Cowin study that AFDC and general relief have been used substantially by strikers and, therefore, would continue to be available for anyone who falls into severe economic straits due to a strike.

The question before us is whether persons who voluntarily and collectively choose not to work should be able to secure public benefits. Even with this amendment, they can, but it would limit somewhat the amount that would be available to them.

I considered reducing the limitation of the Michel amendment by offering an amendment to it which would have made any family eligible for food stamps if they were eligible for aid to families with dependent children. I chose not to do so because of one failure of AFDC. In 27 States, AFDC is available only if there is no male head of the household. What this has done is to encourage the breakup of families. If we added food stamps with the substantial benefits to AFDC, it would be an even greater incentive to breakup the family which is certainly an unwise social move.

It is for these reasons that I think the balance now falls in support of the Michel amendment which is the way I shall vote.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I am going to be very much interested to see the outcome of the vote on this by comparison with the vote on the previous amendment offered by the gentleman from Massachusetts (Mr. CONTE).

I will be very much interested to see how this new coalition headed, apparently, by the distinguished gentleman from Texas (Mr. MAHON) works out.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I know there has been an unholy alliance forged here this afternoon. When my chairman rose in opposition to my amendment, my first inclination was to say some things which I might later be sorry for.

I will not say publicly what I feel except to reaffirm here what I have always told my children and the young people around the country who have asked me what I thought the most important thing was in our Members relationship with one another. I told them that it was "our word," and so help me, not withstanding all these shenanigans here today, my word is still going to be my bond in this House and elsewhere.

Mr. Chairman, I make this last appeal to those of you who have talked about the importance of one's word with one another to disregard this unholy alliance, if you did not have any part in making it—and vote your conscience on this the way you want to and then we will win the amendment, if you do just that.

Mr. DENNIS. Mr. Chairman, I think it is important to understand what this amendment does. If you are already drawing food stamps, you do not lose them because you go on strike under this amendment. The only thing is that you do not get economically qualified for them just because you go on strike.

I support the amendment, and any time I have left I yield to the gentleman from Illinois.

Mr. MICHEL. We will put in the RECORD the precise votes last year on the Conte amendment and on mine, and then we will compare how Members are voting today on the same two amendments. We may then pose the question as to what makes the difference between 1971 and 1972—is it because of the election year?

From CONGRESSIONAL RECORD, volume 117, part 16, page 21640, on limiting subsidies to farmers to $20,000.

Passed 214 to 198.

Today: defeated 189 to 192.

From CONGRESSIONAL RECORD, volume 117, part 16, page 21676, on prohibiting food stamps to strikers.

Defeated 172 to 225.

Today: defeated: 180 to 199.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I opposed the amendment. I believe that it is wrong for the Congress to bar the poor, including those on strike, who are otherwise qualified, from receiving food stamps. In considering this matter it is important to note that strikers applying for food stamps must register for employment and take employment if a suitable job is found by the State unemployment agency, except of course at a strike plant. Furthermore, these strikers must meet the tests of economic need and lack of savings and assets, just like any other applicant.

The Federal Government does not suspend a corporation's depreciation allowance nor prorate its investment credit, while the company's equipment lays idle during the strike. Why then should the Federal Government be any harder on the striking employees by prohibiting them from participating in the food stamp program? Those seeking to pass this amendment are simply opposed to strikes, whether justified or not, and hope to assist the employer in breaking a strike with this cruel amendment. It will not pass.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. BLACKBURN. I must admit I have been fascinated by the various argument I have heard in opposition to the amendment, but to me one of the most persuasive developments was a poll run in my district, in which this issue was raised, and my poll showed that 90 percent of the people in my district are opposed to the use of food stamps for strikers. I think that is a good persuasive argument to support the Michel amendment.

One justification for provision of food stamps and other welfare benefits to striking workers advanced by opponents of the Michel amendment is that we provide tax benefits and contract payments to businesses during strikes, so why not balance the situation by aiding workers as well.

Let me suggest that this argument is simply erroneous from beginning to end. First take the matter of tax benefits. I would challenge any one opposing this amendment to come to the well and explain to this body how any business gets significant tax benefits as a result of a strike.

When you talk about a $50 million loss during an extended strike, for instance, what are you talking about?

Well, for one you are talking about orders and markets that are lost because a company has no products to deliver. Could some one explain how they would propose to tax nonexistent sales or income? Or how not taxing nonexistent income constitutes a tax break? Indeed, to suggest that this is a tax benefit to the struck company is equivalent to saying that the striking workers are being subsidized because they pay no taxes on the wages they do not earn during the course of the strike.

That $50 million also includes ongoing costs that are incurred for, say, property taxes, utility bills, managerial salaries, advertising, maintenance of plant and equipment, and the like, which are not off-set by sales revenues. It is my understanding that we have a net income rather than a net loss tax. Would someone here propose to explain how a company can be said to get tax benefits when it has no net income to tax?

The only legitimate loss that I know of which can be written off are penalty payments or charges for late delivery that may result from a strike. But even here I would remind my colleagues that $100,000 in penalty payments is an amount that would otherwise be profit were it not for the late delivery caused by the strike. And though a company may write off $100,000, for example from its taxable income, and thereby save $50,000 in taxes, the point is it has already lost double that—$100,000—in profit. In either case, the company is losing substantial amounts of money. How this can be considered a positive tax benefit is not at all clear to me.

The same point can be made concerning contract payments. The simple and indisputable fact is that under our procurement laws and regulations companies ordinarily, do not receive payments unless the goods and services contracted for are actually delivered. Failure to do so leads either to termination of the contract or fines and penalties for breach of contract.

Of course if a company can draw on inventories during the strike, payments may be made as the goods are delivered just as in nonstrike situations. But does anybody here seriously believe we should make it illegal for a company to draw on its inventories during a strike? Is not the company's inventory the counterpart of the union strike fund and the savings and outside earnings of striking workers? Would not basic equity require that if you ban one you must ban the other?

Moreover, most companies outside the defense sector simply do not do a significant portion of their business with Government contracting agencies. Therefore would you limit food stamps subsidies just to strikers who are employed by large Government contractors? Obviously the argument reduces to absurdity simply because the premise is equally illogical.

I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I, too, support the amendment of the gentleman from Illinois (Mr. Michel). But I go home with a rather heavy heart tonight because of what has happened this afternoon, relating to the agreement reached by some who support the $55,000 limitation of payments and the many who opposed the Michel amendment to prohibit issuance of food stamps to strikers.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Utah.

Mr. LLOYD. Mr. Chairman, in December of 1970, I opposed the amendment which would prevent distribution of food stamps to the families of strikers and made my explanation which was published in the Congressional Record, volume 116, part 31, page 42027. The statement expressed my belief that there are greater objectives in the field of labor-management relations which we should pursue in order to discharge our responsibility to the public. Foremost among these larger objectives is finding a responsible solution for crippling nationwide strikes.

I also stated my belief that depriving families of strikers of their eligibility to receive food stamps while other welfare families remain eligible was a discrimination and that it was sufficient that we required that the strikers register for jobs and accept jobs which would become available. Moreover, it is not generally understood that only strikers with limited assets are eligible.

I have not departed from the belief expressed on that day. However, it is obvious that the overwhelming majority of my constituents feel otherwise. Since December 16, 1970, until today, I have not had one communication from my district in support of the position I took at that time, nor have I had my first communication from the district in opposition to this amendment. On the other hand, I have had 93 individual written communications from my constituents in addition to telephone calls and oral communication from many more, all of whom are unanimous in the view that it is improper for the Federal Government to subsidize one side of a labor dispute by the distribution of food stamps when there is no similar subsidy to the other side of the dispute. This view is that the Federal Government becomes a party to the negotiation by subsidizing one of the parties and that such action constitutes improper use of Government influence and encourages and and prolongs strikes.

I am often asked by student groups what I would do if my personal views conflict with the views of my constituents. I reply that it is an extremely rare occasion when the majority view of my constituents is obvious and overwhelming, but that when that majority is clear and explicit, then I consider it my responsibility to reflect that overwhelming view. That is the situation in the amendment before us. I have checked out my correspondence by many personal calls and in every case I have found a deep, personal conviction. Also, for the record, may I say that of all of the communications I have had on this subject, only six are from individuals who have made contributions to my political campaigns in the past and none of these have been in excess of $200. Therefore, my vote today is certainly not the result of influence of special interests but a valid expression of overriding opinions on a subject which was brought to the attention of most of these individuals by the U.S. Chamber of Commerce, another organization from which I have received no political contribution of any kind but rather has created a considerable problem for me as a result of widely reprinted and distributed views contrary to mine on H.R. 1 and other issues.

I cast my vote in favor of this amendment as a recognition of the overwhelming personal views of my constituency.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I hope I may have the attention of the membership.

Mr. Chairman, as I have listened to the debate, it has made me realize how very, very little I know about labor relations, about strikes, and about industry. I know very little, and the debate has been very, very good on both sides. If we had before us legislation having to do with strikes and with the eligibility for food stamps, I think the amendment would be most appropriate. I have no problem in this connection, Mr. Chairman.

I am going to vote this year as I voted last year on a similar amendment to the appropriation last year. Two years ago, we had legislation up in the Congress determining who was eligible for food stamps, and this issue was up, and it was decided that those on strike were eligible, and their families were eligible, for food stamps. Many folks voted against that provision, but they lost. Now, this year, without any presentation before our subcommittee—and we are not experts in this field—without any hearing, without any motion in the subcommittee or any motion in the full committee, we are asked to withhold money from folks who are as much in the law as anybody else. That makes the issue very simple for me.

I do not believe that as a responsible Member of Congress I have the right, after I or my friends have lost the fight on legislation, to take it upon myself to withhold money from a particular group that is just as much in the law as anybody else. It is very easy for me. I am going to vote that way, and I trust that those of you who think it through will realize you should not use your power of veto to withhold funds from folks who are included in the law just like anybody else.

Mr. MICHEL. Mr. Chairman, the gentleman from Kansas (Mr. Skubitz) who is unavoidably absent today due to a prior commitment to be in Kansas, has asked me to present the following statement for inclusion in the Record in connection with the vote on the amendment proposing to deny the issuance of food stamps to persons on strike.

STATEMENT OF MR. SKUBITZ

I regret that an existing commitment in my schedule compels me to be absent from the Floor today. If the program of the House of Representatives is followed a vote will occur on an amendment proposed by my colleague, the gentleman from Illinois (Mr. Michel), to the bill making appropriations for the Fiscal Year 1973 for the Department of Agriculture, that would prohibit issuance of food stamps to persons engaged in a strike during the period of the strike.

If present and able to vote, I would vote for the amendment. I do not regard this as an anti-labor vote or an anti-union vote since I approve of unions and organized collective bargaining. But since unions oppose compulsory arbitration or any other governmental interference in behalf of the employer, I feel that in equity government should not involve itself in behalf of the other party in a labor dispute. The issuance of food stamps to strikers during a labor dispute cannot be construed as other than Federal Government action in behalf of one of the parties. In my judgment, collective bargaining is a process that is best left to the parties directly concerned; the Federal Government has no place in the controversy in behalf of either party.

Mr. CONOVER. Mr. Chairman, as the new Member of Congress, but one who has most recently run in a general election, I bring you a message from the voters—at least those of southwestern Pennsylvania. They are tired—

Tired of fat Government spending;

Tired of billions spent in foreign aid for countries that laugh in our face;

Tired of welfare cheats; and

Tired of Government subsidizing in areas of private concern and private negotiation.

This amendment is not a case of being pro business or pro labor. It is a case of being for the people. Management and labor must always have the right to debate and negotiate their differences. But they do not have the right to ask the public to pick up part of the tab if they cannot resolve their differences. The people are not part of the private negotiations; why should the people be asked to pay for food stamps?

I would suggest to my colleagues that a vote against this amendment will be the same as saying "the public be damned." I urge your support of this amendment.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to the pending amendment. By making food stamps unavailable to a family which has become destitute due to the breadwinner's participation in a strike, it would go a long way toward destroying the right to bargain collectively—a right for which American working people have fought and won after a long and hard battle.

The worker who goes on strike after collective bargaining has failed is exercising the only weapon which he has to render his bargaining power equal to that of his employer. In effect, this individual is saying "I am willing to have my family and myself suffer some hardship for the moment so that we may enjoy a better life in the future."

What the pending amendment says, however, is "It is not enough for you to suffer now to gain a better life in the future. You must starve now in order to gain a better life for the future."

The amendment constitutes an attempt to discourage working people from exercising their hard-won rights. It is an attempt to stack the deck for employers by starving out strikers and their families, and I urge its defeat.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment offered by Mr. Michel to prohibit the distribution of food stamps to strikers. This proposal has been before us on several occasions. I have consistently opposed it, as have the majority of my colleagues.

What must be recognized is that an individual on strike does not automatically become eligible for food stamps. He must meet stringent income and asset limitations. Available resources, including savings accounts, negotiable securities, and certain property must not exceed $1,500 per household in order for the striker to qualify for food stamps. In addition, the striker must adhere to established work registration requirements.

These standards are designed to insure that strikers, their wives, children, and other dependents, become eligible for food stamps only because they are in real need of assistance. These are the same standards required of any other American citizen for participation in the food stamp program.

I strongly urge my colleagues to reject the pending amendment. We cannot, in good conscience, deny one group the help we afford every other member of our society who meets the same economic eligibility standards.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. MICHEL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MICHEL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. Michel, Mrs. Sullivan, Mr. Anderson of Illinois, and Mr. Whitten.

The Committee divided, and the tellers reported that there were—ayes 180, noes 199, not voting 54, as follows:

[Roll No. 247]

[Recorded Teller Vote]

AYES—180

Abbitt
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Blackburn
Bow
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carlson
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Coughlin
Crane
Curlin
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Forsythe
Fountain
Frenzel
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Harsha
Harvey
Hastings
Henderson
Hosmer
Hull
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lloyd
McClory
McClure
McCollister
McCulloch
McEwen
McKevitt
McMillan
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Natcher
Nelsen
O'Konski
Patman
Pelly
Pettis
Poff
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shriver
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Ware
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Zion

NOES—199

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Carey, N.Y.
Carney
Casey, Tex.
Celler
Clark
Cleveland
Collins, Ill.
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Foley
Fraser
Fulton
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Link
Long, La.
Long, Md.
McCloskey
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Price, Ill.
Pryor, Ark.
Purcell
Rangel
Rarick
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Sisk
Smith, Iowa
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Sullivan
Symington
Terry
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Whitten
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOT VOTING—54

Abernethy
Anderson, Tenn.
Baring
Bell
Betts
Blanton
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Chisholm
Clawson, Del
Clay
Davis, S.C.
Dent
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gallagher
Green, Pa.
Hébert
Hunt
Karth
Kee
Lent
Lujan
McDade
McDonald, Mich.
McKinney
Mosher
Moss
Murphy, N.Y.
Nichols
Peyser
Pirnie
Pucinski
Railsback
Randall
Ruppe
Shipley
Shoup
Sikes
Skubitz
Slack
Staggers
Teague, Tex.
Wampler
Wydler

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Brown of Michigan: On page 43, line 9, delete the period after the figure "$2,341,146,000" and insert the following: "Provided that no part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1973 to make food stamps available to a household where the necessity and eligibility of such household for assistance stems solely from the unemployment of a member of such household who is a member of an employee unit which has voluntarily terminated employment due to a labor dispute or controversy, except that such limitation shall not apply to a household eligible for general assistance directly payable by such household's local unit of government."

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I make a point of order against the amendment. It is legislation on an appropriation bill and, for all practical purposes, it is a perfecting amendment and identical to the one we have already voted on.

The CHAIRMAN. Does the gentleman from Michigan (Mr. BROWN) desire to be heard on the point of order?

Mr. BROWN of Michigan. I do, Mr. Chairman, but I did not fully hear the point of order, and I would like to have the gentleman from Mississippi repeat his point of order.

Mr. WHITTEN. Mr. Chairman, I will repeat the point of order. I first say and contend that the amendment is legislation on an appropriation bill, but in addition, thereto, it is, for all practical purposes, perfecting the same amendment we have already voted on.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. BROWN of Michigan. I do, Mr. Chairman.

In the first place, it is not legislation on an appropriation bill because it only further limits the thrust of the appropriation, and establishes a further standard, that standard to be applied for the eligibility, to be determined by the State and local agencies, and under various appropriations to the food stamp program, eligibility standards which are determined by these State and local agencies.

Second, it is not the same amendment as the Michel amendment because it is not an absolute prohibition on food stamps to strikers, so called. It says that eligibility for food stamps shall be based upon eligibility for general assistance, not the food stamp program itself.

Mr. WHITTEN. Mr. Chairman, in view of the statement made by the gentleman from Michigan, and having seen the amendment and having read it and understood it, I state that it calls for new duties to determine new regulations for eligibility, therefore it is definitely legislation on an appropriation bill.

The CHAIRMAN (Mr. WRIGHT). The Chair is ready to rule.

The Chair has carefully read the amendment.

In the first place, it is not identical to the amendment previously offered, nor is it subject to the interpretation that it would simply do exactly the same thing as the amendment previously offered and rejected. It is clearly distinguishable in its provisions.

As to the second question, that of its being rendered out of order because it supposedly requires affirmative actions on the part of an administrator, the Chair believes that the latter part of the amendment—to which the gentleman from Mississippi has referred—simply provides an exception to the application of the limitation imposed by the first part of the amendment. It does not impose additional duties. The Chair holds that the amendment offered by the gentleman from Michigan (Mr. BROWN), is in order and overrules the point of order.

The gentleman from Michigan (Mr. BROWN) is recognized for 5 minutes in support of his amendment.

The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman and my colleagues, I shall not belabor this question further, except to say that I think the amendment I have offered puts the whole question of the use of food stamps by participants in a strike in the proper context.

In philosophy it is correct, because it is not an absolute prohibition. It says that food stamps may be given to strikers. It says that food stamps may be given to strikers if there would be direct relief, general assistance available to that family; if their economic situation is such as to justify direct assistance or general assistance, and then food stamps could be used.

I think this is the proper posture for this Congress to be in because I have regularly in the past, as many of you know, opposed the so-called Michel amendment or a complete prohibition of food stamps to strikers.

Furthermore, my amendment does not terminate food stamps to those employees who are eligible, even while working. If they were eligible for food stamps while working and are on strike, they would continue to be eligible for food stamps and there would be no question about that. If their economic situation justifies food stamps while they are employed, it would continue to justify them when they are not employed.

Mr. Chairman, a further point in my amendment is that it makes households eligible for food stamps—and this is the most significant aspect of the amendment—it makes households eligible for food stamps even though the unemployment of the member of the family is voluntary and he has refused to accept employment or registration therefor.

In this respect, it differs from the general eligibility requirements of the present food stamp program and the program for aid to dependent children or some other programs where work registration or a work requirement mandate is included. All of these require some showing of availability for and willingness to accept other employment.

Probably in that feature, it is most significantly different from the others.

Yet, it says that food stamps will not be available to someone who is voluntarily unemployed—voluntarily—because he is on strike—unless his economic condition meets the eligibility standards of general assistance rather than the eligibility standards of the food stamp program, the ADC program, or some other similar program.

I think with this test we set the proper determination of eligibility for food stamps in those cases where the economic situation of a family is dependent upon the fact that the breadwinner of the family is on strike.

Mrs. SULLIVAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the 5 minutes but I want to bring out certain points.

Mr. Chairman, this amendment discriminates not so much against strikers—but among the strikers, or people who are out of work because of a labor dispute.

Let us look at what the amendment would do.

In 27 States it would require striking fathers to abandon and desert their families in order to make the children eligible for food stamps.

Is this what the gentleman from Michigan wants to do and this is what he wants to accomplish with his amendment?

In a family where there are no young children, there may be grandparents or elderly brothers and sisters and under this amendment no food stamps could be made available because the family could not qualify regardless of the need, because they would not fit into the category of aid to dependent children. Elderly people can get hungry too—so why punish them?

Mr. Chairman, I feel there is a great deal of misunderstanding on the part of the public about the eligibility of striking workers for food stamps. Most people seem to think that anyone who goes on strike is immediately eligible for food stamps—and that is not true.

The family must be in need, not only by reason of low income, but also of low liquid or nonliquid assets. It must qualify financially in the same way any needy family qualifies. But many people have the idea that strikers get special privileges in obtaining food stamps. That is not true.

Mr. BROWN of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I believe the gentlewoman from Missouri has missed my point. It is not the ADC program that is the judge; it is not that family aid program. It is the program of general assistance provided by the States that determines the eligibility requirements and generally these provide assistance irrespective of any technical details of eligibility. If the family is in such an economic situation that it would be entitled to direct relief, the family would be eligible for food stamps.

Mrs. SULLIVAN. I thoroughly understand what the gentleman said. In 27 States they would not qualify under what the gentleman is trying to do.

Mr. BROWN of Michigan. I think the gentlewoman is wrong.

Mr. WHITTEN. Mr. Chairman, for all practical purposes, this is the same amendment as the previous amendment, except that it carries new duties and new changes in eligibility requirements, which is the point I raised earlier. But for all practical purposes it is directed to the same end. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BROWN).

The question was taken; and on a division (demanded by Mr. BROWN of Michigan) there were—ayes 56, noes 108.

So the amendment was rejected.

Mr. CHAMBERLAIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have taken this time

so that I might direct a question to the chairman of the subcommittee or to the ranking minority Member or to others familiar with this legislation as to what is provided in this bill for research on the cereal leaf beetle.

As background information for those not familiar with this pest, the cereal leaf beetle accidentally came into our country in 1962, and it was first detected in my home State of Michigan. The beetle has been tremendously destructive over the years, and I am concerned that it has now moved into 12 States and threatens to spread over the breadbasket of our country. As this insect builds up, there is a direct economic loss to grain producers, to the States, and to the people.

Up until the time when there was an emphasis put on researching for a nonchemical means of controlling the pest, the only way to stop the beetle from destroying tons of grain was through the use of hard chemicals. The real cost to society is unmeasurable in terms of the environmental damage that occurs when any chemical is spread on millions of acres of land.

That is why it is so necessary to find an alternate means of dealing with the pest, and this takes money for research.

I am strongly in favor of finding ways to stop using chemicals. I also am aware that there is just not enough money in the Federal budget to meet all the needs of what everybody says they would like to have done.

We have come a long way since an appropriate amount of funds were specifically earmarked for cereal leaf beetle research as a part of the agriculture appropriations bill.

Back in 1964, in the southern part of Michigan, the beetle was attacking the tender young shoots of oats, wheat, and corn. My colleague (Mr. HUTCHINSON) and I explained the importance of cereal leaf beetle research to the other Members of the House. The emphasis then was on how to control the pest. I remember that he remarked:

> We do not even know how to trap this bug. All we can do is go out in the fields with a net and hope that we can capture some.

Today the emphasis is on how to control the pest without the use of chemicals. For the past several years, considerable research has been conducted on the beetle at Michigan State University at East Lansing. Much has been accomplished through research and we are thankful for the work being done to alleviate this problem.

Michigan State University clearly has taken the role of international leadership in the design and implementation of a management program for the cereal leaf beetle. MSU's rearing program for the Tetrasticus julis, the principal larval parasite of the cereal leaf beetle in the United States, has provided material for release of the parasite in surrounding States. Last year over 400,000 parasites were moved to new locations throughout the infested region. It is imperative that this number be exceeded by several hundred thousand this year. But, this cannot be done without funds.

I have been told by those associated with the research project that a conservative estimate of the cost to collect or rear the parasite used to control the cereal leaf beetle under cnventional methods would be 50 cents each. At this rate, MSU has produced in 2 years over $500,000 worth of parasites. However, the university received last year $40,000 of the Federal appropriation of $150,000 for cereal leaf beetle research. I congratulate those people who are involved in the research program at MSU for their dollar-saving accomplishments.

At the present time, four States and the Province of Ontario are submitting samples and data to Michigan State University for analysis and interpretataion.

Confronted with the problem of how to control insect pests that damage our food grains without spreading chemicals that are damaging to our people and animals, MSU research has progressed rapidly in the area of environmental interaction. In addition, the university provides leadership in the much larger research area of environmental management and design. In fact, entomologists are now finding immediate application through cereal leaf beetle research to other insects like the alfalfa weevil and fruit insect pests. The same approach will most probably work well with numerous other pest complexes.

In addition to these implications, the Michigan program has provided some very specific and large dollar savings to the U.S. Department of Agriculture programs. However, as we all know, the resources of both the Michigan State University and the USDA are spread especially thin over a broad area of investigations.

Scientists are studying grain plant-insect interactions, insect population-parasite interaction and soil-grain plant relationships to provide pest control recommendations for the United States. I might mention here that the cereal leaf beetle program is one of the best examples of cooperation between Federal, State, and foreign research scientists, agriculture extension, plant quarantine personnel, and farmers.

We must remember, however, that the cereal leaf beetle still continues to be one of this country's principal threats to the economic production of small grains. I feel we must consider the need for additional funds to support the present modest funding of this program.

Mr. Chairman, I would like to direct a question to the chairman of the committee or to the ranking member with respect to provisions contained in the bill to provide funds for research to meet the problem of the cereal leaf beetle, which has become so acute in the Midwestern section of our country. Could the chairman advise me of the provisions in the bill for the continuation of this important research?

Mr. WHITTEN. I know the gentleman from Michigan has had a long-time interest in the cereal leaf beetle problem. I know in the subcommittee it was treated as a serious problem.

In answer to the gentleman's question, I might say that in 1972 the committee recommended and the Congress provided $612,300, of which approximately $28,900 were frozen. For the coming fiscal year we have provided $634,400 to carry on this extensive program.

Mr. CHAMBERLAIN. Mr. Chairman, is this total sum directed toward the cereal leaf beetle?

Mr. WHITTEN. Yes, Mr. Chairman, the additional funds provided last year began some important new work. At East Lansing, Mich., we have a cooperative agreement which involves the identification, evaluation, and utilization of germ plasm resistant to the cereal leaf beetle. That is going on at East Lansing, Mich., and the gentleman is familiar with that.

Then we have a program going on at Lafayette, Ind., where research on developing wheat and other cereals resistant to the cereal leaf beetle has been expanded.

At Moorestown, N.J., we have a large quantity of parasites collected in Europe and shipped to the ARS Parasite Introduction Laboratory at Moorestown, and research in that phase is going on there. So we are carrying on research in these three different locations in an effort to find the answer and alleviate the problem.

Mr. CHAMBERLAIN. Mr. Chairman, is it true that last year the funds appropriated by the Congress were not all made available to continue this research?

Mr. WHITTEN. It was $28,900, according to my information, that was frozen.

Mr. CHAMBERLAIN. Of what amount?

Mr. WHITTEN. Particularly out of the $150,000 addition for work on nonchemical alternatives to control this pest. The total work is $612,300 for 1972.

Mr. CHAMBERLAIN. I would like to say to the distinguished chairman of this committee that if the same $600,000 was available, that this does not square with information I have had. I have been told only $150,000 was available for this research.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I think the record will show that for the nonchemical portion of the cereal leaf beetle program the gentleman is correct. It is that amount.

It disturbs us, and it is disturbing to a Member like this gentleman from Illinois, because where the cereal leaf beetle once used to be confined only to a small portion of the State of Michigan, it is spread now to the breadbasket of the country, to Ohio and Illinois and other States.

If we cannot do anything else through this colloquy, perhaps we can stir up the people downtown and convince them it is an urgent problem. Specifically, we talk in terms of millions of dollars for the fire ant, which we have in this bill, and for which we have been appropriating millions year after year and we ought to be able to get more action on the cereal leaf beetle. The gentleman does a service in bringing it up each year, but he would like to have some action, as would the gentleman from Illinois.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, we appropriated last year $150,000 for nonchemical control; $28,900 was frozen. In this bill we reappropriated that amount.

I do not know what the answer to the gentleman's problem is.

May I say that as far as financing is concerned, the Office of Management and Budget has exercised a lack of judgment. Funds have been frozen repeatedly. We ought to strike "management" out of the Office of Management and Budget. That is what the problem is, and that is what my problem is. If the gentleman can tell us how to handle it, I will appreciate it.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, with the chemical control programs that could be used, we have a problem. We have moved toward trying to find a kind of parasite which would feed on the cereal leaf beetle.

Mr. CHAMBERLAIN. This is precisely the point. No longer are we able to use the hard chemicals we have. We have this beetle spreading in the breadbasket of America, and we are only appropriating $150,000 for research to meet this blight.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. CHAMBERLAIN. I yield to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, it is an unfortunate fact in history that this pest first appeared in the United States in the southwest corner of Michigan. I recall how hopeful we were at the outset that we could stop the spread of the cereal leaf beetle at its very inception, and that perhaps we could confine it to only one or two or three counties in Michigan, but that did not come about. Perhaps it was not only a matter of funding. Maybe it was a matter of technology and research. But I was distressed in the early years at the slowness with which there seemed to be any progress made. I only hope that this pest can be stamped out before it covers the whole country.

Mr. CHAMBERLAIN. I thank the gentleman.

I would say to my colleagues, that I talked this morning with the director of agriculture of the State of Ohio. He told me that one-third of the counties of that State were infested with this pest.

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield further, this committee has been advised of this problem many times, and we are in sympathy as to trying to correct it.

In trying to meet that problem, some time ago it was my suggestion that we provide $2 million in here for research. That fund is available to meet extra needs.

The Department has testified that the funds we have in this bill are the funds they can use. If there is a chance that they can use more advantageously, they do have a $2 million fund they can use.

Mr. CHAMBERLAIN. I thank the chairman. We appreciate his cooperation and his assurances.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BADILLO: Page 47, immediately after line 11, insert the following new section:
>
> "SEC. 509. No part of the funds appropriated under this Act shall be expended for the National Agricultural Research Advisory Committee or the Agricultural Research Policy Advisory Committee as presently structured."

Mr. BADILLO. Mr. Chairman, every year countless thousands of small farmers, farmworkers, and their families are forced to leave the land and search for employment opportunities and some form of economic security elsewhere. Tragically, these are elusive goals and these displaced people are pouring into the cities, exacerbating already very difficult urban problems and further contributing to our urban crisis. Generally unaccustomed to city life, these victims of what some consider as agricultural progress do not have skills which can be effectively utilized in urban America, most centers of which are already plagued by serious unemployment crises.

One of the primary causes of this current state of affairs is the fact that there has been a serious failure in the rural sector and this failure can be directly attributed to the misdirected priorities and ill-conceived policies of giant agribusiness concerns and many land-grant institutions. Instead of taking affirmative action to cope with growing agricultural unemployment and the failure of small farms, the land-grant complex and agribusiness interests are more concerned with developing new strains of grasses for golf courses and athletic fields or with the production of fruits and vegetables which can be harvested by machines, thereby further displacing farmworkers.

This situation has been very well documented in an important study conducted by the agribusiness accountability project. In its report this group clearly shows that agribusiness and large agriculture and technical universities are primarily responsible for the difficulties in rural areas which, in turn, have generated major problems in our cities.

As this report, "Hard Tomatoes, Hard Times," has very aptly observed:

> Rural people, including the vast majority of farmers, farm workers, small town businessmen and residents, and the rural poor, either are ignored or directly abused by the land grant effort.

It continues by stating that those people—estimated to be about a million each year—who annually pour out of rural America into the cities are the "waste products of an agricultural revolution designed within the land-grant complex."

Today we are appropriating hundreds of millions of dollars for various agricultural research programs to be conducted by the USDA itself, State agricultural experiment stations, land-grant colleges, and private organizations. I imagine a certain percentage of this research will prove to be worthwhile and productive. On the other hand, however, I wonder how many more Americans will be confronted with the harsh facts of a lost farm or unemployment in 1 year, 5 years, or 10 years as the result of some new discovery to further reduce the need for farmworkers or to enable narrow agricultural interests to increase their profits at the expense of the small farmer and rural poor?

The sad fact is that, bowing to the financial enticements of gigantic agribusiness firms, the land-grant complex has seriously deviated from its basic foundation and has clearly abandoned its historic mission to serve rural people and American consumers. Land-grant institutions' research has focused on projects which primarily aid agribusiness and, in fact, there are numerous instances in which corporations have earmarked contributions to land-grant schools for specific research projects designed to promote or test their own products. Furthermore, there are reports that the consumer is being victimized by this unhealthy relationship. Many crops are being bred primarily for easier harvesting by increased mechanization and little, if any, consideration is given to quality or food value.

What is particularly disturbing, Mr. Chairman, is that the USDA is encouraging this relationship. For example, the basic policymaking body for the research budget is the Agricultural Research Policy Advisory Committee. This is an internal orangization which reports directly to the Secretary. Members of this committee are taken from the USDA and the land-grant community, and it represents what may be considered the agricultural research establishment. Although this committee is supposed to receive information from the public, as well as from the scientific community and the land-grant USDA research establishment, there is absolutely no representation from consumer organizations; small independent family farmers; farmworkers or labor groups; minorities; or the several other sectors which have a very real interest and an important stake in the decisions made by this committee.

Foremost among the USDA's advisory groups is the National Agricultural Research Advisory Committee. This organization also fails to include any broad community or grassroots representation. Its 11 members presently include spokesmen from such large firms as Del Monte, Crown Zellerbach, Agway, and the Peavey Co. Flour Mills. Also, there are representatives of the Nutrition Foundation, an industry-sponsored organization, and the omnipresent American Farm Bureau Federation. How can these people presume to speak for the Mexican-American or Puerto Rican farmworker, for any consumer or environmental interests, or for the family which is breaking its back to keep its small, independent farm in operation?

This situation is representative of the convenient relationship which exists between agribusiness and the land-grant complex, and demonstrates why initiatives must be taken to correct the present inequity. Clearly those groups and individuals who are directly, and in most instances adversely, affected must have a say as to the nature and direction of agricultral research. New and more realistic priorities must be stablished and narrow, special interests must not be permitted to exert the sole influence on agricultural research policy.

The current imbalance and unrepresentative nature of the Agricultural Research Policy Advisory Committee and the National Agricultural Research Advisory Committee is symptomatic of the urgent need for new priorities in agricultural research and the necessity to return the land-grant complex to those principles upon which it was founded. The amendment I am offering this afternoon provides that neither of these two advisory bodies will receive funds as they are presently structured. It will be incumbent upon the Secretary of Agriculture to restructure their membership to insure that they are truly representative and that all pertinent sectors of American society have an opportunity to participate in determining the type of research to be conducted. Both of these committees should be reconstituted so that a majority of the total membership of each one represents legitimate spokesmen for consumers, environmentalists, independent family farmers, farmworkers, minorities, small town businessmen, rural public officials, and other interested persons who are directly affected by the work of the land-grant complex.

I believe my amendment will pave the way for giving a voice to those who have been silenced for too long and that it will hopefully correct the serious imbalance which presently exists. I believe that with a broader based membership the research priorities of land-grant institutions can be carefully examined and reassessed and that their energies and resources can be redirected. Certainly more emphasis must be placed on the ways in which to aid farm families to remain in their rural homes, to help migrant farmworkers meet their special needs and to work toward improving the overall circumstances of rural Americans. I urge our colleagues to support my amendment and to restore equity to the small, independent farmer, the farmworker, and the American consumer.

I should like to read the list of the present members of the National Agricultural Research Advisory Committee. They are:

Appendix G: Biographical Sketches of Members of National Agricultural Research Advisory Committee

DR. ORVILLE G. BENTLEY, DEAN, COLLEGE OF AGRICULTURE, UNIVERSITY OF ILLINOIS, URBANA, ILL.

Dr. Bentley is Dean of the College of Agriculture at the University of Illinois. He has a B.S. degree from the South Dakota State University at Brookings, South Dakota; M.S. and Ph.D. in biochemistry from the University of Wisconsin. He previously was Dean of Agriculture and Director of the Experiment Station at South Dakota State College. Dr. Bentley is a member of the National Research Coucil, American Chemical Society, Society of Animal Science and the Nutrition Institute. He received the American Feed Manufacturers Association award in 1958. He served as a major in the Chemical Warfare Service from 1942 to 1946.

JOHN GAMMON, JR., ROUTE 1, BOX 252, MARION, ARK.

Mr. Gammon operates a 1,000-acre cotton, rice, swine, and fish farm. He resigned from the Resettlement Administration to return home and take over the 200-acre family farm devoted mostly to cotton in 1936. Mr. Gammon is a graduate of Arkansas A.M. and N. College. He is president of the Negro division of the Arkansas Farm Bureau Federation and manager of the cooperative cotton gin in his county.

DR. CHARLES E. GEISE, DIRECTOR OF AGRICULTURAL RESEARCH, DEL MONTE CORPORATION, SAN LEANDRO, CALIF.

Dr. Geise is Director of Agricultural Research for the Del Monte Corporation, processor of fruits and vegetables. He received a B.S. degree from Purdue University and an M.S. and Ph.D. in horticulture from Iowa State College. He previously was a sweet corn breeder, superintendent of the agricultural research and seed department, and manager of the research division of the California Packing Corporation. Dr. Geise is a member of the Society of Agronomy and the Society of Horticultural Science.

DR. PAUL B. PEARSON, PRESIDENT AND SCIENTIFIC DIRECTOR, THE NUTRITION FOUNDATION, INC., NEW YORK, N.Y.

Dr. Pearson is a graduate of Brigham Young University, Montana State College and the University of Wisconsin. He holds a Ph. D. degree in biochemical nutrition from the latter institution. He was formerly employed as a Research Associate, University of California; Dean of the Graduate School and Head of the Department of Biochemistry and Nutrition, Texas Agricultural and Mechanical College; Chief, Biological Branch, United States Atomic Energy Commission; Professor, Johns Hopkins University and science and engineering program of the Ford Foundation. He has served on several committees of the National Research Council attending many international meetings as U.S. delegate. He is a member of many scientific organizations including the American Association for Advancement of Science, American Chemical Society, American Institute of Nutrition, London Biochemical Society, and American Society of Biological Chemists.

CLARENCE W. RICHEN, VICE PRESIDENT, NORTHWEST TIMBER OPERATIONS, CROWN ZELLERBACH CORPORATION, PORTLAND, OREG.

Mr. Richen was first employed by Crown Zellerbach in 1939 as forestry consultant, while he was on the faculty of the Oregon State University School of Forestry of which he is a graduate. In 1942 he joined the Company's Portland Timber Department, becoming Chief Forester in 1946. He is on the Board of Directors of the Industrial Forestry Association, a trustee and executive committee member of the Western Forestry Association; a member of the Pacific Northwest Forest Experiment Station Research Advisory Committee; member of the Committee on Forestry Research of the Agricultural Board of the National Academy of Sciences, and of the Cooperative Forestry Research Advisory Committee (established under the McIntyre-Stennis Act of 1962).

CECIL H. ROBINSON, ROUTE 1, DELAWARE, OHIO

Mr. Robinson produces, processes, and markets hybrid seed corn, certified wheat, oats, and soybean seed. He also produces about 1000 hogs annually, mainly Yorkshires. He is past president, Ohio Seed Improvement Association; has served on Grain Advisory Committee, Farm Bureau; was Chairman of County Agricultural Extension Committee; and member of the State Committee. In 1962 he served on the People-to-People Mission in Eastern Europe. Mr. Robinson is a graduate of Ohio State University where he majored in agricultural engineering and rural economics.

FRANK SCHUSTER, ROUTE 1, BOX 82, SAN JUAN, TEX.

Mr. Schuster operates a 1400-acre farm in the lower Rio Grande Valley of Texas, of which about 50 percent is devoted to vegetable production. He specializes in spinach, turnip, mustard, kale, and collard greens and broccoli for freezing and canning, with smaller amounts of the same for the fresh market. He also grows about 150 acres of onions annually, with smaller acreages of tomatoes, cukes and peppers—all acreage under irrigation. Mr. Schuster is a strong supporter of research, and participates in the research programs of the Texas Agricultural Experiment Station by furnishing land and other production facilities and services. He is chairman of the Vegetable Subcommittee of the Agricultural Advisory Committee of the Texas A&M University; past president of Hidalgo County Farm Bureau; chairman of the Rio Grande Valley Farm Bureau's Fruit and Vegetable Committee; chairman of the Agricultural Committee of the Rio Grande Valley Chamber of Commerce; has been active in supporting the several marketing agreement and order programs now operating in the Lower Valley; and is a member of the Southern Texas Onion Committee. Mr. Schuster served in the U.S. Armed Forces 1943–1946. He was a member of the Horticultural Crops Research Advisory Committee, USDA.

ELTON R. SMITH, PRESIDENT, MICHIGAN FARM BUREAU, LANSING, MICH.

Mr. Smith farms a 388-acre dairy farm in Kent County, Michigan. He is a prominent Guernsey breeder, president of the Michigan Guernsey Breeders Association, and in 1963 was named Michigan Dairyman of the Year. He received the Michigan State Distinguished Service to Agriculture Award, has been active in a variety of livestock organizations and for ten years has been on his county Soil Conservation District Board. He has been very interested in research on pesticide problems and was helpful in establishing a pesticides research laboratory in Michigan State University. Mr. Smith has been president of Michigan's Farm Bureau since 1964, president of the Michigan Farm Bureau Services, and is a director of the American Farm Bureau Federation.

J. W. STILES, VICE PRESIDENT, DEVELOPMENT, AGWAY, SYRACUSE, N.Y.

Mr. Stiles is Vice President, Development for AGWAY, a cooperative organization serving the Eastern United States. He served for ten years as Director of Research for the Cooperative G.L.F. Exchange. Mr. Stiles is a graduate of Cornell University, a member of the American Society of Agricultural Engineers, American Grassland Council, and the Agricultural Research Institute.

DR. BETTY SULLIVAN, 4825 QUEEN AVENUE, SOUTH, MINNEAPOLIS, MINN.

Dr. Sullivan is a graduate of the University of Minnesota and the University of Paris (France) where she majored in biochemistry. She was employed in 1924 in milling research by Russel Miller and served as Director of Research and Vice President of the Peavey Company Flour Mills. Dr. Sullivan has been President of the American Association of Cereal Chemists, Chairman of the Minnesota Section of the American Chemical Society and is a member of the Council of the American Chemical Society. She is a member of Societie Biologique de France, New York Academy of Science, American Association for the Advancement of Science, and the American Society of Bakery Engineers. She has served as Chairman of the Technical Advisory Committee and is a member of the Flour Standards Committee of the Millers' National Federation.

PEDRO F. TIRADO, GPO BOX 2075, SAN JUAN, P.R.

Mr. Tirado is Agricultural Advisor (Agrarian Reform) to the Agriculture and Rural Development Office (ARDO) of the U.S. Agency for International Development. He previously served in a similar capacity with the U.S. AID Missions to Brazil, Costa Rico, Bolivia, and Guatemala. He also has been employed as Regional Director of Agriculture, Department of Agriculture of Puerto Rico at Ponce, P.R.; as a soil scientist and agronomist with the International Cooperation Administration, U.S. Department of

State; and as acting chief USOM Agricultural Division in Honduas. He was a soil scientist with the Institute of Interamerican Affairs in Asuneion, Paraguay, and a soil conservationist (research) at the Puerto Rico Agricultural Experiment Station at Rio Piedras and Mayaguez.

Mr. Tirado has a B.S. degree in agronomy from the University of Puerto Rico and an M.S. in agronomy from the Texas A&M University. He also attended the USDA Graduate School and the State Department Foreign Service Institute.

Mr. Chairman, I include the membership of the Agricultural Research Policy Advisory Committee and an article from the New York Times:

MEMBERSHIP OF THE AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

COCHAIRMEN

Director of Science and Education, U.S. Department of Agriculture.

A President of a Land Grant College or University, to serve for a four year term.

MEMBERS

Federal

Administrator, Agricultural Research Service, USDA.

Administrator, Cooperative State Research Service, USDA.

Administrator, Economic Research Service, USDA.

Administrator, Farmer Cooperative Service, USDA.

Administrator, Federal Extension Service, USDA.

Deputy Chief for Research, Forest Service, USDA.

Administrator, Statistical Reporting Service, USDA.

State

Member, Division of Agriculture, Executive Committee of the National Association of State Universities and Land Grant Colleges (NASULGC).

Chairman, Experiment Station Committee on Organization and Policy (ESCOP) of NASULGC.

Chairman, Association of State Colleges and University Forestry Research Organizations (ASCUFRO).

One State Agricultural Experiment Station Director from each of the four regions to serve four year staggered terms.

Ex-Officio (not-voting)

USDA and SAES Cochairman, ARPAC Research Program and Facilities Subcommittee.

Director of Agricultural Economics, USDA.

Director, National Agricultural Library, USDA.

Director, Planning Evaluation and Programming Staff, USDA.

A representative from each of the following:

National Agricultural Research Advisory Committee.

Bureau of the Budget.

Office of Science and Technology.

Agricultural Research Institute.

Agricultural Research Board, National Academy of Sciences.

USDA members will be appointed by the Secretary of Agriculture.

State members will be appointed by the President of the National Association of State Universities and Land Grant Colleges.

Ex-officio members will be appointed by the appropriate person in those organizations.

Source: "Agricultural Research Policy Advisory Committee." Secretary's Memorandum No. 1657. June 16, 1969, USDA, pp. 2–3.

[From the New York Times, June 1, 1972]

STUDY FINDS AGRICULTURAL COLLEGES FAIL TO AID CONSUMERS OR RURAL TOWNS

(By William Robbins)

WASHINGTON, May 31.—The big agriculture and technical universities of the United States have strayed so far from their original research mission of aiding consumers and rural communities that they injure the people they were intended to serve, a study by a public-interest research organization has found.

As a result, the group said in a report released today, those institutions have been largely responsible for troubles in rural areas that have generated major problems in the cities.

The group, the Agribusiness Accountability Project, said that the big universities had focused on research that favored big, agriculture-oriented corporations and the biggest producers while neglecting the more numerous small farmers, farm workers and others in rural communities and nearly ignoring the interests of consumers.

A 6-MONTH STUDY

About a million displaced people a year are pouring into the cities as "the waste products of an agricultural revolution designed within the landgrant [college] complex," the report said, adding:

"Today's urban crisis is a consequence of failure in rural America. The land-grant complex cannot shoulder all the blame for that failure, but no single institution—private or public—has played a more crucial role."

At a news conference on the report called today by the research team, Henry Fortmann, northeast regional coordinator for the universities' experiment stations, rose to deplore the study, which he charged derided serious and dedicated researchers. He said, however, that he had not read the report.

Meanwhile, a spokesman for the National Association of State Universities and Land Grant Colleges, which represents the institutions studied, said: "The association believes the report requires careful study and it intends to analyze its contents fully before responding to them in detail." He issued a preliminary statement for the association saying:

"Great agricultural achievements are not accomplished without some side-effects, and the accusation that the land-grant colleges and universities have been taken over by the great food conglomerates and have driven the little farmer out of business tends to overlook the dazzling array of abundant foods this cooperation has made available."

The report, titled "Hard Tomatoes, Hard Times," documents the findings of a six-month study. It will be the basis of a lawsuit planned by the Agribusiness Accountability Project against public and educational officials involved. It will also be the subject of hearings called today by Senator Adlai E. Stevenson 3d, Democrat of Illinois, who is chairman of the Senate Labor Committee's Subcommittee on Migratory Labor.

The study was made by a team of 12 researchers headed by James Hightower, who is the director of the project and the author of the report.

The research group is a Washington-based organization financed by the Field Foundation and sponsored by the Ford Foundation. It is often mistaken for efforts started by Ralph Nader, the consumer advocate, but they are unrelated even though their aims and techniques are similar.

Following are the major charges contained in the report.

The land-grant institutions' research has focused on projects that primarily aid agribusiness and the biggest producers, such as a two-story factory at Cornell that tests manufacturing methods for processers and, elsewhere, the development of big and costly planting and harvesting machinery.

A "cozy" relationship exists between land-grant researchers and big companies like the Chemagro Corporation, which was cited as obtaining a university study of one of its chemical products for a contribution of $500,000. The report said corporate benefits to land-grant personnel such as consultant fees raised serious questions of conflict of interest.

The institutions abuse the consumer by breeding crops primarily for easier harvest by the big machines, with little regard for quality or food value. It cited the "hard" tomato, developed by the University of Florida for mechanical picking.

Many projects, called "research of the absurd," are merely frivolous, such as a mechanical test to calibrate how hard shoppers should squeeze a grapefruit to determine its firmness and texture.

CONSUMER WELFARE CITED

The concept of land grant colleges—schools endowed with public lands or the monetary equivalent and offering an opportunity for an education of the children of 19th-century farm and factory workers—originated in the Morrill Act of 1862. But the major provisions for research were made in the Hatch Act of 1887.

The Hatch Act provided for "researches basic to the problems of agriculture in the broadest aspects, and such investigations as have their purpose the development and improvement of the rural home and rural life and the maximum contribution by agriculture to the welfare of the consumer."

That is where the Land Grant system has failed, the research group charges. "It has abandoned that historic mission," the report said, continuing:

"In fact, consumer interests are considered secondarily, if at all, and in many cases the complex works directly against the consumer. Rural people, including the vast majority of farmers, farm workers, small town businessmen and residents, and the rural poor, are ignored or directly abused by the land-grant effort."

The report acknowledges: "American agriculture is enormously productive, largely due to research conducted through the land grant college complex." But it adds: "The question is whether the achievements outweigh the failures, whether benefits are overwhelmed by costs."

SEVERE JUDGMENTS MADE

The report, though it makes frequent disclaimers of suspicion about the motives of its subjects, often uses harsh terms and makes severe judgments.

There has been little effort to develop machinery that small farmers—the vast majority—could afford to buy and use on limited acreage, it said.

And it reserved a large portion of criticism for the fact that only 5 percent of the institutions' 6,000 man-years of research annually is devoted to "people-oriented" propects, such as plans to improve the quality of rural life.

Citing $750-million-a-year in public funds—Federal, state and county—going to the agricultural divisions of the colleges and to related experiment stations and research facilities, the research group asserted:

"The public has a right to expect that those intellectual and scientific resources be more than a subsidy for corporate agribusiness."

The report urged a new look at the priorities of the land-grant institutions, with a view toward redirecting energies and resources. It said more emphasis should be put on ways to help people stay in their rural homes and to improve their circumstances.

It also urged legislation to prohibit private business from earmarking contributions for projects that would primarily serve their own interests and to prohibit professors and university officials from accepting fees or outside jobs that might create conflicts of interest.

The research team documented its charges with findings from a study of research reports from the universities themselves as well as with the results of interviews and investigations on several campuses.

Among projects that primarily serve big producers, the report cited those designed to mechanize the harvest of 25 food crops, from apples to tomatoes, with efforts often duplicated at several campuses. Five institutions, for example—the Universities if Arkansas and Illinois and Iowa States, Louisiana State and Ohio State—are at work on mechanizing the harvest of strawberries, it said.

Cornell, in addition to building its factory to test methods of production for food processors, studied, in cooperation with the National Association of Food Chains, the profitability of members' operations, the report said.

Similarly, it went on, Ohio State tested plastic-coated cartons for dairy products; Virginia Polytechnic Institute studied factors affecting the shelf life of sweet-potato flakes, and the University of Wisconsin developed a fast process to produce mozarella cheese that was "mild but satisfactory for normal uses."

"To a large extent," the report said, "agribusiness firms bought their way into the [land-grant] community." The researchers cited substantial totals of contributions, such as $227,158 in 1970 by chemical, oil and drug companies for research at the University of Florida's Institute of Food and Agricultural Sciences.

The individual grants found were usually small, but they apparently bought valuable research, such as the Chemagro Corporation test—also at the University of Florida—of "Chemagro 7375," an experimental nematocide or roundworm killer.

CLEANSING DOG'S TEETH

Along with projects like the test for correct methods of squeezing a grapefruit, the report grouped efforts such as attempts at Michigan State University to breed a seedless cucumber and to cross broccoli with the white cauliflower to produce a green cauliflower. It could find little utility in either product.

In the same category it classed a Cornell study, made with a grant from Superior Pet Products, Inc., on the cleaning of dogs' teeth.

And of a number of studies on the development and care of golf course grasses and athletic-field turfs, including two on "the heat-retaining properties of artificial turf," the report said:

"These researchers are playing around with games while rural America falls apart."

Even among projects apparently aimed at aiding rural people, the report found first appearance often illusory. Among rural housing studies, for example, it found such projects as a test at Iowa State on the effect of foot traffic on wood floors. Most such studies, it said, proved on close examination to be a service to agribusiness.

Others, it said, were aimless repetitions of analyses of rural conditions—projects that "tend to irrelevant studies of characteristics," such as a University of Tennessee study to "determine the relationship of education to migration" and a University of Missouri study to "determine the typologies of poverty among rural peoples."

The implications for the rural poor, the report said, are these:

"If they stay in rural America, a rural sociologist will come around every now and then to poke at them with a surgery."

Mr. SCHERLE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, when I came to Iowa from Texas there was very little I knew about farming. I utilized the services of Iowa State University for almost 24 years, starting out as a tenant farmer. The unlimited assistance provided to me by that land-grant college is something I have felt eternally indebted to for which I am grateful.

I do not think the land-grant colleges serve primarily conglomerates and huge corporations, because I started out pretty small, and believe me, through the help they provided, I was able to develop a going livestock and grain operation.

The president of Iowa State University, Robert Parks, one of the foremost presidents of a renowned land-grant college, would not even dignify the report described a moment ago with a reply. I would second his decision.

I ask my colleagues in the House to consider their own land-grant colleges in their own States which serve a tremendous purpose in helping all farmers, large and small alike. To say that they are captives of large groups is completely and utterly ridiculous.

I ask that the amendment be voted down.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

I received the document that the gentleman in the well read, and it is apparently a product of perhaps some brilliant people.

But having worked with this program in Congress for some 20-odd years I can see a total lack of background and understanding in that document. It is on the whole a very superficial report. And may I say that I have not seen the gentleman's amendment. I am advised that in this advisory committee there are not only some poor people but members of different races, and so forth, but be that as it may, whatever may be the membership of the present committee, I am sure that a letter from the gentleman to the present Secretary of Agriculture would certainly receive consideration.

We will not have any advisory committees for another fiscal year unless we defeat his amendment. If the Secretary would change one member of the committee it would void this amendment. The gentleman has sought this means, and properly so, to express his concern about some of the things that might be going on.

But, Mr. Chairman, I respectfully urge the Members to vote the amendment down because this is a matter again that should be gone into on a much more thorough basis. Further, it is only an advisory committee, but we certainly do not need to do without any committee for 12 months.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The amendment was rejected.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15690) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 33, not voting 53 as follows:

[Roll No. 248]

YEAS—346

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conover
Conyers
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Link
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch

McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—33

Anderson, Calif.
Archer
Ashbrook
Blackburn
Byron
Clancy
Conable
Conte
Corman
Crane
Derwinski
Devine
Eshleman
Fascell
Grover
Hall
Jacobs
Mailliard
Pelly
Pike
Riegle
Rousselot
St Germain
Schmitz
Schneebeli
Smith, Calif.
Van Deerlin
Waldie
Wiggins
Williams
Wolff
Wyatt
Wyman

NOT VOTING—53

Abernethy
Anderson, Tenn.
Baring
Bell
Betts
Boggs
Bray
Brooks
Broomfield
Burke, Fla.
Caffery
Chisholm
Clawson, Del
Clay
Davis, S.C.
Dent
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gallagher
Green, Pa.
Halpern
Hébert
Hosmer
Hunt
Karth
Kee
Lent
Lujan
McDade
McDonald, Mich.
Madden
Mathias, Calif.
Miller, Calif.
Mosher
Moss
Murphy, N.Y.
Nichols
Pirnie
Pucinski
Railsback
Ruppe
Shoup
Sikes
Skubitz
Slack
Wampler
Wydler

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Hosmer against.

Mr. Mathias of California for, with Mr. Lujan against.

Mr. Brooks for, with Mr. Broomfield against.

Mr. Mosher for, with Mr. McDonald of Michigan against.

Mr. Frelinghuysen for, with Mr. Wydler against.

Mr. Shoup for, with Mr. Halpern against.

Until further notice:

Mr. Dent with Mrs. Dwyer.

Mr. Edmondson with Mr. Bray.

Mr. Abernethy with Mr. Betts.

Mr. Pucinski with Mr. Railsback.

Mr. Murphy of New York with Mr. Clay.

Mr. Anderson of Tennessee with Mr. Pirnie.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Burleson of Texas with Mr. Bell.

Mr. Karth with Mr. Skubitz.

Mr. Moss with Mr. McDade.

Mr. Green of Pennsylvania with Mr. Hunt.

Mr. Miller of California with Mr. Lent.

Mrs. Chisholm with Mr. Gallagher.

Mr. William D. Ford with Mr. Ruppe.

Mr. Nichols with Mr. Wampler.

Mr. Sikes with Mr. Burke of Florida.

Mr. Davis of South Carolina with Mr. Del Clawson.

Mr. Slack with Mr. Erlenborn.

Mr. Madden with Mr. Dowdy.

Mr. Caffery with Mr. Baring.

Mr. Kee with Mr. Eckhardt.

Mr. MACDONALD of Massachusetts and Mr. GUBSER changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15587. An act to provide for a 6-month extension of the emergency unemployment compensation program.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1893) entitled "An act to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968; and

H.R. 6479. An act to provide for the licensing of personnel on certain vessels.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5065) entitled "An act to amend the Natural Gas Pipeline Safety Act of 1968," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. STEVENS, and Mr. WEICKER to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INCREASING RATES OF COMPENSATION FOR DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 8, after line 9, of the House engrossed amendment, insert:

SEC. 108. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title."

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable."

Page 8, line 15, of the House engrossed amendment, after " "(3)" insert "(A)".

Page 8, line 23, of the House engrossed amendment, strike out "thereto." " and insert "thereto."

Page 8, after line 23, of the House engrossed amendment, insert:

"(B) The Administrator shall submit an annual report to the Congress on January 1, 1973, and each succeeding year containing a brief summary, including a statement as to the disposition of each case recommended to him for equitable relief under this paragraph."

Page 13, after line 4, of the House engrossed amendment, insert:

(b) Section 108 shall take effect on July 1, 1973.

Page 13, after line 4, of the House engrossed amendment, strike out "(b)" and insert "(c)"

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the distinguished chairman of the Committee on Veterans' Affairs would give the House a word of explanation as to the content of the added-on Senate amendments over and above the House-passed bill, the objective they will reach and whether or not they are germane, plus the estimate of cost.

Mr. TEAGUE of Texas. The amendments are germane.

Mr. Speaker, between World War I and World War II, Korea and Vietnam, we have created a class of veterans called peacetime veterans, and they get 80 percent of the amount that other veterans get.

In the House bill, we did not recognize this.

In the Senate bill, they eliminated the peacetime veteran and gave them 100 percent, just like everybody else.

This is a matter of $54 million.

I think our committee agreed that you cannot separate the veterans. So their amendment says that this will be delayed for 1 year. Now they get the same increase that everybody else does. Next year and a year from now you put all veterans in the same category, and that is the way it should be done.

Mr. Speaker, the amendments are germane to the bill. With regard to cost, the Senate amendments would not initially add to the cost of the bill as passed by the House; however, I will explain its future cost impact.

At the outset, I should briefly state that the Senate and House versions are identical with respect to two of the major provisions of the bill; namely, a 10-percent increase in the rates of service-connected compensation payable to disabled veterans and a clothing allowance of $150 per year for service-connected disabled veterans who must wear or use certain prosthetic appliances and devices. Further, the Senate has agreed to five other liberalizing provisions of our House bill, four of which were specifically recommended by the VA and one was considered unobjectionable.

The original Senate bill contained a further provision designed to equate peacetime rates of disability compensation with wartime rates. For almost 40 years there has been a differential between the rates and since 1948 the peacetime rate has been set at 80 percent of the wartime rate. The House version did not contain this provision. The only Senate amendment which is substantive in nature would restore this provision to the bill but defer the effective date of such equalized peacetime rates until July 1, 1973. The estimated cost of this provision is approximately $54 million the first year but, as I have indicated, such cost would not have any budgetary impact until fiscal year 1974. Under these circumstances, and in the light of the urgent need to provide compensation increases generally to the over 2 million disabled veterans, I urge the House to concur in the Senate amendments and thus clear the bill for action by the President.

Mr. Speaker, I may say that this provision of the Senate bill received careful consideration by both the subcommittee and the full Committee on Veterans' Affairs. The decision not to include it in our reported House version was based not so much on a decision on the merits but rather a consensus among the members that a double increase, in effect, for the peacetime group of over 37 percent at this time was probably unwarranted. It is because of the deferred effective date of the Senate amendment; namely, July 1, 1973, that I believe we are justified in acquiescing in the restoration of the Senate provision under this condition.

Mr. HALL. I thank the distinguished gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I do not believe the gentleman answered the question as to whether the Senate amendments are germane or all the amendments are germane to the bill?

Mr. TEAGUE of Texas. I do not know how I could have been more positive in saying that they are germane. I said that in the beginning.

Mr. GROSS. I thank the gentleman. I did not hear the gentleman.

Mr. TEAGUE of California. Mr. Speaker, further reserving the right to object, I concur in the statement made by the gentleman from Texas. The amendments are germane, and I recommend that we act favorably on this.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNUAL REPORT ON NATIONAL HOUSING GOALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-319)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency and ordered to be printed, with illustrations:

To the Congress of the United States:

I am pleased to transmit herewith the fourth annual report on National Housing Goals, as required by Section 1603 of the Housing and Urban Development Act of 1968.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1972.*

ANNUAL REPORT FOR 1971 ON AGRICULTURAL EXPORT ACTIVITIES UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-318)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed, with illustrations:

To the Congress of the United States:

I am pleased to transmit to the Congress the annual report for 1971 on agricultural export activities carried out under Public Law 480. During the year, this program has continued its notable success both as an instrument of development assistance and as a means of promoting the growth of U.S. agricultural exports.

In more than 60 countries throughout the world, Public Law 480 concessional sales and donations in 1971 helped to meet critical food import requirements while mobilizing local resources in support of fundamental, long-run development efforts. Major recipients included India, Korea, South Vietnam, and Indonesia. In helping such nations to help themselves, the Public Law 480 program contributed significantly to greater economic progress and welfare as reflected in the expanding Green Revolution and rising levels of family income.

This progress was also reflected in the growing commercial demand for a broad range of U.S. agricultural products. With large commercial purchases and total U.S. agricultural exports at a near record of $7.7 billion in calendar year 1971, Public Law 480 shipments represented less than 13 percent of the total—a relative decline, and the lowest percentage since the early years of the program. In addition, Public Law 480 continued to return benefits to the United States through the proceeds generated from the concessional credit sales. Partial payment was taken in foreign currencies in countries where we have immediate use for the funds; and at the same time, the volume of dollar repayments from past credit agreements increased considerably. As a result, overall balance of payments benefits from Public Law 480 rose in fiscal year 1971 to more than $328 million.

As the program moves into its nineteenth year, we are continuing to use it as one of our marketing tools for farmers, contributing to both trade expansion and development assistance in all corners of the globe.

RICHARD NIXON.

THE WHITE HOUSE, *June 29, 1972.*

AMENDMENT OF THE INTERSTATE COMMERCE ACT TO PERMIT MOTOR CARRIERS TO FILE ANNUAL REPORTS ON A 13-PERIOD ACCOUNTING YEAR

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1074) to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 10, strike out all after "year," over to and including "prescribe," in line 1 on page 2.

Page 2, line 2, after "year" insert ", subject to such rules and regulations as the Commission may prescribe".

The SPEAKER. Is there objection to the request of the gentleman from West Virignia?

Mr. GROSS. Mr. Speaker, reserving the right to object, I only wish to make sure that the amendments to the bill are germane to the bill.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would say to the gentleman there are no amendments that are not germane to the bill. All the Senate did was to take a sentence in one place and put it in another place. All words are exactly the same.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERSONAL STATEMENT

Mr. STRATTON. Mr. Speaker, on rollcall No. 241 on yesterday, the recorded teller vote on the Casey substitute motion, I am recorded as not having voted. Mr. Speaker, my failure to participate in this vote, so essential to the fight I was waging against the west front extension, resulted from the fact that I had been assigned, as the RECORD shows, to serve as a teller on the "aye" side of the aisle during that vote. In my zeal to carry out my assignment I overlooked the fact that I had not cast my own vote.

Of course, Mr. Speaker, I intended to vote and would have voted "no," in opposition to the Casey substitute to my own preferential motion. Fortunately my vote was not needed in achieving the victory we sought.

I desire that the permanent RECORD include this statement.

CONFERENCE REPORT ON S. 979, HIGH-SPEED GROUND TRANSPORTATION EXTENSION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1972.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, if I may say say one word in explanation, there is only one change in the entire bill. The Senate had the words "highest priority" and we had "consideration," and we put in the one word, just the word "priority." Otherwise the bill is exactly as it passed the House.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 14163, PREDATOR INDEMNITIES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules and on behalf of my colleague the gentleman from Texas (Mr. YOUNG) I call up House Resolution 1019 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14163) to amend the Agricultural Act of 1970, as amended, to indemnify farmers and ranchers whose domestic animals are killed by predatory animals, and all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Agriculture now printed on page 2, lines 1 through 2 of the bill, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, House Resolution 1019 provides an open rule with 2 hours of general debate for consideration of H.R. 14163, the predator indemnities legislation. All points of order are waived for failure to comply with clause 3 of rule XIII, the Ramseyer rule, and for failure to comply with clause 7, rule XVI, because the committee amendment on page 2 of the bill, lines 1 and 2, would not be germane.

The purpose of H.R. 14163 is to establish an indemnity program in the Department of Agriculture to reimburse farmers and ranchers for losses of domestic animals and fowl killed by predators.

On March 10 of this year, the Environmental Protection Agency placed an immediate ban on the interstate shipment of pesticides to control predatory animals. Since that time the killing of domestic animals by predators has been on the increase.

This legislation authorizes the Secretary of Agriculture to pay to a farmer or rancher fair market value of a slain domestic animal, less any amount paid for the loss by any State having a similar program.

The burden of proof for establishing losses is up to the claimant and the Secretary would establish criteria and procedures and cause investigations to be made.

This is a 5-year program. No specific amounts are authorized; however, it is estimated that the cost will be between $10 million and $50 million annually beginning with fiscal year 1973. In addition, administrative expenses are estimated at $6 million annually.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman tell the House why the committee failed to conform to the Ramseyer rule?

Mr. SISK. I will be glad to yield to the gentleman from Texas, the chairman of the committee, to explain the reason why the Ramseyer rule was not complied with.

Mr. POAGE. Mr. Speaker, I will be glad to explain.

The bill does not change existing law. It simply adds to the existing law.

To have rewritten the entire section, to which we add this, would have cost several hundred dollars. We felt there was no purpose in the world of rewriting it, because we did not change anything in it. We simply add to it, and all the addition is in the report.

Mr. SISK. Mr. Speaker, I will make this comment: I believe there was some question in the minds of members of the Committee on Agriculture as to whether or not actually there was a violation of the Ramseyer rule, in view of the fact that this did not amend any existing law. It does add to existing law. The position taken by the Committee on Agriculture, when the members appeared before us, apparently after consultation with the Parliamentarian, was that possibly it would be a violation, and we waived it on that basis.

Mr. GROSS. Is it not true that the additional language amends existing law?

Mr. POAGE. It does not amend existing law. It simply adds to existing law.

Mr. GROSS. "Adding" changes existing law.

Mr. POAGE. All we could have done, under the Ramseyer rule, would have been to take the entire section of the law to which we added these words, and to reprint it as a section of the law without any change whatsoever in it, at a cost of several hundred dollars to the Government. We felt there was absolutely nothing to be gained by anybody. It gave no additional information.

Mr. GROSS. If the gentleman will yield further, spending for printing is not unusual in the House. I am not going to make an issue on this point with the gentleman, for I, too, am interested in economy, but it is not unusual for printing bills on the part of the Members of the House to run into hundreds and thousands of dollars.

Mr. POAGE. No; it is not unusual, but the Committee on Agriculture simply does not engage in those kinds of practices.

Mr. GROSS. As to germaneness, there is a waiver in the rule with respect to the germaneness of certain language. The Committee on Appropriations considered a bill this afternoon dealing with agriculture and several points of order were raised as to the germaneness of several amendments.

I would think that the Agriculture Committee, above all, and at this juncture, would feel guilty about asking for waivers of points of order because of ungermaneness.

Mr. SISK. Let me say to my colleague from Iowa that I appreciate his compliment to the Committee on Rules. We are concerned any time we get involved in matters of nongermaneness.

The Committee on Agriculture saw fit to amend the legislation after it was introduced, actually to increase the scope of application in connection with this particular legislation to include language which I will read. It is very brief.

> Or on leased land including permits on public lands.

Actually, since they did bring in public lands, and we are talking here, of course, of predator control in connection with cattle, sheep, turkeys, and so forth, that would be nongermane. This is dealing with lands actually not under the jurisdiction of the Committee on Agriculture.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I believe the gentleman from California (Mr. Sisk) has adequately explained the rule.

With all due respect to the gentleman from Texas (Mr. Poage) I will have to say he did not request us in the original instance to make this waiver of points of order. It was brought to the attention of our committee by the Parliamentarian, and the staff studied it, and we brought it up with the gentleman from Texas (Mr. Poage). He stated:

> If you feel it ought to be done I will go along.

He was not asking the Rules Committee for this, Mr. Speaker.

So far as the bill is concerned I will have to say in all honesty I am not too enchanted with this bill. It leaves me with a little bit to wonder about. In any event, the purpose of H.R. 14163 is to establish a new program in the Department of Agriculture to reimburse farmers for the fair market value of any domestic animals killed by predators.

The Federal Government has recently banned the use of pesticides for controlling predatory animals. As a result, the Committee on Agriculture concluded that since farmers are prohibited by the Government from protecting their property with the usual methods, it is right that they should be indemnified by the Government for their losses. It is intended that the farmer making the claim bear the burden of proof.

The cost of this bill is estimated at between $10 million and $50 million per year for benefits beginning with fiscal year 1973. In addition, administrative expenses are estimated at $6 million per year.

There are no departmental letters in the committee report. However, minority staff on the Agriculture Committee advises that the Department of Agriculture submitted a letter after the report was printed. The Department does not favor this bill, but prefers instead H.R. 13152, the proposed Federal Animal Damage Control Act of 1972 with amendments favored by the Department of Interior.

Mr. Speaker, I reserve the balance of my time.

I want to inform the gentleman from California (Mr. Sisk) I have a request for time. Does the gentleman from California have any requests?

Mr. SISK. No.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Speaker, I am going to try very hard to save you 3 hours of time and to save the taxpayers at least $50 million a year and perhaps more.

There has been an estimate made, although just where it came from I am not sure, that this bill might cost between $10 and $50 million a year.

Well, before the poisons that controlled predators were banished or prohibited the 1969 or 1970 cost, which is the last year for which we have figures for the value of the sheep lost alone in 16 States, was $17 million. So when you talk about this bill costing $10 million, that is way, way, way out of line. It is much more likely to be a minimum of $50 million and maybe a maximum of $100 million or more.

It is not just confined to coyotes killing lambs but includes dogs or cats killing chickens and includes skunks killing chickens and includes coyotes or wolves or foxes killing calves. Any sort of a predatory animal that kills a domesticated animal.

The owner says, "Well, this was killed by a predator, and Uncle Sam has to pay me." Think of the administrative and technical problems involved with the huge farms and ranches out in the West. There is no doubt about the fact that we call them "coyotes" in California and "kiyotes" in Texas. They are the principal one and certainly they kill a lot of domesticated animals such as lambs, which are the principal victims.

Mr. Speaker, this has been going on for a long time. It went on in the days of our fathers and forefathers. I repeat before poisons were banned in 16 States the annual cost or the value of these animals in 16 States was $17 million. This will run into a terrific amount of money.

I want to save the taxpayers $50 or $100 million a year. I want to save you 2 or 3 hours of time, because there are a lot of amendments. So I very much hope this rule can be voted down. I am going to call for a vote on it.

I will be glad to yield to the very distinguished gentleman from Iowa, because they might get some of those Polish hogs in here unless we are careful, Mr. Gross.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does the gentleman know of a State in the United States that does not have skunks or weasels or both?

Mr. TEAGUE of California. Well, I am not sure about weasels, but in California we have got a lot of skunks and a lot of coyotes.

Mr. GROSS. Does the gentleman think if this bill is enacted there will ever be another rooster, hen, or chicken that will die a natural death?

Mr. TEAGUE of California. Never. I have got to say, as my friend, the gentleman from California (Mr. Gubser) has suggested, that anyone with a sick sheep ought to go out and hire a coyote, which I think is also a very pertinent point.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from New York.

Mr. CELLER. Mr. Speaker, supplemental of what the gentleman has just pointed out, the next bill that we have concerning cyclamates is a similar bill which will cause the taxpayers a loss of from $100 million to $150 million for those who used cyclamates on the assumption that the Food and Drug Administration approved it, and then disapproved it. The proof will be shown that there was no real approval by the Food and Drug Administration. Nonetheless, the cyclamate bill will give the users of this cyclamate opportunities to file claims with the U.S. Court of Claims that may involve upwards of $150 million.

Mr. TEAGUE of California. I suggest, Mr. Speaker, that we vote the rule down on this one, and get to the cyclamate bill, and discuss the merits of that bill.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Speaker, I do not intend to speak against this bill, but I do want to call the attention of the Members of the House to the deep water we are getting into on this current craze on environmental protection. This problem we have before us is an indication of what we are getting into.

We banned the use of DDT in the fruit-growing sections of California, and Mr. Ruckelshaus has insisted on a substitute, and the substitute has killed the bees. We need the bees to pollinate the flowers and the buds to make the fruit. So we kill all the beekeepers' bees. The orchardists pay for the beekeepers to bring in the hives, so the bees can do the job of transferring the pollen from the male to the female plants. So we have to pay for the service of the bees. Then our substitute for DDT kills the bees.

Then the EPA puts out a decree against the use of arsenic for killing coyotes and other predatory animals, and now we have got to take care of that situation at a cost estimated to be $50 million per year.

In setting up electric powerplants, and it does not make any difference whether they are fossil fuel or whether they are nuclear fuel plants, the EPA decrees they now have to build cooling towers. These cooling towers at the Sacramento plant in California are going to cost between $10 and $20 million, and that is to cool the water, to keep the water from being warmer in leaving the plant than it was when it entered the plant. It has to be within one degree of the temperature it was when it went into the plant.

The $20 million cost will be added to the kilowatt price rate of the users of electricity.

There are many lakes and rivers in this country that can absorb hot water, and have been absorbing hot water for the last hundred years from all kinds of generating plants. I am not referriing to noxious chemicals and things like that, but I am referring to hot water which is claimed to change the ecology. When they cut all the trees down and planted corn in Iowa they changed the ecology.

So a changing of the ecology is not necessarily evil. If we had not changed the ecology in this country we could not have produced the tremendous amount of food and fiber which we are producing. We would have had runty plants and runty livestock, but we developed them by changing nature. We changed the natural type of meat animal and the natural type of egg-laying hen. We did all of these things in the name of change and improvement, and yet we have abroad in our land a group of people who have gone strictly overboard on the premise that any kind of a change in ecology is, per se, bad.

Well, that just is not true. Every improvement that mankind has had in producing food and fiber such as the fertilizer we use and the way we plow and the way we do everything else changes the ecology.

In California we use millions and millions of gallons to irrigate agricultural land and that changes the ecology because we have to have dams and canals to bring the water to the cotton, vegetables, and fruit fields and by so doing we changed a desert into a fruitful land.

So this is just an indication of how far overboard we are going on this environmental craze that has captured the imagination of our people. I want everyone, including the public, to be on notice that they are going to pay millions—and hundreds of millions of dollars for something that will cause more harm than good just like stopping the use of DDT changed the ecology and killed all the bees in California with the chemical substitute.

So some of these people who are worshiping the Goddess of Pure Environment want to recognize the fact that environment has never been pure. The more people you have, the more impurities you are going to have in this environment. This does not mean that we should not take care of it, but we are not going to undo the ills of our ecology by next Saturday night.

You know I asked some of these people—and they fought me in the last election—I asked them this question—I said if this ecology and this economy is in such a bad shape and if the changes we have made in nature have been so bad, then why is it that the average human being is living 20 years longer than he did 50 years ago? They did not have any answer to that.

If it is so bad, as they are saying it is—stating that the world is going to come to a grinding stop and that we are all going to die in our own pollution and waste—if it is that bad really—then why are peope living 20 years longer and eating better food and having access to better medicine and a higher standard of living.

So I am just using this occasion to send a word of warning to those who want no change. They want us to go back to the caves and sit by the flickering fire of a log and scratch ourselves, I suppose. If the ecology extremists have their way, we will be seeking our own primitive cave.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman from California (Mr. SMITH).

Mr. Speaker, I would like to address the group in support of Mr. TEAGUE's suggestion that we defeat the rule on this, not only in the interest of efficiency, and time so far as this body is concerned, but in support of Mr. HOLIFIELD's general posture perhaps that we ought to recognize what we do here.

Gentlemen, I am from Arizona, and I am in the livestock business. So I feel qualified to make some comments on this subject—not that I have not also made comments on subjects that I am not qualified—I might hasten to add.

But I will tell you that for some 50 years, we have done battle with the coyote in my home State and in the other western States, where the coyote is the chief predator. We have used guns and traps and dogs and poisons and the coyote is doing quite well.

While the figures of the gentleman from Texas (Mr. TEAGUE) as to the cash loss to the sheep men are reflected in the loss, of course, to the cattlemen in the form of young calves that are lost.

We see large instances of farm crops—and crops decimated by the coyotes.

Now we are told by this administration—my administration I might point out—that we cannot use poison any more. Now I will tell you that as a result of that, there has been a great outcry that we are going to lose the battle against the coyote.

I would like to point out again, I would like to repeat—that we have been waging a vigorous war with all the techniques we know how against the coyote. Now we are tying one hand behind our back—to quote a leader of mine—and we are going to be up to our hips in coyotes in no time in this country. I want to tell you that.

Now—we come along and say, Well, we as a government maybe made a mistake in not letting those people use poison and that we are going to remedy that mistake. We are going to dip into the general fund and we are going to pay all the stock men who may lose a few more head of sheep and a few more head of calves.

So we have the unique situation, my friends, of this Congress endorsing the proposition that says we are going to have the healthiest and most vigorous predator crop in the entire world at the expense of the taxpayers—we are going to reduce the marketing costs to the sheep man and the cow man tremendously because he is simply going to allow his product to be delivered on the range to the coyote and he is then going to make his claim via some new super bureaucracy.

I will tell you, I have only been in this body some 5½ years, and I must confess to some despair on occasion at some of the things that we do here. But the total ludicrousness of this proposition is such that in order to spare us all any more embarrassment, I urge that you support the gentleman from California (Mr. TEAGUE's) motion and defeat the rule. I tell you that very sincerely, and I tell you that Mr. HOLIFIELD's posture is a very valid one, I think, Mr. Speaker.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Speaker, I hesitate to rise against this rule. Had I known of the pendency of this bill, I would have introduced in the hearings a study which was made by a group of students under the auspices of the National Science Foundation under a program known as "Student Originated Studies." This program is about 18 months old. One of the studies—103 of which were completed last summer—was on the effect of predators in the form of coyotes on the sheep out in the State of Wyoming. The leader of that group that made the study testified before a committee of the other body.

As I say, had I known that this bill was pending, I would have seen to it that the findings of this group of students were placed before the committee. But the upshot of it was that the damage inflicted by coyotes is grossly, grossly overestimated. May I say that no pun is intended as regards my good friend from Iowa, Mr. GROSS. I would say, too, that the discovery was made—and I am not up here defending coyotes—that there are such things as sheep killers among coyotes. Not all coyotes are sheep killers. There are a few that make a habit of killing sheep, but there are instances after instances which were uncovered by this group of students where sheep were reported to have been destroyed by coyotes and later found simply to have been lost.

In many instances where a particular rancher would have a good set of sheep herders or shepherds where the loss would be very low, and other ranchers where the shepherds were careless, not diligent in their duties, where the losses would be very low, indeed. So I say that it is easy to blame something on the predator when in fact it could have been simply a case of losing sheep by natural causes or otherwise.

I, therefore, support the gentleman from California (Mr. TEAGUE).

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we had hoped to act very quickly on three rules that we have here.

Apparently that cannot be done so quickly, because I can see the trend of things. In line with that, Mr. Speaker, I yield to the chairman of the Agricultural Committee 5 minutes.

Mr. POAGE. Mr. Speaker, it seems to me that we have come close to the end of a hard day, and now we feel that by simply sweeping something under the rug that we can solve some serious problems and avoid ever meeting these problems. The gentleman from California (Mr. HOLIFIELD) very correctly pointed out that there is not any way whereby we can avoid these problems.

It is not simply a proposition of paying for losses of sheep. It is a question of how we are going to deal with the cost of the things that many of us think are desirable from the standpoint of society at large. There is a great deal of difference of opinion as to whether polecats and ringtails and coyotes and civet cats are something we need to develop and something that adds to the character and quality of our ecology.

But that has been decided. The properly authorized agency of this Government has made that decision and has announced that it is desirable from the standpoint of the public to increase and maintain the population of these predators. The Agriculture Committee is not questioning or finding fault with those who made that decision. Possibly they made it on the basis of the study of these students the gentleman from Georgia discussed, or possibly on the finding of some other equally well-qualified group that studied the matter seriously and thoroughly understood all the problems of predators. But on whatever basis, the decision has been made.

The U.S. Government has taken from the growers of livestock and in many instances the growers of poultry the only effective tools for protecting their animals and their flocks from loss at the hands of the predators.

I have always believed in the biblical injunction that it was the duty of the shepherd to protect his own flocks. I think we find that all the way through the good book, that we are supposed to protect our flocks. Man is supposed to look after the sheep. I think that is a proper obligation. But when the Government steps in and says that man cannot do those things, then I think the question is raised as to who should pay the bill.

There is a bill connected with this protection of predators. How big it is we do not know. We gave the Members all the information the Department gave us. I would call to the attention of the gentleman from Iowa, who I know in all good faith questioned my statement in our committee report that we had no report from the Department on this, that our committee report is dated, I believe, the 31st of May, and on the 6th of June we did receive a report from the Department. But we could not, when the committee report was written foresee what was going to happen, and I want to assure the gentleman, and I know he intends to question our integrity, but I want to assure him that the report stated the facts as they existed on the 31st day of May. In a letter dated the 6th day of June, the Department gave us their views. Prior to that they did suggest to our staff they did not know what the cost of this program would be, that it might be $10 million and it might be $50 million, but they could not tell us just what it could be.

I can understand that, because none of us knows just what it will be, but we do know there will be a substantial cost. The Government which took away our tools is fighting in behalf of what they consider to be the interest of society. Regardless of whether it is desirable or not to protect predators the farmers will get absolutely no benefit from these rules.

Really the only question here is who should pay this cost, the Government which in behalf of what they consider to be in the interest of society took away our means of protecting our livestock, or some ranchers and farmers who will get absolutely no benefit from these rules. That is really the question involved.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I just want to say to the gentleman that when I went into the well of the House, I said I was not speaking against this bill. I was explaining the mess we are getting into in this country by what we are doing. The gentleman is exactly right that the actions of the Government, based on the laws passed in this Congress setting up the Environmental Protection Agency and a great many other laws that go along that same line, are placing us in this position.

Mr. POAGE. I fully agree with the gentleman.

Mr. HOLIFIELD. I am not against the bill. We ought to do this as a temporary measure. But the basic thing we have to do is to change this law to prevent this kind of regulation and rule.

Mr. POAGE. I would agree with the gentleman, but that is not within the jurisdiction of our committee.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Texas.

Mr. FISHER. The gentleman from California really has hit the nail on the head. I assume this legislation would not be here at all except for the action taken by the Government, by the Environmental Protection Agency.

Mr. POAGE. That is right.

Mr. FISHER. That agency is responsible for this legislation ever being considered in the first place.

Mr. POAGE. That is exactly right.

Mr. FISHER. There has been talk about an estimate of $50 million. That is a fantastic figure, of course. If this should be enacted and if the regulations concerning its implementation should be issued, I believe we would know in advance that the loss of no animal would be recognized or paid for until positive, affirmative proof were shown that the death was the result of a predator.

Mr. POAGE. I am sure the gentleman understands that just this afternoon I had a discussion with a delegation who protested this bill because they said it placed too much of a burden upon the livestock grower, a burden he could not meet, and they felt it should be far more liberal than it is.

Mr. FISHER. The gentleman is entirely correct.

There has been talk about a $10 million estimate. That is an estimate. That is not a counting of bodies. That is not a confirmation of so many killed by predators. It is merely an estimate. I believe it is a liberal estimate.

When one talks about $50 million, that is talking about a land of fantasy. Nothing of that kind could be even imagined in terms of loss.

But there will be losses, and those losses will be the result of the action by the U.S. Government and the orders issued by the Environmental Protection Agency.

Mr. RONCALIO. Mr. Speaker, I hope my colleagues will not vote down the rule. As stated in the report, there is no question that the ban on the use of all poisons for predator control will mean a very serious financial loss to farmers and ranchers. It will necessarily force livestock prices even higher.

The committee feels that so long as producers are prohibited by the Government from protecting their property with the controls they have long employed, it is right they should be indemnified by the Government for their losses. There are ample precedents for such compensation. Certainly there is a constitutional principle that when private property is taken for public purposes the owner shall be compensated. In the case where a lamb or a turkey is taken by a wolf, private property is taken for the purpose of maintaining what some Government officials have decided to be a desirable purpose—that is, the perpetuation of predators.

Neither is there any question that predator damage is severe now and that without the use of poison controls, these damages will continue to escalate.

During the hearings on this bill, a representative of the National Wool Growers Association estimated that sheep losses to predators in the 16 main producing States in 1970 totaled nearly $17 million.

The following tables, submitted by the U.S. Department of Agriculture and extracted from the hearings held on June 2, 1971, by the Senate Appropriations Committee, reveal that the losses of sheep in my district—Wyoming—are already considerable and give some indication of the magnitude of the problem faced by livestock producers throughout the Nation.

The material follows:

[Wyoming—Cooperative Crop and Livestock Reporting Service]

SHEEP LOSSES IN WYOMING—1970 SHEEP AND LAMB LOSSES

The following is the most recent information on sheep and lamb losses in Wyoming:

Wyoming sheep growers lost 372,000 sheep and lambs during 1970, according to the Wyoming and United States Departments of

Agriculture. This is 10 percent less than the 415,000 lost during 1969. Sheep losses were 16 percent below the 1969 level and lamb losses were down 5 percent. Most of the decline is accounted for by more favorable weather and not from changes in inventory. The January 1, 1970 inventory of sheep and lambs was estimated at 1,853,000 head, less than 1 percent below the 1,860,000 on hand January 1, 1969. The number of lambs born during 1970 was 4 percent below the number born during 1969. The decline in total loss combined with lower prices for lambs dropped the estimated value of the 1970 sheep and lamb loss to $5,574,900. This is 10 percent below the value of the 1969 losses.

Cause of Loss: During 1970 predators claimed 130,200 head, 35 percent of the total loss. The remaining 241,800 head or 65 percent were lost to all other causes. Comparable losses during 1969 show 29 percent of the total loss due to predators and 71 percent due to other causes.

Predator Losses: Coyotes were the major cause of loss among all predators. The number of head lost to coyotes during 1970 was 18 percent above 1969. Coyotes accounted for 73 percent of total predator losses in 1970 compared to 69 percent in 1969. Losses due to bobcats, dogs, bears, eagles, and other predators were in about the same proportion to total losses as during 1969.

LOSSES OF SHEEP BY CAUSE—WYOMING, 1969 AND 1970[1]

	Number				Value	
	1969		1970			
Cause of loss	Head	Percent of total	Head	Percent of total	1969	1970
Coyotes	21,000	10.5	22,400	13.4	$191,100	$206,100
Bobcats	200	.1	700	.4	1,800	6,400
Dogs	5,200	2.6	3,800	2.3	47,300	35,000
Bears	6,200	3.1	3,000	1.8	56,400	27,600
Eagles			200	.1		1,800
Other predators	400	.2	500	.3	3,700	4,600
Total predators	33,000	16.5	30,600	18.3	300,300	281,500
Unknown causes	25,400	12.7	32,200	19.3	$231,100	$296,200
All other causes	141,600	70.8	104,200	62.4	1,288,600	958,700
Total loss from all causes	200,000	100.0	167,000	100.0	1,820,000	1,536,400

LOSSES OF LAMBS BY CAUSE—WYOMING, 1969 AND 1970[1, 2]

	Number				Value	
	1969		1970			
Cause of loss	Head	Percent of total	Head	Percent of total	1969	1970
Coyotes	59,600	27.7	72,600	35.4	$1,203,900	$1,430,200
Bobcats	6,900	3.2	7,100	3.5	139,400	139,900
Dogs	2,600	1.2	2,300	1.1	52,500	45,300
Bears	3,400	1.6	2,700	1.3	68,700	53,200
Eagles	6,700	3.1	8,400	4.1	135,400	165,500
Other predators	7,100	3.3	6,500	3.2	143,400	128,000
Total predators	86,300	40.1	99,600	48.6	1,743,300	1,962,100
Unknown causes	32,000	14.9	31,200	15.2	$646,400	$614,600
All other causes	96,700	45.0	74,200	36.2	1,953,300	1,461,800
Total loss from all causes	215,000	100.0	205,000	100.00	4,343,000	4,038,500

LOSSES OF SHEEP AND LAMBS BY CAUSE—WYOMING, 1969 AND 1970[1, 2, 3]

	Number				Value	
	1969		1970			
Cause of loss	Head	Percent of total	Head	Percent of total	1969	1970
Coyotes	80,600	19.4	95,000	25.5	$1,395,000	$1,636,300
Bobcats	7,100	1.7	7,800	2.1	141,200	146,300
Dogs	7,800	1.9	6,100	1.6	99,800	80,300
Bears	9,600	2.3	5,700	1.5	125,100	80,800
Eagles	6,700	1.6	8,600	2.3	135,400	167,300
Other predators	7,500	1.9	7,000	1.9	147,100	132,600
Total predators	119,300	28.8	130,200	34.9	2,043,600	2,243,600
Unknown causes	57,400	13.8	63,400	17.1	$877,500	$910,800
All other causes	238,300	57.4	178,400	48.0	3,241,900	2,420,500
Total loss from all causes	415,000	100.0	372,000	100.0	6,163,000	5,574,900

[1] 1969 revised.

[2] Includes all lamb loss from birth. USDA estimate includes only losses of lambs after docking.

[3] Sheep and lamb per head value based on the annual hundredweight prices received by farmers and ranchers. Sheep per head value used for 1969–$9.10; 1970–$9.20. Lamb per head value used 1969—$20.20; 1970—$19.70.

Mr. RONCALIO. Of course it is not a perfect bill. But we owe the western livestock industry at least a beginning step in predator loss reimbursement.

Mr. CONTE. Mr. Speaker, once again I rise on the floor of this House to issue a strong protest against the stuffing of private pocketbooks by picking the public's pocket.

Gentlemen farmers and ranchers are once again asking their Representatives to give them taxpayers' money. They are trying to tell us that, because we no longer allow them to use indiscriminate practices in predator control, we must pay them for losses due to predators.

Are we expected to pay for every loss that accrues because of governmental action taken in the public interest? Is responsive government subservient to private profit?

The men who plead the sad case of injured sheep were subsidized six times, according to Sierra Club Executive Director Michael McCloskey. At a wild and wooly conference for the National Wool Growers Association, in 1971, McCloskey outlined the subsidies as follows:

First. The sheep ranchers, through federal price supports, receive two and a half times the market value for their products.

Second. The public loses the tax values from duties that go into price supports.

Third. The public must pay excessive prices through duties for imported wool.

Fourth. The sheepmen are charged grazing fees for use of public lands that still are not priced at fair market value.

Fifth. The public suffers a loss in the value of its public land through the erosion caused by overgrazing.

Sixth. Privately owned sheep are competing with the public's wildlife through the sheep owners' predator control programs.

Congress, acting in the public interest, dared to limit the extent of the sixth form of subsidy by banning certain predator control programs.

Because we dared to take this action in the public interest, we now are asked to substitute predator indemnities for that part of the predator control program which was eliminated. The net effect of this proposal would be to keep the shepherds' six subsidies intact.

This manner of pocket picking is even more outrageous because it is carried out so well and with the notice of so few of the public.

Furthermore, the bill as planned is totally impractical. To fulfill the letter of the regulations, Agriculture Department personnel would have to check reports of domesticated animal deaths daily. Valuable time would be wasted verifying claims. The verifications would be intricate and difficult.

How can any inspector establish the veracity of a claim that a lost lamb was devoured by predators? The absurdity and the impracticality of this bill is astounding. Efforts and funds of the Agriculture Department must be focused on new safe methods for predator control rather than the entangling barbed wires of administrative redtape.

Mr. Speaker, it will undoubtedly sound like a broken record this week as I repeatedly condemn costs imposed upon the general public to protect private profit. But I do not hesitate for 1 minute to sound like a broken record, for the record of public subsidies to private purses is one which must be broken. By broken, I mean cracked, melted, and irreparably ended so that the sound track cannot begin again.

Mr. Speaker, it is my hope that this rule will be defeated.

Mr. MANN. Mr. Speaker, the legislation which we have before us for consideration this evening is a proposal for another Government indemnification program, another Government "handout" to subsidize business. Congress is again being asked to provide an easy method for private enterprise to recoup any losses which result from a proper governmental concern and appropriate governmental action for the general welfare. Such an approach is actually detrimental to private enterprise, since it discourages innovation and a development of alternative methods of coping with a problem. My record of support for private enterprise in this Congress is clear. I want to renounce the idea of business dependency upon Government or Government control of business. We are not going to solve the problem by an extension of governmental paternalism. We must bite the bullet of holding the line and now is the time and this is the place.

At the time the Environmental Protection Agency suspended the registration of 1080, sodium monofluroacetate, and other poisons for predatory control, the EPA Administrator, Mr. Ruckelshaus, pointed out that the action was taken because the evidence indicated that these chemicals represented an imminent hazard to the public welfare. As indicated in the committee report, these poisons were barred from the market for predator control because of their highly toxic effect on nontarget species. Mr. Ruckelshaus also pointed out that alternative methods were available to users of the chemicals for the purpose of protecting their livestock from predators preying on that stock. However, instead of employing or perfecting the available alternative methods, or instead of developing new methods, these individuals have come to the Congress requesting an easy solution to their problem, that is, a government subsidy to ensure their financial stability. How far is the government going to subsidize private industry? In this particular instance, I question the reason why the rancher came to rely so heavily on 1080 as to exclude any other possible means of coping with the predator problem? Surely the problem was dealt with before the development of 1080? Supervised shooting and trapping would be just as effective now as it was two or three decades ago. American ingenuity and the pioneer spirit that built these farms and ranches can solve this problem. Most of these great ranches and farms were built before the development of 1080, and they can be maintained without it.

Mr. Speaker, the administration of this bill will be most expensive and most difficult. Confirmation of losses will be an exceedingly difficult task. I understand that due to the remoteness of sheep in certain seasons that confirming losses at these times would require several hours and possible overnight trips on horseback to where the sheep are ranging. In warm weather, spoilage of the carcass will sometimes make it impossible to identify the cause of death, and then, of course, there are intangibles which will have to be considered in the indemnification. What about the loss of weight and consequent market value due to a predator attack which results in a lingering death? How is the inspector to assess damages in that case? What about the loss of ewes when lambs are taken during heavy lactation periods?

Sheepmen, livestock men, and farmers are in the business of raising and marketing living things, plants and animals. I think it would not be the most encouraging thing to the industry to have them remain in the business when their only job would be to bring a pickup load of dead animals to be verified for a subsidy payment. Why not encourage them to develop alternative means of coping with the predator problem? Why not make it good business for them to exercise their ingenuity and their imagination in the solution of this problem? Why permit them to rely upon the Government, thereby hastening the trend toward governmental paternalism and governmental dependency? One would think that our farmers and ranchers would be the last to foster this trend. Most of them reside in that area of our country which symbolizes the pioneer spirit. Let's give them an opportunity to exercise the pioneer spirit.

This legislation may well cost the Government between $50 and $100 million annually, with another $6 million annually for administrative expenses. This is a guarantee that the Government cannot financially afford to make and one which the Government should not make.

Mr. SISK. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the Committee on Rules of course heard this matter presented by the chairman of the Committee on Agriculture. It was the wisdom of the Rules Committee, either good or bad, to bring this matter to the floor and give the committee an opportunity to present its bill.

Mr. Speaker, on that basis I urge the adoption of the rule.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TEAGUE of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 102, nays 260, answered "present" 1, not voting 69, as follows:

[Roll No. 249]

YEAS—102

Abbitt
Abourezk
Adams
Andrews, N. Dak.
Aspinall
Barrett
Blatnik
Bolling
Brotzman
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Cabell
Carter
Casey, Tex.
Chamberlain
Clausen, Don H.
Culver
de la Garza
Dellenback
Denholm
du Pont
Evans, Colo.
Fascell
Fisher
Flood
Foley
Fountain
Fuqua
Gettys
Gonzalez
Gray
Gubser
Harvey
Hathaway
Henderson
Hicks, Wash.
Holifield
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kazen
Lennon
Link
Lloyd
McClure
McCollister
McCormack
McFall
McKay
McKevitt
Mahon
Martin
Mathis, Ga.
Matsunaga
Meeds
Melcher
Mills, Ark.
Montgomery
Morgan
Myers
Natcher
Nix
Passman
Patman
Pickle
Poage
Price, Tex.
Purcell
Randall
Roberts
Roncalio
Runnels
Scheuer
Sebelius
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Staggers
Steed
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Talcott
Teague, Tex.
Ullman
Van Deerlin
Vigorito
Waggonner
White
Wolff
Wright
Wyatt
Young, Tex.
Zablocki
Zwach

NAYS—260

Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Badillo
Baker
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boland
Bow
Brademas
Brasco
Brinkley
Brooks
Brown, Ohio
Broyhill, Va.
Buchanan
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carlson
Carney
Celler
Chappell
Clancy
Clark
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellums
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Fish
Flowers
Flynt
Forsythe
Fraser
Frenzel
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Green, Oreg.
Griffin
Griffiths
Gross

Grover
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Kastenmeier
Keating
Keith
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Long, La.
Long, Md.
McClory
McCloskey
McEwen
McKinney
Macdonald, Mass.
Mailliard
Mallary
Mann
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Murphy, Ill.
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Patten
Pelly
Perkins
Pettis
Peyser
Pike
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Quie
Quillen
Railsback
Rangel
Rees
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Smith, Calif.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Stratton
Sullivan
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Vanik
Veysey
Waldie
Ware
Whalen
Whalley
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zion

ANSWERED "PRESENT"—1

Leggett

NOT VOTING—69

Abernethy
Alexander
Anderson, Tenn.
Baring
Bell
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Cederberg
Chisholm
Clawson, Del
Clay
Curlin
Davis, S.C.
Dent
Diggs
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Evins, Tenn.
Findley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gallagher
Green, Pa.
Hawkins
Hays
Hébert
Hosmer
Hunt
Karth
Kee
Kluczynski
Lent
Lujan
McCulloch
McDade
McDonald, Mich.
McMillan
Madden
Mathias, Calif.
Metcalfe
Miller, Calif.
Mosher
Moss
Murphy, N.Y.
O'Neill
Pepper
Pirnie
Pryor, Ark.
Pucinski
Rarick
Reid
Ruppe
Shoup
Sikes
Skubitz
Slack
Springer
Udall
Wampler
Whitten
Wilson, Bob
Wydler

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hunt.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Sikes with Mr. Burke of Florida.
Mr. Edmondson with Mr. Cederberg.
Mr. Dent with Mr. McDade.
Mr. Moss with Mr. Del Clawson.
Mr. Davis of South Carolina with Mr. Lujan.
Mr. Murphy of New York with Mr. Frelinghuysen.
Mr. Slack with Mr. Wampler.
Mr. Evins of Tennessee with Mrs. Dwyer.
Mr. Hays with Mr. Broomfield.
Mr. Kluczynski with Mr. Hosmer.
Mr. O'Neill with Mr. Lent.
Mr. Pucinski with Mr. Mosher.
Mr. Reid with Mr. Bob Wilson.
Mr. Pepper with Mr. McCulloch.
Mr. Udall with Mr. Bray.
Mr. Anderson of Tennessee with Mr. Erlenborn.
Mr. Karth with Mr. Springer.
Mr. Caffery with Mr. Skubitz.
Mr. Curlin with Mr. Wydler.
Mr. Whitten with Mr. Shoup.
Mr. Baring with Mr. Pirnie.
Mr. McMillan with Mr. Mathias of California.
Mr. Green of Pennsylvania with Mr. McDonald of Michigan.
Mr. Abernethy with Mr. Findley.
Mr. Alexander with Mr. Ruppe.
Mr. Eckhardt with Mr. Gallagher.
Mrs. Chisholm with Mr. Pryor of Arkansas.
Mr. Madden with Mr. Diggs.
Mr. Kee with Mr. Clay.
Mr. William D. Ford with Mr. Hawkins.
Mr. Miller of California with Mr. Metcalfe.

Messrs. GALIFIANAKIS, BRASCO, GARMATZ, O'HARA, BRADEMAS, KEMP, BROWN of Ohio, COLLINS of Illinois, and ROONEY of New York changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1030 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of Rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, and all points of order against said bill for failure to comply with the provisions of clause 4, Rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1030 provides an open rule with 1 hour of general debate for consideration of H.R. 15692 to reduce the interest rate on Small Business Administration disaster loans. The 3-day rule is waived and points of order are waived for failure to comply with the provisions of clause 4 of rule XXI because there is a possibility of an appropriation in a legislative bill.

The purpose of the legislation is to aid victims of the recent floods in South Dakota and the damage done by Hurricane Agnes.

It would be applicable to 25 States, some of them more than one time. It would apply to presidentially declared disaster areas.

Under present law, the interest rate on disaster loans is set monthly by the Secretary of the Treasury and the rate this month is 5⅛ percent. This legislation would change the monthly setting of the rate and give the applicant a chance to use either one of two rates. He could borrow at a rate of 1 percent per year without any forgiveness of principal, or he could borrow at 3 percent interest and receive a forgiveness equal to 25 percent of the loan, the maximum forgiveness not to exceed $2,500.

In addition to presidentially declared disaster areas, it would also apply to areas damaged by the same disaster but not necessarily within the presidentially declared area.

In the event a disaster is declared by the Small Business Administration but not presidentially, disaster loans may be made at a flat 3 percent interest.

SBA must be provided with proof of loss, damage, or injury, and an estimate of the cost of repair, rehabilitation, or replacement.

The legislation is made retroactive to July 1, 1971, for the benefits received but does not make the penalties retroactive.

Penalties are provided in the amount of 1½ times the amount of a loan in the event the proceeds of a loan are misapplied.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I will yield to no one in the House in my desire to help everyone who has been harmed by any disaster. I have done it all my life. I was in a tornado on a farm when I was a small boy and I know what a disaster is.

As you will recall, I fought for a long time some years ago, when we had the Alaska situation and the then Administrator took several trips up there, but he never did ask for any money to help. Eventually, when he found where the disaster money was, we found that it had been made for conventional loans.

I brought before the House an amendment to set aside the disaster money from conventional loan money. It now is being set aside. We do not have to appropriate for the disaster money. The legislation is permanent and all we have to do is to get the money from the Committee on Appropriations.

If you will refer to this bill, you will find that it was reported on June 27, 2 days ago, with just 1 day of hearings in committee in executive session almost.

Yesterday, a rule was granted.

Page 2 of the report says that H.R. 15692 is an emergency bill of the highest magnitude—having to do with hurricane Agnes.

The bill goes back to July 1, 1971. Hurricane Agnes just happened last week and as of the present time this bill in my opinion, and in the opinion of the administration, will mess up everything that is now being done so far as the disaster victims of Agnes are concerned.

As an example, yesterday, the very able Administrator, Mr. Kleppe, of the SBA opened 34 emergency offices of the Small Business Administration to bring financial help to the flood victims of the five States—Florida, Virginia, Maryland, Pennsylvania, and New York. Today, he added 14 more offices.

So at the present time, the Small Business Administration is responding to President Nixon's call for massive aid to those unfortunate people by organizing the largest disaster task force in the history of the SBA agency.

There are field offices to serve other States, mentioning 25 States in 106 cities and counties to handle all of these disaster loans—not only Agnes but there is still the earthquake in California, among other earthquakes.

At the present time homeowners are eligible to borrow up to $55,000 for damage to their homes or to personal property, and on businesses up to $500,000.

Mr. Speaker, if you start to analyze this bill, with the present situation you can find out why we are going to get into some trouble on these loans and I think many of those in the disaster are going to be hurt.

As an example, an analysis of 37,973 loans made by the SBA during the period July 1, 1971 through May 31, 1972—now mind you this bill goes back to July 1, 1971—but during that particular time until May 31, 1972, relating to disasters occurring on or after July 1, 1971, shows that 98.5 percent of the borrowers would be worse off under the pending bill than under the current disaster law.

For those 37,973 loans the combination of lesser forgiveness provided in the bill, plus the change in interest rates would result in lesser benefits to the borrowers in the amount of between $30 to $35 million. If you take that period to the present you will have the amount those suffering from the disaster would have lost under the formula in the bill today.

The pending bill is silent as to the treatment to be accorded to those borrowers whose loans are already on the books. As an example, the legislation is mandatory in its statement to SBA as to the options to be accorded to disaster borrowers, but it does not, however, treat the matter of how SBA should handle the cases of borrowers whose loans are already on the books and whose benefits under this retroactive bill would be lower than the benefits already accorded them under the present law.

Take another problem, that of loan shopping. Since the bill would provide different benefits to SBA borrowers than those benefits presently available, and which would remain available to borrowers from the Farmers Home Administration, it would encourage loan shopping by residents of rural areas.

In other words, a resident of a rural area who had suffered loss to his residence would be encouraged to look at the benefits available under a loan from SBA and to look also at the benefits available under quite different terms from Farmers Home Administration, which might be quite different. Then he would try to choose the better of those arrangements. This defeats the consolidated approach to Federal disaster assistance taken when the Congress enacted the Disaster Relief Act of 1970, which presently makes the same benefits available to borrowers from SBA and the Farmers Home Administration.

At the present time the SBA has a carryover in disaster funds of $70 million that should take them through a couple or 3 months.

In addition to that, there is $80 million which has been asked for in the 1973 budget and which is presently in conference. If they run out of money, we can get supplemental money, but all we have to do is to have sufficient money to take care of those suffering from the disaster and operate under the present law as we now have it. It seems to me that it would be much better to carry on in this way than to change in the middle of the stream where a lot of these people that are suffering may not benefit.

For disasters declared during the period July 1, 1971, to May 31, 1972, the SBA has made 37,973 loans. Of the total 98.7 percent were under Presidential declarations and would thus be entitled to forgiveness of up to $2,500 upon repayment of the initial $500 of the loan. Of the above total, only 471 loans were for more than $10,000.

Hence it is readily apparent that with a change in forgiveness as proposed in the present bill, more than 98 percent of the borrowers served by SBA would receive fewer benefits in terms of forgiveness.

Further analysis shows that if all of the borrowers were to accept the option which is most beneficial to them, 98.5 percent would elect to take the forgiveness and pay the 3 percent interest.

This pending legislation is mandatory insofar as all disasters which occurred on or after July 1, 1971, while there is a serious question as to whether or not the SBA could force borrowers to return excessive forgiveness granted to them for loans already made. The legislation should properly provide an option for either the borrower or the administration so that this matter can be resolved without recourse to litigation. The legislation would, insofar as rural borrower applicants are concerned, create considerable confusion. The Farmers Home Administration could offer forgiveness of $2,500 upon repayment of the first $500 with interest at 5⅛ percent, while SBA could offer the same borrower applicant a 1-percent loan with no forgiveness or a 3-percent loan with 25-percent forgiveness. The way it would actually work out is he would only get forgiven under the present formula as it is now. I suppose some of you are going to tell me they are going to amend it, but at any rate, as it is written into this bill, instead of getting $2,500 forgiveness, he would get $750.

Those are the figures that have been given to me today. I think they are correct.

If the proposed legislation were amended so as to retain the present $2,500 forgiveness, it is estimated that the total additional cost by the SBA for the number of loans equal to those made in 1972 would be approximately $5 million.

So in my opinion, if this particular bill passes in its present form, those with disaster damage would suffer a loss of about $40 million. There is a difference between earthquake damage and flood damage. One can go through the area and see flood damage and see the railroad tracks washed out and the houses damaged. There is no trouble in seeing it. We had a great deal of trouble in the earthquake situation in California, and I will have to admit there were some unscrupulous contractors and others who took advantage of the situation. Some said they had a chimney which was damaged, and maybe it was damaged 5 or 6 years ago when an automobile ran into it, but they said it was damaged by the earthquake. A number of claims were filed in which there was maybe $500 of damage. The Small Business Committee is aware of it. The administrator can bring the information to Congress, where they can show the damage might have been $500 or $600, and the claim was made for maybe $3,000, and they ended up paying the contractor more than he earned, and putting some money in their own pockets, and some people did not do the repairs.

This bill is good from that standpoint. It has language which will make the person who borrows the money use it for repairs rather than put it in his pocket. We can see the damage in the flood areas. The laws on the books are working. If we start down this route, I sincerely think we are going to harm a great many of those who were injured by Hurricane Agnes.

But, Mr. Speaker, I do not think we ought to do it on a piecemeal basis. This was brought out of the committee 2 days ago. On June 13 the committee was hearing testimony on an entirely different matter, and the men today told me they did not have this formula and did not have a chance to study it until I brought it to their attention when we are called into the Rules Committee yesterday at 4 p.m., on 15 or 20 minutes' notice. I got the SBA and the OMB and others, and this is the information I am bringing to the Members today.

I sincerely feel we are wrong to change the rules in this ball game now when they are trying to take care of all the people who suffered so greatly in Hurricane Agnes. I am opposed to the rule and to the bill.

Mr. ROBISON of New York. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. ROBISON of New York. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the gentleman has given a very useful and necessary explanation relative to this legislation. By way of background, let me say that I was in New York today, representing as I do a substantial portion of the so-called Southern Tier, of New York. We were told at our briefing there, at which Vice President AGNEW was present, that those New York counties just above the Pennsylvania border would present approximately 50,000 applications for loans of this sort as a result of flood damage. The loans are being processed now, using SBA people and also some Treasury people who had been assigned to the task, and they are processing applications at the rate of about one a minute.

As the gentleman from California has suggested, if we change the rules of the road in the middle of this process, that is going to require a substantial backup operation and a great deal of confusion and delay would inevitably result.

Representing as I do an area severely damaged by the recent floods. I appreciate the humanitarian instincts of this committee and of those who brought this legislation to us as fast as they could, but I think the gentleman has also put his finger on a point we need to think about if we go forward with this legislation tonight. We were told by many people there today—and I would appreciate the attention of my colleagues on this—that the feature in these loans that means the most to the average citizen with the typical small claim is the forgiveness or the grant feature in the present procedures. If I understand the gentleman correctly, and if I understand the bill correctly, the present $2,500 forgiveness feature could be reduced and would be reduced unless the loan was above $10,000. Is that what the gentleman is saying?

Mr. SMITH of California. That is the phase we are getting into today, that the forgiveness feature would be only $750 as compared to the present $2,500 forgiveness. I am not saying we should forgive or should not forgive.

What I am saying is that the appropriate committees, including the Committees on Public Works, Banking and Currency and Small Business, should figure out what we can properly do to change the law, and not change it right in the middle, when all of the people need the money and may not be able to find out what they will get or how they will get it, or whether it will be 1 percent, 3 percent, 5⅛ percent, or $750 or $2,500.

Mr. ROBISON of New York. The suggestion we heard most often today in our conversations with the citizens who were there, and from those who were in the senior-citizen category especially, since these are loans and these are people living on fixed incomes, was that the thing which would be the most useful to them was the "forgiveness," or the grant provision. It would be of the most help to them not to have it reduced, certainly, but to have Congress give serious consideration to the appropriateness today of the $2,500 ceiling. They would prefer to have us consider whether or not it is in order to increase the $2,500 to, say, $5,000, given the inflation that has especially been reflected in the building and construction industry as they face up to their problem of repairing and restoring their property.

I appreciate the gentleman's help in this regard. I hope we will make a wise decision tonight, and in our haste to improve the present program not, inadvertently, make it worse.

Mr. SMITH or California. I thank the gentleman.

Mr. Speaker, I do have some requests for time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Banking and Currency, the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. YOUNG) for yielding me time.

Mr. Speaker, H.R. 15692 is an emergency measure of the greatest magnitude. The recent disaster in South Dakota coupled with the damage brought by Hurricane Agnes has left thousands of people homeless, has caused damage that may run as high as several billion dollars, and has ruined an untold number of businesses.

It is extremely important that this Congress take immediate action to provide some form of relief to these disaster victims. We can never hope to return the disaster areas to the state in which they were before the tragedy struck. We can, however, provide as much assistance as possible to make the job of rebuilding the disaster victims' homes, businesses, and lives as easy as possible.

Because of the great need to help these people, the Banking and Currency Committee has brought to the floor today under emergency conditions H.R. 15692, which was reported by the committee by a vote of 29 to 0. Basically, this is what the bill would do.

BASIC PROVISIONS OF THE BILL

First. That in any Presidentially declared disaster the Small Business Administration would be authorized to make loans at a new interest rate formula. At present the rate on such loans is set monthly by the Secretary of the Treasury, and for the current month the rate is 5⅛ percent. Next month that rate may go higher or perhaps even lower, but it is not fair to people who are involved in the same disaster whose loan applications were not processed at the same time to have one pay one interest rate while another victim pays a different rate. The legislation today changes the monthly setting of the rate to a set amount and gives the loan applicant a chance to use either one of two rates. The applicant could borrow at a flat 1 percent per year without any forgiveness of principal or the applicant could choose to borrow at 3-percent interest and receive a forgiveness equal to 25 percent of the loan with the maximum forgiveness not to exceed $2,500. The legislation as reported by the subcommittee provided the loan applicant with a set of interest rate choices, but it contained the full forgiveness feature. When the legislation was reported to the full committee at the very end of the session the gentleman from Georgia (Mr. BLACKBURN) offered an amendment to restrict the amount of the forgiveness to 25 percent of the loan, not to exceed $2,500. At the time the amendment was offered I had serious doubts about the effect of the amendment as did other Democrats on the committee. However, in the interest of getting the legislation to the floor, objection was not raised to the amendment, as it might have held up assistance to flood victims. Careful study of the Blackburn amendment shows that its effectiveness would not be of substantial benefit to a disaster victim. It is my understanding that at the appropriate time an amendment will be made in a form that that will be beneficial to disaster victims.

Second. In addition to Presidentially declared disaster areas, in those areas that are damaged also by the same disaster but are not placed in the Presidentially declared disaster area, the loan applicants, upon declaration by SBA of a disaster area, would receive the same benefits of the law as if they were in the Presidentially declared disaster area. For example, if one State is declared a disaster area but a person living just across the State line in another State which was not declared a disaster area suffered damage because of the same disaster, that person would also be eligible for the benefits under this bill.

Third. In addition, in the event that there is not a Presidentially declared disaster involved but merely a disaster declared by the Small Business Administration, disaster loans would be available at a flat 3 percent interest rate with no forgiveness.

Fourth. The bill also tightens up on the requirements for obtaining a loan which apparently in California led to some individuals obtaining loans that were not connected to the disaster. It provides that the borrower must provide SBA with proof of loss, damage or injury and a bona fide estimate of the cost of repair, rehabilitation or replacement. And to make certain that the borrower uses the proceeds of the loan as intended, in addition to the criminal penalties available under existing law, the legislation provides that if the proceeds of the loan are misapplied, the borrower shall be liable to the Small Business Administration in an amount equal to 1½ times the amount of the loan.

Fifth. The legislation also carries a retroactive date of July 1, 1971. The July 1 date was selected because it is, of course, the first day of the new fiscal year.

LEGISLATION HAS BEEN SUBJECT TO EXTENSIVE DISCUSSION

Mr. Speaker, some Members on the other side of the aisle have also contended that there were no hearings on this legislation and that the administration has not had an opportunity to comment on the bill. This is simply not factual and, in fact, is a smokescreen designed to cover up the fact that the administration has shirked its duty in connection with this legislation. The concept of H.R. 15692 was introduced by the gentleman from South Dakota, Congressman ABOUREZK, on June 13 in the form of H.R. 15471. On June 22 the Small Business Subcommittee, headed by the gentleman from Georgia (Mr. STEPHENS) held hearings on that legislation. SBA Administrator Kleppe was asked 4 days prior to the hearing to provide the committee with testimony on the legislation. SBA declined to present written testimony on the bill, but Mr. Kleppe did answer questions on the legislation including a discussion of the forgiveness feature.

It was clear when Mr. Kleppe appeared before the subcommittee that he had been put under wraps by the administration for when he was pressed for further comments about the bill he stated:

> I have no further authority to comment on the 1% interest feature of this bill other than what I have said about the Administration's bill that has been submitted which would provide for 3% loans, which is comparable to what the loans used to be when the $1,800 forgiveness feature was in effect. But the loans would be made in hardship cases at a 3% interest rate.

I do not want to be critical of Mr. Kleppe, but I do want to point out that the administration bill would not make loans at a flat 3-percent interest rate but rather that rate would be set on a formula which uses as its basis the cost of money to the Government. Thus, the cost of the loan to a disaster victim under the administration's bill even in hardship cases would be determined once again on a month-by-month basis. And there is nothing in the bill that sets a flat 3-percent interest rate. In fact the bill maintains the complicated ratesetting formula that can easily be snarled with redtape and removes entirely the forgiveness feature.

If there are those who contend that the administration bill would really help disaster victims, then I have but one question. The draft legislation was sent to the Congress on March 24 of this year. Why has it not been introduced by a single Member of this body?

Following the subcommittee's hearings, the subcommittee went into executive session—that was on Friday, June 23. And on Monday, the full committee took the bill up in executive session. The full committee spent several hours working out the details of the legislation so as to make certain that we were putting together a good bill. It then recommended that the subcommittee meet following the full committee deliberations to make an even deeper study of the bill.

The subcommittee met the same afternoon for several hours in executive session assisted by a representative of the General Counsel's office of SBA. Following that meeting the committee staff along with SBA Counsel worked until late at night perfecting the bill. After the bill was perfected, a clean bill was introduced on a bipartisan basis in order to facilitate the handling of the legislation. The following morning the full committee again took up the bill and, after several hours of discussion, reported out H.R. 15692 in its present form. It should be renoted that the bill was reported unanimously, 29 to 0. Included in that vote were 10 Republican members. Not only is the unanimous vote significant, but since the Banking Committee does not authorize the use of proxy, it means that 29 members participated in the marking up of the legislation and were present for the vote.

Since the bill has been reported, some Members on the other side of the aisle have stated that SBA has told them they are unhappy with the legislation. Quite frankly, I am amazed that SBA would make such a statement. The committee on several occasions since the reporting of the bill has attempted to get a reading from SBA on its thoughts on the legislation. But on every occasion the committee has been told that the position has not changed from that taken by Administrator Kleppe when he appeared before the subcommittee. Perhaps it must be that Members on the other side of the aisle have better communications with SBA than those on this side of the aisle.

I do not want to make this a partisan issue. It did not start out as a partisan issue and I do not want it to end up as one. H.R. 15692 was introduced on a bipartisan basis. But apparently some Members on the other side of the aisle for some unexplained reason have sought to make this a partisan issue. And that is not fair to the thousands of people who have lost their homes and businesses.

Yesterday, in the Rules Committee, the gentleman from California (Mr. SMITH) questioned whether this was really an emergency or whether this could not wait until there were more hearings.

Let me assure my colleagues that this is indeed an emergency and we would be causing irreparable damage if we delayed this through additional parliamentary maneuvering or through demands for extended hearings.

Both in South Dakota and along the east coast, many people are making decisions right now either to rebuild or abandon their homes and businesses which have been demanded in these disasters. Many of these decisions will have to be based on the cost of credit. If we can assure these homeowners and small businessmen that they can obtain low interest loans—loans as low as 1 percent—then many of them will make the decision to stay in their areas and to rebuild and help revitalize the economy of these devastated communities. These are decisions being made at this hour. If the interest rate remains at the administration's present level of 5⅛ percent, many of these people are going to be forced to walk off and leave their homes and businesses. In my opinion, such a situation constitutes an emergency.

Mr. Speaker, we have tried—as far as possible—to lower the cost of survival for these people. It is inappropriate for either the Congress or the administration to act like hard-nosed bankers at this hour of crisis for so many people. The important thing is that we get this money out to the people as fast as possible and at the least possible cost to the victims.

In closing, Mr. Speaker, I urge the Members of this body to vote with compassion so that we may begin the task of rebuilding the disaster stricken areas.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, the comments made by my distinguished colleague, H. ALLEN SMITH, about this bill are true to an extent. However, we did make one mistake in drafting this bill, and that is we are canceling 25 percent of the principal of the loan except that the total amount so canceled shall not exceed $2,500.

Up until 1970 the law provided that disaster loans would be made at 3 percent interest with the full $2,500 being forgiven. We should never have inserted that particular amendment that changed that. If we adopt an amendment to eliminate the 25 percent and still continue to forgive the first $2,500, we will be helping actually millions of people.

The very information which was cited here as coming from the Small Business Administration is information that the committee has been unable to get. We have made an effort to do so. The only thing that will have to be done if this bill is passed for those loans already made is to have a simple recalculation of the amount of interest to be paid. Since every branch of this Government, including the Small Business Administration, has a computer division available to it, this will be a very, very simple matter.

By going back just for this fiscal year we do help 25 States as I said before, and millions of people who, through no fault of their own, have had their homes and businesses wiped out. These people are still paying the mortgages and the interest on their original mortgages, plus paying the principle and interest on their SBA disaster loans, and in many areas they are not able to make it.

So what the bill would provide, with the 25 percent provision removed, that if anyone took advantage of the $2,500 forgiveness clause, they would then be getting the loan at a 3 percent interest rate. If they did not take advantage of the forgiveness, then they would get the loan at a 1 percent annual interest rate.

I believe I heard the figure that this would be an additional cost to the administration or something like $50 million annually. To help people who are working people and who need this help is something I certainly think we should do, and I urge the passage of the rule and the passage of this bill.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I certainly join the gentleman from Pennsylvania in his desire to assist the unfortunate flood victims of Rapid City, and also those of the recent hurricane Agnes.

There is one thing that disturbs me about this bill, and it did in the Committee on Rules, as you heard very briefly yesterday, and that was this retroactivity feature going back to July 1 of 1971.

Now, if I understood the gentleman correctly, the facts presented make clear that some 37,000 loans have been made since July 1 of last year.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield further, if I understand correctly, each one of those 37,000 loans is subject to renegotiation and recomputation because of this retroactivity feature. What I am afraid of is that the SBA may become a disaster area, and they will get so bogged down in renegotiating those loans that they will not have the time and the facilities to be helping the poor who have recently been devastated.

Mr. WILLIAMS. Mr Speaker, representatives of the SBA have said that they can do this, and that this recalculating of the interest rates on the 37,000 loans on the kind of computers we have today is a matter of the work of perhaps a week or 10 days for these computers.

Mr. ANDERSON of Illinois. If the gentleman will yield further, it is not just a question of renegotiation of interest; they have to get in touch with the borrowers, or the borrowers are going to be beseiging the SBA offices, and I believe that I can see a grave administrative problem there.

Mr. WILLIAMS. Kindly keep in mind that after the President declares a disaster area to be such then you can apply for a loan over a period of 6 months. In other words, say we have had a disaster declared in one State in October 1971; that means that they could borrow money through April of this year. So that in going back and paying only for disasters which occurred during this fiscal year we are only giving fair treatment to everybody in these 25 States, and these various areas. There was some feeling that we should go back further, but that was voted down.

Also, for the first time, as the gentleman from California (Mr. SMITH) has so eloquently pointed out, we do put a penalty in here which says that whenever the money is used for other than the purpose for which it was loaned, the borrower shall be civilly liable for 1½ times the amount of the loan.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CORMAN).

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. STEPHENS).

Mr. KAZEN. Mr. Speaker, will the gentleman from Georgia yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. KAZEN. Am I correct that under the present law, on these disaster loans, the borrower pays the first $500 and he is forgiven the next $2,500 and then he pays the balance?

Mr. STEPHENS. That is correct.

Mr. KAZEN. All right, sir.

Now under this bill, as I understand it, you are forgiven 25 percent, not to exceed $2,500; am I correct?

Mr. STEPHENS. That is correct.

Mr. KAZEN. All right—then on a $4,000 loan, a person who borrows would have to pay $1,500 back?

Mr. STEPHENS. Five hundred dollars back under the present law.

Mr. KAZEN. That is right—he gets the benefit of $1,500.

Mr. STEPHENS. That is right.

Mr. KAZEN. Now under this present bill, if he can only get 25 percent, then he only gets the benefit of $1,000.

Mr. STEPHENS. That is correct.

Mr. KAZEN. Is this not worse than what we have now?

Mr. STEPHENS. If the gentleman will permit me to proceed, I think I can explain it.

I will take just a minute to point out to you that this bill originated with the gentleman from South Dakota (Mr. ABOUREZK) for the purpose of alleviating the flood situation in South Dakota.

His bill was introduced and they offered to change the law so that all loans would be 1 percent and it would be retroactive to the disaster loan at date of December 1970.

When it came to the subcommittee, we had hearings on this, and I am going to be extra frank with you in spite of what my chairman has said—I do not think we ought to give $2,500 forgiveness and a 1 percent loan. I thought we ought to look at the other taxpayers a little bit who are working to pay this bill.

What we came up with as a compromise in the subcommittee was that if you took the $2,500 of maximum, then you could get the money at 3 percent. But if you did not take the $2,500 or any part thereof, then you could get the loan at 1 percent.

Now I have heard that this will foul up the SBA. We are trying to help the SBA start out right on the new situation with the South Dakota lending, and also the other damage caused by Agnes—because when they got out to the California earthquake, they had no experience and people came in there and they said:

"Here we are—we have this damage—give us $2,500."

We lost millions of dollars because it was not feasible nor was the SBA able to limit that.

We said in this bill in order to correct that, a person could not just come in and say—we have been damaged.

A person is going to have to come in and say: "I have a bona fide estimate here and I have got this proof of the loss that I have had."

That is not in the present law. If you stay under the present law, people will just come in and get $2,500 forgiveness and the interest rate is still a subsidy interest rate because it is 2 percent under what the Treasury states as to what its average for that month is for Treasury obligations.

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. GOLDWATER. In regard to the point you are making about a bona fide appraisal—in our experience in California, this is the thing that caused much of the problem.

In one instance a general contractor could give an appraisal and that was sufficient along with the SBA sending out their own appraiser to substantiate the contract.

Then we found that because of the so-called free money, we found some people trying to take advantage of this. As a result the SBA tightened up the regulation and required a structural engineer's report.

Now I would like the gentleman to clarify specifically what he means by a bona fide appraisal so that the SBA knows.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. STEPHENS. We have here in the bill an option.

Now we tied that down here with an additional phrase which says:

"Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one-and-one-half times the original principal amount of the loan."

There is a penalty if they come in and give a fraudulent estimate.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman.

Mr. PATMAN. Is it not a fact that under the present law, if you leave it that way, the going rate will be over 5.5 percent?

Mr. STEPHENS. The going rate for the present month is 5.18 percent. If you leave it that way, it will be 5.18 percent and next month it will be higher.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I think it has been clearly established that we want to correct a bad situation. Some call this emergency and highly urgent legislation. Those that we would rather believe think maybe it is a hodge-podge of legislation erroneously contrived in order to assuage personal feelings about a natural disaster.

I have been responsible for deferring this by unanimous consent for the past 2 days. Originally, as I stated yesterday in the RECORD, I did this only because it was an infraction of the rules of the House. Since that time all of the material so expertly given by the gentleman from California, the ranking minority member of the Committee on Rules, has been made available to me. Much of that I put in the RECORD yesterday.

It is true, Mr. Speaker, that this would result in a long discussion tonight. It is true that there have been many disasters—69 Presidentially declared disasters in 1971, and to date, 51 in 1972. This involves hundreds of millions of dollars, a total of $460 million for the 2 years, to say nothing of the Pennsylvania disaster, in which there are already 1,618 applications for a total of $8.4 million, and I am sure that came into being before the disasters of which the gentleman from Elmira, N.Y., spoke awhile ago.

The point is that this plan would make at least $35 million less available in the hands of this committee.

Even more to the point is that it is probably a jurisdictional or oversight "steal." It certainly undoes the Disaster Act of 1970. There is the question of retroactivity. There is the question of loan-shopping. And I shall not repeat the other points, including the lack of hearings, or the fact that there is no cost estimate and it is open ended and without limitation.

Disaster we want to help, to be sure. My requirements, as far as the rules of the House are concerned, have been met by bringing this up under the very rule we are discussing.

I would like to address my remarks to the rule itself. I think we have gotten pretty far afield. I have no objection to the House working its will on this bill, but I do want to say, Mr. Speaker, I know of four or five amendments, and I do not think it is going to be a very rapid process, because the rule is an open rule, as far as the 5-minute rule and amendments are concerned. I regret that it waives all points of order. I have never vacillated in opposing such rules, like the chairman, who has asked for the rule, oftentimes states, especially if someone is trying to invade his jurisdiction, for he thinks that takes away the right of the individual as an elected legislator. It precludes him from making points of order to non-germane or other types of amendment under consideration, or legislation under consideration by the rules of the House.

The expeditious way to correct the situation would be to vote down the rule because of the multiple waivers of points of order, just as we did the last one. Let this go back to committee, and, Mr. Speaker, I want to say to you that there is adequate relief going forward to these places at the present time, as the gentleman from California said and the gentleman from New York has already stated. Its even better than the proposal and I believe we should not go only part way in this time of stress. I repeat, there is adequacy.

First of all, we know that waiting in the wings for consideration under unanimous consent is the established OEP unlimited authorization appropriation for $200 million as a starter to relieve them. There is, in addition, the President's Contingency Fund, to say naught of the American National Red Cross and the Emergency Service of the U.S. Public Health Service.

I have in my hand a report from the Department of HEW, U.S. Public Health Service, and I gave another one to Chairman STEED of the Subcommittee on Appropriations hearing the emergency package disaster plan, that there have been over 28 package disaster hospitals moved into these areas in the last week. Rapid City is being well taken care of.

Regardless of computers and anything else, we cannot go back to a date certain and recalculate all of these disasters, including a total not of 37,000 but 96,000 for a total of $384.4 million, and be expeditious and let the people know where they are standing.

I recommend that we vote down the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, I am pleased that we are able to consider H.R. 15692, to reduce the interest rates on SBA disaster loans. At the appropriate time—and I will not take too much time here with my remarks—I will inform the gentleman from Missouri and everybody in the House, I will offer an amendment that will continue the present forgiveness provision of $2,500 on SBA disaster loans, and reduce the interest rate to 1 percent. I think this is necessary in order that we get immediate money and relief to these affected areas.

I believe that we carefully considered this matter in the committee, and I offer it with good intentions and with the best of interest. We had to move very expeditiously to get this bill to the floor to make an additional comment. Between the time we reported the bill and up to the present time, we felt in the best interests of everybody in the House and everybody in the country, especially those in the areas afflicted by the flood damage, we should have a $2,500 forgiveness provision backed up by a 1-percent interest rate. I shall offer this amendment at the appropriate time.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, the gentleman in the well is a prominent member of the Banking and Currency Committee, is he not?

Mr. BARRETT. Yes.

Mr. KYL. When did the committee finish action on this bill?

Mr. BARRETT. When did it take action on the bill?

Mr. KYL. Yes.

Mr. BARRETT. We spent considerable time on it.

Mr. KYL. When did the committee vote?

Mr. BARRETT. We met on Wednesday morning, and we were interrupted by the House going into the session under the 5-minute rule, and we did not have an opportunity, as I pointed out, to explore in depth what would be the best way to serve these people who lost so much. So I will offer an amendment to strike out the 25 percent of loan forgiveness which was offered by my colleague of Georgia Mr. BLACKBURN, at the very last minute when the bell was rung. Many of the members including me, left for the floor.

Mr. KYL. The gentleman does not mean they did not vote on this in the committee?

Mr. BARRETT. They did vote on this, and this was voted on in a very quick time, let me say again, because of the bells ringing for the House to go into the 5-minute rule.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I think the gentleman from Pennsylvania (Mr. BARRETT) will note on the bill that this bill was reported out of our committee by, I believe, a unanimous vote on June 27, 1972, which was Tuesday.

Mr. BARRETT. That is correct.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. BARRETT. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, we, of course, in the Public Works Committee deal with the disaster legislation. I was frankly quite concerned over the language that had been incorporated into the bill relating to cancellation of 25 percent of the principle for the reasons mentioned by the gentleman from Texas, Mr. KAZEN, because it would not provide a recipient with the amount of relief that had been anticipated.

I am somewhat relieved to know that the gentleman is going to be doing something in the way of offering an amendment, because he would have otherwise set in motion, I believe, a possible administrative nightmare, unless something was done about this.

However, has there been taken into consideration what the Red Cross does for the individuals, in addition to the SBA and Farmers Home Administration loans and the forgiveness provisions associated with those agencies in the program under the Disaster Relief Act? The Red Cross does give some assistance to these people as well.

Mr. SMITH of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the statement has been made that this bill will bring money to this area. That is not correct, in my opinion.

That is permanent law. We passed that in 1970. We have $70 million in the SBA now, and $80 million in the bill in conference, and as of the day before yesterday President Nixon sent up, I believe hand delivered, to the gentleman from Texas (Mr. MAHON) a request for $100 million for this Agnes situation. I believe the gentleman from Texas (Mr. MAHON) introduced a House joint resolution. It was heard yesterday, and increased to $200 million.

It is my hope that that bill will be disposed of tonight, or tomorrow, before we adjourn, which will give $200 million under the presently existing formula to help these people who have suffered in this hurricane.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to my colleague.

Mr. ROUSSELOT. I appreciate my good friend from California bringing up the point about the $100 million requested by President Nixon. That $100 million he has requested does not apply to the home loans and to the business loans we are talking about in this bill. It is for other aspects of disaster loans—that is for public facilities, et cetera. That is exactly the point we wish to make tonight.

Mr. SMITH of California. That is correct, but with the setup between the administration and the SBA they have worked it out.

Mr. ROUSSELOT. I wanted to be sure it was understood the $100 million the President requested does not apply to the type of things the Small Business Administration administers under this program.

Mr. SMITH of California. The Small Business Administration, I believe, has opened some 48 offices.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. Gross).

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, I take this time to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. How long is it proposed to continue this endurance contest we are embarked upon?

The SPEAKER. The gentleman's question is not a parliamentary inquiry.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I note by the clock we have now been in 10 hours of continuous session, and I would think that the time has about arrived when we should dispense with further proceedings. I therefore make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YOUNG of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 250]

Abernethy
Abzug
Anderson, Tenn.
Baring
Belcher
Bell
Blanton
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Carey, N.Y.
Celler
Chisholm
Clawson, Del
Clay
Conyers
Curlin
Davis, S.C.
Dent
Diggs
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Eshleman
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fulton
Gallagher
Green, Pa.
Griffiths
Hansen, Wash.
Hathaway
Hawkins
Hays
Hébert
Holifield
Hosmer
Hunt
Karth
Kee
Keith
Kluczynski
Landrum
Lennon
Lent
Lujan
McCulloch
McDade
McDonald, Mich.
McKevitt
McMillan
Madden
Martin
Mathias, Calif.
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Moorhead
Mosher
Moss
Murphy, N.Y.
Nichols
Pelly
Pike
Pirnie
Podell
Poff
Pryor, Ark.
Pucinski
Rarick
Reid
Rhodes
Riegle
Ruppe
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Springer
Stephens
Ullman
Wampler
Wiggins
Wilson, Bob
Winn
Wright
Wydler

The SPEAKER. On this rollcall 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 15692, INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. **Colmer**).

(By unanimous consent, Mr. Colmer was allowed to speak out of order.)

BUSING TO ACHIEVE RACIAL BALANCE

Mr. COLMER. Mr. Speaker, I dislike to take time on an extraneous matter here tonight, but it would appear that we are going to be here quite a while anyway.

Mr. Speaker, this afternoon I advised the distinguished chairman of the Judiciary Committee, Mr. Celler, my good personal friend, that I was going to make a statement here at the first opportunity in the consideration of one of these rules.

Mr. Speaker, the controversy over whether public schoolchildren should be transported by busing from one neighborhood to another in order to achieve a racial balance has been before this Congress and the courts for several years. Many bills and resolutions have been introduced in this House over a period of more than a year to stop this procedure. These resolutions have all been referred to the House Committee on the Judiciary or, in a few instances, to the Committee on Rules.

To be specific without listing all of these documents, I should like to call the attention of the House to the fact that on May 6, 1971, House Joint Resolution 620, introduced by the gentleman from New York (Mr. Lent) was referred to the Committee on the Judiciary. This was in the nature of a constitutional amendment and its purpose was to prevent the practice of transporting children in order to achieve a racial balance and to preserve the neighborhood schools.

On September 22, 1971, more than 4 months after this resolution, House Joint Resolution 620, was referred to the Judiciary Committee, and after no action had been taken thereon, the gentleman from Oklahoma (Mr. Steed) introduced House Resolution 610 which was referred to my Rules Committee. This resolution would discharge the Judiciary Committee from further consideration of House Joint Resolution 620 and bring the resolution to the floor of the House for the consideration of this body. Since the resolution called for this extraordinary procedure, your Committee on Rules felt that the Judiciary Committee should have more time for consideration of the important constitutional amendment proposal and took no action thereon.

However, on January 26, 1972, more than 8 months after the Lent resolution was referred to the Judiciary Committee and more than 4 months after the Steed resolution was referred to the Rules Committee, as chairman of the committee with the duty of scheduling various resolutions referred to it, I had a colloquy with the able and distinguished chairman of the Judiciary Committee, Mr. Celler, here on the floor of this House—Congressional Record, volume 118, part 2, page 1254. In that colloquy I called—I thought rather forcefully—the attention of the chairman of the Judiciary Committee to the fact that no action had been taken on the Lent resolution and chided him about burying the resolution in the cellar of his committee, and that I felt that I had some obligation in the matter of the Steed resolution.

Chairman Celler did announce on that day that he would have hearings on the matter which hearings were to begin on March 1, 1972. I am now advised that Judiciary Subcommittee No. 5, chaired by Mr. Celler himself, did conduct hearings on the busing amendment. But, I am also informed that no conclusion was reached nor was the matter ever considered by the full Judiciary Committee.

Mr. Speaker, here we are at the end of June. A recess of the Congress begins tomorrow lasting until July 17. A month later the Congress is scheduled to take another recess from August 18 to September 5. There is talk about sine die adjournment of the Congress sometime in October. In other words, time is running out. The people, and particularly the parents of school children, are muchly concerned as are many Members of this House that no action will be taken. Many Members of this body have gone on record as favoring some action to stop this senseless busing of our children, in many instances for many miles, in order to achieve a racial balance in our schools. The advocates of this indiscriminate and limitless busing seem to be more concerned with obtaining a racial balance than with obtaining quality education.

Mr. Speaker, the President of the United States has on more than one occasion made strong statements against this busing for the achievement of racial balance. In fact, he has recommended to the Congress that certain action in the nature of a moratorium be established in this area until the Congress and the courts can finally settle the issue, and legislation has been introduced and referred to the Judiciary Committee to this end.

Now, Mr. Speaker, with no desire to embarrass my long-time friend, the chairman of the Judiciary Committee, or any members of that committee, I feel obligated as chairman of the Rules Committee having jurisdiction in this field, as well as a sense of duty, to again respectfully call this matter to the attention of the chairman and the members of the Judiciary Committee. I do so with the hope that the Judiciary Committee will see fit to take some affirmative action in the very near future on either the bill containing the President's recommendation or the proposed constitutional amendment and thus relieve my committee of the necessity of resorting to the unusual procedure of discharging the Judiciary Committee from further consideration of these measures and thereby taking the matter directly to the floor of the House so that the Members may have an opportunity to express themselves on this all-important question.

Again, in view of the limited time left in the 92d Congress, I would respectfully suggest that this be done not later than August 1.

Mr. Speaker, this is possibly the most important issue before the country today, affecting as it does the very lives and welfare of our most cherished possessions, our children. This Congress should not adjourn without taking favorable action on this matter. It should be settled and not left as a political football to be kicked around in this election year.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Speaker, I respectfully request unanimous consent to extend and revise my remarks at this point in the RECORD in support of an affirmative vote on the rule that will permit immediate action on the emergency legislation pending for victims of the tragic disaster at Rapid City, S. Dak.

Mr. Speaker, the opponents to the rule may not be opposed to the pending legislation, but it cannot be denied that if this rule is defeated the emergency legislation is delayed, if not effectively defeated. That is the wrong action—that is the wrong vote if the Members here assembled care "one iota" about essential assistance to fellow Americans that unsuspectedly fell victims to an act of God.

There are great men here assembled—men of good will—and men of great wisdom. There are none so great that may not one day be humbled in the storms of life beyond compare. The powers of nature, loosened in the darkness of night, came upon the citizens of a peaceful community—and the raging torrents of waters from the canyons of the beautiful Black Hills roared through the "valley of death" below. The terror and tragedy that followed shall not be forgotten.

Mr. Speaker, this rule must be adopted and the emergency legislation must be approved tonight.

Mr. YOUNG of Texas. Mr. Speaker, I yield the remaining 3 minutes that I have to the gentleman from South Dakota (Mr. ABOUREZK).

Mr. ABOUREZK. Mr. Speaker, I just want to respond to some of the questions raised by the gentleman from California (Mr. SMITH) and other Members who are concerned about what the benefits will provide and what benefits have been provided in the South Dakota flood.

For example, the $100 million of which the gentleman from California (Mr. SMITH) spoke, is to be applied to the Office of Emergency Preparedness which does nothing for long-term private relief. It only provides for rebuilding public facilities and some short-term relief for victims of the disaster.

The Red Cross and other private relief agencies have tried to help out in the South Dakota flood, and I am sure they are doing the same in the east coast flood that just occurred. But what is really needed is some kind of relief for private individuals who have lost both their homes and their businesses, and relief that they are not getting under the existing law, and for many of those people there is no help at all. As a matter of fact, in the district I represent, which includes Rapid City, S. Dak., my hometown, for many of those people even a 1 percent SBA loan will be very little relief at all. Nothing short of an outright grant to some people who have lost everything they have had will do the job.

Now in a community of 43,000 people—Rapid City, when you lose 224 of your friends and your relatives and if your entire business and your entire home is wiped out as well, there is no question that those people need relief as soon as possible.

On the question of the urgency for this legislation tonight, let me say that those people—in view of the great psychological impact they have suffered, really have to make a decision. They have to make a decision right away—whether to stay and to try to rebuild and pick up the pieces; or whether to take bankruptcy and walk away from what they have and move on to something else.

I think it is quite urgent, as a matter of fact, that this legislation be passed as well as other legislation that will fill in the gaps in the existing Disaster Relief Act.

But tonight I really think those people out there are entitled to it, especially in view of the fact that we give billions of dollars of disaster relief to people overseas without ever asking for repayment. We give interest-free loans and for the most part—grants. I do not really think it is too much to ask that the people of this country—people who are innocent of any wrongdoing in this disaster, be given some kind of relief from their Government.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred seventy-two members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 348, nays 6, not voting 78, as follows:

[Roll No. 251]

YEAS—348

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Link
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—6

Ashbrook
Dellenback
Gross
Hall
Schmitz
Smith, Calif.

NOT VOTING—78

Abernethy
Anderson, Tenn.
Baring
Belcher
Bell
Blatnik
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Celler
Chisholm
Clawson, Del
Clay
Conyers
Curlin
Davis, S.C.
Dent
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Evins, Tenn.
Findley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gallagher
Green, Pa.
Griffiths
Grover
Harsha
Hays
Hébert

Hosmer
Hunt
Karth
Kee
Keith
Kluczynski
Lennon
Lent
Lujan
McCulloch
McDade
McDonald, Mich.
McMillan
Madden
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Mosher
Moss
Murphy, N.Y.
Pelly
Pirnie
Poff
Pryor, Ark.
Pucinski
Rarick
Reid
Ruppe
Shoup
Shriver
Sikes
Slack
Springer
Stephens
Wampler
Wiggins
Wilson, Bob
Wright
Wydler
Wylie

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hunt.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Sikes with Mr. Burke of Florida.

Mr. Dent with Mr. McDade.

Mr. Edmondson with Mr. Belcher.

Mr. Moss with Mr. Hosmer.

Mr. Davis of South Carolina with Mr. Shriver.

Mr. Hays with Mr. Mosher.

Mr. Evins of Tennessee with Mr. Erlenborn.

Mr. Slack with Mr. Lent.

Mr. Pucinski with Mr. Pelly.

Mr. Reid with Mr. Metcalfe.

Mr. Blatnik with Mr. Broomfield.

Mr. Anderson of Tennessee with Mr. Pirnie.

Mr. Karth with Mr. Bell.

Mr. Caffery with Mr. Mathias of California.

Mr. Baring with Mr. Conyers.

Mr. Green of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Springer.

Mr. Murphy of New York with Mr. Wydler.

Mr. Eckhardt with Mr. Clay.

Mrs. Chisholm with Mr. Dowdy.

Mr. Madden with Mr. Grover.

Mr. Kee with Mr. Keith.

Mr. William D. Ford with Mr. McDonald of Michigan.

Mr. Miller of California with Mr. Del Clawson.

Mr. Celler with Mr. Bob Wilson.

Mr. Stephens with Mr. Bray.

Mr. Wright with Mrs. Dwyer.

Mr. Lennon with Mr. Wampler.

Mr. Kluczynski with Mr. Ruppe.

Mr. Mills of Arkansas with Mr. McCulloch.

Mr. Edwards of California with Mr. Lujan.

Mrs. Griffiths with Mr. Shoup.

Mr. Pryor of Arkansas with Mr. Wiggins.

Mr. Gallagher with Mr. Harsha.

Mr. Rarick with Mr. Findley.

Mr. McMillan with Mr. Wylie.

Mr. Curlin with Mr. Poff.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LICENSING OF PERSONNEL ON CERTAIN VESSELS

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6479) to provide for the licensing of personnel in certain vessels, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 16 and 17, strike out "emergency." " and insert "emergency."

"(3) Paragraph 2 of this subsection shall not apply to towing vessels of less than two hundred gross tons engaged in a service or preparing or intending to immediately engage in a service to the offshore oil and mineral exploitation industry, including construction for such industry, where the vessels involved would have as their ultimate destination or last point of departure offshore oil and mineral exploitation sites or equipment."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

INTEREST RATE ON SMALL BUSINESS ADMINISTRATION DISASTER LOANS

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 1, not voting 90, as follows:

[Roll No. 252]

YEAS—341

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Stuckey

NOT VOTING—90

Abernethy
Anderson, Tenn.
Baring
Belcher
Bell
Blatnik
Boggs
Bray
Broomfield
Burke, Fla.
Caffery
Celler
Chisholm
Clawson, Del
Clay
Collier
Conyers
Crane
Curlin
Davis, S.C.
Davis, Wis.
Dent
Derwinski
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Evins, Tenn.
Findley
Fish
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gallagher
Green, Pa.
Griffiths
Grover
Halpern
Hansen, Wash.
Harsha
Hays
Hébert
Hosmer
Hunt

Karth
Kee
Keith
Kluczynski
Lennon
Lent
Link
Lujan
McCulloch
McDade
McDonald,
  Mich.
McMillan
Madden
Mailliard
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Montgomery
Mosher
Moss
Murphy, N.Y.
Pelly
Pirnie
Poff
Pryor, Ark.
Pucinski
Rarick
Reid
Ruppe
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Springer
Stephens
Wampler
Wiggins
Wilson, Bob
Wright
Wydler
Wylie

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15692), with Mr. SISK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. I yield myself 5 minutes.

I just reminded the Clerk near the Speaker to remind me when I have consumed 5 minutes.

We do not need to talk a great deal on this bill. We know what the story is. I suggest that our side will use less time than the minority, and we will carry it out that way. So if you wish to get through, just cooperate; stay here and do not break the quorum; do not have any quorum calls; get down to business on this disaster bill.

I think it is terrible to have a filibuster on a disaster bill. The President did his duty on 32 occasions since July 1, 1971. He declared a disaster area in 32 instances involving 25 States, that involved hundreds and thousands of people.

We have a bill here to implement what the President has done, and in order to implement that, we must have consideration. To get consideration we must cut down debate to get right down to the amendments, if there are any amendments—and there will be some—and we will pass on them like we always do in representative government. Then we will get down to the final vote.

I feel that this is one bill that is timely and opportune and very much needed. I certainly hope that no one will try to interfere with orderly procedure or try to block it in any way.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. It seems to me that we had a bill earlier this afternon concerning predators that took about an hour, perhaps more, along with the rollcall. I wonder why that bill was scheduled ahead of your bill, if you considered your bill so important.

Mr. PATMAN. I did not pass on that.

Mr. GROSS. Well, the leadership passed on it.

Mr. PATMAN. Well, blame the leaders; talk to the leaders about it.

Mr. GROSS. I might as well talk to the moon.

Mr. PATMAN. Well, you can be quiet and help us get this bill through.

I have a statement showing all of the disaster areas declared by the President of the United States that would be included in this bill since July 1, 1971, which commenced with the fiscal year. We are in that fiscal year right now, and there are 32 of those disaster areas. I will read them to you:

PRESIDENTIALLY DECLARED DISASTERS FISCAL YEAR 1972

July 12: Nebraska.
August 5: Maryland.
August 30: New Jersey.
September 3: New York.
September 9: Oklahoma.
September 13: Texas.
September 15: Pennsylvania.
October 13: Louisiana.
January 7: Colorado.
January 17: Oklahoma.
January 28: Oregon.
February 4: Washington, (state).
February 11: Texas, Mississippi, Arkansas.
February 24: Massachusetts, New Hampshire, Nevada.
February 28: West Virginia.
March 7: Idaho.
March 9: Island of Truk.
March 27: Washington (state).
May 15: Texas.
May 18: Kentucky.
June 6: Washington (state).
June 12: South Dakota.
June 13: North Dakota.
June 23: Florida, Virginia, Maryland, Pennsylvania, New York.

The President did his duty when he declared these areas distressed areas so they could get relief.

Under present law they would have to pay over 5-percent interest, and that is a minimum. It could be 7 percent the next month, or 8 percent or 9 percent. It fixes no limit. Our bill fixes a limit. It is really one our consciences can live with. Why should we want to penalize people who have suffered and are in distress, who have lost their homes, who have lost their families and everything?

Why should we quibble about something like that? Why should we not get down to business and pass this?

If we were to agree to let this bill go over until tomorrow, that would be the kiss of death for this bill. It would actually kill the bill. It would be just defeating it to put it over until tomorrow. If we pass it tonight and get it over to the Senate, the Senate meets at 8:30 in the morning, and they could get this bill up. But if we postpone the bill until tomorrow, it would be afternoon or night tomorrow before it ever got to the Senate. The only sure way of getting this bill passed is to stay in session and pass it tonight and get it to the Senate tonight. If we just stay here and keep a quorum, we will get it done.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I am most pleased that we are now able to consider H.R. 15692, to reduce interest rates on SBA disaster loans and I rise in support of the bill.

On Tuesday, I took the floor to comment on the purpose of the bill. I briefly pointed out some extent of the damages which have occured in Pennsylvania as a result of last week's rains. Many thousands of people in the State of Pennsylvania are in need of immediate assistance.

This situation exists in at least four other States that were hit by the tropical storm Agnes, and the torrential rains and winds that followed. On Monday, the administration designated 95 cities and counties in five Eastern States as major disaster areas making residents eligible for low-interest Government loans to repair flood damage. That figure is now over 100 areas. Unfortunately many more than 100 areas have been severely hit by the storm and have suffered great damage. In the State of Pennsylvania Governor Shapp has announced that the State is working in 61 areas which have been damaged, even though only 35 areas so far have been designated as major disaster areas.

I must commend my chairman, the gentleman from Texas, and my fellow members of the committee for the prompt action taken to present this bill to the House. However, after reviewing the measure as amended by the committee and considering its effect and the needs of the people, I find that the committee adopted an amendment which will cause undue hardship on the many thousands who are eligible for and will be assisted by the SBA disaster loan program.

The amendment was adopted in good faith and with the best of intentions, however, I believe we failed to give due consideration to the effect of the amendment.

The law presently has a cancellation or forgiveness provision of $2,500, for loans of at least $3,000. In one particular situation in the past it was found that some applied for and received a loan of that amount or more who may not have been entitled to the same. There were also occasions where the funds were not used for the intended purpose. To prevent these abuses the committee properly strengthened the proof of loss requirement to require a bona fide estimate of the cost of repair, rehabilitation or replacement.

At the same time the cancellation or forgiveness provision was changed, which will result in increased costs to those to be benefited by the program. I believe that this change is ill-advised and manifestly unfair. It is somewhat like changing the rules of a game after the game is underway, only worse.

The people who are now suffering from last week's storms have been advised of what programs are available to assist them and led to believe and expect a $2,500 loan cancellation. Yes, to expect a $2,500 grant under existing law. The amendment does away with that and I think it is wrong.

I will, therefore, oppose the committee amendment and offer a substitute to reinstate that provision and to reduce the interest on the balance of the loan, after forgiveness, to 1 percent per year.

Mr. Chairman, considering the plight of the poor souls who have experienced the ravages of the storm and their suffering, this is the least we can do. I would prefer no interest rate loans in addition to the forgiveness, but am led to believe that that would have little possibility of being accepted. I believe, the amendment I will offer is realistic and practicable and is so very much needed to assist those who have suffered and experienced great financial losses.

I hope that when the amendment is offered it will not only receive the support of all the Members from Pennsylvania but all the Members of the House, because it affects every State in the Nation.

Mr. WIDNALL. Mr. Chairman, I rise in support of H.R. 15692 as amended and yield myself such time as I may require.

H.R. 15692 as amended provides for some very desirable changes in the disaster loan program of the Small Business Administration. Natural disasters are a recurring phenomenon in our country, but occurring in scattered sites, as they do, it is seldom that all of us here in Congress are simultaneously made aware of their true significance. Last week's hurricane laying waste to this immediate area changed all that. The stark stories of damaged businesses or destroyed homes have filled the local media. The need for and the value of Federal assistance in times of disaster is apparent to all.

I am pleased to be able to say to you that the bill we bring before you today makes some significant improvements in a program which has already proved its value.

Under existing law the interest rate on disaster loans is tied to the cost of Treasury borrowing. Presently the rate is 5⅛ percent. H.R. 15692 reestablishes the old 3 percent maximum interest rate for disaster loans. Note that this applies only to disaster loans—not SBA's regular loan business. Under certain circumstances, which I will explain in a minute, borrowers may exercise an option to borrow at an even lower rate of 1 percent.

While I am not a proponent of submarket interest rate loans I do believe in compassion. If there is ever a time when this Nation should utilize its resources to help its citizens it is when they are innocently bowled over by natural disasters over which they have no control. Because of this—and because we have included in the bill certain safeguards against abuses—I am in full support of these favorable rates.

Under existing law SBA can forgive up to $2,500 of a loan subject to the requirement that the borrower must repay the first $500 of the amount borrowed. This has proved to be unworkable and an invitation to abuse of the program. It has served as a real incentive for people to borrow $3,000 when lesser amounts would suffice and SBA has found it more costly to try and collect the $500 than it would be to forgive it. Accordingly your committee has changed the rules on this to authorize SBA to forgive up to 25 percent of any loan up to a maximum of $2,500. This means that a minimum of 75 percent of any loan is repayable and will serve as a disincentive to borrow more than is actually needed.

Furthermore, we have provided the borrower with a new option. He can borrow at 3 percent with the 25-percent forgiveness clause or, if he is willing to repay all of the principal, he can borrow at a 1-percent interest rate. We expect the options to be offered by SBA together with loan repayment periods so as to maximize the convenience to the borrower while minimizing the costs to the Government.

We have made two other changes to make the program more responsive to citizens needs. First recognizing that it can take a long while to get back on your feet financially after a major disaster we have extended the time that the SBA may defer payments on disaster loans. Present law provides that payments may be deferred for 3 years. We have extended that to 5 years.

In addition we have given the Administrator limited discretion to extend the geographic areas in which disaster loans can be made beyond the areas set forth in Presidential proclamations. Naturally the President's designation of a disaster area must set forth some geographic boundaries. Normally these are State or county boundaries. However, it is not at all unusual for a few properties in adjacent areas to suffer damage. If disaster loans are available only in Presidentially designated areas these property owners are excluded from receiving disaster assistance. We do not think this is fair so we have provided authority to the administrator to extend the benefits of the disaster program to adjacent areas where he finds damage has occurred as a result of the same event that prompted the Presidential finding.

While your committee feels this program has proved its value we recognize that it has been subject to some abuses. I have previously mentioned the change we made with respect to the forgiveness clause. We think this will go a long way toward self correction of the program.

However, we have also added a requirement that loan applicants must furnish a proof of loss, damage, or injury and bona fide estimates of the costs of repairs. We expect SBA to review this information and to amend its loan contracts if necessary to assure a full and complete contractual understanding as to what the loan funds are to be used for. It is not our intention that loans extended on such liberal terms be used for purposes other than the repair, rehabilitation or replacement of facilities damaged in the disaster.

To assist SBA in enforcing this concept we have added a provision for civil penalties in an amount equal to 1½ times the loan amount for misapplication of funds. This is in addition to Federal fraud statutes presently on the books.

All in all we think H.R. 15692 represents a real and much needed improvement in SBA's disaster loan program. With the amendments we are recommending deserving citizens will have access to improved assistance while those who just want to take advantage of a good thing will be deterred.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Arizona.

Mr. GOLDWATER. I thank the gentleman for yielding.

I am concerned about this retroactive provision, back to 1971, July. As Members know, the California earthquake in Los Angeles occurred February 9, 1970. At that time there were approximately 80,000 families who received loans from the SBA.

If in fact we made it retroactive back to the California earthquake, would those people be better off under this provision than they are under the flat $2,500 deduction?

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from California.

Mr. REES. I should like to try to answer the question.

I have an amendment here to put the date back to July 1, 1970, to cover two major disasters which are not covered by this bill.

One was the major flood and hurricane that hit Texas in 1970, I believe in August, and the other was the California earthquake of 1971.

If the retroactive feature is put back and the California earthquake is covered, I do not believe the expense would be that much. What would happen is that the current loans at 3 percent and higher would be renegotiated at 1 percent.

In the retroactive provision it would mean all of the provisions in this bill would affect those California loans and California grants, so that a person coming in for a loan, to go from 3 to 1 percent, would have to qualify in this bill in regard to the automatic $2,500 forgiveness provision.

I believe if the retroactive feature is put back to cover the California earthquake there would not be that amount of funds involved because of this feature we have on the $2,500.

Mr. GOLDWATER. Mr. Chairman, if the gentleman will yield further, would it not be a fact that this would be true for only those who acquired high loans, say $10,000 loans? Under the figures that were given to us by the gentleman from California (Mr. SMITH) the average loan was something around $3,000 or $4,000. If in fact we made this retroactive back to then the people with the average loans would in fact get less money than they would under the provisions as they prevail under the original act.

Mr. REES. Mr. Chairman, if the gentleman will yield further, the bill as it is now does not cover the California earthquake.

The amendment that I will be offering later, if passed, will cover the California earthquake and will be beneficial to those who sustain major loss—let us say over $10,000 in size—because then they can take the option of the 1 percent interest loan. So it will be of help to those who suffer the most.

Mr. GROSS. Will the gentleman yield so I can ask the gentleman a question?

Mr. WIDNALL. I yield to the gentleman.

Mr. GROSS. How many years back would you like to make this retroactive?

Mr. REES. Right now I would like to postdate it to July 1, 1970.

Mr. GROSS. How about the Chicago fire and indemnification for Mrs. O'Leary's cow?

Mr. REES. We already have in the bill the date of July 1, 1971. I would be glad to loan you an amendment that would make it June 1, 1972, so that we can cover the present hurricane.

Mr. WIDNALL. Mr. Chairman, I want to yield now to the gentleman from Pennsylvania (Mr. WILLIAMS).

POINT OF ORDER

Mr. HALL. Mr. Chairman, I make the point of order that there are an excess number of committee counsel and clerks on the floor.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there are an excessive number of committee staff members on the floor.

The Chair understands that the Speaker has ruled, according to the rules of the House, that only four professional members and the clerk of the committee will be permitted on the floor at any given time. If at the present time there are more than that number on the floor, they will please retire.

Mr. PATMAN. Mr. Chairman, this is obviously meant for delay, and I hope it is not taken out of our time.

The CHAIRMAN. The matter is not subject to debate. The gentleman from Missouri has made a point of order. If there is in truth a violation of the rule, then staff personnel over that number will retire.

The gentleman from New Jersey has consumed 9 minutes. Does he desire to yield further time?

Mr. WIDNALL. I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman from New Jersey for yielding this time to me.

I would like to call the attention of the members of the committee and the chairman to the fact that we do have a number of Members from California on the Committee on Banking and Currency, and an amendment to make this retroactive to a date that would cover the California earthquake was never mentioned by any California members of the Committee on Banking and Currency. In fact, we were informed by the California members that the papers in California were filled with the accounts of a great number of frauds that have been perpetrated in obtaining small business disaster loans whereas in fact there was no real reason for such claim.

Mr. REES. Will the gentleman yield?

Mr. WILLIAMS. I will in just one moment.

This is the reason for the paragraph that we put in which would make anyone using the loan for any purpose other than that for which it was made civilly liable for one and a half times the principal amount of the loan. Yet in the very last paragraph we say we are making it retroactive to July 1, 1971, except that the last paragraph of the amendment which I have just described made by the first section shall apply only with respect to loans made on or after the date of enactment of this act.

And the fact of the matter is it could have been taken care of, and it could have been taken care of in the committee. It was the report that we received about the frauds that had been perpetrated in California that was the reason we decided to make this retroactive only for this fiscal year.

Mr. REES. Is it not true the reason we have July 1, 1971, instead of June 1, 1972, is that the gentleman wanted to cover a disaster in Pennsylvania?

Mr. WILLIAMS. No; that is not true. The fact of the matter is you have already heard the chairman read off the number of States, 25 in all, in which disasters occurred during fiscal year 1972.

Mr. REES. One of them which was in the gentleman's area.

Mr. WILLIAMS. They were disasters, Presidentially declared disaster areas in this fiscal year.

Mr. REES. Then why did you settle for July 1, 1971?

Mr. WILLIAMS. To cover this fiscal year which we are presently in.

Mr. REES. So it would cover the disaster that occurred in the genleman's district?

Mr. WILLIAMS. I have already told the gentleman that the chairman read the list of the 25 States in which Presidentially declared disasters had occurred.

Mr. REES. One of which was in the gentleman's district.

Mr. WILLIAMS. Absolutely not. There was not one disaster loan made in the district of Pennsylvania which I represent.

Mr. REES. But there will be.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PATMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, the gentleman from Pennsylvania has just pointed up the reason we ought to make the provision retroactive at least until the beginning of this Congress, and I have no objection to making it retroactive until the beginning of the fiscal year of 1971.

If there were people who received money fraudulently they ought to have to give it back. But there were a tremendous number of people who suffered severe losses who can receive no help under the existing law because they could not qualify for the 5.5 percent loan, they did not have equity enough in their own homes or enough income. Their homes were totally destroyed, and they are now living in furnished rooms in San Fernando and Sylmar, because they cannot get assistance, they could not meet the credit requirements for the 5.5-percent loan.

I am perfectly willing to have anybody who received money fraudulently in my district required to give back the money, but in addition I do think that people who have suffered in that earthquake ought to have the same opportunity to get back into their own homes as the people who have suffered disasters since July 1, 1971.

I want to commend the committee, because this is a substantial improvement over the existing legislation, but I urge the committee to take the action necessary to make it 1970 so that if there was fraud the Government can get its money back. For those people, and there were only a handful, probably 300 in Los Angeles, who suffered severe losses, they should get the 1-percent loan. The existing law does not help them.

Mr. WILLIAMS. If the gentleman will yield, let me call the attention of the gentleman to the fact that I was quoting the members of the committee who were on the Committee on Banking and Currency. I have never read any California newspapers about the disaster there, and the frauds connected with the disaster out in California. I do, however, see some merit in going back to the date of the beginning of this Congress, which would be January of 1971, and I personally would not oppose that. I would somewhat question whether we should start an investigation into the 70,000-some loans that were made in California. I am not sure that we have that kind of manpower. But as far as going back to the beginning of this Congress is concerned, I personally would not oppose that.

Mr. CORMAN. I sincerely appreciate the gentleman's support.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MOORHEAD) for a unanimous consent request.

Mr. MOORHEAD. Mr. Chairman, I rise not only to announce my full support of H.R. 15692, but to congratulate the Chairman of the full committee, the gentleman from Texas, and my fellow colleagues on the Banking and Currency Committee, for moving so expeditiously on this much needed legislation which I am sure will provide a great deal of assistance to those rebuilding their homes, businesses, and lives in the wake of Hurricane Agnes.

Needless to say, our promptness in reporting this bill would have been blunted had it not been for the cooperation of the Rules Committee which matched our pace and gave us a rule shortly after we reached agreement on the legislation.

While some may seek to make political hay of the misfortune caused by the flood, I think, with this bill, we have shown that Congress can respond quickly and positively to emergency situations.

I am proud to have made a contribution to this process, both in committee and on the floor.

I know that many residents of the Pittsburgh and western Pennsylvania areas will be quick to take advantage of the low interest loan program which we are authorizing today. Although we escaped with no lives lost, our community experienced millions of dollars in damages to roads, businesses, factories, houses, and public and private facilities.

On Wednesday, I spent several hours touring the flood-swollen rivers surrounding the city of Pittsburgh and talking to men and women whose homes and businesses were devastated by the flooding.

In addition to the Federal aid already coming into our area, they were gratified when I told them that I expected Congress soon would pass a low interest loan program to lift from them some of the heavy financial burden they must now shoulder.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, I rise in vigorous support of the proposal now before us, H.R. 15692. I voted for the bill in committee and I intend to vote for it here on the floor.

When Hurricane Agnes was working her way north not one of us could have imagined the horror she would have leave in her wake. Not one of us could have conjured up a picture of billions of dollar worth of devastation which would be her legacy to the people of the mid-Atlantic States. But she is gone now, and she left little to the imagination. Hundreds are dead; hundreds of thousands are homeless, and countless millions have had their lives completely disrupted by the raging waters and gales.

Now we must turn to the unhappy and difficult task of putting the pieces back together. To be sure, we can not assuage the loss of loved ones, but we can and must assist in the monumental program of rebuilding the ravaged areas.

The basic ingredients in the measure before us are simple, yet wide reaching. We are proposing to lower the interest rates on disaster loans to 3 percent. We are proposing to offer a 25-percent writeoff up to $2,500 to the disaster victims with losses sustained above that figure to be covered by the 3-percent loans. And, in accordance with an amendment which I successfully offered in committee this morning, we are proposing to extend coverage to those areas or individuals who have suffered losses, but who do not happen to live within geographical areas designated as "disaster areas." This last measure closes a loophole of discrimination which exists in present law. It enables all disaster victims to claim their full entitlement under the disaster authority by providing that upon establishment and certification of their losses, they may appeal directly to the Administrator of the SBA without waiting for their respective Governor or the President to declare their locality a "disaster area."

Mr. Chairman, this legislation is desperately needed. I encourage all my colleagues to join me in supporting the bill.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I want to thank the ranking member of our committee for yielding me this time.

Mr. Chairman, I would like to make this observation. If we should make the date retroactive in California, I would ask the gentleman from California (Mr. CORMAN) to state whether we could seek to limit the applicability to those losses involving $10,000 or more—that is the amendment.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to the gentleman.

Mr. CORMAN. That would be the only way I think it would be affected because they have got the $2,500 forgiveness under the law as it then existed so if the damage is $10,000 or less, they have already received the $2,500.

My concern is about those people who have suffered a total loss of their homes and are not able to get back into them, because they cannot qualify for existing relief.

Mr. BLACKBURN. May I make this observation.

I am fearful under the circumstances as we are legislating now—it is late in the evening and people are getting tired and are anxious to go home—perhaps their attention is going to be diverted somewhat if this rule is adopted. Then I will do all I can to kill the bill. I think now that the bill is somewhat tolerable and I can live with it.

But if we start changing it drastically and amending it drastically, I think I would be justified in doing all I can to forestall any action on this bill until tomorrow when Members can be more alert to what they are doing.

Mr. WIDNALL. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to make one point—perhaps we are spinning our wheels here and probably creating more problems than we should.

Taking into consideration that there are disasters that have occurred prior to June 1, 1972, and in fact there have been approximately 51 major disasters that have happened in 1972—if you take it on back to 1971, there were 69 major disasters. You are talking of over 100,000 applications that you are going to have to reprocess. You are talking of opening up a can of worms that I do not think the SBA can handle. You are talking about an administrative nightmare that perhaps we ought to leave alone, and had just best leave it retroactive to cover the two current disasters.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, my colleague, the gentleman from California has made an important point that was well discussed in committee. That is—if we make it retroactive to include California, it will cause a tremendous strain with the Small Business Administration having to recalculate a vast number of loans.

I compliment the gentleman on bringing that point that was discussed very extensively in committee.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 7 of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out the last paragraph and inserting in lieu thereof the following:

"No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding thirty years: *Provided,* That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period not to exceed five years, if (A) the borrower under such loan is a homeowner or a small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided further,* That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of twenty years. Notwithstanding the provisions of any other law, and except as otherwise provided in this subsection, the interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), (5), or (6), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) $2\frac{3}{4}$ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"In the administration of the disaster loan program under paragraphs (1), (2), and (4) of this subsection, in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration, to the extent such loss or damage or injury is not compensated for by insurance or otherwise—

"(A) may make any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

"(B) may, in the case of the total destruction of substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained.

"(C) with respect to any loan made to cover a loss or damage or injury resulting from a major disaster as determined by the President, shall, notwithstanding the provisions of any other law, at the option of the loan applicant, and upon presentation by the applicant of proof of loss or damage or injury and estimate of cost of repair, rehabilitation, or replacement, either—

"(i) cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, and make the balance of such loan, if any, at an interest rate of 3 per centum per annum, or

"(ii) make the entire loan at an interest rate of 1 per centum per annum."

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, lines 4 and 5, strike out "the last paragraph" and insert in lieu thereof "the matter following paragraph (6)."

Mr. BARRETT. Mr. Chairman, I rise in opposition to the committee amendment. In my view, the amendment would certainly substantially weaken the effectiveness of the legislation we are now considering. Instead of providing a $2,500 forgiveness on loans to disaster vicitms, as does existing law, the amendment would only provide a 25-percent forgiveness on the principal of the loan.

This would provide less relief than is needed under the terrible circumstances of Hurricane Agnes.

PARLIAMENTARY INQUIRY

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BARRETT. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, I would like to ask, is the gentleman from Pennsylvania referring to the second committee amendment or the first committee amendment?

Mr. BARRETT. The first. This will actually be the fifth amendment.

Mr. ABOUREZK. The first one has not been acted on yet.

The CHAIRMAN. The Chair will state that the first committee amendment now pending is on page 1, starting on line 4, and continuing on line 5.

The gentleman from Pennsylvania has the floor. He still has time remaining.

Mr. BARRETT. Mr. Chairman, I ask unanimous consent that we consider the first amendment.

Mr. BLACKBURN. Mr. Chairman, I object.

The CHAIRMAN. The first committee amendment is pending now.

Mr. PATMAN, I suggest we consider them en bloc.

Mr. BLACKBURN. Mr. Chairman, I object.

The CHAIRMAN. The first committee amendment is now pending.

Mr. PATMAN. All right. Then we may vote.

The CHAIRMAN. The question is on the first committee amendment.

The committee amendment was agreed to.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, at the beginning of lines 12, 16, and 23, and on page 4, at the beginning of lines 5 and 9, insert quotation marks; and on page 4, at the end of line 10, strike out the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, on line 24, insert "(1)" immediately after "from", and on line 25, insert immediately after "President" the following: ", or (2) a disaster as determined by the Administrator which results from the same cause as the major disaster determined by the President".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 3, insert "a bona fide" immediately after "and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, at the beginning of line 10, insert quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, on line 5, insert "25 per centum of" immediately after "cancel", and on line 7 strike out ", if any,".

Mr. BARRETT. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. BLACKBURN. Mr. Chairman, I rise in support of the committee amendment.

Gentlemen, the purpose of this amendment, which was an amendment I offered in the committee, is to prevent the unfairness of the natural tendency everyone suffers from who has any loss in a natural disaster, to make sure that he claims a loss of at least $2,500, and under the present law at least $3,000, knowing that he is going to be forgiven $2,500.

I believe we are inviting fraud, as evidenced by the events which took place in California after the earthquake there.

Furthermore, let us think of the equity. One man loses $3,000 in a disaster. He pays back only $500. He has the least amount of loss. But the man who loses $15,000 still can get only $2,500 forgiven.

What I have done is to prorate it, so that everybody will pay up to the extent of three-quarters of the loss, up to $10,000, which I believe is a very equitable way of handling it.

Furthermore, this will decrease the tendency or the opportunity for fraud which exists under the present law.

There are many victims who have been hurt by these losses. The amount of money we have available is not unlimited. There is a finite amount of money which is going to be made available for these victims.

If we go through with this plan, we will give all of our money away to those people who have lost the least in the disaster, whereas the people who have lost the most will not be given money to take care of their losses.

I believe in fairness, as well as in an effort to avoid fraudulent claims, we should adopt the committee amendment.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from California.

Mr. ROUSSELOT. I compliment the gentleman for the points he has made. He also made them in the committee.

Unike the statements which have been made that no one was present in the committee and this was done hastily, most of the Members of the committee were there. It was discussed. It was pointed out very clearly that the average loan in the California earthquake was roughly $3,300, which meant in most cases $2,500 of it was free.

Therefore that was an inducement to come in to the SBA offices for one neighbor to pass the word to the other to come in and take advantage of this liberal forgiveness clause.

The gentleman has made a very well thought out amendment that will prevent that kind of incentive. He is to be congratulated.

This is not a denial to those who need a loan. They will still be able to get a loan. But it will take away the incentive of the so-called free money.

Mr. BLACKBURN. I thank the gentleman for his observation.

Mr. KAZEN. Mr. Chairman, with the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Texas.

Mr. KAZEN. Let me ask the gentleman a question. This bill is retroactive beginning with fiscal year of July 1971. If the amendment is adopted and the committee amendment remains in the bill, what will happen to those people who got a $2,500 forgiveness? Would they have to pay it back?

Mr. BLACKBURN. No. What I suggest we do in that event is to say that the retroactivity will apply only to losses of $10,000 or above, so that we will not have to go back to everyone who got $2,500 and tell him he has to pay back a pro rata share. I do not want to get into that kind of administrative nightmare.

I would support the retroactivity to the date mentioned by the gentleman from California, provided we also do not apply it to losses of less than $10,000.

Mr. KAZEN. I am talking about the retroactive date in the bill now. Does the gentleman intend to change that?

Mr. BLACKBURN. There is a proposal that we change the date now. Surely, I intend to support the move to change it.

Mr. KAZEN. From the date that is in the bill now?

Mr. BLACKBURN. Surely.

Mr. PEYSER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I really am deeply disturbed to hear the committee amendment that would eliminate the $2,500 forgiveness that exists in the present law.

I am sure many of the Members who have had floods in their districts went through the homes of some of the people who were hit by these floods. I did in my own district.

For the most part the people involved are working men, men whose incomes are probably in the $12,000, $14,000 or $16,000 range. I would estimate the losses in many of the homes I went into, they would be from $4,000 to $10,000. I went through some of these homes with the families who suffered the flood damage.

They showed me where the waters had come into their homes and the damage that had been done. Furniture, TV's, furnaces, et cetera.

These are the people who I believe are among the backbone of our country, people who are paying their taxes good people who are contributing members of our society. They are suddenly hit with a catastrophe, and we are about to pass legislation, if we accept the committee amendment, that will give these people less money than they are presently entitled to under the current law. I believe this would be very unfair.

I agree with the committee on reducing the interest rate substantially, but to say to the man who has a $4,000 loss under this new proposed legislation he will be entitled to a $1,000 forgiveness instead of $2,500 that he can now get under the present legislation I think would be an absolute shame.

These people are not trying to cheat the Government. I do not believe that the American people are out to get whatever they can get and will lie and be dishonest. I have confidence in these people.

I would urge this amendment that would take away the $2,500 forgiveness be defeated.

Mr. ROUSSELOT. Will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. ROUSSELOT. I think the gentleman is to be commended for his effort to make sure that awareness exists as to the maximum amounts available. I am sure he did not mean to imply the disaster victims would not get the money. The loan would still be available, but what you are saying is you want more free money available under the forgiveness clause.

Mr. PEYSER. I am saying they can qualify for the loan, but I do not want the burden of paying off the loan to be too great.

Mr. ROUSSELOT. I believe the overwhelming majority can pay out the loan over a 30-year period.

Mr. PEYSER. Believe me, these people operate very closely, and in the inflation we live in today they are very hard pressed financially

Mr. ROUSSELOT. But we also understand the inflationary pressures on the taxpayers who have to pay for it. The point that needs to be made the gentleman from Georgia made, and he is to be commended, that we try to distribute the the free money. It is not reducing the ability of the individual to borrow up to $55,000 on a home and $500,000 for a business. That is the administrative limitation.

I am sure you understand that the Small Business Administration has been very fair in the kinds of loans they have made. We are talking about a 1 percent loan here, there is no place else available I am sure the gentleman did not mean to imply they would not be able to totally reimburse their loans.

Mr. PEYSER. I appreciate that fact, but I feel this amendment should be defeated. We must see that our people are protected.

Mr. PATMAN. Mr. Chairman, I think we have discussed it enough unless somebody else wants to be heard. The point is shall we strike out this 25 percent. That is the committee amendment that we have stricken out.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I think there is one thing to keep in mind at this point in time, and that is nobody is entitled to anything in the way of a loan or forgiveness of a loan unless they prove that they have had a loss. So the incentive to try to fabricate a loss for a loan which exceeds $3,000 just does not seem to me to be there. It seems to me that we are talking about a matter of equity. We have in effect now a law which provides assistance, which requires what really amounts to a $500 deductible for the first $500 of a loan.

You are forgiven if you have a loss you can prove the next $2,500 of assistance which is given you, and I fear that if we convert now from a flat forgiveness in dollars to a percentage, and we make this legislation retroactive to July 1971, that those people in these 25 States who have benefited as a result of this program from these natural disasters, might be liable for paying back some of the money for which they have already been granted forgiveness.

So it just seems to me that what we are really doing is upping the ceiling for—and I do not think this is necessarily so—for people to try to up the justification for a loan because then they get a percentage up to $10,000. It seems that if we are going to play the game we started out with we more nearly provide for equity by continuing the $2,500 forgiveness.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, I just wanted to point out in addition, that the discussion about earthquakes and fraudulent claims does not apply to flood disasters. Floods, are entirely different than earthquakes. A house may be damaged, and severely damaged in an earthquake, but in a flood, which I have just had the misfortune to witness, a house, the personal property, the furniture and the fixtures are all gone. And whoever asked if we need to provide more free money, my answer is yes, I think all those unfortunate people are entitled to an outright grant. I urge the defeat of the committee amendment.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from New York.

Mr. ROBISON of New York. Mr. Chairman, I appreciate the gentleman's position, and as I said earlier, I am aware of the situation in New York of people who have small claims, and these people have been told, or at least a good many of them, that they are entitled to $2,500 forgiveness if they qualify for a loan, or up to that amount. If this legislation should pass in the form in which it is presented to us, if the committee amendment is not stricken, then I wonder who is going to go up and tell those people it is going to be, in smaller instances, less than $2,500?

Mr. Chairman, I certainly do not want to be that person.

Mr. PATMAN. Mr. Chairman, would the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman has gone over this rather carefully, and in an impressive way, and I believe the gentleman agrees that the bill will be in a better condition and satisfy everybody from an equity standpoint, particularly if the 25 percent, or that language as disclosed by the gentleman from Pennsylvania (Mr. BARRETT) should be stricken.

Mr. WAGGONNER. Mr. Chairman, that is the point I have been speaking to, although I am not optimistic enough to believe that it will satisfy everybody.

PARLIAMENTARY INQUIRY

Mr. BARRETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARRETT. Mr. Chairman, is it not true that if one desires to vote down the committee amendment that one votes "no"?

The CHAIRMAN. The Chair will state to the gentleman that the Chair would interpret it that if one were opposed to the amendment one would vote "no."

Mr. BARRETT. That is obvious, yes, but people are asking here, "How do we vote now to get rid of the 25 percent on the principal?" and the answer is to vote "no"; is that correct?

The CHAIRMAN. One would vote no on the committee amendment.

The question is on the commitee amendment.

The committee amendment was rejected.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 13, strike out ", if any,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, beginning of line 15, insert quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment. Page 4, at the end of line 16 strike the quotation marks.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment. Page 4, line 17, insert:

Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one-and-one-half times the original principal amount of the loan.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BARRETT

Mr. BARRETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRETT. Page 4, line 6, strike out ", at the option of the loan applicant."

Page 4, strike out lines 9 through 16 and insert in lieu thereof the following: "rehabilitation, or replacement cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, and make the balance of such loan, if any, at an interest rate of 1 per centum per annum."

POINT OF ORDER

Mr. REES. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. REES. Mr. Chairman, the committee has already considered this and the committee has approved this language.

This amendment is going back over material that already was acted upon by this committee.

The CHAIRMAN. The gentleman is offering an amendment to the first section of the bill and we have not passed the first section of the bill.

Mr. REES. The gentleman is offering an amendment to an area that has already been approved. The committee has already approved the language on page 4.

The CHAIRMAN. The amendment that is now being offered goes beyond the committee amendment which has been considered.

The gentleman from Pennsylvania (Mr. BARRETT) is recognized in support of his amendment.

Mr. BARRETT. Mr. Chairman, this is the amendment I referred to earlier during general debate on the bill.

Very simply it would continue the present cancellation provision or the forgiveness provision of $2,500 for loans at least to $3,000 and reduce the interest rate to 1 percent per year on the balance of the loan.

I believe, as I have stated before, that the present language of the committee amendment was inadvertently adopted.

The present language will work an additional severe hardship on those who have already endured severe hardships and deprivation and suffering.

This was an honest and certainly a well intended action by the committee, to prevent abuses of the program. Those abuses will be prevented by the other committee amendments.

My amendment will undo the imposition of an additional financial burden on those who have experienced financial loss. I certainly hope, Mr. Chairman, that the House will adopt this amendment unanimously.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and ladies and gentlemen of the committee, we are into the crux of the bill on two particular amendments. The first amendment offered by the gentleman from Pennsylvania and one to be offered by the gentleman from California (Mr. REES).

If those on the committee want a good bill, a bill that we have a chance to get into law, then I sincerely urge you to overwhelmingly defeat both of these amendments.

I happened to have had the pleasure of serving on this subcommitee as the ranking minority member. Let us get this flood disaster in the proper perspective. The gentleman from South Dakota, before we had the floods in the East, brought this legislation to our subcommittee. After we had met on Thursday afternoon and Friday, the subcommittee reported out a bill. We did not get the views of the administration.

We have found out since that there are two important factors that they are concerned with. First of all, I never heard the amount, and now you are down to asking $2,500 forgiveness and a 1 percent interest rate.

Second, you have gotten into the subject of retroactivity. The gentleman from California (Mr. GOLDWATER) pointed out before there were 150 presidential disasters involved in the last 2 years.

If I had had a chance to be recognized, I, instead of Mr. REES, would have made this bill retroactive to June 1, 1972, where it belonged.

I say in opposition to the gentleman from Pennsylvania that you were on the subcommittee and you had an opportunity to make this motion. You were overwhelmingly defeated in the subcommittee, and now I say to your good constituents in Pennsylvania that if you want a bill that this body and the other body can pass and the President can sign, let us not kill the fatted calf. You got your 1 percent on your big loans. You got your $2,500 forgiveness, and if we take care of your amendment and we take care of Mr. REES' amendment, then we could have a bill that we could send to the other body and that the President could sign. If either one of these amendments will pass, gentlemen, I do not think the President in all good conscience could sign it. Nobody knows what it is going to cost. We are going to vote soon on another $200 million appropriation.

Let us take care of the original proposal of the gentleman from South Dakota. Since that time let us take care of presidential disasters that come up, and let us go forward.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I wish to tell the gentleman first that he is greatly admired by everyone, and I wish him to know that I respect him as everybody else does. However, he makes a point that my amendment was overwhelmingly defeated in the commitee. I did not offer the amendment in the committee.

Second, I wish to call your attention to this fact. Before the chairman of the Subcommittee on Small Business left the House tonight, I told him I would be offering this amendment and spelled it out to him as accurately as I did here when I offered the amendment.

Mr. J. WILLIAM STANTON. I would be very surprised, and I am glad you did not say that the ranking member of that subcommittee had agreed with that amendment, because we had an agreement in the subcommittee. We went to the full committee and then back to the subcommittee. We reported out of the committee a very good bill that we could send to the Senate. I tell you tonight if you go back retroactively to the California amendment, you are not going to get a bill.

Mr. BLACKBURN. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Georgia.

Mr. BLACKBURN. I would like to make an observation. I have made some calculations of the cost, and it comes out right at $140 million.

Mr. REES. Mr. Chairman, I rise in opposition to the amendment.

I am not a member of the subcommittee, but I deliberated with the subcommittee on this amendment. The problem we have with the $2,500 forgiveness is that when you do have a disaster, people come in, and they find out that $2,500 is forgiven, and it was amazing, when we had our earthquake in Los Angeles, how many claims we had at $2,500 and at $3,000. The claims were not properly processed. They did not have the manpower in the Small Business Administration, and I suspect there are quite a few thousand people who went out and got $2,500 worth of free Government money that never went into repairing their houses for so-called damages that they got from the earthquake.

What this does is it hits two different classes. If you have a loss, maybe something around $8,000 or $9,000, you might say, "I will take the $2,500 forgiveness and take the balance of the loss at 3 percent," and that is good. But if you have a loss at maybe $30,000 or $40,000, your house and all its possessions, then you have the option of going into a low-interest disaster loan.

But if one has suffered a loss, maybe $30,000 or $40,000, a house and all its possessions, then one has the option of going into a low-interest 1 percent disaster loan. Just remember, when the Treasury is selling its short- and medium-term securities, they are getting about 5 percent on the market, so this is subsidized money. This is money that is costing the taxpayers money. So when we give a person a preferential 1 percent loan, this is a good loan, and it will help the person restore his property, and it is usually property that runs $10,000 or $15,000. I think we have to have this option, because if we have this forgiveness, unfortunately we will find a great many people who do not have bona fide losses who will be standing in line asking for the free $2,500 from Uncle Sam—because that is what happened, unfortunately, in southern California.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, the only question I have is I thought we just voted to allow the $2,500 forgiveness in the last amendment. I do not know what the gentleman is talking about.

Mr. REES. If the gentleman will look on line 10, what the committee did was strike the words "25 per centum" so that it says:

> Cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, and make the balance of such loan at an interest rate of 3 per centum per annum, or—

The second option is on line 15:

> Make the entire loan at an interest rate of 1 per centum per annum.

The person taking the loss can take one of the two options.

Mr. PEYSER. So no matter what happens under this, the $2,500 is in the bill.

Mr. REES. Yes, it is in the bill, and there is no cut into it. That was knocked out.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a correction?

Mr. REES. I yield to the chairman.

Mr. PATMAN. Mr. Chairman, the 25 per centum was correctly quoted by the gentleman, but he failed to mention the word "of." The word "of" should be taken out.

Mr. REES. It reads: "Cancel the principal of the loan . . . up to $2,500."

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, under option 2 I will pose a hypothetical question or circumstance. An individual has an ongoing loan, and he, of course, is responsible for paying for this at the time of the disaster. Under that option, does the gentleman interpret this provision to suggest that the person can include the new loan and refinance the old loan under that particular provision at the 1 percent?

Mr. REES. No. I would think if there is a retroactive basis, whether it is last year or the year before, that he could go in and renegotiate the package. If he had taken this $2,500 and wants to give it back and renegotiate at 1 percent he could.

Mr. DON H. CLAUSEN. Mr. Chairman, I am thinking about an individual that has a $2,500 FHA loan and he is paying 6 or 7 percent. Will this permit him to go in and refinance his loan under a disaster provision and add to it the cost of reconstructing the loan?

Mr. REES. This is a completely separate loan. If you have a mortgage of $37,000 on your house and it is destroyed, you can go out and borrow the money at 1 percent here, but you are still liable for the mortgage.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support what the gentleman from California, Congressman REES, has said. I am opposed to this amendment. It does seem to me, although we are terribly sorry for the people who suffer disaster, that we need to have some rationale as to how we apportion the money we make available. We need 1-percent money for the people who have substantial losses. I do not think we can get $2,500 for everybody plus 1-percent interest for those who suffer substantially. I hope this amendment is defeated. I think we made a mistake in eliminating the 25 percent up to the $2,500 forgiveness. We have made that decision, but we ought not go further. We need to have some reasonable basis for granting relief. I hope we can keep the existing language.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, I associate myself with the gentleman in the well. We learn by experience. The earthquake we had in California and in going through the turmoil and frustrations of dealing with the whole question caused California, I think the gentleman remembers, to conclude that this would be the most equitable way of dealing with the problem.

Mr. CORMAN. When there is a disaster, all the pressure is to get the money out in a hurry, because we have people who have no place to live, and we need to get them housed quickly.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment most reluctantly, because I do know that the many people who have suffered these disasters need compassion and do need 1 percent loans.

However, we have again heard about all the fraud that has been perpetuated through this type of loan.

I should like to call attention to page 4, line 17, and everything down to line 21, which was added to this bill in order to stop future fraud.

I also want to call attention to page 4, line 8, to where we have inserted the words, "a bona fide" estimate of cost of repair, rehabilitation, or replacement. So we have closed the door on some of these frauds.

We have already heard that the average loans are $3,300 or $5,000.

The way the language in the bill now stands, one would get the $2,500 forgiveness, and when he took advantage of the forgiveness he would get the balance of the loan, if any, at 3 percent. Certainly one cannot ask for anything more than that.

At the same time, if he did not want to take advantage of the forgiveness clause then he would get the entire loan for 1 percent.

I believe we should defeat this amendment.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to my colleague from Pennsylvania.

Mr. BARRETT. Certainly I do not want to debate with my colleague, but he knows as well as I do from the Governor of Pennsylvania, who was down here just the other day, that 50,000 people in Pennsylvania lost their homes just last week. Five thousand factories have been destroyed. Over 10,000 people are out of employment. They have no opportunity to get 3 percent to pay on these loans. If anything, we should give them no interest loans. This is what is needed today.

Mr. WILLIAMS. Let me say to the gentleman from Pennsylvania, my distinguished colleague, that what we are actually giving to the people of Pennsylvania and the people of the other 25 States which have had disasters this year under this bill are loans at 2¼ percent less than they could have gotten before the enactment of this bill.

In the case of large losses, such as a business or an industry, we are actually giving them 1-percent loans, because they will not want the forgiveness. So we are giving them a very substantial advantage in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. BARRETT).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 2. The provisions of the first section shall apply with respect to loans made in connection with any disaster occurring on or after July 1, 1971.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: On page 4, strike lines 22 through 24 and insert:
>
> SEC. 2. The amendment made by the first section shall apply with respect to loans made in connection with any disaster occurring on or after July 1, 1971, except that the last paragraph of the amendment made by the first section shall apply only with respect to loans made on or after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. REES TO THE COMMITTEE AMENDMENT

Mr. REES. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. REES to the committee amendment: Page 5, line 2, strike out "July 1, 1971" and insert in lieu thereof "July 1, 1970".

Mr. REES. Mr. Chairman, I think we have already discussed this amendment. What the amendment would do is move back 1 year the retroactive date. In the bill now we have the date as July 1, 1971. This would change it to 1970.

It is always difficult when you have to talk about a retroactive date, because you have to wonder whose disaster are you going to take in. This will take in two major disasters; namely, Hurricane Camille, that hit the southern States, and the Los Angeles earthquake.

I do not believe the impact of the bill will be that much. It will allow the longer term loans for higher amounts of money to be renegotiated down to 1 percent, because in the bill here those people who have a low loan, who got forgiveness, would probably take the option of keeping their forgiveness and not renegotiating to the lower loan. This will take in the earthquake in Los Angeles and the hurricane in the southern States.

I ask for an aye vote.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in opposition.

The amendment we have before us now is known as the California amendment. Let me state while we would reopen for consideration something over 80,000 small business loans in the one California earthquake disaster, at the same time in 1971 we would affect some 69 other disaster declarations.

If I had had the opportunity to be recognized instead of the gentleman from California (Mr. REES)—and after this amendment I will be—it seems to me the wisest thing to do—and it would be the will of this committee—is to have the effective date moved back to the beginning of this fiscal year, and I shall offer an amendment to bring it to June 1, 1972, which would take care of the South Dakota and the present disasters. We could look forward from this point on then.

I hope it will be defeated, because it would be in the best interest of anybody who wants flood control legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. REES) to the committee amendment.

The amendment to the committee amendment was rejected.

AMENDMENT OFFERED BY MR. J. WILLIAM STANTON TO THE COMMITTEE AMENDMENT

Mr. J. WILLIAM STANTON. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. J. WILLIAM STANTON to the committee amendment: Page 5, line 2, strike out "July 1, 1971" and insert in lieu thereof "June 1, 1972".

Mr. PATMAN. Will the gentleman yield for a unanimous-consent request that we limit debate to 10 minutes and the gentleman have 5?

Mr. J. WILLIAM STANTON. Mr. Chairman, this committee has been so intent on this that they understand this would make the legislation start June 1 of this year, and that is the argument we have and that is the rationale.

I yield back the balance of my time.

Mr. PATMAN. Mr. Chairman, obviously I am opposed to the amendment.

This whole bill is based on this fiscal year, and this is not a complete fiscal year but only a very small part of it. I think it would do a disservice to the bill as prepared and ready for passage now. We can vote on it any minute.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the Members have already heard the list of 25 States in which Presidentially declared disasters have occurred during this fiscal year. I do not believe that we should pass this bill to apply only to the people of Pennsylvania and South Dakota. Actually, whenever a Presidentially declared disaster occurs the people can get loans for a period of 6 months. That means that for the same disaster in some State that occurred perhaps in March, a loan can be made for a period of 2 or 3 months at the higher rate, and then under this for a lower rate from June 1.

Mr. BLACKBURN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to comment that if we do not vote for this amendment that the date of June 30, 1972, is going to be remembered as a disaster in 50 States, because we did not adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. J. WILLIAM STANTON) to the committee amendment.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 82, noes 68.

TELLER VOTE WITH CLERKS

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PATMAN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. J. WILLIAM STANTON, PATMAN, WILLIAMS, and BLACKBURN.

The Committee divided, and the tellers reported that there were—ayes 161, noes 163, not voting 109, as follows:

[Roll No. 253]
[Recorded Teller Vote]

AYES—161

Abbitt
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Baker
Blackburn
Boland
Bow
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Byrnes, Wis.
Camp
Carey, N.Y.
Carlson
Carter
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Collins, Tex.
Conable
Conover
Conte
Culver
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dickinson
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Flynt
Forsythe
Fountain
Frenzel
Frey
Fuqua
Galifianakis
Garmatz
Goldwater
Goodling
Green, Oreg.
Gross
Gubser
Gude
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Heckler, Mass.
Heinz
Henderson
Hillis
Hungate
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Kastenmeier
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lloyd
McClory
McCloskey
McClure
McCollister
McEwen
McKevitt
Mallary
Mann
Martin
Mayne
Mazzoli
Michel
Mikva
Miller, Ohio
Mills, Md.
Mizell
Monagan
Moorhead
Myers
Nelsen
O'Konski
Passman
Patten
Pettis
Pike
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rees
Rhodes
Robinson, Va.
Robison, N.Y.
Rogers
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schwengel
Scott
Sebelius
Shipley
Shriver
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steiger, Wis.
Stuckey
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waldie
Whitehurst
Widnall
Wyatt
Wyman
Yates
Young, Fla.
Zion
Zwach

NOES—163

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Andrews, Ala.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Brademas
Brasco
Brinkley
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Carney
Casey, Tex.
Clark
Clausen, Don H.
Collins, Ill.
Corman
Cotter
Coughlin
Daniels, N.J.
Danielson
de la Garza
Dellums
Denholm
Donohue
Dorn
Dow
Drinan
Dulski
Eilberg
Eshleman
Evans, Colo.
Fascell
Fish
Flood
Foley
Fraser
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Griffin
Hagan
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hull
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Kazen
Koch
Kyros
Long, La.
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Mahon
Mathis, Ga.
Matsunaga
Meeds
Melcher
Minish
Mink
Mitchell
Mollohan
Morgan
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Perkins
Peyser
Pickle
Poage
Podell
Price, Ill.
Purcell
Rangel
Reuss
Riegle
Roberts
Rodino
Roe
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Scheuer
Schneebeli
Seiberling
Sisk
Staggers
Steele
Stratton
Stubblefield
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Ware
Whalen
Whalley
White
Williams
Wilson, Charles H.
Yatron
Young, Tex.
Zablocki

NOT VOTING—109

Abernethy
Anderson, Tenn.
Baring
Belcher
Bell
Betts
Blatnik
Boggs
Bolling
Bray
Broomfield
Burke, Fla.
Caffery
Celler
Chisholm
Clawson, Del
Clay
Collier
Colmer
Conyers
Crane
Curlin
Davis, S.C.
Dent
Derwinski
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Evins, Tenn.
Findley
Fisher
Flowers
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Gallagher
Gray
Green, Pa.
Griffiths
Grover
Halpern
Harsha
Hays
Hébert
Hosmer
Hunt
Karth
Kee
Keith
Kluczynski
Landrum
Lennon
Lent
Link
Lujan
McCulloch
McDade
McDonald, Mich.
McKinney
McMillan
Madden
Mailliard
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Montgomery
Mosher
Moss
Murphy, N.Y.
Pelly
Pepper
Pirnie
Poff
Pryor, Ark.
Pucinski
Rarick
Reid
Rooney, N.Y.
Rosenthal
Ruppe
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Springer
Steed
Steiger, Ariz.
Stephens
Stokes
Teague, Tex.
Terry
Vander Jagt
Wampler
Whitten
Wiggins
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie

So the amendment to the committee amendment was rejected.

AMENDMENT OFFERED BY MR. CORMAN TO THE COMMITTEE AMENDMENT

Mr. CORMAN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. CORMAN to the committee amendment: On page 5 line 1, "Made in connection with any disaster occurring on or after June 1, 1972, and add "in excess of $10,000 made in connection with any disaster occurring on or after January 1, 1971."

Mr. ARENDS. Mr. Chairman, I ask unanimous consent that we may have the amendment reread. We could not hear the amendment.

The CHAIRMAN. The unanimous-consent request is that the Clerk rereport the amendment.

Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk reread the amendment.

Mr. CORMAN. Mr. Chairman, I would like to explain what this amendment will do.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a request for a limitation of time?

Mr. CORMAN. I yield to the gentleman.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that the time be limited to 5 minutes on each side, and then we vote.

Mr. KAZEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CORMAN. Mr. Chairman, I will try not to use the full 5 minutes, but it seems to me this is a reasonable approach to the situation we are in.

It is clear that a great number of people are apprehensive about a blanket retroactive provision, because it will open up many thousands of cases that occurred after July, 1971.

On the other hand, for those people who suffered damage in excess of $10,000, in the California earthquake many have had no relief at all, and none of them has had the relief which is provided in this bill.

I am asking that we make this bill retroactive to the beginning of this Congress, but only in those cases where the loss was in excess of $10,000. That will substantially reduce the number of cases that may be opened up, and will give greater equity to people who have suffered a severe loss during this Congress.

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. CORMAN. I yield to the gentleman from Texas.

Mr. PATMAN. How much could they have above $10,000? What would be the limit?

Mr. CORMAN. First, there would be no forgiveness. We are talking about making these people eligible for a 1-percent loan.

Mr. PATMAN. For those people above $10,000.

Mr. CORMAN. Yes, sir.

Mr. PATMAN. How high above $10,000?

Mr. CORMAN. Whatever the bill itself provides, whatever the limit is for people who suffered disasters after July 1971, would be applicable for people who suffered the losses after January 1, 1971.

Mr. PATMAN. Only those above $10,000.

Mr. CORMAN. If the loss is above $10,000.

Mr. PATMAN. The ones below would get nothing?

Mr. CORMAN. The ones below would get existing law.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. What language on page 5 does the amendment strike?

Mr. CORMAN. It strikes "July 1, 1971" and inserts "June 1, 1972"—and then it goes on to add, and provides for losses in excess of $10,000 made in connection with any disaster occurring on or after January 1, 1971. It affects the kind of loans that may be opened up, but it provides that any loans in excess of $10,000 may be subject to renegotiation, if it occurred after January 1, 1971.

Mr. WILLIAMS. Let me say this to the gentleman: It was my understanding the gentleman was going to add an amendment on line 2, page 5, after the date "July 1, 1971."

Mr. CORMAN. Yes, sir.

Mr. WILLIAMS. The reading of the amendment is to change "July 1, 1971" to "June 1, 1972." Would the gentleman be satisfied with his amendment by inserting "after January 1, 1971" on page 5?

Mr. CORMAN. Yes, sir; I would accept that amendment.

Mr. WILLIAMS. So how would the amendment read?

Mr. CORMAN. I ask unanimous consent to accept the gentleman's amendment.

We open up a number of cases that occurred between June 30, 1972, and July 1, 1971. I have no objection to that. My concern is for the people who suffered losses in excess of $10,000 between January 1, 1971, and July 1, 1971. It does seem to me they are entitled to special consideration under this bill.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from North Carolina.

Mr. JONAS. I would like to understand the purpose of this amendment. Does it mean the gentleman considers a person who suffered a loss of less than $10,000, even though it was all he had, is not as important as somebody who suffered a loss of $10,000?

Mr. CORMAN. No, sir; not at all.

Mr. JONAS. That is what it says.

Mr. CORMAN. No, sir. The man who suffered a loss of $10,000 or less had a $2,500 forgiveness and a 5½-percent loan for the other $7,500. Many people who suffered losses substantially in excess of that were unable to get any relief at all because they could not qualify for a 5½-percent loan. I am only trying to take care of those people damaged between January 1, and July 1, 1971 whose losses were so great they could not qualify for existing benefit.

PARLIAMENTARY INQUIRY

Mr. ABOUREZK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ABOUREZK. All I am asking is how does the amendment now read.

The CHAIRMAN. Is the gentleman asking unanimous consent to have the amendment reread?

Mr. ABOUREZK. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. Reserving the right to object, while the gentleman was speaking on his amendment I told him it was my thought, which I had obtained from him, that his amendment would not bother the July 1, 1971, date and he agreed to change his amendment to add Phase II to 1971 to include any loans made in the amount of $10,000 or more between January 1, 1971, and July 1, 1971. Is that correct?

Mr. CORMAN. If the gentleman will yield, that is correct. That was accepted by unanimous consent.

The CHAIRMAN. Let the Chair state that the Chair was not aware of the request by the gentleman from California and since there was no unanimous consent request made or put by the Chair to permit a change, the amendment remains as originally read by the Clerk.

If the gentleman from South Dakota will yield to the gentleman from California for a unanimous consent request to withdraw his amendment and resubmit it in modified form, the Chair will entertain that request.

Mr. ABOUREZK. I did not ask for time, Mr. Chairman. I asked for a parliamentary inquiry, and I think I have my answer now.

The CHAIRMAN. The amendment remains the same as originally submitted.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in opposition to the amendment.

I join the gentleman from South Dakota in his confusion as to what exactly the amendment means. When I first read it I had the impression that it would leave everybody out under $10,000, and I am not sure exactly what it does now, but I think the proposer of the amendment clarified it in his last words. It would apply between January and June of 1971, as I understand it. It would apply to the California earthquake.

I say to the Members of the House I thought we had gone through this in the original amendment. It would certainly be very discriminatory legislation, and I urge the Members to vote no on it.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GONZALEZ. Did the Chair take cognizance of the acceptance by the sponsoring author of the then pending amendment (Mr. CORMAN) of the proposed change made by the gentleman from Pennsylvania which he accepted after asking unanimous consent to accept it?

My query is, is it proper and then, if it is not, what amendment is pending?

The CHAIRMAN. The gentleman from California offered his amendment and then, in a colloquy with the gentleman from Pennsylvania, there was some discussion as to possible changes.

However, there was no unanimous-consent request was made to make a change in the amendment, therefore the amendment is still as originally offered.

Mr. GONZALEZ. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CORMAN) to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. ABOUREZK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time simply for the purpose of clarification. I want to ask the chairman of the committee, the gentleman from Texas (Mr. PATMAN) or the members of the committee, with regard to people who have already taken out disaster loans at the existing or high-interest rate, whether, with the passage of this bill, and after it is signed into law by the President, will those people then be entitled to renegotiate with the SBA on the loan for a 1-percent or a 3-percent loan, depending on which one they choose?

Mr. PATMAN. Mr. Chairman, if the gentleman will yield, I think that they can very definitely renegotiate, and the answer would be "Yes."

Mr. ABOUREZK. I thank the gentleman.

Mr. J. WILLIAM STANTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is possible that with the passage of this legislation we are in conflict in some way with the disaster provisions of the Farmers Home Loan Administration, so just for purposes of clarification and to make some congressional intent, the purpose of this legislation and the purpose of the Farmers Home Loan Administration is to get the two to cooperate wherever possible.

This came up in Pennsylvania, and I certainly want to make sure that it is the clear intention of this committee and the House that the SBA fully cooperates with the Farmers Home Loan Administration in giving the applicant the lowest loan possible.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, the gentleman does not disagree that anybody who made a loan at the higher rate could now renegotiate, which goes back to the applicable retroactive date?

Mr. J. WILLIAM STANTON. That is my opinion.

Mr. ABOUREZK. You do not disagree?

Mr. J. WILLIAM STANTON. No, I do not disagree.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, along with the gentleman from South Dakota (Mr. ABOUREZK), I also agree with the chairman, because on line 25, section 2, of page 4, it reads:

> The amendment made by the first section shall apply with respect to loans made in connection with any disaster occurring on or after July 1, 1971, . . .

Mr. Chairman, I fully concur that these loans that were made in connection with these disasters still can be negotiated in line with this bill.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the Committee, I hope that no Member will ask for regular order here, because I am going to try to save some time.

When this bill gets to final passage, let us try to save 20 minutes by passing the bill on a teller vote, and we can do it if 50 Members will stand up. This will save that much time, because then we will not have the usual rollcall, and all those Members whose names begin with W, X, Y and Z will not be discriminated against.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to be proposed? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. SISK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15692) to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans, pursuant to House Resolution 1030, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BLACKBURN

Mr. BLACKBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLACKBURN. I am, Mr. Speaker.

The SPEAKER. The clerk will report the motion to recommit.

The clerk read as follows:

> Mr. BLACKBURN moves to recommit the bill, H.R. 15692, to the Committee on Banking and Currency.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

TELLER VOTE WITH CLERKS

Mr. GIBBONS. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. GIBBONS. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered, and the Speaker appointed as tellers Messrs. PATMAN, GIBBONS, WIDNALL, and BARRETT.

The Committee divided, and the tellers reported that there were—ayes 325, noes 9, not voting 98, as follows:

[Roll No. 254]

[Recorded Teller Vote]

AYES—325

Abbitt
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boland
Bow
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain

Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton,
J. William
Stanton,
James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson,
Charles H.
Winn
Wolff
Wyatt
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOES—9

Ashbrook
Blackburn
Brown, Mich.
Dellenback
Hall
Landgrebe
Mallary
Mann
Schmitz

NOT VOTING—98

Abernethy
Anderson,
Tenn.
Baring
Belcher
Bell
Betts
Blatnik
Boggs
Bolling
Bray
Broomfield
Broyhill, N.C.
Burke, Fla.
Caffery
Celler
Chisholm
Clawson, Del
Clay
Colmer
Conyers
Curlin
Davis, S.C.
Dent
Diggs
Dowdy
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Erlenborn
Evins, Tenn.
Findley
Flowers
Ford, Gerald R.
Ford,
William D.
Frelinghuysen
Gallagher
Gray
Green, Pa.
Griffiths
Grover
Halpern
Harsha
Hays
Hébert
Henderson
Hosmer
Hunt
Karth
Kee
Keith
Kluczynski
Lennon
Lent
Link
Lujan
McCulloch
McDade
McDonald,
Mich.
McMillan
Madden
Mailliard
Mathias, Calif.
Metcalfe
Miller, Calif.
Mills, Ark.
Minshall
Montgomery
Mosher
Moss
Murphy, N.Y.
Pelly
Pirnie
Poff
Pryor, Ark.
Pucinski
Rarick
Reid
Rooney, N.Y.
Rosenthal
Ruppe
Shoup
Sikes
Skubitz
Slack
Smith, Calif.
Snyder
Springer
Stephens
Teague, Tex.
Vander Jagt
Wampler
Whitten
Wiggins
Wilson, Bob
Wright
Wydler
Wylie

So the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL DISASTER INSURANCE

Mr. GOLDWATER. Mr. Speaker, imagine, if you will, all of Los Angeles moving along in a car at 30 miles per hour—and suddenly hitting a brick wall.

This is very much what it was like on February 9 of this year when a major earthquake rocked the area at 6 in the morning. Within a few minutes, 64 people had died and a half-billion dollars of damage had been done. If the quake had been just an hour or so later, thousands of people could have been killed.

During the last year and a half, billions—billions—of dollars of damage has occurred throughout the country due to many other natural disasters. Most of the damage has been the worst kind—loss of life and personal property. Because of this, the Federal Government has seen fit to provide low-cost loans and some grants-in-aid to private individuals and businesses.

Heightened interest in earthquake insurance is one of the obvious results of the recent disaster in Los Angeles. Mere interest, however, is not enough. It is time to get down to business.

Earthquakes are usually thought of as a west coast problem only—but major quakes have occurred in many areas of the country. The worst occurrence was in 1811 in New Madrid, Mo. Other major shakeups have been recorded in New York, Utah, South Carolina, Texas, Montana, Alaska, Nevada, and Washington. Although California accounts for two-thirds of all recorded occurrences, only half a dozen of the 50 States have not experienced an earthquake or tidal wave to some degree.

Quakes are erratic, and this is part of their terror; unlike a hurricane, or tornado, an earthquake gives no warning.

I agree with the reports of the National Academies of Science and Engineering and the President's Office of Science and Technology, that more research should be conducted into the question of the prediction of earthquakes, and the possible reduction of internal earth pressure. These reports and suggestions are currently under study, and I am hopeful that several definite measures will be undertaken.

I am specifically concerned about insurance for private property damage. There are residents in my district who have sustained $30,000 in damage on a $40,000 home. With a new loan to cover the damage, the disaster victim is obligated to a $70,000 mortgage. He can never really recover from this hardship.

But it is not only the people with major damage who suffer; one man from my district, of retirement age, called my office last month in an effort to expedite his disaster loan. His home experienced $5,000 in damage and he was flat broke. He did not know how he would tell his wife that there was not enough money for any more groceries. Fortunately, we were able to help him. With convenient, inexpensive disaster coverage, this particular tragedy would not have been so unmanageable for this man.

Earthquake insurance, of course, is available. Some contend that it is extremely expensive, but that is not totally true. For about $5 per month, slightly higher than regular fire insurance, one can purchase a $40,000 policy on both the dwelling and its contents. But that is still too expensive for a lot of people. Add that to the fact that there is a high deductible clause; the long intervals between quake occurrences, and almost no attempt by the industry to promote disaster insurance—and you have people that are not buying this kind of insurance.

It is interesting to note that the concept of flood insurance is experiencing a similar lack of interest. The real tragedy will occur in the next flood when those who did not purchase flood insurance will be forbidden to obtain low-cost SBA loans, due to a new Federal law.

The industry and the Federal Government must face up to the problem of private loss; we cannot expect the Federal Government to pick up the tab every time our Nation experiences a catastrophe.

Low-cost disaster insurance is a must—no matter who likes it or who does not like it. Remember—people are more concerned about whether or not they can get coverage, rather than where it comes from.

Disaster insurance can yield the industry a profit. During the past 50 years, property losses have only amounted to 3⅓ percent of all the total premiums collected. It will also provide protection to the life investments of millions of Americans.

Two other factors are important. First, historically even moderate earthquakes occur less freqeuntly in the United States than hurricanes or tornadoes. Secondly, methodologies are available to determine areas of particular risk and the subsequent actuarial rates.

The industry should work out a program of disaster insurance on its own or the Federal Government could be forced into a position of establishing its own disaster insurance company. You in the industry might say, "Well, that takes the responsibility off our shoulders." Gentlemen, the next question is when does the Federal Government establish its own auto insurance program—or what about life insurance? You might say, "That's ridiculous." I must only point to the record of Government intrusion into almost every area of private enterprise in the last 30 years to nullify that argument. Ralph Waldo Emerson said, "The less government, the better." and in this instance, I must agree.

I do, however, feel that there could be a joint government-industry partnership on a program to assure the purchase of disaster insurance.

I have spoken to some people who feel that the Congress should merely pass a law requiring all Americans to carry disaster insurance. I would oppose this, because it smacks of direct Government intervention into private enterprise—not to mention that it would also be in the direct defiance of the McCarran-Ferguson Act of 1945.

I would prefer to see this done privately through the inclusion of an all-natural risk provision in all standard homeowner policies. The mortgage loan industry could assist such a private program, by requiring a disaster insurance provision on all existing and future home loans. This would help keep disaster insurance in the realm of private enterprise.

One further step may be necessary. Presently, the Federal Government picks up the entire tab for disasters. For example, following the Los Angeles quake, the Government picked up the entire public disaster relief tab of $436.1 million. This paid for all off-duty time for policemen and firemen, the rebuilding of broken freeways, reconstruction of all damaged public buildings, and grants-in-aid for private property damage. The grants-in-aid amounted to Government gifts as high as $2,500.

Remember, this was all paid for by the Federal Government. No State, city, or county funds were involved. This, in itself, is wrong. The States should share some sort of responsibility, otherwise the dependence on the Federal Government grows and grows.

I would propose that all States require all homeowners to carry disaster insurance from private companies; if the State did not have such a requirement, it would no longer receive any Federal disaster assistance. Such a requirement would leave the regulation of the insurance industry in the State. This has the definite advantage of allowing the States to set their own rates without some overall national rate that could be either too high or too low in different parts of the country.

Mandatory earthquake insurance would have popular appeal in California, simply because the cost would drop from $5 per month to $1.21 per month—a decrease of more than 75 percent.

I would also propose an amendment to the antitrust laws, if necessary, to permit a national pooling of losses on disaster insurance. If this was coupled with changes in certain tax laws, it would permit the industry greater flexibility.

In order to make all this a reality, I am today proposing to the President, a joint, short-term Federal-State-private enterprise task force that would consider this problem, and then ask the Congress for appropriate action.

I am happy to say that Richard Barger, California's insurance commissioner, has completely endorsed the proposal I have just outlined. Positive, encouraging reactions have also come from Government and private industry officials.

I said I want to get down to business—I do not want another 2- or 3-year report. We need action soon.

It is up to the Congress, the administration, and very importantly, it is up to you gentlemen. I think we should begin today.

AMENDING THE NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, pursuant to the unanimous consent agreement of June 27, 1972, I move to suspend the rules and pass the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs, as amended.

The Clerk read as follows:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

"(i) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from funds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

SEC. 2. (a) The first sentence of section 13 (a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)), as amended, is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and nonprofit private schools."

SEC. 3. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in all schools which make application for assistance and agree to carry out a nonprofit breakfast program in accordance with this Act."

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than 8 cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 5. (a) The first sentence of section 9 of the National School Lunch Act is designated as subsection (a) of that section.

(b) The second through the seventh sentences of section 9 of the National School Lunch Act shall be designated as subsection (b) of that section and are amended to read as follows:

"(b) The Secretary, not later than May 15 of each fiscal year, shall prescribe an income poverty guideline setting forth income levels by family size for use in the subsequent fiscal year, and such guideline shall not subsequently be reduced to be effective in such subsequent fiscal year. Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guideline prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guideline for each fiscal year, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a free lunch. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family-size income levels in the income poverty guideline prescribed by the Secretary and shall not be more than 25 per centum above such family-size income levels. Each fiscal year, each State educational agency shall also prescribe income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents, if a school elects to serve reduced-price lunches. Such income guidelines for reduced-price lunches shall be prescribed at not more than 50 per centum above the applicable family-size income levels in the income poverty guideline prescribed by the Secretary. Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year and shall make determinations with respect to the annual incomes of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced-price lunch shall be made by the school nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or by other means."

(c) The eighth through the thirteenth sentences of section 9 of the National School Lunch Act shall be designated as subsection (c) of that section and the last sentence of such subsection shall be amended by deleting the phrase "under the provisions of section 10 until such time as the Secretary" and inserting in lieu thereof the following phrase "under this Act until such time as the State educational agency, or in the case of such schools which participate under the provisions of section 10 of this Act the Secretary".

SEC. 6. The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91-248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000". To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972.

SEC. 7. The first sentence of section 10 of the Child Nutrition Act of 1966 is amended by inserting before the period at the end thereof the following: ": *Provided*, That such regulations relating to competitive food service shall permit the sale of nutritious food through vending machines in participating schools and service institutions where the proceeds of such sales will inure to the benefit of the schools or of organizations of students or parents approved by the schools and such sales will not substantially interfere with the programs so authorized".

The SPEAKER. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. GROSS. Mr. Speaker, I object.

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STEIGER of Wisconsin. No, Mr. Speaker.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. Mr. Speaker, I simply objected to the unanimous consent for a second; that is all.

The SPEAKER. If the gentleman insists, the vote on ordering a second will be taken by tellers.

Mr. GROSS. That is exactly right, Mr. Speaker.

The SPEAKER. The gentleman from Iowa objects to ordering a second; and the Chair appoints the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Iowa (Mr. GROSS) as tellers.

The question was taken; and the tellers reported that there were—ayes 120, noes 10.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Kentucky for 20 minutes and the gentleman from Minnesota for 20 minutes each.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. PATMAN. Mr. Speaker will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed (H.R. 15692).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill before us today, H.R. 14896, is a bill unanimously reported by the Committee on Education and Labor 1 week ago. The main thrust of the legislation is to extend through fiscal year 1974 the expiring provision of the School Lunch and Child Nutrition Act. The most urgently needed provision of the legislation provides the necessary funds to allow the summer feeding program to underprivileged children to continue and expand. Currently 1,160,000 children are being served by the breakfast program, while with the expansion authorized in H.R. 14896, 2,200,000 children could be served. The bill authorizes $25 million in section 32 funds to be used immediately for the summer program. These funds will make it possible for local communities to give the assurances that are needed to enable them to reach needy children with adequate lunches this summer. The bill further amends the School Lunch Act to increase authorizations to enable children attending child care centers in low-income areas to receive lunches on a year-round basis.

The committee bill removes the limitations on the amounts that can be appropriated to expand the school breakfast program and clarifies the eligibility of all schools—all needy children would be entitled to participate in the breakfast program regardless of the kind of school that they attend.

This amendment would require the Secretary and the States to immediately institute a breakfast program in every school that applies. The amendment further makes clear that the Secretary must provide Federal funds for each school that applies for the breakfast program without regard to any priorities based upon need, distance of travel, or any other such criteria. It is the intent of the committee that each breakfast served throughout the Nation shall be supported by a uniform minimum reimbursement. Therefore, in apportioning funds for any fiscal year the Secretary must provide the States with amounts large enough to permit the anticipated expansion.

The reported bill increases the level of general support to the regular school lunch program to 8 cents per lunch served. This amount is considered by school food authorities across the country as the minimum necessary to maintain a viable school lunch program for all schoolchildren. Rapid increases in food prices as well as prices generally in the past 2 years have made it necessary for nearly all schools to increase lunch prices with consequent reductions in participation. Also the bill provides for the use of section 32 funds to meet this increased cost until an appropriation is enacted to pay back the section 32 account.

Nothing in this bill is intended to amend or repeal the provisions of section 4 of Public Law 92-153 which established that national, uniform, minimum, Federal per meal reimbursement rates of "40 cents or the cost per meal of providing such meals, whichever is less," must be provided for every free meal served and, "40 cents of the cost per meal of providing such meals less the highest reduced price charged whichever is less," must be provided for every reduced price meal served under the authority of section 11(e) of the National School Lunch Act.

Section 32 funds which are available to the Secretary of Agriculture are adequate to support the amendments proposed in H.R. 14896.

The appropriation acted upon by the House today provides a reserve of $300 million in fiscal 1973 which will be available for the Secretary to use. As the committee report indicates, and as the administration's budget proposal notes, the Secretary has used this reserve for those purposes which the Congress has directed.

In the current fiscal year, for example, the Secretary has used reserve funds to insure that adequate section 12 funds are available for child nutrition programs.

Therefore, we are proposing that the Secretary continue this practice; and I want to assure the Congress that we are mindful of the need to protect the availability of these funds. The authorizing language for section 32 provides that the reserve, if it is depleted any year, can be built back up to the $300 million level from new obligational authority.

In addition, the language of the child nutrition amendment provides that the Secretary of Agriculture may use section 32 funds and submit a supplemental appropriation to reimburse section 32.

There is the further possibility that some of the section 32 funds which the Department has used to fund child nutrition programs in fiscal 1972 will not be fully utilized, and may also revert to the reserve. This would mean that the anticipated depletion of the reserve for fiscal 1972 will not be as great as presently expected. If this proves to be the case, then even more of the section 32 funds currently slated from the fiscal 1973 budget for the reserve would be available for current program operations, and would lessen the pressure for a supplemental.

Therefore, Mr. Speaker, it is my best judgment that there will be sufficient section 32 funds available to fund the child nutrition programs affected by this amendment; and any impact is likely to be diminished by the availability of section 32 funds which were unspent in fiscal 1972. The following analysis clearly shows the status of the section 32 account:

SECTION 32 ANALYSIS

FISCAL 1973

Total available	$951,700
AMOUNT BUDGETED	
Child Nutrition Program:	
Section 4	$49,000
Section 11	350,400
Breakfast	34,000
Nonfood	1,100
State Administration	2,000
Nonschool	53,000
Total Child Nutrition Programs	489,553
Commodities to States	92,575
Direct Distribution	161,223
Other	37,198
Total Amount Budgeted	780,549
Set aside for reserve	$171,151
Carry forward from fiscal year '72	$130,000
Reserve available to Secretary	$300,000

The National School Lunch Act is further amended to provide for a specific determination by the Secretary of Agriculture of income levels under which children will be eligible for a free or reduced price meal at school. All children from families with incomes less than the official poverty guidelines shall receive a lunch totally free of charge. States will be permitted to increase this level by

25 percent. In addition, local communities will be authorized to provide lunch at reduced prices to all children whose family income is no more than 50 percent above the official poverty income guideline. State agencies must publish guidelines providing at least a reduced price meal, not to exceed 20 cents, to all those children whose family income is no more than 50 percent of the income guidelines. All such local determinations must be publicly announced before the beginning of the school year.

This action circumscribes the unlimited power presently held by State agencies and local school authorities to set eligibility standards higher than the Secretary's "income poverty guidelines"—the national minimum standard that is annually prescribed by the Secretary and that is equal to the HEW–OEO poverty index. This power, which was historically provided by the act and which was reiterated by the joint resolution of October, Public Law 92–153, enabled local school authorities to set eligibility standards for free and reduced price lunches as high above the "income poverty guideline" as they deemed necessary so that all children who were unable to afford the full price of a meal would be fed. The law also provided that all meals served pursuant to these locally liberalized eligibility standards would be supported by Federal reimbursements. This section provides that local school authorities, having State agency approval, may not set free lunch eligibility standards higher than 25 percent in excess of the "income poverty guidelines" and may not set reduced price lunch eligibility standards higher than 50 percent in excess of the "income poverty guidelines." I expect that each State having eligibility standards lower than those authorized by this section will immediately increase its standards to the full extent now permitted. Finally, this section requires that all children from families whose incomes are below the income poverty guideline shall be provided free lunches instead of the reduced price lunches that were authorized in the past. Previously, local school districts were permitted to provide either free or reduced price meals to children coming from families with incomes below the "income poverty guidelines." Now such impoverished children will no longer have to pay anything for their meals, but will be entitled to free midday nutrition.

The committee bill also strengthens the Child Nutrition Act by increasing the authorization for nonfood assistance to $40,000,000 per year. This increase would enable participants to properly equip facilities to meet the expanding needs of this program.

The Secretary of Agriculture is required by the committee amendment to conduct a survey on the unmet needs for equipment in eligible schools and report to the Congress by December 31, 1972. With the additional funds and the survey the Department should be able to more adequately meet the identified needs of schools.

Finally the bill amends the act to provide that regulations governing school food programs permit the sale of nutritious foods through vending machines. The use of vending machines is limited to nutritious foods. "Nutritious" should be considered as meaning that a food or food produce contains nutrients which, in relation to the caloric value, will provide a balanced diet when consumed in sufficient quantity to meet the recommended daily allowances of calories for school children. Also the proceeds of such sales would go only to the school or to organizations of students or parents approved by the school. Each school would have the authority to determine that the use of vending machines would not substantially interfere with the operation of the child nutrition programs in the participating schools. Vending machines would be considered to have an adverse effect on school lunch and breakfast programs when the school is unable to maintain a minimum 10-percent surplus of funds, or the operating balance necessary to finance the program for one month, whichever is greater. The purpose of the school lunch program is to serve children with a balanced adequate diet equal to a third of the daily nutritional needs of the child. A program which is inadequately funded cannot provide the quality of service that is needed.

INCREASE COST ESTIMATES IN H.R. 14896

	1973	1974
Special food service program	$25,000,000	$125,000,000
Breakfast program	60,000,000	75,000,000
Regular School Lunch	84,000,000	90,000,000
Non-Food Assistance Program	25,000,000	30,000,000

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am glad to yield to the gentleman.

Mr. HALL. Is it true the program which is currently limited to $32 million and expires, as the chairman says, is now extended on a permanent basis with no ceiling for the funding?

Mr. PERKINS. That is correct.

Mr. HALL. Is it also true, I would ask, Mr. Speaker, if it removes the ceiling on funding set at $25 million in fiscal year 1972 and makes it open-ended?

Mr. PERKINS. Which program is the gentleman referring to?

Mr. HALL. The school breakfast program.

Mr. PERKINS. The breakfast program?

Mr. HALL. That is correct.

Mr. PERKINS. In the breakfast program we are presently spending $25 million, and we remove the limitation on the amount that can be appropriated for the breakfast program.

Mr. HALL. Then, finally, it provides for the general support in the school lunch program in the amount of 80 cents per meal instead of 6 cents per meal; that is a 25 percent increase, therefore we have a 25 percent reimbursement increase there.

Mr. PERKINS. That is correct.

Mr. HALL. A 25 percent increase allowable there for general support; we have the unlimited increase from $25 million in the breakfast program and then the food service fund is unlimited at no ceiling, and it is made permanent.

Mr. PERKINS. That is correct, this modest increase is necessary to maintain a quality program given the rising food prices and the general cost increase due to inflation.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a vote in favor of the bill.

Mr. Speaker, Chairman PERKINS has explained the bill fully and has also explained the necessity of taking quick action on it. I would like to add that we do have under consideration a more comprehensive bill to make some basic changes in the School Lunch and Child Nutrition Acts, which would carry out recommendations of President Nixon. Chairman PERKINS and I, together with other members of the committee on both sides, have cosponsored this comprehensive legislation.

However, in the bill now before us we do have elements of the President's long-range proposals. One of these is that we place the distribution of basic school lunch funds in fiscal 1973 on the basis of utilization—or actual number of meals served—rather than the unwieldly and complicated formula in the regular act. We accomplish this by enabling the Secretary of Agriculture to utilize section 32 funds to peg the basic support for fiscal 1973 at an average of 8 cents per meal served in each State, as compared to the current reimbursement rate of 6 cents per meal. While this is a stop-gap measure, it moves in the direction the administration proposes.

We also in this bill adopt the administration's proposal for establishing a national standard for free and reduced cost meals, based upon family size and income level, and then permitting a certain amount of flexibility for the States to go above this basic standard. For free lunches the States can set an income standard 25 percent above that set by the Secretary, and can serve reduced price lunches to children whose family income is 50 percent above the income poverty guideline set by the Secretary for free lunches. This provides for a desirable degree of flexibility to take account of higher living costs in some areas, but without leaving the program open to abuses.

As Chairman PERKINS has explained, this bill has many other desirable features, including the opening of the school breakfast program to the participation of all schools in order that the children in such schools who need the breakfast program may participate, even though they are a small percentage of the total school enrollment. This bill moves in the direction of making nutrition programs available to all needy children.

Mr. Speaker, 3 years ago President Nixon sent to the Congress a special message on hunger. In it he noted that America has long shared its bounty with hungary people in all parts of the world, but that—

> The moment is at hand to put an end to hunger in America itself for all time.

The President has moved dramatically to achieve that goal, and it is one of the great accomplishments of his administration that we have come so far in so short a time.

The President's budget for fiscal 1973 proposed 9 times as much money for food stamps and 7 times as much money for school lunches for needy children as was allocated in fiscal year 1969. The number of participants in the food stamp program has nearly trebled. The number of children receiving a free or reduced-price school lunch has increased from 3.5 million in March of 1969 to 8.3 million in March of 1972. While we still have a way to go to reach all those who need help, the President deserves high praise for these very great accomplishments.

This bill is another step toward the goal set by the President. I urge its approval.

Two parts of this bill I especially urge support for. One is the utilization of the existing food service facilities in the amendment to section 13(a)(2). It does not make sense for schools with their lunch facilities to stand closed all summer and the same scandalous activity by private feeding programs continue as last year.

The second is section 7 of the bill pertaining to sale of nutritious food through vending machines. The USDA will write the regulations of what is nutritious food. Presently many schools that want to permit the sale of nutritious food through vending machines are denied that right one-half hour before the lunch period till one-half hour after the lunch period. Experience with some of the schools in my district with apples show that apples improve the nutrition available at only a minimum level by the school lunch. The profit goes to the student council. From this many students receive valuable business experience.

Some say this will interfere with the school lunch program. Just the reverse is true says one school. Participation increased after the installation of the apple machine. In this regard, let us leave the schools free to make their own decision about the use of vending machines to dispense nutritious foods.

Mr. MEEDS. Mr. Speaker, I rise to speak for H.R. 14896.

Since 1946, when Congress first passed a School Lunch Act, we have accepted increasing responsibility for feeding hungry children. We have learned that not only do hungry or malnourished children function poorly in school, their total mental and physical development is adversely affected.

The school lunch program is the Federal Government's most important and widely accepted means of combating malnutrition among the young. Our bill today seeks to strengthen the program by spelling out to the Department of Agriculture Congress intent and insisting on guidelines which will carry that out.

This is a compromise bill. I feel it is a necessary one at this time and I urge your support. By extension of my remarks, I will explain some of the benefits, as well as the limitations in this legislation. I see a clear need for in-depth hearings at a later date with a view to a complete overhaul of the school lunch program.

Mr. Chairman, H.R. 14896 is, like all legislation, the product of compromise. Some of its provisions will clearly improve our food programs that aid impoverished children. Other provisions, however, represent sharp departures from past policies which have proved to be beneficial.

A significant improvement in the school breakfast program is accomplished by section 3 of the bill which amends section 4(a) of the Child Nutrition Act of 1966 to establish the rule that the Secretary of Agriculture and the States must immediately provide Federal funds for each school that applies for the breakfast program without regard to any priorities based upon need, distance traveled by the pupils or any other criteria. This mandate will be implemented through the appropriation of whatever amount of funds are necessary to see to it that every school making application for the program will obtain it. The funds are made available by section 3's repeal of the limitation on appropriations that is contained in section 4(a) of the Child Nutrition Act and the replacement of that limitation with an open-ended authorization. This open-ended authorization will make it possible for the Secretary to utilize all the funds he needs to both bring new schools into the program and maintain a uniform Federal reimbursement rate for all breakfasts served. In fact, to carry out the mandate of these new amendments to section 4(a) the Secretary must provide such a uniform Federal per meal reimbursement rate throughout the school year for all breakfasts served in accordance with an announcement by him prior to the beginning of school, thus allowing each new school entering the program to receive the same minimum reimbursement rate as all other schools.

Subsection 4(a) of the bill provides an additional 2 cents in Federal reimbursements to support all the meals served in the national school lunch program. Thus, every full price, reduced price and free lunch served will receive a total of 8 cents from section 4 of the National School Lunch Act.

Subsection 4(b) of the bill contains a rule requiring the Secretary to see to it that as the school lunch program is expanded, it reaches the neediest children and the neediest schools first. Additionally, this subsection requires the Secretary to insure that Federal funds are paid to the States as speedily as possible. In the past, many State agencies have pointed out that the delays they encounter in receiving payments from the Department are a severe hindrance to the effective operation of the program. To carry out this requirement of paying funds expeditiously, the Secretary should transfer funds to the States no later than 15 days after any claim is made.

By virtue of the joint resolution that we adopted unanimously last October, Public Law 92–153, all free and reduced price lunches are supported by uniform Federal reimbursement rates. In the language of the joint resolution these rates are, "40 cents or the cost per meal of providing such meals, whichever is less" for free lunches, and "40 cents or the cost per meal of providing such meals less the highest reduced price charged whichever is less" for reduced price lunches. The joint resolution provided the Secretary with the authority to use funds from section 32 of the act of August 24, 1935—7 U.S.C. 612(c)—for the purpose of maintaining those rates. That borrowing authority expires this July 1, 1972, but, the requirements to provide minimum reimbursements according to the 40-cent formula for all free and reduced price meals, was a permanent amendment to section 11 of the National School Lunch Act. Nothing in the measure we are now considering would repeal or amend the mandate to provide section 11 reimbursements according to the joint resolution's formula.

Section 5 of the bill brings about a major change of dubious value in the school lunch program. From the program's inception, the law provided that State agencies and local school authorities having State agency approval had the power and the right to set eligibility standards for free and reduced price lunches at any level they chose. That rule was amended by Public Law 91–248 in 1970 to establish the rule that the States and localities could not set their standards lower than the "income poverty guideline" as promulgated by the Secretary based upon the OEO–HEW poverty index. No provisions in that law or subsequent legislation altered the power of the local authorities, having State agency approval, and the State agencies themselves to establish standards at a more liberal level than the Secretary's "income poverty guideline." Last October's Joint Resolution, Public Law 92–153, reiterated what had always been the law: State agencies and local school authorities having State agency approval may establish free and reduced price lunch eligibility standards at any level higher than the Secretary's "income poverty guideline" and still receive Federal reimbursement for all lunches served pursuant to those criteria. Although the joint resolution only reiterated the statutory policy that States and local school authorities had the right to establish higher free and reduced price lunch eligibility criteria, and still receive Federal reimbursement, it was an essential congressional action since the Agriculture Department was then threatening to usurp local discretionary authority in establishing free and reduced price eligibility standards.

The bill we are voting on today would unfortunately limit State and local authorities' discretion, for the first time, in setting eligibility standards. I would prefer to maintain the policy Congress prescribed in 1946, and has maintained for 26 years, that State and local school authorities should have full discretion in establishing free and reduced price lunch eligibility standards, as long as those standards are equal to, or higher than, the "income poverty guidelines" we established in 1970 through Public Law 91–248.

The bill today will limit the power of the local school authorities, having State agency approval, to set free lunch eligibility criteria no more than 25 percent higher than the Secretary's "income poverty guidelines" and to set reduced price lunch eligibility criteria no more than 50 percent higher than the guideline.

Another new provision in this bill, though, will benefit many poor children. That is the new requirement, also found in section 5, that all children coming from families whose incomes are below the Secretary's "income poverty guideline" will be guaranteed the right of receiving a free lunch. Previously, at the discretion of the States these children were charged a reduced price for their meals.

Section 7 introduces a new element to school food programs which, if not administered very strictly, could certainly be injurious to the nutrition of the Nation's school children. This new provision will allow the installation of food-vending machines in a manner that will result in competition for the federally funded school food programs. To guard against the worst abuses, this bill provides that the machines cannot substantially interfere with school food service programs nor can they be used to sell food which is not nutritious. It is perfectly clear that the Secretary, to carry out the intent of Congress, must promulgate regulations that will forbid the sale of food which is recognized by qualified nutritionists as either lacking the nutrients needed to help the child acquire his "recommended dietary allowance" of nutrients or having an excessive caloric content.

Finally, the bill establishes new appropriation authorizations for summer feeding programs, special food programs for children in service institutions, the national school breakfast program and for the nonfood assistance program under section 5(a) of the Child Nutrition Act.

The authorization for the nonfood assistance program is set at $40 million for fiscal years 1973, 1974 and 1975 and $20 million for subsequent fiscal years. There should be no doubt that these amounts are not adequate to complete the task of bringing the lunch program to all the schools in the Nation with reasonable speed. In recognition of this, the bill instructs the Secretary to conduct a survey among the States and school districts to determine what additional amounts of equipment, as provided by the nonfood assistance program, they require. To truly carry out our intent, the Secretary must actually seek out the opinions of the local school authorities and not simply rely upon routine reports made by local authorities and State agencies.

Mr. BADILLO. Mr. Speaker, I rise to urge passage of H.R. 14896.

I do this, not because I am happy with the provisions of this legislation, but because I hope that by voting for the measure we shall assure the availability of funds for the summer feeding programs which are to begin very shortly throughout the country.

There are many aspects of this legislation and the current program which are contrary to the needs and the best interest of the Nation and consequently need correction. To name but a few, the rules under which the summer feeding programs are currently being administered penalize, despite the Nixon administration's avowed intention to feed all needy children and expand the program, sponsors who ran successful feeding projects last year. Three priorities are included in the rules promulgated by the Department of Agriculture for the administration of this program: first, first priority is given as far as refunding goes, to sponsors who ran successful programs last year, but who do not ask for additional moneys this year either for the purpose of expanding the program or covering the cost of inflationary cost rises; second, the second place in the hierarchy of eligibility is given to sponsors who develop new programs for this year; and only after these two sets of classifications are satisfied are sponsors of programs considered who ran a successful program last year but ask for more moneys in this fiscal year in order to increase the scope of their projects or to cover inflationary costs. If the set of priorities I have just enumerated is a demonstration of the administration's eagerness to feed all needy children, all I can say is that perhaps the administration should not be quite so eager.

In view of the above, I am naturally deeply concerned about the genuinesness of the effort described in section 3 to "initiate, maintain, or expand nonprofit breakfast programs in all schools which make application for assistance—." This language would indicate that there is a mandate to feed all hungry children. To really do this, however, we would need an appropriation of at least $150 million. Last year, the Department of Agriculture spent $18.5 million on this program nationwide—approximately the same amount it expended to feed children receiving free lunches in the Borough of the Bronx. Incidentally, the $18.5 million did not reflect the level of appropriations available for this program. An additional $6.5 million earmarked for this program was not utilized by the Department of Agriculture.

Also, if we intend to have a meaningful breakfast program, we need to do three things: First we will have to set a reasonable level of authorization; second, we will have to write into the law a minimum reimbursement rate of 30 cents per free breakfast served, with appropriate reductions for breakfasts which are partially paid; and we will have to specify that the breakfasts served the children must provide one-third of the recommended dietary allowance appropriate for the youngsters.

The eligibility requirements, section 5, are, of course, basically unsatisfactory. I have with others voted in the committee to change the language in order to stipulate that, while the Secretary is to establish a national minimum below which no State may go when setting eligibility requirements for free lunches, States should have the privilege of setting their own ceilings when evaluating youngsters for free meals. In my judgment such a latitude is very necessary because of the wide variance in living costs and needs throughout our Nation. School lunch programs have been operating under this principle since the 1940's and from the amounts spent on this program and the numbers of children still going unfed, it appears highly unlikely that these powers are in danger of being exploited. Quite the contrary. The 1970 amendments to the School Lunch Act asked the Secretary to establish a national minimum because there was concern in Congress about the lack of utilization of the program.

Last but not least, there are presently 18,544 schools throughout the Nation that lack the facilities to enable them to participate in the program. These schools enroll an estimated total of 5,597,380 children who are presently doing without the benefit of the hot, nutritious meals Congress intended them to have. Thus, if we really want to enable schools to participate fully we need to raise the amount available for equipment to at least $80 million for the coming fiscal years of 1973 and 1974. In addition, since the 25-percent matching fund requirement presently discriminates against the poorest districts that most desperately need the program, we need to clearly stipulate in the legislation that all title I schools are to receive 100-percent Federal grants for their equipment needs. The same provision should be extended to schools with heavy concentrations of needy children and which are presently eligible for maximum Federal assistance, or 80 percent of the costs of the program.

Mr. Speaker, I have outlined only a few of our needs and a few of the shortcomings of the program. There are many more and much care needs to be taken with this legislation. I only hope that we shall have the time and opportunity to provide for these needs and changes before the school year starts. In the meantime, let us hope that the passage of this bill will assure a timely and orderly start of the summer feeding programs so desperately needed by the youngsters of our Nation.

Mr. SCHEUER. Mr. Speaker, the legislation we are considering today is part of an all-too-familiar pattern. It represents the latest in a series of congressional responses to the increasingly widespread demand for child nutrition services, a demand which this administration seems willing to all but ignore. The national school lunch program has 26 years of snowballing success behind it, and this legislation is designed to allow that sucess to continue. Beginning with only lunches served in a few schools to needy youngsters, this program has expanded to include breakfasts and lunches, often on a year-round basis in a wide variety of social institutions catering to the needs of our Nation's children. I have been actively involved in many of these extensions of the school lunch program and have been deeply gratified by the enthusiasm with which these new additions have been greeted around the country, especially in the past few years.

However, as extensive testimony before the Committee on Education and Labor has made clear, many gaps and inadequacies in funding these nutrition programs remain. H.R. 14896 is a combination of a variety of corrective legislative measures recently introduced in the Congress to close those gaps. The bill provides the Department of Agriculture with sufficient authority to fund greatly expanded school breakfast programs, summer lunch programs run by various recreation activities and childcare centers, and programs for nonfood assistance to enable new schools to acquire the equipment necessary to operate feeding programs. These are desperately needed provisions, for in the city of New York alone some 15,000 children are currently threatened with going hungry this summer due to lack of funds. Similar needs exist across the country. Surely this would be a senseless way for the Federal Government to economize. I can think of few better ways for our Federal dollars to be spent than in feeding millions of hungry children. I have no doubt that this Congress will enact this important legislation without hesitation or delay.

Mr. VANIK. Mr. Speaker, the committee is to be commended for bringing this legislation before the House. It is desperately needed, and needed now before we get further into the summer.

One of the most important features of the bill is that it authorizes—and expresses the intent of the Congress—for a $50 million summer feeding program under the special food service program, section 13 of the National School Lunch Act. The League of Cities and Conference of Mayors have polled their membership, and it is clear that at least $50 million will be needed to meet the needs of worthy applications during the current summer. The section 13 program, which provides food assistance in summer camps, day care centers, and special summer programs is desperately needed to fill the nutritional requirements of our Nation's low-income children during the period in which the regular school lunch program is not in effect.

The bill before us also establishes certain standards and guidelines relating to eligibility for the program. These guidelines are needed to mandate the fact that the Congress wants these low-income children to have the opportunity for adequately nutritous meals. The sad fact is that over the past several years, the Department of Agriculture has issued an ever increasing and complex set of regulations designed, in my opinion, to discourage applicants and reduce the number of children in the feeding programs.

Most importantly, Mr. Speaker, the bill authorizes "such sums as are necessary" for each of the next 3 fiscal years, to feed eligible children from low-income families. For the first time, this program, so vital to the health and well-being of these children, is freed from the restraints of unrealistic authorization ceilings. It is now the goal—and duty—of the Department of Agriculture to provide assistance to all eligible applicants. The need for the regular school year section 13 program has been estimated at about $100 million per year. Only about 20 percent of that need has been met in the last 2 years. It is my hope, Mr. Speaker, that this open authorization and the clear intention of the Congress that these children should be served will finally be acted on by the Department of Agriculture. It is my hope that the Department will stop its policy of discouraging applications and accept all worthy projects, including Headstart projects and centers for whom this legislation was originally designed.

Mrs. MINK. Mr. Speaker, H.R. 14896 is a measure relating to special summer food service programs, the school lunch program and the school breakfast program. Several of its provisions authorize new funds for various aspects of those programs while other provisions bring about some fundamental changes in their operation.

The changes are as follows: An expansion in the school breakfast program from pilot status to a fully funded nationwide undertaking in which every school that applies for the program is immediately entitled to implement it; an increase in the amount of Federal reimbursements provided for each full price, reduced price, and free lunch from 6 cents per lunch to 8 cents per lunch; a restriction upon the power of State agencies and local school authorities to establish income-eligibility standards for children receiving free and reduced price lunches and an authorization for the sale of nutritious foods through vending machines placed in the school buildings.

The mandate for expanding the school breakfast program to every school in the Nation that desires to participate is established in two fundamental ways. First, the $25 million limit on appropriations contained in section 4(a) of the Child Nutrition Act of 1966 is repealed. Instead, an open-ended authorization is provided which will allow the Secretary to obtain all the funds necessary to convert the program into a full scale national undertaking free of any fiscal restrictions. Second, section 4(a) is amended to require the Secretary and States to immediately institute the breakfast program in every school that applies for it. The amendment makes it clear that the Agriculture Secretary and the States must immediately provide Federal funds for each school that applies for the program without regard to any priorities based upon need, distance traveled by pupils or any other criteria. Further, it is the intent of the committee that each breakfast served throughout the Nation shall be supported by a uniform minimum per meal Federal reimbursement amount as announced by the Secretary prior to the beginning of each school year. Therefore, in apportioning funds for any fiscal year the Secretary must provide each State with amounts large enough to permit an expansion of the program and the maintenance of a uniform minimum reimbursement rate for each breakfast served. Accordingly it is the committee's expectation that, during the coming fiscal year, every school in the country that wishes to establish a breakfast program will do so.

Because of the rising cost of food and services, it is necessary to increase the Federation reimbursement payment that is provided by section 4 of the National School Lunch Act to support all school lunches. This reimbursement, which supports full price lunches as well as reduced price and free ones, is presently set at 6 cents. The committee has determined that it is essential to provide an average reimbursement of not less than 8 cents during fiscal year 1973. Subsection 4(a) of this bill will accomplish that. In addition subsection 4(b) insures that the Secretary will apportion Federal funds among the States in such a way as to allow for maximum expansion of the program to reach the neediest children and the neediest schools and to insure that Federal funds are transferred to the States as expeditiously as possible, which the committee intends to be not more than 15 days after any claim is presented by a State agency.

Nothing in this subsection or in any part of this bill is intended to amend or repeal the provisions of section 4 of Public Law 92-153 which established that national, uniform, minimum, Federal per meal reimbursement rates of "40 cents or the cost per meal of providing such meals, whichever is less," must be provided for every free meal served and, "40 cents or the cost per meal of providing such means less the highest reduced price charged whichever is less," must be provided for every reduced price meal served under the authority of section 11(e) of the National School Lunch Act.

A major change in the school lunch program will be brought about by section 5 of this bill which circumscribes the unlimited power presently held by State agencies and local school authorities to set eligibility standards higher than the Secretary's "income poverty guidelines"—the national minimum standard that is annually prescribed by the Secretary and that is equal to the HEW-OEO poverty index.

This power, which was historically provided by the act and which was reiterated by Public Law 92-153, the joint resolution passed last October, enabled local school authorities to set eligibility standards for free and reduced price lunches as high above the "income poverty guideline" as they deemed necessary so that all children who were unable to afford the full price of a meal would be fed. The law also provided that all meals served pursuant to these locally liberalized eligibility standards would be supported by Federal reimbursements. This new section that we are considering today provides that local school authorities, having State agency approval, may not set free lunch eligibility standards higher than 25 percent in excess of the "income poverty guidelines" and may not set reduced price lunch eligibility standards higher than 50 percent in excess of the "income poverty guidelines."

The committee expects that each State having eligibility standards lower than those authorized by this new section will immediately increase its standards to the full extent now permitted.

Finally, this section requires that all

children from families whose incomes are below the income poverty guidelines shall be provided free lunches instead of the reduced price lunches that were authorized in the past. Previously, local school districts were permitted to provide either free or reduced price meals to children coming from families with incomes below the "income poverty guidelines." Now such impoverished children will no longer have to pay anything for their meals, but will be entitled to free midday nutrition.

The last major change is to be found in section 7 which will allow local school authorities to permit the sale of nutritious food through vending machines where they would decrease participation in the school food programs or otherwise interfere with such programs. It is the firm intent of this committee that no foods which are low in nutritional value such as candies, soft drinks, potato chips, cookies, and so forth, are to be sold.

Finally, the bill provides new funding for the special summer food service program, authorizes the continued funding of the special food program for children in service institutions, and increases the authorization for the nonfood assistance program that enables school authorities to purchase needed equipment.

The authorization for the summer food programs will be $25 million as provided by section 1 in the bill. This amount is badly needed by the hard-pressed programs.

The authorization for special food programs in Headstart centers, day care projects and the like is to be open-ended for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974.

The authorization for the nonfood assistance program, as established by section 5(a) of the Child Nutrition Act of 1966, is set at $40 million for fiscal years 1973, 1974, and 1975 and $20 million for each year thereafter. These sums are modest indeed considering the large number of schools that need this help to buy equipment for their food service programs. In order to determine how large the unmet need is, the bill instructs the Secretary to conduct a survey among the States and school districts to determine what additional amounts of equipment assistance the State and local officials, in their opinion, deem necessary. The Secretary is to report his findings to Congress by December 31, 1972.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 14896, as amended.

The question was taken; and the Speaker announced that two-thirds had voted in favor thereof.

Mr. SCHERLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred and thirty-seven Members are present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

RETIREMENT OF GENERAL WESTMORELAND

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALBERT. Mr. Speaker, on July 1, 1972, Gen. William C. Westmoreland will retire from active duty after more than 36 years of dedicated and faithful service to our Nation. General Westmoreland is an individual who has unquestionably and consistently given his sterling best. It can be said that few, if any, who ever wore the Army uniform had heavier responsibilities over a longer period. Only a relatively few men in our history have achieved similar effectiveness in discharging such great responsiblities.

Forty years ago, then-Senator James Byrnes appointed one of South Carolina's sons to the U.S. Military Academy at West Point. Recognition of "Westy" came early at the Academy, by his appointment as a regimental commander and first captain. Upon graduation in 1936, he was commissioned as a second lieutenant in the field artillery. His record is most unusual, even for an Army Chief of Staff. A combat veteran of three wars, he has commanded every unit from a platoon at Fort Sill to an international force, in what has been termed by many as "the toughest war" in which our Nation has ever been involved. His progressive rise to tasks of great responsibility has been phenomenal. In 1952, he received his first star at the age of 38 and 4 years later he became, at that time, the youngest major general in the Army. But of greater lasting significance is his sustaining shining example of character, integrity, intellect, professionalism, leadership, innovativeness, and accomplishment.

General Westmoreland's real emergence on the international scene and his relationship with this Congress came into full force with his appointment as the commander of our military effort in South Vietnam. Probably never before in the military history of our country has a commander been involved in such a unique conflict.

The Vietnam situation has been characterized by many and varied restraints which tended to shape our general strategy and conduct of the war. As our military commander in South Vietnam, he was subordinate to the American Ambassador; he advised and assisted, but did not command, the Republic of Vietnam Armed Forces; he worked closely with, but did not command, the Free World Military Assistance Forces of our other Allies; and he was continuously required to develop military solutions to matters influenced by the most complex political, economic, social and psychological modifying factors.

Despite this great challenge, General Westmoreland and the forces under his command were able to recapture the initiative from the Viet Cong and the North Vietnamese, curtail the tide of Communist aggression, prevent the Communist overrun of the Republic of Vietnam, and assist the Government and people of the Republic of Vietnam to develop improved capabilities for their own security and growth.

Congress and the people of our Nation can expect no more from a military leader than General Westmoreland gave. History may well rank his accomplishments among our finest.

The overall performance of the United States Army in South Vietnam has been superb, but its great accomplishments have not been without costs and sacrifices. General Westmoreland recognized that the strains and turbulence caused by the Vietnam war—building to over a million and a half without sizable mobilization; 12-month tours with resulting instability; much public disenchantment with an unpopular war in which the Army carried the heaviest load and suffered the bulk of the casualties—resulted in some degradation in the quality of leadership and in the standards of professionalism that have traditionally marked our Army.

Therefore, during his tour as Chief of Staff, he has taken numerous far-reaching initiatives and made many bold decisions to reverse this trend and set the Army on the road to new standards of professionalism.

In effect, he has turned the Army around. He has given it vision, versatility, and the "lift" that it needed. He has shepherded the move toward a modern volunteer Army with the basic objectives of developing top professionalism, improved service life and personal opportunity. He has been tireless in telling the Army story. As Chief of Staff, he carried the Army message not only to each of the 50 States, but also to many of our allies as well. This final period in General Westmoreland's career cannot be surpassed in terms of leadership, solid achievement, and sound contributions to the Army, to his country, and to his countrymen.

During General Westmoreland's long, proud career—eagle scout, cadet, and later Superintendent of the U.S. Military Academy, participant in three wars, and Chief of Staff—his words and deeds have established him as a great leader. His personal bearing and conduct have marked him as an exemplary soldier. All Americans are in his debt for his dedicated service to his country.

Mr. ARENDS. Mr. Speaker, it is an honor to join in the remarks of my eminent colleague, Speaker ALBERT, in praise of General Westmoreland.

As Chief of Staff, General Westmoreland embarked on a program to make the Army better—better in every respect. He directed that the Army take innovative steps to insure that all soldiers are used purposefully in a way which fully develops both their skill and motivation—in short, gets soldiers back to soldiering, initiates challenging and interesting training, and reduces the sources of dissatisfaction. This program is progressing very well. The soldiers are better for it, the Army will be better for it, and the country will be better served because of it.

Dedicated and selfless service to his country has been General Westmoreland's primary motivation. This has made his profession a way of life rather than just a job. A grateful Nation will ever be in his debt.

General Westmoreland is not the kind of man who will depart the active arena. He will be heard from again, and the friends who know him best and respect him most hope that it will be soon.

Mr. DORN. Mr. Speaker, Gen. William Childs Westmoreland is among the ablest, greatest, and most dedicated of our Nation's military leaders of all time. Inded, he is one of the most outstanding officers of the free world. His splendid career and many achievements have been a particular source of pride to us in South Carolina, for he is one of our most distinguished native sons.

General Westmoreland was born in Spartanburg County in South Carolina, and attended The Citadel, the military college of South Carolina, for a year before being appointed to the U.S. Military Academy at West Point. The Honorable James F. Byrnes is reported to have said that the most significant of his contributions to the cause of freedom in our Nation was his appointment of William Childs Westmoreland to West Point. The impact and significance of such words from a man who was a Governor of South Carolina, a U.S. Congressman for 14 years, a U.S. Senator, an Associate Justice of the Supreme Court, Secretary of State, and who played a pivotal role in advising President Roosevelt during World War II, are inestimable.

General Westmoreland has served our Nation with honor and distinction. He has commanded combat units in three international conflicts. He served with the greatest distinction in North Africa, Sicily, France, Belgium, and Germany during World War II. He served in Korea, where the Republic of Korea awarded his unit the Distinguished Unit Citation. He served as commander in Southeast Asia under some of the most difficult strategic and tactical conditions with which any military officer has ever had to contend. It was a personal pleasure for me to visit in Saigon with General Westmoreland while he was U.S. commander. Under the most demanding and difficult of circumstances he represented our country and its allies and commanded superbly.

General Westmoreland was quick to grasp the grand Communist strategy of gaining control of the Mekong Delta and eventually all of Southeast Asia with its oil, rice, rubber, tin, and unlimited resources. General Westmoreland thwarted this diabolical scheme. He realized that the fate of Western Europe would be determined in Southeast Asia and that Western Europe was only a peninsula on the great Afro-Eurasian land mass. The road to Paris is indeed through the Far East, as Lenin stated more than half a century ago.

General Westmoreland utterly defeated during the Tet offensive the most sinister aggression in modern world history. An aggression of terror, torture, and subversion was designed to seize all of South Vietnam and outflank Cambodia and Laos. As a result of the gallant defense by American troops under General Westmoreland, Thailand, Indonesia, and Malaysia remain free.

General Westmoreland is a man of courage and integrity, in the line of those great generals whose outstanding personal qualities parallel their exceptional military capabilities. The list of his decorations and citations seems almost endless. This week President Nixon awarded the general his fourth Distinguished Service Medal. Since 1968 he has served ably in the Army's highest post as Chief of Staff.

We, in South Carolina, are hoping that the general, his beautiful and charming wife, "Kitsy," and his three wonderful children will eventually return to South Carolina. The general, affectionately known as "Westy" to his friends and associates, comes from one of the greatest and most distinguished families in our State. Gen. William Westmoreland has been dedicated to keeping America strong and to preserving world peace. The general has seen clearly that peace can only come through strength and that it is national weakness which leads to the terror and destruction of war. This is a greater and stronger Nation and the cause of freedom is more secure because General Westmoreland has served in our Army, and has served so very well.

Mr. Speaker, the following is a brief biography of the distinguished career of General Westmoreland:

GENERAL WILLIAM CHILDS WESTMORELAND, U.S. ARMY

William Childs Westmoreland was born in Spartanburg County, South Carolina, March 26, 1914, and graduated from Spartanburg High School in 1931. He attended the Citadel, the military college of South Carolina, for one year and was then appointed to the United States Military Academy, West Point, New York. At the United States Military Academy he was first captain and regimental commander and was commissioned as a Second Lieutenant in the Field Artillery upon graduation on June 12, 1936.

His initial assignment was with a regiment of horse-drawn 75mm guns, the 18th Field Artillery, at Fort Sill, Oklahoma. In March 1939, he joined the Eighth Field Artillery of the Hawaiian Division at Schofield Barracks, Hawaii. Here he served as battery officer, battalion staff officer, and battery commander. In May 1941, as a captain, he was assigned to the just organized Ninth Infantry Division at Fort Bragg, North Carolina, as operations officer of the 34th Field Artillery Battalion (155mm Howitzer).

In April 1942 he assumed command of the 34th Field Artillery Battalion and moved with it later that year to Morocco, North Africa. He commanded the battalion in combat in Tunisia and Sicily. During combat in Tunisia, his battalion was awarded the Presidential Unit Citation.

During the campaign in Sicily, General Westmoreland's battalion was successively attached to the 82d Airborne Division, and the 1st Infantry Division before returning to its parent division. In March 1944 he was named executive officer of the Ninth Infantry Division Artillery while the division was staging in Southern England preparatory to the invasion of the Continent. Following D-Day, he fought with the Ninth Infantry Division through France, Belgium, and into Germany. In October 1944 he was named chief of staff of the division, serving in that capacity in continuous combat from the German border to the Elbe River.

In June 1945 General Westmoreland assumed command of the 60th Infantry Regiment in Germany and in January 1946 was transferred to the 71st Infantry Division and, as commander of that division, returned it to the United States for inactivation.

Following training at Fort Benning, Georgia, he earned the Parachutist and Glider Badges and assumed command of the 504th Parachute Infantry of the 82d Airborne Division at Fort Bragg, North Carolina in July 1946. In August 1947 he was named chief of staff of the 82d Airborne Division, serving in that capacity for the next three years.

He was appointed an instructor at the Command and General Staff College at Fort Leavenworth, Kansas, in August 1950. Later that year he was designated an instructor at the newly organized Army War College, also at Fort Leavenworth, and in June 1951 moved to Carlisle Barracks, Pennsylvania, with the Army War College, serving as a member of the faculty until July 1952.

On August 1, 1952, he assumed command of the 187th Airborne Regimental Combat Team in Korea. While under his command, the unit was twice committed to combat and during the interim was deployed to Japan as theater reserve. The Republic of Korea awarded his unit the Distinguished Unit Citation. During this period he was promoted to brigadier general at the age of 38. In August 1953 he was awarded the Master Parachutist Badge.

In November 1953 he reported for duty as Deputy Assistant Chief of Staff, G1, for Manpower Control. In 1954 he attended the Advanced Management Program of the Harvard Business School in Boston, Massachusetts. He was named the Secretary of the Army General Staff in July 1955.

On December 1, 1956, the Chief of Staff of the Army, General Maxwell D. Taylor, pinned a second star on General Westmoreland, making him at that time the youngest Major General in the Army.

General Westmoreland assumed command of the 101st Airborne Division "Screaming Eagles" at Fort Campbell, Kentucky, on April 2, 1958.

In July 1960, General Westmoreland was appointed Superintendent of the U.S. Military Academy at West Point. He was transferred to Fort Bragg, North Carolina in July 1963 at which time he became Commanding General, STRAC and XVIII Airborne Corps.

In January 1964, he reported to duty at the U.S. Military Assistance Command, Vietnam. He was assigned first as Deputy Commander, then Acting Commander and finally, in August 1964 was made Commander, U.S. Military Assistance Command, Vietnam.

General Westmoreland became the Chief of Staff of the Army on 3 July 1968.

PERSONAL DATA

Date and Place of Birth: March 26, 1914, Spartanburg County, South Carolina.

Parents: Mr. and Mrs. J. R. Westmoreland (Deceased).

Marriage: Date, May 3, 1947; Wife, Katherine Van Deusen Westmoreland; Children, Katherine Stevens Westmoreland; Margaret Childs Westmoreland; and James Ripley Westmoreland, II.

EDUCATION

Spartanburg High School, Spartanburg, South Carolina, graduate, 1931.

The Citadel, Charleston, South Carolina, one year, 1932.

U.S. Military Academy, West Point, New York, graduate, BS, 1936.

Army War College (Instructor) 1950–1952.

Harvard University, Advance Management Program #26—1954.

Temple University, Honorary Doctor of Law Degree, June 1963.

The Citadel, Honorary Doctor of Law Degree, June 1966.

University of South Carolina, Honorary Doctor of Law Degree, April 1967.

Norwick University, Honorary Doctor of Military Science, May 1969.

Howard Payne College, Honorary Doctor of Law Degree, October 1969.

CHRONOLOGICAL LIST OF PROMOTIONS

2d Lieutenant, June 12, 1936.

1st Lieutenant, June 12, 1939.

Captain, temporary, Sept. 9, 1940; permanent, June 12, 1946.

Major, temporary, Feb. 1, 1942; permanent, July 1, 1948.

Lieutenant Colonel, temporary, Sept. 25, 1942; permanent, July 7, 1953.

Colonel, temporary, July 28, 1944; permanent, June 12, 1961.

Lieutenant Colonel (reverted), temporary, June 30, 1947.

Colonel, temporary, June 29, 1951.

Brigadier General, temporary, Nov. 7, 1952; permanent, Feb. 1, 1963 (DOR July 14, 1962).

Major General, temporary, Dec. 1, 1956 (DOR March 3, 1952); permanent, Aug. 12, 1965 (DOR May 20, 1963).

Lieutenant General, temporary, July 31, 1963.

General, temporary, Aug. 1, 1964.

CHRONOLOGICAL LIST OF ASSIGNMENTS

Battery Officer, 18th Field Artillery, Fort Sill, Oklahoma, June 1936 to March 1939.

Battery Officer, Battalion Staff Officer, and Battery Commander, 8th Field Artillery, Schofield Barracks, Hawaii, March 1939 to May 1941.

Operations Officer, 34th Field Artillery, 9th Infantry Division, Fort Bragg, North Carolina, May 1941 to April 1942.

Battalion Commander, 34th Field Artillery Battalion, 9th Infantry Division, Fort Bragg, North Carolina; Morocco, North Africa (in combat in Tunisia and Sicily) to England, April 1942 to March 1944.

Executive Officer, 9th Infantry Division Artillery (Combat in France, Belgium and Germany), April 1944 to October 1944.

Chief of Staff, 9th Infantry Division (combat in Germany), October 1944 to June 1945.

Regimental Commander, 60th Infantry Regiment in Germany, June 1945 to January 1946.

Chief of Staff and Division Commander, 71st Infantry Division, Germany and return with it to the United States, January 1946 to May 1946.

Assistant Chief of Staff, 82d Airborne Division, Fort Bragg, North Carolina, May 1946.

Student Officer, The Infantry School, Fort Benning, Georgia, May 1946 to June 1946.

Regimental Commander, 504th Parachute Infantry Regiment, Fort Bragg, North Carolina, July 1946 to August 1947.

Chief of Staff, 82d Airborne Division, Fort Bragg, North Carolina, August 1947 to August 1950.

Instructor, Department of Instruction, Command & General Staff College, Fort Leavenworth, Kansas, August 1950 to October 1950.

Instructor, Army War College, Fort Leavenworth, Kansas, October 1950 to June 1951.

Instructor, Army War College, Carlisle Barracks, Pa., June 1951 to July 1952.

Commander, 187th Airborne Regimental Combat Team in Korea, August 1952 to August 1953.

TDY to HQ Prov Corps, Japan, HQ, Armed Forces, Far East, October 1953 to November 1953.

Deputy Assistant Chief of Staff, G1 for Manpower Control, Washington, D.C., November 1953 to September 1954.

Student, Advance Management Program, Harvard Business School, Boston, Massachusetts, Sept., 1954 to Dec., 1954.

Deputy Assistant Chief of Staff, G1 for Manpower Control, Washington, D.C., Dec., 1954 to July, 1955.

Secretary of the Army General Staff, Washington, D.C., July, 1955 to Mar., 1958.

Commanding General, 101st Airborne Division & Fort Campbell, Fort Campbell, Kentucky, Apr., 1958 to June, 1960.

Superintendent, U.S. Military Academy, West Point, New York, July, 1960 to July, 1963.

Commanding General, STRAC & XVIII Airborne Corps, Fort Bragg, North Carolina, July, 1963 to Jan., 1964.

Deputy Commander, U.S. Military Assistance Command, Vietnam, Jan., 1964 to June, 1964.

Acting Commander, U.S. Military Assistance Command, Vietnam, June, 1964 to Aug., 1964.

Commander, U.S. Military Assistance Command, Vietnam & Commanding General, U.S. Army, Vietnam APO SF 96222, Aug., 1964 to July, 1968.

Chief of Staff, U.S. Army, July, 1968.

LIST OF DECORATIONS

Distinguished Service Medal w/2 OLC.

Legion of Merit w/2 OLC.

Bronze Star Medal w/OLC.

Air Medal w/9 OLC.

American Defense Service Medal.

American Campaign Medal.

EAME Campaign Medal w/17 Campaign Stars.

WWII Victory Medal.

Army of Occupational Medal (Germany).

National Defense Service Medal w/OLC.

Korean Service Medal w/2 Campaign Stars.

Vietnam Service Medal w/2 Campaign Stars.

Legion of Honor (French Government).

French Croix de Guerre w/Palm.

Belgium Fourragere.

Korean Ulchi Distinguished Service Medal w/Gold Star.

Order of Military Merit Taeguk (Korea).

Order of Sikatuna (Rank of Lankan) (Philippines).

Chuong My Medal (Vietnam).

National Order of Vietnam, First Class (Vietnam).

Gallantry Cross with Palm (Vietnam).

Army Distinguished Service Order, First Class (Vietnam).

Air Force Distinguished Service Order, First Class (Vietnam).

Navy Distinguished Service Order, First Class (Vietnam).

Armed Forces Honor Medal, First Class (Vietnam).

Civil Actions Honor Medal, First Class (Vietnam).

The Most Exalted Order of the White Elephant (First Class—Knight Grand Cross—Thailand).

The Order of National Security, First Class (Korea).

Vietnamese Gallantry Cross Fourragere.

Order of Military Merit, Degree of Great Officer (Brazil).

Medal of Cloud and Banner with Grand Cordon (Republic of China).

Order of the Rising Sun, First Class (Japan).

Order of Guerrilleros Lanza, Degree of Grand Master (Bolivia).

Grand Cross of the Order of Military Merit (Spain).

Knight of the Grand Cross (Italy).

United Nations Service Medal.

Vietnam Campaign Medal.

CITATIONS

Presidential Unit Citation (34th Field Artillery Battalion, Tunisia 1943).

Republic of Korea Unit Citation (187th Regimental Combat Team 1953).

BADGES

Combat Infantryman's Badge.

Master Parachutist Badge.

Glider Badge.

General Staff Identification Badge.

Armed Forces Master Parachutist Badge (Vietnam).

Joint Chiefs of Staff Identification Badge.

Army Aviator Badge.

PERSONAL BACKGROUND MATERIAL

Sports: Tennis, Squash, Water-skiing, Golf.

Mr. MANN. Mr. Speaker, I think that it is most appropriate that Congress should take this time to pay special tribute to a man who has served this country so ably and so unselfishly for more than three decades.

William Childs Westmoreland, a native of Spartanburg County, S.C., located in the Fourth Congressional District which I now have the privilege of representing in the Congress, is a man who has distinguished himself as a scholar, an author, a soldier, and a statesman.

Westmoreland, the son of a successful textile plant executive in Spartanburg was born in Spartanburg County on March 26, 1914 and was graduated from Spartanburg High School in 1931. He attended The Citadel, also my alma mater, for 1 year before receiving an appointment to the U.S. Military Academy at West Point. James F. Byrnes, another distinguished South Carolinian, had taught young Westmoreland in Sunday school and it was he who, while serving as a Congressman helped to get the young man his appointment to the Academy. At West Point, "Westy" made first captain, the school's high mark for leadership, and upon graduation on June 12, 1936, he was commissioned as a second lieutenant in the field artillery.

When the United States entered the Second World War, Westmoreland saw his first action in North Africa as a major commanding the 34th Field Artillery Battalion in the Ninth Infantry Division. His reputation as a tactical innovator in the artillery, as a rapid displacer of his unit, and as an aggressive forward commander, began to spread. Later, as Division Artillery Executive Officer in the 9th Division, he fought in Sicily, France, and Germany and ended up as Chief of Staff of the 9th Division.

The rest is a steady success story. After the war, Westmoreland began an immediate and rapid rise—more immediate and more rapid than that of anyone else in his class—alternating between command and staff duty and attending service schools, including Command and General Staff and the Army War College. In 1960, at the age of 46 and a Major General, Westmoreland was appointed Superintendent of West Point, his alma mater. Only General MacArthur had been younger when appointed to this post. Characteristically of the General, he served the post ably and in an innovative manner.

In 1963, however, he left to take over the 18th Airborne Corps which he called "freedom's fire brigade." In January, 1964, he reported to duty at the U.S. Military Assistance Command, Vietnam. He was assigned first as Deputy Commander, then Acting Commander, and finally, in August 1964, was made Commander, U.S. Army, Vietnam. He was sent to Vietnam with a command of 16,000 which grew to over 50,000. He was sent, moreover, with orders hardly more specific than "save this country for the Free World."

One of the striking elements in the story of the Vietnam war is the deep, and mutual, loyalty that ran between Westmoreland and his Commander in Chief Lyndon Johnson. It was to Westmoreland that President Johnson confided in November 1967, that he did not "plan" to run for reelection in 1968. The President chose to confide these intentions to Westmoreland because he needed to be assured that his deciding not to run would not be seen by American troops in Vietnam as his abandoning them and therefore do harm to their morale.

Westmoreland is supposed to have responded that he was sure the troops in his command would not see Johnson's failure to run as a desertion of the colors, that they would "understand." Probably no field commander in our history had ever been presented such an opportunity to influence American politics as Westmoreland at that moment, but he confined himself to a proper soldier's answer.

This was typical of the man because he was not an individual who was concerned with the exercise of personal influence but rather chose to act and react in a manner which was best for the good of the country. Perhaps the Westmoreland manner explains one of the strange facts of the Vietnam war controversy: Westmoreland continued to enjoy a relatively good press. This is strange when one considers that the war has divided friends, political parties and nations, but in spite of all of this, General Westmoreland generally had his way with newsmen and U.S. officials.

An Air Force lieutenant colonel serving under Westmoreland once stated that "If you wanted to make a model of a four star general, you would make it to look like General Westmoreland." Not only would you make it to look like Westmoreland, you would make it to perform as Westmoreland has performed. This was truly a man unique to his time as well as to history.

While military historians will judge Westmoreland as a strategist and an excellent tactical commander, his style as that of a reasoner, an exemplifier, a problem solver, rather than a martinet will be remembered. Other historians will surely record the General's popularity with the populace as well as within the military. Within the Army Westmoreland was a figure more popular than feared. Among the civilian population he was a figure more admired and respected than criticized.

This native of South Carolina reflects credit upon the Palmetto State as well as upon the United States of America. I am pleased to be able to offer this humble tribute to him on the occasion of his retirement. I commend this gentleman for his distinguished service to America and I, as shall all Americans, remain in his debt for his untiring and selfless services to this country.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks with reference to the service of General Westmoreland.

The SPEAKER pro tempore (Mr. Brooks). Without objection, it is so ordered.

There was no objection.

THE ANIMAL HEALTH RESEARCH ACT OF 1972

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I am introducing on behalf of myself and Congressmen Abbitt, Bergland, Denholm, Link, Mayne, Nelsen, Rarick, Sisk, Smith of Iowa, Wampler, Whitehurst and Zwach the Animal Health Research Act of 1972 to authorize increased funding of animal disease research work.

I shall include in the Record with this statement an explanation of the bill and its background by Dr. Frank A. Todd, Washington representative of the American Veterinary Medical Association.

In introducing it, and on behalf of the need for increased research in animal diseases both to protect human health and to protect our meat, dairy, poultry and egg supplies, our principal source of protein food.

Research in veterinary medicine has led to many breakthroughs in curing or preventing human diseases. Mankind has benefited from basic research on animals, and the most recent example of this is the development of a vaccine for a form of cancer in poultry that has sparked the efforts of human cancer researchers to develop similar vaccines against the dreaded disease in men. Dr. Harvey Graham Purchase, a young veterinarian at Michigan State University, who is also a U.S. Department of Agriculture veterinary medical officer, was awarded the 1971 Arthur S. Fleming Award for his development of the vaccine to control Marek's disease, a form of cancer in poultry.

The Purchase vaccine is expected to save poultrymen $200 million a year but this will prove to be a minor benefit from his discovery if it leads to successful vaccines to prevent cancer in humans.

Many communicable diseases are transmissible from animals to man. Animals are sometimes vestors or carriers of diseases which affect human beings so that animal health research is both directly beneficial to humans, and indirectly beneficial through examples of successful work such as Dr. Purchase's.

The present furor over meat prices is basically a result of a tight supply, and particularly beef. Our capacity to produce beef has not kept up with the demand for the product. Expansion of beef supply to meet the requirements of an expanding population is going to be dependent, among other things, on our solving such threats to the beef herd as the "weak calf syndrome" recently featured in the Wall Street Journal which has appeared in the Bitterroot Valley in my home State and threatens productivity in a sizable cattle area. It will depend on better means of eradicating anaplasmosis, diagnosing bovine vibriosis, and keeping herds healthy in every way.

The same sort of problems, of course, continuously threaten pork, dairy cattle, lamb, mutton, and poultry.

I commend the American Veterinary Medical Association—and I am one of its members—for developing this legislation.

At the same time I want to make it clear that I, and others who have cosponsored it, may want to make changes in the bill as a result of discussions and hearings this measure is intended to stimulate. It is not presented as a finished product, ready to pass, but as a bill to initiate hearings and future action.

Some of us who are from States whose universities do not have colleges of veterinary medicine, but do have a large livestock industry and urgent research needs, are very likely to propose changes in the formula for distribution of funds.

I have taken the liberty of amending the association's draft, in the copy I am introducing, by reducing the percentage of funds to be distributed on the basis of existing research capacity from 48 percent to 38 percent and making the 10 percent difference available for distribution on the basis of research need, to indicate my reservations in this respect.

My own State does not have a college of veterinary medicine, but we do have excellent research workers in veterinary medicine and the capacity and facilities to increase the research if funds are available. We do have this alarming new weak calf syndrome, which calls for immediate study, an increasingly serious problem of anaplasmosis and others. They are not just our problems. They are the problems of consumers as well as the livestock industry itself, for both the efficiency and the adequacy of meat and dairy production in the Nation depend on minimizing losses of both dollars and volume to unnecessary animal and poultry diseases.

Explanation of the Animal Health Research Act, by Dr. Frank A. Todd, D.V.M

If enacted, the animal health research efforts in each of the states would be expanded significantly.

The proposed act would provide funding for the colleges of veterinary medicine and the departments of veterinary science or animal pathology or similar units conducting animal health research in the state agricultural experiment stations. The basic distribution of funds to the institutions would be on a formula administered by the Secretary of Agriculture in consultation with an advisory board taking into acount the livestock and poultry values and the research capacities in each state.

Authority also would be provided for the Secretary to support the funding of needed research facilities. The funds for facilities also would be apportioned among the research institutions in the several states, except that, to meet special needs, the Secretary could request additional funds for facilities at one or more of the eligible institutions, after consultation with the advisory board.

The advisory board, appointed by the Secretary, would be composed of members representing livestock and poultry associations, the colleges of veterinary medicine, and the appropriate animal health research units of the agricultural experiment stations. The advisory board would recommend priorities for the conduct of animal health research and otherwise advise the Secretary in administering the provisions of the act.

The American Veterinary Medical Association has developed this proposal in consultation with the Association of American Veterinary Medical Colleges and the directors of the state agricultural experiment stations.

There is an urgent need for more research in the entire field of animal health. Estimates of losses of livestock and poultry because of diseases and parasites come to nearly three billion dollars each year. We must give high priority to the protection of the wholesomeness of the nation's supplies of meat, milk, and eggs. To do this, food producing herds and flocks must be protected against disease.

The handling of diseases affecting both man and animals becomes increasingly difficult, primarily because of the lack of sufficient research-produced information. The recent outbreaks of Venezuelan equine encephalomyelitis (VEE) of horses and exotic Newcastle disease of poultry are examples.

Domestic animals and birds that provide recreation and companionship, especially for our younger and older citizens, must be kept healthy if they are to serve their purpose without hazard to their owners.

These needs were recognized in a 1972 report "New Horizons for Veterinary Medicine" issued by the National Academy of Sciences. One of the recommendations in the report urges the U.S. Department of Agriculture to expand its extramural research programs to support research in institutions conducting animal health research throughout the United States.

The President's Message on Science and Technology reaffirms the need for support of research in the universities.

The Secretary of Agriculture has recognized the need to step up the level of animal health activities.

With your long standing interest in a viable animal agriculture, healthy animals, and wholesome foods, we hope you will wish to introduce legislation as outlined in the attached draft. Please be assured that our Association will give the measure its full support.

Please call upon this office if we can provide additional information.

Sincerely,

Frank A. Todd, D.V.M.,
Washington Representative.

JAPANESE-AMERICAN 22D BIENNIAL CONVENTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 60 minutes.

Mr. MATSUNAGA. Mr. Speaker, "For better Americans in a greater America"—that is the refreshing motto of the Japanese American Citizens League, a national civic organization with over 100 chapters in 32 States, now holding its 22d biennial convention here in Washington, D.C.

The JACL, as it is better known, staged a banquet in honor of the Members of Congress last night at the Shoreham Hotel. Despite the late hour at which the House adjourned, a considerable number of the Members of the House were in attendance to break bread with their Japanese-American constituents. Today, the approximately 600 delegates to the convention are spending their time on Capitol Hill to meet with their Senators and Congressmen and to tour the historic Capitol, the Supreme Court, and the Library of Congress.

Mr. Speaker, the story of the Japanese American is an inspiring one and one which should be told and retold. It is for this reason that I have reserved this hour, along with another 2 hours reserved by my good friends, the distinguished gentlemen from California (Mr. Holifield and Mr. Miller) to pay tribute to our Americans of Japanese ancestry.

Although Japanese-Americans constitute only a minute part of our Nation's population—fewer than 600,000—their story is an important one, consisting in large part of adversity, challenge and, eventually, a degree of success and triumph. The implications, however, reach far beyond one ethnic group, particularly today, when America faces grave problems involving the denial of full equality and justice to large segments of our population.

Just 3 years ago, the centennial celebration of Japanese immigration to the United States was observed. Perhaps, no other immigrant group encountered higher walls of discrimination and prejudice than did the Japanese—the denial of the right to citizenship, denial of the right to own land or enter certain professions, and eventually complete exclusion. No other ethnic group experienced the dramatic and emotional crisis of being uprooted from their homes and herded into American concentration camps, complete with barbed wire fences and armed guards. Few have shown greater loyalty to the United States or greater willingness to make sacrifices for their country on the battlefield or at home.

As the late Barratt O'Hara, when a Member of this House, put it in a floor speech in 1963:

> I do not know of any group in the history of our country who has suffered so much without justification and has come out of it to make such a great contribution with never a scar of resentment or faltering their love of and loyalty to country.

Although 1869 has been generally regarded as the date when the first Japanese immigrants arrived on the mainland United States, the first organized group of immigrants arrived in Hawaii, then a kingdom, on June 19, 1868. They had been recruited to labor on Hawaii's sugar plantations.

Shortly thereafter, due partly to the slavery-like treatment these first laborers received on the plantations, Japan forbade emigrant workers from going to Hawaii. But Hawaii's need for farm labor grew enormously following the U.S. agreement to permit Hawaiian sugar to enter the mainland United States duty-free. This was at the same time that the native Hawaiian population, afflicted with various diseases brought by Captain Cook and his crew in the late 18th century, was actually shrinking.

To save Hawaii's sugar industry, King Kalakaua journeyed to Japan in 1881 to seek an agreement with the Japanese Government to permit Japanese laborers to migrate to Hawaii to work on the sugar plantations. He was successful, and thousands of Japanese migrated to the islands before the turn of the century. Most of them, however, considered their stay in Hawaii as temporary, and fully intended to return to Japan as soon as their contract with the plantation company was fulfilled, normally 3 years. They came as "contract laborers," and the contracts were harsh ones indeed. The Hawaiian planters provided free but inadequate housing and paid their new employees as little as $9 a month, and imposed on them restrictions touching every facet of their lives.

In 1900, when Hawaii was annexed to the United States, the "contract labor" practice ended, and the Japanese began to make their way up the economic and social ladder in Hawaii.

The "Issei," or first generation immigrants, however, never realized their dream of amassing a fortune in Hawaii and returning to a life of ease in Japan. They were forced to remain in Hawaii with no fortune in sight. Their struggles, industry, and perseverance gained for them the respect of their employers, but unlike other immigrants before them, they were denied the right to become American citizens and denied the right to own any part of the land which they tilled.

Undaunted by discriminatory laws passed against them at both the Federal and State levels, the Issei abandoned their earlier goal and built a dream of hope not for themselves, but for their children—the Nisei. No sacrifice was too great. They were determined that by the sweat of their brow every Nissei child was going to have the highest possible education for a life of decency and dignity in America. This became the Issei's life goal—to prepare their children for a life they themselves were denied.

I am the son of one of those immigrant plantation workers—and I have benefited from the hardships endured by the first generation of Japanese in America.

By and large, the Isseis were successful in attaining this one goal. Until a few years ago, statistics showed that Americans of Japanese ancestry constituted the highest educated of all identifiable minority groups in the United States. Although the Nissei were themselves subjected to acts of discrimination —such as being denied certain types of employment, both in the public and private sectors—things were beginning to improve. One early success was Kikutaro Matsumoto, who arrived in Hawaii in 1891 at the age of 24. Starting as a laborer in a fertilizer plant, he later became a building contractor and is cited as the first Japanese American millionaire.

As the son of one of these immigrant plantation workers—and one who has benefited from the hardships endured by the first generation of Japanese in America—I am convinced that American Democracy—an idea dedicated to the freedom and dignity of the individual, regardless of race, color, or creed—can be made to work. It is this commitment to a dynamic, progressive democracy that I would most like to transmit to other Americans of minority groups, particularly the younger generation.

As a child in school, I was taught that under our American system of government all men are created equal, endowed with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. I was taught that as an American, regardless of race, color, or national origin, I could aspire to the highest office in the land. This I believed as a child, and of its truth I am convinced as a man.

My belief, however, was not without severe testing during the period shortly after December 7, 1941. I had already volunteered for military service and was serving in the Hawaii National Guard which had been federalized. When the invasion of Hawaii was believed to be imminent, all Americans in uniform, regardless of race, stood side by side in beach dugouts and trenches, fully prepared to repel the enemy.

After the battle of Midway was won, however, and invasion of the Hawaiian Islands by the military forces of Japan became a remote matter, our fellow Americans suddenly turned to us of Japanese ancestry and looked at us with a suspicious eye, almost as if to say "Why, he's a Jap."

Shortly thereafter, in June 1942, all of us of Japanese ancestry who were in American uniform were ordered to turn in our weapons. Then, without even a chance to say goodbye to our loved ones, we found ourselves on board a troopship sailing for the mainland. Speculation was rife that we were headed for a concentration camp.

When we arrived at our final destination, after more than a week of travel by ship and train, one of the first things that we saw was a barbed wire enclosure. You can imagine our feelings. The pessimists were right—we were headed for imprisonment in a concentration camp.

We then learned that our destination was Camp McCoy, Wis. The barbed wire fences, we subsequently discovered, enclosed the two Japanese prisoners of war captured in the two-man submarine off Waimanalo Beach, Hawaii on December 7, 1941. We were not placed behind the fences with them, but speculation again arose as to what was in store for us. Since our unit was called a "provisional battalion," we speculated that we were to be a battalion of forced laborers. Nevertheless, we wrote home of our great desire to prove our loyalty to the United States. We learned later that our letters had been censored and, because of their tenor, the War Department decided to give us an opportunity to prove our loyalty.

It was with this spirit that the men of the 442d Regimental Combat Team and the 100th Infantry Battalion, of which I was a member, fought and died in World War II and carved for themselves an unforgettable place in American history. When peace was won, they had amassed for themselves among other awards, seven Presidential Unit Citations, a Congressional Medal of Honor, 52 Distinguished Service Crosses, 560 Silver Star Medals, more than 4,000 Bronze Star Medals with more than 12,000 Oak Leaf Clusters. Gen. Mark Clark described them as the "most fightingest and most highly decorated unit in the entire military history of the United States."

But the hardships of Japanese Americans did not end with the activation of the 442d Regimental Combat Team. While we were fighting and dying in Europe to save American democracy, 110,000 Americans of Japanese ancestry—some of them parents of members of our unit—were being evacuated from their homes on the west coast and thrown into so-called "relocation camps," which in essence were concentration camps, complete with barbed wire fences and armed guards. If ever any group of Americans had been driven to a point of despair and rebellion, it was the Japanese Americans during World War II. They would have been fully justified in the eyes of the world had they turned against the country they called their own.

But they did not! Why? Because even in the height of adversity, they had faith in this thing we call American democracy.

That our faith was not misplaced is abundantly in evidence today, for Americans of Asian ancestry enjoy a much better life than they ever did before World War II. Primarily through the untiring efforts of the Japanese American Citizens League, and its amazing legislative representative, Mike Masaoka, some 500 National, State, and local laws which were once directed against Asian Americans have been removed from the statute books, the Oriental Exclusion Act of 1924 has been repealed, and an act to permit the naturalization of immigrants from Asian nations was passed by Congress in 1953. Only last year this Congress repealed the abhorrent Emergency Detention Act of 1950, which stood as a grim reminder of the deplorable experience of World War II.

One of the most striking examples of the Nisei advancement can be seen in Hawaii governmental officials. As my colleagues well know, three of Hawaii's four Members of Congress are of Japanese ancestry—my distinguished colleague in the House, Mrs. MINK, Senator DAN INOUYE, in the other body, and myself. Of the 75 members of the Hawaii legislature's two Houses, more than half are Americans of Japanese ancestry, including the Speaker of the House, Tadao Beppu. About half of the heads of State government departments are Japanese Americans, as is the Lieutenant Governor, George Ariyoshi. Shunichi Kimura is mayor of the county of Hawaii. The most remarkable little known aspect of the rise in political success among the Niseis in Hawaii is that the Japanese Americans constitute only 27 percent of its population. And then, of course, there is the well publicized story of Norman Mineta, Mayor of San Jose. Dr. Edwin O. Reischauer, of Harvard University, has aptly referred to the success story of the Japanese Americans as "A Horatio Alger tale on an ethnic scale."

The Japanese American Citizens League helped to write much of this great American success story, and I take this opportunity to pay tribute to its members and to all Americans of Japanese ancestry.

Mr. STRATTON. Mr. Speaker, would the gentleman from Hawaii yield to me?

Mr. MATSUNAGA. I am happy to yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I am honored to join with my colleague from Hawaii today in paying tribute to Americans of Japanese ancestry, particularly on the occasion of the meeting here in Washington of the 22d biennial convention of the Japanese-American Citizens League. I do not believe that I have very many Americans of Japanese ancestry in the 29th Congressional District of New York, but my association with Americans of Japanese descent occurred during the war. I had the opportunity as a naval officer first to learn Japanese in the Naval Japanese Language School in Boulder, Colo., and that experience conducted in Colorado was largely at the hands of the teachers who were Americans of Japanese ancestry, many of whom, as a matter of fact, had come to the Naval Japanese Language School from the various relocation centers either in Colorado, Utah, or in other parts of the Far Western section of our country.

I do not think that many of us at that time appreciated exactly what our Japanese-American friends had had to endure, but in spite of those hardships, I must say that they did a magnificent job in trying to train many Americans for meeting the complicated language problems that we faced as a result of World War II.

Subsequently after graduating from that school, I went to the Southwest Pacific where important intelligence activities had to be conducted by people familiar with the Japanese language. The Navy, for reasons best known to itself, did not employ Americans of Japanese descent, Nisei, to conduct these intelligence activities. They tried to train Americans in using the Japanese language. The Army, on the other hand did employ Nisei, so General MacArthur, recognizing that in spite of all the educational opportunities that Americans might be exposed to, could never really become as fluent and as efficient in the Japanese language as those of Japanese descent, combined the Army and Navy teams in the Southwest Pacific Theater.

I had occasion through 2 years, extending all the way from Australia through to Japan, to serve with an organization where we served alongside many Americans of Japanese descent. I must say had it not been for their ability and skill and expertise and courage too, I do not think we could have solved many of the problems we faced.

Of course, our activities were not nearly as heroic or glamorous as those of the distinguished battalion from Hawaii of which the gentleman from Hawaii was a member, and also the distinguished Senator from Hawaii was a member, but it bore, nevertheless, the same kind of indication of patriotism and courage of these great Americans of Japanese ancestry.

I am delighted to be able to take this opportunity at long last to pay my tribute to them.

Mr. Speaker, under leave to extend my remarks, I insert a paper prepared by the staff which discusses these contributions in somewhat greater detail and particularly the contributions of the Americans of Japanese descent in the New York and New England area:

Contributions of the Americans of Japanese Descent

There is little doubt that the economic miracle of the past quarter century has been the industrialization of Japan. From the defeat and devastation of World War II, Japan has emerged as the third major industrial complex in the world. And, the bilateral trade between the United States and Japan has become the greatest overseas commercial operation in history, with the combined trade total between these two countries amounting to more than ten billion dollars.

When we think of the history of the Japanese in America, we think in terms of California and the West Coast. We think of the Japanese for their contributions to agriculture and to horticulture, to railroading and mining, etc.

Too often we ignore those Japanese pioneers who first came to New York in the decade after the War Between the States and laid the foundations for this tremendous trade between our two countries.

Ryoichiro Arai, Toyo Morimura, and Momotaro Sato arrived in New York in March, 1876. They were the first known Japanese in New York, who may be regarded as Issei (literally, the first generation, a term often applied to migrants who became permanent or long term residents in America), although from the 1850s a number of Japanese had visited or temporarily stayed in the city. Then as now, New York was America's greatest commercial and financial center, and significantly, Arai, Morimura, and Sato had come to begin direct trade between the United States and Japan and to build the foundations of what has now become the largest overseas trade for both countries.

From the opening of Japan to the outside world, following the 1854 negotiations, Western traders residing in Japan had monopolized Japan's foreign trade. As late as 1877, they controlled 94 per cent of the exports and 95 per cent of the imports. The Japanese in Japan had almost no direct part in international trade, although they realized that they had to trade to survive.

His contemporaries regarded Momotaro Sato as the founding father of the direct trade between the United States and Japan. Soon after his arrival in New York, he established the Japanese and American Agency to import such Japanese products as tea, silk cloth, and other consumer goods and to export American products to Japan. With Morimura, Sato helped to organize the Hinode Company which initiated trade in a wide variety of products. Arai and Sato formed the Sato Arai Company, which engaged in the silk trade. Sato's long-term influence is better seen in these two firms, and their successor companies, than in his Japanese and American Agency. This company was soon in financial difficulties, because his creditors in Japan who knew nothing about American business or trade imposed impractical conditions on its business.

In time, raw silk became Japan's largest export to the United States and cotton became a major American export to Japan. Ryoichiro Arai pioneered in the trade in both commodities. As F. W. Taussig, a leading authority on capitalistic economy, observed, the development of a reliable source of silk in Japan was a major factor in the rapid growth of the American silk manufacturing industry. Both countries, Dr. Taussig further noted, benefited greatly from this trade. Yet, before Arai came to New York, no direct trade existed. The United States used almost no Japanese silk, aside from insignificant purchases from dealers in Europe. The resident Westerners in Japan who controlled the exports inspected, packed, and shipped the silk to Europe. The Japanese growers had no way of knowing what happened to their silk once it was delivered to the Yokohama warehouses of the Westerners.

Arai's initial experiences in New York would have crushed anyone less resolute than he was. He frequently encountered serious discrimination, even while searching for a room, partly because the West Coast anti-Chinese organizations were then conducting a national anti-Chinese campaign which influenced some New Yorkers. Even visits to silk manufacturers and importers could at times be unpleasant. The Americans had extremely poor opinion of the Japanese silk and of the Japanese producers and they expressed their views to Arai in no uncertain terms, although they had never once dealt with any Japanese and had no real basis for judgment. The wide prevalence of these derogatory stereotypes among the business circles which the early Issei encountered personally was a major obstacle to normal trade. The Issei had to change these views little by little through exemplary integrity and patience. Japanese officials and even businessmen in Japan were, of course, unaware of the serious situation and hence still less able to appreciate what the New York Issei did to overcome it.

Although Arai realized that most Japanese had little or nothing to do with the origin of these stereotypes, he also saw that the Japanese silk industry had an enormous task to do to improve the outlook of the New York importers and to establish a solid reputation for reliability. Whether the New Yorkers impressions were right or wrong was, unfortunately for the Japanese, secondary to their detrimental consequences for the Japanese.

An immediate problem was the differences in the type of silk required by the handicraft weavers in Japan for whom the Japanese growers had traditionally produced and by the American manufacturers. Arai regarded as a major responsibility the task of trying to educate the Japanese producers on the silks American factories could use. From New York and during his visits to Japan, he kept hammering away that the American high-speed machinery had to have standardized silk of high uniformity. In the meantime, the Japanese leaders in the silk industry and in the government began to realize the magnitude of the problem and to carry out what became a successful national program for modernizing the silk production. As a result, Japan became the largest source of silk used in America.

American silk manufacturers began to change their opinion about the Japanese silk and producers, because they became impressed by the integrity of men like Arai who was the first Japanese with whom they had ever dealt with directly. He was followed by other Japanese who were also concerned. As permanent residents, they were able to maintain continuing discussion on problems of mutual interest and assume personal responsibility for the quality of the silk shipped directly by the Japanese producers. The manufacturers in turn kept Arai and others abreast of new developments and thus enabled them to inform the Japanese producers about the future requirements.

Arai suspended the operations of the Sato Arai Company in 1880 and became the New York representative of the newly formed Doshin Company. It had much greater resources than his own firm and more extensive contacts with the producers. Subsequently in 1893, Arai and Ichizaemon Morimura, Toyo's older brother in Japan, organized the Morimura Arai Company to conduct trade on a larger scale in silk and other commodities. It pioneered in exporting American cotton to Japan which became a major market. In 1901, the American silk leaders elected Arai to the Board of Governors of the Silk Association of America, an expression of their esteem for his personal qualities and his dedication to the well-being of the industry.

Toyo Morimura, the third member of our original trio, soon had the Hinode Company, which was renamed Morimura Brothers and Company, in a flourishing condition. Nevertheless, Morimura faced similar obstacles to those that Arai had confronted. He also, together with his brother Ichizaemon in Japan, had to struggle to persuade the individualistic Japanese craftsmen to standardize their products to the specifications of the American importers and to maintain uniform quality. Works of art, of course, remained individual.

Morimura and Ichizaemon in Japan had to encourage the craftsmen to change their manufacturing processes radically to assure greater standardization. In some cases, they had to set up new companies or plants to make the desired porducts, although such factories usually required a long period of prior experimentation before they could produce goods of specified quality. The Morimura firm in New York exported American machinery and industrial products, both for their own account and for others. Toyo Morimura's experiences, as in the case of Arai's, again illustrate why only permanent residents could successfully build American confidence. One had to be at hand to assume personal responsibility for the imports, to maintain continuing contacts with the American importers and manufacturers to meet the changing needs, and to keep the Japanese producers informed of the American trends.

New York was not only the largest American commercial center, but also a leading cultural center. Dr. Jokichi Takamine, the distinguished chemist, was significantly a scientist of international renown, an industrialist in the American tradition, and an outstanding exponent of personal friendships and closer cultural relations between the Americans and the Japanese. As a chemist, he was an authority on fermentation and distillation and contributed substantially to the improvement of these processes in American industry. He was even better known for the development of Takadiastase, a basic ingredient in the medication to improve digestion, and was especially famous for isolating pure adrenalin, the hormone so vital in many medical cases. The Parke Davis Company manufactured some of his products. On the basis of his discoveries, Dr. Takamine established several manufacturing companies in the United States.

Not only did Dr. Takamine have a wide circle of friends, American and Japanese, but he also urged other Japanese and Americans to become personally acquainted with each other. To promote better cultural relations, he gave generously of his time and funds for artistic, scholarly, and scientific exchanges. He also arranged for licensing and exchange of patent rights between American and Japanese firms. All these activities were encouraged and shared by Mrs. Takamine, the former Caroline Hitch, daughter of Colonel and Mrs. Eban Hitch who were well known in New Orleans.

Takamine was an organizer of the Nippon Club. It should be emphasized that he thought of the club primarily as a place where Japanese could entertain Americans rather than as a Japanese social center. Many Japanese in New York, he had observed, were only temporarily in the city and without their families or had only limited means. They needed a club to entertain Americans. Another organization with which Takamine was associated in founding was the Japan Society. Today, it is even more active than in his days and recently completed a handsome building to house its programs. Takamine tried to persuade Japanese industrialists to contribute funds to establish and maintain a permanent news and information agency in New York, but it lasted only several years. Not enough Japanese leaders at that time understood its importance as he did.

Prominent Japanese artists decorated the Takamine apartment in New York which the Takamines used to introduce many visitors to Japanese art. Their famous Merriewold (New York) home, the Sho-fu-den, was designed by Japanese architects and built by skilled craftsmen. For many guests, the home and its gardens were revelations of the beauty and grace of the Japanese artistic heritage. They served as models for many other gardens and buildings.

Limitations of space prevent the discussion of many other scientists, but we should at least mention in passing, as examples, such well known names as Dr. Hideyo Noguchi, the internationally honored bacteriologist of the Rockefeller Institute who contributed so greatly to the research on and the control of such diseases as the Rocky Mountain spotted fever, spirochetes, and yellow fever; Dr. Kanematsu Sugiura of the Sloan Kettering Institute, a prominent biochemist who is particularly noted for his research on the chemistry of cancer; and the famous pathologist at the Mount Sinai Hospital and professor of pathology at the Mount Sinai School of Medicine, Dr. Sadao Otani, equally known for his research and as a teacher of prominent pathologists.

A number of the Issei were prominent in the construction industry. Like others, Yasuo Matsui faced extraordinary difficulties because before 1953 an Oriental could not become a citizen by naturalization. Yet the law and the professional societies required citizenship for license and membership. An authority on steel skyscrapers, Matsui was associated in the design and construction of many major New York buildings, either as an individual consultant or through his firm of F. H. Dewey and Company, of which he was president.

We should not completely neglect to mention however briefly several representative names of the Issei who contributed greatly to the enrichment of American cultural and intellectual life as artists and humanistic scholars. Yasuo Kuniyoshi was a colorful artist who was the recipient of many awards. His paintings are permanently hung in the leading museums throughout the United States, among them the Metropolitan Museum of New York, the Library of Congress, the Art Institute of Chicago, Cleveland Museum, Detroit Museum, Cranbrook Academy, Carnegie Institution, Albright Gallery, Addison Phillips, and Whitney Museum. In showing his collected works in 1948, the Whitney Museum signally honored him when for the first time in its history it staged an one-man exhibition of a living artist.

Perhaps the best known scholarly interpreter of Zen and Buddhism among the serious Western students is Dr. Daisetsu Suzuki. His was a profound philosophical and religious approach, best stated in his scholarly publications and lectures. No discussion of the New York area residents is complete without referring to Ryusaku Tsunoda, the *Sensei* (respected teacher) to generations of Columbia University students in Asian studies. He sought to develop the Asian programs at Columbia and left many prominent scholars who were his students. No one did more to show the Western culture-bound American scholars that a true university must grapple with the vigorous, though ancient, cultures of Asia.

NEW ENGLAND

Since the days of Commodore Perry, many Japanese have regarded New England in general and the Boston area in particular as a major center of American culture and education. Some of the earliest students sent abroad by the feudal domains and by the government attended New England colleges. The first Japanese to obtain all his substantial higher education in the Western world was, however, Joseph Hardy Niishima. He came alone in 1864 when it was still illegal to leave Japan. Thanks to the friendship of the Hardy family, he was able to attend Phillips Andover Academy and then Amherst College and Andover Theological Seminary (now Andover Newton Theological School). Niishima became an outstanding Meiji era educator and maintained his ties with New England.

It is difficult to do justice to the contribution of the Issei and Japanese scholars and scientists to New England. Much of their work was known and appreciated only by their generation of colleageus. One exception was Kakuzo Okakura, a leading interpreter of Japanese culture to the West of his days, involved in the Boston area cultural and intellectual life, and a member of the Boston Museum of Fine Arts staff. A number of his books and articles are still read widely. A later Issei with somewhat more systematic approach to the Asian arts is Kojiro Tomita, now Curator Emeritus of the Oriental arts at the Museum.

Dartmouth was probably the first American college to have an Issei as a full-time faculty member, when in 1902, Kwanichi Asakawa was appointed an instructor. It was at Yale, however, where he was professor for many years that Dr. Asakawa became an internationally recognized authority on feudalism and early Japanese history.

One of the better known early Boston Issei was Bunkyo Matsuki, a former Nichiren priest. He owned an art shop to earn his livelihood, but he was primarily interested in art, religions, and Japanese cultural history. When he became a lecturer at Columbia, he gave up his store. No doubt, he found teaching more congenial than trying to be a businessman. Perhaps symbolic of the Japanese feeling that Boston was more a cultural than a commercial center is that the leading surviving Issei businessman, Harumichi Yatsuhashi, is a professional art assessor and critic. Yatsuhashi joined the Yamanaka and Company organization and in 1908 was sent to Boston. He became the national manager of the Yamanaka Company which had art stores in a number of cities.

Boston, like Brooklyn, had a rather unique group of Issei United States Navy employees. They had originally come to the United States as crew members on American warships and after arrival in Boston were employed at the Charleston Navy Yard. After 1907, the Navy regulations limited employment to citizens. Since the Issei were then ineligible for naturalization, they had to find work elsewhere.

In the post-war years, the Nisei and post-war Issei have been prominent in scientific and scholarly fields. Among them is Hideo Sasaki, for some years past Director of the Harvard School of Landscape Design, a Kennedy appointee to the President's National Arts Council, and now head of his own firm. He has designed and directed numerous landscaping projects throughout the United States. Professor Jin Kinoshita of the Harvard Medical School is a leading authority on the biochemistry of the nerves and eye. A recipient of the Jonas Friedenwald Award of the Association for Research in Opthamology for his distinguished research, he has been further honored by his election as the president of the national eye research society. F. Robert Naka, now Assistant Secretary of the Air Force, is a prominent electronics engineer who was for several years the chief scientist at the MITRE Corporation before accepting his present position. These three Nisei mentioned at random illustrate some of the ways the Nisei and the post-war Issei are contributing to New England and to America. We might have referred to a number of others had space permitted.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I take advantage of this opportunity of joining my distinguished colleague, the gentleman from Hawaii, in commemorating the great contribution and achievement of this great body of American known as Americans of Japanese descent.

In fact, I cannot think of a better symbol or personification in extolling the virtues of this great race than by alluding to the performance of our distinguished colleague, the gentleman from Hawaii (Mr. Matsunaga), who has sought this special order today.

Mr. MATSUNAGA. All the attributes of loyalty and of patriotism and of service and of dedication to discharging the obligations of citizenship are well exemplified here in the person of our colleague.

On a larger score this is also represented most dramatically by the tremendous contribution that the Americans of Japanese descent have made to America's wealth, to its progress, and to its stability.

I think the experience of this great body of Americans is unmatched in our history, even taking into account such other groups as the indigenous or original inhabitants of this continent known as the American Indians, because despite a systematic assault and deprivation of the basic rights not only of an American, but also of any human, the Americans of Japanese descent have not muttered, have not rioted, and have not cursed their country, but rather have completely bridged this tremendous chasm which existed for a brief period during the excitation and passion of war.

I think throughout the world the merits of this great group are widely recognized.

At this time it is a real privileged and an honor to join my colleague, even though briefly, in commemorating and extolling the virtues of this great body of our countrymen, the Americans of Japanese descent.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for his kind remarks.

I thank the gentleman from Idaho for his contribution.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the gentleman from South Carolina.

Mr. DORN. I wish to join my colleagues this evening, and particularly my distinguished and beloved colleague in the well, in paying tributes to Americans of Japanese descent.

I want especially to point out that the greatest example of this outstanding group of Americans is the gentleman with whom it has been my great honor to serve, as well as to serve with the others who have represented the great State of Hawaii as delegates from the territory of Hawaii.

I thank the gentleman and I commend him, and I join him in this just tribute to a great American group.

Mr. MATSUNAGA. I thank the gentleman for his kind words.

Mr. MILLER of California. Mr. Speaker, as my distinguished colleague from Hawaii, SPARK MATSUNAGA, has remarked, we have requested these special orders this afternoon in order to pay tribute to the many and great contributions of the Japanese to the development of America.

As many of you know, I have known the Japanese and worked among them for many years and have the greatest respect and admiration for them as individuals and as a nationality group. And I am proud to have been able to cooperate with the JACL ever since I came to Congress in 1945 in securing legislation which would, in a small way, make up for the many discriminations and prejudices which they suffered over the years.

As the gentleman from Hawaii has stated, the first immigrants from Japan were to Hawaii. Thereafter, they moved eastward through the Golden Gate and on to the continental mainland of the United States.

This afternoon, my remarks will have to do with the early history of the Japanese in northern California, since this is the area in which they first settled in any numbers.

In the first year of the Meiji Restoration, 1868, 153 Japanese arrived in Hawaii as laborers, the first group to emigrate out of Japan after 300 years of the nation's self-imposed isolation. Then for 17 more years, there were no further immigrants from Japan.

In 1869, John Henry Schnell brought some 20 Japanese political refugees from Aizu Wakamatsu to El Dorado County. In Gold Hill, Schnell purchased 600 acres to farm mulberry bushes for silk worms, bamboo shoots for food and craft, tea, grapes and other plants from Japan. Many of the colonists died of fever epidemics, and the colony folded in 1870 due to lack of capital. Some colonists stayed, but most returned to Japan.

A 19-year-old girl named Okei, who came as a nursemaid for the Schnells—he was said to have married a Japanese woman and had a child—died in 1870 and was buried at Coloma. The site of the Wakamatsu Colony was declared a State Historical Site in 1969.

Among other early Japanese in the United States is one Umekichi Takahashi, whose grave is found in a Reno, Nev., cemetery. The grave was discovered in 1961, and information on it says he arrived in the United States in 1868 and died October 8, 1907, at the age of 61. The grave marker also stated that he was considered the first Japanese to have landed in the United States. No other information is available on Takahashi.

Both the Japanese Embassy in Washington, D.C., and the Japanese consulate in San Francisco were set up in 1870. An 1873 report by Vice Consul Saburo Takagi puts the Japanese population in California at 68 males, eight females, and four children. They were mostly servants in Caucasian homes. Pay for those with experience was about $15 a month. Schoolboys were paid room and board and a small amount of spending money.

To help provide a social outlet, help the young men learn English and exert wholesome influence on them, the Fukuin Kai, a Christian evangelical association was formed in San Francisco in 1879, the first Japanese organization in the United States. From about 1875 on, students looked forward to getting together every Sunday at the Powell Street Union Church under the leadership of a Reverend Gibson, who was superintendent of the Chinese Mission in San Francisco. The Fukuin Kai later operated a hostel and looked after the newcomers, finding jobs for them, and so on, until the 1906 earthquake.

Japanese who arrived between 1882 and 1890 generally stayed long years in the United States and built the foundation for the Japanese communities to come. They were young men, full of ambition to succeed, who were attracted by the extraordinary growth of California. They were to concenrate their efforts in agriculture.

The 1890 census put the number of Japanese in the United States at 2,039 mainly in San Francisco, with other growing centers in Portland, Tacoma, and Seattle.

Since passports were not required of sailors in those days, many jumped ship in groups of five and 10, mainly at New York and Philadelphia in the East and at San Francisco and Portland in the West. Prostitutes began to follow about 1886.

To combat the unhealthy influence of the latter, many Christian congregations were established around that time. The San Francisco Presbyterian Church was established in 1885, followed by the San Francisco Methodist Church in 1886, the Oakland Methodist Church in 1887, the Fresno Methodist Church in 1887, and the San Jose Methodist Church in 1892.

Rather unusual was a group of about 40 Japanese craftsmen who toured the United States in 1884 under the aegis of a British art store owner. The men elected to stay here and went into the foodstore, bookstore, billard parlor, and restaurant businesses in San Francisco, Pasadena, and Los Angeles.

From 1892 on, an increasing number of Japanese came to the United States from Hawaii. An immigration treaty had been signed by Hawaii and Japan in 1884 to provide labor to the sugar industry after the Chinese Exclusion Act was passed the year before.

The first group of 956 workers, recruited mainly from the prefectures of Hiroshima, Yamaguchi, Kumamoto, and Niigata, came to Hawaii in 1885. In a few years, they were sending 2 million yen back to Japan annually.

Between 1893 and 1900, immigration contracting companies sent 40,208 workers to Hawaii. The process came to a halt when Hawaii became a territory of the United States. The bubonic plague epidemic which swept through Hawaii at the time also alarmed both the Japanese Government and the United States.

Labor shortages soon persuaded Hawaii to ask for more Japanese immigrants, who were sent 60 at a time in 1901. From 1901 to 1905, 36,493 Japanese emigrated to Hawaii. From 1906, 1,000 a month were allowed to leave Japan. From 1902 on, many of them reemigrated to the U.S. mainland.

Businesses in the United States welcomed Japanese labor, but the increasing numbers met the opposition of native workers. In 1907, the sugar industry lobbied actively to engineer the passage of a law forbiding the Japanese to reemigrate to the U.S. mainland from Hawaii or the Philippines.

The rapid increase in the Japanese population is shown by the following U.S. census figures:

1880, 148; 1890, 2,039; 1900, 34,326; and 1910, 72,157.

Of the total in 1900, 10,151 were living in California. By 1908, there were over 100,000, distributed in almost every State of the Union. The period between 1900 and 1924 may be labeled the golden era of Japanese immigration to the United States.

Many of the immigrants were single young men who came to make their fortune. As they grew older and better established, they wanted families. The more affluent ones went back to Japan for their brides, but a larger number resorted to proxy marriages by photographs. Picture brides did not fit with American customs and mores and provided fodder for much anti-Japanese propaganda, but family responsibilities resulting from these marriages were credited with toning down the earlier wild aspects of young, headstrong male immigrants. The peak year for picture brides was 1915 when a total of 973 young women entered San Francisco and Seattle to meet their future husbands. After March 1920, the Japanese Government declined to issue passports to picture brides.

The immigrants became established in a variety of industries—agriculture, commerce and fishing, to name the main areas of their endeavor.

In agriculture, the earliest instance was the Wakamatsu Tea and Silk Colony mentioned earlier.

In 1875, Kane Nagasawa, a samurai from the Satsuma Clan, arrived in the United States as a student and decided to stay. He came to Santa Rosa and bought 400 acres of vineyard which he later successfully expanded to 2,000 acres. He built a 500,000 gallon-capacity winery and demonstrated the Japanese ability with growing things.

However, he is only one example of an early pioneer. Japanese did not really begin to participate in California agriculture in large numbers until some 20 years later. Once begun, however, their progress between 1895 and 1920 was phenomenal, producing crops worth $40 million annually. In the bonanza years immediately after World War I, that figure even went up to $100 million.

Many reasons can be advanced for their amazing progress. Mainly, the Japanese have always placed great value on argiculture. They had long experience, and their skill, combined with rich American soil, produced the results. The majority of immigrants were from farming families in Japan, and they naturally gravitated to the land. Agriculture became the Japanese American's largest and most productive industry, and through it, they contributed greatly to the development of the West Coast in the United States.

From about 1888 on, agriculture in California changed from grain cultivation to fruit cultivation. The Chinese Exclusion Act created a labor shortage which white workers were reluctant to fill, their trend being toward the industrialized cities. They did not have the background of careful, precise farming methods so necessary for growing fruits and vegetables.

The main agricultural product of California were fruits, which required hand labor and dexterity from planting to harvest. Since the product was highly perishable, it required quick harvesting, and in quickness, the Japanese even surpassed the Chinese.

Once farmers employed Japanese workers and noted their industry, faithfulness and ambition to improve farming methods, they vied with one another to make them their tenants. Thus passed the first period in which the Japanese worker familiarized himself with the land, learned farming techniques which were suited to the land and the crops, received training and saved his earnings.

Gaining the trust of landowners and land brokers, he progressed to percentage farming in which the harvest was divided between the owner and tenant in accordance with a previously agreed upon percentage. It was a safe method for the tenant because of the small margin of profit or loss. For many landowners, having Japanese tenants was more profitable than cultivating the land themselves.

As independent farming became more prevalent among the Japanese, their financial strength increased and led to outright cash leasing of the farm. This required quite a bit of capital, but with the excellent trust and confidence enjoyed by the Japanese among landlords, they were offered many convenient ways to make up the capital. To lease to the Japanese meant that the value of the farm would eventually increase for the landlord, and brokers, being practically guaranteed handsome profits from superior crops at harvest time, were willing to extend generous credit.

The next step was the dream of all farmers—owning one's own acres. In the early days, it was fairly easy to buy land. Down payment required was one-tenth to one-fourth, with 8 to 10 years to pay off the mortgage. Since payment could be made with crops, it was as easy to own land as to lease it. By 1903, many were able to reach this status. By 1909, Japanese owned 20,000 acres of land in California.

However, the alien land law prohibiting Japanese ownership of land was passed in 1913, culminating over a decade of anti-Japanese agitation by labor unions, politicians and professional patriots. In 1920, even percentage and leased farming were prohibited by a statewide vote on an initiative measure.

The area in which there is the oldest record of Japanese in farming is in Vacaville, Solano County. In 1887, a group of Japanese laborers arrived there with two Englishmen to experiment with growing Japanese Unshu oranges. In 1889, 60 Japanese laborers were there for the harvest. They were paid $1 a day, 90 cents in the winter. The number increased to 300 the next summer and continued to increase until in the summer of 1896, there were 900 to 1,000 workers. Even during the winter, at least 300 stayed on, and gradually the number of permanent residents increased.

In 1894, a railroad workers' strike brought disgruntled white workers to California from the east. They resented the presence of the Japanese and attacked the labor camps in Vacaville until repulsed by vigilantes.

A glance at the Vacaville agricultural picture from 1900 to 1906 shows the following increases in acreage:

Cherry, 7 to 72 acres.
Peaches, 80 to 597 acres.
Grapes, 20 to 187 acres.
Apricots, 50 to 743 acres.
Pears, 10 to 98 acres.
Plums, 95 to 711 acres.
Vegetables, 30 to 131 acres.
Hay, 58 to 0 acres (decrease).
Flowerless fruits, 0 to 9 acres.
Total, 350 to 2,538 acres.

Japanese tenant farmers increased from 45 to 351 in 1905, while white farmers decreased from 1,420 to 1,322 in the same period.

In 1881, the Spreckles Co. put up a sugar refinery in Watsonville and encouraged widespread cultivation of sugar beets in Pajaro Valley. A sudden rise in production enabled the company to increase its productive capacity to 650 tons 4 years later.

In May 1893, Japanese came to work in the sugar beet farms. At that time, sugar beet acreage in the Salinas Valley was only about 50 acres. In 1896, more Japanese contracted to farm sugar beets. A total of 130 workers were employed on about 600 acres by that time. Contract price for sugar beets was then $1.25 a ton.

In later years, Watsonville became famous for strawberries, but its history goes back many years. Strawberries were first sent to the San Francisco produce market from Watsonville in 1880, with a price of from $11 to $20 a crate. At that time, only 14 acres were under cultivation. With the assurance of profits, the acreage increased to 272 in 1893, about the time that Japanese first began taking a hand in its cultivation. By 1895, there were many improvements in irrigation methods. Coupled with technical knowhow, it helped double the strawberry crop.

The San Jose area, with its good climate and good soil, early attracted Japanese farmers, although the earliest Japanese worked at the Dixon Cannery on Fifth Street in 1890. Three others leased land and went into the nursery business, one of the earliest instances of Japanese leasing land.

By 1891, there were 100 Japanese workers, which increased to 300 by 1892 and hit 500 in 1893. A noted fruit rancher name Hume first hired Japanese in 1893 and sang such high praises of them that in 1894, there were upwards of 1,000 workers. In 1895, there were 2,300, surpassing the earlier arrivals, the Chinese. This area saw may early Japanese farmers in fruits, strawberry, vegetable and seed farming.

Japanese involvement in agriculture in Alameda County took the form of floriculture, rather than the more conventional forms of farming. It began in Oakland in 1887 with Hiroshi Yoshiike and Kentaro Domoto, the latter quickly succeeding in the business to purchase 4 acres in Melrose.

In other areas of agriculture, it was not until 1897 that the Japanese really came into the picture. Main products of the area were sugar beets, cucumber, tomatoes, green peas, green onions and asparagus, with apricots and plums among the fruits.

With an increasing number of contract farmers, the price of food products declined too much for profit. Since Alameda County was near the big city of San Francisco, with good climate and good soil, land prices as well as rents were high. In addition, the earlier-arriving Portuguese had flourished in the same area, and Japanese progress was more difficult.

The land was especially suited to cucumbers and tomatoes, and soon Japanese farmers were farming them in Mount Eden, San Leandro, San Lorenzo, Hayward, Alvarado, Centerville, Newmark, et cetera.

This, then, is part of the early history of the Japanese in northern California, and especially in the Bay Area. And from this small beginning, the Japanese were able to become, by the time of the outbreak of World War II, among the biggest and most prosperous farmers and horticulturists in the State and the Nation. Even today, when like so many others from rural regions there is an accelerated movement to the city, Japanese Americans are the leaders in the agricultural and horticultural industries of the State.

Mr. BURTON. Mr. Speaker, I commend my distinguished colleague, the gentleman from Hawaii, for giving us the opportunity to join in this special order. I am delighted to join with him in extending congratulations and best wishes to the Japanese American Citizens League on the occasion of their 22d Biennial National Convention.

The JACL has been a positive force in the community I am privileged to represent, San Francisco, and it has been an equally positive force in our Nation and has contributed greatly to the struggle to achieve social, racial and economic justice for all peoples.

Mr. Speaker, for the early immigrants from Japan, the Port of San Francisco was the gateway to the United States. Just as for the immigrants from Europe, America was the land of opportunity for some, of freedom for others, and of haven for still others.

The Japanese have always been known for their love of nature, and of beauty—in flowers, in trees, in landscapes, etc. And, the first immigrants from Japan brought with them this love of beauty—and their contributions to horticulture in California and elswhere have brought beauty to the homes of many who otherwise might never have known flowers and blossoms.

So, another industry in which Japanese had a major impact in California is the floriculture and nursery industry. Their history traces back to 1886, when Yoshiike and the Domoto brothers began growing chrysanthemums and other flowers in the Oakland area.

The Domoto brothers were pioneers in the plant nursery business. Yonoshin and Kentaro arrived in the United States in 1884 and the next year began to grow plants and flowers—mainly mums and carnations—on an empty lot they leased in Oakland. They later imported camellias, wisteria, spearflowers, and azaleas, and at one time had practically a monopoly on lily bulbs from Japan. In 1887, Motonoshin came, and in 1890, Konoshin. They prospered and purchased 2 acres of land in 1980. By 1904, they had about 40 acres in flowers and sold them not only all over the United States, but in Europe as well.

In those preautomobile days, Kentaro drove his horse and wagon to the front of a flower shop on Sutter Street near Grant Avenue to sell his wares. Gradually other florists gathered in the area and a flower market blossomed on the streets of San Francisco. It was the beginning of the wholesale flower market in that city.

It took an extraordinary effort on the part of the flower growers to overcome problems of management, financing and distribution to establish their businesses. With no connections yet established in the beginning with wholesalers, they went around to each retail outlet, carrying their flowers in the same willow baskets in which they had brought their few belongings when they emigrated from Japan.

Just when things were beginning to go smoothly for them, anti-Japanese agitation was beginning in San Francisco. By 1900, flower growers were made aware that their progress was being watched with fear and envy by their non-Japanese competitors.

The earthquake of 1906 was thought to deal a heavy blow to the flower industry, since flowers were considered a luxury; however, the opposite was true. Flowers were in great demand for visiting the sick and injured and for funerals.

In 1900, the city prohibited the selling of flowers on the street. By then, the need for an association to maintain steady market prices led to the formation of the California Flower Growers' Asociation in 1906.

Discrimination made it extremely difficult to buy a wholesale market place. A building was leased in an alley between Montgomery and Kearney Streets. It was later moved to larger quarters in the basement of a building on Bush Street. Japanese flower growers shared the same building in competition with Chinese and white growers. As the Japanese prospered, the whites went to the owners and urged them to refuse to lease to the Japanese. They told the Japanese that the additional room they needed was already leased by them and demanded that they leave.

The Japanese moved one block away to what was formerly the California theater and opened their market there. Soon the majority of retailers were going to the Japanese market, which was an undisputable indication of the capability of the Japanese flower growers. Later, both markets got together and in 1922 established the wholesale market at Fifth and Howard Streets.

Flowers were first shipped to the east in 1914 when 15 growers established a cooperative to ship some chrysanthemums. An eastern market for carnations was established Chicago in 1927 by Torayoshi Maeda.

The Chrysanthemum Growers' Association was formally organized in 1928, after low market prices resulted in 1927 from overproduction. With headquarters in Redwood City, the association had members from San Mateo, Belmont, San Carlos, Redwood, Menlo Park, Palo Alto and Mount View. By 1939, it had 56 members, who had 90 acres under cultivation with an annual volume of $300,000. By 1940, the association owned a building worth $2,500, a car worth $900 and capital funds of $15,000.

By 1923, 50 shareholders owned 204 shares worth $5,100 each in the San Francisco wholesale flower market.

The real capability of the flower growers in northern California can be noted from the fact that in 1940, about 140 firms were represented in the flower market, with a total annual volume worth $2,110,000. Total greenhouse area covered some 3,500,000 square feet, and the outdoor area covered some 150 acres. About 1,300 workers were permanently employed in the industry, and more than 100 varieties of flowers were grown, particularly chrysanthemums, roses, and carnations.

Unlike agriculture which never attained its postwar status again among the Japanese, the flower growers have prospered even more in the postwar years under second generation management.

In prewar years, fishing was an industry second only to farming in the number of Japanese participating in it. They ranged north to Alaska and south to Mexico and South America.

The early history goes back to 1892 when five or six Japanese were hired in Monterey to catch squids. In 1900, eight independent Japanese fishermen went into salmon fishing. With the establishment of a cannery in Monterey, the fishing industry saw rapid growth.

By 1910, 145 Japanese fishermen were engaged in catching not only salmon but yellowtail, sea bass, smelt, rock cod, sardines and barracuda. They owned about seven medium-sized, gasoline-powered boats and 140 skiffs, sharing an annual income of about $100,000. At one time, Japanese fishermen had a monopoly in Monterey Bay.

Earlier, at Point Lobos, Carmel, Japanese were engaged in gathering abalones from about 1895. One pioneer, Gennosuke Kodani, fought anti-Japanese laws limiting abalone catches by hiring a lawyer to gather signatures for petitions, inviting legislators and newspaper reporters on seagoing picnics to demonstrate the noninjurious nature of abalone collection and even got a Columbia University scholar to testify on the ecological benefits of abalone fishing.

By 1914, Japanese fishermen in Monterey numbered 160 and they owned 65 5-horsepower gasoline boats and 325 ordinary fishing boats. From 1925 to 1926 was the golden age of Monterey fishing, with an annual catch worth $3 million. Japanese fishermen accounted for $100,000 in sardines, $100,000 in miscellaneous fishes and $168,000 in abalone.

As the fishermen aged and there were no more immigrants to take their place, Japanese fishing in Monterey began to show a decline, and by 1940, their annual income was down to between $250,000 and $300,000.

Sardines had always been plentiful off the coast of San Francisco, but uncertain weather kept the smaller crafts fishing on a small scale. In 1930, Katsusuke Hamachi of Monterey began net fishing from larger boats and opened a new field in northern California fishing. Other Japanese, Italian fishermen and others followed Hamachi. By 1940, their annual catch was never less than 25,000 tons. Most of it was shipped out as solid oil and fertilizer. Of the 50 to 60 boats in the San Francisco fishing fleet, 10 were Japanese owned. A total of 1,500 Japanese fishermen were based in San Francisco.

Aside from agriculture, floriculture and fishing, Japanese were engaged in smaller numbers in other industries. Among the more notable of these is poultry farming, which flourished particularly in the Petaluma area. Including other areas on the west coast and Rocky Mountain areas where Japanese were engaged in poultry farming, they owned altogether 3,700,000 chickens with an anual production worth close to $900,000 before the war. With the auxiliary development of the chick sexing industry by the Nisei, it holds an important place in the contribution of the Japanese to the economy of California.

The industry was first established in northern California by Aivu Matsuzaki, who purchased 21 acres in Petaluma in 1900 to go into the business. Others followed and prospered, aided by research at the University of California and help from the Farm Bureau. The large demand during World War I when eggs sold for $1 a dozen gave a solid basis to the industry in Petaluma.

A 1940 survey there showed 30 families engaged in poultry farming. The majority owned their land, 304 acres in all. During the same period, Japanese poultry farmers owned 2,560,000 chickens, an average of 8,800 chickens to a family. The largest of them had 30,000 chickens. They produced about 30,730,000 eggs a year, and at 20 cents a dozen wholesale, their annual production was worth $614,000.

The outstanding characteristics of Japanese poultry farmers was that they produced two to three times more eggs than other farmers, they hatched more chickens and more of them lived—90 percent or more—they worked longer hours and every member of the family participated.

Hard hit by World War II evacuation, as were Japanese everywhere on the west coast, the Japanese poultry farmers are once more back on their feet and flourishing.

As in other areas of California, Japanese who were not engaged in farming, floriculture or fishing and their related industries generally clustered in little Japanese towns in urban areas, engaged in providing goods and services to one another.

Among the earliest San Francisco pioneers is Tsurukichi Tanaka, who arrived in 1867. His family was a "hatamoto," direct retainers of the Tokugawa shogun. Tanaka worked as a house boy for the president of a shoe company. He returned to Japan after learning the process of making salt by solar evaporation, but failed in the business there. He came back to the United States in 1887 to organize a colony, but separated from his partners and thereafter worked 30-odd years as an assistant accountant for the Orpheum Theater, avoiding contact with other Japanese. He died in 1925 at the age of 71.

Another early arrival was Chuemon Akabane, who came to San Francisco in 1874 with a tire pump salesman whom he met in Yokohama. He worked as a houseboy and later opened a restaurant about 1883. It was a combination restaurant-hotel, catering to sailors on Stockton Street. He died at the age of 79, after living 48 years in the United States.

In 1887, a group of Japanese tried to establish a pioneer colony in the Valley Springs area of Calaveras County, but lost title to the 20 acres they purchased. One man from the colony, Matsunosuke Tsukamoto, went into the laundry business in San Jose, prospered, expanded to San Francisco and lived to the ripe old age of 100.

The first Japanese art goods store was established on Sixth Street in San Francisco in 1886. By 1904, the San Francisco Art Goods Association had 50 members. In addition to art goods, these stores, later located primarily on Grant Avenue, sold dry goods, chinaware, handicraft, toys, kimono, and even some furniture. Their annual business ranged from $20,000 to $100,000, depending on their size.

A unique enterprise was the Japanese tea house built in Golden Gate Park in 1893 by Makoto Hagiwara. The family operated it until World War II.

Goldfishes were first imported by Ginnosuke Mori in 1890. By 1911, Ko Murata's goldfish farm in San Francisco was doing a $200,000 a year business.

Importing, breeding, and training pet birds was another business in which a few Japanese excelled. An Ekita Yasui formed the Japanese American Roller Canary Club in San Francisco in 1919. His birds cost from $50 to $100 each. Later, Tazo Ishida formed the St. Francis Roller Canary Club in San Francisco, which worked to improve the quality of the birds through annual competitions.

These were businesses aimed mainly toward non-Japanese customers.

Those aimed toward Japanese customers included Japanese food stores, which by 1940 numbered 500 in California; kimono and dry goods stores, 200 in 1940; jewelry and watch stores, 52; book stores, 30; agricultural supplies, 45. By 1940, there were more than 150 business associations with Japanese membership in the United States. The largest was the San Francisco Chamber of Commerce, which by 1940 had a 25-year-old history and 300 members.

The laundry business pioneered by Tsukamoto in San Jose and an Enomoto in Tiburon across from San Francisco in 1890 grew so rapidly that by 1907, anti-Japanese agitation began with a vengeance. Tsukamoto was arrested and jailed more than 20 times, but customers continued to increase for the Japanese, whose skill and trustworthiness overcame discrimination. By 1913, there were 211 Japanese laundry businesses with 312 owners and 1,675 workers employed by them. Among the pioneers are many who became quite well-to-do.

It was natural for many Japanese to go into the hotel business to provide the temporary first stopping-off place for new immigrants. The first was established at 505 O'Farrell Street in San Francisco in 1885 by Hiko Wada, who had a hotel in Yokohama. By 1899, Masakichi Suzuki was operating a 41-room, brick-built hotel on Stockton Street which was considered the largest at that time.

Many catered to a white clientele, and by 1940, there were 180 in Seattle, 210 within the area served by the San Francisco consulate and 220 in the Los Angeles region.

The cleaning and dyeing business also had enough Japanese in it to form an association in San Francisco in 1909. In 1915, there were 123 Japanese cleaning and dyeing firms in California. The number increased to 580 in 1940.

Barbershops were another service that practically every community with a sizable Oriental population supported. In 1940, more than 500 Japanese barbershops were counted in the United States.

Another occupation which followed the rise and fall of Japanese immigration was tailoring. Hannosuke Sawada was the first to open a tailoring shop, located on Mission and Seventh in San Francisco in 1891. In 1905, there were over 50 tailors busy fitting the shorter-statured Japanese with new western-style suits. The business reached its peak in 1917 at the height of the picture bride immigration when 126 tailors were in the business.

Shoemaking was one of the earliest industries in westernized Japan. Domination by financiers made many skilled workers eager to try their luck outside the country. Tsunetaro Jyo was the first to arrive here in 1888, followed by Chukichi Sekine in 1889. Together they opened a small store at Mission and Third in San Francisco. Introduced to a white shoe manufacturer who recognized their skill, the two called their fellow shoemakers over from Japan the same year. The manufacturer set up a factory of all Japanese workers, which soon caught the wrath of the white shoemakers' union. In 1893, the Japanese set up their own factories in San Francisco and Alameda. Their association eventually grew to have 300 members. Increased mechanization, the post-World War I recession and general anti-Japanese discrimination caused the industry to decline, and the once flourishing association was forced to disband in 1929.

There was scarcely any manufacturing of note by the Japanese, who lacked capital. An exception was the California Mission Furniture Co., which was begun in 1906 just when anti-Japanese agitation was beginning in earnest. In 1911, with an investment of $120,000, a 1½ acre factory was set up in West Berkeley, employing 70 to 80 Japanese. Annual production hit $250,000, but constant harassment by anti-Japanese forces brought about the firm's closure in 1928.

As the early immigrants who came over as laborers saved a little money and began thinking of going into business, financial institutions began to be organized to provide capital. First to be organized by the immigrants was the Nichi Bei Financial Co. in 1899, which formally incorporated as the Nichi Bei Bank under California law in 1903, increasing its assets to $20,000. By 1905, assets were increased to $150,000. In the same year, Nippon Bank, with assets of $100,000 was also established in San Francisco and the Toyo Bank, with assets of $50,000 was formed in Seattle.

Several smaller banks were established in Sacramento and Vacaville, but the 1908–09 recession caused many of them to close.

For smaller financing, the Japanese relied on "tanomoshi," a kind of mutual trust credit union, often affiliated with organizations like the prefectural groups or churches and temples. In the post-World War II era, many Japanese financed their larger purchases like homes and cars through credit unions affiliated with the national JACL, churches and temples, and others. The largest of these is the Southwest Los Angeles Japanese Credit Union with over 5,000 members and assets over $2 million.

San Francisco in many ways may be considered the "home" of JACL. The first of all meetings which brought together several Japanese American clubs in northern California was held before JACL launched a national association in Seattle in 1930. San Francisco was JACL's national headquarters at the time of the outbreak of war, and after being relocated to Salt Lake City, Utah, during the World War II years, it returned to the city by the Golden Gate where it remains today.

JACL is, as many of my colleagues know, the only national organization of Americans of Japanese ancestry in this country. Indeed, it often seeks to protect and promote the welfare of other Asian American minorities. Though like many other old-line organizations, it has its critics and its faults, its record of accomplishment is outstanding and its potential for even greater works in the future seems brighter than for most.

As one who has worked closely with JACL chapters and members, I am proud of my association with it and of my friends who are also JACL members.

Mr. WALDIE. Mr. Speaker, although I am a relative newcomer to the House when compared to the distinguished gentleman who preceded me, like most native Californians, I am familiar with the history of the Japanese in this country. But I do know that this story is not too well known, if at all, in most sections of the Nation outside the west coast and possibly the intermountain States.

The history of the Japanese in the United States is not an example of democracy at its best. Indeed, at times like during World War II when loyal Japanese Americans were evacuated and placed in concentration camps American-style, it may be among the most shameful chapters. Still, it is an epic that needs to be retold over and over again, for it demonstrates that in our country an immigrant minority, small though it may be in numbers and subject to the cruelest discriminations and prejudices, can overcome such obstacles and gain dignity and opportunity such as the group never knew and enjoyed before.

My contribution to this tribute to the Japanese in America will be to carry on from what Congressman MILLER has told you about this early history.

In the Sacramento Valley, Florin, about 10 miles south of Sacramento, developed into a virtual Japanese farming town. They first arrived at about 1895, and the early strawberry cooperatives were hostile to them, not only refusing them credit but actively discriminating against them. However, a man named Oppenheim recognized their skill in growing strawberries and not only extended credit but helped them in many ways. The Japanese made amazing progress, and Oppenheim prospered accordingly. The Japanese had 400 acres in strawberies by 1899–1900.

Hearing of their progress, the Japanese consul general in San Francisco decided to help organize a cooperative for Japanese strawberry growers. The news brought more Japanese to Florin. By 1901, 1,000 acres were in strawberries. Overproduction lowered their prices by 1904, and many gave up by the end of the year. The acreage dropped to 723 in 1905, balancing supply with demand.

A bitter lesson was learned, and many turned to grapes. The 400 acres devoted to grapes in 1904 increased to 450 acres the next year. The fact that strawberries and grapes do not require much capital and lent themselves readily to contract farming may have helped Japanese progress in the area.

The delta area of the Sacramento River may be called the vegetable treasure house. With naturally fertile soil and good water supply, the area attracted many investors who bought land, built levees and drained the land to make ideal farm lands.

Some 50 Japanese laborers were imported to pick hops in the New Hope area about 1889, marking the arrival of the Japanese in the area. From 1891, many of them began tenant farming asparagus on the islands in the Isleton area. Others began growing fruits and vegetables in the Courtland area.

From 1904 to 1905, the total acreage being tenant farmed by the Japanese increased from 17,855 to 20,408. the number of Japanese farmers increased from 356 to 558.

As their skill and trustworthiness became recognized, Japanese farmers showed phenomenal progress. By 1905, eight-tenths of the farms in Walnut Grove were being cultivated by the Japanese. In the Isleton area, four-tenths was Japanese, five-tenths Chinese, and one-tenth white. In 10 years, Japanese-farmed acreage increased to over 20,000 acres.

Placer County, Penryn, Newcastle, and Loomis had Japanese settlers from their earliest days, but tenant farming started about 1905–06. In 1905, cash leased and sharecropped land by Japanese totaled 898 acres in Newcastle, 916 in Penryn and 332 in Loomis. With high food prices, many farmers were able to buy land.

In Marysville, Biggs, and the Chico area, a fairly large number of Japanese farm workers were present by 1904, but there were comparatively few tenant farmers.

In 1904, a farm development company was organized in the Colusa area, which leased 1,200 acres for beans and corn. A few years later, Japanese farmers tried rice farming in the area. Fertile land and a suitable climate made the experiment a huge success, and there were not a few nouveau riche rice farmers in the area around the time of World War I.

In northern California, Japanese farmers demonstrated that rice could be grown on land formerly thought hopeless because of the large amount of inorganic salts in the soil. These wastelands were suddenly turned into golden fields of waving grain, a historic contribution to the development of agriculture in California.

The Stockton River delta is another famous farming area. Many islands scattered in the San Joaquin River make up the delta. The Japanese first arrived there in 1895. In those days, the whole area was a vast, watery swamp, with cattails growing wild all over. It seemed to have no value as farmland.

Later a solid levee was built and resulted in the appearance of islands from several hundred to several thousand acres wide, and the swampland made a complete change into some of the richest farmlands in California. Among the pioneers in developing the area were men like Kinya Ushijima and Manki Matsumoto, who made great contributions in opening up the area.

Developed by the Japanese, the Stockton Delta was first farmed by sharecropping. Around 1901, 45,000 acres were under cultivation. The main crops were potatoes, onions and beans. Most of the Japanese were settled on such islands as Sargent, Canal, Bradford, Byron Victoria, and so forth.

With the passage of the Alien Land Law in 1913, the Delta Land Corporation, which until then had cordial relations with the Japanese, let them go all at once. An attempt was made to replace them with white workers, but it failed because of the inconvenient location of the farms and lack of health services and utilities there.

Forced out of the Delta area, the Japanese looked to the Stockton suburbs where farms were owned mainly by Italians. About 1914, Japanese colonies were established in French Camp and Race Tract.

About 1902–03, it became known that the Lodi area was suitable for grapes, and they were widely cultivated. The Japanese had only about 2,300 acres, but there were many brokers. The Lodi grapes were of good quality, particularly the Tokay.

The years from 1905 to 1929 may be regarded as the years of progress for Japanese in California agriculture. The growth from 1905 to 1908 was particularly amazing. A 1908 survey showed that 154,802 acres were being farmed by Japanese, who owned 5,140.5 acres, cash leased 55,971.5 acres. It was a total increase of 23,510 acres compared to 1907.

Statistics show that 2,400 acres were owned by the Japanese in 1905. By 1908 that figure was 14,600, about six times as large in a period of 4 years. Cash leased land increased from 35,000 acres to 44,500 acres in the same period, a 20-percent increase. Sharecropped acreage increased from 19,500 to 53,900 or three times as much. Contract farming increased four times over, from 4,700 to 20,900 acres. Total acreage increase was from 62,000 to 134,000 acres or more than twice as much.

The blow from the passage of the Alien Land Law in 1913 was not crucial. Land ownership in the name of Nisei children who had citizenship by birth increased, as did tenant farming.

A 1918 survey shows that in 1917, Japanese produced about $51 million worth of crops, about 1.1 percent of California's total $500 million from agriculture.

All of California's farms—about 12 million acres in all—were worth on the average about $42 an acre. Japanese farms were worth on the average about $141 an acre, attesting to their productivity and the skill of Japanese farmers.

Japanese farmers numbered 8,000, about one-eighth of the total in California. Where the average farm acreage was 200, for the Japanese it was 3.75. While white farmers had on the average about 185 acres under cultivation, Japanese farmers averaged only about 48 acres or 20.6 percent. At the time, Japanese owned only about 14,000 to 15,000 acres of farmland throughout California.

While gross income for the Japanese farmers was about $55 million, their profits were small. Expenses included rent (25 percent or $13,750,000); workers' wages (40 percent or $22 million); harvesting and packing costs (20 percent or $11 million); maintenance and board (7.5 percent or $4,120,000), leaving profits at about 7.5 percent or $4,120,000.

Small profits owed mainly to the high cost of rent. If the $13,750,000 spent for rental were applied to buying land at $134 an acre, 100,000 acres of land would have come under Japanese ownership annually. In other words, all 8,000 Japanese farmers would have been able to buy from 6 to 9 acres of land annually; however, most of them preferred to lease, since they neither desired to stay permanently in the United States then nor felt they were welcome to stay.

The 1920 alien land law was a major blow to Japanese in agriculture. The distribution of Japanese in various occupations in a 1924 survey indicate that of 36,000 families—93,000 persons—of Japanese ancestry in California, 9,100 families—24,000 persons—were engaged in farming and another 11,500 were farmworkers.

The 1920 law prohibited even leasing land or contract farming. Except for those who already owned their farms, Japanese farmers had to find other means of making a living. About the only way open to Japanese tenant farmers was to contract with a landowning company whose majority stockowners were American citizens or work lands for white landowners on a verbal agreement basis. But these methods were not only cumbersome but too often left the tenants at the mercy of the landowners.

A 1929 survey showed that there was an increase in Japanese farm foremen who accounted for one-third of the acreage farmed by the Japanese. Japanese farmer acreage in northern California decreased by about 10 per cent by 1923.

White-owned farms operated by Japanese foremen continued on a large scale, particularly in the production of asparagus in the lower deltas, lettuce in the Salinas and Watsonville areas. Acreage devoted to rice, potatoes and seeds showed a decrease by the 1930s.

While Japanese farmers did not escape the effects of the great depression, they felt the blow less than others because of the solidity and strength of their business.

A 1938 survey showed that 97 percent of the strawberries in northern California were grown by Japanese farmers, 82 percent of the onion, 59 percent of the celery, 45 percent of the asparagus, 36 percent of the potatoes, 25 percent of green vegetables, 21 percent of the tomatoes, 20 percent of the peas and 17 percent of the lettuce.

The effect of World War II, the evacuation of Japanese Americans from the west coast and the subsequent choice of other occupations by the Nisei is reflected in the fact that Japanese agricultural activity in the San Joaquin Valley is one-half of what it was before the war.

Mr. SISK. Mr. Speaker, Agriculture is the theme of the contributions of Japanese immigrants to the history and development of the great central valley. It is a theme played with many variations, all against the harrowing odds of racial discrimination, often with the stamp of approval of the government upon it.

A 1959 survey of the five central California counties of Madera, Fresno, Kings, Tulare and Kern estimated the population of Japanese at 14,000. Of the 848,943 acres planted in cotton and grapes, Japanese owned 40,000 acres, or a little over 4 percent. Approximately 1,500 families were estimated to be engaged in business or in the professions. A contrast to the pre-World War II situation is the growing number of Japanese American white-collar workers.

To take the history of the area town by town, the first Japanese arrived in Fresno, the population center of the central valley, about 1880. Two youths from Tokyo accompanied an electrical engineer back to Fresno on a 3-year contract to work in his muscat grape vineyard for about $17.50 a month. They went back to Japan but returned to the United States in 1887 and developed and worked 93 acres in the Sanger area as vineyards.

Later, a John Smith heard that Japanese were hard workers and asked a friend in Sacramento to send six workers down to him, which was done. About the same time, a Kinzo Watanabe on the staff of the Ushijima Potato Farms in the Stockton area came down to investigate the central California area for working conditions and went back to urge his fellow Japanese to go down to Fresno. Two promptly did, but so poorly dressed that they were arrested as vagrants when they were seen roaming the streets of Fresno, unable to speak the language and completely lost. Such was the hard lot of the early pioneers.

Japanese gradually increased in number, and in 1904, a Buddhist priest named Asaeda inquired of Secretary of State Jordan if Japanese could own land. The answer in those early days was yes, and Reverend Asaeda organized the San Joaquin Land Co. and purchased 160 acres in the Bowles area.

By 1929 in Fresno County, Japanese owned 13,809 acres. The Japanese population was estimated at 4,372, composed of 940 families, of whom 314 owned land.

With World War I, the price of grapes rose, and many Japanese in the area attained sudden prosperity.

In the city of Fresno itself, there were 160 Japanese families in 1940, of whom 130 owned their own businesses.

Produce farming was begun in the West Fresno area about 1900 by Masuzo Tanimoto and his brother. The area became known as "Produce Town." By 1940, there were 40 Japanese families truck farming there, forming the backbone of the Fresno produce market.

Japanese began settling in the Biola area, famous for strawberries, in 1918. By 1940, 16 out of 19 families owned land, about 780 acres of it.

Ten miles southeast of Fresno is Fowler, noted mainly for its vineyards, but Japanese were beginning to engage in produce and strawberry farming there before World War II in increasing numbers. In 1940, the Japanese population was estimated at 5,000, with 100 families, 36 of whom owned land totaling 1,140 acres.

To provide investment capital for Fresno County farmers, the Japanese Investment Company was established in Fowler in 1920, with 170 stockholders throughout the county and a capitalization of $21,150. As the only Japanese financial institution in the Central California area, it did yeoman service and prospers to this day.

Japanese in Selma have a fairly old history, arriving about 1896. They engaged mainly in growing grapes, owning 707 acres and leasing 2,300 more in 1940. There were about 75 families, totaling 404 persons.

The Kingsburg area is noted for its watermelon, winning the title from Dinuba. Of the 2,000 acres devoted to this product, in 1940 the Japanese owned 1,063 and sharecropped about 600 more. The first pioneer Japanese arrived in 1899, and by 1940, there were about 350.

Pioneer Japanese footsteps in the Sanger area go back fairly far to 1885 when a Tanaka Sasajima developed a plum orchard along the Sanger River. By 1940, there were 77 Japanese families numbering 358 persons, who owned 1,580 acres and leased 3,000 more. The area is famous for its superb table grapes, citrus fruits and carrots.

The only Japanese orange packing company was located in Sanger, as well as the only nursery in central California. The latter did some $15,000 business in a half-year season.

Japanese first came to Reedley in 1900 and were able to purchase land 7 years later. By 1940, there were 70 families of 345 persons growing grapes and other fruits. Thirty-six persons owned 1,730 acres in 1940, and another 5,600 acres were leased by other Japanese.

Parlier has been known as the Japanese town of central California. Noted for the top quality of its grapes, the area's vineyards were mostly developed by Japanese hands. Year after year, Parlier grapegrowers got top prices of 25 cents or more per crate above the market on their crops. Rich soil also make Parlier's raisins among the best.

Contributions of the Japanese in central California would not be complete without detailing the birth and growth of an outstanding and peculiarly Nisei industry in the Sunnyside area. This is the industry of chick sexing, where newborn chicks are separated into male and female soon after they hatch to the immense benefit of poultry farmers, who save on feed by keeping only the hens for egg-laying purposes.

The skill was well-developed in Japan by 1933 when two chick sexors were invited from that country by Motojiro Hattori, who had long operated a poultry farm and hatchery in Fresno. The two held demonstrations at the University of California, Petaluma, and Hayward and evoked the first interest in the possibilities of the trade. The interest was further fanned when three sexors held demonstrations later in the year at the National Poultry Farmers' Convention in Grand Rapids, Mich.

In the next year, Hattori invited four Japanese chick sexors to hold demonstrations again in Petaluma, Los Angeles and Wisconsin. After 31 such demonstrations, interest in the industry finally began to pick up in earnest.

The four spent over 2 months teaching their skills to 30 students in the Fresno area and 26 more in the Los Angeles area before returning to Japan.

In 1935, four Nisei went to Nagoya, Japan, to learn chick sexing at its point of origin and returned to the United States to become the first Japanese Americans to go into the business of chick sexing.

In 1936, the U.S. Chick Sexing Association was organized in Fresno under the leadership of Hattori and Rokuro and Kiseto Saiki. A 2-month study course was held at the Hattori Poultry Farm, with 20 students enrolled. Schools were held annually after that to send out more trained Japanese American chick sexors to the poultry farms all over the United States.

Hattori returned to Japan in 1940, and the business has been continued by the Saikis as the International Chick Sexing School, which continues to this day.

In August, 1938, a similar school was

established in Los Angeles—the Southern California Chick Sexing Association, with Takao Hayashi as manager. In October, the Los Angeles Chick Sexing Association was born, with Masashi Sato as manager. In the same year, the American Chick Sexing Association was formed in San Pedro by Kiyoshi Nitta. Two or three similar groups were also formed elsewhere.

During that period, some 10 Nisei returned from Japan as skilled chick sexors, and thereafter, 14 or 15 Nisei learned the skill annually in Japan and returned to take the test for chick sexors set up by the State Department of Agriculture. The nimble fingers of the Nisei were responsible for the high accuracy of their work—94 percent of those taking the tests passed.

By 1940, there were about 330 licensed chick sexors, and it was estimated that about 100 more were practicing without a license.

Their activities spread throughout the United States. On the west coast, 90 percent of the hatched chicks were differentiated according to sex; in the Rocky Mountain States—Nevada, Utah, Colorado, Idaho, and Wyoming—75 percent; in the Northwest—Oregon, Washington—80 to 90 percent; in the Midwest, 80 to 90 percent; in the South, about 80 percent; in the Northeast, 50 percent; and in the East, 60 to 70 percent. The figures showed that the supply of chick sexors had a long way to go in catching up with the demand in sections of the country.

The percentage of hatched chicks who grew to maturity after the sex differentiation was excellent, and farmers all over the United States demanded the services of the Nisei chick sexors. Invitations came from as far away as England and Belgium to send them 10 or so Neisi chick sexors.

The Nisei sexors posted an accuracy rate of 99 percent and could differentiate 500 to 700 chicks in an hour. In one season—about 4 months—they could handle 200,000 to 300,000 chicks.

Depending on their ability, their incomes varied from $700 to $3,000—an average of $1,500 a season before the war.

With World War II and the evacuation of Japanese from the West coast, the chick sexing schools moved eastward. The International Chick Sexing School moved to Mankato, Minn., sending out from 100 to 150 chick sexors to North and South Dakota, Illinois, Wisconsin, and Iowa as well as Minnesota in the spring. For a few years after 1950, it imported 15 to 16 chick sexors from Japan as special skilled technicians to supplement the supply of the school's own graduates. The school has been moved back to Fresno after the war, where it continues to this day.

The American Chick Sexing School moved to Lansdale, Pa., and has branches in the northeast, midwest, and south. The National Chick Sexing Association moved to Chicago and sends out its members throughout the Midwest and South. There are also smaller schools in Iowa, Arkansas, Louisiana, and Georgia operated by Nisei.

Of the 1,000 or so chick sexors in the United States in 1960, 80 percent were Nisei. Since the season generally lasts only from March to August or September, many make a prosperous income then and spend the remainder of the year at another job or in operating their own businesses.

Mr. MATHIAS of California. Mr. Speaker, I would like to continue this discussion by outlining the outstanding contributions of the Japanese in my area—California's 18th Congressional District.

In Tulare County, some 50 miles south of Fresno, the main population centers are Visalia, Dinuba, and Tulare, and Japanese lived mainly in and near the triangle formed by these three towns. in 1940, they numbered 1,200—800 more, if seasonal farmworkers were included.

Japanese owned 3,287 acres, leased 4,000 more and were in charge as managers over 4,000 more, making a total of 12,287 acres under their management. Japanese farmers produced citrus fruits, grapes, watermelon, peas, and tomatoes.

In the Visalia area, some 70 Japanese families grew mainly grapes and vegetables, although some had citrus orchards totaling several hundred acres. To the west of Visalia, near the mountains, is a town called Ivanhoe, where noting the small amount of frost, Japanese began to harvest and plant peas ranging over several thousand acres. Jealous white farmers tried to dispossess them by bringing up the Alien Land Law, but the fair-minded district attorney declined to prosecute.

Japanese were pioneers in experimenting with the planting of tomatoes in the Orosi area in 1913. Early test plants failed, but undaunted, they were tried again until success came 15 years later in 1928. Since then, the area has been noted for its tomatoes.

While oranges were the chief crop of the Lindsay, Japanese farmers in the area concentrated on growing strawberries, noted for their quality and color, although the plants did not need transplanting for as long as 15 years. Over 200 acres of it were cultivated by many of the 40 Japanese families in the area. Peas and tomatoes are other crops.

While Japanese came to Kings County as early as 1896 and by 1920 numbered nearly 200 families, the post-World War I depression caused about half of them to move to southern Califorina by 1940. Those who remain have done fairly well, owning 700 acres, leasing 835 acres and sharecropping almost as much to have about 2,000 acres under their cultivation. Crops are about the same as Fresno—grapes, peaches, and apricots.

Bakersfield is the main population center in Kern County, and in 1940, there were about 50 families in the area engaged in farming, producing mainly sweet potatoes, melons and asparagus. Two large Japanese labor camps were located in Arvin.

The first Japanese came from the Fresno area in 1904 and became an overseer for the Kern County Land Co.'s 800-acre vineyard. By 1911, the first Japanese were purchasing land. By 1922, the town of Delano was the scene of violent anti-Japanese demonstrations, with signs at the north and south entrances to the town displayed, saying, "No Japs Wanted." Hurt and dismayed, but not discouraged, Japanese community leaders talked things over with town leaders and persuaded them to have the signs taken down.

By 1940, there were about 50 Japanese families farming in the area. They owned only 300 acres, but leased 3,000 more and were producing melons, watermelons, lettuce, peas, beans, and other vegetables. Eight Japanese labor camps operators provided from 400 to 1,000 workers, and the Delano Agricultural Association, the Delano Farmers' Exchange and Kinichi Sakai, a shipper, provided the distribution of the produce.

In Madera County, there were 23 Japanese families farming in 1940. They owned 1,007 acres and leased 200 more and grew grapes, fruits, cotton and produce. More Japanese arrived about 1918–19 and bought land to farm, but many lost it again during the post-war recession. Nevertheless, those who remained mostly owned the land they worked and it has been one of the more prosperous communities of Japanese in the area.

In the Turlock area at the south end of Stanislaus County, the Japanese arrived around 1900. The area is noted for its watermelon and cantaloupe. In 1940, the Japanese population of about 500 persons owned 534 acres and leased 1,098. In the early 1920's, there were overt acts of anti-Japanese discrimination, but the town later came to acknowledge its Japanese citizens as among its pioneer developers.

Contribution of the Japanese in South Dos Palos is represented by the spectacular success of Kihei Ikeda and Keisaburo Koda in establishing the State Farming Company in 1927, growing 5,000 acres of rice. By 1940, 3,000 more acres were leased. Koda himself invented an incomparably efficient harvester and drier. During World War II, while the Koda family members were interned in wartime concentration camps, the agent entrusted with the management of their farm sold over two-thirds of the land and the rice refinery. U.S. government compensation to the Kodas came after long litigation and was among the last to be settled. The amount was far from the original worth. Beginning again after the war, the Kodas are again making the area one of the prime rice producers in the State, demonstrating their faith in the United States and demonstrating the capacity of the Japanese to bounce back from misfortune and blind prejudice against them to work with perseverance and determination to make the American dream come true for them.

The Cortez area is another that was developed mainly by the Japanese. Until they arrived to establish a colony there, the area was almost a desert, with only a lonely Santa Fe Railroad Valley line to show that man had even been there at all.

Twelve Japanese families settled there in 1919. They fought incredible hardships to clear the land and make it productive. By 1940, there were 38 Japanese families who owned some 2,000 acres and leased 500 more and were producing grapes, peaches, vegetables, and strawberries from the once arid land. The agricultural association established in 1925 built a packinghouse and through cooperative selling of their produce and buying of raw materials, saved over $18,000 of capital. By 1940, the association had fixed assets of $13,000 and negotiable assets of $18,000 and was able to negotiate loans for its members at an annual interest of 2 percent, payable in 5 years from the U.S. Central Bank, which demonstrated the confidence that the financial institutions in the area had in the Cortez Japanese farmers.

The Livingston area was another where a Japanese colony settled. The Yamato Colony, developed by Kyutaro Abiko, was established in 1910 and prospered to 69 families by 1940. Japanese owned 3,708 acres and leased 444 more and produced grapes, peaches, plums and almonds. The top agricultural product was eggplants, with 50,000 crates shipped out annually. Sweet potato was the next in amount.

The Japanese people have made many contributions to my area and I am glad to have had this opportunity to pay tribute to them today.

Mr. HOLIFIELD. Mr. Speaker, 30 years ago I campaigned for the first time for a seat in the Congress. During that campaign in the fall of 1942, many of my constituents remembered that earlier that same year I had spoken out against the mass military evacuation and internment of all persons of Japanese ancestry from the West Coast. I knew then that those of Japanese origin in California and elsewhere in the United States were loyal and patriotic citizens.

When I first came to Washington as a Member of this body, I was among the few—there were only three or four of us then—who were willing to stand up and be counted where the Americanism of the Japanese American was concerned. I was called a "Jap lover." It was politically harmful to be known as a friend of the Japanese American then, and often economically ruinous.

But I stood for principle and fair play. And, today I have been vindicated in my belief and faith in Americans of Japanese ancestry.

That was one reason why I joined with my good friend from Hawaii, Congressman MATSUNAGA, in cosponsoring legislation last year which repealed title II of the Internal Security Act of 1950, the so-called Emergency Detention Act. The concentration camps authorized by the old law reminded me of the war relocation camps into which Japanese Americans were placed after World War II. Another reason was that I did not want any other American, either as an individual or in a group because of race, color, creed, or national origin to face the threat of concentration camps simply on the basis of suspicion that espionage or sabotage might be committed.

At this time, I would like to remind my colleagues of the history of the Japanese in the United States, and particularly in southern California and especially the Los Angeles area. Today, there are more Japanese Americans in and around the Los Angeles metropolitan area than in any other mainland America community. As a matter of fact, in this vicinity today there are more Americans of Japanese ancestry than were evacuated from the entire Pacific Coast 30 years ago.

But, this was not always so.

In a corner of a cemetery in the east side of Los Angeles in what is now a predominantly Chicano area is a large cluster of stone monuments that mark the final resting place of many Issei—Japanese immigrants who in the flush of youth some 100 years ago looked eastward to a country where they heard that a man could make his fortune if only he were willing to work hard enough.

They came with a dream, as did all the immigrants to this "country of immigrants," as President Kennedy characterized this land. Symbolically, there was no Statue of Liberty standing in the port of Seattle or in San Francisco Harbor to welcome the "tired and the poor" from the Orient to these shores.

The Japanese immigrants came to a land where earlier arrivals spoke a different tongue, where notions of white supremacy often took the form of violent antipathy to the yellow man, where discrimination against him often had the sanction of government upon it.

And although they worked hard, they could not become citizens of the land if they so desired, nor could they own the land they tilled or even lease land to till and make a living. When war clouds broke out between Japan and the United States, all that they had worked a lifetime to build was overturned and all but destroyed as they found themselves and their children, who were citizens of the country by birth, summarily expelled from their homes and interned in concentration camps.

In spite of natural hardships and human barriers, many Issei did realize their dream in America and made outstanding contributions to the economic, cultural and social life of this country.

Many also did not see their dream come true, timing and circumstances not having been in their favor. Their success was in having fought the good fight and passing their dreams on to their children, the Nisei, for whom they were willing to make the greatest sacrifices in order that for their generation, perhaps, the dream could come true. In spite of a harsh and oftentimes unrewarding life, they never lost pride in their rich ethnic background, always conscious that whatever they did, good or bad, reflected not only them alone but on all other Japanese.

They came to make the land fertile in wasted areas where others were unwilling or unable to farm. They came to lay the railroads, mine the coal and minerals, harvest the lumber on the land and the fish in the sea. They came to grow flowers and plants to beautify the homes, they came to work as cooks and houseboys and gardeners and laundrymen.

Even in the harshest circumstances, they never felt that the world owed them a living without their working for it, and they kept their pride when pride was the only thing they had worth keeping.

Now they rest at Evergreen Cemetery. Their graves are never without fresh flowers as they rest in the honored memory of those who are the heirs of their dreams.

It is generally supposed that the first Japanese arrived in Los Angeles in 1878, but recent research into the city's early history reveals that two Japanese lived in Los Angeles as early as 1870. Apparently they were sailors who landed and started restaurants.

The next ones of whom there are definite records are a Kohei Tanaka, who landed in San Diego and worked as a cook for a family there, and Masanari Kaneko, who arrived in 1888, worked for the Hearst family in San Francisco, returned to Japan in 1890 to marry and came back to the United States the same year to go to work for an executive of the Southern California Water Supply Co. Kaneko was given several shares of the company's stock which climbed in value like the proverbial Japanese eel. He was soon able to purchase some land in Redlands to go into the orange growing business. He was the first Japanese to own land in Southern California.

The two are typical of the early Japanese immigrants to California who went into schoolboy work to learn the language and customs of the land which would turn out to be their lifelong home. There in American homes they learned the skills of cooking, gardening, and laundry which would stand them in good stead when they struck out for economic independence.

By 1893, there were about 40 Japanese in southern California. A Gunji Morita had contracted to supply trees for the roadsides of San Bernardino, returned to Japan to get the trees but took sick and died there. His partners and workers scattered to Riverside and Los Angeles.

There is a record that on the emperor's birthday in the same year, 41 Japanese gathered at a Japanese restaurant on Spring Street in Los Angeles to celebrate the occasion.

It was also in 1893 that a man named Kimura opened the first restaurant serving Japanese food near Plaza Park, a modest precursor to the many successful establishments to follow in the area.

A Japanese book published in 1907 noted that two Japanese—Kichinosuke Nakamura, who operated a restaurant on East Fifth Street, and Sanhichi Akita, who ran a billiard parlor near Plaza Park—had resided in Los Angeles longer than 30 years then.

By 1897, there were between 10 to 20 Japanese-owned restaurants near Plaza Park, all quite prosperous in spite of the anti-Japanese feeling running high by then. By that time, there were about 400 Japanese residents in southern California.

In 1898, the Santa Fe and San Pedro Railroad Cos. began to hire Japanese for laying new lines in the area, and by the next year, 2,000 Japanese were calling Los Angeles home. They ran hotels, provided translation service for new arrivals, made shoes, cut hair, printed a mimeographed vernacular newspaper called "Shin Nippon," and opened a department store called Asia Shokai, organized on a membership basis, with one share worth $10,000.

A Japanese source in 1904 placed the Japanese population in Los Angeles at 2,795 persons, of whom 142 were women and 49 were children.

A 1906 survey by a Japanese newspaper showed a total of 13,040 Japanese in southern California, about half of them living in the Los Angeles area. Of the total, 12,012 were men, 806 were women and 222 were children. One reason for the sudden increase was the San Francisco earthquake, which left many Japanese homeless and jobless in 1906. They looked to the growing agricultural industry in southern California for a new start.

Japanese were engaged as farmworkers in southern California as early as 1900, mainly in the orange orchards and sugar beet fields. Of the 5,000 or so Japanese workers in 1905, 200 were fruit pickers, 1,000 were sugar beet workers, 800 in celery, 600 in strawberries, 600 in vegetables and 1,500 working on the railroad.

Most Japanese immigrants came from farming families in Japan and knew something about intensive land cultivation. They also did not mind the extra care necessary for truck farming, which was a Chinese monopoly in the area until about 1907. The Chinese Exclusion Act of 1883 decreased their number, and the Japanese eventually took over.

Japanese truck farming began on a small scale in the Los Angeles suburbs of Tropico, Newmark (now Montebello), Green Meadows and West Adams and grew with the rapid population growth in Los Angeles. It later extended to Whittier, Sherman, Hollywood, Garvanza and Eagle Rock.

Japanese farmers in the Gardena area began specializing in strawberries about 1900 and expanded to nearby Tropico and Moneta in 5 or 6 years. Crops of excellent quality increased the demand, and growth was rapid. Strawberry production doubled between 1904 and 1905 in Tropico and Moneta. About 600 acres were under cultivation at that time.

Celery was another crop in which Japanese farmers excelled. Those grown around the Smelzer area in Orange County became famous throughout the United States as Smelzer celery. Also beginning about 1900, the industry had little competition from other areas. By 1905, the Japanese were producing 80 percent of the celery in southern California. Acreage invested in the crop by the Japanese more than doubled from 690 acres in 1904 to 1,550 acres in 1905.

Acreage distribution by crops for Japanese farmers in southern California in 1905 was as follows:

Sugar beets, 2,400 acres; celery, 1,849; vegetables, 1,280; strawberries, 687; melons, 345; livestock feed, 292; livestock farming, 134, for a total of 7,031 acres.

With anti-Japanese agitation gathering strength year by year, Japanese farmers saw the necessity to organize for mutual benefit. In 1913, the year which saw the passage of the Alien Land Law in California, the California Central Farm Association was organized in San Francisco. A branch was established in southern California, which became independent of the parent organization the next year. It provided moral support and gave service in the trying years that followed by advising on farm planning, pest control, provided cooperative purchasing and selling, and established a credit union.

Smaller associations were formed in 1913 in Covina (60 members), San Gabrieli (50-plus members), Imperial Valley (50 shareholders, $50,000 capitalization), Talbert (50-plus members), Garden Grove (40-plus members).

Others were formed the next year in Signal Hill, Puente, Burbank, Wilmington, El Monte, Hawthorne, Lowland, Moneta, Fruitland, and Anaheim. The Moneta association had 220 members.

The alien land law of 1913 prohibited Issei, the first generation immigrants from Japan who were barred from naturalization, from owning land. It also limited their land lease period to 3 years. A stronger alien land law passed in 1920 prohibited Issei from even owning stock in a landowning company, one of the means by which they tried to cling to one of the few ways open to them to make a living in a strange land.

The alien land law was a blow to Japanese tenant farmers, whose acreage dropped from 336,000 to 131,000 acres between 1918 and 1923. They were back to sharecropping and depending on the good will of white farm owners to pay them a decent wage to manage their farms.

That they continued to prosper and grow owed mainly to their patient perseverance, hard work, and innate farming skills. The period from 1910 to 1929 may be called the "period of progress," and the years from 1930 to 1941 may be called the "golden period" of Japanese farming in California.

A 1929 survey shows that in southern California, Japanese farmers owned 5,837 acres, were tenant farming 77,836 acres, managing 44,550 acres for a total of 128,223 acres under Japanese cultivation.

They were producing 97 percent of the vegetables—bunched goods—96 percent of the cauliflower, 95 percent of the lettuce, 93 percent of the strawberries, 92 percent of the celery, 83 percent of the tomatoes and 51 percent of the melons. Even in the depression years, the total volume was worth some $15 million.

As the depression worsened, however, it affected farmers and wholesale produce merchants, too. A need was felt for a strong central organization to control distribution and maintain the market price. The Southern California Central Agricultural Association was organized in 1931, with an annual budget of $20,000. With the addition in 1935 of the powerful San Pedro Agricultural Association organized in 1915, it became a federation of agricultural associations and not only sponsored a daily market report on radio but helped solve the strike by Mexican and Filipino farm workers in that same year.

Distribution of farm produce is handled in southern California by two major wholesale produce markets in Los Angeles.

The Ninth Street Market, also called the Los Angeles City Market, was organized in 1908 by a group of about 150 Japanese, Chinese and white farmers who were dissatisfied with the market then located at Third Street and Central Avenue. By 1930, the market handled produce whose annual worth was over $20 million. The major part of it was transacted by the 18 Japanese firms and 40 individual Japanese wholesalemen who were members. Japanese members organized the Southern California Agricultural Association there when the market was established in 1908.

The Seventh Street Market was financed by the Southern Pacific Railroad Co., which invested $2.5 million to build a market on a grand scale reputed to be the largest in the world. The Japanese position at the market was not as strong as that at the Ninth Street mart, since none owned stock in the market, but up to 80 percent of the produce handled there was transacted by the six Japanese firms and about 30 individual Japanese wholesalemen. By 1940, the market was annually handling produce worth $8 million. The Japanese at the Seventh Street Market organized the Nikka—Japan-California — Agricultural Association in 1908.

The advent of World War II completely upset the foundation for Japanese agriculture in southern California, a foundation it had taken a generation's blood and sweat to build.

Japanese tenant farmers and sharecroppers who could realize some cash from their crops before the war came were the fortunate ones; the majority had planted their crops, but were evacuated from the West Coast without realizing any income from them. Those who owned their own land were fortunate if they had a good manager on whom to depend while they were spending up to 3 years in the wartime concentration camps. Many sold their land at rock-bottom prices, while others had to let their mortgage payments lapse and lost their land eventually.

On January 2, 1945, while the war was still going on in Europe and in the Pacific, the U.S. Government allowed the return of Japanese on the West Coast. Two large farmers, Shosuke Nitta of Orange County, and Yorio Chikasawa of West Los Angeles, were allowed to return 1 year earlier with the help of the War Relocation Authority to help provide more food for the war effort and to demonstrate to other Japanese that they could return to their homes without harm.

However, post-war demand for housing in southern California severely limited the acreage available for leased agricultural land. With little capital, the small farmers and those who were tenant farming and sharecropping before the war turned to gardening or to the nursery business which needed little capital and guaranteed an assured income.

The Nisei, the second generation American-born Japanese, had come of age during the war, and many who grew up on the farm now preferred work in other fields after the war.

The Japanese farms which remain in southern California now are mainly big business operations, located in Talbert, Huntington Beach, parts of Santa Ana in Orange County, San Luis Rey, Vista, Fallbrook, and Oceanside in San Diego County, Oasis and Thermal in the Salton Sea area of the Coachella Valley, new Oxnard in Ventura County, and in Santa Maria, Guadalupe and San Luis Obispo.

Return of the Japanese to the wholesale produce markets took longer, but at present, there are altogether about 50 firms and individuals located there.

So, Mr. Speaker, this is a part of the story of the Japanese Americans in our country. A people who form a "minority group" but who have refused to remain in a minority status. These industrious and intelligent people have lived the American Dream. They have moved ever forward and upward with the stream of American society and, while doing so, they have enriched our society and institutions by their examples of family life, industry and loyalty.

Mr. ROYBAL. Mr. Speaker, although the Japanese are best known for their contributions to California farming, most think of these contributions in terms of fruit and vegetables, and of flowers. Truly, the Japanese brought a touch of beauty to the lives of most Americans through their introduction and sale of beautiful plants and flowers at prices most Americans could afford to pay.

But the Japanese also were outstanding in poultry and even pig raising, as my comments to the history of the Japanese in southern California will show. Introduction of the horticulture to southern California followed northern California's by 8 years.

The first flower growers in Southern California began in 1892. Established in and around Los Angeles, they numbered 160 firms by 1940, owning a wholesale flower market in which they had invested $100,000 and doing an annual business close to $3 million.

The first Japanese to succeed in the floriculture and plant nursery business was Sotaro Endo, who established his field at the corner of Jefferson Boulevard and Main Street in Los Angeles. The industry grew with the rapid growth in population and homes in Los Angeles, particularly from 1920 to 1925. The Southern California Japanese Nurserymen's Association was organized in 1927 to systematize the distribution of plants as well as to provide cooperative purchase of fertilizer and other business necessities.

The wholesale flower market was first established by Shintaro Shima in 1908 at Broadway and Seventh Street. While the number of growers continued to increase, the lack of organization caused problems in distribution. The Southern California Flower Growers' Association was organized in 1912, and in 1914 the Southern California Japanese Wholesale Flower Market was formally incorporated.

With a 50-year lease, a $50,000 building fund and an investment of $20,000, the Japanese flower industry was finally able to stand on its own. In 1928, members spent about $100,000 in cooperative purchases of fertilizers, seeds, chemicals, food and sundries.

A 1929 survey showed that within a 20-mile radius of Los Angeles, there were 147 firms or individuals owning or leasing 1,517 acres for growing flowers (500 acres owned outright by Japanese growers themselves), representing an investment of $1,750,000, employing a corps of 700 workers and realizing an annual production worth $1,500,000.

The industry distribution according to area in 1929 was as follows:

Los Angeles, 40; Montebello, 15; Roscoe, 10; Gardena, 10; Redondo Beach, 10; Compton, eight; Hermosa Beach, six; Tujunga, five; Hawthorne, four; San Fernando, three; San Gabriel, three; others, 23.

Another industry in which Japanese were active was poultry farming. It was established in 1900 in southern California when Hyakumatsu Ike purchased 5 acres of land on San Fernando Road in Los Angeles to go into business.

Japanese poultry farmers were later located in Gardena, San Pedro, Inglewood, Norwalk, Artesia, Orange County—Placentia, Riverside and Rialto in San Bernardino County. The majority were large businesses with from 30,000 to 40,000 chickens per farm, doing an annual business of $3 million.

A similar industry which had many Japanese entrepreneurs was pig farming, first begun in 1894 on Figueroa Street near Exposition Park on 9 acres of land leased by Fusataro Adachi, who later went into the floriculture business. Another Japanese, Yaichiro Kinoshita, established a pig farm on West Riverside on 30 acres of leased land.

The real pioneer group which established the foundation of the industry had their farms in Fruitland at about 1909. Four men, each owning about 300 pigs, made good use of garbage from the city of Los Angeles. Another group was established about the same time in a gravel pit near Baldwin Park.

In 1914 the city council decided to burn the city garbage for sanitary reasons, and the industry moved to Santa Barbara, Long Beach, and later on to San Diego. Others moved to San Bernardino, Santa Monica, and into the Imperial Valley around 1913.

When oil was discovered in Long Beach in 1921, the city grew by leaps and bounds, and the pig farming business prospered with the increased garbage. Unfortunately, widespread hoof and mouth disease caused most of the animals to be slaughtered by the Government in 1924.

Although the farmers were compensated, it was not until 1927 with the formation of the Pacific Pig Farming Co. that the industry was on its feet again to begin its second period of growth. Large farms were located in Artesia, Bellflower, and Buena Park. The year 1931 saw the formation of the Southern California Pig Farming Association. The Pacific Pig Farming Company, after many hardships, was incorporated in 1932 with $100,000 in capital. It moved in 1937 to Talbert, west of Santa Ana and purchased 60 acres of land. The farm had nearly 10,000 pigs, for which 70 to 80 tons of garbage and three tons of wheat were provided as daily feed. Aside from the Fontana Pig Farming Co. which had 60,000, Pacific was among the largest pig farms in the United States.

World War II brought an abrupt end to the industry for the Japanese and it has never revived after the war.

But, nowadays, the Japanese American is in almost every sphere of human activity, and doing as well. And Little Tokyo is more the center of Japanese American civic and business enterprise than even before the 1942 evacuation. With Federal, State, and city funds, there is a Little Tokyo redevelopment project going on which will soon result, hopefully, in a cultural center for the Japanese arts second to none in the United States.

So, there is a future for Japanese Americans that is more promising than it was before World War II, and California should be grateful to those of Japanese origin for having contributed so much to the wealth and beauty of the Golden State.

Mr. ANDERSON of California. Mr. Speaker, in my district there are probably more resident Americans of Japanese ancestry than in any other in this country, with the exception of Hawaii; and all of my life I have been closely associated with Japanese Americans.

From my days in the California State Assembly and as the Lieutenant Governor of California, I have worked closely with JACL in their worthy efforts to improve the lot and life of the Japanese American in my home State, and thereby helping to promote the welfare of all citizens. The Japanese Americans know, as do I, that only when all citizens are secure and prosperous are they, the Japanese American, also secure and prosperous.

In the House of Representatives, I have continued my interest and concern for those of Japanese ancestry. This past session, I introduced with my good friend and colleague from Hawaii, SPARK MATSUNAGA, a bill that would establish a meaningful and effective Cabinet-Level Committee on Asian American Affairs. The various proposals were suggested by JACL, and those of us who are sponsoring this legislation are grateful for their cooperation.

Though the history of the Japanese in America is an exemplary and outstanding one, consider what it might have been, or would be, if there were no racial prejudice against the Japanese Americans, and they were accorded every opportunity and afforded every grant given to other minorities which, though they may be more numerous, are not more deserving than are the Japanese and other Asian Americans. That is the reason for the proposed Cabinet committee.

Looking way back in California history, fishing, along with farming, was an industry with which the Japanese were familiar in the old country, and they eventually came to participate in it prominently in this country.

The earliest pioneer fisherman in Southern California was Hatsuji Sano, who began fishing from the Port of Los Angeles in 1900. Prior to that time, there was some abalone harvesting off White Point around 1887.

Since there were not many Japanese in the area in 1900, the demand for fresh fish was not that great. However, with the immigration of Japanese from Hawaii, the advent of the picture brides, and the emigration of Japanese from the San Francisco area following the 1906 earthquake, the fishing industry began to boom. The Port of Los Angeles eventually had 16 fishing companies employing 60 fishermen. They later split, with eight remaining at the Port of Los Angeles, four going to San Pedro, one to Playa del Rey, one to Oxnard, and two to San Diego. They built the foundation of the Japanese fishing industry off Southern California and Mexican shores.

San Pedro became the major port for Japanese fishermen, many of whom shined shoes and worked as domestics until they saved enough money to purchase boats.

In 1908, an abalone canning factory was established by the Toyamas, with the products sold principally in Hawaii and the shells exported to Germany. It closed in 1910, after a State law liimted the size of abalone catches. Company officials then tried to set up a fish market, which met with violent opposition from two or three other established markets operated by local fishermen.

The anti-Japanese reaction was extended to the Japanese fishermen, and rock-throwing incidents were followed by demands of the ouster of all Japanese from San Pedro Harbor.

Before things could come to a head, the San Pedro Fish Canning Co. was established on the opposite shore on Terminal Island and began canning not only abalone but tuna, which was said to be limitless off the southern California and Mexican shores.

Japanese fishermen moved to Terminal Island by the score from San Pedro as more canning factories were started, and what was once a haven for rattlesnakes became a thriving Japanese fishing village. In 1940, there were more than 3,000 Japanese living on Terminal Island.

The Japanese fishing industry in southern California saw its greatest growth around 1915, as shown by the following statistics:

	Number of boats	Fishermen
San Pedro-Terminal Island	100	350
Port of Los Angeles	12	42
San Diego	28	85
Oxnard	2	7

Their annual catch around 1915, was estimated to be worth between $750,000 and $1 million for an average family income of from $7,000 to $10,000.

In order to combat unfair anti-Japanese fishing laws, the Southern California Japanese Fishermen's Association was formed in 1916, with 250 charter members and an annual budget of several thousand dollars. It became one of the strongest Japanese organizations in the area, with membership increasing to 821 in 1920.

During 1929–30, the tuna catch began to dwindle, and Mexico applied an export tax to tuna caught off its shores. In addition, frozen tuna was being imported from Japan to the tune of 5,000 tons annually. At the same time, 100,000 boxes of canned tuna were being imported from the same source, bringing hot opposition from the U.S. fishing industry.

With the Japanese Exclusion Act of 1924 and the increasing age of the Issei, the Japanese fishing industry was beginning to see a downtrend even before World War II almost wiped it out completely. By 1935, the number of fishermen had decreased to 550.

However, with the advent of the Nisei in the industry, the boats were being converted to larger, deepsea fishing vessels costing from $100,000 to $250,000 each. At the time of Pearl Harbor, the fishermen's association had 600 members, who owned 90 boats.

With Terminal Island closed to private dwellings after the war, the returning fishermen scattered to Long Beach, Wilmington, and San Pedro. Few Nisei returned to fishing, preferring other jobs which would not keep them away from their families for long periods of time.

One of the occupations that the Japanese entered in large numbers in the post-war era was gardening, which required little capital and utilized their skill for growing. However, as early as 1905, Japanese were gardening in southern California when 179 persons listed it as their occupation in a Japanese survey. In 1910, it is recorded, a group of gardeners and house servants held a meeting to try to work for higher wages, the first instance of organization among the gardeners. By 1920, 500 persons were working as gardeners. By 1929, the number had doubled and perhaps even tripled. A gardeners' association was formed in Riverside and others followed in Hollywood and the Uptown area in 1929. A federation of these associations was formed in 1938.

The name of the City of Gardena, Calif., a community with a large number of Japanese Americans, was derived from an earlier reference to the area as a garden spot. Because of a fresh water slough that ran through the area, the Gardena Valley was often the only oasis of green in the grey and brown landscape from Los Angeles to the Harbor Area.

The Mayor of Gardena is Kiyoto "Ken" Nakaota, a good friend of mine who happens to be of Japanese American ancestry.

In the post-war boom, it is estimated that by 1946, 3,000 Japanese gardeners existed in southern California. Pasadena was the first area to reorganize a gardeners' association in 1947. By 1950, the number of gardeners was estimated to be over 6,000.

The Southern California Gardeners' Federation was formally incorporated in 1956 with 15 member associations encompassing some 3,000 members. The number of gardeners grew still more, and in 1960, the federation had 4,000 members, estimated to be half of actually 8,000 engaged in the occupation. The gardeners' combined income in 1960 was estimated to be in the neighborhood of $30 million. Their average monthly income was between $400 and $800, with some, who had contracted choice routes, earning as much as $1,000 a month.

The Southern California Gardeners' Federation currently has about 5,000 members. Last year, the federation completed its $300,000 headquarters building at 333 South San Pedro St. in Los Angeles. This organization promotes the social, educational, health, and legislative aims of the groups. It publishes a bilingual monthly magazine, holds annual conferences, and provides a credit union as well as group insurance.

An occupation in which not many participated but which made a unique contribution to U.S. industry is the Pacific Goldfish Farm, established by Kiyoma Akiyama in Lancaster, Los Angeles County. A farmer who began raising goldfish as a side business, Akiyama persevered after early reverses caused by marauding birds. The need for better equipped fishponds and his patient research gradually enabled him to expand until he was operating the largest goldfish farm west of Chicago. Recent encroachment by housing and business developments have caused him to move his business from Lancaster.

Mr. Speaker, when the Japanese first came to America, they clustered in "Little Tokyos" operating a wide variety of businesses which provided other Japanese with services they were either unable or reluctant to acquire elsewhere.

But today, the Japanese American is successfully engaged in every endeavor; they are living in nearly every community; they are providing leadership in the cities, in the schools, in business and industry. Today, the Japanese American is found throughout the mainstream of life.

While positive steps must be taken to break down all of the barriers of discrimination, the accomplishments of the Americans of Japanese ancestry have made this country a better place for all of us.

Mr. Speaker, it gives me great pleasure to recognize the achievements and contributions of our citizens of Japanse ancestry, especially on the occasion of the 22d biennial convention of the Japanese Americans Citizens League here in Washington.

Mr. ULLMAN. Mr. Speaker, I wish to join my colleagues in recounting and honoring the contributions made by Japanese and Japanese Americans in taming our frontier and developing our nation, particularly in the Pacific Northwest.

Though fewer than in many other areas, the Japanese played a significant role in the growth of the northwest, entering the region primarily through the port of Seattle or working their way up north from San Francisco. I would like to comment particularly on the role of the early Japanese immigrants and their sons and daughters in Oregon.

The contribution of the Japanese in the three northwestern States of Oregon, Washington, and Idaho was first in the sweat of their brows as they came in large numbers at the turn of the century to work as laborers in the lumber mills and on the railroads. Through diligence and frugality, they saved their money and went on to reclaim land that earlier settlers had overlooked or given up as nonarable. First as tenant farmers and gradually as farmers owning their own land, they made their distinct mark in the developing history of the Northwest.

In spite of many Americans who appreciated their ethic of hard work, frugality and enterprise, the Japanese immigrants in the Northwest, however, shared with their brothers who settled elsewhere in the western sections of the United States the hard facts of racial prejudice, based on ignorance and economic jealousy.

The earliest record of Japanese in Oregon is found in 1834 before the area became a State. A Japanese fishing boat had drifted on the black current and ended up near Marshfield. Of three survivors, one Kinzo Suzuki arrived in Vancouver, Oregon Territory. Suzuki stayed for 6 years, learned English and is said to have boarded an English ship for China.

History also records that in 1868, a Kyusaku Ishikawa came from the south and lived in Portland.

In 1880, an American named Andrew McKennon, who was an agricultural adviser in the Japanese prefectures of Iwate and Aomori, returned to the United States with his wife Miyo—Iwakoshi, her brother Rikizo and his daughter Tama. McKennon established a sawmill 2 miles outside of Gresham and named the area Orient, which still exists. The family is a respected pioneer in the area. In 1885, a Shintaro Takagi came with some merchandise to sell from San Francisco and married Tama Iwakoshi in 1891. The couple celebrated their golden wedding anniversary in 1940 under the auspices of the Oregon United Japanese Association.

It was in 1891 that the first Japanese immigrant group arrived. There were seven in the first group and 17 in the next. Unable to speak the language and unused to strange customs, they had no protectors and encountered unspeakable hardships after landing in Portland.

At one time, Takagi, who had opened a dry goods store in Portland, rushed to their rescue when he heard that a group of Japanese were found weeping under a bridge. Such irresponsible immigration policy caused the Japanese consulate representative in San Francisco to speed to Portland and after investigation, prohibit Japanese to land in Portland for a while.

The Japanese immigrants mainly worked as woodcutters and hops pickers. They gradually took the place of the Chinese laborers on the railroads as well. Their diligence and steadiness became recognized in the labor market.

When an understanding was reached anew between the immigration companies and the authorities, Shinsaburo Ban became employed by the former to provide large number of Japanese laborers for the Union Pacific, Southern Pacific, and the Spokane, Portland, and Seattle auxiliary lines. The Japanese worker's industry and productivity further came to be recognized. Until then, the most powerful railroad workers were Italians, but Japanese came to outnumber them eventually.

The farms and businesses now owned by Japanese Americans in Oregon are the result of the sweat of the brows of these early laborers. Following the railroads, they came to be employed by the lumber mills until 1935 and built a good reputation here, too. Since lumber mill wages amounted to 40 percent of all wages in the Northwest, the rapid progress of the Japanese immigrant in the lumber industry, together with the railroad industry, provided the twin bases for his development later in other areas. The golden age of railroad labor was the 10 years following 1897. At one time, 3,000 Japanese were working on the railroads and helped support stores, restaurants, and hotels in Portland.

The 1906 Lewis and Clark Expedition Centennial Fair in Portland, coupled with the influence of the Japanese victory in the Russo-Japanese War, encouraged the growth of hotels, restaurants, barbershops, and grocery stores in Portland. The World War I boom particularly helped the hotels in which Japanese Americans at one time had $5 million invested. They suffered a large setback in the post-war depression, but those who remained sustained their industry with patient endurance and diligent hard work. In 1940, there were 120 hotels operated by Oregon Japanese and more than 80 grocery stores, including the first-rate Modern Store.

The fruits of their labor on the railroads and in the sawmills also became capital to invest in farms, which grew south from Portland down the Willamette Valley to Salem and east along the Columbia River to Hood River and The Dalles.

The number and acreage of Japanese-American farms in Oregon in 1940 were as follows:

Columbia Slough, 27, 540 acres; Montavila, 9, 270; Milwaukee-Oregon City, 25, 375; Gresham-Troutdale, 82, 2,460; Westport, 1, 40; Canby, 2, 70; Sherwood, 13, 555; Banks-Corvallis, 76, 1,040; Gueston, 12, 400; Salem, 36, 720; Independence, 2, 85; Medford, 3, 90; Hood River, 50, 1,500; Parkdale, 21, 462; Dee, 17, 260; Pendleton, 1, 30; Ontario, 12, 1,560; others, 5, 150. Japanese-Americans also owned 2,670 acres and lease-farmed 8,577 acres.

Under the growing anti-Japanese agitation, particularly with the passage of the Alien Land Law, it was understandable that Japanese hesitated to invest in the land; but patient endurance was characteristic of the Japanese pioneers who did put the fruits of their laboring days courageously into farms and other businesses.

Since banks, reflecting the prevailing prejudices, would not loan them money, the farms had to expand gradually. Farmers' associations and shipping coops also found a variety of hardships in their way.

Business associations for the hotel, barbering and laundry industries in Portland strived to maintain cordial relations with their white counterparts. Hotel and grocery owners especially kept close contact with labor unions to keep their operational policies and workers status up to par.

The Japanese American agricultural associations in Oregon emphasized markets outside the State, particularly in the eastern United States. Associations were formed for the growers of radishes, celery, peas, strawberries, cauliflower, and so forth. Quality control and improvement were strictly enforced by them. The associations also encouraged the Nisei to study business administration and agriculture at colleges and universities.

In agricultural areas, the Japanese in Oregon made a special effort to exist and prosper together with peoples of other ethnic extraction. They joined unions, cooperatives and civic groups wherever they could to try to strengthen social, cultural, and economic ties with the general community.

Just for being of Japanese extraction, and for being more industrious than others, however, they were also subjected to discrimination. As early as 1910, in the Hood River area where Japanese immigrant farmers had made the most progress, fear of Japanese economic growth caused the formation of the Oriental Exclusion League. The contribution to American industry by these immigrants was looked on with suspicion and fear.

Propaganda against the Japanese seemed to peak around 1918. In 1921, Kinya Ushijima, the San Francisco area potato king, proposed to buy 2,000 acres to grow seed potatoes, and anti-Japanese activities received renewed fuel. Ushijima was forced to give up his idea.

In 1922, Congress held immigration hearings in Seattle and Tacoma, which encouraged anti-Japanese forces. They became better organized. Attempts were made in 1917, 1919, and 1921 to pass an Alien Land Law, which was finally passed in 1923 and incorporated the worst features of both the California and Washington versions. Japanese Americans lost farms they had made productive. With their livelihood gone, families scattered to the four winds.

In 1925, only a week after the Fourth of July, a mob of 200 persons attacked a Japanese workers' camp at the Pacific Spruce Lumber Mills in Toledo. Five guards were injured, and the mob demanded that the Japanese leave immediately. Twenty-five men, two women, and four Filipinos were kidnaped and taken away. The mill had polled its white workers who expressed little objection to the company hiring 60 to 70 Japanese workers, but the local chamber of commerce and businessmen expressed vocal opposition.

The Oregon Japanese Association immediately investigated and wrote the authorities and the newspapers, correcting the mob's propaganda and asking for fair judgment from Toledo citizens. The Japanese foreign minister and the ambassador in Washington were also notified.

The company pressed for the arrest of mob leaders, but the district attorney refused to prosecute, giving lack of evidence as his excuse.

The Japanese association refused to give up. By patiently collecting evidence, it sued nine members of the attacking mob for $130,000 damages in September. Church leaders and the Oregon Lumber Dealers Alliance passed resolutions condemning the mob's violence.

The defendants asked for a settlement but would not agree to drop their objection to the Japanese returning to work. They resorted to demonstrations, propaganda, and sought the aid of politicians. On July 12, 1926, in the U.S. District Court in Portland, the Japanese won the case, receiving $2,500 damages and $5,500 court costs judgments.

Gradually, Japanese workers in the sawmills and cannery workers were able to join the AFL or CIO. Japanese American railroad workers had their own local, 1703, in 1921.

Japanese American fishing boats, based in Monterey and San Francisco, Calif., fished off the coast of Oregon, developing the so-called Astoria fishing industry. At first Oregon put a limit on catches and prohibited Japanese from fishing there. But the adverse effect of this limit on the industrial growth of the State was recognized in 1935, and fishing was reopened to these Japanese Americans in the Coos Bay-Astoria region. Fishing was done only during the summer daylight hours with a technique only well-understood by these fishermen of Japanese descent.

All in all, Mr. Speaker, it can easily be said that the Japanese immigrants who first came to Oregon contributed to the State's growth and development in a far greater proportion than their numbers would indicate. Overcoming a deep cultural barrier and stiff prejudice, these Japanese went on to become outstanding American citizens with a strong sense of accomplishment and true pride in this country. Their sons and daughters and grandchildren carry on this tradition today, and I am pleased to salute them.

Thank you.

Mr. ADAMS. Mr. Speaker, we all know that the Japanese American Citizens League is holding its 22d biennial national convention in Washington, D.C. this week. What few may know is that the JACL was founded 42 years ago in Seattle, Wash., the area which I represent.

Japanese Americans have made invaluable contributions to our country. Today I would like to enumerate some of these which have particularly effected Washington State as well as the rest of the Pacific Northwest.

In 1885, when Japan lifted her emigration ban, many young male Japanese to the Pacific Northwest. Some were students, merchants, professionals, skilled workmen, and farmers. At first however, most were laborers. The demand for Japanese labor increased as the supply of Chinese laborers declined. Primarily they worked in railroading and lumbering. In 1892, a thousand Japanese were working on the Oregon Short Line. Lumbering firms were employing 30 percent of the adult male Japanese labor force. These men were paid lower wages than the other workers. Also in the early 1900's, salmon fishing and canning became a booming business. Japanese were providing 20 percent of the canning force in 1912.

Japanese people have made significant contributions to the agriculture of Washington State. The first Japanese farm of record was at Wapato in 1892. Most of the land which the Japanese cultivated had to be brought from its natural state which meant much back breaking toil. Yet, by 1920 the Japanese were supplying 75 percent of the region's vegetables in addition to exporting some. In 1927 these farmers shipped 83 percent of the region's total of lettuce and green peas to eastern cities.

Members of the Japanese community introduced the Japanese oyster to the waters of Puget Sound. In 1919 Emy Tsukimoto and Joe Miyagi formed a group to import 400 cases of Miyagi seed oysters which they scattered over 600 acres of Samish tidelands. The oysters thrived and in 2 years had grown to an unbelievable six inches in length. This was the start of an industry which is valued in excess of $100 million annually.

Some Japanese immigrants applied their talents to a new trade, that of dairying. By 1920, their dairies were providing half of Seattle's milk supply.

All of these accomplishments were made by people who faced strong discrimination and many immigration problems. There was the 1907 act later called the "Gentlemen's Agreement," the Washington Alien Land Acts of 1921 and 1923, and the Immigration Act of 1924. Then with the coming of World War II came the deplorable act of evacuation and detention in concentration camps of all Japanese, aliens and citizens alike. This shameful episode has been called by Supreme Court Justice Jackson, in his dissent on the Korematsu case, as "a great and evil blotch upon our national history." But finally in 1952, the Walter-McCarren Act gave the Japanese a chance, so long denied them, to become citizens and they did so in great numbers.

This country can well be proud of its Japanese members and their ancestors who have contributed so much. In the State of Washington they helped develop the economy in railroading, lumbering, salmon fishing, oyster growing, farming and dairying.

Mr. Speaker, I appreciate having the opportunity today to publicly recognize and applaud the contributions made by Japanese Americans.

Mr. HANSEN of Idaho. Mr. Speaker, probably few areas remain in the United States where traces of the old west and modern America are intertwined so closely as in Idaho. The spirit of pioneers who came in the early 1800's was rekindled in the early 1900's when the first Japanese came to Idaho. These Issei were true pioneers, having come with little or no knowledge of the customs of the land. The cultural shock of a new land was doubly intensified because most of these immigrants did not speak English. Yet, they stayed in Idaho, married, and raised their families, who today are an integral and highly respected part of Idaho society.

I am privileged to call as my personal friends and neighbors many Japanese Americans who live in my home State whose parents and grandparents we honor today in Congress.

The history of the Japanese in Idaho begins around 1891 when Tadahichi Tanaka contracted to supply workers for the Oregon Short Line between Huntington and Granger for the Union Pacific Railroad.

Tanaka moved his headquarters from Nampa to Pocatello and lived the life of baronial splendor in the style of Japanese construction bosses who also had a hand in gambling and prostitution. In the openhanded way of such bosses, he even built a Japanese hospital in Pocatello, but his excesses caught up with him and he later failed.

His work was taken up by others and developed the first era of prosperity for railroad workers in the early 1900's.

The move into agriculture followed later. A Japanese railroad boss named Moto Nishiyama with headquarters in Rock Springs, Wyo., talked the Idaho Sugar Refining Co., into employing Japanese. In 1903, the Nichibei Enterprise of San Francisco sent 150 or so workers from southern California for thinning work at Idaho Falls and Garland.

The first group could not get used to the severe cold weather, but a subsequent group of 16 to Idaho Falls and 20 to Garland fared better and built a reputation for good work that opened the way for other Japanese workers to follow.

In 1903, Nishiyama also got immigrants from Hawaii to work in the coal mines of Wyoming or on the railroads. These workers switched to sugar beet work during its busy seasons and built a foundation for Japanese in Idaho agriculture.

In east Idaho, Japanese started as railroad workers and sugar beet laborers and gradually transferred to growing sugar beets. The first farmers began about 1904. They first succeeded in growing the famous Idaho potatoes around 1911–12. By 1940, Japanese in the Idaho Falls area owned 1,396 acres of land and leased 3,462 more. Some 43 families numbering about 265 persons lived in the area at the time.

In 1912, the Japanese Association in the area moved to establish the right of Japanese aliens to own land, but the right was taken away less than 10 years later by Idaho's Alien Land Law. A 1922 move to take away their leasing rights, however, failed.

Pocatello has the oldest history of Japanese in Idaho, but farming in the area did not begin until about 1912. By 1919, many Japanese were settling around Fort Hall and toward Tyhee, mainly engaged in growing potatoes. They did very well, and by 1926, there were many nouveau riche who owed their fortunes to the lowly spud. They were producing 70 percent of all the potatoes in Bonneville County.

In the Rexburg area, the Japanese came as contract workers for the sugar refineries in 1904, and at one time during the season, as many as 300 Japanese resided in the area. About one-third stayed permanently and went into agriculture.

In southern Idaho, Japanese came as early as 1890 as railroad workers. They did not go into agriculture until 1904 when the area's pioneer, Masazo Jyo helped develop Twin Falls. In 1909, he moved to Castleford and helped develop that area. A sugar refinery was built in

Burley in 1910 which began to employ many Japanese. By 1940, about 150 Japanese lived in the area, cultivating about 2,000 acres of beans and potatoes, 700 of them their own. A faction in 1936 attempted to limit the size of Japanese farms to 80 acres, but the pioneer efforts of the Japanese in developing agriculture was well known, and the effort failed.

As the first headquarters of Japanese railroad workers in the western area of Idaho, Nampa was a swinging town in the 1890's. When the company moved to Pocatello, some workers stayed and opened restaurants and laundries while others turned to farming in nearby small towns.

With the establishment of the sugar refineries and the 1906 San Francisco earthquake, the town saw an influx of Japanese that year. Some 300 Japanese celebrated the emperor's birthday that year with a sumo tournament and other entertainment that had curious Americans come out to watch with picnic lunches.

Farming was begun around 1902, and World War I prosperity helped it grow. Onions, potatoes and celery were the main crops, and the Japanese were the first in the area to ship their produce to the east.

Mr. LLOYD. Mr. Speaker, I am honored to join my colleagues today in paying tribute to the contributions that Japanese Americans have made to this Nation. We who live in the Rocky Mountain area have been fortunate to have as our friends and neighbors many Japanese Americans who have contributed significantly to our localities as fine and responsible citizens.

It is also significant that Salt Lake City, Utah is the hometown of many of the top leaders of the Japanese American Citizens League.

As a Congressman who comes from a State that takes pride in the pioneer ancestors that settled and tamed a desert region to make it blossom ino a fertile haven for is inhabitants, I take special pride today in paying tribute to the pioneer generation of my friends of Japanese ancestry in the Rocky Mountain States who contributed so much to our intermountain States.

In 1900, there were only 395 Japanese in Wyoming. By 1910, the number had increased to 1,503—half of them railroad workers and half coal miners.

The earliest workers went into Rock Springs through a labor contractor named Gen Nishimoto.

In the northeast area in Sheridan, Kinya Okajima came in 1901 as a railroad labor supervisor. By 1910, Japanese laborers were working in seven mines stretching over 20 miles. They were able to join the miners' union in 1907 and earn from $2 to $4 for an 8-hour day, making from 25 to 63 cents a ton, which was good wages for those days.

Railroad workers in Wyoming came a few years after those in Montana, Idaho, and Utah. In 1903, Japanese labor contractors provided 250 workers for the Union Pacific Railroad in the Evanston area near the Utah border. In 1904, the labor contractors moved their headquarters to Cheyenne and sent workers as far out as North Platte, Nebr. They produced such good results that in 1905, Union Pacific sent Japanese to Colorado and eastern Nebraska.

Many Japanese immigrants were reemigrating from Hawaii and Mexico in those days, and at one time the labor contractors had as many as 3,000 workers on their rolls, but with reemigration from Hawaii prohibited in 1907 and railroad workers being attracted to farm and cannery work, the number gradually declined.

However, the excellent reputation established by Japanese on the railroad received recognition as after 1910, many were promoted to foremen.

As for farming, the number is small but the farms are mostly operated on a large scale in Worland and Powell to the north and Sheridan in the northeast. They started out as cattle ranches until in 1915, the Ujifusa Brothers in Worland began cultivating farm produce.

Shuichi Sam Ujifusa came to Worland in 1907 from Denver, intending to cattle ranch in the Big Horn Basin at a time when there were no roads there. He built up his herd to 570 heads. In 1915, he succeeded in growing beans and potatoes and in 1920 he went into sugar beets.

During the war when 10,000 Japanese from the west coast were interned at Heart Mountain near Cody, Ujifusa was called in as an agricultural consultant to help the center residents grow vegetables for their own use which were suited to the Wyoming soil. The vegetable farm begun by the camp internees is being carried on by the Ando Brothers.

The mining town of Kemmerer near Rock Springs has a large Japanese-operated laundry firm, whose large boiler provides the town with steam heat and a time whistle. In its heyday, Kemmerer had some 2,000 Japanese going in and out of town. In 1910, there was a Japanese-operated hotel, barber shop, pool hall, laundry, restaurants as well as a gambling hall and house of ill fame.

How they were recruited and brought over we have no way of knowing, but the earliest Japanese in Montana were prostitutes in Butte of whom there are records from 1884 to 1890. While we may not entirely approve of their mode of making a living, we have to give a nod to their sheer courage in coming to a strange land where very few of their ancestry and sex existed.

Japanese began coming in greater numbers in 1898 when a Japanese labor contracting firm, Toyo Trading Co., agreed to provide workers for the Great Northern Railroad Co. They also contracted with eight other railroads to provide workers and at one time were sending from 3,000 to 6,000 Japanese into Montana, Idaho, and North Dakota.

In Montana, the company had a branch office in Missoula and had from 1,000 to 2,000 Japanese working in the State. As sugar refineries became established all over the State, the Japanese were also welcomed as farmworkers, and some stayed on to work their own farms eventually. However, due to the severe cold, agriculture in Montana did not see the growth it did in other States.

In 1907, there were 1,920 Japanese in Montana, of whom 1,894 were men and 22 were women. The majority were railroad workers living in camps along the Great Northern and Northern Pacific Railroads, mainly in Missoula, Billings and Havre. The number decreased to 1,483 in 1915.

In 1915, Jepenese were cultivating a total of 2,080 acres in Montana, all of it on a cash lease basis. The main product was sugar beets, with some pig farming and vegetables grown.

Japanese began growing sugar beets in 1906 when the Great Western Sugar Refinery was established in Billings. Several labor contractors went in together to provide some 200 workers for a 3,000-acre beet farm. About the same time, the Toyo Trading Co. sent a part of the workers it was supplying to railroads to Laurel. Both groups of workers established excellent work records and created a mood in the State to welcome Japanese workers. In 1907, another 50 to 60 workers came to Garbon County from Idaho.

It was in 1907 that Japanese who had confidence in their ability to grow sugar beets borrowed from banks and sugar refiners to begin farming for themselves. Joliet in Carbon County was the place. From about 1910, farmer Yataro Tankak grew beans as well as sugar beets with success, and other Japanese followed suit, growing about 70 percent sugar beets to 30 percent beans.

World War I brought sudden riches to many, but the depression following it plunged as many down. Some farmers changed to growing potatoes, melons, onion and cabbage with some success.

At about this time, Mokutaro Hori and others in Whitefish succeeded in growing celery and lettuce which until then were considered ungrowable in Montana.

In 1940, there were 21 Japanese families farming in the State, of whom 15 were tenant farmers. Altogether they cultivated about 3,360 acres, of which they owned 1,140 acres. Value of their annual yield was about $250,000.

The Missoula area at that time was a hotbed of yellow fever, and the 230 or so graves in the cemetery with Japanese names attest to the fact. The local medical association invited Dr. Hideyo Noguchi from the Rockefeller Research Institute in New York. Dr. Noguchi stayed 2 weeks and developed a vaccine to combat the fever. Kokichi Nakagawa, a pioneer farmer in the area, volunteered to be the first to test the vaccine. His courage convinced others to take the shots, too, and yellow fever deaths declined dramatically. Both Dr. Noguchi and Nakagawa are remembered gratefully by Missoula.

Great Falls, located east of the Rocky Mountains, was long notorious for its persecution of Orientals. At about 1890, three Chinese came to town and opened a laundry. Two were pushed to their deaths in the falls, and one managed to escape the mob.

Japanese came to the area about 1901 when the Toyo Trading Co. sent workers to the Great Northern Railroad. White workers who resented their coming sent a lynch mob of cowboys one night and took the workers to Wolf Creek where they tied them up from the trees, and when the color in their faces changed, pulled them down and tortured them. Toyo Trading's president appealed to the governor at Helena, who had several of the cowboys arrested, but none were prosecuted.

A little before this time, a similar incident happened in the Cascade area. One Japanese brave named Hinotama-no-Bunkichi—Fireball Bunkichi—rode into Cascade by himself to challenge the cowboys, but was chased back to Havre.

By about 1930, however, the situation changed, and newcomers were welcomed; however, in the early 1900's, violence was frequent. There is a record of a large-scale shootout between Japanese railroad hands and cowboys in the town in Chester in the best—or worst—Hollywood western tradition in 1903.

Utah's Japanese history begins about the same way with Wyoming and Montana—that is, there are records of Japanese prostitutes being chased out by more moral Japanese about 1890.

However, Japanese did not arrive in appreciable numbers until 1903, much later than the three west coast States. In 1903, the Nichibei Employment Co. in San Francisco sent a group of workers to Garland as sugar beet laborers, about the same time similar workers were sent in to eastern Idaho. Japanese also began working in the mines at that time.

The first railroad workers also appeared in the early 1900's, working on the Oregon Shore Line, and others soon followed, working for Union Pacific, Southern Pacific, and others. At its peak, there were some 400 to 2,000 working on the railroad until immigration from Hawaii was prohibited in 1909.

Japanese first contracted to work at the Castlegate Mines in 1903–04, and their good record encouraged others to be hired at Sunnyside Mines in 1905, Kennilworth Mines in 1906, Clear Creek Mines in 1908, Moreland in 1909 as well as Winter Quarters, Black Fork Mines in 1911, Pierce Mines in 1917—all coal mines.

They began working at the famous open copper mine at Bingham in 1909. Hayao Oka, who contracted for the workers recalled that when he opened a restaurant in Salt Lake City in 1907, there were only a few Japanese there—two houses of ill fame and a handful of laborers.

Japanese first began agriculture outside Ogden in the Wilson Scene and Birch Creek area in 1902, growing onions, potatoes, and tomatoes. They gradually expanded to Tremonton, Honeyville, Brigham, Layton, Clearfield, and Roy near Ogden and from Salt Lake City to West Jordan, Murray, and Riverton.

By 1910, Japanese farmers were cultivating 5,550 acres of sugar beets, 464 acres of vegetables, 50 acres of hay, 53 acres of wheat, 5 acres of fruits, 10 acres raising chickens plus 207½ acres in miscellaneous products. They owned a total of 779 acres in 1910.

In urban centers, Ogden developed earlier than Salt Lake City, and by 1910, each had its share of businesses catering to the needs of other Japanese.

The years between 1910 and 1920 may be described as the "settling down" years, when Japanese changed from simple laborers to farmers and businessmen and those remaining in the mines and railroads being promoted to gang bosses and foremen. However, a 1930 survey indicates that the largest number of Japanese males were employed by the mines, followed by the railroads, with farming third and those employed in private homes fourth.

A unique pioneer in farming was Yasujiro Kasuga, who arrived in Utah in 1901 and eventually went into farming, specializing in strawberries around 1920. In those days, the berries grown were mainly of the "Marshal" variety, which had a tendency to soften quickly. Middlemen would take advantage of this weak point to dump the crops at low prices. His fighting spirit aroused, Kasuga decided to devote his life to improving Utah strawberries. This was in the depressed year of 1927.

It took him 10 years of experimentation before he developed the superior "20th Century" strain. Although he had a large family to support during the depression years, Kasuga never stinted on a chance to improve his strawberries. When a new plant cost $1 each, he would buy 12 when his family was existing for a whole week on nothing but biscuits.

His perseverance, patience, and determination to grow the best resulted in such notable varieties as "Miss Utah" and "Kasuga." Kasuga provided seed plants to other farmers, not only in Utah alone but in the west coast States, particularly in California. They were also shipped all over the United States and even to Europe. Kasuga also gave discounts to Japanese farmers and encouraged them to set up strawberry cooperatives.

In the Ogden area, a farmer named Oka first demonstrated his ability to contract with the Utah Canning Co. to grow tomatoes. By 1920, 75 percent of the tomatoes canned by the company were grown by Japanese farmers.

A 1909 survey showed that in north Utah, mainly around Ogden, Garland, Logan, and Lewiston, Japanese farmers were cultivating around 6,000 acres.

A 1923 survey showed that in Weber, Davis, Box Elder, and Cache counties, Japanese owned 1,453 acres and lease-farmed 7,379 acres more. They grew more than 20 varieties of crops.

The first Japanese came to Nevada early in 1900 as railroad workers. In Reno, a few Japanese were already working as servants in private homes in 1905. In 1907, Japanese were beginning to be hired at the McGill Copper Mine in East Nevada near the Utah border. They did not begin to show up at Las Vegas until about 1914–15.

Three miles out of Reno in a town called Sparks, which became a center for railroad workers, the Nichibei Employment Co. in San Francisco first sent out several hundred Japanese laborers in 1904.

With the decline in immigration, the Japanese population in the Reno area was reduced to about 30 to 40 families by 1940.

In Eastern Nevada, Japanese were mainly concentrated in White Pine County in the McGill, Ely, and Ruth areas. The Nichibei Co. also provided some 200 workers for the Nevada Northern Railroad to build a new line 140 miles south from Cobre in 1905. By the time the work was completed, there were about 20 Japanese in Ely working as house servants, making high wages for that time of $7 to $10 a day. With the development of the copper mines, there were about 150 Japanese working there. By 1940, however, there were only 15 or so Japanese left.

In 1912, the Japanese first began working at Guggenheim's famous Nevada copper mines, which were opened in 1907. Some 250 workers were sent into McGill and Ruth.

The Japanese population in White Pine County in 1941 just prior to the war was about 40 in McGill, 35 at the Nevada Northern Railroad camp and 35 in the Ely area.

In southern Nevada, the Union Pacific Railroad brought in several hundred Japanese workers from Salt Lake City in 1904, but by 1910, the number had declined to about 40 to 50.

In 1913, a San Bernardino, Calif., farmer named Yonema Tomiyasu, discouraged by the passage of the California Alien Land Law, looked for new areas to conquer in Las Vegas. Finding a welcome, he purchased 40 acres in the desert where no one had even thought of farming. Winding up his affairs in San Bernardino, he returned to Las Vegas in 1915 and began years of painstaking, bitter labor.

In a desert domain like Las Vegas, no one thought there would be a water hole, but Tomiyasu, after years of trial and error, discovered one in the outskirts of town and bought 160 acres to go into farming. He raised vegetables before the war, switched to chicken and turkey farming during the war to supply meat for a nearby Army base and after the war began a nursery. The town named a Tomiyasu Lane in his honor.

On a more personal note, Mr. Speaker, may I conclude by saying that Utah has been blessed by the rich contributions made to our State by our people of Japanese ancestry. They have contributed order, industry, cleanliness, active citizenship, and self-control as individuals in such measure that they have put into our society more than they have taken out and we are the better because of their contributions to the welfare of all of us.

Mr. McKAY. Mr. Speaker, on a bright summer day a slender young man with straight black hair and dressed as a working farmer gazed across the sun-drenched land. By his side stood a wisp of a girl, straight-backed and vibrant. Her eyes eagerly followed his outstretched arm and she heard him say, with hope in his voice and a dream in his eyes, "This will be our home." It was the summer of 1912 in the State of Utah. This young couple belonged to the latest group of immigrants to come to America from far-off Japan.

He was one of several thousand immigrants from Japan who did not settle in the fertile, productive valleys on the west coast but sought the challenges of the more vigorous climate of the Rocky Mountains. Many of his associates went off to work in the coal mines of Price and

Helper, while others sought employment in the copper mines in Bingham Canyon. Some of his friends became railroad men maintaining the vast network of Union Pacific tracks that the Chinese and Irish immigrants had built in the previous century. Some of the more enterprising immigrants became small shopkeepers, rooming house operators, and diverse small businessmen in Salt Lake City and Ogden. A goodly number of the Japanese settlers turned to the land and wrested a meager living by growing crops on the reluctant alkaline soil of Utah and in the process they were instrumental in making the desert bloom.

They all came with high hopes of attaining success in a new land. Some had fled from political or religious oppression, others came strictly as adventurers, but most came to America to improve their economic lot. The women in the group never numbering more than a thousand or so in Utah, came later after the men where established. Many came as picture brides to strange and unknown men in a strange and alien land. Wherever and to whomever they came, these gentle women from the Far East brought warmth and stability and a semblance of family life. Though handicapped by language differences, and confronted with racial and ethnic antagonism, and hampered by the fact that being the latest of the immigrant groups to appear in America, they had to compete with earlier arrivals who had already established themselves, these sturdy, hard working Japanese immigrants contributed significantly to the early development of western America.

In the State of Utah the development of the mines, the establishment of the sugar factories and the tomato canneries, the marketing of vegetable crops and the maintenance of the railroads; all basic industries in the early growth of Utah, were aided and enhanced by the labor and the ingenuity of the first generation Japanese immigrants.

Perhaps more important than the material progress was the transmission of the cultural identity, the spirit and the essence of the East to enrich the great Western civilization. For to these hard-working Japanese men and gentle Japanese women were born sons and daughters in whose veins flowed the cultural heritage and traditions of old Japan, and yet as full fledged citizens of America, who were ready and anxious to participate in the great experiment to forge a new nation dedicated to the principle of individual freedom and dignity and equal opportunity for all. The Nisei—second generation—children learned early in life from their Issei parents the necessity of work, the meaning of honor and integrity, the value of education, the importance of excellence. Though oftentimes unaware of it, there existed in their selves an innate sensitivity to beauty and artistry and gentle spirituality that characterized much of their ancestors' civilization.

In the State of Utah, for nearly a half century, the Japanese immigrants from Japan and their American born family lived in peace and cordiality amongst their Mormon neighbors who also had experienced in their early history extreme persecution and hardship and almost insurmountable odds. So when disaster struck on December 7, 1941, and war was declared between their own country and the country of their forefathers, the Japanese Americans in Utah, with the exception of a few isolated incidents, were given very sympathetic treatment. Unlike the west coast where unreasoned hysteria and economic opportunism forced the government to mass evacuation and detention of all persons of Japanese descent, Japanese Americans in Utah and Idaho were allowed to maintain their family life and their business enterprises with no restriction except those imposed by wartime necessity on all people.

Most young Japanese Americans served in the armed services with valor and honor. The older parent groups, except for the few who were incarcerated as potentially dangerous enemy aliens, worked hard producing the food and fiber for the war effort or in the many service-oriented businesses in which they were engaged. Ogden and Salt Lake City became the mecca for voluntary evacuees from the west coast and for those who came out of the relocation centers, headed for the Midwest and East. National Japanese American organizations such as the Buddhist Church of America and most notably the Japanese American Citizens League established in Salt Lake City their headquarters for the duration of the war. Salt Lake City was the birthplace of the Pacific Citizen, the weekly publication of the JACL. The late Larry Tajiri, with poignant realism, documented and published the plights and the pleas of war tormented Japanese Americans, thereby pricking the conscience of America and also rallying the morale of his people. Here also was organized under the astute and compassionate leadership of Hito Okada, the National JACL Credit Union to alleviate the financial problems besetting the Japanese American population.

Throughout this trying wartime period, the Japanese Americans living in Utah and nearby Idaho as a district council of the JACL contributed immeasurably in terms of finances, manpower, leadership and plain good public relations work to further the cause of the Japanese Americans in America. Today, in 1972, the sons and daughters of the original Japanese immigrants in Utah are involved in every facet of community life. In most vocational and professional fields, in many types of organizations, civic, religious, business, political or service oriented, there are Japanese Americans participating usually with responsibility and often with distinction. As the grandchildren of the original Japanese immigrants, still in school and just now coming of age begin to fulfill their individual destinies, no doubt the contributions of the Japanese Americans in Utah to the total community life will become greater and greater and hopefully more and more significant.

This week, the members of the Japanese American Citizens League are meeting in a biennial convention in the Nation's Capital. Though representing a relatively small segment of the total American population, the JACL through the years has been instrumental in influencing many significant legislations, court decisions, and national policies, especially those pertaining to Japanese Americans and other minority groups. Significantly for Utah and for the original band of Japanese immigrants in Utah, a goodly number of the leaders of JACL both past, present and hopefully the future hail from Utah. In Mike Masaoka, one-time executive director of JACL, war correspondent for the famed 442 all Nisei regimental combat teams, and later Washington representative for JACL, the JACL has had a leader and spokesman of unparalleled skill and devotion. A man of vision, a man with courage for his convictions and a man with unequaled eloquence with which to implement his visionary convictions, Mike Masaoka exemplifies the spirit, the goal, and the success of JACL in the past third of a century.

Presently, Raymond Uno, a Salt Lake City attorney, community leader, and an untiring advocate of a strong and viable JACL, is serving as national president of this organization.

For the future, young David Ushio, a Sansei, whose grandfather tilled the virgin Utah soil, represents, as the new Washington Representative, the potential hope for an organized effort in the Japanese American cause.

Three men of differing age and era, yet devoted to the same common cause and all springing from the loins of the original Japanese immigrants to Utah, honor the memory of those intrepid pioneers, and strengthen the belief that the hopes and dreams and the aspirations of any man or group of men can someday be fulfilled.

Mr. EVANS of Colorado. Mr. Speaker, I welcome the opportunity to speak in praise of our native born and naturalized Japanese American citizens.

We are all aware of the sacrifices under arms in defense of our country these people have made and we are all aware of the sacrifices in rights, dignity and possessions many have made in the past, and I do not refer solely to the period of World War II.

Their industriousness, patience, forbearance, and yet determination in seeking redress of wrongs, does credit to us all as Americans. I speak with specific knowledge of some Japanese Americans residing in my Third Congressional District as well as Colorado in general.

While the history of the Japanese on the Pacific Coast is relatively well known, most Americans are unaware that the Japanese also made many and great contributions to the development of the intermountain region. Like the Chinese the Japanese helped build the transcontinental railroads that crossed the Rocky Mountains. And, they also worked the mines in this area, as they did the farmlands.

Today, there are almost 8,000 Americans of Japanese ancestry in the State of Colorado alone, compared to a few more than 2,000 in the pre-World War II era. The reason for this recent increase is largely attributable to the fact that many evacuees left the War Relocation Authority camp at Ameche and moved to Denver and other communities in my

State. Because they were welcomed in most places and because they found opportunities which callenged them, many stayed on long after the west coast exclusion ban was lifted.

The first Japanese in Colorado was an educated man. Tadaatsu Matsudaira, younger brother of Baron Matsudaira, head of the Uyeda Clan in Central Japan, completed his education in Virginia in 1872 and worked as an engineering specialist with the Union Pacific Railroad and with the State Department of Mines. In 1886, he became an assistant to State Inspector of Mines John McNeil. He married Virginia Sampson, daughter of the superintendent of the State men's reformatory. He died 2 years later at 33 years of age. His son, Kinnosuke Matsudaira, later became mayor of Edmondston, Md. The Oriental Cultural Society of Denver built a monument to the elder Matsudaira in 1952.

Several Japanese were noted in Denver as early as 1893, which was often a stopping off place for those who were bound for the east coast to earn their further fare by staying and working for a year or so.

The number increased gradually by 1897–98. Most of the Japanese were working as house servants. A bamboo ware store was opened in 1897 and a restaurant in 1898. In 1900, the number of Japanese in Denver was 48. By 1910, the number jumped up to 2,300, due to the influx of railroad and farmworkers. The number increased slightly to 2,464 in 1920 and to 3,213 in 1930 and dipping to 2,724 in 1940.

A remarkable pioneer for any State was Naoichi Tozono, who came to Denver in 1819 and started a bamboo ware store as well as a restaurant. He had his eye on the vast possibilities of agriculture and went on a tour of North Colorado. He reported his glowing findings in a San Francisco vernacular, which stimulated three Japanese to lease 200 acres in Rockyford to try their hand at sugar beets and cantaloupes.

Although the effort ended in failure, it did not discourage Tozono from contracting for farm laborers in the Greely area. He also began contract farming sugarbeets on 1,200 acres which soon grew to 2,000 acres. His Tozono Construction Co. continued to grow, and he provided a large number of laborers for the Moffett Railroad as well as the Majestic Mining Co.

At that time, a 360-mile U.S. highway was being built atop the Rocky Mountain National Park. The section between 10,759-foot Sylnar Pass at the Continental Divide to Grand Lake was contracted by Tozono, who used two teams of Japanese workers to complete the difficult job. One point on the highest area in the United States thus has a memorial pyramid to mark the blood and sweat contributed by Japanese labor. During this difficult construction work, 30 or more workers lost their lives in handling dynamite.

Tozono also contracted to build the water works for the town of Trinidad and his contruction teams worked on the construction of the Roosevelt Dam in Wyoming.

In addition, he connected the powerplant at Boulder with Denver by constructing 80 miles of high tension wire towers to provide 350,000 Denver residents with light and power.

At one time at the Union Station in Denver, there was a special warehouse for the Tozono Construction Co. where sometimes as many as 400 horses were tied up. When Tozono would return to town in his special railroad car at the head of 500 or so workers, the town looked as though a festival was in progress.

The period between 1900 and 1905 saw the largest increase in the Japanese population. A 1909 survey showed that 3,555 Japanese resided in Colorado, 55 of them women and children.

By occupation, they were distributed as follows:

Railroads, 400; coal mines, 300; factories, 150; private homes, 500; general labor market, 1,500; independent businesses, 150; farms, 500.

Agricultural acreage cultivated by the Japanese increased by leaps and bounds in the 3 years between 1907 and 1909—from 1,909 acres in 1907 to 18,500 acres in 1909.

In 1909, the crops were divided as follows:

Sugar beets, 8,726 acres; vegetables, 4,181 acres; cantaloupe, 597 acres; grains, 2,247 acres; hay and feed, 2,612 acres; corn, 100 acres; miscellaneous, 65 acres.

Japanese owned 510 acres, which was unusual for that time, leased-farmed 10,000 acres, and sharecropped 8,000 acres.

Discrimination against the Japanese began to pick up some momentum around 1907, and the Oriental Expulsion Society was formed in 1908. With no intention to take it lying down, the Colorado Japanese Association, with the help of fair-minded white friends as Dr. Albert L. Bennett, conferred with newspapers and labor unions which expressed unfriendly opinions, talked to the police and asked protection, hired five special detectives to make a watchful round of Japanese areas and in addition, circulated the following list of suggestions for the Japanese themselves:

*Don't frequent houses of ill fame, gambling houses and other unsavory places; * When walking in public, keep a good posture and don't talk or laugh in loud tones; * Don't go in a large group anywhere without a definite purpose and don't loiter around dangerous areas or in crowds; * Don't stagger around drunk in public; * Hotels and restaurants should close by 11 p.m. Do not allow loud singing or playing of samisen, bothering the neighborhood and preventing sleep; * Don't show a rebellious attitude toward whites without cause; * Don't attract the white's attention by wearing dirty clothes or carrying dirty things; * Do not look for jobs where you may replace a white; * Do not carry pistols or knives; * Always carry a whistle and be prepared at all times.

Although the heyday of the Japanese in Colorado was from 1900 to 1910, they were still making their mark in agriculture. A 1933 survey showed that one-third of all of Colorado's vegetables were produced by Japanese farmers; seven-tenths of the cantaloupes and one-fourth of the sugar beets. It was also notable that Colorado Japanese farmers mostly owned the land they worked.

Outside of Denver, Japanese appeared in the Brighton, Ft. Lupton area in 1903 with sugar beet workers supplied by Tozono. Many more arrived in 1905 and began cultivating tomatoes, cauliflower, peas, and cucumber. By 1909, celery was introduced.

Tozono also supplied workers to the Greeley area in 1903. The Japanese worker, quick and clever with his hands, soon found a welcome. By 1909, they were beginning to try their own hand in farming potatoes and sugarbeets.

In the Eaton-Ault area, there were at first more Japanese workers than the Greeley area. In 1906, the area was known as the Yamato Colony.

West of the Rocky Mountains, most Japanese gathered in the Delta-Grand Junction area. The first settlers were farm workers in the apple and peach orchards in the Montrose area. At one time there were as many as 250 Japanese workers in the area.

In addition to farming, some Japanese contracted to dig irrigation ditches atop Grand Mesa and in the Uncompahgre Valley. Later they began farming sugar beets and potatoes in the Montrose area and stayed until 1920.

They were mainly small farmers in the Delta area, most numerous and prosperous from 1912 to 1913 when 70 to 80 families developed the Uncompahgre Valley.

In Grand Junction, many of the original railroad workers transferred to farming about 1909. The years 1922 and 1923 were the best years, with 50 to 60 families farming in the area.

In south Colorado, 35 laborers first came to work on the sugarbeet farms around Rockyford in 1903. Several stayed on and went into farming for themselves, producing cantaloupes as well as sugar beets. The area became notable for its Japanese-produced cantaloupes in later years.

Farmworkers arrived in Crowley, Ordway, Olney Springs area in 1906 and were sharecropping sugar beets and cantaloupes by 1909. Later they grew hay and feed crops, wheat, and apples as well.

Japanese arrived first as farmworkers in Swink in 1905 from Hawley. In 1907, a sugar refinery was built there, and 80 Japanese workers were hired. They made $65 a month, working a 10-hour day at $1.75 a day. Thinning sugar beets started at $6.50 an acre; topping, $7.

Japanese came to La Junta as railroad workers in 1900. About 20 workers were employed at the roundhouse there in 1906. With the establishment of a sugar refinery, Japanese went into farming sugarbeets, later adding cantaloupes and Spanish onions, the latter started around 1927.

They were also found in Las Animas, Lamar, Wiley, Granada, Hawley, and as steelworkers in Pueblo. Ft. Morgan, Merino, Atwood, Julesburg, and Sedgwick were other areas where Japanese were farming.

In the San Luis Valley, Japanese were workers on the Rio Grande Railroad in 1910. In 1925, a colony of Japanese arrived from Stockton, Calif., and began farming vegetables such as lettuce, cauliflower, carrots, and spinach as well as the more traditional sugar beets and potatoes. In 1960, the Mizokami Brothers alone in Blanca were shipping 400,000 bushels of spinach annually.

Mr. YATES. Mr. Speaker, as my colleagues who have preceded me in outlining the history of the Japanese in this country have indicated, most of the early immigrants located themselves on the west coast and in the intermountain States. Those involved in developing trade relations between Japan and the United States understandably located themselves not only on the Pacific Coast but also in New York and New England, as well as Philadelphia.

Not many chose to live in the midwest. After the 1942 wartime military evacuation of Japanese Americans from the west coast States and after the War Relocation Authority developed a procedure under which many of these evacuees could leave the centers on work leave, however, thousands of Americans of Japanese origin relocated to the many cities in this area.

Chicago was a amost attractive haven to these evacuees who, with the help of resettlement committees, were able to find jobs and housing in the metropolitan regions. Prior to the outbreak of World War II, there were less than a hundred Japanese in Chicago. By the time the war ended, there were more than 30,000 evacuees in Chicago alone, which was more by far than any other city in the nation.

Other midwest cities which welcomed the evacuees included Cleveland, Detroit, St. Louis, Minneapolis–St. Paul, Milwaukee, and Cincinnati.

While most of the evacuees left the midwest and returned to their former homes and associations on the Pacific Coast after the war, many remained in the communities which had befriended them in the time of their tragedy. So Chicago, for instance, still is the home for more than 15,000 Japanese Americans and thereby qualifies in the top five American cities in the size of its Japanese population.

In many other cities too where they relocated evacuees have remained to add their contributions to the progress of these communities. So, in the past quarter of a century, the midwest has come to know and respect those of Japanese ancestry as fellow citizens of the United States.

And, with the increased trade with Japan, and with the opening of the St. Lawrence Seaway, Chicago has become the hub of Japanese business for the mid-continent region. With the exception of perhaps four ports, Chicago now does more business with Japan than any others in the entire country.

But, back to the early history of the Japanese pioneers to the midwestern States.

Most Japanese who lived on the west coast States after immigrating to the United States never knew the length and breadth of the land they adopted until they were transported willy-nilly to the inland states during World War II. However, some adventurous Japanese had left some footprints in the midwest before the turn of the century.

When the World's Fair was held in Chicago in 1892, there were oriental goods stores operated by Japanese in St. Paul. It is also speculated that a few came to Minnesota as chefs for railroad executives. The longest-lasting of these art goods store was the one operated by Tometaro Kitagawa, who was a 1911 civil engineering graduate of the University of Wisconsin. He opened his art goods store in Minneapolis in 1917 and continued until 1939.

Dr. Kano Ikeda, a longtime resident of St. Paul, came to the United States in 1904. He earned his M.D. at the University of Michigan and taught at Macalester College and the University of Minnesota. Most of his medical research, however, was done at Miller Hospital in St. Paul. He was a noted pathologist who published more than 40 papers in his lifetime. He died in 1960 at 74 years of age.

Another oldtime resident of Minneapolis was Yoshinosuke Yamasaki who wanted to be a musician and headed toward New York after the San Francisco earthquake. He volunteered for the Navy and was a steward on the U.S.S. *Maine*. He came to Minneapolis in 1914 and in 1919 opened a tea store.

Jiro Akamatsu, operator of the only Japanese art goods store in St. Paul, came to the city in 1935 and took over the store that had been operated by Chugo Yasui for more than 25 years. While Kitagawa's shop in Minneapolis was boycotted and forced to close in 1939, Akamatsu's store was open throughout the war.

The only farming activity by a Japanese in the area was done by Yukihiko Butsuen from Model, Iowa, who used to plant and harvest 2,300 acres of onions from about 1920 to 1930.

When the Nicolet Hotel was built in 1904 in Minneapolis, 12 Japanese workers were brought from Portland, Ore., several years later to work there, but the severe winters made them go back.

During World War II, Minnesota was the home of Camp Savage and Fort Snelling where from 1942 to 1946, about 6,000 Japanese, Korean and Chinese soldiers in the U.S. Army studied the oriental languages there before serving in the Pacific as interpreters and translators.

During the war, Minneapolis received many evacuees who relocated there from the concentration camps. Some 44 percent found work in private homes.

As has been mentioned in the history of the Japanese in Central California, the International Chick Sexing Association which began in Fresno, Calif., was moved to Mankato, Minn., during the war and the continues to supply chick sexors to South and North Dakota, Wisconsin, Illinois and Iowa as well as Minnesota.

In 1900, there was exactly one Japanese recorded as living in South Dakota in contrast to 148 the same year in North Dakota. The Japanese population consisted primarily of railroad workers who came from Washington through Montana and thence to North Dakota.

The cold and harsh climate was not suitable for farming, which was the main reason so few Japanese settled in the two States. A 1914 survey showed that in North Dakota, there were three Japanese engaged in farming, one operating a hotel and one a restaurant. There were 10 in household work, 51 working on the railroad and 15 others in miscellaneous work, including farm labor and cannery work.

In South Dakota in 1914, there were nine Japanese in household work, 35 working for the railroads, six on farms and a few more in miscellaneous fields.

Some Japanese also came to the Dakotas as miners.

During World War II, several hundred Japanese internees were quartered at Bismarck, N. Dak.

Although one of the richest agricultural areas in the country, Iowa had few Japanese residents. There were seven Japanese recorded as living in the State in 1900, and the number had only increased to 29 by 1940.

About the only notable exception was the aforementioned Butsuen, who leased about 4,200 acres from the Wisconsin governor and grew potatoes and corn from 1920 to about 1931. Other Japanese in the State were mainly chick sexors.

During World War II, the city of Des Moines was one of the most hospitable to evacuees who were resettling out of the concentration camps. By 1944, 45, there were as many as 60 to 70 Japanese families residing there, but the number has dwindled in recent years.

Not many Japanese have left their marks in Kansas, either, although in the early 1900s, there were some farmers in the Garden City area near the Colorado border.

Kansas City has long been noted as a center for bridge-building technology. The presence there of Dr. Wardell, who had taught at the Imperial University in Tokyo as the first foreign professor there stimulated many Japanese engineers to come to Kansas City to continue their studies there from about 1897 to 1910.

A Japanese art goods store was established in 1900, and a large group of Japanese were imported as strike breakers at the Armour Cannery during the 1904 strike. Several more Japanese—about 80 to be exact—were brought in in 1907 to the Armour plant, but the cold winters and hot summers did not encourage them to stay.

By 1910, there were three art goods stores, three restaurants, a boarding house and a tea house in Kansas City. An unusual success story was that of 27-year-old Kiichi Harada, who became manager of the transportation department for the Kemper Grain Co. Also unusual was Dr. Kenkichi Furiuchi, who opened his dental office in 1925 and contributed greatly to Japanese and American societies until his death in 1960.

Farming in the Garden City area began about 1907 when some railroad labor contractors leased land from the United Sugar Refinery and a landowning company to begin growing sugar beets. Some 60 Japanese were engaged in farming, but they almost starved because the inexperience and bad weather conditions, particularly in the windy Lake area. Aided by the famous Tozono of Denver, they managed to hang on, and harvested a good crop in 1909. By 1910, they were working 1,800 acres in the area.

Japanese began to arrive in Missouri about 1904, stimulated by the World's Fair in St. Louis when for the first time the Japanese Government allotted a budget of $30,000 to participate, built a Japanese pavilion and sent some 400 to introduce Japanese arts, crafts and other skills. Some 40 to 50 of them stayed on after the fair and opened game parlors, bamboo ware stores and Japanese art goods shops in the Forest Park Highland area, but the majority who stayed went into household employment. Takuma Kajihara, who had a reputation as one of the seven best photographers in the United States, came from Seattle to open his studio in 1904.

During the war, there were as many as 400 Japanese families who settled temporarily in Missouri, but the number dwindled to about 180 families in 1960.

In recent years, a branch of Ikebana International has been established in St. Louis by Mmes. Toki Ema and Sachiko Eto. Paul Mauryama, who opened an art goods store in 1954, also conducted naturalization classes for Issei and war brides and had an abacus course added to the elementary school curriculum.

During the war, several Japanese families relocated in a group to two plantations in the southeast area of the state where they were treated well. They grew cantaloupes successfully, but did not do so well with the onions and celery.

Japanese in Oklahoma are located mainly in Oklahoma City, Tulsa and Bartlesville. Most of them arrived from 1930 to 1941. There were 57 Japanese residing in the state in 1940—nine families engaged in vegetable farming, about 10 persons in household work, three operating businesses, two working in factories and one a professional.

Arkansas is a State which had one of the fewest number of Japanese living there before World War II. During the war, it was the locale for two concentration camps, Jerome and Rohwer.

Early settlers in Illinois of Japanese ancestry were mainly stimulated by the 1893 Chicago World's Fair and the 1904 St. Louis World's Fair to come to the area. They stayed on to open art goods stores, restaurants and similar enterprises. One, Kinji Shigeta, became a noted photographer and was one of only five photographers from throughout the world who were selected honorary members of the U.S. Photographers Association.

In 1940, there were 390 Japanese living in Chicago. Among their enterprises, there were 12 gift shops and 21 restaurants.

With World War II, Chicago became a hospitable center for west coast evacuees who were looking for a place to settle, since it had the most jobs to offer.

In 1944, the population took a jump to 2,300, which by 1945 increased still further to 23,000. The 1960 figures are 29,000.

By 1948, there were 300 Japanese-operated businesses, headed by hotels and apartments. They represented an investment of $2,600,000.

The 600 to 1500 blocks on North Clark Street came to be known as the Japanese area in Chicago. Japanese out of concentration camps provided needed wartime labor for many small and medium sized manufacturing enterprises.

Among the larger wartime employers were the Stevens; Edgewater Beach and Sherman Hotels; International Harvester Corp.; Curtiss Candy Co.; the stockyards; Marshall Fields; Sears, Roebuck and Montgomery Wards; all of whom had from 100 to 300 Japanese workers.

An outstanding success story was that of Harry Torao Hidaka, who came out of Granada Relocation Center to Chicago in 1945 with five children and $400 in his pocket. He opened a modest cleaning store, and with the help of a bank president who had his eye on Hidaka's increasing business, his Sun Cleaners grew to 25 branches in 1960.

A tea boom in 1910 brought several Japanese to Cleveland, Ohio, but the area did not have too many Japanese residents until World War II when it accepted many relocatees.

At its peak, there were about 3,000 Japanese, but the number declined to about 1,000 by 1948. An amazing statistic for these wartime resettlers is the fact that 80 percent or more own their own homes now. An outstanding success story of one of them is Tom Sashihara, formerly of Los Angeles, who now operates his own Great Lakes Pharmaceutical Company in Cleveland.

An unusual early Japanese settler in Cincinnati was Etsuko Sugimoto, who came in 1899 when she was 26 years old to marry an antique shop owner to whom her family had betrothed her earlier. She was married at the home of Olympid J. Wilson, brother of President Woodrow Wilson, and later wrote a best seller, "Daughter of a Samurai," which was published by the Wilson-Hinke Publishing Co. It was translated into seven languages. After her husband died in 1909, Mrs. Sugimoto lectured in Japanese cultural history at Columbia University.

Another early settler of note was Tani Shiroyama, who worked at the Lookwood Pottery Co., producers of quality ceramic ware. He worked there for 50 years and died in 1950 at age 90.

Other notable Japanese in Cincinnati include Shiro Tashiro, who became assistant professor of physiology at the University of Cincinnati in 1918; Ruby Hirose, who earned her doctorate there in 1930, one of the earliest Japanese women to do so. She later worked for a chemical company, and when another Japanese stole a prized formula from the firm, Miss Hirose felt the "haji" so keenly that she worked 1 year without pay; and Associate Professor Takeo Tamura, who earned his doctorate in 1935 in bacteriology, and in spite of his alien status, was asked to do secret research for the army.

The war years increased the number of Japanese in Cincinnati to about 300 to 400 in 1947. By 1960, however, there were only about 70 families left, of whom 90 percent owned their own homes. Most of them are employed in professional capacities.

In the Dayton area, there are about 25 families, mainly professional people with the veterans' hospital or the Air Force. A notable Nisei success is Mas Yamazaki, sales manager for the Borden Milk Co.

In Columbus, Bill Ishida runs a successful vegetable packing firm, and Kazuo Kawai is on the faculty at the University of Ohio.

In Vermillion, Bob Okagi operated the Okagi Restaurant since 1909. He attained the position of 32d degree mason in the masonic lodge and even ran for mayor at one time. He retired before the war and returned to Japan after the war.

The earliest Japanese in Detroit was probably Dr. Jokichi Takamine, who gave his digestive medicine discovery to the Parke-Davis Pharmaceutical Co. and was associated with the firm's founding. He was followed at the company by Tatsuzo Ohno, who died in 1942.

A locomotive builder named Hatashita, who came to the United States for the St. Louis Exposition in 1904, went to work for the American Car Foundry Co. He returned to Japan in 1921.

A pioneer who stayed was Tadae Shimoura, who arrived in 1912 with vast dreams of becoming an automotive engineer. He was recommended to Henry Ford, for whose company Shimoura worked 21 years. Mainly interested in research, he was even sent to the Amazon to do research on rubber and was one of two scientists kept by Ford during the depression. He later left the automobile industry and went into business for himself, providing chop suey material to restaurants in the area.

In 1940, there were from 75 to 100 Japanese in Detroit, but the number increased to about 4,000 between 1943 and 1946. The number has declined to about 1,200 currently.

Notable Japanese in the Detroit area include Roy Sugimoto, who earned his doctorate from Purdue University and heads the research department at a Standard Oil Co. subsidiary; outstanding architect Min Yamasaki; auto company executive Frank Watanabe and engineer Min Togasaki, engineer with Wayne County Bridge Department.

Only a few Japanese lived in Milwaukee before the war, mainly as household help. A notable pioneer is Dr. Rin Murakami, who came to the United States in 1908 and to Minneapolis in 1910 to study mechanical drafting. In 1916, he became a chiropractor. In 1923, he was graduated from the Missouri Medical School and worked for many years as a physiotherapy specialist at Milwaukee Hospital.

An old pioneer family in the Madison, Wis., area is the Henry Toki family. Toki began farming vegetables in the Madison suburbs in 1921.

The University of Wisconsin was one of the most hospitable of State universities to Japanese students during World War II. Several Japanese are on the faculty now, notably Dr. Otto Uyehara in mechanical engineering.

Mr. Speaker, this is not a complete list. The Japanese Americans have the admiration and respect of the communities in which they live as constructive, hardworking and friendly citizens.

22D BIENNIAL NATIONAL CONVENTION OF JAPANESE AMERICAN CITIZENS LEAGUE IN WASHINGTON

Mr. COUGHLIN. Mr. Speaker, I am pleased to note the historical contributions to the Philadelphia area by people of Japanese ancestry on this occasion of the 22d Biennial National Convention of the Japanese American Citizens League in Washington.

From peacetime contributions to wartime exploits of the 442d Regimental Combat Team, Americans of Japanese descent through the years have demonstrated their commitment to the United States. The Japanese American Citizens League, with some 26,000 members in 32 States, has been in the forefront in portraying this commitment and upholding the rights of Japanese Americans as citizens.

This is a glimpse of the history of Japanese Americans in the Philadelphia area.

What brought the Japanese to Philadelphia, when did they come, and what have been their contributions? We have not determined when someone of Japanese ancestry first settled in Philadelphia, nor do we know who he was. The major factors that brought Japanese to Philadelphia seem associated with the city's Quaker heritage; its historical significance as the birthplace of American independence; its importance as an educational, research, and cultural center; its influential position in commerce and industry. Some of the individual contributions will be noted below. A more general, perhaps more important, contribution of all the people of Japanese descent who have stayed even briefly in Philadelphia would be found, we believe, in the roles they played in introducing the culture and history of Japan to the area, and in helping to create American receptivity and understanding of Japan and the Japanese. On the other hand, of the Japanese who came to Philadelphia to observe and study, some returned to Japan to make their contributions and helped to develop that country's appreciation of the United States and the West.

The first Japanese to see, or be seen in, Philadelphia may have been the castaway, Joseph Heco—Hikozo Hamada—who arrived in San Francisco in 1851 and became probably the first American citizen of Japanese ancestry when he was naturalized in Baltimore in 1858. We know that he traveled between New York and Washington and that he lived and studied for several years in Baltimore. Further, his autobiography "The Narrative of a Japanese," edited by James Murdoch, states that in June 1858, prior to his departure for Japan, he visited a friend in Reading and "set out for Perrymensville via Philadelphia."

The earliest significant Japanese contact came in 1860, when the First Japanese Embassy to the United States visited the city. No American city displayed greater mass curiosity to see this group. In 1872, Philadelphia welcomed members of the Iwakura mission, that stayed in the city from March 15 to April 8 to visit industries, business houses, schools, as well as officials and community leaders.

The diplomatic mission of 1860 and the trade mission of 1872 caught the attention of Philadelphia and undoubtedly assisted in nurturing the interest of the city in Japan and things Japanese.

However, the greatest, long-lasting impact came in 1876 at the Centennial International Exhibition, celebrating the 100th anniversary of American independence. The Japanese exhibit, which included not only art objects and trade items, but also a Japanese dwelling and a Japanese bazaar and garden, was the first noteworthy presentation of its kind in America, and it played a major role in introducing Japanese art, architecture, interior decoration, and landscape design to the United States.

In the years since the centennial, Japanese craftsmen, some local, some specifically imported from Japan, have helped to erect and maintain Japanese gardens and structures, both privately owned and in public parks and museums of the Philadelphia area. The garden associated with the Japanese bazaar at the centennial was probably the first Japanese garden in America. The landscaping in or near the site of the garden has remained Japanese almost continuously since 1876. At the location, in 1905, Japanese workmen reassembled the Japanese Buddhist temple gateway that had been at the St. Louis Fair. The gateway was destroyed by fire in 1955, but by 1958, the Japanese Exhibition House, originally shown at the Museum of Modern Art in New York, was established in the region where the gate had stood. Master craftsmen from Japan supervised the reconstruction of the house and the making of the adjoining Japanese garden.

In a related vein, it is interesting to note that Japan and Philadelphia residents of Japanese ancestry have donated, since 1926, more than 2,000 flowering cherry trees to the East River Drive section of Fairmount Park and to other public areas.

Of those who studied in the Philadelphia region prior to 1900 and who returned to hold important posts in Japan, we shall briefly mention three. Umeko Tsuda—1864–1929—was the youngest of the five girls who left Japan in 1871 with the Iwakura mission. Brought to the United States for her education, she went through the entire American school system and graduated from Bryn Mawr College. She made many goodwill trips to the United States, founded the Tsuda Girls' English School—1900—the precursor of Tsuda College, and was instrumental in promoting women's education in Japan.

Shiro Shiba—1858–1922—who studied at the University of Pennsylvania in the 1880's, became a prominent political figure in Japan. He served as agriculture and commerce vice minister and foreign office counselor; started the Osaka Mainichi—newspaper—wrote a political novel, which included scenes from Philadelphia. It is said that during his Philadelphia stay, Shiba threw an ink bottle at a newspaper editor who refused to retract a "racist" editorial that he had printed; further, when a newsboy teased him with a racial epithet, Shiba used his cane to whack the boy.

Dr. Inazo Nitobe—1862–1933—studied at Johns Hopkins University, but he is linked with Philadelphia, for he married Mary P. Elkinton, a member of a distinguished Philadelphia Quaker family from colonial days, at the Arch Street Friends' Meeting, in 1891. This marriage further stimulated the already existing interest of Quakers in Japan and the Japanese. Dr. Nitobe is remembered as an educator, an English scholar, an agricultural scientist, a strong advocate of international peace. He taught at various schools and universities in Japan and served at the League of Nations. His Bushido was translated into many languages.

One who came to study in Philadelphia and then stayed in the United States to make his major contributions was Dr. Hideyo Noguchi—1876–1928. He came to the University of Pennsylvania in 1900 and worked with Dr. S. Weir Mitchell and Dr. Simon Flexner on snake venoms. In 1904, he joined the staff of the Rockefeller Institute, New York, with which he was associated until his death. Many of his later conclusions, including those relating to the causative agent of yellow fever, have since been proved wrong, but in his lifetime, he was regarded as one of the world's greatest bacteriologists and he was nominated for a Nobel Prize. His outstanding achievements include the discovery of syphilis spirochetes in the central nervous system of patients dying of paresis and tabes dorsalis and the development of an artificial culture method for certain mircoorganisms.

Philadelphia was the exile home of Tatsui Baba—1850–1888—who studied in England from 1870–1878, returned to Japan, and was a well-known political activist of the Meiji era. In Philadelphia, he was one of 19 people who met on April 30, 1888 to found the Oriental Club of Philadelphia, a learned organization devoted to oriental studies. At the club's 80th anniversary celebration in 1968, it was noted that there has recently been a revival of scholarly interest in Baba and his contributions. Baba died in November 1888 and he is buried in Philadelphia.

After 1900, Philadelphia continued to attract students of Japanese ancestry. Like their predecessors, many of these later arrivals returned to Japan, where they, too, had distinguished careers. We shall mention three Issei who stayed to practice their professions here. Yosuke W. Nakano—1887–1961—was born in Yamaguchi Prefecture and came as a student to the United States in 1906. He graduated from the University of California in 1915 and received a master of architecture degree from the University of Pennsylvania in 1916. He was named chief engineer of Wark and Company in 1918, and he remained with that firm until his death. An authority on concrete and concrete and steel structures, Nakano had a part in the construction of such Philadelphia buildings as the Architects Building, Sun Oil office building, Jefferson Hospital, and Lankenau Hospital. The discriminatory law barring Orientals from citizenship prevented his company from making Nakano an officer in the firm, for it would then have lost many contracts. There were many demands, especially after Pearl Harbor, that Nakano be removed from jobs his firm had undertaken or had bid on. Fortunately, Wark & Co. had an outstanding reputation and it was a period of extensive construction, so the Wark executives backed Nakano and countered that the company would withdraw if Nakano's services could not be used. In December 1953, Nakano was honored by the Philadelphia Chamber of Commerce and 50 construction leaders for his outstanding contributions to his adopted city. He was praised as one of the outstanding construction engineers of the United States and one of the leading Japanese-born Americans. In 1953, Nakano and his wife were among the first Issei in the area to become U.S. citizens, after the McCarren-Walter Immigration Act of 1952 made such naturalization possible. Well-respected and well-liked, Nakano was active in community and civic affairs and a leader in Japanese and Japanese American associations.

Mitsuo Saburo Rirata was born in Mio Prefecture in 1886. He arrived in Seattle in 1908, where he graduated from high school in 1913. He came to Philadelphia in 1917 to attend the University of Pennsylvania Medical School, but for financial reasons, he changed to Temple University, where he earned his M.D., in 1924. With the help of prominent medical leaders, he was able to obtain appropriate appointments and professional employment, even though his Japanese birth prevented his becoming a naturalized citizen until late in his career. He continued medical practice through World War II and retired in 1964.

Tadafumi Mikuriya was born in Kumamoto Prefecture in 1899 and graduated from Kumamoto Engineering College before arriving in the United States in 1923. He enrolled at the University of Pennsylvania Engineering School and received his B.S. in 1926, M.S. in 1927, and his civil engineering degree in 1935. He worked for Baldwin Locomotive Works, American Bridge Co., and Keystone Structural Steel Co., before starting his own firm, Tada Engineering Co., in 1948. His firm, located in Trenton, specializes in structural engineering.

Prior to World War II, Philadelphia had at least one other Issei physician: Dr. Y. Yoshida—in practice, ca. 1929–66—and two Issei dentists: Dr. Jyuji Kitajima—in practice, ca. 1924–64—and Dr. Tomoji Abe—in practice, ca. 1922–38. Itaro Okada was a well-known photographer in Ardmore until his recent retirement.

The records of the earliest Issei merchants and businessmen in Philadelphia seem to be lost, but it is probable that Shingo Shimamura and Tamekichi Takagi had stores selling Japanese goods by 1890 and 1897, respectively. One of the early, better-known shopowners was Morizo Seno, who arrived in New York in 1897, went to Atlantic City with the Shimamura firm. In 1902, while he was in Atlantic City, he became one of the few Issei able to obtain American citizenship before passage of the McCarran-Walter Act. He moved to Philadelphia in 1912 and until his retirement in 1963, he operated various stores both in Philadelphia and Wildwood, N.J. Other early shopowners were Yosaburo Okamoto, in business from about 1912, both in Willow Grove and Philadelphia; a Mr. Totani, in west Philadelphia, from 1914 to 1938; and Hisaki Higuchi, in west Philadelphia and Wildwood from 1920 until his retirement in 1966.

Since World War II, there has been a marked increase in the number of people of Japanese ancestry residing in the Philadelphia area. The war relocation program brought to Philadelphia a number of Issei and Nisei who had lived on the west coast prior to the war. In 1944, for example, Mr. and Mrs. Saburo Inouye came to Philadelphia to operate a hostel for people arriving from the War Relocation Center. Philadelphia Quakers played major roles in the relocation program and in establishing and sponsoring the hostel, which cared for more than 1,000 people during the relocation years. Later, the Inouyes continued their hostel for international students. Mr. Inouye, who came to the United States in 1907 and had a furniture store in Sacramento, Calif., before the war., died last year at the age of 80. Mrs. Inouye has been honored both by local groups and the Japanese Government for promoting interracial understanding and United States-Japan friendship.

In the postwar years, students and specialists have again begun to arrive in Philadelphia from Japan. Some of these people are, indeed, the younger Issei of this area. Today in Philadelphia, Issei and Nisei are to be found in almost every type of job and profession. Now there are many more medical doctors and engineers. Mathematicians, natural and physical scientists are associated with universities, industrial firms, private and public medical and research institutions. Some of these people have permanent, professional appointments; others hold responsible administrative positions in large industrial companies. We also find Issei and Nisei in the social sciences, the humanities, and Oriental studies. There are shopowners, printers, nurserymen, landscape gardeners, and farmers, as well as accountants, musicians, dentists, dental technicians, teachers, curatorial assistants, architects, cabinetmakers, and social workers. One leading farmer has branched into business and banking.

It is difficult to select and name the outstanding Japanese Americans of the present and recent past in Philadelphia, since there are so many in such a variety of fields. However, to indicate their range, we shall cite a few. The first is S. John Nitta, who founded the American Chick Sexing School, located in Lansdale, Pa. It is the oldest commercial chick sexing school in America and the only one to be successfully operated every year since its start in 1937.

Next, to exemplify the several Nisei who have held important administrative posts in religious organizations, we shall mention Henry N. Tani—1914–1965—who, unlike other Nisei in similar situations, held no degrees in theology, though he was a graduate of Stanford University. Born in San Francisco, he lived for 15 years in the Philadelphia area, where he served as national youth director for the Evangelical and Reformed Church—later, the United Church of Christ. He was recognized as an authority in the church's work with youth, and he held numerous leadership positions in youth work on the local, State, national, and international levels. Tani was an outstanding, well-respected, and well-liked leader not only in his profession, but in his community and in Japanese American organizations, including the Japanese American Citizens League.

The internationally known architect, furniture designer and craftsman, George Nakashima, lives and works in nearby Bucks County. Of professional artists, perhaps the best known are the sculptor Yoshimatsu Onaga—1890–1955—and the painter Ben Kamihira.

Finally, we shall cite attorney William M. Marutani, a partner in the law firm of MacCoy, Evans, and Lewis. In addition to his professional contributions in Philadelphia, he is well-known for his civic and community activities and for his work as a volunteer with the Lawyers' Constitutional Defense Committee in Bogolusa, La., a few years ago. He has held official positions in the Japanese American Citizens League from the local chapter through the district and national levels, and he has been the JACL's national legal counsel since 1962. In 1967, when he argued, as friend of the court on behalf of JACL, against the antimiscegenation laws before the Supreme Court, he became the first American of Japanese ancestry to plead a civil rights case before the Nation's highest tribunal.

AMERICANS OF JAPANESE ANCESTRY A NATIONAL ASSET

Mr. LEGGETT. Mr. Speaker, our Japanese American citizens have confronted many obstacles in their quest for acceptance into the mainstream of American life. They have not, however, been fixated by the mistakes of the past but have continually progressed forward and, consequently, have contributed much to the development of our Nation. The first Japanese who arrived in 1868 brought with them an age-old set of ideals and values; among these were the feelings of loyalty to family and country and of the great worth of education. Such conceptions were easily integrated with the already established cultural patterns of the United States.

The influence of family pride and loyalty has been a positive force in many directions. As a result of the moral code which demanded that no one bring disgrace or humiliation to the family, the Japanese American community has not had the juvenile delinquency problems suffered by so many other ethnic groups within this country. In a time of rising rates of crime, this should not be passed over lightly.

Stemming from the Buddhist and other religious influence arose the high regard for the importance of education. Japanese Americans have always had extremely high levels of education which have perpetuated their employment in diversified fields of occupation. Having outlived most of the problems relating to prejudice and discrimination, the Japanese Americans have emerged as scientists, farmers, college professors, engineers, dentists, and lawyers. The contributions of Noguchi in the discovery of the causes of paresis and locomotor ataxia, as well as his work on trachoma and Rocky Mountain spotted fever, added immensely to the ever-growing knowledge of the medical world. In California, the Japanese Americans contributed to the growth of the great food-producing Sacramento and Imperial Valleys with their work in the irrigation of sandy areas.

All too often the contributions of many of our citizens are overlooked and quickly passed over. Mr. Matsunaga is to be thanked for enabling myself and the other gentlemen here today to recognize the great number of contributions made to the United States by our Japanese American citizens.

BETTER AMERICANS IN A GREATER AMERICA

Mr. JOHNSON of California. Mr. Speaker, 30 years ago this month the U.S. Government, under the authority of Executive Order 9066, was winding up one of the most tragic exhibitions in the history of this Nation. This was the "relocation" of 110,240 Americans of Japanese ancestry; 16,000 of these people were housed at Tulelake, located in the northeastern corner of California, in an area which I represent today. These people were rounded up, given a week to dispose of their real property, their homes and businesses and to move to the relocation centers, taking with them only what they could carry.

Those of us looking at our history and our society today find it difficult to believe that our American Government did, in a moment of panic, deprive individuals, including many who were citizens of this country, of their freedoms and basic rights in direct violation to the Constitution of the United States and the Declaration of Independence, which was signed 196 years ago next Tuesday.

The Japanese people, bewildered and confused in those critical hours responded magnificently. They accepted the will of the Government of the United States which they had come to love and respect. They went to the detention centers, giving at the same time a firm pledge that God willing they would disprove and discredit those who questioned their loyalty to the country of the United States.

History subsequently showed that during World War II there was no single act of sabotage, or espionage or disloyalty uncovered by the Federal Bureau of Investigation, Military Intelligence, or any other law enforcement agency of this Nation. Japanese youths volunteered for the military and served with great distinction in the European theater.

This same spirit of confidence in our great Nation, with determination to prove themselves as good citizens and with devotion to hard work and patience have made the Nisei among the most respected and welcomed neighbors and friends in the Golden State. By their lives, they have lived up to the motto of the Japanese American Citizens League adopted in 1945 as World War II was coming to an end "Better Americans in a Greater America." These people have taught us by their lives the true meaning of loyalty to one's country, good will toward their fellowman, and democracy at its best.

The creed of the JACL opens with words which I think each of us in our own way could follow to great advantage:

> I am proud that I am an American citizen of Japanese ancestry for my very background makes me appreciate more fully the wonderful advantages of this nation.

This Nation today has many problems. As we face these problems, there is no better example of quiet courage than that offered by these fine people 30 years ago. If the Nation and its people follow this example, can there be any question but what these United States will continue to fulfill the dream of our forefathers who lit the fire of freedom and human rights throughout the world.

Mr. MIKVA. Mr. Speaker, it is a privilege for me to join my distinguished colleague from Hawaii (Mr. MATSUNAGA) in paying tribute to our Japanese American friends. The Japanese American Citizens League is meeting in Washington, D.C., this week, and the group's 22d biennial convention presents a unique opportunity to recognize the JACL for its contribution to the preservation of civil rights and liberties for all the people of this country.

I had the good fortune to work with JACL toward the repeal of title II of the Emergency Detention Act. It was a long fight and a difficult one. When the President signed the repeal bill into law last year it removed the spectre of concentration camps in America. Many of the members of the JACL know firsthand how terrifying and demoralizing that threat could be—many of them spent several years in an American concentration camp, even though they were patriotic Americans, at the beginning of World War II.

Now, the JACL is working toward two more goals, goals that every person in this country should share. The group's membership would like to abolish the House Internal Security Committee, and repeal the rest of the Emergency Detention Act, eliminating the Subversive Activities Control Board. Each of these "institutions" is inimical to civil liberty and the spirit of this country. By abolishing them, we would remove the last vestiges of the McCarthy era, an era that has been a long time dying.

The JACL took the lead in the fight against title II of the Emergency Detention Act, and it is taking the lead now in the fight against HISC, and the SACB. The Senate already has voted to cut off funds for the SACB and, hopefully, the House will follow its example. The Japanese Americans are making civil liberties their first priority. They are working for all of us, and we all are in their debt for their commitment.

Mr. DANIELSON. Mr. Speaker, it is a pleasure today to join in recognition of the significant contributions made to our country by Japanese Americans.

The list of achievements extends far beyond the time available to recite them, of course, but I would like to underscore our country's benefit from and appreciation for some of the more noted Japanese Americans. One of the world's great scientists was Noguchi. He discovered the causes of paresis and locomotor ataxia, developed the pure culture of the germ of syphilis, identified Arya fever with another obscure and hitherto unrelated disease, and worked on trachoma and Rocky Mountain spotted fever. His death was caused in Africa by the dreaded yellow fever which he was investigating. The life of Noguchi is an heroic story of scientific accomplishment and dedication.

In artistic endeavors, Yasuo Kuniyoshi is widely known and his work is contained in all the major museums and art collections of America. He was a Guggenheim Fellow in 1935 and has won many awards. Sono Osato, 24-year-old Japanese American ballerina in 1944, was a most popular star of "One Touch of Venus."

Ben Kuroki was praised in Time magazine in 1944 for his bravery and patriotism as a great hero of World War II. He was a technical sergeant in the U.S. Army Air Corps, a veteran of 30 heavy bombing missions against the enemy, a survivor of the costly raid on the Ploesti oilfields of Rumania, winner of two Distinguished Flying Crosses, and wearer of the coveted Air Medal with four oakleaf clusters.

Unfortunately, however, the vast majority of Japanese American citizens were in a very different situation during World War II. Unlike Kuroki, many Americans of Japanese ancestry had no opportunity to serve their country in the military forces, and the majority lost their jobs, their businesses, and their homes because they were of the Japanese race, and regardless of their loyalty to and citizenship in the United States.

Although two-thirds of the Japanese Americans in the United States were native born and therefore citizens, as showed by the alien registration program of 1940, approximately 83 percent of this group of citizens was later evacuated and relocated under the executive order that transported persons of Japanese ancestry into emergency detention camps in 1942, because of the war.

Of all the persons of Japanese ancestry living in the United States during the relocation, 87 percent were detained in this manner. The percentage of Japanese aliens not holding citizenship, who were sent to the camps, was slightly larger, around 95 percent.

The injustice that was done to Japanese Americans and their rights during the Second World War is a regrettable blot on our Nation's history. Fortunately, Congress has recently taken action to repeal title II of the Internal Security Act of 1950 and to abolish emergency detention camps. I am most proud to have cosponsored this bill and to have joined in the successful effort led by our colleague from Hawaii, SPARK MATSUNAGA, to win passage of this measure so important to our most basic constitutional rights. Now this is in the law. I am also most proud to have been the author in earlier years, of a resolution, which was passed by the California Legislature while I was a member of the California Senate, urging the Congress to repeal that lamented detention law.

In January of this year, an NBC documentary on Belfast referred to the internment policies in Northern Ireland. The narrator commented:

> What happened to us was made possible by a law that would be unthinkable in the United States. It was designed 50 years ago to take terror off the streets. Since it was invoked again last August, about a thousand people have been taken to this place interned without trial, hearing, or confrontation with charges.

That statement, referring to the United States was correct only by a few months, and by virtue of the fact that Congress had passed House Joint Resolution 234 to outlaw the use of these forms of concentration camps.

The memory of this relocation and detention cannot easily be erased. It is a tribute to Japanese Americans, as reported by the War Relocation Authority in 1944, that there was no sabotage and no espionage among the Japanese American in the relocation areas, and that there was a smaller number of minor crimes and misdeameanors than would be found in other groups of persons of the same size.

It is a further tribute that Japanese Americans have resisted bitterness and have continued to make outstanding contributions to our society: in civic life, in business, the professions, and in many other fields of endeavor in which they have added so much to the enrichment of American life.

Mr. ANNUNZIO. Mr. Speaker, it is a great pleasure for me to participate today in this tribute to Japanese Americans across our Nation, and particularly, to the Japanese American Citizens League which is holding its 22d Biennial National Convention here in our Nation's Capitol from June 27 through July 1, 1972. The Japanese American Citizens League is an outstanding civic organization dedicated to serving the community.

Last night I attended the congressional dinner hosted by the league and I was delighted to have the opportunity to meet with many of my friends including Mr. Ross Harono, Governor of the Midwest District Council—covering Illinois, Missouri, Wisconsin, Michigan, Ohio, and Minnesota—of the Japanese American Citizens League. More than 26,000 persons are members of the league nationwide, and in Chicago alone, over 1000 persons belong to the Japanese American Citizens League.

The Chicago Chapter JACL Chairman is Hiroshi Kanno, and the first national president of the JACL, Dr. Thomas Yatabe, I am proud to say, comes from our city of Chicago. He is fondly known as the "grandfather" of the Japanese American Citizens League, and it is largely due to the dedicated efforts of such able men as Dr. Yatabe, Mr. Harano, and Mr. Kanno, and their fellow officers and members of the league, that long overdue recognition is being extended to the great contributions of Japanese Americans to the growth and advancement of our country.

I was one of the early sponsors and strong supporters of the 1965 Immigration and Nationality Act Amendments which eliminated the Asia Pacific Triangle and the National Origins formula in determining immigration quotas. As a result of these amendments, for the first time, Japan was given, along with other Asian nations, fair and equitable consideration for immigration to the United States.

I also was one of the sponsors and strong supporters of legislation enacted in 1971 to repeal the discriminatory title II of the Internal Security Act of 1950 which could have provided for concentration camps. I am glad to say this title has been stricken from our laws.

By the enactment of this and other legislation of benefit to Japanese Americans, I know the Congress and our country has restored to a large degree their faith in the democratic processes of justice which our Founding Fathers established.

And although their number is relatively small, Americans of Japanese ancestry have enriched our national heritage immeasurably. Their loyalty, courage, and patriotism in time of war; their industry, thrift and labor in time of peace; their reverence for the harmony and beauty in the natural world, reflected in their unique contributions to the arts, particularly in architecture, landscape gardening, and flower arranging; their examples of outstanding citizenship in the face of vicious racial prejudice; their educational attainments—these are only a few of the qualities which have won Japanese Americans the respect and admiration of all Americans.

Japanese Americans have made notable contributions in every area of industry, the arts, and science. In large areas of the Pacific Coast States, they made desert land bloom where nothing had grown before. By a combination of highly disciplined labor and knowledge of methods of intensive cultivation, the Japanese were able to enter areas of California which had previously been regarded as uncultivable, and from the inhospitable soil they wrested new green fields and orchards or vineyards. Today, a good deal of California's remarkable fertility is due to these methods of cultivation, which in some cases increased fruit and vegetable yields threefold and fourfold.

Many individual Japanese Americans have earned the gratitude, pride, and honor of our Nation. Such a man was Noguchi, the poor Japanese peasant who became one of the world's greatest scientists in America. The story of Noguchi's pure culture of the germ of syphilis, his discovery of the causes of paresis and locomotor ataxia, his identification of Arya fever with another obscure and hitherto unrelated disease, his work on trachoma and Rocky Mountain spotted fever, and finally his heroic death in Africa caused by the dreaded yellow fever he was investigating, remains one of the greatest stories in the history of modern science.

In the arts, the names of Yasuo Kuniyoshi, the painter; Sono Osato, ballerina; Sessue Hayakawa, actor; and Isamu Noguchi, sculptor, are very prominent. The city of San Francisco will not soon forget Dr. S. I. Hayakawa, who held San Francisco State College together through the most difficult and turbulent period in its history.

Finally, we cannot end without remembering the patriotism and bravery of Japanese American soldiers, and most especially the famous 442d Battalion, which holds the somber honor of sustaining the highest casualty rate of any American fighting unit during World War II. Not only did the Nisei servicemen make an outstanding contribution in the European Theater of Operations, but, toward the war's end, in the Pacific areas as well. Nisei intelligence work in the Pacific saved thousands of American lives. At the same time as their families were suffering the humiliation and economic disaster of internment, these courageous soldiers fought to prove their love for America and their loyalty.

We are indeed proud today to honor all Japanese Americans as well as the Japanese American Citizens League. They have enriched our land and our culture, have set the highest standards of citizenship and cooperation, and have taught us an invaluable lesson in promoting brotherhood and rooting out the destructive evil of racial prejudice.

I extend my greetings to them and best wishes for the years ahead as they continue their outstanding record of citizenship and their substantial contributions to our Nation.

Mr. RYAN. Mr. Speaker, I am pleased to join our distinguished colleague from Hawaii (Mr. MATSUNAGA) in this special order paying tribute to the Japanese American community which has contributed so much to our society. It is most fitting that we pause today to honor these Americans as the 22d Biennial Convention of the Japanese American Citizens League is taking place in Washington this week. More than 100 JACL Chapters in 32 States are being represented by over 500 delegates.

The first groups of immigrant laborers from Japan arrived in the United States in the 1860's. Unlike other groups of immigrants to America, however, they were denied fundamental rights such as the right to become naturalized citizens and to own land. Discriminatory laws directed specifically at them, were passed at both the Federal and State levels.

Yet, their darkest hour came after Pearl Harbor. While Americans of Japanese ancestry were fighting and dying under the flag of the United States, 110,000 Japanese Americans were uprooted from their homes in the Western part of our country and incarcerated in American detention camps. Their crime was simply their ancestry, and the manner in which these Americans were relocated surely constitutes one of the most shameful episodes in the history of our country.

We had occasion to review the appalling facts of that period last year when the House passed H.R. 234, a bill which repealed the invidious Emergency Detention Act—title II of the Internal Security Act of 1950. I was a cosponsor of that legislation and strongly spoke out on the floor of the House in favor of its repeal.

The Emergency Detention Act provided minimal protection for the individual against unwarranted detention. The act proceeded on the assumption that, in times of "internal security emergency," it is justified to detain "persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage." Its provisions were never implemented but they represented a threat to our system of due process which is a basic component of a free society.

In vetoing the 1950 act, President Truman made a statement which I believe bears repeating today:

It is not enough to say that this (enforcement) probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

As we honor a group of Americans today who were the victims of blatant repression, let us make a commitment to guard against the passage any measure which might result in the denial of basic rights to even one American.

Mr. HAWKINS. Mr. Speaker, during this week of the Biennial National Japanese American Citizens League Convention in Washington, I am pleased and honored to share with my colleagues the speech of our distinguished Member of Japanese ancestry, Representative PATSY T. MINK.

Mrs. MINK combines the intellectual brilliance of our American Nisei with the cultural heritage of the Japanese people and the great charm of her native Hawaii.

The speech follows:

SPEECH BY REPRESENTATIVE PATSY T. MINK

This exhibit we have the privilege of dedicating tonight portrays a moment in our nation's history which we all hope will never again be repeated. For those who were the victims of oppression, those years will, of course, remain unforgettable. For those who watched and let it happen to their fellow Americans without so much as even a whimper of protest, it must still provide many numbing pangs of guilt. For those who participated in ordering this mass evacuation, there must be great and agonizing remorse. We are here today to rededicate our national conscience that such an event shall never again befall any group within our society.

Fear and suspicion must never again be allowed to substitute for national will. No matter what the imminent external threats upon us as a nation, we must never even in the darkest hour of national emergency allow ourselves to be dictated by fear against a whole group of our fellow citizens.

Our precious liberties are meaningless if at any moment they can be denied to any group merely because of color, national origin, or political beliefs. Any Freedom which is uncertain or which can be arbitrarily taken away without due process is liberty lost.

The Repeal of Title II of the Internal Security Act of 1950 was a great victory for freedom. Its enactment 5 years after the end of World War II is inexplicable, except to put the Congressional seal of approval on what was done to over 100,000 Americans of Japanese ancestry in the early months of 1942. Its repeal must therefore be regarded not only as a clear vindication of the countless wrongs inflicted upon these hapless victims of the war, but also as a declaration against such mass deprivations ever again in the future.

While I believe such an event could not ever happen again, this belief stems not so much from confidence in government, but rather from a faith that the people will simply not allow it to happen.

Some who will see this exhibit will be moved only to recall the Japanese attack on Pearl Harbor or their personal experiences and tragedies of that war.

Hopefully for most they will be able to distill a message which enlightens the soul and fortifies the goodness which is in the spirit of America.

This exhibit is not meant to degrade or shame our nation, but rather to point out that once when our vigil was left unguarded, it created a nightmare of human despair and that to the extent freedom was tarnished, all of us were the losers.

Why did it happen? It happened because white people held people of color in less esteem; because people of color are regarded as collectively guilty of group stereotypes whether it be laziness, dirtiness, or being inscrutable; and because anyway you can't tell them apart! And so why not punish them all. . . . Four hours, forty-eight hours, or forty-eight months, what difference does it make if by "preventive detention," you can prevent some terrible event from happening. Of course, even if nothing happens, you can always say it was because the detention prevented it!

Sometimes I think that this psychic operates today . . . we do not like young people with long hair . . . or black with Afros . . . or Chicanos on a picket line. . . .

So long as we do not discipline ourselves into demanding only individual accountability and if we harbor instead group suspicion, we are functioning as though we were ourselves captives of Executive Order 9066.

As I stand here tonight in the shadow of these remnants of our history, I am reminded that we have an enormous personal responsibility.

When new crises arise, will I have '9066' as my guide, or will I live by a rule of openness, tolerance and love for my fellow citizens? Will I fight to protect the freedoms of the least worthy in our society because freedom, which is not available to all, is no freedom upon which I can depend, should I ever have to call upon justice to be my guardian.

Executive Order 9066 tells us that the weak, the docile, the quiet ones even can be swept up by the forces of international conflagration to become the most hated, despised and distrusted . . . And this only because of their physical differences in appearance.

Think what the implications could be for those who are different while being activist and radical spokesmen for unpopular beliefs.

A bitter experience of history like Executive Order 9066 can serve as an impetus to our search for honesty and tolerance.

This exhibit does not teach us to conform, to assimilate, to hide our thoughts. It tells us to dare to live, to be ourselves, and to fully participate in all of the myriad opportunities of this land.

If we fail to heed this message of freedom, we will fall victim to the dark forces of fear which beckon to our national doubts and frustrations. This, we must not allow. We must strive to overcome our prejudices, so that enlightenment may rule across our land.

Mr. BELL. Mr. Speaker, it is both a privilege and a pleasure to join my colleagues in the recognition of the 22d Biennial Convention of the Japanese American Citizens League.

The Japanese Americans represent a rather small but certainly significant segment of the population of the United States. Their contributions to the American way of life have been numerous, and they rank highly among ethnic groups in creativity, inventiveness, and productivity.

As a result of redistricting, I have recently gained a considerable number of Japanese Americans as constituents and am pleased to welcome them into the 28th District of California.

The transgressions of Japan and the United States against each other understandably linger in the consciousness of both nationalities. But the maintenance of amicable international and domestic relations is not based upon revenge or retribution.

The repeal of title II of the Emergency Detention Act of 1950 which passed the House with my strong support last year and was subsequently signed into law by the President, manifested the degree of maturity that Japanese American relations have attained.

Hopefully, we have learned from the past and can continue to live in peaceful and productive accord.

Mr. UDALL. Mr. Speaker, Japanese American citizens have long been noted and admired for their willingness to work hard and conquer adversity. Nowhere has this characteristic been more significant than in the development of the Southwest, a land that makes extreme demands on those who would win it.

On this, the occasion of the 1972 National Japanese American Citizens League Convention, I would like to point out a few of the contributions that the Japanese have made to the States of Arizona, New Mexico, and Texas.

Noted as gardeners, the Japanese have made various areas of Arizona, including the Salt River Valley bloom with flowers and vegetables since 1905. By 1930 about 4,000 acres were being cultivated by Japanese farmers.

One, Hachiro Ohnuki prospected for water rather than gold in 19th century Arizona. He dug wells and provided water so successfully that in 1886 he and two associates were granted a franchise to provide lights for the city of Phoenix. He also operated a transportation company that provided the city with streetcars.

In New Mexico the first Japanese families came to work as miners, railroad hands and house servants. From there they branched out into agriculture, in areas suited to sugar beets and fruit growing. Some started their own businesses. One Japanese American, Geneta Kimura, worked for 46 years for the Santa Fe Railroad before retiring with honor in 1946.

Kimura like all members of the Japanese American community had to overcome prejudice and suspicion to succeed in their adopted land, particularly during the war years of the 1940's.

But their tenacity and unwillingness to give up in the face of overwhelming problems, stood them in good stead, for they identified with this demanding land.

A stone monument which stands near a grove of trees near the Alamo shrine in San Antonio, Tex., serves as a good example.

On the monument is carved a poem by a Japanese scholar named Shigetaka Shiga, who traveled through Texas in 1899. In the saga of the defenders of the Alamo, Shiga recognized the bravery exemplified by the Japanese word "bushido," the way of the Samurai. His tribute to that brave handful of men should be matched by our admiration today for his countrymen, who with their unquenchable spirit have made this Nation a better place.

Mr. RODINO. Mr. Speaker, often feelings of ancestral pride and of American identity work together hand in hand to reinforce and to unify the foundations on which our country stands. Each American citizen has the distinctive opportunity to inherit and to pass on the beauty of his ethnic traditions—to learn, to understand, to take part in and to enjoy its teachings, customs, folklore, and its special celebrations. Recognition of the 22d Biennial Convention of the Japanese American Citizens League, at this time, is extremely important.

The values and principles of our democratic society have indeed been enhanced by the contributions of our Japanese Americans. Most Japanese immigrants who entered our land were young men between the ages of 20 and 40. Their strength, their spirit, their knowledge and their ideas have become an inseparable and an invaluable part of our culture and our history. The remarkable creativity, to cite just one example, of the Japanese American architect Minora Yamasaki, an art which combines our modern functional style with the classical style of Greece and with the influence of the Orient, has brought a deep feeling of pride to all Americans.

I join with my colleagues in welcoming the many distinguished delegates of the Japanese American Citizens League to Washington and in wishing them many fond memories and many rewarding experiences from their visit to our Nation's Capital.

Mr. PEPPER. Mr. Speaker, there never have been many Japanese in the South, but it can be said that they contributed far more than their numbers would suggest to the economic and cultural development of the southeastern States. Moreover, the increase in their numbers since World War II suggests that many of them found a welcome in this region from their wartime camps that caused them to remain here long after the Army lifted the exclusion orders and they could have returned to their former homes and associations on the west coast.

In 1940, there were only 150 Japanese Americans in Florida, according to the census, and today there are more than 4,000. Georgia had only 31 some 30 years ago, with almost 2,000 now. Alabama is another example, with 21 in 1940 and 1,079 today. In Louisiana, there were only nine in the whole State; now, there are 1,130. In Mississippi, there used to be only one, today, there are almost 500. In South Carolina, there were 33, while today there are almost a thousand.

Though small in number and little known, the Southern States can boast some of the most outstandingly successful Japanese immigrants.

A notable example is Sachihiko Butsuen, whose unusual accomplishments are not limited to the State of Georgia where his Mayfield Plantation in White Oak has long had a reputation as a model farm. In his long and productive life, Butsuen has ranged almost the length and breadth of the land.

Born on New Year's Day in 1887, he came to the United States in 1906, landing in San Francisco soon after the earthquake. After 3 years as a schoolboy in Portland, Oreg., he tried to start a Japanese development company on 2,900 acres of land near the Dalles with some 30 Japanese members, but lack of good water supply caused the Columbia Production Co. to fail in 1909.

He was called to Kammerer, Wyo., to manage the affairs of some 240 Japanese coalminers there. He worked there for a year and went on to Colorado where, after working for a sugar refinery for a year, he led a work gang of Japanese to western Colorado to work in sugar beets and fruit picking. During that time, he also contracted to build an aqueduct over Grand Mesa in the delta as well as a canal in the Uncompahgre Valley. He later went into farming in Montrose, growing several hundred acres each of sugar beets, potatoes, and onions as well as an apple orchard which was said to be the largest in Colorado at the time.

Until he moved away in 1920, he lived in west Colorado and was a pillar of the community.

From 1920 to 1931, he leased 4,200 acres from a former Governor of Wisconsin near Model, Iowa, and grew potatoes and corn as well as wheat. At the same time, he grew 200 to 300 acres of onion at Hollandale, Minn., and vegetables in South Bend, Ind.

In 1931, he moved to Brunswick, Ga., and in 1937 purchased the Mayfield Plantation in White Oak where he grew lettuce.

The passage of the Walter-McCarran Act in 1952 which gave naturalization rights to Japanese for the first time owes much to the singlehanded lobbying by Butsuen to convince Senators Russell, George, Smathers, and Holland.

The history of Japanese in Georgia, however, goes back quite a ways to 1880 or so when a Frank Aiken of Savannah contracted to bring over about 20 Japanese workers from Japan to try growing rice near Brunswick.

In the capital of Atlanta, Japanese first arrived about 1920 to open a chop suey restaurant. One operated by Sadajiro Yoshinuma since 1922 is one of the largest restaurants in the city. Yoshinuma worked his way through night school to graduate from Oglethorpe College.

After the war, the Kobukuro family opened a successful greenhouse and nursery in suburban Winston. In 1946, the Frank Koto family arrived from Denver to operate a poultry farm as well as provide chick sexing service for the area. In 1960, there were about 20 Japanese families in and around Atlanta.

As the 1900 census would indicate when not one Japanese was found to be living in either North Carolina or South Carolina, there have not been many Japanese in the two Southern States. In 1884, Dr. Jokichi Takamine, sent to observe the World's Fair in New Orleans, came to South Carolina to see if the phosphate produced there could be used as chemical fertilizer for Japanese farms. Dr. Takamine's advice opened the way for a new export from South Carolina and a revolution in farming in Japan.

A Japanese named Kodama was said to be farming in the outskirts of Charleston before the war. When the Navy purchased his farm after the war, he opened a gasoline service station and a restaurant, but has since moved away.

An outstanding exception in South Carolina is Mitoo Tokunaga, who came to Columbia, S.C. in 1909 and found work in a greenhouse where he worked 7 years for $5 a week. In 1919, his long years of hard work were rewarded when a bank agreed to lend him $1,200 to buy his own greenhouse without a collateral to his name.

The business has prospered through the years, and Shandon Green House now has 29 greenhouses in three locations as well as three retail outlets.

In Louisiana, the Port of New Orleans has been a port of call for Japanese ships trading in soybeans and cotton. When the first of the few settlers arrived is not too clear, but they operated rooming houses and restaurants catering to sailors, fished for shrimps and made bamboo furniture and decor. One of the earliest and longest-lasting businesses, an art goods store, was begun by Tomematsu Hinata in 1904. Later, there were 20 or so shrimp fishermen who operated until World War II. About 1912 or 13, a group of about five Japanese families arrived from California to try their hand at farming beans and tomatoes, but were forced to quit because of lack of capital, the heat and mosquitoes.

The earliest Japanese settler in Alabama is also the most successful. Kosaku Sawada arrived in 1910 in Mobile to explain the method of planting and care for several thousand Satsuma orange seedlings he had sold to a firm there. He established a small nursery in Grand Bay. It was not until 1914 that the seedlings he brought to start his own business grew to marketable size. He later moved from Grand Bay to Overlook Hill where he opened "Overlook Nursery" which continues to this day.

In 1916, he married Nobuko Yoshioka, who brought about 200 unusual camellia seeds with her. Most of the seeds resulted in failure, except for a few whom he carefully nurtured until they bloomed 20 years later. However, wife, the bearer of the seeds, had died in 1929, and in her memory, he named the new camellia "Mrs. Sawada."

He later expanded his nursery by purchasing 80 acres in the suburbs of Mobile, but has spent his retirement years continuing to improve the plants in his care.

He is credited with developing 27 new varieties of camellia, 13 varieties of "sazanka" azaleas, a thornless pyracantha and cherry trees which were thought impossible to transplant to Alabama.

Tsukasa Kiyono, known in his day as the Camellia King, currently resides in Japan and continues his lifelong interest in the improvement of plants. He came to the United States in 1906 and after studying the cultivation of Satsuma oranges in Texas for 5 years, moved his plant nursery to Mobile. He was then only 23, with a long road of adversities ahead of him. One night of severe frost destroyed all his orange seedlings, and with the start of World War I, the demand for orange seedlings hit rock bottom. In addition, a typhoon in 1914 blew his house away and destroyed all his plants again. When he had managed to rebuild the orange seedlings, a canker caused all of the tens of thousands of plants to have to be destroyed.

Unbowed by what would have discouraged a lesser man, Kiyono transferred his interest to improving camellias and azaleas, which were considered difficult plants to grow. Aided by the World War I prosperity, Kiyono continued to expand and improve.

By 1930, his nursery encompassed 200 acres, with several hundred varieties of plants and an annual sale throughout the United States going up into 3 million plants.

When the city of New Orleans decided to beautify several miles of park roads with azaleas and other flowering shrubs, Kiyono aided the nurserymen in the city by refusing the city's offer to deal directly with him and wholesaled his plants to the New Orleans firms.

When World War II began, Kiyono and his family were in Japan, and all his assets in the United States were taken over by the Government as alien property. His investments in Peking also gone, Kiyono was left without his former wealth. He returned to Mobile in 1946 and went to work for a friend while negotiating for the settlement of the pre-war assets. After recovering only $250,000 of his former wealth, he returned to Japan in 1952, but continued his interest in flowers, being elected president of the Japan Pansy Club in 1960 and vice president of the Japanese Garden Culture Association earlier.

That the city of Mobile is known as Azalea City today owes much to this great pioneer who refused to let adversities beat him.

The business has prospered through the years, and Shandon Green House now has 29 greenhouses in three locations as well as three retail outlets.

Japanese first arrived in Florida in 1904 when the Florida East Coast Railroad planted 1,260 acres between Boca Raton and Delray Beach with pineapples. They could not compete economically with the Cuban pineapples, and the company decided to switch to winter vegetables. The land was offered to Japanese who were considered the best vegetable farmers.

Masakuni Okudaira and Jyo Sakai, who were studying in New York, headed south and bought 80 and 40 acres respectively, naming the area Yamato Colony. For many years afterwards, the railroad station there was named "Yamato."

In 1907 when Sakai was in Japan, he talked financier Matsukata into buying 40 acres of lowlands near Yamato and 40 more in Highland. The Highland lots, bought for $25 an acre, later fetched $2,000 an acre in the Florida land boom.

In its early days, the Yamato Colony did not do too well, with markets for the produce too far away. Although by 1910 there were more than 100 Japanese in Florida, they began to drop out little by little. However, in 1916, other areas had large-spread frost damage, while Florida alone was spared, and many were the Japanese farmers who went back to Japan rich, making $10,000 and more from one acre of peppers, for instance. Tomatoes and eggplants were other crops.

In 1925, Miami Beach was developed, and with it came a land boom that made most of the Japanese farmers so well off that they sold the land, quit farming and moved away.

Florida had one more Japanese colony. In 1913, Gov. William Jenning, who owned 60,000 acres in Middleburg in Clay County, contracted with Seigo Shigeki to sell it to Japanese farmers for $80 an acre, payable in 10 years. Some 30 Japanese arrived from California to buy 20 to 30 acres each. They selected sandy ground and planted potatoes, but heavy rains washed away the fertilizers, and the farms failed.

Early Japanese residents in Miami were two who operated Japanese art goods stores from about 1905–06.

Two Japanese landscapers who were to contribute mightily to the greening of Miami Beach—Kotaro Suto and Shigezo Tashiro—arrived together as employees for Karl Fischer, developer of Miami Beach. Both later went into the nursery business, and the Sutos, particularly, won nationwide recognition for contributing plants along all the streets in Miami during the 1932 depression year.

In St. Cloud, Dr. Kaku Suto, first Japanese woman doctor in the U.S., lived to be over 100 years of age. She had lived in Florida continuously since 1907.

I am pleased to join my colleagues on this occasion in commending the outstanding and varied contributions made to our economy, society and culture by Japanese Americans not only in Florida but through the South and the length and breadth of this great Nation.

GENERAL LEAVE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in paying tribute to Japanese Americans.

The SPEAKER pro tempore (Mr. BROOKS) Is there objection to the request of the gentleman from Hawaii?

There was no objection.

NATIONAL SAFE BOATING WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, as Americans, we have become beneficiaries of a gift of time unknown to the people of past generations. With the workweek diminishing, and the fruits of the leisure class increasingly distributed to greater numbers of the populace, we find our citizens enjoying an ever-greater number of leisure hours. Less than a century ago, the average work week consisted of over 70 long hours. Today, the 40-hour week is common, and even that figure is diminishing so that speculators foresee a 30-hour or even 25-hour work week before the end of the century.

What Americans find to do with their leisure hours is the subject of many studies and much discussion. One sociologist has referred to the primary by-product of our leisure hours as a "recreational explosion." When we find tens of millions of American engaged in such activities as swimming, fishing, or hunting, for example, we find a social phenomenon deserving of our attention, and our action.

In the realm of recreational boating, where some 45 million Americans comprise the annual boating public, and where the number of leisure-time dollars devoted to the activity is in excess of 4 billion, Congress has, in fact, observed and acted. And, of necessity. With almost 1,600 recreational boating fatalities last year, boating safety is now a major cause of concern to those of us who strive to maintain a balance between the enjoyment inherent in any recreational activity, and the requirements necessary to keep fun-seeking Americans safe.

On several occasions, Congress has acted to insure that pleasure boating and safe boating are one and the same. Last year, we saw the enactment of Public Law 92–75, the Federal Boat Safety Act of 1971, a major step in promoting boating safety, going well beyond the limited requirements of the Motorboat Act of 1940, and the Federal Boating Act of 1958. I will speak about such legislation a little later. However, another act, no less important in arousing the safety-mindedness of the boating public, was Public Law 85–455, calling for the annual observance of National Safe Boating Week, which I introduced as House Joint Resolution 378 on June 19, 1957.

In accordance with the law, the President of the United States recently issued the following proclamation for National Safe Boating Week, 1972:

A PROCLAMATION

Boating on our Nation's waterways has become a source of recreational pleasure for a rapidly increasing number of Americans. Increased use means more enjoyment for more people, but it carries with it an increased responsibility as well. Those who use our waterways must take greater care to observe the rules of good seamanship and of boating safety.

To focus national attention on the need for safe boating practices, the Congress, by a Joint Resolution, approved June 4, 1958 (72 Stat. 179) requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning July 2, 1972, as National Safe Boating Week.

Many boating tragedies could be avoided through education and common sense. I urge all Americans who use our waterways to take advantage of the numerous boating safety courses offered by governmental and private organizations, such as the United States Coast Guard, the Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and various State agencies.

Last August I signed into law the Federal Boat Safety Act of 1971, designed to improve boating safety and to encourage state participation in boating safety efforts. I invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to cooperate in implementing that Act, and in providing for the observance of the National Safe Boating Week.

In witness whereof, I have hereunto set my hand this fifth day of February, in the year of our Lord Nineteen Hundred Seventy-Two, and of the Independence of the United States of America the One Hundred Ninety-Sixth.

THE PROBLEM

If we examine the record for the past year, we can easily see why there is a concern for the safety of our Nation's boatmen. In compliance with the Federal Boat Safety Act of 1971, the Coast Guard has collected, analyzed, and published statistical information obtained from various recreational boat numbering and casualty reporting systems. This is a continuation of the reports the Coast Guard has previously published under the mandate of the Federal Boating Act of 1958.

What did the most recent statistics reveal? First, and most important, there were 1,582 fatalities in boating accidents in 1971. This is 164 more fatalities than the previous year, an increase of over 12 percent. As in past years, the greatest single cause of these boating deaths was capsizings, followed by falls overboard. A total of 1,472 drownings resulted, accounting for over 93 percent of all boating fatalities. In almost half of these cases, lifesaving devices were available, but of those who did have access to such devices, 75 percent either did not use them properly, or did not use them at all.

In terms of property damage, the 3,909 reported recreational boating accidents results in a loss of over $9 million—an increase of almost $3 million over the record of the past 2 years.

The Coast Guard, the States, and many fine volunteer organizations are dedicated to reversing the trend. And, with tools such as provided in the recent Federal Boat Safety Act of 1971, the task of protecting life and property of America's boatmen has been greatly assisted. In keeping with its mission to make pleasure boating safe, the Coast Guard is continuing to mount a four-pronged attack on those aspects of boating safety called the "4-E's"—engineering standards, enforcement, education, and environmental concerns.

ENGINEERING STANDARDS

Looking first at engineering standards, the Federal Boating Safety Act of 1971 authorizes the Secretary of Transportation through the Coast Guard to issue regulations which establish minimum safety standards for recreational boats and boating-associated equipment. In addition, the act gives the Coast Guard a mandate to conduct tests and establish procedures as necessary in order to insure manufacturers' compliance with the standards as they are established.

The first of these standards of which I speak involves such areas as: Displaying information regarding the maximum number of persons and weight which can be safety carried in a given boat; establishing safe horsepower limits for specific hulls; and, requiring that boats will continue to float even when full of water. These initial manufacturers' standards for boats under 20 feet in length have been published as proposed regulations in the Federal Register, public hearings have been conducted and final regulations are being drafted. Normally, 180 days will pass between the date regulations are issued and the time the requirements go into effect. In those cases where manufacturers would have to effect major changes in their manufacturing process, there could be a "grace" period of up to 18 months. On the other hand, if the Coast Guard deems a boating safety hazard to be serious, an almost immediate effective date can be ordered. This was done in the case of the new personal flotation device requirements. On February 16 of this year, interim regulations were published to the effect that one Coast Guard approved lifesaving device for each person aboard must be carried on almost all boats. This regulation, which became effective on April 17, applies not only to motorboats, as in the past, but to all boats, whether they be propelled by oars, paddles, poles, sails, or by another vessel.

Other standards and regulations are being developed to meet problems in such areas as navigation lights, emergency signaling devices, carriage of safety equipment, and prevention of fires and explosions.

Another section of the new law deals with defect notification responsibilities and is perhaps the most important aspect of the recent legislation. For the first time in any law, there is a requirement that if a manufacturer sells a product with a defect which creates a substantial risk of personal injury to the public, or is not in compliance with a standard, he must correct it at his sole cost and expense. Even in the motor vehicle safety laws, this is not presently a requirement. Automobile manufacturers may elect to bear the expense of repairing defective cars, but while there are only a relatively few number of automobile manufacturers—there are over 1,800 different boat manufacturers. Thus, it was felt that this law must specifically state the manufacturers' obligations to the public in order to provide for a sufficient degree of consumer protection.

ENFORCEMENT

The second of the 4-E's is enforcement. It is the Coast Guard's responsibility to implement the laws and regulations covering the various aspects of recreational boating on waters under Federal control. The individual States are responsible for the enforcement of their State boating rules on waters where they have jurisdiction. For the Coast Guard's part, 54 boating safety detachments around the country bear the major burden of enforcement. The four boarding officers attached to each boating safety detachment, perform routine inspections of pleasure craft underway. As necessary, a boatman will be issued a warning and/or citation in the event that his boat is operated in some condition that is in violation of the safety requirements. In more severe cases, under the authority of the new law, a Coast Guard boarding officer can require the correction of an especially hazardous condition, including ordering the operator of a recreational boat to return to the nearest safe mooring, should he, the boarding officer, consider that continued operation creates an especially hazardous condition. For example, use of a boat could be terminated if there is a lack of sufficient Coast Guard approved lifesaving or firefighting devices, or if the boat is being operated in an overloaded condition. However, a boarding officer cannot exercise this authority for mere failure to carry the required items. The Coast Guardsman must make a judgment determination that continued use creates an especially hazardous condition to the occupants. This places quite a burden on the boarding officers, but we are assured by the Coast Guard that proper training and extensive experience are behind every decision to require the correction of an especially hazardous condition.

EDUCATION

In the realm of education, the Coast Guard has undertaken a two-phased program. One phase is that of educating boating officials in various aspects of law enforcement, equipment operation, seamanship, and first aid. Such training is being made available not only to active duty coastguardsmen, but to other Federal, State, and municipal officials who are able to take advantage of the regional boating safety seminars, and the newly established National Boating Safety School at Yorktown, Va.

The other phase of education is carried out not only by the Coast Guard, but also by the States, by the Coast Guard Auxiliary, by the U.S. Power Squadrons, by the Red Cross, by the National Safety Council, and by many other organizations who have undertaken to teach boating fundamentals to the public. By means of boating films, safety publications, classroom courses, and home-study courses, every effort is being made to make the American boatman an educated boatman.

It is unfortunate, though, that in spite of the vast efforts being made toward that end, the majority of boatmen have yet to avail themselves of the many education opportunities. Rear Admiral Wagner, chief of the Coast Guard Office of Boating Safety recently noted:

> We are seriously concerned by our apparent inability to educate a significant number of the boating population through strictly voluntary means. In a recent survey, we found that only one in five boat operators had any form of safety training. And even more seriously, that most of the others were not even aware that such training was available. . . . More than ever, we are concentrating on the problem of insuring that the average person who goes boating learns at least something of the hazards he might meet on the water, and what he should do about them when he does. . . . Our Coast Guard Auxiliary and the Power Squadrons educate over two hundred thousand boatmen a year. But, since we estimate that some seven hundred and fifty thousand new boatmen appear on our waters each year, our level must increase. We are implementing several promising programs which are focused directly at the small boat operator who our statistics show is involved in a great majority of the fatal accidents. Our courses are tailored to meet the limited exposure we can expect from this segment of the boating public and yet provide a meaningful safety message. We will continue to work with the states and the voluntary groups in increasing their teaching capabilities.

It seems to me that to meet the challenge, the Coast Guard has undertaken a significant educational program, using a variety of approaches, they are attempting to reach a substantial percentage of the boating public with a basic safety message. I share their hope that this expanded voluntary approach can reach an acceptable goal. But I am so convinced that there is this vital need for education that I will urge the Coast Guard to seek authority for a mandatory educational requirement if that appears to be the only effective means. The problem we face certainly is not new. It has been with us for many years and has been getting progressively worse. In fact, to call attention to the situation back in 1962, I introduced legislation, H.R. 11703, to require the licensing of operators of certain vessels on the navigable waters of the United States. Because of the dramatic increase in recreational boating and the growing urgency to maintain the highest possible level of safety on our waterways, I have reintroduced a similar bill in each succeeding Congress, the 88th, 89th, 90th, and 91st. Currently pending before the House Merchant Marine and Fisheries Committee is my bill, H.R. 625, to require the licensing by the States of the Federal Government of operators of certain vessels on navigable waters of the United States. I realize that there is a reluctance to force further regulation on what is really a form of recreation, and I share that reluctance. But, I cannot help but feel it is no favor to allow people to unwittingly place themselves and their families in dangerous situations they could easily avoid if only they were aware of their existence. If some form of licensing is the only way, the various interest groups should be more concerned that any program is accompanied by a meaningful education element, rather than opposing it on the grounds that there is no need—the fact that nearly 1,600 Americans died in boating accidents last year speaks clearly that there is, in fact, a need.

ENVIRONMENT

It is not without justification that protection of the environment has come under public scrutiny. And, those concerned with recreational boating are no less concerned with the ecological ramifications of sailing on our Nation's waters. The Oil Pollution Act of 1924, the Oil Pollution Act of 1961, and the 73-year-old Refuse Act of 1899 are all subject to enforcement on Federal waters by the Coast Guard as well as the Army Corps of Engineers. And, while these agencies are actively engaged in keeping Federal waters clean, several of the States have acted to insure that boatmen in their jurisdictions keep local waters as free from pollutants as possible.

COOPERATION: A MUST

It is apparent that the 4-E concept requires the cooperation of many organizations, not to mention, the cooperation of those Americans who have chosen to spend their leisure hours out on the water. National Safe Boating Week, itself, is the culmination of a cooperative effort on the part of 21 separate organizations devoted to focusing attention upon the necessity for pleasure boatmen to know and to comply with safe boating practices. In addition to those 21 organizations, there are over 2,000 local groups such as Coast Guard Auxiliary flotillas, U.S. power squadrons, boating clubs, and other safety-minded organizations who have contributed their efforts toward publicizing National Safe Boating Week, toward making recreational boating safer—more enjoyable.

To all of those national and local committees actively participating in the promotion of boating safety, I extend my thanks and congratulations. I urge all others interested in boating safety to join them in making this an even more effective National Safe Boating Week in terms of public awareness.

Certainly, the safe practices established during this commemorative week can be carried out during the entire boating season and throughout the year.

INTEREST RATES RISE AGAIN—FEDERAL RESERVE AND NIXON ADMINISTRATION SHOULD PROTECT THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, while the administration sits idly by, interest rates are beginning to creep up on a broad front.

Once again, we are going to have a real test of the willingness of the Federal Reserve System and the Nixon administration to protect the people and the economy from the ravages of another round of high interest rates. These new increases are on top of rates that are already far out of historical boundaries and far too high to fuel economic recovery.

The press—and the administration propagandists — have attempted — in many cases—to indicate that we have had some kind of stabilization of monetary policy and interest rates over the past few months. This simply is not true and when we have corporate bonds hanging at 7½ percent, no one can claim that we have anywhere near normal levels of interest rates.

Last week, the rates on mortgages crept up again and today they stand at an average of 7.55 percent across the nation plus points and other fees. In too many areas, the effective interest rate is still in the neighborhood of 8 percent—a figure which effectively eliminates millions of Americans from the home market.

And Monday morning, the big banks raised their prime lending rate from 5 to 5¼ percent and this is certain to push other rates upward. Small businessmen, farmers, and consumers are paying much higher rates of 10, 11, and 12 percent on most of their borrowings. In fact, millions of consumers are still being hit with rates as high as 36 percent on small loans and from 18 to 24 percent on installment credit.

All of this is happening while the administration—supported by the Federal Reserve Board—refuses to use any part of the controls which the Congress has voted on two occasions to deal with interest rates. The power is available to both the Federal Reserve System and the Nixon administration to roll back interest rates and to give the economy the kind of spur that is needed if we are to put people back to work.

Mr. Speaker, I include in the RECORD a series of articles detailing recent trends in interest rates:

[From the Wall Street Journal, June 29, 1972]

FEDERAL RESERVE AGAIN BUYS TREASURY BILLS, APPARENTLY TO SLOW RISE IN MONEY RATES

(By Edward P. Foldessy)

NEW YORK.—For the second time this week the Federal Reserve System, the nation's money manager, pumped funds into the banking system by buying Treasury bills in the secondary market.

The action, a counteractive measure to factors draining reserves from the banking network, appeared designed mainly to slow the upward move in money market interest rates.

While the maneuver caused some reductions in the rates on short-term Treasury bills, most other money rates continued to press upward yesterday. These rates have been moving up so swiftly that analysts say some banks with floating prime rates could boost again their minimum charge on corporate loans late this week or next week.

The dust was just beginning to settle on the previous boost to 5¼% initiated last Friday by New York's First National City Bank. Yesterday, National Bank of Detroit, lifted its base rate to 5¼% from 5%, leaving Chase Manhattan Bank and Morgan Guaranty Trust Co. as the only major holdouts.

TWO RESERVE ACTIONS

The Federal Reserve entered the market twice yesterday, first to buy Treasury bills outright for cash and later to acquire bills through so-called repurchase agreements.

Acquisitions of securities by the Federal Reserve inject funds into the banking system because sellers deposit proceeds into their commercial bank accounts.

The amount of the Federal Reserve's purchases couldn't be determined. But market specialists doubted the outright purchases could have been substantial. They noted the Federal Reserve didn't put in the buy order until about 11:30 a.m. EDT, well after the time the dealers normally have their inventories designated for specific uses.

Coming in "at that hour, it looked like the Fed was employing a psychological ploy to keep bill rates down," commented one government securities dealer.

He noted that the rate on federal funds, which are uncommitted reserves member banks lend each other, had been at 4¾% at the Reserve's initial entry. But instead of going down, as would be expected by the fund injection, the rate shot up to 4⅞% to 5% range.

At that point the Federal Reserve reentered the market offering to do repurchase agreements with dealers and customers of dealers. Under such an arrangement, the Federal Reserve buys securities from a dealer who agrees to buy them back at a later date and pay a specified rate of interest over the period.

Late in the afternoon the rate on federal funds plunged to a range of 4⅜% to 4½%.

TREASURY BILLS SLIDES

In reaction to the moves, the latest 13-week Treasury bill fell to a closing bid of 3.87% from 3.99% Tuesday. The companion 26-week issue dipped to a bid of 4.48% from 4.52%.

The downward move was also aided by purchases of the securities by the Federal Reserve for the accounts of customers, presumably foreign central banks that picked up dollars during the currency crisis. These purchases were said to have amounted to $100 million.

Other rates, however, pressed upward unabated. For instance, General Motors Acceptance Corp., the nation's largest finance company, announced rate increases ranging to ¼ percentage point on commercial paper it sells to investors.

GMAC's new scale quotes: 4⅝% on paper due in 30 to 89 days, 4¾% on 90 to 239 days, and 4⅞% on 240 to 270 days. That represented a ¼ point boost on 90-to-179 day maturities and ⅛ point on the others.

Commercial paper is the money market designation for short-term unsecured promissory notes issued by corporations and sold to investors, mainly other companies.

In another area, a number of banks boosted by ⅛ point their posted rates on short-term negotiable certificates of deposit. For most, the new posted scales are 4½% on 30 to 59 days; 4⅝% on 60 to 89 days; and 4¾% on 90 to 179 days. However, specialists said it would take rates ⅛ point higher to actually do business.

Negotiable CDs represent deposits of $100,000 or more left for a specific period of time. They are an important means banks use to gather funds for lending and investing.

Banks with floating prime rates peg their basic lending charges to movements in rates on money market instruments, usually commercial paper or a combination of commercial paper and CDs. With these rates moving upward, another increase in the prime rate may be near, analysts reason.

[From the New York Times, June 29, 1972]

A Mixed Trend Is Shown By Credit Market Rates

(By Robert D. Hershey)

Uncertainties about monetary conditions abroad and inflation at home continued to weigh heavily on the money and capital markets yesterday. The effect on interest rates, however, was unevenly felt.

Corporate bonds staged another sharp decline, pushing yields up several basis points as investors appeared to abandon the 7.50 percent level for double-A utility offerings. Tax-exempt issues, meanwhile, seemed to weaken slightly and Treasury coupon securities were narrowly mixed.

In the money market, rates on Treasury bills were driven down sharply, spurred by Federal Reserve operations in the open market. Some other money rates increased, including those on commercial paper and certificates of deposit at certain banks. Numerous additional banks, including most of those in Detroit, raised their prime rates to 5¼ percent.

The Federal Reserve activity was seen mainly as injecting seasonally required funds into the banking system, partly in anticipation of the Independence Day holiday.

The Reserve purchased bills for its own account and for the account of a customer presumably a foreign central bank that has accumulated excess dollars during the latest currency turmoil. In addition, it provided temporary credit to the system by negotiating overnight repurchase agreements with dealers in Government securities.

Bill rates declined several basis points, in one case by as many as 12.

Federal funds—overnight interbank loans—traded at levels considerably higher than have prevailed recently, reflecting tightness on the weekly settlement day for banks.

In an analysis of the floating pound and inflation, Robert Van Cleave, who publishes a letter of commentary on the financial markets, said early this week that while it is sometimes difficult to see how changes in exchange rates apply directly to the trading of bonds or the fixing of prices by new-issue syndicates, the failure of investors to buy bonds "show an instinctive understanding that the inflation of money produces both higher prices at home and exchange crises abroad, both tending to reduce the value of the monetary unit."

Underwriting difficulties of late, he added, "are explained by reference to the institutional investors and their recalcitrance."

"They have scads of available money and they ought to be willing to invest it in higher-priced bonds," he said.

For a considerable period recently a 7:50 yield on high quality corporates seemed a level that would attract investors, even as offerings slightly lower in rate failed to stimulate any important demand.

[From the Washington Evening Star, June 23, 1972]

Interest Rates Rising Selectively

(By Laurance F. Stuntz)

NEW YORK.—Interest rates generally are inching up, but although the rise is bad news for most businessmen, consumer loans and mortgage businessmen, consumer loans and mortgage rates shouldn't be affected.

In fact, some experts even say mortgage rates might be a little lower by the end of the year.

The higher charge is showing up both in the interest which banks pay savers and in the rate they charge borrowers. The latest big jump is in Britain, where the basic lending rate went up a whopping one percent yesterday, from 5 to 6 percent. This makes it the highest rate in any industrial country, even above France's 5.75 percent. The U.S. equivalent rate is 4.5 percent.

ECONOMIC BASIS

But U.S. rates are going up because of increased economic activity, not as a spillover from the European trend. The big jump in British rates was due to fears about devaluation of the pound—the British government raised the rates to make it more profitable to buy sterling and get interest on it. This should increase the demand for pounds and thus make them worth more.

Banks in the United States already are paying higher rates to big depositors and charging more for loans to business. So far this trend has not affected the American who wants a mortgage to buy a house or a loan to buy a car.

SLIGHT DIP LIKELY

"Mortgage loan demands might even go down as housing starts to taper off," said Frannklin R. Saul, former assistant secretary of the treasury. Housing construction this year has been running at the rate of 2.3 million buildings a year, compared to 2.1 million last year. However, it is expected to decrease toward the end of this year. With fewer houses being built, there would be less demand for mortgage money and rates could be expected to go down fractionally.

Saul, now with F. S. Smithers and Co., said bond interest might have to go up, which would mean industry would have to pay more for money to build new plants or modernize old ones. But this would not necessarily mean a rise in interest charges on loans to consumers as well.

SAVINGS HIGH

For one thing, the American public is now saving almost 8 percent of its income. Even if this percentage goes down, it will still supply plenty of money to be reloaned by banks. For another, business loan rates are subject to short-term demand in cycles, whereas consumer loans lag behind by several months.

Although the interest charged on the 3-month type of loans used by business is "firming up, I'm not sure this will have any impact on consumer type loans this year," Saul said.

"There's a lot of political sensitivity in this, so the rates might not go up. It doesn't have to happen."

There seems to be little danger the rise in interest rates on sterling—you have to pay 17 percent on the Continent to borrow pounds—will spill over into the U.S. lenders who think pounds will be devalued charge higher interest to cover the risk. People who already own pounds are selling them to buy dollars. This has raised the value of the dollar in most European markets.

Prime Rate Rise to 5¼ Percent Is Followed by Mellon, Boston First National

[From the Wall Street Journal, June 28, 1972]

More banks boosted to 5¼ their prime, or minimum, interest charge on corporate loans.

Those moving included First National Bank of Boston and Mellon National Bank & Trust Co., Pittsburgh. Mellon also announced adoption of a so-called floating prime rate, one that is pegged to rates in the money market.

By late yesterday, only New York's Chase Manhattan Bank and Morgan Guaranty Trust Co., among the nation's giants, were still holding out at the 5% prime rate. By holding the line, it appeared these banks were trying to drum up commercial loan business, which has been sluggish in New York.

Just how long they will hold out is unknown. Interest rates in some sectors on the money market rose another notch yesterday, adding to the upward pressure on their lending charges.

In its announcement, Mellon National said it will peg its base lending charge to rates on three money market instruments—commercial paper issued by large finance companies, commercial paper sold by dealers on behalf of industrial concerns, and negotiable certificates of deposit trading in the secondary, or resale market. In each case the rate used will be that on 90-day maturities.

Most banks currently having a floating prime peg their base rate on only dealer paper or a combination of dealer paper and negotiable CDs.

Commercial paper is the designation for short-term unsecured promissory notes issued by corporations and sold to investors, mainly other companies. Negotiable CDs represent deposits of $100,000 or more left with a bank for a specific period of time. They can be bought and sold in the secondary market.

Under the Mellon formula, the bank will add ⅛ percentage point to the offered rate on dealer paper. It will take the resultant rate and average it with the offered rates on finance company paper and negotiable CDs. To that average it will add another ⅝ point to compute its prime rate.

The bank said it will review its base rate each Friday, adjusting it in ⅛ point intervals. The rate would become effective the following Monday.

Elsewhere in the money market yesterday, a couple of dealers in commercial paper boosted to 4¾% from 4⅝% their offered rates on high grade corporate IOUs due in 90 days.

In addition, most dealers in bankers acceptances raised by ⅛ point their rates on trade bills. New York Hanseatic Corp., for instance, posted a new scale quoting: 5% bid, 4¾% offered, on acceptances due in one to 90 days; 5⅛% bid, 4⅞% offered, on 91 to 120 days, and 5¼% bid, 5% offered, on 121 to 180 days.

Bankers acceptances primarily are bills to finance the import, export, transfer or storage of goods. They are termed accepted when a bank guarantees their payment at maturity.

Mr. Speaker, these indicators are just the tip of the iceberg. The situation is going to grow much worse unless we have firmer action by the Federal Reserve and by the Nixon administration. The Nixon administration should implement the interest rate controls without further delay and before all of these interest rates get completely out of hand.

With continuing deficits in the Federal budget, it is essential that the Federal Reserve System perform in the public interest and give its fullest support to the Treasury's debt management efforts.

We cannot allow the Treasury Department to finance these Nixon deficits willy-nilly in the market without some specific assurances that they will not create higher interest rates and severe credit shortages for the domestic economy. If we are to have deficits of this size, we must require that the Federal Reserve System fully support the Government bond market and that the Federal Reserve and the Treasury Department fully coordinate their activities and peg the interest on Federal Government borrowings at a reasonable level.

In saying this, I am sure that there will be a chorus of voices contending that this is "unorthodox." I do not agree—and historical precedents do not agree—that such a procedure is unorthodox, but I do know—beyond a doubt—that the kind of deficits that are being put forward by the Nixon administration are unorthodox in the extreme.

There is no question of the power, the ability, and the responsibility of the Federal Reserve and the Treasury Department to work together to manage this debt in a manner which will protect the American people and which will reduce the tremendous interest burden borne by the taxpayers. The Federal Reserve can peg this interest rate at any point it so desires. This is an absolute fact that cannot be contraverted by anyone.

Mr. Speaker, this has been admitted time and time again and I want to quote from a hearing before the House Banking and Currency Committee way back in March of 1947 when Mike Monroney—then a U.S. Representative and later a U.S. Senator—questioned Marriner Eccles, the Chairman of the Federal Reserve Board, on this issue. I quote:

> Mr. ECCLES. Now, the fact that the interest is where it is, of course, is not just an accident. The interest is where it is because that is where the Federal Reserve System put it in conjunction with the Treasury—I mean with the approval of the Treasury. The rates during the twenties and during the last war, had there been an open market committee—which there was not, in the Federal Reserve System—they could have financed the last war and financed the Government during the twenties at prevailing rates.
>
> Mr. MONRONEY. Do you mean to say that with your present open-market committee, and the operation of the Federal Reserve, as it now stands, that, regardless of what the national income is, or other economic factors, that you can guarantee to us that our interest rate will remain around 2.06 per cent.
>
> Mr. ECCLES. We certainly can. We can guarantee that the interest rate, so far as the public debt is concerned, is where the open market committee of the Federal Reserve desires to put it.

Mr. Eccles was not speaking about theory but actual practices by the Federal Reserve. Until the Eisenhower administration, the Federal Reserve had maintained yields on long-term Government obligations at 2.5 percent and below. This was true during all kinds of economic conditions—during depression, during war, and during the postwar expansion.

Nothing illustrates the ability of the Federal Reserve and the Treasury to work together to maintain low interest rates better than the period 1939 through 1952. Mr. Chairman, I place in the RECORD at this point a table showing the yields on long-term Government bonds from 1939 to 1952, and a second table showing how these yields increased from 1953 on:

Yields on long-term Government bonds, by years, 1939 to 1952

[Percent per annum]

Year:	*Yield*
1939	2.36
1940	2.21
1941	1.95
1942	2.46
1943	2.47
1944	2.48
1945	2.37
1946	2.19
1947	2.25
1948	2.44
1949	2.31
1950	2.32
1951	2.57
1952	2.68

Yields on long-term Government bonds, by years, 1953 to present

[Percent per annum]

Year:	*Yield*
1953	2.94
1954	2.56
1955	2.84
1956	3.08
1957	3.47
1958	3.43
1959	4.08
1960	4.02
1961	3.90
1962	3.95
1963	4.00
1964	4.15
1965	4.12
1966	4.65
1967	4.85
1968	5.26
1969	6.12
1970	6.58
1971	5.74

Interest rates rose in all categories after the Federal Reserve weakened its support of the Government bond market. Since the inauguration of the Eisenhower administration, the American people have paid about $497.2 billion in excessive interest rates on the total public and private debt—sums above and beyond what would have been paid if interest rates had remained at the levels existing in 1952.

Mr. Speaker, I place in the RECORD a table showing how the $497.2 billion in excessive interest charges on the public and private debt has been calculated:

EXCESSIVE INTEREST CHARGES ON THE PUBLIC AND PRIVATE DEBT, 1953 THROUGH 1971

[In billions]

Year	Net public and private debt	Interest paid	Interest costs figured at 1952 average	Excess interest paid
1953	$581.6	$21.7	$20.5	$1.2
1954	605.9	23.5	21.4	2.1
1955	644.9	25.8	23.5	2.3
1956	698.3	29.5	24.7	4.8
1957	728.3	33.6	25.8	7.8
1958	769.1	35.5	27.2	8.3
1959	831.4	40.3	29.4	10.9
1960	872.4	44.2	30.9	13.3
1961	929.8	46.8	32.9	13.9
1962	997.1	52.5	35.3	17.2
1963	1,071.7	58.7	37.9	20.8
1964	1,153.7	65.2	39.8	25.4
1965	1,245.6	72.4	44.1	28.3
1966	1,341.4	81.9	47.2	34.7
1967	1,442.7	89.9	50.8	39.1
1968	1,584.5	104.9	55.8	49.1
1969	1,722.7	120.6	60.6	60.0
1970	1,839.7	135.6	64.8	70.8
1971	[1] 1,950.0	[1] 156.0	68.8	87.2
Total				497.2

[1] Estimated.

Mr. Speaker. I also place in the RECORD a table showing how we have paid $103.8 billion in excessive interest charges on the Federal debt since 1951.

EXCESS INTEREST RATES ON FEDERAL DEBT, 1951–73

[Dollars in billions]

Fiscal year	Total Federal debt	Total interest paid	Computed annual interest rate	Computed interest cost at 1951 rate
1951	$255.3	$5.7	2.23	$5.7
1952	259.2	5.9	2.27	5.8
1953	266.1	6.6	2.48	5.9
1954	270.4	6.4	2.36	6.0
1955	274.4	6.4	2.33	6.1
1956	272.8	6.8	2.49	6.1
1957	272.4	7.3	2.67	6.1
1958	279.8	7.8	2.78	6.2
1959	287.8	7.8	2.71	6.4
1960	290.9	9.5	3.26	6.5
1961	292.9	9.3	3.17	6.5
1962	303.3	9.5	3.13	6.8
1963	310.8	10.3	3.31	6.9

EXCESS INTEREST RATES ON FEDERAL DEBT, 1951–73—Continued

[Dollars in billions]

Fiscal year	Total Federal debt	Total interest paid	Computed annual interest rate	Computed interest cost at 1951 rate
				1
1964	$316.8	$11.0	3.47	$7.2
1965	323.2	11.8	3.65	7.3
1966	329.5	12.6	3.82	7.6
1967	341.3	14.2	4.16	7.2
1968	369.8	15.6	4.21	8.2
1969	367.1	17.7	4.82	8.6
1970	382.6	20.0	5.22	8.1
1971	409.5	21.6	5.27	9.2
1972[1]	455.8	22.1	4.84	10.0
1973[1]	493.2	23.4	4.74	11.
Total		269.3		165.5

[1] Estimated.

Note: Excessive interest on national debt—$103,800,000,000.

Source: Budget of the United States for fiscal year 1973.

Mr. Speaker, we will never have assurances that the Federal Reserve will protect the public interest until the Congress makes certain that the system operates within the policies of the Federal Government. We can only do this if we require the Federal Reserve to come to the Congress for appropriations and require that its books be fully audited by the General Accounting Office. As I have told the House in previous speeches, the Federal Reserve derives its income—its operating expenses—through the granddaddy of all backdoor methods.

The Federal Reserve purchases Government securities in the open market with the money and credit of the U.S. Government. It holds these bonds in the portfolio of the Federal Reserve's Open Market Committee in the New York Federal Reserve Bank. These bonds now total more than $70 billion and today, the Federal Reserve is drawing almost $4 billion annually in interest on these bonds that have been paid for by the U.S. Government.

These bonds, of course, should be retired as paidup obligations and the Treasury should cease paying interest to the Federal Reserve on these bonds. Thus, the Federal Reserve would be required to come to Congress for appropriations to pay its bills and the Congress would have an opportunity to review the activities and policies of the Federal Reserve System.

Mr. Speaker, the amount of bonds being accumulated by the Federal Reserve System is reaching startling proportions and the day is coming when these holdings will far exceed the present national debt. These bondholdings have grown from a mere $16 million in 1915 to a whopping $70 billion today.

Mr. Speaker, today these holdings in the Federal Reserve's Open Market Committee—the $70 billion—represents 17 percent of the current national debt. These are bonds that have been paid for and they should be cancelled and subtracted from the national debt.

Mr. Speaker, I place in the RECORD a table showing the national debt through the years and the bonds accumulated by the Federal Reserve's Open Market Committee and the percentage which these bonds represent of the national debt in each of these years:

NATIONAL DEBT, BONDS HELD IN FED RAL OPEN MARKET COMMITTEE, PERCENTAGE WHICH BONDS REPRESENT OF THE NATIONAL DEBT, 1915–72

[Dollars in millions]

Year	National debt	Bonds held in open market committee	Percentage of national debt represented by bonds
1915	$1,191	$16	1.0
1916	1,225	55	4.0
1917	2,976	122	4.0
1918	12,455	239	2.0
1919	25,485	300	1.0
1920	24,299	287	1.0
1921	23,977	234	1.0
1922	22,963	436	2.0
1923	22,350	134	.5
1924	21,251	540	2.5
1925	20,516	375	1.8
1926	19,643	315	1.5
1927	18,512	617	3.0
1928	17,604	228	1.2
1929	16,931	511	3.0
1930	16,185	729	4.0
1931	16,801	817	4.5
1932	19,487	1,855	9.0
1933	22,539	2,437	10.0
1934	27,053	2,430	8.5
1935	28,701	2,431	8.0
1936	33,779	2,430	7.0
1937	36,425	2,564	7.0
1938	37,165	2,564	7.0
1939	40,440	2,484	6.0
1940	42,968	2,184	5.0
1941	48,961	2,254	5.0
1942	72,422	6,189	8.5
1943	136,696	11,543	8.0
1944	201,003	18,846	9.0
1945	258,682	24,262	8.0
1946	269,422	23,350	7.0
1947	258,286	22,559	7.0
1948	252,292	23,333	9.0
1949	252,770	18,855	7.0
1950	257,357	20,778	8.0
1951	255,222	23,801	9.0
1952	259,105	24,697	9.0
1953	266,071	25,916	9.0
1954	271,260	24,932	9.0
1955	275,374	24,785	9.0
1956	272,751	24,915	9.0
1957	270,527	24,238	9.0
1958	276,343	26,347	9.0
1959	284,706	26,648	9.0
1960	286,331	27,384	9.0
1961	288,971	28,881	10.0
1962	298,201	30,820	10.0
1963	306,099	33,593	11.0
1964	312,164	27,044	12.0
1965	317,581	40,768	13.0
1966	320,102	44,282	14.0
1967	326,471	49,112	15.0
1968	350,743	52,937	15.0
1969	356,932	57,154	16.0
1970	373,425	62,142	16.0
1971	399,475	70,000	17.0
1972	[1] 427,344	[2] 70,600	17.0

[1] Apr. 28, 1972.

[2] June 8, 1972.

REPORT ON THE EXECUTIVE SESSION OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 30 minutes.

Mr. FISH. Mr. Speaker. I wish to take this opportunity to report to the Congress on the 41st special session of the executive committee of the Intergovernmental Committee for European Migration which met in Geneva, Switzerland, May 17 to May 19, 1972. I am honored that Chairman EMANUEL CELLER of the Judiciary Committee, on which I serve, appointed me the congressional delegate to this important meeting.

Mr. Speaker, I say honored because this was an opportunity for me to participate in the consideration of the financing of refugee movements, particularly the increased flow of Jewish refugees from the Soviet Union. Just prior to the ICEM Executive Meeting, the House passed House Concurrent Resolution 471, calling for the free expression of ideas, and the free exercise of religion in the Soviet Union, and the right of Soviet citizens to emigrate to countries of their choice, as affirmed by the United Nations Declaration of Human Rights, to which the Soviet Union is a signatory.

The Congress and this administration has also addressed itself to the problem of where Jewish refugees from the Soviet Union would go, once free to leave and how to finance their emigration. Many of us cosponsored "The Soviet Jews Relief Act of 1971" authorizing the issuance of 30,000 special imigrant visas. Our objective was achieved by a commitment by the Attorney General of the United States to use executive parole authority with respect to admitting refugees into the United States.

We, in the Congress, realized the enormous cost to Israel of assimilating and resettling refugees, and I am happy to say that our efforts in the past several months have resulted in the appropriation of $85 million to assist in the resettlement costs. The President, to further lessen this financial burden, has authorized $50 million worth of commodities under Title I of Public Law 480, to be made available to Israel. This means that commodities of our country can be sold in Israel by that government, which will realize the proceeds for resettlement of Soviet Refugees.

Mr. Speaker, the Intergovernmental Committee for European Migration has basically three responsibilities. One is that of migration between European countries, the pressure for which has diminished with the return of prosperity in the years since World War II. A second responsibility is that of selected migration in which ICEM plays the key role of matching the skills of individuals in emigrating nations with the needs of Latin American countries.

The third responsibility is for refugees. This was the most important item on the agenda of the Special Executive Committee meeting.

ICEM contributes to the cost of transporting refugees to their final destination. Its budget was based on 1971 refugee movements, which was running about 12,000 to 13,000 from the Soviet Union to Israel with another 5,000 to 6,000 from other countries. In the period January to April 1972, over 10,000 Soviet Jews had transited through Vienna on their way to Tel Aviv. In the first 16 days of May 1,173 refugees were processed in Vienna. Therefore, the flow of refugees in 1972 projected at over 30,000, had exhausted ICEM's budgeted sums by the end of the first quarter.

I would like to read a part of the agenda which was before us at the ICEM meeting. It was decided by Israel—

> To take urgent measures to absorb as many immigrants as possible, regardless of the strains placed upon the economy. This policy was motivated by Israel's belief that all persons able to leave in 1972 must be helped before there might be any change in the issuance of exit permits—despite the provisions of the Universal Declaration of Human Rights.

To date, in 1972, the agenda continues:

> These movements to Israel continue in a high volume, averaging between 2,000 and 3,000 per month. As this situation was not foreseen, the existing provisions in the budget for 1972 for ICEM financial support for refugee movements to Israel are expected to be exhausted by the time of the Forty-first Session of the Executive Committee.

Here's the important paragraph 31:

> As regards the resettlement of refugees, Israel is in the unique position of not only having to bear the cost of their absorption, but also costs which normally are met by the country of asylum or emigration. Therefore, Israel has now asked for an appeal through ICEM to the International community to support its exceptional efforts to welcome these stateless persons by increased financial and other assistance from ICEM for their transit processing and transportation.

I am pleased to say that before I left Geneva I learned that ICEM's Director, The Honorable John Thomas, was preparing a letter to the full membership of ICEM, and that there had been several affirmative expressions from representatives of nations present. I was also very proud that U.S. Ambassador, Frank L. Kellogg, the head of our delegation, who is Special Assistant to the Secretary of State for Refugee and Migration Affairs, made a very strong statement before this meeting. In part, Ambassador Kellogg said:

> We have observed on several occasions that the freedom of an individual to leave his country and if he so wishes to return to it is a basic right guaranteed in the Universal Declaration of Human Rights. We feel strongly that the individual who finds it impossible to pursue his profession satisfactorily in his own country, cannot practice the religion of his choice, or who wishes to join his relatives abroad should be permitted to seek resettlement in another country.
>
> It has been our belief that governments such as that of the Soviet Union take into account world public opinion, and that efforts of other governments, international organizations and private men of good will could favorably affect emigration from areas such as the Soviet Union.
>
> The marked increase in the rate of emigration of Jews from the Soviet Union this year—2,000 to 3,000 per month—tends to support this belief. We welcome this development and wish to see it continue.
>
> . . . we note in Paragrah 31 that Israel is appealing to the International community for financial assistance to enable ICEM to handle this new large-scale flow of refugee migrants.
>
> . . . we are in full sympathy with this appeal and it is our intention to make a generous response.

Our State Department did in fact transfer 2 million dollars from the U.S. AID Program to the Office of Refugees and Migration Affairs, which Mr. Kellogg heads, to be made available to ICEM to assist in defraying the costs of the processing and transportation of anticipated movements.

Mr. Speaker, I believe all Americans would be moved by the story of these brave people who risk humiliation and imprisonment for freedom. Now there is no question that Soviet policy remains one of discouragement of immigration. Applications are ignored, people of the right age for military service suddenly find themselves called up, professional people get transferred or face loss of employment. But it is apparent that the most persistent do get out and I met some persistent ones—some that I had a chance to talk to at Schoenau had waited 25 years.

The costs facing each refugee are sobering. The overall cost of leaving the Soviet Union for anyone over 16 years of age is $1,300. This breaks down into $480 for travel documents, $600 for being released from Soviet citizenship, and $220 for transportation within the Soviet Union itself. The fact that money is not a barrier testifies to the vitality and generosity of American philanthropy, particularly the United Jewish Appeal.

The refugees leave Russia by train and plane for Vienna almost daily, unannounced until the train crosses the border or the plane lands. They go to a processing center about 20 miles outside of Vienna called Schoenau, which was a hunting lodge or castle. There, four or five Israelis, fluent in Russian, members of the Jewish Agency Israel, direct the processing, 250 refugees in 24 to 36 hours. They feed and house them, they go through their paperwork with them, they process them, they handle their insurance, they help them repack and then they take them in modern buses to the airport when El Al planes are waiting for them. The cost of the processing is $35 per person.

Transportation once the refugees get to the airport in Vienna is $91 per person. As I indicated earlier, 12,000 refugees were budgeted for, whereas, over 30,000 are anticipated this year. Twenty thousand refugees not budgeted for times $91 is $1,820,000 of needed transportation money for the balance of 1972. The U.S. contribution of $2 million alone will suffice if the rate of movements does not markedly increase this year.

Mr. Speaker, there were significant bonuses for me in connection with the meeting in Geneva. At the suggestion of the Westchester Conference on Soviet Jewry, I broadened the scope of my inquiry into the problems of refugees with appointments with Maurice Naville, president of the International Red Cross, The Sadruddin Aga Khan, United Nations High Commissioner for Refugees, and a visit to Schoenau, outside of Vienna.

It was illuminating, in talking with Mr. Naville, to learn of the restrictions under which the International Red Cross has to operate, for the Geneva Accords talk in terms of armed conflict and the Red Cross responsibilities for prisoners of war in times of hostility. Our talk covered a range of issues from the frustrations that all have experienced in attempts to assure humane treatment for American POW's in North Vietnam to the interest of the Red Cross in broadening the whole concept of humanitarian law. I know the International Red Cross is working quietly and diplomatically to assure proper treatment of prisoners of conscience in the Soviet Union. Speaking as a congressional Delegate and a Member of Congress, I urged Mr. Naville specifically to work toward obtaining permission for mail and packages to be delivered to these prisoners of conscience.

Mr. Speaker, I want to close with some observations on Schoenau, the processing center near Vienna. I believe that I was only the third Member of Congress ever to visit there, and certainly it is an experience I will never forget. There were a few English-speaking refugees with whom I could talk directly and, of course, through translators, I was able to talk to a number of others.

One comes away with a number of impressions, meeting as I did with people who only a few hours before were in Soviet Union, stateless. The principal impression, I think, is the bravery of these people. There are men of middle age, many established in their professions who have given up probably what was a better life than most enjoy in Russia. They went through all types of agony to leave. They are going to a country where the skills and education may or may not be recognized, where they do not know the language, and where they will start a new life.

Typically, I met family groups—husband, wife, children, and grandparents. Reunification of family is the sole basis today recognized by the Soviet Union as grounds to emigrate.

Another impression is the number of professionals in the group. I was interested that professionals would be allowed to leave because you would think that they would be the most valuable people to retain. As an example, of the 250 present at Schoenau when I was there—17 were engineers; six doctors; eight nurses; four teachers; five technicians; and three economists, just to name a few.

It was very evident to me that the refugees had not lost their Jewish identity, regardless of Soviet attempts to end religious observances, schooling and training.

Mr. Speaker, significantly I heard repeatedly of English and Israeli language broadcasts. It meant a great deal to these people, for it was their only way of keeping in touch with what was going on, not just in the rest of the world, but in their own country. It is essential, in my mind, that the Congress fund the Voice of America, Radio Liberty, and Radio Free Europe, as it has just recently done.

And finally, Mr. Speaker, I would end on a personal note. An incident I experienced, could have been experienced by any one of my colleagues in the Congress. Just as the buses were leaving for the airport, the Director was giving instructions in Russian about what they would be doing next. He asked me to come and stand next to him on the bus. He began to tell these people what I was doing there. You could tell the level of noise in the bus began to go up among these people who are fresh out of the Soviet Union. He told them that here was a Congressman from the United States. And when he finished, he turned to me and asked if I would like to say something to them.

I asked him to say "Good luck and much happiness in your new home" and all of them burst into applause. This meant a lot to me, as I know that I was a stand-in for my colleagues, for my government, and for my country.

NEW VIETNAM DIMENSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 10 minutes.

Mr. BOW. Mr. Speaker, I feel certain all of us recall the breast beating and hysterical predictions of doom that greeted the President's decision to react strongly to North Vietnam's invasion of the south in early April.

Washington columnists and the big-name commentators of television and radio were predicting world war III, the collapse of American foreign policy and the end of the new relationships with China and Russia. They told us the accomplishments of the President's mission to China would be wiped out. They were almost unanimous in predicting that his invitation to Moscow would be rescinded.

Today, with South Vietnam on the offensive in Quang tri province, it seems appropriate to me to call attention to the fact that Rittman, Ohio, has a newspaperman who can see through the left-liberal propaganda and call the shots correctly.

Lin Williams, publisher of the Rittman newspaper and several others, wrote an excellent column for his editions of April 19, illustrating the kind of keen analysis and cool judgment that is characteristic of his work.

I do not expect that Lin Williams will receive any journalistic awards in an era when Pulitzer Prizes are awarded for publishing stolen Government documents. I do expect that he will continue to have the support and confidence of all who have access to his column. I wish to include with my remarks and share with the Members the April 19 Vietnam column to which I refer.

[From the Rittman, Ohio, Press,
April 19, 1972]

By Lin Williams

Chance Of "Success" New Vietnam Dimension

A new and decisive dimension has been added to the Vietnam War.

The military authorities are not permitted to tell us what may be brewing, and it is too early to perceive the nature of the change from events.

Yet it has the smell of success!

Oh, not victory—where one side quits, lays down its rifles and signs a peace treaty. Those days are gone forever. In wars of limited objectives, victory is impossible.

Perhaps a new confidence seems noticeable in contrast to the years of frustration.

The South Vietnamese have been on the defensive for a quarter of a century as the communists ravaged their country and slaughtered civilians in an endless terror campaign.

As an ally, the United States has tarried in a controversial political campaign of containing but not destroying the North Vietnam communists.

President Richard Nixon won election on the promise he would get us out of Vietnam. Steadily, the number of combat troops in Indochina has dropped—just about as fast as the logistics of loading ships with men and material will permit.

We are down to about 60,000 men—from a peak of more than a half million. Nixon has confounded his Quisling peace critics, as well as the enemy, by fighting back as our withdrawing troops are pursued.

The communist sanctuaries in Cambodia and Laos—once thought to be off limits because of the possibility of offending the communists—were whittled down in sensible military fashion.

And what a surprise! Neither the Red Chinese or Red Russians started World War III.

This week we retaliated against another massive communist invasion of South Vietnam with another logical, military response—massive bombing of the heart of North Vietnam.

For the first time in our sorry history of involvement in Indochina we have dropped bombs on Haiphong, the chief military port of North Vietnam.

The Soviet Union sputters that one of its military transport ships was hit by a U.S. bomb and a Russian sailor killed. But we have learned from experience that the Soviets only bluster when dealing with real power. The Soviets get tough only against unarmed people such as the Hungarians, Poles and Czechoslovakians.

Incidentally, what was a Soviet military transport doing in North Vietnam? It's pretty hard to carry off an act of righteous indignation when you have egg on your face.

So Nixon has exploded some of the myths of communist invincibility that held us in check while thousands of American boys died in battles they weren't allowed to win.

Sad! Sad! Sad!

One thing is certain, however, President Nixon is withdrawing even in the face of renewed aggression. The South Vietnamese apparently realize they have arrived at the moment of truth—when they have to "hack it," or be hacked.

In all fairness to the four preceding American presidents, they also wanted an honorable end to our involvement in Vietnam. It must be pointed out that the time which previous presidents bought was vital to the slow process of training South Vietnam. It took time and the daring of an old communist fighter like Nixon to lay it on the line to South Vietnam and to call the bluff of North Vietnam.

The new element in the present Vietnam situation is that massive bombing of the heart of North Vietnam comes as the rainy season nears. By May 15, all fighting will bog down in mud and water. For all practical purposes, the war will wait at status quo for dry weather six months later.

Strategic bombing will have no effect on present fighting. However, a crippling effect in the North will be crucial this Fall.

As an arm chair general, I am impressed by the long range implications of the present bombing program:

1. The South Vietnamese give every indication of holding their enemy.
2. The American influence on South Vietnam policy grows weaker as we withdraw.
3. The South Vietnamese bitterly hate the Viet Cong and are frustrated by many years of unprovoked killing.
4. A counter attack on a scale equal to an initial attack is standard military strategy.
5. The North Vietnamese apparently have cast all their forces into this one big gamble.
6. If the North Vietnamese are held, and the counter attack works as well it is not likely that the South Vietnamese will give up their pursuit at a meaningless boundary line.

It is this military reasoning, coupled with unprecedented strategic bombing, that suggest the possibility a breakthrough by South Vietnam—unhampered by timid U.S. policy—might roll on ruthlessly to Hanoi itself!

President Nixon is getting out. By May 15, or thereabouts, our presence will not be of great value until Fall. Our present strategic bombing of the north is a parting gift to the South Vietnam soldiers to be collected then.

In the Fall, also, President Nixon must have made good on his campaign promise. My money says he will; and, probably, with some kind of formal declaration of our having fulfilled our obligations.

Right now, Nixon goes to Moscow and deals with communist negotiators in Paris with some strong cards.

Our will to resist can not be taken for granted; and the chances for a viable, independent South Vietnam look better than they ever have.

SOCIETY'S RIGHT TO THE DEATH PENALTY FOR CERTAIN AWFUL CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. Wyman) is recognized for 30 minutes.

Mr. WYMAN. Mr. Speaker, I never thought I would live to see the day, but it has happened. The Supreme Court in a 5-to-4 decision has held that in almost all cases the penalty of capital punishment is violative of the eighth amendment and cruel and unusual. And this in the same Constitution that in the fifth amendment specifically states that "No person shall be held to answer for a *capital*, or otherwise infamous crime, and so forth," thus specifically recognizing in the Constitution itself that capital cases exist and are contemplated by its authors—for a capital case is one for which the penalty may be death. It was ever thus.

Now five Justices, circa 1972, develop the theory that somehow the eighth amendment prohibiting cruel and unusual punishments itself prohibits, generically, capital punishment in any form. This of course is, as the four dissenters say in their dissenting opinion "this decision—is not an act of judgment, but rather an act of will."

It is important to observe that capital punishment is imposed by most legislatures as well as by the Congress—in those Federal cases in which Congress has jurisdiction—only in a very few situations and then only, for the most part, to the deliberate and premeditated commission of crimes so heinous, so awful, so enormous in their amorality that none but those conscientiously opposed to the taking of life for any reason could be opposed.

Society is entitled to the protection of the deterrent of capital punishment for such offenses. Of course one cannot assess the length and breath of the deterrent. But neither can one baldly assert that the assurance that if one commits a certain crime he will pay for it with his life does not discourage him from doing it.

What about those prison guards who face the lifers who are in for life plus 99 years and have nothing to lose now? What about the man who assassinated Senator Kennedy—or President Kennedy? What about the atom spies who committed treason? What about the killer of the policeman by sniper fire with a telescopic sight from ambush? What about the person who carefully plans and then plants a bomb under a crowd at a public meeting killing hundreds and even thousands of innocent citizens? What about the deliberate, planned, brutal murder of an 8-month pregnant girl against her pleas for the life of her child? These and other cases demand the death penalty.

The constitutional amendment I am proposing today is limited to cases in which a person has wilfully and deliberately taken a human life. It would permit State Legislatures—and the Congress to the extent it has jurisdiction—to impose death as a maximum penalty in these circumstances. It would also permit Congress to impose the death penalty for treason. The text of my amendment follows these remarks, together with those members who in haste and without opportunity to consult with the full House gave cosponsorship for which I am sincerely appreciative.

It is too late now to argue about whether the decision is right or wrong for there is no appeal from the Supreme Court. The only answer to this needed public protection is a constitutional amendment. Congress should propose one without delay.

The amendment follows:

> Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases.
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:
>
> "Article——
>
> "SECTION 1. In the case of any crime involving the deliberate and willful taking of human life, the power of a State or of the Congress to declare the punishment thereof shall include the power to impose and provide for the carrying out of the death penalty.
>
> "SEC. 2. In the case of treason against the United States, the power of the Congress to declare the punishment thereof shall include the power to impose and provide for the carrying out of the death penalty."

WE ARE PLAYING A DANGEROUS GAME WITH OUR NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, the SALT agreements should be decisively rejected by the House and the Senate. They clearly are not in our best interests and mandate a decade of Sovet superiority. It is shocking to recount how this Nation has moved downward from supremacy to superiority to sufficiency to inferiority. That is precisely what has happened and no amount of rhetoric will change the cold, hard facts.

In October 24, 1968 candidate Richard Nixon pledged to the voters to "restore our objective of clearcut military superiority." Most Americans, like myself, believed this was his true objective and we supported him in that goal. In fact, Mr. Speaker, in April, 1972 the Gallup poll asked the following question:

> Do you believe that the United States should have a policy of military superiority over Russia?

The answers were: 68 percent said yes, 23 percent said no and 9 percent had other opinions or no opinion. American opinion has never wavered on this issue.

Most Americans want to avoid an arms race. We are being misled in this score. There is no arms race; the Soviet Union is in a one-nation arms race all by itself. No meaningful changes or improvements have been made in our military posture in the weapons field since the Eisenhower years, some 12 years ago.

MINUSES INTO PLUSES

Mr. Speaker, we are playing a dangerous game with our national security. In algebra it is possible to make two minuses into a plus. This is not possible in national security. Two minuses add up to potential danger. In his speech to Congress President Nixon tried to make two minuses into a plus. He indicated that one of the strong reasons why the SALT agreements were in our interest was that it would stop the Soviet Union from moving ahead in areas where we do not now have programs. We do not have programs in these areas because of official negligence. Both Presidents Johnson and Nixon have imposed a missile freeze during the very time the Soviets were forging ahead of us. Now the American people are being sold on the idea that it is a "plus" for use to have an agreement in this area to prevent the Soviet Union from widening the gap in their superiority. SALT will supposedly help us by freezing them in a superior position—a minus—which will compensate for our negligence in letting them get ahead of use in the first place—a minus. Two minuses cannot make a plus. In this case they spell disaster.

I have gone into detail in the past regarding this fantastic agreement to give the Soviet Union military superiority. Here are some details which every American should know.

First, in land-based ICBMs, Article I of the SALT pact freeze the present numbers of 1,054 for the United States and 1,618 for the Soviets—figures which give the Soviets more than a 50 percent superiority. These are the weapons which, because of their fantastic power, will rule the world. It is even worse than these figures indicate. Our missiles are of the mid-1960's vintage, the Soviets are up-to-date. Moreover, the SALT pact only applies to land-based ICBMs not under construction on July 1, 1972. The Soviet is in production, we are not. They can continue almost 100 larger new missile silos. We do not have any ICBMs under construction.

Second, on limit whatsoever is placed on missile megatonnage—explosive power. The present Soviet land-based missile megatonnage superiority is about 9,400 million tons of TNT-equivalent to our 1,270. Under the terms of the SALT Treaty, the Soviets can continue to increase their superiority by replacing their one-megaton missiles with 25-megaton SS–9s. We cannot.

The Pact says:

> The U.S. may have no more than 710 ballistic missile launchers on submarines (SLBMs) and no more than 44 modern ballistic missile submarines. The Soviet Union may have no more than 950 ballistic missile launchers on submarines and no more than 62 modern ballistic missile submarines.

The U.S. position is decidedly the weaker.

This is particularly revealing because for the past 3 years the Defense Department has answered critics such as myself who indicated the Soviet Union was not only catching up but passing us by retorting that we still had a decided lead in submarines. At SALT we gave up that lead.

Fourth. The Moscow SALT pact guarantees that the Soviets can not only keep their lead over the United States on missile payload but can also increase it as much as they want. The United States cannot increase its missile payload because the pact states:

> The Parties undertake not to convert Land-Based Launchers for light ICBMs, or for ICBMs of older types deployed prior to 1964, into Land-Based Launchers for heavy ICBMs or types deployed after that time.

Again we pay for our self-imposed missile freeze and reward the U.S.S.R. for their aggressive program of military construction.

Fifth, the appearance of equality in limiting both the United States and the U.S.S.R. to two ABM sites is shattered when you coldly consider our deficiencies. The United States has no weapon capable of destroying Soviet hardened ICBMs. The Soviets have no practical need of ABM, therefore, and use their ABMs to protect population rather than missile sites. Quite the opposite, they have their powerful SS–9 missiles designed specifically to knock out our ICBMs and have some 2,000 other missiles targeted on our population. Thus we have no equality in the ABM trade-off.

Other deficiencies are obvious. There is no on-site inspection or verification. Who can trust the communists? It is foolish to overlook their past record of broken treaty commitments.

Possibly the fatal error is to overlook the Soviet advantages in first strike. They have a long record of sneak, attacks and should not be trusted. We need a defense which takes into account their record of surprise attack such as those launched against Finland, Estonia, Latvia, Lithuania, Poland, Hungary, and Czechoslovakia.

In 1958, we also had an executive agreement with the Soviets calling for a moratorium on nuclear testing. Within 3 years, they unilaterally broke the agreement and launched a series of tests in the atmosphere, the biggest and dirtiest explosions up to that time. Then, after accomplishing their tests, they launched a worldwide campaign for banning nuclear testing in the atmosphere. This proved they had been preparing for these tests while under an agreement and, further, that in keeping with their past record, they broke it when it was in their interest to do so. Why would they not do the same thing in such an important area as strategic weapons if they did it in the more simple expedient of nuclear testing in the atmosphere?

Even President Kennedy was constrained to admit the inability of this country to enforce a Cuban missile ban without a continual onsite inspection. Recall his statement:

> We cannot prove there is not a missile in a cave or that the Soviet Union is not going to ship next week.

A good example of the true Soviet attitude is this inventory of U.S.S.R. actions during the week Mr. Nixon was in Moscow. National Review noted the following "peaceful" actions which were publicly known—who knows how many other subversive actions the Reds took: First, a shipment of MiG–21 airplanes arrived in Cuba; second, a system of antiair defense of SAM–3 type was initiated by the Soviet Union in Syria; third, a shipment of 100 new-type troop carriers and 40 medium tanks arrived in Egypt; fourth, seven new MiG–21s were delivered to India; and fifth, Soviet experts were working on installation of new radar guidance systems of SAM–2 sites in Hanoi. How dumb can we get?

WE REWARD THEIR BUILD-UP

The SALT Treaty rewards the Soviets for having engaged in a rapid missile-building program during the last 3½ years, and punishes the United States for the Nixon administration's restraint in not adding a single land or sea-based missile launcher. The Nixon administration's 3½-year missile freeze has done irreparable damage to the United States by allowing the Soviets to gain a tremendous lead—and this new Soviet superiority will be made permanent by the SALT Treaty.

Two things were very clear from the beginning. The Soviet Union was stalling at the SALT talks for the past 2½ years while it achieved its objective of superiority. Second, it was not likely that U.S. interests would be well represented at the SALT talks because of the weak-kneed officials we had in residence there.

To represent our country at the SALT talks, President Nixon appointed the two principal deputies of former Secretary of Defense Robert McNamara who did the most to assist him in destroying the 5-to-1 nuclear superiority the United States had at the time of the Cuban missile crisis in October 1962. These men are former Deputy Secretary of Defense Paul Nitze and former Secretary of the Air Force Harold Brown. President Nixon promoted these two liberal bureaucrats to the SALT team where they have now negotiated a treaty which guarantees and perpetuates U.S. inferiority to the power of the Communist dictators in the Kremlin.

There is a spirit of appeasement in our country. It is based on the same fallacious arguments that were presented in the 1930's. The total history of man indicates we can place very little reliance on treaties or written documents. This is especially true when the agreements are with nations or powers which have aggressive plans. Hitler had plans. Chamberlain's Munich served only to deaden the free world to reality. The communists have plans. SALT will merely cause us to lower our guard, possibly fatally. Only by being militarily superior and alert can the United States survive. SALT weakens us and mandates the superiority of our sworn enemy.

HON. FRANK HORTON COMMEMORATES THE FIFTH ANNIVERSARY OF THE FREEDOM OF INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, I wish to join Congressman MOORHEAD in commemorating the fifth anniversary of passage of the Freedom-of-Information—FOI—Act.

On July 4, 1966, after 11 years of investigation by the Foreign Operations and Government Information Subcommittee, the Congress enacted into law a new charter of public freedom.

First the first time, the people of the United States made it clear through their elected representatives that they, the public, had the right to know what their Government is doing. The FOI Act makes disclosure of information a rule, not an exception; it provides that all citizens shall have equal access to information; and it places the burden upon government to sustain any efforts to withhold information. Nine exceptions are incorporated into the law, however, to protect individual and commercial privacy, to safeguard national security, and to preserve essential intragovernmental procedures.

Commencing last year, and continuing up until this week, the Foreign Operations and Government Information Subcommittee on which I serve has been conducting exhaustive hearings into the overall question of freedom of information and the protection of individual privacy. Since we were approaching the fifth anniversary of the FOI Act, we thought it was essential to initiate an overview of that law's operations. In addition, the subcommittee examined the principle areas of information freedom: executive privilege, security classification, the right of Congress to know, and the conduct of government advisory committees. Similarly, in response to two separate items of legislation, introduced by Congressman KOCH and myself, the subcommittee began looking into the subject of invasion of privacy—the mirror image of informational freedom. While considerably more investigation is required in the privacy field, our subcommittee has conducted the most exhaustive inquiry into the public's and Congress' right to know.

There can be no question that the basis of our form of government rests on an informed citizenry, participating in the decisionmaking process. This principle assumes that the people must have available to them as much information as possible in order to make wise choices.

It is with this fact in mind that the Congress first enacted the FOI Act 5 years ago; and it is also with this in mind that the subcommittee decided to conduct the fundamental review over the past year.

Since the formation of government there has undoubtedly existed a tension between the desire of the public to know and the interest of leaders to direct the flow of information. It is the nature of organization, in my opinion, to disclose only the good and withhold the unfavorable. Certainly, that attitude has existed in our own public arena since the foundation of our republic. But, it has been primarily in the last forty years that major concern has arisen. The reason for that is, of course, obvious. Only during the past four decades has government, especially the central government, assumed major direction over and responsibility for the lives of the citizens.

With this change has occurred a growing need to know what government is doing and an expanding concern over failures to be kept adequately informed. No intentional conspiracy exists, in my opinion, to mislead or misinform the public. There can be no question, however, that serious concern over and even distrust of government does exist today in many quarters. For that reason, then, every effort made by our subcommittee and the Congress, as a whole, to open up channels of public information will have the effect hopefully of restoring public trust and confidence and thereby strengthening our democratic form of government.

In our review of the FOI Act, we found that the major proportion of requests from the public for information were being honored by Federal agencies. It was also determined that the existence of this legislation had inspired a greater willingness among agencies to make information available than would otherwise have existed if Congress had not acted. The fact remains, however, that most of the requests granted appear to be for information of a routine nature. More controversial information is still being withheld by agencies or such agencies are resorting to procedural devices to impede release.

Perhaps, most revealing of all, the subcommittee discovered that certain of the exceptions built into the FOI Act were unnecessrily broad, providing an escape from compulsory disclosure for wary agencies. The courts have generally interpreted this law in a liberal spirit, opening previously unavailable information to the public. Even here, however, unduly restrictive interpretations have been issued.

In order to overcome these deficiencies, the subcommittee plans to thoroughly examine the various proposals for strengthening the effectiveness of the FOI to make certain that government agencies inform the public as fully as possible. While it is too early to conclude what changes will be made, there can be little doubt that we will try to close the loopholes, streamline procedural processes, and regulate fees. All of these changes will make the Freedom of Information Act an even greater charter of liberty than it is today.

The subcommittee also plans to examine other proposals for opening up channels of information.

It is estimated that two-thirds or more of the 20 million classified documents in Government hands today are overclassified. Efforts are underway to eliminate this paper barrier. The President commendably put into effect recently a new executive order designed to attack this issue. A further look must be given this matter, however, since I believe it may be possible to restrict even further the category of document that must be classified.

Executive privilege also hovers over us as a disturbing device for withholding information from Congress and the public. There has been continuing debate over the constitutional justification for this authority. In my opinion such debate is academic and will not provide a resolution to the problem. The issue is one of power between two separate but equal branches of government both of whom cite chapter and verse from the Constitution in support of these positions. If would greatly strengthen our form of government, then, if both sides approached the issue from the spirit of cooperation, rather than divisiveness, with the recognition that our democratic society can only continue strong if the public has as great an access to information as possible. The Congress should recognize that the President may have occasion to receive certain types of information in confidence, and the President should recognize that it is only limited types of information that should or can be kept in confidence.

In closing, Mr. Speaker, I believe that we can be proud of the contribution that the Freedom-of-Information Act has made after 5 years to strengthen the confidence of the public in our form of government. I further believe, however, that we must initiate even greater efforts to assure that Congress and the public are fully informed in keeping with the belief that an informed people support a free society.

THE DEMOCRATIC NEW CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 15 minutes.

Mr. BOLAND. Mr. Speaker, the Democratic Party is emerging from a reform process wholly unprecedented in its breadth and reach. The 1972 Democratic National Convention, free of the wearisome traditions and cumbersome procedures of past conventions, will be the fairest in American history. All the debris left behind by generations of party politics has been swept aside, giving a clear and open field to the 3,103 delegates who will select the Democratic Party's candidate for President this year. More than ever before, the party is living up to its name: it is truly democratic, truly the party of the people. The Democratic National Committee and its chairman, Laurence F. O'Brien, have carried out a job that is nothing short of astonishing. They have earned our congratulations and our thanks.

Summing up the accomplishments of the reform program, Larry O'Brien said this,

> The new convention is far more than a party matter. The manner in which we nominate our Presidential candidates and conduct our platform-writing process will tell the American people that the Democratic Party has its own house in order, that it is the party most responsive to the will of the people, and that it is prepared to govern this troubled nation wisely, rationally and steadily through the difficult 1970s and beyond.

I agree, Mr. Speaker.

Reforms in the delegate selection process alone have been exhaustive, succeeding against odds considered insuperable a decade ago. Everyone within the Democratic Party—black, and white, rich, and poor, young and old—was granted ready access to the selection procedure. Region by region, State by State, the unwieldy and arbitrary selection procedures of the past have been uprooted—assuring broad representation and still broader participation. Even seating at the convention has been reformed: for the first time, all delegates and alternates will be assured of a seat on the convention floor. And—this is another first—each delegate will be endowed with full deliberative power, his vote beholden to no one. The reports of the platform committee and rules committee will be in the delegates' hands a full 10 days before the convention opens. The credentials committee's report, too, will be available in advance.

The convention manager, Richard J. Murphy, and voting members of the arrangements committee were elected by the full membership of the Democratic National Committee. As a member of the arrangements committee, I can testify personally to its wide representation: among its members are two blacks, a Spanish-Speaking American, a 19-year-old college student.

Of the hour-by-hour operation of the convention itself, I again quote Larry O'Brien:

> It will be a no-nonsense convention, conducted under rules formulated by a reform commission headed by Rep. James G. O'Hara of Michigan. Artificial, stage-managed demonstrations will be banned; the secrecy of the legendary smoke-filled rooms will be prohibited; confusing and delaying parliamentary tactics will not be tolerated, and minority views will be heard. The convention will be simpler, easier—and more fun to watch.

Here is just a partial list of arrangements for the convention:

> Arrangements have been made to print the reports of the Platform and Rules Committees and to distribute them to the delegates ten days in advance of the opening of the Convention.
>
> Low-cost air conditioned housing has been provided, not to exceed $5 or $6 a day.
>
> 25 caucus rooms are being constructed within the convention hall.
>
> All Presidential candidates will be provided with equivalent office space adjacent to the convention hall.
>
> All delegates and alternates will be seated on the floor for the first time.
>
> A special expense fund has been established by the Committee with which to pay the expenses of the Standing Committee members.
>
> Seating of the delegations will be done by lot.
>
> Aisles will be wide so as to allow easy passage for all delegates.
>
> For the first time the Convention Manager and an Arrangements Committee, widely representative of all Party groups were elected by the full National Committee.
>
> Security within the hall is under the sole authority of the Arrangements Committee.
>
> All Presidential candidates will be offered equal headquarters facilities in at least two hotels.
>
> Extensive facilities have been provided for full media coverage of the Convention, including easily accessible TV booths, camera stations commanding full view of the proceedings and sufficient lighting to allow color TV.
>
> Discussions are now underway with the telephone company to provide a network of telephonic communications between the press and delegates, between delegations and between delegations and the rostrum.
>
> Finally, the Roll Call will no longer be alphabetical, but will be done by lot.

Hundreds of thousands of Democrats have contributed to the planning of this convention. I would like to take a moment, Mr. Speaker, to thank those who contributed most: Larry O'Brien; Don Fraser, chairman of the commission on party structure and delegate selection, and his predecessor in that job, George McGovern; Dick Murphy, convention manager; Jim O'Hara, chairman of the special reform commission on rules; Bob Strauss, Democratic National Committee treasurer, now retiring to resume his law practice after putting the day-to-day operations of the party back into the black.

I think the following statement, published by the national committee in its convention brochure, aptly sums up the mood and goals of this year's convention:

> THE NEW CONVENTION
>
> "How can grown men and women carry on like that?"
>
> "Can't they speed it up?"
>
> "What's going on, anyway?"
>
> "It's two o'clock in the morning and the balloting for President hasn't even started yet."
>
> "There must be a better way."
>
> There is. The Democratic party agrees with the American voter, the editorial writers and television commentators who have lost patience with the complicated, protracted, sometimes frivolous proceeds of the past. This year the party will show the nation and the world a simpler, fairer, more dignified method of nominating candidates for President and Vice President of the United States. The 1972 Democratic National Nominating Convention will operate under a sensible new rule book—the first in its history—that clears away the sediment and debris of more than a century, abolishes the pointless, boring and sometimes unfair procedures that encumbered Democratic conventions through 1968.
>
> What will you see in 1972? What will the new convention look like?
>
> First, there will be no more parades—no more hired bands and conscripted participants to stage tiresome and disruptive demonstrations after a candidate is nominated. Each candidate will be permitted a strict fifteen minutes for nomination and seconding; any spontaneous demonstrations will

count against his time. Favorite-son nominations are foreclosed. Only genuine presidenial contenders who can establish support in three states or more may be nominated. The new rules require that nominating petitions be signed by fifty to two hundred delegates, no more than twenty of whom may be from the same state; no delegate may sign more than one petition.

The unit rule, originated in 1832 and overthrown in 1968, is henceforth abolished; each delegate may vote for the candidate he chooses, even if that person has not been formally nominated. No longer will the Democratic party hold any delegate to be bound by state law or by the majority of his delegation to vote against his preference. The roll call of states will be determined by lot rather than the traditional alphabetical listing so that chance will decide the order of presidential nominations and the order of balloting. The choosing of a vice presidential candidate will be conducted in the same manner as for presidential.

Nominations, of course, will be the climax of the convention; they will be preceded by the consideration of Credentials, Rules and Platform. Each matter will be presented by its committee to the full convention for deliberation and adoption. The process necessarily will take longer than the nominations, but the new rules again provide for a speedier, fairer process. Time limits will be important thirty minutes for the report of each committee and twenty minutes for each amendment or minority report, until the convention agrees to a longer period in any instance. The new rules guarantee that the minority voice will be heard, debated and voted upon promptly. Surprise amendments from the convention floor will not be permitted nor will delaying motions, interruptions, appeals or any other obstructive parliamentary tactics.

Communications equipment will permit any delegation to seek recognition from the chairman; electronic devices will flash the request to the view of the chairman of the delegates and television viewers. Delegation seating arrangements on the convention floor will be determined by lot; in the past the convention Arrangements Committee had fixed them arbitrarily. All convention sessions will be open to news media and public, including meeting and voting of the three standing convention committees. Membership of the committees must be representative. Each committee will consist of 150 members, including one from each state and territory, the remaining ninety-five seats to be allocated on the basis of delegation size. In previous years committees consisted of one man and one woman from each state or territory. In 1972, states must appoint their committee members as equally as possible according to sex and with due regard to race and age.

Women will be represented in equal numbers among convention officers, and a woman must be either chairman or vice chairman of the convention.

Besides these changes, most of which will be readily apparent to television viewers, the new rules provide other less visible but equally important new advantages: delegates will be better informed and better prepared to deliberate than in any previous convention; more Democrats than ever before will have been heard on the drafting of the platform. In 1972, the Platform and Rules Committee must get their reports to each delegate ten days before the convention opens; the Credentials Committee must complete its report two days before the opening. Minority reports may be submitted to the convention upon the request of ten percent of a committee's membership. The Platform Committee is soliciting the broadest possible participation in its work by holding eight regional hearings on the platform in the months before the convention. From the welter of testimony and the variety of opinion, the committee will winnow and shape all platform recommendations.

The Credentials Committee faces an unprecedented task: sweeping reform has revised delegate selection procedures in virtually every state, and it will be the committee's job to hear challenges to any delegate or any delegation chosen under the new procedures. Rules of challenge, protecting the rights of all parties, have been established. A challenge must begin within ten days after delegate selection in a state has been completed, and the Credentials Committee has been empowered to hold hearings in the states and to appoint its own impartial hearing examiners to develop facts. The committee must determine which persons are entitled to convention seats and recommend to the full convention.

The Rules Committee will have before it the new rules book abstracted here. The committee must consider the rules and recommend them for adoption by the convention. A special reform commission created by the 1968 convention and headed by Representative James G. O'Hara of Michigan spent more than two years preparing the new rules for the 1972 convention. Members * * * conducted hearings throughout the United States, heard scores of witnesses and virtually every possible * * * of Democratic opinion, spent hundreds of hours refining proposals and drafting recommendations. The commission's work was approved and praised by the Democratic National Committee.

Said Congressman O'Hara: "The rules are intended to make all future Democratic National Conventions representative, open, deliberative and fair."

For the first time since it began to meet in 1832, the convention has its own rule book. Previous conventions were governed by the rules of the U.S. House of Representatives and past convention procedures—a vast and complicated body of administrative regulations to which few delegates had access. The rules—simpler, clearer, available—together with the nationwide reform in procedures for selecting delegates have revolutionized the structure of the Democratic party. The reform movement, arising from the chaos and controversy of the 1968 convention in Chicago, has been transformed into a political rebirth for Democrats in 1972.

"Never has a political party so totally changed its way of doing business," Democratic National Chairman Lawrence F. O'Brien said. "And there will be no turning back."

PANAMA REVOLUTIONARY GOVERNMENT OCCUPIES NORTH AMERICAN POWER COMPANY AND SUBMITS ULTIMATUM THREATENING EXPROPRIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in various statements before this body I have stressed that ceding sovereignty over the U.S. owned Canal Zone territory would open the way for the pro-Red Revolutionary Government of Panama, with advice and assistance of Soviet agents already in that government, to expropriate the Panama Canal.

Indications of such future developments have come sooner than expected. On June 1, 1972, Panama's usurper government announced its occupation for 30 days of the Electric Light & Power Co. of Panama owned by the Boise Cascade Corp. of Boise, Idaho. This Government also served notice that the company must meet certain conditions, some of them difficult, within the 30 days or face expropriation.

The actual takeover of the property was done in a dramatic manner by the head of the Government-owned Institute of Hydraulic Resources and Electrification—IRHE—accompanied by the Intelligence Chief of the National Guard, the Director of the National Department of Investigation, and guardmen who were stationed in the building and searched those leaving offices. This mode of intervention is strikingly similar to that followed in Cuba before expropriation.

With the exception of a few top executives all employees, totaling 1,400, are Panamanians. George McFadden, the company's Panamanian superintendent of operations, was designated to run the light and power division of the company, and he notified the employees that their status would not be affected during the occupation period.

Mr. Speaker, this action at Panama is a clear warning of events to come as regards the Panama Canal in the event that sovereign control over the Canal Zone is ceded to Panama, as intended in the present treaty negotiations.

In order that the Congress and the Nation may be advised in the premises from Panamanian sources, I quote a recent news story from a leading Isthmus newspaper:

GOVERNMENT OCCUPIES POWER CO.; SETS TERMS FOR RELEASE

EXPROPRIATION WARNING GIVEN

Panama's Revolutionary Government, citing the danger of an imminent shutdown of power, gas and telephone services in the country's two main cities, yesterday ordered the "intervention" of the U.S.-owned Fuerza y Luz Company and gave it 30 days to assure continuity of service or face expropriation.

The National Power, Gas and Telephones Commission, said the company, owned by Boise Cascade Corporation, of Boise, Idaho, had refused to pay fuel suppliers since January, piling up two million dollars in outstanding fuel bills.

This, the Commission said, poses the threat the suppliers would halt deliveries and, in turn, power and gas generation would come to a stop.

This, and the company's suspension since August, 1971, of new construction, were the reasons that led the government to order the occupation of the company for 30 days, the Commission said.

The government said the occupation will be lifted if within 30 days the local company or its parent organization:

1—Agree to submit to Panama's laws and regulations on privately-owned public utilities companies.

2—Arranges satisfactorily for payment to its creditors, principally the fuel suppliers.

3—Provides "tangible guarantees" that expansion of services will be continued for a minimum of five years.

Victor Urrutia, Executive Director of the Commission, said the company should be able to meet these conditions quickly, if it really wants to continue operating in Panama.

He said agreement to submit to the country's laws could be made "this afternoon" and the arrangements for payment of the fuel bills could be worked out in a few days inasmuch as the company has the funds at hand.

With respect to the third condition—a 5-year expansion program—Urrutia said the

30-day deadline could be extended if the company made an offer that required extended negotiations.

Urrutia said a company offer to sell its properties—whether to the government or to private investors—might arise in the next 30 days.

The company, which has been operating in Panama for 55 years, but is not popular, is worth around $80,000,000, Urrutia said. Its 1971 reported assets of $73,692,377 and a total investment in Panama of $87,043,000.

Urrutia said it was up to the company to make a proposal with respect to the third condition. He declared the government has not yet determined what it would consider "tangible guarantees" of a 5-year expansion program to meet growing demands for power and telephone service. But he suggested the company's majority stockholder—Boise Cascade—could deposit its Fuerza y Luz stock in a local bank as guarantee or arrange for a cash bond.

Urrutia stressed that the government's action does not set down a precedent for expropriation, pointing out that the intervention decree issued Wednesday and carried out yesterday morning provides for a 30-day waiting period instead of outright expropriation—which it could have done. But he emphasized that the government was forced to act quickly because of the danger of an imminent shutdown of public utility services which would be disastrous to the national economy, and because of the long-term effects of the company's suspension of new construction. If anything, Urrutia declared, the government had waited too long to make its move.

The Commission Director told newsmen and representatives of private enterprise organizations that if the Fuerza y Luz Co. does not take any steps in four to five days to meet the three conditions for lifting the occupation, this will be an indication that it does not want to come to terms with the government.

He charged the company with "intimidation," saying its actions were intended to bring the situation to a shutdown of power and gas generation in order to force the government to accept its terms.

"The government could not capitulate," Urrutia declared.

Administration of the company was placed under the government-owned Institute of Hydraulic Resources and Electrification (IRHE), which operates the country's power system outside of the cities of Panama and Colon. The latter are served by Fuerza y Luz.

IRHE Director Rafael A. Moscote designated George McFadden, Operations Superintendent of Fuerza y Luz Co., to run the "Fuerza y Luz Division" of IRHE. He told employees their status will not be affected during the occupation period. McFadden is a Panamanian.

Armed with the government's intervention decree, the IRHE board came to the Fuerza y Luz building shortly after the company opened and informed company officials of the government's decision. Serafin Menocal, Cuban-born American manager of the company, was notified that he has been suspended.

The IRHE board was accompanied by Lt. Col. Manuel A. Noriega, Intelligence Chief of the National Guard, and Dario Arosemena, Director of the National Department of Investigations (DENI). Some guardsmen were posted in the building and persons leaving the Fuerza y Luz offices were searched.

The takeover was covered by press reporters and photographers and television cameramen, who had been alerted that something important was to occur at the Fuerza y Luz building.

In the company's 1971 report, Fuerza y Luz manager Menocal said:

". . . Through this annual report, you, the shareholders will be able to judge the efforts made to satisfy the demand of the services we render while operating within an extremely narrow economic frame unjustly imposed upon the Company by the National Commission of Electric Energy, Gas and Telephones.

"At present our position is static and I can only inform you that a new cycle of contract negotiations with the national government has begun.

"Our deteriorating economic position forced the Company to curtail and in some cases completely paralyze the construction program since August (1971). Consequently, it has been most difficult to meet increases in load and services to new consumers. Reserve capacities of our substations and feeder circuits have all been pressed into service and meeting the near future demand increase is an unknown factor at this time.

"The National Commission of Electric Energy, Gas and Telephones action of lowering electrical rates by 15½ per cent, refusing telephone increases, refusal to recognize gas department losses, insistence on handling each service independently and the retroactive application to 1958 of the electrical service stabilization account, were all major factors contributing to the company's critical financial situation. Furthermore, these actions have effectively reduced our cash position and our ability to otbain medium and long-term financing.

". . . The severe reduction of our telephone construction program and cancellation of purchase orders made it impossible to fill the demand and growth was 17 per cent less than that of the previous year."

The company has not paid dividends to stockholders for the past six quarters, blaming this on the tight financial situation caused by the government's measures.

Urrutia refuted the company's allegations. He said Panama's law on privately owned public utility companies—which provides for a profit of up to 8.75 per cent—was examined in 1970 by a panel of experts of the World Bank who ruled it adequate to provide sufficient earnings to finance expansion of services. He pointed out that in 1969, Fuerza y Luz reported a net profit of 3 million dollars; in 1970, $2.7 million, and in 1971, $1.7. He said the Company's financial position is sound to meet its obligations and to obtain outside financing for new investments.

Urrutia noted that the company's 1970 and 1971 net profits came even after the government had ordered it to reduce billings to customers by $1,682,072 in 1971 and by $710,000 in 1970 to adjust for what the Commission termed excess profits.

The Commission said it had been advised by Texaco Panama, Inc., and Esso Standard Oil, S.A., that Fuerza y Luz officials had reiterated their decision not to make cash payments for fuei, "even though this would mean shutting down their power and gas plants."

Under its contract with the oil companies, Fuerza y Luz is required to pay in cash for fuel deliveries if it is two or more months in arrears, the Commission reported.

"If the fuel companies were to demand cash payment from Fuerza y Luz for future deliveries and the company actually refused to pay, production of gas and electric power would be paralyzed.

"The paralyzation of gas would leave some 100,000 persons without access to cooked meals.

"The lack of power generation by Fuerza y Luz would halt all industry in Panama and Colon and would hamper home life and the normal operation of a large percentage of commercial and business establishments. Only one third of the present consumption could be met with the amount of power that the Company buys from IRHE and the Canal Zone."

In an earlier statement on the effects of the Fuerza y Luz's halting of new construction since August 1971, the Commission said:

"In twelve months time, voltages will have to be reduced at certain times of the day. Later on, new residential areas and new industries will be left without (electrical) service. Each month of paralyzation means no less than two months of setback in the race to meet future electrical needs.

"Telephone service has begun to deteriorate. Unfilled applications are now in excess of 12,000. Soon, new commercial and office buildings will be without telephones. Telephones will have to be rationed to meet new high priority demands.

"The only way out for the Panamanian state, according to the company, is a new contract on terms suitable to the Fuerza y Luz Co., and its majority stockholder, Boise Cascade.

"Is there a clearer case of intimidation?"

The Company has 1,400 employees. With the exception of a few top executives, all are Panamanian.

CONGRESSSMAN RODINO REPORTS ON MAJOR ACTIVITIES OF THE 92D CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, the 92d Congress will soon end and I want to report to my constituents on some of our major legislative actions to date.

The grave economic situation facing the Nation is undoubtedly the priority domestic problem of concern to every American. Unemployment is at a completely unacceptable level, our States and cities are in fiscal crises, and the average citizen is burdened by high taxes and ever rising costs for the basic needs of life.

To help deal with this problem, the House has just passed a revenue-sharing bill I cosponsored to return funds to the States and local communities. Under the bill New Jersey would receive $44.7 million annually for 5 years. Newark would get $6,076,981; East Orange $981,414; Harrison $176,919 and Glen Ridge $96,839. I have also introduced a tax policy review act to require repeal of virtually all tax preferences over 3 years unless Congress acts to continue them—this will be a major step to achieve tax reform and close loopholes. I have also sponsored legislation to create 1.15 million public service jobs in such areas as health, urban renewal, and crime control. The House recently passed a bill increasing the minimum wage and has just approved a bill to extend the emergency unemployment compensation act.

All of us are consumers, so I was very pleased that the House passed the bill I sponsored to create an Office of Consumer Affairs. To combat rising meat prices, last April I introduced a bill to repeal meat import quotas and increase the supply of low-cost meat products. Finally, on June 26 the President acted to suspend quotas for this year. This is a long-needed step, but more action is essential to curb the high cost of food. Close to final action in committee is a landmark housing and urban development bill that will improve Federal mortgage insurance programs, set up a new aid program for home rehabilitation and create a new grant program for the operating expenses of mass transit systems.

In health care this Congress has made great strides. Already enacted into law are bills to launch a massive attack on cancer and the insidious disease of sickle cell anemia that primarily affects black citizens. Prospects for a comprehensive health security program such as I have proposed have recently improved. Nearing final committee action is a bill I sponsored to set up programs to diagnose, prevent and treat Cooley's anemia, primarily affecting citizens of Italian and Greek heritage, and to conduct research on this usually fatal disease. The Senate has acted on my bill to create a program to combat diseases of the heart, blood vessels, and lungs and the House has passed a bill including my programs for expanded aid for kidney disease victims. I am continuing to press for action on my bill to provide Federal aid to fight venereal disease and my proposal for adequate funds to detect and control the rising rate of tuberculosis.

After long consideration a comprehensive higher education bill has just become law. It is a vital 3-year measure providing expanded aid to colleges and grants to needy students, and includes a program to develop and operate postsecondary occupational education programs. Awaiting final congressional action is a major water pollution control bill.

Narcotics addiction and the related problem of crime have been of special concern to me. The Judiciary Committee, of which I am a member, developed the Omnibus Crime Control and Safe Streets and the Law Enforcement Assistance Act. I am now concentrating my efforts on assuring adequate funds for these vital programs. Under LEAA, New Jersey received over $11.8 million in 1971. I have also formulated a five-point allout attack on the drug problem. This involves first international efforts, in part already accomplished by enactment of my proposal to direct the President to cut off foreign aid of all kinds of nations that do not cooperate in eliminating the illicit drug traffic. In addition, I have proposed an increase in domestic law enforcement, new Federal programs to educate our youth on drug abuse dangers, a massive effort to provide treatment for narcotic addicts, and, finally, ways to improve our criminal justice system to rehabilitate addicts before returning them to a renewed life of crime.

Some vital steps were taken in the field of human rights. After years of effort, Congress finally passed a Constitutional amendment guaranteeing women equal rights. This has been ratified by the States, as was the amendment lowering the voting age to 18. Following up the landmark civil rights acts that my Judiciary Committee has enacted since 1957, Congress approved the Equal Employment Opportunity Act to halt unlawful job discrimination. The House also passed a bill to extend the Civil Rights Commission and expand its jurisdiction to sex discrimination.

Before Congress adjourns, I am hopeful that final action will be taken on the bill to increase social security benefits by 20 percent and reform our welfare system, as well as the bill to increase compensation for veterans with service-connected disabilities by 10 percent. I will also press for action on a new child development bill to supersede the one passed by Congress but vetoed by the President.

My most intensive work has naturally centered around the legislation referred to House Judiciary Subcommittee No. 1, of which I am chairman. The primary responsibility of my subcommittee is for immigration and nationality matters. One major bill, to eliminate inequities in the law that create problems for intending immigrants from countries such as Ireland and Italy, has passed the House and is now under consideration in the Senate. Following over a year of hearings in key regions of the Nation, I have developed a bill to deal with the problem of illegal aliens on which the subcommittee has begun executive consideration. As chairman of the subcommittee, I was also able to persuade the Attorney General to agree to use his parole power to allow Soviet Jews to come to this country. A bill to authorize full representation in Congress for the District of Columbia was also approved and now awaits Rules Committee action. My subcommittee has held hearings on several proposals to provide death and disability compensation to policemen, firemen and their survivors and I hope to obtain action on an effective bill to help these dedicated public servants.

At the international level, I was elected chairman of the 20th anniversary session of the Intergovernmental Committee for European Migration, the multination organization responsible for the resettlement of refugees. I was also honored this year by being elected chairman of the Scientific and Technical Committee of the NATO North Atlantic Assembly. At the Assembly's meeting next November we will take up several important matters of concern to the NATO nations, including my own report on measures undertaken and recommendations for cooperation in combating the illegal international traffic in narcotics.

While must remains to be done, the 92d Congress has made substantial progress to date, and I will continue to press for completion of our unfinished business before the final adjournment of Congress.

MARINE CORPS PLACES GI COFFEEHOUSE AND LEGAL CENTER OFF LIMITS IN IWAKUNI, JAPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, today I urgently call to the attention of my colleagues a matter which is of great concern to me and one which involves the morale and deprivation of the constitutional rights of thousands of marines stationed at Iwakuni, Japan.

The Marine Corps has taken the extreme unprecedented step of declaring off limits a GI center in Iwakuni which, besides offering entertainment and an alternative atmosphere for military personnel abroad, is maintained as a legal office for those servicemen and women who desire and need good civilian legal services. The Hobbit, as it is known, is a combination restaurant, bookstore, and legal office which is operated by both Japanese and American civilians. For the last year, two American civilian attorneys at the Hobbit have provided free counsel for hundreds of marines stationed in the Iwakuni area.

There is no doubt in my mind that higher Marine Corps authorities have placed the Hobbit off limits because its staff and attorneys do not share the views of the current administration, Defense Department officials and high-ranking officers of the Marine Corps, especially in regard to the war in Southeast Asia. By taking this step, the Marine Corps has denied its members the constitutional right to assemble and associate freely, and, even more important, has deprived them the opportunity of retaining legal counsel of their choice, in violation of the sixth amendment.

Throughout my term as a Member of Congress, I have worked vigorously to protect the rights of military personnel, which the Constitution affords to all U.S. citizens. My position has always been that no individual should be denied those inherent rights simply because he has chosen to commit himself to a tour in the Armed Forces. I recognize that there may, in certain situations, be a thin line between conduct which is protected by the first amendment and that which, in the eyes of military authorities, might tend to be prejudicial to the morale and discipline of troops. However, both enlisted men and officers have, in the recent past, freely expressed their opposition to the war in Indochina and have been associating offbase and off-duty with other members of the military and civilians who share similar views. There is no proven or visible adverse effect on the morale and discipline of the troops. Never has the military put a GI coffeehouse off limits. Why, then, has the Marine Corps chosen in this instance to take such a drastic step? It is most intolerable, in fact outrageous, that military authorities have selected the Hobbit, the one such gathering place which offers legitimate and badly needed free civilian legal advice to Marines stationed overseas. I dare say that it is indeed the Marine Corps' action that may have a detrimental effect on morale and discipline.

The atmosphere which the Hobbit provides is, from all accounts, a healthy one. It is my understanding, for example, that there is absolutely no racial conflict there, and, in light of the serious racial difficulties that the military is experiencing on all of its bases, it would seem that authorities would be delighted that there exists a center which provides an atmosphere conducive to better relations between soldiers from diverse backgrounds and races. The Hobbit also provides an alternative to the gathering of servicemen in the streets and bars of Iwakuni, where prostitution is rampant.

In short, it is a meeting place that discourages racism and the abuse of women.

I have written to the Honorable Melvin Laird, Secretary of Defense, and asked that he personally intervene in the matter and insure that the Hobbit not be placed off limits. It is in the interest of justice and the morale and rights of all members of the military that I have made this urgent request.

I include in the RECORD the following statement released to the press today by Washington attorney David Rein and Eric Seitz, an attorney formerly with the Military Law Project in Iwakuni. Both attended a press conference with me this afternoon:

STATEMENT

Lawyers from the National Lawyers Guild announced today that they have filed suit against the Marine Corps for violating the Constitutional rights of GIs stationed overseas. According to Washington attorney David Rein, the lawsuit seeks to enjoin the Marines from placing a GI coffeehouse in Iwakuni, Japan, "off limits" in violation of the 1st, 5th, and 6th Amendment rights of the GIs who utilize the facilities offered there.

The Hobbit is a restaurant-coffeeshop which features popular American music and anti-war posters. Located approximately twenty miles south of Hiroshima, adjacent to the US Marine Corps Air Station in Iwakuni, the Hobbit also has a book store and library, houses law offices of civilian attorneys from the National Lawyers Guild who provide free legal representation to GIs, and provides facilities for production of a GI newspaper. By placing the Hobbit "off limits," the suit argues that the Marine Corps interferes with the GIs' rights to legal counsel, under the 6th Amendment, and to association, assembly, and freedom of the press, all guaranteed by the 1st Amendment.

Additionally, one of the plaintiffs is Pfc. Kenneth Allison from Chicago, Illinois, a black Marine. Allison argues that the Hobbit is one of the few establishments in Iwakuni which does not practice racial discrimination and the only place where black and white Marines can relax and mix casually. At a base which has experienced serious racial problems—in a letter to Representative Shirley Chisholm dated 25 January 1972, Marine Commandant General R. E. Cushman, Jr. admitted that "race relations and discrimination problems do exist . . . at Iwakuni"—such action against the one establishment which actively seeks solutions to racism contradicts the Armed Forces' stated position of attacking racial problems within the military.

Attorney Eric A. Seitz, who spent the last year in Asia representing American servicemen, charged that the Marine Corps' action against the coffeehouse is "indicative of the military's regard for the constitutional rights of GIs." According to Seitz, anti-war GIs particularly are singled out for surveillance, discrimination, and repression. Their homes are raided and searched; they are subjected to serious disciplinary actions for the most minor infractions, and they are given punitive transfers merely for expressing their anti-war views.

As lawyers for such individuals, Seitz and his colleagues have been harassed, threatened, and investigated by the same military authorities. Their offices are under surveillance and have been raided and searched by parties which include armed services police. In the Philippines, the lawyers' office near Clark Field was raided on March 15th, April 24th, and May 12th of this year. At Iwakuni, officials entered and searched the premises on June 4th. On all of these occasions the authorities have come in large numbers, heavily armed with automatic weapons, and they have examined files and personal papers.

Also at Iwakuni, Seitz was arrested by military police last November 25th and held in their custody for three hours without explanation. During this period, four of his clients were whisked off the base to destinies which Marine Corps officials refused to disclose to him. Similar occurrences have been experienced recently at Clark Air Force Field and Subic Bay, where GIs were summarily arrested and shipped out without any opportunity to contact or see their attorneys. The military authorities have made no attempts to justify these actions.

The Air Force's Office of Special Investigations has compiled huge files on Seitz and his colleagues, the results of extensive inquiries and surveillance. The Naval Investigative Service keeps similar files, all contrary to the Pentagon's stated position that it no longer investigates civilians.

Now the Marine Corps has placed the lawyers' office in Iwakuni "off limits" to military personnel, an obvious violation of their right to have the representation and assistance of civilian counsel.

Mr. Rein announced that their law suit sought to challenge this latest form of harassment. The suit was filed this morning in the Federal District Court here seeking an immediate injunction against any further interference with the rights of servicemen stationed in Iwakuni.

Meanwhile, despite the harassment and official military opposition to their presence, the lawyers will remain in Asia, Seitz announced, to continue their efforts to represent and assist additional persons whose rights are being threatened by the armed services. Seitz revealed plans to send more lawyers to Asia to expand their efforts in that regard.

The following is a letter written by my colleague, Congressman RONALD DELLUMS, who has joined me in the protest to Secretary Laird:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 29, 1972.

Hon. MELVIN LAIRD,
Secretary of Defense, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: I wish to join in the protest over the decision by the Marine Corps to place off limits the premises of the Hobbit coffeehouse and restaurant at Iwakuni, Japan and call upon you to immediately rescind this order.

If this decision is allowed to stand, the Marine Corps will have succeeded in restricting use of not only the coffeehouse, but also the bookstore, the newspaper, and most importantly, the law office of the National Lawyers Guild. It is here that hundreds of Marines have been able to obtain free civilian legal counsel. By placing this establishment off limits, these servicemen have essentially been denied their right to civilian counsel.

It is also interesting to note that the Hobbit is considered by many of the minority servicemen as one of the few places in Iwakuni where there is no racial discrimination and where they are able to meet with White marines in a relaxed atmosphere to share common concerns. Since the Air Station has experienced serious and frequent racial conflicts it is hard to understand the rationale for this latest decision.

I feel that there can be no justification for action of this type and again call upon you to personally see that this order is rescinded. I would appreciate your immediate response to this letter. Thank you in advance for your cooperation.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

MORAVIAN COLLEGE COMMENCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I would like to take this opportunity to share with my colleagues some impressions formed at the 1972 commencement at Moravian College in Bethlehem, Pa. First, may I say, that one of America's most admired entertainers, Andy Griffith, was awarded the honorary degree of Doctor of Humanities. This fine American has brought laughter and warmth into the homes of millions of Americans and is most deserving of the honor. I too was proud to receive the honorary degree of Doctor of Laws from this distinguished institution of higher learning.

Of much more importance, however, were the awards received by well over 300 Moravian College graduating seniors. It was an extraordinarily satisfying experience to see those young men and women reap the rewards of four years of hard work and discipline. Without exception, the student addresses were indicative of the self-confidence and knowledge achieved during undergraduate years. The student speakers were aware of the problems which they will have to deal with in this world, but there was no display of despair or bitterness toward the condition of their new environment. Instead there was a jubilant tone marked by the willingness to meet new challenges head-on. In addition the students emphasized the quality of their education at Moravian College. In this day of frankness and sincerity in our young people it was refreshing to hear their applause for faculty and administration of the college. Student leaders referred to the close relationships formed with faculty members, the variety of programs offered, and the unique learning environment at Moravian. These remarks were, I am sure, most satisfying to the President of Moravian College, Herman E. Collier, Jr. Under his leadership Moravian has continued to grow and develop into the fine learning center it is today. Dr. Collier's success as a college president could be seen in the faces of all the graduates and I congratulate him for his outstanding achievement.

I would also like to call the attention of my colleagues to the baccalaureate address delivered by Frederick J. Warnecke, retired Bishop of the Episcopal Diocese of Bethlehem. Bishop Warnecke has devoted his life to service of others, and his poignant remarks reflect the unique quality of his mind which has made him such a tremendous asset to his church and community.

BACCALAUREATE SERMON, MORAVIAN COLLEGE, MAY 28, 1972

(By Rev. Frederick J. Warnecke)

St. John 1:12 "Power to become . . ."

Peace is the paramount issue today. Then, an *end to* racism in American life, with justice for minorities and for that magnificent majority, women. In pressing succession, we desperately need an answer to growing poverty in the midst of growing affluence. The population explosion is part of this issue. There is our abuse of the good earth. There is our slavery to a technology we were told would free us. There is the cultural pressure upon the individual for uniformity and consensus, often by law and by force.

Yet in all truth these are not new problems. Tragically, war has been with us throughout man's history. Bigotry is deep in our nature, as our very pleasure with Archie Bunker perversely demonstrates. Two thousand years ago Christ remarked that the poor were always with us.

But today is different in that it is one of those unusual periods in human history in which the problems are so pressing that we have been driven beyond dealing with these symptoms of a sick society to criticism of the arrangements and institutions that have produced them. We rightly question not the red rash on the skin of society but why we have these itching measles and what gave them to us.

So we *doubt the credibiltiy* of Mr. Nixon and his administration and all political arrangements. We doubt the infallible wisdom of the *Pentagon*. We doubt I.T.&T. and ask questions about the underlying motives of corporate enterprise. We read of the coldly planned murder of Yablonski and we doubt the labor movement. We doubt *the relevance of our educational system* with its conventions of screened admissions, pass or fail marks, its stamped approval of degrees, its medieval rituals and vestments. We doubt the *cultural mores and morals* of our time, particularly those relating to sex. We doubt the *church* and all religious institutions, sometimes with a knowledgeable agnosticism but more often with smothering disinterest. Our institutions are under fire today.

But I feel that the current mood goes even deeper than this. We doubt the values upon which these institutions were founded. Is democracy the best basis for government? Is materialism the value that leads to the greatest human happiness? How right are the premises of capitalistic technology? How pure is pure science? Do our present social values give me a chance to be myself and do my things? Are the inherited Judaeo-Christian ethics anything more than the continuing memories of man's primitive simplicity?

Many today are responding negatively to our heritage of values and of institutions. All is lumped in the scornful term, *"The Establishment"*, and it is damned. It has failed. Let it go!

There is no easy answer to such "Shaking of the Foundations", the perceptive phrase used a generation ago by Tillich. It is good to test and evaluate and appraise human institutions. Institutions are only groupings of people who come together in certain ways because these particular arrangements seem to work for them. When they no longer work, if they are not directly discarded, they shrivel and die and are replaced.

It is right also to consider and question our basic values. It is very human for a people or an individual to accept values and then place them on the back shelves of life, venerated but ineffective; enshrined in documents such as the Declaration of Independence or the Bible, but forgotten in the practise of living.

I do not intend to give a glib packaged answer to these tremendous issues in the next few moments. I would offer a basic suggestion and then some hopefully practical thoughts for the class of 1972.

The basic suggestion is that we must recognize the revolutionary character of the age in which we are living and take this seriously. Certain ages in human history are watershed ages. Before them life flows in certain well-channeled directions. Afterwards it flows in new and different directions.

The Renaissance was such a watershed age. The Age of Discovery was another; as was the Industrial Revolution. Today, I think, is a watershed age.

To live in a revolutionary age makes unusual demands of us. You must accept living under tension, under pressure. There are no quick, immediate solutions or resolution of the basic struggle. Nor is there any retreat to a former supposedly Golden Age.

So you must learn the values in diversity, in pluralism, as contrasted to the placid uniformity of a more settled age. You must be willing to listen; and to accept difference as enriching, not threatening.

If you can accept this, then you are ready to trust persons rather than things, people before property.

These are hard demands. The very term "tension" literally promises to pull us apart. We are also uncomfortable with difference. Birds of a feather do flock together. And we are conditioned to "property values"—not that very term. It is interesting that we call stocks and bonds "securities". We have trusted things rather than people.

To pile such suggestions, then, on top of the diagnosis of revolution must seem like a demand far too heavy for any human being to bear. I suggest that this is precisely the point at which religion has something important to say to us.

Yes, I know and I accept the present questioning of religious institutions and arrangements and leaders even unto bishops. I myself would be glad if we travelled lighter, if relationships were more important than real estate. I also know and hear the questioning of fundamental religious values.

I think I sympathetically understand the dilemna of faith or no—faith. Neither time or my limited abilities allow me to argue these matters, important as I concede they are.

I simply would make a personal witness. For me, my faith in God has helped me face this terrifying and yet wonderful age with strength and some serenity. I do not tie my faith to human arrangements or institutions. God is the only Absolute. I hold fast to God and I ride easy with change even when it approaches chaos. This is not a tidy age.

I can do this because the wisdom of our Jewish—Christian heritage is personal before it is social. It says that a relationship with God is possible because God is that kind of God. "We love Him because He first loved us". Out of that relationship I gain strength for my own individuality and for my relationships with others. As St. John wrote in the words with which I began, "As many as receive Him, to them gives He power to become . . ." Power to become persons. Power to relate to others. Power to the people! That's the bright promise of Christian faith.

We live in a watershed age. Watersheds are ridges, and often the ridges are sharp and narrow. Many plunge from their reality in hopeless despair. Some try to turn backwards to a dim past. But there are those who have a sense of exhilaration, of joy and of hope as they look from the mountain top towards the good land of tomorrow. It's a long way to the valley and a hard one, but these have found strength and peace. This is what religion is all about. I witness to you of its reality in my own life 'Power to become!' Take that gift of power from God and live!

JEREMY S. TAYLOR—STUDENT RESPONSE

Success is meeting someone who is committed. It is an individual whose wisdom is a harmony of concern, humour and forgetfulness. This someone must be a multiplicity of discipline, opinion and flexibility. He must in this day avoid violence and accept an opposing opinion for what it is worth, while attempting to work tirelessly for his accomplishment. There should be an embracing of difference in others whether it be socio-economic, racial or religious, for one is not an educated individual if one denies differing existences.

Concern is vital for growth, and change will never come about without work, and of course understanding could not exist without it.

Humour gives one the ability to strive where one has lost. It is the vehicle for the return of perspective, and most importantly the ingredient for recovery from failure.

Forgetfulness is that which enables us to survive our conscience and our memory of a specific, while learning from the generality.

Discipline is persistence or the fuel for accomplishment.

Finally, the singe most important quality in survival and success is hope for the future.

Those individuals who make up Moravian College have helped all of us bring some of these qualities into perspective. The future will bring the judgment of our success, for success exists in the attitude with which we leave today.

MARIANNE CULLEN—STUDENT RESPONSE

President Collier, Trustees, honored guests, faculty, graduates, parents, and friends:

In 1782, Ezra Stiles recorded the time schedule of a typical college commencement: eight speeches-half of them in Latin-consuming three hours and fifteen minutes, and dealing with political, literary, religious and philosophical subjects that covered almost the whole range of human knowledge. Less endurance is now required of graduates for I have a set time limit—three minutes!

The past four years have been filled with sweat, tears, and hard work. They are now behind us and what do we have to show for them? Outwardly, there is the piece of parchment we'll receive soon, and boxes filled with books from many courses. Inwardly, we have many memories. Perhaps many graduates have the sense of ending. Graduation is a token of achievement, a day of celebration, a day of commencement into a new life outside academic halls.

How are we prepared for this new life? Most of us upon entering school had an identity crisis. At times we knew little about our life goals and even less about how to achieve them. It was necessary for each one to find direction and purpose in his life. College gave us the means to establish our identity and goals in several different ways.

In our daily encounters with professors and students we learned to understand and react to the feelings of others. A bond was established between faculty and students. Learning how to learn was another achievement over the past four years that has a definite bearing on our life's goals and expectations. We intend to continue this quest for knowledge.

At Moravian, we've developed the ability to cope with problems and situations whether they be personal or business. Maturity and adaptability are two qualities that we should have strengthened. By now we have moved far, toward our goals and have a good idea how to achieve them.

With the increased maturity and ability to adapt, we are eager to work toward a better world-each in his own way.

ALLAN A. BROWN MESSAGE

President Collier, faculty, graduates and honored guests. It is a pleasure to be able to speak to you this evening.

Thinking about what I would say when I got up here, I began to realize that there are three student speakers speaking for three minutes each. And it was then that I began to realize the significance of the No. 3 to the graduating class of 1972. I also realized that what I must do this evening must be in three parts: (1) Get the courage to get up here (2) Be very brief, and (3) Sit down.

Four years ago, although to many of us it may seem like a decade ago, many of us were in this position in high school and it was at that time that the graduating class of '72 had its first encounter with the No. 3. We had *three* goals ahead to achieve: (1) Get into college (2) Stay in college, and (3) Get out!

From then on the No. 3 followed us through Moravian. We remember getting out of bed at 3 minutes to eight o'clock to make it to an 8 a.m. class. We found it simple to join any 3 organizations on campus, but never able to obtain 3 out of the 4 courses we wanted for that semester. And how can we forget Johnston Hall, the last milestone, before we were able to be here this afternoon. There we took exams that were to take 3 hours. Of course, we had it all down in 3 minutes or 3 words. We were introduced to the world of institutional cooking and it was the 3rd meal, tired, exhausted and famished that we realized we had to eat it. Chapel was held 3 times a week for those of us who needed a moment of prayer for a test or oral report. And it was the third year that our football team was MAC champions.

However, the No. 3 in a more serious sense should stay with us as we strive to accomplish other goals. Gale Sayers, on the back of his book on which the movie Brian's Song was based, says ". . . there are three things important to me in my life. God is first, others are second and I am third."

We have been able to grasp the world of education, we must now be ready to start a world of sharing and giving of one's self for the improvement of all mankind. Our loyalty to God should be first, others second and we should become No. 3. The closing words of Desiderata sum up our role well.

". . . You are a child of the universe no less than the trees and the stars you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should Therefore be at peace with God, whatever you conceive him to be, and whatever your labors and aspirations in the noisy confusion of life keep peace with your soul. With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful. Strive to be happy." Thank you.

SUPREME COURT DECISION ON CAPITAL PUNISHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER: Mr. Speaker, I have just learned that the U.S. Supreme Court today held the death penalty, as imposed in the three cases before it, unconstitutional, as cruel and unusual punishment, violative of the eighth and 14th amendments.

Subcommittee No. 3 of the House Committee on the Judiciary has held 5 days of public hearings this year on measures designed to abolish or suspend executions on both state and federal levels. Upon return from the congressional recess, the subcommittee will study the nine separate opinions issued by the Justices in the three cases before the Court, of which two involved rape and one involved murder, to determine what, if any, legislative action ought to be taken by it on the subject of abolishing capital punishment, in light of the Court's action.

BOSTON'S FINEST FINEST HOUR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I feel compelled at this time to perform the sad duty of extending my remarks in tribute to the nine heroic Boston firefighters who lost their lives in the line of duty on the night of June 17. The tragic loss of these courageous men must only serve to underscore the debt of gratitude we as a nation owe to these dedicated and selfless individuals. To such men, who at every alarm put their lives in peril, it is a sad fact of life that we seem only to find time then when they have made the final sacrifice. There is little in the way of consolation we can offer, unless there is comfort in the knowledge that our prayers and sympathies are with each and every one of them. Now is the time that we should pause and reflect on the meaning of the offering of these men. I would like to call to the attention of my colleagues a moving newspaper report of the funeral of these firefighters as it appeared in the Quincy Patriot Ledger on June 23.

The article as follows:

[From the Patriot Ledger, June 23, 1972]

THOUSANDS HONOR FALLEN FIREFIGHTERS

(By J. Michael McGerty)

BOSTON.—Lt. Firefighter James McCabe of Engine 33 and Firefighter John Feeney of Engine 22 solemnly sat side-by-side in a front row bench at the Cathedral of the Holy Cross in the South End yesterday morning.

ACROSS THE NATION

Like the thousands of other firefighters from across the nation, they had come to pay a final tribute to their nine brothers who died while fighting the Hotel Vendome fire last Saturday in Back Bay.

Both men carefully watched each of the nine flag-draped caskets as pallbearers wheeled them down the long center aisle to the front of the brightly lit altar and you knew that Lt. McCabe and Firefighter Feeney were thinking of that Saturday night last weekend when a section of the former Hotel Vendome collapsed, trapping them and killing their nine fellow workers.

Occasionally Lt. McCabe stroked his forehead and then he would stare at the floor. Firefighter Feeney, the bridge of his nose often resting on his clenched fist, arose and sat down slowly during the service. His injury apparently caused him pain, but his face remained expressionless.

Three of the dead firefighters were members of Engine Company 22 with Firefighter Feeney. Lt. McCabe, a firefighter for more than 20 years, was a close friend of several of the firefighters who were killed.

A cold drizzling rain was falling on the empty section of Washington Street from Massachusetts Avenue to East Berkley Street when the first contingents of firefighters began to arrive by bus. Police estimated that approximately 10,000 firefighters attended the funeral service. Some 1,700 off-duty Boston firefighters were present.

The men from Engine Companies 22 and 32 and Ladder 13 were all at the funeral for the deceased firefighters who were assigned to their companies. Their stations were covered by men from other engine and ladder companies in the city.

HARSH WIND

As the funeral procession approached the Cathedral, the drizzle turned to a gentle rain and the rows upon rows of firefighters stretching in both directions on Washington Street stood erect, facing the church, undaunted by the harsh easterly wind blowing against their left sides.

The first hearse stopped shortly after 10 a.m. and pallbearers carried the body of Lt. John E. Hanbury of Ladder 13 passed a motionless colorguard while a muffled drumroll sounded as they ascended the 10 stairs leading to the interior of the Cathedral.

Eight more times the hearses and small fleets of limousines stopped in front of the church. Eight more times a drumroll was sounded and the colorguard snapped to attention and the families of the dead firefighters followed their loved one inside.

Slowly and methodically the caskets bearing the bodies of Lt. Thomas J. Carroll and Firefighters Charles E. Dolan, Joseph P. Saniuk, John E. Jameson, Thomas W. Beckwith, Paul J. Murphy, Richard B. Magee and Joseph F. Boucher Jr. entered the church.

Inside, four caskets ran parallel to the altar on each side of the center aisle. The ninth casket was positioned lengthwise in the center aisle flanked by the four others on each side. Red satin ribbons with each firefighters' name printed in gold lettering hung over the front of each casket.

The funeral was scheduled to begin at 10 a.m. but by the time relatives and friends of the deceased and fellow firefighters had filed into the cathedral it was almost 10:45 a.m. but no one minded the delay. What time it was did not matter like the rain falling outside or whether you were Catholic or Protestant or Jewish.

WEATHER CANCELS APPEARANCES

The Chairman of President Nixon's Commission on Fire Prevention, Richard E. Bland, and U.S. Sen. Edward M. Kennedy, D-Mass., couldn't fly into Boston from Washington because all incoming and outgoing flights had been canceled at Logan Airport due to bad weather conditions. Some 150 firefighters from Montreal, Canada who had planned to attend were also grounded.

But no one except members of the press, seemed to notice that neither Mr. Bland nor Sen. Kennedy or the Toronto delegation were missing. The many dignitaries who attended—Gov. Francis W. Sargent, Lt. Gov. Donald Dwight, Mayor Kevin H. White, Former Speaker of the U.S. House of Representatives John McCormack, State Sec. of Public Safety Richard E. McLaughlin, Atty. Gen. Robert Quinn—were faces lost in the crowd.

In a homily, Archbishop Humberto S. Medeiros, principal celebrant of the concelebrated requiem mass, said "A life like this, so ever full of danger can easily make men bitter, or leave them with a sad disquiet as the companion of their years . . . this is not the character of the sturdy men who make their life's work the control of that element which is at once man's vital friend and fearful foe.

"They risk life and limb; they know pain and exhaustion; they live in the midst of fear and learn to stand tiptoe on the edge of eternity. We know that these were men who live always on the edge of danger, some of them for many years; each day's work involved a risk that this day might be the last, each summons to duty carried with it the muted sound of the final trumpet. No one was more aware of that than the victims themselves, no one knew better the uncertainty that hovered over each day's labor, the knowledge that for them any call might be their last.

"To live always in a consciousness like this is, humanly speaking, a nearly unbearable burden; only great hearts and sturdy spirits can be equal to it."

FIRE BELLS TOLLED

At one point during the funeral service, fire bells tolled for one minute throughout the city for the nine dead firefighters who, as Abp. Medeiros said, were men of great heart and sturdy spirit.

The nine hearses, 12 flower-strewn limousines and more than 50 limousines for the families in the funeral procession again stopped in front of the cathedral to carry the men to their final resting places.

Members of Engine Companies 22 and 32 and Ladder 13, again stood at attention in the small courtyard in front of the cathedral while their comrades' caskets were carried by.

That cold, dreary rain began falling again as the first of the nine caskets was placed into a hearse. But it just beaded off the shiny surfaces of the nine caskets and bounced off the heads and shoulders of everyone.

And without looking at people's eyes, the rain made it hard to tell just what type of drops were running down their cheeks.

Also I am inserting a very touching poem that was written by a young lady from Mattapan, a Boston neighborhood, which I have been proud to represent while in Congress. This poem, written in memory of those nine firefighters who were killed at the Hotel Vendome fire, appeared in the Boston Globe Wednesday, June 28.

The poem follows:

THE LAST ALARM

(By Mary Jane Hanron)

They bravely died to let others live,
They are dead because of mankind's greed.
Nine precious lives lost as they fearlessly went
To perform their fatal deed.
They left home that very morning
Not knowing at all that when
The fire alarm rang they'd faithfully respond
But never return home again.
A building can be replaced but people cannot,
So the world paid a priceless cost.
Because of a selfishness that some portray,
Human lives were lost.
The whole world felt a pang of sorrow,
Even sad were the songs of the birds.
But the grief felt by the loved ones they left behind
Just cannot be expressed in words.
Their bodies have died but not their souls:
A new life for them will dawn.
And though they'll always be remembered for their courage,
Life in this world must go on.
They went without fear or hesitation
When Death's knock came on their door,
And they'll be happily at rest in God's kingdom
Now and forevermore.

ROBERT R. HOADLEY, AN OUTSTANDING CITIZEN

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise today to urge my colleagues to join me in paying well deserved tribute to one of my most distinguished constituents, Mr. Robert R. Hoadley, president of Preferred Mutual Insurance Co. of New Berlin, N.Y.

Bob will be retiring next month and I want to take this opportunity to underscore the life and activities of this truly outstanding citizen. Bob Hoadley was born July 11, 1907. His parents, Lee and May Hoadley, were longtime residents of the village of New Berlin.

Bob was educated in local New Berlin schools, attended Manlius Military Academy, Manlius, N.Y., and graduated from Colgate University, Hamilton, N.Y. with a bachelor of arts degree in liberal arts. While at Colgate, Bob was active in music, and toured Europe with a local musical group known as the Theta Pi Pipers.

Upon his graduation from Colgate, Bob joined the staff of the Preferred Mutual Insurance Co. as assistant secretary in 1931. This company, at that time, was a small property and casualty insurer serving residents in Chenango County, N.Y. The company was founded in 1896 by Bob's uncle, Frank Holmes, and since that time, has grown to operate in 10 States with assets in excess of $10,000,000.

Bob was elected a director of the company in 1932, secretary in 1934, secretary and executive vice president in 1942, secretary and general manager in 1952, and to the presidency in 1962.

Bob married the former Elma Sealey of Greenwich, Conn., after her graduation from Skidmore College, Saratoga Springs, N.Y. They have two children: Judith graduated from Emma Willard, Troy, N.Y. and Skidmore College, Saratoga Springs, N.Y., and is married to William C. Westbrook of Charlotte, N.C. Mr. Westbrook is an agent affiliated with the Westbrook–Norton Agency in Charlotte. He is a graduate of the University of North Carolina. Bill and Judy have three children. Robert R. Hoadley, Jr., attended Valley Forge Military Academy, Colgate University and obtained his law degree from the University of Denver in 1962. Bob Hoadley, Jr., served in the U.S. Navy and is currently general counsel for Mr. Steak, Inc., Denver, Colo. He is married to the former Brigita Zarins of Denver, Colo. They have three children.

Mr. Hoadley has been active in other business affairs. He is a partner in the Holmes Insurance Agency, New Berlin, N.Y., treasurer and member of the board of directors and member of the executive committee of the Excess Mutual Insurance Co. of Philadelpha, Pa., member of the board of directors of the Chenango and Unadilla Telephone Corp., Norwich, N.Y., and a past member of the board of directors of the Alumni Corp. of Colgate University, Hamilton, N.Y.

In civic and other affairs, Mr. Hoadley has been past Commander of American Legion Frank H. Arnold Post No. 348, New Berlin, N.Y., and past president and director of the Chenango County Chamber of Commerce, past president, director, and charter member of New Berlin Rotary Club and was also this club's goodwill ambassador to Hondo, Japan Rotary Club in 1967. Mr. Hoadley is also a warden of St. Andrews Episcopal Church of New Berlin, N.Y., and a charter member of the New Berlin Industrial Committee, New Berlin, N.Y. In addition, Mr. Hoadley has been active in local Boy Scouts and American Red Cross affairs within Chenango County.

Mr. Hoadley served in the Armed Forces during World War II.

Recent awards include the 1971 Maroon Citation for dedicated service as an active alumnus of Colgate University, Hamilton, N.Y. At the recent 38th annual Carolina Association of Mutual Insurance Agents Convention at Asheville, N.C., he was honored with a life membership to the association. This is an honor that has been bestowed on only two or three people in the 38-year history of CAMIA.

Mr. Speaker, Bob Hoadley is the personification of the American spirit of initiative, hard work, dedication, and faith. He has earned the respect of his associates, the gratitude of his community, and the friendship of countless thousands of people throughout central New York.

As he moves into retirement, I know all my colleagues will join me in wishing him godspeed and a long life of good health and happiness.

THE CASE OF JOHNNY NO DOE, AND OTHERS—LESSON NO. 4

(Mrs. GRIFFITHS asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, it is my sad duty to tell you that Johnny No Doe's grandfather died last night, Johnny No Doe the First. The first Mr. No Doe had always had it hard. He never had much of a job, paid income taxes only during World War II. He rarely ever paid social security tax, even after that. The best thing he ever did for his wife and kids was to leave them so they could draw ADC. And, as he died he must have been comforted by one further thought—if any of his family had accumulated anything, at least he was not depriving them of it. He was on medicaid.

When he died, he was in a room in a nursing home in Detroit with my constituent, Mr. Ernest Taxpayer. Poor Ernest. He never did get the hang of things. He always just paid—at the top base on social security and medicare, and of course, income taxes. He helped support Johnny No Doe I, the II, and baby No Doe; and now as his life ends he knows that his medical bills are using up all of his and Edith's savings.

The medicaid for Mr. No Doe is free; but medicare has its limits, although Ernest paid for both.

Mr. Speaker, the taxpayer should get at least as good a deal in medical care as those who do not pay. We should scrap medicare and medicaid and enact my bill, H.R. 22, a national health plan that treats everybody alike.

DEPARTMENT OF AGRICULTURE'S INSENSITIVITY TO NEEDS OF ORTHODOX JEWISH COMMUNITY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, last year, I worked with a group of rabbis from the New York area who were concerned about a regulation of the Department of Agriculture which established certain requirements for the removal of feathers and the cooling and chilling of poultry shipped in Interstate Commerce.

The rabbis, representatives of the Orthodox Jewish community, indicated that the regulations were in conflict with the strict dietary laws of the Jewish religion. In fact, they claimed that if the regulations were enforced, certain Jewish families could not buy any chicken. Summarizing the position of the rabbis is the following letter from Rabbi Meyer Cohen, director of the Union of Orthodox Rabbis of the United States and Canada.

THE UNION OF ORTHODOX RABBIS
OF THE UNITED STATES AND CANADA,
New York, N.Y., May 4, 1971.

TO WHOM IT MAY CONCERN:

In reply to an inquiry, addressed to us by the Shochtim Union of New York, we are issuing the following statement.

A segment of the Jewish population has traditionally refrained, and is still refraining, from purchasing plucked and frozen chickens because of religious scruples in connection with the observance of the dietary laws.

Consequently any regulation forbidding the sale of freshly slaughtered and unplucked chickens would be an interference with the traditional practice, and contrary to the principle of religious freedom.

RABBI MEYER COHEN,
Director.

The rabbis succeeded in having the Department of Agriculture initiate a review of their regulation. A notice of the petition of the Union of Orthodox Rabbis of the United States and Canada appeared in the Federal Register last December 14, and appears below.

In discussions with the Department of Agriculture, I now learn that the Department is preparing a final order which will deny the request of the rabbis for the exemption. Frankly, Mr. Speaker, I am amazed at the insensitivity of the Department of Agriculture to the needs of the Orthodox Jewish Community. I find its action an intolerable breach of freedom of religion. We cannot, in the name of administrative conformity, order individuals to forsake their basic beliefs. For centuries, Jews have followed their dietary laws which are designed to insure the public health. It is foolish and unconscionable for the Department, in the name of public health, to abrogate that tradition.

In order to show that the Congress will not countenance such intolerance, I have introduced legislation today which would provide the exemption that the rabbis seek. I hope the House and Senate speedily move to correct this injustice and provide Orthodox Jews full freedom of religion.

The following is the text of the rulemaking notice:

Department of Agriculture Consumer and Marketing Service (7 CFR Part 81)

INSPECTION OF POULTRY AND POULTRY PRODUCTS

POULTRY SLAUGHTERED UNDER KOSHER EXEMPTION

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service of this Department has been petitioned by the Union of Orthodox Rabbis of the United States and Canada to consider a request to allow poultry slaughterers and processors who properly apply under § 81.203 of the poultry products inspection regulations (7 CFR 81.203) to be exempt from the feather removal requirements for dressed poultry in §§ 81.1 and 81.49(d) of the said regulations (7 CFR 81.1, 81.49(d)) and from the cooling and chilling requirements of § 81.50 of the said regulations (7 CFR 81.50).

Section 15(a) (3) of the Poultry Products Inspection Act, as amended (21 U.S.C. 464(a)(3)) and § 81.203 of the poultry products inspection regulations (7 CFR 81.203) provide that the Administrator after proper application may exempt any person who slaughters or processes poultry or poultry products, from requirements of the Act and regulations to the extent necessary to avoid conflicts with recognized religious dietary laws and still effectuate the purposes of the Act.

Review of Department policy with respect to such exemptions reveals that so-called "New York Dressed" poultry, that is, poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed, is produced under kosher exemptions and allowed to move in commerce when so marked. The specific area of slaughter and processing identified in these past applications for kosher exemptions principally involved the scald temperature.

Previously, the Department has not been requested to allow religious dietary exemptions from the feather removal requirements or the chilling and cooling requirement. The Department is seeking further comments, views, or data concerning these two matters.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to Dr. M. R. Humphrey, Standards and Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within the 30-day period. A transcript will be made of all views orally presented and will be filed in the Office of the Hearing Clerk.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 8, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

EXTENT OF U.S. PARTICIPATION IN FRENCH NUCLEAR TESTING

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.

Mr. BINGHAM. Mr. Speaker, in February of this year I expressed grave concern over the possibility of U.S. involvement in French atmospheric nuclear testing in the South Pacific. My concern was based on a report from a member of my staff who was traveling in the South Pacific at that time. The text of the report was inserted in the RECORD of February 23, 1972.

In an effort to clarify the U.S. position regarding the French nuclear testing program on February 23, I sent letters to Secretary of Defense Laird and Arms Control and Disarmament Agency Director Gerard Smith asking them to confirm or deny the examples cited in my staff member's report. I also asked the Secretary and the Director to provide me with statements of U.S. policy toward the French tests and a review of any efforts we are making to achieve French compliance with the treaty banning nuclear testing in the atmosphere. The replies that I received from Secretary Laird and Mr. Smith were not responsive to the questions asked.

There are reports that this past Sunday, the French Government resumed atmospheric nuclear bomb testing in the South Pacific that will continue through early next month. In view of these reports, I believe that it is imperative that U.S. involvement in these tests be made known.

I am again, by letter, requesting the Secretary of Defense to reveal the U.S. position on the French tests and to answer specific questions which should clarify once and for all the U.S. involvement in French atmospheric nuclear bomb tests. I am sending a similar letter to the Chairman of the Atomic Energy Commission, Mr. John R. Schlesinger.

My letters to Secretary of Defense Laird and Atomic Energy Commission Chairman Schlesinger follow:

JUNE 29, 1972.

Hon. MELVIN R. LAIRD,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: With the resumption of French atmospheric nuclear bomb testing in the South Pacific, I would again like to know the extent of American participation in these tests. Your reply to a similar request of mine in February of this year left many unanswered questions.

I believe the Congress and the American people are entitled to know answers to the following questions regarding the role the United States plays vis-vis French nuclear bomb testing:

(1) Is the USS *Richfield*, or any other American ship, in the Pacific for the express purpose of monitoring the French nuclear bomb tests?

(2) Do United States aircraft fly through French nuclear blasts, after detonation, to collect nuclear data?

(3) If the U.S. collects any data on the French nuclear test program, do we provide any of this data to the French government under any circumstances? If so, what is the U.S. policy for providing the French with data of this type?

(4) Do the French authorities provide the U.S. with any information or scientific data concerning their nuclear bomb tests?

I would appreciate it if you would provide me with answers to these questions not later than July 7, 1972.

If any of this information is classified, I would appreciate a personal briefing covering such points, as well as unclassified replies to the extent possible.

Sincerely,

JONATHAN B. BINGHAM.

JUNE 29, 1972.

Hon. JAMES R. SCHLESINGER,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: With the resumption of French atmospheric nuclear bomb testing in the South Pacific, I would like to know the extent of American participation in these tests.

I believe the Congress and the American people are entitled to know answers to the following questions regarding the role the United States plays vis-vis French nuclear bomb testing:

(1) Does the AEC send observers to the test site?

(2) If the U.S. collects any data on the French nuclear test program, do we provide any of this data to the French government under any circumstances? If so, what is the U.S. policy for providing the French with data of this type?

(3) Do the French authorities provide the U.S. with any information or scientific data concerning their nuclear bomb tests?

I would appreciate it if you would provide me with answers to these questions not later than July 7, 1972.

If any of this information is classified, I would appreciate a personal briefing covering such points, as well as an unclassified response to the extent possible.

Sincerely,

JONATHAN B. BINGHAM.

FEDERAL INVESTIGATION OF IRISH NORTHERN AID COMMITTEE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am deeply concerned about the current Federal grand jury investigation into certain activities of the Northern Irish Aid Committee and other groups interested in Irish freedom. That investigation, which is being held in Fort Worth, Tex., has been dragging on for several weeks. A number of citizens from the New York City area who have never set foot in Texas. A number of these witnesses have been detained in the Federal Penitentiary at Dallas, Tex., and the location of the trial and the atmosphere in which it is being held suggest that it is politically motivated and is in violation of the civil liberties of the individuals who have been called to testify.

With that in mind, I am today sending a telegram to Attorney General Richard Kleindienst urging him to wind up this investigation promptly and allow the witnesses to return to their homes and families, and I have been joined by seven of my House colleagues from New York. The text of the telegram, and the Members who have signed, follows:

We are dismayed to learn that seven witnesses from the New York area interested in the cause of Irish freedom have been subjected to harassment by your department in connection with a grand jury investigation of alleged violations of the 1968 Firearms Control Act in Ft. Worth, Texas. None of these witnesses who already have been required to attend two weeks of hearings in Ft. Worth have previously been in Texas. The choice of locale for the investigation and the manner in which the proceedings have been conducted and dragged out suggest a political motive behind the entire proceeding. The hostile atmosphere in Ft. Worth is indicated by the fact that several nurses who were peacefully picketing in sympathy with the detained witnesses have been suspended from the Harris Hospital and threatened with loss of their jobs unless they refrain from picketing. We urge you to wind up this apparently trumped up proceeding promptly and allow these witnesses to return to their homes and families.

Jonathan B. Bingham, William F. Ryan, Hugh L. Carey, Bertram L. Podell, Benjamin S. Rosenthal, John G. Dow, Edward I. Koch, Mario Biaggi.

PRICE CONTROL ON PRINCIPAL CULPRIT OMITTED

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, today, the president by Executive action extended Federal price controls to unprocessed agricultural and seafood products on practically all foods except meat.

The President omitted price control action on the principal culprit of runaway consumer prices. Beef, like oil, ranks among the untouchables; first in privilege, last to be monitored or controlled.

There can be no effective control of food prices as long as meat is excluded. As controls are widened, the basis for special exemptions are eroded. Controls to be effective, must be extended to the entire spectrum of consumer needs.

The suspension of meat import quotas are insufficient to provide substantial or lasting pressures on reducing meat prices to the consumer. Price controls are absolutely essential if meat is to remain a part of the average citizen's diet.

RETIREMENT OF HOLLIS R. WILLIAMS, DEPUTY ADMINISTRATOR FOR WATERSHEDS, SOIL CONSERVATION SERVICE

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POAGE. Mr. Speaker, Hollis R. Williams, Deputy Administrator for Watersheds, Soil Conservation Service, has announced his retirement June 30, 1972, after almost 38 years of service.

He has been Deputy Administrator since April 1959. In that capacity he is responsible for the watershed, flood prevention, and river basin work of the SCS.

Mr. Williams was a member of the SCS regional office staff at Fort Worth, Tex., from 1936 to 1946. He was State Conservationist for Arkansas, with headquarters at Little Rock, from 1946 to 1957 when he became the Administrator's Field Representative from the Southeastern States, with headquarters in Washington, D.C.

He is a native of Arkansas and is farm raised. He obtained a B.S. degree in physical and biological sciences at Arkansas State College and a law degree from North Texas School of Law, Fort Worth.

He is the Department's member on the Council of Representatives of the Water Resources Council. He is also the Department's representative on the Inter-Agency Task Force on the Potomac.

He is a member of the American Society of Range Management.

Mr. Williams received the Department's Distinguished Service Award in 1965.

In June 1966 he participated, with seven others, at the invitation of the Federal Republic of Germany, in a one-month German water resources study of problems and their solutions.

In August 1966 he was awarded the degree of Fellow by the Soil Conservation Society of America in recognition of his exceptionally outstanding achievement and leadership in the field of soil and water conservation.

Mr. Williams has been a widely demanded speaker in conservation circles.

He has won the support and respect of Members of the Congress, especially the Agriculture and Public Works Committees of the House and Senate, and the Appropriations Subcommittee of both the House and the Senate through his cooperation and contributions to the work of these committees.

Mr. Williams has made an important contribution to the total soil and water conservation program and to soil and water conservation districts. He has had a major role in the advancement of the small watershed program which I think is one of the most important programs in the Federal Government.

We wish him well in his retirement.

CONGRESSMAN HOLIFIELD'S REMARKS ON PRIORITY ACTIONS NEEDED TO MEET ENERGY CHALLENGES

Mr. PRICE of Illinois. Mr. Speaker, my esteemed colleague, Congressman HOLIFIELD, has over the years spoken eloquently of the things which need doing for our Nation to meet the energy challenges of this and future decades. In a recent speech before the American Public Power Association, Congressman HOLIFIELD again called for governmental-industrial leadership and cooperative efforts to solve the energy problems which unquestionably we now face. In his remarks Congressman HOLIFIELD emphasized the priority need for an adequately funded, coordinated national energy and pollution control research and development effort. He urged the Congress, at an early date, to consider environmental legislation which would consolidate the existing environmental laws into an understandable and workable legislative framework. Finally, he stated that changes are needed in the organizational structure in both the executive and legislative branches to facilitate the achievement of the twin goals of supplying adequate energy and protecting the environment.

Mr. Speaker, in view of the importance and timeliness of Mr. HOLIFIELD'S remarks, I include his entire speech in the RECORD at this point:

REMARKS BY CONGRESSMAN CHET HOLIFIELD

PUBLIC POWER'S ROLE IN THE NATIONAL ENERGY PICTURE

I am most appreciative of the opportunity to participate in the 29th Annual Conference of the American Public Power Association. "Meeting the Energy Challenge" is a most appropriate theme for this conference. Before I give you my views on some of these challenges I would like to take note of the changes which have occurred and are occuring in Public Power's role in the energy picture.

I. Public power's new position

Your organization and its membership are entering a new era. This new era is one of increasing responsibility and increasing participation in the nation's overall energy supply picture. For example, it is now possible for public power groups to join with larger utility organizations and participate directly in the construction of large, efficient, modern generating plants. Thus they can benefit directly not only from their advantage of lower financing costs but also from direct ownership of prime generating capacity. This right of participation was won after a hard fight. Your organization and specifically a number of individuals present here today are due special credit for their accomplishments in attaining these new opportunities.

Also I believe, credit is due the Joint Committee on Atomic Energy for its efforts in assisting smaller utility systems in sharing in the benefits of the latest electrical generating technologies. These benefits in most cases are, unfortunately available only through construction and operation of large generating units—too large for many individual utilities to finance and utilize themselves. I am referring to the 1968 hearings on various legislative proposals facilitating the participation of smaller utilities in nuclear power. These were followed by the 1969 and 1970 hearings on legislation providing for antitrust review prior to the licensing of a nuclear plant. The final result was the antitrust act which was made available in December, 1970—Public Law 91-560, enacted December 19, 1970.

As you know, this was no mean accomplishment. We had to contend with many highly intense and conflicting special interests on this legislation. The Committee expended a great deal of time and energy on this matter. I would like to specially mention the patience and efforts of my colleague, Senator GEORGE AIKEN, in working out the final piece of legislation.

Public Power is also entering a new era of increased utility cooperation in other areas. The cooperative funding of the high priority breeder demonstration plant is one of such example. Cooperation of the utility industry as a whole in laying out and funding research efforts and in regional planning is also on the increase. All of these steps are encouragnig although I don't want to imply these first steps indicate a complete new era of sweetness and light. I know these first concessions for greater participation in factors affecting your destiny and the destiny of the nation in the energy field were in certain cases difficult to obtain. Accordingly, one must remember that these gains must be closely guarded and additional ones aggressively pursued.

The nation needs its mix of generating organizations. I have always thought that the public power organizations have a special importance in providing a yardstick for measuring costs of electrical energy. Accordingly, the public power sector has a special duty to the nation of maintaining itself as a viable, progressive and efficient source of electrical energy. Your organization and public power have a continued, important future in the National Energy Picture.

II. Actions needed to meet the challenge

I have frequently stated my belief that the fuels and energy problems are so acute and the environmental situation so sensitive that they must be given almost equal priority and acted on in a realistic, coordinated manner. I strongly believe that man can employ—without exploiting—the resources of the world for the benefit of mankind without causing harm to the environment or to generally accepted standards of lifestyle and well being. And I believe this is what the vast majority of our people want. Certainly the recent overwhelming defeat of Proposition 9—"the Clean Environment Act"—in the California primary indicates that citizens want responsible, prudent actions to solve the twin problems of energy needs and environmental protection.

The energy problems will not be solved by merely allowing water to run under the bridge while assuming that someone, somehow will get the job done. Our health and material well-being are dependent on the various power sources. If they fail us, the very foundations of our economic strength and our national well-being will be eroded.

Most Americans are probably complacent about these problems because an ample supply of electrical energy, available at all times, is accepted as a part of their way of life—as dependable as sunrise, sunset, or the days of the week. They perhaps do not realize the enormous complexities involved in satisfying the rapidly growing demands for the production of electric power. These complexities include enormous capital investments, requirements at all governmental levels which have to be satisfied through a maze of administrative and departmental levels, technological challenges, limitations of suitable resources, and choices to be made in order to deal effectively and simultaneously with the energy problem and the goals of environmental quality.

Or perhaps the reason Americans are complacent is because they feel confident that their industrial and governmental leaders will solve these problems.

I can assure everyone that there is no reason to be complacent. What we have accomplished up to this point is an abundance of studies which recognize some of these problems and give a variety of recommendations of varying degrees of practicality for solving a piece of the problem. To the best of my knowledge, no individual, organization, or congressional committee is on the threshold of providing complete recommendations to deal with these problems.

We all know that urgency is not necessarily the twin brother of prudence and common sense. We have to do things right and do them well. But failure to act promptly to meet the challenges would be an abdication of the responsibilities which we share. We must recognize that there is no simple, quick fix to the problems which we now face. We should also have the intelligence and the foresight to understand that these problems will increase as the years go by unless needed actions are taken. Studies are fine to determine what we know and do not know and to give general recommendations. But more studies will not solve these problems. We need decisions now in certain fundamental areas. We need the decisions which, in the judgment of our most qualified and responsible people, are the ones which are in the best public interest.

What is needed now are determined efforts within the industry and the Government to solve these problems. We need leadership—industrial and political—exercised cooperatively and with determination and zeal to get the job done. We need solutions in which common sense, economics, and the continuing security of our nation are considered as well as other matters. Leadership is needed now. We can preserve the differences which are fundamental in our respective areas of activities while uniting to provide the leadership and the effort needed to solve these problems.

I would like to mention only a few of the more significant areas in which prompt solutions are needed.

A. Energy research and development

Experts agree that new energy technologies offer the only valid opportunities for meeting growing energy needs in the decades ahead. The nation needs a comprehensive energy research and development policy which must be developed in the context of broader energy policy issues. Our nation is becoming increasingly dependent upon foreign sources of fuel which are half-way down the gullet of the Russian Bear. We must learn to better utilize present energy resources, preferably those on the American Continent, and we must also learn how to use some of the most practical new sources.

Most fortunately the vision of the late 1950's and early 1960's has given us the guidance we needed and are now following concerning our present, most practical solution to our long-range energy problems. This, as you know, is the nuclear energy route. The history of this important decision is being forgotten. Let me briefly review it for you, since it should be used as a guide for forthcoming decisions.

In the latter part of the 1950's, the feasibility of civilian nuclear power was demonstrated. The next phase was the expensive one—the development of practical nuclear power plants in all of the fundamental respects—economics, safety and proven reliability. Prior to the start of this phase, the Joint Committee on Atomic Energy became unpopular. We asked for a thorough reappraisal of our efforts. I will admit I was a leader in the new attitude which developed. We demanded an answer to the question of whether nuclear power was truly needed. We knew of the claims made that there were centuries of supply of conventional fuels. We had heard the siren song of exotic sources of energy just around the corner. We wanted to make certain nuclear energy was justified before we authorized the expenditure of the large sums of public funds which would be needed to bring nuclear power to the point of benefit to this nation.

Our challenge finally culminated in the 1962 Report to the President. This report was based on a study of practical solutions to our long-range energy needs. It was the product of responsible agencies of Government—AEC, Interior, FPC and NAS—and knowledgeable individuals and organizations outside of Government.

The findings of the study were specific; the only practical present solution to our long-range energy needs was nuclear energy—fission or fusion. Since only the feasibility of fission reactors had been proven, the study laid out a program for developing fission reactors to meet our long-term needs for energy. This program, of course, highlighted the development of the breeder recognizing that without the breeder, fission energy could not meet our long-term needs.

As many of you recall, the Committee then held hearings to receive the views of the public and many of the experts in the energy field. We had both proponents and opponents before us. The conclusions of the 1962 Report to the President stood the test. No factual information was presented which refuted its basic conclusion: Nuclear energy was needed to supply our long-term needs.

The 1962 Report was updated in 1967 and the conclusions were reaffirmed in all fundamental respects. President Nixon, on June 4, 1971, reaffirmed the commitment to proceed with the breeder reactor as our priority effort in the development of a new source of energy.

He also specifically endorsed the goal of completing our first demonstration breeder reactor by 1980. I will say more about this demonstration plant later.

The President also emphasized the importance of developing ways of upgrading fossil fuels and better ways of generating clean energy from coal, oil, and gas. This, I might add, is what the Joint Committee has always advocated. It is essential that we utilize our great wealth of fossil fuels.

We have clearly established nuclear energy as our national priority development effort. I fully realize we should not ignore other new energy sources as potentially important supplemental forms. Fusion and solar are the prime ones usually considered. Research and development on these potential sources should be continued for the long-range future.

Necessary steps must be taken to give priorities to federal energy research programs in these supplemental energy areas. In addition, research concerning transmission, conversion, utilization, conservation, and waste disposal must be carried out. A coordinated and adequate research effort should produce the information which would document the feasibility of the various options, the role each option could play in the solution of our energy problems, and realistic timetables for their development.

I might add that some major changes in research and development efforts have been occurring in the past five years. For example, although the breeder reactor program has increased 97% in the past five years, coal resources research and development has increased 300% and laser nuclear fusion research has increased over 1,000% in the same period.

Another important level from the nuclear program is the need to cut out development efforts from time to time. One of our most difficult tasks has been to stop work on concepts which do not prove promising. The Joint Committee has had to drop about ½ dozen different reactor concepts which first were thought to have promise. This must be done to conserve resources.

A small but significant first step in the energy research and development area was taken by the Congress last year when it authorized the AEC to perform energy and environmental research in areas other than the nuclear field. The Commission has initiated a modest program in this area but it is only a small beginning. What is needed is a cooperative industrial-governmental effort to spearhead energy and pollution control research and development. There is need for an independent and separate agency within the Federal Government to coordinate and focus such a cooperative governmental-industrial research effort. Concurrently, there is need within the industry for these efforts to be coordinated and supported by an appropriate share of private finances. I need not remind you of the successful governmental industrial cooperative efforts starting in the early 1960's in the nuclear power field. I believe that that experience should serve us well in dealing with these problems.

Some experts have suggested that federal agency research and development activities should be consolidated into a single agency such as the AEC. Others have suggested the creation of an independent energy development corporation. Perhaps others are satisfied with the existing situation. The important message is, that there is a need for coordinated national effort. It must be adequately funded and undertaken on a priority basis. The AEC has in being the greatest aggregation of existing facilities, laboratories and scientific personnel in the country. They might well undertake this important responsibility. But regardless of where the responsibility is placed, there is a need for prompt decisions and actions.

B. Consolidation of environmental legislation

The Congress should at an early date consider environmental legislation which would consolidate the existing environmental laws into an understandable and workable legislative framework. The longer this is postponed the greater the risk of energy shortage, the greater the economic impact for consumers of energy, and the more time of the Nation's technical talent will be diverted from their primary task. Further, the opportunities for practical actions to protect the environment will be lessened.

Some of our current difficulties are due to the National Environmental Policy Act which is almost completely lacking in prescribing practical procedures for carrying out its policy changes. The procedural requirements necessary to comply with the Act are being developed and refined in judicial decisions and in agency reactions to those decisions. This development could continue for years. In the meantime, uncertainties, duplication, delay and increased economic burden on consumers will continue without abatement.

The AEC's experience in this area during the past year should be ample warning that action must be taken in this area at the congressional level to provide needed guidance. My latest information is that the AEC now has 122 pages of printed guidelines and instructions to applicants on the general content of their environmental reports.

The public should know the price of settlement that some utilities are being forced to pay in the name of environmental protection. The public ought to know that they will end up paying the price. And that some of these claimed solutions will, in fact, aggravate the environmental problems. The best judgments should be obtained as to whether the price in all cases is worth it. In some cases rates will have to be doubled to meet the staggering demands of total compliance with national environmental requirements. We all agree that a price must be paid to achieve adequate protection. But I am suspicious that in many instances, the standards have been set at unrealistic levels and on time schedules which are overly demanding. I also question whether the hundreds of pages in draft and final environmental reports are really worth the costs which are involved.

As a result of the delay in licensing the operation of nuclear power plants, caused in part by the procedural requirements of the National Environmental Policy Act, the Congress was called upon recently to enact temporary operating licensing authority to deal with the emergency situation. Even in the light of expected power shortages it was very difficult to get legislation enacted which would provide the needed flexibility in licensing the operation of nuclear plants. Hopefully the legislation which was finally enacted will assist in bringing plants on the line in an expeditious fashion. It should be clearly understood, however, that this legislation is only a temporary measure intended to deal with the present short-term emergency situation. A solution is still needed for the long-term so that plants can be brought on the line before other emergency situations materialize. There is a need for a coordinated and workable system for the early approval of power plant siting. Perhaps such a system will be encouraged by the enactment of Federal land use and power plant siting legislation now before the Congress. What we now have is a maze of unrelated federal, state, and local laws and regulations which present multiple, circuitous, and disoriented requirements for power plant siting and transmission line approval. The existing bewildering situation is not in the public interest because the public very clearly suffers in at least two respects: delays in the availability of needed energy and increased consumer costs.

C. Governmental organization

I would be the first to recognize that we needed changes in our Government to achieve our twin goals of supplying adequate energy and protecting the environment.

There is now a fragmented web of authority in the energy field at Federal, State, and local levels. With such fragmentation, there is no identified organization within the Governmental structure to make decisions and to get on with getting the job done. Indeed, a problem both industry and government officials face is to whom in this web does one go and for what, and, importantly, what is decided with finality at the various governmental administrative levels. We need changes at all levels. Energy and energy fuels are, to a major degree interchangeable. They should be treated as a unit. But such is not the case in our Federal Government. A difficult question is if the changes are to be accomplished for the long term by legislation, what legislative approval, considering practical political realities, is in the best interest of the public.

I am sure that you are aware that last year President Nixon made some very ambitious proposals for Government reorganization. He proposed to create four new departments in the Federal Government in place of seven existing departments. One of the four new departments would be a Department of Natural Resources; and within that department, several echelons below the Secretary level, there would be an Administrator who would deal with all energy and mineral resources matters. The new department would be given the responsibility for developing and administering national power policy including, among other things, the civilian power functions of the Atomic Energy Commission. As Chairman of the House Committee on Government Operations, I have been very much involved in the consideration and evaluation of the proposal.

Detailed hearings on the proposal have not yet been held. At this point, it is not altogether clear how firmly committed the Administration is to a shift of civilian programs in atomic energy. It is also apparent that the fragmented approach to the importance of energy in our society will, unless changed, fail to meet the challenge. A serious question is posed as to whether so sophisticated a technology program as the breeder reactor should be moved into a new setting, at this crucial stage of the program, where it could be lost or forgotten. Even more serious is the question whether the Administration contemplates the breakup of the AEC and the submergence of nuclear power developments—an action which might provide opportunity for large corporations to acquire monopolistic control and engage in price manipulation of this great new source of energy.

Of course, it is easier to pull together some of the energy functions in one agency than it is to develop a national policy for energy. The hard thinking and hard working should be on energy policy. If the policy is good, the organization can be more readily adopted to provide the necessary structural underpinning. Although some of my colleagues in the Congress differ on the specifics of an all-energy organization, I think that most would agree that a combined energy organization in the Executive Branch is necessary.

It should be recognized frankly that there are factors working against the early enactment of the proposal to create a Department of Natural Resources. There is considerable skepticism about wholesale reform packages, particularly where the issues are politically sensitive or the prerogatives of the Congress are at stake. Matters of such far-reaching importance cannot be disposed of summarily. And, of course, this is a political election year.

It would be wonderful if we had an immediate legislative answer on what is the best organizational structure within the Executive Branch to deal with energy matters. Actions to solve some of the energy problems with which we are now faced could, perhaps, be handled in the final legislative action on the proposed Department of Natural Resources. On the other hand they may have to be handled in separate legislation.

The President's Energy Message of June 4, 1971, was indeed historic and served a most useful purpose. What is needed now are follow-up actions to get on with the tasks of achieving the goals set forth in that message. In certain areas, such as priority attention to a balanced and imaginative research and development program, no positive action has, to the best of my knowledge, been taken by the Administration. Any further postponement of implementation of needed programs until action is taken on pending legislation would be an irresponsible action. There is unanimous agreement of qualified persons that the time for major commitments to programs is already long overdue. The time problem is compounded by the fact that long lead times are involved in most of the priority energy efforts.

Let us not overlook the fact that the President is free now to act to consolidate energy research and development activities into a single agency. It was in anticipation of the fact that he might want to do so, that the Congress last year amended the Atomic Energy Act to give the AEC broader responsibility in the area of energy and environmental research. The President is also free to act now to consolidate and coordinate the various segments within the Executive Branch in the interest of assisting in the development of energy policy and to facilitate related decisions in the Executive Branch.

I am not suggesting for a moment that these actions will be all that is needed or will be an acceptable substitute for legislation establishing a new Department or Agency. I am saying that actions are needed now which are not dependent on such legislation. The President, in his constitutional capacity as Chief Executive, or by specific delegation of authority from the Congress, possesses a broad range of authority to delegate functions, create and abolish agencies, and take other actions. In other words, actions can be taken now so that needed policy decisions in the energy area can be made and progress initiated to carry out those decisions. No reorganization will help to solve the energy problems without a clear mandate and commitment by the Executive Branch to the priority of the efforts. This mandate and priority is normally communicated to the Congress, and to the American people, in the annual budget. The priorities and program commitments in the President's budget obviously do not depend on any reorganization within the Executive Branch.

* * * * *

It should clearly follow from what I have said, that State and local governments should move ahead promptly to provide for coordinated and concerted efforts in the energy and related environmental areas. There are needs at the State and local levels to get properly organized in these areas. Here in California, for example, we have a State power plant siting committee made up of various departments of government ranging from Fish and Game through Water Quality Control but with no one on the committee responsible for providing electrical power—a perfect example of an unbalanced approach. In other states, the Attorney General's office participates in litigation to stop the operation of a plant, while other officials of the same state assert that the plant output is urgently needed and should be made available. Obviously such conflicts have to be resolved within State governments so that balanced needs can be met.

* * * * *

I do not wish to leave you with the impression that the need for governmental restructuring to deal with energy matters is confined to the Executive Branch.

I believe a congressional organization along energy lines is also called for in the Congress. The Interior Committees of both houses which are chaired by colleagues of mine on the Atomic Energy Committee, Senator Jackson and Congressman Aspinall, are making studies of energy problems across the board. I believe that when these studies are finished we will have the facts we need to organize the Congress on the basis of national energy needs. One approach could be the setting up of a joint committee on energy. A bill has already been introduced in the Senate to have the Joint Committee on Atomic Energy's function expanded to that of a Joint Committee on Energy. Clean and plentiful energy supplies are now of such importance to the welfare and future of our nation that they warrant special considerations.

* * * * *

These are some of the challenges with which we are faced. Some of the solutions are within the capacity of segments of the governmental and industrial structures. But no one individual or organization, either government or industry, can do the job alone. The difficult decisions will require a coordinated team effort at the highest levels of government and industry with substantial support of the public.

Your association can perform a most valuable public service by contributing to the leadership which is needed for this team effort and by helping to gain public support. To solve the energy problem, our nation needs a combination of governmental and industrial leadership as well as a spirit of determination to get the job done.

The time for additional studies is over. Now is the time for action, program commitments, implementation, and solutions. Someone has to supply the spark to kindle the flame—hopefully my message today, together with the efforts of your association, its members, and others like you, will supply that spark. I know of no other area which provides an opportunity for a greater contribution to the public interest and to the future security of our nation.

I urge you to do all that you can to see that actions are initiated and that progress is made.

III. Status of the liquid metal fast breeder reactor demonstration plant

Certainly, an important matter of interest to public power utilities—aside from the everyday problems with which they are confronted—is the building of the first liquid metal fast breeder reactor demonstration plant. I would like to report briefly on the status of the project. There are both good points and bad points to report. First, the good points.

The accomplishments achieved by the electric utility industry, during the past year have set a new precedent in terms of cooperation within its several segments. I am speaking of the magnificent job that was done in obtaining pledges from the utility companies for contributions to be made to the cost of building the first liquid metal fast breeder reactor demonstration plant. A total of $240 million was pledged. The Breeder Reactor Corporation is now in the process of converting the pledges to hard cash.

Contributions pledged by the public utilities total about $40 million. This share of the total is proportional to the fraction of electric generating capacity of these utilities. It is a fine contribution. It is an indication of your interest in contributing to the achievement of this important goal.

The Federal Government, of course, has a major role in this development. In our fiscal year 1971 AEC authorization bill, there was provided $50 million in direct assistance for this project. By the time we were dealing with fiscal year 1972 authorization, the estimate of costs and other factors made it clear that we would have to double this amount in order to obtain a viable arrangement among the parties. This we recommended and the Congress approved an increase to $100 million for direct Government assistance. It should be remembered that this $100 million of direct assistance is in addition to the vast R & D sums committed annually by the government to the success of the overall program.

In summary, the utilities entered into the project with a spirit of cooperation deserving of the highest commendation. The cooperation is unprecedented. The authorization and appropriation of funds by the Federal Government has proceeded on good schedule and we should be well on our way toward the development of a memorandum of understanding which is required as the basis for the conduct of the project. The general basis for the arrangement among the parties must lie before the Joint Committee on Atomic Energy for a period of 45 days while the Congress is in session (unless waived by a resolution of the Committee).

Now the bad points. Early this year, during Joint Committee public hearings on the fiscal year 1973 authorization bill, I inquired of Chairman Schlesinger and his staff concerning when we could expect to receive the basis for the arrangement in order that we could study it and hold public hearings on it. We will do this to assure that it is a good arrangement and that we have the benefit of comment by the representatives of the Federal Government, the utility industry, and the public at large and finally get on with the job. At that time we were told that we should expect to have the general basis of the arrangement by May 1. We have not yet received that information and we are now close to two months behind the original schedule.

On June 26, the Committee met with the Commission in order to find out the details of the problems being encountered in reaching a proper basis to go forward with the project.

The cause of much of the delay relates to an appraisal of the several sites on the Tennessee Valley Authority system which had been under consideration for this demonstration plant. Each site has its own problems. A technical problem arose a few months ago concerning whether a sodium reheat system should be built into this plant. This proposal has now been rejected—but it cost us valuable time. A few more delays in decision making on unnecessary proposals and we will not be able to meet the goal established over a year ago by President Nixon in his historic energy message to the Congress—of having a demonstration breeder reactor on the line by 1980.

Some aspects of the project have been moving along, but until a decision is made with respect to the siting of this plant, we will be losing more valuable time. The reactor vendors have submitted proposals on the design and construction aspects of the plant, and these proposals have been under study by the parties. An environmental impact statement was issued in April assessing the effects that the building and operation of this plant would have on its surroundings. This is helpful but it must be augmented with data pertaining to the specific site.

My final comment is that it appears from my vantage point that this project is not being pursued as a high priority effort as designated by the President. We cannot afford to continue in this manner. All of the parties must resolve anew to reach agreement so that the prime decisions can be made. These concern: specific commitments of each participant; reactor site; reactor vendors; construction contractors; and fundamental design decisions. These decisions must be made as soon as practicable. If we fail to move with greater speed, I am afraid that this important project may experience the fate of some past cooperative projects in which so many parties were involved that no decisions could be reached in a timely fashion. Those projects wallowed in the mire of indecision and subsequently died. This great project must not be allowed to die. It is a vital segment of our overall National research and development program. The fast breeder reactor is the only practical, obtainable answer for an inexhaustible supply of electricity for mankind's need for the next ten decades. If this country is to maintain itself in its present position of world prominence, with an improved balance of trade, it must assure itself in its present position of world prominence, and with an improved balance of trade, it must assure itself of reliable and adequate energy resources.

In conclusion, I want to point out that our country is becoming more dependent each day on foreign oil and gas resources.

Western Europe and Japan are dependent on unstable Middle East oil for as much as 80% of their supply. Our only alternative to reliance upon an undependable foreign oil supply is for us to own and control our own fuel supply.

For the electric power portion of our fuel supply, the fast breeder reactor is the only answer within an acceptable time period.

LEAD POISONING IN THE STREETS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on June 19, 1972, 47 Members of the House and Senate joined with Senator PHILIP HART and me in calling upon the Administrator of the Environmental Protection Agency to promulgate regulations which will remove all lead from gasoline by 1977 at the very latest.

Each year thousands of young children are subjected to the hazards of lead poisoning. This devasting disease takes its toll in terms of mental retardation, blindness and even death. The real tragedy of this malady however, is that it is totally preventable.

Yet each year some 200 youngsters between the ages of 1 and 6 die as a direct result of childhood lead poisoning. An additional 6,000 suffer brain damage. All told, the Department of Health, Education, and Welfare estimates that 600,000 children are afflicted each and every year.

The prime cause of this dread disease is the ingestion of lead-tainted paint and plaster fallen from the walls and ceilings of dilapidated dwellings. And for the past three years I have led a national campaign to combat this crippler and killer of young children. But lead-based paint is not the sole cause of this tragic illness. Another major source is the very air we breathe.

Recently the Environmental Protection Agency proposed regulations to reduce the lead content of gasoline by approximately two-thirds over a period of 5 years. While these regulations are a step in the right direction, they are far from sufficient to ensure that our health is adequately protected from the dangers of air-borne lead.

As the Washington Post editorialized on June 28:

> Because the presence of lead in gasoline is such an obvious health and environmental threat, immediate action should be taken to eliminate the danger. If officials were told that a deranged criminal was loose in the neighborhood among children, there would be no hesitation to act. With 200 annual deaths from lead poisoning and 6,000 cases of retardation, why is anyone hesitating to act against one of the major causes—leaded gasoline?

Clearly, the time to act is now. Lead must be banned from use in gasoline, with total lead removal completed by 1977 at the very latest. If we do not adopt this schedule, we will continue to expose the public, and particularly the inner city poor, to a devastating yet totally preventable disease.

At this point I include in the RECORD the text of the letter sent on June 19 to Administrator Ruckelshaus by Senator HART and me on behalf of 49 Members of Congress. I also include the June 28 editorial from the Washington Post in support of our position.

U.S. CONGRESS,
Washington, D.C., June 19, 1972.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: We were all heartened by the recent decision of the Environmental Protection Agency to reduce the lead content of gasoline. Upon close examination of your proposed regulations, however, we must conclude that they will not remove the lead fast enough to provide adequate public health protection. Based on the hearings of your agency and of the Senate Subcommittee on the Environment, our position is that all lead should be removed from gasoline by 1977 at the very latest. This judgment is based upon two considerations: (1) that the dangers posed by lead to human health have not been adequately considered in the proposed regulations; and (2) that a more severe schedule of lead reduction than that proposed is economically feasible.

THE DANGERS POSED

In our view, the most convincing argument for total lead removal by 1977 is the effect of lead in gasoline on the lead content of dirt. A number of recent studies by the Environmental Protection Agency have revealed alarmingly high levels of lead in dirt. For example, samples from the New York City area ranged from 3,000 to 5,400 parts of lead per million parts of dirt. Seventy-seven midwestern cities averaged 1,636 parts per million in residential areas, 2,413 parts per million in commercial areas. Four southeastern cities ranged from 600 up to 2,600 parts per million. The Salt Lake Basin ranged from 2,500 to 3,500 parts per million. MacArthur Park in Los Angeles showed levels of 3,537 parts per million.

These are current levels, of course, which will undoubtedly decrease with a reduction of lead in gasoline. There seems no reason to expect, however, that by 1977 the reduction will exceed two-thirds of current levels—the proposed rate of lead reduction in gasoline. In the absence of scientific data to the contrary, the most logical assumption would be that the reduction of lead in dirt would approximate the anticipated reduction in fuel and the ambient air. Both Dr. Jane Lin-Fu, a pediatric consultant to the Department of HEW, and Dr. Kenneth Bridbord of your agency testified that it would be reasonable to assume this relationship.

Given that assumption, after the proposed regulations become operative, we should still be left with more than 500 parts per million lead in the soil of those 77 midwestern cities. Considerably more lead would remain in such areas as New York City, the Salt Lake Basin, and parts of Los Angeles. Even at 500 parts per million lead, a child would need to ingest only one-eighth of a teaspoon (about one-quarter of a gram) of dirt daily to exceed the maximum daily permissible dose for lead, the dose above which actual poisoning could occur. Dr. Lin-Fu concluded that it would not be unusual for an ordinary child to consume this amount of dirt, and that a child with pica could be expected to eat considerably more. Children with pica, she told the Subcommittee, eat dirt "by the handfuls". A normal child, she testified, could consume the eighth of a teaspoon merely by sucking his thumb or failing to wash his hands before meals.

In the previous example, it should be recognized, the child with pica might also be eating leaded paint. Even if the lead paint ingested contained no more lead than that permitted by recently-established HEW regulations, the quantity of paint and dirt likely to be consumed would greatly exceed the maximum permissible dose of lead. In fact, it would not be surprising for such a child to consume as much as two or three times the amount of lead which could produce lead poisoning.

One additional piece of evidence suggests that the dangers may be even greater than this example would indicate. Data compiled by the Environmental Protection Agency for Cincinnati reveal that an ambient lead level of approximately 1.5 micrograms per cubic meter—a level lower than that expected to be achieved in many areas under the regulations—resulted in a lead level in dust that reached nearly 3,000 parts per million. If dirt containing this amount of lead were consumed, only about one fortieth of a teaspoon would be necessary to exceed the maximum allowable daily dose. If the lead levels suggested by this study are found in other areas as well, the problem is obviously greater than any of us had thought.

ECONOMIC FEASIBILITY

While completely eliminating lead by 1977 would result in a cost to the consumer, we believe these costs are acceptable. The Subcommittee's record indicates that elimination of lead from gasoline by 1977 would raise manufacturing costs by no more than three-quarters of a cent per gallon over the one-quarter of a cent cost increase needed to meet your proposed regulations. While a further cost increase might be necessary to prevent increases in other possibly harmful gasoline constituents (notably polynuclear aromatics, or "PNA"), no more than 1/10 of a cent per gallon should be needed for this purpose. In sum, it appears that all lead could be removed from gasoline, without increasing PNA, through an additional cost of less than 2¢ per gallon to the consumer.

When calculating costs to society, consideration must also be given to the implications of what is proposed on competition in the gasoline markets. While the major refining companies have the resources to meet almost any schedule for lead removal, the independent refiners and marketers who comprise the only viable competitive influence in the industry are faced with much greater problems. The small refiner may find that the capital requirements for refinery modifications impose an insuperable cost disadvantage with respect to his major competitors. The independent marketer may have increased difficulty in obtaining no-lead gasoline. Members of Congress have already received numerous complaints from independent marketers that their major company suppliers of leaded gasolines refuse to sell them any no-lead product. Unless independent refiners can produce no-lead gasoline and independent marketers can get no-lead gasoline to sell, competition in the industry will be seriously reduced.

Yet we believe that measures are available to preserve and enhance the viability of independent competition in the event of a stiff schedule of lead removal. They are:

1. The EPA regulations should assure supplies of no-lead gasoline to independent terminal operators and marketers.

2. Independent terminal operators and marketers should be given special import licenses which could be used either for the importation of no-lead gasoline or for other finished products or crude which could be exchanged domestically for no-lead gasoline.

Moreover, legislation is now moving through the Congress which would extend Small Business Administration disaster-relief assistance to other than naturally-caused economic disasters. This legislation coupled with appropriate administrative action could make available to refineries loans to support necessary refinery modifications. It is hoped that the SBA would raise its "small business" refinery limit from 30,000 b/d to 50,000 b/d input capacity to enhance the effectiveness of the legislation.

While all of these measures seem advisable regardless of the schedule of lead removal chosen, they become imperative in the event of the stiff schedule we propose.

We conclude that neither cost nor competitive considerations provide sufficient reason for abandoning a schedule of total lead removal by 1977. If we do not adopt this schedule—and the regulations go into effect as proposed—we will continue to expose the public, and particularly the inner city poor, to substantial hazards. In effect, we will be telling the inhabitants of the country's ghettos that lead poisonings will continue to plague many of their children. While we do not welcome increased costs to the consumer, we feel they must be tolerated in this case. As between more expensive gasoline and more mentally-retarded children the choice is obvious. We strongly urge you to stiffen your proposed regulations.

LIST OF SIGNATURES

Philip A. Hart, U.S.S.
William F. Ryan, M.C.
Alan Cranston, U.S.S.
Fred R. Harris, U.S.S.
Vance Hartke, U.S.S.
George McGovern, U.S.S.
Warren G. Magnuson, U.S.S.
Lee Metcalf, U.S.S.
Frank E. Moss, U.S.S.
Adlai E. Stevenson, III, U.S.S.
John V. Tunney, U.S.S.
Bella S. Abzug, M.C.
Herman Badillo, M.C.
Mario Biaggi, M.C.
Jonathan B. Bingham, M.C.
Frank J. Brasco, M.C.
Philip Burton, M.C.
Shirley Chisholm, M.C.
John Conyters, Jr., M.C.
James C. Corman, M.C.
Ronald V. Dellums, M.C.
John G. Dow, M.C.
Robert F. Drinan, M.C.
Don Edwards, M.C.
William J. Green, M.C.
Seymour Halpern, M.C.
Michael Marrington, M.C.
H. John Heinz, M.C.
Henry Helstoski, M.C.
William L. Hungate, M.C.
Edward I. Koch, M.C.
Abner J. Mikva, M.C.
Parren J. Mitchell, M.C.
Robert N. C. Nix, M.C.
James G. O'Hara, M.C.
Thomas P. O'Neill, Jr., M.C.
Bertram L. Podell, M.C.
Charles B. Rangel, M.C.
Peter W. Rodino, Jr., M.C.
Benjamin S. Rosenthal, M.C.
Paul S. Sarbanes, M.C.
James H. Scheurer, M.C.
John F. Seiberling, M.C.
Robert O. Tiernan, M.C.
Charles A. Vanik, M.C.
Louis Stokes, M.C.

[From the Washington Post, June 28, 1972]

LEAD POISONING IN THE STREETS

As if living in the inner city isn't perilous enough already, new evidence is accumulating that lead poisoning from gasoline is a threat to children. It has been known for some time that youngsters—crawling infants to three and four-year-olds—eat paint chips and ingest poisonous lead that way; 200 deaths a year are estimated to result, along with 6,000 cases of mental retardation. Now, however, authorities are reporting that another major source of lead poisoning besides paint is sidewalk dirt or dust. A one-year-old, for example, playing along a well-used city street, perhaps in his front yard, drops his lollipop; he picks it up, covered with dirt, and begins sucking again. Enough lead may be in the dirt to be a health hazard. Perhaps the next day, more dirt is eaten from a dropped pacifier, perhaps from licking fingers and so on. It becomes almost a steady diet; not only the dirt but the lead that has seeped into the dirt from gas fumes that have settled.

According to public health studies, dangerously high blood levels exist among many inner city children. Some 25 per cent of such children in Washington, Baltimore and New York City have these levels. Nationwide, the estimate is 600,000, but this may be a low figure because suburban children were not included. Statistics and figures give only the abstract picture, but who can minimize the anguish of the parents of these children, many of them tragic victims of leaded gasoline.

Although the exact breakdown between lead poisoning from paint or dirt is not known, the Environmental Protection Agency is aware of the problem. It is currently proposing to reduce the lead from gasoline by approximately two-thirds over a period of five years. Last week, 13 senators and 36 representatives offered a proposal of their own, stating that two-thirds does not go far enough. Instead, the group asks that all gasoline be lead-free by 1977. The technology is available, as hearings before the Senate Environmental Subcommittee brought out. Costs will rise but some estimates say by not more than two cents a gallon. Thus, the question is whether or not children's lives are as important to the nation as bearing the extra costs.

The congressional group argues persuasively that only a total ban will be effective in eliminating leaded dirt. The five-year deadline it calls for appears to be reasonable; New York City officials are so concerned with the danger that they are requiring lead to be out by January 1974. In contrast, District of Columbia officials are waiting until 1974 to begin only a modest reduction.

Because the presence of lead in gasoline is such an obvious health and environmental threat, immediate action should be taken to eliminate the danger. If officials were told that a deranged criminal was loose in the neighborhood among children, there would be no hesitation to act. With 200 annual deaths from lead poisoning and 6,000 cases of retardation, why is anyone hesitating to act against one of the major causes—leaded gasoline?

PRESERVATION OF HISTORY

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I have joined the gentleman from Texas, (Mr. BROOKS) today in introducing legislation which I feel will assist in the preservation of the history of our great Nation.

The papers of many of those men important to the founding and development of this Nation are extant and should be published to extend their worth to those who seek them across the country.

The legislation of which I speak will increase the authorizations for the National Historical Publications Commission and the number of commissioners to provide additional needed publications and information on American history.

The Commission would be expanded to include two representatives of the Organization of American Historians, which is a leading historical association. It publishes the leading journal on American history and has a heavy concentration of persons working specifically in the field of American history. For these reasons it should, in my judgment, be included in the Commission's membership.

Universities and libraries across the Nation are in the process of publishing many of these valued historical documents, but this costs money. In the past, funds provided by the National Historical Publications Commission have been more than equalled by private grants, and this outside funding is expected to continue.

Even this added funding, however, has proven inadequate to meet the need for documents necessary for the study of American history.

Thus we have, in our legislation, removed the $500,000 ceiling which has been in effect since 1964.

Mr. Speaker, this recommendation has the approval of the Office of Management and Budget as fiscally acceptable and I am hopeful that it will receive the approval of the Congress as educationally necessary.

THE NATIONAL HISTORICAL PUBLICATIONS COMMISSION

(Mr. BROOKS was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. BROOKS. Mr. Speaker, the National Historical Publications Commission was established by the Congress in 1934 to promote the collection and publication of "The Papers of Outstanding Citizens of the United States, and Other Documents as may be Important for an Understanding and Appreciation of the History of the United States."

In 1963, I had the privilege of introducing amending legislation that became law on July 28, 1964, which, for the first time, authorized modest annual appropriations that made it possible for the Commission to more effectively carry out the mandate given to it by the Congress.

Over the past 8 years, the Commission has stimulated and supported some 50 documentary publication projects in the form of printed books. In addition, it has supported 92 projects for the microfilm publication of documents to make such valuable historical material inexpensively available.

Today, I am introducing legislation that will amend chapter 25, title 44 of the United States Code, expanding the membership of the National Historical Publications Commission and extending to 1977, as well as increasing, the authorization for appropriations to assist the Commission in carrying out its important function.

Today, we Americans are becoming increasingly aware of our historic heritage. This awareness is causing an acute need, especially in these difficult times, for a better understanding of that heritage. We are now in the American Revolution Bicentennial era. The National Historical Publications Commission can and should play a vital role in placing before our generation the hopes and fears, ideals and aspirations, of the men who created our Nation.

The National Historical Publications Commission was originally established by the act of June 19, 1934 (48 Stat. 1122) with seven members. The Commission now has 11 members, seven representing the three branches of the Government, two representing the American Historical Association, and two persons, outstanding in the fields of the social or physical sciences, appointed by the President of the United States.

The draft bill would enlarge the membership of the commission to include two representatives of the Organization of American Historians—the large national organization of historians concerned especially with the history of the United States. I think that if in 1934, the Organization of American Historians existed in its present form and with its present emphasis, it would surely have been given representation on the National Historical Publications Commission. I now consider its inclusion essential, in view of the Commission's mandate.

The draft bill also would increase from $25 to $40 per day the amount allowable to members of the Commission who do not represent any branch of the U.S. Government "for each day actually spent in connection with the performance of their duties as members of the Commission." This would raise the allowance of 20 years ago to equal the amount now allowed under the Travel Expenses Act of 1949 (5 U.S.C. 5702, 5703) for subsistence to Federal officials who are authorized to travel on an actual subsistence expense basis.

The bill would also remove the $500,000 ceiling for the 5 fiscal years following year 1972 from the annual amount authorized to be appropriated for the Commission's grant program. For the 5 years of the bicentennial period, increased funds are extremely vital for the purpose of enlarging the stock of source documents on the American Revolution and the founding of the Federal Government. Resulting publications would stimulate interest in, and increase understanding and appreciation of, the events that led to the birth of the Nation. This documentation will be available in permanent form, and in that way will continue to be available for future study as one of the bicentennial's more lasting contributions to future generations.

FINANCIAL STATEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I am placing in the CONGRESSIONAL RECORD today a statement of my financial worth, including information on my family's income for 1971.

The financial statement follows:

FINANCIAL STATEMENT OF CONGRESSMAN ABNER J. MIKVA AS OF JUNE 15, 1972

Assets	
Skyline Homes, 304 shares	$19,500
Colonial Convertible Fund, 303 shares	3,500
Ero Manufacturing Co., 1,000 shares	10,000
Second mortgage on sale of house in Michiana Shores, Mich	5,000
Savings certificate, First Federal Savings and Loan Association of Washington	5,000
Savings deposits, First National Bank and Trust Company of Evanston, First Federal Savings and Loan Association of Washington, First Virginia Bank	2,000
Hyde Park Co-op Society stock	500
House (McLean, Va.) purchased in 1969	75,000
Due from 1969 sale of partnership interest in law firm	5,000
Furniture and furnishings	5,000
Equity in State of Illinois pension fund	5,000
Equity in U.S. Congress pension fund	10,000
Insurance and miscellaneous (market value at 6/15/72)	4,000
Total assets	149,500
Liabilities	
Mortgage on house in McLean, Va. (First Federal Savings and Loan Association of Washington)	29,500
Total liabilities	29,500
Net worth	$120,000

Family income statement of Congressman Abner J. Mikva for 1971

Salary—Abner J. Mikva, U.S. Congress	$42,500.00
Zoe W. Mikva, D. C. Board of Education	9,003.50
Dividends	144.00
Interest income	1,568.32
Income from 1969 sale of partnership interest in law firm	10,000.00
Honorariums	1,225.00
Losses on sale of stock, etc	−535.35
Total income	63,905.47
Less dividend exclusion	144.00
Less tax deductible expenses, personal exemptions, and deductions	21,116.66
Net taxable income	42,644.81

Income taxes paid:
U.S. (joint returns) $13,984.51.
Illinois (joint returns) 1,196.14.
Virginia (Zoe Mikva only) 313.47.

CHESTER S. DISHONG

(Mr. PEPPER, asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on April 25, 1972, at Wauchula, Fla., one of the greatest and bravest and wisest men I have ever known died. He was Chester S. Dishong. He was like a brother to me and like a member of my family to my family. He was fearless, honest, indefatigable, dedicated to the performance of his public duty, a patriot, a generous man, a charming gentleman, a man who had the genius of friendship.

He came of a family of law enforcement officers, dedicated to law enforcement. His father was sheriff of old De Soto County in Florida before it was divided up into many other counties. His brother, Les Dishong, was sheriff of the De Soto County which still survived. He himself, was the first elected sheriff of Hardee County and later was appointed a U.S. marshal for the southern district of Florida.

When I began to campaign for the U.S. Senate in 1934, I began to hear of a man who was already a legend through all of central and southern Florida. He was the best sheriff that could be found. He gave nearly everything he made to help the poor. He was the greatest hunter and fisherman in central and southern Florida. He was a captain in our Armed Forces on the Mexican border. He was the Paul Bunyan of that part of the State. I solicited and secured his support in 1938. After I was elected to the U.S. Senate, when a vacancy occurred, I recommended him for U.S. marshal for the southern district of Florida. My colleague, Hon. Charles Andrews, agreed. The Department of Justice advised me that they had discovered that Mr. Dishong was a splendid law enforcement officer, honorable beyond reproach, that he gave away nearly everything he made helping the poor, but they had discovered that he had some of the weaknesses to which many men are subject. I responded that he was a very humane man and very much a man but that if he were appointed he would be the best U.S. marshal in the United States. President Roosevelt appointed him. Marshal Dishong vindicated my confidence. He received the tribute of every law enforcement officer with whom he worked and with every Federal judge under whom he discharged his duties, as well as the court officials with whom he labored. He was U.S. marshal until 1951 when he retired. Thereafter, he worked for the State of Florida but spent his declining years with his beloved family: his wife, Hallie Henry Dishong, and his two daughters, Mrs. Donna Mae Downing and Mrs. Catherine Garrison, who lived beside him.

Ches Dishong had little formal education but I never met a brighter, sharper mind, a keener wit, or better mental ability. If this man had had a formal education he might have merited the prophetic lines of Thomas Gray in "Elegy Written In a Country Churchyard" when he said:

"Th' applause of list'ning senates to command
The threats of pain and ruin to despise

To scatter plenty o'er a smiling land
And read their history in a nation's eyes."

As long as memory survives Ches Dishong will ever be close to me. I shall treasure the happy times I spent with him in travel, in the performance of his duty, on the hunt, or fishing.

I was privileged to attend his funeral and to share the tribute of a host to him and to see him laid away in serene beauty. This man brightened many a life, cast many flowers by the way along which he walked, uttered many words of cheer to those who faltered, taught respect for law to those who defied it, extended the hand of compassion to countless needy. His principal monument will be in the memories of those who knew him, who loved him, and cherished his friendship.

"He was a man, take him for all and all, I shall not look upon his like again."

Mr. Speaker, I include in the Record immediately following my remarks an article from the Herald-Advocate about Ches Dishong.

[The Herald Advocate, April 27, 1972]

Prominent Hardee Countian Dies

Lifelong law enforcement officer Chester S. Dishong, 82 died at his home early Wednesday morning.

Dishong was the first elected sheriff of Hardee County and in 1938 was appointed a U.S. Marshal for the Southern District of Florida.

He was a member of the First Baptist Church, the Methodist Men's Bible Class, the Masonic Lodge and the Florida Peace Officer's Association.

U.S. Rep. Claude Pepper, 71, called from his Washington office Tuesday to praise the late Dishong, a long-time friend.

"He was one of the best law enforcement officers who ever lived. He had a natural aptitude for law enforcement," said Pepper, who pointed out Dishong was Wauchula police chief and Hardee County sheriff before he became a U.S. Marshal in 1938, a position he held until 1951.

Pepper recommended Dishong for the federal position serving south Florida, while he was U.S. Senator. Dishong was appointed by President Franklin D. Roosevelt and confirmed by the Senate.

Pepper said Dishong came from a "family tradition of law enforcement. His father was sheriff of old De Soto County, before it was split up, and his brother, Les, was also sheriff of De Soto County."

The Congressman said he got to know Dishong in 1934 in the early days of his campaign for Senate.

"At that time he was already a legend in law enforcement in southern and central Florida. He was also a legend as a hunter and fisherman.

"He wasn't afraid of anyone. He had a warm and magnificent personality. He had a heart as big as a mule. He gave away a great part of his salary to the poor people," said Pepper, who has been a U.S. Representative for 10 years. He was also a U.S. Senator for 14 years.

"Ches had a distinguished record. His outstanding service was recognized by federal judges in Florida with whom he worked and by the Department of Justice in Washington."

"Everybody knew Chester Dishong was the best hunter and fisherman in the county. Everybody loved him. He was like a brother to me up until his death. I would call him up from time to time. I have his photograph on my office wall right now."

Pepper said he plans to put Dishong's obituary, a recent feature article about him from The Herald-Advocate, and "my own statement" into the Congressional Record in the next few days.

"Mrs. Pepper and I are profoundly sorrowful at his death. He was a great man. I regarded him as one of the great men I've known," added Pepper, who said he planned to attend the funeral Friday.

Dishong's survivors are his widow, Hallie Henry Dishong; two daughters, Catherine Garrison, and Mrs. R. B. Downing Jr.; two sisters, Mrs. Edna Palmer of Tampa, and Mrs. Stella Ebert of Seffner; four grandchildren and seven great-grandchildren.

Funeral services will be held at the Chapel of Coker Funeral Home at 3 p.m. with Rev. Dow Durrance, Rev. Charles Granger, and Rev. Harrison Conley officiating.

Burial will be in Wauchula Cemetery with Masonic rites at graveside.

Masonic members will serve as pallbearers.

DRUG ABUSE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the most gratifying developments in the fight to combat drug abuse, a problem which so deeply concerns all of us, is the very effective role being played by the Florida Medical Association's Ad Hoc Committee on Drug Abuse. I have been so impressed by a report of that committee's chairman, Dr. Robert P. Johnson of Tallahassee, detailing the many-faceted program they have developed since their inception in May, 1970, that I want this information to be available to other Members of the Congress who may care to stimulate the formation of similar organizations in their respective areas. Mr. Speaker, I include Dr. Johnson's report in the Record following my remarks.

Activities of FMA'S Ad Hoc Committee on Drug Abuse

(By Robert P. Johnson, M.D.)

The House of Delegates of the Florida Medical Association, at its meeting in May of 1970, created an Ad Hoc Committee on Drug Abuse. In doing so, it was acting on recommendation of the Association's Committee on Child Health.

From its very inception this has been a unique committee of the FMA because of its general structure. It is an interdisciplinary group of professional men and women who have a vital interest in this tremendous problem of drug abuse in our State, both personally and through the organizations and professions they represent.

Since the first meeting in Jacksonville on November 17, 1970, its membership has increased from 15 to 20. Three representatives of state government agencies serve as consultants. What originally started as a one-day meeting every five or six weeks is now a two-day meeting with subcommittee meetings taking the first day and the full Committee the following day.

The Committee is composed of representatives of the FMA and its Woman's Auxiliary, Florida Pharmaceutical Association, State Department of Education, State Board of Regents, Bureau of Comprehensive Health Planning, State Division of Health, Florida Bar, Juvenile Court Judges, Law Enforcement, Florida Education Association, Florida Pediatric Society, State Board of Medical Examiners and the Clergy.

Our consultants represent the Drug Abuse Program of the Department of Health and Rehabilitative Services, the Governor's Office and the Attorney General's Office. These representatives give freely of their time and in many cases personal expense to add their input to our deliberations and I am sincerely gratified to report that the meetings are always well attended even though they are held in various parts of the State. I cannot speak highly enough of their diligent and conscientious service.

The Committee is advisory in nature and offers its expertise to any agency which desires this assistance; on occasion, we give it even though we have not been specifically requested to do so when, in our opinion, the need is sufficient to warrant investigation.

One of the first agencies to ask for our assistance was the State Department of Education, which requested that we formulate a set of guidelines to be used by school personnel in elementary and secondary schools concerned with drug use and abuse. These guidelines were drawn up by a Subcommittee on Education after many months of work and hearings with law enforcement officials and educators. They have now been accepted by the Department of Education and have been circulated to all county school systems and are being almost unanimously accepted and implemented.

We have been active in the field of State Legislation, both in an advisory capacity to the Legislature and the institution of recommendations for subsequently passed legislation. We feel this to be an extremely important function of the Committee.

We have done extensive investigation into several areas where there would appear to be a need for a re-assessment and perhaps controls. First of all, we support unanimously the recommendation of the AMA and the Board of Governors of the FMA that physicians be urged to limit their use of amphetamines and other stimulant drugs to specific, well recognized, medical indications. This is a very generalized recommendation but I believe the intent is self-explanatory. We strongly recommend that some control be placed on the dispensing of disposable needles and syringes. Metropolitan Dade County has an ordinance forbidding sale without a prescription. We would favor such legislation but would accept a lesser control which would accomplish the same purpose. We can no longer continue to place this paraphernalia in the hands of young people indiscriminately.

We also must urge all physicians to insure non-usability of these items when disposed of in the office refuse. The Committee still remains in favor of a triplicate narcotic prescription plan for Florida but is continuing its investigation of the plan before beginning any further thrust in this direction.

There is a need, in our opinion, for expanded laboratory facilities within the Division of Health for analysis of urine specimens particularly for Methadone Clinics in the State. These clinics have specific requirements from the Bureau of Narcotics and Dangerous Drugs for spot checking of urine on a weekly basis and at present existing funds for this purpose are limited. This possibility is currently being explored with the Division. We supported legislation in the past session of the Legislature relative to a change in the marijuana laws in Florida. On the basis of existing evidence, we do not now see any basis for a further liberalization of this law. We favor the establishment within Florida of a uniform controlled substance act and we have been working with the Legislature on this matter.

We have acted as the intermediary on numerous problems existing between the government and private segments of the drug abuse problem in Florida and are continuing to do so.

For the past several months we have been very concerned with the problem of youthful drug offenders and facilities and methods for their treatment. A Subcommittee on Youthful Drug Offenders was appointed and it proceeded through its chairman, Mrs. Arnold Spanjers, to survey the governors of the other 49 states as to what programs they had, how they were funded, and their shortcomings. The response was tremendous as 46 governors replied to our inquiry and voluminous amounts of helpful material were received.

Next it was felt that we should survey the Juvenile Court Judges in Florida to determine their feelings and needs in this area. We received replies from 60 per cent representing a good statewide distribution, and almost unanimously they felt that facilities available to them were inadequate. This, then, identified the need, and work is continuing very vigorously to attempt to correct this situation. The Subcommittee is working very actively with the Division of Youth Services of the Department of Health and Rehabilitative Services, and we anticipate much improvement in the area of drug education and rehabilitation to update an already excellent program within the Division of Management of Youthful Offenders.

For approximately one year now the Committee has been working very actively on a project that we feel to be of utmost importance. Through the help of the New York State Department of Health, a grant from the Drug Abuse Program of the Department of Health and Rehabilitative Services, and the work of the members of the Committee, you have received in the mail a Desk Reference on Drug Abuse. We believe this to be one of the most important pieces of information that a physician can have available to him. The manual covers diagnosis and emergency treatment of drug overdoses, a section on the legal responsibilities of the physician in treating cases of drug abuse, and a section listing the names, addresses, structural make-up, and the directors of referral facilities in all areas. There is also a section on laboratories that will analyze urine specimens for dangerous drugs and an up-to-date bibliography for those who would care to look further into specific drug problems. Lastly, but by no means least, is a dictionary of drug culture language. This has been a major undertaking on our part but we believe that the rewards to be gained by its use make our efforts worthwhile. We sincerely hope that all of the physicians in Florida will keep this reference handy in their offices and refer to it freely.

In the very near future the Committee is going to be asked to provide its services and experience to the Attorney General's office for a very challenging project which will have a far-reaching effect on drug education in Florida and the nation. Final details are being formulated and an announcement will probably be made in April. This will be a giant step forward and will very likely be the Committee's greatest undertaking to date.

The Committee has always been concerned about the role of the private physician in dealing with the drug problem in his community. More and more youngsters and distraught parents are looking to him for guidance and help. To quote a portion of an editorial appearing in the January 11, 1971, issue of the American Medical News, "A more realistic approach to the problem is needed, and the medical profession must lead the way. Because of his education and his standing in the community the physician is the ideal individual to educate those who would use drugs about the dangers, and to educate the public about ways to meet the problem." Bertram S. Brown, M.D., Director of the National Institute of Mental Health, has stated that "Physicians must be deeply knowledgeable and effective advocates for upgrading care in order to treat drug addicts successfully." We feel so strongly about the need of the medical professsion to become more involved in the drug problem that we have established a Subcommittee on Physician Involvement. You will receive in the mail a survey to fill out and return to us, so that we may attempt to find out why more doctors are not involved in the program, and to ascertain in what way we can assist you in becoming more knowledgeable in volunteering your services in the field of drug treatment and education. A recent survey of 5,000 high school students reveals some very interesting results. I think perhaps for the purpose of this discussion one question has the greatest significance. The question is asked if you had or have a drug problem and wish assistance, to whom would you go. Number one on the list was a former drug addict. Number two on the list was the personal physician and at the end of a long list of others, including clergymen, attorneys, etc., was a drug counselor. I think the results of this survey speak for themselves. It has been my experience personally and the experience of many others that when you go to talk to young people about the drug problem they listen to a physician with more interest and respect than to anyone else. The logical place for the parents of a young person who is abusing drugs to turn is their family physician.

You must be able to meet this challenge. And a challenge it truly is. I recently addressed a conference in Jacksonville and heard a former young drug user make this statement: "Unless you are involved in trying to help stop the problem you must consider yourself part of the problem."

The Board of Governors of this Association has requested that all county medical societies establish ad hoc committees on drug abuse. If this has not yet been accomplished in your society, let me urge you to do this without delay. I tell you now that we are being criticized for not taking a more active role in this problem and this attitude must be changed. Appoint physicians to your committee who are genuinely interested in the problem and will be willing to work with the community leaders when asked. Believe me when I say they are very much in need of and desirous of your services.

It is time for the medical profession in Florida to stand up and be counted, for this is not a problem that is going to disappear by itself. The fact that Miami is now the largest single port of entry of illegal drugs in the United States and the fact that we now conservatively estimate 15,000 hard core heroin addicts in the southeast Florida area are reasons enough for us to become involved.

The profession has never failed in the past to come to the aid of the public during a period of crisis. The *drug crisis* is upon us and no one can ever convince me that this profession will not rise to meet the challenge once again.

AMERICAN BROADCASTING

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, recently, I received a copy of a very outstanding address delivered by the distinguished chairman of the board of Post-Newsweek Stations, Larry H. Israel, before the University of Missouri's School of Journalism on April 27, 1972. The topic of his speech was American broadcasting and the first amendment, and his was an eloquent and extremely persuasive statement for the maintenance of private freedoms, not only in broadcasting but in all media. Approaching the issue in a logical and understandable manner, Mr. Israel said in his address:

> As always, we come back to the fundamental choice: private judgments or government judgments. Totalitarian societies depend on government involvement in and control of ideas and information. Free societies—and there haven't been many—depend utterly on the much-more-risky business of allowing ideas and information to bounce around in the open marketplace.

At the present time, freedom of the press, which was so dear to our Founding Fathers, is the subject of much discussion and controversy. Mr. Israel's address is a fitting response to those who would initiate strict government controls over the media. I believe we may all benefit from his remarks:

> In a society in which lightning is continually striking all over the landscape, broadcasting—television in particular—has become a very prominent lightning rod. This is hardly surprising in view of the predominant, and intimate, role of the electronic media in our lives. Yet it is disturbing because of a growing tendencly to view broadcasting itself as a cause of America's ills.
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> Persistent critics of the industry accuse radio and TV of delivering too much of the "bad" . . . what they see as unhappy news, inferior programming, deceptive advertising, and so on. Growing numbers of special interest spokesmen are pressing harder and harder for wider access to broadcasting so that better TV and radio—as they view the term "better"—will result.
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> Broadcasting thus is being whipsawed as never before in its history. Out of the tumult are flowing more and more calls for tougher and tougher regulation as a means of dealing with broadcast stations.
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> What these individuals fail to see—some of them are well-meaning and some are opportunistic zealots—is that regulation is not far from the point of choking off what it seeks to regulate. The extent to which government can cure these supposed ills, and the extent to which, in attempting to do so, government itself becomes a part of the problem, is the troublesome issue with which I have the most concern.
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> Regulation lays its hand most ominously on broadcast journalism, that element of our industry which deals most actively and directly with ideas and information. The stakes there go far beyond the well-being of the TV-radio industry to the very survival of the society itself.
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> The unfettered flow of information, of course, is the lifeblood of any society that would be free. "Give me the liberty to know," said John Milton, "above all liberties."
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> Happily, the last couple of generations have witnessed an abundant flowering of books, periodicals, newsletters, and countless other instruments of communication. Concurrently, the censorship which has restricted public dialogue on sensitive political and social issues has retreated steadily as the courts have enlarged the scope of the First Amendment.
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> And yet, curiously and tragically, the medium which evolved during that same span of recent history into the most effective communications medium of all time has been subjected to increasing government oversight in the exercise of its journalistic role.
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> The would-be reformers of TV and radio have found many willing allies inside the government. I hasten to add, however, that I do not see in this relationship a conspiracy of men who are determined to ensnare broadcast stations as part of some evil design. Most government functionaries, in the FCC and elsewhere, have been high-minded men and women who have attempted to honor journalistic freedom, as they define that term, within the framework of increasingly complex guidelines and an increasingly baffling world.

Rather, there is a dynamic at work which has to do with the nature of government itself. Even the most well-intentioned regulatory action by government inexorably involves the government in that which is being regulated. That process may be tolerable, and even desirable, in the setting of freight rates or the fixing of standards for meat, but it is deleterious to the practice of broadcast journalism.

The Federal Communications Commission, granted the best motives, has attempted by and large to be neutral in its administration of the well-known Fairness Doctrine, which covers the handling of controversial issues. But in settling disputes about fairness in journalism on radio and TV, the FCC can hardly avoid being a *judge*—an editor, as it were—of coverage and noncoverage of issues.

The numerous guidance letters from the FCC, which are known to every broadcast station in America today, have created perplexing, chilling parameters within which broadcast news editors and broadcast programmers must attempt to do their jobs. As Fairness Doctrine precedents accumulate in FCC files, the latitude of choice for those editors and programmers diminishes, and the line between the neutral government gatekeeper and the government judge becomes more and more blurred.

Who can say that a future FCC will have the best of motives? One of the central questions facing this society in the closing decades of the Twentieth Century is whether we should entrust, even partially, the exercise of broadcast journalism to editors in the employ of the government.

The late Justice Hugo Black, in one of his last decisions, put the matter simply and clearly: "In the First Amendment the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors."

Does free press also mean free broadcast press? Should broadcast journalism enjoy the full blessings of the First Amendment? One cogent response to those questions comes from Senator Sam Ervin of North Carolina, an indefatigable defender of First Amendment freedoms. This is what he said recently: "While the Founding Fathers did not contemplate the media of radio and television when they wrote the First Amendment, their reasons for protecting the printed press from government control apply equally to the broadcast media. More people get their news from radio and television today than any other single source. . . . If First Amendment principles are held not to apply to the broadcast media, it may well be that the Constitution's guarantee of a free press is on its death bed."

The role of the broadcast editor is essentially the same as the print editor. Both are confronted every day with an endless list of issues and stories. Both are stymied by limits on space and time in which to treat those stories. Thus, both have to make *judgments* on what goes in and what stays out. Both cover issues which may have two points of view or twenty. Both—being human—have an impossible task of trying to *define* fairness on every working day, much less to live up to it all the time.

Broadcast editors—like print editors—should be free to exercise professional judgment in making those thousand-and-one daily decisions. Like print editors, they make errors of judgment. But ours is a highly pluralistic society with an incredible variety of outlets for information and ideas. Precisely the same checks and balances which have served for almost two centuries to protect us from abuses in print journalism will protect us from abuses in broadcast journalism. The courts have not yet made a clearly definitive ruling on First Amendment protections for broadcasting. One of the more significant holdings of the Supreme Court has been interpreted by some as meaning that the First Amendment exists not to protect broadcasters but to protect the public. But it is essential to go one additional step to ask whether it is *possible* for the public to be protected *unless* broadcast journalism—like newspaper journalism—is free from any form of government influence or coercion. The question, I think, answers itself.

The reformers, of course, have a contrary answer. Television and radio are *different,* they say. Broadcasters must be tightly regulated, goes the argument, because they are making use of a scarce public resource.

But in the actual world of 1972, is this really true? Newspapers, magazines, and other means of wide and general circulation, are even more scarce. Here in Missouri, in St. Louis, and Kansas City, for example, there are substantially more TV and radio stations than daily newspapers. Does it then follow that regulation should be extended to other media as well, because of scarcity? To the contrary, it means that the underlying rationale for government supervision of broadcast journalism is faulty, and that broadcast journalism should be as free as any other journalism.

One of the most disappointing aspects of the First Amendment issue has been the posture of many newspaper publishers and editors. Looking on broadcast news operations with indifference at best and often with outright hostility, they tend to be scornful of electronic news techniques and of the enormous popular appeal of a medium which has so many dimensions.

If broadcast journalism withers and dies as an effective independent component because of regulatory thrombosis, as Senator Ervin and others have warned, print journalism very well may be digging its own grave by its indifference. Can the owners of printing presses be certain that the transmission wires, satellites, and other technology of the future will be free of government regulation? Indeed, they cannot.

Press freedom is *not* divisible. Unless the basic principles of press freedom apply to *all* media, in time they will apply to none.

Where do we go from here? The First Amerndment is a beckoning beacon. How closely broadcasters will be allowed to get to it, given the regulatory approach to broadcasting in this country, is problematical.

At the very least, it seems to me, the government should be removed entirely from the day-to-day business of broadcast journalism. That means an entirely different approach to the Fairness Doctrine. It means that the FCC should hold each licensee accountable at license-renewal time for his *overall record only*. It would mean an end to the impossible and dangerous pratice by the government of attempting to quantify "fairness" by holding a stopwatch to specific issues on a complaint-by-complaint basis. It would permit much more breathingroom for broadcast journalism—room to make mistakes, to be sure, but more importantly, room for creative journalism without the specter of a government editor sitting in the newsroom with a whistle in hand.

We recognize that some broadcasters would use such freedom as a license to do a minimal job. Yet I cannot emphasize too strongly that the nation will much easier survive as a free nation with some inept broadcasters than it will survive with government watchdogs of journalism on radio and TV.

I referred at the outset of my remarks to the rising clamor among special interest groups for greater access to the broadcast media. Proposals vary all the way from mandating that individuals and organizations may purchase advertising and program time for the discussion of issues . . . to the mandatory provision of blocks of free time for such discussions on a first-come, first-served basis.

The feeling implicit in these schemes seems to be that broadcast stations are not covering the nation's strengths and weaknesses adequately or fairly, and that judgments on such matters ought to be taken more and more out of the hands of broadcast licensees. The ultimate outcome of such an approach would be to turn radio and television into common carriers, which, like railroads and airlines, have to accept whoever shows up at the front door.

But radio and TV stations are *not* like railroads or airlines. There always will be more issues and more spokesmen than any station reasonably can handle in a given time-period, and there always will be spokesmen wanting to buy access to the airwaves who will be better bankrolled than others.

Access can be controlled in three essential ways: (1) by money, which means that ideas getting the most exposure will be those which have the richest backers, or (2) by the government, which means that bureaucrats will be deciding which ideas and spokesmen are worthy of exposure and when, or (3) as is presently done, by private licensees exercising their best professional judgment.

Among the many ironies in this issue of access is that, on one hand, there is a hue-and-cry for broadcasters to become more responsive and on the other hand, a call for broadcasting judgments to become the responsibility of someone else.

As always, we come back to the fundamental choice: private judgments or government judgments. Totalitarian societies depend on government involvement in and control of ideas and information. Free societies—and there haven't been many—depend utterly on the much-more-risky business of allowing ideas and information to bounce around in the open marketplace.

There is not much question that the steady stream of criticism in recent years has created a credibility problem for the media. Correspondingly, it should be realized that almost nothing is immune these days from criticism, and there are similar doubts in the public's mind regarding government, business, labor, the education system, and other national institutions.

Television is fair game. The public limelight inevitably invites public scrutiny. Essentially this is a healthy process, which has a rectifying and a purifying effect on all media. Some of our critics in the print media, unfortunately, live by a double standard which regards criticism of *their* performance as being in bad form.

The broadcast industry, despite its many accomplishments, can, I believe, do better. Now is not the time to adopt a low profile, nor to appeal to the most timid among us, which is the traditional approach of most industry groups under attack.

The First Amendment, fairness doctrine, and access questions, and how they are resolved, will determine the future course of broadcast journalism.

What about entertainment and non-journalistic functions? I have some proposals to offer.

The whole question of violence in children's programming, specifically on Saturday mornings and afternoons, warrants immediate action without further studies or research projects. It is unfair and improper that the entire burden of upgrading this output be placed on the networks. I would hope that stations in the top 50 markets of the country, which certainly have the resources, would assume responsibility for at least three hours of locally-produced or locally originated children's programming, devoid of any gratuitous violence-action cartoons, during the Saturday children's block.

This should be as much a local station responsibility as is its journalistic output. I would further suggest that a joint agreement be reached in each market, by all stations, subject to the approval of the Justice

Department and the FCC, to eliminate all audience-rating measurements for each station during its three hours of time on Saturdays which concentrates on children. This would permit TV broadcasters to concentrate on quality children's programs and would enable the industry to move a quantum step forward.

Further, I would hope that all stations in these top 50 markets would see fit to adopt a policy like that adopted by our stations last year of reducing by 50% the commercial content in the children's areas, not to exceed the prime-time commercial standards, of clustering commercials at the opening and close so as not to intrude on story continuity, of labelling all programs for specific age groups, and of accepting only those commercials compatible with the subject matter.

Another troublesome area is that caused by the FCC's prime-time rule regarding local programming. Although the proponents of this rule were sincerely motivated in a quest for diversity in program production, the first season can hardly be termed a success. But it was not a fair test, in light of waivers and the fact that off-network production could be used. At least another full season's experience is needed with an economy which is improving, and when all network affiliates will be simultaneously testing new programs in the top 50 markets. And even this may not be a fair test, because the Commission has established an inequitable double standard which allows independent stations to continue to program safe, market-tested, off-network productions, while network affiliates may not do so.

At the same time, I urge that all stations in the top 50 markets, of their own volition, program two of the seven prime-time half-hour periods which the Commission's new rule opened up to them, for non-entertainment, locally originated programming. This coupled with the three hours of locally-originated Saturday children's programming, will allow local program managers more effectively to fulfill their proper role rather than be mere schedule-makers for feature films and syndicated material.

For the future, I hope that one day soon we could have one hour of prime-time network news nightly, and a regularly scheduled dramatic series. I'm sure there are thoughtful and able individuals at the networks who are giving serious consideration to the realization of these programming possibilities.

News must reach out to develop some of the overriding issues of our time in medicine, ecology, economics, urban affairs, and the complexities of a changing society. Cronkite, Reasoner-Smith, and Chancellor with all their professionalism, can't possibly make those kinds of things digestible in their now-alloted time of twenty-five minutes each day.

Many major-market stations have led the way in providing a mix of ingredients in integrated one-hour news programs. At our Washington operation, for example, we have been presenting for a number of years a one-hour, early-evening program which blends local, regional, national, and foreign news. We have invested very considerable resources in that effort, and it may interest you to know some of the ingredients in that mix. Our correspondents are assigned to regular beats at the White House, the Pentagon, Capitol Hill, the federal agencies, the District of Columbia government, and both the suburban and state governments in Maryland and Virginia. We also weave in a broad range of commentary, covering the spectrum of political opinion with people such as James J. Kilpatrick, Carl Rowan, and Hugh Sidey. Edwin Diamond is our media critic, and he isn't reluctant to criticize both print and broadcast media. Dr. Pierre Rinfret comments on the economy. We feature a movie and theater critic, sports commentary, regular investigative reporting, hard-hitting editorials, and a professional meterologist. The program has been manned for several years by the first black co-anchorman in a major market in the United States, and it is backed up with women reporters who field major beats, including Congress. Throughout our news programming, we provide very broad opportunities for individuals and organizations to air their points of view on a wide variety of issues.

I have delineated our own efforts, because they reflect a long-standing concern among our stations with principles which truly underlie the First Amendment, fairness, and access questions.

I have not been one of those who has engaged in hand-wringing over *reasonable* ground rules of responsible broadcast operation. But I do find baffling the recent announced anti-trust action by the Department of Justice with respect to entertainment programming by the networks. It is incomprehensible that the Department is apparently seeking to destroy network entertainment program responsibility and turn the networks into transmission lines, merely brokering time for advertiser bidding, while simultaneously other government agencies badger and pressure for greater responsibility, for increased quality, children's programming, balance, fairness and uplift.

As I said, earlier, we can do better. But the great costs and risks of a national news service cannot be underwritten by a weakened, badgered, and harassed industry. We cannot have China and Moscow by satellite, and moon shots and pro football and political conventions, without the institutions to provide them—healthy local stations and national networks.

The alternative would be to have taxpayers pay this bill, as educational television now is being underwritten with extensive government and mostly tax-free foundation monies.

Finally, if you will permit me a kind of epilogue to what has just been said. I would like to remark briefly on an aspect of life in contemporary America which is both distressing and sad. We sometimes seem to be turning into an angry, intolerant, abusive people. We are better than that, and we should set a higher standard for ourselves and for our society.

The problems we face are unprecedented and sometimes are a bit terrifying. But this is no cause for meanness, no reason to forsake the humor which also contributes to the meaning of life.

The new president of Johns Hopkins University, Steven Muller, also senses this. He cautioned recently at the time of his installation that "we can survive each other only if we deal with each other fully and always as human beings, not as categories, hierarchies, or abstractions. We are all bright enough," Dr. Muller went on to say, "to tear each other apart if we choose. Let us refrain from that."

Surely you are aware, as I am, of the harsh, strident voices which pull and tug from all sides in the name of what they claim is a greater good. The rights revolution is a healthy development for a society which in many respects has been hideously hidebound. But in too many cases old hierarchies are being attacked by those who see themselves as anointed members of new elites, who are frequently as arrogant and intolerant as those they seek to dethrone.

I happened recently across the concluding speech which Charles Chaplin made in his classic film, "The Great Dictator." It seems to me to be especially relevant now.

"The way of life can be free and beautiful, but we have lost the way. Greed has poisoned men's souls—has barricaded the world with hate—has goose-stepped us into misery and bloodshed. We have developed speed, but we have shut ourselves in. Machinery that gives abundance has left us in want. Our knowledge has made us cynical; our cleverness, hard and unkind. We think too much and feel too little. More than machinery we need humanity. More than cleverness, we need kindness and gentleness. Without these qualities, life will be violent and all will be lost."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Slack (at the request of Mr. O'Neill), for today, on account of a funeral in the district.

Mr. Terry (at the request of Mr. Arends), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hansen of Idaho) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Fish, for 30 minutes, today.

Mr. Bow, for 10 minutes, today.

Mr. Frelinghuysen, for 10 minutes, today.

Mr. Wyman, for 30 minutes, today.

Mr. Crane, for 60 minutes, on June 30.

Mr. Ashbrook, for 30 minutes, today.

Mr. Horton, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Boland of Massachusetts, for 15 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Brademas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon in two instances.

Mr. Michel to revise and extend his remarks and include extraneous matter in connection with the Agriculture appropriation bill.

Mr. Skubitz (at the request of Michel) on the food stamp amendment.

Mr. Patten to revise and extend remarks made in Committee of the Whole.

Mrs. Abzug, to revise and extend her remarks on the food stamp amendment immediately before the vote.

Mr. Price of Illinois, to revise and extend his remarks and to include extraneous matter, notwithstanding an estimated cost of $490.

Mr. Rogers in five instances.

Mr. Roncalio, and to include extraneous material, immediately preceding the vote on House Resolution 1019, the rule on predator indemnity.

Mr. Conte, and to include extraneous

material during consideration of House Resolution 1019, the rule on predator indemnity.

Mr. HOGAN to revise and extend his remarks on H.R. 14896 and to follow Mr. QUIE.

Mr. GOLDWATER to revise and extend his remarks immediately after the vote on H.R. 15692.

Mr. MANN to extend his remarks on House Resolution 1019, the rule on H.R. 14163, immediately prior to the vote.

(The following Members (at the request of Mr. CONOVER) and to include extraneous matter:)

Mr. STEIGER of Wisconsin in three instances.

Mr. WYMAN in two instances.

Mr. FISH in two instances.

Mr. RIEGLE.

Mr. SCHWENGEL.

Mr. HORTON.

Mr. BURKE of Florida.

Mr. WHALEN.

Mr. FINDLEY in three instances.

Mr. ARCHER.

Mr. SPRINGER in three instances.

Mr. CLANCY.

Mr. CÓRDOVA in two instances.

Mr. BAKER in two instances.

Mr. HUTCHINSON.

Mr. ANDERSON of Illinois.

Mrs. HECKLER of Massachusetts.

Mr. RAILSBACK in three instances.

Mr. BROTZMAN in two instances.

Mr. WYLIE.

Mr. GUBSER.

Mr. KEMP in two instances.

Mr. FORSYTHE.

Mr. MINSHALL.

Mr. DERWINSKI.

Mr. DEVINE.

Mr. COLLINS of Texas in three instances.

Mr. SCHMITZ in three instances.

Mr. ASHBROOK in two instances.

Mr. MARTIN.

Mr. SCOTT.

Mr. MCCLURE in two instances.

Mr. CHAMBERLAIN.

Mr. GOLDWATER.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. CULVER.

Mrs. GRIFFITHS.

Mr. RODINO.

Mr. DELANEY.

Mr. CAREY of New York in five instances.

Mr. BADILLO.

Mr. ICHORD.

Mr. PATTEN.

Mr. HUNGATE in two instances.

Mr. JACOBS.

Mr. LEGGETT in three instances.

Mr. GETTYS.

Mr. O'NEILL.

Mr. HOLIFIELD.

Mr. HENDERSON.

Mr. NICHOLS.

Mr. HARRINGTON in four instances.

Mr. OBEY.

Mr. BRASCO in two instances.

Mr. STUBBLEFIELD.

Mr. ST GERMAIN in three instances.

Mr. HELSTOSKI.

Mr. BEGICH.

Mr. ANDERSON of California in five instances.

Mr. FULTON.

Mrs. SULLIVAN in three instances.

Mr. MANN in five instances.

Mrs. HANSEN of Washington in two instances.

Mr. DORN in two instances.

Mr. ROGERS in five instances.

Mr. EVANS of Colorado.

Mr. RARICK in three instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13955. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1893. An act to amend the Land and Water Conservation Fund Act to restore the Golden Eagle Passport program, and for other purposes; and

S. 3715. An act to amend and extend the Defense Production Act of 1950.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 28, 1972:

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force.

On June 29, 1972:

H.R. 8140. An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; and

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes a.m., Friday, June 30, 1972) the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2124. Under clause 2 of rule XXIV, a letter from the Secretary of the Interior, transmitting the 1971 Annual Report of the Interim Compliance Panel established by the Federal Coal Mine Health and Safety Act of 1969, pursuant to section 5(f)(2) of the act; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 15635. A bill to assist elementary and secondary schools, community agencies and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes; with amendment (Rept. No. 92–1196). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 7287. A bill to prohibit trading in Irish potato futures on commodity exchanges. (Rept. No. 92–1197). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15375. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973; with amendment (Rept. No. 92–1198). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. H.R. 13804. A bill to amend the act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; with amendment (Rept. No. 92–1199). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. S. 3463. An act to amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly CONGRESSIONAL RECORD to libraries of certain U.S. courts. (Rept. No. 92–1200). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. S. 2227. An act to amend title 44, United States Code, to authorize the Public Printer to designate the library of the highest appellate court in each State as a depository library. (Rept. No. 92–1201), Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 10502. A bill to amend title 18, United States Code, to provide for expanded protection of public officials and foreign officials, and for other purposes; with amendment (Rept. No. 92–1202). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on Education and Labor. H.R. 15657. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; (Rept. No. 92–1203). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of California:

H.R. 15760. A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem, and for other related purposes; to the Committee on the Judiciary.

By Mr. WIDNALL (for himself, Mr. Brown of Michigan, Mr. Gude, Mr. Broyhill of Virginia, Mr. Martin, Mrs. Dwyer, Mr. Frenzel, Mr. McKinney, Mr. Blackburn, Mr. J. William Stanton, Mr. Lent, Mr. Archer, Mr. Wylie, and Mr. Johnson of Pennsylvania):

H.R. 15761. A bill to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans; to the Committee on Banking and Currency.

By Mr. ABOUREZK (for himself, Mr. Gubser, Mr. Hammerschmidt, Mr. Thone, Mr. Andrews of North Dakato, Mr. Mathis of Georgia, Mr. Link, Mr. Brinkley, Mr. Obey, Mr. Alexander, and Mr. Hillis):

H.R. 15762. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. BROOKS (for himself, Mr. Culver, Mr. Monagan, Mr. Buchanan, Mr. Heinz, and Mr. Brademas):

H.R. 15763. A bill to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes; to the Committee on Government Operations.

By Mr. DINGELL:

H.R. 15764. A bill to designate an Interstate Railroad System; to require minimum standards of maintenance on the railroad lines comprising such systems; to establish rights of access by rail carriers to railroad lines; to provide financial assistance for certain rehabilitation of railroads; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 15765. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide increased assistance to correctional programs, to establish more detailed guidelines for such programs, and to create a streamlined administration of such assistance; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. Byron, Mr. Clark, Mr. Donohue, Mr. Halpern, Mr. Hechler of West Virginia, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. Preyer of North Carolina, Mr. Thompson of New Jersey, Mr. Yatron, and Mr. Hogan):

H.R. 15766. A bill to amend the National Flood Insurance Act of 1968 to require flood insurance coverage under that act for all properties covered by federally insured or guaranteed mortgages; to the Committee on Banking and Currency.

By Mr. FRASER:

H.R. 15767. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 15768. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

H.R. 15769. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. GRIFFITHS:

H.R. 15770. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 15771. A bill to authorize appropriations to carry out the U.S. Fishing Fleet Improvement Act through fiscal year 1976; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Louisiana:

H.R. 15772. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mr. McCLURE:

H.R. 15773. A bill to amend title 13, United States Code, to provide for the transmittal to each of the several States, in accordance with a plan and form approved by the Governor thereof, of the tabulation of total population of that State obtained in each decennial census and required for the apportionment of the legislative bodies of that State; to the Committee on Post Office and Civil Service.

By Mr. MARTIN:

H.R. 15774. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making of available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

By Mr. MELCHER (for himself, Mr. Abbitt, Mr. Bergland, Mr. Denholm, Mr. Link, Mr. Mayne, Mr. Nelsen, Mr. Rarick, Mr. Sisk, Mr. Smith of Iowa, Mr. Wampler, Mr. Whitehurst, and Mr. Zwach):

H.R. 15775. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

By Mr. MURPHY of New York (for himself, Mr. Horton, Mr. King, Mr. Carey of New York, Mr. Delaney, Mr. Rangel, Mr. Dow, Mr. Dulski, Mr. Robison of New York, Mr. McEwen, Mrs. Abzug, Mr. Brasco, and Mr. Ryan):

H.R. 15776. A bill to authorize the transfer of a vessel by the Secretary of Commerce to the board of education of the city of New York for educational purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 15777. A bill to amend the Child Nutrition Act of 1966 to limit the scope of regulations respecting service of food in competition with the programs authorized under that act and the National School Lunch Act; to the Committee on Education and Labor.

By Mr. REID:

H.R. 15778. A bill to exempt certain income of nonresident alien authors, artists, and composers from taxation; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 15779. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemptions; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself, Mr. Winn and Mr. Sebelius):

H.R. 15780. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to certain handicapped persons programs; to the Committee on Government Operations.

By Mr. TEAGUE of Texas (by request):

H.R. 15781. A bill to amend chapter 17, title 38, United States Code, to provide hospital care and medical services abroad to an alien, who was never an American citizen for any service-connected disability incurred while serving in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 15782. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed 30 years of railroad service; to the Comittee on Interstate and Foreign Commerce.

By Mr. ABOUREZK (for himself, Mr. Roe and Mrs. Hansen of Washington):

H.R. 15783. A bill to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 15784. A bill to require that persons who presently possess firearms obtain from the Secretary of the Treasury a certificate which would evidence their eligibility to possess firearms, to require that persons who purchase firearms obtain such certificate, to require that persons who purchase ammunition possess such certificate, and for other purposes; to the Committee on the Judiciary.

H.R. 15785. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of public safety officers as defined in section 701 of this act and to such public safety officers who are killed, or disabled as a result of injuries sustained in the line of duty; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 15786. A bill to exempt certain practices based on recognized religious dietary law from certain regulatory provisions of the Poultry Products Inspection Act; to the Committee on Agriculture.

By Mr. BROTZMAN (for himself, Mr. Derwinski, Mrs. Hicks of Massachusetts, Mr. Harrington, Mr. Thone, Mr. Duncan, Mr. Dow, Mr. Roush, Mr. Gaydos, Mr. Gibbons, Mr. Moorhead, Mr. Rees, Mrs. Abzug, Mr. Mikva, Mr. Collins of Texas, Mr. Eilberg, Mr. Frelinghuysen, Mr. Kemp, Mr. Cleveland, Mr. Myers, Mr. McKevitt, Mr. Fish, Mr. Goldwater, and Mr. Coughlin):

H.R. 15787. A bill to establish an Environmental Quality Corps; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 15788. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. DAVIS of Georgia:

H.R. 15789. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DOWNING:

H.R. 15790. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. ESCH (for himself, Mr. Horton, Mr. McClory, and Mr. Pickle):

H.R. 15791. A bill to provide greater assurance of Federal fiscal responsibility; to the Committee on Government Operations.

By Mr. FORSYTHE (for himself and Mr. Horton):

H.R. 15792. A bill to amend the National Flood Insurance Act of 1968 to require flood insurance coverage under that act for all properties covered by federally insured or guaranteed mortgages; to the Committee on Banking and Currency.

By Mr. FULTON:

H.R. 15793. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

H.R. 15794. A bill to amend section 516 of the Tariff Act of 1930; to the Committee on Ways and Means.

H.R. 15795. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 15796. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ (for himself, Mr. Byrne of Pennsylvania, Mr. Bray, Mr. Rogers, Mr. McDonald of Michigan, Mr. Kyros, Mr. du Pont, Mr. Metcalfe, Mr. Udall, Mr. Reid, Mrs. Griffiths, Mr. Nedzi, Mr. William D. Ford, and Mr. O'Hara):

H.R. 15797. A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GIBBONS:

H.R. 15798. A bill to provide for the duty-free treatment of the copper content of all copper-bearing ores; to make permanent the existing suspension of duty on copper waste, copper scrap, and certain forms of copper; to repeal the market price test for determining rates of duty on copper-bearing materials; and for other purposes; to the Committee on Ways and Means.

H.R. 15799. A bill to continue until the close of June 30, 1974, the existing suspension of duties on certain forms of copper; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Keith, Mrs. Heckler of Massachusetts and Mrs. Hicks of Massachusetts):

H.R. 15800. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H.R. 15801. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination to the Committee on Banking and Currency.

H.R. 15802. A bill to provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the costs of eye examination programs to detect glaucoma for the elderly; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Louisiana:

H.R. 15803. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to reimburse States for the Federal share of the costs of future construction of toll roads, and for other purposes; to the Committee on Public Works.

H.R. 15804. A bill to amend the Highway Revenue Act of 1956, and for other purposes; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 15805. A bill to provide that the members of the Alcoholic Beverage Control Board for the District of Columbia shall select their own chairman and to require an affirmative vote of two of the members of the Board before any action may be taken by the Board, and for other purposes; to the Committee on District of Columbia.

By Mr. PERKINS (by request):

H.R. 15806. A bill to amend the Public Health Service Act to authorize the establishment of medical emergency transportation and service programs; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 15807. A bill to amend the Federal Aviation Act of 1958 to provide for an evidentiary hearing before a mandatory retirement age is prescribed for pilots; to the Committee on Interstate and Foreign Commerce.

By Mr. REES (for himself, Mrs. Abzug, Mr. Brasco, Mr. Burton, Mr. Derwinski, Mr. Donohue, Mr. Gaydos, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Kemp, Mr. Lent, Mr. Pepper, Mr. Podell, Mr. Rodino, Mr. Ryan, Mr. Scheuer, Mr. Drinan, Mr. Landgrebe, Mr. Gude, Mr. Rosenthal, and Mr. Vanik):

H.R. 15808. A bill to amend the Export Administration Act of 1969 in order to promote freedom of emigration; to the Committee on Banking and Currency.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Ware, Mr. Saylor, Mr. Morgan, Mr. Yatron, Mr. Heinz, Mr. Schneebeli, Mr. Byrne of Pennsylvania, Mr. Johnson of Pennsylvania, Mr. McDade, Mr. Barrett. Mr. Nix, Mr. Gaydos, Mr. Flood, and Mr. Moorhead):

H.R. 15809. A bill to authorize Federal financial assistance to restore or replace essential railroad facilities and equipment lost or destroyed as the result of natural disasters which occurred during the month of June 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 15810. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 15811. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits shall continue through the month of his death; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 15812. A bill to amend the Internal Revenue Code of 1954 to extend the time within which certain ministers may file applications for exemption from the tax on self-employment income; to the Committee on Ways and Means.

By Mr. STRATTON (for himself and Mr. McCormack):

H.R. 15813. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 15814. A bill to amend the Small Business Investment Act of 1958 (Public Law 85–699) to establish a new industrial loan guarantee program, a reinsurance program, and for other purposes; to the Committee on Banking and Currency.

By Mr. FISH:

H.R. 15815. A bill to amend the Internal Revenue Code of 1954 to provide for payment under section 6421 or credit under section 39 for gasoline used to operate concrete mixers and to provide for exemption under section 4041 for diesel fuel and special motor fuels used to operate concrete mixers; to the Committee on Ways and Means.

By Mr. DIGGS (for himself, Mrs. Abzug, Mr. Begich, Mr. Dow, Mr. Harrington, Mr. Helstoski, Mr. Reid, and Mr. Wolff):

H.J. Res. 1244. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. DRINAN:

H.J. Res. 1245, Joint resolution to make all citizens of the United States eligible for the office of President; to the Committee on the Judiciary.

By Mr. LEGGETT (for himself, Mr. Bell, Mr. Brademas, Mr. Coughlin, Mr. Esch, Mr. Fish, Mr. Rangel, Mr. Scott, Mr. Stokes, and Mr. Anderson of Illinois):

H.J. Res. 1246. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.J. Res. 1247. Joint resolution proposing an amendment to the Constitution of the United States to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court; to the Committee on the Judiciary.

By Mr. SEIBERLING (for himself, Mr. Dellenback, Mr. Mitchell, Mr. Badillo, Mr. Mazzoli, Mr. Bennett, Mr. Rees, Mr. Helstoski, Mr. Gibbons, Mr. Dow, Mr. Horton, Mr Stokes, and Mrs. Abzug):

H.J. Res. 1248. Joint resolution authorizing the President to call an international conference to study the problems with respect to the development and use of supersonic aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN (for himself, Mr. Rhodes, Mr. McClure, Mr. Archer, Mr. Young of Florida, Mr. McCollister, Mr. Winn, Mr. Sebelius, Mr. Scherle, Mr. Gross, Mr. Ashbrook, Mr. Sandman, Mr. Fuqua, Mr. King, Mr. Crane, Mr. Rousselot, Mr. Edwards of Alabama, and Mr. Cleveland):

H.J. Res. 1249. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. Purcell, Mr. Yatron, Mr. McClure, Mr. Bell, Mr. Baring, Mr. Mann, Mr. Coughlin, Mr. Robison of New York, and Mr. Frey):

H. Con. Res. 640. Concurrent resolution calling upon all parties to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. Mills of Arkansas, and Mr. Morgan):

H. Con. Res. 641. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. BIESTER (for himself, Mr. Frenzel, Mr. Mikva, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Badillo, Mr. Brasco, Mr. Buchanan, Mr. Collins of Illinois, Mr. Conover, Mr. Corman, Mr. Coughlin, Mr. Dellenback, Mr. Denholm, Mr. Drinan, Mr. Duncan, Mr. Esch, Mr. Eilberg, Mr. Eshleman, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Halpern, Mr. Hansen of Idaho, and Mr. Harrington):

H. Res. 1033. Resolution authorizing employment of senior citizen interns for Members of the House of Representatives; to the Committee on House Administration.

By Mr. BIESTER (for himself, Mr. Frenzel, Mr. Mikva, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Horton, Mr. Mazzoli, Mr. Metcalfe, Mr. Mills of Maryland, Mr. Mitchell, Mr. Murphy of New York, Mr. Peyser, Mr. Rhodes, Mr. Roe, Mr. Roy, Mr. Sarbanes, Mr. Scheuer, and Mr. Young of Florida:

H. Res. 1034. Resolution authorizing employment of senior citizen interns for Members of the House of Representatives; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. BINGHAM, Mr. WHALEN, Mr. DANIELSON, Mr. YATES, Mr. KARTH, Mr. OBEY, Mr. GIBBONS, Mr. ROONEY of Pennsylvania, Mr. MINISH, Mr. ADDABBO, Mrs. GRASSO, Mr. SCHWENGEL, Mr. MAZZOLI, Mr. GUDE, Mr. VANIK, and Mr. HOWARD):

H. Res. 1035. Resolution calling on the President to propose an expansion of the nuclear test ban treaty to include underground testing; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Res. 1036. Resolution creating a Select Committee on Children to conduct an investigation and study of social conditions adversely affecting the development of children; to the Committee on Rules.

By Mr. MARTIN (for himself and Mr. WIDNALL):

H. Res. 1037. Resolution to authorize the Committee on Banking and Currency to conduct an investigation and study of prices of lumber and plywood; to the Committee on Rules.

By Mr. ROBINSON of Virginia:

H. Res. 1038. Resolution amending the rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

402. The SPEAKER presented a memorial of the Legislature of the State of Vermont, relative to the issuance of a postage stamp commemorating the centennial of the birth of Calvin Coolidge; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON of Texas:

H.R. 15816. A bill for the relief of Jessie O. Alagood; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 15817. A bill for the relief of Kevin Patrick Saunders; to the Committee on the Judiciary.

H.R. 15818. A bill for the relief of Serkis Hallocoglu; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 15819. A bill for the relief of Mr. and Mrs. Jeong Ho Cho and minor children; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 15820. A bill for the relief of An-Li Huang, also known as Andrew E. Wee; to the Committee on the Judiciary.

By Mr. SPENCE:

H.R. 15821. A bill for the relief of Sukhdev Singh Guram; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 15822. A bill for the relief of Miss Aldegunda Togonon Juaman; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

IN MEMORIAM TO A GREAT AMERICAN AND DISTINGUISHED STATESMAN, THE HONORABLE GORDON CANFIELD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ROE. Mr. Speaker, I am deeply saddened and grieved by the death of a very dear personal friend, our most distinguished statesman and former Congressman from my congressional district of New Jersey, the Honorable Gordon Canfield. Only 2 days before his being called to his eternal reward I had the great honor and privilege to enjoy, as always, a most refreshing and stimulating discussion with Gordon when we both shared the dais at the annual Zonta Club luncheon.

Mr. Speaker, I wish to join with our colleagues here in the Congress in loving memory of a great American. My sincerest condolences are extended to his wife, the former Dorothy E. Greenwell of Washington, D.C.; two sons, Carl, Paterson teacher and member of the Paterson Park Commission, and Army Maj. Allan Canfield of Annandale, Va.; a brother Charles H. of Nashua, N.H.; two sisters, Mrs. W. P. (Ruth) Tolley of Syracuse, N.Y.; and Mrs. William (Floris) Billings of Cleveland Heights, Ohio, and five granddaughters.

The richness of his wisdom, the quality of his leadership and his exemplary record of achievements during three decades as a prestigious guardian of our Nation's Constitution and our people here in the House of Representatives are lastingly etched in the annals of the historic journal of the Congress of the United States. Few people in this area have been so well-loved by the people. Gordon Canfield was one of those rare personalities whose presence was felt when he entered a room. He has always been an inspiration to me.

Mr. Canfield was born in Salamanca, N.Y., son of the late Carl A. and Florence Canfield. After graduating from high school he enlisted in the Signal Corps and served with the Regular Army in World War I. He was a distinguished newspaper correspondent in Passaic, N.J., and New York State. In the early 1920's he was on the news staff of the old Passaic Daily News.

Mr. Canfield first came to our Nation's Capital in 1923 as secretary to the late Congressman Seger of Passaic, N.J., and was elected to succeed him in Congress in 1941. He received his exemplary knowledge of the law at the New Jersey Law School in Newark and George Washington University Law School, Washington, D.C., LLB., 1926. His congressional career was highlighted by his service on the House Appropriations Committee, serving as chairman of the Subcommittee on Treasury-Post Office Appropriations during the period when Republicans controlled the House, and as ranking minority member under the Democrats.

During World War II he served during the congressional recess in 1944 as a seaman on North Atlantic tanker duty, U.S. merchant marine in his quest to learn about war conditions firsthand. In the same spirit, he traveled to the Buchenwald concentration camp in Germany and to the cities of Hiroshima and Nagasaki, Japan, which had been devastated by the atomic bomb, immediately after the war. He also visited the front lines during the Korean conflict.

Mr. Canfield was one of our most distinguished Members of Congress. He was noted for his efforts to help people and he took a personal interest in the needs of his constituents. Over 1,000 people turned out at a 1960 dinner honoring him on his retirement from Congress.

In 1963, in his continuing efforts to be of assistance in responding to the needs of our people and pursue an active role in civic endeavors, he joined the First National Bank of Passaic County as community relations director, a post he held until his passing.

Mr. Speaker, I too, participated with you and many of our colleagues in the testimonial recently held in our Nation's Capitol when he received the highly coveted U.S. Coast Guard Distinguished Public Service Award. As I reflected then, the warmth of his friendship, his impeccable ethics, his compassion for others, his untiring and unselfish efforts for over a half century on behalf of his fellow man were all manifested in his lifetime of distinguished public service to the people of our community, State, and Nation.

We share the sorrow in the heart of his beloved wife, Dorothy, and his good family and pray that they will soon find abiding comfort in the faith that God has given them and in the knowledge that the Honorable Gordon Canfield is now under His eternal care. May he rest in peace.

KENNETH FRY SEEKS A DUAL APPROACH TO URBAN PROBLEMS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. REUSS. Mr. Speaker, Kenneth Fry, Milwaukee's director of city development, examined the scope of urban problems in a talk to the community's financial and industrial leaders June 15 at the Plankinton Hotel. He properly stressed that local, regional, State, and Federal efforts must be coordinated and strengthened for our cities' sake. His remarks follow:

REMARKS BY KENNETH FRY

These are strange times in urban America. The chief of all urban development, George Romney, says urban renewal is a failure. He has also said public housing is a mess—also that there can be no solution to the so-called urban problem without dealing with what he calls the "real city", by which he means the natural economic area, usually a region.

Romney is saying it will cost about $3

trillion to renew cities and many who have soberly looked at urban strains have come up with about the same figure. Romney has also averred that the urban problem cannot be licked until there is a significant dispersal of low income housing into suburbia, although neither the administration nor suburbia has shown much appetite for this.

This overview of the urban situation is not unique and probably represents orthodoxy in modern urban thought. It is hard at times to tell whether this is the voice of reason or the counsel of despair because this perception can be used for different purposes. It is hardly a call to action, however.

So here we are in Milwaukee on June 15th, 1972, meeting with the financial leaders of our community and asking for help for the central city of Milwaukee in a struggle which many, many skeptics are saying is futile. It may well be that there can be no meaningful response to the urban problem without checking the nation's apartheid tendencies which are not only racial but also class-oriented to a degree that most people do not yet admit. It may well be that we will have to go to regional governments and that we will have to force the melting pot beyond the confines of the central city by legislative fiat—that is if the courts don't beat the elected officials to it.

This is visionary, albeit grim, thinking and, depending on the mechanics, one can't seriously quarrel with either the overarching diagnosis or the prescription. One only worries about what happens until the whole loaf of bread arrives; do we starve in the meantime, or do we fight for every crust we can get?

Your Department of City Development is concerned that those who see the *forest* of the problems we face may be missing the many *trees* still standing in the central city, still robbing each other of sun and growing space, and occasionally toppling in a swath of destruction. Surely, a little trimming and a little watering is in order but some are beginning to call this temporizing. Better, they imply, that we let things go to hell because that will speed the large scale solution needed.

We ask you to reason with us as to what urban development professionals do in this kind of situation because Milwaukee's problems are typical of all central cities, though we are in better shape than most.

In recognizing the forest of problems surrounding urban renewal, subsidized housing, industrial decentralization and fiscal injustice, do we throw up our hands and wait for the millenium? Do we turn our backs on the disadvantaged neighborhoods and disadvantaged groups, as some seem wont to do, in the belief that mounting social pressure will force a grand solution? Do we do that which *can* be done today with the small aids we *can* get in the belief that something is always better than nothing? Do we wait for the whole loaf or do we fight for the half-loaves and quarter-loaves we can get? Can the city help itself at all or is it entirely dependent on outside charity?

Frankly, we think Secretary Romney, an otherwise fine man, an honest man, and fine administrator, is in danger of unintentionally providing respectability to the forces of disinterest. By focusing on the ideal, he is, in fact, legitimatizing benign or malign neglect of our disadvantaged neighborhoods which, incidentally or intentionally, is also a great way to save money and a great way to side-step racial-cultural problems that must be contended with no matter what ultimate form local government takes and no matter what otherwise laudable socio-economic-fiscal strategies are developed.

The telescope is a marvelous instrument but we suspect that the lowly microscope has achieved more human advances for the human race. We must, I think, look not only at the forest but at the separate trees themselves, and we would like to suggest today that there can be, in fact there must be two approaches—telescopic and microscopic—to the urban dilemma. One, the injection of massive federal dollars and dispersal of the poor to the suburban ring. The other, a much smaller scale, but solid program of local renewal, housing and economic development, employing those local resources at hand to make the small federal aids now available go farther.

It seems obvious to us that urban renewal for all its problems and shortcomings cannot be abandoned and that each city must of necessity use the trickle of federal funds it can obtain to the best advantage on the neighborhood level. It also seems obvious to us that we must continue our city housing programs because we doubt whether our suburbs or any suburbs are going to welcome large numbers of the poor all at once at any point in time. In fact, it may come as a surprise to our neighbors that not all poor people envy suburbia's quality of life even though they might love some of the ranch houses in their own run down neighborhoods.

We must continue central city planning, knowing at all times that we face long odds, little encouragement, and more criticism than approbation for anything we do. But if central city officials won't think about the problems of their own disadvantaged neighborhoods on a day to day basis . . . who will? Besides, we might be, even in the midst of the current disorder, providing some answers as to how different kinds of people with different kinds of values can live together amicably—ultimately—answers that are not likely to be found in suburban uniformity and answers which may be vital to the continuation of urban civilization.

We believe that a great deal of the pessimism about the future of central cities is the result of a major shortcoming in most urban thinking, and it is a deficiency in almost all of the federal programs, particularly those of HUD. One reason urban renewal hasn't worked well at the central city level, is not only that these activities have been underfunded but that they have been carried on as one-dimensional programs. We suggest that until HUD and the Congress can view the central city problem as a total development problem, where we begin to look not only at the problems of housing and urban renewal, but bring in industrial development programs, job training programs, cultural programs, health programs, etc. . . . in other words attack the central city problems at least from a planning standpoint in all of its parts rather than just a few on a scattered basis, until then we cannot do all at the local level that can be done but we can do something. This broader planning could be strengthened, of course, by revenue sharing, if Congress adopts it and if local officials use it well.

After much study and observation, probably because Milwaukee had a head start, we have come to conclude that economic development is the missing link in most of these programs. Without a solid economic development foundation, without tax base and job opportunities, without necessary services and life-supporting commerce, renewal and housing are empty programs, creating hollow environments for confused and discouraged people. Because of the overriding importance of economic development, the matter of business location is far more important to the success of not only urban renewal but also public housing than most urban scholars and practitioners have yet recognized, although, interestingly enough, many of the sharper disadvantaged are beginning to see the connection. In other words, while not letting up on housing and renewal programs, we would suggest that all of us in government and all of you in the financial field begin paying a great deal more attention to the realities of business location as applied to the central city and seriously address this question about which there have been scads of broader newspaper articles, studies, etc., of late.

But here again we need a two-track strategy. It is clear because of land shortages, etc., that the central city cannot provide a home for all types of industry these days, and it is also true that industrial decentralization must be accompanied by strong programs to provide low income housing in those suburban and exurban areas where industry has moved. But again, this master plan for the economic development component of a regional approach is a faint line on the horizon. In the meantime, we cannot put all our eggs in the suburban and exurban basket for we must provide jobs *now* for the unemployed of the central city whose needs are greatest. Even if we talk about mass transit to outlying factories and talk about large housing developments that surround outlying factories, the fact is that we cannot achieve a realistic economic strategy to tie transit, jobs and housing together in the short or near term.

So while we wait for federal deliverance, if it ever comes, we must act to renew and retain our urban environment from within. For unless we act on the local and regional levels now, and simultaneously, neither three trillion dollars nor any sum of federal monies will be capable of rebuilding an abandoned urban culture. We must look to *ourselves* as well as others if we can expect any sort of resurrection from urban decline and we must look strongly to the here-to-fore missing link of urban reconstruction—economic development.

Over the next few weeks, in compliance with directives from the Mayor and Common Council, we will be issuing a series of reports on various economic development suggestions, from local use of revenue bonding for industrial purposes to land bank reforms to transportation related to business growth. In all of these, we will be attempting to improve Milwaukee's competitive position but we must recognize that the grim reality confronting us sometimes drives us to practical expediency as opposed to the theoretically ideal.

Because when you get right down to it, much of municipal and suburban economic development is irrational in its very approach. What should be a program to produce jobs and investment has turned into, more often than not, a cut-throat battle for tax base. What a massive waste of resources. Why should the richest country on earth, which is already facing increasing foreign competition, encourage its industrial resources to unilaterally locate without consideration as to what happens to areas where they move or the chaos they leave behind at their old locations? This is particularly true when these unilateral locational decisions are *not* made on the basis of proximity to markets, or availability of labor supply or on other rational economic factors, but increasingly on the irrationalities of tax rate disparities.

At both the state and national levels, industrial tax base has become the cause of vicious and divisive muncipal and state rivalries. It is, to me, distressing that in our four county metropolitan area the economic development contest has become little more than a game of musical chairs. A great deal of money and effort has been expended in shifting the same amount of economic activity from one municipality to another without actually enlarging the region's economic base. Is it any wonder that central cities are floundering when the very job generating activities needed for central city survival are hopscotching from city to suburb and from suburb to rural areas in quest of short term tax benefits?

What relationship has a municipal tax rate to the crucial economic and social needs of a community? If this state's primary economic goal is to create jobs, then why does it allow tax rate disparities to so distort locational decisions that job generating industries frequently are forced to choose a location far from those who need the jobs the most?

Tax rate disparities have been an ugly perpetrator of industrial location distortions and the effect has been to establish a new tax base mosaic that has little regard for the total needs of this region's citizens, including the businessmen themselves. The result is an accentuating of tax rate disparities and the resultant starvation of those high tax communities which require greater revenue to bear the burden of poverty for the rest of the region.

Let me give you an example of what Minnesota has done to remove some tax base distortion from the industrial location decision-making process: The seven counties surrounding Minneapolis and St. Paul have joined together in a tax-base sharing system which seeks to even out the disparities in fiscal resources and commercial-industrial development which characterize their region as they do ours. And let me once again stress the word region not city, not county, but region.

Under the Twin Cities system, each unit of government contributes forty percent of its growth in commercial and industrial property valuation above the level attained in 1971—this valuation is pooled for sharing by all in the region.

Note, if you will, that this is not a system to treat the symptoms of fiscal disparity; it does not dole out money in a band-aid approach to healing this problem. Rather it cuts at the root of fiscal inequities by sharing tax base—not tax take. It shares on the basis of each city's own ability and performance in raising its own revenues, and shares on the basis of the needs of each city government in providing for its people.

The effect of the Minnesota sharing system brings us back to what I was talking about earlier. If employed here, it could help encourage a better distribution of low and moderate income housing throughout the region by permitting such housing to "pay its own way" through the sharing formula. Under the tax-base sharing system, the community which accepts development of this type will receive a larger share from the tax pool—thus removing the fiscal barrier to locating low income housing in suburban communities.

If you recognize it or not, there is much to be said for the distribution of low and moderate income housing in the region—even beyond the matter of eliminating the fiscal inequities caused by imprisoning poor families in one geographic area. Whether you accept it or not, one of the strongest yet least visible barriers to minority employment is the transportation barrier since the poor simply do not have the private transportation to link them up with the jobs in the outlying areas, and public transportation systems to the suburbs are generally nonexistent.

The jobs in our region are not all located in the City of Milwaukee . . . so why does tax base politics dictate that most of the low and moderate income families live in our inner city? The answer is simple . . . tax base politics is greedy and self-centered . . . it opens its arms to industry and executives and turns its back on the poor. "We can't afford minority residents," say the fiscal zoners. Well, tax parity turns that statement into a pale argument indeed. And, in case you weren't looking, if tax parity can knock down the transportation barrier to unemployment, it will also knock down the bottom number on your tax bill . . . because, all of you, whether you live in Waukesha or Fox Point are picking up the tab for that unemployment compensation and collateral social costs.

The justice of tax parity does not stop here. The system can even out the effects of highly concentrated development which has arisen out of fiscal zoning and tax base politics. For one thing, the freeway system and the concept of mammoth shopping centers are working together to create enormous commercial islands on the one hand and ghost towns of neighborhood commercial districts on the other. Under this system of development, the islands get everything—including the dollars of the people whose own commercial districts are being turned into ghost towns. As the tax benefits of these developments are channeled to fewer and fewer communities, the fiscal disparities between all communities become more acute. Under the Minnesota sharing system, however, the benefits of such development are distributed to the entire region—for the benefit of all, because of the need of all . . . not only to the island developments but the regional market that makes the island developments possible.

While the Minnesota plan is an interesting approach, we are not at all sure that this is the best or only answer. Even with its supposed and predicted effect on the distribution of moderate and/or low income housing, we are not sure that better approaches can't be found. We are playing for much higher stakes here than just tax parity and housing distribution. The whole question of regional, state and national development hinges on this one basic issue. If our purpose is to create employment and investment, thereby supporting an environment within which social needs can be met, then we must abolish tax rate disparities regionally, statewide and nationally. There is no other alternative unless you want to wait for that three trillion dollars Mr. Romney says it will take to solve our urban problem.

If cities and regions are ever going to be able to effectively help themselves, they must all play with the same deck. And even more important is the need to understand that national social needs and the ability to pay for them are not the sole responsibility of local municipalities.

If we are talking about social needs, if we are talking about a community's ability to pay for these needs, then I would suggest, as a starting point, that the state consider equalization of all industrial property taxes, collection and placement of the proceeds in a pool, and distribution back to local communities on the basis of taxing effort, taxing ability and need. Perhaps something similar to the tax sharing system now in effect for utilities would be the best starting point for discussion.

With all state industry being taxed equally, then there would be little percentage in a company locating any place other than where natural and rational economic factors dictated that it locate. And once industry begins to base locational decisions on such factors as labor supply, markets, etc., the game of musical chairs will come to a halt; factories will be built where presently unemployed labor is plentiful, and our suicidal waste of economic development resources will come to an end.

In addition to equalizing locational decisions on a statewide level, and distributing taxes statewide on the basis of need, a true parity system can be an example to the national government of how its frequent dilemma of unemployment in some areas and labor scarcity in others might be solved. The United States, as a nation, may no longer be able to afford interstate industrial tax disparities. If it is to effectively compete on an international level, it must permit its industrial resources to determine location on the basis of national economic needs, not distorted tax and financial considerations. In future years, we will not be losing industries to neighboring suburbs, or neighboring states, but to other countries unless our nation's industries are allowed full use of rational economic decisionmaking. And once our industries have left, urban centers as we know them will cease to exist.

More and more, taxes are becoming the prime locational factor. This is not only unhealthy, but irrational and ultimately destructive. We are not against the free movement of industry. On the contrary, a realistic uniform level of industrial taxation on a national basis would free industry of its short-term tax rate fetters and allow it to move where the more rational, free enterprise factors of supply and demand dictate.

Parity is a critical tool in meeting the urban problem. If we adopt it, we can do many things at the local level to make comprehensive housing, renewal and planning work. The central cities are alive and they need only the chance to play by the same rules as everyone else. Federal deliverance may be a long way off. In the belief that the Lord helps him who helps himself, let us do today what can be done even while pointing out what should be done.

WHAT POLICE REALLY THINK ABOUT GUN CONTROLS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. SIKES. Mr. Speaker, Guns and Ammo for July 1972 carries a very interesting article entitled "What Police Really Think About Gun Controls." The editor of Guns and Ammo went directly to the police for firsthand information on their feelings about gun control. He found that they have been grossly misquoted. The article is one which should receive the consideration of the Members of Congress. I submit it for reprinting in the RECORD:

WHAT POLICE REALLY THINK ABOUT GUN CONTROL

(By C. E. Clayton)

In mid-1969, few questioned Senator Joe Tydings' (D-Md.) claim that "Leading law enforcement officials constantly stress the need for more effective firearms controls." But today, when gun control results were supposed to have been reflected in crime statistics, they've been most conspicuous by their absence. Three years of useless paperwork, wasted police time and public funds and harassment of law-abiding citizens have written a far different story than that being told by the AT&FD or its Congressional apologists.

In 1970, crime rates finally dipped, at least in some cities. To discover the *real* reasons behind such reversals, I contacted police officials in many of the successful cities. Numerous programs that helped bring concrete results in the war against crime were cited but *gun control was not a factor!* In fact, gun control *failures* are finally exposing the fallacies that they would prevent, reduce or solve crimes or that "most" police favored such legislation. "The Federal Firearms Control Law (FGCA-68) does not curb crime," says Savannah, Ga., Police Chief Leo B. Ryan. "This gives you control over law-abiding citizens who comply with said law. However, the criminal has his method of obtaining firearms which evades Federal and local controls." Such sentiment has also surfaced in such centers of "strong gun control" as Washington, D.C., and Massachusetts.

Jerry Wilson, Washington, D.C.'s successful Chief of Police, does not seem impressed with gun controls. "Personally," he says, "I've never seen registration of guns as an effective law enforcement device in terms of the type of crime that everyone is concerned about . . ." Wilson is concerned, however, about ". . . the fact that many persons that are arrested for carrying illegal guns can get probation and really don't serve time for gun violations. . . ." Lieutenant Patrick Burke, Wilson's homicide chief, notes that "with few exceptions none of the guns (used in murders in 1970) were registered." But Captain William Humphrey put it plainly: "Criminals don't register guns. If a man gets out of jail in the morning he can have a gun by evening," adding that they "can buy or rent guns in the underworld. You pay so much a day or promise to share the loot."

Lieutenant William Bannister, replying for the Flint, Michigan, Police Chief, could not attribute their seven percent crime drop to any gun control laws of recent origin. In his opinion, much of their crime reduction was due to "a program of saturation patrols of a high crime rate area. . . ."

Dana L. Hummer, Topeka, Kansas, Police Chief commented, "Personally, I do not feel that we can attribute any of the success to gun control measures in our city or state. . . ." Positive anti-crime programs cited by Chief Hummer were increased patrolling, routine car stops and reports, computer use, public cooperation and their public relations-police-community relations program.

Cedar Rapids, Iowa, experienced a 13 percent crime decline in 1970, apparently not attributable to any gun control laws. Baltimore's crime rate decreased 1.7 percent for the first nine months of 1970 over the same period in 1969. "I am unable to obtain any significant information on the relationship of firearms to crime rate," stated Ralph Murdy.

Oakland's Police Chief C. R. Gain, who has supported strong Federal gun controls, pointed out that ". . . our 1970 crime statistics do not reflect any clear-cut trend in offenses related to firearms . . . Accordingly, it would be unwise to ascribe the two percent decline in all F.B.I. Index Crimes to gun control laws."

Albuquerque, New Mexico's Acting Chief of Police John P. Duffey put it more clearly, "I do not attribute any decrease in crime during 1970 to any gun control laws whatsoever. The greatest factors that we attribute to any reduction in crime are the interrelated educational equipment and training that members of this department were given during the 1970 period."

"I cannot attribute our 12 percent decrease in crime to any gun control measures, either city, state or federal," stated Reading, Pennsylvania Police Chief Bernard J. Dobinsky. The real factor, according to Chief Dobinsky was reorganization in 1968 that allowed more efficient use of manpower, a fourth shift during peak crime hours, intensified police community relations programs, and better education and training for police.

According to St. Louis Police Chief Col. Eugene J. Camp: ". . . the decrease in crimes against property caused (our) overall decrease and is not related to gun laws of any jurisdiction or kind." Harry Kenyon, Captain and Public Relations Officer for the New Bedford, Mass. Department of Police attributed their crime rate decline to several emergency measures in the wake of disturbances and unrest. Said Captain Kenyon, "Several nights of curfew made it practically impossible for thieves to be abroad. Also, car theft dropped to practically zero as every car on the road after 9:00 p.m. was stopped and checked by the police. . . . We cannot attribute any crime rate decline to the recent gun control measures," he added. In Duluth, Minnesota, Chief Milo S. Tasky concurs, "We cannot attribute the decrease (in crime) in 1970 from 1969 to any gun control laws."

Los Angeles Police Chief Ed Davis has also made some pointed comments on gun control results: "I think (if) you had gun control on handguns, you'd have all the good guys turning in their guns and all the bad guys would keep their guns, and things would be twice as bad. . . ." He added that gun control would have nothing to do with reducing killings but would only distinguish the good people in society. A very similar proposition has already cropped up in Massachusetts.

After Massachusetts' ID card law was passed in 1968 one police chief in a Boston suburb noted that, "About the only change I've seen is that a lot of nervous people in town with weapons like muskets handed down from their families have come running into the station asking if they need firearms identity cards. I honestly don't see how the law helps, because only legitimate people are going to ask for licenses to carry an identity card."

H. R. Morton, Chief of Fresno, California's police, acknowledges that "There is no reason to indicate that the (1.7 percent) decline could be attributed to any recent gun control laws. . . ." He did cite such positive factors as "an aggressive community relations program, a school resource program, a public relations program, selective enforcement program, and in-service training.

Edmund I. Hockaday, Superintendent of the Missouri Highway Patrol also points out, "At this time we can see no indication of any significant change in crime rates because of gun control laws." Computerization, establishment of a better communications system, an enlarged narcotics unit, and others were cited as positive programs.

Dallas, Texas' phenomenal 75 percent yearly crime increase was hauled down to 18.7 percent in 1970 by a combination of prevention programs, but Police Chief Frank Dyson singled out their "Operation: Get Involved," a neighborhood crime prevention program. Gun control didn't rate a mention.

W. R. Cauthen, Chief of Columbia, South Carolina's police department, credits an increase in personnel and better qualified personnel, complete saturation, selective enforcement and public support with their crime drop. There was no mention of gun control.

Norfolk, Virginia Police Chief C. J. Staylor, who has also supported Federal gun control bills, claimed that it would be "difficult to state at this time what effect the gun laws have had on the incidence of certain crimes such as robbery, murder and aggravated assault." Louisville's Police Department also sees it as being ". . . too early to show any effect (of gun control statutes) on our crime picture." Similarly, Major T. L. Schempp, writing for Miami Beach Police Chief Rocky Pomerance concurred, "No comment is possible at this time with regard to various gun control laws having had significant impact on crime rates . . . statistics which would support meaningful comment are lacking."

Meanwhile the anti-gun fallacy is embellished by Rep. John Murphy (D., N.Y.) who claims that "gun legislation does reduce crime and contribute to its prevention." His "proof?" AT&FD figures showing, in Murphy's words, "a remarkable 409-percent increase in arrests and a 234-percent increase in cases made (under the FGCA-68)." Says Murphy, "I think this is an exceptional record." On the surface it *might* seem so, even if such cases as Kenyon Ballew's were overlooked. But calling the increase in arrests and cases "progress" is a flat misrepresentation. What they would rather the general public didn't know, is that virtually all of the new cases could have been made under the federal, state or local laws existing *before the infamous FGCA-68 was enacted*. Had the AT&FD done its job prior to 1968 they never would have seen either the 409 or 234 percent increases.

One of the "prominent new cases" now cited involved an alleged convicted felon whom the U.S. Secret Service regarded as a Presidential Security Risk. But that arrest and seizure admittedly resulted from the cooperation of a licensed New Jersey firearms dealer. New Jersey's gun law of course, prohibits persons convicted of any crime from purchasing firearms and the case could have been "made" under it as easy or probably easier than under the FGCA-68. Most other existing local or state laws probably could have sufficed for the other "new" cases too.

Furthermore, the old law used for comparison covered only nine violation possibilities while the FGCA-68 was spread threefold, to include 26. The FGCA-68 also brought a tremendous boost in financing and a doubling of the Federal police force. They've got to show something for all that.

Historically opposing unrealistic gun controls has been the National Police Officer's Association and the National Sheriff's Association as well as numerous state police and sheriff's associations. The National Sheriff's Association adopted a resolution at their 1971 convention opposing legislation restricting the right of law-abiding citizens to acquire and possess firearms and supported legislation to impose a special penalty for the possession of firearms by felons or use of firearms in the commission of a crime.

The International Association of Chiefs of Police, whose executive director is staunchly anti-gun, has turned a cool shoulder toward gun control, in recognition of its failures. The membership was described as being "divided on the subject." Actually, anti-gun advocates are finding themselves among a slimmer minority as other measures prove infinitely more effective in reducing crime.

It seems increasingly obvious that the only police officials who adamantly call for repressive gun controls are politically motivated rather than speaking from practical experience. Overall, police today recognize that anti-gun laws are no help in crime control, and that current gun laws would be more than sufficient if courts and correctional institutions did their jobs.

Indianapolis, Ind. Police Chief Winston Churchill categorically refutes any "need" for gun registration, purchase, possession or use permits, or the limiting of handguns to police. He explains, "If we would use our existing 1935 Firearms Act as it is written, I firmly believe we would no longer feel a necessity for federal legislation. . . ." He also pointed out that persons charged with violations of firearms laws are rarely punished, that his state has adequate laws and that the answer to controlling firearms misuse "will be found in local levels, not in federal legislation."

The real problem, lack of punishment, does not lie with the police and they know it. They can only make arrests for crimes committed with firearms or of convicted felons possessing firearms. Such acts violate existing laws in most states and cities. Police officials almost universally anguish over the frequent dismissal of such charges or their reduction to misdemeanor status, which usually results in only a suspended sentence. Criminals who violate firearms laws rarely even get the rhetorical "wrist-slap."

The late FBI Director J. Edgar Hoover mentioned a too-typical case involving three men charged with the gunpoint robbery of a Washington, D.C., bank on March 5, 1970. That same night two of the alleged robbers were out and arrested again in Baltimore, Maryland, for possession of a large quantity of narcotics. Said Hoover, "Both were promptly identified as participants in the Washington bank robbery and a check of records reflected that one had been previously convicted, along with three other individuals, for the holdup of another Washington bank in April, 1967. He had pleaded guilty and was given a 10-year sentence in February 1968. In December 1968, less than a year later, he was released on parole.

Thus, criminals today are "rewarded" with non-punishment. If current firearms laws were enforced with mandatory and meaningful punishment, our Right To Keep and Bear Arms might not be in jeopardy.

SMALL BUSINESSES SAY FEDERAL REDTAPE IS LEADING TO RED INK

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mrs. GRASSO. Mr. Speaker, the incredible burdens of small business people have reached new proportions as Federal red tape strangles and stultifies individual endeavor and initiative. The yeoman efforts of small business people to keep alive the spirit and substance of personal business activities is constantly thwarted by the often unnecessary and unbearable requirements of the agencies of Federal Government. For the interest of my colleagues, an article which appeared in the Wall Street Journal summarizes the dilemma:

SMALL BUSINESSES SAY FEDERAL REDTAPE IS LEADING TO RED INK

(By Ronald G. Shafer)

WASHINGTON.—If you run a business, it may seem that the government wants to know about almost every little thing you do. And, in fact, it does.

The Internal Revenue Service demands to know what your employes earn. The Commerce Department wants to know how many orders you received last month. The Labor Department wants to know if you have "one or more nurses." And one agency survey of landlords asked about such things as "house rent" and "back house rent." (To which one landlord replied, "I ain't got no backhouse. I got an inside toilet.")

Altogether, there are billions of questions on the several hundred million federal forms that businessmen have to fill out each year. Now, responding to the cries of anguish, a subcommittee of the Senate Small Business Committee is asking questions, too. The Government Regulations subcommittee wants to know more about what its chairman, Sen. Thomas McIntyre (D., N.H.), calls "federal form pollution."

Subcommittee members already have received an earful. During recent hearings in Chicago and New England, owners of small businesses complained that costly, time-consuming red tape is discouraging expansion and threatening to drive some of them out of business. Government officials told their side at hearings scheduled here yesterday.

Relying on his best bureaucratic lingo, IRS Commissioner Johnnie Walters expressed sympathy, but he told the subcommittee: "Our quest for simplicity must be conducted within statutory perimeters, and the forms issued must achieve the tax results prescribed by the law and regulations." (Translation: "We're sorry, but there's nothing we can do.")

Nobody knows the exact extent and expense of federal forms. The subcommittee estimates that it costs Uncle Sam about $18 billion a year to "print, shuffle and store" forms to business and that it costs businessmen another $18 billion to get the forms filled out. "And for every federal form, there usually is a similar state or local form," says Ernest Evans, the subcommittee's general counsel.

700,000 AND COUNTING

Actually, those cost estimates are "pretty conservative, if you could really nail it down,'' says Harold Keonig, head of the National Archives' office of records and management. Right now, that office has one man working full time to find out how many federal forms exist; so far he's to 700,000 separate types, and still counting.

Not all those forms go to businesses, of course. Excluding those issued by the Internal Revenue Service, the government has about 2,400 business forms currently, which generate 88.5 million responses a year. So says the Office of Management and Budget, which should know since it must approve every non-IRS federal form that goes to 10 or more people.

Those excluded IRS forms, however, represent the bottom of the iceberg. Including Social Security reports, the IRS accounts for 35% of all federal forms, and business responses to the IRS number hundreds of millions. The IRS says it "received almost 360 million information documents (reporting wages, interest and dividends) in 1971—representing paper volume sufficient to fill more than 35 boxcars."

And the federal reporting requirements grow with each new law or regulation. The man-hours needed to fill out such forms in the six months ended Dec. 31 jumped 30% from the previous six-month period, due mainly to the safety-reporting demands of the new Occupational Health and Safety Law, the OMB says.

"NATIONAL BURNING DAY"

All those forms can mean mountains of paperwork for big companies. But men who run small businesses say the burden falls heaviest on them. They must either hire outside accountants and rent computers to keep up or else take time to do the job themselves. Their frustration was voiced strongly at one recent hearing by Edward Murry, vice president of Fibra Sonics Inc., a small electronics company in Chicago.

Angrily waving multicolored forms, Mr. Murry proclaimed: "You get pink forms, and you get yellow forms, and you get more pink forms, and you get green envelopes, and you get red envelopes, and you get blue paper. . . . It comes like wallpaper, see?"

Mr. Murry charged that bureaucrats play a game he calls "computer-xerography." All the bureaucrats need to play, he says, are "a computer and a copying machine," and the rules go like this: First the bureaucrat mails out thousands of "mandatory forms" asking everything he can think of. "When it all comes back he feeds it into his computer, he crosses his fingers, closes his eyes and punches the 'Go for Broke Button.' The hogwash that will come out is incredible, expensive and quite useless, even though very, very impressive."

Mr. Murry's solution? "What I believe we need," he concluded, "is a National Burning Day, a day in which every regulation, every piece of new required paper and every computer data tape is thrown onto massive piles and burned, while the citizens dance joyfully around the fires."

ARE THEY IN ENGLISH?

Most red tape reformers aren't ready to go quite that far. Paperwork should be pared, says Sen. McIntyre, but "some forms are needed" both by government and industry—for example, to keep up on economic indicators like retail sales. But, the Senator continues, "innocently, we in Congress are perpetuating this thing" by passing laws that create paperwork. Sen. McIntyre plans to propose that bill writers be required to determine the reporting requirements of a law before submitting their proposals to Congress for a vote.

Meanwhile, the subcommitee plans to zero in on those forms that raise the most hackles. These are the IRS forms, the quarterly Social Security report, form 941A (which requires an employer to list his employes), the various census-of-business reports and, lately, the safety record keeping that goes with new occupational-safety regulations. Wage and price controls also have added to the paperwork, but in May the Cost of Living Council, specifically citing the burden of red tape, exempted five million small businesses from price controls.

In addition to time and cost complaints, businessmen also grouse about government gobbledygook. "Knowledge of the English language is no assistance in deciphering the meaning of some of the bureaucratic language that we must interpret," complains William Mashaw, managing director of the National Retail Hardware Association.

He cites a definition contained in occupational safety regulations, to wit: "'Exit' is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subpart to provide a protected way of travel to the exit discharge."

THE OVERLAP PROBLEM

Another major irritation is overlap. Critics note that companies must provide the same basic pay data quarterly on a white IRS form, a yellow form that goes to the Social Security Administration and a green one for the Labor Department. "We think some of these forms could be consolidated," says the Senate subcomittee's Mr. Evans.

Under the 1942 Federal Reports Act, the job of controlling federal forms falls to what is now the Office of Management and Budget, which gets help from an advisory committee of businessmen. OMB officials say they're caught in the middle between critics who say they aren't tough enough and public-interest groups that charge that the business advisers block needed surveys on such issues as industry's water pollution.

But despite the agency's effort, the red tape burden on business has worsened, concedes Julius Shiskin, the OMB's chief statistician. "If Congress passes a law requiring reporting, what can we do? We've got our finger in the dike," he says. Other forms are needed, he adds, "because people want something from the government." OMB officials claim gains from some paperwork-paring efforts, such as a slash of 65,000 man-hours per year in reporting requirements by private ship operators to the Federal Maritime Administration.

Though it probably will come too late for consideration this year, Sen. McIntyre plans to propose legislation to bring the IRS under the Federal Reporting Act and perhaps to transfer the OMB's form-controlling duties to another agency. He also plans to propose that small businessmen be provided government aid in filling out forms.

Business spokesmen are a bit skeptical of the various form-fighting efforts but appreciative of any attention to the problem. "I'd have to confess a certain feel that there isn't going to be any sudden drop in paperwork requirements," says Carl Madden, chief economist for the U.S. Chamber of Commerce. But, he adds, "I'm sure the Chamber of Commerce is 110% behind Sen. McIntyre's efforts."

SALUTE TO EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. HAWKINS. Mr. Speaker, I am pleased to have the opportunity to congratulate and commend the National Education Association for its Salute to

Education, and to honor the thousands of teachers across the Nation who are dedicated and devoted to helping children learn.

We all know that education, as the fulcrum of American society, has an effect on almost every aspect of its life, including employment, housing, health, and the total spectrum of civil rights.

We know that in order to partake and participate successfully as adults in America, youngsters must become able to read, write, and compute effectively.

America's institutions of learning have been struggling with the problems of educating all our children with, I think, a sincerity and purposefulness to be admired. However, we must at all times remember those children whom the educational system seems often to fail—the poor and the minority students. Let us face it; there are conditions in many of our schools that must be changed in order to allow the students most in need of skills to obtain them.

The argument that the real goal is quality education contains much truth if quality education is properly defined to include equality of educational opportunity within the legal context of constitutional requirements. Some, however, would use the phrase "quality education" to mean "separate and unequal" education. Separate schools are a denial of the essential worth of human beings and a disrespect in our democracy for the concept of "one Nation, indivisible." Education is more than academic performance or what is revealed in a standardized test. There are many other attributes derived from social interaction and open competitiveness.

Thus, while I heartily salute America's teachers, I also remind them to continue "fighting the good fight" for quality and equality in education for all children.

OREGON BAR OK'S PRELAW PROGRAM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. DELLENBACK. Mr. Speaker, the monthly report from Jobs for Veterans announced a new program in Oregon to provide veterans with on-the-job training as legal assistants. With the unemployment rate for Vietnam era veterans well above the national average, we need to be actively looking for further opportunities such as this to involve the public and private sector in utilizing the talents and skills of our returning veterans. Oregon's program is based on a pilot project in San Francisco, but to my knowledge Oregon is the first State to try this on a statewide basis. In the event that other States may be interested in setting up similar programs, I am including the JFV article describing Oregon's program. It follows:

OREGON BAR OK'S PRELAW PROGRAM

Careers as legal assistants are being offered to veterans under an agreement between the Veterans Administration and the Oregon Bar Association. Fifty to 75 of the state's ex-servicemen are expected to participate in the two-year, on-the-job training program which was approved last October.

There has been no rush of applicants for the program, though firms and veterans have been signing up at a steady rate. Ralph H. Preston, VA job outreach representative in Portland, explained that the requirements for the training slots are stiff and the starting pay lower than most men demand. Applicants must be over 21 years old and obtain the equivalent of one year's college credits in legal and law related courses, though law firms may waive certain requirements if it will not effect the assistant's professional development.

Legal assistant trainees, receive a starting salary of $400 per month plus monthly VA educational benefits of at least $108. Every six months the assistant's salary increases, as does his value to the law firm, until at the end of two years the firm is paying his total salary of $650 per month. From that point, the man's professionalism will determine how high he will climb.

Oregon's program for training veterans for a legal career is based upon a pilot program conducted in San Francisco in 1970, following the American Bar Association's decision to allow the use of legal assistants. The assistants work directly under lawyers, doing basic legal tasks, and handling administrative details.

GEN. WILLIAM C. WESTMORELAND

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. TEAGUE of Texas. Mr. Speaker, it is with regret that I learned of the retirement of Gen. William C. Westmoreland. In the many years I have served in the Congress, I have probably gotten to know General Westmoreland better than any other Chief of Staff the Army has had. I do not believe any Chief of Staff has served in that capacity during a period of time which has seen more changes and transitions within our Army and entire defense establishment.

Under leave to extend my remarks in the RECORD, I wish to insert a paper outlining the accomplishments of the Department of Army under the leadership of General Westmoreland over the past 4 years.

The article follows:

Over the last four years our perceptions of the international environment, our attitudes and understanding of national defenses, and our national goals and priorities have all undergone significant change. The Army as an integral part and extension of our society has not escaped this phenomenon.

President Nixon's Doctrine, the Vietnamization Program, withdrawal of U.S. troops from Vietnam, and the reduction in the size of the Army were major events which have had a severe impact on the Army. Therefore, this is probably an excellent time to "take stock" of the United States Army and to enumerate its major accomplishments in the face of this wave of change.

Recent major changes and accomplishments within the Army have been woven into a fabric of transition. Transition from a Vietnam orientation to a more global and complete outlook. Army War College studies in the late Sixties highlighted the "Vietnam straitjacket" and provided the basis for substantive programs to enhance and upgrade the leadership and professionalism in the Army. These programs began with a series of letters by the Chief of Staff to officers and noncommissioned officers and culminated with a complete reorientation of the officer career programs. Accompanying actions included:

1. Professionalism seminars and study groups.

2. A noncommissioned officer corps educational program which provides continued education at all levels for the NCO's.

3. A return to soldiering and elimination of nonproductive practices.

4. An emphasis on dynamic and challenging training and the establishment of a Combat Arms Training Board to monitor this activity.

5. An emphasis on self-discipline, pride and motivation for every soldier.

6. A comprehensive review of the Uniform Code Military Justice to insure that it meets the modern Army's needs.

7. Expanded and improved use of the Women's Army Corps and the appointment of a brigadier general as its Chief.

We see reflected in the Army something of the disruption—indeed the turmoil—of America today. Racial outbursts, soldiers addicted to alcohol and drugs, and assaults with deadly weapons occur in today's Army. Recognizing these problems early, the Army has made major moves to improve race relations by establishing better communication and understanding between racial groups and eliminating practices which lead to friction. A course in race relations has been made a part of the curriculum of all of our service schools. A program has been implemented to create racial balance within each career field. To combat discriminatory practices in the off-post community, the Army policy is that a facility is either open to all soldiers or none. Efforts are being made to attract a larger number of qualified black junior officers.

Significant advances in the Army's newly established Alcohol and Drug Abuse Prevention and Control Program have been made. They include:

1. Extending the capability to test, not only for opiate use in Vietnam, but for amphetamine and barbiturates as well.

2. Testing soldiers at various junctures during their active duty careers.

3. Establishing a voluntary treatment program designed to encourage drug abusers to seek treatment from their drug problems under the provision of an exemption policy.

4. Enlarging the treatment of drug problems in coordination with the Veterans Administration.

The Army has initiated numerous programs to support the President's goal of achieving a volunteer Army/Zero Draft environment by 1 July 1973. These programs are designed to establish a highly professional, competent fighting force which attracts motivated, qualified volunteers. The key to attainment of the volunteer Army is making the Army sufficiently challenging and attractive to obtain and retain the high quality personnel needed to meet the Army's requirements without a draft. Listed below are a number of actions taken to achieve a volunteer force:

1. Programs to Improve Professionalism. Although several actions were mentioned earlier, they also are vital to our MVA Program and deserve review.

a. Soldiers are being returned to soldiering. Increased use of civilians in administrative support tasks so as to free the soldier to learn and perform his primary job.

b. More exciting/meaningful training. Decentralization of training authority, adventure training, new techniques of basic and advanced individual training and the Combat Arms Training Board.

c. Educational Development. Improvement in the quality and variety of personal and educational development programs.

d. Leadership. Stabilization of commanders, worldwide leadership teams, and the NCO education system.

e. Qualitative Management Program. Designed to insure that the Army retains only the best quality in its NCO career force.

f. Reenlistments.

Quality established as paramount consideration.

Campaign underway to get maximum number of quality reenlistments by:

Increasing commanders' participation in reenlistment program.

Improving the effectiveness of organization and installation career counselors.

Intensifying reenlistment advertising and publicity.

2. Programs designed to reduce dissatisfaction with Army life.

a. Modernization and improvement of troop barracks.

b. Additional and better family and bachelor housing.

d. Working hours have been made more standard.

d. Post Services. Broad range of measures, from single point in and out processing facilities to more convenient commissary and post exchange hours.

e. Better food and improvement of mess facilities and service e.g., short-order lines, modified hours of operation.

f. Major increases in pay (68 percent in Nov. 71 for enlisted personnel with less than two years service) are key to overcoming the legacy of past pay inadequacies.

3. Actions taken to increase enlistments.

a. Build-up of recruiter force since late FY 71.

Recruiters increased from 3,000 to 6,100.

Recruiting stations increased from 982 to 1,628.

Recruiting main stations increased from 40 to 64.

b. Attractive enlistment options. A total of 35 options are now available, including 14 new options that have been added since January 1971.

Combat Arms/Unit/Area of Choice enlistment options.

Special Unit Enlistment Option.

Training and travel Option.

Schooling.

c. Selection Center Experiment.

Began 28 Feb. 72 at Ft. Jackson.

Prospective enlistees spend 3 days at the center to see what the Army bas to offer. Qualified personnel desiring to enlist do so after the 3-day orientation.

During the first 10 weeks of operation, 81 percent of those qualified enlisted (726 personnel).

d. Expanded Army Advertising.

e. Enlistment Bonuses.

Although somewhat restricted by a limited budget, modernization of equipment has continued forward. Progress has been good on the advanced attack helicopter and within the next few months an evaluation of 3 industry-sponsored aircraft will be completed. A new utility tactical transport aircraft system and a new heavy lift helicopter are being developed.

Both our CONUS and field Army air defense systems will receive improved weapons in the future. Emphasis is being placed on more effective antitank weapons systems. Troops are now receiving the TOW antitank missile which has proven extremely effective against armor in Vietnam.

New command and control systems are being developed capitalizing on modern technology, particularly in the area of data processing and communications. Improved procedures have been developed to streamline our weapons acquisition and program management procedures through decentralization and use of improved management techniques. The following six basic policies, together with certain related procedural steps, represent the framework of a realistic systems acquisition program for the Department of the Army:

1. Shortened Requirements Generation Time.
2. High Level Decision-making.
3. Shortened Development Time.
4. Funding Priorities.
5. Cost versus Quantity.
6. Program Cost Control.

Future organization and doctrine have not been ignored over the last four years. The Modern Army Selected System Test, Evaluation and Revew (MASSTER) activity established at Ft. Hood is conducting tests on a new divisional concept. The new division envisions combining the capabilities of an armored brigade, an airmobile brigade and an air cavalry combat brigade—in brief, a tricapability division of TRICAP for short.

A program of organizational improvement is being developed which will, in all probability, result in a major reorganization of Army elements stationed in the Continental United States. When accomplished this program will improve the capability of the Army to maintain active and Reserve forces readiness, increase the effectiveness of schools and training, and to improve methods of developing equipment and forces.

Over the last 12 months, the Army has been attempting to take advantage of existing behavioral science knowledge in order to enhance individual motivation and unit effectiveness.

The overall program is designed to develop an awareness Armywide of the value of applied behavioral science knowledge that is appropriate for Army use; and determine by carefully conducted field tests, the applicability to the Army of leadership and management techniques suggested by research and/or use in civilian organizations. The field tests will focus initially on job enrichment, assessment centers, management by objectives, and motivational measurement.

Management improvements have been made in post operations. Computerization of personnel, supply and financial management has been accomplished which will improve the management capabilities at the installation level. At the tactical unit level a program has been established to help unit leaders to do their job easier and better through better management. Called Management Practices in TOE units, its purpose is to improve the quality of work, make optimum use of resources, and bring high job satisfaction for the soldier and his supervisor.

Going hand in hand with the above accomplishments is the continuing role played by the Army within the framework of our national interests, objectives, policies and strategies. The broad purposes under the Nixon Doctrine of this military power are to:

Deter war at all levels;

Strengthen U.S. national position in negotiations;

Support collective security arrangements which are mutual ventures characterized by true partnership; and

Wage war if deterrence fails.

The United States Army performs a major role in each of these purposes. Throughout history, nations have sought organizations and weapons systems which would minimize the economic and social costs associated with maintaining and employing land forces. To date, none have succeeded. Ground forces, personified in the U.S. Army, have been and will continue to remain the decisive nucleus of the military establishment among all nations.

BATTLE OF KOSOVO—JUNE 28

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ANNUNZIO. Mr. Speaker, today is the anniversary of the Battle of Kosovo; a day set aside by the Serbian people in solemn commemoration of their countrymen who struggled unsuccessfully and died for the preservation of their nation and their religion. Fought on June 15, 1389, and commemorated on June 28 under the Gregorian calendar, the Battle of Kosovo marked the fall of the Empire of Serbia, one of the first Christian nations to be brought under the influence of Moslem Turkey in its centuries-long expansion into Europe.

The Battle of Kosovo marks the beginning of a successful 500-year struggle of the Serbian national spirit to remain alive and vibrant despite the position of Serbia as a battleground for the Turkish, Austrian, and later, the Russian Empires. It was in this battle that the Tsar of Serbia, Lazar, and the flower of the Serb aristocracy lost their lives. The Sultan of Turkey was killed by the Serb knight Milosh Obilich. These events are memorialized to this day in Serbian national song and legend.

In the centuries that followed Serbia periodically attempted to ameliorate the conditions of oppressive foreign rule. As late as 1804 many of the foremost leaders of the country were massacred. It was not until 1878 that Serbia once again became an independent monarchy.

Since 1918 Serbia has been the major part of Yugoslavia, which includes the Croats, Slovenes, and other groups. The capital of Serbia, Belgrade, is also the national capital of Yugoslavia. When the Communists came to power in 1945, the observance of the anniversary of the Battle of Kosovo was officially abolished. Nevertheless, this historic date remains alive in the hearts of Serbs everywhere.

Mr. Speaker, as is often the case in the affairs of peoples and nations, tragedy, even monumental tragedy such as the Battle of Kosovo, serves to strengthen the courage and resolve of a people dedicated to the preservation of their culture, their sense of community, and their national aspirations.

I had the pleasure a few weeks ago, on May 21, to witness first-hand this Serbian dedication to community and to culture when I attended an afternoon dinner-dance given by the Serbian-American community of Chicago in order to raise funds for a new Serbian Orthodox Cathedral. On this particular occasion, more than 800 members of the Serbian-American community of Chicago had gathered together to participate in a dinner-dance which was a tremendous success. The outpouring of enthusiasm, patriotism, and unwavering support for the ideals of freedom and self-determination was heartwarming. I know that with this kind of wholehearted support from the members of the community, the Serbian-Americans in Chicago and all over America will continue to make a tremendous contribution to the well-being of our Nation and will be successful in their endeavor to build a new Serbian Cathedral in Chicago.

Mr. Speaker, it is entirely fitting and appropriate that we take note of this historic anniversary commemorated by the Serbian people. The people of Serbia and their relatives in our country are waging a heroic struggle for the full realization of the ideals embodied in the Spirit of Kosovo. They deserve the full sympathy and support of all freedom-loving Americans.

UNION CARBIDE CORP. SPONSORS STUDENT FOR WASHINGTON WORKSHOPS CONGRESSIONAL SEMINAR

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. SLACK. Mr. Speaker, this week brings to Washington another group of dedicated and involved teenage Americans enrolled in the Washington workshops congressional seminar. This fine program has been offered since 1967 and annually presents to many hundreds of our young people a close and practical study approach to American National Government.

As many of my colleagues already know, the Washington workshops seminars are offered in cooperation with Mount Vernon College, in Northwest Washington, where the young participants live during their 1-week study tour of Congress and the other highlights of our Nation's Capital.

In the seminar session convened this week, I am especially happy to welcome one of my constituents, Linda Hivick of Charleston, W. Va. Linda is a student at Charleston High School, where she has just completed her junior year.

I am especially happy to note that Linda's participation in the Washington workshops has been made possible by a very generous and public-spirited scholarship grant from the Union Carbide Corp. in Linda's hometown of Charleston. Each year this citizenship-minded corporation makes a number of these fine awards available to young people in many of their plant communities across the Nation. The results of this unique corporate program have been truly outstanding, with parents, students and teachers alike citing the Union Carbide Corp. and the Washington Workshops Foundation for their splendid contribution to the education of America's youth.

I congratulate Linda for being named as the 1972 Union Carbide Scholar from Charleston, W. Va., and for her participation this week in Washington in the fifth annual series of the Washington workshops congressional seminar.

SENATE—*Friday, June 30, 1972*

(Legislative day of Wednesday, June 28, 1972)

The Senate met at 8:15 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Reverend Everett A. Hewlett, pastor, Austin United Presbyterian Church, Chicago, Ill., offered the following prayer:

In this moment of quiet reverence we turn our thoughts toward the Divine Spirit in whose presence are joys forevermore. We lift our prayer to our God with whom we begin all good work; with whose blessings we persevere in every worthy endeavor; by His goodness we are brought to this session of the Senate.

We give thanks to Almighty God for the creative energies, the inspired dreams, the effective labors of these legislators, who serve our Nation. Give to them Your word of commendation for faithfulness to duty and encourage them in all that they would do to serve the common good. Let not difficulties and divisions dull the brilliance of their dedication to public service.

From these thoughts of praise and thanksgiving to God for the past, we turn with confidence to the future. Give to our President and those entrusted with leadership in America, divine guidance, wisdom uncommon to mortals, physical stamina, and dedication in their search for the truth that sets men free. Keep us ever precious in Your sight, O Lord, and we shall be forever Yours. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 30, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, June 29, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 888 and 890.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE XXVTH CONGRESS OF THE INTERALLIED CONFEDERATION OF RESERVE OFFICERS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 73) relating to the XXVth Congress of the Interallied Confederation of Reserve Officers to be held in Washington, D.C., the week of August 7, 1972, which was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas the Interallied Confederation of Reserve Officers (ICRO), an association of reserve officers from twelve of the nations comprising the North Atlantic Treaty Organization, will hold its XXVth Congress at Washington, District of Columbia, August 7 through August 13, 1972; and

Whereas the Reserve Officers Association of the United States and the Department of Defense will serve as joint hosts to such XXVth Congress; and

Whereas the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of such XXVth Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends to the Interallied Confederation of Reserve Officers a cordial welcome to the United States on the occasion of the XXVth Congress of that organization to be held in Washington, District of Columbia, August 7 through August 13, 1972, and commends the joint effort of the Reserve Officers Association of the United States and the Department of Defense in hosting the XXVth Congress of that organization, and urges all departments and agencies of the Government to cooperate with and assist the Interallied Confederation of Reserve Officers in carrying out its activities and programs during the period referred to above.

REVISION OF THE JUDICIAL CIRCUITS OF THE UNITED STATES

The Senate proceeded to consider the bill (H.R. 7378) to establish a Commission on Revision of the Judicial Circuits of the United States, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That there is hereby established a Commission on Revision of the Federal Court Appellate System, whose function shall be—

(a) to study the present division of the United States into the several judicial circuits;

(b) to study the problems attendant upon prehearing screening of appeals, en banc hearings, intracircuit and intercircuit disparity in interpretation of Federal laws, and other appellate procedures and problems;

(c) to study the present and anticipated caseloads of these circuits, the workloads of the judges, the time required for appellate review, and the alleviation of the problems arising therefrom by redividing the United States into several judicial circuits or by restructuring the appellate court system, or by other feasible court reforms;

(d) to study the problems arising from present and anticipated caseload of the Supreme Court and the possible alleviation of these problems;

(e) to study other areas of court reform related to the problems specified herein; and

(f) to recommend to the President, the Chief Justice of the United States, and the

Congress such alternative changes in the appellate court system of the United States as may be most appropriate for the expeditious and effective disposition of the present and anticipated caseload of Federal appellate courts, consistent with fundamental concepts of fairness and due process.

SEC. 2. (a) The Commission shall be composed of twelve members as follows:

(1) six members appointed by the President of the United States, at least two of whom shall be practicing lawyers, and two of whom shall be professors of law selected from among those professors of law recommended for membership on the Commission by the Executive Committee of the Association of American Law Schools;

(2) two Members of the Senate, one from each of the two major political parties, appointed by the President pro tempore of the Senate;

(3) two Members of the House of Representatives, one from each of the two major political parties, appointed by the Speaker of the House of Representatives;

(4) two judges appointed by the Chief Justice of the United States;

(b) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Nine members of the Commission shall constitute a quorum, but three members may conduct hearings.

SEC. 3. (a) Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not exceeding the maximum amounts authorized under section 456 of title 28, United States Code.

(b) Members of the Commission from private life shall receive $100 per diem for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. (a) The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding that prescribed for level V of the Executive Schedule.

(b) The Executive Director, with approval of the Commission, may appoint and fix the compensation of such additional personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 relating to classification and General Schedule pay rates: *Provided, however*, That such compensation shall not exceed the annual rate of basic pay for GS-18 of the General Schedule under section 5332, title 5, United States Code.

(c) The Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates, section 5332, title 5, United States Code.

(d) The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this Act and each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chairman of the Commission.

SEC. 6. The Commission may make such interim reports as it deems advisable and it shall submit its final report to the President, the Congress, and the Chief Justice within two years after the date on which its ninth member is appointed. The Commission shall cease to exist ninety days after the date of the submission of its final report.

SEC. 7. There are hereby authorized to be appropriated to the Commission such sums, but not more than $370,000, as may be necessary to carry out the purposes of this Act. Authority is hereby granted for appropriated money to remain available until expended.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to create a Commission on Revision of the Federal Court Appellate System of the United States."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the assistant Republican leader seek recognition?

Mr. GRIFFIN. No, Mr. President.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 6479) to provide for the licensing of personnel on certain vessels.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California (Mr. TUNNEY) is recognized for not to exceed 15 minutes.

THE BANK SECRECY ACT

Mr. TUNNEY. Mr. President, on June 7, 1972, I wrote the Secretary of the Treasury and asked some detailed questions about the regulations which have been prescribed to implement a portion of Public Law 91-508, the euphemistically named Bank Secrecy Act. I addressed myself to this subject in a speech before the Senate on June 12, and at that time had the letter incorporated into the RECORD.

Since that time, I have received more letters from anxious Californians. My office has received calls from other Members of Congress asking for information and reporting that they were receiving mail expressing the alarmed concern of their constituents.

We all continue to wonder what is the basis for the sweeping breadth of those Treasury regulations which, among other things, will put all of our checks on microfilm for use in some future governmental investigation. We want to know what safeguards the Treasury Department will offer to protect the banking privacy of Americans. We want to know why our everyday banking transactions and financial affairs are going to be available in a nice tidy package for Government scrutiny and surveillance at some future time.

At the time the act was before the Senate, Assistant Treasury Secretary Eugene Rossides testified in support of the bill before the Senate Subcommittee on Financial Institutions. At that time, he pushed hard to convince the Senate that the Secretary of the Treasury should be given wide discretion to decide what checks should be microfilmed. His reasoning was stated to be—

> Nobody has done even an adequate study of the kind of records which are needed. (Senate hearings, p. 153.)

He continued by saying:

> In our judgment, we feel that the discretionary approach here should require the Secretary to continue this study that we are undergoing at the Treasury, and then issue regulations . . . before we saddle not just the banks—[but] also the public—because the cost involved here is . . . going to be borne by the public and the depositories in the bank. (Senate hearings, p. 153.)

Mr. President, the public is going to pay a big price. And the cost will not just be the considerable expense of setting up microfilming and information retrieval systems which the bank will, no doubt, pass on to their customers. The cost will include more cynicism and distrust, a darker cloud over our collective spirit. This is what happens when people are told that the vigilant eye of Government is just around the corner, ready and able to push the button which will punch out an individual's personal, political, and business life as disclosed through his banking transactions.

The Treasury Department may well have good reasons for these regulations—reasons which might be acceptable to Americans if they were told them. But here it is, over 3 weeks since my letter was sent—with the regulations scheduled to take effect tomorrow, and not a scintilla of explanation from Treasury.

The people have a right to know why the details of their personal lives are going to be available for Government scrutiny, and they have the right to be told this before the regulations take effect.

For these reasons, I sent a telegram to the Department of the Treasury yesterday, requesting a postponement of the effective date of the regulations until 30 days following a response to my questions, so that we all may have reasonable opportunity to study the matter carefully prior to regulation implementation. Such is not too much to expect when our lives are about to become involved in a gigantic data bank apple tree, available for Government picking. I ask unanimous consent that the text of my telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Hon. GEORGE P. SHULTZ,
Secretary, Department of Treasury:

On June 7, I wrote you a letter inquiring into a number of aspects pertaining to the

Bank Secrecy Act regulations. To date, I have received no response. I believe that the people of America are entitled to receive answers to the questions raised prior to implementation.

Accordingly, I respectfully request that the Department postpone implementation for 30 days following the written response to my letter. In this way, whatever explanations you may offer may be evaluated carefully by all concerned Americans. I believe such action by the Department will do much to restore the confidence of our people, a confidence which has been replaced by cynicism and distrust as a result of the regulations which go unexplained.

Respectfully,

JOHN V. TUNNEY,
U.S. Senator.

Mr. TUNNEY. Mr. President, I have also become increasingly concerned with the ease of access by Government departments or agencies to bank records on individuals and organizations without subpena or court order. In particular, I have in mind agencies such as the FBI who engage in political surveillance activities. This is a problem which has existed in the past, but which is significantly exacerbated by the information and records required under the Bank Secrecy Act regulations.

Presently, there is no Federal law prohibiting a bank from handing over bank account information upon request. It is easy to visualize the temptation of a bank to cooperate willingly with the FBI whose duties, among others, involve the investigation of bank fraud cases, an activity which both banks and I would like vigilantly pursued. It seems unfair for banks to be put in a position where they might be tempted to breach the privacy of their customers in order to serve their own interests in maintaining good relations with such Government agencies.

I am in the process of drafting legislation which would effectively deal with this problem. I expect to introduce the legislation shortly after the upcoming recess. Generally, it would prohibit a bank from handing out bank information without the customer's consent or without a subpena or court order. In the event of service of an administrative or "pocket" subpena, it would require the bank to notify its customers of such service prior to compliance, thereby affording the customer an opportunity to seek a court hearing to determine the propriety of such a subpena. If the agency requesting information has undergone a "probable cause" hearing prior to the issuance of a court order, notice to the bank customer would not be mandatory.

The usual and customary Government audit and examination of bank records by such agencies as the Federal Deposit Insurance Corporation would, for the most part, be unaffected by the statute.

Criminal, as well as civil penalties, would be available in the event of violations of the act.

In the coming weeks, I plan to circulate a draft of the bill among members of the banking and legal community in order to achieve a broad spectrum of opinion prior to introduction of the bill in final form.

Mr. President, just as it is important to be vigilant in enforcing our criminal, tax, and regulatory laws, I think it is equally important that our people be assured that they will not be subject to selective surveillance without affording some safeguards to protect their right to live their lives outside the range of improper Government snooping. My proposed legislation will be designed to provide that assurance.

On April 25, 1972, Mr. Aryel Neier, executive director of ACLU, wrote a letter to the presidents of 100 of America's largest banks requesting that the banks voluntarily adopt a policy of confidentiality with respect to the bank records of their customers. The letter asks, first, that no information be made available except in response to a subpena, and, second, that if the subpena is served upon the bank, the bank not divulge the requested information until the customer is given written notice. The 19 responses to the ACLU letter show a lack of conformity of bank practice on these matters, although they all support the motion of confidentiality of their customers' banking affairs. The fact that banks treat these matters differently is all the more reason why my proposed legislation is necessary.

Mr. President, the officers of many banks have informed me of their very deep concern with the Treasury regulations which will take effect July 1. They have not only expressed their belief that the regulations will impose a substantial burden on the banks, but also they are deeply concerned with the confidentiality of their customers' banking transactions.

I think it is to the great credit of the banking community that the banks are making a special effort through their monthly customer newsletters, to inform their customers of the impact of these new regulations upon them.

I have received many, many letters from worried constituents who are aware of these new regulations and who support me in my effort to seek clarification from Treasury and to promote safeguards for their right to privacy.

I believe that as public education on these regulations continues, more and more Americans are going to be deeply troubled by their implications. In our almost cashless society, I cannot imagine any more effective means of laying bare a man's private life than through the photographing of every one of his personal checks and collating that information so that it can be retrieved at any time.

I think that such a state of affairs constitutes a major invasion of the right to privacy.

I sincerely hope that other Members of the Senate and the House of Representatives will bring pressure to bear upon the Treasury Department to suspend implement and to demand to know why it is that such widely reaching regulations were prescribed, when the testimony before the Senate committee did not indicate that this would be the final result.

I ask unanimous consent to have a copy of the ACLU letter as well as the responses incorporated in the RECORD at the conclusion of my remarks. The responses have deleted the identification of the banks.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
New York, N.Y., April 25, 1972.

DEAR BANK PRESIDENT: I am writing to urge that you take action to protect the privacy of persons and institutions maintaining accounts at your bank.

A person writing a check or making a deposit in his bank account ordinarily assumes that these day-to-day transactions are no one's business but his own. The assumption seems reasonable, but it is wrong. Recent events have brought to light the sorry fact that many banks abuse their customers' trust. Acting far beyond the obligations imposed upon them by law, many banks voluntarily allow agents of the government—police, FBI agents, investigators for Congressional committees—to examine at will the records of individual and organizational accounts, without the permission or indeed the knowledge of any of the people involved. In so doing these banks have allowed themselves to play a key role in the government's increasing surveillance of politically active citizens.

Some threads of the surveillance web are by now well-known: the Army dossiers on civilian "activists," police and FBI files on demonstrators, Congressional committee files on "controversial organizations"—all recording the words and deeds of countless peace groups, students, civil rights leaders, black militants, radical Rightists and Leftists, and the promoters—including a number of Congressmen, Senators, and Presidential candidates—of a wide variety of causes from welfare rights and farm workers' unionism to ecology. The place of bank records in this surveillance scheme is obvious. If the government can determine how each of those people in which it is so interested spends his money—to which publications he subscribes, to which politically active persons and organizations he makes donations—it has learned most of what there is to know about his political sympathies and affiliations.

Just as an individual's banking transactions are the mirror of his political life, so too are the bank records of an organization the reflection of its support and activities. Nearly all contributions, membership dues, and payments for orders of literature are made by personal check; payments to printers and suppliers and disbursements in the service of an organization's clients are drawn by check from the organization's accounts. By examining the organization's bank records a government agency discovers the identity of its members, contributors, subscribers to its publications, suppliers, clients, and other organizations with which it has dealings—all raw material for the never-ending dossier spiral.

In the ordinary course of his banking business a person discloses to his bank information pertaining to his personal, political, and business life, information which most people themselves regard as private and believe to be honored by their banks as private. When a bank reveals this information to an outside party, it betrays the trust of its customers and commits a direct assault upon their right of privacy.

The right of privacy has many aspects and many definitions. Perhaps most important is the right of privacy which forbids government inquiry into one's personal beliefs and associations. That the First Amendment guarantees the freedom of belief, speech, and association, and that the Fifth Amendment guarantees the right not to disclose one's beliefs and associations to the state, are principles firmly established in constitutional law and reaffirmed by the Supreme Court many times. Over the last twenty years, for examples, the Court has invalidated a Congressional subpoena of the names of purchasers of literature from a politically conservative organization (*U.S.* v. *Rumely*, 1953); disallowed attempts by local authorities to compel disclosure of NAACP membership lists (*NAACP* v. *Alabama*, 1958, *Bates* v. *Little Rock*, 1960, *Gibson* v. *Florida*, 1963); upheld the right to circulate anonymous political literature (*Talley* v. *California*, 1960); and ruled that the subpoena of a political party's checking account records—issued in connection with alleged election law violations—was unconstitutional because it would reveal the identity of the party's individual contributors and the amounts given by each of them (*Pollard* v. *Roberts*, aff'd *per curiam*, 1968). This last case concerned an organization not commonly regarded as radical or even controversial, the Arkansas Republican Party.

Anonymous political activities is neither sinister nor suspect. It is a respectable, well-honored tradition clearly established as a constitutional right to be enjoyed equally by the Arkansas Republican and the SDS member. Associational privacy is fundamentally a protection against governmental punishment of "wrong" political and religious belief. It also protects those who hold unpopular views from political, economic, and social reprisals by other members of the community.

When associational privacy is violated, or even threatened, the effects upon political organizations are immediate and measurable. In one current case, an organization whose bank records were subpoenaed by the House Internal Security Committee reported a drop of 50% in contributions even though the records demanded by HISC were never produced. Many regular contributors who had specifically requested anonymity, including one annual donor of $10,000, discontinued their support when HISC announced its intent to publicize the organization's membership rolls. It takes very little to scare the ordinary person away from what he, or his neighbor, or his government may consider a controversial cause. Most of us rely upon the shield of privacy.

The obnoxious practice of governmental political surveillance in this country must be brought to an end. ACLU has done and will continue to do what it can, in the courts and legislatures and in the forum of public opinion, to achieve this goal. Among the many surveillance cases in which ACLU has been involved are actions to require the return or destruction of bank records of participants in the November 1969 Moratorium, to bar FBI surveillance of the bank records of a black economic development organization, and to challenge the validity of Congressional committee subpoenas of bank records.

The citizen's ultimate adversary in this effort is, of course, the government itself, not the banks. But the banks *are* deeply involved, and that involvement too must be brought to an end. Hopefully this will be done by the voluntary action of the banks themselves.

ACLU urges that every bank individually, and bankers associated together in their professional organizations, declare publicly to their customers a firm commitment to honor the confidentiality of the information entrusted to them, and specifically, to adopt and implement these policies:

(1) That no member of the bank's staff, at any level, shall be permitted to accede to any request made by a governmental investigator for access to the records or information from the records of any customer—whether an individual or an organization—except in response to a subpoena.

(2) That if a subpoena is presented, the bank shall not divulge the records of information requested until a copy of the subpoena has been sent to the customer by the bank, along with written notice of the bank's intent to comply after a reasonable period of time. By following this procedure the bank will be honoring its legal obligations, while permitting its fiduciary, the customer, to assert his own First and Fifth Amendment rights by challenging in court what may be an unconstitutional subpoena.

I would appreciate receiving your response to this letter.

Sincerely,

ARYEH NEIER,
Executive Director.

MAY 17, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR SIR: Thank you for your letter of April 25, 1972, concerning the status of bank records regarding our customers.

The subject you discussed is one which has long received our careful attention. Our general policy is to protect our customers' privacy to the extent such protection is consistent with our legal responsibilities. In the development and implementation of this policy, we have been guided by legal counsel.

For reasons of attorney-client privilege, and the same privacy considerations mentioned in your letter, we will not here specify our policies and procedures, but we can advise you that the propositions you discuss are very much in mind, and that our operating policy provides substantial protection of our customers' rights.

Very truly yours,

——— ———.

MAY 19, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: ——— ——— has referred your letter of April 25, 1972 to our office for reply. In times past, we have been called upon by the Bank to answer questions concerning specific situations wherein the rights of depositors to privacy in the transaction of their financial affairs are called into question. As a result of both these requests and the Bank's concern for establishing a consistent and just policy regarding the problems your letter discusses, the Bank, in conjunction with ourselves, decided to summarize the policy which has been in effect for many years.

First, under no circumstances will the Bank divulge information to private institutions, corporations or individuals concerning a customer's banking business without that customer's prior consent. Nor will the Bank honor informal requests from governmental agencies, federal or local, which seek information concerning a depositor's transactions. In response to such informal requests which often come in the form of letters and oral demands by governmental officials, the Bank demands service of the appropriate legal document which on its face reflects that it was executed in accordance with the respective legal standards. In this regard, it is common that the Bank will consult its counsel to approve the authenticity and legality of the service of process.

Secondly, with the exceptions outlined below, it is the standard and indeed orthodox practice of the Bank to notify its customer by letter (or verbally when necessary) when legal service has been made upon the Bank. Such notification is made immediately upon receipt of the service in order to afford the customer the opportunity to take any legal action available to him under the circumstances. Typically, the Bank will receive a subpoena duces tecum which requires the Bank to produce documents at some future date relating to a customer's transaction. By immediately notifying the depositor, he is given the opportunity to quash service of the subpoena.

The exceptions, mentioned in the preceding paragraph, arise when the Bank is served with a grand jury subpoena or a search warrant. By the terms of a grand jury subpoena, the Bank is ordered, subject to criminal penalties, not to disclose to its depositor that he is under investigation. Accordingly, the Bank cannot inform its depositor that investigation has been made on his accounts. Similarly, when the Bank is served with a search warrant, executed by a Judge or magistrate, the Bank is compelled to give immediate disclosure to governmental authorities. Although the Bank is seldom subject to search warrants, the Bank makes every effort through its counsel to check the validity of the warrant.

Thirdly, the Bank is frequently served with creditor's writs in the form of garnishments, attachments and tax levies. Although the Bank is required by law to place the funds demanded into "hold" accounts, the customer is immediately notified that his funds have been attached in order to facilitate his raising any legal defense he may have prior to the disbursement of funds to the creditor.

Also, from time to time, the Bank receives service of tax summonses which compel the Bank to turn over documents to internal revenue agents. Under the Internal Revenue Code, the Bank must be allowed no less than ten (10) days to produce the requested documents. Hence, upon service of such summonses, the depositor is always notified of the government's investigation in order that he may have the opportunity to enjoin the investigation. A tax summons, like a search warrant, must be honored by the Bank in the absence of a court order to the contrary, inasmuch as severe criminal sanctions apply to one who fails to comply with a tax summons.

We feel the above policy comports well the philosophy espoused in your letter and afford the Bank practical guidelines it can follow to protect its depositors' rights. There is no question that customers of a Bank may justifiably expect and demand confidentiality from the Bank with which they do business. The legitimacy of such expectations stems from both our banking, trust and constitutional laws, as well as our political and religious heritage. The Bank has and will continue to protect its depositors.

Very truly yours,

——— ———.

MAY 8, 1972.

AMERICAN CIVIL LIBERTIES UNION,
New York, N.Y.
Attention: Mr. Aryeh Neier, Executive Director

DEAR MR. NEIER: Your letter of April 25, 1972, which you evidently sent to numerous Bank Presidents, has been referred to me by President of ———.

I quote Article VI, Section 3, of the By-Laws of the Bank, entitled "Prohibition Against Disclosures":

"No officer or employee" shall disclose to any person other than to Directors, officers, and members of local Advisory Committees the amounts of loans made, the state of the Bank and its funds, or any of its business transactions which are not of a public nature, except information to persons inquiring about their own affairs, except ordinary credit information and except information required to be disclosed by law or as directed by the Board of Directors."

In practice, we do not give information to agencies of the Government unless a subpoena is served upon us. When such a subpoena is served, we notify the person whose records have been subpoenaed and assume that he will take whatever steps he wishes with respect thereto. Naturally, if the subpoena is contested in Court, we do so comply with the subpoena until the Court has reached a decision. There are some minor exceptions to this procedure. Occasionally, we are served with a subpoena which, for reasons which are generally obvious, the Government does not want the party notified of the investigation. This happens in narcotics investigations, for instance. Furthermore, Internal Revenue occasionally requests that the investigation be secret. These questions are discussed with either my office or the office of the Vice President of our Customers' Services Unit. I might add that all subpoenas are cleared either through his office or mine.

We feel that we are, therefore, living up to our obligations to our depositors with respect to the confidentiality of their records.

Very truly yours,

——— ———.

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May 1, 1972.

American Civil Liberties Union,
New York, N.Y.
Attention: Aryeh Neier, Executive Director.

Gentlemen: This is in response to your letter of April 25, 1972 expressing your concern for the privacy of bank records and the transactions of our customers.

You are perhaps familiar with the regulations of the Comptroller of the Currency and the interpretive rulings of that office as the regulatory agency for national banks. Specifically, the Comptroller of the Currency has ruled (Interpretive Ruling 7.6025):

"7.6025. Books and records of national banks

(a) Inspection

The only provision of Federal banking law authorizing persons other than the Comptroller of the Currency or his authorized representatives to inspect books or records of a national bank is contained in 12 U.S.C. 62, relating to the right of shareholders, creditors, and certain tax officials to inspect the list of shareholders of a bank. Production of records may, however, be required under normal judicial procedures.

(b) Visitorial Powers

The exercise of visitorial powers over national banks is vested in the Comptroller of the Currency. See 12 U.S.C. 484. Other officials, including state banking officials, have no authority to conduct examinations or to inspect or require the production of books or records of national banks, except as authorized by law. Federal law provides special procedures for verifying payroll records for unemployment compensation purposes (26 U.S.C. 3305(c)), for enforcing the Fair Labor Standards Act (29 U.S.C. 211), and for ascertaining the correctness of Federal tax returns within the purview of 26 U.S.C. 7602."

It is our policy to disclose information from our records only as permitted under the regulations and rulings referred to above, and I assure you we shall continue this policy.

Very truly yours,

——— ———.

——

April 28, 1972.

Mr. Aryeh Neier,
Executive Director, American Civil Liberties Union, New York, N.Y.

Dear Mr. Neier: Our Bank's consistent policy is that all transactions which take place between our Bank and its customers are privileged information, and we do not divulge any data without instructions from the customer or an appropriate order from a court or legal body having jurisdiction. Normally, credit information, which is usually provided for the customer's benefits, is divulged within narrowly restricted policy guidelines and in accordance with the Fair Credit Reporting Act.

These policies and procedures have been adhered to and we shall continue to assure ourselves that we are protecting our customer's privacy. These practices are the result of our judgment on how to conduct our business and in no way reflect the intervention of any outside agency.

Sincerely,

——— ———.

May 2, 1972.

Mr. Aryeh Neier,
Executive Director, American Civil Liberties Union, New York, N.Y.
Re: Confidentiality of Bank Accounts

Dear Mr. Neier: Your recent letter addressed to the President of our client, the ——— concerning the privacy of accounts maintained at the Bank, has been referred to this office for reply.

We agree completely with your position that the affairs of customers of the Bank should be maintained on a confidential basis; and ——— has consistently followed this policy. The Bank's Bylaws read as follows on the subject:

"Transactions between the Bank and its depositors and customers shall be confidential";

and the Employees Handbook contains the following provision:

"We of ——— have, among other duties, the task of safeguarding millions of dollars which belong to others. For this reason, all employees should regard the information available to them as highly confidential and should definitely not discuss this with others except as the nature of their assignments may require. It is especially improper to discuss such information with persons outside the Bank."

——— has a firm and well recognized rule that it will not disclose any information to third parties without a subpoena or summons or other court-issued authorization. In every instance the Bank examines the document of authorization with great care to make sure of its legality and propriety; and, in many instances, the Bank refers the document to this office for review. Moreover, where a subpoena issued in a pending court case is involved, the Bank only discloses the required information in open court and in the presence of counsel for all interested parties. The Bank is, of course, subject to the provisions of Sections 7602 and 7210 of the Internal Revenue Code granting to the Internal Revenue Service the authorization to examine the books and records of taxpayers upon issuance and service of a summons; but even in these cases the Bank is careful to make sure that the summons is proper in all respects and covers only specifically identified transactions.

We assure you that ——— is fully aware of the confidentiality of the affairs of its customers; makes every effort to protect this right of privacy; and will continue to follow this policy without deviation to the full extent provided by law.

Yours very truly,

——— ———.

——

May 3, 1972.

Mr. Aryeh Neier,
Executive Director,
American Civil Liberties Union,
New York, N.Y.

Dear Mr. Neier: I read with interest your letter of April 25, 1972, in respect of the confidentiality of bank records, which was referred to me by ———, our President.

I am happy to say that ——— policy in respect of such matters has been fashioned over the years, based upon the requirements of law, good banking practice, and a sense of fair play. We have not required the prodding of outside agencies to adopt a policy which goes beyond the limited area to which you address yourself, i.e., governmental inquiry. Our policy and concern is broader, and protects our depositors no matter the identity of the inquirer.

Rather than describe our practice at length, I will say that the two steps you advocate at the end of your letter are an integral part of our procedures, which procedures are implemented as even-handedly as possible.

In my opinion, your second suggestion, concerning the handling of subpoenas, does not go far enough. Upon receipt of a subpoena requiring an appearance in court, we are not content to merely notify the customer and then make the records available. In such cases our customer is of course notified, but a bank representative appears at the time and place required, thereby minimizing the likelihood of disclosure beyond the scope of the inquiry.

I trust the foregoing indicates to you that this Bank is aware of its obligations and has adopted clear-cut policies in this area.

Very truly yours,

——— ———.

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May 1, 1972.

Mr. Aryeh Neier,
Executive Director, American Civil Liberties Union, New York, N.Y.

Dear Sir: Your letter of April 25, 1972 to the President of this Bank regarding the confidentiality of information and records relating to the financial transactions of our depositors, has been referred to me for attention and reply.

While this Bank recognizes that transactions between a bank and its customer do not, as a legal matter, have the privileged status of communications between a lawyer and his client, doctor and patient or priest and penitent, it has, nevertheless, for years followed a general policy of deeming its dealings and transactions with its customers to be confidential.

Generally, it is the policy of the Bank not to disclose any information or open its records to third parties (including government agencies) without the consent of the customer concerned, unless the person seeking such information or records serves the Bank with a proper subpoena or court order, or is otherwise authorized by law.

Since 1966 this policy has been formally set forth in the Bank's official "Organization and Policy Guide" to which the Bank's officers and other supervisory personnel are required to conform. I enclose a copy of the pertinent page of the Guide.

It is also the Bank's general policy (although not specifically set forth in the Policy Guide) to notify, when possible, any customer of the Bank whose records have been subpoenaed or concerning whom the Bank has otherwise been served with judicial or statutory process for the production of records or information, before taking any action. This aspect of the Bank's policy is controlled in the Bank's Legal Department which is under my direction, as all subpoenas, orders and requests calling for the production of records and other information are generally funneled through the Legal Department, as appears from the 4th paragraph of the enclosed page from the Guide.

While the Bank intends to continue its present policy as described in this letter without change, it naturally reserves the right to modify or discontinue it at any time and to make such exceptions from time to time in particular cases as in its sole judgment may be warranted by the circumstances.

Very truly yours,

——— ———.

——

CUSTOMER RELATIONS—DISCLOSURE OF INFORMATION—NEED FOR SUBPENA

From time to time, agents of various departments of the Federal, State or City government, as well as private persons, request or demand that the Bank make available to them information or records concerning a particular customer or transaction.

Officers are reminded that it is the Bank's general policy to consider its dealings and transactions with its customers to be confidential and *not* to disclose any information or open its records without the consent of the customer concerned, unless the person seeking such information or records serves the Bank with a proper subpena or court order or is otherwise authorized by law.

Firm adherence to this policy is desirable, not only because of the confidential nature of the relationship between the Bank and its customers, but to avoid possible embarrassment, if not claims of liability, against the Bank for improper disclosure.

All subpeonas and court orders calling for the production of records or other information served on anyone in the Bank and all requests or demands to produce records or give information without subpoena should be referred promptly to ——— for legal guidance on whether the requested data should be made available and if so, how, when and by whom.

The foregoing has no application to routine credit inquiries; they may be handled in the usual manner.

MAY 4, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: This is to acknowledge receipt of your letter of April 25, 1972, concerning the policy of ——— with respect to disclosure of bank records of our customers to all third parties.

It has been our policy for many years to treat all records pertaining to our customers as confidential and, in most instances, it has been our policy to require a court record or valid subpoena before any information is divulged or records are inspected.

You have also requested that if a subpoena is presented, the bank will not divulge its records until a copy of the subpoena has been sent to the customer by the bank. Within the bounds of reason and the circumstances of the particular matter, we generally agree with the policy of not permitting inspection of bank records until a copy of the subpeona has been sent to the customer.

We trust that this response satisfactorily answers your inquiry as to our above policies.

Yours truly,

——— ———.

MAY 9, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: Thank you for your kind letter of April 25th. We fully agree with your concern regarding the "confidentiality" of our customers' transactions at the Bank.

As a matter of policy we do not divluge information on our Bank's accounts. In certain instances, however, we are served with a sub-poena in which certain records must be produced immediately and there is hardly enough time to advise our customers. Whenever possible, we do so.

We do not know how many banks you are covering in your communication, but I wish you success in your endeavour, as we know it will work out to the benefit of all banks to maintain the confidentiality of our customers' transactions.

Sincerely,

——— ———.

MAY 15, 1972.

AMERICAN CIVIL LIBERTIES UNION,
New York, N.Y.
Attention: *Aryeh Neier, Executive Director*

GENTLEMEN: Please be advised that I represent ——— and have been requested to reply to your letter of April 25, last, addressed to "Bank President".

——— has always regarded as confidential, information pertaining to a customer's account, and will not reveal any such information to third parties except pursuant to a court order or subpoena.

It is the policy of ——— to make a reasonable effort to communicate with a customer before releasing any information relating to his account. However, you must appreciate that many times it is impossible to communicate due to the customer's illness, absence from home, change of address, time requirement of the order or subpoena or other legitimate causes beyond the control of ———.

Very truly yours,

——— ———.

MAY 15, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: Thank you for your letter of April 25, 1972, expressing the concern of the American Civil Liberties Union for the confidentiality and privacy of bank records.

. . . has adhered to this policy for several years. We believe that the relationship between the Bank and the Customer is a confidential one and we, therefore, maintain strict controls over the disclosure of confidential customer information.

Whenever we are requested to disclose information pertaining to our customers we require a subpoena (a summons in the case of requests from the Internal Revenue Service) or the customer of the contents of the subpoena or the summons so that he can seek to have it quashed if he feels it is improper for any reason.

This is a consistent policy on our part and one that all banks would be well-advised to follow.

Very truly yours,

——— ———.

MAY 1, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: Thank you for your letter of April 15 addressed to the President of this bank, regarding the protection of the privacy of individuals and institutions maintaining accounts with us.

It has long been our policy, supported by banking traditions as well as by applicable law, that information of the type you mention in your letter relating to clients' accounts is to be held in confidence and that disclosure to persons outside the bank may not be made without the client's prior approval or pursuant to appropriate legal process. It is also our practice to inform our client promptly that legal process has been received (and to furnish a copy), thus affording the client the opportunity to contest its validity, should the client so desire.

We appreciate very much your thoughtful letter.

Sincerely yours,

——— ———.

MAY 11, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: Mr. ———, President of ——— has referred to me your April 25, 1972 letter concerning the confidentiality of customers' records.

——— recognizes the confidentiality of our customers' records and it is our policy to furnish the government only that information which the law requires. In this regard, I hope that subpoenas are but one of a growing number of tools available to the government to require banks to furnish information.

As an example of laws which require banks to report transactions, we draw your attention to the Currency and Foreign Transactions Reporting Act, 84 Stat. 1118, 31 U.S.C. 1051–1122. Section 1051 provides:

"It is the purpose of this chapter to require certain reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigation or proceedings."

Other sections of the Act and the regulations issued thereunder require banks to make reports and imposes penalties, both civil and criminal, for failure to make the required reports.

As stated above, it is and shall continue to be our Banks' policy to protect the confidentiality of our customers' records.

Very truly yours,

——— ———.

MAY 25, 1972.

Mr. ARYEH NEIER,
Executive Director, American Civil Liberties Union, New York, N.Y.

DEAR MR. NEIER: You have asked me to respond to your letter of April 25, 1972, urging that we take action to protect the privacy of our depositors.

It has been our firm policy to treat the records of a depositor's account in strict confidence, if for no other reason than that we think it imprudent to incur a possible liability for unwarranted disclosure of a customer's affairs. We have, for example, uniformly refused to voluntarily make any disclosure to peace officers or others in the absence of a subpoena, court order or a statute imposing upon us a duty to disclose, and we propose to continue that policy.

Accordingly, we can assure you that it has been and will continue to be our policy to comply with your first proposal, except that in our case we have a Pennsylvania statute relating to relief recipients that compels us to make records available even in the absence of a subpoena and which imposes substantial penalties for non-compliance.

However, it would be most difficult for us to comply with your second proposal to the effect that we shall refuse to respond to a valid subpoena until the customer has been notified and has had a reasonable opportunity to contest the validity of the subpoena. Our duty to respond is clear. So many demands for records are made upon us that we would be reluctant to undertake to our customers a duty of notification lest we slip-up in some particular instance and possibly subject ourselves to a liability that would not exist absent that undertaking. Furthermore, such an undertaking would compel us to adopt such procedures as would be necessary to guarantee our performance that we think would be disproportionately time consuming and expensive.

I am sorry that our reply cannot be more positive, but I hope that you will try to appreciate our dilemma.

Sincerely,

——— ———.

JUNE 1, 1972.

Mr. ARYEH NEIER,
Executive Director,
American Civil Liberties Union,
New York, N.Y.

DEAR MR. NEIER: This is in response to your letter dated April 25, regarding persons and institutions maintaining accounts at our bank.

Records concerning a customer's banking transactions are definitely confidential, and it has been this bank's long-standing policy not to disclose to third parties information about an account except when legally required to do so or with the customer's written consent. This will continue to be our policy.

At present we do not send the customer a copy of the subpoena or otherwise notify him when we are required to disclose information regarding his banking transactions.

Sincerely,

——— ———.

MAY 4, 1972.

Mr. ARYEH NEIER,
Exectuive Director,
American Civil Liberties Union,
New York, N.Y.

DEAR MR. NEIER: Thank you for your recent letter of April 25 to the President of our bank in which you discussed the need for banks to protect the right of privacy of their customers.

The management of our bank completely agrees with the principles set forth by you.

Sincerely,

——— ———.

May 2, 1972.

Aryeh Neier,
Executive Director, American Civil Liberties Union, New York, N.Y.

Dear Mr. Neier: Your letter of April 25, 1972, addressed to our president has been handed to me for reply.

——— is committed to the proposition that transactions with its customers are confidential. It takes all steps available to it to protect that confidentiality. Where possible, it undertakes to advise its customers of the service of a subpoena in order that the customer may attack the subpoena if he so desires.

Very truly yours,

——— ———.

May 4, 1972.

Mr. Aryeh Neier,
Executive Director, American Civil Liberties Union, New York, N.Y.

Dear Mr. Neier: This is in reply to your letter dated April 25, 1972.

We appreciate the spirit of your letter and wish to assure you that our Bank has been and will continue to be most conscientious in observing the confidential nature of the affairs of our customers. We feel that our existing procedures and training programs comply with the letter and the spirit of the law regarding these rights.

Sincerely,

——— ———.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Without prejudice to the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.), who is detained because of a previous commitment, the Chair recognizes the distinguished Senator from Wisconsin (Mr. Proxmire) for not to exceed 15 minutes.

UNITED STATES WILL LEAD IN STRATEGIC BALANCE DURING SALT AGREEMENT EVEN IF NO STEP-UP IN NEW WEAPONS—NUCLEAR POWERS' ARSENALS COMPARED

Mr. PROXMIRE. Mr. President, with the Senate about to consider the merits of the ABM Treaty and the associated interim agreement dealing with ICBM's and submarines, it is only prudent that we examine the strategic arsenals available to the world's nuclear powers.

For that reason I have charts at the back of the Chamber which I think spell out the message I am trying to give to the Senate.

Somehow, in all the excitement about this bilateral treaty, we have overlooked the fact that three other nation's have tested and deployed nuclear weapons. France, Great Britain, and the People's Republic of China—PRC—each have specific nuclear capabilities against European and Asian countries, and in particular, the U.S.S.R.

FEARS ABOUT SOVIETS UNFOUNDED

Fears have been expressed lately that during the initial 5 years of the treaty and interim agreements, the Soviet Union will vigorously pursue the development and deployment of new strategic weapons systems. It is said that the treaty will allow the Russians to surpass the United States in strategic power. This simply is not true. A close look at the strategic systems of the five nuclear powers shows that the United States will retain a significant overall strategic advantage over the Russians during the initial period of the SALT agreement.

Based entirely on unclassified data and measured by a number of indices, the United States need not fear that Soviet or Chinese strategic power will surpass or threaten that of the United States alone, let alone the United States and our allies. On the contrary, it appears that U.S. strategic power will grow measurably and widen the present lead even without the super acceleration called for by the Secretary of Defense.

USE OF CLASSIFIED DATA

Comparing strategic forces is more than a simple exercise of counting launchers or adding up megatonnage. Other factors are just as important. In the next few minutes, I will suggest a number of additional variables to use in assessing overall strategic capability.

All the facts I cite and those on the accompanying tables come from unclassified public sources such as the Institute for Strategic Studies, Janes, SIPRI, congressional hearings, and official Defense Department data. Because of the sensitive nature of this information, undoubtedly there is some built-in error factor involved. It would be a service to Congress and the American public if the Defense Department would release official figures along the lines of my tables every 6 months. Experts in the U.S.S.R. know these facts. Our specialists know these facts. It is time that the American public be allowed to see just what weapons the world's nuclear powers possess. In the nuclear age, it is a basic "need to know."

ASYMMETRICAL FORCES

The strategic forces of the United States and U.S.S.R. are not symmetrical. Different technologies are involved that result in different deployment decisions. In general terms, the Soviets lead in megatonnage, the United States leads in numbers of warheads.

Due to the early Soviet development of large boosters and perhaps an inclination toward a "biggest in the world" philosophy, the U.S.S.R. continued to work with very large missiles and liquid propellants. They tend to follow conservative R. & D. patterns—making each successive missile larger but in the same mold. The SS–6 space booster is a perfect example of this conservative design commitment. An impartial observer would admit that the Soviets have not been particularly innovative.

As a result of this design tendency, U.S.S.R. missiles generally have large throw weights. This in turn has degraded their accuracy since they decided to concentrate on large warheads that enter the atmosphere with a degree of turbulence.

The United States on the other hand rather quickly decided to exploit new technologies. While the Soviets were concentrating on large boosters, we improved our computers, guidance, and reliability. This occurred in several ways.

First, the United States changed over from storable liquid propellants to the more reliable solid propellants. All of our missiles, with the exception of the Titan II, are now solid propellant.

Second, we phased out our older Titan I and Atlas missiles. The Soviets have kept their older SS–7's and SS–8's.

Third, we went to hardened underground silos. The Soviets soon followed but they still retain many above-ground, unhardened launch facilities.

In sum, each country made different technical decisions early in their programs and this has resulted in the development of asymmetrical missile capabilities. In almost every case, however, history has shown that the U.S. decisions have concluded in more modern, more sophisticated missiles. Let us look at some of the factors involved in assessing strategic power: Accuracy, readiness, reliability, command and control, and early warning.

ACCURACY

There is no doubt that U.S. missiles are more accurate than their Soviet counterparts. U.S. reentry vehicles are sharply pointed so as to penetrate the atmosphere without creating undue turbulence. This capability, combined with onboard computers, inertial guidance, and accurate target knowledge from reconnaissance satellites, provides the United States with significant advantages. The circular error probables (CEP) of many U.S. missiles are under one-quarter mile.

Soviet reentry vehicles are rather blunt and do not penetrate the atmosphere with great accuracy. Nor do they carry as sophisticated computers or guidance equipment.

RELIABILITY

U.S. missiles also enjoy a decided advantage in reliability, both at launch and in-flight. Solid propellants store better and are less susceptible to accident. There have been problems with portions of the Minuteman fleet in previous years, but these appear to be solved now. The Soviets have only one operational solid propellant strategic missile system, the SS–13, and it is deployed in limited quantities; 60 to 100 launchers.

READINESS

Missiles must be constantly on ready status. Years underground in difficult environmental conditions can have undesirable results. In general, solid propellants are less subject to the constant checking needed for storable liquids. A decisionmaker can have more confidence in the readiness of a solid propellant force than one consisting of storable liquids or cryogenics.

COMMAND AND CONTROL

The United States has invested considerable thought and resources into its command and control facilities. Elaborate safeguards are built into the system. Targeting flexibility has been increased and plans are underway for more improvements. At present, most of our missiles can be retargeted quickly, although there are a limited number of options. It is not thought that Soviet command and control facilities are as sophisticated.

EARLY WARNING

U.S. satellite technology not only provides accurate targeting information, but some degree of early warning capability. Infrared sensors can detect missile exhausts. In addition, there are many radars that scan the horizon over the U.S.S.R. A worldwide communications network links these stations. Due to geographic limitations and a lag in computer and camera technology, the U.S.S.R. does not have as complete or accurate early warning systems.

STRATEGIC SUBMARINES—WE WILL GROW STRONGER

There is now a rough numerical parity in numbers of strategic submarines between the United States and U.S.S.R. The Soviets, however, will be allowed to build up to 62 ballistic-missile submarines while the United States is limited to 44. This apparent Soviet superiority is more than dispelled—and this has not been stressed either in the press, in the public, or in congressional debate—by U.S. advantages in on-station time, number of reentry vehicles, and submarine quietness.

Due to geographic limitations such as longer transit times to and from aiming points, the percentage of Soviet submarines ready to launch missiles on U.S. targets is quite small. With 25 active Y-class submarines, for example, only a handful are on station at any one time.

U.S. submarines with advanced bases at Holy Loch, Scotland, Guam, and Rota, Spain, have less distance to travel and therefore, can be onstation a higher percentage of the time, about 60 percent, according ISS.

When considering numbers of reentry vehicles, the U.S. lead is overwhelming. We are in the process of going from 656 reentry vehicles to over 5,000 by fiscal year 1975. At present we have about 2,096 sea-based reentry vehicles. Using the 60-percent onstation formula, at any one time the United States could destroy over 1,250 Soviet targets with our sea-based missiles alone. Nothing the Soviets can do over the next 5 years will alter this assured destruction capability of our submarines. In fact, we will grow immeasurably stronger.

The quietness of U.S. ballistic missile submarines is insurance that the Soviets will not be able to locate and destroy our underseas deterrent. They cannot now detect, track, or destroy even one of our submarines, except by a fortuitous stroke of luck. In the vew of the experts the next 5 years will not see Soviet ASW programs progress to the point that our submarine fleet is vulnerable.

STRATEGIC BOMBERS

There has been an arms control climate in the present U.S.-U.S.S.R. strategic bomber relationship. Neither side has deployed a strategic bomber, with the exception of a small number of FB-111's, for over 15 years. The Soviet bomber fleet has remained constant at about 140 Tu-20 Bears and Mya-4 Bisons. Some of the Bears carry a 300-nautical-mile range air-to-surface missile called the AS-3 Kangaroo.

On the U.S. ledger are 195 B-52 C/F series and 255 B-52 G/H series and 72 FB-111's. Most if not all of the C/F series is presently engaged in Southeast Asia. By any measure of bombers, overall numbers, megatonnage, range, electronic countermeasures—ECM—or air-to-surface missiles, the United States is considerably ahead. This advantage will grow as the operational short-range attack missile—SRAM—is fitted on the FB-111's and the B-52 G and H's.

The Soviets have tested a new supersonic bomber called the Backfire, but it has not gone into production. Some experts question the range capability of the Backfire suggesting that it may be used primarily for European or Chinese targets.

OTHER "STRATEGIC" SYSTEMS

Present definitions of strategic systems are not precise. Counting only ICBM's, SLBM's, and long-range bombers as strategic systems distorts the true strategic relationship. A Soviet general must consider any attack on Moscow as a strategic attack whether it comes from a strategic bomber, a strategic missile, submarines, or any tactical delivery vehicle.

For example, the United States has 900 carrier-based aircraft, 1,200 land-based strike aircraft, and about 325 Pershing missiles, all capable of delivering a nuclear payload on Soviet soil. None of these usually are counted as "strategic" systems yet they alone could destroy Moscow or Leningrad.

ALLIED FORCES

The French and British have forces that must be considered in any strategic overview. Nine French silo-launched IRBM's already are operational and nine more will become active in 1972. These missiles have a 1,875-statute-mile range, capable of hitting parts of the Soviet Union. The French also have two SSBN submarines with 16 tubes each. They are planning for a total force of five submarines. One is now under construction.

The Mirage IVA aircraft can also carry nuclear weapons to the Soviet Union. At least 36 Image IVA's are available for this mission. While there is some question about the role of French forces in NATO, a military planner in Moscow must consider the French as potentially hostile.

The British have four Polaris A-3 submarines which we provided them in 1967. The Polaris A-3 has 16 tubes with each missile carrying three multiple reentry vehicles—MRV's. They also have a dwindling number of V bombers, some equipped with the Blue Steel air-to-surface missile, that can bomb Soviet targets. None of these French or British figures include the hundreds of tactical aircraft which in an emergency, NATO countries could press into use in a "strategic" role in Europe.

PEOPLE'S REPUBLIC OF CHINA

China has no strategic capability against mainland United States. They have a small number of old TU-4's and about 30 TU-16's. The TU-16's have a range of about 1,500 statute miles.

There are reports that the Chinese have deployed 20 or more MRBM's with ranges up to 1,000 nautical miles and possibly a small number of IRBM's. These missiles are aimed at the Soviet Union.

The Chinese have modern industrial facilities. They have built both solid and liquid propellant plants, thereby indicating a broad approach to missile development. They have tested a nuclear tipped missile and have demonstrated an IRBM/ICBM capability by launching satellites. The Chinese seem to be preparing for a full range test of an ICBM either over India, into the Indian Ocean or into the Pacific. Instrumentation ships have been built to monitor tests outside the border of China. Their ICBM program, however, has proceeded slower than most experts predicted.

NO DANGER OF U.S. INFERIORITY

Looking at the arsenal available to the world's nuclear powers provides dramatic evidence that comprehensive lower limits need to be negotiated during SALT II. Until that process occurs, however, there is no danger of the United States slipping into a position of inferiority.

Mr. President, I ask unanimous consent that three tables showing the strategic weapons of the United States, the U.S.S.R., and the other nuclear powers, respectively, be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—U.S. STRATEGIC SYSTEM IN MID-1972

Designation	Number of launchers or platforms	Warheads per launcher	Total warheads	Megatonnage per warhead	Maximum range	1st deployed	Comments
Minuteman I	320	1	320	1MT	6,500+NM	1962	Solid propellant.
Minuteman II	500	1	500	1-2MT	7,000NM	1966	Do.
Minuteman III	180	3 (average)	540	200KT	8,000NM	1970	Do.
Titan II	54	1	54	5-10MT	6,300NM	1962	Stored liquid propellant.
Polaris A-2	[1] 160	1	160	700KT-1MT	1,500NM	1962	Solid propellant.
Polaris A-3	[2] 336	3 (MRVs)	336	200KT	2,500NM	1964	Do.
Poseidon C-3	[1] 160	10 (average also has penaids)	1,600	50KT	2,500+	1971	Do.
B-52 C/F	195	4 bomb average plus Hound Dog.		Average 1-5MT, possible 20MT, Hound Dog 4MT.	11,500SM	1955	Hound dog range 680NM, Quail range 350NM.
B-52 G/H	255	Same plus Quail		do	12,500SM	1958	About 195 older B-52s are deployed to Southeast Asia and therefore are not configured for nuclear delivery.
FB-111	72	Carries SRAM and gravity bombs.		6 bombs totaling 5MT. SRAM is about 200KT.	3,800SM	1970	

[1] 10 subs.

[2] 21 subs.

TABLE II.—U.S.S.R. STRATEGIC SYSTEM, MID-1972

Designation	Number of launchers or platforms	Warheads per launcher	Total war-heads	Megatonnage per warhead	Maximum range	1st deployed	Comments
SS-7 Saddler	210	1	210	5MT	5,700NM	1961	Near obsolete.
SS-8 Sasin		1		5MT	5,700NM	1963	Do.
SS-9 Scarp	288	1 (some may have 3 MRV's)	288	15-25MT	9,000NM	1965	Storage liquid propellant.
SS-11	950	1	950	1-2MT	5,500NM	1966	100 targeted against China and Western Europe.
SS-13 Savage	60-100	1	60-100	1MT	4,500NM	1968	Solid propellant.
New ICEM's under construction	91	1	91				Probably a mix of types.
Tu-20 Bear (also known as Tu-95)	100	Gravity bombs and AS-3 Kangaroo missiles (range 300NM).			7,800SM	1956	
Mya-4 Bison	40	Average 2 gravity bombs	80		6,050SM	1956	
SS-N-5 Serb (hotel and golf classes)	[1] 30	1	30	1MT	300NM	1961	
SS-N-6 Y-Class (Sawfly missile)	[2] 400	1	400	1MT	1,500NM	1969	
New class	(3)					(4)	

[1] 10 subs.

[2] Plus (25 subs.).

[3] 18 subs (12 plus 16 tubes).

[4] Under construction.

TABLE III.—STRATEGIC SYSTEMS FRANCE, GREAT BRITAIN, PRC IN MID-1972

Designation	Number of launchers or platforms	Warheads per launcher	Total war-heads	Megatonnage per warhead	Maximum range	1st deployed	Comments
France:							
SSBS(IRBM)	9 current (18 total in 1972)	1	9	150KT	1,875SM	1971	Silo launched.
SSBN(sub)	32 (2 subs)	1	32	400KT	1,900NM	1971	5 subs total planned (1 under construction).
Mirage IVA	36 minimum				2,000SM	1964	
Great Britain:							
SSBN (Polaris A-3)	64 (4 subs)	3 (MRV's)	64	200KT	2,500NM	1967	U.S. supplied.
V bombers	56	1 plus Blue Steel.			4,000SM	1960	Role changed to emphasize tactical delivery.

Note: PRC—China has no strategic capability against the United States. They have a small number of TU-4's, about 30 TU-16's with ranges up to 1,500SM and 20 or more deployed MRBM's with 1,000NM range aimed at the USSR.

China has solid and liquid propellant facilities. They have tested a nuclear tipped missile at Lop Nor and have demonstrated an IRBM capability. Their ICBM program has moved along slower than most experts have expected.

THE CREDENTIALS COMMITTEE'S FINDING WAS A STEAL

Mr. PROXMIRE. Mr. President, the action by the Democratic Credentials Committee in depriving Senator McGovern of 151 of his Californian delegates was an outrageous steal.

Senator McGovern won the California primary election playing under the rules of the game which his opponents did not protest during the State's primary election.

The legal right of Senator McGovern to all 271 delegates was tested in the courts. The courts decided that Senator McGovern was clearly entitled under the law to all 271 delegates. Following that, one of the most highly respected lawyers in the Nation, Burke Marshall, was assigned as the Democratic Party's official referee to carefully examine the challenge to McGovern's right to all 271 delegates.

Marshall decided that Senator McGovern's right to these delegates was clear, that it complied fully with State law, that once the election had been held under that law with full acquiescence by all contestants the winner was entitled to what the law provided.

Now Senator McGovern's opponents in a naked power play have ganged up on him to change the rules after the game is over.

I have disagreed with Senator McGovern on many of his proposals in this campaign and I have said so. But in this controversy I am with him all the way.

If the convention should sustain the Credentials Committee and deprive McGovern of 141 of his California delegates and in doing so stop his nomination, it will damage our party not only in this election but in years to come.

Consider the disillusioning letdown for the thousands of young Senator McGovern supporters who worked their hearts out for Senator McGovern. Consider the disappointment of millions of other young McGovern supporters who were just beginning to feel that in this country you can achieve a real chance to change what is wrong with America by working within our system—what a letdown for them.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator. That is just what I need. And what a cynical spectacle for those outside our party—especially the independent voters who decide elections. What are they to think of a party that rejects the results of a fair and free election in which Senator McGovern earned 271 delegates, of a party which ignores the findings of an objective nonpartisan count that Senator McGovern is legally entitled to the 271 delegates, of a party that tosses aside the finding of the official referee—one of the Nation's outstanding legal scholars—that Senator McGovern has won all 271 delegates fairly and squarely.

From the reports I have heard the convention is likely to sustain its credentials committee and deprive Senator McGovern of 141 of the delegates he won and is counting on.

This would certainly put Senator McGovern's nomination in serious jeopardy. Suddenly it is clear that Senator McGovern could lose. And what if he loses the nomination as now seems very possible indeed? Who could win? Let us face it. If Senator McGovern could be stopped at the convention without the California steal the nomination of another Democratic candidate would pose as strong, perhaps a stronger, challenge to President Nixon than Senator McGovern could have. But if Senator McGovern loses the nomination after he is denied the 141 delegate votes he won in California, the Democratic nominee, whoever he is—however vigorously he campaigns—whatever political developments between now and November may do for him—will probably lose because he will suffer the fatal defect—the Nation will think he stole the nomination—unfairly, illegally, by a sheer power play from the man who honorably won it.

Mr. President, I yield the floor, and I thank the Senator from Virginia for so graciously yielding some of his time to me.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is now recognized for 13 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I yield 2 minutes to the distinguished senior Senator from Kentucky.

EXTENSION OF THE PUBLIC DEBT LIMITATION—THE BENNETT AND CHURCH AMENDMENTS

Mr. COOPER. Mr. President, I shall vote against the amendment of the Senator from Utah (Mr. Bennett) which would increase social security benefits by

10 percent, and for the amendment of the Senator from Idaho (Mr. CHURCH) to increase benefits by 20 percent. I have no doubt that the increase will have some inflationary aspects, whether it be 10 percent or 20 percent. It will also place additional burdens upon employers and upon the presently employed, as additional payments will be required to finance the increased payments to beneficiaries. But these arguments against increases have always been made. The table which I shall place in the RECORD at the conclusion of my remarks compares the benefits and the cost of benefits under the Church and Bennett amendments and H.R. 1, as passed by the House. Even the 20-percent increase will not provide large increases in payments, but it will help, as will the 3-percent cost-of-living provision.

The stark fact is that those who are now receiving social security benefits are the chief victims of inflation, and many are living in straitened circumstances. They are the people and dependents of people who helped build the economy from which many now receive rich rewards—employers and employees alike.

In the last 2 days we voted to authorize over $9 billion for the OEO program to assist those who are not employed, those who may not be qualified for employment and others employed at low wages. We will be called upon to vote billions in welfare for those who are not employed and the working poor. I must say that, while I am sure many of these may not be able to work—many are women with children—there are some, to be frank, who will not work.

I think it proper that we should be willing to provide increased social security benefits to those who have worked, and to their families. I am glad to vote for the 20-percent increase.

I ask unanimous consent that the table I referred to earlier be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF PENDING SOCIAL SECURITY AMENDMENTS

	Church	Bennett	H.R. 1
Proposed increase	20 percent	10 percent	5 percent.
Taxable wage base	Raised to $10,800 in 1973; $12,000 in 1974 with automatic increases as wages increase.	Retains present tax base of $9,000 with automatic increases after January 1975.	Raised to $10,200 this year with automatic raises thereafter as wages increase.
Tax rate	1973–77, 4.6 percent; 1978–2010, 4.5 percent; 2010, 5.35 percent.	1973–77, 4.45 percent; 1978–2010, 4.4 percent; after 2010, 5.3 percent.	1972–74, 4.2 percent; 1975–76, 5 percent; 1977, 6.1 percent.
Minimum monthly payment	$84. 50	$77.50	$74. 00.
Automatic cost of living increases	Benefits would rise by 3 percent when consumer price index rises by 3 percent. Would be financed by increases in the taxable wage base.	Identical except financed equally by increases in the wage base and tax rate.	Benefits would rise by 3 percent when consumer price index rises by 3 percent.
Average monthly payment	$161 up from $133 (single), $270 up from $223 (couple), $137 up from $114 (widows).	$147 single, $247 couple, $126 widows	$141 single, $234 couple, $120 widows.[1]
Effective date	September 1972	September 1972	June 1972.

[1] This is without increase to 100 percent of husband's benefits.

TRIBUTE TO THE MAJORITY WHIP, SENATOR ROBERT C. BYRD

Mr. HARRY F. BYRD, JR. Mr. President, tonight, hopefully the Senate will complete 3 difficult weeks. As the conclusion of these 3 weeks approaches, I want to comment briefly on one of our colleagues.

The last 3 weeks, it seems to me, have been one of the busiest and one of the most difficult periods this year. The Senate convened as early as 8:15 in the morning and continued as late as 9 o'clock or later in the evening.

The legislation handled was important; it also was controversial. Due to the long hours, the importance of the legislation, and the controversial nature of the legislation, tempers became frayed from time to time. Senators became weary, and I think all Members of the Senate have been under somewhat of a strain.

But one Member of the Senate has had the responsibility of seeing that the Senate proceeded in an orderly and appropriate way. Throughout the year, and especially during the past 3 weeks, he has been the first Senator to arrive in the Senate each morning, and he has been the last to leave each night.

I just want to say these few words in admiration and tribute to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) the acting majority leader, a man whose tact and patience and good will were indispensable to the workings of the Senate during the past few hectic weeks.

I wish that every one of the 1,700,000 West Virginians could come to the Capitol and sit in the gallery and watch Senator ROBERT C. BYRD as he undertakes the responsibilities and duties of the acting majority leader of this great body. I am sure that every one of those 1,700,000 of his fellow citizens would be as proud of him as we in the Senate are proud of him.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I am glad to yield to the distinguished Senator from Utah.

Mr. MOSS. Mr. President, I want to associate myself with the remarks of the Senator from Virginia regarding the majority whip, Senator ROBERT C. BYRD. I think the performance of the Senator from West Virginia has been superb, and it has been executed under very trying and difficult conditions. He has maintained his rapport with the Senate. He has gone out of his way to accommodate and work with every Senator. No Senator has been denied any of his rights. They have been protected jealously. Yet, the Senator from West Virginia has moved the work along in a very difficult time.

The Senate is now so burdened with legislative work that without that kind of attention and effort and diplomacy, we could be so tangled up that we would not even adjourn for the conventions, much less get through any time this year. I am hopeful now, because of the great work done by the Senator from West Virginia, not only that we can have our adjournments for the conventions but also that we can complete our legislative task this year in time for Senators and others to go home and participate in the election process this fall, with enough time to really be effective.

I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD). If the distinguished Senator from Virginia will indulge the Chair briefly, the Chair wishes to express gratitude for the overly charitable, generous, and gracious remarks of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the distinguished Senator from Utah (Mr. MOSS).

THE PRESIDENT'S EFFORTS TO END THE VIETNAM WAR

Mr. HARRY F. BYRD, JR. Mr. President, last evening the President of the United States held a televised news conference for some 45 minutes. Most of the questions put to him dealt with foreign affairs—specifically, Vietnam. It was my impression that President Nixon handled this conference beautifully.

I was impressed with the way he related what had taken place during the past 3½ years in regard to bringing our troops home from Vietnam.

The Senator from Virginia, from the beginning, has taken the view that it was a great error of judgment to send American ground troops to Vietnam. In all the comments, in all the speeches I have made, both in the Senate and in Virginia, during the years of the Vietnam war, there is not one word or one sentence in justification or in approval of committing ground troops to fight on Asian soil. I think it was a great error of judgment. But when President Johnson concluded to put the troops there and he built them up to 550,000, I supported the Commander in Chief, and I supported those troops.

When President Nixon took office, 549,000 to 550,000 troops were in Vietnam, and he has brought back 500,000 of them during the 3½ years he has been President.

Those of us who feel that the United States should become disengaged from ground fighting in Vietnam—I am one of those who feel that way; I feel that all our ground troops should be brought back—believe that the best way to bring them back is to support the Commander in Chief, whose policy is to bring them back. I do not associate myself with those who condemn the President for his handling of this very difficult and tragic Vietnam war, because he has reversed the course taken by his predecessor. He was faced with the fact that 550,000 troops were already in Vietnam when he took the oath of office. He has brought back 500,000 of those men. There is every indication, as a matter of fact, that the President is committed to bringing back the remaining 49,000 who are there at the present time.

Thus, I commend the President on the great reduction he has made in ground personnel in Vietnam and I support his endeavors in bringing all of the men back. I do not believe it is logical for the United States to be fighting a ground war in Asia.

Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the able Senator from Utah (Mr. Moss) is now recognized for not to exceed 15 minutes.

THE STOCKHOLM CONFERENCE ON WORLDWIDE ENVIRONMENTAL ISSUES

Mr. MOSS. Mr. President, the United Nations Environmental Conference in Stockholm was a necessary and vital beginning in our effort to combat environmental degradation on a worldwide scale. I was privileged to be a part of that conference as a member of the U.S. delegation and want to share my views of the accomplishments and lingering problems that resulted from the actions taken in Stockholm.

The conference results present a mixed picture. The press has often played up the failures of the conference, while administration spokesmen have spoken in glowing terms describing the accomplishments. The actual situation was much more mixed than either of these analyses; some very real progress was attained and should be made known to the world, and some very significant conflicts remain that will require continuing leadership on the part of the United States in the years ahead.

ACCOMPLISHMENTS

The conference established a new U.N. environmental organization, created a voluntary fund, adopted several action proposals, and embraced a philosophical statement propounding a worldwide environmental ethic. The adoption of these four major objectives by this diverse body was a major accomplishment and the country should be made aware of the stride forward that has been taken. The flurry of activity that accompanied their acceptance indicated that the 113 nations—working with 12,000 pages of conference documentation, 70 national reports on environmental conditions and 4 years of preparatory work by a 27-nation committee—reached a consensus through a unique and painstaking process of persuasion.

A brief listing of the accomplishments is impressive. Recommendations were made for the following: a 10-year ban on whale harvesting; establishment of worldwide facilities for baseline studies and environmental monitoring; replacement of synthetic products with natural products where possible; minimizing the release of dangerous pollutants such as heavy metals; completion in 1972 of a global agreement to restrict ocean dumping; establishment of an Environmental Referral Service for information exchange; and emphasis on aid to family planning programs. This is only a brief listing of the more than 100 recommendations that were adopted.

The leadership of Russell Train as Chairman of the U.S. delegation and Christian Herter as Vice Chairman deserves mention. The job of shepherding the U.S. positions through numerous committee sessions was a wearing and demanding task which they fulfilled with great dedication. I would say that the U.S. delegation was perhaps the best prepared at the Conference.

To list successes does not imply that the Conference had no setbacks. The aggressive role of the People's Republic of China was a surprise to most countries, and added little to the real progress of the Conference. I was occupying the U.S. delegation seat in the plenary session at the time that China leveled its attack against the United States and other Western powers. I know the sting of their rhetoric. Nevertheless, I believe that we can learn from the stance taken by China. She now desires full participation in the U.N. It is imperative that she be included in the early preparatory developments for the next Conference, which will occur in all likelihood in 1977.

When we look at each of the specific accomplishments mentioned above and examine them in detail, it becomes apparent that many of the steps taken were extremely limited, and that there is a great need for further leadership on the part of the United States in expanding the beginnings that occurred.

NEED FOR CONTINUED U.S. LEADERSHIP

The United States can learn many lessons from its participation in the Stockholm Conference. I am convinced that congressional action and initiative will be necessary if the United States is to play its proper role in the world community. The posture of the United States was of some concern to me before and during the Conference. All too often it appeared as though the United States was seeking the lowest common denominator in the language of specific recommendations so that the United States might claim success. I realize that the processes of the United Nations sometimes dictate such an approach. But in too many cases the United States missed opportunities for leadership because of the cautious position taken on specific issues.

If the United States is not actively leading an issue, particularly in environmental affairs, it is seen as an indication that we are sitting on our hands and on our money. We do not appear to have the choice of "neutrality." In environmental affairs, the United States is clearly ahead of most other nations. We also command by far the largest portion of the world's resources. It is therefore imperative that we not simply seek to "win the day" with our positions, but also attempt to lead the world in a direction that will avert the worldwide crisis seen ahead by so many.

Let me be specific and choose an example. While I have listed financial commitments to the voluntary U.N. Environmental Fund as one of the major accomplishments of the conference, I believe there was a great need for further commitment on the part of the United States. The Advisory Committee to the Secretary of State, chaired by the distinguished senior Senator from Tennessee (Mr. BAKER), recommended a much larger contribution to the United Nations fund. I believe that the United States could easily have doubled its commitment, which now amounts to only $8 million per year, without any significant impact on our Treasury and with a great effect on world opinion. The United States position, adopted by the administration, also argued against any "additionality" in funding. This is a rather curious term, but was used to mean that the United States would not agree to further financial commitments outside of the voluntary fund. We all know that environmental issues permeate virtually any subject matter and any organization. This is also true with the United Nations and its specialized agencies. Therefore, for the United States to object to financial increases in special agency programs designed to protect the environment placed us in an unnecessarily bad light whenever discussions on these specific proposals arose.

The Congress can help the administration on this subject. We have taken the leadership on most environmental issues, and we should give clear indication that we are willing to make financial contributions to international environmental efforts.

On one subject—human settlements—India paid more attention to the recommendations of the Secretary of State's Advisory Committee than did the U.S. Government. The Advisory Committee recommended a special fund for human settlements, but the administration rejected this proposal. India was successful in pursuing this issue, over U.S. objections, through the committee processes and the plenary session. It will now be discussed as a special item before the United Nations General Assembly. It is unfortunate when we are out-flanked by other nations on our own Advisory Committee's recommendations.

The issue of family planning followed the same scenario. The United States dragged its feet on recommendations that would urge greater family planning programs. Norway picked up the issue and successfully shepherded it into the final recommendations adopted by the conference.

The establishment of a new United Nations organization to administer environmental programs has been broadly hailed as a significant accomplishment. It is. But I must point out once again that the position adopted by the administration was perhaps more cautious than necessary. The new organization would certainly have more strength if it were totally independent of other U.N. bureaucracies. Once again, the Advisory Committee to the Secretary of State recommended such a proposal, but the United States delegation advocated instead the establishment of a unit within the Economic and Social Council of the U.N. ECOSOC has been a weak body in the U.N. We will not know if it would have been possible to create a stronger organization; we did not try. This strikes at the heart of the U.S. posture on international environmental affairs.

We should avoid the flagrant attempts at heavy-handed leadership, such as those displayed on occasion by the People's Republic of China, but we should not pass up the role of the concerned leader who offers innovative and responsible positions even when they are a few years ahead of any international consensus. It is this leadership and this stance that I would advocate in further international environmental negotiations.

If the United States is not willing to offer the "carrot" of financial assistance in international environmental affairs, we will have difficulty reaching international agreements on worldwide standards for the control of pollutants and the preservation of environmental values. The developing nations are extremely sensitive about the conflict they see between industrial development on the one hand and pollution controls on the other hand. It will tax the ability of international negotiators to find agreements that actually establish requirements to abate pollution and enhance environmental quality; without incentives offered by the United States, they will be impossible. The strength of national sovereignty is very real and was displayed with great force in Stockholm. Principle 21 of the Declaration of the Human Environment, calling for nations to recognize the international effects of their actions, holds out the hope that nations will realistically assess the environmental impact of their actions and that the theme of "Only One Earth" may override the tendencies of nationalism.

The Congress has moved our country into a position of leadership on environmental affairs. The Clean Air Act of 1970 established the principle that public health is a higher standard than industrial development, and that new plants must adopt the best available pollution control technology in their design. In water pollution, the House and Senate have both passed bills that move us away from the use of our streams and lakes to assimilate pollution. As we look to future international conferences on the environment, we must aggressively seek opportunities to persuade the international community to adopt similar standards on a worldwide basis. This is certainly more important than claiming "victory" for the U.S. positions after any particular conference, and I would hope that in the future we might press for such long-term goals.

LESSONS FOR THE FUTURE

The need to involve public opinion in all its various forms is one of the most crucial lessons to carry from the Stockholm Conference. We have until 1977 before another similar conference will be convened. We will need all of that time to create better procedures for the inclusion of public participation in both the U.S. international negotiating processes and in those of the worldwide community. The nongovernmental organizations—NGO's as they became known in Stockholm—had valuable contributions to make but all too often—both in the United States and later in Stockholm—these organizations were included in a less than satisfactory way. The Secretary's Advisory Committee was established too late. Its recommendations were announced at roughly the same time that the United States adopted its positions on most issues. This meant that the committee had very little real involvement in the decisions of the Secretary of State. My own experience with public environmental groups leads me to believe that they can make very valuable contributions. I would urge the Secretary of State to assign a high priority in his department to the creation of real structures and real processes that will include public participation on international environmental issues on a continuing and meaningful basis. I believe this is worthy of a special task force assignment by the Secretary of State so that the mistakes made in the preparations for the Stockholm Conference will not occur in future environmental meetings.

A second lesson, discussed extensively in earlier parts of my statement, is that the United States has no real choice other than to take broad and significant leadership in environmental affairs. We must be willing to make commitments and take leadership positions even when they are not uniformly popular. Congress can aid the administration in this effort. My colleagues should be aware of the fact that congressional initiative will be a necessary feature on international environmental affairs in the foreseeable future.

SUMMARY

The Stockholm Conference made very real and important advances. I applaud those and commend the U.S. delegation for its role in bringing them about. I also regret the many missed opportunities and urge our country to capture these opportunities so that they not be lost. The monitoring of environmental degradation where no monitoring previously occurred is a step forward. But to control it, to reverse it, and to build a better human environment is a much higher calling and a more daring task. It is this challenge that the United States must accept and urge on the world community.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, in anticipation of a rollcall which will occur at 9:30 a.m. today, I shall suggest a quorum which will alert the offices of Senators and also the cloakrooms to the necessity of our having at least 11 Senators on the floor in order to order the call of the yeas and nays thereon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN SUPPORT OF A 20-PERCENT INCREASE IN SOCIAL SECURITY BENEFITS

Mr. ROBERT C. BYRD. Mr. President, in signing the Social Security Act of 1935, President Franklin D. Roosevelt called it:

> A cornerstone in a structure which is being built, but is by no means complete—a structure intended to lessen the force of possible future depressions, to act as a protection to future administrations of the government against the necessity of going deeply into debt to furnish relief to the needy—a law to flatten out the peaks and valleys of deflation and of inflation—in other words, a law that will take care of human needs and at the same time provide for the United States an economic structure of vastly greater soundness.

Well over three decades later this description of the Social Security Act remains accurate. The time has come, however, to enhance President Roosevelt's description by strengthening the heart of the Social Security Act, title II—Federal Old-Age, Survivors, and Disability Insurance Benefits.

Old-age, survivors, and disability insurance—more generally known as social security—is the Nation's basic income maintenance program.

It provides protection for workers and their families against loss of income due to retirement, disability, or death of the family bread winner. No other program is as effective in helping to assure economic security, while maintaining dignity for workers and their families, as social security.

The social security program envisioned by Franklin Roosevelt has today grown to a universal system, with more than 27 million Americans receiving benefits. Approximately 91 percent of the Nation's elderly are getting social security benefits or will be eligible for them when they or their spouses stop working. Ninety-three percent of America's citizens reaching 65 in 1972 are eligible for benefits. The social security program in the United States covers 9 out of 10 people in paid employment and self-employment. Ninety-five percent of the children under 18, and their mothers, can count on monthly benefits if the family earner should die.

There is no doubt that the social security program has been successful throughout the years since 1935, because it is a work related and an earned right program. Entitlement to benefits and the amount of benefits are based on past employment. Social security is also earnings-related, in that the amount of cash benefits a worker and his family receives is generally related to his earnings in covered work.

Over a year ago the Advisory Council on Social Security, a distinguished 13-member panel, recommended that, and I quote from the report of the 1971 Advisory Council on Social Security:

> The actuarial cost estimates for the cash benefits program be based—as the estimates for the hospital insurance program now are—on the assumptions that earnings levels will rise, that the contribution and benefit base will be increased as earnings levels rise, and that benefit payments will be increased as prices rise.

In their 1971 report, the Advisory Council explained that since 1935, the estimates of the long-range cost of social security have been based on the assumption that both earnings and benefits will remain level over the valuation period. Contrary to the assumption used in the estimate, as we all well know, earnings levels have risen, and the additional income from rising earnings is substantially greater than the benefit liability arising from higher earnings. Thus, under present practice, a long-range actuarial surplus is created each time earnings rise.

By following the procedure the Advisory Council recommended—basing the contribution rates for social security on the assumption that benefits and earnings levels will rise—we can now substantially improve the program by immediately increasing social security benefits by 20 percent without drastically increasing both the employee and employer contribution rates and the amount of annual earnings which are counted for benefits and on which contributions are paid—the contribution and benefit base. We can enact a 20-percent social security increase while maintaining the present contribution rate of 4.6 percent each for employees and employers for 1973–76 and with a rate of 4.9 percent for 1977–2010 and a contribution and benefit base of $10,200 in 1972 and $12,000 in 1973.

While Congress has seen fit to raise social security benefits during the past years, inflation has reduced the purchasing power of these higher benefits. Workers who retired in 1950, in terms of 1970 dollars, had their average monthly social security benefits of $78.10 in 1950 raised to $89.50 in 1954 and $90.60 in October 1970. A worker who retired in 1950 has barely held his own between 1954 and 1970.

Measured by 1970 dollars, the average monthly social security benefit for retired workers in current-payment status in 1960 was $97.90 and $117.79 in October 1970—an improvement of about 20 percent in real terms. For a widowed mother with two children, in 1960, the average monthly benefit measured in 1970 dollars was $237.60, and in October 1970 it was $255.80—an increase of about 8 percent in real terms.

The Nation's elderly citizens have less than half the income of our younger citizens. Five million older Americans—over 25 percent of our elderly—have incomes below the poverty level. In 1970, half of the families headed by older persons had incomes of less than $5,053. In the same year the median income for older citizens living alone or with nonrelatives was $1,951.

The time has come to improve the Nation's basic income maintenance program. We can provide a substantial 20-percent increase in social security benefits for the Nation's elderly, disabled, widows, and widowers and surviving children in a way that does not impose an excessive tax burden on covered workers and employers, and in a way that assures that social security will continue to be financed on an actuarially sound basis.

A 20-percent across-the-board boost in social security benefits will increase the average monthly benefits for the typical retired worker from $133 to $162; from $222 to $269 for the average elderly couple; and from $114 to $153 for the average aged widow.

As just recently reported by the Department of Health, Education, and Welfare, the number of elderly persons on welfare—those receiving old-age assistance—has dropped to a 32-year low of 2,015,000 people. This decline in the number of old-age welfare recipients is due in large part to past increases in social security benefits. A 20-percent increase in social security benefits will further reduce the cost of old-age assistance.

A 20-percent increase in benefits will lift a total of 1.9 million social security recipients out of poverty, including 1.4 million aged. As a cosponsor of the amendment by Mr. Church, I therefore, urge the Senate to support an immediate 20-percent increase in social security benefits.

NEED FOR MORE ADEQUATE SOCIAL SECURITY BENEFITS: NO LESS THAN 20-PERCENT INCREASE

Mr. CRANSTON. Mr. President, I support amendment No. 1307. This amendment is similar to amendment No. 999 to H.R. 1, the proposed Social Security Amendments of 1971 which was submitted by the Senator from Idaho (Mr. Church), providing a 20-percent increase in social security benefits. Senator Church offered amendment No. 999 last March 7—2 weeks after the distinguished chairman of the House Ways and Means Committee, the Honorable Wilbur Mills, also called for a 20-percent increase in social security benefits. But because H.R. 1 will not be taken up on the Senate floor until late this summer, and since there may be delays in seeing it finally enacted, Senator Church has offered his 20-percent increase in social security measure as amendment No. 1307 to the debt ceiling bill. I am pleased to support him and the other 43 Senate cosponsors of the original 20-percent increase provision in their efforts to secure these much needed income supplements for America's older citizens without further delay.

WHAT AMENDMENT NO. 1307 WOULD PROVIDE

In terms of dollars and cents, amendment No. 1307 would raise monthly benefits for the typical retired couple from $222 to $269, and for the average retired worker, it would increase his social security benefits from $133 a month to $162 a month.

Mr. President, the following table shows what these benefits increases would mean for a broad range of social security recipients:

BENEFITS INCREASE

	Present	20 percent	Increased benefits on annual basis
Retired worker (average)	$133.00	$161.00	$336.00
Retired couple (average)	223.00	270.00	564.00
Worker with maximum earnings	216.00	259.00	516.00
Couple with maximum earnings	234.00	389.00	780.00
Minimum	70.40	84.50	169.00
Widow (average, without provision for 100 percent benefits)	144.00	137.00	276.00

It is significant to discuss these benefits increases in light of recent cost-of-living increases.

From January 1971—the effective date of the last social security increase—to May 1972, the consumer price index has increased by 4.6 percent. By the effective date of the proposed 5-percent increase in the House-passed social security bill—and this is the level recommended by the administration—the elderly are likely to discover that inflation has totally wiped out this proposed boost in benefits.

Equally significant, many items—which affect the elderly to a much greater degree than younger persons—have risen at a much more accelerated rate than the overall consumer price index. In a number of cases, these items would outstrip the proposed 10-percent raise in the Finance Committee bill. Among key examples:

Property taxes have risen by 14.3 percent from January 1971 to May 1972—approximately 70 percent of the elderly own their own home:

Food costs have risen by 5.9 percent—approximately 27 percent of the elderly's budget is spent for food, in contrast to 16 percent for the total population;

There has been a 5.7-percent increase for medical care—for fiscal 1971 the elderly paid almost as much in out-of-pocket payments for medical care—$225—as the year before medicare went into effect—$234.

Even with a 20-percent increase, social security benefits for the typical retired couple will still fall short of the Bureau of Labor Statistics intermediate budget for a retired couple. A 20-percent increase would raise social security benefits for the average retired couple to $270 a month, or to $3,240 a year. This would represent only about 68 percent of the intermediate budget, which is $4,776.

A 20-percent increase would raise social security benefits for the typical retired individual to $161 a month, or $1,932 on an annual basis. This would represent less than 70 percent of the BLS intermediate budget for aged single persons, $2,778.

More than 4.7 million persons 65 and older now live in poverty—the 1970 poverty threshold is $1,852 for a single aged person and $2,328 for a couple.

The median income for persons 65 and over living alone or with nonrelatives is only $1,951, or about $37 per week. For aged women living alone, their median income is $1,888 annually, or just slightly above the poverty index.

Approximately one out of every four aged couples have incomes below $3,000—less than $60 a week. The BLS lower budget for an urban retired couple is $3,319.

Nearly nine out of 10 black women living alone or with nonrelatives—88.3 percent—would be considered poor or near poor.

Mr. President, I believe these figures tell a story bearing on the disgraceful, especially in light of the universality of the social security system in our country.

This program touches the lives of practically every family in America. Nearly 91 percent of the elderly receive benefits now or will be eligible for them when they or their spouses stop working, and 93 percent of those reaching age 65 in 1972 are eligible for benefits. Ninety-five percent of the children under 18 and their mothers can count on monthly cash benefits if the family earner should die. More than 27 million men, women, and children—one out of every eight Americans—are now receiving monthly cash benefits.

Mr. President, I have a chart here which was supplied to me by the Social Security Administration and which provides a county by county breakdown of the number of social security beneficiaries, as of December 1971 in my State of California. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, these figures give proof of the fact that the time has come to make significant improvements in social security, so that this—the Nation's basic income maintenance program—can serve its people more effectively. We have the opportunity to do that today.

HOW THE INCREASE WOULD BE FINANCED

Both Chairman MILLS and Senator CHURCH have already presented detailed accounts to the Congress which conclude without a doubt that a 20-percent increase in social security benefits would be possible without endangering the social security trust fund and with only a modest increase in the payroll tax. It is not my intention to reiterate here this morning their remarks, but in light of the President's comments last night that a 20-percent increase could jeopardize the integrity of the social security trust fund, I believe it is incumbent upon me to touch on just how this increase would be financed so that any concerns the President's remarks may have raised can be allayed.

The financing proposal for the 20-percent increase is derived from the recommendations of the Advisory Council on Social Security. This distinguished 13-member panel was made up by law of representatives of organizations of employers and employees and of the self-employed and the public. The Council's Chairman was Arthur S. Flemming, former Secretary of the Department of Health, Education, and Welfare, recent chairman of the White House Conference on Aging—which, I might add, called for a 25-percent boost in social security benefits—and is presently an adviser to the President on the affairs of the elderly. Several members of the Council have long, prominent careers in finance. The Council was assisted in its review of the financing of the program by national respected actuaries and economists. I mention this, Mr. President, so that there can be no doubt as to the soundness of the recommendations of the Advisory Council.

Amendment No. 1307 is based upon a "rising wage assumption," as recommended by the Social Security Advisory Council. In essence, of course, this means that actuarial projections should be based upon a steady increase in both wages and prices in future years, rather than on the assumption that over the long run neither benefit nor wage levels will change.

Amendment No. 1307 is further based on current cost financing as recommended by the National Advisory Council. In other words, it incorporates a tax schedule calculated to maintain a trust fund balance at least equal to 75 percent of 1 year's worth of benefits, as does the Finance Committee bill.

The increase in the taxable wage base to $12,000 in 1973, which it proposes, would result in substantially improved benefit protection for workers with above average earnings, and would move in the direction of covering the proportion of workers' earnings that were covered under the original Social Security Act. In 1938 the $3,000 earnings base covered the full earnings of 97 percent of all workers. A $12,000 base would cover the full earnings of about 86 percent of all workers in 1973. The present maximum taxable wage base of $9,000 fully covers only about 72 percent of all employees working under social security. To achieve the same proportion of covered earnings as when social security went into effect, interestingly enough, would require that the maximum wage base be raised to about $18,600.

Raising the taxable wage base, then, would provide higher benefits for workers earning up to that level, and additionally, it would provide revenue to finance these badly needed improvements in social security without imposing burdensome taxes on lower and moderate-income wage earners.

In this regard, Mr. President, I would like to comment on President Nixon's comments of last night in which he implied that such financing would, in effect, wipe out the reductions granted to middle-income and lower-income workers during the past several years.

None can deny that it is this group of Americans which is most sorely burdened by the inequitable tax structure we rely on today. And none can deny that this Congress has a moral obligation to work promptly to overhaul that structure to relieve this burden from middle- and lower-income workers. I very much regretted hearing the President imply that doing justice to America's senior citizens by passing this 20-percent increase would be unfair to her middle- and lower-income people, when the issue at hand here is so much more complex. If the President is truly interested in relieving the burdens of these hard-pressed taxpayers, I urge him to work with us in reaching a meaningful and prompt resolution of the taxation questions which so plague us today.

The President also suggested that a 20-percent increase in benefits might add billions more to the projected budgetary deficit for fiscal 1973. I should like to rebut that suggestion by quoting from the Social Security Advisory Council's recommendations which state:

> Even though the operations of the social security trust fund and other trust fund programs are combined with the general operations of the federal government in the unified federal budget, policy decisions affecting the social security program should be based on the objectives of the program rather than on any effect that such decisions might have on the federal budget. The operations of the social security and other federal trust funds should continue to be identified as such and separated from the general operations of the government.

Chairman MILLS, in his study of the financing of a 20-percent increase, has assured the Congress that while a 20-percent increase—

> Does add to the deficit in 1973 under the unified budget concept—it does not mean one additional dollar of borrowing. (WILBUR MILLS 3/6/72 p. 6987 CONGRESSIONAL RECORD)

More important, it will not result in any additional deficit financing.

THE NEED FOR A PASS-ALONG PROVISION

Mr. President, when the distinguished Senator from Idaho (Mr. CHURCH) advised me that he would submit this amendment to the debt ceiling bill, I discussed with him the vital need to include a significant "pass-along" provision with his amendment. Pass-along provisions have, in the past, been enacted to correct the situation whereby individuals receiving both social security and/or railroad retirement benefits as well as public assistance also receive a corresponding reduction in their public assistance grant whenever social security cost-of-living increases are enacted. In general, however, the pass-along allowed has been less than the full social security increase, so recipients in this category have not enjoyed the full increase intended for them. Further, when the pass-along legislation is not included in the legislation to increase benefits, as was the case in the most recent social security increase enacted March of 1971, recipients in this category receive none of the increase provided other social security beneficiaries.

On March 13 of this year I introduced S. 3328, a bill providing a permanent mechanism to insure that old age public assistance recipients do receive the benefits of social security increases. The Finance Committee subsequently approved a $50 pass-along provision to be included in its omnibus social security measure.

If it were not for the fact that Senator CHURCH advised me that submitting one or the other of these alternatives as a modification to amendment No. 1307 would seriously hamper the chances of its final enactment, I would not hesitate to do so. I will defer from pressing this point further this morning, but I do want to pledge at this time that when H.R. 1 comes to the Senate floor, I will work vigorously for a meaningful pass-along measure which will be retroactive to cover the increases we will be approving today. I urge my colleagues to join me in this pledge.

Mr. President, in the event that some Senators may not be aware of S. 3328, I ask unanimous consent that the text of my introductory remarks and a copy of the bill itself be included in the record at the conclusion of my remarks this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CRANSTON. Mr. President, we have the opportunity to take action to provide the elderly with a significant increase in social security benefits. H.R. 1 passed the House of Representatives a year ago this month. While the Finance Committee has completed its consideration of the bill, it might be months before it is enacted. By passing this 20-percent increase along with the public debt bill, we can insure that the elderly will have to wait no longer for an increase that will help them live more comfortably—in many cases—that will help them meet the bare necessities. I urge Senators to support amendment No. 1307.

EXHIBIT 1

OLD-AGE, SURVIVORS, DISABILITY, AND HEALTH INSURANCE

TABLE II.—NUMBER OF BENEFICIARIES WITH MONTHLY CASH BENEFITS IN CURRENT-PAYMENT STATUS AT END OF DECEMBER 1971, BY AGE OF BENEFICIARY AND BY STATE AND COUNTY OF RESIDENCE

State and County	Total	Under age 60				Age 60 and over							
									Age 65 and over				
		Total	Under age 18	Age 18–21	Age 22–59	Total	Age 60–61	Age 62–64	Total	Age 65–71	Age 72 and over	Men	Women
Caiflornia	2, 390, 137	539, 573	283, 905	56, 367	199, 301	1, 850, 564	34, 129	220, 807	1, 595, 628	690, 625	905, 003	744, 819	1, 105, 745
Alameda	121, 094	26, 441	13, 866	3, 082	9, 493	94, 653	1, 646	10, 066	82, 941	34, 072	48, 869	36, 115	58, 538
Alpine	54	10	5	3	2	44	2	7	35	18	17	19	25
Amador	2, 514	425	243	24	158	2, 089	43	344	1, 702	829	873	993	1, 096
Butte	20, 831	4, 176	2, 027	450	1, 699	16, 655	345	2, 317	13, 993	6, 345	7, 648	7, 578	9, 077
Calaveras	2, 682	463	248	39	176	2, 219	35	347	1, 837	915	922	1, 107	1, 112
Colusa	2, 030	482	252	54	176	1, 548	24	171	1, 353	588	765	729	891
Contra Costa	55, 631	14, 415	7, 626	1, 762	5, 027	41, 216	927	5, 547	34, 742	15, 712	19, 030	16, 836	24, 380
Del Norte	2, 408	690	376	47	267	1, 718	45	249	1, 424	732	692	837	881
Eldorado	6, 487	1, 397	756	104	537	5, 090	115	830	4, 145	2, 141	2, 004	2, 438	2, 652
Fresno	55, 952	15, 364	8, 265	1, 620	5, 479	40, 588	850	5, 331	34, 407	15, 114	19, 293	17, 730	22, 858
Glenn	3, 160	664	354	62	248	2, 496	43	303	2, 150	988	1, 162	1, 143	1, 353
Humboldt	13, 106	3, 373	1, 804	313	1, 256	9, 733	221	1, 323	8, 189	3, 872	4, 317	4, 496	5, 237
Imperial	9, 481	3, 403	2, 052	324	1, 027	6, 078	131	899	5, 048	2, 629	2, 419	3, 413	2, 665
Inyo	2, 734	586	314	46	226	2, 148	52	318	1, 778	878	900	1, 016	1, 132
Kern	42, 887	12, 894	7, 029	1, 029	4, 836	29, 993	841	4, 606	24, 546	12, 188	12, 358	13, 798	16, 195
Kings	7, 194	2, 248	1, 262	204	782	4, 946	128	715	4, 103	1, 866	2, 237	2, 278	2, 668
Lake	6, 773	946	393	61	492	5, 827	107	925	4, 795	2, 484	2, 311	2, 875	2, 952
Lassen	2, 158	516	282	44	190	1, 642	33	258	1, 351	631	720	798	844
Los Angeles	814, 829	179, 400	92, 594	17, 696	69, 110	635, 429	11, 667	70, 779	552, 983	231, 021	321, 962	238, 639	396, 790
Madera	7, 013	1, 947	1, 059	170	718	5, 066	132	722	4, 212	1, 958	2, 254	2, 442	2, 624
Marin	18, 907	3, 921	2, 112	565	1, 244	14, 986	237	1, 749	13, 000	5, 396	7, 604	5, 630	9, 356
Mariposa	1, 300	181	94	20	67	1, 119	19	160	940	456	484	552	567
Mendocino	7, 828	1, 795	920	180	695	6, 033	130	861	5, 042	2, 391	2, 651	2, 860	3, 173
Merced	12, 542	3, 827	2, 122	386	1, 319	8, 715	200	1, 241	7, 274	3, 455	3, 819	4, 119	4, 596
Modoc	1, 098	249	118	26	105	849	19	107	723	326	397	402	447
Mono	390	80	47	8	25	310	5	55	250	142	108	155	155
Monterey	26, 041	6, 891	3, 808	762	2, 321	19, 150	361	2, 445	16, 344	7, 188	9, 156	8, 022	11, 128
Napa	12, 563	2, 296	1, 006	272	1, 018	10, 267	172	1, 154	8, 941	3, 548	5, 393	4, 522	5, 745
Nevada	5, 949	967	498	102	367	4, 982	90	739	4, 153	1, 999	2, 154	2, 310	2, 672
Orange	139, 404	32, 720	18, 261	3, 581	10, 878	106, 684	1, 638	12, 278	92, 768	39, 168	53, 600	39, 572	67, 112
Placer	10, 823	2, 433	1, 172	240	1, 021	8, 390	164	1, 201	7, 025	3, 396	3, 629	3, 748	4, 642
Plumas	2, 130	501	281	60	160	1, 629	32	252	1, 345	654	691	773	856
Riverside	79, 898	14, 848	7, 999	1, 167	5, 682	65, 050	1, 084	8, 436	55, 530	25, 778	29, 752	28, 507	36, 543
Sacramento	69, 371	18, 768	10, 018	2, 194	6, 556	50, 603	1, 099	6, 599	42, 905	19, 363	23, 542	21, 103	29, 500
San Benito	2, 392	506	285	54	167	1, 886	31	212	1, 643	709	934	838	1, 048
San Bernardino	86, 969	19, 960	10, 925	1, 642	7, 393	67, 009	1, 315	8, 350	57, 344	25, 768	31, 567	28, 387	38, 622
San Diego	160, 179	32, 330	17, 414	3, 680	1, 236	127, 849	2, 092	16, 423	109, 514	48, 886	60, 628	51, 672	76, 087
San Francisco	116, 112	19, 172	8, 799	2, 358	8, 015	96, 940	1, 489	9, 152	86, 299	35, 316	50, 983	39, 431	57, 509
San Joaquin	39, 980	9, 376	4, 841	1, 016	3, 519	30, 604	628	3, 864	26, 112	11, 577	14, 535	14, 477	16, 127
San Luis Obispo	17, 699	3, 508	1, 657	367	1, 484	14, 191	259	1, 905	12, 027	5, 582	6, 445	6, 264	7, 927
San Mateo	54, 947	11, 841	6, 035	1, 620	4, 186	43, 106	750	5, 048	37, 308	15, 894	21, 414	16, 243	26, 863
Santa Barbara	31, 550	6, 515	3, 517	847	2, 151	25, 035	343	2, 744	21, 948	9, 215	12, 733	9, 934	15, 101
Santa Clara	92, 364	24, 357	13, 136	3, 016	8, 205	68, 007	1, 213	8, 053	58, 741	24, 846	33, 895	26, 359	41, 648
Santa Cruz	25, 850	4, 178	2, 147	536	1, 495	21, 672	285	2, 352	19, 035	7, 770	11, 265	8, 888	12, 784
Shasta	11, 869	3, 187	1, 693	282	1, 212	8, 682	224	1, 385	7, 073	3, 584	3, 489	4, 118	4, 654
Sierra	473	81	38	15	28	392	10	57	325	180	145	193	199
Siskiyou	5, 413	1, 116	572	129	415	4, 297	69	562	3, 666	1, 718	1, 948	2, 064	2, 233
Solano	15, 544	4, 068	2, 195	451	1, 422	11, 476	238	1, 553	9, 685	4, 457	5, 228	4, 730	6, 746
Sonoma	36, 423	6, 097	3, 472	750	2, 685	29, 516	468	3, 629	25, 356	11, 363	13, 993	12, 635	16, 881
Stanislaus	29, 317	7, 130	3, 738	647	2, 745	22, 187	498	2, 884	18, 805	8, 240	10, 565	9, 753	12, 434
Sutter	5, 108	1, 318	715	135	468	3, 790	85	538	3, 167	1, 385	1, 782	1, 707	2, 083
Tehama	4, 850	1, 065	594	89	382	3, 785	75	522	3, 188	1, 517	1, 671	1, 751	2, 034
Trinity	1, 214	296	177	19	100	918	25	157	736	394	342	480	438
Tulare	29, 256	8, 744	4, 706	703	3, 335	20, 512	521	2, 911	17, 080	7, 992	9, 088	9, 627	10, 885
Tuolumne	3, 960	704	362	66	276	3, 256	71	492	2, 693	1, 341	1, 352	1, 592	1, 664
Ventura	36, 874	10, 213	5, 666	876	3, 671	26, 661	539	3, 332	22, 790	10, 442	12, 348	10, 831	15, 830
Yolo	9, 419	2, 239	1, 185	254	800	7, 180	159	897	6, 124	2, 738	3, 386	3, 342	3, 838
Yuba	5, 113	1, 445	773	118	554	3, 668	105	568	2, 995	1, 470	1, 525	1, 858	1, 810

EXHIBIT 2

AUTOMATIC INCREASE IN STANDARDS OF NEED UNDER PUBLIC ASSISTANCE PROGRAMS

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 3328. A bill to amend the Social Security Act to assure that whenever there is a general increase in social security benefits there will be a corresponding increase in the standard of need used to determine eligibility for aid or assistance under State plans approved under title I, X, XIV, or XVI of such Act. Referred to the Committee on Finance.

Mr. CRANSTON. Mr. President, I introduce today, along with my colleague (Senator TUNNEY), legislation to enable those needy individuals who are recipients of grants for the aged, blind, and disabled to receive automatic increases in this assistance commensurate with increases in social security benefits. This would be achieved by requiring States to increase, by a rate corresponding to the rate of any further social security increase, the standard of need used to determine eligibility for assistance under these programs.

This concept, in a somewhat different form, was recommended in 1970 by the Senate Finance Committee in its consideration of H.R. 17550, the proposed Social Security Amendments of 1970. The committee report (No. 91–1431, page 43) said:

PASS-ALONG OF SOCIAL SECURITY INCREASES TO WELFARE RECIPIENTS

"Under other provisions of the bill, social security benefits would be increased by 10 percent, with the minimum basic social security benefit increased to $100 from its present $64 level. If no modification were made in present welfare law, however, many needy aged, blind, and disabled persons would get no benefit from these substantial increases in social security since offsetting reductions would be made in their welfare grants. To assure that such individuals would enjoy at least some benefit from the social security increases, the committee bill requires States to raise their standards of need for those in the aged, blind, and disabled categories by $10 per month for a single individual and $15 per month for a couple. As a result of this provision, recipients of aid to the aged, blind, or disabled, who are also social security beneficiaries, would enjoy an increase in total monthly income of at least $10 ($15 in the case of a couple)."

The method I am proposing to assure that the aged, blind, or disabled enjoy benefits from social security increases eliminates the discriminatory effect of the so-called pass-along provision, which results in the granting of cost-of-living increases only to those public assistance recipients who are also beneficiaries of social security or railroad retirement benefits.

The original pass-along provisions, included in the 1965 and 1967 social security amendments, permitted States, in determining an individual's need for public assistance payments, to exclude $5 and $7.50 per month, respectively, from any source although these provisions were designed with the 1965 and 1967 social security increases in mind. Later pass-along provisions, however, have applied exclusively to the income received from social security and railroad retirement benefits, and thereby have not helped those public assistance recipients who receive no additional income or who receive income other than that afforded by social security or railroad retirement benefits. My bill would rectify this situation by substituting the "increase in standard-of-need" concept for the "pass-along" concept.

In addition, my bill would eliminate the necessity of repeatedly legislating to afford public assistance recipients the benefits of social security cost-of-living increases by providing for automatic increases in the standard of need. To illustrate the need for such a permanent, automatic mechanism, let me trace briefly the history of the pass-along provisions since their inception 6 years ago:

The Social Security Amendments of 1965 (Public Law 89–97) included a provision that permitted States, in determining an indivdual's need for public assistance payments, to exclude up to $5 of income per month from any source.

The Social Security Amendments of 1967 (Public Law 90–248) amended the pass-along provision enacted in 1965 to increase the income exclusion from $5 to $7.50 per month.

The Tax Reform Act of 1969 (Public Law 91–172) included in section 1006 a requirement that, in determining the need of its public assistance recipients, States must disregard the retroactive payment of the social security increase received April 1970. Section 1007 of the Tax Reform Act required States to exclude up to $4 per month of social security benefits in determining the amount of public assistance payments. This provision was applicable through July 1970.

The 1970 social security amendments to the act to continue the suspension of duties on manganese ore (Public Law 91–306) extended the pass-along provided in section 1007 of the Tax Reform Act of 1969 through October 1970.

The January 1971 amendments to the Social Security Act (Public Law 91–669) extended the pass-along provided in section 1007 of the Tax Reform Act of 1969 through December 1971.

The March 1971 social security amendments to the act to increase the public debt (Public Law 92–5) made it optional for States to disregard retroactive social security benefits in determining public assistance from January through April 1971.

The December 1971 amendments to the Social Security Act—Public Law 92–223—extended the passalong provided in section 1007 of the Tax Reform Act of 1969 through December 1972. My colleague and principal cosponsor of this legislation (Mr. TUNNEY) was responsible for the enactment of this, the most recent temporary passalong provision, which affects the benefits provided by the April 1970 cost-of-living increases.

However, Mr. President, at no time has there been a passalong of any portion of the social security benefit increase enacted in March and effective January 1, 1971. Thus, recipients of aid to the aged, blind, or disabled who are also social security or railroad retirement beneficiaries have not yet realized the benefits Congress intended for them by this legislation. Only they can tell of the hardships they have suffered from this situation.

Passalong provisions, then, have, at times, been enacted to correct the situation whereby individuals receiving both social security and/or railroad retirement benefits as well as public assistance also receive a corresponding reduction in their public assistance grant whenever social security cost-of-living increase are enacted. In general, however, the passalong allowed has been less than the full social security increase, so recipients in this category have not enjoyed the full cost-of-living increase intended for them. Further, when the passalong legislation is not included in the legislation to increase benefits, as was the case in the most recent social security increase enacted last March 1971 recipients in this category receive none of the cost-of-living increase provided other social security beneficiaries.

A permanent, automatic mechanism to increase the standard of need, Mr. President, would eliminate not only the necessity of repeatedly legislating this kind of provision, but also, the bill I am introducing today would have the following benefits as well:

First, it would require that all States conform to the mechanism, rather than making it optional for States to pass on benefits, as most pass-along provisions have to date; and

Second, it would provide every aged, blind, and disabled public assistance recipient with the guarantee that he will receive grant increases whenever there is a corresponding social security increase, and thus provide a systematic way of improving assistance benefits under those programs in equal proportion to improvements Congress makes in social security benefits. For example, in addition to those in my State who receive social security as well as old age assistance, this legislation would benefit the 159,000 Californians on old-age assistance who receive no other source of income. This legislation would benefit a total of 521,000 older persons in California. Enactment of such a mandatory provision would seem particularly appropriate if the Senate accepts the automatic social security increase provision in H.R. 1.

Throughout last spring and summer, Mr. President, I received countless letters from elderly persons—persons who rely on old age assistance grants and social security for their very existence—relating their despair upon receiving from the California State Department of Public Social Services the notice that their public assistance check would be reduced by the amount of the social security cost-of-living increase enacted in March. This was a cruel blow to deal to so many of the more than 2 million recipients of old age assistance in the United States, 60 percent of whom are also recipients of social security benefits. Approximately 362,000 of California's aid to the aged, blind, and disabled recipients also receive social security benefits and thus were not benefited at all by the 1971 social security increase. I believe it is past time to insure that this unfortunate situation is not continued in the future.

I am today writing to Chairman LONG of the Senate Finance Committee, urging that he consider the concept embodied in this legislation in conjunction with his committee's consideration of H.R. 1, the Social Security Amendments of 1971. To facilitate his work, I am redrafting my bill to propose it as well as an amendment to that omnibus social security measure.

As I related to Chairman LONG, last week, on the 3d and 4th of March, as ranking majority member of Senator TOM EAGLETON's Subcommittee on Aging of the Labor and Public Welfare Committee, I was privileged to chair hearings on legislation affecting our Nation's more than 20 million older Americans. I discussed the legislation I am introducing today with many of the witnesses present, and without a dissent, each testified to the vital need for such a measure.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"AUTOMATIC INCREASE IN STANDARDS OF NEED UNDER PUBLIC ASSISTANCE PROGRAMS

"SEC. 1122. (a) (1) In addition to the requirements imposed by other provisions of law as a condition of approval of a State plan of any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Island) to provide aid or assistance to individuals under title I, X, XIV, or XVI, there is hereby imposed the requirement (and the plan shall be deemed to require) that the standard of need (as defined in paragraph (2)) applicable under any such plan shall be increased by the amounts certified in the certifications of the Secretary made pursuant to subsection (b).

"(2) For purposes of this section, the term 'standard of need', when used in connection with any approval plan referred to in paragraph (1), means the income amount (not otherwise disregarded under the plan) used to determine (in the case of each category of applicants for and recipients of aid or assistance under the plan) eligibility of such applicants and recipients for aid or assistance under such plan.

"(b)(1) Whenever there is enacted any provision of law providing a general increase in monthly benefits payable to individuals under title II, the Secretary shall (at the earliest practicable date after the enactment of such provision) determine the average rate of such increase and shall certify to each State agency administering or supervising the administration of any State plan approved under title I, X, XIV, or XVI, the average so determined.

"(2) Any such certification shall be effective, in the case of the standard of need applicable under any approved State plan referred to in subsection (a), for months beginning more than 30 days after such certification is made to the State agency administering or supervising the administration of such State plan, or, if the general increase (referred to in paragraph (1)), on the basis of which such certification is made, will not be effective by such date, then it shall be effective on the first month for which such general increase will be effective."

SEC. 2. (a) Subject to subsection (b), the amendment made by the first section of this Act shall be effective in the case of general increases in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment of provisions of law enacted after January 1971.

(b) For purposes of section 1122 of the Social Security Act (as added by the first section of this Act), any certification under subsection (b) of such section on account of any general increase in monthly benefits payable to individuals under title II of the Social Security Act resulting from the enactment, prior to the enactment of this Act but after January 1971, shall be made at the earliest practicable date after the enactment of this Act and shall be effective with respect to months beginning 2 months after the month of enactment of this Act.

Mr. McCLELLAN. Mr. President, the plight of the elderly is of concern to every American. America is great today because of what our senior citizens have given our country. To the task of making America great, they have brought their intelligence, the sweat of their brows and the fruits of their imaginations.

They have given America its traditional standards, its traditional values, and its traditional precepts.

In return for this, our senior citizens have the right to ask that the American dream be fulfilled for them as well as for other generations. They have the right to decent housing, adequate medical care and incomes above the poverty level.

In our constant preoccupation with youth we sometimes forget our obligation to our senior citizens and to brush aside their needs and requirements for a life of dignity and purposes. We cannot afford to let our elderly become America's forgotten generation.

It is for these reasons that I support the amendment to the debt ceiling limitation legislation (H.R. 15390) now before the Senate providing a 20-percent across-the-board increase in social security benefits.

The necessity of this action is strongly compelling.

Of the more than 20 million Americans over the age of 65, almost 5 million live below the official poverty line.

An estimated 6 million live in substandard housing.

Only 17 percent are employed.

And the likelihood of the elderly being poor is about twice as great as for the rest of our people. Approximately 20 percent of all persons 65 or older—in vivid contrast to 11 percent of our younger people—now live in poverty.

Today, the median income for single aged individuals is only $1,951 a year. Moreover, nearly 70 percent of all elderly women who live alone or with nonrelatives exist on less than $50 a week.

The retirement income of the aged is being squeezed and stretched. They need help. Adding a few dollars to to their small monthly social security checks is not enough to provide the compassion and help required in these inflationary times.

What is needed now is a significant increase in social security benefits to make a difference for our senior citizens. The 20-percent increase which I hope this body will approve today will go a long way to providing the decent income for which they have waited so long.

In concrete terms, this amendment would raise monthly benefits for a typical retired couple from an estimated $223 to $268 a month. The average retired worker's benefits would rise from an estimated $133 a month to about $160.

One of the great advantages of this approach is that it would allow large numbers of older Americans to escape from grinding poverty without the necessity of resorting to welfare. And it would allow many senior citizens to move up a rung or two on the economic ladder.

Mr. President, I have had a continuing commitment to the improvement of the living conditions of America's senior citizens since I voted for the original Social Security and Railroad Retirement Acts.

It was for these reasons, Mr. President, that I cosponsored the original amendment to H.R. 1 to raise social security benefits by 20 percent.

Frankly, I would have preferred that method of enacting this increase rather than the one at hand. The pending legislation to raise the debt limit is hardly the appropriate vehicle for this amendment.

But I am persuaded that there is a pressing need for a significant increase in social security benefits to make a substantial improvement in the well-being of America's senior citizens and, therefore, I will vote for this legislation.

Mr. BAKER. Mr. President, more than 550,000 people in the State of Tennessee rely heavily, if not entirely, on benefits provided by the Social Security Administration. A recent survey by the White House Conference on Aging revealed that at least half of these citizens are living at a bare subsistence level, some in serious poverty. These are statistics that I do not want to read again. It is an intolerable situation and one within the power of this Congress to correct.

It is for this reason that I have canceled a long-scheduled appointment in Chattanooga to remain in Washington to vote for a 20-percent increase in social security benefits today.

The needs of our elder citizens cannot and must not be ignored. I voted for a 13-percent increase in these benefits in 1967, a 15-percent increase in 1969, and a 10-percent increase in 1970. I will vote today for an additional 20-percent increase. I am hopeful that the sum of these increases will give these deserving citizens the necessary ways and means to live in full dignity.

One of the principal reasons for the need for these periodic increases in benefits is the steady rise in the cost of living, which occurs even in times of economic stability. Inflation taxes cruelly those who live on fixed incomes. I have long advocated a provision that would allow automatic increases in social security payments to offset increases in the cost of living. Such a provision makes eminent good sense to me and might make it possible for the Congress to avoid occasional battles over the amount of a proposed increase. But in the absence of such an automatic provision, increases are necessary, and I wholeheartedly support this new 20-percent increase in benefits. It is in the finest traditions of our country.

Mr. MOSS. Mr. President, I am pleased to join with Senator CHURCH in sponsoring this amendment to provide a substantial and long overdue increase in social security benefits to our country's 20 million elderly.

The desperate economic situation of older Americans has been documented to the Senate Special Committee on Aging on many occasions. Time and time again we have heard from seniors who entered the ranks of the impoverished only after they elected to retire.

We have heard of the necessity of making choices in what to buy. These choices were not between buying a new dress or a pair of shoes but between buying a quart of milk and taking a bus ride to see a relative or a friend.

We have heard from those who frequently walked great distances to save a few nickels on their groceries. Nickels and pennies are important to seniors for whom shopping for bargains has become a way of life.

The grim hard facts are that more than 5 million out of our 20 million elderly have incomes placing them below the poverty line. The number of elderly poor has actually been increasing with 200,000 more seniors below the line than in 1968.

Throughout the United States the elderly are twice as likely to be poor as younger persons. While 1 out of 4 senior adults is poor only 1 out of 9 younger and middle-aged persons falls into this category.

The majority of our elderly have only their social security checks to rely upon and thousands try to live on less than $100 a month. In fact, the average social security payment for a retired worker is only $166 a month or about $1,596 a year. As we have noted many times this is almost $400 below the poverty threshhold ($1,980). Social security benefits for widows average only about

$1,368 a year which is more than $600 below the poverty standard.

Retired couples on the average received $223 in benefits last year or $2,676 a year. This compares with the $4,776 that the Department of Labor indicates is necessary for a retired couple to maintain a moderate standard of living.

By any standard these are desperate statistics and one has to wonder how our seniors can manage on such meager income. Here again the hearings of the Senate Committee on Aging provide an answer. When asked this question one elderly woman responded: "I do not. I do not entertain, I do not go out with friends, I do not eat in restaurants, I do not go to movies. I do not buy clothes, I do not repair the house. I do not ride the subways or buses. I do not eat a lot and I do not take care of my health as I should."

For my part I am pleased that so many Members in the Congress have begun to recognize the dilemma of inadequate income that confronts older Americans. I am glad that the prevailing attitude of the Senate is no longer that we have satisfied our responsibility to our elders with social security and medicare. The innadequacy of social security should be most apparent to all of us who have voted stopgap increases in social security benefits these past few years.

We have understood all along that these increases really just brought the elderly only enough to equal the rise in the cost of living. Many of us have recognized the necessity to do more but have been constrained to accept these minimal increases in the name of fiscal responsibility. It is time now for a major increase in social security benefits to lift thousands of our elderly from the ranks of the impoverished. A 20-percent increase in benefits is fiscally responsible and will not result in any additional deficit spending.

Under this proposal the average benefit would increase from $133 to $161 and the average benefit check for a retired couple would be raised from $223 to $270. I believe this is most desirable and I hope the Senate will agree to extend these benefits immediately.

Later this year the Congress must face up to its responsibility for medicare and welfare reform. These measures are extremely important and should be given full debate. However, I do not believe that the elderly should have to wait for the Congress to resolve these issues before receiving a long overdue and badly needed increase in social security benefits.

Mr. GURNEY. Mr. President, I support wholeheartedly the 20-percent increase in social security. Our retirees have awaited this action for too long a time. These added social security dollars will do much to make their economic life more bearable.

I just wish the raise had come last year when I introduced by amendment to pass both social security increases and medicare reform, separate from H.R. 1, the welfare reform bill.

In the last several days, there has been much debate about the need for attaching social security improvements legislation to the debt ceiling increase. Indeed, as the distinguished Senator from Idaho (Mr. CHURCH) said on the floor yesterday, in explanation of why such legislation had to be attached to the debt ceiling increase, it is important to get on with social security improvements as rapidly as possible. I agree 100 percent. His position has been echoed by many others in this body.

I find the whole subject most interesting because, as Senators might recall, during the last session of Congress, I offered an amendment to the tax bill to provide for social security benefit increases and for improvements in medicare payments. My amendments last year was tabled, tabled with the support of some of the very same Senators who are now most vocal in their urgings for immediate action to attach social security improvements to the debt ceiling bill.

When I introduced my amendment last year, I warned this Chamber that something had to be done immediately to provide relief to the older American. I stated at that time that the Congress could not continue to hold improvement to the social security system hostage to a basically unpopular welfare reform plan. The response that was given to me at that time by some of my colleagues was that, very clearly this year, social security legislation would be reported out of committee as part of H.R. 1 and our senior citizens would get the increases they deserve.

That, of course, has not happened. What has happened is what I cautioned against last year; namely, that social security benefit increases upon which we can all agree are still bottled up, still held hostage to whatever final welfare reform plan is approved by Congress.

In November, when we were considering the tax bill, to which I attempted to add my amendment, the distinguished majority leader (Mr. MANSFIELD) said, and I quote—from proceedings, November 17, 1971:

> If you bring in the social security issues and welfare issues as amendments to this bill, which now has the highest priority and which affects all the population of this Nation—the social security recipients and the poor, as well as many others—you endanger the possibility of getting out a bill and restoring the economy within a reasonable period of time.

To quote again:

> So I would hope that those who are offering social security amendments would keep in mind that they are just hindering passage of this bill; they are tending to tear apart H.R. 1, which should remain as a package.

Moreover, in no uncertain terms, I was told that if my amendment was not tabled, it would be amended to death.

I am greatly encouraged that the Senate has now come around to my thinking, and at long last is separating social security from welfare.

Social security benefit increases of any amount are needed and needed immediately. This is true today—it was true back last year when I offered my amendment to the tax bill.

There is no one in this Chamber who can deny the plight of the elderly American who has been left to his own meager resources, ofttimes shut off from the mainstream of life. Senior citizens have been denied an adequate existence and have been the principal victims of inflation. The time to correct this situation has long since passed. Neglect for senior citizens has resulted from a continued use of social security legislation as a political football. Time and time again, provisions designed to improve and upgrade social security coverage and medicare coverage has been attached to unpopular bills in the hopes that these urgently needed and necessary reforms would serve as a savior to the less popular causes. And time and time again, social security improvements have been delayed so that they might coincide with the right set of partisan political circumstances. By passing the automatic benefit increases based on cost-of-living factors included in the amendments we can put a stop to such tactics.

I submit to the Senate that the time has come to end this shabby treatment of those people who work so hard to make this country the greatest Nation on earth.

I would hope that the passage of social security improvements today will be the last time that such improvements are delayed far past the point of need for political reasons. I therefore urge adoption of these amendments.

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Georgia, I ask unanimous consent that a statement by him relative to the Church amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR GAMBRELL

I am particularly pleased that the Senate is proceeding today to the consideration of the 20 percent across-the-board social security increase. I am a cosponsor of this amendment which provides a well-deserved increase in benefits to our senior citizens. This is an especially meritorious proposal in light of assurances from the Advisory Council on Social Security and from the distinguished Chairman of the House Ways and Means Committee, Mr. Mills, that the measure can be financed by an increase in the payroll tax rate less than that already scheduled under present law.

On April 11 of this year, I spoke on the Senate floor of the problems facing the senior citizens of our Nation and of my support for the much needed reform of our social security system. Prior to that I had supported continued funding for a nutrition program for the elderly, and on March 2, responding to the Housing needs of our senior citizens, I introduced S. 3233, the Older Americans Housing Act of 1972.

We have had conferences, we have had proposals, we have had promises. And while these efforts are sincere, the time for action has come. The problems facing the elderly are immediate—they are having difficulty maintaining the basic necessities of life.

Of our Nation's 20 million senior citizens, half are living at or near the poverty level, and that number is increasing. Those living on a fixed income are hit hardest by inflation. Citizens who have worked and contributed to assure that our Nation is great are now having difficulty stretching their retirement savings to meet rising prices, increased taxes and medical expenses.

As a generous Nation we have responded to those in need throughout the world. It is now time to turn our attention to those at home. This proposed increase would raise the monthly benefits for a typical retired couple from $229 to $269 and the income of the average retired single person from $133 to $162. It is my understanding that, if this amendment is successful and if this increase is signed into law by the President prior to July 10, new benefits would be reflected in October social security checks. That is none too soon.

On April 20, I introduced my Workingman's Bill of Rights—10 basic common sense provisions which express the rights of all Americans who support and defend the American system. One of these—the right to live and work in dignity—can best be fulfilled for elderly Americans by assuring that they can continue to contribute and to enjoy life with assurance of a minimal income. After all, these are citizens not only with valuable experience and talents, but also with more time to contribute their service. I described the provisions of my Workingman's Bill of Rights as themes upon which our Nation was built and with which we must rebuild for the future. And it is with rebuilding in mind—in remedying our previous neglect of our senior citizens—that I support this increase in social security benefits. I am hopeful for the immediate and favorable enactment of this amendment.

Mr. BUCKLEY. Mr. President, the principle upon which social security is based is that of an earned right to old age benefits. This principle implies obligations both to those currently receiving benefits and to those who are paying social security taxes.

Individuals now receiving social security benefits made payments into the system with the understanding that those donated funds would support them in their later years. The Congress has an obligation to insure that inflation does not erode the value of social security benefits. It is for this reason that benefits have already been increased first by 10 percent and then by 15 percent since President Nixon assumed office.

Since the last of these increases was enacted a year ago, there has been a further increase in the cost of living of 5.8 percent, which is why I voted in favor of the 10-percent increase in social security benefits proposed by Senator Bennett. The Church amendment, however, provides an increase of more than three times the amount needed to overcome the effects of inflation.

The funding for this increase will be provided by the 97 million individuals who pay social security taxes, with the largest burden borne by the middle-income workers, who already pay 10.4 percent of their pay checks in old age, survivors, disability, and hospital insurance—OASDHI—taxes. To finance earlier increases in benefits, those earning $10,800 a year had their social security taxes raised from $374 to $594 in 1971.

Furthermore, the Pay Board guidelines place a 5.5 percent limit on wage increases for American workers. It is clearly unfair to ask these people to simultaneously finance an across-the-board increase of 20 percent in social security benefits.

Economically, the Nation is at a critical period. Inflation and other aspects of the economy are being stabilized, and it is important not to take actions that will upset this trend. The Church amendment will increase the national debt by $2.1 billion over the President's proposal for the fiscal year of 1973, and could well add new fuel to the inflation which has already had so cruel an effect on those who must live on fixed incomes.

Finally, I wish to call attention to the fact that the Senate Finance Committee has reported out legislation which we will be considering after the recess. It is legislation which will, first, enact a 10-percent across-the-board increase to compensate for the rise in the cost of living; second, provide additional increases to relieve the hardships experienced in certain categories of beneficiaries; and third, provide for automatic adjustments in benefits to reflect changes in the cost of living.

To my mind, this approach meets the needs of the elderly in a manner far more equitable to all elements of the population than the one contained in the Church amendment.

YEAS AND NAYS ON BENNETT AMENDMENT

Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment by Mr. Bennett.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the Bennett amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 9:30 having arrived, the Senate will now proceed to vote on the amendment offered by the Senator from Utah (Mr. Bennett). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT (when his name was called). On this vote I have a pair with the senior Senator from Idaho (Mr. Church). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), and the Senator from Minnesota (Mr. Humphrey) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) and the Senator from North Carolina (Mr. Jordan) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "nay."

On this vote, the Senator from Alaska (Mr. Gravel) is paired with the Senator from Iowa (Mr. Miller).

If present and voting, the Senator from Alaska would vote "nay" and the Senator from Iowa would vote "yea."

On this vote, the Senator from Minnesota (Mr. Humphrey) is paired with the Senator from Colorado (Mr. Dominick).

If present and voting, the Senator from Minnesota would vote "nay" and the Senator from Colorado would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from Minnesota (Mr. Humphrey). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Minnesota would vote "nay."

On this vote, the Senator from Iowa (Mr. Miller) is paired with the Senator from Alaska (Mr. Gravel). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Alaska would vote "nay."

The result was announced—yeas 20, nays 66, as follows:

[No. 267 Leg.]

YEAS—20

Allott
Bellmon
Brock
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Ervin
Fannin
Fong
Griffin
Gurney
Hruska
Jordan, Idaho
Roth
Scott
Stennis
Taft
Tower

NAYS—66

Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cranston
Eagleton
Eastland
Fulbright
Harris
Hart
Hartke
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bennett, for.

NOT VOTING—13

Anderson
Church
Dominick
Ellender
Gambrell
Goldwater
Gravel
Hansen
Humphrey
Jordan, N.C.
Miller
Mundt
Saxbe

So Mr. Bennett's amendment was rejected.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Under the previous order, the Senate will now proceed immediately to vote on the amendment of the Senator from Idaho (Mr. Church).

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate is not in order. The Senate will not proceed until order is restored.

The question is on agreeing to the amendment of the Senator from Idaho (Mr. Church). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BENNETT (when his name was called). Mr. President, on this vote I have a pair with the senior Senator from Idaho (Mr. Church). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), and the Senator from Minnesota (Mr. Humphrey), are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) and the Senator from Louisiana (Mr. Ellender) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "nay."

The result was announced—yeas 82, nays 4, as follows:

[No. 268 Leg.]

YEAS—82

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Eastland
Ervin
Fong
Fulbright
Griffin
Gurney
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—4

Buckley
Curtis
Fannin
Jordan, Idaho

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bennett, against.

NOT VOTING—13

Anderson
Church
Dominick
Ellender
Gambrell
Goldwater
Gravel
Hansen
Humphrey
Jordan, N.C.
Miller
Mundt
Saxbe

So Mr. Church's amendment was agreed to.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 1313

Mr. BELLMON. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

At the end of the Act, add the following:

PROHIBITION AGAINST THE IMPOUNDMENT OF FUNDS FROM THE HIGHWAY TRUST FUND WHICH HAVE BEEN APPORTIONED AND APPROPRIATED

Sec. —. No part of any sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been appropriated by Congress for expenditure shall be impounded or withheld from obligation, for the purposes and projects as provided in that title, by an officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

Mr. BELLMON. Mr. President, the framers of our Constitution wisely divided our Government into three separate and supposedly coequal departments: executive, judicial, and legislative. To the legislative was entrusted the power to make laws and, in theory at least, neither of the other branches can pass any law, no matter how necessary, nor repeal a law no matter how troublesome.

Mr. NELSON. Mr. President, may we have order in the Senate? I cannot hear.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The Senate will please be in order. The Senate will not proceed until the Senate is in order.

Mr. PASTORE. Mr. President, if I may make a comment, it is simple courtesy to comply when the Presiding Officer asks for order. It shows disrespect to the Chair for Senators to keep on talking.

The PRESIDING OFFICER. The Senator's point is well taken. The Senator from Oklahoma will not proceed until the Senate is in order. The longer the Senate is delayed, the longer the Senate will be in session this evening.

The Senate will not proceed until the Senate is in order. Those standing will please take their seats.

The Senator from Oklahoma may proceed.

Mr. BELLMON. Mr. President, I shall delay the Senate only briefly. The distinguished Senator from West Virginia (Mr. Randolph) has an amendment to my amendment which he wishes to offer at this time.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The Senate will please be in order. Senators will please desist from talking. The Senate will not proceed until Members take their seats, and until attachés take their seats. We will stay here all night, if necessary, until the Senate is in order. Those Senators and attachés who wish to keep talking, please leave the Chamber. Those now standing will please take their seats.

The Senator from Oklahoma may proceed.

Mr. BELLMON. Mr. President, I yield to the Senator from West Virginia (Mr. Randolph).

Mr. RANDOLPH. Mr. President, I send to the desk an amendment in the form of a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

At the end of the bill, add the following:

PROHIBITION AGAINST THE IMPOUNDMENT OF FUNDS FROM THE HIGHWAY TRUST FUND WHICH HAVE BEEN APPORTIONED AND APPROPRIATED

Sec. —. The extension provided in section 1 of this Act shall not take effect unless all sums authorized to be apportioned by the provisions of section 104 of title 23, United States Code, which have been authorized to be appropriated by the provisions of Public Law 89–574, Public Law 90–495, and Public Law 91–605, for expenditure shall be released for obligation for the purposes and projects as provided in that title, by any officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

The PRESIDING OFFICER. Will the Senator from West Virginia (Mr. Randolph) please indicate whether this is a substitute for the amendment of the Senator from Oklahoma.

Mr. RANDOLPH. That is the way I offered it. It goes beyond, although it goes to the same subject matter. It has to do with the funds being released in connection with the debt ceiling.

The PRESIDING OFFICER. The Chair would suggest that the way it is written it appears to be a substitute for the amendment offered by the Senator from Oklahoma.

Mr. RANDOLPH. The Senator from Oklahoma and I have worked together on this matter. We discussed the introduction of this language. There will be no difficulty with us in having it considered.

The PRESIDING OFFICER. The Chair is merely seeking information. But the Chair would say that it appears to be a substitute.

Mr. BELLMON. It is agreeable to me, for the Senator's amendment to be offered as a substitute.

Mr. President, during the 1956 session, Congress passed the Interstate Highway Act and in so doing it created the Highway Tax Fund. The Congress earmarked the revenue from certain taxes to go into this fund which was then to be apportioned to the States. These taxes are:

Motor fuel: 4 cents per gallon.

New trucks, and trailers (over 10,000 pounds gross weight), and new buses, other than transit: 10 percent on the manufacturer's wholesale price.

Highway vehicle tires and tubes: 10 cents per pound.

Other tires, and tread rubber: 5 cents per pound.

Heavy vehicle use: $3.00 per 1,000 pounds annually on the total gross weight of vehicles rated at more than 26,0000 pounds gross weight.

Parts and accessories: 8 percent on the manufacturer's wholesale price of truck and bus parts and accessories.

Lubricating oil: 6 cents per gallon, if used for highway purposes.

The system worked well and the construction of the Nation's interstate highway system was progressing well until fiscal year 1968 when the Executive decided in effect to repeal a portion of the Interstate Highway Act by impounding a portion of the Highway Trust Fund.

Mr. President, using figures from my own State of Oklahoma—and the situation in other States is similar—here is what has happened.

I make no accusations. I do not pretend to know why the Executive is impounding these highway construction funds. I do know that the Congress created a fund to build an Interstate Highway System. The Congress did not create a fund to stabilize the economy, or to provide an urban mass transit system or anything else. The Congress intended that highway users would pay certain taxes in an orderly way, that the receipts from these taxes be apportioned to the States in an orderly way and that the development of our highway system should proceed in an orderly way.

Instead, the Executive has made its own law. It has decided to hold billions of dollars of highway users' money until it suits the whim of the Department of Transportation or OMB or whomsoever.

The practice of impoundment of funds by the executive branch of the Government is another step in the long trail of erosion of powers of the legislative branch. This device is not new with this administration, but the time has come to bring it to an end. It is the intent of the amendment I have offered to prevent any action by an officer or employee of any department, agency, or instrumentality of the executive branch which would result in the impoundment or withholding from obligation of money from the highway trust fund.

So several occasions this body has expressed the sense of the Senate that this practice be stopped. Nevertheless, it continues. We have also declared that it is in the national interest to have an adequate system of highways to meet local and interstate needs by using these funds in an orderly manner as they accumulate. The present system of highways of this country is inadequate to keep pace with our growing transportation requirements and the construction and orderly completion of an expanded system is essential to the national interest and is a primary goal of Federal-aid highway programs.

The Congress went on record in the 90th Congress when it inserted language declaring the need for better highway systems—23 U.S.C. 101(b) provides:

> It is hereby declared to be in the national interest to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways, since many of such highways, or portions thereof, are in fact inadequate to meet the needs of local and interstate commerce, for the national and civil defense.
>
> It is hereby declared that the prompt and early completion of the National System of Interstate and Defense Highways, so named because of its primary importance to the national defense and hereafter referred to as the "Interstate System," is essential to the national interest and is one of the most important objectives of this Act. It is the intent of Congress that the Interstate System be completed as as nearly as practicable over the period of availability of the twenty year's appropriations authorized for the purpose of expediting its construction, reconstruction, or improvement, inclusive of necessary tunnels and bridges, through the fiscal year ending June 30, 1976, under section 108(b) of the Federal-Aid Highway Act of 1956 (70 Stat. 374), and that the entire System in all States be brought to simultaneous completion. Insofar as possible in consonance with this objective, existing highways located on an interstate route shall be used to the extent that such use is practicable, suitable, and feasible, it being the intent that local needs, to the extent practicable, suitable, and feasible, shall be given equal consideration with the needs of interstate commerce.

It is a mystery to me why, with the intent of Congress clearly spelled out in the statutes and a further declaration of the sense of Congress that no funds should be impounded or withheld from obligation, the executive branch continues to hold this vital program hostage. I make no assumption as to the reasons for this practice but I believe it is time the Congress took effective steps to bring it to an end.

Mr. President, I think it should be pointed out that every State suffers as a result of the imposition of these limitations. The Department of Transportation, in data released on June 16, 1972, showed an unobligated balance of apportioned Federal-aid funds for all jurisdictions of over $6.5 billion. The unobligated balance of apportioned funds are those funds for which no contractual obligation has been made. In other words, the States are entitled to certain sums of money from the highway trust fund, but in spite of the frequently expressed will of Congress, the executive branch withholds these funds to suit its whims.

Mr. President, I ask unanimous consent that a table of impounded funds compiled from table 10, "Unobligated Balance of Apportioned Federal-Aid Funds by State," be printed in the RECORD.

There being no objection, the excerpt from table was ordered to be printed in the RECORD, as follows:

Amount of highway trust funds impounded as of May 31, 1972

State:	Total
Alabama	$116, 876, 506. 28
Alaska	43, 713, 585. 84
Arizona	110, 774, 481 .43
Arkansas	23, 602, 973. 43
California	232, 461, 042. 36
Colorado	88, 620, 201. 63
Connecticut	200, 814, 231. 21
Delaware	29, 493, 378. 80
Florida	106, 035, 552. 00
Georgia	123, 524, 277. 89
Hawaii	129, 585, 091. 90
Idaho	34, 705, 525. 36
Illinois	461, 337, 787. 20
Indiana	80, 053, 362. 42
Iowa	91, 905, 669. 31
Kansas	58, 098, 876. 30
Kentucky	33, 943, 508. 05
Louisiana	134, 095, 467. 57
Maine	29, 274, 552. 97
Maryland	378, 135, 398. 40
Massachusetts	326, 296, 687. 58
Michigan	156, 023, 965. 00
Minnesota	118, 611, 285. 69
Mississippi	46, 191, 255. 63
Missouri	84, 070, 977. 97
Montana	97, 543, 196. 17
Nebraska	48, 699, 968. 25
Nevada	26, 356, 395. 55
New Hampshire	28, 709, 357. 14
New Jersey	233, 093, 986. 13
New Mexico	43, 887, 039. 83
New York	686, 954, 640. 80
North Carolina	100, 985, 256. 00
North Dakota	32, 714, 607. 18
Ohio	251, 054, 063. 38
Oklahoma	50, 046, 157. 76
Oregon	99, 258, 309. 92
Pennsylvania	410, 866, 618. 87
Rhode Island	78, 407, 039. 07
South Carolina	40, 995, 955. 63
South Dakota	29, 805, 710. 28
Tennessee	53, 235, 513. 18
Texas	146, 869, 977. 12
Utah	68, 193, 171. 99
Vermont	25, 997, 387. 42
Virginia	22, 218, 038. 59
Washington	131, 279, 612. 44
West Virginia	127, 727, 900. 57
Wisconsin	77, 829, 849. 93
Wyoming	48, 498, 427. 62
Dist. of Col	291, 585, 043. 03
Puerto Rico	19, 076, 366. 27
Grand total	6, 510, 135, 232. 34
July 1, 1973 Estimate	7, 700, 000, 000. 00

Mr. BELLMON. Mr. President, Congress in the enactment of this legislation specifically intended that the moneys be used for the purpose of road building and for that purpose only. The Attorney General of the United States in 1967 issued an opinion concerning the impoundment of funds under the Federal Highway Act. That opinion states:

> There is nothing in Title 23 of the United States Code which imposes upon the Executive Branch the duty to approve all qualifying projects for which apportioned funds are available.

The amendment I offer is intended to impose upon the Executive just such language. It would set the record straight as to what Congress actually wants done in the completion of a system which would adequately meet the needs of local and interstate commerce and national and civil defense.

The concern felt by the States regarding this problem was expressed in policy positions adopted by the National Governors' Conference at its 64th annual meeting held June 4–7, 1972, in Houston, Tex.

In the section dealing with highways, the Governors stated:

> The management of the federal Highway Trust Fund during fiscal year 1972 continues to exemplify the problems which have persisted since 1967 by severely hampering the capital planning and programming capability of the States. If we are to attain and retain any stability in constructing the Nation's highway system, efforts must be made to eliminate the up and down obligational authority of the highway program. The continued practice of using the Highway Trust Fund as a stop-gap effort to adjust the economy must be ended.

Mr. President, I agree. I urge adoption of this amendment.

This amendment, which has been improved and strengthened by the Randolph amendment, will assure the use of the highway trust fund for its intended purpose.

Mr. President, if the executive department wants to create a fiscal stabilization fund let it come before Congress and ask that such a fund be created.

If the executive department feels the country needs Federal funding for a mass transit system let it so express itself to Congress.

But let the Senate act today to end—to cause the highway trust fund to be used as intended. Let the Senate act to end stop-and-go highway financing which causes serious periodic unemployment for thousands of construction workers and which by intermittent funding has greatly increased the cost of highway building.

Mr. President, to paraphrase Governor Wallace. Let us send the executive branch a message. Let us tell them that the Congress makes the laws. Let the Senate act today to insure that the highway trust fund will be used as the Congress intends.

Now, Mr. President, we recognize that the executive branch is presently withholding large sums from the highway trust fund. I call the attention of Senators to the table distributed to all Senators which shows the amount of the highway trust fund retained for each State. Oklahoma has $50 million in funds paid by the highway users into the highway trust fund. This money is being held for reasons which are obscure. The withholding of these funds has delayed the highway construction program significantly.

When Congress created the trust fund after passing the Interstate Highway Act, it intended that the moneys be used in an orderly way and that they be apportioned to the State as received from the Treasury from the earmarked taxes. The executive branch is using its power of the purse to thwart the will of Congress. The Senate has, on several occasions, expressed the sense of this body that this practice be stopped. Up to now the executive branch has ignored the will of the Senate and continues to impound the funds. I believe it is time that the Senate acted in such a way as to stop this practice and to make certain that the highway construction program proceeds in an orderly way.

Mr. BIBLE. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. BIBLE. I would be happy to have my name added as a cosponsor of both the amendment of the Senator from West Virginia (Mr. RANDOLPH) and the amendment of the Senator from Oklahoma.

We have that same situation in my State. It is unconscionable that the funds are frozen that way. Our highway department in Nevada is geared up for the expenditure of these funds. It is ready to let the contracts. They have been relying on what Congress said. They believe that Congress has reneged on its word. I therefore wholeheartedly support action to bring about the release of the impounded highway trust funds.

Mr. President, I have consistently and strongly urged the President to utilize the full congressional authorization for highway construction as a means of combatting severe unemployment problems not only in my State of Nevada but throughout the Nation, and in order to promote necessary highway construction that is already long overdue.

The administration has expounded at length concerning its efforts to overcome the unemployment problem, but its actions on the highway program belie its words.

The administration talks of new jobs and of putting people back to work. At the same time, its practice of impounding the dollars specifically earmarked by law for the highway program forces breadwinners across the country off their jobs, and prevents the planning and execution of new projects that would provide new employment and a needed boost to local economies.

An estimated $35 million in highway funds has been withheld from the State of Nevada since 1966. Notwithstanding the fact that the Congress provided $31.6 million for road construction in Nevada for fiscal year 1973, the State has been notified that only 75 percent of such funding will be made available by the administration. Instead of the full, urgently needed authorization, the President's men will allow only $23.4 million.

The Governor of Nevada has described the financing of the State's highway program as now reaching a state of chaos. Under present conditions, the 25-percent cutback in funds programed for Nevada is an intolerable blow to the entire economy of the State.

Critically needed Nevada highway projects are going begging because of a lack of funds while the administration hoards millions of dollars already approved by the Congress.

Mr. President, I can find no justification for leaving authorized highway funds lie idle in the face of persistently high unemployment. Nevada and other States are ready, willing and able to commit additional funds to essential road projects that have already been postponed too long. These trust funds cannot be used for any other purpose. Besides producing very serious economic problems in Nevada and other States, their manipulation by the administration creates havoc with the planning and execution of balanced highway programs throughout the States.

I commend the distinguished Senator from Oklahoma for calling up his amendment and the distinguished Senator from West Virginia for presenting his substitute amendment. It is high time the administration ceased its impoundment practice, and I urge the Senate to act now.

Mr. BELLMON. Mr. President, I thank the Senator from Nevada and, Mr. President, I ask unanimous consent that the name of the Senator from Nevada (Mr. BIBLE) be added as a cosponsor of my amendment and the substitute of the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. FULBRIGHT. Mr. President, I also would like to be added as a cosponsor of the Senator's amendment. This matter has been before the Senate in various ways a number of times. Last year we attempted, in the Senate bill, to bring some pressure to bear on the administration by making it contingent on the release of impounded funds—not all, but part—but the administration found a way to evade that provision by an astute semantic interpretation. Thus, I should like to join the Senator from Oklahoma as a cosponsor of his amendment. I think it is very much in order.

Mr. BELLMON. Mr. President, I ask unanimous consent that the name of the Senator from Arkansas (Mr. FULBRIGHT) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, let me refer to the fact that I notice in the report on the continuing appropriations resolution, they cite an example where the Department of Defense, against the direct order of Congress, spent $7.2 million on an exercise in Germany. It shows again how little respect the executive branch has for whatever the views of Congress are. The only possible way is by exercising our power of the purse.

Mr. BELLMON. Let me say that Congress has expressed itself on this many times, but, somehow, we have not succeeded in getting through to the executive branch. It seems to me that this is one way to get their attention, and make certain in the future that they follow the will of this body.

I now yield to the distinguished Senator from West Virginia (Mr. RANDOLPH).

Mr. RANDOLPH. Mr. President, on Wednesday the Senator from Oklahoma (Mr. BELLMON), submitted an amendment—amendment No. 1313—to the bill extending the public debt limit increase (H.R. 15390).

The Senator from Oklahoma is to be commended for initiating this action intended to resolve one of the most troublesome problems faced by the Congress. Senator BELLMON'S amendment would prohibit the impoundment by the executive branch of funds which have been provided and apportioned to the States for highway construction.

I endorse his action and I am pleased to be associated with Senator BELLMON as a cosponsor of this amendment.

Mr. President, the relationships between the executive branch and the legislative branch historically involve a number of uncertainties. Throughout the 196 years since the establishment of this Government, each of the two branches has guarded its prerogatives with understandable jealousy.

It is a tribute to the basic soundness of our system of government that it has responded to the needs of our Nation and possesses the flexibility that enables it to adjust to the requirements of any given time. The responsibilities of each branch of government are defined by the Constitution but, as Senators know, there are often areas where interpretations may vary. One of these questions is whether the executive branch is bound to expend funds in the amounts and for the specific purposes directed by the Congress.

For more than half century the executive branch has, on various occasions, seen fit to withhold appropriated funds for various reasons. This practice, while questionable from the congressional viewpoint, was not a serious problem until the post-World War II period. In the past 5 years impoundment has accelerated and become a matter of increasing concern to the Congress.

The legal justification for withholding funds lies in the Anti-Deficiency Acts of 1905 and 1906 which were, as the name implies, intended to avoid deficiencies in Federal spending and not to provide the executive with a budgetary offset.

The question of impoundment is crucial to the continuing refinement of our understanding of the duties of the executive as opposed to the legislative branch. The Subcommittee on Separation of Powers, under the chairmanship of the distinguished Senator from North Carolina (Mr. ERVIN), last year conducted extensive hearings on this question.

While the amendment offered by the Senator from Oklahoma addresses itself only to highway funds, impoundment is a matter of concern in virtually every department of the Government. The situation with regard to highway development is somewhat different, for the funds allocated for this purpose are provided through the highway trust fund rather than by appropriation from the general fund. The highway trust fund is supported by user taxes which can be spent for no other purpose than highway transportation. Consequently, the withholding of highway obligational authority from the States in no way makes funds available for other Government activities.

The accelerated withholding of highway funds during the past 5 years by both the Johnson and Nixon administrations has seriously impaired the national highway program, and the ability of the States to carry out highway development in an orderly fashion.

At the end of fiscal year 1972, tonight, approximately $6.2 billion in impounded highway construction authority will have been accumulated. This amount, Mr. President, is well over the total Federal funding for a full year for highway development. In the new fiscal year which will begin tomorrow, the administration has already moved to continue the cutback in highway transportation development. For the 1973 fiscal year, Congress authorized $5.625 billion, but the administration intends to reduce activity by approximately one-fifth for a total highway program of $4.4 billion. Such action will have a continuing adverse impact on the States.

Construction of vital segments of the Interstate Highway System have had to be postponed and other projects cut back correspondingly. Since 1956, the Interstate System has been our most extensive highway activity. This nationwide system of freeways is now 79 percent complete and I am confident that this percentage would be even higher had interstate development been allowed to continue at the rate intended by the Congress and planned for by the States.

These delays take place, Mr. President, at a time when, as we all know, construction costs continue to rise precipitously. From the time interstate construction began in 1956, through 1970, the highway construction cost index rose by more than 41 percent. There is no indication that the long-term prospects are for anything but continued increases. It behooves us, therefore, to complete the Interstate System as rapidly as feasible, for on an undertaking of this size, every delay can be measured in additional outlays that eventually will be required.

In addition to the increasing costs of highway development, we must also remember that 55,000 persons lose their lives on our country's roads this year, and the longer we delay improving these roads, the longer it will be until better roads help reduce this death toll.

Mr. President, I have indicated that the failure of the administration to follow congressional intent with regard to highway funding has resulted in uncertainty and confusion among the States and has prohibited them from executing orderly highway programs. In my own State of West Virginia, for instance, $131 million in Federal funds were apportioned for the 1973 fiscal year. With the administrative reduction, however, West Virginia will receive only $95 million for highway construction at a time when road building should be maintained at a high level. The situation is similar in other States. Oklahoma, as Senator BELLMON knows, received an apportionment of $57 million for the new fiscal year. This total, however, has been reduced to $41 million by the administration.

The members of the Committee on Public Works continue to be concerned over impoundment of highway funding. In the Federal-Aid Highway Acts of both 1968 and 1970, there were strong expressions of congressional opposition to this ill-considered practice. These statements, however, have had no impact on the administration. I have also communicated regularly with both the President and the Secretary of Transportation urging them to provide the full amounts authorized this year and to release the accumulated impoundments of the past. These efforts, too, have produced no results, I regret to report. The committee intends to act again this year to insist on its right to determine the funding level for the Federal-aid highway program.

The most concise justification for the administration's action is contained in a letter I received earlier this month from William L. Gifford, special assistant to the President. In this response to communications from me, Mr. Gifford gave the following reasons for the administration's action:

> The Administration believes that the requested level of 1972 and 1973 funding for the Federal Highway Program meets the following key criteria:
>
> Consistent with the overall Federal economic and budgetary situation, which requires careful fiscal management and prevention of further inflationary pressures.
>
> Adequate to maintain reasonable progress on highway construction, including the Interstate system, and a concentrated safety effort.

Mr. President, I do not believe that either of these reasons are consistent with fact. The unique nature of the highway trust fund, as I have said, has restricted its use for highway purposes only. Other than for misleading bookkeeping purposes, the balances in the highway trust fund have no effect on other Government spending. As to the inflationary aspects of highway building, I have already referred to the continuing upward trends of the cost of highway construction. The Interstate System and other roads will have to be built eventually. If we delay now, they will be built in the future at a considerably higher cost.

Mr. Gifford's contention that the administration's highway program is adequate is a matter of subjective judgment with which I do not agree. The Congress authorized a higher level of activity based on its assessment of needs, of the ability to pay for such a program, and on the program's total impact on the Nation. We do not authorize any program capriciously and the importance of highway transportation to the well-being of our country demands that we give careful consideration to our actions.

Mr. President, as I stated earlier, the question of impounding highway funds has implications broader than just its effect on our Nation's transportation system. I regret that the executive branch fails to recognize the clear division of authority provided in the Constitution of the United States. It is, therefore, essential that the Congress assert itself to insure the implementation of programs which it believes to be in the public interest, but also to maintain itself as a body capable of responding to the needs and wishes of the people.

The Senator from Oklahoma has moved forthrightly to resolve this question and I hope it will have the unanimous and enthusiastic support of the Senate.

Mr. President, I point out, because of the comment that has been made by the Senator from Arkansas (Mr. FULBRIGHT) about the action of the Congress or the hoped-for action on prior occasions, that in the 1968 Federal Aid Highway Act and in the 1970 Federal Aid Highway Act, the Senate passed very strong sense of the Congress resolutions in this matter. Our wishes, our feelings, and frankly our knowledge was discounted and absolutely nothing was done in the executive branch of the Government.

I felt it was important to make it clear at this moment, as the Senator from Oklahoma has indicated, that we have attempted to work in a cooperative way with the executive branch, but to no avail.

Mr. FULBRIGHT. The President, the Senator is absolutely right. I had a provision included in the foreign aid measure last year. The administration said, in a very odd interpretation, that these funds were not impounded, but are reserved. And they ignored it. It was in the law and the President signed it.

I am not sure that this will be effective. However, I join with the Senator from Colorado in his measure.

I think we ought to put in there "impounded or reserved or in any other way withheld." I think we should make it all inclusive. They are saying it is reserved and not impounded.

Mr. BELLMON. Mr. President, I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. Mr. President, I join with the Senator from Oklahoma for many reasons. We can see that there is $6 billion impounded here. I have never been able to understand why the Federal Government thought these funds belonged to it. We are merely the tax collectors from the highway users. We collect the funds and then send them out. Therefore, they have no legal right, at least with respect to the highway funds, to impound them.

Too many people think that this is Federal money. It is not Federal money. We collect it from the users of the highways. We are merely the tax collectors.

I agree with the Senator from Arkansas. We ought to make it all-inclusive.

The Senator from North Carolina has a bill on all impounded funds, which I heartily support.

The amount concern billions of dollars. And various States think they are ready to go to work and create jobs.

That is why I join with the Senator from North Carolina and the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I yield to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I commend the distinguished Senator from Oklahoma for offering the amendment. I think, as has been pointed out, that this is an impoundment of about the only money we have in the trust money, and that money is collected from the users of the highways.

This is a rather peculiar policy that has been brought forth in this and in other administrations—to impound money that they have not got.

I am particularly interested in this. My State is interested in this to the extent of over $100 million. We need these highways.

I think that the Senator from Oklahoma has performed a very fine public service in offering the amendment.

Mr. PASTORE. Mr. President, will the Senator yield

Mr. BELLMON. Mr. President, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I would like to lend my voice to this argument today in approbation of the amendment of the Senator from Oklahoma.

This has come to be a charade, and nothing more than a charade. It is being used sometimes as a political tool. These are dedicated funds, and no matter what we think we can do, we can only spend them for the very purpose for which appropriated.

I cannot understand why they have to be reserved or impounded. When we talk about other funds, it may be that they do not actually have the money or perhaps the question of inflation is involved. However, we are being grieviously burdened in this country by the unemployment situation. We need the roads. To build them creates jobs. The money is there. People are out of work. Contractors are ready to hire them. Many of these contractors have bought equipment on which they have borowed money, and they cannot pay the money they have borrowed because the equipment is tied up because we are impounding funds.

We are inviting and inciting bankruptcy in the building trade.

Mr. President, I hope the amendment is agreed to.

Mr. BELLMON. Mr. President, let me say in connection with the comments of the Senator from Rhode Island that some of the contractors have urged the construction of highways. We have literally thousands of people in this country who are in very restricted situations because they make their living in the highway construction trades.

When we tie up money, we dry up jobs, and the people have to go on unemployment.

It makes no sense when we cause unemployment and work tremendous hardships on the entire highway construction industry and the people involved.

We have to get a program to do something about the matter, and this is the way to do it.

Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would like to be associated with the amendment of the Senator from Oklahoma, and ask unanimous consent that my name may be added as a cosponsor.

Mr. BELLMON. Mr. President, I am delighted to have the name of the Senator from South Carolina listed as an additional cosponsor, and I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I thank the Senator from Oklahoma for bringing the Senate's attention to this program. As the Senator from Oklahoma knows, we have great distances in our State of Texas, and we are very dependent on the quality of our highways.

I think that what the Senator has done here today is to underscore what is a great problem to those of us who live in large States where people have to travel great distances and their highways are of such vital importance to them.

Mr. BELLMON. Mr. President, I yield now to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I want to make a brief comment. I do not oppose the Senator's desire to secure earlier release of funds. The problem has been before the Senate for many years.

Mr. President, I ask unanimous consent that I may have printed in the RECORD a statement concerning the impoundment of highway funds. It is a short statement sent to me today by the Department of Transportation. As the statement notes, $4.4 billion will be released as of July 1, 1972. The Department sent me also today a list of all States showing estimated unreleased apportionments as of today, June 30, 1972, and as of tomorrow, July 1, 1972, after release of the $4.4 billion. I ask that the statement and list be placed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

Since 1966 the Office of Management and Budget has limited Federal-aid highway program obligations to less than the Congressional authorization for the program. At June 30, 1972, unreleased Congressional authorizations totaling $6.237 billion have accumulated.

Obligation authority set by OMB for fiscal year 1973 is $4.4 billion so that as of July 1, 1972, $1.837 billion of Congressional authorization remain unreleased. Any new Congressional authorizations would have to be added to the $1.837 billion unreleased total since obligation authority would not be increased but would remain at $4.4 billion.

It is not possible to relate the unreleased amount with any specific fiscal year authorization.

FEDERAL-AID HIGHWAY PROGRAM ESTIMATED UNRELEASED APPORTIONMENTS

(Millions of dollars)

State	Estimated June 30, 1972	Estimated July 1, 1972
Alabama	$102	$28
Alaska	16	−21
Arizona	100	32
Arkansas	19	−9
California	214	−108
Colorado	85	19
Connecticut	183	94
Delaware	27	8
Florida	96	−12
Georgia	119	38
Hawaii	125	83
Idaho	31	8
Illinois	446	194
Indiana	69	------------
Iowa	88	32
Kansas	54	4
Kentucky	28	−31
Louisiana	126	25
Maine	26	7
Maryland	349	236
Massachusetts	309	181
Michigan	149	—
Minnesota	106	29
Mississippi	44	5
Missouri	78	−10
Montana	95	41
Nebraska	47	17
Nevada	25	2
New Hampshire	26	7
New Jersey	217	107
New Mexico	39	1
New York	671	376
North Carolina	97	21
North Dakota	31	7
Ohio	237	91
Oklahoma	44	3
Oregon	96	17
Pennsylvania	391	191
Rhode Island	73	36
South Carolina	40	5
South Dakota	29	4
Tennessee	52	−6
Texas	134	−56
Utah	65	16
Vermont	23	4
Virginia	15	−84
Washington	113	8
West Virginia	101	6
Wisconsin	67	13
Wyoming	45	17
District of Columbia	220	162
Puerto Rico	17	7
Total	5,999	1,837
Miscellaneous	238	------------
Total	6,237	1,837

*The minus figures represent States who will need 1974 apportionments in order to utilize 1973 releases.

Mr. COOPER. Mr. President, the preceding and present administrations have impounded highway funds. Their reason was to restrain the impact of the inflationary spiral.

I would also like to point out that the present Secretary of Transportation, Mr. Volpe, has openly, before the Senate Committee on Public Works, expressed his desire that impounded funds of the highway trust fund be released as quickly as possible.

I make this statement to indicate that there is another side to this issue—that of halting inflation.

It is recognized that in times of unemployment, the full use of highway trust funds will stimulate employment. There is a great deal of justice to what the Senator from Oklahoma has said, and I agree that such funds should be released, at minimum in those States and areas having unemployment problems.

Mr. BELLMON. Mr. President, I yield now to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I thank the Senator from Oklahoma for yielding.

I would like to say that the amendment of the Senator from Oklahoma impresses me very much, because when I was first a Member of this body I served on the Public Works Committee under the leadership of the late Senator Kerr, along with former Senators Preston Bush and Albert Gore and others. And in the subcommittee we worked for two sessions and finally got the Interstate Highway System adopted for 41,000 miles.

Ever since then there has been a constant effort by some to increase the mileage, which has succeeded once in a while to an extent. Others wanted to divert the funds for other purposes than the erection of highways. There has been a tendency on the part of the agency controlling these funds and controlling the policy to hold them up and build by fits and starts.

Mr. President, I think it is extremely desirable when we build a bridge to build it right. It is not very good if we leave out one span. I think it is extremely desirable, even though I am a member of the Commerce Committee. I realize how necessary the funds are for air transportation and other forms of transportation.

I think it extremely desirable that we stick to our last and finish this particular project and finish it as fast as possible, not only from the standpoint of finishing it but from the standpoint of getting the job done without further delay.

I would appreciate it if the distinguished Senator would add my name as a cosponsor of the amendment.

Mr. BELLMON. I am proud to have the name of the Senator from New Hampshire as a cosponsor.

Mr. RANDOLPH. Mr. President, will the distinguished Senator yield?

Mr. BELLMON. Mr. President, I yield to the chairman of the Committee on Public Works.

Mr. RANDOLPH. Mr. President, I wish to inquire at this point, since I was temporarily absent from the Chamber, as to the limitation of time and if there is a limitation of time, where we now stand?

The PRESIDING OFFICER. There is no time limitation.

Mr. RANDOLPH. I thank the Chair.

Mr. BELLMON. Mr. President, I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I think it is important to understand that the Senator from Oklahoma and the Senator from West Virginia are in complete agreement on this matter. We have made attempts in the past and we are making an attempt here again today to focus attention on this matter.

The amendment which I offered in the nature of a substitute to the amendment offered by the Senator from Oklahoma, on which I have previously joined, strengthens, I believe, the original amendment by Senator BELLMON. It is because it conditions the debt limit extension on the release of highway obligational authority that is now being withheld. That is the only real difference. It is nailing it down to a greater degree.

Mr. President, at this point while Senators are in the Chamber I would like to refer to the effect of withholding on several States, if I may.

The authorization now being withheld is at a high of $6.237 billion. There recently was a release of $4.4 billion for fiscal year 1973. The amount still impounded, therefore, would be $1.837 billion. What we are attempting to do is secure the release of the $1.837 billion in addition to authorizations passed by this year's Congress.

Let us take, for example, the State of Oklahoma. We have had apportioned $52,563,948. Released is only $41 million. Let us take New Hampshire. In that State we have had apportioned $25,392,963, and released is $18,983,000. Let us take Nebraska. The Senator from Nebraska (Mr. HRUSKA) is interested in Nebraska as are all Senators. The apportionment is $38.7 million, approximately, and released is $29.869 million.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BENNETT. I am interested in the figures just quoted for Nebraska because the paper which was handed to all of us states that impounded for Nebraska was $48 million and the unused figure is $38 million.

Mr. BELLMON. I believe I can explain the discrepancy. The figure there was as of May 31, 1972. There was a release between May 31 and the date the Senator from West Virginia cited.

Mr. RANDOLPH. These figures I am giving are the accurate figures as of today.

Mr. BENNETT. I thank the Senator.

Mr. RANDOLPH. For the State of Utah, $66.444 million was apportioned and $49.481 million was released. In Kentucky—the Senators from Kentucky (Mr. COOPER and Mr. COOK) are in the Chamber—the apportionment is approximately $77 million and only $58 million has been released.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. I wish to say that I remember the Senator's inquiries to the Secretary of Transportation, Mr. Volpe, and the White House asking for information on the subject of impoundment. I received copies of the answers. I do not feel I should take the liberty of putting them in the RECORD.

Mr. RANDOLPH. We will place them in the RECORD.

Mr. COOPER. I have just called the office of the Secretary of Transportation to secure his answer to the question raised here. I am surprised that $6 billion is held in reserve. I know a part of that has been held in reserve during this and past administrations, I believe beginning in 1967. I must say also that, as has been pointed out in letters to the committee, that it was felt that the release of such large sums would have a vast inflationary impact. That was the reason given by President Johnson, I think also by President Kennedy, and by President Nixon.

I understand the money that will be available for obligation for highways for fiscal year 1973 will be the largest amount in history, not counting the reserve.

Also, the Secretary of Transportation has removed the quarterly release of funds, which will be of great help as the quarterly release of funds makes it very difficult for States to plan for the year.

I supported President Johnson's practice of impoundment at times, because considering the total amount which was available for highway transportation, the amount withheld was not a very large proportion, and his reason was to protect the economy of the country against inflation. For the same reason I have supported President Nixon's policy.

Mr. RANDOLPH. Will the Senator yield?

Mr. COOPER. I will be glad to yield in a moment.

I thought the question of the general good of the Nation in dealing with inflation was of more importance than the withholding of limited millions of dollars.

Mr. RANDOLPH. The Senator from Kentucky is correct as to his position, not only today but in the past. He opposed the language that was used in the Federal Highway Acts in 1968 and in 1970, and we recognize his opinion and his conviction in this matter. I do want to say to him, in good purpose, that no highway funds were withheld under the administration of President Kennedy. He is in error in that respect. I am sure he wants to correct that.

Mr. COOPER. Mr. President, I withdraw my statement. I am glad to be corrected. I had the highest regard for the late President Kennedy, and always will.

Mr. RANDOLPH. There were funds withheld under the administration of Mr. Johnson. Never, however, in that administration did the amount exceed $1 billion. I am not attempting to draw comparisons between administrations. I criticized vigorously the Johnson administration. I did it in the Senate. I did it on visits. I did it by correspondence and in every other way. It was wrong then, and it is wrong now. As the Senator from North Carolina has said and as the Senator from Rhode Island has said, it is wrong to withhold funds that have already been paid by the people of the United States and dedicated to the purpose of strengthening and improving the highway program.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my colleague from Utah.

Mr. BENNETT. I would like to get my mind straight on this arithmetic. I hold in my hand a piece of paper prepared by the Senator from Oklahoma (Mr. BELLMON), which gave a July estimate of withheld funds of $7.7 billion. The Senator from West Virginia says he has later figures. But what is the total, in the information of the Senator from West Virginia? What is the total now currently withheld?

Mr. BELLMON. Mr. President, before the Senator from West Virginia replies, the figure, $7.7 billion, is anticipated to be the balance as of July 1, 1973.

Mr. BENNETT. I will go back to the earlier figure—$6.510 billion. What, in the opinion of the Senator from West Virginia, is the correct figure?

Mr. RANDOLPH. I have that for the information of my colleague. Earlier today, I believe when he was absent from the floor, I explained the amount of money in the authorization program, and then I talked about the release of funds.

Mr. BENNETT. The Senator from Utah was here and he did not understand it. That is the reason why I am asking the question now.

Mr. RANDOLPH. I repeat what I said then, and that was that there has been a release of $4.4 billion for fiscal 1973. So the amount unreleased would be $1.837 billion. The difference is the figure for the fiscal year 1973, as of now, as compared with the figure for May 31, 1972, which has been correctly presented by the Senator from Oklahoma.

Mr. BENNETT. Having established the difference, is it the position of the Senator from West Virginia that the last dollar of the $1.837 billion must be released now?

Mr. RANDOLPH. That is the position of the Senator from West Virginia.

Mr. BENNETT. So the fund has no reserve in it, it has no balance in which to take care of emergencies, there is no margin, every dollar as it comes in must be paid out.

Mr. RANDOLPH. In terms of cash there are $3.5 billion in the highway trust fund—a very huge amount.

Mr. BENNETT. Then, this is the authorization? This is money that has been authorized that must be released?

Mr. RANDOLPH. That is correct.

Mr. BENNETT. Of course, the Senator knows that that is another nearly $2 billion that will be added to the deficit.

Mr. RANDOLPH. I do not agree, because it is in a trust fund and, as the Senator from North Carolina correctly stated, these are not appropriated funds, these are not general funds; these are funds dedicated to payment into a trust fund for the development and improvement of our highway program.

Mr. BENNETT. But, at the suggestion of the administration, the Nixon administration followed along, and we have a unified budget which includes all trust funds, and the report of the President on the deficit must include trust funds as well as funds set up through general revenues. So this adds $1.8 billion to the deficit.

Mr. RANDOLPH. I say to my colleague, who certainly is a financial expert in this field—I recognize it—that is the theory on which the Johnson administration acted, the theory which has been continued in greater degree by the Nixon administration. I think it is wrong. I feel that moneys dedicated for highway improvement and development, moneys that have been paid in through user taxes by citizens of Utah and other States, are in the highway trust fund for a specific purpose. I do feel that there is a difference. I feel that very strongly.

Mr. BENNETT. Well, as the year goes on, President Nixon will be beaten more and more over the head because of the deficit. Now the Senator is going to add $2 billion to it.

Mr. RANDOLPH. He will not be beaten over the head by the Senator from West Virginia. If there is any Senator in any body who has never taken a partisan stand in this matter whatsoever, it is the Senator from West Virginia. I spoke vigorously, time and time again, in 1968, in 1970, and since then, against this practice, which is wrong—absolutely wrong.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BELLMON. I would like to comment briefly on the point raised by the Senator from Utah. As I understand the intent of Congress when the Interstate Highway System Act was passed by Congress, it was establishing a trust fund that would be used to build highways; the money was not to be used to fight inflation or avoid inflation or balance the budget or prevent a deficit. In fact, I do not see how this money can be used to cause inflation, because the money is used to build highways and if the administration would obligate the money in the regular manner, it would not have an inflationary or deflationary effect on the economy.

What we are trying to stop is what the Senator from Utah has pointed out. We want the administration to obligate the money, so we will not get into the box of using this trust fund to try to have an artificial effect on the economy. I think the Senator makes a good point in trying to improve the amendment.

Mr. RANDOLPH. Mr. President, I want to emphasize—and I do not want to be too vigorous, but I want to be very earnest—what the Senator from Rhode Island has said. A charade is actually in process. It is true. Let us remember that the Johnson administration and the Nixon administration have said the reason the funds were not released was that this was a hedge against inflation. That is fallacious. It costs more to build something tomorrow than it would have to build it today or yesterday. This is so evident. We know it to be a fact.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PASTORE. I think, in all fairness, if dedicated funds are not going to be spent, they should not be collected in the first place. If we do not want to spend that money, we ought to tell the taxpayer, "Look, you do not have to come up with it." But if he is compelled to pay and those funds are dedicated, then I think we owe it to him to spend that money as pledged.

Mr. RANDOLPH. And the biggest victim of inflation has been the highway program.

I yield now to the Senator from Nevada (Mr. CANNON).

Mr. CANNON. I thank the Senator.

On the sheet I have it shows that, as of May 31, the balance impounded for Nevada was $26,356,000. Can the Senator tell me, as a result of the release of the impounded funds this week, what that figure would now be?

Mr. RANDOLPH. On the figures that I had given on other States, the apportionment would be about $31.650 million, the released money $23.5 million and, using the table to which the Senator from Nevada has called our attention, it would be approximately $8 million.

Mr. CANNON. So that the total amount impounded now, insofar as my State of Nevada is concerned, would be roughly $8 million; and if the Senator's amendment were approved, then those funds likewise would be required to be released at the present time?

Mr. RANDOLPH. That would be correct.

Mr. CANNON. I must say that I am completely in accord with the Senator's amendment, and I hope that it will be agreed to. This is a trust fund collection; it is money, as the Senator from Rhode Island properly pointed out, that should never be collected from the taxpayers if it is not going to be used, rather than be collected and then impounded. It was set up as a trust fund, and should not be considered in the overall Federal deficit, nor should it be balanced as a credit against the overall Federal deficit, because it has no relation to it.

Mr. RANDOLPH. That is my feeling.

Mr. CANNON. The Senator from Utah was attempting to point out that this would reduce our Federal deficit if it were left in that fund. It should do no such thing, because it is trust fund money, and is not available to pay the general debt of the Federal Treasury.

Mr. RANDOLPH. I thank my colleague. I yield to the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, I wish that the Senator from West Virginia, during the course of his discussion, would also allude to what is happening, really, to the trust fund.

As I recall, and I think the Senator will remember, last year there was a movement to take some $750 million, if I remember correctly, out of the highway trust fund for purposes other than the construction of highways. I wonder, as this trust fund increases, and the failures to make appropriations of these funds continue, whether we are putting ourselves in a position of first establishing a trust, then exacting the tax for that trust from the highway users for the purpose of improving those highways and building for America new highways, and then we ourselves, because the fund gets to a certain point, find ourselves beginning to rob that trust.

Congress established the trust and imposed the tax on the users for the purpose of that trust, and set forth to the American taxpayer in that particular category that for his tax, highways would be constructed. Now we find ourselves in the position where we have all of the means of transportation, with all of the problems that are now presenting themselves, ultimately being imposed on this trust, which was not established for that purpose.

If in fact a distribution was made, then this great big juicy pie would not be there for everyone to look at and decide that they are going to try to nibble away at it, so that, because as a matter of fact it is not being spent for that purpose now, ultimately a great percentage of that money may never be utilized for the purpose for which the tax was paid and the trust established.

Mr. RANDOLPH. The able Senator from Kentucky, in my opinion, is correct. Here is a huge sum of money, and we are, as he has indicated, not spending these trust funds. So what happens? Pressure builds up from many sources to use this money for other purposes.

We have not yet completed our interstate and defense highway system in this country. It is only about 79 percent open to traffic. We know that the costs continue to rise. The labor costs, the material costs, the cost of acquisition of land for rights-of-way—all of these continue to spiral, so that what was anticipated in the early days of this program in 1956 as costing less than $30 billion in Federal funds, is now at the approximate amount of $77 billion or $78 billion.

We had hoped to complete this system by October, 1972. But now it will be perhaps 1978, at the rate we are going, with the delays along the way plus the increased costs that we have seen.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. RANDOLPH. The moneys in the Highway Trust Fund are going to be needed. But we see that fund not being properly used, and there are moves to chip away at it for other purposes.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. BENNETT. I have just come to realize the manner in which this amendment is couched. It says the extension, which is the extension of the debt ceiling, the power of the Federal Government to pay its bills, which will expire at midnight tonight, shall not take effect unless all sums authorized to be apportioned by the sections of the code—and I shall not go through them—shall be released for obligation for the purposes and projects as provided in that title.

Now, in the first place, I am not sure that, mechanically, between now and midnight tonight all of these funds can be effectively released. But does the Senator from West Virginia propose that, in order to release $1.837 billion worth of highway trust funds, he will do two things: deprive the President of his constitutional right to impound these funds, and deprive the Secretary of the Treasury of his power to pay the Government's debts, unless the President does that?

To me, this is unconscionable, trading whatever immediate benefits may come by releasing $1.8 billion tonight against the chaos that will occur if this bill is not passed promptly.

I think the Senator from West Virginia knows as well as the Senator from Utah that the House Ways and Means Committee is very jealous of its rights, and that the chances of this amendment staying in the bill are very slim. But by putting this amendment in we would increase the chances that this bill will have to go through the tortuous process of getting a rule in the House of Representatives and waiting 3 days, and we will go past the point where, legally, we can pay our bills.

I seem to be talking against myself, because the State of Utah has some funds involved here. But it looks to me as though this is legislating with a gun at the President's head. This is a bill that the Secretary of the Treasury and the President—any Secretary of the Treasury, any President—must have passed, ideally as a clean bill, so that we can pay our bills; but apparently everyone who feels he wants to put pressure on the President is going to try to add an amendment to it, which will have to come off if the bill is to succeed.

Now that my friends have had their fun in calling this matter to the attention of the Senate and the country—the President has released $4.4 billion, and there is $1.8 billion left—for the sake of that $1.8 billion, I cannot believe that Senators would put in jeopardy the power of the United States to pay its bills.

Mr. RANDOLPH. Mr. President, I am very glad to yield to my colleague from Utah. I hope he spoke inadvertently about the Senator from Oklahoma, the Senator from West Virginia, the Senator from Rhode Island (Mr. Pastore), the Senator from North Carolina (Mr. Ervin), the Senator from Nevada (Mr. Cannon), the Senator from Kentucky (Mr. Cook), and many other Senators who have spoken on this subject—I hope that the Senator inadvertently indicated that we were having some fun. I doubt that he really wanted to say that. But if he did, that is his own obligation.

Mr. BENNETT. I will be very happy to withdraw that remark, because it obviously is not fun for the Senator; and I certainly think it is not going to be fun for the President and the Secretary of the Treasury if they find themselves in a position in which the U.S. Government cannot pay its bills.

Mr. RANDOLPH. The Senator from West Virginia is very conscious that there is propriety and good taste in this body, and he never has violated that in the almost 14 years he has been in the Senate. He will not violate it now. But the Senator from West Virginia will say in reply to the Senator from Utah, as to whether it is possible to release the $1.8 billion, that it is entirely possible. It is strictly an administrative matter. I am sure that the Secretary of the Department of Transportation, if he were here and I could ask him the question, would confirm that.

We are in constant touch with the Secretary of the Department of Transportation. I disclose no secrets when I tell the Senate that he does not believe in the impoundment of these funds. He has said it over and over again. He believes these are trust funds dedicated and paid by users, for specific purposes, and should be used by Congress.

I am also sorry that the Senator from Utah attempted to say that this amendment was in the nature of blackmail. This is absolutely untrue. This is not an unconscionable amendment which has been offered by the Senator from Oklahoma and the Senator from West Virginia and endorsed here by many other Senators. I have a feeling that if this matter comes to a vote, he will have to characterize the majority of the Senate as blackmailers and as presenting something that is unconscionable and as having fun; because I believe that if there is a rollcall vote on the substitute I have offered or the original amendment, in which I joined with the Senator from Oklahoma, a majority of this body, who will exercise their own, individual responsibilities, will approve this amendment.

Having said that, I simply wish to say that I feel very strongly about this. As I said earlier in this debate, the Senator from Utah has indicated that the President has a constitutional right to do what he has done, whether it is President Johnson, President Nixon, or any other President. I do not believe he has that right. The Senator from North Carolina (Mr. Ervin) has questioned it over and over again.

I have no desire to continue. I know that other matters are going to come before the Senate during the consideration of this bill. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I had expected to vote for the original Bellmon amendment. However, I have just read the substitute offered by the Senator from West Virginia, and I would like to have it cleared up a little in my mind before I am called upon to vote.

Is it a fact that if the increase in the debt ceiling is not voted by tonight, the Federal Government will have no money? I understand that they have spent more than the old debt ceiling already.

Mr. RANDOLPH. I would refer that question to Senator Long, the able chairman of the Committee on Finance. I believe he could answer it and qualify it.

Mr. AIKEN. The Government will be out of money by midnight.

Mr. LONG. As I understand it, there is some room for argument about the matter.

Mr. RANDOLPH. Yes.

Mr. LONG. Technically, the Government has no business paying anything after midnight tonight, because as of midnight tonight we will be $425 billion in debt, and the debt limit will be $400 billion. So that technically the Government has no business honoring any obligation after midnight tonight.

The probability is that the Government would try to carry on for a while longer by spending its cash balances, which amount to approximately $9 billion. But that will not last very long. There is no guarantee that the Government is not going to pay out those cash balances.

One might take the view that he is not privileged to spend that because we are already over our debt limit by many billions of dollars. But I would think the probability is that the Secretary of the Treasury would seek to honor the checks at the bank for the next day or so by spending his cash balances. After that, he cannot do anything more.

Incidentally, the Government will be required to stop payroll deductions for savings bonds immediately, under the savings bond program, because they have no right to sell any savings bonds or incur any further debt after midnight tonight.

Mr. AIKEN. The Senator from Louisiana is not implying, is he, that the Secretary of the Treasury could write bad checks which are not backed up by money in the bank?

Mr. PASTORE. We have already done it to the tune of billions and billions of dollars.

Mr. AIKEN. Individuals are not permitted to do that. They go to jail.

Mr. LONG. My guess is that they would take the view that the money that is in the till can be paid out, but the Government cannot incur any more debts. If that is the case, the Government can carry on for a few more days, after which it cannot pay.

The banks are going to have some uncertainty and be uneasy in honoring any Government checks after midnight tonight—so much so that some of those on our committee staff, who understand this, have urged their wives to go to the bank and cash their checks immediately, so that they will have money available to pay the immediate pressing debts starting tomorrow.

Mr. AIKEN. But unless all the amount of the highway fund that has been impounded is released by midnight tonight, the Government could not enter into any new contracts.

Mr. LONG. That is correct.

Mr. AIKEN. And could pay no bills on existing contracts, other than what money is in the pocket of the Secretary of the Treasury at the present time.

Mr. LONG. That is correct.

Mr. AIKEN. Could he pay the expenses of the military, which would use up that pocket money pretty fast?

Mr. LONG. I should think that so long as they have a cash balance—and they have approximately $9 billion in the till—they can continue to pay out. Then they are done.

Mr. AIKEN. That would not last very long.

Mr. LONG. It would last 4 or 5 days.

Mr. AIKEN. Here is another terrible thought: Would he be able to pay the salaries of the Members of Congress and their staffs?

Mr. LONG. No.

Mr. AIKEN. I hope the Senator from West Virginia has thought of the consequences in that event.

I would vote for the original Bellmon amendment, but I do not want to take a chance on the substitute because not all of us have independent incomes.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. PASTORE. I think that all this perplexity emphasizes the reason why we are in a very perilous position, and I hope we can expedite this matter.

Today I understand the House is going to recess for the next 17 days or so. So time is of the essence. This matter may have to go to conference. I do not know what the attitude of the House is going to be. But if we have said everything that needs to be said on this subject, I would hope that we would come to a vote; certainly if the amendment is not going to be withdrawn and certain commitments are going to be made, they must be made expeditiously, so let us get moving.

I think we ought to pass the debt ceiling resolution before 12 o'clock, because beyond that point I am afraid we will run up against the possibility that no one may be in the House, waiting either for a conference or to take action on what we have done.

Surely if we leave here tonight without doing something about the debt ceiling, some people's faces are going to be red—very red.

Mr. RANDOLPH. Mr. President, I wish to ask some questions of the able chairman of the Committee on Finance.

We have discussed these two amendments—the original amendment and the amendment offered in the nature of a substitute. Of course, I believe that the Secretary of Transportation could handle this matter. But I should like to ask, for both Senators—the Senator from Oklahoma and the Senator from West Virginia—what assurance the able Senator from Louisiana can give, not only to us but also to the other Members of this body about what could take place this year, not next year, but during this Congress in reference to this matter.

Mr. LONG. Mr. President, I am very much in sympathy with what the Senator is trying to do. I fear that we would have grave difficulty if this matter were added to this particular bill. But his argument strikes a completely responsive chord with the chairman of the committee. I am very much concerned about the matter. I wrote the Secretary of the Treasury about it, emphasizing it, and he wrote me a letter assuring me that, starting July 1, which is tomorrow, the administration would release $4.4 billion of these funds of 1973 contract authority and that next year they would release the remainder.

I ask unanimous consent to have the letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Executive Office of the President, Office of Management and Budget,
Washington, D.C., June 7, 1972.

Hon. Russell B. Long,
Chairman, Committee on Finance, New Senate Office Building, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am pleased to provide answers to the three questions contained in your letter of June 2. The questions and answers follow:

1. "Please advise me under what authority the Executive Branch withholds these funds from the States, frustrating the Congressional intent as expressed in the authorization acts?"

Answer: Authority for withholding funds is contained in:

Section 3679 of the Revised Statutes (31 USC 665) "Antideficiency Act"

Acting Attorney General decision of February 25, 1967 which stated "An appropriation act places an upper and not a lower limit on expenditures."

2. "Is it going to take action by Congress to release the funds so impounded?

Answer: We expect the Executive will release from reserves $4.4 billion of the 1973 contract authority on or before July 1. Congress enacted 1973 contract authority which is contained in the 1970 Highway Act and although these funds were apportioned to the States in December 1971, they were intended for use during 1973. The 1973 budget contemplates a highway program of $4.4 billion in 1973 and we do not anticipate a change in the 1973 highway budget.

3. "If not, under what circumstances and in what manner can Congress expect the Executive Branch to release these impounded funds which now exceed a full year's authorization?"

Answer: We would anticipate the remaining funds in reserve after the release of the $4.4 billion in 1973 would be released in fiscal year 1974.

The President has requested for 1973 that the Congress enact a total Federal outlay limitation as a part of the nation's need to restrain inflationary forces. This proposal does not permit an increase in the highway program in 1972 or 1973, because increased highway outlays would make the objective of controlling total Federal outlays even more difficult.

I trust the foregoing information has been of assistance.

Sincerely,

GEORGE P. SHULTZ, *Director*.

Mr. LONG. Mr. President, furthermore, I inquired into this matter and I think the Senator will find that what I have to say about it is entirely in line and in agreement with what he said, and also with the position taken by the Senator from Oklahoma (Mr. BELLMON), when we feel that these dedicated funds, taxed for this purpose, are not a proper subject for impoundment. We feel it is misleading and deceptive to tell the American people that they are being taxed and that the money will be spent for this purpose and then not spend it for that purpose. Especially is that the case of trust funds under the unified budget basis. The effect of the withholding of funds in the dedicated areas means that we are spending more in the undedicated areas. So that, in the last analysis, whether we want to admit it or not, we are taking the funds taxed for one purpose and spending them for another. That is not right. It is inexcusable. I would be happy to cooperate with the Senator in stopping this kind of procedure in the future.

We will have other measures on which we can add this amendment. It might be well that the committee have a chance to study the amendment, as well as the amendment to which it is offered, and other suggestions Senators might have, to try to see if we can perfect the technical aspects of it.

While agreeing on what the Senator is trying to achieve, I would also agree with the Senator that this agreement should be offered on a revenue bill. If sent to the House, I would suspect that while technically it might be a revenue measure, that the House allocates to itself what is and what is not a revenue measure. If there is any doubt, if the House takes the view that they regard it as a revenue measure, they will not consider it.

To assure that the measure will be voted on the House side, we almost have to add it onto an important revenue measure that the House desires to see enacted. We are going to have several of those between now and the end of this session. We will have another debt limit bill. I think, in one of the future ones, I would be glad to cooperate with the Senator in designating what we would think would be the appropriate vehicle. I would be happy to support something of that sort and go to conference with the House and try to prevail on them to agree precisely to what the Senate did, or, if they insist on a compromise, then the best compromise between the two Houses that can be agreed on.

It is so late in the day now on this measure that I do not think this is the best vehicle for this purpose. We will have better ones—not one, but several revenue bills that would be better fitted for this amendment. I would hope that the Senator, as well as the Senator from Oklahoma, would press this matter in connection with some other measure, and also accord the Finance Committee the opportunity to study it while we are working on this. We are going to have to extend the highway tax, anyway, in order to go ahead with our highway program, an area in which the two Senators are most interested. And I would especially salute the chairman of the Public Works Committee for the magnificent work for the good of this Nation that he has performed. I am going to go before their committee urging them to improve our existing statutes—on the authorizing part—and I want to assure the Senator that he will have my complete cooperation on the funding part of it.

We on the Finance Committee do not have the privilege of spending this money or authorizing it. All we do is have the pleasure—if we want to call it that—of voting a tax to try to pay for this. But we realize it is a duty and a responsibility and we should work hand and glove with those who have this Nation's interest at heart, as does the Senator from West Virginia, to see that this Nation's interests do not suffer, particularly with regard to such public works that benefit the entire economy and everyone in it.

So that I want to assure the Senator that I am sympathetic to what he wants to do and if we are here after this recess—and I am positive that we will be, unless some higher power should decide that nothing shall transpire during the remainder of this year—we will have a chance to vote on this, and someone like myself will not be required to oppose it on procedural grounds, but support it wholeheartedly and enthusiastically and try to muster the largest possible vote that can be achieved for it.

If we insist on putting it on this bill, I think it would confuse the issue, and a major confrontation may take place during the next few days. As the Senator knows, he voted, and so did I, for the 20-percent increase in social security. The President said on television last night that he was opposed to it because it might be inflationary and it might not be adequately funded. Well, people can debate that. I personally think that the amendment is properly funded and the committee staff thinks so too, but, nevertheless, there is room for argument between men of good will.

It may be that just one or two people in the House will do what they are threatening to do, to object to this matter being agreed to by the House, forcing it into the Rules Committee and requiring it to go over a day or so under the somewhat arbitrary rules that exist over in the House of Representatives in situations of this sort and actually putting this Government in a situation of financial distress for the next several days. I do not think that the American people would understand the Senate or any group of Senators, however well motivated, in bringing this Government to its knees and in fiscal chaos over a difference of $1.8 billion of impounded funds in the highway trust fund.

They can understand, I think, if the confrontation is over the 20-percent increase in social security, when 82 Senators voted for and only four voted against, and are determined to insist on it. I would think then, that we should keep the issue clear. It may well be that there will be the most serious confrontation between the legislative and executive branches to occur in years. If that develops, I hope it will be made crystal clear to everyone in the country that it is not on this other issue, meritorious though it is, but on something that people can well understand that the Congress would be concerned about sufficiently so that it would insist on having its way, even if the Executive insisted on using all the power available to him, and even with the cooperation of the Members of the House, or even if certain people in the House did insist on their own notion of impeding action on a measure so significant as this.

Thus, I would hope that the Senator would not insist on adding this amendment on this bill, and I will promise him that if he can cooperate with us in this regard, I will assure him that we will offer him the opportunity to offer his amendment and, unless we can perfect something better, I will not only agree to it but will support it and speak for it, if he wants me to, on some more appropriate vehicle.

Mr. RANDOLPH. Mr. President, I have listened carefully to the chairman of the Finance Committee. I am not going to attempt to labor the points that he makes.

I want to indicate frankly that I do not believe the confrontation would be a serious one for the very reason that all that would be necessary is for the Secretary of Transportation to advise the States that additional obligational authority is now available to them. The money would not have to move immediately, as the chairman of the Finance Committee knows. It would be merely to notify them that these additional sums would be coming. And they could therefore plan more efficiently. And that has been said many times here today.

Mr. LONG. Mr. President, the confrontation I am talking about it is a confrontation on social security. I would think that those on the other side of the issue would like to make it appear that the matter is more complicated or to confuse the matter.

I do not think they would like to have the simple and clear-cut issue that the 20-percent increase on social security is what is preventing this bill from becoming law.

Because of the confrontation over social security that is in the process of developing, I would feel that it would be most desirable that we limit the bill to one extraneous amendment, the 20-percent increase in social security and settle that at this point with the assurance that we will help the Senators to settle the other point before the year is out.

Mr. RANDOLPH. Mr. President, I understand what the Senator said. There is no Senator that would want to bring the administration of our Government to its knees because of a lack of money or to create chaos.

These terms have been used. However, I recognize the understanding of the Senator from Louisiana of the problem and the very delicate place in which he will find himself with his colleagues. I understand that. However, I want again for the record to show that the Senators in question who have offered these amendments did so in the very best of faith, believing that what has been done is wrong and that it should be stopped. And this is the forum where men stand and where men offer amendments and express themselves. And that is what has been done here today.

So if we have taken this time, we have done it with a purpose which I think is generally agreed is a good purpose.

Mr. President, we have the assurance of the chairman of the Finance Committee that at a later date this year he will be ready to join with us and others to handle this matter and to stop this practice. And if there is a word that I might want to use concerning this practice, I might say that I believe it is an unconscionable practice. It is not a constitutional right that the President has to impound trust funds dedicated to a specific purpose and paid for by the constitutents of all Senators who serve in this body.

The Senator from West Virginia who spoke of good will desires to be a Senator of good will and appreciates the assurance that the Senator from Louisiana has given that this is not a matter to be rectified in the years ahead, but now, in the immediate weeks ahead. So, as far as the Senator from West Virginia is concerned, he would withdraw his amendment.

Mr. METCALF. Mr. President, I support Senator BELLMON and Senator RANDOLPH in trying to obtain release of highway trust funds for fiscal 1972.

Montana's highway authorization is $91 million for fiscal 1973, which begins tomorrow. Instead, it is getting $46.3 million. State highway officials advise me that Montana has matching funds to utilize 80 million Federal dollars. Montana did not have contract letting during June because available Federal funds were less than $1 though spending authority—and money—were otherwise available except for impoundment by the Nixon administration.

Earlier this month, Montana was in a position to let contracts totaling $19 million Federal share and $3 million State share, in highway construction contracts, creating 110,000 man-days of employment, sorely needed because of the cancellation of the ABM construction. Governor Anderson has identified over $20 million worth of highway work within an 80-mile area of Conrad.

Mr. RANDOLPH. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER (Mr. CANNON). The amendment is withdrawn.

The question occurs now on the amendment of the Senator from Oklahoma.

Mr. BELLMON. Mr. President, before I make a motion, I want to thank my colleague, the Senator from West Virginia, for his comments. However, I would like to respectfully disagree with him on one point.

To me, the release of the trust funds by the President is a highly desirable objective. But to me there is a greater objective which I believe Congress needs to produce.

We have to stop once and for all this practice of impounding trust funds. We have had a series of events in which the executive department, for whatever reason, has impounded the funds and stopped the highway construction in its tracks.

And when the President thinks it is for the good of the country or for whatever reason he might have, they turn the money loose in a great surge and the costs of the highway construction go up and the people who use the highways are not getting the benefits of the contributions they have made to the country.

Therefore, I agree that, while we could get the executive department to release whatever the amount impounded actually is, I would like to see the practice of impounding highway trust funds stopped once and for all. I want to thank the chairman of the Finance Committee for the commitment he has made that later in an appropriate vehicle he would be willing to support legislation that will make certain that the highway trust fund does pass in an orderly way to the States so that the construction of highways can proceed.

Mr. LONG. Mr. President, I thank the Senator from Oklahoma individually as well as the Senator from West Virginia, for their cooperation in moving this important measure to the White House as soon as we can get it there.

I assure the Senators that I will cooperate with them in bringing this matter to a conclusion at the earliest practical date.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BELLMON. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I want to say that I am fully in accord with what the distinguished Senator from Oklahoma has just said and with what the distinguished Senator from West Virginia has attempted to do.

I would point out that one of the casualties of the Nixon-Brezhnev treaty was the cancellation of the Safeguard project in the area of north-central Montana. That means that the unemployment rate in Montana has increased from about 6.9 percent to just under 9 percent. It has created a situation which could be alleviated in part through the disbursement of the trust funds which are in the Highway Trust Fund for the purpose of road construction.

The junior Senator from Montana (Mr. METCALF) and I have written to the Secretary of Transportation and others seeking to bring about a disbursement of these funds which have been impounded, which I do not think is a constitutional practice.

And what I say applies to both Democratic and Republican Presidents. These trust funds consist of the people's money, paid in under the law and created into a trust fund. The longer the funds are impounded, the more the cost of the highway construction is going to be.

So I would hope that on the basis of the statements made by the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Oklahoma (Mr. BELLMON) and others that the administration would take this situation to heart and recognize that it means something to the States concerned, that the moneys are there and available, and that no appropriations are called for because the taxes have been paid. And it would not, if released, bring about any increased inflation, but would perhaps make it possible to bring about the construction that is badly needed in the highway systems at a cost cheaper today than several months from now.

I commend the distinguished Senator from Oklahoma. I assure him of my full support, and the same goes for the Senator from West Virginia.

Mr. BELLMON. Mr. President, I thank the distinguished majority leader.

I yield now to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it is reassuring and comforting to see the method and the fashion in which this discussion has concluded. I would like to make some remarks for the RECORD because many statements have been made on a subject which is profound and very complicated; and one that this body and some of its committees have gone into many times. It relates to the general doctrine of impounding appropriated funds. The power of impounding and the responsibility of impounding is an old question in this country. Ever since the time of George Washington there has been this question of whether the President can impound funds. It is a question that has been plaguing this country and from time to time this Congress.

Notwithstanding that the State of Nebraska and all other States are involved in this matter I would be constrained to vote against the amendment of either the Senator from Oklahoma or the Senator from West Virginia. This would be principally because of the method and also the timing that was suggested in these proposals.

In brief, the amendments are quite abrasive. In effect they tell the administration and the President:

> We are not going to let you finance any further expenditures of this government. We are not going to do it because we will not raise the debt ceiling unless you do a specific thing.

The specific thing is a release of certain funds. That is the essence of the amendments.

Normally I would have no objection to that if we had time to debate it and bring out all the aspects of the subject. We could then inquire why the President was impounding this fund; whether the fact that it is a trust fund makes any difference as against a situation of impounding conventional appropriations. But the clock is ticking away and it is an imposition on the present calendar and agenda of the Senate to place something this important against the pressure of time; with the possibility of the executive department not being able to function unless they knuckle under to the performance of a specific requirement.

In my thinking that is a little too abrasive, and I hope that would be the prevailing sentiment in this Chamber.

The President has his problems, too. The United States has its problems. The President has not been withholding these funds just maliciously, whimsically, and arbitrarily. He has been withholding these funds also for what he considers a good purpose.

I am gratified that the chairman of the Committee on Finance has taken the attitude he has taken and also that the two Senators, the Senator from West Virginia and the Senator from Oklahoma, have taken by withdrawing their amendments. I think this colloquy on the floor of the Senate has served a good purpose. It dramatizes a sore point in the economy and progress of our States involving an important segment of the highway system.

The Senator from Nebraska was on the Public Works Legislative Committee when that act became law. So I am familiar with the history of it. But I do want to say the fashion in which this subject has been handled and brought to our attention would not be the best approach. If either amendment were adopted, it would be a precedent that would be set. It would mean that any time we get to a point in this Congress, in a fit of pique or a high point of emotion, and would say to the President, "Mr. President, you cannot fund the Government any longer unless you comply with a condition that is uppermost in our minds now." We would be acting very arbitrarily. That would be a poor way to govern a nation of 208 million people.

Mr. COOPER. Mr. President, I beg the indulgence of the Senate. For 14 years I have served with the distinguished chairman of the Committee on Public Works, and now as ranking member of the Subcommittee on Public Roads. I have the highest respect for him. While I am sure the phrase was used inadvertently, his character would never be associated with the phrase, blackmail.

I would like to say in all justice that the chairman is absolutely correct in saying that he has opposed withholding whether by a Democratic administration or a Republican administration. As I said, I have had an opposite view. When President Johnson or President Nixon thought it was in the best interests of the country to withhold funds to curb inflation I supported them.

To make the record clear, the statement I have placed in the RECORD, supplied by the Department of Transportation, must be the latest on withholding; the statement supplied by the Senator from Oklahoma shows some $7.7 billion on July 1.

Mr. BENNETT. That is 1973.

Mr. COOPER. Yes, 1973. But it is correct that the President and the Department of Transportation has said $4.4 billion will be released tomorrow, July 1, 1972.

The table which has been read into the RECORD may give the impression, for example, that $110 million is withheld for Arizona. Actually, it will be reduced 70 percent on July 1, 1972, as will the figures for other States, with the exceptions shown in the list I have inserted in the RECORD.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. I placed the matter in its correct perspective in a table I described when the Senator was on the floor. That table will be in the RECORD.

I ask unanimous consent that the table be inserted in the RECORD at this point together with correspondence I have had on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRIBUTION OF FEDERAL AID HIGHWAY FUNDS FISCAL YEAR 1973

State	Apportioned	Released
Alabama	$98, 200, 781	$74, 462, 000
Alaska	51, 111, 617	36, 529, 000
Arizona	90, 821, 140	28, 179, 000
Arkansas	90, 019, 204	68, 139, 000
California	394, 246, 721	322, 153, 000
Colorado	86, 260, 276	65, 531, 000
Connecticut	117, 427, 103	89, 454, 000
Delaware	25, 525, 497	19, 175, 000
Florida	135, 455, 883	108, 355, 000
Georgia	104, 620, 134	80, 532, 000
Hawaii	56, 446, 446	41, 821, 000
Idaho	31, 294, 657	23, 009, 000
Illinois	323, 981, 209	252, 258, 000
Indiana	86, 519, 918	68, 933, 000
Iowa	74, 415, 032	56, 362, 000
Kansas	66, 209, 608	50, 185, 000
Kentucky	76, 902, 497	58, 571, 000
Louisiana	140, 524, 565	105, 773, 000
Maine	28, 031, 937	20, 960, 000
Maryland	147, 781, 957	112, 700, 000
Massachusetts	163, 156, 951	127, 606, 000
Michigan	193, 605, 181	154, 739, 000
Minnesota	102, 947, 610	79, 006, 000
Mississippi	51, 614, 122	38, 750, 000
Missouri	115, 257, 326	89, 471, 000
Montana	63, 662, 903	46, 258, 000
Nebraska	38, 700, 870	29, 869, 000
Nevada	31, 646, 275	23, 496, 000
New Hampshire	25, 392, 963	18, 983, 000
New Jersey	134, 053, 717	110, 354, 000
New Mexico	51, 472, 604	38, 171, 000
New York	363, 177, 202	294, 758, 000
North Carolina	99, 221, 606	75, 624, 000
North Dakota	32, 905, 998	24, 061, 000
Ohio	179, 977, 901	146, 268, 000
Oklahoma	52, 563, 948	41, 005, 000
Oregon	106, 177, 583	79, 014, 000
Pennsylvania	253, 218, 613	199, 549, 000
Rhode Island	48, 308, 285	36, 518, 000
South Carolina	44, 935, 576	34, 558, 000
South Dakota	33, 615, 466	24, 552, 000
Tennessee	73, 885, 781	57, 603, 000
Texas	234, 652, 581	189, 992, 000
Utah	66, 444, 396	49, 481, 000
Vermont	25, 675, 320	18, 634, 000
Virginia	129, 339, 708	99, 148, 000
Washington	139, 336, 465	105, 154, 000
West Virginia	131, 079, 068	95, 483, 000
Wisconsin	67, 031, 186	53, 948, 000
Wyoming	39, 326, 249	28, 468, 000
District of Columbia	77, 777, 487	58, 040, 000
Puerto Rico	10, 096, 657	10, 358, 000

MARCH 7, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Congress will, very shortly, begin development of the Federal-Aid Highway Act of 1972.

Construction of the Interstate Highway System, our principal road-building activity since 1956, is now more than three-quarters completed. We must, therefore, begin formulating a new highway program to meet the needs for highway transportation services that continue to exist.

For us to do this, and for the States to carry out an orderly highway program, it is essential to know that the authorized level of funding will be available from year to year. During the past five years, the withholding of highway obligational authority by the executive branch has made impossible the accurate long-range planning that a highway program requires.

Such action also has delayed the completion of important highway segments and contributed to increase in their ultimate cost.

On September 20, 1971, Transportation Secretary John A. Volpe announced the release of $400 million in previously impounded highway funds. I indicated that I hoped this action was a signal that the administration recognized the importance of full funding of the highway program. However, further administrative restrictions have been imposed on the ability of States to choose what types of projects they will undertake.

The most recent reports indicate that Presidentially-imposed impounded highway obligational authority now totals $6.2 billion. In light of the pressing highway transportation needs and of the urgency for developing a new highway program, I continue my appeal for you to direct the release of all impounded highway funds so that existing commitments can be met and the Congress can develop a new program with the knowledge that it can be implemented.

JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate.

THE WHITE HOUSE,
Washington, D.C., March 20, 1972.

DEAR SENATOR RANDOLPH: This is in further reply to your telegram of March 7, regarding funding for the Federal-aid Highway program and proposals for future Federal assistance to highways.

The Administration is of the opinion that the 1972 program of $5 billion is appropriate within the overall budgetary situation, will maintain reasonable progress in highway construction, and relates to other national concerns, such as the prevention of further inflationary price increases.

Regarding the amounts of Federal-aid Highway funds currently in reserve, $5.7 billion represents authorizations provided by Congress for use in the upcoming fiscal year, 1973. Of the remaining $900 million, $623 million represent amounts intended for use in 1972 which have been withheld for budgetary and economic reasons and $268 million represent balances from prior efforts to curb inflation and meet statutory outlay ceilings.

At the $5 billion level set by this Administration, the 1972 program will be the largest annual amount ever obligated for Federal-aid to highways. Therefore, we can hardly consider it to be a reduced program, even though the maximum amount authorized for 1972 will not be obligated this year. We do not believe that this reduction of 11 percent from the maximum is a severe penalty to pay for reestablishing price stability and real economic growth.

While the primary responsibility for the selection of projects to be funded rests with the States, the Federal Government is interested in the types of projects which are funded so that national interests and pressing transportation problems are addressed. To assure that adequate attention is given to national interests and to urban programs, which had been authorized by the Congress but were not receiving full attention, certain priority goals were set for the 1972 program. These goals relate to the Interstate System and to urban programs, particularly the urban extensions of primary and secondary highways and the TOPICS-traffic operations improvement projects. While there is flexibility on a State-by-State basis, more adequate attention to these programs for important areas is required on a nationwide basis.

Finally, regarding new programs for the future, the Secretary of Transportation released the 1972 Highway Needs Report on March 14. After an extensive study of the situation, the Administration has announced an important new initiative to restructure and strengthen Federal assistance programs to the States and localities for highways, urban mass transportation, and other surface transportation improvements. We believe that this new program, outlined in the 1972 Highway Needs Report, and to be implemented through the proposed 1972 Federal-aid Highway legislation, will make a significant contribution to the future development of our national surface transportation systems, and permit States and localities to make decisions on transportation systems which are best suited to their individual needs.

I hope that the above information has clarified our position on this matter for you.

Sincerely,

WILLIAM L. GIFFORD,
Special Assistant to the President.

U.S. SENATE,
Washington, D.C., March 29, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I have received a letter from William L. Gifford in response to my telegram of March 7 to you. In that message I expressed my concern over the continued practice of withholding highway obligational authority.

I have read Mr. Gifford's response carefully and have considered fully the rationale which he offers for administrative impoundment of funds authorized by the Congress to be spent by the States for highway purposes. While he attempts to justify the Administration's course of action, this rationale is totally inconsistent with the wishes of the Congress as expressed in law, as well as detrimental to the Highway Program.

While he is correct in that a $5 billion highway program in 1972 is the largest in our history, it is still significantly below the level anticipated and authorized by Congress. The reduction from that level, when combined with earlier reductions, serves only to compound an already unsatisfactory situation. I have said before and I believe now, that the withholding of obligational authority contributes more to inflation than it relieves. It is important to remember that the bulk of our highway spending is for the Interstate system and that we are committed to the completion of a connected network of Interstate highways. These highways must be completed eventually, and a substantial portion of the construction is being postponed until a time when prices are even higher than they are now.

I hope that, in his letter, Mr. Gifford did not intend to leave the impression that the $5.7 billion scheduled for use in fiscal year 1973 was obligational authority that would be available only at the beginning of that year. The fact is that this $5.7 billion is available now and is an accumulation of impounded obligational authority from past years. A new obligational authority will become available in fiscal 1973.

I am particularly disturbed by the manipulation of highway funds to determine the form of the Federal-Aid program through executive decree. Traditionally, and by law, the States are entitled to determine which types of highway projects they wish to carry on, consistent with Federal statutes. The recent action of the Federal Highway Administration establishing a headquarters account from which the States could draw funds only for specific purposes, is in direct opposition to past practice and the intent of Congress. I commend the goals of the Federal Highway Administration in meeting certain urgent needs in the highway system. I recognize the need for spot-improvement to improve highway safety, the elimination of railroad grade crossings, and similar activities. I do not, however, believe that the control over project selection by the States to the extent established by the Administration is wise.

I have reviewed in detail the recommendations of Secretary Volpe for restructuring the Federal-Aid Highway Program. In some instances they represent other sharp departures from historical practices. In that Secretary Volpe is attempting to develop a unified approach to transportation, his philosophy is consistent with mine. No single element of the national transportation system should be considered separate from others. I will carefully examine the details of the Secretary's recommendations, however, to assure that the effectiveness of existing programs is not compromised by this move toward a unified approach.

Truly,

JENNINGS RANDOLPH,
Chairman.

THE WHITE HOUSE,
Washington, D.C., March 31, 1972.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I wish to acknowledge and thank you for your March 29 letter to the President in further reference to the matter of funding for the Highway program and the recommendations of Secretary Volpe for restructuring the Federal-Aid Highway Program. You may be assured your letter will be brought to the President's attention at the earliest opportunity and also shared with the appropriate members of the staff.

With cordial regards.

Sincerely,

TOM C. KOROLOGOS,
Deputy Assistant to the President.

MAY 11, 1972.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: We have reviewed Instructional Memorandum 30-2-72 which describes Federal-Aid Highway funds intended to be released for obligation during Fiscal Year 1973.

We are disturbed that once again the total amount to be released is considerably below that authorized by the Congress. The breakdown also raises some questions in my mind for which there are no apparent answers. Proposed obligation level for the Interstate System is $2.8 billion as compared with authorized level of $4 billion. The proposed $2.8 billion is not only below the authorized level, but is less than that proposed by the Administration in its legislative recommendations. Funds for primary roads are $135 million below the authorized level; for secondary roads, $40 million under authorized level; and for urban highways, $55 million below authorized level. At the same time, proposed obligations for the urban system and TOPICS are higher than those authorized by the Congress.

The proposed obligations contain no funds for the special primary-secondary program nor for the bridge replacement program, nor for the economic growth center highway program.

We would appreciate receiving a detailed explanation of the Department's reasons for allocating funds in the manner indicated by Instructional Memorandum 30-2-72, including $238 million for reserves. Such an explanation would be helpful to the Committee in further evaluation of the legislative proposals advanced by the Administration, which you discussed before us yesterday.

The Instructional Memorandum also states that "The extent to which there will be positive State-by-State controls by classes of funds has not yet been determined." We would appreciate information on what type of "state-by-state" controls you have in mind.

With personal regards and official esteem, I am,

Truly,

JENNINGS RANDOLPH,
Chairman.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 26, 1972.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Your letter of May 11 discusses plans for the program levels of the Federal-aid Highway Program for the fiscal year 1973 and makes particular reference to the Instructional Memoradum 30-2-72 which was released by the Federal Highway Administration on May 3.

The President's Budget for 1973 established a $4.4 billion level of obligations for the Federal-aid Highway Program in 1973. The budget further included the composition of the $4.4 billion as arrived at with the Office of Management and Budget. The material which I am describing is outlined on page 720 of the Appendix to the budget document. As you indicate, the goals by individual classes of funds vary greatly percentagewise from the Congressional authorizations. The $2.8 billion obligation limitation for Interstate construction is only 70 percent of the authorized amount while again as you mention the Urban and TOPICS limitations far exceed the authorized amounts. For these latter, of course, unused monies are available from prior fiscal years authorizations, and the indicated 1973 levels would represent some "catch-up."

Since the various classes of Federal-aid highway monies are apportioned on differing apportionment formulas, it was considered appropriate in our tentative allocations of the $4.4 billion to address each of the individual authorizations separately. This gives to each State a summation of individual allocations rather than a single allocation based on a relationship between the total authorized amounts and the budget allowance. It was this computation which was transmitted to the States with the Instructional Memorandum so that the States would have the benefit of our best estimates of the Federal-aid resources which will be available to them during 1973. The Federal Highway Administration has always attempted to keep the States informed as to the program levels which they may expect during the immediate future in order to assist them in planning and scheduling the year's construction program.

You asked specifically about the $238 million reserve. This is composed of the following items shown on page 720 of the Budget Appendix:

Bridge replacement	$57,446,000
Emergency relief	80,000,000
Administration	100,554,000
Total	238,000,000

You will note that it does include some of the Bridge Replacement Program about which you expressed particular concern. The reason for handling the Bridge Replacement Program in this manner is that obligations against those authorizations will not follow an apportionment formula, but rather will result from individual allocations of the money based on the speed at which the individual States advance projects to obligation status. The Economic Growth Center Highway program is handled in the same manner and would normally be included in the reserve. However, under the reduced overall program level budget for fiscal year 1973, it is not expected that much will be able to be undertaken on Economic Growth Centers.

Your final request concerns our plans for "State-by-State" controls of obligation authority during the coming fiscal year. As of this time, there has been no positive decision on this matter. Certainly we will keep the controls by individual classes of funds to a minimum consistent with meeting the budget objectives. Unfortunately, however, if we fail to institute some controls on a fund-by-fund, State-by-State basis we will have no assurance of meeting the several separate program levels which the Office of Management and Budget has set for the Federal-aid Highway Program. We shall be in touch with you promptly as further decisions are reached concerning the necessity for fund-by-fund controls.

Sincerely,

JOHN VOLPE.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 8, 1972.
Hon. JENNINGS RANDOLPH,
Chairman, Public Works Committee,
U.S. Senate, Washington, D.C.

DEAR JENNINGS: I announced at the Governors' Conference in Houston yesterday, that the entire $4.4 billion in obligation authority for Federal Aid to Highways for FY 1973 will be released on an annual basis rather than in quarterly amounts as has been done in previous years.

The formal release will be made by June 15 with the funds becoming available July 1.

Releasing the funds in this manner provides maximum flexibility to each State to plan and schedule its Federal-aid highway projects as appropriate for the State. I believe that this will provide for more orderly execution of each State's highway program and avoid sudden changes in the obligation amounts such as have occurred in some years. I am happy to be thus responsive to the needs of our Nation's highway program and I hope that it will be good news to you

Sincerely,

JOHN.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am informed that the Department of Transportation has made highway funds available for obligation during fiscal year 1973 in an amount significantly below that authorized by the Congress.

Again I must express my opposition to the continued administrative withholding of these funds. As I have stated on other occasions, this practice not only is contrary to the expressed will of the Congress, it also results in unnecessary delays and price escalation in the development of our national highway system.

I am particularly disturbed by the fiscal year 1973 obligational level, for it also is below that recommended by the administration in legislation which was introduced in the Senate this week.

It is my hope that administrative impoundment of highway obligational authority will be stopped and that currently impounded authority be released so that the States can resume their normal schedules of highway development.

JENNINGS RANDOLPH,
U.S. Senate, Chairman, Senate Committee on Public Works.

THE WHITE HOUSE,
Washington, D.C., June 12, 1972.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: This is in response to your recent telegram regarding the adequacy of funding for the Federal highway program.

The Administration believes that the requested level of 1972 and 1973 funding for the Federal highway program meets the following key criteria:

Consistent with the overall Federal economic and budgetary situation, which requires careful fiscal management and prevention of further inflationary pressures.

Adequate to maintain reasonable progress on highway construction, including the Interstate system, and a concentrated safety effort.

Given these criteria, the Executive has found it necessary to hold some highway funds, primarily funds for use in fiscal year 1973, in reserve.

The President has requested the Congress to enact a total Federal outlay limitation as part of this nation's need to restrain inflationary forces. This proposal does not permit an increase in the highway program because increased highway outlays would make the objective of controlling total Federal outlays even more difficult.

We hope the above has been of assistance.

Sincerely,

WILLIAM L. GIFFORD,
Special Assistant to the President.

JUNE 12, 1972.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
U.S. Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I have received your letters of May 26 and June 8 which explain the Department of Transportation's plans for Federal-Aid Highway spending during the 1973 fiscal year.

The information you provided is greatly appreciated. I am unable to agree however, with the Department's reasoning in adopting this course. The fact remains that the proposed obligational level of $4.4 billion is still substantially below the amount authorized by Congress, on the basis of what we know to be real and demonstrated highway transportation needs, and is well within the financial capabilities of the Highway Trust Fund.

I was somewhat relieved to learn that the bridge replacement program has not been abandoned totally in the Department's plans for 1973. The proposed expenditure of $57,446,000, however, is only slightly more than one-third of the authorized amount for this purpose. This level of spending is totally inconsistent with the Department's own assessment of the magnitude of bridge replacement needs. I am likewise distressed that the Department has chosen to abandon the Economic Growth Center Program after only one year of experience.

Your decision to release the entire obligational authority for Fiscal Year 1973 on an annual basis rather than quarterly should be helpful to the total Federal-Aid Highway Program. The states will be able to move ahead without waiting for periodic releases throughout the year. My only regret is that approximately $6.2 billion in obligational authority remains impounded and unavailable for expenditure. When the Department released $400 million in previously impounded highway funds last fall, I hoped that the accumulated obligational authority would continue to be released. This apparently is not the case, and it appears as though we can anticipate continued withholding and further accumulations in the Trust Fund.

I appreciate your promptness in responding to my earlier inquiry and in keeping me informed as to developments within the Department of Transportation relating to the Federal-Aid Highway Program.

With personal regards.

Truly,

JENNINGS RANDOLPH,
Chairman.

OFFICE OF THE SECRETARY
OF TRANSPORTATION,
Washington, D.C., June 13, 1972.
Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of Secretary Volpe, I wish to acknowledge receipt of your letter of June 12 with respect to Federal-Aid Highway spending in Fiscal Year 1973.

Your letter has been brought to the Secretary's attention, and you may expect to hear from him at an early date.

Sincerely,

A. B. VIRKLER LEGATE,
Executive Secretary.

Mr. COOPER. I would have to say, after hearing the debate, and I say this with great feeling for the distinguished gentleman from West Virginia——

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BELLMON. I circulated the table dated May 31, 1972. This represented the best figures we could get. Now the administration has seen fit to release $4.4 billion it has been withholding for many months and that makes an eloquent argument for this legislation. That could be based on a legal basis so that the highway construction could proceed in an orderly way and not be backed up in such huge amounts and cause our contractors to suddenly have a flurry of activity after being inactive which has caused high unemployment in the construction industry.

Mr. President, we have taken enough time. I would like at this time to withdraw my amendment, but it is my intention to redraft it as a bill and to reintroduce it immediately.

Mr. ALLOTT. Mr. President, would the Senator mind withholding his withdrawal for the moment?

Mr. BELLMON. Very well.

Mr. ALLOTT. I have been waiting for some time and I would like to make a few remarks.

Mr. BELLMON. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I think it is very healthy that this has been brought up today and I am very happy it is going to be disposed of the way it is.

While I am in sympathy with this I think I would have to join the Senator from Kentucky in his attitude toward voting against the amendment. I wish to say this. We could sometimes do with a little more consistency in the Senate. A few years ago during another administration I introduced an amendment in which I was trying to get certain funds released from the highway trust fund and the principle of that amendment was that the President had no power to withhold highway trust funds. As I recall, I lost by a substantial majority on a somewhat straight party line vote. Now we are in a different situation. My ideas have not changed, however. I do not think any President has the right to withhold trust funds.

There is a different argument to be made on appropriated funds, but not on trust funds.

I would like to say this while I have the floor: Various States have come face to face with the specific problem involved. My own State of Colorado, for example, for 6 or 7 years has been involved in building the Straight Creek tunnel, a tunnel which goes under the Continental Divide below Loveland Pass. Building that tunnel has diverted approximately 50 percent of all of the Federal interstate highway funds which go to Colorado. There is no question of its being a valuable asset to the Nation and to the State when it is finished, but in the meantime, with 50 percent of the Federal funds for Colorado going into that Straight Creek tunnel, anyone with a little imagination can see what the withholding of the highway funds does to the remainder of the interstate highway program in Colorado.

I had hoped we could get a principle established some day which we could get over to this administration, or to any other administration, that trust funds cannot be withheld. As I said, the argument on appropriated funds is a little different.

Mr. BELLMON. Mr. President, at this time I wish to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1314

Mr. BENNETT. Mr. President, I call up my amendment No. 1314 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be read.

The legislative clerk read the amendment, as follows:

On page 1, after line 5, insert the following new section:

SEC. 2. (a) Section 165(h)(1) of the Internal Revenue Code of 1954 (relating to disaster losses) is amended to read as follows:

"(1) attributable to a disaster which occurs during the period after the close of the taxable year and on or before the last day of the 6th calendar month beginning after the close of the taxable year, and".

(b) The amendment made by subsection (a) shall apply to disasters occurring after December 31, 1971, in taxable years ending after such date.

Mr. BENNETT. Mr. President, before I explain the amendment, I would like to have the attention of the Senator from West Virginia. I realize that during the debate what I said could well be described, as the Senator said, by the word "abrasive." I hope it did not affect my friend from West Virginia in this manner. When one finds himself in the position of being the devil's advocate and finds himself alone, facing an organized group, sometimes he puts on a little more steam than he ordinarily would. I had no intention that anything I said appear personal. It was not Senators I was against; it was the amendment.

Mr. RANDOLPH. Mr. President, I have a very genuine esteem, as the Senator from Utah knows, and personal affection for him as a man and as a Senator. I only felt, as he has indicated, that during the vigor of the debate, if certain statements are made and the one who is arguing from the opposite point just does not make response, he actually has not discharged the obligation to which he has attached himself. So I am sure our colleagues well understand the situation, and certainly on this matter, as on all matters, I attribute to the Senator from Utah the very best of intentions and the very highest legislative responsibility.

Mr. BENNETT. I appreciate that expression. The affection between us is shared. I hope the time will never come when, in the heat of debate, it may be dimmed or tarnished.

Mr. President, the amendment I have offered relates to the recent floods in South Dakota, in a number of the States in the region of our Nation's Capital—the States lying to the north and south of us, and 2 days ago in California.

This amendment, which has the approval of the administration and has the approval of the House Ways and Means Committee, can be attached to this bill without risk, even though the Senator from Louisiana, chairman of the committee, said he felt safe in taking only one amendment to conference. He knows of and agrees with this amendment, and I am sure he would have remembered it if it had not been for the heat of this debate.

This amendment is intended to speed up the tax relief that is already provided in the Internal Revenue Code in the case of casualty losses, such as the damages resulting from these floods.

Under present law, if a casualty loss results from a presidentially proclaimed disaster before the income tax return filing date—which for substantially all individuals means between January 1 and April 15—then the taxpayer may elect to treat the loss as though it had occurred in the last taxable year. This means that he can file his return, or an amended return, and deduct the loss from last year's income. The taxpayer thereby receives whatever tax benefit he would be otherwise entitled to—reduction of income taxes to be paid or refund of income taxes already paid—promptly, instead of having to wait until the following year to claim the deduction. However, under present law, if an individual suffered damages from the floods of this past week, then he must wait until early 1973, when he files his income tax return for 1972, before he can deduct his losses from these floods.

What this amendment does is to extend to presidentially proclaimed disasters in the first 6 months of the taxable year the same treatment that present law provides for such disasters occurring, in the case of individuals, in the first 3½ months of the taxable year. This will enable those who suffered from the recent floods to file claims for their 1971 taxes, deducting from their 1971 incomes the amount of their casualty losses from these floods. This will provide funds that can be used promptly to rebuild lost homes and property.

I have been assured by the Treasury Department that the Internal Revenue Service will provide assistance to taxpayers to determine the amount of their damage and to file their refund claims and that the Internal Revenue Service will do everything possible to expedite the payment of those refunds.

Mr. President, I would not offer an amendment to this bill but for the urgency of this particular situation and the assurances of the Treasury Department that prompt congressional action will result in prompt tax relief to those people who have been so unfortunate as to suffer damages from these floods. The relief is not new, in the sense that it builds upon an existing provision in the law. The Internal Revenue Service has already had experience in administering the existing law. The provision will speed up tax benefits, but it probably will have no effect upon tax revenues during fiscal 1973, merely hastening by about 9 months the time when the refunds will be made to the taxpayers.

The need, Mr. President is widespread. Disasters to which this amendment applies have occurred since April 15 in Tennessee, Kentucky, Texas, Washington, North Dakota, South Dakota, Florida, Virginia, Pennsylvania, New York, and California.

Passage of this amendment means that those who suffered damage in the terrible floods recently can get their tax relief now, so that they will have the money, and, particularly if it comes in the form of refunds, as most of it will, they will have money promptly to help them in their trouble and to cover the cost of this damage.

Mr. President, I would not have offered the amendment to this bill except for the urgency of the situation. If we go out today and do not come back until the 17th of July and then we take some days after that time to handle the problem, these people will have already faced the responsibility and the job of cleaning up and the opportunity to get money to help them would have passed.

The chairman of the committee, who has to be off the floor at the moment, has authorized me to say he will accept the amendment and take it to conference.

I see present the acting manager of the bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. TALMADGE. Mr. President, I am informed that the distinguished chairman of the committee has no objection to this amendment. It does simple justice. It would accelerate tax reductions for losses which have occurred by reason of the recent terrible flood by 1 year and permit taxpayers to deduct losses from this year's return rather than wait until next year. I think it is equitable. I think it is fair. I am also informed that members of the House Ways and Means

Committee have asked to include this amendment to the debt limit bill.

Mr. BENNETT. Mr. President, I ask that the amendment be voted on.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I understand that there is at least one more amendment to be offered, and the sponsor of that amendment has been contacted.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent at this time that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

U.S. ARMY

The PRESIDING OFFICER. The clerk will please read the first nomination on the Executive Calendar.

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc. Without objection, the nominations are confirmed en bloc.

PROFILE OF A SOLDIER

Mr. MANSFIELD. Mr. President, in a few days the final chapter will be added to an outstanding soldier's career when Gen. William C. Westmoreland completes his statutory 4-year tour as the Army Chief of Staff and retires from active service. His service has spanned an era from horse-drawn artillery to guided missiles, lasers, and helicopters, to include combat in three wars. I would like to take this opportunity to pay tribute to our departing Army Chief of Staff.

General Westmoreland was born in Spartanburg County, S.C., March 26, 1914. He attended the U.S. Military Academy at West Point, N.Y., as an appointee from South Carolina, and was commissioned as a second lieutenant in the field artillery upon graduation June 12, 1936. He was marked early as a leader at the Academy and concluded his cadet years as first captain of the Corps of Cadets.

His distinguished combat record began during World War II when he commanded an artillery battalion in north Africa and Sicily. Following D-day, he fought with the 9th Infantry Division from Utah Beach through France, Belgium, and into Germany. In October 1944 he was named chief of staff of the division as it moved from the German border to a linkup with Soviet Army troops at the Elbe River. During the hostilities in Korea, then Colonel Westmoreland, in August 1952, took command of the 187th Airborne Regimental Combat Team. His unit was cited as a distinguished unit by the Republic of Korea and he was recognized with his first star at the young age of 38, an age when most officers are lieutenant colonels. In Vietnam, General Westmoreland served concurrently as Commander of the U.S. Military Assistance Command, Vietnam, and Commanding General of the U.S. Army, Vietnam. In peacetime, Westmoreland commanded the 101st Airborne Division and the XVIII Airborne Corps and served as the Superintendent of the U.S. Military Academy at West Point.

His advancement through the ranks has been rapid and marked with the drive for progress and for seeking a better method of accomplishing the task.

Most of the 4 years General Westmoreland has served as Chief of Staff has been characterized by transition—the change from a larger Vietnam-oriented Army to a smaller Army moving toward greater professionalism and better prepared to meet its worldwide commitments. His goal has been to mold the Army into one based upon the highest standards of performance, self-discipline, and individual dedication and pride. He oriented and supervised the program to establish the modern Volunteer Army with a zero draft as its target. He was quick to identify the strains and stresses in the Army caused by the conflict of Vietnam. Through a series of significant and far-reaching decisions, he has reestablished the Army's objectives and by inspirational leadership has increased the forward progress of the Army. This final period of service is the watershed of an illustrious career and an unselfish contribution to the Army and to the security of our Nation.

Several years ago, General Westmoreland wrote a letter to each officer of the U.S. Army entitled, "Integrity." As a final note to a great soldier and American, I would like to quote the last paragraph of that letter:

> In this uncertain world our best judgments may prove wrong. But there is only one sure path to honor—unfaltering honesty and sincerity in word and deed. I charge every officer to shoulder his responsibility as I expect every officer to earn our Nation's trust.

There can be no doubt that General Westmoreland has earned his Nation's trust and beyond that, an expression of thanks and admiration as a true patriot.

Mr. STENNIS. Mr. President, Gen. William C. Westmoreland ends 36 years of military service with his retirement on June 30, 1972. Today the Senate confirms his nomination for appointment for life as General of the Army.

From his cadet days as regimental commander and first captain through his many assignments culminating as Chief of Staff—first soldier of our fine Army—his career has been an outstanding example of leadership, dedication, solid achievement, and contribution to the Army, to his country and to his countrymen.

General Westmoreland gained his practical experience as a soldier in the Tunisian deserts, Normandy hedgerows, German forests, Korean paddies, and jungles of Vietnam.

The unique conflict in Vietnam required General Westmoreland to exercise his great talent for diplomacy and tact to maintain balance during the emotional and political storms, both Vietnamese and American, which prevailed, sometimes at peak intensity, throughout this controversial war.

The Vietnam situation has been characterized by many and varied restraints which tended to shape our general strategy and conduct of the war. General Westmoreland was continuously required to develop military solutions to matters influenced by the most complex political, economic, social and psychological modifying factors. He carried out his assignment with all the talent and dedication of a great leader and soldier.

During his tour as Chief of Staff, he has taken far-reaching initiatives and made many bold decisions to set the Army on the road to new standards of professionalism. He has cut the pattern for the Army to follow in the complex transition from a force of 1.5 million men to a smaller, highly professional force qualitatively structured to support the national strategy requirements of the coming decade.

President Nixon expressed the sentiments of all of us when he told "Westy" as he pinned the Distinguished Service Medal upon him—

> The Nation had to have a strong man, a decent man, a good man as Chief of Staff. You were the right man in the right job at the right time.

I salute General Westmoreland for his distinguished career, his highly valuable services, and the high standard he has set as a soldier and a soldier-statesman. My affection and good wishes are extended to him and to Mrs. Westmoreland, in all of which Mrs. Stennis joins. Their work will live and I know they will continue to live useful years which I hope will be many.

Mr. ROBERT C. BYRD. Mr. President, I wholeheartedly associate myself with the remarks of my distinguished colleague, Senator STENNIS in praise of General Westmoreland.

A military officer's commission reposes "specal trust and confidence in the patriotism, valor, fidelity, and abilities" of those upon whom it is conferred. General Westmoreland's performance of duty during his long, faithful career gives special meaning to the words of trust and confidence. His service to his country is an inspiration to all those who have served with him and to those who will follow after.

A grateful nation salutes him as he completes his outstanding military career and wishes him Godspeed.

U.S. NAVY

The legislative clerk read the nomination of Rear Adm. Marmaduke G. Bayne to be vice admiral.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc. Without objection, they are confirmed.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I make the same request.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc. Without objection, the nominations are confirmed.

DEPARTMENT OF COMMERCE

The legislative clerk proceeded to read the nominations in the Department of Commerce.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. Do those nominations include the name of Andrew E. Gibson to be an Assistant Secretary of Commerce?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc. Without objection, the nominations are confirmed.

FEDERAL MARITIME COMMISSION

The legislative clerk read the nomination of Ashton C. Barrett, of Mississippi, to be a Federal Maritime Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NOMINATIONS PASSED OVER

Mr. MANSFIELD. Mr. President, the next two items, nominations to the Superior Court of the District of Columbia and the Joint Chiefs of Staff, are to be passed over for consideration later in the day. Certain Senators will have something to say at that time.

The PRESIDING OFFICER. The nominations will be passed over.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read nominations in the Army and in the Navy which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate continued with the consideration of the bill (H.R. 15390) to provide for a 4-month extenson of the present temporary level in the public debt limitation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware (Mr. ROTH).

Mr. ROTH. Mr. President, last week I submitted an amendment, No. 1266, to H.R. 15390, the House-passed bill extending this country's $250 billion debt ceiling to October 31, 1972.

The amendment called for a strictly defined ceiling on Federal outlays during fiscal year 1973 and would apply equally to Congress and the administration. Overspending by the Congress would be subject to Presidential veto; new legislative proposals from the White House would have to be accompanied by concomitant reductions in existing program activities.

I introduced a similar measure last March when the debt ceiling was also under consideration. That language pegged fiscal year 1973 outlays at $246.3 billion, but I recently revised this figure upward to $250 billion due to the postponement of revenue sharing disbursements. Both amendments conformed to the administration's request for a "no-holes" ceiling, both gave the President explicit power to act if Congress overspent, and both set the spending ceiling at a level which the administration felt was consistent with a necessary degree of fiscal stimulus.

In all candor, the history of spending ceilings in recent Congresses has been less than encouraging. Various proposals have been offered and debated since 1967. Only one has achieved any measurable degree of success—legislation introduced by my predecessor John Williams. Even though appropriation bills during 1968 often carried exemptions from the Williams-Smathers bill, the discipline did succeed in reducing fiscal year 1968 outlays by more than $6 billion.

In the meantime, Federal outlays have continued to rise at an accelerating pace. We now devote a larger share of our gross national product to Federal Government programs than we have since the World War II crisis year of 1945. The national debt has nearly doubled in 20 years, rising by more than a third since 1967, just 5 years ago!

Yet, despite President Nixon's several statements on his desire for fiscal restraint, we face a fiscal year 1973 which will show record outlays—at least $250 billion—a record deficit—at least $37.8 billion—and an increase in the debt to nearly $480 billion. But twice now, in less than 5 months, the administration has asked for a clean debt-ceiling bill, effectively killing any chances for responsible spending legislation. I am therefore not calling up this amendment, thoroughly conscious of the realities of the political process.

I recognize that the administration is on the horns of a dilemma with respect to the debt ceiling, but I also believe it has been perfectly obvious that a social security amendment would be added by the Senate to the legislation. Under these circumstances, it seems obvious to this Senator that the administration would have been better off recognizing this reality and working for a second amendment that would have given it meaningful control over inflationary spending. In any event, we will not rein in on this spending spree until strong leadership is provided by administration leaders as well as some commonsense demonstrated by the Congress.

The volume of testimony speaks for itself as to the need of legislation to hold down deficit spending; the President's top economic advisers and many independent scholars have all warned that a bulging budget in 1973 could rapidly undo much or all of the progress that has been made toward curbing inflation. Can we in good conscience pass the authorizing language for the President's stabilization program and then undercut these efforts with far too much spending? Would we not soon find that increases in social security benefits and other fixed income annuities have been seriously eroded by the upward push on prices? Those who would provide more government services and create new programs for a multitude of people must be subject to criticism if they do not face up to the unpopular necessity of raising revenues for our spending.

Last November we voted to selectively reduce taxes, in part to generate more buying power in the private sector. We should balance that congressional intent against the enticement now of more public sector spending. Irresponsible action here can lead only to renewed inflation or increased taxes. Either we accept this truth today, and act to prevent these unwanted outcomes, or acknowledge that Congress must be held accountable in the months to come.

Mr. President, while I am not offering my amendment at the present time. I assure the Senate that I intend to pursue the matter in the future.

If I had offered my amendment, I had intended to vote in favor of increasing the debt limit only if my amendment had been adopted. Under the changed circumstances, I now intend to vote for the debt extension.

Mr. BROCK. Mr. President, will the Senator from Delaware yield?

Mr. ROTH. I yield.

Mr. BROCK. Mr. President, I rise to commend the Senator from Delaware (Mr. ROTH) for his statement and to associate myself with the essence of his remarks.

The ability of the representative

branch of this Government to engage in such profligacy is almost beyond tolerance.

Time and again the Members of both bodies go to the American people and ask them to assume the burden of inflation. to accept the burdens of wage and price controls. We have gone to labor and asked them to withhold their wage demands. We have gone to business and asked them to reduce their profits and prices.

But not one time in my tenure in this body have I ever seen the Congress of the United States willing to accept the same standards it imposes on the American public.

Mr. President, this is more than regrettable. It is the administration of this country which has led the way into prolonged inflationary crisis.

Once again we find ourselves debating the debt ceiling which has become a biannual charade in the Congress. We impose a limit on our debt and then we spend more money than is within that limit. Every 6, 8, or 12 months, we have to raise the debt ceiling. It is an absolute fraud on the American people, to have a debt ceiling without a spending ceiling. Why does Congress not see fit to place limitations on itself?

I commend the distinguished Senator from Delaware (Mr. ROTH) for raising the issue before this body during this debate. It is particularly important when we remember that just 2 days ago we went through the annual bidding exercise on the appropriation bill for HEW. The President submitted a $27 billion appropriation request and the House of Representatives bid it up to $1.5 billion and then the Senate proceeded to raise it another $1.5 billion. So now we are $3 billion or $4 billion over the budget—$3 billion or $4 billion more in debt.

Mr. President, the American taxpayers will have to pay the Congress ante once again with $3 billion or $4 billion of hard earned money and it is more than likely this will be gambled away frivolously on programs of dubious value. But there is little doubt that taxes are going to have to go up in this country unless Congress heeds the wishes of the American people and reduces its level of irresponsible spending.

I do not know when this amendment can come up again but if and when we have an opportunity, I know that the Senator from Delaware (Mr. ROTH) will again show the same courage shown today in offering it. I hope that Congress will join him in a display of integrity, rare of recent days, in supporting it.

I thank the Senator from Delaware for yielding me this time.

Mr. ROTH. Mr. President, I thank the junior Senator from Tennessee for his words of support and I can assure him that it is my intention at the next opportune moment to offer again my amendment on similar legislation, in order to help bring deficit spending under control.

Let me add that there have been a number of Senators who have been interested in this legislation and who have indicated that they will strongly support this amendment when it comes before the Senate again, which I hope will be in the not too distant future.

I would also like to reecho what the Senator from Tennessee has said, that our irresponsible legislating here means that the American people are going to pay for it either through inflation or in higher taxes. There is absolutely no way to avoid that conclusion, unless we adopt a more responsible role here in Congress.

At this time, Mr. President, I yield back the floor.

AMENDMENT NO. 1311

Mr. BELLMON. Mr. President, I call up my amendment No. 1311 and ask that it be stated.

The PRESIDING OFFICER (Mr. INOUYE). The amendment will be stated.

The assistant legislative clerk read as follows:

FISCAL RELIEF FOR STATES WITH RESPECT TO STATE PUBLIC ASSISTANCE PROGRAMS

SEC. . Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. . With respect to expenditures for aid or assistance made by any State under plans approved under titles I, X, XIV, XVI, and part A of title IV for any quarter ending after June 30, 1972, and prior to July 1, 1974, the Secretary of the Treasury shall pay to each State in addition to such amounts as are otherwise payable under such approved plans, 20 per centum of such amounts, but in no event shall the total of Federal payments exceed 93 per centum of the total of expenditures for such aid or assistance.".

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I am willing to a time limitation of 30 minutes on the amendment.

The PRESIDING OFFICER (Mr. INOUYE). Is there objection? The Chair hears none, and it is so ordered.

Mr. BENNETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BENNETT. Is that 15 minutes to the side?

Mr. BELLMON. The Senator is correct.

Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. BELLMON. Mr. President, as a former Governor I have long been intimately associated with this Nation's welfare program. I know the way it has helped helpless people. I consider it to be one of the great humane endeavors which this Nation has undertaken. I know the great sacrifice my State of Oklahoma, as well as many other States, has made to support and administer a welfare program that is adequate, just, and equitable.

Mr. President, much as I admire the welfare concept I also know something of the shortcomings of our present program. In the 3½ years I have been a member of the Senate I have heard much rhetoric about welfare reform. Twice the House of Representatives has passed a welfare reform act. For man months the Senate Finance Committee has been working on its version of welfare reform. Much effort has been put forth on welfare reform, but so far as the States and the recipients are concerned the results are zero.

Mr. President, in discussing the matter of fiscal relief for the States through welfare reform, I have become convinced that the remaining weeks of this session hold little promise. The facts are that sufficient agreement among Senators, between Senate and House and between Congress and the administration to enable passage of such complicated and controversial legislation simply does not exist. Unless the States get fiscal relief for their welfare programs, and soon, literally millions of the American citizens who are least able to survive the hardship will have their benefits reduced. This is already happening in Oklahoma.

Mr. President, the reason these reductions in benefits are ordered is simple. The States are out of money.

Over the past 5 years, the cost of maintaining the aid to families with dependent children program has more than tripled. This burden has strained the fiscal resources of the States beyond their capacity, and it continues to grow. In a number of respects this is due to causes beyond the control of the States such as a number of Supreme Court decisions and regulations issued by the Department of Health, Education, and Welfare—primarily the removal of residency requirements and changes in the "man in the house" rule.

The problems inherent in the current welfare system are generally recognized and the administration has developed its own proposal for establishing a substitute system which would be based on essentially Federal funding and administration. The proposed welfare reform legislation (H.R. 1) does hold promise of substantial financial relief to the States, but as has been stated, this measure has been pending in Congress for the past 3 years and the prospects for its final enactment are still uncertain. Beyond that, the effective dates of the proposed legislation would still be at least a year and a half in the future. Meanwhile, the fiscal pressure on the States continue to mount to the point where many of them are finding it beyond their capacities to maintain these programs at their present levels. Within the past 2 years at least 20 States have found it necessary to reduce the levels of assistance payments to recipients, and if some action is not taken immediately for assisting them in carrying this burden, it seems certain that many other States will, of necessity, follow the same course of action.

If it is the intent of the Federal Government to inaugurate a new program based on Federal funding and administration, it would seem logical in the interim for the Federal Government to extend at least some measure of assistance to the States to enable them to bridge this period of transition.

A number of proposals have been advanced for achieving this purpose, some of which have been introduced in Congress and taken up for consideration. Such proposals have also been extensively considered and discussed by State Governors, individually and acting through various organizations and groups. Similarly, last year the National Council of State Welfare Administrators developed a proposal which has been widely circulated and which has met with substantial acceptance. The Council adopted this proposal in the following resolution:

> Whereas, the National Council of State Public Welfare Administrators has supported the basic concepts of welfare reform; and
>
> Whereas, the National Conference of Governors recently reaffirmed its support for certain basic concepts in welfare reform and urged additional improvements to pending legislation now before the Congress; and
>
> Whereas, the President of the United States has requested the Congress to delay implementation of welfare reform to 1973; and
>
> Whereas, the welfare crisis (particularly as it has resulted in increasing costs to all States and localities) is of such severity that it cannot wait for ultimate long-range solutions; now, therefore be it
>
> Resolved, that the National Council of State Public Welfare Administrators urge the Congress to enact temporary legislation for the period July 1, 1971 to June 30, 1973 during which the formulae for Federal participation in the current public assistance aid programs be increased by twenty percent (20%) of the current Federal formulae as it relates to each State. Such temporary legislation will permit careful, considered deliberation of welfare reform proposals; it will relieve State and local taxpayers of crushing burdens; it may prevent further reductions in benefits to the poor and needy; and it will carry out, in part, the earlier commitment of the Federal Administration to assume $5 billion of welfare expenditures during the current fiscal year."
>
> This resolution was re-affirmed by unanimous vote of the fifty directors on June 7.

My amendment would accomplish this objective:

Essentially it calls for a very simple and effective method for providing States with a measure of needed fiscal relief. It would simply increase Federal matching funds to States by 20 percent of the existing Federal formula for each State. This has the virtue of being simple and effective and easily understood. It would provide essential equity to all States, since it is based on the existing established matching formulas which are related to the fiscal capacity of each State, and would thus extend a measure of relief for every State. The amendment is based on this proposal developed by the State welfare administrators.

Mr. President, after 3½ years I have reluctantly come to the conclusion that welfare reform, which I support in principle, will not occur during this session. If fiscal relief to the State welfare programs is being held hostage in an attempt to force action, such a cruel, cold-blooded strategy should not be permitted. To make millions suffer while factions in the Congress and in the administration jockey for position is morally reprehensible. The Senate should act now to prevent further hardship of the aged, blind, disabled, and dependent whose benefits are presently in jeopardy.

Mr. President, I ask unanimous consent to have the tabulation printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AID TO FAMILIES WITH DEPENDENT CHILDREN, AMOUNT OF PAYMENTS AND NUMBER OF RECIPIENTS IN THE YEARS 1955 AND 1971 BY STATE

State	Number of families		Percent of increase or (decrease)	Payments		Percent of increase or (decrease)	National rank in percent of increase in money payments
	December 1955	December 1971		December 1955	December 1971		
Total	559, 885	2, 863, 643	411. 46	$51, 066, 073	$554, 351, 455	985. 55	
Alabama	19, 034	40, 479	112. 66	776, 266	2, 386, 008	207. 36	50
Alaska	1, 333	3, 521	164. 14	134, 757	759, 923	463. 92	34
Arizona	4, 585	17, 893	290. 25	414, 761	2, 144, 144	416. 95	36
Arkansas	7, 178	20, 317	183. 04	395, 089	1, 963, 688	397. 02	38
California	52, 326	443, 260	747. 11	6, 708, 315	90, 256, 512	1, 245. 45	10
Colorado	5, 758	29, 578	413. 68	630, 723	5, 240, 233	730. 82	25
Connecticut	5, 357	30, 625	471. 68	628, 828	7, 497, 554	1, 092. 30	14
Delaware	1, 110	8, 556	670. 81	93, 926	1, 055, 034	1, 023. 26	15
District of Columbia	2, 064	24, 398	1, 082. 07	224, 790	4, 850, 697	2, 057. 87	2
Florida	21, 346	88, 061	312. 54	1, 173, 341	8, 093, 916	589. 81	29
Georgia	14, 714	90, 511	515. 13	1, 113, 759	9, 221, 530	727. 96	26
Hawaii	3, 284	10, 547	221. 16	299, 546	3, 010, 922	905. 16	18
Idaho	1, 829	6, 019	229. 08	236, 786	1, 232, 039	420. 31	35
Illinois	21, 753	171, 664	689. 15	2, 679, 377	40, 910, 727	1, 426. 87	3
Indiana	7, 748	44, 332	472. 17	706, 886	6, 548, 091	826. 32	22
Iowa	6, 557	23, 191	253. 68	718, 259	4, 499, 614	526. 46	33
Kansas	4, 497	21, 195	71. 31	465, 606	3, 553, 639	663. 22	27
Kentucky	18, 698	39, 325	110. 31	1, 191, 683	4, 671, 935	292. 04	47
Louisiana	19, 049	60, 721	218. 76	1, 363, 798	5, 350, 544	292. 32	46
Maine	4, 426	16, 575	274. 49	362, 431	2, 432, 184	571. 07	31
Maryland	6, 232	52, 699	745. 61	601, 755	8, 462, 296	1, 306. 26	9
Massachusetts	12, 692	79, 865	529. 25	1, 498, 700	27, 209, 029	1, 715. 50	4
Michigan	19, 003	140, 410	638. 88	2, 175, 076	32, 060, 016	1, 373. 97	6
Minnesota	7, 874	36, 058	357. 93	870, 871	8, 527, 681	879. 21	19
Mississippi	11, 839	40, 713	243. 88	327, 690	2, 258, 765	589. 29	30
Missouri	20, 452	60, 980	198. 16	$1, 388, 502	$6, 680, 032	381. 10	39
Montana	2, 070	6, 109	195. 12	219, 767	937, 059	326. 39	44
Nebraska	2, 604	11, 731	350. 49	256, 723	1, 783, 465	594. 70	28
Nevada	316	4, 806	1, 420. 88	26, 892	530, 520	1, 872. 78	3
New Hampshire	1, 013	5, 351	428. 23	121, 130	1, 158, 509	856. 42	20
New Jersey	6, 309	106, 000	1, 580. 13	736, 725	27, 090, 000	3, 577. 08	1
New Mexico	6, 000	15, 772	162. 86	469, 154	1, 822, 791	288. 52	48
New York	53, 211	347, 848	553. 71	6, 984, 555	100, 069, 507	1, 332. 72	7
North Carolina	19, 204	45, 616	137. 53	1, 181, 958	5, 363, 680	353. 79	43
North Dakota	1, 519	4, 026	165. 04	164, 709	828, 991	403. 30	37
Ohio	16, 181	118, 547	632. 63	1, 454, 485	19, 045, 387	1, 209. 42	11
Oklahoma	15, 583	32, 021	105. 48	1, 216, 471	4, 344, 583	257. 14	49
Oregon	3, 473	26, 949	675. 95	422, 926	4, 679, 716	1, 006. 50	16
Pennsylvania	28, 726	173, 073	502. 49	2, 924, 086	41, 408, 851	1, 316. 12	8
Rhode Island	3, 376	13, 573	302. 04	355, 522	3, 112, 068	775. 35	23
South Carolina	8, 147	23, 487	188. 29	387, 951	1, 794, 929	362. 66	42
South Dakota	2, 744	5, 770	110. 27	224, 699	924, 666	311. 51	45
Tennessee	19, 892	53, 473	168. 81	1, 198, 355	5, 590, 528	366. 51	41
Texas	20, 923	108, 229	417. 27	1, 217, 945	12, 566, 944	931. 81	17
Utah	2, 925	11, 665	298. 80	329. 993	2, 168, 874	557, 24	32
Vermont	1, 080	4, 784	342. 96	86, 661	1, 108, 405	1, 179. 01	12
Virginia	8, 829	40, 136	354. 59	581, 155	7, 012, 390	1, 106. 62	13
Washington	8, 749	43, 833	410. 00	924, 437	8, 625, 868	833. 09	21
West Virginia	17, 648	22, 103	25. 24	1, 299, 077	2, 598, 950	100. 06	51
Wisconsin	8, 039	35, 127	336. 95	1, 034, 413	8, 596, 545	731. 05	24
Wyoming	586	2, 121	261. 94	64, 763	311, 476	380. 94	40

Source: 1955 figures, Social Security Bulletin, May 1956; 1971 figures, Social Security Bulletin, May 1972; percentage figures, calculations of Oklahoma Welfare Department.

Mr. BELLMON. Mr. President, the purpose of the amendment is to provide fiscal relief to the States' welfare programs in the States that now are in difficulty. I have before me a list of the reductions which the Welfare Department has made in these programs.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will suspend. Senators will cease conversations.

The Senator from Oklahoma may proceed.

Mr. BELLMON. Mr. President, I have

before me a list of the reductions that have been put into effect in the welfare program in the State of Oklahoma. They have been forced, because of the lack of funds available to the State, to continue the programs already on the books that have been caused largely by the action of the Supreme Court and the Department of HEW. They have greatly increased the cost of the program.

I feel it only just that the Federal Government, which is responsible for the difficulties which most States face now, should come forth with funds necessary to pay the additional costs of the program.

Mr. President, I have circulated to all Members of the Senate a compilation showing how the cost of the AFDC program has gone up in recent years.

I find that in my own State of Oklahoma we have been fairly stable. We have had only a 105-percent increase. But in some other States I see huge increases. For example, in New Jersey there has been an increase of something like 1,500 percent. In the District of Columbia, there has been more than a 1,000-percent increase. And the increase in many other States range between those two extremes.

It is my intention here today to give Congress an opportunity to now provide fiscal relief to the States so that they can continue to provide the level of welfare services which the citizens in the various States have come to expect and upon which they rely for their very livelihood.

We are causing a hardship here to the poor people who need relief while Congress and the administration debates welfare reform.

I hope we will have welfare reform. However, I feel it is not right to hold the needed reform captive while we debate this matter and cause a large number of poor people to pay a huge price because of our lack of action.

Mr. President, I yield to the Senator from Illinois 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I am fully sympathetic with the objectives of the distinguished Senator from Oklahoma. We have been working together in this area to try to find fiscal relief for the States in the absence of the promised welfare reform and revenue sharing. For one reason or another, both measures have been delayed.

The States are suffering because of this failure. I want to help resolve this matter.

There are differences between this amendment offered by Senator BELLMON and the Percy amendment offered some time ago, which I withdrew subject to the condition that it would be supported by the administration, the distinguished Senator from Louisiana (Mr. LONG), and certainly the distinguished Senator from Connecticut (Mr. RIBICOFF) as an amendment to H.R. 1.

These differences between the Percy amendment and the Bellmon amendment, I think, should be made clear for the RECORD.

Unlike the Bellmon amendment, the Percy amendment's fiscal relief payments would not be geared to welfare caseload increases. Each State would receive a flat 20-percent Federal reimbursement. Is that correct?

Mr. BELLMON. The Senator is correct.

Mr. PERCY. Mr. President, second, as I understand it, the Bellmon amendment does not use maintenance of benefit levels as a criterion for State eligibility for fiscal relief payments.

Mr. BELLMON. That is true. The amendment is intended to provide relief for States which have worked, and succeeded, in holding down unnecessary and perhaps hasty increases in the welfare load.

It is our intention that we provide relief for those States that have used extremely highly responsible means of operating their welfare programs. And I am of the opinion that this is a proper approach.

Mr. PERCY. Last, the Bellmon amendment would provide fiscal relief to the States for fiscal years 1973 and 1974. The Percy amendment, on the other hand, provides fiscal relief for fiscal year 1972, until welfare reform takes place. This retroactivity was the crucial point that enabled the Governors to balance their welfare budgets. And let me emphasize that this principle of retroactivity was supported by the administration, by the Senator from Louisiana (Mr. LONG), and by the Senator from Connecticut (Mr. RIBICOFF) when they accepted the concept of welfare fiscal relief. While the exact formula was not agreed on, the principle of retroactivity to fiscal year 1972 was inherent.

This difference, I believe, is agreed to as a difference between the two amendments.

Mr. BELLMON. This is a difference, perhaps a rather dramatic difference. The language of the amendment I introduced is drawn largely from a resolution passed by the National Council of State Public Welfare Administrators which urges Congress to enact temporary legislation for the period July 1, 1971, to June 30, 1973. These are the officials closest to the administration of the State welfare programs, and I took the language largely from their resolution and their experience with the program.

Mr. PERCY. It is for this reason, which misses the heart of the welfare fiscal problems experienced by the States, that I would regretfully find myself opposed to this particular amendment. However, I commend my colleague, the Senator from Oklahoma, for attacking the problem and trying to find a solution beginning in fiscal 1973 and 1974.

There are several technical questions which I think need answering. The first is that the Bellmon amendment does not specify the base year to be used to compute the 20-percent Federal reimbursement, whereas the Percy amendment uses fiscal year 1971. Therefore, my question is: How is the 20-percent Federal reimbursement to be computed if no base year is specified?

Mr. BELLMON. The pending amendment would be that the 20 percent be added to funds currently being allocated to the States, on the basis of current approved plans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BELLMON. I yield 2 additional minutes.

Mr. PERCY. Second, the Bellmon amendment also does not specify how the States are to use the money. Since fiscal relief payments under the Bellmon amendment are not geared to the welfare needs of the States, does that mean that States would be able to use the 20-percent Federal reimbursement for other than welfare purposes such as education, health, highways, and so forth?

Mr. BELLMON. The language of the amendment would give the States some leeway in the way the funds are used. However, this would depend on the arrangements the State has with the Department of HEW, which would go on as they presently exist. Nothing in the amendment would change the existing relationship between the Department of HEW and the States in the use of the funds.

Mr. PERCY. Lastly, since the Bellmon amendment does not require maintenance-of-benefit levels, does that mean that States could cut benefit levels and still qualify for the 20 percent Federal reimbursement?

Mr. BELLMON. As I said, nothing in the amendment alters the relationship between the Federal Government and the Department of HEW and the States.

Mr. PERCY. I would, of course, want to assure the distinguished Senator that I intend to press forward with the Percy fiscal relief amendment as an amendment to H.R. 1. I think H.R. 1 is the appropriate piece of legislation to add fiscal relief to. I have every intention of seeing to it that our States get welfare fiscal relief. Since we have had repeated assurances from the Senate Finance Committee that H.R. 1 will definitely reach the floor for action during the inter-convention session. I have no doubt that welfare fiscal relief will be enacted shortly. I only hope that we do not run into another unexpected delay on H.R. 1.

Mr. BELLMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. BELLMON. Mr. President, this matter has been discussed with the chairman of the Committee on Finance. I am very pleased that the Senator from Illinois and I are in agreement, as is the chairman of the Committee on Finance, that the situation needs relief. The problem is how to go about providing the relief and that will have to be worked out by the Senate.

I believe the chairman of the Committee on Finance feels that before Congress adjourns this year, whether or not we finally pass H.R. 1 or something like this, the States must have the kind of relief that both the Senator from Illinois (Mr. PERCY) and I have discussed. I believe that the sooner we can act to provide this relief, the better it will be for the millions of poor people in this country whose benefits are being unduly restricted because the States do not have funds available to continue the operation of the programs under existing laws.

I would like to say to my friend the distinguished Senator from Illinois (Mr. PERCY) that I will join with him in any reasonable approach to solve this problem. I feel many other Members understand the difficulties of the States in connection with welfare problems, and I feel at the proper time we will be able to secure the help of the Senate in getting States the relief they desperately need.

Mr. President, in view of comments made earlier on another amendment, perhaps this is not the time to push ahead with this matter because of the very late hour and the beginning of the recess in a very short time. For that reason I withdraw the amendment. It will be redrafted and reintroduced as legislation at the proper time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BENNETT. Mr. President, I am glad the Senator from Oklahoma has withdrawn his amendment. I would like to assure him and the Senate that the Committee on Finance has acted on H.R. 1. It would have been on the Calendar before this time except it has been so monumental a task that our staff required many weeks to transfer decisions of the Senate into legislative language. I have seen the first galley proof of the bill, and it is 890 pages, probably the biggest bill ever handled by Congress. We hope to have it on the floor within one week after the upcoming recess. The Committee bill does take care of these people for whom the Senator from Oklahoma is concerned. I think it takes care of them properly and a little more generously than he would do. I am delighted to know he has decided under the circumstances to withhold action at this time and I am sure as soon as he sees what is in H.R. 1, though he may still want to amend it, I am reasonably sure he will want to change his amendment to fit that legislative situation.

I am pleased that he has withdrawn his proposal as an amendment to the pending bill.

ORDER OF BUSINESS

Mr. KENNEDY obtained the floor.

Mr. ROBERT C. BYRD. Mr. President will the Senator yield?

Mr. KENNEDY. I yield to the assistant majority leader.

Mr. ROBERT C. BYRD. Would the distinguished Senator allow me to proceed for not to exceed 5 minutes with the understanding he does not lose his right to the floor?

Mr. KENNEDY. I yield to the assistant majority leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 883, 889, 894, 895, 896, 899, and 900.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG LISTING ACT OF 1972

The Senate proceeded to consider the bill (H.R. 9936) to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes which had been reported from the Committee on Labor and Public Welfare with amendments on page 1, line 4, after the word "of", strike out "1971" and insert "1972"; on page 7, after line 10, strike out:

SEC. 5. Section 301(j) of such Act (21 U.S.C. 331(j)) is amended—

(1) by inserting "(1)" immediately after "any information",

(2) by inserting "510," immediately after "507,",

(3) by striking out "any method or process" and inserting in lieu thereof "any method, process, or information", and

(4) by inserting before the period at the end the following: ", or (2) which (A) was contained in a list submitted pursuant to paragraph (3) of section 510(j) or accompanied a list or notice submitted pursuant to paragraph (1) or (2) of that section, and (B) was acquired under the authority of section 510".

And, on page 8, at the beginning of line 1, change the section number from "6" to "5".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNUITIES OF WIDOWS OF SUPREME COURT JUSTICES

The Senate proceeded to consider the bill (S. 2854) to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices which had been reported from the Committee on the Judiciary with amendment, on page 2, line 12, after the word "make", strike out "the" and insert "a five-year"; and, in the same line, after the word "deposit"; strike out "required by section 378(c)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 375 of title 28, United States Code is amended:

(a) By striking from subsection (a) the words "in the amount payable to the beneficiary under the Act of January 14, 1937 (50 Stat. 923, chapter 3)" and substituting in lieu thereof the words "of $10,000".

(b) By adding at the end thereof the following new subsection:

"(c) If a Justice of the United States who was in regular active service on the date of the enactment of this Act or who resigned or retired under the provisions of this chapter prior to the date of the enactment of this Act and who on that date was receiving salary under section 371 of title 28, United States Code, gives notice in writing to the Director of the Administrative Office of the United States Courts of an election to become subject to section 376, the widow of such Justice shall be ineligible to receive an annuity under this section after the date of such notice: *Provided, however*, That if such Justice does not elect to become subject to section 376, or, having elected to become subject to section 376, he fails to make a five-year deposit or, in the alternative, does not complete five years of service for which deductions were made under section 376(b), his widow shall be paid an annuity of $5,000."

SEC. 2. Section 375 of title 28, United States Code, as amended by section 1(a) of this Act, shall not apply to the benefit of a widow whose spouse became a Justice of the United States after the date of enactment of this Act or whose eligibility is determined under the first sentence of subsection (c) of section 375.

SEC. 3. Section 376 of title 28, United States Code, as amended, is amended by inserting "Justice or" prior to the word "judge" and by inserting "Justice's or" prior to the word "judge's" wherever those words appear therein, except in section 376(q).

SEC. 4. A Justice of the United States, in regular active service on the date of the enactment of this Act, or who resigned or retired prior to the date of enactment of this Act and who on that date is receiving salary under section 371 of title 28, United States Code, as amended, shall be entitled within six months after enactment of this Act to make the election authorized by and to receive the benefits of section 376.

SEC. 5. Section 604(a) (7) of title 28, United States Code, as amended, is amended to read as follows:

"(7) Regulate and pay annuities to widows and surviving dependent children of Justices and judges, Directors of the Federal Judicial Center, and Directors of the Administrative Office, and necessary travel and subsistence expenses incurred by judges, court officers and employees, and officers and employees of the Administrative Office, and the Federal Judicial Center, while absent from their official stations on official business."

SEC. 6. (a) Item 376 of the analysis of chapter 17 of title 28, United States Code, is amended to read as follows:

"376. Annuities to widows and surviving dependent children of Justices and judges."

(b) The catchline to section 376 of title 28,, United States Code, is amended to read as follows:

"§ 376. Annuities to widows and surviving dependent children of Justices and judges".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COPYRIGHT PROTECTION

The joint resolution (S.J. Res. 247) extending the duration of copyright protection in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, by Public Law 91–555, or by Public Law 92–170 (or by all or certain of said laws), would expire prior to December 31, 1974, such term is hereby continued until December 31, 1974.

MEDALS COMMEMORATING 175TH ANNIVERSARY OF THE LAUNCHING OF THE U.S. FRIGATE "CONSTELLATION"

The Senate proceeded to consider the bill (S. 2499) to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation.*

Mr. BEALL. Mr. President, the U.S. frigate *Constellation* celebrates the 175th aniversary of its launching on September 7, 1972. Last September, marking the 174th anniversary of the launching, I introduced legislation, S. 2499, that would authorize the Secretary of the Treasury to strike not more than 100,000 commemorative medals recognizing this milestone in the history of the first ship in the U.S. Navy. The distinguished dean of the Maryland congressional delegation, the Honorable EDWARD A. GARMATZ, introduced a companion bill in the House of Representatives, H.R. 10550. I believe that these bills constitute a fitting gesture of respect and recognition for the service this vessel has rendered both in war and in peace.

It is also important to note that the proceeds from the sale of these medals will enable the Constellation Committee of the Star-Spangled Banner Flag House Association, Inc., to continue the restoration program which is presently underway.

The *Constellation* is one of six warships authorized to be built by President Washington and the U.S. Congress in March of 1794. Each of the ships was constructed in a different State and considerable competition developed for the honor of launching the first ship in our Navy. Philadelphia won the race when it launched the U.S. frigate *United States,* in July 1797. However, the frigate *United States* was so severely damaged on launching that it had to be returned to the drydock for extensive structural repair. The *Constellation,* which was constructed in the David Stodder Ship Yard on Harris Creek in Baltimore, Md., was the first of the six vessels to be successfully launched. The date of this launching, September 7, 1797, thus marks the founding of the American Navy. One hundred and seventy-five years later, the *Constellation* is still afloat, serving as a reminder of our historic dedication to the cause of freedom.

Mr. President, during my remarks at the time of the introduction of this legislation, I listed a number of the significant contributions made by this vessel to the history of our Nation.

On February 9, 1799, the *Constellation* became the first ship of the U.S. Navy to engage a hostile foreign vessel. On that day, in the West Indies, the *Constellation* captured a 44-gun French warship and destroyed a French privateer interfering with American merchant ships in the Caribbean.

From that time to this, the U.S. frigate *Constellation* has served this country in a variety of ways, both in times of war and in times of peace. After this highly successful service in the Caribbean, and the patrolling of the Tripoli coast until the signing of the peace treaty with the Barbary pirates, the *Constellation,* blockaded in the Chesapeake Bay, prevented the invasion of Craney Island by the British 38-gun ship *Juno* during the War of 1812. In 1819 she was made the flagship of Commodore Perry's fleet off the coast of Brazil.

In 1841, the *Constellation* was anchored off Whampoo Beach during the establishment of the United States' "Open Door" policy with the Imperial Chinese.

The *Constellation* was, in 1843, one of the ships that prevented a take over of the Hawaiian Islands by the British and between July of 1855 and June 1858, the *Constellation* completed an around-the-world cruise.

Prior to the Civil War the *Constellation,* by now a symbol of American freedom, served as flagship to an American squadron searching for slavers off the coast of Africa. She was responsible for the capture of three such vessels containing a total of over 1,500 Africans destined for slavery. Subsequently, during the Union blockade of southern ports, the *Constellation* patrolled the Mediterranean for Confederate raiders and blockade runners. Toward the end of the Civil War, she served with Admiral Farragut's fleet in the Gulf of Mexico.

From 1871 until 1940 the *Constellation* served variously as a naval training vessel; and a supply ship carrying supplies for the 1878 Paris exhibition, food for the Irish famine of 1880 and art works for the Columbian exposition of 1892. In August of 1940, President Franklin D. Roosevelt commissioned the *Constellation* to serve as the flag ship of the Atlantic Fleet. Admirals King and Inersoll directed the movements of our Atlantic Fleet from offices on board the *Constellation.*

In July of 1955, the *Constellation* was returned to Baltimore where restoration work began. On July 4, 1961, the Under Secretary of the Navy dedicated the *Constellation* as a national shrine. In May of 1963 the Department of the Interior declared the *Constellation* to be a National Historical Landmark thus strengthening the national recognition of the historic value of this proud vessel.

Today the *Constellation* continues to play an active role in the contemporary life of Baltimore City and the State of Maryland. Over 70,000 people, approximately one-third of whom are schoolchildren or youth groups, visit the *Constellation* each year. The *Constellation* has become a focal point around which the inner harbor redevelopment project is growing. In fact, the city of Baltimore is building a special pier, to be known as the *Constellation* Pier, where this vessel will be permanently berthed.

It is because the *Constellation* has played such a significant role throughout our Nation's history, coupled with its present contribution to the redevelopment and revitalization of Baltimore, that I wish to commend the distinguished senior Senator from Alabama, who, as chairman of the Banking, Housing and Urban Affairs Committee has taken a special interest in expediting consideration of this bill. I would also thank all the members of this committee for their interest and support, and I would urge that all Senators join in approving S. 2499.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundred and seventy-fifth anniversary of the launching of the United States frigate Constellation, the Secretary of the Treasury shall strike and deliver to the Constellation Committee of the Star-Spangled Banner Flag House Association, Incorporated, not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary after consultation with the committee. The medals, which may be disposed of by the committee at a premium, shall be delivered at such times as may be required by the committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1973. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the committee.

KENNETH J. WOLFF

The bill (S. 2469) for the relief of Kenneth J. Wolff was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kenneth J. Wolff, of Missoula, Montana, is relieved of liability to the United States in the amount of $825.00, representing overpayment (made as a result of administrative error) of his pay while he was on active duty with the United States Marine Corps. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Kenneth J. Wolff, referred to in the first section of this Act, an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 92–936), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Kenneth J. Wolff, of Missoula, Mont., of indebtedness to the United States in the amount of $825 and would authorize and direct the Secretary of the Treasury to pay to him an amount equal to the aggregate of any amounts paid by him, or withheld from sums due him, with respect to that indebtedness.

STATEMENT

The records of the Department of the Navy indicate that Sgt. Kenneth J. Wolff served on active duty in the U.S. Marine Corps from June 15, 1967, through June 14, 1971. During his active service he was awarded and paid proficiency pay totaling $825 at the rate of $75 per month for the period July 1, 1970, through May 31, 1971. Proficiency pay is a special form of compensation authorized for payment to enlisted members who are designated as proficient in selected critical military specialities. To be entitled to proficiency pay, a member must meet certain eligibility criteria. One criterion is that the member must have an active service obligation, including past and future service, of at least 6 years. Sergeant Wolff did not meet this criterion since his active service obligation totaled only 4 years.

The fact that an erroneous award of proficiency pay was made to Sergeant Wolff came to official notice on June 4, 1971, some 10 days before he was scheduled for release from active duty. On that date an indebtedness of $825 was established against him, resulting from the erroneous payments. Section 6161 of title 10, United States Code, Public Law 86–511 (74 Stat. 207) permits remission of an active duty enlisted member's indebtedness if circumstances warrant. Sergeant Wolff requested remission of his indebtedness under such authority. However, his application was not received by the Commandant of the Marine Corps in sufficient time to be acted upon prior to his release from active duty. Failure to consider the matter prior to Sergeant Wolff's separation precluded the exercise of remission authority, since the remission authority is only exercisable prior to or at the time of the member's discharge. Since no remission action was taken, all of Sergeant Wolff's debt was collected from pay and allowances that would otherwise have been due him at separation.

It appears that Sergeant Wolff's request for remission of indebtedness would have been approved, had there been sufficient time for it to be considered prior to his separation. The records of the Department of the Navy indicate that the erroneous payments of proficiency pay in his case resulted from the negligence of individuals acting in an official capacity. Sergeant Wolff received the payments in good faith and with neither fault nor knowledge of his ineligibility. Late discovery of the error eliminated the possibility of repayment by installments and established a factor of financial hardship.

The committee believes the bill is meritorious and recommends it favorably.

AUTHORIZATION OF SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The resolution (S. Res. 326) authorizing supplemental expenditures by the Select Committee on Equal Educational Opportunity was considered and agreed to, as follows:

Resolved, That S. Res. 247, Ninety-second Congress, agreed to March 6, 1972, as amended by S. Res. 300, Ninety-second Congress, agreed to May 30, 1972, is further amended as follows:

(1) In subsection (a) of the first section, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

(2) In section 2, strike out "$107,500" and insert in lieu thereof "$175,000'..

(3) In section 3, strike out "June 30, 1972" and insert in lieu thereof "December 31, 1972".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–939), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 326 would extend the Select Committee on Equal Educational Opportunity from June 30, 1972 (its present termination date), through December 31, 1972, and authorize supplemental expenditures of not to exceed $67,500 by the Select Committee during that 6-month period.

This additional extension is being sought by the members of the Select Committee to provide sufficient time to enable them to complete their final report. An initial 700 page draft report has been completed by the majority staff. The members of the Select Committee, however, are requesting the additional time to consider that draft, to make any desired revisions therein, and to prepare any individual views. The funds requested represent a reduction from $34,600 to $11,300 in average monthly expenditure, and a decrease in staff from 19 to 7 employees.

AUTHORIZATION TO PRINT ADDITIONAL COPIES OF "SOCIAL SECURITY AND WELFARE REFORM"

The resolution (S. Res. 327) authorizing the printing of additional copies of the committee print entitled "Social Security and Welfare Reform" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Finance two thousand additional copies of its committee print of the current Congress entitled "Social Security and Welfare Reform".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–94), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 327 would authorize the printing for the use of the Committee on Finance of 2,000 additional copies of its committee print of the current Congress entitled "Social Security and Welfare Reform."

The printing-cost estimate, supplied by the Acting Public Printer, is as follows:

Printing-cost estimate

Back to press, 1st 1,000 copies	$970.16
1,000 additional copies, at $214.93 per thousand	214.93
Total estimated cost, S. Res. 327	1,185.09

MRS. LATIFE HASSAN MAHMOUD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate also proceed to the consideration of Order No. 897, H.R. 4494.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill (H.R. 4494) for the relief of Mrs. Latife Hassan Mahmoud was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–937), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to perserve immediate relative status in behalf of Mrs. Latife Hassan Mahmoud, the widow of a U.S. citizen, to which status she would have been entitled were it not for the death of her husband.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentration of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs;

H.R. 15690. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15692. An act to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for diasbled veterans, and for other purposes;

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a thirteen-period accounting year;

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen;

H.R. 6479. An act to provide for the licensing of personnel on certain vessels; and

H.R. 15587. An act to provide for a six-month extension of the emergency unemployment compensation program.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentration of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs; to the Committee on Agriculture and Forestry.

H.R. 15690. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes; to the Committee on Appropriations.

H.R. 15692. An act to amend the Small Business Act to reduce the interest rate on Small Business Administration disaster loans; to the Committee on Banking, Housing and Urban Affairs.

EXTENSION OF PUBLIC DEBT LIMITATION

The Senate resumed the consideration of the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I call up my amendment, No. 1315.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 1, line 5, delete "October 31, 1972," and insert in lieu thereof: "October 3, 1972".

Mr. KENNEDY. Mr. President, this is a very simple amendment. The purpose of the amendment, which I intend to call up at the appropriate time, is to extend the current temporary level of the debt ceiling only to October 3, 1972, rather than to October 31, 1972, the date in the House-passed bill now before the Senate.

The reason for the amendment is simply stated. By extending the current debt ceiling to October 31, 1972, the House-passed bill now before the Senate has a significant virtue. It will require the 92d Congress to act once more before sine die, in order to extend the debt ceiling into 1973, when the 93d Congress will be in a position to act. In this way, the Senate and the House of Representatives will have the opportunity to assess the Nation's public debt once more this year, at a time when all congressional action on appropriations bills has been completed.

However, the October 31 cutoff date for the current extension in the House-passed bill is a date that will almost certainly fall at a time later than Congress will be in session this year. No Congress in recent history has remained in session that long in a presidential election year. Therefore, it is likely that debate on the debt ceiling extension in the fall will take place in the closing rush to adjournment if the October 31 date is retained, just as the current debate is taking place in the rush to adjourn for the July 4 holiday and the convention recess.

By moving up the cutoff date to October 3, as proposed in the amendment I am introducing, the likelihood is increased that Congress will have a full opportunity—free of undue pressure from an imminent adjournment deadline—to debate the important economic questions raised by a further extension of the debt ceiling and by the large deficits that currently exist in the Federal budget. Even with the October 3 date, it is likely that all appropriations bills for fiscal year 1973 will have been cleared by Congress for action by the President, so that Congress will have all the information it needs for an accurate determination of the level required for the debt ceiling for the remainder of 1972 and early 1973.

One more point needs to be made. A great deal of the controversy over the debt ceiling is caused by the enormous Federal budget deficits we are now enduring. In fact, we now have a hat trick of fantastic budget deficits—$23 billion last year, $26 billion this year, and $25 billion next year, the worst string of budget deficits we have had in this century, except for the most critical years of World War II.

Those budget deficits are not the result of profligate spending by Congress. Rather, they reflect the fact that the administration has put the economy through the wringer in the past 3 years. As the current economic indicators now reveal, we are just beginning to pull ourselves out of the recession we have had in recent months. Because of that recession, Federal revenues declined sharply, with the result that the Federal deficit began to soar. Thus, the large deficits we are currently experiencing are a symptom of our sick economy, and they will not decline until we adopt the sort of policies that are necessary to bring the economy back to health, including an end to unemployment and inflation.

Nor can we draw any confidence from the way the administration has handled its estimates of the budget deficits. The administration prides itself on keeping the Federal books in an efficient, businesslike way—the way a careful family or a corporation would. Yet, they have made continuing serious errors in their estimates of the Federal deficit.

First, they told us there would be a billion dollar surplus in 1971 and a $12 billion deficit in 1972. After many months had passed, they changed the estimates—on second thought, they said, there would be a $23 billion deficit for 1971 and a $39 billion deficit for 1972. That is two $25 billion mistakes, back to back, in the Federal budget.

Now, they have changed the figures once again for 1972—the deficit is down to $26 billion. But that is because of yet another error—a $10 billion mistake in the amount of taxes being withheld from the paychecks of million of working men and women.

The debt ceiling bill is the only opportunity Congress really has for a thorough review of the totality of the Federal revenue and spending decisions. It is the one place where Congress looks at the whole fiscal position of the Government. As such, the debt ceiling bill deserves to fare better at the hands of Congress. It raises many vital questions for the health of the economy and the future well-being of the Nation. These questions deserve thoughtful consideration by Congress, before adjournment, and I hope that the amendment I have introduced will facilitate that effort.

Finally, Mr. President, I have had an opportunity to discuss this matter with the distinguished chairman of the Ways and Means Committee in the House of Representatives. He has indicated that the next debt ceiling bill will be brought up in the House in the last week of September, and he is quite willing, if the Senate were to adopt this amendment, to accommodate the Senate's wishes.

I am extremely hopeful that the Senate will accept the amendment. I hope the members of the Finance Committee will accept it. I think it is a responsible way to proceed, and I think it achieves and accomplishes what is intended by this legislation.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. It seems to me that this is a meritorious amendment offered by the distinguished senior Senator from Massachusetts. He has stated the case, and I will not reiterate that part of it.

The Senate and the Congress are not likely to be in session on October 31. They are likely to be in session on October 3.

As the Senator from Massachusetts mentioned a few moments ago, consideration of the change in debt ceiling is one of the very few times when the Senate as a whole has an opportunity to consider the full scope of the Government's financial situation.

So I think it is important that there be adequate time for discussion, and the amendment of the Senator from Massachusetts would tend to bring that about.

There is another reason why I think it is wise to shorten the time of the increase in the temporary debt ceiling. I want to quote from the testimony of the Secretary of the Treasury, Mr. George Shultz, when he appeared before the Finance Committee on June 28, which was 2 days ago. He said then:

> We are groping in the dark, to a degree, about precisely what is going on.

By that he means what is going on in the field of government financing, the amount of revenues that are coming on.

> We know we are getting more money than we expected and we are trying to figure out why.

It seems to me that is a powerful argument for not lifting the debt ceiling except for a short interval. It will be for 3 months under the proposal of the distinguished Senator from Massachusetts, as compared to about 4 months under the committee and House proposal.

So if the Treasury Department is groping to find out—the Secretary of the Treasury says it is—why more money is coming into the Treasury than they expected, then it seems to me we will have a better grasp of the situation on October 3 and be better able to deal with it then than if we let it go on until October 31.

Another thing is that in the short space of 4 months ago the Treasury Department testified before the Finance Committee on February 28 and at that time told the committee that the debt on June 30—which is today—would be $443 billion. Now they come in, precisely 4 months later, on June 28, and they tell us that the debt will stand at $425 billion.

So that there is an error in that

4-month period of time of $18 billion in Treasury estimates. To me, that is incredible. How do you make an error, in 4 months time, of $18 billion? I think it is a very serious matter.

Secretary Shultz, in his prepared statement 2 days ago, said the 1972 fiscal situation has improved significantly in recent months.

How has it improved? The way it has improved is that the Government has over-withheld taxes from individual citizens to the tune of $8 billion. The other way it has improved is that Congress has not yet passed the President's revenue sharing bill of $2.2 billion, but they anticipate that that will be an expenditure for the upcoming fiscal year.

So I do not call that an improvement. The Government has taken from the people $8 billion more in taxes than the tax rates calls for. That has to be paid back. So that will come off of the revenues for the fiscal year which begins tomorrow.

So I do not regard this as a significant improvement in the Government's financial situation. The only way it is an improvement is that the Government has taken from the people, in over withholding of Federal taxes, $8 billion more than the people were required to pay. So I think, bearing that in mind, and bearing in mind the logic of the Senator from Massachusetts that Congress is almost certain to be in session on October 3 and it is almost certain that we will not be in session on October 31, that the amendment offered by the Senator from Massachusetts is one which I would hope the Senate and Congress would accept.

Mr. KENNEDY. I thank the Senator from Virginia for his comments. I think he has made some extremely important and perceptive statements further justifying this amendment—points that I am not sure that all of us would have considered otherwise. I appreciate his comments, and I think they are very well taken.

The PRESIDING OFFICER (Mr. INOUYE). The question is on agreeing to the amendment of the Senator from Massachusetts.

Mr. LONG. Mr. President, I really do not think it would serve any purpose at all to agree to this amendment. In my opinion, the time is altogether too short the way it is.

In most years, we have passed a debt limit bill about once a year. On some occasions, I believe we have passed a debt limit bill once in an entire Congress. But this year we are going to have to pass three debt limit bills. I did not have anything to do with that; I am going to vote for all three of them, because I do not want the Government to have to go out of business. But frankly, Mr. President, I find myself wondering whether the House Ways and Means Committee has decided it will play political cat and mouse with the administration by requiring it to ask for another debt limit to carry the country forward, give them 3 months, and then have them come back 3 months later and then again 3 months later. On each one of those occasions, since we have a Democratic Congress and a Republican President, that will prompt some Senators to want to put pressure on the President, his Secretary of the Treasury, and the Director of the Budget to get them to do everything the Senators think might benefit their States, saying, for example, "We have a problem down here in Louisiana, so if you cannot recognize our problem and give us an immediate answer, I am afraid we are not going to be able to give you a hasty answer on the debt limit; come back and talk to us later."

I do not think, Mr. President, that this proposal should be seriously considered. If that had been a Democratic President up there in the White House, we would have given him a 1-year debt limit increase. The argument Senators make that, after all, we might not be in session on October 31 holds no water. If we want to quit before October 31, there is nothing whatever to keep us from passing another debt limit bill at an earlier date. We could pass another debt limit bill tomorrow, if we wanted to stay in session that long. All we have to do is call up a revenue bill and add a debt limit to it.

If I voted for any amendment, Mr. President, it would be to extend the thing over past the next election, so as to take all the political fireworks out of some of these amendments that could be offered on a debt limit bill between now and the election. But instead, we are now offered an amendment to guarantee that we are going to have to vote on a debt limit maybe twice between now and the end of the year, so that if someone is looking for a vehicle to try to make the President sign something he is reluctant to sign on its own merits, that amendment offers another opportunity.

My suggestion is that we will have plenty of such opportunities anyway, and if that is so, I do not see why we need this amendment to help achieve the same results. If someone wants a vehicle that the President would be compelled to sign, he will get that opportunity between now and the election anyway, so why would he want to insist on making the administration come back to us within 90 days, rather than 120 days?

I am frank to say I disagree with the House on making the time as short as it is. I think it smacks of politics. Rather than have a controversy and see the Nation placed on its knees fiscally, where it cannot even pay government salaries after the next 4 or 5 days, I am willing to go along with the House Ways and Means Committee. We already have added a great big controversial amendment, after the President said on nationwide television that he did not want the 20 percent increase to which the Senate has agreed today. That is enough of a confrontation, without adding the rest of this to it.

So I hope the amendment will not be agreed to, I hope the Senate will recognize that this Nation, from a logical point of view, will be in fiscal or financial trouble as of midnight tonight. It is not our fault that the House does not send these debt limit bills to us until 2 days before the present limitation expires. It is not our fault that they delay to doing anything about it, and send it to us with only 2 days left to go before the Government can no longer pay its debts. We just have to do the best we can under those circumstances. I really think, Mr. President, that the amendment should not be agreed to. I really hope the Senator will not insist on it but if he does, we will have to do the best we can to contend with it.

I would hope the Senate would not make any changes, but just leave the limitation the way it is. If Senators want to do something more about a debt limit, they will get their chance again between now and October 31. I should think that would be soon enough. Some of us wait all year long to add our pet amendments to the proper vehicle. This being the 30th day of June, would Senators not think that October 31 would be soon enough to get another chance to come back and offer their pet amendments on a debt limit bill? I should think it would be.

For that reason, Mr. President, I hope the amendment will not be agreed to, and we can go ahead with the business of taking care of the fiscal solvency of the country.

There was a point made by the Senator from Virginia about a budgetary error in estimating what the deficit would be. I understand something about that. The error occurred because the administration recommended a revenue-sharing bill that would cost $2.2 billion in this fiscal year, and responsibly they put it in their budget, $2.2 billion of estimated deficit for fiscal year 1972 was to allow for the revenue sharing bill being passed. Well, it did not pass. We will pass it, but we just did not pass it as rapidly as the administration hoped that it would pass. Whose fault is that? Are we going to blame the Secretary of the Treasury because we did not pass his bill and therefore he has $2.2 billion of less deficit than he would have had otherwise? I do not think that would be fair. If he had his way, we would pass the bill the day he sends it to us in the legislative language that he thinks ought to be used.

He could not anticipate the matter of overwithholding on taxpayers. We would think taxpayers would not want to be overwithheld, but they had no objection to it. So the deficit turns out to be not as large as the Secretary thought it was going to be.

Ordinarily, I would have thought that my good friend, the Senator from Virginia, would be happy about that. Hooray, we are not as deeply in debt as the Senator thought we would be. But he is not happy, because the deficit is not as large as he thought it would be.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator, for whom I have great affection, yield?

Mr. LONG. I yield to the Senator from Virginia, for whom I also have great affection.

Mr. HARRY F. BYRD, JR. If this were a solid reduction of $18 billion, the Senator from Virginia would be very happy; but it is not at all a solid reduction of $18 billion. It is an error of judgment on Treasury's part. It is not the first error of judgment on the part of the Treasury

Department in the last few years. They have brought in many errors of judgment. I submit that this is an error of judgment of $18 billion in a 4-month period.

When these tax forms were sent out, they knew what the withholding forms called for. I do not think it is anything to applaud because they are taking from the people more money than they are entitled to take and are saying that we have a better financial situation, and therefore the deficit is $18 billion less. It is not. It is just a temporary proposition, because that money has to be paid back.

Mr. LONG. Mr. President, the Treasury Department was in error in estimating the deficit. One of the prime reasons is that Congress did not pass some bills the administration recommended to us. They recommended a revenue-sharing bill, and it has had slow going. They recommended H.R. 1, and it has had even slower going.

Mr. HARRY F. BYRD, JR. Is what the Senator saying that if Congress had not been more frugal than the administration, we would have a bigger deficit. Is that it?

Mr. LONG. I am saying that if Congress had been as speedy as the administration would like us to be, we would have a bigger deficit. I have no doubt that we are going to pass those bills with just as much money as they asked for, but we will spend it in somewhat different ways. After taking the amount of time we ought to take in deliberating about those matters, we will succeed in spending the money. I think the Senator can feel confident about that, if that is what is bothering him.

Mr. HARRY F. BYRD, JR. I have no doubt about that.

Mr. LONG. The problem is that certain things did not happen, which I think is easy enough to understand. Therefore, the deficit is not as big as was thought it would be. It is just a matter of transferring an item from one year to the next year, because for the most part, these are things that will happen anyway.

Mr. President, I do not think anything is to be achieved by requiring that this matter be voted on again in the beginning of Ocober. It would just set the stage to require that we vote on it again 30 days later, perhaps. I think three debt limit bills in 1 year is enough of a flagellation to impose on the Treasury and the Director of the Budget and Congress generally. We have work to do here. We should be getting on with other business, besides arguing about the debt limit all the time.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment offered as a substitute for the amendment of the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

In lieu of inserting the matter proposed to be inserted by the amendment of the Senator from Massachusetts, insert "February 28, 1973, and Public Law 92–250 is amended by striking out "$20,000,000,000" and inserting in lieu thereof "$35,000,000,000".

Mr. GRIFFIN. Mr. President, this is an amendment in the nature of a substitute which would extend the debt ceiling to February 28, rather than the October 3 date suggested by the Senator from Massachusetts. It also would insert $465 billion, an increase of $15 billion over the $450 billion which is provided for in the extension bill before the Senate.

Mr. President, the distinguished chairman of the committee has made a very eloquent and persuasive case for the amendment that I now have presented to the Senate. I could not agree with him more that whether the date is October 3 or October 31, both are equally bad.

While I do not question the motives of particular Senators, I think that either date is a political date. It has been inserted for the purpose of playing politics to the hilt with the fiscal life of the Nation. I think that is most regrettable, if not irresponsible.

Surely, there is a choice that the majority party can exercise as to whether or not it wants to come back for a rump session following the Republican Convention, without involving the fiscal life of the Nation.

There is no question that, while it is possible for Congress earlier to pass a debt ceiling bill, the practice, has been almost without exception, as the chairman has indicated, to wait until the last minute before the debt ceiling is extended.

Even if we look into this legislation either the date of October 3 or the date of October 31, we practically guarantee that Congress will be in session right up to the last day.

Far be it from me to second-guess the Democratic Party or to give them any advice on their political strategy. But I think they may well rue the day that they have locked themselves into the requirement that we must continue and have a session beyond the Republican Convention, and into the time approaching the election date. If the debt ceiling were extended to February 28, as I have suggested here, the majority party still would have their choice and their options. They have control of Congress. Without using this as the vehicle, without locking themselves in, they could still come back after the Republican Convention, if that is what they think at the time is good strategy.

I seem to recall that there was a session of the 80th Congress, I believe, when President Truman was in office, that did not turn out so well for the majority party at that time, when the Republicans were in control.

I am not at all sure that this kind of strategy will benefit the other party. In any event, they could exercise that option. They could come back and stay in session as long as they want, without using the fiscal life of the Nation as the vehicle for doing so and providing all these opportunities to ride other bills, fiscally irresponsible bills, into legislation on the back of the debt extension bill.

It is obvious now, of course, that there will have to be a conference with the House on this measure or that the House will have to consider taking the Senate bill.

Mr. LONG. Mr. President, I should like to correct the Senator. My hope is that we can avoid a conference with the House. I am not intending to name any conferees. I want to urge the House to accept what we have done and give us an up or down vote. If they do not take it, then we must reconsider.

Mr. GRIFFIN. I agree that we should give the House an opportunity to take the bill. This particular revision should not be too controversial, in view of the logic the chairman of the committee has advanced. It seems to me it is sound and we would give them a chance to take it. Maybe, if they had a chance to take it, they would. I hope very much that there will be a chance to vote on this amendment and that the Senate will adopt it in the interest of the country.

Mr. President, the Senator from Tennessee (Mr. BROCK) wanted to speak on this matter, but I do not see him in the Chamber at this moment. He wanted to speak before we proceeded to a vote.

Mr. KENNEDY. Mr. President, whether the acting minority leader likes it or not, the state of the economy is an issue across the country this year. It is an issue of vital importance to all Americans. It is of especially great importance to the 5 million Americans who are unemployed today. It is an issue to the millions of housewives who are paying escalating prices when they go to the supermarket. So whether the acting minority leader likes it or not, the economy is an issue. Whether or not Congress has an adequate opportunity to vote again on the debt ceiling later this year, it will be an issue in the Nation. The Nation will be discussing it, and the Senate will be debating it.

Congress is going to have to exercise a balance of judgment. Sometime between now and the time we adjourn sine die, we are going to have to act on the debt of the Federal Government. The amendment which I have introduced is a responsible amendment. We will know by October 1 what the total appropriations will be for fiscal year 1973. We will have a more accurate estimate of the budget. As the Senator from Virginia pointed out, we will know what the anticipated deficit will be and we will have the basis for a more accurate assessment of the new level required for the national debt.

When we look at the results of the past 3 years and the estimates by the administration on the deficit, we see a poor track record. The administration has already made two $25 billion mistakes in the past 2 years.

What we are trying to do by this amendment is to provide the kind of input that Congress should have on the important question of the economy. This legislation is the only opportunity the Senate and House of Representatives have to look at the total expenditures by the Federal Government. Any student of the economy realizes that such an overall view is an essential aspect of the question of how the economy is being handled in this country.

We cannot get away from the fact that the House has already approved the October 31 date. The House believes that Congress should have the opportunity to act once again on the national debt, when more accurate information is available. The Senator from Michigan argues that past practice does not support this action. But there is no precedent either, for the enormous budget deficits we are now seeing. I do not know of any time in the history of this country when we have had such a series of deficits in peacetime as during the past 3 years.

We have seen the rate of inflation close to 6 percent. We have seen the most extraordinary series of deficits in the history of this country in peacetime. We have seen the devaluation of the dollar. We have seen our whole trade balance position being threatened and harassed by enormous deficits.

We have the responsibility to act. I do not think the question here is a question of partisanship here. It is a question of responsibility.

I would hope that the amendment of the Senator from Michigan delaying the date would be rejected and that my amendment advancing the date will be accepted.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, I rise to support the amendment of the Senator from Michigan. I listened with interest to the Senator from Massachusetts (Mr. KENNEDY) indicating that there is no partisanship here in his amendment. Then I listened to him proceeding to make it a partisan amendment, which is his right. I have listened to the Senator from Massachusetts discuss inflation and employment, that they will be issues in the coming campaign if, of course, the party has a candidate. But, in any event, it occurs to me that there may be a certain amount of politics in everything we do between now and the adjournment of Congress.

I think the Senator from Michigan makes an excellent point in trying to extend the debt limit beyond this political year and get it out of the political arena.

The economy will and should be an issue in this campaign.

Unemployment will and should be an issue in this campaign.

Southeast Asia should be and will be an issue in this campaign. We look forward to that.

I should like to remind the Senator from Massachusetts, that we had prosperity in the 1960's based on a war-time economy, with rampant inflation, with high casualties in Southeast Asia; but of course we had low unemployment because everyone had on a uniform or was working in a defense plant.

Then came President Nixon and he turned the tables in Southeast Asia and started the Vietnamization program. The President brought half a million American troops home from there. We have cut the rate of inflation in half. More people are working today now than ever before in history. So we are proud of the record the administration has made in these areas. If this is to be a partisan issue, it will be a partisan issue.

As to deficits, we do not like deficits any more than any other administration, but I would remind my colleague from Massachusetts of the conditions that were present when President Nixon was inaugurated on January 20, 1969, which made it very difficult because of certain problems he inherited.

But, under Republican leadership, and with some of the efforts of Congress on both sides of the aisle, we have made some progress. So it would seem to me, speaking in a totally nonpartisan way, that it might be very much better to extend this date beyond election time rather than trying to restrict it.

Mr. GRIFFIN. Mr. President, I think that the rhetoric we have heard in this short period of time on both sides of the aisle, including the statement made by this Senator, demonstrates clearly that this will be throwing the fiscal life and death of this Nation, with regard to the debt limit, into politics. Of course that will be done and it will be done, so far as the ceiling is concerned, if that is what the majority party wants. There is no question that all these issues can be raised. There is no question that all these arguments can be raised without having a debt ceiling extending only to a date in October.

If we vote for the amendment of the Senator from Massachusetts or if we leave the date as it is now, without the amendment I have offered, we are in effect voting that we will definitely run this Congress on up into the election time. I think that is unfortunate. I do not think we have to do that. I know that the distinguished acting majority leader has been working diligently in getting the cooperation generally of Members of the Senate, with unanimous-consent agreements and otherwise, to move legislation along. Many have been hoping that, perhaps, this Congress might adjourn by the time of the Republican Convention. That would have been possible but this action, unless my amendment is adopted, will all but guarantee that this Congress will continue right up to the election. I think it is unwise, if that is the decision of the Senate.

I believe that the substitute amendment should be adopted. I think it would be good for both parties and I think it would be good for the Nation.

Mr. LONG. Mr. President, I say it again, I should like to remind the Senate that it is not the fault of the Finance Committee that this matter came out here 2 days before the Government was placed in a situation of fiscal chaos. It is not the fault of the Finance Committee that the Senate does not have more time to consider this measure. We are doing the best we can with the situation as we found it. Senators do not even see a committee report on their desks. The reason is that we commenced our hearings before the bill was in committee. We asked that it be kept on the calendar to avoid giving a single Senator the opportunity to object to immediate consideration and force the bill to go over for a day or so after the committee reported it.

The committee has done everything asked of a responsible Senate committee to cooperate and to meet the crisis in government.

Now, Mr. President, having done that, we knew that we were going to have to face this issue of a 20-percent increase in social security. And for that purpose we felt that it would be worth taking the risk that chaos might occur, feeling that with what this meant to 20 million people, it might be worth facing this kind of a confrontation between Congress and the Executive. But moving the date up a month or back a month or putting the date before or after the election cannot be justified.

The amendment which the Senator has offered would not solve the problem, even though it probably has more merit than the amendment of the Senator from Massachusetts.

Mr. President, according to the estimates—and they are in the RECORD in the House report—on November 29, the debt would have to stand at $451.5 billion to maintain a minimal $6 billion cash balance. It would be over it again on December 15. And that $6 billion is a very, very narrow margin for contingencies.

We have to have something on hand for cash balances. And we should make some allowances for error.

Mr. President, we just would not be justified at this late date, when we know that we will have a chance to vote on it again between now and October 31 anyway, to argue about this kind of thing. Really I fully anticipate, after having disposed of this amendment, we will have an amendment to change a comma to a semicolon. And that amendment would probably take a half hour.

Mr. GRIFFIN. Mr. President, the Senator may not be aware of the fact that my substitute amendment not only changes the date to February 28, but also increases the debt limit to $465 billion. In fact, that is the administration's figure.

Mr. LONG. Mr. President, I am pleased to be corrected. Then what does that get us into? It makes it a better amendment. But what does it get us into? That means then that we have to ask for a conference with the House now at the time when the Democrats are heading for a convention and when the Senators and Representatives have plans for their campaigns and probably a much-needed rest. That brings about a whole series of problems.

Imperfect as the bill is, responsibility would dictate that we should accept the date that the House sent us and then act again on the matter between now and the election.

Mr. President, we will not have any choice about it in view of the fact that we will have to act some time before we adjourn. It does not make any difference what the date is. I dislike to complain about this. However, neither of the two amendments were offered in the committee. Neither Senator came to us and said, "Here, we think this is the way we ought to do this."

I am fully on notice that the $465 billion figure was considered in the House committee and specifically voted down.

If we were not right at the expiration of the debt limit, I might think differently about it.

Senators might be interested to know that the House, at least in some respects is acting responsibly in this matter. I am informed that Chairman MILLS is standing by, ready to do what needs to be done when the bill gets there from the Senate. And we are on notice that objections will be made in the House. We know about the crisis that we are facing.

I think we have had enough controversy on the bill already and that we should not add more to it.

Mr. GRIFFIN. Mr. President, if I could respond for a half a minute to the Senator from Louisiana, I would remind the distinguished chairman of the Finance Committee, and I am sure he recalls, that this bill did not come before the Senate Finance Committee. There was no opportunity to submit an amendment. The bill was stopped at the door and put on the calendar. There was no opportunity to consider it in the committee.

Second, I imagine, although I am not positive, that the 20 percent which the Senate has voted on this bill for social security was probably also considered in the Ways and Means Committee of the House and rejected. However, that did not seem to deter the Senate from agreeing to the amendment.

Mr. LONG. Mr. President, if the Senator would yield, this committee did meet and conduct hearings, and we had an executive session. It was explained to the committee that it would be best for us to make our recommendations on the floor without having it referred.

Mr. GRIFFIN. But not to offer amendments.

Mr. LONG. Mr. President, I might also say that a later date was suggested by the Senator from Iowa (Mr. MILLER). We thought it best not to offer an amendment at that time. It was suggested there that we should have a 20-percent amendment on the social security. That was voted down, reserving the right to any Senator to offer the amendment on the floor.

Mr. GRIFFIN. Just as the 10 percent was discussed.

Mr. LONG. The Senator is correct.

Mr. GRIFFIN. I just wanted to remind the Senate of that.

Mr. BENNETT. Mr. President, I have listened to these recurring debates on raising the debt ceiling always with some amusement and some sadness, because we are now going through a ritual charade. We are going through a charade that we have to go through every time to satisfy a technical situation which is completely misunderstood in the country, and to a large extent in the Senate.

Let me take just a minute to talk about the history of the debt ceiling.

Before World War I we were borrowing money so infrequently that the law required that the Treasurer could not issue a bond without a specific act of the Congress. Then that became so burdensome during World War I that the men handling the financial problems decided then on this device, that they would allow the Treasury to issue bond wherever it needs to, whenever it needs to, and in whatever amounts it needs, so long as it does not reach the debt ceiling. And they set a debt ceiling about twice the size it was when the bill was passed.

It was a kind of formality. It salved the conscience of Members of the Congress who did not want to be accused of turning the Treasury loose without any restriction.

Since then, we have gone through World War II and the Korean war. The debt in the Korean war was $275 billion. It is now above $400 billion. And we still play this charade.

We know when we come to the floor with a bill of this kind that we have to raise the debt. We cannot indefinitely continue the debt ceiling because we do not dare to put the Secretary of the Treasury in a position where he cannot pay the bills of the U.S. Government. We always work it out at the very end.

Let me go back to talking about the history of the debt ceiling debates and discussion. The Secretary of the Treasury knew early last spring of the problem he faced.

He came to the Congress and asked that the debt ceiling be set at $480 billion and that this go forward until the end of February next year. That is not what happened. The House, and the Senate concurring, put it up to June 30, the end of the fiscal year, forcing us to do what we are doing today. Now the proposal is that we extend it forward to some day in October, take our pick, and we then have to come back and go through this procedure again.

Now, if it were just a matter of meeting and raising the debt ceiling, we could do it in 10 minutes and have no problem. But whenever we meet knowing that the President dare not veto the bill to preserve the fiscal responsibility and the full faith and credit of the United States, then a lot of people want to come around and tack something on, on the theory that they can get a free ride, so we go through 2 or 3 days of debate. So far in this case we have two amendments on the debt ceiling measure.

And we have high drama. The House is sitting over there with bated breath waiting for us to rush this over to them. They are not without their problems over there, and the attempt is going to be made to prevent us from considering it today, and if that happens, under their rules, there is a possibility this cannot be considered until Wednesday. Many of our colleagues will have gone home by then, assuming we recess. So we may have the President calling us back in special session on Wednesday to consider the debt ceiling.

This is a lot of fun. I used that word this morning and I was called on it. This is fun and games, but unfortunately there are some political overtones here. Under the present circumstances we must be back 1 week before the election to force the President of the United States to admit that he has spent so much money that he cannot borrow any more unless the debt ceiling is raised.

Mr. President, can you hear the speeches on the 31st of October? Can you hear the amendments that are going to be offered? Can you imagine what is going to go on in the minds of the Members of the House and the Members of the Senate who are running for reelection, who certainly would rather be out there trying to win back their seats rather than here to go through this annual ballet?

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. LONG. Down at the Treasury Department the responsible officials, in a friendly fashion, refer to this matter as the Treasury's annual flagellation. They are referring to the fact that the Treasury is the most cost-conscious branch of Government. Well, it should be. It has to raise money to pay for all the spending of others. Being as careful as the Treasury can, they try to hold down the budget and the costs, and resist programs that have a great deal of appeal.

Then, if the time comes when the Government can no longer pay its debts the poor Treasury has to come down and ask for an increase in the debt limit and take this whipping, and be flailed by Congress for——

Mr. BENNETT. For its extravagance.

Mr. LONG. For its extravagance and the unwise expenditure of funds and the lack of proper planning that has occurred since the last debt ceiling.

As I said, they have referred to it down through the years as the annual flagellation, where they have come down and taken their beating because of the failure of Congress to restrain itself in spending, and the failure of other departments of government to spend money as frugally as they should. The poor Treasury Department has to take a beating for the faults of everyone else.

It used to be an annual flagellation. Now it is supposed to be a monthly flagellation. Those poor people could not do the first thing about it.

Really, the Supreme Court was in error about capital punishment. Somebody should offer a bill about the cruel and unusual punishment of the poor Treasury. Any time we have a President who is of one party and Congress is of another party, the poor President is flailed. Down at the Treasury most of those people are not partisan one way or another; they are only trying to honestly respond to the needs to keep this Government alive.

Mr. BENNETT. Mr. President, I would like to remind the chairman it does not only occur when the parties in control of the Government are divided. The Democrats got their flagellation all during the time the Democrats were in the White House.

I realize the problem that will result; the problem of agreement in conference. I realize that the amendment of the Senator from Michigan will probably not be agreed to. I think that decision was made last March when we decided we were not going to be responsible and allow this to go for a whole year, and we were going to cut it up in little bits. Now we are going to cut it up in little bits again and set the dates of the 3d or 31st of October. It is an example of irresponsibility, and it may or may not be with political overtones.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. BROCK. Is it not a fact that not 1 penny of this entire debt of $425 billion has been spent by the President or the Secretary or any other branch without being appropriated by this Congress or its predecessor?

Mr. BENNETT. We are the ones who create the problems and to use the word the chairman used, "flagellation," I can say accurately we make them our whipping boy.

Mr. BROCK. For our own excesses.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. AIKEN. Mr. President, I have listened to the debate. The only conclusion I can arrive at is that some of our colleagues across the aisle are so sure that the complexion of Congress is going to be changed in the next election that they hope to put maximum power in a lame duck Congress. I do not think that is good, but neither do I see how we can take care of the debt limit in 3 or 4 days just before election. That cannot be done. I do not think we should put so much power in the hands of a lame duck Congress.

So I think the amendment of the Senator from Michigan makes a great deal of sense. The party that wins the next election should have the most to say about the affairs of government for the next 2 years. It may be possible a lame duck Congress would pave the way for the election in 1976, for all I know, but it does not make sense from the point of view of a person looking for good government to have this debt limit expire either on the 3d or 31st of October. It simply smells bad. It really does smell bad.

Mr. President, I hope the Griffin amendment is agreed to.

Mr. YOUNG. Mr. President, ordinarily I would support the amendment of the Senator from Michigan, the distinguished assistant minority leader. It makes good sense, but from a practical standpoint we would be better off to accept the position of the chairman of the Committee on Finance, Mr. LONG, because we have a situation in the House where we could be forced to an extra session.

Senators should be the first ones to want to raise the debt ceiling because we are responsible for most of the increased spending over the budget. A bill we passed a few days ago, the bill relating to HEW, was at least $4 billion over last year. When we complete action on that bill, we will probably be $10 billion to $12 billion over last year that is if the Senate continues to add large sums of money over the House.

One Member of the Senate, and not even a member of the Committee on Appropriations—and I do not mention his name—got at least 10 amendments approved totaling far over half a billion dollars—just one Senator.

Members of this body, if they wanted to be responsible and consistent, would be the first ones to want to increase the debt ceiling.

Mr. KENNEDY. I would just remind the Senator from Tennessee that the heart of the problem with the deficit is the decline in Federal revenues because of the sickness of our economy. As the Senator knows, the deficit reflects not only the outflow of expenditures, but also the income from revenues. If revenues fall off, as they have in recent years because of the recession we have suffered, then the budget deficit goes up, without any increase in spending.

The hour is now 1:30, and we see what will happen in October if we pass the House measure providing for the date of October 31. Once again, the Senate will have to act in the final hours of the Congress before adjournment. By moving the date up to October 3, as the Senator from Virginia and other Senators have pointed out, we will have a chance to examine the debt ceiling in a more orderly way, on the basis of the appropriations passed by the Congress. We will have the benefit of those figures and we will have a better chance to act on a matter which is of such great significance to the economy.

Mr. GRIFFIN. Mr. President, I am ready to vote. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I want to make a few brief comments. The Senate has before it two proposals, one by the Senator from Massachusetts to change the date from October 31 to October 3. I support that because it is obvious Congress will not be in session on October 31, but very likely will be session on October 3. So I think that is a reasonable amendment.

On the other hand, I fully understand the position of the distinguished chairman of the committee not desiring to change the date from October 31 because it presents a complication with the House of Representatives. That is my only reluctance in supporting the proposal of the Senator from Massachusetts.

Now, when we come to the amendment offered by the Senator from Michigan, I am strongly opposed to that. I am strongly opposed to the proposal to increase the debt ceiling to $465 billion until February of next year.

It is not often that I disagree on financial matters, or any matters, for that matter, with the distinguished and able senior Senator from Utah, but I disagree with him on the value—I would have to use the words "potential value"—of a debt ceiling.

I admit that I have not been able to sell many of my colleagues on my view in this regard. I am in a small minority in feeling that the debt ceiling has value.

One value is that it forces the Congress and the Senate to do what we are doing today, and that is to give some attention to the total financial position of our Government. Every few months—6 months or a year, or whatever it might be—the Members of the Congress presumably have to look at the figures and find out what the debt is. I think every once in a while is a good idea for every Member of Congress to look at the national debt figures.

Another reason why I am strongly opposed to the proposal of the distinguished Senator from Michigan is the testimony, day before yesterday, June 28, by the Secretary of the Treasury, George Shultz. I want to read from pages 101 and 102 of the committee record, the testimony before the Finance Committee, in which Secretary Shultz said:

> I think that we are groping in the dark, to a degree, about precisely what is going on. We know that we are getting more money than we expected and we are trying to figure out why, and the over-withholding leaps to mind, but there are also other possible explanations, and depending on what those explanations are, we would have a different picture.

You see, Mr. President, if we change the debt ceiling now to be effective at $465 billion to next February, we would be dealing in the dark, because the Treasury itself is dealing in the dark, and the Secretary so testified before the committee.

I think it is desirable to have a tight debt ceiling and to force the Congress to reexamine this problem every 3 or 4 months, or whatever is necessary. I think it is a mistake to put it off so far in the future that the Congress and the Members of the Senate will completely forget about this problem. So I would be strongly opposed to the amendment offered by the Senator from Michigan.

During the debate, comment has been made about political partisanship. While I know it was not directed at me, I guess I ought to say that I probably am not considered too much of a political partisan.

In my campaign for reelection in 1970, the Democratic candidate went to every city and county in the State of Virginia and said I voted too much with the Republicans and I should be thrown out of the Senate. The Republican Governor used the full power and prestige of his office and spent full time, for 5 weeks, going all over the State of Virginia to say that I voted too many times with the Democrats, so I should be thrown out.

So I am not sure whether I am a political partisan or not, but on the issue of the debt ceiling, I am taking the same position today that I have taken through the years.

It was 5 years ago today that I presented an amendment to President Johnson's proposal for increasing the debt ceiling. He had a proposal for a $28 billion increase. My amendment would have reduced that by $10 billion.

My amendment lost by only one vote. By only one vote did that amendment lose, and the reason it lost was that the very able former distinguished member of the Senate from Florida at that time, Mr. Smathers, who was managing the bill, sold the Senate on the very correct view that if my amendment were adopted Senators would not get a Fourth of July holiday. So my proposal lost by one vote.

But what I am doing today under a Republican President I did under a Democratic President. And if an Independent President ever gets elected, I will do it under an Independent President, because I think Congress has an obligation to the taxpayers of this country to do more than just give cursory consideration to the handling of the tax dollars of the people of this Nation.

I suppose less time is spent in the Senate on the consideration of appropriation bills than on the consideration of any other major matter.

Most of these appropriation bills pass in a matter of hours. Yet we are dealing with billions and billions of dollars.

The deficit for the fiscal year which ends tonight is estimated by the Treasury to be $32 billion. I find it difficult to visualize $32 billion, but here is one way to look at it: The State of Virginia is a very large State. It has a population of 5 million persons. It is large in territory.

The total assessed value of all the real property in Virginia, all the land, all the homes, all the buildings, all the factories—the total assessed value—is $12,500,000,000. So the deficit for this fiscal year, ending tonight, is 2½ times the total assessed value of all the real property in the State which I have the responsibility to represent.

Realizing, as I say, that I am in a minority, I take this debt ceiling problem seriously. I think it presents an opportunity for the Members of Congress, as the Senator from Massachusetts pointed out a little while ago, to give full consideration to the total financial picture of our Nation.

I have prepared a table dealing with the deficits in Federal funds and interest on the national debt from 1952 through 1973. The facts, submitted by the Treasury Department, show that the accumulated deficit for the 4-year period 1970 through 1973 will total $113 billion. That figure is greater than the total accumulated deficits for the 23-year period 1947 through 1969. I ask unanimous consent that the table be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that another table that I have prepared, showing U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners, be printd in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HARRY F. BYRD, JR. I point out that the total reserve assets of our country are $13.3 billion, and our liquid liabilities to foreigners at the present time are $67 billion.

Mr. President, I have another table which shows, in parallel columns, the U.S. public debt subject to limitation, a comparison of administration estimates of February 28, 1972, with their estimates of June 28, 1972, a period of 4 months. I have had these estimates placed in parallel columns, and I ask unanimous consent that this table be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks also an excellent article entitled "Soaking Rich Isn't a Wise Fiscal Plan," written by John S. Knight, which was published in all the Knight newspapers on Sunday, June 25, dealing with the fiscal situation of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HARRY F. BYRD, JR. There is one other figure to which I would like to invite the Senate's attention.

In the President's budget for fiscal 1973 is a figure of $22.7 billion for the interest on the national debt. The interest on the national debt, in the current budget, is $22.7 billion. That figure is not too meanigful to most of us, because we cannot visualize $22.7 billion.

But let me put it this way: Of every personal and corporate income tax dollar paid into the Federal Treasury by the citizens and the corporations of our Nation, 17 cents goes to pay the interest in the debt.

That money can only come from one source: Out of the pockets of the wage earners. That is why I think that Congress and the Senate are making a great mistake in handling so cavalierly, so carelessly, the finances of the people of the United States which have been paid into the Treasury through taxation. I feel that we in Congress have a deep responsibility and a deep obligation to handle these funds just as carefully as we would handle our own funds—and I do not see much care being used in the handling of the funds.

As I mentioned earlier, there is too little interest in the sad plight of the Government's financial situation. That is why I am opposed to the proposal of the Senator from Michigan to increase the ceiling beyond the contemplated increase. The committee bill would increase it to $450 billion. The Senator from Michigan would increase it to $465 billion. The Senate committee would make the increase applicable only until October 31, while the Senator from Michigan would carry it on over to next year, on February 28.

I think that would be a very undesirable and very unwise amendment to pass, and I hope the Senate will reject it. I want to say again that although many Members of the Senate are not in favor of the debt ceiling, who feel that there should be no ceiling and feel that we ought not to take the time of the Senate to discuss these matters of Federal finances, I strongly disagree.

I strongly disagree, because I do not know anything that affects the individual citizens more than taking out of their pockets, out of the pockets of the hard-working wage earners, the money which they have earned by the sweat of their brows. I remember well the statement made by President Roosevelt when he said that taxes are paid in the sweat of every man who labors. It is the sweat of the laboring man that we are dealing with on the floor of the Senate; and we are dealing with it in a careless way—in my judgment, a reckless way—when we appropriate great sums of money without any real consideration at all.

I feel that it is important to have a debt ceiling. It is important to have these debates in regard to the debt ceiling.

EXHIBIT 1

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972[1]	147.1	179.3	−32.2	21.2
1973[1]	152.6	190.4	−37.8	22.7
20-year total	1,927.6	2,142.2	214.6	241.9

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

EXHIBIT 2

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	43.3
Dec. 31, 1971	10.2	12.2	64.2
May 31, 1972	10.5	13.3	[1] 67.0

[1] Estimated figure.

Source: U.S. Treasury Department.

EXHIBIT 3

U.S. PUBLIC DEBT, SUBJECT TO LIMITATION[1]

	Feb. 28 estimate	June 28 estimate	Difference
1972:			
Mar. 31	$431.6		
Apr. 28	432.3		
May 31	442.1		
June 30	443.4	$425.4	$18.0
July 31	453.0	432.0	21.0
Aug. 31	461.1	439.4	21.7
Sept. 29	457.9	439.0	18.9
Oct. 31	462.1	441.8	20.3
Nov. 30	468.7	447.1	21.6
Dec. 29	469.8	449.7	20.1
1973:			
Jan. 31	470.6	449.4	21.2
Feb. 28	478.1	456.8	21.3
Mar. 30	482.5	465.8	16.7
Apr. 30	478.2	463.3	14.9
May 31	486.8	471.8	15.0
June 29	479.3	464.8	14.5

[1] Comparison of administration estimates of Feb. 28 and June 28, 1972. Assumes $6,000,000,000 cash balance.

Exhibit 4

[From the Charlotte (N.C.) Observer, June 25, 1972]

Soaking Rich Isn't a Wise Fiscal Plan

(By John S. Knight)

One of the very sad changes in our society is the vastly increasing dependence of its various elements upon the Federal government.

Social Security, first legislated in 1935 as an income supplement to the elderly, is now regarded by many citizens as their main source of support.

This progressive legislation has been expanded to include disability, survivorship and health insurance. The costs continue to rise with a present 5.2 per cent of the first $9,000 taken from workers' salaries and a similar contribution made by employers. Social Security has gone up 26 per cent under the Nixon administration.

Proposals presently before the Congress would further increase Social Security benefits in amounts ranging from 10 to 20 per cent. Some presidential candidates have suggested even more.

It is important to understand, as the Miami Herald has said, "that in effect the Social Security bite has become just another income tax. Citizens are not simply paying into a fund from which they will draw at age 62 or 65. They are paying taxes to support current benefits, and they will have to rely on taxes paid by their children for their own benefits."

With Social Security checks now flowing to 27 million persons, and 23 million going to those registered to vote, few politicians in this election year will oppose additional increases in benefits.

The tax bite on employes and employers alike has become much more than a nibble.

FEDERAL MONEY

Our colleges and universities look to the Federal government for support, either in grants or subsidies. Private educational institutions, financed largely by private contributions, are in deep trouble as they cannot turn to generous state legislatures for additional money.

Virtually every art institute, symphony orchestra and performing arts center operates at a deficit. In time, and when tax benefits to private donors become less attractive, the cultural arts must inevitably turn to the government for help.

In Europe, the government has traditionally maintained the cultural arts. The question is: Do we want these activities in government hands, or see our colleges and universities under government control and direction?

Why are the politicians, in their zeal to close tax loopholes, trying to discourage contributions from the private sector?

SOARING TAX RATES

When President Lyndon Johnson offered his "Great Society" programs, the rationale was that since "the United States is the richest country in the world, we can afford anything."

Since then Federal expenditures have been rising at an average annual rate of 8 per cent. In the same period state and local spending has gone upward at a rate of 10 per cent a year. David T. Wendell observes in Reader's Digest that "public spending has been going up about 50 per cent faster than the private, tax-producing part of the economy."

The Brookings Institution concludes that an "over-committed Federal government cannot spend any more on trying to solve social or other problems without a big tax increase."

Even with soaring tax rates, the cities and the states seem always short of money. They look, therefore, to an already deficit-ridden Federal government to assume an even greater share of the burden.

THE ANSWER: "NEVER"

One fallacy lies in the naive political belief that we can tax the corporations more (now 48 per cent at the Federal level and varying percentages on state income taxes) and still expect them to prosper and solve the problems of unemployment.

Another is the notion of Hubert Humphrey that massive infusions of government money can solve any problems, a theory unsupported by experience. Profligate government spending fans the fires of inflation. Huge and continuing Federal deficits ultimately depress the economy.

So to those who ask: "When will we be able to pay off or even reduce the national debt?" the answer is "Never, unless Federal expenditures are held down and heavier taxes imposed upon everyone."

If you find that a discouraging thought, try this: The Brookings Institution says that even if the Congress enacts only the programs President Nixon has proposed, and no more, the Federal fiscal budget by 1975 will reach $300 billion, or $17 billion more than 1975 revenues expected under present tax laws.

What I am trying to say is that since we have no inexhaustible sources of revenue, either the government must change course, employ realistic budgeting and disciplined spending or the shrinking U.S. dollar won't buy a good 15-cent cigar within 10 years.

A DREARY ROAD

It is all very well to explain that our citizens "demand" additional social welfare and social services. My view is that these "demands" originate with politicians and pressure groups who seek either votes or personal aggrandizement.

So whether you blame President Nixon or the Congress for our swollen bureaucracy, we will all be facing a dismal future if the country continues to spend more than it takes in.

Senators George McGovern, Hubert Humphrey and Edmund Muskie have been telling the people that their proposed "soak-the-rich" tax reforms will solve the nation's fiscal problems. Don't you believe it. No reputable economist would agree with them.

The last tax reform act of 1969, with all three Senators concurring, resulted in a net revenue loss to the government of $2.5 billion. Their track record is not reassuring.

A nation which destroys initiative, cripples the profit and loss system and relies on Federal handouts, openly embraces socialism or worse.

I doubt that the American people want to go down that dreary road to nowhere.

Social notes: VIC's (Very Important Contributors) enjoyed a Washington weekend "welcoming Sen. McGovern back from the primaries and celebrating his send-off to Miami."

The invitation specified a price of $5,000 a couple which included a picnic at Hickory Hill with Kathleen Kennedy; lunch on Capitol Hill with a Senator or Congressman; cocktails and buffet at the McGoverns; a gala show at DAR Constitution Hall followed by a cast party and supper dance.

VIC's were also assured that they would "receive red carpet treatment from the time they arrive in Washington until they left."

Well, there's nothing like old-fashioned prairie populism, is there?

The Surf club, long a bastion of the over-privileged on Miami Beach, is taking no chances on disturbances arising from the political conventions.

In a masterpiece of understatement, the Surf Club advises its members: "It is anticipated that several dissident factions expect to attend these conventions." Therefore, the club will "board up" for the summer.

At the other end of the Beach, Federal troops will be on call to back up a 5,000-man force of police and National Guardsmen already assembled for convention duty.

And such are the ways of democracy, circa 1972.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. MAGNUSON. I just want to comment on the Senator's last statement, about appropriation committees. They work weeks and months.

Mr. HARRY F. BYRD, JR. If the Senator will yield, I did not say anything about appropriation committees.

Mr. MAGNUSON. Let me finish. On Tuesday we had a big bill, the HEW bill. It was before the Senate for 11 hours. No Senator, including the Senator from West Virginia, presented an amendment to cut the amount. It was open to amendment for 10 hours, and no Senator presented an amendment to cut it—not one dime. It was on the floor 11 hours, open for amendment, and not one Member of the Senate, including the Senator from Virginia, submitted an amendment to cut the amount in any item. I just want the record to be clear.

Mr. HARRY F. BYRD, JR. The Record will show that the Senator from Virginia voted against the bill.

Mr. MAGNUSON. I know, but if the Senator wanted to cut the amounts, he should have presented some amendments.

Mr. HARRY F. BYRD, JR. The bill was from $4 billion to $6 billion greater than was spent last year.

I cannot remember the exact figure the Senator from North Dakota mentioned a few moments ago. May I ask the figure? The Senator from North Dakota mentioned a few moments ago that when all the figures are tallied up, the expenditures for that one department will be how much above the expenditures for last year?

Mr. YOUNG. When all the appropriations requests for the various agencies under HEW are appropriated, even if we follow the budget estimates, we will add at least another $9 billion.

Mr. MAGNUSON. Even with all the budget estimates.

Mr. YOUNG. If we just follow the budget estimates. It would be $9 billion more than last year—at least $9 billion; probably more like $10 or $12 billion.

Mr. MAGNUSON. That figure is not quite correct, and I will put some statements into the Record to verify that.

Mr. HARRY F. BYRD, JR. I thank the Senator from North Dakota. The figures he submits for the record are startling and staggering—between $9 and $12 billion more than last year.

I yield the floor.

Mr. MOSS. Mr. President, this amendment, offered by the senior Senator from Massachusetts, is long overdue. It offers the opportunity for a more reasonable approach to future congressional action on the debt ceiling limitation. In a broader sense, it gives the American people a chance for a periodic reassessment of the Nation's fiscal situation and also the policies which must bear responsibility for that situation.

Mr. President, just consider the timetable under which we have had to work on H.R. 15390. On Tuesday, the House passed the measure. On Wednesday, the bill was placed on the Senate Calendar. There was not even time for Finance Committee hearings. Today the Senate faces a midnight deadline on passage.

Mr. President, this is no way to deliberate our national economic policy. Senator Kennedy's amendment is needed if we are to avoid a recurrence of this kind of last-minute rubber stamp of the administration's fiscal program. Such a measure would extend the $450 billion debt ceiling only to October 3 instead of October 31, which is on the very eve of the election, and long after Congress will have adjourned.

This amendment would allow us to discuss the fiscal issues relevant to the national debt in a sober manner without having to watch the clock.

Mr. President, no one can deny the impact which joblessness has had on the Nation's fiscal position. The loss of Federal revenues which results from idle factories and idle workers is immense. The President himself has admitted, in his own 1972 economic report, that if we could just get the jobless rate down to 4 percent, instead of the approximately 6 percent we are now having, there would not be any deficits to speak of—and no need for an increase in the national debt.

Yet instead of a rational approach to the related problems of unemployment and fiscal imbalance we have had rhetoric by the White House and docility on the part of Congress.

Why should we countenance an extension of the debt ceiling limitation without a thorough debate on the causes of the Federal deficits and what we can do about them? Why can we not discuss why we have to continually increase the national debt without reexamining the policies which result in the debt?

Mr. President, 4 years ago this administration promised the American people an era of "fiscal responsibility." It has delivered the highest Federal deficits in history—in the short space of 3 years adding a full quarter to the entire national debt.

Four years ago this administration portrayed themselves as supporters of U.S. economic power in the world. They were going to build up our global economic position. Today our Nation has the worst international payments deficits in history. For the first time since 1893, we are exporting less than we are importing. Inevitably we have been forced to devalue our currency.

Four years ago the Republican Party portrayed itself as the party of "free enterprise." We have had the first wage and price controls in peacetime history.

Four years ago the President promised price stability with no loss in jobs. Taking office with full employment he delivered the worst unemployment in 10 years and the worst inflation in 20 years. His callous policy on the jobless situation has contributed to the worst Federal deficits in memory—and today we are asked to rubberstamp his program.

I ask that we accept Senator Kennedy's amendment in order that we may have a chance to think hard the next time the White House asks for an extension of the national debt.

Mr. KENNEDY. Mr. President, I am prepared to vote after we have an opportunity to vote on the Griffin amendment.

Again, I commend the Senator from Virginia and I express my appreciation for the support he has given to my position.

I am prepared to vote, Mr. President.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, it seems to me that this matter need be settled, and I am very hopeful that we can avoid having to have a conference on this bill. I believe that most Senators would think that is desirable.

We are presenting a very controversial issue—but, fortunately, only one really controversial issue—to the House of Representatives. They are as anxious as we are to act. They realize that responsibility requires that.

We have two amendments—one to move the date forward and one to move the date back—either of which would require a conference with the House.

I think that at this late date it would be the judgment of most Senators that we ought to decide the debt limit matter and get it to the other House, where they are anxiously waiting to see whether they can act on it.

For that reason, Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Chiles). The Senator will state it.

Mr. LONG. Is it not correct that if I move to table the amendment in the first degree, that would take with it the amendment in the second degree?

The PRESIDING OFFICER. The Senator is correct.

Mr. LONG. Then, Mr. President, well understanding the fine intentions of both the sponsor of the amendment in the first degree and the sponsor of the amendment in the second degree, I believe the Senate would like to vote and move this bill because of the pressure of time and the fiscal crisis that might face this Nation. Therefore, I move——

Mr. KENNEDY. Mr. President, will the Senator withhold the motion for 30 seconds, for a comment?

Mr. LONG. I yield 30 seconds to the Senator.

Mr. KENNEDY. I want to give my assurance to the chairman of the Committee on Finance that I have had an opportunity to talk with the chairman of the Ways and Means Committee, and he has assured me that if the Senate accelerates the date to October 3, he does not believe that any conference would be required on that matter.

I thank the Senator for yielding.

Mr. LONG. Mr. President, I wish the Senator could give me the same assurance that the Republican Members in the House of Representatives would agree with that.

In any event, if the Senator's position were to prevail, taking his word for it, the chairman of the Ways and Means Committee has said that he expects to get this bill over to the Senate by September 30, to extend the debt limit further. If the chairman can fulfill on that commitment—and I think he can—we would still have an opportunity to move the debt limit bill through by the date the Senator would like to see, if that were possible.

So, Mr. President, hoping that we can move ahead with this matter, I move that the amendment in the first degree, which would take with it the amendment in the second degree, be tabled.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) and the Senator from North Carolina (Mr. Jordan) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "yea."

The result was announced—yeas 47, nays 35, as follows:

[No. 269 Leg.]

YEAS—47

Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Robert C.
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Gurney
Hartke
Hatfield
Hruska
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Pastore
Pearson
Randolph
Roth
Schweiker
Scott
Smith
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—35

Aiken
Allen
Bayh
Brooke
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Eagleton
Fulbright
Griffin
Hart
Hollings
Hughes
Inouye
Kennedy
Mansfield
McGovern
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pell
Percy
Proxmire
Ribicoff
Spong
Stafford
Stevenson
Symington
Tunney
Williams

NOT VOTING—18

Baker
Church
Cranston
Dominick
Ellender
Gambrell
Goldwater
Gravel
Hansen
Harris
Humphrey
Jordan, N.C.
Miller
Mundt
Muskie
Saxbe
Sparkman
Stevens

So the motion to table Mr. Kennedy's amendment was agreed to.

The PRESIDING OFFICER (Mr. Stafford). The bill is now open to further amendment.

Mr. GRIFFIN. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 1, line 5 strike out "October 31, 1972," and insert "February 28, 1973," and Public Law 92-250 is amended by striking out "$20,000,000,000" and inserting in lieu thereof "$35,000,000,000"

Mr. GRIFFIN. Mr. President, this is the same amendment which I offered as a substitute for the amendment of the Senator from Massachusetts (Mr. Kennedy). Unfortunately, because of the parliamentary situation, that amendment fell when the amendment of the Senator from Massachusetts was tabled. The only way I can get a vote on my amendment is to resubmit it. There is no need for further debate as far as I am concerned.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I direct the Senate's attention to the fact that this debt limit expires at midnight tonight. We hope to avoid a conference on this measure. We have good reason to believe that the House will accept the amendment and that it will not require a conference. So, for the fiscal integrity of the Nation, we would be able to avoid a conference. If we have to hold a conference, and come back on the final result of the conference report, the debt limit will have expired. This specific amendment was rejected by the House Ways and Means Committee.

Mr. President, I hope the Senate rejects the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) and the Senator from North Carolina (Mr. Jordan) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "yea."

The result was announced—yeas 32, nays 50, as follows:

[No. 270 Leg.]

YEAS—32

Aiken
Allott
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Cook
Cotton
Curtis
Dole
Fannin
Fong
Griffin
Gurney
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
Packwood
Percy
Roth
Schweiker
Scott
Smith
Stafford
Taft
Thurmond
Tower
Weicker

NAYS—50

Allen
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cooper
Eagleton
Eastland
Ervin
Fulbright
Hart
Hartke
Hollings
Hughes
Inouye
Jackson
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Spong
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—18

Baker
Church
Cranston
Dominick
Ellender
Gambrell
Goldwater
Gravel
Hansen
Harris
Humphrey
Jordan, N.C.
Miller
Mundt
Muskie
Saxbe
Sparkman
Stevens

So Mr. Griffin's amendment was rejected.

Mr. LONG. Mr. President, there is at the desk a technical, perfecting amendment changing the title of the bill to take into account the amounts that were agreed upon.

The PRESIDING OFFICER. The Chair would inform the Senator that that should be withheld until the bill has been passed.

The bill is open to further amendment

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 1, line 5, delete "October 31, 1972" and insert in lieu thereof "October 4, 1972".

Mr. KENNEDY. Mr. President, I do not expect to take any more than 1 minute of the time of the Senate.

The purpose of the amendment, as the membership knows, is to move the date of expiration of the temporary ceiling from October 3, to October 4. At that time the Senate will have given full consideration to the various appropriation bills, and we can act on the debt ceiling in an orderly way, free of the pressure of the adjournment deadline we will undoubtedly feel if we keep the October 31 date.

It is my feeling, and the feeling of the Senator from Virginia, that if we approve the October 31 date, the extension of the debt limitation will probably be the last matter that will be considered before Congress adjourns sine die this fall. It will simply not be given the kind of careful consideration that a matter of such importance, which concerns the economy of our country, should be given.

I have had an opportunity to talk to the chairman of the House Ways and Means Committee. He has indicated to me that he is willing to accept this sort of change of date. He sees absolutely no impediment in the acceptance of this change of date as far as he and his influence in the House are concerned. I think it is a more responsible way for us to proceed in the consideration of the debt limitation.

Mr. LONG. Mr. President, the Senate voted on an amendment by the Senator from Massachusetts just a half hour ago which would have changed the date to October 3. Now he wants to make it October 4. Can the Senator assure me that, if this amendment fails, he is not going to move to make the date October 2 or October 5?

Mr. KENNEDY. The Senator from Louisiana is well aware that there was a parliamentary tangle involved in my previous amendment, and we did not have an opportunity for a clean vote on the merits of it.

I believe that we now have an opportunity to vote on the merits of this amendment and the important principle at stake. I certainly will not ask for any further amendment.

Mr. LONG. Mr. President, I am not willing to take this amendment. The Senator explained this matter to us an hour ago, and it is now 9½ hours until we are officially bankrupt. We have another amendment now that is practically the same as the one we rejected.

I move to table the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on each rollcall from here on out through the remainder of the day consume only 10 minutes, with the warning bell sounded at the end of 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on the motion to table the amendment of the Senator from Massachusetts. All those in favor say "aye." Those opposed "no." In the opinion of the Chair, the "ayes" have it——

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender), and the Senator from North Carolina (Mr. Jordan) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "yea."

The result was announced—yeas 53, nays 28, as follows:

[No. 271 Leg.]

YEAS—53

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Robert C.
Case
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Gurney
Hartke
Hatfield
Hruska
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
McGee
McIntyre
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Schweiker
Scott
Smith
Stafford
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—28

Bayh
Brooke
Burdick
Byrd, Harry F., Jr.
Cannon
Chiles
Eagleton
Fulbright
Griffin
Hart
Hollings
Hughes
Inouye
Kennedy
Mansfield
Metcalf
Mondale
Montoya
Moss
Nelson
Pell
Proxmire
Ribicoff
Spong
Stevenson
Symington
Tunney
Williams

NOT VOTING—19

Baker
Church
Cranston
Dominick
Ellender
Gambrell
Goldwater
Gravel
Hansen
Harris
Humphrey
Jordan, N.C.
McGovern
Miller
Mundt
Muskie
Saxbe
Sparkman
Stevens

So Mr. Long's motion to lay Mr. Kennedy's amendment on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15390) was read the third time.

Mr. ERVIN. Mr. President, I ask to be recorded as voting in the negative.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Stafford). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Ellender) and the Senator from North Carolina (Mr. Jordan) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Iowa (Mr. Miller) would vote "yea."

On this vote, the Senator from Alaska (Mr. Stevens) is paired with the Senator from Arizona (Mr. Goldwater). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 78, nays 3, as follows:

[No. 272 Leg.]

YEAS—78

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eagleton
Eastland
Fannin
Fong
Fulbright
Griffin
Gurney
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Allen
Bellmon
Ervin

NOT VOTING—19

Baker
Church
Cranston
Dominick
Ellender
Gambrell
Goldwater
Gravel
Hansen
Harris
Humphrey
Jordan, N.C.
McGovern
Miller
Mundt
Muskie
Saxbe
Sparkman
Stevens

So the bill (H.R. 15390) was passed.

Mr. LONG. Mr. President, I have three routine motions to make.

First, Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion was agreed to.

Mr. LONG. Mr. President, there is a technical amendment of a perfecting nature at the desk, merely amending the title to take into account the amendments which were added in the Senate. I ask that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the title will be amended.

The title was amended, so as to read: "An act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes."

Mr. LONG. Mr. President, during the debate, there was discussion of the financial plight of the States and the need to provide some relief to the States to help them with their welfare caseloads.

I want to make it clear that there are at least two bills which we expect to pass during the next 60 days which will provide major fiscal relief to the States. One bill is the revenue sharing bill, and the other is H.R. 1. Between them, these bills contain more than $7 billion of fiscal relief to the States on an annual basis.

I assure the Senate of my best efforts to enact both these measures.

In the budget is an item of $1 billion to provide some temporary relief to the States while they are waiting for the answer on H.R. 1, and I am informed that that billion dollars of relief for the States has been dispensed already. I understand that the States are somewhat apprehensive that they might be made to pay it back; but I can assure them that there is no prospect that that will happen.

We will act on the revenue sharing measure, and we will act on H.R. 1. Failing to act on either of these, we would, at a minimum, see to it that what we have already done in favor of assuring the first billion dollars of fiscal relief to the States would be sanctioned by an appropriate resolution of the Senate, if need be.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. JAVITS. We are very interested in revenue sharing, obviously. So that we can all be thinking about it during the next few weeks, I wonder whether the Senator can tell us something about amendments to the revenue sharing bill and what the situation is between us and the other body in respect of any very substantial amendments to the revenue sharing bill.

Mr. LONG. The bill is in the Senate committee. We have commenced hearings on the bill already. We have heard from the administration witnesses, and we have heard from the two principal cosponsors, Mr. BAKER and Mr. HUMPHREY. We will meet promptly, after we have finally disposed of H.R. 1, to make this our prime order of business, our paramount concern, we might say. I cannot predict just how fast we can move with it, but I certainly will try to make it as rapidly as possible.

I assure the Senator that we are having cooperation. For example, there is indication that the Governors did insist on testifying. As a matter of courtesy, I would not deny any Governor the right to be heard before the Committee on Finance on a matter of this importance. But I think they are going to consolidate their testimony and present it by a panel of witnesses and submit supporting statements, disposing of the testimony of all the Governors in a single day. The mayors have indicated a desire to do the same thing. I believe the county commissioners are going to abbreviate their testimony in the same fashion.

If we can move on in that manner, I would think that the measure, which took several months in the House of Representatives, could be moved through the Finance Committee in 2 weeks from the time we really got down to it; and we are going to be using every available moment to look at this measure.

We have not decided what formula we want to use, but I would think that we obviously would want to make some changes. The House is composed in one fashion. The Senate is composed in another fashion. Those differences would not reflect themselves. I, for one, on a measure like this, would try to think in terms of what the Senate would want to do, not necessarily just for the State of Louisiana which of course I know I represent; but at the same time I will try to put together a measure that will take into account the composition of the Senate because we have to have the approval of some 25 States at a minimum in order to pass such a measure.

Mr. JAVITS. The point of my request is that for States like my own, which is one of the most affluent in the Nation, this is make or break, this year. Thus, I wanted to get the advice of the Senator as to what any of us could do to assure that there would be final action on a revenue-sharing law this year in terms of what we do in the Senate. That was my point.

Mr. LONG. I told the Governors and the mayors and the county commissioners that so far as I was concerned, if the House would send us this bill, it would not die in the Senate. I am not saying what will happen when we send the ball back to the other side of the Capitol Building, but on this side I will do what I can to see that we pass the bill.

Mr. JAVITS. I thank the Senator from Louisiana very much.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask for the regular order. Lay down the bill.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. STAFFORD). Under the previous order the Senate will now proceed to the consideration of Calendar No. 882, H.R. 15586, which the clerk will report.

The legislative clerk read as follows:

H.R. 15586, making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Under the unanimous-consent agreement, debate on this bill now before the Senate is limited to 2 hours, to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Oregon (Mr. HATFIELD). Debate on any amendment, amendment to an amendment, debatable motion or appeal, is limited to 30 minutes, to be equally divided.

Who yields time?

Mr. STENNIS. Mr. President, I yield myself 5 minutes to make my preliminary statement now for the information of the membership.

Mr. PASTORE. Mr. President, may we have order in the Senate? I should like to hear this.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, there has been a lot of interest in this bill but I know of no reason why it should take much time to get to actual passage. I want to get down to a very brief statement for my part and the Senator from Oregon will have a brief statement. But, at this time, in order to meet some other conditions, I ask unanimous consent that I may yield from 2 to 3 minutes each to 2 or 3 Senators with reference to conference reports, without losing my right to the floor.

The PRESIDING OFFICER. We are under controlled time.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arkansas (Mr. FULBRIGHT) for the purpose of calling up a conference report.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. STAFFORD). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 15, 1972, at pages 21151–21153.)

Mr. FULBRIGHT. Mr. President, I will not detain the Senate long with the presentation of the conference report on H.R. 14734, the Foreign Relations Authorization Act of 1972.

The amounts authorized for appropriations were not in dispute, but by way of recapitulation, I ask unanimous consent to have a summary table printed in the RECORD.

There being no objection, the summary table was ordered to be printed in the RECORD, as follows:

Summary

Title I, State	$289,453,000
	188,263,000
	18,226,000
	59,200,000
	8,212,000
	85,000,000
Total	648,354,000
Title II, USIA	194,213,000
	5,036,000
	1,000,000
Total	200,249,000
Title III, ACDA (2 years)	22,000,000
Title IV, Peace Corps	88,027,000
Title V, Narcotics control	42,500,000
Total	1,001,130,000

Mr. FULBRIGHT. Mr. President, many of the differences between the House and Senate were technical or of minor significance and inasmuch as they are fully described in the conference report I will not discuss them now.

I believe that it is fair to say that on the substantive issues, the Senate conferees largely prevailed. The Senate prevailed on the omnibus bill format; on provisions earmarking funds specifically for Soviet refugees; authorizing retirement credit for certain alien employees; on raising the ceiling on civilian employees' claims; requiring confirmation of anyone using the rank of ambassador or minister, with one minor exception; enacting so-called point-of-order legislation for USIA; requiring the Arms Control and Disarmament Agency to report on the international transfer of conventional weapons; abolishing totally the Peace Corps Advisory Council; permitting a Presidential appointee in the foreign affairs area to express his individual views and opinions to Congress; and authorizing $42,500,000 for international narcotics control.

The conferees strengthened the provision prohibiting USIA to disseminate any information product, other than the publication "Problems of Communism," by making it clear that USIA materials can be made available to Members of Congress for examination only and not for dissemination. At the same time, the Senate conferees also agreed to language which would make it possible for research students and scholars to examine USIA information products in Washington, D.C.

Of particular interest to me and to the senior Republican member of the committee, Mr. AIKEN, is the fact that the conferees, with very minor amendments, agreed to title VI which establishes a study commission relating to foreign policy. I think this commission should be most helpful in improving the process for the making and conduct of foreign policy.

Of the items on which the Senate yielded, only one deserves the attention of the Senate and it concerns the establishment of a grievance and appeals procedure for State and USIA employees. The House conferees were adamant on their position, which was that, inasmuch as they had not held any hearings on this subject, they would not consider the lengthy and complex provisions in the Senate amendment on this matter. On the same day that the Senate conferees yielded, however, the Committee on Foreign Relations ordered reported to the Senate the identical provisions of the Senate amendment as an original bill—S. 3722—which passed the Senate on June 23 by a vote of 56 to 27. The House Committee on Foreign Affairs began hearings on the subject this week.

This, in brief, is the conference agreement. I commend it to the Senate.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by Senator CHURCH concerning one provision in the conference report.

The PRESIDING OFFICER. Without objection it is so ordered:

STATEMENT BY SENATOR CHURCH—INTERNAL DISSEMINATION OF USIA MATERIAL

I recently exchanged letters with the director of The Roper Public Opinion Research Center in Williamstown, Massachusetts, regarding the question of internal dissemination of USIA material, and I ask unanimous consent to place these letters in the Record at this point as part of the legislative history relating to Sec. 501 of the United States Information and Educational Exchange Act of 1948, as amended.

WILLIAMSTOWN, MASS.,
June 6, 1972.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR FRANK: It has come to my attention that the Congress is currently considering taking action which would prevent the dissemination to interested American scholars declassified public opinion surveys conducted under the aegis of the United States Information Agency. I am writing to you,—and sending copies to others whom I am sure are interested in the matter to express my very strong feeling that this would indeed be an unwise decision for the Congress to make.

I am writing not only as a professional social scientist, but also as the Executive Director of the Roper Public Opinion Research Center at Williams College and currently as President of the World Association for Public Opinion Research. In all these capacities I have been and continue to be intimately involved in the scholarly use of opinion data.

Over 400 of the surveys currently in this data bank were placed here by USIA. These are surveys which have been conducted in many different countries over the past twenty years. In addition, we have a catalogue file of approximately 1300 USIA staff reports based on these surveys. The USIA studies are an exceptionally valuable resource for scholarly research and training. They make possible cross-national comparative analyses and time series studies which are of very great value for both research and training purposes. To destroy or to place an embargo on the use of these data would, in my judgment, be incredibly shortsighted.

As you know, this Center is being used by several thousand scholars annually. Not only do mature social scientists use the data for basic research, but also the data are exceptionally valuable for training purposes in undergraduate and graduate courses in hundreds of universities throughout the country. I might add also that during the past two to three years an ever increasing number of governmental groups are availing themselves of this Center's unique data resource, e.g. The President's Commission on the Study of Violence, The National Institutes of Mental Health, various groups within HEW, etc.

Let me give you just a few specific individual scholars who have used the USIA materials within the last eight months or so:

Prof. Judith Blake Davis, Univ. of California (Berkeley), Sociology.

Prof. Everett Ladd, Univ. of Connecticut, Political Science.

Prof. Kurt Back, Duke University, Sociology.

Prof. David Conrad, Univ. of Florida, Political Science.

Prof. John Fitch, Univ. of Florida, Sociology.

Prof. Kurt Kent, Univ. of Florida, Sociology.

Prof. Keith Billingsley, Univ. of Georgia, Political Science.

Prof. E. Y. Park, Harvard University, Political Science.

Prof. Norman Elliott, Univ. of Iowa, Political Science.

Prof. Neil Cutler, Univ. of Pennsylvania, Political Science.

Prof. George Jurkowich, Purdue University, Sociology.

Prof. Kenneth Gergen, Swarthmore College, Psychology.

Prof. J. L. Wurth, Syracuse University, Political Science.

In closing, let me stress and underscore again that in my judgment it would be a very serious error for the Congress to take action closing off the availability of existing and future USIA surveys for academic research and training purposes. I urge you and your colleagues not to make the decision to withhold these data from the community of American scholars.

With highest and warmest regards as always.

Cordially yours,
PROF. PHILIP K. HASTINGS,
Director.

JUNE 15, 1972.

Prof. PHILIP K. HASTINGS,
Director, the Roper Public Opinion Research Center, Williams College, Williamstown, Mass.

DEAR PHIL: Thank you for your letter of June 6th expressing concern that one of the provisions of the pending Foreign Relations Act of 1972 might prevent the dissemination to interested American scholars of declassified public opinion surveys conducted under the aegis of the United States Information Agency.

I was one of the Conferees on that bill which was approved by the Conference Committee on June 13th and will finally be acted upon during the week of June 19th.

I find it hard to understand the reason for your concern because I do not see how any lawyer could read the language which concerns you and conclude that it could by any stretch of the imagination be applied to the problem you describe—although I must confess I have seen some pretty fancy interpretations when the Executive Branch has wanted to adapt legislative language to purposes which suit its needs!

Your letter undoubtedly refers to Sec. 501 of the United States Information and Educational Exchange Act of 1948, as amended. That section, as amended this year, will read as follows:

"The Secretary is authorized, when he finds it appropriate, to provide for the preparation and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such information (other than "Problems of Communism" which may continue to be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress."

In summary, this section which applies to the Director of the Information Agency, authorizes him in the first sentence "to provide for the preparation, and *dissemination abroad, of information* about the United States . . . through press, publications, . . . and other information media . . ." In the second sentence, *"such information"*—that prepared for dissemination abroad—"shall not be disseminated within the United States . . .".

The information which may not be disseminated in the United States (except under the limitations noted) is that which was prepared for dissemination abroad. Surveys of public opinions abroad are clearly not information prepared for dissemination abroad. Those surveys are conducted to collect information from abroad which may be helpful to the Agency in *preparing material* for dissemination abroad, or to enable the agency to discharge its other functions. The surveys are not conducted with the idea that their results are to be disseminated abroad and they do provide, in my opinion, the kind of background data to enable the Agency to carry out its objective as set forth in Sec. 2 of the basic Act, i.e., "to disseminate *abroad* information about the United States . . .".

I appreciate your calling this subject to my attention.

Sincerely yours,
FRANK CHURCH.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Hawaii (Mr. INOUYE) for the same purpose.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1972—CONFERENCE REPORT

Mr. INOUYE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two

Houses on the amendments of the Senate to the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. STAFFORD). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 27, 1972, at pp. 22545–22546.)

Mr. INOUYE. Mr. President, this past Tuesday the Conference Committee on Appropriations for the District of Columbia met and agreed to a compromise on H.R. 15259 providing appropriations for the District of Columbia for fiscal year 1973.

The final funding agreed upon by the conferees for 1973 is $834.8 million which is almost $10 million greater than provided earlier by the Senate, $41 million less than provided by the House, and $66 million less than the original budget request.

As usual, there were areas in which the Senate prevailed and those in which the House prevailed, but in the final analysis I believe the net effect is a bill that will provide adequately for the needs of the District of Columbia in fiscal year 1973. I think it is a good bill and urge my colleagues to vote favorably on this conference report.

At this time I ask unanimous consent that a table showing the action of the conference committee be placed in the RECORD. A more detailed breakdown of this action is provided in the House consideration of this report, which will also appear in today's RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1973 (H.R. 15259), CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item (1)	New budget (obligational) authority, fiscal year 1972 (2)	Budget estimates of new (obligational) authority, fiscal year 1973 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1972 (7)	Budget estimates of new (obligational) authority, fiscal year 1973 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Federal funds:									
Federal payment to the District of Columbia	$177,740,000	$194,074,000	$189,074,000	$187,074,000	$185,574,000	+$7,834,000	−$8,500,000	−$3,500,000	−$1,500,000
Loan appropriation to District of Columbia	102,086,000	149,232,000	143,232,000	126,632,000	130,819,000	+28,733,000	−18,413,000	−12,413,000	+4,187,000
Total, new budget (obligational) authority, Federal funds	280,251,000	343,306,000	332,306,000	313,706,000	316,393,000	+36,142,000	−26,913,000	−15,913,000	+2,687,000
District of Columbia funds:									
Operating expenses	666,944,000	722,814,000	716,124,000	714,984,300	712,331,800	+45,387,800	−10,482,200	−3,792,200	−2,652,500
Repayment of loans & interest	23,573,700	28,144,000	28,144,000	28,144,000	28,144,000	+4,570,300			
Capital outlay	323,713,000	149,930,000	131,394,000	81,754,100	94,281,000	−229,432,000	−55,649,000	−37,113,000	+12,526,900
Total, District of Columbia funds	1,014,230,700	900,888,000	875,662,000	824,882,400	834,756,800	−179,473,900	−66,131,200	−40,905,200	+9,874,400

Mr. INOUYE. Mr. President, I move adoption of the conference report.

The motion was agreed to.

AMENDMENTS IN DISAGREEMENT

The assistant legislative clerk read the amendments in disagreement, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$181,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$63,187,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 13 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$181,119,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$13,829,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "207,587,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$21,814,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"SEC. 6. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"SEC. 8. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"SEC. 11. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided,* That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provide further,* That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further,* That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 54 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert: "(except temporary positions provided for Courts and Department of Corrections in this Act)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"SEC. 17. Appropriations in this Act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

"(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

"(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year except temporary employees provided for Courts and Department of Corrections in this Act."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert:

"Sec. 18. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours."

Mr. INOUYE. Mr. President, I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 1, 7, 13, 18, 21, 26, 41, 43, 48, 54, 56, and 57.

The motion was agreed to.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from New Mexico (Mr. Montoya).

TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. MONTOYA. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Stafford). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of June 26, 1972, at 22388.)

Mr. MONTOYA. Mr. President, the bill as it passed the Senate recommended appropriations in the amount of $5,057,186,000, which was $41,000 over the bill as it passed the House of Representatives, but $9,417,000 under the revised budget estimates submitted for fiscal year 1973.

The amount of the bill as agreed to by the conferees is $5,057,827,000. This is $682,000 over the House-passed bill, $641,000 over the Senate version of the bill, and $8,776,000 under the amended 1973 budget estimates.

For the Bureau of Customs, the conferees agreed to an appropriation of $209,000,000 for salaries and expenses instead of $210,000,000, as proposed by the House and $208,000,000 as proposed by the Senate. Thus, Customs was granted an additional $1,000,000.

The item where a major difference occurred between the two Houses was the one dealing with Customs passenger preclearance activities. The conferees, after much discussion, agreed to add a clause to the Senate Committee language so that section 102 now reads as follows:

Sec. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the U.S. Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, *as may be approved by the Secretary of the Treasury.*

Every effort was made by the Senate conferees to sustain the Senate's position regarding the preclearance matter, but the House was quite adamant in its position and refused to accept the language in the form adopted by the Senate. This matter was thoroughly and fully discussed and was compromised by reverting to the Senate committee language and leaving it up to the Secretary of the Treasury to determine when certain criteria are met.

For the Civil Service Commission, the conferees agreed to appropriate $65,859,000, the budget estimate, for salaries and expenses instead of $62,218,000 as proposed by the House, and $66,218,000 as proposed by the Senate. The amount agreed to provides funds for 134 additional full-time positions, required to strengthen the Equal Employment Opportunity Act of 1972. The Senate committee will monitor this program very carefully throughout the coming year and expects the Commission to take positive action in eliminating discrimination in the Federal ranks, as well as providing equal employment opportunities for all Americans.

Mr. President, this, then, is a summary of the conference report, and I will be pleased to answer any questions any Member may have.

If there be no questions, I move the adoption of the conference report.

The motion was agreed to.

AMENDMENT IN DISAGREEMENT

The assistant legislative clerk read the amendment in disagreement, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by the said amendment, insert the following:

"Sec. 102. No part of any appropriation contained in the Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, as may be approved by the Secretary of the Treasury.

Attest:

W. Pat Jennings,
Clerk.

Mr. MONTOYA. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 7.

The motion was agreed to.

Mr. MONTOYA. Mr. President, in view of the unanimous-consent agreement previously reached that during the remainder of the 92d Congress conference reports will not be printed as Senate reports when the House of Representatives acts first on any such report, unless a specific request is made in the Senate for such report to be printed, I will not at this time request that the conference report be printed as a Senate report.

Mr. President, I ask unanimous consent to have printed in the Record a table comparing the conference agreements with the amount of the budget estimates for fiscal year 1973, and the amounts recommended in the House and Senate versions of the bill.

There being no objection, the table was ordered to be printed in the Record, as follows:

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT BILL, 1973

TITLE I—TREASURY DEPARTMENT

Agency	1973 estimate (amended)	Passed House	Passed Senate	Conference action	Conference action compared with— 1973 estimate	House	Senate
Office of the Secretary	$12,968,000	$12,500,000	$12,500,000	$12,500,000	−$468,000		
Federal Law Enforcement Training Center: Salaries and expenses	2,067,000	2,000,000	2,000,000	2,000,000	−67,000		
Bureau of Accounts	63,032,000	62,500,000	62,241,000	62,241,000	−791,000	−$259,000	
Government losses in shipment	300,000	300,000	300,000	300,000			
Alcohol, Tobacco and Firearms	73,727,000	73,727,000	73,727,000	73,727,000			
Bureau of Customs	212,326,000	210,000,000	208,000,000	209,000,000	−3,326,000	−1,000,000	+$1,000,000
Bureau of Engraving and Printing fund	6,000,000	3,000,000	3,000,000	3,0000,00	−3,000,000		
Bureau of the Mint:							
Salaries and expenses	24,267,000	24,000,000	24,000,000	24,000,000	−267,000		
Construction of Mint facilities	2,000,000	2,000,000	2,000,000	2,000,000			
Total, Bureau of the Mint	26,267,000	26,000,000	26,000,000	26,000,000	−267,000		
Bureau of the Public Debt	77,800,000	75,000,000	74,000,000	74,000,000	−3,800,000	−1,000,000	

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT BILL, 1973—Continued

Agency	1973 estimate (amended)	Passed House	Passed Senate	Conference action	Conference action compared with— 1973 estimate	Conference action compared with— House	Conference action compared with— Senate
TITLE I—TREASURY DEPARTMENT—Continued							
Internal Revenue Service:							
Salaries and expenses	35, 341, 000	35, 000, 000	34, 500, 000	34, 500, 000	−841, 000	−500, 000	
Accounts, collection, and taxpayer service	511, 774, 000	510, 000, 000	508, 000, 000	508, 000, 000	−3, 774, 000	−2, 000, 000	
Compliance	593, 820, 000	590, 000, 000	590, 000, 000	590, 000, 000	−3, 820, 000		
Total, Internal Revenue Service	1, 140, 935, 000	1, 135, 000, 000	1, 132, 500, 000	1, 132, 500, 000	−8, 435, 000	−2, 500, 000	
Office of the Treasurer	11, 805, 000	11, 500, 000	11, 300, 000	11, 300, 000	−505, 000	−200, 000	
Check forgery insurance fund	1, 800, 000	1, 800, 000	1, 800, 000	1, 800, 000			
U.S. Secret Service	62, 650, 000	62, 650, 000	62, 650, 000	62, 650, 000			
Total, title I, Treasury Department, new budget (obligational) authority	1, 691, 677, 000	1, 675, 977, 000	1, 670, 018, 000	1, 671, 018, 000	−20, 659, 000	−4, 959, 000	+1, 000, 000
TITLE II—UNITED STATES POSTAL SERVICE							
Payment to the Postal Service Fund	$1, 424, 039, 000	$1, 410, 000, 000	$1, 410, 000, 000	$1, 410, 000, 000	−$14, 039, 000		
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT							
Compensation of the President	$250, 000	$250, 000	$250, 000	$250, 000			
Council of Economic Advisers	1, 369, 000	1, 369, 000	1, 369, 000	1, 369, 000			
Disaster relief	100, 000, 000	92, 500, 000	92, 500, 000	92, 500, 000	−$7, 500, 000		
Domestic Council	1, 847, 000	1, 800, 000	1, 800, 000	1, 800, 000	−47, 000		
Economic stabilization activities	26, 207, 000	26, 000, 000	26, 000, 000	26, 000, 000	−207, 000		
Emergency Fund for the President	1, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000			
Executive residence	1, 372, 000	1, 372, 000	1, 372, 000	1, 372, 000			
Expenses of management improvement	700, 000	600, 000	700, 000	700, 000		+$100, 000	
National Security Council	2, 762, 000	2, 762, 000	2, 762, 000	2, 762, 000			
Office of Emergency Preparedness:							
Salaries and expenses	6, 404, 000	6, 404, 000	6, 404, 000	6, 404, 000			
Defense mobilization functions of Federal agencies	3, 471, 000	3, 471, 000	3, 471, 000	3, 471, 000			
Total, Office of Emergency Preparedness	9, 875, 000	9, 875, 000	9, 875, 000	9, 875, 000			
Office of Intergovernmental Relations	322, 000	322, 000	322, 000	322, 000			
Office of Management and Budget	19, 837, 000	19, 700, 000	19, 600, 000	19, 600, 000	−237, 000	−100, 000	
Office of Telecommunications Policy	3, 084, 000	3, 000, 000	3, 000, 000	3, 000, 000	−84, 000		
Special Action Office for Drug Abuse Prevention	6, 856, 000	6, 856, 000	6, 856, 000	6, 856, 000			
Special Assistance to the President	773, 000	773, 000	773, 000	773, 000			
Special projects	1, 500, 000	1, 500, 000	1, 500, 000	1, 500, 000			
White House Office	9, 767, 000	9, 767, 000	9, 767, 000	9, 767, 000			
Total, title III, Executive Office of the President, new budget (obligational) authority	187, 521, 000	179, 446, 000	179, 446, 000	179, 446, 000	−8, 075, 000		
TITLE IV—INDEPENDENT AGENCIES							
Administrative Conference of the United States	$460, 000	$450, 000	$450, 000	$450, 000	−$10, 000		
Advisory Commission on Intergovernmental Relations	794, 000	794, 000	794, 000	794, 000			
Civil Service Commission:							
Salaries and expenses:							
Appropriation	65, 859, 000	62, 218, 000	66, 218, 000	65, 859, 000		+$3, 641, 000	−$359, 000
By transfer	(12, 411, 000)	(12, 000, 000)	(12, 000, 000)	(12, 000, 000)	(−411, 000)		
Annuities under special acts	1, 144, 000	1, 144, 000	1, 144, 000	1, 144, 000			
Government payment for annuitants, employees health benefits	137, 608, 000	137, 608, 000	137, 608, 000	137, 608, 000			
Payment to civil service retirement and disability fund	665, 155, 000	546, 570, 000	546, 570, 000	546, 570, 000	118, 585, 000		
Federal Labor Relations Council	764, 000	764, 000	764, 000	764, 000			
Intergovernmental personnel assistance	22, 500, 000	15, 000, 000	15, 000, 000	15, 000, 000	−7, 500, 000		
Total, Civil Service Commission	893, 030, 000	763, 304, 000	767, 304, 000	766, 945, 000	−126, 085, 000	+3, 641, 000	−359, 000
Commission on Executive, Legislative, and Judicial salaries	100, 000	100, 000	100, 000	100, 000			
Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped	200, 000	200, 000	200, 000	200, 000			
General Services Administration:							
Public Building Service:							
Operating expenses	440, 522, 000	437, 500, 000	437, 500, 000	437, 500, 000	−3, 022, 000		
Repair and improvement of public buildings	88, 310, 000	88, 045, 000	88, 045, 000	88, 045, 000	−265, 000		
Construction, public buildings projects	31, 909, 000	203, 312, 000	203, 312, 000	203, 312, 000	+171, 403, 000		
Sites and expenses, public buildings projects	23, 343, 000	25, 031, 000	25, 031, 000	25, 031, 000	+1, 688, 000		
Payments, public buildings purchase contracts	2, 450, 000	2, 450, 000	2, 450, 000	2, 450, 000			
Expenses, U.S. court facilities	6, 344, 000	6, 344, 000	5, 344, 000	5, 344, 000	−1, 000, 000	−1, 000, 000	
Total, Public Buildings Service	592, 878, 000	762, 682, 000	761, 682, 000	761, 682, 000	+168, 804, 000	−1, 000, 000	
Federal Supply Service	93, 994, 000	93, 000, 000	93, 000, 000	93, 000, 000	−994, 000		
National Archives & Records Service:							
Operating Expenses	31, 245, 000	31, 245, 000	31, 245, 000	31, 245, 000			
Declassification of Records	1, 200, 000	1, 200, 000	1, 200, 000	1, 200, 000			
Total, NARS	32, 445, 000	32, 445, 000	32, 445, 000	32, 445, 000			
Transportation and Communications Service	7, 793, 000	7, 500, 000	7, 500, 000	7, 500, 000	−293, 000		
Property Management and Disposal Service	41, 661, 000	41, 000, 000	41, 000, 000	41, 000, 000	−661, 000		
Office of Administrator:							
Salaries and Expenses	1, 492, 000	1, 450, 000	1, 450, 000	1, 450, 000	−42, 000		
Allowances and office staff for former Presidents	408, 000	408, 000	408, 000	408, 000			
Expenses, presidential transition	900, 000	900, 000	900, 000	900, 000			
Administrative operations fund (limitation on administrative expenses)	(37, 395, 000)	(37, 100, 000)	(37, 100, 000)	(37, 100, 000)	(−295, 000)		
Total, Office of Administrator	2, 800, 000	2, 758, 000	2, 758, 000	2, 758, 000	−42, 000		
Total, General Services Administration	771, 571, 000	939, 385, 000	938, 385, 000	938, 385, 000	+166, 814, 000		
United States Tax Court: Salaries and expenses	3, 954, 000	3, 954, 000	3, 954, 000	3, 954, 000			

Agency	1973 estimate (amended)	Passed House	Passed Senate	Conference action	Conference action compared with— 1973 estimate	House	Senate
Department of Defense:							
Civil Defense:							
Operation and maintenance	60,335,000	60,335,000	60,335,000	60,335,000			
Research, shelter survey, and marking	28,500,000	23,200,000	23,200,000	23,200,000	−5,300,000		
Total Civil Defense, Department of Defense	88,835,000	83,535,000	83,535,000	83,535,000	−5,300,000		
Department of Health, Education, and Welfare:							
Health Services and Mental Health Administration: Emergency health	4,422,000		3,000,000	3,000,000	−1,422,000	+3,000,000	
Total, title IV, independent agencies, new budget (obligational) authority	1,763,366,000	1,791,722,000	1,797,722,000	1,797,363,000	+33,997,000	+5,641,000	−359,000
Grand total, titles I, II, III, IV, and V, new budget (obligational) authority	[1] 5,066,603,000	5.057,145,000	5,057,186,000	5,057,827,000	−8,776,000	+682,000	+641,000

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[1] Includes amendments as follows:

H. Doc. 92-267:	
Pay costs	+$82,632,000
Program:	
Treasury Department:	
Internal Revenue Service:	
Accounts, collection and taxpayer service	+1,117,000
Compliance	−1,700,000
Independent agencies:	
Civil Service Commission: Payment to civil service retirement and disability fund	+109,700,000
H. Doc. 92-300:	
Program:	
Independent agencies:	
Civil Service Commission: Salaries and expenses	+$2,782,00
H. Doc. 92-301:	
Program:	
Independent agencies:	
General Services Administration:	
Repair and improvement of public buildings	−43,824,000
Construction, public buildings projects	−82,151,000
Sites and expenses, public buildings projects	−2,671,000

Mr. STENNIS. Mr. President, we have under consideration H.R. 15586, a bill making appropriations for Public Works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

Mr. President, the hearings on the bill started on February 28 and continued through June 19. The subcommittee held 43 sessions for the purpose of taking testimony, and two executive sessions for the purpose of marking up the bill. The subcommittee considered the testimony and statements of 1,300 witnesses, which included representatives of various organizations and local communities.

The hearings comprise seven volumes. The volumes are so voluminous we could not put them on each Senator's desk, however, they are available for reference. The hearings contain 7,973 pages of testimony.

I want to express my appreciation to the members of the subcommittee for their assistance in the lengthy hearings on this bill, and I especially commend the senior Senator from Louisiana, the chairman of the full committee, who handled this bill for 16 years. He has been a tower of strength. I would also like to express my appreciation to the senior Senator from North Dakota, the ranking minority member of the Appropriations Committee, and the senior Senator from Oregon, the ranking minority member of the subcommittee, for their valuable assistance throughout the hearings and markup of the bill.

The committee report fully explains the recommendations of the committee. The bill as reported is $133,919,000 over the bill as passed by the House, an increase of about 2.4 percent, and $82,588,000 over the budget estimate, which is only 1.5 percent over the estimate.

The bill deals primarily with water resource and power development, as I will point out as I discuss the various titles of the bill.

TITLE I—ATOMIC ENERGY COMMISSION

The request is about evenly divided between military and nonmilitary activities. I know that we all look forward to the day when the funds required for military purposes can be reduced. Unfortunately, this is not the time to consider such reductions. On the nonmilitary side, significant amounts are required for the reactor development program, with major emphasis on the liquid metal fast breeder reactor. About 13 percent of the operating expenses budget is devoted to basic physical research. However, there are many programs of the Atomic Energy Commission which are not as well known, such as the development of long-life, lightweight power sources for use in space missions and our communications satellite; the cardiac pacemaker, and, recently, the development of a drain tile manufactured from discarded glass which holds out the hope of utilization of one source of nondegradable solid waste.

TITLE II, DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS—CIVIL

The water resources programs of the Corps of Engineers deals primarily with improvements for navigation, flood control, water supply, power, and recreation.

The importance of inland navigation can be illustrated by the commerce on the Ohio River in calendar year 1970 when the river carried a total of 129,556,876 tons of commerce for a total of 30 billion ton miles. That is a figure which is hard to comprehend. A typical Ohio River coal tow includes 15 barges carrying 25,000 tons. This is equivalent to three unit trains of 80 cars each. It does not require much imagination to contemplate the impact on our transportation system if we had not developed our 23,000 miles of inland waterways. This is particularly true when you consider that for many years our railroads have operated with significant shortages of rolling stock.

With respect to flood control, the eastern seaboard area has just experienced the havoc wrought by Hurricane Agnes. Damages in Pennsylvania alone, are estimated to exceed $1 billion. Two hundred factories are out of commission; 126 bridges are out with one-half of the highway system affected; and there are at least 47 persons dead. I have a current estimate by the corps of damages prevented and remaining damages preventable by authorized, recommended, or projects under study.

I ask unanimous consent that it be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED DAMAGES PREVENTED BY EXISTING PROJECTS, 1958–1963 CONDITIONS

(Does not include all minor tributary or local protection projects)

DIVISION, RIVER, PROJECTS, AND ESTIMATED DAMAGE PREVENTED

Ohio River, Ohio, ten reservoirs, more than $800 million.

North Central:

Genessee, Mount Morris Reservoir, $140 million.

Cayuga, inlet at Ithaca, $3 million.

Owasco, outlet at Auburn, $1 million.

Otaka Creek, local protection at Warsaw, $1 million.

Tonawanda Creek, local protection at Batavia, $0.5 million.

North Atlantic:

Potomac, Anacostia, local protection, $4.5 million.

Susquehanna, eight reservoirs and 4 local protection, $370 million.

Grand total of $1,320 million.

ESTIMATED DAMAGES PREVENTABLE BY AUTHORIZED, RECOMMENDED OR UNDER STUDY PROJECTS, 1958–1963 CONDITIONS

Ohio River, Ohio, Rowlesburg and St. Petersburg, $60 million.

North Central:

Genesee, Stanard Reservoir plus lock, Canaseraga and Wellesville, $20 million.

Cuyahoga, Big Creek Lock, $0.25 million.

North Atlantic:

James, Gathright and Hipes Reservoirs, $9.5 million.

Rappahannock, Salem Church Reservoir, $1 million.

Potomac, Seneca Reservoir, 4 Mile Run, Anacostia, $5.4 million.

Schuylkill, Blue Marsh and Maiden Creek Reservoirs and three locks, $19.4 million.

Passaic, reservoir and lock under study, $4.5 million.

Sawmill, three locks, $5 million.

Susquehanna, eight reservoirs and four locks, $165 million.

Grand total of $290.05 million.

Mr. STENNIS. We have all viewed flooded areas. Pittsburgh, with its local protection works supplemented by upstream reservoirs, suffered relatively little damage. The existing reservoirs and local protection projects prevented additional damage estimated at $1 billion. In this one flood these structures prevented damages in excess of their total cost. If the remaining authorized upstream reservoirs had been built, undoubtedly, Pittsburgh would not have suffered any flood damage.

Monetary loss from flooding, of course, is just one aspect of flood damage. The inundation of sources of water supply, with its associated health problems including mass inoculations, boiling all water for drinking and bathing, presents great personal problems. Unless one experiences the cleanup after a major flood, it is impossible to comprehend the heartache associated with, literally, shoveling out muck and slime from the floors of homes to find the rugs and carpets.

On Monday, June 26, the Department of Housing and Urban Development announced that on July 10 it will reduce by 40 percent the cost of subsidized flood insurance in an effort to encourage wider purchases and to prod communities into implementing land use and control measures.

The bill before you today includes $9.5 million for flood plain management studies.

On Tuesday, June 27, the President sent up a supplemental estimate for disaster relief. That evening, in connection with consideration of the Labor and Health, Education, and Welfare Appropriations bill, the Senate adopted an amendment to provide $200 million for the Office of Emergency Preparedness under the Disaster Relief Act of 1970 to assist in providing immediate relief. Subsequently, the House Committee on Appropriations on June 28 reported House Joint Resolution 1238 which would provide $200 million for disaster relief. It is expected that this resolution will be adopted by both the House and Senate prior to the recess. While relief is urgent, prevention of future damages is imperative.

Expenditures for flood control facilities by the Corps of Engineers total $6.2 billion, and damages prevented through calendar year 1971 total $19.7 billion.

Corps reservoirs supply 4.1 million people with 2,045 billion gallons of water and produce 68.4 billion kilowatt-hours of pollution-free electric power, and 300 million visitor-days of recreation annually.

A great deal has been accomplished but much more remains to be done. The bill we are considering today is conservative in light of the present need and deserves the support of the Senate.

CEMETERIAL EXPENSES

The funds provided in the bill are for the operation and maintenance of the procurement of headstones for deceased national cemetery system, and for the veterans. The bill provides the full budget estimate for these purposes.

The administration has requested funds for planning a metro stop at Arlington National Cemetery. The House deleted the funds for this purpose and the Senate committee concurred in the action of the House.

TITLE III—BUREAU OF RECLAMATION

The water resource program of the Bureau is similar to that of the Corps of Engineers, with primary emphasis on irrigation for family-type farms. Bureau projects, in addition to irrigation, provide storage for water supply, power, flood control and recreation.

Although the direct irrigation benefits are vital to the irrigator who repays the cost of the irrigation works, without interest, over a period of years, the greatest benefit of the reclamation program is its stimulation of rural development and regional economic stability. A more diversified agriculture increases the income flow and business activity in an area. This, in turn, stabilizes the population of rural areas and brings prosperity and a better life to both city and farm populations alike. In most of the areas of the West nothing happened, and nothing could happen, until the basic resources of the land and water were brought together through the reclamation program. Irrigation forms the stable base upon which much of the West was developed and sustained.

The 10 million acres receiving irrigation water, which without the controlled water would be largely unproductive, will produce about $2 billion worth of needed crops this year. The reclamation reservoirs will provide municipal and industrial water to about 16 millon people; about 50 billion kilowatts of clean electricity will be produced; the recreational facilities at the reservoirs will be enjoyed by 60 million visitors; the wildlife refuges at Bureau projects provided 800 million duck-days last year; and, finally, substantial flood control benefits are provided.

The bill contains the funds necessary to continue this important program at an expanded rate during 1973.

POWER MARKETING AGENCIES

The bill carries funds for construction and operation of the Bonneville Power Administration and the Southwestern Power Administration as well as for the operating expenses of the Southeastern Power Administration.

BONNEVILLE POWER ADMINISTRATION

The Bonneville Power Administration, BPA, is the vital and unique Federal power marketing agency in the Columbia River Basin—a river basin which has 40 percent of the hydroelectric potential in the contiguous 48 States. Not only has the United States portion of this great river basin been highly developed for multipurposes but also, through an international treaty, it is being developed cooperatively in the Canadian portion. The BPA supplies about 50 percent of the electric power generated in the region, provides about 80 percent of the region's bulk power transmission capacity, and wheels non-Federal generated power. Since 1937, BPA has returned to the U.S. Treasury $1.93 billion in revenues.

In the Pacific Northwest there has been developed a joint hydrothermal power program. The purpose of the program is to coordinate and integrate Federal hydroelectric and transmission facilities with non-Federal thermal plants to achieve economies of scale, efficiencies in operation, minimum environmental impact, and an adequate power supply. The program is often described as a model of interutility cooperation.

Over 100 publicly and privately owned utilities are committing themselves to build the thermal plants needed to meet the future electric energy needs of the region. Some of the thermal project will involve public and private joint ownership. Estimates for the next 20 years indicate that non-Federal utilities will finance 75 percent—over $13 billion—of the costs of this program.

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

The bill also carries funds to permit the Department of the Interior to cooperate with private industry in research of high voltage underground electric power transmission.

TITLE IV—INDEPENDENT OFFICES

Funds are provided to continue the Appalachian regional development programs at approximately the same level as fiscal year 1972. Major programs include highways, health demonstrations, vocational education and supplemental grants. There is an increase of $25 million above the budget estimate for the development highway program to expedite high priority projects and assist those States which are fully utilizing their current allocations and are prefinancing the Federal share of urgent projects with State funds.

I understand that the original development highway system as established for the region was extended when the Congress provided for the addition of New York to the region. The system has not been modified to consider the addition of Mississippi to the region and, in fact, corridors are now under construction in only 10 of the 13 States. It is expected that within the additional funds made available in our bill, the Commission will expedite action toward correcting this situation and completing the system so that the entire region may be served.

The bill provides for the Federal share of the annual expenses of three river basin commissions—the Delaware, Potomac, and Susquehanna.

Salaries and expenses of the Federal Power Commission include a small increase over the fiscal year 1972 level for pay act costs and 20 new positions because of greater workload in regulatory activities.

The work of the National Water Commission is to be completed in fiscal year 1973 and funds are provided for salaries and expenses of the Commission to complete the development of their recommendations and guidelines for the most effective use of the Nation's water resources.

The bill includes funds for water resources development in the Tennessee Valley Authority seven-State area. The committee has recommended an increase of $3,750,000 above the House allowance for the Tellico Dam and Reservoir, making a total of $11,250,000 for the project in fiscal year 1973.

Funds provided for water resources planning activities of the Water Resources Council have been increased over the budget estimate to provide planning grants to the States at the fiscal year 1972 level. The bill will also provide for a framework study in Hawaii.

This bill has been carefully gone over, as it was in the House. I believe that it represents a sound and balanced program for these agencies in this highly constructive and productive work that has meant so much to the economy and welfare of our Nation.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived with respect thereto.

The PRESIDING OFFICER. Without objection, the request of the Senator from Mississippi is agreed to.

The amendments, agreed to en bloc, are as follows:

On page 2, line 19, after the word "vehicles", strike out "$2,129,000,000" and insert "$2,150,635,000".

On page 3, line 23, after the word "aircraft", strike out "$486,860,000" and insert "$500,110,000".

On page 5, at the beginning of line 21, strike out "$54,200,000" and insert "$57,750,000".

On page 6, line 14, after the word "construction", strike out "$1,181,098,000" and insert "$1,222,722,000"; and, on page 7, line 12, after the word "program", insert a colon and "*Provided further*, That the exception in section 224 of the Flood Control Act of 1970, relating to certain approval, shall not apply to amounts in this appropriation.".

On page 7, line 20, after "(33 U.S.C. 702a, 702g-1)", strike out "$105,000,000" and insert "$119,115,000".

On page 8, line 17, after the word "navigation", strike out "$400,000,000" and insert "$417,479,000".

On page 11, line 4, after the word "expended", strike out "$23,000,000" and insert "$24,577,000".

On page 11, line 19, after the word "expended", strike out "$267,625,000" and insert "$275,014,000".

On page 12, line 19, after the word "expended", strike out "$45,750,000" and insert "$47,300,000"; and, in line 20, after the word "which", strike out "$44,800,000" and insert "$46,350,000".

On page 13, line 12, after the word "expended", strike out "$64,000,000" and insert "$64,500,000".

On page 13, line 21, after the word "law", strike out "$77,000,000" and insert "$78,000,000".

On page 14, line 15, after the word "program", strike out "$22,380,000" and insert "$19,680,000".

On page 19, at the beginning of line 9, strike out "$90,000,000" and insert "$99,000,000".

On page 25, line 18, after the word "vehicles", strike out "$60,800,000" and insert "$64,550,000".

On page 26, line 9, after the word "vehicles", strike out "$6,886,000" and insert "$7,086,000"; and, in line 13, after the word "Act", strike out "$531,000" and insert "$731,000".

Mr. STENNIS. Mr. President, I send to the desk an amendment on behalf of the Senator from New Mexico (Mr. Montoya), and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 11, line 4, in lieu of "$24,577,000" insert "$24,627,000".

Mr. STENNIS. Mr. President, in the general investigation program of the Bureau of Reclamation the budget request included an amount of $50,000 to initiate a study of the Elephant Butte Reservoir—Fort Quitman project. The total cost of this study is $1,200,000 to plan for orderly, rational, long-term development of available material and human resources to achieve the regional economic potential of the basin.

Several witnesses appeared before the committee requesting $50,000 for a new study of the Elephant Butte Irrigation District. Unfortunately, because of the similarity of the titles of the studies, both new studies, and identical amounts requested, the staff considered the testimony of the witnesses to be in support of the budget request and did not bring the matter of the new study to my attention.

Subsequently, I reviewed the matter, and found that the official name of the study is Rio Grande, Elephant Butte Irrigation District. The estimated cost is $200,000, of which $50,000 is the capability of the Bureau of Reclamation for fiscal year 1973. The study involves the reexamination and reengineering for the purpose of modernization of the distribution system.

In order to assure an early start on this study the board of the irrigation district appropriated $15,000 to the Bureau of Reclamation.

If I had had all of the information at the time the committee considered the bill, I would have included a recommendation of $50,000 for this study.

I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. Richard Blackstone, of my staff, have the privilege of the floor during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, there will be a rollcall vote on final passage of the bill. And there may be other rollcall votes. I do not know at this time.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, this is a matter of establishing a little legislative history. First of all, I would like to direct the attention of the Senator from Mississippi to the item of $1 million for assistance to the Colorado State program of remedial action on removing radium tailings from around homes in Grand Junction, Colo.

Mr. STENNIS. That item is in the bill.

Mr. ALLOTT. Mr. President, I believe it is included in the lump sum figure for operating expenses. It is not exactly clear from the report where it is. However, I just want to be assured by the Senator that the $1 million is in there for that particular operation and that particular purpose.

Mr. STENNIS. Mr. President, the Senator is correct. It is in the bill for that purpose.

Mr. ALLOTT. Mr. President, the second item, which will be very short, is with respect to the Savery-Pot Hook project, as it appears on page 41 of the report. The committee put in the sum of $500,000 for construction. And in the last column it shows $250,000 for planning. That $25,000 is from previously appropriated funds which were appropriated for construction. So, I believe that the figure in the report should read a total of $750,000 for construction and zero for planning.

Mr. STENNIS. Mr. President, the $250,000 in question was appropriated several years ago and was placed in budgetary reserve. And $500,000 is included for construction in the pending bill.

Mr. ALLOTT. Yes. The question at point—which perhaps I have not made clear—is that that reserve money was originally appropriated for construction. So that there should not be any planning money here.

Mr. STENNIS. The Senator is correct. That was construction money also, that is the $250,000.

Mr. ALLOTT. I thank the Senator. That makes the record perfectly clear for the sake of conference.

Mr. STENNIS. Mr. President, I thank the Senator for his cooperation and his plendid work in connection with this bill.

Mr. SPONG. Mr. President, will the Senator yield me 3 minutes?

Mr. STENNIS. Mr. President, I yield the Senator from Virginia 3 mintues.

Mr. SPONG. Mr. President, I wish to thank the committee, and especially the distinguished chairman of its Subcommittee on Public Works, for including in the bill an additional $900,000 for the Four Mile Run flood control project in the Arlandria community of Northern Virginia.

This money is urgently needed to provide tangible relief for residents and businessmen of the area who have suffered from floods too numerous to mention. To put it bluntly, Mr. President, the people of Arlandria are fed up over the lack of progress in this project. They believe with considerable justification that their Government is unresponsive to their need.

Their thinking is ably summarized in a letter I received Tuesday from a resident of Arlandria. He wrote:

> In the many years I have been through Arlandria I have seen little if any evidence of flood control measures. How much longer can people put up with this kind of treatment? How long can people be expected to pour in tax money to a government for the people when the people get no help in an area desperately in need of help? How can you talk of love of country when, through the years of need, your country has ignored you? I can find little pride for a country that constantly turns its back on the needs of the people which comprises that country. I hope those that read this letter, if it is read at all, will stop to think for a moment about what I have said. Maybe our country is great and maybe it isn't, but the treatment that many people have received from our government is next to criminal.

Those are strong words, Mr. President. They come from the heart of a man whose frustration obviously is near the breaking point. He is not alone. There are hundreds of others who have written similar letters. All express bewilderment and anger that a need so obvious and in existence so long remains unmet.

I share their indignation, and sympathize with their feeling that government has been unresponsive. The Office of Management and Budget has been especially deficient in recognizing the need to expedite the project. That agency froze from October 7, 1970, until July 1, 1971, the $175,000 appropriation approved by Congress to begin preconstruction planning in fiscal 1971. The impoundment caused a 9-month delay, and effectively negated the authority of Congress to determine priorities. The action of OMB was so offensive that I expressed the hope in a letter to the agency that it had the power to schedule floods on a fiscal year basis. Furthermore, it was only belatedly that the administration requested any money at all to continue preconstruction planning in fiscal 1972.

I have no quarrel whatsoever with the Corps of Engineers on this project. Their representatives have been extremely helpful and cooperative. But the meat-axe approach of the Office of Management and Budget has been in direct and constant conflict with the interests of the people of Arlandria.

Mr. President, the $900,000 recommended by the committee, together with the $690,000 provided in the House-passed bill, will permit the Corps of Engineers to initiate actual construction during the fiscal year beginning tomorrow. On behalf of the long-suffering people of Arlandria, I urge the Senate to approve the $1,590,000 in the pending bill for the Four Mile Run project.

Such action will be viewed as small consolation by the 1,700 persons evacuated from their homes during tropical storm Agnes last week, or to the businessmen of Arlandria who again suffered staggering economic losses. But it may restore some measure of faith and confidence among the victims in the institutions of government.

Mr. NELSON. Mr. President, I call up my amendment No. 1308.

Mr. President, I modify my amendment as follows:

> Provided, further, that no part of the appropriation contained in this act shall be used for the study of the Mississippi River Channel north of Lock and Dam 25, other than the portions of such study relating to environmental issues and questions of Phase I feasibility study.

The **PRESIDING OFFICER.** The amendment will be stated.

The amendment was read as follows:

> On page 6, line 5, before the period insert a colon and the following: "*Provided, further,* That no part of the appropriation contained in this act shall be used for the study of the Mississippi River Channel north of Lock and Dam 25, Illinois, other than the portions of such study relating to environmental assessment and the completion of the Phase I feasibility study".

Mr. NELSON. Mr. President, I rise in support of my amendment No. 1308 to the public works appropriations bill. The purpose of this amendment as modified, is to insure that the Corps of Engineers considers fully the possible environmental effects of increasing the channel depth in the Mississippi River from Cairo, Ill., to Minneapolis, Minn., from 9 to 12 feet before any further planning beyond the phase I feasibility study for this project is undertaken.

The corps has been engaged in studying this proposal on and off for some 30 years, has spent $1.32 million investigating the engineering and feasibility aspects of the project, and is just now getting around to looking into the possible environmental effects of this massive proposal. And this is indeed a massive project—over 900 miles of four different rivers, touching five States, 25 locks and dams, and a projected Federal first cost for an 11, not a 12-foot channel, of over $516 million dollars. When the revised phase I study of this project is issued in September with the cost figures for the full 12-foot channel, the price tag is expected to soar much higher.

Once again we have a situation where environmental considerations are simply not receiving the priority in the decisionmaking process they must, and which the Congress has intended they receive. The potential environmental destruction resulting from this project could well be enough to seriously degrade the quality of one of the major scenic and recreational resources of this country.

This amendment would simply require that the corps examine the environmental effects posed by the channel deepening before it proceeds with the phase II portion of the study. Let us get this needed environmental information, allow for public and congressional evaluation and comment, and then decide whether to proceed with the study, rather than waiting until the conclusion of phase II in 1976.

If we wait for the final environmental impact statement, environmental considerations will once again be lost in the rush, as they have on so many Federal projects in the past.

The corps does not plan to have the final environmental impact statement until mid-1976 when it completes phase II and asks Congress for authority to go ahead on the channel deepening.

By mid-1976, the project will be a fait accompli—congressional approval will in all probability be pro forma, and environmental considerations will not be seriously taken into account.

Furthermore, there is grave question about whether the corps is really serious about doing a meaningful job even on the environmental study it plans to complete by 1976. Thus far, it has spent only $25,000 for environmental assessments on the channel deepening plan, while spending more than $1 million on other aspects of the study. And the corps plans to spend only $171,000 of the study's remaining $1.2 million authorization to complete its environmental review.

Yet the corps' own Waterways Experiment Station at Vicksburg, Miss., submitted to the corps a proposed $5.5 million study on the environmental effects of the proposed channel deepening.

In sum, while taking some beginning steps, the Corps of Engineers has yet to demonstrate compliance with the letter and spirit of the environmental measures passed in recent Congresses, including the National Environmental Policy Act. Included in this bill are about 230 corps projects for which final environmental impact statements required by NEPA are not available, and at least 176 projects for which not even draft impact statements have been filed. This is in clear contradiction to the intent of Congress that environmental impact statements accompany through the legislative process all projects which pose a significant environmental impact.

Regarding the environmental threats posed by the channel deepening, there are basically two ways of achieving a 12-foot channel: By dredging or by raising the water level behind the dams—though it might be a combination of the two.

If dredging is chosen, and if we accept the corps estimate that only 20 percent of the 850 miles of river will require dredging, a figure that is questioned by local scientists, that part alone will result in over 621 million cubic feet of dredge spoil which will have to be dumped somewhere along the river banks. On top of this will be the spoil from the continued dredging necessary to maintain the deeper channel, compounding the problems already being experienced from the dredging necessary just to maintain the present 9-foot channel.

If the other alternative is chosen, raising the water level in the pools, the ecological problems likely to result are even greater and more complex. The flooding of thousands of additional acres of Mississippi River lowlands may well wreak massive environmental havoc on these complex ecosystems, severely affecting the fish and waterfowl populations dependent on the aquatic vegetation that grows in these border areas. There are over 120,000 acres of Federal wildlife refuge on the upper Mississippi River, much of which might well be threatened by construction of a 12-foot channel.

The recreational use of this tremendous resource is increasing rapidly every year—boating, fishing, hunting are all activities on which this project would have a large impact.

The point is, Mr. President, that we simply do not know very much about the effects of this massive alteration of the environment. As the corps itself state in the phase I exhibits of the preliminary working papers, in the "Environmental Considerations" section:

> There appears to be a lack of pertinent information relative to the ecosystems of the Upper Mississippi River.

Further on in the same section the report states:

> Additional quantitative studies are needed before damage and restoration of aquatic ecosystems can be predicted with confidence.

Out of its fiscal year 1973 budget request of $126,000 contained in this bill, the corps intends to spend only $50,000 for study of environmental and recreational impact. This itself is revised downward from the original estimate of $62,000. This amendment, by assuring that the corps devote more of its appropriation to environmental studies, will insure that we know what the ecological effects of this massive project are before we move any further in the planning or construction stages.

The Congress has expressed, in the National Environmental Policy Act of 1969 and in other actions and statements since then, its intention that environmental aspects of massive projects such as this one no longer receive only cursory attention, and that the ecological impact of these potentially devastating proposals be publicly known before they reach the "inevitable" stage. I would hope that the Senate would restate its commitment to this principle by supporting this amendment to insure that we don't spend another penny on this scheme until we have all the necessary information.

The corps has been engaged in studying the feasibility, engineering and costs of this proposal on and off since 1943, spending some $1.3 million dollars in the process through fiscal year 1972. All this amendment aims to do is to insure that the corps uses its $126,000 request for fiscal year 1973 to conduct the kind of thorough, comprehensive study of the environmental impact on the river and border-zone ecosystems that a project of this magnitude necessitates, and to complete the Phase I feasibility study currently under revision.

The total study of the 12-foot channel for the Mississippi was first authorized by the Congress in 1943, only 3 years after the 9-foot channel project was completed. Studies concerning the engineering aspects of the 12-foot project were carried on until 1950 when the Korean conflict brought them to a halt. These studies remained on the shelf until some 17 years later when, as a result of some renewed congressional interest, the corps reopened the study in 1967. It is currently scheduled for completion in June of 1976. At the present time, the only portion of the study which has been tentatively completed in the phase I report which deals principally with the engineering feasibility and cost/benefit analyses for the project, and those are concerned with the construction of an 11-foot channel. This phase I study, completed in February of this year, is now under revision and the revised version is due for completion in September of this year. Although it is not exactly clear why the initial studies were based on an 11-foot instead of the authorized 12-foot channel, it appears that the studies indicated that the 12-foot project would involve extensive alterations in the present lock system, thus sending the cost of the proposal skyrocketing. The 11-foot proposal was seen as a more realistic alternative, and the investigations continued on that basis.

Involved in this proposal are some 850 miles of the Mississippi River and of particular interest to me, some 25 miles of the lower St. Croix, one of our Nation's last scenic, unpolluted rivers within a large metropolitan area. Also involved are some of the most fragile and complex of all ecosystems, the riverine and the wetland, those areas which form the boundary between the river and the surrounding valleys. The fact is that we simply do not know very much about the ecology of these zones, and particularly the effect that a 12-foot channel would have on these vital areas. As the corps itself states in phase I exhibits of the preliminary working papers, in the "Environmental Considerations" section:

> Additional quantitative studies are needed before damage and restoration of aquatic ecosystems can be predicted with confidence. Current knowledge of ecological processes and balances is too fragmentary to construct an analytical framework of sufficient scope and sensitivity to possess a satisfactory predictive value.

Although the corps has been studying the engineering and economic aspects of this project off and on for almost 30 years, it is only within the last year or so that it has conducted the most elementary of environmental investigations, which are summarized in the report I just mentioned. I think it is about time that we say wait a minute, and look seriously and thoroughly into just what this project will mean to the environment. The amount which this amendment would direct be used largely for this environmental study, the fiscal year 1973 budget request of $126,000, is but about one-tenth of what has already been spent to study the other aspects of the project. Although the corps states in the preliminary phase I report that "This study views the preservation and enhancement of the environment as an objective with a weight equal to the navigation consideration," the budget request and allocation of funds simply do not bear this out.

The total amount projected for environmental study, $176,000, will be only 10 percent of the total amount spent on the study.

The corps has not yet decided on how they propose to accomplish the 12-foot channel; however, the phase I preliminary report is based on using dredging as the principal way of achieving the deeper channel. The alternative to dredging appears to be increasing the water level in the pools behind the dams along the river. If dredging is the method chosen, the problem of where to put these massive quantities of spoils, which would amount to at least 621,000,000 cubic feet, is one that requires considerable study. Likewise, the environmental effects of flooding large areas of land by raising the pool levels are as of now unknown. We have to keep in mind the magnitude of this project—over 900 miles of four different rivers, touching five States, 25 locks and dams, and a projected Federal first cost for an 11, not a 12-foot channel, of over $516 million. Even if the corps were to spend the full fiscal year 1973 request and its anticipated fiscal year 1974 request of $200,000 completely on environmental study, it would only begin to scratch the surface of what should be done.

Almost all the significant environmental study which has been done on this project has been done by the corps waterways experiment station in Vicksburg, Miss. Their preliminary findings, essentially a catalog of what has to be studied, are contained in the section of the preliminary phase I exhibit from which I quoted earlier. Most significantly, however, the waterways experiment station submitted, on August 6, 1971—

> A proposal for a complete environmental study of the Upper Mississippi River. The purpose of the study would be to investigate the ecological impact of continuing the existing system of maintaining the 9-foot navigation project and of each alternative action proposed for achieving a 12-foot navigational project.

The estimated cost of such a comprehensive environmental investigation—$5,537,982. When we compare this with the amount the corps proposes to spend, I think we get a better idea of the real priority given environmental considerations at this time.

One of the waterways included in this 12-foot channel study is 25 miles of the lower St. Croix River of Wisconsin and Minnesota. This beautiful river near the Minneapolis-St. Paul metropolitan area still retains much of its original natural beauty and pleasant, pastoral character. Because of this, I have introduced legislation, S. 1928, which would bring the lower St. Croix into the national wild and scenic rivers system. Construction of a 12-foot barge channel in the lower St. Croix is simply incompatible with the character of this unique scenic riverway and could well result in the ecological destruction of this priceless resource.

Although the corps has not yet publicly released any details of the 12-foot study, citizen opposition in the areas along the river is mounting, particularly from conservation, scientific, and sportsmen's groups who fear the destruction of valuable wildlife habitats and recreation areas.

On the upper Mississippi River there are over 120,000 acres of Federal wildlife refuge, much of which might well be threatened by the construction of the 12-foot channel. These valuable breeding grounds for fish and waterfowl are worth far more than the savings that would accrue to barge owners from a 12-foot channel.

The corps current environmental study plans are wholly inadequate to determine just what the effects will be.

Mr. President, there is $126,000 in this bill for purposes of environmental studies and the completion of the phase I feasibility study. It is my understanding that the corps considers the cost-benefit ratio adverse for that part of the river north of the confluence of the Illinois and the Mississippi. The purpose of this amendment is not to permit any second phase feasibility study to be conducted with these funds on that part of the Mississippi north of the confluence of the Illinois and the Mississippi, and that the moneys spent under this appropriation be confined to the environmental studies—$50,000 out of $126,000—and whatever part is necessary for completion of phase I studies on that part of the river.

It seems to me that since there is a serious question in any event by the corps itself in the cost-benefit ratio for that part of the river north, that we should not be expending any moneys on phase 2 studies.

Next, that river involves one of the remarkable and exceptional environmental areas in all the United States, particularly north of the Illinois River, all the way up to the confluence of the Mississippi, the St. Croix, and up to Minneapolis; and we should not be proceeding with the expenditure of other moneys here until we have carefully searched environmental studies of that river, especially if the cost-benefit ratio is not favorable, as suggested by the Corps of Engineers.

Mr. STENNIS. Mr. President, the Senator was very thoughtful in presenting to us a copy of his amendment, which has been checked out. My comment is confined to the language of the amendment. We find it entirely satisfactory and we are glad to accept the amendment.

Mr. NELSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I merely wish to thank the chairman of the committee (Mr. STENNIS), the ranking minority member (Mr. YOUNG), and all members of the committee for the kind and thoughtful consideration that has been given to projects in my State, not only this year but throughout all the years. I am very grateful, and I am proud to have served as an ex officio member of the committee.

Mr. President, each year we pay our respects to the chairman and members of the Appropriations Committee and its Subcommittee on Public Works, for we know the hard work and days of close and careful consideration that go into this annual appropriation measure. This year I want to pay an additional tribute. It my be especially appropriate for me to do so, as this is my last year in the Senate and will also be the last public works appropriations bill to which I have contributed in a small way.

It has been an honor to serve as an ex officio member of the Appropriation Committee for Public Works items—Corps of Engineers projects—under first, Senator ALLEN ELLENDER, and now under Senator JOHN STENNIS as chairman, with Senator MILTON YOUNG as ranking Republican member. These great leaders, and all members of the committee, have been painstaking, thoughtful and of tremendous help to the people of Kentucky. I want to express my thanks and gratitude to them. I thank also Mr. Bailey Guard and Mrs. Sue Lewis of my staff and the Public Works Committee staff who have helped me, who know the Kentucky projects and have worked hard for them.

This is also the last bill which represents, very largely, the work and attention of Mr. Kenneth Bousquet—whom all of us hold in the highest regard and on whose knowledge, ability and judgment we have so constantly relied.

Ken Bousquet has set a standard of congressional staff work which has often been cited as an example of the highest professional competence. On countless occasions he has provided us with sound guidance and, I dare say, has constructively molded the course of action of the Corps of Engineers as well. He has helped resolve difficult problems time and time again.

But he has been more than an effective liaison and link between the Congress and the executive branch. Ken Bousquet's patience, courtesy, objectivity and devotion have matched his knowledge and experience.

Of course the work will continue, but we will all miss Mr. Bousquet. I know my colleagues join me in recognizing the tremendous contribution he has made in the life and development of our country, and in wishing him well.

Mr. President, the bill reported by the Appropriations Committee which we are considering today contains a number of civil works projects for Kentucky—several of great importance—which I would like to comment on at this time.

I am very glad that the committee approved, as I requested, the additional amount of $850,000 over the House allowance for construction of the Martins Fork Lake project. This increase will utilize the full capability of the Corps of Engineers of $1,550,000 for this project, and will advance the project completion date by 6 months.

I consider Martins Fork one of the most urgently needed lake projects in Kentucky and have supported it strongly each year. It will provide flood protection for the town of Harlan and other Appalachian communities downstream which annually suffer severe flooding, with resultant economic loss to this already economically depressed area in Appalachia. It has been 7 years since authorization of the Martins Fork project, and construction is still not begun. I would like to see this project underway before I leave the Senate.

I am happy the committee retained the full amount of $500,000 added by the House to begin construction of the Southwest Jefferson County floodwall. This amount represents the capability of the corps for the project, which is the last segment of the floodwall protecting Louisville, Ky. This project is of the greatest importance; it is fully supported by the county of Jefferson, the city of Louisville, and the Louisville Port Authority.

I am also pleased that the committee has added to the bill $650,000 for planning the temporary lock at lock and dam No. 53. This temporary lock is needed to alleviate navigation congestion that would otherwise occur on the Ohio River, because construction of the Mound City locks and dam must be postponed for an extended period, pending solution of difficult engineering and location problems. I consider this a matter of the highest urgency, and am glad funds were included in the Senate bill.

The Appropriations Committee has been good to Kentucky during my stay in the Senate. Since I have been in the Senate, not including the additional items in this bill, 27 flood control projects at a cost of approximately $490 million have been authorized and appropriated by the Congress and completed by the Corps of Engineers.

The corps estimates that flood damages prevented to date by these projects would total approximately $175 million. Nine flood control projects are presently under construction at an estimated cost of $214 million. In addition, four locks and dams bordering Kentucky have been completed at a cost of about $238 million, and four are under construction at an estimated cost of $440 million. All total nearly $1,500,000,000.

These projects have been constructed on the Ohio, Big Sandy, Kentucky, Cumberland, Green, and Licking Rivers and their tributaries. When I entered office in 1947, no reservoir existed or had construction started on any of these rivers. Flood control, navigation, water supply, recreation have now been provided.

I want to thank the committee for myself and for the people of Kentucky—particularly those who have experienced loss from flooding—and express our appreciation for their consideration and support over the years for civil works projects in Kentucky.

Mr. COOPER subsequently said:

Mr. President, the committee report on page 25 discusses preconstruction planning funds provided in the bill for local flood protection at Falmouth, and at Wilders, Ky. The committee included $50,000 at my request to proceed with planning for each of these two local protection projects, and I will comment on them briefly. They are an alternative to the proposed Falmouth Reservoir—a large multiple-purpose project, which has been controversial for years, and which is still several years away from the initiation of construction.

The proposed Falmouth Reservoir was originally authorized in 1938. Since that time, there have been severe floods on the Licking River and following the record flood of March 1964, the Falmouth reservoir was revived by the Corps of Engineers and reinstated as an active project. That flood did great damage to the county seat of Pendleton County, the city of Falmouth having a population of approximately 2,600 people. While the large reservoir above Falmouth included a very high proportion of recreation benefits, and was also proposed as a possible source of water supply for the city of Cincinnati, and was credited with flood control benefits far downstream on the Ohio River, I think it fair to say that the principal purpose and main impetus of this proposal was to protect the town of Falmouth.

The committee is familiar with the proposed Falmouth Reservoir, because each year since 1964 testimony has been received both in support of and in opposition to the reservoir, which has an estimated cost of $61 million, recently increased to $68 million. The chairman of the subcommittee, then Senator ELLENDER, expressed concern about the high proportion of recreation benefits. I expressed concern about the thousands of acres of good farmland that would be taken by the reservoir, originally stated at 45,000 acres, now reduced to about 35,000 acres.

In 1969, the committee included language in its report at my request, maintained in the conference report for fiscal 1970 appropriations, directing the corps to make a study of alternatives to the Falmouth Reservoir, and providing $50,000 for this purpose. That study has been completed and was delivered as a special report of the Corps of Engineers, printed as a document of the Public Works Committee dated April 1972.

While the corps has not recommended the alternatives, and still prefers the large dam and reservoir, the study shows that a local floodwall at Falmouth is feasible, having an estimated cost of $6.3 million and a benefit-cost ratio of 1.3—when computed at the same 3¼ percent interest rate used in justifying the reservoir before the Appropriations Committee. It shows that extension of the Newport floodwall at Wilders is similarly feasible, at an estimated cost of $6.8 million and a benefit-cost ratio of 1.4. This local protection, meeting the principal and original objective of flood protection, could be accomplished at a fraction of the cost of the Falmouth Reservoir, already approaching $70 million. Of course, it would not provide the recreation, water supply, downstream and other benefits associated with another large multiple-purpose dam.

I believe that a floodwall can be constructed more quickly, and because of continuing controversy over the reservoir may provide a surer means of protection for Falmouth. It was for this reason that I asked the committee to include planning funds for the two floodwalls, so that this alternative could be promptly available, without delay, when a time of decision is reached.

I realize that the alternatives have not yet been thoroughly considered and require further attention. For example, the corps has stated that at the interest rates being used for newly authorized projects, 5⅜ percent, floodwalls would not be feasible. They then recalculated the Falmouth Reservoir, using a new methodology not yet approved by the Chief of Engineers for other projects—and by more than doubling the annual benefits state that the reservoir would still be feasible at the higher interest rate under which the floodwalls would be infeasible. The recalculation would also require a much larger local or State contribution for recreation facilities, and there is no assurance that the State will be able to contribute its share of the additional recreation costs. I cannot agree that these artificial recomputations are a proper basis for approving the reservoir and rejecting the local protection alternative.

As the committee report states, the extension of the Newport floodwall at Wilders is authorized. The floodwall at Falmouth is not yet authorized, but I have discussed it with the chairman of the Public Works Committee (Mr. RANDOLPH) and am hopeful that authorization will be included in our biennial rivers and harbors authorization bill later this year.

The budget and the House of Representatives included $100,000 to continue the planning of Falmouth Reservoir during the coming year, and this amount is maintained in the Senate bill. I emphasize that I consider flood protection essential for Falmouth, and believe it should be completed as quickly as possible.

But because of the problems and controversy surrounding the reservoir, and because the floodwalls might be constructed much more quickly and certainly more cheaply than the larger dam—on which planning will not be completed for a number of years in any event—I believe it only prudent to enable the corps to proceed with planning and design of the floodwalls simultaneously with continued planning of the reservoir. In this way, time will not be lost and plans for the floodwalls can be well advanced and at hand—and a decision may then be made, on facts, between the floodwalls and the reservoir.

I would hope that the House of Representatives would accept in conference the amount permitting the corps to start at once on planning the floodwall at Falmouth. I know that some favor the larger reservoir, and perhaps will continue to do so. However, I should think the simultaneous planning of the floodwall can be considered as an insurance policy.

I will be leaving the Congress after this year. While I favor the floodwall, I know that others will make the final decision. By enabling the corps to proceed with planning of the alternatives set forth in their special report, it is my proposal to make those alternatives realistically available and permit a judgment based on full information.

If this is not done, the Corps of Engineers will make the final decision, and not the people of Kentucky or their representatives in Congress, for they will not have all the facts.

Mr. STENNIS. I thank the Senator from Kentucky. He has been a highly valuable member of our Appropriations Subcommittee on the Committee on Public Works. He has done an outstanding service as well on our Committee on Public Works where he has been the ranking minority member for a number of years.

Mr. COOPER. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, I especially wish to pay tribute to Kenneth Bousquet, a member of the committee staff, who has been of great help to me and my staff throughout the years. I regret that he is retiring. We will miss him very much.

Mr. STENNIS. I thank the Senator. Mr. Bousquet appreciates the Senator's remarks also.

Mr. SCOTT. Mr. President, I am pleased to offer my support for H.R. 15586, the public works appropriations bill. Last month, I had the honor to present a statement to the subcommittee in favor of many of the vital projects now contained in this measure.

Basically, these projects are for improved navigation, flood control, and multipurpose—including power—facilities. Each is meritorious and will continue to contribute to Pennsylvania's viability as an industrial center and an environmental and recreational showcase.

In eastern Pennsylvania, about 6 miles northwest of Reading, in Berks County, construction will begin on the Blue Marsh Lake. Scheduled to be completed in 1976, this will be a multipurpose lake providing benefits for flood control, water quality, water supply, recreation, and fish and wildlife. For this year, $1.73 million is being appropriated.

The Bristol Marina, in Bucks County, will receive $170,000 for continued construction. This project will provide wider and deeper entrance and interior channels, and two breakwaters for a marina, at the mouth of Otter Creek.

In Lehigh County, $179,000 will go for continued preconstruction planning for the Trexler Lake. This multipurpose facility will provide benefits for flood control, water supply, and recreation.

The central region of Pennsylvania will receive additional funds for continued construction of several important projects. The Raystown Lake in Huntington County is more than half complete and it should be ready by 1975. This year $15.8 million will be appropriated for flood control, recreation, and fishing benefits. The Raystown facility is a vital component in the area's defense from devastating floods.

The Tioga-Hammond Lakes facility will provide flood control and recreation benefits in Tioga County. Immediately involved is the construction of two dams which are scheduled for completion in about 5 years. This year's appropriation totals $10.8 million.

In Blair County, the Tyrone flood control project will enter its second year of construction. The channel improvements to be initiated with the $2.1 million appropriation will aid in the completion of the Tyrone multiagency metropolitan development project. This project which is of paramount importance to the Blair County commissioners, includes a regional sewage treatment plant, a flood control project, and the relocation and reconstruction of Pennsylvania Route 350.

Near Du Bois, in Clearwater County,

$700,000 will be appropriated for a local flood control project along Sandy Lick Creek. The facility will be complete in 1974.

In western Pennsylvania, Chartiers Creek in Allegheny and Washington Counties will be receiving $5.8 million to continue its channel improvement program for local flood protection. This project is of direct and immediate concern to the communities of Carnegie, Bridgeville, Heidelberg, Washington, and Canonsburg where, for the past 15 years, extensive damage has been caused by severe flooding. The total facility will be complete by mid-1975.

I note with some concern that the Rowlesburg Lake project will receive $200,000 for continuation of preconstruction planning, whereas the House of Representatives set aside these funds for land acquisition. It is my hope that the Senate and House conferees will be able to work out an agreeable solution, since Rowlesburg will provide a boost to the area's economy by the recreation provided. In addition, there is no question as to the flood control benefits associated with the project. I do not feel that Rowlesburg ought to be delayed unnecessarily, because it is vital to the entire southwest region of Pennsylvania.

In the same area, $150,000 will be appropriated for a flood control study of the Monongahela-Youghiogheny Basin. This river basin drains an area of 7,400 square miles in Pennsylvania, Maryland, and West Virginia. The study will review all multipurpose water control and conservation measures, including environmental considerations.

Finally, Mr. President, the Tocks Island Dam project, an important multipurpose development on the Delaware River between Pennsylvania and New Jersey, is urgently needed to meet the flood control, water supply, energy demands, and water recreation needs of the steadily growing populations living in and around the Delaware River Basin area. I am hopeful that any remaining environmental questions presented by this necessary project can be expeditiously resolved.

With this in mind, I want to call particular attention to a letter which I have received from the Executive Director of the Delaware River Basin Commission, an agency with an outstanding record of achievement and accomplishment in the field of water pollution control and abatement. This letter makes it clear that the cost of the water pollution control program, to provide reasonable assurance that the eutrophication potential of Tocks Island Reservoir will be minimized, is entirely manageable; and that implementation of that program will be greatly facilitated by the financial assistance provisions of the Federal Water Pollution Control Act.

Mr. President, I ask unanimous consent to include in the RECORD at the conclusion of my remarks the letter from James F. Wright, executive director of the Delaware River Basin Commission, together with Commission Resolution 72–2.

Mr. President, I need not elaborate on the devastating effects which the recent storms and floods have had on my Commonwealth. Hopefully, the additional $200 million which I proposed, and which the Senate approved, will aid Pennsylvania's disaster relief effort. In the long view, however, we were able to see firsthand how important these flood control projects are. I have no doubt that considerably more lives would have been lost if the existing projects were not operational. With this in mind, I urge the Senate to approve this new public works appropriation bill. And I also urge the U.S. Army Corps of Engineers to review Pennsylvania's situation thoroughly so that Congress can be in a position next year to approve whatever additional flood protection is needed.

DELAWARE RIVER BASIN COMMISSION,
Trenton, N.J., June 28, 1972.
The Honorable HUGH SCOTT,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: This responds to your request for information as to the estimated cost of a water pollution control program to provide reasonable assurance that the eutrophication potential of Tocks Island Reservoir will be minimized.

The estimated construction cost of the program facilities necessary for this purpose is approximately $53 million (plus an amount by the National Park Service to collect and hook up). This comprises the cost of the interceptor sewers, pumping, and treatment facilities immediately surrounding Tocks Island's National Recreation Area bordering on the Reservoir. These facilities intercept the water-polluting wastes from the adjacent region for treatment and subsequent release downstream from the Reservoir. This arrangement renders direct service to the communities surrounding the Recreation Area—a service needed in any event.

These facilities assure against accelerated eutrophication of Tocks Island Reservoir at the time of Dam closure and years immediately following, based on projected population. If and as development occurs in outlying regions in decades to follow, additional facilities can be installed and connected to this central, $53 million system, with associated economies.

There have been various misstatements of the cost of the facilities necessary to assure against accelerated eutrophication of the Reservoir. As indicated, the $53 million system described above comprises the central core of the regional system adopted by the Commission to provide assurance against accelerated eutrophication at the time of Dam closure and years immediately following. The Commission is satisfied that this $53 million core system will competently serve this purpose. A copy of DRBC Resolution No. 72–2, unanimously adopted by the Commission for this purpose, is attached. The regional approach of this program has been commended by the Environmental Protection Agency and the Council on Environmental Quality.

Assuming that 75 percent of the cost of this central system is paid by the Federal Government, and 10 percent by the States concerned, the States' share of this cost is approximately $5.3 million. The remaining 15 percent, or approximately $8 million, will be borne by local interests. It is anticipated that this local share may be financed through issuance of revenue bonds by a local sewerage district authority, possibly underwritten by the proposed Environmental Finance Authority, and retired through collection of user fees.

A remaining area of concern involves the matter of agricultural wastes in the Delaware Basin above the Tocks Island Reservoir. There are a number of major lakes and reservoirs in this region which serve to inhibit eutrophication potential of Tocks Island. Although definitive data are lacking regarding the proportion of agricultural wastes generated in the upper Basin area actually reaching tributary waters, current appraisals by Commission specialists indicate it is small. Further research is needed to extend current staff efforts to establish sources of the background nutrient load, its potential in Tocks Island Reservoir for the production of algae, and the appropriate cost effective plan for control of these nutrients to the degree required to prevent harmful eutrophication. We have developed a plan for this research: initial phases are already under way, and our application is pending with EPA for a grant to complete it.

Our program for this agricultural waste is keyed to completion of this research and construction of any facilities needed prior to Reservoir impoundment. We are satisfied that this program assures satisfactory control at reasonable cost, and that existing and proposed Federal programs provide financial assistance to the agricultural industry for this purpose.

Sincerely yours,

JAMES F. WRIGHT.

No. 72–2

(A Resolution to amend the Comprehensive Plan in relation to the protection of water quality in the Tocks Island area)

Whereas, the Commission is pledged to protect water quality in the Delaware River and in the Delaware Water Gap National Recreation Area and adjacent areas, in accordance with Article 5 of the Delaware River Basin Compact and other statements of policy subsequently adopted; and

Whereas, in 1966 the Commission undertook the "Tocks Island Region Environmental Study" (TIRES) and retained the consulting firm of Roy F. Weston, Inc., Environmental Scientists and Engineers, to make an environmental study of the problem of water supply waste disposal in the six-county region of New York, Pennsylvania and New Jersey, in which the Tocks Island Reservoir and the Delaware Water Gap National Recreation Area are being developed; and

Whereas, the consultant submitted the TIRES Report in April 1970 and the Commission then published the report for public information and study; and the Commission held a public hearing on December 14, 1971, on the TIRES Report at which testimony was received from numerous witnesses as to alternative wastewater collection and treatment plans delineated in the report and the testimony recognized the need for a regional approach to wastewater collection and treatment for the Tocks Island area; and

Whereas, on January 26, 1972, the Commission adopted a policy committing itself to construct and provide for the operation of a regional waste collection and treatment system within the TIRES area unless no later than July 1, 1972, local or state authorities agree to undertake and provide substantially the same service; and

Whereas, a second public hearing was held by the Commission on February 22, 1972, on a specific waste collection and treatment system designated "TIRES Alternative V" representing maximum regionalization for the area; now therefore

Be it resolved by the Delaware River Basin Commission:

The Comprehensive Plan is hereby amended by adding thereto a new part reading as follows:

1. A regional liquid waste collection and treatment system, based upon the policy of protection of the Tocks Island Reservoir from all man-made pollution discharging directly to the reservoir or its tributary streams, is required.
2. The area to be protected is that portion of the Delaware River Basin in Orange, Pike, Monroe, Northampton, Sussex and Warren

Counties, above the mouth of Paulins Kill, including the watershed of Paulins Kill, as described in Appendix K of the TIRES Report and as shown on Figure 9 of the report.

3. Except as provided in paragraph 4 below, the regional waste collection and treatment system is based upon Alternative V, the characteristics of which are set forth on pages K-55 through K-61 of Appendix K, and mapped on Figure 9 of the TIRES Report. Implementation shall be as follows:

A. Construction prior to closure of the Tocks Island dam of those waste collection and treatment facilities listed under Phase One of Alternative V of the TIRES Report to the extent required to prevent pollution or harmful eutrophication of the reservoir.

B. Staged development over the period 1980-2020 of those additional regional sewerage facilities listed under Phase Two and Phase Three of Alternative V of the TIRES Report, with construction timed to meet actual needs and schedules as they develop.

C. Staged development of waste collection and treatment facilities in the Brodhead Creek and Paulins Kill Watershed areas of the TIRES region, to meet specific needs and schedules as they develop within those watersheds.

4. The plan of physical facilities comprising TIRES Alternative V is subject to future change by the Commission in order to maximize the advantages of new technology or adjust to changed rates and patterns of growth in the TIRES area, subject to the policy of providing full protection of water quality in the Tocks Island Reservoir.

5. Water pollution control plants constructed as part of the TIRES regional plan shall be designed to provide 95 percent removal of BOD and soluble phosphorus as an average level of treatment over the period 1980 to 2020.

6. The siting of waste collection and treatment facilities shall be made on the basis of engineering studies and the environmental impact assessment required by statute and the Commission's regulations. Such siting shall be based upon the policy of maximum adaptation to the existing physical environment and application of sound watershed management standards.

HAROLD L. JACOBS,
Chairman pro tem.
W. BRINTON WHITALL,
Secretary.

Adopted: March 29, 1972.

Mr. PROXMIRE. Mr. President, Caspar Weinberger, Director of the Office of Management and Budget, recently appeared before the Joint Economic Committee and warned that taxes will have to be increased unless Congress cuts back on spending. The public works porkbarrel is a classic example of where we should save taxpayers' money.

We must reorder our priorities and stop wasting taxpayers' money on projects which benefit only a small special interest group. Most of the projects in here cannot be justified on any rational cost benefit analysis or on any environmental grounds.

Would you invest your money at 3¼ percent? Of course not. Most businesses want 10 percent. But the Corps of Engineers is asking the taxpayers to invest their money at 3¼ percent in most of these projects. Even at the 7 percent rate OMB has recently mandated which is below what most businessmen will accept, these projects are uneconomic.

How can we justify the commitment of $1.35 billion for the Trinity River Basin project in Texas when at best we can hope to get back $1 billion in benefits if we use a 7-percent discount rate. That is a net loss to the taxpayers of $350 million. Spending one dollar to get 74 cents in benefits is typical of the projects contained in this bill.

How can we justify the Oakley Dam in Illinois on the basis of water supply benefits when a cheaper alternative exists which is favored by the local residents. Inexpensive wells can tap a practically inexhaustible water supply and provide the same benefits as this expensive dam and reservoir.

How can we justify the Flint River Dam in Georgia on the basis of recreational benefits when the four State agencies which plan and administer the Georgia recreational facilities oppose it. Furthermore, the additional $3 million which the bill commits to the project will be wasted should, as seems likely, the Georgia Assembly outlaw all dams on this scenic river.

How can we allow the Corps of Engineers to continue to evade the Environmental Policy Act of 1969 which requires an environmental impact statement before the construction of a project. The General Accounting Office recently expressed the purpose of part of that law. They said:

> If this requirement is met before initial review and approval of a proposal, an agency is more apt to consider environmental information objectively and fully.

It has now been 3 years since that law was passed. Yet, Representative DAVID OBEY revealed to the House of Representatives on Monday that, of the 423 projects in this bill, "there are at least 233 Corps of Engineers projects for which final impact statements are not available, including at least 176 projects for which not even draft impact statements are available."

By accepting projects that do not have final environmental impact statements, we are approving projects that can create environmental havoc. How can we fund an unwanted dam on the Flint River, destroying a unique environment. How can we fund the Lincoln Lake project in Illinois, placing a dam on the finest natural stream in Illinois and ruining the drainage system for an entire county. If we do not insist on final impact statements, we cannot fulfill our duty to protect the people's environment.

This bill does contain many projects, necessary for the American people, which I wholeheartedly support. However, I cannot in good conscience vote for a bill which wastes so much hard earned money. The American people are fed up with fiscal irresponsibility.

Mr. JAVITS. Mr. President, I have an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 6, line 15, strike out the figure "$1,222,722,000" and insert in lieu thereof "$1,223,722,000."

Mr. JAVITS. Mr. President, this adds $1 million to the bill. This is a rather unique situation. I would like to lay it before the Senator from Mississippi and I hope very much he might see fit at least to take it to conference where it could be perhaps deliberated upon and the conferees could decide on what should be done.

The Fire Island to Montauk Point hurricane protection project was authorized in the Rivers and Harbors Act of 1960—Public Law 86-645. The scope of this hurricane protection project is so large that it is clearly recognized that it will require many, many years to complete. Moneys have in fact been made available to New York State over the past 12 years for this project. This year, however, a budget item did not appear to continue the project. I am advised by the State of New York that the reason it did not appear this year is that at the time the corps was preparing its fiscal year 1973 budget request, the State was unable to assure the corps that State funds would be available to match an appropriation during the Federal fiscal year 1973. I have been advised today by James Biggans, executive deputy commissioner of the New York State Department of Environmental Conservation, that New York State will be able to provide funds for the Fire Island Inlet to Montauk Point hurricane protection project to match a Federal appropriation of $1 million during fiscal year 1973. I would like, at this time, therefore, to offer an amendment to H.R. 15586 for the purpose of including $1 million for the continuation of work on the Fire Island Inlet to Montauk Point hurricane protection project.

In this connection, I must call attention to the Federal-State cost sharing formula applied to this hurricane protection project. I introduced to the 1970 Rivers and Harbor Act—Public Law 91-611—an amendment to clarify the funding of multiple purpose projects which were largely hurricane protection projects. Multiple purpose hurricane protection projects have been funded at all rates—varying from 50 to 70 percent for the Federal share—leading to much confusion. It was felt by the Congress that projects which are predominantly for hurricane protection should be funded at the 70 percent level. However, the statutory language left it to the discretion of the Chief of Engineers to determine the formula, even though it was understood that the corps would make every effort to fund projects mainly for hurricane protection at the 70 percent level.

I have been advised that the chief of engineers has informed New York State that he has not found sufficient basis to apply 70 percent Federal cost share as provided in section 208 of Public Law 91-611. I fully support the position of the State that the intent of Congress in passing this section, was to cover specifically projects like this one.

In an effort to clarify this issue, members of the New York State congressional delegation have requested a joint meeting with the Office of Management and Budget and the Corps of Engineers. Although this meeting was requested some months ago, neither OMB nor the corps has seen fit to meet with the delegation to clarify this matter. In addition, I am advised that the New York State Department of Environmental Conservation has separately requested a meeting with the Corps of Engineers of their own district in an effort to reach some agreement on the matter and that that request for a meeting has not been met either. It seems to me that every effort is being made on the part of the State as well as the delegation to come to some understanding on this important matter, and I would like to take this opportunity to note the necessity of straightening this out at once for the benefit of all projects such as the Fire Island Inlet to Montauk Point project which are affected.

If it is finally determined that this should be a 50–50 project, the corps has advised that they have sufficient funds previously appropriated to continue work on the project. If however, it is determined that this should be a 70–30 project, the corps will not have sufficient funds available for the project.

By the very nature of the amendment which I sponsored and which became the intent of Congress, I must assume that this hurricane protection project will be a 70–30 project, and that either an administrative or a legislative clarification of this specific case will be made. Therefore, I am requesting that $1 million be added to H.R. 15586, the public works appropriations bill.

The recent severe and crippling damage which New York State suffered from Hurricane Agnes clearly emphasizes the need for hurricane protection projects. This project will do much to protect already established communities along Long Island and Fire Island, one of the most beautiful seashore areas in the Nation. Hopefully, it will be completed before irreparable damage has been done to lives and property in the target area, and before irreparable damage has been done to the valuable resource which the beaches represent.

The only way I can see to solve the problem would be by asking the conferees to give it their consideration. By dealing only with the Corps of Engineers the whole matter will be stymied on this issue as to whether it should be 50 percent or 70 percent. I hope very much as a matter of accommodation to the State of New York the Senator from Mississippi might consider favorably allowing us to go one step further by getting this question in the conference.

Mr. STENNIS. I am interested in the project. It is a worthy project. As a matter of fact, we have already considered it and found this set of facts to which I call the attention of the Senator and the entire membership.

On page 166 of our hearings I had some colloquy about this project with General Morris. I stated in my question:

> Senator STENNIS. There is nothing in the budget and local interests have requested $1 million for construction. What is your capability on this project?
>
> General MORRIS. Mr. Chairman, we have no capability on this project for fiscal year 1972 due to lack of non-Federal contributed funds from the State of New York. In the event that non-Federal funds are made available in fiscal year 1973, Federal funds from prior year appropriations would be sufficient, in combination with the contributed funds, to resume construction.

The further facts are that the present division of funds is 50 percent local contribution and 50 percent Federal contribution. The Secretary of the Army is the party that has the authority to change that ratio. So it stands now at 50–50. If he should change it to 70–30, there is $672,000 already appropriated and unobligated that would be available for this project in fiscal 1973. So adding funds to this item will not make any difference.

Mr. JAVITS. May I answer?

Mr. STENNIS. Yes.

Mr. JAVITS. The State of New York—and the reason for my moving this way without even having had a chance to talk with the Senator about it—as I stated previously had just advised me about it. I have a wire from James Biggans, executive deputy commissioner of the Department of Environmental Conservation of New York, which reads as follows:

> This is to advise you that New York State will be able to provide funds for the Fire Island Inlet to the Montauk Point Hurricane Protection Project to match a Federal appropriation of $1 million during fiscal year 1973.

So that part of it is done. That was not the case when the witness testified before the committee.

As to the other part of it, we have talked with the Corps of Engineers, and they apparently, notwithstanding this assertion that there are some funds available, do not intend to go ahead on a 70–30 basis.

So I repeat. I would understand perfectly whatever is decided in conference. If the Senator wishes to cause the amount to be somewhat reduced, I am willing to take that reduction. But I think the only way we can accomplish something with the project is to bring it before the conference. I would understand if they struck it out in conference, but at least the Senator will understand if it requires a little more money they will be in a position to do it. That is my only reason for doing this.

Mr. STENNIS. We have turned down all requests when the Corps of Engineers said they did not have a capability.

Let me understand the Senator. Is this an offer of matching on a 50–50 basis?

Mr. JAVITS. First on a 70–30 basis.

Mr. STENNIS. Well, it goes then to the Secretary of the Army, and if he does not approve it, then that ends it at that point, but if he does approve it, then the Corps of Engineers have $672,000 already on hand that would be available for carrying on this work.

After all, it is not the Congress that tells them what projects to take up; it is the White House. I think the Senator's request can be satisfied if he can get the ruling from the Secretary of the Army.

Mr. JAVITS. We are advised, I will say to the chairman of the committee, that New York will go even the 50–50 route, but suppose the Secretary of the Army should hold, with New York, that 70–30 is the proper formula. If that is the case then I understand there will not be adequate resources in order to meet the 70–30 division on the part of the corps. However, I have great confidence in the Senator from Mississippi. If the Senator accepts the representation of the corps that it is prepared to go forward with this project and put up its share if the Secretary of the Army should determine on a 70–30 basis, I will withdraw the amendment.

If that is the understanding of the Senator from Mississippi and the reason as to why he cannot accept the amendment, I know he will help me set it right if it proves to be incorrect.

Mr. STENNIS. As far as that is concerned, it is an Executive function, but the Corps of Engineers does have the money available for this purpose, and if the Executive wants them to proceed with this project, I know they will.

Mr. JAVITS. Is the Senator satisfied that their assertion to the Senator that they have the money also includes the money for a 70–30 project if legally authorized that way?

Mr. STENNIS. Yes, if the Secretary of the Army approves the 70–30 basis they could spend the money for that purpose. It would not be quite $1 million, but if we take the $672,000 and add the corresponding 30 percent to it, it would run it well over $800,000, nearly $900,000.

Mr. JAVITS. The Senator is satisfied that it is almost enough. I hope the Senator understands me. I am willing to withdraw the amendment if the Senator's understanding of their assertion is that they are willing to pay it on a 70–30 basis if the Secretary of the Army says they can.

Mr. STENNIS. They have available for that purpose $672,000.

Mr. JAVITS. That falls a little short of it.

Would the Senator be willing to take an amendment for $250,000 to make it up? I am only trying to get the principle; the exact amount of money is not what bothers me.

Mr. STENNIS. There is nothing in the bill since the Corps of Engineers stated that they had no capability over and above the unobligated funds now available. That is one of the guidelines the committee has used for years. We have to use some guidelines. That has always been accepted. If the Senator can get the decision by the Secretary of the Army and the other decision by the executive branch, it is going to make almost $1 million available.

Mr. JAVITS. I repeat again, is the Senator satisfied that if we get the decision, they will do it?

Mr. STENNIS. No, I cannot say I am satisfied; I just do not know; but if the Senator gets the decision for changing the proportion of the contribution and also gets the executive department to move it along, why, there is money available for this purpose.

Mr. JAVITS. Well, I understand the executive department is ready to move it along. They are waiting on the State of New York to come through. The State of New York has now come through. I want to make sure there is money in the pocket to do it.

Mr. STENNIS. It is there. It just lacks $28,000 of being 70 percent of $1 million.

Mr. JAVITS. I am going to accept that. I hope the Senator will bear that in mind and give me assistance if I need it to straighten this matter out and continue the work on this project.

Mr. STENNIS. I will certainly be interested in it, and appreciate the Senator's interest. I believe the Senator is in good shape, all right.

Mr. JAVITS. Mr. President, I withdraw the amendment.

Mr. STENNIS. Mr. President, I yield to the Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, as we all know, until recently the great water resources of the State of Missouri have not been fully utilized. Representing the people of Missouri, I would express our deep appreciation to the chairman of the subcommittee, the able Senator from Mississippi, and the members of his subcommittee for the fine and fair way the dam and water problems of Missouri have been handled in this bill. It has been most rewarding to my State.

Mr. STENNIS. I thank the Senator. We are proud of those fine projects in Missouri, which is a focal point of the need for a lot of flood control, as well as other water resource projects that go with it, and the people of his State are certainly well represented by the senior Senator from Missouri.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1, 7, 13, 18, 21, 26, 41, 43, 48, 54, 56, and 57 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 14, 15, and 16 to the bill and concurred therein; and that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed without amendment the joint resolution (S.J. Res 245) authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month."

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 87) providing for celebration of Honor America Day on July 4, 1972.

The message further announced that the House had passed a joint resolution (H.J. Res. 1238) making a supplemental appropriation for disaster relief, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1238) making a supplemental appropriation for disaster relief, was read twice by its title and referred to the Committee on Appropriations.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JAVITS. Mr. President, I join my other colleagues in expressing appreciation to the Public Works Subcommittee of the Appropriations Committee, which facilitates the important public works projects in my State.

I wish to call attention to committee action which I feel is especially important, and to commend this action to the consideration of the full Senate.

I have long been concerned with the future of Long Island Sound and with the impact which the sound has on every aspect of life in the New York and Connecticut area—an impact which affects the economics of the area as well as recreational pursuits and the general environmental balance. As an outgrowth of this concern, Senator RIBICOFF and I arranged hearings on Long Island to discuss the proper role of local, State, and particularly Federal interests in planning for the development of Long Island Sound reflecting the needs of industry, transportation, recreation, and residential housing.

For these reasons, I was most pleased to note that the subcommittee considered and funded a $1.6 million appropriation request for the comprehensive study of Long Island Sound to be conducted by the New England River Basin Commission, and I commend this action highly.

The matter of the New York harbor drift removal project has been a long and continuing concern of mine. The Port of New York is the leading port of entry in our country. We have, however, 2,000 abandoned hulks and piers around the harbor which present an eyesore as well as a great danger both to port traffic and to the proper functioning of the sewage disposal system of the city of New York. Last year, when the Public Works Appropriations bill was being considered on the floor of the Senate, I said regarding this project:

> We hope very much that the Office of Management and Budget, appreciating the broad congressional support for this particular program, will allow us to go ahead, first on the ground of urgent necessity in the port and, second, to improve in so critical a place a measure of the environment and the quality of its water resources and the need to revitalize the waterfront.

All of which, I might add, are—or should be—vital concerns of the Federal Establishment. This year the committee stated:

> Apparently little if any action has been taken toward processing the report of the Secretary of the Army.

Which is required before the Office of Management and Budget can release the money for this project. Thus I was pleased to note, and I fully support the action of the committee in requesting that it be furnished a copy of the report for its information and that the Secretary of the Army complete his action on the report at the earliest possible date.

The Tocks Island Dam and Reservoir project which was authorized in the 1962 Rivers and Harbors bill—Public Law 87–874—has generated, almost since its authorization, a great deal of public interest and controversy over the effects which it will have on water quality, fish and wildlife habitats, and the recreational benefits of the area.

On February 7, 1972, I wrote to Russell Train, Chairman of the Council on Environmental Quality that—

> The conclusion reached by the Environmental Protection Agency that a eutrophication hazard does exist for this proposed Tocks Island Lake is sufficient reason for Congress to seek to assure itself that a specific program will be developed to correct the conditions which will lead to eutrophication; that sufficient funds will be committed to carry out this corrective program; and that legally binding commitments will be established to assure the orderly carrying out of the necessary programs.

And on June 26, 1972, I wrote to Chairman STENNIS to advise him that my position on this matter—

> Is to support the House Committee position which implements the position of the Council on Environmental Quality that opposes the dam until a program is effected to correct the eutrophication and draw down hazards.

Thus, I was pleased to note that the Senate committee gave full consideration to and supported the House position that all moneys requested and previously appropriated for construction purposes be applied instead toward an accelerated program of land acquisition in the project area.

Lastly, I want to thank the chairman, Senator STENNIS, and the ranking Republican member of the subcommittee, Senator HATFIELD, for their understanding of the problems of my State, and the consideration which they have shown in this as in many other areas.

Mr. STENNIS. Mr. President, we appreciate the Senator's fine sentiments. His State is a considerable taxpayer, and has some good projects.

Mr. BOGGS. Mr. President, I wish to express my support for this important legislation, H.R. 15586, particularly that portion of the bill that appropriates funds for six important projects in Delaware.

As one example, this bill appropriates $150,000 for continued engineering and design work on the Delaware Bay-Chesapeake Bay Waterway. This is the proposed small-boat waterway that would extend from Lewis, Del., to Cape Charles, Va. The project was approved 2 years ago, and initial planning funds were appropriated in fiscal 1972. Following fiscal 1973, there will be a need for an additional $150,000 to complete the design work so that construction can begin in fiscal 1975.

Another $150,000 is appropriated in this bill for the Delaware coast protection project, which will improve the beaches from Cape Henlopen to Fenwick Island in Delaware. This sum will complete the engineering and design work on this project with construction scheduled to go forward during fiscal 1974.

H.R. 15586 also appropriates $100,000 to begin repair work on the two jetties at Indian River Inlet, Del. Such work is important, both for navigation purposes, as well as the benefits the jetties will provide in lessening beach erosion.

As my colleagues are aware, the Chesapeake and Delaware Canal is an important waterway, which cuts across Delaware. This bill appropriates $9,750,000 to be spent in fiscal 1973 on continued work to deepen the canal, continued maintenance work, and for the construction of some recreational facilities along the canal, such as fishing piers.

Another $50,000 is appropriated for maintenance dredging at the mouth of the Little River, Del. This work shall greatly expand fishing opportunities in that area, because the river has suffered severe shoaling in recent years, making it virtually impassable for small vessels.

Finally, the bill appropriates $550,000 for necessary maintenance dredging at Wilmington Harbor, to assure that this harbor will continue to serve as an important part of the economy of Delaware.

Together with two smaller items, the total 1973 budget request for projects in Delaware comes to $10,764,000, an increase of $1,171,000 over the sums spent in Delaware during fiscal 1972.

I believe that each of these projects is necessary and essential.

In closing, I would like to express my commendation to the distinguished chairman of the subcommittee that handled the bill (Mr. Stennis) and to the distinguished ranking Republican of the subcommittee (Mr. Hatfield). Their long and hard work, together with that of their colleagues on the subcommittee, has produced a bill that has great significance to Delaware and great benefits to our Nation.

Further, Mr. President, I want to say a word of appreciation to Mr. Kenneth Bousquet, who has been such a valued professional staff member of the Appropriations Committee, helping us on this bill each year. I know that all of us in the Senate have valued Mr. Bousquet's advice and assistance. We wish him the very best on his retirement.

Mr. RIBICOFF. Mr. President, I would like to express my appreciation to the members of the Senate Appropriations Committee for its support of the budget request for the New England River Basins Commission's Long Island Sound study. The Department of Interior appropriations bill, approved by the Senate on June 28, contained $466,000 for the project, while the public works appropriations bill now before us contains an additional $475,000. The final $659,000 is being considered as part of the Agriculture appropriations bill which has not yet been approved by the committee.

This total appropriation is crucial to the future of Long Island Sound. For too many years the sound was neglected or abused by the people who lived along its shores and the businesses and industries who used it as an entry port for their ships and a dumping ground for their wastes. Only a few scientists and conservationists realized that the sound was fast becoming a victim of this Nation's careless attitude toward its environment.

The most important factor in the deterioration of the sound has been the indifference and confusion exhibited by the bureaucracies charged with protecting it. With jurisdiction over the sound shared by innumerable counties and municipalities, two States, and 18 Federal agencies, we have never been able to develop a single picture of the sound's environment. That is why I introduced legislation calling for a comprehensive intergovernmental study of the area.

In April 1970, in response to my proposals, President Nixon enlarged the jurisdiction of the New England River Basins Commission by executive order to include all of the sound and the land on Long Island's north shore which drains into it. The Congress then approved startup funds for a special study of the sound by the Commission.

The Commission's study team has finished its first full year of operations and is confident of its progress so far. The funds approved by the Appropriations Committee will allow the Commission to continue its productive pace for the next fiscal year.

We are in a race against time. The pollution of the sound has accelerated dramatically in the last decade.

The River Basins Commission has made a good start toward developing solutions to protect the sound. All of us are looking to this study and to the agencies represented on it to produce an innovative, aggressive program for the sound, a program which uses existing agencies of government in creative, new ways. The funds we are appropriating today will help achieve that goal.

Mr. KENNEDY. Mr. President, the public works appropriations bill before the Senate includes funding for a project vital to the Commonwealth of Massachusetts. A total of $445,000 is allocated for the supplemental studies on the Connecticut River Basin.

At the conclusion of the 6-year study of the problems and potential of the Connecticut River Basin, concerned individuals and citizens expressed grave concern that the report did not give adequate consideration to the environmental impact of the land and water resources plans for the future. The New England River Basins Commission proposed a 3-year study of the ecological and environmental factors involved in the comprehensive plan at a cost of $700,000.

For the first year of the supplemental study, $110,000 was appropriated by the Congress. Representative Edward P. Boland was instrumental in securing these funds and has demonstrated extraordinary leadership in restoring $445,000 to the budget for the second year of the supplemental study.

The Senate Appropriations Subcommittee on Public Works is to be commended for maintaining these funds in the Senate bill. On March 24, I communicated my concern that these funds be included in the appropriations to the able Chairman of the Appropriations Subcommittee on Public Works, Senator John C. Stennis. As I said at that time, to delay the progress of the supplemental study at this point is not only wasteful in terms of the funds already spent on the original study, but can only mean greatly increased costs at a future date when the study is resumed. No one can realistically assume that planning for the Connecticut River Basin can proceed without the supplemental investigation and report; and no one feels as a result of the 6-year study that environmentally sound proposals for land and water management are not crucial to the Connecticut River Basin.

The Connecticut River Basin is one of the most bountifully endowed natural resource areas of the United States and thus it has also the most potentially hazardous environmental situations in the Nation. The problems and potential of power sources, water supply, water quality, flood control, navigation, recreation, fish and wildlife preservation and land management will all be investigated in the supplemental study. I have long been concerned with the developing potential for ecological devastation of this beautiful area. The legislation which I have introduced to establish the Mount Holyoke Unit of the Connecticut Historic Riverway will go a long way to provide long-range recreational and conservation planning for this area. But I cannot imagine that the full potential of the Connecticut River Basin to provide for our citizens land and water resources for generations to come will be realized without a cooperative and comprehensive effort at all levels of Government.

I am delighted that the Appropriations Subcommittee on Public Works, under the outstanding leadership of Senator John Stennis, has included funds to continue study of the environmental considerations in planning for the Connecticut River Basin and I urge the Senate to act favorably on the budget request.

Mr. BENTSEN. Mr. President, I support the decision of the Appropriations Committee to include the full budget recommendation of $3,060,000 for the Trinity River and tributaries, Texas—advance participation on high-level bridges. These funds will permit completion of a bridge on Interstate Highway 45, permit construction to continue on the bridge on State Highway 105, and permit the initiation of construction of a bridge on State Highway Loop 12.

I consider these funds to be of extreme importance, particularly those involving the loop 12 bridge. Loop 12 serves as the principal arterial trafficway from the Oak Cliff area of the city of Dallas to the north and, indeed, is an integral part of the entire city's road system. The Oak Cliff section of Dallas alone has an estimated population of 302,000 people. In effect, this means that loop 12 is the primary access route across the Trinity River in Dallas to the new Dallas-Fort Worth Regional Airport, Texas Stadium—home of the Dallas Cowboys—and many other facilities which attract a great deal of vehicular traffic. Presently, loop 12 is a six-lane divided highway immediately north of the proposed project and to within 3½ miles of the proposed project to the south. This last 3½-mile segment is now under construction and within a year will also be a six-lane divided highway. Some 23,000 vehicles per day, considered to be an extremely heavy traffic count, pass over the present low-level, two-lane bridge on loop 12.

The bridge is to be a Texas Highway Department project with $14,000,000 of the cost being made available by that department and $3,000,000, the navigational increment, being supplied by the Federal Government.

Mr. President, I congratulate the Appropriations Committee for recognizing the importance of these funds, and I wish to thank the members of the committee and its distinguished chairman for insuring their inclusion in the bill.

Mr. HARTKE. Mr. President, while I support the bill, I am concerned with specific construction projects of the Corps of Engineers in the State of Indiana. However, I would like to preface my remarks on these projects with some general remarks on the responsibilities of the Corps of Engineers.

Section 102 of the National Environmental Policy Act passed by the 91st Congress requires all agencies of the Federal Government to prepare detailed environmental impact statements on proposals for legislation and other major actions significantly affecting the environment. The Corps of Engineers' own regulations provide for environmental impact statements before proposed legislation is acted upon.

This matter received considerable attention on the House side by Congressman DAVID OBEY and Chairman JOE EVINS of the Appropriations Committee. The chairman concluded that:

> No project funded in this bill and not under construction will be placed under construction unless and until a final environmental impact statement has been prepared and filed.

I believe that the Congress should have these statements at the earliest possible time so as to consider environmental impact when first authorizing and appropriating money for these projects. It is my belief that the National Environmental Policy Act mandates just that.

Many projects in Indiana have not had a final impact statement filed.

Subsequently, many have opposed these projects including the Izaak Walton League, the Indiana Eco-Coalition, the Audubon Society, the Sierra Club, the Department of the Interior, the Indiana Division of Wildlife, and numerous citizen and college groups.

These construction projects would destroy some of our most scenic areas in Indiana. There might be other alternatives that would provide recreational opportunities without doing such extensive harm to the environment or flood control benefits. However unless these environmental impact statements are forthcoming to the Congress, we would not be able to fully evaluate the results of our actions, here, today.

Mr. COOK. Mr. President, I note with pleasure that the Senate committee has concurred in the addition of two projects vital to Kentucky which were added by the House to H.R. 15586. I refer to the $500,000 added for the southwest Jefferson County floodwall and the $700,000 added for the Yatesville project. I am also pleased that $650,000 for temporary Lock and Dam 53 was added by the Senate, and that the committee increased Martins Fork Lake to $1,550,000.

Since 1961 when I first became judge of Jefferson County, Ky., I have been seeking the approval of a project to protect the developed area southwest of Louisville, Ky. This portion of Louisville contains upward of 60,000 inhabitants and an estimated value of developments of more than $345 million. As the area has been ravaged by flood 75 times since 1872 and as damage from flood in 1964 alone amounted to $3.5 million, the worth of this project is very evident. The local government has sold $6,325,000 of revenue bonds for the purpose of preserving industrial acreage in the area. In addition, several local banks and places of business have contributed $750,000 to a special reserve fund to assist in guaranteeing interest payments on these bonds. Each year of delay in construction would have cost $477,560 in interest payments.

The problems related to the Yatesville Flood Control project which is a vital part of the Big Sandy Valley Protection plan and which was authorized initially in 1965, have now been solved. I understand that the recreation cost-sharing contract, the development of the public use plan and the general design memorandum have all been completed. The engineers are prepared to initiate construction with a $700,000 capability.

Again let me congratulate the members of the committee for their excellent bill and for their foresight in concurring with the House additions and in two additions of their own which meet the capability of the Engineers.

TOCKS ISLAND, GREAT EGG HARBOR INLET, AND PECK BEACH

Mr. WILLIAMS. Mr. President, I wish to discuss two aspects of H.R. 15586, the public works and atomic energy appropriations bill for fiscal year 1973, which are quite important for residents of New Jersey and neighboring States.

The bill includes the full $14.8 million requested for the Tocks Island Dam and Reservoir, a multipurpose project which has received congressional consideration since 1955 when rains from Hurricane Diane devasted the valley. Of the $14.8 million, $7.5 million was requested for land acquisition and $6,080,000 was to be added to the $1,650,000 appropriated in the current fiscal year for preliminary construction work.

The dam at Tocks Island would provide four significant benefits for the area. First, it would serve as a means of flood control and hopefully prevent the ravaging of the valley which has occurred in the past. Second, it would provide a reliable source of water which will become increasingly important to the 20 million people and many industries who rely on water from the Delaware River. Third, hydroelectric power could be generated at the dam, and finally, extensive recreation facilities would be provided by the reservoir.

Although many important benefits can be derived from the Tocks Island Dam and Reservoir, critical environmental matters which might adversely affect these benefits remain to be resolved.

My support for the project is based on the successful resolution of these problems.

Fortunately, the Council on Environmental Quality has taken an active role in insuring that the problems of contamination and eutrophication of the proposed reservoir are resolved. The Council has made an agreement with the Army Corps of Engineers that construction of the dam shall not be undertaken until the Delaware River Basin Commission and/or the Governors of the four member States commit themselves to implementing a regional sewage treatment system in the vicinity of the proposed reservoir. In addition, the Council has requested special assurance from Governor Rockefeller that New York would give priority to bringing all sources of pollution affecting the project under an abatement plan.

I believe that the Council on Environmental Quality is absolutely correct on this matter and that the serious potential threats they are concentrating on must be resolved before construction begins.

Furthermore, with a view toward the need of protecting against harmful nutrient enrichment and eutrophication of the proposed reservoir, the Senate Appropriations Subcommittee on Public Works has concurred in the House action on this matter and concluded that construction work would be inappropriate unless and until these serious environmental problems have been satisfactorily resolved.

In addition, the committee has recognized the need to continue a land acquisition program. It approved the full $14.8 million requested in the budget with the direction that all $14.8 million is applied, together with the $1,650,000 previously appropriated for preliminary construction only, toward an accelerated program of land acquisition until the necessary assurances have been received and the outstanding environmental matters are resolved.

I think the subcommittee's action on this issue wisely reflects the significant problems which could jeopardize the project if left unresolved. I am pleased to say that I shall support this bill with the specific conditions made for the actual construction of the Tocks Island Dam.

On another matter, I was most gratified that appropriations for preconstruction planning of projects at the Great Egg Harbor Inlet and Peck Beach have been included in the bill.

Earlier this year, I discussed with Senator STENNIS, the distinguished chairman of the Appropriations Subcommittee on Public Works, the need for funding this project. I explained that this beautiful stretch of the shore in Cape May and Atlantic Counties, in New Jersey, badly needed a Federal program to prevent further beach erosion, eliminate the hazardous navigation conditions at the inlet, enhance the land, and increase the fishing opportunities.

This project had been authorized by the Senate and House Public Works Committees in December 1970, and the Corps of Engineers has a capability of $50,000 for initiating the preconstruction planning during fiscal year 1973.

I want to express my sincere appreciation to Chairman STENNIS for his consideration on these two matters which undoubtedly will benefit many millions of people. His efforts and those of the other members of his subcommittee have demonstrated great sensitivity to the needs of the people of New Jersey and her neighboring States.

I should like to say again that it is with great pleasure that I support this legislation.

BENEFITS AND BONUSES OF ATOMIC ENERGY RESEARCH AND DEVELOPMENT

Mr. HATFIELD. Mr. President, over a quarter century has passed since the power of the atom made its public debut. Unfortunately, that debut was an awesome weapon, and as a result, atomic energy gained a public reputation for danger and destruction. This reputation has been difficult to overcome, despite the fact that the atom serves the public daily in many peaceful and unique ways.

Since 1947 Congress has appropriated over $53 billion to the Atomic Energy Commission. Last year alone, Congress appropriated over $2.3 billion, and today's appropriations request seeks another $2.6 billion. With so many dollars involved, especially at a time when so many programs are competing for funds, it is only proper to question our spending on atomic energy. What level of priority should we assign the atomic energy program? To answer that question, we need some perspective on what returns our investments in atomic energy R. & D. have yielded and may yet yield.

Tax dollars spent on atomic energy research have produced many peaceful benefits in the form of spinoff technology. This spinoff has provided a bonus for taxpayers. It has led to innovations in industry; it has prompted improvements in consumer products; and has led to environmental improvement benefits.

Today the atom suffers from an identity crisis. On one hand it is either praised or maligned as being the cornerstone of our defense and deterrence against war, while on the other hand it holds a vast potential as a peaceful tool that too few people are aware of. The catalog of the peaceful scientific and technical achievements credited to the AEC, or made possible as a result of nuclear research and development, grows thicker each year. For example, the commercial market for radioisotopes now includes 100 private firms with sales totaling over $86 million a year. These radioisotopes are used routinely by some 5,000 U.S. industrial firms. In medicine they are used for the diagnosis and treatment of disease in more than 5 million patients a year. They are used in environmental control projects, in crime detection, in space exploration, and in agriculture to perform a variety of unique tasks.

I believe the fascinating stories of how radiation was used in the Southeastern part of the United States to help eliminate the screwworm fly, which once cost the cattle industry millions of dollars a year, and how radiation is used to determine the age of archeological discoveries are well known. But, too few people realize how many ways atomic energy serves the public. For example, I am certain that few Americans realize that a portable isotopic detector may help police make on-the-spot identification of bullet holes in wood, glass, and clothes. The detector, with its probe containing the isotope cadmium-109, is inserted into a suspected bullet hole. If there is any lead residue in the hole, it will produce, when exposed to cadmium-109, X-ray fluorescence which registers on the detector. Similar nuclear analysis techniques have been used in police laboratories to perform such tasks as detecting art forgeries and even "moonshine" whisky.

THE ATOM AND ENVIRONMENTAL PROTECTION

The peaceful atom is also playing a role in another area—environmental pollution. An isotope tagging technique was successfully used in several pulp and paper mills during 1971 to pinpoint pollutant discharges into rivers and streams. The technique involved tagging samples of wood chips with a metallic salt. The tagged chips were sent through the mill, and later, investigators collected water samples downstream from the mill. The samples were then bombarded with neutrons, making the tracer salts slightly radioactive. Detectors could then tell how much polluting material the mill was releasing to the stream. The extreme sensitivity of the process, called neutron activation analysis, permits working with water pollutant samples of 22 million parts to one. Based on this information, it was possible to modify operations in several mills to minimize discharge of pollutants.

Nuclear scientists have also developed a technology which may help identify ships which illegally deposit oil slicks on water and beaches. Researchers devised "fingerprint techniques" for identifying oil slicks. Using highly sensitive nuclear analysis to find characteristic trace elements in a sample of spilled oil, investigators may then be able to tell what part of the world the oil is from. Then, by checking what ships were in the area when the slick appeared, it may be possible to apprehend the vessel which released the pollution.

THE ATOM AND MEDICAL RESEARCH

Several medical applications of atomic energy have received some public recognition—radiation therapy for cancer, X-rays, and the use of a radioisotope of iodine to detect thyroid conditions are well known. But, there are many other not-so-well-known discoveries of the atomic age which play vital roles in the prevention, diagnosis and treatment of human diseases. For example, HEW has reported that diagnostic medical X-ray examinations represent the largest single source of exposure to manmade radiation in this country. But recently an X-ray intensifying screen reducing medical X-ray exposures was developed. The new screens absorb more X-rays, reduce exposure time, and consequently, reduce the radiation dose to the patient.

Ten years ago, no effective treatment for the disease called Parkinsonism existed. Then Dr. George Cotzias—Kawt-z-us—of the AEC's Brookhaven National Laboratory and his coworkers' work with neutron activation analysis on trace metals in the human brain led to the development of a treatment of Parkinsonism with a drug called L-Dopa. Before the L-Dopa treatment was devised, the characteristic pattern for victims of the disease was lifetime disability and suffering. L-Dopa can end much of the suffering. Hundreds of patients have now been treated and in the majority of cases, L-Dopa relieved the most severe disease symptoms. Some patients have improved so much that they were able to return to work. As a result of the success achieved by Dr. Cotzias, L-Dopa is now readily available at low cost and it has been approved by the FDA for medical use. Thus, many of the estimated 500,000 to 1,500,000 victims of Parkinsonism in this country can expect to enjoy the benefits of this remarkable new drug.

It is well known that more Americans suffer from heart conditions than from any other medical ailment, exclusive of the common cold. But, it is not generally known that AEC research and development has led to several technical achievements in the diagnosis and treatment of heart diseases. Two devices currently under development use heat generated by the decay of radioactive material to power manmade heart devices—an artificial heart and a nuclear heart pacemaker. Battery-powered pacemakers keep about 80,000 people in the United States alive, but present batteries implanted in a human being's chest operate successfully for about 2 years and then must be replaced. The advantage of a radioisotope-powered pacemaker is that it will operate for about 10 years. The program to develop a nuclear pacemaker was initiated in 1966 and has progressed through a series of tests in animals to fabrication of a prototype in a pilot production line. At the moment, a second series of tests in animals is underway to prepare for clinical testing in humans in 1973.

The AEC is also continuing its efforts to determine the practicability of developing a fully implantable artificial human heart device—of minimum weight and volume and with a minimum life of 10 years. The device would incorporate a compact radioisotope thermal converter—a device that works like an engine—and a plutonium-238 heat source.

A third medical technology that stemmed from AEC work may greatly improve the diagnosis of heart conditions. Although a skilled clinician can tell a great deal about heart action by listening to it and by measuring pulse rate and blood pressure, detailed direct knowledge of events inside the heart would be of enormous value in diagnosing heart abnormalities. By combining a radiation counter with TV techniques, researchers have found a way to observe and measure the flow of blood through each individual chamber of the heart. It works this way—a patient is positioned under the camera; a tube is passed through a vein in his arm to a blood vessel leading directly to his heart—a relatively gentle clinical procedure that takes about 3 minutes—and a small dose of radioactive technetium—tek-nee-shee-um—is injected. Taking pictures at 30 frames per second, the camera follows the radioisotope through the heart. What it sees goes onto videotape. During playback of the tape on a TV monitor, the amount of radioactive technetium that passed through any region of the heart is indicated by the light output from that particular region.

On another front, AEC's R. & D. work has renewed promise for patients with kidney disease. The hormone that stimulates red blood cell formation—erythropoietin—a-rithro-poy-ee-tin—was isolated in pure form for the first time by researchers at the University of Chicago and the Argonne Cancer Research Hospital. The existence of erythropoietin has been known for at least 50 years, but it is present in such minute traces that, until now, it has never been isolated in pure form. In the AEC project, is was separated from the blood of sheep.

Kidney disease patients eventually may benefit from the achievement since they produce inadequate amounts of the hormone and suffer severe anemia. Treatments with pure erythropoietin might help kidney patients lead a relatively normal life, much like a diabetic patient taking insulin. However, costs of the treatment are presently prohibitive.

THE ATOM AND BRAILLE REPRODUCTION

Yet another medical spinoff of atomic energy R. & D. was the development of a device which promises to make the bulky and costly-to-produce braille book obsolete by replacing it with a small reel of magnetic tape. Argonne National Laboratory's capabilities in electronics, physics, plastics research, and computers contributed to the development of the braille machine, which takes symbols recorded on ordinary magnetic tape and plays them back as patterns of upraised dots—braille—on an endless plastic belt. The sightless person reads the information on the moving belt simply by touching the belt with his fingertips. The speed of the plastic belt can be adjusted to the desired reading speed. A special long-lived plastic utilized for the belt can last for months before replacement is necessary.

THE ATOM AND POLLUTION

Mark Twain once remarked—

> Everyone talks about the weather, but nobody does anything about it.

Perhaps people are starting to react the same way to talk about our environment. Fortunately, as far as AEC's R. & D. program is concerned, such an indictment is inaccurate. For example, pollution-related projects utilizing radioisotopes include building a test model of a portable, low cost auto exhaust monitor. The monitor would contain radioactive krypton-85 chemically "locked" within other chemicals but releasable when exposed to noxious gases, such as carbon monoxide. A Geiger counter-like gadget would count signals released by the krypton, thus measuring the atmospheric pollutants in the exhaust. The device should be available in time to help enforce nationwide auto exhaust emission controls.

Another AEC project which may help reduce air pollution is the development of a unique family of rechargeable batteries which may make a "clean" car possible. These batteries have a much larger capacity for storing energy than conventional batteries of the same weight; they also can be charged in minutes rather than hours. A primary advantage of the new battery is its ability to hold 10 times the charge of the lead acid-type. An electric car powered by these new cells could conceivably travel 200 miles on a single charge while recharging the cells would require only 15 minutes.

Another effort related to air pollution is a special technique used in uranium fuel technology. Called fluidized bed combustion, it promises to be an important tool in the campaign to improve the air we breathe by improving coal burning procedures. When coal is burned in the fluidized bed combustion methods, air under pressure is forced up into a chamber filled with crushed coal and limestone. If the air pressure is at just the right level, the solid particles will be supported by the upward-rushing gas, churning and boiling in a way that resembles a fluid. In this rapidly mixing environment, the limestone captures the sulfur and some nitrogen compounds, the chief villains in air pollution, leaving the gases that travel up the smokestack to the air much cleaner.

Another interesting product of AEC's research and development work is a new family of construction materials made by combining such things as crushed glass or concrete with plastic by using gamma radiation. The radiation process can turn crushed discarded bottles and plastic into a material with a compressive strength three times that of concrete. I have seen this in the form of sewer piping, and its potentials are fantastic.

A material four times stronger than concrete is also being turned out in the laboratory by combining concrete and plastic. This so-called concrete polymer product is highly resistant to corrosion and freeze-thaw damage and is virtually waterproof. Recent work with the radiation processing technology has involved adding incinerator waste or sewage solids to the concrete before impregnating it with plastic. A wood composite made of ordinary wood and plastic combined through the radiation processing is already on the market. The wood plastic retains the beauty of wood but is considerably more durable and easy to keep clean.

The several examples I have cited today of how atomic energy R. & D. serves to better our daily lives is by no means a complete catalog. In fact, I have only scratched the surface. Time prohibits me from describing for you more fully such achievements as:

Electrical systems to power weather satellites, ocean buoys, and our scientific instruments on the moon.

Isotopic gauges which perform thousands of industrial roles, such as monitoring and controlling the thickness of paper, the amount of tabacco put into a cigarette, and the amount of cereal mechanical fillers put into boxes.

A unique technique that removes solid waste from water twice as fast as any present technique.

And many others—all testifying to the human and technological value of our investment in atomic energy and the AEC's efforts to make the benefits of the peaceful atom available to all mankind.

Added together the benefits and bonuses of atomic energy research and development present an impressive argument for our continued investment in the peaceful atom.

IMPORTANT MARYLAND PROJECTS INCLUDED IN PUBLIC WORKS APPROPRIATIONS BILL

Mr. MATHAIS. Mr. President, I congratulate the distinguished chairman and the members of the Public Works Committee for a job well done. The bill includes a number of projects of great importance to my State of Maryland. It helps to assure that my State will continue to be in the forefront of the Nation's economic progress throughout the next decade. For that reason, I would like to cite some of the projects included in this bill which are of particular interest to my State, and urge my colleagues to grant speedy approval of the bill.

First, the bill appropriates $14 million for construction of Bloomington Dam. This is the same amount as was granted in the House and was requested by the administration. This amount will permit the orderly and efficient construction of the Bloomington Dam and Reservoir project on the north branch of the Potomac River. According to the current schedule, stream diversion should be accomplished by the spring of 1975 and the entire project should be completed by November 1978.

This $14 million provides for $260,000 for continuing acquisition of lands; $11,220,000 for continuing relocation of the Western Maryland Railway; $197,000 for continuing attendant utility relocations; $1,380,000 for initiating construction of the outlet works tunnel and stilling basin; and $943,000 for Government costs.

The completion of the Bloomington

Dam will provide a major stimulus to the economic growth of western Maryland and will insure that much needed supplies of water for both western Maryland and the District of Columbia metropolitan area will be available for use in the latter part of this decade.

Second, I am pleased that the committee bill provides $7.5 million for work on the Chesapeake and Delaware Canal. This amount will permit work to continue on schedule, with a target completion date of June 1974. The $7.5 million appropriated by the committee is the same amount as was requested by the White House and appropriated by the House and represents the Corps of Engineers full capacity for fiscal year 1973.

This appropriation will enable the Maryland Port Authority to attract the new generation of commercial vessels which are presently unable to use the canal at its present width and depth, and have warned that the Port of Baltimore may be bypassed for more accessible and efficient ports in the not too distant future.

Related to the Chesapeake and Delaware project is the deepening of a connecting channel between the Baltimore Harbor and the C. & D. Canal to a level of 35 feet to correspond with the canal's new depth. Although funds for this connecting channel were not included in the budget for 1973, this project is vitally linked to the usage of the enlarged Chesapeake and Delaware Canal, and should be funded simultaneously with the C. & D. enlargement.

Should the committee decide to fund the C. & D. enlargement at a level of $10,200,000, the total cost of completing work on the connecting channel would be $3,500,000 in fiscal year 1973. Realizing, however, that the committee may decide to grant the budget request of $7,500,000, I suggest the need to appropriate at least $500,000 to allow a fiscal 1973 start on the connecting channel.

Third, I would like to commend the committee for providing $175,000 for preconstruction planning of the 50-foot channel from Baltimore Harbor to the mouth of the Chesapeake, which was authorized by the Rivers and Harbors Act of 1970. The Corps of Engineeers would use this amount for initiating environmental studies, preparation of the general design memorandum, hydrographic surveys and subsurface explorations. While this amount was not included in the House bill, it fulfills a critical need for advance planning at relatively little cost.

Fourth, the committee bill also provides $12,000 for an initial study to determine the justification for Federal assumption of a deep access channel to a Cambridge, Md., marine terminal. Though a seemingly small amount, this study, if funded, will reap many benefits to the bay area and to the State of Maryland as a whole.

Finally, I am pleased that the committee bill includes $4.35 million for the Chesapeake Bay study. The critical need for this study has been recognized by both the President and House. This study is one of the most important estuary studies being undertaken at this time. According to Col. Louis Prentiss, of the Corps of Engineers, $3,000,000 of the amount included in the bill will be used for initiation of the shelter construction. The bill also includes $288,000 for the completion of the hydraulic model design, which will be a valuable research tool enabling scientists to comprehend the nature of the Chesapeake Bay and to plan sensibly to meet the growing pressures of metropolitan and industrial activities in the surrounding bay area: $562,000 for technical studies in connection with the resource study and $500,000 for collection of prototype data.

Mr. President, let me again express my thanks to the members of this committee who have done an outstanding job. I know that all Marylanders are grateful for the time and effort they have put into the bill and for the wise decisions which they have made.

Mr. STENNIS. Mr. President, as far as I know, there are no other amendments. I suggest third reading, if it is in order.

The PRESIDING OFFICER. Does the Senator from North Dakota seek recognition?

Mr. YOUNG. No, I shall wait until after third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 15586) was read the third time.

Mr. STENNIS. Mr. President, I yield such time as he may require to the Senator from North Dakota, a long-time valuable member of our subcommittee, for many years the ranking minority member, and at one time its chairman. He is now the ranking Republican representative of another subcommittee, but he is a valuable and faithful member of the committee.

Mr. YOUNG. Mr. President, I thank the Senator from Mississippi for his kind remarks.

RETIREMENT OF KENNETH BOUSQUET

It is with a feeling of sadness and regret that we note that this will be the last public works bill that Ken Bousquet will handle. This will be his 21st such bill. He has served faithfully and effectively for this committee for more than 20 years.

Ken is one of the best, if not the best, staff members the Senate Appropriations Committee ever had. He is an especially able, dedicated public servant with an unlimited capacity for work. I doubt whether there is any other person in the United States, in or out of Congress, who has more detailed knowledge of all the public works projects in the United States than he.

His leaving will be a great loss, not only to the Appropriations Committee but to the Senate itself. But there is another anniversary, Mr. President, a happier one: This is Ken Bousquet's 29th wedding anniversary. We wish him and Margaret a very happy anniversary.

Mr. STENNIS. Mr. President, I heartily join in the sentiment so well expressed by the Senator from North Dakota. I wish there were some way that Mr. Bousquet could, by transfer or assignment of some kind, leave us his knowledge, understanding, and judgment of all this vital nationwide network of projects that range, now, through several departments in addition to the Army civil functions.

I understand that when he came here, they set out to get the best man they could find, and finally took away the budget officer of an important agency of the Government, and it was a great day for the legislative branch, limited as we are in funds for our own operations, and without even enough room here to operate properly, when we found this very valuable man. Those of us who have had the chance to serve on the Appropriations Committee know that he is a remarkable man in both ability and dedication, and thus we hate to see him go, but we certainly wish him well.

Mr. President, I have a statement here prepared by the Senator from Maine (Mr. MUSKIE). I ask unanimous consent that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MUSKIE

This year, as in each year since its initial authorization in 1965, I ask my colleagues to support planning and design money for the Dickey-Lincoln School hydroelectric power project in Maine. The necessity for this project remains unchanged and the urgency for its completion undiminished. Despite increased construction costs due to inflation, the cost-benefit ratio for this project has also increased and still exceeds that of many other projects routinely undertaken by the Congress. Moreover, as events of recent days serve to remind us, the flood control benefits of this project in Maine's St. John's River valley are of critical importance.

Today there is almost universal agreement expressed by industry, consumers, and the government that we are confronted by the prospect of a national energy shortage during the coming decade. It is remarkable to me, in view of this fact, that funds for the construction of the Dickey-Lincoln School project face continued opposition in the House of Representatives. It is sadly ironic, too, that the Dickey-Lincoln School project would this year have been completed if the original construction schedule had been maintained.

As in the past, the Public Works Appropriation bill in the Senate includes $800,000 for advanced engineering and design work on the project. I respectfully urge the Senate to express its continued support for this measure in the hope that agreement can be reached with the House of Representatives on a level of appropriation suitable to resume planning for the Dickey-Lincoln School project.

Mr. STENNIS. I also have a draft of a colloquy prepared jointly by the Senator from New Jersey (Mr. CASE) and myself as chairman of the subcommittee, relating to a study of a project to rebuild some beaches, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Senator CASE. Mr. President, shortly after our Appropriations Committee reported the public works appropriations bill, I was advised of action taken by the House Public

Works Committee regarding a matter in my state. The House Committee has approved a resolution for the Corps of Engineers to conduct a $265,000 flood control survey for Cape May, Cumberland and Salem Counties in New Jersey.

According to the Army Corps of Engineers, local interests in the area of the lower Delaware River and Delaware Bay Shore desire corrective measures to provide beach erosion control and hurricane protection. The Engineers have advised that "erosion and flood problems are severe and increasing, and it appears, therefore, that a study is warranted at this time."

Since the House Public Works Committee has approved a resolution providing the study, it remains for Congress to come up with the necessary $265,000 to carry it out. Unfortunately, the matter was brought to my attention too late to be considered in the bill now before the Senate. However, I believe it merits the earliest consideration by Congress. I hope the Chairman of our subcommittee, Senator Stennis, who is now on the Floor, will agree to give this study his consideration in the next general supplemental appropriations bill that is submitted to Congress.

Senator STENNIS. The Senator from New Jersey has stated the case accurately. The proposal was not heard by our subcommittee during its recent consideration of the regular fiscal 1973 budget. A future supplemental will give us this opportunity at which time I will be glad to give consideration to the request for these funds.

Senator CASE. I appreciate the Chairman's comments. They are most helpful in pursuing this matter.

Mr. President, I ask unanimous consent that the text of the resolution adopted by the Public Works Committee of the House of Representatives be printed in the Record after these remarks.

RESOLUTION

Resolved by the Committee on Public Works of the House of Representatives, United States, that the Board of Engineers for Rivers and Harbors is hereby requested to review the report of the Chief of Engineers printed in House Document Numbered 348, 88th Congress, 2nd Session, with a view to determine the feasibility of providing improvements for beach erosion control, hurricane protection, and related purposes along the Delaware Bay shore of New Jersey and the lower portion of the Delaware River in Cape May, Cumberland, and Salem Counties.

Mr. STENNIS. Mr. President, I have a similar draft of a colloquy between the Senator from Delaware (Mr. BOGGS) and myself regarding two questions concerning the Christina River Basin study that he has an interest in. I ask unanimous consent that it be printed in the RECORD at this point as a reflection of our views.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Senator BOGGS. Mr. President, I should like to direct two questions to the distinguished Floor manager of the bill (Mr. Stennis). I recognize that this bill does not specifically allocate funds for various Corps survey work. However, there is strong interest in Delaware for initiating survey work on flood control, water supply, and waste water management in the Christina River Basin. This Basin, which includes the Brandywine River, drains most of the heavily populated areas of New Castle County. Am I correct that the increase in this bill of $7,036,000 above the 1972 obligation authority for general investigations by the Army Corps of Engineers will provide sufficient funds to allow the Corps to allocate $50,000 for initiating the Christina Basin survey work in fiscal 1973?

Senator STENNIS. The Senator is correct.

Senator BOGGS. I thank the distinguished Senator (Mr. Stennis) for those remarks. Am I also correct that it is the Committee's expectation that this survey in the Christina River Basin should begin during fiscal year 1973?

Senator STENNIS. In view of the importance of this study I would hope that it would be initiated in Fiscal Year 1973.

Senator BOGGS. May I again thank the distinguished Senator from Mississippi (Mr. Stennis). While we in Delaware were relatively lucky in avoiding the catastrophic flood damages suffered by many of our neighboring States during the Agnes storm, work on this Christina survey must go forward to assure prevention of future flood damages.

Mr. STENNIS. Mr. President, before we have the rollcall vote on this measure—I do not think it will take but a few moments—I ask unanimous consent that, for the purpose of considering a military appointment, the Senate go into executive session. Does the Senator from Montana concur?

Mr. MANSFIELD. I would be delighted.

EXECUTIVE SESSION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of the Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT CHIEFS OF STAFF

The legislative clerk read the nomination of Admiral Thomas Hinman Moorer, U.S. Navy, to be Chairman of the Joint Chiefs of Staff for an additional term of 2 years.

Mr. STENNIS. Mr. President, this nomination was unanimously approved by the Armed Services Committee for the reappointment of Adm. Thomas H. Moorer as Chairman of the Joint Chiefs of Staff, he having served a 2-year appointment. This is for an additional 2 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. STENNIS. Mr. President, I would like to point out that on the list of nominations for the Army confirmed earlier in the day is the name of Gen. William C. Westmoreland, who is retiring as Chief of Staff and retiring from the Army with the permanent rank of general.

We all know of the illustrious career of General Westmoreland, and I had further remarks earlier today, Mr. President, with reference to his distinguished career.

I ask unanimous consent that the President be notified of the confirmation of the nomination of Admiral Moorer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I thank the Senator from Montana.

LEGISLATIVE SESSION

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 15586) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

Mr. ALLOTT. Mr. President, will the Senator yield to me for a couple of minutes?

Mr. STENNIS. I yield the Senator 3 minutes.

RETIREMENT OF KENNETH BOUSQUET

Mr. ALLOTT. While I was out of the Chamber, I understand that the distinguished Senator from Mississippi and the distinguished Senator from North Dakota paid tribute to Mr. Kenneth Bousquet, who is the ranking staff member who handles this bill.

I also am very painfully aware of the fact that he is about to retire. Certainly I think anyone who has worked with him—and I must say particularly this Senator—could not let this occasion pass without expressing for himself, and I am sure all of the rest of us, our great regret that he is leaving the service of the Senate of the United States.

In all of the time that I have had occasion to deal with him in any way since I have been a Member of the Senate, I have found several things to be true about him, and one is that he knows his business as very, very few of the people on the staffs of any of the Senate committees know their business. I have found that whenever I have called upon him for information, even though technically he is a staff member for the other party, I have always been able to get it, and I have always found it to be reliable. As a matter of fact, I think it would be hard to imagine anyone who could be more the epitome of the ideal public servant and Senate staff member than Ken Bousquet has been. All of us on our side of the aisle will regret his leaving very much.

I can only say something which is very, very simple, and it is an awfully small thing to say after all the services he has rendered both to me and to the other Members of the Senate individually, and that is, "Thank you for being the very best type of public servant any man can be."

Mr. STENNIS. That is a very fine statement, indeed.

Mr. President, I know of no other Senator who wants time yielded.

Mr. BIBLE. Mr. President, as one who has known and respected Ken Bousquet for more years than either of us care to count, I would indeed be derelict if I did not add my commendations on his retirement from the Senate and the professional staff of the Appropriations Committee.

In the sensitive position of responsibility that Ken has held for 20 years or more, it is extremely difficult to be both diligent and well liked, but I know that Ken is both. He has rendered an invaluable service to the Senate and to the Nation with competence and dedication—no one is more expert in public works appropriations—and yet he has never been too busy to be helpful and courteous to all with whom he works or deals with. We will not find a better man for this job, and we will truly miss Ken. His departure leaves a vacuum, and I say this without any inference on the fine abilities of those who will follow him.

Thousands of individuals have participated in the great public works projects that have helped tame our floods, harnessed our rivers for power generation, recreation and reclamation, and advanced our Nation as the greatest nuclear power in the world. But among them all, Ken Bousquet certainly deserves high praise for the significant contributions he has made.

Anyone would be satisfied with the laurels Ken Bousquet has earned in his Senate service, but he also had an outstanding career with the Corps of Engineers before that when he served as budget officer with Civil Works. Ken can justifiably look back with deep satisfaction over a life of high achievement.

I am sincerely sorry to see Ken leave, but I know he has earned the benefits of retirement. I wish him and his wonderful wife, Margaret, the best of continued success and happiness.

The **PRESIDING OFFICER**. Do Senators yield back their time?

Mr. **BOGGS**. I yield back the remainder of my time.

Mr. **STENNIS**. I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum, for the purpose of notice to Senators that a vote is about to take place.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **STENNIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **ROBERT C. BYRD**. I announce that the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Alabama (Mr. Sparkman), and the Senator from Michigan (Mr. Hart) are necessarily absent.

I further announce that the Senator from North Carolina (Mr. Jordan) and the Senator from Louisiana (Mr. Ellender) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Jordan), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), and the Senator from Minnesota (Mr. Humphrey) would each vote "yea."

Mr. **GRIFFIN**. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from Alaska (Mr. Stevens) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick) and the Senator from Iowa (Mr. Miller) would each vote "yea."

The result was announced—yeas 73, nays 3, as follows:

[No. 273 Leg.]

YEAS—73

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eagleton
Eastland
Fannin
Fong
Fulbright
Griffin
Gurney
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Packwood
Pastore
Pell
Percy
Randolph
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—3

Nelson
Proxmire
Roth

NOT VOTING—24

Baker
Brock
Church
Cranston
Dominick
Ellender
Ervin
Gambrell
Goldwater
Gravel
Hansen
Harris
Hart
Hatfield
Humphrey
Jordan, N.C.
Magnuson
Miller
Mundt
Muskie
Pearson
Saxbe
Sparkman
Stevens

So the bill (H.R. 15586) was passed.

Mr. **STENNIS**. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. **ROBERT C. BYRD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **STENNIS**. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Stennis, Mr. Ellender, Mr. McClellan, Mr. Magnuson, Mr. Bible, Mr. Anderson, Mr. Randolph, Mr. Hatfield, Mr. Young, Mr. Hruska, and Mrs. Smith as conferees on the part of the Senate.

(The following colloquy, which took place earlier in the day, during the debate on the debt limitation bill, is printed at this point in the Record by unanimous consent.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **GRIFFIN**. Mr. President, last evening when the distinguished majority leader asked unanimous consent that all Senate committees have permission to sit today during the session of the Senate, I registered an objection, and indicated that I did so on behalf of another Senator who was unable to be present on the floor at the time.

Personally, I was not aware of what committees might have meetings scheduled for today. I understand there are really only a couple of committees that do, and I frankly think that, as a matter of general principle, it makes a lot of sense that committees would not try to do business on a day when we are having a rapid succession of rollcalls on very important matters.

But the Senator who asked me to object for him is now present in the Chamber, and as a result of some discussion, I believe perhaps there may be a possibility that that arrangement could be changed. I yield now to the distinguished Senator from New Hampshire.

Mr. **COTTON**. Mr. President, the objection made last night by the assistant minority leader was made on my behalf. It had to do with the meeting of the Committee on Government Operations to consider the consumer protection measure, and to prepare its report for the Senate.

Mr. President, I have, I shall not say objection, because I do not object to the bill as I know it, in its original form, but a concern about some changes to it. I simply want to make sure that we have ample opportunity to examine it. I note that both the distinguished Senator from Illinois and the distinguished Senator from New York, who are keenly interested in that bill and are members of the committee considering it, are present.

I do not expect them to speak for the entire committee, but I would withdraw my objection if they felt that, insofar as they are authorized to do so, they could accept or agree to three stipulations.

The first is that when the bill was referred to the Committee on Government Operations, it was agreed, I think as a matter of record, that the committee on conference would have the privilege of having the bill for 30 days' consideration after the Committee on Government Operations had reported.

I want it understood that, so far as I am concerned—individually, as the ranking member on the Commerce Committee—I am not waiving that agreement. Now, I have no idea that the chairman of my committee (Mr. MAGNUSON), or the majority of the committee, or I, when we come back and have 5 weeks between the two conventions, would expect to assert that 30-day right. Therefore, this stipulation is more a matter of form than substance.

My second stipulation on which I would want an agreement, if I withdraw my objection, is that we have an agreement that the Committee on Government Operations would not attempt to bring the bill up on the floor of the Senate for 2 weeks after the report is filed. And, assuming that the report would be filed in the interim or the first day on our return, this would mean that the bill would not be brought up for consideration on the floor of the Senate until the third week.

I make this second stipulation so that if perhaps many Members do not come back the first week, I think that individually we should be allowed the opportunity to examine the bill with the amendments attached to it by the committee and not have it taken up the first week, for example, and passed. If the Senators would agree, insofar as they have authority, that they will not ask for this consideration until the third week of the interim session, if we may phrase it that way, that would bear on my objection.

The last stipulation is that, in fairness, I want it understood that I am not making any agreement in advance about agreeing to a unanimous consent on a time limit as to the bill's consideration. The important agreement I would like to have, insofar as the Senators are authorized to agree—at least, for themselves—is that they would not attempt to act on the floor until we have had 2 weeks to examine it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

The PRESIDING OFFICER. If the Senator will indulge the Chair, the distinguished Senator from Delaware (Mr. ROTH) has the floor.

Mr. ROTH. I am happy to yield to the Senator from New York.

Mr. GRIFFIN. Mr. President, the Senator from Delaware yielded to me for this purpose, and we are imposing on him. I appreciate the indulgence of the Senator from Delaware.

Mr. JAVITS. I should like to ask this of the Senator: In view of the fact that he would not wish the bill considered until the week of August 7——

Mr. COTTON. Is that the third week?

Mr. JAVITS. Yes. I wonder now, what about a referral to the Committee on Commerce? Could we set a date on that?

Mr. COTTON. Does the Senator mean for 30 days?

Mr. JAVITS. Something. Because, after all, if we started now, the 30 days would not expire until roughly that time, a week before.

Mr. COTTON. I cannot speak for the Committee on Commerce. I have reason to believe that the chairman and the majority of the committee would not ask for 30 days. So far as I am concerned, if the agreement is made about not bringing it up until the third week, I would not ask for it.

Mr. JAVITS. In other words, it could be deferred for 2 weeks after we report it?

Mr. COTTON. Either that, or remain on the calendar so that Senators will have 2 weeks to examine it.

Mr. JAVITS. The Senator is very kind in his relationship to us. We will be equally confident, I am sure, of his good will and good faith in our relationship with him.

I would certainly make the commitment that the bill would not be brought up until the week of August 7, so far as I can handle it also, that this is no unanimous consent about time on the bill. That will find its own way. We will work out something with the Committee on Commerce, mutually convenient, to coincide with stipulation No. 2—to wit, that it will not be considered until the 7th of August.

Mr. COTTON. What I was trying to avoid—and that is why I asked the distinguished assistant minority leader to object last night—was this: I did not want this bill brought up the very first week following the recess and passed until we had a chance to examine it thoroughly and to prepare our position.

Mr. JAVITS. May I say this to the Senator. There is something of a fundamental difference in the committee about the basis of the bill. There is no difference whatever upon the most open-minded approach on the side of those who propose changes and, second, on our part to fall over backward in the hope of winning some of the people who are concerned about it. I think we have won a great many already.

We will show our good faith further. I will make the commitment as best as I can for myself, and Senator PERCY will speak for himself. So far as I am concerned, I will do everything I can to see that this bill is not brought up until the week of August 7, and that the Commerce Committee will have every opportunity it wishes, by referral or whatever, to examine it carefully by then. Third, I will undertake another unilateral commitment that no one will be more open-minded than I—the Senator knows me well and I hope he knows that that is meaningful—in considering anything that will not destroy the bill, but may give some reassurance to business or any other interested party that would be of concern to our colleagues.

Mr. COTTON. I thank the distinguished Senator from New York for his assurance. In the many years we have been together, I know what it means. I have complete confidence in him.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Delaware holds the floor. Does the Senator yield?

Mr. ROTH. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I deeply appreciate the concerns of the distinguished Senator from New Hampshire. The three conditions he has laid down are understandable and reasonable. I concur with them, to the extent I can, as ranking minority member on the Committee on Government Operations.

The situation is that we met yesterday from 10:30 in the morning until 5:30 last night, at all times with more than a full quorum of the committee. We have only about an hour of estimated work remaining to be able to report this bill.

If it is possible to remove now the objection to our meeting today, without interfering with the work of the Senate, I think we can finish this work. Certainly, the conditions that have been laid down can be observed, and the national interest will have moved forward, and nothing will be on the record that will indicate that the minority is not ready to move ahead as expeditiously as possible to meet the schedule for what is considered to be highly important legislation, though subject to refinement and improvement in the amendment process.

Mr. COTTON. Mr. President, will the Senator from Delaware yield me 1 additional minute?

Mr. ROTH. I yield.

Mr. COTTON. Is my understanding correct from the remarks of the distinguished Senator from Illinois that, insofar as he knows, his committee will not seek to bring this bill up before the third week?

Mr. PERCY. Absolutely. I have already talked with Senator RIBICOFF and with Senator JAVITS. They concur that this is reasonable and fair. I will contact my distinguished chairman, Senator McCLELLAN, to see if this would be acceptable to him. From our standpoint, we certainly stand behind this.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Delaware (Mr. ROTH) yield to me for just 1 additional moment?

Mr. ROTH. I yield.

Mr. GRIFFIN. Mr. President, although I reiterate that I think the principle itself is a good one, I regret the inconvenience that has been caused not only to the members of the Government Operations Committee, but also to the members of the Judiciary Subcommittee which was scheduled this morning to listen to testimony on a constitutional amendment proposal by the distinguished Senator from Maine (Mrs. SMITH) having to do, I believe, with absences of Senators.

But having listened to the expressions of the distinguished Senator on this side of the aisle whose interest I was seeking to represent, in my leadership capacity last night, and his having been assured now, to his satisfaction, I ask unanimous consent that all committees may be authorized to meet during the remainder of the session today.

Mr. ALLEN. Mr. President, reserving the right to object—and I shall not object—until just a moment ago I was the only Democratic member of the committee on the floor. There has been a lot of talk about the bill in committee from the other side of the aisle and I think it is only fair that the Democratic Members be consulted as well as to their wishes in this matter. For that reason, Mr. President, I am going to suggest the absence of a quorum in order that the other committee members——

The PRESIDING OFFICER (Mr. Inouye). Does the Senator from Delaware (Mr. Roth) yield for the purpose of this colloquy and the unanimous-consent request that has been made?

Mr. ALLEN. I was speaking in answer to that request and I have already suggested the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Delaware (Mr. Roth) yield for that purpose? Does the Senator from Delaware object to the Senator from Alabama suggesting the absence of a quorum?

Mr. ROTH. Mr. President, the Senator from Delaware has not completed his remarks and——

Mr. GRIFFIN. Well, Mr. President——

Mr. BROCK. If the Senator from Delaware will yield for one point directed to the Senator from Alabama, perhaps we can accomplish the same purpose. There are a number of us who want to make remarks to the Senator's earlier statement and we can do that——

Mr. GRIFFIN. Mr. President, I temporarily withdraw the request in order to accommodate the distinguished Senator from Delaware.

Mr. COTTON. If the Senator will yield me just 1 second. In case I might not be on the floor, in view of these assurances I have already had, so far as I am concerned, I withdraw my objection.

Mr. JAVITS. I thank the Senator very much.

Mr. GRIFFIN subsequently said: Mr. President, in light of earlier colloquy concerning authorization of all committees to meet during the session of the Senate today, I now renew the unanimous consent request that was made earlier, that all committees may be authorized to meet during the remainder session of the Senate today.

Mr. ALLEN. Mr. President, reserving the right to object—a number of Senators who have made other plans and commitments, in view of the fact that the committee was not able to meet at the appointed time his morning, due to the objection from the other side of the aisle, I would like to give all these Senators who are members of the committee an opportunity to be consulted about whether the committee should meet, and for that reason I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Alabama withhold that suggestion?

Mr. ALLEN. Why? For what purpose?

Mr. ROBERT C. BYRD. I am going to object to any committees meeting.

Mr. ALLEN. Very well. Yes.

Mr. ROBERT C. BYRD. I object.

The PRESIDING OFFICER (Mr. Inouye). Objection is heard.

Mr. JAVITS. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. I yield.

Mr. JAVITS. I think it is most unhappy and deplorable that this has occurred. We were within 1 hour of reporting the Consumer Protection Agency bill. The Senator from New Hampshire certainly has facilitated not only the matter of committees meeting but the matter of reporting out and acting on the bill.

I must say that I deplore very much this turn of events which is bound to delay for a few weeks a bill which is of tremendous significance to me. For the first time a consumer protection agency will have been established in the Federal Government. All Senators are in the Capitol now. There are quite a large number of Senators here. I think that we can get a quorum. Most of us will be voting this afternoon. I am sorry that this is the way it has gone.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Oklahoma yield?

Mr. BELLMON. Mr. President, I yield to the distinguished acting majority leader.

Mr. ROBERT C. BYRD. Mr. President, I say to the distinguished Senator from New York that I have no feelings on this matter one way or the other. The only reason that I objected was that we have gotten a hangup now on the debt limit bill. The bill seemed to be moving rather well before this discussion developed. The distinguished Senator from Massachusetts (Mr. Kennedy) is here and ready to offer his amendment. Once we get through with the debt limit bill, we could then move rapidly, because the two remaining items on the schedule have time agreements thereon.

Once we finish the debt limit bill, later this afternoon, I would not object. But for the moment I object for the reasons stated.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BELLMON. Mr. President, I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I feel it very important that we establish in the Record that the minority as of this moment, 12 o'clock noon, has removed its objection and we stand ready to move forward with the legislation that overwhelmingly passed the Senate in 1970.

We are, I think, within an hour or two of finishing the markup of the bill and reporting it.

I deeply regret this. I fully take into account that other Senators do have other things on their schedule. However, I want to make it absolutely clear that the minority stands ready now to move the bill out of the committee so that it can be reported to the Senate.

Mr. JAVITS. And the agreement would only have to apply to this one committee.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. BELLMON. Mr. President, I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, the junior Senator from Alabama stated when he reserved the right to interpose an objection to the unanimous-consent request that he would not interpose an objection, but he thought it was only fair, since at the time he originally planned to object to the request, he was the only Democratic member, out of some 10 members of the committee, who was present on the Senate floor. And since this seemed to be a colloquy between Members on the other side of the aisle, he thought it only fair that the Democratic members of the committee be consulted as well. So to that end he wished to suggest the absence of a quorum.

The distinguished junior Senator from West Virginia has interposed an objection to the unanimous-consent request, and the junior Senator from Alabama has withdrawn his suggestion of the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, would the Senator from Oklahoma yield me 1 minute?

Mr. BELLMON. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I extend my appreciation to the junior Senator from Alabama for withholding his suggestion regarding the absence of a quorum, because I was only interested in moving the program along.

Mr. ALLEN. Mr. President, I appreciate that.

Mr. ROBERT C. BYRD. Mr. President, as I said, I had no feeling one way or the other on allowing committees to meet. I had intended to call up some consent items on the calendar at this time. However, I think I have imposed on the time of the Senator from Oklahoma too much already. I shall defer calling the consent items, and I thank the Senator from Oklahoma very much for yielding.

(This marks the end of the colloquy which took place earlier in the day and which, by unanimous consent, was ordered to be printed at this point in the Record.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 1972, he presented to the President of the United States the following enrolled bills:

S. 1893. An act to amend the Land and Water Conservation Fund Act to restore the Golden Eagle Passport Program, and for other purposes;

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; and

S. 3715. An act to amend and extend the Defense Production Act of 1950.

ADDRESS BY SENATOR BAKER ON STRATEGIC ARMS LIMITATION AGREEMENTS

Mr. BENNETT. Mr. President, the distinguished senior Senator from Tennessee (Mr. Baker) drafted an excellent speech on the Strategic Arms Limitation Agreements in which he described the signing as "the most significant achievement of the 1970's." Although he had intended to deliver the speech as the keynote speaker at the 18th annual meeting of the American Nuclear

Society, several critical votes made it impossible for him to attend the meeting in Las Vegas. As a fellow member of the Joint Committee on Atomic Energy I ask unanimous consent to have the remarks of Senator BAKER printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR HOWARD H. BAKER, JR.

Good evening ladies and gentlemen. I am indeed honored to have been asked to address the Eighteenth Annual Meeting of the American Nuclear Society here in Las Vegas, Nevada. I shall not speak this evening on any of the more familiar topics which have been discussed at great length in the past few days, such as power plant siting or controlled nuclear fusion, but rather address myself to what I consider to be the most significant achievement of the 1970's—the signing of the Strategic Arms Limitation Agreements in Moscow, May 26.

The agreements are historic for many reasons, but none so persuasive as what they represent in terms of hope for peace in the world. Though only a beginning, the agreements constitute the first time since man developed the atomic bomb, that he has stepped *away* from the brink of nuclear disaster rather than closer. As such, these historic agreements mark the beginning of a long and difficult journey toward the day when all mankind might envisage a world, at last free from the awesome threat of nuclear war.

We cannot realistically expect to negotiate the threat of nuclear warfare out of existence, but we can minimize the potential for its usage and thereby minimize its threat. This is what the Soviet Union and the United States have begun by reaching accord on these first Strategic Arms Limitation Agreements. The premise upon which these agreements were based, their effect, and prospects for further limitation shall be the subject of my talk tonight.

To say that the SALT agreements were based upon a single premise is perhaps simplistic for there were hundreds of factors that played a role in the four long years of negotiations, but for reasons of time, I should like to boil down all of those factors into two basic concepts which I believe were at the heart of our position—Nuclear Sufficiency and Mutual Vulnerability.

Sufficiency is the cornerstone of our position and appropriately so, for it represents the unalterable view that while we must allow virtual parity or equality to exist before both sides would find it to their mutual advantage to negotiate limitations, we must never negotiate from a position of clear strategic inferiority. It is for this reason that neither side found it to their advantage to unilaterally disarm and that the decision of the Congress to fund construction of an Anti-Ballistic Missile system proved, in retrospect, to be a wise one.

During the mid-1960's, when we noticed that the Soviets were constructing nuclear missiles and submarines at an alarming rate and that the clear first-strike advantage that we had held for some twenty years was beginning to diminish, we changed our strategy and undertook to establish a credible deterrent capability. The fact that many were unsure about the effectiveness of our ABM became inconsequential to the Soviets who primarily took note of the fact that we were constructing a $10 billion system to defend our second-strike capability. Had we not begun construction of an ABM system, the Soviets very easily could have felt that a massive first-strike would inflict such heavy damage upon the U.S. that we would be rendered virtually impotent to retaliate, and even if we did retaliate, the damage would be so slight as to make the price worth paying. But, the Soviets were not offered such an opportunity and were instead faced with the very real probability that if they attempted a surprise first-strike attack, they, too, would suffer massive damage and loss of life.

Once both nations knew that the other had the power to inflict irreparable damage, the question became how fast and how irreparable. Fortunately, this is a question that neither side could find a satisfactory answer to, and so they turned to negotiations. The purpose of such negotiations was to assure that neither side found an answer to the question: the question of Mutual Vulnerability.

Mutual Vulnerability depicts the situation in which both nations consider their defensive capability inadequate to avoid massive loss of life in the result of a nuclear war and therefore consider nuclear war too costly to initiate.

It is a little frightening, but in my view, very realistic. You may recall that before the Soviet Union had the bomb, Bernard Baruch recommended that we share all secrets with the Soviets in return for guarantees that the atom only be used for peaceful purposes, but the Soviets refused. They refused because they felt that they were at a distinct disadvantage and they were determined to catch up with the United States. At any rate, the agreements just signed, more than anything else, serve to guarantee that we remain mutually vulnerable.

The Defensive Agreement, which is in the form of a treaty, limits each side to two ABM sites; one for defense of their national capital and one for defense of an ICBM field. Each site would consist of 100 ABM interceptors or a total of 200 per country. The limitation on number of sites and missiles, in addition to the limitations on radar and the stipulation that the two ABM sites be no closer than 1300 kilometers or 800 miles, guarantees that huge populated areas of both countries will be exposed or vulnerable. This was the intent of the treaty.

The Interim Offensive Agreement, on the other hand, is much more complex and slightly different in intent. It limits each country to the number of ICBM's that are currently deployed or under construction at the time of the signing of the treaty or July 1. This means that the Soviet Union is limited to about 1618 ICBM's and that the United States is limited to 1054. Although the Soviet Union will be allowed about 313 large SS–9's under the agreement, they will be prohibited from converting other ICBM silos to accommodate the large SS–9 types. Other silos can be modified, but not "significantly."

Construction of submarine launched ballistic missiles on all nuclear submarines will be frozen at current levels. This means that SLBM's may be constructed only to replace either land based ICBM's or older submarine launchers.

The results of these freezes are that the United States accepts a position of inferiority to the Soviets in number of missile launchers (2,359 to 1,710), but this numerical inferiority is not to be confused with any sort of qualitative inferiority and those worried by the numerical question may rest assured that the nation's security has not been jeopardized by the apparent disadvantage—in fact, to the contrary.

Nullifying the effect of a numerical inferiority in missiles is the fact that not only does the United States possess significantly more nuclear warheads and delivery vehicles in strategic bombers, but it also holds a decisive advantage in sophistication of warheads. Some experts estimate that we are at least two years ahead of the Soviets in development of the more effective Mutiple Independently-targetable Re-entry Vehicle (MIRV).

Such an advantage currently gives the United States a clear edge in effectiveness of weapons, but this edge will not last for long, for under the agreements, modernization is allowed to continue, and the Soviets have announced that they will proceed with their work on the MIRV, as they expect us to proceed with construction of the B–1 supersonic bomber and the new Trident missile launching submarine, and proceed we must. Although a continuation of the arms race seems inconsistent with the goals of the latest agreements, it is, in fact, quite consistent for it continues our position of sufficiency and serves to maintain the balance of strength between the two forces, a balance without which there would be no reason to negotiate further limitations. It should be noted that the United States offered to ban testing of the multiple warhead before we ever tested ours, but the Soviet Union refused. It should also be noted that the B–1 supersonic bomber and the Trident submarine programs are not projects to increase the size of our bomber or submarine fleets, but rather to replace the aging B–52 and the old Polaris which have been around for years.

From this position of strength, we shall proceed with caution to negotiate what is now called SALT II or the second round of the arms limitation talks. Goals for these talks include a more permanent offensive agreement which might result in reductions of the large SS–9's in exchange for an aggregate reduction on the part of the United States, limitations on "throw-weight" or megatonnage, and limitations on technical advances in warheads such as the MIRV.

These are all obtainable goals if both sides work in earnest toward their achievement and abide by the spirit of the first agreements. Without trust, negotiations are an exercise in futility. It is my hope, as I think it is of most Americans, that we can proceed together down the long and difficult road of limitation and disarmament, not just for our own sake, but for the sake of all mankind whose hope for a world, free from the threat of nuclear holocaust might indeed, one day, become a reality.

THE PRESIDENT'S VETO OF THE PUBLIC BROADCASTING ACT

Mr. MAGNUSON. Mr. President, today the President has seen fit to veto H.R. 13918. In doing so, he has left the Corporation for Public Broadcasting without an authorization of funds for fiscal year 1973, which begins tomorrow; and substantially reduced the amount of money available to individual States to construct educational broadcasting facilities.

In its short existence, the Corporation has been responsible for "Sesame Street," "Misterogers Neighborhood," the "Electric Company" and many other such programs which have not only educated our children, but inspired them to become better human beings.

The Corporation has been able to do this, and more, while still in its infancy and operating without permanent financing as promised by this administration and the preceding one.

The administration has not submitted an alternative—a permanent financing plan as promised—and it has, by vetoing H.R. 13918, left public broadcasting with no alternative.

At a time when the Surgeon General of the United States has told us we need more of the prosocial programs provided by public broadcasting, President Nixon has moved to give us less. My committee has received hundreds, even thousands, of letters from grateful mothers telling of their esteem for these wounderful programs. I wonder how President Nixon would answer them in light of his action today.

The program for construction of educational broadcasting facilities began in 1962 has suffered as well today. This program has enabled the individual States to build educational radio and television stations which in turn serve the individual communities and regions throughout the country. These individual stations are the cornerstone of public broadcasting. Since 1962, they have increased dramatically in number so that they are located in every State except Montana and Wyoming.

The President's action, therefore, can only inhibit the local service which such stations provide.

As part of my longstanding commitment to public broadcasting I shall do my utmost to help override the President's veto. In view of the overwhelming majority, 82–1, by which H.R. 13918 passed the Senate, I believe the possibilities are good for favorable action here. I am less optimistic about the chances in the House of Representatives, however.

Nevertheless, we cannot allow a program which has given the American people so much, and has the potential to give even more, wither for want of adequate funding. Long-range financing is still the absolute necessity if public broadcasting is to succeed. In the meantime, the administration which is responsible for initiating such a plan, should not be allowed to hinder even the minimal growth and development of public broadcasting which the 2-year authorization in H.R. 13918 would provide.

CONTINUING APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. Stafford). Pursuant to the previous order, the Chair now lays before the Senate, House Joint Resolution 1234, which the clerk will state.

The assistant legislative clerk read as follows:

H.J. Res. 1234, making continuing appropriations for the fiscal year 1973, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair would ask the Senator from Arkansas (Mr. McClellan) if he will kindly defer so that the Senate may receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills of Arkansas, Mr. Ullman, Mr. Burke of Massachusetts, Mr. Byrnes of Wisconsin, and Mr. Betts were appointed managers of the conference on the part of the House.

PUBLIC DEBT LIMITATION

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15390.

The PRESIDING OFFICER (Mr. Stafford) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Bennett, and Mr. Curtis conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the Senator from New Mexico (Mr. Montoya).

HOUSE JOINT RESOLUTION 1238—MAKING SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF

Mr. MONTOYA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 1238.

The PRESIDING OFFICER. The joint resolution will be stated.

The assistant legislative clerk read as follows:

House Joint Resolution 1238, making supplemental appropriation for disaster relief.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MONTOYA. Mr. President, House Joint Resolution 1238, making a supplemental appropriation for disaster relief, which is now before the Senate, recommends a total of $200 million, to remain available until expended, for relief under the provisions of the Disaster Relief Act of 1970 to the areas devastated by Hurricane Agnes and other recent major disasters.

The request for $100 million of the amount recommended is contained in House Document No. 92–316, dated June 27, 1972, which I ask unanimous consent to have printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

Disaster Relief

The White House,
Washington, June 27, 1972.

The Speaker of the House of Representatives.

Sir: I ask the Congress to consider an urgent proposed supplemental appropriation for the fiscal year 1972 in the amount of $100,000,000 for Disaster Relief.

The details of this proposal are set forth in the enclosed letter from the Director of the Office of Management and Budget, with whose comments and observations I concur.

Respectfully,
Richard Nixon.

Executive Office of the President,
Office of Management and Budget,
Washington, D.C., June 27, 1972.

The President,
The White House.

Sir: I have the honor to submit for your consideration the following proposed supplemental appropriation for the fiscal year 1972, in the amount of $100,000,000 for Disaster Relief.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief", $100,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

This supplemental is to provide relief under the provisions of the Disaster Relief Act of 1970 to the areas devastated by Hurricane Agnes and other major recent disasters. The unprecedented damage done makes quick enactment of this supplemental by the Congress an urgent matter.

I recommend that the foregoing proposed supplemental appropriation be transmitted to the Congress.

Respectfully yours,
Caspar W. Weinberger,
Director.

Mr. MONTOYA. Mr. President, an additional $100,000,000 has been added to this amount by the House committee, and the Senate committee recommends concurrence in the House allowance of $200,000,000.

As indicated in the President's message, the unprecedented damage done by the disasters makes quick enactment of this supplemental by the Congress an urgent matter.

In administering the disaster relief program, the committee directs that the Office of Emergency Preparedness maintain the closest, supervision over the disbursement of funds available to the Office of Emergency Preparedness and other Federal agencies, so that those designated areas most in need will receive the maximum assistance available under existing laws and regulations.

While OEP officials have been instructed to cut through any redtape that would delay the dispersal of moneys to affected jurisdictions, the committee expects that OEP officials will closely monitor the dispersal and expenditure of funds so as to preclude the recurrence of abuses that prevailed after the California earthquake in connection with Small Business Administration loans.

The $200,000,000 recommended, together with the $92,500,000 contained in the Treasury Department, Postal Service, and general Government appropriation bill for fiscal year 1973, pending final conference action this week, plus $6,000,000 of unobligated funds, provides a total of approximately $298,500,000 to be available immediately.

The committee was informed that activities eligible for Federal financial aid include: debris and wreckage clearance; repair and replacement of public facilities; emergency mass shelter; temporary housing; assistance to unemployed individuals; and repair of damaged public facilities under construction.

The committee will consider further supplemental needs after the current situation stabilizes and a more accurate estimate is provided in the following months.

By virtue of the favorable action of the Appropriations Committee on this urgent budget request, it is the sense of the committee that the floor amendment to H.R. 15417—the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill, 1973—which provided an additional $200,000,000 for disaster relief, is no longer necessary.

Mr. President, this concludes my remarks, and I urge the adoption of the resolution.

Mr. President, I believe that everyone here knows what this is all about. It is a $200 million appropriation. The President sent a special budget request to the House of Representatives and to the Senate. The House, in its wisdom, saw fit to increase his request to $200 million. We in the Appropriations Committee of the Senate concurred with the House action by reporting it accordingly.

That is all I have to say on this.

Mr. SCOTT. Mr. President, I do not want to take up the time of the Senate other than to commend the committee and express my thanks on behalf of the Commonwealth of Pennsylvania and other States similarly affected by the disastrous flood. This is an emergency matter and I am most grateful that the distinguished Senators from Arkansas and New Mexico have brought this matter to the floor of the Senate today.

Mr. MONTOYA. I want to say that in view of this, the action taken on the HEW appropriation bill will no longer be necessary. The appropriation made for disaster relief is that bill is taken care of by this House joint resolution.

Mr. SCOTT. I agree.

Mr. BUCKLEY. Mr. President, I want to concur in the remarks just made by the distinguished Senator from Pennsylvania.

Last week, I flew over the flood damage in western New York. The situation is, indeed, serious and very urgent. I believe that we are responding to that situation with a commendable sense of urgency.

Mr. BROOKE. Mr. President, I want to thank the distinguished Senator from New Mexico (Mr. MONTOYA) for his quick action on this matter, but I hope that in the future we will do all we can to encourage flood insurance, reduction of the rates, and a means of providing information to the people that flood insurance is available, so that we will have more flood insurance.

Even with the money that we are putting into the disaster relief fund through the joint resolution, it certainly will by no means be sufficient to give substantial help to those people who have suffered such great losses as a result of the disastrous floods.

I am sure the committee is aware of this. I hope that we will get on with encouraging more people around the country to take use of the public funds and to be knowledgeable about this matter.

Mr. MONTOYA. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I associate myself with the remarks of the distinguished Republican leader. I thank the Senator from New Mexico for the very prompt action he has taken here.

The PRESIDING OFFICER (Mr. STAFFORD). The time yielded to the Senator expired.

Mr. COOK. Mr. President, I yield the Senator from New Mexico an additional 2 minutes.

Mr. MONTOYA. I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, in the past we have had flood relief programs. There have been programs that promised relief, but have not delivered. This is an opportunity to show the people that the Government is responsive to human needs. That is what the Senator's amendment addresses itself to. I thank the Senator from New Mexico for it.

Mr. SCHWEIKER. Mr. President, I strongly support this bill, which provides $200 million for disaster relief for the States which were so hard hit by the recent flooding.

Regrettably, the Commonwealth of Pennsylvania suffered the most damage. This was the worst economic disaster in the history of my State. At least 50 people lost their lives, about 250,000 were made homeless, 100 communities were without enough drinking water, and total damages will probably be well in excess of $1 billion.

I had the opportunity to tour my State last Saturday, and I could hardly believe what I saw. Homes, businesses, farms, public buildings—all under the floodwaters. People totally dispossessed and cut off from assistance until boats and helicopters could get to them. This was truly a disaster of major proportions.

The Red Cross currently estimates that about 37,000 Pennsylvania families suffered losses in the floods. About 780 homes were destroyed, approximately 15,000 suffered major damage, and another 25,000 had minor damage.

More than 2,500 businesses were destroyed or damaged and 2,100 farm buildings were damaged.

The State department of transportation estimates highway damage at somewhere around $550 million. About 126 bridges were damaged; $40 to $50 million of damage was done to educational institutions. Railroads suffered damages of $50 to $60 million.

It has so far been impossible to get an accurate estimate of the total damages to the private sector and to industry.

I am pleased that President Nixon has already taken action to designate more than half of the counties of Pennsylvania as Federal disaster areas. I am sure that more counties will be added to that list as additional estimates of damages are received.

Earlier this week, the Senate agreed to an amendment offered by Senator SCOTT, myself, and Senator MATHIAS to the Labor-HEW appropriations bill, also for $200 million. I am pleased that the House and Senate have today agreed in this special appropriations bill to provide the same amount, and this vehicle will complete the legislative process even more quickly than the other bill.

We must not, however, lose sight of the fact that these funds represent only a beginning toward the Federal support which will eventually be needed. Congress has never yet failed to provide all the funds necessary to support disaster relief requests made by the Office of Emergency Preparedness. Additional Federal help will be needed, but this is a good beginning.

On behalf of my constituents in Pennsylvania, I wish to thank my colleagues in the Senate and the House for their quick action in providing these urgently needed funds.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 1238) was read the third time and passed.

CONTINUING APPROPRIATIONS, 1973

The Senate resumed the consideration of the joint resolution (H.J. Res. 1234) making continuing appropriations for the fiscal year 1973, and for other purposes.

Mr. PROXMIRE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Wisconsin which the clerk will report.

The assistant legislative clerk read as follows:

> On page 4, line 9, after the word "Subsection" add: "except as hereafter provided for activities and programs financed by Foreign Assistance and Related Programs Appropriation Act, 1972".
>
> On page 4, line 24, after the word "amended" and before the semicolon insert: ": *Provided*, That obligations incurred in any one quarter under the authority of this continuing resolution for activities and programs financed by the Foreign Assistance and Related Programs Appropriation Act, 1972 (Public Law 92-242) shall not exceed one-fourth of the annual rate of new obligational authority appropriated in said Act or the fiscal year 1973 budget estimate of new obligational authority for such activities and programs, whichever is lower".

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. Mr. President, I

yield 2 minutes to the Senator from Indiana.

HIGH-SPEED GROUND TRANSPORTATION—CONFERENCE REPORT

Mr. HARTKE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. STAFFORD). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 28, 1972, at pages 22997–22998.)

Mr. HARTKE. Mr. President, the conferees have completed work on the differences between the House and Senate on the high-speed ground legislation, S. 979. The conference report sets forth the results of the conferees' effort, but I would like to make brief comment about just two items.

The Senate version would have required the Department of Transportation in considering proposals or applications for research and development and demonstration projects to give "highest priority to those proposals or applications which will substantially increase employment in labor areas." The labor areas which would receive attention are described in both the Senate and House versions. The House bill took a little different approach to the problem of insuring that areas of high unemployment would receive attention in the awarding of contracts. The Conference Committee agreed that the relevant language should require the Secretary to give "priority to proposals which will increase employment in labor areas." This language meets the objectives of the Senate. It is preferable to using the term "higher priority" because that would imply that there are certain degrees of priority; so it is clear that the Senate objective has been achieved.

The other most significant part of the conference agreement relates to the House originated amendments to part V of the Interstate Commerce Act which would extend the life of the loan guarantees under that part to 25 years in lieu of the existing 15 years. This does not authorize any new loan guarantees. It merely extends the life of the loans which have already been made pursuant to part V. The Senate conferees, consistent with recent action by the Senate and the Senate Commerce Committee, urged that certain safeguards be imposed to insure that any Federal aid is used for congressionally designated purposes. As the manager's comments in the report indicate, the conferees felt that this conference was not the appropriate time to consider the addition of such safeguards. Committee members from both Houses, however, strongly indicated the need for safeguards and limitations in any future transportation assistance legislation.

Mr. President, I believe the conferees have developed a good piece of legislation and I recommend that the Senate approve the conference report.

Mr. President, the conference report sets forth the results of the conference efforts. We had some amendments in disagreement which have been worked out satisfactorily to both Houses. I think it is satisfactory to the objectives of the Senate.

I move that the conference report be agreed to.

The report was agreed to.

CONTINUING APPROPRIATIONS, 1973

The Senate continued with the consideration of the joint resolution (H.J. Res. 1234) making continuing appropriations for the fiscal year 1973, and for other purposes.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, my pending amendment would provide a mild limitation in the part of this continuing resolution relating to foreign assistance so that we could have some restraint on the amount of money which would be irrevocably tied during the period of this continuing resolution. If we do not do that, we are providing an open invitation to the Department of Defense to repeat what they did last year, to put the Senate in a position where we have no opportunity to establish a spending level for foreign military assistance.

Mr. President, let me very briefly point out what was done last year. We passed a continuing resolution on July 1, 1971, that provided that foreign assistance could be continued at "a rate of operation not in excess of the current rate or the rate provided in the budget estimate, whichever is lower."

With nothing but that language in hand, the Department of Defense went to the Treasury 5 days later and drew down 71 percent of the annual amount established by the continuing resolution.

By the time we went to conference with the House, they had drawn down about $500 million. What the Senate did was to pass a military assistance bill that provided for only $350 million. The House provided $500 million. In conference we were unable to negotiate, let alone to hold out for the Senate figure of $350 million. We were locked into the House figure.

That question of how much the Department of Defense would spend for foreign military assistance was not decided by the Senate. It was decided by the Department of Defense.

With that in mind, I brought up an amendment before the Appropriations Committee the day before yesterday. It was suggested that we have a hearing on Thursday. We had a hearing. It was suggested that the Department of Defense come before the Appropriations Committee to explain why they had taken this action. It was also suggested that we have the head of the Office of Management and Budget, Mr. Weinberger appear. The Department of Defense did not send Mr. Moot, its Comptroller or his deputy. Mr. Beazier or anyone else. In my opinion, the reason they did not send a representative was that they had no justification for their action last year.

During the more than 25 years that Mr. Scott has been on this staff of the Appropriations Committee, he says that he knows of no cases in which any department refused to appear or to send a representative when requested by the committee.

This alone should be enough to shame us into some kind of restraint on what they can do. If we do not it is perfectly clear that they can do the same thing again. They will then have taken the authority that Congress has over the purse. They can determine how much money the President can spend.

Why did they not appear? There was no explanation of what happened last year. They could not justify it, and they knew it. They knew also that if they came they would be asked to explain their plans under the continuing resolution. In truth they would have to say they were going to do the same thing again just as soon as they could get their hands on the continuing resolution.

If the Department of Defense can endrun the Senate as it did last year, I do not know what the Government agencies will do. Perhaps they will assume that they can do the same thing.

I think that the opponents of this amendment, in view of past history, are suggesting that we issue a blank check. That is what it would be. This means that the executive branch can determine how much they can spend. They can go right up to $550 million during this term.

This is what I propose. What I propose is in addition to the authority the President already has—which is considerable. He has $1 billion in the foreign assistance pipeline. In addition he has $300 million of emergency authority by which he can transfer Department of Defense stocks to foreign countries. My amendment would provide not simply the pro rata amount for the 6 weeks, it would provide that 3 months' authority could be drawn down during the 6-week period. It would provide for $125 million, so that the restraint I am suggesting is very mild indeed. It seems to me that it is fully warranted. If we do not do this, we are asking for the Department of Defense to hold us in the kind of contempt they have already shown for us.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. Mr. President, am I to understand that the chairman of this Appropriations Subcommittee requested witnesses from the Department of Defense to discuss money the Department of Defense wanted appropriated, but the Department refused to appear?

Mr. PROXMIRE. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 additional minutes.

Mr. President, the message came that they would send no one. Furthermore, since this was brought out in discussion on the floor—and it appears in the CONGRESSIONAL RECORD of yesterday—there has been no apology. There has been no word from the Department of Defense that they have an explanation, no word whatever. They will once again do what they did before. The Senator from Arkansas (Mr. FULBRIGHT) is wasting his time in discussing the foreign assistance bill.

He might as well close down his shop. He cannot reduce it. They will be able to go to $550 million and there is nothing the Senate could do to prevent it. Even if the Senate were to vote unanimously for $200 million or $300 million or $400 million, the Department of Defense could obligate $550 million and we would be unable to do anything about it, unless we do as I suggest.

Mr. SYMINGTON. Let me say to the able Senator that this distresses me but does not surprise me, having watched the recent operations of this Government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Do we not have 1 hour on the bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. I ask that the time I heretofore yielded be taken out of that hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Is there 1 hour on the amendment also?

The PRESIDING OFFICER. There is, equally divided.

Mr. McCLELLAN. I yield time on my side of the amendment. Time on the amendment is controlled by the Senator from Hawaii (Mr. FONG). I do not control that.

Mr. SYMINGTON. Mr. President, will the Senator from Hawaii yield me 5 minutes?

Mr. FONG. The time on the bill is controlled by the distinguished Senator from North Dakota.

Mr. SYMINGTON. Mr. President, will the able Senator from North Dakota yield?

Mr. YOUNG. I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the Senator. Mr. President, some time back the Senate approved a loan to an aircraft company for $250 million. Some of us thought this wrong, because it placed the Government in private enterprise, but the loan was passed and the guarantee bond was set up.

Yesterday I made a statement on the floor to present the fact that when the General Accounting Office requested information from the Treasury Department—the Secretary of the Treasury being Chairman of the Loan Guarantee Board—the Comptroller General of the United States and his people were in effect, told to go sell their papers. They were just not interested in giving the information to the General Accounting Office.

This is getting to be a truly extraordinary situation. As I mentioned yesterday, the General Accounting Office is often called the watchdog of the Treasury. Apparently they want this watchdog to be not only toothless but blindfolded.

They want to proceed with the details of this loan any way they decide, without any review, and regardless of the fact the money was both authorized and appropriated by the Congress.

I can only again say to the Senator from Wisconsin, who already has done much to protect the taxpayers of this country in this field, that what is going on does not surprise me. This administration wants to operate on its own, without being bothered by the Congress. This is another illustration of what was developed yesterday with respect to the General Accounting Office and the Treasury Department.

The dignity of the Senate requires there be some accounting of the money we both authorize and appropriate. The Senator from Virginia pointed out on the floor today that for every tax dollar paid in, 17 cents goes for interest on the Federal debt alone.

Let me again commend the Senator from Wisconsin for bringing up this matter, as he has many other matters in the interest of the taxpayers.

I hope the amendment will be given favorable consideration, and thank the senior Senator from Arkansas and the senior Senator from North Dakota for yielding to me at this time.

Mr. YOUNG. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I do not condone the refusal of the Department of Defense to send a witness before the subcommittee meeting called by our distinguished chairman, but I think the record should show we held the full Appropriation Committee meeting on one afternoon and the Department of Defense was notified that evening to send a representative to appear before the subcommittee the following morning, as I recall the facts. The Department of Defense did not send a witness, which, as I said, I do not condone.

The distinguished chairman of the subcommittee also asked Mr. Weinberger from OMB to come and he did. I think we had a very fruitful hearing with the testimony submitted by Mr. Weinberger.

Now, Mr. President, I have great sympathy for the intent of the amendment of the Senator from Wisconsin. There is a very serious problem arising. The Committee on Appropriations has been pretty much at the mercy of the departments and agencies under continuing resolutions because most of these departments and agencies predict that the Senate will appropriate at least at the funding level or at an amount to exceed that. That has been the fact in the past and most of the appropriations are greater than the funding level.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG. I yield 2 additional minutes to the Senator.

Mr. BROOKE. Mr. President, in an instance such as the present instance there is a cutback and the agency or department has already spent the money and they come back and ask for additional money in a supplemental appropriation. It is very easily understood that this is a system we have to curb and correct. Mr. Weinberger in his testimony before the subcommittee made several proposals as to how OMB could be helpful in this regard: I think bulletins that would be sent to all agencies, controls that could be put into effect by OMB which, of course, unfortunately, he did not guarantee. But nevertheless he pledged his full cooperation in his testimony in which he spoke in opposition to the distinguished Senator's proposed amendment.

I think that all things considered, we should give some flexibility in the instant case. I know the Senator's amendment directs itself to military assistance. But included also would be the Peace Corps and Bangladesh, which as I read it, would be seriously injured.

Mr. PROXMIRE. Does the Senator maintain the Peace Corps would be injured by the proposal the Senator from Wisconsin made?

Mr. BROOKE. I think it might be and I would like to discuss it with the Senator.

Mr. PROXMIRE. The Senator from Hawaii argued that also, that the Peace Corps would be affected. Let me say both Senators are wrong.

Mr. BROOKE. I am answering the question.

Mr. PROXMIRE. Very well.

Mr. BROOKE. The Peace Corps has to hire its people in the summer months or probably would not be able to do so if it were restricted under this one-fourth provision.

Mr. PROXMIRE. This is absolutely wrong. I have a letter from the Director of the Budget, the Division of Action, which is responsible for the Peace Corps. It states that the Peace Corps will obligate $13.6 million through August 18, 1972.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG. I yield the Senator 2 additional minutes.

Mr. PROXMIRE. We would provide them with over $18 million so that they would be well within the amount provided.

Mr. BROOKE. Would the Senator from Wisconsin comment on the effect on Bangladesh relief?

Mr. PROXMIRE. As far as Bangladesh relief is concerned, there is substantial money in the pipeline. I understand money is in the pipeline and there is a subsidy authorization for an additional $100 million. A continuing resolution is not designed to cope with emergency situations.

Mr. BROOKE. We already have an emergency in Bangladesh.

Mr. PROXMIRE. Sure, and we have already appropriated more than $100 million.

Mr. BROOKE. Would they be injured by the Senator's amendment?

Mr. PROXMIRE. I think not.

Mr. BROOKE. Does the Senator think it fair to have his amendment affect only the Defense Department and not have it extend to other agencies and departments?

Mr. PROXMIRE. It does not affect the Defense Department as far as their own operations are concerned. It affects only foreign military assistance and other foreign assistance activities. The reason is that this is where the abuses have been.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YOUNG. Mr. President, I yield the Senator 5 minutes.

Mr. PROXMIRE. Furthermore, this is one area in which the Senator from Wisconsin has jurisdiction as chairman of the subcommittee concerned with these activities. Other Senators have jurisdiction of other agencies. I have jurisdiction and direct responsibility only in the subcommittee of which I am chairman. Here there has been an abuse. It is clear to me that if we do not take this amendment, there is going to be more abuse.

Mr. BROOKE. The Senator says there has been abuse. Do we know there has been abuse? The facts and figures do not constitute abuse. We do not know. We probably would know if the Defense Department had appeared before the subcommittee and given testimony and answered questions of the Senator from Wisconsin and other members of the committee.

Mr. PROXMIRE. I cannot think of any person offhand for whom I have greater admiration for his intelligence than the Senator from Massachusetts. He is an extraordinarily able man, but I am really shocked that the Senator does not consider it an abuse when the Defense Department spends $500 million after the authorization of the Foreign Relations Committee in the Senate is far less than that, and in doing so it means the Congress of the United States will have no ability to exercise our clear constitutional prerogative to limit the amounts we spend in foreign aid.

Mr. BROOKE. We do not know whether there was justification for that procedure or not.

Mr. PROXMIRE. All they had to do was come up and tell us.

Mr. BROOKE. I agree. We should have had a hearing——

Mr. PROXMIRE. We had a hearing. The Senator suggested it.

Mr. BROOKE. I did suggest it. We notified the Defense Department one evening to appear on the next day. They did not appear. I am just suggesting that this is such a drastic step. I would like to have hearings to find out why the Defense Department acted in the manner it did. I would also like to know whether there are other agencies and departments that have, as the Senator has said, abused it.

Mr. PROXMIRE. Mr. Weinberger was able to come before the committee. He was able to prepare a statement and file it. With all the hundreds of thousands of employees they have in the Defense Department, I cannot understand why they cannot answer a very simple question about what they are going to do in the next few weeks and why they did what they did last time.

Mr. BROOKE. Mr. Weinberger's testimony was merely on accounting procedural matters. It was not on specific matters which we asked the Defense Department to supply to us.

I am not arguing with the Senator whether or not they should have been there. I think they should have been there, but I am saying that what we required from them may have required a longer time than Mr. Weinberger's simply answering on general accounting procedures.

Mr. PROXMIRE. If they had anything, they could have communicated with the Senator from Hawaii, who is fighting their battle down here, the Senator from Massachusetts, the Senator from North Dakota. We did not have any information from the gentlemen.

Mr. BROOKE. With all due respect to my able chairman, I am not fighting their battle.

Mr. PROXMIRE. The Senator from Hawaii has been doing a very able job of defending their position.

Mr. BROOKE. I want to be fair about it. The Defense Department was notified in the evening and was told to report next morning and present specific testimony on this alleged abuse. They did not do so. I think they owed the distinguished chairman the courtesy of notifying him why they were not there and asking for further time.

Mr. PROXMIRE. We are all under the gun. They knew that by midnight today this continuing resolution would pass. They knew they were going to have to act promptly. They knew that they just could not put it off for 1 week or 2 weeks or 1 month. Under the circumstances, they could have made an answer. It is not anything that required research. They could have answered in 5 minutes.

Mr. BROOKE. Is the Senator prepared to say no agency will be injured by this proposed amendment?

Mr. PROXMIRE. I am certainly prepared to say that, especially in view of the fact that we are giving them this authority. They have $300 million in emergency drawing authority, as far as this is concerned, and they have a $1 billion backup in the pipeline. It seems to me this amendment can in no possible way provide any injury.

Mr. BROOKE. Would the able Senator from Wisconsin agree that this amendment should apply across the board to all departments and agencies under the continuing resolution?

Mr. PROXMIRE. I think that is up to the various committee members and the chairmen of the subcommittees. As far as my committee is concerned, it should apply.

Mr. BROOKE. As a matter of sound procedure?

Mr. PROXMIRE. I would favor that, but I would certainly not press it tonight, because we do not have the information as to other agencies, and I can think of exceptions, the Interior Department, for example, because they have tremendous problems in the next few weeks and months with forest fires.

Mr. YOUNG. Mr. President, the Senator from Wisconsin should be a little more accurate with his information and the things he is saying here tonight. For example, he said a while ago Mr. Moot, Assistant Secretary of Defense and Comptroller, refused to appear. Mr. Moot was out of town. I can understand, if the Senator is dependent for information on his assistant sitting next to him, how he would be confused.

Mr. PROXMIRE. No, I am not dependent on the assistant next to me. Last night when we were debating this matter, I made it clear that Mr. Moot was out of town. The RECORD reads as follows:

> We invited two agencies to send representatives. We invited the Office of Management and Budget to send the head of that office, Mr. Weinberger. Mr. Weinberger appeared. He was an excellent witness. He made a good, terse statement. He responded in detail for an hour.
>
> We also asked the Comptroller of the Defense Department, Mr. Robert Moot, to appear. We found that he was out of the country, and we asked his deputy, Mr. Brazier, to appear. We asked Admiral Peek, the Director of Military Assistance or the comptroller of the military assistance program, Mr. von Marbod to appear. We were even willing to accept the congressional liaison officer Donald Floyd. In fact, if they had sent a warrant officer or a PFC, it at least would have been an indication of some respect for the committee. But nobody appeared.

Mr. YOUNG. The Senator said a while ago that Mr. Moot refused to testify. He did not say he was out of town.

Mr. PROXMIRE. I said Mr. Moot could not be here, and that Mr. Brazier was not here.

Mr. YOUNG. Why did the Senator not tell the Senate that today?

Mr. PROXMIRE. I said that. I clearly called the attention of the Senate to that.

Mr. YOUNG. The Senator did not say here today that Mr. Moot was out of the city.

Mr. PROXMIRE. I am sorry the Senator is confused, but I believe the record will bear me out.

Mr. YOUNG. Mr. President, I ask that the transcript of what the Senator from Wisconsin (Mr. PROXMIRE) had to say, be brought here for reading.

The PRESIDING OFFICER. Would the Senator repeat that request? We were unable to hear it.

Mr. YOUNG. The Senator from Wisconsin (Mr. PROXMIRE) said he asked Mr. Moot to appear and that he refused. He did not say to the Senate today that Mr. Moot was out of town at the time the request was made. He is still out of town. All I asked was that the transcript of his earlier remarks be read to the Senate.

Ordinarily I would not object to this kind of amendment going to the House but there just is not time before adjournment. They certainly would not accept it. Let me read from the amendment itself:

> On page 4, line 9, after the word "Subsection" add: "except as hereafter provided

for activities and programs financed by Foreign Assistance and Related Programs Appropriation Act, 1972".

That goes far beyond any military matters and if, as the Senator from Massachusetts suggested, we needed a lot of money for famine relief in Bangladesh, we would want to be able to give them what is needed.

The Senator first proposed 1-month limitation. He now changed it to one quarter, but when we have assistance for famine and floods, we cannot tie it down to a specific time period.

I do not excuse the Defense Department for not sending someone over here to testify. Probably they did not have anyone on hand who understood or was familiar with the subject matter, but they should have sent someone here. However, they did have a problem in handling foreign assistance last year. There were five continuing resolutions to contend with, and most of them were different from each other, involving a different amount of money.

So I could understand why they would have a real problem.

As I said before, ordinarily I would not object too much to this kind of an amendment, because the House would not have anything to do with it and would not agree to it, but we are under the gun. I doubt if we could get a quorum of the committee. It took us an hour to do so yesterday. Most members wanted to leave town.

Mr. President, I ask unanimous consent to have inserted as a part of my remarks a letter addressed to me yesterday from Mr. Weinberger, Director of the Office of Management and Budget, and also a statement Mr. Weinberger made yesterday at the hearing of the subcommittee.

There being no objection, the letter and statement were ordered to be printed in the Record, as follows:

Executive Office of the President, Office of Management and Budget,
Washington, D.C., June 28, 1972.

Hon. Milton R. Young,
U.S. Senate,
Washington, D.C.

Dear Senator Young: This letter is to express our strongest opposition to the amendment to the pending Continuing Resolution for fiscal year 1973 proposed by Senator Proxmire that would have the effect of limiting obligations incurred in one month for programs financed in the Foreign Assistance and Related Programs Appropriation Act to one-twelfth of the authorized annual rate.

Such an amendment would impose a totally unworkable and arbitrary restriction on our foreign assistance program which would have drastic consequences for U.S. foreign policy and would seriously jeopardize many of our vital interests. Requirements for funds under most of our foreign assistance programs do not occur in equal monthly installments. In the case of development lending or supporting assistance, funds are obligated when a country program or project is ready and required. Most of the countries we assist have constructed their plans on the assumption that U.S. assistance will be available on a timely basis. Furthermore, in most cases our assistance is a part of an ongoing program which will fail or be seriously hampered if we are unable to provide resources when needed. The needs of individual countries are not a function of an arbitrary arithmetical average. For example, the South Vietnamese stabilization program would be irreparably set back if the U.S. were unable to provide an adequate amount of assistance on a timely basis.

For humanitarian assistance, as in the case of Bangladesh, funds must be obligated when disaster occurs or when the needs arise. Of course, disasters and other contingencies cannot be met in equal installments.

The pattern of obligations in the grant MAP account has been one of larger commitments in the early months of the fiscal year. The primary reason for this has been that defense articles for military assistance programs are procured through the U.S. military services. The military services place orders for certain types of equipment periodically. Failure of the program to obligate funds to meet its worldwide requirements at the time the service is about to procure may mean a considerable delay in the availability of these items or an increase in the cost of the items. A one-twelfth per month limitation on obligations could force the program to miss a service procurement or force the program to use up all its available funds, leaving nothing for salaries, training and other continuing requirements.

To coincide with the school year of host countries the Peace Corps trains nearly 40% of volunteers in the months of July and August, and obligations rate such as that proposed in this amendment would disrupt the Peace Corps training cycle and interfere with the scheduled placement of volunteers overseas.

According, we strongly recommend that this amendment not be inserted in the Continuing Resolution.

Sincerely,
Caspar W. Weinberger,
Director.

Statement of Caspar W. Weinberger, Director, Office of Management and Budget, Before the Subcommittee on Foreign Operations of the Senate Appropriations Committee

Mr. Chairman and Members of the Committee, I am appearing in response to your request to discuss certain concerns that I understand you have regarding obligations by agencies under the annual Continuing Resolutions.

As I have testified in previous appearances before the Appropriations Committee, the practice of operating the government on the basis of Continuing Resolutions is not good management. President Nixon said in his budget message this past January: "The American people deserve, and our government requires, a more orderly and more rational budget process. The preparation of this budget, like those of other recent years, has been handicapped by the delays in enactment of appropriations for the fiscal year which began last July 1. There is still one 1972 appropriations bill which has not been enacted as I write this, twelve months after I submitted the 1972 budget. Moreover, the uncertainties and hesitation caused by these delays in congressional action have hindered the orderly management of government."

Nevertheless, the practice of passing authorization and appropriation bills well after the beginning of the fiscal year has evolved, and we have attempted to live with this system.

It should be kept in mind that one consequence of this system is that during the period they are covered by Continuing Resolutions the agencies are able to operate outside some of the normal restraints. For example, they are allowed to obligate funds without prior apportionment by the Office of Management and Budget. Apportionments are not practical in the short successive time periods of the Resolutions and are not required by law until the regular appropriations are enacted.

The Continuing Resolution problem became most serious last year. The foreign assistance appropriations bill was not enacted until March 1972, nine months into the current fiscal year. In that period there were five enactments of Continuing Resolutions, allowing three different rates of obligations for the programs covered by that appropriation bill. During that period decisions had to be made regarding the obligation of funds for the administration of those programs. In short, we were facing a very unusual situation with respect to foreign assistance legislation, while program requirements were proceeding apace. The patterns of obligations adopted by the heads of the affected agencies during that time were governed heavily by operational and administrative considerations. If your Committee seeks to examine those patterns in any detail, it will be necessary for you to discuss your questions with them.

I understand that your Committee is concerned about what you believe to be excessive obligations in some of these programs during the period of last year's Continuing Resolutions. And I understand that there was consideration of enacting a requirement limiting monthly obligations to one-twelfth of the authorized rate in this year's Resolution. In my letter to Senator McClellan yesterday I indicated that I thought that such a requirement would be unworkable and would jeopardize the objectives of the programs. The pattern of obligations varies considerably among programs and, except for those primarily available for salaries and administrative expenses, rarely comes out in equal monthly installments. I just do not think control through a common mathematical formula applicable to disparate programs will work or is desirable.

As we have stated on a number of occasions, the basic solution is for the Congress to enact the necessary authorization and appropriation bills before the start of each fiscal year.

Meanwhile, there is one thing we might do to try to alleviate the concern expressed by your Committee. We could take steps to assure that all departments and agencies are advised of your concern and are cognizant of the importance of obligating fiscal year 1973 funds under the Continuing Resolution at rates which will not tend to close off the Congress's options in acting on the regular appropriations bills. I am willing to issue an OMB Bulletin to that effect next week.

Mr. FONG. Mr. President, I yield myself 5 minutes on the amendment.

Mr. President, let us understand what we are doing here this afternoon. We have before us a continuing resolution to provide funds for all of the agencies and departments that have not yet had their appropriations bills passed and signed by the President. All these agencies and departments will not be able to function if we do not have this continuing resolution passed today. Today is the last day of the session before we leave for our recess.

What the distinguished Senator from Wisconsin is trying to do is single out—and I use the words "single out" advisedly—just the programs under the Foreign Assistance Act of 1972. His amendment provides that they will not be able to spend more than 25 percent of their budget, or the lowest figure as between that and the current rate.

Listening to the Senator, one would think that the Defense Department committed an illegal act. The Senator from

Wisconsin will admit that what was done by the Defense Department in drawing out warrants for $374 million 5 days after we passed the continuing resolution was a legal act. It was in conformance with the continuing resolution which we passed. What the Senator is criticizing, and what he is concerned about, is that 5 days after we passed the continuing resolution, the Defense Department should not have withdrawn so much money. But the fact is that they had a warrant for $374 million, and they were doing it within the purview of the law. It was a legal act.

Mr. President, the distinguished Senator is not limiting the amendment which he proposes here, of 25 percent, only to the military assistance program. Under the foreign assistance and related programs appropriation bill for fiscal year 1972, to which his amendment is addressed, we have the following programs:

Economic Assistance.

Worldwide Technical Assistance.

Alliance for Progress Technical Assistance.

International Organizations and Programs.

Programs Related to Population Control.

American Schools and Hospitals Abroad.

Indus Basin Development Fund Grants.

Indus Basin Development Fund Loans.

United Nations Relief and Work Agencies.

Arab Refugees.

Contingency fund.

Refugee Relief Assistance, East Pakistan.

Alliance for Progress Development Loans.

Overseas Private Investment Corporation.

Inter-American Social Development Institute.

Foreign Military Credit Sales.

Military Credit Sales to Israel.

Peace Corps.

Ryukyu Islands Army Administration.

Assistance to Refugees in the United States, Cuban Program.

Migration and Refugee Assistance.

Asian Development Bank.

Inter-American Development Bank, Paid-in Capital and Callable Capital.

Fund for Special Operations.

International Bank for Reconstruction and Development, Paid-in Capital and Callable Capital.

International Development Association.

International Monetary Fund.

Export-Import Bank of the United States.

And also the Department of Labor Unemployment Trust Fund.

All of these programs, Mr. President, if this amendment is agreed to, will be affected by the amendment. The distinguished Senator from Wisconsin is just singling out these programs under this one appropriation bill, and lets all of the other programs go. I say, Mr. President, that this is discriminatory, it is unfair, and it should not be allowed in this bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. FONG. Mr. President, the amendment is a short-sighted legislative straitjacket. It will be a straitjacket on all programs that are covered by the Foreign Assistance Act. The amendment will limit the flexibility that is needed to get the maximum results from various programs.

Everyone knows that certain types of programs need some money at the beginning of the year; others need more toward the middle or end of the fiscal year. There are also programs that require money evenly throughout the year. We have programs here such as the Peace Corps, which calls for 40 percent of the funds at the first part of the year.

Mr. President, this amendment is very ill-timed. It comes at this 11th hour, when the Senate is ready to adjourn. If the amendment is agreed to, it will go to the House of Representatives, and the House will have to call for a conference. As I understand from the Senator from North Dakota (Mr. YOUNG), Mr. MAHON, the chairman of the House Appropriations Committee, will refuse to take the amendment. May I ask the distinguished Senator, who is present in the Chamber, to confirm that?

Mr. YOUNG. That is correct. They do not have the time, and there are too many absentees.

Mr. FONG. The Senator has talked with Representative MAHON?

Mr. YOUNG. Yes, I have.

Mr. FONG. Mr. MAHON refuses to take the amendment. That will mean that this continuing resolution will die. If the continuing resolution dies, we will not be able to adjourn, because we need this money for the functions of Government. And if we go home the President is sure to call us back into session.

Mr. President, the amendment should be defeated, and I ask my colleagues to vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield me time?

Mr. PROXMIRE. I yield the Senator from Arkansas 5 minutes.

Mr. FULBRIGHT. Mr. President, I just want to say a few words in support of the amendment of the Senator from Wisconsin. It is not just this single instance that is the issue; but it is the growing trend throughout the executive branch to show contempt for the congressional role, the senatorial role, and the whole legislative process.

The experience of the Senator from Wisconsin upon requesting a witness is not a unique experience. The Committee on Foreign Relations has had many a similar experience in the refusal to supply information. We had before the Senate not too long ago an instance in which the USIA refused to supply information requested. It was not classified information, but it was called an internal working document. It certainly was not sensitive. They refused to let the committee have it.

I think the purpose of the Senator's amendment is simply to try to establish a proper working relationship with the departments and agencies for which appropriations are requested. I have gotten used to the refusal of information in the Foreign Relations Committee, but I thought they would never be so contemptuous of the Senate as to refuse the Committee on Appropriations a witness or a reply to a letter which is relevant to the issue, because, after all, that committee supplies the money. But they did in this case, and I think the Senator from Wisconsin ought to be supported.

I recognize the difficulty. This always occurs on continuing resolutions. And I want to say one further word at this point. The reason why the Foreign Assistance Act has not been passed—it has been on the calendar for at least 4 weeks—is because the Republicans do not wish to have a vote on the Mansfield amendment. The other items in the bill that were controversial could have been solved in a few days debate. But they have stalled on allowing a vote on the Mansfield amendment. It has been before the Senate a month now and there is only one reason that it has not been passed.

The issue here is very simple. Does the Senate wish to preserve the meaning of the legislative process on foreign aid amounts or continue to allow the executive branch to put the Congress in a straitjacket when it comes to trying to reduce these programs. Six days after the beginning of the current fiscal year, the Department of Defense asked the Treasury for authority to commit $374,000,000 for military grant aid under authority of a continuing resolution. Following the Senate's defeat of the first foreign aid bill, the Committee on Foreign Relations approved a second bill which authorized $350,000,000 for military aid. That amount was later increased on the floor but, if it had become law, the Defense Department would have been in the position of having already had available to it $24,000,000 more than the amount later authorized. Later, the Senate Appropriations Committee recommended—and the Senate approved—a total appropriation of $350,000,000 for military grant aid. But by that time $499,400,000 in Treasury warrants had been issued for the program, $149,400,000 more than the Senate voted to appropriate.

All of this apparently was legal because the spending did not exceed the current rate as used in the continuing resolution. But the net effect was to deprive the Senate of any bargaining power in the conference and to make a mockery of the legislative process.

The Senator's amendment would prevent this travesty from happening again under the new continuing resolution. It would limit spending on foreign aid programs during a quarter to not more than one-fourth the annual rate allowed for fiscal 1972 or the fiscal 1973 budget request, whichever is lower.

The integrity of the legislative process is at stake here.

Surely, if the Senator from North Dakota and other members of the Appropriations Committee have any interest in reasserting or reestablishing the role of the Senate as a whole, not only in the appropriative but also in the legislative process, they ought to take measures to see that what happened last year does not recur. Whether it can be done tonight, because of the reason the Senator from North Dakota has given, is a very practical matter.

The Appropriations Committee is the only committee I know that has very much influence on the Executive. It is the one to which I thought they would listen. I was amazed when I heard that they turned down the committee—not only Mr. Moot, who is out of town. I understand that they would not send anybody. The Senator from Wisconsin said they would not even send a liaison man to give some kind of excuse for what they did. They have great numbers of liaison men lobbying around Congress all the time. I cannot imagine why they would be so utterly contemptuous. They think the Senate is a weak and subservient body and will accept anything.

Mr. YOUNG. I am not trying to defend the Defense Department for not sending a witness.

Mr. FULBRIGHT. The Senator from North Dakota can lay down the law, not only with respect to sending witnesses.

While the Senator from Hawaii says that this practice is not illegal, it certainly was sharp practice to commit 70 percent of an annual appropriation in 7 or 8 days. I forget the amount.

Mr. PROXMIRE. Five days.

Mr. FULBRIGHT. Perhaps it is not illegal. I suppose you could legally commit the entire year's appropriation in 1 day if you wanted to do so. But that is sharp practice.

Mr. PROXMIRE. It is not a matter of an illegal act. That is the point. It is legal. It is legal because the Senate did not provide any restraint. I want to make that kind of action illegal. That is up to us. It is our fault, not that of the Defense Department. If we let them do it, they will do it.

Mr. FULBRIGHT. I agree with the Senator, It is the fault of the Senate. We have not insisted upon having the mutual respect of the executive department. The people who can do something about this are the senior members or any member of the Appropriations Committee. I am appealing to the Senator from North Dakota, who I think could do something about this and not allow the Senate to be completely subverted in this field.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield 2 additional minutes to the Senator.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BROOKE. As I said, I think it was unfortunate that the Defense Department did not send a witness. But I think "sharp practice" is perhaps too strong language. We do not know. It might be bad procedure. It might be procedure which we alone have the power to correct. I think that is what the able Senator from Wisconsin is attempting to do.

I think a very useful purpose already has been served by this colloquy on the floor today. I think that now the Defense Department and other departments and other agencies, not only the Defense Department, should be on notice that we are concerned about it and that if they do not shape up, it will call for legislative measures. That is probably what will come to pass if we have a continuation of it. But I do not think it is sharp practice. I feel that, unfortunately, it is a procedure which has been followed in the past by too many agencies and departments, not only the Defense Department, and it ought to stop.

Mr. FULBRIGHT. With all deference to the Senator from Massachusetts, I think this foreign aid program, because of its well known lack of popularity—although we have not succeeded in curtailing it much—has been a special case.

I cannot think of any other agency, offhand, in which this sort of thing has occurred. I do not remember any such instance in the State Department's ordinary operations or in any other one. Foreign aid for military assistance has been and still is a very controversial area. That leads them to engage in this practice. I do not know of any other instance quite like this one.

I think that if the Appropriations Committee will stick its feet out and insist upon curing this kind of situation in this instance, it will also be very healthy for the attitude of the executive branch as a whole and for Congress as a whole.

This is about the third instance in the last 3 or 4 weeks in which they have declined to face up to their responsibilities with respect to the executive branch. I think, more especially, of the USIA situation and of the Bahrain amendment.

I commend the Senator from Wisconsin. I hope that out of this will grow a better respect between the two departments.

Mr. BROOKE. Mr. President, will the Senator from North Dakota yield me 2 minutes?

Mr. YOUNG. I yield 2 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I think the RECORD ought to show that this continuing resolution was not approved until March 8, 1972.

Mr. PROXMIRE. Mr. President, will the Senator repeat that? I could not hear it.

The PRESIDING OFFICER (Mr. EAGLETON). The Senate will be in order.

Mr. BROOKE. Mr. President, I want to point out that this bill was not approved until March 8, 1972. The 5 days that the Senator from Wisconsin speaks of, 5 days after, brings it to March 8, 1972.

Mr. PROXMIRE. No, no. It was not approved in March 1972. The 5 days I talk about are the 1st to the 6th of July 1971. By the 6th of July, they took $224 million. As of March 1972, they had taken $499 million plus. The Senate had gone to $350 million, so we were taken out of the act.

Mr. BROOKE. The Senator is talking about July rather than March?

Mr. PROXMIRE. I am talking about July. Five days after the fiscal year began, 70 percent of the money was gone.

Mr. BROOKE. I think it did come out in our deliberations that other departments and agencies have been guilty of the same practice. Is that not true?

Mr. PROXMIRE. Yes, and we have that in the RECORD, so far as the foreign assistance is concerned.

Mr. BROOKE. The distinguished chairman of the Commitee on Foreign Relations said he did not know of it, but in our deliberations we found that there were agencies and departments that had been involved in the same sort of practice in the past, which we want to correct, as well as this one.

Mr. PROXMIRE. I think we confined our statistical information to the foreign aid agencies.

Mr. President, in view of the discussion, I intend to withdraw this amendment, if I get unanimous consent to do so. First, I want to say that I think we should be aware of what is at issue here.

I yield myself 3 additional minutes.

We might say that the main difficulty here is that when a department acts as the Defense Department acted in this case, the Senate has no authority to limit funds. We simply cannot go below the level they have committed under a continuing resolution. Because this does constitute an abuse, I intend to ask the Defense Department to report to me—and I intend to report to the Senate the day we return—on how much of these funds have been committed by any of the agencies under the jurisdiction of our subcommittee.

I thank the distinguished Senator from Hawaii, who has been most helpful in this dialog, and the Senator from Massachusetts and the Senator from North Dakota, as well as the Senators on this side of the aisle.

The senior Senator from Arkansas has counseled me on this matter, and I have taken his wise advice and experience.

The Senator from Rhode Island (Mr. PASTORE) strongly supports my position. He would have vigorously argued my position if he had been on the floor, but he had to leave. He asked me to say that he would support my position.

I think that, under the circumstances, the interests will best be served if we withdraw the amendment, if the Senator will permit.

Mr. YOUNG. I appreciate that.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to withdraw the amendment.

Mr. ALLOTT. Mr. President, reserving the right to object—only for a technicality—would the Senator withhold that request?

Mr. PROXMIRE. I am delighted to accommodate the Senator.

Mr. ALLOTT. Will the Senator from North Dakota yield me 3 or 4 minutes on this matter?

Mr. YOUNG. I yield.

Mr. ALLOTT. Mr. President, I am in accord with the request to rescind the order for the yeas and the nays, but I should like to say one thing about this matter that I think is being overlooked entirely.

In my opinion, without knowing anything of the specific facts about why the money was drawn 5 days after the continuing resolution, on the basis of the performance by Congress, I think they may have been amply justified in doing it on that basis alone.

During the past 10 years, Congress has continued to slow down its appropriations, in fact the whole schedule of Congress, to a place that is not only absurd, but it bespeaks a lack of confidence in Congress. I say that the idea does not speak to the distinction of Congress, the way that this has been handled.

Let me say this to my friend from Wisconsin, that I think he has, on the surface, a valid point; in other words, that, ordinarily, people should not be spending such a large sum out of their budget in the first year. But let me also remind the Senator that we have gone year after year after year waiting for a foreign aid authorization until late in the fall.

When we are talking about hard times and money, just think of the money that is wasted and has been wasted in the United States over the past 10 years, when Congress has repeatedly failed, utterly and dismally, to get its appropriation bills out and get them to the particular branches of Government. I have made some estimates and figures in my office and on the basis of my calculations there is, at a minimum, 2 percent and up to 4 percent of the total appropriations of the United States being wasted simply because we do not get the appropriation bills out at the time of the beginning of the fiscal year. When they get them 5 or 6 months later, no one—no business, no government, no one—can intelligently plan their business or their year's activities on that basis.

So, I would hope that an amendment or a resolution, which I would prefer, might be considered this coming year, so that if the legislative committees cannot decide on the authorizations and can get them passed by the 1st of July, the Appropriations Committee then be entitled to go ahead and proceed and make the appropriations without regard to them.

This is drastic medicine. This is strong medicine. But, Mr. President, we cannot continue to run the Government the way we are and not come up with appropriations for our Federal agencies until after a third or a quarter or even as much as five-sixths in one case, last year, when we went clear over and beyond into February, has gone by. This does not make sense for anyone. So when we are talking about and pointing the finger in this matter, let us look at the basic thing and the basic thing is that we have not gotten our legislative authorizations out in order to run the Government on a businesslike basis. This is the place that we should begin if we want to talk about real reform.

Mr. MANSFIELD. Mr. President, will the Senator from Wisconsin yield for a statement——

Mr. PROXMIRE. Let me speak briefly first, and then I shall be glad to yield to the Senator from Montana, because this is directed at the Senator from Wisconsin.

Mr. President, this is just exactly what the chairman of the Appropriations Committee asked Senators to do. This is exactly what this Senator has done. We reported the foreign assistance appropriation bill to the full committee and did it over the protests of some Senators. In so doing we left out those parts that had not been authorized; but we reported it and we were ready to go further.

In my view, appropriation bills should be taken up and passed. I want to say that this is unprecedented so far as the House is concerned. The Senator from Colorado has made my speech for me. He is right. He is dead right. Congress is delinquent when it fails to pass these appropriation measures month after month. But, I repeat, this Senator was prepared to act. We completed our hearings and reported the bill. That is exactly what our distinguished leaders, the Senator from Montana and the Senator from Pennsylvania, asked the Senate to do.

I have a letter here to the distinguished Senator from Louisiana (Mr. ELLENDER) from the joint leadership asking the Appropriations Committee to do this, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., January 20, 1972.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR ALLEN: In order to help expedite the business of the Senate during this session of Congress, the Joint Leadership, upon unanimous recommendation of its respective Policy Committees, has adopted a procedure designed to accommodate the consideration of appropriations measures delayed only because certain items contained therein are not supported by necessary authorizations.

To facilitate the appropriations process on FY 1973 bills, therefore, items of appropriation that have not been authorized by June 1, 1972, will not be included in the general appropriations bill covering that subject matter. If the pertinent appropriations bill is otherwise ready and available to be considered then or at anytime thereafter, it will be scheduled, and those items awaiting an authorization will simply not be considered. If the authorization is enacted following June 1, 1972, and after the pertinent appropriations bill has been acted upon, the item for which the authorization was required would be considered only as a part of a subsequent supplemental appropriations bill.

It is the purpose of this procedure to expedite the appropriations process. Thus, no item of appropriations not authorized on or before June 1 of this year will be considered as a part of any appropriations bill that is ready and available otherwise for Senate consideration on or after that date. Beginning on that date as well, appropriations bills will be acted upon when ready in accordance with usual scheduling considerations. Items not yet authorized then but authorized at a later time will simply have to be incorporated in a supplemental bill.

In implementing this procedure, the Senate would join with the House, whose Joint Leadership has already announced publicly its intentions along these lines. We are confident, finally, that all members will understand that this procedure is being adopted in an effort to complete the appropriations process as efficiently as possible and thereby help pave the way for an adjournment of this session as soon as possible. The cooperation and consideration of every member in achieving these ends will be greatly appreciated.

We count on your help in making this session relatively brief.

Sincerely,

HUGH SCOTT,
Republican Leader.
MIKE MANSFIELD,
Majority Leader.

NOTE.—The White House is being informed of this procedure so that any inclination for tardiness with respect to budget requests for annual appropriations will be obviated.

The Committee has endeavored to report a bill that eliminates all provisions containing legislative or contingency items. In addition, those limitations for which there was no clear justification are not recommended for reactivation.

Mr. PROXMIRE. Mr. President, I am delighted now to yield such time as he may need to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, there is a great deal of merit in what the distinguished Senator from Colorado (Mr. ALLOTT) just had to say. By the same token, there is a great deal of merit in what the distinguished Senator from Wisconsin (Mr. PROXMIRE) just had to say.

I should like at this time to corroborate the statement, that the joint leadership did indeed send letters out, with the approval of the ranking Republican member of the Appropriations Committee and its chairman, indicating that it was our intention, if they did not get authorizing legislation passed within a reasonable time in June, that the Appropriations Committee would then go ahead and the authorizing legislation will take its chances in supplementaries following.

Mr. ALLOTT. Mr. President, I think we should have some colloquy now on this subject because it might be very helpful to the entire Senate.

I could not agree more heartily with what the Senator has said about the chairman of the Appropriations Committee and the distinguished ranking Republican member of the committee, the Senator from North Dakota (Mr. YOUNG). I can also say that from personal observation this has been true of every member of the Appropriations Committee.

As a matter of fact, we have held appropriations hearings this spring concurrently with the Appropriations Committee in the House, when we had absolutely no idea of the kind of authorization that would come out of the legislative mill. We had to appropriate pursuant to a legislative authorization and, consequently, I must say that I see some disintegration of the intensity and the quality of the appropriations process in the Senate because we have had to do this. If we could get the authorizations before us, or at least get the committees to report their authorizations, their legislative authorizations, so that we have some concept of the parameters in which we could work on the Appropriations Committee, it would help a lot. And with respect to one comment that the distinguished Senator from Montana (Mr. MANSFIELD) made, he was exactly correct. This is what the Senator from Louisiana (Mr. ELLENDER) and the leadership did bring out, that they would expect the committees to go ahead and act upon those matters which had been authorized and that the rest would have to go over to the supplemental.

Let me suggest very kindly that I do not think this is the answer to the fundamental proposition unless we can get the legislative committee to act, because we are acting in the dark on the Appropriations Committee.

Let me give a specific example of this. Just last week we met in conference on the HUD, and National Science Foundation bills. Because of a lack of authorization in the legislative committee, we had put in several places in that bill in the appropriations a proviso that the money would not become available until the proper authorization had been passed by Congress.

We went to conference with the House, and the House said to us, "We cannot take that. We will not take it to the floor of the House subject to a point of order. So, you will have to drop it."

Mr. President, I think we would have been tempted to drop it or agree to it. However, we found out that the House could not act upon the bill because they did not have an authorization for the housing bill which had been previously passed by the Senate. We found out that we did not have an authorization for the National Science Foundation bill, which I understand had been ready to be reported out of the committee for some considerable time before.

So, we got together all the people from the House. We got the conferees from the Senate all together. We spent 1½ hours total. The Senator from North Dakota was there at the time. We spent 1½ hours in the committee trying to resolve some way out of this hassle and resolve the conference.

I hope and pray that I might see that bill passed before the beginning of the fiscal year. It is still sitting in a conference report, and it will be there until the House passes a housing bill and acts on it.

Perhaps this discussion is not exactly on the point. However, it is on the point that the Senator from Wisconsin raised. I happen to disagree with them on this particular matter. However, I do agree wholeheartedly that the Congress of the United States has to take tighter control. If we can get the authorization for legislation, we can do a far more intelligent and better job of appropriating moneys for expenditures in this country than we have done in the last 20 or 25 years.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, the amendment is withdrawn.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, I express my appreciation to the distinguished Senator from Wisconsin for having withdrawn his pending amendment, not because there is no merit in it and not because it is not worthy of favorable action by the Senate under a different set of circumstances than those which confront us now.

I was inclined to support it in the beginning. I did think some explanation should have been made by the Defense Department.

I can see circumstances where they might have not only legally but also legitimately for other reasons made commitments. I do not know that those conditions attained or prevailed at the time.

Mr. President, I resent, as I said last night, as much as any other Member of the Senate, the apparent disregard of the authority of the Senate and the lack of courtesy and consideration they hold for the Senate when we request information from them.

Mr. President, my colleague, the junior Senator from Arkansas, a few minutes ago in his remarks made some reference to the senior Senator from Arkansas and the fact that he could stop this should he care to stop it.

I would like to set the record straight. The whole thing can be stopped if the Foreign Relations Committee would stop authorizing and would stop reporting out bills that authorize these expenditures. That is the direct source and the immediate source for these expenditures, when they report out a bill authorizing it. The Senate then passes it, and it is up to the Appropriations Committee to determine what amount of appropriations should be made available and what amount of appropriations it should recommend.

I would like to set the record straight.

Last night, in my remarks, I said:

> I deplore as much as any Member of the Senate the action of the Defense Department in not responding, or making a different response, to the request that they come up and testify. Just to say no one will come is not the kind of courtesy that I think is due this body from any department of the Government under such circumstances.

I further said:

> I do believe, however, that there should be some followup on the question that is presented here. It is something that should not go without some attention. I refer to the declination on the part of the Defense Department to cooperate with the Appropriations Committee to the extent of appearing and giving some explanation. I do not think that should go unnoticed or without some attention being given to it. Whenever we reconvene, there can be a requirement or some action taken to let the Defense Department know that it is Congress, after all, that appropriates the money and that it has a right to information from the Defense Department as to why and how the Defense Department makes its expenditures, whether in this instance or in any other. I hope some action will be taken to follow up this matter.

Mr. President, in accordance with our personal responsibility and my responsibility as a Senator, I was asked by the Senator from Louisiana (Mr. ELLENDER), the chairman of the Appropriations Committee, to preside the day before yesterday in the afternoon over the markup of this pending continuing resolution. I did so as a courtesy to him.

At that time, this amendment was needing an explanation from the Defense Department. Someone on the committee suggested—I think possibly it was the distinguished Senator from Massachusetts—that there was perhaps time to call witnesses up yesterday morning and have a subcommittee meeting and give them an opportunity to make an explanation.

I did not know until last night, when the resolution came up, that the Defense Department had declined to send up witnesses. Anyway, it is too late now. Nothing can be done now. We are confronted with reality. I can confirm what the distinguished Senator from North Dakota has said regarding the attitude of Chairman MAHON of the House Foreign Relations Committee. I talked to him myself today. We would accomplish nothing by agreeing to this amendment under the circumstances that now confront us.

We would have to call for a conference. The House could agree to the conference or not agree to the conference. It could also not even respond to a conference.

Without this continuing resolution, funds would not be available after June 30 to most departments and agencies of the Government. No one wants to go that far.

But I said last night this matter should be followed up and I hope when we reconvene, with the Senator from Louisiana (Mr. ELLENDER) as chairman of the full committee, there will be cooperation with the distinguished Senator from Wisconsin as a member of the subcommittee to the end that they be called up here and required to testify. There may be another continuing resolution coming up.

There may be a good explanation. I do not know. But I do not like this attitude of when Congress needs information, and particularly about an appropriation, for them to say, "Oh, go fly your kite." I am not going to tolerate it and I do not think other Members of this body intend to tolerate it.

It may be that there is an explanation but we are entitled to more. The Committee on Appropriations and the Senate are entitled to more than the response given to the request.

Mr. YOUNG. Mr. President, as the ranking minority member I am willing to cooperate to see they do appear whenever the Senator from Wisconsin wants them to, or at any other time.

Mr. PROXMIRE. I thank the chairman of the committee and the Senator from North Dakota for their observations.

The Senator from Arkansas said appropriations are at the heart of congressional power and it certainly is.

Mr. McCLELLAN. I do not think my

junior colleague intended such an implication, but I think it might be inferred from his remarks in the Record that I have been derelict in meeting my full responsibility in this matter. I do not think it correct that anyone who is familiar with the facts should imply that.

I have been against this whole foreign aid program for the last 18 years, so I do not have to apologize to anybody for the situation that developed. I was against the expenditure and I voted against it. We could have stopped that if other Senators had agreed to my position, and we would not have the situation that confronts us now.

But I commend the distinguished Senator from Wisconsin for his efforts here and for having brought up this forcibly and emphatically to the attention of Congress.

I am persuaded that what happened here will have a very wholesome effect on the Department of Defense and other agencies of Government.

As one Senator, and I think I speak for a good many Senators in this body, I do not propose to tolerate this sort of treatment on the part of any agency or department of Government. I am sure it will work out all right but in the meantime we have no alternative under the conditions here tonight except to pass this resolution. I believe it is imperative it be done under the circumstances without this amendment.

Again I express my appreciation to the distinguished Senator from Wisconsin for withdrawing his amendment.

Mr. President, as far as I know now, no other Senators wish to speak. If not, I yield back my time. I am ready to vote on the resolution.

Mr. YOUNG. I yield back my time.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1234) was ordered to a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 530. A concurrent resolution to reprint brochure entitled "How Our Laws Are Made," and

H. Con. Res. 552. A concurrent resolution to provide for the printing of the Constitution of the United States together with the Declaration of Independence.

The message also announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder.

The message further announced that the House had agreed to the following concurrent resolutions:

S. Con. Res. 62. A concurrent resolution authorizing the printing of additional copies of Senate Document No. 56, entitled "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions";

S. Con. Res. 69. A concurrent resolution to print additional copies of hearings on the Environmental Protection Act of 1971;

S. Con. Res. 70. A concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971;

S. Con. Res. 74. A concurrent resolution authorizing the printing of additional copies of Senate Report 92-634 entitled "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971"; and

S. Con. Res. 79. A concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation, 1971."

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 3343) to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

The message further announced that the House had passed the joint resolution (S. J. Res. 250) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development, with an amendment in which it requests the concurrence of the Senate.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask that the Senate go into executive session to consider nominations for the Superior Court of the District of Columbia on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations will be stated.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The second assistant legislative clerk proceeded to read sundry nominations in the Superior Court for the District of Columbia.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I move that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 898, 901, 902, 903, and 905.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMPARO CORONADO VIENDA DE PENA AND HER THREE MINOR CHILDREN: YOLANDA PENA, MARISELA PENA, AND LORENZO PENA

The bill (H.R. 4679) for the relief of Amparo Coronado Vienda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena was considered, ordered to a third reading, read the third time, and passed.

FURTHER AMENDMENT OF THE FEDERAL CIVIL DEFENSE ACT OF 1950

The bill (S. 3772) to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended—

(1) by striking the date "June 30, 1972" where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h) and substituting in lieu thereof the date "June 30, 1976";

(2) by striking the figure "$25,000,000" in the second proviso of section 408 and substituting in lieu thereof "$35,000,000".

SITKA NATIONAL MONUMENT, ALASKA

The Senate proceeded to consider the bill (S. 1497) to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 2, after the word "on", strike out "drawing numbered 314-91,001, dated April 1970" and insert "the map entitled 'Proposed Additions, Sitka National Monument, Sitka, Alaska' numbered 314-20,010-A, in two sheets, and dated September 1971"; and, at the beginning of line 19, strike out "such sums as may be necessary to carry out the purposes of this Act" and insert "not to exceed $140,000 for land acquisition and $691,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership for the benefit and inspiration of present and future generations of Americans an area which illustrates a part of the early history of the United States by commemorating czarist Russia's exploration and colonization of Alaska, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, for addition to the Sitka National Monument, the lands and interests therein, and improvements thereon, including the Russian mission, as generally depicted on the map entitled "Proposed Additions, Sitka National Monument, Sitka, Alaska" numbered 314–20,010–A, in two sheets, and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Lands and interests in lands within such area owned by the State of Alaska or any political subdivision thereof may be acquired only by donation.

Sec. 2. The Sitka National Monument is hereby redesignated as the Sitka National Historical Park, and it shall be administered, protected, and maintained by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

Sec. 3. There are hereby authorized to be appropriated not to exceed $140,000 for land acquisition and $691,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HONOKOHAU NATIONAL HISTORICAL LANDMARK, HAWAII

The bill (H.R. 11774) to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

PUUKOHOLA HEIAU NATIONAL HISTORIC SITE, HAWAII

The Senate proceeded to consider the bill (H.R. 1462) to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "numbered", insert "NHS–PK".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE TWO HOUSES FROM TODAY UNTIL 12 NOON MONDAY, JULY 17, 1972

Mr. MANSFIELD. Mr. President, on behalf of myself and the distinguished acting minority leader, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, June 30, 1972, they stand adjourned until 12 o'clock noon on Monday, July 17, 1972.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the concurrent resolution (S. Con. Res. 88) was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the concurrent resolution be held at the desk pending disposition of other business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION OF SENATOR GAMBRELL ON LEGISLATIVE ROLLCALL NOS. 249 AND 255

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Georgia (Mr. GAMBRELL), I ask unanimous consent that the permanent RECORD for June 27, 1972, show that on legislative No. 249, the Senator from Georgia (Mr. GAMBRELL) would have voted "yea" on Mr. PASTORE's motion to table the amendment of Mr. CASE to the Labor-HEW appropriations bill. On June 28, legislative No. 255, the Sparkman-Scott amendment to the foreign aid authorization bill, the Senator would have voted "yea."

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7117.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. HOLLINGS, I move that the Senate insist on its amendments, agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HOLLINGS, and Mr. STEVENS conferees on the part of the Senate.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST RATES ON CERTAIN MORTGAGES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 250.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 250) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development, which was, on page 3, after line 5, insert:

Sec. 7. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "June 30, 1972" and inserting in lieu thereof "September 30, 1972."

Mr. ROBERT C. BYRD. Mr. President, the Senator from Alabama (Mr. SPARKMAN) is absent, and he has requested that I move that the Senate concur in the House amendment. I understand this has been cleared with the distinguished Senator from Texas (Mr. TOWER), ranking minority member of the Banking, Housing and Urban Affairs Committee.

I ask unanimous consent to have printed in the RECORD a statement by the Senator from Alabama (Mr. SPARKMAN).

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR SPARKMAN

The resolution involves interest ceilings on FHA and VA mortgages. Unless this is passed and approved by the President by mid-night today interest rates will revert to 6 percent. This rate is unacceptable by lenders and would halt all FHA and VA lending.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PROJECT GRANT AUTHORITY FOR MATERNAL AND CHILD HEALTH PROGRAMS

Mr. NELSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 9410.

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate H.R. 9410, a bill to amend title V of the Social Security Act to extend for 1 year—until June 30, 1973—the period within which certain special project grants may be made thereunder, which was read twice by its title.

Mr. NELSON. I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON. Mr. President, this is a straight 1-year extension of project grant authority to insure continued Federal funding of 115 maternal and child health programs in 44 States, after June 30—today's—expiration date of this authority. The House passed the bill as H.R. 9410, sponsored by Representative DAN ROSTENKOWSKI, of Illinois, a member of the Ways and Means Committee.

The measure is a temporary stopgap to keep Federal funds going out to these projects, under title V, the maternal and child health section of the Social Security Act.

Under the present law, the project grant authority would expire today, and all Federal support of these programs would shift to block grants to States—or formula grants.

The administration, the House Ways and Means Committee, and the Senate Finance Committee, and the GAO all agree that the project grants—or direct targeted funding—should continue for these programs.

They provide a wide variety of health care and dental care to an estimated 750,000 women and children. The projects are designed to provide comprehensive care, and are credited with reducing infant mortality and health care costs wherever they exist.

It was originally intended under title V that States would take over administration and funding of these programs with block grant money, once the projects got started.

However, States are not prepared administratively or fiscally to take them over.

Everyone agrees that the programs are worthwhile and that direct Federal funding to them should continue under the project grant authority, for the present.

The Senate Finance Committee has tentatively agreed to extend that authority for 2 years, under an amendment to H.R. 1, which Senator KENNEDY and I, along with 12 cosponsors, offered as S. 2135—introduced June 30, 1971.

This straight extension (H.R. 9410) as a temporary move would continue funding of these 115 projects at present funding levels.

The administration 1973 budget proposal contains $101,330,000 for these projects. The House Appropriations HEW bill has that amount allowed for them. The Senate appropriations bill for labor-HEW—which the Senate passed Tuesday—contains $113,330,000 for these programs.

It is my hope that the Senate will act quickly to assure continued funding of these worthwhile programs, pending later action on the matter as part of H.R. 1.

Mr. KENNEDY. Mr. President, I strongly recommend passage of H.R. 9410 to provide a 1-year extension of special project grants under title V of the Social Security Act. Nationwide, these programs provide maternity and child health care to 12 million children and mothers from impoverished families. In the past 37 years, programs authorized under this legislation have effectively served the health and welfare needs of disadvantaged citizens. Projects offering maternal and child health care, dental, and crippled children's services, and assistance for mentally retarded youngsters have provided valuable health benefits that in many cases were not available from other sources. These programs have aided in the treatment and alleviation of a variety of chronic illnesses, drug addiction, and alcoholism. These programs have also been successful in eliciting community respect, cooperation, and confidence, a necessary prerequisite in community oriented medical programs. The increase in community medical facilities has especially proved beneficial in the area of employment. As a result of title V programs, improved opportunities for employment have been guaranteed to many residents. In New York City, the "Catch" program provides a health team consisting of a doctor, nurse, and social worker, to each family participating in the program.

Under the care of a health team, members of a family receive guidance and assistance not only in the area of health care, but also in employment and housing.

In my State of Massachusetts, the Dimock Health Center in Boston delivers comprehensive health care to almost 6,000 Roxbury children. Pediatricians, psychologists, psychiatrists, and social workers service the Roxbury community, a community that chronically suffers from a shortage of medical doctors—one physician for every 11,000 residents. It is representative of urban ghettos across the Nation.

Title V medical programs have compensated for this shortage of medical care in our urban communities through mobile health clinics, prenatal and child care instruction programs, and hospital construction projects.

I strongly urge my colleagues to pass this bill. Not only will it demonstrate our national commitment and support of vital health care and assistance to poor Americans, but it will also serve as an effective mechanism for disease prevention.

In the House, this bill has passed (H.R. 9410); I am hopeful that this legislation will also be promptly enacted in the Senate.

Authority for operation of these special projects expires today, at the close of the 1972 fiscal year. It is vital, therefore, that the Senate approve H.R. 9410 in order to continue the programs authorized under existing legislation.

Currently these programs are authorized to be funded at $350 million per year. Annual appropriations, however, amounted to $217 million for fiscal 1972.

The pending legislation will extend the existing authorization level for fiscal year 1973.

As soon as possible, after the enactment of this amendment to title V of the Social Security Act, the Congress must also enact legislation to authorize ongoing programs operations under this act.

I urge therefore that this legislation be approved.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 9410) was read the third time, and passed.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and at 5:43 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 5:46 p.m. when called to order by the Presiding Officer (Mr. BENNETT).

SETTING THE LEAA RECORD STRAIGHT

Mr. HRUSKA. Mr. President, I noted with some surprise a few days ago that statements had been made criticizing the Federal Government; that is, the administration, for allegedly funding the purchase of machineguns and tanks for local law enforcement agencies under its anticrime assistance program.

I was surprised because I certainly knew of no such funding that has been authorized during the past 3½ years by the Nixon administration. I checked to see just what the facts were.

The initial charge was made on June 26 by the Congressional Black Caucus on the eve of hearings it had called, and the press release by the caucus said this:

> We will show that federal grants to improve police administration have instead been used to buy tanks, machine guns, and other items of warfare technology, unrelated to the administration of justice.

The press release also noted that a key witness on criminal justice matters would be Ramsey Clark, who was Attorney General in the last Democratic administration.

When Mr. Clark testified, he said, according to press accounts, that the Law Enforcement Assistance Administration was providing funds for police departments for high-powered guns and sophisticated armaments. In addition, he said that the Nation was slowly buying its way into a police state.

Further, he made this comment:

> If we seek to use the police simply to make people keep their places . . . then we will know violence, and we should.

Now, there are several points in evaluating Mr. Clark's comments that I should like to make.

The first point is the statement of Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, issued on June 26, in reply to Mr. Clark's testimony. The text of the statement in reply is as follows:

> Mr. Clark neglected to disclose that on August 31, 1968, as Attorney General, he personally approved an award of $79,000 in Law Enforcement Assistance Administration funds to the state of Louisiana for riot control purposes. The grant included two machine guns, 10 automatic rifles, specialized protection vehicles and a mobile armory—one of which was an armored personnel carrier.
>
> No such equipment has been purchased during this Administration's stewardship, and I have continually said that so long as I am Administrator of this agency there would be no LEAA funding for those types of projects.

Here, therefore, are the real facts. Machineguns were purchased with LEAA funds, but it was during the last administration—and they were purchased with funds approved by Ramsey Clark when he was Attorney General. It strikes me as an odd omission from Ramsey Clark's testimony that he did no admit or inform his audience that it was he who had authorized such weapons purchases.

The further fact is that no such equipment has been purchased in this fashion since Mr. Clark left office as Attorney General, and there is a plain pledge by present Administrator Jerris Leonard that as long as he holds that office there will be no LEAA funding for this type of project.

Mr. President, to fully document the Ramsey Clark August 1968 Grant Award for Riot Control Equipment, I ask unanimous consent to have printed in the RECORD a copy thereof at the conclusion of these remarks, together with an itemization of the articles and equipment authorized for purchase.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. The following items are included, according to the sheets referred to: For specialized protection vehicles, special riot control truck equipment, 11,120; and protected command car equipment, $8,700. For mobile communication vehicles, special communication equipment, $10,470. For protected truck tractor—Tank, $10,000. Specialized riot control equipment for mobile armory and equipment, $56,685.

It is also to be noted, Mr. President, more in sorrow than in anger, that while Mr. Clark's criticism and testimony on LEAA—as well as those of the Black Caucus—were widely reported in the press, no newspaper account has come to my attention as containing any notice of Mr. Leonards' rebuttal information and statistics. Rather a bleak commentary on the press which prides itself as a reporting agency for all sides of an issue.

Certainly if a charge that purchase of "sophisticated" weaponry by LEAA in amounts to total millions of dollars and in a way to result in a "police state" are newsworthy, it goes without saying that the falsity of such charge is also worthy of the attention of readers who pay 10 cents per copy of each newspaper they buy. Added, of course, would be the choice bit of irony, that it was the principal witness and accuser who was the only transgressor in this field of trying to build a police state, and that at a time 4 years ago when he was Attorney General, under a Democratic administration. His present holier-than-thou position thus seems strange indeed.

Another point worthy of consideration as to Mr. Clark's testimony is that he was predicting violence—and then saying that such violence would be justified.

Mr. President, this statement is indeed puzzling and even disturbing coming from a man of the law who had once been the chief law enforcement officer of the Nation. Equally disturbing is the fact that Senator GEORGE MCGOVERN, of South Dakota, had said twice last month that Ramsey Clark was the kind of man Senator MCGOVERN would like to see back in Government.

Mr. President, there is nothing that justifies a call for violence against the background of the situation described here; particularly when we consider that law-enforcement peacekeeping efforts are involved. The LEAA program has been of immense value and benefit in mounting and sustaining an effective all-out attack on crime. It is to be commended, not criticized.

It is not only effective, but it is enlightened. It accomplishes much through its grant approach to the vast field of law enforcement by States and their political subdivisions.

Total block grants to States for the fiscal year 1972 totaled $413 million. Of this amount $42 million were for upgrading personnel in law enforcement; $27 million for prevention of crime; juvenile delinquency, $55 million, and for detection and apprehension, $94.6 million.

From these figures, Mr. President, we can gather the commitment Congress has made to law enforcement in the Nation. That national policy has been reaffirmed for the fiscal year 1973, which commences tomorrow, in the appropriation for the entire Law Enforcement Assistance Administration of $850 million for its entire program.

This will be of vast benefit inasmuch as the entire amount spent by State and local political subdivisions for police services the Nation over, approximates 5 billions of dollars.

This expression of confidence by Congress is gratifying. Certainly it overcomes ill-considered and inaccurate criticism which is sometimes heard during this presidential election year.

EXHIBIT 1

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION: GRANT AWARD

The Law Enforcement Assistance Administration hereby awards to Louisiana Commission on Law Enforcement and Administration of Criminal Justice (hereinafter called the "Grantee") grant number A40015 in the amount of $79,170 for programs or projects related to the prevention, detection, and control of riots and other violent civil disorders, as authorized by Section 307 (b) of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351, 82 Stat. 197).

This grant may be used until June 30, 1969 for the programs or projects enumerated in Attachment A to this Grant Award, subject to any limitations or conditions set forth in Attachment B to this Grant Award.

The Grantee shall administer the programs or projects for which this grant is awarded in accordance with the applicable rules, regulations, and conditions of the Administration, as set forth in Attachment C to this Grant Award.

The grant shall become effective when the Grantee signs and returns a copy of this Grant Award to the Administration.

Date: August 31, 1968.

RAMSEY CLARK.

The ______________________________ hereby signifies its acceptance of the above described grant on the terms and conditions set forth above or incorporated by reference therein.

State of Louisiana.

Date: September 1, 1968.

JOHN J. MCKEITHEN,
Governor of Louisiana.

PART I

Specialized protection vehicles	$19,820
A. Special riot control truck equipment	11,120
1. Siren and red light (2)	280
2. P.A. system	115
3. Radios (39.5–44.7 N.G. freq.)	2,100
4. 9 AR–15 rifles 9 12 Ga. riot guns	1,215
5. 9 protective vest and suits	450
6. 6 gas guns and ammo	600
7. 9 gas masks	315
8. 2 binoculars	150
9. First aid kit (large)	25
10. 1 Polaroid camera	150
11. 1 portable flood light	20
12. Specialized installation charges	5,000
13. 8 MM movie camera	700
B. Protected command car equipment	8,700
1. Radios (2 frequency)	2,100
2. Siren, red light and P.A. system	$265
3. 1—AR–15 rifles 6—12 Ga. short guns	660
4. 6 protective suits	300
5. 2 tear gas guns	200
6. 6 gas masks	210
7. 1 first aid kit	15
8. 1 Polaroid camera	150

9. 8 MM movie camera	700
10. Cost of vehicle	3,600
11. Additional minor equipment on car	500
PART II	
Mobile communication vehicles	10, 470
A. Special communication equipment	10, 470
1. Tape recorder and radios (3 frequency)	2. 500
2. Walkie talkies (10)	7, 000
3. Machineguns (2)	300
4. 2 gas guns	200
5. 2 30:30 rifles	300
6. 2 protective suits	100
7. 2 gas masks	70
PART III	
Mobile armory and equipment	66, 685
A. Protected truck tractor	10, 000
B. Specialized riot control equipment	56, 635
1. 6 ea CS tear smoke generator (Pepper Fog)	2, 310
1a. 50 ea qts. pepper fog	1, 000
2. 12 cases hand grenades	7, 200
3. 3 cases long range projectiles	350
4. 3 cases of short range projectile	150
5. 10 cases 00 buck shot	
6. 10 cases 38 caliber	
7. 10 cases 38 caliber carbine	5, 000
8. 10 cases 30–30 ammo	
9. 4 cases 308 ammo	
10. 4 cases 30–06 ammo	
11. 2 bull horns	300
12. 1000 cans chemical mace with holster	12, 000
13. 250 plastic night sticks	875
14. 250 gas masks	8, 750
15. 2 Polaroid cameras	300
16. 1 8MM movie camera	700
17. 100 protective vests	5, 000
18. 500 helmets	12, 500
19. 10 7 cell flashlights	50
20. 5 gross fuses	200
PART IV	
Specialized riot training	8, 585
A. Riot control school at Fort Benning, Ga	8, 585
Total cost emergency riot control program	105, 560
Federal share 75%	79, 170
State/local share at 25%	26, 390

ACCOMPLISHMENTS OF THE SECOND SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, since January 18, the Senate has met in session for 102 days, has passed 345 measures, and has taken 251 rollcall votes—as many record votes as in all of 1969.

As we near the 2-week recess for the Fourth of July and the Democratic National Convention, I shall place at the end of my remarks a summary of legislation passed by the Senate at this session. It will be noted that a number of important pieces of legislation are in the list. Among the major items are: Economic Opportunity, Education amendments, Equal Employment Opportunities Enforcement, Campaign Financing, Headstart, Rural Development, Water Pollution Control, and the War Powers Act.

I also call attention to the fact that for the first time since 1958, the majority of the appropriations bills have been passed by the Senate before June 30. This year the Senate has pased 15 appropriations bills. Only four items—Agriculture-Environmental, Defense, Foreign Aid, and Military Construction—remain for later action by the Senate. As a point of comparison, I should like to state that since 1960, the number of appropriations bills reported to and passed by the Senate by June 30 has generally numbered five or six.

It is, therefore, with high regard and deep appreciation that I speak of the distinguished chairman of the Appropriations Committee (Mr. ELLENDER) and the ranking Republican member (Mr. YOUNG) I commend them for their hard work in attaining this substantial achievement, and I commend the Members of the Senate as a whole, both the Democrats and Republicans, for their cooperation in making possible the excellent legislative record we have set thus far this session.

Mr. President, I ask unanimous consent that the summary of Senate Legislative Activity, to which I have referred, be inserted at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, SECOND SESSION

(By Senate Democratic Policy Committee)

Days in session, 102.
Hours in session, 601:26.
Total measures passed, 345.
Public laws, 96.
Treaties, 58.
Confirmations, 35,014.
Record votes, 251.

Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate Activity.

AGRICULTURE

Agricultural Adjustment Act amendment

Amended the Agricultural Adjustment Act of 1938, as amended, so as to exempt flue-cured tobacco acreage-poundage quotas from the requirement that leases be filed with the county committee by a fixed date no later than planting time established by the Secretary of Agriculture. H.R. 13361. Public Law 92–311.

Cooperative forest programs

Amended the Cooperative Forest Management Act to (1) extend it to cover assistance (i) in the protection, improvement and establishment of trees and shrubs in urban areas, communities and open spaces, and (ii) to all wood processors, and (2) increase the appropriation authorization to $20 million (from $5 million); and increased the appropriation authorization to $40 million (from $20 million) for sections 1, 2, and 3 of the Clarke-McNary Act of June 7, 1924, which provides for cooperation with States in forest fire prevention and suppression. H.R. 8817. Public Law 92–288.

Cotton statistical reports

Changed the times at which the Secretary of Agriculture is to issue cotton crop, acreage, and ginning reports so that they can be issued simultaneously with general crop reports after the markets have closed. S. 3104. Public Law 92–331.

Farmfest—U.S.A.

Authorizes the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. in September, 1972, in Blue Earth County, Minnesota. S.J. Res. 182. P/S 4/28/72.

Forestry incentives

Provides a forestry incentives program for small non-industrial private lands and non-Federal public forest lands by providing for Federal payment of up to 50 percent of the cost of development and management practices on non-Federal public lands, up to 80 percent of the cost of such practices on small non-industrial private lands and up to 80 percent of the cost of equipment to be provided to carry out such practices. S. 3105. P/S 6/15/72.

Grapefruit marketing orders

Permits marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment under the order for that purpose. S. 1058. P/S 3/7/72.

Pest control research

Directs the Secretary of Agriculture to carry out pilot field research programs in integrated methods of controlling agricultural and forest pests; authorizes him to reimburse farmers for losses sustained as a result of such research being conducted on their lands, crops, or livestock; and authorizes expanded research on integrated control by the National Science Foundation. S. 1794. P/S 1/31/72.

Rabbit meat inspection

Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products. S. 1943. P/S 4/11/72.

Reforestation

Establishes a supplemental national reforestation fund and authorizes an annual appropriation of $65 million to be transferred to that fund for the purpose of planting more trees on those areas of the national forests that are in most need of reforestation, such moneys to be available until expended, and calls for the Secretary of Agriculture to submit to Congress within 1 year of the date of enactment and annually thereafter a report setting forth the scope of the total nationl forest reforestation needs and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act are to be applied to the program. H.R. 13089. P/H 5/3/72. P/S amended 6/15/72.

Rural Development Act of 1972

Expands and establishes programs dealing with financial investment, credit, education, technology, and research in rural areas; enlarges the loan and grant authority of the Consolidated Farmers' Home Administration; authorizes an appropriation of $500 million annually for revenue sharing to be apportioned among the States on the following basis: 50 percent on the State's rural population, 25 percent on the rural per capita income, and 25 percent on the outmigration from rural areas; amends the Watershed and Flood Prevention Act to authorize the Secretary of Agriculture to cost-share and enter into long-term contracts with landowners and operators for watershed projects dealing with problems relating to rural development and the total environment; amends the Bankhead-Jones Farm Tenant Act to authorize the Secretary of Agriculture to pay up to 50 percent of the cost of storage of water in any reservoir constructed or modified under the act for present needs for rural community water supply and to share in the cost of installing measures for water quality management, the control and abatement of agriculture-related pollution, the disposal of solid wastes, and the storage and withdrawal of water for rural fire protection; authorizes $7 million in Federal-state matching grants per year for the next 3 years to help local forces in rural areas and communities, of 5,500 population or less, to prevent and control wildfires; authorizes appropriations of $75, $110, and $160 million, for fiscal years 1974, 1975, and 1976 and subsequent years, respectively to States through their Land-grant and private educational institutions for small farm and rural development extension programs, research, and training; and contains other provisions. H.R. 12931 (S. 3462). P/H 2/23/72. P/S amended 4/20/72. Conference report filed in House 6/14/72.

Rural telephone bank

Permitted the Rural Telephone Bank to issue its obligations to the Secretary of the Treasury and authorized the Secretary of the Treasury to purchase these obligations. H.R. 14423. Public Law 92–324.

Vegetable gardens

Urges each American family, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing. S. Con. Res. 75. Senate adopted 4/19/72. House adopted 5/1/72.

APPROPRIATIONS, 1972

Foreign assistance and related programs

Appropriated $3,189,437,000 for foreign assistance and related programs. H.R. 12067. Public Law 92–242.

Second Supplemental Appropriations

Appropriated $4,347,698,270 in supplemental funds. H.R. 14582. Public Law 92–306.

Supplemental-dollar devaluation

Appropriated necessary amounts not to exceed $1,600,000,000 for payments by the Secretary of the Treasury to maintain the value in terms of gold of the holdings of the United States in international financial institutions for fiscal year 1972. H.J. Res. 1174. Public Law 92–301.

Urgent supplemental appropriations

Appropriated $957,476,059 for certain urgent supplemental appropriations. H.J. Res. 1097. Public Law 92–256.

APPROPRIATIONS, 1973

Continuing appropriations

Made continuing appropriations for fiscal year 1973, and for other purposes. H.J. Res. 1234. Public Law 92–334.

District of Columbia

Appropriated $834,756,800 in District of Columbia funds and $316,393,000 in Federal funds. H.R. 15259. Public Law 92–344.

Housing and Urban Development—Independent offices

Appropriates $20,583,370,000 for the Department of Housing and Urban Development, for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices. H.R. 15093. P/H 5/13/72. P/S amended 6/14/72.

Interior and related agencies

Appropriates $2,773,482,800 for the Department of the Interior and related agencies. H.R. 15418. P/H 6/13/72. P/S amended 6/28/72.

Labor and Health, Education, and Welfare, and related agencies

Appropriates $31,334,930,500 for the Department of Labor, the Department of Health, Education, and Welfare, and related agencies. H.R. 15417. P/H 6/15/72. P/S amended 6/27/72.

Legislative branch

Appropriated $513,787,980 for the Legislative Branch. H.R. 13955. Public Law 92–342.

Public Works appropriations

Appropriates for fiscal year 1973 $5,571,696,000 for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions. H.R. 15586. P/H 6/26/72. P/S amended 6/30/72.

Supplemental appropriations for disaster relief

Appropriated $200 million in supplemental fund for disaster relief. H.J. Res. 1238. Public Law 92–337.

State-Justice-Commerce-Judiciary

Appropriates $4,820,717,769 for the Departments of State, Justice, and Commerce, the Judiciary and related agencies. H.R. 14989. P/H 5/8/72. P/S amended 6/15/72. In conference.

Transportation

Appropriates a total of $3,038,175,095 in new budget (obligational) authority for the Department of Transportation and related agencies, of which $2,906,994,095 is for fiscal year 1973 and $131,181,000 is an advance appropriation for fiscal year 1974. H.R. 15097. P/H 5/24/72. P/S amended 6/16/72. In conference.

Treasury Department, Postal Service, and Executive Office of the President

Appropriated $5,057,827,000 for the Treasury Department, Postal Service, and the Executive Office of the President, and certain independent agencies. H.R. 15585. Public Law 92–351.

ATOMIC ENERGY

AEC temporary licensing for nuclear power reactors

Added a new section "Temporary Operating License" to the Atomic Energy Act, and authorized the Atomic Energy Commission (for an interim period which will end on October 30, 1973) to issue a temporary operating license for a nuclear power reactor whose electrical energy is needed to meet energy needs in its service area, provided the Commission determines that the plant can be operated on a temporary basis safely and with adequate protection of the environment. H.R. 14655. Public Law 92–307.

Atomic Energy Commission authorization

Authorized $2,110,480,000 for operating expenses and $492,995,000 for plant and capital equipment, making a total authorization of $2,603,475,000 for AEC for fiscal year 1973. S. 3607. Public Law 92–314.

CONGRESS

Cornelia Fasset painting

Authorizes the Architect of the Capitol, on behalf of the Congress, to loan to the Smithsonian Institution a painting, "The Electoral Commission of 1877," by Cornelia Fasset, for an exhibit by the National Portrait Gallery. S. Con. Res. 59. Senate adopted 3/24/72. House adopted 5/1/72.

Congressional Representation for Guam and The Virgin Islands

Provided that the organized, unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a non-voting Delegate to the House of Representatives. H.R. 8787. Public Law 92–271.

Equal Time Requirement and Political Broadcasting

Repeals the equal opportunities requirement of section 315 of the Communications Act of 1934 insofar as it applies to legally qualified candidates for the office of President and Vice President in the general election campaign. S. 3178, P/S 3/23/72.

Federal Election Campaign Act

Required broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same period for 45 days before primaries and 60 days before general elections; provided that a person selling space in any newspaper or magazine to candidates for Federal office may not make a charge in excess of the charges made for a comparable use of such space for other purposes; imposed a limitation on expenditures for the use of communications media by candidates for Federal office of the greater of (1) 10 cents times voting age population, or (2) $50,000, but not more than 60 percent of the overall limitation can be spent for the use of broadcasting stations; provided that no candidate for Presidential nomination can spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy, a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been available to him had he been a candidate for the office of Senator from that State; provided that the communications media expenditure limitations shall be increased in proportion to increases in the Consumer Price Index, with the base period being calendar year 1970; provided that the States may make the broadcasting spending limit applicable to State-wide elections, and made the limitation applicable to any money spent by a candidate or on his behalf; required broadcasters selling time on behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applied the same requirement to spending for non-broadcast media; made the provisions of the act respecting disclosure of Federal campaign funds applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; provided that responsibility for receiving, compiling, and publishing financial statements of contributions and expenditures for candidates and political committees shall be vested in the Secretary of the Senate with respect to candidates for Senator, the Clerk of the House of Representatives with respect to candidates for Representative, and the Comptroller General in other cases; and contained other provisions. S. 382. Public Law 92–225.

Joint Committee on Inaugural Ceremonies of 1973

Established a Joint Committee on Inaugural Ceremonies of 1973. S. Con. Res. 63. Senate adopted 3/24/72. House adopted 3/27/72.

Senate Intervention in Supreme Court Proceedings

Authorized Senate intervention in the Supreme Court proceedings involving Senator Gravel on the issue of the scope of article 1, the so-called speech and debate clause of the Constitution. S. Res. 280. Senate adopted 3/23/72.

CRIME-JUDICIARY

Administrative Assistant to the Chief Justice

Added a new section 677 to title 38, United States Code, creating the Office of administrative assistant to the Chief Justice of the United States. H.R. 8699. Public Law 92–238.

Bankruptcy receivers and trustees

Amends the Bankruptcy Act to increase the maximum compensation allowable to receivers and trustees. S. 1395. P/S 2/18/72.

Bankruptcy referees' salaries and expenses

Amends the Bankruptcy Act to abolish the criteria for fixing the salaries of full-time referees and thus permit the Judiciary Conference of the United States to fix the salaries of all full-time referees at the same level and to abolish the referees' salary and expense fund. S. 1394. P/S 2/18/72.

Bankruptcy referees

Amends the Bankruptcy Act to permit a full-time referee in bankruptcy to perform the duties of a U.S. magistrate. S. 1396. P/S 2/18/72.

Care for narcotic addicts

Authorized the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released; and clarified the intent of Congress that release under a program of supervisory aftercare is an appropriate mode of treatment for both parolees and mandatory releasees who may have been narcotic addicts or drug dependent persons. S. 2713. Public Law 92-293.

Commission on bankruptcy laws extension

Extended the Commission on the Bankruptcy Laws from July 24, 1972, to June 30, 1973, and increased the limit on appropriations to the Commission from $600,000 to $826,000. S.J. Res. 190. Public Law 92-251.

Commission on revision of Appellate Court system

Creates a 12-member Commission on Revision of the Federal Court Appellate System to study the system under which decisions of the district courts and of administrative agencies are reviewed by the courts of appeals and the U.S. Supreme Court to find solutions to the problems caused by large caseload increases in recent years. H.R. 7378. P/H 5/15/72. P/S amended 6/30/72.

Copyrights

Extends the duration of copyright protection in certain cases. S.J. Res. 247. P/S 6/30/72.

Federal Court jurors

Amended the Jury Selection and Service Act of 1968 to change from 21 years to 18 years the minimum age qualification for service on grand juries in the district courts of the United States. S. 1975. Public Law 92-269.

Juvenile delinquency control

Extends the Juvenile Delinquency Prevention and Control Act of 1968, which expires on June 30, 1972; strengthens its operation by clearly delineating the scope of activities to be undertaken by the Department of Health, Education, and Welfare in the juvenile delinquency field; provides for grants to State, county, municipal or other public or nonprofit private agencies to plan, develop, and operate coordinated youth services systems; and contains other provisions. S. 3443. P/S 6/19/72.

Supreme Court Justices survivors' benefits

Amends the Judicial Survivors Annuity Act by giving Justices of the Supreme Court the option to make contributions to the Judicial Survivors Annuity Plan under which benefits are payable to their surviving widows and dependent children, and contains other provisions. S. 2854. P/S 6/30/72.

U.S. Magistrates temporary assignment

Added a new subsection to section 636 of title 28, United States Code, to permit the temporary assignment of U.S. magistrates from one judicial district to another in emergency situations and only upon the concurrence of the chief judges of the districts involved. H.R. 9180. Public Law 92-239.

DEFENSE

Armed Forces mailing privileges

Extends free mailing privileges for letters, cards, and sound-recorded personal communications to all members of the U.S. Armed Forces outside the 50 States, and to all members hospitalized as a result of disease or injury incurred while on active duty; and contains other provisions. H.R. 3808. P/H 10/4/71. P/S amended 6/16/72.

Boy Scouts loans

Provided permanent authority for the Secretary of Defense to lend Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in support of their national jamborees and world jamborees. H.R. 11738. Public Law 92-249.

Civil Defense

Extends for four years the expiration date of financial assistance programs currently authorized by the Federal Civil Defense Act of 1950, and increases the per annum authorization for financial assistance for personnel and administrative expenses from $25 million to $35 million. S. 3772. P/S 6/30/72.

Defense Production Act amendments

Extended the Defense Production Act of 1950 for 2 years, from the present expiration date of June 30, 1972, to June 30, 1974, and amended the Act by extending from June 30, 1975, to June 30, 1985, the time in which purchase and sales contracts may be entered into concerning materials in the Defense Production Act inventory. S. 3715. Public Law 92-325.

Disposals from national and supplemental stockpiles

Authorizes disposals from the national and supplemental stockpiles of various materials, as follows:

Chromite, metallurgical grade

1,313,600 short dry tons. S. 733. P/S 3/21/72.

Lead: 498,000 short tons. S. 764. P/S 3/21/72.

Nickel: 38,876 short tons. S. 3086. P/S 3/21/72.

Zinc: 515,200 short tons. S. 766. Public Law 92-283.

Naval vessel loans

Authorized the loan of a total of 16 vessels of the destroyer and submarine category of the Reserve fleet to certain foreign countries for a period of 5 years. H.R. 9526. Public Law 92-270.

Servicemen's group life insurance for cadets and midshipmen

Amended 38 U.S.C. 765 so as to extend eligibility for Servicemen's Group Life Insurance (SGLI) to cadets and midshipmen at the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy. H.R. 9096. Public Law 92-315.

DISTRICT OF COLUMBIA

Dump truck fees

Authorized the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain dump trucks, within the three jurisdictions, and the enforcement of traffic laws. H.R. 9580. Public Law 92-327.

Educational Personnel Act

Authorizes the Commissioner to enter into on behalf of the District of Columbia the Interstate Agreement on Qualification of Educational Personnel; authorizes the advancing of emergency leave to temporary teachers and attendance officers; allows temporary teachers in the District public school system to elect coverage under the Federal life insurance and health benefits insurance programs after completion of one school year of service; amends existing law to transfer coverage of temporary teachers in the District public school system from the Civil Service Retirement System to the system established under the District of Columbia Public School Teachers Retirement Act; and amends the existing law to allow the employment of District school teachers in congressional offices during the summer months. S. 1998. P/S 4/13/72.

Healing Arts Practice Act amendments

Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H 6/14/71. P/S amended 8/6/71. House requested conference 3/9/72.

Insurance Act

Increases the levels of paid-up and surplus requirements for stock life, mutual companies, and casualty insurance companies to further safeguard and protect innocent policyholders from possible losses resulting from bankrupt insurance companies; makes available greater levels of group life insurance for District residents and expressly permits the assignment of an interest in a group life insurance policy consistent with the prevailing practice in 37 states; increases the number of contractors who may do business with the District without a bond by increasing from $2,000 to $10,000 the value of a contract for which a bond is required; and contains other provisions. S. 2208. P/S 4/27/72.

Interstate compact on mental health

Authorized the District of Columbia to enter into the Interstate Compact on Mental Health which: guaranteed that any person found to be mentally ill or mentally deficient within a party State will receive care and treatment in that State regardless of legal residence or domicile; permitted the transfer of a mentally ill patient to an institution in another State when such transfer is found to be in the best interests of the patient; provided for interstate cooperation with regard to after-care, and supervision of patients on convalescent status or conditional release; and encouraged supplementary agreements between two or more party States for the furnishing of care and treatment of patients on a cooperative basis H.R. 10344. Public Law 92-280.

Law Enforcement and Criminal Justice Act

Defines certain credit card abuses as an offense and establishes a penalty for violations; authorizes the District government to regulate certain stores, which receive second-hand property, usually as trade-ins and which presently are not required to report the receipt of these items to the police; makes it an offense to throw missiles in the direction of any group of five or more persons if the thrower knows, or has cause to believe that an officer of the police or fire departments is present in the group; makes it a crime to possess flash paper or water soluble paper which are both used to record illegal bets by organized gambling operations; authorizes the seizure of motor vehicles used in a narcotics violations; and contains other provisions. S. 2209. P/S 4/12/72.

Licensing procedures

Provides for the modernization and streamlining of the laws governing the various occupations, professions, business, and trades in the District of Columbia, in order to better meet the needs of the general public and the regulated occupations and professions alike. S. 1363. P/S 4/12/72.

Municipal fees

Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits. S. 1338. P/S 4/12/72.

National Capital Transit Act

Amended the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority; authorized an increased contribution by the District of Columbia; and contained other provisions. H.R. 15507. Public Law 92-349.

Personnel Act

Authorizes designated District employees to administer oaths of office; authorizes the set-offs of annuity payments, or refunds, payable from the civil service retirement fund in order to liquidate debts owed to the District or Federal Government; authorizes the waiver by the District of claims for overpayment of pay; authorizes the District government to provide transportation for District employees working in municipal facilities outside the District of Columbia; and amends the Hatch Act to remove the exemption for the District of Columbia Recorder of Deeds. S. 1346. P/S 4/13/72.

Potomac River reservoirs

Gave broad authorization to the D.C. Commissioner to enter into contracts to provide for payment to the United States of the District's equitable share of the non-Federal costs of any reservoir which may be authorized by Congress for construction on the Potomac River or any of its tributaries which would benefit the D.C. water supply. S. 1362. Public Law 92-263.

Tax sheltered annuities for teachers

Authorized the reduction of salaries of teachers and school officials employed in the service of the public schools of the District of Columbia, by an amount which would be paid into a tax-sheltered annuity program pursuant to the provisions of section 403(b) of the Internal Revenue Code of 1954, relating to the taxability of beneficiaries of annuity plans. H.R. 9395. Public Law 92-281.

ECONOMY-FINANCE

Automobile information disclosure

Clarifies the Congressional intent that the Automobile Information Disclosure Act of 1958, should apply to all new automobiles distributed in commerce within the United States, its territories, its possessions, and wherever else the United States exercises jurisdiction. S. 473. P/S 6/14/72.

Economic opportunity amendments of 1972

Extends the Economic Opportunity Act for three years, through fiscal year 1974; expands the Neighborhood Youth Corps manpower program and provides a special additional authorization of $500 million to create 100,000 additional work and training opportunities in the program; establishes a new program for community design and planning assistance; provides for the expansion and permanent establishment of an annual Youth Recreation and Sports Program; authorizes additional funding to increase aid for the elderly poor; establishes two new special emphasis programs providing for work on environmental projects and improvement of low-income housing; establishes a National Legal Services Corporation as a private, nonprofit corporation, chartered under the laws of the District of Columbia to carry out the functions of the present Legal Services Program now administered by the Office of Economic Opportunity; and contains other provisions. H.R. 12350 (S. 3010). P/H 2/17/72. P/S amended 6/29/72.

Export Administration Act

Provided a temporary extension of the Export Administration Act to August 1, 1972. S.J. Res. 218. Public Law 92-284.

Federal financing bank

Provides for a Federal Financing Bank through which the marketing of Federal and federally assisted borrowing activities can be centralized; provides for advance submission of financing plans to the Secretary of the Treasury and for Treasury approval of the method and source of financing, timing, rates of interest, maturities, and all other financing terms and conditions of issues or sales of obligations by Federal agencies; and provides for submission to the President of Federal agency budget programs for loan guarantees and for limitation by the President of such programs if overall fiscal requirements and credit demands so warrant. S. 3001. P/S 6/22/72.

Federal Reserve bank branch buildings

Increases the $60 million limitation in section 10 of the Federal Reserve Act on construction of buildings for branches of the Federal Reserve banks to $120 million. S. 3197. P/S 2/22/72.

Mortgage interest rates

Extends the authority of the Secretary of Housing and Urban Development to establish maximum interest rates on insured mortgages at levels necessary to meet the mortgage market and extends certain other laws relating to housing and urban development. S.J. Res. 250. Public Law 92-335.

Par Value Modification Act

Authorized and directed the Secretary of the Treasury (1) to take the steps necessary to establish a new par value of the dollar of one dollar equals one thirty-eighth of a fine troy ounce of gold, and (2) to maintain the value in terms of gold of the holdings of the United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association and the Asian Development Bank to the extent provided for and required by the Articles of Agreement of these institutions, authorized the appropriation, to remain available until expended, of such amounts as may be necessary to satisfy these maintenance of value obligations; and directed that the increase in the value of the gold held by the United States resulting from the change in the par value of the dollar be covered into the Treasury as a miscellaneous receipt. S. 3160. Public Law 92-268.

Public debt limit

Increased from $430 billion to $450 billion the public debt limit through June 30, 1972. H.R. 12910. Public Law 92-250.

Provides for a four-month extension of the present temporary level in the public debt limitation, and provides for a 20 percent across-the-board increase in Social Security benefits, effective in September, 1972. H.R. 15390. P/H 6/27/72. P/S amended 6/30/72.

Small Business Act amendments

Amended the Small Business Act to increase the total amount of the ceiling on loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration from $3.1 billion to $4.3 billion; increased from $450 million to $500 million the SBA's lending authority to the Small Business Investment Company under title II of the Small Business Investment Act of 1958; increased from $300 million to $350 million the SBA's lending authority under title IV of the Economic Opportunity Act of 1964 for loans to low-income individuals and for businesses located in areas of high unemployment or low income; and increased the ceiling on each individual loan from $25,000 to $50,000. S. 3166. Public Law 92-320.

Truth in Lending Act amendments of 1972

Amends the disclosure and other provisions of the Truth in Lending Act and adds a new Credit Billing chapter under Title I (Fair Credit Billing Act) to the Truth in Lending Act, dealing with: correction of billing errors, regulation of credit reports, length of the billing period, prompt crediting of payments, crediting of excess payments, use of cash discounts, prohibition of offsetting a disputed bill from funds on deposit, relationship to State laws, and payment for undelivered goods and services; makes 10 amendments, under Title II, to the disclosure provisions of the Truth in Lending Act (unrelated to billing practices) dealing with a creditor's liability in individual and class action cases, credit card fraud, and with other items. S. 652. P/S 4/27/72.

EDUCATION

Education amendments

Revised the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial assistance programs for both students and institutions of higher education and, in general, extended the authorizations for funds for programs thereunder through fiscal year 1975; established a major new program of grant assistance to which students desiring to attend postsecondary educational institutions are entitled as a matter of right, and increased assistance to institutions of higher education; amended the Vocational Education Act of 1963, and extended authorization for funds for vocational educational programs thereunder through fiscal year 1975; restructured the Federal education bureaucracy by establishing, within the Department of Health, Education, and Welfare, an Education Division headed by an Assistant Secretary of HEW, composed of the Office of Education and the National Institute of Education, and by establishing within the Office of Education a Bureau of Occupational and Adult Education, a bureau-level Office of Indian Education, and a unit for coordinating community college programs; barred discrimination by sex in higher education; contained various provisions relating to the assignment or busing of students or teachers to overcome racial imbalance, including a prohibition of use of funds for this purpose except when requested by local school officials and certain conditions regarding health and educational opportunities are met, and a section, to expire January 1, 1974, postponing the effectiveness of Federal district court orders requiring busing until the appeals process has been exhausted; authorized $2 billion for fiscal year 1973 and 1974 for an emergency school aid program to assist desegregating school districts and local educational agencies which wish to meet desegregation problems; made special provision for Indian education and authorized investigations of youth camp safety; and contained other provisions. S. 659 Public Law 92-318.

Uniformed Services Health Professions Revitalization Act

Establishes an Armed Forces Health Professionals Scholarship Program, and directs the Secretary of Defense to conduct a study of the feasibility of establishing a Uniformed Services University of the Health Services to be completed within one year from the date of enactment of the bill. H.R. 2. P/H 11/3/71. P/S amended 6/6/72. In conference.

GENERAL GOVERNMENT

American Revolution Bicentennial Commission

Authorized $4.3 million for the Commission for fiscal year 1972; enlarged the Commission representation from 37 to 50 members; and contained other provisions. S. 1857. Public Law 92-236.

Bureau of Land Management

Authorizes an appropriation of $3 million to provide the initial capital to establish a working capital fund for the Bureau of Land Management of the Department of the Interior. S. 2743. P/S 5/2/72.

Bureau of Mines Research Center, Utah

Authorized the establishment and maintenance of a new Bureau of Mines research center as a replacement facility for that now located and established on the campus of the University of Utah, and provided for the sale of the fixed improvements and the conveyance of certain lands to the University. S. 978. Public Law 92-287.

Comprehensive Headstart, Child Development, and Family Services Act of 1972

Provides a variety of quality child development and family services in order to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development, with priority to those preschool children and families with the greatest economic or social needs, in a manner designed to strengthen family life and to insure decisionmaking at the community level through a partnership of parents, State and local governments and the Federal Government, building upon the experience and success of Headstart and other existing programs and authorizes $150 million for fiscal year 1973 to prepare for implementation of the act, and $1.2 billion and $1.6 billion respectively for fiscal years 1974 and 1975 for programs under the act. S. 3617. P/S 6/20/72.

Equal rights for men and women

Submitted to the State legislatures an amendment to the Constitution of the United States which, if ratified, would insure equal rights under the law for men and women. H.J. Res. 208. Public Law 92– .

Fire research

Authorized not to exceed $5 million for fiscal year 1973, not to exceed $9 million for fiscal year 1974, and not to exceed $10.5 million for fiscal year 1975 for the Department of Commerce to carry out the purposes of the Fire Research and Safety Act of 1968; authorized not to exceed $3 million for fiscal year 1973, not to exceed $4.5 million for fiscal year 1974, and not to exceed $5.5 million for fiscal year 1975 for the Department of Commerce to carry out the purposes of the Standard Reference Data Act; and amended the act which established the National Bureau of Standards to make improvements in fiscal and administrative practices for more effective conduct and certain functions of the Bureau. H.R. 13034. Public Law 92–317.

History of public works

Authorizes the Library of Congress to assist the American Public Works Association in the preparation and publication of a history of public works in the United States from 1776 through 1976 (the undertaking to be the Association's official bicentennial project), and contains other provisions. S.J. Res. 204. P/S 6/23/72.

Motor carrier reports

Permitted motor carriers, and others required to file annual reports with the Interstate Commerce Commission, to file such reports on the basis of a 13-period accounting year, rather than on a calendar year basis, if their bookkeeping is done on a 13-period basis, subject to rules and regulations prescribed by the ICC. H.R. 1074. Public Law 92– .

National Commission on Consumer Finance

Extended for six additional months the life of the National Commission on Consumer Finance (authorized and established pursuant to title IV of the Consumer Credit Protection Act of 1968) until December 31, 1972, and authorized an additional appropriation of $500,000 to carry out the activities of the Commission for the extended period. S.J. Res. 211. Public Law 92– .

National Environmental Data System

Creates the National Environmental Data System to serve as the central national facility for the selection, storage, analysis, retrieval, and dissemination of information, knowledge and data specifically relating to the environmen. H.R. 56, P/H 5/17/71. P/S amended 6/29/72.

National Science Foundation Authorization Act of 1927

Authorizes appropriations to the National Science Foundation for fiscal year 1973 of $720 million from the Treasury and $7 million in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States. H.R. 14109 (S. 3511). P/H 4/25/72. P/S amended 6/23/72. House requested conference 6/27/72.

New Mexico Land

Disclaims U.S. interest in the title to about seven acres of the Antoine Leroux Spanish Land Grant along the Rio Hondo near Taos, New Mexico. S. 2674. P/S 3/17/72.

Passenger vessels sale abroad

Removed the restrictions of section 503 of the Merchant Marine Act so as to authorize the sale abroad of five laid-up U.S.-flag passenger vessels and to require that the net proceeds be used to construct new U.S.-flag vessels. H.R. 11589. Public Law 92–296.

Public buildings amendments

Authorized a purchase-contract procedure of 3-years duration in an attempt to eliminate the 8-year backlog on construction of 63 Federal buildings which have been authorized but unfunded; established a public buildings fund into which will be deposited "rents" collected from all Federal agencies using space in government-owned buildings and from which will be drawn capital to finance construction of Congressionally-authorized buildings; and provided for the transfer of the non-performing arts functions (including maintenace, security, information, interpretation, janitorial, and other services) of the John F. Kennedy Center for the Performing Arts to the National Park Service and authorized $1.5 million for fiscal year 1972 for the public costs of maintaining and operating the non-performing arts functions at the Center. S. 1736. Public Law 92–313.

Secret Service protection for major presidential and vice-presidential candidates

Authorizes the United States Secret Service to furnish protection to persons determined by the advisory committee as being major presidential or vice-presidential candidates (unless the candidate has declined such protection). S.J. Res. 222. P/S 4/19/72.

Social Security special project grant extension

Amended title V of the Social Security Act to extend for 5 years—until June 30, 1977—the period within which certain special project grants (under maternal and child health services program) may be made. Public Law 92– .

Star route mail contracts

Amended the Postal Reorganization Act of 1970 to authorize the Postal Service to renew star route contracts for the transportation of mail with subcontractors who are supplying services satisfactory to the Postal Service. S. 1989. Public Law 92–286.

Trust Territory of the Pacific Islands

Authorized approximately $3.1 million in additional Federal funds to the trust territory economic development loan fund, thus bringing the total in the fund to $5 million, and contained other provisions. S. 860. Public Law 92–257.

Uniform Relocation Assistance and Real Property Acquisition Policies Act amendments

Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to continue after July 1, 1972, full Federal funding for the first $25,000 in relocation payments made by State and local agencies under the act to persons displaced from their homes, businesses, or farms by federally assisted programs and projects; postpones the effective date of the act to allow States extra time to pass enabling legislation authorizing State and local agencies to comply with all the act's requirements; authorizes the head of a Federal agency to take all steps necessary to insure that all relocation payments and assistance prescribed by the act be provided to all persons displaced by a federally assisted program after the present July 1, 1972 effective date; and contains other provisions. S. 1819. P/S 4/12/72.

Uniform Time Act amendment

Permitted any State which is divided by a time zone boundary to exempt all of the State lying within one time zone from the observance of advanced or "daylight saving time." S. 904 (H.R. 4174). Public Law 92–267.

Virgin Islands—Amendment of Revised Organic Act

Permits the legislature of the Virgin Islands to reduce the age limitations for membership in the legislature. H.R. 9545. P/H 3/6/72. P/S amended 5/3/72.

War Powers Act

Defines the emergency conditions, in the absence of a declaration of war by Congress, in which the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is indicated by circumstances; sets forth criteria for such emergency use and provides that use under other than the three specified emergency conditions must be pursuant to specific statutory authorization and is not to be inferred from any provision of law, including appropriations, unless such authority is explicitly provided; provides that no treaty, existing or future, may be construed as authorizing use of the armed forces without implementing legislation; provides that the use of the armed forces under any of the emergency conditions spelled out in the bill shall not be sustained beyond 30 days unless: (1) the President determines and certifies to the Congress in writing the need for their continued use under the first two emergency conditions (attack on the United States, its territories or possessions or on U.S. Armed Forces outside thereof); (2) the Congress is physically unable to meet; or (3) the Congress specifically authorizes such action; provides that this act shall take effect on the date of enactment but shall not apply to hostilities in which U.S. Armed Forces are already involved, thus exempting the current involvement in Indochina; and contains other provisions. S. 2956. P/S 4/13/72.

GOVERNMENT EMPLOYEES

Air traffic controllers

Amended title 5, United States Code, so as to improve the conditions of employment for individuals employed as air traffic controllers in the Department of Transportation by offering preferential retirement benefits, job training and improved appeal procedures for controllers removed from control work. H.R. 8083. Public Law 92–297.

Civil Service Retirement

Permits certain employees of the Government of the United States to voluntarily retire when the Executive agency in which they are employed is involved in a major reduction of personnel. S. 3380. P/S 5/3/72.

Civil Service survivor annuities

Defined "child" for the purpose of a survivor annuity to include children living with an adoptive parent and made them eligible for a survivor benefit if the child is in the process of being adopted at the time of death of the employee or annuitant and the adoption process is later completed by the surviving spouse. S. 2896. Public Law 92–243.

Federal employees health insurance

Increases the Government's contribution toward paying the cost of health insurance plans authorized by the Federal Employees Health Benefits Act; includes Federal employees retired prior to January 1, 1960, within the scope of the program; and raises the maximum age of children of Federal employees for coverage under the program. H.R. 12202. P/H 4/27/72. P/S amended 6/23/72.

Federal executive service

Establishes a Federal Executive Service, under the direction of the Civil Service Commission, to authorize supergrade positions and appoint and direct top level Federal managers, thus relaxing some of the rigid constraints that now interfere with achieving effective personnel management at the supergrade level; provides for Congressional surveillance of the Commission's activities; and contains other provisions. S. 1682. P/S 6/23/72.

Federal firefighters retirement

Permits Federal empolyees who are firefighters to retire at age 50 after 20 years of service or after 25 years of service regardless of age, and to receive 2 percent of average salary for each year of service. S. 916. P/S 6/16/72.

Foreign Service grievance procedures

Requires the Secretary of State to promulgate regulations providing for the consideration and resolution of grievances which do not "in any manner alter or amend the provisions for due process"; provides that informal procedures for the resolution of grievances shall be established by agreement between the Secretary of State and the organization recognized as the exclusive representative of the officers and employees of the Foreign Service; establishes a Grievance Board to be composed of independent, distinguished citizens; and contains other provisions. S. 3722. P/S 6/22/72.

Government personnel surety bonds

Provided that the Federal Government shall assume the risk of fidelity loss, thus, establishing the policy that no agency of any branch of the Federal Government shall obtain surety bonds for its civilian or military personnel who have the responsibility for substantial sums of money in connection with their official duties; repealed or amended existing law requiring Federal agencies to obtain surety bonds for these civilian and military personnel; and provided that the amount of any loss due to the fault or negligence of a Federal employee shall be charged to the agency's appropriations or other available appropriate fund. H.R. 13150. Public Law 92–310.

Internal Revenue Code amendment

Amended section 112 of the Internal Revenue Code of 1954 to provide an exclusion from gross income for compensation received (beginning on February 28, 1961, and ending at the time of the termination as designated by the President of combatant activities in Vietnam) for active service as a member of the armed forces, or for active service as a civilian governmental employee, during the period the individual is in a "missing status" (which includes a prisoner-of-war status) as a result of the Vietnam conflict. H.R. 9900. Public Law 92–279.

National Guard technicians' credit

Grants 100 percent retirement credit to all former technicians serving in any Federal position covered by the Civil Service Retirement Act on or after January 1, 1969; allows eligible technicians to pay the full amount of the optioned deposit due for the pre-1969 technician service; allows former technicians in the Federal service on and after January 1, 1969, to receive service credit for their pre-1969 technician service in determining length of service for leave, Federal employees' death and disability compensation, group life and health insurance, severance pay, tenure, and status; and provides that an annuitant with pre-January 1, 1969, technician service may have his annuity recomputed to reflect 100 percent credit for his pre-January 1, 1969, service. S. 855 P/S 5/3/72.

Prevailing rate employees

Establishes a system for adjusting rates for prevailing rate employees of the Federal Government, and to include prevailing rate employees of nonappropriated fund activities of the Armed Forces within the prevailing rate pay system. H.R. 9092. P/H 7/28/71. P/S amended 6/15/72.

Retirement of congressional employees

Permits an employee or Member of Congress eligible for an immediate retirement annuity after a cost-of-living increase is effective, but before the next cost-of-living increase effective date, to retire and receive an annuity not less than it would have been had he been eligible and retired before the effective date; provides that the survivor annuity of an employee or Member who dies after the cost-of-living increase date would not be less than it would have been had it commenced on or before the effective date S. 1681. P/S 5/14/71. P/H amended 5/17/71. Senate requested conference 4/4/72.

Retroactive pay increases for blue-collar Federal employees

Authorized retroactive wage adjustments for 214,000 wage board employees whose pay increases were delayed, either by the 90-day wage-price freeze or by the administration's postponement of wage surveys, and contained other provisions. H.R. 13753. Public Law 92–298.

HEALTH:

Black Lung Benefits Act of 1972

Amended the Federal Coal Mine Health and Safety Act of 1969 so as to extend and broaden benefits under title IV of the Act for disabled miners and dependents of miners who die of pneumonoconiosis; extended to June 30, 1973, federal responsibility for payments under the program; and contained other provisions. H.R. 9212. Public Law 92–303.

Communicable disease control

Authorizes $90 million annually for a 5-year program of project grants to State and local governments for assistance in programs for the prevention and control of communicable diseases and creating a new section to the Public Health Service Act to provide for a special venereal disease prevention and control program for which is authorized annually for the next three fiscal years: $15 million in project grants for research, training and public health projects relating to prevention and control; $30 million in formula grants to states for establishing and maintaining programs for diagnosis and treatment; and $30 million in project grants to States for prevention and control programs. S. 3442. P/S 6/7/72.

Consumer Safety Act of 1972

Creates a new, independent Food, Drug, and Consumer Product Agency within the Federal structure which has undiluted responsibility for preventing consumers from being exposed to unsafe foods, drugs, and other consumer products; consolidates within the new Agency various consumer product safety activities now being handled by a number of different government entities, including the present food, drug, and product safety activities of the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission; and repeals various consumer safety laws directed at particular products or specific hazards and replaces them with a single, comprehensive consumer product safety laws capable of reaching any consumer product in the marketplace presenting an unreasonable risk of injury. S. 3419. P/S 6/21/72.

Drug Abuse Office and Treatment Act of 1972

Strengthened and improved the administrative structure within the Department of Health, Education, and Welfare (HEW) through which the Secretary of HEW is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services; established a Special Action Office for Drug Abuse Prevention in the Executive Office of the President; established a National Institute on Drug Abuse within the National Institute of Mental Health to be created on December 31, 1974; established a National Advisory Council for Drug Abuse Prevention; and provided for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. S. 2097. Public Law 92–255

Drug Listing Act of 1972

Provides the Secretary of Health, Education, and Welfare with a current list of each drug manufactured, prepared, propagated, compounded, or processed by a drug establishment registered under the Act, which would be revised semi-annually. H.R. 9936. P/H 9/16/71. P/S amended 6/30/72.

Flammable fabrics

Authorizes $4 million for fiscal year 1973 to carry out the Flammable Fabrics Act of 1953 and extends flammability standards to include children's sleepwear for sizes 7–14. H.R. 5066. P/H 4/28/71. P/S amended 6/16/72. Reconsidered and P/S amended 6/19/72.

Lead-based paint poisoning amendments

Extends the provisions of the Lead Based Paint Poisoning Prevention Act; authorizes $100 million annually for lead poisoning programs; authorizes the Secretary of Health, Education and Welfare to implement procedures to prohibit the use of lead-based paint in construction of Federal or Federally-assisted housing and in the manufacture of certain toys, furniture, and utensils; revises standards for the lead content in paint; and contains other provisions. S. 3080. P/S 6/14/72.

National Heart, Blood Vessel, Lungs, and Blood Act of 1972

Enlarges the authorities of the National Heart and Lung Institute of the National Institutes of Health in order to advance the national attack upon diseases of the heart and blood vessels, the lungs and blood; requires the Director of the Institute, with the advice of the National Heart and Lung Advisory Council, to develop a plan for a ten-point National Heart, Blood Vessel, Lung and Blood Disease Program and authorizes the Director to acquire and maintain cardiovascular and pulmonary disease centers, laboratories and other facilities necessary for the conduct of the program; authorizes the establishment of 15 research centers for cardiovascular diseases and 15 research centers for pulmonary diseases; establishes an Office of Heart and Lung Health Education within the Department of Health, Education and Welfare; and contains other provisions. S. 3323. P/S 4/7/72.

National Institute of Arthritis, Metabolism, and Digestive Diseases

Redesignated the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases; established within that Institute's presently existing advisory council a committee to advise the Director of the Institute on activities relating to digestive diseases; and provided a statutory authorization for the Director of the Institute to carry out intramural research, extramural research, and training in the diagnosis, treatment, and prevention of digestive diseases, H.R. 13591, Public Law 92–305.

National Sickle Cell Anemia Act

Established a national program to control, to conduct research, and to improve procedures in the treatment of persons suffering from, sickle cell trait or sickle cell anemia; authorized grants and contracts to public and nonprofit private agencies, organizations, or institutions to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs; and contained other provisions. S. 2676. Public Law 92– .

Nutrition program for the elderly

Amended the Older Americans Act of 1965 to authorize $100 million for 1973 and $150 million for fiscal year 1974 in grants to the States for establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals 60 years of age or older and their spouses, provided such individuals fall within certain categories. S. 1163. Public Law 92–258.

Sudden infant death syndrome

Designates the search for a cause and cure for sudden infant death as one of the highest priorities of research activities in the National Institute of Child Health and Human Development; directs the Department of Health, Education, and Welfare to develop, publish, and distribute literature to educate the families stricken by this disease and the professionals who come in contact with it; and further directs the Secretary of HEW to work toward reliable statistical reporting of the disease throughout the nation and its inclusion in the International Classification of Disease. S.J. Res. 206. P/S 6/7/72.

HOUSING

Housing and urban development

Overhauls legislation involving the Federal Housing Administration mortgage insurance program and the low-rent public housing program; contains a new block grant program to provide Federal assistance to localities for community development; establishes a new program of Federal grants to communities to help meet operating expenses of the Nation's mass transit systems; and contains other provisions. S. 3248. P/S 3/2/72.

INDIANS

Assiniboine Indians of Montana judgment funds

Authorizes the division and disposition of judgment funds awarded to the Assiniboine Tribes residing on the Fort Peck and Fort Belknap Reservations in Montana, which have been appropriated, but cannot be used by the recipients of the award until authorized by Congress. S. 3230. P/S 5/25/72. P/H amended 6/5/72. Senate requested conference 6/20/72.

Blackfeet and Gros Ventre Tribes, Montana

Authorized division and disposition of judgment funds awarded to the Blackfeet Tribes of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. Public Law 92–254.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

Authorized disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. Public Law 92–253.

Confederated Tribes of the Colville Reservation

Authorizes disposition of judgment funds awarded to the Confederated Tribes of the Colville Reservation, and contained other provisions. H.R. 6291. Public Law 92–244.

Indian Claims Commission Act of 1946—Extension

Extended the life of the Indian Claims Commission for 5 years, from April 10, 1972, to April 10, 1977, and contained other provisions. H.R. 10390 (S. 2408). Public Law 92–265.

Jicarilla Apache Tribe, New Mexico

Authorized the use of a judgment of $9,232,709 to the Jicarilla Apache Tribe in New Mexico to be used, after payment of attorney fees and litigation expenses, for any purpose requested by the tribe and approved by the Secretary of the Interior. H.R. 9019. Public Law 92–295.

Kickapoo Indians of Kansas and Oklahoma

Authorizes the division of five claims judgments between the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma, and authorizes the disposition of the funds after they are divided, and also the disposition of a sixth judgment recovered by the Kickapoo Tribe of Oklahoma alone. H.R. 6797. P/H 5–3–71. P/S amended 4–19–72.

Miami Tribes of Oklahoma and Indiana

Authorized disposition of judgment funds awarded to the Miami Tribes of Oklahoma and Indiana. H.R. 5199. Public Law 92–309.

Pueblo of Cochiti Indians

Provides that all right, title, and interests of the United States in approximately 3.308 acres of federally owned land, acquired for school purposes, together with improvements thereon, will be held in trust by the United States for the Pueblo of Cochiti, subject to existing rights-of-way. S. 538. P/S 5–4–72.

Southern Ute Tribe

Authorized the Southern Ute Tribe, subject to the provisions of the tribal constitution, ordinances and resolutions adopted thereunder, to sell any land that is held by the United States in trust for the tribe or land subject to a restriction against alienation of taxation imposed by the United States. S. 1140. Public Law 92–312.

Stockbridge-Munsee Indian Community

Transfers 13,077 acres of federally owned submarginal land to the Stockbridge-Munsee Indian Community with the title to be held in trust by the United States; provides protection to any person who may have a vested interest in the land; directs the Indian Claims Commission to determine the extent to which the value of the beneficial interest conveyed should or should not be set off against any claim against the United States determined by the Commission; and reserves all mineral interests in the land to the United States. S. 722. P/S 6/8/72.

Walker River Indian Reservation, Nev.

Amends the act of August 9, 1955, as amended, by authorizing leases on the Walker River Reservation for a period up to 99 years for public, religious, educational, recreational residential, or business purposes and for farming purposes which require the making of substantial investment in the improvement of the land for the growing of specialized crops. S. 953. P/S 5/11/72.

Yankton Sioux Tribe

Provides for the disposition of funds to pay a judgment of $1,250,000 against the United States that was recovered by the Yankton Sioux Tribe in the Indian Claims Commission; states that such money has been appropriated but may not be used until authorizing legislation has been enacted; and contains other provisions. H.R. 7742. P/H 11/15/71. P/S amended 4/19/72.

INTERNATIONAL

Agreements with Portugal and Bahrain

Stated the sense of the Senate that any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent. S. Res. 214. Senate adopted 3/3/72.

Arctic winter games authorization

Authorizes the appropriation of $250,000 to the Secretary of Commerce to assist in financing the Arctic Winter Games which are scheduled to be held in Alaska in 1974 and which are hosted for the first time by the United States, and provides for the disbursement of these funds under such conditions as the the Secretary deems appropriate. S. 2988. P/S 5/15/72.

Asian Development Bank—U.S. contributions

Authorized the Secretary of the Treasury, in his capacity as U.S. Governor of the Bank, to agree to a U.S. contribution of $100 million in two installments to the Bank's Consolidated Special Funds; authorized appropriations therefor of $60 million and $40 million for fiscal years 1972 and 1973, respectively; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 749. Public Law 92–245.

Diplomatic privileges and immunities to the mission of the European communities

Authorizes the President to extend or enter into an agreement extending to the mission of the Commission of the European Communities and its members the same privileges and immunities now enjoyed by diplomatic missions in Washington, D.C. S. 2700. P/S 3/17/72.

Fishermen's Protective Act

Amends the Fishermen's Protective Act of 1967 in order to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries; to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed; and contains other provisions. H.R. 7117. P/H 8/2/71. P/S amended 5/25/72. House requested conference 6/5/72.

Foreign aid authorization

Authorized for fiscal year 1972 $1,518,000,000 for military assistance and for fiscal year 1973 $984 million for economic and humanitarian assistance; imposed a ceiling of $341 million on funds which may be obligated in or for Cambodia in fiscal year 1972 and put a ceiling of 200 on the number of American civilian and military government personnel in Cambodia; and contained other provisions. S. 2819. Public Law 92–226.

Inter-American Development Bank (IDB)—U.S. contributions

Authorized the Secretary of the Treasury in his capacity as U.S. Governor of the IDB to pay to the Fund for Special Operations the second and third installments of $450 million each for U.S. contributions; authorized appropriations therefor; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 748. Public Law 92–246.

International agreements other than treaties

Requires that international agreements, other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof, except where the immediate public disclosure of an agreement would, in the opinion of the President, be prejudicial to national security, the agreement shall not be so transmitted to the Congress but to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House under an appropriate injunction of secrecy to be removed only upon due notice from the President. S. 596 P/S 2/16/72.

Internationalal Coffee Agreement, 1968—Extension

Extended the authority of the President to October 1, 1973, to carry out and enforce certain provisions of the International Coffee Agreement Act of 1968. H.R. 8293. Public Law 92–262.

International Development Association (IDA)—U.S. contributions

Authorized the Secretary of the Treasury, in his capacity as the U.S. Governor of the Association, to contribute to the IDA three annual installments of $320 million each; authorized appropriations therefor; required the President to instruct the U.S. Executive Directors of the International Bank for Reconstruction and Development and the IDA to vote against a loan for any country which expropriates property; and contained other provisions. S. 2010. Public Law 92–247.

Interpol dues

Substitutes $100,000 for the present statutory ceiling of $28,500 on the total annual dues authorized to be paid for membership of the United States in the International Criminal Police Organization (Interpol) and authorizes payment of $55,000 to meet the unpaid balance of dues for calendar years 1970 and 1971, which have not been paid because of the existing $28,500 ceiling. H.R. 11350. P/H 11/15/71. P/S amended 4/28/72. In conference.

Olympic games

Extended the good wishes of the Senate to the citizens of Japan and the participants of the Eleventh Winter Olympic Games and affirmed the Senate's support for the designation of Denver as host city for the Twelfth Winter Games in 1976. S. Res. 246. Senate adopted 1/31/72.

Radio Free Europe and Radio Liberty

Authorized $36 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. Public Law 92-264.

Authorizes $38,520,000 for fiscal year 1973 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 3645. P/S 6/16/72.

Recognition of Bangladesh

Expressed the sense of the Congress that the President should recognize Bangladesh as an independent foreign country and recognize its Government. S. Con. Res. 55. Senate adopted 3/21/72.

State-USIA authorizations

Authorized a total of $1,001,130,000 ($648,354,000 for the Department of State—of which $85 million is specified for use by Israel to assist in the migration of Soviet refugees; $200,249,000 for the U.S. Information Agency; $22 million for the Arms Control and Disarmament Agency; $88,027,000 for the Peace Corps; and $42.5 million for use by the President for international narcotics control); create a commission to make a long-range, in-depth study of the governmental mechanism and programs for the making and conduct of foreign policy; prohibited distribution of U.S. Information materials to the U.S. public except for the publication "Problems in Communism"; established a grievance procedure for Foreign Service personnel; required that promotion within the Foreign Service be based on individual merit as determined by impartial selection boards; established the position of Under Secretary of State; required Senate approval of persons given the personal rank of Ambassador or Minister; encouraged more candid testimony to Congressional committees by witnesses from the foreign affairs agencies; and contained other provisions. H.R. 14734 (S. 3526). Public Law 92- .

TREATIES

Amendment to statute of international atomic energy agency

Increases the membership of the Board of Governors of the International Atomic Energy Agency from 24 to 35 or 35 members, for the purpose of achieving more equitable representation on the Board for the countries of the lesser developed regions as well as to increase the representation of countries most advanced in the technology of atomic energy. Ex. C, 92d-1st. Resolution of ratification agreed to 3/17/72.

Convention on taking of evidence abroad in civil or commercial matters

Makes the employment of letters of request a principal means of obtaining evidence abroad; improves the means for securing evidence abroad by increasing the powers of consuls and by introducing in the civil law world, on a limited basis, the concept of the commissioners; provides means for securing evidence in the form needed by the court where the action is pending; and reserves all more favorable and less restrictive practices arising from internal law, internal rules of procedure and bilateral or multilateral conventions. Ex. A, 92d-2d. Resolution of ratification agreed to 6/13/72.

Convention to prevent and punish acts of terrorism

Condemns crimes of violence against officials of foreign states and international organizations as common crimes regardless of the motive for which they were committed; and thus excludes such crimes, for purposes of extradition and asylum, from being treated as political offenses for which diplomatic or territorial asylum is often extended. Ex. D, 92d-1st. Resolution of ratification agreed to 6/12/72.

Extradition treaty with Argentina

Lists 30 extraditable offenses, including those relating to narcotics and aircraft hijacking; permits extradition in the case of conspiracy to commit any of the offenses mentioned; provides that if one of the parties refuses to extradite a national of the other party, then that party is obliged to undertake to try the individual requested when the offense is punishable under its own laws and it has appropriate jurisdiction; provides for judicial cooperation in criminal matters by the execution of letters rogatory; and contains other provisions. Ex. F., 92d-2d. Resolution of ratification agreed to 6/13/72.

International plant protection convention

Promotes international cooperation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across international boundaries. Ex. D. 84th-2d. Resolution of ratification agreed to 6/12/72.

Partial revision of the radio regulations relating to space telecommunications

Revises the Radio Regulations in regard to the use of space telecommunication techniques, radio frequency allocations, technical criteria, and administrative procedures. Ex. E, 92d-2d. Resolution of ratification agreed to 6/13/72.

Seabed arms control treaty

Provides that the parties undertake not to emplant or emplace nuclear weapons or other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a "seabed zone" as defined therein. Ex. H, 92d-1st. Resolution of ratification agreed to 2/15/72.

Treaty with Honduras on the Swan Islands

Settles longstanding differences between the United States and Honduras resulting from their conflicting claims to the Swan Islands. Ex. H. 92d-2d. Resolution of ratification agreed to 6/12/72.

U.N. fund for environment

Expresses the sense of the Congress that the United States delegation to the United Nations Conference on the Human Environment (June 5-16, 1972) should urge the establishment of a $100 million U.N. Voluntary Fund for the Environment. S. Con. Res. 82. P/S 6/12/72.

LABOR

Emergency Unemployment Compensation Act of 1971

Extended for six months the time periods during which unemployed individuals may receive the emergency unemployment compensation payable under the Emergency Unemployment Compensation Act of 1971 and provided for the financing of the payments to be made during the extended time periods through an increase in the Federal unemployment tax. H.R. 15587. Public Law 92- .

Equal Employment Opportunities Enforcement Act

Provided the Equal Employment Opportunity Commission with a court enforcement method for enforcing the rights of workers who have been subjected to unlawful employment practices; expanded the coverage of title VII of the Civil Rights Act of 1964 from those employers and labor organizations having 25 or more employees or members to those having 15 or more one year after the date of enactment and expanded the coverage to include employees of educational institutions and most employees of State and local governments; and contained other provisions. H.R. 1746 (S. 2515). Public Law 92-261.

Interstate Environment Compact Act of 1972

Permits the States involved to establish regional waste management organizations with the necessary authority, including capability to incur debt and sell bonds, to implement existing and future water pollution requirements without the lengthy delay often associated with usual compact approval, and contains other provisions. S. 907. P/S 3/1/72.

Manpower Development and Training Act Amendment of 1972

Extended the Manpower Development and Training Act for 1 year and deleted the existing provision in the Act of 1962 which prohibits the further disbursement of funds under that act after December 30, 1972 (6 months after the act's expiration date of June 30, 1972), in order to enable MDTA contracts to continue to make commitments extending over the period of a full year in accordance with past practices. S. 3054. Public Law 92-277.

West Coast dock strikes

Provided a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees, by providing for the appointment of a board of arbitration to make a determination of all issues in the dispute, which will be final and binding on the parties, subject only to judicial review in the Court of Appeals for the Ninth District; and contained other provisions, S.J. Res. 197. Public Law 92-235.

MEMORIALS, TRIBUTES, AND MEDALS

American Revolution Bicentennial Commemorative Medals

Authorized the American Revolution Bicentennial Commission to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative nation medals, including a medal commemorating the year 1776 and its significance to American independence and a maximum of 13 separate medals commemorating historical events of great importance recognized nationally as milestones in the continuing progress of the United States. H.R. 7987. Public Law 92-228.

Arlington House

Restored to the Custis-Lee Mansion in Arlington National Cemetery, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, the Robert E. Lee memorial. H.R. 10595. Public Law 92- .

Attempted assassination of George C. Wallace

Deplores and condemns the attempted assassination of Governor Wallace and extends the sympathy and best wishes of all Members of Congress, the Vice-President and the President to the Wallace family. S.J. Res. 234. Public Law 92-299.

Benjamin Franklin National Memorial

Provides that the Benjamin Franklin Memorial Hall in the Franklin Institute, Philadelphia, Pennsylvania, be designated as the National Memorial in Honor of Benjamin Franklin effective upon the conclusion of an agreement between the governing body of the Franklin Institute and the Secretary of the Interior. S.J. Res. 221. P/S 6/23/72.

Chapel of the Astronauts

Authorized the Administrator of the National Aeronautics and Space Administration to convey for fair market value to the Chapel of the Astronauts, Inc., a nonprofit Florida corporation, not to exceed 7 acres of unimproved land at the John F. Kennedy Space Center, NASA, in Florida, for the purpose of constructing, operating, and maintaining a public facility for worship or meditation and a memorial to our Astronauts. H.R. 11487. Public Law 92–227.

Congress of the Interallied Confederation of Reserve Officers

Extends to the Interallied Confederation of Reserve Officers a cordial welcome to the United States on the occasion of the 25th meeting of that organization, which is to be held in Washington, D.C., from August 7 through August 13, 1972. S. Con. Res. 73. Senate adopted 6/30/72.

Eisenhower Memorial

Provides that 10 percent of the proceeds of the sale of minted proof dollar coins bearing the likeness of former President Dwight D. Eisenhower be granted to Eisenhower College to provide additional endowment and additional facilities and equipment for the college. S. 2987. P/S 6/8/72.

Franklin D. Roosevelt Memorial

Authorized the Secretary of the Interior, upon the request of the Franklin Delano Roosevelt Memorial Commission, to participate in the planning and design of an appropriate memorial to the late President, and authorized such sums as may be necessary therefore. H.J. Res. 812, Public Law 92– .

George William Andrews Lock and Dam

Named the Columbia lock and dam, Chattahoochee River, Alabama, in honor of the late Honorable George William Andrews. H.R. 12488. Public Law 92–229.

Girl Scouts of America

Commended the Girl Scouts of the United States, during the week of March 12 through 18, on the occasion of their 60th birthday for a progressive spirit and lasting contribution to the social welfare of this Nation. S. Res. 259. Senate adopted 2/21/72.

Harry S. Truman

Extends the greetings and warm wishes of the Congress on the occasion of former President Harry S. Truman's eighty-eigth birthday, and expresses the gratitude and appreciation of the Congress to President Truman for his many years of distinguished service to the people of the United States and of the world. S. Con. Res. 78. Senate adopted 4/19/72. House adopted 4/20/72.

J. Edgar Hoover

Expresses the sense of the Congress that the body of J. Edgar Hoover should lie in state in the Rotunda of the United States Capitol. H. Con. Res. 600. House adopted 5/2/72. Senate adopted 5/2/72.

J. Edgar Hoover Building

Designates the Federal Bureau of Investigation Building now under construction in Washington, D.C., the "J. Edgar Hoover Building." S. 3568. P/S 5/25/72.

John D. Rockefeller, Jr., Memorial Parkway, Wyo.

Authorizes the establishment and designation of the John D. Rockefeller, Jr., Memorial Parkway, to extend from West Thumb in Yellowstone National Park to the south entrance of Grand Teton National Park in Wyoming. S. 3159. P/S 3/24/72.

Law enforcement officers

Requested that on Law Day, May 1, 1972, special emphasis be given in tribute to law enforcement officers. S. J. Res. 169. Public Law 92–282.

Seabees Memorial

Authorizes the Seabee Memorial Association, Inc., to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy, and contains other provisions. H.J. Res. 55. P/H 5/9/72. P/S amended 6/23/72.

U.S. Frigate "Constellation" Medal

Authorizes the Secretary of the Treasury to strike and to furnish to the Constellation Committee of the Star Spangled Banner Flag House Association, Inc., not more than 100,000 medals in honor of the 175th anniversary of the launching of the U.S. frigate Constellation, the first ship in the U.S. Navy. S. 2499. P/S 6/30/72.

NATURAL RESOURCES

Amistad National Recreational Area, Texas

Authorizes the establishment of a 65,000-acre national recreation area in southwest Texas, comprising that portion of the Amistad Reservoir and adjacent lands on the Rio Grande, Devils, and Pecos Rivers in the United States. S. 1295. P/S 5/25/72.

Arkansas land conveyance

Authorized and directed the Secretary of Agriculture to release a condition in a conveyance of certain lands in the State of Arkansas to the Arkansas State Game and Fish Commission which requires the land to be used for public purposes. H.R. 5404. Public Law 92–319.

Brantley project, Pecos River Basin, N. Mex.

Authorizes construction, operation and maintenance of the Brantley reclamation project in southeastern New Mexico to provide substantial flood protection for the Carlsbad area, irrigation water supplies, recreation, and fish and wildlife conservation. S. 50 P/S 3/30/72.

Buffalo National River, Ark.

Established the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7 Public Law 92–237.

Fossil Butte National Monument, Wyo.

Establishes the Fossil Butte National Monument in the State of Wyoming to consist of 8,200 acres. S. 141 P/S 3/24/72.

Golden Eagle Passport program

Continued the "Golden Eagle Passport" annual permit for entrance to designated units of the national park system and to certain other national recreational areas, and contained other provisions. S. 1893. Public Law 92– .

Gulf Island National Seashore, Florida and Mississippi

Amended the existing law which created the Gulf Islands National Seashore by increasing the land acquisition acreage on the Mississippi mainland from 135 to 400 acres and by increasing the amount authorized for land acquisition by $342,000; and increased the development ceiling for the seashore by $2,995,000. S. 3153. Public Law 92–275.

Honokohau National Historical Landmark

Authorized and directed the Secretary of the Interior to study the area of the Honokohau National Historic Landmark for the purpose of determining the feasibility and desirability of establishing a unit of the national park system in the area, and contained other provisions. H.R. 11774. Public Law 92– .

Indian Peaks Area

Authorizes the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area of approximately 75,000 acres commonly known as the Indian Peaks Area in the State of Colorado west of Denver. S. 1198. P/S 6/7/72.

Interstate compact to conserve oil and gas

Consents to an extension and renewal of the interstate compact to conserve oil and gas. S.J. Res. 72. Public Law 92– .

Kansas-Nebraska Big Blue River Compact

Gave congressional consent to a compact between Kansas and Nebraska which will divide the waters of the Big and Little Blue Rivers, promote the orderly development of these waters, and reduce pollution. H.R. 8116. Public Law 92–308.

Kosciuszko National Historic Site

Establishes the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania to include the Philadelphia home of General Kosciuszko, a Polish patriot and soldier whose genius as a military engineer contributed materially to the success of the American Revolution. S. 1973. P/S 3/28/72.

Longfellow National Historic Site

Establishes the Longfellow National Historic Site in Cambridge, Mass., and authorizes the Secretary of the Interior to acquire by donation the former home, together with furnishings and other property of the popular American poet of the 19th century, Henry Wadsworth Longfellow. S. 3129. P/S 3/22/72.

Magnuson Coastal Zone Management Act of 1972

Establishes a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones; authorizes a total of $20 million for fiscal year 1973 (the estimated cost of the program for fiscal 1974 and fiscal 1975–1977 being $71.5 and $81.5 million respectively); authorizes Federal grants-in-aid to coastal states for up to 66⅔ percent of the cost of establishing and administering coastal zone management programs; authorizes for 1973 $6 million in Federal grants to States for up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries; authorizes $1.5 million annually from 1973–1977 for administrative expenses incurred by the Secretary of Commerce; authorizes $500,000 for 1973 for a study to be made of the possible environmental hazards of offshore oil drilling on the Atlantic Outer Continental Shelf; and creates a National Coastal Resources Board (the Vice-President to be its chairman) to coordinate the programs of the various Federal agencies, to mediate differences between any Federal agency and a coastal state, and to provide a forum for appeals by any areawide planning entity or unit of local government. S. 3507. P/S 4/25/72.

Mining and minerals research centers

Amends the Mining and Mineral Policy Act to support research and training centers through the authorization of matching grants to each State of $100,000 in fiscal year 1973, $200,000 in fiscal year 1974, and $250,000 in fiscal year 1975 and succeeding fiscal years; authorizes additional funds for special mineral resource research projects; and contains other provisions. S. 635. P/S 7/19/71. P/H amended 5/22/72. In conference.

Missouri River Basin

Authorizes $114,000,000 in appropriations to complete the program of the Bureau of Reclamation for the completion of construction of the Pick-Sloan Missouri Basin program, formerly called the Missouri River Basin project. S. 3284. P/S 4/4/72. P/H amended 4/17/72. In conference.

National forests volunteers

Authorized the employment of volunteers to work without compensation in areas administered by the Forest Service; authorized the Secretary of Agriculture to provide for their incidental expense; authorized an annual appropriation of $100,000; and contained other provisions. S. 1379. Public Law 92–300.

National park system

Increased ceilings in appropriations for land acquisition at nine areas in the national park system; increased ceilings on appropriations for development at three areas; and authorized boundary revisions at eleven areas. S. 2601. Public Law 92-272.

Oregon Dunes National Recreation Area

Established the Oregon Dunes National Recreation Area of 32,237 acres within and adjacent to the Siuslaw National Forest in Oregon. S. 1977. Public Law 92-260.

Ports and Waterways Safety Act of 1972

Promotes the safety and protects the environmental quality of ports, waterfront areas, and the navigable waters of the United States. H.R. 8140. Public Law 92- .

Puukohola Heiau National Historic Site

Establishes the Puukohola National Historic Site in the State of Hawaii which would provide for the stabilization and preservation of three important Hawaiian temples and the home of John Young, a prominent Englishman closely associated with the early history of the Hawaiian Kingdom. H.R. 1462. P/H 4/17/72. P/S amended 6/30/72.

Saline water conversion program authorization

Authorized an appropriation of $26,871,000 for fiscal year 1973 for the Federal saline water conversion program. H.R. 12749. Public Law 92-273.

San Francisco Bay National Wildlife Refuge

Authorized the Secretary of the Interior to establish a wildlife refuge in the southern part of San Francisco Bay to comprise approximately 21,662 acres of land and waters; and authorized for the 5-year life of the program from July 1, 1972, to June 30, 1977, not to exceed $20.3 million, of which $9 million would be for acquisition purposes and $11.3 million for carrying out the other provisions of the legislation. H.R. 12143. Public Law 92- .

Sawtooth National Recreation Area, Utah

Establishes as the Sawtooth National Recreation Area some 750,000 acres of the Sawtooth, White Clouds, and Boulder Ranges and adjacent forest and high mountain valley lands located in south central Idaho, including the 201,000-acre Sawtooth Primitive Area, which would be designated as wilderness; requires the Secretary of the Interior to develop a specific proposal for the creation of a national park in this area and to submit his recommendations to the Congress no later than December 31, 1974; and contains other provisions. H.R. 6957. P/H 1/26/72. P/S amended 5/23/72. House requested conference 6/19/72.

Sitka National Monument, Alaska

Authorizes the Secretary of the Interior to acquire certain lands, including the Russian Mission, for addition to the Sitka National Monument, and redesignates the monument as Sitka National Historical Park. S. 1497. P/S 6/30/72.

Sycamore Canyon Wilderness, Ariz.

Designated approximately 48,500 acres as the Sycamore Canyon Wilderness within and as part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. Public Law 92-241.

Tinicum National Environmental Center

Authorized $2,250,000 for the Secretary of Interior to acquire such lands in Tinicum Marsh, Pennsylvania, as may be necessary, not to exceed 1,200 acres, for the purpose of establishing the Tinicum National Environmental Center, and, thus, preserving the last true tidal marshland in the Commonwealth of Pennsylvania. H.R. 7088. Public Law 92- .

Toxic Substances Control Act of 1972

Requires that new chemical substances be tested by their manufacturer for their environmental and public health effects and that the results of those tests and the intended uses of the chemical substance be furnished the Environmental Protection Agency (E.P.A.) for review 90 days in advance of commercial production with a possible second 90-day extension if necessary; requires testing of existing chemical substances which E.P.A. finds reason to believe pose unreasonable threats to human health or the environment; provides a variety of tools to regulate toxic substances including the authority to restrict use and distribution, to seize chemical substances creating imminent hazards, and to order such other action as is necessary to protect man or the environment; requires manufacturers and processors of chemical substances to maintain certain records and reports to enable the Administrator of E.P.A. to properly determine hazards; affords citizens the opportunity to bring suits to enjoin certain violations of the act and to require the Administrator to perform mandatory duties; authorizes the Coast Guard to establish regulations governing the transport of chemical substances on the navigable waters at its own initiative or upon notice of E.P.A.; and contains other provisions. S. 1478. P/S 5/30/72.

Upper Colorado River Basin

Increases the authorization for appropriation by $610 million to complete work on storage units and projects in the Upper Colorado River Basin originally authorized by the Colorado River Storage Project Act of H.R. 13435. P/H 4/17/72. P/S amended 5/9/72. In conference.

Van Buren National Historic Site

Establishes the Van Buren National Historic Site, which includes the former residence, called Lindenwald, of Martin Van Buren, eighth President of the United States, at Kinderhook, N.Y. S. 1426. P/S 3/22/72.

Vermejo Ranch acquisition

Authorizes the Secretary of Agriculture to acquire such lands, waters, and interests as he deems desirable for national forest purposes within the proposed Vermejo Ranch purchase area as shown on a map on file in the Office of the Chief of the Forest Service, such acquisitions to become a part of the Carson National Forest. S. 2699. P/S 6/15/72.

Washakie Wilderness and the Shoshone National Forest, Wyo.

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/3/71. P/H amended 2/7/72. In conference.

Water Pollution Control Act Amendments

Establishes a policy that the discharge of pollutants should be eliminated by 1985 that the national chemical, physical, and biological integrity of the Nation's waters be restored and maintained, and that an interim goal of water quality providing for the protection of fish, shellfish, and wildlife and for recreation in and on the water be achieved by 1981; changes the enforcement mechanism of the Federal water pollution control program from water quality standards to effluent limits; balances the Federal-State effort in the pollutant discharge permit system; authorizes $14 billion during fiscal years 1972 through 1975 for Federal grants to communities for construction of sewage treatment facilities; and contains other provisions. S. 2770. P/S 11/2/71. P/H amended 3/29/72. In conference.

Water Pollution Control Act—Extensions

Extended authorizations for salaries and related expenses under Section 5(n) of the Federal Water Pollution Control Act in an amount of $9 million for the period November 1, 1971, to June 30, 1972 and for grants for State water pollution control programs under Section 7 in an amount of $15 million for fiscal year 1972. S. 3122. Public Law 92-240.

Extends authorizations for research, investigations, training, and information under Section 5 of the Federal Water Pollution Control Act for an additional $11 million (from $30 million for the period ending April 30, 1972 to $41 million for the period ending June 30, 1972) and for construction grants under Section 8 at the appropriated level of $2 billion for the full fiscal year 1972, (an additional $350 million to the previously authorized sum). S.3572. P/S 5/4/72.

Water resources planning authorization

Increases by $3.5 million the fiscal years 1973 appropriations for the Water Resources Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965, S. 3384. P/S 6/5/72. H.R. 14106. P/H 6/5/72. P/S amended (by language of S. 3384) 6/19/72.

Westlands Water District

Provides for deferment of construction charges against Westlands Water District for facilities to serve irrigation water to certain lands within the district which are presently in Federal ownership. H.R. 1682. P/H 11/1/71. P/S amended 3/1/72.

Youth Conservation Corps

Amends the Youth Conservation Corps Act of 1970 to expand and make permanent the Youth Conservation Corps pilot program and to provide additional employment for young people while furthering the proper development, protection and maintenance of our natural resources, and authorizes $150 million annually for carrying out the Act. S. 2454. P/S 5/23/72.

NOMINATIONS (ACTION BY ROLLCALL VOTE)

Nomination of Richard G. Kleindienst, of Arizona, to be Attorney General

Nomination confirmed June 8, 1972. (64-19)

Nomination of George P. Shultz, of Illinois, to be Secretary of the Treasury

Nomination confirmed June 8, 1972. (83-0)

Clean Waters for America Week

Authorizes the President to issue a proclamation designating the last full calendar week in May of 1972 as "Clean Waters for America Week." S.J. Res. 210. P/S 4/11/72.

Father's Day

Authorized the President to designate the third Sunday in June of each year as Father's Day. H.J. Res. 687. Public Law 92-278.

Honor America Day

Declares July 4, 1972, as a day to honor America. S. Con. Res. 87. Senate adopted 6/28/72.

National Arbor Day

Authorized the President to issue a proclamation designating the last Friday of April 1972 "National Arbor Day" and to call upon the people of the United States to observe such day with appropriate ceremonies and activities. H.J. Res. 563. Public Law 92-276.

National Arthritis Month

Authorized the President to issue a proclamation designating the month of May 1972, as "National Arthritis Month." H.J. Res. 1029. Public Law 92-289.

National Beta Club Week

Authorized and requested the President to proclaim the week which begins on the first Sunday in March, 1972, as "National Beta Club Week." S.J. Res. 153. Public Law 92-234.

National Check Your Vehicle Emissions Month

Authorized the President to issue a proclamation designating the month of April, 1972, as "National Check Your Vehicle Emissions Week." S.J. Res. 1095. Public Law 92-274.

National Coaches Day

Authorizes and requests the President to issue a proclamation designating October 6, 1972, as "National Coaches Day." S.J. Res. 213. P/S 4/28/72.

National Day of Prayer for World Peace

Declared it to be the sense of the Congress that the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace. H. Con. Res. 524. House adopted 2/16/72. Senate adopted 2/16/72.

National Hunting and Fishing Day

Requested the President to declare the fourth Saturday of September 1972, as "National Hunting and Fishing Day." S.J. Res. 117. Public Law 92-285.

National Shut-In Day

Authorizes the President to issue a proclamation designating the first Sunday in June of each year as "National Shut-In Day." S.J. 208. P/S 4/11/72.

National Voter Registration Month

Authorizes the President to designate the calendar month of September, 1972, as "National Voter Registration Month" and to call upon the people of the United States to observe such month with appropriate ceremonies and activities. S.J. Res. 245. P/S 6/29/72.

National Week of Concern for Prisoners of War/Missing in Action

Authorized the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" and to designate March 26, 1972, as a national day of prayer for these Americans. S.J. Res. 189. Public Law 92-248.

SPACE

NASA Authorization Act, 1973

Authorized appropriations totaling $3,444,150,000 to the National Aeronautics and Space Administration for fiscal year 1973 for research and development, construction of facilities, research and program management, and for other purposes. H.R. 14070. Public Law 92-304.

TRANSPORTATION AND COMMUNICATIONS

Coast Guard authorizations

Authorized a total of $145,880,000 in appropriations for fiscal year 1973 for use by the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, and authorized the average annual active duty personnel strength for the Coast Guard. H.R. 13188. Public Law 92– .

High-Speed Ground Transportation Act Extension

Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71. P/H amended 3/2/72. House agreed to conference report 6/29/72.

International Aeronautical Exposition of 1972

Increased from $3 million to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act for the conduct of an international aeronautical exposition to be held at Dulles International Airport from May 27, 1972, through June 4, 1972. S. 3244. Public Law 92-252.

Merchant Marine Act

Amended Section 613 of the Merchant Marine Act of 1936, the cruise legislation section, to authorize the cruising of passenger vessels for the entire year if the Secretary of Commerce finds that the operation of the vessel on its trade route is not required, and to permit U.S.-flag passnger vessels to carry mail and cargo between ports not on their regular service under certain conditions. H.R. 9552. Public Law 92– .

Motor Vehicle Information and Cost Savings Act

Requires the Secretary of Transportation to set property loss reduction standards for passenger motor vehicles; establishes an Automobile Consumer Information study to determine how to provide consumers with meaningful information about the operating costs and safety characteristics of particular vehicles; establishes demonstration projects to test the design and feasibility of diagnostic test inspection facilities; and establishes a national policy against odometer tampering. S. 976. P/S 11/3/71. P/H amended 5/22/72.

Natural Gas Pipeline Safety Act Amendments

Amends the Natural Gas Pipeline Safety Act of 1968 so as to extend the deadline by which a State must have in force legislation authorizing the State enforcement agency to impose monetary and injunctive sanctions from August 12, 1970 to August 12, 1973; authorizes the Secretary of Transportation to make grants-in-aid up to 50 percent of the cost of the cost of personnel, equipment, and activities of States that act as agent of the Secretary in enforcing Federal safety standards for interstate pipelines; authorizes not to exceed $3 million for fiscal year 1972, $3.8 million for fiscal year 1973, and $5 million for fiscal year 1974 for the purpose of carrying out the provisions of the Act; and contains other provisions. H.R. 5065. P/H 6/21/71. P/S amended 6/6/72. In conference.

Public broadcasting

Provided improved financing for the Corporation for Public Broadcasting with a two-year authorization under a formula matching non-federal fund coming into all of public broadcasting, but in no event greater than $65 million in fiscal year 1973 and $90 million in fiscal year 1974; authorizes an increase of $10 million in fiscal year 1973, bringing the total authorization of $25 million, for the Educational Broadcasting Facilities Program; and contains other provisions. H.R. 13918. Public Law 92– .

Rail Passenger Service Act of 1970 Amendments

Authorized an additional $225 million for grants to Amtrak, plus $2 million annually for service between the U.S. and the following cities: Vancouver, Canada; Montreal, Canada; and Nuevo Laredo, Mexico; authorized an increase in loan guarantees from $100 million to $150 million through June 30, 1973, and $200 million thereafter, and limits the loan guarantee authority after enactment to expenditures for capital improvements; provided the General Accounting Office with the authority to review records of participating railroads; limited salaries of Amtrak officers to that of Cabinet officials, except for present Amtrak officers, provided that the excess thereof must be paid only from net profits of Amtrak; restored within stated guidelines, passenger train pass privileges (held prior to or on April 30, 1971) to railroad employees, retirees, and dependents; and contained other provisions. H.R. 11417. Public Law 92-316.

Rates in foreign air transportation

Gave the Civil Aeronautics Board discretionary authority, subject to disapproval by the President, to suspend or reject tariffs in international air transportation to and from the United States; imposed on U.S. and foreign air carriers engaged in foreign air transportation a duty to establish just and reasonable individual and joint rates and practices; maintained the present mechanism for establishing international air transportation rates through the International Air Transport Association, but gave the Board the statutory tools needed to perform its responsibility to protect the traveler, the shipper and air carriers by suspending and rejecting rates which are too high and rates which are destructively low; in essence, gave the Board the same degree of control over rates and practices of foreign air carriers operating into U.S. territory as foreign countries now have over operations of their own carriers and over operations of carriers foreign to those nations. H.R. 11416 (S. 2423). Public Law 92-259.

Ship mortgage insurance

Amends section 509 of the Merchant Marine Act, 1936, to increase the amount of Federal ship mortgage insurance available for high-powered vessels capable of sustained speed of more than 40 knots. S. 2684. P/S 3/30/72.

Towing vessel licensing

Promoted safe navigation by requiring that, while underway, certain towing vessels shall be under the direction and control of persons licensed under regulations prescribed by the Secretary of the Department in which the Coast Guard is operating, and required the Secretary of Transportation to conduct a study and to submit to the Congress a report thereon, together with any legislative recommendations, concerning the need for engineers on such vessels. H.R. 6479. Public Law 92– .

Travel agents registration

Adds a new title II to the International Travel Act of 1961 to require persons operating a travel agency to secure registration certificates from the Secretary of Transportation and prohibits, after January 1, 1973, transportation carriers from entering into a contract or other arrangement with any person who is not a registered travel agent. S. 2577. P/S 6/29/72.

VETERANS

Disabled veterans

Provided for a 10-percent increase in compensation rates for service-connected disabilities and a 10-percent increase in monthly dependents' allowances payable for dependents of veterans rated at least 50 percent or more disabled; authorized the granting of equitable relief by the Administrator of the Veterans' Administration in cases of loss incurred due to administrative error; and contained other provisions. S. 3338. Public Law 92– .

Specially adapted housing for disabled veterans

Amends chapter 21 of title 38, United States Code, to increase the maximum amount of a grant payable by the Administrator of the Veterans' Administration to $17,500 to provide specially adapted housing for disabled veterans. S. 3343. P/S 4/25/72. (Also passed 4/25/72 was an identical bill, S. 2013.) P/H amended 6/19/72. P/S amended 6/29/72.

Veterans' Administration Health Manpower Training Act of 1972

Expands the primary function of the VA Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower for national needs in addition to providing a complete medical and hospital service for veterans; authorizes a program for continuing medical education for health care staff of VA medical facilities and staff of other Federal medical facilities and members of the surrounding medical community on a reimbursable basis utilizing certain VA hospitals as "Regional Medical Education Centers;" directs that, to the extent feasible, any new VA hospital be constructed in close proximity to a medical school; authorizes for each of seven fiscal years beginning in fiscal year 1973 an appropriation of $125 million for three major new programs; and contains other provisions. H.J. Res. 748. P/H 7/19/71. P/S amended 4/27/72.

Veterans' Health Care Expansion Act of 1972

Improves the ability of the Veterans Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions on the scope of treatment (particularly for ambulatory and nursing care); by expanding coverage to certain dependents of beneficiaries or former beneficiaries; by providing for a comprehensive sickle cell anemia screening and counselling program for requesting veterans and their spouses; by improving the personnel system of the Department of Medicine and Surgery (DM&S) to provide for major emphasis on the recruitment, training and employment by the VA of recent veterans with medical skills and to make DM&S more attractive to skilled health care personnel and thus more able to compete for scarce health care manpower; by improving the staff-to-patient ratio in VA medical facilities; by ensuring that VA facilities are structurally safe; and by other means. H.R. 10880. P/H 10/4/71. P/S amended 5/4/72.

AUTHORIZATION FOR STANDING COMMITTEES OF THE SENATE TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, yesterday I asked unanimous consent that the standing committees of the Senate be authorized to file reports, during the adjournment of the Senate, between hours of 10 a.m. and 3 p.m. on July 7, and July 14, 1972. I have had some inquiries about this order. The intention was that committees be allowed to file reports only on those 2 days, not on all days between the two dates.

I ask unanimous consent that the standing committees of the Senate be authorized to file reports, during the adjournment of the Senate, between the hours of 1 a.m. and 3 p.m. on July 7, and between the hours of 10 a.m. and 3 p.m. on July 14, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 5:51 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 8:36 p.m. when called to order by the Presiding Officer (Mr. BENNETT).

SENATOR SCOTT CHOSEN VIRGINIA PRESS ASSOCIATION'S "VIRGINIAN OF THE YEAR"

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished minority leader of the Senate (Mr. SCOTT) has been chosen by the Virginia Press Association as "Virginian of the Year" for 1972. Senator Scott was selected by a jury of Virginia business and professional leaders from nominations by readers of Virginia daily and weekly newspapers to receive the VPA's annual Parks-Mason award.

As we all know, Senator Scott is a native of Virginia, having been born in Fredericksburg, and he will accept this award in Fredericksburg on July 15.

I am pleased to inform the Senate of this honor that has come to our colleague, and I ask unanimous consent that this article from the Staunton Leader of Wednesday, June 28, be published at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCOTT CHOSEN VPA "VIRGINIAN OF YEAR"

Hugh Scott, minority leader of the U.S. Senate, is the Virginia Press Association's "Virginian of the Year" for 1972.

Sen. Scott, was selected by a jury of Virginia business and professional leaders from nominations by readers of Virginia daily and weekly newspapers to receive the VPA's annual Parks-Mason Award.

The award will be presented July 15 at the closing banquet of the association's 90th annual meeting at the Fredericksburg Sheraton Motor Inn.

The Parks-Mason Award is named for William Parks, the first Colonial Virginia printer, and George Mason, author of the Virginia Declaration of Rights. The award is made annually to a Virginian who has moved from the state and has brought distinction to himself and favorable attention to Virginia.

Previous recipients of the award have been Christopher C. Kraft Jr., director of flight operations for the Manned Space Program; Dr. John G. Coli Jr., president of the fibers division of Allied Chemical Corporation; C. Vernon Cowan, vice-president of the C&O-B&O Railroads; Frank McCarthy, movie producer of 20th Century-Fox Studio; Ross R. Millhiser, president of Philip Morris, U.S.A.

The award consists of a hand-printed citation from the press of the Virginia Gazette of Williamsburg, set in Caslon old-style type and a handmade silver reproduction of an antique printers stick, created by William deMateo, silversmith of Colonial Williamsburg and mounted on a piece of wood from historic Gunston Hall, homeplace of George Mason.

Sen. Scott, serving his third term as a senator from Pennsylvania, is also completing his second term as leader of the Republican Party in the Senate. He served eight terms as a member of Congress from Pennsylvania before being elected to the Senate in 1958. A champion of the "people's right to know", Sen. Scott holds daily news conferences with media representatives before the opening of the Senate.

Considered one of the Senate's foremost authorities on the Orient, he received a personal invitation from Premier Chou En-lai to visit Peking delivered by President Nixon on his return from his historic visit to China.

A former assistant district attorney for Philadelphia, he is a member of the Philadelphia, Pennsylvania and American Bar Associations. He is counsel to a Philadelphia law firm.

He is a retired captain in the U.S. Naval Reserve, seeing active duty in World War II and the Korean conflict. He was aboard the U.S.S. Missouri when the Japanese surrender was accepted.

He was graduated from Randolph Macon College and the University of Virginia Law School. He is a member of the university's Board of Visitors. He has been awarded a total of 25 honorary degrees from colleges and universities across the nation.

An Episcopalian, he married the former Marian Huntingdon Chase, an alumna of Germantown Friends School. They have one daughter, Marian Scott Concannon and eight grandchildren.

ANTICIPATED $10 BILLION REDUCTION IN DEFICIT

Mr. HARRY F. BYRD, JR. Mr. President, on another matter, I would like to read into the RECORD an editorial from the Birmingham News. This is the editorial:

> "Everything's going to be all right, though. Just you wait. We're told that a rigid restriction on federal spending may cut the originally anticipated $38.8-billion deficit in fiscal 1972 by $10 billion. Don't sneeze at that possible savings figure. It took us from 1789 until World War I to owe that much money."

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 8:40 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 9:14 p.m., when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

ANNUAL REPORT OF THE NATIONAL COUNCIL ON THE ARTS AND THE NATIONAL ENDOWMENT FOR THE ARTS FOR THE FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

It is with profound pleasure and pride that I transmit to the Congress the Annual Report of the National Council on the Arts and the National Endowment for the Arts for the Fiscal Year 1971.

The report mirrors the vitality of musicians, actors, dancers, painters, sculptors, architects, writers, poets—extending our cultural renaissance into all of our communities. It reports and reflects the dedicated work of the producers and planners, the budgeters and the backstage hands, even the special grace of such as the museum guides who turn routine tours into lifetime experiences with their flashes of expertise and insight.

I invite the Members of the Congress to share my pleasure and pride in the truly remarkable work of the National Council on the Arts and the National Endowment for the Arts. This work has been possible because you have recognized the importance of the arts, and because you have joined in voting across party lines to approve dramatic increases in our appropriations for the arts.

You have seen that individual, creative effort is an essential element of the American character. You have understood that the enrichment of the human spirit, and the sudden lifting of the soul, are legitimate objectives of government in the finest sense.

Just as 18th century America was dedicated in large part to the achievement of political liberty, and 19th century America to the attainment of economic opportunity, historians of the future may cite 20th century America for its dedication to the definition of the quality of justice of life. In all of these things our national point of view about the arts is fundamental. And right now, we are becoming increasingly a nation of participants in the arts.

There now are 44 million amateur musicians in the United States, more than one in five of our population. To take a second example, there are more than 5,000 amateur theatrical companies. And these are more than mere statistics: I am saying that the arts are *not* for a privileged few, but for everybody. And the arts are not merely sights and sounds: I believe the arts can teach us to hear when we listen, to understand when we see, to enjoy when we perform.

Individual, corporate, foundation, State and local support for the arts remains central to the national *interaction* that gives our culture its unique vitality. But I do believe that, as I said in September 1969, "the Federal Government has a vital role as catalyst, innovator and supporter of public and private efforts for cultural development." And I am sure that in the National Council on the Arts and the National Endowment for the Arts we have a national asset of worth and luster.

I take a very special satisfaction in this annual report. I hope you will enjoy reading it. And I urge you to make it possible for this good and bountiful work to go on.

RICHARD NIXON.

The WHITE HOUSE, *June 30, 1972.*

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with a time limitation of 3 minutes attached thereto.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, AND SO FORTH

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) laid before the Senate the following letters which were referred as indicated:

FINAL JUDGMENT IN SUQUAMISH INDIANS CASE

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report of its final determination with respect to the claim of the Suquamish Tribe of Indians (with accompanying papers); to the Committee on Appropriations.

REPORT ON MOTOR VEHICLE EMISSIONS

A letter from the Executive Officer of the National Academy of Sciences submitting, pursuant to law, its report on motor vehicle emissions (with accompanying report); to the Committee on Public Works.

COURTHOUSE AND FEDERAL OFFICE BUILDING, SPRINGFIELD, MASS.

A letter from the Assistant Administrator of General Services concerning a prospectus being prepared recommending construction of a new courthouse and Federal building at Springfield, Mass.; to the Committee on Public Works.

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN

A letter from the counsel to the Pacific Tropical Botanical Garden submitting, pursuant to law, a report of audit for the Corporation for the year 1971 (with accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION PROVIDING FOR THE SALE OF WASHINGTON NATIONAL AND DULLES AIRPORTS

A letter from the Secretary of Transportation submitting proposed legislation to provide for the sale of the Washington National and Dulles International Airports (with accompanying papers); to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD):

A petition adopted by the 112th General Assembly of the Presbyterian Church in the United States relating to the testing of all types of nuclear weapons; to the Committee on Foreign Relations.

A petition adopted by the 112th General Assembly of the Presbyterian Church in the United States relating to freedom of information; to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 520. A bill to authorize the construction, operation, and maintenance of the closed basin division, San Luis Valley project, Colo., and for other purposes (Rept. No. 92–947).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2441. A bill to authorize the Secretary of the Interior to conduct a study, to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and Dismal Swamp Canal (Rept. No. 92–948).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3545. A bill to amend section 7 of the Fishermen's Protective Act of 1967 (Rept. No. 92–950).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 3751. An act for the relief of Albert W. Reiser, Jr. (Rept. No. 92–951); and

H.R. 6739. An act for the relief of Cpl. Michael T. Kent, U.S. Marine Corps Reserve (Rept. No. 92–952).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 2475. A bill for the relief of Robert J. Ebbert and Design Products Corp., Troy, Mich. (Rept. No. 92–955);

S. 2750. A bill for the relief of the estate of Albert W. Small (Rept. No. 92–956);

H.R. 1997. An act for the relief of Joseph F. Sullivan (Rept. No. 92–958); and

H.R. 5237. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967 (Rept. No. 92–954).

By Mr. McCLELLAN, from the Committee on the Judiciary, with an amendment:

S. 387. A bill for the relief of Uhel D. Polly (Rept. No. 92–957).

By Mr. MONTOYA, from the Committee on the Appropriations, without amendment:

H.J. Res. 1238. Joint resolution making a supplemental appropriation for disaster relief (Rept. No. 92–959).

By Mr. TUNNEY, from the Committee on the Judiciary, without amendment:

H.R. 7829. An act for the relief of Stephen H. Clarkson (Rept. No. 92–960).

REPORT ENTITLED "CONSTITUTIONAL RIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 92–949)

Mr. ERVIN, from the Committee on the Judiciary, pursuant to section 6, Senate Resolution 32, as amended, 92d Congress, first session, submitted a report entitled "Constitutional Rights," for the period beginning February 1, 1971, and ending February 29, 1972, which report was ordered to be printed.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) on today, June 30, 1972, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1893. An act to amend the Land and Water Conservation Fund Act to restore the Golden Eagle passport program, and for other purposes;

S. 3715. An act to amend and extend the Defense Production Act of 1950; and

H.R. 13955. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CRANSTON (for himself, Mr. WILLIAMS, Mr. KENNEDY, Mr. JAVITS, Mr. SCHWEIKER, Mr. RANDOLPH, Mr. DOMINICK, Mr. EAGLETON, Mr. HUGHES, Mr. MONDALE, Mr. NELSON, and Mr. PELL):

S. 3784. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems. Referred to the Committee on Labor and Public Welfare.

By Mr. MATHIAS:

S. 3785. A bill to promote the development within the United States and foreign countries of American arts and handcrafts. Referred to the Committee on Commerce.

By Mr. CRANSTON:

S. 3786. A bill to protect confidential sources of the news media. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. ERVIN):

S. 3787. A bill to establish a commission to study all laws, and executive branch rules, regulations, orders, and procedures, relating to the classification and protection of information for the purpose of determining their consistency with the efficient operation of the Government, including the proper performance of its duties by the Congress, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MOSS (for himself, Mr. Bennett, Mr. McGee, Mr. Hansen, Mr. Anderson, and Mr. Allott):

S. 3788. A bill to facilitate the incorporation of the Reclamation Townsite of Page, Ariz., Glen Canyon Unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON (for himself and Mr. Dole):

S. 3789. A bill to amend the Flood Control Act of 1944 to improve administration of certain lands at water-resource-development projects for the benefit of fish and wildlife resources. Referred to the Committee on Public Works.

By Mr. BELLMON:

S. 3790. A bill to authorize the Secretary of Transportation to make loans and loan guarantees to assist railroads in rural areas. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 3791. A bill for the relief of Anacleto Aboyabor Dotollo. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. Buckley, Mr. Hartke, Mr. Nelson, and Mr. Church):

S. 3792. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BAYH (for himself, Mr. Randolph, and Mr. Cooper):

S. 3793. A bill to amend section 125 of title 23 of the United States Code in order to increase the authorization for emergency relief for the repair or reconstruction of highways on the Federal-aid highway systems. Referred to the Committee on Public Works.

By Mr. GRIFFIN:

S. 3794. A bill to amend the Natural Gas Act in order to expand the jurisdiction of the Federal Power Commission under such act. Referred to the Committee on Commerce.

By Mr. WILLIAMS:

S.J. Res. 252. A joint resolution to authorize the President to proclaim February 11 of each year as "National Inventors' Day." Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S.J. Res. 253. A joint resolution to authorize the President to proclaim the month of April 1973 as "National Health Professional Careers Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself, Mr. Williams, Mr. Kennedy, Mr. Javits, Mr. Schweiker, Mr. Randolph, Mr. Dominick, Mr. Eagleton, Mr. Hughes, Mr. Mondale, Mr. Nelson, and Mr. Pell):

S. 3784. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems. Referred to the Committee on Labor and Public Welfare.

EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1972

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical services systems, the proposed Emergency Medical Services Systems Development Act of 1972.

I am delighted that this bill is cosponsored by the chairmen of the Committee on Labor and Public Welfare (Mr. Williams), and of the Health Subcommittee (Mr. Kennedy) as well as by the ranking minority full committee and subcommittee members (Mr. Javits and Mr. Schweiker) and the following seven other members of the committee: the Senator from West Virginia (Mr. Randolph), the Senator from Maryland (Mr. Beall), the Senator from Colorado (Mr. Dominick), the Senator from Missouri (Mr. Eagleton), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Mondale), and the Senator from Rhode Island (Mr. Pell).

One of the most serious deficiencies in the health system in many communities is the inability of that system to respond immediately and effectively to medical crises. The statistics are shocking:

MORTALITY AND DISABILITY FROM MEDICAL EMERGENCIES

Projections from studies indicate that mortality from accidents alone could be reduced by from 10 to 20 percent by proper medical care at the scene of the accident or en route to an emergency facility. Thirty percent of cardiac deaths could be prevented if the public were educated to recognize the symptoms of heart attack, and if ambulance attendants were adequately trained to provide immediate emergency treatment. Five thousand deaths each year from other causes such as poisonings, drownings, and drug overdoses could be prevented by immediate medical attention.

The Ambulance Association of America has estimated that 25,000 individuals are permanently injured or disabled every year by untrained ambulance attendants and rescue workers. In 1970 only 5 percent of the Nation's ambulance attendants met even minimum standards of training recommended by national professional organizations—such as the American College of Surgeons, the National Academy of Sciences, the Department of Transportation, or the Department of HEW. Five percent of these attendants had no training whatsoever. One-third had had only a standard first-aid course.

Accident is the fourth leading cause of death in the United States. In 1968 trauma resulted in more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 of permanent disability. Trauma patients used more hospital days than all heart patients or all obstetrical patients and more than four times as many hospital days as all cancer patients.

AMBULANCE SERVICES

The adequacies of ambulance services vary widely throughout the Nation. In many communities, ambulance services are run by the local undertaker, in others, the ambulance service is a commercial enterprise—yet few of these find it a profitable business; more than a fourth lose money on ambulance services and depend on other sources for income to make up the loss. The average cost of ambulance service is $75 per trip. Few emergency victims are able to pay that amount. Third-party insurance rarely covers the full cost; in many instances it covers none of the cost.

About one-fourth of the ambulance service in the United States is provided by the local unit of government—usually through a public safety organization such as the fire department, police department, or sheriff's office. Only 2 percent of ambulance service is provided by hospitals.

The American College of Emergency Physicians reports that only 37 percent of ambulances in a recent survey met minimal design standards, and only 6 percent had facilities to communicate directly with a hospital emergency room. Many ambulances have little more room than that sufficient for a prone patient. The attendant is forced to crouch to minister to the patient. Frequently, lifesaving equipment or even basic equipment such as splints, backboards, or poison antidotes, are not carried as standard equipment on the vehicle.

HOSPITAL EMERGENCY ROOMS

Hospital emergency rooms are increasingly called upon to provide outpatient care for the community. There has been over a 600-percent increase in the number of emergency visits in some hospitals in the last 25 years. The national average is an increase of 10 percent a year. Last year there were approximately 50 million visits to emergency rooms.

The increased reliance of the community on the services of the emergency room has vastly compounded the difficulties of providing medical care to the emergency victim.

In many communities the small hospital is particularly hindered by inadequate staffing and undertrained personnel and by equipment shortages. Rural communities serving underpopulated areas find it particularly difficult to maintain emergency medical services at the optimum staff and equipment level necessary to meet the infrequent need to provide critical care to an accident victim. According to a study of the National Academy of Sciences, 70 percent of motor vehicle deaths occur in rural areas and communities with a population under 2,500. A 1967 study found that the California mortality rate from automobile accidents was 17 per 100,000 in urban areas, 46.8 in rural areas and 85.5 in mountain areas. Some of this tragic difference is caused by inability to reach the patient quickly in an isolated area, but much of it is caused by the inadequacies of emergency room facilities.

ADVANCES IN TECHNOLOGY

Modern science has given us the means of overcoming many of the obstacles to providing immediate and effective emergency medical care. The development of portable equipment for the treatment of victims of heart attack, or other critical and sudden illnesses; the development of totally equipped and staffed mobile critical care units capable of bringing the expertise of the hospital to the scene of the emergency; developments in radio and telecommunications permitting electronic monitoring and transmittal of patient data to an acute care center; utilization of rapid means of transport such as helicopters where ground transportation access is poor or too slow—have provided us with the tools necessary to assure prompt response and reaction to a medical emergency.

NEED FOR COORDINATION

The deficiencies of emergency medical services throughout the country are not impossible to correct. The technical information and the medical capacity to deal with these problems exists. However, efforts to find solutions to them have been fragmented and uncoordinated. The greatest deficiency has been lack of concerted planning efforts at both the local and the national levels. At the community level, methods must be developed of involving all elements related to the provision of emergency services in meeting community needs.

At the Federal level, governmental units in numerous agencies are concerned and involved with the provision of these services, and coordination has been haphazard.

Means must be found of developing a system where these units can work totogether nationally and locally toward meeting their shared goals.

THE BILL

The proposed Emergency Medical Services Systems Development Act of 1972 will provide the means by which this can be accomplished. This proposed act will authorize the Secretary of HEW to make grants to States, units of local government, or combinations of local governments comprising a SMSA to assist in, improve and expand the provision of emergency medical services. A basic requirement of any grant application is the development of a comprehensive plan for the coordination and establishment of an emergency medical services system. Opportunity for participation in the plan development must be assured to all elements in the community, having a relationship to emergency medical services, including consumers, public safety agencies, communications networks, representatives of Federal agencies, as well as health care providers, health facilities, and health education institutions.

The community must establish an area emergency medical services planning council whose membership will include representatives of these elements, and whose functions will include development of the plan in consultation with the 314(b) agency, as well as continuous monitoring and evaluation of the operation of the emergency medical services system.

To be eligible for a grant the plan must include provision for the training of sufficient numbers of specialized professional and paraprofessional staff as well as providing for their continuing education.

The plan must include:

Provision for adequate communications linkage, transportation systems, facilities which are strategically located and continuously operating;

Access to specialized critical medical care units either within the community or in a neighboring community, and means of transfer to facilities and programs which can provide such followup care and rehabilitation as is necessary to effect the patient's recovery.

Assurance that anyone in need of emergency medical care will be provided such care without regard to his ability to pay or prior inquiry as to his financial situation or insurance coverage.

Provision for developing a program to cope with emergency medical services during mass casualties, natural disasters, or national emergencies.

Provision for a program of public education and information, stressing appropriate methods of self-help.

Provision for standardized patient recordkeeping systems.

The proposed act requires involvement of the comprehensive health planning agencies established under section 314 of the Public Health Services Act in the development and implementation of any programs for community emergency medical services. Indeed, to be eligible for a grant, a governmental unit or combination thereof would have to comprise at least the area covered by an areawide 314(b) planning agency.

A grantee must make such reports and maintain such records as the Secretary of HEW determines are necessary. In addition, all components of an emergency medical services system must meet standards and criteria established in regulations by the Secretary.

At the Federal level, an interagency technical committee would be established to coordinate Federal programs and activities relating to emergency medical services. A National Advisory Council would also be established within HEW to review and advise on applications and to make recommendations to the Secretary on implementation of programs under the proposed act.

The Secretary of HEW is required to submit an annual report on the adequacy of emergency medical services throughout the Nation, and his recommendations for legislation necessary to promote the provision of emergency medical services at a level adequate to the need. To carry out these programs, appropriations of $750 million would be authorized over the next 5 fiscal years.

The provisions of the bill I am introducing are identical—except for the number of years of authorization—with those in section 4 of S. 3716, a bill which was ordered reported from the Committee on Labor and Public Welfare on June 21.

I am introducing this bill today separately to focus attention upon this critical national problem and our proposals to meet it.

Mr. President, the provisions included in the proposed bill will enable the Nation's communities to mount effective comprehensive programs to coordinate activities, apply techniques, utilize existing resources, and build upon existing programs in the provision of emergency medical services.

Mr. President, I ask unanimous consent that the full text of the proposed Emergency Medical Services Systems Development Act of 1972 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Medical Services System Development Act of 1972."

SEC. 2. (a) The title of part C of title VI of the Public Health Service Act is amended to read as follows:

"PART C—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS AND DEVELOPMENT OF AREA EMERGENCY MEDICAL SERVICE SYSTEMS".

(b) Section 633 of such Act is amended to read as follows:

"AUTHORIZATION

"SEC. 633. To assist in, improve, and expand the provision of adequate emergency medical services in the Nation for the treatment of accident victims and victims of sudden illness, and handling of other medical emergencies, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; $150,000,000 for the fiscal year ending June 30, 1975, $200,000,000 for the fiscal year ending June 30, 1976, and $250,000,000 for the fiscal year ending June 30, 1977, for special project grants for the planning and development or expansion of comprehensive area emergency medical service systems. Sums made available under this section may be used for construction, training and manpower development, communication, transportation, public education, coordination of services and facilities and other components necessary for the implementation of a plan submitted in accordance with section 635."

SEC. 3. Part C of such title is further amended by adding at the end thereof the following new sections:

"ELIGIBILITY FOR GRANTS

"SEC. 634. Funds appropriated pursuant to this part shall be available for grants by the Secretary, after consultation with the National Emergency Medical Services Advisory Council established by section 638, and funds available for grants under section 633 shall be provided on a matching basis of up to 75 per centum in accordance with criteria of need as determined by the Secretary pursuant to regulations he shall prescribe, to States, political subdivisions, or regional arrangements, compacts, or consortiums comprising the governmental jurisdictions for at least those areas included in a standardized metropolitan statistical area (as determined by the Office of Management and Budget) in the case of programs to be carried out in such standardized metropolitan statistical area, presenting a plan for the provision of comprehensive and coordinated emergency medical services for a geographical area which encompasses an area at least congruent with an areawide comprehensive health planning agency as established under section 314(b) or this Act or multiples of such area, which plan must meet requirements consistent with the provisions of section 635 set forth in regulations prescribed by the Secretary.

"PLANS

"SEC. 635. Each plan submitted pursuant to section 634 must include the following—

"(a) reasonable assurance that there has been or will be established in or for the area with respect to which such grant is sought, an area emergency medical services planning council pursuant to the provisions of section 636;

"(b) proposals for programs (carried out in coordination with education and training programs assisted under titles III, VII, VIII, and IX of this Act and in a manner consistent with the appropriate provisions of such applicable title) for the training and continuing education of health professionals and paraprofessionals (with priority for the recruitment and training of veterans of the Armed Forces of the United States with training or experience in the health care field) in the provision of emergency medical services to victims of accident and sudden illness, which programs must meet criteria established by the Secretary in regulations and, in the case of the training of paraprofessionals, must include supervised clinical training for at least one-half of the program;

"(c) provision for a communications system including, at least, a central, areawide communication network linked with other appropriate area, State, and national networks, and with maximum accessibility for the public through a universal emergency telephone number and other means, which system shall allow transmission of information by voice, telemetry, or other electronic method and shall provide for cross-frequency patching capability;

"(d) provision for an emergency medical services transportation system, which shall include such air and water borne transportation as is necessary to meet the individual characteristics of the area;

"(e) provision for the establishment of easily accessible, continuously operational fixed location emergency medical service facilities in sufficient numbers and situated at strategic locations in the area to meet the emergency medical services needs of the area;

"(f) provision for emergency access to specialized critical medical care units in the area, including provision for the necessary transportation systems for such access, and, where such resources are nonexistent or inadequate in the area, for access to such units in a neighboring area where access is feasible in terms of time and distance;

"(g) assurance that necessary emergency medical services, to the maximum extent feasible, will be provided to all patients requiring services and shall be provided without regard to, or prior inquiry as to, ability to pay;

"(h) provision for developing for submission for approval by the Secretary, within one year after receipt of funds under this part, a plan to assure an operational system for providing emergency medical services during mass casualties, natural disasters, or national emergencies;

"(i) provision for transfer to facilities and programs providing such followup care and vocational rehabilitation as is necessary to effect the maximum recovery and restoration of the patient;

"(j) provision for a program of public education and information in the area served (taking into account the needs of visitors to the community to know or be able to learn immediately the means of obtaining emergency medical services), stressing appropriate methods of medical self-help;

"(k) provision for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency services provided in the area; and

"(l) provision for a standardized patient record-keeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient, from initial entry into through discharge from the emergency medical services system, and shall, to the maximum feasible extent, be consistent with ensuring patient records used in followup treatment and rehabilitation of the patient.

"AREA EMERGENCY MEDICAL SERVICES PLANNING COUNCIL

"SEC. 636. (a) The composition of the Area Emergency Medical Services Planning Council to be established in accordance with the plan submitted under section 635 shall include representatives of the State agency and appropriate areawide health planning agency or agencies (if any) established under section 314, of the regional medical program established under title IX of this Act in the area, of all public safety agencies having responsibilities within the area, of hospital councils, public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health or health education, of the local government or governments or units thereof exercising jurisdiction in the area, of uniformed services of the Federal Government operating installations in the area, of the Veterans' Administration medical facilities in the area, of communications networks, mass media, and public utilities, of firms, organizations, and other entities having responsibilities related to the provision of emergency medical services, and of the general public who are not related to the provision of health care and who shall comprise at least one-third of the Council's voting membership.

"(b) The functions of such Council shall include development of the plan described in section 635(h), in consultation with the congruent areawide comprehensive health planning agency or agencies established pursuant to section 314(b), a plan for areawide emergency medical services and shall include continuous monitoring and evaluation of the operation of the emergency medical services system with a view to making recommendations for the improved effectiveness of its operation.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 637. The Secretary shall establish an Interagency Technical Committee on Emergency Medical Services which shall be responsible for coordinating those aspects and resources of all Federal programs and activities relating to emergency medical services to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain the necessary coordination and effectiveness of such programs and activities. The Secretary or his designee shall serve as chairman of the Committee, which shall include appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Academy of Sciences, the National Science Foundation, the Office of Science and Technology, the Federal Communications Commission, the Office of Emergency Preparedness, and such other Federal agencies, and parts thereof (including components of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting emergency medical services functions or responsibilities.

"NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

"SEC. 638. (a) The Secretary shall establish a National Emergency Medical Services Advisory Council with which he shall consult on a continuing and regular basis in administering this part. The Council shall consist of the Secretary or his designee, who shall serve as chairman, the Director of the National Institutes of Health and the Administrator of the Health Services and Mental Health Administration in the Department of Health, Education, and Welfare, all other members of the Interagency Technical Committee established under section 637, and eighteen members appointed by the Secretary, nine of which appointed members shall be members of the general public who are not related to the provision of emergency medical services, and nine shall be individuals experienced in the provision or development of or the training of personnel to provide emergency medical services.

"(b) The functions of the Council shall be to review and advise the Secretary (through a subgroup which it shall appoint) on applications received for grants under this part and to make recommendations to the Secretary with respect to carrying out the provisions of this part.

"(c) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed after the effective date of this part, six shall be appointed for a term of four years, six shall be appointed for a term of three years, and six shall be appointed for a term of one year, as designated by the Secretary at the time of the appointment. Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) A vacancy in the Council shall not affect its activities, and fifteen members of the Council shall constitute a quorum.

"(e) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"SEC. 639. (a) No application for a grant or contract under this part shall be approved unless—

"(1) the State comprehensive health planning agency established pursuant to section 314(a) and the areawide health planning agency established pursuant to section 314(b) have had an opportunity to comment thereon, within 90 days of the submission to those agencies of copies of such application, and the applicant has submitted to the Secretary a reply to any such comments with a view toward accommodating any objections by and remedying any differences with such agency or agencies.

"(2) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this part.

"PAYMENTS AND CONDITIONS

"SEC. 640. (a) Grants under this part shall be paid in advance or by way of reimbursement in such installments and on such conditions as in the judgment of the Secretary will best carry out the provisions of this part.

"(b) Nothing in this part shall limit or otherwise restrict the use of funds which are granted under other provisions of this Act or other Federal law and which are available for the conduct of medical emergency transportation and service programs from being used in connection with programs assisted through grants under this part where the former programs meet the standards and criteria established by the Secretary under this part.

"(c) No grants may be made under this part in support of an emergency medical services system except where all components of such system meet standards and criteria established in regulations by the Secretary after taking into account standards established by appropriate national professional or technical organizations.

"REPORTS

"SEC. 640A. The Secretary shall prepare and submit to the Congress, one year after enactment of this part and every year thereafter, a report on the administration of this part, which shall include an evaluation of the adequacy of the provision of emergency medical services throughout the Nation and the extent to which the needs for such services are being adequately met through assistance under this part and otherwise and his recommendations for any legislation necessary to promote the provision of and provide emergency medical services throughout the Nation at a level adequate to meet such needs."

By Mr. MATHIAS:

S. 3785. A bill to promote the development within the United States and foreign countries of American arts and handcrafts. Referred to the Committee on Commerce.

Mr. MATHIAS. Mr. President, today I am introducing a bill to promote the development within the United States and foreign countries of American arts and handcrafts. This bill is designed to fill a great gap in our existing craft programs and to help the citizens of other nations understand and appreciate American culture.

Our country has a rich folk tradition and a wide diversity of people and races; yet, almost nowhere outside the United States, and at very few places within this country, can one have the benefit of viewing or purchasing authentic American artifacts and handcrafts so illustrative of American ingenuity.

Anyone who has visited another country knows that the most valuable souvenirs of his travels are those items representing that country's culture and customs. Visitors to our country do not shop only for electric coffee pots and toasters, but also search for ceramic, wood, and metal artistry as well as Indian headdress, moccasins, and other ethnic products. Hence, it strikes me that displaying both here and in U.S. Embassies abroad the products of American craftsmen—Eskimos, Indians, New Englanders, Southerners, Appalachian and other Americans—would fulfill the desire of foreigners, and Americans alike, to learn more about the American character and would provide a better understanding of our skills and folkways.

It is estimated, however, that if we were to begin today such a program for foreign and domestic exhibition of American handcrafts, it would take but a short while to drain the supply of quality crafts available for display. The reason for this deficiency is the shortage of programs to give design, production, advertising or marketing assistance to those interested in expressing themselves through crafts.

The legislation I am offering today provides for the establishment and administration by the Secretary of Commerce, in cooperation with the Interagency Craft Committee, of a program to insure a lasting supply of authentic American arts and handcrafts. The program would provide assistance in the training of persons to design and produce quality crafts and would provide assistance to skilled craftsmen in advertising, conducting market research, shipping, display, and selling crafts within the United States and in other countries.

As I see it, the Office of American Arts and Handcrafts will provide the expertise, the guidance, and the coordination that is so desperately needed by the many excellent producers of American arts and handcrafts. Throughout this country, there are people creating beautiful and practical handcrafts and works of art—works that are representative of their ethnic origins, their region, and their American heritage. For many, this exercise of native creativity is primarily therapeutic; for others it is a livelihood.

But for all of them, I have found that there is need for help in marketing their products and adjusting their production to meet the areas of demand. For, in this country and abroad, there is a strong and growing demand for authentic American handwork. The purpose of my bill, therefore, is to create a bridge between the producers and the consumers.

It is my hope that through this far-reaching program, American ethnic and cultural groups across the country will have the opportunity to express their originality and creative ability to a worldwide audience.

By Mr. MOSS (for himself, Mr. BENNETT, Mr. MCGEE, Mr. HANSEN, Mr. ANDERSON, and Mr. ALLOTT):

S. 3788. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

PAGE, ARIZ., COMMUNITY ACT OF 1972

Mr. MOSS. Mr. President, I am today introducing for myself, and Mr. BENNETT, Mr. MCGEE, Mr. HANSEN, Mr. ANDERSON, and Mr. ALLOTT, a bill to transfer, without cost, to the city of Page, Ariz., certain Federal properties and facilities not deemed necessary for the operation of Glen Canyon Dam, and to withdraw from the city the use of money from the Upper Colorado River Basin fund for the maintenance, operation, and administration of the city.

This bill follows the pattern of legislation enacted to transfer Federal property to the community of Grand Coulee, Wash., after the Grand Coulee Dam was completed, and to the community of Boulder City, Nev., after the Hoover Dam was in operation.

I take this action because the city of Page is now drawing about half a million dollars each year from the Upper Colorado River Basin Fund which was intended to be used for further water development in the four upper basin States—Utah, Colorado, Wyoming, and New Mexico.

A bill identical with mine is being introduced in the House of Representatives by Congressman WAYNE ASPINALL of Colorado, with the cosponsorship of five members from the Upper Colorado River Basin States in the House of Representatives, Mr. LUJAN of New Mexico, Mr. MCKEVITT of Colorado, Mr. EVANS of Colorado, Mr. LLOYD and Mr. MCKAY of Utah, Mr. RONCALIO of Wyoming, and Mr. RUNNELS of New Mexico.

The Upper Basin Fund was created by the 1956 legislation which authorized the construction of the Colorado River storage project, and the Fund receives power revenues from the various projects which are divided among the four Upper Basin States on a specified percentage basis.

Under this same legislation the operation, maintenance, administration and the capital expenses of the town of Page have been paid. Page was originally built to accommodate construction workers on the Glen Canyon Dam. At the peak of activities, in 1962, the population of Page was about 6,000. By 1967, with construction completed, it had dropped to 1,280.

In 1968, the Central Arizona project, another Colorado River water development, was authorized by Congress. As part of this project, the Navajo Powerplant is now under construction some four miles from Page. This construction has brought a new influx of people seeking places to live. The population of Page has now jumped to 5,200, and will probably rise to 7,000 or 8,000 in a couple of years. In addition, there is an influx of people each year to use the recreational facilities of Lake Powell.

The Department of the Interior has spent, or will spend, some $2.7 million in Page during fiscal years 1972, 1973, and 1974. All of this will come from the Upper Basin Fund. This is patently not fair to the Upper Basin States. I am sure that the proponents of the Colorado River Storage Act never intended that the Upper Basin should be used to subsidize Page long after the dam was constructed, and long after other people, pursuing different objectives, had become the preponderant population in the town, or were using its facilities.

Studies conducted by the Arizona State University indicate that Page can become self-supporting as an incorporated city. There are, of course, problems relating to incorporation under State laws, but this legislation is intended to assist Page, insofar as the Federal Government can, to become a well-established municipal corporation.

The bill will authorize the transfer of almost 11,000 acres and improvements to the city. It wil reserve for Federal ownership only those facilities needed by the Federal Government for the operation of the Glen Canyon Dam. Among municipal facilities transferred will be police and fire protection systems, sewage and refuse disposal plants, water treatment and distribution facilities, streets, and roads, parks, playgrounds, the airport, the cemetery, municipal government buildings, and other property suitable or usable for municipal purposes.

Schools and school property will be transferred to the appropriate school district. Water facilities to serve from nine to 11 thousand people and a hospital will be turned over to the city. Payments in lieu of taxes on Federal property retained will be assured, and some $380,000 will be made available to keep Page hospital and municipal services, such as police and fire protection, in operation during the change-over period and for a few months beyond.

In addition, the Federal Government will complete a number of needed capital improvements, such as street, sidewalk and gutter repairs, and will agree to take a census as soon as possible after incorporation.

The bill also directs the Secretary of the Interior, in the event minimum incorporation is not accomplished by December 31, 1973, to make Page self-supporting beginning January 1, 1974, to increase rates for services and other applicable charges for the community to amounts sufficient to cover the costs of administration, maintenance and operation of municipal facilities and functions.

In short, Mr. President, this bill allows the U.S. Government to withdraw from the ownership and operation of the town of Page, Ariz., and to give the people there the opportunity for self government, with considerable Federal assistance to start them out on a financially sound and practical course. It repeats the process used, in a slightly different way, for other reclamation-founded towns in the past.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3788

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the purpose of this Act to separate that unincorporated area in Conconino County in the State of Arizona commonly known as the town of Page, Arizona from the Colorado River Storage Project in order that the United States may withdraw from the ownership and operation of the town and the people of that area may enjoy self-government, and to facilitate the establishment by the people of a municipal corporation under the laws of the State of Arizona by the transfer of certain Federal property described in section 3 of this Act.

SEC. 2. The following definitions shall apply to terms used in this Act:

(a) The area referred to herein as Page, Arizona, includes the following described land:

Page Townsite, Ariz., Gila and Salt River Meridian, Ariz.

	Acres
T. 40 N., R. 8 E:	
Sec. 1. All	638.94
Sec. 2. E½SW¼, SE¼	240.00
Sec. 11. E½	320.00
Sec. 12. All	639.68
T. 41 N., R. 8 E:	
Sec. 25. S½SW¼SE¼, SE¼SE¼	60.00
Sec. 36. E½, S½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, SE¼-NW¼, NE¼SW¼, E½NW¼SW¼, S½SW¼	540.00
T. 40 N., R. 9 E:	
Sec. 4. All	639.48
Sec. 5. All	639.84
Sec. 6. All	622.74
Sec. 7. All	623.68
Sec. 8. All	640.00
Sec. 9. All	640.00
T. 41 N., R. 9 E:	
Sec. 19. E½SW¼, SE¼	240.00
Sec. 20. S½	320.00
Sec. 21. W½SW¼, W½SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼	120.00
Sec. 28. W½NE¼, NW¼SE¼NE¼, S½SE¼NE¼, W½, SE¼	590.00
Sec. 29. All	640.00
Sec. 30. All	641.20
Sec. 31. All	642.00
Sec. 32. All	640.00
Sec. 33. All	640.00
Total	10,717.56

The boundary of Page, Arizona, is shown on the attached drawing No. 557-431-83, "Page, Arizona, Townsite Boundary."

(b) The term "municipality" shall mean Page, Arizona, after its incorporation as a municipality under the laws of the State of Arizona.

(c) The term "Secretary" shall mean the Secretary of the Interior.

(d) The term "municipal facilities" shall mean certain land, and the improvements thereon, in Page, Arizona, such as hospital, police and fire protection systems, sewage and refuse disposal plants, water treatment and distribution facilities, streets and roads, parks, playgrounds, airport, cemetery, municipal government buildings, and other properties suitable or usable for local municipal purposes, including any fixtures, equipment, or other property appropriate to the operation, maintenance, replacement, or repairs of the foregoing, which are owned by the United States and under the jurisdiction of the Department of the Interior, Bureau of Reclamation, on the date of incorporation of Page, Arizona.

SEC. 3. Upon incorporation of Page, Arizona, as a municipality under the statutes of the State of Arizona, the Secretary shall:

(a) Transfer to the municipality without cost, subject to any existing leases granted by the United States, all improved or unimproved lands within Page, Arizona, owned by the United States, which the Secretary determines are not required in the administration, operation, and maintenance of Federal activities within or near Page, Arizona, and can properly be included within the municipality under the laws of the State of Arizona, except the land to be transferred pursuant to subsection (b) hereof, and to assign to the municipality without cost any leases granted by the United States on such land.

(b) Transfer to the muncipality without cost all rights, title, and interest of the United States in and to any land, and the improvements thereon, which may be contained in any reversionary clause of any dedication deed for land in Page, Arizona, issued by the United States.

(c) Transfer all activities and functions of a municipal character being performed by the United States to the municipality subject to the provisions of sections 4 and 7 of this Act.

(d) Transfer to the appropriate school district without cost all right, title, and interest of the United States to the land in Block 14-A and Lot 1, block 16, as shown on United States Department of the Interior, Bureau of Reclamation drawing No. 557-431-87, April 29, 1971, together with improvements thereon owned by the United States at the date of such transfer.

(e) Transfer to the municipality without cost the municipal facilities, as defined in subsection 2(d) of this Act, except as provided under subsection 4 (a).

(f) Assign to the municipality without cost those contracts to which the United States is a party, and which pertain to activities or functions to be transferred under subsection (c) of this section and are properly assignable. This shall include contracts for furnishing water outside the boundaries of Page, Arizona, utilizing the municipal system: *Provided,* That the contract which the United States has executed with a private utility for furnishing and distributing electrical energy to the municipality shall be assigned to the municipality upon its request: and *Provided further,* That in the assignment of the contract for the operation of the Page Hospital the $50,000 operating fund under said contract shall be transferred to the municipality for the same purpose as a part of the assignment of said contract.

SEC. 4. There is hereby reserved for the Glen Canyon unit, Colorado River Storage Project, the consumptive use of not to exceed 3,000 acre-feet of water per year from Lake Powell, of which not to exceed 2740 acre-feet of consumptive use of water are hereby assigned to the municipality, consistent with the Navajo Tribal Council resolution numbered CJN-50-69, dated June 3, 1969: *Provided,* That upon incorporation the municipality shall enter into a contract satisfactory to the Secretary covering payment for and delivery of such water pursuant to the Colorado River Storage Project Act of June 11, 1956 (70 Stat. 105), which contract shall among other things provide that:

(a) The reservation and assignment of the consumptive use of water from Lake Powell under this section shall be subject to the apportionments of consumptive use of water to the State of Arizona in Article III of the Colorado River Compact and Article III (a) (1) of the Upper Colorado River Basin Compact:

(b) Title to the water pumping and conveyance systems within the Glen Canyon Dam and powerplant necessary to supply water to the municipality for culinary, industrial, and municipal purposes shall be retained by the United States until the Congress provides otherwise;

(c) Such retained facilities shall be operated and maintained by the Secretary at the expense of the United States until termination of the third fiscal year following the year of incorporation. Not to exceed 2,740 acre-feet of water per annum, or 3,000,000 gallons of water in any 24-hour period, will be pumped by the United States from Lake Powell to the water treatment plant, or to such intermediate points of delivery as shall be mutually agreed upon by the municipality and the United States for use by the municipality.

(d) Beginning with the fourth fiscal year following the year of incorporation the municipality shall in each year pay to the United States the annual costs, including depreciation of the pumping equipment, involved in paragraph (c) above.

(e) Upon incorporation and at all times thereafter, the municipality shall bear all costs for operation, maintenance, and replacement of the municipal water system beyond Glen Canyon Dam and powerplant, including but not limited to filtration, treatment, and distribution of water supplied pursuant to the water service contract with the United States.

SEC. 5. As soon as reasonably practicable after incorporation of the community, the Secretary is hereby authorized to complete all or any part of the following work:

(a) Take census of population of the municipality within one year following incorporation.

(b) Repair existing 12-inch water-supply line, if inspection determines this is necessary.

(c) Paint interior of water storage reservoir.

(d) Seal coat paved streets in municipality.

(e) Install water sprinkler system in Page Cemetery.

(f) Improve streets, install curbs, gutters, and sidewalks as follows:

(1) North Navajo Drive

(i) Pave streets to 70-foot width from 9th Avenue to relocated intersection of Aero Avenue and 61-foot width from Aero Avenue to 10th Avenue.

(ii) Place curb, gutter, and sidewalk on east side of North Navajo Drive from Aero Avenue to 10th Avenue.

(2) Aero Avenue from North Navajo Drive to Future Street

(i) Widen existing 30-foot paved width to 70-foot paved width.

(ii) Place curb, gutter, and sidewalk on both sides of street.

(3) Tenth Avenue from Future Street to Sandstone Street

(i) Construct new pavement on north half of street and overlay south half of street.

(ii) Place curb and gutter only on north side of street.

(4) Future Street—Approximately 2,150 feet beginning at 10th Avenue and bordering east side of Block 101 as shown on Page townsite and block plats.

(i) Pave street to 52-foot width.

(ii) Place curb, gutter, and sidewalk on west side of street and curb and gutter only on east side of street.

Provided, that in the performance of the work authorized in this section, the Secretary may either cause the work to be done or transfer funds to the municipality for this purpose after ascertaining that each segment of work will be accomplished by a date certain and to standards satisfactory to the Secretary.

Sec. 6. (a) Upon incorporation the Secretary is authorized to make a lump-sum payment of $330,000 to the municipality as assistance to the municipality in meeting the expenses of police and fire protection facilities and services, sewerage system, refuse disposal, electrical distribution system, water treatment and distribution, streets and roads, library, parks, playgrounds and other recreational facilities, municipal government buildings, and other properties and services required for municipal purposes.

(b) To make a lump-sum payment of $50,000 to the municipality for improvements to the Page Hospital.

Sec. 7. Upon incorporation, the United States will provide to the municipality, upon its request, the services of Federal personnel to assist in the transition from a Federally-administered community to a self-governing municipal corporation: *Provided*, That such assistance shall be for a maximum of six (6) months following the date of incorporation: and *Provided further*, That the total number of such employees shall be limited to ten (10) at any time.

Sec. 8. (a) Beginning with the fiscal year of incorporation of the municipality, the Secretary is authorized to pay annually to the municipality from revenues accrued in the Upper Colorado River Basin Fund a sum equal to 150% of the taxes that would have been paid on property retained by the United States within the municipality that is required in the administration, operation, and maintenance of the Glen Canyon unit of the Colorado River Storage Project were said property in private ownership.

(b) Except as herein specifically provided, no assets of the Colorado River Storage Projects or moneys of the Upper Colorado River Basin Fund shall be utilized after incorporation of the municipality for carrying out the provisions of this Act.

(c) There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, not to exceed $1,100,000 to carry out the purposes of this Act.

Sec. 9. The Secretary is hereby authorized, subject only to the provisions of this Act, to perform such acts, to delegate such authority, and to prescribe such rules and regulations, and establish such terms and conditions as he may deem necessary and appropriate for the purpose of carrying out the provisions of this Act.

Sec. 10. All authority of the Secretary under sections 1 through 9 of this Act shall terminate five (5) years following date of enactment unless incorporation of Page, Arizona, shall previously have been achieved.

Sec. 11. In the event the community of Page, Arizona has not been incorporated under the laws of the State of Arizona on or before December 31, 1973, the Secretary is hereby directed, commencing January 1, 1974, to increase rates for services and other applicable charges for the community of Page, Arizona to amounts sufficient that the sum thereof will cover all costs of administration, operation, and maintenance of municipal facilities or functions in Page, Arizona except for those directly necessary for the administration, operation, and maintenance of the Glen Canyon unit of the Colorado River Storage Project.

Sec. 12. This Act may be cited as the "Page, Arizona, Community Act of 1972."

By Mr. BELLMON:

S. 3790. A bill to authorize the Secretary of Transportation to make loans and loan guarantees to assist railroads in rural areas. Referred to the Committee on Commerce.

RURAL RAILROAD ASSISTANCE ACT OF 1972

Mr. BELLMON. I introduce today for appropriate reference a bill to authorize the Secretary of Transportation to make loans and loan guarantees to assist railroads in rural areas.

In my State, Oklahoma, a situation exists that has no easy solution. Over 5 years ago the Missouri, Kansas, & Texas Railroad Co. requested from the Interstate Commerce Commission the right to abandon service along approximately 350 miles located in the western part of the State. After several years of discussions before the Commission a final decision has been rendered which will allow the termination of service on August 31, 1972.

The area affected by this abandonment includes 12 counties in western Oklahoma with a population of over 140,000 people. Over 50 grain elevators are located along the line to be abandoned.

While the Federal Government has provided loan guarantees and loans to help failing companies in various industries, there is no Federal source which would help finance the operation of an abandoned railroad by a State or local public body or other public agency.

The bill I introduce today will allow the Secretary of Transportation to make such loan guarantees to States, local public bodies, or agencies thereof, to allow them the opportunity to provide needed transportation facilities to rural areas. The bill provides that such loans or guarantees would not exceed 80 percent of the total cost of the project and the applicant of such project would have to demonstrate to the Secretary that a valid need to establish or reestablish service in an area exists.

I hope that the Senate will act quickly on this legislation. It is my opinion that we can solve many of the problems of our cities by providing jobs in rural areas. One way to accomplish this objective is by having an adequate transportation system in those areas. Mr. President, I ask unanimous consent that the text of this bill be printed in full at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Rural Railroad Assistance Act of 1972".

Sec. 2. (a) The Secretary of Transportation (hereinafter referred to as the "Secretary") is authorized to make loans and loan guarantees pursuant to this Act to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of railroad facilities and equipment for use, by operation or lease or otherwise, in rural areas. Eligible facilities and equipment may include railroad right-of-way, tracks, rolling stock, and other real and personal property needed for an efficient and coordinated rural railroad transportation system.

(b) No such loan or loan guarantee shall be provided unless the Secretary determines that the applicant has or will have—

(1) demonstrated a valid need for the establishment or reestablishment or railroad service in the effected area; and

(2) the technical capability to carry out the proposed project.

(c) Any such loan or loan guarantee may be made for not to exceed eighty per centum (80%) of the total costs of the proposed project and shall be subject to such other terms and conditions as the Secretary may determine are necessary to carry out the purposes of this Act.

Sec. 3. There is authorized to be appropriated not to exceed $25,000,000 to carry out the provisions of this Act. Sums so appropriated shall remain available until expended.

Sec. 4. As used in this Act—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States;

(2) the term "local public bodies" includes municipalities and other political subdivisions of States; public agencies and instrumentalities of States, municipalities, and political subdivisions of such States; and other public boards, corporations, and commissions established under the laws of any State;

(3) the term "rural area" means all the territory of a State that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing area with a population density of more than one hundred persons per square mile, according to the latest decennial census of the United States.

By Mr. JACKSON (for himself, Mr. Buckley, Mr. Hartke, Mr. Nelson, and Mr. Church):

S. 3792. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, for myself, the junior Senator from New York (Mr. Buckley), the Senator from Indiana (Mr. Hartke), the Senator from Wisconsin (Mr. Nelson), and the Senator from Idaho (Mr. Church), I introduce an important bill to further the purposes of the Wilderness Act of 1964. This bill designates a number of new areas in the Eastern United States for inclusion in the National Wilderness Preservation System. I am pleased to be joined in sponsorship of this measure by the Senator from New York who has recently taken a seat on the Committee on Interior and Insular Affairs which I have the honor to chair and we in turn are joined by the distinguished Senator from

Wisconsin (Mr. NELSON), and the senior Senator from Idaho (Mr. CHURCH).

Mr. President, in the Wilderness Act of 1964, the Congress established the National Wilderness Preservation System in order to "secure an enduring resource of wilderness" for the American people. As a result of the circumstances at the time, the initial units of wilderness included in this system were predominantly in the rural West, relatively distant from many major centers of population. While the act also specified additional areas of Federal land to be studied for possible addition to the national system, these too are primarily in the Western States, leaving other regions of the country with relatively few areas which have yet to be seriously considered as potential wilderness units.

This emphasis on wilderness in the West results in part from the fact that there is just more wild land in the West. Yet the Wilderness Act laid the charter for a truely national system of preserved wilderness areas, not a limited and regional system.

If we are to have a national wilderness preservation system, it must represent the full range of diversity of the wild American landscape, and it must offer the benefits of wilderness to all our people, in all sections of the land, and near where concentrations of our people live. This goal requires a special effort to identify and preserve suitable wilderness areas near our centers of population and in the eastern sections of the United States.

This is the purpose of the bill we introduce today: to call attention to this important challenge and to demonstrate, by proposing a number of eastern wilderness units, the real opportunity we have to find and set aside such areas within the national wilderness preservation system.

Today our wilderness system already includes a number of fine, well-suited areas in the eastern half of the country. These provide a sample of what we can achieve as we seek a balanced wilderness system. Among them are four areas in the national forests—the Shining Rock Wilderness and Linville Gorge Wilderness, both in North Carolina, the Great Gulf Wilderness in New Hampshire, and the vast Boundary Waters Canoe Area in northern Minnesota.

These four areas were designated as a part of the original Wilderness Act. They are the "pioneers" so far as eastern areas of wilderness go, and they represent the intention of Congress that these areas and areas like them merit their rightful place in a truly national wilderness system.

Since the 1964 act, we have added a number of other eastern areas as wilderness. These are within the national wildlife refuge system and result from a series of studies as required by the Wilderness Act. They have been found suitable and were designated by acts of Congress, and include part of the Seney National Wildlife Refuge in northern Michigan, a portion of the Wichita Mountains refuge in Oklahoma, the Great Swamp Wilderness refuge in New Jersey, and an area in the Moosehorn National Wildlife Refuge in Maine, as well as some fine, wild islands along the Atlantic and Gulf Coasts and in Lakes Michigan, Huron, and Superior.

In bringing these areas into the national system, the Committee on Interior and Insular Affairs and the Congress have recognized the importance of broadening our system of wilderness. Other areas in the East, the Midwest and the South are now under consideration in the Congress, and others will be recommended by the executive branch.

The fact remains that we have sadly neglected the significant wilderness resources to be found in our national forests beyond those areas specifically required to be reviewed by the original Wilderness Act. There are such areas in all regions of the country, but there is a special need to grasp this opportunity in the eastern sections of the country.

The bill we introduce today is a first step in the process of considering the wilderness values of appropriate areas in these forests. We have carefully drawn together 11 sound proposals for new wilderness units in Alabama, Arkansas, Florida, Georgia, Missouri, North Carolina, Tennessee, Virginia, and West Virginia. Each of these proposals represents the thorough studies and fieldwork of local groups who have undertaken to develop boundary plans for lands suitable and desirable as wilderness.

In drawing up this bill, we have included a number of proposals which have been previously introduced in separate legislation in Congress, such as the Otter Creek, Dolly Sods and Cranberry Wilderness areas proposed in West Virginia, the Joyce Kilmer-Slickrock Wilderness proposed in Tennessee and North Carolina, and the Sipsey Wilderness proposed in Alabama. Others represent new proposals being put before the Congress for the first time.

These areas share in common the conviction of local conservationists that they represent land areas which fully exhibit the qualities of wilderness as defined in section 2(c) of the Wilderness Act. These groups know the Wilderness Act and understand its provisions. The areas they have proposed are of sufficient size to be practical for preservation as wilderness.

They are recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. These are undeveloped areas, they retain a natural character, with no improvements or human habitation. Within them, the natural ecosystems and surroundings generally appear to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable.

Each area offers outstanding opportunities for solitude and a primitive, unconfined type of recreation, as well as exhibiting ecological, geological and other features of scientific, educational, scenic and historical value. They are wilderness.

In the final analysis, the Wilderness Act reserves to the Congress the decisions on what areas will be designated as wilderness. Hearings on this bill, at the appropriate time, will offer the opportunity for all concerned to comment on the merits of these particular areas and the boundary configurations of these proposals.

Mr. President, in introducing this legislation, I am mindful of the broad, nationwide support of the American people for the preservation of such areas. Wilderness has a very special place in our culture. One of the pioneers in the movement to preserve wilderness, Aldo Leopold, put it this way:

> There is little question that many of the attributes most distinctive of America and Americans are (due to) the impress of the wilderness and the life that accompanied it. If we have such a thing as an American culture (and I think we have), its distinguishing marks are . . . distinctive characteristics of successful pioneers. These, if anything, are the indigenous part of our Americanism, the qualities that set it apart as a new rather than an imitative contribution to civilization.

The 1964 Wilderness Act was the first step in the permanent, statutory protection of wilderness areas. In this new bill, we offer an especially important and urgent further step. I know this proposal will enjoy broad public support, for it represents our commitment to preserve a broad and inclusive national wilderness preservation system for the benefit of all the people.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF FINDINGS

SECTION 1. The Congress finds and declares that—

(a) in the vicinity of major population centers and in the eastern half of the United States there is an urgent need to identify, designate and preserve areas of wilderness by including suitable lands within the National Wilderness Preservation System;

(b) in recognition of this need, certain suitable lands in the National Forest System in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act of 1964 (78 Stat. 890); certain suitable lands in the National Wildlife Refuge System in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation; and certain suitable lands in the National Park System in the eastern half of the United States have been recommended by the President for designation as wilderness;

(c) there exist in the National Forest System in the vicinity of major population centers and in the eastern half of the United States additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act but which are not required by that Act to be reviewed as to their suitability for preservation as wilderness and have not been so reviewed by the Secretary of Agriculture acting on his own initiatives;

(d) these and other lands in the United States which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance and enhancement of their wilderness character;

(e) the Wilderness Act reserves to the Congress all authority to determine the suitability of any area for preservation as wilderness and to designate "wilderness areas";

(f) in order to secure additional suitable areas of the National Forest System as an enduring resource of wilderness for the benefit of all of the American people of present and future generations, it is in the national interest that these areas be promptly preserved as wilderness within the National Wilderness Preservation System; and

(g) in certain areas of the National Forest System in the eastern half of the United States suitable for designation as wilderness there is an urgent need to acquire non-Federal lands and interests in land in order to assure the proper preservation and management of such areas as wilderness.

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In accordance with the provisions of the Wilderness Act (78 Stat. 890), the following lands are hereby designated as wilderness:

(a) certain lands in the Ouachita National Forest, Arkansas, which comprise about eighteen thousand acres and which are generally depicted on a map entitled "Caney Creek Wilderness—Proposed" and dated June 1972, which shall be known as the "Caney Creek Wilderness";

(b) certain lands in the Ozark National Forest, Arkansas, which comprise about six thousand acres and which are generally depicted on a map entitled "Upper Buffalo Wilderness—Proposed" and dated June 1972, which shall be known as the "Upper Buffalo Wilderness";

(c) certain lands in the Mark Twain National Forest, Missouri, which comprise about sixteen thousand acres and which are generally depicted on a map entitled "Irish Wilderness—Proposed" and dated June 1972, which shall be known as the "Irish Wilderness";

(d) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres and which are generally depicted on a map entitled "Sipsey Wilderness—Proposed" and dated April 1971, which shall be known as the "Sipsey Wilderness";

(e) certain lands in the Chattahoochee and Cherokee National Forests, Georgia and Tennessee, which comprise about thirty-nine thousand acres and which are generally depicted on a map entitled "Cohutta Wilderness—Proposed" and dated June 1972, which shall be known as the "Cohutta Wilderness";

(f) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about fourteen thousand nine hundred and thirty-five acres and which are generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilder—Proposed" and dated June 1972, which shall be known as the "Joyce Kilmer-Slickrock Wilderness";

(g) certain lands in the Monongahela National Forest, West Virginia, which comprise about thirty-six thousand three hundred acres and which are generally depicted on a map entitled "Cranberry Wilderness—Proposed" and dated 1967, which shall be known as the "Cranberry Wilderness";

(h) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres and which are generally depicted on a map entitled "Otter Creek Wilderness—Proposed" and dated 1967 and revised August 1971, which shall be known as the "Otter Creek Wilderness";

(i) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres and which are generally depicted on a map entitled "Dolly Sods Wilderness—Proposed" and dated 1967, which shall be known as the "Dolly Sods Wilderness";

(j) certain lands in the George Washington National Forest, Virginia and West Virginia, which comprise about seventeen thousand acres and which are generally depicted on a map entitled "Laurel Fork Wilderness—Proposed" and dated June 1972, which shall be known as the "Laurel Fork Wilderness"; and

(k) certain lands in the Appalachicola National Forest, Florida, which comprise about twenty-two thousand acres and which are generally depicted on a map entitled "Bradwell Bay Wilderness—Proposed" and dated June 1972, which shall be known as the "Bradwell Bay Wilderness".

SEC. 3. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. (a) Except as otherwise provided by this section, the wilderness areas designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, federally owned lands within areas designated as wilderness by this Act or hereafter acquired within the boundaries of such areas are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(c) Notwithstanding the provisions of section 5 of the Wilderness Act, within areas designated as wilderness by this Act the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. BUCKLEY. Mr. President, I am particularly pleased to join the distinguished Senator from Washington and chairman of the Committee on Interior and Insular Affairs in sponsoring this important wilderness legislation. Though our bill is not provided with a formal title, we might wish to call it the Omnibus Eastern Wilderness Areas Act.

Thus far, most of the areas set aside for protection under the 1964 Wilderness Act have been in the Western United States. Most of the other areas which are now being formally studied for wilderness suitability are also in the West. Thus it may come as a surprise to some to discover that we have, in the eastern half of the country, an opportunity to identify and preserve a number of areas which are suitable for inclusion within the national wilderness preservation system.

As a Senator from a very large, populous Eastern State, I am particularly aware of the importance our people attach to these kinds of areas. The benefits of this great American wilderness resource do not extend solely to those who have the first-hand experience of a trip through the wilderness, though the demand for primitive, unencumbered, nonautomated outdoor recreation and for the pleasures of solitude in wild country is certainly increasing. Millions more view these areas of undeveloped land from the edges, and in the experience of viewing these great expanses, probe with their minds and senses the vastness of the wild landscape. Others cherish the wilderness we are preserving for the inner perspective they find in simply knowing it is there, as an anchor to windward. The novelist Wallace Stegner has expressed these values in the following words:

> The reminder and the reassurance that it is still there is good for our spiritual health even if we never once in ten years set foot in it. It is good for us when we are young, because of the incomparable sanity it can bring briefly, as vacation and rest, into our insane lives. It is important to us when we are old simply because it is there—important, that is, simply as an idea.
>
> We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope.

John Stuart Mill caught the idea as well as anyone:

> A world from which solitude is extirpated is a very poor ideal . . . Nor is there much satisfaction in contemplating the world with nothing left to the spontaneous activity of nature.

In the East, the Midwest, and the South, just as in the West, we can secure areas of wilderness that can preserve the option for solitude. We can have a system of wilderness areas nationwide in scope, representative of the diversity of our land, of its flora and fauna, and history. The Wilderness Act gives us this opportunity in its practical program for identifying and preserving areas of all varieties. As Aldo Leopold, who set aside the very first wilderness area, stressed:

> In any practical program the unit areas to be preserved must vary greatly in size and degree of wildness.

In his 1972 environmental message, President Nixon again expressed his very strong commitment to the wilderness preservation program. He transmitted to the Congress proposals for setting aside 18 new wilderness areas. In doing so, the President gave recognition to the need to give national balance to the wilderness system when he said:

> Unfortunately, few of these wilderness areas are within easy access of the most populous areas of the United States. The major purpose of my Legacy of Parks program is to bring recreation opportunities closer to the people, and while wilderness is only one such opportunity, it is a very important one. A few of the areas proposed today or previously are in the eastern sections of the country, but the great majority of wilderness areas are found in the West. This of course is where most of our pristine wild areas are. But a greater effort can still be made to see that wilderness recreation values are preserved to the maximum extent possible, in the regions where most of our people live.
>
> I am therefore directing the Secretaries

> of Agriculture and the Interior to accelerate the identification of areas in the Eastern United States having wilderness potential.

Mr. President, I share this concern. As the only easterner on the Interior Committee, I am especially pleased to serve on the Subcommittee on Public Lands which deals with the wilderness program and considers these wilderness proposals.

We have extensive areas of untouched land in the Eastern half of the country. It is here that the largest numbers of our people live. This bill proposes to preserve for their special benefit significant portions of this wilderness by including them in the National Wilderness Preservation System.

I am especially pleased by the examples of citizen initiative which have contributed so greatly to this bill. These proposals reflect the work and dedication of local groups and teams of people in each area. This is one of the most wholesome elements of the wilderness program—its strong reliance on the involvement and recommendations of those who have the most intimate knowledge of the areas selected for protection.

I am certain that we will see other, equally sound proposals developed by other citizen groups, as a number of efforts are now underway systematically to inventory additional areas throughout the country which may merit protection as wilderness.

By Mr. BAYH (for himself, Mr. RANDOLPH, and Mr. COOPER):

S. 3793. A bill to amend section 125 of title 23 of the United States Code in order to increase the authorization for emergency relief for the repair or reconstruction of highways on the Federal-aid highway systems. Referred to the Committee on Public Works.

EMERGENCY RELIEF FOR HIGHWAYS DAMAGED IN MAJOR DISASTERS

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to amend section 125 of title 23, United States Code, which would double the authorization for the repair or reconstruction of Federal-aid highways damaged by major disasters.

In recent weeks many sections of roads and numerous bridges have been destroyed or severely damaged by a series of floods in several parts of the Nation. Hurricane Agnes especially has wreaked havoc from Florida to New York, leaving in its wake widespread destruction and loss.

Although it is too early to make an accurate assessment of the total cost of replacing or repairing roadways and bridges, I have been informed that the amount will no doubt exceed the present authorization of $50 million provided for emergency relief in title 23. Therefore, my amendment would increase this amount to $100 million.

It should be noted that 60 percent of the funds authorized under this section are to be appropriated from the Highway Trust Fund and 40 percent must be appropriated from general funds. Although the total which can be spent in any 1 fiscal year is limited by law to the maximum authorization, unexpended balances remain available for the succeeding 2 fiscal years. Because of this carryover feature more than $100 million will be on hand if my amendment is adopted.

Let me stress that this authorization applies only to those highways which are located on one of the various Federal-aid systems. It seems probable that the damages suffered by State, county, and city streets and bridges which are not eligible for assistance under title 23 will be greatly in excess of those inflicted on Federal-aid highways.

The effect of flooding has been especially devastating in many rural and urban areas near rivers and streams which overflowed their banks, washing out roadbeds and sweeping away many bridges. In many cases, however, improved drainage and higher elevation helped to protect structures on the Federal-aid system.

Fortunately, however, the Disaster Relief Act of 1970 provided for contributions up to 100 percent of the net cost for repairing, reconstructing or repairing all State and local public facilities, including highways and bridges. Funds for this purpose will have to be expended from general appropriations provided for the President and which are channeled through the Office of Emergency Preparedness under Public Law 91–606. Congress is now in the process of increasing substantially the funds made available to the President for major disaster relief, but separate action will be necessary to increase the aid for Federal-aid highways damaged by major disasters.

In view of the vital importance of our highways to transportation and the economy, it is essential that they be restored to good condition as soon as possible. It would be unfortunate if these arteries should be delayed because the present $50,000,000 authorization proved to be too small.

It seems to me that it would be prudent for Congress to act as quickly as possible on this urgent matter.

By Mr. GRIFFIN:

S. 3794. A bill to amend the Natural Gas Act in order to expand the jurisdiction of the Federal Power Commission under such act. Referred to the Committee on Commerce.

NATURAL GAS LEGISLATION

Mr. GRIFFIN. Mr. President, I introduce for appropriate reference and consideration a bill which would amend the Natural Gas Act of 1938 by making intrastate transportation and wholesale sales of natural gas subject to the jurisdiction of the Federal Power Commission.

There is, of course, no secret about the fact that the Nation is presently confronted with a serious shortage of energy, including natural gas. For instance, the Federal Power Commission estimates that by 1990 the demand for gas will exceed available gas supplies by nearly 60 percent. This deficit is expected despite the availability of gas that will be produced from coal, gas from Alaska, pipeline imports, and large quantities of liquefied natural gas imports.

There have been conflicting explanations offered as to the reasons for the anticipated shortage. Some have even claimed that the shortage is contrived. So far as I can determine, the symptoms of the shortage are quite real; and, unfortunately, there is every indication that the situation will get worse before it begins to get better.

Michigan is a natural gas producing State, and I am pleased that some encouraging new discoveries have been made recently in the northern area of our State. Nevertheless, we are basically a gas consuming State, importing from the southwestern part of the United States and from Canada.

But quite aside from the impact of the expected shortage on any particular State, it is only being realistic to characterize the gas supply situation as a very serious national problem. Accordingly, I am convinced that a national approach is needed.

The bill I am introducing today offers a national approach to the regulation of natural gas by eliminating an arbitrary distinction that exists as between interstate gas and intrastate gas. This arbitrary distinction has been recognized as part of the Natural Gas Act since its inception in 1938. As I understand it, the rationale for the distinction at the time of enactment of the Natural Gas Act rested on the assumption that there was an abundant supply of gas and that protection was needed only for those consumers who, by virtue of the enormous investment in interstate pipelines and their immovable character, had to be protected against excessive rates. It was successfully argued then that the production, transportation, and consumption of gas within a single State presented no problems meriting Federal concern or regulation.

Today that situation no longer exists. If there is a severe imbalance between gas supply and gas consumption—and there is—it means that the supply we do have is a national resource. It should be considered and treated on a national basis.

Unfortunately, the lack of FPC jurisdiction over intrastate sales of natural gas has given the major gas producing States a tremendous economic advantage. If, as some claim, natural gas has been underpriced in the past, the separate regulatory systems have enabled the intrastate market to stay just high enough over the interstate market to siphon off a very substantial portion of natural gas which could have gone to meet the residential and commercial needs of other areas of the country.

Approximately one-third of the natural gas produced in this country is sold intrastate. An even greater percentage of the gas from new fields is being diverted to the intrastate market. In recent testimony presented to the Senate Commerce Committee, John Morton, chairman of the Board of the Independent Natural Gas Association of America, made a persuasive case for eliminating the inequitable distinction as between sales of intrastate and interstate natural gas. He said:

> The intrastate market for gas in states which produce more of this fuel than they consume presently has such a pronounced advantage over the vastly larger area dependent upon interstate supplies that any new volumes exposed to competition from

the intrastate market are almost invariably lost to it. Unfortunately, the imbalance becomes more severe as the shortage increases. And, since the only major distinguishing features of the intrastate market is its exemption from regulation under the statutory standards of the Natural Gas Act, the cause of the disparity, and hence its solution, is readily apparent.

Mr. Morton pointed out that more than three-fourths of all new gas dedications are going to the intrastate market. He noted that:

> With the exception of offshore areas from which gas production is interstate because of its location, the trend toward greater dedication for intrastate use is applicable in each of the major producing areas. 90% of all gas produced in the United States originates in the five major producing areas which are located either wholly or partially within the States of Texas and Louisiana: 1. Texas Gulf Coast; 2. Permian Basin; 3. Hugoton-Anadarko; 4. Other Southwest; and 5. Southern Louisiana.
>
> In many of these areas the intrastate market has been taking the bulk of the gas for several years, and the proportion is progressively increasing. From the beginning of 1966 until mid-1970, interstate commitments from the Texas Gulf Coast Area constituted only 10% of new gas volumes. During the same period the interstate commitment from the Hugoton-Andarko area was only 26%, and from the Other Southwest Area, less than 50%.

In addition to the large quantities of gas diverted to the intrastate market, substantial portions are being used in some of the gas producing States of the Southwest for what must be regarded as less desirable uses, such as the generation of electricity. It is not that generating electricity is an undesirable objective, but rather that there are, at least in many instances, alternative fuels which could be used without detriment to the consumers of electricity or to the environment. While I can appreciate that there are enormous difficulties involved in attempting to control the uses to which particular fuels can be put, when such a shortage exists there should be a logical, reasonable way to allocate the limited supply.

Outside the South and Southwest, local companies distributing natural gas have been forced in many areas to adopt rationing policies for existing customers, and to refuse service to new housing units and new commercial customers. A survey conducted in January of this year by the National Association of Regulatory Utility Commissioners revealed that some curtailment of new and existing service has been ordered in more than 20 States.

This inequitable burden could be alleviated to a considerable extent by enactment of the legislation I am introducing today. My proposal would simply insure that all of the Nation's gas supply would be subject to uniform regulation.

The proposed legislation would preserve existing Federal regulation over sales of natural gas by producers to pipelines, over certification of the construction of pipelines, and over sales by pipelines to local distribution companies and municipally owned systems. The regulation of sales by distribution companies and systems to the ultimate consumer would continue to be regulated by State and local regulatory bodies.

This bill would also make clear that the Federal Power Commission has jurisdiction over liquefied natural gas, an issue currently being litigated.

Finally, this legislation would also confer jurisdiction upon the Federal Power Commission over direct commercial and industrial sales by pipelines and producers, both interstate and intrastate.

Obviously, if it is enacted, this proposal, by itself, will not solve the whole gas shortage problem. However, it would operate to make certain that available supplies of gas are distributed throughout the Nation on a fair and uniform basis.

If my proposal is enacted, considerable benefit will still accrue to the benefit of producing States since the costs of transporting natural gas from where it is produced to where it is consumed will continue to be much less within the producing State.

Mr. President, in my view, it is essential that the Congress face up to the difficult issues posed by the natural gas shortage, and I hope that the proposal I have offered today will be promptly considered and enacted by the Congress.

By Mr. WILLIAMS:

S.J. Res. 252. A joint resolution to authorize the President to proclaim February 11 of each year as "National Inventors' Day." Referred to the Committee on the Judiciary.

NATIONAL INVENTORS' DAY

Mr. WILLIAMS. Mr. President, today I am introducing, for appropriate reference, a resolution that would authorize the President to proclaim February 11 of each year as "National Inventors' Day."

Throughout the years of our growth and advancements, inventions and innovations have been the key to our national prosperity. This country's abundant and continuous scientific, industrial, and technological achievements directly resulted from the many years, and often lifetimes, that the talented, dedicated men and women have donated. Their contributions to the progress of this Nation and the world are innumerable.

It would also be especially appropriate to designate February 11 of each year as a day of national tribute to all inventors, as February 11 marks the birthday of one of this country's most famous and remarkable citizens, Thomas Edison. To set aside this particular day would serve to significantly recognize the work and creation of all inventors.

Mr. President, in order, therefore, that all citizens of this country may appropriately honor the people who have offered so much to the betterment of the United States, I urge Congress to act favorably on this resolution, and adopt a "National Inventors' Day."

By Mr. WILLIAMS:

S.J. Res. 253. A joint resolution to authorize the President to proclaim the month of April 1973, as "National Health Professional Careers Month." Referred to the Committee on the Judiciary.

NATIONAL HEALTH PROFESSIONAL CAREERS MONTH

Mr. WILLIAMS. Mr. President, today I am offering a resolution that would authorize the President to proclaim April 1973, as "National Health Professional Careers Month."

Within recent years, as a result of this Nation's rapid and expanded advancements in the area of medical technology, numerous employment opportunities have become available. At present, nearly 4 million people are engaged in some area of the health careers industry. But, this figure is far short of the need. In 1970, for example, it was estimated that the shortage of physicians was almost 50,000 and the shortage of dentists was approximately 18,000. In that same year, this country needed 8,700 more optometrists, 13,000 more podiatrists, and 10,000 veterinarians. It is now estimated that by 1980, we will have a shortage of 432,000 in allied health manpower.

Within the last decade, it has become enormously clear that major efforts must be made to help educate and train additional manpower in this important area of our national health care. Congress appropriately accepted the responsibility of sharing this burden by initiating far-reaching and necessary legislation.

In the 1960's Congress enacted the Health Professions Educational Assistance Act of 1963, the Nurse Training Act of 1964, the Allied Health Professions Personnel Training Act of 1966, and the Health Manpower Act of 1968. Since then, the Health Training Improvement Act of 1970 has become public law, and the Nurse Training Act of 1971 and Comprehensive Health Manpower Training Act of 1971, were enacted only last year.

The amount of money authorized to the health careers professions, as a result of these laws, is enormous, but this commitment is necessary and vital to this country's health care program. In fiscal year 1972, alone, $614 million was appropriated for health manpower purposes, being used to improve and expand educational and training programs and to construct adequate facilities throughout the country.

Mr. President, the people involved in the health careers industry are not just our physicians, dentists, and other extensively educated professionals. Many of our elderly and our youth have demonstrated an eagerness to be trained and a willingness to dedicate their service and talent in order to improve our national health care system. I believe that to set aside a special month for recognition of these dedicated people would not only appropriately acknowledge their work and efforts, but would also serve to make more people aware of this vital area of our health care, and I am sure, would encourage more citizens to offer their services and join in the commitment of improving our health care system.

I am hopeful, therefore, that Congress will act likely and favorably on this resolution, so that all citizens may appropriately honor April 1973, as "National Health Professional Careers Month."

NOTE

S. 3782

Mr. SCOTT. Mr. President, yesterday I introduced S. 3782, the "Emergency Transportation Facilities Restoration Act," a bill to authorize up to $60 million in Federal assistance to railroads for replacements and repairs to essential equipment needed as the direct result of last week's severe flooding.

In introducing this bill, I neglected to ask that its text be included in the RECORD. Because I believe this would be useful, I now ask unanimous consent that S. 3782 be printed in its entirety at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Transportation Facilities Restoration Act".

DEFINITIONS

SEC. 2. For the purpose of this Act—

(1) "Secretary" means the Secretary of Transportation.

(2) "Railroad" means any common carriers by railroad subject to part 1 of the Interstate Commerce Act (49 U.S.C. 1–27).

FINANCIAL ASSISTANCE

SEC. 3. The Secretary is authorized, through June 30, 1975, to make grants and loans in an aggregate amount not to exceed $60,000,000 to railroads for the purpose of restoring or replacing essential railroad facilities or equipment including, without limitation, bridges, track, track structures, signal and communication systems, and rolling stock, damaged or destroyed as a result of the natural disasters which occurred during the month of June 1972.

APPLICATIONS

SEC. 4. Grants and loans shall be made upon application of a railroad in such form and manner as the Secretary shall prescribe and upon proof, satisfactory to him, of the cost incurred or to be incurred in the restoration or replacement of such essential facilities and equipment. No railroad shall receive more than 25 percent of the funds available for making grants and loans under this Act.

GRANTS

SEC. 5. Grants shall be made under this Act only to railroads in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) and to railroads which have reported to the Interstate Commerce Commission on the Railroad Annual Report Form A a deficit net income for either of their last two fiscal years.

ADVANCES

SEC. 6. The Secretary may make advances of grant funds in such sums as he may deem appropriate pending his approval of applications for grants. Each such advance shall be subject to recapture to the extent it exceeds the amount of the approved grant.

SUBROGATION OF CLAIMS

SEC. 7. To the extent that any railroad has a right or claim for compensation based upon insurance or upon any other Federal, State, or local program for disaster relief for losses resulting from the destruction or damage to essential facilities or equipment which are to be restored or replaced pursuant to a grant made under this Act, the Federal Government shall be subrogated to any such claim for an amount equal to the amount of the grant. As a condition to the receipt of a grant under this Act, a railroad shall agree to pursue diligently any other such right or claim for compensation.

LOANS

SEC. 8. Loans may be made under this Act to those railroads which are not eligible to receive grants.

INTEREST ON LOANS

SEC. 9. Any loan made under this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of 10 to 12 years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this Act bear interest at a rate in excess of 6 per centum per annum.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and the two succeeding fiscal years, such sums, not exceeding $60,000,000 in the aggregate, as may be necessary for the making of grants and loans under this Act.

INTERSTATE RAILROAD ACT OF 1972

Mr. HARTKE. Mr. President, on June 28, I introduced S. 3769, the Interstate Railroad Act of 1972. At that time I had intended to have printed in the RECORD the text of the bill, but inadvertently that was not done. In addition the summary which was reprinted in the RECORD contained an error. At this time I ask unanimous consent that the text of S. 3769 and a corrected summary be printed in the RECORD at this point.

There being no objection, the bill and summary was ordered to be printed in the RECORD, as follows:

S. 3769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Railroad Act of 1972".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. The Congress finds that modern, efficient railroads are vital to interstate commerce and to national defense; that increased utilization of existing railroad rights of way is more compatible with the environment in terms of land use, air pollution and noise levels than is expansion of facilities for other modes of transportation; that railroad tracks and roadbeds have greatly deteriorated in recent years; that such deterioration has resulted in inferior railroad transportation for both freight and passengers, together with a sharp increase in train derailments; that rehabilitation of such tracks and roadbeds will provide substantial public benefits through improved rail freight and passenger service; that the efficiency and quality of railroad service and the economic utilization of the railroad plant can be improved by freer access by rail carriers to portions of railroad lines they do not own; and that to obtain modern and efficient rail service it is necessary to designate an Interstate Railroad System, to require minimum standards of maintenance on the railroad lines comprising such system, to establish rights of access by rail carriers to railroad lines owned by others, and to provide Federal financial assistance for certain rehabilitation of railroads.

DEFINITIONS

SEC. 102. For the purposes of this Act—the term—

(1) "automatic block signals" includes automatic train stop systems, automatic train control systems, automatic cab signal systems, and any system of centralized traffic control by which a train is operated in accordance with signal indications without train orders; and

(2) "Carrier by railroad" includes railroad corporations; mail, express, or less-than-carload freight carriers; forwarders; state, regional, or local transportation agencies; and the National Railroad Passenger Corporation.

(3) "Railroad corporation" means a Class I, II, or III railroad as defined by the Interstate Commerce Commission and subject to Part I of the Interstate Commerce Act; and

(4) "Railroad line" includes main rail track or tracks; side tracks and yard tracks adjacent to such main tracks; the roadbed supporting such tracks; signalling and communication structures and devices as are permanently installed on or adjacent to such tracks and roadbed; bridges, culverts, fills, tunnels and other structures occupied by such tracks and roadbed; real estate occupied by such tracks and roadbed; and real estate adjacent to such tracks and roadbed which is used for drainage of maintenance of access to, and protection of such tracks and roadbed; but does not include classification yards; terminal yards and facilities, or any structures and devices other than those specified in this paragraph; and

(5) "Secretary" means the Secretary of Transportation.

TITLE II—DESIGNATION OF INTERSTATE RAILROAD SYSTEM

INITIAL DESIGNATION OF SYSTEM

SEC. 201. (a) The initial Interstate Railroad System shall consist of all railroad lines which as of the date of enactment of this Act are equipped with two or more main tracks or with automatic block signals.

(b) Within ten days after the date of enactment of this Act, the Secretary shall prepare and make available to any interested party a concise descriptive summary, together with a map, of all railroad lines included within the initial Interstate Railroad System prescribed by subsection (a) of this section.

FINAL DESIGNATION OF SYSTEM

SEC. 202. (a) Any interested person, corporation, association, or government agency may, within sixty days after release of the summary of the initial Interstate Railroad System, provide the Secretary with comments and recommendations consistent with the purposes of this Act as to railroad lines which should be added or deleted from such system. The Secretary shall make available upon request copies of such comments and recommendations.

(b) Any interested person, corporation, association, or Government agency may, within thirty days after the date for filing comments and recommendations in accordance with subsection (a) of this section, provide the Secretary with its reply to such comments and recommendations.

(c) Within ninety days of the date for filing such replies, and upon due consideration of all comments and recommendations and replies thereto, the Secretary shall submit a report to the Congress designating the Interstate Railroad System with such alterations in the initial system as he may determine to be in the public interest. In designating such system the Secretary shall take into consideration the interests of persons, communities, States, and regions affected thereby; the existing pattern of service by railroads and alternative modes; present and future economic and population patterns; and the public interest in a balanced, integrated, competitive, and economical transportation system responsive to the needs of the public and the users of such system. Such report shall include findings in support of each addition to or deletion from the initial designation of such system.

(d) The Interstate Railroad System as designated by the Secretary shall become effective for the purposes of this Act upon the date that the report of the Secretary is submitted to Congress, and shall not be reviewable in any court.

AMENDMENT OF SYSTEM

SEC. 203. (a) If as a consequence of an arrangement for joint use of a railroad line the volume of traffic over any given railroad line of the Interstate Railroad System will be substantially reduced, the Secretary, upon request of any party, may delete such line from the system upon sufficient proof that such deletion is consistent with the public interest. Request for deletions may be heard and decided concurrently with joint use applications filed in accordance with section 401 of this Act. Upon approval of any deletion under this section, the railroad line over which trackage rights are acquired shall be designated a part of the interrailroad system if it is not already included.

(b) At any time after the expiration of three years following the designation of such system pursuant to section 202(a), any party may request the Secretary to add or delete railroad lines to or from such system. The Secretary shall make the addition or deletion if provided with sufficient proof that such addition or deletion is consistent with the public interest.

(c) Approval by the Secretary under this section of a deletion from the Interstate Railroad Systems shall not be considered by the Interstate Commerce Commission as evidence in an abandonment proceeding that service on the railroad line deleted is no longer required by public convenience and necessity.

TITLE III—MAINTENANCE STANDARDS FOR INTERSTATE RAILROAD SYSTEM

GENERAL STANDARDS

SEC. 301. (a) All main track included within the Interstate Railroad System shall meet all of the requirements regarding track geometry, rail mismatch, rail and batter, and frogs, of the track safety standards for Class Five (5) track as proposed by the Secretary in notice of proposed rulemaking published in the Federal Register of June 23, 1971, pages 11974–11980.

(b) The Secretary shall issue such orders as may be necessary to require that all track within such system is in compliance with this section on or before the expiration of three years following the date of establishment of such system pursuant to section 202 of this Act.

PROTECTION OF EMPLOYEES

SEC. 302. No owner or possessor of railroad lines shall contract out any rehabilitation work required by this Act which is normally performed by employees in any bargaining unit covered by a labor agreement between such owner or possessor and any labor organization, except in any case where such owner or possessor establishes to the satisfaction of the Secretary that such employees are unable to perform such work in an economic and efficient manner.

TITLE IV—ACCESS TO RAILROAD LINES AND FACILITIES

AUTHORITY TO ORDER ACCESS

SEC. 401. (a) Upon application of any carrier by railroad for the use of any railroad line or other facility, the Secretary shall by order, if he finds that such use will not substantially impair the ability of the owner or possessor of such railroad line or other facility to handle its own business, require such owner or possessor to permit the applicant to use such railroad line or other facility upon such terms and conditions and for such compensation as is just and reasonable under the circumstances: *Provided,* That compensation for such use by passenger carriers shall not exceed the incremental expenses incurred by the owner or possessor as a result of such use.

(b) Applications by passenger carriers under this section for the use of a railroad line or other facility shall be acted upon by the Secretary within one hundred and twenty days after such application is filed.

(c) Compensation pursuant to subsection (a) shall be adequately secured before enjoyment of the use may be commenced. If such compensation is not duly and promptly paid, the owner or possessor may bring an appropriate action against the using carrier by railroad.

MODIFICATION OF ARRANGEMENTS

SEC. 402. If under any arrangement for the use of a railroad line or other facility which is in effect at the time of enactment of this Act, or which is entered into subsequently, a party to such arrangement desires a modification in the terms or conditions, including compensation, such party may apply to the Secretary for an order fixing revised terms or conditions as may be consistent with section 401.

PROTECTIVE ARRANGEMENTS FOR EMPLOYEES

SEC. 403. (a) The Secretary shall include in all orders entered under section 401 a fair and equitable arrangement to protect the interests of the employees affected. Such arrangement shall provide that during the period of four years from the effective date of such order, the joint usage of a railroad line or facility will not result in employees of the carrier or carriers by railroad affected by such order being in a worse position with respect to their employment, except that the protection afforded to any employee pursuant to this sentence shall not be required to continue for a longer period, following the effective date of such order, than the period during which such employee was in the employ of such carrier or carriers prior to the effective date of such order. Notwithstanding any other provision of law, an agreement pertaining to the protection of the interests of said employees may hereafter be entered into by any carrier or carriers by railroad and the duly authorized representative or representatives of its or their employees.

(b) Any agreement voluntarily entered into for the use of a railroad line or other facility shall contain a fair and equitable arrangement to protect the interests of the employees affected, in accordance with subsection (a) of this section.

TITLE V—FINANCIAL ASSISTANCE

REIMBURSEMENT OF TAXES ON FIXED FACILITIES

SEC. 501. (a) Commencing with the year 1973, the Secretary of the Treasury shall, on or before April 15 of each year, reimburse all railroad corporations for the amounts paid during the preceding calendar year to State and local governments in taxes assessed against railroad lines including taxes imposed in lieu of such assessments.

(b) There is hereby authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section, but not to exceed $200,000,000 in any one fiscal year.

RAILROAD REHABILITATION FUND

SEC. 502. (a) A railroad rehabilitation fund is hereby established in the Treasury of the United States as a separate fund subject to withdrawal by check of the Secretary. As a condition to receiving payments for any calendar year pursuant to section 501, each railroad corporation shall pay to the Secretary for deposit in the fund on or before April 15 following such year an amount equivalent to twenty per centum of its net income before extraordinary items, as reported to the Interstate Commerce Commission for such calendar year: *Provided,* That no railroad corporation shall be required to pay an amount in excess of what has been or will be reimbursed to it for such year by the Secretary of the Treasury in accordance with section 501.

(b) Monies deposited in the fund shall remain available for expenditure without limitation as to time and are not subject to apportionment under section 3679 of the Revised Statutes (31 U.S.C. 665).

REHABILITATION ASSISTANCE GRANTS

SEC. 503. (a) The Secretary is authorized, upon application of a railroad corporation which—

(1) is undergoing reorganization under the Federal bankruptcy laws, or

(2) has failed to earn any net income, as reported to the Interstate Commerce Commission, for the yearly average of the most recent three calendar year period,

to make rehabilitation assistance grants from the railroad rehabilitation fund for the purpose of enabling such railroad corporation to comply with section 301 of this Act, upon such terms and conditions as are just and reasonable and consistent with the public interest. Applications shall specify the estimated itemized cost of rehabilitation work to be performed with the proceeds of grants.

(b) No railroad corporation which receives such a grant shall disburse any dividends or make any investments in non-transportation enterprises unless and until the Secretary certifies that the work to be performed with the proceeds of such grant has been satisfactorily completed.

(c) The Secretary shall ascertain that recipients of such grants accomplish the required rehabilitation work in an economic and efficient manner.

(d) The Secretary shall not commit funds under this section beyond those available during the fiscal year in which the applications are made. During succeeding fiscal years the Secretary may consider additional applications in accordance with availability of funds. Upon completion by those railroad corporations described in subsection (a) of this section of the rehabilitation work required by this Act, the Secretary may consider applications by any owner or possessor of railroad lines for assistance in complying with the Federal Railroad Safety Act of 1970 and for major upgrading of railroad lines, including line relocation, modernization of signal systems, highway grade crossing elimination, and electrification.

(f) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section may not exceed $1,000,000,000. The Secretary shall prescribe and collect a reasonable annual fee for such guarantees.

(g) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

(h) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (a) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (g) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations as acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

REHABILITATION ASSISTANCE LOAN GUARANTEES

SEC. 504. (a) The Secretary is authorized, upon application from an owner or possessor of railroad lines, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance rehabilitation work required by this Act or by the Federal Railroad Safety Act of 1970, upon such terms and conditions as are just and reasonable and consistent with the public interest. Applications shall specify the estimated itemized cost of rehabilitation work to be performed with the proceeds of guaranteed loans. In passing upon applications, the Secretary shall consider the relative ability of applicants to pay for the required rehabilitation work from their own resources or from nonguaranteed commercial loans.

(b) The maturity date of guaranteed loans under this section, including all extensions and renewals thereof, shall not be later than twenty years from the date of issuance. No railroad corporation which receives such a guaranteed loan shall increase any dividend disbursement on any class of stock or make any investments in nontransportation enterprises unless and until such loan is fully repaid.

(c) The Secretary shall ascertain that recipients of such guaranteed loans accomplish the required rehabilitation work in an economic and efficient manner.

(d) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

(e) Any guarantee made by the Secretary under this section shall not be terminated, canceled or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obligations, or loans and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

EMERGENCY RECONSTRUCTION GRANTS

SEC. 505. At any time on or after the date on which applications for rehabilitation assistance grants pursuant to section 503 may be filed, any owner or possessor of railroad lines may apply to the Secretary for a grant or loan from the railroad rehabilitation fund to reconstruct railroad lines which have been damaged or destroyed by flood, washout, windstorm, earthquake, or other unforeseeable disaster outside the control of the applicant. Such assistance shall not be extended to applicants which are able to finance reconstruction with their own resources. The total of all such assistance shall not exceed $10,000,000 in any one fiscal year.

RESEARCH AND DEVELOPMENT

SEC. 506. The Secretary shall undertake a continuing program of research and development including demonstration projects, into improving the stability, ride quality, longevity, and maintenance economics of railroad track and roadbed. Total expenditures from the railroad rehabilitation fund in any one fiscal year for purposes of this section shall not exceed $10,000,000.

TITLE VI—ADMINISTRATION AND ENFORCEMENT

POWERS OF THE SECRETARY

SEC. 601. The Secretary is authorized to perform such acts, including, but not limited to, conducting investigations, holding hearings, making reports, issuing subpoenas, requiring production of documents, taking depositions, prescribing record keeping and reporting requirements, promulgating rules and regulations, and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, as he deems necessary to carry out the provisions of this Act. Officers, employees, or agents of the Secretary are authorized to enter upon, inspect, and examine rail facilities and pertinent books, papers, and records. Such officers, employees, and agents shall display proper credentials when requested.

RIGHT TO COURT ORDERS

SEC. 602. The United States District Court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of Rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to enforce the provisions of this Act, and orders of the Secretary issued thereunder, by the issuance of injunctions or restraining orders or by the granting of such other relief as may be appropriate.

PENALTIES

SEC. 603. (a) It shall be unlawful for any railroad corporation to disobey, disregard, or fail to adhere to the provisions of this or to any rule, regulation, order, or standard prescribed by the Secretary under this Act.

(b) The Secretary shall include in, or make applicable to, any rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than $250 nor more than $2,500, as he deems reasonable.

(c) Any railroad corporation violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under this Act shall be covered into the Treasury as miscellaneous receipts.

SUBPENAS IN COURT ACTION

SEC. 604. In any action brought under this Act, subpenas for witneses who are required to attend a United States district court may run into any other district.

TITLE VII—LONG TERM CAPITAL IMPROVEMENT AND MAINTENANCE NEEDS

CONDUCT OF STUDY BY SECRETARY OF TRANSPORTATION

SEC. 701. (a) Within two years after the date of enactment of this Act, the needs for line relocation, modernization of signal systems, highway grade crossing elimination, electrification, and other major upgrading of the Interstate Railroad System established by this Act. The study shall specifically identify all short-to-medium distance corridors in densely populated areas in which such upgrading would substantially increase the contribution that rail transportation could make in meeting future demand for transportation of freight and passengers. The study shall evaluate the form and extent to which the Federal Government should assist with the financing of such upgrading.

(b) The study shall evaluate the extent, if any, that the Federal Government should continue maintenance of railroad lines to the standards required by this Act and by the Federal Railroad Safety Act of 1970, upon completion of the rehabilitation work required by both such Acts.

SUBMISSION OF REPORT

SEC. 702. Upon completion of the study under section 701, the Secretary shall submit to the President and to the Congress, and shall release to the public, a full report thereon together with his recommendations for such legislative, administrative, and other actions as he deems appropriate for implementing the report.

FUNDING FOR STUDY

SEC. 703. The Secretary is authorized to expend from the railroad rehabilitation fund such sums as are necessary to fulfill the requirements of this title, not to exceed $1,000,000.

TITLE VIII—MISCELLANEOUS PROVISIONS

INFORMATION FURNISHED TO CONGRESSIONAL COMMITTEES

SEC. 801. The Secretary shall, if requested by any appropriate committee of the Senate or Representatives, furnish such committee with information concerning activities carried out under this Act.

ANNUAL REPORT TO CONGRESS

SEC. 802. The Secretary shall submit to Congress on the first day of each regular session an annual report of the progress towards the objectives of this Act, including a statement of his activities, receipts, and expenditures pursuant to this Act during the previous fiscal year.

AMENDMENT OF OTHER LAWS

SEC. 803. (a) Section 3(5) of the Interstate Commerce Act is hereby repealed.

(b) Section 5(2)(a)(ii) of such Act is hereby repealed.

(c) Section 402(a) of the Rail Passenger Service Act of 1970 is hereby amended by deletion of the words "the use of tracks and other facilities and"; "or the use of tracks or facilities of the railroad by the Corporation"; "or to the use of tracks and facilities"; and "or under an order issued under subsection (b) of this section".

(d) Section 402(b) of such act hereby repealed.

THUMBNAIL SKETCH OF INTERSTATE RAILWAY ACT OF 1972

1. Provides for designation by the Secretary of an interstate railroad system consisting of the principal main line track in the United States.

2. Establish maintenance standards for the designated interstate railroad system.

3. Eases access to tracks and facilities by any carrier by railroad (including passenger carriers) on just and reasonable terms not inconsistent with the owner or possessor's business requirements.

4. The Treasury Secretary is directed first to reimburse railroads for the amount they pay in property taxes to states. A railroad rehabilitation fund is instituted in the Treasury as a separate fund to be established by the payment of 20% of net income of railroads (not to exceed the amount paid to each such railroad by the Secretary of Treasury). Bankrupt or marginal railroads may apply to the fund for track rehabilitation; the excess may be applied to other purposes and for other railroads.

A loan guarantee program is also proposed for rehabilitation work in the amount of $1 billion.

Emergency reconstruction grants from the fund and R&D from the fund are also provided for.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 32, the Conversion Research, Education, and Assistance Act.

S. 2358

At the request of Mr. BAYH, the Senator from Virginia (Mr. SPONG) was added as a cosponsor of S. 2358, amending the Disaster Relief Act of 1970.

S. 3285

At the request of Mr. ROBERT C. BYRD for Mr. GAMBRELL, the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3285, the Older Americans Housing Act of 1972.

S. 3643

At the request of Mr. BENNETT, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3643, the Allied Services Act of 1972.

S. 3759

At the request of Mr. JAVITS, the Senator from Utah (Mr. MOSS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3759, the mental retardation bill.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Tennessee (Mr. BAKER), the Senator from Minnesota (Mr. MONDALE), the Senator from Maryland (Mr. BEALL), the Senator from New York (Mr. BUCKLEY), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Idaho (Mr. JORDAN), the Senator from North Carolina (Mr. JORDAN), and the Senator from New Hampshire (Mr. COTTON) were added as cosponsors of Senator Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE JOINT RESOLUTION 248

At the request of Mr. MCCLELLAN, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to authorize and request the President to proclaim February 11 each year as "National Inventors Day."

SENATE RESOLUTION 328—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. PERCY, from the Committee on Government Operations, reported the following resolution (Rept. No. 92–953):

SENATE RESOLUTION 328

Resolved, That Senate Resolution 258, 92d Congress, agreed to March 17, 1972, is amended as follows:

(1) In section 3, strike out "$1,585,300" and insert in lieu thereof "$1,607,467".

(2) In section 7, strike out "$285,000" and insert in lieu thereof "$307,167".

(3) In section 9, strike out "$1,595,300" and insert in lieu thereof "$1,617,467".

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 299

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 299, to establish a select committee to study questions related to secret and confidential Government documents.

NOTICE OF HEARINGS ON DISASTER RELIEF

Mr. McINTYRE. Mr. President, the Subcommittee on Small Business of the Committee on Banking, Housing, and Urban Affairs will commence 3 days of hearings on July 18 on H.R. 15692 to amend the disaster relief program; S. 1649 to provide SBA assistance in complying with State and Federal laws; S. 3446 to provide financial assistance to handicapped organizations; S. 3337 to aid minority small business investment companies; S. 3725 to make loans to small businesses adversely affected as a result of certain international agreements and possibly other bills to amend the Small Business Act. The hearings will be held in room 5302, New Senate Office Building, and will start at 10 a.m. each day. Witnesses wishing to testify should contact T. J. Oden at 225–7391.

NOTICE OF HEARINGS ON S. 3164

Mr. BELLMON. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I wish to announce that on Thursday, July 25, the Committee on Interior and Insular Affairs will conduct 1 day of hearings to consider S. 3164, the National Islands Conservation and Recreation Act. The hearing will be held in room 3110 of the New Senate Office Building and will convene at 10 a.m. Any individual or organization wishing to present testimony on this measure should contact Suzanne Reed of the committee staff to make the necessary arrangements.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Carl E. Hirshman, of New Jersey, to be U.S. marshal for the district of New Jersey for the term of 4 years, vice Anthony T. Greski, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, July 7, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

AIR PIRACY AND TERRORISM

Mr. RIBICOFF. Mr. President, earlier this month, and in the aftermath of the Lod Airport massacre, I introduced Senate Joint Resolution 244 calling for new efforts to protect international travelers from acts of violence and aerial piracy. At that time I was joined by the distinguished senior Senators from Massachusetts, New York, and Florida. Since then 24 Senators have cosponsored the joint resolution. They are Senators MCGOVERN, PASTORE, HUGHES, TOWER, HANSEN, RANDOLPH, STEVENS, SCOTT, CASE, STEVENSON, TAFT, MOSS, THURMOND, PELL, HUMPHREY, CANNON, CRANSTON, WILLIAMS, MCCLELLAN, BROCK, HOLLINGS, DOLE, HART, and CHURCH.

Before the introduction of the joint resolution, I had written to Secretary of Transportation Volpe, urging that concrete steps be taken immediately to protect air travelers. In his reply the Secretary sought to assure me that "firm actions" are being taken to make travelers safer. Unfortunately, the Senate's and our Government's concern does not seem to be shared by the United Nations. Its failure to speak out strongly on this issue, much less take action, is difficult to comprehend.

I welcomed the June 14 joint statement by the Department of Transportation and the Department of State on Aviation, committing our Government to action in halting air piracy and sabotage in air transportation. I hope that our own Government will continue to press strongly for concerted international efforts to halt the growing menace to air travel. Should congressional action be necessary to implement any reasonable proposals, I am confident that such legislation will be considered promptly and affirmatively.

I ask unanimous consent that the exchange of letters between Secretary Volpe and myself and also Senate Joint Resolution 244 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U. S. SENATE,
Washington, D.C., June 2, 1972.

Hon. JOHN A. VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: I would like to urge upon you the need for strict measures to prevent any future recurrences of the tragic events at the Tel Aviv airport earlier this week.

I hope that concrete steps are now being taken in cooperation with foreign governments to protect innocent air travelers. Our own country must provide strong leadership in this direction. Serious thought should be given to curtailing international flights to countries which harbor or otherwise assist terrorists in carrying out aerial piracy and other barbaric acts.

The day following the Lod massacre, I spoke in the Senate on the need for immediate, firm action, and am enclosing a copy of my remarks for your information.

I would appreciate your keeping me advised on what new measures are being taken.

With best wishes,

Sincerely,

ABE RIBICOFF.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 28, 1972.
Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: I share the deep concern over the tragic events at Lod Airport, as expressed in your recent letter, and the remarks made by you in the Senate.

I can assure you that firm actions are being taken in the domestic area as well as in the international arena to make the air traveler safe. In conjunction with the State Department, we are considering all reasonable steps to prevent any recurrence of similar barbaric acts.

This matter was discussed in greater detail at my June 14 press conference. A copy of a joint Department of State/Department of Transportation statement on the topic is enclosed for your review.

Thank you for letting me know of your concern. You may be certain that efforts to solve this problem are among our highest priorities.

Sincerely,

JOHN VOLPE.

JOINT STATEMENT BY THE DEPARTMENT OF TRANSPORTATION AND THE STATE DEPARTMENT ON AVIATION SECURITY, WEDNESDAY, JUNE 14, 1972

In recent months, the world has witnessed a growth of air piracy, terrorism and sabotage in the air and on the ground.

Public opinion in the United States and around the world has been aroused by these crimes. Here at home there have been many expressions of concern from individuals and groups who are both alarmed and chagrined at the man-made turbulence in our skies.

This Administration is committed to action in stopping once and for all air piracy, extortion acts and sabotage in air transportation.

We believe that the United States Government can and must take the lead in solving these problems in our own country and internationally. We are confident that with cooperation from other governments, the airlines and their crews, the airport operators, and other involved organizations and citizens we will win the fight

U.S. Government action is based on three basic beliefs:

1. The most important defense against all types of criminal acts in air transportation is effective preventive measures.

2. Equally important, because preventive measures are not flawless, is the grim determination by everyone, especially the airlines and air crews, to resist the demands of the air pirates and extortionists.

3. The ultimate deterrent to the air criminal is assurance of severe punishment with no "safe havens" from such punishment.

Actions are being taken in the United States and through international forums to ensure that these concepts are carried out to the fullest degree.

Clearly, the most effective way to end air piracy is to prevent potential hijackers and saboteurs from boarding the aircraft.

Acting on instructions from the President, on March 9, the Federal Aviation Administration issued regulations requiring immediate steps by every air carrier to screen passengers, prevent or deter unauthorized access to its aircraft; to tighten its baggage check-in procedures; and to improve the security of its cargo and baggage-loading operations.

Where airlines have failed to carry out these measures, fines have been and will continue to be levied.

On March 16, 1972, again on orders from the President, the Federal Aviation Administration issued security regulations requiring some 530 airport operators to develop a strict security program to prevent persons and vehicles from unauthorized access to airport operational areas.

The FAA has issued special instructions to its security personnel effective June 9 for surveillance for all U.S. air carriers to assure full compliance with screening procedures for airline passengers. This vital function will continue to receive the highest priority. The FAA is also developing security regulations for foreign aircraft entering and departing the United States to assure those passengers the same level of security required for U.S. air carriers.

This Administration intends to use every means at its command to see that aviation security procedures are fully complied with. These procedures will be strengthened to the extent necessary to meet any threat to the safety and security of air travelers.

Government is taking strong measures, but it cannot do the job alone. Effective deterrents can come only if all parties—Government, airports, the airlines, and their crews—follow a tough policy in dealing with hijackers, extortionists and saboteurs.

We must have the determination to resist hijacking and extortion demands which, if given in to, only inspire other would-be criminals. There must be prompt notification and cooperation with law enforcement authorities. There must be full regard for the safety of human lives, coupled with the will to demonstrate to all that acts of air piracy and terrorism will not be tolerated by the world community of nations.

The positive actions taken by the Department of Transportation to prevent access by hijackers, extortionists and other criminals to our national air transportation system has been paralled by similar actions by the U.S. Government in international forums.

On the international front we are actively seeking universal acceptance of twin conventions directed against air piracy.

The first is the Hijacking Convention negotiated at the Hague in December, 1970. The second is the convention for the suppression of other unlawful acts against civil aviation notably sabotage negotiated in Montreal last September.

Both require a State to extradite or prosecute hijackers or saboteurs whenever found, whether or not the offense was commited within its territory. The Hague convention has already been signed by 81 States. It was ratified by the United States last September. Implementing legislation is now needed. The President has asked that this be done swiftly.

The U.S. today, is tabling to the Council of the International Civil Aviation Organization a resolution directing that work resume immediately on a convention which would provide for joint actions against a state which refuses to extradite or prosecute hijackers. A joint Canadian/United States draft convention was introduced in April of last year for this purpose. This convention would provide for the establishment of an impartial fact-finding commission and procedures for deciding on joint action when a state refuses to punish or extradite hijackers. On June 8, the governing body of the International Federation of Airline Pilot's Associations supported the United States/Canadian purposal. The Administration is gratified by this support for our position.

The resolution also calls for prompt implementation of airport and aviation security measures adopted by the 17th ICAO Assembly two years ago and requires states to report measures taken no later than September 15, 1972. It also calls upon states to accept the obligations of the Hague and Montreal Conventions as soon as possible. We will press for a vote on the resolution by Friday.

We are also prepared to support a resolution in the Security Council of the United Nations condemning the recent incidents of hijacking and terrorism and calling upon states to take all necessary measures to suppress such acts.

This Administration is committed to do all in it power to continue our efforts at home and abroad to eliminate threats to the safety and security of civil air commerce throughout the world. This is truly a matter of the highest priority.

We are declaring an all-out war on air piracy. We will continue to mobilize every resource at the command of this government.

I am confident that with our stepped-up National efforts and with increased international cooperation we will ensure the security of civil air travel and assure that threats to aviation security are met and are defeated.

S. J. RES. 244

Joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy

Whereas acts of terrorism and violence against international civilian carriers and passengers now constitute a growing menace to travel and threaten communications between nations and the transportation of people and goods, and

Whereas many governments and airlines have failed to take the necessary security precautions to prevent aerial piracy and insure the safety and well-being of persons of international travel: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, through the United Nations, the International Civil Aviation Organization or other suitable international body, a world conference for the purpose of establishing uniform, stringent security standards and procedures for the protection of human life in and around aircraft and airports, including restrictions on international flights to those countries which harbor, assist, or fail to take appropriate action against individuals or groups within their borders who plan, conspire, or engage in activities leading to violent interference with international travel.

RESOLUTION OF COMMENDATION OF J. LYNN FUTCH, STATE DIRECTOR OF FARMERS HOME ADMINISTRATION FOR TEXAS

Mr. TOWER. Mr. President, I have been requested to place in the CONGRESSIONAL RECORD, the following resolution, passed unanimously by the Board of Directors of the Texas Association of County Supervisors of the Farmers Home Administration. It is with pleasure that I ask unanimous consent to do so. I also express my appreciation to Mr. Futch, Texas State director for the Farmers Home Administration, for a job well done. From time to time I have had the pleasure of working with Mr. Futch in responding to problems faced by my constituents and in all cases his replies were quick and informative. I supported the appointment of Mr. Futch to State director and feel that he has done a commendable job. He has been an asset to the Farmers Home Administration and the U.S. Department of Agriculture.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Be it so resolved, that we, the Texas Association of County Supervisors of the Farmers Home Administration by unanimous vote of the Board of Directors, do hereby extend to Mr. J. Lynn Futch our most sincere appreciation for his leadership as State

Director of the Farmers Home Administration for the State of Texas.

Be it further resolved, that we recognize in this leadership the qualities so rare, but essential, in obtaining the maximum performance from those who are to be lead. To Mr. Futch, who has demonstrated in many ways his concern for the personal welfare of his employees, and for his unique ability in gaining the respect of all, and for his efficiency in the administration of this Agency, we say, "thank you".

Now be it further resolved, that a copy of these resolutions be made available to Mr. James V. Smith, National Administrator of the Farmers Home Administration and a copy so directed to the Senior Senator from Texas requesting these resolutions be so entered in the Records of the Congress of the United States of America.

Passed by unanimous vote of the Board of Directors of the Texas Association of County Supervisors on April 8, 1972.

ADDRESS BY SENATOR BROOKE AT QUINSIGAMOND COMMUNITY COLLEGE, WORCESTER, MASS.

Mr. BELLMON. Mr. President, on June 3, 1972, the junior Senator from Massachusetts (Mr. BROOKE), delivered an address to the graduating class of Quinsigamond Community College, Worcester, Mass. That address, "On Losing Confidence—And Recovering It," is one that I recommend to the Senate. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ON LOSING CONFIDENCE—AND RECOVERING IT

When John Gardner was looking for a title for a book of essays he published recently, he decided to call it "The Recovery of Confidence." For the central problem of our time, as he identifies it in that book, is our loss of confidence in the institutions of our society. Our trouble does not lie so much in the scope of our problems, say Gardner, as in the apparent failure of our problem-solving mechanisms.

We see evidence of this loss of confidence everywhere today. As one who spends his life in politics and government, I am particularly aware of the loss of confidence in political institutions. As the President himself has said, people today "are simply fed up with government at all levels." And poll after poll shows that growing numbers of people are fed up with our political parties as well.

But the current sense of disillusion extends well beyond the political realm. Many people also seem to have lost their faith in our economic system—in business and industry and trade unions. And other pillars of our social order: our schools, our churches, our civic organizations—and even the family itself—no longer command the respect which once was theirs.

The great question is what this loss of confidence will mean. Will it lead to further deterioration and despair? Or will the loss of confidence in institutions provide the catalyst for their renewal?

It is this question I would like to discuss with you on this day of your commencement—on this day of your "beginning."

To begin with, let us recognize that the loss of confidence in institutions is not a new phenomenon in our society. This is not the first time that what is tried and true has come under vigorous attack. In fact, one of the dominant themes of our Nation's history is our constant sense of dissatisfaction and restlessness and change.

Why, after all, did European settlers come to these shores in the first place? Because they were fed up with the conditions of life in the old world.

Why did they move inland away from their coastal settlements—and why did they keep on moving West? Because they were dissatisfied with the restrictive order which soon grew up as new settlements became old ones.

Why did they pledge their lives and fortune and sacred honor to a hopeless revolution against one of the international super powers of that day? Because they were sick and tired of the demands of foreign rule.

And why were Americans such effective leaders in the industrial and technological and social revolutions of the 19th and 20th centuries? Because they were not satisfied with familiar ways of life—because they were always searching for something better.

And at each significant juncture in our Nation's history—from our earliest days until the present—Americans have always been ready to cast off the old and try a different approach.

Archibald MacLeish summed up this spirit a few years ago: "Change and diversity are the meaning of our world;" he wrote, "the American dimension. It is because the seasons change, the weather changes, the country changes, that the map goes on and on. What can change will never have an ending."

Many years earlier, de Tocqueville had put it this way: "The great advantage of the Americans consists in their being able to commit faults which they afterwards repair."

And today, another astute foreign observer has noted a similar state of mind, and its attendant promise. Ebenezer Moses Debrah, has served for seven years as Ghana's ambassador to the United States. In his farewell letter to me, he said:

"What strikes me as the greatest asset of your country is not its vast resources, but its indefinable conscience which seeks to correct the society's errors, and ensure that it is set on a course of freedom and justice."

It would be a terrible mistake then for us to panic, to become alarmed or discouraged by the overpowering desire for change that we see on every hand as we approach our 200th anniversary. For this desire for change does not imply some sudden and traumatic rejection of the American tradition. Rather, it can be seen as an extension and fulfillment of that tradition—provided only that the loss of confidence does not also mean the loss of hope.

Dissatisfaction, in short, is as American as Boston Bruins Hockey—provided only that it leads to constructive change.

And it can lead to constructive change only when it is expressed in responsible and effective criticism. How can we make criticism more responsible—and more effective? How can we break the deadlock which seems to freeze some of us into a life of perpetual criticism and others into a life of perpetual defense? How can we give those who have lost their confidence the opportunity to say "put up or shut up" to those who are in power?

The only way I can think that this is ever going to happen on a consistent basis in America is if the critics themselves are ready to "put up or shut up" in return.

This readiness in turn involves at least three important ingredients: the readiness to participate, the readiness to present constructive alternatives, and the readiness to persuade others to give their support.

The first crucial ingredient is *participation*—the willingness to play the game despite its unfair rules, to involve oneself in the life of institutions, however imperfect they may be.

Now this is a very simple point and one which may seem obvious to many of you. But it is only fair to recognize that the temptation *not* to participate is very strong. After all, we all like to have the feeling that we are in control. But the sense of control is increasingly rare in our increasingly complex world.

And as our sense of control diminishes, we also tend to diminish the scope of our concerns. We are tempted to withdraw into a smaller more limited arena of concern where our individual influence is greater, even if that arena is no bigger than our own private life. That, it seems to me, is what is really involved in the process of dropping out.

Understandable as it may be, however, the tendency to retreat from involvement is terribly dangerous. It can never make things any better and it almost always makes them worse. If the rules are not entirely to our liking when we are involved they will most probably be entirely to our disliking after our involvement has ended. When we give up our involvement we give up our influence—and when we give up our influence we give up all hope of eventual control. More than that, if we fail to use what influence we still can muster over public life, we may soon lose control of our private lives as well.

And so it seems to me there is an obligation to participate, whatever the frustrations. And I am encouraged to know that at least as far as politics and government are concerned, young people are responding in large numbers to the new opportunities for participation which have recently been afforded them.

Let me add a special word, however, about participation in politics. Many people think this merely means registering and voting and perhaps even ringing doorbells for their favorite candidates every few years. But those who wait for biennial or quadrennial elections are participating in politics only in a limited sense. They are like diners in a restaurant who must select from a very limited menu; it is the people who prepare the menu who have the greatest influence on the meal that is finally served.

I know that many of you are "naturally turned off" by the mention of political parties. But, the people who prepare the menu are those who are active in political party organizations, at all levels. The voters' range of choice in November of even numbered years is ultimately controlled by obscure events which unfold month after month in living rooms, and church basements and school auditoriums all across our land in odd and even numbered years alike.

And so I encourage you to get involved in party politics. This may mean that you will have to take the initiative at first. For as President Eisenhower once observed, the major impulse of any group is "to organize fewer and fewer better and better." And if you wait for an invitation to get involved you may wait a long time.

In short, once you make that initial breakthrough, the political system is likely to give you far more opportunities than you are able to handle. And this is true not only in politics but in every area of community life.

I am not saying you will get your way if you participate. I am saying that you will get your way a lot more often if you are involved than if you are not. And how often you get your way will depend in large measure on you.

Abraham Lincoln summed up the case for participation in an unusual letter he wrote to a friend back in Springfield, Illinois very early in his career. In a sense, I think he is speaking to all of us as he offers his friends back home his advice. Lincoln wrote: "Now as to the young men. You must not wait to be brought forward by the older men. For instance do you suppose that I should ever have got into notice if I had waited to be hunted up and pushed forward by the older men? You young men get together and form a Rough and Ready club, and have regular meetings and speeches. Take in everybody you can get . . . gather up all the shrewd wild boys about town, whether just of age or a little under age . . . Let everyone play the part he can play best—some speak, some sing, and all holler."

I like that letter for several reasons. I like it because it reminds young people today that they should not wait to be brought forward. I like it because it recognizes the importance of bringing people together regularly in active organizations. I like it because it talks about "the shrewd, wild boys," those who combine shrewdness—the capacity to get things done—with "wildness—the capacity for dreaming great dreams and hoping great hopes and pursuing great ideals.

And I like that letter finally because it recognizes that we have a variety of gifts, and that everyone should "play the part he can play best—Some speak, some sing, and all holler."

Participation, then, is the first ingredient in the process by which criticism becomes renewal. But participation has real meaning only when it is accompanied by a second ingredient: a *concrete alternative* to that which is under attack.

Part of the genius of the parliamentary system of government is that it does not merely require the opposition party to be available and to be involved. It also requires the opposition party to be equipped for leadership. It requires those who criticize to have their own positive plan—one which assigns functions and outlines programs and lets people know about their alternatives. It recognizes that the only responsible way to express a lack of confidence in alternative A is to present an alternative B which merits confidence.

I repeatedly find as I go about my business in government that the surest road to influence is to have a precise alternative. Imagine a Senate Committee marking up a bill, for example. One provision may draw a host of complaints. But the essentially negative impulse of those who complain rarely has a positive effect until someone takes the trouble to write down alternative language—until someone has something concrete to support. For people will not readily rally around a banner which bears a question mark. They will not be quick to sign blank checks.

An old political saying says it well: "You can't beat somebody with nobody." And similarly, it is hard to beat *any* existing plan without a counter plan of some sort.

And yet too often these days this is exactly what the critics of American society are asking people to do. They can tell us what is wrong—but less often do they tell us how they would right it.

Again, it is easy to understand this impulse. For attacking is always more fun than proposing. It's more exciting. It's more dramatic. And it's an easier way to get attention.

I know, for example, that if I issue two press releases on a given day one of which says "Senator Brooke *denounces* such and such" while the other says "Senator Brooke *proposes* such and such," the first will usually get far more attention.

For the tragic truth is that conflict is inherently more interesting than creation. The men who wreck a building draw a larger audience than the men who put one up.

Theodore White put it this way in his book on the last Presidential election "The process of building, creating and healing is all too often long, slow, incremental and undramatic; it is when the normal pattern of life snaps, when the web of civilization breaks, that drama is created." But of course the media crave drama. And the result, White says is a cult of the negative which contributes to our loss of confidence.

And so we are caught in a dilemma—the negative most easily gains public attention, while the positive most easily gains public support.

The mistake we often make is to confuse public attention with public support. We assume that because the whole world is watching the whole world therefore approves. And we ignore our responsibility for creating alternative solutions.

Creating alternatives is no easy job. For it requires us to go beyond rhetoric. It requires us to think. And often it even requires us to become an expert about something.

There is a tendency in some quarters today to distrust expertise, on the theory that expertise helped get us into all of the complicated problems we now experience. In part that is true. And yet I am as convinced as I can be that the only answer to *inadequate* expertise is *more adequate* expertise. The only way to meet profound problems is through profound solutions.

The responsibility for developing such solutions falls most heavily upon those who have been trained for such assignments—people like you, who possess the skill and information and the resources and the techniques to develop, in some detail, those plans for a new America without which we can never move beyond the old.

It is important, then, to participate and it is important to present alternatives. But involvement and alternatives will not alone achieve reform unless a third ingredient is also present—the *ability to persuade* other people to give their support to such alternatives.

Now I am not suggesting that a leader for reform must convert all or almost all or even necessarily a majority of the people in any group in order to carry out his ideas. What I am saying is that no single person—and no small group of people—can hope to transform our institutions by themselves.

Here, too, the critics of our society have often failed—and their failures have markedly slowed the pace of reform. Yet here, too, the reasons for their failure are easy to understand.

Persuasion, after all, means moving out beyond the circle of the committed and dealing with those whose ideas are different than one's own; those who are responsible for the things one attacks. It means exposing one's proposals to their critique. It means risking the possibility that one may be proved wrong. And perhaps most difficult of all, it means making the case for one's own proposal—with reason and patience and tact.

Often those who rebel against the established order are ill disposed to accept such disciplines. Their rebellion requires them to reject not just the system itself but also anyone who has ever supported it. To deal with such people is to compromise their principles, they say. They forget that the system exists only because it has the allegiance of its supporters and that it will continue to exist so long as that allegiance is in place. They forget that the only way to change any system is to induce its supporters to transfer their allegiance from one way of doing things to another.

This we can never do if the first priority of our protest is to express our own moral fervor, rather than to accomplish real change. For if our tactics turn off the very people we must convert in order to make change possible, then we are part of the problem and not part of the solution.

It seems to me that the people who care most deeply about peace and justice and freedom and equality in our world have the greatest responsibility for being effective. There are certainly not enough such people in this society of ours. To squander this precious resource, to waste it, for example, in meaningless gestures which fail to advance great goals, this is a terrible tragedy indeed.

And just as those who seek change dare not write off those who do not yet share their goals, so they dare not take their supporters for granted. For allies, too, must be persuaded and motivated and marshalled and rallied for the great tasks of reform.

I think there is a tendency sometimes for reformers to romanticize the people they think of as their constituents. They create myths about the virtue and honor and loyalty and fervor of large groups of people who may not be entirely virtuous or honorable or loyal or even interested in the causes which their leaders pursue. They assume that the students, or the poor, or the working class, or members of minority groups will flock automatically to their banner whenever it is waved. And then they become even more frustrated when they fail to gain their expected support. They are a little like the Russian revolutionaries of the 19th century who again and again placed great hopes in the peasant class and then found their romantic vision shattered when the peasants did not respond.

To sum up, those who want meaningful change must get other people to share their perspective. There is no other way—particularly under a democratic system of government. And this point also holds for every kind of institution, whether it is educational or religious or economic or domestic, whether it is run on a democratic or autocratic basis. The ability and the inclination to seek out others who participate in that institution and to enlist them in the cause of change is a critical ingredient in making change possible. This means converting those who need converting and motivating those who do not.

The generation of which you are a part is known for being restless. My message to you today is that restlessness is one of the oldest and finest of our country's traditions. It is not something for which you should apologize; it is something of which you should be proud.

I believe your restlessness can be an extremely valuable quality for you and your country if you will do at least these three things: 1) Participate in the institutions you wish to transform. 2) Develop constructive alternatives. 3) Persuade others to join your cause.

In some cases, these may be difficult tasks. But they are also indispensable tasks if we are to break the deadlock which allows the old system to go on and on without changing while the chorus of dissent grows louder and louder without ever having much effect.

I, for one, am tired of griping and complaining which never changes anything, as tired of that as I am of the system which never changes and which gives rise to those complaints. It is this inertia on both sides, this sense of deadlock, which has created the central crisis of our time.

But I think, too, at such a time, of those important words of Emerson which remind us that "a crisis is just another word for an opportunity." The reason our country has grown and developed over the years is that it has been able to seize the opportunity implied in each of its crises and to move on to new greatness.

Can we do that again? Can our loss of confidence be turned into the recovery of confidence of which I have spoken today? Those are my questions. You have the answers.

MINORITY CONTRACTORS ASSISTANCE PROJECT, INC.

Mr. TALMADGE. Mr. President, Congress frequently has an opportunity to make decisions on programs designed to help provide employment and solve social and economic problems in the Nation.

Many times these programs are elaborate and expensive, and all too often they involve the Government "handing out" assistance in the form of a giveaway of one kind or another. Just as frequently, these programs do not accomplish the goals they are supposed to accomplish.

However, I invite the attention of the Senate to a new program called the Minority Contractors Assistance Project, Inc., that is getting underway nationwide to provide financial aid, through loans, to minority construction contractors.

This program is especially meritorious because it is a demonstration of the free enterprise system at its best. It is an outstanding example of the private sector of the economy taking positive action to help itself, particularly in an area where such assistance is most needed. The program is especially meaningful in that it creates new opportunities for greater minority participation in the Nation's building and construction industry.

The program gives incentives toward self-help. It increases incomes, creates jobs, and expands productivity. That after all is the essence of the free enterprise system. That, in the final analysis, is what will be required to alleviate most of the social and economic problems that have plagued our society for too long now.

The first loan in the South under the new project was made recently to a contractor in Atlanta, one of the five cities selected by MCAP as a regional center for the program.

I commend to the attention of the Senate a news article about the Atlanta loan and an editorial column from the Atlanta Journal, which explain the new project in detail I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Georgia Business News, May 8, 1972]

TO MINORITY CONTRACTOR: ATLANTA BANK GRANTS FIRST LOAN UNDER NEW PROGRAM

First National Bank of Atlanta recently made the first loan in the South under a unique new national loan program for minority construction contractors.

The $13,000 loan was made to Walter Hardwick of Hardwick Tile Contractors for working capital for the ceramic tile subcontract for El Pomar Trace, a 394-unit apartment development in Doraville.

The loan is part of a national financial assistance program instituted by the Minority Contractors Assistance Project, Inc. (MCAP), headquartered in Washington, D.C.

MCAP, which currently has working agreements with half a dozen banks across the country selected First National Bank as the financing institution for this region. It has given the bank a $250,000 letter of credit against which loans will be made to Atlanta minority contractors.

Applications for such loans are processed first by the Atlanta Associated Contractors and Trades Council (AACTC), which operates a program of technical and other assistance for minority contractors under grants from MCAP and the Atlanta Model Cities Agency.

First National Bank Chairman Edward D. Smith, said, "The growth and development of Atlanta's minority businesses benefit the general economy of the area. We are therefore pleased to participate in this program to make working capital available to minority builders."

According to R. A. Banks, President of AACTC, the $250,000 letter of credit should help finance several million dollars in construction. Working capital needs usually amount to only about 10 to 20 percent of the cost of the job, he explained, and the letter of credit can be used over and over again as loans are made and paid back.

MCAP President Dickie S. Carter said, "Atlanta has all the ingredients, including the rapid transit project, needed for meaningful development of the minority construction sector. The action of First National Bank provides responsive leadership from the banking community. This initiative, together with the technical assistance of AACTC and other support from the community could enable Atlanta's minority contractors to set the pace for the nation."

[From the Atlanta Journal, May 3, 1972]

MCAP HAS A SOLUTION

(By John Crown)

What with omnipresent federal controls—even during a Republican administration—on industry and the individual, there are those who question the existence of a free enterprise system.

Over the years big government has gotten steadily bigger. Its influence and its clout have become more and more pervasive. And thus we have reached the natural tendency to look to Washington for all manner of help and succor.

The supplicating approach to the national capital is universal. It applies to the individual, to all echelons of government, to both the private and public sectors of society. While damning federal interference from one side of the mouth, the other is used to ask for federal assistance.

It was therefore profoundly refreshing to see assistance asked and granted here in Atlanta last week, assistance that has no connection with Uncle Sugar. It is strictly a private business matter. It is exclusively an act of free economic enterprise. It is a significant piece of evidence that the private sector can take care of its own when it has the mind and the will to do so.

The occasion was the first loan made in the South under a national program sponsored by the Minority Contractors Assistance Project, Inc. (MCAP).

The applicant for a working capital loan was Walter Hardwick, a tile contractor. The lender was the First National Bank of Atlanta, one of half a dozen banks in the nation MCAP has selected as financing institutions.

MCAP's loan program is made possible through $2 million borrowed from five of the nation's largest life insurance companies—Metropolitan, Prudential, Equitable, New York Life and Aetna. With that sum as the base, MCAP then issues a letter of credit to the banks it selects.

First National here, for example, has been given a letter of credit amounting to $250,000. Since capital needs amount to only 10 or 20 percent of the cost of a job, the local fund should be sufficient to handle a great many minority contracting projects. Moreover, as the loans are repaid the fund is replenished for additional loans.

Local applications for the loans should be made, not to the First National Bank itself, but to the Atlanta Associated Contractors and Trades Council (AACTC).

This sort of approach makes a great deal of sense and lends credibility to the free enterprise system.

For our society to flourish there can be no racial or other arbitrary and artificial boundaries restricting economic enterprise. The varied fields must be open to all who have the initiative and the know-how.

But from a realistic viewpoint, there are any number of odds confronting a great many men who might have the initiative and know-how. Getting the financial backing is one of the most obvious of those odds.

Yet to seek help from the federal government—which is the natural tendency—is self-defeating insofar as perpetuating the free enterprise system is concerned.

And any financial institution which is approached cold must bear a responsibility to its stockholders and to the regulations which restrict it insofar as what can be risked is concerned.

Thus the MCAP program is the logical answer. The base fund comes from insurance companies representing free enterprise. The lending is done by banks representing free enterprise. The loans are initially processed by the AACTC which represents free enterprise.

And the applicant is a man seeking to pull himself up by his own bootstraps through the free enterprise system.

If free enterprise is going to survive in this age of ever-tighter governmental restrictions, it is going to do so only by a bold assumption of responsibility.

The easy course is to automatically look to Uncle Sugar for a way out. But that course will inevitably lead to the one-way exit for the free enterprise system.

OIL IMPORT CARGO PREFERENCE AMENDMENT

Mr. COTTON. Mr. President, on June 13 and yesterday, June 29, I placed in the Congressional Record correspondence and supporting memoranda which expressed opposition to section 3 of the bill, H.R. 13324, now pending on the Senate Calendar of business—Order No. 80.

Section 3 of H.R. 13324 would require that at least 50 percent of imported oil, not including residual and No. 2 fuel oil, be carried on higher costing U.S. flag tankers. The distinguished Senator from Michigan (Mr. Griffin) and I filed separate views opposing this provision and characterizing it as "an anticonsumer measure."

Mr. President, by letter dated June 16, I wrote to the Special Assistant to the President for Consumer Affairs, Mrs. Virginia H. Knauer, calling her attention to this oil import cargo preference amendment, and I now have received her reply dated June 28. I therefore ask unanimous consent to have printed in the Record my letter to Mrs. Knauer and her reply. I invite the particular attention of Senators to the following concluding statement in Mrs. Knauer's letter:

> For these reasons, I agree with your characterization of the oil import cargo preference amendment as an anti-consumer measure, and strongly oppose its enactment.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 16, 1972.

Mrs. Virginia H. Knauer,
Special Assistant to the President for Consumer Affairs, Executive Office of the President, Washington, D.C.

Dear Mrs. Knauer: The Senate Committee on Commerce recently reported the bill, H.R. 13324, to authorize appropriations for fiscal year 1973 for certain maritime programs of the Department of Commerce.

The Committee amended the bill by inserting a new section 3, the effect of which would require that at least 50% of oil imported on a quota basis, allocations or licenses, other than residual fuel oil to be used as fuel and No. 2 fuel oil, be carried on higher-costing U.S. flag tanker vessels. I and several of my colleagues opposed this amendment in Committee. When the bill was reported, Senator Griffin and I filed Separate Views expressing our concern that this oil import cargo preference amendment constituted a blow against the consumers of our country inasmuch as it is bound to increase the price for oil products and for fuel to generate electric power for consumers, especially in the New England and the upper Midwest regions.

I also consider it highly inappropriate to legislate in this fashion by attaching such a far-reaching substantive amendment to an authorization measure which is needed if the appropriation process is to proceed forward in a timely fashion.

I am enclosing a copy of the bill, H.R. 13324, and the report accompanying it (92–841). You will note that a considerable portion of the Committee's report is spent in trying to justify this amendment and to demonstrate that there will be no cost to consumers (e.g., see pages 26–32).

In view of your position as Special Assistant to the President for Consumer Affairs, I would appreciate receiving your comments concerning the potential impact upon the consumers of this oil import cargo preference amendment. Since the bill is presently pending on the Senate Calendar and may be brought up within the near future for debate, I would appreciate an early response from you on my inquiry.

Thank you and with best wishes,

Sincerely,

NORRIS COTTON,
U.S. Senator.

OFFICE OF CONSUMER AFFAIRS,
Washington, D.C., June 28, 1972.

Hon. NORRIS COTTON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of June 16, 1972, requesting my comments concerning the oil import cargo preference amendment to H.R. 13324.

As you know, this amendment would require that at least fifty percent of all oil imported under the quota system, excluding residual fuel oil and No. 2 home heating oil, be transported in American flag tankers. The objective of this amendment, to develop and maintain a healthy U.S. tanker fleet, is a laudable one with which I fully concur. I believe, however, that the President's Maritime Program—rather than the oil import quota system—is the appropriate vehicle for achieving this goal.

While I am not expert in the workings of the international oil market, I am convinced that passage of the proposed cargo preference amendment would not be in the best interests of consumers. Notwithstanding the contentions of its sponsors, I believe that this measure would almost certainly lead eventually to a significant increase in the retail price of many oil products.

In addition, it could very well contribute to the further erosion of the financial condition of the smaller independent refiners who currently play a vital competitive role in the gasoline and oil products markets.

Finally, it sets a dangerous precedent by extending the cargo preference concept to the private sector—thus inviting reprisals by foreign nations and possibly stimulating a "shipping war" which could easily lead to the widespread adoption of cargo reservation measures covering a variety of bulk cargoes. For the consumer, this would mean the escalation in consumer prices which inevitably accompanies the imposition of such trade restrictions.

For these reasons, I agree with your characterization of the oil import cargo preference amendment as an anti-consumer measure, and strongly oppose its enactment.

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President for Consumer Affairs.

VOLUNTEERS IN PROBATION

Mr. BROCK. Mr. President, in a system where two-thirds of all offenders are under probation or parole supervision, and the average caseload of a probation officer is 90 or more, you can visualize the lack of personal attention these offenders receive.

Community involvement in this area, to me, would be the ideal curative for coping with anxious, fearful, frustrated individuals adjusting back into society.

As a cosponsor of S. 3185, the Federal Corrections Reorganization Act, I am constantly looking for innovative probation-parole programs geared toward rehabilitating the ex-offender.

In Portland, Oreg., an extremely dedicated and effective group, the Volunteers in Probation, has captured the community spirit in working with 53 women on a one-to-one basis.

Mr. President, I ask unanimous consent that an article from the Federation of Republican Women, describing the Volunteers in Probation program, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SECOND CHANCE

Take one former Republican State Representative turned Judge, one officer in the Oregon Federation of Republican Women, 30 volunteers, and 53 young women on probation for drugs, forgery, robbery, burglary, sale of narcotics, and being accessories to crime—what you have is Volunteers in Probation in Portland, Oregon, the only women's felony program of its kind in the country today.

Through this program girls between the ages of 19 and 26, first-time offenders who are considered by the courts to be subject to rehabilitation, find a friend who is willing to listen, to encourage when the going gets rough, assist with job hunting, budgeting, and grooming, and to help learn how to live a different life.

Judge Robert E. Jones started the program nine months ago, developed it, and continues to supervise it. The VIP's hold monthly meetings in his home to exchange ideas and experiences.

"His time, energy, and experience are invaluable to us," says Margaret (Mrs. Don K.) McMurdie, first woman in the program and its coordinator. Margaret is currently Protocol Chairman of the Oregon FRW, has previously served as chairman of Program, Membership, and Bylaws, and was a member of the Salt Lake City, Utah, Federation before moving to Oregon eight years ago.

Judge Jones asked Margaret to recruit the women volunteers for the program, and she did. According to her, "95 percent of the women involved are active Republican women. Several are from the local clubs of the Federation."

In a May 8 article in the *Oregon Journal*, Judge Jones was quoted as saying: "These women have shown dedication beyond anything I have ever seen in the field of corrections. . . . They have broken through so many agency barriers without any special training. They have helped the girls find jobs and apartments, get medical and dental attention, enroll in classes or vocational training."

The program has two big advantages. Because it is available, many young women who would have had to serve a jail term are now able to be released on probation (average probation is three years). In addition, these girls receive far more individual attention than they normally would, since the average case load for a professional probation officer is 90.

"Our primary purpose is to try and see that they don't get into trouble again," Margaret says. "Sometimes they just need that extra little push or help. When the girls see that their volunteers want them to succeed, they try harder."

J. BERNARD BRADSHAW

Mr. SPONG. Mr. President, on Friday of this week the Federal Government is losing one of its most dedicated officers, J. Bernard Bradshaw, who has contributed much to his Government.

During 32 years of service with the Department of Justice, Mr. Bradshaw has been involved with more than 7,500 aliens who were the subject of deportation, exclusion, and other types of cases brought by the Government under our immigration and naturalization laws.

Mr. Bradshaw was appointed a special inspector with the Immigration and Naturalization Service in 1940. From 1960 until his retirement, Mr. Bradshaw has been senior attorney on the Board of Immigration Appeals. He is a member of the bar of the Supreme Court of the United States and the district and circuit court of appeals for the District of Columbia. Many precedent opinions, written by Mr. Bradshaw, were published in the 13 volumes of the Immigration and Naturalization administration's decisions.

Mr. Bradshaw received the honor of being selected for the Attorney General's Sustained Performance and Meritorious Award in 1965 and served as a delegate to the Arlington Civic Federation from 1965 to 1972. He was president of the Department of Justice Recreation Association, 1965–66.

A native of Richmond, Va., Mr. Bradshaw was educated in the public schools of that city. He received a bachelor of science degree from Wharton School of Commerce and Finance, University of Pennsylvania. He did graduate work in the field of government at George Washington University and received a J.D. and LL.B.

He has always been extremely active in civic work. He is a past president and a charter member of the Washington chapter of the Leukemia Society, Inc., and organized its first fund drive in the Metropolitan Washington area. Mr. Bradshaw was a charter member of the Citizens Committee for School Improvement of Arlington County; president of Arlington County Council PTA's from 1961 to 1963; assistant district director of the Virginia Congress PTA from 1964 to 1965; a member of the Committee of 100 for Arlington County; a member of Subcommittee for Federal Land Use, the Arlington Planning Commission.

This Friday, June 30, the many

friends of Mr Bradshaw will gather at a luncheon to honor him for his years of service to his country.

I congratulate Mr. Bradshaw on his long and valuable service to the Government. He has been a diligent servant and a good citizen.

SER: JOBS FOR PROGRESS—A SUCCESSFUL PROGRAM TO HELP THE SPANISH-SPEAKING POPULATION

Mr. TOWER. Mr. President, we have been, and will again soon be, debating issues concerning various ways to assist the poor in meeting their social and economic needs. Therefore, I think it is appropriate for me to bring to the attention of this body the background of Operation SER, Jobs for Progress, Inc.

This program is now entering its sixth year of activity. It was formed in 1966 to meet the economic and social needs of the Spanish-speaking population. In its short history Operation SER has proved to be very successful—certainly the most successful manpower training program funded by the Federal Government that is geared to the specific needs of the Spanish-speaking American.

Recently SER held their annual conference in Washington, D.C. I had the pleasure of meeting with the Texas delegation attending that meeting. I was aware of their past efforts and was uniquely impressed by their dedication and sense of individual pride. This sense of pride is translated into their strong belief that given the proper opportunities and training the Spanish-speaking American will totally reject the welfare handout and instead become a very important contributing factor to our economy.

If the Federal Government is to take on the challenge of helping to eliminate the vestiges of poverty, then it must invest in programs like SER. Manpower training and incentives to broaden job opportunities is the way to achieve this national goal. SER's involvement in minority business enterprise is another type of effort that I have encouraged as the ranking member on the Banking, Housing, and Urban Affairs Committee. The Spanish-speaking American rejects the welfare handout. That is not the way to meet the needs of this segment of the population. The tremendous sense of individual pride and dignity has not and will not allow the welfare handout to become part of their culture.

Mr. President, as I have said, I was very much impressed by SER's leadership capability, track record and their potential. For instance, they have already placed more than 15,000 people in skilled jobs that would not have been available without the corporation's training program. In addition, SER has branched out and is now involved in vocational education programs and educational talent search efforts that will provide opportunities for Spanish-speaking people to continue their education past the postsecondary level. In their manpower programs, SER trainees have been placed in jobs averaging $2.49 an hour as a starting salary. Well above the minimum wage of $1.60, this statistic is indicative of the type of job skills that are provided by the program.

In my State of Texas, Operation SER has nine ongoing programs in cities all across the State. Two more programs in Galveston and Lubbock are in the planning stages. These programs are providing needed services to the Mexican-American community in terms of opening new avenues for economic and social betterment.

Mr. President, this type of program gives us hope that Government can actually provide incentives so that the national goal of eliminating poverty can be some day achieved. I applaud the accomplishments of Operation SER and encourage them to continue their efforts.

I ask unanimous consent that a letter from Mr. Ricardo Zazueta, SER's national director, to me, and a brief synopsis of their program be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD as follows:

JOBS FOR PROGRESS, INC.,
Los Angeles, Calif., June 5, 1972.

Hon. JOHN TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your support and deep understanding of the problems our Spanish-speaking Americans face with the highest unemployment and underemployment rate in the nation today. With your help and support, the SER Program will continue to give the opportunities and benefits of self-determination to the Spanish-speaking people throughout the nation.

Inequity cannot be altered by words, good faith or christianity alone! We need job opportunities and training made available with programs such as SER—with concrete assurance given to the Spanish-speaking that we will be included in equal and proportionate numbers—and that our population will be represented in all walks of life.

We continue to be funded on a year-to-year basis, but hopefully, we will be included in the manpower legislation which will make us a more stable and viable organization.

Thanks again for your interest and support of SER, the major manpower delivery system for the Spanish-speaking.

Sinceramente,

RICARDO ZAZUETA,
National Director.

OPERATION SER

Operation SER was formed as a response to the needs of a major segment of the American population, the Mexican-Americans. Approximately 10 million Mexican Americans reside in the southwestern portion of the United States, approximately 250,000 of which are living in Houston. Due to a dropout rate of approximately 85% from the Houston schools, unemployment is one of the most pressing problems.

In June, 1966, this problem was assumed by two national organizations, LULAC (League of United Latin American Citizens), and the American G.I. Forum. They joined to form Jobs for Progress, Inc., and set as their goal the elimination of poverty in the Southwest through a program designed for bicultural and bilingual needs. The large-scale program to tap the resources of the Spanish speaking community was given the name "Operation SER." SER, the Spanish verb for "to be" is used as an acronym for "Service, Employment, and Redevelopment," and the organization is more than living up to its name.

SERVING THE COMMUNITY

The basic thrust of the SER activities is to assist the disadvantaged—to improve the quality of their lives, primarily through manpower and related programs designed to upgrade educational and vocational skills, and to open career opportunities in employment.

All individuals who come to SER seeking employment or upgrading in their skill are thoroughly interviewed. A detailed description of their background is put on file. After their experience, ability, and attitude are assessed, they either enter education classes, pre-job orientation vocational training, or go directly to a job. Through analysis and interview, each individual receives the maximum opportunity for success. We motivate, educate, train and equip these individuals with the tools for full productive employment.

SERVING BUSINESS AND INDUSTRY

Since discrimination in minority hiring does serious economic and social harm to the entire community, SER also serves business and industry while reaching its goal of placing Spanish speaking Americans in non-traditional employment. SER is a direct and highly functional link to a vast reservoir of talent and service; its highly competent staff is experienced in recruiting, training, and evaluating the abilities of prospective employees for the "world of work." Also, individual guidance and counseling services as necessary after placement will be of assistance in the development of responsible workers.

On the Job Training is another way by which both employer and employee benefit. It is a means of gaining experience while learning a specific skill. All or part of the training costs are absorbed by Operation SER.

Any firm wishing to participate with SER regarding a job opening or a training opportunity should contact the job placement specialists at the SER Skills Bank. Operation SER is a non-profit making organization funded by the Department of Labor and its services are entirely free of charge.

A UNIQUE APPROACH

Operation SER has set an exemplary record of progress in the fields of manpower and On the Job Training program administration in eight states throughout the southwest and midwest. Operation SER is a truly unique manpower program in that the effects of being bicultural and bilingual, which block advancement through other channels, can be reversed into an asset by their specialized treatment.

SER is one of the most significant efforts at comprehensive job training and placement that has emerged under the Manpower Development and Training Act. The program has successfully found jobs for more than 15,000 Mexican-Americans in its six years of existence.

SOURCES OF LEAD POISONING

Mr. CASE. Mr. President, the latest count by the Federal Government tells us that at least 400,000 children are poisoned by lead each year. The number may be higher, because only a few of those poisoned are ever treated by physicians. The most recent statistics reveal that less than one-half of 1 percent—or about 16,000 children are actually treated.

If a child is properly diagnosed before the onset of serious ill effects, he can be helped with potent chemical compounds. Unfortunately, most cases are not seen until it is too late. In such cases, death can result or, if the child survives, he may be left with mental retardation, convulsive disorders, cerebral palsy, or blindness. And if the child is not killed or mentally retarded, he may still suffer enough brain damage to cause behavior problems, and make him slow in school.

While we do not know all the sources of dangerous lead, we have identified certain significant hazards such as lead-based paint, gasoline, and old lead water pipes.

We also know that most of the dangerous lead concentrations are in urban areas. From available evidence, it is believed that the city of Newark, N.J., is one of the worst environments in the Nation from the point of view of the imminent dangers of lead. Children in Newark and other urban complexes are exposed to high concentrations of lead and there is no way of knowing how many are close to the safety threshold where additional lead concentration may prove dangerous.

That is why I am deeply distressed to learn that certain products available to consumers in urban areas pose a threat in an already precarious environmental situation.

One product is toothpaste. Most toothpaste is packaged in metallic containers—and some toothpaste tubes contain lead. The amount varies depending on the manufacturer, but a few brands have been found with lead as high as 5 percent in the package. Apparently, the lead gets into the toothpaste and consequently into the bodies of those who use the product. The amount of ingestion will depend on how the product is used, how much lead is in the container, and how old the container may be.

Another product that presents a hazard in urban areas is canned evaporated milk. High lead concentrations have been found in evaporated milk and the Food and Drug Administration has proof, I am informed, that the lead comes from the cans in which the milk is preserved.

I am advised that in both cases the respective manufacturers are attempting to find alternative containers for their products. In the case of one toothpaste product, the manufacturer has already converted to another packing material, and I understand some progress is being made in the milk industry.

Nonetheless, while these efforts are noteworthy and in the interests of the American consumer, it does not solve the problem that is still posed by products remaining on the shelves of grocery stores. These may remain available for 3 or 6 months, or perhaps longer.

I am told that the danger for most consumers is slight. However, the same cannot be said for the urban child. Additional lead exposure for a city child may make the difference—and this is especially so when the diet of an infant is based largely on evaporated milk. We do know that it is the youngest children who eat paint chips that contain high lead concentrations in the inner city.

Dangerous products containing lead must be withdrawn from the urban marketplace as a minimum first step—and I have urged the Food and Drug Administration to take this action. The removal of products containing high lead levels can be accomplished quickly and I am sure that manufacturers, recognizing the dangers, will want to cooperate in this endeavor.

THE SACB: SOME CITIZENS' VIEWS

Mr. ERVIN. Mr. President, the recent debate concerning the continuation of the existence of the Subversive Activities Control Board has stirred much interest throughout the country. Some citizens, especially those who have lived through the cold war and who remember the fears of communism that existed during the post-World War II period, believe the demise of the SACB would mean a threat to their security and the security of the country. However, many other citizens are aware that the Subversive Activities Control Board is a do-nothing board which has been using a sizable amount of the taxpayers' money without any compensating benefits to the country, and that if it did carry out the activities envisioned by the Board, those activities would be unconstitutional, as has been made clear on several occasions by rulings of the U.S. Supreme Court.

To illustrate that many ordinary citizens throughout the land are aware of the constitutional issues and economic waste involved, I request permission to insert into the RECORD excerpts from some of the numerous, recent letters and telegrams on this subject which have come to me and to the Subcommittee on Separation of Powers. Although I have omitted names, these communications are on file in the office of the subcommittee.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WINSTON-SALEM, N.C.,
June 17, 1972.

The nation owes you a debt of gratitude for leading the fight to eliminate the so-called Subversive Activities Control Board. The chief significance of the Senate's action, it seems to me, is that at last the fears originating in the McCarthy era have moderated to the extent that problems of subversion can be examined objectively.

But the financial side of your action is also worthy of applause. A half million dollars may represent only a few seconds in the daily ticking off of excessive spending, but it is an excellent example of what wise and courageous action can accomplish.

BASKING RIDGE, N.J.,
June 24, 1972.

I support you in every effort to abolish the Subversive Activities Control Board. We decry the controls the U.S.S.R. exerts on its citizens but it seems to me we copy them. Furthermore I am alarmed at the efforts of the Executive branch of my government to assume control of matters specifically stated in the Constitution are the responsibilities of Congress; for example, Executive Order 11605. I have lived through the "McCarthy Era" so I speak with some experience.

MONROE, N.C.,
June 19, 1972.

I would like to commend you on your action on the 15th of June when your amendment to kill the SACB was passed. As a political science student who has done research on the SACB, I know the uselessness of this board. It takes a strong and true patriotic man such as yourself to stand up and expose the falsehoods and misconceptions concerning this board.

LYNN, MASS.,
June 16, 1972.

Orchids and Roses to you and the other Senators who erased that useless Subversive Act committee.

THOMASVILLE, N.C.,
June 20, 1972.

My congratulations to you on leading the fight in the Senate which resulted in the vote to cut out all funding for the Subversive Activities Control Board. Without your courageous efforts I am afraid the Senate would have extended the life of this ineffective, wasteful and sometimes dangerous board.

HANSVILLE, WASH.,
June 17, 1972.

Thanks for your stand against the Subversive Activities Control Board. An extravagant anachronism of doubtful value at any time.

WINSTON-SALEM, N.C.,
June 19, 1972.

I would like to congratulate you upon your leadership in abolishing the Subversive Activities Control Board. I'm glad that your mature judgment prevailed in relieving the taxpayers of this burden, and perhaps more importantly, one more step has been taken toward allowing democracy more breathing room.

DANVILLE, VA.,
June 18, 1972.

Your sponsorship of the bill to cut off funds for the SACB and your continuing advocacy of the rights of the individual are admirable and reflect all that is best in the conservative tradition.

DURHAM, N.C.,
June 19, 1972.

Please keep up your efforts to do away with the SACB and to nullify the President's order giving it powers of subpoena, etc. As a civil servant throughout the McCarthy era I know the very bad effects on morale and efficiency that these witch-hunting activities had, and the revival of the SACB will be the signal for another such period. If you are on the conference committee I hope you will hold out and persuade your colleagues to your way of thinking.

COLUMBUS, OHIO,
June 16, 1972.

As an American Citizen and Taxpayer, I wish to commend you and thank you for your efforts in trying to eliminate or abolish the Subversive Activities Control Board. I think that this Board of "Do Nothens" should have been eliminated or abolished many years ago.

CHAPEL HILL, N.C.,
June 20, 1972.

I heartily congratulate you and Senator Proxmire on your efforts to protect the public interest by ending funding of the do-nothing Subversive Activities Control Board.

PEEKSKILL, N.Y.,
May 31, 1972.

The House of Representatives has recently acted to revitalize and rename the Subversive Activities Control Board. It would be more fitting to abolish the Board altogether.

The only conceivable purpose and result of renewed activity by the Board would be the restriction of free political and artistic expression. It could lead us back to a new outbreak of McCarthyism.

I urge you to act to defeat this bill in the Senate.

WINSTON-SALEM, N.C.,
June 17, 1972.

Thank you for your part in abolishing a "do nothing" (SACB) group from the taxpayers' payroll.

NEW YORK, N.Y.,
June 20, 1972.

I have long followed, with admiration, your unflagging devotion to the cause of civil rights in America. May I applaud with particular enthusiasm your successful effort to cut off funds for the "Subversive Activities Control Board." At a time when our President is dashing from Peking to Moscow, full of laudatory toasts for his hosts, the continuation of this Board which you properly described as "an abomination" would seem even more ludicrous than ever.

DURHAM, N.C.,
June 22, 1972.

The leadership you have demonstrated in bringing about the abolishment of the Subversive Activities Control Board is the kind of leadership that we need more of from more of our elected representatives on all levels. As a taxpayer and a citizen, I sincerely thank you and heartily congratulate you on being unwilling to continue to see money appropriated for a do-nothing Board.

DURANGO, COLO.,
June 17, 1972.

I wish to congratulate you on your highly critical comments concerning the Subversive Activities Control Board. It is encouraging to hear someone of your stature speak in such an enlightened fashion concerning such a worthless board.

CEDER GROVE, N.J.,
June 25, 1972.

I applaud the letter which appeared recently in the New York Times concerning the abolition of the Subversive Control Board which you signed jointly with Senator Proxmire.

TRYON, N.C.,
June 26, 1972.

If you have succeeded in removing from the appropriations the $36,000 a year salaries, that is an achievement, and I heartily applaud your efforts.

DALLAS, TEX.,
June 25, 1972.

This is one agency that is long past due to be abolished. We have other means of handling subversives, and this is only a gimmick to rob the taxpayers.

WYNNEWOOD, PA.,
June 24, 1972.

The SACB is a stench in the nostrils of anyone familiar with its history, and particularly a citizenry groaning under the burden of taxes which have gone to thus far perpetuate it. I congratulate you on your efforts, and pray that you may prevail.

SAN FRANCISCO, CALIF.,
June 22, 1972.

Anent your recent comment of SACB, all I can say is "right on". Anything you can possibly do to get rid of these fossils would certainly be appreciated.

WINSTON-SALEM, N.C.,
June 17, 1972.

The Senate vote last Thursday must be gratifying to you as it is to those of your constituents who feel the same way about the erosion of our civil liberties and the right to dissent.

ROCKY MOUNT, N.C.,
May 2, 1972.

I heartily agree with your position that the Subversive Activities Control Board should be abolished. Certainly the question of its continued existence should be decided by the legislative branch and not by the President.

EAST ORANGE, N.J.,
June 23, 1972.

Your "An Alien Creature" in the current issue of the New York Times hit the nail right on the head. Thanks to both you and Senator Proxmire to bring this to the attention of New York Times readers.

Almost silly to enlarge on your in-depth treatment of the potential recurrence to Joe McCarthyism.

DURHAM, N.C.,
June 25, 1972.

"Permit me to thank you for the article that you and Senator Proxmire had in the New York Times of June 23 on the Subversive Activities Control Board. Your position, I feel, is based on the fundamental principles of the Constitution and displays the healthy Jeffersonian respect for the common sense of our people that the Founding Fathers held. Our institutions are still, praise be, secure enough to survive without the services of these self-styled saviors that have been imposed upon us. And as you have shown, if we depended upon them for the protection of our liberties we should be in a parlous state indeed, for they have done nothing since 1950 to justify their existence. Keep up the good work!"

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I wish to report that, according to current Census Bureau approximations, the total population of the United States as of July 1 is 209,291,174. This represents an increase of 133,192 since June, or roughly the equivalent of the population of Montgomery, Ala. It also represents an addition of 1,713,828 since July 1 of last year, an increase which is more than twice the population of Dallas, Tex.

THE STRATEGIC ARMS LIMITATION ACCORDS

Mr. BUCKLEY. Mr. President, shortly after we return from our recess, we will be asked to act upon the Strategic Arms Limitation Accords. It is vitally important that Senators fully understand the full implications of these vitally important agreements.

I believe that certain aspects of the ABM Treaty and Bahrain Agreement have not been sufficiently aired. For this reason, I ask unanimous consent to have the following items printed in the RECORD: A statement which was presented before the Committee on Foreign Relation yesterday morning; a statement presented before that committee the day before by Dr. Donald A. Brennan of the Hudson Institute; and an article by Dr. Brennan which appeared in the June 23, 1972, issue of National Review.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JAMES L. BUCKLEY

Mr. Chairman, I appreciate the opportunity to appear before this committee to express my views on the Strategic Arms Limitation Accords signed by President Nixon in Moscow on May 26th. I have followed these developments with intense interest not only because of their effect on our national security, but on our role in international affairs as well.

Throughout the course of the negotiations, it had been my hope that agreements could be concluded that would fulfill the traditional objectives of arms control; namely, to reduce the risk of war, or if war should occur, to mitigate its consequences. Having had an opportunity to study the agreements in some detail, I have reluctantly concluded that unless appropriate measures are taken, they will achieve neither goal. In fact, they could well increase the ultimate risk of war by undermining our alliances while encouraging Soviet intransigence in any future confrontations. If we have learned anything from the great conflicts of this century, it should be that weakness invites attack, and that aggressor nations seem inevitably to overestimate the willingness of free men to retreat.

We are dealing, of course, with two separate agreements: the Treaty on the Limitations of Anti-Ballistic Missile Systems and the Interim Agreement placing limitations on certain categories of strategic offensive arms. I will discuss, in brief, the risks which I believe to be inherent in each before recommending to your Committee certain safeguards which can be adopted by the Congress in order to minimize these risks.

I will say at the outset that I will vote against ratification of the ABM treaty for the reason that I have strong misgivings as to both the prudence and the ultimate morality of denying ourselves for all time—or denying the Russians, for that matter—the right to protect our civilian populations from nuclear devastation. I am not suggesting that we have the technical means to do so at the present time, but I challenge the morality of precluding the possibility of developing at some future date new approaches to anti-ballistic missiles defenses which could offer protection to substantial numbers of our people. I question, in short, the basic doctrine on which the SALT Accords have been constructed; a doctrine which requires us to dismantle our defenses before agreement is reached on dismantling the weapons of mass destruction.

The immediate effect of the Treaty, of course, is to limit anti-ballistic missile systems to nominal levels, where each side agrees to defend its national capital and one strategic missile site with not more than 100 anti-ballistic missile interceptors per site. I would argue that this agreement is inappropriate on its face.

For some years, American defense policy has been dominated by theories such as "assured destruction" or a contemporary variant of assured destruction known as "strategic sufficiency". It has been a cardinal objective of these theories that U.S. security is best maintained by establishing a system whereby active defense is severely constrained on the theory that strategic stability will be assured by the mutual vulnerability of the citizens of both the United States and the Soviet Union.

This is the doctrine that the ABM Treaty signed in Moscow seeks to perpetuate. Thus the agreement goes so far as to prohibit the development, test or deployment of sea, air or space based ballistic missile defense systems. This clause, in Article V of the ABM Treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space which could at least in principle provide an extremely reliable and effective system of defenses against ballistic missiles. The technological possibility has been formally excluded by this agreement.

There is no law of nature I know of that makes impossible the creation of defense systems that would make the prevailing theories obsolete. Why then should we by treaty deny ourselves the kind of development that could possibly create a reliable technique for the defense of tens of millions of our civilians against ballistic missile attack? Why should we not at least be in a position to deploy such a system with the least possible delay in the event that we should find it necessary to terminate the agreement under the conditions allowed in Article XV?

There are other defects inherent in the Treaty. For example, it is technically possible for the Russians to "net" for tie in their Moscow ABM defense system into the system which they are allowed for the defense of a strategic missile site. For some unknown reason, the Soviet Union may deploy its site for the protection of an ICBM base as close as 800 miles from Moscow, while the United States may not deploy one closer than 1400 miles from Washington. These relative proximities would enable the Soviet Union, with appropriate radar and data processing equipment, to have the more effective type of radar coverage for its two ABM systems which comes from the capability to tie them together electronically. This disparity in the effect of the ABM Treaty on the United States and Russia becomes even more significant when it is considered that the disposition of the Moscow defense system would permit them to defend about 350 of their ICBMs in the Moscow area or the equivalent of about two U.S. ICBM bases.

There are also two problems which have to do with the capability of our existing surveillance system to detect violations of the treaty by the Soviet Union.

The Treaty contains language which prohibits the deployment of a "rapid reload capability" for ABM missiles. But the nature of the Soviet ABM missile launcher makes it relatively simple for the Soviet Union to covertly develop for later deployment, a rapid reload capability. There must be a more realistic means of insuring compliance with the rapid reload prohibition of the treaty than is possible with satellite surveillance. Otherwise, it would be a rather simple matter to develop the necessary mechanical devices and to store them in warehouses from which they could be deployed at launch sites in a matter of days.

The other possibility relates to the upgrading of existing or new antiaircraft systems to an ABM role. There are those who believe, for example, that the existing SA–5 missiles, with their effective altitude of 100,000 feet, could be given an ABM capability and connected with the necessary radar installations without detection.

In the Interim Agreement, the United States has accepted a position of significant quantitative inferiority in every area of offensive strength which is subject to its control. Depending on how the parties choose to exercise their options under the agreement, the Soviet Union will be able to deploy, in round figures, between 1,400 and 1,600 intercontinental ballistic missiles to our 1,000, and up to 1,000 submarine-launched ballistic missiles to our 700. She will be able to expand her fleet of modern Y-class nuclear-powered submarines to 62 while retaining 22 diesel-powered G-class submarines, for a total force of 84 missile launching submarines in comparison with the fleet of 44 which we will be allowed to maintain.

Most significantly, because of the enormous size of Russia's heavy missiles, the ceilings placed on intercontinental and submarine-launched ballistic missiles will provide the Soviets with a more than four times advantage over the United States in the payload capacity or "throw-weight" of these weapons systems. This means that the Russians will be guaranteed the *capability*, during the term of the agreement, to deploy with these weapons more than four times as many warheads as the United States should they achieve parity with us in warhead design.

Because such parity has not yet been achieved, it is argued that the United States is likely to retain its existing two-to-one advantage in deliverable warheads during the life of the agreement. This argument is based on U.S. superiority in manned heavy bombers, in multiple warhead technology, and in forward based systems. I believe, however, that it is important to emphasize the fragile and transitory character of this "advantage."

First, with regard to the U.S. superiority in manned bombers, this advantage quickly disappears when one includes the medium bomber forces available to both sides. While the United States has about 75 medium range FB–111 bombers in the Strategic Air Command which can operate from forward bases as part of our retaliatory force, the Soviets have approximately 550 TU–16 Badgers and approximately 150 TU–22 Blinder medium bombers which are refuelable and quite capable of reaching the United States and then landing in airfields in Cuba or Mexico.

Second, while a combination of skillful warhead miniaturization and relative accurate guidance systems provides the United States with a formidable present advantage in multiple warhead technology, we have little reason to be complacent. It should be noted that the United States developed its multiple warhead hardware in approximately three years, from 1966 through 1969. Discussions of the engineering characteristics of our multiple warhead missiles have been widely disseminated in trade journals and Congressional hearings. It would be imprudent, at best, to presume that the Soviets are so technologically retarded that they would be incapable of developing and deploying significant numbers of multiple warheads within the five year term of the Interim Agreement.

It has been argued that our intelligence estimates give the Soviet Union only a limited capability to develop multiple warhead technology. I would point out that these intelligence analysts are the ones who have consistently underestimated Soviet nuclear force objectives. It is these same intelligence analysts who advised Secretary of Defense Robert S. McNamara in the mid-1960's that the Soviet Union had permanently accepted the status of strategic inferiority.

It is these same intelligence analysts who concluded in 1964 that the Chinese Communists would detonate a primitive nuclear device made of plutonium rather than the uranium device actually detonated which required a huge gaseous diffusion plant for the manufacture of nuclear material.

With respect to these and other advantages which the United States may currently possess in non-controlled strategic offensive weapons, it should be noted that there is nothing in the SALT Accords to prevent the Soviet Union from overtaking us in every category while these accords prohibit us from overtaking the Soviet Union in those areas where they have been assured substantial margins of superiority.

There are additional hazards in the Interim Agreement which result from ambiguities in its text or from the inadequacy of its provisions for vertification. For example:

1. The agreement places a ceiling on intercontinental ballistic missiles based on the number of light and heavy missile launchers in place or under construction as of July 1, 1972. Yet the United States has no definitive information as to the size, number and approximate location of land-based Soviet strategic missile forces. At the present time, the United States is relying entirely on its own intelligence estimates. It should be noted that the general area in which Soviet ICBMs are deployed is in North-Central Asia, where the normal cloud cover is among the heaviest of any region in the northern hemisphere. It is entirely possible that at some time subsequent to July 1, 1972, scores of additional ICBMs could be discovered by our reconnaissance satellites. As the agreement only prohibits "starts" on new construction after that date, we would face the practical difficulty of not being able to establish whether or not newly discovered missile sites had been constructed in violation of the agreement.

2. It is not at all clear that the so-called "national technical means of vertification" available to the United States will suffice to provide conclusive evidence as to whether or not Soviet medium and intermediate range ballistic missiles (M/IRBM) will be upgraded to an intercontinental capability through the replacement of obsolescent SS–4 and SS–5 missiles with "variable range" SS–11 missiles. It has already been noted in the press and elsewhere that the Soviet Union has begun to place SS–11 missiles in her M/IRBM fields in the western part of the Soviet Union. If the United States does not obtain ironclad proof that an upgrading to an intercontinental capability is not taking place, the Soviet Union could add an additional 700 ICBMs to its arsenal without detection.

3. While it is agreed that missiles and launchers may be modernized and replaced so long as the respective ceilings on light and heavy missiles are not exceeded, nowhere is there an unambiguous definition of what is meant by a "heavy missile". The United States has issued a unilateral definition, but this is somewhat less than satisfactory. If, for example, the Soviet Union were to exchange its existing SS–9s for new missiles having twice their payload capacity—and this may well be possible even within our own definition of what constitutes a heavy missile—the resulting threat to our land based forces could be so formidable as to allow us no prudent alternative but to develop and deploy a mobile ICBM system on an urgent basis.

I am quite prepared to accept the proposition that given the rate at which the Soviet Union has been overtaking us in its deployment of ICBMs and nuclear powered submarines, the risks which we are most assuredly assuming under the Interim Agreement are nonetheless far smaller than those we would be assuming if current trends were allowed to continue. I do feel, however, that it is most important that the Congress recognize that we are in fact assuming substantial risks so that we may take appropriate measures to minimize them during the term of the agreement and to place ourselves in an optimum position to negotiate a satisfactory SALT II agreement within the next five years; or should this fail, to move swiftly to recapture a posture of nuclear parity. I believe that these protections can be secured by attaching appropriate reservations to the SALT Accords.

Specifically, I recommend that the Senate attach the following reservations and instructions to the Treaty on the Limitation of Anti-Ballistic Missile Systems:

1. A reservation which will result in the automatic termination of the Treaty at the expiration of the five-year term of the Interim Agreement unless the parties shall have earlier concluded an agreement for the limitation of offensive weapons which shall establish approximate parity in the payload capacity of their respective strategic offensive forces; such agreement to avoid the ambiguities contained in the Interim Agreement, and to provide a mechanism for the fool-proof verification of compliance.

2. Instructions to the American representatives on the Standing Consultive Commission provided for in Article XIII of the Treaty requiring them to establish procedures at the earliest possible date which will provide the United States with absolute, fool-proof assurances that

(a) The Moscow ABM system will not be tied into the other ABM system permitted the Soviet Union under the Treaty;

(b) Existing or future air defense systems will not be upgraded to an ABM capability; and

(c) The Soviets will not develop a stand-by "rapid reload" capability for their ABMs.

The instructions should stipulate that a failure to secure such assurances will constitute an "extraordinary event" jeopardizing the "supreme interests" of the United States within the meaning of Article XV of the Treaty.

With respect to the Interim Agreement

limiting certain strategic offensive arms, I recommend that the Congress incorporate the following provisions in its Joint Resolution approving the Agreement:

1. An acknowledgement that the United States cannot prudently enter into the Interim Agreement except with the understanding that it must immediately intensify its investment in military research, development and procurement so as to

(a) preserve those areas of strategic superiority which it currently enjoys, and

(b) achieve the maximum qualitative improvement possible during the term of the Interim Agreement in those weapons systems in which it will be frozen into a position of quantitative inferiority.

2. The issuance of instructions to the American representatives on the Standing Consultive Commission to secure the earliest possible agreement as to the following:

(a) Verification by the Soviet Union as to the exact number, size, and approximate location of all land-based Soviet strategic missile launchers in existence or under construction as of July 1, 1972.

(b) A fool-proof mechanism for verifying that the SS–11 variable range missiles which replace the obsolescent SS–4 and SS–5 medium and intermediate range missiles do not have an intercontinental capability.

(c) A definition as to what constitutes a "heavy missile" within the meaning of the Interim Agreement.

These instructions should stipulate that a failure to secure such agreement shall constitute an "extraordinary event" jeopardizing the "supreme interests" of the United States within the meaning of Paragraph 3 of Article VIII of the Interim Agreement.

I believe that if the Senate and the Congress will condition their ratification and approval of the Strategic Arms Limitation Accords in such a manner, and if the Congress will give further evidence that it understands their inherent risks by launching a serious and sustained program to upgrade our strategic and military capabilities within the limits imposed by the two agreements, then we will not only minimize those risks as they affect our physical security, but will at the same time avoid a critical dilution of our influence in world affairs.

If we do anything less, if it appears that we are willing to retreat to a position of permanent strategic inferiority, then we will see subtle but corrosive forces at work in the world arena which will have the most serious implications for the United States and for the cause of peace.

We can expect, for example, to see the Soviet leaders intensify their diplomatic pressures around the globe; and in any future confrontations with the West, to assume more confident and intransigent attitudes. By the same token, to the extent that the relative strategic position of the United States declines, so will the options which are available to an American President in any such future political crisis, with the inevitable erosion of his ability to support vital U.S. foreign policy objectives. And it is not only our own diplomatic options which would be affected by an understanding that the Soviet Union has achieved a position of strategic supremacy. In testifying before this Committee yesterday, Dr. Donald G. Brennan, of the Hudson Institute, pointed to the following adverse political consequences:

"The new imbalance of power will become established in the minds of our allies, which will ultimately lead them to be more responsive, perhaps unduly responsive, to Soviet diplomatic pressures and initiatives."

Nor can we expect the Japanese to accept with equanimity so dramtic a change in the relative strength of the super powers. Japan will be left little choice but to either seek an accommodation with the Communist powers or, in the alternative, to develop an independent military and strategic capability which will guarantee her a degree of independence in matters affecting her own security.

What I am suggesting, in short, is that unless we couple the SALT Accords with a clear indication that we will settle for nothing less than nuclear parity, unless we launch credible programs for the modernization of our strategic capabilities within the limits set by these Accords, these agreements will prove not only dangerous to the security of the United States but to the stability of the world.

G. K. Chesterton once said: "I do not believe in fate that falls on men however they act. I do believe in a fate that falls on men unless they act." Chesterton's point is relevant to the facts of international life which we face today. I trust that we will not, for the first time in our history, entrust our fate to others. Only we can make sure that our own security, and that of the Free World, is not placed in jeopardy.

STATEMENT OF DONALD G. BRENNAN

Mr. Chairman, and Members of the Committee. It is a pleasure and a privilege for me to appear before you once again. As some of you know, the subject of arms control and disarmament has been a major field of my study for perhaps a dozen years, and I am grateful for your invitation to testify on the historic proposed agreements now before you.

A detailed biographical sketch is attached at the end of my statement. Let me mention here that I organized and edited the volume *Arms Control, Disarmament, and National Security,* often called the "bible" of arms control, which was endorsed by Senator Fulbright among others, and have collaborated with, or consulted or testified for, many Congressional groups and agencies of the Executive Branch on matters concerning arms control, including at least four prior occasions on which I have presented testimony to this Committee. (These were the hearings on the establishment of ACDA, on the Partial Nuclear Test Ban, on ABM in the spring of 1969, and on the ratification of the Geneva Protocol on Chemical and Biological Warfare in the spring of last year.)

I have supported, in one way or another, every arms-control agreement that has been established since World War II. I have also been an active advocate for a dozen years or more of a suitable Soviet-American agreement limiting strategic offensive weapons; such an agreement was a particular focus of my work in the mid-1960's. It is therefore a matter of particular disappointment to me that the proposed agreements now before you are such that I cannot support them.

The difficulties with the two agreements are quite different; the proposed ABM Treaty does the wrong thing well, and the Interim Agreement does the right thing badly.

To begin with the ABM Treaty, we and the Soviets have agreed not to defend ourselves—not only against each other, but, interestingly, against anyone else either. I believe that, at least on the American side, this agreement stems purely from a sophomoric ideology and fashion. Let me elaborate this point.

The idea has taken hold in the United States that the best route to nuclear peace and security resides in a strategic posture in which we and the Soviets maintain a capability to destroy a large fraction—say, one-quarter to one-half—of each other's population and cities, and in which no attempt is made by either side to interfere with the "Assured Destruction" capability of the other. Such a posture is often called a "Mutual Assured Destruction" posture; it has the property that the obvious acronym for it—M-A-D—provides at once the appropriate description for it; that is, a Mutual Assured Destruction posture as a goal is, almost literally, mad. If technology and international politics provided absolutely no alternative, one might reluctantly accept a MAD posture. But to think of it as desirable—for instance, as a clearly preferred goal of our arms-control negotiations, as the proposed ABM Treaty automatically assumes—is bizarre.

As some of you probably know, I have often suggested a reduction-to-absurdity proof of the madness of MAD. If a MAD posture were genuinely desirable, we and the Soviets could have an arms-control agreement to mine each others cities. The Soviets could plant large thermonuclear explosives under, say, the first hundred American cities, and we could do the same there; this arrangement would save most of the present troubles and costs of ICBM's, SLBM's, bombers, and so on, and of course would make any and all active defense systems (such as ABM and air defense) completely irrelevant, at least as far as Soviet-American confrontations were concerned. And yet, despite the "obvious" technical effectiveness of a mined-city posture for implementing MAD, I suspect that few of you would care to sell such a program to your constituents.

Your constituents would have the right reaction. Some would describe the reaction as naive, or unsophisticated; however, it would in fact represent the wisdom of rejecting a wholly unproved theory when it leads to absurd consequences.

The main theory involved is that a MAD posture is the best way to protect against nuclear war altogether. This theory is reflected in the preamble to the proposed ABM Treaty, and in the Letter of Submittal of June 10, 1972 from Secretary of State Rogers: "Effective limits on antiballistic missile systems . . . will decrease the risk of outbreak of nuclear war . . .". There is, of course, not the slightest shred of evidence in support of this idea. Many nuclear strategists, including those who have achieved the greatest prominence in the field, do not believe it is true. The prevalent popularity of this theory can only be described as a fashion. Yet the Government is apparently prepared to gamble that the theory is true, and thereby commit us to a MAD posture indefinitely.

The Treaty itself contains evidence that the theory is little more than a fashion. If, as is usually argued in support of the theory, stability resides in high hostage levels, and the interposition of ABM on both sides would be destabilizing because of reducing those levels, it should be similarly destabilizing if the hostage levels were reduced by direct cuts in offensive-force levels. But the same Treaty preamble which extols limits on ABM systems—without regard to their technical characteristics, including effectiveness—also has the Parties "Declaring their intention . . . to take effective measures toward reductions in strategic arms, nuclear disarmament. . . . ". This is something less than consistency.

It is possible to make a technical case—I personally do not believe it—that it would be unwise to use currently available ABM technology (in conjunction with cuts in offensive forces) to begin to move away from a MAD posture. However, there is no such technical argument to be made about all possible future systems of missile defense, of whatever effectiveness and other characteristics.

In consequence of both my work with Hudson Institute and my occasional consulting work for the Government, I have been close enough to the analyses of American positions for the SALT to know what major alternatives and avenues have been considered and examined within the Government. I should like to state flatly for the record that no serious consideration has been given to possible alternatives to a MAD posture.

Passing now to the Interim Agreement,

the basic intention of this is to establish the beginnings of a freeze on strategic offensive forces. The trouble is simply that it is a bad beginning, not that the objective itself is unwise. On many occasions in the past, both in published articles and in lectures, I have urged a freeze of some kind for offensive forces. However, I never supposed that the United States would formally accept ceilings that, in every particular controlled by the agreement, allowed the Soviets substantially greater capability than permitted the United States.

The Interim Agreement does exactly that. It may be that, in some particulars not controlled by the agreement, such as members of warheads, the United States still retains some kind of lead; however, under the terms of the agreement, it is open to the Soviets to close the leads that we have, and then some, while it is not open to us to close the Soviet leads.

The payload capacity, or "throw weight" as it is often called, permitted the Soviets in their ICBM and SLBM forces is perhaps four times ours. The throw weight of a strategic force is unquestionably the most important single parameter for characterizing the potential of that force, even though other parameters—notably the number, yield and accuracy of warheads that can be delivered—are of more immediate importance. If the Soviets choose to do so, they can deploy as many warheads per ton of throw weight as we can, and since they are permitted roughly four times as many tons, they can ultimately deploy roughly four times as many warheads as we. They may not choose to do so; they may choose some other way of using their payload; but the important fact is, we have signed an agreement that says, in effect, that we have not only become, but are willing to remain, the second nuclear power.

The real Administration argument for the Interim Agreement is that it will limit the extent to which the Soviets will achieve strategic-force lead more reliably than any other approach in sight. But that Soviet advantage, by any reasonable assessment, is already real, and may well become greater as the Soviets deploy MIRVs and otherwise upgrade their permitted force in the coming years. The political consequences of this superiority, or more precisely of the general public recognition of it, are several, and all bad.

First, it will reinforce and confirm previously established Soviet images and expectations of a declining American role in world affairs. Within the past two years, Soviet commentators on the American scene have exhibited increasing contempt for the United States, its power and its role in international affairs. For instance, Soviet analysts often make such remarks as: "The United States must be adjusting itself, in the manner of the United Kingdom at the end of World War II, to its loss of power and influence in the world." The Soviets correspondingly think of themselves as very much in the ascendant. These Soviet attitudes and expectations will be reflected in their peacetime bargaining and will increase their aggressiveness in possible crisis confrontations.

Second, the Agreement and the Soviet lead it establishes will do much to establish an image of American inferiority in American government circles. The effects of this, of course, will be the obverse of those to be expected from the attitudes in the Soviet bureaucracy, though probably less marked in degree.

Third, the new imbalance of power will become established in the minds of our allies, which will ultimately lead them to be more responsive, perhaps unduly responsive, to Soviet diplomatic pressures and initiatives. To use the current jargon, the Interim Agreement will contribute to "Finlandizing" tendencies in the policies of our allies.

Fourth, enshrining this degrees of Soviet superiority as a substantially permanent thing will almost certainly have adverse consequences in any serious crisis that may develop. For instance, we could not reasonably expect as favorable an outcome in a replay of the Cuban missile crisis. (The success of that outcome did not reside so much in the immediate outcome in Cuba as that the Soviets were deterred from counter-escalating in Turkey, or, especially, in Berlin, a fact that apostles of parity find convenient to ignore.)

It is in a certain sense true that different degrees of superiority can in the last analysis be translated only into different degrees of "victory" that would in any event be Pyrrhic. However, this often-repeated observation conveniently ignores the fact that most political leaders and many military leaders are not academic strategists: These leaders not only count weapons, they tend to think in terms of who will come out "ahead," and their (perhaps simplistic) attitudes about these matters will influence their expectations, demands and flexibility in a crisis (other things—such as the guts and the political support of the leaders on the scene—being equal). Therefore, a commitment to a position of strategic disadvantage is, at least in some statistical sense, an invitation to be pushed around in the next crisis. The Soviets understand this very well.

In a press conference in Moscow on the occasion of the signing of these agreements, Henry Kissinger repeatedly made the point that the terms of the Interim Agreement were influenced by the fact that the Soviets had ongoing ICBM and SLBM construction programs, while we did not. As he put it on one occasion, it was not the most brilliant bargaining position he would recommend people to find themselves in. He could not reasonably have made the point in that setting that, if the American Government found itself in that uncomfortable position, the responsibility must rest with the American Government; but I can, and do, make that point here. There has been a collective failure.

This brings me to the final point of whether to recommend acceptance or rejection of these agreements. The argument can reasonably be made that, although both agreements represent important failures, the best course of action in view of current political realities is simply to accept them. I am sympathetic to this argument. I also doubt very much whether any recommendation of mine will alter the expected acceptance of these agreements.

But it seems appropriate that someone should say, unambiguously and on the record, that both of these agreements are wrong, that the United States ought not to be in the position these agreements will leave us in, and that the country would ultimately be best off by rejecting them both and then doing what is right. I hereby take this position.

I shall be pleased to answer any questions.

BIOGRAPHICAL SKETCH

Donald G. Brennan is a mathematician and student of national security problems. His special interests are in advanced military policy, alliance relationships in Europe, and selected areas of arms control, such as policy issues relating to ballistic missile defense.

Prior to joining Hudson Institute, of which he was President from July, 1962 until May, 1964 and where he now conducts research studies, Dr. Brennan worked for nine years as a research mathematician and communication theorist at Lincoln Laboratory of Massachusetts Institute of Technology, a research laboratory engaged in technical studies for the Government. In addition to his technical research there, he devoted substantial time to studies of arms control and national security problems.

Dr. Brennan's serious interest in arms control began in 1957, when he was organizer of a group that led to the 1958 Summer Study on Arms Control held in Cambridge, Massachusetts, under the auspices of the American Academy of Arts and Sciences. He was an organizer and co-director of the 1960 Summer Study on Arms Control, again held in Cambridge under American Academy auspices. He was a member of the Academy's Committee on International Studies of Arms Control in 1961–66, serving as its chairman in 1961–62, and has been a frequent participant in international conferences relating to arms control.

Dr. Brennan has served as a consultant to the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, the Executive Office of the President, and to several research organizations. He is editor of the well-known anthology, *Arms Control, Disarmament, and National Security* (New York, George Braziller, 1961), sponsored by the American Academy of Arts and Sciences, and guest editor of its predecessor, the special (Fall 1960) issue of *Daedalus* on "Arms Control". He has edited studies of future military technology and several publications on arms control. He has contributed articles on arms control to a number of journals and books, and has lectured on national security subjects at many universities, the U.S. National, Air, and Naval War Colleges, The Canadian National Defense College, and defense study centers in London, Bonn, Paris, and Oslo, among others, and has given seminars on arms control in Moscow. He is a frequent witness at Congressional hearings concerned with national security affairs.

Born in 1926 in Waterbury, Connecticut, Dr. Brennan received the B.S. (1955) and Ph.D. (1959) degrees in mathematics from Massachusetts Institute of Technology, where he was a Gerard Swope Fellow and received other graduate and undergraduate prizes and awards. Prior to entering M.I.T., he was engaged in radio engineering as a registered professional engineer in the State of Connecticut. He is a Senior Member of the Institute of Electrical and Electronic Engineers and a member of Sigma Xi, the American Mathematical Society, The Council on Foreign Relations, and the International Institute for Strategic Studies. He was a member of the President's National Citizens' Commission on International Cooperation Year in 1965.

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SALT HITS THE FAN

(By Donald G. Brennan)

INTRODUCTION

On Friday, May 26, 1972, Richard Nixon (for the United States) and Leonid Brezhnev (for the Soviet Union) signed what will probably prove to be the most important arms-control agreements yet negotiated in the nuclear era—or, it may be, in any other era. But their indubitable importance does not, unfortunately, automatically make them a cause for rejoicing; the San Francisco earthquake, for instance, was important too. It remains to be seen whether the agreements of May 26 will prove to be more or less of a disaster than the earthquake. Unlike the earthquake, there is some possibility, not as large as we should wish, that the agreements will not be a disaster at all; and some very remote chance, which neither the American body politic nor the Administration bureaucracy deserve, that they will prove a resounding success.

Whatever their chance of success, they are profoundly unwise. And the unwisdom is not confined to the United States merely; it is certainly shared by some of our Allies, and may well be shared, though in reduced degree, by the Soviet Union.

The agreements are two: A proposed treaty limiting the deployment of defense against ballistic missiles, called the Treaty on ABM's, and a proposed Interim Agreement limiting certain kinds of strategic offensive forces, namely ICBM's and SLBM's (Inter-Continental and Sub-Launched Ballistic Missiles, respectively). The problems of these two are very different.

The Interim Agreement enshrines, not merely Soviet parity, but Soviet strategic superiority, of a potentially substantial degree. The unwisdom of this agreement resides in the dramatic proclamation it provides that the United States has not only become, but is apparently willing to remain, a second-class power. This foolishness is, of course, in no way shared by the Soviets; indeed, as one prominent American strategist put it, the Soviets must be pinching themselves to make sure they are not dreaming.

The ABM Treaty is more symmetric in its immediate effects; in contrast to the Interim Agreement, it does not allow the Soviets four times as much as we are allowed. Apart from a limited (but potentially significant) defense of national capitals, and a limited (and strategically insignificant) defense of missile fields, we and the Soviets have agreed not to defend ourselves—not only against each other, but, interestingly, against anyone else either. On the American side, this agreement stems purely from ideology and fashion, and is pure insanity; on the Soviet side, the Politbureau may have accepted the same ideology, in which case they share equally in the insanity. It is as if we and the Soviets had become seized with a theory that motor vehicles were bad for us, and, proceeding from that theory, we both agreed to destroy all the motor vehicles of all kinds we produced in the future. This example illustrates that the mere fact that we and the Soviets might agree on some completely symmetric arrangement would not of itself prove that the arrangement was in our interest. In my view, the ABM Treaty provides an equally good illustration.

In the immediately following analysis of the Interim Agreement and the ABM Treaty, I shall concentrate on their shortcomings. I shall return later to the circumstances and forces that led to these agreements.

II. THE INTERIM AGREEMENT

The basic provisions of the Interim Agreement are as follows. First, we and the Soviets undertake not to start construction of additional fixed land-based ICBM launchers after July 1, 1972. Second, it is agreed not to convert land-based launchers for "light" ICBM's into launchers for "heavy" ICBM's. Third, it is agreed to limit SLBM launchers and submarines therefor to the numbers operational and under construction as of the date of signature (May 26), except that additional launchers (and appropriate numbers of submarines) may be constructed as replacements for an equal number of obsolete ICBM launchers or for launchers on older submarines. In a protocol appended to the Interim Agreement, this is spelled out: the U.S. may have no more than 710 SLBM launchers, and no more than 44 submarines; of those, launchers above 656 and submarines above 41 (the current numbers) must be replacements for equal numbers of obsolete ICBM launchers (in our case, the Titan II). The Soviet Union may have no more than 950 SLBM launchers and no more than 62 "modern" submarines therefor; of those, launchers over 740 (the presumptive current number) must similarly be replacements for older ICBM launchers and SLBM launchers. Fourth, subject to the foregoing restrictions, modernization and replacement of strategic offensive ballistic missiles and launchers is permitted. Fifth, it is provided that compliance with the agreement shall be monitored with "national technical means of verification", meaning such things as reconnaissance satellites, and it is also agreed not to interfere with each other's means of observation or to use deliberate concealment measures that could impede that verification.

The intended immediate purpose of this agreement is to freeze strategic offensive forces where they now stand, understanding that whatever is under construction at the prescribed date is to be included as if finished. Such an objective is not fundamentally irrational; I have myself urged consideration of a different freeze in other times and circumstances. The difficulties with this proposal stem largely from the fact that the United States strategic forces have not changed very much in basic capacity for the past eight years, while the Soviet payload capacity—the amount of weight their missile force could deliver on targets, sometimes called the "throw weight"—has increased enormously since 1966, and it now stands at something perhaps four times the payload capacity of the American force. A secondary problem resides in the extraordinarily generous terms given to the Soviets for converting some of their obsolete missiles into additional modern SLBM's and submarines.

Supporters of the agreement will point out, and correctly, that, while the Soviet Union has more launchers than does the United States, we have—we believe—many more warheads deployed on those launchers. This estimate stems from the belief that the American technology for MIRV (Multiple Individually-targeted Re-entry Vehicles) is much further advanced than the Soviet technology, and that we have deployed MIRV warheads on a substantial fraction of our strategic force while the Soviets have scarcely started, if they have begun at all. However, if the Soviets wish to achieve large numbers of warheads by deploying lighter MIRV warheads within their existing payload capacity, the technology for doing so is easily within their reach; whereas we are precluded from achieving the payload capacity of the Soviets by the terms of the Interim Agreement.

The throw weight of a strategic force is unquestionably the most important single parameter for characterizing that force, even though other parameters—notably the number, yield, and accuracy of warheads that can be delivered—are of great importance. Some examples of how payload capacity can be used may be instructive. For example, the maximum capacity of a Poseidon launcher is probably in the region of 3,000 pounds. It has been widely reported that the Poseidon missile can accommodate from 10 to 14 MIRV warheads, which must therefore weigh something in the neighborhood of 300 pounds each. They would be relatively "small" weapons of perhaps 50 kilotons each, but they could attack 10 separate targets. Some models of the Soviet SS–9 missile have only a single large warhead, and some might think that, at least for many purposes, a single Poseidon missile was worth 10 SS–9's. In fact, however, that single SS–9 warhead is often estimated to be perhaps 25 megatons, which would suggest that the missile payload capability should be in the region of 12,000 pounds, or about four times the payload capability of a Poseidon missile. Therefore, if a Poseidon booster could launch 10 MIRV warheads, the SS–9 could launch 40 of the same kind. The SS–9 probably has from 5 to 10 times the payload capacity of our various models of Minuteman missile, and the Soviet force of approximately 300 SS–9's would alone probably have two to three times the payload capability of our entire Minuteman force. However, the Soviets have perhaps another 1,300 ICBM's in addition to their SS–9 force, most of which are also larger than our Minutemen. Considering both SLBM and ICBM payload, it is probable that the Interim Agreement will allow the Soviets a throw weight roughly four times ours, with present booster technology. Either side is at liberty to improve its booster technology; in fact, the Soviets have recently given evidence of a new model of SS–9 that might have perhaps twice the payload capability of earlier models.

Some Administration analysts argue that the Soviets do not now have MIRV technology and could not deploy significant numbers of MIRV warheads within the lifetime of the Interim Agreement, which is limited to five years. However, we ourselves developed MIRV from "scratch" in about six years, and the system development for the advanced specific systems probably did not take more than three or four years. Since our own MIRV programs have been noisily advertised to the Soviets since early 1968 (and public mention of the idea can be found as far back as 1963), it would be very surprising indeed if the Soviets did not by now have some very advanced ideas on how to do MIRV. And some Administration analysts do in fact believe that the Soviets could achieve substantial MIRV capability within the lifetime of the Interim Agreement; for instance, Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff, said in his statement before the Senate Armed Services Committee on 15 February that: ". . . our intelligence specialists believe that by the mid or late 1970's the Soviets could have MIRVed SLBM's in their operational forces."

Thus, published comparisons of Soviet and American missile forces showing a substantial American lead in warheads, as for instance in a chart on the front page of *The New York Times* for May 27 showing 5,700 warheads for the U.S. and 2,500 warheads for the Soviet Union, should be understood as having, in all probability, a highly limited lifetime of validity. It should also be understood that, even at present, these Soviet warheads are very much larger and more destructive than ours. (The Soviets also derive certain other technical advantages from their large payload capability.)

Supporters of the agreement have already argued, and will surely further argue, that the Soviets cannot deploy large numbers of MIRV warheads within the lifetime of the agreement. In evaluating this position, at least two points should be borne in mind. First, if no better agreement is negotiated as a successor to this one before its expiration, there will very likely be intense pressures simply to renew it. Second, the estimates that the Soviets could not get substantial MIRV capability come from the same community of intelligence analysts who, for instance, led former Defense Secretary McNamara to announce in the mid-1960's that the Soviets had accepted permanent strategic inferiority, and who were confident in advance of the first Chinese nuclear explosion in October, 1964, that that bomb would be a plutonium device. It proved to be a uranium bomb; and it is an easy point that an operating diffusion plant for separating U–235 is very much harder to conceal than a MIRV test.

I myself believe that, if the Soviets have paid any significant attention to MIRV technology in the past, as is very likely, it would be well within their capability to deploy up to 10,000 or more MIRV warheads on their allowed booster force within the lifetime of this agreement if they choose to do so. They could do this with sufficient yield in warheads, combined with sufficiently upgraded guidance in their missiles, so that they could virtually wipe out the whole of the Minuteman force with less than half of their missile force.

This is not to say that the prospect of launching such an attack would be attractive to the Soviets under ordinary circumstances; the United States has important offensive forces other than Minuteman, and these other forces will, in all likelihood, retain considerable deterrent persuasiveness.

But the lopsided nature of this situation would likely have important adverse consequences, as discussed below.

The estimates that are given for the Soviet ICBM force, incidentally, such as the number 1,618, are all derived from American intelligence; the Soviets have firmly resisted confirming these estimates. Hence, the limitation in the Interim Agreement on numbers is stated as a prohibition on new silo starts, not as an absolute ceiling on numbers. Thus, our estimates of the Soviet strategic forces are really lower bounds. If we later discover a whole field of ICBM's, which I am told has happened in the past, there may be some controversy over just when it was started. There may also be possible room for controversy over what constitutes "light" or "heavy" ICBM's.

The chief justification heard within the Administration for not only accepting, but engraving this embarrassing posture in a formal agreement, is that the Congress would not in any event provide the money to provide the forces that would be necessary to equalize the Soviet strategic force. Indeed, it is believed, and sincerely, that, if it were not for this agreement, the Soviets would increase their margin of superiority to some even larger, and perhaps indefinitely increasing, extent. For example, the current rate of construction of Soviet ballistic-missile submarines is around 9 or 10 per year, and if that rate were continued, in five years the Soviets could have not 62, but perhaps 90 modern missile-launching submarines. Therefore, instead of having the 50 percent superiority in submarines the agreement will give the, at least potentially, they could have a two-to-one margin on the assumption that Congress would not provide the several billion dollars necessary to keep such Soviet superiority from developing. While this argument is perhaps fairly widely believed within the Administration, it is at the very least not seriously tested, and may well be false, as I shall indicate later.

Some Administration analysts would also like to argue that the degree of strategic superiority given the Soviets by the Interim Agreement, while admittedly large, is nevertheless less than I have depicted it above. The chief arguments they would advance are: (a) the agreement does not include bombers, in which we have substantial superiority; (b) the agreement also omits what are called the "Forward-Based Systems", i.e., nuclear delivery systems we have based in Europe; and (c) the apparent Soviet superiority in submarines (62 Soviet versus 44 American subs allowed) is not real, since the Soviets do not or cannot operate their submarines as efficiently as we can with our bases (in Rota and in Holy Loch) closer to the Soviet Union. These arguments, in fact, are much more cosmetic than tenable. As for (a), it is possible to believe in the superiority of American bomber forces only as long as Soviet medium bombers are not counted; they have some seven hundred of these, for which they have refueling capability sufficient to enable them to attack targets in the United States and continue on to airfields in Cuba and Mexico. so they do not even have to rely on suicide missions.

As for (b), the Soviets have some seven hundred IRBM's or MRBM's that can attack European targets, to which our Forward Based Systems are mainly in response, and these Soviet missiles are in no way constrained by the agreement; they can build as many more as they please. As for (c), there is nothing to prevent the Soviets from adopting more efficient means of using their submarines; for instance, they could re-supply the submarines, and change their crews, from ocean-going tenders so as to enable them to keep a larger fraction of the submarines on station a larger fraction of the time. Of course, the Soviets *may* not do this, but it would certainly not be difficult for them to do so and there is no obligation in the proposed agreement for them not to do so. The real argument for the Interim Agreement, in the minds of its supporters within the Administration bureaucracy, is that it will limit the extent to which the Soviets will achieve srategic superiority more reliably than any other approach in sight.

But that Soviet strategic superiority, by any reasonable assessment, is already real, and will likely become more stark with the passage of time as the Soviets deploy MIRV and otherwise upgrade their permitted force. The political consequences of this superiority, or more precisely of the general public recognition of it, are several, and all bad.

First, it will reinforce and confirm Soviet images and expectations already established of a declining American role in world affairs. Within the past two years, Soviet commentators on the American scene have exhibited increasing contemptuousness of the United States, its power, and its role in international affairs; for instance, Soviet analysts can often be heard or seen making remarks such as: "The United States must be adjusting itself, in the manner of the United Kingdom at the end of World War II, to its loss of power and influence in the world." The other side of this coin, of course, is that the Soviets correspondingly think of themselves as very much in the ascendant. These Soviet attitudes and expectations will predictably be reflected both in their peacetime bargaining positions and in their aggressiveness in possible crisis confrontations.

Second, and conversely, the agreement will more clearly, widely, and unambiguously establish an image of American inferiority in many pertinent minds in the bureaucracy of the American Government. The effects of this, of course, would be the obverse of those to be expected from the attitudes in the Soviet bureaucracy.

Third, these attitudes and expectations will become much more clearly and firmly established in the minds of our Allies, which will ultimately lead them to be more responsive, and perhaps unduly responsive, to Soviet diplomatic pressures and initiatives. To use the jargon currently used by professionals in regard to these matters, the Interim Agreement will contribute to "Finlandizing" tendencies in the policies of our Allies.

Fourth, enshrining this degree of Soviet superiority as a substantially permanent matter, and therefore inculcating attitudes and expectations of the type mentioned above, will almost certainly have adverse effects in any serious crisis that may develop. For instance, we could not reasonably expect nearly as favorable an outcome in a replay of the Cuban missile crisis. (The success of that outcome did not reside so much in the immediate outcome in Cuba itself as in the fact that the Soviets were deterred from counter-escalating in Turkey, or, especially, in Berlin, a fact that apostles of parity find convenient to ignore.)

There is, of course, a certain sense in which it is true that different degrees of superiority could in the last analysis only be translated into different degrees of "victory" that would in any event be completely Pyrrhic. However, this often-repeated obobservation conveniently ignores that most political leaders, and many military leaders, are not academic strategists: these leaders not only count weapons, they are prone to thinking of such questions as who will come out "ahead", and their (possibly simplistic) attitudes about these matters will influence their expectations, demands, and concession in a crisis, other things (such as guts and political support of the leaders on the scene) being equal. Therefore, a commitment to a position of strategic inferiority is, at least in some statistical sense, an invitation to being pushed around in the next crisis. Mr. Nixon has just engraved this invitation and handed it to the Soviets in Moscow on a platter.

III. THE ABM TREATY

The key terms of the Treaty on ABM's are as follows. To begin with, "Each party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this treaty." Thus, the basic philosophy is clear: apart from the exceptions indicated, we may not defend our homeland against missile attack. Second, Article III provides for a limited defense of one hundred interceptors of Moscow and Washington, and another defense system similarly limited to one hundred interceptors of ICBM silo launchers in some area remote from the defense of the national capitals. Third, both we and the Soviets undertake not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based. Fourth, it is prohibited to transfer ABM systems or their components to other states or to deploy them outside Soviet and American national territory. Fifth, it is provided that compliance with the provisions of the treaty shall be monitored by "national technical means of verification", as in the Interim Agreement, and similarly there are obligations not to interfere with such means or to use deliberate concealment measures.

Many readers will not be familiar with the bizarre rationale on which this proposed treaty rests. It may therefore be useful to explain the conceptions that the architects of this treaty had in mind, and to show that the ideology on which the treaty rests is, in fact, just as bizarre as it seems.

American strategic nuclear policy has been dominated in recent years by an idea called "assured destruction." This concept is that the dominant task of the U.S. strategic forces is to be able to mount a nuclear attack that would reliably destroy a substantial fraction of the Soviet society, even after a major Soviet strike on American forces. Recent public statements of the Nixon Administration have emphasized a doctrine called "strategic sufficiency", but it is clear that something like the concept of "assured destruction" still dominates American strategic policy, even if the terminology itself is no longer used in official statements.

This domination extends to strategic arms-control matters. It is widely argued that the most peaceful, stable, secure, cheap, and generally desirable arrangement is one in which we and the Soviets maintain a "mutual assured destruction" posture, in which no serious effort is made by either side to limit the civilian damage that could be inflicted by the other. Most of the opposition in the West to substantial systems of missile defense for cities, including the opposition embodies in the proposed ABM Treaty, derives from the alleged benefits of such a posture. And much of the opposition to the Safeguard ABM system, which was not intended to provide a substantial defense of cities, stemmed from a concern that it might expand to provide such a defense.

I believe that the concept of mutual assured destruction provides one of the few instances in which the obvious acronym for something yields at once the appropriate description for it; that is, a Mutual Assured Destruction posture as a goal is, almost literally, mad. MAD.

If the forces of technology and international politics provided absolutely no alternative, one might reluctantly accept a MAD posture. But to think of it as desirable—for instance, as a clearly preferred goal of our arms-control negotiations, as the current SALT proposal automatically assumes—is bizarre. This can be made very clear by considering the simplest and most effective means of realizing it.

At present, we and the Soviets achieve a MAD posture by means of long-range missiles and bombers armed with thermonuclear weapons. There are, however, many problems associated with these forces; missiles and bombers may be attacked before they are launched, they may fail to perform properly, or they may fail to penetrate enemy defenses. Concern about such vulnerabilities in our posture helps drive the arms race. These forces are also expensive; the U.S. alone spends about $8 billon a year on them.

Now, if it were genuinely desirable to have a MAD posture, we could achieve it far more effectively, reliably and cheaply than at present. We and the Soviets could have an arms-control agreement to mine each other's cities. We could install very large thermonuclear weapons with secure firing arrangements in Moscow, Leningrad, Kiev, and so on, while the Soviets could install similar weapons and arrangements in New York City, Chicago, Los Angeles, and so on.

It is technically feasible to make such a system very secure, and the vulnerabilities mentioned above could be eliminated, which would reduce arms-race pressures. While such a system would have its own technical problems, analysis indicates they would be far simpler to solve than those of the present system. It would also be much cheaper than the current system; it could save billions.

Yet almost everyone will judge it starkly absurd, even after consideration. And, since a mined-city system is clearly the best way of realizing a MAD posture, it follows that a MAD posture as a goal is itself fundamentally absurd—it is, indeed, mad.

This reduction-to-absurdity argument is useful for sharply drawing attention to the fact that something must be wrong with MAD as a way of life. However, one can discuss the problems of MAD directly. There are at least three interrelated problems.

The first is that, in spite of our best efforts, a major nuclear war could happen. An institutionalized MAD posture is a way of insuring, now and forever, that the outcome of such a war would be nearly unlimited disaster for everybody. While technology and politics may conspire for a time to leave us temporarily in such a posture, we should not welcome it—we should rather be looking for ways out of it. And they can be found.

The second fundamental difficulty is, in essence, political: The body politic of the United States did not create a Department of Defense for the purpose of deliberately making us all hostages to enemy weapons. The Government is supposed, according to the Constitution, to "provide for the common defense", and plainly most Americans would revolt at the idea that a mined-city system is a sensible way to do this. They would be quite right. The Defense Department should be more concerned with assuring live Americans than dead Russians.

The third fundamental difficulty is moral. We should not deliberately create a system in which millions of innocent civilians would by intention be exterminated in a failure of the system. The system is not *that* reliable. If we accept a MAD posture as an interim solution, we should be seeking ways out of it, not ways to enshrine it.

Why, then, do some Americans advocate a MAD posture? The advocates involved are, in the main, technical or technically oriented people accustomed to theoretical models, and the arguments involve appeals to "stability" of various kinds and reference to other sophisticated jargon—jargon that I understand very well, having helped to articulate it a decade or more ago. For instance, one argument sometimes heard—it is, e.g., reflected in the preamble of the proposed ABM Treaty—is that this posture will best protect against nuclear war altogether, but this proposition is very dubious indeed.

While these advocates are undoubtedly sincere, and many of them are even intelligent, I believe they have been bemused by theoretical models of strategic interactions, models which seem sophisticated and intellectually appealing but which are in fact much oversimplified descriptions of reality. Indeed, some few technical people, who have at least had the integrity to follow the logic of their analysis to its conclusion, have been so bemused by these models that they have seriously advocated the actual deployment of a mined-city system.

Well, if an institutionalized MAD posture is not desirable as a permanent way of life, and it is not, what alternative is available? The answer is to provide increasing emphasis on defense, and corresponding reduction in the relative effort devoted to strategic offensive forces.

There is much controversy about just how effective defense (such as ABM) can be made against current offensive forces, or against further enlarged offensive forces. I cannot discuss this controversy here. However, there is very little controversy over the fact that defense can be made quite effective if the opposing offense is suitably reduced, while allowed defense is built up. This is precisely the direction that the Strategic Arms Limitation Talks should have taken, but did not.

Even if it were held that currently achievable defense is too ineffective to be useful against even a suitably reduced offensive threat (a position that few informed persons would believe), it makes little sense to preclude the possibility of a more effective defense being found in the future. The current proposed treaty would do so.

It might be possible to achieve similar effects simply by sharply reducing offensive forces, without any defense, if it were not for two factors: (a) there are other countries in the world besides the United States and the Soviet Union, and (b) perfect inspection of sharply reduced offensive forces probably cannot be achieved, and defense can provide protection against clandestine weapons.

The MAD philosophy originally took hold in the American arms-control community in about 1960. This might have been ultimately unimportant but for the fact that Robert S. McNamara became a fanatic adherent of this school, and he imposed an "Assured Destruction" philosophy on the civilian staffs in the Pentagon with the full force of his arrogance. This was, in some sense, a *tour de force,* because at the time he did so, the Soviets conspicuously did not share this philosophy, although he often asserted that they did. But the evidence is enormous that, at least up until the late 1960's, the Soviets did not hold the view that a MAD posture was desirable. For instance, Premier Kosygin himself, when asked about a moratorium on missile defenses at a press conference in London on February 9, 1967, replied, in part, "I believe that defensive systems, which prevent attack, are not the cause of the arms race, but constitute a factor preventing the death of people. Some argue like this: What is cheaper, to have offensive weapons which can destroy towns and whole states or to have defensive weapons which can prevent this destruction? At present the theory is current somewhere that the system which is cheaper should be developed. Such so-called theoreticians argue as to the costs of killing a man—$500,000 or $100,000. Maybe an anti-missile system is more expensive than an offensive system, but it is designed not to kill people but to preserve human lives. I understand that I do not reply to the question I was asked, but can draw yourselves the appropriate conclusions." This does not sound like the comment of a man who was friendly to a moratorium on missile defense.

Many other Soviet pronouncements, both public and private, official and unofficial, left no doubt that Soviet strategic views favored heavy emphasis on active defense, at least up through 1968 and at least some portion of 1969. Beginning in about 1969 or 1970, either the Soviet Government began changing its views, or else they decided at least to make us think they had changed their views, and the overt indications in the negotiations in the SALT for the past two years have suggested whole-hearted Soviet acceptance, at least at the top of the Soviet Government, of the MAD philosophy.

If the Soviets have indeed accepted this position, they had a good deal of American help in getting there. Throughout almost the whole of the 1960's, almost every American who argued with almost any Russian about arms-control matters tried to make the point that missile defenses were wicked. This stemmed, of course, from the commitment in certain American quarters to the MAD ideology. Up until 1968, the universal Soviet reaction to this argument was a polite raspberry.

However, some of the spokesmen from whom they heard could not be easily ignored. In particular, Mr. McNamara did his very best to persuade the Soviets of this philosophy, both in his public statements (such as the successive "Posture Statements") and in his private meetings with Soviets, notably at the Glassboro Conference in June 1967, when he forcefully argued the case for a MAD posture directly to Kosygin. The Soviet Premier did not assimilate this idea, at least at that time. Another forceful input to the Soviets came from then-President Lyndon B. Johnson, who, according to his memoirs, sent Premier Kosygin a secret letter in January 1967, warning him that the incipient deployment of Soviet missile defenses had put him under pressure to "increase greatly our capabilities to penetrate any defensive systems which you might establish". Johnson continued: "If we should feel compelled to make such major increases in our strategic weapons capabilities, I have no doubt that you would in turn feel under compulsion to do likewise." It seems very likely that this letter was stimulated by McNamara.

Perhaps the most persuasive argument brought to bear on the Soviets was not an argument *per se,* but the American decision of late 1967 and early 1968 to proceed with a major MIRV program for the American strategic offensive force, leading to the deployment of Minuteman III and Poseidon. This program was intended to add something like five thousand additional warheads to the American offensive force. The almost theological, not to say fanatic, attachment Mr. McNamara had for the MAD philosophy is reflected in the fact that, while he viewed the beginnings of a Soviet system for the defense of their homeland as highly provocative, he apparently saw nothing provocative in spending several billion dollars to add several thousand additional warheads to the American force, especially at a time and under circumstances that would have made it impossible for the Soviets to know what accuracy these weapons might achieve.

For whatever combination of reasons, the Soviets have now either accepted the MAD philosophy or have at least decided to humor us by pretending that they have. It should be mentioned that, to the time of writing, one cannot detect many signs of this philosophy in the papers of Soviet colonels writing for each other in *Red Star;* however, this may only indicate that the message has not yet come down adequately from the top. Some well-placed Soviets have in fact indicated to Americans, very privately, that acceptance of the ABM Treaty will necessitate a major doctrinal overhaul in the Soviet military establishment, and may well require a considerable shuffling of senior personnel. It will be interesting to watch if such a development does in fact come to pass.

Some kinds of ABM systems could be deployed for some objectives that would be compatible with a generally prevailing MAD posture. In fact, the Sentinel ABM system initiated by McNamara in September, 1967, and the Safeguard System that the Nixon Administration has been constructing, were both designed to be compatible with a MAD posture. This compatibility resided in the fact that the defense of the entire country that these systems would have provided was what is called a "light" or "thin" defense; a large and sophisticated attack, such as the Soviets would be capable of mounting, would easily have overwhelmed a thin overall defense of our cities. (At McNamara's instruction, the Sentinel system design also had some specific weaknesses intended to make the system more easily penetrable by the Soviets.) Such a light area defense was intended, in the case of the Sentinel System, to provide protection of the entire country against possible Chinese attacks that may become feasible if the Chinese develop an ICBM force.

The Nixon Administration retained the anti-Chinese light area defense objective of the Sentinel System and added additional objectives for the Safeguard System, chiefly the provision of added protection of our ICBM and bomber forces. The three-fold objectives of the Safeguard program have been stated many times by the Nixon Administration; for instance, as given in the most recent "Posture Statement" issued by Defense Secretary Melvin Laird in February 1972 (p. 76): "Protection of our land-based retaliatory forces against a direct attack by the Soviet Union; defense of the American people against the kind of nuclear attack which the People's Republic of China is likely to be able to mount within the decade; and protection against the possibility of accidental attacks from any source." These objectives made sense, even within the framework of a MAD posture, and the program was accordingly supported, especially in its early phases in 1969 and 1970, by many people who were willing to accept such a posture.

It is instructive that nothing in either Moscow agreement provides a substitute means (to Safeguard) for satisfying these objectives. The Interim Agreement does not provide sufficient protection of our land-based retaliatory forces against a direct attack by the Soviets (I shall give evidence for this shortly), and of course nothing in either agreement does or can do anything about the possibility of nuclear attacks from China or accidental attacks from any source. Therefore, the Administration's previously declared objectives for Safeguard combined with the current proposed agreements constitute a strategic *non sequitur*.

The worst aspect of this relates to the protection of our retaliatory forces. The repeatedly declared Administration objective in linking the negotiation of an ABM agreement to an agreement limiting strategic offensive forces was that it was necessary to limit the threat to Minuteman in order to accept constraints that would limit our ability to protect Minuteman. However, we are quite some distance from having achieved that link-up. To quote again from Secretary Laird's most recent Posture Statement (p. 78): "With significant qualitative improvements in Soviet ICBM's even without increases in the number of Soviet ICBM's [i.e., exactly the situation permitted by the Interim Agreement], the postulated threat to Minuteman in the last half of the 1970's could grow to a level beyond the capabilities of the four-site Safeguard defense of Minuteman. Therefore, we propose [initiating an additional ABM defense program for protecting Minuteman beyond the four-site Safeguard System]." Thus, even the full four-site Safeguard System, which would have entailed many more than 100 interceptors, was judged by Mr. Laird inadequate to protect Minuteman against the threat now permitted the Soviets under the Interim Agreement; yet we have negotiated away all but a small part of that Safeguard System, to say nothing of the capability to add additional active defense.

Evidently the gains of this agreement are not to be found in terms of the often-expressed objectives of the Safeguard program. There are two possible intellectual justifications for accepting this treaty, in the light of the objectives the Government has expressed. The first is that, while these agreements themselves are inadequate, supplementary agreements to be sought in following negotiations will redress these imbalances. However, the Soviets will surely have very little motivation to degrade the situation they now find themselves in, and I do not believe an argument of this form should be given any significant weight. The other possible justification would be of the form that, while the agreements may in some sense constitute an immediate strategic loss, the various political and economic gains that may develop as a consequence of these agreements in the future will more than compensate for the strategic costs. An argument of this form is in fact indicated in President Nixon's last foreign policy statement. While this argument cannot be dismissed, there is no doubt that such a calculation of gains and losses requires considerable optimism about the consequences of having these agreements and considerable pessimism about the future if the agreements were not in force. I shall return to this issue below.

IV. WHAT BROUGHT US HERE?

The question of what brought us to the point of accepting these agreements can be answered at several different levels, and in terms of several different individuals and groups within the Government.

President Nixon, for example, genuinely wants peace, he genuinely would like to save money, and he genuinely would like to be re-elected. With respect to this last objective, he obviously understands quite well that negotiation of these agreements, especially if they are accepted without too much of a battle, will be of substantial domestic political value. I believe it is quite fair to say that this fact contributed significant pressure to the American negotiators However, it would be quite wide of the mark to think of the agreements merely as a cheap electoral trick or to think that the agreements do not have a substantial base of support in the bureaucracy.

Many people in the Executive Office—i.e., the President's own staff—place considerable emphasis, in justifying these agreements, on the argument that—as concerns the Interim Agreement most especially—the Congress would not provide the wherewithal to close an increasing gap in strategic forces.

While this argument is probably sincere, it is possible to believe that it may in fact be less important than a perception that is less frequently articulated, but which is likely held by the President and by some of his key people in the Executive Office, that money for military purposes would be very scarce even if Congress itself were not an obstacle. Trying to find several billion dollars a year in extra money for the Defense Department at the present time would entail choices among very unpleasant alternatives, such as raising taxes, attempting some kind of tax reform, or taking large amounts of money out of other programs the Administration was only recently supporting. These alternatives would, of course, look especially unpleasant in an election year.

This perception is probably at least partially responsible for the high hopes that many Administration people have placed on achieving suitable agreements in the SALT. It may also be related to the fact that the President himself has not conspicuously gone to bat for his military establishment, apart from Vietnam. The Congress may make an easy scapegoat, but the Congress cannot fairly be reckoned the chief villain of the piece when the President has never once gone to the country to explain that our military posture was in jeopardy and that more money was needed for strategic forces. If the President had chosen to lead on this matter, many of us believe that the country might well have followed; but the experiment was never tried.

The main bureaucratic force behind the proposed ABM Treaty was the Arms Control and Disarmament Agency, known as ACDA. Most of the staff of this agency has had a theological commitment to a MAD posture, and a corresponding degree of opposition to active defenses for cities, for years. Other bureaucratic forces in support of this treaty can be found in other agencies, especially in the Department of State, and are mainly but not wholly, less ideological in character; some view it as an additional means of saving money, or as a device for attempting to reduce the momentum of the strategic arms race, and are simply less concerned with distinctions between defensive and offensive forces. And some are simply pessimistic about the prospect of achieving sufficient technical effectiveness of missile defense, now or in the future.

One of the more interesting bureaucratic case studies, in relation to these agreements, can be found in the Department of Defense. A decade ago, it would have been absolutely inconceivable that, for instance, the Joint Chiefs of Staff would have approved either of these agreements, much less both of them. Their approval would have been almost as unthinkable five years ago, and they probably would have resisted the agreements as recently as three years ago. Within the past three years, however, and especially within the past two, a very noticeable loss of morale has been detectable within the Defense Department. In the face of the buffeting they have received from the Congress, from the President's own Bureau of the Budget, and from the general public, the military staffs themselves have been looking increasingly to the SALT to help "save" their situation.

Even to the present time, however, it is most implausible that the Joint Chiefs could regard these agreements with enthusiasm; more likely they simply faced their own set of unpleasant alternatives, and judged these agreements to be the least unpleasant. The bureaucratic history of the proposed agreements probably contributed some share of the unpleasant way the alternatives were structured.

Some comments in the press have tended to suggest that Henry Kissinger was the chief architect of these agreements. It would probably be much more accurate to think of him as presiding over the national security apparatus as a sort of chairman, and attempting to impose some degree of order and competence on that apparatus, than as a personal mastermind of the agreements. Kissinger's main (and very considerable) strength is in international politics; perhaps because of the technical components involved, he has never been as strong with stategic nuclear issues. Kissinger's personal contribution to events can probably be found much more in the President's determined resistance to cutting American troop levels in Europe, and in the missions to Peking and Moscow, than in these two strategic agreements. Their origins are both more diffuse in character and remote in time.

V: WHERE NEXT?

It is clear that these are not the arms-control agreements one would wish to have in an ideal world. I personally have supported, and without serious reservation, every arms-control agreement or treaty that has come up for acceptance or ratification since World War II. For the first time, I find it doubtful that one should counsel acceptance of these agreements. (The ABM Treaty will require a two-thirds vote for ratification in the Senate; the Interim Agreement will require a majority vote in both houses.)

The basic difficulty, of course, is that one does not have a free choice to start over again to produce better agreements; it would otherwise be easy to advise rejection. But the choice is not free. In view of all the circumstances prevailing, both domestically and internationally, should one therefore accept a conspicuous American declaration of strategic inferiority, and accept the conspicuous idiocy of a permanent commitment to a MAD posture, and simply hope that the agreements will ultimately contribute to the evolution of a secured peace with freedom? Or should one attempt to insist that the President should do what is right, and the Congress should do what is right, and the public should do what is right, including a willingness to spend much more money if the Soviets are recalcitrant about establishing more sensible agreements—and, incidentally, almost surely lose the battle? I do not know, and I can believe that honest and intelligent men, who understand the issues thoroughly, and who are as hostile as I am to the agreements, could easily differ on the answers.

At the very least, the debate associated with these agreements, in the Congress and out of it, should force attention to a number of important questions. Some of these concern technical details, but which may be of sufficient importance to influence the acceptability of the agreements. For example, in the ABM Treaty, why should a local defense of ICBM silos limited to 100 interceptors require the astonishing total of 20 radars? With respect to the Interim Agreement, what kind of confidence can the Administration have that the Minuteman force is not seriously jeopardized? Is there any sensible way to require, as a condition of acceptance, that the Soviets must at least provide declarations of their own force levels? Other types of questions should concern more basic philosophical issues, such as whether we wish to live forever under a MAD posture or whether we wish to provide formal acknowledgment (via the Interim Agreement) of Soviet superiority. It may well be that some judicious reservations could be attached to these agreements that would lessen their unfortunate effects.

The United States has suffered something like wounds from a number of sources in recent years—Vietnam, student activism, declining credibility of both the Government and the media, and, not least, a declining American role in world affairs, occasioned largely by declining morale at home. Many of us will feel that Mr. Nixon has now rubbed SALT in our wounds. But we should not forget that there are, in fact, good reasons to slow down the strategic arms race; and if the agreements are accepted, we must, of necessity, share Mr. Nixon's hope that their positive effects will, over the long term, outweigh their immediate strategic costs.

The costs are real.

THE WAR STILL TEARS AMERICANS' CONSCIENCES

Mr. HUGHES. Mr. President, opposition to our military adventurism in Southeast Asia continues to flow deeply in the conscience of the Nation, despite the gratifying reduction in American troop casualties.

While our troops in Vietnam have fallen below 50,000 for the first time in 8 years, there has been a relentless increase in the number of American fighting men stationed in Thailand and with the 7th Fleet in the South China Sea. With this manpower, the intensity of our unilateral air war has escalated to its highest pitch ever. The massive destruction from our tons and tons of bombs and thousands of gallons of napalm has laid waste a productive land and killed and maimed its people.

A decade ago, many Americans felt that altruism and brotherhood were justification for our forcible intervention in Vietnam. Today, those same humanistic feelings have become the basis for the pity and mercy that a majority of the citizens of this country now hold out to the hundreds of thousands of Indochinese civilians whose lives and families have been shattered by our impersonal bombing from on high.

The executive refuses to end this war, so the legislative branch must—totally and at the earliest practicable time.

That is the message that I am receiving in letters from around the country, and I am sure other Senators are receiving the same message from thousands of Americans.

One notable example of this feeling came in my mail yesterday, and I wanted to share it with the Senate. It is a petition from 256 faculty members of Iowa State University at Ames, Iowa. There are 25 graduate assistants among the signatories, but all the remainder are members of the faculty.

Mr. President, I sincerely welcome the receipt of this petition and ask unanimous consent that it be printed in the RECORD along with a letter from two members of the faculty council, transmitting the petition.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

IOWA STATE UNIVERSITY,
Ames, Iowa, June 26, 1972.

Hon. HAROLD HUGHES,
U.S. Senator, Senate Office Building, Washington, D.C.

MY DEAR SENATOR HUGHES: At its regular meeting on May 9, 1971, the Faculty Council of Iowa State University passed a resolution providing for the initiation and distribution of the enclosed petitions among the faculty of this university. We feel that it would be helpful to outline the debate which took place that evening.

At the request of a constituent, the Council considered a motion which would have put the Faculty Council on record as opposing the mining of the North Vietnamese harbors by American forces. A full discussion followed during which it was pointed out that the Faculty Council, as a body representing many individual faculty members, should not take sides on highly controversial issues. The motion was defeated.

Following this, a motion was introduced that the Faculty Council initiate the distribution of a petition expressing opposition to the American posture in Indochina and to the mining of the harbors in order that faculty members, as individuals, might express their opinions. The motion passed, and the petitions enclosed are the result of that action.

A third motion, which would have involved the Council in initiating a petition to be sent to you and to Hanoi condemning the actions of the North Vietnamese was discussed. It was noted that faculty members at Iowa State do not participate in the election of the government of North Vietnam, so that our standing in relation to that government does not lend itself to petitioning. The motion was defeated.

These petitions have been signed by faculty members of this University and, where indicated, by graduate assistants. We respectfully submit them to you for your consideration.

For the Faculty Council,
BENJAMIN S. COOPER,
Assistant Professor of Physics.
W. DOUGLAS PRITCHARD,
Associate Professor of Music.

On May 9, 1972, Faculty Council at Iowa State University voted to authorize the establishment and distribution of petitions in opposition to the American posture in the Indochina conflict. The resolution stipulates that the petitions be sent to the President of the United States as well as to all members of the Iowa delegation in Washington, D.C.

"We, the undersigned Faculty Members, stand in opposition to the U.S. military presence in Indo-China and to the current escalation of the conflict as manifested by the President's mining of the harbors in North Vietnam."

D. K. Bruner, English, James A. Lowrie, English, N. W. Yates, English, R. W. Davenport, Speech, Pearl Hogrefe, English, Lillian O. Feinberg, English, James Weaver, Speech, Richard L. Herrnstadt, English, Richard Gusstafson, English, R. E. Hoover, English, Will C. Jumper, English.

Robert R. Bataille, English, Frank E. Haggard, English, Genevieve Meininger, Foreign Language, George Lopos, English, Julie Braun, English, Leonard Feinberg, English, Albert L. Walker, English, Gordon W. Herbster, English.

W. Douglas Pritchard, Music, Richard H. von Grabow, Music, Charles Stark, Music, Mildred Laughlin, Music, Ruth Wagner, Music, Laurie Ticehurst, Music, Martha N. Folts, Music, Marion Barnum, Music, Gary C. White, Music, Jerry Pruett, Music, Joseph Messenger, Music, Carl O. Bleyle, Music, Ilza Niemack, Music.

Jeanette Bohnenkamp, Food and Nutrition, Edythe Glass, Child Development, Willa Choper, Child Development, Donna C. Nelson, Child Development, Patricia A. Johnson, Linda Carson, Joan Herwig, Child Development, Carol L. Anderson, Child Development Extension, Michael Jacobowitz, Child Development, Jeanne Dixon, Child Development, Shirley Shaw, Child Development, Lynn M. Graham, Child Development, Stefan M. Silverston, Computer Science, D. L. Ulrichson, Computer Science.

Alan F. Wilt, History, Dan Robinson, Education, Suzanne Robinson, Reg Smith, Danielle Harder, Sociology.

Patrick Kavangh, Mechanical Engineering, E. E. Anderson, Mechanical Engineering, Premo Chiotti, Metallurgy, Arnold Kahn, Psychology, Kenneth Carlander, Zoology and Entymology, Mike White, Math, Clair W. Keller, History and Education, Mark E. Neely, History, Marvin C. Papenfuss, Math, H. C. Brearley, Electrical Engineering and Computer Science, J. W. Menne, Psychology.

Richard Van Iten, Philosophy, Barton C. Hacker, History and Mechanical Engineering, Wayne S. Osborn, History, Steffen Schmidt, Political Science, J. B. Scheeler, Civil Engineering, Richard W. Pohl, Botany, Richard Koupal, Music, Thomas A. Weber, Physics.

Joseph H. Kupfer, Philosophy; John W. Elrod, Philosophy; Harold I. Sharlin, History; Adrian A. Bennett, History; Philip B. Zaring, History; Achilles Avraamides, History; James W. Whitaker, History; Richard N. Kottman, History; Philip H. Vaughan, History; Faye P. Whitaker, English; Kenneth G. Madison, History; Dorothy Schwieder, History; John Hannaway, History; George T. McJimsey, History;

Don C. Rawson, History; James B. Sinatra, Landscape Architecture; Robert S. Hansen, Chemistry.

Benjamin S. Cooper, Physics; Robert A. Leacock, Physics; D. M. Roberts, Nuclear Engineering; N. W. Dean, Physics; S. A. Williams, Physics; Bing-lin Young, Physics; Mike R. Haas, Physics; Laurent Hodges, Physics; David R. Torgeson, Physics; James W. Bloom, Physics; P. Spencer Young, Physics; Stan W. Kocimski, Physics; William C. Egbert, Physics; R. H. Good, Jr., Physics; L. D. Krase, Physics.

Joseph J. Eitter, Physics; Cheryl Cate, Physics; M. S. Haque, Physics; Tom Corrigan, Physics; E. M. Jensen, Physics; Robert M. Jacobel, Physics; James R. Toplicar, Physics; Fred L. Ridener, Physics.

Duncan Mallam, English, C. Buell Lipa, English, Dale McCay, English, Keith G. Huntress, English, Gretchen Hettinga, English, Rachel M. Lowrie, English, M. B. Drexler, Speech.

Sherry Hoopes, Speech, Eric G. Clemens, Architecture, Linda R. Galyon, English, J. D. Beatty, English, Gayle Emmel, English, Bev Benson, English, A. E. Gaylon, English, Elizabeth Bukels, English, Charles H. Sohn, English, M. H. Dunlop, English, Phyllis Glass, English, Donald Dunlop, English, Patrick D. Gouran, Speech, Dainis Bisenieks, English.

Betty Morgan, Speech, Robert F. Charles, Speech, N. E. Hagler, Speech, Frank E. Brandt, Speech, Jane Cox, Speech, Claudia Edwards, English, Pearl Zinober, English, Russel O. Peterson, English, Paul B. Nemiroff, Speech, Terrence Horland, Speech, Patricia Hendricks, English, Janellyn Staley, English, Ronetta Kahn, English.

Carol Harms, English, Cheryl Marsh, English, Alan D. Beals, English, Victor Vrbanowitz, English, Robert S. Boston, English, Mary Spraggins, English, Cynthia Davenport, English, Richard Phenegar, Speech, Max K. Culver, Speech, Owen D. Thorson, Speech, H. C. Eichmeier, Speech, Barbara Matthies, English, Mary Catherine Limbird, English, Frances Pedtke, English, Candace Strawn, English, Judi Berzon, English, Annabelle Irwin, English.

Hugo F. Franzen, Chemistry, Jerome W. McAllister, Chemistry, B. G. Gerstein, Chemistry, R. E. McCarley, Chemistry, G. J. Small, Chemistry, W. Trahanovsky, Chemistry.

George Zyskind, Statistics, H. T. David, Statistics, Oscar Kempthorne, Statistics, Barry C. Arnold, Statistics, Glen Meeden, Statistics, Dean Isaacson, Mathematics, K. Robert Kern, Extension, Marjorie Graves, Extension, D. Candace Hurley, Extension, Joy C. Banyas, Extension, Leon E. Thompson, Extension, Carl Hamilton, Vice Pres. for Information & Development.

Robert P. Hogan, Information Asst., Donald J. Wishart, Extension, James L. Warner, Information Service, Paul Lem, Extension Visual Planner, J. Clayton Herman, Extension, Larry R. Whitting, Editor, C.A.R.D., Virginia Harding, Extension, John F. Heer, Editor, Ag., David L. Lendt, Asst. to Vice Pres., Ellis A. Hicks, Zoology & Entomology, Gordon Munson, Information Assistant, Robert W. Pritchard, Extension.

George G. Koerber, Electrical Engineering, W. B. Boast, Electrical Engineering, J. P. Basart, Electrical Engineering, J. W. Nilsson, Electrical Engineering, John R. Pavlat, Electrical Engineering, Thomas M. Scott, Electrical Engineering, M. H. Mericle, Electrical Engineering, E. C. Jones Jr., Electrical Engineering.

Clayton G. Holloway, English, Richard R. Wright, English, James R. Dow, Foreign Language, Helga B. Van Iten, Foreign Language, Dennis Phillips, Foreign Language, G. Buford Nosman, Jr., Foreign Language, Ann Vinograde, Foreign Language, Rainer Rumold, Foreign Language, Patricia Sullivan, Foreign Language, Barbara von Wittich, Foreign Language, Raymond Vondran, Library, Joanna Courteau, Foreign Language, Frederick Schwartz, Foreign Language, Harry A. Kahn, Foreign Language, Margaret S. Johnson, Foreign Language, Charlotte Bruner, Foreign Language, Allen S. Grossman, Physics.

J. C. Mathews, Mathematics, George Seifert, Mathematics, Norman Parker, Mathematics, K. A. Heimes, Mathematics, D. E. Sanderson, Mathematics, Chuck Riley, Mathematics, R. W. Neufeld, Mathematics, J. Colby Kegley, Mathematics, David F. Wooten, Mathematics, George W. Peglar, Mathematics, Edward S. Allen, Mathematics.

C. J. Triska, Electrical Engineering.

A. V. Pohm, Electrical Engineering.

C. S. Comstock, Electrical Engineering.

T. A. Smay, Electrical Engineering.

R. J. Zingg, Electrical Engineering.

C. L. Townsend, Engineering Extension.

Robert E. Post, Electrical Engineering.

Paul R. Bond, Electrical Engineering.

Glenn E. Fanslow, Electrical Engineering.

Robert L. Samuels, Electrical Engineering.

Richard C. Morrison, Physics.

David W. Lynch, Physics.

Ronald Fuchs, Physics.

Richard G. Barnes, Physics.

Kenneth L. Kliewer, Physics.

Michael Yester, Physics.

F. C. Peterson, Physics.

Lester T. Earls, Physics.

Charles L. Hammer, Physics.

James L. Wolf, Physics.

John R. Clem, Physics.

G. C. Danielson, Physics.

Jon J. McCarthy, Physics.

Clayton A. Swensen, Physics.

William J. Kernan, Physics.

Percy Carr, Physics.

Sunil Sinha, Physics.

C. Stassis, Physics.

D. K. Finnemore, Physics.

UNION CARBIDE CORP. AWARDS SCHOLARSHIPS FOR CITIZENSHIP EDUCATION

Mr. BROCK. Mr. President, last week our Government renewed its commitment to the youth of America with the President's signing of the Higher Education Act of 1972—S. 659. Just as the Government has its stake in our Nation's young people, so do many in the private sector. Among these is the Union Carbide Corp., which this week is sponsoring a constituent of mine, Miss Katrina Knox, of Columbia, Tenn., for participation in the Washington Workshops Congressional Seminar.

Each year the Union Carbide Corp. selects a number of highly qualified high school students to join in the fine learning experience offered by the Washington Workshops, and I congratulate Katrina on her being chosen as a Union Carbide scholar.

In spite of the brief time the participants are on Capitol Hill, valuable experience in the legislative process is gained. Such experience cannot be acquired in the classroom, the media, or from books on the subject, but only through direct involvement in the daily activities of Congress.

Mr. President, the image held by many people who have not had the opportunity to be involved in such activities, differs widely from that held by the Senators, Representatives, and the Capitol Hill staff. Katrina and the other students will leave after a week on Capitol Hill with a greater understanding of and new insights into the legislative process.

Katrina is one of 200 Washington Workshops students directly learning about American Government this week on Capitol Hill. I heartily commend Union Carbide and the many private organizations who make such scholarships available to outstanding young Americans.

JACL CONVENTION

Mr. PERCY. Mr. President, this week representatives of the Japanese American Citizens League—JACL—are holding their biennial convention in Washington, D.C. It is my pleasure to note their presence in this city, our Nation's Capital, and to welcome them.

Concurrent with this meeting is the exhibit at the Smithsonian Institution concerning the internment of thousands of Japanese Americans during World War II. This exhibit serves to remind all Americans of the terrible injustice which was inflicted on our Japanese American citizens at that time.

Japanese Americans have good reason to be proud of their heritage and their traditions, of their culture and the example they set of constructive citizenship. I welcome those who have come to Washington this week, and I send best wishes on this occasion to all Japanese Americans throughout the land.

ANNOUNCEMENT OF POSITION ON LEGISLATIVE ROLLCALL NO. 265

Mr. ROBERT C. BYRD. Mr. President, the Senator from Louisiana (Mr. ELLENDER) was unavoidably absent from the Senate yesterday at the time of the final passage of legislation to amend and extend programs administered by the Office of Economic Opportunity.

I wish to announce that Senator ELLENDER desires to be recorded in favor of the legislation.

CONFIRMATION OF NOMINATION OF CARROLL G. BRUNTHAVER, OF OHIO, TO BE ASSISTANT SECRETARY OF AGRICULTURE FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

Mr. TAFT. Mr. President, on June 22 the Senate confirmed the nomination of an exceptionally qualified man, Mr. Carroll G. Brunthaver, of Ohio, to be Assistant Secretary of Agriculture for International Affairs and Commodity programs.

Carroll G. Brunthaver has been deeply involved in agriculture all of his life. Born in Fremont, Ohio, on March 27, 1932, he grew up on his family's grain and livestock farm, and later farmed it with his father. Mr. Brunthaver's brother still operates the home farm. Mr. Brunthaver was active in 4–H and FFA, earning the FFA State Farmer degree in his senior year of high school.

He received his B.S. degree in agricultural economics from Ohio State University in 1954, and after 4 years as an Air Force jet pilot he returned to Ohio State and received his Ph. D. in agricultural economics in 1960.

Mr. Brunthaver has served as an assistant county extension agent, and on the agricultural economics faculties of Ohio State and Michigan State Universities. From 1961–66 he was director of research for the Grain & Feed Dealers National Association, and later associate director of research for Comco, an affiliate of the agricultural exporting firm of Cook & Co., in Memphis, Tenn.

Mr. Brunthaver authored a number of studies and articles on agricultural policy and trade subjects.

Since 1969, Mr. Brunthaver has been Associate Administrator of USDA's Agricultural Stabilization and Conservation Service, helping to direct domestic farm programs, including the set-aside programs for cotton, wheat, and feed grains, the rural environmental assistance program, and community loans and price supports. He has also been a vice president of the Commodity Credit Corporation.

Mr. Brunthaver is a member of Alpha Zeta honorary professional agricultural fraternity and Gamma Sigma Delta.

He is married to the former Betty Hessick of Green Springs, Ohio. They have two children, Susan and Jeffrey.

The right combination of fertile soil and suitable growing climate has made the Buckeye State a leader in agriculture. Throughout its history of diverse agricultural undertakings Ohio has remained the land of farmers. In spite of his hard life, the industrious Ohio farmer has compiled a history of leadership.

Good grazing land and abundant supplies of hay and grain make Ohio a leader in the production of beef, pork, mutton, poultry, dairy products, and wool. In 1850, Ohio ranked first nationally in agriculture; 113 years later, Ohio ranked fifth nationally—and is still the land of farmers today.

Today aided my extensive research and development programs, such as those conducted by Mr. Brunthaver, Ohio agriculture maintains its heritage of national leadership.

It is indeed fitting that a man of Mr. Brunthaver's outstanding abilities as an agriculturist was born and reared in a State so rich in resources. Ohio is proud of its land, and of the Ohioan chosen to help lead them, and the farmers of the entire Nation to even richer harvests.

AN ENERGETIC ILLINOISAN: PAUL HORVAT, OF THE SELF-HELP ACTION CENTER

Mr. PERCY. Mr. President, I invite the attention of Senators to the activities of a constituent of mine, Mr. Paul Horvat, the founder, organizer, and president of the Self Help Action Center, Inc., of Wilmette, Ill., my own hometown.

Mr. Horvat and SHAC have been helping to organize co-op buying clubs through which low-income persons—particularly the elderly—may purchase fresh farm produce directly from small farmers. Over the past 2 years or so, Mr. Horvat has organized 182 farmers' food shows in the Chicago areas as a device whereby farmers display their produce in a community, sell it to local residents at a fair market price—normally lower than residents pay in area retail establishments—and, as a result, interest the local residents in forming a buying club.

Thus far, 35 clubs have been set up and 75 more are in formation. Mr. Horvat estimates that farmers make from 40 to 100 percent more on sales while poor people save from 40 to 100 percent on their food budgets.

According to Mr. Horvat, the benefits of his program are great: Small farmers are able to remain self-supporting. The poor are able to acquire a nutritious diet at low cost and at the same time become economically and socially independent through the buying clubs. It is a situation in which everybody gains something—including the society—and nobody loses.

Mr. Horvat is a dedicated and determined man. Although retired from business, he devotes long hours to SHAC and has lectured and traveled extensively in all parts of the country. He finds a good deal of interest in the SHAC concept and is now planning a national farmers' food show in Chicago in September. It is Mr. Horvat's hope that similar smaller scale activities might take place throughout the country at the same time.

I have recently written to President Nixon urging him to declare September to be National Self Help Action Month and to lend his support to the immediate and long-term purposes of the farmers' show.

I ask unanimous consent that several newspaper articles explaining the SHAC concept and describing Mr. Horvat's activities be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Courier & Freeman (N.Y.), Mar. 15, 1972]

"HUNGER FIGHTER" TO ADDRESS PUBLIC AT CLARKSON COLLEGE

One of the greatest problems that has plagued mankind since the beginning of time—hunger—will be discussed by a "self-styled hunger fighter", tomorrow at Clarkson College of Technology.

Paul Horvat, the developer of a "New Economic Rescue Plan", whereby those with very moderate or low incomes can get high quality food at a price they can afford, will speak in Room 128, Clarkson Hall, at 8:15 p.m. The convocation is sponsored by the Public Occasions Committee of the College.

Horvat will also speak in Watertown this evening at a meeting of the Jefferson County Furniture Co-Op, at 126 Franklin Street, at 7:30 p.m.

Horvat's "New Economic Rescue Plan" has been incorporated by the State of Illinois as the Self-Help Action Center. SHAC is non-profit, non-sectarian, and non-political. Through its work, it is helping the small farmer sell his produce for a fair price, thereby enabling him to survive on the farm.

Horvat reasons that the farmer, by being able to make a living on the land, doesn't migrate to the already crowded city and add to the number of unemployed straining the welfare rolls.

The poor in the cities are helped because, by making their food dollars go further, better and larger quantities of food can be obtained.

In his lectures, Horvat explains how organized small farmers are getting 30 to 100 percent more for their food products and how organized poor people are saving like percentages in buying food, even when using food stamps.

Small farmers from Michigan, Florida, Texas, Indiana, and Wisconsin whose livelihood has been threatened by larger farms have been delivering their fresh food products to SHAC's 17 main co-op buying clubs and 262 smaller ones throughout the Chicago poverty pockets.

The organization, which has more than tripled its participants, is geared to help the needy help themselves, according to Horvat. Since the program's formal thrust into the city, it has served more than 200,000 needy people.

A native of Yugoslavia, Paul Horvat lost all of his property to the Nazis in 1940 and in 1945 to the Communists in Yugoslavia. He came to this country in 1952 and using his own program of "self help" action, he very quickly succeeded in his landscaping business.

In Yugoslavia he had organized a similar program called "New Economic Rescue Plan." This group brought together peasant farmers and city dwellers for economic survival. After retiring from his landscaping business he took up his old pursuit, organizing and recruiting for a price beating cooperative.

During one week in April, last year, the poor in Chicago paid 45 cents for a dozen jumbo-size eggs at the Self-Help distribution sites. While in the ghetto stores they sold for 85 cents.

At the present time Horvat is planning to expand the program to include dairy products. The search continues for adequate refrigerating facilities to eventually enable his program to provide meats, the costliest item on the food budget.

[From the Bradenton Herald, Feb. 20, 1972]

WINTER VISITOR'S PROGRAM UNITED FARMERS, BUYERS

(By Betty Trovinger)

Paul Horvat, founder, organizer and president of Self Help Action Center (SHAC) in Chicago, Ill., is spending his winter vacation in Anna Maria lecturing about his new Economic Rescue Plan throughout the area.

Through this plan, family farmers and small farmers are receiving a higher price for their produce while people on limited incomes are saving money on their grocery bills, Horvat explained.

By organizing the farmers and consumers into cooperative groups, and eliminating "the middle man", both groups can realize substantial savings.

This program also offers benefit to senior citizens who, without risk, fees or obligations, can get quality fresh farm food products with sufficient nutrition and all at a lower cost, Horvat said.

Using the SHAC program, the state of Florida can save millions of dollars, according to Horvat. By solving some of the poverty problems in the state, less state and local funds would be needed and decrease of taxes could result, he said.

Since coming to Florida in January, Horvat has met with several farmer groups including MA-NA-HILL Farmers Association.

Groups of growers of citrus and other fruits and vegetables have met with Horvat in Bradenton, St. Petersburg, Tampa, Sarasota and Anna Maria Island. He has also met with groups of people with limited incomes who are interested in the economic rescue plan.

Horvat discussed the plan on how Florida growers can supply northern consumers durling the winter when there is no growing season in the northern part of the country.

He gave information about the SHAC training school being started in Chicago for community, city and state leadership for the program.

SHAC is organizing a Nationwide Farmers Food Show in Chicago during the first week of September 1972 and food growers are invited to participate.

Horvat emphasized implementing the program involves special action committees such as public relations contact, finance, organizers for co-op buying groups, organizers of producers selling groups, education, research and youth leaders.

[From the Chicago Tribune, May 13, 1972]

BUYING CLUBS WELD SMALL FARMERS, NEEDY

(By Angela Parker)

"This is the first time my husband really enjoyed shopping," said Mrs. Timothy Thigpen as she left the Self Help Action Center open food market.

Mr. and Mrs. Thigpen participated in a Self Help Action Center food demonstration last week at Our Lady of the Gardens Catholic Church, 13300 S. Langley Av., one of 32 open market food demonstrations planned in the last three years to encourage financially needy communities to organize cooperative buying clubs.

The Self Help Action Center, which opened its main office last November in the Guaranty Bank and Trust Co. building, 6760 S. Stony Island Av., is an organization which is trying to attack malnutrition in some of Chicago's poverty areas.

The center brings together small farmers and the poor whose food budgets cannot provide enough nutritious food for their families. The farmers market their products at a profit by selling directly to the consumer and the consumers buy top-quality food staples at a cheaper price than they can purchase such items in the supermarket.

Small farmers from Illinois, Indiana and Wisconsin whose livelihood has been threatened by larger farmers have been delivering their fresh food products to the center's 17 main co-op buying clubs and 262 smaller ones thruout Chicago poverty pockets.

The organization, which has more than tripled its participants in the last seven months, is geared to help the needy help themselves, according to Paul Horvat, its founder.

During the market and information demonstrations, residents learn how they can set up an independent cooperative buying club in their area. When the club is organized, residents make out orders of what they want and send them to the participating farmers who come into the city on a regular basis to deliver the orders.

Since the program's formal thrust into the city, it has served more than 200,000 needy people, he added.

Mrs. Dorothy Shavers, a program volunteer, has been assisting Horvat in setting up neighborhood food demonstrations and helping local residents set up independent clubs. She is assisted by volunteers from the Welfare Council of Metropolitan Chicago's Volunteer Service Corps and many neighborhood residents who donate time to help distribute program announcements and organize the buying clubs.

According to Horvat, "The direct buying technique is the keystone in something called the 'new economic rescue plan,' a time-tested idea that goes back more than 50 years." Horvat, a Yugoslavian immigrant who came to America in 1952, is president of the International Peasant [small farmer] Movement and has organized community buying clubs thruout Illinois and other states.

A spokesman for the center said farmers who participate in the program receive larger profits than they would if they took their merchandise to a large wholesale market and the consumers get 25 to 35 per cent more food for their dollar.

The center was recently admitted to the Department of Agriculture's Food Stamp Program and accepts food stamps for all food products.

"The food is substantially cheaper and of a higher quality than I can get at any neighborhood stores," said Mrs. Alola Davis, 667 E. 83d St. "I can buy green peppers and fruits such as apples, oranges and grapefruits at the center but I don't ever buy them in my neighborhood because they're too high and I can do without them."

The Self Help Action Center will have a display at the Senior Citizens Fair at McCormick Place Saturday and Sunday. "We will display examples of the food products available and provide information about our program in the hopes of getting more groups interested in starting a club in their neighborhood," said Horvat.

PAUL HORVAT PLAN CAN ELIMINATE HUNGER

(By William McCulloch)

Make no mistake about it, Paul Horvat is dead serious when he says he has a plan that can eliminate hunger, fight inflation, save the small farmer, and reduce social unrest.

It sounds like an impossible dream. And there is a reflex temptation to dismiss Horvat as sort of a latter-day Don Quixote, an aging idealist in hot pursuit of a panacean mirage.

The fact is, Horvat's plan just might work. He's convinced that it will, and more and more people are starting to believe him. After all, doing the impossible is nothing new to Paul Horvat.

A short, powerfully built man, Horvat was born to a Slovene peasant family near the village of Bratonci in what was then a part of the Austria-Hungarian Empire. His father raised wheat, corn, potatoes, and eggs, and did a little makeshift veterinary work on the side.

"At that time," Horvat recalls, "most of the peasant children went to school barefoot. In cold weather, when the children complained, parents would say, 'Run, run . . . keep warm by running.'

"So, you see, children in those times did not want motorcycles or cars. We wanted shoes.

"Well, one year there was a very good crop. Everyone was happy because we could buy the things we needed. But at harvest time, government leaders ordered all farm prices dropped. Suddenly there was panic—people were crying."

The situation was tailor-made for the Communist Party. Horvat remembers how the party organizers portrayed themselves as liberators, as correctors of injustice. But the peasants didn't go for it. Instead, says Horvat, they decided to explore the possibility of selling their products directly to consumers.

Horvat—then only a teenager—was given responsibility for making the necessary contacts. "We were successful," he says. "By going around the usual markets and setting up our own we were able to get—in some cases—10 times more than the government price. And the consumers were paying less!

"That is how we discovered the meaning of self help."

The self-help concept mushroomed, eventually spawning the Farmers Labor Movement, the Farmers Export-Import Association, the Farmers Savings and Loan Association, the Farmers Agrarian Reform Movement, the Farmers Newspapers, and numerous other farm-oriented organizations.

Despite his youth, Horvat became identified as a leader of the politically powerful movement. And in 1919, he was marked for death by the ruthless Hungarian Bolshevist, Bela Kun. Kun's bloody regime lasted less than a year, though, and Horvat was spared.

In 1919 after Slovania had become part of Yugoslavia, Horvat became a local leader in the Yugoslav underground. Again, a price was placed on his head—this time by the Gestapo. Again, he escaped.

Horvat's precarious existence did not improve under the Tito regime, and he eventually went into exile, landing in the United States in 1952.

He got his first job working in a Gary steel mill for $1.35 an hour, but the job ran out after three months when mill workers went on strike. Horvat and his wife took jobs in a poultry shop to survive and later, they answered a newspaper ad and wound up as live-in housekeepers for a well-to-do North Shore family.

After 18 months of working as butler and maid, the Horvats had saved $4,500, enough for Horvat to launch himself into the landscaping business.

The business was, to put it mildly, a success. Horvat, now retired, lives at 1127 Lake Av., Wilmette—his third North Shore home since 1956. He and Mrs. Horvat also own a second home in Florida.

A tireless though unpolished speaker, Horvat has not been slowed by retirement. He maintains a rigorous schedule of personal appearances, addressing farm organizations, urban consumer groups, social action committees, poor people, rich people—anyone who will listen. And to each group, his message is the same.

"Hunger is our No. 1 problem. Action can be postponed on many of our problems, but not on hunger. Hungry people have to eat today, right now.

"When people are hungry, they will ask for food. And if they do not get it, sooner or later they will take it. You cannot stop a movement of hungry people."

As a naturalized citizen, Horvat is appalled by things that too many Americans have come to take for granted: farmers burning crops to protest low prices, huge farm corporations receiving federal payments of $700,000 and more for not growing—not growing—certain crops, small farmers by the thousands calling it quits and moving to the city, and all this while people are going hungry.

"I am asked if the present government is capable of solving the hunger problem," Horvat tells his audiences. "I say, 'Yes, it is.' Then I am asked if I see any movement in this direction, and I say, 'No, I do not.' "

Horvat's solution to the hunger problem is modeled after the self-help movement he helped organize in his native country. Called the New Economic Rescue Plan, it probably will generate the dramatic social and economic benefits that Horvat envisions. The plan does offer hope to many of the estimated 10 to 14 million Americans whose incomes virtually guarantee that they will be malnourished. And it does promise limited relief to the legions of small farmers who break their backs year after year scratching out a subsistence income.

The idea behind the plan is simple: bring farmers and low-income urban families together through Community Thrift more than what they could get Clubs. The farmers sell their products for 20 to 35 percent more than what they could get from a big wholesaler. The families—using cash or government food stamps—buy the products at prices 20 to 35 percent below retail.

The plan already has a foothold in Chicago. Two thrift clubs are in the process of organizing in Evanston. And Horvat says he has contacts with farmers in 16 states. But that's only a beginning, only a scratch on the surface. Before the plan can reach its maximum potential, there are serious problems which must be ironed out.

Even in Chicago, where Horvat's plan is reaching several hundred families, the buying clubs are limited to eggs, fruit, and vegetables. The most expensive items on an average grocery list—meat, poultry, and dairy products—still must be purchased through regular supermarkets. Either that, or they must be purchased in quantity from wholesale houses, and that defeats half the purpose of the plan. Eventually, the thrift clubs may gain access to the refrigeration facilities needed to handle perishables.

Another problem involves the farmers themselves. While a farmer may be dissatisfied with the prices he is getting for his products, at least he is getting something and it is not easy to persuade a farmer to cut his ties with a major wholesale market and begin working exclusively through a local thrift club.

Obviously, much work needs to be done, and Horvat cannot do it all himself. He needs volunteers—volunteer organizers, volunteer clerical help—and he needs financial help.

"I was born to help others in need," says Horvat. "And I want to express my thankfulness to this country for permission to settle here.

"As a citizen, I feel it is my obligation to help solve America's problems and prevent what has happened in Europe and in other parts of the world from happening here."

THE POSTAL ACADEMY PROGRAM

Mr. WILLIAMS. Mr. President, six weeks ago I was informed that the National Postal Street Academy program would not be funded in fiscal year 1973.

Originally funded jointly by the Postal Service, the Department of Labor and the Department of Health, Education, and Welfare, the Postal Academy program has served for 2 years as a basic education program for high school dropouts.

Following the withdrawal of the Postal Service as the contributor of the training aspect of the Street Academy program, the Department of Labor, as well as the Department of Health, Education, and Welfare, withdrew financial and technical support and ordered the program terminated as of June 30.

Although an evaluation conducted by the Department of Labor praised the Postal Academy program and local support of the program was in abundance, and despite the program's proven worth to hundreds of high school dropouts in six of our major cities, this program became an idea that seemed doomed to end for the lack of a specific funding category.

In November 1972, the Department of Labor conducted an extensive evaluation of the Postal Academy and had high praise for the quality of the staff, of the educational program, and of the unusual enthusiasm of the students.

According to the Department of Labor's own evaluation:

> Students had developed strong ties to the Academy and, to some extent, had become dependent upon it; they frequently referred to the relationships and atmosphere of the Academy as that of one big family, and praised the patience and understanding shown by the staff.

Public school representatives in six of our major cities in which the Postal Academies are located, Atlanta, Chicago, Detroit, Newark, San Francisco, and Washington have declared the Postal Academy program to be one of the best programs for dropouts they have seen. School representatives have referred to the Academy as the "best basic education program available in the cities."

Students that were interviewed by the Department of Labor's evaluation team felt that they were learning more than they had in public school. A survey of the Academy program conducted by the Educational Testing Service in Princeton corroborated these feelings.

Based on the community interest in the program and the high regard that it enjoys from the six cities in which it operates, the Postal Academy was recommended for continued funding by the Labor Department's evaluation team.

Although the Academies won the endorsement of all six mayors of the cities in which the programs operate and despite a memorandum from the Office of Management and Budget assuring the Academy staff that continued funding could be expected, the program was abruptly given notice of termination on May 9, only 6 weeks before the phaseout deadline of June 30.

In desperation, the Postal Academy staff turned to their elected officials. The San Francisco Academy students took a collection to allow a young student, Melba McWilliams, to fly to Washington to plead for the continuation of the program.

The students in the Atlanta program went door-to-door in their city to solicit donations in order that their education might continue. We cannot permit the commitment and optimism for seeking a solution to the problems of poverty and ill-education that has been a byproduct of this program to go ignored.

The Department of Labor has initiated an extremely limited cost-sharing arrangement which in effect would strangle the Postal Academy program for lack of funds. Neither of the three governmental agencies which funded the Academy program this year have denied the effectiveness of the program, nor have they denied that the program has been successful in removing high school dropouts from the human scrap heaps of our society; rather, the program is being terminated because it does not fit comfortably into a specific category in either HEW or the Department of Labor.

Together with a number of my colleagues, I have drafted a letter to Malcolm Lovell, Assistant Secretary for Manpower and Training, urging that the Postal Academy be allocated a total of $1.9 million; a skeleton budget to be sure, but hopefully enough to save the remaining students who have enrolled in the program in good faith.

We urge the Department of Labor to allocate these funds without delay in order to afford that one final opportunity to these disadvantaged youngsters who have dropped out of school. Certainly our priorities have not become so confused that we will deny these funds for a decent education and the hope for a brighter future that our young deserve.

PRESIDENT NIXON'S POPULARITY INCREASES

Mr. BROCK. Mr. President, primarily because of his efforts to end the Vietnam war in such a manner that this Nation may enjoy a peace for generations to come, President Nixon's popularity on the high school and college campuses across the Nation increases daily.

To date, the President has outpolled all others and won mock elections on some 104 campuses. I believe the diversity of these institutions both in size and location demonstrate the fact that youth does have its candidate—and that candidate is President Nixon.

The names of colleges and universities follow:

List of Colleges and Universities

Atlantic University, Central Florida Community College, Chippola Junior College, Embry, Florida Presbyterian College, Palm Beach Atlantic College, Lake Samter College, St. Petersburg Junior College, St. Leo College, Seminole Junior College, Florida A & M, Brevard Junior College—Gential Campus, Valencia Junior College.

Polk Community College, North Florida Junior College, Rollins College, Hillsborough Community College—Dale-Mabry Campus, Indian River Community College, Brevard Junior College—South Campus, St. Petersburg Junior College, Florida Southern College, Palm Beach Junior College, Gulf Coast Community College, Miami Dade College (North), Daytona Beach Junior College, Okaloosa—Walton Junior College.

Stetson University, University of Miami, Florida Technological University, Bethomb Cookman College, Barry College, Florida Institute of Technology, Hillsboro Community College—Seminole Campus, Pensacola Junior College, Tallahasse Junior College, Florida State University, Auburn University, Teenage Fair, Hollywood Palladium, John F. Kennedy High School, Los Angeles, John F. Kennedy University.

Whittier College, California State College-Fullerton, University of Southern California, Pepperdine College, Occidental College, Los Angeles Valley College, Five Campus Poll in Los Angeles, University of California, Davis, California Junior Statesmen of America, William S. Hart High School, Huntington High School, Wheat Ridge Junior High School, Fifth National Student's Presidential Preference Poll, University of Connecticut, Oakton Senior High School.

Hialeah Senior High School, N. Miami Beach Senior High School, Youth Political Bipartisan Convention of N.E. Florida, Chipola Junior College, St. John's Jr. College, District Eight-Teenage Republicans Student Primary, College of Idaho, Taylor University, Kansas University, Centenary College, Shreveport, University of Maryland, Oxon Hill High School, Albert Einstein High School.

Brooks Senior High School, Massachusetts, High School Poll of Seniors in East Detroit, Central Michigan, Kellogg Community College, Phi Theta Kappa, Jr. College Honor Society, University of Mississippi, Plymouth High School, Kearsage High School, Dover High School, Spaulding High School, Keene High School, Laconia High School, Pinkerton Academy, New Hampshire College, New Hampshire Technical Institute.

Plymouth State College, St. John's River Jr. College, Chipola Jr. College, Rider College, East Carolina University, Lees-McRae College, Ohio State University, Denison University, Edinborough State College, University of South Carolina.

Statewide Mock Convention at University of South Dakota, Nettleton Commercial College, McCallie School, University of Tennessee, Vanderbilt Undergraduate Political Science Association, University of Houston, University of Virginia, Mary Washington College, Washington State University, University of Wisconsin, Madison, University of Wisconsin, Whitewater.

A TRIBUTE TO JOHN HENRY HALL

Mr. HATFIELD. Mr. President, nearly a year ago, a young Oregonian met his untimely death while mountain climbing in Alaska. While the loss of life is a saddening occasion anytime, it is particularly true when a young person is involved, for a full life should lie ahead for them. Added to this is the realization that John Henry Hall was a young man who had a full, enriching life ahead of himself—in fact, a future to which many young people would aspire.

A review of the accomplishments of John Hall already reached makes everyone who knew him, or has read of his accomplishments, feel a special sense of loss. Here was a man who had so much to offer.

In an article published in the Portland Oregonian, James Marlowe not only captures much of the feelings of John Hall, but also the high regard in which he was held by others. I ask unanimous consent that at the conclusion of these remarks this fine article from the Oregonian appear in the RECORD.

When one reads this article, counteracting the sense of loss of one who had much to offer is the realization that this young man already had contributed a great deal to our society, both as a scientist and as a person.

Mr. President, I conclude these remarks with a quote from the article about John Hall:

> He died doing what he loved to do, and his burial place has no equal on this continent.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MEMORIAL TO JOHN HENRY HALL

(By James Marlowe)

A mountain in Alaska will be named for John Henry Hall.

A scholarship is being established in his name at California Institute of Technology in his chosen field, geology.

A St. Elias Memorial is being established in the Reed College library, a collection of books on mountaineering and conservation, in memory of the Reed group, including Hall, who lost their lives in an avalanche on the slopes of Mt. St. Elias in the Canadian Yukon last August.

Such is some measure of the impact which Portland-born John Hall made on his fellow-man during his 26-year life span.

One of his associates at Cal-Tech wrote that "John Hall, in his time on this earth did more and accomplished more than most of us do in a life three times as long."

Consider, for the moment, only how this young man spent his summers: A summer at Santa Clara College in California on a National Science Foundation Scholarship to study astronomy; one, in Germany as an American Field Service scholar; another at the University of Washington's marine biology station at Friday Harbor (his love of the mountainous north began with the summer on the ice cap near Juneau, climbing many nearby peaks and studying the glacier); there was also a summer spent in the Andes, more mountain climbing, of course.

But the summer which brought John Hall the greatest public notice, prior to his spectacular death last August 11, was in 1970, when he was crew chief for a team of four "chambernauts" who were sealed in a simulated laboratory for 90 days.

This program was to test the regenerative systems and provide other basic data for Skylab 1, which is due for launch by NASA next year. For his part in the program, John Hall received a posthumous award from McDonnell Douglas Astronautics Co., "in recognition of his outstanding contributions to aerospace literature and the furtherance of our collective aims and prestige."

The son of Portland dentist Orton Hall, and his wife, Ann, the oldest of four boys, John won just about every honor in sight at Sunset High School where he graduated in 1962.

The school annual listed his awards:

Sunset Academic Excellence Award; Germania Award for the Outstanding Student in German; Sunset Dads' Club Scholarship Award; National Council of English Teachers Achievement Award; Sunset Science Award; American Chemical Society Award; National Merit Scholarship Certificate of Merit.

He also received a $750 scholarship from Tektronix, which he used to enroll at Reed College. During his years at Reed, from which he graduated in 1967, John continued his interest in German and in biology and chemistry, and expanded his interest in history under Dr. Dorothy O. Johansen.

John next spent two years at Harvard Medical School. But his love of the outdoors and his desire to combine this interest with his scientific research endeavors finally led to his transfer to Cal-Tech where he turned his attention to geology and geochemistry, bringing to bear all the wide range of studies in which he had previously been engaged.

At the time of his death, John was working on a project to determine the climatic history for part of the earth over the past 8,000 years—dry spells, cool years, wet years.

Concerning John and his work, his faculty adviser, Samuel Epstein, professor of Geochemistry at Cal-Tech wrote:

"John Hall was the kind of student who comes along only once in a long while. He was intelligent, imaginative, mature, practical, and just the right man for the research problem he was investigating.

"The problem was to work out the climatic history for part of the earth for the past 8,000 years, by isotopic analysis of ancient wood. It required an understanding of biology, chemistry and geology and the imagination and talent to mix these disciplines in the proper proportions to obtain exciting results. He had this talent."

Prof. Epstein went on to note:

"At the time of his death, John Hall had already worked out the techniques of extracting hydrogen from cellulose, and he was well on his way in a program to analyze wood from individual tree rings from locations where the climatic record is already known.

"Indeed, he had shown that the variation in isotopic composition of the hydrogen extracted from tree rings corresponded to that predicted from observed climatic records. The next step in his planned investigation was to apply the techniques to tree ring samples that would provide information on the earlier climatic history of the earth."

The implications of the project "are numerous and very exciting," the professor pointed out. "Imagine the possibility of obtaining a detailed climatic record of the historic past of ancient countries. It is certain that climate was important in shaping history.

"Samples of wood are available from many locations, from old structures and living or dead trees. The bristle cone pine trees in Southwestern United States provide samples dating back more than 8,000 years, almost to the end of the last ice age.

"John Hall was just the type of person who would take advantage of the many possibilities in extending this research to aspects of great scientific and historic interest."

Another colleague in the Cal-Tech division of geological and planetary sciences, Robert P. Sharp, wrote of his expectations for John to assume a major responsibility in the division's teaching program.

Recalling his experience with the Portland man during a summer field geology camp three summers ago, Sharp said, "I learned to rely on him to an extraordinary degree. His maturity, competence, gentleness with people, perceptions and industrious nature made him a most valued colleague."

Covering another aspect of John Hall's activities at Cal-Tech, as master of one of the student houses, Dean of Students R. A. Huttenback wrote, "He possessed those qualities of simplicity, tolerance and sympathy belonging only to the very strong. He gave of himself selflessly for the benefit of the students in his House.

"He cooked for them, got them out of jail, and most important, listened to their troubles and assuaged their fears.

"In a place like Cal-Tech it is very important that students see about them ideal examples of persons upon whom they can model themselves. The men of Ricketts House could have found no finer model than John Hall. He was a remarkable young man."

Eugene M. Shoemaker, chairman of Cal-Tech's division of geological and planetary sciences, recently told John Hall's parents that efforts are moving forward to establish an endowment fund which would provide for a perpetual scholarship.

He said faculty, staff and students of the division are contributing to the fund, members of the Geology Club have voted to assign income from vending machines in the Geological Sciences Building amounting to several hundred dollars a year, to the scholarship fund and corporate gifts are being solicited.

Oregon friends of John Hall are also being invited to subscribe to the memorial scholarship.

In a fascinating article published in the Cal-Tech monthly, Engineering and Science, John Hall reported on "A Summer Trip to Nowhere," the experiences which he and three other graduate students in other scientific fields encountered during their 90-day "holiday" confined in a Space Station Simulator at McDonnell-Douglas Astronautics Corp's plant in Huntington Beach.

Telling of an incident when a hot soldering iron touched a piece of cotton rag and immediately began to char in the oxygen-enriched atmosphere of the SSS, he said the accident points up the consideration which must be given to all manner of construction materials to be used in a closed environment, materials such as paints, wood and adhesives which release organic vapors.

"In a spacecraft the air cannot be used as a sewer, for simple dilution results in rapid buildup of potentially noxious substances which may adversely affect the health and well-being of the crew or even adversely the Life Support System equipment performance."

Preparing for the 90-day test, John told how "Ten times I went through my choices of reading material. In the end I decided to limit professional materials to one anthology of recent articles and to mollify my libido with Fanny Hill. Far more enticing during the actual run were a host of psychological and travel excursions: Inside South America; Mood; States and Minds; Log from the Sea of Cortez; Amazon Headhunters; In Cold Blood; Cancer Ward; and Nansen in the Frozen World."

Pointing to the uses of the data gained from the test incorporated into the plan for Skylab I, John said eventually regenerative life support modules will be installed in the larger orbital space stations in the late 1970s. He suggested that the preparation may mean the next trip will require a 180-day Space Station Simulation. To this he commented, "I still think 90 days is a long time."

It was the summer following this experience that John Hall headed back north in company with fellow Reed graduates Susan Jane Deery and Lucille Adamson and her husband, Stanley, part of a party of six which planned to scale three major peaks in continuous assault.

Beginning the trip in mid-June, the party was plagued with setbacks and delays, car breakdowns, bad roads, inclement weather. Finally the pinnacle of Mt. Logan, 19,850 feet, was reached, the highest point in Canada, only to have one member of the party become ill and require evacuation. A plane bringing in supplies crashed and the weather grew worse.

But the remaining five headed on for Mt. St. Elias, 18,008 feet high, located 150 miles northwest of Whitehorse in the Canadian Yukon. They continued on despite threatening weather which brought winds reaching 120 miles-per-hour.

To sound the alarm of the avalanche, the lone survivor, Leslie Wheeler, 22, of San Francisco, struggled for two days to reach their second base camp at the foot of Mt. Jeannette on Seward glacier where a transmitter had been cached. Luckily his May Day call was heard almost immediately by a bush pilot in the area who was equipped with skis on his plane.

He said the climbers encountered the avalanche on their first stage of their ascent. They attemped to take cover, but the others were buried under wet snow and ice. Their bodies were not recovered.

Writing to John's parents, Prof. Sharp described the Mt. St. Elias range where he spent three summers on field trips, as "one of the most rugged, starkly beautiful places on the North American continent."

The letter concluded, "He died doing what he loved to do, and his burial place has no equal on this continent."

BALTIC STATES FREEDOM DAY

Mr. WILLIAMS. Mr. President, June 14–17 marked the 32d anniversary of the invasion of Soviet troops into the independent nations of Lithuania, Latvia, and Estonia. Baltic citizens throughout the world were, once again, forced to remember that deplorable action by the Russians, and the eventual deportation of numerous Baltic patriots to remote sections of the Soviet Union.

During the years of national independence and self-government, from liberation in 1918 until the invasion in 1940, the people of these Baltic nations demonstrated to the world their capability for developing and maintaining national prosperity. Great cultural advances were seen in those limited years of freedom, particularly in the area of scientific improvements and literary achievements.

But the tragic invasion by the powerful Red army, occupying Lithuania on June 14, and seizing Latvia and Estonia by June 17, abruptly terminated the growth and advancement of the Baltic States. This action, however, was only the beginning of great sorrow and hardship for these courageous people. Within several months approximately 100,000 citizens were deported to various undesirable regions of the Soviet Union and the once enjoyed treasures of freedom were soon destroyed.

Mr. President, the 32d anniversary of this outrageous act of aggression should serve as a reminder to all American citizens of the contributions of the Baltic people to the democratic way of life. I, therefore, urge all citizens of this country to join in appropriately paying tribute to Baltic States Freedom Day.

SENATOR McGOVERN'S EXTREMIST STATEMENTS

Mr. ALLOTT. Mr. President, I know that the junior Senator from South Dakota is under considerable strain these days. But that does not excuse the kind of extremist statements he is now making with dismaying regularity.

Item: In an interview to be published by the Associated Press this afternoon, the Senator says:

> I've said many times that the Nixon bombing policy on Indochina is the most barbaric action that any country has committed since Hitler's effort to exterminate Jews in Germany in the 1930s.

Yes, indeed; the Senator has said this many times. I think this comparison between the United States and Nazi Germany is grotesque. I would suggest that the Senator drop it. He should do this out of respect for the United States, and out of consideration for the feelings of Jews everywhere.

Item: Senator McGovern persists in denouncing the President for what he, Senator McGovern, says is a "political" use of the war. The charge that the President is using the war for "political" purposes is barely intelligible. But it certainly is false. I think the Senator would be a more convincing guarantor of peace if he could bring a semblance of peace to the ballroom at the Mayflower Hotel.

ERRONEOUS REPORT OF DECLINING MACHINERY EXPORTS

Mr. PERCY. Mr. President, the United Press International reported on June 10, 1972, that Illinois would suffer in the near future from a decline in exports of construction machinery and equipment. The news agency quoted an article which appeared in the Illinois Business Review, a publication of the University of Illinois.

Illinois is one of the largest manufacturers of construction machinery equipment, accounting for approximately 40 percent of the national total in 1971. The industry itself employed over 140,000 people last year. The United States and Illinois both derive great benefit from this industry. The Nation benefits because of the exceptionally high rate of the product's export and its favorable effect on the balance of payments. The State of Illinois benefits because of the employment and revenue generated.

It was, therefore, with great concern that I noted the content of this UPI report. The forecast it contains, however, is inaccurate in my judgment. Exports now comprise over one-third of the total production of U.S. construction machinery and are valued at $1.6 billion. As total shipments grow in the next few years, the proportion of exports to total production will slowly decline to an estimated 23 percent by 1980. This is not to say, however, that the volume of exports, or overall industry sales, will decline. On the contrary, the present level of $4.9 billion of total sales is projected to grow to $5.5 billion in 1975 and to $6.5 billion in 1980. This is an average annual growth rate of 4.1 percent and can only be construed as having a positive effect on the value of our exports of these products. These exports, of course, will continue to benefit both my own State of Illinois and the national economy.

I ask unanimous consent that an article on this subject be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Machine Export Dip Would Hit Illinois: U. of I.

Champaign, Ill., June 10.—A projected decline in exports of construction machinery and equipment will probably "be especially detrimental to Illinois," the Illinois Business Review reported.

The review, a publication of the Bureau of Economic and Business Research at the University of Illinois, said the federal government estimates that exports of such equipment will begin to decline within a year or two.

"The projected downward trend in exports, should it materialize, will probably prove to be especially detrimental to Illinois producers since this state is by far the largest exporter of construction machinery and equipment," the publication said.

The review said that in 1967, the latest year for which figures are available, Illinois plants shipped $1.6 billion of construction machinery and equipment, about 40 per cent of the national total.

WELFARE REFORM

Mr. WILLIAMS. Mr. President, as the time for debate on the pressing issue of welfare reform is drawing near, I think it is important that we begin to examine some of the important programs which were developed during the past 40 years in America.

Last Saturday, June 24, 1972, I had the opportunity to listen to an excerpt from the Paul Harvey news program in which Mr. Harvey provided an excellent historical perspective on this vital issue. I think that Mr. Harvey's comments should be of interest to all Senators, and I commend it to their attention.

I ask unanimous consent that excerpts from the Paul Harvey news program be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Fish or Cut Bait

There is now some Washington money available to local governments to put workless workers to work. Why not?

Whenever it's suggested that welfare recipients should work for what they get, liberals cry "shame on us!" and conservatives say, "We don't want another WPA." Why not?

The WPA was not all that bad.

The WPA—the Works Progress Administration of the 1930's—was lampooned by cartoonists who consistently portrayed the WPA worker as leaning on his shovel while collecting public money.

And there was some shovel-leaning, to be sure. But that perpetuated image distorts the picture.

Researcher Paul Lancaster recently dug into New York City's past and discovered that many politicians who run scared from the WPA designation—are themselves enjoying using LaGuardia Airport, which was built by WPA labor. As was much of Newark Airport.

The East River Drive was largely a WPA project.

New Yorkers enjoy several golf courses which were constructed by "shovel-leaners." Central Park was beautified by WPA workers.

Indeed, Mr. Lancaster recalls New York City was kept from falling apart during the depression by WPA workers building sewers and sidewalks and repairing museums and libraries and other public buildings.

Yet when the President twice vetoed bills which would have created many more jobs, in one veto message he said we don't want "WPA-type jobs."

Surely, whatever waste, duplication and goldbricking characterized the WPA it was a lesser evil than the present welfare program, astronomically expensive, rife with graft and totally unproductive.

During the depression there were as many as 8½ million Americans doing WPA work. They built 67,000 miles of urban streets. They built or improved 572,000 miles of rural roads. They built or improved 8,000 parks and 12,800 playgrounds and renovated 31,000 others. They built or improved more than 1,000 libraries.

The WPA was attacking environmental problems before they were recognized as problems, building sewage treatment plants, sealing abandoned coal mines, reseeding depleted oyster beds, reforesting cutover lands with 177 million trees.

You're an old timer if you remember radio's Boake Carter saying, "I still don't understand how they expect to get the country out of the woods by planting trees!"

WPA was a bootstrap for teachers, clerical workers, writers.

Nationwide we continue to enjoy a legacy from WPA labor: A stadium in New Jersey, swimming pools in Kentucky, a lakefront park in Chicago, a ski lodge in Oregon.

From today's monumental welfare boondoggle what will we have to show? More illegitimate children. Diminished incentive. Families enjoying a fifth generation on welfare.

Our unemployment is less today but our needs are greater—for renovating cities, reducing pollution, recycling waste, replanting, beautifying.

The salvation of WPA was the low pay. You had enough to eat, but not enough to be satisfied. So you kept looking for a regular job.

RETIREMENT OF JOHN P. LEACACOS, CHIEF, CLEVELAND PLAIN DEALER'S WASHINGTON BUREAU

Mr. TAFT. Mr. President, on July 1, John Leacacos, chief of the Cleveland Plain Dealer's Washington Bureau, will be retiring.

Jack Leacacos has been a longtime friend of mine and of many who have served in the House and the Senate. We have admired greatly his perspicacious coverage of the news and his deep knowledge of international affairs. We shall miss him greatly and extend to him every good wish in his retirement. We hope he will continue to write on the national and international scene.

I ask unanimous consent that an article published in the Cleveland Plain Dealer of June 20 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLAIN DEALER'S JOHN LEACACOS RETIRING

John P. Leacacos, chief of The Plain Dealer's Washington bureau for the last 6 years and before that foreign correspondent and writer on foreign affairs in the bureau, will retire July 1.

Leacacos has written from most corners of the globe, covering major events, analyzing the politics, interviewing the leaders and reporting on the lives of the people he observed.

In a weekly Sunday column, "Clearing the Fog," he has probed every aspect of the national government and the people who run it.

Leacacos was born in Kingston, Pa., 63 years ago. He attended schools in Wilkes-Barre, Pa., and Lakewood before going to Harvard University, class of 1931.

He joined The Plain Dealer staff in 1934 and soon became its expert on local, state and federal agencies in the socioeconomic field during the depression.

His coverage of the draft led to a commission as captain in the manpower branch of the U.S. Army in 1942. At war's end he held the rank of lieutenant colonel, having served three years in North Africa and Italy with the 5th Army.

From 1946 to 1957 Leacacos was a Plain Dealer roving correspondent in Europe and the Middle East. There his knowledge of six languages served him well. In those years he and his wife, the former Velia DeMarco of Cleveland, made their home in Rome.

Leacacos returned to the United States in December 1957 and joined the Washington bureau in June 1958, concentrating on the international scene from the Washington viewpoint and achieving a reputation as an authority on foreign affairs.

On assignment he spent three months on a fact-finding tour of Russia and Eastern European countries in 1965 and visited other capitals of Europe in 1961 and 1970.

He received Overseas Press Club awards for foreign correspondence and for his book, "Fires in the In-Basket—the ABC's of the State Department." His article on "The Kissinger Apparat" in the December 1971 issue of "Foreign Policy" was widely circulated among world chancelleries and reprinted in Japanese and French.

Leacacos' articles from 38 years on The Plain Dealer and his book manuscripts are housed in the John P. Leacacos Collection of Boston University Library.

For his service in Italy, Leacacos was made a Knight Officer of the Order of the Crown of Italy and a Knight of the Order of Saints Maurizius and Lazarus.

He and his wife live in Arlington, Va. Mrs. Leacacos is deputy administrative chief of the U.S. Passport Office in Washington.

Their son, Peter, recently was made a loan officer in the international marketing department of the Cleveland Trust Co. Peter and his wife, Sophie Lee, live in Shaker Heights.

LUMBER AND PLYWOOD PRICES

Mr. TOWER. Mr. President, the distinguished Senator from Alabama (Mr. SPARKMAN), the chairman of the Committee on Banking, Housing and Urban Affairs, of which I am the ranking minority member, has asked me to place a statement in the RECORD for him. The statement deals with a very serious problem confronting housing and the Nation's ability to meet its responsibility to all its citizens of a decent home at a price they can afford.

The statement points out the very precipitate increase in the prices of lumber and plywood which has occurred over the past few months, and especially since the first of May. As we all know, lumber and plywood are a very essential component in the construction of housing and any drastic increases in their price has a direct and immediate impact on the price of housing. We are today confronted with an apparent repeat of the crisis in the price of these basic construction materials which last confronted us during the winter of 1968–69. As the chairman so ably points out in his statement, these prices are once again hitting, and exceeding, the all-time high peaks of 3½ years ago.

Mr. President, I associate myself with the statement of the chairman of our committee, and endorse wholeheartedly his decision to have the staff of the Subcommittee on Housing and Urban Affairs look into this whole situation during the recess and report back to the committee when the Senate returns in mid-July. There is no question in my mind that, if this precipitate increase in lumber and plywood prices continues, it may well be necessary for the Banking Committee, through its Subcommittee on Housing and Urban Affairs, to hold public hearings on this whole issue.

Mr. President, I ask unanimous consent that the statement of the distinguished Senator from Alabama, the chairman of the Committee on Banking, Housing and Urban Affairs, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SPARKMAN

It has been brought to my attention that lumber and plywood prices appear to be little affected by the anti-inflation controls which apply to most of our economy. This is vividly exemplified by what has been happening to the price of these basic materials for the construction of housing over the past several months, and especially since the beginning of May of this year. The prices of these materials are right now in the process of soaring beyond the outrageously high prices experienced during the winter of 1968–1969, the highest in our history.

Last week, the price of West Coast plywood sheathing jumped $6 to $140 per thousand square feet. This is higher than the $139 high of February 1969 and represents an increase from the $114 being quoted at the beginning of May of this year. Similarly, last week the price of framing lumber went up to $132 per thousand board feet, a $4 increase in just a one week period. This represents a $9 increase since May 1, with $8 of that increase taking place since the first of June. This is only $3 short of the $135 high reached during early 1969.

For another basic lumber component used in housing construction, Green Douglas Fir Studs, the price last week jumped from $106 to $110 per thousand board feet. This represents an $8 increase since the first of May and a $7 increase since the first of June. This compares to the all-time high of $122 reached in early 1969.

Mr. President, this is very disturbing and will have an undoubted impact on the price of housing, which, as we all know, is already high as a result of severe increases in the cost of land, labor, and financing. It is the responsibility of the Banking, Housing and Urban Affairs Committee to monitor the nation's effort to meet its commitment to house all of its citizens in decent housing which they can afford and the Committee has undertaken a continuing effort to provide the legislative means to meet this goal. It is my opinion that this latest precipitate increase in the price of such a basic component of housing construction, if allowed to continue, will only make that task more difficult.

When lumber and plywood prices last shot up, during the winter of 1968–1969, the Banking Committee held extensive hearings on the causes of that increase and explored what was necessary to bring prices back down to more moderate levels. Shortly after those hearings, prices began to decrease sharply.

It may be necessary once again for the

Committee, through its Housing Subcommittee, to look into this whole issue and to determine what effect this continuing rise will have on housing production and cost, and why the price controls applied to much of the rest of our economy, as a result of legislation developed by this Committee, have not been effective in the area of lumber and plywood prices. To that end, I have directed the staff of the Subcommittee on Housing and Urban Affairs, during the coming two-week recess, to inquire into this matter and report back to the Committee when the Senate returns later in July as to whether a deeper exploration and hearings by the Committee are called for.

NEA "SALUTE TO EDUCATION" PROGRAM

Mr. WILLIAMS. Mr. President, on June 21, the National Education Association and the presidents of State and local education associations throughout the United States held the first annual "Salute to Education" reception to mark the many contributions which education has made to the growth of our Nation.

Our educational system has for the last 196 years had a direct impact upon the well-being of each individual and the productivity of the Nation as a whole. Nearly one-third of our population participates either directly or indirectly in the education enterprise and education in America is available to every citizen—not merely the educated elite.

Mr. President, I was privileged to have been asked to contribute a statement to the album of tributes which was prepared for the "Salute to Education" program. It summarizes my views on the great role which education has and must continue to play in the development of this country. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FEDERAL ROLE MUST GROW

From quite early in their historical development, Americans have relied upon education to a uniquely great extent in improving our society. And, although our educational system has never—could never—be the complete panacea for all our national ills, it has performed well, and played an indispensable role in our national development.

In the 17th and 18th Centuries, American education faced the enormous task of creating a civilized society in the wilderness, of ensuring that the youth of the New World—growing in a world devoid of the agencies of civilization commonplace in the mother country—did not become mere savages. This challenge was met, of course, as the schoolhouse always advanced soen after the westward moving frontier. And as a result of this impetus, the first compulsory education laws in the world appeared in our then barely emerging nation, beginning with Massachusett's law of 1642. First literacy and knowledge vitally useful to a frontier society, and then a level of culture not inferior to that of Europe, were spread throughout the nation.

In the late 18th and 19th Centuries, American education had to meet a demand utterly new to the modern world—to not only civilize a nation, but also to prepare a citizenry for the responsible exercise of representative government, a form which demanded a better educated citizenry than did any other then in existence. This task resulted in the common school movement of the early 19th Century, a broadening of the curriculum, and the democratization of the student population to include women, the poor, and others who had previously been left out of the academic fold. In addition, American education at this time was given a more practical bent, befitting our economic needs and the widening of the educated class to include more than a select, aristocratic elite. Educational democratization not only paralleled, but made possible political democratization, making America the first nation with a broadly educated citizenry.

American education's next great task in our development was to be a source of cohesion during the years of unprecedentedly massive urbanization and foreign immigration in the late 19th and early 20th Centuries. The inundation of our cities with people from a multiude of cultural backgrounds and levels of development created a potentially explosive social crisis. Our system of education was called upon to Americanize the immigrant and to bring both him and the domestic immigrant new to the demands of urban life into the mainstream of American society.

Finally, in the 20th Century our steadily advancing industrial/technological society could rise only as rapidly as did the supply of employees educated and trained to meet the new demands it has presented. Our education system has been asked to provide not only the most broadly educated but also the most technologically sophisticated society on earth.

It is clear then that America has always given education tasks of primary social, political, and economic importance. Education has served as the foremost means toward personal and national advancement, and as a cohesive force in the world's most varied society. Thus the American commitment to education has always been peculiarly great, and Americans today spend as much on education as does the rest of the world combined. There is no institution of which Americans are more proud, or—at the same time—more critical.

The Federal government long has played a role in this educational system, from the provision of land to support schools in the Northwest Ordinance to the Morrill Act creating land-grant colleges, the Smith-Hughes Act of 1917 promoting vocational education, and the National Defense Education Act of 1958. This role has recently become much more significant, however, especially after the passage in 1965 of the Elementary and Secondary Education Act, the Higher Education Act, and other major legislation in this field. As a result, nearly 7% of the more than $70 billion spent in this country for education each year now comes from Federal sources.

In the future this Federal role in supporting but not exercising primary control over education must grow—and must grow dramatically—as new demands as fundamental and even more complex than those of the past are placed on our educational system. This system must now produce people equally versed in sophisticated technology and humane values to attack our domestic problems and reassess some of the values of our industrial society. It must again bring disadvantaged groups of society more into the economic and social mainstream. And it must educate people to be able to understand, cope with, and even direct the massive and accelerating rate of change which will assuredly be the most marked characteristic of American society in the future. However, this strain is nothing new to American education, which has always been capable of performing most of the massive tasks it has faced, and has never ceased to attempt to complete the rest.

THE WORK INCENTIVE PROGRAM IN COLORADO

Mr. ALLOTT. Mr. President on July 27, Mr. Con Shea, executive director of the Colorado State Department of Social Services testified before the Senate Finance Committee with respect to the manner in which the Talmadge amendments to the Aid to Needy Families With Children portion of the Social Security Act, are being implemented.

Those amendments which are to take effect on July 1, were made by Public Law 92–223 passed by Congress in December 1971 and were designed to make the employment requirements for ADC recipients more effective and workable.

It will be recalled that, in order to strengthen the work incentive program, the Secretary of Labor and the States were given new specific duties as was, of course, the Secretary of Health, Education, and Welfare, so that a combined effort resulted. Additionally financial incentives were provided.

Mr. Shea appeared before the Senate Finance Committee together with the Directors of the comparable State agencies of California and New Mexico. The purpose of their appearance was to plead for flexibility in the Labor Department's administration of the new work program so that the States may properly respond to the intent of the Talmadge amendments as well as to the specific language of that act.

The concern of the Finance Committee in overseeing the actual effectuation of these important amendments is, I believe, to be applauded.

It is my understanding that the testimony of the Labor Department representative at the hearings indicated that the Department of Labor and the Department of Health, Education, and Welfare will be reviewing its rules in light of the instances described at the hearings.

I believe this is essential so that the authority, responsibility and knowledge of the States is recognized and fully utilized, within the parameters of the law, so that these work provisions will operate in accordance with the congressional intent.

I ask unanimous consent that Mr. Shea's statement be printed at the conclusion of these remarks.

Mr. Shea describes the steps which the legislature and Governor Love of Colorado have taken to implement the Talmadge amendments, as well as steps taken beyond the requirements of that act, in order to provide employment counseling to the ADC recipients.

He also describes the savings which will accrue to the benefit of the taxpayers of Colorado and the Nation if the plans of the State are permitted to be carried out. And, of course, the benefits to the recipients and their families from such employment are inestimatable.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CON F. SHEA

My testimony is to relate what one state, Colorado, is attempting to do in administering the new WIN program under Public Law

92–223, the Talmadge amendments, and some of the problems which occur if conformity with Department of Labor guidelines and regulations is a requirement.

The Colorado Legislature, noting that at least one-third of the WIN expenditures under the Talmadge amendments must be spent on on-the-job training or public service employment, appropriated accordingly.

They specified in the appropriation act, H.B.–1128, that of $4.3 million appropriated for WIN $1.5 million, roughly one-third, shall be to employ 250 homemakers for the aged, to be recruited from Aid to Families with Dependent Children cases. The remaining two-thirds of the appropriation, or $2.8 million, is to go to salaries, operating, training, incentive payments, and supportive services—mainly transportation.

After the fact, now the Department of Labor guidelines (DOL–WIN Handbook Section 9352 (3) (c)) specify that for every one public service job, the 250 homemakers in this case, there must be two on-the-job training slots. Such a regulation would add nearly $1.2 million to Colorado's WIN budget, and put it in a deficit position.

Furthermore, these DOL guidelines would limit Colorado to only 168 Public Service Employment positions, and a further refinement would limit these to 25 percent in any one occupation, or 42.

Thus, the intent of the Colorado Legislature, approved by the Governor, for 250 homemakers for aged would be frustrated by the regulations, and only 42 homemakers could be obtained.

We believe the ratio of On-the-Job Training (OJT) to Public Service Employment (PSE), as propounded by Department of Labor, is outside the scope of Public Law 92–223.

The cost-benefit relationships of the homemaker program are as follows, as Colorado propounded it:

A. Cost of 250 homemakers	$1,500,000
B. Savings in AFDC assistance costs by reducing AFDC rolls by 250 × $2,820 per year	−705,000
Subtotal	795,000
C. Savings in medicaid if each homemaker keeps five aged persons from nursing homes	−*3,225,000
Net savings to taxpayers	2,430,000

*Nursing home cost at $12 per day = $360 per month or $4,320 per year, less $1,740 old age assistance equals $2,580 savings per person × 1250 persons.

Another innovation of the Colorado Legislature, approved by the Governor, was to appropriate $223,673 from Employment Service funds for 17.25 full-time equivalent employment counselors for assignment to county public welfare offices to assist in finding employment for AFDC and other welfare recipients who cannot be included in WIN training and employment. The value of such assignment is described in the following statement.

POTENTIAL USE OF EMPLOYMENT COUNSELORS IN COUNTY WELFARE DEPARTMENTS

An Employment Counselor placed in county welfare offices could decrease welfare rolls by placing the following applicants and/or recipients of public welfare into meaningful employment:

1. Unemployed fathers who apply for assistance are required to be registered for work with the State Employment Office and actively seeking employment. A counselor in the welfare office can review from Form PA–2, "Application for Assistance," his past employment history, education, family size, etc., and assist him in finding employment.

2. The Colorado State Plan provides that children over 16 years of age and not attending school shall be deleted from the assistance grant. As they are not on the assistance grant, they cannot be referred to the Work Incentive Program for training and job placement. An Employment Counselor could not only assist in job placement but counsel the youngster in terms of goals, the employment market, how to interview, and responsibilities of an employee to an employer. In addition, he could assist teenagers in becoming trained and placed into jobs through manpower programs such as JOBS–NABS, Job Corps, MDTA, CEP, LOC, etc.; the object of which is to eliminate their becoming welfare recipients when they are heads of families.

3. Many persons, men and women, apply for assistance as they cannot find jobs or do not know where to look. In these instances, they may be placed in jobs rather than on public assistance.

4. With the high unemployment rate in metropolitan areas many people are applying for assistance that are educated and have excellent work records. These people need jobs rather than counselling and training which is offered under the WIN Program. A competent Employment Counselor in the welfare department could supplement the efforts of the State Employment Service.

5. AFDC mothers at times request jobs without going through an institutionalized program. Some may have been on assistance for a year or two until the children could become school age, an illness to attend to, or they have overcome the trauma of divorce or separation which prohibited them from continuing in the labor force. An Employment Counselor could assist in placing into jobs these recipients in the existing caseloads.

6. In counties where there are occasionally waiting lists of those who volunteer to be enrolled in WIN, an Employment Counselor could be placing into jobs those persons cited in paragraphs 1, 3, 4, and 5 who would normally be referred to WIN; thereby decreasing the possibly or extent of a waiting list, and placing persons into employment with the least delay.

How employment counselor would fit into a county welfare structure

The Employment Counselor should be an essential part of the intake process and available to applicants as soon as it is known that they request job placement. For those persons on AFDC–U, he could be the person who reinforces the provisions whereby an AFDC–U should be actively seeking employment by assisting him through job referrals. The counselor, as has been in prior years, can be that person who receives from employers requests for workers while at the same time *selling* the concept of hiring AFDC and AFDC–U recipients to employers and the community. The counselor should be accessible to caseworkers so that teenagers who drop out of school, mothers who want jobs only could be placed, considering not only where she lives but the distance to a job, and whether or not a child must be placed in a day care center. The counselor should also work closely with eligibility technicians so that correct and prompt budgetary adjustments can be made based upon a recipient being employed.

The Employment Counselor should work closely with other members of the Division of Employment and all manpower programs as each program though devised for the disadvantaged, places emphasis on a particular age group, occupational area, etc. The counselor would therefore be gaining, sharing knowledge and *selling* recipients to other programs as well as to potential employers.

Counties where employment counselors seem to be needed

Based upon AFDC and AFDC–U caseloads from which will be available persons needing jobs as defined in the six areas of "persons to be served" the following counties can use Employment Counselors, not only to place persons in employment as soon as feasible, but also as a means of counterbalancing the rise in welfare caseloads based on "unemployment."

Adams	2
Arapahoe	½
Boulder	1
Denver	4
El Paso	2
Weld	1
Jefferson	½
Larimer	½
Mesa	½
Pueblo	2
Otero	¼

My main message to you today is to illustrate that each state has various problems which it wishes or needs to solve with programs available to it, and we plead to be allowed to have the maximum flexibility, within the Federal law, to innovate and accomplish our objectives at the state and local level.

RETIREMENT OF ROBERT G. DUNPHY, SERGEANT AT ARMS

Mr. FONG. Mr. President, I join Senators in expressing my deep appreciation to Robert G. Dunphy, who retires as Sergeant at Arms of the U.S. Senate after years of dedicated service on Capitol Hill.

Bob was already working in the Senate when I arrived to represent the new State of Hawaii. Our friendship started then and continued to flower. His kindness and helpfulness to me and my staff are deeply appreciated.

I will always treasure my association and friendship with him, and as Bob leaves the post of Sergeant at Arms my respect goes with him.

In the language of our native Hawaiians, I say to my dear friend Bob: Mahalo and aloha.

IS S. 945 THE BEST WAY TO IMPLEMENT A NO-FAULT SYSTEM?

Mr. ALLOTT. Mr. President, I note that pending on the Senate Calendar for consideration after the recess is S. 945. The bill is generally referred to as the Federal "No Fault Insurance Bill." I ask unanimous consent that the complete title of S. 945 be printed at this point in the RECORD.

There being no objection, the title was ordered to be printed in the RECORD, as follows:

A bill to regulate interstate commerce and to provide for the general welfare by requiring certain insurance as a condition precedent to using the public streets, roads, and highways in order to have an efficient system of motor vehicle insurance which will be uniform among the states, which will guarantee the continued availability of such insurance, and the presentation of meaningful price information, and which will provide sufficient, fair, and prompt payment for rehabilitation and losses due to injury and death arising out of the operation and use of motor vehicles within the channels of interstate commerce, and otherwise affecting such commerce.

Mr. President, I believe that automobile insurance reform is necessary. I support the concept of so-called no-fault insurance. Whether it be a Federal or a State system, I believe its time has come.

Subsequent to the time when S. 945 was reported from the Committee on Commerce, I have had an opportunity to briefly review its provisions. I plan to subject it to much more lengthy review prior to the full Senate consideration of this legislation; however, at this time I do want to comment on some concerns I have after an initial review.

There appears to be a question whether or not this bill will increase automobile insurance premiums. It certainly will not effect substantial premium decreases as many citizens expect to be the dividend from a no-fault plan. The estimates, as one might expect, are far ranging. The estimates range from a maximum premium savings of 6 percent on up to an 18 percent increase in premiums. The committee report does not precisely, in my judgment, deal with the question of the costs attendant to this bill.

It is admitted by even proponents of this bill that premium increases will be most severe in those States which are more sparsely populated. On page 96 of the Senate report one actuary's projection in regard to my State of Colorado indicates that for premiums under S. 945: minimum coverage costs will increase by 41 percent, full coverage costs will increase by 24 percent.

I want to be very clear, Mr. President, that I will look with disfavor on a bill which increases premiums in Colorado or Iowa so that premiums in New York or California can be reduced.

After my initial review, I believe there may be serious constitutional questions regarding this bill. From information available to me, questions regarding the seventh and 10th amendments of the U.S. Constitution were not considered in any depth by the Commerce Committee. In addition, due process questions are raised by this bill. I am told that certain members of the Judiciary Committee, In addition, due process questions are raised by this bill. I am told that certain members of the Judiciary Committee, where no-fault legislation has been considered in the past, are desirous of having a review of the bill prior to full Senate consideration of the merits thereof. Inasmuch as this bill flies in the face of the McCarran-Ferguson Act, which exempts insurance from the purview of the antitrust laws, it would appear that at least the Judiciary Committee should have an opportunity to review this legislation even if there is a time certain set upon that review.

Mr. President, I do not want to subject the citizens of the United States to the inconvenience experienced by the citizens of the State of Illinois. A no-fault insurance law which was approved by the Illinois State Legislature and subsequently implemented was later held to be unconstitutional. This mandated a return to the tort system and the problems attendant to "on and off no-fault insurance coverage."

Mr. President, there are, of course, other questions which must be resolved. I am certain any bill which might pass this body will not be satisfactory to all Senators; however, there are a couple of other issues which have come to my attention after my initial cursory review of this legislation. I have initial reservations about the limits this bill would impose upon an individual's right to seek redress in a court of law. In addition, I query whether this bill allows sufficient discretion for premium reduction for safe drivers. The average safe driver may have reservations about paying a higher premium rate so that the drunken or negligent driver may have compensation for his economic losses.

I urge Senators to take a close look at the bill. I am not convinced that it is the panacea its proponents purport it to be.

RETIREMENT OF MR. BOSWELL STEVENS

Mr. STENNIS. Mr. President, a distinguished leader in agriculture in the State of Mississippi, Mr. Boswell Stevens, has announced that in November he will retire from his position as president of the State Farm Bureau. He has held this position continuously since July, 1950, the longest tenure of any incumbent president of any State Farm Bureau in the Nation.

Boswell Stevens is a good friend—one whom I value greatly—and I wish to pay him a personal tribute as well as an official tribute on behalf of the people of our State. He has served them long and well, with great dedication and distinction. His service in the field of agriculture began in 1923, at the County Farm Bureau level, and he has a record of 49 years of constructive work and leadership at the county, State, and national level. For the past 19 years, since 1953, he has been a member of the National Farm Bureau and board of directors.

His record speaks for itself, and makes evident the esteem with which he is held by the farmers of Mississippi. I share that esteem, and join with all the people of my State in extending to him our warm thanks for what he has accomplished and our congratulations to help him on his distinguished career. During all these years he has been inspired, encouraged, and assisted by his noble wife, Sallie, who also deserves much credit and the thanks of the people.

Mr. President, I ask unanimous consent that there be printed in the Record an editorial from the Jackson Clarion-Ledger of June 28, 1972, on the subject of Boswell Steven's record and his coming retirement.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Farm Bureau President Stevens To Retire With a Great Record

The longest tenure of any incumbent president of any State Farm Bureau president in America will end this November when the distinguished and esteemed Boswell Stevens retires from the high position he had held continuously since July, 1950.

Friend Stevens, age 74, recalled at a recent Jackson news conference that his first involvement in Farm Bureau Federation affairs was in 1923 with the Noxubee County Farm Bureau.

Over the years he has served with rare ability and dedication at local, county and state levels to gain national prominence for his rare qualities of leadership. He headed his county AFB organization, later became a state director and was elevated to the presidency of the Mississippi Farm Bureau Federation in 1950 upon the sudden death of the beloved Ransom Aldrich.

In July, 1950, Mississippi voting delegates honored Mr. Stevens by electing him state president. He has been a member of the national Farm Bureau executive committee and Board of Directors since 1953.

Farm Bureau membership was only 16,000 family members at that time. Groundwork had been completed for new membership services in the mid-1940s. Under his brilliant direction, his state organization built extensive and solid farmer support of Farm Bureau programs. He developed an efficient staff and spirit of teamwork among agricultural agencies, and generated great grass roots enthusiasm in building a strong voice for Mississippi farmers.

Thousands of friends in every part of our state with Boswell Stevens much happiness and good health in his coming retirement. He has been an outstanding leader in agriculture, with a solid record of achievements and honors in service to his fellow man.

His good deeds will be a lasting monument to work well done for the advancement of Mississippi agriculture.

THE J. H. JACKSON PEACE PLAN

Mr. PERCY. Mr. President, Dr. J. H. Jackson, president of the National Baptist Convention, last April announced a plan for peace in Southeast Asia which he had devised. It reflects Dr. Jackson's deep human concerns.

I ask unanimous consent that Dr. Jackson's peace plan be printed in the Record.

There being no objection, the peace plan was ordered to be printed in the Record, as follows:

The J. H. Jackson Peace Plan for the Vietnam War

INTRODUCTION

A military victory of North Vietnam over South Vietnam would still leave North Vietnam related to the surrounding nations as she is now. She would still be dependent on the more powerful nation as she is now.

If South Vietnam should conquer the North by the strength of allied forces, the South would still be a dependent county relying upon her stronger allies. The economic strength of Russia and the United States would not be materially increased by the military victory of either one of the Vietnams, but would in some cases remain an economic burden to be borne by either one of the two great powers. It is not enough to sit in judgment on the persons involved in trying to settle the Vietnam question. It is not sufficient to blame any one statesman or leader for the complex and complicated conditions that have made the Vietnam question a national and interntional one. There is a responsibility that the heads of the respective governments must carry. There is also a responsibility that citizens ought to take in trying to create an atmosphere in which an open and frank discussion can take place, and any conference on peace may have a fair chance of succeeding.

I therefore wish to offer a plan' for peace that could bring the Vietnam war to an immediate end and save further loss of human life and property. It is a plan that rises above conflict and does not destroy the autonomy of either one of the Vietnams, but would leave open the door for future unification of the country and the people.

The following are the principles of the Plan:

I. Permit and encourage all of the people in South Vietnam who believe in, and who have accepted the ideology, the philosophy and practice of the government of North Vietnam to be located in, and become a part of North Vietnam.

II. All people in North Vietnam who have embraced the ideology and philosophy of the government of South Vietnam should be allowed to go to South Vietnam without opposition or hindrance.

III. We suggest that Russia and all of the supporting allies of North Vietnam would encourage the government of said country to accept the peace principles offered in Articles One and Two.

Then petition Russia to aid North Vietnam in acquiring all the needed agricultural implements and all of the necessary equipment to improve the life both in the rural areas of the country as well as in the villages and towns. Let there be tractors and plows made available instead of tanks and guns. There should be more bread instead of bombs and bullets.

IV. We would petition the United States of America to do in South Vietnam what we would request of Russia in the Article above.

V. Let all prisoners of war be released immediately and returned to their families and their homes.

VI. Let there be open friendship between North Vietnam and South Vietnam in spite of the differences in ideology. And if they choose to win, or try to win one another to their ways of thinking, let them do it by discussion, finally debates, goodwill, and fellowship. For we must remember that a nation in reality, is based on, and held together by the ideology that its peoples embrace and not by the landed areas alone that they occupy, the language they speak, or by the color of their skin or the texture of their hair.

The big powers must remind themselves that the fires of war started by igniting the fields and homes of weaker nations (militarily), and fed by the broken bodies of the old and the young among them, if not checked, are sure to spread to the shores of the greater powers.

In the name of humanity, and for the welfare of the innocent, and for the protection of all the nations of the world, we urge that the ideas and attitudes expressed in this plan will become a part of the thinking of all the parties involved.

OFFICIAL ANNIVERSARY OF ESTABLISHMENT OF U.S. POSTAL SERVICE

Mr. McGEE. Mr. President, as July 1 marks the official anniversary of the establishment of the U.S. Postal Service, I believe it is appropriate to take stock of postal developments during the past 12 months. Those of us who follow closely the steps which have been taken by postal management to put into effect the Postal Reorganization Act of 1970 are able to see through the blizzard of complaints about deteriorating postal service substantial progress which is not apparent to the ordinary user of the mail. Postmaster General Ted Klassen, as one of his first steps upon assuming office, publicly stated that the concept of public service must again become a paramount criterion in the management decisions of the Postal Service. This is a signal advance. It marks a recognition of the fact clearly stated in the Senate report on the Postal Reorganization Act that:

> Postal management should follow, quite literally, the policy section of the bill which begins, the United States Postal Service shall be operated as a basic and fundamental service provided to the people by the government of the United States.

If we see any successes in the first year of operation of the Postal Service we can attribute a substantial measure of that success, I believe, to the Postal Reorganization Act as it emerged from the Congress. The measure proposed by the administration was a poorly drafted series of generalities. From it would have emerged a Postal Service of complete independence, unilateral control over rates and mail classification, and virtually no responsibility to the Congress, the President, or the people.

The Post Office Committees of the Senate and House pulled together from this wreckage a measure which, imperfect as it may be, is nevertheless a vast improvement over its predecessor. The Postal Service under the act is subject to the virtually binding decisions of the Postal Rate Commission, and its decisions are subject to judicial review. The Postal Service has substantially more independence than any other agency, but postal management must answer for its actions.

One of the most important provisions of the act was the establishment by law of collective bargaining procedures between postal management and its employees to determine many fringe benefits and pay. This provision symbolizes a major problem which has been encountered this first year. On the one hand, a new and desirable labor-management relationship was established beneficial to both sides.

On the other hand, the Postal Service because of this provision was presented with a $500 million annual pay increase bill and last year another bill of the same size. Thus organizational progress is obviously being made, but the cost involved is tremendous and rising. It is not difficult to understand the dilemma of the Postmaster General. He recognizes that the American people will not hold still for further deterioration in postal service; yet it is clear that it is service which costs money and that to provide good service postal management may be forced to defer its goal of making the post office break even.

The real point, and this is a serious one, is that service and efficiency are natural enemies.

A hopeful augury for the future may possibly be found in the action taken yesterday by the Board of Governors of the Postal Service when it approved the recommended rate decision made by the independent Postal Rate Commission. During the drafting of the Postal Reorganization Act some soothsayers balefully predicted a continual war between the ratemaking body and management of the Postal Service. We may assume that a major consideration by the Board of Governors in accepting the recommendation of the Rate Commission was that the post office needs the money now—the increased revenue which the new rates will bring in. Nevertheless, it is my hope that postal management and the Rate Commission will settle the differences which exist between them and that ratemaking in the future will proceed with the degree of harmony which has been shown so far.

One change which we would all hope for would be a decrease in the time and money which must be expended by mailers in their representations before the Rate Commission. Perhaps in the considerations prior to the next rate decision, it will not be necessary to go over ground already covered.

When one considers the extremely strong pressures that existed to push through a Postal Reorganization Act and the predictions of improved service and lower rates because of the introduction of "businesslike management techniques," it is easy to see why some people expected the millenium to arrive when the legislation was put into effect. This of course did not happen. It is important that the people as a whole and the Members of Congress in particular give the new system a genuine chance to get underway.

It is clear to me that the new managers of the Postal Service had a lot to learn about Government when they took over. And I think it is clear to all that delivering more mail than is handled by the rest of the world combined is an extremely difficult job, whether you adhere to the principle of cost-efficiency or the principle of service above all else. If I may say so, all of us have learned a great deal. Moreover, I hope for early improvement. I give the Postmaster General credit for his efforts in the right direction, and I send my best wishes to everyone of the more than 700,000 postal employees who are working dependably through a difficult transition period.

NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION HONOR SENATOR ERVIN

Mr. ROBERT C. BYRD. Mr. President, at its recent annual meeting in Orlando, Fla., on June 28, 1972, the National Press Photographers Association honored our colleague, Senator SAM J. ERVIN, JR., of North Carolina, by awarding to him a special citation reading as follows:

> NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION
> SPECIAL CITATION TO SENATOR SAM J. ERVIN, JR.
>
> In recognition of his concern that the right of a free press in this nation shall not be eroded away.
>
> And in appreciation of his role in seeking to assure that the rights and privileges of newsgathering shall be accorded to the photojournalist.
>
> Honorary Recognitions Committee, National Press Photographers Association,
> BARRY EDMONDS,
> *Chairman.*
> SAM PIERSON, JR.,
> CAL OLSON.
> ORLANDO, FLA., *June 28, 1972.*

THE GENOCIDE TREATY AND THE RIGHT TO LIFE

Mr. PROXMIRE. Mr. President, as we approach the 196th anniversary of our Nation's independence, it is fitting that we pause to reflect upon those self-evident truths which our forefathers so nobly proclaimed. Since 1776 the belief in the inalienable right of all men to life, liberty, and the pursuit of happiness have guided the course of this Nation and the decisions of this body. Whether waging war, making peace, or passing vital legislation, the U.S. Senate has ever strived to uphold these rights for the citizens of this country and the peoples of the world.

We are presently faced with a decision which concerns the most basic, yet the most crucial of these rights—the right to life. The history of our race is marred by terrible incidents of the violation of this precept; the murder of 2 million Armenians in Turkey, the annihilation of more than 6 million Jews at the hands of the Nazis, the recent slaughter of more than 100,000 tribesmen in Burundi give shocking testimony to the cxistence of genocide in the world. The extermination of thousands, millions of human beings simply because they belong to a particular national, ethnical, racial, or religious group is a crime which contradicts the most basic foundations of this country, and which cries for our condemnation.

In 1946 the United Nations recognized this fact by declaring that genocide should be treated as an international crime, and in 1948 it unanimously approved a treaty to that effect. The following year President Truman referred the treaty to the Senate with these important words:

> America has long been a symbol of freedom and democratic progress to peoples less favored than we have been . . . and we must maintain their belief in us by our policies and acts.

For more than 20 years this treaty has languished in these Chambers. I urge Senators to renew their commitment to the right to life, to restore the faith of the world in our belief in that right by ratifying the Genocide Treaty.

SHERIFF PETER PITCHESS AND THE CONTROL OF HANDGUNS

Mr. TUNNEY. Mr. President, the Sheriff of Los Angeles County, Peter J. Pitchess, has long been known as one of the most effective and outstanding law enforcement officers in the United States. I share that view of Sheriff Pitchess.

On Wednesday of this week, the House Committee on the Judiciary was privileged to hear Sheriff Pitchess' views on the control of handguns.

His testimony is incisive, important, and impressive. I commend it to the Senate. I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A CASE FOR CONTROL OF HANDGUNS

Let me begin by telling you my position regarding the handgun. It is *made* for killing people, and I challenge anyone to disprove that statement.

For many years, my colleagues and I have steadfastly resisted any attempt to regulate or outlaw the possession of firearms. But, times are changing.

Stricter gun laws obviously will not *eliminate* violence, any more than existing punitive laws have wiped out criminality. In my opinion, the legislation you are considering relative to gun registration and control is simply inadequate. The enormous expense and lack of enforceability make it somewhat impractical. But restricting the sale or possession of handguns will have a dramatically dissuasive influence.

The problems besetting us on all sides are great. Our society is experiencing catastrophic upheaval. Our attitudes must change to conform to the demands of contemporary culture. I have done much soul-searching on the issue of gun control. After having carefully studied all available data, it became increasingly apparent that there is only one course left for men of good will—no longer can we afford the luxury of endorsing what has lately become a dangerous and untimely position—the fallacy that the safety of our populace is dependent upon an inalienable and largely indiscriminate right to bear arms.

We have reached an inescapable conclusion: All handguns must be banned except for law enforcement and the military. I ask you and the American people to review some of the factors that have precipitated my decision.

First, in the United States in 1971, 10,000 murders were committed with firearms, and guns accounted for 21,000 deaths. Tragically—incredibly—someone in America is killed or injured by gunfire every two minutes. Second, as a law enforcement officer, I have become increasingly alarmed over the astounding number of policemen who are killed or wounded in the performance of their duty. From 1961 to 1970, 604 fellow peace officers were killed by firearms; 466 of these were by handguns! During that same period, only 29 officers were killed by other weapons.

We live in an age when statistics such as these have lost much of their impact. Understandably, a concerned public becomes shocked then apathetic and, finally, anesthetized. During the past few years, the collective conscience of our people has been numbed by the assassinations of John F. Kennedy, Martin Luther King, and Robert F. Kennedy. The attempted assassination of Governor Wallace has again refocused our attention on the issue of violence. As shocking and deplorable as these incidents are, they are but a few of the traumatic dramatizations occurring hourly within our cities.

Gun control laws can retard the increase in criminal activity. In New York City, for example, where strict control of handguns exists, the murder rate of 10.5 per 100,000 inhabitants is well below that of most other cities with weak gun control, such as Dallas (18.4), Houston (16.9), and Atlanta (20.4). And this has been accomplished in spite of the fact that guns enter New York from other areas with lax gun control laws.

What our country must recommend is legislation controlling handguns on a nationwide basis and accompanying enabling legislation to make the enforcement of those controls possible. Existing search and seizure laws need to be modified to allow greater latitude to the police in the search for weapons. There are more than 20,000 state and local firearms laws, many of which are conflicting, obsolete and unenforceable. The necessary coordination, leadership and solution must come at the federal level. Law enforcement needs the right to seize illegally possessed handguns, use them in evidence in criminal cases, then destroy them, eventually eliminating handguns except for police and the military.

Hopefully, few of you have had the experience of finding yourself at the end of a gun, but for all too many of our citizens, this is not the case. Last year alone, 80,000 Americans were injured in assaults by gun-wielding assailants, and 220,000 others were robbed at gunpoint.

In all, guns were used in 65% of all homicides, 63% of all robberies and 24% of all aggravated assaults. If we are ever to reverse, or even lessen, this almost casual use of violent force, we must be willing to re-examine our position, and commit ourselves to seeking a solution. Objective reasoning permits no other beginning than the elimination of the handgun.

Many good Americans will argue that we should take the guns from the criminal, but not prohibit their possession by the law-abiding citizen. Perhaps there may be some validity to this argument if the destruction caused were *exclusively* due to criminal activity; but it only takes a cursory glance at the facts to recognize the fallacy inherent to this position. In Washington, D. C., 81% of all homicide cases involve a suspect and a victim who were either friends, relatives, acquaintances, or husband and wife—86% of the murders stemmed directly from an argument, a fight, an altercation or a lover's quarrel. The bloodshed, then, is not due to just the premeditated killer who methodically calculates a murder, but is the result in all too many instances of frustration and passion which are grasping for an available means of release.

It is needless to remind ourselves of the tragic spectrum of accidental killings caused by the availability of a firearm.

It may be argued that a person intent on murder will find a way to do so, if not with a handgun, then with some other weapon. This has not been the case, and it becomes most evident upon serious reflection. Consider the countless psychiatric patients who have stated at one time or another they were glad they did not have a gun available to use on themselves or others. It is not difficult to envision an angry spouse in a moment of irrationality, rather than hurling an invective, resorting to the use of a gun.

This is not conjecture . . . it is not fantasy . . . it happens with almost predictable regularity.

Organizations of sportsmen and hobbyists maintain that handgun controls would interfere with the activities in which they engage. Certainly handguns can be used for these pursuits, but let me paraphrase what I stated earlier . . . it is difficult to deny that their primary purpose and the job they were designed for is killing people. We are not suggesting the outlawing of all firearms, but rather the elimination through legislation of the deadliest of all—the handgun.

I am aware there are gun collectors throughout the country who possess handguns that are both rare and valuable, and I would not presume that these collections should in any way be diminished. What I do advocate is that these handguns be rendered inoperable as instruments of death and destruction. I might add that I too am a gun collector.

While the United States Constitution guarantees citizens the right to possess arms, few thinking persons would argue that this right should be extended to include machine guns, flame throwers, or similar weapons. Such an argument would surely not be in keeping with the spirit of the Second Amendment. Neither should this right be construed to extend to handguns, for the same reason.

The primary justification for the Second Amendment's inclusion in the Constitution centered around self-defense, national defense, and food acquisition. In today's complex, urbanized American society, these reasons are, at the least, extraneous when applied to handguns:

We have the Armed Forces to protect our shores and borders, and the police to perform a like function with regard to domestic threats to our security.

For those who find it necessary to keep firearms in the home for further protection of their persons and property, or for use in hunting or similar pursuits, rifles and shotguns will not only suffice but are preferable to the handgun for almost every conceivable purpose:

For every robber stopped by a homeowner with a handgun, four homeowners or members of their family are killed in handgun accidents. The fact is, the only viable advantages pistols offer over long-guns are their portability and ease of concealment. The former renders them useful to peace officers, while the latter makes them ideal for criminals as "means" to their "end."

Moreover, from a Constitutional point of view, the federal courts have consistently interpreted the Second Amendment as referring to a collective right rather than an individual privilege.

All of the arguments directed against legislation for control of handguns pale into insignificance when juxtaposed with the mortality and grief which result, in the absence of such control.

On an average day in the United States, there are as many as 57 deaths resulting from the use of firearms and yet the tragedy and grief continue to mount.

The support for gun control laws is strong, and growing stronger daily. Public officials and concerned citizens in many fields are recognizing that the time for legislation is now.

When I first proposed the banning of handguns in May at a press conference held during the annual conference of the California Peace Officers' Association, I was aware of the consequences, and that it would generate a significant amount of opposition. What I was not prepared for was the overwhelming support from the citizens who learned of my position through the news media.

In 1972, the United States Mayors Conference recommended that handgun ownership be banned for all but law enforcement officials, military and sportsmen clubs. I oppose including the latter.

The National Commission on the Causes and Prevention of Violence has recommended that there be a licensing system for all handguns, with possession restricted to those who can indicate they have a special need for such guns. In supporting this recommendation, the Commission reported that there are 90 million firearms in the United States. Half of the nation's 60 million households reportedly possess at least one gun, and the number of guns owned by private citizens is still rising rapidly. They further reported that more personal injury and death resulting from crime occurs in the United States than in any comparable nation in the world . . . and the primary tool of this injury and death is the firearm.

Statistics have shown that those States with some sort of gun control laws have proportionately fewer deaths as a result of firearms, than do those States without such controls. And the relationship between America's "pacesetting" among all other nations in the number of murders perpetrated—and the fact that we are one of the few countries on earth without gun control laws—can no longer be ignored.

Nearly all the civilized nations of the world require firearms licensing or registration, or both; and many of them prohibit the private possession of any handguns whatsoever. Nowhere in the world is the private ownership of handguns, on a per capita basis, as high as in the United States. The United States has 135 handguns per 1,000 people, while Canada has only 30 per 1,000. Israel, referred to by many as an "armed camp," has only 10 handguns per 1,000 people. Finland, the Netherlands, Greece, Great Britain and Switzerland have fewer than five handguns per 1,000 residents. It is not at all difficult to see the correlation between these figures and homicide. For example, the rate of homicide in the United States is far greater than that of any other industrial nation in the world. It is almost three times as high as Japan and eight times as high as Great Britain.

In the United States there are 5.7 gun murders per 100,000 persons each year, but in Japan where it is illegal to own, manufacture or carry a handgun the ratio is only 1.9 per 100,000 persons. In Great Britain where handgun laws are almost as restrictive as Japan, the gun murder ratio is only 1.25 per 100,000 persons, resulting in 29 handgun homicides in 1970 among a populace of 50 million persons, while Los Angeles County, with a population just over 7 million, had 308 handgun homicides. And while we are on the subject of Great Britain, we might take a look at her record of assassinations. . . . Prime Minister Perceval was mortally wounded at the hand of a disgruntled, pistol-wielding taxpayer in the Waiting Room of the House of Commons. The year of this murder was 1812—160 years ago—and that was England's first and last political assassination.

Statistically, historically, philosophically—guns, especially handguns, have been and will always continue to be a most proficient means of killing people, whether wantonly or accidentally. As long as the populace continues to own handguns, the danger and opportunity to use them for violent ends will remain. Remember, the primary purpose of the handgun is killing people.

Thank you.

FIRST ANNIVERSARY OF THE ACTION AGENCY

Mr. BEALL. Mr. President, July 1 will mark the first anniversary of the creation of the Action agency. Early last year President Nixon decided to bring together, in one agency, the various volunteer programs which had previously been scattered throughout various departments of our Government. The President has clearly recognized that—

> One of the great distinguishing characteristics of the American people is their readiness to join together in helping one another. The principle of voluntary action is not something lately grafted onto America's ways; it goes back as far as the nation's founding.

This conviction motivated the President's signing of an Executive reorganization plan creating the Action agency.

At the time the new agency came into being, President Nixon outlined Action's broad mandate in the following words:

> Let us work together to seek out those ways by which the commitment and the compassion of one generation can be linked to the will and experience of another so that we can service Americans better and Americans can better service mankind.

Despite the difficulties of bringing together so many previously divergent operations, coupled with the inevitable delays in obtaining Congressional authorization and/or appropriations for new and existing programs, I believe the Action agency has weathered the storm and may now embark upon its task of mobilizing and directing volunteers of America. Let us look briefly at some of the programs conducted by the Action agency:

During its first year, the Action agency has managed to expand and improve the program of the Peace Corps. The number of volunteers seeking to join this highly successful program has been increasing as has the number of nations interested in receiving such volunteers. A year ago, the Peace Corps was serving 57 nations; today that number has risen to 63. Volunteers are now arriving in or soon will be assigned to the Central African Republic, New Caledonia, the Seychelles Islands, Bahrain, and Oman. Moreover, negotiations are underway with at least six other nations who have expressed an interest in receiving Peace Corps volunteers.

Domestically, nearly 70,000 new volunteer opportunities for senior citizens have been created by the Action agency. This expansion is in keeping with the President's commitment to the White House Conference on Aging and it is my understanding that thousands of additional volunteer opportunities for older Americans will be created in the coming fiscal year. It is significant to note that the budget for the foster grandparent program has been doubled to $25 million and now includes approximately 11,000 volunteers, up from the 6,200 volunteers for the preceding year. Funding for the retired senior volunteer program—RSVP—has also doubled to approximately $15 million.

The VISTA program is composed of volunteers working in urban areas throughout our Nation—Puerto Rico, Virgin Islands, Indian reservations, and other territories. There is considerable evidence that the VISTA program is gaining sophistication in meeting the needs of America's poor.

The University Year for Action, started just 1 year ago as a pilot program to enlist college students in volunteerism, has achieved success that exceed all expectations. In exchange for the year's work off campus in a meaningful community poverty job, UYA volunteers receive academic credit. The number of students enrolled in UYA now totals 1,000 at 25 colleges and universities. More than 400 schools applied for admission to this program. Next year they expect nearly 2,000 volunteers in UYA in over 36 colleges and universities.

Mr. President, I have recently had an opportunity to visit a number of UYA programs in the Baltimore metropolitan area. I was genuinely impressed by the caliber and enthusiasm of these college volunteers. Each student was applying his or her special interest or expertise to the solution of a particular community problem. I commend the officials of the Action agency for creating new and imaginative programs designed to effectively come to grips with the problems of our society.

Meaningful assistance to the Nation's small businessmen, particularly minority entrepreneurs, is being provided daily by the 4,500 volunteers from Senior Corps of Retired Executives—SCORE. Active Corps of Executives—ACE—are providing 1,500 volunteers from business. In cooperation with the Small Business Administration, the volunteers in these programs give advice and assistance to the troubled small businessman who sorely needs expert guidance.

Mr. President, I wish to commend Joseph Blatchford, Director of the Action agency, and all of the other individuals who have made a constructive contribution to the developments of this important agency. In just 1 year, the Action agency has begun to tap the great volunteer resources that the President referred to at the time he sent his reorganization plan to the Congress. In just 1 year, the Action agency has given ample evidence that the President's assessment of the American people is correct. I look forward, in the coming years, to working closely with the Action agency as it seeks to meet and overcome many of the problems confronting our Nation today.

As the ranking Republican on the Subcommittee on Aging, I am especially interested in the Action programs relating to our senior citizens. I ask unanimous consent that the articles entitled "Love Is Their Most Important Product," "Foster Grandparents Add an Extra Measure of Love to the Lives of Retarded Children at Great Oaks," and "Antipoverty Weapon: Self-Interest," be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1972]

LOVE IS THEIR MOST IMPORTANT PRODUCT

(By Ivan G. Goldman)

Wynn was too retarded to speak, but she laughed like any other 9-year-old being pushed toward morning clouds on a playground swing.

Providing the muscle was Douglas Furr, a retired railroad switchman, a kindly man fighting a child's melancholy at Great Oaks, a Maryland center for retarded children near Beltsville.

For despite such cheerful touches as brightly colored tops, smile posters, and funnyface balloons in the dormitories, Great Oaks is unmistakably an institution. And the grounds can be a lonely place when the wind blows across the naked spring grass.

Furr, 66, is one of 36 persons employed by Prince George's County in the Foster Grandparent program, a federal project employing 4,400 persons in 40 states.

Financed nationwide with $25 million from the federal Action program, the 7-year-old program is designed to provide employment for low-income men and women over 60, and individual attention for institutionalized children. Each foster grandparent spends 20 hours a week divided between two children, and receives $1.60 an hour to do it.

Action, a catch-all department that oversees such programs as the Peace Corps and VISTA (Volunteers in Service to America), pays for 80 per cent of each local Foster Grandparent program.

Prince Georges financed with $160,000, is the only jurisdiction in Maryland, Virginia, or the District to take advantage of the program, said an Action spokesman.

The county sends half its foster grandparents to Great Oaks, and half to the county day care center for retarded children in Lanham. It plans to hire 20 more oldsters this year to work at Edgemeade, a private institution for emotionally disturbed children, near Upper Marlboro, said L. W. Mahaffey, county program director.

Furr, 66, who was among the first foster grandparents hired by the county three years ago, says, "I can see where I'm doing these children some good.

"I didn't show up Good Friday, and they tell me Wynn and Paul (age 8) cried all day. You see, Saturday and Sunday they don't miss me, because they know I won't be here. Isn't that something?"

Furr, who has six grandchildren of his own, said his mornings at Great Oaks "are really . . . something good—a good way to pass the time. It gets monotonous sitting around the house all the time," he said, still pushing Wynn's swing.

Foster Grandparent is one of those few programs that seem to please everyone. County and federal officials, staff members at Great Oaks, the "grandparents," and the children, all sung its praises in their own way.

"These people (the grandparents) are receiving something from these children that you can't buy with cash," said Mahaffey. "The children make them feel needed, and the income helps them to be self-reliant.

"As for the children, they receive love and attention on a one-to-one basis. Some of them may not ever be able to learn. But they all learn to recognize that grandparent. Something is getting through. It exists there."

To be qualified, an enrollee must have an annual income of less than $2,000, pass a physical examination, and undergo a combined screening and orientation process lasting two weeks.

Mahaffey said that in many cases, the lunch grandparents receive at Great Oaks is their only meal of the day. The center also provides the transportation, and it has become a meeting place—a way of "socializing" for the grandparents, Mahaffey said.

The only drawback: "We have to watch out for overattachment on the part of the grandparents," said Mahaffey. "Once we had a grandparent who became so involved with her little girl that when the girl got sick, the grandmother felt sick also. In that case we gradually weaned her away from the child, and then assigned her to another."

Another time, Mahaffey said, a woman grew depressed from seeing hopelessly retarded children day after day.

"She was a very genteel lady," he said. "She probably hadn't seen much suffering in her life. She became very depressed that this even had to be on earth." The woman was transferred to another county program—assigned as a semisocial worker to help other elderly people.

Although some children at Great Oaks have IQs below 35—placing them in a retarded category so low that many may never learn even to walk—grandparents tend to get goals, however slight, for their charges.

Said Mary Smith, 75, of Fairmont Heights: "When I got Bryan, he's 7, a year ago, the first thing I wanted to do is toilet train him. It took us a whole year, but we did it."

Elizabeth Jennings, 81, of Cottage City, said her charge, Barry, 5, was very retarded, and she was uncertain at first whether she could set a goal for him. Finally she decided to teach him how to unclench his fists, when he did, after many visits.

Her other charge, 6-year-old Sherry, was also severely retarded, and strapped in a wheelchair so she would not fall out.

"I'm trying to get Sherry to hold her head up," Mrs. Jennings said, "She always wants to sort of stoop like this. Come on, Sherry, you have such a pretty face, you don't want to hide it. Now give us a smile."

And Sherry smiled.

[From the Baltimore Sun, Dec. 26, 1971]

FOR EACH: A HAND TO HOLD

(By F. De Sales Meyers)

Fred Miller may look unemployed, but he's not. He's a senior citizen in full growth. And on weekday mornings, he travels by bus to the Great Oaks Center for mentally retarded children, near Silver Spring. There, it's his job to take a small child's hand in his own.

For 30 years, Mr. Miller managed Filene's department store in Worcester, Mass. Then he taught at Clark University. Finally, in full retirement, he came to Mount Rainier, Md. Now he's employed again.

For $1.60 an hour, four hours a day, five days a week, he walks with a child, talks to the child, and now, practiced in his occupation, he may dress and feed the child. The child smiles at him, embraces him, responds to the skilled experience Mr. Miller brings to his job.

Modern personnel structuring demands that all employees be titled and descriptively programmed. Mr. Miller has a title and is arranged in a program and, so, remains a part of a functioning, self-supportive citizency. It is good for him to know that, to feel with self-satisfaction that he is not unoccupied. He's a foster grandparent.

The job description could not be simpler; "a foster grandparent's time is spent in casual activities which express and foster sharing life together . . . walking and talking, playing games, telling stories, rocking and cuddling a child."

At Great Oaks, there are 18 other foster grandparents. They are an elite corps. Across the entire county, there are probably only about 5,000.

The principle behind the program is very simple. There are in this world two groups of people who in absolute necessity need other people: the elderly and the very young, especially the handicapped young. The separation of these groups from the bulk of human society is unspeakably cruel. So, put the two together, and along with titles, budgets, concepts and theories, you have the joy one person finds in being with another who needs him.

L. W. Mahaffey, of Prince Georges county government, indirectly administers the program at Great Oaks. Through the Prince Georges Division of Services and Programs for the Aging, foster grandparents are recruited, screened and placed. About 40 other states have a foster grandparent program; Prince Georges county is the only one in Maryland.

The program was begun in August 1965, financed by the federal Office of Economic Opportunity and administered by the Administration on Aging. Amendments to the Older Americans Act in 1969 transferred the program to the Department of Health, Education and Welfare. In 1971, the program was transferred to a new agency, Action, which regrouped several volunteer operations, one of them the Peace Corps, into a single agency.

To serve in the program, a man or woman must be at least 60 years old, enjoy relatively good health, have a capacity to give tender loving care to children with special needs, and meet limited income requirements set forth by the federal government. The children to whom they may be assigned are not to be over 17.

Foster grandparents can work a maximum of 20 hours per week. As employees they share in the benefits extended to all county employees through its merit system. They are granted annual leave, sick leave, insurance and the usual holidays. Annual physical examinations are required. Each day the Great Oaks Center furnishes its foster grandparents with transportation and the noon meal served in the employees' cafeteria.

Melvin Spierer, a young social worker, is in charge of the Great Oaks program. And he says that Great Oaks Center, a unique facility which tries to put the care of mentally retarded children into a regional setting, is an ideal location for a foster grandparent program.

Great Oaks was opened in November, 1970, by the Maryland Department of Health and Mental Hygiene to serve the residents of a five-county area, Calvert, Charles, Montgomery, Prince Georges and St. Marys. As a regional center it is oriented toward the community. The resident children, all under 12, are not distantly removed from relatives and community resources. And, of course, the nearby community can come to them. Foster grandparents are part of that community.

At Great Oaks, a committee composed of staff personnel plus Mr. Mahaffey assigns the foster grandparents to children who have the greatest need for them. Each foster grandparent receives for his care and attention two children. There is no deliberate effort made to make assignments according to sex—small boys may be with women, girls with men.

Ordinarily the foster grandparent has a younger child his first hour or so and then moves on to an older one. There is no rigid restriction on the number of unassigned children who may cluster around a foster grandparent, however. If in his performance other children are attracted, it is considered more than satisfactory.

Each morning the foster grandparent goes to his appointed child. If he wishes, and the child is co-operative, he may dress the child and assist with feeding. Usually the two then go for a walk. Many of the children have multiple handicaps, however, and are incapable of walking, so the foster grandparent uses a stroller. The foster grandparent may accompany the children to other activities at the center—therapy sessions, medical examinations, psychological testing.

Mr. Spierer points out that the foster grandparents are never thought of as additional aides.

"We absolutely do not want them to be considered as a pool of staff aides here, handy to have around for the tasks they perform, tasks that apparently would be at the aide level," he says. "They are definitely not babysitters. Theirs is an assigned function, performed within the framework of a larger specialized function. What they give to the children is something of themselves, the warmth of attention that an older person can give to a small one.

"This is not to say that the rest of the staff does not give personal warmth to the children," he continues. But they are not able to give the warmth these children need with the same intensity that the foster grandparents, with their one-to-one relationship, can give. Theirs is a supportive role, and it is special to their position. What they present is an entirely new dimension in child care.

"The entire staff is enthusiastic about the foster grandparent program," he says. "It's an ideal program in a facility like Great Oaks, and it works. It really works."

The experience that only they possess is evident in the foster grandparents as they move casually around the open and spacious center grounds. On bright warm days as well as winter mornings, they stroll easily with the children, much the same as thousands of natural grandparents would in thousands of other communities.

Mrs. Vera Harrill, of Mount Rainier, a grandmother of eight and great-grandmother of two, feels the satisfaction of her employment.

"It's doing something for these children," she says. "And it gives me an outlet. We can see progress, too. I've taught this little girl to wave 'bye-bye.' It's the only thing she can do."

Ward Hobbs, of Colmar Manor, sold magazines for 40 years and has six grandchildren and one great-grandchild. Standing along the walkway, he bends to tuck the blankets around a small boy in the stroller he pushes.

"I bathe this little boy, and I dress him, and I feed him," Mr. Hobbs says. "Every morning when I come in, he knows me."

Douglas Furr, of District Heights, was a railroad brakeman and conductor for 25 years. The older girl walking with him wears bright red slacks which appear to be slightly too large for her. Mr. Furr laughs as he interrupts a conversation to tug at the sagging slacks while the girl laughs and pulls playfully away from him.

"You become attached to them," he says.

All the foster grandparents reply similarly: "We do something for the children and they give us something to do."

Mr. Miller finds satisfaction in "being able to help someone who needs help badly. These children need someone to need them. They hug me, and that little boy over there always says, 'Hi, grandpa.'"

Few of the foster grandparents have met the parents of their Great Oaks children. The parents usually visit during the afternoon or evening and weekend hours when the foster grandparents are not there. The foster grandparents prefer it this way. They feel that the child is closer to them, they belong to each other with no other adult separating them, no other person to claim or divide their attention.

Staff personnel at Great Oaks believe the children improve with exposure to the foster grandparent program. One could hardly expect otherwise.

There is a boy with curly black hair. Not yet 10 years old, he is mentally retarded and blind. Every morning a kind and gentle woman comes to him to be his foster grandparent.

"He seems to know when I'm supposed to be there," she says. "The nurses tell me that when it's time for me to be here, he puts out his hand for the little piece of candy I bring him every morning."

The child and the woman walk together, the boy clings with both his hands to the hand of the woman. When they stop along the way, the boy pulls himself close to her. While she smooths his hair and caresses his cheek, he murmurs. He has no other verbal expression of love. For an hour or so every morning, the woman keeps the boy close to her and he murmurs.

It is unlikely that any foster grandparent will ever write a broad, thickly worded, jargonistic description of this program. There will be enough theorists in years to come for that task. The foster grandparents will only have brought to their daily efforts the instinctively human knowledge that the children they have encountered are much the same as children everywhere, children who wait for the unfailing touch of humanity.

[From the Washington Star, June 1, 1971]

ANTIPOVERTY WEAPON: SELF-INTEREST

(By Charles Bartlett)

It is difficult to dispute the Urban League's assessment that public sympathy and attention are turning away from the inner cities.

The concern has faded like a fad because the problems are stubborn and the solutions are uncertain. The Urban Coalition finds it increasingly hard to cement a link between the power structures and the needs of the cities. David Rockefeller warns business leaders that if they keep pulling away from the problems, they may have social obligations imposed upon them by law.

But the job of reviving the cities and tackling the intricacies of racial disintegration cannot be done by fiat or left to the impulses of goodwill. The broad consensus now is that the best, perhaps the only, hope lies in exertions that are motivated by a large degree of direct self-interest.

This is the premise on which Samuel Beard, a young New Yorker with a strong urge to turn the situation around, has launched the Development Council. It will serve as a catalyst to make the point to manufacturers, particularly small ones, in labor intensive industries, that there are significant advantages in putting factories in the slums. These include access to a job-hungry work force as well as priority claims on federal loans.

Beard learned the importance of the self-interest motivation in the course of a successful campaign to persuade large corporations to deposit portions of capital in minority banks. He was able to induce American companies to place over $250 million in these banks, not by stressing that it was a nice thing to do but by describing the corporate benefits that could flow from the gesture.

On the personal level, the same principle is being used by the Nixon volunteer agency Action to bring college students into the battle against urban poverty. The program is called University Year in Action. It is only nine months old but it clearly holds the potential for a profound impact on the volunteer students, who earn credits while they gain experience in the ghettos, and on the universities, which have their first real opportunity to become involved in the communities which surround them.

Both the volunteer and the university are subsidized so the federal cost for each of the 1,000 students now working out of 24 academic institutions is about $6,100. But this is less than the cost of a VISTA volunteer and the impact is magnified because the students have the backing and guidance of their faculties.

The virtues of UYA were eloquently described to a Senate committee by Charles Hurst, who has transformed Malcolm X College on the West Side of Chicago into an imposing institution. He said that if the program had not come along the universities would still be talking about what they ought to be doing instead of doing something. The problem, as he put it, is that education has been producing "socially naive people."

Hurst predicted that UYA, if allowed to expand to a broader segment of the student population, can accomplish an immense social result by producing a new breed of decision-makers with a sharpened sense of social responsibility and a keener awareness of what needs to be done. This, he said, is crucially important at a time when "we are living as witnesses to social disaster in all the major cities."

Liberals in Congress have been curiously reluctant to endorse UYA, partly because it is a Nixon program and partly because they fear it may eclipse VISTA, their own innovation. They are restricting its expansion and hobbling its evolution, even though it may be the best hope of reinvigorating concerns which have gone out of style.

This is not the kind of issue on which parochial notions should be allowed to intrude because it is important to develop incentives that will keep the battle against poverty going.

APPOINTMENT OF HARRY H. MACLAUGHLIN AS ASSOCIATE JUSTICE OF MINNESOTA SUPREME COURT

Mr. MONDALE. Mr. President, on April 4, 1972, Harry H. MacLaughlin was appointed as an associate justice of the Minnesota Supreme Court.

I have known Harry MacLaughlin for many years. Because of his integrity, his legal ability, and his dedication to the public interest, I am confident that he will serve with great distinction on our State's highest court.

The May–June 1972, edition of the Hennepin Lawyer—the official publication of the Hennepin County Bar Association—contains an excellent article about our State's newest associate justice. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HARRY H. MACLAUGHLIN, ASSOCIATE JUSTICE, MINNESOTA SUPREME COURT

(By David G. Roston)

Minnesota Supreme Court Associate Justice Harry H. MacLaughlin, appointed to the High Court on April 4, 1972, by Governor Wendell R. Anderson, and sworn in as an Associate Justice on May 1 of this year, never desired to be anything but a lawyer. "There are no other lawyers in my family—doctors, dentists, but no lawyers," he stated. "I don't know what caused me to become interested in law, but it was always my only choice as a profession."

During his grade school and high school years in Wahpeton, North Dakota, his 2-year stint in the Navy from 1945 to 1947, his undergraduate years in the University of Minnesota's School of Business Administration, and 3 years working for General Motors following graduation, he worked toward his goal of entering law school.

One of the few uneventful periods of the Justice's life was his 2-year tour of duty in the Navy. Shortly after his enlistment at age 17, the atomic bomb was dropped, the war came to an end, and His Honor spent more than 2 years stateside doing the endless paper work for fellow seamen who were being processed out of the Navy. Justice MacLaughlin appropriately labeled his Navy career "unglamorous."

A native Minnesotan ("chiefly because the hospital where I was born happened to be across the river in Breckenridge"), the future jurist managed to put away enough savings from his General Motors job to enable him to realize his goal and enroll in the University of Minnesota Law School in 1953.

The first year of law school found the future Justice with an extremely crowded schedule, attending classes until 1 p.m., working afternoons at Minnesota Mining and Manufacturing, and in the evening tending to a peanut and almond vending machine route which he and a fellow employee of 3M owned.

The Justice, however, was no stranger to the combination of a full day's work and study. "I worked in my father's grocery store in Wahpeton before and after school every day and all day on Saturdays," he recalled. "People would phone in their food orders and we would make up the orders and deliver them. By age 12 I was driving my father's delivery truck all over town."

Although the Justice modestly brushed off the suggestion that he must have existed on a minimum amount of sleep during that first year, his academic record leaves no room for doubt that he burned the midnight oil each night after his rigorous daily schedule. A top student, he earned a position on the Board of Editors of the Minnesota Law Review in 1954 and 1955.

He relinquished his part-ownership in the peanut vending business, quit his job with 3M, and accepted a position as law clerk for former Minnesota Supreme Court Justice Frank T. Gallagher in 1955–1956. A friend and classmate (now Senator), Walter F. Mondale, clerked for former Justice Thomas Gallagher at the same time. Another close friend and classmate of the two law clerks was Douglas M. Head, former Minnesota Attorney General.

The youngest member of the Court at age 44, MacLaughlin feels that his experience as a law clerk is definitely an asset to him in his new surroundings. "I had the opportunity to see the operation of the Court and how opinions are put together," he explained. "I'm sure this first-hand knowledge will be of great value to me in serving on the Court."

After graduation from law school in 1956, the future jurist and the future senator (Mondale) both went to work for the Minneapolis law firm of Larson, Loevinger, Lindquist, Freeman and Fraser.

In 1958 the two went "on their own" and formed the Minneapolis law firm of MacLaughlin and Mondale. At about the time that Mondale was appointed Attorney General of Minnesota in 1960, another outstanding graduate of the University Law School, C. Blaine Harstad, joined the firm. Since that time the firm has been known as MacLaughlin and Harstad.

During 16 years in the practice of law, the Justice has handled many types of legal questions. He characterized his practice as "general," with emphasis in the field of condemnation. In addition to representing individual landowners, the firm of MacLaughlin and Harstad represented the Minneapolis Housing and Redevelopment Authority in condemnation proceedings.

From 1965 to 1968, Justice MacLaughlin was attorney for the receiver of the State Capitol Credit Union in widely publicized and significant litigation. "Eventually the members were able to get 100 percent of their money out of the credit union," said the Justice. "I feel that things worked out very well for everybody concerned and the credit union today seems stronger than ever.'

The new Justice is no stranger to law graduates who think it necessary to "bone up" for the bar examination. From 1959 through 1971 he was Administrative Director of Minnesota's only bar review course, delivering, among others, the torts, sales and ethics lectures himself. The Bar Review Course will be continued by Harstad.

Justice MacLaughlin served as a part-time faculty member of the William Mitchell College of Law from 1958 through 1963, and has been active in both the Minnesota and Hennepin County Bar Associations. He is a past chairman of the Hennepin County Bar Association Ethics Committee, a past chairman of the Hennepin County Bar Association Judicial Selection Committee, and has served on several committees of the Minnesota Bar Association. He is currently a member of the American, Minnesota, Hennepin County Bar, and American Trial Lawyers Associations.

He resigned from the State College Board, the Minnesota Judicial Council, and the Minneapolis Charter Commission shortly after his appointment to the Supreme Court.

Justice MacLaughlin, his wife, Mary Jean, and their two sons, David, 9, and Douglas, 7, reside at 2301 Oliver Avenue South, near the shores of Lake of the Isles. The warmer weather often finds the new jurist jogging ("not running") bicycling or "just walking" around the lake.

Almost all of his spare time in the summer months, however, is spent at the family cottage on Lake Miltona, just north of Alexandria, Minnesota. "Lake Miltona was named as one of the top 10 walleye lakes in Minnesota by a Twin City newspaper," explained the Justice. "We are fortunate enough to have a beautiful beach, a nearby golf course, and great fishing. My wife and boys stay there the entire summer and I somehow manage to get up there every weekend to get in some fishing, golfing, swimming and relaxing."

Several years ago the MacLaughlins took up skiing. "We feel that it is an excellent family sport during the winter months," noted the Justice, who candidly acknowledges that he has not yet attained the skill of Jean Claude Killy or Billy Kidd during his short exposure to the sport.

The people of Minnesota are indeed fortunate to have Harry MacLaughlin, an active member of the bar, avid outdoorsman, and an outstanding teacher, scholar and lawyer, as the newest member of the highest tribunal in the state.

THE TREASURY REGULATION PROCESS

Mr. LONG. Mr. President, when Congress delegates regulatory authority to the Secretary of the Treasury with respect to internal revenue matters, it does so for the purpose of authorizing him to fill in the gaps in the statutes and to deal with technical issues not sufficiently important to warrant specific mention in the statute. But it has always been a paramount principle that regulations must be written consistent with the law and the congressional intent. Congress does not delegate authority to thwart its own purposes.

On November 1, 1968, in my capacity as chairman of the Committee on Finance, I inserted in the CONGRESSIONAL RECORD an exchange of letters I had with the Treasury Department regarding their proposed regulations with respect to the mineral industry. Probably more than any other regulations, these 1968 proposals intruded on the legislative function by proposing sharp changes in the tax treatment applicable to the mineral industry without benefit of a specific act of Congress.

The materials I inserted in the RECORD in 1968 indicated a Treasury commitment to the committee that significant changes would be made in the final regulations as they related to the so-called "cut-off point" so that the final version would do a better job of reflecting the law, rather than making the law.

The same regulations also attempted to make law with respect to the allocation of income between mining and nonmining functions in the case of minerals for which there was no market until they had been processed into a finished product. The reason for the allocation is that depletion allowances are available only with respect to income from mining; and since this cannot be determined with precision where there is no market for the mineral involved, the allocation can offer a reasonable substitute.

Assistant Secretary of the Treasury, Stanley S. Surrey, and Deputy Assistant Secretary, John S. Nolan, both honorable, knowledgeable, and respected tax authorities, agreed with the position I and other members of the Committee on Finance expressed with respect to their proposed proportionate profits regulations—which describe the allocation rules—and agreed that the questionable features of the proposed regulations should be modified to more clearly reflect the law as it had developed up to that point.

The original Treasury regulations had proposed to attribute a profit element to cement companies with respect to cement shipped to their customers in hired vehicles on a cost basis. The cement industry demonstrated that the practice in the industry was to charge the customer for the cost of the transportation, and no more. By unfairly attributing a profit in this instance, the original regulations would have reversed 30 years of practice in computing tax of these companies and would have increased their tax substantially without any legislation having been acted on by Congress.

As chairman of the Committee on Finance, which has jurisdiction over the tax laws, I believe it is unwise and wrong for the Treasury Department—or any other agency—to legislate by regulation and assess a tax which has no foundation in the statute. I believe we have a responsibility to prevent such a practice; and indeed, the legislative oversight function imposed upon congressional committees, demands it.

Tax consequences should not turn on administrative attribution of a profit to a service which demonstrably is not profitable. If we in Congress were to pass such a statute, we would not be able to explain it to our constituents and, indeed, it would make little sense. Yet, that is exactly what the original Treasury regulations would have done.

It is a fact that the Treasury Department, to this minute, has never suggested that the law be changed to authorize the result the proposed regulation would have achieved. The reason for this, in my opinion, is clear. Treasury could no more justify a statute attributing profit to an unprofitable operation than it could justify its proposed regulation which would have done the same thing.

Unfortunately, while the responsible officials in the Treasury Department, for whom I have the highest regard, never faltered in their agreement with me and other concerned legislators regarding both the tax principle involved and the separation of powers, hirelings in the Treasury Department did not carry out their instructions, and so the matter remained unsettled for nearly 3 years. Now that the final regulations have been published, and the situation is resolved, I believe it would be well to make a permanent record regarding the matter. It is my hope that by this action, future writers of tax regulations will conduct themselves with a greater respect for the true purpose of the regulation process than the person or persons, unknown to me, to whom had been entrusted the task of writing the 1968 Treasury regulations.

The 1968 effort reflects a low ebb in the Treasury regulation process. No Department in Government has been blessed with more competence than the Treasury Department and seldom does it fail to do an absolutely superlative job of working with the tax committees or Congress, understanding the congressional intent and clearly reflecting this intent in the regulation process. The 1968 regulations fall so far below the standard of excellence which generally marks Treasury Department work that one would suspect they reflected more the whim and fancy of the draftsman than a conscientious effort to faithfully perform his instructed duties.

In the final analysis, this is what the regulation process is all about—a reflection of what the statute says and what the Congress intends. The regulation process was never intended to be a substitute for the law or a law in itself. Mr. President, I ask unanimous consent that the letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

December 5, 1967.

Hon. Henry H. Fowler,
Secretary, Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: Recently, I was contacted by representatives of a number of American cement companies with regard to proposed income tax regulations (Section 1.613–3(b) (c) and (d)) published July 13, 1966. The cement industry is very much concerned with these proposed regulations and objects to certain parts of them.

After discussing the problem at length with the industry representatives and after giving the matter my own serious consideration, I have concluded that the industry's objections are in large part well founded. Specifically at issue is that portion of your proportionate profits rule which involves the treatment of purchased transportation, selling expenses and the cost of bags and bagging in the case of cement not sold in bulk.

The industry has demonstrated that purchased transportation is an added-on expense and that no profit is derived from it. If this is correct, then any rule which arbitrarily attributes a profit element to such a non-mining service by including its cost in the proportionate profits formula must have been designed for the principal purpose of reducing the depletion allowance available to the cement industry. The fact that you are changing administrative practice with this proposed regulation adds credence to this conclusion.

On the matter of selling expenses, it seems elementary to me that this sort of expense is no different than general overhead and should not be treated under your proportionate profits rule as if it were different. Allocating it entirely to non-mining ignores reality, and once again appears to be prompted by a desire on the part of the drafters to reduce depletion allowance. Here also, I am advised, your new regulations reverse the treatment these selling expenses received in the past, and I find nothing in the legislative history of the depletion amendments indicating a dissatisfaction on the part of the Congress with the rules you now seek to change.

Reducing the amount of gross income from mining by allocating a portion of it as profit of a bagging operation also strikes me as a device to cut depletion allowances administratively. Here, as in the case of transportation, profit would be unfairly allocated under your proposed regulation to a service which either involves no profit whatsoever or with respect to which a lesser profit can be established without regard to the proportionate profits rule. Bringing the bagging operation (and the cost of bags) into the proportionate profits formula ignores the concept (on which the formula is based) that depletion allowances are to be calculated by reference to "the representative market or field price of the first marketable product". The first marketable product in the cement industry is bulk cement and by far the greatest amounts of cement are sold in bulk form.

In my opinion with these defects in your proposed regulation, it would be difficult to restrain legislation overruling the regulations to correct these matters and others where the case might not be so meritorious. I frown on administrative efforts to impose a greater tax than Congress has been willing to enact by statute. The shortcomings in your proposed regulation which I have described suggest to me that your Department's draftsmen have taken undue liberty with the law to reach such a result in a manner not contemplated by the law.

I urge you as strongly as I know how to remedy your proposed regulations with respect to these shortcomings before you publish them in final form. Correcting them now will make the proportionate profits rule in your final regulations more defensible.

With every good wish, I am
Sincerely,

Chairman.

Office of the Secretary
of the Treasury,
Washington, D.C., December 7 1967.

Hon. Russell B. Long,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: For the Secretary, I am acknowledging your letter of December 5, regarding proposed income tax regulations (Section 1.613–3(b)(c) and (d) published July 13, 1966). You will have a further reply promptly.

Sincerely yours,
Joseph M. Bowman,
Assistant to the Secretary.

Treasury Department,
Washington, D.C., July 19, 1968.

Hon. Russell B. Long,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: You wrote to us some time ago to discuss the method of computing percentage depletion which is used by cement producers. We have carefully studied the matters discussed in your letter, and we anticipate that it should be possible to publish regulations on this subject in the relatively near future.

In your letter you discussed the treatment of selling expenses, purchased customer transportation, and the costs of bags and bagging in our proposed regulations dealing with the proportionate profits computation of gross income from mining for percentage depletion purposes.

During the past year, we have given thorough consideration to these matters. In making this study, we have had the benefit of the advice of many representatives of the Portland Cement Association, as well as other mineral producers. In addition, we have carefully analyzed the court decisions dealing with these matters, and have obtained the advice of accountants, economists, mining engineers, and other experts.

When dealing with purchased customer transportation, we have noted, in particular, the aspects that (1) purchased transportation to the customer is a step which occurs outside the mining and nonmining processes which must be applied to produce a finished or semi-finished product or group of products, and (2) either the cement manufacturer or the customer can pay the cost of purchased customer transportation. These aspects are entitled to special weight because of the relative size of the customer transportation item in the proportionate profits calculation. We have given this matter careful and serious attention, and the treatment in the final regulations will be based on these aspects.

The bag and bagging issue does not appear to be important from a dollar point of view. Moreover, it appears that the bagging process is part of the overall operation of a cement business and therefore should be treated no differently from other operations in the business. In addition, this question goes to the fundamentals of the proportionate profits computation, and special treatment of the bagging process would open the way to interminable controversies regarding the proper rate of profit on other mining and nonmining processes. The proportionate profits method of computation was designed for the purpose of minimizing such controversies, and it appears that most accountants and economists who have studied the problem of profit allocation within the conglomerate or vertically integrated firm agree that this method of computation is the most practical solution to the problem of profit allocation.

A number of miners have pointed out that the selling expense rules to be used when computing *gross* income from a mineral property should be consistent with the selling expense rules for computing *net* income from such properties. Our final regulations in connection with the gross income computation will so provide. However, since many taxpayers may be affected by these rules, we expect to provide an opportunity for additional taxpayer comment in connection with the application of these rules in the context of the 50 percent net income limitation on percentage depletion.

In our consideration of the percentage depletion regulations, we are seeking rules which can be consistently applied in various situations to reach fair results. We are also seeking to minimize or elimiate the controversy and litigation which has characterized this area. Please be assured that your views will be carefully considered.

Your interest in these matters is appreciated.

Sincerely your,
Stanley S. Surrey,
Assistant Secretary.

October 18, 1968.

Hon. Stanley S. Surrey,
Assistant Secretary of the Treasury,
Washington, D.C.

Dear Mr. Surrey: Concern has been expressed to the members of the Finance Committee relative to several aspects of the proposed, and even the final, regulations on percentage depletion. Some, but not all, of the problems were dealt with by Mr. Jerome Kurtz, Tax Legislative Counsel, Treasury Department, in the executive sessions of the Finance Committee. Let me turn first to the problems raised in the executive sessions on Tuesday and Wednesday, October 8 and 9.

During executive session of the Committee, Senator Carlson (at Senator Bennett's request) and Senator Curtis raised questions concerning the cutoff point for computing depletion allowance on crushed and broken stone and on sand and gravel under proposed regulations issued by the Treasury Department.

In response to the inquiries from Senator Carlson and Senator Curtis, Mr. Kurtz advised the Committee that in the case of stone covered by Revenue Ruling 62–5, the final regulations will allow these processes for minerals which 62–5 allows. Such processes, it is understood, include sorting, concentrating, crushing, grinding, and all size classification processes of the product of allowable crushing and grinding and processes (including washing and drying) if necessary or incidental to the above-named processes (whether or not also needed for nonallowable processes), but not including fine pulverization or any process subsequent to fine pulverization. It is further understood allowance of these processes will be authorized in the final regulations on the basis of recognizing administrative practice and in the light of testimony by Treasury at the time of the hearings on the Goro amendment that long-standing, well-established administrative practice was not to be changed. However, Mr. Kurtz also reported that Treasury plans to allow size reduction only to the point where 5 percent is retained on No. 30 mesh screen unless taxpayers can show they are hurt by not allowing the No. 45 mesh screen cutoff on allowable grinding included in Revenue Ruling 62–5.

Mr. Kurtz stated that he felt sand and gravel involved other considerations. He pointed out that these minerals were not named in Revenue Ruling 62–5. And, there was some question in his mind as to exactly what past practice has been and whether there was a consistent practice for pre–1960 years. Because of these and other problems, Mr. Kurtz was unable to state how sand and gravel might ultimately be dealt with but he said the Treasury had begun a survey to determine what past practices had been and their final decision would be to authorize in the final regulations those processes which have been allowed under long-standing, well-established administrative practice.

During the executive sessions Senator Morton also raised questions as to china clay and ball and sagger clay. It is understood that in the case of these clays, processes will be allowed which were treated as mining processes under pre–1960 established administrative practice. In this connection Mr. Kurtz indicated that the problems recently raised in these cases by representatives of these industries would be met under the revisions in the regulations. In the case of ball and sagger clay it is understood that this means the following processes will be included in those treated as mining: shredding, drying, air flotation, and loading for shipment as well as any others allowed by prior administrative practice. In the case of china clay it is understood that this will recognize and adopt settled administrative practice with the result that the result that the processes which the china clay industry claims as "mining" in the protest to the proposed regulations filed on behalf of the major producers of china clay under date of September 16, 1968 will be allowed under the final regulations.

While the references above have been to specific minerals, it is understood, from what Mr. Kurtz said, that the Treasury is prepared to follow pre-1960 settled administrative practice with respect to all minerals. This presumably will include such processing as pelletizing in the case of iron ore.

He also advised the Committee that Treasury would submit a written acknowledgment of the above. The Committee on Finance would appreciate your confirming the above commitments given the Committee by Mr. Kurtz.

Although the above discussion has dealt exclusively with the hard mineral industry, I believe the Finance Committee is at least as concerned with the application of the percentage depletion regulations to the oil and gas industry. We, of course, know of the industry group you have had working with you to see that the regulations do not change present administrative practices in the area of oil and gas. There apparently remains a number of issues which have not been satisfactorily resolved. Among these are:

(1) Absorption in a gas cycling plant which should be treated as a production process rather than as a conversion process. Two court case decisions in the 5th circuit have in fact so held.

(2) Bona fide posted prices should specifically be accepted as the representative market or field price.

(3) The Service should not reverse its position (published in 1960) that net operating loss deductions do not reduce taxable income from the property for purposes of the 50 percent limitation. The reversal of this rule would only hurt the small operator. It would have little, if any, effect on the large integrated producer.

(4) When there is no market or field price at the cutoff point and an operator is working back from converted products, the operator as a matter of right should be able to use the Fiske formula rather than the proportionate profits method. The use of the Fiske formula is necessary to give proper recognition to the value of the oil or gas in ground.

(5) In computing taxable income from the property, bottom hole or dry contributions should reduce the amount of intangible drilling cost, since only the taxpayer's actual costs should be taken into account.

(6) Since the Supreme Court has agreed to review the *Shelly* case, the regulations should not for the first time take a position on a point soon to be decided by the court.

The issues described above are important issues and I do not believe you should change settled administrative practices by regulatory action. I am particularly concerned that you not finalize regulations without letting those of us who are interested in these areas know in advance, not only the positions to be taken, but also the reasons for taking them, and I hope that it will be possible for the industry to have at least two months to analyze and consider the various proposals before any attempt is made to issue final regulations in this area.

On still another matter, I am happy to be advised that you plan to change your position with respect to purchased transportation applicable especially in the case of the cement industry to remove a problem in the existing regulations.

Sincerely yours,

RUSSELL B. LONG.

DECEMBER 12, 1968.

MEMORANDUM

To: The Honorable Russell B. Long.
From: Tom Vail, Chief Counsel.
Re: Treatment of Transportation in percentage depletion computation.

On December 5, 1967, you directed a letter to Secretary Fowler criticizing three aspects of the proposed regulations relating to the computation of percentage depletion in the case of cement. The three aspects were: (1) Treatment of transportation; (2) the treatment of selling expenses, and (3) the costs of bags and bagging in the case of cement not sold in bulk. Of these three transportation expenses was by far the most important concern.

On July 19, Assistant Secretary Surrey responded to your letter. He stated that "purchased transportation to the customer is a step which occurs outside the mining and nonmining processes which must be applied to produce a finished or semi-finished product or group of products, and either the cement manufacturer or the customer can pay the cost of purchased customer transportation. These aspects are entitled to special weight because of the relative size of the customer transportation item in the proportionate profits calculation. We have given this matter careful and serious attention, and the treatment in the final regulations will be based on these aspects."

In addition to this written report, spokesmen for the Treasury Department advised me informally that this issue was being resolved to the taxpayers satisfaction, and I so reported to you. Still later on July 25, during an executive session of the Committee on Finance, Mr. Jerome Kurtz was asked to explain how the cement matter was being resolved. The following is an excerpt from the minutes of the Committee meeting reporting Mr. Kurtz' explanation.

"Mr. Kurtz said that the final regulations would be published in the Federal Register the next day, and that new proposed regulations dealing with the cut-off point for determining and computing depletion on hard minerals but not oil and gas would also be published. He explained the proportionate profits methods was basically designed to apportion profits between mining and manufacturing functions in the case of integrated operations where there was no market price for the mineral itself. With regard to the method of computation, he reported that there is no basic disagreement with the cement industry. When the proposed regulations were first published in 1966, cement took exception to three points: (1) bagging; (2) selling expenses; and (3) transportation. Of these transportation was the most significant. Proposed regulation in 1966 said that the cost of transportation was treated as a non-mining cost. This would decrease the depletion available. The final regulations will reverse that rule be reported. This should make the cement industry happy."

Shortly after the final regulation was published, the cement industry became apprehensive that the final regulations did not adequately deal with the purchased transportation matter. Their apprehension grew out of a provision in the final regulation creating a presumption that purchased transportation was a profit-making activity for the cement company if it failed to sell cement on the basis of an f.o.b. price at the taxpayer's mine or plant. As a practical matter, virtually all cement companies sell cement on a delivered price basis. They rarely sell for delivery to a customer at the plant. Because of their apprehension the cement industry went to Treasury, and I understand that they were told that the regulation was not intended to hurt them and that the whole question could be cleared up by a revenue ruling. Treasury then suggested that they submit a request for a ruling. The industry did so on December 3, 1968. (Copy attached.)

Unfortunately, shortly before the revenue ruling was requested, the District Court for the Central District of California handed down a decision against the taxpayer in a case involving the treatment of purchased transportation. The case is unusual because the government went to great lengths in its brief to give the new Treasury regulation a very strict interpretation. The litigating position of the Justice Department is that, "In order to be considered 'purchased', transportation must be charged the customer in such a way that a profit is not ordinarily earned with respect thereto."

The Court adopted this attitude of the Justice Department in its opinion against the taxpayer. The case is *Southwestern Portland Cement Company, vs. U.S. of America*. It shows that the apprehension of the cement industry was well founded, and that the impression conveyed to the industry, to me, and to the Finance Committee by the Treasury Department as to how this question would be handled in the final regulations was not reflected in the final regulation with sufficient clarity that it could be discerned by government counsel or by the Court.

If the cement industry's ruling request is considered solely in light of the Southwestern Portland Cement case, the treatment of the purchased transportation probably would be resolved against the industry unless they completely revise their pricing policy to charge separately for the expenses incurred in transporting cement to the customers' place of business, and also change their selling practices to offer cement for delivery to customers at the cement plant or terminal. For good business reasons, this latter condition is virtually impossible to accomplish. Moreover, the former condition would sharply complicate established billing procedures within the industry.

On the other hand, if the ruling request is considered in the light of Mr. Surrey's letter to you and Mr. Kurtz' explanation to the Finance Committee, the regulation can be interpreted to be consistent with the Surrey letter and the Kurtz explanation only if the presumption sentence and the sentence preceding it are deleted from the final regulation and the definition of "purchased transportation to the customer" is revised or indicated by the attached draft.

Mr. Surrey reported in the portion of his letter quoted above, that the Treasury Department had concluded after "thorough consideration" that purchased transportation to the customer is a step which occurs *outside the mining and nonmining processes*. That being the case, treating these costs as "directly identifiable with the nonmining phase" of the cement business as the Court did in the Southwestern Portland Cement Company case involves an erroneous and apparently unintended interpretation of the Treasury regulation.

In short, the regulation has been applied in a manner inconsistent with the commitment of the Treasury Department as Mr. Surrey and Mr. Kurtz conveyed it.

The sulfur industry also is quite concerned with the same issue. They feel the Southwestern Portland Cement Company case upsets the understanding they too were given by the Treasury Department. They indicate that a satisfactory solution of the cement industry's problem will also solve their own difficulty. What must be done is to eliminate the cost of purchased transportation from the proportionate profits fraction and to subtract the income from transportation from gross sales. This would place the transportation matter outside the mining and nonmining process thereby carrying out the intent everyone thought was going to be expressed in the original regulation.

To assure that the Treasury commitment relating to the treatment of purchased transportation in the computation of percentage depletion is properly reflected in the regulation, it is suggested that the definition of "purchased transportation to the customer" in Regulation Section 1.613-3(e)(2)(iii) be amended to read as follows: (new matter is underscored, matter proposed to be deleted is struck through).

"(iii) For purposes of this section, the term 'purchased transportation to the customer' means, in general, nonmining transportation from the taxpayer's mine or plant to the customer—

(a) Which is performed in conveyances owned or leased by persons other than the taxpayer, rather than in conveyances owned or leased by the taxpayer, *under such circumstances that the taxpayer ordinarily does not earn any profit with respect to such transportation; and*

(b) Which is performed solely to deliver the taxpayer's minerals or mineral products to the customer, rather than to transport such minerals or products for packaging or other additional processing by the taxpayer (other than incidental storage or handling);

In addition to this modification of the definition, the following sentences in the text of the regulation following the definition should be deleted:

"* * * The taxpayer must demonstrate the nonprofit character of the transportation services, as described in (c) of this subdivision, in light of all the facts and circumstances. It shall be presumed that the requirements set forth in either (a) or (c) of this subdivision (relating, respectively, to conveyance ownership and profits) are not satisfied if the taxpayer requires customers to purchase minerals or mineral products only on a delivered basis, by failing to offer such minerals or products for sale on the basis of a price f.o.b. the taxpayer's mine or plant, or by other means."

JANUARY 7, 1969.

Hon. STANLEY S. SURREY,
Assistant Secretary, Department of Treasury
Washington, D.C.

DEAR MR. SECRETARY: The representatives of the cement industry and of the sulphur industry have been in touch with me regarding the treatment of purchased transportation under the Treasury regulations governing the computation of depletion allowances.

They have informed me of the adverse litigation in the case of Southwestern Portland Cement Company which has just interpreted these regulations in a manner contrary to how you indicated the matter would be covered in the regulation. The unfortunate aspect of the situation is that this case was decided at the very time the cement industry was in process of submitting a request for a Revenue Ruling to clarify the treatment of purchased transportation. The Revenue Ruling approach was initially suggested, I am told, by persons in your office.

Mr. Jerome Kurtz had briefed the Committee on the content of these regulations a day or two before they were published back in July. At that time he reiterated that the cement industry would be happy with the changes that would be made in the final regulation. That certainly is not the case now. I know you are reconsidering the question, and I do believe the attached memorandum will aid you in resolving the problem in a manner calculated to reflect the attitude you conveyed to me and the attitude expressed to the Committee by Mr. Kurtz. I would appreciate a prompt response from you on the question posed.

With every good wish, I am
Sincerely,

——— ———,
Chairman.

TREASURY DEPARTMENT,
Washington, D.C., January 16, 1969.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter dated January 7, 1969, in which you discussed the treatment of charges for purchased transportation to the customer in the computation of percentage depletion. Your letter enclosed a memorandum to you dated December 12, 1968, which in substance, suggests the following modifications in subdivision (iii) of section 1.613-3 (e) (2) of our regulations:

1. Deletion of the so-called "presumption sentence" from that subdivision. This is the sentence which establishes a presumption that transportation is *not* purchased transportation to the customer unless the taxpayer's products "are offered for sale on the basis of a price f.o.b. the taxpayer's mine or plant".

2. Modification of this subdivision so as to eliminate the basis for the "separate billing" argument which was made by the Department of Justice in *Southwestern Portland Cement Company* v. *United States*, decided November 15, 1968, 1969-1 U.S.T.C. par. 9110 (C.D. Calif.)

3. Deletion of the so-called "nonprofit character" sentence from this subdivision of our regulations.

The first of these three suggestions was agreed to some time ago in the course of informal discussions between representatives of my office and representatives of the Portland Cement Association. The purpose of the so-called presumption sentence was to require those taxpayers who claim the advantage of the special treatment of purchased transportation services to show how such services differ from other purchased services, for which special treatment is not available. Purchased transportation services are distinguishable from other purchased services because frequently the incidence of payment as between buyer and seller is largely optional. Unfortunately, the presumption sentence was interpreted as a barrier to the expected treatment of purchased transportation to the customer. Accordingly, we are not averse to the deletion of this sentence from our regulations.

In the course of a series of recent meetings with representatives of the Joint Committee on Internal Revenue Taxation, we have also agreed to the second of the three suggested modifications outlined above. Whether the charges for purchased transportation to the customer are separately stated seems to be a formality which should not be determinative of the profit making character of transportation services. Accordingly, it seems possible to modify our regulations in the fashion suggested by the memorandum enclosed with your letter.

The third modification is more difficult. The basic purpose of the definition of purchased transportation to the customer is to prevent the attribution of profits to certain types of transportation services, when computing gross income from mining by means of the proportionate profits methods. The fundamental justification for special treatment of these transportation services is that they are nonprofit in character. However, there is nothing inherently unprofitable about transportation services. Indeed, rendering such services is a highly profitable activity in many cases. Accordingly, it seems quite reasonable to require that specific transportation services be of a nonprofit character for the special rules relating to purchased transportation to the customer to be applicable. To do otherwise would permit profitable transportation services to be treated as nonprofit in character, when computing gross income from mining by the proportionate profits method, a result that seems highly anomalous.

Sincerely yours,
STANLEY S. SURREY,
Assistant Secretary.

MARCH 23, 1970.

Hon. EDWIN S. COHEN,
Assistant Secretary,
Department of the Treasury,
Washington, D.C.

DEAR MR. COHEN: Treasury records will disclose my serious concern—extending over several years—over the treatment of purchased transportation and selling expenses under the proportionate profits method of calculating percentage depletion allowances.

I had worked with Mr. Surrey for some time with respect to these matters before he left office. He reported to me on July 19, 1968, an understanding on the part of the Treasury Department that:

"* * * (1) purchased transportation to the customer is a step which occurs outside the mining and nonmining process which must be applied to produce a finished or semifinished product or group of products, and (2) either the cement manufacturer or the customer can pay the cost of the purchased customer transportation."

He also advised me that the treatment of purchased transportation in the final regulations "will be based on these aspects." Mr. Jerome Kurtz, Tax Legislative Counsel of the Treasury Department, gave a similar report to the Committee on Finance on July 25, 1968, and observed that the final regulations, to be issued the next day, would "make the cement industry happy."

Unfortunately, the final regulations, totally failed to reflect the aspects to which Mr. Surrey referred. However, the March 27, 1969, draft of proposed corrections in those regulations substantially carries out the thrust of Mr. Surrey's commitment. But even under these proposed regulations, it may be that in practice, purchased transportation will not be treated by revenue agents as a step which occurs outside the mining and nonmining process.

Let me explain. The principal defect in the July, 1968, regulation was that it presumed the taxpayer made a profit on purchased transportation if he failed to offer cement for sale on an F.O.B. basis at his plant. It also required that the customer be charged for purchased transportation in such a way that the cement company ordinarily would not earn any profit with respect to it. While there are a few cement companies who do offer cement for sale on the basis of an F.O.B. price at their plants, and while there are others who may separately charge for the purchased transportation associated with the sale of cement, the overwhelming practice in the industry is to follow the more orderly procedure of selling cement on a delivered price basis and of not separately charging for the purchased transportation. I am certain you know of the reasons behind these industry practices, since they are described so very carefully in the industry's request for a ruling on the treatment of purchased transportation, filed with the Internal Revenue Service on December 3, 1968. I call your attention to the fact that their ruling request is yet to be acted on.

I am aware of the two principal cases dealing with this matter—the District Court decision in the case of *Southwestern Portland Cement Company* v. *United States* (22 AFTR 2d 5874), holding that the taxpayer did realize a profit with respect to its purchased transportation and the decision of the Tenth Circuit Court of Appeals in the case of *United States* v. *Ideal Basic Industries, Inc.* 404 F 2d 122 (1968, rehearing denied 1969), holding that the taxpayer *did not* derive a profit with respect to its purchased transportation. Similarly, I am aware that the Supreme Court chose not to review the issue.

There is no point in belaboring this litigation, but I feel confident in observing that if the final regulations in July, 1968, had properly reflected the attitude conveyed to me by the Treasury on July 19, 1968—to wit, that "purchased transportation to the customer as a step which occurs outside the mining and nonmining process"—the decision in *Southwestern Portland Cement* v. *United States* (22 AFTR 2d 5874) would have been different. The Treasury Department in effect conceded this in a letter to me dated January 16, 1969.

It has long been the practice of the industry to include the cost of purchased transportation in the charge it makes to its customers for its cement. As the regulations do in so many other instances—and as the Committee on Finance was advised they would be applied generally—they should be revised to reflect this industry practice and the prior administrative practice of (1) leaving the cost of purchased transportation out of the denominator of the proportionate profits formula and (2) subtracting the cost of this transportation from the gross income to which the formula applies.

This is precisely the treatment I was given to understand would be applied before the July, 1968, regulations were filed. It recognizes that purchased transportation to the customer is not a step which occurs in either the mining or the nonmining phase of the business. That being the case, purchased transportation should not be used to either help or hurt the taxpayer in the calculation of percentage depletion.

As I say, the March 27, 1969, regulations largely accomplish this objective, but by continuing the requirement that purchased transportation means only transportation on which the taxpayer ordinarily does not earn any profit, I fear that revenue agents will insist that the taxpayer demonstrate in every case that in actual fact, he did not earn a profit on the purchased transportation involved in the sale of his cement. I object to this on the ground that business practices in the industry do not lend themselves to the precise proof revenue agents typically demand, and because the regulations require the taxpayer to prove a negative.

The facts set forth by the industry in its ruling request amply demonstrate that ordinarily no profit is earned with respect to purchased transportation in the sale of cement. But unless this point is recognized either in the regulation itself or in response to the ruling request, I fear the industry will not receive the fair treatment the prior Treasury recognized they should have, and the proportionate profits method will be used by revenue agents to allocate income away from the mining portion of the integrated operation and thus reduce the depletion allowances below those intended by the statutes.

It is obvious to me, and I am sure it will be obvious to the Committee on Finance, if I must take the matter before the Committee, that this industry has been abused. Few cement companies have been able to settle their tax liabilities since the early 1960's, when the Internal Revenue Service and the Treasury Department set out to change its prior administrative practice through the regulation process. I hope you can understand why it is important that the Treasury restore the administrative practice which existed until the early 1960's and leave purchased transportation completely out of the proportionate profits computation. You can do this by publishing the March 27, 1969, revisions to section 1.613–3(e) of the regulations promptly, and at the same time, acting favorably on the cement industry ruling request, or by revising this provision of the regulation to delete the matter referred to in section 1.613–3(e)(2)(iii)(c). With the issue so nearly resolved, I would hope that it would not be necessary to raise the question with the Committee.

It seems so elementary to me (and the Treasury recognized it in its July 19, 1968, report, referred to on the first page of this letter) that purchased transportation to the customer, being neither a step in the mining nor in the manufacturing process, should be completely neutral in the depletion calculation under the proportionate profits method.

The March 27, 1969, proposed changes in the July, 1968, regulation also reflect an improvement in the treating of selling expenses. Unfortunately, however, the proposed regulation takes an unnecessarily arbitrary approach by allocating one-half of the selling expenses to the mining operation. Here, I believe, it is significant to recognize that an integrated cement manufacturer has nothing to sell until his cement is manufactured. There is no market for the "kiln feed" or for any other semi-manufactured product in the cement industry. Thus, it seems to me that in the application of the proportionate profits method selling expenses should be apportioned between the mining and the nonmining aspects of the business in the ratio of mining costs to nonmining costs in the same manner that general and administrative expenses are allocated. They should not be arbitrarily assigned (even in part) to just the mining side of the operation. Again, total allocation was the practice of the Service and of the industry until the Treasury Department began to change the rules early in the last decade, and the Court decisions so reflect. (See *United States v. California Portland Cement Company,* 43 F 2d 161, 24 AFTR 2d 69–5030, 1969).)

I believe the better part of common sense at this point would be to restore prior administrative practice, and if the Department thinks the treatment of sale expenses should be handled differently, then it should submit an appropriate amendment for the Congress to consider.

I urge that you give your personal attention to the matters I have referred to, and let me know promptly how you propose to proceed.

With every good wish, I am

Sincerely,

———— ————,

Chairman.

THE DEPARTMENT OF THE TREASURY,

Washington, D.C., August 17, 1970.

Hon. RUSSELL B. LONG,

Chairman, Committee on Finance,

U.S. Senate,

Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter dated March 23, 1970, in which you expressed concern regarding the treatment of purchased transportation and selling expenses in the proportionate profit method of calculating percentage depletion deductions.

We agree with your fundamental point that in general the types of transportation services here in question do not result in profits; thus, the cost of purchased transportation should not be included in the denominator of the fraction used in the proportionate profits formula. The costs of such transportation should be also subtracted from the gross income to which the formula applies.

After consideration of the issues involved, we have concluded that the best approach to this problem is to follow the first suggestion contained in your letter, namely, that we publish the March 27, 1969, revision to section 1.613–3(e) of the regulations as quickly as possible, and, at the same time, publish a revenue ruling describing the usual practices in the cement industry. However, because of the interrelationships of the various sections of the regulations relating to percentage depletion, we feel that such a ruling should be published only at the same time as the publication of regulations covering the entire area.

In your letter, you also mentioned the issue of the proper treatment of selling expenses. You noted that the March 27, 1969, draft of the regulations contains a somewhat arbitrary approach in providing for an allocation of one-half the amount that would be allocated if the ratio of the direct costs were applied to these indirect costs. It should be noted that this arbitrary rule is applicable only in those cases where the facts and circumstances do not indicate a more appropriate method of allocation. In addition, some industries, notably oil and gas, are opposed to the allocation of *any* selling expenses to the mining or extracting segment of their operations.

In view of the problems and differences of opinion concerning this latter issue, we are reviewing the question very carefully. We are hopeful that the matter can be resolved satisfactorily to all concerned. As was noted earlier in this letter in connection with the purchased transportation issue, we feel that these regulations should be published as an integrated whole. We are nearing completion of our review of the questions involved.

Accordingly, although we are not in a position to publish materials relating to these specific items immediately, we can assure you that the over-all regulations will be published in the near future.

Sincerely yours,

JOHN S. NOLAN,
Acting Assistant Secretary.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., September 28, 1971.
Mr. TOM VAIL,
Chief Counsel,
Senate Finance Committee,
Washington, D.C.

DEAR TOM: Enclosed is a copy of the press release with respect to the new proposed depletion regulations. The regulations will appear in the Federal Register for Friday.

Sincerely,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Treasury Announces Proposed Regulations on Percentage Depletion Deductions for Minerals

The Treasury Department today announced proposed regulations concerning percentage depletion deductions for minerals other than oil and gas. The proposed regulations incorporate, with certain modifications, rules that have previously been published in this area. The modifications reflect both administrative experience and public comment received with respect to these provisions.

The proposed regulations carry out the intent of Congress in enacting limitations on the amount of the percentage depletion deduction for "hard" minerals based on Treasury Department recommendations submitted to Congress in 1959. The provisions enacted by Congress in 1960 limit the processes treated as "mining" by specifying the stage at which the value of the mineral product is determined. This value is the base for applying the percentage depletion rates. In general, the Congress adopted the Treasury Department recommendations for determining this stage by specific enumeration of processes treated as mining and non-mining based on interpretations of the statute under the established administrative practice reflected in rulings of the National Office of the Internal Revenue Service.

The Treasury recommendations had been the subject of hearings before the House Ways and Means Committee in 1959 and were specifically designed to overrule a series of court decisions that had allowed integrated miner-manufacturers to compute their depletion allowance on the value of their manufactured mineral product rather than the value of the minerals including only mining processes. Those court decisions had been based upon language in the statute, as it then existed, which permitted depletion to be computed upon the "commercially marketable mineral product or products". Treasury therefore had asked Congress in 1959 to remove that language from the statute, and the amendment, as finally adopted in 1960, deleted that phrase from the law. The Treasury Department recommended a new definition of mining setting forth specifically the allowable treatment processes. This new definition was based upon a list of processes that would be allowed as "mining" and another list of processes that would not be allowed because they constituted "manufacturing". Treasury representatives stated, at that time, that the intent was to distinguish between "mining" and "manufacturing" based upon interpretations and applications representing established administrative practice of the National Office of the Internal Revenue Service over a long period of years.

The Treasury's proposal was finally adopted as a Senate amendment to the Public Debt and Tax Rate Extension Act of 1960 and the final version, as passed by Congress, reflected only technical changes from the Treasury's original 1959 proposals. These changes had been recommended by the Treasury Department as being necessary to carry out the represented intent of the legislation, which was to codify what Treasury understood to be then existing National Office administrative practice in the area. After the final form of the proposed legislation had been drafted and the amendment had been reported out of committee, the Supreme Court announced its decision in *United States v. Cannelton Sewer Pipe Co.*, 364 U.S. 76 (1960), reversing a lower court interpretation of the meaning of "commercially marketable mineral product or products". While Congress was aware of the *Cannelton* decision, the amendment was adopted without change, it being noted at one point in the Senate proceedings that the court case at best affected only one mineral whereas the amendment was intended to resolve the depletion issue for all minerals.

In 1966, regulations were proposed to implement this legislation. These proposals were protested on the grounds that they failed to carry out Congressional intent. These proposed regulations were extensively revised and republished in 1968, and again substantial protests were received. Further revisions were drafted and published in 1969, this time as a "Discussion Draft". The proposed regulations published today represent a comprehensive revision and restatement of these past regulatory proposals, in the light of administrative experience, public comment, and the intent of Congress in adopting the 1960 amendment.

Accordingly, these regulations include several important modifications of earlier proposals. They are designed to provide a more general statement of controlling principles instead of attempting to deal specifically with each of the various minerals which are subject to percentage depletion. Specific problems involving a particular mineral or industry group will be dealt with individually by the Internal Revenue Service rather than by detailed provisions in the regulations.

A modification has also been made in the provision describing when a mineral has reached "shipping grade and form". Earlier regulatory drafts were the subject of protest in this area on the basis that their effect would be to limit the amount of processing a particular miner could apply to only those processes which some other miner found necessary or chose to apply. In order to avoid this effect, this section has been rewritten to remove the implication that all miners of a particular mineral are limited to only those processes applied by a given ratio of other producers of the mineral. This is in accord with the general approach that a technical evaluation of the process itself should be the basis for its classification as mining or non-mining.

In another area, the proposed regulations make it clear that those taxpayers currently using the proportionate profits method to compute their income from mining will be required to continue to use that method only so long as it results in a reasonably accurate computation of their depletion deductions. Any alternative method requested by the taxpayer, however, must be shown to result in a reasonably accurate computation of the depletion deduction. Taxpayers that are currently using a method other than the proportionate profits method will not be required to change to that method if the taxpayer can show that his method clearly reflects gross income from mining. Moreover, several alternative methods are provided for those situations where neither the method currently in use nor the proportionate profits method provides a reasonable basis for computing the deduction, and, in addition to the general alternative is currently being developed and will be published in the near future.

The proposed regulations also clarify the treatment of certain specific costs in the proportionate profits computation which have proved troublesome in the past in applying that method. For example, the provisions dealing with the cost of transporting products to customers as originally drafted could be read to require certain transportation costs to be included in the computation even where the transportation was performed by an independent hauling company. In general, however, where the hauling company earns its own profit it is unlikely that the miner also earns any profit on the transportation. The cost of purchased transportation should therefore be excluded from the proportionate profits computation in all cases where the taxpayer does not earn a profit on the transportation and this is now clearly spelled out in the proposed regulations.

The minerals, other than oil and gas, which are covered by these proposed regulations include:

Anorthosite, apelite, asbestos, asphalt, barite, bauxite, bentonite, borax, bromine, brucite, calcium carbonate, celestite, chromite, clay of various kinds, coal, corundum, diatomaceous earth, dolomite, feldspar, fluorspar, fullers earth, garnet.

Gilsonite, granite, graphite, gravel, gypsum, ilmenite, kyanite, laterite, lepidolite, lignite, limestone, magnesite, marble, mica, mollusk shells, nephelite syenite, oil shale, olivine, peat, perlite, phosphate rock, potash.

Pumice, quartzite, rutile, rock asphalt, sand, scoria, shale, slate, soapstone, sodium chloride, spodumene, steatite talc, stone, sulfur, talc, thernadite, tripoli, trona, vermiculite, wollastonite, zircon, and metal ores, including those of antimony, beryllium, bismuth, cadmium, cobalt, columbium, copper, gold, iron, lead lithium, manganese, magnesium, mercury, molybdenum, nickel, platinum, silver, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

The proposed regulations will be published in the Federal Register for Friday, October 1, 1971. Interested parties will have until November 30, 1971, to file their comments on these proposals. A large portion of these regulations have, as previously noted, been published in the same or similar language in earlier drafts, and therefore have been the subject of extensive comment. Those earlier comments will all be carefully reconsidered in drafting the final versions of the provisions in question. The Treasury therefore stated that it will not be necessary for taxpayers to repeat comments which they have already submitted in connection with earlier drafts of these regulations. A hearing for the oral presentation of views on the proposed regulations will be held, if one is requested, and if so the time and place of the hearing will be annonuced later.

CARGILL'S VIEWS ON INTERNATIONAL AGRICULTURAL ECONOMICS

Mr. MONDALE. Mr. President, earlier this month, at the Democratic Platform Committee hearing in Sioux City, Iowa, Mr. H. Robert Diercks, vice chairman of the board, Cargill, Inc., Minn., expressed his company's belief that international economic policy issues have become one of the most powerful forces in agriculture.

Mr. Diercks' presentation of input for the platform hearing was a pioneering step. He brought up several points with which we must concern ourselves very soon. Several of the challenges and opportunities facing American farmers were outlined.

Mr. President, I think that all Senators can benefit from reading Mr.

Diercks' statement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY CARGILL, INC.

Agricultural exports have become an increasingly important portion of total farm product marketings. Consequently, public policy actions affecting the ability of the United States to export and the international rules governing trade and investment have become increasingly a part of the total farm policy picture. The recent dramatic initiatives in international monetary affairs and in relations with major Communist countries, together with prospective trade negotiations on a major scale and the variety of legislative proposals touching upon U.S. foreign economic policy, have tied agricultural and international commercial issues even more closely together. The time has come for members of the agricultural community to make a positive and strong statement of their views on these issues.

IMPORTANCE OF AGRICULTURAL EFFORTS

The substantial and growing importance of agricultural exports is familiar. That importance can be seen in the record of agricultural exports up to the present as well as in the promise for future growth.

The record up to the present is impressive:

The United States has doubled its agricultural exports in the past 15 years.

The U.S. now acounts for one-fifth of world agricultural trade, and U.S. agricultural exports are one-fifth of total U.S. exports.

Since the 1950s, acreage devoted to serving export markets has increased from 47 million acres (14 percent of total harvested acreage) to 72 million acres (about 25 percent of total harvested acreage).

In 1971, the U.S. exported $7.7 billion worth of agricultural products; more than half of that total—$3.9 billion—came from the fifteen States in this area.[1]

Thirty percent of all farm cash receipts for all crops comes from exports.

Exports account for 70 percent of all cash receipts from rice, 60 percent of all cash receipts from wheat and soybeans and even 30 percent of cash receipts for corn.

An indication of the potential for future export growth comes from comparing the feed requirements to produce a pound of meat with the potential for increased meat consumption in the world as per capita incomes rise:

It takes 8 pounds of feed to produce one pound of beef. Four pounds of feed to produce one pound of pork and 2¼ pounds to produce one pound of broiler.

Japan has increased its consumption of meat, milk and eggs four-fold since the 1050s.

In the past decade. U.S. feedgrain exports to Japan increased in response to this demand from 250,000 metric tons in 1960 to approximately 5.8 million metric tons by 1969, better than a twenty-fold increase.

Yet, annual Japanese per capita meat consumption is only 10 percent as large as ours—23 pounds per person compared to 242 pounds in the U.S.

Per capita consumption in the common market countries of Europe is only 60 percent of our own, while in the Soviet bloc nations it is less than 50 percent of U.S. per capita consmuption.

With better than 50 million acres currently withheld from production in the U.S. and with the tremendous comparative advantage American farmers have developed in a wide variety of temperate-zone agricultural commodities, U.S. producers could play a very dynamic role in the task of feeding the world.

This opportunity is also a challenge. Other countries have the present and future capacity to produce to meet these needs. International agricultural trade is a highly competitive business. In addition, the importance of food to all nations makes potential importers highly sensitive to the reliability of foreign supplies of food and feed stuffs. There are also substantial social pressures behind the desires of many nations to achieve self-sufficiency in agricultural production to the maximum extent possible. Consequently, there are many large problems to be overcome if the promise of potential exports is to be achieved.

PROBLEMS

Problems in expanding agricultural trade and liberalizing the conditions under which that trade takes place arise both internationally and domestically. The agricultural community needs to follow closely developments on both of these fronts and to make its voice heard in the formulation of both foreign and domestic economic policy.

I. On the domestic front, it is becoming increasingly clear that the future of agricultural exports will be determined in large part by the shape of America's overall trade and investment policy. For this reason, proposals like the "Foreign Trade and Investment Act of 1972" (popularly referred to as the Burke-Hartke bill, after its sponsors in the House and Senate) are of as much importance to those interested in farm policy as are the more traditional and familiar concerns in that area.

The Burke-Hartke bill represents the response of some segments of organized labor and of some industries to what are undeniably serious and important economic and, more importantly, human problems. The economic dimensions of that problem can be summarized in the following terms. The $6.8 billion trade surplus of 1964 has been transformed into an approximately $3 billion deficit in 1971. Since 1965, the U.S. has been caught in an inflationary spiral that has seriously undermined American competitiveness in international markets by inflating U.S. price levels and unit labor costs more rapidly than those factors have risen for our major trading partners.[2]

In the earlier part of this period (between 1964 and the first part of 1969), the unemployment rate declined from 5.2 percent to 3.5 percent. It is important to recognize that this decline in unemployment occurred at the same time that most of the U.S. trade surplus was being eroded by an influx of imports, since this fact confirms that the trade balance is a relatively insignificant factor in determining *aggregate* employment levels in the U.S. when compared to the influences of aggregate demand levels and monetary and fiscal policy. Beginning in 1969, attempts were made to check the continued inflation. As a result, unemployment quickly jumped to around 6 percent by September of 1970, and it has hovered around that level since then.

These domestic problems—especially the prolonged inflation—led to an increasing overvaluation of the dollar in relation to other currencies. Since the U.S. dollar occupied a central role in international finance, both as a vehicle for international transactions and as a means of holding international reserves, the U.S. was unable to devalue its currency as easily as other nations. Moreover, in spite of complaints about the increasing U.S. deficit in its balance of payments, other nations proved unwilling to revalue their currencies upward against the dollar, since they did not wish to lose the competitive edge the dollar's overvaluation gave their exports.

Consequently, the United States found itself in a difficult economic position with no easy escape. The trade balance and balance of payments were deteriorating, the dollar was becoming increasingly overvalued, inflation was persisting and unemployment was stuck at an unacceptably high level.

Though these problems are interrelated and spring from similar causes, the influx of imports has not been the cause of the high level of *aggregate* unemployment.[3]

The rising tide of imports and the failure of the monetary system to adjust to the mounting U.S. balance of payments deficit has, however, caused substantial dislocation of firms and workers. Jobs have been lost to import competition. The adjustment assistance provisions of the Trade Expansion Act of 1962 have proven woefully inadequate to deal effectively with these serious economic and human problems. To move toward protectionism, however, would only aggravate these problems. It would remove the restraint imports place on inflation, putting the U.S. on a course that could only lead to a further decline in America's ability to compete. It would reduce the total volume of trade conducted by the U.S. Since more and better jobs are generated by exports than by import substitution, this would lead to a further worsening of worker and consumer welfare.[4]

Finally, protectionism does not solve the underlying economic causes of such problems; it merely shifts the burden forward on to industries and economic activities that can compete internationally, thereby undermining their competitiveness. This is an especially serious danger for agriculture. A return to protectionism in the U.S. would prompt retaliation by our trading partners abroad, with agriculture being one of the primary targets for such retaliation. Restrictive trade and investment policies also shift domestic costs upward and reduce competition in the economy by removing many items from the marketplace. Higher costs and higher wage demands to defer those costs stimulate inflation and trap farmers in an oppressive cost-price squeeze that erodes their net income.

Consequently, the solution here is to pursue the appropriate domestic policies for returning the U.S. to stable growth and non-inflationary full employment. In the area of foreign economic policy, the U.S. must press for a monetary system which permits adjustments to imbalances in a timely fashion. In view of the over-all advantages of both exports and imports, the U.S. must also press for a comprehensive freer trade policy which includes an adjustment assistance program that adequately anticipates potential dislocations before they occur and, when necessary, eases the serious economic and human problems of such dislocations while helping people to find better, more rewarding jobs.

Very simply, the nation as a whole needs policies which serve the best interests of the nation as a whole. Freer trade and investment policies, under international rules of mutuality and non-discrimination, serve those interests. At the same time, the nation must respond in a meaningful fashion to the problems of the few who bear a disproportionate share of the costs and burdens of a policy designed to benefit all. In this setting, agriculture must press strongly for the outward-looking policies which will preserve and enhance the promise of farm product export markets while encouraging responsible and responsive policies for those who bear the brunt of the often difficult transitions required. (Because both of these problems—the importance of an outward-looking trade and investment policy to agriculture and the need for a positive response to the real, human problems of adjustment that are a part of the costs of such a policy—are so crucial in shaping U.S. foreign economic policy, two papers addressing these issues are attached as appendices).

Footnotes at end of article.

II. Another problem involving national interests also touches deeply the importance of export markets to the health of American agriculture. Since food is such an important part of the security of all societies, the reliability of food supplies is a paramount concern. If nations must depend on imports for some of their food supplies, then they must be assured that those imports are available on a continuing basis. Over the past twenty-five years, the reliability of the United States as an exporter of food and feed stuffs has been challenged by frequently protracted dock strikes. Last year, agriculture suffered the serious economic hardships of another lengthy tie-up of our major ports. From July to November of 1971, agricultural and other exports were at least partially prevented by dock strikes.

Dock strikes hit agricultural exports especially hard for a number of reasons. In many cases, the export items are perishable; if they cannot find markets in the critical marketing period, they are completely lost. In addition, since importers must have reliability of supplies of food and feed stuffs, when dock strikes prevent exports from the U.S. those importers must seek out alternative sources of supply. Since the international marketing of a number of farm products is highly competitive, importers can and do find willing suppliers in other parts of the world. Finally, when importing nations must face the prospect of tie-ups at U.S. ports every three years, those nations are encouraged to pursue domestic farm policies leading toward import-substitution rather than reliance on an uncertain U.S. supplier for vital agricultural commodities.

Admittedly, some of these long-term effects on the level of U.S. agricultural exports are difficult if not impossible to measure. Moreover, the level of exports in any one year is affected by a number of factors—not the least of which is the vagaries of the weather—in addition to the ability to move exports through our ports. Nevertheless, the available evidence suggests that the dock strikes in the period of July to November, 1971, cost the American farmer about $730 million.[5]

In and of itself, this is a serious loss of income and market potential. It must be equally disturbing to the agricultural community that the issues which drew the strike out as long as it lasted are not problems involved in the stevedoring of grains and oilseeds. The major issues in the negotiations—handling of containerized cargo and a guaranteed annual wage—are not serious problems for grain and oilseed exports. While the shift to bulk carriers has reduced the work required from longshoremen, gang sizes have not changed in many years. Consequently, automation also has not been a serious problem creating pressures for a guaranteed annual wage.

The principle of labor bargaining has been important in America's economic history. Pressures on this principle have mounted in recent years because of the kinds of hardships third parties—like farmers—suffer because of differences between labor and management that are difficult to resolve. But since these difficulties are not characteristic of grain stevedoring, neither these pressures nor this hardship is necessary. Separate negotiations concerning stevedoring of grain and oilseeds could be conducted, especially since even at peak loading periods only about 500 to 700 longshoremen are involved. Some solution to this difficult and recurring problem needs to be achieved that preserves the interests of both farmers and of participants in the collective bargaining process.

III

The final problem that again makes questions of foreign economic policy vital aspects of U.S. agricultural policy centers on negotiating improved rules for international commerce. The nations of the world seem to be taking a new and closer look at the institutions which have shaped international economic relations. In the past year there have been a number of truly profound economic developments: the Bretton Woods Agreement has collapsed, but not without many significant achievements to its credit; we are now looking toward negotiation of a new international monetary system to accompany the recently negotiated new exchange rate relationships; the United States, the European Community and Japan have committed themselves to extensive negotiations concerning barriers to international trade; four countries—the United Kingdom, Ireland, Norway and Denmark—are moving toward membership in an enlarged Community; the United States, the People's Republic of China and the Soviet Union have made steps toward greater understanding; Russia has made the first significant purchase of agricultural commodities from the U.S. since 1964, and the two countries have established a Joint Commission to discuss further progress in improving and expanding their mutual economic relationships, including the potential for substantial exports of farm products to the Soviet Union.

Many of these developments take place against a background of limited progress over the past decade in improving the rules governing international trade in agricultural products. The American agricultural community has been frustrated in its attempts to expand exports of certain farm products to the Community by the Common Agricultural Policy and its variable levy. For example, U.S. agricultural exports to the Community subject to variable levies have declined from 40 percent of farm product exports to that market in 1965–66 to 24 percent in 1970–71. The dollar value of such exports has also declined in that period, with the Community substituting domestically produced commodities at highly subsidized prices for imports from the U.S. and other nations. Similarly, during much of the 1960s, U.S. agricultural exports to Russia were prevented by a requirement that 50 percent of such exports had to be shipped in U.S. flag vessels. Such vessels are not competitive internationally for cargoes shipped in bulk, as agricultural commodities are. Consequently, the U.S. farmer was priced out of that important market, with Russian business going to our competitors.

Now that some movement to reduce those barriers can be detected, it is vital that the agricultural community impress upon policymakers the need to give agricultural exports the highest priority in international negotiations. This is important for two reasons. First, progress in liberalizing the terms of agricultural trade has lagged behind other sectors. It is impossible to conceive of meaningful and reciprocal trade negotiations which do not secure for American farmers improved access to foreign markets. Secondly, since farm product exports are presently a major source of farm income and since they are the most promising area for further growth and improvement in farmer earning power, an outward-looking U.S. foreign economic policy with a high priority for improved conditions for agricultural trade has become perhaps the single most important aspect of a comprehensive agricultural policy.

Such a policy would include several elements. First, a new international monetary system must provide for international confidence, must create international liquidity in a rational manner not dependent on U.S. balance of payments deficits and must provide a means of adjusting imbalances in a timely manner and with symmetrical burdens and responsibilities between surplus and deficit nations. Secondly, efforts must be made to eliminate barriers to agricultural trade—such as variable levies and quotas—which deny to American producers the benefits of their comparative advantage. Thirdly, those efforts will require that all nations accept themselves the costs of social policies, rather than passing those costs forward to exporting nations through trade-distorting measures. And finally, means must be found for including centrally planned economies—like those of Russia and the People's Republic of China—meaningfully and responsibly in the monetary and trading institutions of the international community of nations.

CONCLUSION

The present and future importance of exports to a healthy agricultural community has made it increasingly clear that many of the decisions that will affect agriculture most fundamentally are taking place in the realm of U.S. foreign economic policy. This is a dramatic change from past circumstances. The agricultural community needs to make itself heard in the process by which these foreign economic decisions will be made if it is to retain control over its own destiny. Specifically, the agricultural community must:

Press for an outward-looking trade policy that provides the United States with the opportunity to compete in the growing world market while responding to the very real human costs that some must face in making these difficult adjustments;

Press for a resolution to the recurring problem of dock strikes which both maintains respect for the principles of collective bargaining while securing for the American farmer the continuing ability to export and ensuring for importers of American farm products reliable U.S. supplies; and

Press for international monetary and trade negotiations which secure for American farmers the full benefits of the comparative advantages they possess.

FOOTNOTES

[1] Those fifteen states (with their fiscal 1971 dollar value of exports—expressed in millions of dollars—in parentheses) are: Montana ($122.3); North Dakota ($243.7); South Dakota ($118.4); Minnesota ($356.6); Wisconsin ($87.6); Nebraska ($287.5); Iowa ($591.9); Illinois ($655.4); Indiana ($331.6); Michigan ($113.0); Ohio ($231.7); Missouri ($275.1); Kansas ($391.6); Colorado ($110.4); and Wyoming ($16.5).

Source: *Foreign Agriculture,* Vol. IX, No. 44 (November 1, 1971), Foreign Agricultural Service, USDA, 7.

[2] "Trade Deficit: A Fact in Search of a Theory", International Economic Letter, (February, 1972), First National City Bank, 8.

[3] A number of studies confirm this. See: "How Much of Current Unemployment Did We Import?", Lawrence B. Krause and John A. Mathieson, Brookings Papers on Economic Activity, 2; 1971, 421; a study summarized by Andrew Brimmer in the CONGRESSIONAL RECORD, March 22, 1972, 9467–9652; and "Quotas on American Imports Would Reduce Employment in American Industry", Anne O. Kreuger, CONGRESSIONAL RECORD, volume 117, part 32, page 42230.

[4] This proposition is also confirmed by a number of studies. See: the Krueger study cited above and "Trends in U.S. Trade and Comparative Advantages," William H. Branson and Helen B. Junz, Brookings Papers on Economic Activity, 2: 1971, 322ff.

[5] The statement by Clifford G. Pulvermacher before the House agricultural appropriations subcommittee included the following detailed comparisons between commodity exports for July-November, 1971, and July-November, 1970:

[Dollars in millions]

Commodity	July to November 1970	July to November 1971
Soybeans and products	$284	$163
Corn and corn products	114	60
Livestock products	107	62
Wheat flour	217	37
Tobacco	136	6
Sorghum	38	6

Source: "Export Official Cites Need for Crippling Strike Legislation," Feedstuffs, June 12, 1972.

EQUALITY OF RIGHTS—ADDRESS BY DAVID J. MAHONEY, CHAIRMAN, NORTON SIMON, INC.

Mr. BAYH. Mr. President, for some time, now, I have been especially interested in legislative and other efforts to assure equality of rights for all our citizens. Recently, much of that effort has centered around the efforts to pass the equal rights amendment and to enact legislation to end sex discrimination. But legislation cannot do all the job that must be done. We must all do our part. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at the conclusion of my remarks an address by Mr. David J. Mahoney, the chairman of the board and president of Norton Simon, Inc., indicating what one man and one company have been doing in this field. I think it will be of interest to all Senators.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW AMERICAN REVOLUTION

(By David J. Mahoney)

Ladies and Gentlemen, distinguished guests.

I know you have listened to what Gloria Steinem and Aileen Hernandez and Eleanor Holmes Norton have had to say about women. By now you are probably wondering: What's a nice capitalist entrepreneur like myself doing in a place like this?

I'm here because I too have been listening to women. I'm here because I believe that the new women's movement—which I am going to call The Women's Revolution—is good for America. I also believe The Women's Revolution is good for business. And I do not see these two goods as incompatible.

Norton Simon Inc. sells food through Hunt-Wesson, and we sell soft drinks and hard liquor through Canada Dry and Tanqueray and Johnnie Walker. We publish *Redbook* and *McCall's* magazines, and our McCall's Pattern Company is second-largest in the home-sewing industry. We even make movies. Our combined products and services cut across the total lifestyle of every man, woman and child in America. But it is women who do 85% of the buying from us. We sell to something like 97,000,000 women every day, so I would be crazy *not* to listen to women.

Besides, I think we owe them something.

Women's voices are soft. Until recently, their national voice has been hard to hear. But the soft speech of women has always expressed and defined the ideals of this nation.

One of the first voices was Abigail Adams. She warned her husband John Adams, during the writing of the Declaration of Independence, "We ladies will not hold ourselves bound by any laws in which we have not voice or representation."

It was another hundred and fifty years before women won their representation. Partially won it. For there are still only 13 women in Congress. I'm wrong—14. Bella Abzug should be counted twice.

Before women looked to their own rights, they looked to the rights of others. Indeed, they learned to organize themselves by organizing first against slavery. They challenged huge social institutions. Women were early leaders of the anti-war movement, the civil rights movement, the conservation movement. They reached out to grasp and implement the ideals of the nation long after the men, who wrote them, had gone home from Philadelphia. When John was in bed, Abigail was up.

Without the special capacity of women to put self-interest aside and feel for others, I doubt this fast-growing country could have survived its own greedy appetites.

The four overriding concerns of all people today, the four rules that threaten us now . . . pollution, war, population explosion, and the ruin of our education . . . were challenged first in America by women. So perhaps it is understandable that, by the time women got the vote, in 1920, they collapsed from exhaustion. It took the women's movement another 50 years just to get its voice back . . . but it is sure making up for that silence now!

The American Revolution is nearly 200 years old. Soon we will celebrate our bi-centennial. But America has been many revolutions . . . and they continue . . .

In our two centuries we have had: the political revolution, the agricultural revolution, several separate industrial revolutions, the black revolution, the youth revolution, and now The Women's Revolution. We are in continual revolution. In continual motion.

After England, the United States is now the oldest continuous constitutional government in the world Older than France, Italy, Germany, or the 27 years of Japan But we are not *old* I believe our enduring vitality is due to our many ongoing and interacting revolutions.

But I am a businessman, not a historian. As a businessman, it is essential to me to track these new, fast-moving patterns of American life if I am to keep in touch with my markets.

For this reason NSI recently established its National Consumer Tracking Survey—a sophisticated, continuous, fast-response research system for measuring consumer attitudes and opinions. We can listen to Americans speak, in depth and at length, on any subject. We can learn what Americans think of abortion, as well as asparagus. We can query them about Red China as easily as we can about Red Label.

Over the past six weeks, we have been listening intently to what men and women in this country feel about the women's movement . . . and I think we have some surprising results to report to you today.

Based on a scientifically selected sample of 1,000 males and 1,000 females, we can say that:

Nearly 40% of American women identify personally with the women's movement! That is, they feel that "women's liberation speaks for them."

An even higher proportion of men—six men out of 10—think that the women's movement is a good thing for this country. Among younger, better-educated men, the percentage is even higher. Thus, not too surprisingly, man is not woman's enemy . . . but her ally.

When we asked about housework we found this: Men help out with the dusting, shopping, cooking and other household chores in 84% of American homes! . . . although it won't surprise you to hear that men *think* they help out more than the women think they do.

And—very interesting!—half of the country, men as well as women, believe that free day-care should be available to all.

The meaning of these figures is clear. The women's revolution is not something that is going to happen, not something on the horizon. The women's revolution has already begun. It is not a revolution against men. It is a revolution against an old, worn-out system that has ceased to serve the needs of this nation.

Society today is in crisis. Crisis comes when the old forms no longer work . . . but out of crisis comes new forms. What we need during periods of crisis is not despairing voices prophesying doom, be they soprano or bass. What we need is men and women of reason to come together, to reason together, and to act.

Institutions too must act. It is not enough for business to spend millions of dollars researching the product. We must also research the process. How do we handle people? How do we motivate them? How do we enable each one to reach her full potential? Hers . . . or his? Because we cannot seriously consider women in society, in the work-force, or in corporate life, without also considering men.

We know that business has ignored and excluded most women. But it has also ignored and excluded most men. The entrepreneurial system is, by its very nature, a process of natural selection, if not the survival of the fittest.

Two areas of continuing revolution concern us this morning: First, the needed revolution in work, which has not really begun yet. Second, the revolution in the family, which—whether we want it or not—is already in full cry.

Young America offered the old world a unique promise. In Europe, a man could work all his life without changing his state, or his station. Here, unlike Europe, a man could increase himself through work. This is the meaning of Land of Opportunity. This is the revolutionary principle on which this nation is founded. Through work, one can change. Through work, one can increase.

But a revolution in work itself is desperately needed now. We have allowed work to become meaningless to too many people. When "work" is reduced to repetitious, Charlie Chaplin tasks, when a man never sees the finished product of his labors, when incentive is lost—for whatever reason—we will have trouble with our economy.

We all know the story of the assembly-line worker who was always absent on Monday or Friday. When asked why he worked a four-day week, he replied, "Because I can't make enough in three."

This decay in our traditional work ethic seems to cut across social, educational and economic lines. It is found in the office as well as the factory.

Pessimists say we are becoming a drop-out society. They worry about the decline in the work ethic. They see the turned-off assembly line worker, the drop-out kid, and the runaway executive, all racing each other to the exits.

But we must not forget that—as much as they want out—there are other groups in this society who want in. Consider, for example, the Drop-In Woman.

The Drop-In Woman is the woman who—without giving up any of the other parts of her life—wants to drop in to the work force, and drop in to the professions, and drop into politics, and drop into the Board Room, and drop into any other place she feels like . . . who pickets and protests and petitions to get in. And whom the law says we must not only let in, but bring in. What are we going to do about her?

Now, that is a question I still feel more comfortable asking than answering. But I do know this. America is not just a Constitution and a set of Laws. It is not even a place, in the same isolated sense it used to be. America . . . is its people. And America cannot live up to its great potential, unless all of its people live up to their potential.

So long as women form 40% of our labor force, and yet only 0.70% of women earn over $15,000 a year . . . so long as the ratio of male to female in the good jobs is still about 15 to one—we are not allowing woman to live up to her potential. We are scarcely allowing her to live at all!

Forty-five percent of college graduates are women. Yet, they are only 7% percent of doctors, 3% of lawyers, and 1% of engineers. This is not to say that women in this country are over-educated; but they *are* over-educated and over-qualified for the jobs we permit them to hold, or even to train for. We abuse them by underusing them.

In the past, American women have been too seldom taken seriously, and too often seriously taken.

But discrimination is not always malice. Often it is lack of imagination. Most American business leaders I know have not, up to now, even tried to imagine a society in which men and women share equally, in the responsibilities, as well as in the rewards. (Smile) Why *can't* a woman be more like a man? Somehow it is easier for a man to think like Shaw's Professor Higgins than to think like Betty Friedan.

And, frankly, the drop-in woman raises certain questions that, in common sense, have occurred to me:

Men often do not admire in women the same traits they require in themselves.

Often a woman handles a particular job differently from a man. Many men are critical—not of her, but of her way.

Business to some extent counts on the "supportive services" of corporation wives. When it hires a woman, it does not get the "wifely" services of her husband. In this sense, it gets more for its money when it hires a man.

Men want to preserve the essential polarity, or vital difference, between the sexes. Women do not seem to feel this need so deeply. Although "vive la difference!" may be the cry of life itself.

These are some of the ambiguous areas to which we must give further study. But there are also bright fields to explore. Many creative solutions have been put forward to encourage the drop-in woman. For instance: More goal-specific assignments—which allow a person to work, say, three months out of the year or more—two-person teams to share one job, and bounce ideas off one another. Then, there's the new concept of Career Education. This simply means teaching children at an early age about the world of work, and showing them the various roles they might some day play in it . . .

We must also rethink, re-grade and reward different kinds of work. Certain grossly undervalued kinds—such as childcare—should be seen in their true importance. And paid accordingly . . .

This brings me to the second revolution we must consider today. That is: The revolution in the family. Now, everybody knows the American family is in trouble . . . how else can we account for the two biggest heroes in the country being Archie Bunker, and the Godfather? And everybody agrees that the implications for the family of women's liberation are profoundly radical—though no more radical perhaps than the idea of a no-pollution, no-war world.

Women cannot expect to drop into the working world without some radical changes in man-woman and parent-child attitudes. And frankly, this disturbs me. When I spoke earlier of the need to research the process, as well as the product, I confess that the future of the family as we know it was very much on my mind.

Let's consider the opinions of a man and a woman who are experts in this field: Dr. William Goode, the distinguished Professor of Sociology at Columbia University, and Mrs. Elizabeth Janeway. Her book, "Man's World—Woman's Place," is one of the most thoughtful and serious of the many feminist works I have been reading lately. They don't make me go to sleep but, then, they don't keep me awake either . . .

Dr. Goode thinks the successful woman of the future will be more feminine. She'll be sexier because she won't need to imitate a man in order to get ahead. She won't have to hide her own femininity behind a collection of false beards and mustaches . . . which should make life more comfortable all around.

We should also remember, as Mrs. Janeway points out, that the erosion of the nuclear family really began 150 years ago, with the industrial revolution. This was the first time woman began to work as an individual economic unit, apart from her husband. In a sense, this was the moment in history when women became individuals in their own right—as well as wives. When we consider that by 1980 there will be 25,000,000 single women in this country, you can see the long and strange way that the American family has come in these past 150 years.

The interaction of these two, ongoing revolutions—the revolution in work, and the revolution in family patterns—will create new social forms, and roles—such as the role of the single woman. They are bound at first to seem strange. But they will, in time, become natural . . . and then the past will seem strange.

One of the most interesting new work forms now evolving is the creative man-woman team. In Washington, D.C., one of the highest crime areas in the world, male and female police patrols have been operating for some months, as part of a special study funded by the Ford Foundation. A similar experiment is going on in the New York Police Department. The presence of a woman in potentially violent situations seems to reduce the level of aggression. In routine police calls for "disturbing the peace," especially domestic Saturday night quarrels, one of the cops at the door is now a policewoman. The husband calms down. And the wife is not so fierce when she sees that the other woman at the door has a stick.

Why shouldn't the same techniques that work at home on Saturday night work in the office on Monday morning? Maybe the presence of women can tame the needless violence in the Executive Suite! Although it has been my experience of the corporate rat-race that the female can become just as rabid as the male.

But business can no longer afford to ignore or under-utilize any valuable resource. Success in a management situation is rarely brought about by executive fiat. It is almost always the result of an ability to move and direct groups of people, and get them to work together. Women are said to have a subtle ability to influence and inspire people. In a male manager, we call that same gift: Leadership.

I might meniton here that Norton Simon Inc. has always had women directors. Stella Russell, who is with us today, has been on our NSI Board for over 12 years. On my word I tell you that her insights, vision, and pragmatism have always been highly valued and Stella Russell has made a significant contribution to our growth and philosophy.

However, all these new social roles—everything from male babysitters to lady cops and man-woman creative teams—are going to take some adjusting to. At least for people like me, they will. But, as a businessman who listens to women, I recognize that the on-rushing Revolution of Women will also create immense new markets, and generate enormous economic pay-back. The drop-in woman will mean drop-in production, drop-in sales and drop-in dollars. Without expanding our population, we will be able to multiply our economy. We need not fear that working women will take jobs away from working men.

But if it is to catch up with its own future, business must take certain steps right now.

So far as Norton Simon Inc. is concerned, I am committed to move well beyond compliance with existing laws. I am committed to the active and aggressive development of new employment and promotion practices to move qualified women into positions of greater responsibility.

So far as other companies are concerned, each will want to approach these questions in its own way. But if I were asked to recommend a general plan of action to other corporate leaders, I would suggest that clear objectives be established on recruiting, training, developing and promoting women, with definite time limits. These objectives should be set by top management and made known to all.

When goals and objectives for recruiting and upgrading women are submitted to company presidents and chief executives, our responsibility is to stretch them, tighten them, make them tougher. It is important to check up on progress periodically, as often as once a month. If things aren't going well enough, the chief executive must get *more* involved.

Stress *accountability*. Let your managers know that you expect them to do more than make their sales numbers. Let them know that they themselves will be evaluated on their progress in the area of affirmative action.

Establish an education-awareness program for your managers. They need to bring out, discuss and understand their own attitudes toward women, and to change their behavior accordingly.

Myths must be caught and nailed. For example, managers believe that women are much more prone to absenteeism and attrition than men. But do your managers know that a women often leaves not because she sees marriage and a baby in her future, but because she sees no future in her job?

The myth of women in business says that they lack ambition . . . that women aren't competitive . . . that they fold under pressure . . . that they are good at handling details, but not the larger issues . . . that their emotions overrule their judgment . . . that they can't supervise men . . . and that they can't supervise women. Any one of these judgments can apply to any individual, male or female. But to apply them to women as a group is pure folklore, and dangerous folklore for your company.

Career counseling is especially important for women in business. Successful men automatically think about getting ahead. Women have been conditioned not to. As Susan Davies says, "Men are made anxious by failure; women are made anxious by success." I didn't believe her at first. But some of the sisters have been working on me . . . some of the anxious ones.

Women should be encouraged to set goals . . . Career ladders must be established. Women's horizons must be broadened.

Corporate leaders must set examples in our own offices. I am not proposing tokenism. Company presidents should look for strong capable women in their own organizations, give them some short-term development, and then *put* them into top jobs at the corporate level. They will not only serve as invaluable role models for other women in your company. By performing well, they will change men's attitudes.

In this crisis, in our reasoning together, in our compliance with law, in our address to the future, everything depends on a change of attitudes. Change of attitudes is the battle-plan of this new American revolution. Liberty and justice are still its flag.

I do not at all mean to suggest that we have accomplished all—or any—of these objectives at Norton Simon Inc. To fully realize the potential of all employees takes time. But we have listened to women, and we have made a beginning. Now we will push the time.

We are determined to continue our efforts to eliminate all barriers to advancement which are unrelated to merit.

We are determined to take a new look at our job-descriptions. Do we really need people with college degrees, for example, or do we need intelligent, well-motivated people? Do we really need a secretary sitting outside of every executive door?

We are determined to keep our advertising meaningful and relevant; to speak honestly to real women, not imaginary stereotypes. We are determined to be responsive to the changing wants and needs of women, as well as men.

Above all, we are determined to continue to listen to the voices of women, both inside and outside our company. The law demands it. Self-interest compels it. The future requires it.

And now, having said all this, I would like to thank all of you, for listening to me.

ROAD AND BRIDGE CONSTRUCTION ASSISTANCE FOR OSAGE COUNTY, KANS.

Mr. FANNIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR DOLE

Construction of a Federal multi-purpose dam and reservoir is a highly valuable addition to any county or region. The construction process initially has a favorable economic impact in the area. And completion of the facility often means assurance of nearby communities' water supplies; valuable flood protection for homes, businesses and farms; and the establishment of a new leisure-and-recreation-economic base for the area.

A new reservoir, however, does not bestow its benefits without cost to its locality, for it necessarily removes substantial acreage from the tax rolls. A dilemma is posed in that reduction of the tax base is accompanied by an increased need for outlays to finance construction of improvements—particularly roads and bridges—which will enable the tax base to be built up through business, recreational, and residential development.

In most cases the problems of financing the expenditures required to stimulate this compensating growth of the tax base are within the capabilities of the affected local and state governments. Most citizens recognize the need and respond by supporting tax levies and bond issues to underwrite these costs. Frequently, such efforts require significant sacrifices, but they are made in the realization that such investments in future growth will pay handsome dividends.

Ten years ago the Pomona Reservoir was constructed in Osage County, Kansas, and it has proven to be a highly successful project, providing substantial flood protection for a wide area of eastern Kansas and proving to be an outstandingly attractive recreation area with its 246,000 acre-feet impoundment in a beautiful natural setting.

But Osage County has been doubly blessed; for, now nearing completion is the 360,000 acre-feet Melvern Reservoir. Completion of Melvern will make Osage County one of the prime tourist attractions in the eastern Kansas-western Missouri area and will give the county a unique status in having two Federal reservoirs within its borders. But while this county has benefited substantially from the development of its water resources, it must contend with an unusual set of problems raised by this double helping of attractive features.

Only 13,000 people live in this county, and some 12,000 acres of its most valuable agricultural land have been removed from the tax base. Thus diminished, the tax rolls have been squeezed, and the burdens of the taxpayers have, for the time being, been increased. Even so, the citizens of county have welcomed and supported these additions to their area. In recognition of the need to stimulate the lakes' business recreational and residential development by making them more accessible, a countywide $1.5 million bond issue has been passed to support a replacement program for the oldest and most unsafe bridges. But the capacity of local citizens to do more is seriously limited. The State of Kansas has also made an effort to help by improving the highway which runs near both reservoirs, but much more must be done.

I would point out that the improvement of these roads and highways is not simply a matter of local economic interest. It also reflects a broader public interest in seeing that these federally-funded projects return the maximum possible benefits for the American taxpayer's dollar, and those returns can be measurably enhanced by making access to these reservoirs easier and safer for visitors Nearly 1 million people visited the Pomona Reservoir last year, and more than 7 million have come since it opened. When Melvern also becomes operational, the volume of visitors can be expected to increase substantially and thereby overtax the local bridges and roads which were originally designed and constructed with no idea of carrying the volume of traffic which they are now facing. A first rate crisis in terms of capacity, accessibility and safety will occur unless major steps are taken to expand and improve the local road and highway system.

Therefore, I am pleased to join my colleague from Kansas (Mr. Pearson in offering legislation to provide authority for the Army Corps of Engineers to undertake a substantial road improvement program for Osage County in the vicinity of the Melvern and Pomona Reservoirs.

As Senator Pearson points out, we have been in contact with the Osage County Commission, and we are aware of the major efforts the county has made to meet its problems on its own. But there is only so much that can be done locally, and this is a unique situation.

Therefore, I would hope this proposal can receive favorable and speedy consideration, so these improvements can be made at the earliest possible date and both citizens and visitors in Osage County can be provided safe, adequate roads in conjunction with local efforts—making the Pomona and Melvern Reservoirs better and even more attractive additions to their county and the State of Kansas.

SACRIFICING A NATION FOR THE U.S. PRESIDENCY

Mr. SCOTT. Mr. President, I believe that a column by Crosby S. Noyes which was published in yesterday's Evening Star deserves the attention of the Senate and of the public at large, as well.

I ask unanimous consent that the column, entitled "Sacrificing a Nation for the U.S. Presidency," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SACRIFICING A NATION FOR THE U.S. PRESIDENCY

(By Crosby S. Noyes)

The inference that must be drawn from Henry Kissinger's latest confab in Peking is that a negotiated settlement of the Indochina war is not in the cards any time soon. Although all the major powers involved appear to want a settlement, they are either unwilling or unable to exert the pressure on the leaders in Hanoi that would make a settlement possible.

This in itself is a bitter disappointment to the administration, but it is not much of a surprise. There was hope that Hanoi would recognize the extreme gravity of its present strategic situation, the misgivings of its allies and the probability of President Nixon's re-election in November. The combination of these factors could have produced a serious negotiation on ending the war.

It may yet. Many unexpected things can happen in the course of the next few months. For the time being, however, it seems that the Hanoi leadership is determined to go through with its ultimate gamble: That in the face of increasingly adverse odds, it will expend the last of its physical and human resources in an effort to achieve a decisive victory in South Vietnam and unseat Richard Nixon next fall.

For a group of fanatically dedicated leaders, that is not a particularly surprising decision to make. They are willing to expend lives and substance without a qualm in a cause which they are convinced must prevail. There are enough uncertainties in the military situation in South Vietnam to keep them going, regardless of cost. And if, as they devoutly hope, George McGovern is elected President of the United States in November, they will have it made.

And so, apparently, the war will go on for awhile and the American people will be treated to a barrage of political rhetoric about how it is all their fault. No one in the liberal camp will for a moment whisper a word of criticism against the leaders in Hanoi. On the contrary, it will be our support for a "corrupt dictatorship" in Saigon that will be condemned on all sides. And Americans will be implored in the name of "humanity" to let the leaders in Hanoi have their bloody way.

George McGovern is reputed to be a good and kindly man who wouldn't hurt a fly and it may be quite true. But what George McGovern is proposing in the way of a solution to the Vietnam war is neither good nor kindly. For it is all very well for foolish and uninformed people to go around waving Viet Cong flags and babbling about "stopping the killing" in Vietnam. People who aspire to the presidency of the United States surely know that if the shooting stops in Vietnam on the terms that they propose, the killing will have just begun.

You have talked a great deal, Senator, about the "corrupt military dictatorship" in Saigon. You undoubtedly will go on talking about it much more in the months to come.

But don't kid yourself, Senator, and don't try to kid us. It isn't a corrupt military dictator that you would dispose of if you make your way to the White House. It is 15 million men, women and children who have done nothing to offend your sensibilities and who have fought for their freedom more bravely and tenaciously than any other people in the world today.

This is the fact that cannot be evaded by talking about corrupt regimes that have lost the support of their people. Whatever the people of South Vietnam don't support, it is the regime in Hanoi, and there are hundreds of thousands of corpses to testify to the fact. No government in the history of the world has been able to arm its citizenry to the extent that the South Vietnamese are armed in order to fight a war that they don't want to fight.

Nguyen Van Thieu may have his faults and his enemies as a political leader, but he represents the aspirations of the Vietnamese people a lot better than you do, Senator. He is leading his country and his people in a war for survival. If the war is lost, he and a good many millions of his countrymen stand to lose their lives. What do you stand to lose in comparison, except, perhaps, an election?

Corrupt dictator? You, as an American president, are proposing to turn over the South Vietnamese people to the most ruthless tyranny that exists on this planet. You will deprive 15 million people of their means of defense — not, God knows, for their advantage, but for your own. For some unfathomable reason, you apparently believe that a majority of the American people want and expect you to sacrifice a nation that we have fought seven years to preserve.

It is a rare thing that one man can talk so glibly about disposing of the lives and destinies of 15 million people in another country to get himself elected president of the United States. Especially while talking about corrupt dictators.

RETIREMENT OF A GREAT TEACHER—HUBERT ALYEA OF PRINCETON

Mr. KENNEDY. Mr. President, the end of the current academic year marks the retirement of one of the Nation's great teachers, Hubert N. Alyea, of Princeton University. Generations of Princeton students knew Mr. Alyea as the professor who opened their eyes to the world of chemistry and science, who made the abstract symbols and chemical equations come alive with the meaning and humanity of modern life. Many others came to know of his remarkable achievements and his extraordinary gift of communication through the thousands of lectures he has given around the country and throughout the world. He is truly one of America's academic giants. I know that all of us wish him well in the important and extremely active schedule he has planned for his retirement, involving the perfection of his innovative teaching techniques and their application to methods of instruction in underdeveloped countries.

Mr. President, an article entitled "The Amazing Dr. Boom," in a recent issue of the Princeton Alumni Weekly, contains a warm and informative portrait of Professor Alyea. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Princeton Alumni Weekly, May 16, 1972]

THE AMAZING DR. BOOM

(By Daniel White, 1965)

This spring, Hubert Alyea will give his last chemistry lecture at Princeton.

Hubert Alyea is bouncing a tennis ball on the lecture table. He catches the ball and dips it into a beaker of liquid nitrogen. Then, holding the ball aloft for his students to see, he suddenly hurls it against the blackboard where it shatters into a thousand pieces. The students shift uneasily to the edges of their chairs. Alyea drops two live goldfish into the same beaker. In 15 seconds they are frozen solid. He then throws one fish on the floor where it fragments like the ball. The other frozen fish he places in a bowl of warm water; within a minute it swims happily about. "By freezing the fish so quickly," he explains, "the ice crystals which form in the cells are so tiny they don't injure or break the tissue of the cell. This is the principle that makes quick-freeze food possible."

For 42 years Professor Hubert N. Alyea '24 has been pulling "tricks with Mother Nature" to the delight of generations of Princeton undergraduates. This year he has reached the university's mandatory retirement age, 68, and will begin a new career in June.

The thousands of students who took Alyea's 8:30 and 9:30 a.m. courses will always remember the man who introduced them to the wonderful world of chemistry. For those large numbers who were non-science majors, chemistry was a good way to fulfill a distribution requirement, although it was up to Alyea to prove that the Periodic Table on the wall in 138 Frick was relevant to them. With his flair for showmanship, he passed on to his students his extraordinary enthusiasm for chemistry and for his philosophy of life.

While lecturing, he talked so fast his students scribbled to keep up. His hands flew about the bottles and test tubes, and he looked at times like a housewife over her pots and pans. He whisked his classes through the changing concept of hydrogen from the ancients' earth-air-fire-and-water to Cavendish's discovery that it was an element, to our current recognition of three forms: hydrogen, deuterium, and radioactive tritium. From this he moralized the tenet of the true scientist: "Say not it is the truth but so it seems to me to be as I now see the thing I think I see."

With Alyea, each topic had a story to go with it: Because Madame Lavoisier was a social climber, modern chemistry was born. It was she who, by pulling strings, secured for her husband a position as Keeper of the Mint, where he was responsible for entertaining visiting dignitaries. One such visitor was Joseph Priestly, who had discovered oxygen in 1774 but did not comprehend its significance. Lavoisier listened to Priestly and used his discovery to prove that oxygen was an element in its own right, an event that marks the beginning of modern chemistry.

Because a boy could swim, many of you are alive today. Young Winston Churchill fell into a pond on his father's estate and was rescued by the caretaker's son, Alex Fleming. In appreciation, the Churchill family financed the boy's college and medical education, thereby setting off the chain of events which led to Fleming's discovery of penicillin. Years later, Sir Alexander's penicillin saved Sir Winston's life a second time, this time from pneumonia.

Once a week for 33 years, Alyea invited groups of 50 students to his home on Wednesday nights, dividing them into 7:00, 8:30 and 10:00 p.m. shifts. During these living room precepts, students consumed eight gallons of cider and eight dozen doughnuts while they argued about chemistry, politics, and the meaning of life. He aroused their self-distrust—they who had disdained science, wanting instead relevance. "I have complete faith in young people" he told them. "I enjoyed similar precepts," he recalls, "while I was an undergraduate at Princeton in the home of J. Duncan Spaeth, whose inspiration meant much to me. From him I learned to approach a class with humility. I had to, I was outnumbered. Evelyn (Alyea's wife) and I were both drawn much closer to the students in these sessions. But it was an expensive operation for an assistant professor. I always told the boys that when they became rich they should establish a cider-and-doughnuts fund."

As a Princeton student himself, Alyea took as much English as he did chemistry, throwing in courses in philosophy under Warner Fite, history with Joe Green, and architecture under E. Baldwin-Smith. But his first love was chemistry, for, as he quotes: "Chemysts seek their pleasure among smoke and vapor, soot and flame, poisons and poverty . . . yet among all these evils I seem to live so sweetly that may I die if I would change places with the Persian King." His many talents included winning a Phi Beta Kappa Key in his junior year and playing the cello in four Triangle shows (once as a faculty member). Ruefully, he admits his proficiency with the cello came at the expense of playing football, which his mother denied him for fear he would injure his fingers.

Alyea's laboratory research centered on chain reactions. He worked at the Nobel Institute and in 1932 invented a domino board to illustrate chain reactions, knowledge since applied by the scientist in combating the aging of rubber, spoilage of foods, and gasoline knock. His latest researches were measuring surface potentials of atom-thin layers of metals bombarded by hydrogen atoms and free radicals.

His commitment to teaching led him to the study of teaching methods in chemistry. In 1936 Alyea invented an automatic slide changer for projectors, thereby sparing good lecturers the distraction of upside-down slides, shouts to the assistant, or thumps for the next slide. Using a discarded Minneapolis-Honeywell oven regulator originally designed to open the flue on a furnace, Alyea fashioned his automatic slide changer. Camera companies sent their lawyers accompanied by stenographers to examine his gadget and solicit his advice. "I didn't make any money on it because I wasn't interested in taking the time away from my chemistry to hire lawyers and worry about patents. Within a year, all the major companies were producing automatic slide projectors."

He has developed a revolutionary new teaching technique known as the Tested Overhead Project Series, TOPS. "I consider this my major contribution to chemistry," he states. TOPS has unlimited potential for improving chemistry instruction in under-developed countries; also in over-developed countries like the United States where understaffed high schools and over-enrolled universities cannot provide a laboratory experience. The series uses a single $12 basic device, pinches of chemicals, and either an armchair or an overhead projector to flash the experiment against a screen "so that Mr. Zozo at the back of the room can at last see what is occurring on the lecture desk." For this purpose he has devised projectors that cost $36, $15, and 20 cents. Thousands of TOPS devices are in use throughout the world today. Alyea has demonstrated the TOPS technique in over 70 countries.

The indefatigable Alyea has performed his two-hour lecture, "Atomic Energy: Weapon for Peace," 2,840 times and has ruined three suits a year with chemicals. Since 1958 he has given his more general talk, "Lucky Accidents, Great Discoveries and the Prepared Mind," over 600 times. He has demonstrated TOPS everywhere, oftentimes in such bizarre settings as a hunting lodge near Paris, a nightclub in Memphis, Tennessee, and on the Tibetan border, where several teachers walked nine days to get to his seminars. He lectured six months at the Seattle and Brussels World Fairs; at the latter he acquired the nickname "DR. BOOM" from Russian observers. Walt Disney attended one of Dr. Boom's lecture exhibits and decided to do a movie about a professor who invents a miracle substance. Disney invited Alyea to Hollywood to give his chemistry experiment for actor Fred MacMurray, who later confessed he'd never understood chemistry until he met Alyea. *The Absent-Minded Professor,* as the movie was titled, was the result.

During all these endeavors Alyea never forgot that his essential mission was to teach Princeton undergraduates. Chemistry professor John Turkevich, a lifelong friend of Alyea, enjoys telling the tale of Alyea and a sleeping student: "He was deadly serious about his teaching, and once, he caught this young man sleeping at the end of his 8:30 a.m. lecture. Alyea was very angry, and the student very contrite as he explained how his activity with the radio club often kept him up all night talking to the Fiji Islands or Australia, 'It's a compliment to you, Professor Alyea,' the student reasoned, 'after your class I cut my others and go back to bed.' Alyea sent him away admonishing him to sleep at night and to listen in class. Three weeks later, the same boy fell asleep again. Alyea quietly organized his 150 students in a huge circle around the miscreant and, stepping up next to him, shouted in his best 2:00 a.m. milk-train conductor's voice, 'PRINCETON JUNCTION!' The boy jumped, blinked, and dashed for the door. He never fell asleep in class again."

The final week of his course includes "Chemistry and Living," applying the lessons from chemical research to one's philosophy of life. And the concluding lecture has been famous for 35 years: it used to be 100 explosions in 50 minutes, but even Alyea didn't know what was happening. Lately he has cut it down to 50 explosions, and everyone understands. It concludes with this jingle, which he composed for the occasion.

"And so no further pains I'll take to amplify your knowedge.
At night I shall not lie awake to help you get through college.
Tho kingly be your earthly lot . . . tho wealth and fame evade you
I know that you must still be what my chemistry has made you."

The students wrote back:

"If I were to say that I enjoyed the year of freshman chemistry . . . it is an understatement . . . how much I appreciated . . . how much happiness . . . from being exposed to the material and thought . . I was not a good student, the 'B' I received was gotten with considerable effort. But my difficulty and satisfaction was in mastering the mechanics of things like equilibrium constant, and not its role in human achievement and its value to humanity."

And another:

"Enthusiasm for life—and close contact—this is what you showed us along with the capacity to laugh. The world needs more of it."

One of his 1943 classes, a special group of enlisted servicemen who had been transferred to Princeton from Yale, inscribed their own verse to Alyea:

"So before we leave this noble institution
We all thank you again—and want to hail:
We will celebrate the day of revolution
When Alyea is teaching up at Yale."

Princeton's turn with Alyea is almost over. Retirement, rest? Next year Alyea will be off to India, Singapore, and Mexico to demonstrate TOPS. He'll retain his home in Princeton, commuting during the summer to the seaside home he designed and built with his own hands for his wife, Evelyn, and son, Fred (Princeton '57).

For his final lecture, the students always invite their friends, and they are crowded into the room. He packs all the noise, color and chemistry of the entire course into the last hour. Long strings of chemical serpents burst into flame and die quickly, writhing on the table top in ashen form. He blows up area or active mass increases rate of reaction, the same principle behind flour mill and coal mine explosions.

A hydrogen ballon drifts near Alyea's head. He fires at it with a Bunsen burner, and the balloon bursts into flame: at the same instant, in the darkened auditorium, a movie of the exploding von Hindenburg Zeppelin, forming 40 tons of water, flashes on the screen behind him. He explodes a pop-bottle of hydrogen and oxygen, "remember I warned you it was a 'pop' bottle?" And finally he performs the "Old Nassau Reaction" discovered jointly by Alyea and one of his non-science students years ago. Solution A contains 15g potassium iodate per liter; solution B contains 15g sodium bisulfite + 4g of starch per liter; solution C contains 3g mercuric chloride per liter. As he begins to sing "The Orange and the Black," he mixes equal volumes of B+C+A in that order. The solution remains colorless until he reaches the refrain, "While the Ti-ger stands defender of the Orange and the Black. At the word, "orange," the clear solution suddenly turns into a brilliant orange mercuric iodide; as he then stretches Caruso-like and sings "black" the orange solution—right on cue—flashes into starch-iodine, a solid black.

SENATOR ERNEST F. HOLLINGS—HERO OF THE WEST FRONT

Mr. KENNEDY. Mr. President, when the Senate acted yesterday to approve the conference report on the Legislative Branch Appropriations Act, it also granted the Capitol Building an important new respite in the long struggle to prevent the extension of the west front. As one who has long and consistently opposed extension of the west front as an unwise and uneconomic attempt to tamper with the Nation's best known monument, I am delighted that the bill now cleared for the President's signature contains a firm prohibition on any expenditure of funds for extension of the west front until such funds have been specifically authorized by Congress. In this way, as is entirely proper when such an important issue is involved, the full Congress will have ample opportunity to decide the question.

The outcome of this step in the present controversy is now well known, and it is the purpose of these remarks to praise the man who did so much to make it possible—the distinguished junior Senator from South Carolina, Senator Ernest F. Hollings. Without his dedicated effort at every step of this legislation, the west front could not have been saved. I commend him for his fine achievement, and all of us who love the Capitol are in his debt.

The beginning of this chapter of the controversy goes back nearly 3 years, to the appropriations bill for fiscal year 1970.

In that bill, the Senate-House conference committee reported a provision, which was enacted into law, appropriating $2,275,000 for the west front, of which $250,000 was to be used for a study of the feasibility of restoring it.

The remainder was to be used for extension of the west front, in the discretion of the Commission for Extension of the U.S. Capitol, an ad hoc group consisting of congressional leaders, the Vice President, and the Architect of the Capitol. The act specified, however, that if certain criteria for restoration were met in the feasibility study, the west front was to be restored, rather than extended.

In 1971, a report by a distinguished New York engineering firm indicated that restoration was feasible under the specified criteria. Fourteen months later, however, in early 1972, the Commission met again, decided that the criteria had not been met after all, and concluded that extension of the west front should proceed.

It was at this point that Senator Hollings, as chairman of the Appropriations Subcommittee, began to make his series of immensely important contributions to the issue. At his insistence, language was included in the subcommittee version of the Legislative Branch Appropriations bill, providing that no funds could be used for the preparation of final plans for, or the begining of actual work on, the extension of the west front, without the specific approval of Congress. The amendment was reported favorably by the full committee on March 24, and on March 28, the Senate accepted the language on an important rollcall vote.

The version of the bill approved by the House of Representatives had no companion language, however, and in conference, the funds for the west front became the most controversial issue. As I understand it, all but two Members of the House delegation to the conference committee were adamantly opposed to the Senate provision, and favored extension of the west front. The conferees discussed a number of possible compromises, but none was acceptable to both sides. Finally, after a series of standoffs in separate meetings of the conference committee, it was clear that the views of the Senate and House conferees could not be reconciled, and the west front provision was reported out of conference in disagreement. Last Wednesday, June 28, the full House voted to accept the Senate position, thanks to the leadership of Congressman Samuel Stratton of New York, who had worked closely with Senator Hollings and the American Institute of Architects in developing the issue.

And so, when the conference report returned to the Senate, the final resolution of the issue was a foregone conclusion. The House had already vindicated the position of the Senate, and the Hollings language was accepted by voice vote. thus clearing the act for the White House. The west front was saved, at least for now, and Senator Hollings had earned a brilliant legislative victory.

ADDRESS BY DR. MARVIN KASTENBAUM

Mr CURTIS. Mr. President, on behalf of the distinguished Senator from Kentucky (Mr. Cook), I ask unanimous consent to have printed in the Record a statement by him and an insertion relating to an address delivered by Dr. Marvin Kastenbaum to the International Association of Coroners and Medical Examiners.

The PRESIDING OFFICER. Without objection it is so ordered.

Statement of Senator Cook

This past week Louisville, Kentucky, was host to the annual International Association of Coroners and Medical Examiners. Delegates attending the Seminar came from all sections of the United States and Canada.

One of the highlights of the Seminar was a speech delivered on Tuesday by Dr. Marvin Kastenbaum, Director of Statistics, for the Tobacco Institute, Washington, D.C. Dr. Kastenbaum discussed the validity of statistics employed by health agencies in propounding the relationship of smoking to health:

[From the Journal-Courier, June 28, 1972]

Cancer Data Questioned—Tobacco Official Assails Antismoking Statistics

An official of a tobacco trade group criticized statistics used to indicate high incidence of cancer among smokers and told a seminar of coroners and medical examiners in Louisville yesterday that part of the problem is incorrect diagnosis of cause of death.

Dr. Marvin A. Kastenbaum of Washington, D.C., said recent studies show that when confirmation of the diagnosis of the cause of death is made by autopsy, less than half of lung-cancer diagnoses, for instance, are correct.

That is in contrast with diagnosis in other internal cancers, in which the accuracy is between 85 and 100 per cent, he said.

Less than 10 per cent of all deaths in the United States are subject to autopsy, he said.

Kastenbaum, director of statistics for the Tobacco Institute, spoke at the annual International Association of Coroners and Medical Examiners Seminar being held through Friday at Executive Inn.

In criticizing statistics showing high incidence of lung cancer among tobacco smokers, Kastenbaum said the federal government relies on reports "which are based on data collected by private agencies."

"Generally," he said, "these data are not scrutinized by responsible scientists in government, nor are they always available for scrutiny by independent agencies. When government policy is based on a limited analysis of such studies, serious questions can and should be raised."

The Tobacco Institute is a trade organization made up of some of the leading tobacco companies.

Some 100 coroners and medical examiners from all sections of the United States, Canada and Alaska are attending the seminar.

Such problems as handling mass homicides, involvement of drugs in fatal traffic accidents and the use of firearms will be discussed by speakers during today's sessions.

Lung Cancer: An Examination of Some Vital Statistics

(By Marvin A. Kastenbaum, the Tobacco Institute, Inc.)

INTRODUCTION

It's a privilege to participate in this annual seminar of the International Association of Coroners and Medical Examiners, and I wish to thank Dr. Petty for inviting me. I must hasten to admit, however, that I feel like a fish out of water—a statistician among medical practitioners and a Ph. D. among so many doctors of medicine. Until recently, my utterances on scientific matters were confined to meetings of members of my own profession. Although the presence of many colleagues and friends at such meetings provided me with some degree of comfort, I could not hope to overwhelm them with professional jargon or complex theories. Nevertheless, I did not come here to bore you with statistical terminology that you might not comprehend, nor with concepts that you may not follow. I hope, instead, to be as simple and as straightforward as possible. And with this in mind, I have chosen not to speak on the general subject of smoking and health, but rather on the results of my examination of some of the vital statistics relating to lung cancer.

Evidence on the subject of lung cancer is documented in a massive bibliography beginning with the first reported case of the disease in 1810 (2). Very little of this material has appeared in the journals of my profession. Therefore, any statistician interested in examining the evidence may opt to read either the succinct reviews that appear in medical texts or the condensed summaries that precede or follow the papers in medical journals. This course of action may be adequate for the formulation of an opinion or the reaffirmation of a belief. However, it falls short of the requirements for a serious evaluation of statistical evidence. A study of statistical evidence where important questions have been raised requires the complete reworking of the available data. Such was precisely the course taken by the 16th and 17th century astronomers. Copernicus, Kepler and Gallileo, who dared to question the three millenia of documented evidence and entrenched beliefs concerning the structure and dynamics of our solar system.

My reference to an analogous situation in the field of astronomy is intentional for at least two reasons. First, like many others who choose to espouse unpopular causes, I have often been referred to as a member of the flat-earth society. Second, and more important, is that lung cancer evidence based on epidemiological studies is very much like evidence gathered in astronomy, in the sense that, in general, the data are collected by observation and not by experimentation.

Successes in astronomy have resulted from careful observation and reobservation of the same phenomena, and from analysis and reanalysis of the same data. Unfortunately, the same cannot be said for the new science of epidemiology.

The studies which form the basis of the statistical evidence concerning lung cancer are epidemiological in nature. They are principally retrospective and prospective studies done during the past two decades on selected groups of human beings. In some instances they have benefitted from the partictipation of such outstanding biometricians as Bradford Hill (3,4,5,6) Harold Dorn, (7,8, 9,10,11) Irwin Bross (12,13) and Jerome Cornfield, (14,15) each of whom contributed many original analytic and interpretive techniques. Nevertheless the results of all of these studies have been critically reviewed by many equally competent statisticians such as Sir Ronald Fisher (16,17,18,19,20), Joseph Berkson (21,22,23), Jerzy Neyman (24), Leo Katz (25,26), and K. Alexander Brownlee (27). In general, their criticism has had little to do with the statistical analyses, but rather with the foundations of statistical inference upon which the structure of my profession rests. These critics did not attack the evidence because it was merely statistical. As statisticians—how could they? They were rather concerned with how the studies had been carried out, and how the reasoning process had been applied to the data in arriving at the stated conclusions. What they found in the place of representative sampling, randomization, replication, and control was selection-bias, confounding, incomplete reporting and extrapolation. It would be presumptuous of me to attempt to cover the same ground as such outstanding men as Sir Ronald Fisher. For those of you who are interested, I have provided a bibliography of some of their papers. Instead I will discuss the nature of statistical evidence in the study of lung cancer as I see it from the reading I have done in recent medical, epidemiological, and statistical literature.

VITAL STATISTICS

In 1900 only 3.7% (28) of the deaths in the United States were attributed to cancer. By 1968, 318,547 deaths attributed to cancer accounted for 16.5% (29) of all deaths in the United States. It is understandable therefore that the Federal Government approved this year a sum of over 1½ billion dollars for the study of this disease. The rise in the proportion of deaths due to cancer over the past 70 years has been attributed to many factors, such as the reduction in infectious diseases, the reduction of infant and maternal death, and the introduction of medications such as antibiotics and other drugs, all of which have had the net effect of increasing longevity among all residents of the United States. Though many forms of cancer have decreased in prevalence during the past 40 years, vital statisticians have noted, and have been concerned with the apparent dramatic increase of lung cancer, especially among male residents of this country.

The data presented in Table 1 give some indication of the relative importance of the apparent increase in lung cancer during the past 20 years. These figures would indicate that the percent of all deaths due to lung cancer has approximately reached the same level as the percent of all cancer deaths in 1900; (that is, somewhere in the neighborhood of 3 to 3½ percent). The absolute number of lung cancer deaths in the United States during the past two decades appears to be increasing at a rate greater than the increase in population during that period of time.

Another way of examining the problem is in terms of death rates per 100,000 live population. Tables 2 and 3 represent data from a recent monograph of the National Cancer Institute and show the change in these rates by sex and by race.

DIAGNOSTIC ACCURACY

A number of medical investigators have questioned the accuracy of the data in Tables 1, 2, and 3. Among these, Rosenblatt (30), in 1969, presents some compelling arguments which lead him to wonder whether the apparent increase in lung cancer is an epidemic or an artifact. Like Dorn (31), Gover (32), Gilliam (33), and Milmore (34) before him, he points to the progressive decline in the rate of increase of this disease, and shows it to be paradoxically concurrent with the growth of more accurate diagnostic procedures. Concerning this, Rosenblatt (30) says:

"The progressive decline in the rate of increase suggests that the image of a lung cancer epidemic is an illusion. The rise from less than 3000 lung cancer deaths in 1930 to almost 50,000 in 1965 seems to be irrefutable proof of an absolute increase. However, if the rise is studied by lustrums, there emerges a pattern indicating that the increase was not real, but the effect of improved diagnostic facilities. Whereas lung cancer deaths in the United States increased almost 80 percent between 1930 and 1935, the increase was less than 35 percent between 1960 and 1965."

More recently, in two articles on this subject, Rosenblatt (35, 36) presents data showing an important disparity between clinical and autopsy certifications. His data suggests that when confirmation is made possible by autopsy, fewer than 50% of lung cancer diagnoses are correct, whereas with other internal carcinomas, the accuracy is between 85% and 100%. These studies demonstrate the importance of autopsy in evaluating the true prevalence of lung cancer, "because the ready simulation of this disease by metastases from other internal sites suggests that an alleged increase, based solely on clinical observations, may be more a reflection of diagnostic interest than of diagnostic accuracy."

The seriousness of the problem of incorrect diagnoses is amplified by the fact that perhaps fewer than 10% (37) of all deaths in this country are subject to autopsy. As late as 1970, in an article in J.A.M.A., Arthaud (38) laments on the absence of "any figures regarding the percentage of autopsies on all deaths in the United States. The National Center for Health Statistics does not collect this material."

In 1955, Gilliam (39) calculated that if only *2 percent* of the deaths in 1914 ascribed to non-cancerous diseases of the respiratory system had indeed been due to cancer of the lung, the increase in incidence of cancer of the lung between 1914 and 1955 would have been fourfold instead of the claimed 26-fold. He goes on to state that if the diagnostic error were 10 percent in 1914 and gradually diminished to 2% in 1950, as medical care became increasingly available and diagnostic capabilities improved, there would be only a twofold increase in incidence. There is, of course, no way of knowing what the error in diagnosis has been over the years, but the contention that errors in diagnosis and reporting were large three to five decades ago is hardly assailable. Gilliam concludes that although there appears to have been a true increase in the incidence of carcinoma of the lung, the magnitude of the increase is nowhere near as great as recorded mortality suggests.

DEMOGRAPHIC FACTORS

Let us now set aside the questions which I have just raised concerning inaccuracies and paradoxes, and go on to examine some other factors which deserve the scrutiny of serious investigators of the statistical evidence of lung cancer. These include not only such demographic considerations as sex, race, age, geography, and occupation, but also some alternative approaches to the problem suggested by laboratory experimentation and clinical observation.

In a recent paper in the *British Journal of Diseases of the Chest,* Blecher (40) discusses the worldwide sex differences in the death rate from lung cancer. Among his findings, the following are worth noting at this point:

1. The male to female sex ratio of incidence of lung cancer varies widely in different parts of the world, ranging from 13.5:1 in Holland to 1:1 in Nigeria.
2. On the basis of lung cancer sex ratio, the world can be divided into two groups: Europeans and people elsewhere in the world of predominantly european origin, and non-Europeans.
3. The variation in the male to female ratio is due to different incidences among men. It is not due to the different age structure of the different populations.
4. The differences in sex ratio tend to follow the pattern of that of the ethnic group in peoples living in the same country.
5. The data suggests a genetic factor in the aetiology of lung cancer.

Speaking on the same subject at a meeting of the National Cancer Institute in March 1972, Schneiderman (41) conjectured about the trends in lung cancer in the United States. He indicated that the male to female sex ratio in this country, which had been at a level of 6:1 for many years, was showing signs of narrowing. That is, while the death rate among males has been increasing at a decreasing rate, the death rate among females is increasing at an increasing rate. The most recent data published by the National Cancer Institute on this subject are presented in Tables 2 and 3. Columns 3 and 6 in these tables are my simple calculations of the male to female ratios. The data in Tables 2 and 3 represent information gathered in the United States through 1967. More recent information is not available in any government publications.

Any discussion of alleged trends in sex ratio since 1967 must account for the change in the ICD (International Classification of Disease) code which took effect in 1968. For an indication of the possible effect of such a change in definition, I refer you again to the data in Table 1. What had been classified as ICD 162 and 163 until 1968, was renamed ICD 162 in 1968. The net result was to obliterate the obviously different trends in these classifications which can be observed in the data of the early 1960's. An unusually large increase in female deaths due to lung cancer is also apparent in the 1968 data. This may be, in part, an artifact created by the change in the ICD coding system. I therefore decided not to use the provisional 1968 data in examining the trends in sex ratio in the United States. From the earlier data I find little to justify any more than a week conjecture concerning the alleged changes in sex ratio with time.

Changes in death rates for lung cancer by age are given in Figure 1 which accompanies Table 4. The rates for males show a dramatic increase at about age 45 with a peak at age 65, and a decline thereafter. Female death rates from this disease appear to increase progressively with age. Figure 1 is presented with Table 4 to illustrate how the phenomenon of an aging population may influence the death rates from specific diseases. For example, fewer than 2 out of 3 white males born in 1900–1902 would be expected to have lived long enough to be subjected to a high risk of lung cancer. This compares with more than 4 out of 5 while males born in 1929–1931.

Variation in death rates by geographical location in the United States is best portrayed in Tables 5 and 6. These rates represent some sort of averaging over the eighteen year period from 1950–1967. Although the author of the NCI report (42) from which these data are excerpted, does not describe the methods he used in arriving at these rates, the variation in the numbers tends to reflect some of the differences in reporting systems of the various states. For example, Nebraska has the lowest death rate for ICD 163, and one of the highest for ICD 162. In fact, in Nebraska, non-white males show the highest death rate from this disease of all the states for both sexes and both racial groups. I believe that we *must* ask ourselves if this is fact or artifact.

Differences in reporting systems throughout the world may play a great role in the variation of death rates from country to country. Table 7 represents some of the most recent international data on lung cancer available in literature. The table is part of a Japanese study (43) published in 1969. The death rate for males is highest in Scotland (75.55 per 100,000), and the male to female ratios vary from 16.11 in Finland to 2.91 in Chile. It has been suggested that death rates from this disease are related to degree of industrialization. Such a conjecture deserves our attention. However, its verification will depend a great deal on the accuracy of the data and consistency with which it is reported.

The general effect of industrialization on the prevalence of lung cancer may be examined best in terms of the more specific occupations that have been observed to be associated with this disease. These include studies over the past one hundred years of pitchblende and uranium miners, and more recent studies of employees in the asbestos industry.

One history (44) of lung cancer in the 19th century reports the following:

"An important contribution to industrial medicine was made in 1878–1879 by Hesse and Harting as a result of their knowledge of lung cancer. For centuries the workers in the Schneeberg mines in Saxony had been subject to a fatal chronic pulmonary disorder. . . . The illness had been diagnosed as 'Bronchialkatarrh' and accepted as an endemic occupational hazard of the mountain region. Hesse and Harting noted that the physical findings . . . were compatible with the diagnosis of pulmonary neoplasm. Studies by later investigators revealed that the most probable cause was exposure to ionizing radiation, which was abundantly present in the mines. It is of interest that the original necropsy diagnosis was lymphosarcoma, but pathologists of a later era identified the 'Bergkrankheit' as bronchogenic carcinoma."

The results of a more recent study of uranium miners in this country appear in a monograph (45) published last year by the U.S. Public Health Service. This study found that epidemiological evidence, supported by pathologic observations, has left little doubt that radiation is a major causal factor in the excess of lung cancer among uranium miners as a group.

Results of studies of asbestos workers during the past decade led Melamed (46) to conclude in 1968 that asbestos exposure is capable of inducing lung cancer, and "that the latent period from first exposure is usually twenty years or more."

EXPERIMENTAL EVIDENCE

The prevalence of lung cancer among employees of certain industries has given rise to the suggestion that many factors in our environment may be responsible for the apparent proliferation of this disease. One study (47) within the past ten years has even pointed to the appearance of lung cancer among certain animals in urban zoos. The increased frequency of lung cancer among these animals could not be attributed to advanced age. However the authors did suggest that attention should be focused on the possibility of increasing amounts of carcinogens in the atmosphere.

Laboratory experiments with animals have resulted in varying degrees of success in inducing lung cancer by inhalation and implantation of chemical carcinogens. What is more fascinating, however, are some of the recent experiments indicating that lung cancer can be induced by ingestion. Lijinsky (48) reported last year that certain nitrosamines administered in the drinking water of rats gave rise to squamous cell carcinoma of the lung, the same tumor which has been observed to occur in man. That the route to the lung should be via the stomach rather than the trachea is indeed a tantalizing concept to contemplate and to study.

The importance of this line of investigation is enhanced by two studies (49, 50) also reported in the medical literature last year. In these studies, patients with asthma were subjected to aerosols of radioactively tagged pollen particles. 95% of this inhaled material was deposited in the stomach, and none was found in the lungs. This led the investigators to conjecture that the reaction to pollen is via the blood stream from the stomach rather than by direct contact with the linings of the nose, mouth, and throat.

Studies of the influence of infection and the ingestion of nitrosamines on the induction of lung cancer are being carried out at present by Nettesheim and Lijinsky (51) at the Oak Ridge National Laboratory. The importance of ingestion as a factor was further emphasized by Lijinsky (48) in the following remarks:

"A source of amines of great concern to me is the large number of drugs that have been introduced in the past few decades. Several hundred drugs, some of which are in common use, are secondary or tertiary amines, and an examination of the structures of these indicates that they would nitrosate readily in conditions prevailing in the stomach and give rise to nitrosamines; some of those that would be produced have been shown to be carcinogenic. A most serious aspect of this is that many of the drugs of this type are tranquilizers, antihistamines, appetite control agents and vermicides, types of drugs that are taken by people in quite large doses for long periods."

EMOTIONALISM, EXTRAPOLATION, AND EXAGGERATION

A study of all the material, which I have conveyed to you, has led me to conclude that because of their very nature, epidemiological studies tend to overlook an important principle in the design of experiments—namely confounding. (Confounding is a statistical term used to describe the inextricable mixing-up of factors or stimuli, each of which, by itself or in combination, may result in the response under investigation.)

In most instances, when information concerning relevant factors is available, the data are adjusted for these factors in a way that should make objective experimenters and statisticians at least a little skeptical. In some instances, many important factors are unknown or simply ignored. All of this makes it difficult for me to understand how, in the presence of such inaccuracies and shortcomings, I, as a statistician, can be expected to draw the "valid abstract pictures," necessary "to retain in view only those features of the case which can be dealt with by statistical methods" (1)?

For the past two years I have been trying to do this with the epidemiological data that purport to demonstrate a causal relationship between tobacco smoking and lung cancer.

Perhaps as an employee of the tobacco industry, I should not be examining such data. I am told that it is difficult for me to look at the problem objectively. Many of you, I'm sure, have also heard allusions to the notion that objective research can be done only by those who have no vested interest in the subject matter. I think we must all agree that this is poppycock. Who among us does not have some vested interest in the work he does? And who among us would candidly say that he is not interested in the general health and well-being of humanity?

I continually meet people who are shocked when they discover whom I work for. To them and to those of you who may have some doubts I can say, without hesitation, that I am interested in the general health and welfare of mankind. I know that tobacco products satisfy the human needs of millions of people. But I also know that there are those people who shouldn't be smoking, just as there are people who shouldn't be drinking coffee or liquor, or eating certain foods. I firmly believe that the tobacco industry and the medical profession must continue to do the research necessary to identify this group of people.

Such statements should be equally credible whether they emanate from a university, or an industry, or a government agency. Yet, as we all know, the credibility of government agencies is sometimes also seriously questioned. Even the National Cancer Institute is not immune to innuendo. Recent articles in Science (52, 53) have referred to this agency's "history of vindictiveness," and to the alleged "railroading tactics" of its recently transferred past director. Are we to throw out the baby with the bath water because of such statements? I hope not. As a statistician, I am more concerned wih the abuse of official statistics, and the effect of this abuse on all aspects of our lives. One such abuse is the overzealous reporting of health statistics. On the dangers inherent in such practices, an eminent statistician (20) cautioned many years ago that while the apparent increase of lung cancer in the United States and England is frightening, "it shouldn't be used to frighten people."

The level of exaggeration and extrapolation is exemplified by the statement made at the White House by Dr. Frank J. Rauscher upon his appointment last month as new director of the National Cancer Institute. He said that "if the present trends are allowed to continue, based on the last five to ten year analysis, by the year 2000 we will have over 1.5 million new cases of cancer in this country." This statement is reminiscent of another made about the prevalence of lung cancer in the United States by the well-known surgeon Alton Ochsner (54). In 1970 Dr. Ochsner wrote:

"By projection of available statistics, it was predicted that if people continue to smoke as they do now, there will be 630.000 deaths from cancer of the lung in the year 2000, of which 177,000 could be prevented if smoking were discontinued now."

Apparently, this physician was so convinced of the truth of his statement that he chose to repeat it four years after he had first published it in the prestigious *Journal of the American Medical Association* (55).

If we take this statement at face value, and assume that very few people begin smoking before age 15, then certain inferences follow immediately from it:

1. If smoking were discontinued in 1970, almost no persons under 45 years of age in the year 2000 will have ever smoked in their entire lives. That is to say, more than 70% of the population of the United States in the year 2000 (projected by the U.S. Bureau of the Census to be 300,000,000) will never have smoked.

2. No deaths from lung cancer among members of the U.S. population under 45 years of age in the year 2000 could be attributed to smoking.

3. Deaths from lung cancer among former smokers in the year 2000 could be associated with smoking only by virtue of an alleged risk they accumulated prior to 1970 (thirty years earlier!).

4. In spite of this, we are told that if all smoking were discontinued in 1970, 453,000 (630,000 minus 177,000) people in the United States would die of lung cancer in the year 2000.

In 1968, the National Center for Health Statistics reported a total of 64,400 deaths from lung cancer in the United States. This represents a crude death rate of 32.2 per 100,000 live population in the U.S. in 1968.

5. The startling result of logically following the original statements is that we are led to believe that the crude death rate from lung cancer in the U.S. in the year 2000 will be 453,000/300,000,000 or 151 per 100,000 live population if all smoking were discontinued in 1970. This rate will be over 4½ times the 1968 rate (151 versus 32.2), in spite of the fact that 70% of the U.S. population in the year 2000 will never have smoked, and in spite of the fact that the remaining 30% will not have smoked for 30 years.

It is fair to state that these inferences are no more absurd than the original statement. Yet this statement has appeared at least twice in the medical literature in the past six years.

Extrapolations such as these are based on an accumulation of information, the accuracy and consistency of which may be questioned ab initio. Yet members of my profession share in the guilt of combining and comparing statistics from different studies without any consideration of the quality of the original data. A recent paper (56) in a statistical journal cautions about the use of one such statistic which has been proclaimed widely by statisticians and others as a measure of the association of tobacco smoking with lung cancer and other diseases.

The overwhelming "evidence" which is brought to hear in implicating tobacco smoking as a cause of many diseases including lung cancer is summarized in a report which is published annually by the Surgeon General of the United States. This publication places a great deal of emphasis on what purports to be the "positive evidence" and tends to minimize or ignore the type of material I have presented to you today. Here, as in many other areas of science, the federal government relies on reports which are based on data collected by private agencies. Opinion polls and other private surveys are good examples of this. Generally these data are not scrutinized by responsible scientists in government, nor are they always available for scrutiny by independent agencies. Ordinarily such studies would stand or fall of their own weight in the scientific community. However, when government policy is based on a limited analysis of such studies, very serious questions can and should be raised.

The following statement appears in the report of The President's Commission on Federal Statistics which was released in December 1971 (57):

"Data provided to the government by special interest groups are normally intended to inform decision-makers about matters of importance to the supporting groups. Because special-interest groups are concerned with presenting persuasive arguments in support of particular policies, they are inclined to select for presentation the data which support the position they advocate. This does not necessarily reflect poorly on the accuracy of the data, but it does provide a basis for concern about whether all relevant facts are being presented."

The massive funding of science by the federal government has created vested interest groups in science, as well as the bureaucracy, whose motivations should not be above suspicion. In a recent article in *Science* (58) Erwin Chargaff says:

"When I began my studies the battle cry was 'knowledge'; now it is 'power'."

And in another recent *Science* article (59) Harvey Brooks, former member of the President's Scientific Advisory Committee, counsels as follows:

"Although I do not believe scientists can be held accountable for the uses which society makes of the knowledge they produce, they do have an obligation to make clear the implications of this knowledge insofar as it is within their special intellectual competence to do so. However, I believe that the highest allegiance of science must continue to be truth as defined by the validation procedures of the scientific process itself, and that the distortion of scientific results or the selective use of evidence for political purposes, no matter how worthy, is unforgivable insofar as it is presented cloaked by the authority and imputed objectivity of science."

In concluding, I would like to leave you with the following thoughts: It has been said that ideas have consequences. So do facts—and so do specious "facts." If we, in the scientific community are concerned about consequences, then it behooves us first to be concerned with facts. And for those of us who are involved in decision making, I would recommend the advice given four centuries ago by Francis Bacon (60):

"If a man will begin with certainties, he shall end in doubts; but if he will be content to begin with doubts, he shall end in certainties."

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TABLE 1.—ANNUAL DEATHS FROM CARCINOMA OF THE BRONCHUS, TRACHEA AND LUNG IN THE UNITED STATES (ICD 162–163),[1] 1950–68

Year	ICD 162		ICD 163		Total	Percent of deaths from all causes [2]
	Male	Female	Male	Female		
1950	6,445	1,173	8,477	2,218	18,313	1.26
1951	7,247	1,182	8,972	2,315	19,716	1.33
1952	8,357	1,359	9,464	2,402	21,582	1.44
1953	9,211	1,353	10,529	2,409	23,502	1.55
1954	9,589	1,547	11,322	2,330	24,788	1.67
1955	10,889	1,641	11,815	2,482	26,827	1.76
1956	12,256	1,739	12,561	2,625	29,181	1.87
1957	12,793	1,824	13,494	2,665	30,776	1.88
1958	13,874	1,959	13,653	2,830	32,316	1.96
1959	15,011	2,152	14,324	2,815	34,302	2.07
1960	16,164	2,178	15,093	2,985	36,420	2.13
1961	17,000	2,462	16,211	3,256	38,929	2.28
1962	15,866	2,280	17,899	3,555	39,600	2.26
1963	15,927	2,391	19,530	3,931	41,779	2.30
1964	17,225	2,547	21,684	4,382	45,838	2.54
1965	17,570	2,784	23,309	4,820	48,483	2.65
1966	17,956	2,957	25,218	5,347	51,478	2.76
1967	18,294	3,185	27,089	5,839	54,407	2.94
1968[3]	48,831	10,536	----------	----------	59,367	----------

[1] International classification of diseases.
[2] Total cancer deaths in the United States divided by total deaths in the United States.
[3] Provisional data after change in ICD code.

Source: Vital Statistics of the United States, U.S. Department of Health, Education, and Welfare

TABLE 2.—AGE-ADJUSTED DEATH RATES FOR CANCER OF THE BRONCHUS, TRACHEA, AND LUNG, SPECIFIED AS PRIMARY (ICD 162)[1]

Year	White			Nonwhite		
	Male	Male/female	Female	Male	Male/female	Female
1950	[2]9.0262	5.75	1.5681	7.3147	4.45	1.6448
1951	9.8980	6.35	1.5590	8.5234	5.90	1.4435
1952	11.2547	6.50	1.7319	9.5858	5.82	1.6476
1953	12.1478	7.33	1.6564	10.7242	5.68	1.8875
1954	12.3711	6.68	1.8532	11.7023	6.02	1.9446
1955	13.8959	7.24	1.9204	12.1890	5.99	2.0336
1956	15.3066	7.71	1.9865	14.5950	7.13	2.0472
1957	15.7190	7.68	2.0467	15.3251	7.79	1.9664
1958	16.8004	7.79	2.1567	15.9976	7.97	2.0073
1959	17.9293	7.90	2.2700	16.9123	6.25	2.7043
1960	18.8648	8.21	2.2976	19.2059	9.20	2.0875
1961	19.6419	7.73	2.5412	19.7525	8.59	2.3004
1962	18.8512	7.84	2.4040	18.4756	8.74	2.1130
1963	18.5807	7.58	2.4510	20.1993	8.04	2.5101
1964	19.2513	7.85	2.4531	19.6004	7.38	2.6563
1965	19.4371	7.25	2.6807	20.1912	7.73	2.6111
1966	19.4679	7.04	2.7658	22.4631	7.93	2.8380
1967	19.6869	6.67	2.9525	22.1029	7.62	2.9011

[1] Patterns in Cancer Mortality in the United States: 1950–67: National Cancer Institute Monograph 33, May 1971.
[2] Death rate per 100,000 live population.

TABLE 3.—AGE ADJUSTED DEATH RATES FOR CANCER OF THE LUNG, UNSPECIFIED AS PRIMARY OR SECONDARY (ICD 163)[1]

Year	White			Nonwhite		
	Male	Male/female	Female	Male	Male/female	Female
1950	[2]12.1314	3.94	3.0719	8.3093	3.73	2.2292
1951	12.5712	4.09	3.0737	9.2560	3.46	2.6725
1952	12.9974	4.16	3.1191	9.5331	3.78	2.5232
1953	14.1821	4.66	3.0421	10.9934	4.60	2.3914
1954	15.0565	5.26	2.8645	10.8760	4.94	2.2016
1955	15.4110	5.29	2.9148	11.2471	3.83	2.9386
1956	16.0436	5.29	3.0339	12.4834	4.69	2.6623
1957	16.8938	5.69	2.9793	13.6567	4.72	2.8938
1958	16.8622	5.49	3.0712	13.5643	4.23	3.2054
1959	17.2751	5.78	2.9882	15.3694	4.94	3.1095
1960	17.7769	5.80	3.0628	17.0247	4.81	3.5407
1961	18.9269	5.75	3.2888	17.0460	5.14	3.3193
1962	21.3456	5.86	3.6450	20.1695	5.16	3.9060
1963	22.9552	5.80	3.9565	23.2247	5.26	4.4159
1964	24.4104	5.80	4.2055	23.2647	5.51	4.2255
1965	25.8771	5.72	4.5226	26.0590	5.50	4.7342
1966	27.5403	5.61	4.9062	29.6241	5.49	5.3986
1967	29.2722	5.53	5.2898	31.9558	5.78	5.5267

[1] Patterns in Cancer Mortality in the United States: 1950-67: National Cancer Institute Monograph 33, May 1971.

[2] Death rate per 100,000 live population.

TABLE 4.—LIFE EXPECTANCY AND DISTRIBUTION OF DEATH RATES BY AGE

	Probability of living to age											
	20				40				60			
	White		Nonwhite		White		Nonwhite		White		Nonwhite	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Born in—												
1900–28	.76	.79	.57	.59	.65	.68	.43	.46	.46	.51	.24	.28
1929–31	.89	.91	.84	.85	.81	.84	.65	.67	.62	.68	.37	.39
1967	.96	.97	.94	.95	.93	.96	.85	.91	.76	.87	.60	.73

Source: Vital Statistics of the United States 1967, Vol. II—Mortality-Part A—Table 5-5; U.S. Department of Health, Education and Welfare.

TABLE 5.—AGE-ADJUSTED DEATH RATES FROM CANCER OF THE BRONCHUS, TRACHEA, AND LUNG, SPECIFIED AS PRIMARY (I.C.D. 1962)

	Male		Female	
	White	Nonwhite	White	Nonwhite
Alabama	[1]22.309	14.630	3.143	2.152
Alaska	18.688	1.670	3.664	3.682
Arizona	19.778	11.280	2.695	2.051
Arkansas	14.322	6.440	1.861	1.466
California	21.658	20.562	3.483	3.767
Colorado	13.986	15.459	2.183	2.376
Connecticut	10.258	11.280	1.269	1.398
Delaware	22.576	31.800	3.507	3.901
Florida	17.935	14.430	2.303	1.477
Georgia	20.195	12.796	2.787	1.818
Hawaii	23.598	12.566	2.285	4.849
Idaho	10.199	5.585	1,536	1.531
Illinois	81.130	24.966	2.424	3.329
Indiana	14.646	23.379	1.826	3.214
Iowa	10.273	18.157	1.297	1.705
Kansas	10.074	14.015	1.366	1.161
Kentucky	11.473	14.450	1.656	2.273
Louisiana	19.291	14.382	1.778	1.507
Maine	15.144	4.652	1.740	1.222
Maryland plus District of Columbia	18.612	25.894	2.083	2.598
Massachusetts	10.246	14.346	1.279	2.073
Michigan	15.062	17.179	1.828	2.294
Minnesota	11,261	18.245	1.857	1.837
Mississippi	14.929	6.935	1.810	1.118
Missouri	14.244	17.098	1.917	2.559
Montana	12.087	7.312	1.458	3.687
Nebraska	21.646	35.143	3.485	6.281
Nevada	15.831	8.839	2.172	5.574
New Hampshire	10.540	0	1.345	0
New Jersey	14.727	16.413	1.915	2.473
New Mexico	9.466	1.446	1.843	.654
New York	20.028	22.267	2.548	2.630
North Carolina	14.823	9.767	2.131	1.902
North Dakota	7.423	19.947	1.674	0
Ohio	16.042	24.337	2.276	2.964
Oklahoma	10.549	7.686	1.373	1.128
Oregon	18.030	19.118	2.592	4.334
Pennsylvania	14.361	23.757	1.940	3.115
Rhode Island	20.305	21.744	2.146	3.200
South Carolina	13.179	7.119	1.634	.948
South Dakota	12.787	13.877	2.151	3.988
Tennessee	14.455	13.212	1.628	1.768
Texas	20.347	16.294	2.960	2.388
Utah	12.592	12.741	1.567	6.365
Vermont	12.064	13.340	1.331	0
Virginia	13.290	10.395	1.886	1.325
Washington	16.131	16.561	2.232	2.958
West Virginia	12.166	13.208	1.819	2.049
Wisconsin	11.669	26.470	1.512	3.419
Wyoming	10.984	9.526	1.551	0
United States	16.282	16.305	2.219	2.233

[1] Death rate per 100,000 live population.

Source: "Patterns in Cancer Mortality in the United States: 1950–67:" National Cancer Institute Monograph 33, May 1971.

TABLE 6.—AGE-ADJUSTED DEATH RATES FROM CANCER OF THE LUNG, UNSPECIFIED AS PRIMARY OR SECONDARY (I.C.D. 163)

	Male		Female	
	White	Nonwhite	White	Nonwhite
Alabama	[1]10.728	6.751	1.828	1.312
Alaska	23.441	19.239	4.169	4.897
Arizona	18.128	8.292	3.411	2.388
Arkansas	16.188	8.578	2.983	2.411
California	15.592	14.667	3.290	3.625
Colorado	12.876	15.570	2.748	3.177
Connecticut	28.192	35.754	4.559	5.829
Delaware	17.646	18.182	3.273	4.292
Florida	24.057	18.566	4.090	3.433
Georgia	15.320	10.942	2.397	2.154
Hawaii	24.475	19,334	7.092	7.056
Idaho	11.323	11.246	2.653	1.965
Illinois	18.779	17.602	3.607	4.343
Indiana	18.632	22.167	3.596	3.690
Iowa	16.711	29.572	3.070	8.301
Kansas	17.363	20.678	3.144	3.530
Kentucky	16.639	22.664	4.122	5.083
Louisiana	29.454	20.975	4.566	3.763
Maine	19.805	7.999	3.696	9.106
Maryland plus the District of Columbia	26.707	23.722	4.061	3.818
Massachusetts	26.541	30.110	4.413	5.634
Michigan	21.324	25.989	3.656	4.786
Minnesota	11.647	16.879	2.610	3.609
Mississippi	19.141	10.261	3.333	3.005
Missouri	20.602	23.898	3.559	4.762
Montana	17.337	41.960	2.974	7.565
Nebraska	4.322	4.859	1.004	1.617
Nevada	23.440	18.151	5.203	2.930
New Hampshire	26.337	33.764	4.450	0
New Jersey	23.845	23.342	3.876	4.213
New Mexico	13.592	6.547	3.977	2.565
New York	21.228	23.252	4.053	4.476
North Carolina	12.890	10.495	2.086	1.897
North Dakota	11.571	16.904	2.578	16.723
Ohio	19.496	23.149	3.678	4.333
Oklahoma	22.152	14.007	4.295	4.185
Oregon	13.795	18.465	2.914	1.949
Pennsylvania	21.145	24.746	3.808	4.637
Rhode Island	20.078	25.837	3.084	5.623
South Carolina	22.229	13.049	3.906	3.202
South Dakota	9.428	8.345	2.135	3.022
Tennessee	16.210	12.079	3.490	3.329
Texas	15.299	14.414	3.026	3.310
Utah	8.467	14.184	1.392	1.464
Vermont	22.917	28.833	3.884	0
Virginia	23.288	22.208	4.135	4.031
Washington	16.190	20.162	3.373	3.832
West Virginia	20.213	25.653	3.874	3.996
Wisconsin	13.252	16.129	2.782	4.047
Wyoming	13.608	15.924	2.634	13.033
United States	19.135	17.591	3.560	3.565

[1] Death rate per 100,000 live population.

Source: "Patterns in Cancer Mortality in the United States 1950–67": National Cancer Institute Monograph 33, May 1971

TABLE 7.—MALIGNANT NEOPLASM OF LUNG, BRONCHUS, AND TRACHEA

[The figures in parentheses show rank order]

Country	Male								Female								Sex ratio, 1964–65
	1950–51	1952–53	1954–55	1956–57	1958–59	1960–61	1962–63	1964–65	1950–51	1952–53	1954–55	1956–57	1958–59	1960–61	1962–63	1964–65	
South Africa	19.54	22.24	26.13	28.33	29.37	32.46	32.29	36.71 (11)	5.67	5.47	4.72	6.63	5.83	6.23	6.14	6.52 (6)	563
Canada	14.26	16.97	19.36	21.59	23.35	25.41	28.77	30.83 (16)	3.05	3.42	3.76	3.48	3.49	3.64	4.32	4.73 (13)	652
Chile	9.88	--------	11.22	12.62	12.58	13.64	13.57	13.83 (23)	5.35	--------	4.74	4.40	4.48	5.01	4.81	4.69 (14)	291
United States, white	18.44	21.39	34.03	27.17	29.37	31.36	33.90	36.36 (10)	8.83	3.95	3.97	4.20	4.41	4.69	5.22	5.83 (9)	632
United States, nonwhite	14.51	17.83	20.33	25.17	28.23	31.08	34.66	37.72 (9)	3.44	3.72	4.07	4.28	4.91	4.77	5.55	6.09 (8)	619
Israel	12.94	12.95	16.42	17.70	17.86	19.10	17.35	20.83 (20)	5.76	5.94	5.13	7.82	7.72	6.59	6.03	6.75 (4)	309
Japan	2.65	3.61	5.25	7.07	8.64	9.97	11.45	12.64 (24)	1.02	1.37	1.94	2.58	3.25	3.76	4.09	4.46 (15)	233
Germany, Federal Republic of		22.39	26.16	29.52	31.64	34.73	23.37	40.39 (7)	--------	3.81	4.03	4.14	4.23	4.50	4.80	5.15 (11)	784
Austria		38.78	40.01	49.15	45.92	48.95	48.89	49.39 (5)	--------	5.30	5.18	6.14	6.30	5.56	5.99	5.70 (16)	866
Belgium			25.92	29.74	31.90	37.89	42.14	16.72 (6)	--------	--------	3.56	3.45	3.65	3.94	4.23	4.41 (16)	1,059

Footnotes at end of table.

TABLE 7.—MALIGNANT NEOPLASM OF LUNG, BRONCHUS, AND TRACHEA—Continued

[The figures in parentheses show rank order]

Country	Male								Female								Sex ratio, 1964-65
	1950-51	1952-53	1954-55	1956-57	1958-59	1960-61	1962-63	1964-65	1950-51	1952-53	1954-55	1956-57	1958-59	1960-61	1962-63	1964-65	
Denmark		17.77	19.58	23.30	25.59	29.75	32.14	35.84(12)		4.21	4.26	4.40	4.50	5.50	5.93	6.57(5)	546
Finland		43.26	44.82	47.44	55.08	55.98	39.19	60.72(3)		4.22	4.26	3.84	4.07	3.25	3.85	3.77(20)	1,611
France	10.70	13.24	15.62	18.13	19.81	22.22	23.77	25.55(19)	3.11	3.18	3.28	3.39	3.37	3.38	3.58	3.57(21)	716
Ireland	11.02		18.07	21.25	22.26	26.09	26.89	28.88(17)	3.57		5.55	5.82	5.28	5.75	6.90	7.01(3)	412
Italy		11.35	13.79	17.00	18.55	21.46	23.81	27.57(18)		2.84	3.08	3.44	3.42	3.92	4.03	4.34(17)	635
Norway		7.20	8.22	8.86	10.64	12.32	12.62	13.89(22)		2.65	2.45	2.41	2.48	2.51	2.58	2.57(24)	540
Netherlands	23.78	26.41	29.97	33.84	37.30	42.32	47.47	51.12(4)	3.29	2.92	3.01	3.13	3.00	3.40	3.34	3.39(22)	1,508
Portugal				7.23	7.86	8.72	9.70	10.09(25)				2.46	2.05	2.37	2.44	2.19(25)	461
England and Wales	39.08	44.49	50.49	54.75	58.90	62.22	65.05	67.72(2)	5.85	6.24	6.50	6.91	7.34	8.10	8.80	9.70(2)	698
Scotland	38.59	46.32	50.30	56.30	61.91	65.06	71.57	75.55(1)	7.72	7.24	7.51	7.69	8.95	8.71	9.38	11.44(1)	660
Northern Ireland	20.47	22.78	28.46	33.76	34.05	36.24	38.51	39.49(8)	3.32	4.60	4.87	6.17	6.18	5.19	6.14	6.30(7)	627
Sweden		9.60	10.34	11.17	13.08	11.49	15.19	16.44(21)		3.74	3.45	3.80	4.03	3.71	3.85	3.78(19)	435
Switzerland		23.68	26.20	27.20	28.83	30.32	31.70	33.39(15)		2.96	3.00	3.19	3.05	2.96	2.70	3.23(22)	1,018
Australia	13.89	17.29	19.42	22.48	24.57	27.66	31.52	34.58(14)	2.88	3.33	2.94	3.26	3.21	3.47	3.80	4.19(18)	825
New Zealand	17.42	21.20	23.81	27.44	28.37	28.52	34.33	35.72(13)	2.89	3.17	2.67	3.44	3.78	4.41	4.80	4.92(12)	726

Source: "Cancer Mortality for Selected Sites in 24 Countries No. 5 (1964–1965)," Department of Public Health, Tohoku University, Sendai, Japan, August 1969.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and at 9:15 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 9:25 p.m., when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had receded from its disagreement to the amendments of the Senate numbered 1 and 2 to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation, and concurred therein; and that the House had receded from its disagreement ot the amendment of the Senate to the title of the bill and concurred therein.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 88) providing for an adjournment of the two Houses from June 30, 1972 to July 17, 1972.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 979. An act to amend the Act of September 30, 1965, relating to high-speed transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes.

S. 3343. An act to amend title 38, United States Code, to increase the maximum of the grant payable for specially adapted housing for disabled veterans.

H.R. 14734. An act to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes.

H.R. 15585. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes.

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes.

H.J. Res. 1238. Joint resolution making a supplemental appropriation for disaster relief.

The enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

ADDITIONAL COSPONSORS OF A BILL

S. 555

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. HUGHES), the Senator from Vermont (Mr. STAFFORD), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 555, a bill to authorize the establishment of an older worker community service employment program.

EXPRESSIONS OF APPRECIATION

Mr. MANSFIELD. Mr. President, if there be no further business——

Mr. SCOTT. Mr. President, before the motion to adjourn is made, let me express my thanks to all of the staff of the Senate, to the leadership of the Democratic Party, to the members and leaders of the Republican Party, and to all our colleagues for their kindness and for their cooperation during a period in which, in spite of many difficulties, we somehow still managed to keep the business of the country going.

I hope everyone will have a nice rest and come back ready to work very hard because, indeed, there is a very big backlog waiting for us. I assure the distinguished majority leader of my cooperation in helping to get our work done as early as possible so that we may end the session as soon as possible.

Mr. MANSFIELD. Mr. President, I wish to reciprocate the sentiments that have been expressed by the distinguished Republican leader. His cooperation has been most essential and necessary to keep the business of the Senate on an even keel.

May I say that personally I could not work with a better man opposite me. I am indebted to him and the entire Senate for the cooperation that has been shown consistently down through the years and particularly in this session.

PROGRAM FOR SESSION BEGINNING JULY 17, 1972

Mr. ROBERT C. BYRD. Mr. President, the leadership urges all Senators to plan on lengthy sessions daily, 6 days each week, following Senate's return July 17. A very heavy, tough, and controversial workload confronts the Senate at that time. For example, the following measures speak for themselves:

First. Foreign Assistance Act.
Second. Minimum wage bill.
Third. Welfare bill.
Fourth. No-fault insurance.
Fifth. Maritime bill.
Sixth. Marine mammals.
Seventh. Military construction appropriation bill.
Eighth. Agriculture appropriation bill.
Ninth. Supplemental appropriation bill.
Tenth. Foreign aid appropriation bill.
Eleventh. Defense appropriation bill.
Twelfth. Revenue sharing.
Thirteenth. SALT Treaty and the Interim Agreement on Offensive Weapons.
Fourteenth. Plus others.

ADJOURNMENT TO MONDAY, JULY 17, 1972

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move in accordance with Senate Concurrent Resolution 88, which has been agreed to by both Houses, that the Senate stand in adjournment until 12 o'clock noon on Monday, July 17, 1972.

The motion was agreed to; and at 9:29 p.m. the Senate adjourned until Monday, July 17, 1972, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 30 (legislative day of June 28), 1972:

U.S. Army

Gen. William C. Westmoreland, [redacted], Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. John Hersey Michaelis, [redacted], Army of the United States (major general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general, Medical Corps

Brig. Gen. Richard Ray Taylor, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general, Medical Corps

Col. Robert Wesley Green, [redacted], Medical Corps, U.S. Army.

Col. Marshall Edward McCabe, [redacted], Medical Corps, U.S. Army.

Col. Charles Calvin Pixley, [redacted], Medical Corps, U.S. Army.

U.S. Navy

Rear Adm. Marmaduke G. Bayne, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

U.S. Marine Corps

Lt. Gen. John R. Chaisson, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

Maj. Gen. Foster C. LaHue, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general whole so serving.

U.S. Air Force

The following officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. John W. O'Neill, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Edmund F. O'Connor, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

Department of Commerce

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce.

Robert J. Blackwell, of Virginia, to be Assistant Secretary of Commerce for Maritime Affairs.

Federal Maritime Commission

Ashton C. Barrett, of Mississippi, to be a Federal Maritime Commissioner for the term expiring June 30, 1977.

Superior Court of the District of Columbia

Samuel B. Block, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of years prescribed by Public Law 91–358, approved July 29, 1970.

Robert H. Campbell, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

Joseph M. Hannon, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

Margaret A. Haywood, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of years prescribed by Public Law 91–358, approved July 29, 1970.

John R. Hess, of Virginia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

Luke C. Moore, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

Donald S. Smith, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

Joint Chiefs of Staff

Adm. Thomas Hinman Moorer, U.S. Navy, for reappointment as Chairman, Joint Chiefs of Staff, for an additional term of 2 years.

In the Army

Army nominations beginning P. D. Ackerman, Jr., to be colonel, and ending Eugene W. Young, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 1972.

In the Navy

Navy nominations beginning John F. Calhoun, to be commander, and ending James A. Morgart, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on June 15, 1972.

HOUSE OF REPRESENTATIVES—*Friday, June 30, 1972*

The House met at 12 o'clock noon.

Rabbi Meyer M. Abramowitz, Temple B'rith Sholom, Springfield, Ill., offered the following prayer:

God of all mankind, standing in this historic Chamber, we recall the vision of the founders of our Nation. We admire their zealous dedication and pray for the fortitude never to veer from their noble aims. May we emulate their prophetic boldness, their sincere dedication, and educated wisdom, as we meet the problems of our day.

Enlighten with Your wisdom, O God, and sustain with Your power, those who we, the people, have set in authority. Be their stay and support in the fulfillment of their awesome trust, to guarantee the implementation of the letter and spirit of our Constitution for all the inhabitants of our land, to provide equal opportunity of learning and labor and well-being, for all our citizens, and shelter for those who seek refuge with us from tyranny.

Grant us the will to pursue peace relentlessly. May the blight of war be banished, and freedom prevail among all Your children everywhere, with none to make them afraid. May America stand unsurpassed as a citadel of human fellowship in a free and peaceful world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes.

The message also announced that the Senate had passed with amendments in mittee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13955) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to the report of the com- which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 56. An act to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System.

The message also announced that the Senate agrees to the amendment of the House, with an amendment to a bill of the Senate of the following title:

S. 3343. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2577. An act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; and

S.J. Res. 245. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month."

THE SAGA OF H. R. GROSS

The SPEAKER. The Chair is going to recognize first of all for a 1-minute speech the collator of the strongest two-man party in the House, the gentleman from Missouri, Dr. Hall.

Mr. HALL. Mr. Speaker, today will mark the last time that this "lame duck" will have the opportunity to stand before this body and salute the birthday of my close friend, and our colleague, the gentleman from Iowa, the Honorable H. R. Gross. To commemorate the occasion I have, on this day, set pen to paper to record in rhyme what has long been in my heart. What will undoubtedly become an epic is entitled very simply:

THE SAGA OF H. R. GROSS

H. R. Gross is a friend, tried and true.
The conscience of the House, a conservative clear through.
His knowledge is awesome, his wit keen and ready,
His A.C.U. rating stands at 98 and steady.
When the quorum bells ring every day loud and clear,
It's H.R.'s way of saying that it is lonely in here.
In debate he's incisive, probing, tenacious,
But winner or loser, he's always been gracious.
We are glad you are here, "H.R. one forty four,"
The taxpayers are secure when you're on the floor.
Happy birthday to you from your colleagues young and old,
For after the Lord made you, He destroyed the mold.

Mr. Speaker, it is my fervent wish that Harold Royce Gross will have a happy day, and in the future will continue to be as productive and capable as he has been in the past.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1238, SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order at any time today to call up House Joint Resolution 1238, making a supplemental appropriation for disaster relief.

Mr. Speaker, this has been reported out unanimously by the Committee on Appropriations, and needs to be taken care of before we adjourn.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may we have an explanation from the chairman of the Committee on Appropriations about this bill, its current status and its parliamentary progress through the Congress as a whole, as well as what we might expect as to timing?

Mr. MAHON. Mr. Speaker, if the gentleman would yield, I would say to my friend, the gentleman from Missouri, that, as a result of the disastrous floods which have recently occurred, there is great loss and suffering throughout much of the eastern part of the United States. The Director of the Office of Management and Budget, Mr. Weinberger, advised me by telephone earlier this week that the President would send us a budget estimate for $100 million. This was done on June 27—3 days ago.

The Committee on Appropriations met on the 28th of June and reported this joint resolution favorably. We were told that it was urgent that the Congress act on the matter before the scheduled recess today.

We were told by Mr. Lincoln, the head of the Office of Emergency Preparedness, that perhaps for a couple of months they could get along with $100 million which is supplementary to the $92.5 million in the regular 1973 bill for this purpose.

There seems to be the general feeling that ultimately the recent disaster will cost the Government considerably more than what we are now providing.

So, an amendment to the resolution was adopted in the Committee on Appropriations, raising the figure to $200 million.

Similar action has been taken by the other body in another bill.

Thus, a $200 million resolution will be called up in the House if the unanimous-consent request is granted.

Mr. HALL. Mr. Speaker, further reserving the right to object, I appreciate the gentleman's detailed explanation, and in fact, Mr. Speaker, he had previously coordinated it on the floor; and I think we recognize, as I said yesterday in the debate on the Small Business Administration extravaganza that was perpetrated on the House as an "urgent" and "dire emergency" even unto the wee small hours this morning but which we now learn is going to have extensive hearings over in committee in the other body, and will be finally considered at some distant date; that this, of course, involved only authorizing legislation and jurisdictional control, as I said on the floor.

Mr. Speaker, this is the proper way to go about it, but I still would like to know what the current legislative status is if we must accomplish it before we adjourn for the recess, and the gentleman's party's convention—including the Independence Day celebration. What is its status in the other body; will ever the twain be meshed; and what can we expect today other than just unanimous consent to bring it on the floor from the gentleman's committee?

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, I am advised on good authority that it is the intention of the other body to act on the resolution promptly, so I would hope that this body would also pass it promptly. It supplements the disaster fund, the expenditure and the commitment from which are determined by existing law, and is not related to the bill which the House considered last night.

Mr. HALL. That is exactly the point I made last night in the colloquy. This is the proper way to do it, and I have no objection to what the gentleman is asking to do. Indeed, I shall not object, but I wonder if in the other body the $100 million or $200 million is attached to the same vehicle that the gentleman expects to bring out, and/or how are we going to get the two together?

Mr. MAHON. The other body added $200 million for disaster aid to the Labor-HEW appropriation bill. It does not belong on that bill because it is not pertinent to that bill. Of course, we have not gone to conference on that bill and will not before the impending recess.

I feel confident that the other body will accept this joint resolution and that it can be enacted into law very quickly.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. CEDERBERG. Mr. Speaker, further reserving the right to object Mr. Speaker, and I shall not object, but I think we ought to make just a little history on this because as the gentleman correctly stated we passed out the $200 million appropriation from our committee and the other body put $200 million on the HEW-Labor appropriation bill.

It is my understanding that what will happen over there is that if this is passed by this body it will go over there and they will pass it. But we have to remember we still have that $200 million on the HEW-Labor appropriation bill.

I think that we ought to have a very strict understanding here on the floor of the House that this will come out in conference—otherwise we are talking about $400 million and not $200 million.

I see the distinguished chairman of that subcommittee, the gentleman from Pennsylvania (Mr. Flood) and I wonder if he could give us any assurance along that line.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. CEDERBERG. I yield to the gentleman from Texas.

Mr. MAHON. I would say that we are not, under any circumstances, going to accept the additional $200 million that is attached to the Labor-HEW bill. It may be that further additional funds will be required. We have been advised by the administration that after the damages have been more accurately assessed a supplemental budget, if required, will be submitted at some later date. But there is no likelihood in the remotest sense, in my judgment, that the House would agree to the $200 million in the Labor-HEW bill.

Mr. CEDERBERG. This is a statement that the gentleman made in the full committee.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I am delighted to yield to the gentleman from Pennsylvania.

Mr. FLOOD. Let me answer the gentleman's second question, if you do not mind.

Make no mistake about this—if you think you are making a grand gesture today by passing this $200 million you are doing what you should do, but you are not doing a great thing.

The situation with which we are confronted today is the greatest civil disaster in the history of this Republic—exclamation mark. Make no mistake about that.

You are going to consider, as the chairman said, in proper order—you are looking now at at least one-half billion dollars right smack between the eyes on this present disaster. Be sure of that—the action you are taking now in the long range and in the proper order, and as will follow in the hearings, and I am sure this will pass in the Senate.

I knew about the action taken by the other body on the Labor-HEW bill.

That will not be before us prior to the recess. I knew they were doing that. But out of an abundance of caution do not think that this is a largess as of today.

I agree with the chairman that this should not be considered in the Labor-HEW bill and I have advised them already by telephone of that fact. But do not forget, this is no big deal today—the $200 million—not a bit.

Mr. CEDERBERG. I can appreciate the gentleman's statement but I think it is important for the RECORD, and I can understand the problem that the gentleman from Pennsylvania and others have with reference to this crisis, and he is serving his people extremely well.

But there are orderly ways in which we should do it. And we just want to be sure that if additional funds are requested we would use the right method in order to accomplish the objective that we want to accomplish.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman.

Mr. GROSS. I should like to ask the gentleman from Texas if this procedure and bill will have the support of the new coalition that emerged in the House yesterday.

Mr. MAHON. Not having been a part of what the gentleman refers to as "the new coalition of yesterday," I am not sure, but I suspect that this $200 million resolution will pass unanimously.

Mr. CEDERBERG. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

RESIGNATION OF SERGEANT AT ARMS

The SPEAKER laid before the House the following letter of resignation from the Sergeant at Arms:

WASHINGTON, D.C.,
June 8, 1972.

Hon. CARL ALBERT,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as Sergeant at Arms of the U.S. House of Representatives effective at the close of business June 30, 1972.

Sincerely,
ZEAKE W. JOHNSON, Jr.,
Sergeant at Arms.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT OF ZEAKE W. JOHNSON, JR.

The SPEAKER. Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 U.S.C. 75a–1(a)), the Chair appoints, effective July 1, 1972, Zeake W. Johnson, Jr., of Tennessee, to act as and to exercise temporarily the duties of Sergeant at Arms of the House of Representatives.

Mr. Zeake W. Johnson, Jr., appeared at the bar of the House and took the oath of office.

CALL OF THE HOUSE

Mr. CLEVELAND. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 255]

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Ashley
Badillo
Baring
Bell
Blatnik
Boggs
Boland
Bolling
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burton
Cabell
Caffery
Celler
Chisholm
Clark
Clawson, Del
Clay
Colmer
Conyers
Culver
Curlin
Davis, S.C.
Dellums
Dent
Diggs
Dingell
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Erlenborn
Evins, Tenn.
Findley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Fuqua
Gallagher
Garmatz
Giaimo
Gray
Griffiths
Grover
Hagan
Hanna
Harsha
Hays
Hébert
Holifield
Hosmer
Howard
Jones, N.C.
Karth
Kee
Keith
Kluczynski
Landrum
Lennon
Link
Lujan
McCulloch
McDade
McDonald, Mich.
McKinney
Martin
Mathias, Calif.
Metcalfe
Michel
Miller, Calif.
Mosher
Moss
O'Hara
Passman
Pelly
Pike
Poage
Poff
Pryor, Ark.
Rarick
Reid
Riegle
Roberts
Rousselot
Ruppe
Scheuer
Schwengel
Scott
Shoup
Sikes
Skubitz
Steiger, Ariz.
Stephens
Teague, Calif.
Udall
Waldie
Wilson, Charles H.
Wydler
Wylie

The SPEAKER. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

WASHINGTON, D.C.,
June 29, 1972.

Hon. CARL ALBERT,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Due to new and increased demands upon my time, I respectfully tender my resignation as a member of the Select Committee on House Restaurants effective upon the earliest possible date of its acceptance.

I have enjoyed working with this committee and wish to particularly commend Chairman Wayne L. Hays of the House Administration Committee for his efforts in improving food and services and reducing the operating costs as well.

Respectfully,
HAROLD R. COLLIER.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LACK OF PUBLIC TRUST IS WELL-DESERVED

Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, recent public opinion polls show that the public is skeptical about the promises of politicians.

Why is this?

I think I can show that this lack of trust is probably well-deserved by some politicians whose promises and statements do not even come close to reality.

I have in my hand a campaign brochure printed by the "Committee for the Reelection of the President" that states:

> President Nixon has submitted proposals to Congress which would increase Social Security benefits to the nation's elderly by one-third.

Mr. Speaker, anyone who knows anything about the administration's record of foot-dragging and negativism on social security would be shocked by this statement alleging that the President favors a 33-percent increase of social security benefits.

If the President favors social security increases, why did he oppose the 15-percent increase granted by Congress on December 30, 1969?

If the President favors social security increases, why did he threaten to veto the 10-percent increase granted by Congress on March 17, 1971?

If the President favors social security increases, why did he opposing the 20-percent increase that is presently before the Congress?

These questions deserve an answer.

But, instead of answers, instead of positive proposals, all we hear from the White House are noises about a possible veto because of "inflation."

Mr. Speaker, I am becoming increasingly convinced that whenever the Congress suggests a reasonable increase in social security benefits; a knee-jerk, Pavlovian reaction automatically goes off in the White House labeling such a move as "inflationary."

Is there any doubt that many politicians are deserving of this lack of trust by the public?

I think not.

IS BEGGING BETTER THAN BOMBING?

(Mr. PEYSER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEYSER. Mr. Speaker, I was deeply shocked this morning by an article in the paper which reported a speech by Senator McGovern in South Carolina in which he said:

> Begging is better than bombing. I would go to Hanoi and beg if I thought that it would release our boys one day earlier.

I have disagreed with Senator McGovern's past statements calling for legalization of marihuana, national abortion laws, $1,000 handout programs, and increased taxing of the middle-income group; but I have never felt the shame for him and those candidates and public officials who have endorsed him, as I did when he made his statement that "begging is better than bombing."

I truly fear for the future of this great land of ours if we had a leader who is ready and willing to go begging to the Communist capitals of the world. I am not ashamed of the United States and I do not feel we have to go on our knees to any other country.

PROOF OF THE ECONOMY'S VITALITY CONTINUES TO ACCUMULATE

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, solid evidence of the strength of our economy is becoming commonplace. Hardly a week goes by without another indication that the economy is expanding at a healthy rate, and providing jobs and income in growing quantities.

The statistics for the month of May, most of which have been released within the last several weeks, typify this undeniable evidence of economic expansion. For example, in May—

Employment grew by almost 190,000, seasonally adjusted, at an annual rate of 2.3 million jobs;

The Federal Reserve's index of industrial production rose five-tenths of a point for the ninth consecutive monthly increase, indicating strong expansion in the manufacturing sector;

Housing starts totaled 2.3 million units at a seasonally adjusted annual rate, bringing to 13 the number of consecutive months this indicator has exceeded 2 million;

The index of leading economic indicators rose four-tenths of 1 percent in May, the 11th successive monthly rise in this index since the years 1964–65; and

Average weekly earnings of American workers, measured in dollars of constant purchasing power, rose two-tenths of 1 percent, bringing the increase over the previous 12 months to nearly 3 percent, the largest gain since 1964.

There can now be no question about the economy's strength, due in significant part to the administration's economic policies. Moreover, these policies have helped restrain cost and price increases to insure that the income and production gains are real, and not eaten up by inflation.

ARGENTINA SENDS BEEF TO AMERICA?

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, the same day that brought news of the elimination of quotas on the imports of cheap foreign beef into the United States came reports such as the following. The following UPI story from Buenos Aires indicates how quickly our friends abroad will take unfair advantage of the American cattle farmer and the American consumer and housewife. This clipping is from the same issue of the Columbia, S.C., State that announced in headlines the lifting of quotas:

> ARGENTINA CURBS ON BEEF SALES NOW EFFECTIVE
>
> BUENOS AIRES (UPI).—New restrictions on the sale of beef will become effective Monday in Argentina, a country renowned for the quality and abundance of its meat.
>
> In an effort to increase the amount of beef available for export, the military government has broadened current restrictions on its sale domestically by decreeing that beef can be sold legally in Argentina only one week in every three.
>
> Under the new law, no beef may be sold for two consecutive weeks but in the third week beef sales will be permitted.

THE BUSING ISSUE

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, last night the distinguished chairman of the Rules Committee, Mr. Colmer, showed us the way out of the quagmire which has engulfed the issue of school busing for racial balance.

Mr. Colmer pledged to take up House Joint Resolution 620 in the Rules Committee on August 1 if the Judiciary Committee has not brought the legislation to the floor by that time.

I applaud Mr. Colmer for his proposal, for as I have said on many occasions in the past several months, if we recess without taking effective action on busing, we will have abdicated our responsibility in a flagrant and inexcusable way.

The antibusing provision attached to the higher education bill recently passed is not a solution to anything, a point I made when that legislation was being debated. I am not satisfied with it, and neither are a great many of my colleagues.

We have a responsibility to face this issue squarely and settle it once and for all. Delays are not sufficient, and the people will not be satisfied with mere moratoriums for very long.

We have already had legislation introduced that would deal much more effectively with the busing issue. I have introduced a constitutional amendment which would prohibit the assignment of students to schools on the basis of race, and thus eliminate the pretext under which massive busing orders have been issued.

President Nixon has offered legislation which would set strict guidelines on the use of busing, and which would restrict or eliminate many busing orders already in effect, in addition to those issued in the future.

And there are many other legislative proposals that have been introduced that would be far more effective than the very mild restraints we placed on busing orders recently with the higher education bill.

The busing issue has become the single most volatile and controversial issue on the American domestic scene. The people are rightly demanding that we act on this issue, and act now.

I believe we should not even think of recessing until we get this issue resolved by passing meaningful and effective legislation to banish forced busing once and for all from the educational process in America.

RETIREMENT OF WILLIAM CHILDS WESTMORELAND

(Mr. MANN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, I take the floor of this House today to express on behalf of myself and I believe on behalf of a grateful nation, appreciation for the four decades of dedicated service of William Childs Westmoreland. This native of Spartanburg County, S.C., in the congressional district that I am privileged to serve, entered the U.S. Military Academy at West Point in 1932, 40 years ago. Today he concludes 40 years of brilliant and distinguished service to his country with a retirement ceremony at Fort Myer.

Earlier this week the President of the United States awarded the third Oak Leaf Cluster to the Distinguished Service Medal to General Westmoreland. Among other things the citation said—

> During a period marked by significant changes in national strategy and priorities, General Westmoreland's outstanding professional ability, personal integrity, and untiring leadership efforts were an inspiration to all the Army.

And:

> His exceptional leadership and selfless dedication to duty throughout this period

are the hallmarks of his brilliant career. A grateful Nation recognizes that General Westmoreland's long and distinguished service, covering three wars and more than thirty-six years of devoted duty, has been in the finest traditions of the military profession. His loyal and illustrious service to the United States, in successive positions of the greatest responsibility, reflects the highest credit upon himself, the Army, and the Nation.

Mr. Speaker, the Fourth District of South Carolina is proud to have given the Nation this distinguished soldier. I do not believe that we have heard the last of him. His life of service is not over, because he is motivated to serve his country and his fellow man. I believe that he will do so as long as he draws breath. We can wish for him satisfaction for a job well done, and further satisfaction as he enters retired status.

CONFERENCE REPORT ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

Mr. STEED. Mr. Speaker, I call up the conference report on the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 26, 1972.)

Mr. STEED (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, the report here today is probably the least involved report on this bill that we have been able to bring here in many years, because the original agreements between the two bodies were so much alike. We only had very few items in disagreement. The amount of money is almost balanced out between the two bodies.

There are two items, I believe, that might need a little explanation, because there has been some interest shown in them.

For several years the committee had been concerned about the inability of the Customs Service to interdict contraband crossing the borders at the preclearance centers they maintain in foreign countries. We have been trying to get these loopholes closed. Since we have invested so much money to interdict the flow of narcotics into the country, we think the time is past when we can tolerate these loopholes any more. So we have placed some language in the bill that we hope will enable the Secretary of the Treasury and the U.S. Customs Service to effect the kind of changes that we think are necessary to close these loopholes. I hope that this will solve the problem.

We think that this definitely is in the right direction.

Another item in this conference report has to do with the emergency health program. Due to the good work that our friend from Missouri, Dr. Hall, provided for the subcommittee, we became aware that this program was not getting the attention it deserved. An effort we made last year to try to get it tightened up did not seem to get any results. So this year we eliminated the funds for this program. Since that time we have been advised by the Secretary of Health, Education, and Welfare and the Office of Management and Budget that they are having some conferences on plans to update and straighten out this program and eliminate some of the problems that exist there. The other body placed some funds back in the bill that are needed for the community activities part of this program under this fund which we have agreed to in this conference report. As soon as the powers that beget their plans made for the rest of the program, we should be in a position to go forward with it. What this involves are the packaged disaster hospitals that are positioned throughout the country to be used in case of national emergency or disaster. They have been permitted to get into a shocking state of deterioration, and we have been trying to find some way to put them back into the kind of shape they need to be in if they are going to be of any use.

I think now, through the steps that we have taken, we are going to get this matter cleared up. I wanted to take this opportunity to express the committee's appreciation to Dr. Hall. I think he is probably not only the most knowledgeable man in the Congress on this subject, but probably in the Government. Without his help we could not have made the progress we feel we have made in this direction.

I think we can assure the House that steps will be taken to bring the program in balance and give us this insurance policy which is so important. The recent happenings remind us very forcefully that all sorts of catastrophes can hit us that make the value of this sort of facility almost priceless.

I hope we do not have too much delay in getting this done.

I include the following:

SUMMARY

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT BILL (H.R. 15585), 1973

Item	New budget (obligational) authority fiscal year 1972	Budget estimates fiscal year 1973	Passed House (H.R. 15585)	Passed Senate (H.R. 15585)	Conference action (H.R. 15585)	Conference action compared with—			
						New budget (obligational) authority fiscal year 1972	Budget estimates fiscal year 1973	House	Senate
Title I, Treasury Department	$1,590,351,000	$1,691,677,000	$1,675,977,000	$1,670,018,000	$1,671,018,000	+$80,667,000	−$20,659,000	−$4,959,000	+$1,000,000
Title II, U.S. Postal Service	1,417,522,000	1,424,039,000	1,410,000,000	1,410,000,000	1,410,000,000	−7,522,000	−14,039,000		
Title III, Executive Office of the President	143,204,000	187,521,000	179,446,000	179,446,000	179,446,000	+36,242,000	−8,075,000		
Title IV, independent agencies	1,776,988,413	1,763,366,000	1,791,722,000	1,797,722,000	1,797,363,000	+20,374,587	+33,997,000	+5,641,000	−359,000
Title V, claims	387,190					−387,190			
Grand total, titles I, II, III, IV, and V, new budget (obligational) authority	4,928,452,603	5,066,603,000	5,057,145,000	5,057,186,000	5,057,827,000	+129,374,397	−8,776,000	+682,000	+641,000

Mr. Speaker, I yield now to the gentleman from New York (Mr. Robison) whatever time he may desire.

Mr. ROBISON of New York. Mr. Speaker, the minority side joins our chairman in recommending this conference report to the House and in urging its adoption.

I think some additional comment deserves to be made in addition to the matters the chairman of the subcommittee has explained to you, and that relates to the disaster relief fund of the President about which we have been hearing so much in the last few days.

There was in the budget a request of $100 million for this fund, as I recall it. We reduced this figure to $92.5 million in light of an anticipated carryover of $8 million to $10 million. At the present time, the carryover is actually about $6 million. The other body went along, in any event, with the $92.5 million figure—this being before the havoc that was wreaked by Hurricane Agnes. The pending resolution to which the chairman of the full Committee on Appropriations addressed himself, earlier this afternoon, would add, when adopted sometime this afternoon, and, if it is accepted by the other body, another $200 million to the disaster relief fund, making a total of about $298.5 million available in that fund, which should carry the Office of Emergency Preparedness through the next month or so, at least, insofar as its current needs can now be estimated.

I am certain, when the damage estimates are firmer, that, if they indicate more than this is needed, this subcommittee and this Congress will give early and favorable consideration to that need.

I am happy now to yield to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. I thank the gentleman for yielding.

Mr. Speaker, I am not certain whether to direct my inquiry to the gentleman from New York (Mr. ROBISON) or to the chairman of the subcommittee, Mr. STEED, but I do have concern about the language in amendment No. 7 as it pertains to preclearance activities as they have gone on in the past and as it is intended that they go on in the future.

If I understand this language correctly, it is aimed at our neighboring country of Canada where preclearance takes place, and is also aimed at Nassau in the Bahamas and Bermuda. I think those are the only places where preclearance presently takes place.

My question to the chairman of the committee or to my good friend from New York is this: Is there reasonable assurance that the countries involved here, particularly Canada, which I never felt we have had a problem with in connection with smuggling or narcotics or anything of that sort—is there reasonable assurance that the Canadian Government will accept this language as well as the British Government in Bermuda and Nassau?

Mr. STEED. Will the gentleman yield?

Mr. HARVEY. I yield to the gentleman.

Mr. STEED. I will tell the gentleman this. We have been getting the finest cooperation from the Canadian Government. We have had no problem there of preclearance or narcotic smuggling. They not only cooperate with us at the preclearance level but also in many other ways.

We are very happy with the cooperation we get out of the Canadians, and I see no problem there whatsoever. There are some problems, though, in the other places the gentleman has mentioned, and unless they can be straightened out I for one will insist that preclearance be stopped there because we cannot tolerate these wide open loopholes for narcotic smuggling.

We have been trying to get something done here for about 12 years, and all promises have gone for naught. The time has come when we just must insist that something be done. There is no real problem if they really tighten it up, but we will have to insist that they do tighten it up. If they do not, something will have to be done, but it is rather inconceivable to me that it cannot be worked out and I am sure that they can work it out.

I think the time has come that something must be done.

Mr. HARVEY. If the gentleman will yield further, I would say to the gentleman from Oklahoma that I have an interest in this because obviously if preclearance were taken away it would greatly affect the flights, for example, into the States of Michigan, New York, and other areas. It would disrupt them considerably and have a very great impact on the passengers going to those areas whose baggage would have to be unloaded for inspection, and then reloaded.

In addition, without preclearance, all passangers on flights to New York from these areas would have to go through Kennedy International, then transfer to other airports, for their connecting flights.

Mr. STEED. If the gentleman will yield further, this committee is not against preclearance as such, but we are very much opposed to continuing loopholes for narcotics smugglers to have free entry into this country. We insist that preclearance be done in such a way that the smuggling of narcotics into our country can be stopped.

Mr. HARVEY. If I could just ask one final question, and that is, has there been any unwillingness or lack of cooperation on the part of the Canadian Government, the Bermuda Government, or the Nassau government to give our customs people the right to stop and arrest, or to search baggage for those sorts of things? If there has, I have not been aware of it.

I have been just as desirous and interested in the stopping of the flow of narcotics into this country as anybody, but I am also interested in seeing that we have just as free a flow of passengers as possible because this is in the interest of our country.

It has been my impression that preclearance has, by and large, worked well. If it has not worked then I would like to know about it.

Mr. STEED. I think the difficulty is that the conditions as they now exist, especially in Nassau and in Bermuda, are very unsatisfactory, but as for the Canadians we have had the finest cooperation with them in the world, and not only in this point of our relations with Canada, but in many other fields.

The Canadian officials in the last 3 years have been very, very cooperative, and I have nothing but the highest praise for them.

We are talking about only six locations. It would seem to me that the accommodation of the people that go through these six points is not worth subjecting all the American people to the dangers of narcotics with the conditions that exist now in our society.

Mr. HARVEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. ROBISON of New York. Mr. Speaker, if I can again recapture the floor, and go back to the suggestion of the gentleman from Michigan that this action is aimed—I think those were his words—against the Government of Canada, the government of Nassau, and the government of Bermuda, that that is not our true intention, and I am sure the gentleman understands that. It is aimed, instead, at whatever loophole here exists in the fight against the narcotics trade that so affects the young people of this Nation.

The subcommittee and this Congress must do everything that it can to close any possible loophole in that regard.

It seems to me, insofar as Canadian cooperation with us is concerned, that the language in the amendment as presented to us now permits preclearance procedures to continue, but under certain new rules or guidelines which would apply in all places where such procedures now exist. I think this is the way it ought to be. So, if there is any problem with respect to Canada, it can be resolved, and also with Nassau and Bermuda those problems can be resolved in the uniform way in which they should be.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the Members who are not already aware of it might appreciate knowing that as of midnight tonight there will be a substantial increase in the top level salaries in the new Postal Service Corporation. The top salary or salaries will go to $60,000 a year, and there are other very substantial increases. I understand that some regional directors will draw approximately as much as Members of Congress.

Mr. STEED. I might say for the gentleman's information we have the further assurance that the reduction made in the appropriations for this item by the House and Senate probably will at least be well placed.

Mr. MORGAN. Mr. Speaker, last week's tropical storm Agnes caused severe flood damage in a nine State area and the District of Columbia. The State of Pennsylvania suffered the greatest damage and the property loss will amount to over a billion dollars; over 13,000 homes will need major repairs with over 500 totally destroyed; and 52,000 jobs were lost to business and industry. My own district in Fayette, Washington, Greene, and Allegheny Counties had losses in the million.

The Federal Government has always rendered assistance in special disasters. In 1970 Congress passed the Public Law 91-606, the Disaster Relief Act. This enabled the President to declare 35 counties in Pennsylvania disaster areas. I feel that the President should have ruled that all 67 counties should be included under the act, because almost every county was involved in the storm.

On June 27, 1972, the entire Pennsylvania delegation, including the two Senators from Pennsylvania, were briefed by the Governor of Pennsylvania and as a result House Joint Resolution 1237, cosponsored by all the members of the delegation, was introduced. It provided for a supplemental appropriation of $250,000,000 for disaster relief. This would only help to begin the great amount of rehabilitation necessary, but it would move the program forward under the Office of Emergency Preparedness

I want to congratulate the House Appropriations Committee for moving forward the same day the resolution was introduced and reporting out House Joint Resolution 1238. The full $250,000,000 was cut to $200,000,000. There is $92,000,000 in the regular OEP fiscal year 1973 request, and a $6,000,000 carryover. This means that a total of approximately $298,000,000 will be available to help in the area damaged by tropical storm Agnes.

Mr. Speaker, in my congressional district Fayette County was involved with the greatest damage and I hope that the Office of Emergency Preparedness will move rapidly in the area to process the claims for assistance.

Mr. Speaker, I also want to congratulate the House Banking and Currency Committee for moving with speed which enabled the House to pass the Small Business Administration disaster bill last night. This will aid the small homeowner and the businesses who suffered flood damage to start rebuilding.

Mr. Speaker, I hope this resolution will have the approval of the full membership of the House.

Mr. ROSTENKOWSKI. Mr. Speaker, I will vote in favor of the conference report on the Treasury-Postal Service appropriation but I do so with reluctance because of the unfortunate language it contains in section 102 with respect to customs preclearance activities.

The bill prohibits the use of these funds after March 31, 1973, unless the countries which have been cooperating with us on preflight inspections comply with an impossible new condition—grant our officials the same right of arrest, search, and seizure which such officers have in connection with persons, baggage, and cargo arriving in the United States.

Preclearance has been in effect for over 20 years. It presently exists in four cities in Canada, as well as in Bermuda and Nassau and in every case local police cooperate fully with our Customs officials. Why do we now insist that our officers be given the power to arrest in these other countries when their police already provide such assistance?

Preclearance is the only Government procedure in existence today which offers a double shot at criminals or smugglers coming into the United States—their point of embarkation abroad as well as their point of arrival in the United States. It also is the only Government procedure which affords flights into the United States the safety precautions which preflight inspections afford and thus would thwart the Lod Airport type of foreign criminal activity and prevent hijacking.

I understand that an intergovernmental study of preflight inspection procedures has been conducted and that it found no conclusive evidence that preclearance contributed to smuggling of hard narcotics. In view of its benefits to passengers and the Government, why then are we knocking it out?

I am also very much concerned that a major beneficial program such as this, which is under the primary legislative jurisdiction of the Ways and Means Committee, is being knocked out without our committee even looking at the situation.

I am hopeful that our committee will schedule early hearings on preclearance so as to determine the impact on the public, the Bureau of Customs and the transportation industry of its possible elimination.

Mr. STEED. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify the Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 341, nays 3, not voting 88, as follows:

[Roll No. 256]

YEAS—341

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Frenzel
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lent
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McEwen
McFall
McKay
McMillan
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Seiberling
Shipley
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Collins, Tex.
Schmitz
Sebelius

NOT VOTING—88

Abernethy
Abzug
Anderson, Tenn.
Ashley
Baring
Bell
Boggs
Bolling
Burke, Fla.
Caffery
Celler
Chisholm
Clark
Clawson, Del
Clay
Colmer
Curlin
Davis, S.C.
Dent
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Erlenborn
Evins, Tenn.
Findley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fuqua
Gallagher
Goldwater
Griffiths
Grover
Hanna
Harsha
Hastings
Hays
Hébert
Hosmer
Howard
Karth
Keith
Kluczynski
Landrum
Leggett
Lennon
Link
Lujan
McCulloch
McDade
McDonald, Mich.
McKevitt
McKinney
Mailliard
Martin
Mathias, Calif.
Matsunaga
Metcalfe
Michel
Miller, Calif.
Mosher
Moss
O'Hara
Pepper
Poage
Poff
Pryor, Ark.
Rarick
Riegle
Roberts
Rousselot
Ruppe
Schwengel
Scott
Shoup
Shriver
Sikes
Staggers
Steiger, Ariz.
Steiger, Wis.
Stephens
Vander Jagt
Wilson, Charles H.
Wydler
Wylie

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Martin.
Mr. Boggs with Mr. Gerald F. Ford.
Mr. Hays with Mr. McDade.
Mr. Dent with Mr. Grover.
Mr. Sikes with Mr. Burke of Florida.
Mr. Celler with Mr. Wydler.
Mr. Davis of South Carolina with Mr. Poff.
Mr. Edmondson with Mr. Shriver.
Mr. Fuqua with Mr. Lujuan.
Mr. Roberts with Mr. Erlenborn.
Mr. O'Hara with Mr. Harsha.
Mr. Moss with Mr. Mathias.
Mr. Kluczynski with Mr. Michel.
Mr. Howard with Mr. Frelinghuysen.
Mr. Staggers with Mr. Goldwater.
Mr. Dulski with Mr. Hastings.
Mr. Lennon with Mr. McKevitt.
Mr. Karth with Mr. Ruppe.

Mr. Anderson of Tennessee with Mr. Schwengel.

Mrs. Chisholm with Mr. Gallagher.

Mr. Baring with Mr. Clay.

Mr. Miller of California with Mr. Metcalfe.

Mr. William D. Ford with Mr. McDonald of Michigan.

Mr. Fraser with Mr. Vander Jagt.

Mrs. Griffiths with Mr. Del Clawson.

Mr. Matsunaga with Mr. Wylie.

Mr. Leggett with Mr. Mailliard.

Mr. Landrum with Mr. Scott.

Mr. Ashley with Mr. Mosher.

Mr. Stephens with Mr. Steiger of Arizona.

Mr. Charles H. Wilson with Mr. Bell.

Mr. Hanna with Mr. Hosmer.

Mr. Abernethy with Mr. McCulloch.

Mr. Pepper with Mr. Steiger of Wisconsin.

Mr. Evins of Tennessee with Mr. McKinney.

Mr. Curlin with Mr. Clark.

Mr. Eckhardt with Mrs. Dwyer.

Mr. Colmer with Mr. Findley.

Mrs. Abzug with Mr. Riegle.

Mr. Rarick with Mr. Rousselot.

Mr. Curlin with Mr. Clark.

Mr. Link with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

CONFERENCE REPORT ON H.R. 15585, TREASURY-POSTAL SERVICE APPROPRIATIONS, 1973

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 6, line 26, strike out:

"Sec. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973," and insert:

Sec. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not presently grant preclearance privileges to the United States.

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by the Senate, insert the following:

"Sec. 102. No part of any appropriation contained in this Act shall be available for expenses of Customs preclearance activities after March 31, 1973, in any country which does not grant to the United States Customs officers the same authority to search, seize, and arrest which such officers have in connection with persons, baggage, and cargo arriving in the United States or which does not provide adequate facilities for the proper exercise of this authority, as may be approved by the Secretary of the Treasury."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 22, line 15, insert:

Appropriations herein and heretofore granted under this heading shall be available without regard to the second proviso under this heading in the Second Supplemental Appropriations Act, 1972.

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 30, line 10, insert: *Provided further*, That $29,041,000 of the amount appropriated is contingent upon enactment of authorizing legislation.

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 31, line 7, insert:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION EMERGENCY HEALTH

For expenses necessary for carrying out emergency planning and preparedness functions of the Health Services and Mental Health Administration, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment, as authorized by section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)), and, except as otherwise provided, sections 301 and 311 of the Public Health Service Act with respect to emergency health services, $3,000,000, to remain available until expended.

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Steed moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, may I simply say that any interested man would be appreciative of the action of the subcommittee and certainly its distinguished chairman and its minority members, as well as the members of the committee, in trying to recoup that in which we have invested millions against the dire day of natural or manmade disaster, and certainly civil defense. I personally appreciate the comments directed to my interest and background. I want to compliment this group and the conferees on the part of both bodies in bringing this amendment and the motions back in, and thank the gentlemen for their expressions during the general debate prior to the conference report agreement.

Mr. Speaker, our national medical stockpile, conservatively estimated at $140 million, is on the verge of being abandoned and destroyed. This is, therefore, a sorry decision for natural and manmade disasters, as well as civil defense.

This has come about by the decision of the Subcommittee on Appropriations to exclude some $4.4 million from the Treasury, Postal Service, and General Government Appropriations for 1973—which was to be used to carry out the emergency medical activities of the Department of Health, Education, and Welfare.

The subcommittee deemed this action necessary because of the refusal by the Department of Health, Education, and Welfare to comply with a year-old directive of the Congress to upgrade their evaluation, procedure, and methods. As reported to this body on June 20, 1972, "of the 2,116 prepositioned disaster hospitals, approximately 1,380 were so deteriorated as to be almost useless."

This is obviously all part of a plan by the organized power seekers in the Department of Health, Education, and Welfare, to eliminate the commissioned officer corps of the U.S. Public Health Service. In my view, they should be stopped immediately.

During our latest disaster, caused by torrential rains unleased by Hurricane Agnes, some 28 instances of relief were made possible because of the emergency stockpile. Are we now laying the groundwork for that "cupboard to be bare," the next time it is needed? Apparently so. Quite an investment for out-of-hand rejection.

If this is true, the blame must be laid squarely on the doorstep of the Department of Health, Education, and Welfare, because the Congress has done everything possible to protect and carry on these supplies and keep them updated. In equity, I include a portion of a "position paper," for informational purposes. It shows perception, but fatalism. I know that in the future things will be better under the active oversight of this subcommittee:

Subject: 1973 Emergency Health Program, June 27, 1972.

The following constitutes a narrative summary of the 1973 Emergency Health appropriation history and the impending crisis which will result from Congressional actions of the past few weeks.

SEQUENCE OF EVENTS

1. The President's 1973 Budget recommended $4,422,000 to carry out the Department's Emergency Health Activities in maintaining the program at about the 1972 level.

2. House action denied in its entirety the budget request of $4,422,000. The House Subcommittee on Appropriations stated generally that the National Medical Stockpile is in such a condition of disrepair that it could no longer be counted upon as a usable medical resource for disaster situations and, therefore, should be discontinued.

3. Senate action recommended $3,000,000 for Emergency Health Activities, a reduction of $1,422,000 from the Presidents Budget. The Senate Subcommittee on Appropriations concurred with the House in respect to the medical stockpile activities but recommended continuation of the community preparedness activities.

4. The Conference Committee recommended an appropriation of $3,000,000 for

Emergency Health Activities. It is assumed that the House receded from its recommendation and agreed to the Senate's recommended bill to continue community preparedness activities and to discontinue the medical stockpile.

EFFECT OF FINAL CONGRESSIONAL ACTION

1. The National Medical Stockpile, valued at approximately $140,000,000, will be abandoned in its entirety. It is anticipated that millions of dollars worth of short shelf-life medical material will necessarily be destroyed and the remaining inventories excessed as no longer a useful government commodity.

2. The furnishing of medical supplies and equipment for disaster situations will no longer be accomplished by this program, including the discontinuance of an agreement with the American National Red Cross to furnish certain medical stockpile items for community utilization during periods of disaster.

3. In the servicing and warehousing activities for the medical stockpile the General Services Administration will be faced with the massive workload and complex problems associated with the liquidation of the medical stockpile inventories. Lack of adequate financing (current financing will be accomplished from balances carried forward from advances of prior years) will force an immediate reduction of 95 technical General Services Administration positions. This action will leave approximately 38 positions to maintain a custodial function over the inventories but without any ability to perform mandatory services including liquidation if this should become necessary.

4. The impact of the loss of the medical stockpile, a civil defense resource will not create an immediate impact at the State and local level except in those areas that may suffer the effects of major disasters. The medical preparedness program, however, will cease to be a real and tangible resource.

In summary, we are faced with the immediate demanding decision as to whether the National Medical Stockpile (authorized by Section 201(h) of the Federal Civil Defense Act of 1950) should be discontinued or whether efforts should be immediately undertaken to continue the program with acceptable goals as a part of the National Emergency Preparedness program for the civilian population of this Nation. Continuance can be accomplished through a Supplemental Appropriation of significant value to continue and realign the program in its proper perspective. Concrete plans would need to be developed for the future to assure financing mechanisms so that a preparedness program would be executed in a manner acceptable to all.

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to.

The SPEAKER. The Clerk will report the next committee amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 33, after line 11, insert:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4 (b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

H.R. 13918, TO PROVIDE INCREASED FINANCING FOR THE CORPORATION FOR PUBLIC BROADCASTING AND TO MODIFY THE PUBLIC BROADCASTING ACT OF 1967—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-320)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I find it necessary to return without my approval H.R. 13918 which is intended to provide increased financing for the Corporation for Public Broadcasting and to modify the Public Broadcasting Act of 1967 by making various changes in the structure of the non-commercial, educational broadcasting system.

Public broadcasting can and does make important contributions to our Nation's life by presenting educational and cultural programs of diversity and excellence. Programs such as "Sesame Street" and "the Electric Company" already have begun to repay the far-sighted decision the Nation made in the 1950's when channels were reserved for educational purposes. Public broadcasting deserves to be continued, and to be strengthened.

The legislation before me, however, offers a poor approach to public broadcast financing. It ignores some serious questions which must be resolved before any long-range public broadcasting financing can be soundly devised, and before the statutory framework for public broadcasting is changed.

There are many fundamental disagreements concerning the directions which public broadcasting has taken and should pursue in the future. Perhaps the most important one is the serious and widespread concern—expressed in Congress and within public broadcasting itself—that an organization, originally intended only to serve the local stations, is becoming instead the center of power and the focal point of control for the entire public broadcasting system.

The Public Broadcasting Act of 1967 made localism a primary means of achieving the goals of the educational broadcasting system. Localism places the principal public interest responsibility on the individual educational radio and television stations, licensed to serve the needs and interests of their own communities. By not placing adequate emphasis on localism, H.R. 13918 threatens to erode substantially public broadcasting's impressive potential for promoting innovative and diverse cultural and educational programing.

The public and legislative debate regarding passage of H.R. 13918 has convinced me that the problems posed by Government financing of a public broadcast system are much greater than originally thought. They cannot be resolved until the structure of public broadcasting has been more firmly established, and we have a more extensive record of experience on which to evaluate its role in our national life.

This administration has demonstrated its dedication to the principle of public broadcasting by increasing appropriations to the Corporation sevenfold in the past 3 years, from $5 million in fiscal year 1969 to $35 million in fiscal year 1972. On top of this, I have requested an additional 30-percent increase for next year to $45 million. The funding proposed in H.R. 13918, which almost doubles next year's appropriation, and more than doubles the following year's appropriation over fiscal year 1972, is unwarranted in light of the serious questions yet unanswered by our brief experience with public broadcasting.

I urge the continuation of carefully measured annual funding for the Corporation, under the existing statutory framework, subject to regular budgetary oversight and review. Specifically, I ask the Congress to follow my budget recommendation by enacting a 1-year extension of the Corporation's authorization and providing it $45 million. Since interim funds for the Corporation are included in a continuing resolution currently before the Congress, there should be no interruption of the Corporation's activities.

RICHARD NIXON.

THE WHITE HOUSE, *June 30, 1972.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. STAGGERS. Mr. Speaker, I move that the bill and message be referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

The motion was agreed to.

CONFERENCE REPORT ON H.R. 15259, DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 27, 1972.)

Mr. NATCHER (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, as you know, the budget for the District of Columbia for fiscal year 1973 when approved by the House contained $875,662,000. $716,124,000 was for operating expenses, $28,144,000 for debt services, and $131,394,000 for capital outlay.

It was estimated that the District of Columbia government would have a total of $1,179,369,200 for operation of the District government during the fiscal year 1973. This amount includes the appropriation of $875,662,000 in District of Columbia funds, Federal grants totaling $291,924,800 and $11,782,400 from reimbursements from Federal and other sources and from private donations. With a total population estimated now to be 741,000 people, this amount certainly was more than adequate.

For the first time in a great many years the other body adopted a budget for the District of Columbia which was below the amount approved by the House.

Mr. Speaker, as a result of the conference action, we bring back now a budget for the District of Columbia government for fiscal year 1973 totaling $834,756,800.

The Federal payment adopted at the time we presented our bill to the House totaled $185 million. The Federal payment adopted by the other body totaled $183 million and the Federal payment which we present in this conference report totals $181,500,000.

Instead of $143,232,000 as proposed by the House, we present today for our loan program for capital outlay the total sum of $130,819,000. The other body enacted a bill totaling $126,632,000.

For general operating expenses, this conference report contains $63,187,000 instead of $65,029,000 as proposed by the House and $63,242,600 as proposed by the Senate.

Mr. Speaker, at the appropriate time I will ask permission to revise and extend my remarks and include a tabulation which will show in detail the totals and comparisons I have just reviewed. I will also include a table showing the capital outlay projects provided in the bill as agreed to in conference.

The tables follow:

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1973 (H.R. 15259)—CONFERENCE SUMMARY

						Conference action compared with—			
Agency and item (1)	New budget (obligational) authority, fiscal year 1972 (2)	Budget estimates of new (obligational) authority, fiscal year 1973 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1972 (7)	Budget estimates of new (obligational) authority, fiscal year 1973 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
FEDERAL FUNDS									
Federal payment to the District of Columbia:									
General fund	$173,654,000	$190,000,000	$185,000,000	$183,000,000	$181,500,000	+$7,846,000	−$8,500,000	−$3,500,000	−$1,500,000
Water fund	2,572,000	2,550,000	2,550,000	2,550,000	2,550,000	−22,000			
Sanitary sewage works fund	1,514,000	1,524,000	1,524,000	1,524,000	1,524,000	+10,000			
Total Federal payment to the District of Columbia	177,740,000	194,074,000	189,074,000	187,074,000	185,574,000	+7,834,000	−8,500,000	−3,500,000	−1,500,000
Loans to the District of Columbia for capital outlay (from the U.S. Treasury):									
General fund	72,486,000	[1] 109,070,000	103,070,000	90,070,000	90,968,000	+18,482,000	−18,102,000	−12,102,000	+898,000
Highway fund	8,000,000	[2] 16,750,000	16,750,000	13,750,000	16,706,000	+8,706,000	−44,000	−44,000	+2,956,000
Water fund	6,000,000	3,000,000	3,000,000	2,600,000	2,933,000	−3,067,000	−67,000	−67,000	+333,000
Sanitary sewage works fund	15,600,000	14,160,000	14,160,000	13,960,000	13,960,000	−1,640,000	−200,000	−200,000	
Metropolitan Area Sanitary Sewage Works Fund		6,252,000	6,252,000	6,252,000	6,252,000	+6,252,000			
Total loan appropriation to District of Columbia	102,086,000	149,232,000	143,232,000	126,632,000	130,819,000	+28,733,000	−18,413,000	−12,413,000	+4,187,000
Total Federal funds to the District of Columbia	279,826,000	343,306,000	332,306,000	313,706,000	316,393,000	+36,567,000	−26,913,000	−15,913,000	+2,687,000
Commission on the Organization of the Government of the District of Columbia	425,000					−425,000			
Grand total new budget (obligational) authority Federal funds	280,251,000	343,306,000	332,306,000	313,706,000	316,393,000	+36,142,000	−26,913,000	−15,913,000	+2,687,000
DISTRICT OF COLUMBIA FUNDS									
Operating expenses:									
General operating expenses	61,777,000	65,819,000	65,029,000	63,242,600	63,187,000	+1,410,000	−2,632,000	−1,842,000	−55,600
Public safety	171,616,000	182,969,000	181,700,000	181,513,900	181,119,000	+9,503,000	−1,850,000	−581,000	−394,900
Education	172,305,000	179,911,000	179,526,000	179,907,300	179,607,000	+7,302,000	−304,000	+81,000	−300,300
Recreation	12,892,000	13,875,000	13,860,000	13,843,500	13,829,000	+937,000	−46,000	−31,000	−14,500
Human resources	186,313,000	212,706,000	208,709,000	209,915,800	207,587,000	+21,274,000	−5,119,000	−1,122,000	−2,328,800
Highways and traffic	21,574,000	21,945,000	21,711,000	21,372,400	21,814,000	+240,000	−131,000	+103,000	+441,600
Environmental services	40,354,000	44,710,000	44,710,000	44,309,800	44,309,800	+3,955,800	−400,200	−400,200	
Settlement of claims and suits	113,000					−113,000			
Additional municipal services, inaugural ceremonies		879,000	879,000	879,000	879,000	+879,000			
Total operating expenses	666,944,000	722,814,000	716,124,000	714,984,300	712,331,800	+45,387,800	−10,482,200	−3,792,200	−2,652,500
Repayment of loans and interest	23,573,700	28,144,000	28,144,000	28,144,000	28,144,000	+4,570,300			
Capital outlay	323,713,000	149,930,000	131,394,000	81,754,100	94,281,000	−229,432,000	−55,649,000	−37,113,000	+12,526,900
Grand total District of Columbia funds	1,014,230,700	900,888,000	875,662,000	824,882,400	834,756,800	−179,473,900	−66,131,200	−40,905,200	+9,874,400

[1] Reflects decrease of $4,085,000 in H. Doc. 92-299.

[2] Reflects increase of $4,085,000 in H. Doc. 92-299.

Project title	*Amount*
District of Columbia Obligations	$1,051,600
Public Schools:	
Anacostia Senior High School addition	1,000,000
Shaw Junior High School replacement	235,000
New elementary and junior high school, Oxon Run Pkwy. SE	16,380,500
New elementary school, 31st and Erie Sts. SE	6,983,000
Dunbar Senior High school replacement	13,181,000
Federal City College:	
Renovation of Old Central Library	550,000
District of Columbia Teachers College:	
Unused space in the Miner Building	135,000
Demountable classrooms	10,000
Department of Human Resources:	
Air condition remaining buildings (patient), District of Columbia General Hospital	1,778,000
New morgue building, District of Columbia General Hospital	150,000
Department of Highways and Traffic:	
Street lighting and communication extensions	431,000
Street improvements and extensions	2,960,000
Highway planning, programming, and research	400,000
Potomac River Freeway	2,345,000
H Street NE., grade separation	302,700
South Capitol Street Bridge	2,000,000
Cover on Federal aid streets	615,000
Heater on Federal aid streets	418,000
Metro betterment	880,000
Benning Road Bridge over Anacostia River	90,000
Connecticut Avenue Bridge over Klingle Valley	400,000
Southern Avenue SE	970,000
Chain Bridge	33,000
Northbound 14th Street Bridge deck repair	101,000
Anacostia Freeway Bridge over Oxon Run	250,000
Anacostia Freeway, Kenilworth Avenue safety improvements	169,000
Benning Road pedestrian overpass	29,000
Suitland Parkway pedestrian overpass	88,000
South Capitol Street	80,000
Bridge railing improvement program	37,000
Channelization on Federal aid streets	50,000
Emergency communications system	10,000
Department of Environmental Services:	
Advance of paving	2,950,000
Sewer separation	$500,000
Service sewer extensions	1,020,000
Service extension and hydrants	1,200,000
Washington Metropolitan Area Transit Authority:	
Capital contribution for construction—Regional Rapid Rail Transit System	33,498,000
Washington Aqueduct:	
Water treatment plant, improvements and extensions, Dalecarlia and McMillan	870,000
Plant major replacements and rehabilitation, Dalecarlia and McMillan	130,000
Total	94,280,800

The other body in marking up their bill approved the same amount that we approved for our rapid transit system of $33,498,000. For some reason or other the highway construction projects were deleted on the other side and, Mr. Speaker, everyone of those projects is back in this bill. We approved capital outlay projects for the Department of Highways and Traffic totaling $12,658,700. This included the Potomac River Freeway amount request of $2,345,000 along with our other freeway projects and our repair projects including street improvements and extensions. Mr. Speaker, as you well know, the Highway Acts of 1968 and 1970 provide for the construction of the Three Sisters Bridge and the freeway program. These two laws will be carried out, Mr. Speaker, and as we have stated from the very beginning, we intend to complete our rapid transit system. The District of Columbia budget subcommittee appropriated the funds that started the rapid rail transit system and our action placed the Metropolital Washington Area Transit Authority in a position to begin construction of this part of our transportation system here in our Nation's Capital.

Mr. Speaker, we submit this conference report for the approval of the House.

Mr. Speaker, at this time I yield to the distinguished gentleman from Wisconsin, the ranking minority member on the subcommittee, and an outstanding Member of the House (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Speaker, I concur in the comments that have been made by our distinguished chairman, who also served as chairman of the conferees in our deliberations on this conference report.

I think it is somewhat significant that in nearly every category, except for capital outlay, the amount included in this conference report is less than was the figure for the corresponding items in either the House or the Senate when this appropriation bill passed these two separate bodies.

In the area of education there had been some earmarking of funds in our committee report for special education at the time that the bill passed the House. The Senate version wrote into law that earmarking. It does not represent any difference in dollar amounts, but the conference report does make it a matter of legislation rather than report earmarking.

In the House version in this related area of education there was the language which related to the use of the children, the facilities, the funds, and the schools for engaging in demonstrations such as occurred here earlier in this calendar year. That language has been retained in the conference report.

In the area of human resources, our bill had anticipated the results of the review of eligibility and overpayments of aid recipients and also the anticipated results of 45 investigators who are now at work in this area. There had been a reduction of $1 million in the estimated payments based upon those anticipated cullings of the rolls. The Senate went further than this and reduced it by another $3 million. The conferees agreed on that further reduction.

In the same area, however, the District government had requested that as of the second half of the 1973 fiscal year payments for aid for dependents would be primarily on the basis of 85 percent of the requirement based upon the 1970 cost of living index. Our bill had held the figure as it had been, at 75 percent of that figure, and as a part of the compromise this conference report contemplates that that figure will be at 80 percent for the second half of the 1973 fiscal year.

Last year your conferees on this measure indicated a limitation on capital outlay and, of course, these capital outlay items are financed through borrowing directly from the Federal Treasury, of $150 million per year for all departments of the government. When this bill passed the House it contained capital outlay items which totaled something over $149 million. The viewpoint in the other body was that the $80 million or thereabouts that was approved in a supplemental bill earlier for the expansion and modernization of the Lorton detention complex, even though it was a 1972 appropriation, should be applied against the $150 million ceiling. That was reflected in the figure that was included in the Senate version. We accepted that principle with the single exception of restoring the highway items for capital outlay that had been included in the House bill.

Mr. Speaker, I think we all recognize that for a number of years there have been inadequate appropriations for highway construction, highway maintenance, highway improvement, and highway modernization here in the District of Columbia. Our streets and highways have suffered as a result. The conferees on the House side took the position that we could no longer continue this inadequate funding in this area. So, as the chairman earlier indicated, those items in the bill were restored, and this is the only area in which the capital outlay items were restored that had been deleted by the Senate. It does account for the fact that in this single area alone, in the area of capital outlay, there is a figure in this conference report that exceeds the lower figure in this bill as it passed either body.

Mr. Speaker, I urge the adoption of this conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, members of the House District of Columbia Appropriations Subcommittee know that being a member of this subcommittee is not conducive to winning friends and influencing people. However, there is one consolation, and that is even though the bureaucrats do not like us, the taxpayers do. And the reason why we pursue our work with such earnest is we want the District of Columbia to ge governed well, without the "pampering" that other areas of this Nation do not receive or expect.

Mr. Speaker, a child is not rewarded

for his mischievous conduct by being given compliments and candy. To do so would not only spoil the youngster, but guarantee his ultimate lack of respect for authority. Instead, he should be fairly but firmly disciplined. This maxim should also be true so far as the operation of the District of Columbia government is concerned.

The voluminous cases of misconduct, deception, and outright fraud by District officials are a matter of record, with additional daily revelations. All one has to do is read the hearings before our committee, or review the reports from the news media. However, many people refuse to recognize this documented, sorry situation evidenced by my supplemental views in the regular report.

Why is this true? The reasons vary from individuals who, like the proverbial ostrich, stick their heads in the sand and hope that trouble will go away. Others merely condone the misfeasance, malfeasance and nonfeasance, and attempt to sweep the mess under the rug. Still others believe they can buy good government which in effect, encourages the continuation of the ineptness that has plagued this city far too long.

However, if the problems of our Nation's Capital are to be solved we as Members of the Congress must accept our responsibility and firmly but fairly deal with the guilty culprits. They must be held accountable, and their feet must be kept to the fire.

I am sure there is not one Member of this body who does not love our Nation's capital dearly. However, this affection cannot interfere with the obligation to govern it. We are concerned because we care. Overwhelming facts support the cause and dictate our determination to make District government both responsive and responsible.

If we allow District officials to go undisciplined we are, in effect, guaranteeing their ultimate lack of respect for authority and, consequently, bad government. The citizens of this city and our Nation demand and deserve more than this of us. We are not here to win a popularity contest. In my opinion, the proper prescription has been omitted. For this reason I am voting against this conference report.

I would like to take this opportunity to call to the attention of the Members the supplemental views as expressed in the regular report, and hope that if time allows they will also read the hearings of the District Subcommittee on Appropriations.

Mr. Speaker, in the Washington Post this morning, Friday, June 30, the headlines in the Metro section read, "D.C. Welfare Aide Quits, Raps Yeldell."

We are all familiar with the situation that Miss Thompson was faced with when she testified before our subcommittee. The question was asked of Miss Thompson:

> What do you estimate the cost to be of overpayments, ineligibles, and frauds as far as the District of Columbia welfare program is concerned?

And she answered honestly:

> Between $6 million and $8 million.

It was not too many hours after that that Miss Thompson was given a lateral promotion and relegated to obscurity.

Miss Thompson has worked in public office, mostly with the Department of Human Resources, for over 30 years.

It is a sad commentary when a woman with the integrity and experience of Miss Thompson is demoted for being fair and honest with a congressional committee. She diligently tried to cooperate with the subcommittee so we could decide what appropriations should be made for the various categories.

Miss Thompson has now resigned for the simple reason that she sees the very problem that we have contemplated—that the Department of Human Resources is in one heck of a shape.

Quoting from this morning's paper:

> Miss Thompson accused Yeldell of fostering inefficiency, favoritism and fear within the department, which has 12,000 employees and responsibility for administering the city's welfare programs.

She goes on—and this woman is in a position to know—"To date the bold new experiment of DHR"—that is the Department of Human Resources—"is a failure." And who would know better than Miss Thompson?

And she further stated:

> I know you (Yeldell) are heading a sick organization.

The article continued—and I am going to provide this article for the RECORD so it will be available for everyone to read. As I said a moment ago it is because we love this city so much that we provide the means for them to live a little better than they do in other cities of our Nation. It is our Nation's Capital and all citizens throughout the country want it to be second to none.

There is not one single Federal program or pilot demonstration that is not here in the District of Columbia.

The average salary median in the District of Columbia is about $10,500. Compare that with the average income in your own States. District taxpayers spend 23 cents to receive a Federal dollar back in return. That is the best rate of exchange compared to all the States.

I am not criticizing the Government for what we have provided. The only thing I am concerned about is the way the city has been mismanaged—and the fraud and the half-truths that prevail throughout the District government. It has been a daily routine, when these people in the District appear before our committee. You do not have to take my word for it. Just watch television and read the newspapers. These are not our revelations. They are investigations conducted by the news people, ferreting out all these wrongs to enlighten the public who end up paying for the abuses.

No, the bureaucrats are not going to like me and they are not going to like the committee. I think the committee is doing a fine job. But we could do a much better job if we have the facts from the very beginning.

We are not here to condemn—we are here to help and to assist. And it is irritating to sit there day after day after day and have the District officials come in and use it as a pit stop to fuel up with a lot of money, and roar off and thumb their nose at us.

I do not operate that way and neither does this committee. I think it is high time that those people downtown got the message.

I can assure you so far as Mr. Yeldell is concerned he did not tell the committee the truth, so far as the CRC program is concerned. I refer to what Miss Thompson said today in the Post news article condemning Yeldell and his dictatorial methods.

A lot of people can call it frustration, but I call it irritation.

It is a constant source of irritation to have these people come up from downtown and think that they have a separate government, not responsible to anyone. It is high time that we made them operate just as efficiently and just as deliberately as your governments in your home States operate.

We have been kind and extremely generous to them for long enough. It is time that they played the game according to Hoyle.

Mr. Speaker, I thank my chairman for giving me this time and I certainly appreciate the great opportunity I have to work on a great committee.

People do not always like to hear the facts. They do not always like to hear the truth. Maybe if the shoe binds or pinches a little bit, the next time this crew from downtown appears before our committee they will know we mean business. I can assure you that I mean business, because our office is going to do a lot of research.

I include the following material:

[From the Washington Post, June 30, 1972]

D.C. WELFARE AIDE QUITS, RAPS YELDELL—MEMO CITES FAVORITISM, INEFFICIENCY

(By J. Y. Smith)

Winifred Grace Thompson, once one of the most influential officials in the D.C. government, has resigned from the department of human resources with a scathing attack on its director, Joseph P. Yeldell.

In a letter she made public yesterday, Miss Thompson accused Yeldell of fostering inefficiency, favoritism and fear within the department, which has 12,000 employees and responsibility for administering the city's welfare programs.

Yeldell, a former member of the City Council, was chosen by Mayor Walter E. Washington last November to succeed Philip J. Rutledge as head of the department. Since then, he has carried out extensive reorganizations, including dismemberment of the social services administration that Miss Thompson formerly headed. In February, Miss Thompson became a deputy director of the department of human resources.

"To date, the bold new experiment of DHR is a failure," she wrote. "It can chalk up few innovative new accomplishments. There has been much rhetoric but minimal decision-making and action . . . My office has become the chaplain's office, the 'listening post,' and I know you (Yeldell) are heading a sick organization."

Yeldell held a brief news conference yesterday in which he said he was accepting Miss Thompson's resignation, which is effective today, "with regret."

"Miss Thompson has given 35 years of dedicated service to the citizens and government of the District of Columbia," he said in a prepared statement. "Under her tenure, the social services administration has managed a welfare roll of increasing size and has brought needed social services to the less fortunate citizens of the nation's capital.

"It is my hope that Miss Thompson will be available to me and the department on a consultative basis to continue to give us the faithful service she has contributed over the past years."

He declined to comment further. Miss Thompson said she had no intention of associating herself with the department of human resources on a consultative or any other basis.

City officials said there were no immediate plans to fill Miss Thompson's position.

Rep. William J. Scherle (R-Iowa) a member of the Appropriations Subcommittee for the District and a frequent critic of city spending policies said:

"I am a little shocked to learn that Miss Thompson has resigned. There wasn't anyone on the Committee who failed to be impressed with her honesty, experience and integrity. And to lose that now cannot help but be a direct loss, not only to the department, but to the people who paid the bill."

Miss Thompson attached to her four-page letter of resignation a memorandum entitled, "Misleading Statements of Mr. Joseph Yeldell Before the House Subcommittee on Appropriations and the City Council on the Community Residential Centers Contract."

Community Residential Centers, Inc., is a private profitmaking organization that obtained a $373,000 contract from the city last September to care for up to 56 homeless children. The contract was let as part of the former social services administration's effort to provide alternatives to Junior Village, the city's facility for homeless children that closed.

The CRC contract came to the City Council has ordered light in April in a series of articles in The Washington Post. The articles quoted CRC social workers and counselors as saying the firm was not providing proper care for the children.

Subsequently, Yeldell told a House subcommittee and the City Council that he had been unaware of the CRC contract. On June 8, he told the City Council the agreement would not be renewed this September.

In her memorandum, Miss Thompson quotes Yeldell as having said to the Council:

"I have never seen anything like the loosely defined contract with CRS . . . I've never seen anything like this and from a legal point of view, neither has the corporation counsel."

Miss Thompson added: "He was informed and his staff was informed about the contract with Community Residential Centers before the newspaper publicity . . . The corporation counsel did know about and reviewed the CRC contract."

Yeldell declined to comment on the memorandum.

Miss Thompson said in an interview that the CRC dispute was not the reason for her retirement. She said she had decided to leave the city government because of the frustration she felt in trying to work under Yeldell.

Miss Thompson, 59, has been receiving a salary of $36,000 a year. With the exception of three years in the Women's Army Corps during World War II, serving as a corporal in the transportation corps in the European theater, she has been a city employee since 1937. Her retirement pay will be about $21,000 a year, according to city officials.

Looking back at her work, Miss Thompson said that among her proudest accomplishments were the establishment of Junior Village in 1948, the establishment of the D.C. children's center in Laurel in 1954, and the successful desegregation of the city's facilities for retarded and delinquent children in the same year.

In the past two years, her name has frequently been linked with the controversy surrounding Junior Village. A series of articles in The Washington Post early last year led to a congressional investigation of the facility. Later, the City Council ordered it closed by phases.

Miss Thompson said yesterday: "We made two big mistakes with Junior Village. First, we just didn't stay ahead of the trend to put children in residential settings rather than institutions. Secondly, we let it get too big."

When Miss Thompson first established Junior Village, it housed 60 children. At one time in the mid-1960s, it had 900 children.

In her letter to Yeldell, Miss Thompson said:

"People-oriented programs are used for political gain, and trade-offs occur according to how they increase the political power base. The best example is Junior Village and how the welfare of dependent children has been sacrificed for political gain."

She added: "Most decisions are made at the director level—regardless of importance—with limited delegation of authority to administrators and program managers. The result is a decision-making bottleneck . . .

"You and your sycophants pat each other on the back and say all is well while DHR is collapsing around you."

Yesterday, Miss Thompson said she did not expect her career in government to end the way it has.

"I always knew I'd be leaving," she said. "But I thought it would be a smooth transition with no ripples. Well, it didn't work out that way."

[From the Washington Daily News, June 30, 1972]

Miss Thompson's Farewell

The other day we visited a friend at a hospital here—and when we left, walking down the long corridors, we kept glancing into the rooms we passed, as one always does in a hospital. And there, lying flat in their beds were all those old eagle-beaked men, their eyes closed, their toothless mouths wide open like fish out of water, and in the chairs beside them the widows-to-be sewing or reading quietly, resigned to the ancient problem. And we wanted to call out, "Hey! Hang on! Don't go! Here's help on the way. Here's hope. Here's love."

Quite apart from the obvious efficiency with which this particular hospital was being run, the crying question remains: How much interest was there in these people? How much heart?

We say this as prelude to our feeling about today's tempestuous departure of Miss Winifred Thompson from the District's Department of Human Resources whose less grandiloquent predecessor, the Welfare Department, Miss Thompson had served for more than 30 years. If there was anything we thought the department lacked in the era of Miss Thompson's stewardship it was an outward show of warmth for the people it served.

The most important thing that the sweeping reorganization of the department under its new director, Joseph P. Yeldell, might have accomplished was a reaffirmation of the principle that every individual counts. Instead, Miss Thompson, a shy, loyal, undemonstrative but brilliant administrator, utterly honest, was shunted aside in favor of an administration which has done little to bolster the feeling that when it comes to the poor and their woebegone wives and fatherless children, the city much cares.

You can pass off the bitterness expressed by Miss Thompson in her "Escape into a New Beginning" letter of resignation to her boss—her sense of being banished and betrayed—as the natural feeling of any person of substance who, for reasons good or bad, has been put on the shelf. But there remains her Jeremiad, a ringing indictment of Mr. Yeldell as the head of a "sick organization," a "little band of sycophants" which subordinates people to politics, talks big and acts small, is careless with the truth, racist and divisive in its personnel policies, and given to nepotism, internecine warfare and the unconscionable ragging of underlings.

These are serious charges. Mr. Yeldell, having given his department a traumatic overhaul without the reassurance that comes from inspired leadership, owes his people—and the city—some thoughtful answers.

[From the Washington Post, June 30, 1972]

Aides Afraid To Talk—Yeldell Denies He Muzzled City Workers

(By Ron Shaffer)

In the office of a lower echelon supervisor for the D.C. department of human resources, a telephone rang; the caller identified himself as a reporter and asked about wards of the city being kept at D.C. General Hospital.

The supervisor fumbled for words and there was a long pause, after which she blurted: "I'm not allowed to talk to reporters without clearance from Mr. Yeldell." Then she hung up.

A newsman taking a public opinion survey after the shooting of George Wallace last month found city residents and workers generally cooperative until he entered a small office of the department of human resources at 1716 14th St. NW. Employees there refused to comment.

"We work for the department of human resources, and we're not allowed to give out our feelings," said the supervisor, who threatened a lawsuit if any of her words were printed.

A counselor at a halfway house run by human resources, asked for his name, replied: "I don't have the authority to give you my name."

The responses in these recent incidents reflect the level of apprehension and uncertainty of many of the 12,000 human resources employees, who for lack of guidance, apparently do not know what to do when questioned by newsmen about their work.

"People just don't want to get in trouble, or get fired, or lose their job," said one social worker who did not want her name used for fear of retaliation. "People are just afraid."

"The feeling around here is don't talk to reporters—or else," said another social worker who also did not want to be named.

As a result, department sources are sometimes inaccessible, and there is delay in reporting news to the public involving an agency that encompasses public assistance, child care, mental health, D.C. General Hospital and narcotics treatment, and one that is asking Congress for $225 million for its operation in fiscal 1973.

Joseph P. Yeldell, director of the department since last December, has repeatedly said that he does not muzzle his employees, but rather, encourages them to talk to the press.

"I favor a healthy, open discussion of the issues involving the department," he said not long after taking office. "All I ask is that they (the employees) let me know what they are going to be discussing."

Yeldell has said that his employees, particularly those involved in the social services administration (SSA), use so-called restrictions as excuses to keep from talking to reporters.

It is apparent that not even Yeldell's top aides know his policy for dealing with media queries.

When asked to outline the policy, Norman Pierson, acting head of the social rehabilitation administration, which includes the SSA, said: "You'll have to check with the boss (Yeldell) for that."

"Everyone knows what the policy is," said James H. Bohannan, executive assistant to the director. "All they have to do is call this (Yeldell's) office. Anyone here, even the secretaries, can give clearance."

Natleen Green, a secretary in that office, said she was sure such a policy was "not true."

Joseph Douglas, associate director for inspection and analysis, said either he or two of his assistants, Willa Kester or Catherine Jensen should be called.

Mrs. Kester said she was the only designated press liaison in the department, and that she acted on the authority of Yeldell and Douglas. When a reporter started typeing her remarks she said, "You're not taking this down are you?"

The confusion filters down to field workers, and is often passed along verbally by supervisors who apparently have made their own interpretations.

"They're all concerned with their images," said one social worker who did not want to be named. "They're afraid of the press and they're afraid of Congress. The feeling now is a lot of people will come down on you if you talk."

Some who have spoken have received verbal or written reprimands.

Dr. Thomas Reichelderfer, the director of pediatrics at D.C. General Hospital, told a reporter about healthy wards of the city languishing with sick children at the hospital. After an article appeared, he was told by a superior not to talk with reporters.

An official of the health services administration, who commented on conditions in a birth control clinic, was later ordered to write a report for her superiors explaining why her name appeared in the paper.

Four doctors who told reporters of a lack of staff and supplies at D.C. General Hospital received written letters of reprimand.

Dr. Paul Travis, the former director of Washington treatment center for chronic alcoholics, complained that budget cuts had reduced the center to a custodial institution. Two weeks after his remarks were printed, he was demoted. (Yeldell said at that time that the demotion was not linked to the article.)

Sam Eastman, director of public affairs for mayor Walter E. Washington, said that there is not a D.C. government directive covering the conduct of government employees who are questioned y the media.

Eastman said two weeks ago that Yeldell would make a major announcement regarding information policies, and that the announcement would be made early last week. Tuesday, Eastman said the policy was still being formulated.

SUPPLEMENTAL VIEWS ON THE 1973 DISTRICT OF COLUMBIA APPROPRIATIONS

Although it is not customary for a Subcommittee member to refer to his own experience and register his own feelings in such a context, it is my belief that the circumstances in this case warrant a strong personal statement. I have served on the District of Columbia Subcommittee on Appropriations for almost two years. During that time, I have faithfully attended its hearings and meetings, and I will continue to do so as long as I have this assignment.

It is my understanding that the purpose of this Subcommittee is not only to provide funds for the operation of the D.C. government, but also to oversee the expenditure of the taxpayers' money. After listening to hundreds of official witnesses over the course of many months, I have come to the inescapable conclusion that the District government serves the interests of neither its own constituents nor the American taxpayers.

This is no condemnation of the Subcommittee. My colleagues are enormously industrious and conscientiously interested in assisting the operations of the city government. But this is a well-nigh impossible task without accurate information. We have repeatedly been fed half-truths in a deliberate attempt to circumvent the authority of the Subcommittee. Faced with such obstructionist tactics, it is difficult for me to make fair judgments about the budget requests.

Judging from the actions of many D.C. officials with whom I have come in contact, the municipal government in this city exists largely to serve itself. My feelings about these minions of mammon can be summed up in one sentence. With few exceptions, they are stealing us blind! They are using this committee as a pitstop, coming in to fuel up, then roaring out in high gear thumbing their noses at us. These "professional" witnesses with their entourage of supporters give us the pleasure of their company and then sweep out in triumph.

Never before in my experience of government have I witnessed such a concerted effort on the part of individuals in positions of responsibility to cover up boondoggles, waste and mismanagement. Many cases border on outright fraud. The arrogance and duplicity displayed by these witnesses is sickening. Time after time, D.C. government officials have appeared before our Subcommittee and sanctimoniously assured us that their departments were operating smoothly and experiencing no problems. And time and time again, we learned subsequently from the news media that, on the contrary, mismanagement, waste and incompetence reign supreme.

For example, when Dr. Cook, President of the D.C. Teachers College, testified before our Subcommittee, he said in answer to my direct question, that he had no problems to discuss with the Subcommittee. Yet at that time Dr. Cook was fully aware of a highly critical report by the General Accounting Office which detailed serious irregularities in his administration of the College.

The recent disclosure of financial mismanagement at Federal City College and the Blackman's Development Center raise equally alarming questions. Officials of the D.C. public school system have also been delinquent in their responsibilities to their own pupils, to the members of the Subcommittee and, through us, to the taxpayers of this country. Dr. Scott, the Superintendent of Schools, was for instance unable even to tell our Subcommittee how many schools there are in the District! The Subcommittee was also shocked to discover that the District of Columbia operates virtually no facilities and provides little in the way of special programs for handicapped pupils. Children who start out in life burdened by blindness, deafness, dumbness or mental retardation have a greater need for special education than any other disadvantaged group. Yet District officials made no effort to apprise the Subcommittee of the needs of these children in their jurisdiction. We can only conclude that the D.C. School Board is indifferent to the needs of these pupils since no independent interest in their problems has been evinced by the Board to date.

The Superintendent and the members of the School Board seem to be more intent on marshalling student opinion to their pet political causes than on pursuing the primary goal of the school system, which is education. School officials have lately been indulging in partisan political demonstrations and instigating student participation to the detriment of their school work. I strongly disapprove of the scandalous role played by one Board member in the series of disgraceful incidents which took place recently on Capitol Hill. Led by this gentleman, a band of D.C. high school students left their classes, over the strenuous objections of their principal, and marched on Congress to protest the war. So unruly were these adolescent demonstrators that the Speaker of the House took the unprecedented step of closing the visitors' gallery to the public. Later, the students invaded and ransacked the office of Representative Pierre du Pont and stole articles of personal property from his staff. Earlier this year, D.C. elementary school pupils were encouraged to take part in a massive outdoor rally protesting the administration's welfare policies.

It is my belief that the District of Columbia schools exist solely for the purpose of educating children. They should never be used as a vehicle for mobilizing uninformed and immature student opinion for partisan political protests. This abuse of authority is all the more reprehensible in view of the schools' neglect of their legitimate responsibilities to handicapped children. Clearly a basic reordering of priorities is needed. School officials must refrain from such inappropriate misuse of their authority in the future and refocus their energies where they are most urgently needed. School bond issues are failing all over the country, yet Congress continues to provide generously for the District of Columbia. Simple gratitude ought to dictate a more responsive attitude on the part of the beneficiaries.

Ironically, the District of Columbia receives more federal aid than any other state in proportion of the federal taxes paid by its residents. A study by the Tax Foundation revealed that the District pays only 23 cents in federal taxes for each dollar of federal aid. I urge each member of the House to compare that with what residents of his own state pay in return for the federal aid dollar.

The lawmakers of this nation, who represent people from every part of the country, like to think of this city as a national home for all our citizens. Consequently we have striven diligently to make it a municipal showcase, a model city. Washington, D.C., enjoys almost unlimited access to federal patronage. We support a municipal payroll of close to 50,000 out of a total population of 740,000. It seems at times that the entire city is one big government employment agency. Many municipal employees, however, behave like the proverbial man with a wrench, trying to look busy but in reality doing nothing. There are a great many things to be done in this city, but the present lack of managerial capability virtually insures that they will remain undone. The problems of Washington, D.C., will never be solved by shovel-leaners and pencil-pushers.

Largely because of the federal payroll, Washingtonians boast the highest median income of any metropolitan area, $10,500. Four hundred eighty of D.C.'s employees earn more than $25,000 a year each! We shower its residents with the most socially enlightened and generous programs, and we provide experts to administer or advise them. Yet by and large the city fails to live up to the hopes invested in it. Despite the fact that the population is declining and the average income rising, D.C.'s welfare rolls have swelled by 30,000 a year and federal support increases annually, as we have seen, with negative results.

Yet this appropriation bill requests more federal support for the District of Columbia while many national programs are being curtailed because of limited funds. What is needed is not more federal money but stricter management and control of existing programs and responsible supervision by department heads.

There is no magic money machine here in the nation's capital. Each dollar we expend in federal funds must come from somewhere. There is every indication that, unless we cut government spending this year, it will be necessary to raise federal taxes for all Americans drastically next year. Yet we are offering the D.C. government, whose track record is among the most dismal in the country, a $11.4 million increase in direct federal payments. In addition, it is estimated that federal grants to the District will be raised by another $33.7 million, for a total increase of $45.1 million in FY 1973, a 10% hike to recipients whose performance can best be described as atrocious. Overall federal support for the D.C. government will thus approach half a billion dollars ($465.5 million).

STATES PAYING MORE IN TAXES TO SUPPORT GRANTS THAN THEY RECEIVE IN AID

[In millions of dollars]

State	Tax burden	Total grants	Difference (distribution)	Tax burden per $1 of aid received
Indiana	695	431	264	1.61
Ohio	1,574	1,016	558	1.55
Connecticut	622	403	219	1.54
Illinois	1,914	1,250	664	1.53
New Jersey	1,260	823	437	1.53
Delaware	99	66	33	1.49
Florida	931	650	281	1.43
Maryland	646	466	180	1.38
Wisconsin	582	422	160	1.38
Michigan	1,344	1,044	300	1.29
Pennsylvania	1,702	1,391	311	1.22
Nebraska	192	162	30	1.19
Iowa	352	302	50	1.17
Nevada	93	82	11	1.14
Massachusetts	940	839	101	1.12
Kansas	288	266	22	1.08
New Hampshire	99	93	6	1.06
Missouri	628	607	21	1.04
Virginia	596	572	24	1.04
Texas	1,431	1,387	44	1.03
Washington	497	488	9	1.02
Total	16,485	12,760	3,725	
Rhode Island	137	138	1	.99
New York	3,232	3,286	54	.98
Minnesota	506	531	25	.95
California	3,270	3,458	188	.95
Arizona	227	243	16	.93
Hawaii	122	133	11	.92
Oregon	279	327	48	.85
North Carolina	544	643	99	.85
Colorado	300	370	70	.81
Georgia	529	697	168	.76
Idaho	78	104	26	.75
Tennessee	425	605	180	.70
Maine	114	164	50	.69
South Carolina	247	365	118	.68
Wyoming	44	67	23	.65
Oklahoma	297	458	161	.65
Utah	113	181	68	.63
Kentucky	334	546	212	.61
Louisiana	381	634	253	.60
Vermont	55	96	41	.57
South Dakota	67	116	49	.57
North Dakota	61	113	52	.54
Arkansas	174	320	146	.54
Montana	84	159	75	.53
Alabama	329	644	315	.51
West Virginia	186	405	219	.46
New Mexico	105	245	140	.43
Mississippi	172	522	350	.33
Alaska	50	150	100	.33
District of Columbia	142	609	467	.23
Total	12,604	16,329	−3,725	

There may not be any simple solution to the fiscal problems of the District, but we can certainly begin by insisting that the money we appropriate be spent honestly and intelligently for the purposes for which it was intended. Otherwise we cannot justify this ever increasing drain on the taxpayers' resources.

Unfortunately the examples cited previously merely illustrate a pervasive problem. We have seen only the tip of the scandal-ridden iceberg of inefficiency and misdirected goals which characterize the D.C. government. These instances clearly demonstrate, however, that the officials in question are attempting to deprive the public of information to which the public has a right. The taxpayers are entitled to know that the D.C. government is administered to a great extent by incompetents and political hacks.

For this reason, I urge the Subcommittee to open all its hearings next year to the press, Congressional staffs and public. If we, as Members of Congress must live in a fishbowl, there is no reason why these officials should not be subject to the same public scrutiny. In the meantime, as long as I have this committee responsibility, as long as the taxpayers of this country are footing the bill, and as long as the District of Columbia operates within the jurisdiction of Congress, I will continue to speak out against the failures of the present city government, which can only be described as one big "can of worms."

WILLIAM J. SCHERLE,
Member of Congress, Seventh Iowa District.

ADDENDUM

This critique should not be interpreted as an admission of weakness or inability to deal with the problems enumerated above. Rather it should serve notice that our patience is close to exhaustion. The indifference and hypocrisy displayed before our Subcommittee in the past will no longer be tolerated. Unless we see a drastic change in attitude on the part of the guilty officials in the D.C. government, I, for one, will not support the annual increase in appropriations for the District of Columbia. As far as I am personally concerned, the budget will be cut off "at the knees" until genuine reforms are instituted. A word to the wise is sufficient.

Mr. NATCHER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 1, line 9, strike out "$185,000,000" and insert "$183,000,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$181,500,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 3, line 4: Strike "$65,029,000" and insert "$63,242,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$63,187,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 4, line 15, strike "$181,700,000" and insert "$181,513,900"

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$181,119,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 5, line 21, strike "$13,860,000" and insert "$13,843,500"

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$13,829,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 6, line 3, strike "$208,709,000" and insert "$209,915,800".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$207,587,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 7, line 22, strike "$21,711,000" and insert "$21,372,400".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$21,814,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: Page 12, strike out the following:

SEC. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"SEC. 6. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 43:

Page 12, strike out the following:

Sec. 9. All passenger motor vehicles (including water craft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"Sec. 8. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 48, page 14, lines 3 through 15, strike the following:

Sec. 13. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"Sec. 11. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided*, That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further*, That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further*, That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: Page 15, line 22, strike the following: (budget classification 01).

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following: "(except temporary positions provided for Courts and Department of Corrections in this Act)".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk as follows:

Senate amendment No. 56: On page 16, lines 3 through 14, strike the following:

Sec. 19. Appropriations in this act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"Sec. 17. Appropriations in this Act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

"(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

"(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year except temporary employees provided for Courts and Department of Corrections in this Act."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: On page 16, lines 15 through 22, strike the following:

Sec. 20. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

"Sec. 18. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the conference report just agreed to, and that I be permitted to include a tabulation summarizing the action taken.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SUPPLEMENTAL APPROPRIATION FOR DISASTER RELIEF

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of earlier today, I call up the joint resolution (H.J. Res. 1238) making a supplemental appropriation for disaster relief, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1238

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for disaster relief, namely:

EXECUTIVE OFFICE OF THE PRESIDENT

Disaster Relief

For an additional amount for "Disaster Relief," $200,000,000, to remain available until expended: *Provided,* That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Everyone is familiar with the disastrous floods which came to the eastern section of the United States in recent days. The basic law provides certain benefits to people and communities and States that have incurred damages due to the floods. This is under the law which was passed by the Congress in 1970. There are very many guidelines which have to do with the availability of funds for the States and communities confronted with disaster situations.

This fund is appropriated to the President. In the regular bill we approved a few moments ago, the Treasury-Postal Service bill, we provided $92.5 million for this Presidential disaster fund.

There is on hand in the fund, we are told, about $6 million that will be carried over into the new fiscal year which begins tomorrow, so that makes approximately $100 million; more specifically, $98 million-plus.

The resolution before us provides for an additional $200 million, which in round figures would make a total availability to the President in disaster funds of about $300 million. The disaster fund will, it is clearly indicated, need more money than that during the forthcoming fiscal year. There is no question about that.

The President sent up the budget estimate 3 days ago, requesting an appropriation of $100 million, that is, an additional appropriation above the amount of $100 million in the regular January budget.

The Director of the Office of Emergency Preparedness has written a letter to the committee stating that the $100 million, combined with the $98 million-plus, would be adequate for a couple of months until a further evaluation of the needs can be made, explaining that it is impossible to certify the total amount of the damage at this time. It seems generally agreed that hundreds of millions of dollars in damage are involved in this recent flood.

Of course, we also have the Rapid City, S. Dak., flood situation, and then we have other responsibility throughout the Nation when disasters occur, so we need to have this fund sufficiently supplemented.

It is felt that for the next several weeks the $92.5 million provided in the regular bill just passed today, and the $200 million here, plus the $6 million carryover balance will meet the situation until there is a better understanding of what the cost of the recent flood will be to the Federal Government. We would expect an additional budget estimate at some later date.

It is true that the pending resolution provides $100 million above the present budget. It will eventually be needed. I had originaly introduced a resolution providing for $100 million as per the request of the President, but in the committee, upon a motion by the gentleman from Pennsylvania (Mr. Flood) the committee approved an additional $100 million, bringing the total in the resolution now before us to the sum of $200 million.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. MAHON. I will be glad to yield in just a moment.

With respect to the availability of these funds for disaster relief—and, of course, there are rules and regulations which obtain and which have been established by the Congress in the 1970 Disaster Act, Mr. Speaker, I ask unanimous consent to place in the Record certain documentation as to the availability of Federal funds to individuals and to communities.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Maryland, a member of the Committee on Appropriations.

Mr. LONG of Maryland. Mr. Speaker, I want to thank the distinguished gentleman from Texas (Mr. Mahon) for guiding this supplemental appropriation through the Committee on Appropriations quickly so that we have the opportunity to vote on it today.

However, voting the money is one thing; getting it to the devastated areas is another. Baltimore County in my congressional district just last week received its first Federal payment for flood damage sustained a year ago. The check was for only one-quarter of the amount approved by the Federal Government for Baltimore. Harford County in my district has not received 1 cent of Federal money for damage received during that same flood, although the Office of Emergency Preparedness approved last September a modest request of over $500,000; $300,000 of this amount was approved as advance payment funds.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. Mahon was allowed to proceed for 5 additional minutes.)

Mr. MAHON. I yield further to the gentleman from Maryland.

Mr. LONG of Maryland. This is due to bureaucratic foot-dragging. I want to thank the gentleman for his willingness to accept my suggestion made in the Committee on Appropriations that language be put in the report on the bill stating that the Committee on Appropriations recognizes the emergency nature of the requests for funds and is therefore acting on it quickly. In return the Committee on Appropriations expects the Office of Emergency Preparedness to use similar promptness in approving requests for these funds.

I hope the material in the report will be included as a part of the legislative history of this appropriation in order that the victims of this disaster may receive help when they need it and not months and years later.

Mr. MAHON. Mr. Speaker, I was glad to yield to the gentleman.

Of course, it is important that assistance be provided in a timely way, but it is also important that assistance be provided in strict compliance with the law and the related regulations with every effort being made to avoid waste and unnecessary Federal expenditure.

I would say this is an important piece of legislation. It is $100 million above the budget. I for one do not take great pleasure in bringing in legislation which exceed the budget figures at a time when many of us feel we are overspending. In view of the fact that we are above the budget and in view of the importance of this matter, I shall at the proper time ask for a rollcall vote on it.

I believe, Mr. Speaker, that this joint resolution will be approved by the other body today and go to the President. It has been explained by Mr. Caspar Weinberger, the Director of the Office of Management and Budget, that it is imperative from the standpoint of the administration that the funds be provided promptly and prior to the recess of the Congress which is scheduled for today or tomorrow.

Mr. Speaker, under leave to extend my remarks, I include excerpts from the committee report accompanying the resolution and excerpts from the disaster assistance guidelines handbook issued by the executive branch:

Excerpts From Committee Report

This joint resolution provides a supplemental appropriation of $200 million, an increase of $100 million in the estimate submitted by the President on yesterday (H. Doc. 92–316), to provide relief under the provisions of the Disaster Relief Act of 1970 (Public Law 91–606) to the areas devastated by Hurricane Agnes and other major recent disasters, including that at Rapid City, S. Dak.

The unprecedented damage resulting from these disasters makes quick enactment of this supplemental by the Congress an urgent matter so as to provide interim disaster relief pending an opportunity for the development of firmer estimates as to total requirements.

This supplemental, together with about $6 million in currently available funds and $92,500,000 in the Treasury-Postal Service-General Government appropriation bill for fiscal year 1973, which is pending final conference action this week, will provide a total of about $298,500,000 that will be available immediately. The committee expects the Office of Emergency Preparedness to make every effort reasonably possible to expedite the advances of funds and reimbursements to the local jurisdictions involved.

As preliminary estimates run to hundreds of millions of dollars in disaster damage, the committee has recommended the increase in the President's request to assure the availability of adequate funds to expedite relief measures pending an opportunity for development of firmer estimates as to the cost of the flood disasters and the presentation to

Congress of a documented figure for such additional funds as may be required.

The Director of the Office of Emergency Preparedness has advised the committee that the massive demand for funds, other than the disaster unemployment compensation and the requirement for temporary housing, will be for State, county, and municipal road and bridge repair.

Activities eligible for Federal financial assistance include: debris and wreckage clearance; repair and replacement of public facilities; emergency mass shelter; temporary housing; removal of timber; assistance to unemployed individuals; and repair of damaged public facilities under construction.

EXCERPTS FROM FEDERAL DISASTER ASSISTANCE PROGRAM HANDBOOK

ASSISTANCE UNDER A "MAJOR DISASTER" DECLARATION

A. The President's disaster fund

Congress appropriates funds to the President to carry out the provisions of the Disaster Relief Act. When a "major disaster" is declared, the President authorizes the OEP Director to use such amounts as are needed from the disaster fund to furnish necessary and eligible assistance. These funds are used to provide relief and recovery assistance to State and local governments as well as to individual victims in a disaster area. Such funds also are used to reimburse Federal agencies for disaster aid provided at the direction of OEP.

B. Public Law 91–606 assistance to individuals

The Disaster Relief Act of 1970 is notable for the numerous means of Federal assistance it provides to individual victims of a major disaster. These kinds of help may include:

Temporary housing for disaster victims with up to 12 months free rental based on need;

Temporary mortgage or rental payments (up to 1 year) for persons faced with loss of their residences because of disaster-caused financial hardship;

Food coupons or surplus commodities to needy victims;

Unemployment compensation and reemployment assistance to disaster victims who lose their jobs because of the disaster;

Legal services to low-income individuals or families unable to secure such services adequate to meet their needs;

The removal of debris and wreckage on privately owned lands and waters if determined to be in the public interest;

Liberalized loans by the Small Business Administration and the Farmers Home Administration to homeowners, business firms, and farmers. (The age of an adult applicant is not to be considered in determining whether such loan should be made or the amount of such loan. The law also provides for forgiveness of part of the loan principal.)

C. Public Law 91–606 assistance to communities

When a "major disaster" has been declared by the President, the available resources of all Federal agencies may be used, as necessary, to combat the effects of the disaster. Federal agencies are authorized, when directed by OEP, to provide emergency assistance by:

Making Federal equipment, supplies, facilities, personnel, and other resources (other than the extension of credit) available to State and local governments;

Distributing medicine, food, and other consumable supplies, or emergency assistance, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise;

Donating or lending surplus Federal equipment and supplies;

Performing on public or private lands or waters any emergency work essential for the protection and preservation of life and property, including the clearing and removal of debris and the repair or replacement of public facilities;

Providing temporary housing or emergency shelter.

Through the President's Disaster Fund, OEP can make financial contributions to State and local governments for the purposes of carrying out the last two of these measures.

To carry out his functions, the Director of OEP also is authorized to establish emergency communications in a "major disaster" area; these can be made available to State and local government officials and other persons as appropriate. Emergency public transportation to government offices, supply centers, stores, post offices, schools, and major employment centers also can be made available in the area.

In addition to emergency assistance, the Disaster Relief Act of 1970 provides that the Federal Government may pay the net cost of permanent repair or replacement of public facilities, up to a facility's predisaster design basis and current codes and specifications. Reimbursement of up to 50 percent of eligible costs can be made for certain public facilities that were damaged by the disaster while under construction.

A 1971 amendment to Public Law 91–606 authorized similar aid to tax-exempt nongovernment medical care facilities.

Public Law 91–606 also empowers the President to make grants to any local government which has suffered a substantial loss of property tax revenue as the result of a "major disaster." Grants may be made for the tax year in which the disaster occurred and for each of the following 2 tax years in accordance with the regulations prescribed by OEP.

D. Other Recovery Assistance

Other Federal agencies have special emergency programs which can be invoked upon a "major disaster" declaration by the President, depending upon their administrative procedures in effect at the time. Specific examples:

The Small Business Administration and the Farmers Home Administration can also make their disaster loans (for urban and rural areas, respectively) in declared "major disasters." With a presidential declaration, liberal forgiveness benefits (up to $2,500) may be applied on the principal of the loan.

The Internal Revenpe Service can provide special tax treatment for disaster-created losses suffered by property owners. In some instances, a taxpayer may elect to take the deduction for the casualty loss on his tax return for the preceding year rather than the year of the disaster.

The Office of Education, Department of Health, Education, and Welfare, can provide for the repair or replacement of damaged public elementary and secondary schools, and for maintenance and operating costs.

The Department of Housing and Urban Development and the Veterans Administration can make adjustments under their respective insured home loan programs. Urban renewal programs can be expedited.

The Department of Agriculture can implement its donated feed program for commingled livestock.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks in the RECORD in connection with this joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOW. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I will, of course, support this supplemental appropriation for disaster relief in the manner in which it is brought in. The President asked for $100 million knowing that there was a conference report on the Treasury-Postal Service appropriation bill which was just adopted that has in it $92.5 million, and then that there is a $6 million carryover which would give the administration $198.5 million, and I am sure that would be enough for the next 2 weeks.

But in an effort to bolster the funds, an offer of an additional $100 million was made, and it will be used, but I do not believe within the next 2 weeks, after which we will probably bring in another bill.

So we will approve this, and we will support it, but it is unfortunate. It has become a habit to go above the budget.

There will be another conference report coming in shortly that is going to be billions of dollars over the budget. So there is nothing new here today about bringing in a bill that is over the budget. But it does seem to me that the day is coming—and probably very soon—when we will have to take a better look at the budgets and not bring in additional moneys—and I am not talking about disaster relief, because we know this has to be done, and the President knows it.

Regarding the suggestion of the language in the report to which the gentleman from Maryland refers, that the Committee on Appropriations expects the Office of Emergency Preparedness to make every reasonable effort possible to expedite the advances of funds, let me say that before the gentleman offered it in the committee, the President himself had gotten hold of the Office of Emergency Preparedness and told them to cut out the redtape, to get in there and get these funds moving.

So I am sure that the word of the President to that office will carry some weight, as will, of course, the language offered by the gentleman. But it should not be left to anyone's imagination by taking language of this kind that the administration is not cognizant of the need that this be done immediately.

I think also that the distinguished Governor of the State of Maryland has on several occasions quite recently said that he considers the Federal Government and the local governments are doing everything that is necessary, and he is perfectly satisfied in what is being done at this time.

So I would suggest that we do not get the idea that the administration is not for this disaster relief; every dime that is needed in it will be provided, and asked for, and the redtape will be cut.

I can assure the gentleman from Maryland that I will do everything I can to see that there is immediate action in connection with this, and I am sure that the administration will. I think the people in these areas should have some feeling of confidence from the action that has already been taken.

The distinguished gentleman from Pennsylvania (Mr. FLOOD) has done a magnificent job in his area in setting up his command post and handling it, but I think the gentleman will agree that he has had complete cooperation in trying to work this out.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman from Ohio for his support for this supplemental appropriation, and particularly for his support for the language in the committee report.

I wonder if the gentleman will explain why it has taken a whole year to get this money out, when it is only for a relatively small number of people.

Mr. BOW. I would say to the gentleman from Maryland that if it were in my district I could answer, and I would have been down there after it. I thought the gentleman could tell us, because it is his district, and I am sure the gentleman will be trying to get some money into the district that has been authorized.

Mr. LONG of Maryland. We are getting some of the money finally. But we cannot get an adequate explanation as to why the money has been so slow in coming.

Mr. BOW. I am sure that if the gentleman would like, I will check. I think it ought to be checked as to why it has not been done.

I can assure the gentleman that in this instance in this great disaster that faces our country we will see that everything will be done.

Mr. LONG of Maryland. Would the gentleman agree that a year is too long?

Mr. BOW. I would agree. And I would say to the gentleman that I would not have waited a year to get down there and try to find out why my people were not getting the money.

Mr. LONG of Maryland. The gentlemen from Maryland have not waited, but we cannot go down there and write the checks. We still have to rely on the administration to write these checks.

Mr. FLOOD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I take this time for a number of reasons. You all know—not as well as I do—but pretty much what the situation is in the State of Pennsylvania and more especially in my congressional district and even more especially in the chief city of Wilkes-Barre.

I use the language of the distinguished chairman of the full committee who in his own right has a flair for Shakespeare—let me say it this way—never in the history of this country has there been a more desperate civil disaster.

This is the worst civil disaster in the history of the Republic.

It is unnecessary for me to say more. As the gentleman from Ohio said, as soon as I was advised by the Army Engineers that this would develop as it has, I went, as you would, to Wilkes-Barre, and adjacent and contiguous to the airport above the water lines I set up a headquarters to coordinate all efforts, civil and military, in the U.S. Naval Training Station, and stayed there until Tuesday, day and night, until I came back here to work with you to do what you are doing now.

Let me say this. There has been no request to any branch of the Federal Government made by me that has not been promptly and completely met in every way as it was reasonable and humanly possible.

In a matter of an hour ago the SBA acted further, and I spoke to them, the Navy provided the aircraft, and there are now about this minute arriving in Wilkes-Barre 25 additional SBA experienced personnel. They will meet with the banking groups who are volunteering with people who are volunteering with other branches of the Government to come in and help the business community and the general public to do what can be done.

They are setting up substations down through the river area as far as 70 miles for convenience to the people—and so as not to bring them all into Wilkes-Barre.

Everything that is reasonable and possible that can be done is being done.

The same is true of the State of Pennsylvania.

Let me finish by saying this. Pennsylvania is the grand old Keystone State. The Members of this House since the birth of the Nation have come there and whenever there has been a disaster in any part of this country—a flood or earthquake or fire or tornado or a hurricane or what have you—every Member of the Pennsylvania delegation on both sides of the aisle, always with great heart and understanding, has done for the rest of the Nation what we are doing here for Pennsylvania and the other States involved in this immediate disaster.

Two hundred million dollars—yes—the President understood, and asked for $100 million. Before the Committee on Appropriations I did demand to make it $200 million. It was approved unanimously by the Committee on Appropriations, and it comes to us. You realize I am sure, and so do I, that $200 million will not do this. Only God knows just how many $100 million can help. I see in the State of Pennsylvania perhaps a billion dollars—just one State. But it is very bad there.

Do not forget this, the State of Pennsylvania will do its share more and more and more than you would expect; and of that you can be sure, and we always have.

We want nothing free. We want nothing thrown at us by largesse. We, as you do, feel that we have some kind of right, and that you know that.

We want nothing free. We want nothing thrown at us by largess. We—as you feel—we have some kind of right, and that you know. And I bring to you from the State of Pennsylvania and from my district the compliments that down through the years this House has earned.

Mr. CONOVER. Mr. Speaker, I compliment this body for quick passage of this legislation, both through the Banking and Currency Committee and the Appropriations Committee. The $200 million is needed with great haste and there must be additional funds appropriated later, because just the losses in Pennsylvania will be into the billions.

I hope we will also follow the lead of the President and cut the redtape that may occur in the issuance of moneys to the people. I would want all the various agencies to know my concern on the matter, not only in Pittsburgh, but throughout all of the areas damaged by Hurricane Agnes. This is truly a time for Government to show its response to human need in time of disaster. We have every indication that all agencies are cooperating and working well; let us hope it continues.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAHON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 356, nays 1, not voting 75, as follows:

[Roll No. 257]

YEAS—356

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen

Keating
Kee
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lent
Lloyd
Long, La.
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Blackburn

NOT VOTING—75

Abernethy
Abzug
Anderson, Tenn.
Ashley
Baring
Bell
Boggs
Bolling
Broomfield
Burke, Fla.
Caffery
Carney
Celler
Chisholm
Clawson, Del
Clay
Colmer
Curlin
Davis, S.C.
Dent
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Erlenborn
Evins, Tenn.
Findley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Griffiths
Grover
Hanna
Harsha
Hastings
Hays
Hébert
Hosmer
Karth
Keith
Kluczynski
Landrum
Lennon
Link
Lujan
McDade
McDonald, Mich.
Martin
Mathias, Calif.
Metcalfe
Michel
Miller, Calif.
Mosher
Moss
O'Hara
Poage
Poff
Pryor, Ark.
Rarick
Riegle
Roberts
Rousselot
Ruppe
Schwengel
Shoup
Shriver
Sikes
Steiger, Ariz.
Stephens
Vander Jagt
Wydler
Wylie

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mrs. Dwyer.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Dent with Mr. McDade.
Mr. Celler with Mr. Frelinghuysen.
Mr. Dulski with Mr. Hastings.
Mr. Evins of Tennessee with Mr. Findley.
Mr. Fuqua with Mr. Lujan.
Mr. Sikes with Mr. Burke of Florida.
Mr. Stephens with Mr. Poff.
Mr. Hays with Mr. Mosher.
Mr. Hanna with Mr. Del Clawson.
Mr. Moss with Mr. Hosmer.
Mr. O'Hara with Mr. McDonald of Michigan.
Mr. Kluczynski with Mr. Erlenborn.
Mr. Colmer with Mr. Martin.
Mr. Davis of South Carolina with Mr. Wylie.
Mr. Edmondson with Mr. Steiger of Arizona.
Mr. William D. Ford with Mr. Broomfield.
Mr. Abernethy with Mr. Keith.
Mr. Metcalfe with Mrs. Abzug.
Mr. Eckhardt with Mrs. Chisholm.
Mr. Curlin with Mr. Bell.
Mr. Clay with Mr. Pryor of Arkansas.
Mr. Landrum with Mr. Baring.
Mr. Ashley with Mr. Wydler.
Mr. Link with Mr. Shoup.
Mr. Carney with Mr. Grover.
Mr. Lennon with Mr. Shriver.
Mr. Karth with Mr. Harsha.
Mr. Miller of California with Mr. Mathias of California.
Mr. Caffery with Mr. Riegle.
Mr. Anderson of Tennessee with Mr. Michel.
Mr. Roberts with Mr. Rousselot.
Mr. Rarick with Mr. Gallagher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 15390. An act to provide for a four-month extension of the present temporary level in the public debt limitation.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 247. Joint resolution extending the duration of copyright protection in certain cases.

NATIONAL SHUT-IN DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 208) authorizing the President to proclaim the first Sunday in June of each year as "National Shut-In Day."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 208

Whereas the sick and old constitute an often neglected segment of our people; and

Whereas many shut-in persons, who now suffer the oblivion of solitude and indifference, have in the past contributed greatly to our present well-being, by being good parents, hard workers, and concerned citizens; and

Whereas there is no other hardship more amenable to human kindness than is this problem of loneliness; and

Whereas solitude knows no social or racial barriers, but is recognized by all men as a cause for bitterness and heartbreak; and

Whereas we, as individuals, possess the will to change our indifference to consolation and useful concern: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the first Sunday in June of each year as "National Shut-In Day" and calling upon the people of the United States to observe such day by visiting at least one shut-in person on this special day if possible, and by participating in other appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On pages 1 and 2, strike out the entire preamble.

On page 2, lines 4 and 5, strike out the phrase "the first Sunday in June of each year" and insert in lieu thereof "the third Sunday in October of 1972".

The amendments were agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the President to proclaim the third Sunday in October of 1972 as 'National Shut-In Day'."

A motion to reconsider was laid on the table.

(Mr. YATRON, at the request of Mr. EDWARDS of California, was granted permission to extend his remarks at this point in the RECORD).

Mr. YATRON. Mr. Speaker, the resolution which we are considering today, Senate Joint Resolution 208, to establish a National Shut-In Day, is one of special significance. It serves to focus attention on the Nation's elderly and ill and would set aside a day for visiting the sick and the aged. The measure, as amended, provides for an October date which is in the early part of the fall season, an appropriate time to pause and reflect on the plight of those whose confinement and loneliness do not end with the coming or ending of any season.

The resolution, as amended by the amendment offered by the gentleman from California, is consistent with my bill, House Joint Resolution 794, which would establish the third Sunday in October as National Shut-In Day.

The shut-in movement began with the untiring efforts of Father Felix A. Lasito, of Reading, Pa., whose work along with that of the people of Pennsylvania, resulted in the declaration by Gov. Milton Shapp of Pennsylvania Annual Shut-In Day. The concept has been enthusiastically received by Pennsylvanians and I am certain that many Americans throughout the country would take advantage of the opportunity to express concern for our shut ins on a National Shut-In Day.

I urge my colleagues to lend their full and active support to Senate Joint Resolution 208, as amended, thereby indicating our willingness and ability to change our indifferences to consolation and useful concern.

NATIONAL VOTER REGISTRATION MONTH

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 245) authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 245

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the importance of Congress promotion and encouragement of voter registration by all qualified citizens, especially those newly enfranchised by the twenty-sixth amendment to the Constitution, the President is authorized and directed to proclaim the period beginning September 1, 1972, and ending September 30, 1972, as "National Voter Registration Month", and to call upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CELEBRATION OF HONOR AMERICA DAY ON JULY 4, 1972

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 87) providing for celebration of Honor America Day on July 4, 1972.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. Con. Res. 87

Whereas it is the sense of Congress that 1972 be recorded as the year that all freedom loving Americans demonstrate a reaffirmation of their patriotism and love and respect for these United States of America upon the occasion of the 196th anniversary of its founding; and

Whereas the Congress is aware that while many of the problems confronting America may appear to be monumental, they are problems that are surmountable through the exercise of the American spirit and will; and

Whereas the rekindling of that spirit and will can begin by honoring America: Now, therefore, be it

Resolved by the Senate (the House of Reprsentatives concurring), That Congress declares July 4, 1972, as a day to honor America, and let there be public gatherings and activities at which the people of the United States can celebrate and honor their country in appropriate manner.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

NATIONAL INVENTORS' DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Joint Resolution (H.J. Res. 1232) designating, and authorizing the President to proclaim, February 11, 1973, as "National Inventors' Day."

The Clerk read the title of the Joint Resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 1232

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1973, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the four resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15390, PUBLIC DEBT LIMITATION

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation, with Senate amendments thereto, disagree to the Senate amendments, and request conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I assume they must have amended the title.

Mr. MILLS of Arkansas. I am not certain. I want to go to conference to find out what they have done.

Mr. BYRNES of Wisconsin. We do not even know what they have done in the other body, and we are going to go to conference?

Mr. MILLS of Arkansas. I never do know altogether what they have done in the Senate when I ask for a conference with the Senate. I find out when I get to conference that things have happened that I do not know about.

Mr. BYRNES of Wisconsin. Further reserving the right to object, Mr. Speaker, let me make this clear, that I am very much opposed to the procedures that have been followed and what is being done. I do not want to be unreasonable in terms of the procedures that are used. I assume that the chairman could, if this is objected to at this time, call the Ways and Means Committee together and report out a motion to instruct the Chair to send it to conference.

Mr. MILLS of Arkansas. If the gentleman will yield, that is exactly what the chairman of the committee would propose to do if there is objection.

Mr. BYRNES of Wisconsin. Right. And I do not know that anything really would be served by inconveniencing the Members in that respect. The meeting would not be related to a resolution of the issues on the merits, Mr. Speaker, so I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, this is the bill on which the Senate had increased social security benefits by 20 percent. Will those of us who have long agitated for this kind of increase have an opportunity to vote on this kind of issue whenever this goes to conference?

Mr. MILLS of Arkansas. Whatever the conferees might want to do with respect to the social security amendment, under the rules that could not be included as a part of the conference report. I might say to my friend, the gentleman from Illinois, it has to be brought back to the House in disagreement and a separate vote can be had on that type of amendment since it is not germane under the rules of the House to the subject matter of the House-passed bill.

Mr. PUCINSKI. Further reserving the right to object, then do I understand the Members will have an opportunity to vote on that question when it comes back?

Mr. MILLS of Arkansas. That is in accordance with the rules of the House, yes.

Mr. BURTON. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the distinguished chairman of the Ways and Means Committee, or perhaps make a plea. As the distinguished gentleman is fully aware, in addition to AFDC recipients, there are some 3 million persons who receive either aged aid or disabled or blind aid, and unless there is added protective language or disregard language in the bill, all of their social security increase will be denied them, because there will be a dollar-for-dollar offset in their grants.

My plea to the distinguished chairman is as follows: First, if the date of payment requires a retroactive payment, just for administrative simplicity, I ask, that retroactive payment be completely disregarded for all public assistance recipients.

The second plea would be I would urge with all the compassion at my command that the conferees pay notice to the dilemma confronted by these AFDC recipients and the 3 million persons at whatever level of increase in social security benefits may be approved. I think there should be some recognition of the impact on these people. I do not seek any more assurances than just, if you will, the sympathetic review and analysis of that particular question.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. I cannot advise the gentleman whether such a provision is in the Senate-adopted amendment or not. I doubt that it is, frankly, and I do not know what authority within the conference we might have. Certainly I have the same sympathy for this situation as my friend from California has. I do not know whether it is even retroactive or not. I have not had a chance to even look at the amendment, but the gentleman can be assured that if we cannot do something about it here, we shall not forget it, and shall try to do something about it in connection with some other legislation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, further reserving the right to object, if this unanimous consent is agreed to and the conference reaches agreement, would it be the purpose of the gentleman to call the conference report up this afternoon?

Mr. MILLS of Arkansas. I cannot tell the gentleman. I would hope that we could avoid being the ones—that is, the House conferees and the Senate conferees—who would be charged with being the ones that delayed the expected recess of the Congress. It is possible to do it, if everybody cooperates in the conference. Perhaps we can; I do not know. I cannot tell the gentleman "yes" or "no" in response to the inquiry. I do not know that we can have a conference report.

Mr. GROSS. That, too, would require a unanimous consent for approval?

Mr. MILLS of Arkansas. It would require unanimous consent for approval of such a conference report.

Mr. GROSS. Or a rule?

Mr. MILLS of Arkansas. If the conference report is to be called up and acted upon today, yes, or it would take a rule to do it.

Mr. GROSS. Or it would require a rule to do it. This is the same bill.

Mr. MILLS of Arkansas. It is a 4-month extension.

Mr. GROSS. This is the same bill that the House passed recently under a closed rule; is it not?

Mr. MILLS of Arkansas. That is right.

Mr. GROSS. What does it now carry? Four, five, or six, major amendments?

Mr. MILLS of Arkansas. I am not certain. I am not certain, because I just found out that the Senate had passed the bill only a few minutes ago, and it has just come to us.

I do not know whether there is any amendment, I am told, that is germane to the bill under the House rules. Perhaps the amendments—how many there are I do not know—are not germane to the bill under the House rules.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. If anyone is looking for responsibility as to delay, and delay should occur in our adjournment, they do not have to look very far. All they have to do is look to the other body, which put nongermane amendments on a bill of this House.

Mr. GROSS. I certainly agree with the gentleman from Wisconsin. That was exactly the point I was trying to make. If there is any allegation that the House has shirked its duty, that is as fallacious as it can be.

They have had the social security amendment for some 15 months, have they not?

Mr. MILLS of Arkansas. It has been a long time, but we passed the bill, as the gentleman will recall, on June 23, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, BYRNES of Wisconsin, and BETTS.

EXTENDING AUTHORITY OF SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 250) to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire whether we have this Senate joint resolution paper in our hands? Has it been printed, and does it comply with the rules of the House and the Reorganization Act?

The SPEAKER. It has been engrossed as a joint resolution. The engrossed Senate joint resolution is at the desk.

Mr. HALL. Further reserving the right to object, Mr. Speaker, may we have a bit of explanation as to why we were asked to give unanimous consent for this, what it is, and whether it is another one of these urgent emergency things, performed in haste or not, such as the one on which we worked until the wee small hours of last night.

Mr. PATMAN. Will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. PATMAN. Mr. Speaker, I have asked unanimous consent to take from the Speaker's table Senate Joint Resolution 250, a joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend certain laws relating to housing and urban development.

Section 1 of this joint resolution would extend for 1 year until June 30, 1973, the authority of the Secretary of Housing and Urban Development to set interest rates on FHA insured mortgages and VA guaranteed mortgages. It simply extends the existing law, giving the Secretary the authority to establish an interest rate at a market rate in excess of 6 percent.

This resolution also extends from June 30, 1972, to September 30, 1972, the date within which appropriations can be made for the model cities, community facilities, comprehensive planning, and open space land programs. This is necessary because the Congress has not yet completed action on the HUD appropriations for fiscal year 1973.

Finally, this resolution extends the waiver of certain mortgage limitations applicable to the purchase of mortgages by the Government National Mortgage Association for an additional 3 months.

This is a temporary measure, of course, because they expire tonight at midnight.

Mr. HALL. Mr. Speaker, this naturally brings up the question as to why the authorization for this extension has to be handled in this manner and why it has not been brought up previously when we had adequate time for discussion and debate.

Mr. PATMAN. We had a number of bills like this, I will state to the gentleman from Missouri. This is just one of them. We have gotten the rest of them through, I believe. All except this one.

Mr. HALL. Does the gentleman expect to bring them all up under extreme urgency and emergency, with haste, in the waning hours before recess to the point where one would begin to think that that is a part of the prescribed technique of his committee and, quote, stellar leadership, unquote?

Mr. PATMAN. We have passed all of them except this one, and one that is in the housing bill that has not been passed on yet. We expect to get to it this week, but we were interfered with on account of other measures, and we could not get to it.

Mr. HALL. Can we expect that one this afternoon while we are dilly-dallying, waiting for Rome to burn?

Mr. PATMAN. No.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, if I could ask the gentleman one question, how long has this been in mothballs, either in the Senate or in the House, or in the gentleman's committee, or wherever it has been?

Mr. PATMAN. It passed the Senate on June 23, less than a week ago.

Mr. GROSS. How long has it been in the House?

Mr. PATMAN. I do not know that. I can find out when it was introduced. It was introduced June 23, incidentally.

Mr. GROSS. This is the first action on it in the House; is that right?

Mr. PATMAN. It just came over last night.

Mr. GROSS. From the Senate?

Mr. PATMAN. Yes.

Mr. GROSS. Why has it not been moved out of the House before?

Mr. PATMAN. These extensions are in the House bill which is still being worked on in our committee. We have been working on them for 2 or 3 months, but the Senate passed the housing bill.

Mr. GROSS. I wonder whether politics interfered with it, whether it was on the House side or the Senate side.

Mr. PATMAN. This is strictly not partisan.

Mr. GROSS. I did not say anything about partisanship, I am talking about candidates for office interfering with the legislation that comes before the House.

Mr. PATMAN. Partisanship is often involved in politics.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, I would like the gentleman to know that the Committee on Veterans' Affairs tried to do something on this, and it passed the House some time ago on a different bill. Thy took it off that bill and placed it on the bill that is presently being considered. And it is most important that this pass the House today.

Mr. HALL. Mr. Speaker, I think from ordinary observation, to say nothing of the explanation of both the gentlemen from Texas, that it is important that it pass and be expedited, and, having brought to light the perfidy and the dalliance of the committee that ordinarily handles the FHA part of it, at least, I am prepared to withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MONAGAN. Mr. Speaker, reserving the right to object, I am cognizant of the necessity for action being taken at this time, but I would like to suggest to the distinguished gentleman, the chairman of the committee, that there are tremendously important programs that are involved in not only this resolution here, but in the provisions of the housing bill itself, sections 235 and 236, FHA, Urban Problems, Foreclosures, and so forth, and I would concede also that it is not a political matter that is holding up the action on the bill, but that it is very complex and has innumerable ramification. But I do wonder, and ask the gentleman what the prospects are in his opinion for a report of this bill and a prompt resolution of these problems?

I believe this is a 3-months stay that is requested here, which is very substantial in terms of the time that is involved.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman.

Mr. PATMAN. The problems mentioned by the gentleman are involved in the housing bill that is now before the committee for a mark-up session. I think within a week when we get the time we will have it all reconciled and we will be ready to get it to the House.

The part that the gentleman mentioned is in section 9, I believe. That has been carefully considered but we are going to consider it some more. There is a difference of opinion about it. But I believe it will be reconciled to the satisfaction of all reasonable parties.

Mr. MONAGAN. It is only the FHA request that is in the housing bill and also in this request before the House today?

Mr. PATMAN. That is right.

Mr. MONAGAN. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. WIDNALL. Mr. Speaker, further reserving the right to object, and I shall not object, I rise in support of Senate Joint Resolution 250. Despite the most sincere effort and much hard work by the Housing Subcommittee of the Banking and Currency Committee it has not been possible to complete action on this year's housing bill. The result is that HUD's authority to continue several important programs will expire tonight—tomorrow night—unless this resolution is enacted before we adjourn for your trip to Miami.

The resolution would extend for 1 year the Secretary's authority to set maximum interest rates on FHA insured mortgage loans to meet the mortgage market; extend the model cities authorization 3 months; extend the community facilities authorization; extend the section 701 planning authorization; and extend the waiver of certain limitations applicable to the purchase of mortgages by GNMA.

In addition, I have an amendment that I feel must be added in this resolution. It extends for 3 months the waiver of certain planning requirements in connection with the basic water and sewer facilities grant program. It is essential to maintain this waiver in the law for this additional period as there are certain areas throughout the country which have not, as yet, satisfied all the planning requirements required by the Department of Housing and Urban Development.

Many of these areas contain local communities which are in desperate need of Federal assistance in order to face the critical need for adequate water supply and sewage disposal. These areas are making a bona fide effort to meet the planning requirements and will be faced with great hardship if their opportunity for Federal grants for water and sewer facilities is cut off at this time.

I feel that in the interest of fairness, this waiver of the planning requirement should be extended for this additional time so that all communities will be eligible on the basis of their need. I urge adoption of this amendment.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. PATMAN. We are in accord with what the gentleman says and we would accept the gentleman's amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 250

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FLEXIBLE INTEREST RATE

SECTION 1. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, as amended (12 U.S.C. 1709-1), is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

EXTENSION OF MODEL CITIES AUTHORIZATION

SEC. 2. Section 111(c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMMUNITY FACILITIES AUTHORIZATIONS

SEC. 3. Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF COMPREHENSIVE PLANNING AUTHORIZATION

SEC. 4. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF OPEN-SPACE LAND AUTHORIZATION

SEC. 5. Section 708 of the Housing Act of 1961 is amended by striking out "July 1, 1972" and inserting in lieu thereof "September 30, 1972".

EXTENSION OF WAIVER OF CERTAIN LIMITATIONS APPLICABLE TO THE PURCHASE OF MORTGAGES BY THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 6. Section 3 of the joint resolution entitled "Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Food Insurance Act of 1968, and for other purposes", approved December 22, 1971, is amended by striking out "6 months" and inserting in lieu thereof "9 months".

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIDNALL: Following Section 6 insert the following new section:

SEC. 7. Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "June 30, 1972" and inserting in lieu thereof "September 30, 1972."

The amendment was agreed to.

Mr. BARRETT. Mr. Speaker, I rise in support of Senate Joint Resolution 250. The purpose of this joint resolution is to extend the authority of the Secretary of the Department of Housing and Urban Development with respect to interest rates on insured mortgages and to extend certain other laws relating to housing and urban development. Continuation of the housing and urban development authorities contained in this joint resolution is an urgent necessity. Although the Senate has already passed authorizing legislation for these programs, an interim authorization is required at this time because house action on the 1972 Omnibus Housing bill has not yet been completed.

I would like to emphasize that this measure does not contain any increase in dollar authorizations. Rather, it merely extends for approximately 90 days the time within which funds already authorized may be appropriated.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCREASING GRANT PAYABLE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3343) to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Strike out the matter proposed to be inserted by amendment No. 2 of the House engrossed amendments.

Amend the amendment of the House to the title so as to read: "An Act to amend title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Texas if the Senate amendments are germane and/or if they add to the cost of the bill as passed by the House.

Mr. TEAGUE of Texas. The Senate amendments are germane and they do not add to the cost of the bill.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendments were concurred.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1204) on the concurrent resolution (H. Con. Res. 553), authorizing certain printing for the Committee on Veterans' Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 553

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the second session of the Ninety-second Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-second Congress, Second Session", with an additional forty-four thousand copies for the use of Members of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF REPORT ENTITLED "PAPERS SUBMITTED TO SUBCOMMITTEE ON HOUSING PANELS ON HOUSING PRODUCTION, HOUSING DEMAND, AND DEVELOPING A SUITABLE LIVING ENVIRONMENT"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1205) on the concurrent resolution (H. Con. Res. 559), providing for the printing of the report entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment," and ask for immediate consideration of the concurrent resolution, as follows:

H. CON. RES. 559

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Banking and Currency of the House of Representatives five thousand copies of the two-volume committee print entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment," printed for the use of the Committee on Banking and Currency.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF REPORT ENTITLED "HOUSING AND THE URBAN ENVIRONMENT, REPORT AND RECOMMENDATIONS OF THREE STUDY PANELS OF THE SUBCOMMITTEE ON HOUSING"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1206) on the concurrent resolution (H. Con. Res. 560), providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 560

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Committee on Banking and Currency of the House of Representatives five thousand copies of the committee print entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing Including Summaries of the Administration's Housing Consolidation and Simplification Act of 1971, and Community Development Act of 1971," printed for the use of the Committee on Banking and Currency.

The concurrent resolution was agreed to.

A motion to consider was laid on the table.

PRINTING AS A HOUSE DOCUMENT THE PAMPHLET ENTITLED "OUR FLAG"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1207) on the concurrent resolution (H. Con. Res. 605), to authorize the printing as a House document the pamphlet entitled "Our Flag," and to provide for additional copies, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 605

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document with illustrations, a revised edition of the House document "Our Flag"; and that two hundred and seventy-one thousand additional copies be printed, of which two hundred and nineteen thousand five hundred shall be for the use of the House of Representatives, and fifty-one thousand five hundred shall be for the use of the Senate.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING ADDITIONAL COPIES OF HEARINGS ON THE "ENVIRONMENTAL PROTECTION ACT OF 1971"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1208) on the Senate concurrent resolution (S. Con. Res. 60) to print additional copies of hearings on the "Environmental Protection Act of 1971," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Commerce two thousand additional copies of part 1 of the hearings entitled "Environmental Protection Act of 1971" held before the Senate Committee on Commerce.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NUMBERED 56, ENTITLED "STATE UTILITY COMMISSIONS—SUMMARY AND TABULATION OF INFORMATION SUBMITTED BY THE COMMISSIONS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1209), on the Senate concurrent resolution (S. Con. Res. 62), authorizing the printing of additional copies of Senate Document No. 56, entitled "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That there be printed for use of the Senate Committee on Government Operations, one thousand additional copies of Senate Document Numbered 56, Ninetieth Congress, first session, entitled "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions" (September 11, 1967).

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON THE CONSUMER PRODUCT SAFETY ACT OF 1971

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1210) on the Senate concurrent resolution (S. Con. Res. 70), authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Commerce two thousand additional copies each of parts 1 and 2 of its hearings during the first session, Ninety-second Congress, on the Consumer Product Safety Act of 1971.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 92–634, ENTITLED "INTERIM REPORT OF ACTIVITIES OF THE PRIVATE WELFARE AND PENSION PLAN STUDY, 1971"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1211) on the Senate concurrent resolution (S. Con. Res. 74), authorizing the printing of additional copies of Senate Report 92–634, entitled "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare two thousand additional copies of Senate Report 92–634, entitled "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971", a report by its Subcommittee on Labor pursuant to section 4 of Senate Resolution 35, Ninety-second Congress.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ENTITLED "AMPHETAMINE LEGISLATION, 1971"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92–1212) on the Senate concurrent resolution (S. Con. Res. 79) authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation 1971," and ask for immedaite consideration of the Senate concurent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 79

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary five thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, on S. 674, to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such Act to schedule II, and for other purposes.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPRINTING BROCHURE ENTITLED "HOW OUR LAWS ARE MADE"

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 530) to reprint brochure entitled "How Our Laws Are Made," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 4, insert:

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF CONSTITUTION OF THE UNITED STATES TOGETHER WITH DECLARATION OF INDEPENDENCE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 552) to provide for the printing of the Constitution of the United States together with the Declaration of Independence, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, after line 8, insert:

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ONE-YEAR EXTENSION OF SPECIAL PROJECT GRANT AUTHORITY UNDER MATERNAL AND CHILD HEALTH SERVICES PROGRAM

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9410) to amend title V of the Social Security Act to extend for 5 years—until June 30, 1977—the period within which certain special project grants may be made thereunder, which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. COLLIER. Mr. Speaker, reserving the right to object and I shall not object—I do this solely for the purpose of permitting the distinguished chairman to explain the bill.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. H.R. 9410, as amended by the committee, would extend for 1 year the provisions in present law which provide that 40 percent of the funds appropriated under the maternal and child health program are to be used for special projects in maternal and child health and crippled children's programs.

Under present law, effective July 1, 1972, the 40 percent for special projects would be added to the funds allocated under formula grants to the States. In addition, on July 1, 1972, State plans approved for allocation would have to include provisions for projects in areas of infant care, maternal health services, dental services, and children and youth projects.

H.R. 9410 provides that these changes in allocation would go into effect on July 1, 1973, rather than July 1, 1972. Neither the Department of Health, Education, and Welfare, nor the States generally have performed the planning necessary for the transition of the special projects. The General Accounting Office made the following statement on this point:

Although Title V specifically requires the change in the methods of fund distribution on July 1, 1972, GAO found that HEW had made no plans for an orderly transition. Because plans have not been made at the Federal level, few States have made plans for the transition.

The Department of Health, Education, and Welfare has recommended and approved the provisions in H.R. 9410 and the bill was reported unanimously by the committee.

I want to take special note of the efforts of the gentleman from New York (Mr. KOCH) on behalf of this legislation. He gave excellent testimony before the Committee on Ways and Means on this subject and has continually expressed his interest to me on moving this legislation. There are mothers-to-be and children yet unborn who will owe him a debt of gratitude.

Mr. Speaker, I urge the adoption of the bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding, and I appreciate the coordination of the chairman and the committee before this unanimous consent request was made. I think this is a must. But, again it comes on the last day for action prior to recess.

The reason for my rising and asking the gentleman to yield at this time is to point out that this is the second time today that committees and/or their reports have reported the Department of HEW has failed to comply with statutory orders of the legislative branch that provides not only the policy but the jurisdiction, the surveillance, the oversight, and the funding to make such transition plans. The Subcommittee on Appropriations, that handles the emergency medical service of the U.S. Public Health Service on prepackaged disaster hospital units, warned over a year ago that they should make a survey, study, and take corrective actions; and the investigative staff of that subcommittee and the GAO both found that they have not turned stone No. 1, toward this directive of the Congress.

Mr. Speaker, in my opinion, it simply indicates that that sprawling octopus down there is either defiant of the surveillance, oversight, review, and policymaking capacity, to say nothing of the fund granting or the purse-string control of the Congress—defiant, I say, or else they are such a sprawling octopus, so poorly led, that they fail to accomplish any direction whatsoever.

I think it could be both, and it is high time that either the highest authority jerk a knot in their tail and tell them to "get with it," or it is time that the Congress begin to practice a little incisive purse-string control.

The distinguished gentleman is exactly right. There is absolutely no point at all in letting a 40-percent grant for special projects amalgamate with the 50-percent formula grants and give them 90 percent control of all of the allocated funds in even this most sacred cow of all social security benefits, that is, the maternal and child health and welfare benefits, unless they have made an orderly plan for transition. I think somebody ought to say "achtung," snap to, and then see that they do it.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. I appreciate the remarks of the gentleman from Missouri. Let me point out that we have had 5 years in this instance for this transition. It has not been done. I can only conclude that perhaps the gentleman is right in his summary of what is the cause of it, plus this one additional factor, if I might add it to the gentleman's conclusion. Perhaps they have so many people over there that it is so difficult for them to get out of one another's way that they do not have time to really do anything about what we suggest. They do need to have somebody jerk them out of it.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 9410, extending the present distribution formula for maternal and child health programs and crippled children's services for another year.

In order to put the problems this bill deals with in context, it may be appropriate to review a little history. In the Social Security Amendments Act of 1967, we reviewed title V of the Social Security Act providing authorizations for maternal and child health and crippled children's services. A number of separate earmarked authorizations in the then existing law were consolidated by the 1967 amendments into one single authorization with three broad categories. It was felt desirable to give the States more discretion to respond to the varying problems that existed in the area of maternal and child health and crippled children's services in each State.

Accordingly, beginning with fiscal year 1969, 50 percent of the total authorizations were provided for formula grants for maternal and child health services and crippled children's services; 40 percent of the total authorizations were provided for special project grants for maternity and infant care, health of school and preschool children, and for dental health of children; 10 percent of the total authorizations were provided for research and training of administrative personnel in these programs. The 1967 amendments provided that, beginning in July of 1972, the States would assume responsibility for the special project grants, with 90 percent of the total authorization for maternal and child health and crippled children's services being allocated to the States as formula grants.

The Ways and Means Committee has been advised by the Department of Health, Education, and Welfare that neither the Department nor the States have performed the planning necessary for the assumption by the States of responsibility for the special project grants. The Comptroller General studied the problem and concluded that significant dislocations in the program would occur unless the present distribution formula is extended for another year. The Comptroller General recommended such an extension which would provide an additional period during which the Ways and Means Committee could consider other potentially desirable changes. I should make it clear that the bill does not involve any additional Federal costs, but simply relates to the manner in which Federal funds for maternal and child health and crippled children's services will be distributed during fiscal 1973.

For the reasons outlined, Mr. Speaker, I urge that the bill be passed.

Mr. COLLIER. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

H.R. 9410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Social Security Act is amended by striking out "$350,000,000" and inserting in lieu thereof "$630,000,000".

SEC. 2. (a) Paragraph (1) of section 502 of the Social Security Act is amended by striking out "each of the next 3 fiscal years" and inserting in lieu thereof "each of the next 8 fiscal years".

(b) Paragraph (2) of section 502 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1978".

SEC. 3. (a) Section 505 (a) (8) of the Social Security Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1977".

(b) Section 505(a)(9) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1977".

(c) Section 505(a)(10) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1977".

(d) Section 508(a)(3) of such Act is amended by striking out the comma after "service" and inserting in lieu thereof "during fiscal years ending on or before June 30, 1973,".

(e) Section 508(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1977".

(f) Section 509(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1977".

(g) Section 510(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1977".

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) paragraph (1) of section 502 of the Social Security Act is amended by striking out "each of the next 3 fiscal years" and inserting in lieu thereof "each of the next 4 fiscal years".

(b) Paragraph (2) of section 502 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

SEC. 2. (a) Section 505(a)(8) of the Social Security Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(b) Section 505(a)(9) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(c) Section 505(a)(10) of such Act is amended by striking out "July 1, 1972" and inserting in lieu thereof "July 1, 1973".

(d) Section 508(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

(e) Section 509(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

(f) Section 510(b) of such Act is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, all of us are acquainted with the amendment. I ask unanimous consent that the committee amendment be printed at this point in the Record and be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill to amend title V of the Social Security Act to extend for one year (until June 30, 1973) the period within which certain special project grants may be made thereunder.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO DECLARE A RECESS TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order at any time during the balance of the week for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, first of all I would like to know what the gentleman means by "the rest of the week."

Mr. O'NEILL. I hope I mean by 6 or 7 o'clock tonight. It is subject to the debt ceiling limit and the social security matter. They are the only matters I know pending before the House before we go on our vacation.

Mr. GROSS. Is Sunday construed to be included within "the rest of the week" or is it excluded, as it properly should be?

Mr. O'NEILL. I think that is next week. That means only today or tomorrow.

I believe there is also a continuing resolution by Mr. Mahon to be brought up.

Mr. GROSS. If we leave it subject to the call of the Chair, what business is proposed to be transacted thereafter? Would we be convened to hear more of the so-called cats-and-dogs legislation, or would it be for a specific purpose?

Mr. O'NEILL. To my knowledge, there is only the legislation that Mr. Mills of Arkansas has gone to conference on. If he comes back, he will have to ask unanimous consent or go to the Committee on Rules. And there is a continuing resolution Mr. Mahon will offer. Those are the only two items I have knowledge of. I do not anticipate any "cats or dogs" other than the usual unanimous-consent requests.

Mr. GROSS. Unanimous-consent requests under the circumstances can mean most anything.

Mr. O'NEILL. Mr. Speaker, in reply to the gentleman from Iowa, as far as I know, I know of no other legislation coming along at this particular time.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I will be glad to yield to my friend, the gentleman from Missouri.

Mr. HALL. Mr. Speaker, if I understand correctly the distinguished acting majority leader's statement, if this request is granted, we would recess soon, presumably after the special orders, or according to the leadership's desires, and then be called with the usual bells 15 minutes or so before at any time the rest of this day, or this weekend, for further consideration. Does that mean that the previous announcement and agreement to recess on the completion of business today, Friday, June 30, is obviated and negated?

Mr. O'NEILL. I do hope that we can recess. All I can say is that I am sure the gentleman is aware, as I am, that it is the expressed desire of the leadership to be out of here as quickly as possible. I cannot estimate as to what time the committee will come back. I do not know whether there is going to be an objection to a unanimous consent request, and that the bill therefore will have to go to the Committee on Rules, or whether when they do bring it up they will take the full time on it or not.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, as I understand, the sole remaining business after the recess is, No. 1, the continuing resolution and, No. 2, the social security provision that has been attached, like a Christmas tree ornament to the "legalized" debt ceiling proposal, and any unanimous requests that might come up?

Mr. O'NEILL. The gentleman is correct.

Mr. HALL. And that it is the plan to adjourn for the recess after these have been handled?

Mr. O'NEILL. The gentleman is correct.

Mr. GROSS. Mr. Speaker, after yesterday's experience I have the impression that we are being treated as though this was the preface to a sine die adjournment of the 92d Congress. That is what I gather from the experience of yesterday.

Mr. O'NEILL. I wish it were so, but we both know better.

Mr. GROSS. When we worked yesterday from 10 o'clock in the morning until 12:30 this morning. I know it is not the case, but I wish it were true that this recess meant sine die adjournment of the 92d Congress.

However, I still do not understand why we went through the grueling, brutal procedure that we did yesterday. I just do not want a repetition of that day again if it can be avoided.

I wonder if the gentleman would not change his recess request to read, "today," rather than "for the remainder of this week," because that is really dealing with the unknown.

Mr. O'NEILL. Yes. I will do so.

Mr. Speaker, I would like to ask unanimous consent that my request be changed, and that it may be in order for the Speaker to declare a recess at any time today, subject to the call of the Chair.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman for yielding, and I would like to ask the gentleman a question.

I have heard this rumor, and does the gentleman know if in the Senate-passed bill on the debt increase there was the continuing resolution language included in there? Does the gentleman know?

Mr. O'NEILL. I have no way of knowing. I have not seen the legislation.

Mr. SMITH of California. The gentleman does not know?

Mr. O'NEILL. No, I do not.

Mr. SMITH of California. Because I had heard the rumor, and I just wondered if the gentleman from Massachusetts knew whether that was true or not.

Mr. O'NEILL. I do not know.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I would like to ask the gentleman from Massachusetts if the gentleman would consider changing his request to a time certain? I recall that the last time we had this problem we went on for many, many hours, and then when we returned we found out we still did not have legislation ready.

Would the gentleman consider changing the time to make it a time—say, 6 o'clock?

Mr. O'NEILL. I am sorry, but I cannot. I just cannot explain to you any better than I have that I really do not know what time the conferees are going to come back. They could be back in half an hour, and then if we had set a time certain we would be waiting around here for perhaps an hour or more longer.

Mr. MILLER of Ohio. Could the gentleman set a maximum time, say that the maximum time would be 6 o'clock, so that we could at least be in here for a report at that time?

Mr. O'NEILL. That is really unprecedented, and I think would be uncalled for. We cannot estimate things like that.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, it would seem to me that we have reached the point that this unanimous-consent request can be handled. It should be satisfactory, and I hope that it is agreed to.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts (Mr. O'Neill)?

There was no objection.

CONGRESSIONAL BLACK CAUCUS STATEMENT ON WELFARE REFORM

(Mr. MITCHELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL. Mr. Speaker, little that has been said or done by the Congress or the White House over the last 3 years has contributed to the need for effective reform of our present welfare system. Mr. Nixon's statement at his press conference of last week that he would refuse to seek a compromise on the welfare legislation contained in H.R. 1 is but the latest in a series of politically motivated actions that are not in the best interests of welfare recipients or the Nation.

The congressional Black Caucus Tuesday issued a statement detailing the disastrous events that have befallen welfare reform during the last 3 years. In this position paper, the Black Caucus also calls for the adoption by the Senate of seven stopgap measures that would bring us a small step forward instead of the reactionary step backward of H.R. 1. I trust that all those concerned with this vital question will read the statement which I insert in the Record at this point.

Statement Issued by the Congressional Black Caucus Regarding Welfare Reform—Tuesday, June 27, 1972

The stance taken by President Richard Nixon on the question of welfare reform at his news conference last Thursday comes as no surprise to those who have been following the wayward course of welfare reform over the last three years. Ever since he revealed the contents of his Family Assistance Plan to the Nation on August 8, 1969, the President has displayed scant interest in his legislation and has been equally as lacking in his adherence to the principles he set forth in August, 1969, as the basis for reform of the welfare system.

The actions taken by the Congress over the last three years in relation to the Family Assistance Plan have also been contrary to the cause of welfare reform. The decisions made on this issue in the Senate in the next few weeks will determine whether this harmful trend is to continue, or whether this Congress will enact legislation that will deal humanely and effectively with the mounting crisis in welfare.

Spurning the advice of his own Secretary of Health, Education, and Welfare as well as nineteen of his party's members in the Senate, Mr. Nixon last Thursday termed his welfare program as amended by the House Ways and Means Committee the "middle position" among the various proposals currently being offered in the Senate. To buttress his position, the President claimed that his legislation had been "overwhelmingly approved by the House of Representatives." The facts indicate otherwise, however.

Title IV of H.R. 1, the welfare legislation which passed the House of Representatives and the President now claims to be the middle position on the issue, differs in several respects from the proposal originally offered by Mr. Nixon. The President stated in August, 1969, that no one would be worse off financially under the Family Assistance Plan than he is under the present AFDC system. Under H.R. 1 an estimated 90% of the welfare families in forty-five states and the District of Columbia would be receiving federal benefits that are lower than their present combined level of AFDC payments and food stamps. The $2,400 payment level for a family of four established under H.R. 1 is far short of the federal government's official determination of the poverty level. Ways and Means Committee Chairman Wilbur Mills and high ranking officials in HEW have acknowledged that $2,400 is insufficient to provide a family of four with a minimally adequate income. Unless states supplement the newly created federal floor under incomes, families will be forced to exist on less money than they do at present. Instead of insuring that states maintain their present level of benefits, H.R. 1 contains provisions likely to spur reduced state contributions for welfare. The poor in only four or five states might end up better off with the creation of a federal minimum payment.

The President also declared in introducing his Family Assistance Plan to the Nation that the new program—by supplementing the income of the working poor—would increase the incentive to work of welfare recipients. The President also spoke of providing those on welfare with "a chance to qualify not just for any job, but for good jobs, that provide both additional self-respect and full self-support." "The cold hard truth," continued Mr. Nixon in August, 1969, "is that a child born to a poor family has less chance to make a good living than a child born to a middle-income family." We find it impossible to square these statements with the callous pronouncements made by the President since then. "Let us recognize once and for all in America that any work is preferable to welfare," said the President to the Congress on September 9, 1971. "There is as much dignity in scrubbing floors or emptying bedpans as there is in any other work to be done in this country, including my own," Mr. Nixon told the Republican Governors Conference on April 19, 1971. Such statements may find favor with the right wing of the Republican Party, but they must be condemned for the political demagoguery and the lack of human concern that they represent.

In formulating the sections of H.R. 1 dealing with employment opportunities, the Ways and Means Committee has followed the President down a path that is not lighted by the realities of the situation. The Administration has estimated that 2.6 million families would contain persons required to register for employment services under the Bill. Yet H.R. 1 authorizes 412,000 training and job placement slots, 200,000 public service employment slots, and 187,000 places under the existing AFDC Work Incentive Program—a combined total of 799,000 positions, 1.8 million less than are needed. Under the President's original proposal, welfare recipients were compelled to participate only in "suitable" employment and manpower services programs, but recipients are unable to challenge the suitability of such programs under H.R. 1. At present the lack of adequate child care facilities is considered an adequate basis for a mother to refuse to participate in a manpower program. H.R. 1 does not specify that that practice will continue under the Family Assistance Plan.

H.R. 1 is also a nightmare of questionable provisions that have already been declared unconstitutional by the Supreme Court or that do away with safeguards that are presently part of welfare law or practice. States are authorized to reimpose the residency requirements that were overturned by the Court in *Shapiro vs. Thompson*. Hearing procedures need no longer conform with many of the present regulations regarding due process. There is no provision in the Bill guaranteeing a recipient's right to receive benefits pending a hearing—in violation of the Supreme Court's decision in *Goldberg vs. Kelly*.

Although the President stated his intention to replace "demeaning and costly" investigations of welfare recipients with simplified reviews and spot checks when he first introduced his welfare reform, H.R. 1 compels recipients to reapply for benefits every two years. The President has said nothing about this inconsistency. Rather he has encouraged the thinking among many that such checks are needed to prevent wholesale welfare fraud. Mr. Nixon knows that such thinking is unfounded, for his message to the Senate on welfare this past March, he cited state quality control surveys indicating that less than 5% of welfare recipients were ineligible for the funds they were receiving.

H.R. 1 would also require mothers to seek work once their children became three, instead of six, as is the case under current law. HEW Under Secretary John Veneman has revealed the President's opposition to this provision. However, Mr. Nixon has failed to address this point with the zeal or the concern that he displayed in vetoing the comprehensive child care Bill because of what he considered the family-weakening implications in that legislation. We cannot comprehend why the President's legitimate concern for the family apparently does not extend to the mother of a four-year old child who would be forced to work without any provision being made for the adequate care of her child.

It was because of these harmful and inequitable provisions that the Congressional Black Caucus voted last June to strike Title IV, the section containing the Family Assistance Plan, from H.R. 1, and failing in that, opposed the entire bill on final passage. We were not alone in expressing our disgust with the provisions of H.R. 1. Whereas the Family Assistance Plan had passed the House by a margin of 88 votes in 1970, that figure was nearly cut in half on the decisive vote to strike Title IV last June. The legislation might even have gone down to defeat had many of our liberal colleagues who shared our reservations about Title IV had not accepted the argument offered by some that we could expect the Senate not only to remove these harmful provisions from the bill but to extend the scope and quality of coverage under the legislation.

Instead of adhering to that rosy scenario, the Senate Finance Committee, in its actions on the welfare bill, has expanded upon the faulty foundations first erected in H.R. 1. The Long plan does not even guarantee the existence nationwide of a minimum benefit of $2,400—the level of the inadequate floor established under a family's income in H.R. 1. A family of four in the state of Mississippi could still be forced to exist on $60 a month under this regressive legislation. By prohibiting federal administration of welfare services, the Finance Committee bill guarantees that the discriminatory and inhumane treatment of welfare recipients will continue unabated in those states where it has been practiced so frequently in the past.

The provision in this legislation which has justly received the most attention has been the creation of the Federal Employment Corporation as part of the Guaranteed Jobs Opportunities Program. Under this forced work program, American citizens would be required to take jobs for which their total weekly wage would be $60.00—below that which they would earn at the federally established minimum wage. Such a program is not only counter to constitutional and other safeguards against involuntary servitude and peonage, but it totally ignores the real situation in relation to the employment capabilities of welfare recipients. If work were available—which it certainly is not at this moment—only 5% of those individuals currently receiving welfare benefits would be considered employable, according to figures prepared by the Department of Health, Education, and Welfare. The Finance Committee bill is even more punitive than is H.R. 1, by cutting off benefits to mothers of school age children, whether they are able to find employment or not. The Senate bill also fails to make provision for the training of welfare recipients so that they will become equipped to obtain higher-paying jobs. We strongly support efforts to secure jobs for all able-bodied Americans and have backed legislation to that effect, but we must reject demagogic and reactionary attempts to force people to take jobs at inadequate wage levels and in violation of their constitutional rights.

We all recognize the urgent need for reform of our welfare system. But any change is not necessarily improvement. The Congress must not pass legislation bearing the title of welfare reform so that it can claim to have done something constructive in the area of welfare when in reality it has not.

Now that the President has destroyed any chance for a major reform bill passing the Congress this year, the Congressional Black Caucus must join the Urban League, the Friends Committee on National Legislation, and the National Council of Churches, among other groups, in calling for the adoption of the following stop-gap measures.

(1) Full federal administration of welfare.

(2) The setting of a federal floor at $2,400—to be increased as soon as possible.

(3) Hold harmless on recipient benefits as of December 31, 1970.

(4) State fiscal relief.

(5) Amend Talmadge amendment to set a career profile for recipients referred to jobs or job training.

(6) Amend Talmadge amendment to set minimum child care standards.

(7) Make the AFDC–U program for families with unemployed fathers mandatory in all 50 states. Only 23 states are currently in the program.

President Nixon knows that Title IV of H.R. 1 lacks the support needed for it to pass the Senate. A study by the League of Women Voters has indicated that as few as seven Senators favor the House-passed bill. Certainly a bill with such limited backing falls far short of occupying the "middle position" on this issue. The overwhelming majority of the Senate has rejected this regressive legislation and rightly so.

Despite such evidence to the contrary, President Nixon will undoubtedly continue in his effort to paint this bill as a moderate proposal deserving of broad support. We have been exposed to such sham before. We have been told before that we were seeking too much. We have been told before that we should accept a compromise that has been presented to us.

We could not then, nor can we today, compromise on that to which we are entitled as American citizens. We cannot accept what is termed the only viable alternative availabel but is in fact the condemnation of millions of Americans—especially children—to a continued existence of want and need.

We urge the Senate to reject H.R. 1 or any vain attempt to improve it by a compromise that will be undone in the conference committee. We urge the Senate instead to enact into law those measures noted above which would bring us a small step forward in welfare reform instead of a reactionary step backwards.

PERSONAL EXPLANATION

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, I am unrecorded on several rollcall votes this session and wish to state my position for the RECORD:

On rollcall No. 151, I would have voted "yea."

On rollcall No. 152, I would have voted "yea."

On rollcall No. 183, I would have voted "nay."

On rollcall No. 196, I would have voted "yea."

On rollcall No. 207, I would have voted "yea."

On rollcall No. 208, I would have voted "yea."

FORCED BUSING TO ACHIEVE RACIAL BALANCE

(Mr. BAKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. BAKER. Mr. Speaker, it is encouraging to note the resolve of the distinguished chairman of the Rules Committee (Mr. COLMER) in pressing for action on the legislation to prohibit forced busing to achieve racial balance in our public schools.

Forced busing is a major issue in many sections of the country, and it most certainly is one of primary importance to several of the metropolitan communities in Tennessee, including the city of Chattanooga where a tremendous investment in transportation equipment must be made before any busing decree can be carried out.

One of the major faults of the higher education bill was the modified provision on busing which differed from the strong stand the House conferees were instructed to insist upon. President Nixon took special note of this failure when he signed the higher education bill into law. He called upon the Congress to take separate action on the legislation he sent to the Hill for the purpose of drawing up new uniform national desegregation standards for all school districts.

We have his bill and we have the constitutional amendment which many of us favor as being the most effective way to resolve this issue. I certainly support the chairman of the Rules Committee in any move he makes to bring this legislation to the House floor while there is an opportunity to act on it during this session. He has worked closely with my colleagues and me in this joint effort to correct the inequities caused by forced busing.

ZIONIST ORGANIZATION OF AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 1 hour.

Mr. CRANE. Mr. Speaker, I recently had occasion to address the 75th Jubilee Conference of the Zionist Organization of America in Chicago. At that meeting, I discussed the continuing need of Jews to remain viligant in the defense of the sovereignty of the State of Israel. American Zionists struggled for many years in behalf of the creation of a Jewish state. Many who labored in that effort gave up their concerns after the emergence of the State of Israel.

Zionist anxiety today centers around threats to the continued survival of Israel in the face of an unprecedented threat to its existence posed first by the Soviet Union and second by the Arab clients of the U.S.S.R.

Nation states have come and gone. Such names as Latvia, Lithuania, or Estonia once identified nation states. Today, most young people cannot identify these names and even older Americans have forgotten the circumstances underlying the demise of these once proud, once independent states.

It is, perhaps, easy to be indifferent to the demise of small nations if one has no immediate interest in the nation's suffering such a fate. Zionists, understandably, do not have such an indifference over the fate of Israel. But all thoughtful, freedom-loving people should maintain an active interest in the survival of nations threatened with extermination by Communist aggression.

No nation—large or small—is exempt from the imperialist ambitions of the dictators in the Kremlin. Americans should bear this in mind. As Herman Weisman, president of the Zionist Organization of America, so incisively stated:

> If the United States Government has given credits to Israel, it is because the United States Government recognizes that Israel is the de facto ally of the U.S. in the Middle East and is doing a job for the U.S. in that area.

As the Zionists met in Chicago, the situation in the Middle East remained a precarious one, with Israel's future security more in doubt than at any time since its successful fight for independence. This has resulted from a combination of Soviet military and diplomatic advances, the danger of a new American isolationism and cutback in defense spending, and in international radical assault not only upon the integrity of Israel but upon Judaism and the Jewish people as well.

In a speech by Soviet Premier Kosygin on February 11, 1972, the posture of the Soviet Union in the Middle East came out strikingly at variance with the "peaceful-coexistence" formula presented at other times and other places.

An Iraqi delegation had suddenly arrived in Moscow the day before, 6 days after the departure of Egyptian President Anwar Sadat. At the luncheon given in its honor the day after its arrival, Kosygin began his speech by saying that the Soviet Government attached great importance to the visit of the party and government delegation from Iraq.

"The Middle East," he said:

> Is one of the parts of the world where the forces of progress are waging a ceaseless struggle against the forces of reaction and imperialism. The imperialists are doing everything in their power to hold on to their positions in that area and to undermine the progressive regimes in the Arab states.

He continued to note that:

> Some people in Israel and the United States presume that in the present situation the Arab peoples will in the final analysis reconcile themselves to the occupation of their territories. Such hopes are devoid of any foundation . . . The Soviet Union is giving its Arab friends all-out political and economic support and effective assistance in strengthening their defense capacity so as to enable them to administer a fitting rebuff to the imperialist intrigues in the Middle East.

In that same month, February, 1972, Marshal Andrei Grechko left Moscow for visits with the leaders of the Somali Democratic Republic, which is situated opposite Aden and alongside the Straits of Perim, forming the entry into the Red Sea from the Indian Ocean. His talks, it was stated, resulted in "complete mutual understanding on the question of Soviet-Somali military cooperation and its further development." Grechko then went on to Cairo.

At this same time, another Soviet delegation visited Syria. Ten days after signing a communique in Damascus pledging "development of economic cooperation . . . and . . . assistance in strengthening the defense potential of the Syrian Arab Republic" on March 7, the Baathist leaders announced that a "Syrian National Progressive Front" had been formed.

This front comprised all major political parties, including the Communists. Under article 1 of its declaration it is charged with "the liberation of the Arab Territory occupied after June 5, 1967." The future policy of the Front is spelled out in great detail in article 6.

This article reasserts the Palestinian Arab people's inalienable national rights to its territory. This clause stated that:

> There will be no peace nor negotiation with the Zionist state and no relinquishment of any part of the occupied Arab territories.

It continues to give complete support to the Palestinian Resistance, to protect it against attacks and "to give it freedom of movement." It declares that:

> World Zionism and its protege Israel is the foremost and direct enemy of our Arab nation. The main conflict is between our nation on the one hand, and Zionism, Israel and world imperialism headed by the United States on the other.

The Front then names the Soviet Union as the nation which provides "every kind of military, economic and political support."

Discussing recent Soviet moves in this area, Jon Kimche, former editor of the New Middle East and now editor of Eastern Questions, writes that:

> For the first time, the Soviet Union has been seeking to ensure for itself a degree of direct rule in the Arab countries. In Egypt, this has been developed through introduction of some 500 officials of the GRU (military intelligence) and the KGB security services into the Egyptian administration. The ultimate objective in Cairo—as in Damascus and Baghdad—is clearly to establish a government which provides the Soviets with direct access through the Communist parties or other groups working closely with the Soviet Union.

The purpose of these Soviet machinations, states Mr. Kimche:

> Is to change the balance of political and military power in the Middle East and the Mediterranean despite the new arrangements between the United States and Israel and despite the presence of the U.S. Sixth Fleet and NATO in the Mediterranean. It is the most ambitious and dramatic initiative which the Soviet Union has undertaken in the Middle East.

It is ironic indeed that the Soviet Union is expressing its desire for "peaceful coexistence" and an "era of negotiation" in its talks with Western leaders, and in its advocacy of a security conference to consider the future of relations between East and West Europe, while it has supported the most uncompromising and hostile forces in the Arab World. This, however, is nothing new for world communism. "Peaceful coexistence," according to Communist terminology, is simply another means of waging war.

In his important volume, "Deceitful Peace," Prof. Gerhart Niemeyer of the University of Notre Dame, points out that:

> When the Communists speak of coexistence they are sincere in the sense that this is a relationship they have decided to accept. To be more specific, if the Communist Party of a country declares that it wants to run its own candidates for parliamentary election one should not assume that their sole purpose is to get into the building in order to blow it up—the writings and authoritative speeches of Communists again and again exhort the party to be ready for abrupt switches of methods, which may mean from overt clash of force to peaceful coexistence, but also the reverse.

In this sense, the Soviet Union is pursuing a policy of "coexistence" toward the United States and the West, but a policy of confrontation with Israel, in the hope thereby to divide Israel from its traditional allies.

Professor Niemeyer declares that the new policy being pursued by the Soviet Union has at least three targets:

> The first is the dismantlement of all Western resistance to the Soviet Union, and liquidation of "anti-Communism" or the assumption that Communism is a worldwide threat. Secondly, "radical reforms" mean broad and massive nationalization of industries, banks, and other key economic positions.
>
> Thirdly, something called "broad democracy" is desired, i.e., official and flexible permissiveness for all kinds of protest movements and leftist political mass organizations.

Anyone looking at America's political scene today can see how well world communism is doing in fulfilling the goals of its strategy. How many national political figures today call for a foreign policy based on something different from the alleged "adolescence" of anticommunism? How many now urge increased trade with Communist countries, and how many urge dramatic cuts in our own defense spending?

It is unfortunate, but true, that Israel, which occupies one of the battlefronts of today's conflict with world communism, would be clearly victimized were such policies ever to be enacted by the United States. This, in large measure, is what the Soviet Union is counting on when it encourages Arab radicalism and intransigence. It believes that there is no need to compromise, for by waiting long enough the West will retire from its commitments, and Israel will remain exposed, thereby leading the way to a Soviet dominated Middle East. This, of course, is exactly the same strategy being posed by world communism with regard to the war in Vietnam.

It is important to remember that the political and diplomatic advances of the Soviet Union in this area are matched with important military advances.

In the 10 years before 1967, Moscow armed Arab States at a cost of $2.5 billion. Since the Israeli victory in the 1967 war, it has replaced the lost arms of the Arab States at a cost of more than $5 billion, and has sent thousands of military experts to Egypt and hundreds to Syria. It is estimated today that there are 15,000 uniformed Soviet personnel in Egypt and an additional 1,500 advisers in the Sudan.

Simultaneously, Russia has increased its Mediterranean Fleet from 40 to at least 50 ships, has warmed up its courtship of Turkey, and offered commercial opportunities to Britain, Italy, and Germany. The immediate aims are the reopening of the Suez Canal, Israel's retreat to the 1967 frontier, Soviet participation in all decisions concerning the Mediterranean, dominance of the Middle East oil areas upon which both Western Europe and Japan are dependent.

While the United States Navy has yet to develop an effective surface to surface missile, and has fallen behind in the whole technology of modern guns and gunnery, the Soviet Union holds at least a 10-year lead in seaborne missiles designed to sink other ships. The existence of Russian missiles aboard the new Kynda and Kresta classes of destroyers prompted Secretary of the Navy John Chafee to predict that our own aging 6th Fleet would have only a 45-percent chance of survival in a fight against the Russian Mediterranean Fleet.

That our position in the Mediterranean is in a serious state of decline is beyond question. In an important report in the July 19, 1971, issue of Newsweek magazine, Senior Editor Arnaud De Borchgrave stated that:

> There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

Looking forward to the possible "Finlandization" of all of Western Europe, Mr. De Borchgrave points out that:

> With the proliferation of Soviet power in the Mediterranean and along Europe's oil supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism.

Looking to the future, and aware of the danger of the growing neoisolationism in the United States, not only among the New Left but even among more allegedly responsible spokesmen, Mr. De Borchgrave notes that:

> The combination of neoisolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

It is this danger of a new American isolationism which threatens to leave Israel exposed before its enemies. Historically, it is not unusual that an attack upon the military and upon our world commitments would come at this time. In this respect, the advocates of the so-called "new politics," are not being very new at all.

In the 1930's, for example, President Franklin Roosevelt attributed World War I to the "mad race in armaments" which had preceded it, and in turn attributed the armaments race to "the uncontrolled activities of the manufacturers and merchants of engines or destruction."

Prior to World War II, the Nye Committee investigated the so-called merchants of death who, as a result of armaments, had allegedly drawn us into World War I. The result was virtual American disarmament, leaving the

Nation helpless just prior to Munich and exposed at Pearl Harbor.

In 1945, General George Marshall wrote:

> We finish each bloody war with a feeling of acute revulsion against the savage form of human behavior, and yet on each occasion we confuse military preparedness with the causes of war and then drift deliberately into another catastrophe.

Today there are calls for the withdrawal of American troops from Europe, for a cut in our defense spending, and for disengagement from our commitments in the world—and such a call cannot be expected to leave our commitment to Israel any more intact than it does our commitments to other allies.

This development represents part of the West in international affairs. In a powerful and affirmative call for a true challenge to communism, Charles Malik, former president of the General Assembly and the Security Council of the United Nations, stated that we were yet to hear—

> One Western leader who, assured to his face that he is doomed and will be "buried" can muster enough courage and conviction, if not to use the vulgar phrase "bury" with respect to Communism itself, at least to use some such civilized expression as that the days of Communism will one day be completely forgotten. Mr. Malik stated that the Communists should be answered, not apologetically, not as though they were right, but in terms taking them completely off their guard. They should be answered in human, moral and spiritual terms.

It is essential that America not repeat the isolationism of the thirties which blinded us to the dangers of Hitler. Without an American commitment to depend upon, the security of all of our allies would indeed be in jeopardy.

Yet, it is not popular at this time to speak of Communist aggression, or to call attention to Soviet activities.

An American reporter recently asked Israeli Foreign Minister Abba Eban about his charges against the Soviet Union. He said that Mr. Eban sounded as if he wanted to "restart" the cold war.

Fortunately, Abba Eban responded with his usual eloquence and declared that the question was simply one of understanding what the Soviet role really is. He stated:

> The Soviet role is provocative of war and hostile to peace, one-sided rearmament of the Arab States, blind identification with Arab demands, a very provocative penetration of the Mediterranean in order to change the international equilibrium.

He went on to point out that:

> Since that is our view of the Soviet role, since Soviet policy lies at the root of the 1967 war and the inability to get peace ever since, then we ought to say so. I don't want a Cold War. I would like to see East-West cooperation, but you don't get cooperation by pretending that it exists when it does not exist. I'm against a wish-fulfillment approach. In the Middle East—the Soviet Union is acting against the interests of peace, stability and equilibrium.

It is impossible to divorce the Soviet Union's hostility to Israel from the policy of anti-Semitism which has infected that government ever since the Revolution of 1917.

Soviet hostility to Israel is matched at home by a campaign of repression against Soviet citizens of the Jewish faith that can only be described as a policy of cultural and spiritual genocide.

Judaism in the U.S.S.R. is subject to unique discrimination. Jewish congregations are not permitted to organize a nationwide federation or any other central organization. Judaism is permitted no publication facilities, and no Hebrew Bible has been published for Jews since 1917, nor is a Russian translation of the Jewish version of the Old Testament allowed.

The study of Hebrew, even for religious purposes, has been outlawed and the production of religious objects, such as prayer shawls, is prohibited. The number of Jews in the Soviet Union is close to 3 million of whom at least 1 million have been estimated as believers. No new rabbis are now being trained and the average age of rabbis is over 70. There are approximately 60 synagogues and rabbis at this time, or one synagogue and rabbi for every 16,000 believers. Little hope remains for a continuation of Jewish religious life in the Soviet Union.

In recent days there has been a great deal of discussion about the alleged "liberalization" of life in the Soviet Union. Many clergymen, for example, have expressed the view that religion and communism are, in fact, compatible and that past misunderstandings may have been based upon ignorance rather than truth. Carrying this new philosophy into action we have found a religious activism which holds that capitalism and not communism may be the enemy.

Yet, a recently published volume, "Aspects of Religion in the Soviet Union, 1917–1967," reminds us of the fact that ever since the Russian Revolution of 1917, religion has been held in disrepute in the Soviet Union and from that time forward the most strenuous efforts have been made by the Soviet Government to eliminate it.

In 1925, for example, the League of Militant Atheists was formed in the Soviet Union to publish and spread antireligious material and, like the government's economic plan, an atheistic 5-year plan was launched in 1927 and again in 1932. The program aimed at the complete disappearance of God's name from the U.S.S.R. by 1937. In the late 1930's the league was reported to have 3.5 million members.

The much heralded decree on the separation of church and state and of school and church of January 23, 1918, was not aimed at religious freedom or tolerance but at the undermining of the very existence of religion. The clergymen of all faiths were deprived of voting rights and were considered obcurants and enemies of the people—not engaged in work. By order of Lenin, the All Russian Extraordinary Committee for the Suppression of 1918 and during the first 3 years of Communist rule thousands of clergy were victims of Soviet terror.

According to official Soviet data, 423 churches were closed and 322 destroyed in the first half of 1929, and 1,440 churches were closed by year's end. Synagogues were converted into clubs, Buddhist monasteries were closed, Moslem mosques were converted into atheist museums and the printing of the Koran was prohibited.

No one who studies this record will suffer under my further illusions about communism.

In the essay, "The Communist Party and Soviet Jewry," Zvi Gitelman, professor of political science at the University of Michigan, discusses one of the more bizarre aspects of the campaign against the Jewish religion: the trials.

On Rosh Hashana, 1921, the Jewish section of the Communist Party in Kiev "tried" the Jewish religion in the same auditorium, ironically, where the Beilis trial, highlighted in the recent novel, "The Fixer," had been held. According to a non-Communist source, a weird cast of characters appeared before the "Judges:" a lady dressed in old-fashioned clothes explained that she sent her children to religious school because, she proclaimed haughtily, she was no "low-class tailor or cobbler" but of a "distinguished religious family."

This was submitted as evidence that the Jewish religion was a creature of the bourgeoisie. A "rabbi" testified that he taught religion in order to keep the masses ignorant and servile. When someone in the audience accused him of being a "lying ignoramus," stormy applause broke out, according to a stenographic report. The culprit in the audience was immediately arrested. After further testimony by a corpulent woman bedecked with glittering gold and diamond rings, the Communist "prosecutor" summarized "the case against the Jewish religion" and asked for a "sentence of death for the Jewish religion."

The "Judges" retired to their chambers and returned with a verdict of death to the Jewish religion. Professor Gitelman reports that a similar trial—this time of the kheder, or religious school, took place in Vitebsk. The yeshiva was tried in Rostov, and circumstances was "put on trial" in Kharkov in 1928.

In 1924 a "Red Haggadah" was read which substituted the deliverance from Czarist rule for the deliverance from Pharoh's oppression. Following the example of the Living Church—the Communist dominated effort at using religion to serve political purposes—the state tried to set up a "Living Synagogue" in 1964. "Communism is the Mosaic Torah translated by Lenin into the Bolshevik tongue," one of its founders declared.

The "Living Synagogue," however, died a quick death and Professor Gitelman estimates that of the 1,000 rabbis in the U.S.S.R. only six are known to have had pro-Communist sympathies. In 1922–23 alone over 1,000 religious schools were closed.

Things have not changed since that early period. Despite repeated statements to the effect that conditions since Stalin have improved in the Soviet Union with regard to Jews, the facts do not bear this out. B'nai B'rith, in a documented analysis of textbooks used in Soviet schools, accused Moscow of "systematically excising history" in an attempt to make the Jew a "nonperson."

Findings of the study said that Jews "are rarely mentioned and their culture ignored" in basic history textbooks used by the Soviet educational system.

The sixth edition of "Recent History," published in 1967 as a ninth grade teaching manual, makes no mention of anti-Semitic persecution in recounting the history of the Nazi regime from 1933 to 1939. The same book, discussing Nazi death camps, says that "in 1933–34, 100,000 Communists were thrown into prison and into especially established concentration camps" but makes no mention that Jews were victims.

A chronology in a 10th grade textbook listing nations newly independent since World War II omits reference to Israel, although such countries as Algeria and the United Arab Republic are treated in separate sections.

The Great Soviet Encyclopedia has adopted the same tactic of exclusion. In contrast to the 1932 edition which dealt with Jewish history and culture in 117 pages, the second edition, published in 1952, has but two pages devoted to Jews. Virtually all Jewish history is deleted. B'nai B'rith declared:

> The inevitable result is that the students are denied a positive image of the Jews.

Soviet anti-Semitism has accelerated in recent days. The persecution suffered by Soviet intellectuals, for example, is particularly poignant in the case of Jewish intellectuals in the Soviet Union, Jews, in fact, lack the "privileges" that other Soviet minorities are permitted.

Other minorities, such as the Ukrainians and Armenians, have their own provinces where they can speak their language and exercise a degree of cultural autonomy. The Jew is forbidden his own schools, and he cannot learn Hebrew or Yiddish in the public schools. They are not taught. Since the 1940's, the Hebrew and Yiddish theater has been almost completely closed down. The only Yiddish periodical that is allowed to be published is a monthly journal edited by a Communist Party functionary. The so-called Jewish Autonomous Region of Birobidzhan, which Stalin established as a showplace in Siberia, has only 30,000 Jews in a population of 163,000.

The Jew in the Soviet Union is also handicapped by a strict quota system in universities and higher training schools. Jews may make up only 3 percent of the total, and while that figure is twice as high as the Jewish percentage of the Soviet population, it is nonetheless impossible for many highly qualified young Jews to receive higher education.

One of the vehicles through which anti-Semitism has been carried to the people of the Soviet Union is through the written word. In 1970, for example, two novels by Ivan Shevtsov, published one month apart, show how the Soviet regime is exploring the uses of fiction in promoting anti-Semitism reminiscent of Nazi Germany.

Shevtsov's novel, "In the Name of the Father and the Son," was published in March 1970. A first edition of 65,000 was exhausted within a few days. The book equates Zionism with nazism, plays on the same themes as the "Protocols of the Elders of Zion," and updates them. Zionism, a leading character observes:

> Moves under cover, covertly infiltrating all the life cells of the countries of the entire world, undermining from within all that is strong, healthy and patriotic—grasping all the important administrative, economic and spiritual life of a given country.

As evidence of Zionist penetration of even the Communist Party, Shevstov's character points to "Judas-Trotsky (Bronstein)" as "a typical agent of Zionism" and "intellectual provocateur number one."

Characteristic of Shevstov's "updating" of myths is the following:

> You undoubtedly think that international Zionism is in the service of American imperialism. The opposite is true. American imperialism is the economic and military basis of Zionism. It serves the aims of Zion.

Shevstov's second novel, "Love and Hate," was published in April 1970 in an edition of 200,000 copies by the Ministry of Defense—a formidable and official imprimatur.

Its arch-villain is Nahum Holtzer, a pervert, sadist, drug peddler, rapist, who kills his own mother, disembowels her and wraps her intestines around her head. A delicate, beautiful Russian teenage girl ends up in similar condition after Holtzer corrupts her by introducing her to hashish and raping her.

The book depicts two other Jews in equally savage fashion. Jacques Sidney Davey, a Western journalist, with whom Holtzer has close connections, and Samuel Peltsig, an American professor of literature, are drug peddlers. Holtzer smuggles both drugs and Zionist literature into Russia.

When Ekaterina Furtseva, Soviet Minister of Culture, was asked at a press conference in April whether the Shevstov novels did not contradict the best traditions of Soviet literature, she replied that literary standards are a "matter of taste" and that Shevstov was an accepted member of the Soviet literary fraternity.

This is the level of Soviet intellectual life today. The novels of Shevstov are published by the Soviet Government with an official imprimatur. The novels of a Solzhenitsyn are banned. The ancient Russian anti-Semitism continues.

Jews in the Soviet Union have become virtual captives, not able to practice their religion, and not able to emigrate. One Soviet Jew who did manage to leave, Lyuba Bershadskaya, describes the scene at her departure:

> The day I left Moscow to go to Israel, 200 people came to the airport to say goodbye. They already considered me a free person. They trusted me, they could say anything. People kept calling out: "Lyuba, tell Nixon, tell U Thant, tell Nixon."

Those who advance the idea that the Soviet Union is no longer a tyrannical dictatorship, that it no longer has aggressive designs in the world, that its goal has ceased to be the destruction of the nations of the free world, are living under an illusion. The facts clearly demonstrate that the opposite is true.

Israel and the Jewish people are under attack not only from the Soviet Union itself but also from the New Left in Western countries and from the Communist regime in Peking.

It has long been known that Arab guerrillas were receiving training under the tutelage of the Chinese Communists and their allies. Recent tragic events in Tel Aviv's Lod International Airport provide another example of this attack.

On May 20, three gunmen armed with automatic rifles and handgrenades attacked a crowd of 300 people at Lod Airport, spraying them with bullets and flinging five grenades in their midst. The floors of the airport's customs hall were splattered with the limbs of dismembered bodies and pools of blood, shattered glass and broken doors. The walls were pockmarked with bullet holes. Some 25 people, 14 of whom were pilgrims from the United States, died in the bloodbath, and 76 were among the injured.

The background of the three Japanese gunmen is interesting indeed. Newsweek magazine noted that:

> A little more than two years ago, nine sword-wielding Japanese radicals hijacked an airliner to North Korea and, in the ensuing publicity, became overnight folk heroes to millions of their countrymen. In the months that followed, however, the romanticized "samurai" image of the group, the Rengo Sekigun (United Red Army), began to tarnish as its Japan-based members carried out a series of brutal fire-bombings and assassinations of police officials. That was bad enough. But what no one suspected was that the original band of skijackers had been plotting the United Red Army's biggest coup of all. In the North Korean capital of Pyongyang, the young terrorists made contact with fanatical members of the Popular Front for the Liberation of Palestine and began to plan last week's massacre at Lydda Airport.

Police officials in Japan and in the Middle East have pieced together an outline of their relationship. Shortly after the Japanese arrived in Pyongyang, they met George Habash, the leader of the Popular Front. Several of the Japanese traveled to Jordan for guerrilla training while Kozo Okamoto, a brother of one of the Pyongyang hijackers, volunteered as a Popular Front partisan and flew halfway around the world to link up with two of his colleagues who were training in Lebanon for their forthcoming suicidal attack—in which Okamoto was the only gunman who survived.

What brought about this coalition between Japanese leftists and Arab guerrillas? Newsweek provided this assessment:

> One answer seemed to be frustration at home. In the wake of the United Red Army's wave of terrorism, Japanese police emasculated the group by arresting hundreds of its members. Setback followed setback for the radicals. In February, five of the group's leaders were captured after a nine-day police siege of their mountain hide-out. Thereafter, with the disclosure that fourteen young people had been tortured to death for deviating from the Red Army's revoluntionary line, virtually all support for the extremists vanished in Japan.

The Chinese Communist involvement in fomenting such trouble has been significant, and it has been said that Soviet intransigence in the Middle East is at least partially explained by pressure being placed upon it by Peking. If the Soviet Union permitted a compromise settlement, the Chinese Communists would then assume the mantle of revolutionary leadership.

Writing in Middle East Forum, David P. Forsythe declares that:

> The reactivation of Chinese foreign policy after the cultural revolution presented the Russians with a number of theoretical and practical difficulties. Not only did the Chinese embarrass the Soviets by pointing out lack of Soviet support for their revolutionaries and other forms of "revisionism," but the Chinese directly supported such groups as Al-Fatah and PFLP with both small arms and money. And there is some evidence from both Russians and Western sources that the Chinese had a hand in fomenting the student and worker riots in the UAR during the Fall of 1968. Hence the Chinese seemed to be trying to undermine the Nasser-USSR axis as well as the Soviet-led effort to negotiate rather than fight.

The idea that the Chinese Communists might replace them as the preeminent power in the Arab world has caused the Russians to support and encourage the most radical Arab elements, and to discourage those in the Arab world who would be willing to negotiate a compromise peace settlement. The Chinese and Russians, in effect, are competing for the support of the world radical movement. The Sino-Soviet split which is often discussed in this country as a reason for being less concerned about communism is, in fact, a radicalizing influence. It makes the prospect of war even greater than a unified and controlled monolithic communism which we faced in the past.

The Soviet Union is rapidly becoming the most powerful military force in the Middle East. The Soviet Navy expanded operations in the Mediterranean from 650 ship-days in 1964 to 20,000 in 1970. Soviet forces do not operate alone, and since September 1969, the Soviets have periodically conducted limited naval exercises with the Egyptian and Syrian Navies, which have been supplied with a number of landing craft and coastal defense vessels. These maneuvers have provided potentially valuable experience for other types of naval undertakings.

Israel is, thus, the target. It is the target not only of its Arab enemies but also of world communism, both Russian and Chinese varieties, as well as the worldwide radical movement of the new left. And Israel is not alone. Judaism and the Jewish people are also targets, as is evident by the treatment received by both in the Soviet Union today.

POSTMASTER OF THE HOUSE OF REPRESENTATIVES H. H. MORRIS RETIREMENT

The SPEAKER. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 10 minutes.

Mr. PERKINS. Mr. Speaker, today, June 30, our old and good friend, Hap Morris, retires from his duties as Postmaster of the House of Representatives.

H. H. Morris was elected Postmaster on January 5, 1955, and thus will have served this House 17½ years upon his retirement.

The House, I observe, holds its employees in a kind of special regard, and this is certainly true in this instance. There is no more beloved figure anywhere on the Hill than Hap Morris.

His leaving us today breaks a chain of direct and continuous service to the Congress that reaches back more than 40 years. He went to work on the Hill on January 4, 1932, as an assistant to late Virgil Chapman, then a Member of the House, and later a U.S. Senator from Kentucky.

But 1932 is hardly the beginning of Mr. Morris' association with the Congress. His father, the late Joseph Watkins Morris, served in this House from 1923 to 1925. And prior to that the father had been secretary to the late Representative J. Campbell Cantrell from 1909 to 1923—the period during which Postmaster Morris was born.

So in actual fact, Hap Morris has been associated with the Congress—directly or indirectly—all of his life.

His service to the House has been performed efficiently and well. This is no small accomplishment, when we consider that the workload—and the volume of mail—has increased enormously during the last decade.

The Postmaster was born in Carrollton, Ky., in 1911, and is married to the former Miss Lyda Secrest of Shelbyville, Ky.

I understand that he is going to make his home in Lexington, Ky., after his retirement. I know he is going to be a busy fellow during the next few years, doing all of those things he has not had time to do as an employee of the House.

We all wish him well. And he knows, I am sure, that we are going to miss him here in the House.

Mr. Speaker, I ask that other Members of the House have 5 days in which to extend their remarks in the RECORD on the retirement of H. H. Morris.

Mr. ALBERT. Mr. Speaker, "Hap" Morris is retiring after 42 years of Government service; and while, like others here, I have a genuine sense of sadness in seeing him go, I join in wishing him the pleasurable retirement that such a good man deserves.

"Hap" Morris has served in the great tradition of the Postal Service. Neither wind, nor rain, nor hail, nor sleet, nor flood can stay him from the swift completion of his daily round of gin rummy encounters.

You know "Hap" Morris has been around a long time. And not too many people know this, but in his early days in the House he was a doorman. Also serving as a doorman at the same time was a fellow named Lyndon Baines Johnson. The two used to pal around together. One time they were out on a double date and things were going pretty good until the girls indicated they would like a hamburger. The two swains then discovered they did not have enough money between them to buy the girls hamburgers.

Those were pretty lean days.

We all know "Hap" Morris is a great sports fan. He has traveled the country attending some of the big sports events. I am sure he will have a chance to attend a lot more events now that he is retiring. But let me warn all Members—he is not retiring from betting. And he is as shrewd as ever.

"Hap" Morris came to Washington in 1932 under the aegis of the late Virgil Chapman and served on Mr. Chapman's staff both here and in the Senate. "Hap" has served as Postmaster of the House for 17½ years, longer than any other man in the history of the House of Representatives. In all, he has served his Government for 42 years. It is a record of tremendous service for which he richly deserves the tributes paid him here today.

But with that service he has brought a warmth of spirit that has touched all of those who have come in contact with him over the years, and we will miss the cheerfulness of his countenance and the warmth of his greeting.

I hope he will come back and see us often.

Mr. HÉBERT. Mr. Speaker, it is a special privilege for me to join in the tribute to my old and dear friend, our retiring Postmaster, "Hap" Morris.

In the annals of the House of Representatives it will be said of "Hap" Morris that his work was good, his heart was big, his thoughts were noble and his gin rummy was tolerable.

It is not true, as has been rumored, that "Hap" Morris was born in the Democratic cloakroom and raised on the folding room floor. He was born in Carrollton, Ky., and it is known that he was born in humble surroundings. His full Christian name is H. H. Morris. He never had a first name. His folks were too poor.

There is a story they tell in Kentucky of the time "Hap" and a friend were canoeing at midnight on the Kentucky River, which flows very swiftly. Neither of the friends could swim. But they decided to change canoes in the middle of the river—somehow managing to survive the experience.

When someone asked "Hap" later why they did it, he replied:

> I don't know. But it seemed like a wonderful idea at the time.

When I came to the House of Representatives 31 years ago, "Hap" Morris was already a veteran here, having come in 1932 with the late Virgil Chapman. Later "Hap" went to the Senate side when Mr. Chapman was elected a Senator, but in time he came back to where the real folks are.

"Hap" Morris has a name he earned because he is a truly happy person who appreciates and enjoys life. That joy in life is contagious; he brings happiness wherever he goes. That is one reason why we are going to miss him here on the Hill.

He has given over 40 years of valuable service to the Congress and he should take great pride in that service. I join in commending him for his service and thanking him for his friendship.

Mr. PRICE of Illinois. Mr. Speaker, I am pleased to join my colleagues today in paying due honor and tribute to our great friend, the distinguished Postmaster of the House of Representatives, Hap Morris.

Hap Morris came to the House of Representatives in 1932 on patronage of the late Virgil M. Chapman, Representative and Senator from Kentucky. The only people I know that have been here longer than our friend Hap Morris are the gentlemen from New York and Texas, Mr. CELLER and Mr. PATMAN.

Hap was elected Postmaster in January

1955 and has served the Members of the House with distinction.

Knowing Hap as I do, I am sure his feeling about retirement is the same as our former beloved colleague, Carl Vinson, who, upon retirement from this House, said:

> I do not intend to rust away in my remaining years; I intend to wear out, little by little, day by day, as we all must.

With his energy and his enthusiasm for life, I know Hap will not rust away when he gets back to Kentucky. We will miss him, and he will miss us too, because the House has been his life for 40 years. and I know he will always remember the many friends he has here as we will remember him.

Mr. NATCHER. Mr. Speaker, I rise to pay tribute to my friend H. H. Morris, Postmaster of the House of Representatives.

After many years of dedicated public service, Mr. Morris is retiring effective as of today. His first assignment in the House of Representatives was in the year 1932. At that time he received a recommendation for the position of Doorkeeper on the west lobby door. The Sixth Congressional District of Kentucky was represented by Virgil Chapman who was a very close friend of "Hap" Morris and Representative Chapman made the recommendation that secured the position of Doorkeeper. Two years later he was named assistant in charge of telephones on the Democratic side and in 1941 Representative Chapman selected him as his office secretary.

Mr. Morris remained as secretary to Representative Chapman until May 1949 when Mr. Chapman was elected to the U.S. Senate. He served as one of Senator Chapman's secretaries until May 1949 when he was named administrative assistant to the Clerk of the House of Representatives Ralph R. Roberts. In November 1951 following the death of Senator Chapman our friend "Hap" Morris served as administrative assistant to Senator Thomas R. Underwood who succeeded Senator Chapman in the Senate. In November of 1952 following the defeat of Senator Underwood, he served as secretary to the late John C. Watts, Representative of the Sixth Congressional District.

On January 5, 1955, he was elected Postmaster of the House of Representatives and has served from that time in this position.

I was sorry to hear that "Hap" Morris had decided to retire. He will be missed by every Member of the House and all of his associates and employees in the legislative branch of the Government. He was always cheerful, humble, and dedicated. He handled every assignment with honor, ability, and integrity.

Mr. Speaker, history will record the fact that "Hap" Morris was an outstanding public servant and one of the great Postmasters of the House of Representatives. I want to wish him and the members of his family the best of everything in the future.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 days in which to extend their remarks in the RECORD on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AN ADEQUATELY EQUIPPED MERCHANT MARINE IS THE WORK OF THE AMERICAN BUSINESSMAN

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, a primary key to America having an adequately equipped merchant marine is the American businessman.

Whenever possible, American factories should specify, or have their freight forwarders specify, "U.S.-flag ship" for the shipping of their imports and exports.

Why is this important?

Because cargo is the magic word with shipping lines that have to finance the construction of tankers and bulk carriers. By encouraging more cargo for American-flag merchant vessels, the businessman is ultimately encouraging the building of more merchant marine ships.

The Merchant Marine Act of 1970, which I cosponsored in the U.S. House of Representatives, called for the building of 30 merchant ships a year over a 10-year period in an effort to upgrade America's fleet and keep it up to par with the fleets of other countries.

The provision has been properly funded and President Nixon has supported the program with much vigor.

However, from preliminary reports, the shipbuilding program is bogging down at the private level. The shipping lines just are not ordering new ships. So far only 14 vessels have been ordered and only 13 have been converted. This is a far cry from 30 a year. I am told that contracts for an additional 16 ships will be let soon. But the point is that the number of ships ordered under the Merchant Marine Act of 1970 has been disappointing.

Apparently there is some feeling that caro tonnage will not increase sufficiently to justify more ships. This attitude apparently has been prompted by an overabundance of tankers built following the Suez Canal shutdown and by the 1970 act itself which requires a certain amount of shipping time be spent at American ports for those vessels constructed with Federal funds from the program.

But it is my hope that the only problem in the final analysis is the normal delay in making plans for construction under the relatively new act. If I am wrong, then we may have to consider amending the law.

Congress is now attempting to find ways to generate more cargo on American merchant vessels. There is a bill in the House now (H.R. 12314) which will require 50 percent of all oil brought into this country to be imported on U.S.-flag ships. Other measures are being considered to increase the amount of cargo.

America is almost completely dependent on foreign merchant vessels for the importation of her oil, an important energy item. As a matter of fact, we haul only about 6 percent of all our cargo in our own ships. I think that is a deplorable situation.

Making the merchant marine a viable contributor to the commerce of our Nation is something for which I have worked some 8 years and something which President Nixon has supported since he has been in the White House. We must continue our efforts in our shipbuilding and rebuilding programs to provide the merchant marine with the means to perform its important tasks.

The Merchant Marine Act of 1970 was a real All-American Act. It called for building ships in American yards so that they could be sailed by American seamen. The whole idea was to haul more American goods.

Businessmen who specify "U.S.-flag ship" for their imports and exports will be helping their country as well as helping their own interests.

EDITOR CLARENCE D. ROBERTS RETIRES

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, a career towering with achievement is something we all work for in ourselves and something we greatly admire in others.

Therefore, I would like to pay tribute to a man who has just ended such a career. He is Clarence D. Roberts, who has just retired as editor and assistant publisher of the Sun Chronicle in Attleboro, Mass., in my 10th Congressional District.

Mr. Roberts, known as "Robbie" to his fellow newsmen, thus completed 50 years as a journalist, 40 of them with the Sun Chronicle. Besides the enormous contributions he made during a half century as observer and chronicler of the world's triumphs and foibles, he specifically served his community, State, and Nation in appointive positions.

Mr. Speaker, no less can be said of Robbie than that he was a craftsman in a very demanding and explicit art. No more can be said of him than that he was a journalist in the very best sense of the word for 50 years.

I am sorry to see him go, but I wish him well in his retirement. Everyone whose life he touched is in his debt.

I submit from the Sun Chronicle of June 26 the front page story of his retirement and some editorial page comments from his colleagues:

"ROBBIE" RETIRES AS EDITOR: SUN CHRONICLE "VOICE" WRITES "30" TO 50-YEAR CAREER

> ATTLEBORO.—Clarence D. Roberts has retired as editor and assistant to the publisher of The Sun Chronicle, climaxing 40 years of continuous service here and 50 years as a newspaper professional.
>
> Roberts and his wife Lucille left this weekend for Hollywood, Fla., where they will establish residency. During the past several years they have lived in North Attleboro.
>
> Roberts' duties at The Sun Chronicle will be shared by three of his associates. Gen. Mgr. Paul Rixon, Managing Editor Douglas

Reed, and William E. Hannan, who becomes editorial page editor.

Roberts will continue to serve The Sun Chronicle as an editorial consultant.

In connection with the staff realignment Robert Gusetti becomes state area editor; Oreste D'Arconte becomes local editor; and Henry Reilly III becomes editor of the Franklin Sentinel, a sister newspaper. D'Arconte was formerly editor at Franklin and Reilly was a staff member with The Sun Chronicle.

STARTED AS CORRESPONDENT

Roberts spent 46 years with The Sun Chronicle, and its predecessor, The Attleboro Sun. He was with the Greenfield newspaper for four years, as city editor of the Recorder in 1928 and as managing editor of the Recorder-Gazette in 1931.

His newspaper service started at Foxboro in 1922 as correspondent for the Attleboro Sun. He returned to the Sun in June 1933, and a few months later was named editor.

On Nov. 5, 1963 Publisher Guy DeVanny appointed Roberts assistant to the publisher and editor.

Commenting editorially today on the retirement, Publisher DeVanny described Roberts as a man with "total dedication, total selflessness, total devotion, total loyalty." The editorial continues . . . the Attleboro Sun was Robbie, The Sun Chronicle is Robbie. The Sun Chronicle will always be Robbie. So long as it exists, he lives with it."

Other commentary on Roberts' association with this newspaper has been written by Hannan and Gusetti for publication on today's editorial page.

In his message to the staff Roberts said, "I leave The Sun Chronicle with wonderful tokens of your esteem, but I also leave with the best possible experience—the life of a newspaperman."

His experiences span the era when news reports were first transmitted by the wireless teletype to an age when news is being set into type by laser beams.

Early in the 1930s, Roberts participated in an experiment in which the International Newspaper Service transmitted news over wireless-operated teletype to a newspaper for the first time in the United States.

CHARTER MEMBER

Roberts was a member of the original Associated Press Managing Editors Association and served on its executive committee in 1940. He was chairman of the New England Associated Press members in the same year, and in 1952 he was elected as a member of the American Society of Newspaper Editors. He also held memberships in the New England Associated Press News Executives Association, Sigma Delta Chi, journalism fraternity, and the Elks.

Under Robert's editorship, the circulation of this newspaper grew from 5,600 to 18,000. During this period, he also edited two anniversary editions: the 50th in 1930 and the 112-page Pride in Progress 75th anniversary in 1964.

Throughout most of his career, he also wrote under the name of Delmont Rogers. Most recently, he signed the editorial page feature. "Today's Theme," with that name. Delmont is his middle name.

COMMUNITY SERVICE

Besides his newspaper activities, Roberts also served the community in several capacities.

He was a member of the Six-Year Planning Committee under Mayors John W. McIntyre and Francis J. O'Neil; a member of the Zoning Board of Appeal from 1942 to 1957; and in 1950, the then Gov. Paul A. Dever named him a trustee of the Bristol County Hospital and he was reappointed by every governor thereafter until the hospital was abolished and the Bristol County Hospital District was dissolved in 1968.

In 1958, Gov. Foster Furcolo named Roberts to a legislative recess committee to make an investigation and study of the construction and maintenance of new facilities for the sitting of Superior and probate courts in Bristol County, and for a house of correction in Bristol County.

During the administration of Presidents Kennedy and Johnson, Roberts was invited three times to the U.S. State Dept. of Foreign Policy Briefings conducted by Secretary of State Dean Rusk.

Public recognition of his newspaper and community service was given in 1968 by the Jaycees when they named him "Attleboro's Boss of the Year."

THERE WILL NEVER BE ANOTHER LIKE ROBBIE

(By Bill Hannan)

It would require more space to enumerate the qualities that we admire in Clarence D. Roberts than is available here. We first heard of Robbie as an editor who was helped to neophyte newspapermen. Later, we were to agree with the former pupil of Robbie's who said he learned more in a brief time under his guidance than he did in a much longer period with other teachers.

There are many newsmen throughout the country who owe their success in large measure to the training they received from the man who retired Friday after 39 years as editor of the Attleboro Sun and its successor the Sun Chronicle.

The training he gave was important but it was but one side of this talented and immensely likable man. He was a gentleman in the days when gentlemen were frequently encountered. He is a gentleman today when they are more rare.

Robbie is so shy and self-effacing that the Sun Chronicle family despaired of getting him to attend a farewell party. Instead, he was tricked into an informal but utterly sincere sendoff when he dropped in for the social part of the second annual Sun Chronicle Golf Tournament at Norton Country Club.

Robbie must have made enemies. No editor can avoid it. You are constantly meeting 1) People who want their name in the paper, 2) People who don't want their name in the paper. Often, your duty to your reader conflicts with one or both of these groups and you have made an enemy.

One thing seems certain. Robbie never made an enemy among the people who worked for him or with him. No one who knows him could dislike him.

Those of us who have known him for part of his tenure and have worked with him even for only a short span of that time feel as close to him as those who have known him since the early days.

When he calls occasionally from Florida, we hope he will say, "This is Robbie of the Sun." That cheerful, familiar voice will make that day, no matter what else happens, one of the better days of any year.

RECOLLECTIONS OF A FRIEND

(By Bob Gusetti)

Things just didn't seem right in the Sun Chronicle newsroom today . . . and for a good reason.

The man who daily for about 40 years was the captain of the former Attleboro Sun and now The Sun Chronicle news ship dropped anchor in another port starting today.

And as this column is being written, I have no idea what my other colleagues are planning to say elsewhere on this page about the man who quietly slipped away from his daily tasks last Friday with little fanfare, because that's the way he wanted it.

But I do have recollections of the man I had the pleasure of knowing and working with for the past several years, and I'd like to share them with the many others who also had the privilege of calling him a friend.

If you could list the attributes of Clarence D. Roberts, chief among them was the fact that he was a man who could listen.

There aren't too many people these days who can do this.

But he was a listener, and that's one of the reasons why he built up a long list of friends.

For a number of years, you could count on several individuals coming into the newsroom and chatting with Robbie, telling him what they knew or heard was new around the city.

Robbie would sit there . . . and listen . . . and make mental notes, passing along the "tips" to the news staff members who often came up with exclusive stories which the paper wouldn't have had if Robbie hadn't been told first.

And if someone gave Robbie a bit of information late in the morning when it was obvious that he was aware of the situation hours before, he would never let on. The person always felt he was the first one to inform Robbie about the matter. That's another way he kept his news pipeline open and kept his finger on the "pulse" of the city.

But perhaps one of the most outstanding attributes which endeared Robbie to those who worked alongside him was his humbleness.

He was the Sun Chronicle editor, but he wasn't one to flaunt the privileges that go with the title.

As one fellow worker noted the other day, Robbie was never one to "pull rank" in the newsroom.

When a visitor would enter his glass enclosed office in the corner of the newsroom, Robbie would usually get out of his comfortable leather chair and sit on top of some rolled up newspapers tossed on a nearby chair. Robbie always insisted that his visitors get the best seat.

And only a few days ago when some Boston newspapers came in late, Robbie volunteered to pick them up at a downtown store. It didn't matter that it was raining at the time and someone else volunteered for the errand. He was like that.

Robbie was the editor but he was what is known in this business as a member of the "working press." When one of the news editors had a day off, Robbie would be there to carry out the news editing duties of the local page, or the area page, the sports pages or Page One.

And when he had a few minutes breathing space, Robbie would continue to process columns for the editorial page and write local editorials and the "Today's Theme" column.

There was also the mail to open. phones to answer, and the numerous personal visits and details that only Robbie could handle.

But today, that's all over. The last of Robbie's news "bulletins" have been posted in the Sun Chronicle windows on South Main Street.

Other "bulletins" will appear daily, but they'll lack the flavor Robbie could extract out of a story.

Robbie wanted no fanfare when he retired to Florida and those who worked with him respected his wishes.

He was a man this writer and many, many more were privileged to call a friend.

SEEKS TWO JUDICIAL DISTRICTS FOR MARYLAND

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, the State of Maryland has one U.S. judicial district. That district was created almost

200 years ago in 1789. At that time, the State of Maryland had a population of a little over 300,000. The population of Maryland is now over 4 million. Maryland now has the third largest population of any single judicial district State in the country. Its population is larger than those of 10 of the multijudicial district States. It has within its borders two mushrooming metropolitan areas—Baltimore and suburban Washington. For example, my home county of Prince Georges increased 80 percent in population from 1960 to 1970.

The practice of Federal law in these two metropolitan areas differs in that litigation arising in the Washington metropolitan area of Maryland is by its nature more likely to be interstate than other parts of the country. Understandably, a tremendous number of cases involve diversity of citizenship situations. All of these factors result in an increase in the caseload. This, coupled with the fact that the Washington metropolitan area is the most populous and most rapidly growing area in Maryland, reemphasizes the need for establishing U.S. judicial district which sits principally in the Maryland suburbs of the District of Columbia.

For these reasons, I have today introduced a bill, H.R. 15832, which would divide Maryland into two judicial districts, one sitting at Baltimore as at present and one sitting at Hyattsville.

The convenience afforded the legal profession, witnesses, and litigants by dividing Maryland into two judicial districts can be achieved with a minimum of administrative cost and effort. Under the provisions of this bill Maryland would be divided into the eastern and western districts of Maryland, approximately equal in geographical size and population.

The eastern district would include the counties of Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Anne's, Kent, Cecil, Harford, Baltimore, and the city of Baltimore. The western district would be comprised of Garrett, Allegany, Washington, Frederick, Carroll, Howard, Montgomery, Anne Arundel, Prince Georges, Calvert, Charles, and St. Mary's Counties. Court would be held for the eastern district in Baltimore and for the western district in Hyattsville, Prince Georges County.

No additional judgeships would be created by the bill. Three incumbent judges would be designated for the eastern district and three others for the western district. The seventh incumbent judge would be a roving judge serving in both the eastern and western districts as needed.

An additional U.S. attorney, court clerk, and U.S. marshal would have to be appointed; and supporting personnel would have to be relocated.

There is every reason to believe that this cost would be offset by the savings in the more expeditious disposition of cases and the curtailment of traveling expenses of court personnel, attorneys and witnesses.

During the 91st Congress my bill calling for the creation of a Federal court facility at Hyattsville was enacted, but thus far no steps have been taken to carry out the will of Congress.

I feel the bill which I have introduced today will solve the problem and eliminate the present inequitable situation which requires attorneys, witnesses and litigants in the Maryland suburbs of Washington to travel to the Federal court in Baltimore. The cause of justice will be well served by enactment of the bill I have introduced today which would divide Maryland into two U.S. judicial districts.

Mr. Speaker, the bill, H.R. 15832, reads as follows:

A bill to amend title 28 of the United States Code to create an additional judicial district in southern Maryland

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 100 of title 28 of the United States Code is amended to read as follows:

"§ 100. Maryland.

"Maryland is divided into two judicial districts to be known as the Eastern and Western Districts of Maryland.

"(a) The Eastern District of Maryland comprises the counties of Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Annes, Kent, Cecil, Harford, Baltimore, and the City of Baltimore. Court for the Eastern District shall be held at Baltimore, Maryland.

"(b) The Western District of Maryland comprises the counties of Garrett, Allegany, Prince Georges, Calvert, Washington, Frederick, Carroll, Howard, Montgomery, Anne Arundel, Charles, and St. Marys Counties. Court would be held for the Western District at Hyattsville, Prince Georges County, Maryland.

SPIRALING COST OF HOUSING

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 10 minutes.

Mr. BLACKBURN. Mr. Speaker, as a member of the Housing Subcommittee of the House Banking and Currency Committee, I am constantly reminded of the spiraling cost of housing. One of the major components of each home is lumber. As this body so well knows, timber prices have tended to fluctuate violently within the past 3 years, a main reason being the uneven and sporadic supply of timber resources: there is a greater demand for timber at certain times than our Nation's forests can produce.

One of the areas of our country which has been neglected, but which could develop great timber resources, is the southeastern United States. At one time this area had large forests, but through mismanagement and intensive agricultural cultivation, the forests have been depleted. However, through the proper management of forests belonging to small landowners, there is a chance that we could correct this situation. To help this needed contribution become a reality, today I am introducing a bill which gives special emphasis to providing assistance to nonindustrial forest landowners to increase the flow of public benefits for the proper management and use of those forest lands in private hands.

Of the Nation's possible productive land base, small landowners hold 49 percent, which is more than three times the acreage available in the National Forest System. These lands in aggregate already produce huge amounts of pulpwood, sawlogs and other timber products needed by America's growing economy. However, due to neglect and mismanagement, these small properties are producing less than half of their potential in terms of wood products.

I am sure the question arises, "What needs to be done?" I suggest the following: planting trees, practicing reforestation in established stands, seeding to prevent soil erosion, creating wildlife habitats, and providing public access for recreational use. But all of these activities require money. Because the immediate return from cultivation of forest lands is not quickly realized and because of the work and taxes involved, many people, even those owning sizable tracts of land, have been reticent to invest in this area. My bill would provide for the financial incentives necessary to trigger these vital investments.

As I have already stated, expanding demand for timber, pulp and other products used to meet housing and other needs is clearly evident. For example, housing starts in 1971 set an all-time high. Unless well-planned investments on these private lands are made now, the pressures of meeting this demand will continue with the relative increase in prices to be met by future consumers. In addition, increased costs will encourage the use of substitute materials which must come from the Nation's store of nonrenewable resources rather than the renewable forest resources. To try to avoid the predicted increase in prices, we need to insure an abundant supply of timber in the species and sizes needed by the construction industry.

Three hundred million acres of land is the key to solving our future timber construction supply problems. This is the acreage affected by my legislation. The act would encourage nonindustrial farm owners to apply modern forest practices that would result in a wide range of public benefits. The primary incentive will be the sharing of the cost of installing these practices, with the Federal or public share of the cost not exceeding 80 percent of the total expenditure. However, this will not be another Federal give-away program where private landowners benefit at the expense of the general public. My bill provides that whenever these forest products are transferred through sale, the Federal Government will have a first lien on the properties, and the money that has been invested by the Government will be paid back to the Secretary of Agriculture with the appropriate interest. In addition, there are many side benefits that will come from this program: Investments in thousands of acres of idle forests will make them productive and many new jobs will be created to insure the necessary planting, cultivation, and harvesting of the product. I feel that this is the only fair and equitable way in which the Government can encourage investment in this sector. I urge the Committee on Agriculture to consider holding hearings on this legislation as soon as possible.

GRAND JURY TESTIMONY OF NEWSMEN

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Whalen) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, yesterday the Supreme Court decided that requiring newsmen to appear and testify before State or Federal grand juries does not abridge the freedom of speech and press guaranteed by the first amendment. Five Justices composed the majority in deciding the newsmen's privilege cases, Branzburg against Hayes, In re Pappas, and United States against Caldwell. Four Justices dissented, arguing that there was a constitutional newsmen's privilege.

The Court's disposition of the newsmen's privilege cases is indicative of the difficulty that lower courts have had with the issue. As the Wisconsin Supreme Court declared in February of this year, the courts "have not found a consistent approach to the problem."

The majority opinion, written by Mr. Justice White, conceded that:

> The argument that the flow of news will be diminished by compelling reporters to aid the grand jury in a criminal investigation is not irrational.

The majority seemed particularly concerned about the capacity of the Court to lay down a satisfactory rule in a Court opinion to cover a complex controversy. As Mr. Justice White stated, speaking for the majority:

> We are unwilling to embark the judiciary on a long and difficult journey to such an uncertain destination. The administration of a Constitutional newsman's privilege would present practical and conceptual difficulties of a high order.

The dissenters argued forcefully for a constitutional privilege. Mr. Justice Douglas said:

> Today's decision will impede the wide open and robust dissemination of ideas and counterthought which a free press both fosters and protects and which is essential to the success of intelligent self-government.

A discussion of the merits of the majority and minority Court opinions on the cases would not be productive at this point. It is clear, however, that the larger issue of the newsmen's privilege has not been resolved. This important issue concerning the freedom of the Nation's journalists to gather information and provide the public with a free flow of information now is clearly a congressional responsibility. The Congress must now study, debate, and act on the issue of the newsmen's privilege. As the Court acknowledged in yesterday's ruling:

> At the Federal level, Congress has freedom to determine whether a statutory newsmen's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned and, equally important, to refashion those rules as experience from time to time may dictate.

As the sponsor of H.R. 4271, the Newsmen's Privilege Act, I am hopeful that early hearings can be scheduled in the House Judiciary Committee. I do not have to elaborate on the crucial nature of any issue involving the free flow of information to the American people, because an informed citizenry is the very foundation of democratic government. Therefore, I urge prompt and careful evaluation of the Newsmen's Privilege Act by the Judiciary Committee and by this House.

TOO "CIVILIZED" FOR CAPITAL PUNISHMENT?

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. Wyman) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, the High Court's 5-to-4 decision basically holding that in virtually all cases the imposition of the death penalty is unconstitutional as "cruel and unusual," flies in the teeth of society's need for the protection of the death penalty in horrible cases. What about Manson, for example, who deliberately slew by knife in her own home an 8 months pregnant woman whose plea for the life of her living but yet unborn child were brutally denied? What about the person whose planted bomb in an auditorium kills 5,000 innocent citizens? What about planned assassination of a President of the United States? Or calculated poisoning over a period of months murdering a wife or husband?

There are situations that merit the death penalty in all but the minds of those who are opposed to it in principle and under any circumstances and for any crime, even the slaying of their own family. Happily, this is not the view of the great majority of Americans. I say, happily, because most of us want to be darn sure that anyone who deliberately plans such horrible criminal acts knows that, if he does so, he will pay for it with his life.

The Court's holding is all the more confusing because the Constitution itself in the fifth amendment explicitly refers to "capital cases," thus recognizing in its own words that there are cases for which the death penalty may be imposed. The word "capital" means subject to a penalty of "off with one's head."

The realities of this unfortunate decision are that what the five members of the Supreme Court are really saying is that in this day and time we have become so "civilized" that capital punishment is barbaric. Justice Marshall makes this clear in his opinion referring to the decision as a "major milestone in the long road up from barbarism."

Today's Washington Post echoes the same line in a masthead editorial referring to capital punishment that says in part:

> The use of it has grown increasingly repugnant and it quite appropriately should join disemboweling and drawing and quartering as a remnant of an uncivilized past.

What about Manson's deliberate, brutal disemboweling of pregnant Sharon Tate?

What about the guards at prisons across the land who must be constantly exposed to inmates sentenced to life plus 99 years? What protection are these men to have, lacking any further penalty?

What about the fact that capital punishment for kidnaping plus death ended this terrible offense for the most part after Hauptman?

What about the indisputable fact that society is entitled to the deterrent of the prospect of capital punishment for certain terrible crimes? Let it not be claimed that it is not a deterrent because whether it is or it is not it is impossible to know. Statistics are virtually meaningless. It is a good guesstimate that the Lord knows how many individuals have hesitated before planning murder, or kidnaping, or bombing from awareness that if they are caught they will be hanged, or electrocuted, or gassed.

Not a pretty prospect, not even a pleasant subject. On this we are all agreed.

But neither are the crimes against humanity and society that might have been committed but were not because of the prospect of the death penalty. Who knows how many, but we do know that crime is rising, especially crimes of violence. We need the death penalty in this country for a limited number of terrible crimes.

Congress should propose a simple constitutional amendment to the States for ratification providing that State legislatures may impose the death penalty, if they see fit, at the very least for cases involving the deliberate taking of human life.

And Congress should also be authorized to impose the death penalty for conviction of treason. Even this is denied under yesterday's unfortunate and unnecessary judicial legislation by five of nine Members of the one Court of last resort in the United States from which there is no appeal.

To show how far the eager-beavers would carry the decision, I include the editorial in the Post to which I have made reference, which calls for dismantling the death chambers even though the precise limitations of the Court's decision remain to be more precisely established in subsequent cases whatever may be the disposition of a constitutional amendment. Not without relevance to the dismantling call is the fact that should any one of the majority leave the Court, the rule could change overnight. In fact, it is safe to predict that such a replacement will very probably turn the Court squarely around on this same subject, which is one of the difficulties with 5-to-4 decisions in so important a field.

The editorial follows:

DISMANTLING THE DEATH CHAMBERS

It is impossible to read even a part of the outpouring of words from the Supreme Court in the death penalty cases without recognizing the momentous nature of the question it faced and the prolonged deliberations that led to its resolution. Perhaps never before has the question of death as a legitimate punishment been so thoroughly canvassed as it is in the nine opinions encompassing more than 50,000 words. The effective holding of the Court—that death penalties may no longer be imposed unless they are automatically imposed on all those convicted of a particular crime—is not the result we would have preferred. We would have joined those two Justices, Brennan and Marshall, who voted to bar death outright as a cruel and unusual punishment. But this intermediate step should be just as effective in closing down the death chamber of the Nation. No legislature is likely to decide that all rapists and/or murderers must be executed.

The differences between the Justices on this issue are fundamental, not just on the matter of death as a punishment but on the place of the Court itself in the American system of government. It is easy to make the argument, as the four dissenting Justices do, that the Court has overreached itself and stepped into an arena more appropriately reserved for Congress and the state legislatures. It is an argument based on strong underpinnings and substantial precedents but one that materially weakens both the power of the Court and the strength of the protections the Bill of Rights provides to all Americans.

It is true, no doubt, that at the time the Constitution was written the bar against "cruel and unusual punishments" was not regarded as abolishing the death penalty. But neither did it bar flogging, expatriation, sentences to be served in chains, or imprisonment for illness as punishments. These have become recognized over the years as penalties which must fall as "cruel and unusual" because of changes in the temper and the conduct of American society. So it is, it seems to us, with the death penalty. The use of it has grown increasingly repugnant and it quite appropriately should join disembowling and drawing and quartering as a remnant of an uncivilized past.

By almost any contemporary definition, the death penalty is both cruel and unusual. It is the only punishment imposed in American law which inflicts pain. It is the only punishment that is used so rarely as to be unusual. Indeed, it is that latter point which provides much of the evidence of the nation's changing standards. Among the thousands of cases tried each year in which juries could impose the death penalty, it is actually imposed in only a hundred or so. Of these, governors regularly commute many. Of the others, many more are never carried out because of the unusual care and scrutiny every appellate court gives to them in the name of due process. No one has been executed anywhere in the country in the last six years and only 93 in the last 10—a figure smaller than that for any single year for which records were kept prior to 1950. There is much truth in Justice Brennan's observation that "the likelihood is great that the punishment is tolerated only because of its disuse."

There is another point about the death penalty which should not be overlooked. Justice Douglas put it this way:

"Former Attorney General Ramsey Clark has said, 'It is the poor, the sick, the ignorant, the powerless and the hated who are executed.' One searches our chronicles in vain for the execution of any member of the affluent strata of this society. The Leopolds and Loebs are given prison terms, not sentenced to death."

Given evidence of this kind, and there is much more of it, about the impact of death sentences in practice, we are driven inevitably to the conclusion that the distaste of it is so widespread as to justify fully the Court's decision. To hold otherwise, to rely primarily or exclusively on past history, as some of the dissenters would, is to read the cruel and unusual punishment clause out of the Bill of Rights. That clause, at the very least and in the words of Justice Stewart, "cannot tolerate the infliction of a sentence of death under legal systems that permit this unique penalty to be so wantonly and so freakishly imposed."

We trust that the death chambers will now be dismantled.

A FOREIGN ECONOMIC POLICY FOR AMERICA, AND HOW IT CAN HELP AT HOME

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, for almost 40 years, the United States has been the leader in removing the shackles from international trade. It was American initiative, vision, and persistence that led the principal trading nations to dismantle the bulk of the trade restrictions imposed during the great depression. The result has been a remarkable expansion of world trade and a rapid and sustained growth in world production. Our positive trade policy has been nonpartisan, supported by the 19 Congresses and six Presidents since 1934.

That policy is now under heavy attack, perhaps the heaviest in recent history. Important elements in business and labor, in growing numbers and with growing insistence, argue that our country needs increased protection against imports. They assert that jobs and industry in the United States are threatened.

The rest of America's traditional foreign economic policy is also under attack:

The free international movement of capital, technology and knowledge, which played a key role in the economic development of our country and which continues to be a major factor in world economic growth, is now charged with "exporting jobs" from the United States.

The international monetary system, developed at Bretton Woods and strengthened by the unplanned use of the dollar as the world currency, provided a solid and yet flexible base for the steady economic expansion of the postwar period. Yet, the strains on the monetary system had been growing over the 1960's. The result was a breakdown in 1971. The system must be revitalized. But all the present administration seems to be concerned about is finding the proper forum to discuss the problem.

I want to discuss these three issues today—international trade, investment, and monetary arrangements. They form the heart of our foreign policy. What we do on these matters must help to achieve our broad foreign policy goals—to create a world in which the United States can prosper and live in peace, a world in which nations solve common problems in a cooperative, helpful spirit, a world which is congenial to the achievement of our basic national objectives.

Our foreign economic policies have far-reaching international political and military consequences. But I do not want to consider this aspect alone—however important it may be—of our foreign economic policies. Instead, I want to look at these policies in domestic economic terms. I want to consider how they can best achieve our basic domestic economic goals set by the Employment Act of 1946—maximum employment, production, and purchasing power; how they can help to create jobs, raise wages, keep prices stable, and promote equity.

TRADE

We must regain our former momentum in opening up the channels of world trade.

If we succeed in this endeavor, we will:

Create jobs for Americans;

Raise wages of the American worker;

Keep prices down, and thereby raise real wages; and

Help the disadvantaged in our country.

If we fail to move forward on trade—indeed, if we only stand still—we shall necessarily slide backward. Britain and three other nations are scheduled shortly to join the European Community, or Common Market. Some 50 other nations now have, or shortly will have, preferential trading arrangements with the Community. This large and expanding trading bloc will necessarily put U.S. exporters at an increased competitive disadvantage. For example, the Austrian manufacturer of electrical equipment will soon be able to sell in France, Germany and England without paying any duty; the American competitor, however, will still have to jump the tariff wall.

The only practical way to avoid such retrogression is to reduce barriers to world trade. We can reduce—and indeed, eliminate—the growing disadvantage to American industrial exporters if we can persuade the Common Market to reduce, or eliminate, its common external tariff and to avoid a variety of nontariff barriers. This can be done only if we are to reciprocate, reducing our own barriers.

The same prescription applies to helping our farmers. Europe's common agricultural policy is costly for European consumers and taxpayers, as well for our farmers. But, as a practical matter, it can be modified only as part of a general reduction of world barriers to trade.

Finally, if we do not move forward to open up world trade, we may well find ourselves acting to limit it, we may find ourselves hypnotized by those who would restrict our imports across the border. If we follow this course, we will: raise unemployment, reduce money wages, stimulate inflation, and deepen the poverty of the poor and lowly paid.

Let me develop more fully the arguments behind these assertions.

First, let us look at the historical record. The domestic critics of American trade policy argue—explicity or implicitly—that our past approach has been a failure. They surely do not mean that American leadership in bringing down trade barriers has been bad for the world. In the 27 years since World War II—a period which the General Agreement on Tariffs and Trade was agreed upon and six rounds of tariff reductions were negotiated—the world, especially the major industrial trading countries, has had the longest period of sustained and rapid growth in history. We have had a quarter of a century of rising employment, rising production, rising levels of personal consumption and well-being. Throughout all this time, international trade has been a leading sector.

Production in the industrial countries of Europe and Japan grew by more than

100 percent since 1950, while their foreign commerce grew twice as fast. Our own experience has been similar. In the 1960's, when our gross national product rose by 50 percent, our exports doubled. Over the past two decades, our GNP more than doubled and our foreign trade more than tripled. Indeed, the years in which our foreign trade—imports as well as exports—flourished were years of unparalleled prosperity for the American people. It was also a period of rapidly expanding employment. Jobs in the United States grew from 58 million in 1949 to 86 million in 1971. Yet, after adjusting for inflation, imports were four times higher in 1971 than they were in 1949.

So much for the historical record.

But to do the opponents of trade policy justice, they are talking about the present effects of foreign trade on our economic life. They speak of jobs and job opportunities destroyed, and of industries threatened with extinction now. Let us examine these assertions.

JOBS

Expanding trade—increased imports as well as exports—creates jobs for Americans. Import restrictions, on the other hand, actually destroy jobs—more than are destroyed by import competition.

About 25 percent of U.S. imports are not competitive with goods produced in the United States—coffee, cocoa, chromite, tea, for example, commodities which could not be produced commercially at home, if at all, and commodities in short supply such as bauxite, asbestos, and newsprint, which supplement domestic production. No employment is lost by such imports. Indeed, without such imports a part of American production would be lost, and so would the jobs associated with it.

The remaining 75 percent of U.S. imports are competitive with U.S. products—that is, if the goods were not imported, Americans could produce them at home. For this reason, protectionists argue that such imports cost us jobs and ought to be limited.

But a careful analysis of the relationship between imports and jobs will uncover five factors which argue that imports, even competitive imports, create jobs to offset, in whole or part, the jobs lost by import competition.

First, clearly, the processing and marketing of imports create jobs in the United States. This applies to Volkswagens as well as bananas. Federal Reserve Governor Andrew Brimmer has estimated that some 650,000 jobs were involved in such activities in 1971.

Second, imported goods often embody materials or components exported from the United States. For example, imported textiles and clothing contain U.S. cotton, imported appliances contain U.S. electronic components, automobiles made in Canada incorporate many parts manufactured in Michigan. If such imports were curtailed, our exports would be as well.

Third, since the United States is the largest importing nation in the world, an increase in our imports necessarily increases output and income in the rest of the world, and this necessarily is reflected in increased U.S. exports. Conversely, any cut in U.S. imports quickly results in a cut in our exports. We are so large a factor in the world economy that our exports are tied to our imports.

Fourth, imports also create jobs at home when the foreign goods are less expensive than the domestic product would be. For example, if competitive imports—which amounted to some $40 billion in 1971—were 10 percent cheaper than domestic goods, American consumers would have an additional $4 billion to spend on other goods. This would not only leave us with more satisfied consumers; it would also create some 400,000 additional jobs at home.

Fifth, if we tried to stimulate domestic employment by a massive cut in imports, other countries would have the legal right under GATT to retaliate. And they would do so—they would be under pressure from their labor unions and other political forces not to let an affluent America impose unemployment on them.

If, as a result, U.S. exports were cut by the same amount as imports, there would be a net loss in jobs at home, because more American jobs are created through $1 million of exports than are lost by an equal amount of imports. This observation is called the Leontieff paradox, after its discoverer. Prof. Lawrence Krause of the Brookings Institution estimates that every billion dollars of additional exports creates 110,000 new jobs in the United States, while each billion dollars of additional imports supplies goods which would take 88,600 Americans to produce. In short, if we increase exports and competitive imports equally, we create jobs at home. If we reduce competitive imports and exports equally, we cut the number of jobs available for Americans.

All of this is not to say that import competition in itself does not cost American jobs. It does. While an expansionist trade policy such as I have been advocating will create jobs, it will also cost us jobs.

Therefore, starting tomorrow, what we must do is to find jobs for all—not only for those hurt by import competition, but for those who lose their jobs, or cannot find a job for any other reason. Full employment without inflation is our top domestic imperative.

I have been urging for a long time that what needs to be done is to reduce our current more than 5 million unemployed—almost 6 percent of the work force—to something like one-half that many. A public service employment program could provide at least 500,000 jobs in public safety, conservation, recreation, education, public health. Such an immediate "Jobs Now" program could generate an additional 1 to 2 million jobs by creating additional purchasing power on the part of the 500,000 newly employed workers, by its associated accelerator effect on capital spending, and by increasing consumer confidence generally. This could reduce our unemployment by almost half, and bring the rate of unemployment down to the 3- to 4-percent range. Backstopping the Jobs Now program should be a whole series of industry-Government consortia to get to work on the great domestic needs of the 1970's—mass transit, rebuilding our cities, air and water pollution, new schools and hospitals. The list is long.

Such a generalized full-employment policy should be buttressed by meaningful—as opposed to the present lipservice program—adjustment assistance for workers and plants endangered by import competition.

A full-employment society is a necessary precondition for a policy of expanded trade for two main reasons.

In the first place, despite the jobs which expanded trade creates, there is no assurance whatever that this will automatically result in full employment. We thus have to pursue full employment as a necessary first goal.

In the second place, as a political matter, it will not, in my judgment, be possible to launch a drive for freer trade until we have with at least equal vigor launched a drive for full employment. Though our unemployment may be due in large part to causes other than import competition, the unemployed worker sees import restrictions as one quick step that can be taken simply because it is within the control of the Government. A government that asks labor to support a program of broadened trade must present labor with a full-employment economy.

Our trade policies ought to be designed to improve productivity, not primarily to provide jobs. Indeed, the right way to look at foreign trade is to recognize that it has the same impact on our economy as investment in machinery or improvement in technology. Foreign trade raises U.S. productivity by permitting U.S. labor and capital to shift from industries with low returns to those with higher returns. We import those goods which can be produced more cheaply abroad, freeing our own capital and workers to produce goods we can make more efficiently.

Because this increase in productivity may cause temporary distress and unemployment—and this is true whether we install a new machine or reduce a trade restriction—there is no reason to destroy the machine or, what is equivalent, to protect American industry from foreign competition, provided our Government does its job and creates full employment.

We are not Luddites—the British workers who destroyed textile machinery in the early days of the industrial revolution. We do not want to destroy the machine—or to restrain imports. But we do recognize that a sharp increase in imports can cause temporary unemployment.

This is a serious problem regardless of its cause, and society must meet it. If we can keep our economy at close to full employment and moving vigorously, temporary unemployment resulting from increased imports will not be a problem. For example, in 1968 imports rose by a phenomenal 23 percent. If imports were destroying jobs this would have been the year to show it. Yet, the number of Americans at work rose by more than 1.5 million, and unemployment fell.

But we must be prepared for times, such as the present, when our efforts are not rewarded with success and the economy is soft. Under such conditions we need to provide help to those whose jobs are threatened by imports—financing, training, counseling, and a new job—and, on occasion, we may want to provide restraints on imports. But the restraints must be of limited duration. We should not provide protection—a subsidy by American society as a whole—to any industry in perpetuity.

WAGES

As we have just seen, the prime role of foreign trade is to improve the productivity of the American economy. The result should be increased wages. This, in fact, is the result. The Bureau of Labor Statistics has determined that wages are 9 to 10 percent higher in U.S. export industries than in those industries which compete with imports. It is clearly in the interest of American labor as a whole to stimulate exports, where wages are high and technology more advanced, than to protect industries where this is not the case.

PRICES

Lowered restrictions on trade, and the resulting increased imports, are an important antiinflationary factor. It is easy to see why. And increased supply of goods and competition from foreign producers help to keep a lid on prices.

The contrary is also true. Clearly, tariffs raise prices. And so do quantitative restrictions on imports. Limitations on the amount of imports—or the total supply of goods in the country—and reduced foreign competition, encourage price rises.

Despite protestations to the contrary, the United States does impose significant restrictions on imports. We are not the "only open market" in the world. We are not the guys with white hats while the Japanese and Europeans wear black. We have duties on industrial products which average about 10 percent, with many duties considerably above the average. In addition, we have quantitative controls on imports of a number of products, principally petroleum, steel, textiles, sugar, meat, and dairy products.

No one knows the effect of these restrictions on U.S. prices. One scholar, C. Fred Bergsten, has estimated that the cost to the U.S. consumer amounts to $10 to $15 billion per year.

Equity: Trade restrictions imposed by the U.S. Government affect importantly the poor, raising the prices of the things they buy. For example:

The voluntary textile import restrictions which have been in force since 1962 and were enlarged in 1971 to include woolen and synthetic textiles, certainly raise the cost of apparel to Americans. A reasonable estimate is that they increase prices by at least 10 percent. In addition, tariffs average roughly 25 percent. The 35-percent increase in textile and apparel prices is borne largely by the poor. They are the ones who buy heavily the sort of inexpensive textile imports which our Government limits.

Sugar is also subject to quotas. As a result, U.S. sugar prices have generally been twice as high as world market prices in recent years.

Voluntary restraints on imports of fresh and frozen meats generally affect low-cost meats which go into frankfurters and hamburgers, items bought heavily by low-income families. The temporary lifting of meat quotas by the President will provide temporary relief.

The restrictions on shoe imports proposed in the Congress in 1970 would have raised shoe prices by an estimated one-third, and would have affected largely the inexpensive shoes, purchased by the poor.

In short, U.S. trade restrictions could well be called our own anti-anti-poverty program.

INVESTMENT

Recently, in sharp contrast to our traditional posture, there has been a ground swell of opinion in the United States favoring the limitation of the export of investment and technology from the United States to other countries. Large-scale foreign investment by our consumer electronics industry is only the most conspicuous example of American jobs lost.

The argument for restricting the outflow of U.S. capital and U.S. technology deserves to be examined seriously. The limitations of the case against U.S. foreign investment should not be overlooked.

First, the greater part of U.S. direct investment abroad is in raw materials and related manufacturing, in distribution facilities for U.S. exports, in foreign utilities, transportation, and other services, and, consequently, cannot be regarded as displacing U.S. domestic production or employment.

Second, U.S. foreign investment is not as large as the storm about it would lead one to believe. Over the past 5 years, gross foreign direct investment, including reinvested earnings, has averaged about $6 billion per year. By comparison, gross domestic private investment, minus residential construction, has averaged over $100 billion per year over the same period.

Third, much U.S. foreign investment in manufacturing is defensive in character—that is, American entrepreneurs go abroad to produce when they see that a foreign enterprise would expand and take over the market. In such cases, continued production in the United States is not a realistic alternative. If the American firm had not gone abroad, foreign firms would have preempted the opportunity and U.S. jobs and exports would have been lost in any event.

Finally, America gains by foreign investment. As is well known, the income on our private direct investment abroad is rapidly expanding and now amounts to some $8 billion a year. In addition. American parent companies often export large amounts of capital goods, component parts, and associated products to their foreign subsidiaries—exports which would not be made if U.S. foreign investment were curtailed. Purchases by foreign affiliates of American corporations in the United States account for an estimated one-quarter of the nonagricultural exports of the United States. Moreover, by raising levels of living and contributing to economic development abroad, foreign investment further stimulates U.S. exports. And, of course, the American consumer benefits from lower cost products, increased research and development, and improved access to raw materials which accompany foreign direct investment.

In short, as with trade there is reason to believe that U.S. foreign investment on balance raises U.S. income and employment.

But when all these favorable effects of foreign investment are cited, there remain unfavorable effects—on U.S. jobs, on balance of payments, on productivity, on equity. It is fair to ask, therefore, that U.S. governmental policy be neutral with respect to investment abroad.

This means several things.

First, it means that we should never again allow the dollar to become grossly overvalued, as it was until the December 1971 Smithsonian agreement. An overvalued dollar means that U.S. corporations can buy up foreign manufacturing assets at a discount, and thus drives them into excessive foreign investment. The kind of international monetary reform which will enable the United States to have reasonable control over the international value of the dollar is discussed below. It is urgently needed.

Second, a neutral U.S. foreign investment policy requires that existing tax concessions to foreign investment—notably tax deferral of unrepatriated income and the foreign tax credit—be critically reexamined. The case for reevaluating these preferences was well put by Peggy B. Musgrave, associate professor of economics at Northeastern University, Boston, in a June 11, 1972, paper prepared for the Joint Economic Committee:

> It is possible that production by U.S. affiliates abroad, particularly in manufacturing, may serve to displace U.S. exports and even domestic sales in the United States. This displacement effect is the more likely since those corporations accounting for the bulk of manufacturing investment abroad are also major exporters. Moreover, sales of manufacturing subsidiaries abroad are now two to three times the level of U.S. exports of manufactured products. It should be recognized that the economic and political effects of maintaining a share of foreign markets via foreign production are very different from doing so via domestic production and export. The principal difference lies in the effects on labor productivity and shares in national income. Foreign investment may enhance the private profitability of U.S. capital but it is likely to reduce the real wage to U.S. labor as well as the Government's tax share in the profits.
>
> There are sufficient doubts about the effects of foreign investment on the U.S. Economy to lead to the conclusion that the U.S. tax treatment of foreign investment income should be reviewed and reevaluated. This applies especially to deferral, but consideration may also be given to limiting the present credit for foreign taxes to less than 100 percent. Such measures would not be incompatible with opposition to trade restriction. Indeed, they might be supportive of free trade policy.

To do more—to have a Capital Issues Committee which would pass on every projected foreign investment—has been advodated by the AFL–CIO. The proposal obviously presents excruciating administrative difficulties.

I suggest that the best remedy for the

unfavorable domestic effects of foreign investment is the same as that suggested in the case of trade—full employment without inflation at home. If that goal is reached, the case for direct administrative controls over foreign investment is obviously weakened, since new domestic jobs will be created to replace those jobs exhorted. Indeed, full employment at home would in and of itself tend to keep American capital at home. It is only a stagnating domestic economy which induces hyperthyroid foreign investment. Likewise, a prosperous American economy would induce greatly expanded foreign investment in this country. Both types of investment make jobs here.

REFORM OF THE INTERNATIONAL MONETARY SYSTEM

We need an international monetary system which avoids recurrent monetary crises. These have been too frequent, especially in recent years. We had such a crisis in August 1971, when the President cut the tie of the dollar to gold and imposed a surcharge on imports, in May 1971 when the German mark was floated, in 1969 when the German mark was revalued, and in 1968 when the two-tier gold system was adopted.

Unless we can avoid such crises in the future, the world economic system will be faced with periodic disruptions and the imposition of direct controls over trade and capital movements.

The adverse economic implications of such controls were sketched out earlier. In addition, more often than not, direct Government controls raise serious political problems with countries which are adversely affected by the controls.

Clearly, if we are to preserve and extend freedom of international trade and capital movements, effective ways will have to be found to deal with imbalances in international payments. The most effective and equitable way to do so is to encourage changes in exchange rates when imbalances threaten, and before they become serious. The prime cause of the monetary crises of the 1960's was excessively rigid exchange rates.

Greater flexibility of exchange rates will reduce the length and severity of imbalances in international trade and payments. They will allow the United States and other governments to focus on the significant economic problems—how to increase productivity and real income, and how to promote a system which will distribute the increased production wisely and compassionately. The preoccupation of governments with the balance of payments under the rigid exchange rate system of recent years has often led to a situation where they sacrificed desirable domestic goals in a vain attempt to maintain an inappropriate exchange rate.

In more general terms, the international monetary system needs to be reformed to take account of the dramatic changes which have taken place in the world economy over the past quarter of a century. While the United States remains the single most powerful economy in the world, it no longer dominates the world as it did for a quarter of a century after Bretton Woods. The phenomenal economic growth of Western Europe and Japan has altered the balance of economic power.

A new international monetary system will no longer reflect U.S. predominance, but rather U.S. partnership with other countries. This has a number of implications for the international monetary system as a whole.

First, it means that the United States must have greater freedom to change its exchange rate than it has had. Of course, we are so large an economy that we can never be as free as Guatemala or even Britain. But, unless the world wants to be on a dollar standard, the United States must have some degree of independent control over its exchange rate.

Second, the financial basis for the monetary system can no longer be gold or dollars, but should be some multilaterally managed asset. This was recognized in the late 1960's when the countries of the world agreed to create a new international reserve asset called special drawing rights or SDR's. These should gradually replace gold and dollars as the major official reserve asset.

Third, any reform of the international monetary system must find a way to deal with the large and often disruptive flows of interest-sensitive capital among nations. The wider margins for exchange rates temporarily adopted at the December 18, 1971, Smithsonian agreement is an attempt to deal with this problem.

Fourth, before the United States can restore full international convertibility of the dollar, a way must be found to deal with excess dollars held by foreign monetary authorities.

Fifth, while U.S. balance-of-payments deficits were important to the vigorous economic expansion of the immediate postwar years, with the creation of SDR's the deficits are no longer needed. Indeed, they are undesirable from the point of view of both the United States and the rest of the world.

If our payments are to aim for rough balance, how is this to be achieved? In 1971, net receipts from foreign investments were $8 billion; net payments for military expenditures and foreign aid were $7 billion, net payments for travel, transportation, and miscellaneous services $1.5 billion, net remittances and other transfers $1.5 billion, and net private capital outflow $4 billion, for a total deficit of roughly $6 billion. The prevailing view seems to be that we will thus need to convert our present trade deficit into a trade surplus of some $6 billion in order to balance our accounts.

This may be a large order. Of equal importance are energetic efforts to curtail such red-ink items as excessive U.S. military expenditures, excessive military aid, excessive capital investment abroad induced by tax preferences, and to augment some black-ink accounts, such as foreign tourism to the United States and foreign investment in the United States. To the extent that we can do so—and I believe we can—every dollar of deficit diminished is a dollar off what may be an unrealistically high projected trade surplus.

These then are the major problems and opportunities we face in international trade, investment, and money. I have tried to show how the cooperative resolution of these problems will favorably affect our material well-being—jobs, wages, prices and equity in the United States. But their resolution will also improve the prospects for world peace and stability for generations to come.

THE FRENCH POW CAPER

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 10 minutes.

Mr. LEGGETT. Mr. Speaker, from the days of Dean Rusk's "billion Chinese armed with nuclear weapons" to the present time, the mythological rationales for our continued presence in Vietnam form one of the most colorful chapters in American folklore.

Last night President Nixon made a major contribution to this mythology. In the course of his press conference, he said we had to continue mining, bombing, and retaining a residual force in Vietnam because that was the only way to give the other side "incentive to return our POW's rather than not account for them, as was the case when the French got out of Vietnam in 1954 and 15,000 French were never accounted for after that. I shall never let that happen to the brave men who are POW's."

Mr. Speaker, mythology and folklore are fascinating subjects for those who are drawn to them. But national policy should be based on fact.

The fact of this matter is this: According to the French Government, the last French prisoner was returned within 3 months of the conclusion of the Geneva agreements. This point is made by the French Ambassador to the United States in recent correspondence between us on this exact subject.

Mr. Nixon could do worse than to subject the American POW's to the fate of the French POWs. In fact, he has done a good deal worse and is expected to continue to do so.

The French recovered all their prisoners. Mr. Nixon has recovered zero American prisoners. As long as he continues his residual force policy, he will continue to recover zero prisoners.

I insert in the RECORD my letter of January 18, 1972, to Mr. Charles Lucet, our Ambassador from France at that time, and Mr. Lucet's February 3 answer to me:

JANUARY 18, 1972.

Hon. CHARLES LUCET,
Ambassador Extraordinary and Plenipotentiary, Embassy of France, Washington, D.C.

DEAR MR. AMBASSADOR: It is sometimes asserted that, at the conclusion of your country's war in Indochina in 1954, the Viet Minh refused to return all French prisoners of war, and to this day holds several hundred of them.

What is your government's view of this matter? Do you believe that all living prisoners were returned after the conclusion of hostilities, or do you believe that some have been detained in violation of the Geneva Convention on Prisoners of War?

I will be most grateful for your reply.

Kind personal regards.

Very sincerely,

Robert L. Leggett,
Member of Congress.

Ambassade de France,
Washington, D.C., February 3, 1972.

Hon. Robert L. Leggett,
Member of Congress,
House of Representatives,
Washington, D.C.

Dear Mr. Leggett: Thank you for your letter of January 18, 1972 asking me whether the French government believes that, after the conclusion of the first Indochina war, all French living prisoners of war were returned, or thinks that some may have been unduly detained.

We have already conducted intensive research on this matter, and concluded that the last French prisoners were returned less than three months after the conclusion of the Geneva Agreements. We therefore consider this question as definitely settled.

Hoping to have been of any help,

Very sincerely,

Charles Lucet.

AID TO NEW ENGLAND FISHERMEN INVOLVED IN INTERNATIONAL INCIDENTS AT SEA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Harrington) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, yesterday Hastings Keith, Margaret Heckler, Louise Day Hicks, and I introduced H.R. 15800 to provide immediate payments to fishermen whose gear or boats have been damaged by foreign vessels.

The compensation program would be under the direction of the Secretary of Commerce, who would certify whether claims were valid and would be authorized to make immediate reimbursement for all costs directly resulting from any damage to, or destruction of the vessel or any of its gear or other equipment. This Federal compensation would be retroactive to January 1, 1971, and the legislation authorizes $5 million for past and future claim reimbursement.

The bill is unique in that it will pay damage claims immediately out of general revenues instead of requiring the claimant to await the U.S. Government's attempt to obtain compensation from foreign governments.

It also provides reasonable reimbursement for losses suffered by the vessel owner as a result of lost or reduced fishing hauls directly resulting from the damage. Thus, the vessel owner and his family will be protected from loss of income while awaiting the U.S. Government payment of the claim and for repairs or replacement to the vessel or its equipment.

At this time there is no governmental assistance to American fishermen who have suffered economic hardship from foreign vessels. The legislation we introduced is essential to redress that wrong.

The New England fishing industry—indeed, all American fishermen—have enough to worry about from foreign competition without the additional fear that they will be economically annihilated by a vessel which is in no way required to pay for the damages it inflicts.

For example, foreign competitors have been able to occupy the same harvest areas as American fishermen. In New England in 1960, 93 percent of fish caught off the Continental Shelf were caught by New England fishermen. By 1965, the percentage had dropped to 35 percent.

In addition, as a general rule, a larger portion of the working capital of foreign fishermen are subsidized by their government. This means that they are more technically advanced than the U.S. fleet, more productive, and consequently, able to undersell the U.S. fleet in U.S. markets. On the other hand, the U.S. fisherman because his equipment is obsolete and because his competition is strong, receives an unduly small compensation for uncertain yields.

U.S. fishermen also encounter many obstacles in their attempts to modernize their equipment. They are small businessmen and can not generally afford the initial capital investment for modernization. As it is now, most profits must be used for repairs.

They find it difficult to receive loans from the private sector because of the unpredictability of catches, the obsolescence of the boats and the inability of most fishermen to obtain the insurance necessary for loans.

Therefore, when a foreign vessel damages or destroys the gear or vessel of the fishermen, he cannot usually obtain a loan to replace the vessel because he cannot obtain the insurance and because he usually has no collateral other than his vessel.

The fact that foreign vessels have inflicted severe damage to our fishing vessels and gear is not generally well known. The fishermen of this Nation have to run many risks that other businessmen have never had to cope with. The danger of damage to these foreign vessels has created incredible hardships for many fishermen.

For example, in the month of June alone two of my constituents experienced severe financial losses from foreign ships. One fisherman, fishing off Nantucket sustained thousands of dolllars worth of damage when his lobster traps were destroyed by a Russian trawler. A second New England fisherman, Stephen Biondo, was fishing north of Gloucester when an East German fishing trawler rammed his boat and destroyed it.

Neither of these men has any Government official to whom he can turn for financial assistance. He cannot get a loan guarantee, he cannot get income maintenance other than welfare while his claim is being settled, and in many cases he cannot get his claim settled. There is no help for him.

The State Department has informed me that they estimate that gear losses resulting from foreign vessels over the past 2 years amount to about $150,000 to $200,000. Vessel losses would not account for a great increase in this amount.

We are not speaking here of a bill costing the taxpayers millions of dollars. We are speaking of legislation which is reasonable and equitable. The legislation filed by my colleagues and myself is the most fair and direct solution to the problem.

We owe it to this strong, independent, and important part of our economy to provide fishermen with the assistance they need to recover from damage accruing from foreign vessels. The legislation filed yesterday provides the insurance our fishermen should have against the hazards of foreign vessels and demonstrates the support of Congress for this important industry.

HON. FRANK E. SMITH RETIRES

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. Jones) is recognized for 10 minutes.

Mr. JONES of Alabama. Mr. Speaker, a distinguished former colleague and longtime friend of many in this Chamber, the Honorable Frank Ellis Smith, has recently retired as a member of the Board of Directors for the Tennessee Valley Authority after 10 years of outstanding service to the people of the Nation and of the Tennessee Valley area.

Frank Smith's service with the TVA Board rounds out another chapter in his remarkable record of public service extending back to 1942 when he entered the Army as a private in World War II.

During his tenure, the TVA continued to help enhance the quality of life of the people who live within the valley while witnessing phenomenal gains in economic development and higher standards of living. Although such an idea is contrary to the conventional wisdom of nouveau environmentalists, it has happened and is happening in the Tennessee Valley area.

As a director of the TVA, Frank Smith has been able to be a decisive influence in shaping and guiding growth and development of the region while assuring that proper and increased consideration be given to the environment and quality of life.

Such a course comes naturally to Frank Smith. He was an active practicing conservationist long before environmental concern gained popular acclaim. As a Member of the House of Representatives, he was always at the leading edge of the legislative effort to make a proper accounting of the natural resources of this Nation. His concern included a dimension not always present in many current environmentalists—an understanding of and compassion for mankind as a part of the total environment.

He was able to continue to advance this philosophy from the standpoint of an administrator during the past 10 years in the service with TVA, the foremost example of proper resource management in the world.

To the TVA, he contributed a thorough understanding of the problems of legislation, a rich experience and knowledge of the requirements of his fellow man, a reputation for political honesty and courage, a probing intellect and keen talent for expression, and a diligence to duty which has marked his entire career.

Because of his service on the House Public Works Committee, Frank Smith was particularly knowledgeable about legislative matters relating to the TVA. He had helped manage the TVA self-financing bill for electric power operations of the agency and then helped engage the legislation to double the generating capacity of the TVA electric system.

His wise counsel and devotion to the public interest have been meaningful for the continued advancement of the Authority.

His thoughtful and scholarly approach to public issues will continue to serve him well.

Through his attainment of high public trust, Frank Smith has been uniquely able to contribute to the total improvement of the United States by making the Tennessee Valley a better place in which to live and enjoy life.

As he departs from the Board of Directors for the Tennessee Valley Authority, he has my warmest congratulations for another job well done and my sincere best wishes for continued success in his unceasing efforts to help others.

SAVING ELECTRICAL ENERGY

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I have spoken before about the critical problems we face with regard to the supply of and demand for fuel and energy resources. Electrical energy shortages are one aspect of this problem that too many Americans will be experiencing this summer. The need for conservation has never been more impelling and, as the House Committee on Interior and Insular Affairs learned at their recent hearings, there are steps individuals can take to help.

Mr. L. Quincy Mumford, Librarian of Congress, has directed employees of the Library to conserve electrical energy in a number of specific ways. I commend our Librarian for his initiative, and with the thought that it may be a useful example or model for others, I ask that it be inserted in the RECORD following these remarks. Energy conservation is not going to be pleasant or easy for a society that has never had to think beyond flipping the electrical switch. Conservation is in the highest of American traditions, and we should remember that conservation is essential to the protection of our resources and our environment.

The article follows:

LIBRARY OF CONGRESS,
OFFICE OF THE LIBRARIAN,
June 20, 1972.

To: Members of the Staff.
From: L. Quincy Mumford, Librarian of Congress.
Subject: Conservation of Electricity.

Because of the critical shortage of electric power in this area, I am asking for the support and cooperation of each member of the staff in conserving the use of electricity and reducing to a minimum the possibility of electrical brownouts and blackouts during peakload periods in the coming summer months.

Whether or not such brownouts or blackouts occur will depend upon (1) how well electric power is conserved this summer, (2) climate conditions, and (3) the availability of certain critical power generation units.

Individual staff members are urged to follow the conservation measures listed below which have been identified by the Government Conservation Group as responsibilities of individual employees.

CONSERVATION OF ELECTRICITY

Responsibilities of individual employees

Upon notification of an impending power shortage by appropriate officials, individual employees should take the following actions as the situation warrants:

1. Utilize minimum artificial lighting during daylight hours in rooms provided with adequate windows or skylight illumination.
2. Keep other unnecessary lights turned off, such as those in storerooms, closets, or other space not being occupied.
3. Shut off lights and appliances when leaving the office or other work area.
4. Keep windows and outside doors closed when airconditioning units are in service.
5. If individual window units are provided, close the damper which admits outside air.
6. If you occupy a room having individual temperature control or equipped with a window unit on days expected to be hot, consideration should be given to cooling the room below normal during the early morning hours and letting the inside air temperature rise during the afternoon. The action would reduce the cooling requirement and the amount of power consumed by the airconditioning equipment during the peakload period.
7. Turn off electric fans, coffeemakers, and other appliances when not required during peakload periods.
8. Schedule the use of all equipment where possible that consumes electricity or generates heat at a time other than the period of peakloads.
9. Do not turn on equipment such as Xerox machines, fans, etc., until needed. Shut equipment off when it is no longer needed.
10. Use the stairs in lieu of elevators, especially at quitting time.
11. Draw or partially close blinds, shades, and draperies on the sunny side of the building.
12. In the event a power shortage does occur and lights go out, carry out the instructions previously given to you by your supervisor.

THE COLORADO RIVER BASIN

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, as you and many other Members know, on numerous occasions during the past 20 years I have stood on the floor of the House of Representatives and requested the Congress to help in resolving problems of the Colorado River Basin. Sometimes these problems have been exceedingly complex. At other times they have been relatively simple. I presume that because of the pronounced imbalance of other natural resources in relation to its deficient water supply the Colorado River will continue to present problems for so long as man is involved with it.

Fortunately, Mr. Speaker, the legislation that I am introducing today for myself and for my esteemed colleagues, Mr. EVANS and Mr. MCKEVITT of Colorado, Mr. LLOYD and Mr. MCKAY of Utah, Mr. RONCALIO of Wyoming, and Mr. RUNNELS and Mr. LUJAN of New Mexico has as its basic purpose the correction of a situation that has persisted for a number of years, perhaps inadvertently, due to operations of the executive branch in a manner never intended by the framers of the Colorado River Storage Project Act of 1956. You and many of our colleagues will remember, Mr. Speaker, that I have a deep paternalistic interest in that law which was conceived, nurtured, and given birth by the Congress to make possible the conservation, development and utilization of the water resources of the Upper Colorado River Basin in my State of Colorado and her sister States—Utah, New Mexico, and Wyoming.

The Colorado River Storage Project Act of 1956 authorized the Secretary of the Interior to construct and operate Glen Canyon Dam and Reservoir on the Colorado River near the Utah-Arizona border. The law also created the Upper Colorado River Basin fund to receive all revenues derived from sales of electric power and water of the storage project and from which expenditures for operation and maintenance, interest charges, return of capital costs of the project to the U.S. Treasury are to be made. Revenues in the basin fund in excess of those used for the specified purpose are earmarked on percentage bases for aiding in paying for the development of future water developments in Colorado, New Mexico, Utah and Wyoming—subject, of course, to authorization and appropriations by the Congress.

In 1956 southern Utah and northern Arizona were vast expanses of barren desert. There were no roads and no habitable communities in close proximity to the Glen Canyon damsite. The settlement of Page, Ariz., was constructed to provide housing and other essential services for the men and their families who were required to endure the hardships of a remote western desert while constructing and operating Glen Canyon Dam and powerplant. Page became a first-class reclamation construction town. As such, it was proper to charge the cost of municipal operations to the account of the Glen Canyon storage unit and, consequently, to the upper basin fund.

At the peak of construction on the dam in 1962, Page had a population of 6,100. By 1967, after completion of construction, the population dropped to 1,280, part of which was directly involved in operation and maintenance of the Glen Canyon storage unit. In 1968, as an integral and necessary part of the central Arizona project, the Congress authorized construction of the Navajo powerplant near Page. The community now is the residence of approximately 5,200 people. In a year or two it is expected that 7,000 to 8,000 persons, or maybe more, will reside there. After the Navajo powerplant is completed it is anticipated that the population will stabilize at about 5,000 to 6,000 citizens. Many of these will be associated with the operations of the powerplant; some will be retirees seeking a nice place to live. Yet others will be operating new businesses and services principally related to the recreation industry.

With the increases in population the costs of municipal functions and operations of municipal facilities have increased correspondingly. The preponderance of these facilities and functions have no direct relationship to the operation and maintenance of the Glen Canyon storage unit. In fact, only a very minor proportion of them could be termed essential so far as the operation of the upper basin's Colorado River storage project is concerned. Page has evolved from a reclamation construction town to an extremely pleasant, attractive business and recreation center. Presently, it is also enjoying the economic stature of an established, advanced construction city for the lower basin's Navajo powerplant.

Studies made at Arizona State University show conclusively that, as an incorporated municipality, Page could become self-supporting and, under the aggressive leadership of fine citizens, prosperous.

Mr. Speaker, the Upper Colorado River Basin fund has been paying the operation, maintenance, administration, and capital improvement costs related to expansion of Page for too long. The time has now arrived for the community to become a proud, self-supporting, incorporated city—divorced from dependence on revenues of the upper basin fund. From the response to queries I have directed to the Department of the Interior, we have learned that the Department is programing the spending of approximately $2.7 million more from the upper basin fund in 1972–74 for operation, maintenance, and capital improvements and additions in Page. Of this sum, about $1.6 million are anticipated to be used for capital improvements. I firmly believe that in the interest of equity all of these costs should not be charged to the upper basin fund, nor should Page continue in the future to be subsidized half a million dollars per year by the storage project.

As one of the authors of the Colorado River Storage Project Act of 1956, I can tell my colleagues that it was never intended that the upper basin fund should continue to subsidize the operation, maintenance, administration, and expansion of the community after Glen Canyon Dam was completed. The time has arrived when this situation must be corrected, especially when all the evidence points up the fact that the Page community will have many advantages over the average community in making the transition to a self-supporting incorporated city. We want to provide all of these advantages that are within reason to the Page citizenry in order to alleviate the birth pains of incorporation.

The legislation that I am introducing will facilitate incorporation of the community by providing millions of dollars worth of assets as a starter. It will, at the same time, sever responsibility for future municipal costs from the upper basin fund, thereby reserving these revenues for water development in Colorado and other upper basin States, as originally intended. My colleagues who remember the 1956 act will also be reminded that the basin fund is of major importance to my State which, under the law, has been apportioned the use of 46 percent of the excess revenues that will accrue to the fund in future years for water resource development.

We all want to see Page start as a well-established municipal corporation. We want it to be initiated financially sound and with more than an even opportunity to stand on its own feet. To meet this objective my bill will authorize the transfer of 10,700 acres of land and improvements thereon to the new city. Retained by the Federal Government, of course, would be those lands and facilities necessary for the operation and maintenance of Glen Canyon Dam and Reservoir. Homes and lots that have already been sold to citizens will be excepted from the transfer and remain in private ownership. Also, the school buildings will be transferred directly to an appropriate school district.

This legislation will assign to Page sufficient water supply from Lake Powell for 9,000 to 11,000 people—subject to the "law of the river" as expressed in the Colorado River compact and Upper Colorado River Basin compact.

In order to ease the vicissitudes of the transition, from a Federal community to an incorporated city, a direct grant of $330,000 will be made to the city fathers. Another grant of $50,000 will go to the Page Hospital as a revolving fund so that it can continue efficient, self-liquidating operation. The Department of the Interior will be authorized to pump domestic and municipal water into the city's water system for a limited time without cost. A number of specified capital improvements and repair and maintenance items will be authorized to be completed at a cost of about $500,000. Included are a number of street expansions and improvements, new curbs and gutters, water system repairs, sprinkler system for the cemetery and, also, the taking of a population census.

My bill provides for generous annual payments in lieu of taxes to the city from the Upper Colorado River Basin fund to cover property taxes not forthcoming due to the Federal Government retaining and using property needed directly in the operation and maintenance of the Glen Canyon storage unit. This will be a financial aid to Page and recognition of the fact that having the opportunity to have certain of its essential functions within a fine city is a worthwhile convenience.

This legislation authorizes a congressional appropriation to pay for the capital improvement work, the transfer of municipal functions, financial grants and other costs associated with creating the municipality.

As an incentive to the citizens of Page to meet their responsibilities in expediting the incorporation process, this bill directs the Secretary of the Interior, in the event Page has not become a city by December 31, 1973, to make the community self-supporting by raising service fees and other municipal charges to levels sufficient to cover the cost of all municipal functions—except those directly necessary in the operation and maintenance of the Colorado River storage project. By December 31, 1973, there will have been at least two opportunities for the people of the area to create their city under the laws of the State of Arizona. This is more than ample time, if they sincerely desire to have the advantages that are available to municipal corporations under county ordinances, State laws and Federal laws.

Mr. Speaker, this legislation is not based on any new concepts. Similar laws have been enacted by the Congress to transfer Federal functions, responsibilities, properties and facilities to incorporated cities. Two instances that are comparable and which immediately come to my mind are the cities of Grand Coulee, Wash., and Boulder City, Nev., at Hoover Dam on the Colorado River. Both of these fine communities were sprouted as reclamation construction villages.

In conclusion, allow me to reiterate that we want Page to become a viable, well-respected, attractive city. We will do everything reasonable from an upper basin standpoint to aid in accomplishing this objective—while at the same time removing financial responsibility for municipal functions from the Upper Colorado River Basin fund.

REVENUE SHARING

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, a general revenue sharing bill (H.R. 14370) passed the House on June 22. This bill establishes a program of payments to State and local governments, totaling almost $30 billion over a 5-year period.

The bill provides initially for aid at a rate of $1.8 billion a year to the States and $3.5 billion to local governments, with annual increases of up to $300 million provided for the States.

This new and original aid program for hard-pressed State and local governments stipulates and restricts the funds for local government to operation and maintenance expenses for public safety, environmental protection and public transportation, and capital expenditures for sewage collection and treatment facilities, waste disposal systems and public transportation. State funds are unrestricted as to use.

I supported this legislation because I felt that financial aid was necessary to State and local governments in a time of inflated prices and increasing costs. For the Fourth Congressional District of Indiana this legislation, if passed intact by the Senate, will mean the following in dollar amounts:

REVENUE SHARING, 4TH DISTRICT, INDIANA

County	Total to all government	Total to county government	Total to city government	Total to township government	Cities	Cities
Adams	$321, 719	$151, 305	$141, 556	$28, 857	Berne, $29,786	Decatur, $93,241.
Allen	5, 316, 672	1, 714, 044	3, 289, 882	312, 745	Fort Wayne, $3,141,631	New Haven, $102,158.
Dekalb	374, 456	193, 832	160, 991	19, 633	Auburn, $63,298	Garrett, $43,257.
Huntington	408, 711	185, 270	202, 028	21, 413	Huntington, $158,750	
LaGrange	265, 503	189, 327	44, 548	31, 629		
Noble	379, 000	179, 323	167, 743	31, 934	Kendallville, $85,376	Ligonier, $36,020.
Steuben	240, 182	116, 187	57, 156	66, 839	Angola, $37,073	
Wabash	417, 738	192, 325	210, 420	14, 993	Wabash, $131,372	North Manchester, $60,492.
Whitley	270, 695	167, 165	74, 845	28, 685	Columbia City, $45,239	
Indiana	[1]113, 800, 000	[2]31, 000, 000	[3]82, 800, 000			

[1] Total share.
[2] State share.
[3] Local share.

THE PRESIDENT'S NEWS CONFERENCE POLICY: WHO IS USING WHO?

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the press and I am sure much of the public heaved a collective sigh of relief last night when Mr. Nixon conducted his first televised news conference in fully 13 months.

Mr. Nixon clearly appreciates the potency of the media, in conveying his policies to the electorate—but at the same time he seems to suffer from a woeful misunderstanding of the proper role of the media in reporting on our national life.

The tipoff came last night, I think, in the President's discussion, toward the end of the session, of how he "uses" the press conference only when he believes that is the best way to inform the people.

No doubt, all of us in public office would find certain advantages in being able to "use" the press in this fashion, if we thought we could get away with it.

But most of us would recognize the obvious: that relations with the news media is, or least ought to be, a two-way street. Few of us, here in the House or in the White House would get along without the media; but, by the same token, the newsmen must depend at least to a degree on the officeholders for the stories that are their own bread and butter.

Unfortunately, Mr. Nixon, somewhat isolated perhaps by the grandeur of his office, may have forgotten that he, more than any of us, should be answerable to the press in its function as surrogate for the public.

Fault is not solely with the President. Some newsmen at times seem to regard access to the President as their personal right, rather than as a necessary part of their responsibility to the watching and reading public.

No law on the books requires any Presidential contact with the press. But as a former newsman of 20 years' standing, I would suggest that both press and President are remiss if either side in this traditionally adversary relationship thinks its main concern is how best to "use" the other.

The overriding concern should be how best to serve the public—and I emphasize the word "serve."

Mr. Nixon is not the only President with antipathy toward the press. Every Chief Executive has from time to time expressed unhappiness with newsmen—especially in the era of television, which has given a new and sometimes awkward immediacy to the Presidency and other major news sources. It may be that Presidents are sensitive to the nuances of the media because the coverage they receive is so extensive.

But Mr. Nixon's record does not look good in comparison with that of his immediate predecessors—men who, like himself, have had to cope with the glaring lights of television.

Prior to last night, Mr. Nixon had, in the previous 12 months, held no televised news conferences at all and only two nonbroadcast conferences. Both of the latter were held in his office without advance notice. As is well known, the President has frequently—on at least 40 occasions—preempted prime-time television for various pronouncements.

In his 41 months in office, Mr. Nixon has had a total of only 31 news conferences, 16 of which were on live television.

In contrast, President Eisenhower had 193 press conferences in 96 months; President Kennedy, 72 in 34 months, and President Johnson, 135 in 62 months.

In other words, President Nixon's three predecessors averaged at least two news conferences a month, while his norm has been less than one. And, of course, in the past year the Nixon record has deteriorated even further.

What is most lamentable is that this dismal record has been compiled at a time when the physical capabilities of the media have never been greater. There are more correspondents than ever before in Washington, and they have the best equipment for getting their stories out.

The text of Mr. Nixon's remarks on presidential news conferences, as published in the New York Times this morning, follows:

[From the New York Times, Friday, June 30, 1972]

FREQUENCY OF NEWS CONFERENCES

Q. Mr. President, this is kind of an in-house question but I think it's of interest to [Laughter] A. I know.

Q. Nevertheless I think this is of interest to our viewers and listeners and readers and that is that you seem to have done very well tonight. You're certainly in command of the situation and yet this is the first time in a year that you've been willing to meet with us in this kind of forum. What is your feeling about these types of press conferences?

A. It isn't that I'm afraid to do it. I have to determine the best way of communication and also—and this will sound self-serving and it's intended to be—I have to use the press conference. I don't mean use the reporters, but use the press conference when I believe that is the best way to communicate or to inform the people.

Now, for example, I had to make a decision that may have been wrong but I concluded that in the very sensitive period leading up to the Peking trip and the period thereafter and in the even more sensitive period, as it turned out to be, leading up to the Moscow trip and the period immediately thereafter, that the press conference even non-committing questions, was not a useful thing for the President of the United States to engage in.

I felt I was, of course, on television enough in that period anyway and that was the problem.

As you know I have met the press not perhaps as often as some members of the press would like—or maybe as often as I would like, but I have met them in other formats than the televised conference.

The other point that I should make is this that I know that many members of the press have been discussing the press conference and they feel that perhaps the President, this President, is tempted to downgrade the press or downgrade the press conference.

I'm not trying to do that. It is useful. It is important. It requires hard work in preparing for it, I can assure you. But I think I can best put it this way: every President has got to make a decision when he enters office about his relations with the press, and about his job.

I mean I'm as human as anybody else. I like to get a good press, but on the other hand I had to determine—as I did determine, as I'm sure most Presidents do, that what was most important at this time was for me to do a good job, because the stakes were so high, particularly in foreign policy and also in some areas of domestic policy.

Now if I do a good job, the fact I get a bad press isn't going to matter. If I do a bad job, a good press isn't going to help.

And when November comes the people will decide whether I've done a good job or not and whether I've had so many press conferences is probably not going to make a lot of difference. I trust we can do both because it is essential for a President to communicate with the people, to inform the press, who, of course, do talk to the people, either on television, radio as through what they write, and I will perhaps in the future, we can avoid the feeling on the part of the press that the President is antagonistic to them. I can't say whether the President thinks the press is antagonistic to him. But that's another matter.

EDITORIAL COMMENT ON MISUSE OF LEAA FUNDS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, last month the House Government Operations Committee issued a report titled "Block Grant Programs of the Law Enforcement Assistance Administration," which is the culmination of a 2-year investigation by the Legal and Monetary Affairs Subcommittee which I chair. There has been considerable public attention given to the operations of LEAA as a result of the subcommittee's investigation. With one of the most important domestic missions in the Federal Government LEAA requires close oversight review if the goals of the Omnibus Crime Control and Safe Streets Act of 1968 are to be attained.

Recently the New Haven Register editorialized on the subject of LEAA and I append the editorial for the benefit of my colleagues.

[From the New Haven (Conn.) Register, June 12, 1972]

STOP THE WASTE OF ANTICRIME FUNDS

The lesson comes home over and over again. It has to be re-learned no matter how many times the point has been made. Money from Washington doesn't automatically help solve social problems. We now are seeing, to our sorrow, that federal funds have not been nearly as effective as had been hoped in cutting down crime.

Millions of federal dollars are doled out annually to police departments under the Law Enforcement Assistance Administration (LEAA). This costly expenditure has been made with the urgent purpose of beefing up local operations to reverse the rising tide of crime that has been undermining the American way of life.

In many instances the money has been well spent. But the numerous cases of misuse of the funds are appalling. While the federal government needs to save every cent it can in the face of heavy deficits, there has been widespread squandering of the anticrime funds. Throughout the nation there has been abuse of the LEAA program. It ranges from corruption to inefficiency and maladministration. The intent of Congress, in appropriating this money, has been violated in too many states where partisan political manipulation has made a mockery of the program.

The outrageous situation has been uncovered through a study of a House Subcommittee, headed by Rep. John S. Monagan, of Connecticut's Fifth District. Investigation by the legislators led to numerous disclosures of money being used for unnecessary equipment or activities rather than for serious law-enforcement purposes.

The list of abuses is long. An airplane bought by the State of Indiana with federal anti-crime funds has been, according to Monagan, used to fly the governor of that state and his family to vacation spots. It was found by investigators that the head of a regional LEAA office was the principal stockholder with a consulting firm which had a $600,000 contract with LEAA. Lucrative consulting contracts were awarded to hastily-formed firms.

The legislation providing reauthorization for this federal anti-crime program comes up next year. Before any more money is poured into it, let's insist upon controls that assure that the money will go for the vital war against crime.

A CRY FOR FREEDOM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the proud nation of Lithuania experienced a brief 22 years of independence—an independence which abruptly terminated in June 1940. Although 32 years have elapsed since the Lithuanian people were forcibly incorporated within the U.S.S.R. by Stalin, their desire for freedom persists.

Reports of an upsurge of resistance to the Soviet presence in that country with its long record of cultural identity and individual development have lately been published. Demonstrations, riots, and several self-immolations have recently taken place. Courageously, 1,700 Lithuanian Catholics petitioned the United Nations to complain that Soviet leaders interfered with freedom of worship in that country.

We must not forget these valiant people nor their long struggle to attain the freedom which we so fortunately enjoy.

I commend to the attention of my colleagues the following excellent editorial entitled "A Cry for Freedom Heard in Lithuania," which appeared in the June 23 edition of the Hartford, Conn., Courant:

A CRY FOR FREEDOM HEARD IN LITHUANIA

For all its menace, Russia's Iron Curtain hardly has proved to be sound-proof during the last two decades. First came the muffled cries of the East Germans and the East Berliners in active protest against the Soviet-imposed regimes. And since then the Hungarians, the Poles and the Czechs also have lifted their voices and their arms in a vault for freedom.

Futile as their attempts thus far have been, the Western world has never ceased to admire the courage of those men and women who would dare strike their own special blows for freedom in the face of such formidable odds. Now the Lithuanians can be added to the list.

Any news of unrest behind the Iron Curtain usually is slow in seeping to the outside and that has been the case along the Baltic Sea this spring. But seemingly reliable reports are now circulating in Moscow that thousands of Lithuanians, mainly young people, battled Soviet security forces last month in Kaunas, the country's second largest city. They reportedly shouted "Freedom for Lithuania!" and tossed sticks and stones at policemen and paratroopers. One young man even burned himself to death in protest against Soviet tyranny.

Now another self-immolation has been reported in the small city of Varina, about 50 miles south of the Lithuanian capital of Vilna. And such a grim gesture of defiance is reminiscent of the Buddhist monks in South Vietnam who burned themselves to death in the 1960s to protest the policies of Saigon. Man does indeed fight for causes in ways that are not always easy to fathom.

Lithuania, a predominantly Roman Catholic state, was annexed by Russia in 1940. Nationalist sentiment reportedy has been rising in the last six months with the Catholic community demanding freedom of worship. Fortunately, if history is any judge, the call for liberty is eventually answered no matter how long or tortuous the wait. May the Lithuanians be no exception.

DUBIOUS APPROACH TO DRUGS PROBLEM

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, when the House passed legislation on June 12 to control drug abuse in the military, I voted against the bill to protest against what I feel to be an inadequate program for curing addiction. Because it relied on a voluntary approach, I felt that this bill was totally unrealistic, and unfair both to the GI addict and to the society to which he would return with his habit intact.

This legislation does provide for 30 days mandatory treatment, but this is clearly an inadequate period of time to cure many drug users. The most seriously addicted will return to society still craving narcotics. They will not seek treatment on their own, but will probably be caught in the endless cycle of drugs and crime.

I have recommended in place of the voluntary approach a compulsory program of drug treatment. Early last year, I introduced legislation requiring that no GI addict be discharged from the service until judged free of his habitual addiction. By placing the responsibility for drug treatment on the military, this legislation would assure the proper and complete treatment of addiction. The heavy user would not be allowed to take home an expensive habit. He would be treated mandatorily, an approach which the House has rejected, but which I hope the Senate will accept in its consideration of drug treatment legislation.

I am pleased to have editorial support for my approach to combating drug addiction in the military. I include at this points this editorial from the Bridgeport Post of June 20.

DUBIOUS APPROACH

Congress has not distinguished itself in its attitude toward drug addiction in the military. A few days ago the House approved a measure which would detain addicts for up to 30 days after their regular discharge date. During the month they would be treated for their problem and then set free unconditionally.

Congressman John S. Monagan of Waterbury worked since early last year on behalf of a more sensible and effective bill. He and 50 co-sponsors introduced legislation to give GI addicts medical and emotional assistance until they are rehabilitated.

Mr. Monagan reasoned correctly that there is no such thing as a 30-day instant cure for victims of narcotics.

If soldiers are to enjoy a decent chance for recovery, they must have compulsory extended care. As important as the servicemen are, they are not the only consideration. Setting loose drug dependent persons in the towns and cities of America is certain to breed more crime and social problems.

Many people suffer when a heroin user is forced to live by his wits, often dependent on crime to support his craving.

The House bill is predicated on the assumption that most soldiers will seek additional help after becoming civilians. Past evidence has shown this hopeful expectation to be fanciful. Last year the Army offered 4,440 soldiers the opportunity for voluntary commitment to treatment centers. Only 23 accepted.

When the Senate takes up the plight of military addicts in the near future, the spirit of Mr. Monagan's plan shoud be revived.

In dealing with men who have been enslaved by drugs while serving their country, half measures are not acceptable. Almost surely the House version would be a waste of money and most importantly, a squandering of young lives.

KANGAROO MEAT IMPORTED

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the lifting of import quotas on meat including beef will be a serious blow to the American cattle farmer and to the American consumer.

Cheap, low-wage foreign meat imports are not the answer to inflation. We must prevent the American housewife from becoming the victim of inferior meat products.

For the first time, the American farmer is now receiving a fair price for his meat production.

The following article appeared some years ago in a publication in Pennsylvania. I commend its attention to those who favor accelerated imports of cheap, low-wage foreign meat products.

ARE YOU JUMPY THESE DAYS? KANGAROO MEAT FOUND IN PENNSYLVANIA

In announcing that the Department of Agriculture has uncovered evidence that Pennsylvania firms have been importing kangaroo meat, Attorney General Anne X. Alpern said:

"The Department of Agriculture had done an outstanding job in ferreting out the use of kangaroo meat in Pennsylvania, in violation of State laws and regulations.

"While kangaroos are intriguing animals in zoos, there is nothing amusing about the use of kangaroos shot in Australian fields and shipped to Pennsylvania without the normal veterinarian examinations made in the case of all other animals."

The Department in its investigation found that kangaroos are killed in the field in southwestern Australia and then are transported from the field under inadequate refrigeration.

Kangaroo meat is not used generally as a food in Australia today.

At least 33,000 pounds were shipped to Pittsburgh in 1958. There were at least 3,000 pounds stored in Pittsburgh in 1959. Over 5,000 pounds were delivered in Philadelphia in 1959, and seized by the Department of Agriculture.

A shipment of 6,360 pounds of kangaroo meat went from Pittsburgh to Wilkes-Barre in late 1959. The Department has received reports that as much as 2 million pounds of kangaroo meat has been imported by a Pennsylvania firm.

There is rigorous inspection in Pennsylvania of meat that is slaughtered for human consumption and careful supervision of meat destined for use by animals.

None of the kangaroo meat has been sold over the counter as kangaroo meat. It has been used without disclosure as to the nature of the meat.

Violators of the Pennsylvania meat regulations will be given a hearing by the Department of Agriculture. If no proper examination of the violation of basic meat regulation is received, action will be taken by the Department of Justice.

THE DEATH PENALTY

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker. I have introduced a joint resolution calling for a constitutional amendment to give States and the Federal Government the right to impose the death penalty in two instances. These two instances are the willful, premeditated taking of human life and treason.

Once again the Supreme Court, by the margin of a single vote, has trespassed on the domain of the State and Federal legislative bodies. One of the dissenters, Mr. Justice Rehnquist, points out in his opinion the need for the Court to defer to the legislative judgment, a judgment more responsive to the people. It is the purpose of my resolution to assert to this legislative judgment.

I should note that I am not passing judgment on any or all of the 600 men and women who were under death sentences at the time of the decision, since I am not familiar with the facts in each case. However, I do feel that wholesale banning of the death penalty is wrong.

As Chief Justice Burger pointed out in his opinion, there is such an infinite variety of cases and such an infinite number of variables within each case that to rule out the death penalty in every case is unsound both in principle and in practical application.

FREEDOM OF INFORMATION ACT MARKS FIFTH ANNIVERSARY

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, July 4, 1972, marks the fifth anniversary of the effective date of one of the most unique laws ever passed by the Congress—the Freedom of Information Act, section 552 of title 5, United States Code.

The philosophy of the Freedom of Information Act is based on the people's right to know about the activities of their Government, consistent with the need to afford protection to those vital secrets that affect our national defense, foreign policy, and certain limited areas of normal governmental functions.

The law was the product of some 11 years of investigations, hearings, and concentrated effort by the Foreign Operations and Government Information Subcommittee, House Government Operations Committee, and its predecessor subcommittee. The long struggle to enact the law was spearheaded by my able and distinguished predecessor, the gentleman from California (Mr. Moss), who served as chairman until last year.

President Johnson emphasized the vital importance of the basic purpose of the new law:

> This legislation springs from one of our most essential principles: a democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest . . . I signed this measure with a deep sense of pride that the United States is an open society in which the people's right to know is cherished and guarded.

Mr. Speaker, the key principles of the Freedom of Information Act are:

First, that disclosure of information by Government agencies be the general rule, not the exception;

Second, that all individuals have equal rights of access;

Third, that the burden be on the Government to justify the withholding of a document, not on the person requesting it;

Fourth, that individuals improperly denied access to documents have a right to seek injunctive relief in the Federal courts;

Fifth, that there be a change in Government policy and attitude to further the objectives of the Freedom of Information Act, as Congress clearly intended; and

Sixth, that exemptions contained in 552(b) of the act relating to national defense, foreign policy, personnel and medical files, trade secrets, investigatory files compiled for law enforcement purposes, interagency or intra-agency memoranda, and similar areas are not mandatory in their use to deny information, but are only permissive and should be used sparingly.

Mr. Speaker, since March 6 of this year, the Foreign Operations and Government Information Subcommittee has held 34 days of hearings on all aspects of the economy and efficiency of operations by Federal agencies in the administration of the Freedom of Information Act. These have been the only indepth hearings on the act held since its enactment and have covered every aspect of information policies and practices of executive departments and agencies. An additional 7 days of hearings were held last summer by the subcommittee on information matters connected with the publication of the "Pentagon Papers."

During the course of these hearings, we have received testimony from 134 witnesses. Some 34 Federal departments and agencies were represented at our hearings and an additional 91 outside experts from all segments of the public having experience under the act also testified or submitted statements for the hearing record. Four volumes of the hearings are already in print and the remaining portions will be available during the summer. Copies may be obtained from the subcommittee office—B-371B, Rayburn House Office Building, or by calling 225-3741.

Mr. Speaker, I do not wish to prejudge the findings and recommendations that will be contained in the various reports to be considered by our committee as a result of our hearings. However, it is fair at this juncture to point out that we have uncovered many shocking cases of where the Federal bureaucracy has chosen to ignore the intent of Congress and conduct all too much of its business behind closed doors. Many of the shortcomings in the Executive administration of the act are due, it appears, to resistance on the part of the bureaucracy, rather than the compromise in its language that are inherent in the legislative process that produced the law. It is likely, however, that we will recommend certain amendments to the act that will tighten up on abuses of the exemptions and to clarify, in some cases, what was the original intent of Congress.

Other major problem areas we have uncovered during our hearings are:

First, the bureaucratic delay in responding to an individual's request for information—major Federal agencies took an average of 33 days—and in acting upon an appeal from a decision to deny the information to an individual—major agencies took an average of 50 additional days;

Second, the abuses in fee schedules by some agencies for searching and copying of documents or records requested by individuals; exorbitant charges for such services have been an effective bureaucratic tool in denying information to individual requestors;

Third, the cumbersome and costly legal remedy under the act when an individual who is denied information by an agency chooses to invoke the injunctive procedures to obtain access; although the private citizen has won—and the Government bureaucracy has lost—a majority of the more than 150 cases under the act that have gone to the Federal courts, the time it takes, the investment of many thousands of dollars in attorney fees and court costs, and the advantages to the Government in such cases makes litigation under the act less than feasible in many situations;

Fourth, the lack of involvement in the decisionmaking process by public information officials when information is denied to an individual making a request under the act; most agency regulations provide for little or no input from public information specialists and the key decisions are made by political appointees—general counsels, assistant secretaries, or other top-echelon officials;

Fifth, the relative lack of utilization of the act by the news media, which had been among the strongest backers of the freedom of information legislation prior to its enactment; the time factor is a significant reason because of the more urgent need for information by the media to meet news deadlines, the delaying tactics of the Federal bureaucrats are a major deterrent to more widespread use of the act, although the subcommittee did receive testimony from several reporters and editors who have taken cases to court and eventually won out over the secrecy-minded Government bureaucracy; and

Sixth, the lack of top-level priority in most Federal departments and agencies toward the full implementation and proper enforcement of Freedom of Information Act policies and regulations; a more positive attitude in support of "open access" from the top administrative officials is needed throughout the executive branch; in too many cases, information is withheld, overclassified, or otherwise hidden from the public to avoid administrative mistakes, waste of funds, or political embarrassment.

Mr. Speaker, contrary to general opinion, the vast amount of information denied by Government agencies under the act has little to do with hydrogen bombs, weapons systems, state secrets, or other sensitive classified information that does require safeguarding in the interest of our national defense and foreign policy. The large number of denials have involved information dealing with the day-to-day program details that have nothing to do with classified information, but which have great significance to the taxpaying public and the Congress. The subcommittee uncovered many cases where some Federal bureaucrats are maladministering certain programs, blatantly ignoring the clear intent of Congress. If such types of information can be withheld from the public, and if Congress is denied basic facts about Federal programs through the abuse of so-called Executive privilege by the President, there will be little chance to maintain the proper checks and balances between the executive and legislative branches of our Government. The American taxpayer will thus be the loser and the power of Congress as a coequal branch will continue to erode.

The mania for secrecy in Government is not new; nor was it invented by the present administration. Down through our history, no administration has been able to resist the overwhelming political pressures to withhold information from the public and the Congress to prevent embarrassment, scandal, or blunders to those in power. But no President has totally escaped the embarrassment of "leaked" information thought safely hidden away in the dark corners of the Federal bureaucracy.

In recent decades, this critical problem has been called Government secrecy, news management, the credibility gap, or truth in Government. Whatever label we give it, however, we all know that it is a real problem. It is a political problem, but it is not a partisan problem. It is a constitutional problem, but it affects newsmen, editors, publishers, and the public as a whole more than lawyers.

It is obvious to us all that free access to information about the affairs of our Government is essential if we are to enjoy the fruits of a free society, where Government is the servant—not the master—of the American people. But, if the basic rights of the first amendment are breached, if the news media are denied information from Government to which it is legitimately entitled, then the electorate is deprived of the facts needed to make the most intelligent decision at the ballot box and our entire political system is undermined.

The longer range effects of widespread withholding of information by Government could lead to the type of society so graphically described in George Orwell's "1984." If Government information properly belonging to the American public is systematically hidden—as is too often the case—then people eventually become oblivious to the public business on which their well-being depends. They develop a distrust in their Government or a cynicism that results in many people just "copping out" on a broad front—refusing to register to vote or to participate in the political process; refusing to become involved in social or economic affairs of the communities in which they live; or refusing to become a full participant in the society that is the fabric of our entire governmental system. And, in the final analysis, vast numbers of Americans could thus become incapable of making valid decisions affecting their own lives or at the polls on election day, because of the public ignorance of crucial events and the implications of governmental policies withheld from them by the administration in power—and seeking to remain in power.

As the late Adlai Stevenson once said:

> Those who corrupt the public mind are just as evil as those who steal from the public purse.

This is what public information and the fight to preserve the "people's right to know" is all about. A free press is the bulwark against those Government bureaucrats and political news manipulators who "corrupt the public mind" through skillfully disguised propaganda, phony statistics, or misleading canned handouts. It is equally important as a protection against maladministration, political deals, or against those who hide mistakes under a secrecy stamp and lock them securely in 1,000-pound file cabinets.

Mr. Speaker, truth in Government is a vitally important issue to be dealt with by the Congress. It affects every other domestic issue, as well as our national defense and foreign policy. In some way, it touches the life of every American citizen.

As we mark this fifth anniversary of the Freedom of Information Act as a milestone in our representative system, we must rededicate ourselves to the principle that, to the maximum extent possible, the Government's business must always be the people's business if Americans are to retain unity of purpose and fulfill our destiny as a nation.

NATIONAL HOUSING SCANDAL

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, we all owe a debt of gratitude to our distinguished colleagues on the Government Operations Committee for their preparation of a recently released report probing the causes of rapidly skyrocketing FHA foreclosures in our cities. While the report deals primarily with the Detroit disaster, it is apparent that HUD management inadequacies bordering on the incompetent, and in some instances criminal, are equally applicable in virtually every major city.

The Legal and Monetary Affairs Subcommittee, chaired by my good friend, John Monagan, is entitled to our special appreciation for the objective and thorough manner which categorized the hearings and the final report itself. The fact that the report was adopted unanimously by the full Committee on Government Operations is remarkable indeed in this, a presidential election year, and I commend my colleagues on both sides of the aisle for their objectivity and their willingness to avoid interjecting partisan politics in an area of such critical sensitivity, inner city housing for the poor.

The disgraceful disclosures by the committee of HUD incompetency and less-than-vigorous followup by the Department of Justice which has permitted unconscionable profiteering at the expense of the poor must be dealt with immediately. Without minimizing for 1 minute the difficulty of providing decent housing for the low income in the cities, it should be perfectly apparent that the best law the mind of man is capable of drafting will not work if incompetently and improperly administered as has been the case under the Nixon administration.

I strongly urge my colleagues to study carefully the report itself—House Report 92–1152, and include at this point in the Record an excellent news account and subsequent editorial appearing in the St. Louis Globe-Democrat:

[From the St. Louis Globe-Democrat, June 22, 1972]

FHA Abuses in Detroit May Cost Taxpayers $200 Million

(By Edward W. O'Brien)

Washington.—Taxpayers could be hit by $200 million in losses through abuses in federal housing mortgage insurance programs in Detroit, the House Government Operations Committee has found.

The committee reported Wednesday that the same costly "weaknesses" in Federal Housing Administration programs have been exploited in other cities and may be even worse in some of them.

By unanimous vote, the committee urged a crackdown nationally by FHA, the parent Housing and Urban Development Department, and the Justice Department.

One recommendation was for creation by the Justice Department of "urban housing strike forces," patterned on the federal organized crime drive, to investigate and prosecute law violations "in selected cities where defaults and foreclosure acquisitions are high."

In a series of hearings, a subcommittee headed by Rep. John S. Monagan (Dem.), Connecticut, unearthed conditions in Detroit which turned out to have many similarities to St. Louis area abuses which have been described in the Globe-Democrat.

Much of the inquiry was concentrated on FHA programs intended to help inner-city low and moderate income families to buy homes.

The committee said that "real estate speculators" used the programs to make "huge profits" at the expense of the home buyers and FHA.

"Speculator profits of 60 to 70 per cent on houses held less than eight weeks are not uncommon," the report said.

These "fast-buck artists" were "abetted by incompetent federal bureaucrats," the committee said.

In typical cases, rundown houses were purchased by these professional operators for $5,000 or $6,000, given "cosmetic repairs," and resold immediately for $12,000 to $14,000, the committee said.

In Detroit alone, FHA owns 8,000 foreclosed houses, with at least 18,000 more houses likely to be acquired. FHA is losing up to $10,000 per house as it tries to sell off the foreclosed properties, the committee said.

The report disclosed that FHA is seeking a $195 million appropriation from Congress to meet inner-city losses incurred by its "special risk" mortgage insurance fund.

This is the first such request for tax funds to offset mortgage losses by FHA's several insurance funds.

To prevent it from happening again, the committee's recommendations included:

That FHA and HUD field offices be allowed to hire enough employes to do their jobs right, without reliance on outside property appraisers hired for a fee.

That fee and staff appraisers be required to disclose "related" outside financial interests.

That appraisers and others involved in inflated appraisals be dismissed.

That lenders who have indulged in "imprudent" practices be blacklisted.

That "undesirable" brokers and mortgagors be barred from doing business with HUD.

[From the St. Louis Globe-Democrat, June 24–25, 1972]

National Housing Scandal?

There are strong indications that the multimillion-dollar abuse of federal housing mortgage insurance programs uncovered in Detroit will prove part of a nationwide housing scandal of monumental proportions.

The House Government Operations Committee, in reporting an investigation of federal housing policies, said in Washington the government stood to lose up to $200 million in Detroit alone because of lax management of Federal Housing Administration programs.

The committee reported it found the same costly "weaknesses" in FHA programs have been exploited in other cities and may be even worse in some of them.

Conditions similar to the abuses unearthed in Detroit already have been found in St. Louis—described in stories in The Globe-Democrat—and congressional sources hinted a new scandal may surface soon in Los Angeles.

There already have been charges brought against real estate speculators and government officials in New York and Philadelphia. A large portion of the House panel's probe has concentrated on FHA programs intended to help inner-city low and moderate income families to buy homes.

The committee said "real estate speculators" used the programs to make "huge profits" at the expense of the home buyers and the FHA, which insured the mortgages.

In typical cases, speculators purchase, at cheap prices, run-down houses in low-income areas, give them "cosmetic repairs" and then sell the houses at much higher prices with FHA-insured mortgages.

The buyers, finding themselves with faulty dwellings and often already deeply in debt despite federally required credit checks, default on payments and the federal government is stuck with the mortgage.

In Detroit alone, the FHA owns 8,000 foreclosed houses, with at least 18,000 more houses likely to be acquired.

These rapidly rising mortgage defaults ultimately have to be paid for by the taxpayers. The anticipated $200 million loss in Detroit will come out of the working public's pockets.

The congressional findings point up a shocking incompetency in the administration of federal housing programs. Why has the Department of Housing and Urban Development, parent of FHA, permitted its offspring to overvalue structurally unsound houses on such a wide scale? Occasional mistakes in appraisals might be understandable, but when they have occured on a wholesale basis, it's inexcusable.

To present such abuses from happening again, the House made several recommendations, including:

That FHA and HUD field offices beef up their staffs so they can do their jobs right without having to rely on outside property appraisers hired for a fee.

That appraisers be required to disclose "related" outside financial interests, and that anyone involved in inflated appraisals or recommending unsound houses be dismissed.

That lenders who have indulged in"imprudent" practices be blacklisted and that "undesirable" brokers and mortgagees be bared from doing business with the government.

The committee report also urged the Justice Department to investigate and prosecute law violations "in selected cities where defaults and foreclosure acquisitions are high" to protect the intended beneficiaries of federal housing programs.

In view of the disgraceful disclosures, the House panel is right to call for a crackdown nationally by HUD, FHA and the Justice Department. A major housecleaning of this federal mess is obviously overdue.

REPRESENTATIVE PAUL ROGERS OF FLORIDA: HEALTH'S NEW STRONG MAN IN CONGRESS

(Mr. VEYSEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. VEYSEY. Mr. Speaker, the 92d Congress is being called a do-nothing Congress, and that label may be justified in some areas. A conspicuous exception, however, is the impressive record of achievement piled up by the Public Health and Environment Subcommittee chaired by Congressman Paul Rogers of Florida.

The list of major bills acted on by this committee so far in this Congress includes: The National Cancer Act of 1972; the Health Manpower Act; the Nurse Manpower Act; the Special Action Office on Drug Abuse Prevention Act; the National Institute of Arthritis, Metabolism and Digestive Diseases; the noise control bill; the heart, lung and blood vessel bill; the sickle cell anemia prevention bill; the National Institute on Aging bill; the Health Maintenance Organization bill; the communicable diseases bill; the emergency medical services bill; the safe drinking water bill; the food labeling and inspection bill; a bill to catalog all the drugs on the market; and a bill to strengthen the consumer protection powers of the Food and Drug Administration. In addition there have been extensive oversight hearings on implementation of the Clean Air Act, drug law enforcement, and food poisoning.

All this from one subcommittee.

I am convinced that there are two reasons a performance like this is possible. The first is obviously the drive of the chairman to get things done. But just as important is the way he treats the people he works with, both colleagues and staff. Paul Rogers presides with the kind of instinctive courtesy and courtliness that has aptly been called "The South's Secret Weapon." This remarkable manner has lulled many an unwary bureaucrat into disclosures that later cost them dearly. It also smoothes the differences between legislators that seem to bog down most committees.

Mr. Speaker, I was pleased to see a recent article from the Medical World News which very well describes Chairman Rogers and the high regard for him that exists on both sides of the aisle. I commend it to the attention of my colleagues.

[From the Medical World News, Apr. 28, 1972]

HEALTH'S NEW STRONG MAN IN CONGRESS

In dark blue suit, white shirt, and rep tie, he stands John Wayne tall behind the lectern on the stage of the Washington Hilton's cavernous ballroom. His large, round face is tanned from the Florida sun, graying sideburns contrast with the dark horn-rimmed glasses and black hair. He begins to speak, with a quote from the *Book of Common Prayer*. " 'We have left undone those things which we ought to have done; and we have done those things which we ought not to have done; and there is no health in us . . .' Those words are dramatically precise in describing our national performance in the delivery of health care in this nation," he declares.

In a year when attention is focused on the election of a President, Paul Grant Rogers, Democratic congressman from Florida's ninth district and health's emerging strong man in Congress, has drawn a sizable crowd of medical educators to a Sunday morning session of the prestigious Association of American Medical Colleges, then meeting in the nation's capital. Significantly, the educators turned out, as do members of other groups of clinicians, researchers, and laymen around the country, to hear a man who, they find, is exercising more and more influence on national health legislation. Depending on a listener's point of view, Representative Rogers may not say what he wants to hear, but the audiences gather nonetheless. Here is a sample of the Floridian's message:

"I have found that the idea of a coherent system of federal health programs is a myth. I have found that the idea of over-all health policy leadership by the Department of Health, Education, and Welfare is a myth."

He leads his audience through a quick description of fragmented health programs in the federal government. "What we need is a plan; we need to decide what we want to do; we have to decide how we're going to do it." The delivery is warm, with a touch of the Southern evangelist.

"I feel strongly that we need a new Cabinet-level department of health. I intend to introduce legislation to establish such a department. But we need to go further than this. We need to sweep the spotlight of public attention across the whole front of federal health activities; support of biomedical research, support for the eductional of scientists and health professionals, and delivery of health services to the aged, the needy, and other federal beneficiaries." For a fleeting instant the observer sees the lectern transformed into a pulpit, and hears the soft shuffle of converts with heads bowed, moving down a sawdust aisle.

Sweeping the spotlight of public opinion across federal health programs and the nation's health problems has become a crusade for Representative Rogers, who, as chairman of the House Interstate and Foreign Commerce Committee's subcommittee on public health and environment, is fast carving himself a reputation as "Mr. Health."

Even in the Senate, where Edward M. Kennedy (D-Mass.) sits in the driver's seat of the health bandwagon, Rogers has earned a reputation as a major figure to be reckoned with, a hard-nosed negotiator who eventually gets his way.

The Administration has felt his strength also, most recently on the issue of closing the eight remaining Public Health Service hospitals. Now, in the legislation promised at the AAMC meeting and introduced last month, Rogers is pressuring the Administration to form a department of health. The Administration is countering with a plan to form a department of human resources, even broader than HEW, thus drawing the lines for a major battle next year, assuming that the voters allow President Nixon to renew his lease at 1600 Pennsylvania Avenue.

Indeed, Paul Rogers has had a major influence on every piece of significant health legislation to clear the Congress in the past seven years, and that means more than 50 separate acts embracing federal aid to education of health professionals, community mental health and mental retardation centers, regional medical programs, comprehensive health planning and services, communicable disease control, air, water, and noise pollution, drug abuse, and the National Cancer Act—to name but a few of the major ones. In each, Rogers has embraced the practical and rejected the grandiose.

"There is a lot of crusader in Paul Rogers," says HEW's Deputy Assistant Secretary for Health Legislation, John S. Zapp. "In my judgment, he is probably the most knowledgeable health man on the Hill—and his intentions are good ones."

Rogers' constant focus on health and environment problems—be it the need to separate the "H" from HEW or the danger of sharp pull-off lids on kid's pudding cans—has drawn criticism from some who say he is shallow and is simply trying to score publicity points. "I don't think so," says HEW's assistant secretary for health, Dr. Merlin K. DuVal. "All the pieces are part of a larger fabric. He is interested in trying to represent the interests of the American people in health in the way he sees it."

Though there may be political gain in the title "Mr. Health," Rogers is sincere in his concerns about health problems. "Health is a field affecting every American, the old, the young, the rich, the poor, the educated, and the uneducated," he tells MWN. "When you see the problems as we do through our committee work, then you want to do more."

These days, however, it is impossible for one legislator to exert total control over health. Right or wrong, health responsibilities in the Congress are split among six committees—three in the House and three in the Senate. The House Interstate and Foreign Commerce Committee, of which the Rogers subcommittee is a part, is a legislative, or authorizing committee. It acts on bills to create new programs or to change or extend old ones. In the process, it sets annual ceilings on the funds the programs can spend judiciously in keeping with the need. It is one of the more conservative committees in the House, so far as authorizing money is concerned. "More money falls through the floor of the House Ways and Means and Senate Finance committees than you can bulldoze through the Interstate and Foreign Commerce Committee for health programs," says one lobbyist.

The appropriations committees decide how much money, within the ceilings set by the authorizing committees, programs can have to spend in any given year. (Whether the Administration in turn actually spends the appropriated funds is yet another matter.) Rep. John E. Fogarty (D-R.I.), chairman of the Health Appropriations Committee until his death in 1967, was responsible, along with his colleague in the Senate, Lister Hill of Alabama, for granting additional millions to the National Institutes of Health, which before 1965 was one of the major sources of funds for health.

In recent years, however, Fogarty's successor, Rep. Daniel J. Flood (D-Pa.), has seemed to delight in holding back funds for health.

In the Senate, Hill had a unique position. He authorized health programs as chairman of the Senate Labor and Public Welfare Committee and its health subcommittee. Then, putting on his hat as chairman of the health appropriations subcommittee, and with help of Fogarty, he would push the necessary funds through the Congress.

The third committee that has a major influence on national health policy and whose influence will grow in the future is the House Ways and Means Committee, chaired by Rep. Wilbur Mills (D-Ark.). Because it handles all tax legislation, including the Social Security Act, it has primary responsibility for Medicare and Medicaid and is preparing to shape a national health insurance plan.

Thus there are two week spots in Paul Rogers' reign over health. He has no influence over the Ways and Means Committee, which one Rogers fan calls "a committee of one," nor has he authority over the research programs of the National Institutes of Health, save for the National Cancer Institute, because the NIH Research Institutes have permanent authorizations with no ceilings on how much money can be appropriated.

Although Rogers cannot hope to have the kind of power in health that Hill and Fogarty had in an age gone by, he is trying and trying hard. The National Cancer Act would give him control of a major chunk of the NIH research empire, because it sets spending ceilings and has to be extended every three years. A bill now pending, which he introduced jointly with Senator Kennedy, would give him essentially the same power over the National Heart and Lung Institute. This trend, to say the least, is making NIH officials uneasy.

Then if he can consolidate all HEW health activities into a department of health, he will gain influence over the policy-making machinery governing Medicare and Medicaid, or whatever evolves from the Congress in the form of national health insurance. "If the department head had the program and the planning, it could control the financing. As it is now, the financing controls the program," says the chairman.

Though his goals in health are ambitious and his manner aggressive, Roger is not a liberal Democrat in the likeness of Senator Kennedy. He is generally classed as a moderate conservative. The Americans for Constitutional Action, an organization that rates legislators' voting records against conservative guidelines, gives him an 81% rating. The Americans for Democratic Action scorecard shows he voted liberally 11% of the time. Because of his basic conservatism plus his "great leadership ability, Paul can go on the floor and he listened to by everybody and carry the Southern Democratic vote," notes Dr. William R. Roy (D-Kan.), a physician-lawyer and a member of Rogers' subcommittee.

"Paul is a pretty practical guy, in a field where it is easy to be gung ho," says the subcommittee's ranking Republican, Ancher Nelsen, a Minnesota farmer-turned-congressman. "All I can say is he ought to be on our side. He ought to be a Republican." But here, too, Rogers can be chameleon-like. He doesn't run a partisan show, but tries to get full support for what he wants to do from both Democratic and Republican members of his subcommittee.

Doctors will find that Representative Rogers doesn't stray too far from the philosophy of organized medicine: "We should maintain a private health system," he says, "a pluralistic approach, building on what we have already built." But in the same breath he acknowledges a responsibility of the federal government to see that the problems are solved and "to get the country to shift from curative medicine to preventive medicine—health maintenance as a way to reduce costs and improve the level of health. True, we will have to have coordination and planning, but it would be an error to scrap the system."

Rogers believes that most physicians would agree with him on basics. "Doctors realize that it is not possible to avoid the federal government in health matters—there is just too much to do."

While the relative agreement of the nation's doctors is not known, Representative Rogers is heartily supported by his constituents, who gave him a ringing 70% of the vote in the 1970 election. Comments Rogers: "I have plenty of opponents, I just don't have the opposition." He has apparently done well for his constituents over the years, with a voting record against rising federal spending (he received the "watchdog of the treasury" award from the National Associated Businessmen). He has maintained a hard line against Cuba, fought to give local government control over migrant-farm-worker programs, and protested against the lack of coastal defenses in Florida. Beginning his congressional career as a member of the powerful Public Works Committee, Rogers got a flood control district for south central Florida which since has saved millions of dollars in damages. He has been a major sponsor of "sea grant colleges," his concept of "land grant colleges," as part of his push for federal support of oceanographic research.

He learned grass-roots politicking early. The son of the late Congressman Dwight L. Rogers, whose House seat Paul now holds, he recalls, "I used to go around with Dad when he compaigned. There is no doubt that growing up with a lawyer-congressman had an influence on me." Moreover, the junior Rogers is considered a local son. Although he was born in Ocilla, Ga. (June 4, 1921), the family moved to the Sunshine State when he was four years old. He attended the state's University at Gainesville, majoring in political science and speech. Following meritorious service in World War II, Rogers returned to the University of Florida to get his law degree. He then joined a West Palm Beach law firm and practiced until his father's unexpected death and the special election in 1955.

Once in Washington, Rogers became known as one of the most eligible bachelors in town and he was an oft-invited guest on the capital's party circuit. His eligible status ended, however, in December 1962, when he married Rebecca Bell Mozley of Alabama. They have one daughter, eight-year-old Rebecca Laing.

Even opponents agree that open friendliness and dogged determination have made Paul Rogers one of the most effective congressmen in Washington. Typical of his regard for constituents and an increasing number of correspondents outside his district—he reads and signs the replies to all of the 100 to 350 letters that this office receives each day.

"He's a guy you can see, he'll listen to you," says Noble Swearingen, a long-time Washington health consultant. "Rogers doesn't always buy what outside groups want," says Dr. John A. D. Cooper, president of the Association of American Medical Colleges, somewhat ruefully. In last year's health manpower legislation, the AAMC tried to get Rogers to back off on his provision requiring medical schools to increase their enrollment by 10% or ten students before they can qualify for capitation grant support, regardless of the amount of support.

During the 1970 debate on the Clean Air Act, the Senate bill set a 1975 deadline for auto makers to clean up exhaust emission, a deadline not in the original House-passed bill. When the bill came to conference, vested-interest groups turned on the pressure—the conservationists to keep the provision, the auto manufacturers to kill it. Rogers was flexible. He studied up, talked to people on both sides of the issue, plus experts on the technical side, who said the deadline was technologically feasible. He decided to back the Senate deadline and so convinced the House conferees.

But he will compromise. Last year, when the Senate passed a National Cancer Act—against the sole nay vote of Sen. Gaylord Nelson (D-Wis.)—which would have created a cancer research agency separate from the NIH, Rogers dug his heels in against it. He announced extensive hearings before his subcommittee. Rogers was determined to preserve the integrity of the NIH, but at the same time boost cancer research.

Recalls Ancher Nelsen: "When I saw the storm clouds brewing, I started to search for ways to make the House version acceptable to both the White House, which had already endorsed the Senate bill, and to Senator Kennedy, the chief sponsor in the Senate." Nelsen, who has a reputation as a compromiser, proposed a three-man panel in the White House to give over-all policy supervision to the National Cancer Institute. "Paul agreed with that, put it in and made it acceptable to the President, and as a result we came out with a good bill. You see, Paul is not a fellow to try to outdo the other guy. He didn't take a "this is it or else' attitude on the cancer act. Rogers works his way in the Congress with facts, not fancy." "He is a very sharp interrogator, and he can be very rough," says HEW's Dr. DuVal, who has sat in the hot seat before the Floridian many times. Rogers goes after information with a vengeance that occasionally borders on arrogance. He seldom if ever allows personalities to enter a hearing. He is after information, and he will press and press, with sharp, targeted questions, to get it. "Paul wants to know all he can," says HEW legislative aide Zapp. "Yet he is independently knowledgeable when he goes into a hearing. He does not depend on someone feeding him questions. By doing his homework, he builds a tremendous base of support for his position along the way. He seldom goes to a hearing without knowing where every major interest group sits on an issue."

After the public hearings are over, the subcommittee begins the tedious process of incorporating the suggestions of witnesses and their own thinking into a final piece of legislation that they can support as a subcommittee, and that stands a good chance of winning House passage. Rogers runs these executive sessions quietly and informally. At first, he identifies the major policy issues that have to be settled. Once these are taken care of, technicians then work the decision into legislative language. Second time around, the chairman goes through the bill line by line, giving ample opportunity for comment. "Whatd'y'all think?" he asks, looking up and down the table. If there are objections from subcommittee members, he stops and irons them out.

Most health bills coming from Rogers' subcommittee get rubber-stamped by the full committee and sent on to the Rules Committee which decides when and how to send the bill before the House. Because Rogers is astute at reading the mood of the House, he seldom has trouble getting one of his proposals through the Rules Committee.

"Paul has developed an effective subcommittee which has great respect for its chairman," says Representative Roy. "His members are informed and well-grounded in the facts. Because he spends much time and energy on health matters and does his homework, the rest do it, too. I think it is one of the best subcommittees in the House."

When differences in House and Senate versions of a bill must be compromised in joint conference, Rogers is a "bear," says one aide. In both the Cancer Act and the Health Manpower Act, the House conferees, led by full committee chairman Harley O. Staggers (D-W.Va.) with Rogers doing the infighting, emerged with 80% of the House version intact. "Rogers will sit in there all day until he gets what he thinks is the will of the House," says Steve Lawton, his health aide.

But the business of competing with the more flamboyant Senate has its frustrations for Rogers. Often, House members do all the work and the Senate gets the credit. Rogers' department of health bill is an example. This has been his goal since 1966 when a special subcommittee on HEW, which he chaired, recommended a separate department. His staff took a draft of the department of health bill to Senator Kennedy and others, asking them to cosponsor it. Rogers and Kennedy announced the legislation at a joint press conference. Then Sen. Abraham Ribicoff (D-Conn.), a former HEW Secretary, introduced his own bill. Next day, the newspapers were calling it a Kennedy-Ribicoff measure which was being co-sponsored by Rogers in the House. "Don't forget," warns one health lobbyist, "Rogers is a politician and he has to compete with Kennedy who is one of the best of all time. Paul's not running for the Senate but he doesn't want to be upstaged, either. It's hard on a guy like Rogers to do his homework, go do a good job, and then, when Kennedy walks into the room and takes his seat, all the TV cameras click on."

To a politician, the best of all possible worlds is to be able to push an issue he sincerely believes in, while at the same time score points against the opposition and pick up a few chits from his friends.

As soon as Rogers heard that HEW was going to close up its eight remaining PHS hospitals, he knew instantly that he had an issue. In these days of health care crises, closing eight hospitals is difficult to justify to the public even if the facilities are in need of repair and are about 50% utilized, in this case by merchant marine seamen. The Administration sought to close them outright. Rogers headed that one off with a resolution stating the intent of Congress that the hospitals not be closed, that HEW study the possibility of turning the facilities over to local community control, but that it do nothing without approval of Congress.

Although he hasn't a PHS hospital in his district, or anywhere in Florida for that matter, Rogers fought the Administration hard. He saw in the hospitals a source of care for the poor and a center in which commissioned PHS officers could demonstrate new forms of care. In addition, he said that the hospitals were necessary for the recruitment and training of physicians to serve in the new Emergency Health Service Corps, a program created by Congress last year, over the objections of the President, to bring medical care to underserved rural and inner-city areas. After some initial misgivings, Rogers enthusiastically sponsored the bill in the House.

The view of the Administration, as expressed by HEW's Dr. DuVal, is that since the hospitals are not running at full occupancy and the number of beneficiaries is declining, they are not a proper use of federal funds. "I further disagree with the philosophy that the government should be directly involved in providing services to people who are poor." Dr. DuVal further points out that the military draft is going to end in 1973 and with it goes the only significant recruiting tool the PHS Commissioned Corps has. Without the draft, there will be no doctors to staff the hospitals anyway, he says.

Dr. Vernon E. Wilson, chief of the Health Services and Mental Health Administration, agrees. "Conceptually, Mr. Rogers has greater faith in the capacity of the federal government to render care than perhaps I do. My position on the PHS hospital issue is that the hospitals could do a better job benefiting the community if there were greater community involvement and control."

Apart from his belief in the real need for both hospitals and the Commissioned Corps to run them, there may be another, more political reason for Rogers' dogged defense of the eight hospitals. The primary beneficiaries of the PHS hospitals are merchant mariners. Rogers is a member of the Merchant Marine and Fisheries Committee, which held the first public hearings on HEW's efforts to close the hospitals. It is this committee, and its subcommittee on oceanography, that pushed Rogers' sea grant college act through the House, and which in 1970 handled an extension of the program. Two Florida universities have already been named to receive grants from the program. Paul Rogers is, after all, a politician.

However, there are inconsistencies in Rogers' stewardship of health. On the one hand, his push for a department of health seeks to streamline and coordinate federal health programs. On the other hand, his committee continues to pump out categorical programs that add to the administrative layering at HEW. For example, three years ago, even before he was named chairman, the health subcommittee under his leadership broke eye research out of the National Institute of Neurological Diseases and Blindness and created the separate National Eye Institute. This year the group nearly created a national institute on gastrointestinal diseases, but agreed just to add the responsibility for metabolic diseases to the National Institute of Arthritis and Metabolic Diseases. Moreover, the Rogers panel is likely to create a national institute on aging. It will vote to continue the Communicable Diseases Act and fight for funds to operate it. This act, passed last year, is a reincarnation of the old Vaccination Assistance Act which HEW allowed to expire in favor of bloc grant support for immunization programs under the Comprehensive Health Planning and Services Program.

"Tactically, we have to run to the Hill to testify on bills that are not needed," says Dr. DuVal, "bills which serve primarily as a vehicle to establish a track record. Take the bill to create a separate Heart and Lung Institute, for example. There is nothing in that bill which we can't do right now. I say if you don't need these laws, why write them?"

Rogers is asking very many of the same questions. "In the past and even now," he told the New England Hospital Assembly last month, "we have dealt with our problems on a half-remedy basis. We had what could be called 'disease of the year' type of operating procedure. It was cancer and health manpower last month. This year we hope that heart, lung, and sickle cell disease will be given added emphasis. We have continually dealt with one area or another. But we have not properly looked at the total health picture, no one has put the pieces together. And so our nation's health resembles a patchwork quilt with no pattern, without end."

His solution, of course, is a department of health that can oversee all the pieces and that will put a man looking after health in the President's cabinet. "If you have a man at the President's table speaking only for health, with health as his only cross to bear, then he'll get through," Rogers believes.

As it is now, there will be no action on Rogers' department of health bill this year. Next year, the measure will have to be reintroduced, and then go before the House Government Operations Committee, which takes a conservative view of major reorganizations. Nevertheless, there will probably be hearings on both Rogers' proposal and the proposal of the Administration to create a department of human resources. If the committee were to approve a compromise measure of some sort that would create an undersecretary of health with control over the same functions as Rogers proposes for his department of health, that is, the policy matters of Medicare and Medicaid, Rogers would probably accept it.

But like most crusaders, Paul Rogers—Mr. Health—would not be satisfied. There's always more to be done.

AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the bill, H.R. 14896, passed by the House on Thursday, June 29, amends the School Lunch and Child Nutrition Acts to assure adequate funding for the summer food service programs, and for other purposes related to expanding and strengthening the child nutrition programs.

This is an urgent measure, since a number of the provisions of Public Law 92–153 expire on June 30; I have received a number of telegrams from interested groups of educators, school food service directors, and private service groups, which stress the need for immediate enactment of H.R. 14896, to give continuity to the feeding programs. I am inserting several of these wires as follows:

ASFSA Legislative Committee,
Department of Education,
Atlanta, Ga., June 29, 1972.

Congressman Carl Perkins,
U.S. House of Representatives,
Washington, D.C.:

Urge passage of 14896 to strengthen school lunch program.

Josephine Martin,
Chairman.

Washington, D.C.
June 29, 1972.

Hon. Carl D. Perkins,
Rayburn House Office Building,
Washington, D.C.:

The National Education Association commends you, Mr. Quie, and the committee for your work on H.R. 14896. We are supporting the bill as reported out of committee and urging favorable action on the floor of the House.

Stanley J. McFarland,
Director, Government Relations.

Washington, D.C.
June 29, 1972.

Hon. Carl Perkins,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.:

The American association of School Administrators believes that immediate favorable consideration of H.R. 14896 as reported by your committee is vital. The needs are great and immediate. Your efforts to secure such consideration will be significant and appreciated.

James R. Kirkpatrick,
Association Secretary, AASA.

American Food Service Association,
Washington, D.C., June 29, 1972.

Hon. Carl Perkins,
House Education and Labor Committee, Rayburn House Office Building, Washington, D.C.:

American School Food Service Association endorses and warmly supports your efforts to secure passage of H.R. 14896. Although we are troubled by and opposed to the vending machine provision we laud all other provisions of the bill and support its passage.

Dr. John Perryman.

Washington, D.C.,
June 29, 1972.

Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, Washington, D.C.:

Experience with our survey "Their Daily Bread" confirmed our commitment to the right of every child for adequate nutrition H.R. 14896 will write into law the national standards and Federal funds necessary to allow States to reach every needy child. H.J. Res. 157 which contains these provisions expires June 30, therefore immediate congressional action is required to enact this legislation.

Mrs. Earl Marvin,
National President National Council of Jewish Women.

Augusta, Maine,
June 29, 1972.

Hon. Carl D. Perkins,
Committee on Education and Labor,
Washington, D.C.:

Appreciate your strong interest in the school food service program. I trust that you will support H.R. 14896 imperative that bill be passed prior to July 1. Insure continuance of program on fiscal 72 level.

Carroll R. McGray,
Commissioner Maine State Department of Education.

Pueblo, Colo.,
June 29, 1972.

Hon. Carl D. Perkins,
Committee on Education and Labor, Washington, D.C.:

Urgently request passage of House bill H.R. 14896.

Mrs. Betty Harney,
Director of Food Services,
Pueblo School District.

Colorado School Food
Service Association,
Denver, Colo., June 29, 1972.
Hon. Carl Perkins,
House Office Building,
Washington, D.C.

We urge passage of H.R. 14896. In Denver six of ten programs not operating because of lack of funding in time to begin.

Sally Carnahan,
Legislative Chairman.

Illinois School Food
Service Association,
Chicago, Ill., June 29, 1972.
Hon. Carl Perkins,
Rayburn House Office Building,
Washington, D.C.

We urge you to support the passage of H.R. 14896 bill.

Edward F. Gaidzik,
Legislative Chairman.

Division of Food Services,
Saint Louis, Mo., June 29, 1972.
Congressman Carl Perkins,
Washington, D.C.

Urge passage of H.R. 14896 for benefit of school children around the Nation.

David R. Page,
Director.

Amherst, Mass.,
June 29, 1972.
Representative Carl Perkins,
Rayburn Building,
Washington, D.C.:

Massachusetts School Food Service Association pleads support of House 14896.

(Unsigned).

Corpus Christi, Tex.,
June 29, 1972.
Congressman Carl Perkins,
Chairman, House Education and Labor Committee, Washington, D.C.:

To strengthen the schools food service program and to remove uncertainty we urge your support of H.R. 14896.

Gertrude Applebaum,
Director Food Service, Corpus Christi, Tex.

New Brunswick, N.J.,
June 29, 1972.
Hon. Carl Perkins,
Member of Congress, Chairman Committee on Education and Labor, Washington, D.C.:

Fifty State school food service directors assembled in conference at Rutgers University, June 28, unanimously and enthusiastically endorse the provision of H.R. 14896. We urge passage of this bill by the House of Representatives.

Lawrence Bartlett,
Chairman State Directors Section American State Food Service Assn.

Grand Junction, Colo.,
June 29, 1972.
Hon. Carl Perkins,
Rayburn House Office Building,
Washington, D.C.:

Urge passage of H.R. 14896 to strengthen program and to remove uncertainties.

Louise Neuberger.

Brush, Colo.,
June 29, 1972.
Hon. Carl Perkins,
Rayburn House Office Building,
Washington, D.C.:

We urge passage of H.R. 14896 to strengthen the program and remove uncertainties.

Northeast Area Colorado Food Service.

Wheatridge, Colo.,
June 29, 1972.
Hon. Carl Perkins,
Rayburn House Office Building,
Washington, D.C.:

We urge passage of H.R. 14896 to strengthen lunch program.

Alice Brachle.

Sacramento, Calif.,
June 29, 1972.
Hon. Carl Perkins,
Rayburn House Office Building,
Washington, D.C.:

We in this district strongly urge the passage of H.R. 14896 to strengthen the school food service program and remove uncertainties.

Lois M. Beckman,
Director of School Food Service, Sacramento City Unified School District.

Yarmouth, Maine,
June 29, 1972.
Carl Perkins,
Chairman of House Committee on Education and Labor, U.S. Representative, Washington, D.C.:

Appreciate your strong interest in the school food service program. Trust you will support PLHR14896. Imperative bill be passed prior to July 1.

Frank H. Harrison,
President, Maine School Superintendent Association.

Warren, Mich.
June 29, 1972.
Congressman Carl Perkins,
Rayburn House Office Building,
Washington, D.C.:

Urge your support of HR14896.

Howard W. Briggs,
Detroit Public Schools.

RECESS

The SPEAKER. Pursuant to the order of the House, the House stands in recess subject to the call of the Chair. The bells will be rung 30 minutes prior to reconvening.

Accordingly (at 4 o'clock and 17 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 32 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and Joint Resolutions of the House of the following titles:

H.R. 4494. An act for the relief of Mrs. Latife Hassan Mahmoud.

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes, and

H.J. Res. 1238. Joint resolution making supplemental appropriations for disaster relief.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12350. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (5979) entitled "An act to extend the Act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) entitled "An act to authorize appropriations for the Department of State and for the United States Information Agency."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to amendments numbered 1, 7, 13, 18, 21, 26, 41, 43, 48, 54, 56 and 57 to the foregoing bill.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15390) entitled "An act to provide for a four-month extension of the present temporary level in the public debt limitation," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Long, Mr. Anderson, Mr. Talmadge, Mr. Bennett, and Mr. Curtis to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15585) entitled "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies. for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agrees to the amendment numbered 7 to the foregoing bill.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3772. An act to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

CONFERENCE REPORT ON H.R. 15390, EXTENSION OF PRESENT TEMPORARY LEVEL IN PUBLIC DEBT LIMITATION (H. REPT. NO. 92–1215)

Mr. MILLS of Arkansas submitted the following conference report on the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation:

CONFERENCE REPORT (H. REPT. No. 92–1215)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15390) to provide for a four-month extension of the present temporary level in the public debt limitation, having met, after full and free conference, have been unable to agree.

WILBUR D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
HERMAN TALMADGE,
WALLACE F. BENNETT,
CARL T. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15390) to provide for a four-month extension of the present temporary level in the public debt limitation, report that the conferees have been unable to agree.

Amendment No. 1: The Senate amendment amends section 165(h) of the Internal Revenue Code of 1954 (relating to disaster losses) to provide that any loss attributable to a disaster which occurs during the first 6 calendar months of the taxable year in an area subsequently determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1970 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Existing law has a similar provision (existing section 165(h) of the Code), except that the taxpayer may elect under this existing provision only if the disaster occurs on or before the due date for the return (April 15 in the case of a calendar year individual taxpayer). Under the Senate amendment, this change in the law applies to disasters which occur after December 31, 1971. Thus, for example, a calendar year taxpayer who has suffered a loss on or before June 30, 1972, which qualifies under section 165(h) of the Code may elect to deduct that loss against the income which he had for his taxable year ending December 31, 1971.

The amendment is reported in disagreement.

Amendment No. 2; Increase in Social Security Benefits: The Senate amendment added to the House bill a new title II providing a 20 percent increase in social security benefits and making related changes in the OASDI program. In addition to the benefit increase (which applies also to benefits for certain individuals age 72 and over), the amendment—

(1) provided for automatic increases in social security benefits (which could first become effective in January 1975) to reflect rises in the cost of living;

(2) provided for automatic increases in the contribution and benefit base (i.e., the amount of earnings which can be taken into account for tax and benefit purposes) whenever an automatic cost-of-living increase in benefit occurs, and in the meanwhile increases the present contribution and benefit base from $9,000 to $10,800 for 1973 and $12,000 for 1974;

(3) made appropriate adjustments in the rates of the social security taxes (both OASDI and HI) to assure adequate financing for the benefit increase; and

(4) made appropriate adjustments in the rate of allocation to the Disability Insurance Trust Fund. The amendment is reported in disagreement.

The Senate amended the title of the bill to reflect the additional material added by amendments numbered 1 and 2. The amendment is reported in disagreement.

WILBUR D. MILLS,
AL ULLMAN,
JAMES A. BURKE,
Managers on the Part of the House.

RUSSELL B. LONG,
CLINTON P. ANDERSON,
WALLACE F. BENNETT,
HERMAN TALMADGE,
CARL T. CURTIS,
Managers on the Part of the Senate.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MILLS of Arkansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 258]

Abbitt
Abernethy
Adams
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Bell
Betts
Bevill
Bingham
Boggs
Bolling
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Caffery
Carey, N.Y.
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Colmer
Conyers
Culver
Curlin
Davis, S.C.
Dent
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Gray
Griffiths
Grover
Gude
Haley
Hanna
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Hicks, Wash.
Hosmer
Karth
Kee
Keith
Kluczynski
Landrum
Lennon
Link
Lloyd
Lujan
McClure
McDade
McDonald, Mich.
Martin
Mathias, Calif.
Metcalfe
Michel
Miller, Calif.
Mosher
Moss
O'Hara
Pelly
Pike
Poage
Poff
Pryor, Ark.
Rarick
Riegle
Roberts
Rooney, N.Y.
Rooney, Pa.
Rousselot
Ruppe
Ruth
Scheuer
Schmitz
Schwengel
Shoup
Shriver
Sikes
Steiger, Ariz.
Stephens
Teague, Tex.
Udall
Vander Jagt
Waldie
White
Wilson, Bob
Wright
Wydler
Wylie

The SPEAKER. On this rollcall 323 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 15390, EXTENSION OF PRESENT TEMPORARY LEVEL IN PUBLIC DEBT LIMITATION

Mr. MILLS of Arkansas. Mr. Speaker, I call up the conference report on the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt ceiling.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

(For conference report, see prior proceedings of today.)

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 1, after line 5, insert:

SEC. 2. (a) Section 165(h)(1) of the Internal Revenue Code of 1954 (relating to disaster losses) is amended to read as follows:

"(1) attributable to a disaster which occurs during the period after the close of the taxable year and on or before the last day of the 6th calendar month beginning after the close of the taxable year, and".

(b) The amendment made by subsection (a) shall apply to disasters occurring after December 31, 1971, in taxable years ending after such date.

PARLIAMENTARY INQUIRIES

Mr. BYRNES of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BYRNES of Wisconsin. Mr. Speaker, I make this parliamentary inquiry so that the Members of the House can be apprised of the parliamentary situation which we are in.

Under normal circumstances, Mr. Speaker, a conference report is filed, it either lays over under the rule for 3 days——

The SPEAKER. The Chair will ask the gentleman from Wisconsin to please state his parliamentary inquiry.

Mr. BYRNES of Wisconsin. Mr. Speaker, my first parliamentary inquiry involves a question, and the question is: Why does this conference report differ, and why does this not follow the normal rules of the House with regard to laying over with respect to the required legislative days?

The SPEAKER. The Chair will state to the gentleman from Wisconsin that the conference report was reported back in complete disagreement from the conference committee.

Mr. BYRNES of Wisconsin. Mr. Speaker, may I point out that I was a member of this conference. We reached agreement in the conference. The conferees agreed, on two votes, supported by a majority—and I was not a party to that majority vote—but the vote was to recede and concur with the Senate amendments, and the Senate, of course, accepted that action by the House, and we therefore broke up in agreement.

We had receded, the Senate had accepted our receding.

So, Mr. Speaker, my second parliamentary inquiry is why have we come back in disagreement when we did agree?

The SPEAKER. The Chair will state to the gentleman from Wisconsin that the Chair has knowledge only of what is shown in the conference report.

Mr. MILLS of Arkansas. If I may be heard on the parliamentary inquiry, Mr. Speaker, for the purpose of responding to the gentleman from Wisconsin, actually, the rules of the House preclude the conference committee on the part of the House from formal agreement of amendments that are not germane to the subject matter of a House-passed bill. Now, these two amendments, as the gentleman from Wisconsin knows, comply with the rules of the House in that respect; they are not germane to the bill. The conference committee could do nothing more in conference than informal action. The formal action is what we have taken here.

Mr. BYRNES of Wisconsin. I wonder, I would ask the gentleman, if we could still have a little time to just clear this up—I wonder why we went to conference if there was nothing we could discuss in conference, because we had no authority to agree to any of the amendments because they were all outside of our jurisdiction, being nongermane.

Mr. MILLS of Arkansas. There is nothing strange about this procedure. This procedure is followed every year by each of the subcommittees of the Committee on Appropriations when they cannot agree to something as part of a conference committee, because there is no authorization for it in law, and if we get into that, we bring that agreement back in disagreement, and then the manager of the bill on the floor of the House makes a motion to recede and concur, or recede and concur with an amendment, or to insist upon the House position. We do that all the time.

Mr. BYRNES of Wisconsin. May I say to the chairman that in those situations, I have always found that a report has been filed, and we come back in disagreement. Here we know that there has been an agreement made.

Mr. MILLS of Arkansas. There cannot be an agreement under the rules of the House other than informal agreement.

Mr. BYRNES of Wisconsin. Mr. Speaker, maybe I have, in asking the gentleman these questions, confused the House more than they were before, but I did feel that there were a number of Members, Mr. Speaker, who had been unable to understand the procedure. Frankly, I do not believe that very much light has been shed on it.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, my parliamentary inquiry is this: At what point could a point of order against further consideration of the conference report, either in alleged disagreement or otherwise, be lodged?

The SPEAKER. The Chair will state to the gentleman from Missouri that that can be done at this point.

POINT OF ORDER

Mr. HALL. Mr. Speaker, I make a point of order against consideration of the conference report, albeit we understand it is in full "disagreement," but we also know the fine print of the rules of the House whereby this procedure could be deemed possible and drawn out by a circuitous route in a tenuous mind, and immediately thereafter move to recede on each issue.

My point of order is that this is in fact consideration of such a report. It is a travesty upon the rights and privileges of each individually elected Member of Congress. It is the use of a device which has been decried, and is in the process of consideration of change by the Joint Committee on Continued Congressional Operations, and I believe it should not be considered under these circumstances.

The SPEAKER. The precedents are clear.

Where conferees report in disagreement all of the amendments of the Senate no action is taken on the report. It is filed, ordered printed and called up and read before further action is taken on the amendments in disagreement.

Where the conferees report they have been unable to agree on all amendments submitted to them the report is not acted on and the Speaker directs the Clerk to report the amendments in disagreement.

That is what the Chair is getting ready to do.

Mr. RHODES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RHODES. Mr. Speaker, as I understand the parliamentary situation that will prevail, there are two amendments which will be offered and then a motion will be offered, presumably by the gentleman from Arkansas, to recede and concur.

At that time, Mr. Speaker, is that motion divisible?

The SPEAKER. It is.

Mr. RHODES. Mr. Speaker, a further parliamentary inquiry—if the motion to recede is carried, then a motion to concur is then in order; is that correct?

The SPEAKER. That is part of the pending motion to recede and concur.

Mr. RHODES. But further, a motion of a higher order would be a motion to concur in the amendment?

The SPEAKER. That is correct—after the House has receded.

Mr. RHODES. Mr. Speaker, my parliamentary inquiry is this.

There is only one copy of the so-called amendment which is available in the Chamber. I have not been able to get a copy of it in order to draft an amendment which I would otherwise draft to change the social security portions of the raise to a different figure.

Do not the rules of the House provide that each Member should be provided with a copy of the amendment to be offered like this so that amendments could be perfected and submitted at the appropriate time?

The SPEAKER. The Chair knows of no such rule.

Mr. RHODES. I thank the Speaker.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Is it true, Mr. Speaker, that if any one of the motions made by the chairman of the Committee on Ways and Means was voted down by the House, then the entire conference report would go down with that divided portion?

The SPEAKER. If the motion were voted down then there would have to be a further motion to dispose of the Senate amendment.

Mr. MILLS of Arkansas. Mr. Speaker, before I move to recede and concur in this amendment I would like to take a moment to explain it.

The first amendment made to the bill relates to the immediate deduction as casualty loss of the flood losses which recently occurred.

Under present law, if a casualty loss results from a presidentially proclaimed disaster before the income tax return filing date—which for substantially all individuals means between January 1 and April 15—then the taxpayer may elect to treat the loss as though it had occurred in the last taxable year. This means that he can file his return, or an amended return, and deduct the loss from last year's income. The taxpayer thereby receives whatever tax benefit he would be otherwise entitled to—reduction of income taxes to be paid or refund of income taxes already paid—promptly, instead of having to wait until the following year to claim the deduction. However, under present law, if, for example, an individual suffered damages from floods in June of 1972, then he must wait until early 1973, when he files his income tax return for 1972, before he can deduct his losses from these floods.

This amendment extends to these presidentially proclaimed disasters in the first 6 months of the taxable year the same treatment that present law provides for such disasters occurring, in the case of individuals in the first 3½ months of the taxable year and in the case of corporations in the first 2½ months of the year. This will enable those who suffered from the recent floods to file claims for refund based upon a recalculation of their 1971 taxes, deducting from their 1971 incomes the amount of their casualty losses from these floods. This will provide funds that can be used promptly to rebuild lost homes and property. This provision will also be available for similar losses in the future.

I have been assured by the Treasury Department that the Internal Revenue Service will provide assistance to taxpayers to determine the amount of their damage and to file their refund claims and that the Internal Revenue Service will do everything possible to expedite the payment of those refunds.

I would not ask the House to agree to this amendment but for the urgency of this particular situation and the assurances of the Treasury Department that prompt congressional action will result in prompt tax relief to those people who have been so unfortunate as to suffer damages from these floods. The relief is not new, in the sense that it builds upon an existing provision in the law. The Internal Revenue Service has already had experience in administering the existing law. The provision will speed up tax benefits, but it probably will have no effect upon tax revenues during fiscal 1973, merely hastening by about 9 months the time when the refunds will be made to the taxpayers.

The need is widespread. Disasters to which this amendment applies have occurred since April 15 in Tennessee, Kentucky, Texas, Washington, North Dakota, South Dakota, Florida, Virginia, Pennsylvania, New York, and California.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Washington.

Mr. McCORMACK. The gentleman has just read a series of States in which damage was sustained as a result of the hurricane. I presume that this is not exclusive of other States which suffered damage?

Mr. MILLS of Arkansas. Oh, not at all. There may be other States. It applies to all States in which a presidentially declared disaster has occurred.

Mr. McCORMACK. I should like to point out that the State of Washington was also declared a disaster area by the President.

Mr. MILLS of Arkansas. If the President declares an area a disaster area it would qualify. However, he must so declare it before the State would qualify for this provision.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Are we now considering a limitation on the debt ceiling or an increase in the debt ceiling?

Mr. MILLS of Arkansas. We are considering a nongermane amendment that we brought back to the House, because we could not, under the rules of the House, agree to a nongermane amendment. The rules of the House say specifically that such an amendment, even if there is a desire on the part of the House conferees to agree to it, has to be brought back for a separate vote as an amendment in disagreement.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. To what is the nongermane amendment attached?

Mr. MILLS of Arkansas. It is attached to the debt ceiling.

Mr. GROSS. That is what bill?

Mr. MILLS of Arkansas. They did not amend the debt ceiling provision in the bill. It is exactly as it passed the House. These are two amendments bringing up nongermane material.

Mr. GROSS. So this is the way we are determining when a conference report is not a conference report; is that correct?

Mr. MILLS of Arkansas. All I am doing is following the rules of the House. I would have liked to agree to these amendments in conference and brought them back, but had I done so, the conference report itself would have been subject to a point of order.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Suppose a person has flood insurance and suffers a loss. Would he be able also to deduct that loss from his income taxes?

Mr. MILLS of Arkansas. No, not if they are protected by flood insurance.

Mr. MONTGOMERY. The flood insurance received would offset what would be claimed in the total loss, would it not?

Mr. MILLS of Arkansas. Yes. An individual or corporation cannot take a deduction against income for the amount of any loss which is covered by insurance.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I am glad to yield to the gentleman from Texas.

Mr. BROOKS. I should like to ask the distinguished chairman of the Committee on Ways and Means if a copy of the amendment we are considering is available to any Members of this Congress?

Mr. MILLS of Arkansas. It is not except in the official papers.

Mr. BROOKS. Would it be possible in the future for a committee with the responsibility that this one has to have a thermofax copy made for all Members? It would not take but about 10 minutes to do so. There is a copying machine in the Chamber. I think it is a travesty on the rules of the House that we come in here late at night to consider an amendment that I may well support but one which I have not had an opportunity to read and no one else has. I think it is really a disgrace.

We should figure out a way to improve this procedure. We ought to have a copy available. It does not take long, Mr. Speaker.

Mr. MILLS of Arkansas. I do not like this procedure for bringing the matter up. However, I do not want the Members to have to be back here on Wednesday or Thursday to consider this when all the Members are looking forward to getting away from here for a brief period. I did not have the time to thermofax the amendments. They adopted this amendment in the Senate this afternoon not long before we went to conference.

Mr. BROOKS. It does not take that long, Mr. Chairman, frankly, to make copies.

Mr. MILLS of Arkansas. When you consider the fact that we had to spend our time until a little while ago in conference, we had very little time to prepare copies, even if it had been suggested.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think I can assure the House, Mr. Speaker, that as far as this amendment is concerned, it really does not change anyone's tax liability. It does, however, make it possible for those people who have suffered a loss this year, for instance, between April 15 and the end of June, not to have to wait to receive a refund on their taxes—because of that casualty loss—until next year. That is really what we are trying to do here.

Mr. MILLS of Arkansas. Exactly.

Mr. BYRNES of Wisconsin. If a person wants to wait that long, he can wait, but we do make it possible for him to be in the same position as a person who might suffer a casualty in February. At present he may file his tax return in April and he can show that casualty loss as a loss against his previous year's income. What we are doing is merely extending that, and I do not think anyone need worry as far as this particular amendment, that it is extremely complex, or that there is anything controversial really about it.

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I move to recede and concur in the Senate amendment No. 1.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 1, after line 5, insert:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY PROGRAM

INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS, AND IN BENEFITS FOR CERTAIN INDIVIDUALS AGE 72 OR OVER

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$16.20	$70.40	----------	$76	$84.50	$126.80
$16.21	16.84	71.50	$77	78	85.80	128.80
16.85	17.60	73.10	79	80	87.80	131.70
17.61	18.40	74.50	81	81	89.40	134.20
18.41	19.24	75.80	82	83	91.00	136.50
19.25	20.00	77.40	84	85	92.90	139.40
20.01	20.64	78.80	86	87	94.60	141.90
20.65	21.28	80.10	88	89	96.20	144.30
21.29	21.88	81.70	90	90	98.10	147.20
21.89	22.28	83.10	91	92	99.80	149.70
22.29	22.68	84.50	93	94	101.40	152.20
22.69	23.08	85.80	95	96	103.00	154.50
23.09	23.44	87.40	97	97	104.90	157.40
23.45	23.76	88.90	98	99	106.70	160.10
23.77	24.20	90.60	100	101	108.80	163.20
24.21	24.60	91.90	102	102	110.30	165.50
24.61	25.00	93.40	103	104	112.10	168.20
25.01	25.48	95.10	105	106	114.20	171.30
25.49	25.92	96.60	107	107	116.00	173.90
25.93	26.40	98.20	108	109	117.90	176.90
26.41	26.94	99.70	110	113	119.70	179.60
26.95	27.46	101.10	114	118	121.40	182.10
27.47	28.00	102.70	119	122	123.30	185.00
28.01	28.68	104.20	123	127	125.10	187.70
28.69	29.25	105.90	128	132	127.10	190.70
29.26	29.68	107.30	133	136	128.80	193.20
29.69	30.36	108.70	137	141	130.50	195.80
30.37	30.92	110.40	142	146	132.50	198.80
30.93	31.36	111.90	147	150	134.30	201.50
31.37	32.00	113.30	151	155	136.00	204.00
32.01	32.60	115.00	156	160	138.00	207.00
32.61	33.20	116.40	161	164	139.70	209.60
33.21	33.88	118.00	165	169	141.60	212.40
33.89	34.50	119.50	170	174	143.40	215.20
34.51	35.00	121.00	175	178	145.20	217.80
35.01	35.80	122.60	179	183	147.20	220.80
35.81	36.40	124.00	184	188	148.80	223.20
36.41	37.08	125.70	189	193	150.90	226.40
37.09	37.60	127.20	194	197	152.70	229.10
37.61	38.20	128.60	198	202	154.40	231.60
38.21	39.12	130.30	203	207	156.40	234.60
39.13	39.68	131.80	208	211	158.20	237.30
39.69	40.33	133.10	212	216	159.80	239.70
40.34	41.12	134.80	217	221	161.80	242.70
41.13	41.76	136.30	222	225	163.60	245.40
41.77	42.44	137.90	226	230	165.50	248.30
42.45	43.20	139.40	231	235	167.30	251.00
43.21	43.76	141.10	236	239	169.40	254.10
43.77	44.44	142.50	240	244	171.00	257.80
44.45	44.88	143.90	245	249	172.70	263.10
44.89	45.60	145.60	250	253	174.80	267.30
		147.10	254	258	176.60	272.60
		148.40	259	263	178.10	277.80
		150.10	264	267	180.20	282.00
		151.60	268	272	182.00	287.30

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$153.20	$273	$277	$183.90	$292.60
		154.70	278	281	185.70	296.80
		156.20	282	286	187.50	302.10
		157.90	287	291	189.50	307.40
		159.20	292	295	191.10	311.60
		160.90	296	300	193.10	316.80
		162.40	301	305	194.90	322.10
		163.80	306	309	196.60	326.40
		165.50	310	314	198.60	331.70
		166.90	315	319	200.30	337.00
		168.30	320	323	202.00	341.20
		170.00	324	328	204.00	346.50
		171.50	329	333	205.80	351.80
		173.20	334	337	207.90	356.00
		174.50	338	342	209.40	361.20
		176.00	343	347	211.20	366.50
		177.70	348	351	213.30	370.70
		179.10	352	356	215.00	376.00
		180.80	357	361	217.00	381.30
		182.20	362	365	218.70	385.50
		183.60	366	370	220.40	390.80
		185.30	371	375	222.40	396.00
		186.80	376	379	224.20	400.40
		188.50	380	384	226.20	405.60
		189.80	385	389	227.80	410.90
		191.30	390	393	229.60	415.10
		193.00	394	398	231.60	420.40
		194.40	399	403	233.30	425.70
		196.10	404	407	235.40	429.90
		197.40	408	412	236.90	435.20
		198.80	413	417	238.60	440.40
		200.20	418	421	240.30	444.60
		201.80	422	426	242.20	449.90
		203.10	427	431	243.80	455.20
		204.50	432	436	245.40	460.50
		206.10	437	440	247.40	462.60
		207.40	441	445	248.90	465.30
		208.80	446	450	250.60	467.90
		210.40	451	454	252.50	470.00
		211.70	455	459	254.10	472.60
		213.10	460	464	255.80	475.20
		214.50	465	468	257.40	477.40
		216.10	469	473	259.40	480.00
		217.40	474	478	260.90	482.70
		218.80	479	482	262.60	484.80
		220.40	483	487	264.50	487.50
		221.70	488	492	266.10	490.10
		223.10	493	496	267.80	492.20
		224.70	497	501	269.70	494.80
		226.00	502	506	271.20	497.40
		227.40	507	510	272.90	499.60
		228.80	511	515	274.60	502.20
		230.30	516	520	276.40	504.90
		231.70	521	524	278.10	506.90

'TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I		II	JU		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$233.10	$525	$529	$279.80	$509.60
		234.70	530	534	281.70	412.20
		236.00	535	538	283.20	514.40
		237.40	539	543	284.90	517.00
		239.00	544	548	286.80	519.60
		240.30	549	553	288.40	522.30
		241.70	554	556	290.10	523.80
		242.90	557	560	291.50	526.00
		244.20	561	563	293.10	527.60
		245.50	564	567	294.60	529.70
		246.80	568	570	296.20	531.30
		248.00	571	574	297.60	533.30
		249.30	575	577	299.20	535.00
		250.50	578	581	300.60	537.00
		251.80	582	584	302.20	538.60
		253.00	585	588	303.60	540.80
		251.40	589	591	305.30	542.30
		255.60	592	595	306.80	544.50
		256.90	596	598	308.30	546.00
		258.10	599	602	309.80	548.20
		259.40	603	605	311.30	549.80
		260.60	606	609	312.80	551.80
		262.00	610	612	314.40	553.50
		263.20	613	616	315.90	555.50
		264.50	617	620	317.40	557.70
		265.70	621	623	318.90	559.20
		267.00	624	627	320.40	561.40
		268.20	628	630	321.90	563.30
		269.50	631	634	323.40	566.10
		270.80	635	637	325.00	568.70
		272.10	638	641	326.60	571.50
		273.30	642	644	328.00	574.00
		274.60	645	648	329.60	576.80
		275.80	649	652	331.00	579.30
		276.60	653	656	332.00	581.00
		277.40	657	660	332.90	582.60
		278.40	661	665	334.10	584.70
		279.40	666	670	335.30	586.80
		280.40	671	675	336.50	588.90
		281.40	676	680	337.70	591.00
		282.40	681	685	338.90	593.10
		283.40	686	690	340.10	595.20
		284.40	691	695	341.30	597.30
		285.40	699	700	342.50	599.40
		286.40	701	705	343.70	601.50
		287.40	706	710	344.90	603.60
		288.40	711	715	346.10	605.70
		289.40	716	720	347.30	607.80
		290.40	721	725	348.50	609.90
		291.40	726	730	349.70	612.00
		292.40	731	735	350.90	614.10
		293.40	736	740	352.10	616.20

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1971 Act)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		$294.40	$741	$745	$353.30	$618.30
		295.40	746	750	354.50	620.40
			751	755	355.50	622.20
			756	760	356.50	623.90
			761	765	357.50	625.70
			766	770	358.50	627.40
			771	775	359.50	629.20
			776	780	360.50	630.90
			781	785	361.50	632.70
			786	790	362.50	634.40
			791	795	363.50	636.20
			796	800	364.50	637.90
			801	805	365.50	639.70
			806	810	366.50	641.40
			811	815	367.50	643.20
			816	820	368.50	644.90
			821	825	369.50	646.70
			826	830	370.50	648.40
			831	835	371.50	650.20
			836	840	372.50	651.90
			841	845	373.50	653.70
			846	850	374.50	655.40
			851	855	375.50	657.20
			856	860	376.50	658.90
			861	865	377.50	660.70
			866	870	378.50	662.40
			871	875	379.50	664.20
			876	880	380.50	665.90
			881	885	381.50	667.70
			886	890	382.50	669.40
			891	895	383.50	671.20
			896	900	384.50	672.90
			901	905	385.50	674.70
			906	910	386.50	676.40
			911	915	387.50	678.20
			916	920	388.50	679.90
			921	925	389.50	681.70
			926	930	390.50	683.40
			931	935	391.50	685.20
			936	940	392.50	686.90
			941	945	393.50	688.70
			946	950	394.50	690.40
			951	955	395.50	692.20
			956	960	396.50	693.90
			961	965	397.50	695.70
			966	970	398.50	697.40
			971	975	399.50	699.20
			976	980	400.50	700.90
			981	985	401.50	702.70
			986	990	402.50	704.40
			991	995	403.50	706.20
			996	1,000	404.50	707.90."

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for August 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for September 1972 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title for August 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each person for such month, by 120 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10; but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for September 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for September 1972, or".

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsection (b), (c), and (d) of this section and except as provided in paragraph (6) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit, or he died in such following month then his primary insurance amount amount then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)."

(d) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof "August 1972".

(e) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Act of March 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to September 1972.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before September 1972, or who died before such month."

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)".

(g)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(B) Section 227(b) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00", and by striking out "$24.20" and inserting in lieu thereof "$29.00".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$58.00".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$29.00".

(h)(1) Section 203(a) of the Social Security Act (as amended by subsection (b) of this section) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month to be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after the application of the other provisions of this subsection and section 202(q)) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202(q)) payable on the basis of such wages and self-employment income for such particular month."

(2) In any case in which the provisions of section 1002(b)(2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q)) for the first month for which the provisions of such section 1002(b)(2) applied.

(1) The amendments made by this section (other than the amendments made by subsections (g) and (h)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after August 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after August 1972. The amendments made by subsection (h)(1) shall apply with respect to monthly benefits under title II of such Act for months after December 1971.

AUTOMATIC ADJUSTMENTS IN BENEFITS AND IN THE CONTRIBUTION AND BENEFIT BASE

Adjustments in Benefits

SEC. 202. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"(A) the term 'base quarter' means (i) the calendar quarter ending on June 30 in each year after 1972, or (ii) any other calendar quarter in which occurs the effective month of a general benefit increase under this title;

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A)(i), in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, such Index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general benefit increase under this title; except that there shall be no cost-of-living computation quarter in any calendar year in which a law has been enacted providing a general benefit increase under this title or in which such a benefit increase becomes effective; and

"(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical means of such index for the 3 months in such quarter.

"(2)(A)(i) The Secretary shall determine each year beginning with 1974 (subject to the limitation in paragraph (1)(B) and to subparagraph (E) of this paragraph) whether the base quarter (as defined in paragraph (1)(A)(i)) in such year is a cost-of-living computation quarter.

"(ii) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (E)) as provided in subparagraph (B), increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual under this title, by an amount derived by multiplying each such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1) (A) (ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1) (B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply (subject to subparagraph (E)) in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, and in the case of lump-sum death payments with respect to deaths occurring after December of such calendar year.

"(C) (i) When ever the level of the Consumer Price Index as published for any month exceeds by 2.5 percent or more the level of such index for the most recent base quarter (as defined in paragraph (1) (A) (ii)) or, if later, the most recent cost-of-living computation quarter, the Secretary shall (within 5 days after such publication) report the amount of such excess to the House Committee on Ways and Means and the Senate Committee on Finance.

"(ii) Whenever the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance of such determination on or before August 15 of such calendar year, indicating the amount of the benefit increase to be provided, his estimate of the extent to which the cost of such increase would be met by an increase in the contribution and benefit base under section 230 and the estimated amount of the increase in such base, the actuarial estimates of the effect of such increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(D) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall reflect the year in which the primary insurance amounts set forth in column IV of the table immediately prior to its revision were effective.

"(ii) The amounts on each line of column I and column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in each such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amounts on each line of column IV and column V shall be increased from the amounts shown in the table immediately prior to its revision by increasing each such amount by the percentage specified in subparagraph (A) (ii) of this paragraph. The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (determined under section 230) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V of such table shall be extended. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until in the last such line of column III the second figure is equal to one-twelfth of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised (as determined under section 230) over such base for the calendar year in which the table of benefits is revised. The amount in each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(E) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any notification or publication thereof under subparagraph (C) or (D)), no increase in benefits shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living computation quarter, if during the calendar year in which such determination is made a law providing a general benefit increase under this title is enacted or becomes effective.

"(3) As used in this subsection, the term 'general benefit increase under this title' means an increase (other than an increase under this subsection) in all primary insurance amounts on which monthly insurance benefits under this title are based."

(2) (A) Effective January 1, 1974, section 203(a) of such Act is amended by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in or deemed to be in section 215(a)".

(B) Effective January 1, 1974, section 203 (a) (2) of such Act (as amended by section 201(b) of this Act) is further amended to read as follows:

"(2) when two or more persons were entitled (without the application of section 202 (j) (1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1971 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1971 shall not be reduced to less than the largest of—

"(A) the amount determined under this subsection without regard to this paragraph,

"(B) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual's wages and self-employment income, or

"(C) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after September 1972) of a general benefit increase under this title (as defined in section 215(i) (3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of amounts derived by multiplying the benefit amount determined under this title for the month before such effective month including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each such person for such month, by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of $0.10 being rounded to the next higher multiple of $0.10);

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) or (C), and (ii) if section 202(k) (2) (A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of subparagraph (B) or (C) shall be applied, for and after the month in which section 202(k) (2) (A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for the last month for which subparagraph (B) or (C) was applicable, or".

(3) (A) Effective January 1, 1975, section 215(a) of such Act (as amended by section 201(c) of this Act) is further amended—

(i) by inserting "(or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i) (2) (D))" after "the following table" in paragraph (1) (A); and

(ii) by inserting "(whether enacted by another law or deemed to be such table under subsection (i) (2) (D))" after "effective month of a new table" in paragraph (2).

(B) Effective January 1, 1975, section 215 (b) (4) of such Act (as amended by section 201(d) of this Act) is further amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled to benefits under section 202(a) or section 223 in or after the month in which a new table that appears in (or is deemed by subsection (i) (2) (D) to appear in) subsection (a) becomes effective; or

"(B) who dies in or after the month in which such table becomes effective without being entitled to benefits under section 202 (a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f) (2)."

(C) Effective January 1, 1975, section 215 (c) of such Act (as amended by section 201

(e) of this Act) is further amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the latest table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the month in which the latest such table became effective.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(4) Effective January 1, 1975, sections 227 and 228 of such Act (as amended by section 201(g) of this Act) are further amended by striking out "$58.00" wherever it appears and inserting in lieu thereof "the larger of $58.00 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$29.00" wherever it appears and inserting in lieu thereof "the larger of $29.00 or the amount most recently established in lieu thereof under section 215(i)".

Adjustments in Contribution and Benefit Base

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

"SEC. 230. (a) Whenever the Secretary pursuant to section 215(i) increases benefits effective with the first month of the calendar year following a cost-of-living computation quarter, he shall also determine and publish in the Federal Register on or before November 1 of the calendar year in which such quarter occurs (along with the publication of such benefit increase as required by section 215(i)(2)(D)) the contribution and benefit base determined under subsection (b) which shall be effective (unless such increase in benefits is prevented from becoming effective by section 215(i)(2)(E)) with respect to remuneration paid after the calendar year in which such quarter occurs and taxable years beginning after such year.

"(b) The amount of such contribution and benefit base shall be the amount of the contribution and benefit base in effect in the year in which the determination is made or, if larger, the product of—

"(1) the contribution and benefit base which was in effect with respect to remuneration paid in (and taxable years beginning in) the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made, and

"(2) the ratio of (A) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the determination under subsection (a) with respect to such particular calendar year was made to the latest or (B) the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1973 or the first calendar quarter of the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under subsection (a), with such product, if not a multiple of $300, being rounded to the next higher multiple of $300 where such product is a multiple of $150 but not of $300 and to the nearest multiple of $300 in any other case.

"(c) For purposes of this section, and for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1954, the 'contribution and benefit base' with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1973 and prior to the calendar year with the first month of which the first increase in benefits pursuant to section 215(i) of this Act becomes effective shall be $12,000 or (if applicable) such other amount as may be specified in a law enacted subsequent to the law which added this section."

INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 203. (a)(1)(A) Section 209(a)(6) of the Social Security Act is amended by inserting "and prior to 1973" after "1971".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraphs:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $10,800 with respect to employment has been paid to an individual during any calendar year after 1972 and prior to 1974, is paid to such individual during such calendar year;

"(8) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $12,000 with respect to employment has been paid to an individual during any calendar year after 1973 and prior to 1975, is paid to such individual during such calendar year;

"(9) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1974 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2)(A) Section 211(b)(1)(F) of such Act is amended by inserting "and prior to 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraphs:

"(G) For any taxable year beginning after 1972 and prior to 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(H) For any taxable year beginning after 1973 and prior to 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(I) For any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or $10,800 in the case of a calendar year after 1972 and before 1974, or $12,000 in the case of a calendar year after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1971" and inserting in lieu thereof "after 1971 and before 1973, or $10,800 in the case of a taxable year beginning after 1972 and before 1974, or $12,000 in the case of a taxable year beginning after 1973 and before 1975, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1974".

(4) Section 215(a)(1) of such Act is amended by striking out "and the excess over $9,000 in the case of any calendar year after 1971" and inserting in lieu thereof "the excess over $9,000 in the case of any calendar year after 1971 and before 1973, the excess over $10,800 in the case of any calendar year after 1972 and before 1974, the excess over $12,000 in the case of any calendar year after 1973 and before 1975, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(b)(1)(A) Section 1402(b)(1)(F) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and before 1973" after "1971", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraphs:

"(G) for any taxable year beginning after 1972 and before 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year;

"(H) for any taxable year beginning after 1973 and before 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(I) for any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2)(A) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$9,000" each place it appears and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended by striking out "$10,800" each place it appears and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, section 3121(a)(1) of such Code is amended—

(i) by striking out "$12,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3)(A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$9,000" and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out "$10,800" and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1794, the second sentence of section 3122 of such Code is amended by striking out "the $12,000 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4)(A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$10,800".

(B) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out "$10,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$12,000".

(C) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "the $12,000 limitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1973" after "the calendar year 1971";

(B) by inserting after "exceed $9,000," the following: "or (F) during any calendar year after the calendar year 1972 and prior to the calendar year 1974, the wages received by him during such year exceed $10,800, or (G) during any calendar year after the calendar year 1973 and prior to the calendar year 1975, the wages received by him during such year exceed $12,000, or (H) during any calendar year after 1974, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1973, or which exceeds the tax with respect to the first $10,800 of such wages received in such calendar year after 1972 and before 1974, or which exceeds the tax with respect to the first $12,000 of such wages received in such calendar year after 1973 and before 1975, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1974 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(a)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $9,000 for any calendar year after 1971" and inserting in lieu thereof "$9,000 for the calendar year 1972, $10,800 for the calendar year 1973, $12,000 for the calendar year 1974, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1974 with respect to which such contribution and benefit base is effective".

(7)(A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$9,000" and inserting in lieu thereof "$10,800".

(B) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "$10,800" and inserting in lieu thereof "$12,000".

(C) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "the excess of $12,000 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

CHANGES IN TAX SCHEDULES

SEC. 204. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and before January 1, 1973" in paragraph (3) and inserting in lieu thereof "and before January 1, 1978";

(B) by striking out "and" at the end of paragraph (3); and

(C) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1977, and before January 1, 2011, the tax shall be equal to 6.7 percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 2010, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "any of the calendar years 1971 through 1977" and;

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages received during any of the calendar years 1978 through 2010, the rate shall be 4.5 percent; and

"(5) with respect to wages received after December 31, 2010, the rate shall be 5.35 percent."

(3) Section 3111(a) of such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "the calendar years 1971 and 1972" in paragraph (3) and inserting in lieu thereof "any of the calendar years 1971 through 1977'; and

(B) by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during any of the calendar year 1978 through 2010, the rate shall be 4.5 percent; and

"(5) with respect to wages paid after December 31, 2010, the rate shall be 5.35 percent."

(b)(1) Section 1401(b) of such Code (relating to rate of tax on self-employment income for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1986, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

"(4 In the case of any taxable year beginning after December 31, 1985, and before January 1, 1993, the tax shall be equal to 1.1 percent of the amount of the self-employment income for such taxable year; and

"(58) in the case of any taxable year beginning after December 31, 1992, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 0.9 percent;

"(3) with respect to wages received during the calendar years 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.0 percent;

"(4) with respect to wages received during the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992, the rate shall be 1.1 percent; and

"(5) with respect to wages received after December 31, 1992, the rate shall be 1.2 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1973, 1974, 1975, 1976, and 1977, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar years 1978, 1979, 1980, 1981, 1982, 1983, 1984, and 1985, the rate shall be 1.0 percent;

"(4) with respect to wages paid during the calendar years 1986, 1987, 1988, 1989, 1990, 1991, and 1992, the rate shall be 1.1 percent; and

"(5) with respect to wages paid after December 31, 1992, the rate shall be 1.2 percent."

(c) The amendments made by subsections (a)(1) and (b)(1) shall apply only with respect to taxable years beginning after December 31, 1972. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1972.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 205. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "1969, and so reported," and inserting in lieu thereof "1969, and before January 1, 1973, and so reported, (E) 1.0 per centum of the wages (as so defined) paid after December 31, 1972, and before January 1, 1978, and so reported, (F) 1.1 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 2011, and so reported, and (G) 1.4 per centum of the wages (as so defined) paid after December 31, 2010, and so reported,". (b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "beginning after December 31, 1969," and inserting in lieu thereof "beginning after December 31, 1969, and before January 1, 1973, (E) 0.75 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1978, (F) 0.825 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 2011, and (G) 0.915 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010,".

Amend the title so as to read: "An Act to provide for a four-month extension of the present temporary level in the public debt limitation, and for other purposes."

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I wonder if the Members want to hear this amendment read. I think they all know what it is.

Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendment. I will explain it in detail.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. Is the gentleman from Arkansas prepared to make the motion? The gentleman should make the motion now.

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House recede and concur, and pending that, Mr. Speaker, I would like to be recognized.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask that the motion be divided.

The SPEAKER. That will be in order after the Clerk reports the motion.

The Clerk will read.

The Clerk reads as follows:

Mr. MILLS moves to recede and concur in Senate amendment numbered 2.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask for a division of the question, that it be divided.

The SPEAKER. The gentleman from Wisconsin asks for a division of the question.

The question is, will the House recede from its disagreement to the amendment of the Senate.

The motion was agreed to.

MOTION OFFERED BY MR. BYRNES OF WISCONSIN

Mr. BYRNES of Wisconsin. Mr. Speaker, I offer a motion to concur with an amendment.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BYRNES of Wisconsin moves to concur in Senate amendment No. 2 to H.R. 15390 with the following amendment.

In lieu of the matter to be proposed by Senate amendment No. 2 insert the following:

TITLE II—AMENDMENTS TO THE SOCIAL SECURITY ACT

INCREASE IN OLD-AGE, SURVIVORS AND DISABILITY INSURANCE BENEFITS

SEC. 201. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
[illegible]						[illegible]
[illegible]						
[illegible]						
[illegible]	16.20	70.40		76	77.50	116.30
16.21	16.84	71.50	77	78	78.70	118.10
16.85	17.60	73.10	79	80	80.50	120.80
17.61	18.40	74.50	81	81	82.00	123.00
18.41	19.24	75.80	82	83	83.40	125.10
19.25	20.00	77.40	84	85	85.20	127.80
20.01	20.64	78.80	86	87	86.70	130.10
20.65	21.28	80.10	88	89	88.20	132.30
21.29	21.88	81.70	90	90	89.90	134.90
21.89	22.28	83.10	91	92	91.50	137.30
22.29	22.68	84.50	93	94	93.00	139.50
22.69	23.08	85.80	95	96	94.40	141.60
23.09	23.44	87.40	97	97	96.20	144.30
23.45	23.76	88.90	98	99	97.80	146.80
23.77	24.20	90.60	100	101	99.70	149.60
24.21	24.60	91.90	102	102	101.10	151.70
24.61	25.00	93.40	103	104	102.80	154.20
25.01	25.48	95.10	105	106	104.70	157.10
25.49	25.92	96.60	107	107	106.30	159.50
25.93	26.40	98.20	108	109	108.10	162.20
26.41	26.94	99.70	110	113	109.70	164.60
26.95	27.46	101.10	114	118	111.30	167.00
27.47	28.00	102.70	119	122	113.00	169.60
28.01	28.68	104.20	123	127	114.70	172.10
28.69	29.25	105.90	128	132	116.50	174.80
29.26	29.68	107.30	133	136	118.10	177.20
29.69	30.36	108.70	137	141	119.60	179.50
30.37	30.92	110.40	142	146	121.50	182.30
30.93	31.36	111.90	147	150	123.10	184.70
31.37	32.00	113.30	151	155	124.70	187.10
32.01	32.60	115.00	156	160	126.50	189.80
32.61	33.20	116.40	161	164	128.10	192.20

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
33.21	33.88	118.00	165	169	129.80	194.70
33.89	34.50	119.50	170	174	131.50	197.30
34.51	35.00	121.00	175	178	133.16	199.70
35.01	35.80	122.60	179	183	134.90	202.40
35.81	36.40	124.00	184	188	136.40	204.60
36.41	37.08	125.70	189	193	138.30	207.50
37.09	37.60	127.20	194	197	140.00	210.00
37.61	38.20	128.60	198	202	141.50	212.30
38.21	39.12	130.30	203	207	143.40	215.10
39.13	39.68	131.80	208	211	145.00	217.50
39.69	40.33	133.10	212	216	146.50	219.80
40.34	41.12	134.80	217	221	148.30	222.50
41.13	41.76	136.30	222	225	150.00	225.00
41.77	42.44	137.90	226	230	151.70	227.60
42.45	43.20	139.40	231	235	153.40	230.10
43.21	43.76	141.10	236	239	155.30	233.00
43.77	44.44	142.50	240	244	156.80	236.30
44.45	44.88	143.90	245	249	158.30	241.20
44.89	45.60	145.60	250	253	160.20	245.00
		147.10	254	258	161.90	249.90
		148.40	259	263	163.30	254.70
		150.10	264	267	165.20	258.50
		151.60	268	272	166.80	263.40
		153.20	273	277	168.60	268.20
		154.70	278	281	170.20	272.10
		156.20	282	286	171.90	276.90
		157.90	287	291	173.70	281.80
		159.20	292	295	175.20	285.60
		160.90	296	300	177.00	290.40
		162 40	301	305	178.70	295.30
		163.80	306	309	180.20	299.20
		165.50	310	314	182.10	304.10
		166.90	315	319	183.60	308.90
		168.30	320	323	185.20	312.80
		170.00	324	328	187.00	317.60

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		I (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		171.50	329	333	188.70	322.50
		173.20	334	337	190.60	326.30
		174.50	338	342	192.00	331.10
		176.00	343	347	193.60	336.00
		177.70	348	351	195.50	339.80
		179.10	352	356	197.10	344.70
		180.80	357	361	198.90	349.50
		182.20	362	365	200.50	353.40
		183.60	366	370	202.00	358.20
		185.30	371	375	203.90	363.00
		186.80	376	379	205.50	367.00
		188.50	380	384	207.40	371.80
		189.80	385	389	208.80	376.70
		191.30	390	393	210.50	380.50
		193.00	394	398	212.30	385.40
		194.40	399	403	213.90	390.20
		196.10	404	407	215.80	394.10
		197.40	408	412	217.20	398.90
		198.80	413	417	218.70	403.70
		200.20	418	421	220.30	407.60
		201.80	422	426	222.00	412.40
		203.10	427	431	223.50	417.30
		204.50	432	436	225.00	422.10
		206.10	437	440	226.80	424.10
		207.40	441	445	228.20	426.50
		208.80	446	450	229.70	248.90
		210.40	451	454	231.50	430.80
		217.70	455	459	232 90	433.20
		213.10	460	464	234.50	435.60
		214.50	465	468	236.00	437.60
		216.10	469	473	237.80	440.00
		217.40	474	478	239.20	442.50
		218.80	479	482	240.70	444.40
		220.40	483	487	242.50	446.90
		221.70	488	492	243.90	449.30
		223.10	493	496	245.50	251.20
		224.70	497	501	247.20	453.60
		226.00	502	506	248.60	456.00
		227.40	507	510	250.20	485.00
		228.80	511	515	251.70	460.40
		230.30	516	520	253.40	462.80
		231.70	521	524	254.90	464.70
		233.10	525	529	256.50	467.10
		234.70	530	534	258.20	469.50
		236.00	535	538	259.60	471.50
		237.40	539	543	261.20	473.90
		239.00	544	548	262.90	476.30
		240.30	549	553	264.40	478.80
		241.70	554	556	265.90	480.20
		242.90	557	560	267.20	482.20
		244.20	561	563	268.70	483.60
		245.50	564	567	270.10	485.60
		246.80	568	570	271.50	487.00
		248.00	571	574	272.80	488.90
		249.30	575	577	274.30	490.40
		250.50	578	581	275.60	292.30
		251.80	582	584	277.00	493.70
		253.00	585	588	478.30	495.70
		254.40	589	591	279.90	497.10

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for January 1971)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
		255.60	592	595	281.20	499.10
		256.90	596	598	282.60	500.50
		258.10	599	602	284.00	502.50
		259.40	603	605	285.40	504.00
		260.60	606	609	286.70	505.80
		262.00	610	612	288.20	507.40
		263.20	613	616	289.60	509.20
		264.50	617	620	291.00	511.20
		265.70	621	623	292.30	512.60
		267.00	624	627	293.70	514.60
		268.20	628	630	295.10	516.40
		269.50	631	634	296.50	518.90
		270.80	635	637	297.90	521.30
		272.10	638	641	299.40	523.90
		273.30	642	644	300.70	526.20
		274.60	645	648	302.10	528.70
		275.80	649	652	303.40	531.00
		276.60	653	656	304.30	532.60
		277.40	657	660	305.20	534.10
		278.40	661	665	306.30	536.00
		279.40	666	670	307.40	537.90
		280.40	671	675	308.50	539.80
		281.40	676	680	309.60	541.80
		282.40	681	685	310.70	543.70
		283.40	686	690	311.80	545.60
		284.40	691	695	312.90	547.50
		285.40	696	700	314.00	549.50
		286.40	701	705	315.10	551.40
		287.40	706	710	316.20	553.30
		288.40	711	715	317.30	555.20
		289.40	716	720	318.40	557.20
		290.40	721	725	319.50	559.10
		291.40	726	730	320.60	561.00
		292.40	731	735	321.70	562.90
		293.40	736	740	322.80	564.90
		294.40	741	745	323.90	566.80
		295.40	746	750	325.00	568.70
			751	755	326.00	570.50
			756	760	327.00	572.30
			761	765	328.00	574.00
			766	770	329.00	575.80
			771	775	330.00	577.50
			776	780	331.00	579.30
			781	785	332.00	581.00
			786	790	333.00	582.80
			791	795	334.00	584.50
			796	800	335.00	586.30
			801	805	336.00	588.00
			806	810	337.00	589.80
			811	815	338.00	591.50
			816	820	339.00	593.30
			821	825	340.00	595.00
			826	830	341.00	596.80
			831	835	342.00	598.50
			836	840	343.00	600.30
			841	845	344.00	602.00
			846	850	345.00	603.80".

(b) Section 203(a) of such Act is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for August 1972 on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection were applicable in January 1971 or any prior month in determining the total of the benefits for persons entitled for any such month on the basis of such wages and self-employment income, such total of benefits for September 1972 or any subsequent month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) an amount derived by multiplying the sum of the benefit amounts determined under this title for August 1972 (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), by 110 percent and raising such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for September 1972, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for June 1972, or".

(c) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

"(a) The primary insurance amount of an insured individual shall be determined as follows:

"(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

"(A) the amount in column IV of the following table on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

"(B) the amount in column IV of such table on the line on which in column II appears his primary insurance amount (as determined under subsection (c)); or

"(C) the amount in column IV of such table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)).

"(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table and in the following month became entitled to an old-age insurance benefit or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined)." (d) Section 215(b)(4) of such Act is amended by striking out "December 1970" each time it appears and inserting in lieu thereof August 1972".

(e) Section 215(c) of such Act is amended to read as follows:

"Primary Insurance Amount Under Act of March 17, 1971

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to June 1972.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before September 1972, or who died before such month."

(f) Section 215(f)(2) of such Act is amended by striking out "(a)(1) and (3)" and inserting in lieu thereof "(a)(1)(A) and (C)".

(g)(1) Section 203(a) of the Social Security Act (as amended by subsection (b) of this section) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) notwithstanding any other provision of law, when—

"(A) two or more persons are entitled to monthly benefits for a particular month on the basis of the wages and self-employment income of an insured individual and (for such particular month) the provisions of this subsection and section 202(q) are applicable to such monthly benefits, and

"(B) such individual's primary insurance amount is increased for the following month under any provision of this title,

then the total of monthly benefits for all persons on the basis of such wages and self-employment income for such particular month, as determined under the provisions of this subsection, shall for purposes of determining the total of monthly benefits for all persons on the basis of such wages and self-employment income for months subsequent to such particular month be considered to have been increased by the smallest amount that would have been required in order to assure that the total of monthly benefits payable on the basis of such wages and self-employment income for any such subsequent month will not be less (after the application of the other provisions of this subsection and section 202(q) than the total of monthly benefits (after the application of the other provisions of this subsection and section 202(q)) payable on the basis of such wages and self-employment income for such particular month."

(2) In any case in which the provisions of section 1002(b)(2) of the Social Security Amendments of 1969 were applicable with respect to benefits for any month in 1970, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q)) for the first month for which the provisions of such section 1002(b)(2) applied.

(h)(1)(A) Section 227(a) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20", and by striking out "$24.20" and inserting in lieu thereof "$26.70".

(B) Section 227(f) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20".

(2)(A) Section 228(b)(1) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20".

(B) Section 228(b)(2) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20", and by striking out "$24.20" and inserting in lieu thereof "$26.70".

(C) Section 228(c)(2) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$26.70".

(D) Section 228(c)(3)(A) of such Act is amended by striking out "$48.30" and inserting in lieu thereof "$53.20".

(E) Section 228(c)(3)(B) of such Act is amended by striking out "$24.20" and inserting in lieu thereof "$26.70".

(i) The amendments made by this section (other than the amendments made by subsection (g) and (h)) shall apply with respect to monthly benefits under title II of the Social Security Act for months after May 1972 and with respect to lump-sum death payments under such title in the case of deaths occurring after such month. The amendments made by subsection (g) shall apply with respect to monthly benefits under title II of such Act for months after May 1972.

AUTOMATIC ADJUSTMENTS IN BENEFITS AND THE CONTRIBUTION AND BENEFIT BASE

Adjustments in Benefits

SEC. 202. (a)(1) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Cost-of-Living Increases in Benefits

"(i)(1) For purposes of this subsection—

"(A) the term 'base quarter' means (i) the calendar quarter ending on June 30 in each year after 1972, or (ii) any other calendar quarter in which occurs the effective month of a general benefit increase under this title;

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A)(i), in which the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, such Index in the later of (i) the last prior cost-of-living computation quarter which was established under this subparagraph, or (ii) the most recent calendar quarter in which occurred the effective month of a general benefit increase under this title; except that there shall be no cost-of-living computation quarter in any calendar year in which a law has been enacted providing a general benefit increase under this title or in which such a benefit increase becomes effective; and

"'(C) the Consumer Price Index for a base quarter, a cost-of-living computation quarter, or any other calendar quarter shall be the arithmetical means of such index for the 3 months in such quarter.

"(2)(A)(i) The Secretary shall determine each year beginning with 1974 (subject to the limitation in paragraph (1)(B) and to subparagraph (E) of this paragraph) whether the base quarter (as defined in paragraph (1)(A)(i)) in such year is a cost-of-living computation quarter.

"(ii) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year (subject to subparagraph (E) as provided in subparagraph (B), increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual under this title (but not including a primary insurance amount determined under subsection (a)(3) of this section), by an amount derived by multiplying each such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior calendar quarter which was a base quarter under paragraph (1)(A)(ii) or, if later, the most recent cost-of-living computation quarter under paragraph (1)(B). Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply (subject to subparagraph (E)) in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, and in the case of lump-sum death payments with respect to deaths occurring after December of such calendar year.

"(C)(i) Whenever the level of the Consumer Price Index as published for any month exceeds by 2.5 percent or more the level of such index for the most recent base quarter (as defined in paragraph (1)(A)(ii)) or, if later, the most recent cost-of-living computation quarter, the Secretary shall (within 5 days after such publication) report the amount of such excess to the House Committee on Ways and Means and the Senate Committee on Finance.

"(ii) Whenever the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall notify the House Committee on Ways and Means and the Senate Committee on Finance of such determination on or before August 15 of such calendar year, indicating the amount of the benefit increase to be provided, his estimate of the extent to which the cost of such increase would be met by an increase in the contribution and benefit base under section 230 and the estimated amount of the increase in such base, the actuarial estimates of the effect of such increase, and the actuarial assumptions and methodology used in preparing such estimates.

"(D) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been most recently revised by another law or pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

"(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall reflect the year in which the primary insurance amounts set forth in column IV of the table immediately prior to its revision were effective.

"(ii) The amounts on each line of column I and column III, except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in each such column in the table immediately prior to its revision.

"(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

"(iv) The amounts on each line of column IV and column V shall be increased from the amounts shown in the table immediately prior to its revision by increasing each such amount by the percentage specified in subparagraph (A) of paragraph (2). The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (determined under section 230) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V of such table shall be extended. The amounts on each additional line of column III shall be the amounts on the preceding line increased by $5 until in the last such line of column III the second figure is equal to one-twelfth of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised. The amount on each additional line of column IV shall be the amount on the preceding line increased by $1.00, until the amount on the last line of such column is equal to the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the new contribution and benefit base for the calendar year following the calendar year in which such table of benefits is revised (as determined under section 230) over such base for the calendar year in which the table of benefits is revised. The amount on each additional line of column V shall be equal to 1.75 times the amount on the same line of column IV. Any such increased amount which is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(E) Notwithstanding a determination by the Secretary under subparagraph (A) that a base quarter in any calendar year is a cost-of-living computation quarter (and notwithstanding any notification or publication thereof under subparagraph (C) or (D)), no increase in benefits shall take effect pursuant thereto, and such quarter shall be deemed not to be a cost-of-living computation quarter, if during the calendar year in which such determination is made a law providing a general benefit increase under this title is enacted or becomes effective.

"(3) As used in this subsection, the term 'general benefit increase under this title' means an increase (other than an increase under this subsection) in all primary insurance amounts (but not including those determined under subsection (a)(3) of this section) on which monthly insurance benefits under this title are based."

(2)(A) Effective January 1, 1974, section 203(a) of such Act is amended by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or deemed to be in) section 215(a)".

(B) Effective January 1, 1974, section 203(a)(2) of such Act (as amended by section 201(b) of this Act) is further amended to read as follows:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for January 1972 or any prior month on the basis of the wages and self-employment income of such insured individual and the provisions of this subsection as in effect for any such month were applicable in determining the benefit amount of any persons on the basis of such wages and self-employment income, the total of benefits for any month after January 1972 shall not be reduced to less than the largest of—

"(A) the amount determined under this subsection without regard to this paragraph.

"(B) the largest amount which has been determined for any month under this subsection for persons entitled to monthly benefits on the basis of such insured individual's wages and self-employment income, or

"(C) if any persons are entitled to benefits on the basis of such wages and self-employment income for the month before the effective month (after September 1972) of a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under the provisions of section 215(i), an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title for the month before such effective month (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), for each such person for such month by a percentage equal to the percentage of the increase provided under such benefit increase (with any such increased amount which is not a multiple of $0.10 being rounded to the next higher multiple of $0.10);

but in any such case (i) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) or (C), and (ii) if section 202(k)(2)(A) was applicable in the case of any such benefits for a month, and ceases to apply for a month after such month, the provisions of subparagraph (B) or (C) shall be applied, for and after the month in which section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for the last month for which subparagraph (B) or (C) was applicable, or".

(3)(A) Effective January 1, 1975, section 215(a) of such Act (as amended by section 201(c) of this Act) is further amended—

(i) by inserting "(or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(D))" after "the following table" in paragraph (1)(A); and

(ii) by inserting "(whether enacted by another law or deemed to be such table under subsection (i)(2)(D))" after "effective month of a new table" in paragraph (2).

(B) Effective January 1, 1975, section 215(b)(4) of such Act (as amended by section 201(d) of this Act) is further amended to read as follows:

"(4) The provisions of this subsection shall be applicable only in the case of an individual—

"(A) who becomes entitled to benefits under section 202(a) or section 223 in or after the month in which a new table that appears in (or is deemed by subsection (i)(2)(D) to appear in) subsection (a) becomes effective; or

"(B) who dies in or after the month in which such table becomes effective without being entitled to benefits under section 202(a) or section 223; or

"(C) whose primary insurance amount is required to be recomputed under subsection (f)(2);"

(C) Effective January 1, 1975, section 215(c) of such Act (as amended by section 201(e) of this Act) is further amended to read as follows:

"Primary Insurance Amount Under Prior Provisions

"(c)(1) For the purposes of column II of the latest table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the month in which the latest such table became effective.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month."

(4) Effective January 1, 1975, sections 227 and 228 of such Act (as amended by section 201(g) of this Act) are further amended by striking out "$53.20" wherever it appears and inserting in lieu thereof "the larger of $53.20 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$26.70" wherever it appears and inserting in lieu thereof "the larger of $26.70 or the amount most recently established in lieu thereof under section 215(i)".

ADJUSTMENT OF THE TAX AND BENEFIT BASE

(b)(1) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ADJUSTMENT OF THE TAX AND BENEFIT BASE

"SEC. 230. (a) If the Secretary determines pursuant to subsection (i) of section 215 that an increase in benefits provided by subparagraph (A) of paragraph (2) of such subsection applies in the case of monthly benefits under sections 202 and 223 for months of a calendar year immediately following a cost-of-living computation quarter he shall also estimate the long-range additional level-cost (without regard to any estimated actuarial surplus which may exist at such time) of such benefits. He shall also determine the increase that is necessary in (1) the amount of earnings and self-employment income that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance and (2) the rate of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954, to meet the total of such level cost and the cost (not previously taken into account under this subsection) of increasing the exempt amount pursuant to section 203(f)(8) for years prior to the year in which such increase in benefits becomes effective so that one-half (or approximately one-half) of such total is to be met by the increase specified in clause (1) and the remainder is to be met by the increase specified in clause (2).

"(b) The tax and benefit base for the calendar year referred to in subsection (a) and all succeeding calendar years, prior to the first calendar year thereafter in which an increase in benefits authorized by subsection (i) of section 215 becomes effective, shall be the sum of the amount of earnings of individuals that may be counted for benefits under this title and that may be taxed under the Internal Revenue Code of 1954 for old-age, survivors, and disability insurance with respect to the calendar year immediately preceding the calendar year referred to in subsection (a) and the increase referred to in subsection (a), with such sum if not a multiple of $150, being rounded to the nearest multiple of $150; except that—

"(1) If prior to such first calendar year a law is enacted which provides that for any calendar year a different amount of earnings may be so counted and may be so taxed, such different amount shall be the contribution and benefit base for the calendar years specified in such law but only until the first calendar year thereafter for which an increase in benefits is authorized by subsection (i) of section 215; and

"(2) the contribution and benefit base for any year after 1973 and prior to the first calendar year in which the first increase in benefits pursuant to section 215(i) becomes effective shall be $10,200 or (if applicable) such other amount as may be specified in a law enacted subsequent to the date of this Act is enacted.

"(c) The Secretary shall allocate the increase in tax rates specified in clause (2) of subsection (a) of this section among the rates of tax specified in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 so that—

"(A) the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during a calendar year is equal to the rate of tax under section 3111(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) paid during such calendar year;

"(B) the rate of tax under section 1401(a) of such Code with respect to self-employment income (as defined in section 1402(b) of such Code) for any taxable year beginning during a period specified in such section 1401(a) shall be equal to 150 percent of the rate of tax under section 3101(a) of such Code with respect to wages (as defined in section 3121(a) of such Code) received during any calendar year occurring in such period.

After such allocation, the Secretary shall round any such tax rate, increased by reason of such allocation, to the nearest one-tenth of 1 percent.

"(d) At the time the Secretary publishes in the Federal Register the table required by section 215(i)(2)(D), he shall also publish in such Register—

"(1) the actuarial assumptions and methodology used in estimating the additional long-range level-cost referred to subsection (a), and

"(2) the tax and benefit base resulting pursuant to subsection (b), and

"(3) the amount of the increase in tax rates required pursuant to such subsection (a) and the allocation of such increase determined under subsection (b) (including any rounding authorized by such subsection).

"(e) For purposes of this section, and for purposes of determining wages and self-employment income under sections 209, 211, 213, and 215 of this Act and sections 1402, 3121, 3122, 3125, 6413, and 6654 of the Internal Revenue Code of 1954, the 'tax and benefit base' with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1972 and prior to the calendar year with the first month of which the first increase in benefits pursuant to section 215(i) of this Act becomes effective shall be $10,200 or (if applicable) such other amount as may be specified in a law enacted subsequent to the Social Security Amendments of 1972."

SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

SEC. 203. (a) Section 215(a) of the Social Security Act (as amended by section 201(c) of this Act) is further amended—

(1) by striking out "paragraph (2)" in the matter preceding subparagraph (A) of paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by inserting after paragraph (2) the following:

"(3) Such primary insurance amount shall be an amount equal to $10 multiplied by the individual's years of coverage in excess of 10 in any case in which such amount is higher than the individual's primary insurance amount as determined under paragraph (1) or (2).

For purposes of paragraph (3), an individual's 'years of coverage' is the number (not exceeding 30) equal to the sum of (i) the number (not exceeding 14 and disregarding any fraction) determined by dividing the total of the wages credited to him for years after 1936 and before 1951 by $900, plus (ii) the number equal to the number of years after 1950 each of which is a computation base year (within the meaning of subsection (b)(2)(C)) and in each of which he is credited with wages and self-employment income of not less than 25 percent of the maximum amount which, pursuant to subsection (e), may be counted for such year."

(b) Section 203(a) of such Act (as amended by sections 201(b) and 202(a)(2) of this Act) is further amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) whenever the monthly benefits of such individuals are based on an insured individual's primary insurance amount which is determined under section 215(a)(3) and such primary insurance amount does not appear in column IV of the table in (or deemed to be in) section 215(a), the applicable maximum amount in column V of such table shall be the amount in such column that appears on the line on which the next higher primary insurance amount appears in column IV, or, if larger, the largest amount determined for such persons under this subsection for any month prior to February 1971."

(c) Section 215(a)(2) of such Act (as amended by section 201(c) of this Act) is further amended by striking out "such primary insurance amount shall be" and all that follows and inserting in lieu thereof the following:

"such primary insurance amount shall be—

"(A) the amount in column IV of such table which is equal to the primary insurance amount upon which such disability insurance benefit is based; except that if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (whether enacted by another law or deemed to be such table under subsections (i)(2)(D)) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based. For purposes of this paragraph, the term 'primary insurance amount' with respect to any individual means only a primary insurance amount determined under paragraph (1) (and such individual's benefits shall be deemed to be based upon the primary insurance amount as so determined); or

"(B) an amount equal to the primary insurance amount upon which such disability insurance benefit is based if such primary insurance amount was determined under paragraph (3)."

(d) Section 215(f)(2) of such Act (as amended by section 201(f) of this Act) is further amended by striking out "subsection (a)(1)(A) and (C)" and inserting in lieu thereof "subsections (a)(1)(A) and (C) and (a)(3)".

(e) Whenever an insured individual is entitled to benefits for a month which are based on a primary insurance amount under paragraph (1) or paragraph (3) of section 215(a) of the Social Security Act and for the following month such primary insurance amount is increased or such individual becomes entitled to benefits on a higher primary insurance amount under a different paragraph of such section 215(a), such individual's old-age or disability insurance benefit (beginning with the effective month of the increased primary insurance amount, shall be increased by an amount equal to the difference between the higher primary increase amount and the primary insurance amount on which such benefit was based for the month prior to such effective month, after the application of section 202(q) of such Act where applicable to such difference.

(f) The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after December 1971 (without regard to when the insured individual became entitled to such benefits or when he died) and with respect to lump-sum death payments under such title in the case of deaths occurring after such month.

AUTOMATIC INCREASES OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 204. (a)(1) Section 209(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution 4230) with respect to employment has been paid to an individual during any calendar year after 1973 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;".

(2) Section 211(b)(1) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) For any taxable year beginning in any calendar year after 1973, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(3)(A) Section 213(a)(2)(ii) of such Act is amended by inserting immediately after "calendar year after 1971" the following: "and before 1974, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1973 with respect to which such contribution and benefit base is effective".

(B) Section 213(a)(2)(iii) of such Act is amended by inserting immediately after "calendar year after 1971" the following: "and before 1974, or an amount equal to the contribution and benefit base (as determined under section 230) which is effective for the calendar year in the case of any taxable year beginning in any calendar year after 1973".

(4) Section 215(e)(1) of such Act is amended by inserting immediately after "calendar year after 1971" the following: "and before 1974, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1973 with respect to which such contribution and benefit base is effective".

(b)(1) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraph:

"(G) for any taxable year beginning in any calendar year after 1973, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or".

(2) Effective with respect to remuneration paid after 1973, section 3121(a)(1) of such Code is amended—

(i) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(B) Effective with respect to remuneration paid after 1973, the second sentence of section 3122 of such Code is amended by striking out "the $9,000 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4) Effective with respect to remuneration paid after 1973, section 3125 of such Code is amended by striking out "the $9,000 limiitation" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413(c)(1) of such Code (relating to special funds of employment taxes) is amended—

(A) by inserting "and before 1973" after "after the calendar year 1971";

(B) by inserting after "exceed $9,000," the following:

"or (F) during any calendar year after the calendar year 1973, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting immediately before the period at the end thereof "and before 1974, or which exceeds the tax with respect to an amount of such wages received and such calendar year after 1973 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by inserting after "or $9,000 for any calendar year after 1971" the following: "or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1973 with respect to which such contribution and benefit base is effective".

(7) Effective with respect to taxable years beginning after 1973, section 6654(d)(2)(B)(ii) of such Code is amended by striking out an amount equal to the contribution and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1972. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1972. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1972.

CHANGES IN TAX SCHEDULES

SEC. 205. (a)(1) Section 1401(a) of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income for purposes of old-age, survivors, and disability insurance) is amended—

(A) by striking out "and" at the end of paragraph (3); and

(B) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 6.7 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1977, and before January 1, 2011, the tax shall be equal to 6.6 percent of the amount of the self-employment income for such taxable year; and

"(6) in the case of any taxable year beginning after December 31, 2010, the tax shall be equal to 7.0 percent of the amount of the self-employment income for such taxable year.

Such tax with respect to self-employment income for any taxable year shall be increased to accordance with the allocation made by the Secretary of Health, Education, and Welfare under section 230(c) of the Social Security Act."

(2) Section 3101(a) of such Code (relating to rate of tax on employees for purposes of old-age, survivors, and disability insurance is amended by striking out paragraphs (4) and (5) and inserting in lieu thereof *the* following:

"(4) with respect to wages received during the calendar years 1973 through 1977 the rate shall be 4.45 percent;

"(5) with respect to wages received during the calendar years 1970 through 2010, the rate shall be 4.4 percent; and

"(6) with respect to wages received after December 31, 2010, the rate shall be 5.3 percent.

Such tax with respect to wages received during any calendar year shall be increased in accordance with the allocation made by the Secretary of Health, Education, and Welfare under section 230(c) of the Social Security Act."

(3) Section 3111(a) of the such Code (relating to rate of tax on employers for purposes of old-age, survivors, and disability insurance) is amended by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) with respect to wages paid during the calendar years 1973 through 1977 the rate shall be 4.45 percent;

"(5) with respect to wages paid during the calendar years 1978 through 2010, the rate shall be 4.45 percent

"(6) with respect to wages paid after December 31, 2010, the rate shall be 5.3 percent.

Such tax with respect to wages reached during any calendar year shall be increased in accordance with the allocation made by the Secretary of Health, Education, and Welfare under section 230(c) of the Social Security Act."

(b) (1) Section 1401(b) of such Code (relating to rate of tax on self-employment incomes for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) in the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 0.9 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1977, and before January 1, 1982, the tax shall be equal to 1.1 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1981, and before January 1, 1991, the tax shall be equal to 1.2 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1990, the tax shall be equal to 1.3 percent of the amount of the self-employment income for such taxable year."

(2) Section 3101(b) of such Code (relating to rate of tax on employees for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages received during the calendar years 1973 through 1977, the rate shall be 0.9 percent;

"(3) with respect to wages received during the calendar years 1978 through 1981, the rate shall be 1.1 percent;

"(4) with respect to wages received during the calendar years 1982 through 1990 the rate shall be 1.2 percent;

"(5) with respect to wages received after December 31, 1990, the rate shall be 1.3 percent."

(3) Section 3111(b) of such Code (relating to rate of tax on employers for purposes of hospital insurance) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following:

"(2) with respect to wages paid during the calendar years 1973 through 1977, the rate shall be 0.9 percent;

"(3) with respect to wages paid during the calendar years 1978 through 1981 the rate shall be 1.1 percent;

"(4) with respect to wages paid during the calendar years 1982 through 1990, the rate shall be 1.2 percent;

"(5) with respect to wages paid after December 31, 1990, the rate shall be 1.3 percent."

(b) The amendments made by subsection (a)(1) shall apply only with respect to taxable years beginning after December 31, 1972. The remaining amendments made by this section shall apply only with respect to remuneration paid after December 31, 1972.

ALLOCATION TO DISABILITY INSURANCE TRUST FUND

SEC. 206. (a) Section 201(b)(1) of the Social Security Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "1969, and so reported" and inserting in lieu thereof "1969, and before January 1, 1973, and so reported, (E) 0.95 of 1 per centum of the wages (as so defined) paid after December 31, 1971, and before January 1, 1978, and so reported, (F) 1.10 per centum of the wages (as so defined) paid after December 31, 1977, and before January 1, 2011, and so reported, and (G) 1.5 per centum of the wages (as so defined) paid after December 31, 2010, and so reported,".

(b) Section 201(b)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting in lieu thereof "(D)", and

(2) by striking out "beginning after December 31, 1969," and inserting in lieu thereof "beginning after December 31, 1969, and before January 1, 1973, (E) 0.715 of 1 per centum of the amount of self-employed income (as so defined) so reported for any taxable year beginning after December 31, 1972, and before January 1, 1977, and (F) 0.825 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1977, and before January 1, 2011, and (G) 0.990 of 1 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2010,".

Amend the title so as to read: "An Act to provide for a four-month extension of the present temporary level in the public debt limitation, and for other purposes.".

Mr. BYRNES of Wisconsin (during the reading). Mr. Speaker, I wonder if on this particular amendment we may not dispense with the reading?

The SPEAKER. Does the gentleman ask unanimous consent to do so?

Mr. BYRNES of Wisconsin. I ask unanimous consent to dispense with further reading of the motion and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS of Arkansas. Mr. Speaker, the second amendment in which I have moved to recede and concur involves an increase in social security benefits of 20 percent across the board effective for the month of September 1972, payable in the check for early October and automatic benefit increases to protect against the cost-of-living rises in the future.

Before explaining the effect of the amendment, the financing which is involved—and financing is contained in the Senate amendment in sufficient amount—let me make clear my own position on this matter. I favor the 20 percent. I favor it for many, many reasons. One of the reasons is that under the provisions of existing law, and under the bill that we passed, H.R. 1, last year, we were establishing rates of tax at an early period in the future that were totally unnecessary, I concluded, on my further study of this whole matter, to finance the benefits that we were proposing to add to those in existing law. A 5-percent benefit increase was in H.R. 1. There were other increases that I thought were good for widows and others, but there was only a 5-percent across-the-board increase.

I suggested at that time that the Senate replace the 5-percent increase with the bill that I had introduced, providing for a 20-percent increase, because my bill contained in it a provision for taxes, taking into account adjustment of the level of wages sufficient to finance the 20 percent, plus all of the other features involving OASDI and HI that were contained in the House-passed version of H.R. 1.

I would be the last one, frankly, to want to get this program in a position where it was not actuarially sound. The actuarial soundness of OASDI, different from HI—that is the hospital insurance—is predicated upon assumptions of what will happen over a 75-year period. HI is predicated upon assumptions of what will happen over a 25-year period.

If we enact the 20-percent increase with the tax adjustments that are in my bill or in this amendment, I can assure the membership of this House that we will over that 75-year period take in each year more money than we will be paying out. We will not be taking in the excessive amounts over what we pay out, that we would under the provisions of existing law or under H.R. 1, if enacted.

Mr. Speaker, I am a little bit confused as to what the President has said, and the information that he has received about this matter, because I have a letter from the Secretary of HEW, who tells me that the bill that I introduced is actuarially sound. The administration opposes it because they preferred a lower level of percentage increase and a higher level of tax reduction. Both are contained in this amendment. If I have permission, I will include with my remarks these charts and tables at the conclusion of my remarks.

I ask unanimous consent to do so.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The material referred to follows:

TABLE 4.—IMPACT OF 20 PERCENT BENEFIT INCREASE ON BENEFIT LEVELS

	Monthly benefits		
	Present	20 percent	Increased benefits on an annual basis above present levels
Retired worker (average)	$134.00	$162.00	$336
Retired couple (average) monthly	224.00	271.00	564
Minimum	70.40	84.50	169
Worker with maximum earnings	216.00	259.00	516
Couple with maximum earnings	324.00	389.00	780
Widow (average)	114.00	137.00	276

TABLE 3.—OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE: PROGRESS OF THE OASDI AND HI TRUST FUNDS, COMBINED, UNDER THE SYSTEM AS MODIFIED BY A PROPOSED BENEFIT INCREASE OF 20 PERCENT ACROSS-THE-BOARD, EFFECTIVE FOR SEPTEMBER 1972, CALENDAR YEARS 1972–77

[Dollar amounts in billions]

Calendar year	Income	Outgo	Assets, end of year	Assets at end of year, as percent of outgo in— Current year	Following year
1972	$46.2	$43.2	$43.4	100	84
1973	52.2	51.6	44.0	85	81
1974	58.1	54.2	48.0	89	81
1975	62.8	59.2	51.6	87	83
1976	66.2	62.1	55.7	90	82
1977	71.6	68.2	59.1	87	83

Note: The proposal provides for an OASDI contribution rate of 4.6 percent in calendar years 1972–77; automatic cost-of-living increases in cash benefits after September 1972; contribution and benefit base of $10,800 in 1973, $12,000 in 1974, with automatic adjustment to increases in earnings levels thereafter.

* * *

TABLE 2.—SOCIAL SECURITY TAXES PAID BY WORKERS AT VARIOUS EARNINGS LEVELS UNDER PRESENT LAW AND UNDER SENATE AMENDMENT

Worker earnings	Taxes for cash social security		Total taxes including medicare	
	Present law	Senate amendment	Present law	Senate amendment
1973:				
$2,000	$100	$92.00	$113.00	$110
$3,000	150	138.00	169.50	165
$4,000	200	184.00	226.00	220
$5,000	250	230.00	282.50	275
$6,000	300	276.00	339.00	330
$7,000	350	322.00	395.50	385
$8,000	400	368.00	452.00	440
$9,000	450	414.00	508.50	495
$10,000	450	460.00	508.50	550
$11,000	450	496.80	508.50	594
$12,000	450	496.80	508.50	594
1974:				
$2,000	100	92.00	113.00	110
$3,000	150	138.00	169.50	165
$4,000	200	184.00	226.00	220
$5,000	250	230.00	282.50	275
$6,000	300	276.00	339.00	330
$7,000	350	322.00	395.50	385
$8,000	400	368.00	452.00	440
$9,000	450	414.00	508.50	495
$10,000	450	460.00	508.50	550
$11,000	450	506.00	508.50	605
$12,000	450	552.00	508.50	660

TABLE 1.—SOCIAL SECURITY TAX RATES, PRESENT LAW AND PROPOSED SENATE AMENDMENT

	Employee-employer, each			Self-employed		
	OASDI percent	HI percent	Total percent	OASDI percent	HI percent	Total percent
Present law:[1]						
1972	4.60	0.60	5.20	6.9	0.60	7.50
1973–75	5.00	.65	5.65	7.0	.65	7.65
1976–79	5.15	.70	5.85	7.0	.70	7.70
1980–86	5.15	.80	5.95	7.0	.80	7.80
1987 and after	5.15	.90	6.05	7.0	.90	7.90
Proposed Senate amendment:[2]						
1973–77	4.6	0.9	5.5	6.9	0.9	7.8
1978–85	4.5	1.0	5.5	6.7	1.0	7.7
1986–92	4.5	1.1	5.6	6.7	1.1	7.8
1993–2010	4.5	1.2	5.7	6.7	1.2	7.9
2011 and later	5.35	1.2	6.55	7.0	1.2	8.2

[1] Tax rates apply to annual earnings up to $9,000.

[2] Tax rates apply to annual earnings up to $10,800 in 1973, $12,000 in 1974, subject to automatic adjustment beginning in 1975.

Under present law, a person with $2,000 earnings pays $113 social security tax. Under this amendment he will pay $110. A person with $3,000—and I am talking about the total tax including medicare—under present law pays $169.50. Under this amendment it will be $165. That continues to be less under the amendment than existing law in the year 1973 until you get to an income level of $9,245. When you get to that level, because of the increase in the amount of one's earnings subject to the tax rate the individual begins to pay more. That individual now, under present law, would pay $508.50 and under the Senate amendment would pay $550, and so on.

In the year 1974 the same is true. Under the proposed amendment I am asking the House to recede and concur in, in the year 1974 in each category of income, that is, $2,000, $3,000, $4,000, $5,000, $6,000, $7,000, $8,000, and $9,000, the individual will pay less tax if we agree to the Senate amendment than he would pay under the provisions of existing law. At $10,000 he would pay more. That is the effect of the change in the income that the individual may have which is subject to the rate of tax.

Let me show you again, Mr. Speaker, what the percent is—the tax rate itself is—under present law for OASDI and for HI in total. For the year 1972 it remains the same, 5.2; for the years 1973 through 1977 the total rate under the Senate amendment is 5.5. Under the present law the rate between 1973, 1974, and 1975 is 5.65, a higher rate. Then in 1976 the rate through 1979 is 5.85 under present law. From 1978 through 1985 this rate remains at 5.5 under the amendment. Then in 1986 through 1992 it goes to 5.6. But under the provisions of existing law that rate has already gone up in the year 1987 to 6.05, and it is only when you get to the year 2011 and later on that the tax rate under the amendment exceeds the rate under present law. Why that year? Because that is the year when a great number of your post-World War II babies will begin to retire and receive social security retirement benefits—that is when you need the higher rate. Then the rate will be higher by one-half of one percent than it was in 1987.

Not only have we reduced the rates for those at the lower levels of income, but we are also postponing under this amendment the rates of tax that are in effect now and the even higher rates that would go in effect if H.R. 1 were passed.

So I say I think that the President has received some misinformation about the effect of the Senate amendment on the taxpayers of the United States, as I understood him in his press conference last night.

Mr. STRATTON. Will the gentleman yield?

Mr. MILLS of Arkansas. I will be glad to yield to the gentleman.

Mr. STRATTON. I would like to ask the chairman of the committee do I understand that the Church amendment is also the gentleman's own proposal and similar to his own proposal and we have a different version from the conference in the original Church amendment?

Mr. MILLS of Arkansas. The Church amendment is effective September 1. The bill I introduced back in February has an effective date of June 1.

There is about the same period of time, between June and September, as between February and June. The gentleman can look down the road a little bit, as I looked down the road.

The tax rates differ because the bill I introduced, provided for the raise in taxes necessary for the 20-percent increase in lieu of the 5, and for all of the other benefits which were included in H.R. 1, as passed by the House. There we provide for the taxes to finance what is proposed. The Senate amendment only provides a tax rate and a tax base sufficient to finance the provisions of the existing law plus the 20-percent benefit increase.

Mr. STRATTON. That is the proposal that the conferees bring back to the House?

Mr. MILLS of Arkansas. That is what I am urging that we recede and concur in.

Mr. BYRNES of Wisconsin. Mr. Speaker, if the gentleman will yield, is it the intention of the gentleman from Arkansas to yield time over here, because I do have some requests for time.

Mr. MILLS of Arkansas. I will yield the gentleman from Wisconsin such time as the gentleman wants within the limits of my time. Is the gentleman from Wisconsin prepared to use some of that time now?

Mr. BYRNES of Wisconsin. The gentleman will state that he is so prepared.

Mr. MILLS of Arkansas. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, to appear here as a member of the Committee on Ways and Means, to discuss a matter of this importance with so little information for the members of the committee, of the House, or of the Congress, is something that I thought I would never have to experience in my service in this House.

This is no way to treat vitally important legislation.

Some may call what we are doing here today cute politics. I call it irresponsibility. Make no mistake, this procedure is playing fast and loose with the integrity of the social security system on which 27 million people depend today, and into which some 94 million people are today paying taxes in the expectation of receiving a floor of protection against a loss of earnings due to retirement, disability, or death.

This is an unfortunate way to treat that system for which we are responsible. We have hastily tied three complicated issues to the debt ceiling legislation which must become law by next Thursday or the machinery of government will come to an abrupt halt.

We will not be able to transact Government business unless we extend the present ceiling. All checks will stop. The sales of savings bonds will stop. Bond redemptions will stop unless an extension is provided.

If you insist on voting a 20-percent social security increase without any study by the Ways and Means Committee or the House of the soundness of the fundamental concepts involved in the financing provided it may well mark a turning point in the capacity of the social security system to respond with equity to the needs of our older people, and to the needs of those who are paying taxes today in anticipation of receiving benefits in the future.

We talk today about high taxes. But think of what is being attempted here today—holding the entire operation of Government hostage to an increase in social security taxes.

Yes, the whole machinery of Government would be held hostage to partisan politics. We might just as well admit it. There is no use glossing over the fact.

We insist on tying a social security increase to legislation that is absolutely essential to the operation of Government and then we immediately cut and run, because the motion or a resolution to recess this Congress and get out of town will be the next order of business.

Let me make this clear. I want to talk about the social security aspect of this. We all know what is involved in the debt ceiling legislation. That passed this House and it passed the Senate—there was no disagreement on that. We did not have to go to conference on it.

The amendments that were added in the Senate have brought us here today.

At no point has there been a study by the Ways and Means Committee of the new method of financing that has produced the "windfall" that now is going to be used for the 20-percent benefit increase. Not one word of testimony in public or executive session has been received on this subject. This fundamental change in the criteria by which the soundness of the social security trust fund has been measured for one-third of a century is being adopted willy-nilly by the Congress without even a cursory review. And by enacting a 20-percent increase rather than the 10 percent I am proposing, you preempt tax resources that otherwise would be available for creating greater equity in our social security system.

A number of proposals for creating greater equity were approved overwhelmingly by this body more than a year ago. A good share of them were approved by the Senate Finance Committee, with some additions. These amendments provide greater equity to widows, the disabled, working women, and those supplementing their retirement by working. And these are going to come back to us, I hope, because they are certainly needed. But you are then going to have to impose increased taxes for every penny in increased benefits.

Despite the subterfuge and political chicanery underlying this discussion about tax increases, the American people will not be fooled. If we are going to pay out 20 percent more in benefit dollars, someone will have to pay 20 percent more in tax dollars than they otherwise would have to pay. It is that simple. The new methodology, while permitting some manipulation, does not change this fact. And let me point out that the hasty procedures employed here are completely inconsistent with the caution with which we should approach these new proposals.

It is very interesting that the actuary who was with this system from the beginning, Robert J. Myers, is no longer with the Social Security Administration. He is the greatest authority on the actuarial basis of the system and the man to whom our committee, the Senate Finance Committee, and the entire Congress have turned through the years for counsel and expert advice.

Mr. Myers has commented on the new cost estimates for cash benefits which we have based on the increased earnings assumption.

He is speaking as the man who knows more about our system than any other man in this country, and this is what he said about the new methodology using dynamic earnings:

> This would be unsound actuarial procedure even if automatic adjustment provisions are adopted. What it would mean, in essence, is that actuarial soundness would be wholly dependent on a perpetually continuing inflation of a certain prescribed nature—and a borrowing from the next generation to pay the current generations benefits, in the hope that inflation of wages would make this possible.

That is the system of financing that this 20-percent increase is predicated on. And we have not studied this at all in the Ways and Means Committee.

By adopting this proposal, we would be saying to the President, "You either sign what we are sending to you, take a bad and unknown course, or else we are going to stop the whole function of government."

What could be more irresponsible?

Today we wonder why we hear expressions of disenchantment with the Congress of the United States. I do not think we need wonder any longer when we sit here and conduct our business in this fashion. How can we help but bring about a disrespect for our actions when we treat such serious questions in such a cursory fashion? We are contemplating taking steps that can lead us into very serious problems as far as this system and the many people involved in it are concerned.

This is not merely a matter of a 10-percent benefit rise or a 20-percent benefit rise. This is a matter of what you are going to be able to do for widows who, under existing law, are in an unfortunate situation, because when they apply for benefits at age 65, they are entitled to only 82½ percent of the benefit their husbands would have received had they lived. In H.R. 1 we raised that amount so a widow would receive 100 percent of the amount her husband would have received.

And what happens to the retirement test liberalization that we voted last year so that an older person can earn at least $2,000 a year before his social security benefits are reduced? How many people have you heard complaining about the existing earnings limit of $1,680 a year? Yet that is one of the things which, in my judgment, would be killed by taking all the money that may be available and putting it into a one-shot across-the-board benefit boost.

Let me remind some of the ladies, especially my friend from Michigan (Mrs. GRIFFITHS) that we provided in H.R. 1 for a system under which certain married couples could have their benefits computed on the basis of their combined earnings.

But you would jeopardize that provision by the proposal before us. You would use up tax resources resulting from increases you have placed in here. Are you going to want to come in and raise them further? That is what you will have to do to provide any of these benefits.

I could go on to cite some $5 billion of benefits that you are surrendering, that we all agreed are advisable and essential to bring greater equity into the system.

What about medical care for the disabled? Last year we instituted—at the behest of the chairman primarily, and I concurred—a provision that would expand medicare to those who have been eligible for social security disability payments for at least 2 years, on the ground that these people need medicare coverage as much as those who have retired under social security. But this, too, would be placed in jeopardy by the action proposed today.

Mr. Speaker, I have proposed that we provide an increase in social security benefits of 10 percent at this time. We would not then preempt all of the tax resources available.

We could then see what we do with the other 10 percent, when we have the time, as we will have, and as the Senate considers further the legislation (H.R. 1), which we have sent to them to amend the Social Security Act.

Let us see what is more important, to use the full 20 percent for a one-time-only, across-the-board increase or perhaps correct some of the inequities that exist in the system along with at least a 10-percent benefit increase.

We should do this in a calmer moment and not just engage in partisan politics. Would it not be more responsible to say yes, we agreed a year ago to give these beneficiaries 5 percent by June 1? It is only because the Senate did not act that they do not have at least that 5 percent added to the checks they will be getting next week. They could have had it if the Senate had acted. And perhaps we should raise benefits now another 5 percent—bringing it to 10 percent—because there has been a continuing increase in the cost of living. But let us save the other 10 percent and balance it against equity considerations. We can do that if the Members will vote for the amendment I have offered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

CONFERENCE REPORT ON H.R. 15390, EXTENSION OF TEMPORARY LEVEL OF PUBLIC DEBT LIMITATION

Mr. MAZZOLI. Mr. Speaker, will the gentleman from Arkansas yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the chairman for yielding. The chairman and I had a short conversation in which the chairman tried to explain a situation which occurred to me in reading the CONGRESSIONAL RECORD, which I studied today in preparation for today's vote. If the chairman will yield for a moment, I would like to read a short colloquy between Senator CHURCH and Senator CURTIS with relation to the tax rates. As I understood the chairman tonight, the situation is that next year the tax bite out of each earning category would be less.

Mr. MILLS of Arkansas. Not out of each, but just up to $9,245.

Mr. MAZZOLI. Up to $9,245?

Mr. MILLS of Arkansas. For $9,245 in earnings, the rate under the Senate amendment is lower. That is done up through even $9,245. Each individual who earns less than that amount will pay less tax for social security, including medicare, than he will under the provisions of the present law.

Mr. MAZZOLI. Mr. Speaker, if I can quote just a short portion from that page.

Mr. MILLS of Arkansas. I have gone over that myself, and I am not persuaded by anything that is said on the Senate floor that my tables are wrong. Senator Church said he did not have the information. I do have the information, and I have it here in the form of a table I have just inserted in the Record, so I can assure the gentleman the table is correct.

Mr. KYL. Mr. Speaker, will be gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, a moment ago, the gentleman spoke of the rates that would be charged the employees under the Church amendment.

Mr. MILLS of Arkansas. And the employers.

Mr. KYL. And the employers' rates will remain exactly as they are?

Mr. MILLS of Arkansas. No, the rates I gave the gentleman are the rates that are paid by the employee and by the employer.

Mr. KYL. They are consistent in each instance?

Mr. MILLS of Arkansas. Oh, yes. They are exactly the same in each instance.

Mr. CONABLE. Mr. Speaker, will the gentleman yield to me a few minutes?

Mr. MILLS of Arkansas. I am glad to yield the gentleman 5 minutes.

Mr. CONABLE. Mr. Speaker, I should like to associate myself with the remarks of the gentleman from Wisconsin, who is indeed the conscience of this House. We regret his imminent departure. I believe we are going to miss him a great deal.

Mr. Speaker, the way in which this bill has been handled represents shabby politics, demeaning to the Congress. Cynically relying on an assumed Pavlovian reaction of Representatives who naturally and instinctively sympathize with the older and more dependent elements among their constituencies, our leaders have presented us with a blind 20-percent increase vote which could mark the beginning of the end for a system on which 90 million workers and 27 million beneficiaries have relied. Social security is too important to be casually stripped of its vitality. Too many people depend on it.

In effect the chairman says, in recommending this increase on the basis of the new dynamic actuarial assumptions that "all the experts agree." I will not dwell on the question of whether the experts in HEW are entitled to our confidence. I say only that we in the Congress are not entitled to the confidence of the American people if we allow ourselves to be stampeded into this vote without any prior consideration of these two questions:

One. Should we without hearings change the actuarial assumptions of the past 37 years, mortgaging future earnings increases to pay current benefits?

If the answer to the first question is in the affirmative, the second question should be: Should we use the resulting actuarial windfall to give an across-the-board 20-percent benefit increase, or should we also consider a mix of potential benefits, including such things as higher minimum payments, a different weighting of the benefit schedule, a higher earned income limitation, more equity for working wives, better widows' benefits, a lower retirement age in this time of high unemployment, or even a lower payroll tax?

Perhaps the 20-percent increase is the best thing we can do with such an alleged windfall. Nobody knows. No committee of the Congress has considered it.

These other reforms will not be possible for a long time if we act now because we fear the short-term political consequences of holding off until some responsible congressional committee, somewhere, can look at them.

We have voted for a 25-percent total increase in benefits during the past 3 years, yet I am dismayed to have to vote against a 20-percent increase for my elderly friends at home tonight. I respect them and their problems too much not to be dismayed.

I regret having to resist this specific measure which would give them temporary relief, but the way in which it had been manipulated leaves me no choice.

I will not vote against the 90 million people whose dependence has properly been placed in a sound social security system until now. I respect their investment and the dignity of their labor too much for that.

I will not vote against my own self-respect as a legislator by being a part of this charade beyond what is necessary to register my protest at being used by political cynics.

I urge any of the rest of my colleagues who feel as I do to vote "no" on the 20-percent benefit increase, to follow the lead of the gentleman from Wisconsin, when the time comes.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the 20-percent increase in social security benefits which is included in the conference report before us today.

This increase is long overdue and urgently needed by the millions of Americans who have spent too long in poverty as a result of inactivity by both the administration and the Congress. The elderly in our society have earned the right to a decent and dignified retirement.

The increase which will pass today guarantees minimum income of $84.50 per month. Mr. Mills estimated in February when he first introduced the increase—which I endorsed—that the 20-percent increase along with other benefits of H.R. 1 would increase the average benefits from $133 to $162 per month for the retired worker, from $222 to $269 for aged couples and from $144 to $153 for aged widows.

I cannot say these amounts are adequate; but they are substantially better than what has gone before.

Our task now is to consider the real intent behind our social security system, the function it now serves and the function it should serve in the future. Originally, social security was conceived as a means of supplementing retirement income based on pensions or savings. With inflation and unemployment, however, the system weakens and social security is now the only source of income for millions of retired persons.

Last February, Mr. Mills spoke to that point saying—

> Although about half of the workers in the country are covered by private pension plans very few of the retired workers are actually getting private pension payments. Only 21 percent of the couples receiving social security and 8 percent of the nonmarried beneficiaries also received private pensions.

Even with other Federal benefits, only 30 percent of the couples and 14 percent of the other beneficiaries have a second pension.

This means about 70 percent of social security recipients nationwide depend on social security as their single source of income.

As a result there are 5 million Americans 65 and over living in poverty—20 percent of the poor of this Nation.

Over five times as many Americans—27 million or one out of every eight—receive social security. There are 731,163 recipients in my State of Massachusetts alone.

Ninety-three percent of those people 65 and over are eligible for benefits.

Though the need is very great, the solutions are often obscured.

In his televised press conference last night, the President claimed that the expense of the new ceiling increase in payroll taxes to $12,000 would make the 20-percent increase in benefits insignificant because it would consume the increased income received by the taxpayer as a result of the 1969 tax cuts and would cause inflation which would, in turn, increase prices and thus absorb any benefits of the extra money.

First, it is the contention of Wilbur Mills, chairman of the House Ways and Means Committee as well as the Social Security Advisory Committee, and I agree with them, that first, the system can absorb the additional costs without any detriment to the social security trust fund, and second, it is my belief that the President is merely glossing over the larger questions of whether or not there should be a payroll tax at all—whether the system should be organized along other lines.

Under the Mills-Church amendment, 70 million of the 94 million wage earners in the United States will pay lower social security taxes in 1973 than they would under the presently scheduled H.R. 1 tax levels for 1973. In 1972, there would be only a slight increase. Moreover, benefits will increase to 8.5 billion for the 27.8 million social security beneficiaries. The Mills statement of February 23, 1972, details the tax scales at which this is possible.

More importantly, however, Joint Economic Committee sources claim that it is perfectly possible for the Government to pay out a 20 percent increase in social security cash benefits without exceeding the money in the social security trust fund, even without payroll tax increase. The question then becomes why has the Government proposed a 5 percent increase when the money is available under a 20 percent increase? The answer is simple: The Treasury wants to use the 15 percent for something else. A major problem of social security therefore, revolves around the trust fund system itself.

Social security funds are collected by the Treasury and earmarked for the social security trust fund. Social security trust funds, however, are not distinguished from all Government funds and revenues commonly called the unified budgeting accounting system. It is very easy for the Government to use trust fund money for other purposes.

Ideally, the trust fund should be abolished and social security collected and distributed as are general revenues. That way, contribution would reflect ability to pay and distribution would reflect need. Unfortunately, because the traditional attitude toward the system is that of a sacred cow, the system has been neglected as a vital income reserve for millions of needy Americans. Instead, it is something of a piggy bank.

The 20 percent increase would utilize the money in the trust fund allotted to social security contributors and, because the bill would never pass without it, raise the payroll tax ceiling to $12,000 and thereby make it more difficult for outside sources to use trust fund money.

The amendment would make it possible for our elderly to receive what they originally contributed.

Last October 1971, I introduced legislation which would have removed the $7,800 ceiling on taxable income while granting workers personal exemptions and a low income allowance equal to those allowed on the Federal income tax. This proposed reform would lower taxes for 63 million wage earners, while raising taxes for 8 million high-income wage earners. Every family of four with an income under $14,500 would have paid less social security taxes as would every single worker who earns under $12,000.

At that time, I emphasized as I do today, that there is no relationship between the social security tax and the ability to pay. The poor pay a higher percentage of their income than do the wealthy.

The tax is regressive, the trust fund is discriminatory, and the entire social security system needs to be reformed.

The legislation we are voting on today marks the culmination of many months of effort within the Congress toward an increase in social security funds. There are, however, other aspects of the social security system which need to be changed.

For example, in this Congress alone, I have cosponsored several bills which would have provided between a 5-percent and a 50-percent increase in social security, would increase the earned income ceiling to $2,400 per year, and would include prescription drugs and other items and services under the hospital insurance program. These problems must be faced by the Congress this year, and I hope that they will be dealt with quickly.

Earlier this week, I voted against the debt-limit ceiling because of my opposition to the huge expenditures of the Vietnam war which have helped to increase our debt so greatly. The social security increase, however, is part of the debt limit conference before us, and I will vote for it. Incidentally, it is particularly ironic that the Government, which spends the most, and social security recipients, who receive the least, should come together for funding in the same bill.

The social security increase is necessary and fair and it must be enacted. I urge my colleagues to join me in voting for this increase.

Mr. GOLDWATER. Mr. Speaker, in the rush to hike social security benefits by 20 percent, the House should realize that we are leaving literally millions of persons in the dust, people who will see little or none of the increase we are now considering.

There are, for example, some 1.1 million persons in the United States who are receiving both social security and old-age assistance benefits. As the social security payments to these individuals go up, their old-age assistance payments go down. Thus while other social security recipients will see a 20-percent increase in their monthly checks others will see no net gain at all. The same is true for those now receiving veterans' benefits and many other forms of State and Federal aid.

Thus, while we pat ourselves on the back for substantially increasing social security payments to the elderly we ought to keep in mind that millions of persons will never receive these benefits unless we act quickly to see that the other forms of assistance which these individuals receive are not cut accordingly.

I call the Members' attention to H.R. 10842 a bill which I have introduced previously and which has been awaiting action by the Committee on Ways and Means for over 9 months.

This bill would prevent future increases in retirement or disability benefits under Federal programs from being taken into consideration in determining a person's need for aid or assistance under any Federal-State public assistance programs. A similar bill is pending in the Senate, S. 3328. This bill, or one like it, must be given early consideration if we are to make sure that this and future social security increases are received by all who need it.

Mr. MINISH. Mr. Speaker, having long championed improvements in the social security system that would make it worthy of its name, I am grateful that the debt ceiling extension bill now before the House contains a Senate-approved amendment providing a long overdue 20-percent increase in social security benefits. This is the minimum acceptable increase; a lesser amount would be grossly inadequate in alleviating the plight of our Nation's elderly, one-third of whom exist below the poverty level.

I am dismayed at the President's statement in his press conference last evening that he fears a 20-percent boost in social security benefits could be inflationary. I urge the House to dismiss these unfounded fears and to approve this increase without further delay. The vast majority of our pensioned citizens have been hard hit by the administration's unwise economic policies that are responsible for the continued inflationary pressures. They are the victims, not the beneficiaries, of those policies. A 20-percent increase would raise the average monthly benefits for a single retired person from $133 to $161 monthly; for a couple, from $233 to $270. This modest boost in their incomes would scarcely enable our retirees to indulge in an orgy of spending or even to enjoy a suitable standard of living in our affluent society. It would, however, provide a modicum of relief from the gnawing financial anxiety that accompanies what we euphemistically refer to as the golden years. It would help tenants meet the excessive rental increases permitted under the rent control program, and homeowners meet their ever increasing property taxes.

The administration has acted with commendable swiftness in meeting the tragic conditions caused by the recent hurricanes. But I would remind the administration that other types of catastrophes likewise warrant prompt action—the long, quiet tragedy of the elderly who find themselves after years of hard work with inadequate resources to meet their minimum needs.

Their productive years helped make possible the opportunities and advantages available to the younger members of our society. They have the right to the concern and compassion of the society to which they have contributed so much and from which they are so largely excluded in their later years. We must ease the infirmities of age; we must provide safeguards against the hazards leading to destitution or dependency. A boost in benefits, so vigorously opposed by the administration, is only the first step in updating the social security system. Much more is required to assure our people that they may look forward after a lifetime of work to retirement in comfort and dignity. Mr. Speaker, I urge our colleagues to press for enactment of major reforms in the social security and medicare programs. I am pleased that the amendment before us, in addition to the increase, provides for an automatic cost-of-living adjustment. This is vitally important if social security beneficiaries are not to continue to fall behind in the race with living costs. Of course, they are entitled to more—they should be able to participate in the Nation's increased standard of living. Effective means of keeping benefit levels more in line with other incomes must be considered.

I also strongly recommend that the "retirement test" be liberalized so that individuals may earn at least $2,500 without loss of benefits. Another essential need is coverage of prescription drugs under medicare.

These and other reforms would be a long step toward the kind of social security system that American people should have. Solicitude for the problems of the elderly expressed at the White House

Conference on Aging must be translated into action. I trust the House will pass the increase before us today, and that the Senate will take up shortly the social security amendment approved by the House last year. We can and must make life better for our retirees.

Mr. LLOYD. Mr. Speaker, a 20-percent increase in social security benefits presents many problems to the Federal Government and especially the overburdened American taxpayer. These problems must be balanced against the needs of our senior citizens, to whom we owe so much.

The increase could help revive the inflationary fires which the President is endeavoring to extinguish.

Federal income taxes, property taxes on homes and automobiles, State income taxes, sales taxes, and the present social security taxes have become such a burden that we face a taxpayers revolt, and a demand for responsible spending. Certain segments of the population are especially hard hit by increases. The increased benefits would be one-third financed by application of the scheduled contribution rate to those in the upper income brackets, that is, those of middle income—the working man, the families who are already strained. Social security taxes will be raised for everyone in 1973.

The social security trust fund would be reduced by one-fourth and the reserves cut from their present 1 year to 9 months. Once we had a 3-year reserve; it was reduced to 1 year, and now to 9 months. The reserve cannot be forever used to help finance increases.

Nevertheless, the 7 million senior citizens who are under or within 25 percent of the Federal designated poverty level cry out for relief. We cannot ignore the fact that one in three of our citizens over 65 fall within this category.

A 20-percent increase in benefits would raise 1.4 million of those citizens from the ranks of poverty, plus an additional one-half million under 65 who receive social security benefits due to disablement or other causes.

H.R. 1, which passed the House last June, would have raised benefits in addition to providing for sweeping welfare reform, but the bill has still not reached the Senate floor. When it does reach the floor, the controversy which surrounds it may delay it still longer, perhaps preventing passage during this Congress. In the meantime, those on social security await relief which never arrives. Inflation has worsened their lot, since those hardest hit by inflation are those with fixed income—the elderly and disabled on social security.

The increase also contains a mechanism for keeping benefits in line with increases in prices, financed by the maximum amount of earnings taxed rising as overall earnings rise over time.

I cannot ignore my responsibility to the aging citizens of our country. Therefore, I support the 20-percent increase in benefits despite the difficulties which I have stated.

Mr. MADDEN. Mr. Speaker, the Senate is to be commended for reporting out the long-awaited 20-percent increase in social security.

The executive department and the Congress have indeed been negligent in not keeping pace with inflation and the high cost of living which has brazenly increased in the last 3½ years. On a general basis it is estimated that the increased cost-of-living average in that period of time has been 16.5 percent. This increase is a general yardstick which comprises all necessities which the public needs in annual purchases. Every American housewife will testify that necessities and the price of food in the supermarkets have gone higher than the average 16.5-percent inflation.

As the years pass the population increases, and naturally the percentage of the elderly people throughout the Nation, on account of medical science, has increased far more than existed 25 to 30 years ago. Approximately 20 million old folks above the age of 65 are fighting a losing battle against the high cost of living in America today. Over one-third of these elderly are in poverty or near the poverty line. It has been testified at congressional hearings that over 5 million elderly over 65 are below the poverty line. The poverty line for single persons is designated at $1,700 per year and for couples $2,100 per year. During recent years the spreading inflation has reduced the poverty line at approximately 6 percent each year.

Millions of unemployed and part-time employed, along with the elderly population are facing increased shortage in housing, nursing homes, and hospital facilities, et cetera.

The Congress has been diligent in the past in its effort to relieve the financial burdens which have fallen on the backs of a large segment of our population. I might mention that the tax reform bill of 1969 helped millions in the lower brackets from the tax rolls—the housing and urban act aided the middle and low income older Americans—legislation barring age discrimination in employment—programs for the elderly at Federal and State levels—increased railroad retirement legislation—medicare and medicaid, et cetera, all have been helpful for the lower income brackets. It has been 4 years since an increase in social security by the Congress in spite of the 16.5-percent cost of living. If the 20-percent increase in social security is enacted today it will remove approximately 2 million of our citizens from welfare aid.

Chairman MILLS of the Ways and Means Committee has stated that a 20-percent increase could be financed on a conservative and sound actuarial basis. Chairman Nelson Cruikshank, president of the National Elders Council, testified that citizens over 65 years of age comprise 25 percent of the Nation's population today.

Millions of citizens, including our elderly, have waited 10 months for action on H.R. 1 which passed the House of Representatives last July—1 year ago. This legislation is still awaiting action in the Senate. During this time Congress voted tax cuts for industry, corporations, and conglomerates to the extent of approximately $8 billion, we are still dormant on repealing fabulous and in some cases, fraudulent tax loopholes. I do hope before we recess pending the Fourth of July period we can relieve the needy citizens from the high cost of living and the inflationary scourge. Forty-eight Senators have cosponsored this legislation for a 20-percent social security increase and several more who are not cosponsors of the bill have voted for its passage. I do hope the House of Representatives acts favorably on this long-awaited social security increase by a large majority.

Mr. VANIK. Mr. Speaker, today's action of the Congress raising social security benefits by 20 percent, will go a long way in providing our elderly with a chance to catch up to the runaway cost of living.

The cost-of-living increase is particularly burdensome to the elderly who are more dependent on special foods—usually at higher cost. The cruel impact of inflation is most serious to those of low income. A cost-of-living increase has a multiplied effect on the elderly.

The increase in social security is actuarily sound and can be made with very little impact upon payroll taxes.

The new actuarial assumptions will permit financing a 20-percent increase and with tax rates only slightly above the existing OASDI/HI rate of 5.2 percent. The highest tax rate under this schedule during this century would be 5.7 percent, and this would occur in 1993.

Compared with the scheduled increases under present law, workers earning up to $9,245 would pay less in payroll taxes from 1973 through the end of the century. For 1972 the tax rates for all covered workers would be the same under the Church amendment and present law. In fact, from 1980 to 1985, workers earning up to $9,736 would pay less in social security taxes.

Approximately 94 million workers are now covered under social security. About 72 percent—or 68.1 million—have covered earnings of $9,000 or below. The net impact is that the vast majority of workers would pay lower payroll taxes than the tax rates scheduled under present law.

The 20-percent increase in social security benefits will serve to reduce the cost of welfare to the elderly by over $300,000,000.

The Department of Health, Education, and Welfare has just reported that the number of elderly persons on welfare dropped to a 32-year low this year because of improvements in social security. Our action of today may very well eliminate the elderly from welfare or reduce those needing welfare supplements to less than 1 million persons.

The approval by Congress today of a 20-percent increase in social security benefits will have a major impact on Cuyahoga County's retirees. This benefit increase will mean that the average monthly benefits for a single retired person will rise from $133 a month to $161 per month. The average monthly payment for a retired couple will rise from $233 to $270.

From the latest figures available, the impact on Cuyahoga County will be as follows:

Type of beneficiary	Number as of Dec. 31, 1971	Yearly present monthly benefits	After 20-percent increase
Ail categories	213,774	$323,496,000	$388,195,200
Retired workers	113,301	197,412,000	236,894,400
Disabled workers	11,434	21,552,000	25,862,400
All others (dependents, survivor, special age 72)	89,039	104,532,000	125,438,400

As these figures indicate, the total increased benefits to the county 218,000 social security beneficiaries will amount to nearly $65 million per year.

In Cuyahoga County, social security now provides an annual impact of almost $400,000,000 per year. Not only does this distribution provide for our elderly, but it constitutes the largest, single source of economic impact in our area.

Mr. RIEGLE. Mr. Speaker, I want to again express publicly my strong support for a 20-percent increase in social security benefits.

No group in our society is in greater financial difficulty than many of our retirees and senior citizens struggling to get by on their social security income.

We have an obligation to see to it that our older citizens are not trapped in the grinding cycle of poverty—with prices rising and no other means of personal income.

Our senior citizens should come first—ahead of the Vietnam war—and the other massive federal projects that continue to drain away billions of our tax dollars.

The proposed 20-percent increase is needed—is in the interests of the country—and has my full support.

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased we are now able to consider H.R. 9410 which I have introduced to provide a year's continuation in the funding of over 200 special clinics authorized under title V of the Social Security Act. These projects are serving over half a million children from poverty areas throughout the country giving them comprehensive, personalized medical services they would not otherwise receive. Three of these projects are in Chicago: Woodlawn Child Health Center, Near North Children's Center, and Martin Luther King Neighborhood Health Center.

If Congress fails to pass H.R. 9410, these projects will lose their funding tomorrow and many will have no alternative than to discontinue their services. Once again, a hope of the poor will be extinguished.

Great credit is due our distinguished colleague from New York (Mr. KOCH) for his unstinging efforts in bringing to this Congress' attention the success of these projects. He introduced the first bill providing for their extension and I know that during the past year he has spoken to many of our colleagues marshalling their support for the program's continuation. And in November 1971, he testified before our committee during our consideration of health care legislation.

Mrs. ABZUG. Mr. Speaker, I rise in support of the pending conference report, which contains provision for a 20-percent increase in social security benefits, with subsequent increases based upon changes in the cost of living.

Seventy percent of all single women and 32 percent of all single men over the age of 65 have incomes of less than $2,670 per year. Low income and poverty in old age are problems crying out for immediate national attention and solution.

Almost 90 percent of our senior citizen population receive social security benefits; for most, this is the major or only source of income. Despite some past increases in benefit levels, inflationary trends have made it increasingly difficult for the elderly to make ends meet. Eight out of every $10 is allocated to housing, food, transportation, and medical care. These items are requisites of survival which cannot be postponed or avoided.

I have introduced legislation, H.R. 13371, which would provide for a 25-percent benefit increase and for a minimum benefit of $4,500 annually for a couple and $3,375 annually for a single individual receiving social security benefits. While this conference report does not go as far as my bill, it is a great step forward and I urge its adoption.

Mr. BADILLO. Mr. Speaker, I want to make clear that my vote for this conference report increasing the ceiling on the national debt is for one reason only—the fact that the conference report includes an urgently needed increase in social security benefits. Having recently voted against the legislation to raise the debt limit ceiling, only the social security increase could have warranted my voting for this conference report.

In my judgment, the social security increase is a matter of simple economic justice. Millions of older Americans, living on fixed incomes, have been the innocent victims of our economic chaos. They are the hardest hit by inflation and we have delayed too long in providing increases in their social security benefits. Even the increase approved today will be inadequate if this administration does not get a handle on the economy before much longer and every passing day demonstrates how necessary it is that we tie the entire social security program to increases in the cost of living, so that adjustments can be made automatically, and without the narrow partisan debate that has taken place over the past few days.

As far as the debt limit is concerned, the increase approved by Congress this week merely gives the administration the go-ahead to continue its distorted spending priorities. It just is not enough to say that the ceiling must be increased because the Government has to pay its bills. Many of those bills are not in the national interest and never should have been incurred. The administration's current budget is a blueprint for economic disaster. It is long past time that Congress established a set of national spending priorities that are in line with the real needs of this Nation.

Mr. MILLS of Arkansas. Mr. Speaker, before I move the previous question on the motions, let me say to the membership of the House that I disagree wholeheartedly with the conclusion my friend from Wisconsin reaches that the passage of a 20-percent across-the-board increase jeopardizes the benefits which are in H.R. 1.

They do not jeopardize those benefits, in my opinion, one iota. I said yesterday the Senate had had H.R. 1 since June 23 of either 1970 or 1971—I do not know which—but at the rate they are going we will all be much older before we have a chance to bring any of those provisions back to the House.

If we want those provisions—and I certainly want them as does my friend from Wisconsin—it will be necessary for us to increase the rate which will be paid by the employer and employee. That would have been necessary, anyway.

The fact remains that the statement I have made that this is sound is not only shared by the Secretary of HEW but in his letter to me the Secretary of HEW said that various agencies in the administration, including fiscal experts in the Office of Management and Budget and the Council of Economic Advisers, the actuaries and other staff in the Social Security Administration, and the Department of HEW, had carefully studied the recommendations that we are making in the Senate amendment and had concluded that these recommendations are sound.

I want to add that despite the fact that they reached that conclusion they did not endorse the 20-percent increase. They preferred a lesser increase such as the gentleman from Wisconsin is offering.

Mr. HALL. Will the gentleman yield?

Mr. MILLS of Arkansas. I will be glad to yield to the gentleman.

Mr. HALL. In the studies in the committee, realizing this is coming as a surprise to me, has there been any consideration at all given to what this sudden diversion from the trust fund would do, putting it into the hands of senior citizens and others such as disabled people who would benefit—what effect this would have on the wage-price stabilization? What will this do to inflation if we take on this nongermane amendment?

Mr. MILLS of Arkansas. When any amount of money is spent by the Government and when it is spending in total more than it takes in, as it is right now, it is somewhat inflationary. I must admit that. However, I am not going to take out the effort to contain inflation on these people who are hurt so seriously by that very inflation.

The gentleman knows since we increased benefits there has been an increase in the cost of living. Apparently the administration is willing to go 10 percent. That, too, would be inflationary.

Mr. HALL. Yes; but outside of what one group is in favor of, has the gentleman's committee, which is a hard-working committee under ordinary circumstances and which has done much for the country, considered revoking a regressive tax and its effect on the workers? I am beginning to hear from them.

Mr. MILLS of Arkansas. I have, too. We have not considered a different system of financing social security benefits. As the gentleman knows, the Committee on Ways and Means has not had an opportunity to consider this amendment as a committee. I have looked into it myself, but the committee has not.

I will agree with the gentleman that any time we spend more money it does have inflationary complications. I agree this would. Any increase anywhere does that. But I do not want to stop this before we stop something else, too.

So, Mr. Speaker, I urge the House to vote down the substitute offered by the gentleman from Wisconsin (Mr. Byrnes) and agree to the Senate amendment.

I move the previous question.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. Byrnes).

Mr. BYRNES of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 253, answered "present" 1, not voting 95, as follows:

[Roll No. 259]

YEAS—83

Andrews, Ala.
Archer
Arends
Ashbrook
Baker
Belcher
Betts
Blackburn
Bow
Bray
Brown, Mich.
Brown, Ohio
Burleson, Tex.
Byrnes, Wis.
Cabell
Camp
Carlson
Casey, Tex.
Collins, Tex.
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Edwards, Ala.
Fisher
Goldwater
Goodling
Griffin
Gross
Hall
Hansen, Idaho
Hull
Jarman
Jonas
Jones, N.C.
Kemp
Kuykendall
Kyl
Landgrebe
McClory
McEwen
Mahon
Mallary
Mann
Mathis, Ga.
Mayne
Montgomery
Nelsen
Pickle
Pirnie
Powell
Price, Tex.
Purcell
Rhodes
Robinson, Va.
Robison, N.Y.
Satterfield
Scherle
Schneebeli
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Springer
Steiger, Wis.
Talcott
Teague, Tex.
Waggonner
Ware
Whalley
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Zion

NAYS—253

Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carney
Carter
Cederberg
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Edwards, Calif.
Eilberg
Esch
Eshleman
Fascell
Fish
Flood
Flowers
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
King
Koch
Kyros
Latta
Leggett
Lent
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McCulloch
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Scott
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wampler
Whalen
Whitehurst
Widnall
Wilson, Charles H.
Wolff
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

ANSWERED "PRESENT"—1

Foley

NOT VOTING—95

Abbitt
Abernethy
Adams
Anderson, Tenn.
Andrews, N. Dak.
Baring
Bell
Boggs
Bolling
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Caffery
Carey, N.Y.
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Colmer
Curlin
Davis, S.C.
Dent
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Griffiths
Grover
Haley
Hanna
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Hicks, Wash.
Hosmer
Keith
Kluczynski
Landrum
Lennon
Link
Lloyd
Lujan
McClure
McDade
McDonald, Mich.
Martin
Mathias, Calif.
Metcalfe
Michel
Miller, Calif.
Mosher
Moss
O'Hara
Pelly
Pike
Poage
Poff
Pryor, Ark.
Quie
Rarick
Riegle
Roberts
Rousselot
Ruppe
Ruth
Schmitz
Schwengel
Sebelius
Shoup
Shriver
Sikes
Steiger, Ariz.
Stephens
Udall
Vander Jagt
White
Wright
Wydler
Wylie

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Foley for, with Mr. O'Hara against.

Mr. Schmitz for, with Mr. McDonald of Michigan against.

Mr. Lujan for, with Mr. Frelinghuysen against.

Mr. McClure for, with Mr. Broyhill of Virginia against.

Until further notice:

Mr. Hébert with Mr. Vander Jagt.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Hays with Mr. Mosher.

Mr. Sikes with Mr. Burke of Florida.

Mr. Celler with Mr. Wydler.

Mr. Roberts with Mr. Andrews of North Dakota.

Mr. Fuqua with Mr. Findley.

Mr. Eckhardt with Mr. Bell.

Mr. Dent with Mr. McDade.

Mr. Evins of Tennessee with Mr. Martin.

Mr. Davis of South Carolina with Mr. Pelly.

Mr. Carey of New York with Mr. Mathias of California.

Mr. Clark with Mrs. Dwyer.

Mr. Wright with Mr. Don H. Clausen.

Mrs. Hansen of Washington with Mr. Del Clawson.

Mr. Adams with Mr. Metcalfe.

Mr. Dulski with Mr. Ruppe.

Mr. Evans of Colorado with Mr. Lloyd.

Mr. Flynt with Mr. Ruth.

Mr. Kluczynski with Mr. Harsha.

Mr. Stephens with Mr. Poff.

Mr. Link with Mr. Erlenborn.

Mr. Moss with Mr. Hosmer.

Mr. Pike with Mr. Grover.

Mr. Haley with Mr. Shriver.

Mr. William D. Ford with Mr. Quie.

Mr. Clay with Mr. Miller of California.

Mr. Hawkins with Mr. Gallagher.

Mr. Baring with Mrs. Chisholm.

Mr. Anderson of Tennessee with Mr. Wylie.

Mr. Abbitt with Mr. Broyhill of North Carolina.

Mr. Udall with Mr. Sebelius.

Mr. White with Mr. Schwengel.

Mr. Landrum with Mr. Riegle.

Mr. Abernethy with Mr. Keith.

Mrs. Griffiths with Mr. Michel.

Mr. Hanna with Mr. Rousselot.

Mr. Hicks of Washington with Mr. Steiger of Arizona.

Mr. Curlin with Mr. Shoup.

Mr. Caffery with Mr. Rarick.

Mr. Colmer with Mr. Pryor of Arkansas.

Mr. Lennon with Mr. Hastings.

Messrs. COLLIER, RANGEL, and HALPERN changed their votes from "yea" to "nay."

Mr. FOLEY. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. O'Hara). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. Mills) that the House concur in the Senate amendment No. 2.

Mr. MILLS of Arkansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 35, not voting 95, as follows:

[Roll No. 260]

YEAS—302

Abourezk
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Bevill

Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Cleveland
Collier
Collins, Ill.
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Edwards, Calif.
Eilberg
Esch
Eshleman
Fascell
Fish
Flood
Flowers
Foley
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Koch
Kyl
Kyros
Latta
Leggett
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McCulloch
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mailliard
Mallary
Mann
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Scott
Seiberling
Shipley
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—35

Archer
Ashbrook
Betts
Blackburn
Bow
Brown, Mich.
Burleson, Tex.
Byrnes, Wis.
Camp
Collins, Tex.
Conable
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Edwards, Ala.
Fisher
Goodling
Gross
Hall
Hull
Jonas
Kuykendall
Landgrebe
McEwen
Mahon
Powell
Robinson, Va.
Satterfield
Schneebeli
Smith, Calif.
Terry
Waggonner
Wiggins

NOT VOTING—95

Abbitt
Abernethy
Adams
Anderson, Tenn.
Andrews, N. Dak.
Baring
Bell
Boggs
Bolling
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Caffery
Carey, N.Y.
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Colmer
Curlin
Davis, S.C.
Dent
Dowdy
Dulski
Dwyer
Eckhardt
Edmondson
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fuqua
Gallagher
Griffiths
Grover
Haley
Hanna
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Hicks, Wash.
Hosmer
Karth
Keith
Kluczynski
Landrum
Lennon
Link
Lloyd
Lujan
McClure
McDade
McDonald, Mich.
Martin
Mathias, Calif.
Metcalfe
Michel
Miller, Calif.
Mosher
Moss
O'Hara
Pelly
Pike
Poage
Poff
Pryor, Ark.
Quie
Rarick
Riegle
Roberts
Rousselot
Ruppe
Ruth
Schmitz
Schwengel
Sebelius
Shoup
Shriver
Sikes
Springer
Steiger, Ariz.
Stephens
Udall
Vander Jagt
White
Wright
Wylie

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of North Dakota for, with Mr. Schmitz against.

Mr. McDade for with Mr. McClure against.

Mr. McDonald of Michigan for, with Mr. Lujan against.

Until further notice:

Mr. Hébert with Mrs. Dwyer.

Mr. Boggs with Mr. Gerald R. Ford.

Mr. Hays with Mr. Mosher.

Mr. Sikes with Mr. Rousselot.

Mr. Dent with Mr. Frelinghuysen.

Mr. Evins of Tennessee with Mr. Broyhill of North Carolina.

Mr. Roberts with Mr. Bell.

Mr. O'Hara with Mr. Ruppe.

Mr. Edmondson with Mr. Ruth.

Mr. Dulski with Mr. Harsha.

Mr. Fuqua with Mr. Broyhill of Virginia.

Mr. Pike with Mr. Grover.

Mr. Karth with Mr. Pelly.

Mr. Kluczynski with Mr. Schwengel.

Mr. Haley with Mr. Martin.

Mrs. Griffiths with Mr. Sebelius.

Mr. William D. Ford with Mr. Vander Jagt.

Mr. Hawkins with Mr. Hosmer.

Mr. Clay with Mr. White.

Mr. Celler with Mr. Hastings.

Mrs. Chisholm with Mr. Gallagher.

Mr. Davis of South Carolina with Mr. Shriver.

Mr. Moss with Mr. Mathias of California.

Mr. Flynt with Mr. Poff.

Mr. Evans of Colorado with Mr. Michel.

Mr. Eckhardt with Mr. Quie.

Mr. Link with Mr. Springer.

Mr. Wright with Mr. Erlenborn.

Mr. Hicks of Washington with Mr. Lloyd.

Mrs. Hansen of Washington with Mr. Del Clawson.

Mr. Anderson of Tennessee with Mr. Shoup.

Mr. Baring with Mr. Keith.

Mr. Adams with Mr. Steiger of Arizona.

Mr. Hanna with Mr. Don H. Clausen.

Mr. Landrum with Mr. Wylie.

Mr. Udall with Mr. Riegle.

Mr. Stephens with Mr. Findley.

Mr. Carey of New York with Mr. Burke of Florida.

Mr. Caffery with Mr. Colmer.

Mr. Curlin with Mr. Rarick.

Mr. Metcalfe with Mr. Miller of California.

Mr. Abbitt with Mr. Lennon.

Mr. Abernethy with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amend the title so as to read: "An Act to provide for a 4-month extension of the present temporary level in the public debt limitation, and for other purposes."

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS of Arkansas moves to recede and concur in the amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two motions that were offered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4679. An act for the relief of Amparo Coronado Vieuda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena;

H.R. 9410. An act to amend title V of the Social Security Act to extend for 1 year (until June 30, 1973) the period within which certain special project grants may be made thereunder; and

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 88. Concurrent resolution providing for an adjournment of the two Houses from June 30, 1972, to July 17, 1972.

The message also anounced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. J. Res. 250. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages and to extend laws relating to housing and urban development.

ANNUAL REPORT OF THE NATIONAL COUNCIL ON THE ARTS AND THE NATIONAL ENDOWMENT FOR THE ARTS FOR FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

It is with profound pleasure and pride that I transmit to the Congress the Annual Report of the National Council on the Arts and the National Endowment for the Arts for the Fiscal Year 1971.

The report mirrors the vitality of musicians, actors, dancers, painters, sculptors, architects, writers, poets—extending our cultural renaissance into all of our communities. It reports and reflects the dedicated work of the producers and planners, the budgeters and the backstage hands, even the special grace of such as the museum guides who turn routine tours into lifetime experiences with their flashes of expertise and insight.

I invite the members of the Congress to share my pleasure and pride in the truly remarkable work of the National Council on the Arts and the National Endowment for the Arts. This work has been possible because you have recognized the importance of the arts, and because you have joined in voting across party lines to approve dramatic increases in our appropriations for the arts.

You have seen that individual, creative effort is an essential element of the American character. You have understood that the enrichment of the human spirit, and the sudden lifting of the soul, are legitimate objectives of government in the finest sense.

Just as 18th century America was dedicated in large part to the achievement of political liberty, and 19th century America to the attainment of economic opportunity, historians of the future may cite 20th century America for its dedication to the definition of the quality of justice of life. In all of these things our national point of view about the arts is fundamental. And right now, we are becoming increasingly a nation of *participants* in the arts.

There now are 44 million amateur musicians in the United States, more than one in five of our population. To take a second example, there are more than 5,000 amateur theatrical companies. And these are more than mere statistics: I am saying that the arts are *not* for a privileged few, but for everybody. And the arts are not merely sights and sounds: I believe the arts can teach us to hear when we listen, to understand when we see, to enjoy when we perform.

Individual, corporate, foundation, State and local support for the arts remains central to the national *interaction* that gives our culture its unique vitality. But I do believe that, as I said in September 1969, "the Federal Government has a vital role as catalyst, innovator and supporter of public and private efforts for cultural development." And I am sure that in the National Council on the Arts and the National Endowment for the Arts we have a national asset of worth and luster.

I take a very special satisfaction in this annual report. I hope you will enjoy reading it. And I urge you to make it possible for this good and bountiful work to go on.

RICHARD NIXON.

THE WHITE HOUSE, *June 30, 1972.*

ADJOURNMENT FROM FRIDAY, JUNE 30, TO MONDAY, JULY 17, 1972

Mr. O'NEILL. Mr. Speaker, I call up Senate Concurrent Resolution 88 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 88

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, June 30, 1972, they stand adjourned until 12 o'clock noon on Monday, July 17, 1972.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Iowa will state his parliamentary inquiry.

Mr. GROSS. Mr. Speaker, is this resolution subject to a rollcall vote?

The SPEAKER. The Chair will state that all resolutions are subject to a rollcall vote; however, that does not mean they have to be.

Mr. GROSS. I thank the Speaker.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR THE CLERK TO RECEIVE MESSAGES FROM THE SENATE, AND FOR SPEAKER OF HOUSE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOUND TRULY ENROLLED

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, July 17, 1972, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING PRINTING BY THE CLERK OF REPORTS FILED BY COMMITTEES AUTHORIZED TO CONDUCT INVESTIGATIONS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until July 17, 1972, by committees authorized by the House to conduct investigations, may be printed by the Clerk as reports of the 92d Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE SPEAKER OF THE HOUSE TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until July 17, 1972, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS IN ORDER ON WEDNESDAY, JULY 19, 1972

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, July 19, 1972, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO REVISE AND EXTEND NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until July 17, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein, such short quotations as may be necessary to explain or complete such extensions of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

I also advise the membership that such extensions may be deposited in the CONGRESSIONAL RECORD boxes to be picked up in the customary manner.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have taken this time to ask the acting majority leader, the gentleman from Massachusetts (Mr. O'NEILL) if he will kindly advise us as to the program beginning on July 17 upon our return.

Mr. O'NEILL. Mr. Speaker, will the distinguished gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, in response to the inquiry of the distinguished minority whip, the program for the House of Representatives for the week of July 17, 1972, is as follows:

Monday is the Consent Calendar, and then we will consider five suspensions:

H.R. 15635, Juvenile Delinquency Prevention Act;

H.R. 15657, Comprehensive Older Americans Services Amendments of 1972;

H.R. 10502, act for the protection of public and foreign officials;

S. 1152, Conveyance of surplus property for use as historic monuments; and

H.R. 13152, control and conservation of predatory animals.

Tuesday is Private Calendar day, and then we will consider H.R. 14455, control and prevention of communicable diseases, with an open rule and 1 hour of debate,

H.R. 15081, National Health, Blood Vessel, Lung, and Blood Act of 1972, with an open rule and 1 hour of debate, and

H.R. 14424, National Institute of Aging, with an open rule and 1 hour of debate.

For Wednesday and the balance of the week, we will have H.R. 13853, Emergency Community Facilities and Public Investment Act of 1972, with an open rule and 3 hours of debate;

H.R. 15641, military construction authorization, subject to a rule being granted; and

H.R. 15580, to amend the District of Columbia Police and Fireman's Salary Act of 1958, subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

It is anticipated that we will work all Friday sessions between now and the adjournment for the Republican Convention.

Mr. ARENDS. I want to thank the gentleman. I just hope that he has a pleasant 2 weeks while he is gone and I hope he is in good shape to complete the extraordinary business that he has to go through and I hope he is in good shape to get this program finished.

Mr. O'NEILL. I thank the gentleman, and I wish the same for him. And the gentleman can be sure that all rooms in Miami will be filled.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. GROSS. Does the distinguished acting majority leader think that this "Blood Act of 1972" is rather moot and somewhat superfluous in view of what has taken place by way of bloodletting—and not only that, but I doubt that the taxpayers of this country have any blood left as a result of the last 2 weeks.

Mr. O'NEILL. No comment.

THE PROBLEMS OF HIGHER EDUCATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the Record.)

Mrs. GREEN of Oregon. Mr. Speaker, on June 7 and June 8, I placed in the Record a cross-section of some of the hundreds of letters and telegrams I had received from higher education leaders and associations that were in opposition to the conference report on the higher education bill.

At that time I commented that these messages represented the deeply felt concerns of people who had dedicated their entire lives to higher education in America. Many of them represented institutions that were in desperate financial conditions and could naturally and humanly be expected to accept any reasonable bill that would offer them some much-needed financial assistance. Yet in one message after another these men and women were expressing their opposition to the conference report and asking that we extend existing programs for 1 year and then try once more to come forth with a higher education bill that would contain the same of the most essential provisions higher education bill passed by the House.

Through the rest of that day, on the day of the vote, and even in the days since, I received hundreds of additional letters and telegrams from other higher education leaders and from numerous State associations voicing their concerns about and opposition to the higher education conference report.

Mr. Speaker, at this point I am including in the Record a sample of some of the letters I received on this subject since the morning of June 7. I do so not to reopen the subject for extensive debate once again, but simply to allow my colleagues to read these expressions of opposition to the conference report from higher education leaders from every section of our Nation and from both the public and private sectors of higher education; people who are recognized experts in their field and were trying to warn us of some of the very serious deficiencies in the conference report. Deficiencies that I fear, Mr. Speaker, will make this legislation as difficult to administer as it will be difficult for the colleges to live with and retain their role as the educator of all our youth:

June 6, 1972.

The Higher Education Bill of 1972 is a monstrous creation rather than a reasonable compromise. Good and needed features are offset by hastily contrived provisions that will do irreparable damage to the structure of American higher education, to say nothing of major omissions of items that need to be included. As one who has devoted his whole career to strengthening American higher education at both the institutional and legislative level, I respectfully urge you to oppose this bill in order to seek more time to do better. But no new legislation is preferable to this.

Miller Upton,
President, Beloit College.

University of Missouri,
Columbia, Mo., June 6, 1972.

Hon. Edith Green,
U.S. Representative House Office Building,
Washington, D.C.

Dear Mrs. Green: I have delayed responding to your letter of May 20 until I had a chance to read the material attached to it and also the Bill.

I can only say we have a "can of worms."

Yours very truly,
C. Brice Ratchford,
President.

[Telegram]

Bronx, N.Y., *June 7, 1972.*

Representative Edith Green,
Chairman, Higher Education Subcommittee,
U.S. House of Representatives, Washington, D.C.

I am strongly opposed to the conference bill, June 7, 1972. I endorse your views.

Michael P. Walsh,
President, Fordham University.

Mount Holyoke College,
South Hadley, Mass., June 5, 1972.

Dear Mrs. Green: I share your disappointment in the Conference report and am prepared to associate myself with the misgivings so effectively expressed by Terry Sanford, President of Duke University. In particular, I am as disturbed as he is by the serious squeeze being placed on students from the middle income group and am not persuaded that the present proposal would persuaded that the present proposal would, even indirectly, be of any substantial assistance in meeting the critical needs of students from this important sector of the society. I also concur with your view that focusing aid solely on students rather than on institutions is foolhardy. Those who argue that direct institutional aid may have the effect of keeping alive institutions that should not survive are in my judgment seriously mistaken. There is very little likelihood that the amount of Federal support will ever be sufficient if such institutions are not able to do significant things to strengthen themselves. Such support will, however, give those institutions the breathing time to reassess their other efforts and permit them to cope with the future. In the second place, those who favor focusing aid on students will, I think, find that this device is itself not proof against the charge that less deserving institutions are being assisted. My guess is that a public policy of this type will increase the sort of huckstering that is already going on too generally in higher education in a mad and almost unprincipled effort to attract students no matter what such efforts do to standards and coherent objectives.

Sincerely yours,
David B. Truman.

Kent, Wash.,
June 7, 1972.

Hon. Edith Grange,
U.S. State Representative,
Washington, D.C.:

We want there to be no misunderstanding about the position of the private higher institutions who are members of Washington Friends of Higher Education that we are absolutely in opposition and you can be assured that we are on record as opposing S659 by all means we urge its defeat.

Don S. Patterson,
Executive Director, Washington Friends of Higher Education.

Urbana, Ohio, *June 7, 1972.*

Hon. Edith Green,
House of Representatives,
Washington, D.C.:

After careful examination of the present education bill, which is up for vote by the House, June 8th, 1972, we at Urbana College strongly urge that you, as our representative, cast a no vote. Among other important consideration, this bill, if passed, will first: drastically affect the balance now existing between our lower and middle income students, and, secondly; due to the plethora of appended provisions, if not funded fully (which is likely), our institution, as well as others, stands the real risk of losing a good share of our present aid again.

Thank you,
Thomas E. Bellavance,
Dean of Faculty Affairs, Urbana College.

RICHMOND, IND., *June 8, 1972.*
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.:

Despite numerous good features in higher education bill now before Congress, it fails to deal with certain central problems in higher education while creating an illusion of providing a comprehensive solution. Moreover, it perpetuates and worsens some glaring inequities in financing of higher education. I urge the rejection of this bill in favor of a continuation of present programs more adequately funded and a renewed effort next year to develop a better, more comprehensive omnibus bill.

LANDRUM R. BOLLING,
President, Earlham College.

SAN JOSE, CALIF., *June 8, 1972.*
Congresswoman EDITH GREEN,
House of Representatives,
Washington, D.C.:

Strongly urge opposition to proposed higher education bill and ask support for one year extension of existing program.

THOMAS D. TERRY,
President, University of Santa Clara.

MEREDITH COLLEGE,
Raleigh, N.C., June 6, 1972.
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

MY DEAR MRS. GREEN: Thank you for your letter and enclosed information about the Higher Education Bill and recent action by the Conference Committee. I agree wholeheartedly that it is better to have a one-year extension of existing programs than to pass the bill in its present form. All of us associated with small private colleges and universities are grateful to have you as our champion in Washington.

Sincerely yours,
JOHN E. WFEMS.

ABILENE CHRISTIAN COLLEGE,
Abilene, Tex., June 8, 1972.
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: I appreciate very much your communication of May 27 concerning the Higher Education Bill.

Our position at Abilene Christian College is that we have a great deal of confidence in you and Omar Burleson and other members of Congress who are resisting the effort to use the Higher Education Bill to take control of their programs away from educational institutions in the name of educational aid.

Sincerely yours,
JOHN C. STEVENS.

SOUTH DAKOTA STATE UNIVERSITY,
Brookings, S. Dak., June 2, 1972.
Representative EDITH GREEN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE GREEN: I applaud the stand you have taken. I think you are correct in stating that we would be better off with a one year extension of the existing program than with this approach that has been reached as an alternative to a much sounder legislation.

Sincerely yours,
H. M. BRIGGS,
President.

ATHENS, ALA.,
June 4, 1972.
Hon. EDITH GREEN,
U.S. House of Representatives,
Washington, D.C.:

Your vote against higher education bill S. 659 strongly urged. Legislation represented in this bill very detrimental to a large sector of education in America; namely, private colleges. More thought must be given to meeting needs of the entire field of higher education. Urge that bill S. 659 be defeated and that present legislation concerning Federal support of higher education be extended to allow time for further consideration and for the preparation of a more adequate bill during the next year. We are grateful for your interest in and support of the total program of education in America.

SIDNEY E. SANDRIDGE,
President of Athens College.

ST. LOUIS, MO.,
June 8, 1972.
Representative EDITH GREEN,
Washington, D.C.:

General agreement of member college presidents seems to be that compromise bill does not accomplish what the original House bill was designed to do. My personal feeling is that support for S. 659 is a disastrous step in the wrong direction.

CHARLES V. GALLAGHER,
Executive, Independent Colleges and University of Missouri.

WASHINGTON, D.C.,
June 7, 1972.
Representative EDITH GREEN,
House of Representatives,
Washington, D.C.:

I support your position in opposition to the pending higher education bill. Does not help small private colleges. Thank you for whatever you can do.

Sister MARGARET CLAYDON,
President, Trinity College.

WINOOSKI, VT.,
June 7, 1972.
EDITH GREEN,
Washington, D.C.:

I am very disappointed with S659 particularly with provisions for institutional aid for higher education I hope you will vote 'No.'

BERNARD L. BOUTIN,
President, St. Michael College.

NEWTON COLLEGE OF THE SACRED HEART,
Newton, Mass., June 5, 1972.
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: Having been executive vice president at Ohio University and now president of Newton College, I know something of the large public scene as well as the small private one in education. It would seem to me, in the long run, that this bill does not really get at the problems of support for higher education.

I think Terry Sanford is to be congratulated for the unselfish and farsighted point of view he has taken relative to higher education. It would have been easy for him to take a myopic look from his chair at Duke University. I am pleased that he did not.

I do not think this bill accomplishes the national purposes that we should seek. We will not accomplish these ends with "a little something for everybody" approach.

Higher education in the United States must have a national priority. It would seem to me there are resources in this country in both Congress and in our educational associations to plan a better program than the one presently offered. We must have the inclination and take the time to do this or colleges and universities will get exactly what they deserve and higher education in this country will get exactly what it does not deserve.

Very truly yours,
JAMES J. WHALEN, Ph. D.,
President.

CAZENOVIA COLLEGE,
Cazenovia, N.Y., June 5, 1972.
Hon. EDITH GREEN,
House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: The compromise legislation does little to aid colleges like Cazenovia. Therefore, I feel it better to press for an extension of existing programs and work for more suitable legislation in the next session of Congress.

Sincerely,
VINCENT C. DE BAUN,
President.

WENTWORTH COLLEGE
OF TECHNOLOGY,
Boston, Mass., June 6, 1972.
MRS. EDITH GREEN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: The present Higher Education bill is so complex and will be so difficult to administer that I am afraid the financial aid for higher education students will be put in jeopardy for the 1972–1973 academic year. I believe, as you do, that it would be better to quickly extend the present Higher Education program for one year and to really develop a new higher education program which will be meaningful in assisting both colleges and students.

Your very sincerely,
H. RUSSELL BEATTY,
President.

ALBANY JUNIOR COLLEGE,
Albany, Ga., June 7, 1972.
Hon. EDITH GREEN,
U.S. House of Representatives, Special Subcommittee on Education, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE GREEN: I support your proposal to continue the Higher Education Bill at its present level of funding to allow more time to study provisions of the new bill. Further, I agree with you that the formula in the new bill for institutional grants misses the point concerning the needs of higher education.

Sincerely,
EDWARD A. TARRATUS, Jr.,
Dean of Instruction.

SWEET BRIAR COLLEGE,
Sweet Briar, Va., May 31, 1972.
Hon. WATKINS M. ABBITT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ABBITT: We at Sweet Briar are not unaware of the necessity of compromise that makes politics "the art of the possible," nor are we deaf to the argument that half-a-loaf is better than none. Still, after a weekend of study and reflection we feel that the Conference Committee Report on the Higher Education Bill represents too unsatisfactory a compromise for us to wish to support it.

Our chief objection centers on the mixed formula for individual and institutional aid, which in the long run threatens further to weaken quality education at the higher level.

We urge you to oppose the current draft, approved by the Senate, in the belief that extension of existing programs and a hopefully wiser new proposal would provide a more desirable alternative.

Yours very sincerely.
HAROLD B. WHITEMAN, JR.,
President.

WISCONSIN STATE UNIVERSITY,
Oshkosh, Wis., June 2, 1972.
Hon. EDITH GREEN,
Chairman, Special Subcommittee on Education, Congress of the United States, House of Representatives, Washington, D.C.

DEAR MRS. GREEN: I have the same deep misgivings about the Conference Committee Bill which follows the S. 659 pattern that prompted Terry Sanford, President of Duke University, to write you. I, therefore, urge you to oppose the Conference Bill in its present form and to seek a one year extension of existing programs.

Sincerely,
R. E. GUILES,
Chancellor.

MADISON, N.J., *May 31, 1972.*

Hon. EDITH GREEN,
House Office Building,
Washington, D.C.:

I support your position fully as set forth in your letter and summary of May 20. I am grateful for your statesmanship.

ROBERT F. OXMAN,
President, Drew University.

PINE MANOR JUNIOR COLLEGE,
Chestnut Hill, Mass., June 2, 1972.

Representative EDITH GREEN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MRS. GREEN: I really want to thank you for your letter of May 27 and the accompanying Higher Education bill. I have received pressures from various organizations to urge the passing of the bill. I have not been convinced it was well designed, and thoroughly endorse your idea of a one-year extension of existing programs or a one-year continuing resolution at the 1972 level of funding as better solutions than the proposed legislation.

I commend you for your refusal to sign the Conference Report under the circumstances. You have excellent backing when people like Terry Sanford feel as you do.

Sincerely yours,

FREDERICK C. FERRY, Jr.,
President.

PEPPERDINE UNIVERSITY,
June 1, 1972.

Hon. EDITH GREEN,
Chairman, Special Subcommittee on Education, Congress of the United States, House of Representatives, Washington, D.C.

DEAR MRS. GREEN: It is most distressing to all of us at Pepperdine that this bill does so little for the four-year colleges. We favor aid to needy students on federal assistance, but we also have a great many needy students who have been helped by our own scholarships, and by scholarships from clubs and private groups who have been willing to give at our request. We think it grossly unfair that such students will not share in the aid provided in the higher education bill.

Sincerely yours,

HOWARD A. WHITE,
Executive Vice President.

UNIVERSITY OF EVANSVILLE,
Evansville, Ind., June 5, 1972.

Hon. EDITH GREEN,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR EDITH: I join you in deep disappointment that the Conference Report does not contain substantial assistance for the liberal arts colleges which are in such desperate need.

Sincerely yours,

WALLACE B. GRAVES.

TRENTON JUNIOR COLLEGE,
Trenton, Mo., June 8, 1972.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE GREEN: I greatly appreciate the time and effort expended by you and your staff to make your views known and to share them with others regarding the Higher Education Bill.

I for one (though we are desperately in need) shall be content to postpone the passage of S. 659 in its present form as long as necessary in order to secure a bill that will provide general aid.

I think we have given up so much of our local autonomy in hope of securing some of our own dollars back that we are rapidly selling education down the pipes. By inviting more red tape, more reports, more applications, more evaluations, more staff to take care of the previous requests that few of the "federal dollars" gained get to do the job for which they should be intended.

Respectfully,

WM. K. RAY,
President.

BELLEVUE COLLEGE,
Bellevue, Nebr., June 8, 1972.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSWOMAN GREEN: I appreciate the information which you have sent me concerning the Higher Education Bill. The summary sheets are most informative. I enjoyed reading the comments of Governor Terry Sanford, President of Duke University, and find I am in agreement with his position.

In its present form, this Bill equates needy with educationally disadvantaged or retarded. It suggests that needy students will all need remedial courses. We have not found this to be true. However, the Bill is designed to aid colleges only if the colleges focus their attention on the enrollment of needy, by the Bill's definition, students. For our college to accept non-qualified students, as a matter of policy or necessity, would be courting financial disaster. Adding faculty and tying up space (i.e. for a reading laboratory) for remedial education would be foolhardy when tax-supported institutions already have such facilities.

The provisions in this Bill for veterans require the creation of an office for which we have felt no need despite the fact that many students using Veteran's benefits are attending Bellevue College. Our present counseling and advising services provide all students with information needed to reach their educational objectives.

Bellevue College could best be aided financially by full funding of the EOG, work study, and NDEA projects and by means of direct grants so we can meet the rising cost of education without a great increase in tuition. Such grants would enable us to serve better the lower middle class student whose plight is ignored by most programs.

Thank you for the opportunity to comment on this very important Bill. I strongly support your position. It is my belief that this Bill is unduly complicated and will not provide the aid where needed. In addition, I am opposed to measures which increase the administrative complexities of our educational institutions.

Sincerely yours,

RICHARD D. WINCHELL,
President.

SHERMAN, TEX.,
June 7, 1972.

Hon. EDITH GREEN,
U.S. Representative,
House Office Building,
Washington, D.C.:

Apart from the bussing issue I personally do not think the conference report on the higher education bill is on balance desirable legislation.

JOHN D. MOSELEY,
President, Austin College.

NAVARRO JUNIOR COLLEGE,
Corsicana, Tex., June 7, 1972.

Hon. EDITH GREEN,
U.S. Representative,
House Office Building,
Washington, D.C.

DEAR CONGRESSWOMAN: After reading the letter from President Sanford of Duke I am inclined to agree with the majority of his observations. Therefore, I think, as he so well states "that it is better to wait another six months than to start out in the wrong direction".

I fully support his observation the "institutional aid should be based on students, not on just a class of students".

Sincerely yours,

BEN W. JONES,
President.

FILING OF REPORTS BY COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until midnight Saturday night, July 1, 1972, to file a report on H.R. 13152, to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. McKEVITT. Mr. Speaker, because of problems in my office I was unable to be present during the vote on the conference report on the bill H.R. 15585, the Treasury and Post Office bill.

Mr. Speaker, had I been present the RECORD would show that I would have voted "aye."

The SPEAKER. The gentleman's statement will appear in the RECORD.

PERSONAL EXPLANATION

Mr. BLACKBURN. Mr. Speaker, today, I am recorded as casting a "nay" vote with regard to House Joint Resolution 1238, supplemental appropriations for disaster relief.

On my way to the floor, I was erroneously advised that this bill provided appropriations for the Small Business Administration disaster loan program, which we established last night in the bill H.R. 15690.

I disagree with the formula under which the forgiveness portion of these loans is granted. I have no objections to providing the Office of Emergency Preparedness with needed disaster relief funds and if I had not misunderstood the matter I would have voted in favor of this appropriation.

REVENUE SHARING AND MILITARY PROCUREMENT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, last week while the House was considering the revenue-sharing proposal, I was on official leave from the House attending the International Labor Organization's meeting in Geneva, as a delegate from the House of Representatives designated by the Speaker. I have been a supporter of the original revenue-sharing proposal since the first day the President proposed it. I supported the revised version of this proposal when it was reported from the Committee on Ways and Means. I went to the International Labor Organization's meeting only after I had been given assurances from the White House and from managers of the bill that the proposal was assured passage, and after I had been paired with Mr. ERLENBORN on this measure. I urge the Senate to immediately consider this important measure as I am convinced that it will provide genuine relief for our State and local communities.

While I was also on official leave, on Tuesday, June 27, the House was considering the military procurement bill. During the course of that discussion, the so-called Harrington amendment was presented which established a date certain of September 1 for withdrawal of all forces from Indochina. This amendment in most respects parallels my own initiative and had I been on the floor, I would have voted for this amendment. It is unfortunate that the House to this date has not had a clean-cut resolution on the war in Indochina. I have urged the Rules Committee to report the resolution from the Foreign Affairs Committee upon return from recess. Congress must reassert its proper role in the development on foreign policy and Members of the House, as elected Representatives of the people, have the right to decide this issue on its merits in open and free debate.

A ROLLCALL DILEMMA

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, I am beginning to think this House is plotting against JOE SKUBITZ.

Last November I recounted how I thought this body did me in when I went home to attend a fund-raising dinner in my behalf. Six rollcall votes were taken during my absence on a single day; on a Monday when normally the only business transacted is under a Suspension of the Rules.

Yesterday, a Thursday, I felt obligated to keep my promise to attend another affair in Kansas; an event I had committed myself to many weeks before. I had to be a personal courier to carry out a sampling of moon rocks for exhibit in a county that was becoming part of my congressional district for the first time.

Before I left Washington, no indication existed that this House would have 11 rollcalls; more than in any other single day thus far this year. Why so much business when JOE SKUBITZ gets on a plane for Kansas? There must be a conspiracy to embarrass me.

I have a slight consolation. Prior to yesterday, I had missed only five of 166 votes on legislative matters this year. I had missed only nine of 77 quorum calls since January. My overall attendance record stood at 94.2 percent while I scored 97 percent on yeas and nays and teller votes.

But yesterday, my batting average took a fall. Eleven calls of the roll knocked my attendance percentage down to 90.2 percent and my yea and nay and teller percentage to 91 percent.

The irony of the situation is that if I had been absent the entire month of January, I would have missed no more than I did in one day—yesterday.

BLACK POLITICAL POWER COMES OF AGE

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 30 minutes.

Mr. BURTON. Mr. Speaker, last week three members of the Congressional Black Caucus made an announcement that will have repercussions throughout the future of American politics. Congressmen LOUIS STOKES of Ohio, WILLIAM L. CLAY of Missouri, and WALTER E. FAUNTROY of the District of Columbia stated, on the morning of June 26, that they had organized a large bloc of previously uncommitted black delegates to the Democratic National Convention. They made a pledge, on behalf of that bloc, to the presidential candidacy of Senator GEORGE MCGOVERN.

Their announcement came as a surprise, and may have been the tactical move of 1972. It sent ripples through American politics—ripples that could become a tidal wave by November. It provoked both criticism and praise but, more importantly, it triggered this country's sudden realization that black politics will be a force to reckon with from now on.

On June 29, 1972, the Washington Post's lead editorial, "Black Power Comes of Age," captured the essence of this realization. The paper's editors went back to 1965, and surveyed the events of the years that follow. What began as a civil rights movement has become, according to their analysis, a full-scale political force. The editors cited a few of the major political gains in the past 7 years, and went on to foresee future gains.

Their conclusion was that the meaning of the past 7 years became clear last week, when Congressmen STOKES, CLAY, and FAUNTROY revealed their political plans. It heralds the full participation of black political power in the Democratic Party's policymaking process and recognizes that it is and will be a decisive element in the highest councils of the Democratic Party.

This vital support, along with that of Congressman AUGUSTUS HAWKINS of California, vice chairman of the Congressional Black Caucus, Congressman JOHN CONYERS of Michigan, and Congressman RALPH METCALFE of Illinois adds strength to the presidential candidacy of Senator GEORGE MCGOVERN.

[From the Washington Post, June 29, 1972]

BLACK POWER COMES OF AGE

A number of black politicians declared at a news conference with George McGovern the other day that they had amassed 96¾ hitherto uncommitted delegate votes to support his candidacy for the Democratic nomination for the Presidency. Sen. McGovern promptly announced that this accretion had swollen his vote total sufficiently to assure him a first ballot victory at Miami. The black vote tally from this exercise shrank at 4 p.m. that day to 74¾ but it may rise again undoubtedly will the overall McGovern total. Whether, however, the black votes delivered in this maneuver finally come out to be 74¾ or 80 or even 96¾ or whether this was the exact block of votes that actually put McGovern over the top, the event and the symbolism are both real and important. Black political power has come of age.

Back in June, 1966, during the heyday of the civil rights movement when Stokley Carmichael first shouted, "black power," many whites were frightened and a lot of blacks were puzzled. What did it mean? Who would it hurt? Could it help anyone? At first it looked as if the ominous overtones were destined to be dominant. Blacks began to withdraw in substantial ways from the frail and laboriously built integrated mechanisms which had seemed to many to be the solution to the racial problems in the country. Then there were the urban rebellions which suddenly stopped with an apparent slow black slide into quiescence and regression. Depression spread through the black community and also touched white civil rights allies.

But underneath it all, a quiet revolution seems to have been taking place. The black withdrawal marked not merely hostility and isolation, but also a time of quiet appraisal of black needs and a rise in the determination of blacks to develop greater, self sufficiency and their own solutions to their own problems. They wanted the nation to heed needs as they perceived them rather than to continue tagging along picking up whatever happened to fall off the back of the liberal bandwagon. At the same time, a real revolution was taking place in black political participation. The Voting Rights Act was passed in 1965 and by 1967 there were 475 black office holders. By this year, the number had grown to 2,264. Between 1965 and 1972, the number of blacks in Congress had grown from 6 to 14.

With numbers sufficient to form a critical mass, black politicians began taking themselves and the political process seriously. They concluded that black votes, delivered in great lumps in recent years to the Democratic Party, hadn't been paid for in real political terms and that the Republican Party wasn't even listening. Early in 1971, a growing determination among black politicians to participate in a more significant and more sophisticated way in the 1972 electoral process developed into a series of quiet strategy meetings around the country. The Black Congressional Caucus became one of the most serious segments of black activist America.

The politicians argued a variety of strategies for '72 in their meetings and then held a convention in Gary. There, black people mapped their own demands and later the Congressional Caucus developed a Black Bill of Rights which was shorter, but substantially similar. Then, as the McGovern train picked up speed on the way to Miami, a number of politicians, notably Del. Walter Fauntroy decided it was time for blacks to move and to move decisively. Fauntroy and others began serious political negotiations with the McGovern people, not in the old framework of asking the candidate to say something good about brotherhood, but in the new mold of presenting black-developed demands and then bargaining for political *quid pro quos*. The McGovern camp wanted the votes and went along with much of the Black Congressional Caucus' Bill of Rights and other demands. Hard political bargaining ensued which seemed to satisfy everyone, whereupon Fauntroy, Congressmen Louis Stokes and William Clay and others began rounding up some critical votes and then delivered them at a critical time.

Not everyone was happy. Mrs. Chisholm didn't think Fauntroy & Co. got enough for their votes and others thought it had been an exercise in ambition or elitism. The most telling argument was that the Fauntroy strategy had veered from the original black strategy of going to the convention with a large block of uncommitted votes and bargaining from that strength. But, politics, after all, is a matter of timing and of adjusting strategies to meet shifting situations. In a sense, all of the critics may have been right and all of the things they called the maneuver may have been correct.

But it is clear that it was also serious hardnosed American politics played with the thumping rhythms of soul, and not some pale limitation of life. And it was clearly the first time blacks had participated in as serious, critical and political a way in major American political party's decision-making process. In addition, no matter how McGovern fares, it did set on track a black mode of participation in the political process in this country which is not likely to be reversed in the near future. Can anyone imagine a future candidate scrounging for the last few votes and not investigating the possibility that one of his black friends in politics could deliver at least some of them to him?

Both for those who remember black people segregated behind a chicken wire fence at the 1928 Democratic National Convention in Kansas City and for those who were troubled in 1966 about what black power might come to mean, the events of this past week must have come as a welcome revelation.

ROONEY REQUESTS HALF BILLION FOR RELIEF OF FLOOD-RAVAGED STATES

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, in the wake of probably the most destructive flood in America's history, today I have requested an additional half billion dollars in Federal funds for relief in the five States which have been declared disaster areas by President Nixon.

The $92.5 million now available to the States in the President's disaster relief fund will not begin to compensate the losses suffered by the five States. If Pennsylvania were to receive the entire $92.5 million it would cover the entire 10 percent of the cost of putting the State back together.

I have introduced legislation to provide relief funds in the amount of one-half billion dollars to the States which have been declared disaster areas by the President. This money would be disbursed by the Office of Emergency Preparedness whose primary function is the administration of the President's disaster relief fund. In past crises involving disaster areas in several States OEP has apportioned financial aid to the States according to the amount of damage sustained in the respective States. This is the only fair and realistic method of tackling the massive cleanup job ahead.

This would mean that Pennsylvania, hardest hit by the flooding by a wide margin, would receive the lion's share of the supplemental appropriation, and Florida, having the least amount of damage of the five States, would receive the smallest portion. The remaining money would be distributed by OEP to Virginia, Maryland, and New York.

Members of the Pennsylvania delegation will meet with Governor Shapp on Tuesday to discuss the crippling effects of the flood.

I hope to explore all avenues of Federal assistance with the Governor and arrive at some concrete goals with regard to the needs of the stricken Pennsylvania communities. Yesterday I also introduced legislation to authorize up to $60 million in emergency Federal assistance for railroads which have experienced severe equipment losses and other damages as a result of unprecedented floods in the wake of Tropical Storm Agnes.

Nine major railroads serving Eastern seaboard States have estimated damage at $30 million, but the Federal Railroad Administration expects the final damage figure for all railroads to be considerably above the $30 million mark.

There is no existing Federal program under which financial relief can be extended to the railroads.

Congress is responding to the needs of individuals in other economic sectors, but the success of many of these relief measures is dependent upon the ability of the railroads to transport essential materials to flood ravaged communities.

I should point out that even industries not affected by flooding will have to cut back on production because of severed rail lines.

This will precipitate payroll and tax revenue losses possibly amounting to several million dollars.

This bill authorizes funds to be used only for repairs to or replacements of tracks, rolling stock, and other essential railroad facilities required as a direct result of last week's flooding.

Two forms of financial assistance would be provided under this bill entitled Emergency Transportation Facilities Restoration Act. Federal grants would be authorized for railroads in reorganization and for railroads which have reported to the Interstate Commerce Commission a deficit net income for either of their past two fiscal years. Loans would be made available for other railroads under the terms and conditions authorized in the Disaster Relief Act of 1970.

In my own Congressional District the Lehigh Valley Railroad alone has lost 14,000 feet of track. It is obvious to me that substantial Federal relief must be forthcoming to get the railroads operating again and the economy of Pennsylvania back on its feet. I have 14 cosponsors of this emergency legislation, and Senator HUGH SCOTT, Republican-Pennsylvania, has introduced an identical bill in the Senate.

AMENDING THE EXPORT ADMINISTRATION ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the bill I have introduced today, amending the Export Administration Act of 1969, takes a long and important stride toward translating the ideals and intent expressed by this Congress on many occasions into a realistic plan of action.

Specifically, I refer to the often expressed desire of the majority of Congressmen to help alleviate the plight of Soviet Jews, who are denied the right to live as Jews or leave the Soviet Union, in gross and flagrant violation of the Universal Declaration of Human Rights.

Not long ago, this body overwhelmingly passed the House Concurrent Resolution 471 requesting the President to take up the matter with Moscow.

Most of us have expressed our concern in one way or another over the past years—only 2 weeks ago, more than 100 of our colleagues joined me in sponsoring a traveling educational exhibit and more than 50 came to the steps of the Capitol to sign the sponsoring plaque. Colleagues are still coming to my office each day to sign their names to the plaque.

But I am sad to report this has not been enough. Yes, we can brag of some limited effect. We can boast in increases of emigration. We can celebrate the individual pardons we have obtained. But we cannot rest, for Soviets still have not abandoned their dastardly policy.

In fact, they have retrenched. They have scheduled new show trials all over Russia in the next weeks. Under the catchall of slandering the Soviet system, three brave Jews—Vladimir Markman in Sverdlovsky, Iliya Glezer in Moscow, and Yuli Brind in Karchov—will be tried severly for being Jews and applying for immigration visas to Israel. Harassment, prison, primitive draft callups—this is the daily lot of any Jew expressing the desire to leave Russia. They are fired from their jobs for applying for exit permits, and then they are denied exit permits because they have no jobs.

Congress must strike out a new initiative to help these people. The bill I introduced today provides a tool to do so.

Against a background of long years of using export controls to further our foreign policy, as provided in the Export Administration Act of 1969, this bill articulates a new congressional policy: Now we will use export controls to implement our morals.

We will no longer simply say business is business. We will use export controls to make our national protest at the denial of basic Human Rights all over the world.

Section 1 of my bill declares that in principle we will deal with only countries that honor and abide by the United Nations Universal Declaration of Human Rights.

Only in this way can we fill our international responsibilities to the oppressed and the persecuted, the world over.

Whenever the President determines that overriding national interest dictates that we compromise this principle, he must report his reasons in the quarterly Export Control report and outline the alternative measure he has taken to implement this policy. This, dear colleagues, is the second thrust of my bill.

As much as Congress demands actions on behalf of Russian Jews—it is the executive branch which must carry out this congressional mandate.

But whether indeed it does so is impossible to say. After all our efforts, after all our petitions, letters and resolutions, the White House still refuses to inform the Congress or the people of the United States what, if anything, he did do to help Russian Jews.

The White House rationalizes the secrecy in specious terms. My constituents puzzle over whether it is there only to veil inaction.

Some of my colleagues will oppose my proposal on the grounds that encouraging rather than discouraging trade and other contacts will help alleviate the plight of Russian Jews. To them I say this: Your assumption is correct, but only if implicit in all the improving relations is the threat that relations will deteriorate unless the Soviet Government changes its policy.

My bill articulates this necessary implicit threat. It clearly provides for an override by the President, as long as he details substitute alternative measures to accomplish the goals.

The Soviet Union must pay a price for the better trade relations it wants so desperately. How long can the United States sanction oppression and tyranny by removing trade restrictions on countries that violate the Universal Declaration of Human Rights?

STATUS OF THE APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, it would be timely to give the House a brief report on the status of the appropriation bills. Tomorrow is the beginning of the fiscal year 1973.

IN THE HOUSE

The House has passed 10 of the 13 regular annual appropriation bills for fiscal 1973. They involved $81.9 billion of budget requests. They carry a total of $82.4 billion in appropriations or new budget obligational authority, a net increase of $478 million over the related requests. Eight of the 10 bills were below the budget requests; two were above.

The House at this session has considered four supplemental measures relating to the fiscal year 1972 which ends today. Budget requests of $7.4 billion were considered, and $6.7 billion was approved, a reduction of about $721 million. But there were adjustments as a result of actions in the other body and in conference, so that with respect to these supplementals for fiscal 1972 the enacted versions were about $418 million below the budget.

Mr. Speaker, we have three more regular bills for 1973 to report when the House returns from the July recess. They are: defense, military construction, and foreign assistance. They have been delayed because they lack necessary authorizations, but we expect to be able to report them not long after the House returns. They involve budget requests of about $87 billion.

IN THE SENATE

The Senate has passed nine of the 10 appropriation bills sent over by the House. Only the agriculture-environmental and consumer protection appropriation bill remains in the Senate, and I believe it will be passed shortly after the July 17 return.

In the nine bills for fiscal 1973, the Senate considered budget requests of $70.6 billion and approved $73.7 billion, a net increase of about $3.1 billion over the related budget requests.

I will include a table showing bill-by-bill comparisons.

ENACTED INTO LAW

Mr. Speaker, three of the 13 regular appropriation bills for fiscal 1973 have been cleared to the President. They are: legislative, District of Columbia, and Treasury-Postal Service-General Government. They total $5,888,007,980, a reduction of $41,248,919 below the related budget requests. The total of the three enacted bills is $115,175,898 above the corresponding fiscal 1972 appropriation amounts.

Mr. Speaker, there is every reason to hope that in the period between July 17 and the August 18 break for the second national convention, we should be able to conclude most, if not in fact, all of the remaining regular appropriation bills. In the interim, beginning tomorrow, much of the Government will operate under the continuing resolution which cleared Congress today. That resolution runs to August 18.

I include a comparative table of the fiscal 1973 appropriation bills as they now stand. A more comprehensive "budget scorekeeping" report, encompassing not only the appropriation bills but also other bills having an impact on the 1973 budget requests and proposals, will be issued next week by the staff of the Joint Committee on Reduction of Federal Expenditures.

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS FOR 1973—AS OF JUNE 30, 1972

[Note.—As to fiscal year 1973 amounts only]

Bill	Budget request considered	Approved	Change, (+) or (−)
In the House:			
1. Legislative	$433,627,004	$427,604,764	−$6,022,240
2. State-Justice-Commerce-Judiciary	4,687,988,600	4,587,104,350	−100,884,250
3. HUD-Space-Science-Veterans	20,173,185,000	19,718,490,000	−454,695,000
4. Transportation	2,909,181,095	2,791,614,095	−117,567,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
5. District of Columbia (Federal funds)	343,306,000	332,306,000	−11,000,000
6. Labor-HEW	27,327,323,500	28,603,179,500	+1,275,856,000
7. Interior	2,520,340,000	2,529,558,200	+9,218,200
8. Treasury-Postal Service-General Government	5,066,603,000	5,057,145,000	−9,458,000
9. Public Works—AEC	5,489,058,000	5,437,727,000	−51,331,000
10. Agriculture—Environmental and Consumer Protection	12,952,177,400	12,897,010,900	−55,166,500
11. Foreign Assistance			
12. Defense			
13. Military construction			
14. Supplemental, 1973			
Total, House bills	81,902,789,599	82,381,739,809	+478,950,210
In the Senate:			
1. Legislative	519,347,899	514,722,880	−4,625,019
2. HUD-Space-Science-Veterans	20,258,183,000	20,583,370,000	+325,187,000
3. District of Columbia (Federal funds)	343,306,000	313,706,000	−29,600,000
4. State-Justice-Commerce-Judiciary	4,704,326,600	4,820,717,769	+116,391,169
5. Transportation	2,909,181,095	2,906,994,095	−2,187,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
6. Treasury-Postal Service-General Government	5,066,603,000	5,057,186,000	−9,417,000
7. Labor-HEW	28,776,633,500	31,354,930,500	+2,578,297,000
8. Interior	2,527,154,000	2,550,922,800	+23,768,800
9. Public Works-AEC	5,489,058,000	5,571,696,000	+82,638,000
10. Agriculture-Environmental and Consumer Protection			
Total, bills cleared Senate	70,593,793,094	73,674,246,044	+3,080,452,950
Enacted:			
1. Legislative	519,347,899	513,787,980	−5,559,919
2. Treasury-Postal Service-General Government	5,066,603,000	5,057,827,000	−8,776,000
3. District of Columbia (Federal funds)	343,306,000	316,393,000	−26,913,000
Total, bills enacted	5,929,256,899	5,888,007,980	−41,248,919

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McDADE (at the request of Mr. ARENDS), today, on account of official business—inspect serious flood damage within the Congressional district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PERKINS, for 10 minutes, today, and include extraneous matter.

(The following Members (at the request of Mr. CONOVER) and to revise and extend their remarks and include extraneous matter:)

Mr. QUIE, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mrs. Heckler of Massachusetts, for 15 minutes, today.

Mr. Hogan, for 30 minutes, today.

Mr. Blackburn, for 10 minutes, today.

Mr. Whalen, for 5 minutes, today.

Mr. Wyman, for 10 minutes, today.

(The following Members (at the request of Mr. McKay) and to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 60 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Diggs, for 10 minutes, today.

Mr. Podell, for 10 minutes, today.

Mr. Leggett, for 10 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Flood, for 60 minutes, on July 19.

(The following Members (at the request of Mr. Hansen of Idaho) and to revise and extend their remarks and include extraneous matter:)

Mr. Esch, for 5 minutes, today.

Mr. Skubitz, for 5 minutes, today.

Mr. Hogan, for 30 minutes, today.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Burton, for 30 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush in two instances.

Mr. Nedzi and to include extraneous matter in two instances.

Mr. Dorn and to include extraneous matter.

Mr. Koch in three instances and to include extraneous matter.

Mr. Steed, to revise and extend his remarks during debate on the conference report.

Mr. Veysey to extend his remarks in the body of the Record, notwithstanding an estimated cost of $350.

Mr. Byrnes of Wisconsin (at the request of Mr. Mills of Arkansas) to extend his remarks in the Record on H.R. 9410.

Mr. Leggett notwithstanding the fact that it exceeds two pages of the Record and the cost thereof is estimated by the Public Printer to be $630.

Mr. Thompson of New Jersey in five instances.

Mr. Perkins to extend his remarks during consideration of the school lunch bill.

Mrs. Green of Oregon to revise and extend her remarks, notwithstanding an estimated cost of $315.

Mr. Mahon to revise and extend his remarks and include certain appropriations tables.

Mr. Davis of Georgia to revise and extend his remarks.

(The following Members (at the request of Mr. Conover) and to revise and extend their remarks:)

Mr. Duncan in two instances.

Mr. Riegle.

Mr. Derwinski.

Mr. Hastings.

Mr. Widnall in two instances.

Mr. McClure.

Mr. Wyman in two instances.

Mr. Kemp in two instances.

Mr. Spence.

Mr. Thompson of Georgia.

Mr. Zwach.

Mr. Brown of Michigan.

Mr. Vander Jagt.

Mr. Myers in three instances.

Mr. Conover.

Mr. Schwengel.

Mr. Mizell in eight instances.

Mr. Whitehurst.

Mr. Keating.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. McKay) and to revise and extend their remarks:)

Mr. Mills of Arkansas.

Mr. Kazen.

Mr. Scheuer in two instances.

Mr. Diggs.

Mr. Murphy of Illinois in two instances.

Mr. Fulton in two instances.

Mr. Wright in two instances.

Mr. Hungate in three instances.

Mr. Roy.

Mr. Rarick in three instances.

Mr. Rogers in five instances.

Mr. Pucinski in six instances.

Mr. St Germain in two instances.

Mr. Dow.

Mr. Ichord in three instances.

Mr. Badillo.

Mr. Baring.

Mr. Ashley in two instances.

Mr. Rees in three instances.

Mr. Kazen.

Mr. Jacobs in two instances.

Mr. Bergland.

Mr. Reid in two instances.

Mr. Dingell.

Mr. Harrington in five instances.

Mr. Roe.

(The following Members (at the request of Mr. Hansen of Idaho) and to revise and extend their remarks and include extraneous matter:)

Mr. Betts.

Mr. Scott.

Mr. Edwards of Alabama.

Mr. Cleveland.

Mr. Quie.

Mr. Mallary.

Mr. du Pont.

Mr. Goldwater.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Bingham in three instances.

Mr. Collins of Illinois.

Mr. Symington.

Mr. Burton.

Mr. Dow in two instances.

Mr. Reid in two instances.

Mr. Bingham in four instances.

Mr. Leggett.

Mrs. Sullivan in three instances.

Mr. Annunzio in six instances.

Mr. Evins of Tennessee.

Mr. Mahon.

Mr. Wolff.

Mr. Moorhead in five instances.

Mr. Dorn in four instances.

Mr. Edwards of California in two instances.

Mr. Hagan in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2577. An act to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen;

H.R. 6479. An act to provide for the licensing of personnel on certain vessels;

H.R. 14734. An act to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes;

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 15507. An act to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes;

H.R. 15585. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes;

H.R. 15587. An act to provide for a 6-month extension of the emergency employment compensation program;

H.J. Res. 1234. Joint resolution making continuing appropriations for the fiscal year 1973, and for other purposes; and

H.J. Res. 1238. Joint resolution making a supplemental appropriation for disaster relief.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 979. An act to amend the act of September 30, 1965, relating to high-speed transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes;

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes;

S. 3343. An act to amend title 38, United States Code, to increase the maximum of the grant payable for specially adapted housing for disabled veterans.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1074. An act to amend 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 5318. An act for the relief of Mrs. Fernande M. Allen;

H.R. 6479. An act for the licensing of personnel on certain vessels;

H.R. 13955. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15587. An act to provide for a 6-month extension of the emergency unemployment compensation program.

ADJOURNMENT TO JULY 17, 1972

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 88, 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on July 17th next.

Thereupon (at 9 o'clock and 16 minutes p.m.), pursuant to Senate Concurrent Resolution 88, the House adjourned until Monday, July 17, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2125. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1973 for the Department of Defense—Military (H. Doc. No. 92–321); to the Committee on Appropriations and ordered to be printed.

2126. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 110, *The Lummi Tribe of Indians, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2127. A letter from the Commissioner, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 132, *The Suquamish Tribe of Indians, Plaintiffs*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2128. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 234, *The Chinook Tribe and Bands of Indians, Plaintiffs*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2129. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 284, *The Native Village of Gambell, in its Own Right and as Representative or Successor to the St. Lawrence Island Eskimos; Ben Booshu and John Apangalook as Representative of the St. Lawrence Island Eskimos, Plaintiffs*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2130. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the sale of the Washington National and Dulles International Airports; to the Committee on Interstate and Foreign Commerce.

2131. A letter from the president, Aviation Hall of Fame, Inc., transmitting the audit and financial reports of the organization for calendar year 1971, pursuant to Public Law 88–372; to the Committee on the Judiciary.

2132. A letter from the General Manager, U.S. Atomic Energy Commission, transmitting a list of the nonprofit educational institutions and other nonprofit organizations in which title to equipment was vested by the Atomic Energy Commission during 1971 under section 2 of Public Law 85–934, pursuant to section 3 of the act; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 553. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 92–1204). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 559. Concurrent resolution providing for the printing of the report entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment" (Rept. No. 92–1205). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 560. Concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing" (Rept. No. 92–1206). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 605. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our Flag", and to provide for additional copies (Rept. No. 92–1207). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 60. Concurrent resolution to print additional copies of hearings on the "Environmental Protection Act of 1971" (Rept. No. 92–1208). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 62. Concurrent resolution authorizing the printing of additional copies of Senate Document No. 56, entitled "State Utility Commissions—Summary and Tabulation of Information Submitted by the Commissions" (Rept. No. 92–1209). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 70. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971 (Rept. No. 92–1210). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 74. Concurrent resolution authorizing the printing of additional copies of Senate Report 92–634, entitled "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971" (Rept. No. 92–1211). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 79. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation 1971" (Rept. No. 92–1212). Ordered to be printed.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9198. A bill to amend the act of July 4, 1955, as amended, relating to the construction of irrigation distribution systems; with an amendment (Rept. No. 92–1213). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 14542. A bill to amend the act of September 26, 1966, Public Law 89–606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes; with amendments (Rept. No. 92–1214). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee of conference. Conference report on H.R. 15390; with amendments (Rept. No. 92–1215). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 5741. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; with an amendment (Rept. No. 92–1216). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 11300. A bill to amend section 509 of the Merchant Marine Act, 1936, as amended; with an amendment (Rept. No. 92–1217). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15823. A bill to prohibit any civil or military officer of the United States using the land or naval forces of the United States or the militia of any State to execute civil laws against civilians or to exercise surveillance of civilians except where such forces or militia are actually engaged in repelling invasion or suppressing rebellion, insurrection, or domestic violence pursuant to the Constitution or laws of the United States; to the Committee on Armed Services.

By Mr. ASPINALL (for himself, Mr. Evans of Colorado, Mr. Lujan, Mr. Lloyd, Mr. McKay, Mr. McKevitt, Mr. Roncalio, and Mr. Runnels):

H.R. 15824. A bill to facilitate the incorporation of the reclamation townsite of Page, Ariz., Glen Canyon unit, Colorado River storage project, as a municipality under the laws of the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOLAND (for himself, Mr. Bray, Mr. Conte, Mr. Dent, Mr. Donohue, Mr. Eilberg, Mr. Fisher, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Leggett, Mr. Madden, and Mr. Myers):

H.R. 15825. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 15826. A bill to amend the Internal Revenue Code of 1954 to provide that employees receiving lump sums from tax-free pension or annuity plans on account of separation from employment shall not be taxed at the time of distribution to the extent that an equivalent amount is reinvested in another such plan; to the Committee on Ways and Means.

By Mr. EVANS of Colorado:

H.R. 15827. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangement shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 15828. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit rescue squads to obtain surplus property; to the Committee on Government Operations.

By Mr. HARVEY:

H.R. 15829. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

H.R. 15830. A bill to amend the Internal Revenue Code of 1954 to promote additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting, to establish an insurance corporation within the Department of the Treasury, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 15831. A bill to make Level III of the Executive Schedule applicable to the Administrator of the National Credit Union Administration; to the Committee on Post Office and Civil Service.

By Mr. HOGAN (for himself and Mr. Gude):

H.R. 15832. A bill to amend title 28 of the United States Code to create an additional judicial district in southern Maryland; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 15833. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Collins of Illinois, Mr. Danielson, Mr. Drinan, Mr. Edwards of California, Mr. Green of Pennsylvania, Mr. Heinz, Mr. Mathis of Georgia, Mr. Metcalfe, Mr. Rooney of Pennsylvania, Mr. Seiberling, Mr. Shriver, Mr. Stokes, and Mr. Yatron):

H.R. 15834. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mr. Fraser, Mr. Harrington, and Mr. White):

H.R. 15835. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development reforestation and conservation management, and for other purposes; to the Committee on Education and Labor.

H.R. 15836. A bill to establish a National Human Resources Conservation Corps to rehabilitate persons convicted of violating certain narcotic drug laws and persons who volunteer for membership in such corps and to improve the quality of the environment; to the Committee on Education and Labor.

By Mr. KOCH:

H.R. 15837. A bill to amend section 216 of the Internal Revenue Service of 1954 to include corporations and others within the definition of the term "tenant-stockholder" for purposes of the provisions relating to cooperative housing corporations; to the Committee on Ways and Means.

By Mr. PERKINS (by request):

H.R. 15838. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 15839. A bill to amend the Export Administration Act of 1969 in order to promote observance of the 1948 United Nations Universal Declaration of Human Rights; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 15840. A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotic addiction, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem, and for other related purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Mr. Daniels of New Jersey, Mr. Stokes, and Mr. Tiernan):

H.R. 15841. A bill to amend the Economic Stabilization Act of 1970, to stabilize the retail prices of meat for a period of 45 days at the April 1, 1971, levels, and to require the President to submit to the Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices, and a fair return on invested capital to farmers, food processors, and food retailers; to the Committee on Banking and Currency.

By Mr. SMITH of New York:

H.R. 15842. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 15843. A bill to authorize appropriations for certain highway safety projects, and for other purposes; to the Committee on Public Works.

By Mr. WOLFF:

H.R. 15844. A bill to require any coupon, bonus, or direct mail offering for the sale of any product to disclose on its face the full name and address of the party making the offer and of the actual seller of the product, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 15845. A bill to provide continued rail transportation in rural America; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 15846. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resources protection, development, and management by small nonindustrial private and non-Federal public forest land owners, and for other purposes; to the Committee on Agriculture.

By Mr. CLEVELAND:

H.R. 15847. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

H.R. 15848. A bill to amend section 4940 of the Internal Revenue Code of 1954 to change the name of the amount imposed thereby on certain investment income from "excise tax" to "service charge", and to reduce such amount from 4 to 1½ percent; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 15849. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

H.R. 15850. A bill to amend title II of the Social Security Act to provide that the surviving spouse of a deceased insured individual must have paid or assumed responsibility for such individual's burial expenses in order to qualify for the lump-sum death payment; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 15851. A bill to establish a system of wild areas within the lands of the national forest system; to the Committee on Agriculture.

H.R. 15852. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MELCHER:

H.R. 15853. A bill to amend section 902 of the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to offer and pay rewards for information and services concerning the carrying of weapons aboard aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS:

H.R. 15854. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. NICHOLS:

H.R. 15855. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property local governments; to the Committee on Government Operations.

By Mr. QUIE (for himself, Mr. Gerald R. Ford, Mr. Conable, Mr. Steiger of Wisconsin, Mr. Hansen of Idaho, Mr. Forsythe, Mr. Kemp, Mrs. Dwyer, Mr. Heinz, Mr. Horton, and Mr. Mallary):

H.R. 15856. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes; to the Committee on Education and Labor.

By Mr. QUIE (for himself, Mr. Perkins, Mr. Brademas, and Mr. Eshleman):

H.R. 15857. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.R. 15858. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Mollohan, Mr. Mazzoli, and Mr. Mr. Robison of New York):

H.R. 15859. A bill to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 15860. A bill to amend the Occupational Safety and Health Act; to the Committee on Education and Labor.

By Mr. SYMINGTON:

H.R. 15861. A bill to end the war; to the Committee on Foreign Affairs.

By Mr. HEINZ:

H.R. 15862. A bill to reduce income tax withholdings by an average 5 percent and to strengthen the minimum income tax provision; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 15863. A bill to amend the Clean Air Act to prohibit tampering with any device or element of design installed in or on a motor vehicle or motor vehicle engine in compliance with regulations under section 202 of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER (for himself, Mr. Badillo, Mr. Harrington, Mr. Nedzi, Mr. Hechler of West Virginia, Mr. Mitchell, Mr. Leggett, Mr. Hathaway, Mr. Vanik, Mr. Pike, Mr. Rosenthal, Mr. Addabbo, Mr. Seiberling, Mr. Ryan, Mr. Roybal, Mr. Eilberg, Mr. Helstoski, Mr. Obey, Mr. Rooney of Pennsylvania, Mr. Rees, Mr. Metcalfe, Mrs. Abzug, Mr. Aspin, Mr. Bingham, and Mr. Dellums):

H.J. Res. 1250. Joint resolution: Authorization of the President of the United States to approve an interim agreement between the United States of America and the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. Scheuer):

H.J. Res. 1251. Joint resolution. Authorization of the President of the United States to approve an interim agreement between the United States of America and the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself and Mr. Thompson of New Jersey):

H.J. Res. 1252. Joint resolution: Authorization of the President of the United States to approve an interim agreement between the United States of America and the Union of Soviet Socialist Republics; to the Commitee on Foreign Affairs.

By Mr. MAZZOLI (for himself, Mr. McCormack, Mr. Rangel, and Mr. Runnels):

H.J. Res. 1253. Joint resolution proposing an amendment to the Constitution relating to the term of office of Members of the House of Representatives and the eligibility of such Members to be elected to the Senate; to the Committee on the Judiciary.

By Mr. WAGGONNER:

H.J. Res. 1254. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. NELSEN for himself and Mr. Fuqua):

H. Con. Res. 642. Concurrent resolution providing for the printing of the report of the Commission on the Organization of the Government of the District of Columbia; to the Committee on House Administration.

By Mr. NIX:

H. Con. Res. 643. Concurrent resolution relative to outstanding debts due the United States of America; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H. Con. Res. 644. Concurrent resolution calling upon all parties to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs.

By Mr. CHARLES H. WILSON (for himself, Mr. Udall, and Mr. Hanley):

H. Res. 1039. Resolution authorizing the Committee on Post Office and Civil Service to conduct studies and investigations within its jurisdiction; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

403. By the SPEAKER: Memorial of the Legislature of the State of California, relative to Federal lands adjacent to Point Mugu State Park; to the Committee on Armed Services.

404. Also, memorial of the Legislature of the State of California, relative to creating a national park in Los Angeles County; to the Committee on Interior and Insular Affairs.

405. Also, memorial of the Legislature of the State of Kentucky, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 15864. A bill for the relief of Robert Dona; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 15865. A bill for the relief of Richard L. Krzyzanowski: to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 15866. A bill for the relief of Beatrice Dascil Aquino; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON:

H.R. 15867. A bill for the relief of Mikolaj Kormanicki; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 15868. A bill for the relief of Jose Ramon Santa Maria; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PENSACOLA STORY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. SIKES. Mr. Speaker, horror stories make their way into the headlines without difficulty. Scare stories are a close second. Constructive stories seldom get more than a bare mention. There is a constructive story which I have noted and which I consider highly meritorious. It tells the history of the care and treatment of psychiatric patients in the Pensacola, Fla., area. A key line is, and I quote:

> Pensacola had no psychiatrists, psychiatric beds, Guidance Clinic—really no mental health effort of any sort prior to 1948.

What has happened is largely the work of Dr. Philip B. Phillips, who tells the story. The accomplishments in Pensacola in this area constitute a fine model for every community. I am happy to submit Dr. Phillips' story for printing in the Record:

THE PENSACOLA STORY

(By Philip B. Phillips, M.D.)

(Note: This article is a condensation of Dr. Phillips' history of the care and treatment of psychiatric patients in Pensacola and the Escambia County area.)

Pensacola had no psychiatrists, psychiatric beds, Guidance Clinic—really no mental health effort of any sort prior to 1948. That year members of the Escambia County Medical Society determined that their patients should not have to go 210 miles to New Orleans or 360 miles to Jacksonville for evaluation and treatment. Dr. W. C. Payne Sr., president-elect of the Florida Medical Association, Dr. Sidney G. Kennedy, president of the Escambia County Medical Society, and Dr. Herbert L. Bryans, president of the Florida State Board of Health, beloved Pensacola physicians, sought the services of a young psychiatrist assigned to the Naval Air Training Command there. He responded willingly and began seeing patients late in the afternoon, evenings and on weekends with approval of his commanding officer and the Navy's Bureau of Medicine and Surgery.

These events initiated the cooperation of physicians, community leaders, hospital boards and administrators which has continued over more than two decades. The results have included one solution to the community's mental health problems.

A PSYCHIATRIST AND GUIDANCE CLINIC

When Baptist Hospital opened in October 1951, two rooms for psychiatric patients were made available on the medical floor. Escambia General Hospital had a small outbuilding, perhaps 25 feet square, where four disturbed patients could be treated if no one objected too much. When absolutely necessary, Pensacola Hospital, re-named Sacred Heart Hospital, permitted psychiatric admissions on the medical floor. In October 1952 the first civilian neuropsychiatrist began practice as a member of a group of other physicians. The local climate was not overly receptive. He was required to obtain the chief nurses' permission before his patients could be admitted and give assurance that they would not disturb the other patients.

Two years later the Child Guidance Clinic was established through efforts of parents, Junior Woman's Club, School Board and County Commissioners. A psychiatric social worker, clinical psychologist, secretary and volunteer neuropsychiatrist made up the initial staff which opened for service in the basement of a school building, later moved to an ancient frame residence and still some years later to the ground floor of the newly built county health department building.

When pressured to assume responsibility for indigent adult psychiatric patients who had no other source of care, the staff of some six professionals set up a pilot program to determine if the service was really needed. Without compensation they conducted a weekly night clinic from 1957 to 1959. It met a growing need. The staff recommended that the Clinic become the Escambia County Guidance Clinic open to all age groups; the Board of Directors concurred after studying the patient load and services rendered.

MORE PSYCHIATRISTS AND HOSPITAL BEDS

In late 1954 a second psychiatrist entered private practice. A year later the first psychiatrist secured an associate, a former Navy flight surgeon who had recently completed psychiatric training. In 1955 the Navy doctor who initiated psychiatric consultative services at the request of Drs. Payne, Kennedy and Bryans was reassigned to Pensacola and warmly welcomed into resumption of his "moonlighting" practice by the three overworked psychiatrists.

The need for additional hospital beds increased with growth of the city and county. Baptist Hospital constructed the first of numerous additions in 1958 and established a 11-bed open area on the medical floor, the consensus at that time as to the best arrangement for such a service. The beautiful, four story, brick and glass Escambia General Hospital opened in 1961. One large first floor wing was reserved for the City-County Clinic, a charity service for indigents. From the standpoint of mental health needs, the greatest addition was a large floor west wing providing an open and closed psychiatric unit totaling 30 beds.

Psychiatric beds were increased from the initial two beds in 1951 to 17 by 1958 and to 43 in 1961.

That year the two psychiatrists in group practice added a third. A Pensacola native son returned to practice solo and the Navy doctor now a Captain approaching retirement joined with a colleague to construct a building for their offices looking toward full-time civilian practice.

Experience wtih the psychiatric section at Escambia General Hospital convinced local psychiatrists that a separate unit offered many advantages. This became the mode for local practice. Baptist Hospital in another new addition included a 19-bed psychiatric service which was formally opened in September 1964.

The following year the Catholic Order, Daughters of Charity, which had served the community at the Sacred Heart Hospital opened the new Sacred Heart Hospital with 250 beds and a modern 17-bed psychiatric service. This increased total psychiatric beds to 79 in the three hospitals.

The 19-bed psychiatric unit at Baptist Hospital became inadequate in 1968 and the hospital purchased a convalescent home immediately across the street. Its design fitted into the rehabilitation program of the hospital and meant an instant addition of 150 beds for extended care, progressive care, rehabilitation and mental health. The entire fourth floor was modified to provide a 38-bed psychiatric unit and in 1970 the south half of the third floor was converted from extended care into an expanded mental health unit, thus adding an additional 16 beds.

The staff of the 38-bed service at Baptist Hospital is typical of those at the other hospitals. Headed by a psychiatric nurse administrator, there is additionally a clinical nurse specialist, seven regular registered nurses trained as psychiatric nurses, a psychiatric social worker, 16 licensed practical nurses, six male psychiatric attendants, mostly premedical students, a ward clerk and two relief clerks plus the usual dietary and housekeeping staff who serve the entire building.

The ground floor provides not only an admission room and offices for the administrator and nursing supervisor but adequate facilities for physical therapy and complete rehabilitation facilities for both inpatients and outpatients. On the first floor also is a large reception room, beauty shop for patients and dining room and food service department for all patients who chose to leave their floors for meals.

MENTAL HEALTH CENTER DEVELOPED

About the time the Escambia County Guidance Clinic outgrew quarters at the health department building, the Congress passed the Community Mental Health Center Act. When state plans were called for, Florida's went in and the state was among the earliest to be approved for federal funding for construction of mental health centers.

Planning began to meet federal and state requirements for a facility at Pensacola. These included close cooperation by the three hospitals which would provide inpatient and night hospitalization, working agreements with the center staff which would provide a new Day Care Center, continued follow-up and after-care for state mental hospital returnees, expanded consultative services to the schools and Juvenile Court, and improved working relationships with Vocational Rehabilitation. These also included free exchange of records to promote continuity of care, ready access of staff to all participating units, joint inservice training programs, reciprocal consultative relationships and opportunities for research and evaluation.

In July 1968 the Escambia County Community Mental Health Center situated on a city block of property given by trustees of Baptist Hospital opened to patients. It consisted of three large one story buildings connected by passageways built with a $189,000 federal grant supplemented by $140,000 in local funds. It is currently staffed by two psychiatric nurses, six clinical psychologists, eight clinical social workers, five part-time clinical psychiatrists and one full-time psychiatrist, three educators, one full-time expert in special education, one part-time pharmacist, business administrator, part-time bookkeeper and seven secretaries.

The 1971 operating budget is slightly over $462,730. Source of this fund is roughly 30% federal, 28% state, 8% county, 13% fees, 8% United Fund, 6% School Board, and 7% other sources. The budget includes a $30,000 grant received from the Law Enforcement Planning Council to amplify a drug abuse program for youngsters. Recently the Northwest Florida Alcoholic Rehabilitation Clinic was absorbed into the Center.

Analysis of activities of the Center for the first eight months of 1970 reveals that an expenditure of $208,623 for salaries, utilities, supplies and depreciation provided 12,599 hours of direct treatment and consultation at a cost per hour of $15.34. This does not include several thousand hours of round-the-clock crisis calls or some 1,300 hours of professional time on calls to parents, schools and agencies, or the patients who have to be worked into regular schedules.

HIDDEN INGREDIENT

Pensacola has been progressive in the mental health field and successful in meeting the needs of patients. One ingredient in this success appears to be the friendly, enthusiastic person-to-person cooperation usually on a first name basis and a hearty optimistic can-do attitude on the part of key citizens, hospital administrators and leading physicians. Mix in aggressive public spirited psychiatrists willing to work hard at whatever they feel will benefit their community and this completes the recipe for success.

These psychiatrists enter into community life actively and are striking antitheses of the ivory tower dwellers. They have served as chief of staff at the major hospitals, president of the county medical society, on advisory councils to the Juvenile Court, Fine Arts Council, and many more. They appear as guest speakers and actively seek financial support for worthy projects. Their warm and friendly manner is seen in all interpersonal contacts. Talk community mental health to one of them and he appears to know everyone in town. It is not name dropping or a brash lack of dignity but an obvious respect for the other man.

Pensacola has not reached all its goals. There are needs, but somehow this Gulf Coast city, steeped in history yet strikingly alert to the future, will find a way to meet them in the outstanding manner it has in the recent past. With good citizens working amicably together any city could.

GOVERNMENT AND INFLATION: WHO'S TO BLAME?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. CRANE. Mr. Speaker, inflation remains a matter of concern to the overwhelming majority of Americans. Any program which is aimed at reducing inflationary pressures must, initially, properly identify their cause. In many respects, we have failed to do this and, as a result, our efforts to reduce inflation have been less than successful.

Implicit in the program of wage and price controls which have been instituted as a means of reducing inflation is the theory that private enterprise is primarily to blame for such inflation. If business and labor are primarily to blame for inflation, it is only proper that an anti-inflation program deal with such causes. But if business and labor are not the responsible parties, programs which impose wage and price controls upon them will have little effect upon rising costs. This, unfortunately, seems to be the case.

Government itself is deeply involved in producing the inflation we face. Writing in the Public Interest, Prof. James W. Kuhn of Columbia University points out that wages of workers in Government have risen more than those of workers in the highly unionized industrial segment of the economy.

He notes that:

> Studies by the Bureau of Labor Statistics indicate that firemen, policemen and public school teachers, among the three largest categories of government workers, have enjoyed far larger wage increases in recent years than those in private industry.

The Wall Street Journal, analyzing the real cause of inflation in our society, states that:

> The Federal Government, in addition to constantly pushing up its own payroll, has done more than a little to increase State and local payrolls. Since 1965, grants in aid programs have increased more than two and a half times. It is a small wonder that Government employes, at all levels, now add up to nearly one-fifth of all wage and salary workers.

The attempt to curb inflation by placing regulations and limitations upon private enterprise but proceeding with deficit spending by Government is doomed to failure. The Wall Street Journal declared that:

> In considering the nation's problems any government may find it easy to try to shift the blame elsewhere. Until government recognizes more clearly its own responsibility for the present inflation, though, this particular problem is not likely to go away.

I wish to share with my colleagues the editorial, "Who's To Blame," which appeared in the Wall Street Journal of June 16, 1972. This editorial follows:

> WHO'S TO BLAME
>
> Implicit in wage and price controls is the theory that the private sector is really to blame for inflation. Businessmen and labor unions have been acting irresponsibly, and a vigilant government has to coerce them into line.
>
> That sort of reasoning never made a great deal of sense. The basic cause of our present inflation, as well as all those in the past, is irresponsible government monetary and fiscal policy. Controls at best only mask the effects of such policy; they do not eliminate them.
>
> The government involvement with the inflation of wages and prices, moreover, goes even beyond inefficient financial management. How far it extends is shown by Columbia University economist James W. Kuhn in an article in The Public Interest, "The Riddle of Inflation—a New Answer."
>
> It's true enough, for instance, that big industrial unions in recent years have put powerful upward pressure on wages. Yet Professor Kuhn notes that wages of workers in government, the service industries and wholesale and retail trade have risen more than those of workers in the highly unionized industrial segment of the economy.
>
> "Comparable data for earnings of state and local government employes are not available," he continues, "but studies by the Bureau of Labor Statistics indicate that firemen, policemen and public school teachers, among the three largest categories of government workers, have enjoyed far larger wage increases in recent years than those in private industry."
>
> Nor is it true that government and service workers, as a group, were so vastly underpaid that they still lag behind workers in comparable private jobs. Actually, municipal employes in a number of major cities enjoy pay advantages over their counterparts in private industry—and in the federal government.
>
> Rising government and service wages obviously have added to the upward pressure on taxes, which in turn has fueled the wage demands of the industrial unions. "The great increase in the cost of public and private services," says Professor Kuhn, "has been the most important inflationary force in the economy."
>
> The federal government, in addition to constantly pushing up its own payroll, has done more than a little to increase state and local payrolls. Since 1965, grants in aid programs have increased more than two and a half times. It's small wonder that government employes, at all levels, now add up to nearly one-fifth of all wage and salary workers.
>
> Growing government spending, and the resulting upward pressure on payrolls, has usually been very well-intentioned. The aims have been to attack poverty, inadequate health care, poor housing and a host of other actual problems.
>
> All too often, however, the programs have been badly devised or poorly executed or both. And in recent years there has been much too little effort to limit spending programs to the resources actually available; instead, in the late 1960s, a host of new social programs was stacked atop escalating outlays on Vietnam.
>
> Perhaps the outstanding example of a failure to gauge the availability of resources was the launching, in 1965, of the huge new Medicare and Medicaid programs for the aged and the poor. The health care industry was so badly strained that medical costs leaped upward in a typical inflationary reaction.
>
> The government's inflationary influence is sweeping. Construction wages and costs, for example, have been shoved upward with the help of the Davis-Bacon Act, which requires government contractors to pay the "prevailing" wage. In practice this has come to mean the prevailing union wage; if there is no union in the locality, the government may pick a union wage paid many miles away.
>
> Professor Kuhn stresses that the large industrial unions do indeed hold a great deal of power over wage costs; he is merely arguing that the unions' power, in relation to the governmental influence, has been overrated. We would add that excessive union power has become a problem only because the unions for so long have benefitted from an excessively friendly government; Davis-Bacon is only one example.
>
> In considering the nation's problems any government may find it easy to try to shift the blame elsewhere. Until the government recognizes more clearly its own responsibility for the present inflation, though, this particular problem is not likely to go away.

NATIONAL VOTER REGISTRATION MONTH

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. RIEGLE. Mr. Speaker, today I join a number of my colleagues in reintroducing a resolution authorizing the President to declare September 1972 "National Voter Registration Month." Recognizing the importance in our society of the individual's right to vote, we must set up effective means to bring citizens into the electoral process.

In light of our expanded voting population, particularly new 18- to 21-year-old voters, it has become increasingly important that we take a critical look at needed reforms of our voter registration process. It is a sad commentary when, in a system whose basic tenet is that the people's will is sovereign, 47 million Americans do not exercise their right to vote. Yet this is precisely what happened in 1968. This means that only 61 percent of America's potential voting population actually went to the polls. In comparable elections, Great Britain and Canada had turnouts of 76 percent, France 80 percent, West Germany 87 percent, Sweden and Denmark 89 percent.

Some will say that the 39 percent of the American people who did not vote in 1968 were simply apathetic. This may be true in some instances, but certainly not in all. Actually, many people feel that the door to the electoral process has been slammed in their faces. Archaic rules, arbitrary legal barriers, and assorted hurdles confront each voter attempting to register. These include residency requirements, outmoded registration procedures, and sheer voting inconvenience.

I am hopeful that this resolution will encourage all Americans to make needed changes in our voter registration process—changes which will insure that the maximum number of citizens will participate directly in the decisions that shape their lives.

BUSING PETITION GETS MAJOR PUSH

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. COLLINS of Texas. Mr. Speaker, busing continues to be the primary local concern issue of citizens in Texas. Quality education is parents' top objective in progress for schools.

In Texas it was major news when Chairman CELLER scheduled the busing hearings before the Judiciary Committee. And personally I have been most appreciative of Chairman CELLER's fairness and patience in the hearings.

Back in Texas the leadership and position of "TIGER" TEAGUE is important. When he signed the Lent busing discharge petition this was front page news. TIGER is a strong advocate of the normal congressional process. But he said the time has come to sign the Lent discharge petition.

One of the South's greatest editors is Ray Zauber. His plain spoken column is widely read and expresses the community viewpoint. Zauber speaks in the Oak Cliff Tribune with conviction.

Below is the June 20 story by Ray Zauber in the Oak Cliff Tribune:

> Hearings by the House Judiciary Committee on the volatile subject of school busing were arranged solely by Congressman Olin E. Teague in head-to-head discussions with Chairman Emanuel Celler.
>
> As chairman of the Democratic caucus, Tiger Teague wields considerable influence on Capitol Hill. It would be safe to say that there is not another Southerner in Congress who could have exerted enough pressure on the salty Celler to bring the school matter before his committee.
>
> An unabashed liberal, the crusty octogenarian runs a one-man show when controversy hovers about his committee. Unless Celler consents controversial judicial issues are never heard. Unless he nods affirmatively, no recommendation is reported out affirmatively.
>
> To get the matter of busing before the committee was a considerable achievement of the Tiger from Texas. A forum was thus provided for those cities affected by adverse rulings on busing for balance.
>
> While he was hopeful that some kind of action would be taken by the Judiciary Committee or even legislation might be drafted as a compromise to that offered by the President, Congressman Teague refused to sign a Discharge Petition which would force a constitutional amendment against forced busing.
>
> Teague argued that he would lose his leverage by committing himself prematurely, even though his sympathies were a matter of record on the subject. Congressman Jim Collins, one of the leaders in the Discharge Petition movement, defended Teague's de-

cision even though one is a Republican and the other a Democrat.

In a press release last week, Teague reversed himself and announced that the time had come for his name to be added to the Discharge Petition. "Now convinced that no meaningful recommendations will emerge from the House Judiciary Committee, I am adding my name to the list of those seeking a constitutional amendment to prevent forced busing," Teague declared.

Thus a very powerful voice and influence has been added to the slowly-growing list of Representatives supporting an amendment offered by Congressman Norman Lent, a Democrat from Long Island, N.Y.

The Lent Amendment is short and sweet, merely stipulating that no busing for the sake of racial balance will be funded by the federal bureaus or extenuated by the federal judiciary.

After the busing hodgepodge which emerged from the conference committee in the Higher Education Bill, it is obvious that only an amendment will solve the sticky problems. President Nixon's recommendations are probably stymied by the recently-enacted Education Bill and all but dead.

No relief for the cities already saddled with massive busing schemes has been offered by the Congress or the President. This is a gross injustice to the busing cities for cases still in adjudication may be held in abeyance until January 1, 1974, under terms of the rider in the Education Bill.

Thus, Richmond has gotten relief but Charlotte will stagger under harsh busing edicts already ordered by the courts. Dallas may be in a grey area because the appeals court has not ruled on Judge William Taylor's plan now in operation.

Dozens of cities across the South, in Michigan and California and other selected states will continue to suffer because the language of the rider is vague and their appeals are already exhausted.

Law should be the same for one and all. Congress has already punished the South with sectional legislation on Civil Rights and school busing.

It is time to seek equal protection and equal justice for all of the geographic areas of the United States. The Lent Amendment would be a step in the right direction.

A EULOGY TO THE LATE HONORABLE GORDON CANFIELD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ROE. Mr. Speaker, as our Nation deeply mourns the passing of our most distinguished former Congressman, the late Honorable Gordon Canfield, I place at this point in the RECORD the following eulogy in tribute to our highly respected statesman from New Jersey so eloquently presented by Dr. Omar N. Barth, minister of the Broadway Baptist Church of Paterson, N.J., at the weekly meeting of the Paterson Rotary Club, held in the Alexander Hamilton Hotel, June 22, 1972. This statement bespeaks the high esteem and lasting memorial that Mr. Canfield has achieved in the hearts of all of us who have had the privilege and honor of knowing him.

The eulogy follows:

A EULOGY IN TRIBUTE TO GORDON CANFIELD

The hearts of all of us are heavier today. A warm, delightful friend will no longer sit at our table, commenting on the passing parade, laughing at our stories, revealing some backstage scene he witnessed during thirty-seven exciting years in the Nation's Capital. The day before yesterday, June 20, 1972, Gordon Canfield passed away at the age of seventy-four.

Gordon Canfield was a politician. To some, that single word produces an instant image of someone who glad-hands everyone he meets, because he needs every vote he can get, who does you favors in October, so you will do him a favor in November.

There is another explanation not quite so cynical, not quite so jaundiced. It could be that a man is jovial and friendly simply because that's the way he is and he can't be anything else. It could be that a public official honestly believes he is also a public servant and that he cannot serve his people unless he knows them, and he cannot know them unless he feels it when they hurt.

All that I have ever known or observed in the years of my acquaintance with Gordon leads me to believe that his warmth was no political expedient. I never felt that he put a friendly hand on my shoulder because he had his eye on the first Tuesday in November.

I offer one simple line of evidence. Long after he had any need for your vote or mine, long after his desire for political position had vanished, that hand of warmth was still upon our shoulders, those thoughtful little expressions of concern were still in evidence.

Gordon Canfield's life and legislative achievements are written large in the Congressional Record. His initiation of, and support for, a multitude of causes and concerns are a matter of public knowledge. But they were not confined to the period when he was paid to do them, or when he was a friend of Presidents, and stood on occasion, front and center, under the lights of the Capitol dome. In the years of retirement he has continued to put his time and life at the service of city and community. Even the debilitating effects of a stroke did not side-line him very long.

Yet it is not that splendid record in the halls of Congress of which I speak, nor the indelible mark he made upon the Coast Guard Reserve as an arm of our National Defense, nor of the tremendous civic accomplishments which now belong to the history of Paterson and the County of Passaic. I call your attention rather to the little things that symbolize his greatness and will make him a cherished memory for many years to come.

How many times he delighted us all at these luncheons, popping up from his table to respond to a comment from the rostrum, to ask a pointed, relevant question at the end of a speaker's address, that forefinger of his raised high to call attention to some principle he held dear. I shall always remember Gordon for that—the way he pointed his finger up and never out.

Does not each of us have personal remembrance of commendatory words he gave us, letters of appreciation sent us, kindly notes about us in the Rotary Newsletter, often written because he had called us on the phone to ask what we'd been doing lately in our business or with our family.

Years ago I introduced him to a certain public speaker's weekly magazine. He promptly subscribed to it and frequently thanked me for the suggestion. Just two weeks ago, the last time I saw him, he asked if I still subscribed.

Gordon's pastor, at the Covenant Reformed Church, Dr. Jerry VanDerVeen, was recently privileged to give the invocation in the House of Representatives. The opportunity had been arranged for him through Gordon's thoughtfulness, and the kindness of our present Congressman, Robert Roe. He related to me how many of Gordon's old friends on Capitol Hill expressed their esteem for their former colleague. Dr. VanDerVeen told me something else that didn't surprise me either. He said, "Omar, I can vouch for his faith," going on to describe Gordon and his family's consistent attendance at church and the weekly Bible Class—of how he contributed so much to those discussions even with halting, hesitant speech.

What a comfort that faith must be to his beloved wife and sons today.

It was a political opponent who described Gordon Canfield as a man who did little things for little people. Whether that was a disparagement or a compliment, the description only makes taller the man who did great things for his country. Much more importantly, it made him a candidate for highest honors in the Kingdom of God.

It is written in the Book of Books: "Then shall the King say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world:

"For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in:

"Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.

"Then shall the righteous answer him, saying, Lord, when saw we thee an hungred, and fed thee? or thirsty, and gave thee drink?

"When saw we thee a stranger, and took thee in? or naked, and clothed thee?

"Or when saw we thee sick, or in prison, and came unto thee?

"And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." (Matthew 25:34–40)

Will you stand with me now in silence, in the midst of your personal memories, and add at the end a prayer for those who love him most and knew him best.

POLLUTION BY NATURE AND MAN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. SCHWENGEL. Mr. Speaker, spring is a season when a gentleman's fancy turns to special things and we enjoy fresh greenery and a new awakening of life. March winds carry children's kites, and April showers bring May flowers.

However, while all the countryside is blooming, subtle changes are taking place which should give us cause to stop and consider a serious problem that is growing worse every year.

The problem is erosion. Spring is the season when erosion from wind and rain is aggravated and is far worse than any other time of year. The April rains that bring May flowers also eat away topsoil at an alarming rate and deposit the silt in our streams. The March wind has caused farmers to lose entire crops, and in some cases, all material to full plowing depth has been blown away in a single year. Water, for its part, has also ruined entire crops, and silt erosion in some areas reaches 3 tons per acre for a single inch of rain, leaving lifeless skeletons of once-fertile fields.

The interaction of natural erosive forces with those imposed by man is not well understood. In Soil Conservation Service study reports, scientists postulate that some stream trenching and gullying could be related to natural cyclic factors, and I discussed the role nature plays as a polluter in my comments of Monday, June 26. There is little doubt, however, that cultivation has increased runoff and erosion rates and prolonged the gullying cycle. The worst culprit in causing pollution and erosion is, of course, man.

The decisive factor that makes erosion problems worse in late winter and spring is the depletion of the vegetative cover on the land. The lack of cover is most acute in the spring, when plowed fields must lie unprotected until crops have been planted and receive the rains they need to grow.

Farm and ranch management practices can make a vast difference in the gravity of erosion problems, both in the spring and throughout the rest of the year. Eroded sediment yields for watersheds in various regions have been determined from reservoir studies and streamflow sampling programs. Results from about 50 studies in the Missouri River region range from negligible losses for well-managed plots to immense erosion rates on badly managed plots. For example, single storms have caused sheet erosion rates of over 20 tons per acre and annual losses have been measured at over 60 tons per acre. In the Missouri study area, a 20 ton per acre yearly sediment yield appears to be the average for mismanaged land, while well-managed land usually averaged less than 1 ton per acre. Erosion can therefore, be reduced up to 95 percent by simple conservation measures. These simple measures would also increase annual farm income by an average of $2.50 per acre.

Left to erode, our farms and ranch lands crumble into silt. Reservoirs, ponds, and canals fill up, sometimes in less than 15 years. Roads and railroads are silted over, and the public health and recreation are damaged. One of the most frustrating problems is that the silt carried by floods and rains fills flood control reservoirs and in turn makes floods more frequent and much harder to control. Programs to control and prevent siltation are obviously needed, and have formidable obstacles to overcome.

The bill I have introduced, H.R. 15596, empowers the Secretary of Agriculture to take the much-needed steps to bolster our faltering watershed program. The Secretary is authorized to make agreements and provide technical and other assistance to landowners in areas ranging through methods of cultivation and land utilization, the growing of vegetation, engineering operations, and other vital areas.

Possibly most important, the Secretary may initiate and accelerate nationwide research and education about erosion and related polultion. We desperately need to alert people to the problems of erosion and the resulting sediment and to the fact that the problem is already serious and is rapidly growing worse.

An estimated 4 billion tons of sediment drain from our farmlands into lakes and rivers every year. This sediment is the greatest single source of pollution in the country. Landowners must be alerted to the seriousness of the problem, and the needed information and assistance must be made available to them. The passage of H.R. 15596 would be an extremely simple act, but one which is urgently needed to clear the way for ending the complicated problems of erosion and pollution.

ARMS CONTROL AND MILITARY SPENDING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ASPIN. Mr. Speaker, in light of the heightened interest in arms limitations growing out of the Moscow summit and the SALT discussions, the people of our Nation might expect to see a slackening of the massive arms inventory and look forward to a reduction of the onerous tax burden needed to support these expensive weapons of war.

But no. Apparently, this is not the case. With an ironic Orwelian rationale we hear of a need for different weapons.

In a recent radio broadcast, commentator David Brinkley delivered a number of pertinent observations on this seeming paradox. His comments are worthy of thoughtful attention. Mr. Brinkley, in his succinct and lucid exposition, lays bare the need for a thorough and prompt examination of the logic that President Nixon and his Secretary of Defense propound that leads to more and more weapons at ever-increasing cost to the taxpayer despite an impending arms limitation agreement.

Mr. Brinkley's comments are from his program "Report and Commentary," broadcast June 20 by NBC radio.

The comments are as follows:

DAVID BRINKLEY RADIO COMMENTS—JUNE 20, 1972

Whatever happens, peace or war . . . arms agreements or no arms agreements . . . the military always winds up spending more . . . and apparently nobody can stop it. Back in a minute.

Soon after President Nixon came back from Russia with an agreement to reduce the building of some types of military hardware . . . there is Defense Secretary Laird before the Senate . . . asking more money to build other types of military hardware. The people of this country may be forgiven if they find this bewildering. So do many members of the Senate.

Two or three years ago there was talk of a "peace dividend." Meaning that when the Viet Nam war started, the Pentagon was spending about 50 billion dollars a year, not fighting a war. When the war expanded . . . it began spending 80 billion—the original 50, plus another 30 for the war. A person might, therefore, assume that when the war ended . . . all or most of the 30 billion might be saved. But no. When the American commitment was reduced to a fraction of what it had been . . . there was no peace dividend. On the contrary, as the war drags toward an end the Pentagon wants not less money but more. To catch up on weapons development neglected during the war, it said. If they were developing weapons with 50 billion before the war . . . it is not clear why they couldn't develop weapons with the same 50 billion during the war. In any case, the talk of a peace dividend is only a memory. There is none.

Then Mr. Nixon in Russia agreed to reduce the building of heavy weapons, an agreement widely approved. And so it was assumed that spending for weapons could be reduced. But no, there's Secretary Laird asking not less money but more.

If the Federal Government were a private enterprise, it would be bankrupt already . . . running billions in the red every year. Interest on the debt is now the third biggest national expense behind Defense and Welfare. And yet, somehow, the cost of an adequate military machine seemingly cannot be controlled. The American people might legitimately wonder why.

Military spending might be seen more sympathetically if, for example, the armed services were less wasteful in their use of manpower—such as sending 100 thousand men to war and having 80 thousand or more doing administrative work and 20 thousand or less doing the fighting. The buying of gold plated weapons far more expensive and elaborate than necessary. Maintaining bases around the world in excessive numbers. Duplicating and competing forces in three separate military services. Failing to get weapons produced at anywhere near the stated price. The C5A. Firing people who try to prevent this. Buying and then discarding super-complicated weapons that never work.

Laird told the Senate peace cannot be bought cheaply. But they're not buying peace. They're buying weapons.

David Brinkley, NBC News, Washington.

SCHOOL BUSING

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. HUTCHINSON. Mr. Speaker, recent court decisions on school busing to achieve a racial balance in our public schools are of concern in the Fourth Congressional District of Michigan as they are throughout the State. In my July newsletter to constituents, I restated my position on the role of Congress in the matter of school busing to achieve racial balance. I wrote as follows:

One evening last December we were invited to sit in the President's box at the Kennedy Center here in Washington. Our hosts were Mr. and Mrs. John Ehrlichman. Mr. Ehrlichman is one of the President's closest advisors. During the intermission our conversation turned to the busing issue, the assignment and transportation of pupils in order to achieve a racial balance in the schools. Court-ordered busing already was in effect in Michigan and some other states.

In the 1964 Civil Rights Act, Congress said in so many words that desegregation did not mean the assignment or transportation of students to overcome a racial imbalance in any schools.

The Courts either had ignored that language in the statute or had explained it away. Many members of the House, exasperated by the Courts' high-handed disposition of the 1964 language, had concluded a Constitutional Amendment would be required to set the matter straight and several proposals already had been introduced. During our conversation, I expressed to Mr. Ehrlichman my belief that school children should not be assigned and transported to schools far from home merely to achieve a racial balance in every school.

On the other hand, boards of education should be required to maintain an equal excellence of faculty, facilities and programs in all schools. I said further that Congress has power to deal with the problem legislatively and that an effective law would be preferable to a Constitutional Amendment. When Congress deals with an issue legislatively it retains control over the law.

If the Courts interpret a statute differently than Congress intended, Congress may change the law. If the Courts say a Congressional Act fails to conform to the Constitution, Congress may act again. But when language is written into the Constitution, Congress cannot reach it. Constitutional provisions become tools in the hands of the Courts, and whatever the Supreme Court says they mean, that they mean. So, on the subject of busing to achieve racial balance in the schools, a Constitutional provision should be resorted to only if the Congress is found without power to deal with the issue legislatively. I urged continued search for a legislative solution. We would, however, ask for hearings on the Constitutional Amendment so that the whole subject could be explored.

Soon after the 1972 session commenced, the Chairman of the House Judiciary Committee scheduled hearings on the busing issue to begin March 1. As a matter of fact, they got underway during the last week in February. There was a mood of urgency, but a large number of witnesses wanted to be heard so that the subcommittee was kept busy with them until the Easter recess.

Then, during the recess, President Nixon proposed a legislative solution. He asked for the introduction of two bills, one an 18-month moratorium on further Court-ordered busing and the other an equal educational opportunity measure which, if enacted and implemented, would make busing to achieve racial balance unnecessary. The bill proposing permanent legislation, the equal opportunity act, went to the House Committee on Education and Labor. The moratorium bill went to the Judiciary Committee.

When the Judiciary hearings resumed following the Easter recess, their thrust was toward the legislative proposal instead of Constitutional Amendment. In May the hearings concluded but the subcommittee has taken no further action either on the moratorium or the Constitutional Amendment. Nor has the Education and Labor Committee progressed beyond the hearing stage on the President's equal education opportunity proposal.

Last November, when the House passed the Education Amendments Act of 1972, it attached by floor amendment some anti-busing provisions. They prohibited the use of federal funds to transport either pupils or teachers, or to purchase buses in order to achieve racial balance in any school. They prohibited any federal agency from requiring or urging state and local education agencies to use their state or local funds for that purpose. And they stayed the effect of any Court order requiring busing until all appeals had been exhausted or the time for appeal had expired. When these amendments reached the Senate they were toned down and, although the House twice instructed its conferees to hold firm for the House-passed versions of the anti-busing amendments, the end product contains modifying phrases which considerably weaken the original language.

On June 23, the President signed the Education Amendments into law, including the weakened version of the anti-busing amendments. He denounced them as not strong enough and I agree with him.

Still, I voted for the conference report which sent the legislation to the President's desk because I was convinced it was either those limitations on busing or none at all. I favor further Congressional action, the enactment of the President's moratorium legislation. And if the Courts continue to ignore Acts of Congress and rule that Congress is without power to act, I would urge a Constitutional Amendment.

GOVERNMENTAL PROCESS—TV SERIES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. KEATING. Mr. Speaker, on June 1 the House passed legislation which would give additional aid to the Nation's public television program. Recently, I noted the efforts, in the field of educational television, exhibited by WCET–TV in Cincinnati. WCET showed a production it had made out of a Washington program that my office participated in bringing Cincinnati area high school students to the Nation's Capital to study government. The televised program allowed all students in the area to participate in the seminars. I would like to bring to my colleagues' attention a proposal written by James McAdams to broaden this concept into a 10-week program.

The proposal follows:

GOVERNMENTAL PROCESS—TV SERIES

(By A. James McAdams)

This year the offices of Congressman William J. Keating and Donald Clancy in conjunction with the Cincinnati Chamber of Commerce conducted a series of seminars in government for 50 Cincinnati area high school seniors. Cincinnati educational television WCET–TV then put the Washington trip into a two part program.

The success of Congressional Scholarship Tour production demonstrated the intrinsic value of educational television as a conducive medium in the learning process.

Using this production as a pilot-program, Thomas Brumley and myself of WCET–TV have decided to delve further into the possibilities regarding televised instruction on the democratic political process. We have found that there is a basic need for further comprehension of the American political governmental system.

In view of almost incessant criticism of American political structures, it has seemed to us that a moderate diversion from the norm might be in order. It has appeared that such malevolence might be countered by a more positive approach in presenting fundamental governmental bases and modes of operation. This could be accomplished through a series of educational television productions which would orient the viewer to the significance of Washington, D.C. as the center for the decision making processes which insure the security and stability of the United States. Hopefully, the visual portrayal of key operations might tend to enhance a more personal and sensitive understanding of the democratic system in action.

The target audience would be the viewing public of National Educational Television. Eventually, the shows would be made available to the secondary school system to be used as teaching motifs and instructional guides. The productions, as visual representations of the democratic process, would afford, to the viewer, an appeal often not found on the printed page.

The programs will be designed as a combination of television presentation and related printed materials, to aid both teacher and student. The study will include governmental personnel, of the highest level possible, drawn from all major branches in an attempt to generate the most interest. The series will be designed to have appeal to those in and outside the classroom and will be able to be utilized as a series or as separate presentations, depending upon the need of the viewer.

The series will be composed of the following 10 programs, each of which will attempt a particular facet of the democratic system in Washington.

1. The city of Washington, D.C., will be viewed, in an attempt at discovering its value as the locations for many of America's significant historical edifices and relics.

2. The election process will be studied and its importance in the democratic system evaluated.

3. Next, a program will attempt to create an understanding of the workings of the legislative through an analysis of the passage of legislation between the House and Senate.

4. A congressional office would be examined and an appraisal made of its initial value in operations.

5. The significance of a lobby effort in relation to the legislative process would be studied.

6. A scrutiny would be made on the Bureaucracy in its relations to the good of the American public.

7. An attempt would be made to generate a level of personal understanding of the American citizen in regard to the officials at the Pentagon and the Joint Chiefs of Staff.

8. The importance of the Executive Branch would be explored by studying the role of the President, his Cabinet and advisors.

9. A study would be made of the judicial branch, analyzing American jurisprudence.

10. Finally, a concise qualitative analysis would be conducted looking at the Federal System as a complete entity.

This series of shows, when produced will certainly be a "first" for the media, demonstrating the tremendous potential of educational television. Currently, Shawn Lucas and myself are in Washington researching the feasibilities of such a production. At present, we are in need of Congressional support which would aid in making such a series possible.

TRIBUTE TO A GREEK-AMERICAN HERO

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. YATRON. Mr. Speaker, on June 24, 1972, a moving ceremony took place in the city of Manchester, N.H. The

Ambassador of Greece to the United States, the Honorable Vassilious Vitsaxis, paid tribute on behalf of Greece to the memory of a Greek-American hero, Christos Kalyvas, who fell in France during World War I where he fought with the American forces there.

Christos Kalyvas was born in a Greek village and migrated to the United States in 1908. He settled in Manchester, N.H., and became a shoemaker. During World War I, he joined the American army, as a volunteer, and was sent to Europe. On October 8, 1918, he was killed in action while defending the United States near the city of Argonne, France.

Because of Christos Kalyvas's heroism and dedication to freedom, the city of Manchester erected a monument which bears his name. The ceremony in honor of the monument was attended by many hundreds of citizens of the city of Manchester and included: a wreath-laying to the monument by the Mayor Sylvo Dupuis and the Ambassador of Greece; a religious service in memoriam, chanted by the Greek Orthodox clergy of the city of Manchester, headed by the Greek Orthodox bishop of Boston; and the ground-breaking for a new home for the aged, to be built near a park which will also bear the name of this Greek-American hero, Christos Kalyvas.

In his remarks during the ceremony, Ambassador Vitsaxis stressed the longstanding brotherly ties which exist between the United States and Greece. He also emphasized the manifold contributions of Americans of Greek extraction to the United States which have been and continue to be exemplified and symbolized by the sacrifice of Christos Kalyvas. Ambassador Vitsaxis' remarks are stimulating and illustrate the many contributions which Greek-American friendship has fostered. For this reason, I would like to publish the Ambassador's remarks in order that my colleagues can benefit from them. The text of his remarks follows:

Remarks of the Ambassador of Greece, the Honorable Vassilios Vitsaxis

It is with a sense of humility and of deep emotion that I came today to this city—and more particularly to this Park—to honor the memory of a brave soldier and, in doing so, the memory of every one and all, who, in this country, in my country or in any other freedom-loving country, have offered their lives to preserve the moral values and the lofty Ideals, which form the very foundation of our way of life.

I do not believe—as I think nobody really does—that those who fell in the battlefields were more brave than those who returned home after having defended—in the roar of battles—their flag and what it stands for. I do not think either, that one sacrifice is more valuable than another. But I do believe that one can choose symbols which render it easier to our human mind to grasp, on the basis of a concrete example, some rather elusive and complex realities of the Moral realm.

Being the envoy of Greece in this country and having upon my shoulders the responsibility to look after the maintenance of the friendly relations between our two countries, I have deemed that Christos Kalyvas was indeed a typical example of the longstanding and deeply rooted bonds which tie together my country and its people with the United States; bonds which stem from our common belief in national independence, in freedom and in human dignity, bonds which found their expression throughout the history of our two countries; in the strong philhellenic movement which captured the imagination of the Americans, during our war of Independence and in the alliance which has always existed between our two peoples; and last but not least, bonds which were cemented by the strongest element, "blood"; blood shed as a supreme sacrifice by brethren, side by side, in the battlefields of the world.

This is why I thought that by honoring the memory of a Greek immigrant who was killed in action, defending the flag of his adopted new homeland—the United States—I would be honoring, at the same time, the hundreds of thousands of Americans of Greek extraction as a matter of fact all of them, with no exception whatsoever, for their admirable contribution—be it with their honest hard labor, be it with the rifle in hand—to making these United States the most powerful and the most advanced leader of the peace-loving countries in the world of today.

Christos Kalyvas was born, as I was told, near Kozani in Macedonia, Northern Greece. Macedonia . . . this bulwark of Freedom, which for more than two thousand years has unceasingly been in the limelight of History for having largely contributed to every hellenic, and for that matter, to every human achievement.

Aristotle—the Thinker of the centuries!

Alexander the Great—the military genius and the living torch of civilization, hundreds of legendary names have rendered this part of Greece one of the most famous of the world.

Kalyvas, an unknown Greek immigrant, came to the shores of this country, as tens of thousands did, at the beginning of the current century, looking for a better tomorrow.

He established himself in this very city of Manchester and became a shoemaker. When the war broke out and the United States joined the allies in their struggle to preserve the world from a dark despotism. Christos Kalyvas, the Greek immigrant, as thousands of Greek immigrants did, joined the United States Army, as a volunteer.

Almost a hundred years before, when enslaved Greece revolted against the Ottoman Empire, to achieve her independence and her national freedom, many Americans came to our land and fought shoulder to shoulder with their Greek brethren for what they knew was a worthy cause.

In 1916, it was the turn of the Kalyvases of all of them to volunteer and fight under the Star-spangled Banner for the same worthy cause.

In July 1918, Christos Kalyvas was assigned to the 16th Infantry Regiment of the 1st American Division and was sent with his unit to France.

He was not a learned man. He never knew what thinkers have said about the war: That "every bit of land and every wave of the deep blue sea, every rock and every tree, wherever it may be; every mountain's crest and every beach is worth fighting and worth dying for in the name of Liberty and in the quest of Justice."

Christos Kalyvas did not study the dusty books of wisdom; he simply listened to his heart which told him . . . "Now is the time to fight" and he did. As all the Greek-Americans, Kalyvas did, both then and afterwards. During World War II, during the Korean War and even now—at this very moment—in the jungles of Viet Nam . . .

Christcs Kalyvas fell in the field of honor, on October 10th, 1918, a few days before the Armistice was concluded. His sacrifice was not in vain . . .

Because he had a dream—as hundreds of thousands had, because he bravely fought—as hundreds of thousands did—because he was prepared to die—as hundreds of thousands were . . . The victory was ours and peace was honorably won.

Christos Kalyvas was a hero, but what we have come to honor today is Christos Kalyvas the Symbol!

His sacrifice examplifies the sacrifices of thousands of Greek immigrants who have given their lives to the United States.

I have come today, in the name of the Government and of the people of Greece, to pay tribute to his memory and to tell you that we are proud, as you are, for Christos Kalyvas; proud of all of you Americans of Greek extraction, and also proud of all of you our American allies and friends stemming from every corner of the world in strings of generations raised in this God blessed land.

Because the United States are made of people with the heart and the determination of Christos Kalyvas, because they have friends and allies—as Greece—with whom they share both the bread and the graves in the battlefields, they are what they are. A country of great destiny.

Let the memory of Christos Kalyvas be preserved by generations to come, as an immortal symbol of the ties, between our two countries and let us hope that the Tomorrows, which are waiting below the horizon of Time . . . will spare us from the necessity of new sacrifices of blood and offer us vast green fields of peaceful cooperation among nations.

The fulfillment of this dream for which we all pray to God the Almighty will not render void the sacrifice of Christos Kalyvas. It will be—on the contrary—its best justification.

RECENT RESTRICTIONS IMPOSED ON PREDATOR CONTROL OPERATIONS

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. POAGE. Mr. Speaker, during consideration by the Committee on Agriculture of the predator loss indemnity bill, and since we reported the bill, we have received much mail on the subject from concerned citizens.

There also have been many newspaper articles published relative to losses incurred by livestock and poultry producers in States from the Mexican border to Canada. A recent story sent out by the Associated Press gives a colorful and accurate picture of the situation that prompted introduction of the pending legislation, and publish it in the Record.

Among those who wrote us was Miss Diane D. Lanford of Blanket, Tex.—not in my district—whose father operates a sheep and cattle ranch. She sent us a copy of a letter she wrote to William D. Ruckelshaus, the Administrator of the Environmental Protection Agency.

Because this letter comes from an individual qualified to discuss the recent restrictions imposed on predator control operations, and because it is so convincing as to the actual harm that can be done the ecology by extreme measures intended to benefit wildlife, I insert it in the Record along with three other letters. One of these was forwarded to us by our colleague, Mr. McKay, of Utah. I offer them because they are typical of so many we have received, and I hope that Members of the House will read them to see that there are two sides to this issue which so many think poses only some simple solution, such as the precipitous banning of a long-used predator control method when no practical substitute for it is available.

The above-mentioned news items follow:

RANCHERS DOING HOWLING NOW

(By Robert E. Ford)

Possibly the world's most lonesome sound can be heard throughout the West provided the listener is at the right place at the right time.

This is anywhere in rough country on a clear night. From somewhere far away comes a cry, rising and falling, as if the heart were being torn from something living.

Actually, it is nothing more than a coyote trying out his vocal cords.

The Indians believed he was the smartest animal around, and created legends about him.

The coyote possesses many of the traits that the Indian heeded before he was forced onto reservations. He was intelligent, clever, an expert on hit and run raids, and could melt away into the wilderness so that his enemies couldn't find him.

Mr. Coyote is having one of his good times right now, and we'll wager that he's in his den right now laughing his furry head off at his latest victory.

This is because the federal government has switched over to his side, in effect.

So now a new howl is heard in the land—coming from ranchers and chicken raisers. They howl pretty good, too.

This triumph for what the encyclopedia calls the Prairie Wolf came this year when President Nixon banned use of coyote poison on federal land and the Environmental Protection Agency stopped interstate shipment of predator control poisons.

For, smart as he is, the coyote isn't a very good chemist and can't distinguish a poison from a non-poison.

Particularly he hasn't learned to cope with a device which, when he takes a tug at a piece of meat, flips poison into his throat far enough down so that he can't spit it out.

Ranchers, particularly sheep and goat raisers, protested loudly in Washington against the ban of poison. They estimate that coyotes, even with widespread use of poison, cost them $17 million in 1970 in animal losses.

They offered another deal to the government: Pay them damages if poisons are completely banned. They estimate the coyote population will explode to the point that their losses will be $50 million annually.

The government, in the person of Nathaniel Reed, assistant secretary of the Interior Department said poison isn't necessary.

Advised Reed: use packs of killer dogs or airborne hunters to control the coyote population.

This sounds good, but it just doesn't work that way.

Killer dogs do not stop killing just because they've chased the coyotes away. They turn to killing stock, too, and can be worse than coyotes.

Or take the experience a few years ago of a rancher-farmer on the edge of the Wichita Breaks between Seymour and Wichita Falls.

He got tired of coyotes and bought several greyhounds who surely could outrun a coyote and kill it.

The greyhounds drove the coyotes deep into the breaks for a time. Then the dogs disappeared.

The rancher-farmer never knew whether the dogs:

1. Were killed by the coyotes,
2. decided to run away, or
3. joined the coyotes.

Asst. Secy. Reed apparently doesn't know much about coyote habits, else he wouldn't have suggested shooting them from the air.

Eagles can be shot from the air, as bird lovers know, but coyotes are not birds of the same feather.

They prowl at night mostly, and until riflemen develop night eyes there isn't much chance of seeing one so they can shoot.

In daylight, coyotes mainly hide in dens or other places where they can't be seen. Seeing a coyote is somewhat unusual.

Out in West Texas you probably could get another western type war started between ranchers and farmers over coyotes.

One time the ranchers pretty well rid Baylor County of coyotes. So what moved in: Jackrabbits.

The rabbits started chewing on the farmers' crops—there being no coyotes around to catch the fast little beasts.

So the farmers had to organize great rabbit drives to save their crops.

The balance of nature is very delicate. So what are you going to save—livestock or crops?

Environmentalists say the coyotes do not inflict damages heavy enough on ranchers to warrant their destruction through poison.

And we can just see an angry rancher waving that $17 million loss bill in their faces.

W. M. Sims of San Angelo told a congressional committee last April that 80 per cent of all predators killed were destroyed by poison. Others said shooting and trapping simply could not keep the coyote population within bounds.

Most ranchers will agree on one thing: No matter what you use to eradicate them individually; the country still will have coyotes.

He's proven that he can, as a species, outthink Man.

BAR O RANCH,
Blanket, Tex., June 21, 1972.

Mr. WILLIAM D. RUCKELSHAUS,
Environmental Protection Agency,
Pesticides Office,
Washington, D.C.

DEAR MR. RUCKELSHAUS: I just read your U.S. Environmental Protection Agency Fact Sheet. I am appalled.

At this time, I shall introduce myself. I am Diane D. Lanford, a Pharmacy student at The University of Texas and the accomplice of numerous "indiscriminate killings." I live on a sheep and cattle ranch in central Texas. My father owns one of the finest herds of Registered Rambouillet sheep in the nation, some of which have been purchased by India and Mexico. Because of my background, that of a ranch girl and scientist, I feel qualified to discuss the following intelligently.

With regard to the suspension of thallium, I quite agree that so toxic a substance, with "the combined circumstances of dermal absorption . . . and persistence in the environment" along with other factors, is unfit as a predator control measure. There does seem to be a bit of faulty logic connected with the reference to bootlegging, however. If a certain commodity is readily available, with no government or other restriction, why would there be need for bootlegging? This prohibition seems to encourage rather than curtail bootlegging, as your article seems to suggest. I thought that had been rather firmly established by another Prohibition (since repealed).

I can also see some firm grounds for the suspension of 1080 (Sodium fluoroacetate). This is highly toxic in very minute doses, according to your report and quite stable. The "evidence" offered could have been excluded. however, since the reported and suspected fatalities were not connected with predator control materials. I am surprised, above all, that you would include the juicy implication that although "It is not clear . . . how various animal populations are being affected . . . 1080 is *thought* to have contributed to the death of *at* least one California condor, an endangered species."

When you speak of endangered species, sir, to what do you refer? I would like to point out that my family has a history of preservation of natural resources. My father has served as Chairman of the Board of Directors of the Soil & Water Conservation District No. 523 and I am presently looking at a plaque he received for the most outstanding supervisor of the same. That is incidental. Concerning the preservation of rare species, however, we have an array of wildlife on our land. It is no coincidence. We have meticulously preserved the wild turkey, wild guinea, and beaver population as well as dove, quail and more prominent fauna.

Do you know why we have these animals on our land, Mr. Ruckelshaus? Right! You guessed it. Predator control. You see, bobcats and panthers and wolves and red fox all eat our endangered species and when all the rabbits and squirrels and quail and wild turkey and wild guineas and beavers are gone, they eat $200.00 sheep. Lots of them, Mr. Ruckelshaus. Maybe 30 per night. Sheep are not only expensive, but imagine your dismay, indeed your disgust, upon breeding, feeding, caring for one particular ewe for six months, pulling the thorn out of her foot, giving her a shot of penicillin when it becomes infected, treating her for screw worms (why don't you outlaw screw worms?) drenching her, putting out salt and minerals for her, and then driving up one morning to find her throat cut by a predator. There is not a single bite taken from her flesh, just an ugly slash where a wolf has killed her and 20 more and left them untouched. Where is the government then?

Standing there with an apology and a subsidy? No, Mr. Ruckelshaus. No compensation awaits you—only a low import tax on wool such that the wool mill 10 miles from your home is weaving Australian wool (our actual case) and a notice that your only effective means of predator control has been suspended. Then in the very same report, you make the ludicrous comment: "Certain data that are presently available indicate predator losses may in fact be of such low magnitude as to be a minor part of total losses. The Cain report suggests that among other reasons for the decline of the sheep industry may be competition from synthetic fibers and from lot-fed livestock." I agree, the predator losses will, in fact, be of a low magnitude and they will be minor in comparison with the loss of wildlife and domestic animals. I feel, however, that the decline in the sheep industry is self-evident; few people can afford the kind of economic losses suffered nor can they bear the insults of the government.

When a victim of powerful lobbies, lack of data, and an abundance of misinformation can sit in Washington, D.C. and smell that open sewer, known otherwise as the Potomac River, and suspend a useful selective control means such as the cyanide gun, it is frustrating and it is a backward step in technology . . . the same technology which made my father's pacemaker possible. You say that "effective non-chemical alternatives exist, including denning, shooting and trapping methods that have long been available and effective, though more costly than poisons." You use the word "effective" twice in the same sentence, and yet, you have repeatedly stated that you have no statistics. Let me point out why these means of control were so effective for many years. Because men could expect a handsome price for furs and in some cases, a bounty as well. All the young boys of my father's generation thought it great sport to hunt predators. In this day of strict gun control and television, however, who is going hunting on Saturday night? Why don't we outlaw all insecticides and issue hammers for the control of cockroaches? Or why don't all ranchers get together and protest the killing of the housefly. Society for the Prevention of Extinction of the Housefly.

You see, I want my grandchildren to have the opportunity to see one.

Sir, I would like to offer some legitimate suggestions for the control of predators. There has been an extensive amount of research done on animal sex attractants and other Selective media which work on the sense of smell. These are extremely specific, differing perhaps in only one methyl group, or in the spatial arrangement of the steroid, but in that small difference, can select for a species or different members of the same species. Now if this were employed with the use of a cyanide gun or a strychnine bait, wouldn't it be almost totally innocuous to a raccoon, for instance? Yes! It has proven so numerous times. As for secondary death, this seems rather remote and the only thing harmed if the dead animal were not located immediately would be a buzzard, or another predator. By the way, do you know that a buzzard can and has killed baby lambs? They peck their eyes out and proceed to eat them.

Your report states that strychnine causes "death in a rather gruesome form." Let's discuss strychnine. You say "it is a complex, naturally occurring, organic compound which would probably bind to soil readily and decompose over a period of time, although information on the persistence of strychnine and its effects on the environment is somewhat limited." I agree. It is a natural biodegradable poison. The report states that 30 mg. is considered as a threat to the adult man. My Pharmacy book, however, says "fatal poisoning in human beings ordinarily results from doses of 60 to 90 mg. The drug is seldom employed in modern medical practice, but is utilized as a vermin killer." The paper also suggests that "there is no true effective antidote." Phenobarbitol is quite commonly used. I have looked through your points and cannot see why strychnine has been banned. Could you explain to me why? Is it merely because it is a potential threat to humans and animals? May I suggest that automobiles are also a threat.

None of the findings of fact in the report convince me that there has been any great damage done by cyanide either. Of the four incidents in 1970, only three concerned the guns and none were fatal. I wish the same could be said of common household matches, or aspirin.

Both the cyanide and strychnine, used with common sense and maximum care pose no threat to the public. The largest threat to the rancher now is your ban. The packs of wolves now accumulating are killers of men, too. If I have been redundant or extreme, please try to forgive it. I am desperately fighting for something I believe in, not to mention our livelihood.

Sincerely,

Diane Lanford.

State Department of Agriculture,
Oklahoma City, April 14, 1972.

Hon. W. R. Poage,
U.S. Congressman,
Washington, D.C.

Dear Congressman Poage: It is our understanding that HR 14163 and others with a similar intent will be heard by the agriculture committee in the near future.

May we take this opportunity to support this type legislation for the benefit of farmers and ranchers in Oklahoma. Our livestock and poultry industries have particular difficulty with coyotes, bobcats, and foxes. Predatory animal control officials in Oklahoma annually receive approximately 2,000 requests to help with predator control. For fiscal 1972, Oklahoma appropriated $136,000 to assist in this work, but in spite of our efforts we estimate a one million dollar annual loss.

Some necessary chemicals and toxicants for predator control have now been denied us, which makes it increasingly difficult to maintain agricultural production.

Therefore, we sincerely request your support for measures to indemnify farmers and ranchers for domestic animals killed by predators.

Sincerely,

Billy Ray Gowdy.

Roosevelt, Utah,
May 10, 1972.

Representative Gunn McKay,
House of Representatives,
Washington, D.C.

Dear Representative McKay: I wrote to you last fall and winter pertaining to sheep losses that occurred on my ranch during the past two years. The last time I wrote I mentioned that the coyotes seemed to be under control.

Once again I am suffering heavy losses due to coyotes. Steve Davis, the local trapper, has been working day and night trying to control these animals but finds it very difficult to combat them with rifle and steel trap. Yesterday he was successful in killing one bobcat, one old bitch and eight pups. This brings the total coyote kill on my ranch to 22 during the last 12 months.

With the removal of den gases and 1080 it is going to be impossible to even come close to controlling the coyote population. Something must be done and done fast if we are to survive in this industry. I urge you to do what you can to help at this time. I'm sure an airplane in Vernal would help but this fall we need 1080 or another poison that will do the job.

Please tell your city friends that these lambs, pheasants, and fawns that are being killed are not the poor, weak, or ill, but the biggest and strongest of the flock. These kills make me sick—and financially impoverished!

Sincerely,

Dallas E. Murray.

St. George, Utah.

Chairman W. R. Poage,
House Committee on Agriculture,
Washington, D.C.

Dear Sir: It is difficult for me to understand the hue and cry which has arisen relative to these animals (predators). People swoon when they think of the suffering of predators when they are poisoned, etc. or controlled by other means. People have not yet learned that these same animals to whom they have such charity cause little calves to suffer as they are killed and eaten. It so happens that two nights ago or two evenings ago I was out on my place and I found a young calf half eaten. This happened right on one of our ranch roads. The coyotes had dragged this calf back and forth across the road and perhaps had left it when they heard my approach in my truck.

I managed to get a picture of the little calf half eaten. I thought I would send it to you as I thanked you for what you are doing in our behalf. We have poisoned, trapped and killed coyotes all of my life and they are just as thick or thicker now than they ever were.

Phillip Foremaster.

SERBIA AND ST. VITUS DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. DERWINSKI. Mr. Speaker, today, June 28, is St. Vitus Day in Serbia. As part of their observance of this annual occasion, the people of Serbia recall their great and glorious past and look forward to the day when they and their country will once more be truly free.

One of the events that will be recalled will be the Battle of Kosovo, which made deeper and more lasting impressions on the people of Serbia than any other happening in their long history and inspired the greatest of their poets and musicians to write the nation's cycle of songs. The flower of the aristocracy of Serbia, its ruler, and its very existence as an independent nation were destroyed on the battlefield, for Turkey was destined to rule Serbia for almost half a millennium.

The ancient Serbian Empire came to an end when the Serbs and their Albanian, Bosnian, Bulgarian, and Wallachian allies were vanquished on June 15, 1389. Milosh Obilich, a Serb knight who was taken prisoner by the Turks, posed as a traitor and was thus enabled to assassinate Sultan Murad I. The Turkish ruler's son Bayazid I, was chosen to succeed him and went on to lead his army to victory. Prince Lazar, who led the coalition forces in a vain attempt to halt the Turkish advance, was captured and then executed by Bayazid's orders.

Serbia rejoined the family of free nations in 1877. The kingdom of Serbia fought with the Allies during World War I which was the basis in the creation of Yugoslavia. During World War II, the Serbs suffered first from the Nazi invasion and occupation and then by the imposition of communism at the close of the war.

The more than 8 million Serbs are the largest of the numerous ethnic groups that make up Yugoslavia. The Serbs are the largest nationality group within present-day Yugoslavia.

As the people of Serbia observe St. Vitus Day and commemorate the stirring events of the past, they are bound to speculate regarding the future. The leaders of present day Yugoslavia, even while exposing communism in attempting to apply its principles in domestic and economic affairs, are fearful of Soviet expansion. It is interesting that the Communist rulers of Yugoslavia have a much greater fear of the Soviet big brother than of the United States and its free world allies.

WILL U.S. FOREIGN ASSISTANCE SURVIVE FOR YET ANOTHER YEAR AS A GROSSLY INEFFICIENT OPERATION?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. MOORHEAD. Mr. Speaker, as chairman of the Foreign Operations and Government Information Subcommittee, I take this opportunity to call to the careful attention of my colleagues and the public another article on the foreign exchange operations fund in Laos. As you will recall, this is the device which was created some 8 years ago to "protect" the American taxpayers from learning of the fraud and corruption which was supported with $100 million of their Federal taxes.

As you will also recall, Congress—in House Report No. 92–718, "U.S. Economic Assistance for Laos—Stabilization Programs"—called for a major overhaul of the U.S. economic assistance program for Laos. I am saddened to report that our officials in the Agency for International Development have failed to take the much needed action to redirect the U.S. tax dollars being provided as a gift to Laos into a program to truly help the Lao people.

It is also my duty to report that—in spite of the fact that this Congress has neither authorized a foreign assistance program nor appropriated funds for fiscal year 1973—our AID officials have already committed the United States to provide $16 million, of the funds AID hopes to have Congress appropriate for fiscal year 1973, to keep the Laos foreign exchange operations fund—and the fraud and corruption which it finances—operating.

In addition to the Laos fund, our AID officials have now rushed in to establish similar funds in Cambodia and South Vietnam. These same officials were well aware of the critical comments—contained in House Report No. 92–1146, "U.S. Economic Assistance for the Khmer Republic—Cambodia"—when they committed the American taxpayers to provide $12 million under a fiscal year 1973 aid program for which this Congress has neither authorized nor appropriated funds.

In South Vietnam, AID officials are moving forward with two funds—an economic support fund and an economic development fund—which will cost the taxpayers $125 million for fiscal year 1973. Both of these funds may well support fraud and corruption in South Vietnam.

Mr. Speaker, how much longer is Congress going to permit our AID officials to ignore the well-being of the American economy and the well-being of the people of Southeast Asia?

Our AID officials are not engaged in truly needed assistance to the less fortunate people of these countries. They are merely fostering and contributing to fraud and graft by wealthy landowners, businessmen and government officials in these war-torn countries.

Those of us in Congress who have supported U.S. foreign aid have been able to keep foreign aid alive each year by only a few votes. With the flagrant abuses in our AID program, will we be successful in keeping U.S. foreign aid alive for another year?

Mr. Tammy Arbuckle's article of June 25, 1972, follows:

[From the Sunday Star, June 25, 1972]

ELITE IN LAOS FIGHT REFORMS

(By Tammy Arbuckle)

VIENTIANE.—An elite group of Lao families which for many years has prospered from U.S. aid funds is putting political pressure on the Laotian and American governments to prevent new anti-fraud and anti-corruption measures being put into practice, informed diplomatic sources say.

This political pressure has taken the form of demands for the resignation of Lao finance minister Sisouk Na Champassac by members of the National Assembly and attacks in the assembly against Premier Souvanna Phouma and the measures his government has taken to deal with Laos' economic crisis.

The measures were asked for by the United States after congressional committees in Washington discovered millions of dollars in U.S. taxpayers' money was going into Lao pockets through fraud and that U.S. officials on the scene had, for political reasons, failed to take action.

AIMED AT GOVERNMENT

Diplomats say the present assembly attacks are aimed at rocking the government of Souvanna Phouma.

Top Lao families, many of whom are strongly represented in the assembly, know the political aim of the United States is to retain the status quo in Laos through the continuing premiership of Souvanna Phouma.

They hope that by threatening the present government the United States will fear a political collapse and therefore not press further for economic reforms or tighten or cut the lucrative aid funds, particularly its $16 million yearly contribution to the $25 million Foreign Exchange Operations Fund aimed at stabilizing the Lao economy.

ANGRY PROFITEERS

The fund has not stabilized the Lao economy which has seen a 20 percent devaluation of the currency unit, the kip, in the last six months and a price increase in basic commodities of 31 percent already this year, but it has proved convenient means whereby the Lao elite and Vietnamese and Chinese merchants have been able to convert their kip profits to dollars and put the money in Swiss and other banks, to import luxury goods for themselves and keep thriving Thai and Lao smuggling rackets in merchandise going full blast.

The measures which the U.S. insisted on, economy which has seen a 20 percent devalu- which made the influential profiteers so angry are:

A levy of 240 kip to every U.S. dollar sent out of Laos in addition to the rate of 600 kip to one U.S. dollar. This means Lao commercial houses must pay more to send their profits out of Laos. It is aimed at preventing the flight of U.S. aid dollars to private accounts abroad.

Extensive documentation of foreign exchange transactions, thus eliminating the anonymity which the Lao and Chinese crave for their somewhat twisted financial dealings.

Elimination of private dollar bank accounts in Vientiane.

A parity of Thai and Lao customs duties to minimize smuggling along with introduction of U.S. customs officers as advisers.

Lao government price controls on basic foodstuffs to stop profiteering at the expense of ordinary Laotians.

Tighter fiscal and budget discipline of the Lao government itself (many influential Lao who are involved in commercial finagling, also hold high posts in the government and are not averse, Americans charge, to diverting funds).

Reorganization of the foreign exchange operations committee which oversees documentation of imports.

American officials praise "the effort of the Lao government in the face of obstruction by political opponents and vested interests" to get these reforms going.

But that this effort by the Lao should become a reality is apparently a dream of U.S. aid officials here which is not likely to become a fact.

The opposition is using not only political pressure but is also carrying out economic sabotage and a virulently anti-American whispering campaign in Vientiane markets which is linked with Lao government weakness in enacting such things as price controls. And deep seated corruption can only mean that reforms will remain theories which U.S. aid can present to American congressional investigators.

In the assembly men such as the deputy for Borikhane Province Amkha Southavong, rail against the 240 kip extra charge on dollars leaving Laos, claiming it "provoked enormous difficulties for the population."

This, of course, is rubbish. Only 60 percent of Laos' 2.3 million population live under government control.

Of these only 400,000 people are in the country's monetized sector. The remainder live by barter and subsistence. Of this group only some 8,000 people—800 registered importers plus top Lao families—are benefitting from the $25 million FEOF fund.

By buying Lao produced essentials most Laotians' kip would go a long way as there is need to link Lao produce prices to the dollar. Most imports are for consumption in non-Lao cities or are essentials from Thailand which could be subsidized with money saved by stopping the fund, some Western economic sources say.

U.S. officials, commenting on Amkha's attack, said he was one of those unable to get his dollar profits from house rents out of Laos. "We want a new finance minister who will get tough with the Americans," said one irate deputy, obviously put out by the finance ministry's acceptance of the U.S.-requested reforms.

PROTECTED MERCHANTS

Chinese and Vietnamese merchants, who say they have powerful Lao patrons who will protect them from the police or the military, sabotage Lao government efforts to stabilize the economy by raising their prices almost daily. Although U.S. funds allow them to import food at 605 kip to the U.S. dollar they sell for over 800 kip to the U.S. dollar, a price they base on Vientiane's burgeoning black market.

When corruption fails they hoard goods or sell inferior quality foodstuffs—for example chicken food is mixed with rice.

If Lao troops or low ranking civil servants complain, these shopkeepers lay the blame on the Americans in vicious whispering campaigns.

One story which made the rounds was that the Americans bought up all the best rice to make bread. "The Americans are giving the money. The Americans tell the finance minister what to do. Therefore the Americans are responsible for Laos money and when things go wrong it's the Americans' fault," an educated Lao summed up the popular attitude. "You know all those American ideas of documentation to control dollar flow won't work, people will just pay more money to officials," the Lao said.

Diplomats from other donor nations, Britain, Japan, France and Australia say they know the Foreign Exchange Operations Fund is no longer workable and their governments went along only for political reasons with the U.S. Charlie Mann (U.S.A.I.D. director) was chuckling over the agreement (signed June 14) for FEOF like an old hen with a favorite chick.

FRONTIERO AGAINST LAIRD

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mrs. GRIFFITHS. Mr. Speaker, the U.S. Supreme Court's 1971 decision Reed against Reed was hailed as a promise of constitutional protection against sex discrimination. In Reed the Court struck down an Idaho law which required that men be preferred over women in the appointment of estate administrators. The Court held that—

> To give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment. 404 U.S. 76.

The limited protection promised by Reed is being whittled down to nothing. In *Frontiero* v. *Laird*, Civil No. 3232–N (M.D. Ala., Apr. 5, 1972), a three-judge Federal district court upheld unequal treatment for male and female members of the Armed Forces in determining dependents' allowances. A male member of the military is automatically entitled to quarters' allowance and medical benefits for his wife. But to receive the same allowance and benefits for her husband, a female member of the military must prove that her husband is dependent on her for over half of his support. No such showing of dependency is required of a male member.

On the basis of Reed, it would seem that to set more favorable benefit eligibility criteria for male members of the military than for female members, merely to eliminate hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the equal protection clause of the 14th amendment. But the Frontiero court ruled that administrative convenience justifies the differential criteria and described this result as "clearly in harmony" with Reed.

The plaintiffs in Frontiero have filed notice that they will appeal. I hope that the Supreme Court will review the decision and establish once and for all that the Constitution gives protection against discrimination because of sex.

PRESIDENT NIXON COMMENDS U.N. ENVIRONMENTAL CONFERENCE RESULTS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. McCLORY. Mr. Speaker, President Nixon has issued a succinct and thoughtful statement praising the results of the recent United Nations Conference on the Human Environment held recently in Stockholm, Sweden. In addition to summarizing the results of the Conference, the President has forwarded a carefully prepared fact sheet describing the principal results of this historic international meeting.

Mr. Speaker, having had the privilege of serving as one of the U.S. delegates to the Stockholm Conference, and having participated in the discussions leading to some of the final results which are recorded in the President's statement and fact sheet, I should state that I fully concur in Mr. Nixon's evaluation of this historic gathering. I am pleased to attach hereto the President's statement—together with the fact sheet—for the benefit of my colleagues and to all who examine the CONGRESSIONAL RECORD.

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

(Statement by the President on the Conference Held June 5–16 in Stockholm—June 20, 1972)

I have just received a report on the United Nations Conference on the Human Environment concluded last Friday at Stockholm from Chairman Train who headed the large and distinguished United States delegation.

The United States has worked long and hard over the past 18 months to help make the Conference a success. Representatives of 113 nations met together for 2 weeks to produce an impressive number of agreements on environmental principles and recommendations for further national and international action in this important field.

The United States achieved practically all of its objectives at Stockholm.

(1) The Conference approved establishment of a new United Nations unit to provide continued leadership and coordination of environmental action, an important step which had our full support.

(2) The Conference approved forming a $100 million United Nations environmental fund which I personally proposed last February.

(3) The Conference overwhelmingly approved the U.S. proposal for a moratorium on commercial killing of whales.

(4) The Conference endorsed our proposal for an international convention to regulate ocean dumping.

(5) The Conference endorsed the U.S. proposal for the establishment of a World Heritage Trust to help preserve wilderness areas and other scenic natural landmarks.

However, even more than in the specific agreements reached, I believe that the deepest significance of the Conference lies in the fact that for the first time in history, the nations of the world sat down together to seek better understanding of each other's environmental problems and to explore opportunities for positive action, individually and collectively.

The strong concern of the United States over the fate of our environment has also been demonstrated in our direct dealings with individual nations. The Great Lakes Water Quality Agreement which I signed in Ottawa this April with Prime Minister Trudeau was evidence of the high priority this Administration places on protecting the environment. The Environmental Agreement which I signed in Moscow on May 23 is proof of the desire of our Nation to work together with the others on the common tasks of peace.

I am proud that the United States is taking a leading role in international environmental cooperation, and I congratulate our U.S. delegation on its success at Stockholm. The governments and people of the world must now work together to make the objectives of the Stockholm Conference a reality.

THE U.N. CONFERENCE ON THE HUMAN ENVIRONMENT: FACT SHEET

The United Nations Conference on the Human Environment was held in Stockholm, Sweden, from June 5–16, 1972. The U.S. delegation, led by Russell E. Train, Chairman of the Council on Environmental Quality, included delegates from the Executive Branch, the Congress, the States, and the private sector. The Conference reached agreement on the following major points:

1. *A new permanent organization will be established within the United Nations to coordinate international environmental activities.* It will consist of an Executive Director who will head a small staff (the Environmental Secretariat) of about 30 persons. This organization will be supported by a Governing Council for Environmental Programs composed of representatives of 54 nations and will be under the United Nations Economic and Social Council. Its major outlays will be met by the U.N. environmental fund.

2. *A $100 million U.N. environmental fund financed by voluntary contributions from member governments will be established.* This fund was initially proposed by President Nixon in his Environmental Message to Congress on February 8, 1972. The U.S. is prepared to commit $40 million over a five-year period to this fund on a matching basis The fund will be used to finance international efforts to deal with global environmental problems, such as establishing the worldwide monitoring network approved by the Conference. A number of countries have already indicated they will contribute to this fund.

3. *The Conference gave strong endorsement toward completing a convention to control the dumping of shore-generated wastes into the sea.* Such a convention was called for by President Nixon in his 1971 Environment Message at the time that he submitted domestic legislation for the control of ocean dumping to the Congress. Preparatory work of intergovernmental meetings held in Reykjavik in April 1972, and in London in May 1972, had produced draft articles and annexes for such a convention. The Conference agreed to refer the present draft to the U.N. Seabed Committee's July-August session for information and comment. It also asked that a conference of interested Governments be convened before November with a view to elaborating the convention and opening it for signature before the end of the year. This conference is to be convened by the United Kingdom in consultation with the Secretary General of the United Nations.

4. The Conference recommended that the International Whaling Commission adopt a 10-year moratorium on commercial whaling. The Conference also recommended that the IWC be strengthened and that international research efforts be increased. This recommendation will be considered by the IWC at its meeting in London on June 26–30. (Chairman Train of CEQ is attending the IWC meeting as the President's representative.)

5. The Earthwatch program—a coordinated plan to use and expand existing monitoring systems to measure pollution levels around the world—was approved. As part of this program, a network of 10 baseline and 100 regional monitoring stations will be set up throughout the world under the auspices of the U.N.'s World Moteorological Organization (WMO) to monitor changes in the earth's climate and to chart levels of air pollution. The Earthwatch program also includes plans for surveillance of the oceans, radioactive wastes, food contamination and changes in numbers of plants and animals which might indicate hazardous conditions in the environment. The Integrated Global Ocean Station System and the Long Term and Expanded Program of Ocean Exploration and Research, both of which will provide extensive data on the seas, will be part of this program.

6. Proposals for conservation conventions were endorsed:

The World Heritage Trust convention, an idea proposed by President Nixon in his Environmental Message of February 8, 1971, is based on the concept that some areas of the world are of such unique, natural, historical, or cultural value that they are part of the heritage of all mankind and should be accorded special recognition and protection. The Stockholm Conference endorsed a draft convention and invited governments to examine it with a view to adopting it at the next general session of UNESCO, which will be held in Paris this fall.

The Endangered Species Convention is designed to provide protection for species of plants and animals threatened with extinction by imposing strict controls on the export, import, and transnational shipment of these species. It was endorsed in principle by the Conference, with the recommendation that an international conference be held as soon as possible to draft and complete the convention.

7. Declaration of environmental principles—A 27-point statement of environmental principles was adopted by the Conference. These principles call for responsible action on the part of countries when dealing with environmental problems of international significance. For example, Principle 21 declares that states have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond the limits of national jurisdiction."

8. A recommendation was adopted by the Conference calling for compensation by the developed countries to the less developed countries for trade damages stemming from environmental factors. The United States voted against this proposal, pointing out that many forces affect export earnings and to single out any of these, such as environmental actions, for compensatory treatment would be wrong in principle and a disincentive to environmental responsibility. However, the United States stated its readiness to deal with any complaint that its environmental actions violate GATT obligations.

READ—DON'T JUST LOOK

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. WYMAN. Mr. Speaker, one of the unfortunate handicaps of too many of our younger generation is inability to read fluently. For too many years, too few have been truly taught to read properly, or trained in phonetics.

The old saying that a picture is worth 10,000 words may be correct, but the adverse impact on our society from the inability among many citizens to effectively communicate through the printed word, along with accompanying unwillingess to spend the time reading books that help with the lessons of the past, all because to so many, reading itself is difficult and unpleasant, is most regrettable. It is also remediable.

Parents who wish to help their youngsters along the road should discourage too much looking at television or at pictures and encourage a lot more reading, particularly reading aloud.

In this connection, a recent column by James J. Kilpatrick is of interest. The column follows:

GROWING CONCERN OVER FUTURE OF PRINTED WORD

(By James J. Kilpatrick)

LOUISVILLE, KY.—For the past 10 years, the Courier-Journal and Louisville Times have sponsored a lively and ambitious program known as "Newspaper in the Classroom." A number of other papers are engaged in the same effort—and a keenly important effort it is.

The programs are intended to strengthen the ties that bind together the closely related worlds of teaching and newspapering. In both worlds, a primary purpose is simply to inform, to pass along what we hope and believe to be truth, and to cultivate an intellectual awareness in those we reach. Toward this end, the newspaper is a marvelously useful tool of classroom instruction, even at the kindergarten level.

The printed word is in trouble these days. On the surface, it might appear otherwise: Newspaper circulation is at a record high; specialized magazines are generally healthy; sales of paperback books are soaring out of sight; journalism schools have to turn away applicants. Those of us who live by the printed word, and love it, are facing no immediate crisis.

Yet things are happening, under the surface, that compel a mounting concern. Repeated polls tell us, however we may grumble at the findings, that most persons now regard television as their primary source of news. According to one study, children will have spent two to three thousand hours watching TV before they enter the first grade. The trend, in this regard, is toward a nation of viewers, not of readers.

The trend is potentially disastrous. With notable exceptions here and there, the educational system has not slowed this process, but rather spurred it along. The pernicious virus of "look-and-say," which long ago infected instruction in elementary reading still ravages many schools. Millions of children, deprived of phonetic discipline, have grown up to be terrible readers. No wonder they watch TV! It is dismaying to learn of the declining emphasis placed upon spelling, punctuation, rules of grammar and construction. Once courses in "lit. comp." were everywhere required; but written compositions have gone out of style.

Meanwhile, the economics of periodical publishing tend to make bad matters worse. The Courier-Journal historically has trucked its morning editions 200 miles to Hazard and beyond, but the cost of serving distant subscribers have mounted out of hand. For many magazines, the prospect of soaring postal rates is a grim prospect of ceasing publication.

Yet the situation is far from hopeless. The late Douglas Southall Freeman used to complain, in his melancholy moments, that newspapermen write on sand. In a sense we do. Yet this is better than television, which writes on wind. The printed word must always have this enormous advantage over TV—that it is available to the reader at his convenience, to be absorbed in whole or in part, at any hour; to be clipped, filed, or mailed. Some of the products of our labor may be used to wrap the fish, but as a medium of communication, the printed word endures.

It must endure. In an editorial marking the first issue of his new World magazine, Norman Cousins speaks for all of us who write and publish: "We are confident that print will not only endure but will continue to be a primary force in the life of the mind. Nothing yet invented meets the intellectual needs of the human brain so fully as print. The ability of the mind to convert little markings on paper into meaning is one of the ways civilization receives its basic energy."

That conversion process—the conversion of those little markings on paper into meaning—is peculiarly the joint responsibility of those who teach and those who publish. We are co-trustees, keepers of the tablets, and in the administration of that trust, we must not fail.

THE 75TH JUBILEE CONFERENCE OF THE CHICAGO ZIONIST ORGANZATION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. PUCINSKI. Mr. Speaker, Sunday it was a privilege to address the 75th Jubilee Conference of the Chicago Zionist Organization in my district. I ask unanimous consent to include my remarks in the CONGRESSIONAL RECORD today. My remarks follow:

SPEECH DELIVERED AT THE 1972 CONFERENCE OF THE CHICAGO ZIONIST ORGANIZATION, JUNE 25, 1972, BY CONGRESSMAN ROMAN C. PUCINSKI

It is a particular pleasure to be invited to join you today and participate in the Annual Conference of the Chicago Zionist Organization.

I say this because the events of recent weeks have caused me once again to consider the meaning and the future of Israel. The continuing acts of terrorism and violence by the Palestinian guerrilla groups; the horrible carnage of the massacre at Lod airport; and the freightening responses to these realities by many of the newer, smaller states and by some within the U.N. should cause All Americans to give careful thought to Israel and its survival. Nor is the resolution being offered by Ambassador Bush censuring both Israel and Lebanon at the U.N. the answer.

It is certainly true that ever since 1948, Israel has proven to the world that it can take care of itself—but at what cost.

This state of continual warfare requires universal military service, nerves of steel, and an allocation of national resources for defense that leaves far too little for the development of Israel's industry, agriculture, housing and other domestic needs. What's more, it is questionable that a small nation of only 3 million can withstand the dangers posed by the 35 million hostile enemies surrounding it for an indefinite period stretching into the remaining decades of the 20th century.

It seems to me that ever since that moment on May 15, 1948 when the British colors were hauled down and the State of Israel was proclaimed a genuine miracle has been operating there.

Attacked from all sides. Out-numbered. Out-gunned. Against all odds, Israel has survived. The people of Israel have proved to be uncrushable.

In the 6 Day War, an important step was made to secure Israel's national borders by establishing buffers in Gaza, the Golen Heights, the west bank and through the reunification of Jerusalem.

The changes which have occurred in these areas since that time have been exciting and promising for the long range stability of the whole Middle East.

Nomads in the Gaza are now growing bumper crops of tomatoes and cucumbers and are just beginning to get a taste of the better features of modern prosperity.

The 40,000 workers from the west bank are now employed and able to provide a wholesome and healthy life for their families. The recent west bank elections are testimony to the re-birth of a normalized relationship between Arab and Jew within Israel.

How exciting these new achievements are and what an *extraordinary* departure they represent in the traditionally squalid life of the Arab "fellaheen."

I know that none of this is news to you. I am certain that you follow each new development with even more intense excitement and pride than I have through my visit to Israel and the overseas edition of the Jerusalem Post each Thursday. But I think that considering these things is a good way to back into some of the issues that I want to address myself to here at the conference today.

I say this because I know that Israel has a special meaning to you as Zionists and as Americans. But it also has a special meaning to me as an individual—as a non-Jew.

Although it is difficult to express exactly what I mean, I would like to try before we take up the specific question of American policy. The reason I think this is important is because I feel *very strongly* that the time has come when our *feelings*—our values—as a people and our policies should no longer be separated.

Looking back on the beginnings of the modern Zionist movement, I am convinced that this same conclusion was reached by the important Zionist writers and thinkers in the late 19th century.

Men like Moses Hess, Lilenblum, Pinsker, and of course Theodore Herzl realized that the hopes raised by the Enlightenment in Europe with its new rationalism and its egalitarianism were without substance for Jews.

These men were the first to unite the feelings and real life experience of international Jewry with a pragmatic policy decision.

As Pinsker said of the Jewish people—"We are everywhere a guest, and nowhere at home—Consequently it is our bounden duty to devote all our remaining moral force to re-establishing ourselves as a living nation."

Looking back over this century we must acknowledge what far-sighted and prophetic words these were. Today we know that but for the long and difficult efforts of the Zionist movement, the Holocaust might have brought an end to the dream of "next year in Israel."

Somehow, I have the conviction that all of us today must fight to make sure that America sees just as clearly that *its* moral sentiments must be reflected in its policies toward Israel.

The horror of centuries has finally caught up with us. The centuries of state and church-sanctioned anti-Semitism; the pogroms; the indignities of ghetto life; the resignation to a life without basic freedoms and finally the ultimate outrage of the Holocaust have left us, Jew and non-Jew alike, with a new moral imperative. This is our legacy.

The re-birth of Israel represents *all of the best things in man*. It is living, breathing proof that human beings can survive the most vicious, gratuitous acts of insult, injury, and murder and emerge steadfast and determined. The people of Israel have made a commitment to life with the most profound zest, enthusiasm and stubborn pride ever seen in the memory of man. This small nation, which you have helped to build and sustain, stands as an example of people working together for *their land* and within the framework of ethical and moral traditions at a time when so many of *our* people disaffected, jaded and unmoved by genuine emotion for anything outside themselves.

What has all this got to do with America's foreign policy and with America's role in the Middle East?

To me it means that we have to begin to take a new look at what is really in our national interest.

Policy and emotion, Policy and integrity. Policy and conscience. They simply cannot be separated in the case of Israel.

We must begin to realize that every once in awhile nations must have the sense to see that what is "smart" is what is "right." In other words, The Hell with the Oil. The Hell with the Suez. The Hell with the timid souls who say "Don't do that, its too dangerous."

The proper policy for the United States and for all of its friends—is to assure the safety and survival of Israel no matter the cost.

If we are smart as well as honest we will take to heart the lesson of Israel's first 25 years: Don't give in to terror. Don't give in to threats. Don't give in to censure by other countries who could care less what happens to Israel. Don't formulate policy hoping to be loved in return.

America must take an unequivocal stand or risk losing for all time the best living example of values, traditions and principles which we cherish. *Israel must live.*

We all know that there are other things to be gained or lost for the United States in the Middle East.

Today it is still a place of active daily warfare between Arabs and Israelis.

To complicate matters it has become a place of confrontation between the big powers. There is no question but that the Soviet Union intends to meet some of its own needs for friends and oil and access to the Mediterranean and the Atlantic through its support of Egypt-Syria and the Palestinian guerrilla movements.

If *only* this political confrontation were at stake it would be sufficient to justify our support of Israel.

But let's get this point cleared up. I am *not* Pro-Israel because I am anti-Communist. Most of you are aware of my heritage and the way I feel about the domination by the Soviet Union over Poland and other nations of eastern and central Europe.

When I talk about "Captive Nations" I am deadly serious. And no people understand better what is implied in that term than the Jews of the Soviet Union.

But do not be misled. I support Israel and its national future because I believe in it; because it is part of our history; because it is part of me as a person.

This has nothing whatsoever to do with the Soviet Union or France or England or the Sudan or Mainland China or anybody else. Well, then—how do we translate this feeling, this commitment, into action and policy?

I would like to present to you an 8-point Plan for U.S. Policy:

(1) All of us must resist the trend among the new isolationists in America to back away from Israel. In a few years, if unchecked, this movement will begin to have an influence on American policy. We must not allow this to happen.

(2) Secondly, we must react more strongly against the growing anti-Semitism which is coming from the black community and other minority groups. If scapegoating gets a new lease on life in our cities we will bitterly regret it and the Jewish community in the U.S. and in Israel will suffer for it.

(3) We must expand our national commitment to the problems of Soviet Jewry. The Soviet Union does respond to world public opinion and we must keep the pressure on.

(4) We must also continue to expand our financial assistance to Israel to meet the costs of the Aliyah. If we do not help through U.S. government assistance to relocate and re-educate and re-settle the thousands of Soviet Jews yet to come, Israel's defense budget will be seriously jeopardized.

During the past session of Congress, I co-sponsored a bill in the House to provide $85 million for this purpose which was recently approved in both the House and the Senate. We must do much more, however, in this direction over the next few years.

(5) We must maintain a steady flow of military and monetary assistance to Israel over the next five critical years. There must be no misunderstanding on the other side that the U.S. commitment is half-hearted.

And I must say—as a footnote to this—that *I fail to see* why practically everything we do for Israel is handled as a *loan!* When you stop to consider the billions of dollars in military and foreign aid we have *given* to countries who don't like us and who have never shared our commitment to freedom, I cannot *imagine* why everything we do with Israel is a "business transaction."

I feel so strongly on this point that I believe we should attempt to persuade our NATO allies to accept Israel as an additional NATO partner. When the North-Atlantic Treaty Organization was formed the Mediterranean offered a buffer between the continent of Europe and the Middle East—particularly since the American fleet dominated those waters.

But this situation has changed. With the Soviet fleet now in the Mediterranean, that ocean no longer serves as a buffer, and what happens in the Middle East directly affects all of our NATO allies and our own interests.

This is why I believe Israel should be invited to become a NATO partner and benefit from the collective security of NATO.

If our NATO partners reject this concept, the United States should unilaterally treat Israel within the same posture we treat our other allies in Europe and give—not sell Israel the arms she needs to defend herself.

(6) We must *refuse* to collaborate with the Soviet Union in forcing a "Big Power" settlement on the conflict in the Middle East. Israel must not become the victim of another "Yalta."

Israel has the right to settle its own disputes and its own destiny. There is absolutely no justification for the U.S. to make it possible for the Arab leadership to continue to behave as if Israel is a mythical nation which doesn't really exist officially and which need not be negotiated with.

In my opinion there will never be a genuine peace in the Middle East until face-to-face formal negotiations take place.

Furthermore, I feel that the Jarring Commission has lost its credibility completely by encouraging the Arab leadership in this delusion and by fanning its hopes that Israel will withdraw from occupied territories as a pre-condition to talks.

(7) I think that the United States should take a stern and uncompromising position on the issue of Arab terrorism.

It is appalling to me that in the wake of the recent hijackings and the slaughter at Lod Airport it is left to the *airline pilots* to become spokesmen in this situation.

This should be the responsibility of *Nations* not pilots. All of us know that these attacks and these kidnappings of planes and people simply could not go on without the indifference and sometimes the willing collaboration of the countries involved.

It is time to make it very uncomfortable and unprofitable for countries which condone and collaborate whether we involve economic sanctions or other methods.

As a postscript to this point, we must never lose sight of the fact that it was the exhortation of *Radio Cairo* and *Radio Damascus* which convinced the Palestinian Arabs to leave their homes in the first place!

The Arab leadership created the refugee problem and they have kept these people in camps for these many years for the express purpose of maintaining the hostility and using the plight of the refugees as a phony propaganda weapon.

After all if Israel can integrate the refugees of the Sinai and the west bank into its society and economy, are we to believe that Syria and the Lebanon cannot?

(8) Finally—and most importantly of all—the "Keystone" to America's Middle East policy must be to do whatever is required diplomatically and militarily to maintain the security—the territorial integrity—and the national life of Israel.

To do anything less would be a betrayal of our own national morality, the principles of freedom and justice upon which America was founded, and would be such a violation of what we know as a people to be right that

I doubt we could ever recover our sense of worthiness and self-respect.

In conclusion let me just make an observation:

Over the past few years many of my friends have said to me—"Oh, those Israelis—they're stubborn. They're abrupt. They're in such a hurry they practically knock you down. They're unyielding and uncompromising."

Well—they probably are. *But just think what else* they are. They're proud. They're proud of being Jews and being Israelies. They believe in Israel. They fight for it and they die for it. They're turning deserts into gardens. Last week, for the first time in the history of medicine, a laser beam was used instead of a scalpel to perform delicate brain surgery and to cure cancer patients. Whole new industries in synthetics are being developed. Schools, symphonies and universities are growing and developing. Small Arab towns like Hebron and Bethlehem are hiring planners and architects for the first time in history. And each month thousands of new Israelies appear in harbors of Israel and are fed, clothed, housed, re-educated, and integrated into the fabric of Israel's national life.

This is achievement of heroic proportions. It makes all of us proud to be men.

It turns all of us into Zionists.

LET'S PROTECT OUR OCEAN FISHERIES

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. STEELE. Mr. Speaker, the difficult position of the fishing industry, and the high prices consumers must pay for fish, are primarily caused by the foreign fishing fleets operating just a few miles off our coastlines. The foreign fleets frequently employ mass fishing methods that endanger the ecology of the area, and thus threaten both our own fishermen's livelihood, and an important food source for humanity. In many cases, the activities of the foreign fishing vessels violate multinational agreements designed to protect the economics and ecology of fisheries.

Often, because we presently lack adequate enforcement authority, the exploitive activities of the foreign fisheries is "legal," and cannot be stopped. In the interests of protecting the ecology of the oceans, assuring the continued existence of an important food source, and enabling our country to maintain a fishing industry, it is vital for Congress to address itself to the problem of protecting our living marine resources.

I wish to include excerpts from two current reports documenting particular aspects of foreign fishing off our coasts.

The first, "Beyond the 12-Mile Limit," appears in the July 1972 issue of Environmental Quality magazine. It focuses upon the threat foreign fishers pose to the survival of our coastal fish stocks, and urges this country to take the initiative in protecting the living marine resources along its Continental Shelf.

BEYOND THE 12-MILE LINE

(By Russ Oetting)

Over-exploitive fishery operations by Russian and Japanese fleets during the last decade have decimated yellow-fin sole in the western Bering Sea to the point where a British research vessel reported the lack of any commercial quantity of this resource, at the same time candidly observing the complete absence of either Soviet or Japanese vessels. Halibut and black cod resources in the eastern Bering Sea and the northern Pacific experienced a meteoric rise and fall in catch statistics as the foreign fleets directed their exploitation to these species.

In the North Atlantic Grand Banks, Georges Banks, Brown Banks and Gulf of Maine continental shelf fisheries, haddock and yellow-fin flounder are being decimated by an amazing army of fishing fleets. The so-called Red Fleet, including some of the world's most efficient fisheries vessels from Russia, Poland, East Germany, Bulgaria, Rumania and Yugoslavia, together with those of Japan, West Germany, Spain, Norway and Cuba, exploit fisheries which a decade ago were the exclusive territory of the United States, Canada and Iceland.

Russia and German engineering construction, and photographs recently smuggled out of the VEB Volkswerft, Strausland, East German shipyards, give a detailed picture of the "overkill" capacities of the new Soviet *Tropic* and *Atlantik* stern trawlers (see illustrations). Through sources confidential to this author, the western nations were able to learn of previously unsuspected capabilities, such as 400 ton-per-day floating canneries and trawlers so maneuverable "they can turn on a dime."

Optimism fades even further as scientists from the University of Washington's College of Fisheries, the Woods Hole Oceanographic Institute in Massachusetts, and the University of California Scripps Oceanographic Institute at La Jolla have determined that, for various reasons, over 90% of the world's oceans are biological deserts, relatively useless as food sources.

Remaining are the coastal seas or continental shelf waters. Rich in nutrients and shallow in depth allowing sunlight to penetrate and photosynthesize phytoplankton (microscopic algae), this shallow off shore region is responsible for most of the earth's marine biological life. Here are the world's richest fisheries.

Planktonic algae sinking below 100 meters becomes dormant on the dark sea floor. The interaction of wind forces, wave action, and ocean current produce an up-welling of the cool, deep waters which "wash up" onto the continental shelf. Here, masses of dormant phytoplankton perpetually arrive to begin photosynthesizing and feeding the food cycle.

An astounding case of international naivete, the United States and other major fishery nations have adopted an exclusive 12-mile fishery zone intended to protect ground feeding species which ecologically recognize the extent of the continental shelf and the upper region of the continental slope leading to the ocean bottom as the limits of their habitat.

The continental shelf and slope, a natural phenomenon, varies extensively from north to south. In the Atlantic, southeast of Newfoundland, the famed Grand Banks shelf area extends 200 miles into the Atlantic. The Georges and Browns Banks off the coasts of Nova Scotia extend 160 miles seaward. Further south the shelf narrows to as little as 3 miles off the eastern coast of Florida.

In the Pacific a minimal 6–10 mile shelf exists off the coast of Baja California. The west coast continental shelf of the United States and Canada averages 17-19 miles. Except for occasional drops, the Alaskan shelf in the Northern Pacific and Bering Sea extends to Russia.

It is principally in the continental shelf regions *beyond* the official 12-mile zone of exclusive fisheries jurisdiction that many foreign fleets enjoy almost unrestricted exploitation of what historically has been the exclusive property of the coastal nation. These "interlopers" are usually driven to such lengths after they have destroyed their own historic coastal and inland fisheries—often by over-exploitation and criminal mismanagement.

The Russians are a good example. Two Soviet documents, translated by the Fisheries College, University of Washington, and the Legislative Branch of the Congressional Library, bring to light the gross mismanagement and pollution of Russian fisheries. The Soviet Union's most productive inland sea fishery for the past hundred years, the Caspian Sea basin, has been virtually destroyed. Waters of the Volga and other contributary rivers have been diverted from this basin, retained in numerous large hydroelectric dam reservoirs. This, with major pollution problems from millions of gallons of untreated sewage dumped into the rivers from the high populated and industrialized middle Volga region, have resulted in catastrophic reduction in fishery yields from both the rivers and the Caspian basin.

Ostensibly directing their attention to hake, the Soviets now carefully outside the new U.S. 12-mile exclusive fishing zone established as a result of the furor created by their fleets in these waters in 1966, proceeded to exploit this resource heavily while concurrently researching the heavy seasonal salmon runs into the mouths of the Columbia, Klamath and Russian rivers.

Soviet research and exploratory fishing operations on the salmon resource in the Bering Sea and the Alaskan continental shelf waters had already preceeded this research drawing the ire of Alaskan commercial operators. During 1970, Pacific Northwest fishermen joined in the protest against Russian exploitation of salmon stocks.

With the fisheries in the Black Sea and the Baltic over-exploited by Russian, Nordic and other European fleets, the virtual loss of the Caspian and Aral inland sea fisheries, and severe climatic conditions in the Arctic seas, the Soviet drive to new fisheries belonging to other nations is alarming.

Unable to obtain proof of deliberate exploitation of salmon, the U.S. Marine Fisheries Service issued a statement that no confirmed sightings had been made of Soviet use of gill nets, purse seines, surface longlines or trolling gear, traditional gear used to harvest salmon. Therefore, any landings of salmon by the Soviets were considered incidental to normal trawl operations on bottom-feeding fish.

The official Soviet denial took the form of a newspaper article written by Alexi Volkov, Chief consultant to the USSR Ministry of Fisheries, published in Sacramento, California on December 6, 1970. Volkov's article stated in part that staggering costs prohibited the construction of trawlers to conduct other than "other" or bottom trawl operations—thus implying that the "American witnesses" claiming heavy exploitation of salmon were mistaken.

This defense begins to appear dubious as both the *Tropik* and the *Atlantik* trawler classes are not only capable of specializing with drift nets and purse seine gear for salmon, tuna and albacore, but are also fitted with normal bottom trawl gear for exploitation of the bottom-feeding species as well. The most amazing disclosures, however, were the technical discussions of mid-water or layer trawling with bottom trawl nets in conjunction with the most sophisticated horizontal and vertical fisheries sonar gear available, allowing utilization of this deep water gear for exploitation of "pelagic" or migratory species.

Concerted use of this high-frequency sonar by the Russians, with close control of the trawl gear in mid-layer operations, makes an accidental take of large quantities of any species—including salmon—highly improbable.

Therefore, the trawlers which aroused so much concern in the Pacific Northwest were capable of harvesting most fisheries species (not just bottom feeders as claimed), all of them deliberately.

The salmon in question are sexually mature fish returning to their western U.S. river spawning grounds. Many are yearling salmon which will not move up the rivers but will make another predictable sweep into the Pacific Ocean, to return in a year or so and begin the saga of spawning and death in the riffles where they were spawned. They will, that is, if they can elude Russian and Japanese high seas gill-netting and purse seine operations which dot the migration grounds while avoiding U.S. and Canadian fisheries experts.

While Volkov, as chief consultant for the USSR's Ministry of Fisheries, asserts that Russia participates in at least 36 international agreements on exploitation of living marine resources, it is interesting to note that none of these provide for mutual inspection of catch or equipment. Instead, they depend on the integrity of the nation and its vessel captains and fleet commanders to conduct their operations within the gear, specie and catch limitations imposed.

The inadequacy of a 12-mile exclusive fishery zone was recognized by Senator Warren G. Magnuson (D-Wash), co-sponsor of Senate Bill S-2218 in 1966, when he stated that the bill as enacted was only "stop-gap" action. This bill has not been amended to date, and the Russians, laughing at these antiquated limits while maintaining a similar limitation of their own for the sake of appearances, continue their massive onslaught beyond this area, basing their exploitation on "research" into the behavior of the species.

The gravity of the problem in the northwest Atlantic Grand Banks and Gulf of Maine areas deepens as a controversial bill extending protection for Massachusetts' contiguous seas to 200 miles was signed into law in 1971.

During the Fourth Governor's Conference on Marine Resources, held in Portland, Oregon in 1971, Iceland's distinguished Ambassador Hans Anderson electrified delegates with the announcement that Iceland had officially extended her fisheries jurisdiction to 50 miles.

And early the same year, Senator Ted Stevens (R-Alaska) introduced a bill to extend U.S. contiguous fisheries jurisdiction to the necessary nautical mile interpretation to correspond with 550 meters in depth, or roughly 1000 fathoms. *This is the first proposal even considering depth as the limiting factor in the extension of controls over the contiguous seas.*

Obviously, an extension of U.S. exclusive fisheries zoning, or perhaps a trustee ship based on our interest as a coastal state with a primary interest in preserving and maintaining its own coastal fisheries, must respect the specie involved.

Such an extension must take the form of controls based on the continental shelf and slope. In order to fully protect bottom-feeding fish, a "restricted fisheries zone" or RFZ must be established to the 1000-fathom curve, not to exclude foreign fishing fleets, but to control their exploitation of the living marine resources to that depth.

Severe controls are necessary on the continental shelf to a 300-fathom curve. Restrictions and controls within the 300-fathom curve will in essence protect every inch of the continental shelf and 90% of our fisheries stocks.

The 300-fathom and 1000-fathom controls on all fishing vessels must include licensing, restrictions on types of gear to be used, catch limitations and quotas, and closed seasons to protect spawning. An important new feature, that of boarding and inspection of catch and gear by fisheries specialists of the concerned coastal nation or state, must also be included.

Unfortunately, establishing a Restrictive Fishing Zone to the 1000-fathom curve would provide only limited protection for the highly migratory tuna, albacore, salmon and whale. However, multilateral negotiations establishing the 1000-fathom RFZ would present a united front to those nations exploiting these pelagic species without consideration for quotas or conservation by the simple expediency of refusing licensing of their vessels in the highly important 1000-fathom curve fisheries.

Thus, unprecedented international accord is called for to end the anarchy which plagues the world's richer fishing grounds. Will the Russians, Poles, Germans, Bulgarians, Rumanians, Yugoslavs, Japanese, Spanish, Norwegians, Cubans, and Americans be able to settle the issue? This, like many environmental questions, is indeed unsure; but the oceans and their inhabitants are finite and must be considered a delicate biological system, demanding intelligent management and strict international cooperation. Otherwise, these optimists who yet feel free to consider the marine eco-sphere as "watershed" of protein may well vanish along with the once fertile fishing grounds—ravaged under their complacence.

The second excerpt is from the May 1972 Report on Foreign Fishing Off U.S. Coasts, prepared by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce. I emphasized the sections of particular relevance to New England.

Report on Foreign Fishing Off U.S. Coasts

(May 1972)

The number of foreign fishing and fishery support vessels sighted off the U.S. coasts in May 1972 increased to almost 730 vessels, or 80 more than were seen in April.

In the Northwest Atlantic, off New England's coast, almost 270 foreign vessels were seen, the second largest concentration. Most of them (201) were from the Soviet Union, which maintained its fishing effort higher than in any prior year . . . . The main species fished by the foreign fleets were sea herring, mackerel and hakes; smaller fisheries for ocean perch and argentines took place between Georges and Browns Banks. For the first time this year, small fishery for herring developed off the New Hampshire and Maine coasts. The Soviets began to fish for herring and mackerel with purse seiners on a large scale (57 vessels); this gear may considerably increase Soviet catch of these species per vessel and hour of fishing. Of some concern is Soviet fishing in closed area B on Georges Bank and the uncooperative attitude of East German fishermen shown towards conservation measures introduced by the International Commission for the Northwest Atlantic Fisheries.

IN THE NORTHEAST ATLANTIC

A total of 267 individual foreign fishing and support vessels from the Soviet Union, Poland, East Germany, Bulgaria, Romania, Spain, Greece, and Denmark was sighted off the New England and Mid-Atlantic coasts in May . . . The Soviet fleet was the most numerous, with weekly concentrations of 125 to 150 vessels. Of the 201 individual vessels sighted, 58 were medium freezer and factory stern trawlers, 124 medium side trawlers (including 57 purse seiners), 8 factory base ships, 9 refrigerated fish carriers and supply vessels, and 2 were tankers.

Also sighted in May were 38 Polish, 11 East German, 7 Bulgarian, 3 Rumanian, 3 Spanish, 1 Greek, and 3 Danish vessels.

OFF THE SOUTHERN NEW ENGLAND COAST AND ON GEORGES BANK

Soviet: Several fleets, totaling about 190 vessels, operated along the edge of the Continental Shelf on Georges Bank, fishing in waters 30–100 fathoms deep from Block Canyon to Corsair Canyon primarily for sea herring, mackerel, and hakes . . . Throughout May, the Soviet vessels were seen on the borders of closed area B where fishing with demersal gear is not allowed from March through May, according to regulations of the International Commission for the Northwest Atlantic (ICNAF). The Soviet vessels would cross into the closed area, but when joint Canadian-U.S. fishery surveillance patrols appeared, they usually left. It was impossible to determine what species they were fishing. On May 27, when 40–50 vessels were seen inside the closed area B, they were fishing with purse seines for herring.

EAST GERMANS DISREGARD ICNAF REGULATIONS

On May 15, during a joint Canadian-U.S. fishery surveillance patrol, 3 East German vessels were sighted fishing well inside the ICNAF closed area B in the vicinity of the Corsair Canyon. They were the stern trawler *Herbert Baum* and the side trawlers *Dresden* and *Henningsdorf;* 2 were fishing with gear "capable of catching demersal species" which is illegal under the ICNAF regulations. The captain of the Canadian patrol vessel *Cygnus* contacted the East German Fleet Commander and advised him that his vessels were fishing in an area closed under ICNAF regulations from March through May. The German replied that East Germany, not a member of ICNAF, does not recognize the regulations of the Convention and that his vessels will fish wherever they choose and for whatever species they like. The East German trawlers then reset their nets and continued fishing.

VETERANS' APPRECIATION OF FINANCIAL ASSISTANCE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ROGERS. Mr. Speaker, I recently received a letter from a constituent which expresses the feelings of many of our U.S. Army veterans. It is refreshing to read such a letter from a grateful recipient of the GI bill's financial assistance, especially during a time when much of the publicity has been of an adverse nature.

This is a well-written letter and I am inserting it in the Record at this point for the benefit of my colleagues.

The letter follows:

Palm Beach Junior College,
Lake Worth, Fla., June 8, 1972.

Hon. Paul Rogers,
House of Representatives,
Washington, D.C.

Dear Congressman Rogers: I am a retired U.S. Army Colonel who served his country for 26 years and who has taken advantage of undergraduate and graduate work through the assistance of the Federal Government through the Veterans Administration Agency.

On June 13, 1972 I will graduate from Florida Atlantic University at Boca Raton, Florida with my Masters Degree in Education. Let me say that my undergraduate degree was obtained through benefit of the G.I. Bill through attendance at colleges and universities the world over.

The purpose of this letter is to inform you that I am proud of my past Army service for my country; and let me say further that I am justly proud of the financial assistance my country has given me in attaining my educational goals. Without Governmental financial assistance the attainment of both my Bachelors and Masters Degrees would not have been possible.

I request that this letter be read into the Congressional Record to show that one U.S. Army Veteran does appreciate the educational opportunity afforded him by his Country and Congressmen, and that he has taken full advantage of their offer.

Respectfully yours,
LAWRENCE D. TUTTLE,
Chairman, Law Enforcement Department.

OUTREACH TO SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the Christian Science Monitor of April 18, 1972, offers a profound commentary on the significance of our national space effort. Our ability to master our own environment and improve our quality of life is largely dependent on our knowledge of the world in which we live and our mastery of the technology necessary to utilize that knowledge. The editorial of the Christian Science Monitor speaks to this issue and the importance of our national space effort for the benefit of all mankind.

The article follows:

[From the Christian Science Monitor, Apr. 18, 1972]

OUTREACH TO SPACE

Vice-President Agnew is right. Technicians luanch an Apollo moon rocket with a smoothness that seems almost causal. Sunday's brilliant performance again shows how skilled they have become. It tempts us to believe that, as spacemen, this generation has already arrived.

How salutary then for the U.S. National Academy of Sciences to point out we have scarcely tottered beyond earth's threshold. As a recent report of the NASA space science board explains, we have yet to fathom the challenge space flight presents to man himself.

American and Russian exploits have proved the worth of our hardware. But they merely raise questions as to the physical and mental fitness for space of human beings. The board calls these questions "formidable". It says only major research in what amounts to self-knowledge can fit us for more than brief forays across the space frontier. The body's response to long-term space conditions remains unknown. Hazards of deep-space cosmic rays are not yet proved.

What intrigues us most is that the board insists on the need for mental self-knowledge and control. To successfully undertake long space missions, men must make togetherness work in confined quarters. They must learn what home and habitability really are and express these in seemingly deprived environments.

And most significantly, the board notes, men must learn to recognize when their thinking is manipulated by the fantasies of a brain challenged by feeling of isolation and boredom. They must learn to master such manipualtions. They must keep a clear view of reality to make space flight work, the board says.

These requirements for outreach to the universe sound like a basis for more harmonious living on Space Ship Earth. Perhaps this is space flight's larger challenge: to expand our range even a little way into the cosmos requires us to transcend human shortcomings through deeper self-knowledge. This should help us solve a more abundant life on earth as well.

TIMOTHY LUPFER HEADS WEST POINT CLASS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. PATTEN. Mr. Speaker, recently a resident of Metuchen Borough in my congressional district received a very great honor which I would like to call to the attention of my colleagues. Lt. Timothy T. Lupfer was graduated at the head of his West Point class which was the largest group to graduate in the school's 170-year history.

I have followed Tim's career since he first wrote to me while a senior in high school. He had a burning desire to go to the Academy at West Point, and the record he had built throughout his high school years made him an excellent candidate. During high school Tim excelled in scholastics and sports. He was a leader in his church and in student activities. Now he has graduated at the head of his West Point class. I feel certain that these are most definitely steps in his young life, and that we will hear much more from him.

At this time I would like to place in the RECORD an editorial from the Home News of New Brunswick, N.J. This editorial reflects the pride of those who have known Tim all his life. I would like to take this opportunity to join them in extending to Tim my warmest congratulations on his fine achievement.

The editorial is as follows:

WE SALUTE LIEUTENANT LUPFER

Cadet Capt. Timothy T. Lupfer of Metuchen achieved national recognition when he was graduated on Wednesday at the head of the largest class in the 170-year history of the U.S. Military Academy at West Point.

Cadet Lupfer's success at West Point was not a complete surprise to faculty members at Metuchen High School who knew him during his four preparatory years there. He was among the top 15 in his graduating class, where his knowledge of history was particularly noted. He was prominent in athletics, both wrestling and cross country. He was a member of the Student Council, Varsity Club, Key Club, yearbook staff. His full academic program included 12 honors courses.

At West Point, Lupfer continued his journalistic activity by being editor of the Cadet publication, "Pointer."

Metuchen High School faculty and staff members remember Lupfer for his high leadership qualities, for his scholarship, for his participation in extracurricular activities, for his integrity.

He stood high in the regard of his fellow students as well as of the faculty. We rejoice with his parents and his high school in the high honor his achievements at West Point have brought to his hometown, to our county and our state.

STATEMENT BY AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Thursday, June 29, 1972

Mr. BROOKE. Mr. President, the American Revolution Bicentennial Commission has prepared a statement in conjunction with the Fourth of July observance next week. This statement stresses our continuing commitment as a nation to the goals of equality of opportunity, human decency, environmental improvement, and peace for all mankind by the beginning of our bicentennial commemoration 4 years from now.

I ask unanimous consent that the Commission's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION, JULY 4, 1972

Six years ago on July 4, 1966, the American Revolution Bicentennial Commission was established by a Joint Resolution of the Congress. The Commission was specifically charged by that Resolution to plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded and are associated with the American Revolution. The Commission was further instructed in all its planning to give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States in world affairs and in mankind's quest for freedom.

Those ideas, all based on the essential worth and dignity of the individual human being, were both heretical and evangelical in their day. It was the "troika" of heresies contained in the second paragraph of the Declaration of Independence—the heresy that all men are created equal, that they have a right to life, liberty and the pursuit of happiness, and that governments are instituted among men to secure those rights—which inspired 13 small, poor and weak colonies to defeat the Armed Forces of the British Empire.

But, they did not stop there. They went back with General Lafayette to France, became "Liberty, Equality, Fraternity" and inspired the French Revolution only 13 years after our own began. Since then, those heretical ideas have resulted in the overthrow of autocratic governments and the establishment of representative democracies around the world. Literally hundreds of millions of human beings have owed and now owe their personal freedom to the 56 men who had the courage to sign the Declaration 196 years ago.

Those ideas are no longer heretical. They have become respectable, and as they have gained respectability they have lost their original evangelical fire. We tend to take them for granted. But we must resist that tendency because those three ideas are worth more to America and Americans than all the gold at Fort Knox, all the oil beneath our soil, more than the combined resources of the richest, most powerful and most generous nation the world has ever seen, because they created that nation. And when those ideas die, America will be dead.

In this Bicentennial Era, the challenge to all Americans is to revive and revitalize those ideas, to make use of their eternal truth and their demonstrated power to show a tired old world what we have been able to do in only two centuries.

The challenge is to demonstrate by our 200th birthday that we have brought full and true equality of opportunity where once there was slavery and male domination, that we have brought decency where there was poverty, sufficiency where there was hunger, conservation where there was devastation and exploitation, beauty where there was ugliness, peace where there was war.

It is the hope and intent of the American Revolution Bicentennial Commission that each Independence Day for the next four years will bear witness to dramatic increases in such involvement and support until on Liberty Day, July the Fourth of 1976, every community in the United States can celebrate with good conscience the unqualified success of the greatest experiment in representative government the world has ever witnessed.

RESOLUTIONS ON THE DEATH OF PHILIP J. PHILBIN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. O'NEILL. Mr. Speaker, the death of Phil Philbin was an occasion of great sorrow in the Commonwealth of Massachusetts. Phil was known throughout the State for his dedication to his constituents and to the Nation.

The Senate of the Commonwealth of Massachusetts adopted on June 15, 1972, a resolution expressing their sympathy and condolences on the passing of the late Phil Philbin. There could be no more fitting tribute to this fine public servant than from the legislators of his home state.

I am submitting for the Record the resolution offered by the Senator Joseph D. Ward, and adopted by the Senate.

The resolution follows:

Resolutions on the Death of Philip J. Philbin

Whereas, The Massachusetts Senate has learned with deep sorrow of the death of Philip Joseph Philbin of Clinton, a former representative in Congress from the third congressional district of Massachusetts; and

Whereas, Philip J. Philbin, born in the town of Clinton, graduated from Clinton high school with honors and was an outstanding athlete on the football and baseball teams; and

Whereas, He continued his education by graduating from Harvard University where he was a member of Harvard's last Rose Bowl football team and by attaining a law degree from Columbia Law School and becoming a practicing attorney in Massachusetts; and

Whereas, Philip J. Philbin served Massachusetts and his country as a Congressman of the United States for twenty-eight years, distinguishing himself as the vice-chairman of the House Armed Services Committee; and

Whereas, In his long and honored career in the public service, he also served as personal representative for the late United States Senator David I. Walsh, as special counsel to the United States Committee on Education and Labor, as a referee for the United States Department of Labor, as a member of the Massachusetts Unemployment Compensation Commission, as chairman of the Clinton Finance Committee and as president of the Clinton Chamber of Commerce and gained the reputation of being ever conscious of his obligations to the people he represented and dedicated to the honorable discharge of his duties; now, therefore, be it

Resolved, That the Massachusetts Senate hereby extends to the family of the late Philip J. Philbin its deepest sympathy and condolences in their bereavement; and be it further

Resolved, That these resolutions be transmitted forthwith by the Clerk of the Senate to the family of the late Philip J. Philbin.

REMARKS OF VICE ADM. HYMAN RICKOVER AND CHAIRMAN GEORGE MAHON AT THE LAUNCHING OF THE U.S.S. "NIMITZ"

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. FLOOD. Mr. Speaker, a memorable event took place in Newport News, Va., on May 13, 1972. The mighty aircraft carrier U.S.S. *Nimitz,* CVAN-68, was launched.

I was fortunate enough to have been present.

My good friend, the very distinguished gentleman from Texas, George H. Mahon, chairman of the House Appropriations Committee, made the principal address upon the occasion of the launching. He was introduced by Vice Adm. Hyman G. Rickover.

Mr. Speaker, I ask unanimous consent to insert in the Record the introductory remarks of Admiral Rickover, father of the nuclear Navy, and the address of Chairman Mahon at this historic event for the Navy and for our Nation.

Introduction of the Honorable George H. Mahon, U.S. House of Pepresentatives, by Vice Adm. H. G. Rickover, U.S. Navy, on the Occasion of the Launching of the U.S.S. "Nimitz"

It is a privilege to be called upon to introduce the Chairman of the Appropriations Committee of the United States House of Representatives, Congressman George H. Mahon of Lubbock, Texas.

I have known Congressman Mahon for a quarter of a century. In all that time he has never wavered from his ceaseless devotion to a strong defense for the United States. He has been and continues to be at the forefront of those in Congress who fight for a modern nuclear powered Navy. He knows that in today's troubled world, if one might err in judgment it is better to err on the side of strength than on the side of weakness.

To know him is to be attracted to him. Not that he has ever made any attempt to curry favor or radiate charm. On occasion he can be sharp, even curt. He is not a man to suffer fools gladly. But no one can be associated with him for long and not sense an underlying warmth and kindliness.

The casual observer, considering this man who began his working life so modestly and became what we have known him to be, might say that fortune smiled on him and that he was lucky. But has anything—any advancement, any distinction, any responsibility—ever come to him that he has not earned by application and industry, by sheer force of mind, character and integrity?

There is no affectation in him, no false humility. He knows his capacities, and takes pride in them. He looks on them as a trust of which he must be the diligent and faithful steward. The people to whom he responds are those who have ability and put it to full use, who daunted neither by toil nor difficulty, give themselves without reserve to the work they have in hand.

He is a prodigious worker himself. Nothing less than full mastery of any subject he tackles will satisfy him. When circumstances make it impossible to realize that goal, he regards it as a matter for self-reproach. A man of intense convictions, he is always open-minded, and he is not beyond persuasion until the last word has been spoken.

He knows what his goals are at all times, and he has the ability, the experience, the determination, the strength of character combined with high resolve and patriotism, to perform his duties in the best interest, as he honestly concieves it, of this nation.

He is patient, laborious, and intelligent at his task. He is shrewd in judgment and sound in decision. He has the gift of instantly seeing the main point at issue, no matter how much it is covered up with a mass of details, and the courage to speak out his mind at once. He has vividness, he has sensitivity, sharpness; he has wit, he has a tremendous sense of the essence of human character.

Ever a gentleman, he is thoughtful of individuals regardless of viewpoint. He is helpful and understanding in all official matters, affectionate and sympathetic in any private concern.

His standards of high integrity and honor, professional conduct and competence, are of immense importance to the well-being of our country in an age when the values on which the continuance of civilization and organized human society depend are being questioned. He is an idealist and pragmatist, a complex of courage and expediency, intolerant of pettiness and sham.

Some may find themselves in disagreement with the way he applies his philosophy, but no one ever doubts the sincerity with which it is held, or the integrity with which it is offered. And those who work with him and see his day-to-day conduct, in Congress and outside it, know that he is sensitive, honest, intelligent, aware of and often sympathetic to opposing arguments, generous even to those who oppose him, and capable of admitting a mistake.

Sometimes he is tough. One has to be and ought to be when dealing with such important matters as the defense and welfare of this great nation. But he is always fair.

As the Chairman of the House Appropriations Committee he is one of the few officials in our Government upon whom the responsibility rests to recommend to Congress the specific allocation of funds for each and every phase of work to be supported by the Federal Government. His experience on the Appropriations Committee for over three decades and as Chairman of the full committee for the last eight years has provided him a unique vantage point from which to view our defense.

The record he has made is memorable and outstanding in its import and impact upon the national welfare. His decisions affect the life of every American.

Ladies and gentlemen, it gives me great pleasure to introduce to you Congressman George H. Mahon.

Address of the Honorable George H. Mahon, U.S. House of Representatives on the Occasion of the Launching of the U.S.S. "Nimitz"

Admiral Rickover is the master of many things, but it is now apparent from what he has said about me that he is not the master of the understatement. Admiral

Rickover, I am overwhelmed by the warmth of your introduction, but, in all humility, I must take note of the extravagance of your remarks. It has been a great privilege to work with you through the years in the interest of our country.

* * * * *

There is always something dramatic and exciting about the launching of a ship—any ship. When the ship to be launched is as impressive and as important to our national defense as the U.S.S. *Nimitz*, the drama is increased many fold.

We know that what is said here today is of little moment. What has been done here is the important thing that brings us together. The efforts of those who conceived, designed, and built this mighty ship make this a momentous occasion. We come today to celebrate that achievement with them.

I am not surprised that this Yard has done such a fine job in the construction of the U.S.S. *Nimitz*. In spite of the disposition of Texans to be modest—and I hope I'm not losing credibility—let me say that after all, this Yard had the experience of building the battleship *Texas* and both versions of the cruiser *Houston*, and would of course, be expected to do a superb job on the U.S.S. *Nimitz*.

This Yard has a proud history and tradition. The U.S.S. *Ranger*, the first ship designed as an aircraft carrier from the keel up, was built here. Since that time, 20 aircraft carriers have completed construction here. In the World War II period Newport News built 8 aircraft carriers, completing them on a schedule of a new one every 15 weeks. No other shipyard has approached that record. The Navy and the nation owe a debt of gratitude to these shipbuilders and their forebearers. It is a timely moment to recognize the employees of this great Yard as they pause for this launching ceremony.

To the workers whose toil and skill went into the building of this ship, to the engineers who designed her, to the great Newport News Shipbuilding and Drydock Company, and to those in the Navy who worked with them, it is appropriate to say "well done." And may I also say "well done" for Congress too!

It is a special honor to join with all who are assembled here today in paying tribute to the great Naval leader for whom this ship is named.

Fleet Admiral Chester W. Nimitz of Fredericksburg, Texas, my home State, was one of the foremost Naval strategists that this country has ever produced. It is most appropriate that this mighty ship should bear the name of this great man of the sea.

Under his guidance while Commander-in-Chief of the Pacific Fleet in World War II, the fast carrier task force concept was fully developed and exploited. This concept became a crucial and decisive factor in the success of the Pacific Campaigns of World War II.

Admiral Nimitz was already a distinguished Naval officer at the time of Pearl Harbor, stationed at the time in Washington, D.C. On Christmas Day, 1941—18 days after the Japanese attack—he left the mainland and flew to Hawaii where he assumed command of the Pacific Fleet.

He pulled together and rebuilt our shattered Naval forces. He provided leadership and restored confidence. He had the wisdom to select the correct strategy to defeat the Japanese Navy. Under his command, the heroic and successful Naval campaigns of the war in the Pacific were executed.

This nuclear powered carrier is all the more appropriately named because Admiral Nimitz provided early support of nuclear propulsion for our Navy when others were reluctant to embrace the concept.

On December 5, 1947, just before leaving office as Chief of Naval Operations, Admiral Nimitz recommended by letter to the Secretary of the Navy that the Navy develop and construct a nuclear-powered submarine as the first step toward a nuclear Navy. This letter was the first major support that the then Captain Hyman Rickover had received in his effort to gain approval for the development of a nuclear power plant for Navy ships. With the impetus of this recommendation, the Congress took the initiative and urged that nuclear power be provided for the Navy and provided the financing.

Admiral Nimitz was a great favorite with Members of Congress. His sense of humility accounted in part for his success in getting things done. His humility, his talent for saying and doing the right thing at the right time, his brilliant perception of the needs of the nation were recognized and had a great influence on the Congress.

As a result of the foresight of this great military leader, and with the encouragement of members of the Atomic Energy Commission, the Joint Committee on Atomic Energy, and the House and Senate Armed Services and Appropriations Committees, the Navy now has at sea over 100 nuclear submarines and surface warships.

This magnificent ship before us today is in itself strong testimonial to the proven capabilities of nuclear propulsion in Naval ships.

Ten years ago, the *Enterprise*, built in this same Shipyard, joined the Fleet as the world's first carrier with nuclear propulsion.

The *Enterprise* is living up to our expectations in her operational service and is demonstrating the advantages of nuclear propulsion in every area of the globe.

Along with many of my colleagues, I have long been an advocate of nuclear power for the Navy, and it is with deep satisfaction that I witness the solid achievements of the Navy in this regard. I measure my words when I say we shall see to it that further progress in Navy modernization continues.

We are a maritime nation, and in our own self-interest we must maintain a Navy second to none. We depend very heavily on a constant flow of essential materials from many parts of the world. And we export to nations around the globe a long list of American products. The strength of our economy is closely related to this world-wide trade. Vital trade routes traverse the oceans of the world. The vulnerability of these trade routes to coercion by any nation possessing a modern navy is readily apparent.

A major role of the Navy is to counter any challenge to these economic lifelines. In this respect the Navy has never failed the nation. I make bold to say that it never will.

As we move toward a reduction of an American military presence in some parts of the world, while at the same time, retaining our commitments to our friends and assuring the free flow of commerce on the seas, the flexibility and operating range afforded by the U.S.S. *Nimitz* and her sister ships, become all the more necessary to our national interests.

The U.S.S. *Nimitz* will accommodate our latest sea based aircraft and the aircraft of the foreseeable future. She will play a vital role in the control of the sea and the air over the sea. A Naval force must maintain air superiority and the *Nimitz* will be a major instrument to achieve that purpose.

It is also particularly fitting that the launching of this great carrier occurs during the year which marks the 50th anniversary of Carrier Aviation.

It is hardly necessary to say that the differences between this complex, new ship we launch today and the very first aircraft carrier, the U.S.S. *Langley*, are dramatic, indeed.

The *Langley* was a steamship, converted to an aircraft carrier, by a 1919 Act of Congress. She was recommissioned 50 years ago last March 20th.

I am glad that this ship will have a strong flavor of my State of Texas. This is a great moment for the family of the late Fleet Admiral Chester W. Nimitz. In the Lone Star State, the name of Nimitz is symbolic of stability and strength and loyalty to country. The State of Texas takes pride in the record of this great man and we rejoice in his being recognized in the christening of this vessel, and we are happy that a number of members of the family are here with us today and that the U.S.S. *Nimitz* will be christened by his daughter, Catherine Nimitz Lay.

The launching of this ship today makes plain to friend and foe alike that the U.S. continues to believe in military strength as a major element for the promotion of peace. Our thanks are extended to those who built this ship. May God's blessing be upon those who man her. Let us pray that she will always sail under the sunlight and starlight of peace.

In conclusion, let me say that I am impressed by the fact that the deck of this mighty ship extends over the platform upon which I stand, and it extends over the flag which flies over this platform. This means to me that the mission of the U.S.S. *Nimitz* is to shelter and protect the Flag and our great country. May God bless America.

EPILEPSY SOCIETY FOR SOCIAL SERVICE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BIAGGI. Mr. Speaker, the Epilepsy Society for Social Service recently presented me with the second annual humanitarian award, for which I am most grateful. I would like to acknowledge the fine work that this organization has done for the many individuals who are afflicted with epilepsy. A special tribute should be paid to the president of the society, Dr. Theodore Kahn, for his untiring efforts in the field of epilepsy. Dr. Kahn's remarks at this gathering were particularly enlightening. For the benefit of my colleagues, I would like to include them in the RECORD at this point:

SPEECH BY DR. THEODORE KAHN

Thank you for your generous welcome. I acknowledge it on behalf of the officers and our loyal members.

Now it is my turn to greet you our distinguished audience . . . for each and every one of you are distinguished by virtue of the fact that you are present tonight, and we are very proud of you.

Friends, before I introduce Congressman Mario Biaggi, the recipient of our humanitarian award, I have a message. Please lend me your ears for a few minutes.

George Bernard Shaw who in his day had known some pretty snooty people—once said, "The worst sin towards our fellow man is not to hate them but to be indifferent toward them." How guilty we all are.

We snub people who do not interest us. We do not partake in causes if it upsets our job, our daily routine, or if it makes us uncomfortable.

But we must help each other—we must become more altruistic. We must give of ourselves.

Dr. William James who wrote about man's behavior to fellow man, declared, "No more fiendish punishment could be devised were such a thing possible than that one should be turned loose in society and remain absolutely unnoticed by the members thereof."

We never dream that when we ignore the needs of people we are inflicting punishment. Conversely when we are aware and take action we cause people to become aware of us—and this consideration becomes a happy boomerang.

Awhile back the Western Canadian newspapers were conducting a contest for an ad for Epilepsy. The following message was entered and bears repeating.

"TO SOME PEOPLE ROBIN SHARPE IS A SIDESHOW"

He has been ridiculed.

Pointed at.

Whispered about.

Treated with scorn and suspicion.

All because he has one of the oldest, most widely misunderstood conditions known to man: Epilepsy.

He is three years old and has grand mal seizures . . . what some people call fits. Yes, he falls down, turns blue and convulses violently. He is an Epileptic in the full sense of the word.

Yet his condition will never hurt him as much as the attitude of other people.

In school other children will scorn him as "the kid who has fits".

Because he has fits and they don't understand.

Parents will add to the problem by refusing to let their children play with him . . . because it might be catching.

Later in life, he might have a seizure on a dance floor of a teenage party. Again the hostile stares, the whispers the emotional stress.

As an adult, he will be discriminated against in more subtle but equally painful ways. Many employers will refuse to hire him, or pass over him in favor of a non-epileptic employee.

The extent of prejudice against epileptic is incredible.

All of these attitudes are unjustified . . . based entirely on ignorance.

An Epileptic fit is just an occasional over-release of energy from the nerve cells of the brain. The brainwave is slightly upset. (Similar to going over a gravel detour between two stretches of highway). The nervous system triggers a muscle workout throughout the body.

The causes are varied. Many can't be pinpointed exactly.

However the public seems to have its own opinions and diagnosis of the epileptic. This cloudy, outdated thinking influences your attitude toward him.

If you see someone having a seizure, the best thing to do is make sure he is on his side or stomach and let him go to it.

When he recovers make sure that you say something reassuring to him.

That's all.

There is no pain involved whatsoever during an epileptic seizure.

There is no permanent disfigurement.

It does not cause feeble-mindedness or insanity. The epileptic and the mentally retarded are two different conditions entirely.

Seizures as such are in no way inherited.

It can happen to anyone. At any time. At any age . . . to anyone in this room.

Some seizures are no more than a brief pause in awareness, resulting in a blank stare or broken sentence.

Most epileptics are of average to superior intelligence. The list of distinguished people who were epileptics is legendary. Caesar, Socrates, Van Gogh, Handel, Dostievsky.

Your employer might be an Epileptic.

Robin Sharpe takes two pills a day which helps control his seizures. Through medical research it is hoped that his seizures will be held completely in check.

Yet pills will never get him accepted as a completely normal healthy bright little boy.

Many relatives or parents of epileptics are responsible for outdated opinions. Many parents hush-hush their child's condition. Then they criticize others for doing the same thing.

If your child is an epileptic or if you are epileptic, don't be afraid to tell people. Say it as matter-of-fact.

Don't hide it.

Compared to muscular dystrophy, rheumatoid arthritis or mental retardation, epilepsy is nothing.

It is a condition not a disease.

Robin Sharpe doesn't want your money. He wants your understanding and acceptance. You can help cure the real problem of epilepsy.

I know you will understand and help.

Thank you.

PRO-SALT ARGUMENTS ARE ANSWERED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ASHBROOK. Mr. Speaker, in the weeks ahead there will be an extensive debate on this body regarding the merits or lack of merits of the SALT agreements. I strongly oppose this agreement and feel it is against our vital interests. My esteemed colleague, the gentleman from California (Mr. Hosmer), recently presented his rational argument for the SALT agreements. I think that some of his arguments should be answered and present here a different view.

I believe there are certain fallacies in the arguments my colleague presented and offer arguments in opposition to some of the basic statements he made. The fallacies and facts follow.

Fallacies in Proponent's Argument for SALT Pact

Fallacy: "It is generally conceded that America and Russia cannot risk attacking each other because their nuclear arsenals are sufficient to withstand surprise attack and still have enough undamaged retaliatory hardware left over to inflict unacceptable harm on the aggressor."

Fact: This is not generally conceded at all. In a speech on April 13, 1972, Dr. Edward Teller, one of the greatest living nuclear scientists, was asked the question, "If the Soviets launch a surprise nuclear attack against the United States, what would be the result?" He replied, "The question is when. Right now, they could do terrible damage. In a few years, if present trends continue, it is practically certain that it will be the end of the United States. The United States will not exist—not as a state, not as a power, not as an idea. I think that more than 50 percent of our people would be killed. I believe that the Soviets could so behave that there would be very few casualties in Russia because we would not have forces enough left to retaliate. They have excellent defenses: air defenses, missile defenses, civil defenses. It is possible that, in a few years, we shall be at the mercy of the Soviet Union, unless present trends change."

Dr. John Foster, Director of Defense Research, told U.S. News & World Report that the Soviets "would require a little over 400 SS–9s to knock out all but a small fraction of our Minuteman" missiles. The Soviets have 313 now.

Fallacy: "The rationale of the ABM limitation is obvious. Each new ABM built by one side can be nullified by the other's new offensive installation. It is in nobody's security interest to spend money for that kind of an arms race only to end up poorer, but no safer than before."

Fact: This is like saying that, just because arsonists can buy more and more matches and gasoline cheaper than we can buy fire engines, we should stop maintaining fire departments. Rational men are willing to spend money to protect their homes and families against destruction, regardless of the cost. Arguments like this have kept our 200,000,000 Americans completely defenseless against Soviet nuclear missiles and it overlooks the clear fact that while we have stood still, the USSR has moved full speed ahead.

Fallacy: "The actual number of nuclear warheads in the U.S. deterrent package considerably exceeds those of the Soviets because of our many multiple independently guided re-entry vehicles (MIRVs)."

Fact: The United States simply has no reliable information on how many warheads the Soviets have. The Soviets won't tell us, satellite reconnaissance cannot detect this, and the SALT Pact does not allow any on-site inspection.

The most important error in this equation, however, is that the Soviet warheads are so vastly more powerful than ours that there can be no comparison. Many of our warheads, such as those on our MIRVed Poseidon, are only 50 kilotons; whereas the warheads on the Soviet SS–9s are 25 megatons, and they are getting ready to deploy super SS–9s of 50 megatons. Thus, *one Soviet warhead* now may carry 24,950,000 tons of TNT-explosive equivalent *more* than one of ours can carry, and will soon carry 49,950,000 more than ours.

Thus, when SALT proponents talk about "warheads" they overlook the fact that they equate 50,000 with 25,000,000. When we add up the destruction that these warheads can cause, the Soviets have a tremendous superiority over the United States.

Fallacy: "The greater accuracy of the U.S. warheads gives them a proportionately large kill capability, ample for nuclear sufficiency."

Fact: There is *no* proof that the U.S. warheads are any more accurate that the Soviets. In fact, the reverse may be true. Deputy Secretary of Defense David Packard specifically admitted while he was in office that the United States deliberately did not improve the accuracy of the Minuteman because the Soviets might think that was provocative.

In October 1971, Senator James Buckley proposed an amendment to appropriate a small amount to do the research so that we would have the option of improving the accuracy of our Minuteman and Poseidon missiles if we want to. The Administration lobbied against and defeated that amendment.

Fallacy: "U.S. allies and near allies possess strategic deterrent forces which augment the Free World's over-all deterrent posture."

Fact: The Soviet Union has at least 600 IRBMs and MRBMs targeted on Western Europe, against which Western Europe has neither defense nor deterrent. In conventional weapons, the Warsaw Pact has the NATO powers outgunned by at least two to one.

It is ridiculous to imply that our allies can help us protect the United States against the Soviet nuclear missile force. In fact, our allies' only hope of defending themselves is *our* nuclear umbrella.

Fallacy: "The arrangements impose no limitations whatever on certain U.S. systems contributing to our deterrent strength, such as Strategic Air Command bombers and U.S. aircraft based overseas on land and on aircraft carriers."

Fact: It is vastly more advantageous to the Soviet Union than to the United States that certain strategic forces were excluded from the SALT Pact. In strategic bombers, the Soviets now outnumber us by 900 to 450. (Their medium-range bombers are refuelable and also can use Cuba as a base. McNamara scrapped our 1,000 medium-range bombers and abandoned the bases close to Russia from which they operated.) Our B-52s have now developed metal fatigue because of excessive use in Vietnam, and no replacements for them have even been ordered. The Soviets are at least five years ahead of us in their version of a new supersonic bomber, called the Backfire, which has already been flight-tested. Our B-1 is still only a wooden mockup.

The SALT Pact imposes no limitations whatever in many areas in which the Soviets are now ahead and now can, under the terms of the treaty, go even further ahead, namely, (1) missile megatonnage, (2) space weapons, (3) fractional orbital weapons, (4) mobile ICBMs, (5) reload capability of their ICBMs, (6) cruise missiles, and (7) satellite interceptors.

Fallacy: "Sufficiency to deter is something in the mind of the beholder, and when one side feels a mix of bombers, IBCMs and SLBMs with which it is satisfied, the other side would need to assume very large and unknown risks of miscalculation in order to assess it as insufficient."

Fact: Countries which falsely and foolishly believed they had "sufficiency to deter" and were "satisfied" with it, have gone down to ignominious defeats. In 1939, France was supremely confident that the Maginot Line give it "sufficiency to deter." France found out that she was wrong.

On December 7, 1941 the United States did not have overwhelming sufficiency to deter. As a result Japan attacked us and Germany declared war on us. Wars are prevented by overwhelming superiority. Instead of superiority, the SALT Pact freezes the United States as a poor second to the Soviet Union in every category of the nuclear weapons which will control the future.

Senator Henry Jackson summed up the SALT Treaty very well: "Simply put, the agreement gives the Soviets more of everything: more light ICBMs, more heavy ICBMs, more submarine-launched missiles, more submarines, more payload, even more ABM radars. In no area covered by the agreement is the United States permitted to maintain parity with the Soviet Union."

History proves that weakness invites aggression. The now-officially proclaimed military inferiority of the United States to the Soviet Union is a dire threat to the lives and freedom of all Americans. We should heed the omnious warning of Winston Churchill (who unsuccessfully tried to warn his country to rearm in time to prevent World War II):

"Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To bandon it now would be to abandon it forever."

ACES WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. RODINO. Mr. Speaker, the system of capitalism, of competitive private enterprise has been the foundation for prosperity, for growth and accomplishment in this Nation. While such a free system has not been without its challenges—nor will it be devoid from future question—it has been the ability of our economic-political system to respond to such testing that is the measure of its success.

I am particularly pleased therefore, Mr. Speaker, to note that New Jersey Governor William T. Cahill declared ACES—Americans for the Competitive Enterprise System, Inc.—Week. ACES is a nonprofit, economic-educational corporation which conducts 3-day seminars in high schools throughout New Jersey on the operation of the free economic system. The importance of the educational aspects of discussion, dissemination of information and providing a forum for question, cannot be overestimated. And, I would especially like to commend ACES officers, Robert W. Kane, Jr., chairman of the board; H. Alan Christenson, president; and Robert M. Moran, executive director for their valuable efforts in the operation of this program.

Following is the text of the executive proclamation declaring ACES Week:

> PROCLAMATION
>
> Whereas, there are many misconceptions concerning the operation of our free enterprise system by students and teachers alike; and
>
> Whereas, only two percent of our high school students study economics during their four years of high school; and
>
> Whereas, the free enterprise system has contributed to one of the highest standards of living in the world; and
>
> Whereas, Americans for the Competitive Enterprise System, Inc., fulfills a vital educational need by discussing the difference between the various economic systems throughout the world with high school students; and
>
> Whereas, bringing students from over 70 high schools in Northern New Jersey to visit local businesses exposes many of them for the first time to the world of work;
>
> Now, therefore, I, William T. Cahill, Governor of the State of New Jersey, do hereby proclaim May 14-20, 1972 as ACES Week in New Jersey.

LATE J. GORDON CANFIELD, NEW JERSEY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, it was with deep regret that I learned recently of the death of former New Jersey Representative J. Gordon Canfield.

Gordon Canfield, as he preferred to be known, first served as an assistant to another New Jersey Representative, George Seger. After this experience he went on to serve for 10 consecutive terms in the House from what was then New Jersey's Eighth Congressional District.

Congressman Canfield had recognized the need for strong drug enforcement laws before many of his colleagues and fought for authorization for U.S. narcotics agents to conduct investigations overseas. He was also interested in a strong American merchant marine and traveled incognito to London during World War II to study U.S. merchant marine operations there.

He was instrumental in bringing into use multicolored postage stamps in the U.S. mails.

Mr. Speaker, I am sure that my colleagues join me in an expression of deep sympathy to Gordon Canfield's beloved wife, Dorothy, and their two sons, Carl and Allen, as well as their five grandchildren.

A REPLY TO MR. MEANY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. CRANE. Mr. Speaker, there have been charges by many leaders of organized labor to the effect that corporate profits have been rising at a faster rate than have the wages of individual workers.

In considering the real meaning of statistical data there is a tendency to compare figures which are unrelated, or which are based upon different criteria. This seems to be the case with much of the consideration of corporate profits and wage rates.

Discussing this problem in a letter to Mr. Nat Goldfinger, director of the department of research of the AFL-CIO, Mr. R. J. Ryan, chairman of the board of the Nooter Corp., points out that—

> Increases in wages and salaries are usually stated on a "unit" basis as a percentage of base pay for each worker. . . . On the other hand, profits of corporations are usually stated "in total" *which includes* increases in capacity due to demands of a gradually expanding population and work force.

Mr. Ryan points out that—

> A better analysis of corporate profits would be made if profits were shown as a percentage of sales and as a return on stockholders' equity.

He calls attention to the fact that—

> Since 1966 to 1971, which covers our greatest period of inflation, both profit on sales and return on stockholders' equity *are down*.

If statistical measurements are to be meaningful, they must measure the same thing. Thus, states Mr. Ryan:

> If *unit* measures are used in defining wages, this same measure should be used in defining profits.

Similarly, he notes:

> If *total profits* are used as a measure then *total wages* likewise should be used as a measure. In other words, compare "apples and apples".

I wish to share Mr. Rayn's thoughtful analysis with my colleagues, and insert it into the RECORD at this time:

NOOTER CORP.,
Saint Louis, Mo., June 9, 1972.

MR. NAT GOLDFINGER,
Director, Department of Research, AFL-CIO, Washington, D.C.

DEAR MR. GOLDFINGER (AND MR. MEANY): Many thinks for your detailed response of

May 17th to my "Open Letter to George Meany".

I think there is a common error committed by many people when comparing wages and salaries with corporate profits. Increases in wages and salaries are usually stated on a "unit" basis as a percentage of base pay for each worker, or in cents or dollars per hour per worker, etc.

On the other hand, profits of corporations are usually stated "in total" *which includes* increases in capacity due to demands of a gradually expanding population and work force. Labor is not alone in this type of comparison!

Industry and financial reporting institutions often make the same type of comparison which is very misleading to the average person who might not be trained to catch this difference.

Note attached item from the Wall Street Journal which states that profits are up 6.5% in the first quater of 1972.

A better analysis of corporate profits would be made if profits were shown as a percentage of sales and as a return on stockholders' equity.

This would make proper allowance for corporations' increased sales and capital expenditures due to an increasing population and employment. I attach hereto schedules showing profits of corporations for the last 15 years indicating both the percentage return on sales and return on equity.

You can see that since 1966 to 1971, which covers our greatest period of inflation, both profit on sales and return on stockholders' equity *are down.*

If *unit* measures are used in defining wages, this same measure should be used in defining profits.

If *total profits* are used as a measure then *total wages* likewise should be used as a measure.

In other words, compare "apples and apples"!

Industry is negligent in not doing a better job of communicating this fact to their employees, unions, and the public along with the colleges and the high schools!

Respectfully submitted,
R. J. RYAN,
Chairman of the Board.

]From the Wall Street Journal May 19, 1972[

Corporate profits climbed 6.5% in the first quarter from 1971's final period to a record seasonally adjusted annual rate of $91.6 billion. Also cheering administration economists was an upward revision in the first quarter's GNP gain to $30.7 billion, and less of that was due to inflation than had been thought.

TRIBUTE TO KENNETH M. SMITH, DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. MAHON. Mr. Speaker, the U.S. Government has benefited tremendously through the years by the talents and abilities of leaders in the American community—educators, financiers, and industrialists—who have answered the call of Presidents, who have put down their private practices, laid aside personal ambitions to give unstintingly of their highly specialized skills and talents in the building and betterment of America.

One such man who answered the call of his President is Kenneth M. Smith, Deputy Administrator of the Federal Aviation Administration. Mr. Smith leaves Government on July 15, 1972, to return to industry in Texas, having served Mr. Nixon and the United States since May 1970. He leaves an indelible mark of accomplishment on the rolls of the Federal Aviation Administration and the Department of Transportation. He has made many friends in both the Congress and the executive branch. He can leave the Government with the satisfaction of having made a substantial contribution to the betterment of our country.

The Administrator of the FAA, Jack Shaffer sums up Ken Smith's outstanding service eloquently:

> He has given this vital element of the Department of Transportation a great spirit of purpose and dedication. His many contributions include a significant role in the implementation of the Airport and Airway Development Act of 1970. The management innovations and the personnel training program he introduced to the FAA have set new high standards of professionalism in Federal Government.

Ken Smith is a friend of mine. I take this opportunity to join with his many friends in saluting him for his dedicated and outstanding service as Deputy Administrator of the Federal Aviation Administration. Our country owes a debt of gratitude to men like him who do so much to promote the best interest of the Nation.

SECOND DISTRICT OPINION POLL HEADING TO 258,000 HOMES

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BROTZMAN. Mr. Speaker, this week the 1972 Colorado Second Congressional District Opinion Poll is being received in 258,000 homes in my district. At my request, the Postal Service is leaving a card at each mailbox in the second district. Also, because mail so delivered cannot be forwarded, opinion poll cards are being sent to students attending colleges and universities in my district at their home addresses. This should assure full participation by those newly enfranchised voters.

This year's poll includes 10 questions on a variety of national issues which range from the conduct of U.S. foreign policy to the desirability of the Government's making health insurance available to all Americans for catastrophic illnesses. As in the past, I have prepared the questions with the assistance of specialists at the Library of Congress to assure their impartiality. Having the thinking of the residents of the second district on the issues polled will enable me to gain insight into the thinking of my constituents on a number of questions likely to come to the attention of Congress in the near future.

Since its introduction in 1964, the Second Congressional District Opinion Poll has become one of the largest samplings of public opinion in the Nation. Each year the poll draws as many as 50,000 responses, and because the poll utilizes a punchcard it is possible for business machines to accurately count the opinions of all who participate.

Mr. Speaker, for the information of my colleagues, I would like to present the format which I utilize:

(NOTE.—Provision is made for two persons to reply "yes," "no," or "undecided."

1. Do you favor further increases in U.S. diplomatic contact with Communist China?
2. Do you favor increased scientific and trade contacts with the Soviet Union?
3. Do you generally support the current U.S. strategy in Southeast Asia?
4. Should the power of the President to commit U.S. troops to combat without prior consent of the Congress be reduced?
5. Should some form of amnesty be granted now to those young Americans living abroad to avoid serving in the armed forces in Vietnam?
6. Do you favor proposals for an all-volunteer military except in times of grave national peril?
7. Do you favor a federal program to make health insurance for catastrophic illnesses available to all citizens?
8. Do you believe the Administration's current economic policies are working?
9. Would you favor an Envirомental Quality Corps to put unemployed youth and veterans to work improving the environment?
10. Should the Indian Peaks area northwest of Boulder, Colorado, be accorded National Wilderness Area status?

Your age group: a. 18–29 b. 30–54 c. 55 and over.

Occupation head of household: A. Bus. or Prof.; B. Indus. worker; C. Government; D. Farmer; E. Student; F. Retired.

HANDICAPPED WORKERS, INCLUDING THE BLIND, HAVE PROVED THAT THEY CAN DO THEIR JOBS WELL

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. RANDOLPH. Mr. President, one of the ironies of our society is that, while we adhere to the credo that justice is blind, there is too little justice for our blind population in the area of job discrimination. At the 25th anniversary dinner last month, the President's Committee on Employment of the Handicapped presented the President's Trophy to the Handicapped American of the year, Dr. Robert A. Bottenberg.

Dr. Bottenberg is chief of the Computer and Management Sciences Branch of the U.S. Air Force Human Resources Laboratory at Lackland Air Force Base, Tex. In this position, he manages more than 100 professional and technical personnel.

His career would be acclaimed a success by any measurement, and especially so since Dr. Bottenberg has been blind and partially deaf for the past 27 years. He suffered loss of sight, smell, taste, and partial hearing when he was struck by an artillery fragment during an assault operation with the 63d Infantry Division in Germany during World War II.

I know that my colleagues will enjoy a stirring account of his ordeal and triumph presented during the awards ceremonies by television personality Max Robinson. It demonstrates what the blind and other disabled persons have always maintained—that they can do the job if the opportunity is given. Mr. President, I ask unanimous consent that remarks I made as keynote speaker at the 25th anniversary dinner of the President's Committee on Employment of the Physically Handicapped be inserted in the RECORD. In reviewing the past quarter-century of the committee's activities, it is significant to note that many of the prejudices and injusticies inflicted on the handicapped in the past have diminished. But there remains much work to be done in our efforts to remove the last vestiges of job discrimination against the handicapped.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A TRIBUTE TO COURAGE

(By Max Robinson)

"Well, Andy, it looks as if I'll have to start over."

These were the first words of a newly-blind soldier to the friend who had dragged him from the path of exploding mortar shells. It was just one day after both men had been wounded in an assault on German fortified positions east of the Rhine River, in the year 1945. The Place was a field hospital where casualties of the U.S. Army's 63rd Division had been rushed for medical care.

The private first class who made this statement was 21-year-old Robert A. Bottenberg, whom we honor as Handicapped American of the Year.

Fate, or the hand of God—call it what you will—had brought him blindness on the battlefield. What had brought him this acceptance of his state, the recognition that one life had been shattered and another must be built?

Mankind calls it courage, which we revere, strive for and can never fully comprehend. To help us understand its embodiment in Robert Bottenberg, we must start at the beginning.

Robert was born in Kansas City, to Grace and Homer Bottenberg. They were wise and loving parents, who encouraged their son's eagerness for learning, his enthusiasm for athletics, camping and nature and his interest in church and Boy Scout activities.

Academically, he was at the head of his class, and he excelled in baseball, football and other sports.

Although an only child, he had warm ties to cousins and others in a close family relationship, and many friends.

After high school, Robert went to Kansas City Junior College, with the intention of majoring in chemical engineering. But World War II broke out and he joined the service. He trained with the 63rd Infantry Division in Centerville, Mississippi, and left for Europe in 1944, to see action in France and Southern Germany.

He was a good soldier, his platoon leader recalls, and well liked by his buddies and superiors. He had a habit of saying, "If I get back to Kansas City, I'm going to marry Gene." Gene Laffoon was a girl who went to his church at home, and to the same junior college.

Six months after he arrived in Europe, Robert Bottenberg's optic nerve was destroyed by a shell fragment that pierced his left temple, passed behind his forehead and lodged against his right temple. In addition, he suffered considerable facial damage, some loss of hearing and lost his sense of smell. And it was on the next day that he said: "It looks as if I'll have to start over."

The first month was grim. Robert was transferred from the field hospital to a hospital in Paris, where the emphasis was on medical treatment, with no attempt at rehabilitation. Then, he was flown to Dibble Hospital, Minelo, California, which specialized in treatment of eye injuries.

This is where Robert's new life began. He was taught to do many things, and new ways of doing others. He learned braille, typing and how to travel. A friend who went to see him reported: "At the end of the visit, Bob said, 'Take my arm and I'll get you out of here.' When he said that, I knew he'd never have a problem."

Three months at Dibble were followed by stays at other hospitals for plastic and medical surgery and a final period of concentrated rehabilitation.

Recalling this time of his life, Robert Bottenberg says: "While I was still undergoing medical treatment, I made the decision to go to college. It was really only a question of how I was going to school, not whether I was." He was encouraged in this decision by the doctors and other staff at the hospitals where he convalesced.

In July 1946, Robert was separated from the Army, returned to Kansas City and in the same month, keeping his promise to himself, he married Gene.

They moved to Columbia, where Robert attended the University of Missouri. He had given up the idea of becoming a chemical engineer, realizing that blindness would limit participation in laboratory work, and decided instead on a degree program in psychology, with the tentative goal of teaching at the college level.

Under Public Law 16 which applied to disabled veterans, he was able to hire sighted individuals to read his text book assignments for recording on a sound scriber. He took lecture notes in braille, which Gene, too, learned. And she was a readily available reader. Another help was a keen memory which Robert further developed, along with his reasoning powers, by doing calculus problems in his head.

In two years he earned his BA degree, graduating Phi Beta Kappa.

Next came a non-academic achievement—the first of the Bottenbergs' three daughters, born in 1949.

Robert earned his MA degree the following year and the family moved to California. At Stanford University he began to work toward his PhD in psychology, with a minor in mathematical statistics. By a quirk of fate, the Bottenberg apartment was in a building that once had been part of Dibble Hospital, where Robert's new life had started just five years earlier.

By 1953, he had finished the written part of his thesis and his faculty adviser, impressed by his brilliance, contacted the Air Force's Personnel Research Laboratory at Lackland Air Force Base, San Antonio, Texas, and recommended Robert for employment there. That same year, he started work at Lackland. Four years later, he completed his thesis and was awarded his PhD.

During his years at Lackland, Dr. Bottenberg had climbed steadily up the career ladder, enriching his background by attending seminars and courses in computer sciences, mathematics, statistics and psychology. In 1963, with Joe H. Ward, Jr., he coauthored a book, "Applied Multiple Linear Regression," which is a classic in the field of applied statistical techniques.

Today, he is Chief of the Computer & Management Sciences Branch, Personnel Research Division, Air Force Human Resources Laboratory. In this capacity, he manages a work force of over 100 professional and technical personnel engaged in the solution of Air Force personnel management problems. He is the focal point in the Air Force for the formulation and development of mathematical models of its personnel system. He also acts as consultant on scientific and operational operations to Federal agencies, educational institutions and research foundations.

Impressive as his academic and professional achievements are, they reflect only part of the man who is Robert Bottenberg.

When called upon by the Texas Commission for the Blind, he tutors blind youngsters in mathematics and braille, and helps them adjust to their handicap. He encourages and inspires blind veterans at Brooke General Hospital, where they undergo medical treatment before receiving rehabilitation. He has served as president of the Blinded Veterans Association, was a member of the Advisory Committee for the Blinded Veterans Research Project carried out by the American Foundation for the Blind, and serves on the Advisory Committee to the Sensory Aids Evaluation Research Center at M.I.T.

In his community, he belongs to the Kiwanis, and is on the session of the Grace Presbyterian Church, where he and his wife teach in the church school. No doubt because he is the father of daughters and Mrs. Bottenberg remains active in the Girl Scouts, he is as enthusiastic a spokesman for Girl Scout cookies as can be found anywhere.

He is a father who built a playhouse for his girls when they were small, and played and went bike riding with them. He never tired of their constant "What's for dessert?" query, which he answered with "Chocolate covered nails" until the night they persuaded their mother to serve exactly that.

He taught his wife and one of his daughters to drive a car, and when someone asked in amazement, "How could you do that?" he replied: "It didn't bother me a bit. I couldn't see a thing."

With Mrs. Bottenberg he enjoys theater-going, dining out, bridge, and working in the garden. And in their garage is a bicycle built for two.

Dr. Robert A. Bottenberg—soldier, scholar, scientist, citizen and family man—we pay tribute today to your courage, your achievement and your humanity, and we salute you as Handicapped American of the Year.

LOOKING BACK—A GIANT LEAP FORWARD FOR THE HANDICAPPED

(By Senator Jennings Randolph)

Mr. Chairman, members of the committee, and friends of the handicapped, I am honored to be with you this evening and conscious of the presence of so many who have done so much for our cause.

If I have any regret, it is that Dr. Henry Kessler, a true pioneer in physical medicine, is unable to be at the microphone. But I am happy to join with the President's Committee in a nostalgic look backward to the past quarter century.

I am most gratified that people of my home state of West Virginia have had a personal interest in the handicapped. Senator Kilgore was one of the original sponsors of the bill for National Employ the Physically Handicapped Week. Senator Neely long was their champion, and it has been my responsibility to assist in the effort.

Members of Congress frequently receive more credit than they deserve, for if we are honest with ourselves we must give credit to those who call needs to our attention—and help us to work out solutions to those needs.

Such a man was Leonard Robinson, who convinced me of the need to assist the blind in achieving the dignity of work. As a result, we have the Randolph-Sheppard Act for vending stands for the blind in federal buildings. Incidentally, our Subcommittee on the Handicapped last week reported to the full Labor and Public Welfare Committee a bill amending the Act. One of the principal features of this bill, which I authored, is that it will require the federal government to provide for blind vending facilities in the design for construction of new buildings and the renovation of existing buildings. It is our goal, over the next five years, to expand the program to more than double the number of blind persons presently self-employed.

Another such man was Paul A. Strachan, who convinced us that the handicapped need a week of their own and later convinced the Secretary of Labor of the necessity of a Presidential Committee for the Employment of the Handicapped.

Both of these men loom large in our look back over the past 25 years.

The young man, who is still young, Bill McCahill, has for a quarter of a century effectively guided this important effort as Staff Director.

Tonight we must set some things in context or we won't be able to remind ourselves why some things happened and why others fell by the wayside. Had it not been for the breakthrough of the Social Security Act in 1935, we might not have had a blind vending stand program in the following year. And it might have been 1948 instead of 1938 which gave us the Wagner-O'Day Act on blind-made products sold to the government. Both of these were ideas whose time had come, but it helped to have a large psychological nudge from another major innovative program.

Some of these laws were considered radical at the time, but today we are busy updating and perfecting them to make them work better. The seeds planted in the 1930's are blooming today. And, the seeds we plant today will blossom in the year 2000.

Tomorrow morning the Subcommittee on the Handicapped, which I chair, will begin hearings on the House-passed amendments to the Vocational Rehabilitation Act. Senator Alan Cranston has agreed to chair these hearings, which will continue through the month of May. With this legislation, we hope to break new ground in the treatment and rehabilitation of the severely disabled, and develop new programs to help those long-neglected in the areas of the deaf-blind, the spinal cord injuries, the older blind persons and those requiring dialysis or transplant following kidney failures.

A 25-year backward look gives us an opportunity to be nostalgic and express tribute to those who have gone before, some of whom have gone beyond. It was Representative Augustine Kelley who sponsored legislation for the President's Committee in the House, and Senators Sparkman and Aiken in the Senate. Gus has left us, but John and George are active in the Senate of the United States, continuing their service to humanity.

When President Truman suggested calling a group together which eventually became this vital committee, the first trip to the White House was in a single bus. When the President addressed the first few meetings in the Departmental Auditorium, the Secretary of Labor had to fill the hall by allowing employees to hear the President speak.

During those first struggling years, Hines Hospital was beginning to pioneer in the Veterans' Administration its magnificent work of training the newly blind. Spinal cord centers were doing equally splendid pioneering work for newly-injured veterans.

I suppose some of today's young activists who do not have the rear vision of some of us older folks see us as some sort of Uncle Toms for the handicapped. But I feel it is safe to say, in the parlance of the day: "We've come a long way, handicapped baby."

The work of the government in the post-World War II days was being matched by many private groups—some like the 52 Association of New York, dedicated to serving the war-wounded; others like Just One Break, also in New York, speaking out for all the handicapped. Still others taking care of their members, like Paul Strachan and Mildred Scott's American Federation of the Physically Handicapped, Millard Rice's Disabled American Veterans. And there was the United Mine Workers John L. Lewis who literally placed hundreds of paraplegic miners on their feet and back to work, writing one of America's brightest pages. These pioneer groups and others like the Easter Seal Society really showed how to "give a damn" for others long before it became a slogan on a button.

The Korean War, coming on the heels of the post-World War II employment dislocation, provided jobs and opportunities for many GI Bill graduates entering the labor market after Public Law 16 vocational rehabilitation training. This gave struggling workshops and new businesses such as Hank Viscardi's Abilities, Incorporated, a chance at subcontract work and the opportunity to prove that the handicapped can do almost anything if given training and a chance to demonstrate that America no longer moved on muscle but on skills and brains.

Just the other day a colleague questioned the use of the word "cafeterias" in our vending stand bill. "You mean that this would permit blind people to operate cafeterias?" he asked with a note of incredulity in his voice. I assured him that this was exactly what it means, explaining that the blind already are operating cafeterias in California and conducting demonstration programs in operating and maintaining automated vending machine cafeterias in Washington, D.C.

He accepted this explanation with relief, for I am sure that he had envisioned blind workers behind steam tables slinging mashed potatoes and peas at defenseless customers.

Many of the legislative and other vehicles we are recalling for repair today weren't even among the working tools of yesterday. The interesting film you will see tomorrow morning, the printed booklets of this 25th Anniversary, Russ Dean's lively history of the President's Committee which you have been given tonight—all of these are proof that we have much more to be satisfied for than we have to be dissatisfied with. And, having ended with a preposition, I hasten to add that someone sitting in the audience will probably be able to say 25 years from now that our future, their past, was like nothing ever before seen or heard on this planet. I sincerely hope so. You'll get an advance look at the future on Friday morning, so don't miss the look ahead.

But my job here is to look back. And looking back I see the smiling face of Admiral Ross T. McIntire, our first chairman, who resigned to run as a Democrat for Congress. And the friendly face of General Mel Maas, shrouded in cigar smoke, who left his Republican seat in the Congress to give what proved to be the best years of his life to the handicapped. We salute them, just as we do those who left us within the year—Mary Switzer and Marion Preminger and other dear friends.

Mel Maas was a Republican and proud of it, but he was reappointed by a Democratic President as Chairman, and our present leader, Harold Russell, with a Democratic background, was reappointed by a Republican President. Three chairmen in 25 years during six Presidential administrations certainly indicates the non-political nature of this Committee.

During the Eisenhower years, the Republicans controlled the Congress in 1953 and 1954, and it was in those years that both parties joined in establishing the Department of Health, Education, and Welfare. This action dramatically escalated the opportunities of the handicapped through Public Law 565. Once again this is proof to the world that politics knows no boundaries where the handicapped are concerned.

I understand that I am the only member of Congress who is a card-carrying member of this Committee. Actually, members of Congress aren't eligible, but I was working for Capital Airlines when first named to the Committee and I've been on the roster since. Of course, I get the same pay as the rest of you—the satisfaction of helping others to help themselves.

In the Biblical three score and 10 years of my own lifetime, we have gone almost from launch pad to outer space as far as the handicapped are concerned. This is another giant leap forward for humanity. In fact, many of the space marvels of science are being used successfully in serving the handicapped today. The Apollo 16 crew which returned to earth last Thursday would have been hopelessly handicapped in space without the life-saving equipment devised for them by our scientists, engineers and doctors.

Looking back 25 years, I can see with you a long procession of rehabilitation centers and sophisticated sheltered workshops like many of the newer Goodwill Industries. I see prosthetics and orthotics as different from yesterday as is the astronaut equipment to the early automobile.

Most of all, I see the change in public attitudes, a change brought about not only by the media and the professionals in and out of government, but also in and out of agencies, organizations, clubs and concerned groups. But a change has been brought about by the achievements of the handicapped themselves. No product can survive in our market place today if it is not a good one, if it is not actually as good or superior to its competition. The truth is that the handicapped themselves have been the best salesmen for their own employment.

I don't think anyone who has ever met our Chairman Russell has ever felt the same again about people who suffer the loss of limbs. I don't think anyone who meets or reads about the tremendous achievements of the outstanding man we honor Dr. Robert Bottenberg, will ever feel the same again about blindness.

As we take one last look back we can joyfully tell the world that the honor roll of those who helped the handicapped to help themselves includes the names of our last six Presidents: Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson and Richard Nixon.

And I remind you that Roosevelt had polio, Eisenhower had ileitis and heart trouble, Kennedy had a bad back and Johnson is now recovering from another cardiac incident. We have proved to the world that the handicapped can make it to the highest office in our land. You must walk a mile in another man's moccasins to know what troubles him—an old Indian truism, and these four Presidents knew what disability was and were the greater for rising above it. Truman and Nixon have empathy for the handicapped which enables them to be practical in bringing about a change for the better. This is a proud galaxy of servants of the Republic.

I would be remiss if I did not also remind you that it was President Kennedy who turned around the attitude of the entire world toward the retarded. With the help of Congress, we see the first faltering and now magnificent response of the American people to training and employment for the retarded.

The next 25 years, hopefully, will show as great an improvement in public attitudes toward victims of mental and emotional illness, those we call the mentally restored, as the last 10 years have shown toward the retarded.

Hopefully, long before the 50th anniversary of this unique Presidential Committee—bolstered as it is by both Act of Congress and Executive Order of the President, men and women with epilepsy or disfigurement will no longer face the mindless discrimination at home, school, office and society as too many of them do today.

As we look around us at the more than 8 million gainfully employed handicapped men and women of America today, in and out of government—and our government's record is better than any other government in the world—we must remind ourselves of the unfinished work ahead. The effort we must make in removing the blight of "underemployment" from the all too many handicapped now in our work force.

The Lord's words are, "I know mine and mine know me." I cannot speak for the Congress of the United States, but I do know my fellow lawmakers, and I can promise you that if you will continue to call our attention to the unmet needs of the handicapped, you will have eager and willing listeners. If the handicapped themselves, including those who plan to march to the Capitol this week, will tell it not only like it is—but the way they would like it to be—we will listen.

The so-called "establishment" on the Hill may be a little hard of hearing, a bit short of breath, a little dim of sight after laboring for many years, but we are not short of intelligence—or of good will—or of empathy for the underdog. Many of us have had our own bouts with disability and, although disability may not show, we haven't forgotten how it was. Many of us have loved ones who are familiar with wheelchairs and other devices like pacemakers and have a working knowledge of barriers to accessibility, of the idiocy of rampless buildings and thoughtless design in both public and private planning.

Some of us in the "establishment" are proud and happy to place our authority and our votes on the side of tomorrow, on a future that does not penalize the less than average, physically. We want transportation systems which will be a friend and not the enemy of the disabled and elderly people of America. We want rehabilitation laws in tune with tomorrow and tomorrow's tomorrow.

So, in looking back, we can see we have come far on a road strewn with problems and difficulties, in looking around, we can see a plateau of sorts where disabled veterans and others can better realize the American Dream. In looking *ahead,* We can thank God for the blessings of the past and present, and ask His help and guidance that, together, we can bring more of heaven on earth for the handicapped of the world.

CALIFORNIA NATIONAL GUARD: AN ASSET TO THE COMMUNITY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. LEGGETT. Mr. Speaker, in recent years the National Guards in our country have been criticized for overzealous action in the quelling of campus and urban disturbances. In some cases, particularly Kent State, these criticisms have been justified. Let us not make the mistake, however, of condemning all National Guard units for the mistakes of a few.

Many National Guards, including that of my own State of California, ably perform their constitutional duties and much more. The California National Guard is not only a fine security force, it is active in numerous community activities ranging from involvement in reclamation projects to assistance to youth and other community groups.

These activities, moreover, do not diminish the normal activity of the Guard. These programs are conducted on a strictly voluntary basis by each Guardsman and unit.

Maj. Gen. Glenn C. Ames, commanding general of the California National Guard, has been kind enough to supply me with a summary of the Guard's "Domestic Action Program," which I include at this point in the RECORD:

STATE OF CALIFORNIA, STATE MILITARY FORCES, MILITARY DEPARTMENT
Sacramento, Calif., June 23, 1972.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR MR. LEGGETT: It is my pleasure to submit to you the 1971 California National Guard "Domestic Action Program Report." The California Guard force of 27,500 has a commitment to involvement in our community activities, especially in today's environment. The Guard either initiates or assists in these action programs which are conducted on a strictly voluntary basis by each Guardsman and unit. Many hours of personal time and money are given by our members to these various causes. This support and activity is not allowed to diminish or otherwise degrade our normal training mission.

During 1971, in the Domestic Action field, we increased our activity by 20% over the same period last year. The attached report indicates the state-wide involvement of the California National Guard for calendar year 1971. For convenience, the report has been broken down into five categories as summarized below:

a. *Ecology and Reclamation Projects:* During this past year, our Guardsmen assisted over 7,000 residents of the State in ecological programs. A few of these projects were the collection of trash in the San Fernando Valley with the Boy Scouts as part of their "Keep America Beautiful" campaign; providing trucks and drivers to assist in cleaning up the San Joaquin River; assisting in loading six tons of glass for recycling; and many other projects of this type.

b. *Assisting Needy and Underprivileged:* Over 700 National Guardsmen gave personal support to the needy and underprivileged within California. Many gratifying incidents were noted during 1971, especially at Christmas when toys were collected and repaired and Christmas parties were given to those children who would never have known that there truly is a Santa Claus, and that there is someone who really cares.

c. *Support to Community Service Organizations:* Our Guardsmen have been involved in supporting local community projects in 1971 more than ever before. We have increased our exposure to the community during 1971 for a total of approximately 65,000 civilian and Guardsmen participants. Projects that supported local civic groups were the March of Dimes Walk-O-Rama, Camp Fire Girls, Boy Scouts, transportation for youth camp-outs, and many other similar projects.

d. *Support Given to Governmental Organizations:* On twenty-three different occasions the California National Guard was called upon to assist governmental agencies in helping promote community and youth programs. There were over 15,000 governmental and Guard personnel involved in such projects as assisting the Merced Welfare Department, U.S. Forest Service, San Bruno County Jail, and many youth training programs such as Head Start.

e. *Guard-Initiated and Conducted Programs:* Guardsmen participated in many programs that were initiated and conducted by the local unit in their communities. These projects involved over 30,000 local citizens and Guardsmen in twenty-nine communities throughout the State of California. These programs included painting a handicap school, giving lessons in gun care and hunter safety; visiting veterans hospitals; and training disadvantaged youths.

Many of the above projects are continued year-round. In addition, many other programs and projects were assisted by the California National Guard which did not fall within reported categories. These included parades, concerts, radio broadcasts, ball games and speeches which involved over two and one-half million residents of California. These programs are a vital part of our relationship with the general public.

I believe that you can take pride in our 1971 accomplishments. Our young soldiers and airmen do really care about their communities. Because of such personal interest and involvement on their part, our commanders are able to undertake, plan and execute many taxing programs that are of great value to the communities. I am looking forward to an even greater involvement during calendar year 1972. I would welcome receiving from you any observations, suggestions or ideas on how these programs can be improved.

Sincerely,

GLENN C. AMES,
Major General, Commanding.

YOUR VOTE—IT DOES COUNT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues the following editorial entitled, "Your Vote—It Does Count," prepared by the American Historic and Cultural Society, Inc., for July 4, 1972—a day to honor America:

Across the country today poltical candidates are skirmishing with more than the usual degree of fervor at this stage of an election year.

The professionals are motivated by the knowledge that in 1972 the election process is being opened up to major new elements.

People from all walks of life—young and old—the rich and the not-so-rich—men and women of all races and creeds—are climbing into the political arena with firm ideas of their own about shaping the country's destiny. And this is their right, protected by our Constitution of 200 years.

To our traditional electorate will be added in 1972 over 11 million young adults, 18 to 20 years of age, now enfranchised by the 26th Amendment. Additionally, some 14 million Americans who have turned 21 since 1968 will be eligible to participate, for the first time, in a Presidential election.

This 25 million potential could have a decisive impact on the outcome.

These first voters comprise a massive force for accomplishment. The newcomers are turned on and eager to become involved in such problems as peace in Vietnam, disarmament, inflation, joblessness, education, minority rights, housing, health care, dangers to life from air and water pollution, and countless other problems. Undoubtedly, many of these young adults can help the United States remedy its national and international illnesses.

As an essential first step, they should be aided and encouraged to register and vote. If they should fall victim to the apathy which already exists among their elders toward the electoral process, the nation will continue to suffer.

The dismaying truth is that only 73 million citizens cast ballots in the 1968 Presidential election. Then only 60.2 percent of the 121.5 million eligibles went to the polls. 47 million stayed away. Here in the world's greatest democracy, a smaller percentage voted in a major election than in any other nation of the free world.

Of the 47 million non-voters, some 15 million who were qualified to vote passed up the opportunity. Another 10 million could have qualified but didn't bother. Many, of course, were prevented by harsh state residency requirements, or by illness or disability, or by being unexpectedly away from home or overseas on election day. Thanks to the Voting Rights Act Amendments of 1970, the right to register and vote by absentee process for President and Vice President, regardless of where one may be in the world on election day, now belongs to those who take the initiative in exercising that right.

Perhaps you are one of those who asks, "Does my vote really count among all the millions eligible to vote?" Here's your answer:

In the 1960 Presidential election, Richard Nixon lost to John Kennedy by less than one vote per precinct out of a total exceeding 69 million votes.

In 1968, Mr. Nixon won over Hubert Humphrey by less than three votes per precinct out of more than 73 million votes cast.

A shift of 64,000 votes or 1.2 percent of the 5,573,810 ballots cast in Illinois and Missouri in 1968 would have thrown the Presidential election into the U.S. House of Representatives for decision. There, 26 votes—one from each of 26 states—is the maximum needed to elect the President.

Do you still wonder whether your vote counts? Hopefully, you are prepared to make it count.

Begin today to familiarize yourself with your precinct's requirements for registration and voting. Mark these important dates on your calendar and rearrange your daily timetable to meet these deadlines.

You—and every other American citizen—can take the first important steps toward answering today's challenges:

If required, be sure to register to vote;

Become knowledgeable on candidates and major issues;

And then, in the General Election of November 7, exercise your most prized possession—your right to vote for the candidates and party of your choice.

On each individual rests the responsibility for implementing this right. No one can do it for you. Start today. Become informed. Register. Make your vote count!

You can Honor America, and yourself, by your action.

TRIBUTE TO MRS. LAURIE JOHNSON

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. REES. Mr. Speaker, last Saturday, June 24, my constituent, Mrs. Laurie Johnson, was awarded a proclamation by the Studio City Chamber of Commerce for the distinguished contributions she has made to her community.

An outstanding resident of southern California for 20 years, Mrs. Johnson has been honored with the title of vice president of Avco's board of directors, and has been named Outstanding Woman of the Year by the Studio City/North Hollywood Soroptimist Club.

Mrs. Johnson is also president of the Studio City Chamber of Commerce and has inaugurated many new programs, as well as established a policy of giving more people a voice in chamber affairs. She has worked long and hard to involve all facets of the community in the chamber program—not only members, residents, merchants, and service clubs, but also churches, schools, and the police department.

I know my colleagues will join with me in commending Mrs. Johnson for her outstanding service to Studio City.

SAM A. VENABLE, SR.

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to express the great sense of loss felt by all Tennesseans at the death of Sam A. Venable, Sr. Sam Venable was an outstanding educator, a leading sports figure, and a man of high Christian character.

Despite his impressive titles and many awards, Sam Venable never forgot those less fortunate than himself. Our district will always be grateful for his willingness to act as Santa Claus each year for many young children including the sons and daughters of our servicemen missing or killed in Vietnam. The old adage that "a man never stands so tall as when he bends over to help a child" clearly described Sam Venable's dedication to serving his fellow man. The world has lost a kind and generous man.

The following is a brief biography of Sam Venable, Sr., which appeared in the June 19, 1972, edition of the Knoxville Journal. I would also like to share with the Nation two editorials which describe the respect and admiration all Tennesseans held for Sam Venable, Sr.:

[From the Knoxville Journal, June 19, 1972]

VENABLE, SR., FUNERAL SET FOR 2 TODAY

An associate professor of physical education at the University of Tennessee, Mr. Venable was a member of the Knox County Board of Education, of which he served as vice chairman in 1969.

Dr. Mildred Doyle, county schools superintendent, announced that her offices close at noon today for Mr. Venable's funeral.

He was elected this year as president of the Tennessee School Boards Association, from whom he received an award for his service to education.

As a sports figure, fans recognized him in the capacity of official scorekeeper at UT basketball games, down's marker at UT football games, track official—having served as former president of Knoxville Track Club—and tournament director, also past president of the YMCA.

Following graduation at UT in 1935, Mr. Venable began teaching there in 1945 and received his masters in 1946. He has been with UT since then.

Interim years were spent in World War II as an infantry major and teaching within the Knoxville school system.

Recent activities included president of the Tennessee Recreation Society, chairman of the mayor's committee for evaluation of recreation in the city, director of the U.S. Volleyball Association Tournament and member of the advisory council for Treemont Job Corps Camp in the Smoky Mountains.

He was honored with "Sam Venable Day" in 1969 for his services rendered to the Treemont camp.

Other awards included "Man of the Year" honors in 1961 from Knoxville Civitan Club and "Man of the Year" service award in 1965 from the YMCA.

He was also one of the founders of the Fellowship of Christian Athletes in Knoxville.

A member of First United Methodist Church, where he served on the board of directors and taught a fellowship Sunday School class, Mr. Venable was active also in the American Association of Health, Physical Education and Recreation and the Knox County Council of Community Services.

[From the Knoxville News-Sentinel, June 19, 1972]

SAM VENABLE, SR. C.R.

We'll miss Sam Venable Sr. at the Knox County School Board meetings, the football and basketball games and at the track meets. He used to stroll into The News-Sentinel office once or twice a year and everyone enjoyed his visits so very much.

Mildred Doyle, superintendent of Knox County schools, perhaps said it best when she described Sam as nonpartisan. He always voted for what he thought was best for the young people despite the political implications. That was his creed, fairness.

Sam was such a good teacher that one of his former students, Andy Kozar, became his boss as head of the men's physical education department at UT. Sam was the inspiration which moved Andy, a former Vol football star, to get his doctorate in physical education.

Our loss is great but we're all better for Sam's having lived such an inspirational life in our midst.

[From the Knoxville Journal, June 19, 1972]

SAM A. VENABLE, SR.

When a big man departs this life he leaves a big void, and his loss is deeply felt. So it is with the death Saturday of Sam A. Venable Sr., educator, public servant and great-hearted friend of young people and children. He was a big man in every good way.

His influence on public education and clean athletics went far beyond the bounds of Knox County, pervading the entire state. Sam Venable was a man of the highest principles. It was no matter what his partisan politics were. His ways of thinking and his resolute convictions always looked to what was right and best for the community. Republican Mildred Doyle, county superintendent of schools, never had more loyal backing on the board of education than was given her by this man too big for petty differences.

In mourning the passing of Sam Venable, the citizens of Knoxville, Knox County and Tennessee can only pray his place will be taken by someone at least half his size.

SUPREME COURT RULING ON CAPITAL PUNISHMENT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. NICHOLS. Mr. Speaker, this is indeed a sad day for our Nation and for the millions of law abiding citizens in our country.

The U.S. Supreme Court, by a vote of 5 to 4, has ruled that capital punishment is cruel and unusual punishment and consequently, is unconstitutional. During the past 20 years, the Supreme Court has made a number of decisions that I have disagreed with; it has made some decisions I could not understand. The ruling on capital punishment fits into both categories.

I have always believed that capital punishment is a strong deterrent to crime. While it has not been imposed for 5 years, its threat has always been present. It is impossible to determine how many murders have been prevented because of the electric chair, the gas chamber and the scaffold. This threat, however, no longer exists.

The Supreme Court has issued a slap in the face to millions and millions of Americans by this ruling. I would think the judicial branch of Government owes more to our citizens and particularly to our police officers than a ruling which will, without a doubt, further increase the lawlessness in this country.

STEPHEN W. ROBINSON GAVE COMMENCEMENT ADDRESS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, Stephen W. Robinson, 21, son of Col. and Mrs. William C. Robinson, of Alexandria, Va., was the president of the student body for the 1971–72 school year at the Washington and Lee University in Lexington, Va. Stephen plans to return to the Washington and Lee Law School this fall.

As student body president, Stephen gave a commencement address on June 1, in which he called for a return to traditional values and academic excellence. While his address was directed to the administration, faculty, and student body of his own college, his message should be of interest to those connected with institutions of higher learning all across the Nation.

I insert the text of Stephen Robinson's address at this point in the RECORD:

REMARKS BY STEPHEN W. ROBINSON

Initially, I would like to add my congratulations to those you have already received. Each of you certainly deserves all the praise you are getting.

In the four years I have spent at Washington and Lee, the university has undergone many changes. Included in the progress of the undergraduate school has been the new curriculum, an innovative calendar, and participation in an eight-college exchange program which has, in a very minor way, allowed Washington and Lee to enjoy some of the benefits of coeducation.

The law school has also had its share of success. The number of applications for positions in the freshman class has quadrupled in the past four years, and the quality of the applicants has also risen markedly. In addition, the law school, in three years, will move into Lewis Hall, which will be the most modern and best equipped law facility in the country.

The law school is just a part of a $56 million, decade-long development plan, which will also include a new undergraduate library, renovation of many existing buildings and a substantial increase in the size of the endowment.

However, not all the changes in the past four years have been beneficial.

At one time, not too long ago, Washington and Lee was a very placid, sheltered place in which to get an education. One could come to a small, picturesque village in the Shenandoah and spend four years in an atmosphere of honesty, trust, and cooperation while studying the liberal arts. Washington and Lee has always placed great responsibility in the hands of students, and much of this utopian-like quality of Washington and Lee has been a result of the students' acceptance of this responsibility.

Unfortunately, that is not the situation now. Washington and Lee men recently have exhibited a frightening fear of responsibility, and because of this attitude, the atmosphere and quality of an education at Washington and Lee has suffered.

The Honor System, once the most distinctive mark of a Washington and Lee education, is not nearly as effective as it was just a few years ago. In innumerable instances, students have failed to accept their responsibility as members of a community governed by the principles of honor. Too many men have decided it is better to abuse Washington and Lee's honor system than protect it. And because of this, Washington and Lee is no longer the community of trust it once was.

In addition to this problem directly related to the Honor System, there have been other difficulties caused by the irresponsibility of students. Washington and Lee men have trouble negotiating checks, even in Lexington, because of the number of bad checks written by students; the word of a W & L student is no longer taken at face value, and local girls' schools, alarmed by the behavior of men from Washington and Lee and other schools, have begun to disregard the normal inter-institutional disciplinary procedures and now carry their grievances to civil authorities.

There have also been other conflicts, within the university community itself. Since Washington and Lee began to obtain a truly diverse student body, which I believe has helped the university overall, the W & L community has became a fragmented collection of small groups, with each polarized contingent caring little about any of the others. Several blatantly racist incidents have occurred, while many students feel alienated from the W & L community as a whole. Partially because of this lack of unity, the speaking tradition has vanished, as have several other facets of the once-congenial atmosphere of Washington and Lee.

All of these difficulties combined have begun to place a strain on the student-faculty relationship, another key to the Washington and Lee educational experience.

Despite this decline, I feel that my education at Washington and Lee has been outstanding, and I'm looking forward to spending three years here studying law.

It is traditional for a commencement address to contain a challenge to the graduates to do well in the world and strive for success. However, I feel the class of 1972 is well aware of what it will face in the world. Instead, I would like to challenge the administration, faculty, and most particularly the current and future students of Washington and Lee, in the next four years, or longer if necessary, to recapture what the University has lost in our four years here. W & L is, and always has been, a place for men to obtain an excellent education, and I feel this tradition will be continued. The university has a dedicated faculty, many talented students, and fine physical facilities. There is not any reason why academic excellence can not be perpetuated at Washington and Lee.

However, W & L, primarily through its students, must try to regain its atmosphere of mutual trust, its feeling of cooperation, and its spirit of union. If this is done, Washington and Lee will regain its intellectual environment so conducive to learning and its self-dignity.

Again, congratulations and good luck, and may God be with you.

PROGRESS IN CANCER TREATMENT

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ROGERS. Mr Speaker, earlier in this Congress we passed into law the National Cancer Act to accelerate this Nation's scientific efforts in the area of cancer detection, prevention and cure.

At that time hundreds of scientists were already proceeding with research aimed at the same goal. Time magazine recently noted some encouraging results of an outstanding nature which were reported at the meeting sponsored by the National Cancer Institute.

Dr. Edmund Klein of Roswell Park Memorial Institute of Buffalo, N.Y., a good friend of mine, has been working for some time on the treatment of skin cancer and at the meeting reported progress he has made in the area of applying his work in immunotherapy on patients with breast cancer.

The results are indeed encouraging and although additional tests and work must still be done, I think the work done by Dr. Klein holds great promise.

I would like to include the article from Time into the RECORD at this time for the information of my colleagues and commend Dr. Klein for his work.

The article follows:

FIGHTING BREAST CANCER

Perhaps no diagnosis is more feared by women than breast cancer. Medicine's efforts to cut the death rate from breast cancer have been far less successful than with other malignancies to which women are vulnerable. This year alone, 71,000 American women will learn that they have breast cancer, and some 30,000 will die of it. At least 1,000 a week are undergoing surgery. The operation usually involves radical mastectomy, a disfiguring procedure that includes removal of the breast and surrounding tissue. Though surgery can save their lives, many women feel that the price is their femininity. Doctors report a common reaction: "I feel like half a woman."

Medical science is a long way from keeping all these women whole, but reports at two medical meetings last week indicate progress in two important aspects of breast cancer: controlling recurrence and providing an alternative to radical mastectomy in certain cases. Meanwhile doctors are also working on ways to reduce the psychic misery of those who must undergo full-scale surgery.

FIVE SUCCESSES

The most dramatic announcement, made at a session sponsored by the National Cancer Institute at Gatlinburg, Tenn., concerned immunotherapy, or use of the body's own defense mechanisms to protect itself against cancer. Dr. Edmund Klein of Roswell Park Memorial Institute in Buffialo, N.Y., who has already had some success treating skin cancer, tried a variation of the treatment on five women. The patients had all undergone breast surgery already and were suffering recurrences of cancer. Klein injected a serum containing tuberculin—a substance that rouses the body to counterattack—directly into the women's cancerous lesions. Then, as the cancers showed signs of healing, he switched from the painful shots to regular applications of a tuberculin skin cream. Most people at some time in their lives have had tuberculosis antibodies naturally activated in their system, and tuberculin awoke the women's immunological "memories", triggering the production of more antibodies. The treatment induced an immune response to cancer as well.

Though much study and testing remain to be done before immunotherapy can become an anticancer weapon, Klein's results indicate that the effort is likely to prove worthwhile. All five of the women are still alive two years after treatment began and have shown improvement in varying degrees.

More controversial was the report of Dr. M. Vera Peters, of Toronto's Princess Margaret Rose Hospital, on simpler surgery for early breast cancer. Dr. Peters told a meeting at the Indiana School of Medicine that doctors should attempt the most conservative procedures possible "in order to preserve the patient's morale." Thus, for certain of her patients in whom early diagnosis has been made, she favors "lumpectomy," the removal of the cancer alone rather than the entire breast. She claims that the operation, which is followed by radiation therapy, offers selected patients essentially the same survival rate as racidal mastectomy.

Other doctors doubt the long-term results of this method. Last week Dr. Peters offered figures that tend to support her case. Of 81 women who had radical mastectomies between 1955 and 1965, 70.4% were alive five years after the operations. Peters paired each of these patients by age and other factors with 81 women who had only lumpectomies, then compared the two groups' survival rates. There were only slight differences each year, and after five years, 71.6% of the lumpectomy patients were still alive.

Many surgeons still question Dr. Peters' procedure and take issue with women's magazine articles that advocate it as an alternative. "Deciding about treatments for breast cancer shouldn't be like choosing a brand of toothpaste," says Dr. Guy Robbins, acting chief of the breast service at New York's Memorial Hospital for Cancer and Allied Diseases. Dr. Robbins cautions that lumpectomy may fail to locate or remove all the cells and he maintains that only radical mastectomy offers the physician and the patient a semblance of certainty that all malignancy has been removed. He also warns that half of all lumpectomy patients eventually have local recurrences of cancer and says that many end up paying for their respite with a subsequent—and more serious—operation.

COSMETIC JOB

But Robbins acknowledges that male doctors are often insensitive to women's psychological problems. He and his colleagues support efforts to ease the shock of breast removal. Many doctors are spending more time acquainting their patients with the necessity for radical surgery. Reach for Recovery, a program run by former mastectomy patients, is helping women through the convalescent period with exercise drills and counseling.

Nothing has done more to relieve postoperative depression than development of techniques for reconstructing the breast after surgery. Dr. Reuven Synderman, a plastic surgeon at Memorial, has found that explaining the possibilities of reconstruction has helped many women to accept mastectomy calmly. The cosmetic job involves implantation of a silicon form and substantial surgery to restore the breast to a near-normal contour. But according to Synderman, most women are so pleased by the initial implant, which makes the breast look normal under clothing, that they do not even bother with the later stages necessary to complete the process.

THE STATE DEPARTMENT AND BIAFRA—SOME QUESTIONS RAISED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ASHBROOK. Mr. Speaker, several years ago, on January 22, 1970, I inserted remarks in the Congressional Record concerning the urgent starvation crisis in Biafra after the surrender of the Ibos to the Nigerian troops. It will be remembered that newspaper accounts told of the plight of hungry families and the dire necessity for large-scale food shipments to avert a major catastrophe. How many men, women, and children actually succumbed before the crisis was resolved will probably never be accurately ascertained.

My interest was naturally aroused recently when attention was drawn to the subject of Biafra and the involvement of our State Department in that crisis. The occasion was the confirmation hearing of Clinton L. Olson, the Deputy Chief of Mission in Lagos during the crisis, who had been selected to fill the ambassadorial spot in Sierra Leone. Opposition to Mr. Olson's appointment was raised by Roger Morris, serving during the Nigerian war with the National Security Council and knowledgeable about the formulation and execution of U.S. policy in that area at that time. Mr. Morris submitted a statement to the Senate Foreign Relations Committee dated June 4 in connection with the confirmation hearing and later summarized orally his position when appearing before the committee on June 23. Mr. Olson was subsequently confirmed as Ambassador to Sierra Leone.

The June 4 statement of Mr. Morris as submitted to the Senate Foreign Relations Committee follows:

June 4, 1972.

Testimony of Roger Morris—Confirmation of Clinton L. Olson, Senate Foreign Relations Committee

Mr. Chairman: Thank you for the opportunity to offer the Committee this written testimony on the confirmation of Clinton L. Olson as United States Ambassador to Sierra Leone.

I regret that family illness in Oklahoma made it difficult for me to present this testimony in person; I shall certainly be available to the Committee in the future in any way I can be helpful in this matter.

I regret even more that questions need be raised about the record of an Ambassadorial nominee. But those questions seem compelling. They deal with evidence of a reign of inefficiency and bias in a U.S. Embassy which may have inhibited the mission's professional performance in a critical situation, may well have suppressed information important to the conduct of national policy, may have damaged or broken personal careers in punishment for policy dissent, and, most disturbing, may have had the result of subverting a public commitment of this Government to try to relieve one of the great human catastrophes of our time.

I wish to make clear at the outset both the limits and relevance of my perspective on the questions to be raised here. From September 1968 to my resignation on April 29, 1970, I served on the staff of the National Security Council, with principal responsibility for African affairs. During that period, I was in daily liaison with the Department of State and other foreign affairs agencies. I routinely read reports from our African embassies. And because of the intense interest of both President Johnson and President Nixon in humanitarian relief for victims of the Nigerian Civil War, I was particularly occupied with the formulation and execution of U.S. policy toward that conflict.

It was in this position that I encountered gathering indications of unprofessional conduct in the Lagos Embassy, a failure reportedly the result, at least in part, of Mr. Olson's tenure as Deputy Chief of Mission in that post.

Mr. Olson was DCM in Lagos throughout my service on the NSC staff. I never visited the Lagos Embassy, never witnessed Mr. Olson's work on the scene, met him personally only in passing at an inter-agency meeting in January 1970, and have not seen him or observed his work since I left the NSC.

Therefore, as I shall make clear in presenting them, some of the following questions are based on second- or third-hand accounts given me of what had happened, or was happening, in the Lagos Embassy from 1967 to 1970. Yet those reports were so unfailingly similar, so often repeated by honest, conscientious officials, that I felt it proper to bring them to the attention of the Committee, however indirect my knowledge.

Moreover, and I shall also indicate this where appropriate below, I do have personal knowledge of a number of facts—deficient reporting from Lagos, various disciplinary missions from the State Department to the Embassy from 1967 to 1970, the failure of the Embassy to carry out national policy in the humanitarian crisis of January 1970, etc.—all of which tends to support questions raised by the experience of others much closer than I to Mr. Olson's role in the Lagos Embassy.

I should emphasize again, Mr. Chairman, that I am raising here no more, and no less, than several questions which the Committee may wish to pursue in considering Mr. Olson's confirmation. If these questions are somehow mistaken, complete Department of State files on the matter and other authoritative witnesses (some of whom I suggest at the conclusion of this testimony) should certainly be able to clarify the record. And even if these questions should be substantiated, the Committee will still face the matter of Mr. Olson's personal responsibility. In that respect, I should only point out that the following incidents took place during Mr. Olson's service as DCM under two Ambassadors, two Administrations, and over a three-year period. Whatever happened in our Lagos mission during that time, I should think that Mr. Olson as DCM either directed it, acquiesced in it, or was oblivious to it. In any case, the answer seems relevant to his qualifications for an Ambassadorship.

Once regarded as the most promising of new African states and a major recipient of U.S. assistance to the Continent, Nigeria fell into political chaos in the mid-1960s. Tribal and regional rivalries issued in assassination of a Prime Minister, the takeover in Lagos by *coup d'etat* of a military regime, mass atrocities against the Ibo tribe, and eventually civil war between Biafra (the country's former Eastern Region) and Nigeria from 1967 to the Biafran collapse in January 1970.

The Committee will recall that Presidents Johnson and Nixon both resolved, with broad Congressional agreement, that the United States would *not* become involved on either side of this political and military conflict, yet within the context of our neutrality do everything possible to help relieve the mounting suffering of millions of civilians, many of them children, on both sides of the battle. It was in these extraordinary circumstances that questions arose regarding the efficiency and fidelity to national policy of the Lagos Embassy.

Through my twenty months on the NSC staff I was told privately and informally the following:

From 1965–66 to 1970, the Lagos Embassy deliberately excluded junior officers with wide contacts and independent views from (i) major political reporting cables to Washington, (ii) staff meetings with the Ambassador, (iii) numerous policy instructions from Washington, (iv) social and professional contact with high-ranking Nigerian officials.

The leadership of the Embassy deliberately refused to report to Washington developments discrediting the military regime in Lagos; for example, (i) in the fall of 1967, the murder of Ibo civilians by the Nigerian Army aboard the American-owned vessel *Niger Tide;* (ii) in the summer of 1967, the prospect of a Biafran invasion of Nigerian's Midwest state, despite the fact the Embassy had warning two months in advance; (iii) in April 1968, an Embassy staff eyewitness report of failures in rehabilitation and military discipline in territory captured by Nigerian troops; (iv) in October 1968, a documented staff report of military atrocities and repression in the Nigerian capture of the port of Calabar.

The Lagos Embassy attempted to discredit reports from U.S. Consuls in Ibadan and Enugu indicating unrest and instability. (I was told that Mr. Robert Barnard, the last U.S. Consul in the East who had predicted Biafra's rebellion, was officially upbraided by the Embassy for his "pessimism." The Department reportedly reprimanded Mr. Olson verbally for that attack on Barnard, and subsequently gave Barnard an award for distinguished service!)

That the Embassy relied heavily on British Embassy reports of events in Nigeria to the detriment or exclusion of an independent American analysis, despite the fact that British policy, unlike ours, firmly supported the Nigerian side of the civil war and persistently sought to influence U.S. policy in that direction.

That the Embassy accepted and reported without critical analysis or dissenting views the official Nigerian Government point of view on (i) starvation in Biafra, which the Embassy failed to appreciate throughout the conflict; (ii) conduct of Nigerian soldiers; (iii) popularity of the military regime in Lagos; (iv) the Nigerian position vis-a-vis Biafra on the matter of peace negotiations or negotiation of relief arrangements.

That morale in the Embassy, from coderoom clerks to political officers, was extremely low, centering on resentment of Mr. Olson's management.

That State Department frustration with the Embassy's bias and incompetence became so great that (i) junior officers at the Embassy were given to believe by State officials that "private" reports of events would be welcome; (ii) between 1966 and 1970 there was a heavy correspondence between the Department and the Embassy leadership regarding the Embassy's "responsiveness."

That Mr. Olson attempted to discredit one dissenting junior officer by writing a critical efficiency report, which was apparently the main cause of that officer's later selection out of the Foreign Service. Three of the six junior officers who served as poltical reporters in Lagos between 1965 and 1969 were reportedly forced to resign from the Service by 1970.

I have personal knowledge of the following developments bearing on the efficiency of the Lagos Embassy under Mr. Olson's management:

That the Department sent several special missions to Lagos to identify and remedy the "problem" with the Embassy; for example, (i) Rosenthal-Smith mission sent by Undersecretary Katzenbach, I believe, around Christmas 1967; (ii) the Newsom trip in January 1970; (iii) the Kennedy-Ruser mission sent by Undersecretary Richardson in January-February 1970.

That reporting from Lagos was so biased and deficient in 1969-1970 that both the White House and State Department were astonished and grateful when the Canadian Embassy in Washington began to share with us the reports of its Canadian mission in Lagos, which provided information and insights unavailable through U.S. channels.

That by 1969-1970, policy-making officials in Washington were all but dismissing reports from the Lagos Embassy as hopelessly one-sided and misleading.

That other foreign affairs agencies initiated their own "private" assessments of the Nigerian situation, and, in one case, even "investigated" the reasons for the shortcomings in reporting from the regular Embassy channels.

That following the collapse of Biafra in 1970, Undersecretary Richardson ordered a Department study of what went wrong in communications between the Department and Lagos, and how to prevent such a breakdown in the future. (I never saw that study; I do not know if it was completed.)

All of these indications bear on the professional quality of the Embassy and its leadership in the sense of providing information and guidance. But there was, of course, a much more serious dimension to the problem: the corresponding failure of the Embassy to execute energetically and faithfully the policies of two Presidents to speed the flow of life-saving relief to Biafra and refugees on the Federal side as well. That failure was apparent in a number of ways. Faulty or incomplete reporting on the starvation delayed or distorted relief policy decisions in Washington; when President Nixon appointed a Relief Coordinator (C. Clyde Ferguson) to expedite relief in 1969, Ferguson and his staff reportedly encountered not only lack of cooperation but sometimes open resentment by the Embassy.

Surely the most conspicuous failure, however came in the weeks after the collapse of Biafra, when relief shipments were stopped and the United States had authoritative scientific evidence that millions of Biafrans were in danger of death and disease. Whether out of lethargy, fear of contradicting the Nigerian regime, personal disbelief, or sheer indifference, the Embassy first ignored that evidence (the Western Report), then neglected to give its findings to the Nigerian Government, then transmitted it routinely at a low level, and only after the most urgent representations from Washington, by cable and in person, gave it to responsible officials in the military regime. In the end, however, the Embassy's eventual obedience to national policy was unavailing. Accustomed to a U.S. mission which had readily agreed with its reseate view of the hunger problem and which had earlier resisted "interference" from Washington, the Nigerian regime suspected political motives in the belated American approach on the Western Report, and largely disregarded it. We will never know how many people died in Biafra between the collapse and interruption of relief on January 9-10 and the resumption of partial relief in February-March 1970. But whether the estimate is hundreds or thousands, I find it hard to escape the conclusion that they may well have been the price of attitudes and practices in the United States Embassy in Lagos, for which Mr. Olson was in some way responsible.

There is one last sequel to these developments that bears examination. In February 1970 Senator Edward Kennedy asked the GAO to investigate U.S. relief efforts in Nigeria-Biafra. GAO investigators were never given visas to conduct their investigation on the scene; and some in government and out suspected that the Lagos Embassy had "warned" the Nigerians against granting the visas. I have no personal evidence of that charge, except to observe that it would not be inconsistent with what I earlier saw of the Embassy.

A final word. I shall, of course, be ready to appear before the Committee to pursue this brief and hastily assembled written testimony. I would strongly urge the Committee, however, to call many other witnesses who can confirm or refute the questions I have raised about the Lagos Embassy and, Mr. Olson. Specifically, I suggest that the Committee consult:

Undersecretaries Katzenbach and Richardson

Assistant Secretaries Joseph Palmer and David Newsom

Former Nigerian Desk Officers Roy Melbourne (now at War College), Robert Smith (now in Pretoria but an *important* witness), Raymond Wach (now at OEP; served in Lagoes; *key* witness), William Brubeck (now in Amman, I believe)

Former U.S. Officials in Nigeria: Robert Barnard, Fritz Picard, Ambassadors Elbert Mathews and William Trueheart

State Department Officials: Claus Ruser, C. Robert Moore, C. Clyde Ferguson

New York Times Reporter Jack Rosenthal (who accompanied Robert Smith on a disciplinary mission in 1967)

Col. Richard Kennedy of the NSC staff

Oliver Troxel (former African branch of State Intelligence and Research, now Ambassador to Zambia)

Private sources who have written or are writing books on the Nigerian crisis: Christopher Beal of Manufacturers' Hanover Trust in New York; David Robison of New York; Daniel Jacobs of New York

I presume the Department did not raise these matters in submitting the nomination of Mr. Olson. And I scarcely need to speculate on why these disturbing questions were overlooked or ignored. The State Department and Foreign Service are a bureaucracy only fitfully beginning to discipline itself. It seems far from devising a way to deal with substantive failures of the kind suggested here, or with its customary immunity from Congressional and public oversight. We are still dealing with a career system which rewards compliance and punishes independence. And we are also dealing with a system which confers on officials such as Mr. Olson in far-off Lagos frighteningly unaccountable power over the careers of others perhaps more competent than he, over the national interest, and in this case over the lives of numberless people.

Perhaps the Department simply judged, as they often do, that none of its—the Lagos problem, the appointment to Freetown, the waning career of Mr. Olson—was worth the storm. But if the office of Ambassador, or the Senate perogative in confirming its occupants, is to mean anything, that routine must be challenged at last.

Most important, beyond one man or one office, we must surely tell ourselves the truth about our policy in Biafra, just as someday we must tell the truth about Bangladesh. We must tell that truth, I think, now only for our own sakes, but also for the millions in this world who still live on the fringes of survival, who will inevitably suffer in the coming decade natural or man-made catastrophe, and who will look—as the suffering have so long looked—to America as their last hope for succor. And the American people, as always, will answer, or at least will *want* and expect to answer, that plea.

I believe the Senate owes those who suffer and those who respond, standards of public service that do nothing to dilute the mercy that is part of our nobility as a nation.

Thank you again, Mr. Chairman. I hope the Committee will give this confirmation the closest consideration.

THE DAVCO STORY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. SCHWENGEL. Mr. Speaker, I am including the story of an activity that members of the Scott County Chapter of the Disabled American Veterans have undertaken to raise funds. In light of the difficulty faced by many veteran's organizations in raising funds through normal methods of contributions, their experience should be very helpful to other groups facing similar problems.

The story follows:

THE DAVCO STORY

In March 1971 I brought to the attention of the House certain activities of Scott County Chapter Two of the Disabled American Veterans (D.A.V.), highlighting the 2,000 children who receive toys each year through the "Trading Stamps for Needy Children" Program.

In addition to aiding needy children, the Chapter provides services and entertainment for disabled veterans in Veterans Administration (VA) and Military Hospitals, and vastly assists all veterans and their dependents in processing claims or effectively satisfying any of their administrative and clerical needs. There are many more philanthropic, community endeavors sponsored by the Chapter which time simply will not permit me to amplify. All the fine activities of the Chapter have one thing in common—however—they all require money to successfully continue.

Most similar organizations use conventional methods for raising funds, but it is becoming increasingly more difficult to acquire the amounts necessary to carry on the many worthy programs. Today I wish to bring to the attention of my colleagues a unique method that Scott County Chapter Two had devised for raising additional funds. This enterprising group of disabled veterans have organized a separate fund raising entity called DAVCO. DAVCO, a autonomous unit, headquartered in Davenport, Iowa, with extensive plans for expansion in major metropolitan areas, is completely devoted to campaigning for contributions of excess salvageable property from the Industrial Sector. It seeks donations of property normally earmarked for disposal such as discontinued product lines of consumer goods, obsolete or residual industrial materials and components, capital and ancillary equipment, and in some instances even real estate. DAVCO receives goods which are properly segregated, processed and converted to cash to the maximum extent possible. Suitable items of consumer goods are turned over to Chapter Two and are distributed to veterans in hospitals or to worthy charitable causes.

This means of supplementing the much coveted cash donation assures not only the continuation of Scott County Two's Chapter present programs, but permits them to ultimately envision the expansion of their charitable activities including the creation of jobs for disabled VETS. In short, requests for donations of salvageable industrial property always sold at a fraction of cost, are often met with less resistance than requests for cash donations.

Since the DAV is a non-profit organization and a duly recognized charity, donations to it in the form of salvageable property are deductible in accordance with the Laws and Regulations of the Internal Revenue Service.

DR. DJURIC BROUGHT TO COURT

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Vojislav D. Pantelich, Washington, D.C., has forwarded to me a translation of an article which appeared in the paper "Liberty" on May 12, 1972, the organ of the Serbian National Defense in Chicago, with the request that I insert the text in the RECORD. Mr. Pantelich hopes by this means to inform our colleagues about events taking place in Yugoslavia, as described by a reporter in Munich, a M. Vukotich-Birchanin. I insert the text of the article, entitled "Dr. Djuric Brought to Court," at this point in the RECORD:

DR. DJURIC BROUGHT TO COURT, LIBERTY, YEAR XX, NO. 823, MAY 12, 1972

(By M. Vukovich-Birchanin)

The regular professor of the Faculty of Law in Belgrade Dr. Michael Djuric was subjected to a court investigation in Belgrade because of a "criminal act of enemy propaganda" according to paragraph 118 of the Criminal Code.

Dr. Mihailo Djuric was born August 22, 1925 in Shabac, graduated in 1949 and acquired in 1954 a doctorate with the thesis: "Natural Law and Political Theories of the Sophists." He became an assistant at the university in Belgrade in 1954, afterwards a dean in 1957, a special professor in 1964 and finally a regular professor in 1969. His scientific works are numerous, as in the country itself, so in foreign countries, and he was considered the central figure of the Serbian intellectual university circle.

During the great student strike in Beograd in June 1968, professor Dr. Mihailo Djuric gave a strong and fearless speech in the hall of the Faculty of Law June 6, which was printed in the paper "Student" in the issue of June 18 of that year, in which he brought out the famous classical Heldering statement, that poets and philosophers have one eye too many, and figuratively transferred that to the Communist leadership in the country with the words:

"It should be openly said that the political factors in this country have one eye less. If not all the political factors put together, at least the majority of them."

Men among us who busy themselves with politics do not understand the world in which they live, they do not understand the movement which has seized the student youth, they do not see the reality of the student movement . . ."

His conclusion was, in connection with the authorities in the country: "As if they would wish to maintain the ruling order of things, and to impose upon us the slavery of an everlasting yesteryear . . ."

The Last Crossroads of Serbdom.

In March of last year the Association of Teachers of the Faculty of Law in Belgrade organized a three-day discussion on the question of so-called "constitutional amendments," where participated over 30 doctors of science and magistrates. At that gathering the central personality was Dr. Mihailo Djuric, whose presentation was brought in the next copy of the paper "Student" which was immediately forbidden.

This presentation, multiplied, is considered as the guide to Serbdom in its struggle for survival and identity.

"It is necessary to clearly understand that today Yugoslavia is only a geographic idea" said professor Dr. M. Djuric, and that there are being created "several independent, self-sufficient, even mutually opposed national states."

Serbdom is at its last crossroads, because the "Serbian people is in a position of not having equal rights with the other peoples of Yugoslavia" concluding that the "constitutional change in the final analysis is aimed at the deepest interests" of the Serbian people.

The present boundaries of the Federal Republic of Serbia "are neither national, nor historic borders of the Serbian people.

"It is necessary to remind you that outside of Serbia proper lives around 40% of Serbs, or almost as many as there as Croats in the Federal Republic of Slovenia, in other words as many Slovenes, Macedonians and Mohammedans together!"

The Serbian people because of the pressure of conditions has been brought to that that it again has to establish its national state and cannot "be indifferent toward its numerous parts outside the present borders of Serbia."

After the First World War the Serbian people according to professor Dr. Djuric "magnanimously repudiated the London pact which offered it the possibility of creating a Great Serbia and after the Second World War" with dignity overlooked the terrible crime which was committed toward it "with the Ustashi slaughter of Serbs in the nondescript "Independent State of Croatia."

"The Serbian people has to turn to itself, has to start thinking about its existence, has to start fighting for its seriously threatened national identity and integrity. That is the basic prerequisite for its further historical confirmation . . ."

Tito Desires to Deprive Serbdom of Leadership.

Just as the dahiye at the beginning of the last century with the killing of Serbian village leaders headed by Aleksa Nenadovic and Ilija Birchanin, wanted to deprive Serbdom of leadership, so Tito with his terroristic "Criminal Code" under the present conditions is doing the same thing. In any case history is the teacher of nations. After the killing of the village leaders came the First Serbian Revolution, which the bloody Tito seems to have forgotten.

When in the little village Brezna not far from Upper Milanovac, while dedicating the newly built church Bishop Dr. Vasilije invited several thousand peasants to sing the Serbian hymn "God of Justice" he was taken to court.

However when Tito not too long ago went to Zagreb for an "official visit", the federal hymn "Oh, Slavs" and the Croatian Republic hymn "Fair Fatherland" were played . . . And this example can serve as an illustration of how unequal is the position of Serbdom in communist Yugoslavia.

Where Serbdom is headed from the Krayina was indicated by the case of the president of the organization of lawyers Dr. Slobodan Subotic, who with the whole intellectual circle was put under the "Criminal Code."

WHAT BUGS AIRLINE PASSENGERS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, a recent speech by the Civil Aeronautics Board's Director of Consumer Affairs points up problem areas facing today's airline travelers.

As Mr. Jack Yohe, the CAB's consumer chief stated:

The real story, the real problem areas, are not statistical. The real problems are human—and—many of the complaints brought to the Board's attention could be eliminated through responsive and thoughtful treatment of any particular passenger who has something "bugging" him.

I recommend reading Mr. Yohe's statement, which he delivered to the steward and stewardess section of the Airline Pilots Association at that group's recent meeting here in Washington.

The statement follows:

WHAT BUGS AIRLINE PASSENGERS?

(By Jack Yohe)

I have the rather strange feeling that when it comes to cataloguing the various things that "bug" passengers, I might just as well throw the floor open to comments and spend the next 15 minutes listening to you.

I say this in all honesty, because you are daily dealing with the very problems which are brought to the board's attention in the thousands of letters which the board receives annually from less than happy passengers.

You are, so to speak, out there in the "real" world where the "real" people have their "real" problems.

Nonetheless, I am of the opinion that there is a certain benefit in having an outsider trespass into your area of competence, if for no other reason than to add that certain naive perspective which characterized the clever boy whose comments on the emperor's new clothes gave the community a new and necessary perspective on reality.

Last year, something in the vicinity of 6,000 individuals wrote to the board expressing dissatisfaction with any number of air transport related topics.

In the first four and a half months of this year, approximately 2,500 have made their views known.

Each letter is scanned and catalogued by the staff in my office. From these letters we can distill certain statistics which we publish on a monthly basis.

The comments made in the letters are not necessarily accurate, and no evaluation is made as to their validity.

However, it is my belief that our report does point rather clearly to problem areas. It does so because it points to those areas of air carrier performance which the passenger really believes to be problem areas.

Much as beauty is in the eye of the beholder, so are complaints.

What is normal to a person who has flown 100,000 miles is often a major event to the first-time flyer.

If you'll bear with me for a few minutes, I believe that the following breakdown will be of some assistance in showing the general areas of concern which passengers find important enough to bring to our attention.

Flights, whether they be delayed or cancelled are the perennial winners in the numbers game. On occasion there are variations on the theme which question the wisdom of lowering the oxygen masks of a particular flight when there was no oxygen to be had, or the wisdom of dumping a load of fuel into the sea in this era of pollution consciousness.

But on the whole, it is the creeping delay and unexplained cancellation which gall Mr. and Mrs. America with greater frequency than anything else.

Reservations: Perhaps second in the pecking order of gross aggravation product is the general area of reservations. After Ma and Pa Kettle have driven eighty-six miles to the Waterloo airport, checked in three hours early and patiently wait as the departure time for flight "Number 1" draws near, they may find that their seats are being filled by a total stranger.

They react negatively, but often with great ingenuity.

I can recall at least one instance in Baltimore where an Allegheny Convair 580 was disabled because one irate oversold passenger handcuffed himself to the nose gear and simply could not be moved.

But determination to be accommodated is no less real than that of thousands of others who "thought" they had a reservation for a flight and found later that in actuality, they only had a reservation for a front row seat to watch their flight depart.

I cannot help but speculate that one airline has not heard the last of one oversale in particular. Mr. Ralph Nader is not one to let a simple apology for the carrier's action pacify him.

Baggage problems are indeed both bothersome and annoying to passengers and carriers alike. There is no doubt in my mind that inflated claims and false claims are growing both in number and cost to the carriers.

But there also is no doubt in my mind that many innocent people are losing much baggage.

Part of the problem derives from the human factor. Baggage *is* often mislabeled and consequently sent to the wrong airport.

Interline transfers are especially vulnerable to this sort of accident, since interline tags are not color coded as to destination.

Containerization has helped to cut down on baggage loss and damage, but the problem of baggage delivery remains enormous.

Other features of passenger related service which draw criticism are such things as fare misquotes, customer treatment, poor in-flight service, discrimination, and any one of a thousand other topics which are usually lumped into the handiest of all categories—miscellaneous.

I suppose I should apologize for being so obscure as to what it is that really "bugs" passengers. But, I am firmly of the opinion that statistics do not tell the whole story. If you are interested in a statistical breakdown of the complaints which we receive, copies of a recent survey report are available for you.

The real story, the real problem areas, are not statistical. The real problem areas are human. Man, as we all like to believe, is an intellectual being. He is given to thought, and quite often gives himself to thought.

Many of the letters which are received in my office clearly show that the complainant has given considerable time and effort to his presentation.

He is not simply begging for assistance to get money from a carrier.

He is offering suggestions on the improvement of the air transport system.

This is a most admirable goal, and one toward which all of us in this room are devoting a considerable part of our professional and private lives.

Many of the complainants with whom we have contact seem to share certain basic assumptions which govern the tone of their comments. These assumptions, often wrong, but always sincere, are intended to be my contribution to the new and necessary perspective to which I alluded a few moments ago.

Generally speaking, air travel is now a democratic phenomenon.

In the tourist cabin of any aircraft you can easily find people who variously fall into the standard categories of millionaire, hippy, haus-frau, professional man, student, "redneck" or infant.

Simply stated, everybody is now flying. No longer do air carriers have the consolation that they carry only the "best" citizens, and most "respectable" people, the so-called "cream of the crop."

This may have been true in the decade of the 50's, but beginning with the 60's and continuing into the 70's air travel has become a democratic experience. The human factors have changed and adaptations have had to be made in long cherished policies and procedures.

The bluntest way to put it is probably to say that since there ain't no trains from Cleveland you gotta fly to the promised land.

You are now dealing, in a certain sense, with people who are the product and producers of the mass media.

They share certain assumptions, though they often apply them differently.

The Madison Avenue approach to air travel is what the public mind has accepted as the norm.

Mr. America does not expect a full length movie on a flight from Seattle to Spokane, but certainly the seven course meal is due.

Air carriers have sold their product very well.

I have no criticism of their aggressive marketing techniques.

But I feel obligated to point out that people believe carrier advertising and use it as the basis of any judgments they may later make about a given air carrier or the industry as a whole.

When a carrier advertises the best on-time performance record in the industry, and a particular flight is late, the individual passenger feels a very real and very personal disappointment.

He feels he has paid a premium price for a premium product which has been found deficient.

When a person pays for the Madison Avenue image of first-class travel and the service rendered does not come up to his estimation, he feels cheated, personally cheated, by a large and inefficient bureaucracy which flies airplanes.

In sum, I would advise you to take note of the passenger who firmly believes that the sum of the parts does not equal the image purveyed.

Another basic assumption which relates to "democratization" and "image" is that of progressive obsolescence.

This is particularly true of aircraft types. When a new aircraft is introduced, it becomes the norm.

Therefore, it is not uncommon for a passenger whose flight has experienced an equipment change to complain.

The 747 and DC–10 are the new norms.

People do not like the "antique" jets like the 707 and DC–9.

They absolutely detest older equipment.

"Is there any logical reason that you can provide as to why Kalamazoo should not have 747 service to Detroit and Chicago?", or at least that the service on Convairs and DC–9's should not in every respect equal the much touted 747 service. The cost per mile from Kalamazoo to Detroit is higher than that from Detroit to L.A.

We would like to think that there is enough flexibility in the public mind to allow for variations from the norm.

But I would again caution you that the degree of latitude is very small indeed.

People do not allow for variations to the same degree that you or I might.

We are familiar with the problems that exist; *we* are daily trying to cope with them; and *we* are continually attempting to resolve them.

But Mrs. Jones from Cedar Rapids does *not* have our perspective.

This is the first time *you* lost *her* luggage, this is the first time that *her* flight was aborted, this is the first time *her* connection *was missed.*

Mrs. Jones is an individual. It must be carefully pointed out that passengers are not simply cocktail swilling, food consuming, parcels of cargo who happen to occupy seats.

No passenger considers himself to be an oversale statistic, and no passenger considers his bag to be merely one of the thousands lost annually.

Each problem even though we may like to lump them into categories, is a completely unique experience to the person who is dealing with it on the first person singular level.

Inherent in my concepts of democratization and that of the importance of the first person singular approach of each passenger, there is a conceptual and an actual contradiction.

Bridging the chasm between what is expected on a mass basis and what is provided on an individual basis is the function, in many instances, of those people like yourselves and your associates who deal with passengers on both levels, often simultaneously.

A plane load of people is not only a quantitative lump of mam's and sirs, but also a collage of individual persons.

If there were indeed six million stories in the Naked City, there are at least as many stories as there are passengers in a given airplane.

The variables in any situation are astounding.

You are certainly to be applauded for the exceptional competence which you have shown in dealing with problems of every size and type, and I of course do join that applause, but you must remind yourselves that your perspective on air travel is one which is conditioned by experience and one which is not shared by the bulk of the traveling public.

In sum, I suppose what I have been trying to say is that there is an enormous difference in the approach to the question "What bugs passengers?"

The first approach is obviously quantitative.

This approach is simple and often effective but tends to obscure an underlying answer to the same question.

The underlying answer is the one which I prefer to emphasize, namely that a passenger's complaint is often the product not of anger, but of some injury caused by the absence of those features of air travel which he has come to expect.

The average complainant is not a vindictive old man out for blood, but a person concerned with the quality of the product he has purchased in terms of his own personality make-up.

Mr. and Mrs. American consumer are willing to allow deviation from the norms which the industry has projected, but only when Mr. and Mrs. America are fully appraised of the reasons for their problem.

The public has a capacity for understanding which is all too often overlooked in the mad rush to preserve the image which the industry has projected.

Many of the complaints which are reported to my office would never have been written, if somebody, presumably one of you, had taken the time to simply tell him what was going on.

Or giving him the consideration which any person merits simply because he is a person not a part of a mass.

In practical terms, I suggest that there will be continuing problems relating to baggage, reservations, flight irregularities, and the like, but that in your area of primary concern, many of the complaints brought to the board's attention could be eliminated through responsive and thoughtful treatment of any particular passenger who has something "bugging" him.

Thank you.

RALPH NADER CITES HEPATITIS PERIL IN SCREENING OF BLOOD DONORS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. VEYSEY. Mr. Speaker, I have been working on legislative solutions to the problems of unsafe blood in the United States for over a year. During that time I have brought numerous articles on hepatitis and blood banking to the attention of my colleagues, but none of them have generated the volume of mail and public interest that Ralph Nader's column in the July issue of the Ladies Home Journal seems to have sparked. I am delighted that public awareness of this scandal is growing so strong. This in itself will improve the situation by making people aware of the need to voluntarily donate blood, but legislation is still urgently needed to aid in recruiting donors and to regulate some of the shoddy practices that are giving all blood banks bad names. I am hopeful that the House and Senate committees will be able to schedule hearings on this important problem in the near future. I commend Mr. Nader's informative article to the attention of my colleagues:

[From the Boston Globe, June 22, 1972]

NADER CITES HEPATITIS PERIL IN SCREENING OF BLOOD DONORS

NEW YORK.—Consumer advocate Ralph Nader yesterday charged the major cause of 3000 deaths and 50,000 cases of serum hepatitis annually is our blood collection system that accepts donations from donors "who conceal their poor health in order to earn $5 or $10 for a pint of their blood."

According to Nader these donors are "derelicts, alcoholics, drug addicts and others with a high incidence of hepatitis."

Writing in the July issue of Ladies' Home Journal, Nader stated, "Unfortunately, many commercial blood banks make little effort to control anything about the donors they accept . . . some experts estimate that we could eliminate 90 percent of the cases of serum hepatitis if, when transfusions are needed, we used only blood donated by volunteers."

The consumer advocate noted that although most banks now test for contaminated blood, the test currently used for detecting hepatitis is effective only 25 percent of the time.

"Few other precautions," asserted Nader, "are taken to weed out donors who may have hepatitis or who may be carriers of the virus because they live in unsanitary ghetto conditions or administer drugs to themselves with unclean hypodermic needles."

Nader urged in his article that corrective legislation be supported. He stated a bill to establish a national blood bank program to regulate all blood and encourage volunteers has been introduced by Rep. Victor Veysey (R-Calif).

The bill would enable the Federal government to inspect, license and regulate all blood banks, require labeling of blood from paid donors as "high risk"; and institute a $9-million program to recruit volunteer donors.

Nadar added it would also set up a national registry of donors so that blood banks can crosscheck for hepatitis carriers.

[From the Ladies Home Journal, July 1972]

RALPH NADER REPORTS

(Note.—Many Americans who receive blood transfusions this year will contract serum hepatits from contaminated blood. Here's an exposé of our faulty blood collection system and some ways you can help correct it.)

Just before Thanksgiving last year Joseph W., 55, underwent open heart surgery in a large Eastern city. The operation was a success, but 80 days later Mr. W. was back in the hospital, suffering from serum hepatitis, a serious, often fatal liver disease. Subsequent investigation determined that he had picked up the disease from contaminated blood he received during his heart operation.

Mr. W. was lucky; he recovered from a disease that kills at least 3,000 Americans every year and endangers the lives of another 50,000, who contract serum hepatitis from transfusions of bad blood. But his experience underscores one of our most critical medical problems: contaminated blood.

The major reason for tragedies of this sort is a blood collection system that accepts donations from derelicts, alcoholics, drug addicts and others with a high incidence of hepatitis donors who conceal their poor health in order to earn $5 or $10 for a pint of their blood.

About 20 percent of the nation's blood donations come from commercial (profit-making) blood banks, which are only a small portion of the establishments that pay donors for their blood. To get an idea of who gives blood for money, look up the blood banks in your phone book. Their addresses are too often in the heart of slums. Explains one commercial blood bank manager: "You have to pick an area where low-income people live. They use the money to buy a dress or augment their salaries. We hope it's not used to buy alcohol, but you can't control that."

Unfortunately, many commercial blood banks make little effort to control anything about the donors they accept. Although most banks now test for contaminated blood, the test currently used for detecting hepatitis carriers is effective only 25 percent of the time. Few other precautions are taken to weed out donors who may have hepatitis or who may be carriers of the virus because they live in unsanitary ghetto conditions or administer drugs to themselves with unclean hypodermic needles. Some experts estimate that we could eliminate 90 percent of the cases of serum hepatitis if, when transfusions are needed, we used only blood donated by volunteers.

Reporters for the *Chicago Tribune,* in a nine-month study of blood banks, turned up gruesome accounts of the way people who are health risks make a "living" by selling blood. "Professional" donors say they could always find a bank to accept their blood. They simply answered "no" to perfunctory questions about their past illnesses and gave fake names and addresses so they could not be traced and blacklisted if their blood was found to be contaminated. Reporters searching for donors at addresses on blood bank records ended up at park benches, vacant buildings and service stations. They also found banks that accepted blood from donors who had fresh puncture marks on their arms from giving blood the day before (accepted standards limit whole blood donations to once every eight weeks).

Rep. Victor Veysey (R.-Calif.) recently exposed a blood bank in Washington, D.C., that paid donors with vouchers to be exchanged at a nearby liquor store! Moreover, the bank was found to be operating the same way elsewhere. In the wake of the publicity, this bank closed its Washington operations, but it still operates elsewhere under its legal government license. No. 345.

Many blood banks are loosely regulated at best, and some are not required to meet any standards. The Federal government has the authority to inspect only 165 of the country's 7,000 blood banks—and the case of the Washington bank is an indication of the government's ineffectiveness. The rest of America's commercial blood banks operate outside Federal control, often under no regulation whatsoever. Seventeen states have no laws at all on blood banking. Twenty-one others have only one law—and that protects blood banks, hospitals and doctors from liability when transfused blood infects a patient. Only seven states license blood banks and only five inspect them.

You or a member of your family may well be among the 2,500,000 Americans who will receive blood transfusions in the next 12 months. Women should be particularly concerned. Studies indicate that, between the ages of 20 and 50, twice as many women as men suffer from serum hepatitis. These are the years when most surgery connected with child-bearing and most radical breast cancer operations are performed, according to Dr. J. Garrott Allen of Stanford University, one of the nation's leading authorities on blood transfusion problems. Thus women in this age group end up receiving 20 to 25 percent more transfusions than men—along with more than their share of serum hepatitis.

What can you do to clear up the blood bank scandal?

1. Donate your blood. The whole process takes less than an hour, does not hurt and may assure you or your family of having blood available if you need it. If you have received blood, your responsibility to give it is even greater: paying for blood does not replace the precious supply of low-risk volunteer blood.

2. Check the policies of your hospital. Unless it uses only volunteer blood, you have no assurance that you won't receive high-risk commercial blood. Every community can supply enough volunteer blood for its needs. Seattle, San Francisco and Milwaukee are examples. Organize your community to rely solely on volunteer blood banks.

3. Find out how volunteer blood banks operate in your community. Are they open at least one night a week and at least one weekend a month? Are they located at shopping centers or other areas convenient for women as well as men? (Most aren't, which may be why women give far less blood than men.) Do they operate on campuses, where students are a large, untapped source of healthy blood? They provide baby-sitting for donors?

4. If you or a member of your family contracts serum hepatitis after receiving donor blood, find out whether the blood was given by a volunteer or if it was commercially bought. If your hospital can't tell you, it's a sign of seriously inadequate administration. A case now in the Montana appeals courts may set a precedent by permitting victims to sue hospitals for negligence when high-risk commercial blood was used. Find out whether the donor of contaminated blood has been traced, his blood removed from the supply and his name removed from lists of suppliers. Find out whether the doctor reported your hepatitis to the health department.

5. Support corrective legislation. A bill to establish a national blood bank program to regulate all blood and encourage volunteers has been introduced by Rep. Veysey. The bill would enable the Federal government to inspect, license and regulate all blood banks; require labeling of blood from paid donors as "high risk"; and institute a $9 million program to recruit volunteer donors. It would also set up a national registry of donors so that blood banks can cross-check for hepatitis carriers. (In his health message to Congress last March, President Nixon mentioned the lack of an adequate supply of donated blood. He has directed the Department of Health, Education, and Welfare to study the possibilities of a nationwide system for collecting and distributing blood.)

For information about the Veysey bill, write to Rep. Paul Rogers, Chairman, Subcommittee on Public Health and Environmental Issues, House Committee on Interstate Commerce, Washington, D.C., or to Rep. Victor Veysey, Longworth House Office Building, Room 1227, Washington, D.C. 20515.

COMMUNITY DEVELOPMENT ACT THREATENS REA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. FINDLEY. Mr. Speaker, H.R. 6962, the Department of Community Development Act, poses a threat to the U.S. Department of Agriculture that could affect all of rural America.

Specifically, I see in H.R. 6962 a serious threat to the proper administration of the rural electricfication program currently administered under the Rural Electrification Administration of USDA.

I am concerned about what happens to the rural electric systems because I regard them as integral parts of the American success story and essential ingredients of our economy. In the 20th Congressional District of Illinois, which I represent, I have worked closely with six locally owned rural electric cooperatives serving about 35,000 member-consumers.

REA would be just one of many programs for which the new Secretary of the Department of Community Development would seek appropriations. Because of the strong influence of urban interests the Secretary would have to serve, rural people might be forced into a weak position.

Also, the decentralization proposed under the Community Development bill would put most REA decisionmaking in 10 regional and an as yet undetermined number of subregional offices. This would introduce new layers of bureaucracy and complicate and slow down REA loan processing.

The bill does not spell out how the REA loan program in the new department under a decentralized administration would be coordinated with rural electric cooperatives' new supplemental financing institution, the National Rural Utilities Cooperative Finance Corporation.

Rural electric cooperatives provide electricity primarily in rural service areas. In some cases, electricity is provided in organized communities. But this is a result of unforeseen community development and not a long-range plan of the cooperatives or REA. These cooperatives want to continue serving rural areas and not diffuse and dilute their services.

For these reasons, I believe REA activities should remain a part of the Department of Agriculture where they will continue to be considered a part of rural affairs.

WHERE IS ANGELA'S LOGIC?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DERWINSKI. Mr. Speaker, a very interesting comparison between the judicial system of the United States by application of the Soviet judicial system is drawn by Dumitru Danielopol writing in the San Diego Union, June 13, 1972.

The difference between the two systems is well made in this column. I trust that the perennial critics of the American system would do well to read this insert closely:

WHERE IS ANGELA'S LOGIC?

(By Dumitru Danielopol)

WASHINGTON.—Where would Angela Davis be if she lived under the system she is advocating?

She would probably be dead; at best in a lunatic asylum or labor camp.

Miss Davis, a militant Communist and revolutionary, advocates a system that gives no person accused of any sort of crime a chance.

Under our free, albeit, imperfect judicial system, Angela Davis was acquitted of all charges of murder, kidnapping and criminal conspiracy for which she had been indicted in connection with the death of a northern California judge, in a courtroom "shootout" in August, 1970.

Nonetheless she is not satisfied. She is exonerated and promptly promises to continue her efforts to destroy the system that set her free.

Where is logic of a Communist?

Miss Davis should be given an opportunity to learn what happens to dissidents like herself under communism in the USSR.

She should read some of the observations of one of the foremost Soviet physicists, Andrei D. Sakharov, in his "Thoughts on Progress, Peaceful Coexistence and Intellectual Freedom," published in the West in 1968.

"Was it not disgraceful to allow the arrest, 12 months detention without trial and the conviction and sentencing to terms of five to seven years of Ginsburg, Galanskov and others for activities that actually amounted to a defense of civil liberties . . .?" Sakharov asks.

I haven't heard of any Angela Davis supporters being punished for peaceably expressing their ideas.

Intellectual freedom is a luxury few dare covet in any Red society.

In Russia, after 50 years of complete domination, the Kremlin still fears free discussion of its actions.

Why, Miss Davis?

Is this what you covet for the United States?

For the moment you can luxuriate in your courtroom victory, but you'll get more honest and meaningful applause on the day you admit that only the American system of justice can be fair to Angela Davis, Huey Newton, James East Ray and the man who shot George Wallace.

Until she recognizes that fact, Miss Davis is still just another Communist.

HOMEWOOD-BRUSHTON NEIGHBORHOOD COMMUNITY CENTER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. MOORHEAD. Mr. Speaker, the Homewood-Brushton Neighborhood Health Center, in 3 short years, has fulfilled an important gap in this Pittsburgh community. The center, only the third of its kind in the Nation. was originally financed by the U.S. Office of Economic Opportunity in July of 1969. It has served thousands of citizen health needs with both emergency and clinical care.

At the present time the center is equipped with complete dental facilities along with service in such diverse areas of medicine as pediatrics, optometry, and urology.

Under the highly competent direction of Dr. Charles Greenlee, the center not only benefits the entire community from a health standpoint, but economically, too, by hiring personnel from the neighborhood. I applaud Dr. Greenlee and the Homewood-Brushton Neighborhood Health Center, and I will continue to offer my support in all the center's endeavors.

I would like to introduce an article

from the Pittsburgh Press, which discusses the positive effect the health center has had on the entire community.

NEW HOMEWOOD HEALTH CENTER—GOOD MEDICINE FOR RESIDENTS

A Homewood woman who has spent many hours in the emergency room of Pittsburgh Hospital with her nine children has been relieved of that problem.

She now goes to the Homewood-Brushton Neighborhood Health Center, which opened last year for dental care and treatment.

Mrs. Priscilla Stanton, 30, of 7446 Susquehanna St., likes the center because it is "quicker, cheaper, and very close to my home."

The center, the first of its kind in the Pittsburgh area and the third in the nation, was established by the Homewood-Brushton Community Improvement Association.

It was financed by the U.S. Office of Economic Opportunity (OEO). Construction began in July, 1969.

Mrs. Arlene Daykins, a mother of three, said her family fell sick after the Christmas holidays, and was taken to the center, and received immediate medical attention.

The center is staffed by 15 doctors and 10 nurses, and has more than 100 people on its payroll. Most of the employes are neighborhood residents.

About 175 patients are treated daily at the center, which has facilities for complete dental service, pediatrics, urology, optometry, audiometry, family planning and a childcare unit.

Dr. Charles Greenlee, project director, said the center has had an impact on the community economically, socially, and politically.

He believes the center's future is very bright, but said "this will depend on how much influence the University of Pittsburgh, the county and other governing bodies may want to exercise."

The center is a nonprofit corporation with a board composed of one-third neighborhood residents, one-third health providers (hospitals), and one-third from the industrial community.

Before the center opened, area residents with minor ailments had to wait for hours in crowded hospital emergency rooms.

If the center is able to raise $73,863, it will qualify for $295,453 grant from OEO to establish a drug treatment center.

Such care, will meet federal guidelines, "which call for comprehensive centers to cater to addicts, find them jobs, and teach them work habits instead of detoxification only," Greenlee said.

No drug treatment centers in the county now qualify under state and federal regulations.

LEGISLATION INTRODUCED TO AMEND INTERNAL REVENUE CODE TO PROVIDE FEDERAL TAX INCENTIVES TO UTILIZE MORE RECYCLED SOLID WASTE MATERIAL

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mrs. GRIFFITHS. Mr. Speaker, today I am introducing a bill which would amend the Internal Revenue Code to provide Federal income tax incentives aimed at encouraging a significant increase in the utilization of recycled solid waste materials and which would simultaneously offset and substantially reduce industrial dependence on existing, outdated Federal tax advantages which unfortunately impede recycling and promote the unnecessary depletion of some of our most critical natural resources.

When Congress overwhelmingly passed the Resource Recovery Act in 1970, the statute itself specifically directed the Environmental Protection Agency to investigate and determine what might be done to modify or eliminate existing Federal tax benefits, such as percentage depletion allowances and capital gains treatment, which effectively preclude and restrict recycling and reuse of materials, while they concomitantly frustrate and defeat even our most earnest conservation efforts.

The act went on to direct EPA to make prompt, periodic reports and recommendations on this subject to both the President and the Congress. To date, no definitive reports have been filed with Congress, but recently the Assistant Administrator of EPA was quoted in the New York Times to the effect that his agency now favors the enactment of a recycling income tax credit or a recycling income tax deduction as a means of shifting industrial reliance on virgin raw material to maximum utilization of recycled solid waste materials. More recently, the Wall Street Journal reported that the administration itself had appointed a special study group to review various alternative recycling income tax incentives and I understand the President's Council on Environmental Quality has been urging the introduction of appropriate legislation without further delay.

In the meantime, last November the Joint Economic Committee's Subcommittee on Fiscal Policy of which I serve as chairman, conducted detailed hearings regarding the economics of recycling solid waste materials. Testimony was received from Members of Congress, from the Environmental Protection Agency, the New York City Environmental Protection Administration and from numerous public witnesses. These hearings convinced me that it is absolutely imperative for the Congress to move in this legislative area without additional delay. Accordingly, after a careful review of the hearing record and information derived from these hearings before my subcommittee, I have prepared the recycling tax proposals embodied in the bill which I am introducing today and I sincerely hope that this legislation will receive early, favorable consideration in this body.

THE NATURE OF THE SOLID WASTE CRISIS

Early action on this legislative proposal is clearly necessary because our Nation is confronted with a solid waste crisis of staggering proportions. In August 1970, the President's Council on Environmental Quality reported to Congress that solid waste materials are piling up here in the United States at the alarming rate of 4.3 billion tons a year, including agricultural wastes. Industrial solid wastes alone account for 110 million tons, of which more than 15 million tons are scrap metal; 30 million tons are paper and paper product wastes; while the balance consists of waste plastics, bales of rags, and other textiles and assorted wastes. Alarmingly, the President's Council projects that these solid waste materials will double by 1980.

In addition, statistics compiled by the President's Council show that each year Americans throw away more than 250 million tons of residential, commercial, and institutional solid wastes. Collected wastes alone in these categories include 30 million tons of paper, 60 billion cans, 30 billion bottles, 4 million tons of plastics, 100 million tires, and millions of discarded automobiles and major appliances. Again, the President's Council projects that these types of solid waste will also double in volume by 1980.

The record simultaneously shows that while our domestic recycling industries have done a truly remarkable job over the years in the reclamation of waste materials and in supplying critical raw materials required in times of emergency, adverse economic pressures—promoted in large part by the Federal Government—have made it impossible for them to keep pace with the growing mountains of solid waste. For example, only 3 million tons of nonferrous scrap metals and 11 million tons of waste paper are recycled each year, meaning that, on the average, only about 40 percent of the waste nonferrous metals and 19 percent of the waste paper available for reuse is presently being recycled here in the Unitied States. The percentage is even lower in the textile industry where only 17 percent of the available textile wastes are being recycled.

But, the tragedy does not end there. While our Federal policies and inaction have stifled recycling growth, the evidence shows that the costs borne by State and local governments to collect, bury or burn solid waste materials have spirited out of control. Simultaneously, available land-fill areas are evaporating and municipal incinerators are usually among the worst air pollution offenders. In New York City, which struggles daily to dispose of ever increasing piles of solid waste, collection costs alone have risen to $36 a ton, and they are still climbing.

Finally, the economic impediments to increased recycling automatically near that the drain on our precious natural resources is unnecessarily continuing at a ravenous rate. Indeed, our existing Federal tax policies seem to proceed on the theory that our resource abundance will last forever, and that those who deplete our forests and our mines should actually be rewarded for doing so. In 1970, the Senate Committee on Public Works stated in its report in support of the Resource Recovery Act—

> This Nation has always enjoyed resource abundance and has acted as though that abundance would last forever. Studies prepared for the Senate Committee on Public Works, testimony before the Subcommittee on Air and Water Pollution, and information generally available suggest that the anticipation of continued resource abundance is not only unwise—it is folly.

And, in its 1970 Environmental Report, the President's Council on Environmental Quality state:

> Population growth threatens the Nation's store of natural resources. Currently, the United States with about 6% of the world's population, uses more than 40% of the

> world's scarce or nonreplaceable resources and a like ratio of its energy output. Assuming a fixed or nearly fixed resource base, continued population growth embodies profound implications for the United States and the world.

An excellent example of how recycling operates to reverse this disastrous exhaustion of our natural resources is found in the paper industry today. As stated above, recycled paper stock presently accounts for about 19 percent or 11 million tons of the paper industry's total raw material needs. The industry's utilization of this recycled waste paper thus saves 200 million trees a year. If the industry's consumers would increase that utilization to only 50 percent of their raw material requirements, the result would be an annual saving of approximately 500 million trees—that is a forest roughly equal to the area covered by all of New England, New Jersey, New York, Pennsylvania, and Maryland.

FEDERAL INCOME TAX DISCRIMINATION AGAINST RECYCLED SOLID WASTE MATERIALS

The hearings before the Subcommittee on Fiscal Policy made it clear beyond doubt, however, that recycling will never be able to play its proper role unless and until the Federal Government acts to remove or modify all of the existing economic impediments to recycling which it has unfortunately fostered over the years.

By far the most important of these impediments is Federal income tax discrimination against recycled materials. Presently, the income tax laws, which provide, first, capital gains treatment on income derived from the increase in value of timber and second, the percentage depletion allowance applicable to the extractive industries, favor the utilization and depletion of virgin natural resources over the utilization of recycled materials.

As a result of capital gains treatment applicable to trees, integrated paper companies using trees as a source of raw material invariably have an overall normal effective tax rate that is lower than companies which utilize recycled materials. The lower tax rate resulting from the use of trees obviously results in higher after-tax profits. Paper companies are thus effectively compelled to utilize trees rather than recycled waste paper.

In the case of metals, percentage depletion allowed under the Federal tax laws places virgin metal ores in a more advantageous competitive position than recycled metals. Percentage depletion for iron and copper is 15 percent of gross income, while for most other metals the depletion allowance is 22 percent. In addition, there is a special tax provision similar to the timber capital gains treatment which applies to the disposal of domestic iron ore. Because of these special tax provisions, mining industries have a much lower effective tax rate than manufacturing industries. The 1969 Treasury Department Tax Studies show that the mining industries, excluding petroleum, have an effective tax rate of only 24.3 percent of net income as opposed to 43.3 percent for other manufacturing companies. A company which uses recycled metals would fall into the higher bracket manufacturing category. Again, therefore, integrated metal manufacturers and smelters are rewarded by the Federal tax laws for continuing to deplete our dwindling virgin ores while the recycler is penalized for taking actions which alleviate the solid waste problem and conserve virgin resources that are becoming increasingly vital to our national security and welfare.

PROPOSED LEGISLATIVE SOLUTION

As stated before, for almost 2 years the administration has been studying this serious problem without offering any solution. In the meantime, unnecessary depletion of our virgin natural resources continues and the utilization of recycled materials has actually declined. Plainly, the national interests involved can no longer be ignored and effective steps must be taken now before the solid waste build-up gets completely out of control.

My first inclination was to propose an outright repeal of the existing tax advantages which lie at the heart of the problem. Ultimately that may be the best solution, and for this reason, among others, I have supported Chairman MILLS' recent proposal to carefully review all so-called "tax loopholes," including the existing capital gains and depletion allowance tax provisions, to determine whether they should be repealed or substantially modified.

However, as stated, the recycling problem I have outlined cries out for remedial legislation now, so until Congress is able to make a final judgment on the wisdom of retaining, repealing or modifying the present capital gains and depletion allowance rules, the bill I propose today seeks to deal with the recycling dilemma as follows:

First, to offset preferential depletion allowances and capital gains treatment applicable to virgin timber and metals and to give the industries involved a true incentive to move swiftly from the depletion of natural resources to the utilization of recycled materials, my bill provides a percentage deduction for recycled solid waste materials approximately equal in each case to the percentage advantage now enjoyed by each of the competing virgin materials. This deduction would vary with the specific type of solid waste material involved and would go to the purchaser of solid waste materials who manufactures same into useful raw materials or salable products.

The purpose of this deduction, of course, is to cause manufacturers, who presently shun solid waste utilization in favor of the depletion of natural resources because of the tax advantages new reserved for the latter only, to switch to the greatest feasible degree to the use of solid waste materials in lieu of the virgin material.

In order to stimulate the early accomplishment of this purpose, my bill empowers the Environmental Protection Agency constantly to monitor the program, and if it finds, in any taxable year, that the tax deduction provided is not required or being employed by a taxpayer to alleviate the depletion of any virgin natural resource and to promote the solid waste recycling purposes of the Solid Waste Disposal Act of 1965, as amended by the Resource Recovery Act of 1970, then EPA may act to suspend the availability of the deduction for that taxpayer until he again operates his business in a manner which will accomplish the purposes of my bill.

The proposal I make, if properly administered, should not result in any substantial revenue losses to the Treasury. The theory of the proposal is to shift a portion of the tax benefits now received by taxpayers from the utilization of virgin materials to the utilization of recycled materials.

Assuming a fixed total requirement of raw material to be supplied from either virgin or recycled sources, the tax benefits derived from the use of recycled materials will tend to be matched by corresponding reduction in the tax benefits which would otherwise result from the utilization of virgin materials. In essence, the proposal attempts to reallocate the tax benefits derived from virgin materials to recycled materials.

In addition, the recycling industry, which has the higher overall effective tax rate, will produce additional revenues for the Government as its business volume expands as a result of the new tax benefits my proposal gives to the users and manufacturing consumers of recycled materials.

A second feature of my proposal is extension of the 5-year amortization provisions of the Internal Revenue Code, now provided for investments in air and water pollution control plants and equipment, to recycling facilities. My purpose, of course, is to increase sorely needed recycling facilities at every level, starting with the collection of solid waste right on through the facilities required to manufacture such waste into a new, useful raw material.

CONCLUSION

In conclusion, Mr. Speaker, the bill I propose today thus seeks to accomplish effectively one of the principle goals Congress had in mind when it enacted the Resource Recovery Act of 1970. Every day we fail to pass this necessary, remedial tax legislation, vast quantities of solid waste which should and could be recycled are continuing to plague us throughout the Nation. I sincerely hope, therefore, that the administration and the Congress will act in partnership to enact this proposal before we finally adjourn this year.

GORDON CANFIELD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. DORN. Mr. Speaker, it was with great sadness and a deep sense of loss that we learned of the passing of our friend and former colleague, Gordon Canfield. Americans have lost one of their ablest and most dedicated spokesmen.

None of us will ever forget his compassionate recommendation of aid to the

European countries following the devastation of World War II, or his tremendous efforts in behalf of our merchant marine and Cost Guard. In fact, the honorary title of "Father of the Coast Guard" was bestowed upon him, because of these efforts. Nor will we soon forget his personable manner and the high esteem and respect with which he was regarded by all of his colleagues in the Congress, regardless of political affiliation. He ably represented his constituents, and each individual among them had his utmost concern.

Mr. Speaker, Gordon Canfield is perhaps best remembered by many as the man who, along with Senator HUGH SCOTT—then a U.S. Representative—traveled the seas incognito as a crew member aboard a tanker to investigate conditions in the merchant marine. This valiant effort was not put aside and forgotten, for Gordon Canfield continued throughout his distinguished career to work for the progress and development of a modern, efficient merchant marine. He realized and frequently cited the importance of the merchant marine to the economy and defense of our great Nation. Those of us who had the opportunity to serve with him in the Congress will always recall that in everything he did, Gordon exhibited the same determination and dedication exemplified by his stint in the merchant marine.

Gordon Canfield was a personal friend of mine. For a number of years prior to his election to Congress, he was the able secretary to Representative George Seger, whose lovely daughter was married to Frederick Dominick, for 16 years the Congressman from the same district of South Carolina that I now represent.

Mr. Speaker, our deepest sympathies go out to Mrs. Canfield, her sons and family, and to our friends in New Jersey, in their great loss.

OPPOSITION TO AMENDMENT PROHIBITING FOOD STAMPS FOR STRIKERS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HARRINGTON. Mr. Speaker, the agriculture appropriations bill which passed the House today contained several amendments on which I would like to comment.

First is the amendment offered by Mr. MICHEL, which would prevent families whose breadwinner is on strike from receiving food stamps. I voted against the amendment and will do so if the necessity ever arises again in the future.

Congress enacted the food stamp program for one reason: To provide food for people who are hungry. Food stamps can only be used to purchase food; other laws restrict eligibilty only to those who are in genuine need. This amendment would deny benefits to otherwise needy and eligible persons—families of those engaged in labor strikes—for reasons unrelated to the program's purpose.

Even if such an argument is not persuasive to defeat this amendment, purely humanitarian instincts would dictate opposition. For the amendment would deny food stamps to families of strikers as well. We have learned a great deal in recent years about the terrible damage malnutrition does to young people. Children who are denied wholesome and balanced diets early in life often suffer grave physical damage from which they never fully recover. It is neither humanitarian nor just to expose children to that risk solely, because their parents are involved in a labor dispute. Can the economic cost of any strike ever be weighed in good conscience against that risk? That is the route the supporters of this amendment wished us to take, and I reject it.

The intent of this amendment is to punish, or at least deter, workers from striking by withholding food. If the amendment were to pass it would create a siege of starvation for many workers—workers with legitimate grievances—who undertake legal strikes, recognized by numerous Federal and State labor laws. Such a blatant coercive measure flies in the fact of our legal tradition of collective bargaining over differences of opinion between labor and management. The amendment violates governmental neutrality in labor disputes by singling out one class of eligible and needy recipients and telling them that they cannot have the assistance they need to feed their children.

There is a second amendment relating to food stamps which I did support. This amendment would make available for the coming year the $375 million appropriated last fiscal year for food stamps—money which the Department of Agriculture has refused to spend.

The Congress last year appropriated $375 million for the food stamp program. By that act the Congress told the President and his agencies that the money should be spent. Increasingly, however, we see that the administration, ignoring the wishes—indeed the mandate—of the legislative branch, impounds vitally needed funds. I find it intolerable that the Agriculture Department refuses to expend money appropriated by the Congress to feed hungry people. It is time to tell this Department that we mean business that these funds have to be spent in fiscal year 1973.

In December 1970, the House passed the food stamp authorization for fiscal year 1971–72, stating that these appropriations shall "remain available for the purpose of this act until expended." Consistent with that provision, this amendment would carry over into next fiscal year funds vital to the accomplishment of the program's goal.

At a critical time of rising food prices, not only would this amendment allow expansion of the food stamp program into areas where it is not presently operating, but would also make it less expensive for current recipients to participate.

When the House originally appropriated these funds, we recognized that poor people needed them to escape from hunger. With rising food prices putting even more families in need of the support the food stamp program provides, it is our obligation to release this already once-appropriated money. We must answer the needs of hungry Americans by restoring the unexpended funds to the food stamp program.

Finally, Mr. Speaker, I supported the amendment by Mr. CONTE to limit individual farm subsidy payments to $20,000 per crop. Frankly, I favor no subsidies but the $20,000 payment ceiling would help curb big agribusiness, which continues to force the small farmer into an economic corner, largely because of these payments.

Two years ago, we enacted a $55,000 limit with the same intended result. From our vantage point today, it is clear that it has not succeeded. It has not been effectively enforced, resulting in increased subsidy payments and increased difficulties for the small farmer.

Our response should be to enact further effective reductions in the payment ceiling. Basic equity requires it. Over 40 percent of the subsidy payments go to only 5 percent of all U.S. farmers. In fact, in one recent year nearly $40 million was paid out under this program to just 23 farmers.

Such statistics clearly show the boon to large corporate farmers provided by this program. The effect on smaller farmers is devastating. An estimated 100,000 of them are going out of business every year, even with the $55,000 ceiling. Unless subsidies are redistributed in a more equitable manner, larger farms receiving huge bonuses from the Federal Government will continue to outcompete and drive under these small farmers. We cannot allow our programs to confer benefits so inequitably, especially when the result is so damaging.

Not surprisingly, smaller farmers, those who are facing extinction, because of high payments to large, mechanized operation, support this amendment. One poll showed that 80 percent of all small farmers favor the $20,000 payment ceiling. The original purpose of the entire subsidy program was to aid those individuals who were being pressured out of business by the economy. We can help the farm support program achieve that goal by passing this amendment.

GOV. WINFIELD DUNN OF TENNESSEE—A RECORD OF LEADERSHIP

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BAKER. Mr. Speaker, we in Tennessee are indeed fortunate to have as our Governor a man of the caliber of Winfield Dunn.

Described by many as a "political phenomenon," Winfield Dunn was a Memphis dentist largely unknown in the rest of the State before his dynamic and successful 1970 campaign for the Governorship of Tennessee.

Inaugurated in January, 1971, Governor Dunn became our State's first Republican Governor in 50 years.

Since then, Gov. Winfield Dunn's record has demonstrated that the people of Tennessee were correct in placing their trust in him. His leadership in Nashville has belied his previous inexperience in government. Those of us who have observed the diligence and preception Governor Dunn has demonstrated in working to solve Tennessee's problems have to remind ourselves this outstanding man had never before held public office.

One of Governor Dunn's greatest accomplishments has been his progressive record in upgrading education in Tennessee. His leadership in his home State has brought him still another in a long list of honors. Governor Dunn recently assumed chairmanship of the Education Commission of the States at its recent annual meeting in Los Angeles. Governor Dunn, who succeeds Gov. Robert W. Scott of North Carolina, will serve a 1-year term as ECS head.

I congratulate Governor Dunn for this latest achievement and commend him for his continuing efforts to ensure high quality education in Tennessee and throughout the Nation.

Following his election as ECS chairman, Governor Dunn said:

> It is my sincere hope to strengthen the progress already made and to take even greater strides toward improved education for all the Nation's youths.

I know his year in this new post will be marked by the same competence he has displayed in the Tennessee Governor's Office. I join all Tennesseans in wishing our Governor well as he assumes his new duties.

HIGH PRICES OF LUMBER AND PLYWOOD

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. MARTIN. Mr. Speaker, I am today introducing a resolution, cosponsored by the distinguished gentleman from New Jersey (Mr. WIDNALL) which calls for an immediate investigation by the Banking and Currency Committee of the high prices of lumber and plywood.

Once again lumber and plywood prices are getting completely out of hand. The lumber manufacturers are taking advantage of the tremendous demand for lumber and plywood because of the great increase in the number of housing starts in this country. Five-eighths inch standard exterior plywood which is used in all house construction has increased from an August 1971 price of approximately $118 per thousand freight on board mill, to a price today of $175 to $190 per thousand. Douglas fir unseasoned 2 x 4 averaged at the mill in May 1971 $89 per thousand; $108 when the August freeze took place and today is over $120.

The price of logs does not come under the Price Control Act and this is used as a partial explanation for the increase in lumber and plywood. It is interesting to note, however, that the average length of time from the purchase of timber to when it is manufactured is from 2 to 3 years. Consequently, timber purchased at lower prices, 2 to 3 years ago is being cut today and the mills are taking advantage of the tremendous demand by constantly increasing their prices.

A dealer called me on the telephone this week and advised that a car of five-eighths inch standard exterior sheeting plywood cost him $7,000 earlier this spring. His most recent car cost $10,000. We need another indepth investigation into the high prices of lumber and plywood. I hope that the Banking and Currency Committee will proceed immediately with hearings into this very important matter.

ON THE ELECTION OF HENRY TANAKA OF THE JAPANESE-AMERICAN CITIZENS LEAGUE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. VANIK. Mr. Speaker, it is with a great deal of pleasure that I have learned that Henry Tanaka, of my congressional district, has just become the president-elect of the Japanese-American Citizens League. Mr. Tanaka is executive director of the Hill House for Mental Health Rehabilitation. He received his master's degree from Case-Western Reserve University's School of Applied Social Science. He has served as the past president of the Cleveland JACL Chapter and as council governor of the midwest district; which includes eight States.

All of our community is proud of Henry Tanaka's achievements, not only with the JACL, but in our Greater Cleveland community. Having had the opportunity of working with Hank in his work at Hill House, I have seen him demonstrate his professional skill and commitment in a very difficult area of endeavor.

We extend to Hank and to his wife, Sachie, and four sons, David, Steven, Rob, and John, our congratulations and wish him great success in the course of his tenure as president of the distinguished and exciting Japanese-American Citizens League. The challenges which lie ahead under Hank's stewardship for the Japanese-American community can only be enhanced by his leadership and outstanding ability to work for and with all people.

Congratulations should also be extended to the Japanese-American Citizens League for their good judgment in electing Henry Tanaka as their president.

The following is a summary of the history of the Japanese-American Citizens League:

HISTORY OF THE JAPANESE AMERICAN CITIZENS LEAGUE

Forty-two years ago, a handful of Niseis (Japanese Americans) from California, Oregon and Washington met in Seattle to form the Japanese American Citizens League (JACL). The formation of the organization was a direct result of the discrimination practiced and in some cases made legitimate through legislation, particularly by state laws. Most of the states in which these Americans of Japanese ancestry resided had laws which prevented their parents from buying land, which prevented adults from marrying persons of their choices for racial reasons, and which denied citizenship to oriental immigrants regardless of length of stay or service in World War I as members of the United States armed services.

On December 7, 1941, prejudice and discrimination flared into mass hysteria on the West Coast. The result was the evacuation of 120,000 men, women and children, most of whom were American citizens. No charges were filed against them. No hearings were held. Their names, their parental origin and their oriental features were sufficient cause in those dark days to confine them behind barbed wired fences. The barely finished barracks were euphemistically called "relocation centers".

It was during this turmoil that the JACL realized its full maturity. With a basic belief in the Nation's institutions, the JACL launched a vigorous program of public education, legal action, and government petition. A test case challenging the legality of Evacuation was taken to the Supreme Court. In California, when the Native Sons of the Golden West sought to strike the names of Nisei evacuees from the rolls of registered voters, the JACL took successful legal action to block this attempt.

Simultaneously, after having to petition the government to reinstate Selective Service for the Nisei, the celebrated 442 Regimental Combat Team was formed. The 442 became the most decorated unit of its size and length of service in American military history.

The post War saw the JACL step up its legislative front. Most significant was the goal of citizenship privileges for the immigrant parents who were in fact the real first generation Americans of Japanese ancestry. The elimination of the Immigration and Nationality Act eliminated race as a qualification for naturalization.

Today the JACL has chapters in over 30 states and the District of Columbia; they are 25,000 members strong. From many of these chapters communities and cities are finding leadership active on school boards, city councils, state legislatures and in elective offices.

Recently, in keeping with its motto, "Better Americans in a greater America," the JACL spearheaded an effort to assure that no other group of Americans would be subject to the mass mistreatment they underwent. On September 14, 1971, history came full cycle with the repeal of the Emergency Detention Act. 356 Congressmen voted for the repeal as the JACL won one of its most heart felt battles. The bill of repeal was sponsored by an American of Japanese ancestry.

I am of course delighted to have cast my vote for the repeal of the Emergency Detention Act.

REVIVING RURAL AMERICA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. FINDLEY. Mr. Speaker, the rural people of central Illinois and all across the country feel reassured with the recent conference report on the Rural Development Act of 1972. Recently, the Illinois State Journal-Register of Springfield, that serves Illinois 20th Congressional District, expressed that resurgence of optimism in an editorial. That editorial is as follows:

[The Springfield, Ill., State Journal-Register June 25, 1972]

Congress Boosts: Reviving Rural America

One of the most promising developments in the current session of Congress has been the attention paid to legislation designed to help revitalize rural America.

This effort was climaxed with a Senate-House compromise on a bill that will enroll the vast resources of the federal government in the developing movement to stem the rush of Americans into the giant and already far overcrowded metropolitan cities.

We in Central Illinois can appreciate probably better than most the importance of strengthening the farms, villages and small cities which make up so much of the midwest and have contributed so much to the building of the United States.

There is no logical reason why these areas should be neglected and as a result encouraging successive generations of young people to emigrate to the big cities in search of wider opportunities. There, too often they find only misery and unhappiness.

It would be far better not only for the economic basis of the country but also for its moral health if more families were to remain in the vast and uncrowded spaces far more suitable to the raising of children than the streets of the cities.

Furthermore there is no valid reason why the rural areas cannot be revived into a strong economic force. They were before and in Central Illinois it has been obvious in recent years that the will is there.

We have seen many advances in this area including the Shelbyville dam and complex, the lake and power plant developments in Christian County.

The steady expansion of state super-highways has made commuting to jobs in Springfield and other medium-sized cities comparatively easy for thousands in the predominantly rural counties in this area.

The situation is no doubt duplicated in many other areas of America.

It is indeed encouraging that Congress has now authorized up to $500 million a year to help attract job-creating industry to rural areas and to help rural residents with problems ranging from pollution control to firefighting. The new legislation provides many other tools for stimulating the rural revitalization.

The will and the desire is there. Central Illinois can attest to that. Now that the federal government has thrown its great support behind the effort the outlook for a promising future for rural America has been immensely brightened.

NATION'S FIRST ECOLOGY PARK

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HAGAN. Mr. Speaker, at last our country has set aside a 200,000-acre park where ecological studies and experiments can take place. About one-fourth of the reserved area lies in the First Georgia District, which I serve.

In recent months, millions of words have been written and thousands of speeches delivered on the subject of pollution. We suddenly became aware that we had fooled around too long and developed problems which challenge our very lives, as well as our way of life. Too many people and too little concern teamed up to thrust us into a dilemma.

The set-aside acres for the research park surround the Savannah River plant of the Atomic Energy Commission. The area borders the Savannah River for 22 miles, and includes swampland, pine forests, an old townsite, a manmade lake, fields, streams, and watersheds.

The Savannah River plant already has monitoring devices set up, but these will be greatly expanded as research increases in the years ahead. Those of us in the park area take great pride in the project as the fulfillment of a national need.

The Augusta Chronicle of June 21, 1972, carries a lead editorial and a six-column news story about the research park, as follows:

Nation's First Ecology Park Is Located on SRP Property

The Nation's first environmental park will be located on nearly 200,000 acres surrounding facilities at the Savannah River Plant near Aiken, the Atomic Energy Commission announced Tuseday.

The site, which encompasses the entire plant outside the production area and borders the Savannah River for 22 miles, includes swampland, pine forests, an old town site, a large manmade lake, fields, streams and watersheds.

The site will be open to scientists from other government agencies, universities, and private foundations as a protected outdoor laboratory where long-term projects can be set up to answer questions about man's impact on the natural environment.

The decision to create the research park resulted from suggestions by conservationists and research scientists, and from President Nixon's interest in preserving representative land areas for ecological research and wildlife protection, the AEC said.

The Savannah River Plant offers controlled lands where instruments are undisturbed and study areas protected from vehicles and casual visitors, the AEC said, as well as 20 years of basic research information collected on the site by AEC research and monitoring teams. AEC environmental research and monitoring at the Savannah River Plant is now funded at about $1 million a year.

New environmental research park projects, which AEC expects to be funded by other government agencies and private institutions, will be coordinated with current AEC projects.

The type of research at the Savannah River Plant are expected to include responses of a swamp ecosystem to pollution; development of tests to measure the health of ecosystems, comparable protests used to assess a human's health; a pilot plan to test new techniques for handling organic waste; synergistic, or combined, effects of multiple pollutants; and expanded research on microecosystems.

AEC environmental research at the site currently is conducted by scientists from the DuPont Co. which operates the Savannah River Plant production facilities under contract to the AEC, and the Savannah River Ecology Laboratory, operated for the AEC by the University of Georgia.

Research proposed for the environmental park will be coordinated by the AEC's Savannah River Operations Office and by the Headquarters Division of Biomedical and Environmental Research to assure compatibility with other research under way at the site.

To Unfold Future

In an ever-more-congested America, where do you find the space and the environmental variety to research pollution problems, so as to come up with new and tested means for a better future?

The answer came yesterday when the Atomic Energy Commission in Washington announced the designation of nearly 200,000 acres at the Savannah River Plant as the Nation's first Environmental Research Park.

The role this area will play is not completely new. It is the scope and potential of expanded research by many scientific groups which provide significance. Central Savannah River Area people are aware, of course, of current wildlife protection programs on the huge SRP tract. They have been told through the columns of the Augusta and CSRA newspapers of the present environmental research and monitoring, now funded at about $1 million a year. The University of Georgia already conducts a portion of the present research.

Now, however, other projects may be expected, funded by other federal agencies and by private institutions. Universities and foundations have the opportunity to set up long-term projects designed to answer many questions about the impact of human activity on the natural environment. For example:

Possibly a pilot plant to test new techniques for handling organic wastes.

Experiments to learn the manner and degree to which a swamp area responds to pollutants.

Projects to develop tests by which the health of any unit of the natural environment may be tested.

The effects of multiple pollutants as compared with the impact of one type of pollutant.

Such activity should result in knowledge, to replace what are now estimates or educated guesses. And, with adequate knowledge, it should be possible not merely to plan solutions but to plan them wisely on the basis of sensible priorities—conserving antipollution funds for use where and how they are most needed.

It is important, in gauging the effects of human pollution on nature, to have available for experimentation a wide variety of types of terrain and vegetation. This variety is assured on the Savannah River Plant grounds, which border the Savannah River for 22 miles, and include swampland, pine forests, fields, streams, watersheds, a large manmade lake and an old town site.

President Nixon has expressed interest in preserving representative land areas for ecological research. Conservationists and research scientists have made urgent suggestions along the same line.

We are glad that the fulfillment of a national need now is provided in our own Central Savannah River Area.

McGOVERN'S LAST STAND?

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. COLLIER. Mr. Speaker, in an article entitled "Where I Stand," which appears in the July issue of The Progressive, the leading candidate for the Democratic nomination for the Presidency discusses some of the current issues. I would like to comment on one of the points that George McGovern brings up.

Under the heading "A Prudent National Defense," he writes—

> In place of the madness of Vietnam thinking, I have proposed a rational reordering of our national priorities and redistribution of

> our resources. I have shown that building a "zero base" defense budget, starting at zero and budgeting only what is realistically needed, would cost no more than $54.8 billion in fiscal 1975 instead of the $87.3 billion that the current level of military spending, allowing for inflation, would cost by then.

This would indicate that Senator McGovern would, if he becomes President, reduce defense expenditures by $32.5 billion in the first budget for which he would have sole responsibility.

A few paragraphs earlier, the candidate said—

> Vietnam thinking means spending not only $14.2 billion on Vietnam in the last fiscal year, but another $44 billion to implement our military aid commitments to forty-five other nations. Vietnam thinking means voting to keep all of our present NATO forces of half a million men in Europe at a cost of $14 billion . . . on the assumption that the 250 million people of affluent Western Europe can't protect themselves against 200 million Russians (who meanwhile are worrying about 700 million Chinese at their back door).

While Senator McGovern's figures for Western Europe are accurate—assuming that he includes all members of the North Atlantic Treaty Organization except the United States, Canada, Greece, and Turkey—his figure for the other side is by far too low. The population of the Union of Soviet Socialist Republics is 248,760,000, about a fourth more than the figure he uses.

In comparing the opposing forces, we must go beyond the statistics, however. The Soviet Union is a monolithic structure, while affluent Western Europe would find it rather difficult, if not impossible, to protect itself against the U.S.S.R. without an alliance such as NATO. Although Belgium, Denmark, Luxembourg, the Netherlands, Norway, and Portugal are all of strategic importance to the free world, they are nevertheless small countries that are absolutely dependent upon the help that stronger nations can provide.

The Senator overlooks the 105,044,000 population of the Iron Curtain countries, vassal states that are dominated by the Kremlin: Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania. If we add Yugoslavia, which has for many years blown hot and cold, the total population of the satellite countries will be 126,074,000.

Some Western European countries that are neither members of NATO nor captive nations have an aggregate population of 64,872,000. Over half of these people live in Spain, which has 33,947,000 inhabitants. I am sure that Mr. McGovern does not relish the prospect of having to cultivate General Franco in the event of a hot war.

The only other nations of any size are Austria, Finland, Ireland, Sweden, and Switzerland. Finland is an immediate neighbor of the Soviet Union, Austria is all but hemmed in by its satellites, Sweden and Switzerland are traditionally neutral, and Ireland has troubles enough already.

Of the ministates, only Cyprus and Malta are of much strategic importance, leaving only Andorra, Liechtenstein, Monaco, San Marino, and Vatican City. Obviously Western Europe would be hard put to defend itself without whatever protection NATO affords.

Let me emphasize that we ought to help protect Western Europe, not for altrustic reasons, but because it is in our own selfish interest to keep it strong. Let me invite Senator McGovern's attention to the fact that the body of which he later became a member ratified the North Atlantic Treaty in 1949 by a vote of 82 to 13.

It is obvious from the paragraph which I quoted earlier in my remarks that the Senator is opposed to all of the alliances which the United States has entered into with numerous other nations. Let me make it clear that I have for some time favored a review of our farflung commitments. At the same time, realism compels me to recognize that we must maintain alliances, not only with the nations of Western Europe, but with Latin America and some of the Far Eastern countries.

Besides the North Atlantic Treaty, our agreements with other nations include the following:

The Inter-American Treaty of Reciprocal Assistance, which was agreed to in 1947, presently includes Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, and Venezuela.

A treaty with Australia and New Zealand, a treaty with Japan, and a treaty with the Philippines were agreed to in 1951. In 1953 the United States negotiated a treaty with Korea.

Signatories of the Southeast Asia Treaty, which the U.S. Senate ratified in 1955 by a vote of 82 to 1, include: Australia, France, New Zealand, Pakistan, the Philippines, Thailand, and the United Kingdom.

A treaty with Free China was agreed to in 1955.

During the years from 1947 to 1955, when the above-mentioned pacts were entered into, the Democratic Party, whose nomination the Senator from South Dakota is seeking, never had fewer than 45 of the 96 seats in the other body. Thity-three of them could have blocked the Inter-American and North Atlantic Treaties and the agreements with Japan and the Philippines that were entered into during the Truman administration, and the Southeast Asia Treaty and the treaty with Korea, negotiated during the Eisenhower administration. By proposing that we budget for defense only what is realistically needed, which, according to his figures is $32.5 billion under what would probably be proposed otherwise, the South Dakotan is repudiating the record that his own party has written in the Senate.

I have already demonstrated the difficulties that would confront Western Europe if we withdraw from NATO. Similiar and worse difficulties would arise in the Far East if we withdraw from SEATO and repudiate our solemn agreements with Japan, Korea, and the Philippines. Does Mr. McGovern seriously believe that the nations of Latin America could successfully defend themselves without putting up a united front? Admittedly, there are weak spots in an alliance that includes such nations as Cuba and Chile, but the Senator would in effect expel all the members.

If the United States were to withdraw from all of its alliances and cut defense spending in fiscal 1975—just 2 years away—by $32.5 billion, the President would obviously have a lot of money for diversion to health, education, welfare, housing, transportation, culture, and other programs. Even if we had the healthiest, the wisest, the richest, the best housed, the most mobile, and the most amused population of any nation on earth, what good would it do us if we let down our guard and left our land naked to its enemies?

It is not part of my responsibility, as a Member of this great body, to furnish brains to the party to which George McGovern belongs and to whose leadership he aspires. It is, however, part of my responsibility to demonstrate the dangerous situation in which the people of the United States would find themselves if he became President and successfully carried out the withdrawal of our Nation from all of the treaties it has signed.

Mr. Speaker, the leading candidate for the Democratic nomination has told us where he stands, but I am afraid that it is very shaky ground. I am reminded of the advice that the Apostle Paul gave to the Corinthians:

> Let him that thinketh he standeth take heed lest he fall.

Unfortunately, "he" might not be George McGovern but Uncle Sam.

MORE LOGOPHAGACITY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. SPRINGER. Mr. Speaker, a few days ago the distinguished columnist for Newsweek defined a logophag as a "word eater" and the employment of it as logophagacity. Two columns in the June 28 issue of the Washington Post, one by his brother, Joseph Alsop, "The Jewish Voters" and the other by Rowland Evans and Robert Novak, "McGovern's Comprises," are good examples of the practice of this art in current events. I know my colleagues will find both these articles quite revealing.

The Jewish Voters

(By Joseph Alsop)

Sen. McGovern is using Sen. Abraham Ribicoff, full time, to try to avert a major defection by Jewish-American voters from the Democratic Party. Sen. Ribicoff's job is to meet with Jewish leaders in key states. He explains that McGovern certainly "had a lot to learn about Israel," and he promises that McGovern is indeed "learning" from persons like himself.

Participants in the meetings report that Ribicoff has been having a rough time. And no wonder! On different occasions McGovern has come out for the internationalization of Jerusalem; he has equivocated on the provision of Phantoms for Israel; and he has done other things along the same line.

In all this, Sen. McGovern has merely reflected the New Left, anti-Israeli views of a fair number of leaders of his organization. Richard Stearns, for example, is the McGovern manager for all the non-primary states. As such, Stearns has certainly earned his keep.

At the time of the Six-Day War, however, Stears was also the signer of a couple of the standard, oily anti-Israeli appeals that in those days united Arabs, professional Arabists, New Leftists and oil investors. Other such cases could be mentioned.

The concern about the Jewish vote in the McGovern high command centers on Israel, therefore. This is hardly surprising. Everything that Ambassador Yitzhak Rabin is rumored to have said about President Nixon and American politics, has in fact, been said with far more picturesque emphasis by Prime Minister Golda Meir.

Consequently, Sen. McGovern has been swallowing his former New Left-tending pronouncements on the Middle East with eager haste. The only thing he cannot do, in this line, is to show Prime Minister Meir, or any thinking Jewish-American, for that matter, how a totally disarmed United States is going to guarantee the security of Isreal, or any other U.S. ally, either.

All this, however, is merely the froth on the surface of the Democrats' new problem with the Jewish vote. The fact of the matter is that Jewish-American voters are showing strong signs of following the Irish, the Slavs, the Italians and other "ethnic" voters in their mass-march out of the Democratic Party.

Between 1960 and 1968, the Democrats lost from a quarter to a third of the non-Jewish vote that used to constitute one of their main strengths in the Northern states. There is good reason to expect, too, that with Sen. McGovern as the Democratic nominee, the defections by the Italians, Slavs and Irish will be far, far heavier this year. But in 1968, the Jewish voters were still the exception. They gave at least 90 per cent support to Sen. Hubert H. Humphrey against President Nixon.

Three things divide the Jewish voters from other ethnic voters. The others are Catholics. Their forebears also came to this country, not because they were actively oppressed, like so many Jews, but in simple search of economic betterment. Third, however, the Jewish-Americans are on average better off economically today than almost any other group.

The memory of past oppression explains the Jewish voters' long, strong loyalty to the Democratic Party, which Franklin D. Roosevelt consolidated. The economic factor explains why that loyalty is wearing thin. This reporter has yet to find a single Jewish leader who does not think that the economic factor is more powerful than Israel.

Quite aside from the importance of Jewish Democratic fat cats, the vote itself is about twice as important to the Democrats as the figures might seem to indicate. This is because Jewish citizens register and vote to the last man and woman, while others do not. In New York City, for instance, only a quarter of the population is Jewish, but 40 per cent of the vote is Jewish.

Thus heavy defections of formerly Democratic Jewish voters can be murderous to the Democrats in New York, where just under 14 per cent of the state's population is Jewish. Such defections can even be very damaging in the other industrial states, which characteristically have from just under 3 per cent to rather more than 5 per cent of Jewish population.

This reporter has consulted the dozen Jewish leaders, across the country, who have been the best prophets in the past. Their predictions of Jewish defection to President Nixon, in a race with McGovern, have ranged from 30 to 50 per cent, with 35 a good average.

With the south down the drain, and the ethnics, labor and the Jews all defecting heavily, Sen McGovern's organization could have an uphill task.

McGovern's Compromises

McGovern and Wallace forces in secret negotiations last weekend attempted to unite the Democratic Party on the corrosive issue of racial school busing but barely failed—a dramatic episode showing how much Sen. George McGovern will compromise to be elected President but also indicating even that may not be enough.

In closed-door sessions of the 15-member platform drafting committee at Washington's Mayflower Hotel, agents of McGovern and Gov. George C. Wallace actually agreed on a busing plank that was later rejected by Wallace himself. Amazingly, McGovern then embraced the compromise unilaterally. But McGovern operatives the next day permitted the full platform committee to substitute a pro-busing plank, insuring a bitter challenge from Wallaceites on the convention floor in Miami Beach.

The episode fits the inconsistency of McGovern's platform policy.

When the drafting committee came to school busing last Saturday, its liberal majority proposed a pro-busing plank: forced busing is "another tool" to integrate schools. That plank would guarantee bitter opposition from Wallace delegates.

But state Sen. Pierre Pelham of Alabama, Wallace's skillful platform representative, interjected. Why not let him and former Gov. Grant Sawyer of Nevada, an uncommitted delegate and one of the few experienced politicians on the platform committee in New Politics 1972, try to work something out? Ted Van Dyk, a one-time aide to Vice President Hubert H. Humphrey now running McGovern's platform operation, agreed.

Surprisingly, Pelham and Sawyer returned with a busing compromise worthy of the Delphic oracle: "Quality education is the issue—busing is not." Moreover, "transportation of students"—his delightfully vague term—is endorsed only when it achieves "quality education." Whether that is anti-busing or pro-busing depends on the eyes of the beholder.

Van Dyk quickly relayed McGovern's approval. But it was too late Saturday night to contact the hospitalized Wallace. Overnight, McGovern's inner circle was jubilant, joyously envisioning reconciliation between the McGovern and Wallace wings of the party to insure victory over Richard M. Nixon.

Sunday brought the McGovernites down to earth. Pelham reported that Wallace had vetoed the compromise, inisisting on an overt prohibition against racial busing. "Right at that moment," one drafting committee member told us, "George McGovern lost his chance to be President."

Mrs. Abram Chayes, an ardently liberal McGovern delegate from Massachusetts, immediately started writing a more liberal busing plank. But Van Dyk stopped her; McGovern would accept the Pelham-Sawyer compromise anyway!

By the time the full platform committee took up the busing plank Monday, McGovern's militant supporters were restive over Van Dyk's tight control. The McGovern-dominated drafting committee Sunday rejected planks on homosexual freedom and free abortion and approved milk-and-water planks on welfare and taxation. On Monday in the full committee, Van Dyk engineered votes defeating radical taxation and welfare plans once espoused by McGovern himself.

But McGovern platform committee members, particularly blacks, wanted to return to the pro-busing "another tool" amendment. Since even the compromise would be opposed by Wallace at Miami Beach, Van Dyk made a spot decision not to impose discipliine. So, the committee voted, 70 to 27, to record the Democratic Party in favor of the massively unpopular integration device. McGovern's attempt at moderation on busing had failed.

But McGovern did not even attempt moderation on national defense. His lieutenants were frantic when the drafting committee with Mrs. Chayes momentarily absent, voted 7 to 6 for a non-committal national security plank. When Mrs. Chayes returned, the McGovernites got the drafters to send to the full committee both that plank and a rival McGovern version for defense spending cuts.

That insured both defense and busing would be battled out on the convention floor with McGovern seeming to oppose strong national defense and favor forced busing.

"HYPOALLERGENIC" COSMETICS MUST BE MORE STRINGENTLY REGULATED

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. EVANS of Colorado. Mr. Speaker, the selling of cosmetics is now a $6.5 billion industry. This industry has been expanding enormously, growing at a rate of about 10 percent a year. Even male toiletries, the perennial step-child of the industry, has become a $700 million a year business.

Furthermore, because of the extreme competition in the industry, new and exotic products are constantly brought onto the market. In the last years cosmetics with such ingredients as female hormones, animal extracts, and ammoniated mercury have been widely marketed.

Drug and Cosmetic Industry magazine, commenting on the cosmetics industry's scramble for new ingredients, stated:

> The function of many well publicized ingredients cannot be accurately documented, other than through subtle improvement in product feel, fragrance or color. But what possible justification can there be for grape seed, peach kernel or cucumber oil? Is skim milk really better than whole milk or no milk at all? Does putting in avocado, strawberry, guava, quince or gooseberry oil do anything for a woman's skin or hair? Will cinnamon, coriander, nutmeg and basil be next?

Yet despite the size and pervasiveness of the cosmetic industry it is basically unregulated. Even representatives of the cosmetics industry have admitted this fact.

J. Richard Edmonson, secretary of Bristol Myers, for example, writing in the Drug and Cosmetic Law Journal, has stated:

> In this year of increasing government control, cosmetics are undoubtedly the least regulated of all household products. New cosmetics need not be pre-cleared. There are no required warnings, except possibly for hair dyes, and labels need not list ingredients.

This view is strongly confirmed when it is learned that the Food and Drug Administration in fiscal year 1972 spent only $1,130,000 to regulate the safety of this $6.5 billion industry. The Federal Trade Commission at the same time was spending only $25,000 to monitor the more than $600 million worth of cosmetics' advertising purchased by the industry. In other words, the FTC spent one-twenty-four-thousandths as much to monitor the advertising of cosmetics products as the cosmetics industry spent to promote them.

The FTC's lack of emphasis on cosmetic advertising becomes particularly startling when it is realized that the cosmetics industry is the largest single advertiser in magazines. While commercials for beauty products are the largest single category of advertising on television.

This lack of meaningful regulation has allowed extremely important problems to be ignored.

One of the most serious regulatory questions in the area of cosmetics is how to protect the potentially allergic user of cosmetic products. The National Commission on Product Safety, for example, has pointed out that approximately 60,000 people are injured by cosmetics annually, with injuries ranging from skin eruptions, to loss of hair, severe allergic reactions, burns, itching and lacerations. They further stated that a survey of American insurance companies found that cosmetics are the basis for the second largest group of household personal injury claims.

Many cosmetic companies have responded to this problem by coming out with so-called hypoallergenic cosmetics. These cosmetics lines clearly are attempting to attract the millions of Americans with allergic problems. Unfortunately, a number of allergists have written my office seriously questioning these claims. These doctors point out that "hypoallergenic" means less allergenic, but that this suggests a standard of measure which at present fails to exist. Commissioner Edwards of FDA substantially confirmed these charges when in House Appropriations hearings in response to my question: "What does 'hypoallergenic' mean?" responded "nothing really," and then elaborated by saying—

> It means a low instance of allergic reaction, but what is a low instance of allergic reaction? In other words, I do not know what their definition is.

Furthermore, Commissioner Edwards went on to question the validity of these claims for hypoallergenicity from another point of view when he stated:

> I suppose in most of these claims, they are not well substantiated with good clinical data.

Because of the serious health implications of a claim that a product is "hypoallergenic" the FDA should require companies to substantiate these claims when it appears on a cosmetic label or require the companies to cease to make these claims.

At the same time, FTC, in liaison with FDA, should require cosmetic companies, where these claims for hypoallergenicity appear in advertising rather than on the label, to substantiate these health claims made in their ads.

This action by FDA and FTC would protect those cosmetic companies who are making a legitimate effort in the area of hypoallergenic cosmetics while putting pressure on the unscrupulous or incompetent companies to reform or get out of this area. Only in this way can the consuming public be protected.

But even if FDA and FTC prove to be successful in these efforts, still more will have to be done. For it is an elementary fact that what is hypoallergenic for one may cause a rash for many others. In other words, even a legitimate hypoallergenic cosmetic may have ingredients within it that cause allergies to a great number of people. For this reason, I have introduced legislation that will require cosmetic manufacturers to put their ingredients on the label. In this way, consumers will be able to avoid ingredients to which they have become sensitized. At the present time, even when consumers learn that they are allergic to particular ingredients, because of the lack of labeling, neither they nor their doctors can advise them what products to use or avoid.

Recently growing support has been evidenced in favor of the notion that there should be increased ingredient information available to the consumer. Virginia Knauer, the President's Consumer Advisor, has strongly suggested that provisions of the Fair Packaging and Labeling Act should be utilized by FDA to require increased ingredient labeling of cosmetics in order to protect the consumer.

While Dr. Naomi Kanoff, chairman of the Committee on Cutaneous Health and Cosmetics of the American Medical Association, has written me that—

> (The AMA Committee) on Cutaneous Health and Cosmetics of the American Medical Association has on several occasions recommended that the information concerning the ingredients of a product should be placed either on the container of the product or in a package insert. It is not sufficient that a consumer who has developed a reaction to a cosmetic be informed that a particular ingredient is the cause of the reaction. Without identification of ingredients on all packages, the affected consumer is not only prevented from further use of the class of cosmetic embracing the one with the offending agent, but is also potentially exposed to cosmetic products of other classes which may also have the offending agent as an ingredient.

The CBS affiliate in New York in a television editorial also has come out for ingredient labelling stating:

> Most people take for granted that the cosmetics they buy are safe or the government wouldn't allow them to be sold. Unfortunately, the government has neither a list of all the products on the market nor of their components. Consumers are equally in the dark since cosmetic labels do not show the ingredients these products contain . . . While we congratulate those companies who are willingly filing a list of their products with the FDA, if some persist in refusing to do so, we think all cosmetic manufacturers should be required by law both to register their products with the government and to list the ingredients on the package.

FDA has stated that it has under consideration the requirement that cosmetics companies label sensitizing ingredients. But the time for consideration should by now be long past. As allergists and dermatologists have consistently pointed out, all ingredients are potentially seriously sensitizing. Thus, when consumers buy cosmetics to make themselves more beautiful they should have access to ingredient information so that they may avoid products that instead will make them sick or cause them to have a rash.

FDA should make this issue a high-priority matter and quickly bring forward a proposal to require the comprehensive labelling of cosmetics in order to protect the public.

Finally, FDA should set a deadline for the cosmetics companies to agree to open their complaint files to FDA inspection or see to it that legislation is brought forward to require this critical information be made available.

Commissioner Edwards of FDA has made clear that access to these files is critical stating that:

> At this time the FDA receives only a fraction of the total number of cases of adverse reactions. The feedback simply must be greater and the industry can help by opening their complaint files to us. I do not see any workable alternative if we are going to establish a valid base for preventive actions.

If the cosmetics companies have nothing to hide it would seem that they should be glad to support such a proposal.

HAP MORRIS: DISTINGUISHED HOUSE POSTMASTER

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. LEGGETT. Mr. Speaker, it is only fitting and proper that we should pay tribute to one of our loyal and dedicated employees of the House who is about to reap the benefits of retirement after laboring for the Congress for more than 40 years.

Hap Morris has served in almost all capacities as an employee of the House including the Democratic cloakroom, secretary, administrative assistant, assistant clerk of the House, and for the past 17½ years, as postmaster of the House. His tenure in his latest capacity has established a record that will not be broken for many years.

Hap Morris has been a tireless servant to the Members of the House and has been quick in his responses to the demands levied upon him by the Members and our staffs.

Hap's friendship is not the type that lasts only while we are elected Members of Congress. He has maintained almost weekly contact with many former Members such as "Uncle" Carl Vinson, the beloved former chairman of the Armed Services Committee, the late Noble Gregory, until his untimely passing, and many of our other colleagues now retired for one reason or another.

Hap has been a fountain of knowledge on the Rules of the House and its past legislative history.

In the sports world, he is a sideline expert and a Monday morning quarterback second to none. His sage advice and counsel has led the Naval Academy to unsuccessful seasons for what seems like decades. Coach Forzano, I am sure, will sadly miss Hap's smiling face and willing advice for the seasons to come—and is looking forward to a winning season this year.

Hap is returning to the area that he loves, the bluegrass region of Kentucky, where he will be close enough to follow the fortunes or misfortunes of the athletic teams at the University of Kentucky. That great basketball coach over the years, Adolph Rupp, heard of Hap's plans to retire and return to Kentucky so he promptly went into retirement himself rather than have the advice and competition on the basketball court from Hap. However, I am sure that our postmaster will be happy to be of whatever assistance he can to the new coach at the university. With his many interests in sports, I am sure that Hap will be kept busy both as a participant and as an observer.

While Hap is a man of small build, his shoes will be hard to fill. His smiling face and friendly counsel will be missed by all. It is our fondest hope that Hap will enjoy his much-deserved retirement for many years to come and will not forget his friends on Capitol Hill. We wish him best of health, happiness, and Godspeed.

RAYMOND E. BALDWIN—FIRST CITIZEN OF CONNECTICUT

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STEELE. Mr. Speaker, the State of Connecticut is honored to call Raymond E. Baldwin, former Governor of the State of Connecticut, former U.S. Senator, and former chief justice of Connecticut, its first citizen.

Judge Baldwin's contributions to his State and to his Nation over more than four decades of distinguished public service cannot be overstated. Following 17 years of apprenticeship as attorney, prosecutor, State legislator, and municipal court judge, Judge Baldwin went on to hold top public office in all three branches of government, a feat unparalleled in Connecticut's long history.

Judge Baldwin's life has finally been chronicled. Written by Curtiss S. Johnson, Raymond E. Baldwin is a fitting tribute to a dedicated and deserving statesman.

Wesleyan University, Judge Baldwin's alma mater, recently published the following review of his biography in its alumni magazine. The article follows:

FIRST CITIZEN OF CONNECTICUT

(By Curtiss S. Johnson)

Only one man in Connecticut's history has held the State's three highest offices: Governor, U.S. Senator, and Chief Justice. That man is Raymond E. Baldwin '16, the most popular nutmeg politician of the century, perhaps of all time.

What accounts for his remarkable success as a public figure? Why was—and is—his popularity so great?

Many of the answers are to be found in a biography published this summer by Pequod Press and written by a fellow alumnus and long-time admirer, Curtiss S. Johnson '21, who until his retirement in 1960 was a prize-winning weekly newspaper publisher. Without pretense of being a cold, objective appraisal of a complex and controversial man, this account of the life and times of Ray Baldwin is, as the author tells us, "largely a labor of love."

Curt Johnson had returned to Wesleyan in 1919 a freshly discharged Army lieutenant, and Navy Lt. Baldwin was home from sea waiting to return to Yale Law School. At their fraternity, Delta Tau Delta, they began a friendship that was to ripen over half a century. The result is a charming account of the satisfactions and disappointments, the victories and defeats, of the public life.

Though a descendant of Thomas Hooker, leader of the first immigrants into Connecticut from the Massachusetts Colony, Ray Baldwin was born in Rye, N.Y. When he was 10 his family moved to Middletown and he attended local schools and sang in the choir of Holy Trinity Church. Perhaps it was there that he developed the rich speaking and singing voice that served—and still serves—him so well.

When he entered Wesleyan in 1912 there were fewer than 500 men undergraduates. (The last of "the Quails," the women of Wesleyan's first co-ed period, had been graduated that June.) Without being a distinguished scholar, he was a sound student deeply involved in the full range of campus activities from football to the Senate to the glee club. He was a founding member of the jibers quartet.

From the beginning, Ray was pointed toward law and after graduation he entered Yale Law School. But before his first year was over Woodrow Wilson asked for and got a declaration of war against Germany. Along with many of his classmates, Ray joined the Naval Reserve and was called to duty almost immediately. After officer's training at Columbia and Annapolis, he served aboard destroyers until his separation in August, 1919 and his return to Yale that fall.

His progression as a lawyer-politician is a common enough one: practicing attorney, member of a solid legal firm, local prosecutor, member of the state legislature, judge of the municipal court, Republican town chairman, always available public speaker. But Ray was no common practitioner of either law or politics. During his 17-year apprenticeship, he became widely known throughout the state as an independent and idealistic comer. In 1938 when his party needed a fresh face to run against the popular Governor Wilbur Cross, Ray was nominated as "a new Republican." In a three-way race enlivened by the presence of Socialist Jasper McLevy, Ray won. James L. McConaughy, Wesleyan's president, became his Lt. Governor.

Talk of Ray as a dark horse candidate for president mounted during the next two years, but he himself was a strong supporter of Wendell Willkie. When Willkie went down to defeat in the Roosevelt sweep of 1940, Ray lost the governor's seat, despite the fact that he outpolled the leader of his ticket by 55,000 votes. So it was back to the law in Fairfield County for two more years. The next time up, however, he took the governorship again and established himself beyond dispute as one of the "new G.O.P. leaders" to be reckoned with nationally. By the end of that two-year term his popularity was so great that he won re-election despite F.D.R.'s heavy margin of victory in Connecticut. Ray was the only Republican elected; even his Lt. Governor was a Democrat.

Then in June, 1945 at the moment when his political career appeared to be at its peak, he astounded the state by announcing his intention to retire from politics to become vice president and general counsel of Connecticut Mutual Life Insurance Co. But no party willingly bids farewell to so proven a vote getter; he was persuaded to run for the U.S. Senate in 1946. He won handily. When Ray resigned to take his Senate seat two weeks early, another Wesleyan man, Lt. Gov. Wilbert Snow, poet and English professor, stepped up to the big blue gubernatorial chair.

With Republican majorities in both houses of the 80th Congress, the Old Guard held firm command of the upper chamber and Ray, along with such freshman Senators as John Sherman Cooper of Kentucky, Henry Cabot Lodge of Massachusetts, and Alexander Smith of New Jersey, was restive. These Young Turks weren't satisfied to sit quietly and vote as they were told. They wanted to be for something as well as against the Democrats. Though they knew it was heresy, they also wanted a say in party policy formation. They had ideas about national priorities and party strategy. At his desk on the Senate floor, Ray wrote out a statement to this effect and 15 other junior G.O.P. Senators signed it with him. As if this declaration of independence weren't enough to make him anathema to some of the hard-line conservatives, the fledgling senator from Connecticut wrote an article, "Where the GOP has Failed," for American Magazine. He continued urging liberalization of the Republican stance on a wide range of national issues. A year before the election of 1948 he predicted defeat for his party if it continued to oppose rather than lead. Harry Truman's surprise victory—which denied the Republicans the White House and cost them nine seats and control of the Senate—confirmed Baldwin's forecast but did little for his popularity with the Taft forces.

Then the following April, in a surprise move about which speculation and controversy still linger almost a quarter of a century later, Republican Senator Raymond Baldwin and Democratic Governor Chester Bowles held a joint news conference in Hartford. The Senator was resigning as of the end of 1949 to accept appointment by Bowles as an Associate Justice of the Connecticut Supreme Court of Errors. Democrats were astonished, Republicans infuriated. But Ray's explanation was a simple one: "As a very young lawyer I had hopes that some day I might be a justice of the Supreme Court of Connecticut."

As Curt Johnson makes clear: ". . . there was an immediate, violent and mixed reaction." The storm continued throughout his last eight months in the Senate, a period when Senator Baldwin became the first victim of the virulence that came to be known as McCarthyism. He and the junior Senator from Wisconsin tangled over the Malmedy massacre. (Malmedy was the little Belgian village where Waffen S.S. troops machine-gunned 350 unarmed American soldiers captured in the Battle of the Bulge.) When the U.S. Army was accused of being over-zealous in its post-war prosecution of the Nazi perpetrators, Senator Baldwin chaired the Armed Services Committee's subcommittee that investigated, and cleared, the Army's handling of the case. So vitriolic was McCarthy's personal attack on Baldwin that the full Armed Services Committee passed a resolution ending, "We, his colleagues take this unusual step in issuing this statement because of the unusual, unfair and utterly undeserved comments which have been made about Senator Baldwin."

On his last day in the Senate the sting of controversy was soothed by public tributes from both sides of the aisle for the gentleman from Connecticut's "high qualities of character, competence and courage which he has so often and so gallantly manifiested in the Senate."

Back home in Connecticut, he assumed the judicial robes as if his whole career had been mere preparation for the bench. For the next decade he was heavily involved in judicial review. Then in 1959 he received another key appointment, again by a Democratic governor, this time as Chief Justice of the State. His son Lucian '47, himself a lawyer, had the pleasure of swearing his father in.

As chief legal officer of Connecticut, Justice Baldwin devoted the next four years to modernizing the administration of justice and making the courts more accessible to the people. In his fourteen years as Associate and Chief Justice prior to his mandatory retirement at 70 in 1963, he personally wrote 350 opinions. Several of them—such as the school bus law which permits local communities to provide public transportation for parochial school children—were landmark cases.

But even in retirement, Ray was called on again by the people of his state. He was elected chairman of the history-making Constitutional Convention of 1965 and opened its first session with these characteristic words: ". . . The only limitation upon this convention's powers is contained in the legislation which created it and the Federal Constitution. Yes, there are two others, the innate human sense of justice and natural common cause. . . ."

Now a widower and again living in Middletown, Governor-Senator-Justice Baldwin remains an active and involved alumnus and trustee-emeritus of his alma mater as well as a public figure of still astonishing popularity.

Curtiss Johnson could have found no more appealing subject for an admiring biography than this First Citizen of Connecticut.

AND THE (DEAD) BEAT GOES ON

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. SCHERLE. Mr. Speaker, after only a few years in operation, the prevailing melody heard from the Kennedy Center for the Performing Arts is not "Rhapsody in Blue," but "Budget in the Red." This "IOU" orchestration is produced not by professional musicians, but by bungling bureaucrats; and their latest chord of fiscal disharmony has put the Center in debt to the tune of more than $5 million.

One example of sour note management at the Center was the recent revelation concerning the steel beams for this multimillion-dollar music box. Specifications called for 2,256 holes to be cut into the beams to allow for the passage of necessary ducting and electrical connections. The standing practice in such cases is to have the holes drilled at the foundry. However, due to a hasty change in design by Center officials, the beams arrived without holes and a special crew of ironworkers had to be brought in to remedy the situation at the site. This boondoggle cost nearly a half million dollars and delayed construction for almost 2 years.

Also plaguing the cultural palace with financial manipulations is the head music man himself, Roger S. Stevens, noted east coast entrepreneur. In order to temporarily satisfy creditors' claims, Stevens has taken it upon himself to issue nonnegotiable promissory notes in the name of the John F. Kennedy Center for the Performing Arts. Of course, there is no provision for this sort of financial wheeling and dealing in the congressional act which authorized this project. From $200,000 to $300,000 worth of these "funny money" certificates are being palmed off. An attorney for one of the major creditors said:

> We have been acting all along as though we are dealing with the United States government and that they will eventually back up these notes.

This merely points up the effect of such fiscal capers on the American taxpayer. So far this "tuneful Taj Mahal" has cost the taxpayer over $60 million plus an annual appropriation of over $1.5 million for maintenance.

The cultural elite who defend the Center have promised repeatedly that every request for Federal support is their swan song. Yet each year brings additional financial problems. Despite repeated assertions that no more Federal money will be poured into the Center, there is every indication that the lilting lyrics of that old song, "Come Bail Us Out," will ring out at least one more time.

INDEPENDENCE DAY—1972

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BAKER. Mr. Speaker, as we approach the Nation's birthday on July 4, it is appropriate for all of us to think anew about our heritage and the circumstances from which it developed.

I have read a great many expressions of patriotism over the years, but one of the best came to my desk a few days ago. It is a mailing piece from Gaylord Industries of Lake Oswego, Oreg.

It should be read by every red-blooded American on this July 4. To help in its circulation, I insert it in the RECORD. This portion of the Gaylord Industries essay on Independence Day, July 4, 1972, is proudly presented:

INDEPENDENCE DAY: JULY 4, 1972

One Hundred and Ninety Six years as a nation. One Hundred and Ninety Six years of freedom to build a nation. Every citizen of these United States should be proud of what has been accomplished and, at the same time, be humble at what remains to be done. Pride in our nation is considered by many to be "old fashioned" . . . . . there are many today who would have us apologize for being free and American. There should be an overwhelming pride in our nation . . . . . no other people have accomplished what the citizens of this nation have accomplished, in so short a time. Mistakes have been made, are being made, and will be made—yet, even in our mistakes, there should be a pride that we have created a nation where mistakes can be recognized, criticized and corrected—By the people.

If pride in your country is "old fashioned", then we are "old fashioned" and so be it. It is time that those with pride in our nation stopped listening to those who would apologize for freedom. It is time that we stopped destroying this nation from within and started building again. With this in mind, it was felt that many of our friends might appreciate a little "old fashioned" commentary on the Fourth of July.

We hope our pride in being American shows through.

A PACKAGE OF FREEDOM

On the Fourth of July we celebrate that day in history when a people declared themselves to be free and independent.

Time blurs details. History becomes names, dates and places on a printed page. The pride, courage, fears and dreams of those first United States can only be seen as reflections from the document declaring their freedom—The Declaration of Independence.

On that day of declaring independence, each individual, for each succeeding generation, was gifted with a package the world calls freedom. That package of freedom is the birthright of every child born in these United States of America. It is a gift to do with as each sees fit and the gift carries only one condition—that the same package of freedom be the first gift of the parents to each of their children.

This package of freedom doesn't come wrapped in pretty paper of red, white and blue—tied with a bow of stars. The covering that protects the freedom is a stained, crumpled, blood-covered wrapping of years. Only the string with which the package is tied is always new—woven of the dreams and hopes of one generation for the next. History is written on the wrapping and there are stains of shame, as well as stains of courage.

There have always been, and will always be, those who take the gift of freedom for granted abusing it, not recognizing that with freedom goes responsibility for its safekeeping.

There have always been, and will always be, those who would trade the gift of freedom—not realizing that there is nothing of equal value.

Theer have always been, and will always be, those who do not instill in their children a faith in the future—not caring that without hopes and dreams as the foundation there can be no building for peace.

There have always been, and will always be, those who would sell their freedom to the highest bidder—being blinded to the fact that when another holds your freedom he is the master and you are the slave.

There have always been, and will always be, those who will recognize the value of their gift of freedom—those who will fight to preserve it, those who will see that it is the one gift that they can present to the future, those who have treasured freedom and pass it on to their children carefully tied with the dreams and hopes they have for the future. . . . Thank God that these are the majority of Americans.

The gift of freedom which you were given, which is also yours to give, is the most priceless possession you will ever have.

Freedom—more important than life itself . . . . for what is life without the freedom to live that life?

In celebrating the anniversary of this Day of Independence we are not celebrating what we are in this place at this time. We celebrate the strength and courage of those who have brought us to this day—in addition, and perhaps even more important, we celebrate in anticipation of what we can become . . . . because of our gift of freedom.

Read the Declaration of Independence for the reflections of those who dreamed their dreams, and hoped their hopes . . . . for the nation.

And you are the Nation.

OUR RETURNING VIETNAM VETERANS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DUNCAN. Mr. Speaker, Mr. Richard L. Roudebush, the Veterans' Administration's Assistant Deputy Administrator, recently made a most perceptive speech concerning Vietnam veterans at the VFS State Convention in Nashville, Tenn. I would like to share these thoughts of the former Congressman from Indiana with my fellow Members. They make most clear the special situation which Vietnam veterans are confronted with upon their return to the United States.

The Veterans of Foreign Wars is to be commended for their desire to hear Mr. Roudebush so that they may effectively assist our Vietnam veterans during their transition period from military to civilian life.

The remarks follow:

REMARKS BY RICHARD L. ROUDEBUSH

It is a real pleasure to be with you here today. It is always a homecoming—when I am privileged to attend a VFW Convention—and associate with those who belong to the organization—that has been so big a part of my life.

It has been my good fortune to have been a VFW member since 1944 and to have served in a number of capacities including the highest offices that it was possible for my comrades to elect me to.

I will always be grateful to my comrades for placing their trust in me and thus honoring me. In personal satisfaction I equate these positions with the considerable gratification that goes with service in public office which it has also been my good fortune to experience.

Friendship, according to Shakespeare, does not require ceremony. So I will not linger further—with words of greeting or attempt to recognize all those here to whom I am indebted for past services or who deserve recognition for other reasons.

Shakespeare also said that brevity is the soul of wit. I will not try to be witty but I will be brief and I am sure knowing you as I do that this is probably the most appropriate remark I could make as I start my discussion with you.

Some one else, a great deal later than Shakespeare, said, tell it like it is. That is what I propose to do and, I think, telling it like it is, about Veterans Affairs, reflects a great deal of credit on our Nation and on the American people.

I know of no other society that has felt so deeply its obligation to its former fighting men or dealt so widely or so decisively to help meet this obligation. I think this is a situation in which we can take a great deal of satisfaction.

At this time some 3¼ million veterans are being paid compensation and pensions for disability that occurred in service or later in life.

At this time more than 1.6 million survivors of veterans are being paid compensation or are drawing pensions.

At this time, a million and a quarter veterans and servicemen are training under the GI bill.

At this time, 85,000 patients a day are being treated in Veterans' Administration Hospitals.

At this time, outpatient visits to VA clinics are running around 850,000 a month.

At this time, the number of veterans who have bought homes with GI loans, has exceeded 8 million since the program started. Loans guaranteed total more than $88.7 billion.

These are some of the dimensions of the vast programs of help the American people are conducting for our Nation's veterans.

Is there any other nation—east or west—that does as much? Is there any historical precedent, anywhere for the volume, the variety, the breadth, and depth of benefits Americans provide their veterans?

I think the debt we all feel to those who have worn their country's uniform and their dependents and survivors is a characteristic of an enlightened and benevolent society, one that is directed toward the needs of the people rather than toward the State.

While we expect young men to help defend their country, we do not as some other societies have, consider their sacrifices as something to be routinely and ungratefully expected, and their future well-being to be only their business or the business of family and friends.

The statistics I have listed for various categories of veterans programs do not begin to tell the full commitment of the American people to their veterans.

It is told in the compassion of those who serve veterans under these programs. It is told in the willingness of citizens everywhere, to give of themselves in such volunteer efforts as helping find jobs for veterans, carry on volunteer service in our hospitals. It is told in the dedication that public officials and public institutions show for helping to solve problems that beset veterans, and their consideration of veterans as special citizens with special needs.

And, of course, it is shown in the activities of the veterans' own organizations, the Veterans of Foreign Wars among the most eminent, activities that are not only designed and carried out to serve the community and Nation but to help other veterans.

While we can take great satisfaction in living in a Nation that appreciates its veterans and provides so well for them, we cannot be satisfied with what is being done.

We cannot be satisfied—as long as there is still so much to accomplish in the matter of providing training, job opportunity, health care, and a chance for better living for those who look to us—the Veterans of Foreign Wars—for help and guidance.

It seems to me that veterans organizations, working with the VA and others interested in problems of veterans, have a particular opportunity at this time in our Nation's history to be of service.

I think this is true because of the number of young men and women who are coming out of service and because of the special needs they have as they reenter civilian life.

Periods like the one we are going through occur at the end of every large conflict. Many veterans come home and must make decisions concerning the future. Jobs need to be found. Education needs to be provided. Housing needs to be arranged for. Adjustments to a new way of life have to be made.

But I think there are special conditions that exist today that we all recognize, conditions that call not only for a special effort on our part but that also call for special thinking—and perhaps call on us all to be something more than we have been before.

The tragic conflict—we are pulling out of in Vietnam—is not like past wars and I don't think I have to point out the many points of difference at this time because you have heard them all and you recognize them the same as I do.

The Veterans' Administration has attempted to accommodate to these differences and the way they affect veterans in a number of ways.

You are familiar, I'm sure, with our overseas operations and understand their novelty. You know about our efforts to reach veterans by letters, telephone calls, and personal visits. You know of our studies of the needs of Vietnam veterans and the changes that have been made in our offices and hospitals as a result.

It is urgent, I think, that any institution adapt itself to the requirements of those it serves, and change its character—and its operations where indicated in order to fulfill its mission.

We recognize that VA can do much to help heal some of the wounds and rifts of our society and help prevent disappointment and even alienation among many people by doing its job well. By doing our job properly we can demonstrate to doubters that the system does work and we can undercut the pessimism and ease the despondency of many young men who feel their fellow citizens do not appreciate their sacrifices.

I said a little while ago that the Veterans of Foreign Wars also have a special role to play today, a role that is much the same but somehow different from that of past periods of conflict. The same because our traditional interest in veterans and in the good of our country is needed as always; different because of the special circumstances and special needs I have alluded to.

It seems to me that the VFW and other organizations can be special repositories of understanding and special instruments of healing as we work our way out of a time that is fraught with misunderstanding, with suspicion, and with rancor.

I hope that you can continue to adapt to meet the needs of a different day and a different veteran clientele and frankly I know you will.

I hope also that you will not underestimate what you can do or the importance of the type of service that the VFW is in the business of rendering.

Every time you give good advice to a young man who is bewildered by what turn to take as he reenters civilian life, you help a deserving citizen to whom we are indebted and help preclude possible unhappiness or bitterness on his part.

Every time you are successful in getting an employer to give a veteran a chance at a job you create the possibility of economic independence for a young man and you combat the indignity that goes with unemployment.

Every time you give good counsel to a young veteran who wants training or education you lay the groundwork for a happier life, for a man and his family, and you raise the future leadership potential in your community.

Every time you provide service for a hospitalized veteran, you increase the possibility of happiness and productivity for him.

And every time you do any of these things you strengthen America, because you help another citizen participate in the good things America has to offer and you help mobilize him for civilian service.

Further, you help heal the wounds suffered by our national spirit as a result of disillusionment and disappointment among some of the valiant young men who have been serving in our Armed Forces and you prevent further estrangement and further wounds.

The past few years have, indeed, been a trying time for America.

We know that many of the things people say are wrong, are not wrong. We know that much of the restlessness, and much of the rhetoric, is not called for. We know that part of the trouble, and a great deal of the noise comes from malcontents, small in number, but noisy.

But knowing these things, we would still be dishonest with ourselves if we did not admit to national problems that challenge the dedication and ingenuity of all of us.

We know that we will solve these problems in time and I have a deep personal feeling that organizations such as the VFW can play a large part in their solution.

I have this feeling first of all because I know first hand what the VFW stands for and what the fulfillment of its beliefs and goals could mean to America. I have this feeling also because I know of the character, the devotion, and the skill of individual VFW members and its Ladies Auxiliary.

And I also feel this way because many of the problems we face are the special problems of those in which you are interested—our returning veterans.

I am confident that the war that these young men have been called on to fight will soon be ended and I am confident that it will be ended in a manner that does not create future problems for us, but that will provide a fair and stable piece.

When the President returned from his trip to Moscow and addressed the congress, he said:

"I emphasize to you once again that this administration has no higher goal than bringing the Vietnam war to an early and honorable end. We are ending the war in Vietnam but we shall end it in a way which will not betray our friends, risk the lives of the courageous Americans still serving in Vietnam, break faith with those held prisoners or stain the honor of the United States."

I am sure we can all subscribe to those sentiments and applaud those words. I am certain that the membership of the VFW would have the President speak and perform in no other way and that he has your trust and your support.

As one official of the Government and as a past commander in chief and as one who happens to agree wholeheartedly with the course the President has charted, I express appreciation to you for your support of Vietnam policies and voice the hope that your support will continue.

And, when the strife and the sacrifices are ended and a just and lasting piece has been established, we will be proud that we have stood together and we will continue to work together—for the good of those who have carried the battle and made the sacrifice.

Thank you for your kind invitation to be with you today.

TRIBUTE TO GEORGE ROBINSON

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. MILLER of Ohio. Mr. Speaker, I want to take this opportunity to join with my colleagues in saluting my friend George Robinson, who has compiled one of the longest records of faithful service on Capitol Hill.

George Robinson served the Congress for 26 years—first as a clerk in the document room and for the last two decades as Doorkeeper in this Chamber. In my estimation, he is one of the many fine individuals who makes serving in the House of Representatives a pleasure and an honor.

Altogether, George's service to government—at the local, State and Federal level—spans nearly a half century and as he and his lovely wife Ethel prepare to take leave for Colorado for their retirement years, I want to wish them the very best and say that the door to this House Chamber will always be open to him.

"GOLDEN ISLES" MAY FIGURE IN WORLD HERITAGE TRUST

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 1972

Mr. HAGAN. Mr. Speaker, the "Golden Isles" off the coast of Georgia are famous in song and story. Perhaps in no place yet left in the world can one find such an equitable climate, natural and beautiful setting, and abundant native wildlife as on these islands. Unspoiled is an accurate description of perhaps 90 percent of these islands.

Jekyll Island is perhaps the best known of all along the Georgia coast. At one time it was said that about three-fourths of the wealth of America was represented on Jekyll by a club of well-known millionaires known as the Jekyll Island Club. They have long since departed and this island is now owned by the State of Georgia and available to all people as a recreation site.

Jekyll and St. Simons are the most developed of the string of islands, but even these are carefully restricted. Most of the dozen or more islands are still as nature made them.

It is no wonder that the World Heritage Trust which is expected to be established later this year by the United Nations, is looking toward these islands as a part of "the most valuable ecological resources in the world and should be preserved for future generations."

Further details of the plans for Georgia's islands are revealed in a news story carried by the Savannah Morning News of June 3, 1972, as follows:

PANEL IS NAMED FOR COASTAL AREA PRESERVATION

(By Mike Shane)

OSSABAW ISLAND.—A three-member task force was named here Friday to explore the possibility of having Georgia's undeveloped coastal area included in a World Heritage Trust expected to be established later this year by the United Nations.

Ecologists and state and federal officials who met here for three days agreed that Georgia's remaining undeveloped coastal islands, including Ossabaw, Cumberland, Little Cumberland and Sapelo, and the Okefenokee Park in Ware County are among "the most valuable ecological resources in the world and should be preserved for future generations."

Mrs. Eleanor West, one of the owners of Ossabaw; David Brower, president of Friends of the Earth; and Robert Hanie, former director of the Georgia Natural Areas Council, were chosen to explore the possibility of having Georgia's coastal islands and natural areas included in the trust.

SINGLE ENTITY

If the proposal succeeds, it would be the first time that the entire coastal area of Georgia would be considered as a single ecological entity, Brower said. He is the founder of a 20,000 member ecology organization which is headquartered on the West Coast.

Presently Cumberland Island and the Okefenokee Park are being separately considered by the Federal Government as national recreation areas.

Sapelo is owned and used for research by the State of Georgia, and Ossabaw and Little St. Simons islands are kept in a natural state by private interests.

"If we are successful, it means that coastal Georgia could obtain international recognition, and its wildlife and natural areas will remain intact into the future," Brower said.

The Georgia section of the World Heritage Trust would be controlled by Georgians and administered perhaps from an office in Savannah. There would be no legal loss of national sovereignty, Brower said.

STOCKHOLM MEETING

The committee of three will attend a conference on the environment sponsored by the United Nations this month in Stockholm, Sweden.

Later this year, the Trust is expected to be established in Paris and possibly could include such areas as the Grand Canyon, the Amazon River, and other natural and ecologically valuable portions of the earth, Brower said.

The Trust was first proposed by Russell Train, chairman of the President's Council on Environmental Quality.

In addition to those named on the committee, the meeting on Ossabaw was attended by Joe Tanner, commissioner of the Georgia Department of Natural Resources; Sam Candler, director of the Georgia Natural Areas Council; Robert Jenkins of the Nature Conservancy; J. Owens Smith, University of Georgia's Institute of Natural Resources; Dale Jenkins of the Smithsonian Institution, and several attorneys and businessmen from Georgia.

If a regional headquarters is established in Savannah, funds for staff will be sought from foundations, grants and private sources, Brower said.

Tanner said the State of Georgia is interested in participating, but will wait to see how the World Heritage Trust is established before endorsing the project for coastal Georgia.

Earlier, Tanner said the State of Georgia also is interested in helping the owners of islands along the coast to preserve them in a natural state—rather than having them sold to developers by owners now faced with the problem of rising local taxes.

VIEWS ON VIETNAM

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, I feel it my duty, as a Member of Congress, elected by the citizens of my district, to assist them in registering their views with the administration and the Congress on issues of national concern. Pursuing this committment, I have delivered to the President two petitions, signed by more than 3,400 residents of eastern Massachusetts, expressing their opposition to the recent escalation of the war in Southeast Asia, and calling for the immediate and total withdrawal of American military forces from that area.

These petitions were given to me by two organizations, one at the Bridgewater, Mass., State College, and other headed by the Natick Peace Action Committee.

I have asked the President to consider very carefully the views expressed in these petitions, as he progresses with foreign policy decisionmaking. I strongly urge U.S. disengagement from Vietnam.

THE PRESIDENT'S TELEVISED NEWS CONFERENCE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HARRINGTON. Mr. Speaker, tonight, for the first time in over a year, President Nixon will have a televised news conference. The last such event was June 1, 1971. Since then there have been numerous issues which the administration has ducked because of a failure to hold a sufficient number of news conferences. As a matter of fact, there have only been two news conferences this year. With powerful and influential media such as television not being used in this manner, many questions remained unanswered. These issues include the war between India and Pakistan, the changes in the FBI, the problems with the environment, prisons, health care, or the crime rate, and particularly the escalation of the Vietnam war.

The following article by Max Frankel which appeared in the New York Times on June 19, 1972, indicates the importance of such a forum as a televised news conference. The questions which might be asked at such a conference appear toward the end of the article are definitely thought-provoking. The American people have the right to know the answers to such questions as: "What constitutional authority do you now possess, Mr. President, for bombing North Vietnam and mining its harbor?" "Why will the peace terms you could get this year be better than those you might have obtained 3 years ago?"

I am pleased the President has revised, at least for today, the use of the televised news conference. The people are owed information and the President will hopefully continue to give it to them.

The article follows:

PRESIDENTIAL NEWS CONFERENCES QUIETLY DYING OF NIXON DISUSE

(By Max Frankel)

WASHINGTON, June 18.—The Presidential news conference is dying, without ceremony or explanation, and reporters who moan about it are being put down by the Nixon staff as self-serving whiners who merely miss the chance to kick the President around or to bask in his glory in public. The reporters are not much more generous in speculating about Mr. Nixon's motives, so there is a lot of ugly talk about a subject that might just be worth some serious discussion, especially in an election year.

In all of 1971, President Nixon faced ad hoc questioning by the White House press on nine occasions, compared with an annual average of 24 to 36 by Presidents over the last 25 years. There have been two news conferences in 1972, the last one 12 weeks ago, compared with President Eisenhower's 13 and President Johnson's 15 in the years they sought re-election, 1956 and 1964. The last formally scheduled news conference, which allows the preparation of questions in advance and provides radio and television as well as press coverage, occurred on June 1, 1971.

But statistics alone reveal nothing about the flavor of news conferences. When held weekly, or even fortnightly, they invariably provide at least a question or two, and an answer or two if the President wishes on virtually every major topic of current public concern. When they occur every three months, great events and enormous issues are ignored. The reporter seeking to make up for lost time, or having lost the habit of direct and decisive interrogation, winds up lobbing puff balls or pomposities, or both in one pitch.

An impromptu quickie, with the available reporters summoned to the President's desk once every 90 days, and a duly scheduled gathering once a year is, indeed, often worse than nothing.

WORSE THAN NOTHING

There hasn't been a chance to question President Nixon about the long-forgotten war between India and Pakistan or about the release of Jimmy Hoffa from prison or about his budget deficits or taxes or welfare or the crime rate or the environment or population growth or the bombing and mining in Vietnam or the new F.B.I. or Taiwan or the sleeping accommodations in the Kremlin. There have been only negligible opportunities to ask about the new China policy or meat prices or the war or antitrust policy or the rotating Cabinet or campaign costs and contributors.

Mr. Nixon has not been shy about public appearances. He has had record-breaking hours of free television from Peking and Moscow and in between, with carefully timed and phrased public pronouncements. His staff contends that these appearances are more suitable and also more popular, although in candid moments it is conceded that the real motive is to avoid the allegedly "hostile" Washington reporters and to appeal "over their heads to the people."

The irony in all this is that, when Mr. Nixon began in 1969 on a policy of fortnightly or at least monthly television news conferences, he was judged by those reporters to be a deft fielder and effective performer. But that, of course, was before there was much of a Nixon record to be defended, or asked about.

EQUAL TIME PROBLEM

There is a problem now about televised sessions, because the Federal Communications Commission has reaffirmed its ruling that a Presidential news conference would require the granting of equal time to Republican candidates for President before the party's national convention in August and to a Democratic rival thereafter. And incumbents do not normally believe in sharing the limelight with their challengers.

But there are more profound problems raised by the absence of news conferences. Without them, a President avoids not only public examination on some difficult issues but even the private briefings by which he prepares himself for the worst. If he faces no risk of an embarrassing question, then his staff and the vast bureaucracy of the Federal Government need never really bring to him its most embarrassing dossiers of policy or performance. (Did that general bomb North Vietnam without authorization, or did he not?)

There is also no record of spontaneous Presidential reaction to the parade of issues, no chance to measure his changes of view or mood and no chance to remind him of what he said or did a year ago. It is not just the event that is lapsing, but a whole process of communication and, indeed, government.

Articles such as this often produce a quick news conference, but that is not the point. One of Mr. Nixon's close aides recently complained about the flabbiness of reporters' queries, so even if the Presidest demurs perhaps the reporters owe it to him and their readers to reveal the questions that are lingering in their notebooks.

SOME SAMPLE QUESTIONS

Here is a sample, culled from those of one newspaper's Washington staff.

Mr. President:

Are you still confident of ending the war in your first term and pulling the rug out from under the Democrats on this issue? Why will the peace terms you could get this year be better than those you might have obtained three years ago? What constitutional authority do you now possess for bombing North Vietnam and mining its harbors?

If the numbers of nuclear missiles does not matter too much in the new arms agreements, why did the Russians agree to a freeze only after they were assured a larger number in each category than the United States?

How much will it cost you to run for re-election and do you have a moral as well as legal obligation to reveal who is paying your costs?

Do you agree with a recent bipartisan study that tax increases are inevitable early in the next President's term? Could you pay for your proposed domestic programs and still reduce property taxes without raising other taxes considerably? Why are your political agents stressing the pledge of no taxes "this year?"

Will you sign what amounts to Congress' moratorium on public school busing without insisting on the other half of your proposal for compensatory financial aid to poor schools?

Why have you avoided a major public campaign to drum up support in Congress for your public assistance and welfare expansion program? Will you veto Social Security increases beyond that 5 per cent you recommended?

Is the economy having the very good year you promised for 1972 despite the high unemployment rate? Looking back on your first term, could you have done better in the fight against inflation?

Do you really think the press is hostile for harboring such questions?

THE LATE HONORABLE GORDON CANFIELD

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. ROONEY of New York. Mr. Speaker, I was truly saddened to learn of the passing of the Honorable Gordon Canfield who for 20 years was an outstanding Member of the House of Representatives. Gordon and I served together for many of those years on the House Committee on Appropriations and we became close friends. Although we sat on different sides of the aisle we worked together on many things and I had nothing but the utmost respect for him. He was a dedicated Member who served his congressional district in New Jersey, and the country, well. He was a hard worker, ever mindful of the problems of the country. He was also a warm and gentle man who was greatly admired and respected by all who knew him. We shall all miss him. To his wife, sons and family I offer my deepest sympathy upon their great loss.

SIGNING THE DISCHARGE PETITION ON BUSING

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. CHAMBERLAIN. Mr. Speaker, I have today signed the petition to discharge the Judiciary Committee from further consideration of House Joint Resolution 620 proposing an amendment to the Constitution to prohibit forced busing of schoolchildren to achieve racial balance.

This is the first and only discharge petition I have ever signed since I have served in the Congress. Only under the most extraordinary circumstances should legislation be taken from the properly designated committee for such action disrupts the orderly function of the legislative process. I firmly believe that the discharge petition is a procedure that should be adopted only as a last resort.

While I am convinced that our committee system, as a general rule, has served the Congress and the Nation well over the years, it has become apparent that the Judiciary Committee is not going to act on this issue.

Subcommittee No. 5 of the Judiciary Committee concluded hearings on the proposals on May 24. One of the proposals, a joint resolution (H.J. Res. 983) proposing an amendment to the Constitution to prevent pupils from being assigned or transported to public schools on the basis of their race, color, religion, or national origin, I introduced on November 30, 1971. Since no executive sessions have been held or scheduled, the likelihood that this committee will do something diminishes with each passing week.

Mr. Speaker, I feel the House should not be prevented from expressing its will on a constitutional question of such widespread concern. There is no question that there is strong support both in the Congress and across the land for effective action on this matter. The House repeatedly voted against busing in considering the higher education bill and by majorities that exceeded the two-thirds needed to pass an amendment to the Constitution. As we all know, the higher education bill, signed into law last week, is still subject to a court test for last year the Supreme Court in the Swann case chose to ignore similar congressional language contained in the Civil Rights Act of 1964 when it upheld court-ordered busing. President Nixon expressed his own reservations on the busing amendment to this bill.

The Judiciary Committee, I believe Mr. Speaker, has had ample time to take positive action. In view of this and despite the fact that I still have reservations about discharge petitions, I feel that the House should be permitted to work its will, and that is why I have signed this petition.

COMMENDATION FOR CONGRESSMAN HOGAN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, this morning's Washington Post carried an editorial regarding House passage of the Metro financing bill.

One of the most active and effective of the proponents of this legislation was our colleague from Maryland, LARRY HOGAN, and I take this opportunity to call attention to Congressman HOGAN's excellent work and the deserved words of the Post editorial:

[From the Washington (D.C.) Post, June 29, 1972]

METRO MAKES IT

We don't mean to get ahead of events or lull anybody into a false sense of security but it actually begins to look as if one of Greater Washington's longest running, always-on-the-brink crises is over: There is honest-to-goodness light at the end of the Metro tunnel, thanks to a grand vote in the House this week. With nary a word about the Three Sisters Bridge and by a lopsided 280-to-75 vote, the House approved the granting of a federal guarantee for bonds to complete the entire 98-mile Metro system that has been so long in the making.

Action by the Senate is still needed, but Metro never has encountered opposition by this body; the real hurdle was always the House, where for years the fate of this delicate regional subway project had been unfairly entangled in a web of congressional pique and power. But this time, it should be noted, even Rep. William H. Natcher (D-Ky.) saw fit to join the majority—having lost a big round last December that could have killed the project if more responsible members had not prevailed.

That last vote, in fact, proved to have been the big one, for many other members who voted against Metro funding at that time turned up on the right side of this week's decision. Thus, it is worth recalling that the conclusion of Washington's incredible subway saga was due to vigorous, responsible efforts by sympathetic members of the House—and to strong and effective support from President Nixon.

Mr. Nixon deserves the region's thanks for acting to break the transportation impasse, and salutes are in order, too, for those who coordinated the campaign to round up the votes: Earle Cabell (D-Tex.), Robert N. Giaimo (D-Conn.) and Silvio Conte (R-Mass.), Reps. Joel T. Broyhill (R-Va.), Gilbert Gude (R–Md.) and Lawrence J. Hogan (R-Md.) and Del. Walter E. Fauntroy (D-D.C.).

The end of the Metro funding crisis does not mean, however, that Congress or the White House should consider their work complete in providing an efficient, attractive public transportation system for the Nation's Capital. On the contrary, there is yet another measure that deserves immediate attention if the rapid rail system is to achieve its full objectives; approval is needed for a bill that would ratify actions already taken by the Maryland and Virginia legislatures, to permit Metro's takeover of the area's bus lines.

For strategic reasons, members of the House District Committee separated this legislation from the bond bill, with a promise that it would receive prompt consideration on its own merits. Now that Metro is on its way to reality in time for the 1976 Bicentennial, no time should be lost in assuring that it becomes part of a cohesive transportation network that can be a source of pride for both the community and the nation.

A TRIBUTE TO T. GRAYDON UPTON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. MOORHEAD. Mr. Speaker, I would like to call the attention of my colleagues to the resignation of Mr. T. Graydon Upton, for 10 years the executive director of the Inter-American Development Bank. It has been my privilege to know and work with Mr. Upton. Under his capable guidance, the IADP has developed and blossomed into a full-fledged international banking institution, serving the whole of Latin America. Fortunately for the people of this hemisphere, the unique talents of Mr. Upton will be utilized through other avenues of public service. Along with presiding over the Pan American Development Foundation, he will be joining Porter International, a firm dealing with financing Latin American projects. We thank him for his 10 years with the Inter-American Development Bank and wish him continued success.

AFTER 10 YEARS OF SERVICE TO IADB—A SPECIAL CHEER OF THANKS FOR MR. UPTON

(By Virginia Prewett)

When a quarterback who has performed long and well leaves the field for the last time, grateful fans customarily give him a special cheer of approval and farewell. T. Graydon Upton, who has just left the Inter-American Development Bank after being its executive director from its founding, deserves such a hemisphere tribute for his 10 years of IADB service.

The IADB, a bank-type institution for international cooperation in Latin American development, is one of the New World's oldest dreams come true. In our country it has been a bi-partisan dream. The enlightened, imaginative policies that have made it "more than a bank" have been implemented under the quiet and unobtrusive guidance of Graydon Upton, working always with an overwhelmingly Latin American staff and led by a Latin American as bank president.

He came to the IADB from our Treasury Department and is succeeded by another Treasury "graduate," Henry J. Costanzo, who prepared for the responsibilities of the post by serving for over two years as the U.S. director of the bank.

CONTINUES INVOLVEMENT

Mr. Upton will continue in hemisphere activities in two capacities. He has become a director of Porter International, a Washington-based firm that specializes in arranging financing for Latin American projects, and also will be president of the Pan American Development Foundation.

The PADF, which operates under the wing of the OAS but is not a part of it, has the mission of transferring to Latin America a pattern of economic civic action that reflects one of the most admirable aspects of our national society.

North Americans are so used to banding together for good causes that we sometimes forget this is not the rule in other lands. Today when many of our own people make a point of slamming our social organization, it is good to be reminded of this unique, unselfish and socially useful device.

The PADF helps well-to-do Latin Americans band together in not-for-profit efforts to help their own poor.

CREDIT FOR THE POOR

A special concern of PADF offshoots in a dozen Latin American countries is credit for poor people. We often forget that easy credit is also an aspect of our society not common elsewhere. The PADF nurselings throughout the hemisphere have, in a very few years, helped hundreds of thousands of less advantaged Latin Americans thru this device alone.

The well-to-do Latins have discovered in their poor neighbors such integrity and reliability in a region where scarcity of capital is an economic plague has, in many instances, changed the entire face of poverty-stricken communities.

It is good to be reminded also that, even as U.S. official policy neglects Latin America, dedicated Latin Americanists still endeavor to hold the hemisphere together by holding out a helping hand to our neighbors.

SOCIAL SECURITY BENEFIT INCREASE CALLS FOR RAILROAD RETIREMENT COMPARABILITY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. FULTON. Mr. Speaker, the action which we are to take today to provide a 20 percent across-the-board increase in social security payments is one of the major accomplishments of the 92d Congress.

While the cost of living has been continually rising since the last benefit increase in January of last year, the elderly and disabled have been forced to sit by while the purchasing power of their retirement and benefit dollar is slowly but irreversably eroded.

My only disappointment in this legislation today is that it does not meet the need to provide an adequate increase in the minimum social security benefit to $100. However, I am sponsoring legislation to provide this increase and intend to continue work in its behalf until it has become law. I am very hopeful this will be accomplished in the 93d Congress.

Traditionally, when we have increased social security benefits we have followed suit by voting a corresponding increase in railroad retirement benefits. Accordingly, I have introduced legislation today which will increase railroad retirement benefits by 20 percent effective.

It is my understanding that a special Presidential Commission is due to report this week on a study of the railroad retirement benefit system with recommendations for benefit increases. While the Commission's findings cannot be anticipated at this time it is my conviction that any benefit increase should be nothing less than fully comparable with the social security benefit increases we are voting today.

THE ENVIRONMENTAL QUALITY CORPS ACT OF 1972

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BROTZMAN. Mr. Speaker, on June 15 I first introduced a bill designed to alleviate the crushing unemployment rate among today's young population, and at the same time provide the urgently needed manpower to attack the problems of cleaning up America's environmental disaster areas.

This bill, entitled the Environmental Quality Corps Act of 1972, would provide our country with a comprehensive national program representing a concerted effort on the part of the Federal Government to meet the degradation of our environment head-on. At present there is no such effort.

As I have envisaged it, the corps would put up to 100,000 of our Nation's youth and returning veterans to work cleaning streams, highways, parks, and forests, and constructing recreational facilities in both urban and rural areas. Volunteers to the Corps would be chosen from among those nonmarried Americans 18 to 26 years of age, without regard to any consideration of race, social class, economic status, or sex. Service would be for 1 full year, with an option to re-enlist for up to an additional year.

Corpsmen would receive room and board and a modest allowance. Those volunteers who choose not to live in the Government-provided facilities are eligible to receive a slightly higher allowance to cover their added expenses. Moreover, to further reduce costs to the Corps and to promote a higher number of volunteers, corpsmen will be assigned to projects as close to their permanent place of residence as feasible.

In trying to avoid monumental costs in this program, I have sought throughout the bill to make use of existing facilities and equipment to as full an extent as possible. Governmental units contracting for the services of corpsmen would be required to provide as much of the required equipment and facilities at their own expense as they are able. For those provisions which they could not provide, the corps would be authorized to utilize surplus Federal property made available by the General Services Administration and the various involved Federal agencies. Thus, it is anticipated that the corps will be able to escape a large portion of the cost of equipment and facilities.

Benefits derived from this bill would be manifold. Those agencies and levels of government which cannot now afford projects to better the physical environment for their constituents would suddenly find that they had the opportunity for an inexpensive source of labor. This in itself should encourage many localities to expand their programs.

However, at the same time careful precautions have been taken to insure that this new-found opportunity not be abused. No regularly employed worker may be fired as a result of this bill and the agency contracting for the services of the corpsmen are required to prove maintenance of effort to protect and improve the environment.

Although the initial lifetime of the Corps as specified in my bill is only 2 years, I feel that the structure is flexible enough to provide an ongoing means of absorbing our surplus manpower—wherever it may occur—and give the Nation something tangible in return. Too many of our present welfare and unemployment compensation programs simply do not do this. By creating this program, we would be taking people off of the government dole and giving them a chance to serve their country and better themselves.

I feel that the training received by the corpsmen could qualify many of them for careers in the field of environmental quality. As I have often said before, if we are truly serious about cleaning up our environment and keeping it clean, then vast new resources, trained and highly motivated, are going to be required.

Mr. Speaker, because of the favorable response I have received from my constituents and the press alike, I am today reintroducing this measure, with 20 cosponsors. I am also enclosing an editorial from the Scripps-Howard newspaper in Denver, the Rocky Mountain News, commenting favorably on the bill.

In conclusion, I cannot stress enough the urgency with which I introduce this bill today. Pollution and unemployment are social problems which our society must continuously seek to resolve. This bill, I feel, is a most responsible and responsive tool in dealing with these problems.

The editorial follows:

[From The Denver (Colo.) Rocky Mountain News, June 17, 1972]

WHY NOT AN ENVIRONMENTAL CORPS?

Colorado Congressman Donald G. Brotzman has resurrected a government employment and conservation scheme projected by the Roosevelt regime during the dark days of the Big Depression.

He would create an "Environmental Quality Corps" made up of young and single unemployed who would be put to work to help clean up the country's environment. The suggested 100,000 corps he envisions would be given employment, room and board and extra money while working at various jobs at recreation areas, in lakes and streams and construction in both urban and rural areas to help clean up the mess made by man in the past few decades.

The Brotzman plan has a strong resemblance to the Civilian Conservation Corps (CCC) that provided work, food and shelter, job training and side money for thousands of young men whose father's loaded the unemployment rolls of the Thirties.

The congressman says the new corps would be accomplishing "tangibles"—employment, job training and improving the environment. "Too many welfare and unemployment compensation programs simply don't accomplish this," he added. And with this we agree.

It's too bad that the idea wasn't implemented in time to aid the tide of high school graduates, vacationing collegians and returning Vietnam veterans this summer. We have no idea what his colleagues in Congress will think of the project, nor how they will work out details and financing. But tapping this source of ready manpower for productivity seems a good investment in more ways than one.

MILITARY ORDER OF THE PURPLE HEART URGES INCREASED EDUCATIONAL BENEFITS FOR VETERANS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, June 29, 1972

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the RECORD the testimony of the Military Order of the Purple Heart before the Senate Veterans Affairs Committee last month, urging increased educational assistance benefits for our veterans.

As the sponsor of S. 2163, The Vietnam Veterans Act of 1971, which would provide an eligible veteran with up to $1,000 per academic year for tuition, books, fees, and supplies paid directly to the school where he is enrolled, as well as provide a monthly subsistence allowance, I heartily endorse the testimony and concepts which it supports. The testimony, presented to the committee by Mr. Kenneth Hubbs, National Service and Legislative Director, clearly sets forth, in documented form, the frustrations and needs of our veterans as they pursue their educational objectives. I am most impressed by the survey taken by the Military Order of the Purple Heart concerning veterans educational and financial needs. The sample shows that 83 percent of the veterans surveyed, wished increased benefits including a direct tuition payment of up to $1,000 per academic year. The text of the questionnaire is attached to the testimony.

I am pleased that the Military Order of the Purple Heart has taken such an enthusiastic interest in this most vital area and I am sure that Senators will be most interested in the testimony.

There being no objection, the ordered to be printed in the RECORD, as follows:

STATEMENT OF KENNETH R. HUBBS, NATIONAL SERVICE AND LEGISLATIVE DIRECTOR, TO THE U.S. SENATE COMMITTEE ON VETERANS' AFFAIRS

Mr. Chairman, thank you for the opportunity for me to present the position of the Military Order of the Purple Heart: that our young veterans should have the unencumbered opportunity to pursue a well-rounded education.

Mr. Chairman, I also want to thank you and each member of this Committee for its thorough interest, concern and investigation of this vital subject.

Our Country has invested heavily in other parts of the world to preserve people's freedom and their opportunity to "build and grow".

This investment has been in the form of money, goods and the services of the youth of our Country.

This investment has cost the youth of our Country:

1. Two to four years from being timely in competing for an occupation or in pursuing an education;

2. Psychological and physical damage, and with many this includes loss of parts of their body; and

3. To over 50,000—death.

Mr. Chairman, our purpose for being before this Committee at this time is not to take issue with our Country's investment in other parts of the world but to take issue with our Country's investment in the youth of our Country.

We strongly feel that our Country is far more capable of an investment which will provide our youth with an adequate opportunity to "build and grow" than it is presently investing.

The present investment in our youth in education may prevent drop-out for those who are able to obtain additional financial assistance.

But this speaks of investing the barest minimum in only one-third of our youth. What about opportunities for the other two-thirds? Can we do better?

All of us will answer "Yes" to the question, "Should we provide our young veterans with a better opportunity to pursue a well-rounded education than we are now providing?"

But what is our answer to the following questions?

1. Should we permit the present situation where the majority are unable to afford an education?

2. Should we permit those who are fortunate to be in college to be encumbered with financial turmoil, burdens of loans, and loss of precious class attendance and study hours due to the necessity of a part-time job?

Mr. Chairman, we believe every Congressman will, like us, answer "NO" to both questions.

In order to adequately determine what the veterans attending college needs as improvements to the current benefits, we asked the veteran himself.

We mailed a simple financial form to the veteran which would supply his marital status, semester hour credit load, academic pursuit, institution, cost of education, cost of living and his income & indebtedness per semester.

On this finacial form, we asked him to complete the following statement: "If I were the author of the 'GI Educational Bill' I would provide the following benefits to assist a veteran in obtaining an education". (A copy of the form is attached.)

We received 307 of these forms from students attending 20 institutions. A summary of each veteran by name and address and the above information is attached and we ask permission to have it included in the record of this Committee.

The original forms are in the veterans' own handwriting and are in our files and will be made available to the Committee if you desire.

307 REPORTING

95% or 292 are full time (12 hrs. or more).

5% or 15 are part time (11 hrs. or more).

A veteran's entitlement is reduced at full time rate if he is carrying 12 semester credit hours or more.

A veteran must carry 15 semester credit hours per semester in order to accumulate 120 credits within a 36 month entitlement (4 nine-month periods).

27% or 83 are carrying 12, 13 or 14 credits which will take them 1, 2 or 3 semesters more than a 36-month entitlement in order to accumulate 120 credits.

51% or 157 are married.
37% or 58 have children.
50% or 153 must work part time.
53% or 83 veterans' wives are working.
32% or 99 have outstanding loans.
53% or 164 have a cash deficit.

83% or 256 completed the statement as to the benefits they would provide if they were the author of the GI Educational Bill—their remarks are in the attached summary.

83% or 256 would increase the present benefits. They asked for the equivalent rates of the current benefit for subsistence and up to $1000 for assistance to cover cost of tuition, fees, books, supplies, etc.

No specific emphasis could be drawn between whether the increase in benefits should be called "subsistence" and/or "costs".

Mr. Chairman, one might think that if you asked a veteran attending college what he needed, you might get an answer, "$100 a day for costs and a gold Cadillac for transportation".

Our faith in these young veterans is strengthened by the fact that not one asked for more than a bare existence.

Other suggested items are:
Increase entitlement to 48 months.
Pay subsistence twice a month.
Advance payments at start of semester.
Some tax exemption help.
More efficient VA service so checks arrive on time.
Medical & Dental help or low-cost insurance.
Lower living & housing costs.
Use graduate veterans as tutors.
Increase benefits retroactive so educational loans can be paid off.
Select college of veteran's choice.
No interest loans.
Eliminate interest or late charges charged by school.
Convert 9 months' subsistence payments into 12 equal payments.
Food stamps.

In conclusion, Mr. Chairman, we thank you and the members of this Committee for your serious consideration for an increase in the current benefits of upwards to $1,000 per year.

MILITARY ORDER OF THE PURPLE HEART

(Kenneth R. Hubbs, National Service & Legislative Director, VA Central Office: Room 117A–Laf., 810 Vermont Ave., NW., Washington, D.C. 20420 (202) 389–3089)

It is my desire to assist the Military Order of the Purple Heart to improve the educational opportunities for the veteran and I hereby give them permission to use the following information in their legislative activities with Congress.

Name of Veteran ------ M or S ------.
Address ------ Wife's Name ------.
City ------ State ------ Zip ------.
Children & Ages ------.
Name of College or University ------ at ------.

I am a: Freshman ------ Sophmore ------ Junior ------ Senior ------ Graduate Student ------.

I hold a Degree(s) in ------.
My educational objective is ------.
I am attending ------ hours/units per semester/quarter.

Education Cost per Semester/Quarter:
Tuition, $------.
Books, $------.
Supplies, $------.
Fees, $------.
Other Costs, $------.
Total, $------.

My Total Cost per Quarter/Semester for Education and Living is $------.

Family Living Cost per Semester/Quarter:
Living Quarters, $------.
Food, $------.
Clothing, $------.
Transportation, $------.
Medical, $------.
Other Costs, $------.
Total, $------.

Income (Including Family) per Quarter/Semester:
From VA, $------.
My earnings, $------.

Wife's earnings, $-------.
Loans from relatives, $-------.
Loans from others, $-------.
Other income, $-------.
Total, $-------.

If I were the author of the "GI educational bill" I would provide the following benefits to assist a veteran in obtaining an education:

U.N. DISCREDIT COMPOUNDED

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BRASCO. Mr. Speaker, it was with a combination of sadness, resignation and disgust that I noted still another condemnation of Israel by the U.N. Security Council. This time it was for last week's actions against Lebanon. The vote was 13 to 0, with the United States and Panama abstaining. As an afterthought, the Security Council "profoundly deplored all acts of violence in the area." Presumably, this was an illusion to guerrilla operations and acts of terror inflicted against Israel.

Mr. Speaker, the United Nations has very little credibility remaining these days, and such acts of condemnation drain off what little there is left.

Since the founding of Israel, her Arab neighbors have never accepted the reality of her existence, much less left her alone. Over the years, a steady stream of attacks of one sort or another have been mounted by those who believe terror will succeed where overt military action of a more formal kind fails.

In recent years, a series of terrorist organizations have come into being, dedicated to massacre, ambush, destruction and media headlines. Garbed in the illusion of romanticism fostered by professional propagandists, these groups, armed by the Russians and operating from a number of Arab states, have sought to sow destruction and terror in Israel.

Mortar attacks on sleeping villages. Mined roads. Murder of schoolchildren by bazooka attacks. Plane hijackings. The butchery recently at Lod Airport. Nothing has been too grisly or low for such groups to attempt. Unable and unwilling to confront the Israeli armed forces in any sort of open combat, they now resort to attacks upon unsuspecting noncombatants venturing into that area of the world.

So we see buses of dead children, mutilation of innocents, and the recent atrocity committed by three Japanese killers, done no doubt because Arab terrorists know they cannot get away with this themselves.

Through it all the entire world watches, deplores, and does nothing.

Here is a tiny little democracy, surrounded on three sides by Russia's heavily armed allies, thirsting for her blood. Her 3 million people live daily with death and destruction, yet brilliantly survive and keep their democracy vibrant.

And where has the United Nations been throughout all this? What has it done for this tiny outpost of human freedom? When Nasser thought he could annihilate Israel in 1967, he demanded that the U.N. buffer force step aside. This was done, expeditiously, as the world watched with bated breath. Many a sigh of disappointment was heard at the United Nations when the David of Israel brought the Arab Goliath low.

Since that time, as the terrorist onslaught has taken lives steadily, and Israel has raised her voice in indignation, seeking the aid of world opinion, the U.N. has largely remained silent. A barrel of oil and the threat of a Communist move has almost always outweighed conscience and justice at the United Nations.

For after all, are not they only a tiny little nation, with many enemies?

If the United Nations was as devoted to conscience, the dignity of man and ideals emblazoned on its walls, it would have noted the terrorist offensive mounted these many years, against Israel. It would have taken note of atrocities committed against her, against Jews of Arab lands and against international law by tactics of these butchers who call themselves guerrillas. Unfortunately for justice and the U.N., little has been done.

The ignoblest chapter in U.N. existence has been written on pages marked Israel. And the verdict of history against that so-called, "world organization" will be awful and irrefutable.

Where was the U.N. just a few weeks ago when the horror at Lod was committed? Where were its mighty voices and votes? It remained for the airline pilots to stand up where the U.N. wouldn't.

It is an old story. Anti-Semitism takes various forms. In one era it is an Inquisition. In another an accusation of ritual murder. In still another it takes the form of a Dreyfus, Mendel Bayliss or Leo Frank case. In yet another it will be a Hitler with his holocaust and genocide. Today, it is parlor and intellectual anti-Semitism masquerading as a concept of world order and government.

The United Nations forfeits confidence of every honest human being when it closes its eyes to persecution of Israel by terrorism while condemning her for refusing to sustain such attacks indefinitely. What is she to do? Take it until she bleeds to death? Would any member state of the Security Council allow such assaults across its frontiers without retaliation? Would any nation long survive by failing to protect its citizens, which is the first and most basic guarantee a state affords its nationals?

How hypocritical that in this day and age it is the tiny Jewish State receiving condemnation because it insists on its elementary right to live. How degrading to the idealism which founded the United Nations that its principles should be prostituted so low and often in such an ignoble cause.

Here in the United States it should be noted that much of the American Jewish community is increasingly turning its collective and individual back upon the United Nations. Many American Jews are withdrawing both financial and intellectual support from an organization now leading the fight for Arabs and Communists against their own coreligionists. Nor can I say that I blame them.

While many American Jewish leaders will still arise and argue on behalf of principles behind this organization, few can be found anywhere who dare to actually stand up for its actions.

This latest series of developments places yet another nail in the coffin labeled, "U.N. credibility." Some day, soon, that organization will turn to its former friends and find them as stony-hearted toward the organization as many of its hypocritical member governments are toward Israel.

On that day, justice will in fact be truly done.

GRANT FORMULAS FOR SCHOOL TAX EQUALIZATION ACT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. OBEY. Mr. Speaker, yesterday on introduction of the School Tax Equalization Act (H.R. 15736) I supplied tables showing estimated grant entitlements for the States listed alphabetically and by rank.

Today I should like to insert an explanation of the entitlement formulas used for the basic grants and incentive grants that would be provided under the bill. The material follows:

OBEY SCHOOL TAX EQUALIZATION ACT: ENTITLEMENT FORMULAS FOR GRANTS

BASIC ASSISTANCE GRANT

State entitlement=adjusted basic assistance amount × school-age population.

"Adjusted basic assistance amount" equals the sum of:

One-third of basic assistance amount × per capita income, all states/per capita income, state.

One-third of basic assistance amount × tax collections as percent of personal income, state/tax collections as percent of personal income, all states.

One-third of basic assistance amount × income taxes as percent of total taxes, state/income taxes as percent of total taxes, all states.

"School-age populations" equals the number of children aged 5–17, inclusive, living in State.

Definitions:

1. "Basic assistance amount"=$75 in FY 1973, $100 in FY 1974, $125 in FY 1975, $150 in FY 1976, $175 in FY 1977, $200 in FY 1978.

2. "Tax collections" means total tax collections of all kinds in the State, including collections by political subdivisions.

3. "Income taxes" includes both individual and corporate income tax collections, in the State, including collections by political subdivisions.

INCENTIVE ASSISTANCE GRANT

State entitlement=adjusted incentive assistance amount × school-age population.

"Adjusted incentive assistance amount equals the sum of: Incentive assistance amount × State revenue made available to public schools as percent of total State and local revenue made available to public schools/75% *but* not to exceed the "incentive assistance amount."

Definitions:

1. "Incentive assistance amount"=$25 in FY 1975, $50 in FY 1976, $75 in FY 1977, $100 in FY 1978.

2. "Revenue made available to public schools" includes all revenue receipts derived from State or local sources made available for public, elementary and secondary education.

BENNO SCHMIDT GIVES COMMENCEMENT ADDRESS TO NEW YORK MEDICAL COLLEGE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ROGERS. Mr. Speaker, I had the pleasure of attending the 113th commencement of the New York Medical College at which Benno Schmidt delivered the main address.

Mr. Schmidt, the chairman of the President's Cancer Panel and one of the most knowledgeable and dedicated men involved in this Nation's program to fight cancer, touched on the development of the National Cancer Act which was passed into law last year.

I think Mr. Schmidt's words will be of interest to my colleagues and would like to place it in the RECORD at this time, Mr. Schmidt's contributions to the fight against cancer were recognized by the New York Medical College when they bestowed upon him an honorary doctor of humane letters.

The address follows:

Dr. Slobody, Members of the Graduating Class, Ladies and Gentlemen:

It is a pleasure to join you for your Commencement this morning. The high standing which your students have achieved in nationwide examinations attests to both the calibre of your graduates and the success of your educational program. And as a partner in the Metropolitan Hospital Center, the Bird S. Coler Hospital, and the developing Westchester Medical Center, your rank as a leader in the New York medical community is clearly established.

I congratulate you of the graduating class not only on your accomplishments, but on your timing. No graduating class has ever faced a more interesting and more challenging world than that faced by the Class of 1972. And never at any time in our history have those with training in medicine and biomedical science had so important a role to play or such good tools to work with in helping to solve the problems that beset our society. When we look at the great problems that face our nation and our world, almost every one of them presents a crucial role for the physician and the biomedical scientist.

It seems clear to me that one of the overriding problems in our civilization today is population control. The solution of every other major problem in our society depends in some measure upon our ability to keep our population within reasonable bounds. In the few short years that have passed since I was sitting where you are sitting today, the world's population has grown from slightly over 2 billion to 3 billion, 750 million, and by the time you are delivering a commencement address at my age, the same rate of growth would give us a world population of over 7 billion. I doubt that we can find any solution to the problems of the environment, the problems of war and peace, the problems of effective distribution of our resources among all portions of our population, the ability of the races to live together in peace and harmony, and the provision of proper health care and nutrition to all peoples unless we can find a way to plan and accomplish effective population control.

Who can contribute more to such planning and to the implementation of those plans than our physicians and biomedical scientists?

To those who would leave the population problem in the hands of the Almighty, I would recall the words of President John Kennedy that "here on earth God's work must truly be our own."

I have often been reminded by events of the wise philosophy embodied in a story which the Catholic priest told me as a high school boy in Abilene, Texas. A fighter crossed himself in a gesture of silent prayer as he came out for the first round of his fight. "Father, will that help him?" a young spectator inquired of a priest sitting next to him. The father replied: "If he can fight it will." In dealing with the poulation problem, as with most others, we must truly make God's work our own.

As we look at the other major problems that confront us today, the role of those trained in medical science is critical.

How can we maintain an acceptable standard of living and not at the same time pollute our air, defile our oceans, our rivers, and our lakes, and degrade the soil that sustains us?

How can we distribute the bounties of our society so that adequate nutrition and medical care reaches all levels, and so that the disparities between the rich and the poor are greatly moderated?

How do we eliminate the racial bias that threatens to destroy us on both a national and international level?

How do we reorient our priorities so as to minimize the devotion of our resources to the wasteful purposes of the armaments race and devote them to a better life for all people?

How do we avoid the catastrophic confrontations that could lead us to the ultimate disaster—a war that would prove, by ending our civilization, what we already know and that is that in the present state of our technology war is totally and hopelessly obsolete as a means of settling our international differences?

Think of the enormous role that those trained in medicine and biomedical science must play in the resolution of these great problems. You are truly blessed with opportunity and you are most fortunate in the relevance of your training. In short, your work is cut out for you.

We live in an age of polarization and oversimplification. I urge you not to fall for it. Do not allow rhetoric to take the place of specifics when you are seeking solutions. Know the other side of every issue at least as well as you know your own, and attempt to bring to every question a balanced understanding. There is an old Russian proverb that "no pancake is so thin, but that it has two sides." Know both sides, and be able to state the other man's case better than he himself can state it. And above all, make yourself and others think through the specific implementation of a proposed solution before you accept the solution as real.

Do not settle for simplistic answers. Nearly all of us know where we want to come out; the man to follow is the man who makes sense when he deals with the specifics of how to get there. And do not ever buy the idea that one man cannot make a difference, because every last one of you can.

I would like to say just a few words about the Cancer Act of 1971, because that Act represents a story of progress in times when it seems that real progress has been very difficult to come by.

In the spring of 1970, cancer research like all biomedical research was on the back burner. This was true in spite of the fact that cancer was, as it is today, the number one health concern of the American people.

A poll conducted in 1966 showed that 62% of the public feared cancer more than any other disease. Yet, of the more than 200 million Americans alive today, 50 million will develop cancer at present rates of incidence and 34 million will die of this painful and often ugly disease if better methods of prevention and treatment are not discovered. About one-half of those deaths will occur before the age of 65, and cancer causes more deaths among children than any other disease. Cancer often strikes as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

Notwithstanding the seriousness of these figures and the depth of public concern, the amount we were spending on cancer research in 1969 was grossly inadequate. For every man, woman and child in the United States we spent in 1969: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 of foreign aid; and only $0.89 on cancer research.

It was in this climate that in the spring of 1970 Senator Ralph Yarborough and the members of the Senate Committee on Labor and Public Welfare named a National Panel of Consultants on Cancer made up of 13 distinguished scientists and doctors in the field of cancer and 13 laymen. I had the pleasure of serving as chairman of this Panel, and I have never seen any group work with greater dedication and effectiveness than the professional members of our group.

The Panel was charged with reporting to the Senate as promptly as possible on:

1) Where we stand today in the field of cancer;

2) What are the areas of greatest promise for significant advance; and

3) What steps should be taken to make the conquest of cancer a major national goal.

On December 4, 1970, we made our report to the Senate, setting forth the answers to these questions, and recommending specific legislation for a new and accelerated cancer initiative. A bill was promptly introduced in the Congress embodying the Panel recommendations.

In January of 1971, President Nixon, in his State of the Union address, supported the initiative recommended by the Panel in these words:

"The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal."

The initial legislation implementing the Panel's recommendations was introduced in the Senate by Senator Ralph Yarborough, Chairman of the Health Subcommittee in the Senate. However, Senator Yarborough did not have the opportunity of continuing his support in the Senate because he was defeated for re-election in the 1970 campaign. Senator Edward Kennedy succeeded Senator Yarborough as Chairman of the Senate Health Subcommittee and he reintroduced the legislation in the new Congress in January of 1971.

The proposed legislation, which had represented the unanimous recommendation of the Panel, soon became the focal point of great controversy within the scientific and medical community. It was argued that an enlarged cancer program would be at the expense of other biomedical research and medical education. None of us wanted that, but it always seemed to me that this argument was invalid because it has always been true, even from a purely selfish standpoint, that the next best thing to getting a raise yourself is for the man next door to get one. I had no doubt that increased support for cancer would promptly lead to increased support for other areas of biomedical science, and that is proving to be the case as evidenced by the recent bill, largely patterned on the cancer bill, giving substantially increased support for work in heart disease, stroke, and related arterial diseases.

Other arguments against the special cancer initiative as recommended by the Panel were that it would fragment biomedical research, reduce the independence of the basic researcher, attempt to program that which was not susceptible to programming, and jeopardize the system of peer review which has become widely accepted and respected in the biomedical community.

All of these matters had been most seriously considered by the Panel and it was our opinion none of them was in fact threatened by the proposed legislation. The real basis of the conflict was a simple but important organizational issue: to what extent was the cancer effort to be independent and to what extent was it to be controlled by the Director of the N.I.H.? This is the kind of issue on which the bureaucrats fight hard, and supporters on both sides were rallied to the cause.

This conflict for a time seemed to threaten the entire program, but the statesmanship of the politicians resulted in the resolution of the conflict, and this was the most impressive aspect of the entire experience so far as I was concerned. President Nixon supported the Panel, and his leadership was invaluable. Senator Kennedy made it clear that his only interest was in getting the best possible cancer bill and that he would do anything helpful to that end, including the withdrawal of his bill in favor of the Administration bill, thus foregoing what might have been thought to be his personal political advantage. In the House of Representatives, the dynamic leadership, the industry and the dedication of the Health Subcommittee Chairman, Congressman Paul Rogers, and the ingenuity and wisdom of the ranking minority member, Ancher Nelsen, also greatly facilitated the ultimate legislation.

Thus, we had a situation where President Nixon, Senator Edward Kennedy, Senator Javits, Senator Dominick, Congressman Rogers, Congressman Nelsen, and many, many others of all shades of political persuasion worked together in harmony to produce the Cancer Act of 1971. This was a very impressive display of unity in subordinating partisan and personal interest to the public good. I believe that this Act gives us the foundation we need on which to build the best cancer research program of which American medicine and American science is capable.

No one is under any illusion that simply spending more money will solve the cancer problem. There was much more behind the timing of the new cancer initiative than that. There is no question in my mind that we have today more opportunities in cancer research and more promising areas for accelerated exploration than have ever heretofore existed. In the fields of cell biology, cell surface phenomena, molecular biology, immunology, virology, etiology and early diagnosis, as well as chemotherapy, radiation therapy and surgery, we have new insights which in my judgment can lead to far better methods of prevention, detection and control of cancer than have heretofore been available. It was for these reasons that an enhanced and accelerated program was advocated at this time.

Cancer is an implacable foe. It is many diseases, not one, and it will probably not lend itself to a single form of immunization or a single cure. However, I am convinced that we can make far more rapid progress against cancer under the new program, and we owe it to the people of our nation and of the world to do so. Without raising false hopes and without creating false optimism, we must give to the American people the best program in cancer research and cancer control of which American medicine and American science is capable.

I know that many of you will be involved in this effort and for that too I salute you.

Thank you again for your generosity and for the opportunity to join you in your graduating ceremonies this morning.

TRANS-ALASKA PIPELINE RESOLUTION OF THE PACIFIC NORTHWEST CONFERENCE OF SAVINGS AND LOAN ASSOCIATIONS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BEGICH. Mr. Speaker, the Pacific Northwest Conference of Savings and Loan Associations met for the first time in Alaska on June 11–14, 1972. This is the first meeting this organization ever held in Alaska, and over 500 persons came representing the entire Pacific Northwest. Representation came from Utah, Montana, Wyoming, Idaho, Oregon, Washington, Hawaii, Alaska, and Guam.

During the business session, a resolution was discussed and unanimously adopted in supporting the issuance of a pipeline permit by the U.S. Department of Interior for the Trans-Alaska Pipeline. I believe these ladies and gentlemen, who represented a large and important segment of the financial community of the Pacific coast, knew what they were doing in passing this resolution. I call it to the attention of my colleagues by inserting the resolution and the list of delegates in attendance at the conference in the RECORD at this point:

RESOLUTION

Whereas, the delegates at the 1972 Pacific Northwest Conference of Savings and Loan Associations have met for the first time in Alaska at Fairbanks; and in this connection were afforded an opportunity to travel in this vast State; mingle and talk with its citizens and business and government leaders; and study and analyze its economy, its resources and its future potential and development.

Whereas, said Pacific Northwest Conference covers the eight Pacific Northwest states of Washington, Oregon, Idaho, Montana, Utah, Wyoming, Hawaii, Alaska, and the island of Guam; and their economic interests, development, and growth are closely related, including energy requirements.

Whereas, the development of new sources of oil and gas and other energy and minerals are vital resources, not only to said Pacific Northwest region, but also to the nation, its defense and in the public interest. Now, therefore, be it

Resolved. That said delegates at said conference do hereby endorse, and deem it of the highest importance to the national welfare and defense, for the immediate issuance of a permit by the U.S. Department of Interior for the right of way for the proposed oil pipeline from Prudhoe Bay to Valdez, Alaska, and its construction, as well as the expeditious development of the Alaskan oil and gas resources in the public interest, its welfare and defense, all within reasonable and proper ecological controls of the State of Alaska and the Federal government. Be it further

Resolved, That such issuance of said permit, and undertaking of such construction and oil development be expedited and hastened, as soon as existing injunctions in the Federal court are dissolved.

Duly Passed this 14 day of June, 1972. Fairbanks, Alaska.

WALTER SCZUDLO, *President*.

1972 PACIFIC NORTHWEST CONFERENCE—DELEGATE LIST (AS OF JUNE 2, 1972)

ALASKA

Anchorage

Mr. Gordon Hartlieb, Mr. Raymond Hartlieb, Mr. and Mrs. Guy Kasnick—First Federal Savings.

Fairbanks

Mr. and Mrs. Randy Acord, Mr. and Mrs. Roger Burggraf, Mr. and Mrs. Wally Cathcart, Mr. Le Roy Chisholm, Mr. Jack Fricke, Mr. and Mrs. Bob Haverfield, Mr. and Mrs. Cliff Mortensen, Mrs. La Dessa Nordale, Mr. and Mrs. Walter Sczudlo—First Federal Savings.

Juneau

Mr. and Mrs. Richard Clark, Mrs. and Mrs. Lee Coffman, Mr. and Mrs. Tom Morgan, Mr. and Mrs. Larry Nelson, Mr. and Mrs. Richard Rountree—Alaska Federal Savings.

Mr. Joseph C. McMurray—Director of Banking Securities State of Alaska.

HAWAII

Honolulu

Mr. and Mrs. Ray Hammett—American Savings & Loan.

Mr. and Mrs. Gordon Ito—Hawaiian Savings.

Mr. Terence Kimura, Mr. Uytaka Nakahata—Honolulu Savings & Loan.

Mr. and Mrs. Jerry Merrick—Pacific Savings & Loan.

Mr. and Mrs. Charles Fletcher, Mr. and Mrs. Don Imig—Pioneer Federal Savings.

Kahului, Maui

Mr. and Mrs. Sam Hironaka—Maui Savings & Loan.

IDAHO

Boise

Mr. and Mrs. Jock Hewitt, Mr. and Mrs. John Hweitt—Provident Federal Savings. Provident Federal Savings.

Mr. Tom McEldowney—Commissioner of Finance.

Burley

Mr. and Mrs. Norval Wildman—First Federal Savings.

Coeur D'Alene

Mr. and Mrs. Norris Benson—First Federal Savings.

Idaho Falls

Mr. and Mrs. Robert Brewer—First Federal Savings.

Lewiston

Mr. and Mrs. Harry Graser, Mr. and Mrs. Jim Hamm, Mr. and Mrs. Ken McIntosh, Mr. and Mrs. Don Modie, Mr. and Mrs. Weldon Wasem—First Federal Savings.

Pocatello

Mr. and Mrs. Ray Henscheid—First Security Savings.

Twin Falls

Mr. and Mrs. James Sinclair, Mr. and Mrs. James W. Sinclair—First Federal Savings.

MONTANA

Billings

Mr. and Mrs. Jack Ryan, Mr. and Mrs. Ward Langstroth—Security Federal Savings.

Great Falls

Mrs. Pauline Barsotti, Mr. and Mrs. Paul Johnson, Mr. and Mrs. Frank Shanley, Mr. and Mrs. Roger Walsh—First Federal Savings.

Havre

Mr. and Mrs. Einar A. Lund, Jr.—Havre Federal Savings.

Livingston

Mr. and Mrs. Sam Kaisler, Mr. and Mrs. Ernest Sandberg, Mr. and Mrs. Joseph Swindlehurst—Empire Federal Savings.

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Mr. and Mrs. Art Lewis—First Federal Savings.

Astoria

Mr. and Mrs. M. F. Eward, Mr. and Mrs. Howard Wright—First Federal Savings.

Baker

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Beaverton

Mr. and Mrs. Larry Brecht, Mr. and Mrs. Bob Hemphill, Mr. and Mrs. Donald Hirschberger—Lincoln Savings.

Dalles

Mr. and Mrs. J. Paul Bollman, Mr. and Mrs. William Dalton, Mr. and Mrs. Thomas Newton—Polk County Federal.

Eugene

Mr. and Mrs. Leslie Johnston—Eugene Federal Savings.

Grants Pass

Mr. and Mrs. J. Robert Thompson—First Federal Savings.

Gresham

Mr. and Mrs. Jim Cartier—Oregon Trail Savings.

Hillsboro

Mr. and Mrs. Howard Hughes—Washington Federal.

Klamath Falls

Mr. and Mrs. Van Mollison—First Federal Savings.

Lake Oswego

Mr. Einar Nordahl—Peat, Marwick, Mitchell & Co.

McMinnville

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Mr. and Mrs. Robert Downie, Mr. and Mrs. Robert Hazen—Benj. Franklin Federal.

Mr. and Mrs. Lowell Nutting, Mr. and Mrs. Bruce Thomas—CMI Investment Corp.

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Mr. and Mrs. Tom Hemphiss, Mr. and Mrs. Dick Pahl, Mr. and Mrs. Jack Todd—Excel Mortgage Insurance.

Mr. Robert Young—Franklin Savings & Loan.

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Mr. and Mrs. Dave Barrows—Oregon S&L League.

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Mr. Cecil Johnson—First Federal Savings.

Mr. and Mrs. Richard Hendrie—Salem Federal Savings.

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Ogden

Mr. and Mrs. Richard Mercer—Ogden First Federal S&L.

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Mr. and Mrs. Emerson Hardy—Deseret Federal Savings.

Mr. and Mrs. Tom Judd—MGIC.

Mr. Gene Donovan—Prudential Federal S&L.

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Mr. and Mrs. Roy Alexander—Centralia Federal Savings.

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Mount Vernon

Mr. and Mrs. A. S. Polson—First Federal Savings.

Olympia

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Mr. and Mrs. Albert Newman—Olympia Federal S&L.

Opportunity

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Pasco

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Seattle

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Mr. and Mrs. Dean Gray, Mr. and Mrs. Tom La Follette—Family Life Insurance.

Mr. and Mrs. John Kleeb—Federal Home Loan Bank.

Mr. and Mrs. Ron Cline, Mr. and Mrs. Mike Materia—Federal Home Loan Mtge. Corp.

Mr. and Mrs. Richard Shorett, Jr., Mr. and Mrs. Richard Shorett—Metropolitan Federal.

Mr. Michael Nuebel—Minnesota Mutual Life Ins.

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Mr. and Mrs. E. F. Bryant—Shoreline Savings.

Mr. and Mrs. Bruce Harris, Mr. and Mrs. Harold Kean—Washington Federal S&L.

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Mr. and Mrs. Lloyd Baker—Fidelity Mutual Svgs. Bank.

Mr. and Mrs. Vern Buntrock—Great Western Savings.

Mr. and Mrs. John Ehrhardt, Mr. and Mrs. Donald Lindsay—Lincoln First Federal.

Tacoma

Mr. and Mrs. John Davis, Mr. and Mrs. John Ward—American Mortgage Ins.

Mr. and Mrs. Dutton Hayward—Tacoma Savings.

Mr. and Mrs. William Brice, Mr. and Mrs. Donald Jones, Mr. and Mrs. Robert McComas, Mr. Donald McPhail—Pacific First Federal.

Vancouver

Mr. and Mrs. John Priel—First Federal Savings.

Mr. Thomas Carver—Vancouver Federal Savings.

Wenatchee

Mr. and Mrs. J. F. Evans—Wenatchee Federal Savings.

Yakima

Mr. and Mrs. Herb Watkins—Home Federal Savings.

Mr. and Mrs. Roy Tufts, Mr. and Mrs. H. H. Weeber—Yakima Federal Savings.

WYOMING

Cheyenne

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Greybull

Mr. and Mrs. Al Cook, Mr. and Mrs. Bob Moore, Mr. and Mrs. W. R. Shelledy—Big Horn Basin Federal.

Laramie

Mr. and Mrs. George Surline—First Laramie Savings.

Rawlins

Mr. and Mrs. A. Kay Anderson—Rawlins Federal Savings.

Rock Springs

Mr. Robert Bath, Mr. and Mr. Raymond Venta—Sweetwater Federal S&L.

Sheridan

Mr. and Mrs. J. Ralph Hylton—First Federal Savings.

OTHER STATES

Los Angeles, Calif.

Mr. and Mrs. Ross Blakely—Coast & Southern Federal.

Mr. Brent Baillie, Mr. and Mrs. Earle Daniels—Los Angeles Federal S&L.

Lynwood, Calif.

Mr. and Mrs. Harold Galitz, Mr. and Mrs. Robert Souter—World Savings.

Pasadena, Calif.

Mr. and Mrs. Frank Hardinge—California S&L League.

San Diego, Calif.

Mr. Bernard Dillon, Mr. Ted Mannheimer—U. S. F. Mortgage.

San Francisco, Calif.

Mr. and Mrs. F. Marion Donahoe—Citizens Savings.

Mr. Charles Davidson—Advertising Division, Inc.

Mr. and Mrs. Jack Bruce—U.S. S&L League.

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Mr. and Mrs. William K. Divers, Mr. and Mrs. Howard Duff, Mr. and Mrs. Michael Stevenson—S & L Foundation, Inc.

Ft. Lauderdale, Fla.

Mr. and Mrs. Tom Wilburn—First Federal Savings.

Winter Park, Fla.

Mr. and Mrs. Carl Distelhorst.

Atlanta, Ga.

Mr. and Mrs. W. O. DuVall—Atlanta Federal Savings.

Chicago, Ill.

Mr. and Mrs. Robert Perrin, Advertising Division, Inc.

Mr. Gene Barry, Mr. Harry Pierson, Mr. William Prather—U.S. S&L League.

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Mr. and Mr. Chester Wiekinski—First Federal Savings.

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Mr. and Mrs. John P. Farry—First Federal Savings.

Jackson, Miss.

Mr. Tom B. Scott, Jr.—First Federal Savings.

St. Louis, Mo.

Mr. and Mrs. Ralph Fassel—Home Federal Savings.

New Rochelle, N.Y.

Mr. and Mrs. Joseph McMurray.

New York, N.Y.

Mr. John Edwards, Mr. Beverly Smith—McCann Erickson, Inc.

Cincinnati, Ohio

Mr. and Mrs. Andy Neidert—Standard Federal S&L.

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Mr. Paul Gieg, Investment Savings & Loan.

Brownsville, Tex.

Mr. & Mrs. Herschel Rogers—Brownsville Savings.

San Antonio, Tex.

Mr. and Mrs. Walter W. McAlister, Jr.—San Antonio Savings.

Fayetteville, W. Va.

Mr and Mrs. J. Duval Shultz—Fayetteville Federal.

Milwaukee, Wis.

Mr. and Mrs. Harold Last, Mr. and Mrs. Sylvester Wood—Badger Federal Savings.

Mr. and Mrs. B. R. Doyle—Milwaukee Federal S&L.

Mr. and Mrs. David Engelman—MGIC.

LOCAL RADIO STATION RISES TO THE OCCASION

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BYRON. Mr. Speaker, a grateful Brunswick, Md., certainly owes its sincere thanks to Country Frank Manthos and his hardworking and unselfish staff at WTRI Radio. During the height of the recent devastating flood that hit our area—and for the days that followed—WTRI operated around the clock on an emergency basis serving as a clearing center for the homeless and confused citizenry.

Rising to the occasion they created a flood fund which provided immediate help to families in the surrounding area effected by the storm. Pleas for clothing, food, furniture, tools and transportation were broadcast on a continual basis and efforts were coordinated with city and area officials, fire companies, fraternal organizations, police, and many, many more civic-minded groups.

It is said that in times of great emergency, dedicated public service—regardless of personal exhaustion—is brought into sharp focus. And certainly this was never more proven than by Country Frank and his tireless staff of workers. I join with all western Marylanders in this wholly inadequate but sincere tribute to their dedicated civic efforts which were far beyond their normal obligations.

Thank you one and all.

SACB: AN ALIEN CREATURE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DRINAN. Mr. Speaker, on Friday, June 23, 1972, the New York Times published an excellent article by Senators ERVIN and PROXMIRE with respect to the wasteful and dangerous Subversive Activities Control Board. I commend this excellent analysis to the attention of my colleagues.

The article follows:

AN ALIEN CREATURE

(By Sam J. Ervin and William Proxmire)

WASHINGTON.—Once again the Administration has come before the Congress with a request—this year for almost three-fourths of a million dollars—and the plea that the moribund Subversive Activities Control Board be allowed to survive yet another year. Again there is a flurry of activity before June 30 to distract the Congress from the board's 22-year history of inactivity, at a price thus far of almost $7 million.

We believe the time has finally come to end this perennial exercise in futility and waste. The board is an anonmaly and an unnecessary appendage to our Government. It is a distasteful relic of the McCarthy era, incapable of performing any significant constitutional function.

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. First, Congress may punish dangerous acts and, subject to strict First Amendment limitations, dangerous words. Second, those of us who esteem our system, the best yet devised by man, may use our First Amendment freedoms to instruct the ignorant, convert the doubting and combat the efforts of those who undertake to destroy or injure it.

Before the Internal Security Act of 1950 was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for a crime of which he has been convicted in a constitutionally conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system: that to protect society, our country should maintain a governmental agency to stigmatize publicly organizations the Government considers intellectually or politically dangerous, and visit upon such organizations and their members severe penalties. The Internal Security Act of 1950 created the Subversive Activities Control Board. By an amendment in 1954, the board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of "Communist-action," "Communist front," and "Communist-infiltrated" organizations, and members of "Communist-action" organizations.

The act automatically imposed severe penalties upon the members of the organizations stigmatized by the board. The S.A.C.B. has been moribund since its existence in part because the courts have struck down its major approach—disclosure of individual members through compulsory registration. These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

Apart from the constitutional questions, the board has proven to be a gross waste of taxpayers' funds. Congress has appropriated nearly $7 million to fund the board over the last 21 years. The Attorney General has brought only 26 petitions alleging organizations to be "Communist-action," "Communist front," or "Communist-infiltrated." Of these 26 petitions the board has issued only eight final orders determining that the organizations fell within the definitions of the act—one organization, the Communist party of the United States, was designated a "Communist-action organization * * * seven groups "Communist front" organizations. In spite of these eight final orders, the board has never registered a single organization or individual. The majority of the remaining cases have been dropped either because the board has found that the organization did not fall within the provisions of the act, or because the board's orders were vacated pursuant to a Federal court decision.

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast powers to harass and stigmatize Americans.

In the last year—a year of "great activity" under the new Executive Order—the board did no more than hold four days of hearings. Aside from the absurdity of expending almost one-half million dollars in such a futile exercise, we submit that the Nixon order, which purports to confer new powers on the board, has no legal force. Its promulgation was beyond the constitutional power of the President; it is a direct violation of the doctrine of separation of powers for the President to rewrite statutes enacted by Congress. It is void for overbreadth and vagueness under the Fifth Amendment right to due process. It violates the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

The board will have even less to do next year than it had last year. Inasmuch as the courts have rendered it incapable of performing its basic functions under the Internal Security Act, Congress will again be asked to appropriate almost one-half million dollars for practically no purpose whatsoever. It is for this reason that the Senate struck the entire appropriation for the board. The issue is now before a conference committee.

The S.A.C.B. has no rightful place in our land. It is not the function of government in a free society to protect its citizens against the thoughts or associations it thinks hazardous. The time has come to remove this alien creature from our Government.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE SALT AGREEMENTS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. SPRINGER. Mr. Speaker, much has been said about the strategic arms limitation agreement between the United States and the Soviet Union which will probably be followed by SALT II—further talks in arriving at some mutual relationship on disarmament between our two nations. Chalmbers M. Roberts, a special columnist for the Washington Post, has written an excellent article, "Judging the Merits of the SALT Agreement." It is a hardheaded well analyzed article and one of the few I have seen that shows the in-depth research which was done in preparation of it.

The article follows:

JUDGING THE MERITS OF THE SALT AGREEMENT

(By Chalmers M. Roberts)

In judging the merits of the strategic arms limitation (SALT) agreement between the United States and the Soviet Union it is necessary to do two things: first, to appraise the meaning of the anti-ballistic missile (ABM) treaty and the details, including the numbers, of the interim agreement on offensive weapons; second, to judge the twin pacts in the larger context of the changing Washington-Moscow relationship. The two seem to me to be inseparable.

The ABM treaty has the great virtue of so limiting such defensive measures as to remove fears on either side that the other could indulge in a first strike attack. If such an attack could ever be conceivable to any rational leader, it would become so only when he felt that his own weapons and the bulk of his population would be so protected by an elaborate nationwide ABM system as to make a second or retaliatory strike by the other nation a risk worth taking.

Given the undoubted ability of the offensive to overwhelm the defensive and given the grave doubts by many experts as to the efficacy of any ABM system, such fears doubtless have been gravely exaggerated in both Washington and Moscow. But that does not detract from the fact that such fears have existed, that they impelled vast expenditures regardless of their validity and that under terms of the SALT treaty on ABMs this should come to a halt if not an end. "Zero ABMs," which means a complete abolition by both sides of any ABMs, would have been better than the two site option agreed upon. But two, at least, is far, far better than unlimited ABMs.

So at least one factor that threatened to destabilize the balance of terror has been cut back to manageable proportions. It seems to me it would make sense for Congress to refuse funds for the building of an ABM around Washington despite the asymmetry that would involve, given the existence of a site now in existence around Moscow. Likewise, it would make sense for the Soviets not to build their second site around an offensive missile field. Should Congress so decide, the Moscow decision is most likely to be affected by the Soviet perception of a changing Moscow-Washington relationship.

Now turn to the offensive weapons agreement. It is evident enough that the Nixon Administration paid a stiff price, negotiated at the finale in Moscow, to win Soviet assent to inclusion of a limitation on submarine launched missiles (SLBMs). I think, however, it was a price worth paying.

The United States long has had a triad of strategic weapons system: ICBMs, SLBMs and long-range bombers. According to the figures presented to the Senate Armed Services Committee by Adm. Thomas H. Moorer, the sum total of the rival triads (one bomber being equated with one missile) will be 2,499 for the Soviets to 2,167 for the United States. Even these figures are not the whole story, however. The total megatonnage in the Soviet arsenal under the agreements is much the larger but the total number of American warheads, due to the American multiples (MIRVs), is far larger than that of the Russians.

In sum, the apples and oranges of nuclear weaponry have been added up to what can fairly be termed rough parity for weapons of one nation that can reach the soil of the other. Even here, it should be noted, some of the American apples have been excluded from the basket: the fighter-bombers based in Western Europe and on carriers, known as forward based systems (FBS). It seems to me the net of all these figures and factors is that the offensive agreement is a good deal for both superpowers.

In reading over all the official American explanations, by the President, Secretaries Laird and Rogers, Adm. Moorer and above all by Henry Kissinger, one is struck by a single theme: it would have been much worse if there had been no agreements reached. It is an uncontroverted fact that, as Sec. Laird kept saying so loudly and so long, the Soviets did have a great momentum going on offensive arms, from the giant SS–9 missiles to submarines. So, as the admiral put it, "we have forestalled a 1977 ratio of about three to two in their favor." I have no doubt he is right because I have no doubt that Moscow would have gone on building, lacking an agreement, to something like that amount of superiority. At some point the United States would have responded with a new program of its own.

The action-reaction phenomenon in strategic arms has been evident for years, for decades in fact. The current Soviet momentum clearly dates from the humiliation Moscow suffered in the 1963 Cuban missile crisis. The American preponderance at that time, in turn, was the result of early Kennedy Administration decisions to build a vastly superior force, rather than to accept some form of parity.

President Nixon was the first chief executive to accept parity as a principle though he sought to soften the blow to American pride by using instead the word "sufficiency." Whether he did so as an intellectual exercise, or whether he did so because he knew the Congress and the country simply would not put up the money for superiority in such costly weapons, is not material. That can be left to the historians. The fact is he did so. And only because he did so is there the agreement now before Congress for approval. Perhaps the best clue to Mr. Nixon's submarine decision was Dr. Kissinger's remark at a Moscow press briefing. Discussing the high price paid for the submarine section of the agreements, Dr. Kissinger remarked that "the United States was in a rather complex position to recommend a submarine deal since we were not building any and the Soviets were building eight or nine a year, which isn't the most brilliant bargaining position I would recommended people find themselves in."

In discussing the agreement, Secretary Laird has said he accepted them only on the premise that the United States will go forward with the multi-billion dollar Trident submarine and the equally costly B–1 bomber and some other programs as well. In essence, this is the old bargaining chip idea now being applied to the SALT II round due to begin this fall. The hope is to reach a permanent treaty covering offensive weapons systems to replace the five-year interim agreement now before Congress.

A good many in and out of Congress deride the bargaining chip argument. I do not. History teaches that Moscow respects muscle, not weakness. I thought there was validity in years past to the contention that keeping the American ABM program going was a bargaining chip; I think it proved so. The same argument now has validity. But that is not to say that everything that Sec. Laird and the Joint Chiefs would like is necessary, or even desirable at the speed they request. It sees to me further funding of the Trident project makes sense, in part because it will tend to move the core of the strategic power more to sea where it is least vulnerable. The B–1 is of lesser value, in my view, and should receive only limited funding at this point.

In his remarks at the Moscow dinner for Mr. Nixon, Soviet President Nikolai Podgorny remarked that despite "differences of social systems," there are "objective factors that determine similarity of interests" that influence Soviet-American relations. It was of course such a Kremlin view that permitted the Soviet leaders to let the President come to Moscow at a time he had challenged Soviet interests by mining the harbors of North Vietnam. It was simply one more demonstration of practicality over principle. One could say the same thing about Mr. Nixon's climb down from "superiority" to "sufficiency."

This sort of thing was codified in the declaration of basic principles signed in Moscow by President Nixon and Soviet Communist Party chief Leonid Brezhnev. They said, among other things, that the two nations "will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence." Or as Dr. Kissinger put it to members of Congress at the White House: "We are compelled to coexist."

This theme, of course, is not new. Back in 1954 President Eisenhower declared that "since the advent of nuclear weapons, it seems clear that there is no longer any alternative to peace, if there is to be a happy and well world."

Just as many Americans have difficulty accepting parity instead of superiority, so the Russians have difficulty abandoning the secrecy on which they have so long counted, from Stalin through Khrushchev. This is evident in their refusal to give the numbers of their own ICBMs or to agree to a definition of "heavy" missiles and other pertinent terms. In short, the old suspicions of the Cold War are far from gone. It took a long time, on our side, for officials to abandon such terms as "international Communism." It would be useful for Secretaries Rogers and Laird to abandon the phrase "negotiating from a position of strength," which they both used in their testimony to Congress. And it would be useful for the Soviets to abandon some of the jargon of their own ideology such as "the imperialists."

The SALT agreements seem to me to be very important in themselves. But they are far more important if they form part of what Dr. Kissinger has called "vested interests in a continuation of a more formal relationship" between the two nations. We should, as Dr. Kissinger went on to say, "have no illusion" that such will occur or that, if it does, it will be quick and simple. The ideological differences, and the national rivalries too, remain. But there are, as Podgorny said, "objective factors" as well which tend to force each nation to move in the direction of a more stable and rational relationship.

Each side interacts on the other. In the past when the Soviets were weak the Americans sought to exploit that weakness. If America becomes weak I have no doubt the Soviets will exploit that weakness. The changes therefore must be gradual, not precipitate. To me, the Nixon demand—as specified by Sec. Laird—for massive new arms goes too far. But so, in the other direction, does the budget cutting program of Sen. George McGovern. It is up to Congress, as it approves the SALT agreements, to find the mean between the extremes. If it does, then 1972 could well become a date to remember when hope superseded fear without allowing illusion to supplant rationality.

A TRIBUTE TO THE LITHUANIAN SPIRIT

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STEELE. Mr. Speaker, within recent months the international community has become more and more aware of dissent within the Soviet Union. In the past, we in the Congress have viewed with grave concern and spoken out in behalf of Soviet Jews, Ukrainians, and other oppressed minorities within the Soviet Union who suffer cultural-religious and political injustices. It is indeed appropriate that we now focus our attention and concern on Lithuania and her courageous people.

Soviet domination of Lithuania since 1940 has neither extinguished the desire for freedom nor has it been successful in erasing the Lithuanian ethnic spirit. In fact, there has been a rebirth of Lithuanian determination to reassert ethnic identity. Petitions, riots, and self-immolation by young Lithuanians within recent months have challenged the regime, which insists on forced russification and assimilation. Furthermore, despite official harassment by the Communist regime, traditional religious beliefs persist.

On March 28, 1972, the Washington Post reported that petitions from 17,000 Lithuanian Roman Catholics were sent to U.N. Secretary General Kurt Waldheim in February. In their petition the Lithuanians complained that local officials curb freedom of religion by limiting the number of new priests trained and by controlling the assignment of priests to parishes. In addition, Catholics have not been allowed to rebuild churches destroyed during World War II and have difficulty in getting permission to hold services in private homes. These petitions were sent to the U.N. following unsuccessful attempts to induce the government to implement religious freedoms guaranteed by the Soviet constitution.

The Soviet leader's insensitivity to human spiritual needs is made clear by their preference for violent repression, arrests, and threats. On May 14 a young Lithuanian Catholic, Roman Talanta, burned himself to death for "political reasons" in the city of Kaunas. The incident triggered 2 days of rioting by nationalists. The incident was the most striking in a week that saw concentrated efforts by the authorities to prevent demonstrations during President Nixon's visit to the Soviet Union. Political dissidents and Jewish activists had been warned and threatened with prison and labor camps. Jews were told that demonstrating would foreclose their chances of emigrating to Israel.

Talanta's suicide and burial were almost immediately followed by thousands of young Lithuanians swarming into the streets shouting "freedom, freedom, freedom for Lithuania." Local police, reinforced by "internal forces" clashed with thousands of demonstrators which eventually led to 800 arrests and two deaths. The Soviet press, as expected, conveniently denounced Talanta as "mentally disturbed" and a "drug addict."

Although the rioting was not reported in the Soviet central press, the Lithuanian Communist party leader held a special political meeting with local leaders in early June. Western diplomats interpreted the meeting as evidence of high-level concern over unrest in Lithuania, yet the low level representation from Moscow tended to indicate that the Kremlin felt local authorities could handle the situation.

However, the spurt of protest and the fires of Lithuanian patriotism which have been building up were not easily extinguished. In early June another youth in the city of Varena burned himself to death.

The tragedy of these events are overwhelming, yet the Kremlin remains insensitive to demands for justice, religious freedom, and human dignity. I believe it is fitting that we pay tribute to these two young men who gave their lives in protest. Let us hope and pray that these tragic incidents are not repeated and that justice, religious freedom, and human dignity will be a reality for Lithuania and her people.

MOONWARD BOUND

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. TEAGUE of Texas. Mr. Speaker, our Nation has undertaken a long and difficult road on space cooperation with the Soviet Union. There may be progress and setbacks in our attempts to establish both programs in space exploration and possibly later in space utilization. A New York Times editorial of Monday, April 17, 1972, is enthusiastic about the prospects and opportunities of joint United States-Soviet space cooperation. I offer this editorial for consideration of my colleagues and information to the general public.

MOONWARD BOUND

By this time most Americans are so blase about successful Apollo flights that it was left to a foreigner to pay adequate tribute to the smooth launch of Apollo 16 toward the moon. Yevgeny Yevtushenko, a Soviet guest at Cape Kennedy yesterday, said Apollo 16 ranked with the Grand Canyon as the most impressive sight he had seen in this country. In this mood of admiration, Mr. Yevtushenko expressed the hope that American and Soviet astronauts will some day cross the Milky Way together in the same spirit in which their fathers met at the Elbe in 1945.

Implicit in Mr. Yevtushenko's tribute was the understanding that astronauts Young, Duke and Mattingly are moonward bound as envoys for all mankind. Their mission will be performed on a stage to which all nations have access. If they land on the moon, it will not be as imperialists to seize territory but as explorers seeking knowledge to be made available to all. Soviet scientists have already been given lunar material brought back by earlier Apollo flights. American scientists have received lunar material obtained by Soviet unmanned probes.

The Apollo effort began in 1961 in an aura of cold war Soviet-American rivalry. But yesterday the Moscow television news gave the Apollo 16 launch equal time with events in Vietnam. Soviet-American space cooperation—perhaps a prelude to truly international teamwork—could help greatly in easing world tensions. It would be an unexpected but welcome by-product of the Apollo program.

TRANSPORTATION ACT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DORN. Mr. Speaker, the Motor Transportation Association of South Carolina adopted a resolution endorsing the Surface Transportation Act of 1971 at its recent convention in Myrtle Beach. President Angus D. Senn of the association is an accomplished and dedicated leader in the field of transportation. Likewise, the Honorable Samuel L. Boylston, general manager of the association, is rendering splendid service and is devoted to improving our great American transportation system.

Mr. Speaker, I commend this resolution to the attention of my colleagues in the Congress and to the attention of the people of our country.

The resolution follows:

RESOLUTION

Whereas, high quality surface transportation is essential to the efficiency and economic welfare of this nation;

Whereas, freight transportation accounts for one dollar of every ten we spend and it keeps nearly ten million workers employed;

Whereas, the railroads have outlined their mounting problems in their Astro Program, and other modes have made proposals to solve their problems;

Whereas, the railroads, water carriers, and Trucking Industry have endorsed The Hartke-Adams Bills known as the Surface Transportation Act of 1971;

Now, therefore, be it resolved, that the Motor Transportation Association of South Carolina, in meeting assembled at Myrtle Beach, South Carolina, do hereby endorse the Surface Transportation Act of 1971 and do hereby recommend that the Congress adopt this legislation. It will improve surface transportation for a growing economy and all our citizens will benefit.

Adopted this 17th day of June 1972.

AWARD FOR BETTY

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. CLANCY. Mr. Speaker, the U.S. Marine Corps League has selected a very good friend of mine, Betty Donovan, for a well-deserved honor. For many years, she has been the best friend in the Cincinnati area of men in the military services. Betty is a topflight writer, reporting on the assignments and activities of area servicemen. In 1970 she went to Vietnam and wrote a series of articles about hometown boys that was widely proclaimed and thoroughly read.

I commend to your attention the following story about Betty and the award she is to receive as published in the Cincinnati Post and Times-Star:

Betty Donovan, who has written about servicemen and their families for the Cincinnati Post since 1944, has been chosen by the Marine Corps League of the U.S. to receive the Dicky Chapelle Award.

The presentation will take place Aug. 11 at the annual Marine Corps League Convention at Anaheim, Cal.

The award is given annually to a woman who has contributed "in an outstanding and meritorious way" to the welfare of the U.S., the Marine Corps and the Marine Corps League.

Mrs. Chapelle, a free lance journalist, was killed Nov. 4, 1965, while on patrol with a group of Marines near Chu Lai in Vietnam. Marines on active duty and members of the Marine Corps League established the award program in her honor.

Betty, in private life Mrs. Charles Rentrop, widow of the long-time City Hall reporter for The Post and Times-Star, will be presented the award by entertainer Martha Raye, who received the award last year.

The Marine Corps League of Greater Cincinnati and several individuals nominated Betty for the award.

They cited her contributions through articles about Vietnam and Southeast Asia, written for the Post and Times-Star when she went there in 1970 and her articles about servicemen and their families and the plight of returning servicemen.

Betty was notified of the award in a letter from H. Lynn Cavin, national commandant of the Marine Corps League.

"It was not just a professional, but a personal, matter where my Charlie and I and servicemen were concerned. I guess we were proudest of the fact that we had more than 200 'courtesy grandchildren' who were named Betty or Charlie after us by our servicemen and their families." Betty said.

In addition to Miss Raye, past recipients have been Esther Clark of the Arizona Republic Phoenix Gazette, Verona Devney of Project HOPE, Lucy Caldwell of the USO and Marjorie Merriweather Post.

Gen. Lou Walt, retired former assistant commandant of the Marine Corps, also will be present at the award ceremony.

Betty has two daughters and 10 grandchildren, William E. Daily, one of her sons-in-law, is on the faculty of Xavier University. Her other son-in-law, Willis H. Martin, is warrant officer at Fort Eustis, Va., following his third tour in Vietnam.

BRUCE HERSCHENSHON

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Bruce Herschenshon, former Director of Motion Pictures and Television, U.S. Information Agency, made the commencement address at McLean High School in my congressional district, on June 10. Several persons who attended believed that Mr. Herschenshon's remarks would be of interest to our congressional colleagues, and have asked that I insert the text of this address in the RECORD. I include it at this point in the RECORD:

COMMENCEMENT ADDRESS BY BRUCE HERSCHENSHON

Throughout all of your lives, the month of September has served as an usher. Each year, September has escorted out a vacation and brought in the dreaded advertisements of back-to-school clothes and it has brought in the first day of the new semester with squeaky chalk, varnished desks and the slowest clocks in the world. Also it has brought back old friends and the sight of some almost forgotten faces that would once again be passed in locker-lined hallways. It would come with the last heat wave of the season, the world series, Jewish holidays and football try-outs. There was very little element of surprise.

But today, September is losing its job and it will no longer be the arrogant usher. Some of you will go on to universities, some into marriage, some into a career—but all of you, today, are done with what is called compulsory education.

And that's good.

Now, for the first time, free choice is yours. Other than the gift of birth and the gift of love, today, June the 10th, is the greatest gift you will ever receive. From this day forward, September will no longer be arrogant and demanding. From this day forward, it's your choice. You can choose now to live in Arizona or Alaska, be a bricklayer or a banker, quote Confucius or quote Christ. You can become a hero or a hobo. It's your choice.

Many have died for the gift you are receiving free-of-charge, today. The gift is perishable, breakable and non-returnable and only the brave really appreciate it. It is true that many who are not brave prefer to live without it. There are those who want the security of regimentation where each person is cut from the same cloth. They do not want the responsibility that goes with free choice, where each person sews his own cloth and guides the needle in and out from this moment until the moment he dies.

Because it is both an ending and a beginning, this day will be remembered by you throughout the rest of your lives. But it is really only one in a series of forthcoming graduations through which most of you will pass. The forthcoming graduations will be without Pomp and Circumstance, without ceremony, without cap and grown. But they will come with a diploma—a diploma less tangible than the one you hold today, but just as real.

They will come with each success and each failure, each victory and each defeat, each high and each low—and you are bound to have all of them.

But with perception even the failures and defeats and lows will bring their diplomas and give to you a continuing scale of values—a scale of values which is based on being able to separate the important things from trifles. I have known, as I'm sure you must know, some who have no scale of values, who have stopped the learning process some past June in a ceremony very much like this one. When compulsory education was over, their learning process was over. They go through life existing rather than living and they go through life in a world of trifles. Moments make them. They never make the moment.

You can recognize them in an instant. They are the negativists who greet without a smile, who talk of the things they dislike rather than the things they admire, who prefer to condemn rather than commend. Afraid of their inferiority, it makes them feel superior. They are people of accusation and prejudice.

When I graduated from high school, we had a speaker at our commencement exercises who was a positivist and who spoke with optimism and pride in the young, and with optimism and pride in the country. He used words such as "duty" and "honor" and "law" and "prayer". In those days, they were not words of controversy.

But this isn't June of 1950. It is June of 1972. A little over two decades have passed. Today if someone chooses the word "duty" does it mean he disapproves of dissent? If he chooses the word "honor" does it mean he thinks of nothing else? If he chooses the word "law" does it mean he ignores justice? If he chooses the word "prayer" does it mean he's a religious fanatic? Of course not—but it's a time when old values and beliefs and ideals are put under microscopes and, if a germ is suspected, the germ is no longer searched for, isolated and removed. Instead, unfortunately, too often the entire idea is destroyed.

Sometimes, to be sure we don't over-simplify anything, we are in danger of over-complicating everything. We not only question values, we throw them out before the questions are answered.

I would like to briefly discuss a few important words which have been used and mis-used recently. The words are "young" and "old" and "prejudice" and "love" and "youth" and "Utopia".

The words, "young" and "old" have recently been opened to more examination than perhaps any other words. They have, in fact, polarized many into camps that each day seem to find a new reason for disrespect and distrust. I consider myself ideal to talk about them, since, by my age, I am completely unacceptable to both. I am too old to be young and too young to be old.

Since the mid-sixties, the young have been attacked and applauded, blamed and blessed, condemned and congratulated for every vice and every virtue of our time. We single out one youth from a crowd and say he speaks for all young people. We single out one from a crowd and say he is representative of the new generation. We single out one from a crowd and say he is typical. But I have yet to meet a typical Italian or a typical Catholic or a typical black person or a typical old person. It seems to me that the young generation has its share of fools and geniuses. For anyone to want to deal with young people as a group, and for any of the young people to want to be dealt with as a group, is a new way of writing an old word called "prejudice".

Because he is young, should he be denied the right to express an opinion?

Because he is young, should he assume his opinion must be obeyed?

Because he is young, must he be wrong?

Because he is young, is he automatically right?

Perhaps we have forgotten what "young" means. To some, it is one end of a chronological scale of age. It was just that to Webster who said, "Being in the first or early period of life. Not having existed long. The period preceding maturity."

In recent years both the old and the young have become guilty of prejudicing themselves against age-groups, often times listening to the loudest and then generalizing. All of us, during these past two decades have taken some satisfaction in feeling prejudice is finally removing itself from our ways of life. It isn't.

Under the disguise of removing prejudice, which any sane man would be for, we have too often allowed prejudices not to be removed, but to be traded one for another.

As soon as the word "nigger" finally became unacceptable, the word "wasp" became acceptable.

When drinking finally became frowned upon, dope became accented.

When criminals finally became subjects for cure rather than only condemnation, the police became the condemned.

When new ideas were finally examined with favor, old and proven ideals were often discarded.

In total, the prejudices we would all like to see disappear have lessened, but have not disappeared. Some prejudice that existed two decades ago still exists. Some prejudices are the same as they were. Some prejudices have simply been traded for others. It has been a game of trade in the disguise of complete morality.

It has come about in my view, because we have redefined words to suit our own incapabilities. The word "love" itself has gone through a metamorphosis within the last two decades. Once it meant the highest honor, the greatest degree of compassion and sensitivity, the truest loyalty—worth living for, and even worth dying for. But today we have made it a cause rather than an emotion.

Some of you have already known love. Some of you have yet to feel it. Some, perhaps, may never know it.

If it has come, or if and when it comes, you will hear your mate or perhaps others, tell you there are compromises to make in an acceptance of love and in a joining together of two people. There are. Compromise a weakness for a strength but never a strength for a weakness. Compromise a liability for an asset but never an asset for a liability. Compromise selfishness for selflessness but never selflessness for selfishness. Compromise destruction for creativity but never creativity for destruction. Real love will never ask you to be worse—only to be worthy. Those who don't understand the word will find, as the years progress, that they hold a mirror rather than another hand. And through that mirror they will see wrinkles get deeper, characteristics get harder and the ends of their lips get lower. If they misinterpret love when they are young, they will frown at life when they are old.

The word "old" has also come under misinterpretation as of late. I have heard it said that those who live in your parents' time and your grandparents' time have left a horrible world for all of us. And we have shaken our heads at prior follies. But despite the evils that still exist in the world, most of the fatal diseases of a century ago are now controlled. Traveling to a foreign country is faster than it used to be traveling to another town. The best of music and art and literature is available in cartridges, prints and books which are plentiful and accessible. The news of half a globe away is known in seconds within most homes. The dangers of storms can be correctly prophesized and disaster averted. Life expectancy has significantly risen. Man has mastered the technology to walk on the moon and those on earth have the means to watch him. The arts have flourished with some of the greatest names of all time. Science and medicine have progressed more in this century than in all the time before it. This country is the most open and decent society known throughout the history of man.

But there is still poverty and there is still disease and there is still war and there is still slavery in the world. The older generation has not left a clean slate. But it is cleaner than the one *it* was left, and the next should be cleaner yet.

In talking about the young and the old, the word "youth" is something separate because that, of course, is not a matter of chronology. Youth, we all know, is possessed by many of the most aged people and unknown to some of the youngest.

Youth belongs to every man whose dreams outweigh his memories—Youth is the ability to substitute one dream for another when the first dream is accomplished. Those I know who have that eternal youth have achieved it for themselves from talent and virtue and maturity and work. They treat happiness like a career that has to be earned rather than expected. They know that money can only buy what someone else is willing to sell. They have principles higher than their ambitions. They know everything they own that can be touched is a supplement to their life. And that everything they own that cannot be touched is a supplement to their soul.

I have known men like that. They hold the youth of the wise. That's eternal youth. Many of those men have lived and continue to live in the city across the river—in Washington. You can see those men there on any day both in marble and in flesh—in memorials and breath.

There is an obelisk for Washington, a dome for Jefferson, pillars for Lincoln, and a flame for Kennedy.

And there are others who work today in the White House and the Capitol and the Courts and some who are scattered throughout more unpretentious buildings that stand between the Potomac and the Hill. Those in marble can expect a wreath. Those in the flesh can expect a demonstration.

But that's the way it always was and that's the way it will always be. Those who work in the cold climate of today do not have the luxury of having their work seen in retrospect. Memories take on a dreamlike quantity of the "good old days" while the present always seems unconnected, disorganized and unsure.

But some day the leaders of today, along with all of us, will be neatly organized between pages 240 and 247 in a school history book. The names we all know so well like Nixon, Mansfield and Burger will be left to be spelled right and spelled wrong on three-holed bluelined paper, by yet another generation. And these days will take on a look we cannot yet imagine.

In the meantime we continue to write those pages ourselves. In our writing and actions, we, of course, should continue to be discontented with the world the way it is, and we must try to make it better. As we do it, we should also appreciate what generations before us have already gained, lest we *lose* for all mankind, all that has been *won* for all mankind.

The last word I would like to discuss is the word, "Utopia". We are a nation impatient for Utopia—but impatience breeds errors. With loud voices of self-condemnation rather than self-confidence, with pessimism rather than optimism, we have become perversely interested in flagellating ourselves for not reaching Utopia, and congratulating others though they are even further from it. The advocates of that perversity have stood ready to flail the United States and its leaders for idealism and hard decisions. Simultaneously, they have eagerly justified and defended the actions of closed societies, shrouded in their curtained-off "mystique", with the belief that what we don't know can only be better. Those messages were often applauded by the young.

But lately more and more young people have caught on. They have started to travel. They have started to compare this society and this way of life—not with a non-existent Utopia as they did in the late 1960's, but with other nations of the world as they really exist in 1972. And knowing that this nation has a great past and a greater potential for the future, they are working for its success. All of this is true, not because of the voices of masochism, but in spite of them.

Having traveled the world extensively, I know that travel is one of the richest experiences of life. If you travel to learn, you succeed in that venture. But if you travel to find Utopia, you will waste your life.

Search for it in the South Seas and the Himalayas and the West Indies—and you'll find it isn't there. You *create* Utopia. You don't *find* it. If it isn't *in* you—it isn't anywhere. And once created, the only way to make it permanent is to give it away unselfishly to the ones you love and the ones who love you.

Thank you, and the very best of everything in the future.

DR. GONZALO E. APONTE

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. CÓRDOVA. Mr. Speaker, last year's commencement season brought signal honors to an outstanding Puerto Rican, Dr. Gonzalo E. Aponte, a member of the faculty of Jefferson Medical College and head of the department of pathology at that outstanding medical school. I did not then know of this distinction, but I am proud now to bring to the attention of my colleagues the remarks of the president of Jefferson Medical College, Dr. Peter A. Herbut, and Dr. Aponte's acknowledgement, on the occasion of the presentation to him, by the Jefferson Class of 1971, of his portrait as a symbol of their selection of Dr. Aponte as the teacher who most contributed to their enlightenment and education.

Said Dr. Herbut:

> Dr. Aponte, members of the Aponte family, Mr. Chairman, ladies and gentlemen, for myself, and for our board of trustees I wish to congratulate the Class of 1971 for selecting Dr. Aponte as the subject of their class presentation this year. I also wish to congratulate Dr. Aponte for being the recipient of this—the absolute highest honor that can be bestowed on anyone at Jefferson. It is the absolute highest honor because it comes from the students, because the students select only the person who, in their judgment, is the teacher who contributed most to their enlightenment and education, and because, in the final analysis, it is the students who are Jefferson.
>
> I have known Dr. Aponte casually, as a medical student between 1949 and 1952; well, as an intern in 1952 and 1953; and intimately, as a Resident in Pathology from 1953 to 1957; and as a colleague from 1957 to the present.
>
> You have already heard of his educational, scientific, and academic accomplishments. From this, you must conclude that success, to Dr. Aponte, is an old refrain. He has many firsts to his credit. He was first in his class in primary and secondary school, first in his class at Georgetown University, first in his class at Jefferson, first Markle Scholar at Jefferson, first resident in pathology to become Chairman of Jefferson's Department of Pathology, first Jeffersonian to be on the Educational Council on Foreign Graduates,

and first member of the faculty to have his portrait painted at the tender age of 42 years.

Above all, today, Dr. Aponte is first in the hearts of all of us.

That Dr. Aponte is brilliant—must be apparent to everyone here. That he is a Jefferson product and a loyal Jeffersonian—cannot be disputed. That he is beloved by students and colleagues alike—is amply demonstrated today. That he is a prodigious worker—cannot be challenged. And that he is a diplomat—must be accepted, for otherwise, especially at Jefferson, he would never have been the spontaneous choice as Chairman of the Department of Pathology in 1967 or the subject of this portrait this afternoon.

Aside from his prowess as a pathologist, teacher and academician Dr. Aponte is sensitive yet sensible, idealistic yet pragmatic, demanding yet tolerant, impatient yet understanding, firm yet sympathetic, willful yet cooperative, trusting yet cautious. Lest you get the wrong impression, however, all this is not to say that he is always virtuous in everything he says or does, that he does not evoke discussion or controversy by some of his pronouncements and some of his actions, that he does not experience the vicissitudes that engulf all of us in our daily lives, or that he can walk on water when none of the rest of us can.

For example, his working habits are atrocious. He works when others sleep and he sleeps when others work. He is never punctual for his appointments or his meetings. Sometimes he ignores them completely. Time means nothing to him. He forgets to eat and he forgets to sleep, and, deadline? What is that? He never heard of the word.

To sum up, one can never have everything in any one person. In Dr. Aponte, we almost do. He is first among top graduates of Jefferson. We are delighted to have him with us. We are thrilled to have him honored today, and we are pleased to accept this excellent portrait as a token of your esteem for him.

Dr. Aponte's acknowledgment of the honor follows:

Thank you, Class of 1971. My family and I are overwhelmed by this incomparable experience. I feel this happy event far beyond what you could imagine. Computers could not analyze it; nor could I describe it if I tried with all might—here, there and everywhere; now, then, or evermore.

For this unique joy of May the fifth 1971 will never come again for me—here, there and everywhere; now, then, or evermore.

But since we know each other well at least I feel that you have a general idea of what this means to me, and realize that when I say "many thanks" they are thanks from heart and yet some more.

Unforgettable, that's what you will be! Be assured that the memory of you will be that long within me—with rare tenderness and increasing pride, for I am also sure that your lives soon will begin to add uninterrupted honor to the past, present, and future glory of the profession of Medicine and of Jefferson Medical College.

All of us in Puerto Rico take pride in the distinguished career of Dr. Aponte, one of the great sons of Puerto Rico.

PHILIP J. PHILBIN, OUR DEPARTED FORMER COLLEAGUE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. BURKE of Florida. Mr. Speaker, I was saddened to hear of the passing of the former Member of Congress from Massachusetts, our colleague, the Honorable Philip J. Philbin.

I had known Philip Philbin since I came to Congress in 1967 and admired his dedication and leadership as member of the House Armed Services Committee, and at one time its chairman. His genial disposition and sincere concern for the welfare of our men and women in the armed services have won admiration from his colleagues in the Congress, our military as well as his constituents. His expertise in the area of national security was well marked in the Congress.

Phil learned his politics well, first as aide to State Senator of Massachusetts David I. Walsh, following his graduation from Harvard University and Columbia University Law School and then in the Congress for almost three decades.

His devotion to our men and women in the military services for better housing and retirement benefits, better working conditions and pay, and fairness in seeing that military justice is dispensed equally has been well recognized.

Phil Philbin was a learned and cultured man with a wealth of knowledge on a number of subjects. In his early years, he was a star football player and even played in the Rose Bowl in 1919.

Mrs. Burke joins with me in mourning his passing and we both extend our deepest sympathies to his family.

PHILIP J. PHILBIN

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. WHALEN. Mr. Speaker, I would like to join the other Members of the House in extending sympathy to the daughters and family of our late colleague, Philip J. Philbin.

I first met Phil when I was appointed to the House Armed Services Committee following my election to the House in 1966. However, it was not until my second term, when I was assigned to the Post Exchange and Commissaries Subcommittee of which he was chairman, that I had the opportunity to know him well. As chairman, he was always very courteous and fair to Members on both sides of the aisle. He also was an extremely enjoyable companion during our travels on subcommittee business. A conversation with Phil covered many diverse subjects. We shared an interest in sports, his stemming from the days when he played for Harvard in the Rose Bowl. The tales of that era which he related never failed to fascinate his listeners. Yet he also was very knowledgeable in music and art. It did not take much encouragement to entice him to sit down at the piano to display his repertoire of classical and popular pieces.

Mr. Speaker, Philip Philbin contributed a great deal to the Nation through his service in the House. His colleagues, and I am sure his constituents also, are grateful not only for his efforts but also for the kind way in which he served.

May he rest in peace.

AN INCENTIVE PROGRAM FOR THE NATIONAL GUARD AND RESERVES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, currently our Reserve forces face a shortage of more than 50,000 men in paid drill status. This shortfall can be overcome with the proper combination of incentives, the cooperation of civilian employers, and a more vigorous recruiting effort by the Reserve forces.

Yesterday, in a speech before the National Convention of the Reserve Officers Association, Assistant Secretary of Defense Roger T. Kelley outlined the needs of our Reserves, and underscored the Defense Department's commitment to create an all-volunteer force. I commend this item to your attention.

KEYNOTE ADDRESS BY HON. ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS), NATIONAL CONVENTION OF RESERVE OFFICERS ASSOCIATION, BAL HARBOUR, FLA., JUNE 28, 1972

Three years and two days ago, I was privileged to keynote your 42nd Annual Convention in Las Vegas.

Then the big problem of Guard and Reserve units was the shortage of equipment and the absence of a clear cut Reserve mission. Those were days of lively debate about the All-Volunteer Force, whether the concept was a good one and whether the draft could be ended.

Three years later the equipment shortage among Guard and Reserve units is nearly a thing of the past. The mission of the Guard and Reserve, once obscure, has since been defined, publicly and on many occasions, by the Secretary of Defense.

The All-Volunteer Force is beyond the stage of debate. It is an idea whose time has come, and a goal whose final attainment is in close range and within sight.

Today's problem is people—how to attract them to service in the Guard and Reserve and how to retain them in sufficient numbers without the pressure of a Selective Service draft. This is the subject I wish to discuss with you today. But before doing so, let me comment briefly on the improved state of equipment, on Reserve readiness and on your defined mission.

Our objective in the equipment area is identical with that repeatedly voiced by the ROA—to provide first line equipment for every Guard and Reserve unit, in quantities required to meet realistic mobilization requirements. Although much remains to be done in reaching that objective, there has been great progress to date and we have established a degree of momentum which is carrying over into planning for future years.

If the projected flow of equipment is maintained, the Army will have met the essential equipment requirements for Guard and Reserve early deployment units by the end of Fiscal Year 1973 and, by the end of Fiscal Year 1976, all units of the Army National Guard and Army Reserve will be substantially equipped for their missions.

In the Reserve Components of the Navy, Marine Corps, and Air Force, the push has been on modernization, rather than fill, of equipment. Naval Reserve ships have been replaced and modernized. Naval Air Reserve units have been completely reequipped with combat serviceable aircraft. The Marine Corps Reserve continues to get modern replacements for aging hardware. The Air National Guard and Air Force Reserve are in the midst of the most extensive modernization program in their history.

This equipping and reequipping momentum is being reflected in improved training—hands-on mission training as opposed to armory drills and lectures. Where it is necessary to transition to new types of equipment, the temporary lag in readiness is more than offset by the potential gains in combat capability.

When Secretary Laird announced that the Guard and Reserve, rather than the draft, will be the initial and primary source of augmentation for the Active Forces in any future emergency, he set the pattern for the improvement of equipping and readiness.

But while designating the Selected Reserve as our primary augmentation force has given the Guard and Reserve a real mission, it has also created a manpower challenge that must be met.

In the years preceding this Administration, when the draft was a major source of military manpower and the equipment and training status of the Reserve Forces were at pitifully low levels, it was easy to see that the Guard and Reserve were not likely to be mobilized in anything short of all-out war. Accordingly, many young people were attracted to the Guard and Reserve as a means of escaping from the draft and *active* military service. Their interest in Guard and Reserve activities, never very positive, has declined markedly in the face of this Administration's total force policy which relies heavily upon a strong and deployable Guard and Reserve.

The long lists of applicants for Guard and Reserve membership, so characteristic of the years of heavy draft, have disappeared. And disappearing also are many of the draft-motivated young Guardsmen and Reservists as their obligated terms of service expire.

Now we are left with what I would describe as a welcomed challenge: to return to a Guard and Reserve force whose members reflect the true volunteer tradition of the "Minuteman", and live up to your proud heritage.

I know this great Minuteman tradition is reflected in the spirit of those in this audience. But unfortunately, it is a spirit not readily understood or accepted by enough Americans, including many of our young people. Some have been turned off by the war in Vietnam; others by confusion over our Nation's place in international affairs; and still others because they do not understand the key role of the Guard and Reserve in this Nation's national defense system.

For the re-spiriting of the Minuteman tradition, there must be a vastly improved public understanding of the role of your Guard and Reserve in our Nation's security. And there must also be a much higher level of encouragement by American employers for their employees to participate in Guard and Reserve activities.

Last week the President announced the creation of the National Committee for Support of the Guard and Reserve, and named Mr. J. M. Roche as its Chairman. Mr. Roche, the former Chairman of the Board of General Motors Corporation, is a distinguished citizen and business leader. He brings to this challenging assignment his vast experience as chief executive officer of our Nation's largest corporation.

The broad and critical charter of this national effort is to improve public understanding of the Guard and Reserve role in our national security system, and to enlist the cooperation of those who employ present and prospective members of Guard and Reserve components.

The full-time staff of the national committee, a carefully selected group of professionals from the Services and their Reserve components, is already at work. The Air Force has loaned us Colonel Milt Mitler from General Lewis' office to get things started, and he has been making the initial contacts and laying the groundwork for liaison with national organizations and associations like ROA.

The program will be in full swing as soon as we can round out the membership of the key committees and councils. These will include business and labor leaders from both the private and public sector, together with representatives of professional and reserve organizations. All of you will be asked to serve in this important work—whether at the national, state, or local level.

What needs to be done? I won't burden this informed audience with the reasons for better public understanding of your role in national security. Clearly, public understanding is deficient. The taxpayer must realize that a well equipped, fully manned, and readily deployable Guard and Reserve is potentially the most economical part of our nahis and his Nation's security is in peril.

How about American employers? As you know, some employers are opposed to the idea of having their employees participate in Guard and Reserve activities. Others are indifferent about it. In either case, young men will not join and remain in the Guard and Reserve in sufficient numbers if advancement opportunities or security on their principal job is impaired.

Many Guardsmen and Reservists must use their summer vaction for a two-week training encampment, often with a financial loss along with the denial of a family vacation. Other Guardsman and Reservists, while given time off their principal job for training, are victims of subtle discrimination which makes it clear that being in the Guard and Reserve is a poor way to feather their promotional nest. These are forms of indifference and discrimination that must be eliminated, and they will be as the consciousness of the American public and employers is drawn to you key role in our society.

But even with improved public understanding and cooperative employers, there is another major ingredient critically needed to solve your manpower supply problems without draft pressure. The Selected Reserve needs the same kinds of financial and other incentives which have been made available for use in the active forces.

That is why we have proposed to Congress a number of new incentives to retain experienced Guardsmen and Reservists, and to attract new people to their ranks.

The key provision of the Uniformed Services Special Pay Act of 1972, introduced in Congress a month ago, is the authority to use reenlistment and enlistment bonuses for the Selected Reserve. Long-time experience with variable reenlistment bonuses in the active forces, and recent favorable experience with an enlistment bonus for ground combat arms in the active Army and Marine Corps, convince us that these authorities for the Guard and Reserve are not just desirable—they are absolutely essential.

Other proposals now before the Congress include:

Full time Servicemen's Group Life Insurance coverage for members of the Selected Reserve.

The authority to enlist 20-year active force retirees to meet critical skill shortages in the Selected Reserve.

Better protection for a Reservist and his family in case of injury, illness, or death incurred while in training.

While these proposals now before Congress await action, we are continuing to pursue the matter of reforms in the Reserve retirement system. These will be tied closely to the ongoing study of the Reserve Officer Personnel Act so that your retirement system will be compatible with overall personnel and career management plans.

The legislation I have just outlined is needed now. How Congress reacts to it, and when, will be influenced by the Reserve community's enthusiasm for it, and the strength of your organizational endorsements of it. We have proposed these incentives, and we will testify in their behalf when hearings are scheduled.

One final point. In the Guard and Reserve, as in the active forces, recruiting has been done poorly in the years of heavy draft. Your main recruiting tool was the draft, and applicants came to the armories without being sought. Now we must help our recruiters unlearn those bad habits of the draft era, and recruit people in the same aggressive and creative ways that you recruit people for your civilian offices and factories.

Every Reservist must be a Minuteman recruiter. You senior members of ROA particularly, who have recruited so successfully in years past, must teach young officers and NCOs the challenging art of competing for all good people in the open market—minority members, high school graduates, and prior service veterans among others—and attracting them to the service of their country through the Guard and Reserve.

In closing, I want to congratulate the Reserve Officers Association for 50 years of conspicuous achievements. Your consistent concern with the key issues of national security and your support of efforts to improve the effectiveness of national security have earned you my respect, and the respect of all elements of the Defense establishment.

It is appropriate for you to begin your second half-century at a time that the National Guard and Reserve are being challenged to their full potential under the Total Force concept. The enthusiasm, leadership, and influence of ROA was never needed more than it is today.

We enlist your continued guidance and support, and thank you for your great contribution to our Nation's security. May this National Convention be a productive and successful one.

CONSUMERISM'S OTHER HALF

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ARCHER. Mr. Speaker, the issue of consumerism has received a great deal of comment and attention lately, and it is indeed an issue which deserves thorough consideration not only by Members of Congress but also by the general public as well.

What is often overlooked in the discussion is the fact that most of us are producers as well as consumers. What we produce, others will ultimately consume. I would like to share with my colleagues the following article which further explains this important point. The article is entitled, "Consumerism's Other Half," and is from a recent issue of the New York Times:

CONSUMERISM'S OTHER HALF

"Consumerism" has implanted itself in the American consciousness. But can it endure as a force for enhancing our lives? It can if the movement adopts the equally important concept of *producerism*—the attitude of consumers toward the quality and cost of goods and services that *they themselves* help put in the marketplace.

There is news value in blaming a corporation for lack of product quality, and little in the story of the man on the assembly line who turns out a defective product. Yet the dissatisfied customer may himself be a less-than-satisfactory producer whose work elicits protests from other consumers. The focus on decision-makers falls short of building an effective consumer movement, for it presents the consumer as helpless (except through negative protest) to control the quality of his life.

Each of us, in our role as producer, must act to increase our economy's productivity in order to slow down the upward spiral of prices. Between 1963 and 1971 labor productivity in the United States increased only 24 percent. At the same time it increased 55 percent in France, 48 percent in West Germany, 35 percent in Italy, 114 percent in Japan.

How do we solve the problem? Perhaps through a joint management-labor program aimed at worker involvement not only in units per hour, but in *well*-made units. Producerism, I believe, can inject the necessary element of positivism into the consumer movement.

MRS. ETTA M. DORN—OUTSTANDING FEMALE STATE EMPLOYEE OF 1972

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. GETTYS. Mr. Speaker, the General Assembly of South Carolina recently took notice of the selection of Mrs. Etta M. Dorn by the South Carolina State Employee's Association as the Outstanding Female State Employee of 1972. Mrs. Dorn exemplifies all the qualities a dedicated public servant should have. She is a valued and dear friend of our colleague, the distinguished and able Representative of the Fourth District of South Carolina, WILLIAM JENNINGS BRYAN DORN.

I take pleasure in joining with the members of the General Assembly of South Carolina in congratulating Mrs. Dorn on her selection as the Outstanding Female State Employee of 1972 and in recognizing her splendid record of public service.

Following is a concurrent resolution recently adopted unanimously by both the Senate and the House of Representatives of South Carolina:

Whereas, Mrs. Etta M. Dorn has recently been selected by the South Carolina State Employees' Association as the Outstanding Female State Employee of 1972; and

Whereas, this much merited award to the State Supervisor of Distributive Education reflects a continued record of excellence and service to the business-education field throughout South Carolina; and

Whereas, Mrs. Dorn has made extensive contributions to business and civic organizations, youth groups and many fields of public education and has been a primary force in the rapid growth and success of distributive education in South Carolina; and

Whereas, the effective and dedicated public service of this most charming and talented lady merits the recognition and praise of all South Carolinians. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly by this resolution congratulates Mrs. Etta M. Dorn upon her selection as the Outstanding Female State Employee for the year 1972 and extends to her the thanks of all South Carolinians for her remarkable and most productive record of public service to the State.

STRANGE INEQUITY IN SOCIAL SECURITY LAW

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ST GERMAIN. Mr. Speaker, today I am introducing legislation to eliminate a strange inequity in the social security payment regulations. Under present law a social security recipient is entitled to no payment for the month in which he dies. In other words, if a social security recipient died in June, the check for June which would arrive at the beginning of July would have to be returned. This policy deprives social security recipients of their regular monthly payment for the month in which they die.

Legislation is needed to correct what is either a slip-up in the social security regulations or a case of unbelievable bureaucratic hardheartedness. I have received numerous letters from widows who have been told they must return a full month's social security check even though their husbands may have died on the 28th day of the month. This practice only adds to the burden of paying funeral expenses and doctor bills.

The Federal Government is cast in the role of the worst kind of Scrooge—recalling a social security check from a family grieving over the death of a loved one. To rectify this situation I am introducing a bill providing that an individual's entitlement to benefits would continue through the month of his death.

At this point I would like to insert in the RECORD the text of two letters I have received from constituents which document the real and urgent need for this legislation:

FEBRUARY 20, 1970.

DEAR MR. ST GERMAIN: Recently I have had to assist an elderly aunt in filling out various papers in connection with the death of her sister. Here were two elderly ladies who had been dependent upon Social Security pensions for support. The older sister died on the 27th of the month. When on the 3rd of the month following, her check arrived, the entire amount had to be returned to the government.

This seems quite unfair. Had she lived four more days, her sister could have retained that much needed check. There should be a change in Social Security regulations to allow a beneficiary in such a case to receive—if not the whole amount—at least a percentage of the monthly allowance for the month in which the death occurred. Does our government need money so badly that it must take from the elderly poor some substantial amount of the pension which they have earned? This—while 200 of our wealthiest pay no income tax at all—is particularly difficult to accept!

There must be many people on Social Security pensions who would appreciate any action you could take to improve this situation.

Sincerely yours,

——— ———.

JANUARY 26, 1972.

DEAR SIR: If you could help me in a matter of a Social Security check. As my husband died on November 28, 1971, Social Security refused to honor his Social Security check for the month of November. He had not only regular expenses for the month of November but the added expense of hiring a hospital bed for a month and buying a mattress for that bed, which he used only 5 hours, with no refund costing almost $100.

It does not seem fair to refuse to honor that check for November for the sum of $127.70.

Any assistance you could give me on this matter would be greatly appreciated.

Sincerely yours,

——— ———.

Mr. Speaker, my amendment would be well worth the minor cost involved. It would eliminate an unexpected hardship inflicted on the families of social security recipients which they regard as a real injustice.

DIRTY DOZEN

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DEVINE. Mr. Speaker, several weeks ago another faceless group or organization called Environmental Action reared back and threw a curve under the respectable guise of antipollution and environmental control, naming their handpicked "Dirty Dozen" for defeat in the Congress.

In the June 21 CONGRESSIONAL RECORD our colleague, the Honorable EARL F. LANDGREBE, placed in the RECORD an article by Ed Zuckerman referring to this nebulous group as "bratty, radic-lib kids" and I think he effectively destroyed their credibility, et cetera.

Meanwhile, I think our colleagues should have the benefit of an editorial that appeared in Scripps-Howard publications across the Nation, including Columbus, Ohio and Washington, D.C. Further, an article appeared in the Columbus Dispatch giving further background of this outfit under the bylines of Laura Genero.

These are printed hereafter for the information of those who are truly interested in ratings by all types of organizations and they can draw up their own conclusions:

THE "DIRTY DOZEN"

An outfit calling itself "Environmental Action" has issued a list of 12 congressmen it scornfully calls the "dirty dozen."

The House members earned this epithet, according to Environmental Action, because each has a "bad environmental voting record" and a "bad record on general domestic issues."

They also were chosen because they represent "marginal" districts, meaning they may be more vulnerable to defeat than others in this year's election.

Politics is notorious for name-calling and defamatory labels. But such behavior isn't usually expected from an organization which ostensibly is dedicated to such a lofty purpose as cleaning up the environment. It is possible to disagree with a congressman without casting aspersions on his laundering habits.

For instance, the reasons cited by "Environmental Action" for placing Rep. Samuel

Devine of Columbus on this year's list, seem in most cases to have no link with the environment. EA picked Devine for voting, among other things, against food stamps for strikers, against an end-the-war amendment and for the SST. What connection is there between cleaning up the environment and food stamps for strikers or ending the war?

By appointing itself a know-all, judge-all, decide-all authority, Environmental Action not only has strayed from its avowed purpose and stooped to bad taste. It probably has reduced its own effectiveness and damaged its cause; and itself could use a little soap.

[From the Columbus (Ohio) Dispatch, June 18, 1972]

"DIRTY DOZEN" REBUT ENVIRONMENTALISTS

(By Laura Genero)

WASHINGTON.—Members of the "Dirty Dozen"—Congressmen singled out for defeat this year by a Washington based ecology group—say they were targeted because of their conservative political philosophies.

The congressmen, selected last week by Environmental Action, Inc., all face tough, marginal re-election battles.

They say their voting records have been deliberately distorted by the group to boost the chances of their ultraliberal opponents.

Rep. Roger M. Zion, R-Ind., called the Environmental Action, Inc., "irrational, irresponsible" and the "off-shoot of radical dissenters."

Zion's office investigated the lobby group two years ago when it issued its first "Dirty Dozen" purge list.

Zion said that, when his aides caught up with the organization, "they had moved and hadn't paid their rent or phone bills," and that "they weren't very responsible people."

Zion has made the organization's purge list twice in a row.

Among the criteria the group used to evaluate his "environmental voting record" was his vote on the Equal Rights Amendment for women, the Nedzi-Whalen amendment to end the war in Vietnam and his opposition to changing certain House Rules Committees procedures.

The group also charges that Zion voted for three "pork barrel" watershed projects in his district which are detrimental to the environment. The three projects, however, were not even in Zion's district, and he told The Dispatch that he did not vote on them.

New York congressmen John J. Rooney and Peter A. Peyser, who have been given good ecology marks by other environmental groups, also made the "Dirty Dozen" list. Both face primary and general election challenges this year from liberal Democrats.

On an environmental rating put out recently by the League of Conservation Voters, Rooney's environmental voting record over the past 10 years was given a high score. On a scale which rated the worst record a minus 25 and the best a plus 25, Rooney received a plus 18.

Rooney's opponent in this Tuesday's New York Democratic primary is liberal Allard K. Lowenstein. Lowenstein is national chairman of the Americans for Democratic Action, and is credited with originating the "Dump Johnson" movement in 1967.

Environmental Action charged Peyser had voted against Black Lung legislation and the Family Planning and Population Research Act of 1970.

Peyser's aid, Ted Barry, told The Dispatch that the population bill was voted on before Peyser was even elected.

He also said that Peyser voted against the first Black Lung Bill because he felt it wasn't adequate. After it had been reworked in committee, Peyser voted for the bill and several measures to strengthen it.

Barry said that whoever did the research on Peyser's record must have "only looked at the first vote and forgotten the rest."

Barry also noted that the League of Conservation Voters rated Peyser in the upper best half of Congress on ecology.

Barry said he is sure that Peyser—the only liberal on the purge list—was singled out because his opponent in 1972 will be Richard Ottinger. He said "Ottinger has been twisting arms" to get Peyser on the list.

Ottinger is the liberal Democrat who gave up the Westchester, N.Y. congressional seat Peyser now holds to run for the Senate in 1972. He was defeated by Sen. James L. Buckley, a Conservative.

Charles Piper, who researched and chose the "Dirty Dozen" for 1972, told The Dispatch that he had singled out Peyser because "some people in New York had told him" that "Peyser was the standard bearer for the Nixon Administration." He would not name the "people."

Peyser's 1971 voting record rates him as supporting the President 77 percent as compared with 68 percent for the average eastern Republican. There are five other congressmen in New York, however, with an equal or better ratings than Peyser for supporting President Nixon.

Piper also said that Ottinger was an "outstanding environmentalist" who would represent an improvement over Peyser.

He said Peyser "took" Ottinger's congressional seat. When informed that Peyser had run for the seat after it had been vacated, Piper said, "Well, he (Ottinger) wants it back."

In his analysis Piper included a survey taken in Peyser's district which indicated that 44 percent of his constituents still thought that Ottinger was their representative.

Piper, 24, a student from the University of Michigan, was placed in Environmental Action, Inc. through an intern program at the university to do field work for graduation.

As a political science major, Piper chose environment for his field paper and will submit his work at Environmental Action, Inc. for credit.

Piper returned to Michigan Wednesday to begin working for the defeat of U.S. Rep. Charles E. Chamberlain, R-Mich., one of the "Dirty Dozen."

Piper is one of the full-time staff of eight that works at Environmental Action, Inc. The current spokesman for the group is Peter Harnick, a 1970 humanities graduate of Johns Hopkins University in Maryland.

Harnick told The Dispatch that the group tries to be as "constructured" as possible. Everyone receives the same salary, regardless of duties, and there is no hierarchy. He said that they choose a spokesman by "drawing titles out of a hat" and that this year he drew "president."

When asked why such issues as women's rights, the War in Vietnam and House Rules Committee procedures were considered "environmental issues," Harnick said that they had a "very, very broad definition of the environment."

He said, "the war in Vietnam is probably the greatest ecological catastrophe to befall the world in all times."

Barnick said that Environmental Action, Inc. grew as an offshoot of the Environmental Teach-In, which sponsored Earth Week in 1970.

The "activists" stayed on after it was over, to plan further projects. They decided that merely calling attention to the environment in a few short days was not enough, Harnick said.

Environmental Action's political purge list, however, caused a minor Washington scandal in 1970. Former Ohio Congressman William Ayras discovered that it was partially financed with federal funds.

Another ecology group, Environmental Resources, Inc., had been picking up 70 percent of the rent and sharing telephone expenses for Environmental Action, Inc. Environmental Resources, however, was financed with a $250,000 federal education grant from the Department of Health, Education and Welfare.

As a result, the grant was canceled, Environmental Resources, Inc. changed its name, and Environmental Action, Inc. does not have tax-exempt status.

Other organizations which support Environmental Action, Inc. were named as the League of Conservation Voters, the Committee for an Effective Congress, the Environmental Policy Center and the Wilderness Society.

Piper told The Dispatch that there were more organizations working with Environmental Action, Inc., but he could not disclose their names.

When asked to explain this secrecy, Piper told The Dispatch that some of these organizations would lose funds if their contributors found out they were "engaged in purge activities."

The other congressmen named in the 1972 "Dirty Dozen" list are: Reps. Samuel L. Devine, R-Columbus; Wayne R. Aspinall, D-Colo.; Walter S. Baring, D-Nev.; Earle Cabell, D-Tex.; James J. Delaney, D-N.Y.; Earl F. Landgrebe, R-Ind.; Sherman P. Lloyd, R-Utah; and Vernon Thomson, R-Wisc.

JOINT PLATFORM PROPOSAL OF NATIONAL CHAMBER AND AFL–CIO

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HENDERSON. Mr. Speaker, a very unusual thing happened at the Democratic Platform Committee meeting on June 23.

On that occasion, Arch Booth, executive vice president of the chamber of commerce, appeared to present his organization's recommendations. Although the chamber's recommendations were numerous and extensive, Mr. Booth chose to comment on only one—to emphasize its overriding importance.

He noted, too, that this recommendation has the support of George Meany, president of the AFL–CIO. He told the committee that he had visited Mr. Meany to discuss the recommendation—that Mr. Meany concurred with it and agreed that it could be presented as a joint recommendation of the two organizations.

I am sure my colleagues appreciate that it is most unusual for our largest business and labor organizations to agree on anything. When they do, it most certainly deserves our attention.

In my view, this joint statement is indeed a critical one—and most timely. It should be implemented by both parties—not merely in the interest of their candidates, but in the national interest.

I include the statement at this point in the RECORD, with the hope that my colleagues will agree with the need for putting this recommendation in effect.

The statement follows:

THE CAMPAIGN

The tragic events of recent years have created great concern among all Americans for the safety of candidates for high political office. We therefore appeal to both political parties to establish stringent security rules for the campaigns of their candidates for the offices of President and Vice President.

The assassinations of John Kennedy, Robert Kennedy and Martin Luther King—and the attempted assassination of George Wallace—are conclusive proof of the vulnerability of national leaders to the lone, isolated act of violence.

Although the vast majority of Americans are politically mature and dedicated to seeking their goals through the traditional political system, we must now face the fact that political campaigning as we have known it offers no real safeguard against that individual who, for whatever reason, would resort to violence.

Unless there is a tightening of security—with the full cooperation of the major candidates of both parties—we may see a repetition of previous tragedies that could have serious repercussions throughout the nation and threaten the survival of our election processes.

We recognize that the candidates are not likely to initiate on their own any new security guidelines. There is too great an appeal in grass roots appearances. Further, which of two opposing candiates would make the first approach—with a risk of being accused of having lost confidence in the electorate?

Accordingly, we urge the two political parties to devise their own compact—one which publicly spells out stringent new campaign security rules. We ask that such rules be made conditions for party leadership, and that they in no way be left optional to the candidate.

Only if the parties demand it can we expect the candidates to campaign in a manner that will alleviate risks to their personal safety.

We ask that both parties make this demand, not only in the interest of the candidates, themselves, but also in the national interest.

FUSION POWER—HOW SOON?

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HOLIFIELD. Mr. Speaker, as was so forcefully pointed out by many of our distinguished collegues on Monday, June 26, 1972, it will take some time before we can expect to have energy on line from controlled thermonuclear reactions. Those who continually state that fusion power is just around the corner speak without knowledge of the problems and the research program needed to prove the principle and then develop the systems needed to produce useful energy.

On June 28, Dr. T. Kenneth Fowler, associate director for controlled thermonuclear research at the Lawrence Livermore Laboratory in California, is presenting a paper entitled, "Fusion Power—How Soon?" I would like to quote one of his concluding paragraphs.

> A prediction about the time scale for the reactor development phase probably goes beyond the credible. Based on fission experience and feasibility by 1980, it is popular to estimate commercial fusion power by the year 2000. Any number of technical and socio-economic variables can either accelerate or slow this development.

The Joint Committee on Atomic Energy has supported the outstanding work of such dedicated scientists as Dr. Fowler. We wish them every success in this promising field of energy research. Mr. Speaker, for the benefits of so many of our colleagues who have indicated an interest in fusion research, Dr. Fowler's excellent paper is included herein as a part of my remarks:

FUSION POWER—HOW SOON?*

(By T. K. Fowler, Associate Director for Controlled Thermonuclear Research, Lawrence Livermore Laboratory, University of California, Livermore, Calif., June 19, 1972)

I would like to begin by expressing my appreciation for this opportunity to discuss fusion power with representatives of the utilities industry. I am sure that most of you are aware of the potential of nuclear fusion as a lasting solution to our energy needs with a minimal impact on the environment. If you have followed the course of research in this field, you will recall that some early disappointments made it clear that further progress required the development of a whole new science, the physics of high temperature plasmas. Physicists the world over responded to this challenge, notably in the U.S., Russia, and Western Europe. By the late 1960's, this cooperative scientific effort had paid off with greatly improved results in the laboratory. Today, we look forward to completing the task of determining the scientific feasibility of fusion power in the late 70's and early 80's. Anticipating success, we are already thinking ahead to how engineering development might proceed beyond that. In this status report, I will try try to convey the basis for this renewed optimism, where we are, and where we think we're headed.

First let me remind you what fusion is all about. Nuclear fusion is nuclear combustion, the same kind of nuclear burning that produces energy in the sun and the stars. Our oceans are filled with deuterium, which is a form of hydrogen that burns by nuclear fusion. However, burning deuterium in a controlled way poses problems outside the realm of previous experience. The reason is that the kindling point for nuclear fusion in deuterium, as well as in other nuclear combustibles, is very, very high. It is at least 100 million degrees centigrade. Consequently, the burning fuel exerts a tremendous pressure outward.

At solid or liquid densities, this pressure is millions of atmospheres. Burning would last only briefly as the fuel explodes. Indeed, one possibility for harnessing nuclear fusion is to explode very small solid pellets of a deuterium-tritium mixture inside a large cavity capable of containing the exploding gases. Repetitive tiny explosions, perhaps a few times a second, would produce heat energy which could, for example, be converted to steam and hence to electricity in the conventional manner.

This is the idea of a new area of fusion research in which the objective is to use laser beams to ignite D–T pellets. When this was first considered some years ago, it appeared that the laser pulse required was impractical, some 100 million joules in a very short time. According to more recent theories, this requirement might be cut a thousand-fold. Even so, only now are we on the threshold of building lasers with beam qualities and power sufficient to begin experiments to test the scientific validity of this theory. To date, with lasers in the present 100 to 200 joule range, it has been possible to generate only weak fusion reactions that cannot yet be described as explosions. Therefore, exciting as this concept is scientifically, we must expect that a period of extensive experimentation will be required before we can assess its practical potential with the degree of confidence that now applies to the fusion approaches which I shall discuss here. These approaches, about which we know a great deal after two decades of research, employ strong magnetic fields to manipulate the burning fuel.

Fusion reactor concepts using magnetic fields have the objective of producing slow, relatively continuous nuclear burning. In that case, in order that the walls of the reactor vessel be able to withstand the pressure at the very high temperatures required, the fuel must be in the form of a gas at a very low density. This tenuous gas would be instantly cooled below the fusion kindling temperature if it should contact air or the walls of the vessel. It will therefore be necessary to evacuate a fusion reactor vessel and to somehow isolate the hot fuel gas away from the walls of the vessel. In some fusion experiments the vacuum requirements are formidable and have required new techniques that pushed back the frontiers of vacuum technology.

By far the most challenging problem, however, has been that of isolating the hot fuel away from the walls. To accomplish this, we have taken advantage of the fact that a gas at fusion temperatures is fully ionized. That is, the hot gas atoms smash into each other hard enough to dissociate into free electrons and atomic ions (actually fully stripped nuclei). A gas in this ionized state is called a plasma. Because the free electrons and ions carry electric currents, a plasma responds to magnetic forces. Thus for two decades fusion research has concentrated on the use of magnetic fields to confine a blob of hot plasma suspended in space and isolated from its surroundings.

This has proved to be a tough problem requiring a subtle understanding of the properties of high temperature plasmas. While the magnetic confinement of the plasma need not be perfect, the allowed leakage must satisfy stiff requirements. In order to obtain a net yield of energy in a fusion reactor, a given quantity of hot plasma fuel would have to be confined in its "magnetic bottle" long enough so that the total fusion energy produced by nuclear reactions is greater than the energy required to heat that much plasma to its kindling point. The actual confinement time needed depends on the fusion reaction rate. Nuclear reactions occur only if atomic fuel ions collide with each other. The probability of collisions, and hence the fusion reaction rate, increases as the square of the plasma density, whereas the energy required to heat the plasma to its kindling temperature is simply proportional to the density. It follows that the required plasma confinement time is less the higher the plasma density. That is, it is the product of the density and the confinement time that matters. At fusion temperatures and at the limit of plasma pressures that the walls and the magnetic field can withstand, the maximum allowable density is some 10 thousand times less than the density of air in this room. By ordinary standards, the chamber would be virtually empty. Despite the large energy release per nuclear event, at these rarefied densities the fusion reaction rate is so low that the plasma confinement time must be about a tenth of a second (or a little more or less depending on the design). This is a long time. In a tenth of a second, an individual hot ion in the plasma would travel across the reactor vessel many thousands of times. The atomic collisions themselves lead to some leakage by diffusion. Leakage by collisional diffusion represents the best that can be achieved by magnetic confinement. This is the theoretical ideal. Collisional leakage can be calculated and is known to be tolerable for several magnetic designs.

From the beginning the problem was that magnetically confined plasmas were found to leak faster than this ideal rate. Finding out the reasons why and devising solutions and building ever more technically challenging experiments to test these ideas has been the stuff of fusion research ever since.

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*Work performed under the auspices of the U.S. Atomic Energy Commission. Prepared for presentation at the American Public Power Association's 29th Annual Conference, June 26–28, 1972, San Francisco, Calif.

Today, research along three different paths has produced magnetic configurations in which plasma confinement has approached the theoretical ideal within the technical limitations of the facilities. These are sketched in Slide 1 (Slides are not reproduced in the CONGRESSIONAL RECORD), along with a conceptual laser-fusion device. The Tokamak, in the left hand corner, was developed by the Russians. It has achieved the largest product of plasma density and confinement time of any of the magnetic confinement approaches to date, though the ion temperature is as yet an order of magnitude too low and increasing it will call for new methods of heating the plasma. Following the Russian success, several Tokamak experiments are in progress or are being built in this country. The largest, called PLT, is being built at Princeton University, to be completed around 1975. The Mirror Machine, in the upper right corner, has largely been developed at Livermore, and the Theta Pinch at Los Alamos. Each of these has produced hotter plasmas than the Tokamak, but not as good confinement as yet, though in each case confinement approached the theoretical ideal within the limitation of the respective experiments.

Each of these three magnetic designs has shown sufficient promise to warrant active pursuit now and, barring failures along the way, continuation to a complete determination of its scientific feasibility as a fusion reactor concept. Apropos of the general theme of this session, I might digress to comment on why it is vitally important to pursue many exploratory, long-term approaches in the energy field, both within and outside of fusion research. The point, of course, is simply that the risk is high and we cannot afford to fail. It is our experience, and yours no doubt, that when we approach any new technology at the frontier of current knowledge and technical capability, we cannot be sure of success. We often follow several promising alternative routes in the hope that one will succeed, or if more than one succeeds, some will be superior. When one limits himself to too few alternatives, he may fail, and in so doing lose time and waste money. Moreover, just as we presently generate electricity from diverse resources, there may be no single ultimate solution to the energy problem. There may well be a continuing role for all of the alternatives we are considering, each with its special attributes.

Let me turn now to the question of the time scale to determine scientific feasibility. In order to help you assess this for yourselves, I would like to discuss in more detail the progress and expectations for one of the magnetic confinement approaches. For this purpose I have chosen the one I know best, the Magnetic Mirror approach at Livermore.

(Slide 2.) What is plotted here is the history of improvement in our 2X Magnetic Mirror experiment as a series of problems was successively encountered and solved. In this experiment a hot deuterium plasma is created and then one measures the density as a function of time as the plasma leaks out. The vertical scale is density and the horizontal scale is time. A steep curve means the plasma is leaking rapidly. A less steep curve means that some unwanted cause of leakage has been eliminated. The top curve is the theoretical ideal for this machine.

In the simplest form of the mirror machine, a ball of plasma is confined between two regions of strong magnetic field at the ends. The field strength falls off sideways. Perfectly placed, the plasma would stay put, but this is not a stable configuration; any tiny disturbance makes the plasma fall sideways toward the weaker field. It is this behavior that accounts for the rapid leakage shown by the lower, steepest curve on the slide corresponding to operation of 2X as a simple magnetic mirror.

The next higher curve shows the improvement in leakage when additional magnetic windings are energized to create what we call a magnetic well configuration. As the name implies, in a magnetic well the magnetic field strength increases outward in every direction away from a central region where the plasma is confined. Because the plasma would encounter a stronger field whichever way it moves, this configuration eliminates the grossly unstable behavior characteristic of the simple magnetic mirror. This discovery in the early 1960's was one of the milestones of fusion research.

Nonetheless, when the magnetic well principle was first applied to high density plasmas in the 2X experiment through the confinement of the plasma greatly improved, still confinement fell short of the theoretical ideal, as you can see from the curve labeled 1968. The difficulty was traced to a milder form of plasma instability in which the plasma as a whole stays put but spontaneously generated turbulence in the plasma enhances its leakage by diffusion over the theoretical rate. The principal source of this turbulence was traced to cold impurity gases associated with the vacuum gear and certain aspects of the particular way in which the hot plasma was generated in the 2X experiment. By 1970, these defects had largely been remedied with a further improvement in the confinement as indicated in the slide. But still the confinement was somewhat short of the theoretical ideal given by the uppermost curve.

Thats the way things stood when it was decided to rebuild the 2X magnet coil to incorporate further improvements. That was finished over a year ago and much of the time since has been spent in adapting the various measuring instruments to the new facility. At this time, a discrepancy from the ideal still remains, but with the help of important theoretical advances in the meantime we think that at last we may know enough to come close to the theoretical ideal in 2X.

Meanwhile a quite different question is being addressed in another mirror experiment at Livermore. In a working mirror reactor operating continuously, the plasma must be created in a quite different way. The experiment that we actually propose to scale up to a Mirror Reactor is called Baseball II.

(Slide 3.) The name refers to the magnet winding that is shaped like the seam of a baseball. This experiment has been operating only a few months. Like the new version of 2X, Baseball II is also a second experiment in a series. The Baseball II magnet winding is a superconductor and represents advanced technology in the superconducting field. Weighing 13 tons and being 6 feet in diameter, it has a unique combination of high field strength (15 kilogauss or more at the center) and large size. In Baseball II, the plasma is created and maintained by continuous injection of beams of energetic neutral atoms. These energetic neutral beams are generated by first accelerating ions and then passing them through a gas cell where the ions capture electrons. This has been a difficult development job, but the payoff will be great, not only for Mirror Machines but also for Tokamaks and any other continuously operating magnetic fusion device. These energetic neutral atoms can freely penetrate the magnetic field. When they collide with the plasma they become ionized again, whereupon the field traps them.

The main objective of the Baseball II experiment is to demonstrate the use of neutral beams to build up a high density plasma to achieve a steady state operation. In the past this buildup process, too, was fraught with instability problems. Based on what we'd learned in the earlier Baseball I, the Baseball II experiment was expected to overcome all that and, though results are preliminary, so far it has validated its design principles. When a second neutral beam is added Baseball II should be capable of reaching plasma densities somewhat short of those in 2X but adequate to determine whether the plasma leakage from a mirror machine does or does not exceed the theoretical ideal, in this case in steady state operation.

In a sense, if all that comes to pass, the most pressing scientific questions about the magnetic mirror approach now known to us will have been answered, conceivably in a year or two. However, we could not yet be satisfied that the scientific feasibility of the mirror approach had been proved. Though the plasma density and temperature in 2X and Baseball II would be high enough so that the results would be relevant to the fusion problem, at best they would fall substantially short of those required for nuclear burning. For that, an experiment of larger and stronger magnetic field would be required. A survey of the other leading lines of magnetic confinement research would disclose a similar situation. In the Theta Pinch line, the Los Alamos Scyllac experiment to be completed next year is potentially a precursor to a large scientific feasibility experiment. Similarly the Orkmak experiment at Oak Ridge, which is now in operation, and the PLT about to be built at Princeton could be the precursors to a Tokamak feasibility experiment. Taking into account the development necessary before embarking on construction of a larger superconducting magnet, the next larger Mirror experiment probably could not be completed before the late 70's. The next Theta Pinch and Tokamak would require similar construction times.

It is on this basis that we estimate that scientific feasibility might be demonstrated by the late 1970's or early 1980's. However, achieving that level of scientific confidence which a judgment about feasibility implies is actually a continuous process. As I have indicated, a great deal more will be known about magnetic mirror feasibility after another year or so of experimentation on Baseball II and 2X, and the same is true of the other fusion approaches. Moreover, what we call the scientific feasibility experiments—that next generation of larger facilities I mentioned—will themselves mark a profound transition. As my description of mirror research illustrates, up to now fusion experiments were built either to explore the unknown or, more recently, to test some new design feature in which there is theoretical confidence. By contrast the large feasibility experiments will mainly be based on demonstrated successes in the present generation of experiments. Otherwise they would not be built.

Beyond scientific feasibility is the reactor development phase. Present thinking is based on D–T fuel, that is, a mixture of deuterium and tritium. This fuel mixture has the highest reaction rate and the lowests kindling temperature. However, it requires breeding of tritium, which is radioactive and does not occur in nature. Tritium can be bred by neutron bombardment of lithium, which is naturally abundant. A schematic diagram of the arrangement is shown in Slide 4. As you see the lithium is introduced as a "blanket" surrounding the plasma. Most of the energy from D-T reactions appears in the neutrons. This energy is dumped into the blanket as heat which in turn produces steam and hence electricity.

At a later stage of fusion development, or possibly concurrentlly, D-D reactors burning pure deuterium will be developed. These will require no external tritium breeding, which removes an important constraint on the blanket. The D-D reaction products are

T and ^{3}He. These are also fuel and will partially react before escaping from the plasma. Unburned T and ^{3}He can be reinjected to improve the fractional burnup. By increasing the operating temperature and reinjecting only the ^{3}He, the D-D cycle can operate such that D^{3}He reactions contribute most of the output power with as little as 10% of the output being from D-D neutrons (and tritium as a byproduct). With efficient direct conversion of the energy of the charged D^{3}He reaction products to electricity, overall system efficiencies as high as 75% appear to be possible.

A prediction about the time scale for the reactor development phase probably goes beyond the credible. Based on fission experience and feasibility by 1980, it is popular to estimate commercial fusion power by the year 2000. Any number of technical and socio-economic variables can either accelerate or slow this development.

Personally, I very much hope that the country will want to accelerate the advent of fusion power because I think we cannot afford to deny ourselves the possibilities that fusion offers. Let me conclude, then, by reminding you of some of the characteristics to be expected of a fusion power reactor.

(Slide 5.) Perhaps these items speak for themselves. The third item refers to neutron activation of the walls. In a fusion reactor the resulting afterheat is so low that it is virtually unaffected by a loss of coolant accident. Item 3 also refers to the inventory of volatile radioactive material, which is probably the most important factor in engineering safeguards. For a fusion reactor this is the tritium inventory which represents a biological hazard six orders of magnitude lower than that of the iodine-131 in a fission reactor at the same power. In short, a fusion reactor should be a safe system offering the utilities industry new options in facing environmental challenges of tomorrow.

REVENUE SHARING

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HUTCHINSON. Mr. Speaker, on June 22 the House passed the gentleman from Arkansas, WILBUR MILLS' revenue sharing bill. It was a different proposal than the President had asked Congress to enact, but the administration supported it. The bill now lies in the Senate. If enacted into law as it passed the House, the Revenue Sharing Act will distribute $29.5 billion among the States, counties, townships, cities, and villages in the next 5 years. This will be in addition to Federal assistance already flowing to State and local governments which presently total about $37 billion annually.

The State governments would share $1.8 billion in 1972 and the first half of 1973. Thereafter the amount to the States would increase from year to year until in 1976 they would receive $3 billion.

What each State will receive would be controlled by a two-factor formula, one-half according to the State's tax effort to increase its own revenues and one-half according to the State's receipts from State individual income taxes. In other words, the Federal Treasury will reward those States which increase their State income taxes and other tax revenues. The more they raise the more they receive from the Government.

The money flowing to county areas within a State will be distributed on the same basis as the funds going to the State government, that is, one-half according to the State's tax effort and one-half according to the State income tax receipts. Once there, however, it will be divided between the county government and the local units on a different formula. This formula will be three-factored: Population, urbanization and poverty. After the first 18 months, a State may substitute local tax effort for the population formula, and it may weigh the three factors other than equally so as to further favor its urban areas over its rural areas, or its poor areas over the well-to-do.

Funds flowing to State governments go with no strings attached and can be used by the State as its legislature directs. Funds to counties and other local units, however, are restricted as to their use. They can be used only for public safety, environmental protection and public transportation. They cannot be used for education or welfare, two of the most financially burdensome functions of local government.

Public safety would include law enforcement, fire protection, and building code enforcement. Street lights and traffic control certainly would fall within this category. Environmental protection would include sewage disposal, sanitation, air pollution abatement, trash and garbage collection, solid waste disposal, and the like. Public transportation would include transit systems, which no municipality in the Fourth Congressional District operates, and it would also include street maintenance.

Local units could also use shared revenue for capital expenditures for sewage collection and treatment, refuse disposal systems and street construction.

County governments could use the money only for the categories allowed townships and municipalities.

The distribution formula favors metropolitan areas over smaller cities, and greatly favors cities and villages over townships.

We who live in small cities and in rural America are strikingly shortchanged. On a population basis, the county government and local government and local governments in Wayne County, Mich., would receive $20.29 per capita. But the counties and local governments of our fourth district would receive little more than half as much. Berrien would receive $12.61; Branch, $12.15; Cass, $11.93; Hillsdale, $12.17; Lenawee, $11.52; St. Joseph, $11.39; Van Buren, $12.09. Because two townships of Calhoun County are now in the congressional district, I include the comparable per capita figure for that county: $10.85.

Allegan County, which has been in the fourth district but now is the ninth, will receive $12.17.

The State government in Michigan will receive only $10.05 per capita of State population, while 12 other States will receive more. New York State will receive $17.23 and Hawaii, Wisconsin, the District of Columbia, Delaware, Minnesota, Massachusetts, Maryland, Vermont, California, Alaska, and Oregon each will receive more per capita than Michigan.

In looking at the purposes for which counties, cities, villages, and townships may use the money, I was immediately struck by the fact that Federal programs already in existence provide subsidies for many of the same functions. The Law Enforcement Assistance Act materially aids county and local law enforcement. We already have several Federal programs assisting the construction of sewage collection and treatment works and an increasing list of environmental programs to assist both the States and local communities. And the proceeds of the Federal gasoline tax have been aiding counties in their county road construction for many years. So it is argued that revenue sharing is only more of the same with fewer strings attached. Instead of the Federal assistance being $37 billion a year it will be $42 billion.

All of this might seem reasonable enough if we had any revenue to share. But the Federal Government has spent in the fiscal year ending June 30, 1972, alone $32.2 billion more than it took in. Next year the comparable deficit is estimated to be $37.8 billion. The Government debt now stands close to $450 billion and it will have to be increased in October. So when we add new governmental programs or increase those already in existence we have to borrow every penny required to carry them out. We have no revenue to share. We have only a deficit.

There was a time in history when the Government actually had surpluses on hand and no national debt to retire. That happy day occurred back in 1836, and Congress distributed the surplus among the States on certificates of deposit. The certificates never had been called. Michigan's determination to enter the Union as a State was strengthened by the fact that if the State were admitted in time it could share in that revenue distribution. A second time when there appeared to be revenue to share was in the 1880's, when the only Government debt outstanding was some bonds not callable, revenue from customs, and excises on liquor and tobacco coming in so fast that Congress could find no need for it. So another distribution was planned; but, alas, along came a depression and the surplus soon evaporated. Our plight today is that we have a Government debt larger than the debts of all the other governments in the world combined.

The first objection to the revenue sharing bill, therefore, is that we do not have any revenues to share, and in spite of all the arguments for priorities and the like, this fact still remains.

A second objection, in my opinion, is the bill's bold attempt to dictate State tax structures. Its purpose is to induce every State to lean primarily on a State income tax upon individuals. The Internal Revenue Service will even collect a State's income tax for it, at Federal expense, and remit the proceeds to the

State. I recall how strongly most States opposed this concept of Federal collection of their taxes when I sat as a member of an interstate tax subcommittee in 1967. The revenue sharing bill contains incentives to persuade a State not only to enact a State income tax system but to increase its reliance on that form of taxation. One purpose, of course, is to move States away from property taxation. In Michigan, though, we have no State property tax. Our property taxes are levied only by local units, municipalities and school districts—most of it for school purposes. The Revenue Sharing Act precludes any property tax relief for school districts since it does not include them among the recipients of its bounty. And if my computations are correct it will afford little relief to municipal property taxation, less than 3 mills in our part of Michigan. There is nothing in the bill to assure any reduction in property tax by local units. In fact its revenues are so meager that in many cases the likelihood will be no reduction of property tax by local units. All of the shared revenue will be consumed in increased costs.

A third objection to the revenue sharing bill lies in the violence it does to the federal system. If the concept is extended and grows, the States will truly become mere administrative subdivisions of a central government, for they may become utterly dependent upon the Government for their revenues. As the share of Federal revenue increases, there will be increasing resistance to State and local generation of revenues. A strong argument for revenue sharing is that in turning revenue back to the States and cities with few if any strings attached, we can dismantle the Federal bureaucracy. And I am all for that. But I favor strong and healthy State and local governments, not helpless and dependent ones. The way to assure that is to return to the States adequate sources of taxation. It is the exact opposite of what we do here—take all tax sources into the Federal Government and dole back money to States and local units.

Fourth, one of the soundest principles of political accountability is that a level of government should have the responsibility of raising what it spends. The separation of the taxing and spending power will wreak havoc. The Congress will be called upon to tax, the States and cities will spend, under the revenue sharing concept.

It will be much different under existing Federal assistance programs because, under them, Congress retains control of how the money may be spent. The great risk in revenue sharing will be that after the States and cities succeed in transferring their revenue burdens to the Congress and become mostly or totally dependent on Federal tax sources, Congress will, in political self-defense, again seize control over how the revenue it raises for the States shall be expended. Then the States will truly be reduced to administrative subdivisions.

For these reasons I thought it better public policy to vote against the revenue sharing bill.

FDA NOT ACTING IN CONSUMERS' INTEREST

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DELANEY. Mr. Speaker, the Food and Drug Administration has repeatedly ignored or subverted laws designed to protect the consuming public. Because of this, many rightly question the need to continue this agency as it is presently organized.

FDA's most recent announcement to indefinitely delay withdrawal from animal feed a known cancer-causing agent, diethylstilbestrol—DES, is another in a series of incidents which endanger the public and undermine our food and drug laws.

Previously, this agency has been reluctant to move against the hazards of cyclamates, saccharin, mercury, DDT, and other toxic chemicals.

Over two decades ago, eminent medical authorities warned the former Select Committee To Investigate the Use of Chemicals in Foods and Cosmetics, which I had the honor to chair, that even a single dose of a carcinogenic material can result in the development of cancer in an individual years later. This unique delayed effect of these chemical substances sets them entirely apart from the usual toxic agents.

Based on this testimony, and other supporting evidence, the Congress in 1958 passed the so-called Delaney anticancer amendment. This legislation prohibits the use in food of any additive known to cause cancer in man or animal.

Scientific experts continue to testify in support of this legislation. No one at this time can tell how much or how little of a carcinogen would be required to produce cancer in any human being, or how long it would take the cancer to develop.

DES is widely used to increase the body weight and lower feed requirements for animals slaughtered for human consumption. It is also a highly toxic chemical. This drug has been shown to cause cancer in numerous species of animals, and recent evidence strongly indicates it is a possible cause of cancer in second generation humans.

For some time, residues of this substance have been found in edible animal tissue, despite repeated assurances from the FDA that their controls would prevent this from happening.

Last year more stringent regulations were issued by this agency, yet DES residues have increased nearly fourfold.

Rather than placing an immediate ban on this extremely hazardous drug, the FDA says more time is needed to study all the facts. In the meantime, the consuming public will continue to be exposed to this toxic chemical.

This is unconscionable. The protection of the consuming public is paramount. If the FDA will not concern itself with protecting the public from hazardous substances, Congress must give immediate attention to setting up an agency that will.

"O CONGRESS"

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. JACOBS. Mr. Speaker, this is the gentleman from Illinois, Abner Mikva's superb review of the gentleman from Michigan, Donald Riegle's book, "O Congress":

[From the Washington (D.C.) Post, June 28, 1972]

UNDERWATER PART OF THE CONGRESSIONAL ICEBERG

("O Congress," By Donald Riegle with Trevor Armbrister—Reviewed by Abner J. Mikva, *Democratic congressman from Illinois*).

It takes one to know one, and that's what gives Rep. Don Riegle's book, "O Congress," its validity as an intensely personal anatomy of a congressman.

The book is not a primer for what makes the institution tick, but if you want to know how it feels to be a congressman, "O Congress" provides some first-rate clues in a highly readable context.

The format is a diary of one year in Don Riegle's congressional and personal life, from April 1971 until this March. For much of that time, Rep. McCloskey of California was trying to challenge President Nixon for the Republican presidential nomination. Don Riegle was McCloskey's closest ally, and much of the book is about "the insurgency." But it also describes another, more personal insurgency and explains just how difficult it is to be a congressman who does not like the direction in which his party or his country is headed. That difficulty begins at the beginning of the diary when Riegle finds that he could not get the cystic fibrosis poster child an appointment with the President. He had to leave it to someone with more orthodox views.

Don Riegle has spent his share of time in exile from the Republican Party and the congressional establishment in his three terms as a representative from Michigan. This book hardly will be his passport back inside. He spares little detail in relating the everyday conversation and trivia that members of Congress exchange. Some people will find that fascinating, because they like to know which congressmen still have flat-top haircuts, for example. Others will find those parts of the book less than surprising, because if there is one thing "O Congress" does, it shows that congressmen are no more and no less human, no better and no worse than the people they represent.

In any event, it is obvious that Riegle has little use for the "fraternity" rules which determine who has the power and who has the influence in Congress. By not giving notice that he wasn't going to play by those rules, he undoubtedly has sacrificed some of his own impact in Congress. It may be more than a little difficult for Riegle to have an intimate conversation with any of his colleagues.

If the book reveals anything meaningful, it is the personal pressures on the successful politican—the one who runs for public office and wins. Don Riegle's "diary" entries poignantly reveal the tremendous strain on family life which underlies the high divorce rate among public officeholders. His recounting of his conversations with his children after his separation will make even the most anti-Riegle congressman sympathetically nod.

"O Congress" raises up the underwater piece of the iceberg—the always happy, always friendly officeholder who pays the piper with his personal relationships. His family are the first victims, then his friends, and frequently his creditors.

The obvious question is that if it hurts so much why do they do it? "O Congress" takes the reader along on the roller coaster that is public life in America. Because it is in diary form and because Don Riegle is a candid man you can get an apt and accurate description of how a congressman can be up one day and wow them, and down the next day and bomb; of how he can be on cloud nine when he gets a standing ovation and beyond despair when his best supporter tells him he has developed political halitosis. Throughout it all, the reader can sense the guilty conscience of those uneasy riders who ask so much of their family and friends that the cords frequently snap.

The crueler question is not whether people know, but whether they care about a congressman's problems. Since there is never any shortage of candidates willing to take the ego trip, the voter takes a pretty hard-nosed view about his politicians. Since nobody put a gun at their heads and forced them to run he expects successful candidates to survive without sympathy. If the heat caused by broken personal relationships is too much, then it is time to get out of the political kitchen.

Don Riegle delivers the cruelest cut of all to himself and his colleagues on the nastiest question of all: Does any of it make any difference? The Republican "insurgency" that he and McCloskey are leading—how many people even know that it's going on and how will it affect the presidential election? The traumas and climaxes of legislative action and inaction on the war—will it make a difference? The whole that is Congress—is it the action arena? Or is it a ship of fools where everybody plays roles and adopts poses that have nothing to do with the real country where the other 210 million Americans live?

What a terrible question to ask.

CELESTINO MATTA-DUENO

HON. JORGE L. CÓRDOVA

RESIDENT COMMISSIONER FROM PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. CÓRDOVA. Mr. Speaker, thousands of families in the rural areas of Puerto Rico would join me in paying tribute to Mr. Celestino Matta-Dueno, who retired on March 31 after a long and distinguished career as Director of the Farmers Home Administration for Puerto Rico and the Virgin Islands.

This is the rural credit service of the Department of Agriculture. Under Mr. Matta-Dueno's guidance it has become a tremendous force for better living conditions in the rural provinces of Puerto Rico, as it has throughout the rural United States.

Largely because of the hard work and leadership of Mr. Matta-Dueno, FHA is one of the finest public service organizations in Puerto Rico. Nevertheless, the many who have benefited from his services regret that he is no longer in an active role. They honor him for his dedication and accomplishments in their behalf.

For 31 years, Mr. Matta-Dueno has been directly involved in improving conditions for the small family farmer. He also has taken a leading part in the development of housing credit and community facility credit now extended to the nonfarm rural population through the Farmers Home Administration.

Mr. Matta-Dueno came to FHA's predecessor agency, the Farm Security Administration, as a farm program specialist in 1941 after graduation from the University of Puerto Rico and 4 years of work as an instructor in vocational agriculture. In 1947, when the agency was reorganized as the Farmers Home Administration, he was named Director of the Farm Production Loan Division for Puerto Rico. A year later he became chief of all FHA program operations in Puerto Rico. In 1961 he assumed the state directorship for Puerto Rico and the Virgin Islands, and has held that position for the past 11 years.

Twice in his terms of service he received the Superior Service Award of the Department of Agriculture, a record that very few have achieved.

On the first of these occasions, in 1957, he was honored for his leadership in adapting the FHA program to a Spanish-language basis for serving the people of Puerto Rico, and conducting the programs in such a way that a revolutionary improvement was brought about in the fortunes of many rural families.

Farm families in the hills and obscure rural districts, whose living conditions were sadly substandard and whose practices and resources in agriculture were antiquated, found the credit, training, and counsel they needed for a new beginning, in the FHA supervised credit program as carried out under Mr. Matta-Dueno's direction. A familiar figure, widely known, and respected through the rural districts, he was the principal architect of a FHA field force that was able and willing to work with the people in their fields and in their homes. By Mr. Matta-Dueno's example, the Farmers Home Administration in Puerto Rico is the extreme opposite of an office-bound bureaucracy; and, I have observed, so it is today throughout the rural United States under the fine national leadership of Administrator James V. Smith.

The second of Mr. Matta-Dueno's Superior Service Awards was conferred last year. He was honored for the continuing expansion and improvement of FHA services in Puerto Rico and the Virgin Islands during his work as state director since 1961.

Of all the so-called state jurisdictions in the FHA organization, our islands rank at the top in maximum value delivered to the people, to the community, and to the common public interest.

Credit services through the agency in Puerto Rico and the Virgin Islands increased fivefold, from $3 million to $15 million a year, between 1960 and 1970, and rose to the level of $22 million in fiscal 1971. Beyond the $9.5 million now outstanding through 2,500 loans to enable small farm families to own or improve the operation of their land, FHA has developed new programs for upgrading rural housing and community facilities, and brought them to a high level of value over the past decade.

Housing credit of $334,000 was extended to exactly 65 families in 1960. Last year, 1,800 families in Puerto Rico and the Virgin Islands were served with nearly $19 million in credit to finance modernized, adequate housing for families of low or modest income in the rural towns and countryside.

In directing the growth of this program, Mr. Matta-Dueno has worked with housing specialists to design a serviceable modern home adequate for a family in the Puerto Rico climate. This cement block home has become a standard for efficient construction at reasonable cost. It has supplanted thousands of frame huts with thatched or tin roofs which once were the common standard for rural housing in Puerto Rico.

Farmers Home Administration loan and grant financing to plan and build rural community water and waste disposal systems was introduced during the 1960's. This program has led to modernization of services in nearly 100 communities that previously relied on much more primitive facilities.

In all, Mr. Matta-Dueno bears the responsibility for over 56,000 loans and grants with a value above $150 million.

Mr. Matta-Dueno's administration has been marked by excellent and highly productive cooperation with every level of government in Puerto Rico from government to village. He has chaired an intergovernmental committee for this purpose. He also has made his mark as an advocate of better services for rural people by persuading health clinics, banks, and many other lines of business and public institutions to expand their facilities in the small towns.

In all respects the system for delivering credit, personal service and the ways and means of progress in rural Puerto Rico, as developed under Mr. Matta-Dueno's direction, has been a fine exhibit to the world for the United States.

Representatives from many countries, especially in underdeveloped areas of the world, have studied the workings of the Farmers Home Administration in Puerto Rico. Mr. Matta-Dueno has been loaned as consultant to other Latin American countries that seek to improve their rural credit systems along lines of the Farmers Home Administration. His programs in Puerto Rico also have pointed the way to better service for Spanish-speaking citizens in various parts of the continental United States.

As he retires to private life, we hope and expect that his counsel still can be called upon, for we know his devotion to a better chance, a better life for the rural people of Puerto Rico.

We commend Secretary of Agriculture Earl L. Butz, and Administrator James V. Smith of the Farmers Home Administration, on the choice of Dr. Manuel Soldevila as successor to Mr. Matta-Dueno. Dr. Soldevila also is a product of our University of Puerto Rico. He comes to FHA after outstanding service as a field administrator of agricultural experiment work in Puerto Rico. We are confident of his ability to carry on and continue the development of Farmers Home Administration programs, and to achieve the ever greater goals of service that are set by this fine agency.

CIA DOES NOT SMUGGLE OPIUM

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. GUBSER. Mr. Speaker, once again there has been an upsurge in charges alleging direct CIA involvement in drug traffic in Southeast Asia. These allegations have proven false in the past. Last year I personally looked into similar charges and I am satisfied myself that they were without substance. Moreover, in April 1971, Mr. Richard Helms, Director of Central Intelligence, made a public categorical denial of Agency involvement in drug traffic before the American Society of Newspaper Editors. He has personally reaffirmed this denial to me. What the facts actually demonstrated was that the CIA is cooperating closely with other Government agencies in a concerted effort to curb the world drug traffic. The efforts of these U.S. agencies are designed to persuade countries, which for centuries have accepted the growth or local consumption of illicit drugs, to take stringent steps against such practices. They are also cooperating to eliminate the flow of these drugs into the United States.

Most recently, Mr. Alfred McCoy, a graduate student who is about to publish a book on the drug traffic in Southeast Asia, has made the same charges against the CIA. In early June, he aired his charges before a Senate subcommittee and received considerable publicity. Immediately after Mr. McCoy's testimony, Mr. Nelson Gross, senior adviser to the Secretary of State and Coordinator for International Narcotics Matters, publicly and in detail refuted Mr. McCoy's charges. I regret that these allegations have been given further publicity in a statement by a Member of this body when he published in the CONGRESSIONAL RECORD of June 27, a letter he has directed to Mr. Helms, requesting an investigation of the allegations made by Mr. McCoy.

Mr. Speaker, Director Helms' denial of charges that CIA has been involved in the drug traffic has been confirmed by other senior U.S. Government officials. There has been no substance to the charges that have been leveled and it is most regrettable that the CIA must be the continual target of a tactic which serves to undermine positive efforts that are being taken under difficult circumstances to curb drug trafficking. Those few who promote false accusations to the contrary undermine the good work that is being done and the personal integrity of high officials of our Government. I can assure the Members of this body and all American citizens that our Government is committed 100 percent to solving the drug problem.

Mr. Speaker, while it is unfortunate that these old charges have been publicly aired again, I believe that Mr. Helms' letter of June 28 on this subject should also be included in the RECORD:

CENTRAL INTELLIGENCE AGENCY,
OFFICE OF THE DIRECTOR,
June 28, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: The Congressional Record of June 27, 1972, carries a letter addressed to me by you announcing your release of "substantial new evidence that indicates U.S. pilots flying CIA operated helicopters have been smuggling opium inside Laos."

I have yet to receive your letter. Pending its receipt, however, I shall begin a thorough investigation of this alleged "new evidence" and will advise you in due course of the results. In this connection, I call to your attention the testimony of Mr. Nelson Gross, Senior Advisor to the Secretary of State and Coordinator for International Narcotics Matters, before the Congressional Inquiry Regarding International Narcotics Traffic on June 9, 1972. He there quoted the Air America Managing Director's statement that Mr. Alfred McCoy's allegation before the Foreign Operations Subcommittee of the Senate Appropriations Committee that Air America aircraft have been transporting opium in Northern Laos on a regular basis is "utterly and absolutely false."

In the interim, I wish to reiterate strongly what I have said publicly to the America Society of Newspaper Editors:

"There is the arrant nonsense that the Central Intelligence Agency is somehow involved in the world drug traffic. We are not. As fathers, we are as concerned about the lives of our children and grandchildren as are all of you. As an Agency, in fact, we are heavily engaged in tracing the foreign roots of the drug traffic for the Bureau of Narcotics and Dangerous Drugs. We hope we are helping with a solution; we know we are not contributing to the problem."

In addition, you will have no doubt noticed in the Congressional Record of June 2, 1971, that Congressman Charles Gubser cited a letter from Mr. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, attesting to the fact that this Agency has taken a great number of steps against the narcotics trade. Further, we have issued the strongest instructions, and have most vigorously enforced them, to prohibit any inadvertent use of CIA facilities by narcotics smugglers.

In the light of these well-established positions, we find it disappointing to be subjected to the type of public allegation represented by graduate student McCoy's assertions of "new evidence," the innuendo in which can only dishearten CIA personnel of honor and integrity working against this nefarious trade.

I have taken the liberty of sending a copy of this letter to Congressman Gubser because of his interest in these matters.

Sincerely,

RICHARD HELMS, *Director.*

RETIREMENT OF GEORGE ROBINSON

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. KING. Mr. Speaker, I would like to join with my colleagues in paying special tribute to my friend George Robinson on the occasion of his retirement as an employee of the House of Representatives.

Over all the years that I have known George, I can truthfuly say that I have known few people who have been more conscientious or dedicated in the performance of their duties than my friend George Robinson. He has devoted much of his life to the House of Representatives and has always carried out his duties in a willing and cheerful manner.

While I personally hate to see him retire, I fully recognize that after so many years of faithful service, he certainly deserves some rest and relaxation. He has my best wishes for a truly rewarding retirement.

NEW VA HOSPITAL IN COLUMBIA, MO.

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. ICHORD. Mr. Speaker, I am delighted to report that a 460-bed, $19-million Veterans' Administration hospital was opened in Columbia, Mo., on June 16, 1972. This gives the American people a network of 167 hospitals from coast to coast with which to treat America's heroes. It is to our veterans that we owe the final debt for America's greatness, and there is no better way to show our gratitude than by making certain former military women and men are given the finest in medical care and treatment.

President Nixon noted the dedication of the new Columbia hospital in a special message to the people of Missouri, saying, in part:

> Its opening symbolizes the strong and continuing commitment of this Administration to making the best possible medical care available to every eligible veteran.

He said that meeting their medical need "is one of our highest national priorities."

In his talk at the dedication, Administrator of Veterans' Affairs Donald E. Johnson noted that America is spending more money and caring for more veterans with better treatment than ever before in history.

I was privileged to participate in the stirring dedicatory ceremony, and it made one feel proud and good to observe the modern building, the latest equipment, and compassionate and skilled employees ready to help so many of our former service personnel.

Because the new hospital represents so much for so many, I am most pleased to offer the President's message and Administrator Johnson's talk for printing in the CONGRESSIONAL RECORD.

REMARKS BY THE HONORABLE DONALD E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, AT THE DEDICATION OF THE VETERANS' ADMINISTRATION HOSPITAL, COLUMBIA, MO., JUNE 16, 1972

Dr. Fitzgerald . . . Congressmen Randal, Ichord, Hall and Hungate . . . Secretary and Mrs. Satoh . . . Mayor Hobart . . . members of the Missouri State Legislature . . . Dr. Mayer . . . Dr. Ellis . . . Reverend Clergy . . .

representatives of America's Armed Forces and national veterans organizations . . . distinguished guests, which all in this audience are . . . and my VA associates: We are met this morning to mark the formal opening of a magnificent, new addition to the Veterans Administration hospital system . . . the nation's largest as well as finest hospital system . . . I am proud to say.

And we are met to dedicate this 460-bed hospital here in the heartland of America to a very special purpose: Service to those who have served America in a very special way.

In welcoming this facility into the family of VA hospitals . . . we must . . . and do . . . recognize . . . publicly and gratefully . . . the strong support which the American people have given . . . and are continuing to give . . . to our veterans medical care program.

The hospital which we dedicate today . . . a $19-million-dollar investment on the part of the public . . . offers tangible and impressive evidence of that support.

However . . . even more striking evidence of the will and resolve of the American people that this nation's veterans shall receive the finest hospital and medical care possible may be seen in the fact that expenditures for the veterans medical care program will . . . in the coming fiscal year . . . reach almost two and three-quarter billion dollars.

And this is an increase of more than one billion dollars in just three years since President Nixon appointed me as his Administrator of Veterans Affairs.

I submit that the American people have accepted . . . fully and freely . . . the charge and the challenge which Abraham Lincoln gave them when he told them "to care for him who shall have borne the battle."

I also tell you today that the quality Veterans Administration hospital and medical care program which their support has made possible benefits not just America's ill and disabled and aging veterans . . . but has placed VA medicine in a key position to help ensure for all of our citizens the quality health care at reasonable cost that is their right.

Our attention this morning is focused on this Columbia, Missouri VA Hospital.

In the years to come . . . this 381,000 square feet, six-story structure will continue to be the symbol of VA medicine for the citizens of this great community . . . and for the 100,000 and more veterans in Central Missouri whom it will serve.

Certainly the 900 skilled, dedicated, and compassionate men and women who will staff this hospital when it is in full operation will become active, concerned, responsible members of this community.

Without question . . . the hospital's $14-million annual budget will contribute significantly to the economic well-being of Columbia, Missouri.

And this is good.

Even as we dedicate this hospital . . . however . . . and recognize its mutually beneficial affiliation with the University of Missouri's Columbia Medical School . . . I think that we need to keep in mind the fact that this newest and most modern VA hospital is more than a single hospital. It is more than the 167th Veterans Administration hospital now in operation.

It is part . . . a vital part, I need not add . . . of VA's nationwide health care delivery system.

And when I say "system" . . . I mean exactly that.

In the coming fiscal year . . . which begins two weeks from tomorrow . . . on July 1 . . . this system will comprise 168 hospitals . . . our new Tampa, Florida, hospital will be dedicated in October . . . plus 16 domiciliary homes, 9 restoration centers, 83 nursing care units, and 203 outpatient clinics . . . organized into 37 "regional" Medical Districts . . . and operated directly by VA.

Moreover . . . this system will also continue to utilize non-VA facilities . . . such as other Federal, state and private hospitals, community and state nursing homes, state domiciliaries for veterans, and a variety of other extended care arrangements.

Many members of Missouri's medical community can tell you . . . from personal experience . . . that the VA hospital system also relies heavily on "home town" or fee-basis physicians and dentists . . . as required or desirable.

I state the obvious when I tell you that VA's health care delivery system is the largest under unified management anywhere in the free world.

Not so obvious . . . but very definitely attainable . . . are other advantages which a system of this magnitude can realize . . . such as:

1. Transferring patients . . . readily and with no red tape . . . to the most appropriate treatment modality and location.

2. Fostering the most efficient use of both medical and admistrative personnel . . . and promoting optimum utilization of medical personnel in scarce categories.

3. Saving substantial expenditures in the purchase of supplies.

4. Encouraging avoidance of excessive duplication of expensive equipment.

5. And speeding up problem-solving processes in both the management and medical field.

Permit me to cite two recent examples of the ability of our VA hospital system to cope readily and effectively with new demands and changing circumstances.

The first concerns VA's drug treatment program.

It was just a year ago this month that President Nixon asked Congress to increase our drug treatment budget by an additional $14-million to assist "in the immediate development and emplacement of VA rehabilition centers which will permit both inpatient and outpatient care of addicts in a community setting."

When we received our marching orders from the President . . . VA had only five special drug treatment centers. In just a little over three-month's time we accomplished a six-fold increase . . . expanding to 32 such centers . . . including the center in St. Louis . . . in 1971.

Within the next 30 days we plan to add still another 12 of these special units.

In addition to these 44 specialized drug treatment centers . . . all of VA's 167 hospitals . . . including this new Columbia VA hospital . . . are mandated to accept veteran drug patients promptly for treatment . . . or, if the situation indicates . . . for transfer to those VA hospitals operating more sophisticated centers.

The measures we have taken . . . in response to the President's call to battle . . . will add up to some 20,000 veterans receiving VA inpatient or outpatient drug care in the fiscal year ending two weeks from now.

A second example of the ability of the VA hospital system to cope readily and effectively with new demands and changing circumstances can be found in the tragic San Fernando, California earthquake of February 9, 1971.

We effected the widescale redistribution of patients . . . with minimum disruption of their care requirements . . . following this earthquake . . . which destroyed our San Fernando VA hospital . . . and which subsequently led to the abandonment of our Wadsworth facility in Los Angeles.

Three years ago . . . when I took office as Administrator of Veterans Affairs . . . I started using the word "quality" . . in referring to VA's hospital and medical care program.

That word was appropriate then . . . but is even more so today.

All of our hospitals are accredited . . . and we are affiliated with 98 of the Nation's medical teaching schools . . . including, of course, the University of Missouri's Columbia Schools of Medicine and Nursing.

Nearly one-half of VA's full-time physicians are board-certified specialists . . . and nearly one-half hold active faculty appointments at medical or dental schools affiliated with our hospitals.

In addition . . . VA hospitals have active affiliations with graduate departments of psychology, graduate schools of social work, occupational as well as physical therapy schools, pharmacy schools . . . plus universities, colleges, junior and community colleges, and technical and vocational schools having courses for professional or technical allied health workers.

By actual count . . . these schools now number 965.

Staffing ratios in our VA hospitals will reach a new high in fiscal 1973 . . . with 207 employees for each 100 surgical patients . . . 164 employees for each 100 medical patients . . . and 105 employees for each 100 psychiatric patients.

Stated another way . . . our total average employment in VA's medical care program in the coming fiscal year will be 153,627 . . . an increase of more than 10,000 employees over 1972 . . . and more than 20,000 over 1971.

On an average day in fiscal 1973 . . . VA will be providing some form of patient care or support to more than 166,000 beneficiaries. During the year we will provide inpatient care for nearly one million veterans. Our planning calls for the average daily patient census here at Columbia to increase from 43 in this fiscal year to 245 in fiscal 1973.

Obviously . . . it will climb still higher in future years.

We will handle almost 11 million outpatient visits . . . the highest number in history . . . in the coming fiscal year.

Included in the 248 new medical units . . . which the record high $2.7 billion budget for VA medicine in fiscal 1973 will permit us to add . . . will be a cardiac catherterization laboratory, electron microscopes, an intensive care unit, and a coronary care unit, a mental hygiene clinic, and a speech pathology unit . . . all here at our Columbia VA Hospital.

I think you will agree that . . . for VA medicine . . . the coming fiscal year will be a busy one, indeed.

But I tell you today that VA medicine can . . . and will . . . do more with final congressional approval of the omnibus medical bill . . . proposed by this Administration . . . which, among other things, will permit our clinics to provide ambulatory care to eligible veterans in order "to obviate" the need for their hospitalization.

While this may require expansion at some hospitals of our system's ambulatory care facilities . . . it will permit delivery of care in new patterns . . . tailored to the specific needs of individual patients . . . and constitute an important step toward preventive medicine.

The VA medical care program is more than patient care . . . of course. It encompasses . . . in fact . . . the triad of modern medicine . . . requiring the operation of extensive programs in *research* and *education*.

On any given day . . . VA medical investigators are involved in nearly 6,000 research projects.

You are familiar with many of VA's medical research accomplishments . . . and shared triumphs . . . such as the elimination of tuberculosis as a killer disease . . . the perfection of kidney transplants . . . the development of portable hemodialysis units for home use . . . the heart pacemaker . . . the laser cane for the blind . . . and others.

And you know that the results of VA medical research are quickly made available to all of our citizens.

The point I want to emphasize is VA's unique capability for conducting wide-scale cooperative research projects in clinical settings . . . our ability to conduct simultaneously the same research effort in many hospitals.

I submit that this research technique is proof that the VA hospital system offers great potential for reducing the time necessary to test new medical treatments or theories.

We believe that we can apply this same approach successfully in establishing . . . and demonstrating . . . new models or patterns of health care delivery . . . particularly with the appropriate utilization of "para-professionals."

With President Nixon's enthusiastic support . . . VA medicine is making rapid gains in helping to supply the Nation's medical manpower needs.

We will expand the number of health trainees in our hospital system to approximately 62,000 in fiscal 1973 . . . an increase of nearly 10 percent over this year . . . and more than two-thirds again as many as we trained just four years ago.

VA's medical education and training program includes trainees in some 60 professional and technical categories. To illustrate the national importance of this program . . . permit me to point out the following facts.

Nearly one-third of all physicians now practicing . . . and approximately one-half of those entering practice each year . . . have had some or all of their postgraduate training in VA hospitals.

VA contributes directly to the education each year of over 1,000 dental students, over 20,000 basic nursing students, 23 percent of all social work graduates, 32 percent of all didates in clinical psychology, and 25 percent of all pharmacy interns and residents.

Finally . . . I tell you that the VA system is especially well suited to assist in increasing medical resources in scarcity areas. We are already at work on the development of eight Area Health Education Centers . . . using VA hospitals as a nucleus in localities that are removed from centers of higher medical education.

We can expand this effort . . . and already have authority to share with other hospitals scarce medical equipment.

Our program of exchange of medical information . . . especially with medical personnel in rural areas . . . can be greatly extended.

VA hospitals have demonstrate their ability to help new medical schools get started at relatively low cost . . . and to speed up the development and production of new categories of health care personnel . . . such as Physician's Assistants. But more can and should be done in both of these areas.

In the past few months . . . I have participated in the 50th anniversary observance at three of our VA hospitals.

The great success stories written by each of these hospitals were . . . first and foremost . . . the stories of people.

And so will it be with our Columbia, Missouri, Veterans Administration Hospital.

When this newest VA hospital observes its Golden Anniversary . . . whoever is then privileged to serve America's veterans, their dependents, and survivors of decreased veterans as Administrator of Veterans Affairs can speak of the tens of thousands of veterans who will have been cared for in this hospital during its first-half century . . . and of their entitlement to the quality care which they received.

He can speak of the skilled, dedicated, and compassionate care provided them by the unselfish men and women who staffed this hospital during its first-half century.

He can attempt to find words that adequately express the gratitude of the Veterans Administration to the thousands of volunteers in this and surrounding communities who offered their compassionate hearts and capable hands in selfless service to the veteran patients at this hospital.

And hopefully . . . he can cite as a fact the pledge I now make.

Recognizing that to have a friend . . . one must be a friend . . . I now pledge to you officials and good citizens of Columbia, Missouri . . . and to Dean Mayer, Dr. Ellis, and the staff of the University of Columbia Medical School . . . that my Columbia VA Hospital associates . . . and indeed all of us in VA . . . will try to earn you coveted friendship . . . and, in turn . . . to be a worthy friend, a good neighbor . . . and a constructive force for good.

Thank you for making this dedication such an enjoyable as well as memorable moment.

Statement by President Nixon on the Dedication of the Columbia, Missouri, Veterans' Administration Hospital

Today the veterans administration is dedicating a new hospital in Columbia, Missouri. This brings the nationwide system of veterans' hospitals to a total of 167, with more under construction and in the planning stage.

This latest addition will provide health care services primarily to the veterans of central Missouri. But its opening also symbolizes the strong and continuing commitment of this administration to making the best possible medical care available to every eligible veteran.

Fulfilling the nation's obligation to its veterans is a matter of justice and national honor. Meeting their medical needs is one of our highest national priorities. To insure that they are met, I intend to maintain and reinforce the independent system of veterans administration health care facilities when and as required.

PLAUDITS TO TRIAD

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. MOORHEAD. Mr. Speaker, in a city two-thirds surrounded by water, maximizing the potential uses of its rivers is an essential job. The Three Rivers Improvement and Development Corp. is a nonprofit organization dedicated to maximizing recreational and commercial uses of Pittsburgh's major waterways. TRIAD displayed another facet last week when it responded to the emergency flood situation by working with local boat and dock owners to minimize property loss and injury.

TRIAD personnel coordinated the myriad bits of information concerning debris, boats, and barges racing pell mell down the Allegheny and Monongahela Rivers into the mighty Ohio. They then transmitted this vital information to public officials charged with protecting life and property.

I would like to thank all of the TRIAD staff people who worked so efficiently in this time of disaster. I would like to put their own record of activity into the Congressional Record at this time.

Report to the Board of Directors on Triad's Involvement During Pittsburgh's Flood Disaster, June 20–25, 1972

Now that the flood crisis is past and the matter of clean up is underway, we have time to review and report to you how TRIAD responded to the situation.

As early as Tuesday afternoon, June 20, we were extremely concerned that the river would present hazardous conditions for the TRIAD River Renaissance Weekend, scheduled for June 24 & 25. The U.S. Weather Bureau was contacted as early as Wednesday morning. Mr. William Long, Hydrologist for the River Section of the National Weather Bureau, informed us that even if the rain stopped Wednesday, the river would have heavy debris and fast current for the weekend.

Further observation throughout Wednesday demanded an alternate plan for the Weekend activities. Wednesday night we were working with marinas to secure our equipment and other docks and vessels. Many marina owners provided us with information on the increasing danger.

Thursday morning, June 22, further checks with the Corps of Engineers and the U.S. Weather Bureau indicated in our judgment that a serious condition was developing. By 10:00 A.M. the preliminary decision to cancel the river activities for the weekend was made; and after an on-the-scene check, a final decision to cancel the TRIAD river activities was confirmed at 11:30 A.M., and we immediately prepared and distributed a press release to that effect.

At the same time we began calling marinas to alert them of pending damage to vessels, docks, and marine facilities, and in turn received further on-the-scene reports.

Arrangements were made to have the Sesame Street cast and the Pittsburgh Youth Symphony perform at the Civic Arena for two shows Saturday, and the news media was notified of these changes.

Also, on Thursday afternoon, the American Wind Symphony Barge had been moored to two trees in Tarentum, and, in light of the rising waters, was in a precarious situation. TRIAD coordinated the movement of a towboat under Jack Ross and George Douglas to move the Symphony Barge to a safe port at the PPG plant in Tarentum. This swift action saved the barge and unknown points that might have been damaged in its path downstream.

Throughout Thursday night we continued to be involved in working with marinas and boat owners securing property and notifying them of the potential flooding.

Friday morning our observors were stationed at the Hilton Hotel, the Gulf Building, and various mobile points reporting to the Corps of Engineers, and other offices, the continual flow of runaway barges and hazardous debris as it passed down the Allegheny toward the Emsworth Dam.

At one point a barge loaded with salvage junk crashed into the mooring of Grimm's salvage operation below Penn-Central Railroad bridge on the North Side. This huge mass of barges broke loose, struck North Shore Marina tearing it from its moorings, and then headed down river. Our observors immediately called Faust Marina and alerted them to clear people from their docks. Fortunately the swift moving hulks missed wiping out Faust Marina by only a few feet, as they pivoted off the Ninth Street Bridge into the center channel of the river. TRIAD's observation/alerting activity continued throughout the daylight hours.

The Sesame Street cast, in town for a performance at the TRIAD Weekend, finished rehearsal at Heinz Hall at 3:30 P.M. Friday and were then evacuated from the Hilton Hotel. This action was taken by TRIAD in order to keep them in a position where they would be free to perform at the Civic Arena Saturday, June 24. The cast was very concerned that the children of Pittsburgh would if we were forced to cancel Saturday. This be denied a chance to see them in person. They were even willing to perform Sunday wonderful group of entertainers appeared here without charge. Under the most adverse of weather conditions, which caused numerous changes to rehearsal and performance sites, the troupe still wanted to give the children of Pittsburgh the show they all anticipated, in spite of any personal inconvenience to the performers themselves. When it was determined that people could safely venture to the Civil Arena Saturday morning, the scheduled shows were held, and approximately 12,834 people, young and old, did turn out to be awed by Big Bird and his friends and the wonderful music of the Youth Symphony.

Throughout the entire disaster, from as early as Wednesday morning, we were in communication with the U.S. Army Corps of Engineers, the U.S. Weather Bureau, and other officials regarding river conditions. In addition to that, we talked with marinas and kept two-way communication on the changing conditions. Earl Faust, operator and owner of Faust Marina on the North Side, had taken considerable measures to save his marina even before the flood was predicted. With the help of Whitey Baldinger—who participates in TRIAD water ski shows and other functions, Chris Bigos—one of TRIAD's boat captains, and others, they cabled their docks to the bridge piers and were able to save them. Their near round-the-clock work, at greast risk to personal safety, saved thousands of dollars in boats and equipment, and possibly lives as well.

Captain Jack Ross worked at Oakmont Yacht Club where they saved all but three boats. Jack claims the force of the current actually crushed the docks under this feet.

Port Allegheny Marina took preventive measures and saved all their equipment. George Kasunich, TRIAD's Summer Youth Program Director, was helping at Rodak's Marina in Cheswick; but they lost considerable property. Rudy Nuzzo's Outboard Haven had most of their boats out of the water by Wednesday night, but the facilitiy was wiped out by the swift currents, as was Harbor Isle Yacht Club.

On Sunday, TRIAD issued the enclosed news release and scheduled a meeting with its IPC committee Wednesday, June 28, to assess the situation and take the necessary steps to improve flood readiness for industry and communities, in addition to its pollution control program.

THE RESULTS OF CONGRESSMAN WYLIE'S JUNE QUESTIONNAIRE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. WYLIE. Mr. Speaker, I recently sent to residents of Ohio's 15th Ohio Congressional District the results of my June questionnaire. For the benefit of my colleagues, I insert this information into the RECORD:

IF YOU WERE A CONGRESSMAN FROM OHIO, HOW WOULD YOU VOTE?

[In percent]

	18-27	28-41	42-57	Over 57
Age of constituent:				
His	9.3	12.2	16.4	14.7
Hers	8.2	11.9	12.9	14.4

	His		Hers	
	Yes	No	Yes	No
1. Assuming the state of the economy to be the number one issue facing the nation:				
(a) Should present Phase II economic controls be continued?	78.1	21.9	77.8	22.2
(b) Would you favor stronger wage-price controls?	78.8	21.2	80.3	19.7
(c) Would you favor an end to all wage-price controls?	12.5	87.5	10.6	89.4
2. Do you favor:				
(a) Continuation of the military draft?	58	42	53.9	46.1
(b) An all volunteer armed forces concept?	61.3	38.7	60.8	39.2
3. Are you in favor of granting amnesty to those who avoided military service by leaving the United States during the Vietnam War?	19.3	80.7	22.6	77.4
4. Do you favor:				
(a) Busing of school children to achieve racial balance?	9.8	90.2	5.5	94.5
(b) Busing of school children to provide equality of educational opportunity?	39.6	60.4	32.2	67.8
(c) Do you think President Nixon's recently announced busing plan would solve this controversial problem?	35.2	64.8	35.6	64.4
5. Do you feel that the federal government is moving effectively to alleviate environmental pollution?	36.6	63.4	34.6	65.4
6. The problem of drug abuse continues to be one of the most difficult to solve.				
(a) Do you favor legislation along the lines of the British system which would supply addicts with drugs under controlled conditions?	27.3	72.7	37.6	62.4
(b) Do you favor stricter enforcement of recently enacted drug abuse legislation providing for very severe criminal penalties for drug pushers?	91.2	8.8	92.7	7.3
(c) Do you favor the cut off of foreign aid to nations producing illegal drugs?	79.5	20.5	81.3	18.7
(d) The President s Commission on Drug Abuse has released a report which favors legalization of private use of marijuana—do you?	31.5	68.5	24.3	75.7
7. Do you approve of the way President Nixon is handling the conflict in Vietnam and elsewhere in Indochina?	70.4	29.6	68.3	31.7
8. Do you approve of President Nixon's trips to Red China and Russia?	85.6	14.4	83	17
9. In general, do you support President Nixon's domestic program?	67.5	32.5	66.3	33.7
10. Do you favor the so-called value added tax, in effect a national sales tax, as a method to reduce property taxes?	41.1	58.9	36.4	63.6
11. Do you think federal programs are helping local governments to eliminate crime in the streets?	37.2	62.8	30	70
12. In your opinion, what is the most important problem facing the nation? (Listed in order by number of times mentioned.) (1) Inflation (2) Crime (3) Vietnam (4) Drugs (5) Pollution (6) Distrust of Government Officials (7) Moral degradation in general (8) Welfare				

REMARKS BY GEN. RALPH E. HAINES, JR.

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STUBBLEFIELD. Mr. Speaker, several weeks ago, Gen. Ralph E. Haines, Jr., was in my congressional district to help welcome back the 101st Airborne Division. General Haines was among a group of high Government officials which constituted the official welcoming committee for this first complete division of fighting men to be returned from Southeast Asia. I enjoyed being in General Haines' company for several reasons, not the least of which is because he is a very responsible patriot of our country, who has demonstrated repeatedly his ableness to lead others.

Being impressed with General Haines' dedication to his country and his responsible attitude about our country's place in world affairs, I was not surprised to learn that General Haines is also a dedicated Christian. In fact, he often refers to himself as a "private in the Lord's Army."

I think it a good lesson for all of us that, a four-star general with numerous honors to command himself among his fellowmen, has not forgotten his rightful place in the "order of all men and matter."

It is my privilege to submit in the RECORD for the edification of all who read the daily proceedings of the House excerpts from the text of General Haines' speech as a military breakfast held here in Washington on April 1, 1972, and sponsored by the Full Gospel Business Men's Fellowship International:

REMARKS OF GEN. RALPH E. HAINES, JR.

Brother Allinder, Beloved Friends in Christ: I am honored that you have afforded me the opportunity to talk to you at this Military Breakfast. Those of us who wear the uniform of our country are happy indeed to break bread with our friends from the business and professional community. We meet this morning on that bleak day, about which not a word is written in the Scriptures, between the Crucifixion of our Lord and His glorious Resurrection. As we prepare our hearts to celebrate Christ's triumph over death on Easter morning, I feel it appropriate to consider the challenges we all face as witnesses to His saving grace; so I have selected "Challenges of the Christian Life" as my subject. I'm not sure I can offer anything new, or perhaps even stimulating, after all the spirit-filled speakers you have heard in the last few days. They've been real pro's and I'm a rank amateur in this preaching and teaching business. At best, I can only hope to reinforce some of the views already expressed and perhaps strengthen your faith, as we seek to be effective witnesses in the days ahead which the Lord has allotted to us.

I doubt that it is necessary to make the point with this audience that those of us who serve in the Armed Forces of our country have no apologies for our profession. We consider it a noble one which demands the services of God-fearing men and women. A military career, like any other religious or secular vocation, is a true "calling." As such, it offers unlimited possibilities—yes, even challenges—to lead lives in consonance with the highest Christian ideals. I reject out of hand any view that we in the military are war mongers. To make a simplistic comparison, we are no more war mongers than firemen are arsonists or firebugs. The U.S. military fights wars only when directed to do so by duly elected and constituted civilian authority. The man in uniform doesn't particularly like separations from his family to engage in hostilities in a distant land. But he accepts that this is an imperfect world and that he is being paid to fight, if necessary in defense of his country. Forty-one years ago, on the plains of West Point, I raised my right hand as a 17 year old stripling and swore: "To defend the Constitution of the United States against all enemies, foreign and domestic and to bear true faith and allegiance to the same." I have sought to discharge that trust well and faithfully. I find no inconsistency between my responsibilities as a soldier and my convictions as a Christian. I feel I can serve my God and my country at the same time—in fact, that service in these fields is complementary and mutually reinforcing. Over the ages, God has been the soldier's constant companion. Like other Christians, we servicemen and women find no problem in combining our faith and our profession and, in so doing, prove our faith and improve our profession.

To return to my subject, what are the challenges of Christian living—both for the civilian and military members of this audience? I'll try to avoid belaboring the obvious and will seek to pitch my remarks above the "Dick and Jane" level. At the same time, I hope to avoid the "intellectual approach."

First, and most basic of all, we are challenged to be committed Christians. Most simply put, this means that we are challenged to acknowledge our sins, to open our hearts to Jesus Christ, and to accept Him completely and unreservedly as our personal Savior, with the full realization that, no matter how unworthy we are, our guilt and sin are washed away by His precious blood. A continuing awareness that we have surrendered our lives to Christ and have found the secret of victorious living must constitute the cornerstone of our faith. It is this bedrock truth on which we can fall back and regroup our forces when we are assailed by the turmoil, trials and tribulations of the world.

The first challenge, then, to the Christian is to be truly committed. Regardless of the circumstances in which he finds himself, he can draw peace of mind and assurance from his commitment; and it is a source of sustaining strength to him. Some months ago, I was fortunate to be among a group of officers who listened to Admiral Sir Horace Law, the Chairman of the British Officers' Christian Union. He defined Christian commitment as "giving all that one knows of self to all that one knows of God." Given the limited nature of our mortal comprehension, his words define commitment as well as any of us could hope to.

The second challenge to life as a Christian is to be a continuing Christian. Saint Paul in his Epistles made the Christian life analogous to running a race. As in any race, it is not only necessary to get a good start, but in order to win, it is also imperative to run hard all the way. Now, if we are to continue in the Christian faith, if we are in Paul's words to "run with patience the race that is set before us," we must provide time in our daily routine for spiritual activities. The first of these is Bible study. The Bible contains God's plan of salvation. It is the road map for the Christians. It sustains us in our Christian living. In it, our Lord has given us the experiences of those who have gone before us, so that we can profit both by their mistakes and their successes. In God's word, we can find strength in times of weakness and nourishment for our hungering souls. Many great leaders of the world, both military and civilian, have advocated regular Bible reading for the spiritual strength it imparts. In the midst of World War II, Field Marshal Montgomery said to the men who fought under him, "I read my Bible every day, and I recommend that you gentlemen do the same." General of the Army Douglas MacArthur declared, "However tired I may be, I never go to bed without reading a portion of this book—the Bible."

In the 11th Chapter of Romans we read that . . ."Faith cometh by hearing and hearing by the word of God." The man who cuts himself off from the Bible and wonders why he has no faith is just as ridiculous as a man would be if he stopped eating and wondered why his body wasted away. Christians through the years have differed concerning the most meaningful method for Bible reading. To me, choice of methods is relatively unimportant. What is important is that we find a way to make our reading of the word of God something more than a dull, routine duty or a mechanical exercise in piety. To do this, I am convinced that our attitude in Bible study is decisively important. To derive the most from our Bible reading, it is important:

First, that we read *reverently*, realizing that through the printed word we are having a confrontation with the Lord of life—an interview with God.

Secondly, that we read *prayerfully*. Every Bible reading should begin with a moment of prayer in which we ask the Holy Spirit to surge up inside us so that we can receive God's message.

Third, that we read *imaginatively*—asking ourselves constantly, "How is this applicable to my life today? What does it demand of me?"

Finally, that we read *obediently*. Some action should follow from our study, just as night follows day. We must resolve to do something about the insights, the challenges, the calls to service, and the demands to change that come up during our reading. If we read our Bible regularly in this manner, we will continue to grow and mature in our Christian lives.

As continuing Christians, we must not only seek God's truth through Bible study, but also be ardent in our prayer life. We must talk to God and permit Him to talk to us. Every military man understands that communications are all-important. If they are interrupted, even the greatest commander cannot direct his troops to victory. Admiral Mahan, the great exponent of seapower, whom I quote out of deference to my Navy friends here this morning, said: "Communications dominate war; broadly considered, they are the most important single element in strategy, political or military."

So too in our Christian lives. The line of communication between us and our God must be open. There must be a channel through which we can seek direction and receive guidance. Henry Thoreau wrote: "If a man does not keep pace with his companions, perhaps it is because he hears a different drummer." The man who communicates regularly with God through prayer, who keeps the channel open, hears the drumbeat of God's guidance and, hearing this, keeps his life in step with God's will.

A third responsibility of a continuing Christian is to be regular and reverent in attendance at worship. It is all too easy to let the requirements of a crowded schedule squeeze out those hours that we owe to God. To forego gathering together with our fellow Christians to glorify the Lord and to thank Him for His manifold blessings, is an enormous mistake. Happily, in America, we have unsurpassed opportunities readily available for worship, ranging from attendance at formal services to participation in fellowship gatherings such as ours—and every possible combination of both. Despite this, many find it a real challenge to develop good worship habits. One mark of a true Christian is that he meets this challenge successfully.

With respect to worship, I recognize that, in many instances, the younger generation is "turned off" by religious services within the organized church. I will grant there are shortcomings and imperfections in our churches, just as there are in any human institution—even one inspired by God. However, I feel that Christian denominations today, as never before in recent time, are testing their fundamental beliefs and practices against the word of God as recorded in the Scriptures. At the same time, ecumenical movements such as this are tending to bring God's church back together. I would hope that we would draw, in full measure, from the spontaneity, sincerity, and joy with which our youth worship the Lord—and incorporate these qualities into our various Christian denominations. I too like to praise the Lord out loud in a church service without getting "five demerit looks" from people from ten pews around.

The third challenge in our Christian life is to be a witnessing Christian.

The Epistles of St. Paul provide us with inspiration and practical advice concerning Christian witness. In terms of historical background, the Ephesians in the first century lived in a world where sensuality and immorality completely dominated the scene, where the lie was the mark of sophistication, and greed the keystone of ambition. Ephesus provided a social climate in which the basic drives in a man were played upon; and he was drawn, as if by a magnet, into the clutches of vicious evil. In this kind of world, the early Christians found it difficult to make their way. If they accepted the standards of their world, they could not retain their integrity or even their identity as Christians. On the other hand, if they withdrew from society and lived lives totally apart, they would be in no position to perform as disciples of Christ. In Chapter 5 of his Epistle to these confused and perplexed christians, Paul said, "Once you were darkness but now you are light. Live then as children of the light." This advice taken to heart, enabled the early Christians to turn the world upside down. This became their motto—"Live then as children of the light."

Our world hasn't changed much through the ensuing centuries. We face today some of the same challenges and problems the Christians at Ephesus faced and we face them in every walk of life.

If we are to be positive witnesses to our faith, two things are necessary. First, we must be convinced ourselves about the reality of sin, the necessity of repentance, and the indispensability of Jesus Christ as Divine Savior and Lord. Unconvinced souls will never convince others.

I have a weekly Prayer Breakfast and Bible study at Fort Monroe, which meets at 0600 hours every Friday morning, and that hour really tests one's religious convictions. The group is composed of about ten generals, eight colonels and three Department of the Army civilians . . . all immediate members of my staff. We have been studying the Book of John of late. In the first chapter of this marvelous Book, there is a tremendous statement of faith by Andrew. As he sought to bring Peter to the Lord he said, "We have found the Christ." What conviction there is in these words! He didn't say, "I *think* we have found the Christ," he said, "We *have found* the Christ." There was no doubt in his mind. Convinced himself, he was able to convince Peter. If we are to be positive witnesses to our faith, we must be just as positive.

Secondly, in addition to being convinced ourselves, we must find ways of communicating our faith to others. Even though we live in a world of communications, our problems in communicating with one another are paradoxically complex. We find as much trouble communicating with our fellow men as we do with God. We can put a man on the moon and communicate with him—but, all too often, we find it difficult to communicate our faith to the man next door. If we have a product to sell, an election to win, an idea to propagate, we use communications to tell the story, to let people know, to state the case, to declare the advantages, arouse prospects, and win a favorable verdict. This goes on every day in a variety of forms. How infinitely more important is the communication of our soul winning mission! The nearer we draw to election time, the more certain we are to see hundreds of workers pounding the streets ringing doorbells, speaking man-to-man, selling their candidate. We Christians can learn much from such efforts. What we need to accelerate our soul winning quest and to reinforce the efforts of great evangelists preaching to thousands in huge arenas are more individual spirit-filled Christian laymen actively, lovingly, warmly, persuasively telling the story of God's good news in Christ.

Those of us who have been baptized in the Holy Spirit are beneficiaries of an infinitely valuable gift. We have grown in our faith a step beyond accepting Christ as our personal Savior. This "drenching, overflowing, saturating of our souls and bodies with the Holy Spirit"—to use the verbiage of Dennis Bennett—adds tremendously to our abilities as soul winners. While I may be a bit prejudiced in expressing this viewpoint, I am, at the same time, a testimonial to its validity. As many of you know, on the 23rd of July last year, at a Full Gospel meeting in Buffalo, I experienced a bubbling up and finally a violet eruption of the Holy Spirit which had been living inside me for some years. Several of you here this morning were accessories before the fact. Ruth Egert, Chet Weirich, Harold Bredeson, Larry Hammond, and Myrl Allinder—along with my good wife—really ganged up on me. [Digressed to Personal Testimony]. Today I'm on fire for the Lord. And I'm witnessing up a storm! The Holy Spirit has given me a burden. Over the past eight months, I've been led to give my personal testimony to Jesus Christ at rallies and crusades, on radio and TV, in pulpits and at prayer meetings, before cadets at West Point, and before thousands of officers, non-commissioned officers, and men and women of the United States Army. I believe the Lord is using me to rekindle spiritual zeal and moral awareness in troop units, training centers, and service schools at scores of military installations across this great land. I told the Lord last July I was ready to do what he wanted of me—and I'm trying to carry out the orders of my Commander-in-Chief. I'm a Private in His Army—bucking for Private First Class. Cut in stone over the entrance of the Archives Building here in Washington are these words, "Past is Prologue"—which means in less pretentious language: "You ain't seen nothing yet!" I feel these words may have application to my efforts to be a channel for the dissemination of the word of God. I don't intend to relax in the service of the Lord—although some have advised me to slow down before I burn myself out. You see, I still have a full-time job commanding the largest Army command in the Free World today—about a half a million men and women, military and civilian—to which I am devoting my full energies. Despite that, I expect to continue as a practicing overcomer in spreading the word of God—an "overcoming overcomer" if you please.

The example that we give others is an essential aspect of our Christian witness. Whatever you try to do to lead others to Christ must proceed from the basis of their knowledge that you are sincere in your devotion. Thereafter, you must be alert to the opportunities which the Lord provides. I know of no set rules when it comes to acting out one's role as a "child of the light." Circumstances vary infinitely, and each of us gradually learns primarily through trial and error, how he or she is able to influence others toward a Christian life.

I do feel that we can identify one of two "don't's." Among these is the error of mistaking the nature of our advantage over those who are not yet saved. Let's bear in mind that, while we are infinitely better off than they, we are not better! All we have done is to receive Jesuc Christ as our Savior and, in so doing, to accept His gift of salvation; we have earned nothing on our own merit. We are miserable offenders against God's holy laws. If we remember this, we will avoid any temptation to be condescending or overbearing or patronizing to those whom we must seek to engage in a Christian life.

A second precaution that I'd like to note deals with our tendency to be "put off" or easily discouraged. Each of us is here today because, in part, of the prayers and assistance of friends and families. They must, many times, have been tempted to give up on us. I know my wife, who has been a constant source of inspiration to me throughout our 34 years of marriage, has been very patient with me . . . and has carried me through many rough spots with her faith and prayer power. As I have overcome my bullheadedness and renounced false beliefs in a host of areas, she has been kind enough not to bruise my masculine pride even further by telling me "I told you so." Until the 23rd of July of last year, Sally could have used with full applicability, if with little delicacy, the words of St. Stephen to the High Priest and the Council just before he was stoned to death: "Ye stiffnecked and uncircumcized in heart and ears; ye do always resist the Holy Ghost; as your fathers did, so do ye."

We can in some measure repay the efforts of our loved ones and reflect the spirit of our gratitude through our own efforts on behalf of others, and through the persistence with which we maintain those efforts.

Much more could be said on the subject of the challenge of Christian life; and many would say it differently and certainly far better. In fact, many have said it far better at this Convention. In my layman's view, however, commitment, continuation and witnessing are the salient elements of our role as Christians; and anyone who earnestly tries to fulfill them quickly learns that they constitute a most challenging task.

More than anything else, I want to encourage each of you to live your faith. Make it come alive for yourself and for those around you. As Jesus tells us as recorded in Matthew's Gospel, 5th Chapter, 16th Verse: "Let your light so shine before men that they may see your good works and glorify your Father which is in heaven." Half-way measures will never satisfy a true devotion to Christ, and you must find your own way to express what you feel and believe. I talked earlier about the difficulties some of our people are having in finding satisfactory spiritual dynamism within the established churches. In addressing the challenge of Christian life, I have dealt with components of that challenge. But commitment, continuation and witness focus on one encompassing imperative; and that is we must let Christ live in us as we live in Him. We must trust in the guidance of the Holy Spirit and pray that God's will be made our own—that each of us be transformed from shy, private worshipers into bold Christians and true "children of the light"!

As Christians of today, we are challenged to exert greater effort to bring the light of life and peace and understanding to the world. We must not remain in an ivory tower withdrawn from life, but through our positive witness of dedicated Christian living, bring the light of Christ into the lives of our brothers. I pray that God will grant us the wisdom and strength that we must have to meet the challenges which we embrace as spirit-filled Christian men and women. Glory to God! Praise the Lord! Hallelujah! He is Risen! Amen, Amen and Amen.

OPERATION HEALTH SAVING: MEDICAL CARE FOR THE ELDERLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. CULVER. Mr. Speaker, recently the Des Moines Register on May 20 published an editorial about an experiment in health care for the elderly in Waukon, Iowa. I would like to call attention to Operation Health Saving and commend Rev. Arlin Adams for this very successful beginning which focuses on the health care needs of a group of special concern to me, those over 65. I would like to include both this article which indicates the need and value of a program of preventive health care examinations for the elderly as well as the report on the first year's efforts.

The article and report follow:

WAUKON SHOWS THE WAY

Waukon, pop. 3,900, showed this spring what a small community can do to promote health care. The event was "Operation Health Saving." Free physical examinations—including electrocardiograms, dental checks, sight and hearing tests—were offered to all persons over 65 who had not had a physical in two years.

The Rev. Arlin H. Adams, administrator of the Veterans Memorial Hospital at Waukon, organized the program. Adams had guessed that 20 or 30 senior citizens would accept the offer. But 200 persons registered. The list had to be pared to 104, and another clinic will be held this fall to take care of the rest. The clinics could become regular events, Adams said.

The clinic opened at 7:30 a.m. on a Saturday, and ran continuously for 12 hours. Six doctors, two dentists, an optometrist, podiatrist, and audiologist donated their time, assisted by nurses and other volunteers. Members of civic groups provided free transportation, and teenagers served as hosts.

Adams estimates the value of the donated professional services at $4,000.

Those found in need of medical attention were told to see their family doctors—and most needed help, Adams said. One woman was in imminent danger of losing both legs due to a diabetic condition. She was checked into a hospital the following Monday. An elderly man arrived barely able to walk; he had lived through the winter without shoes, and without indoor plumbing. A high incidence of glaucoma was discovered.

Neither Medicare, which serves the elderly, nor Medicaid, which serves the poor, covers the cost of preventive health examinations for the elderly. (Medicaid pays for such examinations for children up to age 6.)

The Waukon experiment should help call attention to the importance of preventive medicine.

"We're kind of proud that our little town did this," Adams said. They have a right to be.

A SMALL HOSPITAL SERVES OR OPERATION HEALTH SAVING!

(The first report from Waukon, Iowa)

April 1st, 1972 was a red letter day for 104 Senior Citizens in the Waukon, Iowa area, people 65 years of age and over and who had not had a thorough physical examination in at least the past two years. The aforementioned 104 people were given this examination for the total cost of $1.00 per person by the Good Samaritan Complex in Waukon. The Good Samaritan Complex is composed of the 44 bed Veterans Memorial Hospital and the Good Samaritan Nursing Center, a 76 bed institution. The administrator is the Rev. Arlin H. Adams, Chap. LTC, AUS, Ret. The Waukon service area includes an area of circa 13–14,000 population. Waukon is a town of less than 4,000 people in N.E. Iowa.

What was, is Operation: Health Saving? It was, is and will be again, a diagnostic clinic which consisted in the giving of a very thorough physical examination to those elderly people who for one reason or another were unable, or did not feel they were able, to get such an examination for themselves. Medicare or Medicaid gives no help in Preventive medicine to the elderly. Preventive medicine is what these people need and many feel that they can't afford the $68.00 payable, even were they admitted to an overnight stay in the hospital for such an examination. The physical, on April 1st, included everything, teeth, eyes, hearing, lab work, x-rays, podiatry, otology, the works. One little lady said, "My word, that young doctor I had poked his nose into every opening in my body!" "He was thorough!"

WHO WERE ALL INVOLVED

Naturally the older people needing the service area were involved. And such beautiful people they were! In they came, after having been pre-registered, the halt, the lame, the spry, with canes, even a few in wheelchairs, all smiling hesitantly, just a bit afraid that this was an April Fool's day joke.

Also involved were the Pink Ladies, Good Samaritan Ladies, Candy Stripers, office girls, nurses, aides, housekeepers, lab, x-ray personnel, and a bunch of lovely teen-agers who came in just to offer their help. Volunteers were used to lead the examinees from place to place. We had a one on one, or buddy type system and it worked well. A word about the Candy Stripers and teen agers, there was Instant Rapport between them and the aged. To see them all going, hand in hand, up and down the halls, into and out of the elevators, chatting, smiling, laughing—well, it was truly great.

Another group of people involved were the professionals—the doctors, the dentists, the podiatrist, the otologist, the optometrist, the physical therapist, the Lab and X-ray technicians. These people gave their services for the day. Many nurses and aides also donated their work, all so that the entire cost would be as little as possible. The doctors and other health professionals gave evidence of their love for people, their care and concern for the health of all, regardless of ability to pay or not pay. Talk is being made of some changes in procedure for the second Operation: Health Saving to be held perhaps again next April.

It was a day of joy and gladness. Had there been absolutely no results from the physical angle, had nothing been discovered, everyone in excellent health, the day would still have been tremendously worthwhile. Some of the elderly had not been out of their apartments and houses all winter long. The shrieks and shouts of joy as they saw old friends and neighbors, some for the first time in years, that alone was a joyful noise! The entire social angle by itself was worth every bit of effort put into the day.

WAS ANYTHING WORTHWHILE FOUND BY THE EXAMINATIONS?

Indeed so! The optometrist informed us that normally one might find 2 or 3 suspected glaucomas in a group of that size and in that age span. We found a possible 12 of our 104 folk in the suspect class and several, since, have turned out to have glaucoma! Now, with proper treatment their sight can be saved to some extent, and other eye problems are being treated. The total days of extra sight saved for these people, between now and their deaths, well, who can count and evaluate that?

In the hearing matter, over 90% of the people were found to be suffering some hearing loss or another. Some were of a type to be aided by hearing aids, some were not. But for those who just thought their hearing was the result of old age, not able to be remedied, and who now have treatment, who now will hear better, longer, again, who can put a monetary value on that?

Look at this! One little lady came in with such bad diabetic ulcers on her legs and feet that she could hardly walk. Gangrene was imminent. She was given orders to be pounding on the door of her physician by Monday AM. She did. Tuesday she was in the hospital. Her legs were saved. Was that worthwhile? A poor old lady walks and is independent in her own apartment for some years yet, needing neither nursing home care nor hospitalization, not crutch nor wheel chair. Worthwhile? You bet!

This too bears seeing? One large bodied man, in his seventies, was brought in by wheel chair, his feet were too bad for him to do more than stagger on. We found that all winter he and his wife lived in an older house, one with a "path" not a bath, and Dad had to go out to empty the pot, bring in the wood and water. Mother could not. But you see, Dad had to go outside in subzero weather without shoes or slippers. His feet were so sore, so swollen that he wound up doing these chores barefooted, even in weather way below zero and in deep snow! His feet are being treated, the County Home Makers are at work helping! Good? Much!

A number of people said, over and over, "What a blessing this is. I knew something was wrong with me but I felt I could not afford a physical examination just to see if there were." Many cried with joy and said, "Thank God for the doctors and the hospital for doing this."

WHO BORE THE COST OF THIS ALL?

The $1.00 diagnostic clinic was, for all purposes, a free one to the elderly. The dollar took off the onus of charity and was allegedly to cover the cost of some of the x-ray film. Many of the recipients were so pleased at the bargain they got. But the bargain was made possible by the Good Samaritan Complex absorbing much of the cost and above all by the doctors, dentists, and all other professionals donating their services for the day. It was estimated that had we had to pay all the people, including the volunteers (and they at only $1.60 per hr.) according to their normal rates our cost for the day would have been a staggering $4,000.00 or there abouts. It was a 12 hour day for most of our personnel. So the gratis labor, the efforts of care and concern for others by the doctors and entire staff is what made this possible. No such clinic can possibly work without that dedication unless somewhere there is either State or Federal money available. Should that be the case, and we don't know that it is, then perhaps more health institutions will be ready to tackle such an operation.

HOW DID THIS COME ABOUT?

Chaplain Adams, administrator and Chaplain of the Complex, a member of the Ev. Lutheran Good Samaritan Society of Sioux Falls, So. Dak., received the idea from an article written in a Social Services magazine by the Dr. John Mason, Director of Services for the Aging of the American Lutheran Church.

Dr. Mason had seen some pre-retirement physicians in England a few years ago. Britain has socialized medicine yet even there it was found that many elderly did not make proper use of it. People kept putting off going to the doctor, specially in the rural areas and among the poorer people, even as they do in America.

The Rev. Adams had also discovered that too many elderly were brought into the hospital or nursing home when it was too late to do much about the physical breakdowns. On reading Dr. Mason's article the administrator presented the idea to the Medical Staff which discussed it thoroughly and agreed to hold such a clinic. The date was set by the Medical Staff and then it was up to the administration to work out the logistics and details. April 1st was designated as the date.

The logistics of the clinic were neither small nor easily overcome. In a small, non-tax supported hospital, just breaking even in the expense column, the finances alone took some shuffling. Extra glassware and needs for the Lab were gotten, film for X-ray, disposable garments for use during the examinations, lunch and coffee, arranging the schedules of workers, getting needed equipment into the various areas, setting up time schedules, etc., etc., for the professional staff, all were met and solved. Some were not solved very well; next time we know what things caused the bottle necks and we will be able to run things a bit more smoothly. Although, with excellent cooperation the day went remarkably well.

HOW WERE THE PEOPLE NOTIFIED?

Once the date was set and a pre-registration form was worked out, the cooperation of local news media was sought. The first news reelases were issued a complete month in advance. Local papers, radio stations, area TV outlets, and every minister, pastor and priest were all given the releases and their cooperation asked for. Subsequent press releases followed to all of the same people. A number of state wide newspapers, a radio network and three TV stations caught the vision and tremendous publicity was generated for this first of its kind in America!

When the project was originally mentioned, the Medical Staff was not too sure of its relevance. Would 10 or even 20 people need this in our area? After all we had doctors who made house calls, we had a fine small hospital readily available, one with an open door policy! The administrator thought maybe 40 might need the service.

Within two weeks of the first publicity over one hundred people of the area had already registered! Before the actual day came over two hundred had registered; The Medical Staff concluded that we would be able to do a really thorough job for 104 people for the day. The first 104 were notified as to their acceptance and given a time to report. The remaining 120 will be waiting for the next such clinic. Remember, these were people 65 and over who had not had a good physical examination in at least two years. We do know of a few who slipped in but for the most part these people had not had an examination. In fact, a goodly number said this was the first such examination in all their lives! As for those who did slip in, our philosophy is that we would rather be "took" by some rather than miss caring for those who needed it.

A BIRD'S EYE VIEW OF THE FINDINGS

We have already covered several of the items, the high incidence of suspected glaucoma, the little lady whose legs were saved and elderly gentleman with the poor feet. Some of the base statistics are as follows:

Total number involved—104 of whom 60 were female, 44 male.

Possible glaucoma—7 females out of 60; males were 5 of 44.

Urinalysis—2 males with abnormalities demanding immediate attention, the one needing attention soon; 6 ladies needed attention at once, 4 soon.

Blood tests—all males normal and only one lady abnormal now. (Abnormal Now is the Medical Staff's wording for needs immediate attention, Abnormal Soon, means needs checking on in the near future.)

X-ray—3 men needing immediate attention, 2 soon; Ladies—11 Now and 4 soon.

Podiatry—The podiatrist was amazed at an exactly even break in what may turn out to be an important statistic in the future—52 people had arthritic knees and 52 had no problems at all and of the 52 who had problems with arthritis in the knees everyone had some sort of foot trouble and had done nothing or little about them. Of the 52 who had no arthritic knees everyone had some sort of good foot or arch support and wore them regularly.

The question arose in the Medical Staff as to whether there is a relationship between those two facts. The statistics in this area will be closely scrutinized again after the next clinic. Maybe we have discovered something, maybe nothing, but it will be interesting to follow up. 9 men, 12 ladies had urgent needs, 9 men and 16 ladies needed some good checking up soon.

Dental—10 men need immediate attention, 7 soon; 8 ladies need work done at once, 8 later.

P.T.—One man and eight ladies needed immediate attention; 8 ladies and five men needed attention soon.

EKGs—Things to be studied: Only 8 men but 22 women needed immediate work and study done on their coronary problems, most of which had not been suspected prior; then 9 ladies and 7 men needed attention soon. We were interested in the larger proportion of females needing heart study.

Otology—hearing losses were found in most. Of those that could be helped we found the following, 13 men and 14 ladies needed immediate attention and help; 8 men and 9 of the fair ones had problems that should be looked after soon.

A report form was sent to each person going through the clinic. Remember, this was diagnostic only. The doctors and specialists read the charts, studied the X-rays, etc., and made the proper comments for each person examined; a brief report was sent to the individual who then presented this to the physician or health professional of his choice for further action. Doctors living elsewhere simply have but to call into our Medical Records and they will receive either a verbal report or a transcript of any or all of the reports.

ANY SOCIAL SERVICE TYPE NOTATIONS?

Yes, we found that ten of the people had neither radio or TV. No regular contact with the outside world. Another 11 admitted to not having a bathroom, only a "path" to the Chic Sales. And, a total of 13 were interested in a low rental housing development of some kind. Good Samaritan is seriously thinking of doing something along that line but first must add an additional fifty beds to the nursing home.

IS THERE SOMETHING HERE TO MAKE US THINK?

When one considers that if we stretch our statistics and say that we cover a 14,000 population service are and then have already over 220 people registered out of that total population for such a clinic and add to this the information gathered by the various Senior Citizens groups (who also worked with might and main for this) to the effect that at LEAST another 200 people in the area fulfill the qualifications, well, we were horrified. To think that in our land, in a place where medical services are available that there should be such neglect of physical health by just the very segment of the population that needs it most, this causes one to gasp! If approximately 3% of our people need health care and we extend this across the nation, then the resultant six million or so is staggering. And friends from the cities tell me that in the poverty areas and ghettos, black and white, the averages will run much higher in our senior citizen groups! What a tremendous field of work for all of us! Truly the most neglected person today is the aged, regardless of color, creed or wealth! One might well conclude that never before has so much been said about and so little actually done for so many.

WHAT COULD POSSIBLY CAUSE THIS NEGLECT?

In one word, poverty! Either real or anticipated. Everyone working with the elderly knows how the marginal and even better incomed people anticipate poverty. For example, in our own small town of less than 4,000 we had a survey taken about three years ago. We found that over 200 family units, including from one to four people, were existing on less than $200.00 per month and half of these were hardly existing on incomes of less than $100.00 per month. On this little income some were paying taxes and upkeep on houses, trying to run a car, pay insurance, etc., and also eat a little here and there. No wonder they were their own physicians and diagnostic experts.

Oh, they have Medicare and such like. Do they now? Oh, yes! Hogwash! How many of these people can afford over five dollars a month for their self pay portion of Medicare. With incomes like that you might as well promise them something on the moon! They simply can't afford Medicare at those prices! Something is radically wrong in our land when people who made their money in fifty cent and dollar a day times now have to live in two and three dollar per hour times and receive no outside help for such a basic need as complete, thorough and proper medical care!

My good friend, Dr. Carl A. Becker of Racine, Wisc., says that it is criminal to offer these people help by way of OAA or Welfare! Right on, Carl! He says. "These are a proud people and should have their needs met without the constant use of third or fourth party interceders. They should receive this through the mails in some way similar to Social Security." And I agree.

WHAT CAN BE DONE ABOUT THIS?

Here in Waukon I am sure that our Medical Staff will rise to the occasion once more. But shall we continue to do this indefinitely, having a practically free clinic? We are interested in reaching out with preventive medical care but somewhere, some time it is going to have to be paid for. Two or three such clinics to get the ball rolling for all America is a small price to pay, but it can't be an indefinite thing.

We are hoping that our small brush fire will now gradually build up and eventually sweep across the nation. Two hospitals in Iowa are already investigating the possibility of their putting on such a clinic. We of the Good Samaritan Complex are hoping that some of the great, the high, those in power will also catch the vision and pitch in to do something to prevent the millions of elderly from going down to old age far more blindly, far more decrepitly, agonizingly and helplessly than ever needs to be. Industry has long ago found out that preventive maintenance is cheaper, better in the long run than neglect until repair and costly replacement is necessary. Can't we learn from that?

Should anyone be interested in the minutia of details connected with the program, please feel free to write, or call Rev. Arlin H. Adams, Administrator, Veterans Memorial Hospital, Waukon, Iowa 52172. Phone—319/568-3411.

COLORADO RIVER SALT PROBLEM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. RHODES. Mr. Speaker, those who heard the respected President of the United Mexican States speak in this Chamber on the salinity of the Colorado River may believe that the sole responsibility for this situation rests on Arizona. Such is not the case, as was pointed out by Mr. Rich Johnson, executive director of the Central Arizona Project Association, in a statement dated June 27, 1972. The statement follows:

COLORADO RIVER SALT PROBLEM

Arizona is the last State from which water flows into the Colorado River, but the first to be blamed for all of the River's salinity problem.

The truth is that every use of water from the Colorado River and every return flow in the six states above Arizona contributes to the salinity of the River before it reaches Arizona. Every acre of land irrigated in the four Upper Basin States contributes approximately two tons of salts to the mainstream of the Colorado before the flow reaches the Lower Basin. Municipal and industrial return flows add to the total salinity problem. In addition to these man-caused sources of salinity there are natural sources of mineralization in the mainstream and its tributaries.

Currently water delivered from the Upper Basin to the Lower Basin at Lee Ferry annually carries about 8,500,000 tons of salts (600 parts per million), about half of it being the result of man's use of the River and half from natural mineral sources.

When the water released at Hoover Dam for delivery to the Lower Basin reaches Parker Dam its salinity is about 726 p.p.m.; and when it reaches Imperial Dam, having received return flows from irrigation use on the Colorado River Indian Reservation and the Palo Verde Irrigation District in California, its salt load reaches 845 p.p.m.

The salinity of Colorado River water at Morelos Dam in Mexico in 1971 averaged 1163 p.p.m.

There is no question that Arizona contributes to the salinity problem of the Colorado River, but so does every other state in the seven-state basin. That fact is recognized by the Department of the Interior; and a salinity control program now under study by the Bureau of Reclamation recognizes that fact. Points of major salinization have been identified, and plans are being developed for their control.

The Colorado River salinity problem is a total basin problem, not a problem created by water uses in Arizona alone. No one State can or should be expected to resolve it, either by reducing its authorized uses of water or by paying for projects to remove salts.

The problem can be resolved by implementing plans presently being developed by the Bureau of Reclamation; and, at the international level, by constructing a nuclear power and sea water desalting plant on the River to dilute the salinity of water delivered to Mexico. Legislation looking towards this latter solution has been suggested by Arizona Rep. John Rhodes.

The often repeated suggestion that the salinity problem, as it affects Mexico, should be resolved at once by eliminating return flows of approximately 220,000 acre-feet from the Wellton-Mohawk Project in Arizona is an unfair demand and is totally unacceptable to Arizona.

The Treaty that guaranteed delivery to

Mexico of 1.5 million acre-feet of Colorado River water annually, without reference to quality, was an agreement between the two Federal Governments. There may indeed be a moral obligation to deliver water of reasonably good quality to users in Mexico; but there is at least an equally compelling moral obligation on the part of the United States Government to resolve the salinity problem without damaging the rights of water users in Arizona and the other states of the Colorado River Basin.

COMMUNITY SCHOOLS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. RIEGLE. Mr. Speaker, I recently read two articles written by Sylvia Porter on the community school concept. H.R. 11709, a bill I have cosponsored with many House colleagues, would provide Federal moneys to help local communities set up community school systems. Since Mrs. Porter's articles explain how such a system operates, I insert them in the RECORD:

COMMUNITY SCHOOLS—I

(By Sylvia Porter)

In the rural area where we have a country home, our property taxes have just about gone out of sight—primarily, of course, to finance the handsome, beautifully landscaped elementary and high schools which try to educate other people's kids.

In a matter of days, these schools will be closing for the term and in large part will be unused and utterly wasted until the area's kids go back in the fall.

This is a real squandering of resources. This is, in the words of Sen. Church (D-Idaho), "a kind of disuse of schools and extravagance that modern America cannot abide." This is, in bluntest summary, in today's environment plain stupid.

Last year property taxes climbed more than 9 percent, on top of a 35 percent upsurge between 1967 and '70.

Many older Americans are now paying as much as 20 to 40 percent of their meager incomes to the local tax collector. So distasteful and oppressive have our local taxes become that only 47 percent of local school bond issues were approved during the last fiscal year, a new record low and a resounding come-uppance for today's school officials—for the biggest chunk of all property taxes goes for schools.

Also, the National Education Assn. points out, local school districts bear more than half of school costs today; the state kicks in 41 percent, the federal government about 7 percent.

Yet, while the cost of supporting our elementary and high school system has nearly tripled during the past decade to almost $50 billion, the typical school is locked up about 50 percent of the time.

The overwhelming majority of the schools are used only five days a week, 39 weeks a year. The schools are restricted to the formal education of Americans between the ages of five and 17 or 18. Even pre-school "Head Start" children have been banned from the elementary school in some cases.

Meanwhile, there is an ever-mounting need for further education of the older American—ranging from vocational retraining to retirement preparation and planning, consumer education, nutrition, music, arts, crafts, etc.

What's the answer?

The one that leaps out from even this short analysis is to find new ways to use our idle public schools to serve all of us. And this answer would also help slash our local tax bills by avoiding the need to build additional expensive facilities and by keeping more real estate from falling off local town tax rolls.

In fact, some 300 U.S. communities have done precisely this—with a wondrous array of activities and services and with refreshingly positive results. For instance:

In Gloucester City, N.J., a broad tutorial program has been set up, using the elderly along with elementary school students to "help kids with their homework" and personal counseling.

In Salem, Oreg., about 100 different classes and activities are going on, with some 2,000 attending each week—ranging from knitting lessons to mountain climbing and small business administration. One lady involved in the program noted tartly that this was the first time she had set foot in the local school in 32 years.

The extra cost of expanding the Salem school has been about 6 per cent of the regular budget. "With that 6 per cent, the time the school is open can be increased by two-thirds," say officials in charge.

Your local school could be, in the words of Barry E. Herman of New Haven's Winchester Community School, a place where:

Children and adults can study and learn and where learning can take place 18 hours a day or more;

Educational or vocational skills of people of all ages can be upgraded for the benefit of the individual and the community;

People of all ages can take part in such activities as sports, physical fitness programs, informal recreation, arts and crafts, musical programs, civic meetings, adult education, home economics, tutoring;

People can find health services, counseling services, legal aid, employment services, homemaking help;

All residents of the community can study and cooperate in the solution of significant neighborhood problems.

COMMUNITY SCHOOLS—II

(By Sylvia Porter)

In Brockton, Mass., (population about 90,000) one in 50 is enrolled in adult education classes—including English as a second language for the Spanish-speaking newcomers. Using the Brockton public school system evenings, weekends and summers are two dozen different groups ranging from a drama group to the symphony orchestra.

Total cost: $150,000 out of a yearly school budget of $17 million.

In the high school of Elizabeth, N.J.—only 15 miles from Manhattan—citizens of all ages are attending classes in basic English, remedial reading, arithmetic, swimming, plumbing, etc.

Among this program's hidden advantages: vandalism in and around the school has become negligible. Now the new high school, says its architect, "is being developed as a community school, with all the facilities for full-time, year-round use for young and old."

In Boca Raton, Fla., where more than one-third are age 65 or over, another "our school" atmosphere has developed. Among the goings on in Boca Raton's public schools: a new Audubon Society chapter and regular meetings of a voluntary patrol unit of the U.S. Coast Guard. Says Community Education Director Courtney Cheri:

"Silence may well be the costliest item in our school budgets today. The waste of public facilities lying idle for a great portion of the afternoon and evening far outweighs the cost of opening the doors for community use."

And in Boise, Idaho, at least 67 different programs go on each week during evening hours in 10 public schools. Among them: Boise's citizens of Basque origin are taking a course in conversational Basque and would-be hunters have started an archery course.

Cost to date: about $60,000. In addition, the city is now considering turning to existing schools instead of building a planned new $200,000 senior citizen center—which would save significantly on construction and future maintenance costs as well as prevent the removal of more real estate from the tax rolls.

In response to this solid record and much more similar evidence, Senator Church (D-Idaho), is proposing the Community School Center Development Act, sponsored jointly with Senator Williams, (D-N.J.). It would:

Make modest federal grants to bolster community education training programs and to develop new ones;

Give modest federal financial assistance for the establishment of new community schools and the bolstering of existing ones and would also help train and pay community school directors;

Promote and assist, via the U.S. Commissioner of Education, the idea of the community school.

Hearings are scheduled before the Senate Education subcommittee later this year. No price tag has been set on the idea, but, says Church, "Why not start modestly?" And he adds, "It's a proven idea which has worked well in more than 300 communities. And it probably would save a lot more money in the long run than the very small amount needed to set up the program."

Actually, the concept of the community school goes back at least a generation—to the pioneering work done by the Charles Stewart Mott Foundation in Flint, Michigan. And actually, you need not wait for any new laws to help your own community develop and use a community school.

You can, for instance, let community organizations of all kinds hold meetings in your local school. The elderly, particularly, lack buildings in which to meet.

You can set up special feeding programs for those who need them—breakfasts for underprivileged children, dinners or perhaps lunches in special shifts for the elderly.

You can use school buses as extra transportation to take groups of older people sightseeing or on outings or to the theater.

You can launch rehabilitation programs—physical, vocational, occupational—for those in the community who need them.

You can conduct drug awareness programs for both students and adults, experimental programs in delinquency prevention, etc.

You can use the schools as meeting places to inform residents—again, the elderly in particular—of special services available and valuable to them.

The possibilities for using a community school to your own and your community's advantage are limited only by the limits of your imaginations—which could mean they are limitless.

HIGHWAY SAFETY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HELSTOSKI. Mr. Speaker, without question, one of the most serious problems facing our Nation today is that of highway safety. The toll of highway deaths and injuries is shocking and outrageous. We must work continuously to bring these conditions to an end.

One of the most important means of bringing sanity to our highways, both in regard to the human and mechanical elements, is through the news media—print and broadcast.

The news media is doing its part in the never-ending campaign for highway safety. This has been well documented again and again. So that we do not forget their good deeds, we are annually reminded of them through the announcements of the print and broadcast media winners of Alfred P. Sloan awards for distinguished public service to highway safety.

Mr. Speaker, at this time I would like to place in the RECORD the announcement of the 1972 Alfred P. Sloan Awards winners. With particular pride I call attention to the fact that an outstanding publication in my congressional district, the Bergen Bulletin of Palisades Park, received the award for weekly newspapers with circulations under 4,000.

I offer my congratulations to the editors, writers, and reporters of the Bergen Bulletin, as well as the staffs of all other media winners for their outstanding work and a job well done.

The announcement follows:

THE 1972 ALFRED P. SLOAN HIGHWAY SAFETY AWARD WINNERS ANNOUNCED

Nine print media and eleven broadcast media awards were announced today in the annual Alfred P. Sloan Awards for distinguished public service to highway safety.

In addition to the newspapers, magazines and radio and television outlets honored this year, two special Sloan creative awards were announced: in the print media, to Mrs. Kay Evers, of the Daily Ardmoreite, Ardmore, Okla.; and in the broadcast media, to Kimball C. Cummings, Jr., of KNXR Radio, Rochester, Minn. Each will receive $1,000.

The Sloan Awards program, in its 24th year, is conducted by the Highway Users Federation for Safety and Mobility under a grant from the Automotive Safety Foundation. The awards are designed to recognize performance by the broadcast and print media "to encourage vigor and innovation in the development of public service programs and activities aimed at the reduction of traffic accidents, injuries and deaths." They are named after the late Alfred P. Sloan, former president and chairman of the General Motors Corporation and a pioneer highway safety leader. The eight publications honored in the print media categories are:

Daily Newspapers—over 50,000 circulation—the Miami Herald, Miami, Fla.

Daily Newspapers—15,000–50,000 circulation—the Marion Star, Marion, Ohio.

Daily Newspapers—under 15,000 circulation—the Daily Ardmoreite, Ardmore, Okla.

Weekly Newspapers—over 4,000 circulation—the Voice-Jeffersonian, St. Matthews, Ky.

Weekly Newspapers—under 4,000 circulation—the Bergen Bulletin, Palisades Park, N.J.

Magazines—general circulation 1 to 5 million—American Youth Magazine, Southfield, Mich.

Magazines—general circulation under 1 million—the Air Force Driver Magazine, Norton Air Force Base, Calif.

Industrial and Trade Publications—Commercial Car Journal, Philadelphia, Pa.

In the broadcast media, winners include:

Radio—large market area—WEEI, Boston, Mass.

Radio—medium market area—KRMG, Tulsa, Okla.

Radio—small market area—WJAG, Norfolk, Neb.

Radio—network—National Broadcasting Company (NBC), New York, N.Y.

Television—large market area—WSB–TV, Atlanta, Ga.

Television—small market area—KTWO–TV, Casper, Wyo.

Television—educational station—Mississippi Center for Educational Television.

The Sloan Awards judges also selected KGW–TV, Portland, Ore., and WCKT–TV, Miami, Fla., for honorable mention awards in the television large market category.

A special posthumous citation was directed for Officer Irv Hayden of the Chicago Police Department, a WGN Radio traffic reporter who was killed in a helicopter crash last summer, to be symbolic recognition of the risk all airborne traffic reporters take in the line of duty.

THIEU REGIME SHOULD MODERATE DICTATORIAL ACTION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. LEGGETT. Mr. Speaker, since the beginning of our involvement in the Vietnam conflict we have been assured by three successive administrations that our presence is required in order to assure the existence of democracy in South Vietnam. What we have seen develop in South Vietnam, however, is sometimes anything but a democratic government.

The South Vietnamese Government is rife with corruption. Hardly a month passes without an exposé of yet another Vietnam scandal. In the last election President Thieu succeeded in eliminating his opposition until he was the only candidate left on the ballot. Mr. Thieu has imposed martial law and on the 27th of June the Vietnamese Senate, lacking a quorum, gave him the power to rule by decree. The passage of this so-called special powers bill came at an 11th hour meeting after all of Thieu's opponents had left the chambers.

Recently the press has reported still more violations of democratic principles in Vietnam. I refer to the arrest of some 8,000 people suspected of sympathizing with the Communists. Granted, the South Vietnamese Government is in the midst of an invasion from North Vietnam. Nevertheless, the arrest and jailing of this many people on little or no evidence I believe goes far beyond the demand of internal security. The New York Times has reported that 1,200 persons have been sent to Con Son prison without benefit of a trial or right to contest any of the charges against them. Many of these arrests were based on nothing more than a single denunciation by a neighbor or acquaintance.

These are not only Communists that are being arrested. The 8,000 includes many non-Communists who have chosen to express their opposition to governmental policies. Their unlawful detention only serves to weaken the position of the South Vietnamese Government since it only further debases the credibility of the Thieu regime. I believe the South Vietnamese Government would enhance its strength substantially by exercising restraint during this time of crisis. At this point, I insert in the RECORD an article from the Christian Science Monitor of June 22, 1972, followed by an article from the Washington Post of June 27, 1972:

THIEU GOVERNMENT ARRESTS 8,000, INCLUDING NON-COMMUNIST RIVALS

(By Daniel Southerland)

SAIGON.—The Saigon government has arrested some 8,000 persons as a "preventive detention" measure since the beginning of the North Vietnamese offensive.

Critics, including some national assemblymen from the provinces where arrests have been made, say that many of the arrests do not involve Communist sympathizers and that the government has been taking advantage of martial law to remove some of its non-Communist opponents.

They also say that the government is picking up some persons whose only crime is to have relatives on the Communist side and other persons who worked for the Viet-Minh against the French or for the National Liberation Front but who quit the Communist side years ago.

Relatives and friends say that they have been unable to find out where many of those who have been arrested in the Saigon area are being held. In the past, Vietnamese say, they were usually able to determine the location of an arrested person through the police.

OFFICIAL POSITION

Under past procedure, three different intelligence reports were required in a dossier before a suspected member of the Viet Cong "infrastructure" could be arrested.

This was, in theory at least, supposed to act as a triple-check on abuses.

Now only one report is required, and some sources believe that this has opened the way for more irregularities in a system which was hardly free from abuses in the past.

Government officials argue that their main aim has been to arrest people who might act as guides or give aid to North Vietnamese infiltrators.

They say that another aim is to prevent Viet Cong-inspired disturbances, particularly in the cities and towns. These officials contend that the Communists planned to coordinate such disturbances with their military operations.

"Normally, they couldn't make arrests so easily because of the political opposition," said an American source who has kept track of the arrests.

"Before the offensive, if the government arrested all of these people, there would have been many protests and demonstrations," said one Vietnamese who knows a number of persons who have been arrested.

"This is the best moment to arrest people," he said. "No one would dare have a demonstration now, and the newspapers are afraid to write anything."

"There have been a lot of arrests of people who are not pro-Communist," said Tran Van Tuyen, a prominent lawyer, opposition leader in the National Assembly, and member of the staunchly anti-Communist Vietnam Nationalist Party.

"It is true that there has been some Communist infiltration, but not as much as the government says," Mr. Tuyen declared in an interview.

"The administration has taken advantage of the situation to neutralize the opposition," the deputy said. "Many of those arrested are not big-name personalities. They are not Communists. But they are antigovernment."

"There is nothing new in all this," Mr. Tuyen said. "But the government has intensified what it was already doing in the past."

Well-informed sources say that the greatest number of arrests—4,000—have been made in Military Region IV, which encompasses the Mekong Delta to the south of Saigon.

Two thousand have been made in Military Region I, most of them in the Hue area. About 1,000 persons have been picked up in Region III, which includes Saigon, and another thousand or so in Region II.

In Hue and its surrounding districts more than 1,300 were arrested. Only 76 of these were said by official sources to be hardcore "A" and "B" category members of the Viet Cong "infrastructure."

SOME TO CON SON

More than 1,200 of those arrested in Military Region I were sent on South Vietnamese Navy LSTs to the prison island of Con Son without the benefit of a trial or the right to contest any charges presented against them.

Most student leaders of any importance at the universities of Hue and Saigon have been arrested. A few are in hiding.

A high-level government official stated that all the leaders in the student union at the University of Hue were discovered to be Viet Cong cadre. But independent observers doubt that the government has any proof to this effect.

After the Hue student leaders, including the chairman of the student union and the secretary-general, were arrested, the government installed a new pro-government student leadership.

AGGRESSIVE POLICE MAJOR

The arrests in Hue were organized by an aggressive police major named Lien Thanh. The charges against those arrested were not reviewed by the province security committee, as would normally be the case, or even by the province chief himself.

"Nobody had a check on the [arrest] lists," said one informed source in Hue. "The government used the crisis as an excuse to clean up the non-Communist left."

American advisers to the special branch of the police, which has been in charge of many of the arrests, were not even informed in many cases of the "preventative detention," moves.

"We knew nothing about it until it was already under way," said one adviser. "We were only told about it 10 days after it started."

"They've stopped asking us for advice," he said. "But that's what Vietnamization is supposed to be all about."

Over the years, the United States has given financial and material support to the South Vietnamese police that runs into tens of millions of dollars. But it would appear that the Americans have less and less say as to how the aid funds are used.

Government officials say that many of those who have been arrested will be released after the current crisis is over.

But a number of American sources wonder whether "preventative detention"—even if it lasts for only a few months—will not end up pushing some of those who were on the non-Communist left toward an alliance with the Communists.

"I can think of no better place to send people than Con Son Island if you want to turn them into Communists," said one American source.

FORMER "GRADUATES"

In the French period, many well-known Communist revolutionaries, including the present president of North Vietnam, Ton Duc Thang, spent time on the island. Con Son was known to some of its "graduates" under the French as the "University of Ho Chi Minh."

Recent case histories indicate that many nonsupporters of the Viet Cong have come out of prison as Communist sympathizers.

THIEU BILL PASSED BY MINORITY

(By Thomas W. Lippman)

SAIGON, June 27.—Supporters of President Nguyen Van Thieu staged a rump session of the South Vietnamese Senate tonight and voted to approve a bill authorizing him to rule by decree for six months.

Only 26 senators, less than a quorum, were present in the garish, smoky chamber when the vote was taken at 11 p.m. after opponents of the bill walked out. All 26 voted in favor of the bill.

Thieu's opponents are expected to challenge the legality of the action on several counts. But experienced political observers believe the bill will be put into effect immediately and will have run its course before any court action can be completed.

The so-called "special powers bill" has been up and down the legislative ladder since early last month, twice passed by the lower house, rejected once by the Senate and slightly rewritten. It authorizes Thieu to act without consulting the National Assembly in matters of defense, security, economy and finance.

Since political arrests are already commonplace, the nation is under martial law, the draft has been extended and new taxes have been imposed, it is not clear what the real impact of the bill would be. But Thieu, who has been demanding universal approbation for his handling of this spring's crisis, has made it an issue, and it has acquired a symbolic importance.

After six weeks of intensive lobbying and legislative armtwisting, Thieu appeared within reach of his goal when 52 of the Senate's 57 members gathered this morning to resume the debate.

What he got instead was a parliamentary burlesque that blocked his supporters from bringing the bill to a vote.

Of the five missing senators, two—both opponents of the bill—could not be accounted for. Other members of the opposition intimated that the government had had them kidnaped to prevent them from voting. The president of the senate, Nguyen Van Huyen, who also opposed the bill, refused to call the session to order until the two could be found.

There was no legal requirement that they be present, but sources close to the Senate said the anticipated vote would be so close that neither side could spare any of its supporters.

As so often happens here, conflicting rumors began to circulate about what happened to the two men. Vo Van Iruyen, 76, a landowner who is first deputy president of the Senate, and Nguyen Van Chuc, an obscure backbencher.

The suggestion of kidnaping was countered by a report that they had made a deal with the government to stay away, thus keeping face with their political factions while avoiding a negative vote on the bill.

By late in the day, Senate sources said, Chuc's wife and Truyen sent letters informing the Senate of the reasons for their absence, but Huyen still refused to call the Senate into session because he believed the letters were written under pressure.

Supporters of the government then invoked a rule allowing any five members to force a session. Opponents argued that approval of the committee chairman was necessary for such a move, but when Thieu's supporters persisted, the opponents walked out.

That left the 26 who supported the bill. Although they were all in agreement, they debated the measure for more than two hours. That, a reliable South Vietnamese journalist said, was "to keep it from appearing as if the decision was taken in advance."

ACTIVITIES OF THE 92D CONGRESS

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. DAVIS of Georgia. Mr. Speaker, the 92d Congress is drawing to a close, and it is appropriate to pause and recount some of the highlights of these past 2 years. This has been a dynamic Congress, which has also been deliberative and mindful of the imperfections in the law which need to be remedied, rather than being anxious to experiment for experiment's sake. It has also been a Congress which has wisely refused to participate in many programs without careful attention to the effects of such participation.

As is the custom, Mr. Speaker, and as is fitting and proper, I wish to report to my constituents on some of the actions which we in the Congress have taken.

PROTECTION OF CONSTITUTIONAL RIGHTS

One of the foremost concerns has been the protection of our constitutional rights, which were conceived in turmoil, born of a spirit of willingness and cooperation and nurtured by a common desire to create a nation which would bestow upon its citizens the greatest degree of personal freedom on earth.

Through its activities, this Congress has sought to fulfill its obligation to those principles which have made our Nation a promised land for so many. After generations of dispute over the proper role of women in our society, the 92d Congress has finally acted in the tradition of its most enlightened forebears by passing the equal rights amendment to guarantee equality to persons of both sexes. The Congress also sanctioned an amendment which fulfills the right of 18-year-olds to vote, an action which my colleagues will remember was first initiated by the State of Georgia in 1945. Both these amendments were long overdue and both will serve to fill the gaps which passage of time and progressive thinking caused to appear. Both reaffirm rights which were not specifically granted in the Constitution, but which our Nation's traditions and heritage established by principle. Both were needed by our society and I am gratified that the Congress saw fit to act as it did in these instances.

I am also pleased, Mr. Speaker, that the Congress rejected an attempt to change the first amendment of the Bill of Rights with respect to freedom of religion. The first amendment states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .

This is the most sacred of our freedoms, and our forefathers evinced their concern by placing it first of all our guaranteed rights. I know that many people have been misled by recent Supreme Court decisions and administrative actions with regard to prayer. I do not believe that the Supreme Court has prohibited public prayer. Some few people have deliberately misinterpreted the prayer rulings and have capitalized on the public's confusion. Following the Court's 1963 prayer decision, the House Judiciary Committee held hearings running to nearly 3,000 pages seeking a way to improve the language of the first amendment. They could not do so. The proposed constitutional amendment which the House refused to sanction would have chipped away at the cornerstone of religious freedom in America and would have invited friction between religious denominations. I have received many letters from pastors, priests, rabbis, and church groups in my district expressing alarm lest the Congress change the first amendment. I sincerely feel that to alter the first and most sacred of our amendments to clear up a temporary state of confusion would be disastrous for this Nation's religious heritage, which our forefathers fought to protect. I look to the Supreme Court to clear up this confusion with new rulings.

In another area of constitutional rights, I am deeply disappointed that Congress has not seen fit to enact strong language prohibiting the busing of our schoolchildren for the purpose of achieving racial balance. I am opposed to racial quotas in any sector of our society, and I submitted testimony to the House Judiciary Committee when it held hearings on busing this year. Although I have signed three discharge petitions to have the Judiciary Committee send an antibusing bill to the House floor, I would prefer a legislative solution which would not entail amending the Constitution. However, the only legislative solutions which the Congress has come up with have been unsatisfactory. Recently, the House voted on a higher education bill which contained numerous antibusing clauses. It is my feeling that these were merely token and did not go to the heart of the problem. The bill contained provisions to stay court-ordered busing until all appeals have been exhausted but did not reverse previous orders, most of which have been in the South. For this reason, despite my strong belief in aiding our colleges and universities, for the first time I voted against an education bill.

ENVIRONMENTAL AND WILDLIFE PROTECTION

This Congress has been by far the most active in attempting to protect our quality of life. Among the many environmental bills that passed the House are the comprehensive Federal Water Pollution Control Act amendments, which make it national policy that discharges of pollutants into our Nation's waters will be eliminated by 1985 and that these waters will be raised to swimming and fish-breeding quality by 1981. The Congress also acted in several instances to protect the natural wildlife balance of our ecology. The House has passed bills dealing with the protection of marine mammals, wild mustangs, whales, and bald eagles. Additionally, the House approved a bill which prohibits the shooting of birds, fish, or other animals from airborne vehicles.

EDUCATION, SOCIAL SECURITY, CONSUMER PROTECTION, MINIMUM WAGE

Georgia was one of several States which President Nixon slated to receive substantially less in funds for education in the next fiscal year than it did last year. I and a majority of my colleagues found this situation intolerable and passed the Hathaway and other amendments to the Labor-HEW appropriations bill. These amendments restored Georgia's funding level in most categories and increased Georgia's overall share $7.5 million over last year's allocation. Additionally, the House passed legislation to broaden the GI bill and its benefits.

This year's social security amendments will bring needed relief to many of our aged and infirm. These persons very often obtain their only livelihood from social security and, more than other groups, are subject to the whims of the economy, as they live on fixed incomes. As of this date, the House has increased social security benefits 5 percent and voted to raise the outside earnings limitation. This same bill also contained language to revamp our welfare system, bringing it under Federal control, subjecting it to nationwide standardization, instituting uniform penalties for fraud and cheating in the program and including strong work provisions.

This Congress also established two agencies to assist the public. The Consumer Protection Agency will aid citizens with a variety of problems including faulty products and warranty violations. The Office of Drug Abuse will coordinate all Federal drug programs and educate the public to the evils of drug addiction.

ACTIVITIES OF SPECIAL INTEREST TO THE SEVENTH DISTRICT

This Congress has acted on several measures which are of particular interest to citizens of the Seventh District of Georgia. On June 16, the President signed into law a bill which broke the logjam in the construction of the Rome Post Office-Federal Building. Last year, the Congress passed a bill to guarantee $250 million in Government-backed loans to Lockheed, a measure which was considered essential to the company's survival. I devoted my fullest efforts to the passage of these bills, and I am gratified that my colleagues saw fit to vote for them. Similarly, the House recently approved an authorization for the procurement of an additional 12 C-130 aircraft, to be manufactured at Lockheed-Georgia. The entire Georgia delegation assisted in having these planes added to the authorization after the administration had failed to include them initially. One bill which has not yet passed the Congress, but for which I have high hopes, is a measure to guarantee economic assistance to areas which have been hard hit by unemployment, including several Seventh District counties. I have introduced this measure and intend to press for its enactment.

Finally, Mr. Speaker, I have been privileged to participate in a number of activities which I would like to reiterate for my colleagues and for my fellow citizens of the Seventh District. Chief among these are my chairmanship of the Subcommittee on Science, Research and Development, my appointment to the House Foreign Affairs Committee, and my elevation to second in line for the chairmanship of the House Committee on Science and Astronautics next year. I am pleased that my subcommittee has now become the focal point for research and development activities in the Congress. This year both the House and the Senate passed a record authorization and appropriation for the National Science Foundation, which is under the jurisdiction of my subcommittee. Included in these funds were grants for science education and institutional development which will aid schools throughout the district and the Nation. The House also passed two additional bills which I sponsored and which originated in my subcommittee. The first will create an Office of Technology Assessment to evaluate the possible good and bad effects of technology contained in proposed legislation. The second bill authorizes $25 million for a 3-year fire research and safety program. In another area, unemployment in our highly skilled technical groups, my subcommittee held 6 days of Washington hearings and then held additional hearings in Marietta to determine the local interest in our legislation to assist these unemployed persons. Later in the year, we also held hearings on the subjects of the relationships among science, technology, and the economy and on energy research and development.

Mr. Speaker, I believe that the citizens of my district would be interested in many of the other bills which I have sponsored or co-sponsored, but because of the constraints of space, I will not attempt to go into all of them. I would however, like to list them as follows:

List of Bills

H.Res. 858-859—Release Funds for Farm Operating Loan and Waste Facility Grant Programs.

H.Res. 944—Release Funds for Rural Electrification.

H.R. 12980—Franchises; Territorial Rights.

H.R. 13071—Broadcast License Renewals.

H.R. 13395—Amend Uniform Relocation Act.

H.R. 13701—Accelerated Public Works.

H.R. 13741—Economic Disaster Area Aid.

H.R. 12605—Depository Libraries.

H.R. 13025—Wildlife Conservation.

H.R. 14986—S. Atlantic Basin Conservation.

H.Res. 891—Peace and Unity of N. Ireland.

H.R. 14296—Funds Impoundment Notification.

H.R. 12677—Occupational Safety and Health.

H.R. 13948—National Blood Bank.

H.R. 14450—Multiple Sclerosis Commission.

H.R. 14506—Law Officers' Bill of Rights.

H.R. 14881—Prison Reform.

H.R. 12510—George Andrews Lock And Dam.

H.R. 13668—Braille Designations on Money.

H.J.Res. 1092—Convert to Metric System.

H.R. 12728—Social Security Amendments.

H.R. 14513—Estate Tax Charitable Trust.

H.R. 14566—Small Business Tax Simplification.

H.R. 14660—Charities Lobbying Exemption.

H.R. 14822—Tax-Free Pensions.

H.Con.Res. 546—Trade Adjustment Assistance.

H.R. 4212—Federal Crop Insurance Program.

H.R. 6134 and 9401—Fish Farming Assistance.

H.R. 7303—Farm Credit.

H.R. 9711—Agriculture Dept. Legal Counsel for Loanees.

H.R. 8580—Lockheed Loan Guarantee.

H.R. 34—Conversion Research and Education.

H.R. 6124—Conversion Loan Authorization.

H.R. 6835—Transportation R. & D.

H.R. 335—Mass Transportation R. & D.

H.R. 4412—Narcotics Control.

H.R. 3610—Higher Education Tax Credits.

H.R. 4213—Freedom of Choice Amendment.

H.R. 4905—Higher Education Gift Incentives.

H.R. 6233—White House Conference—Education.

H.R. 10912—Higher Education Tax Deductions.

H.R. 15193—Education for Retarded Children.

H.R. 5446—Interstate Environment Compacts.

H.R. 6484—Prohibit Strip Mining.

H.R. 9557—Ocean Mammal Protection.

H.J. Res. 279—Earth Week.

H.J. Res. 385—Joint Committee—Environment.

H. Res. 567—VOA Broadcasts to Soviet Jews.

H. Res. 663—Phantom Jets for Israel.

H. Con. Res. 111 and 249—Prisoners-of-War.

H.R. 177—Catastrophic Health Care Costs.

H.R. 2294—Encourage Medical Personnel to Practice in Areas of Shortage.

H.R. 3655—Conquest of Cancer Act.

H. Con. Res. 151—P.H.S. Hospitals, Clinics.

H.R. 6471—Federal Penalties for assaulting Law Officers.

H.R. 7406 and 12740—Benefits for Law Officers and Firemen killed or totally disabled in the line of duty.

H.R. 8341—FBI, Secret Service Retirement.

H. Res. 206—Extradite Diplomatic Kidnappers.

H.R. 5382—Natl. Guard Technicians Benefits.

H.R. 12220—U.S.S. Arizona Memorial.

H.R. 2569—Federal Workers Freedom-of-Choice.

H.R. 2573—Aircraft Excise Taxes.

H.R. 3115—Russell Dam.

H.R. 3602—Tax Credits for Hiring Hard-Core Unemployed.

H.R. 4262—.22 Caliber Ammunition.

H.R. 5632—Consumer Class Action Act.

H.R. 10743—Written Decisions by Supreme Court in Reversing State Criminal Decisions.

H. Res. 119—Select Committee on Aging.

H. Res. 326—Interstate 75.

H. Res. 328—Select Committee on Energy Resources.

H. Con. Res. 251—Clemency for Lt. Calley.

H. Con. Res. 217—Congressional Notification of Federal Grants and Contracts.

H.R. 3269 and 10243—Office of Technology Assessment.

H.J. Res. 403—National Man in Space Week.

H.R. 4214—Raise Outside Earnings Limitation—Social Security.

H.R. 6725—Tax Benefits for Single People.

H.R. 15509—Fiscal Responsibility Act.

H.R. 6111-6114—Campaign Reform.

GOVERNMENT PRAYER IN SCHOOLS?

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DORN. Mr. Speaker, I favor complete separation of church and state. I will oppose any form of Government regulated prayer in our public schools, whether it be by local, State, or Federal Government. I do, however, believe in voluntary prayer and Bible reading in our schools and in all public places, as this is truly a "Nation under God."

Last year the House rejected an amendment to the Constitution of the United States that would have weakened the first amendment to our Constitution, which guarantees freedom of religion. I believe that proposed amendment would have violated our time-honored tradition of religious freedom. That freedom has been protected for 200 years by the first amendment. I believe the amendment which we rejected would have destroyed the principle laid down in the first amendment, that Congress shall make no law respecting an establishment of religion. At that time the beloved and great Dr. Billy Graham was reported as favoring this amendment we rejected. Since then, Dr. Graham has publicly clarified his position.

I commend to the attention of the Congress and of the American people the following article and editorials from the Charlotte Observer, the Florence (S.C.) Morning News, and The Baptist Courier:

[From the Charlotte (N.C.) Observer, April 5, 1972]

Graham Ends His Support of Prayer Amendment

(By Sam R. Covington)

"I don't think we should ever force prayer," Billy Graham said in Charlotte Tuesday, revealing he had changed his mind on the controversial efforts to put a prayer amendment in the Constitution.

But there should be another court test of what many people believe to be a Supreme Court ban on prayers in the public schools said the Charlotte-born evangelist.

Graham, speaking on the eve of the Charlotte area crusade, said he supported past attempts to amend the Constitution.

But studying arguments before Congress on the matter convinced him that the Supreme Court had only struck down enforced prayer exercises, not voluntary ones.

Graham said he felt teachers should feel free to teach the Bible and conduct religious exercises. A prayer amendment straw vote in Florida primary revealed overwhelming support for school prayer, he said, and he's convinced people across the nation support it.

[From the Florence (S.C.) Morning News]

Prayer

Evangelist Billy Graham has taken a second look at what the U.S. Supreme Court said about prayer in the schools and has changed his mind about the controversial efforts to put a prayer amendment into the Constitution.

After studying the arguments before Congress on the matter, he's now convinced, he says, that the Court only struck down enforced prayer exercises, not voluntary ones.

Clearly, the state cannot require prayer in any of its institutions without violating the fundamental constitutional doctrine of separation of Church and State.

[From the Baptist Courier, April 27, 1972]

Graham Now Opposes Prayer Amendment

Evangelist Billy Graham has changed his mind and now opposes any "prayer amendment" concerning the public schools. His statement is carried elsewhere in this issue. We are glad he belatedly saw the light. Last November Dr. Graham supported the Wylie amendment to the Constitution that would have reaffirmed the right to prayer in the public schools. The proposed amendment lost by 28 votes. The *Courier* consistently opposed the amendment as unnecessary tampering with the Constitution. Prayer in the public schools is a right that, although misunderstood, has never been in jeopardy.

We commend the evangelist for his open-mindedness in continuing to study the issue. We especially salute him for the courage to make public his change of mind. It is difficult for any public figure to announce and justify a reversal of position on a controversial issue. There are those always who will suspect his motives.

Dr. Graham's announced mind change is a timely reminder to everyone in public life including elective office holders, businessmen, pastors, even editors, that their opinions influence others. They should study the issues carefully, arriving at a conclusion only after prayerful deliberation. This will not eliminate the possibility of a mind change, but it makes the prospect less likely.

[From the Baptist Courier, April 27, 1972]

Reverses Feelings—Graham Says He No Longer Supports Proposed Amendments About Prayer

(By W. Barry Garrett)

CHARLOTTE, N.C. (BP)—Evangelist Billy Graham at a press conference here on the eve of his Charlotte area crusade said he had changed his views and no longer supports proposed prayer amendments to the Constitution of the United States.

This is in contrast to a statement by Graham at a previous press conference at the Charlotte airport in November 1971, just before the vote in the U.S. House of Representatives on the "Wylie" prayer amendment. At that time the evangelist stated that if he were a congressman, he would vote for the prayer amendment.

The Wylie amendment failed by 28 votes to obtain the necessary two-thirds majority in the Nov. 8 vote.

Prior to the Nov. 8 vote, Graham sent a telegram to the author of the bill, Rep. Chalmers P. Wylie (R., Ohio), stating "I am for the prayer amendment now before Congress."

But in the April 1972 press conference, Graham, flanked by United Methodist Earl G. Hunt Jr. and Southern Baptist Convention President Carl Bates, honorary co-chairman of the Charlottee crusade, said that he had studied the arguments before Congress for the prayer amendment.

He said that he was convinced that the Supreme Court had only struck down forced prayer exercises, not voluntary ones.

The new Graham statement was made in response to a question by Sam R. Covington, religion editor of the Charlotte Observer, concerning the recent Florida primary election "straw vote" on prayers in schools.

In his reply, the evangelist suggested that the original Supreme Court decision on prayers and Bible reading may have been misinterpreted by lower courts and by school boards so that religious exercises and Bible teaching were dropped unnecessarily.

He also said that he thought there should be another court test to clarify what many people believe to be a Supreme Court ban on prayer in the public schols.

In the press conference here, Graham did not develop fully how he thought religion and education should be correlated in the public schools. However, he did suggest that moral guidelines should be part of what the schools inculcate. He also thought that Catholics, Jews and Protestants could agree on a program of instruction based on the Ten Commandments.

"We need some moral authority in the schools, and what could be better than the Ten Commandments?" he asked.

Reinforcing his long-held position that the state should not impose set forms of prayer or demand that all pray, Graham said that he is "against any type of forced prayer that the state draws up."

However, he said he felt that teachers should feel free under the present rulings to teach the Bible and conduct religious exercises.

The new Billy Graham statement was interpreted by some Baptist leaders as another indication of a rising feeling in the nation that constitutional prayer amendments are not the real solution to the problems raised by religion and public education.

In Washington, a group of national religious leaders are currently considering promotion of a national congress on religion and public education within the next year or two. Several Southern Baptists are included in the group advocating such a national congress.

TRIBUTE TO JAPANESE

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mrs. GREEN of Oregon. Mr. Speaker, I am pleased to join Congressman MATSUNAGA in paying tribute to Japanese Americans. Whatever thanks may be given for the repeal of title II of the Internal Security Act is, in my humble view, insignificant compared to the vote of thanks owed to all Americans of Japanese ancestry by their fellow Americans for their matchless example of endurance and faith in the ultimate triumph of justice during one particularly dark chapter of American history.

Many recall that sad chapter in the life of our people during World War II and those of us especially who live on the west coast remember with humiliation what happened to our neighbors, our friends—purely because of their ancestry. They were summarily imprisoned; their property was confiscated; their rights were suspended, and a whole segment of our citizenry was detained in concentration camps without trial, convicted in a most demeaning fashion, and en masse, on mere suspicion.

Lesser affronts have sent people spilling into the streets demanding instant justice, demanding instant compensation, and summary punishment for the evil-doers. Japanese Americans chose to take the long view of history, realizing even as the blind poet Homer did some 2,000 years before Christ that war brings out both the best and the worst in a nation. It has taken more than a quarter of a century to see this "long view" vindicated, but the triumph of that special strength of character that we have come to associate with the Japanese-American community is utter and complete. They have not merely endured; they have prevailed. And in the process they have exhibited to Americans who stem from a different cultural tradition, and whose faith in its moral teachings are sometimes today seen to be faltering, an unparalleled lesson in meeting injustice with forgiveness, intolerance with tolerance, suspicion with trust, and most importantly, hatred with love.

A people unwilling to persevere in the hope and faith of the ultimate triumph of justice may not hope to endure as a nation, let alone prevail. And so I say again, your fellow Americans are in your very special debt for the example you have set.

TEXAS TRADE MISSION TO U.S.S.R., RUMANIA

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. WRIGHT. Mr. Speaker, it gives me pleasure to report to the House encouraging developments in the field of trade relations between our country and the U.S.S.R. A recent trade mission representing Texas oil and petrochemical industries, reports the Department of Commerce publication Commerce Today, met with resounding success—initiating multimillion dollar export transactions.

Feeling that my colleagues also will welcome this advance in peaceful and mutually beneficial trade between the United States and the U.S.S.R., I would like to offer for the RECORD the text of the Commerce Today article on this important trade mission:

MISSION TO U.S.S.R., RUMANIA OBSERVES TEXAS-SIZE INTEREST IN OIL EQUIPMENT

A Texas-size interest in U.S. oil field and petrochemical equipment greeted a trade mission from the Lone Star State last month in both the U.S.S.R. and Romania.

Reporting from Austin early this month that "one member has already been recalled to Moscow by Machinoimport to put the 'finishing touches' on a $16 million project," Mission Director James H. Havey exclaimed: "Now if that ain't tradin' Texas style, what is!" Havey heads the International Trade Division of the State's Industrial Commission, which organized the mission with U.S. Department of Commerce assistance.

SEE BIG MARKET

The "Texas Ten," as the members dubbed themselves, see a multimillion dollar market for their products developing from their 14-day visit in the two countries. In the Soviet Union, they had to revamp their schedules to include Saturday work, in order to accommodate requests from the Russian industrialists for extra appointments and conferences. At a reception at Moscow's National Hotel, so many officials asked to be added to those originally invited, that attendance was recorded at "125 percent."

The USSR Chamber of Commerce conducted a business-practices orientation for the mission. Later, group meetings were held with officials of various Government organizations, including the Ministry of Gas Industry, Ministry of Oil, and the State Committee of the USSR Council of Ministers for Science and Technology.

VISIT RUMANIA OIL FIELD

Highlight of the visit to Rumania was a special invitation to the Ploesti oil field, where the mission members were given a detailed and comprehensive tour of the refinery and industrial plants.

The Texas Ten manned the U.S. Trade Development Center display booth at the Bucharest International Trade Fair, an exhibition of industrial equipment related to petroleum, chemicals, plastics, and rubber. Business appointments in Bucharest followed much the same pattern as in Moscow.

Companies represented on the mission were Gearhart-Owen Industries, Fort Worth; Varel Manufacturers, Dallas; Halliburton Services, Duncan, Okla.; and from Houston, the Oil & Gas Manufacturing Co., Johnston Division of Schlumberger, Rucker Shaffer, Daniel Industries, Bowen Tools, and W-K-M Valve Division of ACF Industries.

MEMORIES OF "MAC" McCLAIN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HUNGATE. Mr. Speaker, I would like to pay tribute to a great public servant—State Representative Elmo "Mac" McClain of Quincy, Ill.—whose sudden death on June 15 is a tremendous loss to the State of Illinois, his neighbors in Missouri, and our Nation.

His contributions toward honest politics and good government were many, and his service to the community crossed party lines. Our colleague, PAUL FINDLEY of Illinois, has frequently commented to me concerning the useful work performed by Elmo McClain. Mr. FINDLEY said:

> Regardless of political differences, in any matter affecting the best interests of Quincy and Western Illinois, you could always count on the strong support of Elmo McClain.

There are few too many men of his caliber and his untimely passing will be sorely felt.

The following article by Will Davis of the Quincy Herald-Whig explains why we had such great respect and admiration for Elmo McClain, and the great legacy he has left with us:

MEMORIES OF "MAC" McCLAIN

(By Will Davis)

About 5:30 p.m. Thursday Rep. Elmo (Mac) McClain was wheeled down a first floor corridor along emergency treatment rooms at St. Johns Hospital in Springfield to the third floor intensive care unit.

The nurse with graying hair was furious because a maintenance man had just told her she could not use the emergency elevator until he finished waxing its floor. This, she fumed, was strictly against regulations and she promised a report to high authority as she punched a button to summon the maternity elevator.

It came and as the upward trip started Mac told her, "You'd better calm down or they'll put you to bed and keep you up there where I'm going."

A grin—once described as "more Irish than St. Patrick's Day"—spread over his face and he told two of his closest friends in the Illinois House, representatives Joe Fennessey and Toby Barry, and this writer: "I'm the one who is supposed to worry. I'm the patient."

A small incident in the life of a man who was to leave it five hours and 47 minutes later, but it illustrated just two characteristics of many which cause an intense sense of personal loss felt even by the few persons around here who had never met him—humor and an abiding concern for others.

This is not a tribute to Elmo McClain. Sincere words by other friends in positions of power and prominence have provided that. These are merely observations by one who started with him on legislative duty days in Springfield at breakfast, talked with him several times a day in the House chamber and Capitol press headquarters and usually finished the day by watching the 10 p.m. news in one or the other's adjoining rooms at the motel before a book and bedtime.

His wife, other members of his family and many friends called him "Elmo." We were one of those who called him "Mac."

Mac McClain was a study in contradictions. Almost always his decisions were personal, not political, yet he had one of the sharpest and most intuitive capacities for the real meaning and impact of a speech, statement or action we have ever encountered.

The result was, he never allowed personal beliefs or doctrines to interfere with support of what he considered the political good of his district and state. He, also, never let politics sidetrack him from being steadfastly true to his own deeply held convictions of what was honest or dishonest, good or bad.

That is a difficult course in public life, but his ability to walk such a path was one of many things that set him apart and made him successful both in his elected office and his private life.

Mac had too much natural dignity to be forced into wearing the false face of fake humility. He understood his power as a lawmaker, but used it properly and sparingly.

Two weeks ago he called a state agency and when the official he sought was not available he talked with a secretary. "This is Elmo McClain from Quincy," he explained before outlining a request for routine information. Five minutes later he still was receiving excuses as to why such information could not be given unless a written statement, etc. was first received.

"Maybe I should have said this is Representative Elmo—" he began.

"Oh, why didn't you say so?"

"Why should it make any difference?" Mac replied.

He called his wife Marge several times each day from Springfield and looked forward to the time when all seven children would be graduated from college or university. "If I can see to that," he often said, "I will have been a success."

He will not see that, but he was a success.

If testimony is needed one event on the House floor last Wednesday was only repetition of demonstrated respect by members of both parties many times before.

The temper of the House has grown shorter as this session has lengthened. Just before Wednesday night's meeting concluded Mac rose and asked leave for a bill which originated in the Senate to be allowed to bypass committee hearing to save time in the dwindling days remaining. Typically, it was a bill to help somebody else.

A member of the House leadership objected and usually that would have ended such an effort because a single objection is enough. However, Mac used his next parliamentary move and asked that rules be suspended to accomplish the same purpose. This meant a roll call vote and other attempts to suspend rules during a long day had consistently failed.

Mac McClain made it with votes to spare and half of those votes came from the Republican side. They accepted his statement that the bill was needed and they knew he would never ask such a favor for personal publicity or benefit.

When we first went to Springfield two and one-half years ago it was to report from our fourth state capital. We knew the difficulties and time involved before we could gain acceptance from those who sincerely believe someone with our job is a hereditary antagonist.

Without seeming to do so, Mac guided us through casual introductions by name and newspaper before adding the all-important words: "My friends." This is the way we early became an honorary member of what we called the "Irish Mafia"—Mac, Fennessy of La Salle and Rep. Leland Kennedy of Alton.

This membership was educational, orientational and enjoyable. It also was the key to an expanding first-name relationship with other legislators, officials and knowledgeable representatives of private interests.

Monday begins the final day of Mac's last session. Today we cannot imagine its inevitably long days passing without recognition by the speaker of "The Gentleman from Adams" and the refreshingly natural explanation by that gentleman of why he had asked for an infrequent few minutes of members' attention.

For friends elsewhere and neighbors here at home there is consolation. When the same words in memoriam are used in Springfield, Washington and Quincy—"warm" and "decent"—Mac McClain must have left enough of himself to make some of us better humans.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION STATEMENT OF NATION'S 196TH ANNIVERSARY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. WHITEHURST. Mr. Speaker, the United States celebrates its 196th year of the Declaration of Independence on this Fourth of July. We are only 4 years away from a momentous 200 years of self-government. The organization Congress created to help plan, develop, enbrating our 200th birthday, the American Revolution Bicentennial Commission, has issued a statement for this Fourth of July which I am inserting in the RECORD for myself and my seven congressional colleagues serving on the Commission. The ARBC statement follows:

STATEMENT OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION, JULY 4, 1972

Six years ago on July 4, 1966, the American Revolution Bicentennial Commission was established by a Joint Resolution of the Congress. The Commission was specifically charged by that Resolution to plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded and are associated with the American Revolution. The Commission was further instructed in all its planning to give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States in world affairs and in mankind's quest for freedom.

Those ideas, all based on the essential worth and dignity of the individual human being, were both heretical and evangelical in their day. It was the "troika" of heresies contained in the second paragraph of the Declaration of Independence—the heresy that all men are created equal, that they have a *right* to life, liberty and the pursuit of happiness, and that governments are instituted among men to secure those rights—which inspired 13 small, poor and weak colonies to defeat the Armed Forces of the British Empire.

But, they did not stop there. They went back with General Lafayette to France, became "Liberty, Equality, Fraternity" and inspired the French Revolution only 13 years after our own began. Since then, those heretical ideas have resulted in the overthrow of autocratic governments and the establishment of representative democracies around the world. Literally hundreds of millions of human beings have owed and now owe their personal freedom to the 56 men who had the courage to sign the Declaration 196 years ago.

Those ideas are no longer heretical. They have become respectable, and as they have gained respectability they have lost their original evangelical fire. We tend to take them for granted. But we must resist that tendency because those three ideas are worth more to America and Americans than all the gold at Fort Knox, all the oil beneath our soil, more than the combined resources of the richest, most powerful and most generous nation the world has ever seen, because they created that nation. And when those ideas die, America will be dead.

In this Bicentennial Era, the challenge to all Americans is to revive and revitalize those ideas, to make use of their eternal truth and their demonstrated power to show a tired old world what we have been able to do in only two centuries.

The challenge is to demonstrate by our 200th birthday that we have brought full and true equality of opportunity where once there was slavery and male domination, that we have brought decency where there was poverty, sufficiency where there was hunger, conservation where there was devastation and exploitation, beauty where there was ugliness, peace where there was war.

It is the hope and intent of the American Revolution Bicentennial Commission that each Independence Day for the next four years will bear witness to dramatic increases in such involvement and support until on Liberty Day, July the Fourth of 1976, every community in the United States can celebrate with good conscience the unqualified success of the greatest experiment in representative government the world has ever witnessed.

GEN. WILLIAM C. WESTMORELAND

HON. JOHN L. McMILLAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. McMILLAN. Mr. Speaker, I know that every Member of this House would like to congratulate Gen. William C. Westmoreland on the wonderful service he has rendered the people of our country and the world. General Westmoreland has been recognized as a natural leader since the day he graduated from West Point.

I am certain every person in South Carolina will agree with me that he deserves the applause and heartfelt thanks of each citizen. We very seldom have a man from our State who has been given the responsibility of commanding an army during a war such as Vietnam. As a Congressman from South Carolina, I want to be one of the first to congratulate General Westmoreland on his performance as an exemplary leader, and express the appreciation of the people of my State for his service. I had intended to be present at the retirement ceremonies honoring him this afternoon; however, since Congress has many bills pending on the floor of the House where final votes will be taken, it was impossible for me to be present.

We regret to see General Westmoreland leave the Armed Forces. We realize however, that when a man has dedicated every day of his life for more than 30 years to the vigilance of America's freedom, that he should have an opportunity to spend a portion of his days in a civilian capacity. I wish for General and Mrs. Westmoreland an opportunity to do everything they have wanted to do during the time their commitments were to their country. The State of South Carolina is proud of their service, and I am happy to have had an opportunity to call on other South Carolinians to pay honor to our great general, William C. Westmoreland, on this date.

NATIONAL ENERGY ETHIC

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. McCLURE. Mr. Speaker, the energy crisis facing our Nation today demands a new approach to the conservation of energy. The days of "cheap energy" are gone, particularly now that we have begun to consider the total cost, including environmental, of producing energy.

The House Republican Task Force on Energy and Resources, of which I am chairman, has investigated the possible savings which could result from improved energy conservation techniques. In one area alone, building insulation—we have found that substantial savings can be effected by utilization of available materials in combination with new standards. For instance, upgrading thermal insulation in residential buildings could save over 15,000 trillion B.t.u.'s of energy over a 10-year period. Not only would this save the equivalent of 15 trillion cubic feet of natural gas, but air pollution would be reduced by approximately 2½ million tons per year.

Of even more importance, though, than new building techniques and insulation standards is a new way of thinking of energy. In a speech at Denver on June 28, 1972, Secretary of the Interior Rogers C. B. Morton used the term "a new energy ethic." As Secretary Morton said:

> We must seek a new and more imaginative way of thinking of energy—that reflects an awareness of our finite assets.

Our energy assets are unquestionably finite.

We must continue the search for new sources of clean energy and fuels, particularly sources such as geothermal and solar, offering minimum environmental impacts while providing for the growing needs of our society. But, simultaneously, we can decrease our demand, to decrease the probability of electric power blackouts and fuelless winter days. As Secretary Morton stated:

> The President's Joint Board on Energy Matters estimates that by energy housekeeping and rather simple installations we can reduce national energy demands by as much as 5%. This could make the difference during peak load periods.

Continued research and development of energy-saving techniques is required and will, I believe, provide benefits far outweighing the costs. We will need, though, explicit, quantitative analysis allowing us to select those ideas which offer the best return for our energy investment.

I recommend Secretary Morton's speech to my colleagues, and I include it in the RECORD:

REMARKS OF ROGERS C. B. MORTON

I am particularly honored to have an opportunity to be with you here in Denver.

As building owners and managers you, and others in your industry, have become increasingly aware of our energy supply situation which, left unattended, could and surely will develop into a full blown energy crisis.

After twenty years of experience in political and public life I have developed a profound respect for crises. They are a primary consuming element of government management.

The possibility of energy supply shortfalls is different, however, it's the only aspect of our future that all of the experts—those in research and throughout government agree upon.

The potential of an energy crisis is of immense proportion:

Each American uses today 50 percent more energy than he did 10 years ago. And those needs are increasing.

Since 1966, our demands for energy have been increasing faster than our gross national product.

Since 1968 we have been using natural gas faster than we find it. New priorities in the marketing patterns of natural gas are being considered and established.

As the industry reaches into the Continental Shelf and deeper into the crust of the earth and as it becomes increasingly responsive to environmental hazards, domestic operations have become more difficult. Costs have escalated. According to Chase Manhattan Bank study, the oil industry alone will need $150 billion in the 70's. That's two and a half times the need of the 1960's.

Cleaning up our environment as just one factor will require great amounts of fuel. It will be needed for proper disposal of our solid wastes, in recycling programs, and in the treatment of waste water and gases. Our newer cars designed to use nonpolluting lead free fuels require 15 percent to 20 percent more fuel than our present generation of cars.

By 1985 we will have to import perhaps half of the petroleum we need. The quantities imported by sea will be vast, on the order of 12 million barrels a day. Last February in a statement before the Congress, Admiral Elmo R. Zumwalt, our Chief of Naval Operations estimated "this will require the equivalent of from several hundred to over 1,000 tankers, each of 70,000 tons, fully committed to deliveries of oil to the U.S." The strategic implications of this are ominous.

Many of you have experienced or are familiar with the brownouts in our cities during peak load seasons. You have listened to your maintenance engineers complain of power fluctuations and accelerated light bulb usage. During long hot spells in summer and consecutive weeks of unrelenting cold in winter—many of us have as much interest in the weather as we do in market activity, or who wins the ball game.

At the expense of sounding overly partisan, the winters of 1970–71 and 1971–72 were comparatively mild and the summers were not unduly hot. I won't address that as an Administration accomplishment but it helped. Who knows what it will be like this summer? Or next winter?

Regardless of what happens it will clearly affect our power situation.

Our present energy demand is being supplied from very thin margins of surplus. Without decisive action now, it is difficult to look to the future with optimism.

In his Clean Energy Message to Congress on June 4, 1971—the first Presidential statement devoted entirely to energy—President Nixon established national energy goals. He clearly expressed the nature of the crisis, and outlined our management goal "A sufficient supply of clean energy . . . to sustain healthy economic growth and improve the quality of our national life. . . ."

What is needed is positive action backed by thorough analysis and planning—a new energy ethic if you will. New technologies providing a more effective use of our energy, at still an economical price—and scheduled utilization of our vast, untapped, energy assets. That is the program contained in the President's energy message, and we are responding.

We are working for the creation of an energy ethic. We must seek a new and more imaginative way of thinking of energy—that reflects an awareness of our finite assets.

Many of you, and others in your community, are now as concerned with insulation systems to reduce energy consumption as you are with the availability of marketable building space.

It is estimated that the cost of insulation to meet new Federal Housing Administration standards in the average home, will equal the fuel savings in one year in average climate.

In amortizing a building it's a sound investment. Good insulation increases cooling and heating efficiency by as much as 30 percent. Conservation of energy adds to fulfilling the needs of our national energy ethic, it's good business practice.

One unneeded light bulb uses 2.4 kilowatt hours a day. That's 976 kilowatt hours a year—at current rates about $26 a year.

And yet I wonder how many of you are concerned about wasted electricity in unoccupied offices, closed closets, and the locked stairwells in your buildings, and what this means when multiplied on a national basis.

A leaking hot water faucet that will fill an ordinary cup in ten minutes wastes 3,280 gallons of heated water a year, or about $6 in energy costs. That sounds like very little, yet I suspect we could have a superb vacation from energy leaks in our own buildings.

The President's Joint Board on Energy Matters estimates that by energy housekeeping and rather simple installations we can reduce national energy demands by as much as 5%. This could make the difference during peak load periods.

I can't help but be reminded of a comment a friend of mine made while we were discussing these same points: "So the Republicans have dimmed the Capitol lights after working hours to save energy—I suppose the Democrats did it because they couldn't pay the bills."

As apocryphal as this may seem—it points up the fact, we clearly need a national energy ethic.

Consider your role and impact on our national energy use patterns. Think of the areas where you can contribute to our national strategy of economic energy use.

On the government side, we are developing new energy systems affording us a more effective use of our vital source materials.

In line with President Nixon's Clean Energy Message we are moving swifty to delevop the fast breeder nuclear reactor, to develop the necessary technology for coal gasification, and to harness geothermal steam.

We are striving to develop energy systems that will convert up to 75 percent of the total energy input into available electrical energy, compared to our current national average of 32 percent.

These new technologies will be expensive, take years to perfect, and will have to satisfy environmental objections regarding siting, thermal pollution and cleaner effluents.

In support of the President's commitment to clean energy and accelerated programs for new technologies we have expedited planned actions to utilize our untapped energy assets.

Here in Colorado and in the neighboring states of Utah and Wyoming lie the greatest known hydrocarbon deposit anywhere in the world—oil shale. Not far from here in the Piceance Basin alone, there is an estimated potential of 80 billion barrels of oil, recoverable at $4 or $5 a barrel.

The orderly development of these untapped resources will require new technologies and new management systems—not only to maintain an economic return for industry and the consumer, but to preserve the integrity of our environment. Oil shale development is typical of these energy industries of the future

Until recently, however, the use of oil shale as an energy source has been prevented by a mixture of problems—environmental, technical, and economic.

In June of last year we announced a prototype oil shale leasing system. A system which provides for industry's funding and development without degradation of the land. This prototype leasing program is a managment system that will lead the way to safe development not only of our oil shale assets—but of others.

We have held public discussions in open dialogue with representatives from the States, the industry, local communities, and environmental groups.

If I am convinced that *all* the environmental objections can be resolved—we will proceed with leasing offerings later this year.

Thus far the oil industry's response has been encouraging: over $2 million has been invested in exploration. At our call for lease nominations, 15 companies submitted 23 nominations for tracts.

This facet of our energy future will have far ranging effect on your own industry, and others in the mainstream of the American economy.

Based upon planning estimates made last year urban construction to house and support the oil shale industry alone have in Colorado, Wyoming and Utah, will mean the migration of 50,000 to 100,000 people into the areas developed. Some $3 billion dollars will be spent to house and support them. Over $400 million of this would be spent on urban construction alone, with the balance for plant equipment.

These are the highlights of the energy crisis, and the President's program for clean energy in the future. I am encouraged with the progress we have made during the last year.

I believe that we can develop new technologies. We will be able to create a dynamic mangement system, capable of developing new pricing, and regulatory policies, as well as providing new incentives for industry.

In fact we have no alternative than to overcome the demanding economic and environmental problems.

All of these actions, however, will be futile without each of us assuming our personal responsibility to achieve President Nixon's energy goals. . . . as awesome a task as that may seem. A new energy ethic which can take us into the next century will require a total commitment by industry, by the consumer, and by government. Without the commitment and involvement of all three, there is no way to support a sophisticated highly integrated civilization. The days of unlimited supply are over. It must be done . . . our very future as a Nation depends on it.

SANDY HOOK BY BOAT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. FORSYTHE. Mr. Speaker, the House Interior Committee has ordered reported legislation providing for establishment of the Gateway National Urban Recreation Center.

In the bill as originally introduced, which I cosponsored, provisions were included for water transportation to help provide access to the park.

At this point, I am including an editorial from the June 18 edition of the Asbury Park Press with regard to this legislation and the need for water transportation. I believe this should be of interest to my colleagues:

SANDY HOOK BY BOAT

Unfortunately, the House Interior Committee has eliminated from the Gateway National Urban Recreation Center a provision for water transportation. The plan calls for establishing national aquatic parks at Sandy Hook and the Jamaica Bay area of Long Island. In each of these areas water transportation from the metropolitan centers offers the only acceptable means of access without placing intolerable traffic and environmental problems on the routes available for ground transit.

Sandy Hook especially calls for water transportation. It is attached to the mainland by a narrow neck that hardly permits of adequate access. And from the Hook to North Jersey and New York the highways are already congested to the point where it is inconceivable that they could accommodate a fraction of the traffic that a national park at Sandy Hook will generate.

In fact, the possibility of water transportation strongly recommends Sandy Hook as a national park near the nation's largest metropolitan center. The boat ride would be a pleasant prelude and postlude to a day of recreation at the park, in contrast to a tedious and tiring drive in bumper-to-bumper traffic on congested highways.

But without boat transit to carry hundreds of thousands of people to and from the park there would arise serious doubt as to the feasibility of the project. For it would be difficult to find or develop ground transit to accommodate those who use the park, or to protect the environment of communities through which the traffic would pass.

FREEDOM FOR THE BALTIC STATES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. WYMAN. Mr. Speaker, the second half of June marks a sad anniversary for all those who value freedom. Thirty years ago this month, the Soviet Union invaded Latvia, Lithuania, and Estonia and ruthlessly conquered those republics. Since June 1940 more than one-fourth of their populations have been forcibly deported. In June 1941, mass arrests of the Baltic peoples began with more than 150,000 sent to concentration camps in Siberia.

For 32 years these people have been unable to exercise one of the most basic of human rights—freedom of worship. This religious oppression was recently brought to the attention of the world by the self-immolation of a brave young Lithuanian, Romas Tolantas. The public outcry that followed this shocking event has not been confined to Lithuanians.

Today there are over 2 million Americans of Lithuanian descent in the United States. Recently these citizens paused in their daily routines to mark a national day of mourning and prayer to demonstrate solidarity with the people of their homeland. It is fitting on this anniversary for all Members of Congress to reflect on the fate of the Baltic States. It is all the more fitting for we shall soon be observing the 50th anniversary of the recognition of the three nations by the United States.

Mr. Speaker, it is long past the time when the United Nations Declaration of Human Rights, which the Soviet Union signed, should be a reality in the Baltic States. The President's diplomacy with the Soviet Union has recently resulted in what we all hope will be a slow but steady normalization of U.S. relations with that country. As real and as significant as that progress may be our relations with the Russians can never be completely normal until the day comes when the Soviet Union allows the Baltic peoples to live in freedom and dignity.

It is to be fervently hoped that our great President will bring up the Baltic question in the U.N. and, at the next meeting with the Soviet Union, request its withdrawal from Lithuania, Latvia, and Estonia.

In this connection I would invite attention to House Concurrent Resolution 416 of the 89th Congress, second session, that unanimously passed both the House and the Senate in 1965:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Batlic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these right to the Baltic peoples.

OIL IMPORT PREFERENCE AMENDMENT

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. COTTON. Mr. President, now pending on the Senate Calendar of Business as Order No. 804 is the bill (H.R. 13324) which would authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

However, in addition to authorizing such appropriations this bill contains a section 3 which represents an amendment made by the Committee on Commerce which would require that 50 percent of imported oil, not including residual and No. 2 fuel oil be carried on higher costing U.S.-flag tankers.

Mr. President, I am strongly opposed to section 3 of H.R. 13324. I have so stated in views which I filed in the committee report—No. 841—accompanying H.R. 13324 and in this Chamber on June 13 at which time I inserted in the RECORD an exchange of correspondence between myself and Secretary of Commerce Peterson—see CONGRESSIONAL RECORD, June 13, 1972, pages 20629–20631.

Mr. President, I now ask unanimous consent to have printed in the RECORD, so that Senators may have the benefit of the growing opposition to section 3 of H.R. 13324, my letter of June 16 to the Secretary of State and the reply thereto, and a letter dated June 27, which I received from Mr. Charles W. Else, president, Independent Refiners Association of America, along with an accompanying summary memorandum.

There being no objection, the letters and accompanying memorandum were ordered to be printed in the RECORD, as follows:

JUNE 16, 1972.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of the bill, H.R. 13324 and the report of the Senate Committee on Commerce accompanying it (Rept. No. 92–841).

In reporting this bill the Committee amended it by inserting a new section 3 which will require that at least 50% of oil imported on a quota basis, allocations or licenses, other than residual fuel oil to be used as fuel and No. 2 fuel oil, be carried on higher-costing U.S. flag tanker vessels. I and several of my colleagues on the Committee have opposed this amendment. It is my intention to move to strike this amendment at such time as the bill is considered by the Senate.

Accordingly, I would appreciate receiving the views of your Department on this oil import cargo preference amendment and its probable effect upon international relations for the United States. I also would like to have your comments on that portion of the Committee's report which seeks to justify section 3 of H.R. 13324 based upon international precedents (see pages 24–26).

Your timely response to this request will be appreciated.

With best wishes,

Sincerely,

NORRIS COTTON,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., June 27, 1972.

Hon. NORRIS COTTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COTTON: The Secretary of State has asked me to reply to your letter of June 16, 1972 requesting the Department's views on H.R. 13324 and the report of the Senate Committee on Commerce accompanying it (Report No. 92–841). The specific question at issue is the new Section 3 of the bill which would require that 50 percent of imported oil, not including residual fuel oil and No. 2 fuel oil, be carried on United States flag tankers.

The Department is opposed to Section 3 of the proposed legislation and believes its enactment would be harmful to our foreign economic relations.

With respect to the statement in the Committee report (p. 24) that there is "ample precedent" for restrictions on oil imports to national flag vessels, we question whether these precedents are either ample or relevant. While France for many years has had the requirement that two thirds of its oil be imported under French flag, waivers of this requirement are frequently granted. Spain, Chile, and Peru are not major shipping nations and their actions can hardly be deemed a precedent for action by the United States. In the case of Chile and Peru, moreover, the reservation of oil cargoes is simply a part of measures reserving half of all imports to national flag lines. It is natural to expect that Japan, with by far the largest shipbuilding industry in the world and low operating costs, and totally dependent on foreign sources for its oil, might have a national policy to carry a substantial share of its oil imports in its own ships, but Japan does not have any cargo reservation laws and, so far as we are aware, there is no "guarantee" of a 50 percent participation by Japanese vessels in this trade. In short, it does not follow that the United States should abandon a long established shipping policy of freedom of choice of carrier for commercial shipments because a few other countries have for their own national reasons instituted cargo preferences on oil imports.

The Committee report (p. 25) states that "this legislation is required by our national security, and therefore it is not inconsistent with our treaty commitments." This Department did not argue that the legislation would be inconsistent with our treaty commitments if there were a justification on security grounds. It simply expressed the belief that the national security need for this legislation had not been demonstrated. As the Department pointed out in its testimony before the Senate Committee on Commerce (S. 3404, May 1, 1972), while recognizing that oil imports will come increasingly from areas which are, politically speaking, relatively unstable, we consider that it is the source of supply, rather than the means of transportation which poses the primary problem from a national security standpoint. We also note that the Secretary of Commerce has written you (June 12, 1972) that his Department, together with the Office of Emergency Preparedness and the Navy Department is now reviewing the national security needs for the United States flag tanker fleet, specifically taking into account the increasing requirements for oil imports. Until this study has been completed it would seem premature to justify the need for this legislation on national security grounds. If it were determined that the national security required transporting half of our oil imports in United States flag tankers, there would still be an option whether to achieve this result through direct subsidies, as intended under the Merchant Marine Act of 1970, or by indirect subsidies (cargo reservations).

The Committee's report (p. 25) states the opinion that a 50 percent oil import reservation "seems no more inconsistent with (treaty) provisions calling for 'national treatment' and 'most-favored-nation treatment' than practices in which the United States and other nations have long engaged." In support of this broad generalization, the report argues that our treaties do not explicitly make any distinction between government-financed or government-generated cargoes on the one hand and commercial cargoes on the other. This Department believes that the distinction is clear as a matter of treaty interpretation and important as a matter of shipping policy. It is accepted internationally that the treaties relate to government actions which affect normal commercial shipments and do not apply to shipments made by governments for their own account or where they are acting in a proprietary capacity. We have interpreted the latter as covering certain export shipments which would not ordinarily move without special loan terms offered by the government, and this has not been contested. Most of our major trading partners, which are also important maritime nations, share the view that purely commercial cargoes should be free to move in accordance with normal private business decisions and should not be directed through discriminatory government legislation. These are also the nations with whom, for the most part, we have treaty obligations.

It is true that some other nations, especially in South America, have adopted cargo reservation measures of considerably broader scope which may in same cases interfere with what we would consider normal commercial shipments. We have treaties calling for "national treatment" and "most-favored-nation treatment" with only two of these countries (Argentina, 1853, and Colombia, 1846), but these and all other South American nations which have cargo reservations favoring their own national flag shipping lines (Brazil, Chile, Ecuador, Peru, Venezuela) have in fact removed any discrimination against United States flag lines by granting them equal access to all government-controlled cargoes in our bilateral trade.

The United States in turn allows 50 percent participation by its trading partner in the carriage of our own "government-generated" cargoes in the bilateral trade. In effect, and without any intergovernmental agreements, each government is giving "national treatment" to the ships of its trading partner so far as government-controlled cargoes are concerned. The governments have also approved, on our side by the Federal Maritime Commission, agreements between the national shipping lines based on the equal access principle and calling for a pooling and equal division of revenues from all traffic actually carried by the parties. These agreements do not in themselves restrict the freedom of all carriers to compete for normal commercial cargoes. They are not, as the Senate report implies, agreements between governments with terms which are inconsistent with our FCN treaty obligations.

It is true as the Senate report points out that certain oil producing states are considering the establishment of national flag tanker fleets to carry a portion of their oil exports. It does not follow, however, that because certain oil exporting states may in the future adopt restrictive measures which we consider uneconomic and ill-advised, the United States should anticipate their example. Carried to a logical conclusion such actions could result in completely bilateralizing the oil transport business. Such a development could destroy the flexibility which has enabled oil importers to use the most efficient and lowest cost vessels for their oil transport needs regardless of flag, a practice which in the long run benefits oil consumers in this country.

Though not mentioned in the Senate report, there is one additional point that we feel should be made. This Department, in collaboration with other interested agencies has for many years protested to foreign governments against the spread of national cargo preference legislation and regulation into the field of commercial cargoes. Though difficult to measure with exactness, we believe that the United States representations to these governments have helped in many cases to maintain a climate of competitive opportunity for United States shipping in our foreign trades and has benefited our merchant marine. The enactment of Section 3 of the proposed legislation would do much to destroy the credibility of any future United States representations along these lines.

If we can be of any further assistance in this matter, please do not hesitate to let us know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

INDEPENDENT REFINERS ASSOCIATION OF AMERICA,
Washington, D.C., June 27, 1972.

Hon. NORRIS COTTON,
U.S. Senate
Washington, D.C.

MY DEAR SENATOR COTTON: An amendment adopted by the Senate Committee on Commerce to H.R. 13324, the maritime programs authorization bill for 1973, would require that 50% of overseas oil imports under quota (except residual and No. 2 fuel oil) be carried in U.S.-flag tankers.

We oppose this amendment because:

1) It would impose substantial costs on consumers and independent refiners, exceeding one billion dollars annually by 1980.

2) It would have a special, discriminatory impact upon independent refiners.

3) Secretary of Commerce Peterson has launched a study of other alternatives by which the maritime goals may be attained more effectively, with a deadline for reporting to Congress set at September 15, 1972. Certainly, at a minimum, the 50% flag tanker requirement should not be considered for adoption until Secretary Peterson has reported to the Congress on these other alternatives.

A memorandum and a summary memorandum, with the facts and reasoning in support of these views, is attached for your consideration.

We respectfully request that if, as we hope, you concur in our views, you will take whatever action you deem appropriate to delete Section 3 from the subject bill.

Very truly yours,

CHARLES W. ELSE,
President.

SUMMARY MEMORANDUM

JUNE 24, 1972.

Re H.R. 13324—Adverse Impact of 50% U.S.-Flag Tanker Requirement for Oil Imports.

The Senate Committee on Commerce, on June 7, 1972, reported H.R. 13324, the House-passed maritime programs authorization bill. Section 3 of the bill, added as an amendment by the Committee and not acted upon by the House, would require that 50% of overseas oil imports under quota (except residual fuel oil and No. 2 oil) be carried in U.S.-flag tankers. The Committee report contains a factually erroneous economic analysis which cloaks the magnitude of sharply increased costs, attributable exclusively to the 50% requirement, for our domestic economy but which in fact will inexorably result.

The following points set forth in summary form an accurate assessment of this burden and highlight the superficialities and factual errors in the Committee's analysis:

1. *Cost impact of U.S.-flag preference provision.* Based upon conservative Government and industry cost estimates, the transportation cost impact of the 50% requirement *will exceed $1 billion annually* by 1980. In 1975, the earliest year in which the flag-preference provision could reasonably become efficacious, the transportation cost impact would be approximately three-quarters of a billion dollars. Vastly lower projections relied upon in the Senate report—$24.7 million based on 1971 conditions—totally ignore essential facts:

a. The report artificially assumes that the sources of future oil imports will remain constant. The record demonstrates that practically all growth of waterborne crude oil imports will come from the Eastern Hemisphere, involving the longest tanker hauls.

b. The report ignores a clear statutory mandate of American flag participation by "geographic areas" and assumes that tankers will be used exclusively for shorter hauls where cost would be minimized.

c. The report ignores the absolute shortage of U.S.-flag tanker capacity. It summarily dismisses the prospect of sharply escalating costs by erroneous reliance on a provision for "fair and reasonable rates for U.S.-flag commercial vessels," which in fact has been interpreted to offer little if any relief.

d. Even the Government and industry cost estimates (over $1 billion annually) are based on *current* costs for ocean transportation; all ocean rates, both domestic and foreign, will be pushed artificially higher as a direct by-product of the 50% requirement.

2. *Cost impact on consumers.* The billion dollars in additional transportation costs will be borne largely by consumers in the form of higher petroleum product prices in accordance with the normal operation of our competitive system. The attempt in the Committee report to disguise this fact through an exercise in theoretical economics is plain nonsense, as is any analysis which attempts to project billions of dollars in benefits at minimal cost. Detailed analysis will clearly demonstrate that the Committee report misconceives the manner in which oil industry pricing and the oil import program in fact work. The benefits (and as a corollary any increase in costs) of foreign oil are largely passed through to consumers.

3. *Adverse effects on independent refiners.* To the extent the substantially increased costs of the 50% requirement are not borne by consumers, the independent refiner segment of the oil industry will bear a disproportionately severe impact. The "independent refiners" are those who have no substantial ownership link with their crude oil supply, thus being compelled to purchase their raw materials in a market dominated by their major company competitors. Independent refiners currently are afforded relatively larger import quotas than are their major competitors in order to offset the majors' other special import control benefits and to approach a competitive balance. The allocations of imported oil they receive help the independents to obtain domestic crude, by exchange of their allocations with the majors, and to average down their overall raw material costs.

a. The principal result of the 50% requirement for the independents will be sharply to decrease their ability to obtain domestic crude oil and reduce, disproportionately vis-a-vis the majors, the values realized for the independents' offshore import allocations. Recent experience as to the effects of increased tanker rates empirically verifies this conclusion.

b. The viability and competitive vigor of the independent refiner segment will be seriously undermined, resulting over the longer term in added detriment to consumers.

c. Owing to the shortage of U.S.-flag tankers and with sharply escalating spot tanker rates, independent refiners will be denied the option of importing overseas crude oil directly. Their major competitors, on the other hand, owning or controlling most of the U.S.-flag fleet, will continue to enjoy that option.

d. Faced with already large capital commitments, independent refiners will be unable to purchase their own U.S.-flag tankers, while, by contrast, their major competitors will have the ability to do so and the option also to convert their existing foreign-flag bottoms to U.S. registry.

4. *Impact on our national security and other public interest factors.* Instead of promoting national security, the 50% requirement will have precisely the contrary effect, as the Department of State and other Government agencies have pointed out.

a. The independent refiner's special national security role, as a flexible and geographically dispersed source for oil, will be seriously undermined.

b. New refinery and petrochemical plant capacity in the U.S. will be inhibited, and the exportation of such capacity to foreign locations will be accelerated.

c. The construction of superport facilities in the U.S., and of mammoth tankers (VLCCs) dependent upon those ports, will be postponed, if not precluded.

d. Our flexibility in the event of emergency to draw upon the free world pool of efficient tanker tonnage and upon varied worldwide sources of crude oil will be eliminated, as tanker ownership and control is polarized, in retaliation, under the flags of oil source countries.

e. The impact on domestic employment and investment in the refining and petrochemical industries will be sharply adverse as such investment and jobs are syphoned off to foreign locales.

f. Such export of refining and petrochemical capacity will have obvious detriment to our balance of payments.

5. *Conclusion.* For these reasons, the 50% U.S.-flag tanker requirement should be rejected. At minimum, no action should be taken pending the analysis publicly promised by Secretary Peterson to the Congress no later than September 15.

JOAN SMUTKO AND THOMAS HUDSON ATTEND WASHINGTON WORKSHOP CONGRESSIONAL SEMINAR

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MINSHALL. Mr. Speaker, this week I have had the pleasure of meeting two exceptional young people from the 23rd Congressional District who are here in Washington attending the annual Washington Workshop Congressional Seminar. They are Miss Joan Smutko, daughter of Mr. and Mrs. John S. Smutko, of 26720 Normandy, Bay Village, and Thomas Hudson, son of Mr. and Mrs. Jack H. Hudson, 1626 Elbur, Lakewood, Ohio.

Joan is a graduate of Bay High School and Tom has just completed his junior year at Lakewood High, where he was selected by the faculty and school board to attend the seminar. I was pleased to note that Tom's participation in the program was made possible by a generous scholarship grant from the Union Carbide Corp. in his home town of Lakewood. Corporations that involve themselves in community citizenship programs are to be commended for their faith and interest in our Nation's young people and our system of government.

I am pleased that Joan and Tom have had the opportunity to spend this very worthwhile week studying their National Government on the scene, and I am particularly proud to have two such intelligent, well-informed youth representing Bay Village and Lakewood from our district.

BUTZ INCREASES FARM FEARS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BERGLAND. Mr. Speaker, time and time again the American farmer has been blamed for conditions beyond his control. He is blamed for rising food costs. He is condemned for subsidies which, though nothing more than a pitance when compared with other industries, have become a favorite target of the uninformed.

At the same time, farmers and the residents of our smaller communities, those same people who some would have us think are taking advantage of the taxpayers and consumers, are being driven from their lands and home and into the festering cities.

Lorence Winter, a constituent from Wheaton, Minn., has movingly expressed his fears and concerns in a letter to Secretary Butz. I would like to share his message with you at this time:

WHEATON, MINN.
June 18, 1972.

Hon. SECRETARY EARL BUTZ,
Department of Agriculture.

DEAR SIR: The Minneapolis Tribune—Date June 16, 1972—Volume CV1—No. 23P, carried this headline, "Food chains warn sharp price rise is under way."

The following day, June 17, 1972, the Minneapolis Tribune—Volume CV1—No. 24P, carried this front page headline, "Butz gets report urging end of farm supports."

Now Mr. Butz, I should like to pose some questions, reactions and opinions relative to the above.

First of all, was it mere coincidence that these related headlines appear in perfect timing to affect a political impact on the food and fiber consumer of our land?

Secondly: Is the Young Executive Committee of your department aware that their recommendations are in direct conflict with the agricultural plank on which President Nixon was elected?

Are you aware, Mr. Butz, that this policy would completely destroy a way of life and an independent industry that throughout our history has served well the needs of our country. During my lifetime of well over 60 years I have seen these farmers provide in plenty for the needs of all. When great wars arose these farmers girded themselves and worked long hours to provide for the needs of our allies besides our own.

Rural people have provided more than their share of our country's leaders and today remain the only stronghold of individual thinking and initiative.

Now your committee tells us we must destroy the family farm because Baronies and Corporations can produce more cheaply.

I will neither dispute nor agree to this latter. Economists disagree! But I will tell you as most farm leaders have told you for years, *They will not sell cheaper!!*

Why should they? They will put a price on their product just as industry does today. These corporations will not deliver their produce to a market where they must ask, "What will you give?" They will establish their price through their organization and the consumer will pay it. After all, even today food is still more essential than automobiles or TVs.

Let the consumer be warned. Corporations are not the answer to cheap food. This is truly naive thinking. When the "Big Three" cornered the auto market, did the price go down?

Your committee says that this policy should reduce subsidies by $6,000,000,000.00. Could I ask why farm payments are always called "subsidies" while payments to industry are tax incentives or depletion allowances? In my opinion the tax incentives which your committee proposes to rehabilitate the displaced farmers will need to be so large as to make the 6 billion look like chicken feed. Furthermore the experiment of putting heavy industry into rural areas or small cities has a very dubious history. They demand special services, special tax treatment, temporary or short term leases or free leases and often leave the community holding the bag! The industry these communities need is the family farm.

We probably should not consider the individual heartache, misery, anguish, and frustration of moving some 6 million individuals from their homes but we cannot ignore the impact of moving these masses into metropolitan areas. These are going to be misplaced persons regardless of any rehabilitation money the government may give them. They will not fit into the congestion, pollution, crime and traffic jams of the big cities. They will be lost souls. The cities don't want them! They will be victims of iniquity and the aggressive will join the criminal element.

What this nation needs, sir, is not more corporations but less. Why do we advocate breaking up the feudal system in foreign countries and then turn around and encourage it in our own? Should this proposed policy be put into force, it will result in more barons of wealth and poor peons and the final outcome will be anarchy and revolution.

I notice that several farm organizations have already denounced the report of the Young Executive Committee. I hope this course will be followed by every other farm organization as well as by every civic organization in every city. In short, by every citizen in the land!

Dear sir, there is yet time, there is room in our country for all our people if we will only make it desirable for them to live where that room is. Let us think more of "the way of Life" and less of frugal wealth. Let's wind down the rush to crowded cities. Your department has the tools to encourage a return to nature and the soil where millions of our city inhabitants are yearning to be. Let's promote homes where children can laugh and play among the wonderful plants and animals of nature.

This great country of ours was based on the family and the home. Love and religion was basic to every child's thinking.

Today we encourage our people to believe that success is wealth, powerful and dangerous machines, questionable entertainment of low moral fiber and a night at the tavern. The result is a people fully confused and bursting with nervous tension.

If this nation is to be saved we must return to the home, the family fireside and religion.

We must have more individualism and less and smaller industrial cartels and monopolies. I sincerely hope that the Dept. of Agriculture will begin by using its powers to save the family farm.

Yours very truly,

LORENCE WINTER.

ADDRESS OF DR. FREDERIC W. NESS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DORN. Mr. Speaker, Dr. Frederic B. Irvin was recently inaugurated as the 12th president of Newberry College in Newberry, S.C.

Newberry College was chartered by the State of South Carolina as a college of liberal arts in 1865. However, the founding of the institution dates back to February of 1831, when the first classes of a Lutheran Academy were held. Thus for 142 years Newberry College has continuously used its cultural and academic resources to make invaluable contributions to the educational and spiritual life of the area.

The inauguration ceremonies for Dr. Irvin were splendid and impressive. Dr. Frederic W. Ness, president of the American Association of Colleges, delivered the inaugural oration. I commend to the attention of the Congress and of the American people this outstanding and timely address of Dr. Ness:

ADDRESS BY DR. FREDERIC W. NESS, PRESIDENT OF THE AMERICAN ASSOCIATION OF COLLEGES, AT THE INAUGURATION OF DR. FREDERIC B. IRVIN AS PRESIDENT OF NEWBERRY COLLEGE, APRIL 21, 1972

The normal practice at such ceremonial occasions is for the visiting orator to devote his brief span of time to alerting the new president (sometimes referred to as the sacrificial lamb) to the horrors that lie ahead and to warning him to make good his escape while there may still be time. When I sat down a few days ago to draw up these notes, however, I recalled a personal experience of many years back which seemed to have some relevance to my assignment today and which suggested modification of the standard procedures.

The joining of a president and a college, I would remind you, is not unlike the mating of man and wife. Now, when my bride and I were inducted into our present state of connubial bliss on the distant but enchanted isle of Martha's Vineyard we had both arrived at which might euphemistically be described as our mature years. Observing protocol, a night or two before the event we paid a visit to the officiating pastor in his book-lined study for the customary few words of last-minute advice. Looking us over quietly for a moment or two the good man opened the conversation by saying simply, "Well, if there is anything you two don't know about getting along together, it's too late for me to tell you now."

The analogy is obvious: When I first made contact with Dr. Fred Irvin back in the 50s, he was already a seasoned and highly effective college president. In the intervening decade he has held a variety of responsible positions of national and international significance, positions which called for keen intelligence, unusual diplomacy, and no small measure of low animal cunning. Therefore if there is anything he doesn't know about the intricacies of managing so strange an organism as a college, it is too late for me to tell him now. Or possibly even too late for him at this stage to try to learn.

Therefore, and with your indulgence, I would instead like to consider with you an issue which I believe to have implications for this academic community and for all of higher education as well. I want to talk, in fact, about the cheerful possibility of the bankruptcy of the liberal arts college. Quickly to allay your fears, let me assure you that I am not today concerned about budgetary matters. Some independent liberal arts colleges, to be sure, are likely to slide into fiscal bankruptcy in the next few years and possibly even more will before the end of this decade if certain forms of relief do not become available, and soon. But since I am no longer a college president desperately trying to balance a budget, I have the leisure to be concerned at the moment with the more subtle bankruptcy of liberal learning as a concept, as a system, even as a way of life.

While Dr. Irvin was still president of Thiel College I had the honor to be invited to address an Honors Day convocation on his campus. Responding to slightly more than idle curiosity, I pulled the old speech out of my files the other day and reread it with a degree of modest interest. The title was "The Perils of Lilliput"; and the general theme, that unless the small liberal arts college rethinks its objectives and develops a truly distinctive approach to the education of those individuals placing their futures in its tender custody, it will cease to exist as a viable educational entity.

(By way of digression, may I remind you, President Irvin, that on the day of this memorable address of mine at Thiel College you, Sir, deliberately absented yourself from the campus. Well, you can't get away this time!)

Although very few of the colleges which I had in mind on that earlier occasion have in fact ceased to be, I think my prediction has greater validity today than it did nearly two decades ago. I see it now, however, in somewhat different dimensions.

Perhaps it is overly dramatic for me to suggest that liberal learning is in danger of bankruptcy, and yet to me the elements are becoming all too evident. Of this much I am certain—we simply can no longer proceed in a business-as-usual fashion. The world around us in changing, has changed. The system—if it is right to call higher education a system—as we know it and promote it was designed for a quite different set of circumstances.

That we sense these changes and are uneasy about them is evidenced by the substantial number of experiments and innovations that are taking place on college campuses all the way from Bangor to San Diego. But examined closely, nine-tenths of these innovations turn out to be little more than tinkering with the status quo. All too often they seem to be designed essentially to preserve the traditional, however ingeniously disguised, rather than to make the hard effort to penetrate to the heart of the academic problem.

It is true that we are beginning to learn, perhaps the hard way, what we can no longer live with. For example, in administration the old pattern of the benevolent despot in the president's office has yielded to a system involving, among other things, much greater faculty participation. And this is, on the whole, a desirable development. Unfortunately in some instances it has simply replaced one irrationality with another, to the place where on a few campuses today so many are in the act that the essential role of leadership can no longer be exercised. Even such basic economies as are involved in securing increased faculty productivity have become next to impossible. Given a choice between benevolent despotism or participatory chaos, I'm afraid that I would have to side with Plato of old.

Related to this, we have learned, too, that the traditional concept of loco parentis is self defeating if what we are seeking to instill in our "junior scholars" is the desire for responsibility and maturity. Thus we are engaging our students actively both in self governance and self education. And this is indeed a salutory change. But here again we are caught in the uncertainties of just how far is far enough. Further, looking at this development purely legalistically, I wonder how many colleges at the moment have an idea of the full implications of the lowered age of majority. In certain states the 18 year-old is now recognized as a legal adult. What this means to many of our long-standing academic customs and practices is profound and but dimly understood.

We have learned, or are beginning to learn, that learning itself is far more important than teaching—though we certainly have little notion at the moment as to what this signifies in terms of the proper role for the instructor. Many of our senior faculty members are never likely to modify the conventional patterns of lecture and examination. Not a few of our younger instructors, on the other hand, feel that there is no difference between student and teacher and govern their relationships and academic praxes accordingly. Perhaps both are right. I suspect, however, that neither is on target.

We have learned, however imperfectly, that there are important ways in which the world around us can serve as the classroom and laboratory, that under proper guidance the student in absentia can function in part as his own experimental mentor. But we are none-the-less wise in approaching this new academic relaxation with a degree of caution. Again the question is how far is far enough. Many of our current programs, both on campus and off, assume unrealistic levels of maturity and self determination. Thus they may offer quite the wrong regimen for a substantial percentage of our students. Can we really expect a man to run who is only learning to walk? Perhaps not, though on average I would still opt for giving it a try.

We have learned, or are beginning to learn, that a lot of the rituals which had operated as if sanctified are questionable if not downright dispensable. As one example, I recall reading correspondence dated in the early part of this century in which a distinguished American educator was questioning, to a distinguished European counterpart, the whole concept of academic grading. Yet it has been only in the past few years that the profession as a whole has taken up the issue. Some colleges, with an impetuous eagerness to "get with it," have thrown out the grading system entirely and others are pell-melling to get on the band wagon—this despite the absence of adequate evaluative substitutes or any hard data on possible impacts on the student's subsequent academic aspirations.

These are but a few of the things we have learned, or are beginning to learn. And although, as I have pointed out, each requires a word of caution, my reservations do not, singly or in combination, suggest any such dire consequence as academic bankruptcy. On the contrary I view them on the whole as offering favorable augary of a more effective climate for learning.

What I am really concerned about, however, is what we have not as yet learned. As the poet is thought to have warned us, a little knowledge may be a dangerous thing. (And, by the way, President Irvin, a little college may be a dangerous thing, too.)

What we need first and foremost, I would suggest, is to learn new and different ways of looking at knowledge. And it follows, as the night the day, that we need new and different ways of looking at college as well. We need to rethink our goals and our missions, to redesign the liberalizing functions of our institutional patterns of learning.

Before I elaborate, it might be worth asking why significant change seems to be so difficult, so slow in accomplishment. The simplest answer lies, of course, in the well-known fact that social systems are reformed, and reformable, from within only under the most extraordinary circumstances. Another way this has frequently been expressed is that moving a college is not dissimilar, in its complexity, to moving a cemetery. The living seem to assume some of the characteristics of the moribund in the process.

The basic difficulty in reforming a college from within is that the potential reformers have generally been products of the system and any innate ability to step aside and look upon the system with a critical or creative eye is quickly dimmed by the necessities of academic survival. Wordsworth, in his "Intimations of Immortality," described the process as the all-too-rapid immolation of the sentient soul within the prison walls of maturity. To put the matter bluntly, the faculty member, brought up in, for, and by his particular academic discipline, is understandably more concerned with the survival under the rules of the game than with changing the rules and thereby re-forming the game.

(I'm all the more willing to level such charges in the sure knowledge that I'll be leaving town shortly after the termination of these ceremonies!)

My basic contention here is that we, all of us—faculty, administrators, students—have come to accept, largely uncritically, that human knowledge is properly and inevitably pigeonholed into the disciplinary categories of history, English literature, economics, physics, geology, and so forth. Characteristically when we cloak this division of knowledge in a learning system, we assume that it is sacrosanct, untouchable. Further, we identify learning with the thing learned and etch in concrete what should at the very least have remained quasi malleable. We thus become far more concerned with substance than method, with rigid verities rather than evolving truths, with standardized expectations rather than with individualized fulfillment.

Although we have not as yet learned how to reorder our traditional academic patterns, I suggest that it is quite possible to approach a college education in terms of modes of knowing rather than of isolated (or even interrelated) categories of knowledge. This may well be dreaming, but it is not just idle dreaming. Once, in fact, in a wild thrust of creative impulse, I came up with just such a design. My failure to carry it off has been one of the major disappointments of my career.

I won't describe it to you in detail, both because of time and because it has been partially immortalized in print. Expounded under the hucksterish rubic "The Sequential Seminar in Creative Development," it sought to undermine the current rote or mnemonic system of learning by crossing the disciplines with linkages based on the ways in which the mind works and the man learns. Frankly it was a little too complicated even for its designer, but, to the extent I understand it, I still think it makes a great deal of sense.

We have not, I believe, learned as yet how to take students where they are, developmentally, and to design academic programs to meet developmental needs. Perhaps a system which aspires, at the post-secondary level, to educate a very high percentage of the total population is much too large and complex ever to do so. But even many of our small colleges are not demonstrably concerned with such individualization, despite claims set forth in their annual bulletins.

I am beginning half to convince myself that we should seek means of deliberately suspending the educational progression of the individual at one or more of his growth stages in order to accommodate other priorities. For example, I find myself questioning that is ethically right for the majority of our young people to be virtually forced to remain in a dependent state through the late teens and early twenties—just at a period in life when they are feeling the greatest urge to test their wings. A few successful flights may be worth dozens of falls.

Or again, if it were easy to slip back into the educational scheme, wouldn't it be far healthier for the young man and woman to be introduced to the responsibilities of marriage at the time when the mating instinct reaches its physical and psychological apogee instead of continuing with a system in which so many of our youth who aspire to advanced degrees must pay such a heavy price in diminished personal involvement. But maybe I'd better focus my thoughts on more strictly academic matters.

We have not, I believe, learned enough about the inadequacies of the cognitive/rationalistic mode of knowing. How well I remember one occasion a few years back when a young militant student, earnest and deeply frustrated, cried out at me in exasperation, "I know you understand what I am saying, but can you feel what I am feeling?" This was no idle query, and I am afraid that the adequacy of my response left much to be desired. There is more to life than knowing. The E.Q. (emotional quotient) may be more important to individual and even societal well-being than the I.Q. Yet our educational system has given far too little care to this need.

Even as I say this I am reminded of the recent study conducted under the auspices of the Carnegie Commission which concluded that the college graduate, on average, is a happier individual than the non-graduate. Perhaps if we reordered the curriculum by introducing such courses as Happiness I, Contentment II, and Ecstasy III and IV, we could do even better, we could have an even more salubrious impact. But you will forgive me if I remain skeptical. I am equally skeptical, however, that the way we now combine, and the ways we now present, our smatterings of the humanities, the social sciences, the arts, and the sciences contribute much to intellectual liberation, let alone emotional maturity.

We have not as yet learned, in the collegiate setting, how to relate liberal learning creatively to the vocational needs of our students. I speak as a wary (as well as weary) father whose two youngest daughters are recent graduates of fine liberal-arts programs, one with a major in history, the other with a double concentration in art and English. Need I tell you, they both had a problem, as did the father who was anxious to get them off the pay roll. They simply had nothing to offer the job market. Somewhre in my notes I have a statement from a professor of liberal learning who declared that if he ever discovered in his teaching anything of immediate, practical value, he would resign at once. I am sorry that I was not there, in a position of authority, when he made the offer.

Our colleges of liberal arts and sciences were originally initiated as vocational institutions; and, though usually not acknowledging the fact, they have for years been involved in certain types and stages of vocational preparation. For example, many liberal-arts institutions are turning out graduates a high percentage of whom go directly into elementary or secondary school teaching. Others of our colleges achieve status through continuing to induct large numbers of their students into graduate and professional study. Yet both of these "markets", if I may be forgiven the term, have undergone a dramatic decline and are not likely to pick up again for a long time to come. What, then, is or should be our response?

I must pause for just a moment on this one and ask why it is that for the past seven hundred years or so the professoriate has been primarily interested—and I state this as an observable fact—in trying to turn out scholars, despite the absence of true scholarly interest or ability in all but a handful of their students. Is the answer perhaps simply that this is the easy thing to do? How can the professor of literature, for example, be expected to have any interest in, let alone knowledge of, the career expectations of the business man or the public servant? Yet are we meeting our obligation to our students when we don't at least make the effort?

Well, I do not propose that we immediately convert to vocational or technical schools. I would suggest, however, that we have a considerable obligation to concern ourselves with the vocational needs of our students. Further, I believe that. if we pay more attention to method, we could go a long way toward infusing vocational study with a true liberalization of the mind and spirit. As taught today vocational education is far from liberalizing and liberal education, for most students, is woefully far from "vocationalizing"—but for the sake of the individual as well as of the society we serve, it's high time for these twain to meet.

There are, I can assure you, other very important things we in higher education have not as yet learned; but, to avoid further trying your patience, let me mention only one more.

As a nation and as a society we are currently in the throes of a revolution of the spirit. Yesterday's verities are suffering in the hostile climate of the relative and the uncertain. This is having its impact on every phase of our lives, every hour of the day, every day of the week—including and particularly Sunday.

The liberal arts college was founded and has ostensibly been maintained to promulgate a set of values, for the most part in the Judeo-Christian tradition. But these values, at least as they are practiced, seem lately to be inadequate to meet the needs of our students. Perhaps—and I would underline the uncertainty—it has always been something of a fiction that a college can instill or strengthen values that were not previously held and strongly held. Yet there is some evidence that some colleges do make some difference. At the same time there is present in this college generation a desire, almost unique in my years of experience, to reassert the value of values, to put into practice what older generations were content merely to preach. There is, in short, a new spirituality. Our problem as custodians of society's most evolved institution, the nation's liberal arts college and university, is somehow or other to marshall this new creative spirituality and to focus it for the welfare of mankind.

To do this is perhaps the most important of the things we have not as yet learned. Not to do it, and soon, may well mean the ultimate thrust into bankruptcy of liberal learning and the liberal arts college.

And so, Dr. Irvin, if you think you have returned to the campus as a place of relative serenity after your hectic years in the arena of international conflict, I have done my best in the past few minutes to alert you that we have not resolved all of our problems in the years you've been away. There are still a few things left for you to do.

Thus, in congratulating you and this fine college on so auspicious a marriage, may I wish you Godspeed and enjoin you and your colleagues to think on these things.

AUTISM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HARRINGTON. Mr. Speaker, today I am including in my material part of an article appearing in the Journal of Autism and Childhood Schizophrenia by Dr. Bertram S. Brown of the National Institute of Mental Health, entitled "A Task Force With a Goal." It appeared in the first issue of the journal in January 1971. The purposes of the journal are summed best by Dr. Brown when he says:

> It is my fondest hope that through the efforts of the journal's task force with a goal, the efforts of the staff and of the individuals supported by the National Institute of Mental Health, and the efforts of professional groups, voluntary groups, and parents throughout the world, we shall be able to offer our children not only more care and better care, but the great boon of freedom from illness via prevention and cure.

With this in mind, I intend to include an article on autism every Wednesday for the remainder of the session. There is also another article elsewhere in these Extensions on the same topic. I do hope that my colleagues will find the material interesting and will work with me to help provide adequate care and training for the victims of mental and chronic illnesses.

The article by Dr. Brown follows:

A TASK FORCE WITH A GOAL

(By Bertram S. Brown)

One is entitled to wonder: What happened until recently to unfortunate children who, through no fault of man, were condemned to sufferings now belatedly recognized as psychotic ailments? Gottfried Keller, the famous Swiss novelist, told in his autobiography the story of little Emerentia which he found in his native village among a clergyman's manuscripts:

This 7-year-old girl, the offspring of an aristocratic family, whose father remarried after an unhappy first matrimony, offended her "noble and godfearing" stepmother by her peculiar behavior. Worst of all, she would not join in the prayers and was panic stricken when taken to the black-robed preacher in the dark and gloomy chapel. She avoided contact with people by hiding in closets or running away from home. The local physician had nothing to offer beyond declaring that she might be insane. She was placed in the custody of a minister known for his rigid orthodoxy. The minister, who saw in her ways the machinations of a "baneful and infernal" power, used a number of would-be therapeutic devices. He laid her on a bench and beat her with a cat-o'-nine-tails. He locked her in a dark pantry. He subjected her to a period of starvation. He clothed her in a frock of burlap. Under these circumstances, the child did not last long. She died after a few months, and everybody felt relieved. The minister was amply rewarded for his efforts by Emerentia's parents.

This was the fate of a psychotic child in 1713. What has occurred since then is summarized briefly in a "historical overview" in the first issue of this Journal. These developments, slow at first and now in a state of lively fermentation, had to wait until Western culture humanized the sciences and disentangled them from deep-rooted superstitions. The 19th century, inspired by the basic tenets of the French and American revolutions, set the stage for the implementation of the rights and needs of children. Ellen Key, the Swedish sociologist, could proclaim in 1900 that the 20th century was destined to be the century of the child. Indeed, within a few decades after her prophecy, child psychiatry became a new, productive, legitimate scientific discipline. Serious attention to psychotic children became an inevitable and imperative task of the new discipline and a central focus for many investigators.

As is the case with every new scientific enterprise, the early observations were scattered in a great variety of publications. They appeared as case reports, anecdotes, statistical data, therapeutic experiences and suggestions, and various, sometimes discrepant, theories and hypotheses. Isolated groups of workers with special interests had little contact with each other. Nonetheless a body of material accumulated and now exists in separated clusters.

It is the exciting goal of this Journal to bring these clusters together for the purpose of relieving the sufferings of psychotic children and their families. Fortunately it was possible to gather a task force of scientists representing many fields of endeavor which may contribute to realizing this goal. From this point of view, the journal may be viewed as a major step in the progress of mental hygiene. As the list of the Board of Editors shows, this journal proscribes no theoretically or otherwise constricted roads to understanding psychotic children, but wishes to promote scientifically ascertained observations and facts from every source which can widen our horizon, whether they confirm, expand, reduce, or negate existing hypotheses.

We have come a long way since the days of Emerentia. We still have a long way to go. It is the goal of this Journal's task force to pave this way as expertly and expediently as possible.

When so many talented, energetic, and distinguished men and women come together to work and reflect on a problem such as autism and childhood schizophrenia, surely there is great hope for new understanding and better methods of treatment.

In addition to the obvious national and international importance of this journal's task force, there are very personal considerations which make it a privilege and an honor for me to participate and to write this introduction. When I was in medical school in the 1950's and became interested in mental retardation and autism, a search in the library revealed little helpful material. Two exceptions to this, however, were Dr. Kanner's textbook and his articles. They served as an inspiration as well as an education. As I pursued these medical school interests during my pediatric internship at Yale, the chief of the department, Dr. Milton J. E. Senn, asked me to help study a set of 5-year-old autistic twins. These children had been seen by several leading practioners of the day, and the depth of the pathos of parents and children was awesome. My encounter with this family led to my first published paper, "Akerfeldt Test for Childhood Schizophrenia." Since that time, I have felt that we must pursue our goal of understanding this problem on all fronts, from the biological to the anthropological. Dr. Kanner has led the way.

These early interests in children have led to a set of professional endeavors including 2 years in the White House as President Kennedy's staff person on mental retardation and my work with the National Institute of Mental Health. On becoming Director of the Institute in June 1970, I announced that child mental health would be the Institute's number one priority. An ad hoc committee of more than 80 staff members has reviewed the Institute's activities in the field of child mental health and has made a far-reaching series of recommendations for increasing the Institute's commitments in this field. Copies of the committee's report are now circulating among professional groups, associations of providers of mental health services, and voluntary associations of citizens so that we may have the benefit of their consultation and interest.

It is my fondest hope that through the efforts of this journal's task force with a goal, the efforts of the staff and of the individuals supported by the National Institute of Mental Health, and the efforts of professional groups, voluntary groups, and parents throughout the world, we shall be able to offer our children not only more care and better care, but the great boon of freedom from illness via prevention and cure. This journal will help lead the way.

DETROIT'S ETHNIC FESTIVALS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. NEDZI. Mr. Speaker, we all know about the troubles which have beset our large cities. From time to time, however, there is a brighter side, as in the case of Detroit's ethnic festivals.

The Detroit Metropolitan Area is blessed with a sparkling variety of ethnic influences. In 1970, Mayor Roman Gribbs, buoyed by the success of the annual Greektown Festival, decided to enlarge the concept. The result has been gratifying, as the June 28, 1972, editorial of the Detroit Free Press testifies.

Under leave to extend my remarks, the editorial follows:

FLOURISHING ETHNIC FESTIVALS

New, innovative ideas for big cities in America abound. Like fireflys, they are hatched, glow with intermittent bursts of enthusiasm, and summarily die. But Detroit is fortunate enough to have a laudable concept transformed into an even more pleasing reality.

The downtown ethnic festivals have been a total success. They have drawn, and will continue to draw throughout the summer, millions of suburban citizens downtown for a fun time. Where the downtown area on weekends was once a series of concrete canyons virtually devoid of humanity, there are now thousands of people enjoying the area in safety.

The idea and its realization have been the work of Detroit Mayor Roman S. Gribbs. Shortly after taking office, Hizzoner looked into the possibility of the city's sponsoring events similar to the long-established Greektown festival. In the summer of 1970, he held three new festivals downtown. Last summer, the number grew to 14, and attracted more than two million citizens.

This year's program, which began with the Irish festival June 2, has been expanded to 19 festivals which will run every weekend until Sept. 24. Latin American, Polish, Indian, Mexican, Scandinavian, Afro-American, and Armenian are but a few of the festivals remaining for the citizens to enjoy.

Under Mayor Gribb's guidance, the city has organized the festivals which spring alive on weekends in the riverfront area behind Cobo Hall. Plainclothes police unobtrusively patrol the large crowds to insure safety. Health inspectors make certain that the food sold is of good quality. Stroh's brewery provides cups of beer and ice cream at cut-rate prices. And thousands and thousands of people of numerous nationalities and backgrounds mingle and meet in a pleasant atmosphere.

So far, the only problems encountered with the festivals have been a result of their huge popularity. Food stands occasionally run out of goodies. Other city projects should be so lucky. The City of Detroit makes no direct financial profit from the festivals; it only breaks even. And there is no admission charge for the festivals.

The ethnic festivals have been such a success that officials from other cities have visited them to learn about the possibilities of instigating similar happenings in their own cities.

Mayor Gribbs says that he is "personally pleased" with the unqualified success of the festivals. The rest of Detroit joins him.

1972 ETHNIC FESTIVALS

July 1–4—American.
July 1–4—Greek (Greektown, Monroe Street).
July 7–9—Far Eastern.
July 14–16—Captive Nations.
July 14–16—Bavarian (Harmonie Park).
July 21–23—Afro-American.
July 28–30—India.
August 4–6—Ukrainian.
August 11–13—Polish.
August 18–20—Scandinavian.
August 25–27—Armenian.
September 1–4—International.
September 8–10—Mexican.
September 15–17—Arab.
September 22–24—Latin American.

CITY OF CHICAGO RESOLUTION

HON. GEORGE W. COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. COLLINS of Illinois. Mr. Speaker, several years ago, the city of Chicago as well as several other metropolitan cities initiated reduced fare plans for the elderly. However, with this reduction additional financial difficulties developed within the transit authorities in providing adequate service with less revenue. In view of this situation, the city council of Chicago adopted the following resolution introduced by Mayor Daley at their meeting of June 14. I am hopeful that my colleagues will find this to be of great concern. The resolution reads as follows:

RESOLUTION

Whereas, the number of persons 65 years or older in the United States today is approximately 20 million—ten percent of the total population; and

Whereas, between 1960 and 1970, older Americans increased in number throughout the Nation by 21 percent, as compared with an 18 percent growth in the under 65 population; and

Whereas, nearly 6.5 million older Americans are now classified as poor or near poor, and one out of every four individuals 65 and older—in contrast to one in nine for younger persons—lives in poverty; and

Whereas, the ability to travel is vital to the elderly in order to acquire basic living necessities and to participate in spiritual, cultural and recreational activities; and

Whereas, the White House Conference on Aging, on December 2, 1971, adopted recommendations which call for "travel at half fares or less on a space available basis on all modes of public transportation", for the elderly, and "operating and capital subsidies" by the Federal government to make this and other recommendations possible; and

Whereas, in February, 1972, Mayor Richard J. Daley and Michael Cafferty, Chairman of the Board, Chicago Transit Authority, testified before Congressional Committees, urging that the Urban Mass Transportation Act of 1964 be amended to provide operating subsidies for urban mass transportation systems; and

Whereas, on March 8, 1972, Robert J. Ahrens, Director, Mayor's Office for Senior Citizens, in testimony before the U.S. House Select Subcommittee on Education recommended operating subsidies for mass transit systems for any proven loss which results from a program of reduced fares for the elderly; and

Whereas, numerous mass transit systems, including the Chicago Transit Authority, have instituted reduced fare programs for senior citizens and continue to experience fiscal difficulty in attempting to provide an adequate level of services; and

Whereas, Congress is currently considering legislation (as part of the "Omnibus Housing Act of 1972") that carries the important provision of subsidy for urban mass transportation; now, therefore,

Be it resolved, That the Mayor and members of the City Council of the City of Chicago in meeting assembled this 14th day of June, A.D., 1972, urge the inclusion within the "Omnibus Housing Act of 1972" of provisions calling for the reimbursement to urban mass transit systems for proven losses attributed to the reduction of fares for senior citizens; and

Be it further resolved, That a copy of this Resolution be forwarded to the House Banking and Currency Committee of the United States Congress.

RECENT SALT AGREEMENTS BETWEEN THE UNITED STATES AND THE U.S.S.R.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. THURMOND. Mr. President, the Greenville, S.C., News of June 17, 1972, contains an article which I consider most relevant to the continuing debate about the strategic arms agreement between the United States and the Soviet Union.

The writer explains that recent administration statements on the "escape clause" in the treaty and American interpretations of certain aspects of the agreement both give further evidence that approval is in the best interest of this country.

With regard to the escape clause, the President stated that the United States would probably withdraw from the defensive agreement if no acceptable offensive agreement is reached within the 5-year interim period. Withdrawal could also occur if the Soviets expanded or improved their defensive missiles beyond limitations set forth in the treaty.

Another safeguard is the American insistence on counting strategic weapons of our European allies separately, thus assuring the United States of additional weapons if the need arises. These comments deserve the consideration of the Congress.

Mr. President, I ask unanimous consent that the editorial, entitled " 'Fine Print' Alleviates Fears," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News, June 17, 1972]

"FINE PRINT" ALLEVIATES FEARS

Details submitted by President Nixon to to Congress on the defensive missile treaty and the interim offensive missile agreement with the Soviet Union reveal some important areas of disagreement, which paradoxically make the landmark agreements safer for the United States and the free world.

Most important, perhaps, is the escape clause in the treaty, which permits either country to withdraw upon six months notice. In his explanatory remarks, the President made clear that he had informed the Soviet Union the United States probably would withdraw from the defensive missile treaty if an acceptable offensive missile treaty were not negotiated within the five-year limit of the interim agreement.

In addition the United States could withdraw if it found the U.S.S.R. to be improving defensive missiles beyond the bounds of the treaty or the understandings reached with leaders of the Kremlin. This involves both numbers and quality of weaponry.

The "fine print" revealed by the President's communications to Congress also goes far to explain and justify the numerical superiority in land-based offensive missiles and nuclear submarines allowed to the U.S.S.R. in the interim agreement on offensive weaponry.

Previously it was known only that the United States was depending upon technical superiority and ability to deliver more nuclear tonnage to offset the Soviet numerical advantage. The "fine print" shows the United States also is taking into consideration modern submarines built by this country's European allies.

The Soviet Union insists that allied subs be included in the limitation; America holds otherwise. Since this issue is unsettled the United States can proceed legitimately on the assumption that it can count on allied submarines, and of course can cancel the agreements if the U.S.S.R. insists otherwise.

These details, and probably others not yet fully explained, tend to cast uncertainty upon the effectiveness of the treaty and interim agreement. But they do safeguard this country against finding itself locked in an iron-bound box with no avenue for escape.

On balance the treaty and interim agreement appear to be a forward step toward a stable, honorable world peace. Such a step is needed to alleviate justified fear of a nuclear holocaust and to provide a basis for continuing negotiations on more meaningful limitations of both strategic and tactical armaments.

Further study and debate will be required before the Senate can reach a decision on ratification of the treaty and both Senate and House can vote upon the interim agreement. But the recently-disclosed details give further evidence that approval of both is in the best interests of this country.

RETIREMENT OF GEORGE ROBINSON

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 1972

Mr. ARENDS. Mr. Speaker, I want to join in the chorus of congratulations and accolades raised by my colleagues in tribute to our good friend, George Robinson, on the occasion of his well-earned retirement from his service to the Members of the House of Representatives.

Congressman Bill Hill brought George to Washington from Colorado in 1947 to join our congressional staff. Bill Hill was always a great judge of character, and in the case of George Robinson he made an extraordinary choice, to the credit of the great State of Colorado, and to the benefit of the hundreds of Members of Congress George has served so faithfully and so well.

As the acting minority leader, I know I may express these sentiments on behalf of all of my colleagues on this side of the aisle, in wishing George and his good wife, Ethel, every happiness and satisfaction in the years ahead, as they return to Colorado.

George Robinson will be remembered gratefully and fondly here at the Capitol, and we hope he will come back often to see us.

CENTENNIAL YEAR OF "CRACKER JACK"

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MURPHY of Illinois. Mr. Speaker, more than 100 years ago, the great city of Chicago was laid waste by a most devastating fire which took more than 200 lives and caused damage in excess of $200 million. At the same time, a German immigrant with $200 in savings opened a small popcorn stand with one popper.

Since then, Chicago has rebuilt itself into one of the greatest cities in the world. And the immigrant, F. W. Rueckheim built his little popcorn stand into a company that is known to practically every man, woman and child in the world. I am speaking of "Cracker Jacks."

This is the centennial year for "Cracker Jacks," and I would like to join with them in celebrating it. Although baseball may be our national pastime, I think it is accurate to say "Cracker Jacks" have become a national institution.

Since this is the year designated for the celebration of the rebuilding of Chicago and for 100 years of fine products made by the Cracker Jack Co., Mayor Richard J. Daley has proclaimed this period as "Cracker Jack Time in Chicago."

I would like to insert into the RECORD at this time a chronology of events which depict both the growth of Chicago and the growth of the famous "Cracker Jack." I think all candy lovers in the Nation will find it interesting:

CRACKER JACK CHRONOLOGY—IT'S BEEN A CRACKER JACK CHICAGO FOR 100 YEARS

Cracker Jack, a company whose beginnings coincided with the rebuilding of Chicago after the holocaust of 1871, grew as the city boomed. The development of the little popcorn stand of 1872 into the world's largest user of popcorn in 1972, is indicative of the pioneer spirit that has been Chicago's since the days of the early settlers.

The "we can do it" energy of the people of Chicago was infused in F. W. Rueckheim, a

German immigrant, who came to Chicago to work on his uncle's farm in 1869. Two years later he moved to the city to help clean up after the blaze. He had been earning $150.00 per year on his uncle's farm and had saved $200.00 while there.

The story of F. W. Rueckheim and the growth of Chicago are intertwined. They are each representative of the vitality, vigor and vision that make Mideast America what it is today.

In 1871—Chicago, population 334,270, was laid in ashes; three and one-half square miles were burned, over 18,000 buildings destroyed, 200 persons killed and 100,000 persons made homeless. Total loss was estimated at 200 million dollars.

In 1872—F. W. Rueckheim went into the popcorn business with $200.00, one stand, one popper and a partner at 113 Federal Street (then called Fourth Avenue).

And the Chicago Public Library was founded.

In 1873—F.W.'s brother, Louis, bought out the partner and became Bro. in F. W. Rueckheim & Bro.

In 1875—The *Chicago Daily News*, the first one-cent paper, was founded. (Previously, *The American* became a daily in 1839, the *Chicago Morning Democrat* became a daily in 1840, and the *Chicago Tribune*—the first to use the name in the country—issued its first paper in 1847.)

Between 1875 and 1884—The brothers moved the firm five times in nine years, doubling and quadrupling their manufacturing space as demand increased, lastly to a three-story brick building at 266 South Clinton Street.

Meanwhile, the open Board of Trade was organized in 1877; the first Bell & Edison telephone system was installed in Chicago in 1878; the Art Institute of Chicago was incorporated in 1879, and the first electric lights were installed in 1880. The first cable cars were run—on State Street south to 39th Street—in 1882 and used until 1906; and the first asphalt pavement was laid in 1882.

In 1887—Chicago's first municipal electric lighting system was put into operation. In 1889 Hull House was founded by Jane Addams and Ellen Gates Starr. The Chicago Symphony Orchestra began its first season, and the University of Chicago was chartered in 1890; and the Chicago and South Side Rapid Transit Railroad (the "Alley L") opened the first elevated line, from Congress to 39th Street, in 1892.

Chicago's population passed the 1,000,000 mark in 1890.

In 1893—Twenty-one million people who flocked to Chicago for the World's Columbian Exposition, enjoyed wonders like the Ferris Wheel, Little Egypt, and a popcorn-peanuts-and-molasses confection introduced by the Rueckheim Brothers who made and sold their new treat at the fair.

In 1896—Louis Rueckheim solved the problem of separating the popcorn kernels from one another and perfected the confection. F. W. gave the treat to a salesman who replied, "That's a cracker jack!" "So it is!" said F. W., and it has been ever since. The name was trademarked, and the slogan, "The More You Eat, The More You Want," was copyrighted.

In 1897—The Scenic Theater, first moving picture theater in Chicago, opened at 567 South State Street.

In 1899—The wax-sealed package was developed to protect the flavor and crispness of Cracker Jack until it reached the hands of the consumer. This carton was used until the moisture-proof package was perfected in 1902.

In 1900—The sanitary and ship canal was opened and the current of the Chicago River was reversed.

In 1903—F. W. Rueckheim & Bro. became Rueckheim Bros. & Eckstein and bought two buildings at Harrison and Peoria Streets for a new plant site, "The largest of its kind in the world."

And Chicago celebrated its Centennial.

In 1906—The first trains were run through the downtown freight tunnel system, with 60 miles of track, and the first electric street cars ran on State Street. The White Sox beat the Cubs in the World Series four out of six games.

In 1907—Angelus Marshmallows, the firm's second most successful product, received a trademark.

And Daniel Burnham's *Chicago Plan* was first published.

In 1908—A patent was granted for Cracker Jack's wax-sealed package.

"Take Me out to The Ball Game" was written, with the words "Buy me some peanuts and Cracker Jack."

Between 1910 and 1913—Cracker Jack, with coupons for premiums, was sold.

In 1911—An International Aviation Meet was held in Grant Park, "the greatest aviation event the world has ever seen."

In 1912—Cracker Jack was first sold with a prize inside.

In 1916—The first Municipal Pier, later renamed Navy Pier as memorial to Chicago Naval dead of World War I, was completed.

In 1918—Rueckheim Bros. & Eckstein was a $3 million dollar company.

In 1919—The little sailor boy and his dog Bingo appeared on the Cracker Jack package for good. He had been seen on promotional pieces since 1916. The first fully-dipped moisture-proof packages of Cracker Jack went on the market, and Cracker Jack was advertised in the *Saturday Evening Post*.

The White Sox won the pennant, and the first airport in Chicago was established in Grant Park, but was later moved to Maywood, Illinois, until 1926.

In 1922—Rueckheim Bros. & Eckstein became The Cracker Jack Co.

In 1924—Chicago's Union Station, "the most modern railway station in the world," was completed.

In 1926—Soldier Field was dedicated, and the Illinois Central suburban service was electrified, with the first electric train being put into operation.

In 1927—The Chicago Municipal Airport (now Midway Airport) was dedicated on the Southwest Side.

In 1928—The Cracker Jack Co. realized the largest profit in its history—$716,658.95 before taxes.

In 1929—The *Chicago Times* was first published.

In 1929–1930—Chicago boomed. Population passed the three million mark, city produced $4 billion of goods a year, spent $1 billion on new buildings, including the Field Museum.

In 1930—The Cracker Jack Co. purchased a plant site at 4800 West 66th Street, its present home.

In 1932—Franklin D. Roosevelt was nominated for president in the Chicago Stadium.

In 1933—The Mystery or Question Mark Package of Cracker Jack was introduced, with presidential coins or movie star cards as prizes. More than 230,000 children joined the Mystery Club during the next four years by sending coins and cards and receiving a membership card and a prize.

Employment in Chicago's industry had been cut in half . . . payments were down almost seventy-five percent. Foreclosures went from 3,148 in 1929 to 15,201 in 1933. Over 163 banks closed their doors. Land values which had reached the $5 billion level in 1928 dropped to $2 billion at the beginning of 1933.

The Century of Progress Exposition took place in Chicago and attracted over 28.6 million visitors in a two-year run.

In 1934—Brookfield Zoo opened.

In 1936—Cracker Jack added an ecology symbol to its park packages—a green leaf in a circle which reach, "Place Empty Box in Waste Basket."

In 1941—The *Chicago Sun* was first published.

In 1942—The Atomic Age was ushered in at the University of Chicago where Nobel physicist Enrico Fermi controlled and stopped atomic power for the first time.

In 1943—The Cracker Jack Co. received the Army-Navy "E" flag for "high achievement of the production of materials needed by our Armed Forces." The company packed Field and Emergency rations for the Armed Forces, as well as powdered eggs for the Allies.

The new State Street Subway was opened.

In 1944—Cracker Jack advertised on radio for the first time. Cracker Jack, Angelus, Campfire and Recipe marshmallows (all owned by The Cracker Jack Co.) sponsored "News of the Week," a 15-minute, once-a-week radio show broadcast to 17 stations for 52 weeks.

In 1945—More than 10,000 industries made Chicago the largest and most versatile World War II arsenal and supply center. Output was valued at 25 billion dollars. Chicago sent more than 500,000 men and women into military service, equal to 33 combat divisions.

On August 14, the Great War ended.

In 1946—Mother Frances Xavier Cabrini, who died in Chicago in 1917, was proclaimed a saint, the first U.S. citizen so honored by the Roman Catholic Church.

In 1948—A new line of plastic Cracker Jack prizes was developed to increase variety and appeal to children. Cracker Jack used approximately twenty million prizes monthly, and began wrapping them to prevent accidental consumption by children.

The Chicago *Sun-Times* was established by merging the *Chicago Sun* and *Chicago Times*.

In 1950—Chicago's population was 3,620,962.

Gwendolyn Brooks of Chicago received the Pulitzer Prize in poetry, first Negro woman to receive the award.

In 1952—the net worth of Cracker Jack more than doubled in 13 years, increasing from $1,750,923.21 on December 31, 1939 to $3,637,955.65 on December 31, 1952.

In 1954—The Lyric Opera Company of Chicago was formed.

In 1955—Cracker Jack was advertised on national TV for the first time—CBS–TV's "On Your Account," which was broadcast to 130 stations across the country.

Richard J. Daley was elected mayor of Chicago.

In 1956—Cracker Jack introduced improved, foil-wrapped box.

The Congress Expressway opened.

In 1958—The St. Lawrence Seaway opened.

In 1959—British Queen Elizabeth and Prince Phillip visited Chicago—the first visit of a reigning British monarch to Illinois.

Between 1959 and 1962—Modern over-all marketing strategy to strengthen and enlarge Cracker Jack's consumer franchise was blueprinted in 1959. During the next three-and-one-half years a streamlined, hard-hitting marketing-oriented company was created.

Two additional Cracker Jack items—the Pass-Around Pack, four times regular size, and Park Pack, for concessionaires—were developed.

In 1962—Cracket Jack began a highly creative saturation spot television advertising campaign.

In 1963—Borden, Inc. completed arrangements to buy The Cracker Jack Co. and it became the Cracker Jack Division of Borden's Food Division.

President Kennedy visited Chicago to dedicate O'Hare Airport in March. In November, the city was stunned and grief-stricken by the assassination of the President.

> In 1965—Chicago Circle Campus of The University of Illinois opened with 5,145 students on Chicago's southwest side.
>
> In 1966—Two Chicago scientists won Nobel prizes for service to mankind, Robert S. Mulliken and Dr. Charles B. Huggins.
>
> It was a good year financially for most of the seven million residents in the Chicago-Gary metropolitan area. Family income, averaging $11,400, was at record levels, making Chicago the world's richest city, according to the Chicago Association of Commerce and Industry.
>
> In 1967—The 50-foot Picasso statue was unveiled in Civic Center Plaza.
>
> In 1968—Cracker Jack was the fastest moving, most profitable item in the confectionery section of all major grocery chains throughout the country.
>
> In 1970—Cracker Jack was being consumed in 24,689,000 or 43.1% of all U.S. households.
>
> In 1972—Cracker Jack is being advertised in 64 TV markets, in 39 TV territories. It is the world's largest user of popcorn, using 25 tons of raw corn per day.
>
> 80% of Cracker Jack's output is sold in 97% of U.S. grocery outlets.
>
> Cracker Jack has "won and held public confidence since 1872."

FARM GIVEAWAY PROGRAMS ARE A WASTE OF THE TAXPAYER'S DOLLARS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ANDERSON of California. Mr. Speaker, yesterday, the House of Representatives passed H.R. 15690, a bill which appropriates $12.9 billion—much of which is used to subsidize huge landowners for not growing crops.

I opposed this measure, as I feel that the farm program is a disaster in three important aspects: First, it is a waste of the taxpayer's money; second, it has not kept down the prices of groceries; third, it benefits only those agribusinesses which are not in need of this kind of "welfare."

WASTE OF TAXPAYER'S MONEY

In this era of a record high public debt—interest on which costs the taxpayer over $20 billion a year—we have a responsibility to reduce Federal spending in order to get the very most out of the tax dollar, and to provide a measure of tax relief to the moderate and middle-income wage earner.

The first item we should cut is the farm program that pays billions of dollars to producers of cotton, wheat, and feed grain not to grow crops.

For the 5-year period 1966 through 1970, the Department of Agriculture paid between $2.5 billion and $3.3 billion annually in direct payments to producers participating in the cotton, wheat, and feed grain programs. In 1970, 17 producers received between $500,000 and $3.5 million each; and over 300 producers received over $100,000 each.

In 1970, to restrict what was quickly becoming "welfare for the rich," Congress limited to $55,000 the amount of direct Federal payments a person could receive annually under the cotton, wheat, and feed grain programs.

This restriction was to save an estimated $68 million a year. However, due to administrative decisions made by Agriculture Department officials, there was no significant reduction in 1971.

The General Accounting Office conducted a study of the arrangements made by some agribusinesses to avoid the intent of the law, and slip through the loopholes allowed by the Department of Agriculture. They revealed that agribusinesses were simply leasing part of their acreage, and thus collecting both Government payments, and rental fees.

One such operation was in California.

According to the General Accounting Office:

> A California corporation and its wholly owned subsidiary leased about 11,600 acres of cotton allotments, worth about $2.5 million on the basis of 1971 direct payments, to five newly created organizations qualifying for 53 separate payment limitations. In addition to receiving lease fees, the corporation contracted with the organizations to farm the cotton for fees based on the cost to produce the crops. This latter arrangement, called custom farming, allowed the 53 individuals to receive Federal payments of about $2.5 million without actually farming.

Another such method to avoid the intent of the law is the practice of forming partnerships, a la John Wayne. The GAO revealed a case in Mississippi which illustrates this technique:

> Under the 1970 cotton program, a Mississippi farmer received about $87,000 and his adult son received about $46,000. Had the father made no changes in his farming operation for 1971, he would have qualified for payments, in the absence of the payment limitation, of about $79,300. Application of the $55,000 payment limitation would have resulted in reducing his payments by about $24,300.
>
> In 1971, however, the father and son combined their farming operations and joined with a son-in-law to form a three-member partnership. The partners increased the size of their farming operations by leasing additional cotton allotments and, as a result, were eligible, before application of the payment limitation, for $165,152 in 1971 cotton program payments. Because each of the three partners could receive $55,000, or a total of $165,000, a savings of only $152 resulted.

These are not rare examples, Mr. Speaker. According to a March 1972 Department of Agriculture report:

> Of about 1350 producers who received more than $55,000 each in 1970 payments under the three programs; 1046, or 77%, changed their farming interests or operations for 1971.

GROCERY PRICES ARE HIGH

While the taxpayer pays up to $3.3 billion to benefit agribusiness, he does not receive the benefit of low-cost food and fiber.

Choice steers at Omaha rose from about $29 per hundredweight in January 1971 to nearly $34.50 in December 1971. In February 1972, choice steers at Omaha were at a 20-year high of $37 per hundredweight.

In fact, food costs have increased by 7.4 percent since the beginning of phase II in November 1971.

According to a study commissioned by former Secretary of Agriculture Hardin, food and fiber can be produced at reasonable prices without the Government subsidy. The report, issued on June 16, 1972, states:

> We feel the agricultural industry can provide adequate supplies of food and fiber at reasonable prices and equitable returns to resources, including family labor, with a minimum of government intervention. Programs costing the U.S. taxpayers $4 to $5 billion annually are not needed for these purposes.

Mr. Speaker, the housewife who buys the family groceries knows that prices are high and getting higher.

This farm giveaway program cannot be justified by claiming to keep down the price of groceries.

CONCLUSION

Mr. Speaker, the taxpayer is tired of paying his hard-earned dollars to the Government. He is especially irate when the program is of no benefit to him, but, instead, benefits the wealthy.

The taxpayer would like a cut in taxes, but that cut cannot come until we reduce Government spending.

Let us get the fat-cat agribusinessmen—who would not know a boll weevil from a weaved bowl—off the backs of the taxpayer. Let us dump the farm program, and save the taxpayer billions of dollars a year.

How can anybody possibly justify paying billions of dollars to agribusiness for not growing crops while millions of Americans are being denied an adequate diet? While the taxpayer continues to bleed? While the national debt climbs to almost half a trillion dollars? And while the consumer pays record-high prices for groceries?

I cannot.

Therefore, I voted against this bill in an attempt to put an end to this scandalous waste of money.

H.R. 15690

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HOGAN. Mr. Speaker, I intend to vote against the Michel amendment to the agriculture appropriations bill that would prohibit the issuance of food stamps to strikers. This decision was most difficult because I am very much opposed to upsetting the balance of power between management and labor.

Nevertheless, it was my feeling that the children of a striker are just as hungry as the children of someone who is unemployed. After all, we feed hungry people in many other countries without investigating whether their actions meet with our approval. We offer them assistance because they are in need. Should not we offer aid to the families of American workers who find themselves in the same position?

Further, consider the man who is on strike merely because his union voted accordingly. It is very possible that he, along with a substantial number of his fellow members, voted against striking. However, because the majority of his colleagues voted to strike, those who opposed the strike lose their income for the duration of the strike as well as those who favored it. Why should these workers and their families be penalized?

It has been assumed by many that strikers become eligible for food stamps simply because they are on strike. This clearly is not the case. These individuals must meet the same stringent standards that are required of other needy Americans for participation in the food stamp program. The eligible striker must follow established work registration regulations as well as adhere to strict income limitations.

Making it impossible for the families of strikers to receive adequate nutrition is not the way to stop strikes. This country has displayed a great deal of humanitarianism to the hungry of the world. I feel that we must show the same compassion to our own.

There are many flaws in the food stamp program and I think, as so many other Federal programs, it has grown so great it is getting out of hand and thwarting the original intention behind its enactment, but as long as we have such a program the hungry families of workers on strike should not be excluded from it.

I will, therefore, vote against the Michel amendment.

EPA LAUDS DELAWARE'S ANTI-POLLUTION PROGRAMS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. BOGGS. Mr. President, the Regional Administrator of the Environmental Protection Agency, Edward W. Furia, recently visited Dover, Del., for a ceremony at which checks were presented to various county and city officials. The checks represented the State share of several important water pollution control projects.

While in Dover, Mr. Furia expressed his evaluation of the work of Gov. Russell W. Peterson and the citizens of Delaware in improving the environment of our State.

Subsequently, the Delaware State News carried an article about this meeting. Because I believe that Mr. Furia's views are of interest to the Senate, I insert the article at this point in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Delaware State News, June 23, 1972]

EPA BOSS PRAISES DELAWARE AS "LEADER" IN POLLUTION FIGHT

(By Rolf T. Rykken)

DOVER.—The regional administrator for the federal Environmental Protection Agency yesterday praised Delaware as a "leader" in antipollution efforts and Gov. Russell W. Peterson as "courageous" for providing the leadership.

Edward W. Furia, region III EPA administrator, said that the State of Delaware has been "a leader—if not equal to the best" in its antipollution efforts.

He attributed this to the "extraordinary courage" in the leadership of Gov. Peterson in such areas as the Coastal Zone Act, which prohibits heavy industry from Delaware's coast, and his efforts to stop sludge dumping almost directly off the Delaware coast.

Furia said that Delaware has an "extremely good program" in its Clean Streams Program, which shows "every indication that it will work."

Furia's laudatory comments towards Peterson and the State Natural Resources and Environmental Control Department came during a check presentation program of State sewer funds at the governor's office.

Peterson handed out $1.6 million divided among Kent County, Wilmington and New Castle County in sewer grants for fiscal 1972. (The funds come out a total of $4 million for the whole state.)

The Clean Streams Program, as explained by Peterson, aims at cleaning up Delaware streams by 1976 and the "A-number one way to do that is to provide good sewage treatment."

The program, the brainchild of Peterson and Austin N. Heler, secretary of Natural Resources, calls for the phased funding of all the sewage treatment plant projects in the state—rather than one at a time. The plants that are built also allow for future growth in the area they will serve, since it usually takes from three to four years to build a treatment plant.

New plants or old sewage systems being upgraded (as in New Castle) will provide a more advanced form of treatment, so that effluent (treated sewage) coming out of the plant will go into State streams at a very high level of cleanliness.

Levy Court president Joshua Twilley was presented with a check (the largest one given out) for $986,596, and then complained that he had not received all the funds necessary. (Twilley told reporters he was expecting about $1.6 million which coupled with the $1.3 million received last year, would make up the plant's total local funding of $3 million.

But John Bryson, director of the State division of Environmental Control, strongly reminded Twilley that the regional plant to be built in the Frederica area on the Murderkill River has not been completed and that Kent County has been receiving State funds "about as fast as you're spending it."

He also reminded Twilley that increased federal funding cut the projects cost in half—and saved the State having to finance $6 million. The city of Dover, besides some other smaller jurisdictions will tie into the plant, which is to have an initial capacity of from 10 million to 35 million gallons a day.

Bryson said that Kent County would receive all the funds necessary for the plant. The plant has a total cost of $12 million.

New Castle County Executive William Connor received a check for $283,100 for part of its sewage treatment system.

FIRST ANNIVERSARY OF ACTION AGENCY

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. QUIE. Mr. Speaker, last July the President called Action in "alliance of the generations." Upon launching the new agency, which consolidated all Federal volunteer programs, he said:

> Let us work together to seek out those ways by which the commitment and the compassion of one generation can be linked to the will and experience of another so that we can service Americans better and Americans can better service mankind.

Action has lived up to that great hope in its first year of service.

Despite some protracted and difficult months of deliberation in reaching agreement on the level of funding for Action's international operations—Peace Corps—Action is a success both in human terms as well as in the equally meaningful progress and expansion of its new programs.

Action has put the lie to fears that the Peace Corps is "in trouble" of being "cut down." Since its budget impasse was resolved in April, Americans in greater numbers have been volunteering to join the Peace Corps and there has been an increased interest on the part of developing nations for the Peace Corps to establish programs. In fact, the Peace Corps is entering into agreements with three new nations and already a limited number of volunteers are in place in Central African Republic and New Caledonia. Later this year volunteers will be going to Bahrain, Oman and the Seychelles Islands. Moreover, negotiations are underway with at least six other nations for Peace Corps volunteers. A year ago the Peace Corps was in 57 countries—today it is 63.

Domestically nearly 70,000 new opportunities for volunteer service for older Americans have been created by Action in keeping with the President's commitment to the White House Conference on Aging and by July 1, 1973, this figure will exceed 80,000.

Equally significant, foster grandparent program's budget has doubled to $25 million for 11,000 volunteers. There were 6,200 volunteers last year. Funding of retired senior volunteer program—RSVP—has doubled also to $15 million for 1,500 volunteers when Congress acted quickly on the White House request for more money.

Vista, composed of volunteers working in the urban areas of our States, Puerto Rico, Virgin Islands, Indian reservations, Guam, and Samoa is expanding by 4,500 man-years work on 450 projects during the next year alone.

The university year for Action, started just 1 year ago as a pilot program to enlist college students in volunteerism, has achieved success that exceeds all expectations. In exchange for the year's work off campus in a meaningful community poverty job, UYA volunteers receive academic credit. The number of students enrolled in UYA now totals 1,000 at 25 colleges and universities. More than 400 schools applied for admission. Next year we will have nearly 2,000 volunteers in UYA in over 36 colleges and universities.

Meaningful assistance to the Nation's small businessmen, particularly minority entrepreneurs, is being provided daily by the 4,500 volunteers from Senior Corps of Retired Executives—SCORE. Active Corps of Executives—ACE—are providing 1,500 volunteers from business. In cooperation with the Small Business Administration the volunteers in these programs give advice and assistance to the troubled small businessman who sorely needs expert guidance.

I believe Action and its Director Joseph Blatchford deserve applause and congratulations on the successful completion of its first year and our wholehearted support at the start of its second.

AID TO NONPUBLIC SCHOOLS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. KEATING. Mr. Speaker, I would like to join my colleagues who have spoken this week on the need to give aid to parents of nonpublic school students. The survival of nonpublic schools in this country is an urgent issue that the Congress must face.

Last year supporters of nonpublic school education in this country were disappointed with the Supreme Court decisions of Lemon and Dicenso. These decisions ruled unconstitutional a State bill that paid a portion of a teacher's salary for the secular subject he taught and another State law that had the State purchasing services from the nonpublic schools. While momentarily clouding the issue the decisions have left open other forms of relief for the families who want to exercise their right to send their children to nonpublic schools.

On January 19, I introduced legislation that would allow parents a $100 tax credit for tuition expenses. I have been greatly encouraged by recent developments including the minority leader, Mr. Ford, and Ways and Means ranking member, John Byrnes, introducing similar proposals. On June 21, Mr. Caspar Weinberger, Director of the Office of Management and Budget, wrote to Chairman Mills indicating that the administration would send up this type of legislation next year.

In my own State of Ohio, both houses of the State legislature have unanimously approved tax credit legislation.

If one looks at the policies of the nations in the free world, the overwhelming majority do not cut off funds for the study of secular subjects in schools where children can also study religion and moral values. Canada, England, France, West Germany, Australia, India, Norway, Syria, and Lebanon are just a few of the nations that permit tax dollars to go to nonpublic schools.

These nations, the State of Ohio, and and other State governments throughout the United States have taken this action, because they realize that nonpublic education in elementary and secondary schools is a natural and necessary complement to our public education system.

With the greatly increased costs of nonpublic education the enrollment has been decreasing. In 1965, there were approximately 6,300,000 students in grades 1 through 12. Five years later the nonpublic school education in these grades had decreased to 5,500,000.

The financial problems that are faced by the nonpublic schools will only compound the problems of the public schools if the present trend continues.

In the State of Ohio last year 40,000 students left the nonpublic school systems. As the office of education estimates that it costs $850 per pupil in the schools today, the 40,000 students cost the taxpayers of Ohio an additional $34 million. This cost is even higher when the extra expense of new construction is included.

The tax credit bills that have been introduced in the Congress will not challenge or destroy the significance of public education. The economic benefit will improve both the public and nonpublic sectors. As we search for new methods of school financing this type of legislation is necessary and appropriate, it is my hope that it continues to receive broad bipartisan support.

FEDERAL CIVILIAN EMPLOYMENT, MAY 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the May 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, MAY 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of May was 2,851,385 as compared with 2,870,842 in the preceding month of April. This was a net decrease of 19,457.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of May totaled 2,810,244. This was a net decrease of 20,088 as compared with employment reported in the preceding month of April. Employment by months in fiscal 1972 follows:

Month	Full-time employees in permanent positions	Change from previous month	Temporary, part-time, etc.	Change from previous month	Total employment	Change from previous month
July 1971	2,521,703	+1,391	381,448	+18,755	2,903,151	+20,146
August	2,524,098	+2,395	366,062	−15,386	2,890,160	−12,991
September	2,527,518	+3,420	317,021	−49,041	2,844,539	−45,621
October	2,529,832	+2,314	303,236	−13,785	2,833,068	−11,471
November	2,528,233	−1,599	300,256	−2,980	2,828,489	−4,579
December	2,525,858	−2,375	300,662	+406	2,826,520	−1,969
January 1972	2,552,081	+26,223	272,945	−27,717	2,825,026	−1,494
February	2,550,984	−1,097	277,284	+4,339	2,828,268	+3,242
March	2,539,790	−11,194	286,419	+9,157	2,826,209	−2,037
April	2,533,275	−6,515	297,057	+10,638	2,830,332	+4,123
May	2,511,363	−21,912	298,881	+1,824	2,810,244	−20,088

Agencies of the Executive Branch have reported a net reduction of 38,949 in total full-time permanent employment since June 1971 (excluding for comparison purposes a shift of about 30,000 Postal Service employees from temporary to permanent status) to the May total of 2,511,363.

Administration orders announced last August were directed at reductions in the category of full-time permanent employment in agencies exclusive of Postal Service. Since June 1971 this employment has been reduced 39,001, indicating further reduction of about 1,571 to reach the level of 1,918,100 projected by the budget for June 30, 1972.

This net decrease in full-time permanent employment of 39,001 reflects reductions of 43,674 reported by Defense in the 11 months since June 1971, partially offset by increases totaling 4,673 reported by other civilian agencies. The Defense decrease includes a reduction of about 15,000 foreign nationals on Okinawa whose services are now provided under contractual arrangements with the Government of Japan and who are no longer regarded as federal employees.

Changes in total employment in May in civilian agencies of the Executive Branch as compared with civilian employment in military agencies were as follows:

	May	April	Change
Civilian agencies	1,710,139	1,714,680	−4,541
Military agencies	1,100,105	1,115,652	−15,547
Total, civilian employment	2,810,244	2,830,332	−20,088

The civilian agencies of the Executive Branch reporting the largest decreases in May were Postal Service with 5,473 and Treasury with 3,138. The largest increase was in Agriculture with 3,342. The Defense increase is largely due to reduction of about 15,000 foreign nationals who are no longer regarded as federal employees.

Total Executive Branch employment inside the United States in May was 2,649,420, a decrease of 2,530 as compared with April. Total employment outside the United States in May was 160,824, a decrease of 17,558 as compared with April.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in May totaled 32,831, an increase of 595 as compared with the preceding month of April. Employment in the Judicial Branch in May totaled 8,310, an increase of 36 as compared with April.

In addition, Mr. Speaker, I include a tabulation, excerpted from the joint committee report, on personnel employed full-time in permanent positions by executive branch agencies during May 1972, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	May 1972	Estimated June 30, [1] 1972
Agriculture	82,912	84,252	82,601	83,000
Commerce	25,427	28,435	27,976	28,500
Defense:				
Civil functions	30,297	30,063	30,091	30,600
Military functions	1,129,642	1,062,741	[2] 1,019,039	1,011,000
Health, Education, and Welfare	102,297	104,283	106,393	102,000
Housing and Urban Development	14,661	16,030	15,474	15,200
Interior	59,349	57,570	56,521	56,900
Justice	38,013	42,662	44,346	45,100
Labor	10,217	11,352	12,185	11,800
State	23,618	23,398	22,818	22,700
Agency for International Development	14,486	13,477	12,170	12,400
Transportation	63,879	68,482	66,600	66,400
Treasury	86,020	90,135	96,053	98,500
Atomic Energy Commission	7,033	6,920	6,820	6,700
Civil Service Commission	5,214	5,324	5,187	5,600
Environmental Protection Agency [3]		5,959	7,659	8,000
General Services Administration	36,400	38,076	35,614	39,400
National Aeronautics and Space Administration	31,223	29,478	27,930	27,500
Panama Canal	14,635	13,967	13,854	14,200
Selective Service System	6,665	5,569	5,784	6,200
Small Business Administration	4,015	4,004	3,960	4,000
Tennessee Valley Authority	12,657	13,612	13,872	14,000
U.S. Information Agency	9,989	9,773	9,392	9,400
Veterans' Administration	148,497	158,635	161,290	162,700
All other agencies	29,807	31,333	32,900	34,300
Contingencies				2,000
Subtotal	1,986,953	1,955,530	1,916.529	1,918,100
U.S. Postal Service	565,618	564,782	594,834	[4] 613,400
Total [5]	2,552,571	2,520,312	2,511,363	2,531,500

[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.

[2] Reflects reduction of approximately 15,000 in direct hire of foreign nationals in Okinawa incident to its return to Japan on May 15, 1972. These foreign nationals are no longer regarded as Federal employees and have been converted to indirect hire status under contractual agreement with the Government of Japan.

[3] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council, and Atomic Energy Commission.

[4] Includes approximately 39,000 postal employees subject to reclassification by June 30, 1972, under a labor-management agreement. Such reclassification of approximately 30,000 was reported to the committee in January 1972.

[5] May figure excludes 3,252 disadvantaged persons in public service careers programs as compared with 3,054 in April.

THE NARCOTICS ADDICT TREATMENT AND REHABILITATION ACT OF 1972

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. EDWARDS of California. Mr. Speaker, yesterday I introduced H.R. 15760, the Narcotics Addict Treatment and Rehabilitation Act of 1972.

The purpose of this bill is to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotics addiction, and to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem.

Because of the necessary linkage between narcotics addiction and criminal activity, drug addicts are often not identified as addicts until they are arrested and charged with a crime. It is, therefore, imperative that a means be developed to more effectively use the criminal justice system in the identification of addicts and their referral to treatment and rehabilitative services. The record is clear that punishment of convicted addicts through incarceration in correctional institutions merely leads to a return of the addict to addiction and crime upon release.

The Federal criminal justice system should be a model for the Nation in the establishment of procedures to divert narcotics addicts who commit crimes because of their addiction into treatment so that their rehabilitation from narcotics addication and its related criminal activity may be accomplished.

The Narcotic Addict Rehabilitation Act of 1966 has been the addict diversion mechanism for the Federal criminal justice system. The Narcotics Addict Rehabilitation Act was, at the time of passage, a breakthrough in the law toward the treatment of narcotics addiction as a medical problem. In its statement of objectives to treat the addict for his addiction, rather than to punish him for the criminal offense charged, the act broke significantly with attitudes of the past. The Narcotic Addict Rehabilitation Act created a system of civil commitment which provides compulsory institutionalized treatment for eligible addicts in lieu of prosecution or after conviction on the criminal charge.

The Narcotic Addict Rehabilitation Act of 1966—NARA—was a response by the Congress to the "revolving door" process which had characterized the treatment of narcotics addicts at the Federal Public Health Service hospitals at Lexington, Ky., and Fort Worth, Tex. The experience of these hospitals in not being able to hold addicts for sufficient lengths of time to effectuate a treatment program motivated the belief that there was need for use of Government's coercive power to hold the addict in a treatment program long enough to allow him to derive the full benefit of the program.

The experience of the past 5 years with the Narcotic Addict Rehabilitation Act has shown that it has not fulfilled its promise. Because only those deemed "likely to be rehabilitated" have been selected as eligible for participation in the treatment afforded by the act, many eligible addicts have been rejected for treatment. Because of the restrictive eligibility criteria in the Narcotic Addict Rehabilitation Act, the large majority or narcotics addicts sentenced to serve prison terms for Federal offenses have not been eligible for sentencing to treatment for their addiction. Only 1 or 2 percent of the addicts sentenced to Federal prisons since the passage of NARA have been sentenced under the provisions of the act. The U.S. attorneys, given responsibility by the act to initiate the civil commitment proceedings, have rebelled against what they deem to be a "social work" function and have not used the act to the extent experienced.

Thus despite predictions during hearings on the Narcotic Addict Rehabilitation Act in 1966 that there would be an average of 900 commitments per year under the commitment in lieu of prosecution provisions of the act alone, in the first 2 years of the program only 207 persons were examined for admission to treatment in lieu of prosecution and only 179 were accepted for treatment under the provisions of the Narcotic Addict Rehabilitation Act. It is, therefore, clear that the Narcotic Addict Rehabilitation Act does not serve its intended function as a procedure for diverting narcotics addicts into treatment in the Federal criminal justice system.

The Narcotics Addict Treatment and Rehabilitation Act of 1972 replaces the cumbersome NARA referral process with the grant of ample authority to the prosecutor to exercise his discretion in determining at what stage in the criminal proceeding an accused addict will be referred for appropriate diagnosis and treatment. The prosecutor is given three alternatives in my bill:

First, in the case of an accused who is about to be charged with, or is charged with any misdemeanor, or with any felony which does not involve the use or threat of force or violence against another person, the prosecutor may defer the prosecution of such eligible person pending successful entry into and progress in an appropriate narcotics addiction treatment and rehabilitation program;

Second, in the case of any individual charged with a Federal crime, the prosecutor may, subsequent to arraignment, support the requirement as a condition of release pending criminal proceedings, the entry of the accused into a narcotics addiction treatment and rehabilitation program; and

Third, the prosecutor may proceed, in the cases of those individuals who, in his judgment, should not be afforded the opportunity for treatment with deferral of the determination of the charges pending against them, with the criminal proceedings. If the accused is found guilty, the bill empowers each judicial officer of the United States to require examination and treatment of the convicted offender to determine the fact of his addiction, and if such fact is found, to require the individual to enter into treatment and rehabilitation during the term of his sentence.

The Secretary of Health, Education, and Welfare has been given responsibility in my bill for the diagnosis of narcotics addiction, for conducting the appropriate examinations required for referral to treatment, and for providing appropriate treatment facilities. By giving this responsibility to the Secretary of Health, Education, and Welfare, it is my intention to place the examination and treatment of narcotics addiction in the hands of medical professionals and to relieve the prosecuting attorney of the responsibility of determining what is appropriate treatment for an accused addict.

The bill provides that each narcotics addict held in custody in order to await trial for any offense against the laws of the United States, or any addict held in custody because of such addict's conviction of any offense against the United States, shall have the right to examination and treatment of his narcotics addiction. The bill thus sets forth clearly the right of every narcotics addict who comes in contact with the Federal criminal justice system to receive from that system an appropriate opportunity for the treatment of his addiction. By establishing this right it is my hope that the Federal criminal justice system will begin to be an effective tool for providing treatment for narcotics addiction. At the same time, however, my bill provides adequate safeguards to prevent the accused narcotics addict from manipulating the system to escape punishment for his crime. The accused narcotics addict is given the right to treatment of his addiction, but is given no other right that is not also due to other accused individuals in the Federal criminal justice system.

Despite its failure to develop an effective diversion system in the Federal criminal justice system, the Federal Government is, in general, far ahead of State and local governments in providing for the diversion into treatment of addicts accused of crime. The great majority of addicts are accused of violating State and local laws. Except in a very few jurisdictions, however, State and local prosecutors have no choice but to process accused narcotics addicts in the same manner as all other accused criminals. They do not have the alternative of providing opportunity for treatment and rehabilitation to accused addicts because there are no treatment and rehabilitation programs available to the criminal justice systems of most State and local jurisdictions.

When the addict is convicted of a crime and sentenced, he must enter the correctional system of the State, but again at this point there is generally not available an opportunity for treatment of his addiction. Although good sense as well as good medical practice dictates that an institutionalized narcotics addict receive treatment for his addiction as a part of his correctional program, at the present time almost all addicts imprisoned in this country serve their sentences without receiving any treatment for their addiction. Most States, because of a combination of lack of funds and a lack of experience, exacerbated by the large and increasing number of narcotics addicts entering their correctional systems, are unable to offer even the most minimal treatment programs for narcotics addiction in their correctional institutions.

The Law Enforcement Assistance Administration, created by the Omnibus Crime Control and Safe Streets Act of 1968, should be more effectively used as a vehicle to provide State and local governments with assistance in the creation of programs and facilities for the treatment and rehabilitation of narcotics addicts accused of crimes. My proposed bill will provide States and localities with funding for narcotics treatment and rehabilitation programs to serve addicts who are led to seek treatment because of experience with the criminal justice system.

My bill is also aimed at channeling additional Federal resources into the treatment and rehabilitation of narcotics addicts. Less than 5 percent of the estimated 560,000 narcotics addicts in the Nation are presently enrolled in Federally-supported treatment programs. We need to establish as a national priority a commitment to provide treatment and rehabilitation services to every narcotics addict. At the present time throughout the country there are waiting lists of addicts who want treatment, but who cannot enter treatment programs because there is no room for them. In all of the cities my Judiciary Subcommittee has examined, as soon as multi-modality treatment programs open their doors, addicts are lining up for treatment. The New York City Health Services Administration, for example, reports that despite a major effort to increase the availability of places in that city's treatment programs, the number of addicts coming forth desiring treatment is outpacing the provision of treatment facilities by 50 percent.

Given the nationwide existence of waiting lists of addicts desiring entry into voluntary treatment programs, there is need for the Federal Government to provide emergency funding for expansion of treatment facilities in those localities most impacted by large numbers of untreated narcotics addicts. My bill establishes within LEAA a special emergency fund to provide local governments with direct, emergency assistance in meeting their critical narcotics addiction related problems. It authorizes the appropriation of $100,000,000 for this fund to enable a massive Federal effort akin to that which is made in the aftermath of natural disasters.

Simultaneously with the creation of the emergency narcotics addiction programs fund, the Narcotics Addict Treatment and Rehabilitation Act of 1972 creates a requirement that states which apply for funding from the Law Enforcement Assistance Administration include in their overall plans a comprehensive State plan for the treatment of narcotics addicts in the criminal justice system and for the establishment of voluntary narcotics treatment and rehabilitation programs. One hundred million dollars in additional LEAA funding is authorized for the funding of State narcotics treatment and rehabilitation programs.

In addition to providing for the establishment of State programs, the bill sets forth a number of evaluative criteria by which the performance of such programs is to be measured. These evaluative criteria are an attempt to establish, for the first time, measurable Federal standards for assessing the performance of narcotics treatment and rehabilitation programs. The present lack of such standards is a primary cause of the failure of the Federal Government to demand accountability for the millions of dollars committed to narcotics addiction treatment and rehabilitation programs. The purpose of these evaluative criteria is to provide information for governmental decisionmakers, and for the general public, on whether the treatment programs we establish are meeting their intended objectives.

In my view, the Narcotics Addict Treatment and Rehabilitation Act of 1972, which enables Federal, State, and local governments to provide treatment and rehabilitation programs and facilities for all narcotics addicts who desire treatment, and which provides the criminal justice system with programs and facilities to enable the treatment of narcotics addicts, provides for a more effective use of Federal resources than the expansion of civil commitment programs under the Narcotic Addict Rehabilitation Act of 1966.

My experience in this area convinces me that there are no simple solutions to the problem of effective treatment and rehabilitation of narcotics addicts. A treatment modality which is successful with one addict can be utterly unsuccessful with another. Motivation plays an extremely important role in determining the likelihood of successful rehabilitation of the addict, and an addict may not be sufficiently motivated towards rehabilitation until he has experienced successive failures to achieve rehabilitation.

What is clear, however, is that there is a need for increased numbers of treatment programs offering increasing varieties of treatment modalities. We must adopt a national goal of providing treatment for every drug addicted person, tailored to his individual need, and we must commit the needed Federal resources to achieve this goal.

A summary of the bill follows:

SUMMARY OF H.R. 15760—THE NARCOTICS ADDICT TREATMENT AND REHABILITATION ACT OF 1972

A bill to amend title 18 of the United States Code to enable the Federal criminal justice system to deal more effectively with the problem of narcotics addiction and to amend the Ominbus Crime Control and Safe Streets Act of 1968 to enable the States and municipalities to deal more effectively with that problem, and for other related purposes.

TITLE I—THE FEDERAL CRIMINAL JUSTICE SYSTEM AND NARCOTICS ADDICTS

Chapter 314 of title 18 of the United States Code is amended to provide the following:

Section 4251—Conditional release pending criminal proceedings.

Under present Federal bail procedures (chapter 27 of title 18 of the United States Code), treatment for narcotics addiction may be required as a condition of release pending criminal prosecution. Proposed Section 4251 provides specific authority for such treatment by the Secretary of the Department of Health, Education, and Welfare.

Section 4252—Contingent deferral of prosecution pending medical examination.

Authorizes Federal prosecutors to defer the initiation of prosecution of any person who is about to be charged with, or is charged with, any misdemeanor, or with any felony which does not involve the use or threat of force or violence against another person, upon the determination that the offense committed is sufficiently connected with such individual's narcotic addiction as to make it in the best interests of the individual and of society to defer the prosecution of that individual. The prosecutor refers the individual to the Secretary of Health, Education, and Welfare for examination and treatment and can continue to defer the prosecution for so long as he determines the individual to be making progress in the treatment and rehabilitation of his addiction.

Section 4523—Treatment and sentencing.

Authorizes each Federal judicial officer to sentence an individual for treatment and rehabilitation of narcotics addiction, or to suspend the sentence upon condition that the offender enter into treatment.

Requires inclusion in the pre-sentencing report of information necessary for the determining of sentence under this section.

The Secretary of Health, Education, and Welfare is given the responsibility to provide the necessary examination and treatment of addicts sentenced under this section.

Section 4254—Referral for examinations and treatment.

Gives the Secretary of Health, Education, and Welfare the responsibility to provide, either directly or by contract with other agencies or persons, examinations and treatment designed to determine whether an individual is an addict and to treat addicts upon such determination.

Section 4255—Rights of addicts to examination and treatment.

Provides each addict held in custody to await trial on any Federal offense, or in custody because of conviction of any Federal offense, with the right to examination and treatment related to his narcotics addiction.

Section 4256—Examination and treatment not conviction; use of information.

Referral to examination or treatment is not to be construed as a criminal conviction. None of the information derived from the addict during examination or treatment is to be used against him in any criminal proceeding or investigation.

Section 4257—Definitions.

The terms "addict" and "treatment" are defined. Both terms retain the definitions given in the present Narcotic Addict Rehabilitation Act.

TITLE II—THE CRIMINAL JUSTICE SYSTEMS OF THE STATE AND MUNICIPALITIES AS THEY RELATE TO NARCOTICS ADDICTS

The Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding the following new part:

Part F—Emergency narcotic addiction programs.

Authorizes the provision of special emergency funding for any unit of general local government when the Attorney General of the United States determines, upon application by the local government unit, that the rate of narcotic-related crime in the local jurisdiction has reached emergency proportions. When the Attorney General makes that judgment, such determination, and the reasons supporting it, are transmitted by the Attorney General to the Congress.

Upon the determination of an emergency narcotics crime-related condition, funds are provided for the establishment of a broad range of programs for the treatment of addicts with the goal of making treatment available for every addict in the affected jurisdiction. All programs established under the emergency funding must provide adequate evaluation procedures based on eight criteria. All new programs must be certified to be in addition to existing narcotics treatment programs in the local jurisdiction.

The President is authorized to make available the full resources of the Federal Government to assist the local jurisdiction in meeting its narcotics emergency.

One hundred million dollars are authorized for the fiscal year ending June 30, 1973 for emergency funding purposes.

Amendment of comprehensive requirements in State plans.

A new Paragraph 13 is added to the 12 existing requirements for State plans submitted in support of Law Enforcement Assistance Administration funding. Paragraph 13 requires that each State, in order to qualify for LEAA funding, demonstrate the existence of a broad spectrum of effective facilities and programs for the treatment and rehabilitation of narcotics addicts in the State criminal justice system, and the availability and existence of voluntary treatment programs to every addict in the State who desires treatment.

One hundred million dollars are authorized for the fiscal year ending June 30, 1973 for the funding of State narcotics addict treatment and rehabilitation programs through the Law Enforcement Assistance Administration.

AIRCRAFT COLLISION AVOIDANCE SYSTEM

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SYMINGTON. Mr. Speaker, last year there were 5,000 fatal aircraft accidents. Since 1969 there have been 93 midair collisions. Had the planes involved been equipped with the time frequency collision avoidance developed by McDonnell Douglas Corp. over the past 10 years, their pilots would have been alerted in ample time to take the evasive action necessary and indicated. This particular system has been tested in a variety of typical flight patterns and found to be foolproof. Moreover, it would greatly enhance ground control effectiveness through the installation of complementary ground systems. Any pilot would want such a system, and all should have it. Yet its implementation awaits further study and delay owing to conceptual reservations on the part of the FAA, and the continuing reliance on ground control systems. There is also the question of cost, ranging from $50,000 for the large commercial jets down to $2,000 for general aviation. These costs would decline considerably in response to increased production. But taking the estimated initial costs and applying them to a U.S. airline fleet of 3,000 planes, and a general aviation fleet of roughly 131,000 we can see that equipping our commercial liners would cost $190 million and general aviation $262 million or a total of $312 million to remove that element of risk from the skies over America. Equal in cost to 1 week of the Vietnam war which has taken many American lives, is it too large to invest in saving a good many more? The question can be examined in terms of what expenses might be avoided by the sums spent. The insurance companies estimate that a fatal plane crash costs about $100,000 per occupied seat. A hypothetical collision between two planes and then involving the loss of 300 lives would equal 10 percent of the cost of installing the system on every plane. Even small planes can collide, not only into the larger, as in the case of the Piedmont collision a few years ago which took the life of Under Secretary of Defense John McNaughton and his family, but into one another as in the case of the collision yesterday of two light planes. both on scheduled service over Lake Winnebago, which took 13 lives. These planes were on visual flight rules with a visibility of 5 miles. Had they been equipped with a CAS—collision avoidance system—the crash would not have occurred. Arrangements for cost sharing between airlines, insurance companies and the Federal Government could be made so that the burden does not fall too heavily on any one consumer of the service. Costs could, for example, be borne in part through a cooperative arrangement between the airlines and the Federal Government whereby an airline could agree to a $50 deduction in its deferred pool of investment tax credit in return for a $50 subsidization for the first units installed. General aviation aircraft owners who utilize their craft for business purposes would also use that method, while nonbusiness flyers would receive other appropriate financing assistance and arrangements.

We are now traveling on planes that can carry upwards of 400 passengers and still they come, in size, speed, and numbers. Mr. Speaker must we await some "Titanic of the air" to alert us to our responsibilities as legislators to direct the government by law to require the installation of collision avoidance systems throughout America, and encourage the adoption of compatible systems throughout the world? No, indeed we must not wait that long to do that.

THE MOORESVILLE, N.C., TRIBUNE HAS SENSIBLE SECOND THOUGHTS ON STREAM CHANNELIZATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 1972

Mr. REUSS. Mr. Speaker, more than stream banks has been eroded by the U.S. Soil Conservation Service's romance with channelization. The Service's own hard-earned reputation with environmentalists has been worn thin as the agency has pursued the channelization approach. I submit the following editorial from the Mooresville, N.C., Tribune of June 8 as a case in point:

WE PLEAD AN ATTACK OF NOSTALGIA

There is mounting evidence that we were wrong about Ecos and its opposition to the U.S. Soil Conservation Service's channelization practices. Flat wrong.

There is, to start, the well-put letter from Bill Adair in response to our editorial early in May in which we declared we were not joining Ecos in its fight against SCS. We went on to say that our experience in lowland drainage policies of the Soil Conservation Service led us to believe the agency was performing a valuable service.

We have, too, a folder containing a world of material collected by Dick Lowder. The point is made repeatedly in the collected writings that turning natural streams into manmade ditches does more bad than good.

We accept these findings. We stand corrected. From the standpoint of the concerned science teacher, given the view of the fisheries biologist employed by a power company, accepting the gospel according to all converts to the Environmentalist faith, we have no grounds on which to base our support of SCS channelization.

By way of excuse, we must say we were suffering semantical confusion. We felt a nostalgic tugging in references by Ecos to Chicod

Creek in Beaufort County. We remember the stagnant ponds, the drowned crops and the hopelessly inadequate field ditches of our youth there. We remember the agricultural godsend of dredging that changed bogs into productive farmland—before the days of soil banks. We recall the liberated look of the dawn-to-dark, hand-to-mouth farmers when draglines arrived.

The Army's Corps of Engineers and the other government agencies involved in these drainage programs were hailed as conquering heroes.

Honored likewise in their beginnings were coal-burning locomotives and internal-combustion engines. Billowing smokestacks of factories became magnets for children of those liberated swamp farmers.

Now we have had too much of too many good things. Just as the used-up and decaying inner-city is belching people into the suburbs and beyond, the agricultural order of priorities has reversed. The aim now is to conserve, not convert the natural purposes of the land.

The order changeth. We find this altogether fitting. Channelization in 1972 is bad; dredging in 1952 was good.

SPECIAL OLYMPICS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ROUSH. Mr. Speaker, on June 22–24, in my home State of Indiana, some 1,200 young athletes participated in the 1972 Special Olympics for the Mentally Retarded. I enthusiastically applaud those young people for their involvement and urge the people of Indiana and throughout the country to actively support these special games and encourage more children to take part in this kind of activity.

For too long, we have neglected the needs of our retarded children. Physical and psychological development is of utmost importance to the retarded so that they can take pride in themselves and in their individual roles in our society. Special attention and active support of their very undertaking is essential in order to insure this development. These "Olympics" provide an excellent opportunity to become involved and show these young people we all care.

I wholeheartedly support the efforts of the Joseph P. Kennedy, Jr. Foundation in making these games possible. Past performance at the "Olympics" has indeed been exciting. Retarded children have proven themselves time and time again in the area of physical achievement. I think that it is vital that we reward these achievements with increased attention so that these games and other similar activities will continue to take on added dimension.

We all strive to voice our concern and make a personal contribution to society as a whole—I know of no more valuable way than by supporting efforts such as the Special Olympics for the Mentally Retarded.

Retarded children need others: Let us show each one that we need them in return.

AIRLINE FARES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. LEGGETT. Mr. Speaker, Thursday, some 30 Members of Congress led by our distinguished colleague and my good friend the Honorable JOHN E. MOSS of California, presented their final oral argument to the Civil Aeronautics Board in a proceeding known as the domestic passenger fare investigation.

Our proposal to the Board, which took into consideration all of the facts on the record with regards to costs and value of service, is designed to produce low normal fares for the traveling public and more stable earnings for investors. The text of the argument follows:

ORAL ARGUMENT OF HON. JOHN E. MOSS, ET AL., MEMBERS OF CONGRESS, BEFORE THE CIVIL AERONAUTICS BOARD

INTRODUCTION

May it please the Board; In the chambers of the House of Representatives, directly above the Speaker, are inscribed the following words of Daniel Webster: ". . . Let us develop the resources of our land, call forth its power, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered." It is in this spirit that the Members of Congress lay their proposal before you this day.

Interest represented

One point which may need clarification at the outset is, "whose interest do the Congressmen represent?" The answer, of course, is their constituents who are users of the services, non-users affected by the services, or investors. The users and non-users are naturally interested in obtaining low fares, while the investors are primarily interested in stable earnings since the level of corporate profits determines the value of their investments—bonds or stock.

For this reason, our fare proposal has been designed to produce low normal-fares and stable earnings. To achieve these goals we have designed the proposal to take into consideration all the factors which affect the industry, particularly the fact that:

One, most costs are related to block time and not greatly affected by changes in block speed or load factor; and

Two, the fact that more than half of all traffic is price inelastic, but income elastic and therefore affected in the long-run by changes in the business cycle and consumer confidence.

FARE LEVEL

Cost of service

Turning first to the issue of the fare level, and Chart 1, all of the parties are in general agreement that the direct costs compiled by the Bureau from the carriers' submissions are reasonable and related to block time. There similarly appears to be no significant disagreement with those indirect costs related to block time. Thus the point of conflict is confined primarily to those indirect costs associated with ground handling.

Historically, these indirect costs have been considered to be variable costs; they have even been referred to as non-capacity costs. However, all the facts on the record establish that these costs are in fact capacity costs, not variable costs. The Bureau's exhibits, and your own order in Phase 7—Chart 1—treat these costs as capacity costs. For example, you will observe on Chart 1 that you reduced the number of available seat-miles twice, and the number of passenger-miles once, without reducing the ground handling costs. This is the reason why the resulting indirect cost ratio in the Appendices to your order is 50.9 percent, rather than the 48.8 percent found reasonable in the body of your order.

Conceptually, the explanation for this phenomenon is shown in Chart 2. (Not included) Here you will observe in the top chart that the ground handling costs per passenger and the indirect costs per hour increase with distance as the amount of idle time at the terminals increases with distance, as shown in the aircraft routing chart at the bottom of the page.

Second, your attention is invited to the fact that the block speed curve in the top chart rises more rapidly than the indirect cost per hour, thereby forcing the indirect cost per mile to decline with distance. Hence the generally accepted belief that indirect costs decline with distance on a mileage basis is shown to be true. The fact which has not been observed before, however, is that the indirect cost per mile declines at a slower rate than the direct cost per mile, since the latter is relatively constant per hour, whereas the former tends to rise, and you have always refused to look at revenue-hour data.

In addition, the chart also shows one of the principal differences between the revenue-mile and revenue-hour approach. The cost per mile tends to decrease with distance, whereas the cost per hour tends to increase with distance. Thus the argument that there is no difference between the two methods is refuted by this record. The record shows there is a difference. We have thus proved our case.

Furthermore, should any party argue or agree that the indirect cost ratio increases with distance, and that block speed varies, either now or in the future, that party automatically admits on the record there is a difference between the revenue-hour and the revenue-mile—that the rate per hour increases with distance, and the rate per mile declines with distance.

The Members of Congress were able to make this costing breakthrough because they did Research and Development work, utilized the revenue-hour approach, and worked with the facts. When the Members of Congress entered this case, the only fact they knew was that the indirect cost ratio had not historically declined with distance. They did not know why. When they discovered the ground handling costs were being improperly treated, they immediately sent a member of their staff into the field to confirm this fact. As a result, Mr. Klabzuba is probably the most unique witness in this case, for he is the only witness to our knowledge who actually supervised the loading and unloading of respondents aircraft during the period of this investigation. Based upon his personally supervised and conducted field studies, witness Klabzuba agrees with you that the ground handling costs are capacity costs.

Accordingly, you must find that any fare structure proposal which is based upon a declining indirect cost ratio is unjust and unreasonable.

Block time

Going now to Chart 3, historically most airline fares have been constructed on a mileage basis. Consequently, since most costs are related to block time, it is necessary to convert these hourly costs to a mileage basis. This means that every fare has a cost and yield per mile and per hour. However, unless the conversion is precise, the revenue yield to the carriers may not be sufficient to cover all costs. This is the reason why block times are the most controversial issue in this proceeding.

The problem is further aggravated by the fact that airplanes do not always fly in a straight line, and block times vary. Since the fares are fixed, this causes the earnings to fluctuate with block times. The question is how are the earnings affected—by changing the level of revenues or the level of costs?

As noted previously, the level of direct costs per hour is relatively constant. For example, in its various exhibits, the Bureau changed its block speed and utilization rates, but the level of the direct costs per hour never varied with these changes in block speed or utilization.

With regards to the indirect costs, we have already indicated our disagreement with the other parties, nevertheless it is interesting to note again that when the Bureau increased its average stage length, it also increased the amount of indirect costs assigned to each mileage block. In effect, the Bureau has admitted through its computer program that indirect costs are indirectly related to block time. Remember, it was the *TS* (stop time) and *TC* (cruise time) factors which changed, not the mileage—it remained constant. As a result, the record demonstrates that *all* costs are related to block time, directly or indirectly. The record proves our case.

Turning to the revenue side, every fare has an implied yield per mile and per hour, whether stated or not. Unfortunately, we were unable to secure any revenue-hour data for aircraft from the carriers, the Bureau, or the Board. Nevertheless, we have been able to circumvent this slight inconvenience with revenue-hour data made available to us by the City of Tulsa, Oklahoma bus company. Chart 3 shows this data for a one month period. Looking at this chart you will note that the percentage reationship of yield per mile and yield per hour for the individual routes to system average is not the same for any route, and in three cases there is an inversion. That is, the yield per hour is greater than system average, while the yield per mile is less, or visa versa.

Similarly, in Chart 4 we have compared the cost per mile and the cost per hour for various aircraft to system average. Again the percentage differentials are not identical in any case, and there are a number of inversions. From this evidence, we believe it is reasonable to deduce that revenue-hour data for aircraft will show similar variations.

Looking therefore again at Chart 4, the issue is simply this: given the phenomenon of bus and air transportation that the level of cost per hour is not greatly affected by changes in block speed or load factor, is Route 8 more profitable than Route School? Does Route 10 or Route 12 produce above average annual revenues and earnings? Does Route School produce annual revenues which are a 125 percent above average, or are they really only 3 percent greater?

The answer to these questions determines the profitability of an airline. You must be prepared to answer these questions. We believe the facts show that Route 8 and 12 are more profitable; that Route 10 produces below average annual revenues; and that the annual revenues from Route School are only 3 percent above average.

This brings us to Chart 5, where actual average 1971 block times for various aircraft are compared to each other and with a ratemaking block time. Two things should be observed:

First, the actual variations in block time between the aircraft are relatively small, and tend to decrease with distance;

Second, while these variations, and the variations with the ratemaking block time are small, they are nevertheless in some cases greater than the profit-margin you found reasonable in Phase 7.

For example, at 500 miles the revenue to the carriers would have averaged 13 percent less than that necessary to cover all costs plus profit, at the load factor standard, had the fare structure been based upon 1.3 block hours; and the revenue to the carrier operating the 4-Engine Fan Jet would have been 17 percent less than necessary. Since the ratemaking block time is erroneous, the revenue per hour is inadequate. The revenue-per hour is below average, even though the revenue per mile is above average, just like Route 12 on Chart 4.

Unfortunately, we cannot tell you how much the carriers actually lost in revenue and in earnings in 1971 because of such variations in block times, because no one knows what block times are implicit in the existing fare structure. We suspect, however, the implicit block times may be too high. On the other hand, we can advise you that each one percent variation in block times is equivalent to about a ten percent change in taxable income, given your 11.1 percent profit-margin.

An analogous situation arises where a builder undertakes to do a job for a fixed price, assuming the job to take four days when it actually requires five. He loses two ways: the job itself cost 25 percent more than anticipated, and his revenue per employee-hour is 20 percent less even though his cost per hour is still the same.

Builders, engineers, and pilots are familiar with this problem since they work with hours; traffic men are not, since they work exclusively with miles. Such a pricing man would have been satisfied with the construction job, he made his yield per square-foot. But the pricing man made the error, he used the wrong time per square-foot. The revenue-hour is designed to correct this situation in aviation by giving the traffic department a tool similar to that used by the operations department, a tool which shows changes in overall revenue yield due to changes in block time just as readily as increases in cost per trip.

Fare proposal

Recognizing the importance of this problem to the investor, and the fact the carriers can no longer afford for the Board to proceed blindly in this area, the Members of Congress have advanced the revenue-hour approach to ratemaking which utilizes two benchmarks—one based upon miles, the other based upon hours. This approach has a built in safeguard which enables the carriers to seek relief when the actual block times fluctuate significantly from ratemaking block times as measured by the yield per hour. In a sense this two benchmark approach is the *quid pro quo* to the investor for the load factor and seating configuration standard given the consumer.

We further believe this approach also offers you the easiest out from the predicament you now find yourselves in with respect to the indirect cost ratio. The Members of Congress are the only party which has advanced, on the record, a fare structure proposal in which the indirect cost ratio does not decline with distance.

Under our proposal, as shown on Chart 6, we would have you apply a uniform indirect cost ratio of 48.8 percent, based upon your order in Phase 7, to the Bureau's direct cost, which all parties agree are reasonable on an *hourly* basis, not a mileage basis. Adding a 13.6 percent profit-margin to this cost figure, and using the 54 percent load factor standard per your Phase 7 order and a 10 percent dilution rate, you will obtain your revenue-hour benchmark. By the way, note that the value of the Fare Level Adjustment Factor is about six percent greater than the revenue need per available seat.

Taking this revenue-hour benchmark figure and applying appropriate ratemaking-hours, you will find your revenue-mile benchmarks. The Members of Congress have not yet made this conversion to a mileage basis since they are now of the opinion there are no realistic block times in the record. However, the Members are prepared to undertake this task with your assistance, if you so direct. Alternatively, the Members would ask you to apply 1971 block time, adjusted for the equipment distribution anticipated in 1972, to their revenue-hour benchmark.

While admittedly the resulting figures would not be precisely accurate, they would be more accurate than what any other party has so far proffered, since all their proposals are based upon a declining indirect cost ratio with distance. Naturally, the use of a slightly increasing indirect cost ratio would be preferable, but unfortunately no party has come forth with any evidence which would enable you to establish such a cost ratio.

Thus you must accept the Members of Congress approach, not because it is precisely equitable, but rather because it is the lesser of two evils; because it is closer to the real cost curve; because it is the only approach based upon actual R. & D. studies; because it is the only one that will make certain the revenues to the carriers can be sufficient should actual block time vary.

FARE LEVEL ADJUSTMENTS

Circuity factor

Turning to the various fare level adjustment factors, the first issue we take up is the circuity factor. Since passenger trips come in many varieties—nonstop, multistop, through plane, connecting plane—the fare level must be adjusted upward to take into account such dilution in yield per mile. It must be remembered, however, that since many such routings are frequently faster than direct service, they tend to increase the yield per hour, and hence the annual earnings since the level of costs per hour is relatively constant.

Under our fare proposal and that advanced by the Bureau, the circuity factor is built into the block time element. The level of this circuity factor is determined primarily by the mileage used to construct fares, and the permissible routings authorized by a fare.

Mileage element

With respect to the mileage element to be used for constructing fares, the Members of Congress are of the opinion that fares should be based upon nonstop, great circle distance between two airports without regards to route authorization or how the route is actually operated, because in their view this is the most equitable approach in light of the manner in which route certificates are issued, the requirements of Section 404(b), and your ruling in the *Hawaiian Common Fare Case*. A fare structure which is sometimes consistent with a route structure, and sometimes not, is clearly unduly preferential and prejudicial according to your prior ruling, and therefore unlawful. We believe section 404(b) was specifically enacted by Congress to avoid such discrimination.

Furthermore, the use of either the shortest authorized or operated approaches would set up a double standard: one for the carriers, another for the Board. We see no reason for your hands to be tied in this manner, if proper recognition is given to the carriers' revenue need through the circuity factor. The carriers will gain nothing by use of the shortest authorized or operated mileage, since the circuity factor would be reduced accordingly. On the other hand, you and the public stand to lose much. For these pragmatic reasons, among others, you should base normal-fares upon the great circle mileage between airports.

Permissible routings

In regards to the question of permissible routings, two proposals have been advanced. The feeder approach, which we support, is the more flexible of the two. It is designed around the operating characteristics of the airplane, the economies of density, and the general traveling habits of the public. Because it is designed to feed traffic from thin markets into the mainlines at one or more points without regard to the direction of travel, it is sometimes referred to as the hub-point routing approach.

The other approach, sometimes called the fill-up method, is used by the carriers at present. This approach, which is based upon the shortest authorized route, is linear in nature and designed around the operating characteristics of the choo-choo train.

For sometime now I have wondered what the public's reaction would be to the carriers continued use of the fill-up approach which literally forces the public to use the shortest authorized routing to obtain the lowest possible fare. I received my answer the other day down in Tulsa while waiting to purchase a ticket. There was a little ol' lady who wanted to go to Lansing, Michigan. The agent told her all the flights were filled and that the best he could do for her was a six-hour layover in Chicago. I watched intently, because I wanted to see if possibly the agent might suggest an alternate routing by way of Detroit. Much to my surprise, however, it was not the agent but the little ol' lady who suggested they look at a Detroit routing. The agent went into an immediate state of shock. How could she even consider such an unthinkable thing as a non-linear routing through a beyond point. Nevertheless she persisted. It is very difficult to deal with inexperienced travelers who insist upon using common sense, especially when they are little ol' ladies.

The point of the story is simply this: the Board can either join the public and make available feeder routings, or allow the carriers to continue to impede their movement with the fill-up system, but such routing restrictions are not going to stop the public from using circuitious routings when they are faster and more convenient.

Since the total revenues to the carriers are the same under either approach, the choice between the two routing principles turns in final analysis upon the question of costs. The linear fill-up method calls for a *smaller* circuity factor to be applied to a *higher* cost per mile, whereas the more flexible feeder approach would result in the application of a *larger* circuity factor to a *lower* cost per mile. This fact is supported by the Examiner's finding that the reason carriers operate routes more circuitiously than authorized is for their economic convenience; i.e., lower costs. Consequently, since the Act requires that you their economic convenience, i.e., lower costs. of furnishing service, rather than the smallest circuity factor, you are required to adopt the feeder principle since it will result in lower costs. The record in this phase and Phase 4 demonstrate that fact.

Marketability

With respect to the question of whether fares should be "cost based" or "cost related," the Act specifically requires that fares be based on costs unless the value of service for needed transportation demands a lower fare. This is a question of fact. In this regard, only the Members of Congress have submitted an empirical, probative market survey, or a witness who had personally conducted or supervised such a market study.

The survey was conducted by Sindlinger & Co., which regularly performs similar studies for General Motors, Ford, Sears, Montgomery Ward, various departments of the government, the Price Commission, and the White House. I might interject, the President of the United States is so impressed by this firm's work, that during his recent visit to Moscow he explained the firm's operation to Premier Kosygin during their evening at the opera.

According to Mr. Sindlinger, the results of the survey show that fares greater than costs are marketable at all distance; that cost based fares would not have an adverse effect upon the movement of traffic. Accordingly, you must find that normal-fares must be based upon the cost of service in all markets. There are no facts to support any other finding.

Load factor and dilution

Turning to the question of the load factor and dilution standards, the Members of Congress agree with your finding in Phase 4 that the principal purpose of discount-fares is to generate traffic to fill otherwise empty seats, and thus reduce costs from normal-fare traffic; and that in order that this not be frustrated, the load factor standard should logically be adjusted upward to take into account dilution in yield occasioned by discount-fare traffic. To do otherwise would be unjustly prejudicial to normal-fare traffic, and unduly preferential to discount-fare traffic, and hence unlawful.

In view of your finding that the load factor standard must vary directly with the dilution rate, you must find that any fare proposal which does not carry out this Board policy is unlawful. The creditability of your load factor policy, and your orders, rests upon you carrying out that directive.

For these reasons, even though we believe your 54 percent load factor standard is too low, and your 48.8 percent indirect cost ratio too high (based upon historical experience), we have designed our fare proposal to comply with every one of your prior rulings. The Fare Level Adjustment Factor in our proposal does not increase with dilution rate even if you vary both the load factor and dilution rate.

Dilution rate

With respect to the dilution rate itself, the Members of Congress do not believe a dilution rate greater than 10 to 12 percent should be recognized for establishing normal-fares. There are two reasons for this position. First, a higher rate would have an adverse impact on normal-fare traffic, and therefore be unlawful.

Second, while it is true a higher dilution rate will generate more traffic, it is not economically sound in the long-run. When the economy is booming a higher dilution rate is great for the carriers—it generates more traffic, enables them to purchase more planes and expand their investment base, and raise profits accordingly. But there is a hijacker aboard and he has a weapon called the business cycle. When he takes control with his economic slow down, he kidnaps the income elastic, normal-fare passengers. The carriers lose the traffic and the revenue. More important, they lose their cross-subsidation of the discount-fare traffic. Hence there is only one thing to do, raise fares and reduce the discounts. As a result, the price sensitive, discretionary, discount-fare passenger finds his fare going up 30 to 35 percent, so he gets off the plane too. Thus the investor is left stuck with a rather large over-investment and a relatively small traffic base.

Gentlemen, this nation went through this exercise from 1966 to 1971. Our investor constituents are still paying the price of the excessively high dilution rates of the late sixties. Let us therefore resolve here and now never to go down that road again. The Members of Congress ask you to set a reasonably low Dilution Compensating Factor which will protect both normal-fare traffic and investors.

OTHER MATTERS

Zone of reasonableness

Turning finally to various other miscellaneous issues, the Members of Congress support the so-called zone of reasonableness concept which uses maximum and minimum lawful rates, provided the maximum rate is based upon the cost of providing service and the burden of proof and burden of going forward with the evidence are not shifted to the complainant. In view of the high degree of price in elasticity as shown by the Sindlinger study—that is, fares would have to be increased well over ten percent to have any appreciable impact upon the movement of traffic—it would appear unrealistic to expect the carriers to compete meaningfully on a price basis. Rather, given this market situation, it should be expected the carriers will continue to compete primarily on a service basis. As a result, should the maximum rate be five or ten percent above costs it would only tend to draw fares upward.

Someday the market situation may change and become more price sensitive. When that occurs, the zone of reasonableness may become a useful tool for encouraging price competition. For this reason, the Members of Congress support the adoption of the zone of reasonableness approach. We believe the relinquishing of your 180 days suspension powers in certain cases is a small price to pay for the possibility of price competition.

Zone mileage blocks

There is another zone which we believe deserves your consideration, the zone pricing system. One of the issues in this proceeding concerns the rounding of fares. When fares are rounded to the nearest whole dollar, a variable zone of about 15 to 20 miles is created depending upon the rate per mile. What we are suggesting is that you permit the carriers to round to larger dollar amounts if they establish fixed mileage zones. In other words, should a carrier continue to use variable mileage zones it would be required to round to the nearest whole dollar after tax, but should the carrier adopt fixed mileage zone it would be allowed to round to larger dollar amounts depending upon the width of the zone established. In this regard it should be noted that all parties urging the adoption of great circle mileage system are arguing for a zone pricing system.

Larger zones would permit the carriers to consider using much simplier tariffs, such as those authorized by the Federal Communication Commission. This would reduce their cost of services and make the pricing schedule much easier to understand. More important, since such a pricing schedule would be built around the economies of density and the feeder routing principle, it would allow more flexible operations which in turn could result in a lower cost of furnishing service.

For these reasons, among others, we request that you permit the carriers to round fares to amounts greater than one dollar when they utilize fixed mileage zone. This authority would be permissive in nature, not mandatory.

CONCLUSION

Summary

In summation, the facts on the record disclose:

That the indirect cost ratio increases with distance;

That the indirect cost ratio used for establishing the fare level in your Phase 7 order does not conform with historical fact;

That there is a difference between the revenue-mile and revenue-hour approach, since the former declines with distance, whereas the latter rises;

That there is an inherent block time in every fare; and

That such variations may be as great as the profit-margin itself;

That the feeder principle is more economical and efficient for routing passengers than the fill-up method;

That there is no justification in fact for establishing normal-fare below cost at any distance;

That the load factor standard must vary with the dilution rate; and

That the Members of Congress fare proposal complies with every one of your directives.

Conclusion

In conclusion, gentlemen, the Hon. John E. Moss and 31 other members of the U.S. House of Representatives and United States Senate have carried the coals to Newcastle. They hope they have performed that task in a manner worthy of being remembered.

CHART 1.—TRUNKS—DOMESTIC FORECAST FOR 1972 AT INTERIM STANDARD LOAD FACTOR WITH FARE INCREASE OF 12 PERCENT AND ELASTICITY FACTOR OF −0.7

[Dollar amounts in millions]

	Revenue, passenger-miles	Available seat-miles	Aircraft block-hours	Available seat-hours	Direct operating cost				Indirect operating cost	Total operating cost
					Overall	Seat-mile	Aircraft-hour	Seat-hour		
Per exhibits in app. 4			4,619	612,620	$3,537.2				$3,399.4	$6,936.6
BE brief—App. 4					64.4					64.4
AA B-727-200					3.7					3.7
EA B-727-100					.6					.6
EA DC-8-61					2.1					2.1
EA B-727QC			8	901	5.0					5.0
As revised in app. 4	112,498	227,864	4,627	613,521	3,613.0	$0.0159	$780	$5.88	3,399.4	7,012.4
Standard depreciation adjustment					(18.4)					(18.4)
As revised in app. 4	112,498	227,864	4,627	613,521	3,594.6	.0155	757	5.86	3,399.4	6,994.0
Belly cargo revenue offset					(180.9)				(48.7)	
									(174.7)	(404.3)
Passenger service operating expense, app. 4	112,498	227,864	4,627	613,521	3,413.7	0.0150	738	5.56	3,176.0	6,589.7
Adjustment for load factor		(16,668)	(320)	(42,010)	(235.5)				(63.3)	(298.8)
Adjustment passenger service operating expense	112,498	211,196	4,307	571,511	3,178.2	.0150	738	5.56	3,112.7	6,290.9
Adjustment for price elasticity	(9,875)	(15,736)	(327)	(43,355)	(241.1)				(64.9)	(306.0)
Passenger service operating expense, app. 1	102,623	195,460	3,980	528,156	2,937.1	.0150	738	5.56	3,047.8	5,984.9
Ratio to total operating cost (percent)					49.1				50.9	100.0

Source: Appendices to orders 71-4-59 and 60. Aircraft block-hours, Civil Aeronautics Board.

CHART 3.—REVENUE HOUR DATA M.K. & O. TRANSIT LINES, INC. (FEBRUARY 1968)

Route	Revenue per mile	Percent differential to system average	Revenue per hour	Percent differential to system average
1	$0.5248	0.4	$6.94	9.1
2	.3604	(31.0)	5.19	(18.4)
3	.3300	(36.8)	4.85	(23.7)
4[1]	.4576	(12.4)	6.36	
5	.4800	(8.1)	6.02	(5.3)
6	.8340	59.6	7.84	23.3
8	.6163	18.0	7.37	15.9
10[1]	$0.5518	5.6	$6.12	(3.9)
12[1]	.5045	(3.4)	6.68	5.0
15	.6028	15.4	7.81	22.8
D.T	.3714	(28.9)	3.01	(52.7)
School	1.1772	125.3	6.59	3.6
System average	.5225		6.36	

[1] Inversion: one rate greater than system average, the other rate less.

Source: Exhibit MOC-1.

CHART 4.—COST HOUR DATA TRUNKS—DOMESTIC TURBO FAN, 4 ENGINE, REGULAR BODIED (12 MONTHS ENDED DEC. 31, 1970)

Equipment and operator	Total aircraft operating expense per mile	Percent differential to system average	Total aircraft operating expense per block hour	Percent differential to system average
B707-100B:				
American	$1.77	(3.3)	$742.02	(3.8)
Braniff	1.63	(10.9)	642.50	(16.7)
Trans-World	1.67	(8.7)	721.87	(6.4)
Subtotal average	1.72	(6.0)	729.31	(5.4)
B707-300B:				
American	1.70	(7.1)	738.41	(4.2)
Pan American	2.07	13.1	945.11	(22.6)
Trans-World[1,2]	1.84	0.5	741.75	(3.8)
Subtotal average[2]	1.83		777.85	.9
B707-300C:[2]				
American	1.85	1.1	766.82	(0.5)
Braniff	1.70	(7.1)	658.35	(14.6)
Continental[1,2]	1.83		837.63	8.7
Northwest	2.34	27.8	880.62	14.2
Western	1.59	(13.1)	752.86	(2.3)
Subtotal average	1.87	2.2	793.68	2.9
B720B:				
American	$2.02	10.4	$812.90	5.4
Continental	1.54	(15.8)	668.78	(13.3)
Northwest[2]	2.13	16.4	762.72	(1.1)
Western	1.71	(6.6)	717.10	(7.0)
Subtotal average	1.81	(1.1)	740.51	(3.4)
DC-8-50:				
Delta	1.81	(1.1)	706.01	(8.4)
Eastern	2.44	33.3	887.45	15.1
National	1.98	8.2	833.21	8.1
United[1]	1.68	(8.2)	760.41	(1.4)
Subtotal average	1.79	(2.2)	745.11	(3.4)
DC-8-61:[1]				
Delta	2.07	13.1	829.77	7.6
Eastern	2.33	27.3	863.92	12.1
National	1.70	(7.1)	736.74	(4.4)
United[1]	1.88	2.7	843.25	9.4
Subtotal average	1.98	8.2	839.63	8.9
DC-8-62: United	1.88	2.7	895.02	16.1
DC-8-63: Eastern	2.08	13.7	844.34	9.5
System average	1.83		770.94	

[1] Inversion: 1 rate greater than the subtotal average, the other rate less.

[2] Inversion: 1 rate greater than system average, the other rate less.

Source: Aircraft Operating Cost and Performance Report, Civil Aeronautics Board, vol. V (Augus 1971) p. 1, 15-17, 42-48.

CHART 5.—AVERAGE BLOCK TIMES (HOURS AND HUNDREDTHS OF HOURS), 1971

Mileage blocks	101–50	201–50	301–50	401–50	501–50	701–50	1001–50	1301–50	1601–50	1901–50	2201–50	2501–50
Domestic trunks:												
Turbofan, 4 engines, regular body	0.63	0.88	1.10	1.27	1.52	1.99	2.45	2.92	3.66	4.18	4.90	5.29
Turbojet, 4-engines	.62	.90	1.04	1.29	1.44	2.05	2.45	(1)	3.71	4.05	4.98	5.34
Turbofan, 3 engines, regular body	.63	.87	1.07	1.26	1.49	1.97	2.44	2.91	3.52	4.14		
Turbofan, 2 engines, regular body	.61	.84	1.05	1.27	1.51	1.86	2.45					
Local service:												
Turbofan, 3 engines	.63		.98	1.15								
Turbofan, 2 engines	.62	.90	1.08	1.30	1.41	1.89						
Average, 1971	.62	.88	1.05	1.26	1.47	1.95	2.45	2.92	3.63	4.12	4.94	5.32
Maximum variation from average:												
High	+1.6	+2.3	+4.8	+3.2	+3.4	+5.1			+2.2	+1.5	+.8	+.4
Low	−1.6	−4.5	−6.7	−8.7	−4.1	−4.6	−.4	−.3	−3.0	−2.7	−.8	−.6
Total swing	3.2	6.8	11.5	11.9	7.5	9.7	.4	.3	5.2	4.2	1.6	1.0
Ratemaking hours [2]	.65	.83	1.02	1.20	1.30	1.76	2.32	2.90	3.57	4.15	4.77	5.42
Variation from 1971 average:												
Block hours	+.03	−.05	−.03	−.06	−.17	−.19	−.13	−.02	−.02	+.03	−.07	+.10
Percent [3]	+4.6	−6.0	−2.9	−5.0	−13.1	−10.8	−5.6	−.7	−1.7	+.7	−3.6	+1.8

[1] Inversion: average block time 3.16 hours, not included in average.

[2] Exhibit MOC–15; 2 decimal points without departure and circuity factor; original source: Exhibits BC–4613–4623.

[3] Also percentage variation in actual yield per hour and annual revenues (assuming same utilization).

Source: Civil Aeronautics Board block time data for year 1971. Order 71–4–59 and 60: Net income after tax, $401,300,000; 5.8 percent of operating revenue. Taxable income, $771,900,000; 11.1 percent of operating revenues.

CHART 6.—FARE STRUCTURE PROPOSAL (JET COACH)

	MOC brief to examiner		
	Short/medium haul	Long haul	Phase 7 Order (chart 2)
Direct cost, per available seat-hour	$5.40	$5.05	$5.56
Add indirect cost at 48.8 percent of total cost (0.938 times direct cost) [1]	+5.07	+4.47	+5.22
Total cost, per available seat-hour (1.938 times direct cost)	10.47	9.79	10.78
Add return element at 13.7 percent of fare level (0.159 times total cost) [1]	+1.66	+1.55	+1.71
Fare level, per available seat-hour (1.159 times total cost; 2.246 times direct cost)	12.13	11.34	12.49
Add fare level adjustment factor for 54 percent load factor and 10 percent dilution (1.0576 times fare level, per available-seat) [2]	+12.82	+11.99	+13.21
Fare level, per passenger-hour [3] (2.0576 times fare level, per available seat; 4.621 times direct cost)	24.95	23.33	25.70
Less 10 percent in revenue occasioned by discount-fare traffic	−2.50	−2.33	−2.57
Average fare yield per passenger-hour	22.45	21.00	23.13

[1] MOC brief to examiner, per order 71–4–59/60.

[2] MOC brief to board, p. 38.

[3] Benchmark per hour, jet coach. To establish fare level benchmarks per mile and arbitrary charge, apply ratemaking block times which include a circuity factor.

A TOAST TO THE FLAG

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DUNCAN. Mr. Speaker, Mr. Gene Rickett of Knoxville, Tenn., has provided me with a poem which speaks of the love we all share for our flag. With July 4 approaching us this poem takes time to remind us of the proud heritage which our flag represents to all Americans.

The poem follows:

A TOAST TO THE FLAG

Here's to the red of it—
There's not a thread of it,
No, nor a shred of it
In all the spread of it
From foot to head,
But heroes bled for it,
Faced steel and lead for it,
Precious blood shed for it,
Bathing it Red!
Here's to the white of it—
Thrilled by the sight of it,
Who knows the right of it
But feels the might of it
Through day and night?
Womanhood's care for it
Made manhood dare for it,
Purity's prayer for it
Keeps it so white!
Here's to the blue of it—
Beauteous view of it,
Heavenly hue of it,
Star-spangled dew of it
Constant and true;
Diadems gleam for it,
States stand supreme for it,
Liberty's beam for it
Brightens the blue!
Here's to the whole of it—
Stars, stripes and pole of it,
Body and soul of it,
O, and the roll of it,
Sun shining through;
Hearts in accord for it,
Swear by the sword for it,
Thanking the Lord for it,
Red White and Blue!

THE RIPON SOCIETY ON DEMOCRATIC PARTY REFORMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. FRASER. Mr. Speaker, with the Democratic National Convention about to convene in Miami Beach, a great deal is being written and said about the new reform procedures under which delegates from each State, territory, and the District of Columbia have been chosen in 1972. Under mandate from the 1968 convention to open its processes to the full participation of all Democrats, the Democratic Party has undergone the most sweeping reform of any political party in at least 100 years, and perhaps ever. Full and meaningful participation by rank-and-file party members has become a reality in the Democratic Party. Over 98 percent of all delegates to the 1972 convention have been elected in processes open to full participation. Democrats have a right to be proud of this amazing achievement.

In this regard, I believe it is worth noting that the Ripon Society, a Republican organization, agrees with this assessment. It is also interesting to note what leaders of that organization have to say about the political processes of both parties in their publication of June 15, 1972. An excerpt from that publication is as follows:

RIPON SOCIETY-DEMOCRATIC PARTY REFORM, JUNE 15, 1972

But Republicans ought not be too smug. For the new rules have opened the Democratic Party in a way that has attracted legions of voters across the country. The Democratic Party has been "where the action is," not merely because it had a real decision to make on its presidential nominee, but also because there was a real opportunity to influence that decision.

Here the caucus system was ingenious. It got people involved in selecting the Democratic presidential candidate at the grass-roots level. Even if their name wasn't mentioned in a wire service story covering a precinct caucus in a Des Moines living room, thousands of people across the country felt they were part of the nominating process and, as a result, became committed to the Democratic Party.

In California, between January 1 and April 13, those registering to vote opted for the Democratic Party in nearly a three-to-one ratio. During these three-and-a-half months, 400,000 more people selected the Democratic Party than the GOP, a margin that is nearly double President Nixon's 1968 winning California plurality of 223,000 votes. Clearly, being "where the action is" has not hurt Democratic registration.

Republican delegates watching the Democratic Convention on their televisions in July, will recoil in horror at the disorder the McGovern Commission's reforms have brought. They will go to Miami Beach in August even more determined not to repeat the "mistakes" made by the Democrats.

But the Democrats have not made a mistake. They have been willing to risk the difficulties of diversity and conflict for the benefits of involvement and commitment. If the Republican Party is ever to become the majority party, it must first become an "open party." The 1972 GOP delegates may feel comfortable in the controlled environment of the Republican Convention. But unless these delegates can send a message to the electorate that they welcome grass-roots participation in the GOP and will respond to it, the Party they control will continue to dwindle.

SENATE CUTS POST-SALT FUNDS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HARRINGTON. Mr. Speaker, I have continually voiced my support of the SALT agreements, feeling that they mark the commencement of a new dimension in this country's foreign relations. The President took a great step forward in his talks with the Soviet Union, and it is my hope that these measures in arms limitation will not be adversely affected by anything that would demonstrate to the world that America does not have trust and confidence in these agreements. I believe that the appropriation of the $110 million requested by Secretary of Defense Laird to upgrade strategic programs not limited by the talks would do exactly that.

It was for this reason that on June 27 I offered an amendment to the military procurement authorization that would delete these funds. Although the amendment failed, I still hold that the granting of these funds now would weaken the accomplishments of the summit meeting, and was therefore pleased to see that the Senate Armed Services Committee, chaired by Senator Stennis, deferred action on Secretary Laird's request, declaring that it lacked sufficient justification.

I include in the Record an article by George C. Wilson concerning the Senate committee's action which appeared in the Washington Post on June 30, 1972. It is my intention, by inserting the article, to point out to my fellow Members of the House that our distinguished colleagues in the Senate have indeed acted in fine fashion and I commend them for it. The article follows:

Senate Unit Balks at Missile Shield for Washington

(By George C. Wilson)

The Senate Armed Services Committee yesterday refused to approve money for a missile defense of Washington until the Pentagon comes up with a more convincing justification, including the cost.

Chairman John C. Stennis (D-Miss.), told reporters that his committee "ran out of time" in waiting for details about the site. It thus approved a military procurement bill authorizing only the Grand Forks, N.D., anti-ballistic-missile (ABM) defense.

President Nixon, on the basis of the Strategic Arms Limitation Talks with the Soviet Union, had requested congressional approval of missile protection for both the Washington command center and for the Minuteman ICBM base at Grand Forks.

Also, Defense Secretary Melvin R. Laird asked Congress for $110 million to beef up the U.S. offense, linking the need to the arms limits imposed by the SALT agreement. The Stennis committee deferred action on those requests as well.

"Those items were deferred without prejudice, and some may be recommended later as committee-approved amendments, once full justifications are presented," Stennis said.

The committee refusal to rush into new programs may result in the Senate voting on the SALT agreements first and the Pentagon's latest requests for more weapons second. Stennis said he did not know how the legislative calendar would work out.

The Defense Department also came close to being turned down on its request to accelerate the Trident (also called ULMS) jumbo submarine program. Stennis said the committee voted 8 to 8 to deny procurement funds for Trident on a motion by Sen. Lloyd M. Bentsen Jr. (D-Tex.). The tie meant the motion failed.

The Pentagon for the new fiscal year beginning July 1 asked $422 million to buy hardware for the Trident submarine and another $555 million for research and development on it. Opponents argue that the Polaris/Poseidon fleet of missile-carrying submarines is adequate and that speeding into Trident construction might impel the Soviets to follow suit.

The Bentsen amendment, as described by Stennis, would have cut out the $422 million for procurement.

The extra $110 million in research funds Laird requested to offset SALT consists of $60 million to make Minuteman ICBM sites less vulnerable to attack; $20 million to accelerate Navy development of a cruise missile for submarines; $20 million for work on improved warheads, and $10 million for military communications and surveillance.

The Senate committee approved none of that extra $110 million, while the House earlier this week voted for all of it.

All told, the Senate committee approved $20.6 billion to buy weapons and conduct research on advanced ones—an amount $700 million less than the House approved and $2.7 billion less than the Pentagon requested.

While approving most of the big weapons programs, including $445.5 million for the B-1 bomber and $290 million for hardware for the Navy's fourth nuclear-powered aircraft carrier, the committee pared military manpower by 56,000 men.

TO HONOR RETIRED FIRE CHIEF

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DERWINSKI. Mr. Speaker, I insert in the Record a column by Alec Kerr, of the Star Tribune, announcing the retirement of Fire Chief Edward Mulder, of Harvey, Ill. In so doing, I wish to pay my compliments to Edward Mulder for his years of service.

I wish to emphasize the point of the dedicated individuals such as Mr. Mulder in communities such as Harvey and across the Nation. I, personally, believe that there should be more publications commending dedicated hard working officials such as Ed Mulder rather than give such attention to the radicals of the day, who are working to destroy rather than preserve the country:

To Honor Retired Fire Chief

(By Alec Kerr)

Plans are being laid for a retirement party honoring Edward Mulder who retired June 1 as fire marshal of the City of Harvey, a position he held for 16 years. Mulder had been a member of the Fire department for 12 years prior to the promotion which made him its chief officer.

The Harvey man, known for his fire-fighting techniques throughout Illinois, will be honored by his colleagues and friends at a banquet to be held in Harvey's Holiday Inn on Saturday, July 15, at 7 p.m.

The early years of the Harvey Fire department are somewhat confusing concerning the succession of fire marshals.

The History of Harvey, written in 1962, records the formal organization of the Fire department "in 1897 or 1898" under Chief John Ott, who aided in the purchase of Prince and Duke, dapple gray horses, which became widely known as one of the fastest fire "teams" in Illinois. Besides the chief, the department had five regular members.

The document lists one chief, Frank Bartle (1891–92) who preceded Ott, although the latter is recorded as having begun his service with the department in 1892 instead of 1897. We can assume that the first five years of his tenure was as a volunteer.

This record is at odds with another source used by the Fire department as a promotional item in connection with its annual dance in 1948 which listed two Ott predecessors, Frank Bartle (1893–95) and Emmet Boyce (1895–97) with John Ott taking over in 1897. This could, actually, be the more accurate of the documents, but the only effect would be a reduction in the number of years Ott served as chief, from 24 to 19 years.

What we had started out to do was determine whether Mulder held the post longer than any of his predecessors. Apparently, he must settle for runnerup honors, Ott having served for 19 years and Mulder for 17.

That is, of course, relatively unimportant. What is of vastly more consequence is the fact that Mulder served as chief during a much more critical period—when Harvey's business, industrial and residential growths were at their peaks. He commanded the largest staff in the history of the department and supervised the use of far more complicated fire-fighting equipment. His contribution to the safety of the community and its residents has, therefore, been unparalleled in the city's history.

Ed Mulder has been a dedicated fireman and an able leader and as such has earned the admiration and respect of the community. It is appropriate, therefore, that its citizens pay him tribute as he brings a career of unselfish service to a close and make plans to attend the dinner at which he will be honored.

PERSONAL ANNOUNCEMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BINGHAM. Mr. Speaker, due to pressing matters in my congressional district I was not present for votes on June 5, and June 12 through June 19. Had I been here, I would have voted "aye" on rollcall numbers 185–189, 196–201, 205, 206, 208, 210, and 211. I would have voted "nay" on rollcall numbers 203, 204 and 207.

BOB PAFFORD OF CALIFORNIA—BEST BUREAU OF RECLAMATION ASSET

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. LEGGETT. Mr. Speaker, they say that California enjoys its preeminence in agriculture because of water resource development. We are blessed in California with three major competitive agencies: the Bureau of Reclamation, the Corps of Engineers, and the California Department of Water Resources.

The Bureau has particularly been managed with distinction over the past decade by a very innovative water development pioneer, Bob Pafford. Bob has accomplished miracles in many projects and is now setting his mind and team to the task of completing the Tehama-Colusa Canal project with a budget of $14 million plus this year.

The Willows Daily Journal, having recognized in the past the work of Engle, Carr, LEGGETT, and others on this authorization, now gives appropriately top honors to Bob Pafford as follows:

PAFFORD AWARDED; CANAL "SPARKPLUG"

SACRAMENTO.—Robert J. Pafford Jr., Regional Director of the U.S. Bureau of Reclamation and a continuing sparkplug of the Tehama-Colusa Canal, is a recipient of the Interior Department's highest honor—the Distinguished Service Award.

He received it, for one reason, because he planned and carried out the epochal fish-spawning facilities in the Tehama-Colusa Canal below Red Bluff.

Due to his efforts, for the first time in recorded history fish are being spawned in a man-made canal.

At the May 31 dedication of the Glenn-Colusa Irrigation District's fish-screening facility above Hamilton City, L. Edward Perry of Portland, Ore., Deputy Regional Director of the U.S. Fish and Wildlife Service, said the Tehama-Colusa Canal fish-spawning channel "has exceeded all expectations."

It is expected to add some 2 million pounds of chinook salmon to the Sacramento River fishery each year.

Pafford received the Distinguished Service Award at an Interior Department Honor Awards Convocation in Constitution Hall, Washington, D.C., Thursday.

It recognizes Pafford's "outstanding contributions in engineering and administration" during his 38 years as a career Federal civil-service employee.

Secretary of the Interior Rogers C. E. Morton said of Pafford that "his demonstrated concern over the environmental impact of Bureau facilities" was one of the reasons he received the medal.

He pointed out that several years ago Pafford approved and put into effect the plan to construct the Tehama-Colusa Canal's artificial fish-spawning facilities just below the Red Bluff Diversion Dam.

"Working in close cooperation with State and Federal fishery agencies." Morton said, "Bureau designers solved many highly technical problems which led to the completion of those facilities in October, 1971."

A citation accompanying the award notes that "Mr. Pafford's decision to concentrate the resources of the Region on solving this environmental problem and his leadership in solving it preceded by several years the public awareness of dangers to the environment."

He played a key role in securing full clearance of the canal from an environmental point of view.

Before transferring to the Bureau of Reclamation in Sacramento in January, 1963, as Regional Director, Pafford had spent more than 28 years with the U.S. Army Corps of Engineers. He was prominently associated with the Pick-Sloan plan, a cooperative program between the Corps of Engineers and the Buerau of Reclamation covering the entire 10-state Missouri River Basin.

Pafford is the author of the "Reservoir" article in the Encyclopedia Britannica and co-author of a paper on "A Disposal System for Agricultural Waste Waters in the San Joaquin Valley of California," which he presented at the Seventh Congress of the International Commission on Irrigation and Drainage in Mexico City in 1969.

He is a member of the American Association for the Advancement of Science, California Tomorrow, the U.S. Committee of the International Commission on Irrigation Drainage and Flood Control, the U.S. Committee of the International Commission on Large Dams, the Wilderness Society and the Audubon Society.

His previous awards include Federal Employee of the Year in 1955 in the Nebraska area and the Department of the Army's Meritorious Civil Service Award in 1956. He earned a bachelor of science degree in electrical engineering at Kansas State University, graduating in 1931.

McGOVERN'S CREDIBILITY

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SPRINGER. Mr. Speaker, Tom Wicker, associate editor and columnist for the New York Times, has written an excellent article as of June 22 in the New York Times. He had previously written an article on June 4, entitled, "Redistributing the Wealth in the Nation," in which he tried to explain the McGovern plan to pay every man, woman, and child in the United States, regardless of his or her income or wealth, $1,000 each per year.

Unfortunately, Mr. Wicker was suckered, as were many people this last winter, as to what the McGovern welfare plan would do.

In his June 22 article, entitled, "McGovern's Credibility," he takes the Senator to task for not only a lack of understanding, but a complete misrepresentation of how much money would be required, how taxes would be distributed, and what the average tax increase would be for those earning $12,000 to $20,000 a year. Mr. Wicker points out:

> For those above $20,000 the tax increase might average 80 percent or more, if the estimate of $27 billion in additional revenue was to be reached.

Mr. Wicker says:

> The road to credibility gap and elsewhere is paved with good intentions, and if George McGovern really wants to restore the faith and trust of the American people in their Government, he has made a bad start of it with this income program.
>
> As is always the case with credibility lapses, he also has called into question some other pledges and calculations.

The articles follow:

[From the New York Times, June 4, 1972]

REDISTRIBUTING THE WEALTH

(By Tom Wicker)

The "fundamental redirection" of the nation proposed by George McGovern in his Presidential campaign depends first on raising billions through tax reform and military reductions. So, in different fashion, does Mr. McGovern's most interesting and controversial proposal—a minimum income guarantee.

Here is the way McGovern spokesmen say the plan would work:

Each year the Federal Government would pay $1,000 to every man, woman and child in the United States, regardless of his or her income or wealth. Each would have to pay Federal income tax on this sum, as if it were earnings; each would earn as much additional money as possible.

The grants would replace the controversial welfare program called aid for dependent children. A mother now on welfare, with three children and no husband, would get $3,000 a year plus anything else she might earn, although there would be no work requirement; but she would pay Federal income tax on her total income.

A family of four with an income of $6,000 would get a $4,000 cash supplement; so would a family of four with an income of $50,000; but each family would be taxed on the total. For families with earnings below a set "break-even" point—say, $12,000 for a family of four—the plan would provide a net income supplement that would decline as their total income neared the break-even point; families with incomes above the demarcation line would have a net increase in their tax payments.

Mr. McGovern has been having difficulty explaining how this vast income program would be paid for, and what it would cost. Spokesmen say this is because it would be more nearly a function of the Internal Revenue system than of ordinary Federal budgeting; and also because policy decisions, such as where to set the break-even point, would sharply affect the cost.

In general, however, they say the main burden of the plan would be borne by eliminating the $750 personal tax exemption to which every citizen is now entitled; these exemptions are estimated by McGovern's staff to cost the Treasury about $63 billion. Eliminating them would have the net effect of a tax increase.

As it works now, however, the personal exemption system favors the well-to-do rather than the poor. Mr. McGovern's example is that a family of four in the 50 per cent tax bracket gets a net benefit of about $1,400 from its exemptions, while the same family in the 14 per cent bracket benefits by only $392.

Mr. McGovern's proposal would mean that a family of four with an annual income of $60,000, now paying income tax on only $57,000 because of its four $750 exemptions, would pay taxes in the future on $64,000—its income, plus its $4,000 in grants, with no exemptions. This obviously would result in a substantially higher tax payment, even without a change in tax rates.

If the income grant program were put into effect, the McGovern men say, there would be an immeidate savings of $8 billion, from the elimination of persent Federal cost of aid to dependent children. The states would save about $5 billion in welfare costs, over and above their $2-billion contribution to the aged, blind and disabled; thus, Mr. McGovern would subtract from his other spending programs—to be paid for with tax reform and defense cuts that he says will total $60.5 billion—the $5 billion he now proposes for revenue sharing with the states.

The minimum income grants would go to Social Security recipients, so Mr. McGovern also could take out of his putative budget the $10 billion he is now proposing for Social Security benefit increases. With this $23 billion in savings, and by eliminating personal exemptions, Mr. McGovern estimates that a break-even point of $8,500 for a family of four "probably" could be established without further tax increases.

But a break-even point of $12,000 would require $27 billion more revenue, for which a tax-rate increase would be necessary. The McGovern estimate is that this sum could be raised by a combination of increases that would cost an average of about $50 per taxpayer among persons earning $12,000 to $20,000 annually; but above that sum the increases probably would be much larger.

Some will view this as a dole to the poor and many of those to be taxed more heavily will obviously object, but the plan has numerous advantages, too. It would eliminate the welfare bureaucracy and stop migration from one state to another for higher welfare benefits, and instead of taxing low-income people to support the indigent, as at present, it would provide all low-income families with an income supplement.

It would do all those things, that is, if it works the way George McGovern and his economic aides say it will. Among economists and political opponents there is considerable dispute about that—particularly about the accuracy of Mr. McGovern's revenue estimates and the likelihood that he could raise or save the sums that would be necessary. Like the plan's price tag, all that remains to be seen.

[From the New York Times, June 22, 1972]

McGovern's Credibility

(By Tom Wicker)

Washington, June 21.—His victory in the New York primary puts Senator George McGovern on the brink of the Democratic Presidential nomination. That makes it all the more necessary that those who believe the McGovern campaign promises the right directions for the nation should insist that he himself live up to that promise.

Specifically, Mr. McGovern cannot at one and the same time proclaim his intention to restore the "credibility" of the Presidency and at the same time pretend that his program for income redistribution was just a casual idea to which he was never really committed. The fact is that it was only when analysts began to show the economic holes in that program that Mr. McGovern started backing away from it.

In this space on June 4 there appeared an explanation of how the complicated scheme—for an income supplement of $1,000 per person to every American—was supposed to work. That explanation was based on conversations with, and a seven-page document prepared by, the McGovern staff. All this was accepted far too uncritically, with the result that the McGovern income program was made, in this column, to seem more practical and carefully worked out than it is. This was a journalistic sin for which responsibility is hereby accepted; it was also reaffirmation of the cardinal lesson that every political reporter learns and re-learns—that everything said and done by politicians seeking or holding power has to be constantly challenged.

The most obvious distortion concerned the net gain to the Government if the $750 personal tax exemption for every taxpayer were eliminated in favor of the $1,000 McGovern grant. McGovern men put that figure at $63.6 billion; Mr. McGovern himself, in the California primary, repeatedly said it would be either $60 billion or $70 billion; in fact, disinterested tax authorities say, it would be less than half that much—a fact which both aspiring politicians and gullible reporters should have had no difficulty in establishing.

For another example, the McGovern staff document—and consequently the article here—said that a family of four, earning $60,000 a year, would have less income under the McGovern program because they would pay taxes on $64,000 a year (without exemptions) rather than $57,000 a year (with exemptions but no grants). In fact, as many persons have since pointed out, depending somewhat on its deductions, that family's after-tax income—if rates remained the same—would be little changed, and might in some cases be higher.

Again, the McGovern staff document said that to provide income supplements up to a $12,000 income for a family of four, without a net increase in its taxes, would require an average tax increase of $50 per taxpayer on those earnings between $12,000 and $20,000 a year. It did not add, as it should have, that for those above $20,000 the tax increase might average 80 per cent or more, if the estimate of $27 billion in additional needed revenue was to be reached.

Senator McGovern now seems to be disavowing this specific program, so all these errors of omission and commission may not much matter, in a practical sense. What does matter is that expert economic analysis so impugns the program that it was either extremely careless or deceptive to put it forward in that form; and what also matters is that it is not believable that Mr. McGovern himself considered it only an experimental idea.

He discussed the program, for instance, in six pages of text with Elizabeth Drew in a television interview in Los Angeles and never suggested it was a tentative proposal ("Well, actually, Liz," he said at one point, "I don't think it would cost much of anything.") He did suggest the $1,000 figure might have to be adjusted but he consistently referred to "the program that I've recommended."

That, of course, may be what is finally important—George McGovern is thinking of a program of income redistribution, and it may well be that nothing is more vitally needed in a society in which 1 per cent of the population holds 28 per cent of the wealth, and in which the poorest fifth of the people receives only about 4 per cent of the annual national income.

In that sense, Mr. McGovern's errors of specificity are less important than his intensions; but the same could have been said of Richard Nixon's 1968 pledge to "end the war and win the peace." The road to credibility gap and elsewhere is paved with good intentions, and if George McGovern really wants to restore the faith and trust of the American people in their Government, he has made a bad start of it with his income program.

As is always the case with credibility lapses, he also has called into question some other pledges and calculations.

H. H. MORRIS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MAZZOLI. Mr. Speaker, it is with mixed emotions that I note the retirement of my good friend, my fellow Kentuckian, and our distinguished Postmaster of the House of Representatives, the Honorable H. H. Morris.

I am, of course, pleased that "Hap" Morris has served the House of Representatives and his country with distinction and honor for enough years to qualify him for retirement and a well deserved rest.

But at the same time, Mr. Speaker, I must confess to no little sadness in the knowledge that my good friend Hap will no longer be around to give advice, counsel, and encouragement to me and to all Members of this distinguished body.

Having come to the House in the 92d Congress, I do not have the wealth of memories and anecdotes concerning Hap's service which my distinguished colleagues from Kentucky possess by reason of their longer relationship with this gentleman. But, my memories of Hap make up in quality what they might, perhaps, lack in quantity.

He has been a good friend, a thoughtful adviser and a trusted confident during my months in Congress. That I will miss Hap Morris, his smile and his pleasant words goes without saying, Mr. Speaker.

That I wish him every possible happiness, and all good health in many years to come also goes without saying.

Hap Morris has served this House and its Members with unflagging devotion and uncommon dedication, and this House and all of its Members are forever diminished by Hap's retirement.

SIDNEY MARGOLIUS, PIONEER IN CONSUMER JOURNALISM, HONORED BY CONSUMER FEDERATION OF AMERICA

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mrs. SULLIVAN. Mr. Speaker, the Consumer Federation of America, organized in 1967 as an outgrowth of the efforts of Esther Peterson to build a permanent base of consumer organization in this country while she was serving as Special Assistant to President Johnson for Consumer Affairs, has become a powerful force in the consumer movement in only a few short years. A year ago, it initiated annual awards for service to consumers, making its first presentations to Senator Philip A. Hart of Michigan for public service and to Dr. Colston A. Warne of Consumers Union for leadership in consumer affairs.

On June 9, at the Mayflower Hotel, it was my great honor to receive the second public service award. The second award for leadership in consumer affairs was presented to Sidney Margolius, columnist and author, who was the pioneer in consumer journalism in the United States and is one of its greatest practitioners.

Helen E. Nelson, president of the Consumer Federation of America, is the former head of consumer affairs for the State of California, where she achieved an outstanding record in the administration of former Gov. Edmund G. Brown. The executive director of CFA is Erma Angevine, who has been responsible for building the organization into its present size and influence.

Mr. Speaker, under unanimous consent, I submit for inclusion in the Congressional Record the remarks made by

Mr. Margolius in accepting his award. I am sure it will be of great interest to every Member of Congress who has voted for or worked on consumer issues, for he is one of the outstanding figures in this expanding field of national interest.

Mr. Margolius' remarks were as follows:

I am deeply honored by this award, and I must say, still surprised and a little embarrassed when I think of the many people working hard for consumers who deserve this award as much or more. The Awards Committee must have given a lot of weight to longevity. An award is something I never expected when I became interested in consumer problems some 35 years ago, and my fellow consumer journalists and I held our first convention in a phone booth in a Greenwich Village drug store. Sometimes during those isolated years I used to think that the light you could see in the eyes of the few consumerists of that time really came from the sun shining through the holes in our heads.

I came to consumer work in the depression of the 1930's through my interest in the labor movement where I had been a volunteer organizer for a teamster local in the New York wholesale produce market. I was motivated mainly by a sense of indignation at the cynical exploitation of working people both as workers and consumers in this big market where I myself worked as a business-news reporter. That sense of indignation kept me working on consumer problems even when some of my friends made me feel that I was some kind of kook, who would traipse 25 miles to Harlem to talk to a meeting of even four people about installment credit gyps. I was advised many times that if people stopped buying on installments the whole economy would collapse.

But there were two people who did encourage me over the years, and this award is the one I'd like to share with my wife, and with Gordon Cole, editor of The Machinist.

Without Gordon there would not have been the outspoken, persistent consumer coverage in the labor press that in those years was just about the only consistent consumer reporting available except for Consumers Union's reports. At that time only the labor and the co-op papers would have permitted this kind of candid, name-naming information to be published as a regular feature.

Gordon became editor of The Machinist in 1947 and a few months later got me working on a consumer column which was then made available to other labor, co-op and credit union papers.

Gordon himself had been one of the country's first consumer reporters. When he was on the Washington staff of the newspaper PM in the early years of World War II, he carried on some terrific campaigns for price control including exposing how top officials of the Office of Price Administration, who had come from advertising agencies and food companies, were trying to kill the grade labeling needed for effective price control. Gordon's determined reporting undoubtedly did much to hold down prices during those years of real inflationary pressures, and also helped to keep price control in effect for at least a while after the war.

But if it was Gordon's enterprise and constant promotion that developed broad consumer coverage in labor and other papers, it was my wife's hard work and enthusiasm that made possible the wide ranging research we've done. Not only has Esther actually stayed up all night with me many nights to help finish urgent projects, but we keep motivating each other. If I'm not in a state of indignation about some consumer gouge, she is likely to run across something that makes her indignant, and back to the typewriters we go. I remember one day she came home with a bagful of new kinds of oatmeal with added ingredients like sugar, and bits of dried apple, that raised the prices enormously. We found that one new product which I can only describe as instant instant oatmeal, could be prepared in half a minute instead of one minute. But the housewife paid for the time saving at the rate of $4.50 an hour, while her husband, the average worker, earned $3 an hour. The husband obviously would be better off staying home and stirring oatmeal for his wife, sprinkling sugar on cereal for his children, and so on.

Anyway, since I hate to throw anything out, I ate oatmeal for a long time. Esther's been very patient too. When we were working on The Great American Food Hoax, I gradually accumulated in my office many of the foods from her cupboard, for price comparisons. Finally one afternoon she came down and apologetically asked, "Can I have back either the rice or the noodles so I can make dinner?"

It's especially gratifying for me to be here tonight when Leonor Sullivan is getting an award. I always think of Leonor as a kind of consumer heroine who overcame all kinds of obstacles to get a strong truth in lending law through Congress. Many consumer bills are introduced nowadays but few are enacted and even some of those are not very effective. Leonor not only introduced the most important bill of all but she got it through Congress, using every possible political art, and never giving up when she encountered some temporary setback. She even got me to help her though I was aware that if a truth in lending law ever did get passed I would lose one of my best sources of writing material.

Recently Frank Pollack of Consumers Union was struck by the fact that many of the same consumer issues of 30 years ago exist today. The country still has problems of inflation, price control, high rents, contaminated foods, flammable fabrics, hazardous products, higher living costs in ghetto neighborhoods, and many others.

Does that mean that consumer work doesn't solve any problems? I can hardly believe that.

I think that the fact that the problems continue means that consumer progress is never fully completed. There is some measurable progress as in the enactment of the Truth in Lending law and in alleviation of other consumer credit problems, and some progress in unit pricing, and in making products safer. But at the same time new problems develop. You might get FDA to set standards for peanut butter, after 11 years, and canned orange drinks after 10 years, but meanwhile the manufacturers bring out dozens of other deceptively promoted products. You gradually force some alleviation of product hazards in children's toys and power lawn mowers, for example, but then other hazardous products come on the market.

I've come to believe that you can never expect a final resolution of consumer problems. The consumer movement must be an ongoing activity, a constant guardian on behalf of the public welfare. In actual fact, the consumer movement is the price of free enterprise.

Unless the system itself is changed, we'll have to go on digging out facts, informing the public and prodding the government. A consumer worker is something like a doctor specializing in sinus treatment. His patients never die but they never get well. But to be effective, we are going to have to become increasingly expert and find the financing and the resources to stop some of the tremendous waste of family and national resources now going on in this country.

The current price control fiasco demonstrates again the urgent need for a strong Consumer Federation with its own corps of experts. The Administration's program was hastily conceived, and made no effort to reach the tap roots of inflation, or gave even any indication that the jerry builders of this program knew where the tap roots were. The program was either political hypocrisy or a product of ignorance, and I hope it was merely hypocrisy. I'd be more frightened than ever to think that our country's economic fate is in the hands of officials so unknowing of real-life economics, including that instant instant economist, John Connally of Texas.

I don't think people realize how little many government officials really understand about consumer economics. In 1965, when Helen Nelson and I were serving on Esther Peterson's advisory council, we asked the then chairman of the Council of Economic Advisors what the Administration planned to do about the new inflation that was in the making. On the specific question of food prices, the government's head economist replied that he saw no problem since food, quote, is a highly competitive business.

Well, that comment must rank among the most famous last words of history. The main competition in the food business at that time was in different colors of trading stamps.

Esther Peterson herself foresaw the need for consumer organization. She realized that her role of representing consumers in the White House could change with a new administration or even with a change in the mood of a President, and that a permanent base of consumer organization had to be created. For this reason she devoted some of her office's limited resources to encouraging the development of local consumer groups and of a national organization. This is a work that Betty Furness wisely continued. When Erma and Dave Angevine took on the job of organizing the first Consumer Assembly in 1966, the first broad consumer organization we ever had in this country was launched. I consider the achievements of CFA remarkable even with its modest budget and small staff. For the first time consumers have had consistent and knowledgeable representation of their needs before Congress and government agencies, and a continuing and dependable spokesman to the press for the consumer point of view. Previously, consumers had to rely mainly on the labor unions for representation, and the unions did yeoman service for consumers and still do. Otherwise there was only sporadic and haphazard representation at both the federal and state levels, sometimes by members of the Consumers Union Co-op and credit unions staffs doing double duty, and occasionally by some of the women's organizations. CFA has given consumers more visibility nationally, and the new state consumer organizations have given us more visibility locally, than we have ever had in the 35 years that I've been observing this scene.

There is not going to be any simple or immediate solution to consumer problems. There is no overall gimmick or cureall such as consumer education or a consumer department in government or a sudden awakening of a sense of corporate responsibility.

There is no substitute for an ongoing consumer movement on both the national and local levels that will bargain for consumers as strongly and effectively as the trade unions bargain for workers. Thus, there is no substitute for a strong, expert Consumer Federation. If there is one thing that I've learned in these 35 years, it's what I said before: a well-organized consumer movement is the only force that can make genuine free enterprise operate effectively for the benefit of the entire nation. Those who clamor for the rights of free enterprise and of profit-making business, had better understand this fact for the sake of the system they claim to defend.

I want to thank the organizations and consumer workers that make up the Consumer Federation for this award, and all of you, for this opportunity to offer my own experiences to a tolerant if captive audience.

AGRICULTURAL POLLUTION PROBLEMS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SCHWENGEL. Mr. Speaker, a major part of the job to be done in achieving the goal of clean rivers and streams is to cope successfully with the growing problems of pollution control on the farm and ranch lands of our country. The changes in farming and land management techniques which have brought us such a wide variety of nutritious and high quality foods have also brought water pollution problems which were not present to serious degrees under old farming methods.

Agricultural land, because of type and intensity of use and because of its large areas exposed to erosion, supplies the greatest amount of the Nation's sediment yield, perhaps over one-half of the total.

The major sources of agricultural water pollution are sediment, herbicides and pesticides, fertilizers, and livestock wastes. Sediment, of course, is not only a major pollutant in its own right, but it is also a major carrier of all the others, as well as some infectious agents which are now causing serious health hazards. At our 1971 Public Works Subcommittee on Conservation and Watershed Development hearings in Wichita, Kans., Melville W. Gray, Chief Engineer and Director of the Division of Environmental Health, stated:

> It is our contention that there is no way by which Kansas can meet all water quality standards by the control of conventional municipal and industrial wastes . . . It is also our estimate that less than 10 percent of the total phosphate load in Kansas waters are attributable to industries and municipalities. The inference, of course, is that these materials, the remaining percentage, would come from land runoff.

Many diseases that would otherwise die in the soil are transmitted by sediment and water runoff. These include such serious diseases as hog cholera, anthrax, foot-and-mouth disease, brucellosis, and numerous eye, ear, nose, throat, and skin infections. Sediment also carries several types of chemical pollutants that can not be transported by water alone. Some of the most potent and dangerous pesticides and fertilizers have been found to cling to soil particles, and can only drain into waterways in silt-laden runoff from the land. Chlorinated hydrocarbons such as DDT, and phosphorous fertilizers are some of the silt-transported chemicals responsible for severe environmental damage in our waterways. Pollution from animal wastes is another problem that has grown up as a result of technological changes and modern farming techniques. About two-thirds of the U.S. beef output is now finished in feedlots, and problems of waste disposal have increased tremendously with confinement feeding of hogs, dairy cows, and poultry as well. If all the animal wastes produced in the Missouri River basin alone were put through sewage disposal plants, it would be equal to the sewage from 370 million people. The development of plant fertilizer which is less costly and more pleasant to spread has meant that today's animal wastes are not always spread over the land, as they were in the past. The building threat to water purity is increased by the fantastic biochemical oxygen demand of animal waste runoff, sometimes reaching 5,000 parts per million, from 12 to 25 percent greater than that of raw sewage.

In Mr. Gray's testimony at the Wichita hearing, he stated:

> With respect to present and proposed water quality standards, there can be no question regarding the effect of land runoff on water quality, particularly with respect to phosphates, nitrates, turbidities, and the bacterial indices of pollution; the coliform group, with particular emphasis on fecal coliform.

Diseases cause hundreds of millions of dollars in losses each year, as well as inflicting terrible infections upon swimmers and boaters. Fish are poisoned by chemicals and suffocated by lack of oxygen due to animal wastes. Lakes are turned to soup by fantastic growths of algae, which feed on plant fertilizer runoffs. Silt, the carrier of most of these bad tidings, clogs our waterways and fills our reservoirs and ponds—and the problems are either too costly, too time-consuming, or too complex for farmers to solve by themselves.

Developing new technology to stop sedimentation must continuously go on to keep pace with new developments in machines that work the land. In a statement at our 1971 subcommittee hearings in Davenport, Iowa, Dan Cutler, of the University of Iowa's Agricultural Law Center, testified:

> Pesticides and phosphorous fertilizers enter bodies of waste almost exclusively through absorption through eroding sediment particles. . . . Thus, of the five major agricultural sources of water pollution, sediment, pesticides, and phosphorous fertilizers are most susceptible to control through the implementation of land treatment measures. However, as presently constituted, land treatment measures are not progressing satisfactorily.

I have introduced a bill, H.R. 15596, which is intended to enable the Secretary of Agriculture to take steps to see that the watershed program does progress satisfactorily. Since enacted in 1954, the watershed program under Public Law 566 has become so encumbered with problems that many local sponsors have decided further applications for projects are useless. Delays on all levels have resulted in an attitude of pessimism throughout the program, especially for those who are trying hardest to make it work.

My bill would revise the watershed program, and it includes specific changes in five major areas, the first of which is farms and ranches. The Secretary of Agriculture is authorized to make agreements for technical, financial, and engineering assistance for up to 10 years. These agreements should give local sponsors and landowners the solid assurance that their proposals are transformed into responsive projects, and will not be thwarted by the 3.7 years delay which the average proposal now faces. To insure that Federal planning and engineering expenditures are no longer wasted by failures and terminated projects on the local level, the Secretary may require the landowner to agree to: provide for the installation and maintenance of needed works; and install needed works or measures according to the technical specifications of the Secretary.

Anyone concerned about the quality of our environment, and our Nation's water in particular, should be concerned about the failure of our present program to provide resources where they are badly needed. H.R. 15596 would, if passed, turn these dismal failures into encouraging success, of which we could all be proud.

SCHOOL LUNCH PROGRAM

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HOGAN. Mr. Speaker, I support the legislation before us—H.R. 14896—to expand and strengthen those child nutrition programs which come under the provisions of the National School Lunch Act. However, one aspect of this legislation has me greatly concerned.

There is a provision of this bill, authored by the gentleman from Minnesota (Mr. QUIE), which authorizes the use of vending machines in school lunch programs where the food provided is limited to nutritious food items. Under the list of definitions provided for this legislation we find that:

> Nutritious should be considered as meaning that a food or food produce contains nutrients which in relation to the caloric value will provide a balanced diet when consumed in sufficient quantity to meet the recommended early allowances of calories for school children.

I have been advised that this would not include soft drinks. This, in my view, is unfortunate.

Mr. Speaker, I have introduced legislation—H.R. 14390—designed to allow the sale of soft drinks during lunch time in school cafeterias. There has been a great deal of controversy about this bill on the grounds that the nutritious value of soft drinks is questionable. However, through numerous meetings with officials closely connected with the National School Lunch Act as well as from discussions with the students themselves, I have discovered that the Federal regulations against the sale of soft drinks in school cafeterias have actually threatened the future of the federally subsidized lunch programs. These prohibitions are actually working counter to the intent of the law.

It has been found that many students, when the option of selecting a beverage is removed, would rather go elsewhere for their lunch or go without lunch at all. Mr. Speaker, a balanced, nutritious lunch with a soft drink is far preferable to a hot dog or a package of cup cakes purchased down the street, or in some instances, no meal at all.

Some school officials in Maryland have told me they may have to discontinue their lunch programs completely because of lack of participation. Obviously, Mr. Speaker, if students stay away from the lunchrooms, and do not take advantage of the school lunch program, they cannot benefit from the nutritional benefits the Government is trying to insure. No matter how nutritious that lunch is, it must be consumed to provide any benefit.

My legislation in no way dictates to the school that soft drinks must be sold. It simply allows individual schools or school districts to determine on the basis of local conditions whether they wish to sell soft drinks.

Another objection, removed from the area of nutrition, which has been leveled against the legislation that I introduced, has been the question of vending machines being in competition with federally subsidized lunch programs. I am pleased that the bill before us—H.R. 14896—authorizes the use, for the first time, of vending machines in school cafeterias during the lunch period. These funds may be used to finance local school funds and this is commendable. I applaud this. But why not include soft drink vending machines. Surely this would not constitute a threat to the success of such lunch programs. Students, in a time when 18-year-olds are allowed to vote, should have the right and opportunity to drink a soft drink—with the permission of local school authorities. How will this detract from the lunch service?

As Dr. Homer O. Elseroad, superintendent of schools in Montgomery County, said in a letter to me:

> It is our contention—that by the time students reach senior high school age that some slightly greater options should be available to them at lunch, partly because of their own preferences, and partly because we believe it is good education for them to begin to assume some responsibility for these kinds of decisions themselves.

I most certainly agree, Mr. Speaker.

For these reasons, I urge that hearings be held on my bill, H.R. 14390, as soon as possible so that, in conjunction with the provisions of H.R. 14896, young men and women in our high schools will have the opportunity to exercise their freedom of choice. They are adults and they should be treated as such.

GENERAL WESTMORELAND—A GREAT SOLDIER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. FISHER. Mr. Speaker, both in time of war and in time of peace Gen. William C. Westmoreland ranks as one of the great soldiers and citizens of our time. His military performance in Africa, in Europe, in Korea, and in Vietnam have demonstrated his brilliance as a soldier and his preeminence as a leader.

Now, as General Westmoreland leaves his post as Chief of Staff of the Army—where he has made invaluable contributions to our country's national defense—I join with others in this expression of gratitude, congratulations, and best wishes for his continued good health and the rest and enjoyment that one hopes for in retirement.

END THE WAR

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MURPHY of Illinois. Mr. Speaker, many Americans are confused by the actions of an administration which claims it wants to end the Vietnam war yet drops more bombs and mines harbors in direct contradiction to the meaning of the word "peace."

Americans feel helpless and frustrated because they are seemingly powerless to direct their Government to end this wasteful war although they have spoken out many times. The most notable time was in 1968 when a man was elected to the highest office in the land on a pledge that he had a plan to end the war. Well, the war goes on, and all the American people get is doubletalk about "peace without losing face."

I insert into the RECORD at this time a letter sent by two of my constituents, a leaflet and a news article from the Chicago Sun-Times. These items tell of efforts to obtain signatures on a petition to end the war. More than 900 names were gathered at religious services Mother's Day last and sent to the distinguished Senators from Illinois, ADLAI STEVENSON and CHARLES PERCY.

I ask my colleagues to read the remarks of these women and consider that all across the United States there are millions more like them who desire an end to the Vietnamese conflict. Let us not allow their voices to fall on deaf ears any longer.

The letter follows:

MAY 21, 1972.

The Hon. MORGAN MURPHY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MURPHY: We are happy to inform you that many of your constituents applaud the stand which you and both of our senators from Illinois have taken with regard to the immediate withdrawal of our troops from Vietnam.

To attest to this fact we are sending copies of signatures affixed to an open letter addressed to both our junior and senior senators. The original of these was sent to our senior senator, Charles Percy and a copy to our junior senator, Adlai Stevenson.

These signatures were gathered on Mother's Day, May 14, 1972, in the Chicago communities of Beverly Hills, Morgan Park and Mt. Greenwood, primarily in front of different houses of worship.

We would like you to know that we are not a formal organization but a group of women, two or three of which were talking together on Thursday, May 11 about the war and the recently announced blockade.

We felt frustrated and powerless when a phrase in a circular put out by the Women for Peace caught our eye and imagination. It read, "We the mothers who have given life must be dedicated to preserving it."

A few calls to friends indicated that there were others who felt as we did and so we decided to use Mother's Day as our focus to convey some facts about the war particularly to women.

By Sunday morning we had leaflets printed, a sample of which we are enclosing here. About 75 workers passed them out and obtained signatures on the letter to our senators.

These signatures represent about 900 people and we ask that you, as our elected representative, regard them as a token representation of the deep sentiment against this war among the constituents of your district.

Also, please find enclosed a clipping from the Sun-Times which reported on the action which we took.

We ask that you work for a speedy end to this war which is depleting our morale, resources and young men.

Sincerely,

JOSEPHINE STEWART,
MARILYN THIBEAU.

MOTHER'S DAY GREETING FROM MOTHERS AFTER 11 YEARS OF WAR

(1) Our country is divided and our economy is crippled.

(2) Every measure we've taken has failed to win the war or the peace.

(3) We are defending a corrupt dictatorship in South Vietnam.

(4) Our President has said that immediate withdrawal would mean losing face. What about the lives we are losing in a war we cannot win?

(5) Our prisoners will not be released as long as we continue fighting and as we continue there will be more prisoners.

(6) The only sane answer is immediate withdrawal.

(7) Make your views known by writing to: Senator Charles Percy, Senator Adlai Stevenson, Representative Morgan Murphy.

And to the President of the United States.

We, the mothers who have given life must be dedicated to preserving it.

[From the Chicago Sun-Times, May 15, 1972]

BEVERLY HILLS MOTHERS PROTEST WAR WITH LEAFLETS ON THEIR DAY

(By Judy Nicol)

About 50 Beverly Hills mothers passed out Mother's Day messages outside six local churches and a synagog Sunday, urging mothers to speak out against the war in Vietnam.

The 50, who are not part of any organized group, said they came together spontaneously last week and decided to pass out leaflets that read: "We the mothers who have given life must be dedicated to preserving it.

"Our President has said that immediate withdrawal would mean losing face—but what about the lives we are losing in a war we cannot win?"

They asked for immediate withdrawal from Vietnam.

REACTION "FAVORABLE"

Most reaction to the group's presence outside churches Sunday was "very favorable," according to a spokeswoman for the group.

But one protesting mother was told "I think the President knows more than you do."

The women passed out "Mother's Day greetings" at the churches where they are members. They were: the Morgan Park Baptist Church of Chicago, Christ the King Church, Friends Religious Society of Chicago, St. Barnabas Church, Queen of Martyrs Church, Beverly Unitarian Church, and Beth Torah Congregation.

The 50 women came together following President Nixon's announcement of the blockade of North Vietnam.

TO SEND PETITIONS

They phoned mutual friends voicing their distress over the blockade, and finally decided to send petitions urging withdrawal from Vietnam to Illinois Senators Charles H. Percy and Adlai E. Stevenson III.

The women asked that their names not be used because they do not want personal publicity. They said they seek, instead, to inform elected representatives of the depth of anti-war sentiment in the country.

The group began passing out leaflets Saturday and continued through Sunday as the various congregations met.

FATHER HESBURGH OF NOTRE DAME

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BRADEMAS. Mr. Speaker, this week marks the 20th anniversary of the accession to the presidency of the University of Notre Dame of the Reverend Theodore M. Hesburgh, C.S.C.

Mr. Speaker, few citizens of our country have done so much for so many with such courage and devotion as has Father Hesburgh.

I am proud to know him as both constituent and friend.

Mr. Speaker, as president of the University of Notre Dame, Father Hesburgh has served as a model for other college and university presidents in his vigorous and imaginative leadership of a great institution of higher learning.

As Chairman of the U.S. Commission on Civil Rights, he has set another kind of example, in his steadfast and effective dedication to the cause of human rights.

Indeed, in every way, Father Hesburgh has set an example to us all in his commitment to the application of reason in human affairs and to the pursuit of justice for all our citizens as our common obligation.

Mr. Speaker, the June 1972 issue of the journal, Notre Dame magazine, contains an excellent article, by Richard W. Conklin, summarizing the remarkable career—to date—of Father Hesburgh.

As Mr. Conklin says of Father Hesburgh:

> He is a contemporary rarity—a national leader with moral impact.

Mr. Speaker, I take pleasure in inserting at this point in the RECORD the article to which I have referred:

THE HESBURGH YEARS: THE CHALLENGE OF CHANGE

(By Richard W. Conklin)

As an educator, he has brought Notre Dame from the forefront of the nation's football factories to the forefront of the nation's universities.—The New York Times.

While the man about whom that was written—Theodore Martin Hesburgh, C.S.C.—would be the first to quarrel with the accuracy of "football factory" at any point in Notre Dame's history, he also knows the place he is fond of blessing as his airliner makes its approach over the Golden Dome, is not the same place it was 20 years ago.

There are many reasons why Notre Dame is not the same place. The Church, in which the University was—and is—imbedded, has changed. So, too, have the young people who grow into adulthood on its campus, and to some extent its professors, although one would probably find the thread of continuity strongest there. And to a very real extent, Notre Dame's growth has been tied to a general postwar expansionist period of higher education (as it now faces the problems of a general depression). But there are few who would not admit that the main reason why Notre Dame has changed is because of the uncommon leadership of a man who became its 15th president in 1952 at the age of 35.

Father Hesburgh is a 55-year-old Holy Cross priest, a son of a German-French father of Luxembourg ancestry and an Irish mother with a suspected trace of Spanish, all of which might have something to do with his language facility, which includes six spoken and eight read. Born in Syracuse, N.Y., into a middle-class family (his father was an executive of Pittsburgh Plate Glass), the young Hesburgh learned something about the vagaries of the national economy when he worked 40 hours a week for $8 as a gas station attendant during the Depression. The institution he heads now has a faculty of some 750, a student body of 8,200, an endowment of $67.9 million, an annual budget of $50 million, and more than 75 buildings (a third built in his era) with a replacement value of $167 million.

When he was 12, a friendly priest asked him what he wanted to be, and instead of one of the more popular responses—policeman, fireman, explorer—he said he wanted to be a priest. And if he died today, that is the one word he would want engraved on his tombstone, with the other titles—chairman of the U.S. Civil Rights Commission, President of Notre Dame, trustee of the Rockefeller Foundation among them—left to memory.

A PRIEST'S PRIEST

"Hesburgh is a priest's priest," said a close friend. Although he logs up to 150,000 air miles a year visiting as many as 50 countries, the times he has missed saying Mass and reading his breviary can be counted on one hand. He is a contemporary rarity—a national leader with moral impact. Former President Lyndon B. Johnson, who in 1964 presented Father Hesburgh with the nation's highest civilian honor, the Medal of Freedom, has put it this way, "His strong moral resolve, his deep sense of justice and his faith in what our country can be have made his contribution an outstanding one. He has influenced others to join him by his example of love and compassion . . ." Father Hesburgh's sense of compassion is made up of small things—flowers to the hospitalized wife of the Russian ambassador to the International Atomic Energy Agency, a call to the wife of a staff member he caused to be absent on their anniversary—as well as a willingness to leave a crowded desk to fly to the bedside of a nephew critically injured in a car accident or to administer the Sacrament of the Sick to a former assistant stricken with cancer.

A few years ago, a columnist for the campus student paper attacked Father Hesburgh on his priesthood. Privately, the man could not have helped but be hurt, and letters from the campus community indicated that it, too, had sensed a violation of ground rules which had tolerated some rather vitriolic criticisms of University officials. Some months later, the writer, now graduated, wrote Father Hesburgh requesting a letter in support of his claim to conscientious objector status. He got it. "It's called turning the other cheek," commented one of the few persons who knew of the incident.

Like many Notre Dame administrators, Father Hesburgh works the dark side of the clock. "I'll give you all the time you want—between midnight and 4 a.m.," he told a *Time* magazine cover story reporter in 1962. He works in an unpretentious office ("It doesn't compare to Fordham," commented one television cameraman), behind a cluttered desk, within reach of a telephone with a private line, underneath shelves of books (he reads two or three a week, from theology to best-selling fiction), amid a clutter of travel memorabilia, listening to classical music on a Magnavox stereo, smoking a cigar and wearing a copper bracelet to ward off sleep-interfering aches and pains. In an adjoining room is a refrigerator for quick lunches, a small bar for visitors, and the hoods from more than three dozen honorary degrees. Students are occasional visitors to this late-night lair and have been known to serenade their president with Christmas carols from the balcony outside his window.

The future president of Notre Dame was on campus as a student in the days when "the kids wore hobnail boots and threw you in the lake if you did not welcome the football team back on campus." He returned from theological studies in Rome to a postwar campus where, if they were worn at all, the remnants of Army uniforms held the battlefield sweat of their owners. Both campuses were different from today's, and Father Hesburgh's own educational philosophy shows traces of contact with completely different life styles. This is one reason why the cliche of "relevancy" gets little hearing. "I was here at the University as a student in the early 1930's," he said, "and if I had been taught the most relevant thing at that time it would have been how to survive in the Depression, something relevant at that moment but irrelevant for the rest of my life."

THE PRIEST-EDUCATOR

The priest-educator is also fond of reminding audiences that it is foolish to tie one's conception of education to knowledge of facts. "The whole of human knowledge is doubling every 12 to 15 years. You'd better learn how to *think* today, how to cope with new knowledge and with evolving situations, because that's the kind of life you're going to face."

In 1969, a Father Hesburgh letter to Notre Dame students, warning them that disruptive protests would not be tolerated, was met with a media explosion. The general public at the time was increasingly fearful of violence on the once placid American campus, and the news media faithfully reported one-half of the now-famous "15-minute" letter. They neglected the part which supported all non-violent, non-obstructive efforts of students to realign the priorities of the nation. "It seems I'm suddenly everybody's favorite fascist," Notre Dame's president once noted ruefully after glancing at a stack of letters from the student Left and the adult Right. The tightrope on which every major college or university president walked in the late 1960's was drawing tight, and some Notre Dame student leaders predicted high winds. "It's tragic, but Father Hesburgh will be the first to go in the crunch," predicted the leading campus radical. The tension of the campus situation was well-known to Notre Dame's president. Indeed, he was in double jeopardy, as polarization grew in the area of civil rights. As the only surviving member of President Eisenhower's 1957 original appointments, he was now chairman of the U.S. Civil Rights Commission.

"The problem is that you are forced into a series of quick decisions," commented Father Hesburgh. "You can make six good ones in a row, but one bad one will cost you everything." He kept a necrology in his pocket to remind him how many major college presidents—many of whom he admired—had been toppled from leadership at such campuses as the University of California, Columbia and Cornell.

Father Hesburgh's own tightrope grew taut in May of 1970, when the U.S. incursion into Cambodia (and later the Kent State tragedy) galvanized the nation's campuses, including Notre Dame. In a mass quardangle meeting of students he made what, in retrospect, might have been one of the most important talks of his life. He came down hard against the war in Vietnam (an issue where he was already on record), but advised students that violence was counter-productive. As a result, instead of burning buildings, Notre Dame students took their case to the surrounding community, collecting some 26,000 signatures on an end-the-war petition.

PRACTICES WHAT HE PREACHES

One of the things which aided him in this kind of plea was the fact that he had practiced what he preached. On the issue of civil rights, he had challenged everyone, including four Presidents, to live up to the objective of equal opportunity. "Every kid in the country," he said, "stands up and says, 'One nation, under God, indivisible, with liberty and justice for all. But for the blacks, there is neither liberty nor justice." With each such statement, the hate mail grew in his third-floor office underneath Notre Dame's golden dome. He shrugged it off, noting, "There's a very simple way of getting law and order: work for justice, because justice is the price of law and order." His stand on busing, which is built on the moral principle of equal educational opportunity at the end of the bus ride, has brought a new onslaught of angry letters.

Since Cambodia, the other side of the letter to Notre Dame protesters in 1969 has been given due emphasis. There is, Father Hesburgh has told countless listeners, a "new breed" student. "They've been sensitized to a lot of things that I don't think I was that much sensitized to when I was graduated from here . . . they, in a sense, bear more of the world's burdens and problems and moral crises on their shoulders. Like all young men, hope runs high and idealism runs high, and they haven't really had much of life's acid on them . . . but this is the first generation I've known which is willing to do something about their idealism even to the extent of downward mobility socially and economically."

A third tension point in the life of Theodore Hesburgh—apart from American higher education and civil rights—is the institutional church. He grants that the young Catholics coming into Notre Dame evidence less of the familiar signs—such as Mass attendance—which have been traditionally used as indices to religiosity, but he argues that students are paradoxically more interested than their predecessors in the ultimate questions to which philosophy and theology direct themselves. "As I sit and read some of the things they write nowadays, there's a kind of spiritual perception, a deep-seated Christianity," he notes. At the same time, he sees an irony in the anti-institutionalism of students. "I think if you were to cancel out the whole government and the whole Church and everything else tomorrow morning, you would start reinstitutionalizing them the next day. Institutions are the kinds of structures we all lean against; they glue society together and 'communalize' the kind of actions we have to take." His prediction that young people who stress the social apostolate would come to need prayer and the sacraments as sustenance for a life of Christian risk seems to be borne out in the recent interest on the part of veteran Catholic social activists on the development of a deeper prayer life.

LIBERAL YET CONSERVATIVE

Those who tab Father Hesburgh as a liberal in Church affairs can cite his positions on birth control and coresponsibility in the Church, but they had better be able to explain his unapologetic defense of the advantages of a celibate clergy. "I am a very liberal person as far as achieving justice, which is a question of means and strategies and scenarios," he once explained. "But I'm fairly conservative about what I think is valuable to human life."

On the population question, his is no crisis rhetoric. He opposes abortion and argues that underdeveloped countries, where overpopulation grinds down human dignity, ought to receive more of a share of the globe's resources.

Apart from his own opinions, however, he has staunchly defended academic freedom on campus. His numerous forays in this area—including the defense of the right of his theology chairman to attack a papal encyclical and his calm reiteration of Notre Dame's "open speakers' policy" at a time when radical attorney William Kunstler was banned from other campuses—earned him the prestigious Meiklejohn Award of the American Association of University Professors in 1970.

Today, entering his 20th year at Notre Dame, he is one of the veterans in a job where the life expectancy of incumbents has shrunk from 11 to 4½ years. Many consider him the last of the high-profile presidents, as the trend grows toward lawyer-negotiators who blend nicely into the increasingly committee-type structures of institutions where leadership demands are different. It is interesting to note that the most obvious exception—Yale's Kingman Brewster, Jr.—has been called the "Protestant Hesburgh" only a little less often than Father Hesburgh has been called the "Catholic Brewster." While Father Hesburgh has led the way in campus governance reforms which, by his own admission, have reduced his power to 10 percent of what it was in 1952, he is sometimes impatient with its machinery.

One management study of the contemporary university pointed out that its president, in contrast to his business counterpart, actually has relatively little to say about three crucial aspects of his enterprise—product line (students), personnel (faculty), and future strategy (curriculum planning).

Nonetheless, the two major institutional decisions of the last decade—the changeover to lay governance in 1967 and the more recent decision for co-education—both bear the executive stamp of Notre Dame's President.

BROAD VISION OF NOTRE DAME

While he has, in recent years, cut down somewhat on the more than two dozen committees and commissions and other groups on which he spent almost one-third of the year's 365 days, Father Hesburgh still works a double shift on campus to compensate for outside commitments. "The only difference between Hesburgh and God is that God is everywhere and Hesburgh is everywhere but Notre Dame," runs a time-worn campus observation, but others note that the President's off-campus activities have been directly and indirectly beneficial to the University, often in terms of foundation or federal money. "Most important," one top level administrator pointed out, "is the fact that his outside activities have broadened his vision of the place—what it can be, what it can do."

Each spring, just as the swallows return to Capistrano, rumors reappear on campus predicting the imminent resignation of Notre Dame's President. This year, he shunted them aside at a formal dinner for deans and department chairmen by using Mark Twain's observation that the reports of his death "were greatly exaggerated." He also noted that "if anyone really wants to know if I am going to resign, they can call me up on the telephone." One reporter did, and Father Hesburgh told him he stays on because the trustees ask him to. The reporter did not feel it necessary to ask why.

Mr. Speaker, I also insert at this point in the Record a chronology of the major events in the life of Father Hesburgh, and a listing of his most significant achievements.

THE HESBURGH RECORD

Born: May 25, 1917, Syracuse, New York.

EDUCATION

Holy Rosary Grade and High School, Syracuse, N.Y., 1922–34.

University of Notre Dame, 1934–37.

Gregorian University, Rome, Italy, Ph. B., 1940.

Holy Cross College, Washington, D.C., S.T.L., 1943.

Catholic University of America, Washington, D.C., S.T.D., 1945.

CAREER

Entered the Congregation of Holy Cross Notre Dame, Indiana, 1934.

Ordained to the priesthood, Notre Dame, June 24, 1943.

Served on Department of Religion faculty and as chaplain to Notre Dame's married veterans and their families, 1945–1947.

Chairman, Department of Religion, 1948–49.

Executive Vice President of the University, 1949–52.

Appointed President of Notre Dame, June 28, 1952.

PUBLIC SERVICE

Member, U.S. Commission on Civil Rights since 1957; Appointed chairman, 1969.

Permanent Vatican City Representative, International Atomic Energy Agency, 1957–70.

Member, National Science Board, 1954–66.

Trustee of the Rockefeller Foundation.

President, International Federation of Catholic Universities, 1963–70.

Member, Carnegie Commission on the Future of Higher Education.

President, Association of American Colleges.

Member, President's General Advisory Committee on Foreign Assistance programs.

Chairman, Overseas Development Council.

Director of the American Council on Education.

Trustee of the Carnegie Foundation for the Advancement of Teaching.

Member, American Bar Association Commission on Campus Government and Student Dissent.

Member, President's Commission on an All-Volunteer Armed Force.

Trustee of the United Negro College Fund, Inc.

Director of the Chase Manhattan Bank.

HONORS

U.S. Medal of Freedom, 1964.

Meiklejohn Award of the American Association of University Professors, 1970.

Cardinal Gibbons Medal of the Catholic University of America, 1969.

Charles Evans Hughes Award of the National Conference of Christians and Jews, 1970.

U.S. Navy Distinguished Public Service Award, 1959.

National Catholic Educational Association Merit Award, 1971.

Fellow, American Academy of Arts and Sciences; Clergyman of the Year, Religious Heritage of America, and Reinhold Niebuhr Award, 1972.

Honorary degrees from 38 colleges and universities including Yale, Princeton, Brandeis, Columbia, Dartmouth, Catholic University, Indiana, Northwestern, Michigan State, Illinois, California, Southern California, Montreal and Vienna.

RUIN IN DETROIT

HON. GEORGE W. COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. COLLINS of Illinois. Mr. Speaker, it is my privilege to serve as a member of the Subcommittee on Legal and Monetary Affairs of the House Government Operations Committee and in that capacity have participated fully in the current extensive oversight investigation of the operations of the Department of Housing and Urban Development. In recent months we have concentrated our efforts upon the operations of the Federal Housing Administration due to rapidly mounting reports of unconscionable profiteering in the cities by those who manipulated FHA in a manner that made a mockery of our efforts to insure the opportunity for all to acquire a decent home in a decent environment, the mandate of the 1949 Housing Act.

A number of my constituents in Chicago have been and continue to be victimized as a result of FHA failures. The West-Side Coalition sounded the alarm several years ago. As a consequence the coalition has now evolved into a new national organization composed of representatives of over 300 cities. In testimony before our subcommittee, spokesmen for this organization made a clear and compelling case for the need for immediate and effective reforms from top to bottom of the Federal Housing Administration and called upon the Congress to take action faced with executive branch unwillingness, indifference, and in certain instances incompetency.

I urgently commend to the attention of my colleagues a recent report adopted unanimously by the full Committee on House Government Operations which sets out in painstaking detail the root causes for today's $200,000,000 fiasco in Detroit. The incompetency and indifference of HUD officials and the less than vigorous response by the Justice Department in utilizing its resources to stop widespread criminal activity is a cause for deep concern.

Our distinguished colleague, JOHN S. MONAGAN, subcommittee chairman, is entitled to the highest praise for the objective and fair minded manner in which he conducted these most sensitive hearings. The fact that our recommendations were adopted unanimously in my judgment is a clear indication of the acceptance of the recommendations set forth by the committee. I remind my colleagues that after the Democratic Convention we will be called upon to consider a 3-year housing act. It is incumbent upon us all to analyze HUD operations in our own areas and cities to insure that the needs of the people are in fact being met by the legislation we enact. I have made a number of suggestions to the House Banking and Currency Committee and am hopeful that these suggestions, most of which are based upon our recent report, will be adopted. In our response to the tragic riots of 1968, expediency was the watch word but expediency must give way where abuses such as have been found to exist in Chicago and Detroit and elsewhere occur. I include at this point in the RECORD a recent editorial which appeared in the Bridgeport, Conn., Post which I commend to the reading of my colleagues:

[From the Bridgeport Post, June 27, 1972]

RUIN IN DETROIT

Government bungling and unscrupulous profiteering have helped make a shambles of many neighborhods in Detroit, Michigan. The unsavory details of the extensive housing scandal have been brought to light by a House subcommittee headed by Congressman John S. Monagan of Waterbury.

The specifics seem to be beyond belief, nevertheless, they are fact. The U.S. Department of Housing and Urban Development (HUD) has become the largest property owner in Detroit. Most of its holdings are practically worthless on the real estate market, but the nation's taxpayers will have to make mortgage payments which could total $200 million.

This is what happened. After the riots which racked the city in the mid-1960s, the federal government made a concerted effort to help the poor obtain decent housing. Home ownership was the goal.

Thousands of families purchased residences by making minimal down payments. HUD, through the Federal Housing Administration (FHA), guaranteed the mortgages.

The calamity has arisen because real estate speculators bought up numerous dilapidated buildings, made a few superficial cosmetic improvements, then sold them to the poor at double or triple the original costs. Government inspectors either did not know what was going on or simply did not care.

The new owners quickly discovered that essential repairs costing thousands of dollars were needed to make most of the dwellings livable. They could not afford the bill or sell the properties, so the only choice was abandonment. To date more than 8,000 units have been vacated, and another 20,000 are in danger of being foreclosed.

HUD, stuck with the mortgage guarantees, has to make good to the various creditors.

The monetary loss is only half of a tragic affair. There is no way to measure the frustration and resentment of poor people whose hopes were raised dramatically, only to be bitterly dashed.

To compound matters, Mr. Monagan observes that similar patterns are causing decay in many of the nations large cities.

The programs which spur housing development and home ownership are not to blame. The best laid schemes come to naught if bureaucrats or private businessmen are negligent or worse.

By bringing to light what happened in Detroit, Mr. Monagan has alerted other cities that there is no substitute for sound planning. Desperately needed residences for low and moderate income families, whether in Detroit, Bridgeport or any city, must meet the needs of the people. Expediency only leads to ruin.

SUPPRESSION OF FREEDOMS IN THE BALTIC STATES

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. REES. Mr. Speaker, 32 years ago this month the Soviet Union invaded and occupied the Baltic States of Lithuania, Latvia and Estonia. Since that time the Baltic people have been denied their freedom. I join my colleagues in denouncing the aggressive Soviet action that has for so long oppressed the peace-loving people of the Baltic nations.

I support House Concurrent Resolution 416, unanimously passed in the 89th Congress, which commemorates the 30th anniversary of the Lithuanian uprising against Soviet tyranny. It is time our Government acted with a new diligent effort to encourage the reinstitution of free government enabling the Baltic countries to once again regain their own self identity and enjoy the fundamental human rights which provide each individual with the opportunity to express himself in a society that is open and free.

Rather than commemorating a sad anniversary for more than three decades, let us work toward a goal that will enable us to commemorate the liberation of the Baltic people from Soviet rule. I call upon this administration to begin a comprehensive effort, through our own diplomacy and in other international forums, to bring an end to the deprivation of the rights of these people, and insure them their inalienable freedom.

THE FARM FAMILY OF THE YEAR

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MILLS of Arkansas. Mr. Speaker, one of the highest honors that can come to any American family for outstanding good work and good citizenship is the annual designation as Farm Family of the Year, a selection sponsored by the Farmers Home Administration of the U.S. Department of Agriculture.

I am proud that this distinction for 1972 has been conferred on a young family from my district of Arkansas.

Mr. and Mrs. Carlos D. Dixon of Lonoke County, with their three children, were with us in Washington last weekend to receive the honor in a presentation by President Nixon at the White House.

The Dixons and their farm near Austin, Ark., represent a success story in the truest American tradition. As a young couple in their early twenties, Carlos and Shelba Jean Dixon went to work 8 years ago to establish themselves in farming. They had no reserve resources to bank on except their own diligence and determination, and such help as might be available from the credit services of the Farmers Home Administration.

But from this modest beginning, the Dixons have built an outstanding family-size dairy farm over the 8-year span. They have graduated from FHA to conventional credit for financing their current production, and they are well on their way to success in this rigorous but immensely satisfying business of farming. They also are outstanding for their participation and leadership in many organizations and activities of their community.

The Dixons' experience to a very large extent is self-created, through the dedication and hard work they have put into the development of their farm. But their accomplishments prove that opportunity still is present in American agriculture for the new generation of farmers, and for the family-size farm. The progress of their farm also proves the value of Farmers Home Administration services in helping the capable and serious farm family lay the foundation for success in a family farm enterprise.

In his leadership of the Farmers Home Administration, Administrator James V. Smith has done much to emphasize and increase the outreach of these farm credit programs, even while the agency has vastly expanded its services in housing credit and community facilities improvement for both farm and nonfarm rural people. Arkansas today is one of the resurgent rural areas in the United States, thanks in large measure to resources marshaled through FHA and applied through an excellent State FHA organization directed by State Director Robert Hankins.

Mr. Speaker, I salute this outstanding young couple on their tremendous achievement and the example they have set for encouragement of other rural families. I offer for the RECORD further details of the accomplishments that have earned them this award, as summarized in a release by the Department of Agriculture in connection with presentation of the honor to Mr. and Mrs. Dixon last week:

SECRETARY OF AGRICULTURE HONORS FHA FARM FAMILY OF THE YEAR

WASHINGTON, June 23.—Secretary of Agriculture Earl L. Butz today presented the Farmers Home Administration Farm Family of the Year—the Carlos D. Dixons of Lonoke County, Ark.—to President Nixon, the press corps and several hundred USDA employees.

The Dixon family has been selected by a panel of judges as the family which represents the attainments possible through the supplemental credit of the Farmers Home Administration, the rural credit service of the U.S. Department of Agriculture. FHA has more than 150,000 farmer borrowers.

In introducing the family, Mr. Butz recalled his own farm background with some pleasure. He concluded by saying that the National FHA Farm Family of the Year represents all that is good and sound in our rural areas—and in our entire country.

Mr. and Mrs. Dixon started in 1964 with two acres of land, an old house and some other property. They now own 120 acres and rent 244 more. Their dairy herd has grown to 113 head. They have a new modern Grade "A" dairy barn and a new brick home.

With their three children, the Dixons are in Washington to meet President Nixon, USDA officials and employees and their Congressional delegation. They are guests of New Holland Division of the Sperry Rand Corporation, which joins USDA in honoring this outstanding farm family.

TRIBUTE TO DR. KARL TARGOWNIK

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ROY. Mr. Speaker, last month I was privileged to present the Shawnee County, Kans., Law Day Liberty Bell Award to Dr. Karl Targownik of Topeka.

Dr. Targownik was given this honor in recognition of his long and effective years of service at the Kansas State Reception and Diagnostic Center in Topeka. Over and above this, however, Dr. Targownik deserves our consideration and praise because of the adversity he had to overcome in order to achieve his present position.

Of Jewish descent, Dr. Targownik lived in Poland prior to World War II and suffered much because of the Polish biological antisemitism of those years.

He survived Polish ghettos and labor camps during the early part of the war, only to be taken to Ausschwitz in 1943, where he underwent truly inhuman physical and psychological torture.

Dr. Targownik was freed by the forces of Gen. George Patton. Soon after he began the study of medicine at the University of Heidelberg in 1945. After receiving his degree, he came to the United States.

This new member of the American medical profession adjusted quickly to his adopted homeland. Dr. Targownik secured licenses to practice medicine in the States of Kansas and Ohio. He became board certified in 1956 and a fellow of the American Psychiatric Association in 1963.

Dr. Targownik came to Topeka in 1951, and worked as a resident physician at Topeka State Hospital while attending the Menninger School of Psychiatry. He later served as a section chief at Topeka State and helped organize services at the hospital's Eastman Building, which embodies the most modern concept in psychiatric architecture and modern psychiatric treatment concepts.

In 1962, Dr. Targownik was given his most challenging responsibility, that of organizing clinical—medical, neurological and psychiatric—services for the Kansas State Reception and Diagnostic Center. At the time, the center had almost nothing in the way of such services.

Today, after a decade of Dr. Targownik's leadership, the center is nationally recognized for its work in the areas of crime and delinquency.

The center has developed scientific methods for the examination of offenders—last year 800 of them, thus assisting the sentencing courts with the most valuable information about the "why" of a crime. The center's goal is to determine the best method of rehabilitation, taking into consideration both the offender's needs and the community's expectations.

The center has truly marked the beginning of a new era in the treatment of criminal offenders.

Thus Dr. Targownik received the Liberty Bell Award not for one particular act of the past year, but rather for his continuing efforts.

I know that my colleagues join me in extending thanks and best wishes to this man for a past well done and a future yet to come.

AN ESSENTIAL NATIONAL PRIORITY: A FULL COMMITMENT AND INVESTMENT NOW IN WATER QUALITY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ROE. Mr. Speaker, no matter how we equate or measure our future investment—by whatever standard applied—short of the air we breathe, there is no element more basic or critically essential to the sustenance and life of our people and the economic vitality of our country than the quantity and quality of our water supply.

Mr. Speaker, I would like to call to the attention of you and our colleagues here in the Congress the following magazine article prepared by Mr. Cyril I. Malloy, Jr., director of public affairs of the American Concrete Pipe Association, Arlington, Va., which appeared in the June issue of the association's publication. This article poignantly and succinctly brings into sharp focus the critically desperate need for a full commitment by the Federal Government to respond to the needs of our people and carry out our Government's fundamental responsibility to conserve and protect the estate of our people by making a substantive investment now in our Nation's water quality. The article, which reflects on present programs established under the Federal Water Pollution Control Acts of 1956 and 1966, is a good analysis of the long standing fiscal problem being encountered throughout our Nation in providing water and sewer projects presently eligible under programs now administered by the Federal agencies of EPA, HUD, EDA, and FHA, and should be helpful in alerting us to the hard cold facts of providing the necessary level of public funds that will enable our States and local governments to implement adequate water pollution control measures for the conservation and environmental renewal of our water resources.

The article follows:

A SURVEY OF PRESENT-FUTURE WATER POLLUTION CONTROL NEEDS

(By Cyril I. Malloy, Jr.)

The control of water pollution begins with the proper funding of basic water and sewer systems which are under the jurisdiction of four Federal agencies—Environmental Protection Agency, Department of Housing and Urban Development, Economic Development Administration, and Farmers' Home Administration.

The repair of the total environment is the one issue which unites political parties, the rich and the poor, and blacks and whites. A nationwide movement has been propelled by the pending "Federal Water Pollution Control Act Amendments of 1972" (H.R. 11896 and S. 2770). The Federal Water Pollution Control Acts of 1956 and 1966 developed the foundation for water pollution control, but the appropriated funds for environment improvement have yet to match the required needs.

Environmental pollution cannot be acted upon without an intelligent awareness of economic realities. It is mandatory that priorities be established, but isn't the use of water and the disposal of wastes by citizens, industry, and government as essential a priority as the basic need for clean air and adequate food supplies?

The need for adequate water and sewerage facilities remains one of the most pressing problems facing this nation's urban and rural communities. Local sources of revenue continue to be severely taxed and, although many communities are making efforts to raise needed revenues, the demand for Federal grants-in-aid increases. Communities cannot hope to attract new industries unless they provide ample water and sewer systems.

PRESENT AND FUTURE NEEDS

As far back as 1968, the Joint Economic Committee of Congress estimated a gross investment of $51.8 billion by government would be required to provide supporting water and sewer facilities over a 10-year period, or an average of $5.2 billion. A need survey of the four Federal water and sewer-programs appears in Table 1.

PROPOSED FISCAL 1973 BUDGET

In January, President Nixon sent the administration's proposed fiscal 1973 budget to Congress. Table 2 is a comparison between what the President proposed for fiscal 1973, and what the Office of Management and Budget allowed to be obligated during 1971, and what Congres appropriated for fiscal 1972:

SUMMARY OF TABLES 1 AND 2

The four Federal water and sewer programs currently have pending 14,765 applications needing a Federal-aid grant and loan funding of $6.8 billion. During fiscal 1971, the Office of Management and Budget allowed the four agencies to obligate only $1.05 billion. The current proposed fiscal 1973 budget would authorize to these four agencies only $2.6 billion.

INSIDE THE AGENCIES

Environmental Protection Agency

The Office of Water Programs of EPA distributes grant funds up to 55 percent of the total costs to the states for allocation to local governments to construct and expand waste treatment plant facilities, including the interceptor and outfall pipe lines. In July of 1970, a survey conducted by the National League of Cities and the U.S. Conference of Mayors at the request of Senator Muskie, was published in the "Congressional Record." It estimated that public funds needed to control pollution amounted to from $33 to $37 billion. In addition, the survey provided the following breakdown of certain needed funds:

a) For primary and secondary treatment $8.7 billion.

b) For tertiary treatment $4 billion.

c) For interceptor and storm sewer improvement $7.4 billion.

In addition to these needs, many states which prefunded projects under Section 8(c) of the present law are due outstanding reimbursement amounting to about $2 billion.

Department of Housing and Urban Development

HUD provides grants to local governments to finance up to 50 percent of the cost of basic water and sewer projects. In 1970, an official of HUD, in response to inquiries from Capitol Hill stated: "The average Federal grants participation is 31.5 percent," and that the average Federal grant for water and sewer projects is only 30 percent of the total project cost. Of the four Federal water and sewer programs, HUD has been hardest hit by fund impoundments by the Office of Management and Budget in disrespect to congressional appropriations. HUD Secretary Romney is apparently willing to not recommend new needed funding for his water and sewer program during fiscal 1973 in the chance that Congress will enact the President's urban special revenue sharing proposal. Congressman Roe of New Jersey has been an outspoken advocate for adequate funding and more coordination between the collection system program of HUD and EPA's mission for adequate treatment. The U.S. House of Representatives overwhelmingly agreed with Congressman Roe when it passed H.R. 11896 on March 29, 1972.

Economic Development Administration

The EDA of the U.S. Department of Commerce provides grants of up to 50 percent of the total project cost in areas designated as "economic redevelopment areas." In addition, supplemental grants up to 80 percent are available for depressed economic areas which cannot meet the required matching share. Historically, congressional appropriations for community development grants have averaged $160 million per fiscal year with about 70 percent funding water and sewer projects. OMB has favorably allowed EDA to obligate the full amount appropriated by Congress.

Farmers' Home Administration

The FHA of the U.S. Department of Agriculture offers aid to rural areas which do not include part of a city or town with a population in excess of 5,500. If a rural area has less than 5,500 population, it qualifies to apply for loans to finance the development of water and sewer systems.

In December of 1969, FHA conducted a survey of the needs in its program area. Water and sewer facility needs amounted to $11.3 billion. There are approximately 34,763 communities that do not have adequate central water systems and about 44,507 communities that lack adequate sewerage facilities.

SUMMARY

At the bare minimum, the credibility of the existing Federal commitment must be reestablished by backing words of authorization and realized needs with appropriation funding without customary OMB impoundments. The will of the people as translated by their congressional representatives is being ignored.

The construction of adequate water and sewerage facilities is "step one" in water pollution control priorities. Local communities and state governments cannot afford this expense without the financial assistance of the Federal government either through existing categorical grant programs or through revenue sharing—block grant proposals. The time for Congress to react is rapidly passing.

TABLE 1.—AS OF DECEMBER 1971

Federal agencies	Number of pending applications	Federal grant-loan amounts (millions)
EPA	3,326	$2,731
HUD	5,925	3,184
EDA	85	40
FHA	5,329	838
Total	14,665	6,793

TABLE 2

[In millions of dollars]

Federal agencies	Proposed fiscal 1973 budget (millions)	OMB allowed for fiscal 1971	Congress appropriated for fiscal 1972
EPA	2,000	478	2,150
HUD	[1]	121	500
EDA	160	155	160
FHA	342	303	400

[1] None. Only fiscal 1972 carryover funds will be made available at a fiscal 1971 level.

HOUSE CONCURRENT RESOLUTION 416

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 1972

Mr. HOGAN. Mr. Speaker, in 1966, the House of Representatives and the Senate unanimously passed a concurrent resolution urging the President to draw international attention to the plight of the Baltic people and to bring world opinion to bear upon the U.S.S.R. to restore self determination to the Baltic lands.

Now, 6 years later, matters have only worsened for the inhabitants of Latvia, Lithuania, and Estonia. Natives of these regions continue to be deported to all parts of Russia in the Soviets' effort to liquidate their cultural identity.

Freedom continues to be denied to the people of the Baltic states, and Balts around the world decry Soviet domination of their compatriots? who have remained in their homelands.

June is a particularly historic month for the Baltic people, for it was in June of 1940 that the Soviets overcame Latvia, Lithuania, and Estonia by force, and a year later—in June of 1941—the massive deportations to slave and labor camps in Siberia began. Later that same month, Lithuania succeeded in regaining its independence, though the free government lasted only 6 weeks before the Nazis overran the new nation.

Mr. Speaker, this month is the 32d anniversary of the Russian invasion of the Baltic states, and I believe we should reaffirm our commitment to the cause of the peoples as expressed in the 1966 resolution. In a period when relations with the Soviet Union appear to be improving, the time seems to be ripe for focusing again on the right of self determination for the Baltic people. It is time for the captivity of Latvia, Lithuania, and Estonia to end.

For the interest of my colleagues, I insert a copy of the 1966 concurrent resolution in the RECORD:

HOUSE CONCURRENT RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

AND "POP" GOES THE VILLAGE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DERWINSKI. Mr. Speaker, Tuesday is the Fourth of July, Independence Day. Unfortunately, many individuals still feel that they must celebrate the day by discharging fireworks. In many States, including Illinois, fireworks are illegal since statistics show a great loss of life, limbs, and property damage. As a former member of the Illinois State Legislature, I voted to keep fireworks illegal in the State.

A very timely article in the Suburban Life of La Grange, Ill., encourages residents of the community to surrender illegal fireworks. I insert this article hoping that some individual will decide not to celebrate the 4th of July and run the risk of serious injuries:

AND "POP" GOES THE VILLAGE

(By Bill Presecky)

Things have been popping in Oak Brook . . . illegally . . . and R. L. Sizemore, police chief, says he hopes the "celebration" will be stopped voluntarily.

The popping has been caused by discharge of illegal fireworks throughout the village and has led to the "voluntary" confiscation of a large cache of fireworks estimated at hundreds of dollars.

Sizemore told The Suburban Life that an investigation into reports of illegal fireworks resulted in knowledge that many resident have large private stores of the material in their homes.

"What we want more than anything is to make these people aware of the great danger involved in possessing the fireworks aside from the fact that they are illegal," Sizemore said.

"We know that there are large amounts of fireworks in the village," the chief said.

"We would like the residents to voluntarily give up the material for their own safety or we will be forced to issue citations to persons charged with discharging the fireworks," the chief said.

"What has to be kept in mind is the reality that these are highly combustible explosives and don't have to be ignited with a match to explode," he said.

Sizemore indicated that he will be contacting the village's homeowner associations to elicit cooperation from residents.

"We are willing to go out and pick the material up and dispose of it," the chief said, adding that "there will be no arrests and no questions asked."

While fireworks of all kinds are illegal in Illinois, Sizemore urged parents to refrain from buying the materials and bringing them home from states where the explosives are legal.

A determination of just how much life and property will be saved as the result of the Oak Brook project cannot be determined.

Information on the number of fireworks accidents is very incomplete but, according to R. J. Peszek, statistician for the National Safety Council, headquartered in Chicago, "conservative estimates indicate that at least 5,000 casualties and 1,400 fires are caused by fireworks each year."

The Safety Council's statistics are based on a national survey conducted in 1969 by the National Fire Protection Association which examined a total of 2009 incidents that resulted in injury to 1,330 persons and caused property damage in 774 cases.

It is estimated, on the basis of an American Medical Association survey, "that there have been about as many persons killed in fireworks accidents in the last 50 years as there were American soldiers killed in the Revolutionary War, a total of approximately 4,000.

While deaths due to the discharge of fireworks appear to be minimal, accidents resulting in serious injury due to "small" fireworks are significant.

An analysis of the primary injuries outlined in the 1969 study indicates that 54 per cent of all first degree burns, 55 per cent of all second degree burns and 40 per cent of all third degree burns were attributable to firecrackers, sparklers, Roman candles, bottle rockets and smoke bombs.

Lacerations and eye injuries numbering 372 were also the result of the so-called "harmless" firecracker.

Of the 33 reported cases of dismemberment, 19 were caused by the M-80 or cherry bomb variety of firecracker.

According to the council report, 72 per cent of the injured victims of fireworks accidents were 20 years of age or under. An estimated 58 per cent of those injured were 15 years of age with the greatest casualty rate in the 11 to 15 year old age bracket.

The 1969 study notes that the "majority of the victims injured are at the age level where they are too young to comprehend the specific directions which might be printed on the packaging material for the fireworks or are in the age group where they are curious enough to experiment with pyrotechnic devices and are not going to realize the serious consequence which could result from mishandling or misuse."

Firecrackers and sparklers head the list of devices that most commonly ended in property loss and personal injury.

Burns were responsible for 75 per cent of the injuries caused by sparklers and 40 per cent of the victims had not yet reached their tenth birthday when the mishap occurred.

Combined, firecrackers and sparklers were blamed for 42 per cent of the reported property damage cases with sparklers leading the statistics with 112 cases, 49 of which were in one or two family residences.

Firecrackers resulted in 65 property damage accidents.

Safety campaigns, fireworks bans and a trend toward professional displays have minimized the extent of injuries and damage caused by larger fireworks.

The American Medical Association which has also studied the problem of injuries from fireworks and other explosives used in the celebration of the Fourth of July in several years and bear out the decrease by using hospital reports and newspaper clippings.

The first year in which a study was made, 1903, the Association recorded 466 deaths and 3,983 injuries. During the next six years deaths ranged from 158 to 215 and injuries from 3,986 to 5,460.

In 1910, however, the death toll went down to 131 and the injury list to 2,792. In the years that followed, the decrease in fireworks mishaps decreased rapidly with 30 deaths and 820 injuries reported in 1916.

THE PALATABILITY OF H.R. 15495

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. LEGGETT. Mr. Speaker, the SALT agreements will not halt the arms race; if anything, a peace in strategic weapons between the United States and Russia will be the result, but there will be no end to the competition for the control of and for the influence of space. The arms race will go on.

With the passage of H.R. 15494, the American people will be forced to pay for the building of weapons of the past, not of the future. The big strategic weapons provided for in this bill are like the obsolete battleships which continued to be built in World War II after the bombing of Pearl Harbor. There were too many vested interests in building these ships to warrant the halt of their construction. A lot of money was wasted, and such will be the case with the building of the Triton submarine, the B–1 bomber, and the ABM complex around Washington, D.C.

There is a price on everything in the political bargain basement, but it is too bad that the cost of the SALT agreements will be so high. However, it is somewhat of a consolation to realize that $8.8 billion a year is a lot more palatable than a nuclear war:

THE WRONG WAR?

Judging from the lopsided vote in the House of Representatives in Washington this week (334–59) the aerospace industry on the Pacific Coast and the submarine building people at Groton, Connecticut, need have no serious worry about staying in business for the years ahead.

True, the Senate is likely to be a little more skeptical about the needs for all the extra nuclear weapons than was the House. And there may be a bit of trimming in the program before the weapons program gets to the President's desk. But it seems reasonably certain now that the deal which has been concluded between the Nixon administration and the "industrial-military complex" will be honored.

The "deal" calls for acceptance of SALT (strategic arms limitation) agreements with the Russians by the weaponeers. In return they get $8.8 billion in the new arms program for going ahead on Triton (the new supersubmarine with longer-range nuclear weapons), the B–1 (a supersonic manned bomber) and an ABM (anti-ballistic missile) complex to be set up around Washington, D.C.

We watch all this with resignation. The commitment in Washington to a new generation of nuclear weapons means that the Russians will do the same. The arms race will go on. It's the price Mr. Nixon has agreed to pay for the SALT agreement which has the merit of channeling the race. It is practical politics to buy off the weaponeers for the sake of SALT.

But the price is high because, as so often after wars, the taxpayers are asked to go on building the weapons of the past, not of the future.

If Richard Nixon's diplomacy is successful, and to date it is remarkably successful, there is not going to be any nuclear war during the next generation. If the Nixon agreements mean anything at all they mean a peace in strategic weapons between the United States and Russia. But they do not at all mean an end to competition for influence and for control of space.

In the world ahead a lot of influence and space control will be brought with fairly cheap weapons: gunboats, helicopters, light infantry. This sort of thing might gain control over the oil of the Middle East which, in turn, could mean decisive influence in Western Europe.

There will be little influence and no space control gained in the foreseeable future from the new super strategic weapons. There can be enormous influence and space gained from being ahead in the quality and efficiency of conventional tactical weapons.

In other words the big strategic weapons in the current Nixon budget are like the battleships which the Americans went on building after Pearl Harbor. The weapons which won "victory at sea" in World War II was the aircraft carrier. But a lot of money had to be wasted on obsolete battleships before the lesson was cranked into American weaponeering. There were too many vested interests in building the obsolete weapons.

It would seem to us that Mr. Nixon might have tried to get his SALT agreement at less than $8.8 billion a year in obsolete weapons, but there is a price for everything in politics. We console ourselves with the thought that if this is the price for avoiding a nuclear war with Russia—then it's the best and cheapest bargain in American history.

TENANT'S ONLY WEAPON

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ROSENTHAL. Mr. Speaker, the plight of approximately one out of every three Americans, those who rent their homes, is becoming painfully clear. Most of these 23.5 million families deliberately decide to rent an apartment or house, yet many others have no choice. This latter group is comprised largely of the elderly and the poor—people who are so often the victims of situations over which they have no control. When things go wrong or there are problems with their landlord, these people are left with little financial or legal recourse.

An article in this week's Village Voice points this out admirably. The situation described by Joanna Mermey is duplicated far too often, not only in New York City, but across the Nation.

It is time we stop treating tenants as second-class citizens. We must develop ways for these persons to gain redress of their grievances. I am inserting Mrs. Mermey's article in the Record to illustrate the incredible difficulties now so prevalent:

MacDougal Street Victory: Tenants' Only Weapon: The Rent Strike

(By Joanna Mermey)

A 68-year-old woman whose toilet had been broken for five months was defecating in milk cartons. An 84-year-old man complained that his ceiling was caving in. But Daniel Zager, owner of 103–105 MacDougal Street, kept saying, "I'm doing the best I can."

Last July, after vacancy decontrol went into effect, 103–105 MacDougal, a double seven-story building, began to crumble. The hot water went off. Toilets ceased to flush, ceilings fell down, roaches and rats ran rampant, and the garbage piled so high that postmen refused to climb over the refuse to deliver the mail.

Yet rents began to skyrocket. Apartments that had gone for $57 were up as high as $225, and some controlled apartments that should have gone up 7½ per cent were being over-charged.

Decontrol was Rockefeller's scheme to ease the housing crisis. Supposedly free-market rents would provide landlords with the funds to repair deteriorating buildings. In addition, the new rent control laws now guarantee the landlord an 8½ per cent profit based on the equalized assessed valuation of the property. According to the Metropolitan Council on Housing, since slum properties and buildings like the World Trade Center are lumped together for assessment, the profit for slumlords doubles. As long as landlords can get huge profits from substandard housing, they have no incentive to make repairs.

Neither decontrol nor the 7½ per cent yearly rent increase for all rent-controlled apartments guarantees that the landlord will use the increase properly to maintain the building. Although the city says he should, there are no provisions to insure that the landlord will put his rent increases into maintenance.

Landlords are forcing tenants out of controlled apartments by shutting off such basic services as heat and hot water. The apartment is then automatically decontrolled, an exorbitant rent is charged, and the landlord pockets the difference. The unlucky person who rents the decontrolled apartment must grin and bear the conditions. If he complains, he may find himself out on the street since decontrol does not provide the tenant with any security. Renewal of the lease is at the decretion of the landlord, and if the tenant doesn't have a lease he can be evicted on 30 days notice. Met Council says about 50 per cent of decontrolled tenants are being given month-to-month leases.

In respond to landlord harassment, tenant organizations are cropping up all over the city. Even though a rent strike is the tenants' most effective weapon, it is the last to be used. Most people just cannot conceive of themselves as lawbreakers and fear eviction. However, especially in poverty neighborhoods, like the Lower East Side and the South Bronx, tenants who have been pushed to the limit are willing to risk a rent strike in order to live like human beings.

The tenants of 103–105 MacDougal took that risk. Before organizing, they had been just a mixture of elderly Italians, students, and welfare clients with nothing in common. Their problems forced them into a close-knit fighting group and their story is typical of many others.

When the cold weather came, the heat in 103–105 MacDougal went off. Old women, looking like refugees from Auschwitz, huddled together in the hallways to keep warm.

One of the tenants, Vittorio Farentino, was at his wits' end. He made daily calls to the landlord to complain, but to no avail. Then one of his friends suggested he enlist the help of politicians and pressure groups. He called Bella Abzug, Assemblyman Bill Passannante, Village Democratic District Leaders John Lo Cicero and Miriam Bockman, and since the building had a number of elderly Italians, the Italian-American Civil Rights League. Everyone jumped on the bandwagon. Abzug's office took a tour, the Village Independent Democrats took a tour, the Italian-American Civil Rights League took a tour. Abzug's office said it would arrange inspections and expedite matters with city agencies, the VID offered support and cooperation, and the Italian-American Civil Rights League said it would demonstrate and take care of things.

The evening after the tours, the heat mysteriously went on. All the groups immediately took credit. At 2 a.m. the heat went off.

Farentino, who looks like Jean-Paul Belmondo, again approached Zager on the building's disrepair and the over-charging of his rent. Vic says, "He says to me, 'Gee you're a pretty classy guy. What are you doing in a building like this?' He asks me to sign a statement that he'll pay me the money he owes me if I cease all activity in the building. He also accused me of having a Swiss bank account and being Clifford Irving's partner. I told him where to go." Landlords often try the buy-off strategy to keep tenants quiet.

Building inspectors came and found 14 violations. Zager was served with two summonses to appear in criminal court. The tenants now had a wedge. Abzug's office arranged a meeting with Zager and an ombudsman from the Department of Rent and Housing. A contract was drawn up and Zager agreed to sign and fix up the building. Since the tenants did not sign this contract, they had no say on how the repairs were to be done. Zager sent in painters who threw the paint down the toilets and allegedly made off with a television set and typewriter.

The tenants became hysterical. They didn't know whether it was worse to live in misery or to be ripped off by the repairmen. There were no locks on the outside door and street junkies were taking over the hallways and bathrooms and using them as shooting galleries.

A few tenants got together and decided to hire a lawyer and organize a rent strike. Len Lerner, a West Side district leader, took the case as a labor of love. His father had run a cleaning store on MacDougal Street for over 30 years. When Zager took over the building last year, he raised the rent from $250 to $850 and forced Lerner's father out. The only type of businesses that can afford these types of rents are the franchise operations. Greedy landlords force out neighborhood businesses to make room for Blimpies and pizza parlors.

A small group of tenants began to organize. "Getting these elderly Italians to join was a miracle," Farentino said. "They were brought up on the 'padrone' theory. The land-owner got paid no matter what. Faces turned white and the people began to shake with the fear of eviction. Both the young and old were frightened to commit themselves. We fed them coffee and wine. We listened to stories about their great-grandsons in Vietnam, love affairs, and operations. I knew if we didn't go through this we weren't going to reach them."

A tenants' newsletter went out. "If you missed the last tenants meeting, you missed a moving experience. Young and old could see the light of change, but together, strangers became a community." The tenants committee began receiving the rent checks instead of Zager. A sign hung from the third floor: "Rent Strike."

On March 1, 40 tenants, ranging from eight to 80 years old, went to court armed with pictures of their apartments. The case was scheduled for 10, but by noon the tenants hadn't been called. Landlords often keep the tenants waiting to break down their organizational strength. Once the tenants leave, the landlord has a stronger case. But the tenants voted to stay. At 2 they were called to the bench. Attorney Lewis Katz, representing Zager, told Judge O'Hare that the violations would be repaired. One of the tenants said, "The judge refused to look at our pictures. He said he knew Zager's lawyer and knew he wouldn't lie about the conditions. He then adjourned the case."

The tenants did not give up. Three weeks later they again trooped down en masse to the court. As soon as their attorney left for lunch, the case was called. The tenants stood up one by one to defend themselves. Judge Walter Bayer was appalled. He asked where Zager lived and he was told New Jersey. "Maybe we'll get him to move in there" (the tenement), Bayer said. He called for an inspection and adjourned the case.

The inspectors came and found approximately 200 new violations. Zager was getting hot under the collar as the tenants grew stronger and the pols and press breathed down his neck. He began to cave as the rent strike strangled his cash flow. He finally signed a contract with the tenants that states he will correct the violations in the next six months. The agreement covers the "proper" repair of such items as holes, painting, broken windows, plumbing, and locks. The tenants also got him to agree to some "extras" like allowing them to choose the paint colors and new linoleum on the floors. The rent strike will continue, and the money will be held in escrow for the next six months by representatives of both the landlord and tenants. Money will be dispersed only to pay for repair.

Repairs have begun in the building. However, Zager must appear in court monthly, since the tenants have refused to dismiss the criminal charges until all the violations are fixed. On Monday, June 19, Zager did not appear for a scheduled court appearance and a warrant was issued for his arrest.

The reign of terror has begun again at 103–105 MacDougal. Although the repairmen have started to work, they have disappeared for days on end. Last week, I walked through the unlocked front door and found an elderly woman choking on plaster dust piled all over her apartment.

The Hudson Towers Tenants Association in the West Village signed a similar contract, after a rent strike that went on for a year and a half. These contracts are necessary because no leases or New York State laws release a tenant from the obligation to pay rent if the landlord lets the building crumble. This is one of the reasons decontrol and the 7½ per cent increase are such frauds on the public.

Rent strikes are costly and risky. It is outrageous that tenants should be pushed to that extreme to get what is rightfully theirs. Assemblyman Antonio Olivieri has introduced a bill which provides a statutory lease for all tenants. It includes both the right to withhold rent for lack of services and the right to repair if the landlord does not do so in a reasonable amount of time and allows the tenant to deduct the costs from the rent.

Although this is not the answer to the housing crisis, it at least puts tenants in a bargaining position from the start. In the meantime, rents continue to go sky high while the level of maintenance and repairs remains low. The landlord keeps the change while tenants huddle in doorways to keep warm.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HOSMER. Mr. Speaker, there follows the July edition of my Washington News Notes:

WASHINGTON NEWS NOTES

(By Congressman Craig Hosmer)

FAW DOWN AND GO BOOM

The Department of Health Education and Welfare is considering a $23,000 research program on "The Evaluation and Parameterization of Stability and Safety Performance Characteristics of Two-and-Three Wheel Vehicular Toys for Riding." In other words, HEW feels the Federal Government needs to know why tots fall off their tricycles. George Wallace ought to have fun with that one.

THE LEGISLATIVE STEAMROLLER

What would you think of a football team that won three games in one week by scores of 314–0, 317–0, and 318–2? That's about what Congressman Craig Hosmer accomplished recently when he ramrodded three major bills through the House of Representatives by those lopsided votes. The first (314–0) was his bill to establish the Seal Beach National Wildlife Refuge. Later that same day, as a member of the Interior Committee, he had his Water Resources Planning Act passed. Later the same week, the House passed the $2.3 billion Atomic Energy Commission authorization bill, which Craig sponsored and amended as a member of the Joint Committee on Atomic Energy.

WHERE YOUR TAX DOLLARS GO

According to the Tax Foundation, Inc., the average American family pays $3227 per year in Federal taxes—income, Social Security, excise, etc. Of that total, Uncle Sam spends over ⅓ ($1150) on health and welfare programs, including Social Security. Another ⅓ goes to national defense ($1026).

The remainder is dispersed to a broad range of Federal programs and functions. For example, the average family's contribution to the interest on the National Debt is $277. Only $42 goes toward the space program, and $32 for natural resources such as parks. Education and manpower training costs the family $148 a year.

CHAUVANISM, HOSMER STYLE

Getting caught in debate with the colorful and bellicose Congresswoman from New York, Bella Abzug, is something few enjoy, Congressman Hosmer included. During such a debate on the AEC authorization bill, the two were locked in verbal combat when Hosmer's time for speaking expired.

Following Congressional tradition and courtesy, Mrs. Abzug asked the Speaker to permit Hosmer to continue. Again, following standard practice, the Speaker announced that unless some member objected, Mr. Hosmer would be permitted additional time.

"Mr. Speaker," Hosmer boomed, "I object." Thus ended the debate.

MORTON ON YOUTH

Interior Secretary Rogers C. B. Morton says of the "generation gap": "A nation that listens only to its youth is decaying. A nation that doesn't listen to its youth has decayed. And a nation that doesn't make its youth listen will decay."

BEWARE OF FOREIGN DRUG LAWS

Many young Americans will go abroad this summer to discover that foreign countries have very tough drug laws. There are 919 young Americans now languishing in foreign jails for such violations. Most are serving 2-to-7 year terms. Our State Department can't be expected to help. Waits for trial are up to four months, not subtracted from sentences.

So beware: possession of drugs is regarded as a serious crime in most countries. Peddlers are subjected to severe penalties in deplorable prisons. Anyone contemplating a summer trip abroad should be aware that they cannot expect any deference in treatment because they are tourists or expect Uncle Sam to bail them out.

IS AMERICA RUNNING OUT OF SPACE?

A careful analysis seems to belie those who claim that America is in danger of overpopulation and running out of land. It seems that 75% of our population lives on only 1.5% of our land area. In other words, our urban population of 149.3 million (out of a total 203.3 million) lives in an area roughly the size of Florida. In that light, the issue of revitalizing rural America and building "new towns" takes on dramatic new proportions.

SUMMER INTERNS IN WASHINGTON

Congressman Hosmer has given Congressional summer internships to three college students from the 32nd District. Working with the Congressman are Bill Newkirk from Long Beach, a law student at Southwestern University Law School; Toni Whitesell from Long Beach, a student at USC; and John Hutton from Huntington Beach, who attends the U.S. International University in San Diego.

IS PHASE II WORKING

Labor Secretary J. D. Hodgson says that the Phase II wage and price controls are having a real impact where it counts most—in purchasing power. Hodgson says that since the start of the wage-price freeze last summer the average weekly earnings of the American worker have risen at an annual rate of 8%. The inflation rate has been kept under 4%.

"And that,' the Secretary says, "is a real, solid supermarket purchasing power type wage gain. It's not the kind of phony dollar gain the worker made in the late 1960s when every cent per hour raise . . . was wiped out by inflation."

CAUSES OF INFANTILE AUTISM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HARRINGTON. Mr Speaker, throughout this Congress I have used this medium as a means of informing my colleagues on the needs of mentally ill children and particularly autistic children. Today I wish to relay to my colleagues and other interested readers an article that appeared in the first issue of the Journal of Autism and Childhood Schizophrenia in January 1971. The article by Michael Rutter and Lawrence Bartak is entitled, "Causes of Infantile Autism: Some Considerations from Recent Research." It is an extremely well-written article that discusses various aspects of autism. However, because of the recent rule change regarding the Extentions of Remarks which restricts inserts to 2 pages, this article will be cut short.

It is a shame that autistic children are neglected but when the problems concerning them cannot be discussed in this congressional forum, there is something seriously wrong with this body.

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The article follows:

CAUSES OF INFANTILE AUTISM: SOME CONSIDERATIONS FROM RECENT RESEARCH

(By Michael Rutter and Lawrence Bartak)

"Since 1938 there have come to our attention a number of children whose condition differs markedly and uniquely from anything reported so far." So began Kanner's epoch-making first account of the condition now know as infantile autism. After a brilliant clinical description—which could scarcely be bettered today—he went on to end the paper by stating that "we must, then, assume that these children have come into the world with innate inability to form the usual, biologically provided affective contact with people, just as other children come into the world with innate physical or intellectual handicaps" (Kanner, 1943).

Since then, from many different centers in all parts of the world, there have come numerous other reports of similar children (Rimland, 1964; Bender, 1969). There is no doubt now that such a condition can be recognized and that in their behavior and development, children with infantile autism do differ from children with other psychiatric disorders. However, there has been dispute on the question of whether autistic children differ qualitatively, or merely quantitatively, from the normal. There has also been a proliferation of hypotheses on the nature of autism and on its causation. The basic cause of infantile autism still remains unknown; but experimental, clinical and longitudinal studies carried out over the last 10 years have gone a long way toward the elucidation of the mechanisms involved. This paper briefly surveys the findings of this research in order to arrive at some appraisal of what is known about causes.

Before appraising causes, it is necessary to define the condition we are to consider. As the name "autism" implies, one of the key features consists of an autistic-type abnormality in interpersonal relationships. This may be shown in early childhood by a relative lack of eye-to-eye gaze, limited emotional attachments to parents, little variation in facial expression, and an appearance of aloofness and distance together with an apparent lack of interest in people. Autistic children often fail to cuddle and do not come to parents for comfort when hurt or upset. They do not join in group play activities or form friendships; they show little emotion, little sympathy or empathy for other people. However, these social abnormalities are not (and were not in Kanner's first description) the only features of the syndrome. In the present state of knowledge it appears that the diagnosis of infantile autism should be restricted to children who show the three groups of abnormalities autism (as already described), delays in speech and language development, and ritualistic and compulsive phenomena (Rutter, 1970a). Speech and language delay is usually accompanied by at least some reduction in response to sounds; and when language develops it is usually abnormal in quality—pronominal reversal and echolalia being the most striking features. The ritualistic and compulsive phenomena may take any of four forms: a morbid attachment to unusual objects; peculiar preoccupations, a resistance to change or quasi-obsessive rituals.

Hand and finger mannerisms and complex whole body movements of a stereotyped kind are also common but should not be included as diagnostic criteria in view of their frequency in the (nonautistic) inmates of long-stay institutions, in mentally subnormal children, and in blind children. It should be emphasized that the clinical picture changes somewhat as they grow older; some of these diagnostic features may not be apparent in the older child.

One further diagnostic criterion is necessary and that is onset in infancy—or at least by the age of 30 months. The majority of autistic children have shown abnormalities from the first year of life; but in a minority of cases—probably about a fifth—there does seem to have been a period of normal development before the onset of autism. Whether these cases differ in pathogenesis from the others is not yet known.

Let us now turn to the first major issue: does autism differ *qualitatively* from normality? That some features of autism may occur in other conditions or even, as transient features, in normal children is generally accepted. However, some writers have gone further. O'Gorman (1970) observed that dissociation and social withdrawal are normal phenomena. All of us show this when concentrating on work or a book. He suggests that autistic children withdraw from auditory stimuli in infancy and continue to do so until it becomes a habit. Thus, he sees autism as a defense mechanism and the syndrome as merely an exaggeration of normal phenomena. The crucial feature in this view is that the social withdrawal in autism is similar in kind to that shown in normal people. That autistic children are seriously impaired in their social relationships in early childhood is obviously true, but O'Gorman's suggestion that this is the same type of selective withdrawal found at times in normal people has no empirical support. The hypothesis fails to account for the other features of the syndrome, it does not explain why autism is four times as common in boys as in girls, and it by-passes the evidence of organic impairment in autistic children.

Selective social withdrawal and avoidance of speech does, of course, occur in the condition known as "elective mutism." However, the clinical features and outcome are quite different from autism and, unlike autism, elective mutism is found in girls as often as in boys. On the available evidence to date, the hypothesis that autism is due to selective social withdrawal may be rejected. Others have suggested that although the social withdrawal may differ in kind from that in the general population, nevertheless, such withdrawal, however caused, is the basic handicap. On the face of it, this seems more plausible in that impaired relationships are certainly a cardinal feature of autism. However, social withdrawal is one of the first symptoms to improve in autism, and some autistic children cease to show the symptom in adult life (Rutter, Greenfeld, & Lockyer, 1967). The finding that even after they cease to be withdrawn, they may still remain retarded in language, have a low I.Q., and show obsessive-like symptoms argues strongly against social withdrawal (of any type) being the cause of the other handicaps (Rutter, 1968).

Ounsted and the Hutts at Oxford, noting the importance of gaze aversion, have suggested that autism consists of a genetically determined extreme degree of introversion associated with high arousal in social situations (Hutt & Ounsted, 1966; Hutt, C., & Hutt, S. J., 1970). This hypothesis requires serious attention. Ounsted (1970) has marshalled the arguments in a recent review of the subject and ends by listing 11 predictions stemming from his theory. Some of these have received support and some have still to be tested. However, one crucial prediction has failed the test. Ounsted (1970) argued that if his view was correct, the parents of autistic children should be markedly more introverted than normal. Kolvin (1971) has recently shown that this is not so. Mothers of autistic children are actually slightly (but not significantly) more extroverted than the general population. Another facet of Ounsted's theory—that of high arousal (Hutt, S. J., Hutt, C., Lee, & Ounsted, 1965)—has also been called in question by recent work. Hermelin and O'Connor (1968; 1970) found that in the resting state autistic children do not differ from normal or subnormal controls in their cortical aroused state, at least as measured by alpha blocking. Complex results were obtained with regard to arousal in conditions of sensory stimulation. In intermittent (but not continuous) light stimulation, autistic children became less aroused than normal people, whereas in continuous (but not intermittent) sound stimulation, they were more highly aroused. Arousal is a multifaceted concept, and different measures of arousal do not always agree with one another. Exactly what is the correct explanation of the two sets of findings on arousal is uncertain. It may be that in some circumstances autistic children are overaroused as a response to certain types of stimulation but clearly they cannot be regarded as generally showing high arousal as a basic handicap.

The Oxford group found that autistic children's stereotypes increased in complex environments which, they argued, suggested high arousal (Hutt, C., & Hutt, S. J., 1965; 1966); but preliminary findings from Ornitz, Brown, Sorosky, Ritvo, and Dietrich (1970) in Los Angeles failed to confirm this. Finally, the introversion theory cannot account for the heavy male preponderance among autistic children. In the general population, there is no evidence that introversion is more common to either sex (Eysenck, H. J., & Eysenck, S. B. CE (1969). In view of these recent findings, one must conclude that Ounsted's theory will not stand without serious modification. It still poses some important research questions but it cannot account for the causation of autism.

Before turning to what might be the causes of autism it is necesary first to consider a few other hypotheses which have been influential but which now appear mistaken. For many years autism was regarded as a particularly early manifestation of schizophrenia, intellectual level, cognitive pattern, this view is wrong. Autism and schizophrenia differ in terms of sex distribution, social background, family history of schizophrenia, intellectual level, cognitive pattern, presence of delusions and hallucinations, and course of disorder (Rutter, 1968). Kolvin's important series of studies comparing infantile and late onset psychoses now provide the most decisive evidence that the two conditions are quite different (Kolvin, 1971).

Until recently some workers have regarded autism as a psychogenically determined disorder. Autism has been thought to represent the child's response to parental detachment, lack of warmth and obsessionality. This theory also now seems most unlikely. A recent study of ours (Rutter, Bartak, & Newman, 1971) has shown that the parents of autistic children do not differ in these characteristics from the parents of children with other language disorders. Kolvin (1971) found that the mothers were not at all unusual in terms of either neuroticism or introversion and that both clinical and questionnaire studies have failed to show any personality stereotype in the parents (Rutter, 1967).

Yet others have suggested that there may be parental pathology which is specifically concerned with the child who becomes autistic, but again supportive evidence is lacking. Furthermore, such parental abnormalities as do occur are at least as likely to result from pathology in the child as the other way around. It is relevant in this connection that Schopler and Loftin (1969) found that parental qualities differ according to the setting in which they are assessed.

It may be concluded that autism almost certainly is not due solely to psychogenic influences, although, as in any other child, environmental circumstances may well be influential in the development of secondary handicaps.

In similar fashion it has been suggested that autism develops because of a lack of adequate social stimulation and personal contact. It is well known, of course, that social deprivation can lead to social withdrawal and language retardation; but it probably affects boys and girls equally and the pattern of symptoms is different from that in autistic children. In particular, there is usually little defect in language comprehension (almost always seriously impaired in autistic children) and ritualistic and compulsive activities are not a characteristic feature (Rutter, 1971). In any case, autistic children do not usually have a history of depriving experiences. It may be concluded that it is most unlikely that social deprivation is a cause of autism.

Genetic studies have been disappointingly limited and inconclusive so far, and there is a need for a well-conducted twin study on adequate numbers (Rutter, 1967; 1968). The rate of autism in siblings (less than 2%) is low, which is rather against a decisive hereditary element. On the other hand, the rate is considerably above that in the general population (4 to 5 per 10,000) and it may be that there is a genetically determined type of autism that constitutes a small subgroup of autistic disorders. Several investigations have shown that autistic children have the normal chromosome complement (Biesele, Schmid, & Lawlis, 1968; Böök, Nichtern, & Gruenberg 1963; Judd & Mandell, 1968); but Judd and Mandell reported that some autistic children as well as some fathers had an unusually long arm to the Y chromosome. The significance of this, if any, is quite unknown at present.

In the past it has occasionally been suggested that autism is merely an unusual type of mental subnormality, but there are two main reasons why this is an inadequate explanation.

1. Even on standard intelligence tests, about a quarter of autistic children can be shown to have an I.Q. in the normal range (Rutter & Lockyer, 1967).

2. To some extent the autistic child's poor level of intellectual function appears to be related to specific defects in language rather than to a global deficiency of intelligence (Lockyer & Rutter, 1970).

Yet on the other hand, there can be little doubt that intellectual retardation is an important aspect of autism. The majority of autistic children obtain scores in the mental subnormal range, and the IQ scores in early childhood have been found to be reasonably stable and a quite good predictor of intellectual functioning later (Lockyer & Rutter, 1969). Moreover, the IQ level remains much the same even in those autistic children who recover or greatly improve (Rutter, 1966). Many autistic children are mentally subnormal as well as being autistic, and the mental subnormality is just as "real" as in any other child who is mentally retarded.

So far our conclusions on etiological factors in autism have been largely negative, so let us now turn to more positive findings.

In a review of concepts of autism (Rutter, 1968) it was concluded that autistic children had a central disorder of language involving both the comprehension of language and the utilization of language or conceptual skills in thinking. It was suggested that this disorder of language constituted the basic handicap to which the other symptoms of autism were secondary. Work since then, particularly the systematic experimental studies of Hermelin, O'Connor and Frith (Frith, 1971; Hermelin, 1971; Hermelin & O'Connor, 1970; O'Connor, 1971) have largely confirmed this view, but have also shown that the cognitive defect is rather wider than suggested in 1968.

The evidence in favor of this hypothesis may be summarized as follows: Retardation of speech and language is an almost invariable manifestation in infantile autism, and a lack of response to sounds is frequently the first symptom to be noted. Apart from the level of IQ, language is also the most important prognostic factor (Rutter, 1967). The pattern of cognitive abilities in autism shows that the children are deficient in language skills even on tests that do not require speech (Lockyer & Rutter, 1970). These results show that the failure to speak results from a basic impairment in language function, not just from an absence of motivation to speak. Not only is the autistic child retarded in language, but also his *pattern* of linguistic abilities is significantly different from that exhibited by either normal or mentally retarded children (Tubbs, 1966). The autistic child is particularly poor in his transfer of information from one sensory modality to another, in his understanding of the meaning of the spoken word, and in his use of gesture. The last feature also differentiates the autistic child from the child with so-called developmental aphasia (Rutter, Bartak, & Newman, 1971). Pronominal reversal and echolalia, which probably reflect defects in comprehension, are also much more common in autistic than "aphasic" children. Thus, autistic children differ from aphasic children in having both a more severe and a more widespread language handicap.

The experimental studies of Hermelin, O'Connor, and Frith carry the issue much further. They have shown that autistic children are particularly unresponsive to verbal stimuli and that they make little use of concepts in memorizing. The verbal recall of autistic children is relatively independent of the meaning of what they hear. More recent experiments have shown that, compared with normal and mentally subnormal children of the same mental age, autistic children not only are impaired in their appreciation of the grammatically structured aspects of language but also lack the ability to associate words semantically. However, this defect is not confined to auditory material. Autistic children also have difficulties in perceiving temporal patterns in visually presented stimuli, suggesting a central defect in the processing of any sort of coded, meaningful, or temporally patterned stimuli. Such a deficit is likely to impair severely the infant's and young child's interaction with the environment. It is suggested as a working hypothesis that these specific cognitive defects are the cause of the social and behavior differences in most cases of autism (Rutter, Bartak, & Newman, 1971).

Other workers, while agreeing that autism is based on some form of central cognitive disorder, have laid most emphasis on slightly different central functions (DeMyer, 1971). For example, Ornitz (1971) has suggested that there is a disorder of sensory motor integration; Martin (1971), a central sensory disorder; and Wing (1971), a disorder involving multiple language, cognitive and perceptual handicaps. The fact of the matter is that autistic children usually exhibit multiple central defects. At the present time it is uncertain which of these are necessary and sufficient causes of the disorder. We have suggested that a central defect in the processing of symbolic or sequence information is likely to prove the basic defect but the evidence is not yet available to decide conclusively between the different types of cognitive or sensory disorders which have been postulated for autism.

The cause of the language/cognitive defect is still to be considered. Among young autistic children it is usual to find no abnormalities on neurological examination other than immaturities in developmental functions. In addition, metabolic investigations generally show no specific abnormality (Rutter, 1967; Sankar, 1970). These negative findings have led to the assumption that there is no organic brain dysfunction in autism. However, long term followup studies have now shown that this assumption is frequently wrong. Autistic children first seen at the Maudsley Hospital in early childhood have now been followed through to adult (a mean age of 22 years) life (Rutter, 1970b). Of these 64 children, no less than 18 (29% of those not epileptic in early childhood) have developed epileptic fits during adolescence. These findings inevitably raise the question of whether autism can be divided into those cases due to organic brain disease and those not due to this disease. The most obvious difference between those who did and those who did not develop fits in adolescence was the initial level of measured intelligence. Of the nine children whose IQ was untestable, and, therefore presumably untestably low (Lockyer & Rutter, 1969), no less than seven have begun to have fits by the 1970 follow-up.[1] Furthermore, of the 18 children who developed fits, only 2 had an initial IQ of 65 or more. Put the other way around, of the 27 children who were untestable or had an IQ of 50 or less, 15 developed fits in adolescence, another 2 had had fits since early childhood, and a further 4 had indications of possible brain disorder. These findings strongly suggest that most, if not all, autistic children with severe "intellectual retardation" develop their disorder as a result of organic brain dysfunction.

A further pointer to the probability of neurological disorder in some autistic children is provided by the small proportion (7 out of 64 in the follow-up study) who deteriorate in adolescence. In three cases with an IQ below 50, deterioration occurred from an already low level; but in four, where the IQ was in the 59 to 69 range, the decline followed a period of progress and general improvement. The deterioration usually began with a loss of language skills associated with inertia and decreasing activity and was followed by general intellectual decline. In four out of the seven cases the deterioration was accompanied by the development of fits. Investigations of these children are only just beginning; therefore, the cause remains unknown. However, one child not in the followup study, who showed the same clinical picture, was found to have histidinaemia.

The situation is rather different with respect to those autistic children who had normal intelligence. Of the 12 in the follow-up study with a performance IQ of at least 80 in adolescence, only 4 showed evidence of probable "brain damage".[2] But unlike the intellectually retarded, the majority showed no clear indication of organic brain dysfunction.

A further possibility in these children is that the autism developed in relation to a particularly severe developmental language disorder, possibly genetically determined. This is suggested by findings from the comparative study of autistic and developmental "aphasic" children already mentioned (Rutter, Bartak, & Newman, 1971). In the autistic children, 5 out of 14 had a history of language delay in close relatives, as did 5 out of 11 "aphasic" children. Although this study showed important differences between autistic and aphasic children, it had also been found that the two conditions may occur in the same sibship, suggesting a possible link in a subgroup of cases. In these families, autism developed in the intellectually retarded siblings who also had the most severe and global language impairment.

Although we are still far from knowing the cause of infantile autism, the nature of the disorder is becoming more clearly understood. Clinical, comparative, and experimental studies of autistic children at all levels of intelligence have demonstrated the presence of a severe and extensive defect in language comprehension and in central functions associated with language and with the processing of symbolic or sequenced information. Circumstantial evidence suggests (but does not prove) that the language and cognitive defect constitutes the primary handicap in autism, the social and behavioral abnormalities arising as secondary consequences.

The cause of this language and cognitive defect remains unknown. The high rate of fits in intellectually retarded autistic children suggests the existence of some kind of organic brain damage or disorder. In the few cases where some specific brain disease has been found, the type of disease has been far from uniform. It seems that the type of physiological dysfunction caused by the disease is more important than the type of tissue pathology. Among the intelligent autistic children the evidence for structural brain pathology is less striking, and it remains possible that few cases arise on the basis of a maturational disorder. The rate of genetic factors remains quite uncertain. This is an area of research requiring further exploration.

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[1] This includes one who had a few fits in infancy and therefore excluded from the 18 children with developing fits for the first time in adolescence.

[2] One case each of fits developing in adolescence, a persistent, temporal lobe spike focus on the EEG, toxoplasmosis, and congenital lues.

It is not yet possible to be sure whether the language/cognitive defect is a *sufficient* cause for autism or whether some interaction with particular personality attributes or family environment is necessary. However, the consistent finding of gross language and cognitive deficits associated with autism and the consistent failure to find deviant factors in the environmental situation suggest that the language/cognitive impairment is the *main* factor involved in the pathogenesis of autism.

BILL OF RIGHTS FOR THE MENTALLY RETARDED

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HASTINGS. Mr. Speaker, upon reviewing the findings of a special HEW action team of Federal and outside consultant experts on the conditions at the Willowbrook State School, I am introducing legislation to provide a bill of rights for the mentally retarded. Included herewith is a section-by-section analysis of this legislation to assist my colleagues in understanding the necessity for this measure:

BILL OF RIGHTS FOR THE MENTALLY RETARDED—SECTION-BY-SECTION ANALYSIS

The opening section of the bill states the overall general aims of the bill—to provide for the human care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance; to establish State plans requiring a survey of need for assistance to facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admission to residential facilities and develop strategies to stimulate the development of regional and community programs for the mentally retarded which include integration of such residential facilities.

Section 2 of the bill presents the findings of the Congress concerning the mentally retarded in the United States and the care that is provided them in residential facilities. These findings are concerned with such matters as:

(1) the numbers of mentally retarded currently living in residential facilities for the retarded,

(2) the prime purpose of residential services,

(3) the basic obligation of residential services,

(4) the considerations on which admissions to a residential facility should be based,

(5) the importance of legal guardians for both adult and minor residents of institutions,

(6) the need for residential facilities to be humane and safe, to provide basic human needs, and to be located in the community served and provide normal contacts within the community life.

(7) the realization that the first consideration in research and planning for the retarded must be the protection of the human dignity, the integrity and the life of the mentally retarded, and

(8) the necessity for both an upgrading of existing facilities for the retarded and the establishment of new, small, homelike units integrated into community living situations.

Part (b) of Sec. 2 states that the purpose of the Act is to establish standards for the operation of residential facilities, to improve the provision of services to the retarded by encouraging and supporting the planning and development of strategies to implement these standards, to minimize inappropriate admissions to residential facilities, and to stimulate the development of regional and community programs integrating the facilities conforming to these standards. A further purpose of the Act is to encourage and support planning and development of strategies to survey and analyze residential facilities and their compliance with the standards established under the Act and to stimulate regional and community programs and services for the retarded which integrate such residential facilities.

TITLE XI OF THE PUBLIC HEALTH SERVICE ACT—SUPPORT OF RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

Sec. 3 of the bill creates a new title XI in the Public Health Service Act entitled Support of Residential Facilities for the Mentally Retarded.

Part A—State Strategy Planning

Part A of this title, entitled "State Strategy Planning" authorizes two programs of grants, each totalling $15 million a year for fiscal year 1973 and the next two succeeding fiscal years.

The first program of grants, described in sec. 1101(a), will be used to help the States conduct comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established under this Act, to review existing State plans and develop strategies including implementation and monitoring mechanisms to fulfill the overall stated purposes of the Act, such as to minimize inappropriate placement in residential facilities particularly by providing alternative programs of care, and to coordinate and integrate existing residential facilities with existing and future regional and community mental retardation programs and services. The bill provides that this be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded which is established by a later section of the Act, section 1109. This first grant program will also be used to study administrative relationships, including the identification of legal, economic, social, and other barriers to compliance with the standards established under this Act, as well as the involvement of public and private sources in programs and services for the mentally retarded, with recommendations for improvement.

The second program of grants, described in section 1101(b), will be uesd to assist the States in improving the services provided by existing residential facilities for the mentally retarded. These grants will not exceed $300,000 per institution and will cover costs of administering and operating demonstration facilities and training programs. These grants awards will be evaluated for effectiveness in improving residential care for the mentally retarded.

Part B—Delivery of Mental Retardation Programs and Services

Part B of the new title is entitled "Delivery of Mental Retardation Programs and Services". Section 1102 of this part authorizes such sums as are necessary in grants to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformity with the standards established under this Act. Priority in awarding these grants will be given to those applicants whose facilities are in the greatest need of assistance.

A State desiring to receive a grant must submit a plan:

(1) setting forth a schedule for compliance with the established standards for each facility;

(2) designating a State planning and advisory council, with a membership drawn from local agencies and nongovernmental organizations concerned with services for the mentally retarded, and with at least one-third representing consumers of such services;

(3) assuring reasonable State financial participation in the cost of carrying out the plan and how the facility will complement and augment rather than duplicate or replace other community services for the retarded;

(4) setting forth a schedule of costs to achieve compliance with the standards;

(5) designating how placement in residential facilities will be minimized through alternative regional and community programs and services.

Sec. 1103(b) provides for approval of plans which set forth a reasonable time for compliance and provides that plans will not be disapproved without reasonable notice and opportunity for a hearing.

Sec. 1104 provides that individual project grants will not exceed 75 percent of the cost of the project and that payments will be made in advance or by reimbursement.

Sec. 1105 assures maintenance of effort by the States; that is, that grants to the States will not result in any decrease in the level of already existing funds, but will be used to supplement and increase the level of such funds.

Sec. 1106 establishes procedures for the withholding of grants if there has been a failure to comply with the State plan or if any program assisted fails to comply with any applicable provision of the Act. Payments will be withheld until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected. When a State has received a grant under sec. 1102 and has not complied with the standards of the Act within a reasonable period of time, that State will not be eligible for any further funds on behalf of any person who is a resident of any residential facility for the retarded which does not meet the standards described in part C of the title. The section provides that any funds to which a person would otherwise be entitled to have paid on his behalf to a residential facility will be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf if he were entitled to them. Five years after the enactment of this Act, no residential facility that does not comply to the standards established by this Act will be eligible to receive any direct or indirect payments under any Federal law.

Sec. 1107 provides for an extension of time for grantees and other residential facilities for the retarded to meet the established standards if appropriations for grants under sec. 1102 do not meet authorizations.

Section 1108 authorizes such sums as may be necessary for three years beginning in fiscal year 1973 for a program of grants to public or private nonprofit agencies, organizations, or institutions to meet the costs of development, improvement, extension, or expansion of community resources and community living situations for the mentally retarded other than living-in residential facilities for the mentally retarded. The section authorizes the Secretary to prescribe regulations describing the applications that will be used to apply for grants, and directs the Secretary to give priority to those applicants whose proposals he determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

Sec. 1109 provides for the establishment of a fifteen-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded. Members will be appointed from representatives of professional and voluntary organizations concerned with the mentally retarded, consumers of services from residential facilities for the retarded (for example, parents of the mentally retarded), and leaders in the fields of service to the mentally retarded. A majority of the membership will represent the interests of consumers of services.

The Council will advise the Secretary on regulations implementing standards, will study and evaluate such standards through site visits and other methods to determine their effectiveness, and will recommend any changes or improvements in the standards.

Council members will be compensated.

Part C—Standards for Mental Retardation Facilities for the Mentally Retarded

The major proportion of the bill is contained in Part C, which is entitled "Standards for Residential Facilities for the Mentally Retarded" and which consists of a comprehensive and detailed description of the standards a residential facility for the mentally retarded must comply with in order to qualify for assistance under this Act, and eventually for assistance and funds under any Federal program. This part is divided into eight chapters and each chapter is broken down into subchapter.

CHAPTER I—ADMINISTRATIVE POLICIES AND PRACTICES

The first subchapter of Chapter I describes the standards for the philosophy under which a residential facility should operate, and the standards under which such a facility should be located and operated. These standards stress the fostering of humanization of mentally retarded residents and the importance of providing as normal an atmosphere as possible. The standards deemphasize the use of institutional terms in dealing with the retarded and their problems. Under these standards, the residential facility will be integrated into the community and the general population as much as possible. The residents will use community resources such as schools, religious facilities, medical and other professional services, recreation facilities, stores, and employment facilities as extensively as possible. The facility will be designed and operated to help residents to move from structured, dehumanized, institutional living to a less structured, more individualized, and independent life. Facilities will emphasize groupings of program and residential units designed to meet residents' needs and integrated into, instead of segregated from, community life.

The second subchapter of Chapter I outlines general policies and practices under which a residential facility shall operate. It requires a facility to have generally available a written outline of the philosophy, objectives, and goals it is striving to achieve. The facility will also have a manual of policies and procedures describing what it is doing to achieve its objectives and goals. In addition, a statement of policies and procedures concerning the rights of residents will be required.

The facility is required to have a statement of policies and procedures that protect the financial interests of residents, manuals describing procedures in the major operating units of the facility, a summary of laws and regulations relevant to mental retardation and to the function of the facility, and a plan for a continuing management audit.

Public facilities will have documents describing their statutory basis of existence and the administration of the governmental department in which they operate. Private facilities will have documentation, including charters, constitutions and bylaws, and State licenses.

This subchapter describes the general duties of the governing body of a facility and the responsibilities of the chief executive officer and other persons responsible for the operation of the facility.

The subchapter also describes the general overall management, organization, and administration of the facility, including such matters as delegation of authority and responsibility, decisionmaking, proper utilization of staff, and effective channels of communications. There will be a plan for improvement of staff and services.

There will be provisions for effective staff and resident participation and communication, including use of staff meetings and standing committees. The facility will use a percentage of operating budget for self-renewal purposes. The findings of these activities will be disseminated to staff and consumer representatives. There will be a system of collection and recording of data describing the population of the facility.

The facility will have a publicly available description of services for residents. The facility will provide, by various means, for meaningful and extensive participation in the policymaking and operation of the facility by consumer representatives and the public.

The facility will establish an extensive public education and information program to develop understanding and acceptance of the mentally retarded in all aspects of community living.

Subchapter III of Chapter I describes standards for admission and release of mentally retarded residents of facilities. These provide that only those who can be helped by the facility's programs will be admitted, and that numbers of admissions will not exceed the facility's capacity and provisions for adequate programming.

Laws, regulations, and procedures for admission, readmission, and release will be summarized and available for distribution. The matter of legal incompetence will be separate from the matter of the need for residential services, and admission to a facility will not automatically imply legal incompetence.

Before admission, a resident must have a complete physical, emotional, social and cognitive evaluation. Service need for each resident will be defined without regard to the actual availability of all the desirable options. A retarded person will be admitted to a facility only when it can be determined that this would be the best measure for him. When admission is not the best idea, but cannot be avoided, this must be acknowledged clearly and plans must be made to explore alternatives. The primary beneficiary of the admission to a facility must be clearly specified as the resident, his family, his community, society, and several of these. All admissions are to be regarded as temporary.

A medical evaluation by a physician will be made within a week of admission. Provision is made for continuing and regular evaluations of the resident and his progress in the facility.

Provision is made for physical inspection of the resident for signs of injury or disease prior to and following temporary or permanent release from the facility. Procedures are described for reporting on the resident's status at the time of permanent release or transfer from the facility.

In the event of serious illness or accident, impending death, or death, provision is made for informing next of kin or guardian, and the following of the wishes of that person concerning religious matters. In case of death of a resident, provision is made for autopsy, with permission, for suitable religious services and burial, if wished, and for informing coroner or medical examiner, in accordance with law.

Subchapter IV of Chapter I outlines the personnel policies a resident facility for the mentally retarded must follow in order to comply with this law. It provides for a personnel director if warranted, for a written description of current personnel policies and practices to be available to all employees and for initial screening and regular evaluation of all personnel.

The subchapter provides that staffing should be sufficient so that the facility is not dependent upon residents or volunteers for the performance of productive services. It describes procedures under which residents can be involved in such services. The subchapter describes procedures for the establishment of an appropriate staff training program and the qualifications of the person responsible for this program. Also described are provisions for creating relations with nearby colleges and universities for advance training of the facility's staff, for the use of facility resources for training and research by the colleges and universities, and for exchange of staff between the facility and the colleges and universities.

CHAPTER II—RESIDENT LIVING

The first subchapter of Chapter II describes staff-resident relationships and activities. Staff of the facility's living units will devote their attention to the care and development of residents in the atmosphere of the living units as follows:

(1) by providing sufficient attention to each resident each day;

(2) by training residents in activities of daily living and in development of self-help and social skills;

(3) by providing a warm, family- or home-like environment;

(4) by not being diverted by housekeeping, clerical, and other non-resident-care activities; and

(5) by maintaining stability and consistent interpersonal relationships.

Living unit staff will participate with an interdisciplinary team in the overall care and development of the resident. Provision is made for evaluation and program plans for each resident to be available to living unit staff and to be reviewed regularly by the interdisciplinary team.

Activity schedules for each resident free of "dead time" of more than one hour and allowing for individual and group free activities will be available to living unit staff and implemented daily. Life in the living unit will resemble as much as is possible the cultural norm of nonretarded age peers. Residents will be assigned responsibilities in the living unit, and an effort will be made to enhance self-respect and to develop independent living skills. Provision must be made for appropriate out-of-bed and bedroom activities for multiple handicapped and nonambulatory residents. Residents will have planned periods of time out doors and will be instructed on how to use freedom of movement both within and without the facility's grounds. Special events, such as birthdays, will be observed and provisions will be made for appropriate heterosexual interaction. Residents' view and opinions on matters concerning them will be elicited and considered. They will be instructed in the use of and will have appropriate access to communication processes, such as telephones and mail. They will be permitted appropriate personal possessions and the possession and the use of money.

There will be provision for the recognition and management of behavioral problems in the living unit. There will be a written statement of appropriate policies and procedures for the control and discipline of residents. Corporal punishment will not be permitted and residents will not discipline other residents, except as part of an organized self-government program. Seclusion in a locked room will not be employed. Physical restraint will be used only when necessary to protect the resident from injury to himself or to others, and not for punishment, convenience of the staff, or as a substitute for program. Policies for the use of restraint will be in writing and will follow certain guidelines. Procedures are described for the appropriate use of mechanical supports, chemical restraints, and behavior modification programs.

The second subchapter of Chapter II describes the standards for food services in the resident facility. It provides that food services meet the needs of each resident and be professionally planned and nutritionally adequate. It provides for a written statement of goals, policies, and procedures of the facility's food service. A qualified nutritionist or dietitian will be employed or consulted regularly. The standards require that well-balanced meals be served to residents three times a day at appropriate intervals in dining rooms which are suitably designed and equipped. The food service of the facility, like all other services, must be designed and operated to meet the needs of the residents. Suitable supervision and systematic training in the development of appropriate eating skills will be provided. Provision must be made for cleaning equipment and for handwashing facilities.

Subchapter III of the second Chapter is concerned with provisions for clothing of the residents. Each resident will be provided an adequate supply of clothing comparable to the clothing worn in the community. Provision is made for the supplying of appropriate clothing to residents with special needs, such as the multiply handicapped, the nonambulatory, and the incontinent. Residents will be trained and encouraged to choose their own clothing, select their daily clothing, dress themselves, and maintain their clothing as independently as possible.

Subchapter IV describes provisions for the health, hygiene, and grooming of residents. Residents will be trained to become as independent as possible in these matters of personal care, such as daily bathiing, brushing teeth, etc. Staff assistance will be provided where appropriate, such as helping female residents in caring for menstrual needs, or in providing toilet training where needed.

Each living unit will have a properly adapted drinking unit and residents will be taught the proper use of such units.

Procedures will be established for regular weighing and height measurement of residents and for the maintenance of suitable records. Care of infections and contagious diseases will conform to State and local health regulations. A physician will review regularly all orders prescribiing bed rest and prohibition of outdoor activities. Such devices as dentures, eyeglasses, hearing aids, and braces will be furnished and maintained by appropriate specialists.

Subchapter V describes standards for grouping and organization of living units. These living units will be small enough to insure proper development of interpersonal relationships among residents and between residents and staff. A single unit, including sleeping, dining, and activity areas, should provide for the housing of not more than sixteen residents, and program groups within the unit should not exceed eight.

DR. JAMES C. TUMBLIN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DUNCAN. Mr. Speaker, at its 75th annual congress the American Optometric Association—AOA—which represents the overwhelming majority of this country's 18,000 optometrists, installed Dr. James C. Tumblin from Knoxville, Tenn., as its president. It is my privilege to represent the district in which this progressive city is located. This city is progressive because of citizens such as Dr. Tumblin whose contributions extend beyond his private office.

After receiving his doctor of optometry from the Northern Illinois College of Optometry in 1948, Dr. Tumblin went into private practice and, except for a brief tour of duty in the Armed Forces, has continued to serve his community's vision-care needs, as have optometrists in some 6,300 localities around the Nation.

During the last 10 years, Dr. Tumblin, known by his colleagues as the "Southern Gentleman," has established what could be considered a "decade of dedication": He has been the Tennessee Optometric Association's president; and he has served in a leadership capacity on several of his national association's panels, including trustee of the AOA and the Council on Optometric Education. He ascended to his present office with AOA after having been its secretary-treasurer, vice president, and president-elect.

His membership in other professional organizations includes the American Optometric Foundation, Optometric Extension Program Foundation, Armed Forces Optometric Society, Better Vision Institute, and a Fellow, Tennessee Academy of Optometry.

Newly installed AOA president Tumblin is also active in religious and civic activities.

Dr. Tumblin's leadership qualities have been exhibited on many occasions, among them his coordination in the preparation of a "Manual on Membership Development," a collection of the methods successfully used in various States in gaining membership.

During the remainder of this decade, when health-care will undoubtedly be one of the largest issues to confront the American people and the U.S. Congress, it is encouraging to know that professional associations, such as the American Optometric Association—the spokesman for the third largest independently prescribing health-care profession—has shown the wisdom to install Dr. J. C. Tumblin as its leader for the coming year. This will be a challenging year and Dr. Tumblin has demonstrated that he is prepared to meet this challenge. I am sure you all join me in wishing a fellow Tennessean best wishes in his new and important role.

LETTER TO RALPH NADER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, most of our colleagues have already been visited, as I have, by agents of a self-styled expert on just about everything, with demands that we complete a questionnaire of over 600 questions then grant a personal interview to a volunteer questioner in order to help his organization research a paper critical of the Congress and its operations.

I am today returning the questionnaire and advising the head of the organization that I consider assigning members of my staff the task of completing it would be an unwarranted intrusion on their duties and responsibilities. As I believe many of our colleagues share my views, I insert the text of the letter I addressed today to Mr. Ralph Nader at this point in the RECORD:

JUNE 30, 1972.

MR. RALPH NADER,
Washington, D.C.

DEAR MR. NADER: Reference is made to a very lengthy questionnaire containing over 600 questions which was left at my Capitol Hill office by a member of your staff, who also requested an interview.

First of all, I would like to call to your attention that my Congressional District is immediately across the Potomac River from the Nation's Capital and is, therefore, within easy commuting and communicating distance to all my constituents. In addition, a large percentage of them are involved and very conversant with governmental affairs. Needless to say, service to my constituents taxes the capabilities of my office to a considerable extent. Moreover, I am also a member of the House Committees on Ways and Means and the District of Columbia. These official duties leave me virtually no time to take on other projects.

I think it is also important to note that agents of your so-called Task Force to investigate the Congress have already visited my office on one occasion and interviewed my Administrative Assistant for two hours on the subject. On another occasion, your agents interviewed my Campaign Manager for four hours. These were valuable hours which should have been devoted to my constituents who rightly have first priority on my time.

It should also be pointed out that my staff seriously questioned the knowledge your agents claim to have on the functions and problems of the Congress, as well as the relevancy of their questions to either Tenth Congressional District business or the needs of my constituents.

Furthermore, I question the necessity of any organization, however zealous or honest in their intentions, to force documents of this length on busy Congressmen and their staff aides. Such action borders on arrogance, in addition to raising questions about the validity and eventual use of their findings.

Therefore, I can only conclude that the time required to complete such a lengthy questionnaire or the granting of yet another interview to one of your agents must be considered as an unwarranted intrusion on the duties and responsibilities that a Congressman and his staff owes to the constituency he represents.

I must also note that a cursory examination of your questionnaire leads me to believe that you might find all the information you seek in the Library of Congress or the Bureau of the Census.

Nonetheless, since you personally want this information, I will grant a reasonable period of time for an interview with you as your schedule of duties is no greater or more important than mine. A mutual time, convenient to both our schedules, can be worked out between you and my personal secretary, Mrs. Harmon, at 225-5136.

Sincerely,

JOEL T. BROYHILL,
Member of Congress.

GARRETT COUNTY CELEBRATES CENTENNIAL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BYRON. Mr. Speaker, this year Garrett County celebrates its centennial birthday and many of its citizens are now taking the time to reflect back on the past so that they may face the future with continued vision and wisdom. I submit to you now a brief piece on this beautiful county and the concern its citizens are showing for the legacy they will leave to future generations.

"Legacy: Past and Future" was the lead editorial published in the centennial issue of the Republican and I think you will agree that its message is an apt one which could apply to thousands of other rural counties throughout our Nation.

The article follows:

LEGACY: PAST AND FUTURE

Garrett County, as an individual county, is 100 years old. Its centennial birthday is an appropriate time to assess its history, take a look at today, and perhaps, profiting by past mistakes, plan for the future.

In the context of time, a century is only a moment. While evidence recently unearthed at Friendsville indicates habitation of the area for several thousand years, the burst of activity that radically changed the landscape has occurred within the last 100 years. Ingenuity of man with both its promise and decimation has had more impact in these past 100 years than in all previous history. Results have both good and bad aspects.

Among the bad aspects are these: What were once virgin forests no longer exist, nor do the Indians who once inhabitated them. Coal lands have been, and still are, being consumed. Rivers once teeming with fish are devoid of life and unbalanced by human and industrial wastes. Farm and forest have been inundated. Air once pure is contaminated. Untouched primitive highlands are laced with highways, railways, and power lines.

Man calls this progress. It has provided him with a livelihood, a means to a "better" life, the convenience of mechanics to do the more back-breaking chores, and time to devote to things other than the daily struggle for food, clothing and shelter. It has helped free him of the age-old chains of poverty, but its price tag at best is depletion of natural resources; at worst, destruction of environment.

Much of this decimation occurred more than 70 years ago; some goes on today. Corrective measures, however, are already underway.

Today's picture is really not so grim. Man is now giving nature a hand in reforesting woodlands, managing timber growth and productivity. Water quality is being restored through filtration plants. Air contamination is being corrected through the use of precipitators. Strip and deep mining are revitalizing soil and water disturbed in the mining process. The inundation of land has developed into beautiful lakes whose potential is just now being realized. Above all, and this is possibly the main contribution of critics, man is aware of the problems progress brings. The land is no longer being raped, but tenderly seduced. The outlook for the future, therefore, is both promising and challenging.

Garrett County is the last primitive frontier of Maryland. To natives it is a beautiful, uncomplicated home. To vacationers from the city it is the place to return to nature. Once here, and having invested in a plot of land, "flatlanders" often become more protective than natives in maintaining the status quo.

The natives. themselves, are particularly unique. History shows that they have been God-fearing, inherently individualistic, more often than not making do with what they have through ingenuity, but willing to try a new course if it shows promise. They are proud of the community in which they live, sensitive to beauties of the county, and have a strong sense of right and wrong. They cope with disaster and personal tragedy. They help neighbors, not through a sense of obligation, but through a sense of response to a situation which needs correcting. They vote for the man, rather than be bound by strong party politics, showing no hesitation in dumping elected officials with whom they have become disenchanted.

To lump them together and label them "Garrett Countains" would be incorrect. They are individuals . . . with Garrett County especially at heart. Most of them, particulary those who farm, realize that implicit in the ownership of land is the wisdom to conserve it, nourish it, protect it, year after year. They know that through the span of time they are merely tenants of God's green and productive earth and that He's not making any more of it. To pass it along to the next generation in something less than good condition violates all the good principles of farming and stewardship. It is a lesson of which all residents may well take note.

The legacy we leave those who will celebrate Garrett County's bi-centennial in 2072 is already being developed. There are those of today who would advocate erecting barricades at the county line to avoid people pollution. There are some who would remove all restrictions, both moral and legal, and let "nature" take its course. Neither attitude, we feel, is realistic nor beneficial to the county's future health and well-being. Reasons for the demise of downeast counties should not be lost on officials we elect to guide this county. To prepare and plan for what might be is perhaps visionary and at times painful, it is becoming an essential ingredient to good government and orderly growth. To simply lock the barn door after the horse has run away is sheer stupidity.

Among the things we would hope to leave those of the next century are not only the uncontaminated basics of life: pure air and water, fertile land, and a place to live and work, but also a few of the extras so dear to Garrett County. These would include a place to relax and commune with nature, a sanctuary of primitive forests and wildlife, the preservation of arts and crafts, an appreciation of the history and creative efforts of past generations, a participation in our cultural heritage, a sugar maple grove, and the hope that they would have the wisdom to cope with the myriad of problems which they, not we, may create.

With vision today, perhaps we shall be praised, not damned, 100 years hence.—R.B.S.

TOWING VESSEL LICENSE ACT—H.R. 6479

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. GARMATZ. Mr. Speaker, although the House has concurred with the Senate amendment to the bill, conversations with officials of the Coast Guard reveal concern that the language of the amendment is cast in terms which might be construed to go beyond the intent of the amendment as expressed in the Senate report on the bill. I share that concern.

Without going into the language of the amendment, I would like to iterate that as noted in the Senate report, the amendment is intended to exempt towing vessels engaged in servicing the offshore oil and mineral exploitation industry, primarily in the Gulf of Mexico. The report stresses that these vessels differ substantially in their operations from the inland water towboats by operating in waters having relatively little vessel congestion. I would assume, and indeed insist, that in administering H.R. 6479, the Coast Guard will be guided by the principles mentioned above with respect to the exemption clause and will be very careful that the amendment language is not misconstrued so as to provide such a broad exemption that the purposes of this legislation might be defeated in promoting safety upon our waterways.

I would like to point out that in the past several years my committee held extensive hearings on the entire subject of towing vessel safety before laying H.R. 6479 before the House in April 1971 for passage.

The House Merchant Marine and Fisheries Committee did not find any compelling reason to exempt any specific segment of the towing vessel industry from the general safety operation requirements of H.R. 6479. However, in recommending concurrence in the Senate amendment on June 29, 1972, I was persuaded by the knowledge of a special study of offshore operations being conducted by the Coast Guard also noted in the Senate report. I am sure that the Commandant of the Coast Guard will keep my committee advised during the course of this study as to further Coast Guard recommendations with respect to the amendment in the event the exemption proves to be too broad or is otherwise insufficient from the standpoint of maritime safety for our waterways.

THE TEAKWOOD CURTAIN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. MOORHEAD. Mr. Speaker, Americans have lived for more than two decades facing the Iron Curtain and the Bamboo Curtain. As these two curtains are now lifting, a new curtain is banging shut elsewhere in the world. It is the Teakwood Curtain in Thailand.

Although a massive American air buildup is occurring in Thailand, no newsmen—American or foreign—are being permitted access to airbases either built or vastly improved by the United States. The long runways are paved with American taxpayer dollars but they are off limits to the American press who want to tell their fellow Americans what is going on there without violating any valid military security rules. In short, although the United States is supposed to be a full-fledged partner in defending Thailand from possible Communist attack, it is being treated like an unwanted roomer. In this case, the "enemy" is the press—not the Communists. Mr. Speaker, the Teakwood Curtain in Thailand should be raised or we should get out now. And when we leave we should take every ounce of concrete and every sliver of wood from those airbases with us.

CLEVELAND INTRODUCES LEGISLATION TO PROMOTE PRIVATE CHARITABLE INSTITUTIONS

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. CLEVELAND. Mr. Speaker, I am today introducing two pieces of legislation to help preserve the private charitable institutions which are so important to America. One of these bills is designed to rescue the privately endowed homes providing long-term care to the aged, the disabled, and children. The second bill will firmly establish the principle that private foundations are not to be taxed for revenue raising purposes, by renaming the levy on them from "excise tax" to "service charge," and reducing it from 4 percent to 1½ percent.

During recent years, Congress has passed quite a bit of legislation designed to benefit a multitude of deserving groups and desirable purposes. In particular, in addition to legislation to benefit our senior citizens, we have enacted legislation and appropriated significant sums of money for improved hospital and extended-care facilities across this land. Many of these programs, all of which must be paid for by the taxpayers of this country, have been quite expensive.

In view of this situation, it seems somewhat ironic that a major threat to the very existence of private homes providing needed long-term care for the aged should be a result of action by Congress in another field. In enacting the Tax Reform Act of 1969, one of the intentions of Congress was to close some of the so-called tax loopholes.

At the present time, we are hearing a lot of noise from Democratic presidential candidates about tax reform. In view of the fact that it has been 18 years since the Republicans have controlled either House of Congress, it is fair to point out that these Senators who are running for another office are running against their own handiwork. The fact is that all "loopholes" are in the tax laws in order to encourage people to do what Congress has determined to be socially desirable. Some of these exemptions, deductions, and credits may have outlived their usefulness, and ought to be abolished or modified. But we ought not forget that they were originally created to accomplish desirable goals—like encouraging private universities and hospitals; encouraging homeownership; encouraging people to make charitable contributions; encouraging exploration for oil; and so forth.

Because foundations were in some cases being used as a rather blatant tax dodge by the wealthy, and because some legitimate foundations were using their money in ways of questionable propriety and even outright partisan political action, Congress in 1969 enacted a number of provisions regulating them. For one thing, all "private foundations," as defined by the Internal Revenue Code, must pay an excise tax of 4 percent on their income. The stated purpose of this excise tax is that its revenues should approximate the cost of a stepped-up program of IRS audits of private foundations. In addition to the excise tax, a number of other provisions were enacted to regulate the operation of the foundations to eliminate certain questionable practices.

Mr. Speaker, the present definition of "private foundations" excludes hospitals and educational institutions. It also excludes churches and their affiliated organizations. So why do we discriminate against homes providing care to the elderly, the disabled, and children. It makes no sense whatever.

These nonsectarian organizations, by and large have been in existence for many many years and are able to offer long-term care services at a reduced cost because of the existence of an endowment, the income from which is used to offset operating costs; thereby reducing the cost of care to the residents/recipients. If they were church affiliated—performing the same function—they would not be classified as a private foundation, and would not be subject to these deleterious tax provisions. Why discriminate when we are talking about care for the aged?

At a time, Mr. Speaker, when the Congress is laboring to increase social security benefits, increase medicaid and medicare benefits, increase Federal retirement benefits, and increase the number of subsidized housing units for the elderly, we cannot permit these organizations to be penalized under our tax laws. The dissipation of resources dedicated to such a social good must be terminated. Certainly we do not want to foist upon the taxpayers burdens heretofore borne by eleemosynary organizations. We must eliminate this "penalty" imposed upon those organizations. In all likelihood, Mr. Speaker, these are the only organizations which provide an absolutely necessary community service—which I might add, has been hit the hardest by rising costs—that of providing long-term care of the aged at a reduced fee for those who are least able to pay.

Mr. Speaker, in order to correct this serious situation, I am today introducing legislation to amend section 170 of the Internal Revenue Code to include homes for the aged, handicapped, and children. The result will be to exclude them from the definition of private foundations.

Mr. Speaker, I am also introducing legislation to amend section 4940 of the Internal Revenue Code to change the levy on all private foundations "excise tax" to a "service charge," and reducing it from 4 percent to 1½ percent. One purpose of these changes is to firmly establish the principle that this levy is intended only to cover the cost of audits, and is not a revenue producing device. The threats facing our charitable institutions, which are a major strength of the United States, are great enough without the added threat of being slowly devoured by taxation.

Certainly we do realize that private charitable institutions are a major force for good in this country, and worth preserving and encouraging. The ever growing role of government in our society is too often accompanied by distressing conformity, and lack of initiative. Lest we destroy all diversity in this country, and levy ever higher taxes on our citizens in the process, we should recognize the great value of our private and charitable institutions.

In addition to establishing the proper role of the section 4940 levy as only to cover the cost of audits, the reduction of it to 1½ percent is justified by the fact that at the present, the cost of audits is running far below the amount being raised by this section. According to the Department of the Treasury, in its first full year the 4 percent tax produced $33.9 million, while related IRS expenses totaled only $19.3 million. Since these figures do not include the amount of penalties assessed, or additional income produced by the audits, it seems entirely consistent with the purpose of section 4940 to reduce it to 1½ percent, which is the actual cost of auditing.

Mr. Speaker, to some people this will appear as a "tax loophole." Well, as it is used, that label which often comes with sinister connotations—is appropriate. But, as with many other exemptions, exclusions, deductions, and credits in our tax laws, there is a sound purpose for this tax-free status. In addition to doing something that government by its nature cannot do, namely assure diversity in our country, these private institutions also fill needs of our society much more cheaply than government could ever do. And, in the process, they do it in a self-reliant, compassionate way that government seldom evidences.

SALT AND AFTERWARD

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. HARRINGTON. Mr. Speaker, the historic SALT accords signed by the President in Moscow a little more than a month ago will shortly be before this body for approval. Much to my dismay these SALT agreements have not resulted in decreased defense spending, but rather the Defense Department is attempting to accelerate our weapons production under the SALT umbrella.

The administration has rationalized this increase in defense spending by calling it a necessary "bargaining chip" for future SALT talks. I however find such an argument to be unconvincing. Both sides now have more than enough nuclear weapons to serve as bargaining chips for future arms limitation agreements. The way to limit weapons is not to build more of them.

I would like to call attention to a report entitled "Salt and Afterward" written by the Center for Defense Information and which appears in the June 30, 1972, edition of their publication, the Defense Monitor. This report is required reading for all those who are still under the misperception that the United States gave away too much in the SALT agreement or who share the administration's belief that the way to limit nuclear weapons is to build more of them.

The report follows:

SALT AND AFTERWARD

The SALT accords, signed May 26th in Moscow and now before the US Congress for approval, were written in the face of a rapidly moving nuclear arms race.

At the time of the signing the United States was installing multiple independently targetable warheads (MIRV) on its land and sea-based missiles. It was going forward with a program to greatly expand the destructive power of its strategic bombers by equipping them with short range attack missiles (SRAM). Together these steps would increase the US strategic nuclear warhead and bomb total from about 5700 in 1972 to more than 10,000 in 1976. On top of this the United States was developing a new strategic submarine called Trident, with new missiles to go with it, and a new strategic bomber, the B–1.

Meanwhile, the Soviet Union was building new intercontinental ballistic missile (ICBM) launchers at a rate of 250 per year. These included silos for the huge SS9 missile, capable of carrying 25 megatons (a US Minuteman II carries about 1 to 2 megatons). The Soviets had dug 25 silos possibly for a new missile even larger than the SS9. They were building new nuclear-powered strategic ballistic missile submarines at a rate of 7 to 9 per year, and could at this rate have twice as many such submarines as the United States in five years. The Russians were, however, years behind in MIRV. They were working on MIRV technology but had yet to test what US technicians considered to be a MIRV system.

Thus, the two superpowers were running their nuclear race in different ways. The United States was concentrating on MIRV, while holding its missile totals constant and reducing megatons. The Soviet Union was increasing numbers of missile launchers and deploying larger vehicles to carry fewer warheads but with greater megatonnage. Both sides were developing anti-ballistic missile (ABM) systems.

For the question "Who's ahead?" there were as many answers as there were ways to measure the strategic arms balance.

In numbers of ICBM launchers, the Soviet Union had come from behind and passed the United States.

In numbers of submarine missile launch tubes the Soviets were catching up, and would in a few years pass the United States.

In numbers of heavy bombers the United States had a 3 to 1 lead.

In numbers of separately targetable nuclear weapons, the United States had a 2 to 1 lead, and because of this country's head start in MIRV, this lead was rapidly widening in favor of the United States.

In total megatons the Soviets had about a 2 or 3 to 1 lead.

When all these measures were considered together the Soviet Union clearly had come from a position of nuclear inferiority at the time of the 1962 Cuban Missile Crisis to a position which many weapons experts saw as parity, and which some viewed with alarm as indicating future Soviet superiority unless the United States speeded up its weapons programs.

THE ACCORDS

The SALT accords consist of a treaty limiting ABMs, a five-year Interim Agreement which puts certain partial limits on offensive weapons development pending further arms talks, a protocol to this Interim Agreement, and a number of statements of "interpretation" some agreed and some unilateral. Based on all these documents, the following is a summary of the main provisions of the accords:

ABM TREATY

Each country agrees not to build an ABM system for defense of its entire territory or major region. This amounts to a pledge that neither will try to upset the present deterrent balance by deploying ABMs to protect its general population and industry.

Each will limit ABM systems to two sites—one in defense of its national capital, the other in defense of an ICBM field. These must be at least 1300 kilometers (800 miles) apart, which means the Soviet ICBM field to be protected must be east of the Ural Mountains, away from the major western USSR population centers.

No more than 100 ABM launchers and 100 intercepter missiles may be deployed at each site.

Restrictions are set on numbers, types and placement of ABM radars to foreclose a radar capability for nationwide defense of either country.

In addition to these basic provisions, the two countries agree to ban sea-based, air-based, space-based or mobile land-based ABMs; not to deploy ABM systems of new kinds without prior discussion; not to convert air-defense or other systems to an ABM role; not to build radars for early warning of strategic ballistic missiles except along the edges of the country facing out; not to transfer ABM systems to other states or deploy them overseas.

There is no on-site inspection. Each side will use its own technical means of verification and each pledges not to interfere with these means or resort to deliberate concealment.

A Standing Consultative Commission will be established to implement the treaty and consider questions involving it.

The ABM treaty is of unlimited duration but either side can withdraw for supreme interest.

The treaty would require the United States to cut back its 12-site ABM program (of which four sites have been approved by Congress) to a maximum of 2. The Administration plans to complete the ABM site on which construction is farthest ahead—at the ICBM field at Grand Forks, N.D. It will halt work on three other sites at ICBM fields and has asked Congress to approve an ABM site at Washington, D.C. The treaty permits Russia to continue its ABM site already under construction at Moscow and to start a second site at an ICBM field.

INTERIM AGREEMENT AND PROTOCOL

These deal with offensive nuclear weapons. In general they limit the numbers of ICBMs, ballistic missile submarines, and submarine-launched ballistic missiles (SLBMs) to levels which each side agrees are presently deployed or under construction. These limitations are for five years, pending further SALT talks. With agreed "interpretations" the limitations are as follows:

No additional fixed, land-based ICBM launchers may be started during the freeze above the numbers deployed and "under active construction" at the time of signing—1054 for the United States, and about 1618 for the Soviet Union.

Launchers for so-called "light" ICBMs (the US Minuteman and Soviet SS11 and 13) and "older" ICBMs (the US Titan and Soviet SS7 and 8) may not be replaced by "modern heavy ICBMs" (the Soviet SS9). The SS9 class missiles may, however, be made heavier. Russia has 288 SS9s now and 25 apparently larger silos dug. It could therefore end up with 313 "modern heavy" ICBMs of SS9 size or larger. The United States has no "modern heavy" ICBMs and plans none.

Within these restrictions, ICBMs may be replaced with more modern ones—for example with MIRV. But in the process of modernization, launchers may not be increased in size more than 10–15%.

The number of launchers for submarine-launched ballistic missiles (SLBMs) each side presently had deployed or under construction was stipulated to be 656 US and 740 USSR. These numbers can be increased subject to two provisions:

Additional SLBM launchers may become operational only as replacements for an equal number of "older" ICBM launchers (first deployed prior to 1964) or for launchers on older nuclear-powered submarines or for modern SLBM launchers on any type of submarines.

During the five year freeze the US is limited to 44 modern ballistic missile submarines and 710 SLBM launchers. The Soviet Union is limited to 62 modern ballistic missile submarines and 950 SLBM launchers.

As in the case of ICBMs, submarine missile systems can be modernized. Single-warhead missiles can be replaced by MIRVed missiles. New submarines can be substituted for old.

Destruction or dismantling of old ICBMs or submarine missiles must begin by the start of sea trials of a replacement ballistic missile submarine.

Each side agrees not to significantly increase its number of test and training launchers for ICBMs or SLBMs.

There were several unresolved points of *disagreement* in the accords:

The Soviet Union stated unilaterally that if US allies in NATO should increase their numbers of ballistic missile submarines beyond those presently in operation or under construction the Soviet Union would have the right to make a corresponding increase in its number of submarines.

The United States was unable to get agreement on a common definition of "heavy" ICBMs. The US considers it to be any missile bigger than the largest existing "light" ICBM which is the Soviet SS11.

The United States was unable to get agreement to include mobile ICBMs in the freeze. (Mobile ABMs are banned.) The United States declared unilaterally that deployment of mobile ICBMs during the freeze would be considered "inconsistent with the objectives" of the agreement.

WHAT THE ACCORDS MEAN: FROM AN ARMS CONTROL VIEW

The SALT accords can be examined from several viewpoints. One of these is the viewpoint of international arms control—that is, in terms of what effect the accords will have on the arms race.

Among the achievements in this regard:

The SALT accords represent the first—even though partial—limitations by the United States and Soviet Union dealing with the fundamentals of their arms race. Previously, the two countries had agreed to bar nuclear weapons from the Antarctic, from outer space, and from the sea bed. They had agreed not to test them in the atmosphere, underwater or in space and not to give them to other countries. But never had the two superpowers reached agreement on the nuclear weapons targeted at each other.

The ABM treaty bans the kind of ABM system which could be most de-stabilizing—a nation-wide or major regional defense of population and industry. Such a system, undertaken by either country, could threaten the other's deterrent and cause it to respond with additional offensive buildup. The complex restrictions of ABM sites should convince each side the other is not developing an ABM for defense of large areas. The treaty rules out a US ABM for population defense against China, which this country once planned but later abandoned.

Freezing ICBMs, SLBMs, and ballistic missile submarines at levels deployed and under construction is a first step in limiting offensive nuclear weapons, a step on which future SALT talks can build. Broadly speaking, the accords accommodate themselves to the different kinds of offensive weapons buildup which each side now has underway—Soviet construction of more and bigger missiles and US MIRV. They allow each side to substantially complete the round it now has in progress. The new levels become the starting point for attempting to freeze the arms race.

Among the debits from an arms control viewpoint:

Except for ABMs the accords do not stop any of the major weapons programs now in progress. This is because numerical limits are set high, qualitative improvements are allowed, and many weapons systems—including bombers, air-defense, anti-submarine warfare, air-breathing strategic missiles and tactical nuclear weapons—are not covered. Under SALT the United States can continue conversion of Minuteman and Polaris to MIRV, development of Trident submarines with new missiles, the B–1 bomber, research on "site defense" for ICBMs, submarine launched cruise (air breathing) missiles and new submarines in which to carry them. The Soviet Union can continue, up to a point, building additional land and sea-based missile launchers, and could develop and deploy MIRV.

Because all these programs are allowed, and because numerical limits are set so high, military planners on each side will still point to future possibilities rather than existing or likely forces to justify their own building programs.

FROM A U.S. SECURITY VIEW

The accords can also be looked at from a much narrower view of US military security:

Advantages:

Since only the Soviet Union is presently building up its numbers of offensive weapons launchers, it is to the advantage of the United States to put ceilings on these numbers. Within the totals the number of "heavy" ICBMs Russia can have is limited to 313. Without SALT, the Soviet Union could, at present rates of construction, exceed the freeze ceiling. Instead of 62 modern ballistic missile submarines it could have 80 or 90. The US has had no plans to add to its numbers of ICBMs or build "heavy" ones. It could, under the freeze, build 13 Trident submarines. Defense Secretary Laird has said only ten are planned. Actually the first Tridents would not become operational until after the 5-year freeze, and are therefore more related to future rounds of SALT than the first.

Freezing the number of ICBM launchers, especially "heavy" ones will leave only one route for the Soviet Union to develop increased "counterforce" capability to knock out US ICBMs—qualitative improvements such as increased accuracy, MIRVing, and throw weight.

The ABM limit plus the limits on ICBM numbers lessen the chance that the Soviet Union could develop the capability for a successful "first strike"—that is, the ability to knock out enough US missiles to suffer no or substantially less damage in return.

Criticisms:

A number of criticisms have been made against the treaty on US security grounds:

The accords allow the Soviet Union to have more ICBM launchers, SLBMs and ballistic missile submarines than the United States.

Only the Soviet Union can have "modern heavy" ICBMs, with capacity to carry more megatons or more MIRVs than US missiles.

The Soviet Union will retain advantage in total megatonnage and throw weight.

Though ICBM numbers are frozen at levels deployed and under active construction, the Russians did not specify exactly how many they have under construction. The United States considers the freeze level to be 1618 for the Soviet Union.

In reply to these criticisms, Administration officials have said that without the SALT ceilings, assuming recent Soviet construction rates were to continue, the Russians could have, in 1977, more than 2000 ICBMs instead of the 1618 permitted; 1200 SLBMs instead of the 950 permitted and 80 to 100 modern ballistic missile submarines instead of the 62 permitted. As to Russia's refusal to specify its ICBM total, U.S. officials said that if the Russians were to significantly add to the number 1618, the United States would quickly know about it and would have the right to withdraw from the treaty.

An important factor in the security controversy is MIRV. If the Soviet Union does not develop MIRV, it will still have little more than 2500 warheads five years from now when the United States will, under presently planned programs, have more than 10,000.

If the Soviets do develop MIRV, two key questions will be: How fast? And how much?

The Soviet Union appears to be years behind this country in MIRV. The United States began MIRV tests in August, 1968. The first squadron of Minuteman III missiles became operational Jan. 8, 1971; the first wing of 150, on Dec. 13, 1971. The Soviet Union has also been working on multiple warhead technology since about August, 1968, but according to U.S. officials it has yet to test a MIRV system as the United States knows the term. The Russians tested a triple warhead system in which the warheads may or may not have been independently targetable. (U.S. analysts differed on this point.) But these tests stopped in late 1970, suggesting that the Russians might have decided to start over on a new tack.

Defense Secretary Melvin R. Laird said June 5 that Russia "could have a MIRV capability in 24 months." But he did not say how many they might have by then.

Senator Henry Jackson (D-Wash.) has said that when the Soviets achieve MIRV ". . . the combination of their vastly superior payload and modern MIRV technology will give them superiority in warheads." There have been published reports that Soviet missiles larger than SS9s could hold up to 20 MIRVs each. (A U.S. Minuteman holds up to 3; a Poseidon, 10 to 14.) But other defense analysts believe this overstates what Russia could realistically achieve in MIRV during the next five years.

Table V shows the Center for Defense Information's calculation of what the Soviet Union probably could achieve in MIRV during the five years of the Interim Agreement, if it develops MIRV. At the end of five years it would have some 3800 warheads compared to more than 10,000 for the United States.

Assuming Russia could MIRV its missiles to the maximum figures indicated in public print, it could have more than 14,000 warheads. It is doubtful Russia could achieve this level in five years. The United States could also have 14,000 warheads by MIRVing all its Minutemen and building the B–1 and Trident. This would be permitted by the SALT Interim Agreement.

However, such calculations of marginal advantages for the United States or Soviet Union—whether they be in warheads, launchers or megatons—overlook one important point: Both countries have the power to destroy each other several times over, and this will remain the case during the five years of the Interim Agreement.

Gerard Smith, director of the Arms Control and Disarmament Agency, when asked during hearings of the Senate Foreign Relations Committee June 19 whether Russia would get ahead of the United States during the five year agreement, replied: "Nothing the Soviets can do within the five year agreement will offset the present strategic balance between the US and USSR."

COST

The immediate cost impact of the SALT accords on the fiscal 1973 defense budget has been listed by the Defense Department as follows:

Reducing ABM program to two sites, minus $711 million.

Increases in other strategic programs:

Accelerate and complete development of Site Defense, plus 60 million.

Develop submarine-based cruise missile, plus 20 million.

Accelerate bomber rebasing, plus 45 million.

Augment verification capabilities, plus 13 million.

Develop improved reentry vehicles for ICBMs and SLBMs, plus 20 million.

Improved command, control and communications, plus 10 million.

Net change, minus $543 million.

Secretary Laird has testified that the total ABM saving through 1981 as a result of SALT would be $9.9 billion, figured in 1968 prices. (The 1968 estimate for a 12-site ABM was $18.4 billion, of which $13.4 billion remains to be spent. The 1968 estimate for a two-site program was $8.5 billion, of which $3.5 billion remains to be spent. The SALT saving is $13.4 billion minus $3.5 billion.)

Further savings could come from the first round of SALT if the United States decided that, as a result of the recent accords, it could safely stop or slow down some of its other major nuclear weapons programs, such as Trident, the B–1, or air defense. The Administration wants to go ahead with these programs. The question of what this country's pace in nuclear weapons building should be following the first round of SALT has become a major issue.

POLICY FOLLOWING SALT

Secretary Laird told newsmen June 6: "I could not support the (SALT) agreements if Congress fails to act on the movement forward of the Trident system, on the B–1 bomber, and the other programs that we have outlined to improve our strategic offensive systems during this five year period." Admiral Moorer said the Joint Chiefs were in accord with the SALT agreements provided the other programs went ahead.

In a briefing for Senators and Congressmen June 15, Dr. Henry Kissinger, assistant to the President for national security, considerably moderated this stand. He said the Administration wants Congressional approval of both SALT and the new weapons programs but: "We are not making them conditional. We are saying that the treaty is justified on its merits, but we are also saying that the requirements of national security impel us in the direction of the strategic programs . . ."

Laird told the House Subcommittee on Defense Appropriations June 5 that "Just as the Moscow agreements were made possible by our successful action in such programs as Safeguard, Poseidon and Minuteman III, these future negotiations to which we are pledged can only succeed if we are equally successful in implementing such programs as the Trident system, the B–1 bomber, NCA defense, Site Defense, SLCM, and accelerated satellite basing of strategic bombers. We must also initiate certain other measures in areas such as intelligence, verification, and command, control, and communications."

Transmitting the SALT agreements to Congress, President Nixon said: "Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached."

The Administration's argument is that if the United States had not been deploying MIRVs and going forward with other programs it would have lacked the bargaining power to obtain a ceiling on Soviet building of SS9s and other systems.

Others have challenged this "bargaining chip" approach. Sen George McGovern told the Priorities Subcommittee of the Joint Economic Committee June 16 that if the United States had followed a policy of restraint in weapons building, both American and Soviet MIRVs could have been stopped. He said building weapons for bargaining purposes "can only push up the terms of ultimate arms control agreements."

The Arms Control Association said: "The US should review its unilateral weapons programs and pursue only those that have a security need in light of the new strategic situation." Thus, a fundamental issue has been raised—whether the way to ultimately curb the nuclear arms race is to build more weapons for "negotiating strength" or whether it is to exercise more restraint in weapons building.

It is an issue which, no doubt, both the United States and Russia face as they contemplate the next round of SALT in October.

CONCLUSIONS: ARMS CONTROL

The ABM treaty bans the kind of ABM systems which would be most de-stabilizing and is therefore a significant step in limiting the arms race.

The five-year agreement on offensive weapons allows the United States and Soviet Union each to continue its present round of nuclear buildup, and then establishes a partial, quantitative freeze at the resulting new levels. This is a start which can be followed up in future SALT negotiations.

U.S. SECURITY

The accords place ceilings on numbers of offensive weapon launchers at a time when only the Soviet Union is increasing these numbers. Without the accords, Soviet construction could be greater. The offensive freeze plus the ABM limitation lessen the chances of Russia ever becoming able to launch a preemptive nuclear strike against this country without being destroyed in return.

While Russia will continue to lead the United States in numbers of launchers and total megatonnage under the accords, the United States is expected to retain its lead in numbers of warheads. These differences, however, are less important than the fact that each country has the power to destroy the other several times over.

WEAPONS POLICY

The Administration should reconsider its present policy which says that the way to limit nuclear weapons is to build more of them. Both the United States and Russia appear to have approached the recent round of SALT determined to "negotiate through strength." Each had nuclear buildups in progress. But somehow these bargaining chips didn't get bargained. They are being built. The initial round of SALT has made the US deterrent more secure. The United States now does not need to build Trident submarines and B–1 bombers and submarine cruise missiles to convince the Soviet Union that both countries have good reason to bring their arms race under control and eventually reduce nuclear arms. Each side already has more than sufficient nuclear power to bargain toward this end.

OPEN LETTER ON THE ELECTION PROCESS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my distinguished colleagues and especially to the people of America an open letter which appeared on Friday, June 30, 1972, in the New York Times.

This letter is a warning to all Americans who believe in the direct election of their public officials, and unless we as Americans become more involved and more articulate, a small minority will threaten not only our election process but will destroy the free institutions that exist in America.

I want to ask that every American read carefully the following open letter which appeared in newspapers throughout the country including the Chicago newspapers, the New York Times, and the Wall Street Journal:

AN OPEN LETTER TO THE DELEGATES OF THE DEMOCRATIC NATIONAL CONVENTION FROM ELECTED NONCOMMITTED DELEGATES FROM COOK COUNTY, ILL.

The basic McGovern Commission recommendation was to eliminate the convention system of selecting delegates. The Democratic Party of Illinois became one of the first in the Union to change the method of delegate selection from convention to popular election. This provided that the Democratic voters themselves would decide who would represent them at the Democratic National Convention.

An election was held on March 21, 1972. It was an open election. Anyone who wanted to run could run by filing a nomination petition containing 600 signatures. There were as many as 15 to 36 candidates in each district competing for six to eight convention delegate seats.

Fifty-nine uncommitted delegates were elected. It is inconceivable that hundreds of thousands of voters should be disenfranchised after having cast their votes in accordance with the statutes of the State of Illinois and the Constitution of the United States.

The uncommitted delegates endorse the McGovern Rules providing there should be proper representation of all elements in society, but in an open election it is *impossible* to guarantee established quotas of blacks, women, young people and other categories. The laws of the United States provide that the voter alone has the right to decide who shall hold office.

The motives of the challengers who are seeking to disenfranchise the hundreds of thousands of voters are highly questionable. It is significant that some of the challengers who now seek to become delegates did not offer themselves to the people as candidates in the March 21 election. Instead, they organized caucuses after the election to select themselves and their friends and those who were defeated by the voters.

In the caucuses the challengers violated almost every rule of the state party and the McGovern Commission. They closed the doors to everyone but themselves and the defeated candidates. They are asking the Convention to disenfranchise the hundreds of thousands of voters who went to the polls and cast their votes for the delegates of their choice. The challengers have substituted for the voter's choice the very candidates who were defeated in a regular, legal election and those who never stood for election.

It is a shocking commentary on our democratic process that the credentials committee of the National Democratic Convention is being asked seriously to consider the action of a self-appointed group of individuals who decided to select themselves as representatives of hundreds of thousands of citizens of Cook County for the selection of a nominee for President of the United States.

Since we were legally elected, we are entitled to be part of the Illinois delegation at the National Convention.

(NOTE.—This advertisement prepared and paid for by Elected Non-Committed Delegates of Cook County: Claire Roddewig, Janie Bailey, Co-Chairmen; Information Committee.)

U.S. FOREIGN INVESTMENT POLICY AND THE MULTINATIONAL ENTERPRISE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. VANDER JAGT. Mr. Speaker, on Wednesday, June 21, 1972, Prof. Robert B. Stobaugh of the Harvard Business School appeared before the Republican task force on international economic policy, of which I have recently become a member. Following this seminar on "Foreign Economic Policy in the 1970's" I had the occasion to discuss further, at length with Professor Stobaugh, the implications of his testimony and those of the other participants. These included representatives from the administration, the business community, the labor unions, and the League of Women Voters. In what was a very illuminating and candid dialog, the focal issue became more and more that of labor's views of international finance, trade, and the multinational U.S. enterprise, as evidenced in the Hartke-Burke legislation now before the Congress.

And as regards these considerations, the presentation of Dr. Stobaugh was extremely timely and thought provoking. Dr. Stobaugh is eminently well qualified to speak on such matters having worked first as head of the International Division of Monsanto Corp., and then having taught for several years in the international business area at the Harvard Business School. He recently was responsible for a study of "U.S. Multinational Enterprises and the U.S. Economy," under contract with the U.S. Department of Commerce.

This study, published by Commerce in "The Multinational Corporation: Studies on U.S. Foreign Investment," vol. I, sought to shed new light on what effects foreign direct investment has on employment with a specific focus on the effects of foreign direct investments by U.S. multinational enterprises. As of the date of this study's publication, despite this interest, no previous study had provided a relevant basis for policy formulation.

Dr. Stobaugh's research revealed that investments in factories abroad by the large U.S. firms usually have a favorable effect on both U.S. employment and on the U.S. balance of payments.

As my colleagues are aware, there is today in many quarters, widespread interest in, and general confusion concerning what role multinational enterprises have now and can have in the future, vis-a-vis U.S. foreign investment policy. I thus strongly recommend to my colleagues the following provocative testimony of Dr. Stobaugh on this question. I am sure my colleagues will want to consider as especially pertinent Dr. Stobaugh's proposals concerning first, an international agreement on trade in services, analogous to the GATT on trade in goods; and second, an adequate program to retrain workers who lose their jobs because of imports.

These and other considerations raised in Dr. Stobaugh's presentation are issues of importance to us all regardless of politics. The Congress cannot waste any time in giving serious attention to such matters on their merit.

Dr. Stobaugh's experience and knowledge in this field dictates that just such a consideration be given the following presentation:

U.S. FOREIGN INVESTMENT POLICY AND THE MULTINATIONAL ENTERPRISE

(Statement of Prof. Robert B. Stobaugh, Harvard Business School)

There are two types of foreign investments—portfolio and direct. In a portfolio investment the investor owns shares in a company but does not control its operations. In direct investment the investor not only owns part or all of the company but also controls its operations. Our discussion this morning deals only with foreign direct investment, since by definition a firm must control its foreign affiliates to be called a multinational enterprise.

Other criteria used to define multinational enterprises, such as size of sales or spread of foreign operations, are quite arbitrary. In order to obtain a list of firms to study, we at Harvard Business School arbitrarily took *Fortune* magazine's annual list of the 500 largest U.S. firms and their annual list of the 200 largest foreign firms and selected those companies manufacturing in six or more foreign countries. These firms account for a substantial part of all foreign direct investment; for example, the 187 U.S. firms that met our criteria account for three-fourths of all U.S. foreign direct investment in manufacturing.[1]

Foreign direct investment, and this is largely investment by multinational enterprises, has been growing faster than either world production or world trade. From 1950 to 1970, the output from facilities owned by foreign direct investors grew at an annual rate of 10 per cent, compared with annual growth rates of slightly less than 8 per cent for the non-communist world's Gross National Product and slightly more than 8 per cent for the non-communist world's trade. As a result, by 1970 the output from the facilities owned by foreign direct investors was 6 per cent of the non-communist world's GNP and about the same size as the non-communist world's trade.[2]

About 60 per cent of all foreign direct investment is owned by American companies, and another 10 per cent is invested in the United States by foreign companies. Thus, the United States is involved in 70 per cent of all foreign direct investment.[3]

By the end of this year the book value of U.S. foreign direct investment will approximate $100 billion. About 90 per cent of this investment is equally distributed among three major geographical areas: Europe, Canada, and the less developed countries as a group. Manufacturing is the largest industrial sector, followed by petroleum.

This prelude, I hope, has sketched the outlines of the subject. For those of you interested in more data, I recommend Part III of a recent Department of Commerce publication entitled "The Multinational Corporation." [4]

Even though these figures are impressive, they still understate the importance of multinational enterprises, for these enterprises dominate many of the advanced-technology industries, such as computers, pharmaceuticals, and chemicals, as well as certain other important manufacturing industries, such as petroleum products, automobiles, and farm machinery. To an important extent, the economic health of the United States depends upon the economic health of its multinational enterprises. They account for one-third of total sales of U.S. manufacturing firms.[5] They do two-thirds of the nation's privately funded industrial research and development.[6]

I am sure that you are aware of some of the criticisms aimed at multinational enterprises, especially the charge of exporting jobs. However, a number of studies, including one recently completed under my direction, have concluded that foreign investments by U.S. enterprises have a positive effect on both U.S. employment and the U.S. balance of payments. We estimate that if there were no U.S. foreign direct investment, some 600,000 jobs in the United States would be lost; and continuing research indicates that the 600,000 is a very conservative figure.

The reason why U.S. foreign direct investment creates rather than destroys American jobs is that such investment is primarily defensive, in the sense that the investor is trying to maintain his place in the world market.[7] Over 90 percent of the output of the foreign plants of American firms is sold abroad. The amount imported into the United States is less than one-quarter of our total imports of manufactured goods, and a substantial portion of this quarter is a result of one special arrangement: the U.S.-Canadian Automobile Agreement.

Given a choice, the U.S. enterprise had rather produce in the United States than go abroad. But in most cases it does not have this alternative—if it does not expand abroad, it would lose its market to foreign companies, usually large ones from Europe or Japan. This applies to its U.S. markets that it serves from its foreign plants as well as to its foreign markets. The retention of these markets by U.S. enterprises provides U.S. jobs in the home office and in research and development laboratories. Further, it provides U.S. jobs for production workers manufacturing components, finished products, and capital equipment for export to the foreign operations.

These exports of goods, of course, not only have a fovorable effect on employment, but also on the U.S. balance of payments. In addition to these exports, multinational enterprises have another favorable effect on the U.S. balance of payments; they are major exporters of services. In fact, one way to view the multinational enterprise is that it is an exporter of management and technology rather than primarily an exporter of capital. Indeed, most of the funds invested abroad by U.S. firms are obtained abroad through depreciation allowances, retained earnings, and borrowings. This point is underscored by the relatively small impact that the U.S. capital export control program has had on total U.S. foreign direct investment. The health of the U.S. balance of payments depends now to an important extent, and will depend even more in the future, on the dividends, management fees, and royalties received by its multinational enterprises.

Against this background of information, let us consider what arrangements exist to facilitate international trade in goods and services. To facilitate the flow of goods, we have the General Agreement on Tariffs and Trade (GATT), to which most of the trading nations of the world subscribe. This agreement lays down rules of the game aimed at four goals: (1) a reduction in import restrictions; (2) non-discrimination among countries; (3) the settlement of trade disputes; and (4) the grant of waivers from any GATT commitment upon the basis of an international consensus. GATT has been an important vehicle in increasing world trade.

In stark contrast to GATT, there is a vacuum on the international scene when we consider trade in services. There is no international agreement to facilitate the flow of services, such as management and technology. Foreign countries are taking a variety of actions to reduce U.S. income received from the export of such services. In some cases after an indigenous firm has reached agreement with an American firm on the size of a royalty fee, a foreign government has intervened to reduce the royalty below the agreed fee. And, of course, a number of countries restrict the amount of dividends, management fees and royalties that can be paid by a subsidiary to its parent; and in some cases the payment of management fees is not allowed at all. Furthermore, the restrictions on ownership of local subsidiaries at times have the effect of reducing exports of American management. Finally, in some countries there is the ultimate threat—that of nationalization.

A new international agreement is becoming necessary to facilitate continued increases of trade in services. It could be part of GATT, or perhaps a separate organization, one we might call a General Agreement on Foreign Direct Investment. Whatever route is taken, the establishment of such an agreement should be a major goal of U.S. foreign economic policy.

Now I have put forward this suggestion from the viewpoint of the United States, yet I think that it also would be welcomed by foreign countries. Most nations welcome foreign direct investment because it brings petition, and access to export markets. Indeed, the goals of multinational enterprises typically are similar to the goals of nations, such as increased output, greater efficiency, and greater exports. But government officials tend to be uneasy about multinational enterprises because these firms are so big. Although the size of any one enterprise's operations might be quite small in relation to the nation's revenues, the governmental official knows that he is dealing with an enterprise which in many cases is more powerful economically than his nation.

Although multinational enterprises are willing to abide by the laws of a nation, the governmental official cannot predict an enterprise's behavior, since this behavior in any one country is dependent on the firm's worldwide situation. Sometimes this behavior helps a nation and sometimes hurts it. For any given nation, the enterprise's behavior at times can help it and at other times hurt it. Governments naturally do not like the randomness of the outcome. For example, they would prefer a less favorable, but relatively stable, balance of payments rather than a more favorable balance with large random swings. The situation is much like that of the elephant keeper and the elephant. The keeper likes the benefits of having an elephant, but he doesn't want to get squashed inadvertently when the elephant rolls over in his sleep.

A reduction of the uncertainty surrounding the operations of the multinational enterprise would surely reduce tensions and increase the receptivity of host nations to foreign direct investment. Most of these tensions have been discussed by others, but several deserve special highlighting now.

Footnotes at end of article.

Perhaps the most pressing problem is that of short-term capital flows. Because multinational enterprises and the amount of trade controlled by them have grown much more rapidly than the currency reserves of nations, it is now possible for relatively routine short-term capital movements by multinational enterprises to cause severe balance-of-payments problems to a nation. It is only good business for a firm to borrow in countries with low rather than high interest rates and conversely to invest any "excess" funds in countries with high rather than low interest rates. Further, it is only good business to delay sending funds into, and to move funds out of, nations whose currency is expected to be devalued; a multinational enterprise can accomplish this quite easily by delaying or speeding up the payments of intercompany accounts.

To determine the effect of such actions on both the firms and the governments, we developed a computer model of a simple multinational enterprise system.[8] When our model was programmed to operate as a number of independent units dealing with one another on an arm's-length basis, the countries in our model experienced little variation in their balances of payments. In contrast, when the model was programmed for the enterprise to adopt a financial policy to maximize its profits, all countries in all years experienced widely varying balance-of-payment positions. In some countries the span of oscillations was over 40 times that experienced under the arm's-length policy. Of course, the massive changes in the balances of payments of the countries in our model may exaggerate the result that would occur in the real world. Nevertheless, the model results are likenesses of reality and there is evidence to believe that the policies of multinational enterprises have a potential of bringing about major adjustments in currency relationships.

The importance in the real world of the multinational enterprises' financial policies to the balances of payments may be seen in several ways: One is the size of the enterprises' holdings of liquid assets relative to the currency reserves of central banks. We estimate that the amount of cash and marketable securities held by the 100 largest U.S. multinational enterprises exceeds the central reserves of any nation in the world. Second, the size of the intercompany accounts are substantial. For example, if all debts owed the U.S. parents by foreign affiliates were paid immediately, the currency reserves of the United States would triple; such flows would deplete a considerable portion of the currency reserves of many countries.

For another example, we take the case of Britain and make reasonable assumptions about the size of imports and exports of multinational enterprises. We estimate that a three-month change in credit terms on both imports and exports of all multinational enterprises, both U.S. and foreign, could wipe out all of Britain's reserves. Although it is unlikely that all multinational enterprises would act in concert, it is equally clear that their potential actions can have a real effect on a nation's currency reserves. This is an area that is ripe for international agreement.

Governmental revenues are another point of tension between enterprises and nations. The pricing of goods and services sold from one unit in a corporate network to another affect governmental revenues by locating profits in one tax jurisdiction rather than another; also, of course, custom duties are determined by these prices. Some national tax collectors, such as the U.S. Internal Revenue Service, have been aggressive in collecting taxes on the basis of arm's-length prices for goods and services sold between units of a system. The problem is that most goods and services sold between units of a system do not have a true arm's-length price, because they are never sold to the public in the quantity or quality sold within the system. For example, when Ford imported hundreds of thousands of parts from abroad to put into the Ford Pinto, there was no comparable sale of goods anywhere in the world and hence no perfect method of obtaining a "true" arm's-length price.

Multinational enterprises have at times paid taxes to two national governments on the same profits. This has occurred when the IRS increased the enterprises' taxes by adjusting intercompany transfer prices to show greater U.S. profit and a lower foreign profit on sales that took place several years prior to the adjustment. In many cases, the companies were not able to obtain a tax rate from the foreign government for taxes already paid. As more governments become sensitive to the question of intercompany transfer prices—partially because of training received from our Treasury Department—multinational enterprises are likely to be caught between two national governments, each demanding a tax on the same profit. The U.S. Revenue Act of 1971 was a major advance in solving this problem, for the law allows a U.S. company to choose one of several standard methods in determining the price of goods sold to an affiliated export corporation. A major tension point would be removed if an agreement on allowing standard methods of pricing intercompany accounts could be reached among a number of nations. Of course, it is possible to reach such agreements bilaterally, but the multilateral approach would be much more efficient.

Other points of tension are differing antitrust standards in different countries, the attempt by the U.S. government to force foreign corporations controlled by American firms to adhere to American laws in shipping to Communist countries, the allocation of export markets by an enterprise among various of its affiliates, and inadequate reporting by enterprise to governments.

In addition to these oft-mentioned tensions, new problems will emerge and the multinational enterprise when properly guided can be an important instrument in solving them. Take pollution, for example, the adoption and maintenance of worldwide pollution standards by multinational enterprises would be an important contributor to clean air and water.

What would be the view of the multinational enterprises to a General Agreement on Foreign Direct Investment? I believe that as long as they are treated equally with their competitors, they would welcome such an agreement. It would reduce their uncertainty. Over the long run most of these enterprises foresee a chaotic growth of national controls, some of which would place them at a disadvantage with their competitors. For example, current proposals in the United States to tax the earnings of American-controlled subsidiaries abroad as soon as they earn a profit rather than when they remit dividends to the United States would place the Americans at a serious disadvantage vis-a-vis some of their foreign competitors.

Another advantage of the enterprises of such an agreement is that management would be spared from worrying over many tension-laden points and could then concentrate on their special expertise of developing, producing, and distributing a wide range of new products in a highly efficient manner.

Regardless of any action taken to facilitate trade in services, there is another problem crying for immediate action. Adequate assistance should be provided to U.S. workers who lose their jobs because of imports. Although most U.S. imports are not by multinational enterprises, such enterprises will be affected by any legislation passed to protect workers. There is little doubt that U.S. efforts under the 1962 Trade Expansion Act to aid worker adjustment have not been sufficient, although such efforts have been increased substantially in recent years. Sufficient research has not been performed to indicate the amount of funds needed to facilitate worker adjustment nor the methods most appropriate, but successful efforts in Europe have involved the expenditure of several billions of dollars. Any such program should aim at moving workers out of the mature industries that are not competitive internationally into the newer high-technology industries in which the U.S. has a comparative advantage; these industries, of course, generate larger exports of goods and services, are more profitable, and pay higher wages than the more mature industries. Such an adjustment assistance program, perhaps with the advice of labor leaders, would be more appropriate than proposals aiming at isolation of the United States from the rest of the world.

A SUMMARY

The United States Government should encourage the continued growth in the number and size of U.S. multinational enterprises for the economic health of the United States depends to an important extent on the economic health of these enterprises. Especially the balance-of-payments position of the United States is becoming increasingly dependent on these enterprises' exports of services in the form of management and technology. GATT exists to facilitate a continuing increase in world trade in goods, whereas no comparable organization exists to facilitate a continuing increase in world trade in services.

Two major steps are needed in U.S. foreign investment policy: first, we should begin negotiation of an international agreement to increase trade in services and to remove the tensions until now associated with the activities of multinational enterprises. Such an agreement would not only serve the interests of the U.S. Government, but also the interests of foreign governments as well as multinational enterprises.

The second major step needed is an adequate program to retrain workers who lose their jobs because of imports. The program should emphasize the retraining for jobs in industries in which the U.S. is competitive internationally, for these industries are faster growing, more profitable, and higher paying than the more mature industries that suffer from import competition.

FOOTNOTES

[1] See Raymond Vernon, *Sovereignty at Bay: The Multinational Spread of U.S. Enterprises* (New York: Basic Books, 1971), Chapter 1.

[2] In this calculation the output of the enterprises was placed on a "value added" basis for comparison with GNP. The total output was used for comparison with trade flows.

[3] See Christopher Tugendhat, *The Multinationals* (New York: Random House, 1972), pp. 1–6; and Bureau of International Commerce, U.S. Department of Commerce, *The Multinational Corporation* (Washington: Superintendent of Documents, 1972), Part III.

[4] Bureau of International Commerce, *op. cit.*

[5] Vernon, *op. cit.*

[6] Vernon, *op. cit.*, and National Science Foundation, *Research and Development in Industry* (Washington, D.C.), various issues.

[7] Robert B. Stobaugh and Associates, "U.S. Multinational Enterprises and the U.S. Economy," in Bureau of International Commerce, *op. cit.*

[8] Sidney M. Robbins and Robert B. Stobaugh, *Money in the Multinational Enterprise: A Study of Financial Policy* (New York: Basic Books, forthcoming).

EFFORT TO COLLECT PAST DUE DEBTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. WOLFF. Mr. Speaker, I am today introducing a House concurrent resolution, with the support of Mr. Mills of Arkansas and Mr. Morgan of Pennsylvania, which calls upon the Treasury Department to provide to the Congress within 90 days of its passage an exact accounting of all moneys owed to the United States by foreign governments.

Our resolution specifically requires that the Department of the Treasury list those moneys owed and presently in a state of default. In addition, Mr. Speaker, the resolution directs the Treasury Department to inform the Congress as to what measures they intend to take to collect those debts known to be past due, including some $18 billion from World War I.

According to Treasury Department figures the United States is currently owed some $46 billion by other nations, of which the $18 billion from World War I is obviously delinquent, but due to a failure by the Treasury Department to age their figures, we have no way of knowing how much additional moneys may be in default.

I think it is important that we in the Congress find out how much is owed and how much is past due and what the Treasury Department plans to do about all of this. Accordingly, Mr. Mills, Mr. Morgan, and myself have introduced our resolution designed to produce these ends.

I further believe, Mr. Speaker, that this particular action is necessary because the Government Operations Subcommittee on Foreign Operations under the able leadership of Mr. Moorhead, has tried repeatedly to get the Treasury Department to provide Congress with a detailed accounting of moneys owed the United States. While progress has been realized, it has been slow and painful. I think the time has now come for the Treasury Department to realize that we in the Congress are serious about his matter and would like something done about it.

Now, Mr. Speaker, I allow for the fact that the Treasury Department does not know how much money is owed the United States and that is all the more reason why they need to find out what amounts are involved and to then inform the Congress and the people of this Nation.

Confronted as we are with a very serious economic crisis of our own, we are no longer in a position where we can afford to carry these vast sums outstanding—much of which is past due and long since payable to the United States.

We as a people have been most fortunate through most of our history to have been in a position of helping other nations less fortunate than we, but the time has now come for some of these countries to recognize that they now have an obligation to pay back those moneys owed to the United States. Particularly, Mr. Speaker, since these contracts were reached in solemn agreements and remain true and just debts.

I have no quarrel with the principle of foreign aid, nor do I fault those nations current in their obligations and thus living up to the terms of their agreements, but I do think we should insist that those nations now delinquent in moneys owed pay up.

It is a simple fact, Mr. Speaker, that the United States needs money. Our debt limit has just been raised to $465 billion. The third largest item in the budget this year is for servicing the debt. If those nations owing us money from World War I were to pay up we could take some steps toward balancing our budget this year.

One could cite ad infinitum what we could do as a nation in terms of our domestic needs if these moneys past due were to be paid. The gains we could make in the areas of education, mass transit, slum clearance, pollution control, improved medical facilities; needs that are going unmet through a lack of funding because the money just is not there.

Of the $18 billion unpaid from World War I, Mr. Speaker, Great Britain alone owes over $8.5 billion; France in excess of $6 billion; the socialist states of Eastern Europe $1.5 billion, including over $800 million from the Soviet Union; and no apparent effort by any of these countries to make good their obligations.

Only Cuba, Finland, Liberia, and Nicaragua among the nations owing us money from World War I have eliminated their debts.

In addition to the World War I debts, money is still owed the United States from World War II and the American "lend-lease" program. Many nations simply stand in default on their payments and again one has to wonder whether these moneys will ever be collected.

With our own serious economic situation, with the debt limit at an all time high, with a terrible balance-of-payment problem, with deficit spending; the United States cannot idly stand by without coming to some understanding as to these funds due our Nation.

It is imperative, Mr. Speaker, that we find out what is owed to us and by whom and begin making the necessary arrangements to be paid. It is for these reasons I believe our resolution bears serious consideration by every Member of this body.

THE DURABILITY OF OUR GOVERNMENT

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, since the House of Representatives will be recessed when our country celebrates its 196th birthday, I think it is fitting that a few words be said today in commemoration of the Fourth of July, 1972.

When viewing our Nation through the lens of history, we often think of America as a young nation. But author James Michener has pointed out that the United States has the oldest existing form of government in the world. All other nations have seen their form of government interrupted or radically changed since 1776. I raise this fact to stress the durability of our governmental process, to point out how the American way of life has stood the test of time as compared with other governments.

The Fourth of July in any year is a day in which we take special pride in being Americans, in being free, in being shoppers at the greatest opportunity marketplace in the world. But July 4, 1972, should be a day for pledging to nurture that pride we feel in our Nation and to dedicate ourselves to expressing it in every aspect of our lives on every day of the year.

Like all birthdays, this is a time to reflect on the accomplishments of the past and the challenges of the future. America is not perfect, perhaps, but it still has the greatest potential for perfection in the world. There are more avenues available for change than in any other nation. There are also adequate means of safeguarding our cherished ideals. At times we forget these facts and fail to put our mistakes in perspective. The important thing is that we live in a country where mistakes can be openly discussed and then corrected.

There are undisciplined dissidents in our country who allow the rush of present events to blur their view of America's history to such an extent that the basic values on which our Nation was founded become obscured. Perhaps one of the greatest functions of Independence Day is to bring back into proper focus what America stands for. It gives each citizen an opportunity to reflect on his or her own responsibilities and obligations as well as the rights and privileges which are part of the American system.

Mr. Speaker, may July 4, 1972, be a day of special pride for all Americans and may that pride and rededication sustain our efforts throughout the year.

TRIBUTE OF THE HONORABLE BRADFORD MORSE, UNDER SECRETARY GENERAL, POLITICAL AND GENERAL ASSEMBLY AFFAIRS, OF THE UNITED NATIONS, TO THE LATE CONGRESSMAN PHILIP J. PHILBIN

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DONOHUE. Mr. Speaker, United Nations Under Secretary General Bradford Morse, our former colleague here, recently expressed a most moving tribute to his long and dear friend, the late U.S. Representative, Philip J. Philbin, of Massachusetts, with whom Under Secretary Morse had served for several years in the national legislature, and I am pleased to include his remarks at this point in the Record:

TRIBUTE TO FORMER CONGRESSMAN PHILIP J. PHILBIN

Mr. Morse. It was with great sorrow and a deep sense of loss that I learned of the untimely death of my former colleague, the Honorable Philip J. Philbin.

Phil was an outstanding legislator and a fine man. It was my privilege to work closely with him both as a member of the House of Representatives and as a member of the Massachusetts Congressional Delegation, and I shall always cherish the memories of his warmth and friendship. Throughout his public career, from the days as personal representative to former Senator David L. Walsh, as Special Counsel to the Senate Committee on Education and Labor, as an appointed referee of the Department of Labor, as a member of the Advisory Board of the Massachusetts Unemployment Compensation Commission, and as a highly respected member of Congress for some twenty-eight years, Phil served his constituency, his State and the Nation with devotion and marked distinction. Committed to the principles upon which this Nation was founded, he worked diligently for a more peaceful world, and his kindness, wisdom and compassion for others will long be remembered.

Phil Philbin was a learned and cultured man, and a truly dedicated public servant. His fine qualities won him the lasting affection and respect of all who knew him, and his loss is shared by many. I join the many others in extending my deepest sympathies to his family.

MR. HOWARD CULLMAN PASSES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. REID. Mr. Speaker, I rise in sorrow and with a deep sense of loss at the parting of Howard S. Cullman.

Howard Cullman was a neighbor and a friend. To know him was a privilege. His interest and commitment to our country never faltered, but seemed to grow with the years. He cared deeply about the arts and the theater; he loved his battles for and on behalf of the Port Authority of New York, and he presided as commissioner and chairman over one of the most successful authorities of our time—a time that has witnessed the development of LaGuardia, Kennedy, Newark, and Teterboro airports and the world's largest bus terminal, on Manhattan's West Side.

He thoroughly enjoyed his service under President Eisenhower as U.S. Commissioner General with the rank of Ambassador at the Brussels World's Fair.

The Beekman Downtown Hospital was a special and devoted interest of Howard Cullman which he sustained from the very beginning—and his commitment was extended to the need for private hospitals which could provide quality care for all.

Howard Cullman is perhaps best remembered by many for his championship of the worker, exemplified in his promotion of fairness in the administration of workmen's compensation laws, though not the least of his activities were his jousts with Congressman Rooney.

Howard will be missed by countless friends, but many of them will be sustained by his memory and the constant reminder of his projects, his spirit, and the twinkle in his eye which never left him.

Mrs. Reid and I extend our deepest sympathies—sympathies which I am sure that all Members of the House share—to his wonderful wife and creative partner, Peggy Cullman, and his four children, Hugh, Paul Thomas, Brian and Marguerite, his 11 grandchildren, and all other members of the family.

GEN. WILLIAM C. WESTMORELAND

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. HÉBERT. Mr. Speaker, it is with mixed emotions that I stand here and pay honor to the Chief of Staff of the U.S. Army, Gen. William Childs Westmoreland, who retires today.

I feel a deep sense of pride in the fact that this country has produced such an able and dedicated soldier. For 40 years, from the Citadel to West Point and throughout his 36 years of commissioned service, "Westy" has served his country with honor, with dignity, with strength and with courage. He has attained his place in the long line of great military leaders which this country has produced and to whom we owe so much.

All Americans can take pride in his accomplishments as a battlefield commander. He has been a combat commander and faced the enemy in North Africa, Europe, Korea, and, most recently, in Vietnam.

For four long and frustrating years, General Westmoreland led the U.S. military forces during the peak of the involvement in Vietnam. Faced with the task of preventing a Communist takeover of that country, and burdened by restrictions which we had previously levied only on our opponents, he succeeded. Denied the full use of vastly superior air, sea, and ground forces, denied the tactics which had been recommended by the foremost military strategists, and scrutinized and criticized at every step, he succeeded. The independence of South Vietnam remained viable. The Communists did not take over. And, from recent reports, it seems unlikely that such a takeover will occur.

At a time when the goals of the United States in Vietnam were at best unclear and at worst unknown, General Westmoreland performed his duties with the distinction, dedication, and courage which he and his predecessors have led the American people to expect from their combat leaders.

Upon his appointment 4 years ago as Chief of Staff, "Westy" was faced with the task of rebuilding an Army which suffered innumerable problems resulting from the conduct of the war in Vietnam. Unduly stripped of the prestige which had been afforded a military career since World War II, demoralized by the personnel turbulence caused by the decision to wage a war without the use of Reserve forces, degraded by a small but vocal minority who confused the man in uniform with the policymaker, and forced to reduce its size in a short period of time, the Army faced an acute crisis.

Insufficient numbers of young American men were enlisting and literally thousands of career soldiers were turning in their uniforms. It was obvious that dramatic change was required.

The general has effected those changes. Throwing his whole support behind the effort for a modern Volunteer Army, demonstrating a willingness to test any theory which might improve recruiting or retention, and having the courage and the wisdom to rescind those changes which proved unsuccessful, "Westy" has brought the Army to a point where it has had to rely on fewer draftees than at any time in the past 20 years. And retention rates have also shown encouraging increases as a result of some of his innovations.

Mr. Speaker, we can all share the pride which the general so deservedly must feel in these accomplishments. But I am certain we also share the sense of loss which I feel at this time. "Westy" has earned his retirement just as he has earned the honor which the Members pay him today. He will be missed. But the indelible mark he has left on the annals of U.S. Army history will insure that he will not be forgotten.

To the general I extend my sincere gratitude for his past service. I wish for him, his dedicated wife "Kitsy" and his family, all the best of luck and happiness for the future.

SOCIAL SECURITY BENEFITS INCREASE URGENTLY NEEDED BY OUR OLDER PEOPLE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. EVINS of Tennessee. Mr. Speaker, as you know, the Senate has approved a 20-percent increase in social security benefits as a rider to the debt ceiling legislation which must be passed by June 30 next.

We all know that the decision in the conference committee will be the determining factor in this matter because of the imminent deadline, and I have contacted the Honorable Wilbur D. Mills, chairman of the Committee on Ways and Means and chief House conferee, advising him of my position and urging support for the larger increase and recommending that the House concur in the Senate position.

Because of the interest of my colleagues and the American people in this most important matter, I ask to place a copy of my letter to Chairman Mills in the Record setting forth my position and support for the larger social security increase.

A copy of my letter to Chairman Mills follows:

House of Representatives,
Washington, D.C., June 28, 1972.

Hon. Wilbur Mills,
Chairman, Ways and Means Committee, U.S. House of Representatives, Washington, D.C.

Dear Chairman Mills: The House, as you know, has voted a 5 percent increase in Social Security benefits and the Senate has approved a 20 percent increase as an amendment to debt ceiling legislation.

In this connection I wanted to urge that the House concur in the Senate position on this matter because of the urgent need by our older people for a substantial increase in Social Security benefits to cope with the continuing inflationary spiral and increased cost of living.

It is my understanding that there are forces making an effort to reduce the 20 percent increase and others contend that even the 20 percent increase is inadequate.

We know, of course, that with June 30 next the deadline for the approval of the debt ceiling that any Conference recommendation will be accepted, and I again strongly urge and recommend that the House Conferees accept the 20 percent increase.

Your favorable consideration of this appeal on behalf of our elder citizens will be most appreciated.

With kindest regards and best wishes, I am

Sincerely your friend,
Joe L. Evins,
Member of Congress.

THE 22D BIENNIAL CONVENTION OF THE JAPANESE AMERICAN CITIZENS LEAGUE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. GIAIMO. Mr. Speaker, it is, indeed, a pleasure to welcome to Washington the delegates of the Japanese American Citizens League during their 22d biennial convention. This occasion offers a rare opportunity to celebrate the contributions made by citizens of Japanese descent to the everyday life and diversified culture we enjoy in the United States. For it has taken this country far too long to appreciate the industry and loyalty demonstrated by Japanese Americans. Many of us live with the haunting memory of the disgraceful treatment afforded Japanese-Americans during World War II when they were interned and branded as aliens to our cause. This prejudiced attitude lingered long after the hostilities were settled. In fact, only this year was legislation introduced to compensate Japanese Americans who were interned during the Second World War. This legislation is designed to provide civil service and social security retirement benefits based on time including the period of internment.

It is a hopeful sign that the delegates to this convention are representing more than 100 chapters in 32 States, perhaps an indication of a long overdue recognition and acceptance of Japanese Americans as people who have demonstrated a great pride in their country while retaining the spirit of their own ancient heritage. We owe them our gratitude. They have contributed to this Nation their toil, intelligence, and artistic accomplishments. And, more important, they lend a respectful tone for tradition and loyalty from which we all can benefit from time to time.

PEOPLE HELPING PEOPLE IN CARROLL COUNTY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BYRON. Mr. Speaker, one cannot help but marvel at the basic goodness in man in times of great stress. Such was the case during the recent floods that wrought severe damage in several communities of my district. One particular area was Carroll County where "people helping people" was the rule of the day. I submit the lead editorial from the June 29 Carroll County Times as an example of what I mean, and also as a sincere tribute to all Carroll Countians who unselfishly and courageously rose to the occasion:

Floods Bring Out Best In Carroll Countians

It was a time of unselfish sacrifices, unabashed neighborliness and quiet courage in Carroll county last week. If it sometimes takes a disaster to bring out the best in people, many here passed that test.

There was State Police Cpl. Raymond Beaumont, who again risked his life to rescue flood victims (getting swept downstream and nearly away in the process). Only last year Governor Mandel commended him for a similar flood rescue along the Gunpowder east of Baltimore. To appreciate the danger, take a look at the Times picture of a railroad car from the Congoleum Nairn plant that was powered by the savage water a couple of miles into the Liberty Reservoir. The water was swift on the surface, but the real menace lay beneath—in the turbulent, powerful undertow.

There were the unnamed heroes. In Detour, a state trooper and a neighbor in motor boat came to the rescue of the Randolph Rollison family, who crawled out of a second floor window to get to the boat and safety. The boat also fought the rapid waters to rescue Carroll F. Dougherty, whose house also serves as post office for the hamlet. The water was so powerful that ropes had to be used to get the boat to stiller waters—the motor alone couldn't power against the rushing water.

There was Mr. and Mrs. Charles Trout, who walked down the one safe passage into Detour—the railroad track—with boxes of food for the few families on higher ground who could still stay there.

There was the National Guard soldiers who left their jobs to help everywhere they were needed. And the Red Cross, the telephone and electric repairmen, the policemen. And individuals and other organizations too numerous to mention but all of whom shared the same virtue—sacrifice to help their fellow human beings at a time of crisis.

Perhaps the most unsung heroes—unsung perhaps because sometimes we too often take them for granted—were the volunteer firemen, those men who get up at a moment's notice to extinguish a minor electrical fire or a building blaze throughout the year and who worked hour upon hour without sleep to meet the flood crisis last week, and their wives.

Call after call they pumped flooded basements, helped evacuate people, set up emergency evacuation centers, acted wherever they were needed. One woman told of seeing her husband for one hour during that critical 48-hour period and of how, even on Sunday, he was still out again to help pump basements. And would you believe it? He took vacation time from work to do it. He was, she said, only one of many firemen who sacrificed.

The list of those who deserve accolades for their part during the crisis undoubtedly could go on. But among those are those people who helped—are still helping—their neighbors in the exasperating, demoralizing task of cleaning up the terrible damage that ruined many homes. And, of course, special public thanks also should go to those families who opened their homes (One evacuated family was invited to a neighbor's house: "Do you have room?" the family asked. "We'll make room," the neighbor said.) and the churches which opened their doors to temporarily house those without shelter and food.

Much is yet to be done in the cleanup and Carroll countians are sure to continue helping their neighbors in this time of need. But their work and sacrifice during the worst crises deserve our special gratitude.

WELCOME JAPANESE AMERICAN CITIZENS LEAGUE OF JAPANESE DESCENT

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. MONAGAN. Mr. Speaker, it is with pleasure that I join my colleagues in praise of our citizens of Japanese descent. I welcome this opportunity because I realize the contributions that this group has made to American life.

Most of these citizens live in Hawaii or California, and yet their contributions are not limited geographically. They have made truly national contributions in all areas of American life. Japanese-American participation in the arts has not only produced fine music, sculpture, and architecture, but it has inspired other American artists to draw on the artistic and cultural motifs of their work; individual members of this group have labored long and well in the name of science and medicine; the Imperial Valley is a monument to their efforts in irrigation and land development; and Japanese Americans have served valiantly and loyally with other American servicemen, in World War II, the Korean war, and Vietnam.

I welcome the Japanese American Citizens League to Washington. The Japanese experience in the United States provides a lesson in perseverance and dedication from which all Americans can benefit. They have overcome the racial, religious, and language differences that have confronted them. But their presence in Washington also indicated a continuing concern with representing the interests of their members—interests that remain vital today. Drawing upon the cultural strengths of a proud past, they have set an example for all Americans. I know that the contributions to American life will continue.

SUPREME COURT DECISIONS AFFECTING CONGRESS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BROOKS. Mr. Speaker, yesterday, the Supreme Court handed down two decisions of vital interest to Congress. Both involved the speech or debate clause, article I, section 6 of the U.S. Constitution.

In United States against Brewster, the Court reversed the decision of U.S. District Judge George Hart dismissing an indictment against former Maryland Senator Daniel Brewster for bribery.

In GRAVEL against United States, the Court narrowed a protective order limiting the interrogation of an aide of the Senator from Alaska in a grand jury investigation of the publication of the Pentagon papers.

There were dissenting opinions in both cases.

The principles discussed in these cases involve the autonomy and independence of the legislative branch, the separation of powers doctrine, and the relationship between the legislative branch on the one hand and the executive and judicial branches on the other. Accordingly they deserve the careful study not only of Senators and Representatives and the legal profession and students of government, but the American people generally.

The Joint Committee on Congressional Operations, of which I have the honor to be chairman, created by the Legislative Reorganization Act of 1970, among other responsibilities has the duty to identify any court proceeding or action which, in the opinion of the joint committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of that House of the Congress which is specifically concerned or to both Houses of the Congress if both Houses are concerned—section 402(a)(2) P.L. 91-510.

In carrying out this mandate the committee has been collecting and studying decisions and proceedings—including where possible the briefs and records—in litigation affecting the Congress.

Current cases have been assembled and briefed in committee print publications distributed to Senators and Representatives. These publications contain the text of some of the important decisions. There have been four of these reprints, the most recent of which was cumulative to May 31, 1972.

The Brewster and Gravel decisions will receive the close scrutiny of our committee together with other cases, current and completed which in the committee's judgment are of vital interest to the Congress.

Because of the direct effect these decisions have on the Congress, the committee will have copies of them to your offices as soon as a special report can be printed.

FOCUS ON THE JEWISH POOR

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BADILLO. Mr. Speaker, with all the attention that has been devoted to the problems of poverty and the decay of our cities, too little careful analysis has been devoted to the nature of poverty as it exists among various groups in our society. It is not enough to simply speak of poverty and assume that the term applies with the same meaning to all who are poor by some national or local standard. If our efforts to attack the root causes of poverty are to attain any measure of success, they must be based on an understanding of what poverty means to the poor, who the poor really are, and how different approaches may be formulated to different types of poverty.

At long last, attention is now being devoted to the plight of the Jewish poor in New York. The Jewish poor—the "forgotten poor" of our city—have not been adequately recognized in the development of the city's antipoverty programs and some of the underlying reasons are set forth in a perceptive and penetrating article prepared by Elly Rosen, executive director of the Association of Jewish Anti-Poverty Workers.

The message in this article has great significance for the future of the antipoverty effort and I commend it to the attention of our colleagues:

AND SUDDENLY THE JEWISH POOR

(By Elly Rosen)

For many years the scope and dimensions of Jewish poverty has been growing in urban centers such as New York City—the "inner cities" of America. In 1965, when the United States government declared "war on poverty," and the federal Office of Economic Opportunity initiated Community Action Programs throughout the country, many Jews living in the poverty stricken transitional neighborhoods of New York City felt a need to participate in these programs in an attempt to create services to help their poor Jewish neighbors. Thus began a grassroots (local community) awareness of the fact that, yes, we also had our share of poor people, and that something must be done to help them.

However, the poverty program was created through Black pressures and except in areas like Crown Heights and Williamsburg, where an organized Jewish community existed, Jews were kept out of the "Poverty Program." The major Jewish organizations did not wish to get involved in the problem for reasons which are understandable; they were not aware of the extent of Jewish poverty and they felt the Community Action Program (CAP) was in competition with their social service agencies. One cannot blame these organizations for not being aware of the problem for it is in fact invisible and silent, and it must be sought out.

In June of 1971, using statistics prepared by Ann Wolf and those contained in a study by the Columbia School of Social Work, I testified at a Congressional hearing on Manpower and Poverty. My testimony exposed the extent of Jewish poverty as well as the fact of discrimination against Jews in the City's poverty program. And suddenly—the Jewish poor were in the general news media, and on the priority agenda of government agencies and the major Jewish organizations.

Statistics show that there are between 350-400,000 Jews in the city of New York alone who have annual incomes of below $3,800. But Jewish poverty is invisible and silent. When I first made that statement last June, I didn't know to a great extent, who and where are the Jewish poor. Since that time, the Association of Jewish Anti-Poverty Workers, created for the specific purpose of determining and advocating the needs of the Jewish poor, has been looking for them in all five boroughs of the City. Unfortunately, we have found greater numbers of proud poverty stricken Jews.

Who are the Jewish poor? They can be found in any neighborhood of the inner-city, from an upper-middle income neighborhood like Forest Hills to the destroyed slums of our city like Brownsville.

WHO ARE THE JEWISH POOR?

It is said that 60 per cent of the Jewish poor are the elderly. The Jewish community of three and four generations ago are left alone to live out their lives on whatever fixed income they may still have.

Mr. and Mrs. Chaim Blumenthal live in Brownsville, Brooklyn. Eighty-six year old Blumenthal and his 84-year-old wife, Sarah, live on his Social Security benefits of $1,380 a year. Of $115 a month, Blumenthal pays $60 a month rent for a four-room apartment in which they've lived for 38 years. After paying the telephone, gas and electricity they are left with $35.00 a month. How does one live on that?

It's no great problem if you can't go out shopping more than once a week because the streets and hallways are crowded with junkies and teenage gangs. If you go shopping once a week and are too old to carry home more than one bag of groceries, you manage to live on what's in the bag. And says Sarah, "How much can an old person eat anyway? What I really want, God should be so good, is a shul (synagogue) for Chaim to go to daven (pray). He cries every day since the Stone Ave. Talmud Torah closed because there's no shul left. Why did they take away our last shul? Where did everybody go?"

How does one explain why Brownsville, once the center of Jewish culture in New York, closed the doors of its last shul? Where did everybody go?"

How does one explain why Brownsville, once the center of Jewish culture in New York, closed the doors of its last synagogue a year ago. Can I explain to Sarah or to the thousands of elderly Jews still living in Brownsville, Bedford-Stuyvesant, South Jamaica and dozens of other abandoned Jewish neighborhoods, the philosophy behind social change?

The Family Poor: The Hassidic and Orthodox. In an urban center like New York City it is estimated that there is a Hassidic population of 90,000. Because of religious ties and needs, the Hassidic poor stay within a community. So you may find poor Hassidic families in lower income sections such as Crown Heights, Williamsburg, the Lower East Side, or even higher income areas such as Washington Heights, Boro Park or Forest Hills.

Hassidic restrictions in the areas of birth control, dietary laws, and education, have extreme religious importance in the very existence of the Hassidic individual, but in many cases result in a life-cycle of poverty. This can best be exemplified in the case of Shlomo Goldstein and his family, who live in the Crown Heights section of Brooklyn.

Mr. Goldstein grew up in a Hassidic environment and spent most of his young life devoted to the study of Torah and Talmud. Fear of assimilation and impurity of the outside world prevented him from much of secular education or training. Mr. Goldstein has a job in a Hassid-owned knitting factory where he earns $8500 a year. But, he has 10 children, all of whom he must send to Yeshiva (parochial school) where he must meet the tuition. Also, he must feed his family of 12 Glat Kosher food, the price of which is higher than regular food. So, although the welfare department won't accept it, his budget compared with his annual income put him below the poverty line.

Even if Mr. Goldstein were to enroll in a training program, or embark on a secular education, it would not perceptibly increase his available job market. Besides the problem of being a Sabbath observer and, therefore, having to leave work early on Friday, not being able to work on Saturday or the Jewish holidays, his beard, sidecurls and Hasidic garb will not make an insurance or accounting firm eager to hire him. It may be fashionable for Chase Manhattan Bank to hire a Black in a dashiki to work behind the counter, but Shlomo Goldstein doesn't have a Friend at Chase Manhattan.

In the United States, does a person not have the right to live with his religious beliefs and still have the right to survive?

The Broken Homes: Did anyone ever stop to think about what happens to a mother with four children who may suddenly become a widow or divorcee? And what if she was not of the "fortunate" ones to be left with a lot of insurance or alimony? Perhaps one should ask Mrs. Marlene Zweidman who lives with her four children and 20-month-old niece (left by her sister who is classified as an unfit mother) in the East Flatbush section of Brooklyn.

Mrs. Zweidman has to stay home and take care of the baby, thus she cannot work. How can she support her family? She decided that it wasn't too sensible to attempt survival on "Jewish Pride" alone so she takes what she is entitled to welfare. She is not religious but would like her son to know something about her heritage; she would like to send him to Yeshiva day school. Welfare will not pay for that. So, until and unless, she can find a school that can afford to take her son tuition-free he will have to go without it. This, of course, is a subsidiary problem.

There are thousands of mothers of disabled parents in Mrs. Zweidman's predicament, but they too are silent and invisible. And unfortunately, so far, no one has gone looking for them. The assumption is that they do not exist.

There is another segment of Jewish poverty which no one thinks about, but who nevertheless stubbornly insist on existing. They are the thousands of Black Jews spread throughout the inner-cities of our country. Can you imagine a family or individual having any of the problems previously mentioned only to have them compounded by growing up a problem-oriented Black ghetto, and, in addition, having to live with the standard discrimination suffered by all Blacks?

Perhaps if we restore the true meaning of Jewish pride we might once again learn to care for those less fortunate, to keep them in our community, and possibly prevent these problems from growing or recurring in greater proportions. "Jewish Pride" has somehow come to mean pride in accomplishments, pride in our leaders, but also shame in our failures. Shame to the extent that our Jewish pride will not allow us to think about the failures or do anything about them. And so it has happened that if one is affluent, his pride prevents him from thinking about those Jews of whom he cannot be proud.

Poverty agencies must learn to see through the myth of Jewish affluence which we ourselves are so proud of fostering, and allow poor Jews who may not believe the myth to participate in poverty programs. "No one is poorer than the poor who are conceived as being rich." And no one knows more suffering than those whose suffering is not believed.

TRIBUTE TO TOM LITTLE

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. FULTON. Mr. Speaker, the media in Tennessee, the South and, indeed, throughout America recorded a sad obit last week when they had to list the June 20 death of former Nashville Tennessean cartoonist Tom Little.

A Pulitzer Prize winner, a man whose drawings always carried a simple, unmistakable message about man and his worlds—his community, his politics, the achievement of his humanitarian goals—Tom Little in his 73 years displayed the talent, curiosity, and ingenuity which evey true journalist seeks to command.

In his memory and to bring to life for my colleagues this fine Nashvillian's dedication, drive, and accomplishments, I include the following June 21 Nashville Tennessean article in the RECORD:

CRUSADING CARTOONIST TOM LITTLE DIES AT 73

Tom Little, long-time cartoonist for the Tennessean who wielded a crusading crayon with unsubtle strokes which caused friends to smile and opponents to shudder, died at 5:30 p.m. yesterday at his home.

Little, 73, of 2046 Castleman Drive, had been in ill health since suffering a stroke in the fall of 1970, a few months after his retirement in the spring of that year.

Services will be at 2:30 p.m. tomorrow at Roesch-Patton Funeral Home, 1715 Broadway. Other arrangements were incomplete last night.

A man who won a Pulitzer Prize for his dramatic sympathy with polio-stricken children. Little also drew biting caricatures which gave presidents, governors, mayors and even the Republican party indigestion.

"I let cartoonists on Republican papers worry about the other side of the story," Little once said, with only the smallest bit of facetiousness. "I know our side is right."

In keeping with that remark, his cartoons were usually direct and often devastating—and always simple. Fellow employes of the Tennessean, most of whom spend considerable time making each other the butts of jokes, could make Little furious merely by observing:

"Uh, Tom, uh, I didn't understand that cartoon this morning."

During the first part of his journalistic career he served a long apprenticeship as a police reporter during Nashville's mad prohibitionist 1920s, chasing many an ambulance, dramatizing many a murder and interestedly witnessing many a call house raid.

It is said that when newsmen gathered near caches of whisky confiscated by policemen, Little always was chosen as the one to sneak inside and borrow them a bottle or two because, at 5-4, he was always the smallest in the crowd.

He also was always one of the most tenacious. At one particularly bloody murder which might have left a less experienced writer stunned and nauseous, Little beat an opposition reporter to the only nearby telephone, whose wire he cut. The opposing reporter thereupon missed his deadline and Little and the Tennessean carried the story first.

From years of these experiences followed by years of running the Tennessean newsroom as city editor, Tom Little brought a stunning seriousness and unmistakable reality to his drawing board when he got to it finally in 1936.

Although some of his earliest associates have said Little was an accomplished artist from the time he was 14, it took him two decades to become a cartoonist for the Tennessean. He became one through strange circumstances.

According to the late associate editor of the Tennessean, John H. Nye, Little actually was demoted to his job as editorial cartoonist after five uphappy years as a city editor. It resulted from an election-night argument with Lit Pardue, the late editor of the Tennessean.

"Pardue got so mad at Tom he fired him off the city desk and transferred him to the job of editorial cartoonist—with a cut in pay," Nye recalled.

About a year after Little's demotion to cartoonist, as said to have made him much happier than his earlier promotion to city editor, the late Silliman Evans took control of the newspaper. Little's tough, stark and uncompromising drawing style was made for Evans' hard-hitting brand of journalism.

Almost immediately the powerful nature of his drawings attracted national attention. He probably had more cartoons reprinted in other newspapers and periodicals than has any other cartoonist.

Among the biggest were Time, Newsweek, the New York Times and the New York Herald Tribune. The Encyclopedia Britannica chose two of his cartoons to help illustrate its four-volume history of the Second World War decade—1937–47.

In 1948 he was awarded the cartooning medal by the National Headliners' Club, whose national awards are second in journalistic stature only to those offered by the Pulitzer Committee. But it was in 1957 that he received journalism's highest award.

It was a drawing of a child on crutches watching other children playing football and asking himself "Wonder Why My Parents Didn't Give Me Salk Shots?" This heavy-handed blow at parental apathy surrounding the new cure for polio was from the mainstream of the Little tradition.

"My idea was to wake people up to the opportunity they had to give their children these shots," Little said later. "It was a chance they never had before and might never have again.

"You rarely accomplish something good by praising something in a cartoon. To promote something good you have to point out something bad on the other side. Good cartoons are not funny. They are serious business. People don't laugh at them. They get mad at them."

Unlike many of his drawings, the theme of his Pulitzer winner was not assigned to him by the editors. He came up with it himself. Or, rather, his wife Lillian—former principal of Glendale School—gave it to him after receiving a telephoned suggestion from the late Dr. John J. Lentz, who realized what impact a Little cartoon could have on the public apathy to the newly discovered anti-polio vaccine.

"Getting a cartoon idea, particularly a funny one, is a grim and terrible business, and Tom makes the worst of it," once said Tennessean editorial cartoonist Charles Bissell, Little's brother-in-law.

"His face at such times is no pleasant sight. Written across it are more expressions than one face can comfortably contain. There is, of course, the painted look that inhabits most thinking faces.

"But also there are looks of suspicion, greed, intolerance, cruelty, shame, fatuity, friendship, mirth and murder . . . his face assumes the expressions of the characters in his cartoons, and these characters usually are in embarrassing or unpleasant circumstances . . ."

Most of his political subjects were in especially embarrassing or unpleasant circumstances after he finished a caricature of them.

Little was a Mason and a Shriner and during his latter years he made many trips to Shrine conventions, reporting in the columns of the Tennessean the activities of the organization.

But unquestionably the bulk of the colorful stories about the cartoonist come from the old police-reporting days, times that—like those of every other man—grew more dramatic with age.

A native of Williamson County, Little was born Sept. 27, 1898, to John Wallace Little, a farmer, and his wife Florence Johnson Little. His father died when he was 2.

In 1926 Little married the former Helen Dahnke, a reporter for the Tennessean, who died in 1938. On Oct. 20, 1945, he married the former Lillian Hannah, who survives.

After attending Montgomery Bell Academy, he joined the Tennessean at the age of 17. It might be said that he was given half a job because he and a friend, Tom Sims, both decided to apply at the same time and went to the Tennessean offices together.

They were told but one job was available. "Tom spoke up and said, 'We'll take it and split the salary,' " Little recalled much later. "We did, too. Fifteen dollars a week between us."

Sims later went to King Features, one of the Nation's largest newspaper syndicates, and became a columnist.

Little's real immersion into the central area of journalism came when he began covering the police beat in 1919—and almost immediately was faced with a famous murder that has never been solved—the slaying of a man named Robin Cooper.

Cooper's car was found on Highway 100 on a bridge over Richland Creek with hair and a bloody stone inside it. The body was found underneath the bridge, and as soon as Little heard police officers shouting from underneath that bridge, he started running for a telephone—only to find a rival reporter ahead of him.

"He got to this house first and started to call his office when I cut the telephone wire," Little said proudly many years later. "I got a ride to another house about a half mile down the road and we scooped them on that one."

One of the most brutal murders he recalled writing was that of a bootlegger named Harry Lehman whose life went well until he fell out of favor with the law enforcement authorities and went broke.

Becoming fair game for his erstwhile underlings, he was lured into an adjacent county by a woman before being slowly shot to death by his enemies who began by shooting off his fingers and toes.

Such events have an effect on some men's senses of humor, and they may well have affected Little's. His was wry and funny, as long as the joke was on the next man. According to his associates at the Tennessean, he never was terribly amused when the joke was on him. But the jokes he put on others were often as quick and direct as his cartoons.

In 1958, when employes and ex-employes of the Tennessean were gathering to pay a dinner tribute to Little, one of the visitors was Rufus Jarman, Middle Tennessean native who was a New York free-lance writer and former Tennessean employe.

Jarman dropped by the newspaper office and one of the reporters there asked for an interview.

"I've only got about 15 minutes," Jarman said.

"You could tell everything you ever knew or learned in 15 minutes," Little observed sonorously.

Little's cartooning days were not always the profound successes that Pulitzer Prizes and Headliner Awards would suggest. One of his bitterest disappointments had to do with a syndicated cartoon called Sunflower Street. It was a cartoon panel about blacks, and his decision to quit drawing it in 1950 resulted finally in a disparagement about the growing fragmentation and polarization of races and creeds in America.

He lamented growth of an inability of Americans to laugh at themselves.

"We stand in constant danger of offending somebody," he later said. "We also stand close to refining the good humor right out of American life."

At that time editors became leery of using Sunflower Street because of fear it might be construed as "looking down" on black people.

In 1972 such a prospect seems almost laughable. For more than 30 years, Tom Little's political cartoons championed, rather than tried to undermine, the rights of minority races and creeds in the South.

In addition to his widow he is survived by an aunt, Mrs. Tom Murray, of Franklin, Tenn.

Active pallbearers are Lou Bottiggi, Robert Cowan, A. A. Gorin, William S. Justice, Sam Molay, Phillip Perkerson, Lewis Stanley, James N. Stansell, Terry Tomlin, David Young and Bill Bissell.

ALLIED SERVICES ACT OF 1972

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. QUIE. Mr. Speaker, I am introducing today, along with my colleagues, on behalf of the administration, the Allied Services Act. The President, in his state of the Union message, proposed the Allied Services Act not only as a means of cutting bureaucratic redtape and streamlining the machinery of Government, but more importantly, as a means of enabling State and local agencies to deliver services to individuals in need in a more responsive manner.

The President said:

> We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats a family as a unit. We need to break through rigid categoried walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related problems.

We believe, Mr. Speaker, that this bill, through the committee hearings, will open up a dialog which will enable all interested parties to have an opportunity to make their views known. We critically need to know and understand how to best deliver services to those in need as well as how to facilitate access to services.

At this time, the Department of Health, Education, and Welfare has over 200 categorical programs each with its own administrative structure at State and local levels. At no point is there a single agency accountable for organizing all of these separate service programs into a single system. No agency is responsible to the individual for arranging services to meet his or her multiple needs. We think the time has come for us to address the problem and attempt to find solutions to resolve it.

COUNTERVAILING DUTIES

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. FULTON. Mr. Speaker, on Thursday, June 29, 1972, I introduced H.R. 15794, to amend section 516 of the Tariff Act of 1930.

The purpose of this bill is to provide judicial review for American manufacturers in countervailing duty cases. Under section 514 of the Tariff Act, importers have the right to judicial review of an administrative decision that a bounty or grant exists with respect to certain imported merchandise and that countervailing duties will accordingly be imposed on such merchandise. Until recently it was believed that a domestic manufacturer filing a countervailing duty complaint could similarly obtain judicial review under section 516(b) of the Tariff Act where the Treasury Department failed to act in accordance with the Countervailing Duty Law (19 U.S.C. 1303). The right to challenge Treasury inaction in such cases was, however, effectively denied American manufacturers in a 1971 decision of the Court of Customs and Patent Appeals. *United States* v. *Hammond Lead Products, Inc.*, 440 F. 2d 1024. There, the appellate court held that the Customs Court lacked jurisdiction to review a complainant's challenge that Treasury had failed to assess a countervailing duty.

The effect of that case is to emasculate the countervailing duty law which is designed to offset the artificial competitive advantage of imported products over American-made products by virtue of subsidies given in the exporting country. While the countervailing duty law is mandatory in its terms, the Hammond Lead decision forecloses effective relief to injured domestic producers where Treasury decides for policy reasons not to enforce the law or unreasonably delays enforcement.

This amendment to section 516 is needed to accord fundamental equity to American producers suffering from this kind of unfair practice; that is, subsidies, and to insure that the intent of Congress as reflected in the countervailing duty law will be fulfilled. It should be noted that domestic manufacturers have the right to judicial review in other customs matters under section 516. This bill would make clear that that right extends to countervailing duty questions and is therefore in the nature of a technical amendment.

The bill would also amend subsection (f) of section 516 to make countervailing duties applicable in accordance with a final court decision with respect to merchandise entered, or withdrawn from warehouse, for consumption as of the date the Secretary of the Treasury publishes a negative decision on an American manufacturers petition under section 516(b). The purpose of this technical provision is to make sure that, if the courts find the Secretary's decision not to impose countervailing duties to be in error, the complainant will not be denied meaningful relief, because of protracted litigation. Without this amendment countervailing duties would be imposed only on imports coming into the United States after a court decision sustaining the American manufacturer's challenge.

FEDERAL REVENUE SHARING

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. GOLDWATER. Mr. Speaker, as many Members of the House are aware, I have for some time been a strong proponent of Federal revenue sharing. I was an early supporter of the Nixon administration proposals in this field, and traveled across the country campaigning for revenue sharing.

Thus, it was with great difficulty and regret that I cast a nay vote on H.R. 14370, the revised revenue sharing bill which passed the House on June 22.

The plan for sharing Federal revenues which was written by the Committee on Ways and Means contains several major flaws, the effects of which are so serious that I could not be a party to making them law.

First, this bill provides unusually powerful incentives for local and State governments to raise their taxes. Second, the bill will not correct the deficiencies in the present grant-in-aid programs. Instead, it will only add another layer on top of the existing Federal aid system, which is sorely in need of thoroughgoing reform.

By giving more money to governments which tax their constituents more heavily, the bill would place a double burden on the average taxpayer. The so-called "free money" from Washington must come from somewhere, and in this case, it is the average taxpayer who must pick up the tab, and $30 billion simply does not materialize out of thin air. In addition, it will not take local governmental officials long to realize that the more they raise local taxes, the more money they will get from Washington. Thus, the taxpayer gets hit coming and going, and intense pressure is placed on the upward spiral of taxation. Since taxes are already out of hand, this bill could place them beyond anyone's control in a very short period of time.

Moreover, H.R. 14370, which was supposed to begin a shift away from strings-attached Federal funds under the grant-in-aid programs, fails to do this at all. It simply spends money which just is not there, rather than spend the money we do have in a different fashion.

The initial proposal advanced by the White House provided for both general and special revenue sharing programs. Of the $16 billion annual expenditure which was originally proposed, only $5 billion was slated for general revenue sharing, with the balance of $11 billion to be spent in the form of special revenue sharing. Moreover, this $11 billion was not "new money," but rather was to be taken from existing categorical aid programs, and spent in a different fashion.

The rocky road through Congress changed all that. Instead of special revenue sharing, we have only "high priority areas" in which the shared revenue is to be spent. And instead of replacing categorical grants, this bill only piles more aid programs on top, leaving grant-in-aid programs untouched. To make matters worse, the new programs require "new money," money which is nowhere to be found in this era of unprecedented Federal budget deficits. Instead of instituting major structural reform in governmental aid programs, H.R. 14370 only compounds an already unsatisfactory situation.

There is a serious drawback in the manner in which the shared revenues are assigned to "high-priority areas." These areas include public safety, public transportation, and environmental improvement and protection. The problem is that there are already extensive Federal aid programs in effect which are designed to deal with these problems. In the area of public safety, for example, the budget for fiscal year 1973 already includes nearly a billion dollars for support of State and local crime reduction activities. Nearly $6 billion is in the budget for Federally assisted transportation projects. Many more billions are to be spent in environmental improvement projects.

While already funded areas receive even more money under this bill, areas in which a crisis or near-crisis situation exists receive no money at all. Local governments, which receive two-thirds of the funds appropriated by the bill, are expressly prohibited from spending any of it on education. With court decisions in at least four States, including California, threatening to bring a major readjustment in methods of financing education, to leave this area untouched by revenue sharing is almost unbelievable.

But perhaps the most dangerous aspect of this plan is its separation of the job of taxing from the job of spending. No longer will the desire of State and local governments to spend be tempered and restrained by the necessity to tax in order to raise the money spent. Besides increasing the propensity of local governments to spend, this bill will make them ever more dependent on the Federal Government.

Instead of accomplishing the original objective of revenue sharing, that of decentralizing government, and making it more responsive to the people, this bill makes local governments dependent on Washington, and centralizes government control. The two-thirds of the money distributed by this bill which goes to local governments is restricted to specific areas, and establishes a principle of Federal control over local expenditures. This is anything but bringing government closer to the people.

In short, this plan will reverse a tradition of separating Federal from State and local government which is as old as the Republic itself. It will accelerate centralized Federal Government, spend billions of dollars which we do not have to spend, spend the money where it is not needed, and will raise sharply the level of taxation at all levels of government. And while it does all this, it will fail to accomplish the single greatest reason for revenue sharing: it will not achieve genuine structural reform in the manner in which the Federal Government distributes aid.

Finally, gentlemen, we will be the ones who will have to raise this money, and we will have to answer to citizens already angry over the high taxes they must pay. This will be an uncomfortable reality long after the pressures of an election year have passed.

EDUCATION FOR LIFE: REPRESENTATIVE GONZALEZ' CHALLENGE

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. KAZEN. Mr. Speaker, every Member of this body recognizes that the future of our Nation depends on our youth. We cannot hide from them the tasks they face, nor that we are passing on to them problems which we have failed to solve. My esteemed colleague, HENRY GONZALEZ, expressed the challenge so well in a recent address to the graduation ceremonies of Nixon High School in my hometown of Laredo that I am pleased to share his message with all the Members of the House:

SPEECH BY REPRESENTATIVE HENRY B. GONZALEZ

As human beings, we have a unique capacity, a unique ability, which has given us the power not merely to live with the world we find ourselves in, but to change it, almost at will, to meet our needs or suit our desires. We need not suffer the cold, because we can build houses that enable us to be comfortable, no matter how cold it might be, even on mountain peaks and in the Arctic wastes. We need not suffer the heat, because we have learned how to build air conditioning that will keep us cool no matter where we are, no matter how hot it might become. We need not suffer the pangs of hunger if there is a drought or fire or other disaster affecting the crops, because we have learned how to store food, to freeze it, can it, dehydrate it, process it, and carry it wherever it is needed. We do not have to live with the world as we find it, because we have the ability to see how things work, and how they can be made better; we have the power to make things serve us, rather than being forced to accommodate ourselves to things as we find them.

But we have also the power for self delusion; the fact that we can think does not mean that we always think in the right direction. We have the power to reason, but that does no mean that we always use that power. Humans alone have the power to alter the world to suit them; and, humans alone have the power to misuse that same power. Where we have the strength to build, we also have the strength to destroy. No one but a human can build an airplane; and no one but a human can load it with bombs.

Having the power to reason, we have at once a divine blessing and a potential curse.

What are we to make of a world in which, according to the figures, the rich get richer and the poor get poorer? For we know that in a single year the wealth of the United States grows as much as the wealth of India will grow during the next 200 years.

What are we to make of a world in which a tiny minority of the world uses up a third of the total energy produced—a third of the gas, oil, and electricity?

What are we to make of a world in which twenty percent of the people own eighty percent of the wealth?

What are we to make of a world in which man has the capacity to destroy all life, either by a nuclear catacylsm or by a misguided consumption of the resources the planet has to offer?

What are we to make of a world in which a nation conducts war by proxy, and in which enemies fight while their leaders embrace one another?

Faced with all of this, how are we to know the difference between what things are and what they only seem to be? How are we to know what is real, what is true, or even what is possible? Have we, with all our knowledge, all our capacity to learn even more, all our technology, only succeeded in building a maze that we can never escape?

Our task is more than just to survive. If only surviving were what we must do, then we would have no need to think, and we would have no need to know anything at all, other than how to find food. Our task is to master not only our surroundings, but ourselves as well. That is why we have education—not to equip us to survive, though survive we must—but to enable us to master ourselves.

Faced with the problems around us, the easiest thing to do is to surrender to a sense of fatalism—to say that we can't change anything, so why worry about it? And many people do this, just walk away and leave all the problems to somebody else.

I can understand this. After all, we are affected by events that we cannot control, and we are affected by events that we might not even be aware of. Most of the members of this class were and will be affected by an event in Indochina that took place in 1954, the year that many of you were born. When the fortress of Dien Bien Phu fell, France lost a colonial empire, and the republics of north and south Viet Nam were born. In that event, so far away, came the end of what history will probably call the first Indochina war and the beginnings of the second Indochina war. In 1961 the first Americans died in that war, so far away that few of us even knew of it.

Today, 45,000 Americans have died in that war, and another 10,000 or so have died in accidents directly related to our participation in that war. We have all been affected by it; ten thousand young men in my district are veterans of it; and we all know someone who has been there, and many of us know someone who never came back from there. Yet all of this stemmed from an event in 1954, and in a historical process that started even before that—so we know that we can be affected by an event that we are not even aware of, or if we know of it, cannot imagine that it has anything to do with us.

And we are left to wonder about the basic morality of things. If we are blaming the present carnage on the Russians, why then is our President embracing their President: And if the aggression of the North Vienamese was made possible by the Chinese, why then did our President embrace their leaders: If there is a war, why are not the contending national leaders enemies? It is difficult to understand how the leaders of nations can order their forces to war, and at the same time embrace one another as if nothing were going on. It is as if we could see a man kicking another man beneath the table, while both are smiling and pretending nothing at all is wrong.

If we are to be affected by events long ago and far away, I can understand how we can come to a sense of fatalism. If we are to see war taking place at one level and negotiations at another, I can understand why there would rise up a feeling of confusion and frustration.

I believe that the Nation is frustrated; we see all around us problems, and we see all around us things that need to be done, must be done, and which cannot wait—but which are nevertheless ignored. We do not seem to have a sense of mission; we do not know in what direction we want to go. We know that we have the power to accomplish great things, but we do not know what it is we want to do.

Some seek refuge in movements; some march, some curse, some pray.

Some seek refuge by escaping, however temporarily, into fantasy; into the euphoria that drugs and drink can bring about.

Some concern themselves about things that do not really matter, and seek oblivion by paying close attention to imaginary specks of dust.

Some seek out meaningful action, and try to offer leadership. Some study, some write, and some only drift along.

Let us admit that this is not an easy world in which to live. But let us also recognize that we are not here merely to live.

I believe that however small or great the role we play is, we should aim to live so that when it is all over, we can feel some sense of satisfaction. For the members of the graduating class, there is a sense of satisfaction for all of you—a sense of relief for all of you. The important thing is that you should have no regrets about school; you've accomplished something. What you have done is not just to survive a course, though I think that many of you probably feel that is the case. What you have done is to learn how to see things as they really are, how to deal with some of the problems that life presents. It may seem right now that there are more questions than answers, but that will always be true. The business of education is not to provide all the answers but to show how a few of them can be obtained, and to show how it is possible to master events, to master your surroundings—how to be in charge of yourself.

Knowing how to do a few things should enable you to learn how to do a great many more things.

You may sometimes be tempted to feel that fate controls your life. Some things in life you cannot control. From the day you were born, it was inevitable that you would go to school. It was not inevitable that you would die in a war. And that is the crucial business of being a human being—the business of accomplishing the things that make sense and finding some way of avoiding the irrational, or some way of solving problems that seemingly cannot be solved.

Wars are not inevitable: the problems of man can be solved in better ways. One example, there are about fifteen million people in South Viet Nam; we have spent something like fifteen billion dollars in a war there—$150,000 for every man, woman, and child in that land. It would have been better for them, and cheaper for us, to have given each family in North and South Viet Nam alike a hundred thousand dollars, which would have made them all wealthy by the standards of this world. One could have bought Indochina many times over for the price that has been paid in determining how and by whom it shall be governed. Surely, here was a better answer than this war.

As rational beings, we should surely be able to arrive at better solutions to rivalries than this. It is not inevitable that such tragedies take place.

Viet Nam, war, peace—all of these things may seem distant and without meaning, but they are issues that affect every one of us. The task of your education has been to help you find better ways to do things: you have learned some of these better ways.

Your education will never end; you will always be learning better ways. If we are fortunate, you will be better masters of destiny than any who have come before you. And I think that you will.

All of us are proud—proud to have come this far, proud to have seen you accomplish what you have—and prouder still that we know how much further you will go. You have made a beginning.

THE JUNE 20 PRIMARY ELECTION IN NEW YORK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SCHEUER. Mr. Speaker, many, if not most, people question the objectivity of a Congressman who has been defeated in a primary election when he comments upon that election. Nevertheless, I do feel constrained to comment upon one aspect of the recent primary election in New York.

The mechanical aspects of the election were a complete and utter fiasco. Thousands of people who wished to vote in the 22d District in the Bronx were effectively disenfranchised by the board of elections. A great many voters were not informed of their proper polling place. Many of those who did find the correct location arrived only to find long lines of voters waiting to use a limited number of machines or machines which were inoperable and went unrepaired for hours. Indeed, in some sections of the 22d District and indeed in many other sections of New York City, people were still voting at 3 a.m.—people who were in line at the official closing time at 10 p.m.

The board of elections in New York is a politically appointed and controlled institution and its appointments are in turn politically inspired. In large measure, this accounts for the total incompetence—if it was not, as seems probable, a deliberate attempt to disenfranchise thousands of voters—displayed in the recent election. It also gives those who control the board and its appointments a clear and manifestly unfair advantage over those who challenged the regular Democratic organization and its candidates for public and party office.

For example, during the recent election, officially appointed objective inspectors were observed making lists of voters and turning the lists over to the regular Democratic organization so that the organization would know of which of its supporters had voted and which had not.

In my own case, I do not believe that the result would have been changed had the board or its employees displayed even a minimal degree of competence or, in some cases, the slightest objectivity. But, there are some contests in New York City where the result might very well have been different. At the very least, thousands upon thousands of voters would not have been disenfranchised.

Through the Voting Rights Act of 1965, the Federal Government demonstrated an interest and concern in the manner in which State and local governments conducted elections to Federal office. That act provides for a Federal take-over of election procedures where it can be demonstrated that State or local officials are preventing citizens from voting or registering to vote upon the basis of race or color.

As a logical extension of this Federal expression of interest in local procedures, the Congress should investigate the recent election in New York and other parts of the country in order to determine whether or not election to Federal office is being determined by local incompetence or political partisanship. If so, the Congress ought to seriously consider legislation providing for Federal supervision or Federal conduct of primaries and elections for Federal office.

CONGRESSMAN LUCIEN N. NEDZI REASSERTS OPPOSITION TO BUSING

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. NEDZI. Mr. Speaker, I rise to reassert by continuing opposition to busing in pursuit of racial balance.

The controversy over busing is steadily moving toward ultimate decision in the U.S. Supreme Court, where I hope and believe there will be a ruling against busing so that the matter is resolved once and for all.

I believe the point should be emphasized that the majority sentiment in the U.S. House of Representatives, the body which most accurately reflects the popular will, is definitely antibusing. Furthermore, in those States where the busing issue has been presented to the voters, a strong majority, Democrats and Republicans, has said "No." Party platforms, written by persons who are not elected by the people, are advisory in nature and have no binding effect. They are an element in the political process, but impose no iron discipline on anyone.

I am personally for the concept of the neighborhood school, which I take to mean that all schoolchildren, without regard to race, color, or creed, have the right to attend schools nearest their homes.

The Congress is on sound ground, morally, legally, and politically, when it supports quality education without quotas. On the other hand, to construct an educational system based on racial balance, to do it in addition on a school-by-school basis, and to disregard neutrally drawn school district lines, is to invite chaos in education.

We in Michigan have watched with dismay as a series of rulings by U.S. District Judge Stephen Roth has plunged our State into bitter divisiveness and a mood of impending chaos. Michigan is a progressive State but there is nothing progressive about race-conscious quotas and cross-district busing.

It should be noted, moreover, that the Roth decision, in its preoccupation with social engineering, would make blacks a permanent minority in each and every school, even in predominantly black neighborhoods. The unfairness of such a design, and the loss of community voice in school matters, should be obvious. In a recent Detroit News poll, less than a majority of blacks favored cross-district busing.

Michigan, unlike some southern States, never had a dual school system, one for whites, one for blacks. It is inaccurate to portray Michigan's schools as analagous to the dual school system which existed in the South as a matter of law prior to 1954.

Convoluted efforts to engineer quotas not only place intolerable burdens on children, parents, and teachers, but tamper with the legitimate expectations of tens of thousands of education-minded families who have saved to buy or rent a home in a particular neighborhood near a particular school. It is no wonder that parents, having sacrificed and planned toward this goal, are shocked to then learn that a court plans to have their children bused to distant out-of-neighborhood, and even out-of-county, schools.

On October 19, 1971, I was among a bipartisan group of seven antibusing Michigan Congressmen (BROOMFIELD, DINGELL, WILLIAM FORD, GRIFFITHS, MCDONALD, NEDZI, and O'HARA) who introduced an amendment to the Higher Education Act. It became known as the Broomfield amendment.

Under this amendment, there can be no implementation of court-ordered busing until all appeals have been exhausted. The amendment passed in the House by a wide margin and prevailed in the protracted struggle between House and Senate conferees. It became law when the President signed the Higher Education Act in mid-June.

A stay of proceedings in the Michigan case should, in my judgment, be issued.

The Broomfield amendment provides one legal basis for such a stay. The President's proposed moratorium, which I have said I will also support, can be a second method to obtain a stay. The third avenue can be a stay issued independently by perhaps a justice of the U.S. Supreme Court, on the basis of the extraordinary nature of the case. This makes sense because: First, the Roth rulings go well beyond previous cases and established law; second, an order partially implemented and then reversed would cause educational disorder and widespread personal trauma; and third, the public interest demands it. I have consulted with attorneys for the State and have urged that a request for a stay be pressed with the fullest vigor.

The quickest and most desirable remedy would be to have the higher courts, and especially the U.S. Supreme Court, put a stop to busing.

If this approach falls short, however, the only alternative is a constitutional amendment. I have already signed the discharge petition which would take House Joint Resolution 620, the constitutional amendment, out of the Judiciary Committee, and bring it before the House for a vote.

Sound public policy, as I have said before, should seek to maximize good will and public support for quality schools. Such support is a fragile commodity, depending on the personal and political commitment of parents, teachers, students, and legislators. Busing for racial balance would tear apart this support, accentuate racial antagonisms, and do irreparable damage to education in America.

My views on this issue were earlier set forth in considerable detail in my October 1971, newsletter to my constituents, the text of which is set forth below:

> The controversy in the Southeastern Michigan area over the increased bussing of schoolchildren prompts me to set forth my own views in this letter to my constituents.
>
> I am for quality education. I am for the concept of the neighborhood school, which I take to mean that schoolchildren, without regard to race, color, or creed go to schools nearest to their homes. I support the elimination of racial discrimination in any form. I believe that when courts and schools are colorblind they are more likely to be on sound moral and legal grounds.
>
> I begin with the affirmative statements because we should put first things first and not allow ourselves to become entangled in the rhetoric of negativism, labels, and symbols.
>
> The notion of compelling racial percentages on a school-by-school basis is acutely color-conscious. To construct a dogma based on the will-o'-the-wisp of "racial balance" which crosses neighborhood lines, municipal lines, and even county lines would damage, not improve, our sorely-pressed public school system.
>
> We should note that no governmental unit nor any court has as yet gone so far as to mandate cross-county bussing to achieve racial balance. But we must also note that parents, teachers, and public figures are deeply troubled by the speculations arising from a recent court decision.
>
> There is a striking contradiction between seeking to establish a color-blind situation in educational opportunities, on the one hand, and that view, on the other hand, that schoolchildren should be forced to do something, i.e., submit to bussing, because of their color. When black students were, in many parts of the country, bussed past schools near their homes to predominantly black schools, that was wrong. To now bus whites and blacks past the schools nearest their homes to various more distant schools, on the basis of race, is a mistake.
>
> Widescale bussing will not, in my judgment, improve the quality of education. Indeed, such bussing, if it is for the purpose of pursuing racial percentages, is certain to arouse antagonism and divert public attention from the essentials of good education: good teachers, good facilities, and financial support by federal, state, and local governments.
>
> Equitable distribution of public resources,

not an investment in fleets of busses, is the way to improve education for all, black and white.

A public policy of support for education is frequently difficult. It depends on the personal and political commitment of parents, teachers, students, and the men and women of our legislative bodies. A policy of massive bussing, based on a misplaced emphasis on race, would simply exacerbate the growing attitude that says, "What the h— is going on?" We would wind up with a net loss, rather than a net gain, in our school systems. Federal financial aid to schools would be bogged down in controversy, resistance to school millage would increase, and racial antagonisms would be accentuated.

If it were only a question of political risk, that risk might be taken. But the concept of widespread bussing to pursue racial balance rests on a faulty, race conscious premise. It is presumptuous and patronizing to suppose that black children, in whose interest the concept is advanced, can only be educated if a certain percentage of white faces is produced in the same school, by transport if necessary.

It must be recognized that the developing controversy involves at least two essential elements: education and race relations. The element of race relations is many-faceted and is intertwined with such problems as job opportunities, crime and the fear of crime, economic disadvantage, housing, and family environment and motivation. Extensive bussing will not solve any of these problems.

A respected Washington journalist, who happens to be black, recently wrote,

"Convoluted efforts to achieve racial balance are not likely to produce educational improvement for the black children on whose behalf the efforts are undertaken.

"Somehow the point has to be made that what is wrong with the schools so many poor blacks are forced to attend is not the absence of white children.

"What is wrong is official unconcern, inadequate expenditures of public money and pervading ignorance as to how best to teach children who come to school profoundly disadvantaged in almost every way."

If we are to achieve quality education for all, it is essential that the precarious amity and good will between the races not be further eroded. It is essential that a higher priority be given to education on our national list of priorities.

As one who has regularly supported aid to education, school lunch programs, job training, and similar education legislation, I am bothered to see that some members of Congress and others who have opposed these programs, or engaged in sly efforts to weaken them, now rush to the media to take political advantage of the public agony surrounding race relations and education. Such conduct is "not thoroughbred," as the saying goes, and I hope it will not continue.

Sound public policy should seek to maximize good will and public support for quality schools. It should avoid the creation of questionable formulas and dogmas which would wrench at the vital strings of American life and which might convulse, year after year and generation after generation, the emotions and the politics of our beloved land. I trust that our nation will choose wisely and act wisely in the times ahead.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE AMERICAN COUNTRYSIDE CAN NO LONGER LIVE ON ITS RURAL PAST

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ZWACH. Mr. Speaker, G. B. Gunlogson, of the Countryside Development Foundation, Inc., of Racine, Wis., has been devoting his life to the study of the problems of the countryside and solutions to these problems.

Just recently, he published a booklet, The American Countryside, which I believe should be must reading for every member of Congress.

Because I do not have enough copies of this booklet to distribute to each of my colleagues, with your permission, I insert it in the CONGRESSIONAL RECORD so all of the Members may gain a new insight into the problems of our American countryside:

THE AMERICAN COUNTRYSIDE CAN NO LONGER LIVE ON ITS RURAL PAST

There was a time not long ago that some of us remember well when the broad valleys and plains of the country were dotted with farms and villages. In place of concrete highways, there were overland trails and dirt roads which we took to school, to church, or when we went to town. About 20 million horses and mules provided the power in the fields and for hauling wagons around and buggies in town.

More people worked on farms than in all the manufacturing industries in cities. Life in the villages was closely geared to this agrarian economy.

Now much of this has changed. Now only one family in 7 or 8 is farming. Not only has the number of farms been rapidly shrinking, but agriculture has been a shrinking share of the total economy. Thousands of towns that once were thriving are now being abandoned. Unless diversification and industrial development are expanded to supplement farming, the exodus from country communities will continue.

A NEW WORLD HAS OPENED UP

While this rural deterioration has been in progress, there has at the same time been tremendous development going on in capital improvements and technological advancements in the countryside. This is a new resource that did not exist before. Combined with its vast natural resources and living space, the countryside can be made to provide better living conditions and more opportunities than ever before.

If a rural Rip Van Winkle had gone to sleep in the thirties somewhere in the heartland of America and awakened in the early seventies, he would feel strangely lost in a new world.

Some of the things he would discover are 3 million miles of hard-surfaced roads crisscrossing the country and reaching into every town; electric power available nearly everywhere for homes, towns and factories; a network of underground pipelines carrying natural gas to nearly every part of the country; two automobiles, telephone, radio, television, and electric appliances in nearly every home. The name of the game had become technology, which had permeated into the country as well as the big cities. Even the cropland was producing two and three times more grain to the acre than it had before.

Indeed, rural America had become a new world. All its vast natural resources and living space had acquired new values. The rain fell, the sun shone, and the earth was beautiful and abundant with living things. All these things, too, had become more precious and vital to the future of mankind at a time when millions of people are crowding big cities to near suffocation.

Despite recurring dreams about a better life, the public has been slow in exploring what the great body of America has to offer. For one thing, too many people, including agencies in our government, continue to cling to the outmoded image of the rural past. This image is perpetuated by continuing the "rural" designation for all of the United States that lies outside the boundaries of big cities.

WHAT'S IN A NAME?

The very essence of words and names is the image they covey. Business spends billions of dollars to popularize names of products. Many big industries are changing their corporate names in order to create a new image or to get away from an unfavorable one. We can learn from these experiences when it comes to developing the countryside.

(1) A study of a number of concerns that had established or were considering locating plants in country towns disclosed that a "rural" designation for an area was a hindrance. Plant personnel have aversion to moving into communities that are labeled "rural."

Another study of a large number of towns that were trying to develop job opportunities showed that almost without exception they wanted to get away from the term. Even towns of 1,000 population preferred to class themselves as cities and the surorundings as country or countryside. One man in a small Kansas town wrote: "People who refer to country towns today as 'rural' are hurting us. They are out of touch with the times."

(2) The popular connotation of the term is not compatible with development. Diversification and business development are going to take place in the towns and small cities and not in the back country. These towns will become the growth centers. In fact, most of the country is no longer "rural." Widespread public improvements and technological changes are taking place almost everywhere. In many states the educational system in small cities is better, and the record of literacy and high school attenance is considerably higher than it is in our nation's capital or the City of New York.

(3) To help improve conditions in country communities, the Rural Areas Development Service was established nearly 20 years ago. In 1964 this became the Rural Community Development Service and later the Rural Affairs Council. During all this time of rural activity, the exodus from country communities has been the heaviest in history.

Many people closely identified with these government programs realize that the term rural development is a "stumbling block." In a letter from the Rural Areas Development Service back in 1957, the statement is made: "The name is a stumbling bock, and we have to get around it by explaining what we are trying to do."

Ten years later the Acting Director of Rural Community Development Service wrote: "Secretary Freeman has asked me to reply to your letter of February 7 in which you commented on the dilemma we face when the term 'rural' is used indiscriminately. As you pointed out, the press is not much help. Frequently, when Secretary Freeman uses the expression 'smaller cities and towns and the countryside', it comes back rural America, or worse, 'back to the farm.' In programs such as the Rural Industrialization Program which attempt to point out the advantages of non-metropolitan America for industrial development, we suffer because the connotation of 'boondock' is frequently attached.

The operations of government seem to be falling into the categories of urban and rural; therefore, we must constantly define what we mean by a description of rural America in the context it is being used in each instance."

Still more recently the Chairman of the President's Task Force on Rural Development wrote: "Members of the Task Force shared your concern about the term 'rural' and thought, in discussion with Department of Agriculture representatives, for an alternative term that might more clearly identify the problem and the people involved. We did not come up with any alternative word."

WHAT OTHERS HAVE TO SAY

(1) Some time ago Resources for the Future convened a meeting of representatives from various professional fields to discuss some of the problems and opportunities facing rural areas. It was concluded that "non-metropolitan" is more descriptive than "rural," because the smaller cities and towns lying outside the larger metropolitan areas face many of the same problems that confront the strictly rural areas.

This thinking points in the right direction, except the term "non-metropolitan" is negative and is hardly an appropriate definition for 98 percent of the United States. It falls into the "horseless carriage" category.

Dr. Obenhaus of the Chicago Theological Seminary writes: "I agree heartily with your expression that we must get away from the term 'rural.' We must avoid confronting people in towns with the outmoded term 'rural.'"

Still another point of view comes from England in a letter to an American friend who was about to visit that country: "You must allow ample time to travel through the English countryside to enjoy its charm and many points of interest. There, too, you may find some dusty corners of antiquity and even witchcraft, but we call that rural England."

(2) The continued use of the term "rural" by federal agencies and others as applied to most of the country and to people has tended to draw a sharp distinction between urban and country people. To enable the nation to make best use of its total resources, we must get away from the notion of two societies and two types of people in America. It makes no difference if people live in an inner city, a suburb, or in the country—their aspirations and human needs are pretty much the same.

This designation which came into use nearly two hundred years ago to define the hinterlands and the people who lived there as apart from urban places is no longer valid, and it has become discriminatory. Today is a different era in history. Most of the countryside has advanced tremendously in facilities and opportunities to enable people to enjoy better quality of life. At the same time, the nation is confronted with a historical emergency.

Millions of people have become trapped in an unreal world within big cities—a world of poverty, filth, pollution, unsafe streets, danger to normal development of children, and deterioration of human character and efficiency. We can provide a brighter outlook for both big-city and country communities, and we can provide the tools that will help a more orderly development of the whole country.

SOME 16,000 GATEWAYS TO PROSPERITY

Recently an Omaha business executive wrote: "The future of Omaha depends on the prosperity that may lie ahead for hundreds of communities and small cities scattered across Nebraska and western Iowa."

Actually, there are 16,000 towns and small cities in the American countryside ranging to 15,000 in population. They serve as trading and service centers. They are centers for local governments, schools, health facilities, religious and cultural activities for about 98 percent of the area of the United States.

These centers have a new promise for all America. Already there are hundreds of these towns scattered across the country that have grown into prosperous town and country communities. There are several thousand others that are equally well situated to accommodate industry and more people.

There is no other way to make the nation's vast natural resources and living space available for a greater share of the population. Decentralization would help the large cities by relieving the pressure and problems from overcrowding. Jobs can be created more economically in smaller cities where money works harder, costs are lower, and transportation is simpler and people are safer.

Widespread development of the countryside could be the best thing that has happened to farm families in a generation. It would encourage better land use. It would enhance home ownership as well as wider land ownership.

FEDERAL PROGRAMS CAN BE MORE HELPFUL

While the processes of diversifying the economy, creating new industries and businesses are mainly up to private initiative, there is much the Federal government can do to encourage this movement. We need to define new goals and formulate new approaches to develop this vast body of America. Those new approaches should be formulated jointly by the various Federal agencies or Cabinet offices rather than predominately the Department of Agriculture. Almost every aspect of national life is involved.

It would also seem that a Congressional Commission or Committee on Countryside Affairs is needed to help stimulate wider public interest in this new outlook for America. Most members of Congress have a very direct stake in the future of the countryside. A more rational distribution of population and industry is of concern to the whole nation and should be of continuing concern to every branch of government.

G. B. GUNLOGSON,

The Countryside Development Foundation Inc., 4747 Highway 31, Racine, Wis. 53405.

(NOTE.—The Countryside Development Foundation Inc. (non-profit) was organized for the purpose of sponsoring studies and information pertaining to the American countryside.)

NEWSLETTER

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, I respectfully request that the contents of my most recent Newsletter be included in the CONGRESSIONAL RECORD in order that it may be made available to all readers of the CONGRESSIONAL RECORD. I will shortly send this information to those on my mailing list.

The text is as follows:

FLETCHER THOMPSON REPORTS TO YOU

THE PRESIDENT'S TRIP

President Nixon has just completed two important trips. First, to China and second, to Russia. At a time when these two powers possess the hydrogen bomb, which can destroy any city—Washington, Savannah, Atlanta or San Francisco—and can be sent by rocket to our country within 45 minutes, America must keep communications open in an effort to assure peace. President Nixon has lessened world tension and has served the cause of peace by his trips. However, we must not lose sight of the fact that peace is maintained by strength and Russia has broken 24 of the last 25 summit agreements. While the President agreed to a freeze in nuclear weapons he did not agree to reduce American strength. We still possess the power to destroy Russia several times over, as they do us. In other words, we have agreed to a nuclear stalemate.

BLOCKADE OF NORTH VIETNAM

The President's blockade is definitely cutting off war supplies to North Vietnam. Despite the cries of Senators and Governors against the President's action, it appears that this one bold move will probably have as much to do with ending the war and getting our POW's home as any other single action taken by the American Government.

VIETNAMIZATION

The President promised when he took office that he would phase out American ground combat troops and phase in South Vietnamese. The graph (not shown) illustrates the success of Vietnamization while at the same time we were not abandoning the South Vietnamese to Communism.

ELECTIONS IN VIETNAM

North Vietnam is a Communistic dictatorship. They have never had an election. South Vietnam is a Democracy. Although fighting a war, they have had two general elections in the last five years. President Thieu won both. In the first, even Senator Kennedy admitted it was honest and fair. In the last, President Thieu's two opponents quit and demanded no election be held. Of course it was, and Thieu was reelected. Frankly, I wish my opponents would quit. In 1966 one did.

A CONGRESSMAN'S DAILY ACTIVITIES

Few people realize how often Congress is presented with new spending proposals. Every one sounds good. However, somebody has to say no to excessive spending. In this letter I am giving you several examples of our daily work in Congress involving spending of money. Often Congressmen are reluctant to vote against spending beyond and above the budget when it involves well-sounding programs. I view a Congressman's responsibility as one wherein he must say NO to excessive federal spending even though friends and special interest groups ask him to say yes.

TWO MILLION DOLLARS

In early June our Committee was asked to create a Commission to look into cargo thefts at the Nation's airports, particularly New York. The Commission was going to cost $2,000,000 even though the total thefts for one year amounted to only $732,000. I succeeded in killing this proposal in committee and insisted that there were already enough people on the government payroll to investigate cargo thefts. We do not need to spend $2,000,000 of taxpayer's money for a new commission.

BUMPERS?

Everyone wants a bumper on their car which will protect the car from damage when going at least five miles an hour. The House just passed a bill on the emotion of this subject costing the taxpayers $81,000,000.00 in new spending. But, this one was not needed. A five mile an hour bumper will be required next year under a law already in effect. This bill was 54 pages and of course, 54 pages is not needed if bumpers were the only purpose. The real purpose of the bill was to hire more federal employees to examine every make and model of car that comes off the assembly line, in order that the Federal Government in the future may tell automobile companies how to design every part of your automobile. This will probably raise the cost of automobiles to you in 1975 by $300 to $400 each. I voted against this because more spending means higher taxes and the Federal Government's design of automobile parts means higher prices to you for cars.

RED INK $1.3 BILLION

The House of Representatives just passed the HEW Appropriations Bill which included many worthwhile projects. However, it was $1.3 billion higher than the budget figures. Many Congressmen felt compelled to vote for it since it included funds for education. I am very much for education. However, I cannot support excessive spending, which is going to mean higher taxes and more inflation. Because it was $1.3 billion above the budget, I voted against it.

DEFENSE OPTIONS AFTER MOSCOW AND PEKING

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SPENCE. Mr. Speaker, on June 10, 1972, a conference entitled "Defense Options After Moscow and Peking" was held at Claremont Men's College in California. This conference heard papers delivered by a number of experts on our Nation's defense posture. Two of the papers presented there deserve the particular attention of the Congress. The first, by Dr. Edward Teller of the University of California, a major contributor to our Nation's security through his scientific efforts in nuclear physics; and the second by Dr. William Schneider, Jr., a defense analyst from the Hudson Institute, now on the staff of U.S. Senator JAMES L. BUCKLEY of New York.

In view of the consequences of the Strategic Arms Limitation accords recently concluded in Moscow between the President, and Soviet Communist Party Secretary Brezhnev, the importance of a complete understanding of what alternatives are available to maintain our security and independence is essential. The papers by Drs. Teller and Schneider make an important contribution to that understanding, and deserve careful study. I include them in the RECORD at this point:

COMMENTS BY DR. EDWARD TELLER ON THE STRATEGIC ARMS LIMITATION AGREEMENTS

Our Nation's rapidly declining position of strength relative to the Soviet Union, coupled with our projected position over the next five years of the Strategic Arms Treaty, is a very real danger to our continued survival. I firmly believe that a deadly danger will soon exist for the United States. This danger is to the very life of our country . . . to the United States as an historical fact . . . as an idea . . . as a way of life! I believe this danger will become a reality within five years . . . not the actuality but the danger. In one way or the other many people in our Nation are aware of the existence of this danger.

Regarding the Moscow Agreement: firsts, this Treaty leaves the United States in a clearly inferior position. Second, there is a real possibility of cheating: we can't and we won't . . . but the ABM Agreement is full of possibilities. Third, we must remember the possibility of abrogating the Treaty by moving very fast on the basis of earlier technological advancements. The Soviet Union now possess a superior ABM, they have accomplished much more research, and have gained considerably more experience than we have. And finally, the greatest danger is that we now say that we can relax since we have these Agreements. This final danger may be further reinforced by the presence of the Treaty. If we do relax, what I term as a clear, but hopefully improbable danger will indeed become a dreadful probability.

In the harsh cold light of political reality, we have not given away much by signing these Agreements, when we said in these Treaties that we will not build additional missiles and additional submarines, it is a political fact that Congress would not have agreed in the foreseeable future to that anyway. Therefore, what we signed was probably the best compromise we could have hoped for in this very terrible state of affairs.

Now, to come to the advantages of the Treaty. Here I will make one point: there is a possibility . . . but by no means a certainty . . . that the Treaty will freeze or at least slow down the Russian submarine and fixed land-based ballistic missile development. If that happens, and there is at least a chance . . . perhaps a good chance . . . that it will happen, then we have got something! There is one other advantage, and that one is closely connected to a disadvantage which I have mentioned. We have agreed to freeze our own strategic missile force at its present level. This practically forces us to say to the American public, in some very import respects, "We are second!" This may help to wake us up: an unknown or insidious weakness is more dangerous than a weakness we have clearly written into a treaty. And since we could not have done anything about it anyway, why not acknowledge it? This to my mind is the main reason why, with proper reservations, I support its ratification.

My last point about the Treaty is terribly important. The Russians are working on Research and Development in a tremendous way, with colossal establishments of exceedingly high standards . . . bigger than anything else in the Western world. This must not be forgotten. At the same time, our young people have turned away from defense programs, some technology, even from science! This is an extremely dangerous situation—Treaty or no Treaty. The Treaty does not regulate Research and Development and I cannot foresee how any treaty could do so. What is not foreseen . . . what is not even dreamed of . . . cannot be checked . . . cannot be written into treaties. We must revitalize our technological Research and Development in the United States. This is our insurance for survival.

IMPLICATIONS OF STRATEGIC SUFFICIENCY

(By William Schneider, Jr.*)

The introduction of nuclear weapons into the calculus of warfare has revolutionized the strategy as much as the technology of organized international military conflict. The sometimes discordant, sometimes harmonious rhythm of technological change and political perceptions of what constitutes "security," have imparted sharp discontinuities to the strategic doctrine govering our policies concerning the acquisition and employment of strategic nuclear weapons. This paper will discuss the implications of the most recent change in strategic doctrine, strategic sufficiency.

THE DEVELOPMENT OF STRATEGIC SUFFICIENCY

During the 1950s, the U.S. deployment of thermonuclear weapons, and a vast delivery system composed of medium and heavy bombers reinforced the policy of "containment" of Communist expansion by spawning the "massive retaliation" doctrine promulgated by Secretary of State John Foster Dulles in 1954. Under this doctrine any outward Soviet thrust would be met with an overwhelming nuclear response on Soviet territory. Expenditure on strategic forces in the late 1950s approached $15 billion, nearly one-third of the defense budget, or about four times the current level in constant dollars.

The emergence of intercontinental and submarine-launched ballistic missiles in the late 1950s, and a Soviet preference for "wars of national liberation"—insurgency war by proxy—over more direct military confrontations with the U.S., eroded the credibility of massive retalliation. The erosion of the doctrine's credibility necessitated it change in policy which would preserve if not enhance the ability of a U.S. President to support U.S. foreign policy objectives under circumstances where replicating the stark nuclear superiority of the mid-1950s was difficult for political or other reasons.

The change in policy emerged gradually, but unmistakeably in the early 1960s. As early as 1954, analysts noting the probable diminution of credibility of "massive retaliation," sought to increase the number of alternatives available to the President should the use of force be necessary.[1] These notions were eventally contained in the doctrine of "flexible response." Our forces were to be designed to cope with all levels of violence from insurgency conflict to unlimited strategic nuclear warfare. While the notion of "flexible response" was an important element in the modernization and reorganization of our General Purpose (conventional) Forces, there was considerably less enthusiasm for the doctrine with regard to our strategic nuclear forces. There was some early interest expressed during the Kennedy Administration in designing U.S. strategic forces for counterforce rather than countervalue warfare, most notably, Secretary of Defense Robert S. McNamara's 1962 Ann Arbor speech,[2] but interest rapidly dissipated. What emerged was to become the dominant fashion in strategic doctrine of the 1960s, "assured destruction," also known as "mutual assured destruction," (quite literally, MAD). The doctrine reached the zenith of its development in the latter half of the 1960s. In his annual Defense report to the Congress in 1969, Secretary Clark Clifford stated the objectives of the prevailing strategic doctrine: [3]

"We must be prepared to maintain at all times strategic forces of such size and character, and exhibit so unquestionable a will to use them in retaliation if needed, that no nation could ever conceivably deem it to its disadvantage to launch a deliberate nuclear attack on the United States or its allies."

The practice of assured destruction imposed several requirements on the United States. Its strategic forces should be secure and invulnerable to attack. The forces should be of such a character that they are neither accident-prone nor difficult to employ should a Presidential order for retaliation be given. U.S. strategic forces were structured in a way which employed three distinct but integrated components—manned bombers, submarine-launched ballistic missiles, and land based ICBMs. These forces, designed to be redundant to provide a high degree of confidence in their ability to carry out their tasks, and all requiring different countermeasures to defeat them were to be reliably controlled through a secure communication system. Land based ICBMs were to be protected by hardened sites, manned bombers were protected by airborne alert and/or dispersal, and submarines, because of the extended cruise capability afforded by nuclear propulsion systems, were protected by concealment.

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Footnotes at end of article.

These forces were deemed sufficiently secure and reliable to be capable of absorbing a first-strike with sufficient forces remaining to destroy one-fifth to one-third of the Soviet population. Assured destruction had several weaknesses which did not become apparent until the technology of the 1960s—ballistic missile defense, multiple warheads, precision missile accuracy—eroded its credibility as a viable means of supporting U.S. foreign policy objectives in a crisis. Multiple warheads and precision accuracy made a first strike far more feasible such that perceptions about the adequacy of the deterrent forces would always be in doubt.[4] The feasibility of ballistic missile defense for the defense of population centers (deployed in limited numbers by the Soviet Union around Moscow as early as 1964) weakened the viability of the assertion that programmed strategic forces could hold sufficient numbers of Soviet citizens as nuclear hostages to insure the credibility of "assured destruction" even if such a policy were desirable. Indeed, a distinguishing characteristic of devotees of assured destruction is the zeal with which they reject any system of active or passive defense to protect civilians in the event of the failure of deterrence out of a fear that either side might lose a significant number of "hostages" (i.e., those protected by defenses).

Disenchantment with "assured destruction" led the Nixon Administration to institute the third major change in strategic doctrine in less than twenty years, known as "strategic sufficiency." President Nixon summarized the sufficiency doctrine in his 1972 Foreign Policy message to Congress.[5]

"Our forces must be maintained at a level sufficient to make it clear that even an all out surprise attack on the United States by the U.S.S.R. would not cripple our capability to retaliate. Our forces must also be capable of flexible application. A simple 'assured destruction' does not meet our present requirements for a flexible range of strategic options."

Secretary of Defense Laird in his FY 1973 "Posture Statement" noted that The Defense Department had four planning criteria—criteria which were subject to change from the outcome of the Strategic Arms Limitation Talks as well as significant changes in Soviet and Chinese Communist strategic weapon deployments.[6] These criteria are:

(1) Maintaining an adequate second-strike capability to deter an all-out surprise attack on our strategic forces.

(2) Providing no incentive for the Soviet Union to strike first in a crisis.

(3) Preventing the Soviet Union from gaining the ability to cause considerably greater urban/industrial destruction than the U.S. could inflict on the Soviets in a nuclear war.

(4) Defending against damage from small attacks or accidental launches.

All of the sufficiency criteria are affected either by the proposed ABM treaty or the Interim Agreement on Offensive Arms made between the U.S. and the Soviet Union on May 26, 1972.[7] The nature of the ABM agreement precludes satisfying the fourth criteria—defending against damage from small attacks or accidental launches—because the permissible ABM deployment is limited to militarily insignificant levels. The relevance of the first three criteria will be influenced by the pace of the Soviet MIRV program, and the extent to which the Interim Agreement becomes permanent in the second phase of the SALT exercise. If the existing agreement becomes permanent and the Soviet Union deploys a counterforce capable MIRV system, it is unlikely that any of the sufficiency criteria could be satisfied. If the Soviets are not able or willing to improve the quality of their forces, the sufficiency criteria could be satisfied within the constraints of the SALT agreements.

SOVIET STRATEGIC DOCTRINE

The extent to which the Soviet leadership shares U.S. doctrinal assumptions will have a significant impact on the efficacy of U.S. policy. There is some evidence to suggest that Soviet strategic doctrine is considerably more stable than U.S. doctrine, perhaps reflecting the greater continuity of military and civilian leadership made possible by the manner in which Soviet society is organized.

The first serious Soviet strategic nuclear forces were developed and deployed by Soviet Premier Khrushchev's regime including the SS-6, 7 and 8 ICBMs, the TU-20 BEAR and MYA-4 BISON heavy bombers, as well as the "G" and "H" class ballistic missile launching submarines.[8] These forces were procured in small numbers to support Khrushchev's version of a minimum deterrence policy. A recent study of Soviet military doctrine cited two objectives of Soviet strategic doctrine prior to 1965: [9]

(1) The avoidance of general nuclear war and the maintenance of "deterrence."

(2) The maintenance of its military strength within the Eurasian land mass, with special emphasis on Europe and (to a greater extent in the post 1965 era) on the Eastern reaches taking in the threat from China.

Following Khrushchev's downfall, considerable dissatisfaction with Soviet strategic doctrine began to surface. In a thoroughgoing review of the implications of general nuclear war by the Soviet political and defense establishment a sweeping critique of the minimum deterrence posture of the Khrushchev era emerged.[10] It was concluded that minimum deterrence is not an adequate military posture for Soviet needs—war by "accident" (i.e. by political miscalculation in Soviet lexicon) was a definite possibility. Moreover, minimum deterrence as such does not prepare the Soviet Union for the consequences of the failure of deterrence—a posture unacceptable for the Soviet Union. Soviet doctrine after 1965 required what was described as "military-technical superiority in the quantity and quality of nuclear munitions and their means of delivery." The fabric of the Soviet perception of "military-technical superiority" emphasizes a favorable relative war outcome, should deterrence fail, and a quantifiable margin of superiority available in peacetime. The evolutionary post-1965 shift away from minimum deterrence brought a corresponding change in Soviet targeting policy. Instead of relying upon threats of mutual suicide implied by Khrushchev's minimum deterrence doctrine, (an explicit forecast of the necessary consequence of the failure of deterrence by U.S. assured destruction advocates) the new policy emphasized that Soviet strategic forces would be directed "primarily against the enemy's means of nuclear attack" [11] and secondarily against counter-administration and counter-industrial targets.

There is no support in the Soviet military literature for a perception that the Soviet Union believes it may preclude damage by active defense—ballistic missile defense, anti-aircraft defense, anti-submarine warfare (ASW)—or civil defense but only that the consequences of the failure of deterrence be mitigated to permit a favorable relative war outcome. Soviet damage limiting measures historically have focused upon anti-aircraft defenses where a massive effort has been made. More recently, the Soviets have emphasized damage limitation against ballistic missiles, but have focused upon counterforce targeting for damage limitation purposes against U.S. ICBMs, and ASW against POLARIS/POSEIDON submarines rather than ballistic missile defense. This perhaps explains the Soviet disinclination to retain militarily significant levels of ballistic missile defense at SALT.

The Soviet Union does not have a doctrinal counterpart to our "assured destruction" and "sufficiency" doctrines.[12] There is direct evidence from Soviet strategic doctrine, and indirect evidence from the character of their weapons acquisition program that they seek to maintain "balance" between forces designed for deterrence and forces designed for coping with the consequences of a failure of deterrences. The Soviets have a well-known propensity to go for large numbers of weapons and to "over-insure" against contingencies.[13] Therefore, it is not possible to assert *a priori* that the Soviets perceive that they have achieved "parity" or "superiority" in their sense of the terms. However, it does appear likely that should the Soviets perceive a significant strategic advantage in the "military-technical" sense, they would become substantially more difficult people with whom to bargain in a political crisis. In recent testimony before the Congress, a British scholar on Soviet affairs, Robert Conquest observed that the Soviet leadership "would regard it as both justifiable and natural to use their advantage greatly to increase politcal pressure on the United States and its allies throughout the world." [14]

U.S. AND SOVIET STRATEGIC NUCLEAR FORCES

The strategic nuclear force deployments of both the U.S. and the U.S.S.R. have tended to support their respective doctrinal preferences over the years. During the 1950s, the U.S. maintained a force of over 1000 heavy and medium strategic bombers, nuclear-capable carrier based aircraft, and a serious IRBM and embryo ICBM force in the latter part of the period. A substantial investment was made in active defenses against manned aircraft.[15]

In the 1960s, as the doctrine of assured destruction tended to dominate defense decisions, forces were procured which supported the doctrine such as silo-launched Minutemen missiles, Polaris submarines, and a secure U.S. based bomber force—those forces which did not support the assured destruction doctrine such as ballistic missile defense for population centers or offensive forces designed for war-fighting purposes—were not procured.[16]

Similarly, the Soviet Union tended to procure forces which supported their doctrinal preferences. During the Khrushchev era relatively small numbers of nuclear weapons and their delivery systems were built. At the time of the Cuban Missile Crisis in 1962, the Soviets had only 75 ICBMs, and less than 200 heavy bombers.[17] This low level of effort was thoroughly consistent with Khrushchev's minimum deterrent posture.

With the change in Soviet strategic doctrine under the Brezhnev-Kosygin regime, Soviet strategic weapons deployment changed accordingly. The requirement for a counterforce capability against land-based strategic forces accounts for the SS-9 (a substantially larger follow-on to the SS-9 which would be a replacement for the SS-9 under the terms of the SALT accords is awaiting test firings at the Turyatam test complex). A large number of SS-11s and a small number of SS-13s were also procured—presumably for counter-administration and counter-industrial targeting. Impressive Soviet efforts in air defense (10 thousand plus SAM launchers, 3,300 manned interceptors) [18] and ASW (new ASW carriers, the new 36 knot "V" class attack submarine, and long range maritime aircraft) [19] suggest a continuing emphasis on force "balance." There is no evidence which supports the notion of their forces being designed for a meticulously calculated "first strike," but the doctrinal analog of the traditional artillery maxim of "pre-emption" to break up an enemy attack which was inevitable remains a constant element in the

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Footnotes at end of article.

Soviet strategic literature. The trend to a high level of readiness in Soviet strategic forces is consistent with this doctrine.

IMPLICATIONS FOR THE FUTURE OF STRATEGIC SUFFICIENCY

The outcome of the first round of the Strategic Arms Limitation Talks suggest that some changes will have to be made in the strategic sufficiency criteria if the doctrine is to be a useful guide to major defense decisions. Changes in the doctrine will necessarily be dominated over the next several years by three aspects of the Political-military context:

(1) The large potential offensive force disparity in favor of the Soviet Union is likely to persist under all contemplated U.S. strategic weapons acquisition efforts in the next five years. The Soviet strategic buildup which has taken place since the start of SALT has provided an infrastructure for a substantial Soviet advantage in the aggregate measures of the ability to conduct strategic warfare if the Soviets choose to make the qualitative improvements, especially MIRV and counterforce capable guidance, which would be available to them in the next several years. For example, if the Soviets were to gain the engineering ability to equip the ballistic missile force with warheads the size of our POSEIDON, they could deploy 35–40 thousand separately targetable warheads on their force—a number many times the size of our own force.

(2) The doctrinal disparity between the U.S. and the Soviet Union will impart continuing differences in procurement policies, arms limitation preferences, and behavior in a political crisis. If the U.S. is to maintain its existing strategic doctrinal preferences, constraints imposed by the SALT accords will impose substantially higher performance requirements on those portions of U.S. strategic forces not covered by the agreements.

(3) The SALT accords impose severe constraints on the ability of the U.S. to maintain a credible strategic position for crisis bargaining, because the U.S. is prohibited under the terms of the accords from matching the Soviet Union in deploying the infrastructure (i. e., heavy payload ballistic missiles) needed to equal the Soviet potential in the major aggregate measures of the ability to conduct strategic warfare; throw weight—and thus, warheads—numbers of delivery vehicles and the diversity of strategic delivery systems (e. g., FOBS, DICBM, MOBS, etc.)

These three aspects of the defense policy environment limit the choices available to the U.S. political leadership. The provisions of the ABM Treaty, unless modified by Congress require U.S. strategic doctrine to remain permanently in a quasi-assured destruction posture, offering no possibility, now or in the future (even if a technical feasibility were demonstrated) to protect either the U.S. civilian population or strategic forces from the consequences of the failure of deterrence. The ABM Treaty thus requires that the Department of Defense continue to be an instrumentality for insuring the vulnerability of American citizens in the interests of a rather bizarre theory of strategic stability.[30]

A consequence of the Interim Agreement on Offensive Arms is that the U.S. must make a major effort to improve the quality of its strategic forces which are not subject to the agreement if it is to avoid being coerced in a crisis. Moreover, the flexibility of existing U.S. strategic forces for limited strategic nuclear war must be increased if the U.S. is to maintain credibility in demonstrating an ability to cope with Soviet strategic forces. Some of the measures appropriate in this regard would include the following:

(1) Increase the B–1 bomber buy to a level sufficient to cope with contingencies ranging from conventional war situations where large quantities of conventional ordnance are required through all levels of nuclear conflict from limited attacks to all out retaliation.

(2) Increase the survival potential of the B–1 bomber force in hostile environments by upgrading the programmed avionics and the self-defense capability of the aircraft, assuring a high-confidence ability of the aircraft to perform the penetration and standoff missions.

(3) Increase the survival potential of Minuteman through passive means—preferably through mobility. The efficiency of the Minuteman and Poseidon force should also be increased through counterforce-capable targeting.

(4) Procure the Trident (ULMS) submarine to offset, to some extent, the Soviet land-based ICBM payload advantage.

The aforementioned steps will tend to mitigate, but not offset the consequences of the first round SALT accords. Hopefully, the second round of negotiations will provide for a more stable strategic relationship than was obtained during the first round of negotiations. It is not clear what can be salvaged from the sufficiency doctrine that is relevant to a post-SALT environment. It is more likely that new criteria are needed which would emphasize the U.S. ability to develop more flexible and technologically superior strategic forces that may provide a representative U.S. President with the means dealing with Soviet threats on some other basis than pure deterrence. In the absence of the legal right to provide active defense which we have abandoned in the ABM treaty, this implies a major capability for limited strategic war, and a complete rethinking of our ideas on passive defense for civilian populations.

FOOTNOTES

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[1] Bernard Brodie, "Unlimited Weapons and Limited War," *The Reporter*, November 18, 1954, and W. F. Kaufmann (ed.), *Military Policy* and *National Security*, (Princeton, Princeton University Press, 1956). Early interest in limited war was severely circumscribed by the technology available at the time. For example, Szilard suggested an arbitrary series of "prices" for various types of Soviet aggression. For example, a Soviet attack on Iran, would result in Kiev being destroyed. These ideas were expressed in "Disarmament and the Problem of Peace," *Bulletin of the Atomic Scientists*, October, 1955, pp. 297–307. Szilard's basic idea with modifications to reduce its inflexible and arbitrary character have been developed by Morton A. Kaplan, "The Calculus of Nuclear Deterrence," *World Politics*, October 1958, pp. 20–43, and *The Strategy of Limited Retaliation*, Policy Memorandum No. 19, Princeton University, April 1959, Herman Kahn, *On Thermonuclear War* (2nd ed.), McMillan, New York, 1969, and *On Escalation: Metaphors and Scenarios*, Penguin Books, Baltimore, 1968.

[2] Robert S. McNamara, *The Essence of Security*, Harper and Row, New York, 1969.

[3] *Defense Report to the Congress of Secretary of Defense Clark Clifford*, Before the Committee on Armed Services, U.S. House of Representatives, March, 1969.

[4] Dr. John S. Foster, Director of Defense Research and Engineering, noted in testimony before Congress, *Diplomatic and Strategic Impact of Multiple Warhead Missiles*, Hearings before the Subcommittee on National Security Policy and Scientific Development of the Committee on Foreign Relations, House of Representatives, 91st Congress, 1st Session, p. 244, that the Soviet SS–9 possessed a "guidance and control system . . . much greater than that required to implement a simple MRV. The things we do know about this mechanism are completely compatible with MIRV, even though they do not prove a MIRV capability." Fears that the Soviets could combine MIRV and precision accuracy impelled the Congressional decision to proceed with the Safeguard ABM system in 1969. Though the likelihood of this taking place has increased rather than diminished, we are precluded by the terms of the ABM Treaty from defending our land-based strategic forces with militarily signficant levels of ballistic missile defense. It should be emphasized that small changes in accuracy have a large impact on effectiveness. The effectiveness of a missile force against hardened targets is described by the expression $(K) = \Sigma \frac{\text{Yield } 2/3}{\text{CEP}^2}$ where yield is the energy release of a nuclear weapon in ton-equivalents of TNT and CEP (Circular Error, Probable), the distance within which 50% of the warheads will land) means that cutting the miss-distance (CEP) in half accomplishes as much as a ten fold increase in yield.

[5] President Richard Nixon, *U.S. Foreign Policy for the 1970s; The Emerging Structure of Peace*, A Report to the Congress, February 9, 1972, p. 158.

[6] Secretary of Defense Melvin R. Laird, *National Security Strategy of Realistic Deterrence*, Annual Defense Department Report, FY 1973 before the Senate Armed Services Committee, February 15, 1972, p. 66.

[7] The text of the *Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms and its Protocol*, and the *Treaty on the Limitations of Anti Ballistic Missile Systems* as released by President Nixon in Moscow, May 26, 1972.

[8] International Institute for Strategic Studies *The Military Balance, 1971–72*, IISS, London, 1971, pp. 55–59.

[9] John Erickson, *Soviet Military Power*, Royal United Services Institution for Defence Studies, London, 1971, p. 8.

[10] E. Rybkin, *Kommunist Vooruzhennykh Sil*, No. 17, September, 1965, pp. 50–56.

[11] I. Zavylov, Krasnaya Zvezda, 30 March 1967.

[12] Erickson, *ibid.*, p. 50, also David Holloway, *Strategic Concepts and Soviet Policy*, based upon a paper presented at an Institute for Strategic Studies seminar reproduced in *Survival*, November 1971, p. 366. Earlier studies which authoritatively discuss Soviet strategic doctrine are, Raymond L. Garthoff, *Soviet Strategy in the Nuclear Age*, (New York, Praeger, 1958) and Thomas W. Wolfe, *Soviet Strategy at the Crossroads*, (Cambridge, Harvard University Press, 1964). A thorough anthology of Soviet strategic literature up to 1967 is contained in W. R. Kintner and Harriet Fast Scott (eds.), *The Nuclear Revolution in Soviet Military Affairs*, (Norman, University of Oklahoma Press), 1967.

[13] Erickson, *ibid.*, pp. 50–52.

[14] Testimony of Robert Conquest before the Subcommittee on National Security and International Operations of the Committee on Government Operations, 92nd Congress, 1st Session, April 30, 1971.

[15] Professor Eugene Wigner of Princeton University has estimated that the Soviet Union has spent the Equivalent of $125 billion on active defense—mostly air defense—since World War II. The U.S. has spent about $50 billion in the same period.

[16] A useful study of comparative U.S. and Soviet strategic weapons deployments since World War II is contained in, Johan J. Holst, *Comparative U. S. and Soviet Deployments, Doctrines, and Arms Limitation*. Center for Policy Study, University of Chicago, January 27, 1971.

[17] IISS, *The Military Balance, 1971–72, ibid*, p. 56. At the same time, the United States had 294 ICBMs and 144 SLBMs. In addition, the U. S. had 39 heavy bomber squadrons (vs. 26 today) and 89 medium (vs. 6 today) bomber squadrons at the time. See Secretary of Defense Melvin R. Laird, *Toward a National Security Strategy of Realistic Deterrence*, Annual Defense Report

before the House Armed Services Committee, March 9, 1971, pp. 155–161.

[18] Annual Defense Report, March 9, 1971, *ibid.*, p. 169.

[19] Erickson, *ibid.*, p. 49.

[20] A comprehensive discussion of this subject is contained in D. G. Brennan, "The Case for Missile Defense" in J. J. Holst and W. Schneider, Jr. (eds.), *Why ABM? Policy Issues in the Missile Defense Controversy,* (Elmsford, Pergamon Press, 1969).

JACKSON, MICH.: BIRTHPLACE OF THE REPUBLICAN PARTY

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BROWN of Michigan. Mr. Speaker, one week from tomorrow the Michigan Republican Party and the Jackson County Republican Committee are sponsoring dedication ceremonies of an official Michigan State Historical Commission Marker recognizing the site "Under the Oaks" in the city of Jackson, Mich., as the birthplace of the Republican Party.

This Member, along with many prominent guests, including Michigan Gov. William G. Milliken; Senator Robert P. Griffin; my colleague, Representative Charles E. Chamberlain; the Michigan Republican State chairman, William F. McLaughlin; members of the State legislature; and other top Republican officials will be present for this historic observance.

In addition to the ceremonies dedicating this location as an officially recognized Michigan historical site, an opportunity will be provided those attending to view the adjacent historic residence which has been acquired by Mr. Jerry D. Roe, my former district representative and now the executive director of the Michigan Republican State Central Committee, and State Representative Michael A. Dively in order that such residence may be established as a historical museum were memorabilia of the founding of the Republican Party may be kept and preserved.

Although I recognize some of my colleagues may not share the enthusiasm I feel about the founding of the Republican Party, I am sure they nevertheless would be interested in the edification provided by my good friend and Michigan's junior Senator, Minority Whip Robert P. Griffin in remarks made by him in the Senate several years ago and so I wish to incorporate such remarks herein and they follow:

Jackson: Birthplace of the Republican Party

Mr. Griffin. Mr. President, July 6 marks the 103d anniversary of the founding of the Republican Party at Jackson, Mich., in the year 1854.

To mark that anniversary, the people of Jackson are planning an appropriate observance of that city over the weekend of July 7. Among the events scheduled are a banquet, a pageant, exhibits and addresses by prominent Republicans, including Members of Congress.

A highlight of the observance will be an address by Representative Fred Schwengel, of Iowa, who is well known in and out of Congress as an authority on the first Republican President, Abraham Lincoln.

The early days of the Republican Party, and the concerns which gave birth to the party, need to be recalled frequently—not only in Jackson, Mich., but throughout the Nation.

It was in Jackson on July 6, 1854, that our party was founded; here that the principles for which the youthful Republican organization then stood, and still holds to, were adopted by a formal convention assembled precisely for that purpose. That famous gathering "under the oaks" remains a testament to the conscience of this America, and to the initiative and human concern of the people of Michigan.

The Republican Party is unique in our political history. It originated spontaneously, born of a determination to no longer avoid an issue—slavery—which to them was of the utmost moral consequence. It was not so much the glamor of a particular leader which brought together men of various political allegiances, backgrounds, and loyalties; but rather the love of individual liberty and the nobility of the human spirit.

Think back to that green summer day in Jackson, over a century ago, when Whigs and Democrats, Free Soilers, and Liberty men banded together to voice their anger at the evil of slavery and their belief that human dignity is not limited by color or race or religious beliefs—principles on which the Republican Party still stands today.

The party's birth is chronicled in numerous journals, from one of which I quote the following excerpt:

"As the hall was entirely inadequate to the accommodation of those assembled [a complaint we cannot make today], an adjournment was had to an oak grove on the outskirts of the village, where a platform was hastily erected. The scene, as the crowd moved toward the grove, was an inspiring one. As far back as the eye could reach was a procession of men, with many women also. The grove itself was a beautiful place of woods, situated on what was known as "Morgan's Forty," situated between the village and the race course. The scene there was an animated one, suggesting a huge picnic, the Jackson brass band enlivening the occasion with patriotic mira.

The convention, assembling at the spot which later became the intersection of Franklin and Second Streets, was perhaps the first group officially to fuse the new anti-slavery elements into a cohesive group and to give that group the name "Republican." The Jackson Convention is clearly the first assembly to formulate and give an abiding place to Republican principles in a party platform.

Horace Greeley is thought to have been responsible for suggesting the Party's name. Joseph Warren, the editor of the Detroit Tribune, who had done so much to galvanize public sentiment in opposition to the extension of slavery, later stated that Greeley had suggested the name Republican a day or two before the assembly in Jackson. At the convention Warren urged the adoption of the name, which was included in the platform.

The name was a logical choice—for theoretical, sentimental, and historical reasons. Because Jefferson had initiated the policy of restricting slavery in the Ordinance of 1784, sentiment favored naming the new party "Republican"—a name which Andrew Jackson had earlier deemed expendable. For the slavery-sympathizing Democrats had betrayed both the heritage of Jefferson and the cause of liberty. It was up to the new party to revitalize the Jeffersonian concept of human freedom and republican liberty which were now so shamefully abused. Writes Arthur Norman Holcombe:

"The original spirit of the Anti-slavery Republicans was the spirit of the Declaration of Independence, of the Land Ordinance of 1785, and of the Northwest Ordinance of 1787. Of the first of these great documents, Thomas Jefferson was the author; he had a leading part in the preparation of the second; his ideals were embodied in the third. In these three documents the fighting principles of the Anti-slavery Republicans were first set forth. The interests to which the Anti-slavery Republicans were most strongly devoted were those which had most loyally supported the Jefferson policies. Thus the spirit as well as the name of the original Jeffersonian party was revived by the party of Lincoln, of Seward, and of Chase."

William S. Myers has pointed out that Michigan was especially fertile ground for the Republican Party to take seed in, since its people were well informed and scorned the institution of human slavery.

He writes:

"The State of Michigan was then peopled by inhabitants of old American stock, far above the average in education and intelligence, and we can see this section of the American people at its best."

The young Republic Party appealed to the educated and culturally sophisticated men and women who formed the intellectual nucleus of the Nation. As one historian—A. M. Simons—has noted:

"Whittier wrote its campaign songs, Lowell translated its doctrines into poetry, while Emerson, Bryant, Longfellow, Holmes, and Motley were some of the names high in American literature counted on its membership roles."

Particularly important in gaining for the Republicans the publicity necessary to political survival, was Horace Greeley's newspaper, the New York Tribune. Journalists such as Greeley helped the Republican Party recognize in its 1854 platform the interests of working men and women as well as the intellectuals of the day.

The Kansas-Nebraska Act of 1854, which repealed the Missouri Compromise and opened the Western territories to slavery, led to the Jackson meeting. Among the Democratic leaders who participated were Kingsley S. Bigham, Hovey K. Clarke, and Isaac P. Christiancy, all famous names in the history of Michigan politics.

Among the Whigs who joined the group was Zachariah Chandler, who later distinguished himself as Republican Senator from Michigan. Chandler's speech at the 1854 convention was particularly stirring. He caught the spirit of this conference. Said Chandler:

"Misfortunes make strange bedfellows. I see before me Whigs, Democrats, and Free Solicits all mingling together to rebuke a great National wrong. I was born a Whig: I have always lived a Whig, and I hope to die fighting for some of the good Whig doctrines. But I do not stand here as a Whig. I have laid aside party to rebuke treachery."

Another speech of great appeal was made by Lewis Clark, a fugitive slave immortalized as the character, "George Harris" in "Uncle Tom's Cabin."

Clark was the son of a Revolutionary soldier and a Kentucky Negress, and was then living on a farm near Sandwich, Ontario. He told how at the death of his father the family was sold on the auction block, and how he escaped from slavery. The effect of his speech on the assembly was powerful, intensifying the determination of the audience to end this institution.

It was an inspiring day; one of those high moments in history which still affects human affairs.

The timelessness of that first Republican platform makes it worth repeating:

"Surely that institution [that is, slavery—for which today we may substitute civil injustice of all kinds] . . . Surely that institution [reads the platform] is not to be strengthened and encouraged against which

Washington, the calmest and wisest of our Nation, bore unequivocal testimony: as to which Jefferson, filed with a love of liberty, exclaimed: "Can the liberties of a Nation be ever thought secure when we have removed their only firm basis, a conviction in the minds of the people that their liberties are the Gift of God? That they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just: that His justice cannot sleep forever . . ." We believe these sentiments to be true now as they were then."

In 1967, those sentiments are just as true: the Republican Party still stands for the rights of men, for human justice, and for individual dignity. The convocation under the oaks on that bright summer day did the Nation an invaluable service, for which the city of Jackson, Mich., is justly remembered.

This city is today a thriving example of the American spirit. A center for industry, transportation, and higher education; it has a reputation for enlightened political activity. The congressional district in which Jackson is located sends a Republican Representative to the Congress—partial testimony to the prominent role Republicans have played in Michigan history in the century following the Jackson convention.

Yes, we are proud of our party, and of the role which Jackson has played in its formation and perpetuation.

I salute the city of Jackson and offer my sincere admiration for the loyalty of its people to the principles for which the Republican Party stands.

As the Detroit Post Tribune wrote long ago:

"To the men who gathered on that midsummer day in the oak grove at Jackson belongs the honor of being the first to comprehend a great opportunity; they were wise enough to improve all its possibilities, and there founded and named the party of the future."

ONE-YEAR EXTENSION OF SPECIAL PROJECT GRANT AUTHORITY UNDER MATERNAL AND CHILD HEALTH SERVICES PROGRAM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. KOCH. Mr. Speaker, I am most pleased that this afternoon the House will pass legislation to extend for 1 year the special project grant programs under title V of the Social Security Act. As you know, these projects have been in operation for the last 5 years giving comprehensive health care to mothers and children in lower socioeconomic areas throughout the country. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

These years of experience in delivering comprehensive health care has proved to be a practical and efficient way to treat children who would otherwise continue to experience crisis-oriented, episodic care. These programs provide medical, dental, nursing, psychological, psychiatric, nutritional counseling, speech and hearing, physiotherapy, medical and dental specialty, and social services on a complete and continuing basis, emphasing the advantages of preventive care and health maintenance.

I met with the directors of the New York children and youth projects on April 16, 1971, to discuss their concern that the funding for the projects was set to expire on June 30, 1972. I commenced a campaign in Congress to insure that these projects, not only in New York, but throughout the country, would not be phased out, but rather would continue to be funded by the Congress. In the course of the past 14 months, 85 Members of the House have cosponsored legislation I introduced to extend these projects for 5 years. On the Senate side, similar legislation was introduced by Senator GAYLORD NELSON and EDWARD KENNEDY with 15 other sponsors. Continued Federal funding for these special projects has the endorsement among others of the American Medical Association, the American Academy of Pediatrics, the American College of Obstetricians and the National Association for Retarded Children.

The statistics for these projects are impressive. The national average health care cost per year per man, woman, and child is $350. The cost for care under these children and youth and maternal and infant care projects as of June 30, 1971, was $129.81 per patient. In spite of inflation, the estimated cost by June 30, 1972, will have decreased to $126. And even with this reduced cost there has been an increase in the quality of care.

Mr. Speaker, we must, though, continue to work to insure that this 1-year extension to be authorized today not be construed as a phaseout year. We must continue to provide medical care for our Nation's poor—especially the children of our deprived citizens who suffer in so many ways.

I do want to thank Chairman WILBUR MILLS for his leadership in shepherding this bill and I want to express my special gratitude to my colleagues, the distinguished gentlemen from Illinois (Mr. ROSTENKOWSKI) and from New York, (Mr. CAREY) for their efforts within the Ways and Means Committee to obtain the support of their colleagues on that distinguished committee and in the Congress resulting in our voting today on the bill, H.R. 9410, which is the final version of H.R. 7657 as amended.

One thing should be noted and that is that this could not have been done without the grass roots cooperation and support led by Dr. Frederick Tunick, director of the CATCH program at the Jewish Hospital of Brooklyn, and Dr. Fred Seligman, of the University of Miami School of Medicine.

MILITARY PROCUREMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. SCHEUER. Mr. Speaker, I voted against the military procurement and research and development authorization for fiscal year 1973 not because I believe in unilateral American disarmament. Rather I voted against the bill because it contained millions of dollars for unnecessary items which are not essential to our security.

Thus, my vote should not be construed as expressing opposition to a defense posture which enables us to act effectively in those areas which are vital to American security. For example, the United States does have a real strategic interest in the Middle East. We must continue to support our allies in that area of the world and we must maintain a defense posture which will convince them as well as the Russians that we are reliable friends who in a direct confrontation will not blink first.

My vote in opposition should be interpreted only as a protest against continued wasteful spending for fancy gadgets which have no bearing upon our real security and for spending in areas of the world where we have no real security interest. It was not a vote in opposition to those aspects of our defense policy which are essential to our national security or to the defense of our interests and our true allies in other parts of the world.

RISING COST OF LIVING

HON. CLAIBORNE PELL

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. PELL. Mr. President, our older Americans have become the innocent victims of an unsuccessful war against the rising cost of living. Through a failure of national economic policy, our senior citizens have been quite literally robbed of part of their livelihood—the cost of living has skyrocketed, and their incomes remain fixed.

What should be their golden years has become their tense years.

Common decency demands that social security benefits be increased. Simple justice requires that the increase in benefits be sufficient to provide real security to older Americans.

Earlier this year, I conducted hearings in the cities of Woonsocket and Providence on the problems confronting older Americans in Rhode Island. At those hearings, Rhode Island senior citizens presented moving and compelling testimony on the need for a substantial increase in social security benefits. Partly as a result of those hearings, I cosponsored the amendment to provide a 20-percent increase in benefits.

There are those, Mr. President, who believe our senior citizens should wait a bit longer for this overdue adjustment of benefits. I disagree. Lockheed was not asked to wait a little longer when it faced bankruptcy; the Penn-Central was not asked to wait a little longer when they asked for help. They got help, and they got help promptly.

Our senior citizens need help, and they need it now.

BOY SCOUT TROOP 321 WINS 101ST EAGLE BOY SCOUT AWARD

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BETTS. Mr. Speaker, because of my confirmed belief that the Boy Scout movement generates respect for good government and provides the means of making good citizens of its members, I have always felt that it deserves commendation from those of us who are in Government service. For that reason, I wish to take this opportunity to commend Boy Scout Troop 321, sponsored by St. Pauls United Methodist Church of Findlay, Ohio. It has just been presented its 101st Eagle Boy Scout award, which is a mark rarely obtained by any troop anywhere in this area. I know that my colleagues will be happy to join me in recognizing this outstanding achievement and in extending our congratulations.

PLAYING POLITICS WITH SOCIAL SECURITY

HON. JACK R. MILLER

OF IOWA

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. MILLER. Mr. President, having supported social security benefit increases with a cumulative total of 57 percent over the last 5 years, while the cost of living has increased 27 percent, I believe my concern for social security beneficiaries is well established.

I am also the father of the change in the law under which social security benefits will be automatically increased to keep pace with increases in the cost of living. If inflation continues—granted that it is slowing down—it will probably be another year before the automatic increases will be triggered. But the law is now on the statute book—where I have been trying to put it since 1963.

During the votes in the Senate on Friday, June 30, I was necessarily absent in order to meet long standing commitments in Iowa. However, as is my policy, I made sure my position was recorded on these votes so that no one—and particularly a cynical opponent—could ever say I "ducked" an issue.

I was positioned "for" an amendment to increase social security benefits by 10 percent. I was positioned "against" an amendment to increase benefits by 20 percent. And I was positioned "for" the bill—the so-called debt ceiling bill—on final passage.

The 10-percent increase, which I also voted for in the Senate Finance Committee, would have brought the cumulative increase in benefits during the last 5 years to 57 percent. The bill, as amended, contained my automatic cost-of-living increase provision. I believe my position "for" these changes was fully justified. However, the 20-percent increase was excessive and constituted a flagrant example of playing politics with our social security beneficiaries.

I say "flagrant," because the leadership of both the Senate and House decided to tack it on as an amendment to the debt ceiling bill—a bill that had to be passed by midnight, June 30, or else our Federal employees could not be able to draw their paychecks. They also contrived to time the action so that increases in benefits would be reflected in checks received during the month before the November elections. While I am sure the increased checks will be welcome, I am also sure that our older Americans resent the obvious attempt to make political footballs out of them.

The difference between the cost of a 10-percent increase and the 20-percent increase will amount to nearly $3 billion, and it will have to be paid for by taxes taken out of present wage earners' paychecks. Those nearing retirement age will not have as heavy a burden as the millions of our younger people. I am sure our older Americans do not wish to put an unnecessary burden on the younger generations. There are, of course, many social security beneficiaries who need higher benefits. But there are also many who do not. It would have been far more equitable to work out a method of supplemental payments to those who need them and finance the cost out of the general fund of the Treasury instead of out of social security taxes.

Instead, the 20-percent across-the-board increase will be financed out of social security taxes. It will add to the already serious budget deficit, increase the tax burden by nearly $3 billion, and cause deepening resentment among the younger people who will pay most of the cost. This irresponsible action could place our entire social security system in jeopardy.

I might add that in visits with numerous older people I found that the single most important thing they wished to see Congress do was to put into effect the automatic increase to keep pace with increases in the cost of living. If this were done, they would have been content with a 10-percent increase in benefits at this time. They knew what was fair, and no one I talked with was asking for a 20-percent across-the-board increase.

By using this extra tax money for a blanket increase, those in the leadership have pretty well killed the chance to cover other needs—the widows who receive only 82½ percent of the benefits their husbands would have received, the opportunity to earn more without being penalized for doing so, the opportunity for married couples, both of whom have worked, to have their benefits computed on their combined earnings, and expanded coverage of the disabled.

Part of what is wrong with our country today is that there are too many politicians who still think that the way to get elected is to promise all kinds of benefits without really caring about how the cost will be met. We are passing on a frightful debt to our children and grandchildren, and I, for one, do not wish to add to it.

I insert in the RECORD a table which shows the taxload that will have to be paid by employees and the self-employed under the 20-percent increase. Of course, the employer must match the employee tax, and this will tend to boost prices to consumers:

SOCIAL SECURITY EMPLOYEE TAXES

Annual income	1972 under present law and proposals	Present law 1973 and 1974	With 20 percent increase	
			1973	1974
$5,000	$260	$282.50	$275.00	$275
$7,000	364	395.50	385.00	385
$9,000	468	508.50	495.00	495
$10,000	468	508.50	550.00	550
$11,000	468	508.50	594.00	605
$12,000	468	508.50	594.00	669

SOCIAL SECURITY SELF-EMPLOYMENT TAXES

Annual income	1972 under present law and proposals	Present law 1973 and 1974	With 20 percent increase	
			1973	1974
$5,000	$375	$382.50	$390.00	$390
$7,000	525	535.50	546.00	546
$9,000	675	688.50	702.00	702
$10,000	675	688.50	780.00	780
$11,000	675	688.50	842.40	858
$12,000	675	688.50	842.40	936

THE SCHOOL LUNCH AND CHILD NUTRITION ACT

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BOLAND. Mr. Speaker, I applaud the House's action last week in extending through fiscal 1974 the expiring provisions of the School Lunch and Child Nutrition Act. Needless to say, I am among the strongest advocates of this legislation and voted for it when it reached the House floor last Thursday evening. As you know, the most urgent provision of the bill provides the necessary funds to allow the summer feeding program for underprivileged children to continue and expand. Almost 1,160,000 children now benefit from the breakfast program. Under the provisions of the extension bill, the number will climb rapidly to 2,200,000 before the year is out. Still further, Mr. Speaker, the bill removes the limitations on the amounts that can be appropriated to expand the school breakfast program, and, going even one step further, it explicitly clarifies every school's eligibility for the program. All needy children will participate no matter what kind of school they attend.

The legislation is one of many landmarks throughout the history of the school feeding program.

The Federal Government first recognized the need for a national school lunch program in the 1930's. At that time only cafeteria workers' salaries were provided. In 1946, we witnessed the passage of the National School Lunch Act which provided cash and commodities for school lunches. Thirty years ago, this act provided a broad program to provide nutritious lunches to every American schoolchild. It was a broad program but not generous enough to meet our current needs. More recently—in fact, in 1966—the NSLA was amended to provide money for breakfast programs and luncheon equipment.

I cite these facts to show that historically we have made great headway toward the goal of providing for our Nation's children.

Last week we passed another amendment to bring us closer to that goal. Our authorization amendment of H.R. 14896 requires a breakfast program to be instituted in every school that applied for it.

CONFERENCE REPORT ON H.R. 15390, EXTENSION OF PRESENT TEMPORARY LEVEL IN PUBLIC DEBT LIMITATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DULSKI. Mr. Speaker, I support the pending conference report on the debt-ceiling increase which includes provision for a 20-percent increase in social security benefits.

An increase in social security benefits is long overdue and I earlier cosponsored legislation to provide for a 20-percent increase. I oppose any motion to reduce the increase to 10 percent, because such an increase simply is not adequate to assist our senior citizens at this time.

I am confident that the 20-percent increase will be approved by a wide majority in this House. I regret that I will not be present for the rollcall vote when it occurs today.

Several months ago, I accepted an invitation to be the main speaker in Buffalo on this date as 149 new U.S. citizens take their oath of allegiance in a Federal district court ceremony. Had there been any question in my mind about the outcome of the vote on the pending conference report, I would have canceled my commitment and remained here for the rollcall. As the son of an immigrant father who was a participant in a similar ceremony years ago, I feel deeply about the importance of the naturalization ceremony in welcoming these new citizens.

Mr. Speaker, with regard to the social security system and the questions on financing which are being raised, I am becoming convinced that we need a major policy change.

Present policy provides for equal payments to the social security fund by the employee and the employer. This percentage of salary contribution has been increasing over the years and further increases are provided.

Rather than the present 50–50 by the employer and the employee, it seems to me we should consider seriously making it an equal three-way setup; that is, one-third by the employee, one-third by the employer, and one-third by the Federal Government.

I hope that the Committee on Ways and Means will delve into social security funding at its earliest opportunity.

PLIGHT OF THE CRIMEAN TARTARS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DOW. Mr. Speaker, the Crimean Tartars in the Soviet Union were exiled to the Soviet Republics of Central Asia in 1944. So far, they have not been permitted to return to their native Crimea, even though there is an acute labor shortage in the Crimea today.

Below is appended a letter by Mr. Paul Nedwell, who resides in my congressional district, to the first secretary of the Central Committee of the Communist Party of the Ukraine, appealing that the Crimean Tartar people be allowed to return.

Mr. Nedwell's letter indicates that 80,000 of the Tartars were sent to Central Asia. The State Department informs me that the actual figure was as high as 200,000—nearly the entire Crimean Tartar nation. Moreover, the deaths among the deported people have been estimated at nearly 50 percent.

In line with the stand that many of us have taken for civil rights, both here and abroad, I want to focus on this problem by submitting a copy of Mr. Nedwell's letter of June 3 to the Communist official in Kiev, as follows:

POUGHKEEPSIE, N.Y.,
June 3, 1972.

VLADIMIR SHCHERBITSKY,
First Secretary of the Central Committee of the Communist Party of Ukraine, Building of the Central Committee of the Communist Party of Ukraine, Ordzhonikidze Street, Kiev., U.S.S.R.

DEAR FIRST SECRETARY VLADIMIR SHCHERBITSKY: The year 1944 marks an unfortunate period in the life of the Crimean Tartar people, for it was in this year that the entire Crimean Tartar population of the Crimea was accused of collaboration with the German Fascists and, on the basis of this charge, was deported in toto to the Soviet Republics of Central Asia. Fortunately, in September of 1967, the Crimean Tartar people in exile were finally exonerated of the wartime accusation that they collaborated with the German Fascists; however, they were encouraged to remain in exile and they were discouraged in every possible way from seeking a return to their ancestral national homeland, the Crimea. And this despite the fact that the majority of the Crimean Tartar people in exile, both young and old alike, long to return to their rightful national homeland and to see the restoration of the Crimean Autonomous Soviet Socialist Republic—they have suffered enough injustice in the past and their aspirations deserve to be realized. After all, is it not the Crimean Tartar people themselves who are morally and properly entitled to determine the ultimate fate of the Crimea?

The history of the Crimean Tartar people is well known to informed persons in the West. The Crimean Tartar people, as scholarly research has shown, are descended from the original inhabitants of the Crimea, who mixed with, and were assimilated by, the Turco-Kipchak race of Tartars, which settled in the Crimea between the 11th and 13th centuries. From the 13th to 18th centuries, a high level of culture and civilization was attained by these people. Then, in 1783, the tzarist Russian Army marched into the Crimea and took the country over by sheer force of arms—it was at this moment in history that the long historical tragedy of the Crimean Tartar people began.

On October 18, 1921, as is well known to many informed persons in the West, the Crimean Autonomous Soviet Socialist Republic was formed. At this moment in history it might have seemed that this action would insure the future territorial integrity of the Crimean Tartar people, but such was not to be the case. Following the proclamation of their own national Republic, the Crimean Tartar people were beset by various forms of discrimination in all spheres of their national life. Then, in that fateful year of 1944, the entire Crimean Tartar population of 80,000 men, women and children was accused of collaboration with the German Fascists and was deported to the Soviet Republics of Central Asia. Such has been the fate of the Crimean Tartar people.

In recent years, the Crimean Tartar people have been trying to achieve their just aspirations: a return to their ancestral national homeland—the Crimea—and the restoration of the Crimean Autonomous Soviet Socialistic Republic. Unfortunately, it appears that Soviet officials have continually put obstacles in their path at every turn, as they seek to realize these aspirations. Is justice best served by such actions? I think not.

Being that the Crimea was "officially" transferred to the Ukrainian Republic on February 27, 1954 and that it is presently "officially" part of the Ukrainian Republic, although there has never been any historical or moral justification for such an annexation. I appeal to you to consider the following. At the present time there is a labor shortage in the Crimea and an immigration target of 500,000 people has already been planned for the Crimea—this is presently the numerical strength of the Crimean Tartar people living in exile—so why not invite the Crimean Tartar people to return to the Crimea and in this way solve your problem. Such a solution has already been proposed by two Soviet Ukrainians—philologist Taras Franko and biologist Maria Lysenko—and here I add my voice to theirs for a consideration of such a just solution.

Sincerely yours,

PAUL NEDWELL.

"HAP" MORRIS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SNYDER. Mr. Speaker, when Hap Morris came to work on the Hill in 1932—the beginning of more than 40 years of continuous service—I am sure he did not realize that he would become a permanent, indispensable, and lively fixture of the Congress.

He has watched Senators, Congressmen, and Presidents come and go and, from what I hear, some of them have gone away from gin rummy encounters with him with lighter pockets.

In times like ours when all of us tend to get too serious or too overwrought, it has been nice to see and talk to Hap, who always had a bright word, or some advice or encouragement. Just the fact that Hap was always there gave a sense of solidity and constancy to our work in the House. This is one of the reasons why we will miss him but by no means the only one.

Consider how the volume of work has

increased since Hap was elected as Postmaster of the House in 1955. He has always been equal to the challenge, though, and—as each of us knows—has performed his task with diligence, faithfulness, and high spirit.

Hap is retiring now and the House of Representatives and many of its Members and staff will miss him. Those of us from Kentucky are fortunate because he is settling back home and, if I know Hap, we will be hearing from him just like we always have.

I am sure I join all those on the Hill and elsewhere who have known and worked with Hap Morris in thanking him and hoping that the next years will be as happy and productive as the many years he has given us and his country here in Washington.

PRESENTATION OF AUGUST A. BUSCH, JR., BOATING SAFETY AWARD TO COAST GUARD COMMANDANT AND CHIEF OF BOATING SAFETY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mrs. SULLIVAN. Mr. Speaker, in ceremonies this month in the House Committee on Merchant Marine and Fisheries, it was my privilege and honor to substitute for Mr. August A. Busch, Jr., chairman of the board and chief executive officer of Anheuser-Busch, Inc., in presenting to Adm. Chester R. Bender, commandant of the U.S. Coast Guard, and to Rear Adm. Austin C. Wagner, chief of the Coast Guard's Office of Boating Safety, an award originated by Mr. Busch as a special form of recognition for outstanding service to the cause of recreational boating safety.

Mr. Busch, an industrialist who has devoted as much of his time and effort to civic causes and to public service as he has to his far-flung business interests, has translated his own great enthusiasm for pleasure boating into a national program to promote education for safety on the waterways.

Anheuser-Busch has distributed approximately 1,600,000 booklets on this subject, aimed particularly at those families which are attracted to boating as a form of wholesome family recreation but who are not especially familiar with the rules of navigation or the hazards which can arise out of this unfamiliarity. In addition, the company has distributed 475,000 large litter containers for use on pleasure boats, and has prepared and made available to clubs and other groups throughout the country an outstanding documentary film on the do's and don'ts of operating a boat safely.

RECREATION FOR THE ENTIRE FAMILY

As a St. Louisan and as a Member of Congress in whose district Anheuser-Busch has its main plant and office, I have had many reasons to be proud of the contributions Mr. Busch has made to the improvement of our city, and to the development of delightful recreational facilities in St. Louis and elsewhere, such as Busch Stadium and Grant's Farm in St. Louis, and Busch Gardens in Tampa, Los Angeles, and Houston; and I have been impressed by his dedication to youth and to sports activities as president of the St. Louis Cardinals baseball team. Mr. Busch has always been a strong advocate of and believer in entertainment and recreation which can be shared by children with their parents to bring about closer family ties.

His interest in educational work for boating safety grew out of this concern. The excellent cooperation given by the Coast Guard to these efforts by Anheuser-Busch in the preparation of useful materials for improving safety practices by boat operators led to the selection of Admirals Bender and Wagner for the August A. Busch, Jr., Boating Safety Award. Under boating safety legislation which was originated in the House Committee on Merchant Marine and Fisheries, the Coast Guard is responsible for enforcing safety standards in recreational boating.

The chairman of the House Committee on Merchant Marine and Fisheries, Congressman EDWARD A. GARMATZ, and numerous other members of the committee were present at the ceremonies in the committee room on June 5 when the awards were presented.

In his response, Admiral Bender noted the fine work by the Coast Guard Auxiliary, the Red Cross, the power squadrons, and corporations like Anheuser-Busch "which have taken the initiative on their own to cooperate in this great boating safety program," and added:

> Anheuser-Busch has done so much that has already been described, by way of their film, their booklets, and, of course, their program to protect the environment through the litter bag distribution.

PRESENTATION OF AWARDS AND ADMIRAL BENDER'S RESPONSE

In presenting the August A. Busch, Jr., Boating Safety Award to Admiral Bender and Rear Admiral Wagner, I made the following statement:

> Admiral Bender . . . Admiral Wagner . . . I am very happy to make this presentation this morning because the award itself is an indication of the tremendous importance which is being attached to boating safety and the saving of human lives on the inland waterways and the coastal regions of the United States.
>
> Recreational and family boating has assumed enormous proportions in the lives of our citizens.
>
> There are literally millions of boats on every body of water in the United States, and their numbers are increasing daily.
>
> From the statistics I have been given, the overwhelming majority of these boats are in the small boat category which means that people of average means are rapidly turning to the waterways of our nation for healthful family recreation and enjoyment.
>
> This is accompanied by . . . not so much the danger of the waterways . . . as it is the fact that people do not know how to use the waterways safely.
>
> There is no finer and no more enjoyable recreation than to take a boat out on one of the many bodies of water made available by local, state, and federal agencies.
>
> To the Coast Guard has been given the tremendous task of enforcing the laws governing boating safety and of educating the millions—if not the tens of millions—of people to the proper usage and handling of their boats for maximum safety and enjoyment of all concerned.
>
> The Coast Guard, through its Auxiliaries . . . through their educational programs . . . and through its activities with the Power Squadrons and the Red Cross and the Safety Council . . . has been the spearhead of preaching the gospel of boating enjoyment through boating safety.
>
> Many corporations, who feel a social responsibility to aid in this program, have joined with you and the Auxiliaries . . . and, to them, all of us owe our thanks and appreciation.
>
> One such company is the Anheuser-Busch company in my district in St. Louis. I am very proud of the program this company has undertaken which has resulted, as you know, in the distribution of approximately 1,600,000 boating safety booklets, 475,000 litter bags, and the viewing by hundreds of thousands of persons of an outstanding boating safety film.
>
> Today, I represent Mr. August A. Busch, Jr., chairman of the board of Anheuser-Busch and its chief executive officer, in presenting to you . . . Admiral Bender . . . Admiral Wagner . . . this highly prized and most beautiful award . . . signifying the appreciation that one of America's major corporations has for the outstanding leadership which you, Admiral Bender, as Commandant of the Coast Guard; and you, Admiral Wagner, as Chief of the Office of Boating Safety, have exhibited to promote . . . to encourage . . . . and to carry out one of the world's outstanding safety programs.
>
> No one knows better than you do how much work yet needs to be done, and it is the sincere hope of all of us in Congress—and I am sure all of our citizens—that you will continue your efforts in this direction.
>
> On behalf of Mr. August A. Busch, Jr., I express the thanks and deep appreciation of this company and all of its thousands of people throughout the United States.

Mr. Speaker, Admiral Bender's response was as follows:

> It is a great honor for Admiral Wagner and me to receive this award.
>
> He and I, of course, as well as the other Coast Guard people, are very pleased with the success of this boating safety program.
>
> We are pleased that our part in it has been of some assistance. But, still it is the responsibility given to us by Congress, so we are carrying out our duties really in performing the acts we have performed in this regard.
>
> Really, it is with the cooperation of many of you who are here present today that this program has achieved some success.
>
> I speak, of course, of the Coast Guard Auxiliary represented here today in person by Commodore Harry S. Osbourn, by the Red Cross, and the Power Squadrons and for corporations, too, like Anheuser-Busch which have taken the initiative on their own to cooperate in this great boating safety program.
>
> Anheuser-Busch has done so much that has already been described . . . by way of their film . . . their booklets . . . and, of course, their program to protect the environment through the litter bag distribution.
>
> And, so, Mrs. Sullivan, we appreciate again what you have done, as well as Mr. Busch's kindness to us in this recognition.

THE SOCIAL SECURITY INCREASE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. BOLAND. Mr. Speaker, the 20-percent social security increase enacted by the Congress last week answers a pressing need. Every time the cost of living inches upward, the 25 million Americans whose livelihoods hinge on social security benefits are driven deeper and deeper into what most people would consider poverty. Nearly 25 percent of them, 5 million people, now exist on incomes that fall well below the Census Bureau's official "poverty line"—$2,328 for a family, $1,953 for a person living alone. More than 20 percent live on incomes that just barely edge above this poverty line. And virtually all of them, regardless of their economic status, must live more frugally than at any other time in recent memory.

The legislation established a 20-percent across-the-board increase—legislation substantively identical to the bill I introduced in March of this year—honors our commitment to the elderly and to the millions of widows, children, and disabled now sheltered by the social security system.

As you know, Mr. Speaker, one provision of this social security increase authorizes still further increases—automatic ones—every time the cost of living rises. This provision is vitally important. It means that social security benefits will never again lag behind the cost of living.

In sum, Mr. Speaker, the legislation is a landmark in the history of the social security system.

SCOTT'S JULY NEWSLETTER

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SCOTT. Mr. Speaker, since coming to the Congress, I have sent periodic newsletters to constituents to help keep them informed of congressional activities. Our July newsletter has just been completed and I insert it in the RECORD for the information of our colleagues:

CONGRESMAN SCOTT REPORTS

FLOOD DAMAGE

All of us are concerned about the destructive effects of recent rains and you might be interested in possible federal sources of help to individuals and communities.

The Office of Emergency Preparedness is coordinating the federal government's efforts and has declared Fairfax, Goochland, Loudoun, Prince William, and Stafford Counties and the cities of Richmond, Alexandria, and Fredericksburg, among others, as eligible for disaster assistance.

Aid to individual victims may include:

Temporary housing, with up to 12 months free rental in mobile homes, in VA or FHA residential properties, or in whatever suitable places can be provided to get the homeless out of emergency shelters.

Temporary mortgage or rental payments up to a year for persons faced with loss of their residences because of disaster-caused financial hardship.

Food coupons or surplus commodities to needy victims.

Unempoyment compensation and reemployment assistance to those who have lost their jobs because of the disaster.

Legal services to low-income persons unable to secure adequate services.

Removal of debris from private property if in the public interest.

Loans for homeowners and businesses whose properties have been destroyed or damaged. The Small Business Administration (SBA) and the Farmers Home Administration have liberal 30-year disaster loan programs at an initial rate of 5⅛%. Homeowners can obtain up to $50,000 for restoration of home and $10,000 for replacement of personal effects, not to exceed $55,000 for both. The law provides for "forgiveness" of part of the loan principal—up to $2500 on a $3000 loan, for example. Also, loans are to be made without regard to the applicant's age—an important aid for elderly homeowners. A few days ago the House passed a measure to amend the law so that the rate of interest on disaster loans could be as low as 1% or as high as 3% where there's a forgiveness feature.

Applications for such loans may presently be obtained from participating banks, the Washintgon SBA office, 1310 L Street, N.W., 7th Floor (telephone 202/382–7405); the Information Center, 2nd Floor, Princess Anne Hotel, Fredericksburg; Parkside Elementary School, Manassas; T. C. Williams High School, Alexandria; and the Federal Building, Main Lobby, Richmond, Virginia. Officials of SBA strongly urge applicants to check their insurance policies to be sure damage is not covered. If not, applicant should be prepared to support their applications by photographs and estimates for repair from reputable contractors.

Of course, our office contacted the Governor, the President and various departments and agencies immediately upon learning of the damages caused by the storm. A number of communities were visited and we want to help in every possible way. If difficulty is encountered and you feel that we can be of help, please give us the facts in writing or call me or my Administrative Assistant, Jack Davis, who has attempted to obtain information regarding the various problems which have arisen.

SALEM CHURCH DAM

The Public Works Appropriation Bill passed by the House of Representatives a few days ago included $600,000 for the fiscal year beginning July 1 for further preconstruction planning of the Salem Church Dam on the Rappahannock River above the city of Fredericksburg. The project was authorized five years ago and this is the fourth year preconstruction planning funds have been appropriated by the Congress.

The multi-purpose dam will permit maximum use of one of Virginia's major natural resources, the Rappahannock-Rapidan rivers. It will help satisfy the increasing water needs of Prince William and other counties within the urban corridor; will reduce the danger of flooding in the Fredericksburg area; will regulate the flow of water below the dam to the mouth of the Rappahannock; control water quality; help regulate salinity of the oyster beds of the lower basin; hydroelectric power can either be included or omitted and, to my knowledge, a definite decision has not been made on this item, although indications are that it will not be included. There will be boating and fishing on the lake behind the dam and camping in parks along its shore. Of course, even after construction is started, it will be several years before the project can be completed and become operational.

GUN CONTROL LEGISLATION

Ever since the days of the wild West with its shoot-outs, Americans have been fascinated by guns. However, during the past decade, misuse of firearms has grown into a serious national problem. In the wake of the shooting of Governor George Wallace, many Americans are demanding that something be done about guns.

Gun control arouses frenetic opposition among sportsmen, who see the threat of ultimate confiscation lurking behind any system that pinpoints ownership of guns. The problem is, basically, that honest men will obey gun control laws, but criminals won't.

More and more thought is being given in Congress to laws that ignore the guns per se and go after those who abuse the privilege of having a firearm. Most of the bills introduced, including one of mine, call for mandatory prison sentences for any felony committed with a firearm. Some say this would not work, since juries would regard the penalties as too harsh for a first offender and fail to convict on that basis.

Perhaps that is the crux of the entire problem. Crime has become less and less punishable. The courts have bent over backwards to be lenient to criminals. Perhaps it is time for a rethinking of our national mores and attitudes. The New York *Times* recently said that we cannot solve the crime problem until it becomes as dangerous to be a criminal as it is now to be a victim.

If a stiff, mandatory sentence were to be meted out for crimes committed with a gun—with plenty of publicity about it at all levels—it certainly seems it would discourage a lot of armed robberies that net the criminal only a few dollars. The penalty seems drastic. But trigger-happy criminals, who are nervous when embarking on their lives of crime, are gunning down innocent citizens. Perhaps it is time that we regard crime for the national cancer it has become—and take whatever steps are necessary to stop the drift into lives of crime that has been the trend for the past decade for thousands of young Americans. There is no constitutional right to hold up another person and there should be no question of the right to combat this lawlessness with stiff mandatory prison sentences.

An opposite approach, however, is under consideration by committees of both the House and the Senate. The House Judiciary Committee has had hearings on a number of bills which would strengthen existing federal laws for gun control. Some would forbid the sale of pistols to private citizens and others would provide for the registration of all privately owned firearms of any nature. In the Senate, a subcommittee headed by Birch Bayh has favorably reported a bill which would forbid the possession of the so-called "Saturday night special," a low-cost pistol said to be in prevalent use by law-breakers. No action is expected by either body of the Congress, however, until after the July recess, but further gun control legislation will no doubt come before both the House and Senate later this year. Your thoughts on this very controversial matter would be most welcome.

TRAFFIC RECOMMENDATIONS

You will recall our meeting a few weeks ago attended by the Virginia Commissioner of Highways, the Federal Highway Administrator, the Under Secretary of Transportation, and a White House aide to review the overall Northern Virginia transportation picture and determine whether some interim measures could be adopted to relieve congestion. At that conference, it was agreed to expedite the widening of the Capitol Beltway to four lanes in each direction; to give consideration to widening of Route 50 on existing rights of way; study the practicality of connecting adjoining service roads; review plans for using existing rail lines and commuter trains; and consider the widening of the George Washington Parkway, especially between Spout Run and Key Bridge. Everyone present agreed to the need to expedite the completion of the Metro system and the completion of Interstate 66 as early as practical. The parties to the conference are being requested to let me know what specific action has been taken since we met.

SENIOR CITIZENS' FORUM

We had approximately 300 people in attendance at a Senior Citizen's Forum last Friday at Mary Washington College in Fredericksburg. Among officials speaking before the group were Arthur S. Flemming, Special

Consultant on Aging to the President and a former Secretary of the Department of Health, Education and Welfare; Fred B. Rhodes, Deputy Administrator of Veterans' Affairs; Andrew Ruddock, Director, Bureau of Retirement, Insurance and Occupational Health of the Civil Service Commission; and Maurice D. Dewberry, Regional Commissioner of the Social Security Administration. The Chancellor of the college, Dr. Simpson, made arrangements for the use of the auditorium and dining hall and welcomed the visitors. The morning session was occupied with direct presentations and in the afternoon the group was divided into four sections, each presided over by one of the morning speakers for an exchange of views and responses to questions. The entire affair was well received and we are grateful to those who helped put it together, especially the Fredericksburg area Senior Citizens Club which provided coffee, registered the guests and helped in other respects. If your questions remained unanswered, however, please let us know in writing and an attempt will be made to obtain an official response from the specific agency involved.

SOMETHING TO PONDER

Rutherford B. Hayes: "He serves his party best who serves the country best."

A SHORT STORY ON STREET CRIME

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. KOCH. Mr. Speaker, I would like to acquaint the House of Representatives of an incident involving street crime in which I was the victim, and how it was resolved. On May 4 of this year I left my home which is in New York City just off Washington Square Park shortly after 6 p.m., intending to attend a dinner given by the American Jewish Committee at the Americana Hotel.

As I walked through Washington Square Park to get to the Sixth Avenue Subway I was stopped by an individual who was about 6 feet tall and probably weighed over 200 pounds. He was very threatening in manner and became even more so when he said to me, "Give me a quarter, man." I replied, "No." He then said, "Give me a quarter, man, or I am going to beat the——out of you," and he put up his hands as though to strike me.

In response I said, "No, I am Congressman KOCH and I am going to have you arrested." Unaccountably the man dropped his fists and started to walk away.

I looked for a police officer in the park. There was none. I thought to myself that I really should go to the dinner where I was expected. It was about 6:10 p.m. But, Mr. Speaker, I decided I could not permit this incident to pass and not take some action, because I knew how the residents—women, children, senior citizens—of the area are afraid to use the park because of incidents like this.

I watched the man stop others who gave him coins in response to his demands. And I followed him as he started to walk up Fifth Avenue. About a block later I saw a police patrol car, stopped it, explained what had happened, and asked that the individual be arrested. The police officer said, "Do you really want to press charges? Do you know how much time it will take?" I told him, "Yes, I do want to and while I know I can't make my 6:30 p.m. dinner appointment I hope I can at least get to the dinner before it ends."

I got into the patrol car, drove a block, to where the individual was now standing and got out of the car. Immediately the man said to the police officers, without any intervening conversation, "I didn't do it." They arrested him and the two of us were taken to the Sixth Precinct headquarters.

By then it was 6:30 p.m. It took 45 minutes for the police to fill out the information forms on the arrested individual. At 7:15 p.m. we were taken by police car down to the Criminal Court Building and arrived there at 7:30 p.m. where again forms had to be filled out, and this took another 45 minutes.

The defendant was charged with intoxication, loitering, and harassment. I was told by the assistant district attorney that I should charge him with attempted robbery, but I told him I did not want to make a "Federal case of it" and that I simply wanted to have him punished for what had occurred, in some reasonable way. At 8:15 p.m., I was taken to the court room where the defendant was present with counsel provided by the court. A new assistant district attorney said to me that he did not think that it was worth pressing the matter and that nothing would happen since there were so many cases of this kind. I said, "That is why I have taken the time to come here." He said if I wanted to have something done I should charge the defendant with attempted robbery, but he warned that would take another 3 hours. I said no, I would simply press the three original charges. The defendant then pleaded guilty to the charge of harassment and I asked the court whether I might make a statement. The judge said, "by all means."

What I said to the court in substance was that I had taken the time to do this, although I knew that it would be more sensible from the point of view of safety and convenience to pay the quarter, because somebody had to stand up and say "No." The court sympathized with what I had said, stating that crime was rampant not only in the area in which I lived, but in so many places in the city. And then the judge, turning to the defendent, said:

> I want you to know that the next time you come into this court I will deal with you very sternly and this time I will fine you $50.

Defendant's counsel told the court that the defendant was employed, giving the court the name of the employer. He said that the defendant earned $4.50 an hour, but did not have any money with him that evening; he asked that the court give him time in which to pay. The court asked, "Will 3 weeks be enough?" Counsel said it would. The defendant and I both left the Criminal Court Building at 8:30 p.m. by the same door. And as he passed me he smiled; he knew something I did not.

I arrived at my dinner at 9 p.m. where the meal was over and all that was left were the speeches.

Having become a statistic, I decided to find out what happens in a case of this kind. And so, approximately 3 weeks later, I wrote to the clerk of the court and asked whether the fine had been paid. Not receiving a response by June 15, I wrote to Administrative Judge David Ross of the Criminal Court of the City of New York. By letter of June 26, Lester C. Goodchild, the court's executive officer, responded: The defendant failed to appear and pay his fine. A warrant for his arrest was issued, but he could not be found. The residence and employment information he had given the court was false.

Mr. Speaker, one additional statistic and that is there are thousands of bench warrants outstanding in New York City. This will be one more probably never to be executed. Is it any wonder that the people of this country are outraged at the way our courts are administering justice.

A copy of Mr. Goodchild's letter follows:

CRIMINAL COURT,
CITY OF NEW YORK,
June 26, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR SIR: This is with reference to your letters of May 29, 1972 and June 15, 1972 regarding the disposition of a case wherein you were the complainant and a Mr. Joseph Hardy was the defendant.

Please be advised that the defendant failed to appear to pay his fine, that a warrant for his arrest was thereupon issued and forwarded to the Police Department for execution, and that I am informed by the Police Department that they have been unable to execute the warrant as the residence and employment information given by the defendant are false.

Please forgive this late answer to your letters; we were awaiting an arrest in the case. Please be assured that we will keep you informed of any new developments.

Very truly yours,
LESTER C. GOODCHILD.

LEARNING, LIGHT, AND LIBERTY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. PATTEN. Mr. Speaker, "Learning is not only light, it is also liberty," Ivan Turgenev, the 19th century Russian author, wrote over 100 years ago. Those words are as true today as they were then.

The relationship between liberty and learning, between freedom and education, has puzzled philosophers and politicians since Plato recognized the significance of education to the State. Indeed, our country's constitutional form of self-government was founded on the fact that only an educated citizenry can govern itself. To be sure, the development of democracy is closely aligned with the development of a free public system of education in which education has come to be believed as the birthright—if not constitutional right—of every child. As Thomas Jefferson once remarked:

> If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

More recently, Admiral Rickover claimed that education is "our first line of defense" and concluded that—

> Only massive upgrading of the scholastic standards of our schools will guarantee the future prosperity and freedom of the Republic.

But the relationship between liberty and learning goes far beyond the confines of our political system to the heart of the learning process itself. Freedom is, said the distinguished philosopher, Alfred North Whitehead:

> The dominant note of education is at its beginning and at its end . . . but that there is an intermediate stage of discipline . . .

For Whitehead, the greatest rate of learning occurs when the learner discovers the exact balance between freedom and discipline.

John Dewey, one of the greatest American philosophers, had similar thoughts. He believed that freedom designates "a mental attitude rather than external unconstraint of movements, but that this quality of mind cannot develop without a fair leeway of movements in exploration, experimentation, application."

Both these great philosophers claimed that freedom is a fundamental feature in education which enables the individual to make up his own mind and to offer his own unique contribution to the class. The individual's activity has personal meaning to him, because he freely decided that undertaking. Freedom forced him to choose a course of action and freedom confronted him with the consequences of his acts. That is the meaning of freedom defined as "moral responsibility, voluntarily assumed."

However, as Turgenev noted, learning is light. Education is a process of enlightenment and nothing enlightens like knowledge. Knowledge dispels myths and destroys ignorance. It can also liberate the learner from prejudices and provincialism so as to broaden the range of his mind and imagination free from most mental faults.

Thus, the relationship between freedom and learning is twofold. Not only is freedom an essential of education in that freedom facilitates learning; but also, political and personal freedom is seen as an end of our system of education. The educated man is the master of his own destiny, not a slave to his emotions. And he is also capable of democratic self-government as an informed and intelligent voter and participant in the political process.

Educators must therefore create a climate, an atmosphere of freedom in the schools so that true learning can take place. The Government, in turn, run by educated people must preserve the political framework in which freedom thrives and flourishes. Only by such a cooperative combination of energies and efforts can the "crisis in the classroom" be overcome and turned into a demonstration of faith in America that every citizen shall have an equal chance to learn and live in freedom.

REPRESENTATIVE PATSY T. MINK TO PROTEST FRENCH UNDERGROUND NUCLEAR TEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mrs. MINK. Mr. Speaker, despite the protests which have been filed, the French Government has reportedly undertaken an atmospheric nuclear test in the Pacific on Mururoa Atoll on Sunday, June 25.

I am pleased to note that the U.S. Government filed a protest on June 29 together with Australia and New Zealand.

It is quite appalling that the eastern press has all but blacked out news about this test and there has been little or no news regarding the growing protests in the Pacific. In order to make up for this neglect of concern for the people of my part of the world, I am inserting in the RECORD another series of articles on this subject:

[From the Honolulu Advertiser, June 28, 1972]

FRENCH N-TESTS BEGIN: PACIFIC PROTESTS IGNORED

PAPEETE, TAHITI.—France, ignoring worldwide protests, has started a series of nuclear tests in the South Pacific.

Government sources said today the first bomb in the series was detonated Sunday morning.

The government sources did not specify the size of the explosion. But France's Defense Ministry said yesterday in Paris that the new series would not be of high yield.

The ministry said it would not give details concerning the explosions until the current series of tests is over.

Sunday's blast ended a more than two-week wait since French naval authorities in the South Pacific signaled the possible start of testing by issuing warnings to navigation to stay out of the test area.

Observers said the subsequent delay was due either to unfavorable atmospheric and wind conditions in the test range or, possibly, to French hesitation to resume testing in light of an outburst of international protests from several South Pacific nations.

[From the Honolulu Advertiser, June 28, 1972]

"FLOTILLA" SAILS IN PROTEST

Three protest ships are scheduled to set sail today from Wellington, New Zealand, into the French nuclear testing zone in the South Pacific.

The Advertiser learned of the protest move during an hour-long transpacific radio conversation last night over the University of Hawaii's PEACESAT communications system.

The system, which links Hawaii with several major universities in the South Pacific, was used for a round-robin discussion among anti-nuclear test leaders in New Zealand, Fiji and Hawaii.

Dr. Walter Johnson, University professor of history, represented Hawaii.

The major news developments came from New Zealand.

Dr. Barry Mitcalfe, chairman of the Peace Research Media Project in affiliation with the University of Wellington, disclosed the plans.

He said the three ships—one of 100 tons—would sail under legal permit from the New Zealand government. He said two members of New Zealand's parliament and one member of Fiji's parliament will be aboard.

Mitcalfe said that the first French nuclear test is understood to be scheduled for July 3.

The French have kept their nuclear test dates a closely guarded secret. The only word they have released is that nuclear tests are "planned."

Amalia Rokopuicuna, an official of the YWCA in Suva, Fiji, reported via PEACESAT that efforts also are under way there to charter a ship and sail it into the test area.

Meanwhile, in Melbourne, UPI reported a 24-hour police guard was placed on the home of the French consul in South Yarra following a death threat by an unknown caller.

[From the Washington Post, June 30, 1972]

UNITED STATES JOINS OPPOSITION TO FRENCH A-TESTS

Secretary of State William P. Rogers joined the foreign secretaries of Australia and New Zealand in expressing opposition yesterday to French nuclear tests in the Pacific.

Without naming France, the three members of the ANZUS Council, meeting in Canberra, Australia, affirmed their hope that all countries would adhere to the treaty banning nuclear tests in the atmosphere. France and China declined to sign the pact.

The ANZUS countries—Australia, New Zealand and the United States—noted that "notwithstanding mounting opposition amongst countries of the Pacific, nuclear tests were still being conducted in the atmosphere."

The French government has rejected protests from many Pacific nations against the series of tests it is holding this summer at the Mururoa Atoll. Unconfirmed reports said the first explosion took place last Sunday, but the French government has declined to comment.

On the island of New Caledonia, a French colony in the South Pacific, French authorities threatened to ban Australian and New Zealand imports in retaliation for a boycott by Australian and New Zealand unions against French ships and aircraft heading for Tahiti, advance base for the nuclear testing zone.

PARIS OBSTINACY ON BOMB TESTS BREEDS RESENTMENT

On the eve of the 1972 series of nuclear tests on Mururoa Atoll, the French Government has come up with the assertion that the fallout caused by the tests will not reach levels harmful to people in the South Pacific.

There are certainly conflicting reports on the precise effects of recent previous tests in the atmosphere, both by China and France, but the undoubted fact is that there has been proven evidence of a rise in nuclear pollution, to at least some degree, at widely scattered observation points, following all such tests.

There is no means of knowing just where and how, and for how long, this will affect human beings and their food.

It is sufficient to know that there is potential danger to at least some people somewhere, and the nations of the South Pacific have said, with increasing firmness and growing concern, that they want none of this.

They do not all take the semi-hysterical stance of the international president of the Association of Apex Clubs who talked of "putting into jeopardy the lives of countless millions in the Pacific" and of death being sent by France which will "invade our earth . . . and rape our very beings"

They do not use lawlessness and wanton destruction as a means of protest, as those responsible for burning down the UTA office in Auckland did.

But they do claim, and the voices and actions of their political dealers have emphatically affirmed the claim, that when they object to the South Pacific being used as a testing ground their objections should be heeded.

It does not help the situation when it is known that the French testing area had to be moved from the Sahara Desert because of objections by the Algerians.

SUPPRESSION

Parallel complaints by people of the French territory of Tahiti are ignored when they are not suppressed or discouraged by the presence of troops brought from France.

Mr. Pompidou and his colleagues are completely out of tune with the spirit that now prevails in the South Pacific, and seemingly take little account of the accumulated resentment their obstinacy has aroused.

They accuse their critics of hypocrisy because, they claim, the criticism is confined to France's nuclear activities.

The accusation has substance where those who now ignore the equal of the Chinese are concerned.

It is nonsense to suggest that there were no protests about American and Russian testing in earlier years.

It was because of vigorous and widespread expressions of alarm that the test ban treaty came about.

If the speed limit is lowered on a stretch of road because of a record of death and injury, it is idle for a driver who subsequently exceeds the limit to say, "But others used to do it and they weren't stopped."

There have been suggestions, especially in New Zealand, that strongly expressed complaints about the French tests may react unfavourably against any application for favourable terms for the sale of produce to the European Economic Community (Common Market).

Such suggestions, and the attitude "Never mind you, I'm all right, Jack," displayed by France in connection with the Pacific protests must strengthen the already great doubts about Britain's wisdom in surrendering so much of her sovereignty as part of the price of joining an organisation in which France plays so prominent a part.

[From the Fiji Times, June 23, 1972]

PITCAIRN PLAN TO EVACUATE: FEAR OF FALLOUT

SYDNEY.—The 92 descendants of the 18th Century HMS Bounty mutineers living at Pitcairn Island are preparing for possible evacuation because of the scheduled French nuclear tests at Mururoa Atoll.

The Sydney Morning Herald yesterday quoted the island's leader, Mr. Tom Christian, a great-great-great grandson of Fletcher Christian, leader of the Bounty mutineers, as saying: "Evacuation is a possibility."

Mururoa Atoll lies about 500 miles northwest of Pitcairn.

The Herald said two ships, a British freighter and a French frigate were standing off the island to help in the evacuation if fallout from the nuclear tests heads for Pitcairn.

"The islanders are showing great concern . . . the forthcoming explosions seem special ones," Mr. Christian said:

"How would we fare? Where would we go? These are the thoughts of many.

"Undoubtedly all would panic if contamination reaches us."

For Australians are planning to parachute into the nuclear test zone as a protest against the tests.

One of them, 30-year-old Sydney parachute instructor Gordon Mutch, said the men planned to take life rafts, scuba gear and provisions for a month.

Mr. Mutch said he and his companions planned to hire a Cessna 310 aircraft to fly over the test zone.

He said they would stop at three islands to refuel on the way, but would not say when they would land in the region of Mururoa.

"The French will not be able to move because they do not know where and when we will make the drop," Mr. Mutch said.

Mr. Mutch said he thought his group's action would add strength to the efforts of the Canadian yacht Greenpeace III, now sailing towards the test zone, to stop the tests.

The New Zealand Prime Minister, Mr. John Marshall, said in Sydney yesterday that Australia and New Zealand must continue to protest against nuclear testing until a comprehensive test ban was achieved.

In another development, Australian unionists yesterday placed a ban on all radio communications linking French authorities or companies in Australia with France or its territories.

[From the Fiji Times, June 24, 1972]

JAPAN AND CANADA JOIN N-TEST OBJECTORS

PARIS.—Countries with coastlines on the Pacific Ocean yesterday stepped up their protests over the French nuclear test series at Mururoa Atoll.

These included Japan and Canada, who appealed to France to call off the tests in speeches at the 25-nation Geneva Disarmament Conference.

The two countries urged the conference to speed up its work on a proposed comprehensive test ban treaty including underground explosions.

The Australian Ambassador in Paris, Mr. Alan Renouf, and senior members of his staff paid several calls on the French Foreign Ministry, clarifying the reasons for their Government's protests.

They conveyed Canberra's anxiety over the pending tests, which France has surrounded with secrecy, and pointed out the escalation of public protests in Australia, an embassy official said yesterday.

DIPLOMATIC BREAK

In Santiago, the Chilean Chamber of Deputies voted to protest to the French Government and Parliament, and international organizations.

The Chilean Senate had earlier passed a similar motion.

Peru has threatened to break off diplomatic relations with France if the tests are held.

In Los Angeles, a spokesman for the Seventh Day Adventist Church, which maintains radio contact with Pitcairn Island, said the people there had no immediate plans to evacuate.

But the spokesman, Mr. Herbert Ford, added: "Of course if radiation were to blow their way or things went wrong, the island would be evacuated."

In London, the British House of Commons Speaker, Mr. Selwyn Lloyd, refused a request by a Government MP for an emergency debate on the tests.

The French explosions could come at any time and have been expected since noon on Tuesday (Fiji time).

FRENCH PACIFIC N-TESTS BEGIN

PARIS.—France has resumed nuclear atmospheric testing in the South Pacific in spite of vigorous protests by several nations that the blasts may endanger their environments, the French news agency Agence France Press said yesterday.

The agency said in a report from Tahiti that the first nuclear warhead-type device was detonated Sunday morning in the vicinity of Mururoa Atoll, 800 miles southwest of Tahiti.

The French Defense Ministry declined comment on the report as did the nuclear experimentation center here which coordinates atomic testing in the Pacific.

The ministry indicated that no official comment would be forthcoming on the tests until the series was completed, presumably sometime later this summer.

There was no word about the safety of the protest yacht Greenpeace III which last was reported heading into the test area.

Another yacht manned by members of the French Nuclear Test Protest Committee was preparing to set sail this afternoon for the test area from Tauranga, New Zealand, 100 miles south of Wellington.

In Wellington, New Zealand Prime Minister John Marshall said last night he would seek confirmation that the tests had begun but would not send a protest note to France.

"There's no point in wasting more paper and time in telegrams," he said.

The reported blast came after a 10-day effort by New Zealand, Australia and Peru to force a cancellation of the new series of test explosions.

The three countries, joined later by others, initially issued formal complaints against the planned tests at the re-opening of the Disarmament Conference in Geneva, earlier this month.

A series of antinuclear-test demonstrations and bomb attempts against French property followed in Australia and New Zealand.

Australia's Prime Minister, William McMahon, sent a personal message to French President Georges Pompidou to ask for an end to the tests.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. KOCH. Mr. Speaker, today, I am joining in cosponsorsing legislation to provide a "bill of rights" for law enforcement officers. This bill does not provide any special privileges for police officers; it simply affirms the rights they are due as citizens of this country. It is unfortunate that in a nation like ours such a bill is needed; but history has shown all too often that policemen's rights are abridged by local department regulations and procedures. In some communities, policemen are discouraged for participating in politics while off duty and when accused of malfeasance, they are not given the same rights and protections accorded ordinary citizens. Furthermore, an imbalance has evolved because, while we have taken steps to insure the rights of defendants and complainants, we have failed to protect the rights of policemen.

The consequence of this disregard is a deep sense of personal frustration borne by many law enforcement officers. Instead of feeling that they are an integral part of society, too many policemen feel isolated from the rest of the community.

The police in our country have a very difficult role to play in our society and none would question that it is an essential one. Surely the fair execution of the law in a community can be no better than its law enforcement officers.

I believe that the passage of this "law enforcement officers' bill of rights" will go a long way in giving proper accord to the important role our law enforcement officers have in our communities and recognizing that they are entitled to civil rights, too.

Another way to do this is to provide policemen with better pay and fringe benefits. One of the first pieces of legislation I introduced when I first came to Congress in 1969 was the Police Compensation Act to provide a 10-year Federal program to increase policemen's salaries and add more men and women to local police forces. Too many towns and cities are not able to adequately recompense for the sound judgment, emotional maturity, and personal courage required of their policemen. My bill, introduced under the number H.R. 836 during this Congress, would help to correct this deficit by providing $100 million in each of the program's 10 years.

Finally, I would like to call attention to another bill I have introduced, H.R. 13914, that deals specifically with the political rights of municipal employees, including policemen. H.R. 13914 eliminates the limitations against active political participation imposed by the Hatch Act on any employee administering a federally assisted program or receiving any part of his compensation from Federal funds.

Mr. Speaker, each day policemen protect the safety of millions of people, often at great peril to their own lives. The least we can do as a country is to insure their rights as citizens and accord them the respect and remuneration their role in the community demands.

AFRICA AND THE DEMOCRATIC PARTY PLATFORM

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DIGGS. Mr. Speaker, for the first time the Democratic Party platform contains planks on the critical issue of U.S. policy toward Africa, both with respect to the necessity of expanding aid to Africa and to the urgency of a drastic overhaul in U.S. policy toward the liberation of Southern Africa. It clearly recognizes that U.S. complicity with apartheid must be ended.

I would like to include the thoughtful attention to my colleagues, first, the text of the African section of the Democratic platform; second, my press release of June 30 welcoming and commenting on the section on Africa and the Democratic Party platform; third, my testimony at the Democratic Party national platform hearings on Friday, June 23, in Washington; fourth, the testimony before the committee on June 22 of Dr. Herschelle Challenor, Department of Political Science, Brooklyn College of the City University of New York; and fifth, the statement of the American Committee on Africa before the committee on the same day. The Public Printer estimates the material will make 5¼ pages and will cost $892.50.

The material follows:

THE 1972 DEMOCRATIC PLATFORM EXCERPTS: AFRICA

AFRICA.—The central feature of African politics today is the struggle against racism and colonialism in Southern Africa. There should be no mistake about which side we are on. We stand for full political, civil and economic rights for black and other non-white peoples in Southern Africa. We are against white-minority rule. We should not underwrite a return to the interventionism of the past. But we can end United States complicity with such governments.

The focus of America's concern with Africa must be on economic and social development. Economic aid to Africa, without political conditions, should be expanded, and African states assured an adequate share of the aid dollar. Military aid and aid given for military purposes should be sharply reduced.

All military aid to Portugal should be stopped and the Nixon $435 million deal for unneeded Azores bases should be cancelled.

U.N. sanctions against the illegal racist regime in Southern Rhodesia should be supported vigorously, especially as they apply to chrome imports.

The U.S. should give full support to U.N. assertion of its control over Namibia (South West Africa), in accordance with the World Court's ruling.

The U.S. should make clear its opposition to the racial totalitarianism of South Africa. The U.S. government should act firmly to press U.S. businesses in South Africa to take measures for the fullest possible justice for their black employees. Blacks should be assigned at all levels to U.S. offices in South Africa, and throughout Africa. The South African sugar quota should be withdrawn.

No U.S. company or its subsidiary should be given U.S. tax credit for taxes paid to white-minority-ruled countries of Africa.

PRESS RELEASE BY CONGRESSMAN CHARLES C. DIGGS, JR.

WASHINGTON, D.C., June 30.—Congressman Charles C. Diggs, Jr. (D-Mich.) today praised the Democratic Platform Committee for its adoption of what he termed "the first positive platform recommendations in the direction of just and sensible U.S.-African relations."

Referring to the planks in the draft platform which deal with Africa, Congressman Diggs said: "I am pleased by the inclusion of specific recommendations for the reordering of American policy toward the African nations, including:

The end of all military aid to Portugal and the cancellation of the Nixon Azores agreement;

The vigorous support of U.N. sanctions against the illegal racist regime in southern Rhodesia, especially in the area of chrome imports;

The full support of U.N. control over Namibia (southwest Africa) in accordance with the World Court's ruling;

The complete opposition of the U.S. to the racial totalitarianism of South Africa, to be evidenced by pressure from the U.S. government on U.S. businesses in South Africa to ensure justice for their Black employees, and the withdrawal of the South African sugar quota; and

The removal of tax credits to U.S. businesses or their subsidiaries for taxes paid to white minority-ruled countries of Africa.

"For the first time," Diggs continued, "a major political party in the United States has realized the dangers of the short-sighted policies the U.S. has followed with respect to Africa, and has recognized the two critical directions in which American policy toward Africa must move:

1. The end of U.S. complicity with racist, colonialist governments which oppress the non-white peoples of southern Africa; and

2. The expansion of economic aid, without political restrictions, to African nations for economic and social purposes; while at the same time sharply reducing aid for military purposes.

"Past administrations have made strides to achieve an enlightened policy toward Africa. But the policies of the present administration have made a shambles of our efforts.

"The draft of the 1972 Democratic platform recognizes the need to abandon the course the Nixon Administration has set this nation on. Make no mistake—these policy recommendations are only a beginning and not all-embracing. Decisive action on these and other issues in African-American relations are needed. And no matter who sits in the President's chair in November, I will continue to do everything in my power to see that the actions and policies of the U.S. toward Africa conform to the principles of justice and self-determination for all peoples."

STATEMENT BY THE HONORABLE CHARLES C. DIGGS, JR., JUNE 23, 1972

It is a privilege to appear before you today and to present what I believe are some of the vital requirements for a sane foreign policy. I am especially anxious to appear before the Democratic Platform Committee in order to urge upon you the necessity for including certain specific planks on U.S. policy toward Africa in the 1972 party platform. Although the sixties saw some 41 African nations become members of the United Nations and constitute the Organization of African Unity, the Democratic Party Platform did not, either in 1964 or 1968, include a consideration of the new issues which the emergence of Africa has created. The geopolitics of the situation of Africa demonstrates the basis of our concern. Africa is the huge land mass—some 3½ times the size of the continental United States—to the South of Europe and between Asia and the Americas. There are some 300 million people on this continent.

Moreover, the minerals and other primary products of this continent are absolutely essential to the United States industrial society. It is clear that the United States has vital interests in Africa, whether we are speaking of political, economic or strategic interests. The geopolitics of Africa makes clear that U.S. self-interest in itself dictates an enlightened policy toward Africa. And yet, the policy which the present Administration has been pursuing toward Africa can only be characterized as one of disaster. While the African-Americans in this country have suffered under the policies of "benign neglect," the African peoples have seen the Nixon Administration formulate the insidious policies of *malignant neglect* and even nourishing the cancer of racism.

This nation cannot afford such limited and distorted vision. The lack of an adequate program of economic assistance and cooperation with the African nations in the past four years has seriously undermined our earlier position. Moreover, the actions of the present Republican Administration with respect to the liberation of the areas of Africa remaining under colonial and minority rule have impelled the conclusion, at home and abroad, that the United States supports the maintenance of the status quo and the minority rule of Africa.

But, actions by the U.S. that would try to stem the tide of self-determination which I personally witnessed in southern Africa are not only folly—they are useless. Majority rule is coming to South Africa, to Rhodesia, to Nambia, to Angola, Mozambique and Guinea-Bissau; and the United States has no choice but to get on the side of freedom. The geopolitics of Africa means that considerations of justice, human rights and morality aside, our own national security interests require that we support majority rule in Africa.

Even more, with respect to Africa, our foreign policy and domestic interests converge and compel us to redirect our international priorities. Southern Africa holds the frightening, but real, potential for another Vietnam. The same elements of racism, imperialism, and militarism are present, but on a more awful scale. The United States must act to avoid such a racial holocaust. This is why the present policy is so lamentably disastrous. Our business involvement in southern Africa—the direct investment alone exceeds $800 million—not only forms a bulwark for the status quo for apartheid, but also stands as the same kind of "interests" which the U.S. has used in the past to justify military intervention when the liberation struggle heats up—as it most definitely will. When that day comes, the composition of this country with some 25 million African-Americans makes it clear that any such involvement would be suicidal.

Thus, all of our interests—domestic, foreign, strategic, military, economic, and moral—those items essential to the development of a strong, unified America converge on the question of Africa. And only a sane foreign policy can protect those interests.

There are two priorities. One relates to economic cooperation and assistance. The present aid policy whereunder only 10 of 41 countries of Africa receive bilateral aid must be revised for a more comprehensive, more flexible and more meaningful program. We must pursue all avenues of aid—bilateral, multilateral and international programs. For the growing gap between the developed and developing, between the poor and between the affluent, nations presents a danger to us all. The United States should allot one percent of its gross national product for programs of economic cooperation and development; and Africa should share equitably, that is a minimum of 15 percent in these programs. The U.S. should support the African Development Bank.

The other priority is for a complete overhaul in the U.S. policy towards the liberation of southern Africa. The stifling words of hypocrisy must be ended and actions must be initiated which support the legitimate aims of self-determination and majority rule of the peoples in the present white-ruled and colonial areas.

In order to work towards these priority goals, I would like to suggest today certain specific policy recommendations which I believe should be incorporated into the platform of the Democratic Party, if the platform is to address the vital issues with which we are confronted. This presentation will include what I believe are the essential elements for U.S. policy towards Africa. I will draw on the set of some 55 recommendations which I made to the Nixon Administration in December, 1971, as a result of my trip last summer to South Africa and to Guinea-Bissau, one of the so-called Portuguese territories. Point 4 of this Action Manifesto is, I believe, basic:

"That the United States cease its condemnation of the efforts by the majority of the people of these areas to achieve their freedom by the only means available to them, and in reaffirmation of the principles enunciated in the Declaration of Independence—principles which gave birth to the American Revolution and to the United States of America—acknowledge the sacred right of these peoples to use, so long as the recalcitrance of those governments continues, whatever means are necessary to achieve self-determination and to win their freedom."

The population facts of these minority-ruled areas, when added to the increasingly-demonstrated determination of these people to win their freedom, shows the folly of any policy which refuses to recognize their right to do so.

In Rhodesia, where Ian Smith, pursuant to the Unilateral Declaration of Independence, rules in defiance of the legal sovereign, the United Kingdom, and in defiance of the United Nations Security Council, *95% of the population is black.*

In South Africa, the land of apartheid, *82% of the population is not white.*

In Namibia, the international territory formerly mandated to South Africa, which continues its illegal occupation thereof in defiance of the United Nations and the International Court of Justice, *82% of the population is African.*

In Angola, the Portuguese territory, where the liberation forces control large areas east and south of the central plateau, *93% of the population is African.*

In Mozambique, the Portuguese territory, where the liberation forces also control several provinces and operate freely south of the Zambezi River, *96½% of the population is African.*

In Guinea-Bissau, where the Portuguese control only the urban areas, *97½% of the population is African.*

The strike by the Ovambos in Namibia, the opposition by the people of Rhodesia or Zimbabwe to the Heath/Smith Settlement Proposals, and the current upheaval in South Africa itself growing out of the protests of the Black students underscores the determination of the people of these areas to be free. And yet, the Republican Administration has relaxed the arms embargo with South Africa, permitted the sale of troop transport carriers and Bell helicopters to the Portuguese, failed to implement its oral adherence to the International Court of Justice Advisory Opinion that states should refrain from any acts implying recognition of the legality of South Africa's illegal presence in Namibia, and finally, in the words of Senator McGee:

"Must bear the burden and the responsibility for the failure of legislative efforts to turn this country around on the issue of sanctions against Rhodesia."

The Nixon Administration entered into the infamous Azores Agreement with Portugal, continuing our base rights in the Azores *and* agreeing to make available to the Portuguese some $434 million in loans and credit guarantees and other means over the next two years—the enormity of this, almost a half billion dollar commitment to Portugal, can be better realized when we note that Portugal spends almost 50% of its budget to wage colonial wars against the peoples of Angola, Mozambique, and Guinea-Bissau, and that the value of this Agreement to Portugal is equivalent to its military budget for one year.

It is clear, therefore, that the Azores Agreement must be repudiated.

It is clear that the United States contravention of its international legal obligations by the importation of chrome from Rhodesia must be ended, and the United States must once again become a law-abiding member of the international community.

It is clear that United States complicity with apartheid must be ended. Although the policy of exclusion of Black foreign service officers from our Embassy has recently been modified, it is clear that this does not constitute the kind of foreign policy example that the U.S. should provide.

It is clear that the practice of apartheid in our Embassy and Consulates in South Africa and the NASA Tracking Station near Johannesburg must be ended.

In these predominately black areas, it is dangerously short-sighted for the United States to have relations solely with the small ruling white minorities, and it is clear that the United States must in South Africa, as well as in these other areas, establish substantial contacts with the majority.

If the United States is not to become hostage to apartheid, it is clear that effective disincentives to U.S. investment in these areas must be developed.

It is clear that the United States Government must openly and actively take the lead in the effort to end U.S. business exploitation in southern Africa and must pursue all legitimate means, legislative and administrative, to cause and assist United States businesses who continue to stay in South Africa to institute fair employment practices.

It is clear that our acknowledged legal obligations require that the United States Government not grant any privileges or tax credits to companies doing business in Namibia.

Present legislative authority must be exercised to terminate the finanical bonanza to apartheid under the United States sugar quota.

U.S. recognition of the threat to international peace and security posed by the situation in southern Africa requires a commitment once more of strict adherence to the arms embargo against South Africa—and for a decision to enforce the arms embargo with respect to Portugal until Portugal recognizes its obligations under the United Nations Charter with respect to the self-determination of the peoples of Guinea-Bissau, Angola, and Mozambique.

It is clear that our own survival requires that nuclear cooperation with countries such as South Africa, which refuse to sign the Non-Proliferation Treaty must be ended.

The United States must place increased emphasis on cooperation, economic and technical assistance with the majority-ruled states of southern Africa.

In the United Nations, the past 3½ years under a Republican Administration have witnessed a complete reversal of the U.S. position on African issues. In fact, as expressed in my statement of resignation from the U.S. Delegation to the United Nations last December 17, under the Nixon Administration the U.S. Government "while uttering its abhorrence of apartheid, unflaggingly votes in opposition to any attempt to act, rather than orate, with respect to apartheid and the minority regimes of southern

Africa." It is clear that the eroding U.S. position at the United Nations on Africa, as well as other issues must be reversed.

A Special Task Force on Africa should be created composed of recognized experts, public and private, on Africa, and charged with the function of formulating comprehensive recommendations for implementing a sound U.S. policy towards Africa.

In conclusion, I would stress that any consideration of United States policy on vital issues confronting our nation today must include United States policy towards Africa, that the present policy towards Africa is not only a reproach to the principles on which this country was founded, it carries with it the seeds of internal and international chaos. Moreover, this national interest is reenforced by partisan political considerations. The constituency for Africa is growing apace. In fact, I believe a phenomenal expansion in this constituency is taking place. This was shown by the inclusion by the Congressional Black Caucus in its initial presentation to the President in March, 1971 of specific planks on Africa. This was shown in the unprecedented gathering of concerned Black Americans in the African-American National Conference on Africa held at Howard University on the occasion of African Liberation Day. This was shown by the thousands who marched on African Liberation Day to witness the solidarity of African-Americans with the cause of African liberation. And, so I urge most strongly that the Democratic Party must delineate certain basic principles on U.S. policy towards Africa as part of its 1972 Platform, and as a covenant of its commitment towards a more just America and international peace and security.

TESTIMONY BY DR. HERSCHELLE CHALLENOR, AFRICAN HERITAGE STUDIES ASSOCIATION

The problems of the seventies and subsequent decades will be the coincidence of the color line with the poverty line. This North-South split between the rich nations and poor nations is replacing the East-West tension that dominated international politics in the past. The existence of an East-West detente appears evident after the Moscow accords and President Nixon's earlier statement in his 1972 foreign policy message, when he acknowledged that—

"Our alliances are no longer addressed primarily to the containment of the Soviet Union and chained behind an American shield. They are instead addressed to the creation with the powers of a stable world peace."

The Democratic Party must realize that a generation of status quo peace can bring no lasting stability. That America does not need a "new isolationism" but a more just basis for involvement, one that reflects not only America's traditional ideals, but also the realities of the post cold war era.

United States self encapsulation is neither possible nor desirable. Assuming that the Democratic Party is concerned about peace, it has a responsibility to clarify for the American public those factors and conditions that may threaten international peace and security in the years ahead. The recent fundamental changes in the world order—the end of empire, nuclear stalemate and the related detente and rehabilitation of the People's Republic of China and the successful reconstruction of Japan, and Europe—have tended to change both the arena and the basis for conflict. Most armed confrontations since 1950 have involved internal wars in Third World countries as opposed to clear acts of aggression in Europe. In Africa and Asia these conflicts usually reflect remnants of a colonial past: a quest for self-determination, poverty, artificial boundaries and internal political fragmentation. We are entering a period whereby European direct political control over weak states is being replaced by economic clientship relations between industrialized and less developed countries.

The Democratic party should capitalize upon this East-West era of good feelings to attack those problems of poverty that threaten the stability of the future. Kissinger and Nixon through secret bilateral great power diplomacy have sought to restore a world that no longer exists. While appreciating the traditional ties existing between the United States and its NATO allies, America must begin to look beyond Europe. It must eschew all notions of "no growth" models and demonstrate as much concern about the environmental pollution that results from underdevelopment as from industrialization. While it maintains military superiority, United States national honor requires that the richest nation must not be among the most parsimonious in its contributions to the development of the Third World.

UNITED STATES POLICY TOWARD AFRICA

Historically United States policy toward Africa, particularly during the present administration, has been one of malign neglect clouded with moral hyperbolism and sophistry. The United States still perpetuates the myth that Africa is of no strategic importance. Such an assertion has been possible because this country did not consider those littoral states with which it has maintained special relations—South Africa, Tunisia, Morocco, Ethiopia and Libya—to be part of Africa. Future governments must reassess the African continent's relationshp to the US national interest, because the world of 1972 is vastly different from that of 1960 when the Democrats last arrested power from the Republican Party.

United States foreign policy must be adjusted to new international and domestic realities. Three major factors call for a policy reassessment. First, as a result of the changing political complexion of the international community, African peoples account for about one third of the world's sovereign nations (42 African and 4 Caribbean out of 135 United Nations member states). Secondly, the impact of Japanese and European competition with the United States in international trade requires a greater American economic effort in Africa. British membership in an expanded European Economic Community will probably result in a contraction of markets for US exports in Africa. The common market will probably extend the preferential trade and investment arrangements EEC members enjoy with the 18 African associated states to include all of north and tropical Africa and part of the Caribbean. This spectre of an autarkic Eur-African community is particularly forboding in light of US future energy requirements. By 1985 it is estimated that this country will have to import 50% of the oil it requires for domestic use as its consumption increases from 16 million to 26 million barrels a day. (*New York Times*, 5/22/72) In view of the political complexities of assuring a constant oil supply from the Middle East, African oil may serve as a complementary source of supply. In addition Africa contains much of the world's uranium reserves. In its quest to make nuclear power economical, the US may find itself in competition with Europe not only over the cheapest method of enriching uranium, but also over access to African uranium fields as well.

Most significantly, the increased political participation of Blacks resulting from the Civil Rights Act of 1965, coupled with their heightened concern about political and economic development on the African continent, may make Africa a factor in domestic politics. Last month, slightly more than ten years after the dramatic, but isolated, Black nationalist disruption in the United Nations gallery after the killing of Patrice Lumumba in 1961, 20,000 Blacks marched in Washington to demonstrate their support of majority rule in Southern Africa. This demonstration followed three other important events: the dominant role accorded African issues in the foreign policy section of the Gary Black Political Convention Platform, the sending of a letter signed by former Black Ambassadors and other State Department officials to the President protesting US policy toward Africa; and the convening of two Black policy conferences on Africa: the first organized in Puerto Rico by academics and other professionals and the second by the Black Congressional Caucus. These events transmit political messages that should not be ignored.

African political empowerment south of the Zambezi and economic dependence throughout the African continent are the major foreign policy issues facing Africa today. Under the Republican administration, we have witnessed a steady deterioration of the progressive leadership inaugurated during the Kennedy era. The Democratic record is not spotless however. While President Nixon did not arrange a mutually convenient time to discuss Southern Africa with President Kenneth Kaunda in 1970, President Johnson launched the Kisangni (Stanleyville) paradrop after refusing to meet with the official delegation from the Organization of African Unity Commission on the Congo in 1964.

SOUTHERN AFRICA

The Democratic platform must reverse the present policy that accords verbal and material support to Southern Rhodesia, Portugal and South Africa. The passage of the Byrd Amendment and the Senate's failure to rescind this authorization to import Rhodesian chrome flies in the face of the policy to expand trade with the Soviet Union. Importing Rhodesian chrome, in violation of mandatory treaty obligations imposed under Article 43 of the UN Charter is particularly unnecessary, since the US has sufficient chrome to meet its defense requirements for the next forty years (Senator Kennedy, *Congressional Record*, May 31, 1972).

The symbolic importance of this legislative act bears a frightening resemblance to the impact of the American Congress' passage of a Neutrality Resolution and refusal to apply "meaningful sanctions" against Italy during the Abyssinian affair of 1935. Then, according to the *New York Times* of August 26, 1935, the Neutrality Resolution, "disappointed and even discouraged many here [London] who hoped for United States cooperation in compelling the truculent to keep the peace . . . it must have justified doubt in these circles of European government as to the wisdom or significance of such punitive action."

The Azores base agreement and the accompanying aid package markedly enhance Portugal's ability to wage war against Africans seeking self-determination in Angola, Mozambique and Guinea-Bissau. This $434 million aid agreement is more than the United States foreign assistance program for the entire continent of Africa in the past two years ($176.1 million in FY 1971 and $163.1 million in FY 1972). America cannot continue to blindly support its NATO allies in their colonial ventures in Africa, but must develop an independent policy toward the states of Africa. Indeed, it appears that NATO partners either through investment, trade or sale of arms have adopted a tacit policy of containing majority rule north of the Zambezi.

Privately the United States has justified its unwillingness to take concrete action against South Africa because of the increased naval presence in the Indian Ocean. By portraying itself as a democratic bastion against communism and a haven for safe profitable investment, South Africa has enlisted the staunch support of important groups in this country. However, the recent South African government reaction to Afrikaaner and other European student protest *against* apartheid raise questions about the democratic nature of the regimen and the acceptibility of its policies to future leaders in the white communities.

The present American policy of increased dialogue with South Africa and peaceful change, reflecting the positions of such men as C. B. Marshall, Dean Acheson and George Kennan, is either naive or disingenous. Clearly the dialogue the UN has maintained with South Africa since 1948 has not brought about an enlightened relationship with Namibia. Despite the International Court of Justice opinion of 1970 declaring South Africa's continued presence in Namibia illegal and subsequent General Assembly resolutions placing that territory under de jure UN administration, South Africa has refused to withdraw from its former Mandate. In May of 1970, the United States responded to these events by discouraging further investment in Namibia and preventing future Export-Import Bank assistance to that country. This policy, which would be similar to using sanctions against Czechoslovakia in 1939 because it was invaded by Germany, punishes the victim and not the perpetrator of annexation in the long run.

Americans must realize that their long run economic and political interests dictate that they support the majority of African states and not South Africa. For this reason, Black Americans can accept nothing less than an unequivocal commitment to majority rule throughout Southern Africa. The US cannot put the cold war on ice in certain areas of the world and justify support of the racist reactionary regimes of Voster, Smith and Caetano in terms of East-West tensions.

AID, TRADE, AND INVESTMENT POLICIES

United States over-optimism in the 1960's about the chances for rapid economic development in Africa must not be replaced with over-pessimism in the seventies. This country's attitudes, policies and economic health frequently is determinitive. It is the largest market for exports from the less developed countries (23.4% 1968/69) and the largest aid donor in absolute terms contributing about 40% of total financial flows to developing countries in 1969. President Nixon's new economic program of August 1971 culminated a period beginning around 1965 when declining magnitudes of aid, hardening aid terms and creeping protectionism became increasingly more evident.[1] This drying up of resources available to African states occurred at a time when they face heavy debt service burdens. One estimate places the outstanding external debt in Africa at $9 billion in 1970 up from $6 billion in 1965. Debt repayment amounted to approximately $844 million in 1971, or about 42% of the total aid flows of $2 billion into Africa. (B. Kitchen, Speech in Chicago, 2/10/72).

Sixteen of the twenty-five least developed countries in the world are located in Africa. Nevertheless, the United States provided bilateral assistance to only eleven countries,[2] none of which were among the least developed, last year. The total aid program to all African states in FY 1972 amounted to $173.2 million, somewhat less than the $200 million.

Since most African countries earn most of their foreign reserves from one export commodities, they are particularly sensitive to deterioration in their terms of trade. Although African exports have steadily increased as a result of lower world market prices and the higher prices they must pay for manufactured goods, because of inflation in the West, they face severe trade imbalances and depletion of their foreign reserves. For example the world price of copper fell from $1700 per ton to approximately $900 a ton last year, thereby creating serious economic difficulties for Zambia, and to a lesser extent, Zaire.

Increased trade offers a more acceptable means of economic development than aid, consequently the United States should take measures to expand markets available to African exports and support price stabilization programs and international commodity agreements for cocoa and vegetable oils.

PLATFORM RECOMMENDATIONS

Southern Africa

1. We endorse Congressman Charles Diggs, Jr. proposals on Southern Africa presented to the Congress and reported in the Congressional Record January 18, 1972.

2. Following the precedent set by the Scandinavian countries and Holland, the United States should provide direct humanitarian assistance to the Organization of African Unity Liberation Fund.

3. U.S. should abrogate the terms of the Azores base agreement and stop all Ex-Im Bank assistance to Portugal and South Africa.

4. Rescind the Byrd amendment and support the continuation of economic sanctions against Southern Rhodesia within the United Nations.

5. Extend the punitive economic measures imposed against Namibia May 1970 against the Republic of South Africa itself.

6. Provide security assistance, if requested, to those African countries such as Zambia, Tanzania, Guinea and Senegal who have suffered military incursions into their territory by either Portuguese, Rhodesian or South African forces.

7. Relocate U.S. NASA facilities presently in South Africa and stop all cooperative nuclear research with that country.

8. Institute an assistance program of relief for Southern African refugees resident in the United States and facilitate visa arrangements for such persons.

9. Support action under Chapter 7 of the UN Charter to end South Africa's illegal occupation of Namibia.

10. In view of the fact that the African nationalists under the PAIGC of Amilcar Cabral exert effective control over two-thirds of the territory of Guinea-Bissau, a fact confirmed by a visiting UN mission, the U.S. should recognize the PAIGC leadership structure as the legitimate government of that country.

UNITED STATES POLICY IN SOUTHERN AFRICA

A statement submitted to the Democratic Party National Platform Hearings at the City University of New York, June 22, 1972.

AMERICAN COMMITTEE ON AFRICA,
New York, N.Y.

United States policy towards southern African must become a major issue in the 1972 campaign.

Everywhere in southern Africa people are in revolt against the conditions under which they live: 35 million Africans in South Africa, Namibia (South West Africa), Zimbabwe (Rhodesia), Angola, Mozambique, and Guinea-Bissau are oppressed by a white minority of 5 million. They are denied the most basic human right to live in their own homes with their families; to have a voice in their conditions of work and wages; to equal training, educational, and vocational opportunities; to freedom of person, speech, and press; and to participation in the government that rules them.

In Angola, Guinea-Bissau, and Mozambique, the African liberation forces now control large areas of their countries, while they face some 150,000 Portuguese troops backed by NATO training and supplies.

In Namibia, despite the illegal South African police-state rule, a general strike of African contract workers and a nation-wide protest organized by African leaders have demanded an end to South African occupation and independence for a united Namibia, as well as world action to match world promises of independence.

In Zimbabwe Africans have united, defying bannings, arrests, and death to say "NO" to British-Rhodesian settlement terms which would keep the white minority in control indefinitely.

In South Africa, continuous political trials reveal that opposition cannot be crushed by the *apartheid* system and government terror.

In the face of this growing African struggle, United States policy has led towards increasing support for the colonial and racist regimes of southern Africa.

THE UNITED STATES AND THE PORTUGUESE EMPIRE

Most recently, the United States has extended $435 million in grants, waivers and credits to Portugal in return for the use of bases in the Azores, propping up the Portuguese economy strained by three colonial wars. Previously, the United States had authorized the sale of Boeing 707's and 747's to Portugal to be used for troop transport, as well as Bell helicopters for use in Mozambique. The United States sends $2.4 million in direct military aid to Portugal each year, and both directly and through NATO the United States provides training for Portuguese forces and exchange of military missions and information, including counter-insurgency strategy. With government sanction, the Gulf Oil Corporation, operating in Angola, contributes $30 million (annually) to Portugal's budget and the United States remains Angola's best customer for coffee.

We call for:

An end to the U.S.-Portugal military alliance and U.S. withdrawal from the Azores bases;

An end to Portuguese membership in NATO;

Discouragement of U.S. investment in Portuguese-held territory, including no tax credits or loan guarantees;

Technical and economic assistance and political support for the liberation movements in Angola, Mozambique, and Guinea-Bissau;

Support for the anti-colonial strategy of the United Nations.

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[1] In 1961, 80% of all US aid was repayable in local currency, now all is repayable in dollars; interest rates increased from ¾% in 1961 to 7% today; US moved from 8th position in 1964 to 11th position in 1968 with respect to the grant portion of its aid among DAC members. At least 90% of Australian, Belgian, Canadian and Scandinavian aid is grant aid.

[2] Ethiopia, Ghana, Kenya, Liberia, Morocco, Nigeria, Somalia, Tanzania, Uganda, Zaire.

THE UNITED STATES AND THE SELL-OUT OF ZIMBABWE—RHODESIA

The United States at first supported the economic sanctions against the illegal minority regime in Rhodesia imposed by the United Nations at the request of Britain. By 1971, sanctions had weakened the Rhodesian economy to the extent that the regime reopened negotiations with Britain. At this crucial point Congress, by passing the Byrd Amendment which allowed the importation of chrome and other so-called strategic materials from Rhodesia, effectively ended U.S. implementation of sanctions.

Thus, as the people of Zimbabwe organized to reject the British-Rhodesian settlement, the U.S. joined Portugal and South Africa as the only open violators of the U.N. sanctions and lined up with Rhodesia's ruling racists.

We call for:

Re-imposition of the U.N. sanctions so long as the white minority rules;

Assistance to the U.N. to aid in enforcing the embargo;

No support for a British sell-out; no independence before majority rule;

Aid to the African majority in their struggle for independence.

THE UNITED STATES AND THE INDEPENDENCE OF NAMIBIA

The United States has stated that it accepts the opinion of the International Court of Justice (June, 1971) that South Africa holds Namibia illegally and that states have a duty to refrain from actions that help South Africa maintain illegal control. But U.S. actions have been limited to a warning that new U.S. investments in Namibia would not be protected against the claims of a future government. This did not help strikers at U.S.-owned Tsumeb, largest basemineral mine in the territory, who were subjected to severe police repression, nor has it stopped the flow of new U.S. capital to Namibia.

We call for:

Action by the United States to back its verbal support for the International Court and for the principal of self-determination;

Support for immediate independence for an undivided Namibia;

Support for the U.N. Council for Namibia as a transitional authority;

Discouragement of U.S. corporate activity in Namibia through refusal of tax credits on money paid to South Africa; disavowal of claims and franchises made by South Africa; rejection of South African goods at customs;

Aid to Namibians to prepare for independence through educational training, including immigration permits when necessary;

Material and political support for strikers and other Namibians organizing against South African rule.

THE UNITED STATES AND THE STABILITY OF APARTHEID

Despite U.S. condemnation of *apartheid*, practical support for the South African regime has grown more open under the Nixon Administration.

Licenses were granted in 1971 for the sale of easily convertible light aircraft and helicopters, primary weapons of anti-guerrilla warfare. About $3 million annually in military spare parts goes to South Africa. Beyond this, some 300 corporations continue to strengthen the South African economy by their participation and know-how, exacting profit rates of 15–25%.

The U.S. favors South Africa by including it in the sugar import quota system, thus providing a subsidy of about $5 million a year; it has assisted via close scientific ties in South Africa's all-white atomic energy program; it operates three NASA tracking stations, thus providing critical technological know-how.

The U.S. is giving de facto support to the minority regime by insisting that violence is not acceptable as a method of change in South Africa while it accepts violence as a means of maintaining ruthless racist power. The U.S. call for "communication" to promote change carries the false implication that the destiny of the African majority can be determined by increasing dialogue between white U.S. officials and white South African despots.

We call for an end to U.S. partnership in *apartheid:*

An end to all government support for the *apartheid* state and economy;

Discouragement of private investment and other relationships with South Africa;

Support for the anti-*apartheid* policies of the United Nations;

Material and political support for the liberation forces.

NEUTRALITY IN SOUTHERN AFRICA?

The United States is not neutral in southern Africa. Its economic and political power, and increasingly its military power, is alined with the oppressive status-quo.

The U.S. must withdraw military forces, evacuate military bases, and end the policy of military support for the minority regimes.

The U.S. must withdraw all other support it gives to the oppressive and racist regimes of southern Africa.

The Congressional Black Caucus has given leadership in the ways that Congress can act to change U.S. policy in southern Africa. We support the demands of the Black Caucus in relation to U.S. policy in Africa, as set out in the Black Bill of Rights, 1972. Representatives Diggs and Dellums have initiated legislative action to check U.S. corporate operations in southern Africa. They need an Administration that will support anti-racist action, not oppose it.

Every candidate for office in 1972 must be measured by this policy.

H. H. MORRIS RETIRES AS POSTMASTER OF THE HOUSE OF REPRESENTATIVES

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STUBBLEFIELD. Mr. Speaker, Mr. H. H. "Hap" Morris retires on June 30 as Postmaster of the House of Representatives; and while all of us wish him a well-earned and happy life in his native Kentucky, we also want him to know that he will be missed on the Hill.

"Hap" Morris arrived on the Hill in 1932—as an assistant to the late Representative Virgil Chapman, and he was elected Postmaster in January 1955. All during those long years, those of us who have served in the House have known the dedicated, efficient, and—above all—happy service rendered by H. H. Morris. I do not know exactly at what point in time the name "Hap" became a part of the man, but I do know that it is a most fitting name and an apt description for a public servant who has served long and with honor.

We wish you a long and happy retirement "Hap"—we, in Kentucky, consider you one of our own, and you have earned the respect and admiration of the entire House.

FOR HIGHWAYS IN 1 DAY—$4.4 BILLION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. KOCH. Mr. Speaker, despite the continued pressures of inflation, Transportation Secretary John A. Volpe has announced that the full highway authorization for fiscal year 1973, $4.4 billion, will be released to the States tomorrow, July 1. This is a departure from the customary procedure of releasing highway funds on a quarterly basis.

The reason advanced by Secretary Volpe for releasing the entire authorization on the very first day of the fiscal year is "in order that national goals set for the Federal-aid highway program by President Nixon may be achieved."

The Secretary, in a Department press release, went on to explain that the action "is in line with the President's repeated emphasis on improving the Nation's total transportation capacity as rapidly as possible within necessary fiscal restraints."

It would appear that when it comes to the highway program, particularly in an election year, the fiscal restraints are few; $4.4 billion can be unloaded in 1 day despite what inflationary impact it might have on the construction industry and the rest of the economy. On the other hand, when it comes to mass transit, whose appropriations have never been more than a fifth of that of highways, fiscal considerations become very important. It should be noted that the Secretary's announcement comes at the heels of a year in which the Office of Management and Budget felt compelled to freeze one-third of the Urban Mass Transportation Administration's funds. For fiscal year 1972, the Congress authorized $900 million for expenditure on mass transit programs; not only were these funds not all released at the beginning of the fiscal year, but also the administration announced early this year that spending would be limited to $600 million. Some $4.8 billion in Federal funds were spent on highways, however.

Secretary Volpe spoke of the President's "repeated emphasis on improving the Nation's total transportation capacity." Regrettably, this special step taken in the interest of highway construction confirms once again where the President's emphasis on improving "the Nation's total transportation" lies—in highways. I would submit, however, that if we are to meet the transportation crisis of our country, we need to shift this emphasis. For too long we have neglected mass transit in favor of highways; as a consequence our cities are mired down in traffic congestion. This mobility crisis is not going to be solved by more highways—it will be solved by the development of efficient mass transportation systems. If indeed we are to improve the Nation's total transportation, we must at this point give special attention to public transportation to compensate for our past neglect.

WHAT NEXT AT THE WHITE HOUSE?

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. SKUBITZ. Mr. Speaker, Kansas has been and is by most measuring sticks a Republican State. It is a rare circumstance when it does not support a Republican presidential candidate. It is an even rarer circumstance when its organs of public opinion, and particularly its newspapers, find fault with Republican policies, programs, and partisans.

So it is with some concern that I read an editorial in the El Dorado Times of June 24, 1972, questioning these matters. The Times' editor and publisher, Mr. Rolla Clymer, is a distinguished gentleman of the old school. He is regarded in our State as perhaps the sagest political analyst in Kansas, and his observations are widely quoted and reprinted.

I include his editorial, "What Next?" to be printed in the CONGRESSIONAL RECORD with the hope and purpose that in some manner it will escape the preliminary censorship of the guardians at the White House, and be read by another sage politician who is the real inhabitant of that edifice. It might suggest to him that some changes are in order for the good of the party and the country.

The editorial follows:

WHAT NEXT?

We keep wondering just what else can plague and embarrass the Nixon administration in an election year.

With a fair chance to be returned to office by the electorate in the November election, it seems that some setback springs up against the party in power almost every day.

For example, when Aide John D. Ehrlichman was asked why the President no longer holds press conferences, he replied it was because of the "flabby and fairly dumb questions" he is asked by the newspaper fellows. This was no sort of an answer to a fair question by the press. We publish a small daily out here in Kansas, and would like to know just why the press conferences have been abandoned. Some of the hirelings around the President seem to have grown too high and mighty for their britches.

Then there is the latest episode of the so-called director of security of the Committee to Re-elect the President who was caught, with four companions, early in the morning in the headquarters of the Democratic National Committee in Washington. Details of the sordid affair have been scarce, but it looks upon its face that the quintet was in the enemy's command post for no good purpose. The Democrats, of course, are playing up the matter in order to gain all the political benefit possible out of the sorry happening. A suit for one million dollars has been filed against the Republicans by Democrat high officials.

It is inconceivable that the President or John Mitchell, head of the organization to re-elect Mr. Nixon, should have had any official connection with this silly, strong-arm raid. Yet the incident smells badly and attaches a stigma to the Republican party it should never have been caused to suffer.

Maybe the men around the President have become too arrogant and over-bearing. Viewing them from our little post out here in Kansas, we urge them to walk a bit more humbly and sensibly, at least during the campaign weeks.

It wouldn't be too difficult for the Nixon apple cart to be overturned.

LABOR FOR PEACE CALLS FOR IMMEDIATE WITHDRAWAL FROM INDOCHINA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. RYAN. Mr. Speaker, on June 23 and 24, 985 delegates from 35 international unions from 31 States convened at a conference called by Labor for Peace, in St. Louis, Mo. Their purpose was to consider ways and means of ending the tragic conflict in Southeast Asia.

The delegates adopted a compelling statement of policy calling for the "immediate withdrawal from Indochina of every American soldier, every gun, every plane, every tank, every warship, and every dollar."

I think there could be no more clearcut statement than this. We have, as the Labor for Peace statement of policy says, "exacted an intolerable toll" in waging this war. An immediate end to the war is essential, so that we can begin to rebuild America, and so that we can signal a halt to the death and destruction which still hold sway in Asia.

The delegates to the Labor for Peace conference have issued a demand which simply cannot be ignored. I offer my gratitude to them for their affirmation of peace, and I urge my colleagues to answer their call for peace by ending this war.

Following is the state of policy of Labor for Peace, and a list of the members of the steering committee of Labor for Peace:

LABOR FOR PEACE STATEMENT OF POLICY

We, some 1,000 representatives of organized labor, who count in our ranks millions of members, have been brought together in St. Louis, Missouri out of our common concern and a sense of frustration and anger over the failure of our government to end the war in Vietnam.

We hold these facts to be self-evident:

It is self-evident that this nightmare of killing and destruction has gone on far too long, and that this war is illegal and not in our national interest.

It is self-evident that this war has exacted an intolerable toll in the division among our people, in the alienation of our youth, the blighting of our cities and the distortion of our national priorities—and that it has triggered unprecedented strife, racism and violence.

It is self-evident that this war has undermined the economy of our country, lengthened the rolls of the unemployed and placed greater hardships on the backs of the working poor. It has created tremendous inflationary pressures, increased our tax burdens, and robbed working people of the value of their paychecks. Wage controls have made a mockery of collective bargaining and threaten to become a permanent straitjacket on the labor movement.

It is self-evident that this war has severely tarnished the good name and moral leadership of our country in the arena of world opinion.

And finally,

It is self-evident that the overwhelming majority of Americans agree that this war is not worth one more life, one more prisoner, one more hard-earned tax dollar, or one more devastated city whether here or in Indo-China.

We are therefore resolved that the voice of American labor, which has been raised in every struggle for justice and decency in our nation's history, shall not remain silent during this critical period. As men and women of labor, who treasure our country's heritage and future, we proclaim our responsibility to harness every effort to end the war NOW.

We demand the immediate withdrawal from Indochina of every American soldier, every gun, every plane, every tank, every warship and every dollar. This would end the fighting and bring about the return of our prisoners of war. It would also free our energies and our resources for the tremendous task of repairing the ravages of this war, both in Vietnam and in our own land.

We accept our responsibility for the crucial task of reconverting to an economy of peace. Our swords must be converted into ploughshares—our immense industrial technology must be directed into peaceful, constructive channels—our people must be put to work to fulfill the pressing social and economic needs of our nation.

To achieve this goal, and to insure that there will be no more Vietnams, we here today establish Labor For Peace as a national organization. We declare our intention to bring into our midst ever-broader sections of the trade union movement in this effort to turn our country from the path of killing and destruction to the path of life, liberty and the pursuit of happiness through peace, dignity and full employment.

We dedicate ourselves to this purpose in the interests of American labor and the human family.

Adopted June 24, 1972.

STEERING COMMITTEE, LABOR FOR PEACE

Mario Abreu, Vice President, District 65, Distributive Workers of America.

Ken Bannon, Vice-President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Joseph Belsky, President, Amalgamated Meat Cutters & Butcher Workmen of North America (AFL-CIO).

Irv Bluestone, Vice-President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Harry Bridges, President, International Longshoremen's & Warehousemen's Union.

Ken J. Brown, President, Lithographers and Photoengravers, International Union (AFL-CIO).

Clifton Caldwell, Vice-President, Amalgamated Meat Cutters & Butcher Workmen of North America (AFL-CIO).

Cesar Chavez, President, United Farm Workers of America (AFL-CIO).

Gerald R. Coleman, Executive Secretary, United Hatters, Cap & Millinery Workers International Union (AFL-CIO).

Leon J. Davis, President, National Union of Hospital & Nursing Home Employees, RWDSU (AFL-CIO).

Fileno De Novellis, Vice President, United Shoe Workers of America (AFL-CIO).

Jack Edwards, Vice President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Abe Feinglass, Vice-President, Amalgamated Meat Cutters & Butcher Workmen of North America (AFL-CIO).

Murray Finley, Vice President, Amalgamated Clothing Workers of America (AFL-CIO).

Albert Fitzgerald, President, United Electrical, Radio & Machine Workers of America.

Moe Foner, Executive Secretary, National Union of Hospital & Nursing Home Employees, RWDSU (AFL-CIO).

Doug Fraser, Vice President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Fred Fulford, President, United Furniture Workers of America (AFL-CIO).

Harold Gibbons, Vice President, International Brotherhood of Teamsters, Director, Central Conference of Teamsters.

Louis Goldblatt, Secretary-Treasurer, International Longshoremen's & Warehousemen's Union.

Patrick E. Gorman, Secretary-Treasurer, Amalgamated Meat Cutters & Butcher Workmen of North America (AFL-CIO).

Victor Gotbaum, Vice President, American Federation of State, County & Municipal Employees; President, District Council 37.

Pat Greathouse, Vice President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Charles Hayes, Vice President, Amalgamated Meat Cutters & Butcher Workmen of North America (AFL-CIO).

Ralph Helstein, Vice President, Amalgamated Meat Cutters & Butcher Workmen of North America (AFL-CIO).

Dolores Huerta, Vice President, United Farm Workers of America (AFL-CIO).

David Livingston, Secretary-Treasurer, Distributive Workers of America.

William Lucy, Secretary-Treasurer, American Federation of State, County and Municipal Employees (AFL-CIO).

Olga Madar, Vice-President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

James Matles, Secretary-Treasurer, United Electrical, Radio & Machine Workers of America.

Emil Mazey, Secretary-Treasurer, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Anthony Mazzocchi, Legislative Director, Oil, Chemical & Atomic Workers International Union (AFL-CIO).

William Michelson, Vice-President, Retail, Wholesale, & Department Store Employees Union (AFL-CIO).

Einar O. Mohn, Vice President, International Brotherhood of Teamsters: Director, Western Conf. of Teamsters.

Cleveland Robinson, President, Distributive Workers of America.

Frank Rosenblum, Secretary-Treasurer, Amalgamated Clothing Workers of America (AFL-CIO).

Frank Salomone, Vice President; Journeymen Barbers, Hairdressers, Cosmetologists and Proprietors International Union of America (AFL-CIO).

Jack Scheinkman, Vice President, Amalgamated Clothing Workers of America (AFL-CIO).

William Simons, Vice President, American Federation of Teachers, (AFL-CIO).

Donald W. Stone, Recording & Financial Secretary, Lithographers & Photoengravers International Union (AFL-CIO).

Leon Sverdlove, President, International Jewelry Workers Union (AFL-CIO).

Doris Turner, Vice President, National Union of Hospital & Nursing Home Employees, RWDSU (AFL-CIO).

Tom Turner, President, Wayne County, AFL-CIO (Michigan).

Myra K. Wolfgang, Vice President, Hotel & Restaurant Employees International Union (AFL-CIO).

Leonard Woodcock, President, United Automobile, Aerospace, Agricultural Implement Workers of America (UAW).

Jerry Wurf, President, International American Federation of State, County and Municipal Employees (AFL-CIO).

AIR VETERAN OF THREE TOURS IN VIETNAM IS HONORED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. DULSKI. Mr. Speaker, there are many applicants for appointment to the service academies. Candidates often have to pursue other studies before they receive selection.

Such was the case with a young man in my district whom I had the honor to appoint to the U.S. Air Force Academy several years ago. He had to wait 3 years for his acceptance.

Since graduating and being commissioned, Norbert J. Ostrozny, of Lackawanna, N.Y., has served his country well, recently being awarded the Distinguished Flying Cross for service in Vietnam.

Captain Ostrozny is on his third tour of duty in Vietnam, now serving as a B-52 airborne commander.

To me, one of the great privileges and pleasures of being a Member of Congress is to be able to watch the progress of service academy nominees. The service academies are tough, as they should be, and not every nominee makes the long haul.

Mr. Speaker, I am very pleased at the fine record of Captain Ostrozny and the honor he has received. As part of my remarks, I include an article from the June 29 issue of the Buffalo Evening News:

AIR FORCE AWARDS DISTINGUISHED FLYING CROSS TO LACKAWANNA CAPTAIN

A Lackawannan who waited three years for an Air Force Academy appointment was recently awarded the Distinguished Flying Cross at Dyess Air Force Base, Abilene, Tex.

Capt. Norbert J. Ostrozny of 88 Center St., an Air Force Academy nominee for five years before he received an appointment was decorated for "extraordinary achievement while participating in aerial flight as a C-47 pilot near Dak-To, Vietnam."

The accompanying citation stated that Capt. Ostrozny flew—at low level and under marginal weather conditions—a 2-hour night psychological mission over enemy territory under constant threat of ground fire.

"His courage and dedication displayed in the face of known hazards, contributed immeasureably to the success of the defense mission," the citation concluded.

In 1959, after graduating from Canisius High School, Capt. Ostrozny enrolled in the State University of Buffalo where he participated in the Air Force ROTC program.

He studied there for three years until Rep. Thaddeus J. Dulski (D. Buffalo, 41st District) appointed him to the Air Force Academy in Colorado Springs, Colo.

Capt. Ostrozny is serving his third tour of duty in Vietnam as a B-52 airborne commander. He has flown over 370 combat missions and earned 11 Air Medals. His parents are Mr. and Mrs. Joseph Ostrozny.

EQUAL RATE STRUCTURE

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, June 30, 1972

Mr. METCALF. Mr. President, our tax structure, though termed progressive, is proportionate. The relative tax burden of Americans whose incomes range from $2,000 to $25,000 a year varies only from 25.6 percent at the $2,000 level to 31.1 percent at the $25,000 level, according to Sterling Soderlind's informative article in the May 9 Wall Street Journal.

However, utility rate structure is not even proportionate. It is regressive. The poor pay more.

Utility rate structure varies from State to State. But typically a poor person who does not use much electricity, who does not care whether his line is underground or above ground, who lives in a congested area where cost of service is low, pays three times as much per kilowatt-hour as an industry which is creating both pollution and energy supply problems. And the poor person typically pays twice as much as the air-conditioned suburban homeowner who is demanding underground lines.

I am pleased to note that in some regulatory jurisdictions, including Michigan, Virginia, and the District of Columbia, public interest and low-income groups are at last making the case for an equal rate structure. Probably even an equal rate structure contains an element of subsidy of the affluent by the poor. But an equal utility rate structure would at least mitigate one of the most flagrant examples of regressive pricing of essential services.

By having prices more nearly reflect cost of service, it is possible to curb waste of our dwindling energy resources while providing a fairer method of payment for low-income persons.

Recently I asked the Federal Power Commission to furnish me with the average cost of electricity per kilowatt-hour, according to use category, for the major investor-owned utilities. This study shows that, on the average, the costs per kilowatt-hour are as follows:

Residential, 2.22 cents.
Commercial, 2.08 cents.
Industrial, 1.02 cents.
Overall, 1.67 cents.

What the table does not show is the high cost per kilowatt-hour, under the prevailing block rate system, for the low-use—often low-income—residential user, whose monthly consumption may amount only to 250 or 300 kilowatt-hours, and which he pays for, typically, at a rate of 3 cents per kilowatt-hour or more.

Mr. President, I believe that the FPC tabulation can be most useful to State utility commissioners, who establish retail rates, and to parties in rate cases. Therefore, I insert the table at this point in the RECORD:

FEDERAL POWER COMMISSION—AVERAGE COST PER KILOWATT-HOUR 1970 CLASS A AND B UTILITIES, BY CLASS OF SERVICE

[Cents per kilowatt-hour]

Utility name	Residential	Commercial	Industrial	Overall sales
Alabama Power Co	1.7020	1.7336	0.8260	1.2681
Southern Electric Generating Co				
Alaska Electric Light & Power Co	3.7313		4.2371	4.0235
Arizona Public Service Co	2.3410	2.0114	1.2416	1.8771
Citizens Utilities Co	2.7931	3.2935	1.6688	2.4282
Tuscon Gas & Electric Co	2.6649	2.3294	1.0930	1.7420
Arkansas-Missouri Power Co	2,7653	2.6546	.9612	1.6337
Arkansas Power & Light Co	2.0726	2.0764	.8383	1.3743
Arklahoma Corp., the				
Pacific Gas & Electric Co	2.0680	1.7780	.9218	1.6584
San Diego Gas & Electric Co	2.1427	2.3341	1.2037	1.8046
Southern California Edison Co	2.4311	1.8525	.8858	1.6235
Home Light & Power Co	2.2015	2.2093	.1771	1.9494
Public Service Co. of Colorado	2.5842	1.9329	1.0579	1.8947
Western Colorado Power Co., the	2.1966	2.5728	1.4846	2.0749
Connecticut Light & Power Co., the	2.3320	2.3106	1.4011	2.0523
Connecticut Yankee Atomic Power Co				
Hartford Electric Light Co., the	2.5125	2.1622	1.3738	2.0866
United Illuminating Co., the	2.1536	2.0722	1.2914	1.8772
Delmarva Power & Light Co	2.4211	1.9884	1.0122	1.5726
Potomac Electric Power Co	2.1992	1.9584	1.2730	1.8637
Florida Power Corp	2.1337	2.2287	1.0286	1.8525
Florida Power & Light Co	1.8904	1.9925	1.2992	1.8249
Florida Public Utilities Co	2.1481	2.5304	1.6396	2.1299
Gulf Power Co	1.7910	2.0321	.9264	1.5499
Tampa Electric Co	1.9956	1.9387	.8613	1.4542
Georgia Power Co	1.6465	1.8412	.9058	1.4034
Savannah Electric & Power Co	1.9181	1.9952	.7838	1.5697
Hawaiian Electric Co., Inc	2.4381	2.9739	1.3446	1.9905
Hilo Electric Light Co., Ltd	4.0359	4.4509	2.6794	3.9196
Maui Electric Co., Ltd	3.5846	4.7408	3.3532	3.8395
Idaho Power Co	1.6985	1.3691	.5151	1.0322
Central Illinois Light Co	2.5712	2.5103	1.1193	1.8222
Central Illinois Public Service Co	2.6744	2.5237	1.1278	2.0358
Commonwealth Edison Co	2.6189	2.2022	1.0903	1.9041
Electric Energy, Inc			.4943	.4943
Illinois Power Co	2.5337	2.8800	1.1765	1.8001
Mount Carmel Public Utility Co	2.4861	3.2741	1.7060	2.1890
Sherrard Power System	2.7014	2.7015		2.7050
South Beloit Water, Gas & Electric Co	2.4476	2.4780	1.4226	1.8470
Alcoa Generating Corp			.3775	.3775
Commonwealth Edison Co. of Indiana, Inc				
Indiana-Kentucky Electric Corp				
Indiana & Michigan Electric Co	1.6758	1.7612	1.0751	1.4481
Indianapolis Power & Light Co	1.9549	2.3041	1.1630	1.5888
Northern Indiana Public Service Co	2.4657	2.8380	1.0956	1.5045
Public Service Co. of Indiana, Inc	2.3801	2.0071	1.1383	1.7439
Southern Indiana Gas & Electric Co	2.2988	1.8357	1.0079	1.5904
Interstate Power Co	2.8142	2.7180	1.2229	2.1606
Iowa Electric Light & Power Co	2.3993	2.5520	1.3722	2.1539
Iowa-Illinois Gas & Electric Co	2.6993	2.0669	1.1505	1.8895
Iowa Power & Light Co	2.3793	2.4611	1.2754	2.0043
Iowa Public Service Co	2.7947	2.6818	1.6296	2.4514
Iowa Southern Utilities Co	2.7747	3.2984	1.5018	2.3844
Central Kansas Power Co., The	2.9856	1.9007		2.2161
Central Telephone & Utilities Corp	2.6736	2.6325	1.1171	2.0572
Kansas Gas & Electric Co	1.9954	1.9665	1.0247	1.5465
Kansas Power & Light Co., The	2.3056	1.7638	1.0981	1.7418
Kentucky Power Co	2.0316	2.0139	.9832	1.4054
Kentucky Utilities Co	2.2476	2.0977	1.1971	1.7498
Louisville Gas & Electric Co	2.0464	2.4944	.9893	1.4128
Union Light, Heat, & Power Co., The	2.2515	2.0572	1.0727	1.7795
Central Louisiana Electric Co., Inc	2.2979	2.4995	.9772	1.7532
Gulf States Utilities Co	2.2188	1.9493	.7288	1.1639
Louisiana Power & Light Co	1.9934	2.1391	.8127	1.4000
New Orleans Public Service, Inc	2.0349	1.8171	.8189	1.6150
Bangor Hydro-Electic Co	2.5757	2.4710	1.0490	1.7541
Central Maine Power Co	2.5840	2.5826	1.1184	1.9979
Maine Public Service Co	3.0260	3.2039	1.5004	2.4860
Rumford Falls Power Co			.6583	.6583
Baltimore Gas & Electric Co	2.3963	2.6127	1.2601	1.8930
Conowingo Power Co	2.0882	2.4765	1.2477	1.7929
Delmarva Power & Light Co. of Maryland	2.3786	2.5714	1.4830	2.1947
Potomac Edison Co., the	2.0142	1.8075	.8414	1.2980
Susquehanna Electric Co., the				
Susquehanna Power Co., the				
Boston Edison Co	3.2049	2.6161	1.5617	2.5678
Boston Gas Co	3.9568	2.8967	1.5781	2.3024
Brockton Edison Co	2.3763	2.0640	1.3936	2.2468
Cambridge Electric Light Co	2.7860	2.3130	1.3884	1.9979
Cape & Vineyard Electric Co	3.1540	2.8224	1.8489	2.8944
Canal Electric Co				
Fall River Electric Light Co	2.9197	2.2045	1.1471	2.3098
Fitchburg Gas & Electric Light Co	3.4254	4.4710	1.8226	2.6409
Holyoke Power & Electric Co			1.5464	1.5464
Holyoke Water Power Co			1.5285	1.5209
Massachusetts Electric Co	2.7359	2.4563	1.6189	2.3534
Montaup Electric Co				
New Bedford Gas & Edison Light Co	3.1014	2.5648	1.4549	2.4678
New England Power Co		1.0124	1.3346	1.2383
Western Massachusetts Electric Co	2.4172	2.2961	1.3360	2.0146
Yankee Atomic Electric Co				
Alpena Power Co	2.1901	2.6001	1.4817	1.9280
Consumers Power Co	2.2444	2.1784	1.2695	1.8061
Detroit Edison Co., the	2.3278	2.4822	1.1356	1.7555
Edison Sault Electric Co	1.7506	2.3986	1.3231	1.5975
Michigan Power Co	1.9722	2.1686	1.3107	1.7313
Upper Peninsula Generating Co			.7308	.7308
Upper Peninsula Power Co	2.5535	2.7782	1.8048	2.3236
Minnesota Power & Light Co	2.5338	2.6788	1.0851	1.5000
Northern States Power Co	2.3813	2.6974	1.4059	1.9682
Mississippi Power Co	1.7452	2.0325	.9338	1.4145
Mississippi Power & Light Co	1.7975	2.0138	1.1972	1.6209
Empire District Electric Co., the	2.4709	2.4962	1.0386	1.6751
Kansas City Power & Light Co	2.6266	2.1477	1.2348	2.0652
Missouri Edison Co	2.6580	2.5329	.9414	1.8114
Missouri Power & Light Co	2.7240	3.0450	1.3950	2.2418
Missouri Public Service Co	3.5992	2.7553	1.3089	2.6274
Missouri Utilities Co	2.7102	2.3708	1.0556	2.3537
St. Joseph Light & Power Co	2.5672	2.3108	1.3083	2.0834
Union Electric Co	2.4008	2.9917	1.1664	1.7413
Montana Power Co., the	2.2643	2.0414	.7024	1.2906
Nevada Power Co	1.1706	1.4429	.8515	1.2428
Sierra Pacific Power Co	2.2129	1.9242	1.0867	1.8231
Concord Electric Co	2.4014	2.7806	1.5295	2.2545
Connecticut Valley Electric Co., Inc	2.7375	3.2857	1.4385	2.1117
Exeter & Hampton Electric Co	2.8086	3.0112	1.5422	2.6052
Granite State Electric Co	2.7929	2.0586	2.0210	2.4713
Public Service Co. of New Hampshire	2.6416	2.9468	1.3037	2.0734
Atlantic City Electric Co	2.4313	2.4491	1.3663	2.1916
Jersey Central Power & Light Co	2.5577	2.3771	1.2228	2.1005
New Jersey Power & Light Co	2.3785	2.3317	1.3042	1.943R
Public Service Electric & Gas Co	2.5765	2.3278	1.2584	671.382
Pockland Electric Co	2.6462	2.5184	1.3849	2.8039
New Mexico Electric Service Co	2.4563	2.2247	1.0159	1.9996
Public Service Co. of New Mexico	2.3854	1.8660	1.0800	1.2561
Central Hudson Gas & Electric Corp	2.4460	2.5638	1.2737	1.0296
Consolidated Edison Co. of New York, Inc	3.8730	2.9032	2.6347	2.9720
Long Island Lighting Co	2.4222	2.6770	1.7417	2.2162
Long Sault, Inc			.3896	.4067
New York State Electric & Gas Corp	2.4374	1.9156	1.0940	1.8921
Niagara Mohawk Power Corp	2.3115	1.8164	.8266	1.4754
Orange & Rockland Utilities, Inc	2.6019	2.6545	1.4610	2.2772
Rochester Gas & Electric Corp	2.3817	2.2889	1.6642	2.1513
Carolina Power & Light Co	1.6398	1.5216	.8904	1.2741
Duke Power Co	1.7264	1.4088	.7848	1.1735
Nantahala Power & Light Co	1.6639	2.1506	.8384	1.3825
Yadkin, Inc			.5359	.5359
Montana-Dakota Utilities Co	2.6962	3.5020	1.4944	2.5005
Otter Tail Power Co	2.8345	3.4733	1.8598	2.8071
Cincinnati Gas & Electric Co., the	2.4292	1.9606	1.1288	1.7302
Cleveland Electric Illuminating Co., the	2.4572	2.0945	1.2414	1.7581
Columbus & Southern Ohio Electric Co	2.3470	2 6384	1.4228	1.8709
Dayton Power & Light Co., the	2.2076	2.0234	1.2496	1.7738
Ohio Edison Co	2.3850	2.2525	1.0450	1.7130
Ohio Power Co	1.8956	1.9251	.6813	.9879
Ohio Valley Electric Corp			.4221	.4221
Toledo Edison Co., the	2.3389	2.3576	1.1851	1.7116
Oklahoma Gas & Electric Co	2.2788	2.0657	.9862	1.7098
Public Service Co. of Oklahoma	2.3910	1.9216	1.0344	1.8141
California-Pacific Utilities Co	1.5913	1.9455	1.1936	1.6494
Pacific Power & Light Co	1.4114	1.5659	.7474	1.1919
Portland General Electric Co	1.1238	1.2079	.4386	.9615
Duquesne Light Co	2.5079	1.6333	1.0517	1.5789
Hershey Electric Co	2.0007	1.6062	1.0577	1.3686
Metropolitan Edison Co	2.3022	2.1615	1.1875	1.7063
Pennsylvania Electric Co	2.2813	2.1552	1.1978	1.7507
Pennsylvania Power Co	2.3923	2.2424	.9388	1.4496
Pennsylvania Power & Light Co	2.0709	2.0877	1.1655	1.7140
Philadelphia Electric Co	2.5438	2.8090	1.2208	1.7857
Philadelphia Electric Power Co				
Potomac Edison Co. of Pennsylvania, the	2.1179	1.9771	1.5144	1.9467
Safe Harbor Water Power Corp				

Utility name	Residential	Commercial	Industrial	Overal sales
UGI Corp	2.8279	2.4947	1.6046	2.4591
West Penn Power Co	2.1517	1.6884	.9195	1.3744
Blackstone Valley Electric Co	2.8298	2.3894	1.4834	2.0615
Narragansett Electric Co., the	2.7358	2.1320	1.5808	2.2640
Newport Electric Corp	2.5061	2.4714	1.3365	2.0373
Lockhart Power Co	1.7868	1.7388	.7766	.9543
South Carolina Electric & Gas Co	1.9047	1.6996	.8143	1.4251
Black Hills Power & Light Co	2.7385	2.7526	1.1507	2.1810
Northwestern Public Service Co	2.6310	2.6573		2.6196
Kingsport Power Co	1.3093	1.6393	.8890	1.1981
Tapoco, Inc			.2997	.2997
Central Power & Light Co	2.3437	2.0788	.8207	1.4757
Community Public Service Co	2.1907	2.1905	.6931	1.4906
Dallas Power & Light Co	1.7969	1.4208	1.0149	1.4786
El Paso Electric Co	2.1896	1.9122	.9841	1.6129
Houston Lighting & Power Co	1.8034	1.4787	.6407	1.0995
Southwestern Electric Power Co	2.3782	2.0052	1.1596	1.7711
Southwestern Electric Service Co	2.6107	2.5220	1.3157	2.0671
Southwestern Public Service Co	2.6978	2.0902	1.0032	1.5677
Texas Electric Service Co	2.0268	1.7656	.9192	1.4489
Texas Power & Light Co	2.1051	1.9513	.7812	1.4853
West Texas Utilities Co	2.6203	2.2206	1.2256	1.8500
Utah Power & Light Co	2.1007	1.9780	1.0379	1.5237
Central Vermont Public Service Corp	2.1642	2.9417	1.4724	2.0099
Green Mountain Power Corp	2.0131	1.9907	1.2623	1.8773
Vermont Electric Power Co., Inc				
Delmarva Power & Light Co. of Virginia	2.6960	2.1361	1.6252	2.2692
Old Dominion Power Co	2.0359	2.3438	1.2510	1.7832
Potomac Edison Co. of Virginia, the	2.1509	1.9691	1.2771	1.7929
Virginia Electric & Power Co	2.0157	1.7797	.9400	1.5766
Puget Sound Power & Light Co	1.1983	1.5546	.5953	1.1564
Washington Water Power Co., the	1.2543	1.3562	.6267	1.0773
Appalachian Power Co	1.8525	1.8010	.8788	1.3030
Monongahela Power Co	2.2001	1.8769	.8428	1.2788
Potomac Edison Co. of West Virginia, the	2.0510	1.8928	1.1170	1.6319
Wheeling Electric Co	1.9993	1.7745	.7626	1.0747
Consolidated Water Power Co	2.0138	1.8880	1.3381	1.4031
Lake Superior District Power Co	2.4201	2.8978	1.6321	2.2399
Madison Gas & Electric Co	1.8461	1.7563	1.2612	1.6776
Northern States Power Co	2.1654	2.8570	1.3415	1.9078
Superior Water, Light & Power Co	2.4793	2.6447	1.3872	1.7496
Wisconsin Electric Power Co	2.1596	2.3181	1.2881	1.9021
Wisconsin Michigan Power Co	2.3215	2.4752	1.3105	1.8331
Wisconsin Power & Light Co	2.3481	2.4296	1.3090	1.9825
Wisconsin Public Service Corp	2.3698	2.5042	1.3826	1.8581
Wisconsin River Power Co				
Cheyenne Light, Fuel & Power Co	2.3379	2.1383	1.1207	1.8345
U.S. Cumulative Average	2.2228	2.0812	1.0175	1.6711

PROTECTION OF THE LOWER ST. CROIX RIVER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. FRASER. Mr. Speaker, it came as a surprise last April 14 that the U.S. Department of the Interior recommended to the Senate Public Lands Subcommittee that the Lower St. Croix River not be included in the National Wild and Scenic Rivers System. Ten months earlier, in a Federal-State study team report, three agencies of that same Department had agreed that the river should become a part of the Federal system since it possessed "outstandingly remarkable scenic and aesthetic, recreational, and geologic values." Inexplicably, and unexpectedly, Interior has changed its mind.

Such inconsistency — undocumented and unsupported by new evidence—has not remained unchallenged. People back home have been disturbed and puzzled by the Interior Department's apparently illogical opposition to legislation placing the Lower St. Croix under National Park Service jurisdiction. An article in the Minneapolis Tribune of June 11, 1972, expresses the vexation of the people concerned, who find it difficult to understand why an agency of the Federal Government, which should serve their needs, chooses instead to ignore them.

As the article notes, a possible compromise is being considered which would place the area in the Federal park system, but under the administration of the States of Minnesota and Wisconsin. This is not the ideal solution, but may be the best possible one in view of Interior's reluctance to assume sole responsibility for the area. The Minneapolis Tribune article follows:

DELAY ON ST. CROIX BILL PUZZLING TO SUPPORTERS

(By Jim Kimball)

Anyone who has ever seen the lower St. Croix remembers it as a river that looks like rivers used to look. It has blue water instead of brown. Its banks are covered with newly green trees instead of apartment houses or factories. The fishing is still very good. Men in boats drift around on its placid surface, pulling in striped bass and walleyes, even an occasional sturgeon if they have the tackle for it.

Only a scattering of small river towns interrupt the forests and high bluffs along the river as it flows the 52 miles from Taylors Falls to a confluence with the muddy Mississippi at Prescott, Wis. Above Taylors Falls the river is virtually untouched, and this upper river has been included in the federal Wild and Scenic Rivers Act which will protect it from commercial exploitation and pollution.

But the lower river from Taylors Falls to the Mississippi is excluded from this protection. Jim Harrison wonders why. Harrison is executive director of the Minnesota-Wisconsin Boundary Area Commission located in Hudson, Wis. He and the commission have been fighting for passage of the Lower St. Croix River Act of 1971 (S. 1928) now being considered in the U.S. Senate. This bill would add the lower river to the national wild and scenic river system that already protects the upper St. Croix.

The bill is sponsored by Sen. Walter Mondale and Rep. Albert Quie of Minnesota and Sen. Gaylord Nelson and Rep. Vernon Thomson of Wisconsin.

"The people want it, so what's the problem?" Harrison asked, knowing better than anyone the answer to his question. "The problem" has been a rather puzzling decision by the Department of Interior to oppose passage of the bill.

(Although subject to approval by Interior Secretary Rogers Morton, a tentative compromise, reported Friday, could put part of the lower St. Croix under control of Minnesota and Wisconsin. An amendment to the bill still would be needed to make the remainder a national wild river.)

Harrison is the first to admit that the task of coordinating the river project would be immense. But he feels that this is all the more reason for federal management because only the federal government has the power to act quickly and without bias in organizing the land acquisition and easements needed on both the Wisconsin and Minnesota sides of the river.

Harrison said that with federal direction the project could be a model of true intergovernmental cooperative management. But the Department of the Interior had been the lone opposition force.

Harrison suspects that the problem is really bureaucratic rather than political. He said that the department's own favorable study was gathering dust while the negative decision was being made by the people in Washington "who have never even seen this river."

So, if Jim Harrison is right, perhaps one of the government's major environmental agencies had stumbled on its own bureaucratic tail. And instead of the government leading the people of the nation toward an enlightened environmental policy, Harrison suggested that in this case the people were more enlightened than the Department of the Interior.

THAD BEYLE AND GEORGE LATHROP LOOK AT PLANNING AND POLITICS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. REUSS. Mr. Speaker, Thad L. Beyle and George T. Lathrop have made a significant contribution to informed thought about the less than perfect relationship between planning and the American political system in their book, "Planning and Politics." An excerpt from the challenging introduction to their work follows:

PLANNING AND POLITICS: ON GROUNDS OF INCOMPATIBILITY?

(By Thad L. Beyle and George T. Lathrop)

Planning may well be impossible within the American governmental and political system. It has always been very difficult and there do not appear to be any major signs on the horizon which portend any changes in the situation. Not that politicians and planners don't plan. Both do, but there is a gap between what the politicians do and the planning that planners talk about when long-range, comprehensive planning is the subject.

Planning is impossible because of the very nature of our governmental system—fragmented both in structure and power. There have been several interpretations of how our governmental systems operates: the three-tiered or layer cake model, the cooperative federalism model, the marble-cake model, the picket fence model, and the harlequin ice cream model. The underlying dynamics of each of these models are: an increasing realization that our governmental system is complex; that all levels of government—federal, state, and local—are involved to some extent in most government activities; that problems are so closely interrelated that they do severe damage to the niceties of governmental organization charts; that professionalism and self-interest have made autonomy and functional communication the key goals rather than integrated activity and system-wide communication; and that politics and politicians may be the only controls (and poor ones at that) over rampant protected and isolated bureaucracies.

Planning is impossible because there is a basic dichotomy between the political and the governmental administrative roles. The latter, represented by the various bureaucracies throughout the three levels of the federal system, actually do the things we think government does. And each of them develops individual styles, procedures, and communication patterns. Seldom does overlapping occur between these functional areas. In fact, each agency best represents its function and wants to make sure its seat at the government boarding table is kept in place if not substantially improved. Thus centralization around functional goals is sought and desired so that each "unit" in the system can call on its cohorts elsewhere for aid and protection.

Yet it is the former role, that of the political system, which actually authorizes and pays for the governmental goods and services. Styles, procedures, and communication patterns certainly vary with the levels of local, state, and federal government, as well as with chief executives, legislators, and judges. But these actors have completely different representational bases—a varying mix of people, interests, and geographic areas. And, in the nature of our political system, the trend is toward decentralization and dispersal of power toward the lowest levels of the system on a geographic base. Actors in the political system may have favorite agencies and programs which are followed closely, but the very nature of their roles forces on them a broader view or at least a need to grasp a wider range of responsibility.

Planning is impossible because our lower levels of government rarely, if ever, have sufficient funds to meet the expenditures necessary to keep them going. There is seldom enough money to make major commitments to large-scale investments for long-term results. The increasing pressure on local and state tax revenues promises no substantial change in this situation, unless the ever increasing amounts of federal grant money filtering down through the governmental system reduce this obstacle to planning. Federal grant money has been filtering down for many years, along with planning requirements, yet no one would say that the present state of our society, structures, and environment was consciously planned.

Planning is impossible because we have made sure that the political system must change, especially in the executive and the legislative branches, so that continuity in political leadership is (at best) impaired and continuing support for particular "planning" activities is uncertain. On the one hand there are the planners who want to remain free and autonomous. On the other hand there is a very uncertain marriage—uncertain since there is no assurance that the political partner will be in residence after the next election.

Planning is impossible because we have thrust the planner into the untenable middle. We have asked him to straddle the fence between the administrator and the decision-maker politician, telling him that he must be concerned with comprehensiveness and the long view, but that, at the same time, he must be responsive to the decisionmaker and, in fact, must concern himself with shorter range policy issues and decisions which are the bread and butter of the elected official. These issues may be, and frequently are, the major source and manifestation of his official power, which he guards zealously.

A PLANNER'S AUTHORITY BASE

Where does the planner fit in our governmental structure? Theoretically he is there to intervene, to do something that is not being done through the behavior of other actors and forces. Where does he get the authority to intervene? And, again theoretically if he legitimately has and uses this authority, his answers should prevail! Why don't they? Rein describes the planner's source of authority in a four-part taxonomy: expertise, bureaucratic position, consumer preference, and professional values. "Expertise" means that the planner and his solutions succeed on the strength of their merit. When stated so boldly the notion may appear naive, but this same attitude pervades in other professions. Who questions the medical doctor? And if he is questioned, it is generally to another medical doctor (a more "expert" expert!) that the questioner turns!

The planner's bureaucratic position gives him some of the authority of those who direct the bureaucracy and who are, in turn, either politicians or politically responsive appointees. The assumption in this concept of role and authority is that the planner becomes a staff agent to whom attention is paid because he is doing a job that is directly connected with a decision-maker politician who has a need for the planning services he can provide. The crux of this sort of assumption and hypothesis probably lies in the political reform movement which advocated the separation of politics and administration, and it is subject to all the flaws of that movement.

An increasing number of planners respond to the call of the consumer. For example, many transportation planners have planned and urged the construction of more and more elaborate highway and expressway systems. While there have been many vocal objectors, transportation planners have pointed out the market behavior of consumers who are buying more and more automobiles and driving them farther and farther each year. Still others have attempted to rely on public opinion polls, public hearings, and the voices of pressure groups, both the well-financed and recognized ones and those whose voices have been heard rarely in the past, to legitimize their solutions. They claim to be responsive to the public interest in one way or another, and the debate over the means of determining the public interest, even when accepted as a legitimate clientele for planning, has become nearly fratricidal.

Finally, the planning profession has its own set of values for many issues and it proposes policies and plans which arise from them, from the professional consideration of what is "right". While this orientation is obviously that of the middle-class, because of the background of most planners, the profession's self-consciousness has urged it to have sympathy, if not empathy, with a wide range of social and economic groups in urban society.

But a taxonomy of the sources of authority and legitimacy for the planner remains an effort to analyze the more fundamental question of how planners and their efforts relate governmental policies and programs to a relatively long-range and rational objective set. For decades an overriding concern of planners has been their allegiance to the "public interest," and it has been the widening of that "interest" and the planners' perception of where it lies, what it is, and how their own values affect their concepts of the "public interest", that has brought them to the broad concerns of the present.

Despite these broadened interests and concerns, and despite the various theories describing his roles and relationships, the fact remains that if the planner is planning, and not administering or advocating, he must, in the end, communicate effectively with the individuals who make the final allocative decision-politicians in either the legislative or executive branches. In this effort to communicate and, more importantly, to sell, convince, or persuade the politician, it is true that the context is of over-riding importance, regardless of the logic of the academic discussion of the planners' source of legitimacy or authority.

THE ROLE OF REFORM

What of the context? Are there signs pointing to trends in activities and relationships which may aid the planner in his search for his place in the system?

The argument is made that our governmental and political systems have been going through several waves of reform, each guided by a certain value orientation. They are the values of representation, neutral competence, and executive leadership. Each arises from the concept of responsibility and the question of who ultimately should be responsible for the activities of government.

For many years in our early history the trend was to invest ultimate responsibility in the legislative branch under the guise of broad representation for the people. Basically a reaction to the abuse of the imposed colonial governors, this soon gave way, however, to a drive to make our administrative branches of government freer of "political" domination by making them neutral in their administering activities. Civil service and merit systems began to replace the "to the victors belong the spoils" system. The goal was to replace "who you know" with "what you know."

The purpose of many of these changes was to place some governmental functions and agencies outside "normal" politics. The net effect was to further dilute executive control over personnel and certain parts of the governmental structure, while developing a new type of politics around these personnel systems and the newly established "independent" agencies. The heritage of such "neutral competence" today lies in agencies free of executive restraint, and in lock-step personnel systems which often seem unable to be moved with the needs of the day.

The third movement, toward the assertion of executive leadership, has been growing in importance in the twentieth century at all levels of our federal system. It is apparent in the increasing power of the executive in the budgetary area; in reorganization along functional lines of antiquated governmental structures resulting in stronger ties with the chief executive; increasing the tenure potential and administrative power of our governors and mayors (although some may argue that the former are becoming more powerful in their domain than are the latter in theirs); and in the increasing political power each chief executive has within his own geographical domain. The important facts here are that neutral competence is administrative in character while the other two are political—again the dichotomy—and that the conflict is much broader than the fight between trends in a developmental sequence. It is the basic conflict over who is ultimately responsible for governmental activities in our system-politicians or bureaucrats?

With this in mind, we should also note a very real change in the role of the chief executive in our lower levels of government. The political and governmental roles have broadened from that of mayor, county executive, governor (with the textbook roles of chief administrator, chief legislator, chief party officer, etc.), to that of chief federal systems officers within the geographical territory they represent. They command (or try to command) not only the resources available at their particular level of government, but also have much to say about how the resources of the other levels of government are used within their domain.

In fact, this role may be the most significant one in our system today. It is grinding, with day-in, day-out responsibility and cannot be compartmentalized into the neat categories of bygone textbook descriptions. It is a bit of all roles, but more; and it is a major source of power for our chief executive—just as it is the source of some of his major constraints. This role is the key to effective governmental action as we move into the 1970's for there is the promise of more funds filtering down through the system and more areas with which government will be concerned. (Concern in government style means money and program and not necessarily a plan of attack.)

Reform is needed, as always, and the planner and the planning function may be in the forefront of reform. For planning must be moved out of its good-government economy and efficiency mold. Planning must be perceived as a political weapon, to be placed at the disposal of the politicians. The greatest reforms needed today are those that focus power where it should be rather than dissipate it. In a few words, let the mayors and governors govern. The check and balance for unwise use of power is to combat power with power rather than to fragment power, which makes many of our proposed solutions to problems ineffectual.

The focusing of executive power is ameliorated by the concomitant increase of the representative function, be it in the legislature, the city council, the courts, or the community action boards. Again, in a few words, let the people who are served be represented. Representation has been increasingly placed within the bureaucracies, as they have been able to withstand vicissitudes of political change, and they have been able to ensure the most adequate representation of their particular function or interest (which may or may not have anything to do with those being served). The solution should be found in politics.

WHITHER PLANNING?

Currently, planning is too often the captive of the bureaucracy, with its reports and data reflecting biases of past decisions and protection for the agency and the program in the future. In a sense, planning is one of the most conservative influences on government decision-making. The key to the rise of planning in the governmental and political firmament lies in its becoming politicized as a function and in the planners becoming more political. By political, we mean that planning must shake off the shackles of the past and of specialized professionalism, and become, as it should, continually critical, brooding, and involved.

But by what means can the planners achieve this? Certainly the history of such changes in direction and reforms is not one to make us comfortable with the results. Each time the reformers develop a new technique to gain control over the governmental world, it seems to be subverted and turned against the goals of reform. To look for a viable plan for reform is to look to the real world of government and politics. We have posited the newly developing role of our state and local government executives as the chief federal systems officers within their domains. Planners should aspire to be advisors to these chief executives—the mayors and the governors. For it is here that key decisions are made and actions are taken and where the best of advice is needed. Probably the crux of the situation is whether we want decisions made with conscious planning or whether we want decisions made on an ad hoc basis with no conscious overall plan or set of priorities. Many of our current problems and dilemmas flow from the latter approach to handling crises (on the volunteer fire department model). The answer, then, is obvious.

Several trends which are converging suggest the direction to be taken. First, the call for planning at the lower levels of our system is immense. One official estimated that "there the more than thirty planning assistance programs being administered by eighteen (federal) executive branch organizational units. There are nine separate (federal) programs which assist the comprehensive planning of social services, and five separate planning programs directed to urban development." In a study of planning grants, at the state level, it was estimated that "Nearly 100 grant-in-aid programs relate to state planning or have requirements for a 'state plan'." While the caliber of these plans is not necessarily high, as noted earlier, their presence demands that certain procedures, products, and processes be undertaken—under the rubric of planning. Therefore, demand for people called planners is high.

Second, as some of the selections in this volume indicate, the chief executives in our state and local governments are pulling the planners closer to them structurally and are working closely with the chief planner. Planning there will be, but who will be the planners—professionals trained in the art of political appointee of unknown quality?

Third, an entirely new form of patronage in our political system has been developing over the past few decades. Instead of jobs being rewarded to the faithful, we now find that grants, projects, and programs are the reward. Some jobs are still available and attractive, but much more attractive is a major facility, or service, or program which will help a community, be it town, county, multi-county, state, or multi-state. Thus, the old style of patronage has declined in its relative importance to governing, and the provision of goods and services, government style, has become the trading card. It is the planners and the chief executives who develop and pass on the mode of dispensing these rewards. For these new rewards are keyed to a plan and something called a planning process. It is not surprising that a new role has been added in the mayors' and governors' offices—that of the grantsman—the person who makes sure that all monies and programs possible are brought into the particular unit of government. And it is the person who fills this role who attempts to match need with program. It is this grantsman who, because of the rewards he can promise, negotiates with recalcitrant legislators and councilmen on the executive program.

Since plans or a planning process are called for by statute and guideline, does this mean that it is the planner who becomes the new political grantsman? Or is his role more as the advisor who sets the process in motion and provides the broader planning inputs which allow that what, where, and when of this patronage to be made on other than crass "votes delivered" criteria?

The roles seem self-evident and, in the continuing process of self-definition, the challenge is to the planner, for the executive needs the aid and will turn elsewhere for staff if those called planners do not produce. Planning there must and will be, and it will be a politicized planning responsive to its client and stripped of many of the liabilities of bureaucratization. The client may well be the mayor or governor. But it may well be the responsiveness to an empathy with the client is what advocate planning is all about! Could the various planners and the political scientists be saying the same thing???

GRIEVANCE PROCEDURES OF THE FOREIGN SERVICE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. ASHBROOK. Mr. Speaker, from time to time I have inserted in the CONGRESSIONAL RECORD material concerning the plight of Foreign Service employees at the Department of State who, for a number of years, have been trying to obtain some degree of due process in their grievance procedures. Recent developments, coupled with proposed legislation now before Congress indicate that perhaps corrective action will soon be forthcoming. In 1968 I proposed legislation which would establish an independent body, outside the jurisdiction of the State Department, which would make the final judgment on grievances of Foreign Service employees. Other legislation proposes a panel in which a member of an employee group with exclusive representation rights would serve as a panel member. Under EO 11636 such an organization is authorized and as yet has not been selected.

The American Foreign Service Association, with its 7,000 members, is one organization which is seeking exclusive representation rights under the Executive order. If chosen, the importance of AFSA's role in serving as the voice of the Foreign Service community cannot be overemphasized when one reviews the high-handed treatment accorded Foreign employees in the past.

One member of AFSA who was drummed out of the Foreign Service and who after a long battle finally succeeded in obtaining a grievance hearing, still in progress, is John D. Hemenway. Because of his long and bitter experience with the State Department hierarchy his interest in fair and equitable grievance procedures is active and compelling. On June 29 of this year he addressed a letter to the Chairman of the Board of Directors of AFSA concerning certain aspects of that organization's procedures. Mr. Hemenway's letter follows:

WASHINGTON, D.C.,
June 29, 1972.

AMERICAN FOREIGN SERVICE ASSOCIATION,
Chairman, Board of Directors,
Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to give you due notice concerning voting procedures when the general membership votes on proposed constitutional amendments raised at the general business meeting yesterday, 28 June, 1972. As an AFSA member I shall insist that this vote is conducted properly with all recognized safeguards. Such safeguards were singularly lacking during the December voting which elected you and the present Board.

This letter does not, in itself, constitute my statement of opposition specifically authorized by Article XI, paragraph 3 of the present Constitution, or, if you prefer, "By-laws."

The coming vote will be especially important because one of the proposed amendments to the Constitution changes the manner of amending the Constitution. If accepted, this change will give you and the Board new powers to act without any check from the general membership. Further, under the amendments you propose, no longer will our membership in the field have the right to be informed of what you are doing in their name unless you so wish to inform them. While the Board is given a free hand by these changes, opposition to the Board is made much more difficult.

On 28 June, only 34 persons stayed to the end of the business meeting. You had arranged to read reports for the first hour—time which might better have been spent in explaining the impact of the proposed Constitutional amendments. Not everyone could stay for 2¼ hours in the middle of the day, without lunch; therefore, by the time the critical votes were taken, I must report that only 34 persons, not all of whom were active members, remained to vote. We have no way of knowing who the 34 persons were in attendance at the end of the meeting during the voting, because membership qualifications were not examined. (A member of the legal committee suggested care in taking and registering the vote, but this advice was ignored.)

The fact that only 34 persons remained 2¼ hours through the most important votes of the annual business meeting of an organization claiming a membership of over 7,000 says something about your claims that the membership supports turning AFSA into a "union". Rather, it demonstrates, I think, apathy. That a vocal clique should be given mandatory and exclusive rights to represent all employees in the Department of State as if they were a genuinely free and democratic trade union truly representing the interests of the employees frightens me. Even if all of those voting for the Constitutional amendments among the 34 present were legitimate active members, this would still represent far fewer than ½ of 1% of the total membership.

You challenged the credentials of only one person of the 34 remaining to the very end of the meeting. That person counter-claimed (amidst loud laughter) that he had been a member longer than you. You never did receive any information concerning his membership status. Like me, that man challenged the wisdom of your constitutional amendments and I believe that is the reason you challenged him. Another person present volunteered that she was not qualified to vote (and she did not, I think.) Personally I recognized a number of persons among the 34 present who can be said to belong to top State Department management. Their participation in a general business meeting cannot be said to be illegal, but it is significant, I think, when attendance is so small and the major constitutional issue is to facilitate the conversion of AFSA into a "front" for a management-oriented group under EO 11636. For example, Assistant Secretary Martin Herz was present. He was Chairman of the election committee during the election campaign that elected you. Among the 34 persons who stayed to the end must also be counted the non-member parliamentarian, the Board member who attended, AFSA officers, like the manager, as well as the number of senior retirees like Amb. Riddleberger. The June Foreign Service Journal explained that one of the purposes of the amendments is to "regularize" payment of salaries. Mr. F. Allen Harris, already on the payroll in a non-authorized (under the Constitution) position of paid "Counsellor" was of course on hand to watch over the "regularization" of his salary.

Under such circumstances, I was not prepared to rule out the possibility that the 34 persons present to the end might not be representative of the entire 7,000 membership. It is, at least, a consideration that must be kept in mind.

The present Constitution very wisely requires that the entire membership be alerted to all of the issues before a vote changing the Constitution is permitted. When the question of a quorum arose, the parliamentarian said that as few as two (2) would constitute a quorum; the question was therefore moot. You will recall that the 28 June meeting took note of the requirement under the Constitution that I be given the opportunity to present the case against these Constitutional amendments to the general membership. I would appreciate being informed, therefore, on a timely basis of your plans to submit the question to the general membership for a vote—having all recognized safeguards—so that I can submit my material to you for distribution to the membership.

No stenographic record was made of the procedures at the 28 June business meeting. Since I have a complete record of what was said at the meeting, if you are vague on any details, I would be pleased to provide you with any information you may find helpful in fulfilling your duties to the full membership under the Constitution.

In that regard, I think you should consult with members of the Board concerning another special problem that seems certain to come up. I raise it only because it strikes me as particularly difficult and I do not see a ready solution, if the constitutional amendments you proposed are passed. It concerns the rather special status of members of AFSA who also are employees of CIA, DIA, NSA and related agencies. At the general meeting you will recall that I had suggested that some of the proposed constitutional language was unnecessarily vague. In my own opinion it was no improvement over the original Constitution for which it was a substitute. My suggestion had been that we specify the agencies AFSA specifically proposes to encompass, i.e., AID, USIA, the Department of State, and perhaps others like ACDA. My view was defeated by a very few votes—fewer than 25 voted on that issue (out of our membership of 7,000!) Whatever the merits of that issue, we are left with the problem of what to do with the votes of large numbers of CIA officers (and others) sprinkled about in the Foreign Service, many of whom are members of AFSA, when the issue of EO 11636 comes up and, in fact, is actively being prepared for by these Constitutional amendments.

We are, of course, proud to claim these people as AFSA members. Additionally, EO 11636 is not a matter we must face immediately—perhaps for another 90–120 days. As I understand the legal implications of elections under EO 11636, however, these persons are not permitted to vote in selecting a labor union in a Department of the Government in which they are not actually employed. It disturbs me, therefore, to hear rumors of "secret agreements" between AFSA and management officials at the Department of State concerning the voting rights of such AFSA members. Surely such "deals" are far too primitive to pass even flimsy legal standards. I hope you can write me to confirm that no such arrangements have been made or are planned officially or unofficially by any authorized person. If you can not, how will you hope to conduct an election in which we have "recognized safeguards", to use the language of EO 11636?

We did not have the benefit of advice from our regular attorneys, Covington and Burling, at the annual meeting. You informed those present that you did not want AFSA to expend the money necessary to cover the attendance fee Covington and Burling would charge for appearing at the annual business meeting. I could not understand that remark, since money appears available for Mr. Harris who did not, however, offer any advice in this matter. I also do not understand the propriety of Mr. Harris, a lawyer, and now "Counsellor" of AFSA, sitting on the Board in judgment of his own advice. I worry less about AFSA being its own lawyer and frankly a good deal more about the 7000 clients who are played for fools.

I am not an attorney, so I can only apply common sense to some of the pseudo-legal activities I witness in AFSA. Further, I cannot judge how difficult these legal matters are to surmount. It seemed prudent to call your attention to this matter in this letter and I now have done so.

Regarding the upcoming vote on the Constitutional issues, I will expect to hear from you within a few days. I hope you will make suggestions to facilitate the requirements of Article XI, paragraph three of the present By-Laws (Constitution) which are fair so that I feel that I can agree to them. That provision, as you know, was written so that the Washington-based members of AFSA can sound the signals of alarm to the field by providing all of the membership with informational handouts on proposed constitutional changes. It certainly is serving that purpose in this case; I hope not for the last time.

Sincerely yours,
JOHN D. HEMENWAY.

COMMENCEMENT REMARKS BY PAUL GOUVEIA AT MAUI HIGH SCHOOL ON JULY 6, 1972

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mrs. MINK. Mr. Speaker, I am proud of the remarks by Paul Gouveia, valedictorian of the class of 1972 at Maui High School in Hawaii, at the recent commencement exercises of the class.

Mr. Gouveia, an exemplary student, showed great insight and judgment as he spoke to his classmates, their parents, and others present at this occasion. Because of the merit of his talk, I have asked that it be included in the CONGRESSIONAL RECORD for the benefit of my colleagues and others who receive this publication.

His speech expressed the belief that what we make of ourselves is important, but so is what we make of society:

> We must accept (life) for what it is if we have no plausible solutions.

This young man plans to attend the University of Michigan at Ann Arbor, majoring in mathematics and computer science and research for new products. While at Maui High School, he was president of the National Honor Society and received the Principal's Award, Outstanding Science Student Award, and Reader's Digest Award. He is chairman of the Maui Youth Council and on the traffic division. In addition, he is an Eagle Scout and with the medical explorers.

Paul is the son of Mr. and Mrs. Alfred Gouveia of Paia on the island of Maui. His father is employed by the Hawaiian Commercial & Sugar Co. as a crew chief. His mother is proprietor of Economy Store. Both parents have every right to be proud of the accomplishments of their youngest son and to be confident that he will continue his achievement and success in his future endeavors.

Because of Paul's concern about others and his involvement in community betterment, I share the happiness of his many friends and acquaintances in wishing him well. As a former graduate of Maui High School, I know that he represents an outstanding group of students and faculty.

The speech follows:

COMMENCEMENT ADDRESS BY PAUL GOUVEIA

Good evening. In opening my address tonight, I would like to say that being named valedictorian is certainly an honor in that what I say should be representative of the entire graduating class. Over the past four years at Maui High, it was these seniors who created the greatest impressions in my inner self. Therefore, I think it improper to speak in terms of "I", but instead of "us."

Graduation is a turning point in all of our lives. In some ways it comes much too rapidly, we realize we can no longer continue our friendships as we've known them in the past. But in addition, many of us have expressed our concern in something far more important in the long run. We are contemplating the question of survival—survival in the sense of making it in the outside world. We often ask ourselves. "Where do we fit in?" and "How and when do we discover our true identities?"

Many students will be entering the armed forces because they are yet undecided as to what to make of their lives. Granted, the armed forces does offer careers, but these people will be expected to support the effort our country places on Viet Nam. We find it difficult to believe the philosophy of wars for peace. Troops are being withdrawn and cutbacks made, but then, when will the line be drawn?

Another sector of our class has decided to seek employment, to become a part of our labor force. But then, jobs are now a scarcity and it seems the unemployment rate keeps growing. These students will be working at jobs with no real future because they have no choice. Our parents had more to look forward to, especially if they were high school graduates. Times have changed.

Others will seek higher education on Maui, the outer islands and on the Mainland. I have chosen to attend a university in the Midwest where the student body averages 78,000. In some ways I fear the shock I will experience during the first few weeks, but then I realize this is something my fellow classmates will also encounter—the transition to a higher institution of learning. We are faced with the burden of success because our parents supply the funds for our education. We accept the responsibility and realize that we must do well. But, what happens after completion there? We must also experience the endless searching for employment that our other friends have.

It appears from what I have said that we are caught in a dilemma, and I would hate to end on such a solemn note. But this is life, and we must accept it for what it is if we have no plausible solutions. We hope that you will come to understand our concern toward the years ahead.

We have learned through our sociology classes that ours is a society based on competition. This idea does furnish the results, but cooperation is another factor that must be stressed to a greater degree. Whatever the case may be, when we become the working parts of society, we will make it what we see fit. And remember fellow classmates, what we make of ourselves is important, but so is what we make of society.

At this time we would like to express our thanks to the following people before we leave—the honorable Mayor Elmer F. Cravalho to whom we have been fortunate to have as a speaker this evening—he is a former graduate of Maui High School and we know that he supports youth and youth-oriented activities, next to the staff for encouraging and guiding the development of our minds in preparation for our future years, and finally to our parents who have tolerated our somewhat strange changes in behavior toward becoming adults. We admire all of you for being with us in heart and soul, and to you we extend our deepest thanks and farewell.

RETIREMENT OF GEN. WILLIAM C. WESTMORELAND

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1972

Mr. STUBBLEFIELD. Mr. Speaker, the retirement of the Chief of Staff of the U.S. Army, Gen. William Childs Westmoreland, marks the departure from active military duty of a man who has contributed far more to this great country than was ever called for in the mere performance of duty. General Westmoreland's name has become a household word across our Nation today because his contribution is significant with the highest ideals of any patriot America has ever produced.

Although most of us are familiar with his record of service, some of the highlights of a long, distinguished career read as follows:

William C. Westmoreland was commissioned as a second lieutenant in the Field Artillery upon graduation from the U.S. Military Academy on June 12, 1936. His brilliant career has led him through the World War II campaigns in north Africa, Sicily, France, Belgium, and into Germany. After World War II, General Westmoreland entered upon a series of assignments that took him to Fort Benning, Ga.—where he earned the Parachutist and Glider Badges—and, to the Command and General Staff College at Fort Leavenworth, Kans.

When the fighting in Korea erupted, General Westmoreland assumed command of an airborne regimental combat team, and was promoted to brigadier general at the amazingly young age of 38.

When William Westmoreland was awarded his second star, in December, 1956, he became the youngest major general in the Army at that time.

It was certainly a good development for western Kentucky when General Westmoreland assumed command of the 101st Airborne Division—the famed "Screaming Eagles"—at Fort Campbell, Ky., on April 2, 1958.

We, in Kentucky, try to make the military assigned to duty in Kentucky feel like they both belong and are wanted; the citizens around Fort Campbell and the division commander, General Westmoreland, shared of their time and efforts in making base and community relations a high level of understanding and respect. Additionally, such relations were constantly reviewed to insure that the men and women of Fort Campbell might know that they did, indeed, "belong in Kentucky."

The people of Kentucky, especially those around Fort Campbell—my own district, Mr. Speaker—feel a very special sort of pride that William C. Westmoreland went on to assume command of the U.S. Military Assistance Command in Vietnam, and that he later became Chief of Staff of the Army in 1968. General Westmoreland never forgot Fort Campbell and its environs. We are proud that he still comes back from time to time to visit long-time friends in our area, and we trust such visits will continue and, hopefully, for more leisurely periods from this point on.

William Childs Westmoreland served his country as he best knew how—as a fighting man—and he never let the changing currents of politics or the attacks of a brutal enemy deter him from the performance of what he saw as the soldier's first and foremost duty—to carry out the will of the American people as expressed through the orders of the Commander in Chief. He has put love of country and respect for the flag ahead of personal comfort or the pursuit of what might have been a more lucrative career in business or commerce. He chose to serve his Nation in times of both peace and war, and the American people are richer for having had him in command when the going was at its hardest.

Kentucky—indeed, all America—wishes you well in retirement, General Westmoreland, and we salute you as a true patriot at a time when patriotism has never been more needed.

SALUTE TO EDUCATION

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1972

Mr. STRATTON. Mr. Speaker, a famous British author spent many years attempting to compile a complete "Outline of History." When he finally completed his work in 1920, the author, H. G. Wells, considered all he read and learned in his vast study of the history of the world, and included in his "Outline" this observation:

> Human history becomes more and more a race between education and catastrophe.

Never has that statement been more true than in 1972 when mankind has the power to destroy the world or to improve it, whether that destruction or improvement be through the awesome power of nuclear energy, the use or misuse of our natural resources, or through negelect in guarding the basic rights of all human beings.

It is with this in mind that I take this opportunity to pay tribute to our Nation's educational system and to the teachers of America whose responsibilities are as important as those of any other vocation in our society. As the student population has grown to 48 million, teachers have met the new and growing challenges of the classroom with skill and dedication that deserve the admiration and gratitude of all Americans. The future of the Nation is truly in their hands.